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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
FIRST SESSION

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United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

SENATE—*Wednesday, October 1, 1969*

The Senate met at 12 o'clock noon and was called to order by Hon. ROBERT W. PACKWOOD, a Senator from the State of Oregon.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Dear Lord and Father of mankind, who has made and preserved us a nation, make us ever conscious of Thy presence. May the pressures and tensions of the world not shape us but may we shape the destiny of the world. In this forum of freedom, amid the conflict of words and the collision of ideas, may Thy servants be led by Thy spirit to that deeper unity bestowed upon those who strive to know and to do Thy will. Beyond the duties of the day may we behold the splendors of the coming age when all people share in the bounty of the earth, in homes of comfort, in schools well taught, on streets that are safe in a warless world, with Thy love in their hearts and the peace of eternity in their souls.

In the Redeemer's name, we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 1, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT W. PACKWOOD, a Senator from the State of Oregon, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. PACKWOOD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 30, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on September 29, 1969, the President had approved and signed the following acts:

S. 85. An act for the relief of Dr. Jagir Singh Randhawa;

S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army;

S. 1766. An act to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont., in paragraph 11, Docket No. 50233, U.S. Court of Claims, and for other purposes; and

S. 1888. An act to change the composition of the Commission for Extension of the U.S. Capitol.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Foreign Relations.

(For the nomination this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 193) authorizing the printing as a House document of a revised edition of "The Capitol," and providing for additional copies.

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 309) second listing of operating Federal assistance programs compiled during the Roth study.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 713) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California, and it was signed by the Acting President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, was read twice by its title and referred to the Committee on Labor and Public Welfare.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the morning business, the Senate proceed to the consideration of the unfinished business, S. 2917, Calendar No. 410, the Federal Coal Mine Health and Safety Act of 1969.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

RESULTS OF POLL IN OREGON

Mr. PACKWOOD. Mr. President, recently I polled about 10 percent of the

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voters of Oregon on their opinions as to miscellaneous items facing this country and facing my State. I had a return on this poll of approximately 15 percent—about 15,000 answers. I think the concern of citizens of Oregon for the various issues in this country would be well taken by all Members of the Senate, and I ask unanimous consent that the results of the poll be printed at this point in the RECORD.

There being no objection, the results of the poll were ordered to be printed in the RECORD, as follows:

QUESTIONNAIRE RESULTS SHOW LIVABILITY CONCERN

My suspicion that Oregon citizens are becoming more concerned about preserving the livability of our state for present and future generations was borne out when results were analyzed from my first questionnaire.

As you may recall, the questionnaires were sent to one of every 10 registered voters, or a total of about 85,000 persons.

For example, 93 percent of those replying felt that less emphasis should be placed on how fast Oregon grows and more emphasis on making it more livable for present and future generations. Also 89 percent of those responding favored more stringent regulations by the federal government in dealing with air and water pollution. Better than three out of four (76.8 percent) persons responding said they favored setting aside more public land for conservation purposes such as national parks, wildlife refuges and wilderness areas.

On other issues, there were some equally surprising results.

On whether income derived from businesses owned by churches and other nonprofit organizations should be taxed, nearly 9 out of 10 persons responding (88.4 percent) felt it should.

On Vietnam, virtually everyone (98.5) percent has an opinion of some kind. As for the controversial antiballistic missile system, there are a substantial number (21.2 percent) of the voters who are unsure about whether it should be deployed. Of those having an opinion, sentiment is about equally divided.

I'm most encouraged by the response. The results provide me with a good insight into how Oregon voters view the key issues of the day.

Here is a detailed rundown of the results:

[Answers in percent]

OREGON

1. Do you favor a study to determine which portions of the Oregon Cascades should be devoted to wilderness, parks (plus other recreational areas) and timber cutting areas?

Yes	79.4
No	11.9
Not sure	8.7

2. Do you favor setting aside more public land for conservation purposes such as national parks, wildlife refuges, and wilderness areas?

Yes	76.8
No	15.2
Not sure	8.0

3. Do you favor more stringent regulations by the Federal Government in dealing with air and water pollution?

Yes	89.1
No	6.8
Not sure	4.1

4. Do you associate progress in Oregon with increased industrial development?

Yes	46.3
No	41.5
Not sure	12.2

5. Do you believe less emphasis should be placed on how fast Oregon grows and more emphasis on making it more livable for present and future generations?

Yes	93.0
No	5.2
Not sure	2.8

6. In your opinion what should be done with the Oregon Dunes area along the coast?

(a) Create a national park	23.3
(b) Create a national recreation area	33.1
(c) Leave it as it is	31.8
(d) No opinion	11.8

7. When considering the uses of national forests and public lands, what do you feel should have top priority? (Please select only three and indicate your 1st, 2d, and 3d choices by number.)

Watershed protection	39.5
Production of commercial timber	15.9
Mining	1.0
Wilderness areas (hiking, backpacking, etc.)	16.8
Grazing	5.2
Outdoor recreation (fishing, camping, skiing, boating, etc.)	21.6

NATIONAL

8. Do you approve of the anti-ballistic-missile system as proposed by President Nixon?

Yes	38.7
No	40.1
Not sure	21.2

9. Do you favor a continuation of the 10-percent Federal surcharge on individual and corporate income taxes?

Yes	31.1
No	59.9
Not sure	9.0

10. Do you think the United States should eliminate the draft and depend on a volunteer military force?

Yes	30.2
No	54.7
Not sure	15.1

11. Do you think the Federal Government should guarantee an annual income to citizens who are willing to work but are living in poverty?

Yes	31.6
No	53.4
Not sure	15.0

12. Do you favor the Federal Communications Commission's proposal to ban cigarette advertisements on television and radio?

Yes	67.2
No	27.8
Not sure	5.0

13. Do you favor a permanent arrangement whereby social security benefits are adjusted according to the cost of living index?

Yes	85.0
No	8.7
Not sure	6.3

14. Do you favor taxing income from businesses owned by churches and other nonprofit organizations?

Yes	88.4
No	7.8
Not sure	3.8

15. Following Project Apollo (the lunar landing) do you think the U.S. should decrease spending for the Space Program?

Yes	59.2
No	28.8
Not sure	12.0

INTERNATIONAL

16. If at the end of 1969 the Paris Peace talks on the Vietnam war are unsuccessful, do you favor:

(a) a complete withdrawal of U.S. troops	24.7
(b) withdrawing U.S. troops as rapidly as they can be replaced with South Vietnamese forces	43.9
(c) an all-out military offensive (but no nuclear weapons)	26.9
(d) a continuation of present policy	3.0
(e) no opinion	1.5

FHA INVOLVEMENT IN OREGON RETIREMENT HOME

Mr. PACKWOOD. Mr. President, I invite the Senate's attention to a matter involving a retirement home in Oregon. It is a small retirement home, but it is a matter of some significance, and I hope this is something that will not be repeated in other States.

Several years ago, the Catholic Church, in connection with what was later found to be in essence a fast-buck promoter, undertook to build a retirement home in a small community in Oregon. The church is without fault in this matter. The promoter fooled not only the church, not only those who paid their founders' fees in hoping to retire in this home, but also the Federal Housing Authority.

This promoter, Mr. Markee, was called to task and tried in the Federal district court in Oregon on a variety of charges, and was found guilty. The discouraging thing is that the Federal Housing Authority, while not a party to the case, was found by the district court judge in his comments to be at least haphazardly negligent. I quote from his comments in the sentencing what he had to say about the Federal Housing Authority:

> It is pretty obvious that Mr. Markee wasn't the only villain involving the Mt. Angel retirement home situation. I don't know whether the other people's involvement involved criminal guilt, but it is obvious there was lack of ethics and probably some gross neglignece on the part of some employes of the Federal Government and the agency.

By "the agency" he meant the Federal Housing Authority.

Again, Mr. President, I am not commenting on that particular act of the Federal Housing Authority. We all make mistakes and we all will.

The Federal Housing Authority, because the retirement home did not pan out financially, had to foreclose, had to pay off the mortgage, and took over ownership of the retirement home. At that time, occupancy of the retirement home was very slight. It is very slight today.

Obviously, the church was worried about the people who had paid their founder's fee and under a contract were entitled to live there for life at the fee set in their initial founder's contract.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PACKWOOD. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Therefore, on November 22, 1966, the Federal Housing Authority wrote to the church, wrote to the abbot of the Mount Angel Abbey, to give assurances that nothing would happen to the people who were in; and they

indicated that so long as the founders were there who had paid their fee and so long as they paid the rent stipulated in their original lease, they could remain in the premises under any of three conditions:

First, while the mortgage is in an insured status, that is, while the present mortgagee holds the mortgage; second, if the mortgage is assigned to the Federal Housing Authority; third, if the title to the project is given to the Federal Housing Authority through foreclosure or other means. That is what has happened. The Federal Housing Authority has foreclosed, and they own the project.

About 2 months ago, they indicated to all those who occupy the premises under this founder's fee and guaranteed payment that they would have to vacate the premises unless they paid a substantial increase in rent, not because other people were beating on the doors to get into this project—it is still barren of occupancy; not because more money would be produced by raising the rent, because enough people have moved out that the net rent would not be more than it would have been if the people had remained. Simply because the Federal Housing Authority thought that under their procedures and structure, they had to raise the rent.

I objected and talked with the Under Secretary of Housing and Urban Development and got a 30-day extension. That extension expired yesterday, and now HUD has refused to grant any further extension—despite the fact that there was something bordering close to negligence by the Federal Housing Authority in the first instance, despite the fact that the Federal Housing Authority had given written assurances that these people would not be evicted so long as they paid the rent stipulated in their original contract.

Mr. President, I will now read from a letter dated September 29, 1969, addressed to me from the Under Secretary of Housing and Urban Development, Richard C. van Dusen. He refers to the promise the FHA made to these people. One paragraph of his letter reads:

> I am advised by our counsel that the letter is without legal significance. As you point out, the occupants of this project have already had a good deal of experience with broken commitments.

I think it is difficult when a person reaches retirement age, having worked most of his life, enters a retirement home cosponsored, at least morally, by his church, and certainly given assurances of his Federal Government that he can live there the rest of his life under what he thought was a valid contract, and now discovers his Government reneged on the contract the Government made, forcing him to leave.

I have not finished my investigation of this matter. The Federal Housing Authority has been good enough to grant that some of the very lowest income tenants may remain, not under the original contract price, but at increased prices rather than greatly increased rentals. I have not completed my investigation, but I am embarrassed and ashamed that my Government would make a specific promise to older citizens that they could remain in a retirement home for the rest of their lives, and then take over that retirement home and force them out.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

THE VIETNAM MORATORIUM

Mr. FULBRIGHT. Mr. President, it has been 9 months since the President took office, the normal period of gestation for humans to bring forth their issue. No one expected a miracle, but many of us did expect the President to make progress in delivering on his campaign promises to give birth to his plan to end the war. Now comes the newly elected minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT), the President's leader in the Senate, with the novel, never-before-heard suggestion that there be a 60-day moratorium on criticism of the President because "He needs more time." How many times have we heard that?

Nearly 10,000 American fighting men have died in Vietnam since President Nixon took office. At an average rate of 500 deaths per month, another 1,000 Americans will die in the next 60 days.

Rather than a moratorium on criticism, which kills no one, we who criticize continuation of the war seek, instead, a moratorium on killing. When will this administration bite the bullet instead of firing it and present to the American people the plan to end this war which practically all knowledgeable observers now believe we should never have been involved in.

It is time for Americans to leave Vietnam; it is time for the Vietnamese to fight their own war. I do not believe there is any justification for another American to die in that unhappy land. I, for one, do not intend to abide by the suggestion of the minority leader until our participation in this war ceases or until I become convinced this administration has at least taken the decision to extricate us from the war, and, apparently, I am not alone in this view.

Contrary to the apparent belief of the minority leader of the Senate, the moratorium on normal activities planned by students on campuses across the country for October 15 is in the best American tradition of peaceful protest for the redress of grievances. Rejecting the crude chauvinism of "my country—right or wrong," the participants in this Vietnam moratorium are doing their country the honor of setting a high standard, and of settling for nothing less. They seek to set it right.

When the United States invaded Mexico in 1846, two former Presidents—John Quincy Adams and Martin van Buren—and one future President—Abraham Lincoln—denounced the war as a violation of American principles. When the United States fought a war with Spain and then suppressed the patriotic resistance to the imposition of American rule in the Philippines, the ranks of the opposition included two former Presidents, Harrison and Cleveland, as well as Senators and Congressmen including the Speaker of the House of Representatives, and also such distinguished individuals as Andrew Carnegie and Samuel Gompers. In their peaceful but determined protests against the stupidity and immorality of Vietnam, the students who participate in the moratorium of October 15 will be upholding one of our country's best democratic traditions: the refusal of responsible citizens to acquiesce in silence to a war they deem unjust.

One may hope that President Nixon will reconsider his assertion of September 26 that "under no circumstances" will he be "affected" by opposition to the war in Vietnam on the campuses and in the country. If the President is going to close his mind in advance to the peaceful, orderly expressions planned for October 15, the likely result will be disillusionment on the part of the majority of young people who still have faith in their country's democratic procedures and the swelling of the ranks of that dissident, violent minority whose excesses the President himself has so frequently and so eloquently deplored.

Mr. President, 55 years ago this year one of the most pertinent and eloquent statements on what I think afflicts our country today, an attitude of mind, was written and published in the New Republic. The article reads:

> Every sane person knows that it is a greater thing to build a city than to bombard it, to plough a field than to trample it, to serve mankind than to conquer it. And yet once the armies get loose, the terrific noise and shock of war make all that was valuable seem pale and dull and sentimental.
>
> Trenches and shrapnel, howitzers and forts, marching and charging and seizing—these seem real, these seem to be men's work. But subtle calculations in a laboratory, or the careful planning of streets and sanitation and schools, things which constitute the great peaceful adventure of democracy, seem to sink to so much whimpering futility.
>
> Who cares to paint a picture now, or to write any poetry but war poetry, or to search the meaning of language, or speculate about the constitution of matter? It seems like fiddling when Rome burns. Or to edit a magazine—to cover paper with ink, to care about hopes that have gone stale, to launch phrases that are lost in the uproar? What is the good now of thinking? What is a critic compared to a battalion of infantry? This, men say, is a time for action, any kind of action.
>
> THE ONLY WEAPON
>
> So without a murmur, the laboratories of Europe are commandeered as hospitals, a thousand half-finished experiments abandoned. There was more for the future of the world in these experiments than we dare to calculate. They are tossed aside. The best scholarship has turned press agent to the General Staff.
>
> Yet the fact remains that the final argument against cannon is ideas. The thoughts of men which seem so feeble are the only weapons they have against overwhelming force. It was a brain that conceived the gun, it was brains that organized the armies, it was the triumph of physics and chemistry that made possible the dreadnaught.

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Men organized this su[illegible] destruction; they created this force, thought [illegible]med it, planned it. It has got beyond their control. It has got into the service of hidden forces they do not understand. Men can master it only by clarifying their own will to end it, and making a civilization so thoroughly under their control that no machine can turn traitor to it.

For while it takes as much skill to make a sword as a ploughshare, it takes a critical understanding of human values to prefer the ploughshare. That is why civilization seems dull and war romantic to unimaginative people.

It is no wonder, then, that war, once started, sweeps everything before it, that it seizes all loyalties and subjugates all intelligence. War is the one activity that men really plan for passionately on a national scale, the only organization which is thoroughly conceived. Men set their armies on a hair-trigger of preparation; they leave their diplomacy archaic. They have their troops ready to put down labor disputes; they will not think out the problems of labor. They turn men into military automata, stamp upon every personal feeling for what they call the national defense; they are too timid to discipline business. They ask men to die for their country; they think it a stupid strain to give time to living for it.

Knowing this, we cannot abandon the labor of thought. However crude and weak it may be, it is the only force that can pierce the agglomerated passion and wrongheadedness of this disaster.

We have not known how to forestall the great calamity. We have taken the ideas that were thrust upon us; we have believed what we were told to believe. We have got into habits of thought when unnecessary things seemed inevitable; in panic and haste we stumbled into what we did not want.

HATE ISN'T ENOUGH

We shall not do better in the future by more stumbling and more panic. If our thought has been ineffective, we shall not save ourselves by not thinking at all, for there is only one way to break the vicious circle of action, and that is by subjecting it endlessly to the most ruthless criticism of which we are capable.

It is not enough to hate war and waste, to launch one unanalyzed passion against another, to make the world a vast debating ground in which tremendous accusations are directed against the Kaiser and the financiers, the diplomatists and the gun manufacturers. The guilt is wider and deeper than that. It comes home finally to all those who live carelessly, too lazy to think, too preoccupied to care, afraid to move, afraid to change, eager for a false peace, unwilling to pay the daily costs of sanity.

We in America are not immune to what some people imagine to be the diseases of Europe. Nothing would be easier for us than to drift into an impossible situation, our life racked and torn within and without. We, too, have our place in the world. We have our obligations, our aggressions, our social chasms, our internal diseases. We are unready to deal with them.

We are committed to responsibilities we do not understand; we are the victims of interests and deceptive ideas, and nothing but our own clarified effort can protect us from the consequences. We, too, can blunder into horror.

Mr. SCOTT. Mr. President, may I respectfully invite the distinguished Senator from Arkansas, chairman of the Foreign Relations Committee, to the labor of thought. May I inquire, therefore, whether his statement includes the suggestion that we withdraw forthwith, immediately, precipitately, without concern for the consequences to the people of Vietnam, from this unfortunate, dreadful, and unpopular war?

Mr. FULBRIGHT. I think that the suggestions which have already been made by Members of this body and others—and which I have made—are not based upon the description of the circumstances the Senator has described. I think that liquidating this war at the earliest opportunity shows the greatest consideration for the people of Vietnam.

We became involved in this war without justification. It was a terrible and tragic mistake in judgment, in my opinion, going back many years. If the Senator wishes to review its history, that is perfectly proper, and I am prepared to try, but I do not know whether the Senator wishes to do that now.

Mr. SCOTT. I do not wish to review the history. I should like to know what the Senator from Arkansas is saying; as to whether he wants to get out of the war now or not.

Mr. FULBRIGHT. What I am leading into is the reason why I think it is to their interest, as well as ours to end the war. The war has now degenerated into a mindless and purposeless slaughter of both Americans and Vietnamese. The President himself, if I understand it, is not intending to seek a military victory. I believe that is correct. I think it was evident some time ago that neither his predecessor nor this one can achieve one with reasonable cost.

There is no question that we could destroy all the Vietnamese, if we were willing to pay the price of condemnation by all civilized people, by using nuclear bombs. We can kill them off. It is not a question of being defeated in a war. The United States is not going to be defeated by this very small nation of peasants. It is an utterly unthinkable thing that we could be defeated militarily. This is not a war in the traditional sense. It is a tragic mistake, in which we became involved.

Now I say, what we are doing is not admitting defeat, we are not "bugging out" of a war. We are liquidating a tragic mistake. We show great wisdom and restraint in the use of our power if—as I have said on this floor so often—we would take the model or the plan laid down in the Geneva accords which are as near to a reasonable settlement of this kind of situation that I can think of.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I do not mind any specific variations in the procedure, but the accords provide for a free election, free of local domination by any particular faction. The accords set up the machinery—whether it would work or not, I do not know, it was never tried—but I think that is what we should do, and do it forthwith.

Mr. SCOTT. That is it. I am not asking the Senator to turn his mental clock back. I am asking him to adjust his mental timetable to today——

Mr. FULBRIGHT. Yes, sir.

Mr. SCOTT. And answer the question of whether he is advocating that we get out of the war today and, if so, under what terms.

Mr. FULBRIGHT. What I am advocating is that the President recognize it is not in the national interest of the United States to continue supporting the existing government in South Vietnam, which is the principal inhibitor and not only of a political settlement. But he has become wedded to it. He has stepped into almost precisely the same attitude as his predecessor. One of the things I expected of this President, and I was assured, I might add, by him and by his principal adviser, Mr. Kissinger, that they would not continue to follow the policies of his predecessor.

In so many words, that was said.

Mr. SCOTT. Does not the Senator recognize the difference—with this President—the difference between winding up a war and unwinding one? Is not this President in the process of unwinding this war? Is he not doing what the Senator from Arkansas has long advocated; namely, bringing home 67,000 of our troops?

Mr. FULBRIGHT. He is doing it much too slowly, while the rate of slaughter continues. He has been, as I said in my statement, actually President for 9 months. He was elected nearly a year ago, and that is 11 months ago practically. It is a matter of timing. If he takes out only 50,000 troops a year, that will take 10 years.

Mr. SCOTT. Is the Senator pleased with the cutback in the draft calls?

Mr. FULBRIGHT. I favor those, but that is only a token which appears to be designed merely to stifle criticism.

I am not criticizing just for the sake of criticizing. I am criticizing because I think this war is a tragic mistake and should be stopped much sooner than he apparently plans to stop it. That is how it appears now.

I have joined others in not criticizing, in any appreciable way, up until today; but he has stated that he is going to ignore any protest, which I assume will be a rational, well-conducted, and an orderly protest, sponsored—not by the SDS—but by responsible elements. I think the country and its people are tired of this war. They have become disillusioned with it. It is our country which is suffering great disunity and turmoil internally with its economy almost in chaos.

Mr. SCOTT. The Senator has made his speech. Would he allow me to continue?

Mr. FULBRIGHT. The Senator asked me the question.

Mr. SCOTT. But I did not expect such a long, convoluted answer. I like to be enlightened and I am willing to be enlightened, but I wish to be enlightened on the Senator's own time.

Mr. FULBRIGHT. One of the Senator's own colleagues from the State of New York has put in a pertinent resolution. Whether that is exactly the way it

should be done, I do not know. I am interested in it. I have assured him that insofar as I am able, I shall schedule hearings on it, and for anyone else who wishes a hearing on the subject. The Senator has a resolution, and I think it should be discussed.

What I am saying is, I would object to the policy that we should all keep quiet and hope for the best. We have had 9 months of official power now to move. I think it is moving very little. It is all mostly talk. We still have over 500,000 men in Vietnam. He still talks about moving and taking people out, but there has been very little movement.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. FULBRIGHT. That is what I am, in effect, saying.

Mr. SCOTT. Mr. President, in view of the fact that I am not getting answers, I ask unanimous consent to proceed for 5 additional minutes on my own time and then the Senator from Arkansas may ask me to yield.

Mr. FULBRIGHT. All right.

The PRESIDING OFFICER. Without objection, the Senator from Pennsylvania is recognized for 5 additional minutes.

Mr. SCOTT. Mr. President, the Senator from Arkansas has mentioned my name as minority leader, referring to the fact that I have asked for some quietude—not an unpleasant thought in an unquiet world.

After all, there is a statement of Walter Bagehot's:

> An inability to stay quiet is one of the most conspicuous failings of mankind.

There is something also to be said for Lord Byron's view:

> Quiet to quick bosoms is a hell.

I respect the Senator's ability as a semantic acrobat when he says that the President has stated he would ignore the suggestions of the October 15 demonstrators. I respectfully submit that the President said nothing of the sort. The direct quotation I quote, and it is accurate, just in the interest of maintaining some sort of average. What the President actually said was:

> I cannot be affected by what happens on October 15.

What he clearly meant, it seems to me to all reasonable minds, is that no matter how much demonstration occurs, no matter what Senators may say, no matter what others may say to divert the President from a commitment to a course of peace with the opportunity to end the war in the best way he can, he cannot be affected by volunteer suggestions from people who meet on the 15th of October and say, "You must end the war on our terms," or "You must end the war on Hanoi's terms if it comes to that."

Mr. President, the President can end the war only on terms made by the United States of America.

People say, "Oh, he withdrew 60,000 troops. That is only a token."

Mr. President, that is no "token" to the 60,000 people coming home.

That is no "token" to those who will be killed this year, even though the casualties have dropped one-third.

That is no "token" to our soldiers in Vietnam even though infiltration has dropped by two-thirds this year.

We can say that it will take so many years to withdraw all our troops from Vietnam, but this is not a number's game.

Up until now, this year, no troops were withdrawn. They were being escalated. We are deescalating. We spent 6 years moving into a war, and we have had only 8 months to move out of it, and we are moving out of it.

The President's desire is to move far more that the 60,000. His desire is to move as many as he can this year, and next year, and try to bring it to an end. And those who would say, "Let us end the war on a date in December 1970" are saying to the President, "We are prolonging the war." The President wants to end it before then if he can.

The distinguished Senator from Arkansas has said that I have asked for some moratorium, some quiet period—which I have—but he also makes the point that he wants the killing to stop. In the name of God, so does every American. Of course we all want the killing to stop. For any advocate on either side of the controversy to indicate that the other side does not want the killing to stop is not a statement with which I can find myself in agreement.

Now, who wants the killing to stop? The Senator is unwilling to say he wants the war stopped today. Does he want it stopped tomorrow, or next week——

Mr. FULBRIGHT. I did not say that.

Mr. SCOTT. I will yield to the Senator in a minute. I will be fair to him.

But he is unwilling to say he wants it to stop today, tomorrow, next month, or the 15th of October—some magic date—and he is not willing to say when he wants it stopped. I say we ought to stop it just as soon as we can, but we wish to stop it under conditions that recognize that President Ho and his group, when they moved into North Vietnam, murdered every Catholic leader they could get their hands on. If we withdraw under conditions which will not enable them to protect themselves, they will kill South Vietnamese. There will be no end of the killing, and they will kill the Catholics first, and a lot of the leading Buddhists.

Let that blood be on someone else's hands—not mine.

I am for the President and for what he is doing. I am for doing it as fast as we can. I am for a union, a concert of American minds behind the only President we have at any given time. I made that same kind of statement for President Johnson on the floor of the Senate many times. I said time and time again I would support him, whether I would do it this way or another way. I will support President Nixon the same way.

What would the Senator from Arkansas do, if he is to terminate the war immediately, with the American prisoners of war? Does he propose to leave the prisoners of war in the bloody hands of Hanoi? Does he propose to abandon those American prisoners of war as we rush precipitately to the harbors and airfields to get rid of a war which no one likes, which no one wished for, and we wish we had never gotten into?

I will be glad to yield to the Senator from Arkansas up to the time my time expires if he is willing to tell me what he would do with the prisoners of war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator may proceed for 5 minutes.

Mr. SCOTT. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

Mr. FULBRIGHT. I would have the opportunity——

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor. He has asked for 2 additional minutes.

Mr. SCOTT. I have asked for 2 additional minutes so I may yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I would like to ask for 5 minutes on my own time in order to respond to the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, the Senator from Pennsylvania is recognized for 2 minutes.

Mr. FULBRIGHT. I wanted to say one or two things. The Senator said I am unwilling to say we should stop the war now. I have said many times—I assume the Senator is familiar with it—that the pattern of ending the war that the French carried on for 9 years was set at Geneva. I think it was a good one. The first thing was a cease-fire which was agreed to between the French and the Vietminh. Then there was the Geneva accord, which set out all the conditions and arrangements which were to be followed in the final liquidation of the colonial status of Vietnam.

I am certainly more than willing to say that, if I possibly could, I would try to get a cease-fire immediately, today or tomorrow. I have said that time and time again. But there are conditions that obviously have to be met in order to get that kind of agreement, and this is where the President has not fulfilled his campaign promise. He ran, a year ago, on the principle, which he stated, of ending the war. He has had approximately 9 months to bring forth the plan. I have not seen the plan.

I do not deny that the President wants to end the war. I have said that. Of course he wants to end the war. He wants to end the killing. We do not differ on that.

Mr. SCOTT. Has the Senator read the paper——

Mr. FULBRIGHT. I have made no such insinuation that the President does not want to. I have said it is a matter of judgment, that he is not willing to take those steps essential to that, a cease-fire and an arrangement which would deal not only with the prisoners of war but the other conditions necessary for the settlement of the war.

I wrote a letter to the late Ho Chi Minh, with the knowledge and approval

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of the State Department, inquiring about the prisoners of war. Everyone does whatever he can in this field, and, of course, we are concerned with it. I do not think it is at all appropriate for the Senator to insinuate that any of us, or any of us who criticize the President, are heartless and feel that the President does not want to stop the war. We are dealing here with a matter of judgment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. We are not dealing here with any differences of that character. It is a matter of judgment and urgency. In order to arrive at that judgment, one balances off not only the killing and the tragedy in Vietnam, but what is happening at home.

I think every Member of the Senate has, in the last few days, had visits from delegations from home in the field of housing. It is only one illustration of the great concern of the people of the United States.

I thought it was very significant that in the elections in Massachusetts yesterday, for the first time since 1875, a Democrat was elected in the district of the late Bill Bates, and the main issue in that election was the war. I can certainly understand it. It ought to be a signal to our political leaders on both sides of the significance of it in the minds of our people.

It is becoming intolerable to continue a war with a purpose no greater than the announced purpose. When we have accepted the principle that we are not going to have a military victory, then there is no use in delaying the settlement of the war. Military victory has been admitted by the President and others generally to be unachievable at a reasonable cost. It is not unachievable. No one denies that we could completely destroy all of Vietnam—North Vietnam and South Victnam, for that matter—if we wished to. But that is not the question, as I have already said. The question is one of judgment, as to how to proceed to liquidate. I do not think we promote that by a period of silence. We have had a period of silence—relative silence. There has been very little criticism or very few suggestions in the Senate for the past 9 months. I think the time has come now, in the best interests of the country, that we should try to resolve this issue.

The Senate has an obligation to give advice to the President whenever appropriate, especially in the field of foreign relations. That is what we are trying to do—to give the best advice we know—because we are all concerned not only with bringing the men home from Vietnam, but with preserving the existing form of government in this country. We cannot take too lightly the assumption that nothing could disrupt this country. Nearly every country in the world has gone into a revolution of one kind or another, in which its established institutions have been destroyed.

I know there are others who are going to say, or have said, that instead of liquidating the war as a tragic mistake, we should resume the objective of bombing of the north, and the destruction of North Vietnam—technically a perfectly feasible program.

I would say that would be a desertion of American principles. I think it would bring upon this country the most violent outbreak of resentment from all over the world—not just from Communist countries, but from non-Communist countries and all kinds of countries, including our best friends. I do not think under the present circumstances that is a feasible alternative.

Believing that, I am saying we should proceed as quickly as possible to the liquidation of this tragic mistake. A cease-fire should be the first thing. Senators may say, "Yes, but it takes two to make a cease-fire." It does. That is why I say the chord of this tragic mistake, the reason, I think, that a cease-fire has not been achieved, is the acceptance as our responsibility of the preservation of the Thieu-Ky government.

That government is a government that we established. It is really the heir of the old Diem government, and I do not think that the preservation of it as the result of this war is acceptable to the enemy. Therefore, I say there must be a compromise on this issue similar to the one made by the French in 1954. I am going back to that as a precedent accepted by nine members of the conference at Geneva, representing all of the principal powers with an interest in Vietnam. That is the best precedent I know of. That is what I propose as a matter of advice to the President.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Senator's time has expired.

Mr. FULBRIGHT. I ask for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I want to say to the minority leader that the President of the United States certainly did not start this war. I thought when he was elected he would take the view that this was a tragic mistake of his predecessor, and that, as a result of the election, he would feel a mandate from the American people to proceed immediately to its liquidation. I thought he had a plan.

I do not see how any plan could succeed or have any effect if that plan involved the preservation of the very objective, one might say, of the war itself, which is the preservation and continuation of the Thieu government. This, it seems to me, is an utterly unrealistic way to look at the war.

I think the President wants to end it. It comes down to what I am suggesting as a matter of judgment, that he should proceed to the principles of the Geneva accords, and I believe he could get a cease-fire and arrange for the release of the prisoners of war, and he could arrange this matter of amnesty or protection, if you like, of the Catholic leaders. The situation is basically the same as in 1954, when the French were certainly as concerned about the Catholic leaders as you or I are now.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SCOTT. Really, the distinguished Senator from Arkansas knows that the President has not made any precondition about the continuation of the Thieu-Ky government. He has said, on May 14, in surely the most generous peace proposal ever made by any nation:

> We will, as a condition of peace, abide by a government freely elected by the people of South Vietnam, and that is the only point that is non-negotiable.

Mr. GRIFFIN. Including the votes of the Communists.

Mr. SCOTT. Including the votes of the Communists.

Mr. FULBRIGHT. I know the President has said that in so many words, but the actions he has taken since, and the actions and the words of Thieu himself, completely belie that statement. Those were words which I do not think he has either been able to or desired to follow through on, because subsequent to that, I believe, he said that Mr. Thieu was one of the greatest politicians of the present day, and that our war in Vietnam was one of our finest hours. He said things which seemed to me to be utterly contradictory to whatever the words the Senator has quoted might mean.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. This is one of the things that bother me. I do not wish to say that the President is deliberately seeking to confuse anybody. But he is, it seems to me, subject to a change of mind, not only in this field, but I was also rather confused about his attitude toward the electoral college, for example. I had understood him to have one firm position up until yesterday, and all of a sudden, he completely flopped over to another position.

As to Thieu, he said that on the 14th of May, or whatever the date was, and subsequent to that he has said things, I submit, that are absolutely contrary to such words.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may have 3 more minutes, to yield to the Senator from Idaho.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Is it not true that President Nixon, at his press conference this past week, reiterated that the one nonnegotiable item of the war was the self-determination of the people of South Vietnam; that he restated his hope free elections could take place; and emphasized that both the government of Saigon and the Government of the United States would abide by the results of such elections, even if the Communists were elected to power; and is it not also true that the following day, President Thieu held a press conference in which he contradicted the President of the United States, and made it clear that so far as the Saigon government was concerned, it would neither permit Communists to be voted into office, nor would it agree to a coalition embracing all factions in South Vietnam, including the Communist factions? Was not the position of Thieu a direct, explicit contradiction to that stated by the President of the United States, coming almost immediately afterward?

Mr. FULBRIGHT. I believe that is correct. This is what I mean when I say that all the evidence indicates that we are unwilling to abandon the support of the Thieu-Ky government, which means, in effect, that free elections or self-determination are not in the cards. We have not accepted self-determination. Once we accept that, and can give any reasonable assurance of its implementation, I think we could get a cease-fire and be on the way to the liquidation of the war. I do not expect the President to liquidate it tomorrow, but I really want him to begin to move in a serious way toward its liquidation.

Mr. CHURCH. I agree with the Senator, and would only like to add that following Mr. Thieu's direct contradiction of President Nixon, there was no disavowal of any kind from the White House concerning the representations of the President of South Vietnam.

I commend the Senator from Arkansas on his part in the debate today, and I join him in repudiating any attempt to impose 60 days of silence on the matter of the war. This is obviously a ploy.

In my judgment, we have a responsibility, here in the Senate, to continue our efforts to bring this war to a close. I think that the Members of this body, on both sides of the aisle, who have worked so hard for peace in Southeast Asia during the past 4 years, have had an important role to play in changing American policy—the change that brought an end to the continuous escalation of the war, which could well have embroiled the United States in an open-ended war on the mainland of Asia.

I think we must continue to assert that responsibility under this administration, as we did in the last administration; and, as a Democrat who opposed the policies of a Democratic President when Mr. Johnson was in the White House, I certainly do not intend to fall silent now that Mr. Nixon is in the White House; but I do believe that the protest must continue to be asserted on a bipartisan basis, and we must avoid, at all costs, making this a party issue.

Mr. KENNEDY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I ask unanimous consent that the Senator from Arkansas may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I yield.

Mr. KENNEDY. It is my understanding that the President has established three broad criteria for progress in the war in Vietnam. First, he was hopeful that there would be some progress made in Paris. I think, in his press conference last week, he indicated that there had been no progress made in Paris.

Second, he hoped that there would be a reduction of the fighting by the Vietcong and the NVA in the south, and he indicated that, although the intelligence reports now are somewhat indefinite, and although there might be a reduction in the total numbers of infiltrators in the south, still, the level of the fighting by the Vietcong and the NVA in the south has continued; so there is no progress being made in that area.

His third area was the Vietnamization of the war in the south—that there could be the eventual taking over of the war in the south by the South Vietnamese.

If we consider our situation as it exists in that country today—to the effect that really no progress has been made in Paris and that no progress has been made in terms of a reduction of the violence in South Vietnam—it seems to me that the only real hope being offered to the American people is the hope of a growing Vietnamization of the effort in the south.

I saw last weekend a very revealing interview between Mr. Reynolds and Mr. Scali, on ABC's Issues and Answers, with Mr. Thieu in Vietnam. Both of these responsible reporters questioned the President of South Vietnam at considerable length, as to when and under what circumstances the South Vietnamese Army was going to be able to take over the burden of fighting the war.

It was very clear from his response at that time that in spite of the representations which have been made in this country, the United States is going to have to continue with the burden of that war if President Thieu has anything to say about it.

I wonder whether the distinguished Senator from Arkansas believes President Thieu ought to be making the decisions as to how long American boys will stay in that country and be involved in that conflict, fighting and dying in that war, when we have seen so little response by the South Vietnamese Government toward broadening its government to include the other democratic elements in South Vietnam. Consider, for example, the continual harassment of newspapers. More than 30 newspapers have been closed in recent months. The Government continues to jail political opponents who advocate basically and fundamentally the same kind of adjustments in terms of arrangements for the South Vietnamese Government that our President talks about.

I wonder if this troubles the distinguished Senator from Arkansas as it does the rest of us.

Mr. FULBRIGHT. Mr. President, the Senator from Massachusetts is quite right. The words "Vietnamization of the war" seem to mean that we will support the Thieu government as long as it is necessary for them to establish firmly their control in South Vietnam.

I think they may be able with our help to establish it militarily. I cannot believe that they are likely to do so, but it certainly seems to me that they ought to be given the opportunity to do so only in a free election. This is what I meant by saying that the one condition which is, I think, detrimental to any cease-fire or move toward a political settlement is our being wedded to the Thieu government.

Mr. Thieu has said publicly that he would have nothing to do with the Communists and that it would be 20 or 30 years before they could be rehabilitated or be acceptable in any way—even as voters, I suppose, because they are not allowed to vote now.

The Senator is quite right. I object to our Government's being subject in its foreign policy to other countries around the world. I would object to it in the case of any other country, and I object to it in their case. They have their own life to live, and we ought to allow them to live it.

Mr. KENNEDY. Mr. President, is it the position of the Senator from Arkansas that the interests of the Thieu government in maintaining its posture and position as the Government of South Vietnam may very well not be the same as the interests of the U.S. Government in terms of our presence in South Vietnam?

Mr. FULBRIGHT. I think it is very different. Our interest is, as I said, to liquidate what I consider to be a major, tragic mistake in our involvement there. We misjudged our interest. I do not think that we had a vital interest. However, I do not take that to be a final or fatal misjudgment. Various other countries as individual countries have done it from time to time.

I am interested in getting out before we suffer any further disruption at home or loss of lives abroad.

Those interests are different. Mr. Thieu's interest is in preserving his government. That stands in the way of a settlement. If he could win a free election, I would not object. However, that is not the case.

Mr. KENNEDY. Mr. President, is it the position of the Senator from Arkansas that if Mr. Thieu wants to continue to pursue his own aims and aspirations, he ought certainly to be permitted to do so? But, that he should not pursue them at the expense of the best interests of the United States.

Mr. FULBRIGHT. The Senator is correct.

Mr. KENNEDY. And if Mr. Thieu wants to eliminate the possibility of other democratic groups joining in the government, if he wants to continue his policy with regard to the censorship and repression of newspapers in that country, that whatever kind of leadership he desires for his own country, his government would be permitted to do so by our Government, but that, as I understand it, the Senator from Arkansas is suggesting that we do not have to be involved

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in those efforts simply because we are there to protect the right of the people of South Vietnam to have self determination.

I think the Senator is suggesting that those efforts, in this instance, run very much against our own national policy interests in that part of the world.

Mr. FULBRIGHT. It does, because it stands in the way of a political settlement of the war.

THE SUPERSONIC TRANSPORT AIRCRAFT

Mr. BYRD of Virginia. Mr. President, last week, President Nixon proposed the expenditure of $662 million over the next 5 years for supersonic transport aircraft.

All in all, the cost of development of the SST would run about $1.5 billion, according to present estimates.

The supersonic transport would be a remarkable plane. It would fly at speeds up to 1,800 miles an hour, would carry 300 passengers and would have a range of up to 5,000 miles. It is easy to see why the President and the aviation industry are enthusiastic about development of this aircraft.

I think, however, that we must bear in mind that there is a proper season for all things.

This does not seem to me to be the proper season for a SST.

In the first place, we are in a highly inflationary period.

I do not believe that the economy has yet recovered from the $25 billion deficit in Government finances in fiscal 1968. Consumer prices and interest rates continue to soar.

Mr. Nixon wants $195 million for the SST in the current fiscal year, which would mean an addition of $96 million to funds appropriated in earlier years.

It seems to me that this is not the time to authorize such a sum for a program that is not essential to our security or to our welfare.

I am struck, too, by the fact that under the present plan, more than 85 percent of the funds required for development of the SST will come from the Government. I do not believe this can be justified.

Aviation manufacturers and the airline industry stand to profit from a SST. I believe that they can be asked to bear considerably more than 15 percent of the financial burden of producing this airplane.

Advocates of immediate development of a SST by this Nation often argue that it is important for the United States to lead the world in aviation. But it is no longer possible for the United States to be first with a SST—it will be at least 5 years behind the version being produced by France and England, and another being developed by the Soviet Union.

Furthermore, experts have testified that sonic booms caused by movement of a SST over land would be so severe that it might have to be restricted to oceanic flight. In review of this, it may be that prestige accruing to a nation by virtue of developing a SST may be overrated.

The President's proposal comes at a time when funds for other important Government programs are extremely short. Just within the field of aviation, it seems to me that airport development and improvements in facilities for control of existing traffic are two areas which rank higher in priority than development of a supersonic aircraft.

If we look beyond aviation to the whole field of transportation, we find a rapidly decaying merchant fleet, insufficient financial support for mass transit and possibly a cutback in highway construction funds.

On a still broader horizon, we must take note of the fact that while proposing millions for the SST, the administration is recommending cuts in important health and education programs.

All of these factors militate against a decision to approve funds for the SST.

But I think the most important single factor is that of inflation. Congress would be setting a poor example for the Nation if it were to approve huge expenditures for the SST at a time when it is vital that the inflationary cycle be halted by getting Federal spending under control.

There may come a time for development of a supersonic transport. That time is not now insofar as Government funds are concerned.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from Virginia on an excellent statement. I agree wholeheartedly with what he has said. He has hit exactly the right note. I am impressed by the fact that he was able to incorporate such a series of important arguments in such a brief statement.

I do think that he has hit upon the most important argument of all when he says that we should recognize that this is a highly inflationary period.

Senators have said this on the floor. The President has made statements about how we have to fight inflation. I think almost everybody agrees that the one way Congress can contribute the most to fighting inflation is to cut spending.

Yet, we get this kind of frill, which has a strictly commercial purpose, which will serve a useful purpose in getting people to Europe 2, 3, or 4 hours earlier, to Asia a few hours earlier; but certainly it is a marginal benefit when we consider all the other things we must do.

I think the Senator has made a most impressive and a most useful statement.

I should like to point out one or two other things in connection with this matter. The Senator from Virginia pointed out that on a cross-country flight, it would not be feasible to fly supersonic speeds because of the sonic boom, and this has been agreed to by all the experts, the Secretary of the Interior, and others.

Every benefit-cost study, every efficiency study, of the SST shows that it would be economically unfeasible to build it if it could not fly the real payoff routes across the country at supersonic speeds. This is the reason why the aviation industry is insisting that the Federal Government pick up the burden of the cost—85 to 90 percent. The aviation industry does not want the risk. This is the reason why this strictly commercial venture is not being privately financed, as every other commercial venture is privately financed.

Also, the Senate decided, on the basis of a divided vote, to proceed with spending money for research and prototype building for the advance manned strategic aircraft, the supersonic bomber. This is a parallel kind of procedure so far as technological breakthrough is concerned. The supersonic transport has no military value. Every Secretary of Defense has argued that it has no military value. If we are going to spend money in this area, the advance manned strategic aircraft is where we ought to spend it.

I also point out that the argument of the balance-of-payments benefit works both ways. If we build the kind of big fleet of supersonic transports that only the United States can build, they will carry American tourists flying abroad to spend American money, to worsen our balance of payments.

Finally, the only argument I have heard that we should proceed—which the advocates keep coming back to—is that this is necessary for our prestige; it is necessary for us to have the kind of prestige that only the supersonic transport can provide. We just landed men on the moon, the principal value of which is prestige. We have by far the dominant aviation industry in the world. Our Air Force is superior to the air force of any other nation. To argue that this is necessary for prestige is a very feeble reed on which to hang this kind of appropriation, especially when we recognize that it is going to cost $600 million, which is more than the administration is asking—much more—for mass transit throughout the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. In other words, all the cities in the country are going to get less for their subways, bus services, and all the other vital means of transporting people into the cities than will be spent to get a small percentage of the American people overseas.

I thank the Senator for his excellent statement.

Mr. BYRD of Virginia. I thank the Senator from Wisconsin for his comments. He has made a deep study of this subject, and I feel that he has added greatly to the understanding of the Senate as to just what is involved in the development of a supersonic aircraft and

the Government's part in that development.

I concur in the remarks the Senator just made as to the importance of other types of transportation—mass transit and other transportation needs of our Nation which cannot be met now under the existing budgetary arrangements.

So it seems to me, just as it does to the distinguished and able senior Senator from Wisconsin, that this is not the time to be plowing hundreds of millions of dollars into the development of a supersonic transport. We must first put our Nation's financial house in order. We must first get Federal spending under control.

I thank the distinguished Senator from Wisconsin for his valuable comments.

ASSISTANT ATTORNEY GENERAL JERRIS LEONARD SHOULD RESIGN OR ENFORCE THE LAW

Mr. YOUNG of Ohio. Mr. President, questions of ethical conduct preceding the resignation of Associate Supreme Court Justice Fortas and today involving the nomination of Judge Clement Haynsworth to be Associate Justice of that Court make it abundantly clear that Attorney General John Mitchell maintains a double standard regarding ethical conduct for the Federal judiciary. Now there appears to be a curious double standard in the Justice Department insofar as the term "law and order" is concerned.

In a speech before the International Association of Chiefs of Police at Miami Beach on September 29, Attorney General Mitchell described himself as "foremost, a law-enforcement officer." In what the Washington Post reported as a "hard-line law-and-order speech," Mitchell declared:

> I believe the Department of Justice is a law-enforcement agency. I think that persons who break the law ought to be promptly arrested and tried—today.

Meanwhile, in Washington, the Nixon administration's chief civil rights lawyer made the shocking statement that if the Supreme Court should rule in a pending case that schools throughout the South must integrate immediately, such orders could not be enforced.

Referring to an appeal that the Supreme Court has already agreed to consider on an accelerated schedule, Assistant Attorney General Jerris Leonard declared:

> If the Court were to order instant integration nothing would change. Somebody would have to enforce that order.

Leonard said there just are not enough "bodies and people" in the Civil Rights Division of the Justice Department "to enforce that kind of decision."

Mr. President, the remarks of Assistant Attorney General Leonard raised the possibility that the Supreme Court could find itself, for the first time since it declared public school segregation unconstitutional in 1954, in the position of issuing a school desegregation order without full expectation that it would be enforced by the executive branch.

It is noteworthy that 65 of the 74 lawyers in the Civil Rights Division issued a statement on Monday charging the administration with taking positions on civil rights policy that are "inconsistent with clearly defined legal mandates." The Washington Post of September 30 reported that several of the attorneys attending the news conference at which Leonard made his remarks later stated they were astonished to hear him repeatedly blame insufficient legal manpower in the Department of Justice for not accelerating the pace of desegregation enforcement.

One attorney said:

> That must have been dreamed up over the weekend. The Division has had less people and never blamed lack of people for lack of action.

Many expressed concern that Leonard's statement would invite opponents of integration—opponents of the law of the land—"to make enough noise so that the Nixon administration might slow desegregation still further."

Mr. President, it appears that officials of the Department of Justice in this administration have one definition of law enforcement when they speak of criminals and quite another when they speak of civil rights. On the one hand, the Attorney General of the United States refers to himself as "foremost, a law-enforcement officer." On the same day, his Assistant Attorney General openly states that the Justice Department would be incapable of enforcing a Supreme Court decision—which is, of course, the law of the land—insofar as civil rights are concerned. Such hypocrisy cannot and must not be tolerated in our democracy.

How can respect for law and order in our Nation be maintained when the Justice Department itself refuses, or is unable, to enforce a decision of the Supreme Court of the United States?

It is shocking to consider that officials of the Justice Department would be unable to enforce a Supreme Court decision to protect the civil rights and civil liberties of all Americans. The position taken by Assistant Attorney General Leonard represents a cynical, callous attitude toward civil rights problems.

I, for one, am tired of this hypocrisy on the part of high officials in the Justice Department. I am certain that millions of Americans share my deep concern over the gradual erosion in enforcement and implementation of civil rights laws.

If the Attorney General is, as he states, "foremost, a law-enforcement officer"—and I believe that he is—then certainly it is his duty to enforce the law of the land whether or not he or his Assistant Attorney General or this administration or supporters of this administration are in agreement with it. To do otherwise would be to seriously undermine respect for law and order in our Nation.

The difference between the American way of life and the Communist dictatorship of Russia and Red China is the difference between government of law and government of men. In the Red Square in Moscow, what do they have on display under glass? The embalmed corpse of Lenin. In the beautiful Archives Building in Washington, what do we have on display? We proudly display under glass the Constitution of the United States and the Bill of Rights. This illustrates the difference between government of men and government of law. Our freedom and democracy rest entirely on our heritage of respect for the law. When one of the top law-enforcement officials in the land speaks of not enforcing the law, he is doing a disservice to the Nation.

Mr. President, I do not know what action the Supreme Court of the United States will take in regard to the pending appeal of a desegregation delay that was granted to 30 Mississippi school districts at the request of the Nixon administration. I do know that whatever that decision may be, it must be enforced.

If Assistant Attorney General Jerris Leonard cannot, or will not, enforce any such decision, then he should resign and be replaced with someone who can and will uphold the law.

Mr. President, in this morning's issue of the New York Times is an excellent editorial entitled "Retreat From the Law," setting forth clearly and concisely the inherent dangers in the position taken by Assistant Attorney General Leonard which invites resort to mass disruptions as a substitute for the essential faith of our people in justice under a government of law. I ask unanimous consent that this editorial in its entirety be printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RETREAT FROM THE LAW

The warning by Jerris Leonard, chief of the Justice Department's Civil Rights Division, that a Supreme Court order to desegregate all Southern schools could not be enforced strikes at the foundation of government by law. It is astonishing as the declared stance of an Administration that, in its rhetoric, has so consistently vowed to uphold law and order.

With every new corkscrew turn of policy, the Nixon Administration demonstrates that its approach to school desegregation is more responsive to the prejudices of Southern politicians than to the legitimate demands to put an end to the illegally maintained dual school systems.

This is why the Justice Department's civil rights lawyers rebelled against the policies they were being asked to pursue. It is why the United States Commission on Civil Rights spoke out against the threat of a major retreat from desegregation. And it spurred the decision of the N.A.A.C.P. Legal Defense and Educational Fund to ask the Supreme Court to redefine "all deliberate speed" to keep that phrase from being perverted into a device for delay.

The plain fact is that the Court spoke fifteen years ago and Congress added in 1964 its mandate for the enforcement of administrative guidelines. For Mr. Leonard, at this late stage, to urge his lawyers to concentrate not on prompt enforcement but on organizing teachers' workshops to smooth the way for desegregation is comparable to asking the Internal Revenue Service to provide courses in ethics and accounting for income-tax evaders.

The Nixon Administration has asked Negroes to accept in good faith its pledges of economic and social justice, but the credibility of such pledges is undermined by the emergence of double standards. The President himself, in opposing "extremism" in school desegregation, equates those who insist on full law compliance with the most stubborn of foot-draggers.

Attorney General Mitchell promises the nation's police chiefs that the Administration will support law enforcement with "all its moral, political and economic power." And on the very same day Assistant Attorney General Leonard scoffs at the thought of enforcing a Supreme Court school desegregation order. Such contradictions can only reinforce Negro suspicions of separate justice for black and white, thus inviting resort to mass disruption as a substitute for the essential faith in justice under a government of law.

ORDER OF BUSINESS

Mr. CRANSTON. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROPOSED AMCHITKA TESTS

Mr. CRANSTON. Mr. President, tomorrow the Atomic Energy Commission plans to detonate a nuclear device, of the magnitude of 1 megaton, 4,000 feet below the surface of Amchitka Island in the Aleutians.

This calibration test, in preparation for four larger explosions of up to 5 megatons, is scheduled to take place in one of the most seismically unstable areas on this planet.

Many of the Pacific Basin's most severe earthquakes—quakes which have caused tidal waves with subsequent damage to property and loss of life as far away as Hawaii, Japan, and the western coast of the United States—have originated in the immediate vicinity of Amchitka.

The AEC has continued its preparations for these underground tests despite the opinions of leading scientists that it is unwise to detonate such powerful devices in a region which is extremely earthquake prone.

My distinguished colleague from Alaska (Mr. GRAVEL) was justifiably alarmed by the plans to utilize Amchitka for this Nation's most devastating underground tests.

I have worked closely with him in this matter and joined with him in his sponsorship of Senate Joint Resolution 155 because I felt that an independent scientific commission to study the foreign policy aspects of our underground testing program is needed before such tests should take place.

I admire the leadership, skill, and determination the Senator from Alaska (Mr. GRAVEL) has brought to bear upon this Amchitka affair.

Amchitka's remoteness from the continental United States does not insure that Canada, Japan and the Soviet Union would be safe from possible shocks, tidal waves or quakes following the explosions.

Both the Canadians and the Japanese have formally expressed to the State Department their apprehensions concerning these tests.

They have served notice that we will be held responsible for any damage done to their people and their property.

Yesterday in Ottawa, Canada's external affairs minister, Mitchel Sharp, repeated his plea that we abandon plans for the blast, and he described the protest note he earlier sent to us as "extremely strong."

Much of the American public and many members of the scientific community are equally disturbed by the prospect of testing on Amchitka.

Dr. Kenneth Pitzer, president of Stanford University and head of a panel of eminent scientists appointed by President Johnson to examine the relationship between underground tests and earthquakes, expressed grave doubts to the foreign relations committee concerning the desirability of having these tests.

Dr. Pitzer stated that his panel was seriously concerned with the problems of earthquakes resulting from large-yield nuclear tests because new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large-yield test explosion and in the following weeks.

I have just been informed that President Nixon's science advisers have endorsed the conclusions of the Pitzer Commission.

The AEC has no right to make a final decision to proceed with these tests, in a secret fashion, using undisclosed scientific evidence, without an independent examination of their work by other scientists who have no connection with the AEC.

No group of scientists working in secret has the right to play nuclear roulette with the lives and property of the people in the Northern Pacific Basin. The AEC has seemingly acknowledged, in one small sense, the gravity and dimensions of the potential consequences of the step it is so determined to take. It has placed an announcement in the Federal Register warning U.S. citizens away from a 7,800 square mile nautical area centering on the test site.

As it now stands, the United States is going to begin to detonate underground nuclear devices of great power at a new facility located in a remote but sensitive area.

At a time when our Government has not ratified the Nuclear Nonproliferation Treaty yet asks others to do so, the Amchitka tests are diplomatically unwise.

Our search for nuclear nonproliferation appears to lack sincerity as we embark upon a significant expansion of our underground testing program.

I call upon the administration to postpone the Amchitka tests and to reevaluate the scientific and diplomatic feasibility of testing nuclear devices in the Aleutians.

I know that the people of California, Alaska, Hawaii, Canada and Japan join me in hoping that these unwise, unsafe and scientifically unsound tests will not occur.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the Senator, who has displayed such effective leadership in seeking to point out the course upon which we are presently embarked.

Mr. GRAVEL. Mr. President, I wish to associate myself with the remarks of the Senator from California. I also thank him for his fine assistance on what I think is a very vital incident—possibly it could be a very tragic incident in the history of the United States—that will take place tomorrow.

I would like to endorse a few of the points that have been mentioned by my distinguished colleague and to add some additional material from my experience.

First, I think it is important to realize that these tests are calibration tests; that is, we are going to start out with 1 megaton, then go to 2 megatons, then go to 3 megatons, then go to 4 megatons, and then go to 5 megatons. Until something happens, we are just going to stay with that testing program. For purposes of illustration, such a program of testing is like strapping a man into an electric chair, then starting with 1,000 volts, if nothing happens go to 2,000 volts, if nothing happens go to 3,000 volts, and then, when we kill the man in the chair we stop testing. That is the type experimentation we are proceeding with.

Mr. President, I would like to try to assess the possible chain reaction that may take place. We are testing in one of the most seismically active areas of the world, the Aleutian Chain fault. One of these explosions, or one of these underground nuclear detonations—the AEC calls them devices, but they are really bombs—one of these explosions could cause an earthquake. I say "could," because at one time the AEC said categorically that underground detonations do not cause earthquakes.

In January 1968, an explosion in Nevada triggered hundreds of earthquakes afterward. Yet in August of the same year the AEC was still singing the same tune; that is, that underground detonations do not cause earthquakes.

The earthquake that may be caused at Amchitka could cause a slippage of ground. If the slippage is sufficient, it could cause a tidal wave. The explosion in Nevada caused a 15-foot slippage. If such a slippage occurred on Amchitka, it could cause a tidal wave that could strike any one of numerous places: Hawaii; Japan; Anchorage, Alaska; California; Vancouver, British Columbia.

In 1964, a tidal wave started in Alaska's Prince William Sound after an earthquake with a Richter scale reading of 8.4. That tidal wave traveled the Pacific Rim and sought out one town in California, Crescent City, 2,000 miles away; where 13 people were killed, and $12 million worth of damage was caused.

In 1956, a tidal wave that started not far from Amchitka traveled all the way to Hawaii, killing more than 150 people and causing more than $25 million of damage. These are the risks we are playing with.

As the Senator from California says, we turn the chamber and pull the trigger. It could come up blank on Thursday. But will it come up blank on next year's tests or the tests after that?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The time of the Senator from Alaska has expired.

Mr. GRAVEL. Mr. President, will the Senator from California yield me another 5 minutes?

Mr. CRANSTON. I yield 5 additional minutes to the Senator from Alaska.

The PRESIDING OFFICER. Five additional minutes are yielded to the Senator from Alaska.

Mr. GRAVEL. After a tidal wave begins, that danger exists.

There is another danger, the escape of radioactivity. We raised the question in testimony on Monday before the scientists of the AEC.

I suggested that since the area is earthquake prone, there are countless fissures or faults in the earth. They said that that was possible, but there could be no danger of venting.

But what could happen if a vent occurred? This particular area happens to hold one of the largest fisheries on earth, fisheries used by Canada, Japan, Korea, and the United States—you name them. All these countries feed off this area. There is a possibility of contaminating that great fishery, not to say, of course, the fact that the detonation would be a violation of the nuclear test ban treaty, which would place this country in what I imagine could be unenviable international position. So I hope the State Department will reevaluate the possibilities.

Amchitka is closer to Russian territory than to any other foreign country. Yet, interestingly enough, our closest friends, Canada and Japan, have voiced their concern over the possible danger. But the Soviet Union sits back. If danger should occur, she will be in a more favorable juxtaposition to us.

The international ramifications are well known. But I would suggest another area. The Senator from California mentioned the Pitzer report. The Pitzer panel was created by the President's Science Advisory Committee, not the AEC. They initially objected to such an explosion. That report was finished in November 1968. It was held by the AEC and the White House until last Monday, when it was released at 7 o'clock in the morning, and our committee held hearings at 10 o'clock that morning. That report was made by eminent scientists. But here is the entire book in which it was published. It was published with 48 preceding pages of denigration of the report, and 10 pages of report. I submit that in this fashion it is calculated to undermine the credibility of an official group of authorities, and was held secret over a period of time to thwart informed public opinion in this country, because had the report come out last January, people like myself and other concerned citizens would have been able to rely on it and use it to challenge the secrecy and credibility of the AEC. But to give it to us only a few days before the test was to deny us a proper tool that we should have had to enable us to develop a broad dialog in this country concerning possible risks.

Just recently—today—the President was asked if he intended to delay the test. President Nixon said he was not going to delay the test; that he would rely on the advice that had been received from the AEC. I submit that that advice is in conflict, as the Senator from California just mentioned, with the advice of the President's own Science Advisory Committee. He is flying in the face of that advice and is willing to rely exclusively on the AEC, which I think has been discredited as an honest information-giving agency. The AEC pursues its own course. I submit that it structures its information to arrive at the conclusions it prefers.

If there is tragedy tomorrow, and if there is a loss of life, the blame will lie with the President of the United States, and no one else, because he is the only one who can stop the test now, and he has chosen not to, based upon the advice he is willing to choose to accept.

I pray that there will not be a tragedy tomorrow. But I think that if we pursue this course, there will one day be a serious tragedy. When that tragedy occurs, and we look back and find incompetence, and secrecy, and see the way this project was mismanaged and how the tragedy occurred, it will make the Dreyfus affair look like small-town gossip.

The PRESIDING OFFICER. The additional time yielded to the Senator has expired.

Mr. GRAVEL. I pray that the President of the United States will consider this matter.

I yield the floor.

Mr. CRANSTON. Mr. President, I join in those prayers and hope the President will respond wisely.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation Providing for the Continuation of Federal Agricultural Services to Guam

A letter from the Acting Secretary, Department of Agriculture, transmitting a draft of proposed legislation to provide for the continuation of Federal agricultural services to Guam (with accompanying papers); to the Committee on Agriculture and Forestry.

Report of Loan to East River Electric Power Cooperative, Inc., Madison, S. Dak.

A letter from the Administration, Rural Electrification Administration, United States Department of Agriculture, reporting, pursuant to law, a loan to the East River Electric Power Cooperative, Inc., of Madison, South Dakota (with accompanying papers); to the Committee on Appropriations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Department of Labor's Neighborhood Youth Corps program in Detroit, Mich., under title IB of the Economic Opportunity Act of 1964, Department of Labor, September 30, 1969 (with an accompanying report); to the Committee on Government Operations.

Report of Proposed Contract With Monsanto Research Corp.

A letter from the Director, Bureau of Mines, U.S. Department of the Interior, transmitting, pursuant to law, a proposed contract with Monsanto Research Corp., 800 N. Lindbergh Boulevard, St. Louis, Mo., for research and development to study foam properties and to develop foam generation and foam application systems that will collect coal dust while maintaining an enveloping blanket of foam (with accompanying papers); to the Committee on Interior and Insular Affairs.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Nancy Hanks, of New York, to be Chairman of the National Council on Arts.

By Mr. RANDOLPH, from the Committee on Public Works:

L. Ralph Mecham, of Utah, to be Federal cochairman of the Four Corners Regional Commission.

By Mr. EASTLAND, from the Committee on the Judiciary:

Stanley G. Pitkin, of Washington, to be U.S. attorney for the western district of Washington;

Bart M. Schouweiler, of Nevada, to be U.S. attorney for the district of Nevada;

Rex Walters, of Idaho, to be U.S. marshal for the district of Idaho;

George R. Tallent, of Tennessee, to be U.S. marshal for the western district of Tennessee;

William A. Quick, Jr., of Virginia, to be U.S. marshal for the western district of Virginia;

Edward R. Neaher, of New York, to be U.S. attorney for the eastern district of New York;

Gaylord L. Campbell, of California, to be U.S. marshal for the central district of California.

Duane K. Craske, of Guam, to be U.S. attorney for the district of Guam;

William W. Milligan, of Ohio, to be U.S. attorney for the southern district of Ohio;

Blas C. Herrero, Jr., of Puerto Rico, to be U.S. attorney for the district of Puerto Rico;

Rex K. Baumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia; and

James H. Brickley, of Michigan, to be U.S. attorney for the eastern district of Michigan.

By Mr. SCOTT, from the Committee on the Judiciary:

Arlin M. Adams, of Pennsylvania, to be U.S. circuit judge, third circuit.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE:

S. 2977. A bill to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. CASE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GORE:

S. 2978. A bill for the relief of Waguih Gharghour (Guy Gargour); to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. RIBICOFF, Mr. ALLOTT, Mr. BELLMON, Mr. BIBLE, Mr. BAKER, Mr. BOGGS, Mr. CANNON, Mr. COTTON, Mr. CURTIS, Mr. DODD, Mr. DOLE, Mr. EASTLAND, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. HANSEN, Mr. HARRIS, Mr. HART, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MUNDT, Mr. MURPHY, Mr. PACKWOOD, Mr. PERCY, Mr. PROUTY, Mr. PROXMIRE, Mr. SMITH of Illinois, Mr. STEVENS, Mr. RANDOLPH, Mr. THURMOND, Mr. TOWER, Mr. YOUNG of North Dakota, Mr. NELSON, Mr. MCGOVERN, and Mr. SPARKMAN):

S. 2979. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses

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incurred in providing higher education; to the Committee on Finance.

(The remarks of Mr. DOMINICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS (by request):

S. 2980. A bill to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the alcoholic content of his blood, to prohibit shoplifting in the District of Columbia, to prohibit the theft, unauthorized use, and abuse of credit cards in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

(The remarks of Mr. TYDINGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS (by request) (for Mr. PROUTY and Mr. MATHIAS):

S. 2981. A bill to revise the laws of the District of Columbia on juvenile court proceedings; to the Committee on the District of Columbia.

By Mr. JAVITS (for himself and Mr. GOODELL):

S. 2982. A bill to provide for the establishment under all Federal child-feeding programs, eligibility standards which require that free or reduced price meals be served to certain children, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 2977—INTRODUCTION OF A BILL ENLARGING GRAND CANYON NATIONAL PARK

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill to enlarge Grand Canyon National Park.

Almost 70 years ago President Theodore Roosevelt said:

> I want to ask you to do one thing in connection with the Grand Canyon . . . leave it as it is, you cannot improve on it. The ages have been at work on it and man can only mar it . . . What you can do is keep it for your children . . . and for all who come after you.

Until last year, our struggle has been to prevent man's marring the Grand Canyon by the construction of giant dams in connection with a water project for central Arizona. I was glad to join in the battle against them. In my view placement of the dams in the canyon would be an unthinkable violation of a truly unique wonder of nature. Fortunately, Congress agreed with this view and found a way to provide the water and keep the canyon free from dams.

At that time Senator JACKSON, chairman of the Senate Interior Committee, agreed with me that consideration should be given to extending the national park.

Since I first introduced a park extension bill in 1967, further research has indicated the desirability of protecting the important side canyons and plateau areas that are needed to make an intelligible whole of the canyon. In line with this, the bill I introduce today includes the following:

First, the main stream of the canyon—including all potential damsites in Marble Gorge and the Lower Granite Gorge—from Lees Ferry to the Grand Wash Cliffs;

Second. The major side canyons: Paria, Kanab, Havasu, Whitmore, and Parashant;

Third, the significant sections of the north rim plateaus: Kaibab, Uinkarets, and Shivwits; and

Fourth, Toroweap Valley, one of the most remarkable approaches to the canyon rim, in an area of interesting volcanic remnants.

My bill will expand the national park from its present 673,575 acres to one consisting of 2.14 million acres. The extended park also will include the lands which comprise both the Grand Canyon and the Marble Canyon National Monuments, which together total over 200,000 acres.

Some 40,000 acres of private land will be included in the park I propose. According to an estimate made by the Sierra Club, the private land would cost under $4 million to acquire.

The 50,000 acres of State-owned land included in the boundaries of the park could be acquired by purchase, donation, or exchange. My bill expressly provides that they not be acquired by condemnation.

Under the "taking" provision in the bill, privately owned land would, immediately upon the enactment of the measure, become Federal land, with the owners recompensed at then-prevailing prices. This would prevent the artificial ballooning of land prices that has plagued Federal acquisition of parkland in the past.

Since much of the area is wild, my bill includes a study to determine whether any portions of the park should be recommended for inclusion in the national wilderness system. My bill would also repeal any permission for reclamation projects within the national park.

Under this bill, no land of the Havasupai, Hualapai, or Navajo Tribes would be taken for the expanded park.

In the past I have quoted the remark made more than 30 years ago by J. B. Priestley that "every member or officer of the Federal Government ought to remind himself, with triumphant pride, that he is on the staff of the Grand Canyon." As "staff members," we have discharged only part of our responsibility for the protection of the Grand Canyon. We have saved it from the dams.

Congress now must move to discharge the remainder of its responsibility by placing the main stream of the canyon as well as associated areas in a complete Grand Canyon National Park.

Mr. President, the question has been asked: What should a complete Grand Canyon National Park include? Jeffrey Ingram, former southwest representative of the Sierra Club and a man thoroughly familiar with the Grand Canyon, has sought to answer the question in a paper recently brought to my attention. It is a most perceptive and compelling statement and I ask unanimous consent that it be printed in the RECORD after my remarks.

I also ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement and text of the bill will be printed in the RECORD.

The bill (S. 2977), to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes, introduced by Mr. CASE, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Grand Canyon National Park shall hereafter comprise the area generally depicted on the drawing entitled "Grand Canyon National Park", numbered 113–91,001 and dated June 1969. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. Nothing in this Act or in any other law shall affect (1) the rights of the individual members of the Havasupai tribe of Indians as described in the Executive order of March 31, 1882, and in section 3 of the Act of February 26, 1919, to use and occupy lands within the Grand Canyon National Park for agricultural purposes, including grazing; or (2) the authority of the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") under section 3 of the Act of February 26, 1919, to permit such members to so use and occupy such lands for such purposes.

SEC. 3. Except to the extent otherwise provided in section 2 of this Act, where any Federal lands included within the Grand Canyon National Park are legally occupied or utilized on the date of the enactment of this Act for grazing purposes, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges on such date of enactment, their heirs, successors, or assigns, to renew the privileges form time to time subject to such terms and conditions as the Secretary may prescribe; except that no such privilege shall be extended beyond the period ending twenty-five years from such date of enactment except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five year period, subject to such terms and conditions as the Secretary may prescribe, if (1) the holder is the person who held such privilege on the date of enactment of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of enactment of this Act. Nothing contained in this section shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by regulation, may limit the privileges enjoyed under this section to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of enactment of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the Grand Canyon National Park shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto and after reasonable notice of any default.

SEC. (a) The Secretary is authorized to acquire lands and interests in lands within the boundaries of the Grand Canyon National Park. Such acquisition may be by donation, purchase with appropriated or donated funds, exchange, or otherwise, but in no event shall lands owned by the State of Arizona or any political subdivision thereof be acquired by condemnation.

(b)(1) Effective on the date of enactment of this Act, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the park boundaries designated on the drawing entitled "Grand Canyon National Park", Numbered 113–91,001; except real property owned by the State of Arizona or a political subdivision thereof and except as provided in paragraph (3) of this subsection. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

(2) United States shall pay just compensation to the owner of any real property taken by paragraph (1) of this subsection. Such compensation shall be paid either (A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, upon certification to him by the Secretary of the Interior of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment therefor; or (B) by the Secretary of the Interior, if the owner of the land concurs, with any federally owned property available to the Secretary for purposes of exchange pursuant to the provision of section 6 of this Act; or (C) by the Secretary of the Interior using any combination of such money or federally owned property. Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by this subsection shall be brought in the Court of Claims as provided in section 1491 of title 28, United States Code.

(3) Section 4(b) shall apply to ownerships of fifty acres or less only if such ownerships are held or occupied primarily for nonresidential or nonagricultural purposes, and if the Secretary gives notice to the owner within sixty days after the date of the enactment of this Act of the application of this subsection. The district court of the United States for that district in which such ownerships are located shall have jurisdiction to hear and determine any action brought by any person having an interest therein for damages occurring by reason of the temporary application of this paragraph, between the date of the enactment of this Act and the date upon which the Secretary gives such notice. Nothing in this paragraph shall be construed as affecting the authority of the Secretary under subsections (a) and (c) of this section to acquire such areas for the purposes of this Act.

(c) If any individual tract or parcel of land acquired is partly inside and partly outside the boundaries of the park the Secretary may, in order to minimize the payment of severance damages, acquire the whole of the tract or parcel and exchange that part of it which is outside the boundaries for land or interests in land inside the boundaries or for other land or interests in land acquired pursuant to this Act, and dispose of so much thereof as is not so utilized in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.).

SEC. 5. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park, and outside of such boundaries within the limits prescribed in this Act. Notwithstanding any other provision of law, the Secretary may acquire such property from the grantor by exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in Arizona, except property needed for public use and management, which he classifies as suitable for exchange or other disposal. Such federally owned property shall also be available for use by the Secretary of the Interior in lieu of, or together with, cash in payment of just compensation for any real property taken pursuant to section 4(b) of this Act. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the value shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Through the exercise of his exchange authority, the Secretary shall, to the extent possible, minimize economic dislocation and the disruption of the grantor's commercial operations.

SEC. 6. Notwithstanding any other provision of law, any Federal property located within any of the areas described in the drawing entitled "Grand Canyon National Park", numbered 113–91,001, may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

SEC. 7. Within two years from the date of the enactment of this Act, the Secretary of the Interior shall review the areas within the Grand Canyon National Park, and shall report to the President, in accordance with sections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c) and (d)), his recommendation as to the suitability or nonsuitability of any such areas within the park for preservation as wilderness, and any designation of any such area as a wilderness area shall be accomplished in accordance with such sections of the Wilderness Act.

SEC. 8. Subject to valid existing rights in such lands, all lands herein added to Grand Canyon National Park by this Act shall, except to the extent otherwise provided by this Act, be subject to all the laws and regulations applicable to that park immediately prior to the effective date of this Act.

SEC. 9. Section 7 of the Act of February 26, 1919 (40 Stat. 1175; 16 U.S.C. 227), is hereby repealed.

SEC. 10. The provisions of the Federal Power Act shall not apply to any portion of Grand Canyon National Park as hereby enlarged, and all existing withdrawals of the Federal Power Commission within the enlarged park are hereby vacated, and all withdrawals of the Bureau of Reclamation within the enlarged park, other than those related to Hoover Dam and Glen Canyon Dam, are hereby vacated.

SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The statement furnished by Mr. CASE follows:

WHAT IS A GRAND CANYON ANYWAY?

(By Jeffrey Ingram)

The dangers in answering this question arise from the desire to draw a line which puts Grand Canyon on one side and everything else on the other. This line becomes lost in the subtleties of side canyons' beginnings and the vagaries of land forms. The strength of a river is given by the volume of water gathered by its drainage; the river's velocity by the elevation it must drop down through; its capacity to grind by the stones and soil it picks up; its direction by the differential in hardness of the rock it confronts. A river makes a path for itself across the land, but the track is shaped by the way the rock has been laid and formed, raised and broken. The water corrodes out the land's forms; the land determines the river's course and force.

What to include, of the process and record that is a drainage and that becomes a canyon, within the boundary of the Grand Canyon?

Surely the main stem: from the end of Glen Canyon, where the Kaibab limestone first crops out, to the Grand Wash, where almost 300 miles of wall turn away from the Colorado River?

Surely the side canyons: the great ones like Kaibab, with its own world of tributaries, the Little Colorado, Havasu, the Paria; then the multitude, unclassifiable in their variety of size, sinuosity, color, rock texture, and name: Whitmore, Soap, Nankoweap, Hindu, Tapeats, National, Bass, Burnt Springs, Thunder, Separation, Parashant, Horse Flat, Bright Angel, Tuckup, Shinumo.

Surely the plateaus, whose rise brought two billion years of earth's history up for the Colorado to reveal, and whose heights make possible the Canyon's display of variation in plants and animals: Kaibab and Shivwits that look as if they have shunted the Colorado into immense southern arcs; Paria and Kaibito whose cliffs bound the platform through which the Colorado cut the Canyon's Marble Gorge; Kanab, Coconino, Uinkaret.

Such a sweep of country is a Grand Canyon; it cannot be the reality is that man has marred too much of it. We can try to reserve much of the Grand Canyon for the future; we can try to prevent the degrading of the rest.

THE PIECES OF A COMPLETE PARK

1. Starting at the upstream end of the Canyon, the first new segment of the Park would be the lower Paria canyon, which joins the mainstream from the northwest just below Lee's Ferry. The Paria is not well-known, but a recent Bureau of Land Management expedition indicated its potential for hiking, and its value for archeology and geology, as well as its scenic quality.

2. Marble Gorge, running from Lee's Ferry to Nankoweap Creek. Marble Gorge is also accessible by trail and both east and west rims have a number of viewpoints. Driving out to these viewpoints from the east is a bifocal experience. For most of the trip the eye is held by the Kaibab monocline across the river, where the rocks are clearly warped up, and eroded into the Cockscomb. Then abruptly, the focus shifts as what had appeared to be a line across the plain shows as the opposite rim of Marble Gorge, is then quickly presented in its full width and depth. This approach, with cliffs as setting for the suddenly-appearing Canyon, is typical of Marble Gorge region, for the plain through which the Canyon is cut is bounded on the west by the Kaibab, on the north by the Vermillion, and on the east by the Echo Cliffs. The Echo and Vermillion Cliffs, in addition to forming outer walls for the Canyon, are outcrops of the remarkably colored Triassic formations. The Marble Gorge addition to the National Park would include gorge, plain, and cliffs, except those on the east which belong to the Navajos who have already established Grand Canyon and Little Colorado Tribal Parks on their side of the Colorado.

3. The third new section for the Park would take in a strip of the high forested Kaibab plateau, now open to lumbering. Although geologic history has made the whole Kaibab plateau an integral part of the Grand Canyon, we have suggested adding only the south Kaibab section because of the extensive deer hunting use made of the area during the fall. The south Kaibab is a land of ponds, meadows, aspen and conifer stands which deserves to be saved and enjoyed not only for itself, but as one of the more contrasting entries to the Grand Canyon.

4. The west side of the Kaibab drops off in steps into the complex system of the Kanab side canyons. Kanab Creek starts up near Bryce Canyon in Utah, but the bound-

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aries we propose would include only the part in which a wash has deepened into a canyon. The boundary is intended to gather in the arms of the Kanab: Hacks, Granma, Snake, Sowats, Jumpup.

5. Slightly downstream from and opposite to Kanab is Havasu Canyon, which at its upper end is called Cataract Canyon. The lower end of Havasu, with its perennial stream, waterfalls, and Havasupai Indian village is already well-known. The proposed addition would take in the rest of this canyon so that this long cross-section of the Grand Canyon's Paleozoic rocks would be fully within the National Park. Only if side canyons in nearly their entirety are included will it be possible to comprehend the whole sweep of the Grand Canyon.

6. When the Grand Canyon National Monument was proclaimed in 1932, it included the northern end of the Toroweap Valley. The Valley is bounded on the east by a face of the Kanab Plateau and on the west by the Pine Mountains, remnants of volcanic activity. It is a long hall-like entry to a view 3,000 feet as straight down as it is possible to get in the Canyon.

7. The western end of the Grand Canyon is now without any National Park protection, yet it contains the Lower Granite Gorge, a part of the inner gorge unlike the Upper Granite Gorge within the National Park. The prevailing hues and structures of the rock are quite different. There are a number of individual features, such as Travertine Falls and Grotto, the Red Slide, and the lower Sonoran vegetation, which further distinguish it. Here, too, are a number of side canyons which are not duplicated elsewhere. On the north side, rising more than a mile, is the deeply incised Shivwits Plateau, almost unvisited, though it is the area on the North Rim closest to an Interstate Highway. On the south side of the Colorado River, just before the Canyon ends at the Grand Wash Cliffs, is Rampart Cave, containing well-preserved deposits of Late Pleistocene fossils and dung, notably of a ground sloth.

The individual parts of the proposal have been described here as part of the reason for completion of the National Park. Of course, the geographic unity and aesthetic quality of the Grand Canyon constitute the primary justification for completion of the National Park.

S. 2979—INTRODUCTION OF A BILL PROVIDING A TAX CREDIT FOR THE EXPENSES OF HIGHER EDUCATION

Mr. DOMINICK. Mr. President, for myself, Mr. RIBICOFF, Mr. ALLOTT, Mr. BELLMON, Mr. BIBLE, Mr. BAKER, Mr. BOGGS, Mr. CANNON, Mr. COTTON, Mr. CURTIS, Mr. DODD, Mr. DOLE, Mr. EASTLAND, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. HANSEN, Mr. HARRIS, Mr. HART, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MCGOVERN, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PERCY, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SPARKMAN, Mr. SMITH of Illinois, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG of North Dakota, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education.

This is essentially the same bill which was passed by the Senate as an amendment to H.R. 6950 during the 90th Congress. Unfortunately, the amendment did not survive the subsequent conference with the House and therefore did not become law.

Mr. President, the cost of obtaining an education beyond high school has been rising steadily as shown by the table published by the Department of Health, Education, and Welfare on October 28, 1968. I ask unanimous consent that the table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Tuitions and fees		Total cost (Including room and board)		Consumer prices	Personal income per capita [1]
	Public	Private	Public	Private		
1958–59	$224	$867	$932	$1,687		$2,074
1968–69	299	1,380	1,092	2,326		3,409
Increase project (percent)	+34	+59	$+17	+38	+17	+64
1978–79 (1967–68)	$375	$1,906	$1,264	$2,988		
Increase (percent)	+25	+38	+16	+29		

[1] Calendar years 1958 and 1968.

Source: Department of Health, Education and Welfare, The Chronicle of Higher Education, Oct. 28, 1968.

Mr. DOMINICK. While the cost of higher education has risen steadily, the number of students enrolled in institutions of higher education also has grown constantly, as shown by the fact that in 1940 only 15 percent of our 18-to-21-year-old population was enrolled in college. Today, the percentage has grown to 48 percent of that age group, and will continue still higher, because the stress on education beyond high school makes it imperative for anyone who wants a job with a future to continue his education. Almost 7 million college students now are working toward degrees, and the average annual cost is well over $1,500 per student. To help ease that financial burden, our bill is heavily slanted in favor of low-tuition public institutions, but would also benefit students who choose vocational or junior college training as well.

Although student aid amounted to $1.8 billion in the Federal budget for fiscal 1969, most of those funds were earmarked for graduate fellowships and training in a few specified professions, NDEA loans, veterans' benefits, and work-study programs. Most students who required financial assistance had to rely on work-study programs and scholarships from private or State sources. But before such financial assistance is available, at most institutions of higher education a condition is imposed requiring that the family of the student must contribute toward the student's expenses in accordance with a chart prepared by the college scholarship service. That chart shows the amount the family is expected to contribute by family income level. I ask unanimous consent that this chart, which was published in U.S. News & World Report some months back, be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Income before taxes	Number of other dependent children in family—				
	None	1	2	3	4
$4,000	$290	$100			
$6,000	790	550	$350	$220	$130
$8,000	1,290	980	740	570	440
$10,000	1,860	1,490	1,150	920	750
$12,000	2,450	2,050	1,650	1,370	1,130
$14,000	3,200	2,680	2,220	1,890	1,590
$16,000	3,970	3,360	2,850	2,470	2,130

Mr. DOMINICK. The chart shows that the family which has a gross income of $8,000 and a net income after taxes of $7,114 would be expected to contribute $1,290 toward their college student's expenses before any scholarship funds might be available. You can well imagine what a burden this places on this family. The impact on family finances has become harder and harder.

It becomes even more clear when you consider that at a cost of between $10,000 and $20,000 for 4 years of undergraduate education for each child, the cost of higher education for their children may well cost the family more than the family home. It certainly is a greater burden than mortgage interest, State and local taxes, medical expenses or casualty losses, and yet we give tax relief in the form of deductions for these expenses. It seems to me only right that we recognize for tax purposes the cost of higher education for young Americans.

Our bill would do just that. Under the formula set forth in the bill, the full credit is allowed on the first $200 of expenses for tuition, fees and books; 25-percent credit will be allowed for the next $300 of expenses, and a credit of 5 percent would apply to the next $1,000 of such expenses. The total credit allowable on $1,500 of expenses would be $325.

The formula also provides that the allowable tax credit shall be reduced by 1 percent of the adjusted gross income of the taxpayer in excess of $15,000. The effect of this limitation is to place the major emphasis of the bill on assisting the lower and lower middle income taxpayers who are bearing the burden of higher education. Under this formula, for example, a Senator who pays more than $1,500 for tuition, fees, and books for one of his children at college would be entitled to only a $50 credit on his income tax. A taxpayer whose adjusted gross income is $47,500 or higher would not be eligible for any tax credit.

There is widespread support for the tax credit approach in helping to meet the growing costs of higher education. For example: A questionnaire was sent to the presidents and trustees of all public and private institutions of higher education by the Citizens National Committee on Higher Education, and produced a favorable reply from 90 percent of those

responding. Only the presidents—not the trustees—showed a slight majority were opposed to the tax credit approach.

A national survey conducted by Opinion Research Corp., of Princeton, N.J., for CBS–TV in 1966, disclosed that 70 percent of the viewing public supported tax credits for education, while only 13 percent opposed this approach. It is interesting to note that in that survey the highest level of support was found among persons in the $5,000 to $6,999 income bracket; 88 percent of this group favored educational tax credits. Among young people in the 18- to 29-year age group, 80 percent were in favor of this proposal.

In June of last year, a nationwide survey by Better Homes and Gardens magazine reported that almost three-fourths of the 300,000 consumers who responded think a family's college expenses are so basic that they should be deductible on individual Federal income tax returns. Other polls have shown the same kind of results: 70 to 80 percent of the public supports the concept of tax credits for education expenses.

College and university administrators, faculty, and trustees have expressed enthusiastic support for the tax credit approach to extend the benefits of higher education to the many who cannot now meet the rapidly increasing costs. The tax credit concept has received the endorsement of a variety of educational organizations, including the National Education Association, the Colorado Education Association, the National Association of University Administrators, the Association of American Colleges, the United Business Schools Association, and the Citizens National Committee for Higher Education.

I believe we should again act favorably on this legislation to help our hard-pressed lower and middle income wage earners meet the rising costs of educating their children to meet the challenges of the future.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2979), to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education, introduced by Mr. DOMINICK (for himself and other Senators), was received, and read twice by its title, and referred to the Committee on Finance.

Mr. PERCY. Mr. President, I am pleased to participate in sponsoring legislation introduced today providing a tax credit for students and families meeting the expenses of a higher education. This legislation is similar to the amendment to the investment tax credit I cosponsored last year. This amendment passed the Senate but was subsequently deleted by a conference committee with the House.

We in the United States have been placing more and more emphasis on the importance of education as a tool for both personal and social betterment. This has resulted from our increasing realization that the solution to our complex social problems, the very growth and development of our country, and our continued prominence in world affairs is dependent upon an educated citizenry.

In response to this accent on education, our youth have come to realize that their own success and advancement depends largely upon their level of knowledge and training. Consequently, we now have nearly 7 million students enrolled in our Nation's colleges and universities. By 1975 it is estimated that this number will reach 9 million.

To accommodate these students, colleges and universities will be spending approximately $22.5 billion for the expansion of facilities, equipment, and teachers. This will be double the amount expended only 3 years ago.

Part of the revenue required for this expansion will be obtained through tuition increases—an all too familiar fact of life for anyone paying for a college education.

This year, for example, the typical student attending a public- or State-supported school will spend approximately $300 for tuition or $1,000 for just tuition, room, and board. His counterpart at a private school will pay even more—nearly $1,300 for tuition to $2,200 for tuition, room, and board. Only 3 years ago the average tuition at these institutions was $200 and $800, respectively.

These tuition costs when added to board, books, and supplemental expenditures often mean that the cost of a college education over a 4-year period exceeds $10,000 per student, It is no wonder that many families, especially those with more than one child, find the cost of education either prohibitive or an onerous burden.

There is, of course, some relief available in the form of scholarships and loans. These generally go where there is the most demonstrable need, as they should. Thus there are financial resources available for the most needy and deserving students.

For the student from a middle-income family, however, there is often no financial assistance available. Thus so many families who work hard to pay the mortgage, meet tax obligations, and educate their children are often burdened with yet another payment they must sacrifice to meet.

These people require and deserve some help because their investment in their children's education is also an investment in our society. And it is these people who will derive the most benefit from the tax credit legislation introduced today.

Under the provisions of this bill, every person paying for vocational, technical, or college education beyond the 12th grade will be eligible for a tax credit of up to $325 for each student he is assisting. The actual amount of the credit will be determined on the basis of a formula providing for 100-percent credit on the $200 of educational expense, 25 percent of the next $300 and 5 percent of the next $1,000.

This credit will not be just an expense tax deduction, but an actual subtraction from the amount of taxes a person would ordinarily have to pay. While it will be provided uniformly without regard to the taxpayer's tax bracket, it will be progressively reduced as the taxpayer's adjusted gross income exceeds $15,000.

The effect of the tax credit can best be illustrated by taking two examples from a State, such as Illinois. In Illinois, a family sending a student to a private school, such as Northwestern University, would be confronted with a tuition bill alone of $1,860. Under the formula, the family would be eligible for the full $235 tax credit. In essence, this credit would reduce their tuition payments by 17.4 percent.

This same family sending a child to a State school, such as the University of Illinois, would have to pay $270 for tuition. Under the formula, the family would be eligible for a $217.50 tax credit, which is 80.6 percent of the tuition cost.

From these examples, it is evident that the percentage of relief from a tax credit is greater for the payment of tuition at publicly supported schools, whereas the dollar amount is greater for private, generally more expensive schools.

It has been estimated that 90 percent of the benefits derived from a tax credit would be afforded to those families with incomes of $20,000 or under. Over two-thirds of these benefits would accrue to families with incomes $10,000 or less. Thus, the legislation accomplishes its goal: Providing financial relief to our middle-income families who are trying to educate their children.

Mr. President, this is an important piece of legislation, which meets a definite need in our society. I would hope, therefore, that the Senate would once again take favorable action on it.

S. 2980—INTRODUCTION OF A DISTRICT OF COLUMBIA ANTICRIME BILL

Mr. TYDINGS. Mr. President, I introduce by request, today, a bill containing three anticrime measures for the National Capital.

One measure will outlaw shoplifting in the District of Columbia. This legislation has been proposed by the Metropolitan Washington Board of Trade.

Shoplifting is a costly crime to law abiding citizens of the Washington metropolitan area. According to the testimony before the District Committee earlier this year of Leonard Kolodny, manager of the Retail Bureau of the Board of Trade, shoplifting and internal theft cost area merchants between $80 and $150 million a year. His testimony revealed that one merchant had apprehended 10,915 shoplifters during the past 5 years. The cost of this crime is, of course, borne by the law-abiding consumers since merchants raise prices as much as 10 percent to compensate for their losses

Currently, in the District of Columbia Code, there is no law specifically prohibiting shoplifting. Instead, shoplifting cases now fall under laws for petty and grand larceny. As a result, many shoplifting cases that should be prosecuted are not. This new law will clearly define what constitutes a shoplifting offense

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and permit merchants to detain a shoplifting suspect until police arrive. Most States, including Maryland, have shoplifting legislation.

Another measure, requested by the District of Columbia government, will require that drivers who appear to be driving under the influence of intoxicants submit to either a breathalyzer, urine, or blood test or face automatic license suspension. This legislation will require that any medical test be administered by a licensed medical practitioner.

Drinking and driving is one of the major traffic problems in the National Capital. This legislation will aid considerably in the enforcement of laws prohibiting driving while under the influence of intoxicants.

This legislation will bring the National Capital into line with 44 States, including Maryland, which already have such legislation.

The third measure, requested by the Board of Trade, will aid in the prosecution of credit card abusers in Washington. Present law, here too, results in far too few prosecutions because prosecution is, at best, difficult. This legislation will define credit card abuse and establish penalties for that offense.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2980), to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the alcoholic content of his blood, to prohibit shoplifting in the District of Columbia, to prohibit the theft, unauthorized use, and abuse of credit cards in the District of Columbia, and for other purposes, introduced by Mr. Tydings (by request), was received, read twice by its title, and referred to the Committee on the District of Columbia.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2579

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. Stevens) be added as a cosponsor of S. 2579, to authorize the Commissioner of Education to make vocational education opportunity grants.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2790

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of S. 2790, to incorporate the Catholic War Veterans of the United States of America.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2791

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of S. 2791, to incorporate the Jewish War Veterans of the United States of America.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 150

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of Senate Joint Resolution 150, to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 155

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Alaska (Mr. Gravel), I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. Bayh), the Senator from Massachusetts (Mr. Brooke), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), the Senator from Connecticut (Mr. Ribicoff), the Senator from Ohio (Mr. Saxbe), the Senator from New Jersey (Mr. Williams), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) be added as cosponsors of Senate Joint Resolution 155, to provide for a study and evaluation of international and other foreign policy aspects of underground weapons testing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 37

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Delaware (Mr. Boggs) be added as a cosponsor of Senate Concurrent Resolution 37, relating to the treatment of prisoners of war.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 267—SUBMISSION OF A RESOLUTION TO PRINT "THE COST OF CLEAN AIR" AS A SENATE DOCUMENT

Mr. RANDOLPH submitted the following resolution (S. Res. 267); which was referred to the Committee on Rules and Administration:

Senate Resolution 267

Resolved, That there be printed as a Senate document the first report of the Secretary of Health, Education, and Welfare, entitled "The Cost of Clean Air," submitted to the Congress in accordance with section 305 (a), Public Law 90–148, the Air Quality Act of 1967, and that there be printed three thousand additional copies of such document for the use of the Committee on Public works.

FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 217

Mr. STEVENS. Mr. President, on behalf of myself and the Senator from Massachusetts (Mr. Kennedy), I resubmit an amendment to S. 7. I ask that it be printed and lie on the table so that it can be called up at an appropriate time.

This amendment takes into account the very difficult conditions in which the native people of the rural areas of my State live. What we are seeking is an amendment to S. 7 to deal with the pollution problems of rural Alaska.

In this area, the Alaskan native is locked into a cycle of poverty that is more severe than anywhere else in our Nation. Their living conditions give rise to statistics which I have brought forth on the floor before, but which I should like to repeat.

For example, the life span of the Alaskan native is 34 years. The death rate from influenza and pneumonia in the Alaskan native section of our State is 10 times that of the nonnative people. The infant mortality rate is such that their death rate is 5 times that of all other Americans, on an average.

Mr. President, I could cite a great many statistics at this time. One of the statistics that startles me is that only 8 percent of the Alaskan native people have either running water or sewerage facilities in their homes. We are trying to deal with a village condition in which homes are obsolete and substandard, and we cannot afford to put either running water or sewerage facilities in them. What we want to do is to provide sanitation facilities to prevent the pollution of our rivers and streams by creating a safe water facility in each village comparable to the central water facility that is found in many of the trailer courts in States such as Florida and California.

We want to try to create a place where every native family can have a shower, have safe water, have toilet facilities, and have a small room for a health aide or a visiting doctor. This would mean that they would at least be able to participate in the advantages of the 19th century so far as the rest of the country is concerned.

So, Mr. President, I ask that the amendment be received and be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

The amendment (No. 217) was received, ordered to lie on the table and to be printed.

Mr. STEVENS. Mr. President, I ask unanimous consent to have three telegrams printed at this point in the Record. The first is from the grand president of the Alaskan Native Brotherhood, Dr. Walter A. Soboleff; the second is from the commissioner of the Alaska Department of Health and Welfare; and the third is from the director of the Alaska State Housing Authority.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Juneau, Alaska,
September 27, 1969.

Senator Ted Stevens,
Washington, D.C.:

In the interest of continuing progress as meets critical needs nationally we urge congressional support re Alaska Safe Water Facility Act for rural native villages as an amendment to S. 7 Federal Water Pollution Control Act.

Dr. Walter A. Soboleff.

Juneau, Alaska,
September 27, 1969.

Senator Ted Stevens,
Old Senate Office Building,
Washington, D.C.:

Urge favorable consideration of Alaska Safe Water Facilities Act. Improved sanitation and in turn reduction in water borne disease in native villages of Alaska dependent upon provision of safe water sources and accompanying washing facilities as authorized in your bill. Would appreciate your keeping me advised of progress of this legislation.

J. W. Betit.

Anchorage, Alaska,
September 25, 1969.

Hon. Ted Stevens,
U.S. Senate,
Washington, D.C.:

As has activities this year administering remote housing program in ten villages reinforces our conviction Alaska State water facility act equal in importance to health of villagers with decent safe and sanitary housing. We trust you can convey to Congress the interdependence of both programs in eliminating blight on village health. We give our strongest endorsement and wish you success in this important undertaking.

Jay C. Mueller.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—AMENDMENTS

AMENDMENT NO. 218

Mr. COOPER proposed an amendment to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which was ordered to be printed.

AMENDMENT NO. 219

Mr. PROUTY (on behalf of himself, Senator Bellmon and Senator Dominick) submitted an amendment, intended to be proposed by him to S. 2917, supra, which was ordered to lie on the table and to be printed.

FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 220

Mr. JAVITS submitted an amendment intended to be proposed by him to the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Javits when he submitted the amendment appear later in the Record under the appropriate heading.)

H.R. 10595—PROVIDING FOR A GREAT PLAINS CONSERVATION PROGRAM—SUBSTITUTION OF A CONFEREE

Mr. ELLENDER. Mr. President, I ask unanimous consent that the name of the Senator from Oklahoma (Mr. Bellmon) be substituted for that of the Senator from Kentucky (Mr. Cook), as a conferee on H.R. 10595, to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore announced that on today, October 1, 1969, he signed the enrolled bill (H.R. 10420) to permit certain real property in the State of Maryland to be used for highway purposes, which had previously been signed by the Speaker of the House of Representatives.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 1, 1969, he presented to the President of the United States the enrolled bill (S. 713) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California.

NOTICE OF HEARINGS ON MISCELLANEOUS TREATIES

Mr. FULBRIGHT. Mr. President, for the information of the Senate and other interested parties, I wish to announce that the Committee on Foreign Relations will take testimony in public session on October 7 on the following pending treaties:

The Convention Establishing the World Intellectual Property Organization and the Paris Convention for the Protection of Industrial Property;

The Convention on Conduct of Fishing Operations in the North Atlantic; and

The Vienna Convention on Consular Relations and Optional Protocol Relating the Compulsory Settlement of Disputes.

All of these conventions were submitted by the present administration and have been pending for about 5 months or longer.

MANSFIELD'S REPORT REVEALS PERFORMANCE GAP IN ASIAN POLICY

Mr. CHURCH. Mr. President, I wish to compliment the majority leader, the distinguished Senator from Montana (Mr. Mansfield), on his fine report entitled "Perspective on Asia: The New U.S. Doctrine and Southeast Asia."

As the report makes clear, Senator Mansfield's concern stems not from the inadequacies of the President's newly stated policies but from failures in their execution. The President has promised a reduction of U.S. pressure in Asia, yet Senator Mansfield could find no visible sign of followthrough on the new doctrine. The weightiness of U.S. presence continues:

> The concepts, practices, and programs by which U.S. missions in Asia have operated for many years remain the same.

The report demonstrates that the Committee on Foreign Relations must maintain close surveillance over the execution of Asian policy, to determine whether the rhetoric of change will be given operational meaning. As Senator Mansfield has reminded us anew, it is not what a President says, but what he does, that matters.

TREATMENT OF AMERICAN PRISONERS OF WAR

Mr. GRIFFIN. Mr. President, Americans are not the only ones outraged by North Vietnam's treatment of American prisoners.

Editorials in major papers around the world also have expressed indignation. It is becoming more and more obvious to civilized nations that it is the Communists who have blockaded the road to peace; it is Hanoi that has led the treatment of prisoners and civilian population back to the dark ages of starvation and torture.

I should like to focus attention upon four foreign newspaper editorials which give hope that world opinion is swinging—as well it should—to the side of the United States.

The editorial comment quoted below was developed following the September 2 press conference of the returned POW's.

From Le Figaro, of Paris:

> This state of affairs is completely abnormal . . . It is inconceivable that a government which claims to fight for justice and liberty would violate rules that are designed to insure that a certain degree of humanity is respected for POW's.

From liberal Het Laatste Nieuws, of Brussels:

> The North Vietnamese regime is cynically ignoring all purely humane provisions of the Geneva Convention . . . North Vietnam has always been deliberately blind and deaf to this unequivocal language. To the evil which armed violence represents, it is thus adding an equally great evil, that of deliberate arbitrariness. Such an attitude deserves to be condemned by everybody.

From the London Sunday Express:

> In Britain we have had protest meetings about the suffering of the people of North Vietnam. Left-wing MPs have demonstrated

their solidarity with the Communist government. No one doubts the protesters' sincerity or depth of feeling. But why do they not extend their sympathy to other innocent people: the families of the missing servicemen who must live a nightmare of uncertainty? Why do not the left-wingers use their influence to insist that their friends in Hanoi display simple humanity and issue a list of prisoners?

From Aftenposten, of Oslo:

> Regardless of how one sees the unhappy war in Vietnam, the majority—we believe—of the Norwegian population is so humanely inclined that they denounce both the mistreatment of prisoners and the spiritual torture which is suffered by the innocent—the prisoners' relatives—by holding them in long uncertainty about the fate of their nearest ones.

THE SENDING OF U.S. AIRCRAFT TO SPAIN

Mr. FULBRIGHT. Mr. President, the Committee on Foreign Relations has given considerable study this year to the issues involved in our military bases in Spain. As a result of the committee's efforts, the agreement reached with Spain for extension of our base rights was far more reasonable than that originally sought by negotiators for both Governments. But I still have serious reservations about the wisdom of any agreement to provide military aid to the Franco government, and the Foreign Relations Committee has not yet passed on the administration's request for $50 million in military aid as payment to Spain. It is my understanding that efforts will be made to reach agreement with Spain on educational and cultural exchanges and other nonmilitary matters to chart a relationship with her which would be more in keeping with our basic values than the present military-oriented arrangement. I hope that the administration attaches great importance to this project.

In view of the concern expressed by members of the committee over the U.S. military presence in Spain, I was surprised to see an article published in the Baltimore Sun of August 12 which reported that the Department of Defense planned to station 72 new F–4 Phantom fighters at the Torrejon Airbase, near Madrid, to replace 54 F–100 aircraft. It seemed strange that a newer, faster, and more effective fighter was being sent in greater numbers than the obsolete plane it was to replace. So I wrote to Secretary Laird and asked a number of questions about the matter. The reply received from Mr. G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, reveals a great deal about the lack of effective direction and control by the Department of State over military decisions having significant bearing on delicate foreign policy issues. I ask unanimous consent that the article and the exchange of correspondence be printed in the RECORD following my remarks.

According to the letter, it was decided "late last year," apparently while the base negotiations were underway, to replace the F–100's with F–4's and at the same time increase the number of aircraft from 18 to 24 for each of the three squadrons involved. The fact that there was to be an increase of 18 in the total number of aircraft stationed at Torrejon, with all the additional supporting personnel that this entailed was not brought to the attention of the Department of State—or the International Security Affairs section of the Defense Department—until at least 8 months later, 2 months after the base agreement had been signed, and over a month after the U.S. mission in Madrid passed the word, apparently, to the Spanish military. Mr. Nutter wrote:

> When ISA did learn of the proposed increase in early August 1969, we of course promptly informed the Department of State.

If I read between the lines correctly, Mr. Nutter read about it in the newspaper, as I did. Perhaps it will be of some comfort to State Department officials to learn that they were not the only ones in the dark about the Air Force plans, the Defense Department's foreign policy branch was not let in on the secret either.

Seemingly, there were similar problems within the Spanish Government. The letter relates that the U.S. military mission in Madrid told Spanish military officials on June 30 of the "Air Force plans." But either they were not told of the increase in planes and personnel, or the Spanish military men did not pass the information on to higher authority. "In August," the letter states, "the Spanish Government voiced its concern over both the proposed increase in aircraft and the increase in personnel." As a result, the administration has decided to send only 54 F–4's to Torrejon—a 1-for-1 replacement. But, the Defense Department says, this will still result in a "significant upgrading of our capability in the area." And it will mean the stationing of 242 more U.S. servicemen in Spain and a $500,000 blow to our balance-of-payments position.

Mr. President, this is a small matter as foreign policy problems go. But the fumbling and bumbling within the Defense Department, between State and Defense, and between the United States and the Spanish Government depicted here, in the light of the controversy over the Spanish bases issue, illustrates a serious defect in our foreign policy machinery. Foreign policy has, in all too many instances, become the captive creature of decisions made by planners in the Defense Department. Until recent years I believed that the State Department was the agency responsible for the conduct of our foreign affairs. But responsibility must correspond to power and authority. After repeated incidents, large and small, of the military directing our foreign policy—an inevitable product of having bases and military missions scattered around the globe—I am no longer sure that the State Department should be held fully accountable.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Aug. 12, 1969]

U.S. MAY STATION F–4'S IN SPAIN—ADDED USE OF BASE PLANNED DESPITE RECENT PACT

WASHINGTON, August 11.—The Nixon administration plans to upgrade United States military capability in Spain by dispatching 72 new F–4 Phantom fighters to the Air Force base at Torrejon early next year, it was learned today.

Under the plan, likely to bring new criticism from some congressional leaders who want the United States out of Spain entirely, the Phantoms will be substituted for 54 F–100 aircraft.

The F–4's are the major fighters used in Vietnam. The F–100 dates back to 1954.

Pentagon officials say the Spanish government was informed of the proposed move over the weekend. Involved is the 16th Air Force's 401st Tactical Fighter Wing at Torrejon, near Madrid.

Only six weeks ago the U.S. and Spain announced a joint agreement limiting American use of the bases to September 26, 1970, with an additional 12 months provided for withdrawal of units.

The Spanish have issued public statements proclaiming their desire and intent to have full control over the bases after that.

Senator J. W. Fulbright (D., Ark.), chairman of the Foreign Relations Committee, has questioned whether the U.S. needs any bases in Spain. He accepted the recent limited extension of the U.S.-Spanish agreement only as a step toward an eventual U.S. pullout.

FOR RECEIVING POINT

Defense officials make it quite clear in interviews that the administration has future plans for the Spanish bases and hopes to negotiate another extension next year.

The Pentagon proposes, for example, to use Torrejon as a receiving point for the jumbo C–5A transport planes once they begin making military airlift command flights out of the United States.

Defense officials say the Spanish bases are of great military importance to the United States but acknowledge that "we've never said they are absolutely vital to our survival.

"A simple glance at the southern flank of NATO and you can see that the United States must have the capability of reinforcing there in any war," said an officials, pointing to a map of the Mediterranean.

Furthermore, with France leaving the North Atlantic Treaty Organization and forcing the United States to give up its bases there, more American air traffic is being routed through Spain.

AUGUST 28, 1969.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: The enclosed news item reports that the Department of Defense plans to replace 54 F–100 aircraft at the Torrejon Air Base in Spain with 72 F–4 aircraft.

As you know, this Committe has been quite interested in matters relating to U.S. bases in Spain. In view of this, I would appreciate your providing the Committee with the following information:

1. What is the mission of the F–100 squadrons that are currently stationed at Torrejon? How many F–100 pilots are assigned to Torrejon? What is the average length of time?

2. What will be the mission of the F–4 squadrons to be stationed at Torrejon? How many F–4 pilots will be assigned to Torrejon?

3. Does the mission of the tactical fighter aircraft at Torrejon require that the number of F–4s (72) be increased from the number of F–100s (54) that are presently assigned?

4. How was the Spanish Government informed of the change in aircraft? What explanation was given for the increase in the number of aircraft?

5. What was the reaction of the Spanish Government to the change in aircraft and the increase in number to be stationed at Torrejon? What was the reaction of the Spanish press in Madrid to announcement of the change and increase in aircraft?

6. What will happen to the F–100 aircraft that are now stationed at Torrejon after the changeover to F–4s?

7. Was the Department of State consulted and its approval obtained prior to the decision to send the additional aircraft?

8. Do you think that the Spanish Government will attach, or that it should attach, any political significance to the move?

9. Will this result in the stationing of additional U.S. military personnel in Spain? If so, how many and what is the estimated impact of this on our balance of payments?

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 20, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Laird has asked that I reply to your August 28 letter concerning plans to replace aircraft stationed in Spain.

The 401st Tactical Fighter Wing is home-based at Torrejon and is presently equipped with 54 F–100 aircraft. The wing's mission is to provide aircraft in support of operational missions at forward bases in the Mediterranean area essential to the defensive strength which deters attack on Western Europe. Elements of the 401st deploy from Torrejon to these forward bases at regular intervals. The conversion from F–100 aircraft to F–4 aircraft will in no way affect the nature of the mission.

I wish to point out that USAF tactical fighter wings normally have 72 aircraft. Since the mid-1950's, CONUS-based winds have been organized into four squadrons of 18 aircraft each, while overseas-based units have three squadrons of 24 aircraft each. (Most squadrons in the Far East today are equipped with 18 aircraft each—either because they were deployed with that equipment from CONUS, or because of aircraft attrition in that area). When the 401st was sent to Spain in 1968, its three squadrons, coming from CONUS, were organized on CONUS equipment levels, i.e., 18 aircraft per squadron. Due to the shortage of F–100's generated by attrition in Southeast Asia, the six aircraft deficiency in each of the three squadrons was never made up.

When it was decided late last year to convert the wing to F–4's, the decision was concurrently made to increase the number of aircraft in each squadron from 18 to 24 in order to bring the 401st into line with all other tactical fighter wings based in Europe.

Both the Department of State and the Department of Defense had been aware of Air Force plans to modernize the 401st TFW to perform its current mission. The technical details of such conversions were not normally and were not in this case submitted to my office or to the Department of State for approval. Since the number of aircraft involved did not exceed normal equipment levels for a tactical fighter wing, the fact that the conversion included an increase in numbers to bring the 401st to authorized strength was not brought to the attention of ISA or State. When ISA did learn of the proposed increase in early August 1969, we of course promptly informed the Department of State.

On June 30, 1969 the JUSMG–MAAG in Madrid advised the Spanish High General Staff—the usual contact point for such matters—of the Air Force plans. The Spanish were informed that the modernization would permit the 401st to carry out its mission fully.

Most Madrid newspapers gave prominent coverage on August 11 to the proposed conversion, based on an Associated Press story. For the most part these accounts were factual and straightforward. The official Spanish wire service did comment: "Generally well informed circles in Madrid emphasize contradiction between the announcement and the current phase of negotiations on bases between both countries." The report continued to say, however, that the shipment of F–4E's did not imply any change in the terms of the existing U.S.-Spanish agreements. Madrid papers also carried a report from Washington explaining that the new planes were only a normal replacement of old aircraft and not part of any diplomatic decision about the bases.

In August, however, the Spanish Government voiced its concern over both the proposed increase in aircraft and the increase in personnel. Due to these concerns, the Departments of State and Defense recently have agreed that the 401st conversion shall be limited to one-for-one, i.e., only 54 F–4 aircraft will be sent to Torrejon. The Spanish Government has been informed of this decision. The Spanish Government has been assured that the replacement represents only a modernization of equipment and bears no political significance as far as the status of the bases or U.S.-Spanish relations in general are concerned at present or in the future.

The 401st TFW is not presently equipped to carry out its mission fully, because of the shortage of 18 aircraft. The replacement of the 54 F–100's by 54 F–4's will not remedy this deficiency; nevertheless, the increased performance of the F-4 compared to the F–100 will contribute to a significant upgrading of our capability in the area.

The 401st has approximately 70 F–100 pilots. Their average tour of duty at Torrejon is three years. Conversion to F–4's will result in a net personnel increase at Torrejon of 242 men; estimated balance of payments impact is about $500,000 annually. The personnel increase is due in part to the fact that the F–4 is a two-seat aircraft, and the number of flying personnel assigned when the F–4's are phased in will be 144; in addition, since the F–4 is a more complex aircraft, there will be an increase in the number of maintenance personnel. The F–100 aircraft released from the 401st conversion are scheduled for redistribution to support the authorized unit equipment levels of other active Air Force and Air National Guard F–100 units.

I hope that this information will be useful to you.

Sincerely,
C. WARREN NUTTER.

OBSCENITY IN THE MAILS

Mr. GOLDWATER. Mr. President, it was my pleasure today to appear before the House Subcommittee on Postal Operations to discuss the subject of obscenity in the mails. The subcommittee has been extremely diligent in combating this problem, and I am convinced that any bill which they adopt will be responsibly and intelligently written.

Mr. President, I only wish that my colleagues on this side of the Hill would gear up the Senate's legislative machinery so that both Houses would be acting together on this. The American people are deeply shocked and offended by the unsought and unwelcome smut mail which is invading their homes, and they are demanding action now on this subject.

Mr. President, in my testimony before the House subcommittee I attempted to identify the source of this national menace and to suggest new approaches by which we can put a stop to it. With the thought that my remarks might encourage the Senate to take some action on this problem, I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HALTING THE MENACE OF OBSCENITY IN THE MAILS

Mr. Chairman and Members of the Subcommittee, it is a pleasure for me to visit with you today to discuss the ways in which we can combat the ever-increasing menace of obscenity in the mails. I only wish that my colleagues on the other side of the Hill would rev up their legislative machinery so that both Houses would be acting together on this.

Mr. Chairman, I want to open my remarks by saying that the members of this subcommittee have my utmost respect for the excellent record which they have made in this field. This group has the distinction of holding more sessions this year on the subject of smut mail than all the other committees of Congress put together. Also, I know that this subcommittee handled five or six earlier measures designed to clean up the mails.

Mr. Chairman, it will be my purpose today to explore with you the ways in which Congress can build upon this record.

The present situation is completely baffling to most Americans. On the one hand there is a whole Government arsenal of anti-obscenity laws, including an entire chapter of the United States Criminal Code and several provisions of title 39, which are aimed at excluding indecent matter from the mails.

On the other hand there is a staggering number of complaints being made by individual citizens who protest that their homes are being inundated by a flood of unsolicited smut mail. The number of these complaints made to the Post Office Department alone has soared to well over one-half million in the past three years.

The actual number of Americans who are deeply irritated and offended by perversion in the mails can only be estimated. There is no question that it is enormous. A Gallup poll released just three months ago reveals that 85 out of every 100 adults interviewed said they favor stricter laws dealing with obscene literature sent through the mails. Translated into population figures, this means that one hundred million persons are dissatisfied with the existing postal obscenity laws.

Why is this so? What is the real difficulty with our present laws?

These are questions which I have been examining very closely in recent months. I have sought to get to the bottom of the reasons why this terrible menace continues to threaten the sanctity of American homes. Also, I have attempted to learn what solutions, if any, exist to control it.

Mr. Chairman, as a result of this study, I have formed the following conclusions, which I would like to share with you on the chance that there may be a new idea or two among them to aid in the fight for decency in the mails.

First, the major source of outrage among our citizens is the unsolicited mass mailing of advertisements by some fifteen to twenty large firms. These operators generally send out computerized first-class mailings, taken from regular mailing lists, to pander their filth. They are well-heeled businesses making as much as $10 million a year in a market that runs into billions of dollars.

Second, the next great source of public concern is the fear that sexually perverted material will endanger the ethical, mental, and moral health of children. Many of the current mailings are specifically aimed at teenage children. The remainder is sent indiscriminately with a reckless disregard to the fact that a substantial portion of this trash may reach the hands of young children.

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Third, there are three primary reasons why this misuse of the mails has not halted—

The stringent and confusing definition of obscenity which different members of the Supreme Court have announced in recent years is one.

The fact that the newly enacted pandering law of the 90th Congress does not apply to unsolicited first mailings is another.

The fact that there is no national law aimed squarely at the protection of minors is the third one.

Mr. Chairman, it is clear that Congress can close up these loopholes. There is no longer any question that society may regulate the dissemination to youngsters of material which is objectionable as to them, but which could not be regulated as to adults. The landmark decision of 1968 in the second *Ginsberg* case persuades me that Congress has the Constitutional power to enact a strong new law to restrict the distribution of pictures and printed matter that are obscene to minors.

In this case, the Court upheld a New York State law specifically designed to protect children from obscene matter. This ruling settled the authority of governments to adopt one set of obscenity standards for adults and a separate set for children. That this approach offers unusual chances for effective enforcement is shown in the fact that the conviction upheld in *Ginsberg* involved the sale to a 16 year old of four "girlie" magazines.

If the Court is now willing to find that newsstand magazines are harmful to minors, I am certain it will find that the utter garbage which is infesting the mails is likewise obscene when sent to minors.

Thirty-nine of the State legislatures have adopted some type of special prohibition against the exposure of minors to obscene materials and it is high time that Congress does the same.

The second concept which I believe holds out a strong basis for cleaning up the mails lies in the power of society to protect the Constitutional guaranty of freedom of privacy.

To me privacy deserves one of the highest spots on the list of individual freedoms. It embodies the essence of the sanctity of a man's home and the right to enjoy the privacies of his life.

The basic concepts underlying the right of privacy date back to the laws of ancient Greece and Rome. It has been defined as a distinct and separate right in American law for the past 80 years and is regularly winning expanded interpretations.

The reason for this is easy to see. As great improvements in the means of communications bring all of us closer and closer together, it becomes increasingly simple for the intimacies of life to be intruded upon by those who pander to commercialism. To cast the individual citizen upon his own resources in the setting of modern times would be to leave him without adequate means to protect his privacy.

Thus it is that the Courts now recognize the authority of the State to protect a man's feelings as well as his limbs. The exercise of this power is particularly strong when the threat to privacy involves an invasion of a man's home.

There is a Supreme Court decision close at hand. In *Breard* v. *Alexandria,* 341 U.S. 622 (1951), the Court considered the validity of a municipal ordinance forbidding persons from going upon private residences to solicit orders for the sale of magazines, without prior invitation. The Court upheld the Constitutionality of the ordinance as a proper means to protect householders against "uninvited intrusions into the privacy of their homes."

Perhaps the foremost principle stated by the Court is that in cases where the Constitutional guarantees of free speech and free press collide with the fundamental personal right of privacy, there has to be an adjustment of these rights. In the words of the Court, the privilege to engage in interstate commerce or free speech cannot be permitted to crush "the living rights of others to privacy and repose."

As you know, the most recent enunciation of the rule was made by a three-judge Federal court convened in California to consider the pandering advertisement law. In upholding the power of Congress to restrict unwelcome mailings, the Court said:

> To require a commercial enterprise to strike a name from a mailing list seems little burden to impose to guarantee that dimension of privacy to an individual, otherwise helpless in his home, to "turn off" pandering advertisements which may be erotically arousing or sexually provocative to him and his family.

In my opinion, these decisions lay a solid foundation for the enactment of strong new controls to enforce the right of an individual to choose what it is he desires to see and read within his own home.

Therefore I propose that we act on these cases without further delay by doing one of two things. We should frame a stringent new law that bans completely any mailings by commercial dealers of unsolicited advertisements for smut material. Or we should prohibit all mailings of such matter to persons who declare that they do not wish to receive this type of mail.

Mr. Chairman, I believe the adoption of the controls I have proposed would slam the door on the kind of sexually oriented mail which is inciting the nation's anger. I might add, at this point, that I do not know of any single piece of legislation that could better carry out my objective than the bill introduced by Mr. Dulski and the Gentleman from Pennsylvania, together with Mr. Corbett and Mr. Cunningham of this subcommittee.

For my part, I was pleased to be the coauthor of the first Senate bill that is aimed solely at protecting children against obscene matter. My bill is similar in many ways to the provisions of H.R. 10867 which pertain to minors.

One of the similarities of our bills is the fact that they each define obscene matter in a descriptive way. Each bill thereby follows the standards applied by the New York State statute that has been upheld by the Supreme Court.

Mr. Chairman, I urge that you do not change this approach. The need for a carefully drawn definition is crucial to the validity of obscenity convictions.

This point is emphasized in a decision handed down by the Supreme Court just after its approval of the New York law. In *Interstate Circuit* v. *Dallas,* 390 U.S. 678 (1968), the Court ruled that an ordinance of the city of Dallas was unconstitutional because the standards used to define obscenity were not definite and narrowly drawn. The Court said that this was so even though the ordinance had been adopted to protect children.

The Court specifically noted that the Dallas statute, unlike the New York one, was not drawn "in accordance with tests this Court has set forth for judging obscenity." In view of this signal by the Court, it is important that the "New York" type of definition is the one we should use.

Mr. Chairman, my studies in this field have turned up some data which increases my belief that Congress may enact much stricter controls over the dissemination of obscene materials to children. I will start with the fact that there is a child under 18 living in six out of every ten American homes.

Next, we can note that there are 35 million children in the age group under 18. This is clearly a sufficient number to deserve protection at the national level.

Finally, the official Labor Department statistics disclose that at least one-third of American wives in families with children under 18 are employed outside the home. The highest working force rate among women of all ages is that of married women with children ages 6 to 17. These ladies represented 45% of the entire women's work force and totalled over six million persons.

From this, Congress might properly infer that several millions of children who have arrived at a crucial, inquisitive stage of life will have an unsupervised opportunity to open the mail before their working parents return home.

Based on the above facts, it can be concluded that the access of children to direct advertising mail is so great that additional requirements should be imposed to decrease the chances they will be exposed to matter which is harmful to them

Mr. Chairman, I do not want to leave the subject of a child-oriented statute without stating my belief that exposure to pornographic material is definitely harmful to minors.

Common sense will tell anyone as much. For the skeptics, however, the record contains many persuasive statements by responsible experts.

For example, in 1963 the New York Academy of Medicine published a report on the medical aspects of indecent publications sold at newsstands and circulated by mail. The Academy stated its belief:

> (T)hat although some adolescents may not be affected by the reading of salacious literature, others may be more vulnerable. Such reading encourages a morbid preoccupation with sex and interferes with the development of a healthy attitude and respect for the opposite sex. It is said to contribute to perversion.

In addition, competent medical witnesses have appeared before committees of the Congress to decry the harmful influence of obscene material on juvenile behavior. One of the worst possible relationships was discussed by Doctor Benjamin Karpman, then Chief Psychotherapist at St. Elizabeths Hospital, who said:

> You can take a perfectly healthy boy or girl and by exposing them to abnormalities you can virtually crystallize and settle their habits for the rest of their lives. If they are not exposed to that, they may develop to perfectly healthy, normal citizens. It is here that objection comes upon pornographic literature.

There are many distinguished professionals in the medical field who would be ready to add to this record, and I am hopeful that the subcommittee will invite a fair number of psychiatrists, law enforcement officers, and other experts who have had contacts with consumers of obscenity to appear before you during these hearings.

Turning to the specific provisions of H.R. 10867, I would like to make a few observations that might fit into the legislative record you are shaping.

The first question I want to raise is whether the new section 4011, which creates a category of nonmailable matter as to minors, is intended to impose a strict liability upon the sender to know the recipient is a child.

It seems to me that it does, and I think this is an excellent way to attack the problem. But, in order to guarantee the law will pass the scrutiny of a permissive Supreme Court, I wonder if this feature should be limited to commercial dealers who do not take reasonable precautions to keep their trash out of the hands of minors.

It is true that under certain child protection laws, knowledge that the child is a child is not an essential element of the particular crime. The laws against furnishing liquor to children come to mind.

Lacking a clear precedent in the free speech area, however, I am not at all sure that we

can brush aside the element of "knowledge" so easily.

What we could do is to put the smut merchant at his own risk on the question of age whenever he fails to have a professional assurance that the addressee is an adult. Under my proposal the dealer in smut would be required to show that he has taken all reasonable precautions to learn the age of the addressee.

By making this one change in the section, I believe we would safely handle the Constitutional thorns. Further, we might write into the section the defense which would be permitted. For example, the dealer might be allowed to rely upon a professionally designed mailing list that promises a high degree of certainty that it contains the names of adults only.

Such lists can be obtained. I am told that a good list compiler can select such detailed groups of people as new parents, parents of babies born only in private hospitals, or even parents who are new at being new parents. With such ingenuity, I am certain the list compilers and list brokers will be able to rise to the challenge given them to preselect families without children under a specific age. Of course the lists must be checked at regular intervals to be accurate and the statute should require that this be done.

Whatever degree of liability should be imposed on smut peddlers, I would suggest that the statute be made applicable only in a commercial setting. For example, the language should not catch the case of relatives or friends who use the mails without any purpose of material gain.

The source of the national uproar about obscene mail is a few major dealers and it would seem best to me to keep the bill on target by hitting straight at them.

The final change which I suggest is to expand the scope of the bill's criminal provisions. The only person who is covered by the offense seems to be the one who deposits matter in the mail. I fear that this might enable the maker of obscene films or the publisher of indecent literature to evade the penalties of the law by using an independent distributor to handle the mailing of his product. This could be avoided by applying the criminal sanctions to persons who manufacture or publish pornography knowing or intending that it will be sent in the mails in violation of section 4011.

Mr. Chairman, in looking at the ways in which the bill is designed to protect the right of privacy, I am satisfied that you have framed a valuable new approach. Sections 4012 and 4013 are expressly limited to advertisements only, and thereby, are wisely focused on the commercial aspects of the problem.

Also, the scheme used in section 4012 is effective. This provision requires that the disseminator of smut must refrain from mailing his product to anyone on a list of persons who have expressed their unwillingness to receive such matter. I realize this will force the distributor to use computers to scan the hundreds of thousands of names on such lists, but many, if not all, of the present merchants in this illicit industry are already using such equipment. In my opinion, it is high time Congress decided to shift the burden of keeping this unsought material out of homes where it is not wanted to the purveyors of filth, even if it ups the cost of their product.

In summary, Mr. Chairman, I can only recommend that the subcommittee continue its efforts until this public menace is stamped out once and for all.

DEFECTIVE 1970 CARS SHOW LAXITY OF HIGHWAY SAFETY BUREAU

Mr. RIBICOFF. Mr. President, this morning's Wall Street Journal contains a significant story by Charles B. Camp on the defects in the 1970 model automobiles. The existence of these defects is well known. They are all too familiar to every car owner.

Their importance is in what they tell us about the Nation's highway safety program. More than 3 years after the passage of the most far-reaching auto safety laws in our history, American motorists are still victimized by safety defects and shoddy workmanship.

The Highway Safety Bureau has been stagnated for more than 7 months without a Director. During this time the Bureau has drifted aimlessly. It has provided no leadership in traffic safety.

There are no significant new safety features on the 1970 models and none appear in prospect for the 1971's. Plainly, we are making no progress in designing and producing safer cars.

Much of the responsibility for this situation rests on Francis Turner, the Federal Highway Administrator. Under his stewardship the safety program has languished.

I have proposed that the Highway Safety Bureau be taken from under his jurisdiction and established as a separate entity within the Department of Transportation. The article in the Wall Street Journal demonstrates the need for this action.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGGRAVATING AUTOS: REPORTER FINDS MANY FLAWS IN TESTS OF 1970 CARS DURING MONTH OF TESTS—A PAIR OF BUICKS BOIL OVER, PARTS FALL OFF A HORNET—SOME FLAWS ARE IN DESIGN—IN SEARCH OF A BIG BACK SEAT

(By Charles B. Camp)

DETROIT—If you're in the market for a new car with enough back-seat leg room for adults, don't buy a Buick Skylark. There's so little space between the front and back seats that average-sized people are miserable. Better try a Ford Torino fastback.

On the other hand, if you're interested in safety the Torino fastback probably isn't for you either. The fastback roofline is so low in the back that it severely restricts visibility to the rear. Better try a Chrysler.

But if you're easily flustered, maybe you shouldn't get a Chrysler either. On the dashboard of a well-equipped fullsized Chrysler you will find 22 knobs and buttons—an awful lot of gadgets to keep track of while you're trying to concentrate on driving.

If you're a discerning buyer, in fact, you may have a hard time finding any car that's completely satisfactory among the dozens of models that U.S. auto makers have whipped up for the 1970 model year. Even if you do find your dream buggy, moreover, it may well be delivered with assembly defects that will be annoying at best and perhaps downright dangerous.

BEST FOOT FORWARD

These, at least, are the conclusions reached by a reporter who has spent much of the past month trying out the 1970 models. Each year at this time the four major U.S. auto makers invite automotive reporters to climb in, out, over and under their new cars and drive them hither and yon. The idea, of course, is for Detroit to put its best foot forward in hopes that the writers' glowing reports will send buyers flocking into the showrooms.

This year buyers might logically expect cars to be better than ever. Federal regulations now require a number of safety features that were practically unheard-of only a couple of years ago. Auto companies, trying to avoid embarrassing recall campaigns to correct defects, have announced elaborate programs to catch assembly errors before cars leave the factory. Prices are higher (up an average of 3.5% from 1969 models), and auto makers have saved a lot of money on the 1970s by forgoing radical styling changes that normally cost them millions of dollars in retooling. Presumably, the latter move would leave more money available for quality control and mechanical improvements.

But for a reporter who has spent weeks struggling with gadgets that don't work, puzzling over look-alike control knobs, squeezing into cramped seats and listening to a bewildering array of squeaks and clunks in some very expensive autos, it's hard to see much improvement.

To be sure, the cars offered to newsmen are early-production models that tend to have more bugs than those turned out after workers get more experience making the new cars. But in their effort to make a good impression, auto makers take special pains to correct the bugs in preparing the cars for reporters. Thus, presumably, the newsmen test-drive cars that get far closer attention than those delivered to an ordinary buyer.

SPEWING ANTIFREEZE

Yet the most lasting impression is that even the carefully selected display models are put together poorly.

Two Buicks boiled over like a pair of Model Ts while being driven by newsmen. It seems one threw a fan belt from its engine pulleys, causing the radiator to overheat. The other had an improperly attached radiator cap. Both spewed large quantities of antifreeze onto the ground.

The combination air-conditioner and windshield defogger on a $5,600 Ford Thunderbird quit minutes after being turned on during a rainstorm. Since designers have eliminated the little vent windows that used to provide air for defogging, the only way to keep the windshield clear was to open the main side windows. That let rain pour in on the driver and a passenger.

In a big four-door Chrysler New Yorker, the front seat belts were improperly installed in their containers on the floorboard and couldn't be pulled out for use. A stout tug on the passenger-side belt finally freed it, but the belt on the driver's side resisted all efforts to yank it loose.

ONE BUMP AFTER ANOTHER

An American Motors Corp. Hornet compact shed a piece of a plastic air-conditioner outlet when the car hit a bump. On another bump, the glove-compartment door popped open. On a third, a plastic container of windshield washer fluid dropped from under the hood and hit the road with a splat. When the driver pulled up the door lock button to leave the car and retrieve the container, a small plastic molding around the button came loose.

On one big Oldsmobile 98 Holiday coupe, the chrome trim on the seat wasn't screwed on properly. Also, a chrome knob was missing altogether from the latch that secures the folding back on the front seat—leaving a bare steel shank sticking out and threatening to snag clothing and scrape the legs of back-seat passengers.

On three of four Mercury Montego models inspected, the stick-on simulated wood dashboard trim was peeling back at the edges, and on one Buick Skylark smears of gooey black windshield sealer were spread along the dashboard near the edge of the glass.

In theory at least, these problems could have been corrected on the assembly line. But other problems with the 1970s would be much harder to solve because they are designed into the cars.

XUM

On one line of new Thunderbirds, for instance, it's almost impossible for the driver to reach the outside half of his seatbelt, which is stored in a container on the floor near the door. The reason: A new "control console," housing controls for a battery of options such as power windows and power seats, is mounted on the inside of the driver's door. It comes so close to the side of the seat that the hand of an average adult won't fit down to reach the seat belt.

Some big Buicks have an air-conditioner outlet attached to the bottom of the dashboard near the steering column. If a driver tries to use his left foot on the brake (as many drivers do with automatic transmissions), he can hit the air-conditioner outlet instead. Indeed, on one test model the outlet had been broken away from its mounting screws—presumably by an errant foot seeking the brake.

Visability problems are common. The popular fastback roofline on many cars seriously hampers a driver's rearward visibility by enclosing a large area between the rear side windows and the back window. On Chevrolet's new Monte Carlo luxury car, for example, such blind spots extend more than two and a half feet on each side of the car at their widest points. Ford has made its Torino fastback even racier looking by dropping the roof an inch or so while raising the height of the truck lid—the net result being a sharp reduction in rearward visibility.

The placement of control knobs and gauges is often irksome. Several GM and Ford Motor Co. cars have such wide-spoked steering wheels that when the car is pointing straight ahead the spokes obscure the driver's vision of such controls as light switches and parking brake releases. If a driver uses a shoulder belt, he's unable in many cars to reach a number of dashboard controls.

NO MORE HORN BUTTON

To honk the horn on a 1970 model requires a new set of reactions. The familiar horn button and horn ring have disappeared on most models. To blow the horn on some new GM cars you push little tabs on the steering wheel spokes. On some Chryslers, you squeeze a band on the inside of the wheel rim—an arrangement that can cause some unexpected hornhonking if you grip the wheel hard while making a turn. On some Ford models, you squeeze the top of the cross spoke.

But don't expect consistency even among lines made by the same company. On some GM and Ford cars, you must squeeze the rim just like on many Chryslers, and on one GM model you just push the padded center section of the wheel almost anywhere and the horn blows. (American Motors' Hornet has a still different horn problem. Whenever someone flips the back of the driver's seat forward to get into the back seat, the headrest hits the steering wheel and blows the horn.)

Over the years, Detroit's strongest selling point for many customers has been the comfort, convenience and luxurious silence its cars offer by comparison with many foreign models. But luxury-loving buyers may find some surprises on the 1970s.

There are, for example, some mysterious noises. On a big Mercury Monterey, persistent squeaks emanated from the front end. (A Ford Motor Co. man apologized for the noise; he said he had missed that problem because he had spent an entire afternoon trying to fix another squeak in the rear of another Mercury.)

NO EASY WAY

Detroit's biggest sacrifice of comfort to styling is probably in the back seats of its cars. There seems to be no easy way to get into the back seat of a 1970-model car, particularly a two-door model. What's worse, there are few back seats worth getting into anyway.

If a person of average size or larger tries to get into a back seat by boldly stepping in face first he may find that he can't turn around to sit down. On the other hand, backing in can be hazardous—as in the new Chevrolet Monte Carlo, which has a sharp angle on the door jamb to prod the posterior of a passenger who tries it.

Once inside, you find the center sections of the Hornet and the Ford Fairlane, among others, are definitely to be avoided; they are rock-hard. Feet suddenly become troublesome appendages in the backs of some cars. There's little or no room for them.

Consumers Union, the product-testing organization, says it considers 26 inches of space between the front and rear seat backs as a bare minimum for reasonable comfort. Yet a number of 1970 cars fall short of the mark. One Buick Skylark two-door model offers only about 24 inches—despite a claim by Buick officials that such intermediate-sized cars are the family cars of the future.

Even when a car looks bigger on the outside, there's no guarantee it will be bigger on the inside. Ford's Torino is five inches longer than the 1969 version, but all the added space is on the front end, not in the passenger compartment. The new Chevrolet Monte Carlo is nine inches longer than a basic Chevelle, but the inside seating room is identical, including only about 25 inches of rear leg room.

AN APPEAL FOR HUMANITY IN TREATMENT OF AMERICAN POW'S

Mr. CHURCH. Mr. President, the treatment of American prisoners of war by Hanoi and the National Liberation Front is indefensible. Both have failed to observe the minimal provisions of international law for the welfare of prisoners of war.

North Vietnam and NLF claim that they are not bound by the Geneva conventions of 1949. Despite its status as a signatory of the conventions, Hanoi asserts the right to treat captive Americans as criminals. The NLF provisional government hides behind the fact that it was not in existence at the time of the signing of the Geneva accords.

No legalisms can absolve any government of its obligation to accord humane treatment to prisoners of war. The United States estimates that 1,390 Americans are being held by Hanoi and the NLF. About 1,340 of the prisoners are soldiers or airmen who were captured in the line of duty. An estimated 50 prisoners are civilians—construction workers, foreign aid administrators, missionaries, and diplomats—who had not engaged in any form of combat. Many of the civilians were taken prisoner while they were giving medical aid, food, and technical assistance to Vietnamese citizens.

The Hanoi government and the NLF have refused to reveal the names of the prisoners, or to correct lists of presumed captives provided by the International Red Cross. They have not permitted inspection of prison camps by international welfare agencies. They have interrupted the exchange of mail between prisoners and their families. They have given no credible assurance that the prisoners receive adequate food, shelter, or medical care. To the contrary, they have paraded sick and wounded American prisoners as objects of symbolic vengeance.

The cruelty of this policy is felt most deeply by the prisoners' wives and families. For many, the pain of separation is worsened by terrible uncertainty about whether their loved ones are alive. Recently, 350 dependents—the anxious wives and children of the American POW's—came to Washington to make the world aware of the prisoners' plight and to seek help in their effort to obtain news about their husbands and fathers. Hanoi's refusal to provide this information is inexcusable.

The obstinacy of the Government of North Vietnam and the NLF increases bitterness and suspicion, and raises still another barrier to a successful settlement of the war. Without producing any military or diplomatic advantage, it multiplies grievances, spreads distrust, and has much the same effect on progress toward peace as escalation on the battlefield.

It is time for Hanoi to recognize that its treatment of prisoners of war is morally repulsive to people of all shades of opinion in the United States and the world.

Even before their wives and children came to Washington, I had joined Senator BIRCH BAYH of Indiana as a cosponsor of his resolution urging the United Nations to act on behalf of the prisoners. I am sure that all Members of Congress share a common desire to bring about a change in Hanoi's prisoner-of-war policies.

As a Senator who has long objected to our involvement in Vietnam, I call on the North Vietnamese and the NLF to observe the canons of morality and international law. They should identify the prisoners of war, allow the free flow of mail, permit inspection of the detention facilities by the International Red Cross, and give real evidence that the captives are receiving adequate care. In the name of our common humanity, they should do so now.

SENATOR MONDALE APPEARS ON CAPITOL CLOAKROOM PROGRAM

Mr. NELSON. Mr. President, during the August congressional adjournment, the distinguished Senator from Minnesota (Mr. MONDALE) was interviewed on the radio program "Capitol Cloakroom."

I was impressed with the Senator's thoughtful comments in response to questions about vital issues such as the President's proposed welfare reform, the future of the Office of Economic Opportunity, revenue sharing, defense spending, and tax reform.

I ask unanimous consent that a transcript of the interview be printed at the close of my remarks. I commend it to the attention of Senators. The views which Senator MONDALE expressed are extremely relevant to all of us as we discuss and debate national priorities, and consider the appropriate balance between defense expenditures and investments in vitally needed domestic programs.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF "CAPITOL CLOAKROOM," AUGUST 13, 1969

(Guest: Senator WALTER F. MONDALE)

COMMENTATOR. Senator Walter Mondale came to Washington in 1964 when he was appointed to fill out the unexpired Senate term of Hubert Humphrey. He was elected in his own right to the Senate in 1966. He's a Democrat, a lawyer and a former Attorney General in Minnesota. He's had a long-time interest in consumer affairs, and before coming to the Senate he served on the President's Consumer Advisory Council. His Committee assignments since coming to the Senate include: Banking and Currency Committee, and four of its subcommittees; the Labor and Public Welfare Committee, and five of its subcommittees. He also serves on the Select Committee on Nutrition and the Special Committee on Aging. Senator Mondale, welcome to "Capitol Cloakroom".

SENATOR. Thank you very much. I'm delighted to be here.

COMMENTATOR. Senator, as a member of the Labor and Public Welfare Committee, you are probably as familiar as any of your colleagues with the President's proposals for a new welfare system. Some have called it a "cruel hoax". Would you agree?

SENATOR. No, I wouldn't agree with that characterization. I think there are some serious problems that we will have to deal with. There are certain parts of the proposal that many of us have advocated and which I applaud. The idea of helping the working poor is something that I think should have been included a long time ago. The idea of a national minimum welfare standard is another concept I find a good one. The idea of trying to increase incentives so a person on welfare who is employable can do better by working than not working, I find a good idea. The idea of bringing payments to the families of unemployed fathers, something we fought for for years over Republican opposition; indeed, most of these concepts have been fought over Republican opposition—are concepts which I applaud, and I congratulate the President for endorsing them. But there are many problems in this proposal that have to be analyzed. I think the level of Federal support still leaves millions of people in nearly destitute circumstances. The idea that—and it's not quite clear what the Administration proposes to do here—withholding Food Stamp help may actually leave some of them in worse shape than they are today—and some of them on the verge of starvation. The idea that the President stated in his message that the Nation can hope that most people on welfare are employable I think is just not an accurate one, or at least it is going to raise hopes that I don't think can be fulfilled. If I might just cite a few figures. There are about 9½ million people on welfare today. About 5 million of them are children; 2 million are aged and elderly and unable to work; 1 million are blind and disabled; 1½ million are mothers with families, and even the President is not asking mothers who have pre-school children to work. Indeed, I think there is grave question as to whether it is always the best idea to take a mother away from her children. We may do more long-term harm than good. There are only about 80,000 adult males. And many of them may not be employable.

COMMENTATOR. Do you feel that a $4 billion program represents a real commitment to doing something about welfare needs?

SENATOR. It's only a start. And I think when we cost this package out it's going to cost much more than $4 billion to do even what the President is asking for.

COMMENTATOR. Senator, one of the President's proposals sort of reorganizes the Office of Economic Opportunity and turns it into—as I understand it—a sort of "think tank". Do you think that's a proper role for OEO?

SENATOR. I think the President's proposals mean the end of OEO as we have known it. One of the best things OEO has done is to permit the poor to advocate their own cause. It assumes the poor know something about their own circumstances, and are able enough to express themselves. Now that's not always a happy situation. Sometimes it's down-right distressing. But if we are going to have the response by the poor that we need to make them a part of our society and give them a chance, I think it begins with the right of the poor to say something about their own lives. This thing of having outsiders study them, examine them, cross-examine them, poll them, and to have all manner of people who don't live in the ghetto and with the poor, decide what's best for them has a certain arrogance built into it. More than that, we have studied the poor to death; indeed, I think if we just had saved the money we spent on studies and divided it among the poor we probably would have ended poverty by now. And more than that, how long do you have to study hunger? It's not that complicated a concept: if kids don't have enough to eat, you don't need another study. How long do you have to study quality education to decide that that's important? How long do you have to study the issue of decent housing? How long do you have to study whether it is good for children to be exposed to rats? The time has come, it seems to me, to act.

We need to know more—I'm not saying we know it all. But we often learn, in my opinion, more by doing things than by sitting back abstractly without any experience and studying it. It's ironic that the President in proposing the ABM system—which many of us feel will not work—said we don't know if it will work, but we'll spend billions of dollars trying it out, and we'll keep trying, we'll keep making our mistakes, as we proceed toward deployment because that's the best way to learn. That's the ABM system, but when it comes to human beings, who are starving, living in indecent housing, with bad education, and all the frustrations that make up their lives, we say let's not do a thing until we have the perfect answer. I think it's the old-fashioned dodge.

COMMENTATOR. Senator Mondale, if I understand what the President has said correctly part of what he is saying is that money is better spent if you can return it through the system of federal revenue sharing of cities and states—what he calls the new federalism—better spent that way, turning the tax money back to the local governments to let them decide how and where to spend it, than to have it funneled through something such as OEO. Question: what's wrong with that?

SENATOR. There are many ways of helping local government. Local governments today are in here pleading for better funding of Title I of the Elementary and Secondary Education Act, library assistance and other kinds of educational assistance. Local governments are in here asking for better support of urban renewal and housing programs. And I think those matters should be funded in order to achieve specific objectives. I also believe in revenue-sharing. If I may say so, that's a Minnesota idea. It was proposed and fashioned by Walter Heller of Minnesota. I believe in revenue-sharing, but even there the President has announced a concept but not funded it. The first year of its operation is about two years away, and even then it will be half a billion dollars the first year. In my state of Minnesota it will amount to $21 million. We're grateful for the help, but it won't help much. The state of New York I think would receive $100 million, and they have a state budget—let alone local costs—of $10 billion. One top economist, who is an expert in federal revenue-sharing, told me that at the end of the first five years of the President's plan states would be receiving $5 billion in revenue assistance—states and local governments—and at that time state and local governments in this country will be spending $200 billion. So I think it's another example of a fine concept, and I applaud the President for that, because I think we need revenue-sharing. But I believe that it's an unfunded concept.

COMMENTATOR. Senator Mondale, when you and your colleagues return from the summer recess and get to work on the welfare proposals, what do you think are the prospects for those proposals passing as they stand now? Or what changes do you think should be made to increase their chances?

SENATOR. As to the prospects, I simply don't know. We've passed many of these incentive features and other features in the Senate before, and we've lost them in the House. And I'm not an expert on what the House is willing to accept. I'm hopeful the President's message making this a key issue in American politics will cause us to concentrate on these problems more than we have in the past. I think if we do that there are hopeful opportunities for improvement. The real question returns to how much substance we're willing to give to these programs. We've authorized dreams around here and we continue to appropriate peanuts. This is one of the reasons there is such cynicism by Americans. They hear about these great programs like housing—and there's no money for housing; they hear about wonderful programs to relieve the poor, and there's no money there. And wonderful programs for education and only a pittance finally arrives. So the real question I think is one of priorities. We can adopt the concepts—that may be fairly easy—but it takes funds to reorder our priorities. We spent more on the ABM this year than all of the President's proposals. The Defense Budget—takes 81 billion dollars, and the administration is supporting those much higher spending levels in the defense field, and not increased spending in the human field. If they would support us in re-ordering our priorities—have an adequate defense to be sure—but help us to cut out this waste, I think we can provide the additional money we need for these human programs without increasing the budget.

COMMENTATOR. Is a part of the battle that is going on over the Defense Department Budget now do you think connected with this concern for social programs? Is it in your own mind?

SENATOR. Yes, I don't think there's any question about it. I think it ought to be enough to be opposed to waste in any Department that there is waste—that's enough justification. But I think the thing that forces us to finally do what we should have done 15 and 20 years ago—in terms of examining the Defense Budget like we do every other budget—is that the people of our country are getting sick of this. They're asking us why there's no flood projects but more and more defense budget; no education; no housing; none of the things that they need; no tax relief on their real estate taxes and the rest. And we finally have to answer those questions when our constituents ask it. And the only answer is that we have to start spending our money wisely and we're finally getting down to the task of doing so.

COMMENTATOR. Senator, speaking of cutting that Defense Budget, you proposed this week that the Navy not build a $377 million nuclear aircraft carrier. The Russians are expanding their fleet. Why did you propose that?

SENATOR. The Russians, it is true, are expanding their Navy, but they're not building any aircraft carriers, nor have they ever built one, nor do they plan to build one. There are many reasons I base my arguments on in asking that this carrier be cut from the budget. We now have 15 attack carrier forces. That is more than all the rest of the world put together. Indeed, most world powers have no carriers at all. I think we're among the great powers like Brazil, Australia and perhaps France in having them. The carrier is very vulnerable. The carrier is a floating gas-tank with ammunition and bombs and heated steam. And it's very, very expensive for carriers. Now, I'm not against aircraft carriers totally. But the truth of it is, no one has ever justified why we need 15 attack carriers that cost us 7 billion dollar a year now—and if the Navy has their way and we replace all our existing conventional carriers with nuclear-powered carriers, it'll cost probably double that at least within the next ten years. The cost of land-based aircraft is much, much lower. Indeed, without going into the details of the statistics, three nuclear-powered attack carrier forces—and that's what they need for every wing on the line according to their present plans—will cost about $4.2 billion to build. A land-based wing can be taken care of with the runways and hangars and everything else that is needed, for $58 million. And I think there are some real savings to be made by reducing the number of carriers.

Commentator. Senator, the larger question involved here, as stated on the floor of the Senate by Senator Stennis the other day, is: is it a fact that you and Senator Fulbright and others who have carried forward this philosophy that we need to cut back on defense spending, have carried it to the point where you're creating as Senator Stennis put it "mistrust and distrust" of the whole military establishment?

Senator. I have tried in every statement that I have made to make it clear that I think we need an adequate defense. I've tried to make it clear that I respect the military leaders—they're doing their job. And I've tried to make it clear that I realize that defense isn't cheap. But I think it's a mistake, and I'm not saying that Senator Stennis is doing that because I don't believe he is, to take the position that to question the Defense Department is to impeach the standing and integrity of the military leaders. As much as I respect the military I don't believe there is anything special about their efforts that should place them in a privileged sanctuary in the budget-making process. Because we haven't asked them the questions we should have asked over the last 30 years, and in part because they can hide many of their mistakes with security classification, we've really not done our job in the Congress. The Constitution invests the responsibility of raising the Army and Navy specifically in the Congress—it's our job, we can't escape it under the law. And I yield to no man in expressing my respect to the military services. But I believe respect does not require me to accept everything they tell me.

Commentator. Senator, this is a philosophical question, I suppose. but why is it all of a sudden these questions are being asked? They weren't asked before, we all agree with that. What's caused this mood in the Congress to come about? Is it dissatisfaction growing out of the war, or what is it?

Senator. I think some of it is related to the war in Vietnam, in that that war was a serious mistake. And perhaps some of the advice we received from the Pentagon wasn't as good as it could have been. But I think the other thing is basically that the country is coming apart: unparalleled inflation; interest rates the highest they've been in a hundred years; a nation which is wealthy but in which there are millions of persons so impoverished that they're not going to have any choice unless we reorder our priorities; a nation that has come to the point where thousands of our most gifted youth are so estranged that they have become militant, some of them violent and so hostile that I think they scare all of us. I don't believe that is the basis for a public policy, but I think every American shares the feeling that there is something very wrong with our country that needs remedying. And most of us come up with the answer that the problem has been for far too long we've under-emphasized our effort to bring real hope and opportunity to all of our people. And over-relied on an ever-expanding military budget to provide all of our answers.

Commentator. Senator, you mentioned high interest rates—the highest in a hundred years—which brings us around to the subject of the economy. Automobile sales are down, factory output has had a slide in the last month and a half or so. Are we on the edge of some kind of recession?

Senator. I don't think anybody really knows. We know this: the brakes are really on. The Federal Reserve Board has run up interest rates to an all-time high; credit restrictions are at an all-time high; and this affects our whole economy. We know that the Federal Budget has gone from a deficit of $20 or $22 billion just a few years ago to a surplus of $3 billion, which is another form of breakage.

Commentator. Is that a real surplus? There are some who would say that this is a matter of juggling figures.

Senator. In a budget that is as large as ours, there is always going to be that argument. At least it's in balance, which makes the Federal budget non-inflationary. And there may even be a slight surplus, depending on how you do the figuring. But in any event, the Federal budget is not contributing to inflation today. There are some top economists who believe that we may be in the process of undertaking an over-kill, that in some conceivable future period, maybe a year from now, we will see a sharply rising unemployment rate. I guess this is what disturbs me the most because I don't believe we're going to stop this inflationary drive—and we must stop it—without some strong breaking. I don't think that's possible. But we ought to have a strong program—what Walter Heller calls a "net"—to catch the people who drop out of the system. If you have a 4½% unemployment rate—which I think seems very likely pretty soon—translated in the ghetto and among the poor, that could be a 20, 30 or 40% unemployment rate. If you talk about a 19-year-old black male you're probably talking about a 60% unemployment rate. Now that's social dynamite that's gonna explode on us, and it's terribly unfair. We have a national program for taking unskilled people, trying to get them into industry through this jobs program of subsidizing and training them. Those are going to be the first people to lose those jobs. I think there's going to be a feeling of cynicism, of despair that is going to be very hard to contain. I think we need a national program of public service employment to provide employment to these people who really pay the full price of our fiscal and monetary restraint, who really pay the full price of trying to bring this economy under control.

Commentator. What do you predict are the odds for the House-passed tax reform bill when it gets to the Senate?

Senator. I think there will be substantial tax reform. I favor it. It's too soon to know just what the details of that will be. I think much of the House-passed version will be adopted. As you know, the Senate is far less predictable than the House, because we have the open right of amendment on the floor. I think we may liberalize that package some, and I am hopeful that we can do so.

Commentator. Senator Mondale, since you've gone that far with a prediction, let's talk about the 1972 Democratic Presidential Nomination. It's become an article of wisdom around this town the past few days that Senator Edward Kennedy of Massachusetts is no longer a viable candidate of high potential for the Democratic nomination. Would you agree with that?

Senator. I would take his own word. He said that he intended to seek re-election and to serve out his full next term which would take him past the 1972 elections. I doubt that he harbors any serious intentions to seek the Presidency in '72. The period between now and '72 is a long time in politics, as we are learning. A week is a long time these days in American politics. So no one can be sure, but I think that's likely to be the result.

Commentator. If that is the result, is your old friend and part-time tutor former Vice President Hubert Humphrey back in contention now?

Senator. I don't know. I'm sure he's giving it consideration. I think his first move will probably be to seek re-election to the U.S. Senate in Minnesota, which I hope he'll do. I believe he will be elected, and take a look at it then. I think it's really too soon to know.

Commentator. Senator Mondale, with all of these uncertainties, is the Democratic Party nationally in disarray as some would say?

Senator. The Democrats seem bent on breaking the record for disarray year upon year. We're very good at fighting, and we seem to want to prove that on almost every possible occasion. But, if I may say so, I think that under Senator Harris' leadership the National Committee is starting to address itself to the real problems. There is strength in the right kind of controversy. We're starting to reform our Party the way we should have years ago. We're starting to develop rules to permit more relevant and open access to all people, which we should have done years ago. We're starting to read real power into the anti-discrimination provisions of our rule adopted in 1964, and we're talking about the real issues, as controversial as those are.

Commentator. Unfortunately, we're running out of time. Thank you for being with us on Congressional Cloakroom.

COMMONSENSE MAKES COMMONSENSE

Mr. EAGLETON. Mr. President, in this day when issues are getting more complex, when society and the institutions of its governance proliferate, when policies made by unseen and, some would argue, mindless men, can cost billions of dollars and thousands of lives, when people often feel they can no longer understand or control their own destinies, it is heartening to find that good commonsense still makes good commonsense.

I was greatly impressed recently by a letter from a constituent from New Bloomfield, Mo., written in frustration but with tremendous insight.

I am further heartened because from my travels through Missouri and the country, I believe that the attitudes expressed in this letter reflect those of a majority of Americans, although they are not always articulated as well as they are in this letter.

I therefore ask unanimous consent that a letter written by W. W. Marshall, Jr., of New Bloomfield, Mo., be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record as follows:

New Bloomfield, Mo.

Dear Senator Eagleton: I'm over 40, a WASP, have 4 kids in school (borrowed this sheet of paper from one), just break even, pay as I go if I can (can't). Its 9:30 p.m., I just got in from working on my 1952 8N Ford tractor so I can do more tomorrow (I have 326 acres). I think I'm very common and I don't say what I think often *cause I doubt if it does much good* but here goes:

1. Its pure bull that our "national pride" demands that we beat the Reds in building that SST at 125 million/yr. for 5 years. If the Reds have one lets buy one from them! Nixon said that in telling us about the SST today. (Nat'l Pride bit.)

2. My feeling is that the war in Vietnam is wrong, we are wrong in being there, we have no business there now or ever in the past. I believe the stupid protestors on the college campuses, the S.D.S., the Yippies and Hippies are telling it like it is and I see more and more middle aged common working people like myself seeing it this way. Their methods may be stupid but so is the war and the draft and its methods. I vote for the young more and more.

3. I'm against the anti-riot bill by which eight people are being tried in Chicago. Please examine this one and tell me who is protected, the people or the system, I think its the system.

4. What a joke it is trying those 6 Green Berets in Vietnam. Come on now, if you want to try someone for murder why not try the commander in Vietnam? I think the trial is a fake and so does everyone around here.

5. I heard that we are to spend 25 billion on the A.B.M. and some new plane for the A.F. I heard that 5 billion would solve our pollution problems but we can't get the 5 billion. I believe we should spend the 5 or 10 billion on pollution and damn little on the first two.

6. I never thought I would say it but I favor very little for defense, less on foreign aid, not a man in Vietnam and do favor some form of income for everyone, even bums.

Thanks for your patience in me.

W. W. Marshall, Jr.

P.S.—You seem to be doing O.K., just wanted to sound off.

SENATOR McINTYRE SPEAKS ON NEW COMMUNICATIONS GAP

Mr. MUSKIE. Mr. President, on September 22 the distinguished Senator from New Hampshire (Mr. McIntyre) spoke at Dartmouth College at ceremonies marking the issuance of the Dartmouth College case commemorative of postage stamp.

In his address, Senator McIntyre examined what may well be the most significant communications gap in our society, the gap between the college educated and the non-college educated.

Warning that society might not be able to sustain a further widening of the breach, he called upon the college-educated to "go the extra step and make the extra effort" to close the gap.

Mr. President, not enough has been written or said yet about this particular breakdown in intergroup communications, and I was pleased to read Senator McIntyre's consideration of it.

I ask unanimous consent that the pertinent section of the Senator's Dartmouth address be printed in the Record.

There being no objection, the excerpt from the address was ordered to be printed in the Record, as follows:

Address by Senator Thomas J. McIntyre at Ceremonies Marking Post Office Issuance of Dartmouth College Case Commemorative Stamp, Monday, September 22, 1969, Dartmouth College, Hanover, N.H.

We hear much these days about the communications gap between generations, between races, between faiths, between economic strata.

Deplorably, all of these gaps do, indeed, exist. Yet recent studies have shown that the greatest gap of all lies not between young and old, not between black and white, not between poor and rich—but between the college-educated and the non-college educated of all ages.

This gap manifests itself—not in open conflict—but in smouldering resentments that threaten to char away the national soul.

There are two revolutions going on in America today. The educated young are revolting against the liberal establishment, and so is the working class. But for dramatically different reasons.

The revolt of the educated young is directed against the sluggishness of the establishment. The revolt of the working class is directed against an establishment they believe has gone much too far, much too fast . . . and against the excesses of the privileged young.

In this context, it is easy to understand just how wide this gap really is, for it spans the outer extremes of the social philosophy spectrum.

The working class revolt lacks the pyrotechnics of the student rebellion, to be true. There are no demonstrations, no confrontations, no violence.

It manifests itself in the quiet election of so-called law and order candidates in Minneapolis, in Denver, in Los Angeles, and in the breakdown of traditional party lines and loyalties in New York City.

There are some awesome implications in all this that the college-educated of our country must begin to appreciate. In the first place, the college-educated are still outnumbered three to one. This fact alone lends substance to an observation by Warren Miller at the recent American Political Science Association Convention.

Miller, a member of the University of Michigan faculty, said he thought it was obvious to any rational politician that there were several times more votes to be gained in 1970 or 1972 by leaning *toward* George Wallace than there were by leaning in the opposite direction.

Is this what the college-educated want? You know that answer as well as I.

All right, then, what can be done about it? The answer is simple . . . yet extremely complex. The communications gap between the college-educated and the working class must be closed.

Now, closing that gap implies a willingness on the part of both sides to reach across the chasm. But to assume that each side will reach as far as the other in an unrealistic assumption.

And this is where the sanctity of contract concept enters the picture.

You and I, all of us who were privileged to have a college education, inherited an implied contractual obligation along with that privilege.

This obligation extends far beyond the material aspects of being your less privileged brother's keeper. It extends far beyond the irony of hundred dollar ski boots tramping Dartmouth halls that are less than five miles away from instances of abject poverty.

It embraces a very special responsibility, a responsibility to understand without condescending, to sympathize without demeaning and *to appreciate that the working class is still the very bedrock strength of our society*.

In a very real sense, it impliea a willingness to heed that legendary Indian who advised us not to judge another man until we have walked in his moccasins.

Above all, it demands a lasting recognition on the likeness of all men.

No one wrote more eloquently of the common man that the late James Agee, and it was he who described every human being as "an incommunicably tender life . . . wounded in every breath, and almost as hardly killed as easily wounded . . . sustaining, for awhile, the enormous assaults of the universe."

For many of today's college students, the assaults of the universe are real or imagined assaults by the establishment upon their individual consciences. The war. Poverty. Racial discrimination. Society's obsession with material gain. Unjust laws.

The exercise of the collective student conscience has prompted many observers to describe this as the finest generation in history, and I have no quarrel with that assessment.

But today I call upon you students to walk in another man's shoes, a less privileged man's shoes, and to view life as it is seen through another man's eyes.

To sharpen the challenge, let me suggest the shoes of a policeman, the classic protagonist in the campus confrontations.

There are many policemen your age, so the transference ought not to be too difficult.

Now, as allegedly educated men, let's begin by rejecting a current popular myth. Donning a badge and a blue uniform does *not* automatically convert man into angel—*nor into beast*.

This young policeman is a human being, like you, "wounded in every breath" and "sustaining the enormous assaults of *his* universe."

More often than not, he sprang from humble origin and takes just pride in what he is. He also takes pride in honoring the American ethic he learned from his father—work hard, stay clean, go to church, he a good husband and father, honor your obligations *and aspire to more for your children than was had by you.*

The last is important, for it translates into a desire by that young policeman for more education for his children than he had, to give them more opportunities than he had.

So he *wants* to respect education, because he *wants* his children to be educated.

But suddenly put him into a situation where a college student his own age, a young man who had far more privileges than he ever had, calls him "Pig!"

Stay in his shoes for one more minute. Imagine *that* "enormous assault of the universe." Everything he has ever believed in and lived by is degraded by a single epithet.

What happens in that moment to *his* respect for education and the educated?

Will he listen a little less receptively the next time the students cry out against inequities and injustices?

Will he listen a little *more* receptively the next time a demagogue tells him how he would handle spoiled rich kids and campus radicals?

So our challenge, then, is to repair the damage and to go that extra step to close the communications gap.

Our challenge is to restore respect for education, to win back the confidence of that policeman and all working men. If we can do that, if we can regain their trust and respect, we can destroy the simplistic appeal of those few demagogues who feed on their frustrations and resentments.

The effort will be doubly rewarding—first in terms of the Nation, second in personal benefit.

We can learn much from the working people of this country. We can draw much from their great reservoir of strength.

So if we choose to take that extra step, to make that extra effort, the result can be mutual enlightenment, mutual enrichment, mutual reinforcement—and the preservation of Daniel Webster's beloved Union.

DETONATION OF NUCLEAR BOMBS

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the Record a letter dated September 27, 1969, from me to the President, relating to the detonation of underground nuclear bombs.

XUM

There being no objection, the letter was ordered to be printed in the Record, as follows:

September 27, 1969.

The President,
The White House,
Washington, D.C.

Dear Mr. President: The authority for detonation of nuclear bombs has been vested in the Presidency, indicating both the measure of public concern regarding the use of these weapons and the confidence of the American public in a President's judgment to exercise his authority with great discretion.

Since ratification of the Nuclear Test Ban Treaty, all of our atomic explosions have been detonated underground, too comply with the treaty's provisions. It is generally assumed that underground tests neither violate international agreements nor present a threat to life or property.

However, evidence now at hand convinces me that these assumptions are no longer valid. I am convinced that the proposed tests in one of the most tectonically active areas of the world may create dangers for Americans and other residents of the Pacific Rim . . . dangers which no one in authority completely understands.

In recent years the scientific community has expressed increasing concern regarding an information gap between the pronouncement of the AEC and facts developed from experience.

In 1964 the AEC through four of its scientists stated that underground nuclear explosions cannot cause earthquakes. These same assertions have been subsequently circulated by the AEC even in the face of generally accepted data, the product of the "Boxcar" and "Benham" tests that nuclear bombs can and have caused earthquakes. The AEC gave this same old reassurance in testimony to the Joint Committee on Atomic Energy July 19, 1968, two months after the "Boxcar" detonation which caused. numerous recorded tremors and earthquakes.

Because of public concern generated as a result of some large Nevada tests, the AEC, working in conjunction with the President's Science Advisory Committee created a special panel to study the safety aspects of underground nuclear testing, headed by Dr. Kenneth Pitzer. It completed its work in November, 1968. That report was publicly released today—nearly a year later—and only because of intense pressure for its release.

What purpose does it serve the AEC to keep secret for eleven months the only objective report on the safety of its activities? This method of managing public opinion is incompatible with our representative form of government.

Dr. Pitzer, a former research director for the AEC and a former member of the President's Science Advisory Committee has expressed concern over the absence of a more substantial public hearing before large underground tests are conducted in Nevada and Alaska. Dr. Pitzer has said that as a result of such hearings "Congressmen, Governors and other responsible officials as well as the interested public can form their own judgment, balance this and any other risks against the need for tests or the extra costs of moving to a non-seismic location."

Let me underscore the seriousness of this matter. The Atomic Energy Commission undertakes all of the scientific and staff work related to our nuclear testing program. It reports in secrecy to the President who must then make judgments regarding the detonation of nuclear bombs.

The only objective panel to look into the sequence of events leading to the present state of our nuclear testing, apparently has raised an urgent warning sign. Yet the panel's report was held secret for almost a year.

The President must base his judgment on informed opinion, but the necessary opinion in this case is completely onesided because there has been no public dialogue.

Public opinion and public discussion have been stifled by secrecy. The process, therefore, that would normally result in an informed public dialogue has not been permitted to work. As Dr. Pitzer said so eloquently earlier this year "The problem is not that the risk is completely ignored, rather it has been examined primarily in closed circles with the effective judgment rendered by officials committed to the test program."

Commonly, in response to this type of argument secrecy is defended as required for national defense purposes. But Dr. Pitzer said "when I was advised to look into this situation, the selection of the Nevada and Alaska test sites, I was struck by the fact that there was no real need for secrecy in discussing this problem. The details of explosive devices were irrelevant. All of the essential information was unclassified, or ought to be."

Mr. President, there is an exceptional concern about the series of tests planned to begin October 2 on Amchitka Island in the Aleutian Chain. The tests will be the most powerful ever attempted by the United States underground. And the location is new and untried. The island lies in the Aleutian arc where earthquakes regularly generate dangerous tidal waves.

The AEC's press release of September 24 demonstrates the reason for its credibility problems. In the press release announcing October 2nd as the date for the test, the AEC says that no radioactivity is *expected* to reach the atmosphere, no radioactivity is *expected* to reach the sea, no serious damage is *expected* to occur to fish and wildlife in the area, ground motion is not *expected* to be considerably smaller in seismic magnitude than the direct shock of the explosion itself.

The AEC says further in its statement that *"it is most unlikely that the explosion will trigger an earthquake of magnitude as large or larger than the initial seismic shock."* And it goes on to assure us that the predicted seismic magnitude of 6.5 "makes the possibility of damaging water waves very remote."

The Atomic Energy Commission has not been infallible in the past.

At the Nevada test site where no release of radioactivity is expected, at least 10% of the tests unexpectedly leak off *the Nevada Test Site.* The percentage would be higher if onsite leaks were included. But these are not publicly enumerated. In four consecutive months in 1969 alone at least three tests at the Nevada Test Site have leaked.

The Atomic Energy Commission did not expect radioactivity from the 1965 test on Amchitka Island to leak for hundreds of years. But radioactivity surfaced in at least two small fresh water ponds on Amchitka only a few months after the test.

The AEC did not expect strontium-90 to accumulate in milk.

The AEC did not expect the 800-kiloton blast detonated in January 1968 in central Nevada to rock Salt Lake City and San Francisco as well as Las Vegas.

The AEC did not expect underground nuclear bomb tests to trigger earthquakes. But now it's clear they do.

Mr. President, you are entrusted with the responsibility for determining the size, the nature and the location of nuclear explosions. I strongly urge you, in exercising your responsibility, not to rely exclusively on the Atomic Energy Commission. That agency is committed to the pursuit of this test program.

Based on information it alone has, the AEC has determined that the importance of the test overrides the potential dangers: earthquakes, sea waves, radioactive leakage either into the air or water, our relationships with Pacific Rim nations which have already expressed their concern. Is it proper that one agency of our government should make such a critical evaluation?

I cannot question the importance of the tests to national security because the purpose of the tests is kept secret. But I would say unless that purpose is absolutely overpowering to our *immediate* national defense, that the risks involved do dictate a decision not to go ahead with these tests at this time.

I urge you, Mr. President, to order a postponement of the October 2 test. I urge you to take the initiative in establishing a public dialogue of informed opinion on the nature of the tests and the extent of the dangers.

This entire question is too important to leave to staff evaluation. You have been entrusted with this responsibility, Mr. President, and I urge you to personally become involved before any further tests take place.

Please reflect on the possibility that hundreds, and perhaps thousands of people could be killed, and many millions of dollars in property damage could occur as a result of your assent to the detonation of a hydrogen bomb on October 2. *Also consider the possible radiation contamination of one of the world's great fisheries.*

Please think of the impact on our international posture and prestige of a violation of the Nuclear Test Ban Treaty. Two of America's closest national friends have expressed their concern. Many members of the Senate have added their names in sponsorship of my resolution asking for a Presidential commission to evaluate our nuclear testing programs independently.

Mr. President, if it is your decision to explode this bomb on October 2, then it is your judgment that the above mentioned risks are worth taking due to the exigencies of our weapons testing program.

I am constrained to say, Mr. President, that in the event of a tragedy you will be held accountable.

Sincerely,

Mike Gravel.

RESTORATION OF BALANCE BETWEEN LABOR AND MANAGEMENT

Mr. FANNIN. Mr. President, I have often mentioned the excessive power which labor unions hold over the economy and have repeatedly stressed the need for legislation to restore some balance between labor and management. In addition, I have introduced proposals to bring about some changes in our labor laws which in my opinion are calculated to better serve the interest of the Nation. In a recent speech before the National Press Club, Mr. Carl M. Halvorson, president of the Associated General Contractors of America, shows just what the power of labor unions has done to our economy. He points out that the wage demands of the unions have become so great and so inflationary that the Federal Government was forced to step in and curtail necessary public works projects in order to slow down the economy. It seems to me that it is a sad situation when such a course must be resorted to instead of getting to the heart of the problem by enacting remedial legislation. This point is well made by Mr. Halvorson and I ask unanimous consent that the text of his speech be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement on Government-Ordered Construction Cutback by Carl M. Halvorson, President, the Associated General Contractors of America, September 5, 1969, at the National Press Club, Washington, D.C.

It is most unfortunate that power of the building trades unions is so great and their wage demands have become so intolerable that the federal government must step in and curtail necessary public works projects in order to cool the economy. This means that the American public will be denied necessary construction services until some later date.

Rationing construction by use of cutbacks, in a surging expanding society, is self-defeating, because these projects will be built later at sharply increased costs. The answer is to get rid of some of the archaic labor laws which protect the already "overly protected" but powerful building trades unions. But the cutback won't affect the unions who have caused much of the current inflation by their outrageous wage demands. The cutbacks hurt the contractor who needs to schedule his work in an orderly manner, and the public who needs schools, hospitals, and other necessary public works.

We welcome the President's stated objectives of a greatly expanded manpower training and vocational education program. This can be a great help in curing the structural ills of the industry if a pragmatic approach is taken.

We also welcome the creation of a cabinet committee on construction to review the vast range of federal construction activities. In the past, federal stop-and-go tactics have imposed great hardships on the general contractor and have substantially increased the cost of public works.

If this curtailment of construction is to be anything other than an expression of frustration in the face of "union created inflation" in the building industry, additional meaningful and forthright actions are required in the following areas:

Review the validity of federal labor laws which were created in times of unemployment and underemployment in the light of today's full employment economy.

Elimination of current featherbedding practices and the use of skilled workers where unskilled workers could be more economically employed.

Evaluation of a general $9–$10 per hour wage already provided for in many existing agreements in this industry and the lateral effects on the manufacturing and service industries and on our competitive posture in world trade.

The government must review the impact of deferred wage increases already structured into existing labor agreements which have been considered too inflationary at this point. Under the Davis-Bacon Act, inclusion of these future rates will greatly increase the cost when these now deferred projects are finally built.

Cutbacks are a reaction to the symptoms of the industry's problems and do not address the causes of those problems. Only congressional action can get to the root cause of inflation—excessive union power. This power has caused over 200 economic work stoppages in the industry this year, averaging 41 days each, 328 million man-hours have been lost. Wage increases are averaging more than 15 per cent per year. In large metropolitan areas, wage increases are averaging nearly $2000 a year. Unfortunately, the construction unions, by their strikes and wage settlements, have now clinched their position as the "power clique" among American workers. The average hourly wage for construction workers is $5.80 and recent wage increases will exceed $10 an hour within two years in many areas.

Correction of inflationary forces in the construction industry will require practical bipartisan political solutions if we are to pursue and develop our stated national goals of full employment and an enriched environment. Congressional hearings should be held promptly to fully explore the problem and to devise acceptable solutions.

MESSAGE PRESENTED TO 23D ANNUAL CONVENTION OF NATIONAL ASSOCIATION OF STATE DIRECTORS OF VETERANS' AFFAIRS

Mr. BURDICK. Mr. President, Mr. Lloyd F. Zander, Fargo, N. Dak., past president of the National Association of State Directors of Veterans' Affairs, has just brought to my attention a message presented to their 23d annual convention held in Christiansted, St. Croix, Virgin Islands, on behalf of Gov. Melvin H. Evans. I think the Governor's message is very timely. I ask unanimous consent that it be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Administrator for St. Croix on Behalf of the Governor of the Virgin Islands, Delivered at the 23d Annual Convention of the National Association of State Directors of Veterans Affairs, on September 20, 1969

Mr. President, Officers of the National Association of State Directors of Veterans Affairs, distinguished guests, ladies and gentlemen:

The Governor of the Virgin Islands, Dr. Melvin H. Evans, has asked me to express to you his profound regret for not being able to present, due to illness. He extends to you a hearty welcome to the Virgin Islands and wishes you a very successful 23d Annual Convention.

He asked me to read the following message, and also to give you some background of our heritage as freedom-loving Americans. Here follows the Governor's message:

"It is with a keen sense of disappointment that I find myself unable to be here with you tonight as I had enthusiastically endorsed this convention being held here from the outset. I had looked forward to being present and participating with you in this special occasion, which means so much to the lives and affairs of so many millions of Americans who have served and are serving their country. Though unable to be present, I am pleased to take this opportunity to have my Administrator for Saint Croix, Mr. Henry E. Rohlsen, convey through this message a few sentiments which I would have liked to express in person, had it been possible.

We, in the Virgin Islands, are proud of our heritage, of fighting for the freedom of man. We fully recognize that to keep freedom one must be ready and willing to die if necessary. We have participated and given our lives in all of the conflicts in which our country has been involved, since we have become a part.

Right now we are participating in Vietnam. Seventeen of our youths have fallen in the fields of Vietnam. We can proudly say that there are no Americans more loyal than Virgin Islanders, no Americans more patriotic, and no area in my knowledge with less subversion.

As an organization serving those in our country, who have given the most and in many cases their all, I salute you and hope that your deliberations here will be productive, but also enjoyable."

Here ends the Governor's message.

I would like at this time to briefly elaborate upon the Governor's message, by telling you a little of our history—of our dedication to freedom in these Virgin Islands.

Let me take you back to the year 1848, when at Fort Frederick, at Frederiksted, St. Croix, the first slaves in the Western Hemisphere and probably the world, were set free, by the abolition of slavery in the Virgin Islands.

The yearning for freedom was causing a state of unrest among the slaves. The planters saw an explosive situation existed and sought aid from the Governor. Against the planters wishes, Governor Von Schoulten made the courageous decision, contrary to the wishes of the Danish Crown, that freedom of the slaves was mandatory. This was the birth of our freedom which we have cherished since.

We skip many years of our struggle to maintain freedom and we arrive at the year 1917. In this year our Islands were purchased by the United States of America for the sum of $25,000,000, and we became American citizens. Immediately, we find our men serving in World War I.

We served and died in World War II. We served and died in Korea. We are now serving and dying in Vietnam.

As of today, we have lost 17 of our youth in Vietnam. Our men have given their lives in Vietnam in order that the people of Vietnam may have the right to fully participate in representative government. The United States has denied this same right of American Democracy to the people of the Virgin Islands.

This is not intended to be a complaint. We are prepared to go wherever the United States flag goes, in the defense of freedom and the dignity of mankind.

We are dedicated to freedom and our country and to the proposition as has been said, "Our country may she be fair and just in all her dealings, but our country right or wrong."

Draft dodgers are not numbered among us. Draft card burners are not numbered among us. Subversion has no part in our lives.

As loyal Americans we have shared in the supreme sacrifice demanded to safeguard and keep our liberty and freedom.

Our participation in this has not been a compulsory or token one. At the outbreak of World War II in 1941, it was necessary for us to send a delegation of Virgin Islanders to Washington to lobby and beg Congress to include the Virgin Islands in the Draft. We were draft exempt.

On a population-ratio basis, we have today, twice as many Virgin Islanders serving in the United States Military Services, as you have from the States.

On a population-ratio basis, we have lost twice as many Virgin Islanders in Vietnam as you have lost from the States.

It is very appropriate and it is heartwarming to our Governor and the people of the Virgin Islands that you have chosen the Virgin Islands as the site of your 23d Annual Convention.

Governor Evans and his Administration join you in your dedication of service to those who have served our country. We honor the accomplishments of your 23 years of dedicated service. We pray that your visit with us will be extremely productive and enjoyable. We open wide the door of our Virgin Islands hospitality to you.

THE FIGHT FOR THE PRESIDENT'S MIND

Mr. GRIFFIN. Mr. President, the Washington Post published an article on Sunday, September 28, 1969, about a book soon to be published by a former Under Secretary of the Air Force, Townsend Hoopes.

The book reportedly details the crucial decisions that led to a major change in policy by the Johnson administration regarding the Vietnam war.

XUM

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Acheson's Attack on JCS "Shocked" L. B. J., Book Says

(By Murrey Marder)

Former Secretary of State Dean Acheson "shocked" President Johnson in February-March, 1968, by telling him he was being "led down a garden path" in the Vietnam war by the Joint Chiefs of Staff.

That description of one of the most jolting exchanges in the 1968 struggle over reversing U.S. escalation of the war is given by Townsend Hoopes, Under Secretary of the Air Force from 1967 to early this year.

Many newsmen—and one insider, former Defense Secretary Clark M. Clifford, who was the major catalyst in "The Fight For the President's Mind," as Hoopes calls it—already have written about the extraordinary civilian revolt behind the scenes that year.

But no insider previously has given such detail and such pointed characterizations of the participants' positions. That great internal debate culminated in President Johnson's decision to change the fundamental course of the war by partially halting the bombing of North Vietnam, coupled with the President's stunning announcement that he was simultaneously removing himself from the 1968 presidential race.

Hoopes' account is likely to arouse challenges from those on the "hawk" side of that critical decision. Hoopes himself was not in the top echelon of the clashing principals; he was in the supporting cast behind Clifford's fight to reverse U.S. policy, and he was heavily engaged in planning options for air strategy in the war.

His version of the internal struggle, published in the October issue of Atlantic Monthly, is drawn from Hoopes' forthcoming book, "The Limits of Intervention," to be published this month by David McKay.

Hoopes states:

In late February, 1968, when Gen. Earle G. Wheeler, chairman of the Joint Chiefs, submitted a military request for 206,000 more American troops, Acheson told the President: "With all due respect, Mr. President, the Joint Chiefs of Staff don't know what they're talking about."

When "the President replied that was a shocking statement," Acheson answered that if so "perhaps the President ought to be shocked." Acheson told the President two weeks later, after an intensive study, that "he was being led down a garden path by the JCS . . ."

Dean Rusk, then Secretary of State, is described in Hoope's book, an Armed Forces Journal interview reports, as "a major contributor to the national confusion over Vietnam." But Clifford's challenge to existing war policy led Clifford to believe Rusk was "troubled and sincerely anxious to find some way to the negotiating table." Rusk, who "in the summer of 1967" had proposed "a heavily qualified partial (bombing) halt," finally gave "implicit endorsement" to the bombing moratorium that emerged from the drive to de-escalate the war.

Walt W. Rostow, President Johnson's security adviser and a leading "hawk" along with Rusk and Wheeler, made Mr. Johnson "the victim" of the "selective briefings'—the time-honored technique of underlining, within a mass of material, those particular elements that one wishes to draw to the special attention of a busy chief . . ."

Robert S. McNamara, Clifford's predecessor as Defense Secretary, who started as a "hawk" but became progressively disenchanted with the war, "finessed serious debate on basic issues," and sought to "muffle the differences, and thereby avoid a business confrontation within the administration." McNamara, "in every instance before going to Saigon to "bargain" with the military on manpower, "reached his own conclusion before departing Washington and had meticulously prepared his own position, including a draft of what he would report to the President on his return."

Clifford, as the former Defense Secretary himself already indicated, stunned Mr. Johnson—who expected him to be a firm supporter of the war. "Then, as Clifford later said wryly, 'this Judas appeared,' " when Clifford led the fight to halt escalation of the war. The Johnson-Clifford relationship "grew suddenly formal and cool." In the following summer, when Clifford led the next fight for a total bombing halt, "the President refused to see him alone . . ."

Abe Fortas, then a Supreme Court justice and one of President Johnson's closest confidents, "continued to play the curious role he had assumed on other occasions in the running debate on Vietnam—a spokesman for those private thoughts of Lyndon Johnson (on pursuing the war) that the President did not wish to express directly." Rostow "and Justice Abe Fortas had a major hand" in drafting two thoroughly truculent speeches" that Mr. Johnson deliver in mid-March, 1969, in the Midwest while the intense secret war policy debate was under way.

Paul Nitze, deputy secretary of defense, although "basically a hard-liner" on communism as Acheson is, "advised Clifford that he (Nitze) was not in a position to defend the administration's Vietnam policy" in testimony before the Senate Foreign Relations Committee. Nitze offered to resign; Clifford advised him to stay. Hoopes describes Nitze as "a pearl of great price."

Paul Warnke, then assistant secretary of defense for international security affairs, "was to have perhaps more influence on Clifford's change of position than any other single person." Nitze and Warnke at Defense, joined by Phil G. Goulding, assistant secretary for public affairs whose role in the internal debate has not been revealed previously, took a major role in providing Clifford with arguments to contest the military leaders' strategy. They were "supported" by Under Secretary of State Nick deB. Katzenbach (as was previously revealed).

If the military request for 206,000 more men for the Vietnam war—"a 40 per cent increase"—had been approved, it would have caused the defense budget to rise "by $10 billion in 1969" and would have created "a requirement for about 400,000 more men on active military service," reservists and draftees. "Goulding argued that the shock wave would run through the entire American body politic."

Many portions of other highlights in the Hoopes account previously have been aired in public, but his version adds more detail.

Hoopes wrote that "one of the major ironies" in the course of events that set off the policy challenge was the fact that McNamara, in February, did not accompany Gen. William C. Westmoreland to Saigon. If McNamara had done so, Hoopes speculated, the troop reinforcement figure probably would have been whittled to about 50,000 and the showdown would have been averted.

When Mr. Johnson assigned the military's request for 206,000 troops to a task force headed by Clifford, who had just been confirmed in January, Hoopes said, "As the principals understood it, the assignment from the President was a fairly narrow one—how to give Westmoreland (U.S. commander in South Vietnam) what he said he needed, with acceptable domestic consequences."

"Restow, Wheeler, and Taylor expounded the hard line," said Hoopes, "arguing that the Tet offensive was in reality a new and unexpected opportunity," and they, joined by Rusk and Treasury Secretary Henry Fowler "were strongly for meeting the request and getting on with the war."

Hoopes said Clifford was "uneasy" about the report but "passed (it) along" while "Nitze, Warnke, Goulding and I were profoundly discouraged." Hoopes said that to him the report "was mindless folly." Then, said Hoopes, as the dismay of these men and others, and the consequences of continuing existing policy, began to have impact on Clifford, "about March 16" the Clifford doubts "crystallized into a firm conviction that the administration's policy in Vietnam was indefensible."

Then Acheson's opposition began to register, Hoopes relates, especially after a two-week inquiry during which Acheson "cross-examined" U.S. experts including Philip Habib of State, George Carver of the Central Intelligence Agency and Maj. Gen. William DuPuy of the staff of the Joint Chiefs.

Next came the turnabout on Vietnam, as previously disclosed, by the so-called "elder statesmen," known as the Senior Advisory Group on Vietnam. There was new shock for the President when men like McGeorge Bundy, former national security adviser to Presidents Kennedy and Johnson; Cyrus Vance, former deputy defense secretary and others added their strong objections in White House meetings on March 25–26.

Meanwhile, as other reports have shown, presidential counselor and speech writer Harry McPherson suddenly thought on the night of March 2[illegible], of combining portions of previously mentioned ideas to cut through the impasse. "To McPherson's surprise," Hoopes notes, the President suddenly accepted McPherson's draft proposing halting the bombing of North Vietnam north of the 20th Parallel, "in exchange for assurances that Hanoi would show restraint at the DMZ (demilitarized zone) and would not attack Saigon and other major cities."

Hoopes said that this message was sent to Saigon "with Rusk's implicit endorsement" and "Bunker responded without great enthusiasm, but to the effect that he could live with it."

But the policy struggle continued, Hoopes related, and he, unsure of the outcome, "worked at polishing a letter of resignation" while the President prepared to speak. Hoopes credits Clifford, as do others, with being "the single most powerful and effective catalyst of change," for inducing the President to change his war policy.

ALASKAN COMMUNICATIONS

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the Record a letter dated September 26, 1969, from me to the President, relating to the domestic satellite issue, the Alaska satellite requirement, and Alaskan communications generally.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., September 26, 1969.

The President,
The White House
Washington, D.C.

Dear Mr. President: At the moment the White House has several study groups mobilized to grapple with the domestic satellite issue, the Alaska satellite requirement, and Alaskan communications generally.

I would like to bring to your personal attention some existing deficiencies. I hope you will insure that your study groups not overlook appropriate corrective action. It is extremely important that this be done in a timely manner to avoid any agreements within the International Communications Satellite Conference (INTELSAT) which would be detrimental to the United States or to any region of the United States.

The complexity of the issue precludes a detailed presentation in this letter, but a few major elements should be identified. A brief discussion will illustrate their impact

on the issues and on the public's right to finally be blessed with the rewards of its investments in space research.

I feel confident your review will bring you to the conclusion that:

The Communications Satellite Corporation is unmanageable in its present form with industrial competitors on its board of directors.

The Communications Satellite Corporation, as now chartered, cannot serve as an international agent and act simultaneously as a responsive and successful domestic institution.

The United States should assure that the eventual INTELSAT agreement will not impede full and free utilization of satellite technology for domestic regional or domestic national public communications.

The widest public access to educational and public broadcasting is the highest priority in the land for domestic applications of satellite communications.

In reviewing the hearings that led to enactment of the Communications Satellite Act of 1962, the record reveals the difficulty of legislating a new technology about which so little was then known. The main thrust was to instrumentalize American leadership in international application of the new science. Today we can look on the Act with far more expertise.

The Communications Satellite Corporation (COMSAT) has been seriously hindered by foreign governmental interests in lucrative submarine cables and their inflated profits. COMSAT has on its board of directors industrial representatives of competitors who have often litigated in opposition of COMSAT. It is little wonder that public COMSAT stockholders have not enjoyed a return on their investments. Moreover, the American public which paid for the research leading to this science has yet to enjoy continuous domestic benefits.

Yet the United States by its Memorandum of Understanding with India of September 18, 1969, will provide domestic services to that country by 1972 through a NASA satellite. Without quarrelling with the generous and reasonable India project, it is paradoxical that the United States has not been able to cope with her own applications.

The domestic issue has been permitted to stick in a quagmire of competitive, vested interest of network broadcasters and communications carriers. The profit-criteria has dominated the issue through devices of international commitments, technical regulations and other machinations to keep the issue boiling in uncertainty.

This national dispute is impacting disastrously on critical needs of our society for public, cultural telecasting and for scholarly exchanges between our academic institutions. It delays vitally needed solutions for certain regions such as Alaska or our overseas possessions like American Somoa.

I urge you, Mr. President, to offer amendments to the existing law which will provide the organizational structure, independent of foreign interests, to bring domestic satellite communications to the American public.

With kind regards.

Very respectfully,

Mike Gravel.

UNDERGROUND NUCLEAR TESTS

Mr. INOUYE. Mr. President, on Monday, September 29, the Committee on Foreign Relations conducted hearings on Senate Joint Resolution 155, introduced by the Senator from Alaska (Mr. Gravel), and of which I am a cosponsor. The joint resolution urges that a review be conducted of the international and foreign policy implications of the underground nuclear testing on the island of Amchitka. The first in this test series is scheduled to be detonated tomorrow, October 2. This morning an editorial published in the New York Times succinctly sets forth, I believe, the position of a number of Senators who spoke at the Foreign Relations Committee hearings.

Last month, I contacted President Nixon and the Atomic Energy Commission to urge that these tests be postponed until an independent inquiry, such as that proposed by Senate Joint Resolution 155, could be conducted. I continue to urge that this action be taken.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Risk-Taking on Amchitka

Despite the combined protests of scientists, conservationists, members of Congress, aroused citizens groups in three Western states and the governments of two friendly neighbors, the Atomic Energy Commission is moving ahead with plans for a one-megaton underground nuclear blast in the Aleutians tomorrow, the first of projected tests to perfect new weapons.

Some scientists fear that the explosion may trigger a very large natural earthquake in the seismologically unstable area and that there may be contamination of air and water. Conservationists are concerned about the ecological impact on Amchitka Island, site for the tests, which is a part of the Aleutian Islands National Wildlife Refuge and a stronghold of the sea otter, a species once near extinction. Alaskans, Californians, Hawaiians, Canadians and Japanese are apprehensive about the danger from quakes and tidal waves.

Congressmen have urged a postponement of the tests until an independent panel of experts can assess the potential damage. But the A.E.C., which does not deny that dangerous side effects are possible, insists that the risks are minimal and worth taking in the interest of national security.

That is a dubious proposition on two counts first, because A.E.C. scientists tend to minimize dangers in order to support their interests in further nuclear development, and second, because the weapons the tests are designed to develop will only accelerate the arms race and thus increase international insecurity.

Supporters of the test program argue that the Russians also are testing new weapons. This, unfortunately, is true, but it does not justify testing in this particularly uncertain area until the dangers are studied more thoroughly and objectively.

At the very least, the tests should be postponed until an independent study of the dangers can be completed and discussed. Better still, the United States should press urgently in talks with Moscow and in the eighteen-nation Disarmament Committee for an agreement to ban all underground nuclear weapons testing, or at least those large-yield tests that can be easily monitored. The Amchitka tests pose unwarranted threats to the immediate safety of people living in the Pacific basin and the long-run security of mankind.

A SALUTE TO GHANA

Mr. McGEE. Mr. President, yesterday marked a significant event in Ghana, the official return of Ghana to civilian rule after more than 3½ years of military government. The people of Ghana and the first Prime Minister of the second Republic of Ghana, Dr. K. A. Busia, deserve our sincere congratulations and support in their endeavors. It is my hope that this occasion indicates the tide of armed takeovers that has swept Africa in the last 10 years has reached its peak, and that the events in Ghana will serve as an inspiration for the future.

The smooth and peaceful election of August 29 also deserves our attention, for it was singularly free from any taint of corruption or other irregularities. There can be do doubt that Dr. Busia and his Progress Party have gained a mandate to govern, for they won the elections by a landslide. I think this once again demonstrates the truth of the proposition that the people, given the opportunity, will choose the uncertainties and challenge of democratic self-government before the often proclaimed advantages of the so-called guided democracies or development dictatorships.

But of course it must be realized that no matter how popular or capable the new government may be, Ghana's success will hinge in part upon international cooperation. Specifically it means that we in the West must bend every effort to insure Ghana's prosperity and general well-being by providing a stable and equitable international commodity market, in which Ghana can gain the necessary foreign exchange credits to pay her obligations and finance her development plans.

Recent events in Ghana, then, deserve our best wishes, and I am sure Senators will join me in extending a tribute to the second Republic of Ghana and Prime Minister Busia.

COLUMBUS, OHIO, JOINS IN CALLING FOR ENACTMENT OF URBAN AND RURAL EDUCATION ACT

Mr. MURPHY. Mr. President, Superintendent Harold H. Eibling, of the Columbus, Ohio, public schools, has endorsed enactment of the Urban and Rural Education Act of 1969, S. 2625, which I introduced on July 15.

I ask unanimous consent to have this letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Columbus Public Schools,
Columbus, Ohio, August 18, 1969.

Hon. George Murphy,
U.S. Senate,
Washington, D.C.

Dear Senator Murphy: Thank you for your thoughtfulness in sending me a copy of the bill you recently introduced in Congress.

This Urban and Rural Education Act of 1969 has been studied and read very carefully by members of our professional staff. As we understand it, this bill would amend Title I of the Elementary and Secondary Act of 1965 and proposes to provide substantial increases in funds for certain qualified large cities to meet the educational needs of disadvantaged pupils in the elementary schools.

This additional money would be available to the local education agency without precondition; therefore, we have assumed that it would be possible to develop facilities needed for the approved programs. This bill as you have presented it seems logical and justifiable in terms of the intensified need that can easily be identified in large cities as well as certain rural sections of our great nation.

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I would certainly hope that this bill would meet with favor and success in Congress.

Sincerely yours,

HAROLD H. EIBLING,
Superintendent of Schools.

HUMAN RIGHTS HAVE LONG HISTORY AS PROPER SUBJECT MATTER OF TREATIES

Mr. PROXMIRE. Mr. President, as an unequivocal proponent of Senate ratification of the Human Rights Conventions, I have frequently been confronted with the argument that conventions on human rights are not a proper exercise of the treatymaking power.

I contend that there is both abundant historical and legal precedent for U.S. ratification of Human Rights Conventions.

Human rights were very much an integral part of the international treaty process as early as the 17th century. The Treaty of Westphalia, negotiated at the end of the Thirty Years War in 1648, guaranteed for all the Germanies the equality of rights for people of both the Roman Catholic and Protestant faiths.

Later in the same century, the Treaty of Breda saw the extension of freedom and equality to Roman Catholics by Protestant princes.

The Congress of Vienna of 1815 extended the principle of religious freedom and political equality to many cantons of Switzerland and protected the equality of Christian religions in Germany.

Four different treaties and conferences of the 19th century affirmed and reaffirmed the outlawing of slavery. In fact, 105 years ago in 1862, the United States entered a treaty with Great Britain for the immediate suppression and ultimate elimination of the African slave trade.

The treaties concluding World War I—involving Albania, Austria, Bulgaria, Czechoslovakia, Greece, Hungary, Poland, Rumania, Yugoslavia, and Iraq—guaranteed full equality for the citizens of those nations irrespective of birth, nationality, race, or religion.

The United States has both historical and legal precedent for the ratification of Human Rights Conventions.

The United Nations was a further fulfillment rather than an innovating departure from the traditional collective efforts for protecting human rights and insuring human dignity.

The Senate can take a major step toward the full implementation and full realization of human rights for all human beings by ratifying the Conventions on Forced Labor, Genocide, and Political Rights of Women.

TAX REFORM BILL AS IT AFFECTS MUNICIPAL BONDS

Mr. MURPHY. Mr. President, I have been very much concerned with the impact of the Federal tax reform legislation as it affects municipal bonds. The State of California is also greatly concerned and I arranged for Ivy Baker Priest, State treasurer, to appear before the Senate Finance Committee to voice the State's opposition to the tampering of present Federal-State relationships concerning tax-exempt municipal bonds. I ask unanimous consent that her testimony be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, testimony before the Senate Finance Committee has amply demonstrated that interest rates on debt obligations of State and local governments would increase sharply if the pertinent sections of the Tax Reform Act of 1969 were enacted. Attendant and equally demonstrable effects of such higher interest rates would be correspondingly heavier property taxes and related imposts in those jurisdictions issuing tax-supported bonds as well as increased charges, fees, or tolls for users of water, sewer, electric, highway, bridges, and other facilities financed by revenue or revenue-supported bonds. What has received less emphasis, but is potentially of tantamount or surpassing significance, is the built-in inflationary impact of higher municipal interest rates on the economy of California and the Nation as a whole.

The State of California and its political subdivisions have typically sold more bonds annually in recent years than any State in the Union. Between 1960 and 1968 California bond sales averaged $1.4 billion yearly, or 13 percent of the total average annual volume. Aggregate State sales for this period amounted to $12.7 billion, against $97.6 billion for all State and local governments combined. Future sales in this order of magnitude, or greater, are a virtual certainty in view of the indicated need of and plans for new statewide construction plus improvements or expansion of existing facilities. Authorized but unsold bonds of the State of California, for example, currently total $1.3 billion, while similar debt of underlying cities, counties, school districts, and other local units is nearly $3 billion.

It is important to note at this point that, whatever average increase in interest rates is ascribed to the Tax Reform Act, such increase for California will necessarily be more severe. Because our State is the largest and, in absolute terms, the most rapidly growing, there has arisen a proliferation of local units whose present credit status by traditional yardsticks demands a premium on borrowing costs. This is especially true for new agricultural developments in the Central Valley associated with the California water project and expansion residential-industrial ventures in southern California accommodative of the spillover from metropolitan Los Angeles and San Diego.

On August 28, there appeared on the financial page of the Los Angeles Times, an article indicating the difficulties that municipal bonds are already having in California. The article goes on to blame both high interest rates and the tax reform bill for the fact that no bids had been received on the estimated $20.5 million Venice waterway project. I ask unanimous consent that this article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MURPHY. Mr. President, property taxes are the major revenue source of municipal governments. Debt service increases, then, which must result from the tax bill's reform provisions, will consequently be reflected mainly in higher local taxes on land and improvements. It can be shown moreover, that the accrued effects of such higher taxes in California will redound as well to the detriment of the Nation, owing in part to the State's critical role in the U.S. economy.

California for many years has paced the country or ranked highly among the leaders in the value of agricultural output, aerospace production, food and kindred items, transportation equipment, and products derived from or allied with petroleum, lumber, rubber, plastics, and stone, clay, and glass.

Taxes, in agriculture or industry, quite simply are a cost of doing business. Where taxes increase inordinately, thus reducing sharply investment return relative to expenditures, the affected producers may either leave the state or area or pass along the increase to subsequent middlemen or to final consumers. In the first instance the domestic economy of California would suffer. The latter result, however, implying an extrastate transference or multiplication of increased production costs, would be more likely in California because of the general nature of the state's dominant industries—especially agriculture and aerospace. Furthermore, as food items and defense outlays have typically been among the chief culprits in spinning out the inflationary spiral, additional production costs translated into higher prices would have grave economic repercussions.

The effect of higher property taxes on production costs and consumer prices will be felt also to a certain degree in many other industrially important States with substantial prospective borrowing. Whether the individual State or the entire Nation would suffer most in a given instance is, at this juncture, academic. The point is that the suffering is not only destructive but needless.

First. Reducing the value of tax exemption to individuals via the minimum income tax allocation of deductions proposals will yield token revenue benefits to the Federal Government only to inflict lasting damage on the majority of our citizens for the dubious pleasure of paining the rich few.

Second. Permitting State and local governments to issue taxable bonds in exchange for a Federal subsidy would presumably result in offsetting transactions in terms of U.S. Treasury accounts—making it a fiscal nullity, therefore—while at the same time sorely endangering intergovernmental relations, weakening Federal budgetary controls, and tempting the fiscal integrity of local governments by an unlimited license to sell federally backed debt obligations.

Additonally, there are serious legal questions involved in adjudicating the matter of either direct or indirect taxation of municipal interest as well as in the authorized issuance of taxable securities by States and localities. Consequent litigation, inevitably massive and prolonged, will contribute further to the progressively deteriorating condition of the municipal bond market and the higher interest rates that such deterioration entails.

Third. Similarizing the tax liability of commercial banks relative to both profits and losses on portfolio security transactions, as provided in the act's treatment of bonds held by financial institutions, would not only reduce bank holdings of municipal bonds but also impair the market for U.S. Treasury and Federal agency securities, striking thereby a wasteful blow at each level of government.

Tax equity is a worthy aim. I certainly support the need for tax reform because I believe that the American public carries too heavy a tax burden. Therefore, no one doubts the sincerity of the drafters of the legislation. Yet it is apparent in this instance that motive and dedication have combined to produce a bill whose security provisions will disrupt our capital markets, increase interest rates and taxes, fundamentally alter our governmental system, and damage the economies of the States and Nation.

The duty of the Finance Committee and the Senate then, is clear, gentlemen. The offending provisions of the tax reform bill should be struck, in the interest of our constituents, in the interest of State and local autonomy, and in the interest of our national well-being.

Finally, Mr. President, I ask unanimous consent that a statement by Mr. Joseph Jensen, chairman of the board of directors of the Metropolitan Water District of Southern California be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA CONCERNING THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS*

The Metropolitan Water District of Southern California is a public corporation organized under the laws of the state of California to furnish supplemental water at wholesale for municipal and industrial use to cities and other public agencies. The District now serves most of the coastal plain of Southern California. It has a population of more than 10 million living in 121 cities and in various unincorporated areas including the metropolitan areas of Los Angeles, Orange County and San Diego.

Southern California, a semi-desert area, has experienced the greatest influx of people in the world's history during the past three decades in which it has become one of the great urban complexes in the world. This amazing and unprecedented growth placed tremendous pressure on public officials to continue furnishing the most basic commodity for this dynamic and expanding economy, namely, water. The nature distribution of waters in California has never coincided with population and industrial demands, a problem characteristic of most of the southwestern United States. The difficulties of meeting this growth and attempting to plan for the future involved enormous costs and from a practical standpoint could only be accomplished by spending vast amounts of funds requiring long term financing.

In addition to the major water resource works already constructed in Southern California with municipal bonds, the voters of the Metropolitan Water District authorized the sale of $850,000,000 in general obligation bonds in 1966 as part of a financing package for the construction of $1,250,000,000 in new works for the distribution of additional water within our service area. These bonds are in addition to the $1,750,000,000 in bonds authorized for the California State Water Project, the world's largest water project which will meet Southern California's needs until close to the turn of the century. As of this time, Metropolitan has yet to sell $665,000,000, which are unsold.

These figures quite accurately reflect the enormous costs to state and local governments of financing just one of their essential services in the west under the unprecedented growth pressures experienced since World War II. Today in California, public agencies have over $2 billion in bonds awaiting sale for the construction or betterment of water supply systems. In most instances, the added flexibility of long-term financing has permitted public agencies to do a more comprehensive and more efficient planning and construction job in the development of their water resources. Piecemeal planning and construction, quite frequently caused by practical financial restrictions, has usually resulted in a poorly balanced use of available resources and in the long run more expensive development.

Section 301 and 302 of the House Tax Reform bill, H.R. 13270, will clearly have an immediate impact on the costs of long-term municipal financing. The far-reaching effect of the minimum income tax and allocation of deductions proposals is unquestioned. Investors, of course, handle their portfolios in large part based on the tax consequences of their decisions and the question is not whether this will increase the cost of issuing municipal bonds but rather how much. The other distinct possibility is that investors will seek other more profitable investments, thus limiting the supply of funds for municipals and so in effect driving up interest costs as competition between municipal agencies increases in a narrower market.

The other effect of these proposed changes is to undermine the confidence of investors who will not be specifically affected by these amendments but who are afraid that they represent a trend which will eventually include them. They can only view municipals as an investment with much less certainty of return than that upon which they have come to rely. Their reaction may well be the same, i.e., either they will look elsewhere for investment potential or reflect their concern in the bids they make for these securities. Also, until the constitutional issues raised by some of the proposed amendments are resolved by the courts, investors will be reluctant to consider municipals.

From the standpoint of Metropolitan and other public agencies, these reactions will cost money—a great deal of money—which must be passed on to taxpayers or water users. Metropolitan must sell the $665,000,000 balance of its current bond authorization to complete its construction program and an increase of one percent in the interest rate of these bonds will result in an added cost of somewhere around $275,000,000. An increase of 2¼ per cent will result in an increase equivalent to the principal amount.

This added cost to Metropolitan will not be for the investor's benefit. The investor is demanding a higher interest rate to maintain his rate of return in the face of changes in the tax law and the added interest cost to state and local agencies which investors will demand will equal what investors expect they would face in additional federal income tax.

Obviously, we are opposed to the inclusion of interest on municipal bonds in these two provisions. We do not feel the Federal government's need for additional revenue needs to be at the expense of local taxpayers. The almost miniscule number of individuals who escape a portion of income tax because of ownership of municipal bonds is not adequate reason to impose much higher costs on local government, the most greatly troubled level in our entire government structure today.

The alternatives to the tax-exempt bond which have been proposed in connection with tax reform so far fall into three general groups. The House bill provides for a no-strings-attached subsidy for those public agencies willing to issue fully taxable bonds. The other two have been generally lumped into the "urban bank" approach and some type of guarantee system.

These latter two involve Federal surveillance and regulation of local capital projects in order to obtain the financing offered. We do not agree with this. We do not feel that having to accept Federal approval of our construction programs is an alternative to our reluctance to go into a more costly bond market. Some areas of state and local government need Federal assistance to develop needed programs in accordance with national policy but we feel this should be a conscious decision by Congress to aid in a particular field with established standards and a recognition of need rather than as an only alternative for paying higher interest rates. We do not feel that the Federal government's need for additional funds as stated by the Treasury Department is adequate justification for making local public projects into a Federally supervised program.

The no-strings-attached subsidy provided in the House bill has more merit from the standpoint of local agencies and is more consistent with Treasury's arguments that its objection to tax-exempt bonds is in large part based on loss of revenue. However, we cannot agree with such an approach when it must go hand in hand with a major deterioration of our traditional financing market, leaving as an alternative one which is untried and subject to constant change by future Administrations and Congresses. If the direct subsidy approach, which we believe will prove far more costly than current estimates indicate, proves unacceptable or is altered by Congress at some future time, then state and local agencies are left without recourse as their traditional market will have already been substantially altered or eliminated.

The Metropolitan Water District is opposed to any legislative proposals which will eliminate or curtail the tax-exempt status of municipal bonds, reduce or impair their marketability, increase interest costs or otherwise adversely affect the municipal bond market.

EXHIBIT 1

STATE OF CALIFORNIA VIEWS ON THE TAX REFORM BILL—H.R. 13270

(Presented to the U.S. Senate Finance Committee by the Honorable Ivy Baker Priest, State Treasurer, Sept. 23, 1969)

The State of California, which I have the honor to represent before this Committee, opposes those provisions of H.R. 13270 which, as presently written, would tamper with the existing Federal-State relationship concerning tax-exempt municipal bonds.

We oppose also any changes in charitable trust provisions of tax law which would cause unintended but seriously adverse effects on California's and the entire Nation's educational institutions. Any action which shuts off or diminishes the flow of gift funds to private schools will yield only added burdens to the public tax structure.

It is our contention that H.R. 13270, the so-called tax reform law, would cause far more harm than good in attempting to solve some of the existing inequities. It would

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* Presented to the Committee on Finance, United States Senate, by Joseph Jensen, Chairman, Board of Directors, September 23, 1969.

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open a pandora's box of horrors, jeopardizing Federal-State relationships of all kinds and touching off bitter rounds of litigation. For the most part, however, we will restrict our testimony to the proposed taxation of State and Municipal bonds.

From this nation's earliest days these bonds have been considered as tax-exempt without serious question. We have not attempted here to present the full weight of data and expert opinion available to support our views, but instead seek to point out as concisely as possible what we believe would be some of the adverse effects of this proposed legislation.

This committee's goal of tax reform is a most desirable one. However, because California would be so seriously affected we must oppose H.R. 13270 in its present form on the following grounds:

1. We believe the proposal to tax state and local bonds, commonly referred to as "municipals", is unconstitutional, regardless of whether the Federal government subsidizes all or any part of the increased interest costs resulting from state or local issuance of taxable bonds instead of the traditional non-taxable bonds. We believe that it really makes no difference whether the interference is direct or indirect on this point.

2. Federal taxation of municipals will immediately and automatically increase market interest rates to compensate investors for the altered status of such bonds. The inevitable result must be increased state and local taxes to pay for the increased interest costs. The low and middle income taxpayer thus would bear an even larger share of the burden than he now does.

3. Once the principle is breached, there would be no fixed stopping point. Once Congress takes the first step away from tax exemption on municipal bonds, it can always take another step and yet another whenever circumstances make it expedient to do so. Thus, a federal subsidy of the extra interest costs involved in issuing taxable municipals can be withdrawn just as easily as it was first offered.

4. The very fact that Congress has been seriously considering legislation of this type already has had adverse effects upon the bond market. The fears and uncertainties surrounding current proposals to tax these bonds have led to (a) a shrinking of available money supply and demand for investments of this type because many would-be investors shy away entirely from the municipal bond market until congressional intentions solidify, and (b) further increase in interest rates on those municipal bonds which do manage to attract bidders in these unsettled times. It must be recognized that selling prices of stocks and bonds are affected by such intangible factors as investor confidence and optimism, or the lack thereof, fully as much as they are by earning records, credit ratings and the caliber of management. This is as true with municipal bonds as with corporate bonds. Investor buying patterns are influenced very markedly by any threat or suspicion of threats such as presented by current congressional actions toward state and local bonds.

5. Greater dependence upon the Federal government as the source of major public works funding for state and local needs will be the inevitable result of any tampering with the historic status of tax-exempt bonds. If the states and their political subdivisions no longer can sell their bonds without having to pay extremely high interest, or cannot find buyers at all because of federal interference with the orderly marketing processes of the past, then the only other major source of funds for state and local capital outlay projects has to be the Federal government itself. That would be in direct contradiction to current efforts to bring about better working relationships between the national and state governments and would force the states to rely almost completely on Washington to solve their fiscal problems involving capital outlay projects. I doubt that any of us want that to occur!

6. California, along with other states, finds herself unable to sell general obligation bonds in the normal manner or volume at the present time because inflation has boosted interest rates above the state legal limit—in our case, five percent. Steps are under way to alleviate this situation through referendum in June, 1970, so that, with voter approval, the State's legal limit on interest may rise to seven percent. However, if and when this does occur, the entire matter may already be or soon afterward become moot *if, through federal taxation of our bonds, interest rates are forced to remain above even the new ceiling*. Administration efforts to curb inflation's effects on the bond market may be nullified if the Congress, through action which we consider most unwise, brings about a condition of permanent fear and uncertainty regarding investments of all types, including municipal bonds.

7. Those who will be most hurt in California if our bonds are made taxable to investors will be the young people now reaching college age who will be denied the new buildings and facilities they need for their education. It will be the youngsters now in school or about to be enrolled in our public school systems who will lack the classrooms they need through 12 years of schooling. It will be the California veterans who depend on funds from the sale of state bonds to provide the loans they deserve for the purchase of farms and homes. It will be the growing millions of people who use and enjoy our state parks and historical sites made possible by bond financing. Perhaps most urgent of all at this point in time, those who will be hurt will be the farmers and cities of California who are depending on the state water project to deliver the surplus waters of the north, as promised, two years from now. All of these groups of people—probably most of our 20 million population—would be adversely affected by the taxation of state and local bonds as proposed under H.R. 13270.

At this point, I would like to present some specifics about California's population, geography, economy and state financing policies these are germane to your understanding of why we believe so strongly that taxation of municipal bonds would be not only undesirable but perhaps even tragic in its effects on California.

FACTS ABOUT CALIFORNIA SCHOOLS AND COLLEGES

According to a researched feature article in the *San Francisco Examiner and Chronicle* for September 7, 1969, approximately six million of a population totaling approximately 20 million were expected to be in California schools this month. That's a school enrollment equal to an entire nation the size of Switzerland. Add to these students some 600,000 school employees and you have more Californians involved in some phase of education than in all other jobs and professions combined. As a state, we spend $4.5 billion a year to run our schools, about what it costs each year to put men on the moon. We are the most college oriented political entity on earth: Nearly one million of us, 50 out of every 1,000, now attend college, which is half again as many as in New York and three times as many as in Illinois.

Our investment in school property is more than $17 billion, according to a study by Crocker-Citizens National Bank Economists. The biggest part of our tax dollar goes for education, a large share, of course, paying for the three million youngsters in elementary school, and the 1.3 million in high school. We have had to build 150 new classrooms each week to house our growing public school population. We have the largest and most extensive adult education program in the nation; each year 1.8 million adult Californians take courses in some 500 locations around the state. Our extensive junior or community college system at last count totaled some 89 two-year colleges throughout California.

Between 1955–1957, California's population increased 47 percent but at the same time, enrollment in all colleges and universities increased 160 percent and in the state college system 222 percent. The increase in college enrollment in our state has been averaging about 50,000 a year.

These facts and figures are cited to stress that education in California is, indeed, big business. To guarantee good schools for all of its people wherever they happen to live, the state provides its share of school support according to district need. For many years a state program of loan-grants has assisted local school districts with their building needs. These state funds are provided through the sale of bonds authorized by popular vote. In turn, local matching funds also are usually provided through local bond issues.

The University of California has an enrollment of about 100,000 on its nine campuses and the State College system has an enrollment of about 200,000. Buildings for these college and university campuses are financed largely through state general obligation bonds. Any action which would disturb California's ability to sell such bonds, or which would greatly increase the interest which state taxpayers would have to pay on such bonds, can only work to the detriment of higher education in California.

FACTS ON STATE WATER PROJECT

Planner, builder and operator of a $2.8–$3 billion project which will transfer surplus waters from Northern California to thirsty lands and cities throughout the state, the State Department of Water Resources, is at a crucial stage of construction in its timetable. Water already is flowing through the aqueduct system as far south as the Tehachapi Mountains, which separate the great San Joaquin Valley from Southern California. Contract deliveries are being made to Northern California, the San Francisco Bay Area and to the San Joaquin Valley. However, getting the rest of the contracted supplied through and over the mountains to Southern California by means of the world's greatest pump lift and difficult tunneling across earthquake faults still presents a challenge before the end of the 600-mile water route is reached in 1972. Water is scheduled to reach Los Angeles County in 1971 and nearly to the Mexican border the following year.

Contracts for water service provide that costs of construction, operation and maintenance of the facilities will be paid for by the users, with interest. Until completion of the project, however, the largest proportion of the revenue cannot start flowing back into the State Treasury to meet principal and interest payments on the general obligation bonds which have been issued in series as needed to finance construction. Thus, it is imperative that no unnecessary and controllable factor intervene to disrupt the sale of California water bonds or to cause extra interest charges to be assessed again all contracting parties.

Approximately $600 million of the initial $1.75 billion in water bonds remain to be sold to complete the project as presently planned. Taking a long-range look, however, the project will have to be extended to tap new sources of surplus water from California's north coastal rivers, making further bond financing a necessity. It would be an unnecessary burden to carry on the backs of California water users who pay for these projects if the Federal government were to enact tax legislation which would increase the cost of bond financing, as would H.R. 13270 or any other similar bill.

FACTS ABOUT CALIFORNIA'S BOND SELLING PROGRAM

At the end of Fiscal 1968–69, California's bonded indebtedness (general obligation bonds only) totaled $4.7 billion. Bonds already authorized by the voters but still unissued as of September 1, 1969, totaled $1.34 billion. The state ranks second only to the United States government itself in the dollar volume of bond sales. Under normal market conditions, our bond sales in recent years have been totaling $500–600 million per year.

There is a direct link between California's unusually rapid population growth and the need for public works on a large scale. There is no letup in sight. Because the need is so great (the population increase each year being comparable to adding a city of 500,000) bond financing has been the only feasible means of keeping up reasonably well. It is the fastest way to obtain large sums of money for capital outlay beyond the scope of pay-as-you-go financing. It also is a matter of principle and fiscal common sense that long range benefits should be paid for by future beneficiaries and future taxpayers as well as present ones.

California's general obligation bonds are used, for example, to finance capital outlay needs for:

1. *The Cal-Vet Farm and Home Loan Program*. This has been successfully funded for decades in this manner. A total of $2.285 billion in bonds has been authorized during that period. Ending of the Viet Nam involvement will result in increased requests or for loans from returning veterans.

2. *Public School Construction*. The public school system's building needs are aided by the state through bond sales. State aid is of a loan-grant type, partly repaid with interest. Since 1946 the state has approved applications for approximately $2 billion in state funds to help in constructing facilities for approximately two million students.

3. *Junior College Construction*. Authorized in 1968, the $65 million in bonds for this purpose is another type of bonding program in California which is directly affected by national bond market conditions. At the beginning of this year, there were 89 community colleges operated by 69 separate junior college districts. These are required to match state building construction funds. Last November the first series of these bonds was sold; no more have been sold since then because of prevailing high interest rates.

4. *Park, Recreational and Historical Site Facilities*. In 1964, California voters approved a $150 million bond issue for expanding the State Park System, for local parks and for additions to wildlife conservation board hunting and fishing improvement facilities. In a state of 20 million population, augmented in the summer by visitors numbering in the hundreds of thousands, at least, it has become imperative to provide more parks and recreational facilities. Bonds meet these capital outlay needs.

It should be noted that these have been examples, not an all-inclusive list.

Authorized but unissued state bonds as of September 1, 1969, include: $600 million for the water project, $60 million for construction of state buildings, $80 million for university and state college construction, $75 million for the state park system, $275 million for public school system building aid, and $50 million for junior college construction.

VIEWS ON TAX IMMUNITY UNDER THE CONSTITUTION

The question of tax exemption of municipal bonds may be phrased as follows:

Does the right of states and their political subdivisions to borrow by means of bonds whose interest is exempt from federal taxation stem from the permissiveness of a beneficient central government, or is this right a part of the very nature of our republic's political partnership?

California contends that Congress by itself cannot abolish by statutory enactment that which has been recognized as a constitutional right by the U.S. Supreme Court and which, therefore, can be changed only by amending the Constitution. This principle has been reiterated by the Supreme Court since adoption of the Sixteenth Amendment (the income tax amendment). Since California's presentation here today is not intended to be a legal brief, we will not set forth the citations in case history which substantiate our position. In our view, they are solidly based.

We contend that the Federal government has no right to tax municipal bonds even indirectly, or by offsetting such taxes through the device of interest subsidy. To extend this point, if the states are to be required to yield *their* immunity in this matter, the *Federal government should reciprocally give up its own immunity*, thus opening the way for counter taxation of its bonds by the states. It should work both ways if it is going to be brought into the picture at all. No one would gain by such a chaotic scheme. We merely suggest that a cutting sword usually has two edges.

California contends that any alteration of the principle of reciprocal immunity from taxation could pull down the entire framework of Federal-State relationships and would destroy the principal means open to the states to finance their major capital outlay projects. Once any exception is made to the principle of immunity, immunity no longer exists.

VIEWS ON CHARITABLE CONTRIBUTIONS

The proposed changes in the treatment of charitable contributions suffer from the same weaknesses as those dealing with tax-exempt bonds. The House Ways and Means Committee, in trying to eliminate abuses of present regulations, has proposed changes which, in our opinion, will lessen the flow of charitable contributions.

Although California would not be affected as much as her sister states by such changes because our private institutions carry only about 111 percent of the total enrollment in higher education, we, nevertheless, are concerned about the negative impact that this proposal would have on gifts to private educational institutions. They already are at a competitive disadvantage relative to public institutions. This move to tighten regulations on charitable contributions would heighten that disadvantage at a time when private schools need all the help they can get if they are to remain a viable part of our educational framework.

Every enrollment gain by private institutions lessens the burden which otherwise would fall on our taxpayers. Moreover, we feel that the increased competition between public and private schools helps to achieve our goal of excellence in higher education.

For these reasons, therefore, only summarized here, the State of California respectfully urges the Congress to take no action in developing a tax reform bill which would tend to diminish the ability and willingness of contributors to support private colleges as in the past.

NEWS CLIPS: LOCAL COMMENTS ON AND EFFECTS OF TAXING MUNICIPAL BONDS

Sacramento Bee, September 4, 1969

From a story describing a meeting of the Los Rios Junior College District Board of Education:

"The board rescinded its action of two weeks earlier, awarding a $1,875,400 contract to Harbison and Mahoney for construction of the American River College Library. Assistant Superintendent George Rice explained the district had been unable, in the current confused bond market, to sell the bonds needed to finance the project. Rice said *proposals in Congress, to remove the tax-exempt status from such bonds and to alter the capital gains tax, have combined with high interest rates to dry up the bond market . . .*"

Sacramento Bee, September 5, 1969

From a story reporting proceedings of a Sacramento City Council Meeting:

"Christensen (City Councilman Walter Christensen, former Mayor) warned that 'the Community Center is down the drain' if Congress passes a tax reform bill which eliminates or reduces the tax-free status of municipal bonds, thus making some or all interest on such bonds taxable to investors."

San Francisco Chronicle, September 4, 1969
Financial Editor Sidney P. Allen's Column

"Bonds go begging, more than ever.

"Here's fresh evidence of it. The Bond Buyer Index, the major gauge for the tax-exempt bond sector, topped six percent 10 days ago, and currently has shot up to a new high record at 6.26 per cent.

"Right here at home, to be more specific, the California Municipal Bond Index of Glore Forgan, William R. Staats, Inc. topped 6.21 per cent. That, too, was up a whopping 21–100ths in one week.

"Obviously investor confusion and fear regarding possible tax reform that might eliminate or reduce state and municipal bond tax exemption has knocked the final prop from that sector. It's a punch to the solar-plexis (sic) for California . . ."

Sacramento Bee, September 7, 1969

"Davis—failure of the Davis Joint Unified School District to market $330,000 in bonds has prompted a warning that taxpayers may face increased taxes because of the current condition of the money market.

"The Davis Bonds, authorized by voters in 1963, failed to attract any bidders at the legal maximum interest rate of 5 per cent.

"The business manager of Davis District, Melvin H. Keuhnhold, said, 'the money market is like a yo-yo at the moment. No one's buying bonds—particularly at the interest rate of 5 percent.

'*One of the major problems is the tax reform discussions in Washington*. At present, interest earnings on bonds are tax-free. But the indications are that they will become taxable—with taxes being applied retroactively. So no one is buying.'

"The Davis Bonds were to finance a new gymnasium and shop at Holmes Junior High School, a project considered 'top priority' by officials."

EXHIBIT 2

[From the Los Angeles Times, Aug. 28, 1969]

VENICE WATERWAYS PLAN FAILS TO DRAW BIDDERS—PUBLIC WORKS LEADER BLAMES PROBLEM ON TIGHT MONEY MARKET

(By Seymour Beubis)

VENICE—The future of the ambitious Venice Waterways Development Project is again uncertain because no bids were received Wednesday on the estimated $20.5 million project.

Howard W. Campbell, president of the Board of Public Works, said he is still determined to go ahead with the project "because we owe it to the property owners to make this project a reality. We will continue to work with corporations who have the potential to do the work."

Chappel admitted, however, that as of now he has no idea when the Venice Canal Project might be started.

PROJECT TO BE READVERTISED

According to Chappell, the project will be readvertised for bids after the board and its staff make a complete re-evaluation of the conditions in the construction industry and in the money markets which affect the fi-

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nancing of the project and particularly the issuance and sale of assessment bonds for the work.

Chappel said the lack of bidders may be attributed to the unsettled conditions in the municipal bond market because of certain provisions in a tax reform bill now pending before the Congress, and the general conditions in the financial world, especially the high prime interest rate of 8½%.

Additionally, according to Chappell, the turbulent state of the construction industry which has been plagued lately with strikes, spiraling wages and rising costs of materials and equipment and other items which go into a huge construction project, may have contributed to the lack of bids.

BIDS SURPASSING ESTIMATES

"We have not been able to get bids on several projects lately and the ones we are getting on other projects are way over our estimates for the work," said Chappell.

Chappell said 70 firms took out a set of plans for the project, a prerequisite to making a bid.

He said that he felt that the lack of bids had nothing at all to do with the estimated cost of the project.

Opponents of the project have maintained that the project would cost well over the $20.5 million estimate and even more than $30 million.

The tax reform bill before Congress, according to Chappell, could substantially affect the issuance and sale of Venice Canal Project bonds because it would impose a tax on state and municipal bonds, even outstanding issues, and it would remove a portion of the current tax exemption on a graduated scale up to 50%, now enjoyed by such bondholders.

The Venice Canal project, the largest assessment act project in the history of the city, would be financed by the issuance of general assessment bonds.

Chappell said he was disappointed that no bids were received, but would have felt far worse if the bids had been higher than that estimated by the board.

"From all the contractors we have spoken to, no one complained about the estimated cost of the project," said Chappell.

The council approved the project earlier this year after stormy hearings. But the council stipulated that if the lowest bid was in excess of 5% of the city engineer's estimated cost, it be reported to the council for its approval before award of a contract.

Two vocal groups opposed the project when it came before the council.

One group was composed of property owners on the periphery of the proposed canal project who claimed they were being assessed for a project that would not be of benefit to them.

A second anti-canal faction was made up of Venice residents, predominantly renters, who felt the project would result in an increase in their rent and thus force them away from the area.

The council was close to rejecting the project or at least postponing action on it because of the periphery property owners, when the Board of Public Works decided to eliminate 136 of these periphery properties from the 1,110 parcels in the canal assessment district.

Prices of property in the Venice Canal area have soared since the project was first announced several years ago.

Plans call for the canals to be linked with the Marina del Rey entrance channel.

The proposed canal system would run from the marina entrance to approximately Venice Blvd. and Pacific Ave.

Besides improvements to the canals, new pedestrian and vehicle bridges, boardwalks and improvements to the buildings along the waterways are planned.

The average cost of the project to property owners with canal frontage is estimated at $15,000 and some go as high as $21,000 excluding interest. The assessments can be paid over 20 years.

THE SECOND REPUBLIC OF GHANA

Mr. BROOKE. Mr. President, great moments in history should not go unremarked.

Such a moment is occurring today in the independent African Republic of Ghana where, for the first time in the history of that troubled continent, a military government is voluntarily turning control of the state over to popularly and peacefully elected civilian authorities.

Ghana has always been in the vanguard of African politics. Successive constitutions drafted by the British governors in the immediate postwar years gradually widened the base of suffrage among the black population, until by 1951 all adults in the colony participated in the selection of a Legislative Assembly. Then, for the first time, an African became Leader of Government Business, a title which was changed to Prime Minister in 1952.

One more general election was held under British supervision in 1956. On March 6, 1957, with much fanfare and acclaim, Ghana became the first black African state to achieve its independence from colonial rule. The ceremony was attended by dignitaries from all over the world, including then Vice President Richard Nixon. Hopes were high. With resolution on the part of its leaders and people, coupled with continued British support and growing Western investment in Ghana's rich cocoa and aluminum resources, the country was well launched on the way to stability and economic and political development.

Problems intervened, as we all know. Ghana's leaders tried too hard and too fast to modernize, westernize, and put their country on a par with other independent states. As the first independent black African state, Ghana assumed a leading role in the independence movement then sweeping across Africa, and in the process the country's own domestic needs were often overlooked. Monuments were built to the greatness of Ghana, to its past and to its future. Convention halls and coliseums proclaimed a commitment to Pan-African unity. But in the meantime Ghana's people often lived in poverty, the prices for its export crops declined, and an increasingly entrenched bureaucracy found ways to use positions of authority to further personal gain.

Finally, on February 24, 1966, the National Liberation Council, made up of army and policy officers overthrew the government of former President Nkrumah and assumed the reigns of the Government of the Republic of Ghana. Critics of this action were many, but once the abuses of the previous administration became more generally known, the criticism assumed a more far-reaching quality. From many quarters it was alleged that African states were not ready for democracy, that the parliamentary experiment had failed, that tribalism would divide the countries of Africa for many decades to come. A succession of military coups in other states seemed to bear out these depressing expectations. In the process, the assertions of the National Liberation Council that they had no political ambitions and were anxious to turn power back to a duly constituted civilian government, were lost, ignored or discounted.

But the NLC went ahead with its plans.

The National Liberation Council appointed a Constitutional Commission to draft a new constitution for Ghana, and promised that they would relinquish their powers to any government formed in accordance with the new constitution and as a result of genuinely free and fair elections conducted under the Constitution.

It is gratifying to note that after a Constituent Assembly had re-examined the proposals of the Constitutional Commission for a Constitution for Ghana, the Constituent Assembly was empowered to enact and promulgate a new Constitution for the Second Republic of Ghana on August 22, 1969.

General elections were held throughout Ghana on August 29, 1969 to elect members of the National Assembly and a new Civilian Government. The Progress Party led by Dr. Kofi Abrefa Busia won the elections by a landslide after 4 months of vigorous campaigning and a peaceful, smooth, and uneventful election.

Dr. K. A. Busia was duly sworn in as the Prime Minister of Ghana immediately after the election, and has subsequently chosen his 17-member Cabinet.

For the time being, a three-man Presidential Commission composed of members of the National Liberation Council—Brig. A. A. Afrifa, Chairman of the NLC, Police Chief J. W. K. Harlley, and Maj. Gen. A. K. Ocran, Chief of the Defense Staff—will exercise the responsibilities of President. This arrangement will last for a maximum of 3 years, may be terminated at any time by a vote of the Legislative Assembly, and is designed to provide continuity during the transition period.

The new government inherits from the NLC a stable political climate. The Constitution created under its supervision provides for a popularly elected government and insures the fundamental freedoms, among these life, liberty, and security of the individual, freedom of conscience, freedom of expression, freedom of assembly and association. In addition the NLC, during its 3-year tenure, was able to salvage the economy of Ghana and to lay sound foundations for the further improvement and expansion of trade and economic development.

The new Prime Minister of Ghana, Dr. K. A. Busia, in a nationwide broadcast in Ghana, appealed to all his fellow Ghanaians to start the Second Republic in the spirit of forgiveness and tolerance. He said:

> This time, we shall succeed in building a truly democratic country in which we shall be proud and happy to live.

The Second Republic of Ghana has thus been born. The young and virile

people of this country are determined to succeed. In the same way that Ghana, in 1957, blazed the trail that has since ushered the majority of African countries into independent nationhood, so once again the precedent Ghana has set in orderly transition to civilian administration may well pave the way and provide the lead for similar political achievements throughout all of Africa.

In their determination to develop lasting democratic institutions, the people of Ghana deserve our good will, our understanding, and our support. Today, when their new civilian government is duly sworn in, I extend to them my deepest commendation and best wishes.

WATER QUALITY

Mr. NELSON. Mr. President, it is becoming increasingly evident that our Nation will be facing a severe crisis if something is not done to insure adequate water pollution control measures. Unless we can take steps to improve and upgrade water treatment and distribution systems, we will be slowly poisoning our people to death. It is becoming more difficult with each year to give the American people the right to clean drinking water because of the incredible volume of waste materials being discharged into the water. This problem can only be met by a careful surveillance and persistent vigilance on our part.

Two articles recently published in Milwaukee papers point up the need for effective water pollution control standards to protect our drinking water. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Sentinel, Sept. 6, 1969]

ALARM SOUNDED ON U.S. DRINKING WATER

WASHINGTON, D.C.—The nation's drinking water systems are plagued with serious sanitary deficiencies that are likely to get worse, preliminary findings of a federal study show.

By one department of health, education and welfare estimate, about eight million people are drinking from municipal water systems that contain more bacteria than recommended under federal standards, according to Charles G. Johnson, Jr., administrator of consumer protection and environmental health service.

"Some serious sanitary deficiencies exist in the nation's community water supplies, deficiencies that are likely to get worse before they get better," Johnson said in a speech this week to the American Waterworks association.

Johnson said his estimates come from preliminary results of a department study of water systems in eight metropolitan areas and the state of Vermont, as well as individual water supplies in the southeast.

The metropolitan areas are New York city, including Long Island; Charleston, W. Va.; Charleston, S.C.; Cincinnati, Ohio; Kansas City, Mo.; New Orleans, La.; Pueblo, Colo.; and the San Bernardino-Riverside-Ontario area of California. The 20 million people in these areas are served by 1,100 different community water systems.

Johnson cited these "disturbing" preliminary findings:

In two areas where the survey is complete, 63% of the water systems are deficient by public health service standards, but not necessarily unsafe.

About 9% of samples from seven areas "evidence containination in the distribution systems."

31% of Vermont's water systems are contaminated by bacteria.

Some metropolitan sections are still served by "decidedly unsanitary" tank truck delivery of water.

Many water system operators skip or neglect routine control procedures.

Plant workers are often negligent in their handling of chlorine used for water disinfection.

Pesticide traces were found in 76 of 79 samples tested.

The incidence of bacterial contamination in such individual water supplies as cisterns, wells and springs ranges from 40 to 80%.

Johnson says the United States has over the years maintained a safe and reliable water supply system that all but wiped out such water borne diseases as typhoid fever, amoebic dysentery and bacterial dysentery.

"However, I am convinced," he said, "that we have reached a point when we can no longer afford to take the security and safety of public water supplies for granted."

[From the Milwaukee (Wis.) Journal, Sept. 14, 1969]

100 WATER SYSTEMS LISTED BELOW U.S. STANDARDS

(By Laurence C. Eklund)

WASHINGTON, D.C.—A new government report reveals that more than a hundred of the nation's water systems that supply interstate travelers do not fully measure up to federal standards.

Water from these systems are not now considered unsafe, but their classification by the public health service as "provisionally approved" is in effect a warning to state and local officials that the water supply in question must be improved to retain government certification.

The list of provisionally approved systems was obtained after Charles C. Johnson, Jr., administrator of the consumer protection and environmental health service, had warned in a speech that there was reasons for serious concern about community water supplies.

The water systems of La Crosse and Manitowoc in Wisconsin are included in the list.

The environmental control administration's bureau of water hygiene at Cincinnati, Ohio, advised The Milwaukee Journal, however, that La Crosse had just been removed from the list on the basis of a recent inspection, and is now classified as approved.

The bureau of water hygiene said La Crosse, which had been on the provisional list for "quite a while," needed some new equipment, that iron and manganese in its water supply exceeded recommendations and that not enough bacteriological samples were being taken.

In effect, while the La Crosse water was safe, the surveillance of its system needed to be corrected, according to the bureau.

It was explained that Manitowoc was on the provisionally approved list because it had not collected enough bacteriological samples for the state laboratory of hygiene in Madison.

Six Illinois water systems are on the provisional list. They are Beardstown, Bedford Park and Franklin Park (Chicago supply); Hartford, Lemont and Rosemont.

Major water systems listed as provisionally approved as of July 28 are Nome, Alaska; Pueblo, Colo.; Miami Beach, Augusta, Ga.; Worcester, Mass.; Missoula, Mont.; Jersey City and Newark, N.J.; Buffalo, N.Y.; Charleston, S.C.; Charleston, W. Va.; and Chattanooga, Memphis and Nashville, Tenn.

The public health service has jurisdiction over municipal and private water supplies involving interstate commerce.

In that capacity it makes monthly checks of 720 supplies, including those in cities like Milwaukee, that are used by interstate carriers—busses, planes, trains and boats. This covers water used in transit or for passengers in terminals, for either drinking or cooking. These sources serve two million travelers daily as well as 82 million residents in the local communities.

The schedule for making necessary improvements is individually determined for each of the water supplies on the provisionally approved list by the state health department and the bureau of water hygiene.

While none of the 720 supplies is now on the forbidden list, 38% of those on the provisionally approved list have failed to meet requirements on bacterial count for a month or longer.

But even if a supply should be rejected, the government could effectively bar its use only on vehicles in interstate commerce.

As administrator of the newly beefed up consumer protection agency in the Department of Health, Education, and Welfare, Johnson fears the drinking water problem is growing in seriousness with every year that passes.

The problem of providing water fit for human consumption becomes more difficult, he said, as the waste products of the great megalopolis complexes "continue to be dumped into the water, spewed into the air and even pumped into the ground."

Reporting on a current survey of water supplies in rural areas, Johnson said:

"Initial results of bacteriological analysis on more than 700 samples indicate verified coliform contamination of about 40% of the water supplies, of which 40% is fecal coliform."

Coliforms are bacteria used as an index in testing purity.

Drinking water for more than 50 million Americans is supplied from individual wells, springs, rainwater catchments (cisterns) or unprotected surface sources.

Johnson warned that if Americans must wait for epidemiological studies of human illness to convince them of the hazards of polluted water, it may well be too late to upgrade water treatment and distribution systems.

FEDERAL CITY COLLEGE

Mr. SPONG. Mr. President, Tuesday I was notified by Commissioner of Education James E. Allen, Jr., that the Department of Health, Education, and Welfare will propose an amendment to the fiscal 1970 HEW appropriations bill to provide the much needed $7,241,000 land grant endowment for Federal City College. This assurance from the administration is gratifying.

The purpose of the endowment fund is twofold: half of the interest will be used to support "community outreach" programs operated by the college to promote education in nutrition, child care and development, and consumer protection—programs which go directly to the problems of the inner city and contribute to their long-term alleviation. The other half of the interest derived from the fund will be used in mechanical arts and environmental science programs which provide the kind of training needed by so many District citizens to become productive, job-holding members of the community.

The funds for this endowment were dropped from the 1969 supplemental appropriations bill. I led a successful effort on the Senate floor to restore part of that money, but House and Senate conferees were unable to agree on an amount and the item again was dropped.

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Subsequently, I received assurances from representatives of the Office of Education that an effort would be made to have the funds added to the 1970 budget. However, the administration failed to make a formal request of the House Appropriations Subcommittee and gave no indication it would make such a request of the Senate subcommittee. This has been the sad history of efforts to extend the valuable programs to be financed from this endowment.

I believe this latest assurance from the Commissioner of Education puts the administration firmly on record in support of the Federal City College endowment and clears the way for congressional action. At this time, I ask that copies of my letter to Commissioner Allen and his reply be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 4, 1969.

DR. JAMES E. ALLEN, Jr.,
Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. ALLEN: I am writing to express my concern over the Office of Education's deplorable lack of leadership in obtaining the land grant endowment for Federal City College.

Having reviewed the hearing record, I can understand why the Senate subcommittee deleted the request from the FY 1969 Supplemental Appropriations bill. There is little evidence in the testimony that the witnesses knew anything at all about the program. I can only regard the performance as inexcusable.

In point of fact, the extension services which would be supported in part by this money have been among the most successful undertakings of the college. Half of the interest from the endowment would support a variety of "community outreach" programs including education in nutrition, child care and development and consumer protection. The other half would be used to support mechanical arts and environmental science programs at Washington Technical Institute.

When I brought the facts to the attention of the Senate, I was successful in having some money restored to the bill. Unfortunately, the conferees were unable to agree on the amount to be allowed, and the item was dropped. However, I understood from your office that an effort would be made to have the funds added to the FY 1970 budget and that there was reason to believe the request would receive a sympathetic hearing before the appropriations subcommittees.

It was with some dismay, therefore, that I learned that the Office of Educaton made no formal request of the House subcommittee, which has now completed its work, nor, apparently, does it plan to make a formal request of the Senate subcommittee.

I want to make clear my interest in this matter. First, as a member of the Senate District of Columbia Committee and chairman of its Subcommittee on Health, Education, Welfare and Safety, I feel a responsibility to District residents who have no representation in Congress. Second, I know from my own research into the problems of hunger, the tremendous value of nutrition education programs and of the particular need for them in the District.

For these reasons, I was willing to take the lead in having the funds restored to the Supplemental Appropriations bill and I will support fully any new effort in behalf of the endowment program. But leadership must be exercised by the Office of Education in support of its own programs if they are to have a chance of passage.

Congress has designated Federal City College a land grant institution and by virtue of that status it is entitled to receive the benefits enjoyed by other land grant schools. If the Office of Education has changed its position in this regard, I would appreciate being so advised. If not, I would like your assurances that the Office will make a formal request of the Senate Appropriations Subcommittee to include the endowment in the FY 1970 budget so that these valuable extension services can be continued and expanded.

I look forward to your early reply.

Sincerely,

WILLIAM B. SPONG, Jr.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, D.C., Sept. 29, 1969.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: I apologize for the delay but I am pleased that I can make an affirmative response to your letter of August 4 concerning the endowment fund for the Federal City College.

I have been informed that the Department will submit an amendment to the 1970 Appropriations Bill to the Senate Appropriations Committee calling for the inclusion of $7,241,000 for the endowment fund.

I wholeheartedly agree with you concerning the importance of the programs to be supported by the proceeds from this fund and I am very pleased that the Department has decided to request its inclusion in the 1970 Appropriations Act. I would also like to express our gratitude to you for the strenuous efforts you have made in behalf of the Federal City College in the past and your promise of future support.

Sincerely,

JAMES E. ALLEN, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

WITHDRAWAL OF TROOPS FROM THAILAND

Mr. PERCY. Mr. President, the announcement that 6,000 U.S. Air Force and Army men will be withdrawn from Thailand during the next 10 months is good news. This agreement reflects the excellent working relationship between the Governments of the United States and Thailand, while making it clear that the Nixon administration is continuing to reduce American military commitments in Asia.

When I was in Bangkok recently, I conferred on these questions with the distinguished Foreign Minister of Thailand, Mr. Thanat Khoman, who said without equivocation that the Thai Government does not want or need U.S. forces in defense of Thailand, and that Thailand allows substantial U.S. forces on its soil, 98 percent of whom are there only in support of the war effort in Vietnam and only 2 percent of whom are engaged in training activities for the Thai forces.

The foreign minister impressed me with his determination that Thailand will provide her own manpower resources for the defense of her own country.

There has been much discussion of the 1965 U.S.-Thailand contingency military plan; the foreign minister said he did not consider the project a treaty, nor even an agreement as that term is generally used. It binds neither government to any commitment of any kind without the expressed and subsequent concurrence of each government. He said this project was only a plan, and no more than this, subject to modification and change by either party, as circumstances may warrant. I clearly understood from Foreign Minister Thanat that the plan could not be implemented or activated without further consultation and the expressed approval of both governments.

The first step has now been taken in reducing U.S. forces in Thailand actively engaged in connection with the war in Vietnam. I would hope that a subsequent, larger withdrawal would be considered by both governments as early as is deemed appropriate. With fewer bombing missions to be flown from Thailand to Vietnam, with gradual U.S. disengagement from Vietnam, and with the considerable strength of the Thai forces and the growing strength of forces of South Vietnam, it seems to me that more Americans could be withdrawn from Thailand, consistent with the expressed policy of both Thailand and the United States. An "over presence" of American military forces in a justly proud, independent and strong friend such as Thailand can only endanger future relations.

One reason I have for great hope for for the future of Asia and in the strength of non-Communist nations in Asia is the emergence of the hard-headed, capable, intelligent leadership represented in such men as Thanat Khoman. He is greatly admired by many Americans who know him, both for his personal qualities and for his dedication to the independence and strength of his country.

THE HAYNSWORTH NOMINATION

Mr. BROOKE, Mr. President, I have today sent the following letter to the President:

The PRESIDENT,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: Because of my respect for you and my own responsibility to be fully objective, I have so far refrained from expressing my views on Judge Haynsworth's nomination to the Supreme Court. The time is now at hand when I shall have to do so and I wanted to tell you of my deep distress in the matter and of my decision.

My review of Judge Haynsworth's record convinces me that his treatment of civil rights issues is not in keeping with the historic movement toward equal justice for every American citizen. Combined with some of the Judge's business activities, which have created the appearance of conflict with his judicial duties, this consideration raises grave questions about the wisdom of confirmation: Is Judge Haynsworth the man to restore the nation's confidence in the utter integrity of the Supreme Court? And is Judge Haynsworth the man to maintain the faith of that vast majority of fair-minded Americans, not to mention the disillusioned minority, who look to the Court as the indispensable instrument of equal justice under law?

The widespread discontent with his nomination shows, I believe, that he is not. As I know you appreciate, the Court's unique position in our national life demands not only that its members be good men but that our people believe them to be good men. Without wishing to do an injustice to Judge Haynsworth, I do not believe he meets the latter test.

A sizeable and growing number of Republican Senators, together with a large number of Democrats, have indicated to me their inclination to oppose the nomination. If this nomination is put to the Senate, it will be extremely embarrassing to those of us who face a great conflict between our principles and our sense of obligation to you. It may well be that there will be sufficient votes to deny Judge Haynsworth confirmation.

Under the circumstances I profoundly hope you will re-consider your decision not to withdraw the nomination. Rather than see the Senate enter another long and embittering debate on such a vital matter, with many of us obliged to voice strong criticism and others prepared to offer only the most grudging acceptance, I honestly believe that the interests of justice would best be served by such a withdrawal.

If there is a consensus in the Senate at the moment, I think it is the view that Judge Haynsworth is not the distinguished jurist whom the country expected to be nominated. In responding to this spreading conviction, I believe you would be taking the wisest course for all concerned.

I pray that you will be able to give this difficult recommendation full and favorable consideration.

With best personal regards, I am,

Sincerely your,

EDWARD W. BROOKE.

THE PESTICIDE PERIL—LIX

Mr. NELSON. Mr. President, an outstanding national leader in the effort to improve the controls on the use of persistent pesticides, Ralph A. MacMullan, director of the Michigan State Department of Natural Resources, has written a very fine article outlining the issue and the position of his department on pesticide use.

Mr. MacMullan, whose State recently prohibited the use of DDT, begins his article very optimistically:

> As I review pesticide events of the past year I am greatly encouraged. My confidence is restored that in the not too distant future we will see the hard pesticides become unnecessary, unwanted, and virtually abandoned. There have been gains and losses, of course, but progress has been solid and gratifying.

However, after reporting on the gains and losses, Mr. MacMullan makes it very clear that there is still "a long way to go," and sets forth a list of steps which must be implemented immediately, including pesticide tolerances in water, monitoring of pesticide pollution, tight enforcement of pesticide regulations and the development of safer, less persistent pesticides.

I ask unanimous consent that Mr. MacMullan's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE WE STAND

As I review pesticide events of the past year I am greatly encouraged. My confidence is restored that in the not too distant future we will see the hard pesticides become unnecessary, unwanted, and virtually abandoned. There have been gains and losses, of course, but progress has been solid and gratifying. A year ago in the pages of this magazine I stated my alarm over environmental pollution by persistent insecticides. This has been amplified and echoed by conservationists in this state and across the nation. I now restate my concern and report to you significant happenings of this momentous year.

Let me first outline events that set the stage and discuss some basic concerns that bear directly on the matter. The entire pesticide matter flared up in the fall of 1967 when, to curb an outbreak of Japanese beetles in southwestern Michigan near Lake Michigan, a proposal was made to apply nearly 3 tons of dieldrin. The proponents were totally within their legal authority, and felt that this was in the best interest of the people of Michigan. However, we felt that there were safer ways to get at the problem, and we opposed the spray program. Further, the Environmental Defense Fund, a team of dedicated, concerned scientists retained by Michigan citizens, took the matter to court and at the same time brought action against 56 Michigan municipalities that used DDT to control Dutch elm disease.

The dieldrin court action, although unsuccessful, stalled the application of dieldrin until too late in the fall, and the area was not treated. However, the DDT suit remained alive, and during the next few months 53 out of 56 cities stipulated to the Court that they would drop plans to use DDT against the elm bark beetle that carries Dutch elm disease, if they could be relieved from suit.

Unfortunately, the entire dieldrin affair brought two state agencies into an eyeball to eyeball encounter. The whole matter was very important, however, because both agencies had the best interests of the people of Michigan at heart. Naturally we felt the broader viewpoint of concern for the entire environment was proper, wherein the other folks were "after the beetle" to protect the immediate, local interest of home owner and fruit grower, and to prevent spread of the beetle to other production areas.

To resolve this, our Governor appointed a three-man Pesticide Advisory Panel—an entomologist from one state university, and ecologist from another university, and an industrial entomologist who is also a naturalist. They advised that an appliction of dieldrin in the fall of 1968 would be the lesser of two evils, the other being uncontrolled application by private interests. The Environmental Defense Fund again took the matter into court, this time in Wisconsin, but the case was remanded to Michigan, where it met the same fate as in 1967. So an application of 3 tons of dieldrin and 7½ tons of chlordane on 4,600 acres was made in the fall of 1968. The entire affair has been very complex and there is no need to detail here the parade of legal processes and chains of evidence that were involved.

More important is why this encounter occurred. Use of pesticides was the immediate issue. But the real reason was that man's technology has caught up with, or worse, has passed his ability to harness, understand, or use it intelligently. Here are some of the salient points as I view them.

We, as conservationists, see two major obstacles facing the world. One, we will have more and more people to the point of desperation. Two, the environmental pollution that all of us have created and will continue to create promises to stifle our very existence. The natural pollutants, from carbon dioxide to coliform bacteria, and the durable byproducts of our exploding technology—persistent insecticides, radioactive wastes, aluminum food and beverage cans, and a host of other long-lasting wastes—are haunting us right now—today!

As a conservationist, I will not attempt here to discuss Obstacle Number One, except to recognize that it exists, is critical, and is vital. Any married couple with two or more children has already added to the problem. Obstacle Number Two is a direct result of Obstacle Number One, and it is to the problem of the alteration and degradation of our total environment that we conservationsts can and must address ourselves.

Pesticides used in Michigan bear directly on this world problem of environmental waste. Simply, we define a pesticide as a chemical used to kill anything you don't want—weeds, rough fish, fungi and mold, insects, rats, and sea lampreys. I have no quarrel with use of most pesticides. My main concern here is insecticides, the bug killers, and not all of them—only a few.

We clearly recognize the tremendous value of pesticides to our health, our comfort and our prosperity—to food production, to industry, and the home. We can live without pesticides, but not as well. We are concerned for the most part with only a few of the insecticides, the persistent chlorinated hydrocarbons—those that persist in the environment, spread rapidly over the earth, and later become concentrated in the tissues of living things, the effects of which are just now beginning to be detected and understood.

Let me share with you one experience that we have had recently in Michigan. It involves persistent insecticides, and it involves a big chunk of our real estate. Michigan is blessed with lots of "fresh water" and I quote those last two words. Our waters are not as inherently productive as the oceans, but they are worth a lot to us.

We have more shoreline than any other of the "lower 48" states and more fresh water within our boundaries than any other state. Waters from one-third of the total land area of four states drain into Lake Michigan. The Lake itself measures 22,000 square miles with 1,600 miles of shoreline, and is nearly 1,000 feet deep. About 80 percent of the shoreline has potential for outdoor recreation and the variation in habitat makes the lake inherently capable of supporting a wide range of aquatic life. It is significant as both a sport and commercial fishery. Lake Michigan is also a principal source of drinking water—1.5 billion gallons daily. Industry uses another 4¼ billion gallons. It is a major international seaway.

Lake Michigan lies off to the side of the main stream of water flow through the Great Lakes, like an appendix. Water circulates within the lake, but discharges very little out through the Straits of Mackinac—about one percent of the total lake volume per year. This means that any stable, persistent substance that finds its way into that lake is going to be there for a long, long time. And that is just what has been occurring with certain persistent, chlorinated hydrocarbon insecticides.

What happens when these toxic substances—virtually insoluble in water—begin to accumulate? Recent findings show that DDT was the most probable cause of the death of nearly one million coho salmon fry hatched in state fish hatcheries from eggs taken from Lake Michigan salmon. Many Lake Michigan fish now have DDT levels up to 10 parts per million, plus dieldrin in the range of 0.25 parts per million. The U.S. Food and Drug Administration permits 7 parts per million of DDT in beef and pork, and considers 0.3 parts per million of dieldrin as an "actionable level" a level at which the meat is seized and destroyed.

Where have these pesticides come from? Within the Lake Michigan watershed, including Chicago and Milwaukee—two of the major metropolitan areas of the Middle West—live 6 to 7 million people. Along its shores is one of the major fruit-growing regions of the nation with its accompanying spray schedules. In the northern part of the Lake Michigan basin lie extensive publicly-owned and industrial forests—spraying here, too. Certainly, over the past two decades, many hundreds of tons of DDT have been released in the watershed from a wide variety of sources, as far as a hundred miles from the lake, right down to the shore itself.

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Cities and parks with their Dutch elm disease and mosquito control programs, state, national and industrial forests, homes and backyards, farms and orchards, spray remnants dumped down the drain or in the creek—all have contributed. Dieldrin undoubtedly came from a narrower range of sources—somewhat more recently—from farms and orchards, homes and backyards, and even from woolen moth-proofing plants.

Runoff from city and farm and forest finds its way downriver or out of the atmosphere. Dust storms and rain add their share of DDT from points west and from global circulation. Regardless of the source of the DDT, once it reaches the lake, much of it is going to stay there, and this has been going on for the past 20 years.

GREAT LAKES IN DANGER

The Lake Michigan situation is only an example—a big, easy-to-recognize example of environmental contamination. Large bodies of water store these pesticides. Tiny organisms pick up the chemicals and store them. Larger organisms eat the little fellows who in turn are eaten by larger critters until top members of the aquatic food chain—fish-eating birds—store vast quantities of the stuff in their fat. Fish and other aquatic animals take DDT and dieldrin directly from the water passing over their gills. The lowly clam can concentrate DDT 70,000 times greater than his water environment.

The effects of this storing-up of pesticides in animals from smallest to largest is not completely known, but gaps are beginning to be filled in. Man, for the first time in his history, has chemicals at his disposal that can completely alter his own food chain. By wiping out certain insects or minute sea-creatures he removes link after link in the very delicately balanced chain of life on which he depends. The complexities of the whole food chain are involved, they are subtle, and they are real. Enough is known now about the persistent pesticides DDT and dieldrin, to name two, to know that they affect the reproductive cycle of certain animal species. I have already mentioned that DDT was the most probable cause of the loss of close to one million coho salmon fry raised from Lake Michigan nurtured eggs. The DDT in those fish was picked up in Lake Michigan. DDT fed experimentally to falcons and ducks significantly affects reproduction—either by reducing hatchability of eggs or survival of young, or causing thinner egg shells, abnormal behavior, and egg breakage. This could well explain the disappearance of the peregrine falcon from the entire eastern United States and western Europe, and the recent decline of the osprey and our national bird, the bald eagle.

We know that the pink shrimp, the same as used for shrimp cocktail, can be killed by four-tenths of one part per billion of DDT after two days exposure. One part per billion is the same as one ounce of chocolate syrup in one thousand railroad tank cars of milk, and that's mighty weak chocolate milk.

It would be nice if we could prove beyond a shadow of a doubt how DDT directly affected man. But these effects are indirect, we think, and subtle. Effects on lower level organisms are better known, but even here the story is not completely clear. Nevertheless, there is enough evidence for us to be greatly concerned and to start bringing the unnecessary and widespread use of these persistent chemicals to a halt. Keep in mind, though, that these specific pesticides are only one of the many environmental pollutants that are of growing concern to all of us.

OUR POSITION IS CLEAR

Our position on pesticide use can be simply stated. There have been some misunderstandings of this position, but it is one I have always held and which has not deviated from the philosophy and policy adopted by the Michigan Conservation Commission as long ago as March, 1966, for use of pesticides on lands we administer:

1. When chemical control is necessary one should use only the most selective chemicals, in the smallest effective dosage, with the safest carriers.

2. Where possible, cultural or biological controls should be used in preference to chemical control.

3. Where proper alternatives are available, the persistent insecticides should never be used.

4. Where alternative methods of control do not exist, the harm to the total environment from persistent pesticides should be carefully weighed against the calculated harm of the pest before the application is made.

5. When persistent insecticides must be used they should be used under as carefully controlled conditions as possible at the time of year when the environmental conditions will make their use the least harmful.

6. No opportunity should be overlooked to bring pressures to bear which will result in the eventual abandonment of persistent chlorinated hydrocarbon insecticides.

We are encouraged because we see progress on one big point—the general public is beginning to be interested and concerned and that's the first step toward acceptance and action. Go to any farm and garden store or department store in Michigan in the spring, and you'll see people reading pesticide labels carefully, although it is a problem for anyone with bifocals to read tiny black type on a green label background.

DDT has been dropped from Michigan State University recommendations for Dutch elm disease control in Michigan. Most cities no longer will use this chemical for that purpose. DDT is no longer registered by the Department of Agriculture for mosquito control. No commercial pesticide applicator can use DDT for this purpose and retain his license.

For the first time in Michigan history a governor has recognized pesticide pollution as a serious problem. His pesticide advisory panel has recommended decreasing use of persistent insecticides, increasing research and monitoring, tightening up of pesticide regulations, and setting up a pesticide review or control body at the state level.

Our Legislature has considered the pesticide situation serious enough to set up a 10-man joint Senate-House committee to review use of pesticides by everyone.

In Wisconsin, concerned conservationists, aided by the Environmental Defense Fund, are battling to show scientifically and legally, that DDT is a pollutant in the waters of that state—a much-needed precedent.

The pesticide committee of the federal-state water pollution enforcement conference for Lake Michigan has recommended establishment of tolerable residue levels of DDT and dieldrin in Lake Michigan fish at levels so low that they can be achieved only by virtually banning the use of these chemicals in the Lake Michigan watershed. It also recommends that state pesticide regulatory authorities and an interstate pesticide coordination committee be set up.

People are concerned. At a hearing in the Legislature last spring on a pesticide control bill there were as many in attendance as we often see at a hearing on deer herd management—and that is really something.

This concern about pesticides is only part of a feeling that many people are having—and expressing—of the need for a cleaner environment. People are seeking solutions to the problems of a technology-ridden world.

Foresters, farmers, and horticulturists have made great strides toward elimination or restricted use of persistent insecticides. They would instead lean more and more on short-lived but effective chemicals, and on other control methods. We are happy about this.

WHAT CAN BE DONE?

But we have a long way to go. Federal and state agencies, and the universities, still recommend some persistent chemicals even though they recognize and also recommend safer alternatives to control the same bugs. We'd be somewhat happier if their publications would point out differences between pesticides when there is a choice. This ought to be done and done quickly. Out of date publications should be discarded or revised.

Some chemical companies still recommend DDT and its family of hard or persistent pesticides, without reservation. Oh sure, they urge caution. Beware of getting poisoned! But what about environmental poisoning—less dramatic but perhaps just as important to the survival of the race of man. To read some of those ads, you'd think their products were as safe as talcum powder.

We urge action on several points.

We urge a hard look at these deficiencies.

We urge all agencies and all segments of the universities to take a look at these pesticides and to show concern for the entire environment—not just their own restricted "area."

We urge that pesticide tolerances be included more firmly in interstate and intrastate water quality standards.

We urge a stepped-up educational program to bring this concern to the public.

We urge a national inventory of the sources of pesticide pollution and a monitoring of these sources.

We urge tight enforcement of present and future pesticide laws and regulations.

We urge accelerated research to document the direct and indirect effects of pesticides, and to develop safer pest control methods—for the individual, the public, and the world.

We urge a regional approach to pesticide problems to accommodate the many problems found in different but related locales.

A recent approved four-state agreement between natural resource agencies of Illinois, Indiana, Wisconsin, and Michigan was designed to halt the flow of persistent pesticides into Lake Michigan. This agreement is a model that we hope will stimulate similar action in other regions of the country. We also hope to broaden its effectiveness by bringing the executive offices and agriculture departments of these states into the effort.

We will work to identify and correct, in its earliest stages, environmental contamination by pesticides.

We will work to develop and improve the ecological conscience in all of us, and we will work toward the day when government at all levels will be more of a trustee of natural resources, rather than a referee between the many users competing for a resource.

All of us are growing exceedingly weary of being buried in the filth and waste spawned by our technological society. We like this way of life, and we all use it, day in and day out. But if sanity is to remain a part of our life, we must root out and eliminate sources of environmental pollution. Short of this, man has no hope of surviving on this planet.

TWENTY YEARS OF TYRANNY

Mr. FANNIN. Mr. President, today marks the 20th anniversary of the accession of Mao Tse-tung and the Chinese Communists to power on mainland China. What has been the result of these 20 years of tyranny?

The distinguished Committee of One Million—which is ably served by the membership of our minority leader, the Senator from Pennsylvania (Mr. SCOTT)—has put forth an excellent booklet upon the advent of this anniversary. The booklet deals with the political, military, and economic progress of Communist China within the past 20 years. The foreword is written by Dr. Walter H. Judd, a former Member of the House of Representatives and one of the most widely recognized authorities on China.

Dr. Judd notes that Mao has used every strategem and intrigue available to a tyrant—including terror and murder—to remain in power. He has apparently been propped up once again to wave at the Peking Communist parade as duly reported in the press. It is perhaps significant that so much speculation is rampant in the world about the state of Mao's health. There is a great deal of speculation also about the state of mainland China.

This book, goes a long way toward providing factual answers to that speculation.

The inevitable conclusion from this prestigous publication by this much respected committee is that Communist China itself is being propped up and continues to totter on the brink of civil uprising and economic failure. It is symptomatic to note that China must export opium in order to get the foreign exchange with which to buy wheat for her starving millions.

There are those who argue we must recognize Red China, because it is a fact. These counselors give little heed to the fact that the Red Chinese regime cannot be considered representative of the Chinese people by any stretch of the imagination—yet we hear no great outcry from the critics for free elections in Red China. Where are the howls of indignation and the moans over the fact that Red China has not allowed a free election in the past two decades and her borders remain closed to Western newsmen who would like to report conditions inside China as they really exist.

Mr. President, I ask unanimous consent that the portion of this booklet which I find most interesting to me in connection with my work here in the Senate—the detailing of Communist China's economic record, by John F. Lewis—be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMUNIST CHINA'S ECONOMIC RECORD

(By John F. Lewis)

(NOTE.—John F. Lewis is associate editor of the American Security Council's Washington Report and producer of the Council's national radio program, "Washington Report of the Air." Mr. Lewis has served as chairman, Freedom of Information Committee of the National Association of Radio-TV News Directors; Radio-TV advisor to the Secretary of Agriculture in 1960; correspondent for the Associated Press and Radio-TV news director for Hearst stations in Baltimore, Md. Mr. Lewis was born in China, where his parents were missionaries, and has traveled extensively throughout Asia.)

"How to handle the relationship between politics and economics and between revolution and production after the seizure of political power by the proletariat is an important question of whether or not to uphold the dictatorship of the proletariat, really take the socialist road and undertake genuine socialist economic construction." (Opening to Editorial, *Peking Review*, July 25, 1969.)

Two decades after the Chinese Communists finished the subversion and conquest of the China mainland and installed Mao Tse-tung in full power in Peking, Red China's agricultural base and industrial plant may be in worse shape than at any time since October 1, 1949.

Since four-fifths of the population of Communist China is engaged in agriculture or enterprises solely related to agriculture, the failure of the mainland economy today must lie in the agricultural sector. Furthermore, since the basic genius of the Chinese farmer, in producing historically remarkable harvests with limited resources in land or equipment, presumably remains unchanged, the only realistic explanations for the agricultural failure must lie in the realm of either the weather or government policies. Over the twenty year period, the weather has not been that bad!

Communism penetrated and ultimately swept over the Chinese people under the banner of "agrarian reform" and Mao himself was presented to the world by his admirers, East and West, as "the agrarian reformer" who would lead China's masses into a "peasant's paradise," as contrasted to Lenin's and Stalin's "worker's paradise" in Russia.

When Mao Tse-tung finally grabbed the reins of power in Peking, he had a right to assume that things would get better because they could not have been worse.

DYNASTY TO DEMOCRACY TO DICTATORSHIP

The fall of 1949 closed out a century of dislocation and misery for the Chinese people. Unfortunately and tragically, it launched a new era under Communism. In the previous 100 years, China had been torn between the decadence of the dying Ch'ing Dynasty of the Manchus and the exploitation of its port cities by the Western powers; between a truly democratic revolution led by Sun Yat-sen and Chiang Kai-shek and an era of warlords and bandits which stifled the new republic's efforts to achieve unity; and, finally, between Japan's full-scale invasion and attempted occupation of the country and Communist efforts to double-cross and ultimately destroy the legitimate, elected government.

In a very real sense, conditions improved almost overnight when the Reds completed their victory. What helped was Korea.

In June, 1950, the Seventh Chinese Communist Party Central Committee agreed to impose Mao's so-called agrarian reform program for three years. It was not put into force, however, because Mao had suddenly embroiled his mainland armies in the Korean War on the side of the North Korean Communist elements. While Peking authorities nervously directed their attention to the Yalu River boundary in North Korea, the Chinese peasant masses were temporarily freed from war, pestilence and the Communist bureaucracy. Agricultural production improved rapidly. Had he not been so wedded to his "reform" concepts and had he left the peasants alone for a few years, Mao might not have experienced the disasters that were to follow.

Once the situation in Korea was stabilized, the honeymoon between Mao's regime and the peasantry came to an abrupt halt.

In 1951–52, having won a stalemate in Korea, Mao cracked down at home, launched a purge against many of his own Communist cadres and began the systematic liquidation of an estimated five million farmers unwilling to relinquish their land and labor to total state control.

In 1953, Peking imposed its first five-year plan to develop heavy industry (with the advice and technological know-how of the Soviet Union) by taxing the peasants "through a unitary purchasing and marketing program for grains and cotton piece goods."[1]

By 1956, enough opposition to Mao's policies had been generated in what remained of the private sector of the business and industrial community to lead him to seize all such property, collectivize agriculture and establish complete Communist Party domination of the political-economic life of cities, towns and villages.

At this point in time, a most significant but little recognized achievement occurred which the Chinese Communists, even today, seemingly do not comprehend. Peking's agricultural record-keeping finally caught up with reality and Peking did not know it. They did not know it because they had not realized the records they inherited and used after 1949 were unreal.

As indicated earlier, China had lived under the most chaotic conditions for nearly a century. Except for very brief periods when Chiang Kai-shek and the Kuomintang Party of Sun Yat-sen could devote their energies to organizational and administrative details in trying to bring order to the Chinese Republic through the 1920's and early '30's, the only record keeping was handled at the provincial level. In many of the provinces, tax-collecting was carried out—frequently in Mafia-shakedown style—by warlords and bandit chiefs. Since most of the population of the provinces were peasants, taxes thus collected were based on land-holdings and per farm production. But when the source of taxation is poor to begin with, the warlords and bandits—for all their greed—recognized that levies must be kept at a minimum or else there would have been bankruptcy, rebellion or both among the populace.

Consequently, the amount of land in cultivation and the annual production was purposely falsified, generally by mutual consent between peasant taxpayers and warlord-bandit tax collectors. As the Communists marched to power following World War Two, the only records they could scrape together for the day when they achieved total control were, more often than not, such misleading records as cited.

On the basis of these records, Mao's bureaucrats built their estimates of the acreages under cultivation and the output per acre. Without bothering to ask why, the statisticians of the Chinese Communist regime by 1956 (who now were keeping fairly accurate records for the entire country), found cultivated acreage and production per acre impressively outstripping all their original estimates.

For major crops—such as rice, millet and beans—the actual output per acre was twice as much as estimated. In the case of some vegetables, nuts and fruits, production was three to five times above the projections of Mao's agricultural economists. Only livestock, decimated by the ravages of war, dropped behind. Obviously—for a Communist bureaucrat—the simple answer was Mao's brilliant system of agrarian reform.

Mao's aides were elated. They had been nervously watching the growing unrest among many of Red China's intellectuals, as well as the now deprived but still surviving business and land-owning community. Even Peking had been one of the world's shocked witnesses to the Polish and Hungarian uprisings which exposed some of the horrors of the Communist nightmare.

With food production now a success story, Mao chose in 1957 to launch the Hundred Flowers campaign, offering critics of his administration the opportunity to step forward and show him where he had erred. So much criticism resulted that the Communists—and Mao in particular—quickly reversed themselves and executed, imprisoned or exiled all who had revealed their dissent.

THE GREAT LEAP FORWARD

Still misreading the fact that the now accurate and up-to-date agricultural production records of 1956–57 were not so much greater than Peking's five-year plan estimates because of Mao's agrarian policies, but only because they had caught up with reality,

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[1] *Handbook of Chinese Communist Affairs*, published by the Institute of Political Research, Taipei, Taiwan, Republic of China (1968).

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the Chinese Communists determined in 1957–58 to commit the nation to a "ta-yueh," or Great Leap Forward. Mao said, in effect, if we could do so well in the first five-year plan, we can double our goals in the second five years.

As result, the "three red banners" campaign was promulgated: (1) the Great Leap Forward (industrial and farm production), (2) development of the people's rural communes and (3) the so-called "general line of socialist construction" which would be designed to bring complete communization to China's cities virtually overnight—a dream even Marx, Engels and Lenin never thought possible for any country dedicated to the pursuit of Communism.

Moscow politely urged Peking, during the international Party conference in the Soviet capital in 1957, to drop its plans for too-hasty communization of urban industrial areas.

It was then that the two governments for the first time publicly aired deep-seated disagreements over procedures and tactics. (The goliaths of Communism have never disagreed over ultimate objectives of imposing their system on the world—only on the ways to accomplish that end.)

Months later, in early 1958, the Kremlin called on Mao to drop his rural communes campaign. Mao refused. He gambled everything on them.

H. F. Schurmann, Associate Professor of Sociology and History at the University of California (Berkeley, Calif.) wrote in 1961:

"The communes provided the framework for the revolution in agriculture. There is no evidence that the Central Committee specifically planned the form that they should take, but the concept of enlarged agricultural units was essentially in line with an earlier, though only fragmentary, policy of 'combining cooperatives' (ping-sheh), and the organizational changes just described laid the groundwork for their formation.

"They developed as integrated economic units, and with the establishment of commune industries, commune banking facilities, commune schools and hospitals, and commune militia, they tended in many respects to become 'little nations' (a term actually used to describe them at one time). Thus, on the national scale, they represented an extreme in the process of functional decentralization. But within the communes themselves rigorous centralization prevailed.

"The commune party committees acquired enormous power to manipulate the members: one of the basic features was a centralized system of labor allocation in which commune members were organized in work teams and brigades and assigned wherever their services were required." [2]

By persisting in the commune effort over Moscow's protest, Mao so angered the Soviet Union that the Kremlin withdrew all of its technicians and specialists from mainland China, abruptly cut off all further financial and material assistance to Peking and took other steps which virtually crippled the Chinese Communist economy for years to come.

Mao fought back angrily with both propaganda and deeds. He stepped up efforts to push food production now that land belonged to the communes rather than to individual farmers. He initiated a nationwide attempt at birth control to bring the already bloated population imbalance more into line.

Mao decided to industrialize the peasant masses. Every backyard was to become a steelworks. With the most primitive means imaginable—brick hearths, old pot-iron stoves with straw and dung for fuel—and with bits and pieces of patchwork equipment stripped from established factories and steel plants, the peasants were called upon to produce the impossible.

The steel the backyards would turn out, said Mao Tse-tung, would be China's answer to the Soviet Union and to critics throughout the non-Communist world. Peasant sweat and dedication to Mao's "Thought" would replace Russian technological know-how and modern equipment. Communist China would show the less fortunate peoples of the developing world that a poor nation with lots of poor people could accomplish miracles in the 20th Century.

THE GREAT LEAP—BACKWARD

Mao plunged ahead and China took a Great Leap—backward!

Peasants resented and resisted the communes. Industrial plant managers saw the nation's resources and some of their own equipment being frittered away on the backyard steel scheme. Agricultural and industrial output slumped. There was famine in the land for nearly three years (1958–61). Consumer goods, always in pitifully short supply, virtually disappeared from retail shelves in all but a few major port cities and Peking in 1959–60. A catastrophe was in the making when the Chinese Communist Party leadership gathered at Lushan in August of 1959. Instead of reviewing a decade of progress under their red banners, they saw a shambles.

Forces loyal to President Liu Shao-chi were in a take-charge position because Liu had been the principal opponent of the Great Leap and communes program. Liu had argued at length against the backyard steel campaign. Liu proposed a modernization of agriculture and a return to incentives, such as land ownership to promote increased production. Liu was ready in 1956 to commit Red China to the purchase of small tractors and other suitable farm machinery to make Chinese agriculture more efficient. Mao said the tractors would come only when the country was able to manufacture them—not import them.

(Today, incidentally, Communist China has its own tractors and, when properly serviced, they reportedly work fairly well. The difficulty is that only about 20 percent of an estimated recent-vintage 40,000 tractors are believed to be operable at any one time because of parts shortages, improper maintenance and restricted fuel distribution.)

Mao did not lose his titles and basic prerogatives. But he did lose decision-making authority in the Communist hierarchy. Liu abandoned promotion of the communes, called off the backyard steel program and sought to restore farmers disrupted by the commune chaos to their home soil in order to rebuild China's agricultural base. Most of Mao's most extreme collectivization policies—now so demonstrably a failure—were discarded.

In the early 1960's, the Communist Chinese economy began making a comeback. Foreign trade expanded. The Canton and lesser trade fairs attracted customers not only from Southeast Asia, but also from other more promising purchasing areas such Australia, New Zealand, Japan and most of Western Europe.

None of the specific figures are considered to be reliable, but Hong Kong estimates indicate Red China's exports perhaps quadrupled—in terms of non-food items—between 1961 and 1964. They had to. In that same period, Mao's Great Leap had so depleted food supplies that he committed an estimated $200 million worth of Peking's gold reserves to purchase wheat from Australia and Canada. In 1965–66, Peking used much of its accumulated $300 million in foreign exchange reserves to buy gold bullion on the London, Paris and Swiss markets to replace the gold spent in wheat purchases.

Once the wheat began to flow, Liu's advisers showed capitalist business acumen. Peking began selling its rice on world markets to a larger degree, while using their wheat purchases as the staple substitute. There was, in fact, a kind of "let them eat wheat" campaign in Red China to persuade the traditional rice-eating masses of Chinese they should use less rice and like it. Wheat cereals and wheat bread have now been introduced to millions of Chinese as something to be preferred over rice. Why?

The unit price in world markets for rice is better than that for wheat. If you sell rice and buy wheat, you can make a profit. Peking has done just that—exporting high-value rice (the staff of life to a majority of the world's population) while importing relatively cheaper wheat which is the mainstay of more affluent Western societies.

During this same period, Red China was trying to demonstrate to the Communist world that it was still a convincing rival to Moscow for revolutionary leadership. It made important contributions of food, manpower and some military equipment to North Vietnam to support the war against South Vietnam. It promoted guerrilla warfare in Africa and Latin America. It extended questionable amounts of aid to some countres in the developing world to expand both influence and subversion.

THE RED GUARD

All of this added to the pressures on Peking inside Communist China. Through quiet "palace" intrigues and plotting, Mao was able (backed by Defense Minister Lin Piao and significant elements of the Army) to announce in November, 1965, that he would lead a Great Proletarian Cultural Revolution.

It did not become quite clear until June of 1966, when he organized the so-called Red Guards, largely consisting of disenchanted or under-employed young people, just what he had in mind. The entire concept caught Liu and the Communist Party organization men off guard.

Mao's most loyal adherent, Chou En-lai, swung back to support him. Lin Piao arranged for his people to control the nation's propaganda machinery in Mao's interests. Liu was a prisoner in his own headquarters as Mao, with reckless abandon, invited the disgruntled, the illiterate and the irresponsible youth of mainland China to engage in a wild, undisciplined spree. With Mao's hearty approval, the Red Guards shut down the schools, emasculated many of the symbols of China's art, literature and ethics, and vented their wrath on the politicians under Liu, who had demoted Mao.

It got out of hand, as one might suspect.

In the first place, Liu and his followers—most of them old-line Communists with a good deal of experience in the traditional techniques of intra-Party in-fighting—fought back. In the second place, Mao's chief supporter, Lin Piao, controlled significant elements of the military, but not all of it by any means. In the third place, the economy went to pieces once again. In the fourth place, the Red Guards had no real loyalties. Being both young and unrestrained, they began splintering into rival organizations—some anti-Mao and others even anti-Communist!

Through 1966–67, anarchy ruled China. Peasants hoarded what food they could, causing critical shortages in the major cities. Responsible workers walked off their jobs in disgust. The railroads—mainland China's principal communications system—stopped running for weeks at a time. Factories occupied by Red Guards ceased functioning. Riots and demonstrations disrupted government machinery at every level, made a mockery of civil authority and terrified the majority.

The military had to move. In the first months of 1968, Mao reluctantly acknowledged that the Great Cultural Revolution was so far out of hand, the dislocations to

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[2] *The Problems of Communism,* "Peking's Recognition of Crisis," published by USIS, Sept.–Oct., 1961.

day-to-day life so great, and the opposition to his regime so widespread, that he ordered Lin Piao—his Defense Minister and designated heir—to turn the full weight of the People's Liberation Army against the Red Guards, against anti-Maoists, against revisionists or anti-Communist elements, against workers and peasants who resisted Peking's orders and against students and intellectuals who refused to accept Mao's "Thoughts" as gospel.

In taking this drastic step, Mao was admitting to the Chinese people that, like his Great Leap of the previous decade, his Cultural Revolution had failed.

Lin Piao's army commanders exacted a heavy price for their continued loyalty. Many of the regional and provincial commanders assumed a role not unlike that of the warlords of the 1920's and early 1930's. Some took their units and turned against Mao. Many soldiers defected to join peasant-student guerrilla bands in the hinterland. In the meantime, unrest was growing at such a pace in the big cities among students, intellectuals and workers who were disgruntled over Mao's police state tactics that Peking decided it would try to dissipate the threat of increased rebellion in its chief remaining centers of strength by disbursing a large proportion of city dwellers in the 15- to 30-year age group to the outlying provinces. There they were to accept the strict direction of Communist peasant cadres and PLA units still loyal to Mao and presumably get closer to the masses. Hong Kong intelligence sources estimate that twenty-five million students, intellectuals, and workers have been forced to leave the cities.

At the same time, Mao's dwindling number of loyal associates spread out through the provinces to hand-pick delegates to a long-overdue Ninth Party Congress.

NEAR ANARCHY AND MILITARY RULE

A motley assortment of peasants and soldiers, a sprinkling of workers and those few trained Communist bureaucrats still pledged to support Mao were finally brought together in Peking in the spring of 1969. The 1,500 delegates to the Congress met in closely guarded, secret sessions and rubber-stamped a revised Constitution giving Mao and Lin Piao supreme dictatorial power over both the Communist Party and the country and formalizing the purge of Liu Shao-chi and the hard-core of the entire Party organization.

Army commanders took control of the Congress and the resulting Central Committee and, since that time, have virtually run the country in Mao's name.

Though still able to keep Mao in power, the Army's rule has done little to improve conditions on the mainland. Near-anarchy prevails in much of rural China where Maoists, anti-Maoists and outright anti-Communists fight bitterly for control of government granaries, military depots, arms caches and the allegiance of local Army units.

The result is that in the fall of 1969 there are still-unconfirmed reports of near-famine conditions in many parts of the country. Industrial production—erratic ever since the Cultural Revolution was launched—is believed to be far off schedule and Red China's foreign trade, after a brief rebound in 1968, is again slipping. Since 1965, Peking's import-export activity has dropped off fifteen to twenty percent and foreign buyers who attended the 1969 Canton trade fair came away complaining that once you got beyond the booths and exhibits featuring Mao Tse-tung's books and "Thoughts," there was little to buy. The samples shown were the same products that had been available before the Cultural Revolution.

Rationing prevails for such items as medicines, soap, all but the simplest food products, thread, kerosene, matches and cigarettes. There is so little cloth available for even mending worn out clothes that overseas Chinese report their relatives behind Mao's Bamboo Curtain are writing to request drygoods instead of money.

The diet now of the average peasant at best is no better than it was in 1939—not 1949. And in 1939, the Japanese were waging all-out war against the hard-pressed troops of Chiang Kai-shek.

Skilled workers not yet dislocated from their factory jobs in the cities put in a 10- to 12-hour day for six to six and one-half days per week.

U.S. News and World Report (March, 1969) noted that Red China has built no new rail lines in ten years, even though it is building them under trade-and-aid agreements for Zambia and Mali in Africa.

As far as those famous agricultural statistics, those records of farm production and acreage—no comprehenisve ones worth considering seriously have been published for ten years.

The soil is said to be depleted from a near-total lack of fertilizer inputs other than scant amounts of human nightsoil.

Mainland China's historically efficient, though complex, irrigation systems are reportedly in disrepair. Those that have been built or repaired by the Red Guard cadres while they memorize the "Thoughts of Mao" for guidance show structural defects. Similarly, many public works projects carried out with great fanfare and haste during both the Great Leap and Cultural Revolution periods are falling apart.

Refugees escaping from the mainland in the past two years often describe how bridges and dams of unsound design and construction collapse or wash out, causing flooding of fields and villages and the destruction of sections of highways and railroad lines. Maintenance crews are frequently too involved in fighting to deal with the breakdowns in equipment or facilities.

Yet, in the face of this mounting tally sheet of failure, Mao's propaganda organs late in the summer of 1969 began calling for another "leap." This time they are avoiding use of the Chinese words "ta-yueh-chin." They just allude to the desirability of a "yueh-chin" (leap) and Peking Radio has suggested what is needed is a "fei-yueh" (flying leap). Some provincial papers smuggled out to Hong Kong by refugees quote Peking as asking the peasants for a "kao-ch'ao" (upsurge).

This summer after *Peking Review* posed the alternatives facing Communist decision-making, as quoted at the very beginning of this article, editorial writer Ko Cheng gave up further attempts at reason to return to the Maoist line:

"Our great leader Chairman Mao's teachings that politics is the commander, the soul in everything, that 'political work is the lifeblood of all economic work', and the great principle he advanced of 'grasping revolution, promoting production' have, theoretically and in practice correctly solved this question and creatively developed Marxism-Leninism. These teachings of Chairman Mao's are our basic guiding thought in successfully carrying out socialist revolution and socialist construction."

Such propaganda fiction—in fact, Chairman Mao's teachings—have "solved" no questions or problems. They have only created them.

WHY HAS MAO FAILED?

Now that there is every indication that some momentous new program will be attempted, despite the failures of the Great Leap of 1958–59, and the Great Cultural Revolution of 1965–69, one has a right to ask how Mao and his followers could have made such colossal blunders.

Those few China observers outside the Bamboo Curtain who have followed Mao's methods but remain objective about him privately share a theory which is worth serious consideration. The same theory may well apply to a Communist leader like Fidel Castro who has managed to ruin the economy of Cuba in ten years.

It is simply that Mao is a guerrilla fighter whose training and instincts have taught him that success for the guerrilla in war is obtained by disrupting that which is orderly and bringing the full weight of whatever power is at his disposal to bear on the weakest point. He uses the same methods when dealing with Red China's economy.

He concentrates all of his energies—and consequently all of the energies of the nation he leads—on achieving a single objective. For example, in the early 1950's, he used his army and newly-won control of China to win a political victory in Korea—at the expense of his own Communist programs for the Chinese nation. Then he turned his full attention at home again to "agrarian reform." Then he withdrew from rural problems long enough to move against private enterprise and industry in the cities. He returned again to the villages and countryside to impose communes and make a Great Leap. This time his efforts backfired. He regained power by turning the Red Guards loose in a so-called Cultural Revolution and when they were no longer controllable, he turned the army loose to clamp down on the Red Guards. Now he dreams of a flying leap and has already decided that urbanites and students must be forcibly uprooted from the cities to be taught by the peasant in the countryside. Always the effort is a mass effort. One writer has suggested that the backyard steel program of the Great Leap was "industrialization by mass movement."

But where he has failed, and failed so completely, is in trying to substitute labor for capital and bulk masses for selective, individual know-how. The problems of agriculture, industry and commerce are much too complex to be solved in this manner over an extended period of time. An economy develops only when there is some harmony in all sectors—not when total national attention and resources are devoted to just one at a time—and certainly not when the attention on one is at the expense of the other.

However, the real reason both Mao and Communism have failed in the past score of years is perhaps more realistically found in the nature of China and its people.

Back in 1947, the great modern Chinese writer and scholar, Dr. Lin Yutang, wrote:

"In the four thousand years of China's history, four great political experiments in totalitarianism, state capitalism, socialism and drastic social reforms were attempted, and each of these failed miserably." [3]

When this writer interviewed Dr. Lin at his home in Taiwan in 1967, he was prepared to update the statement to increase the number to five after seeing Communism's record in China.

Neither China, nor the highly individualistic Chinese, lend themselves to totalitarian schemes for long. Mao and the Communists have been learning this the hard way for twenty years.

PUBLIC HEARINGS, TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Committee on Finance received testimony with respect to that part of the House tax reform bill which reduces depletion allowances and cuts back on the tax advantages for production payments of oil and gas. A number of distinguished citizens representing the oil and gas in-

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[3] *The Gay Genius: The Life and Times of Su Tungpo* by Lin Yutang, 1947. The John Day Company.

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dustry outlined the restrictions which would be placed on the entire business if these provisions were retained in the Senate bill and enacted into law.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

WITNESSES

HON. JOHN G. TOWER, U.S. SENATOR, STATE OF TEXAS

Taxation of the oil and gas industry

Feels that proposed tax changes with respect to the oil and gas industry will be a heavy blow to these industries. Expresses concern that this will hinder our ability to maintain a strong national security posture.

Indicates that the United States cannot afford to be dependent on foreign sources of oil in times of national emergency. States that our national security dictates that we have sufficient petroleum resources, and that a healthy oil and gas industry requires continual exploration and access to risk capital.

Advocates continuation of the 27½ percent depletion allowance for oil and gas. Considers this allowance, together with the ability to deduct intangible drilling costs and exploration expenses, to be the prime source of generating new capital within the oil and gas industry.

NATURAL RESOURCES: DEPLETION ALLOWANCES, EXPLORATION EXPENSES, PRODUCTION PAYMENTS—OIL AND GAS

Coordinated testimony of: American Petroleum Institute; Mid-Continent Oil and Gas Association; Western Oil and Gas Association; and Rocky Mountain Oil and Gas Association

EMILIO G. COLLADO, EXECUTIVE VICE PRESIDENT, STANDARD OIL CO. (NEW JERSEY)

Tax treatment of natural resources

Urges that the foreign tax credit and percentage depletion provisions in the House bill applying to the foreign activities of U.S. petroleum companies be rejected. States that by increasing the tax burden on U.S. petroleum companies' operations abroad, these provisions would seriously weaken the ability of U.S. companies to compete effectively with foreign oil companies, many of which receive substantial tax benefits and, in some cases, cash subsidies from their home governments. Believes that these measures should be assessed in the light of the contribution which U.S. petroleum investments abroad make to important U.S. national objectives.

Indicates that despite the high rate of growth expected in our domestic oil producing capacity in the future, the United States will have to rely increasingly on foreign source oil to meet our growing requirements. Believes that the best way to provide that our country will have access to sufficient foreign-source petroleum is to encourage U.S. companies to continue to search and develop these resources in diverse foreign areas.

States that these provisions in the House bill would seriously undermine valid and long-standing principles of tax equity and of preventing international double taxation which U.S. tax laws have traditionally sought to achieve. Indicates that the elimination of foreign depletion abroad would discriminate against the foreign activities of U.S. petroleum companies by denying them tax treatment comparable to petroleum operations conducted in the United States. Points out that the foreign tax credit provisions in the House bill would double tax parts of a taxpayer's income and would introduce international double taxation on the integrated petroleum industry operations abroad by denying to the mineral industry alone the effective use of the overall basis for applying the foreign tax credit. States that this discrimination against foreign source income, and against the mineral industry in particular, seems unjust and unwarranted, especially since these provisions are unlikely to produce a significant amount of revenue for the United States.

ROBERT O. DUNLOP, PRESIDENT, SUN OIL CO.

The petroleum industry

Indicates that the United States is heavily dependent upon petroleum energy, as oil and gas provide nearly three-fourths of all energy consumed in the United States. States that assured supplies of petroleum are vital to the national security of the United States.

Maintains that under present tax incentives, the domestic petroleum industry has met this country's essential petroleum needs. Notes that gasoline prices, excluding direct taxes, are up only 10 percent since 1926, and that the tax incentives have contributed to this price stability.

Argues that the tax incentives for oil and gas have provided an effective incentive for research and exploration, as well as conservation of natural resources through encouraging the use of marginal oil.

Maintains that the petroleum industry earns only average profits on investment compared to other manufacturers, and also carries an overall tax burden equivalent to or exceeding the tax burden of other industries. Argues that increased taxes, absent of any remedial action, would either increase petroleum prices or reduce profits and thereby reduce investment. Contends that complete elimination of tax incentives would make the United States heavily dependent on foreign oil, which could involve us in a Middle East conflict.

States that the combination of rising costs is limiting funds available for investment and that reserves of oil and gas declined both relatively and absolutely in 1968. Asserts that Federal control of natural gas wellhead prices is partially offsetting the benefit of tax incentives and is creating a serious supply problem for the industry.

WILLIAM I. SPENCER, EXECUTIVE VICE PRESIDENT, FIRST NATIONAL CITY BANK, NEW YORK, N.Y.

Percentage depletion for oil and gas

States that the proposed changes in the tax treatment of minerals could endanger both the international payments position and the energy supplies of the United States, and they could have serious, long-term consequences for the welfare of the Nation.

States that the petroleum industry will have to attract—for domestic exploration and development—as much as $70 billion for the 10-year period through 1980, and that in attempting to do this the industry will be hampered by the likely continuance of monetary stringency in the economy, and also because the liquidity of leading petroleum companies has been declining, while their dependence on long-term debt has been rising sharply. Contends that the ability of the industry to finance its currently increased exploration and development will depend upon its future ability to maintain and approve its profitability.

Believes the tax structure should be designed to enable the industry to meet the Nation's energy goals, and that the House provisions do not meet this test.

GEORGE V. MYERS, EXECUTIVE VICE PRESIDENT, STANDARD OIL CO. OF INDIANA

Reducion in domestic depletion rate

Maintains that the proposed reduction in the domestic percentage depletion rate from 27½ to 20 percent contravenes the national interest.

Production payments

States that the treatment of reserved production payments as loans will cause a reduction in value of 15 to 20 percent. Contends that this reduction decreases the funds available to independents, thus impairing their ability to continue in the business of exploring for and developing oil and gas reserves.

Allocation of deductions

Argues that this proposal would tend to restrict the effectiveness of percentage depletion and intangible drilling cost deductions as incentives to invest the huge amounts of money needed to supply petroleum needs.

Tax treatment of oil shale

Maintains that the provision in the House bill clarifies existing law and is desirable because depletion on the kerogen extracted from the rock shale is necessary if this important natural resource is to be developed.

Limit on tax preferences

Urges the committee to reject the Treasury Department's recommendation to include percentage depletion and intangible drilling costs in computing the limit on tax preferences.

Taxation on gains on sales of mineral properties

States that the Treasury Department has proposed that gains on sales on mineral producing properties be taxed as ordinary income to the extent of intangible drilling costs which have been allowed as deductions. Maintains that the adoption of this proposal would substantially reduce the real value of mineral properties and it would make investment in exploration and development ventures less attractive at a time when there is a vital national need to make it more attractive.

Other proposals

Criticizes three other proposals—including (1) plowback of depletion deduction, (2) capitalization of intangible drilling costs of development wells, and (3) graduated depletion rates that would reduce tax incentives for oil and gas producers.

Plow-back of depletion deduction

States that under this proposal producers would be permitted a 27½ percent depletion rate if they spend an equal amount in domestic exploration and development. Argues that the proposal is based on the false assumption that exploration and development expenditures are less than the industry's depletion deduction. Suggests that if the depletion deduction is to be based on future exploration and development, then inevitably a producer's expenditures for exploration and development will be influenced by and scheduled according to the amount of depletion that needs vesting. Argues that a reduction of the depletion incentive will deter others from entering the natural resource business, especially since those already in the business who have excess depletion would have lower costs of exploration and development through the vesting of past depletion.

Capitalization of intangible drilling costs of development wells

Maintains that the result of this proposal would be a serious disruption in funds available for exploration and development. Argues that the capitalization of these intangible costs will not ultimately increase taxes but will merely change the timing of deductions.

Percentage depletion at graduated rates

States that the net effect of this proposal would be to reduce percentage depletion for the industries as a whole, and that such a proposal would punish those who furnish the bulk of the Nation's energy supply. Believes that such a proposal would also reduce the incentive for a small company to grow larger.

Coordinated testimony of independent producers; Independent Petroleum Association of America; Independent Oil and Gas Producers of California; Independent Oil Producers and Land Owners Association, Tri-State Inc.; Kansas Independent Oil and Gas Association; Oklahoma Independent Petroleum Association; Panhandle Producers and Royalty Owners Association; Texas Independent Producers and Royalty Owners Association; and West Central Texas Oil and Gas Association

H. A. TRUE, JR., TRUE OIL CO.

Tax treatment of natural resources

Maintains that a healthy, expanding domestic industry is the best assurance of adequate supplies of oil and natural gas. Contends that the domestic industry's activities in searching for and developing U.S. petroleum resources have declined to inadequate levels, imperiling the Nation's economic progress and future security.

Argues that the proposed changes in petroleum tax provisions would sharply reduce the incentive to invest capital in exploration and drilling. States that if these changes are enacted, total expenditures for U.S. exploration and development would decline to only $2.4 oillion by 1980, compared with a required expenditure of $8.3 billion, with the result that the United States would be dependent on foreign sources for over 50 percent of its requirements.

Contends that the changes would have a devastating effect on independent producers and would force many of them to discontinue exploration and drilling.

Argues that the search for new reserves of oil and natural gas is inseparable, and that the present shortage of natural gas would be aggravated by the proposed changes.

Contends that the bill would result in increased prices that would cost consumers about $10 billion yearly by 1980.

CLINTON ENGSTRAND, CHAIRMAN, LIAISON COMMITTEE OF COOPERATING OIL AND GAS ASSOCIATIONS

General

Points out that there is a need for oil and gas exploration and that the tax reform movement, as it relates to the petroleum industry, has concentrated on ways and means to reduce rather than increase the economic incentive of the independent producer. Indicates that the tax changes that have been made would impede independent producer decisions to borrow and/or spend the large amounts of funds necessary to drill wells. States that the ups and downs experienced by small business in this high-risk industrial activity requires the incentive aid that comes from other tax features under attack, including domestic percentage depletion, the ABC payment method, carved-out production payments, and capital gains sales of mineral property. Believes that the elimination or reduction of any of these longstanding tax features would further reduce the Nation's vital petroleum drilling effort.

Position of associations

Contends that in order to accomplish the drilling job required by the Nation, the following provisions must be in the Nation's oil tax policy: (1) expensing of nonrecoverable drilling costs (intangibles), (2) the loss carryforward tax provision, (3) liberalization of the 50 percent net income limitation on percentage depletion application, (4) retention of capital gains treatment for total value of oil and gas property sales, and (5) a positive tax incentive program applied directly to domestic exploration efforts.

STARK FOX, EXECUTIVE VICE PRESIDENT, INDEPENDENT OIL AND GAS PRODUCERS OF CALIFORNIA

Introduction

Opposes all proposed changes in the House bill affecting the oil industry. Argues that Congress and the administration should be considering ways to add to the oil industry incentives rather than reduce them.

Conditions in the California oil industry

States that the total number of oil companies in California in 1957 was 1,465, and that in 1967 it was 1,044, a drop of 29 percent. Points out that the State Franchise Tax Board reported that 1,039 oil companies filed State income tax returns for 1957, but only 658 filed such returns for 1967. Of the 1,039 companies filing in 1957, 428 reported taxable income, on which they were assessed $8,263,214 in taxes. Of the 658 companies filing in 1967, 330 reported taxable income on which they were assessed $16,074,343 in taxes. Indicates that oil production in 1957 was 928,971 barrels a day and 984,722 barrels a day in 1967; thus the State income tax per barrel of oil produced, nearly doubled.

Conditions among independent producers

Indicates that between 1957 and 1967 the major companies increased their share of total California production from 45 to 53 percent; the 43 principal minor companies increased from 28 to 29 percent; and the independents dropped from 9 to 3.7 percent. States that data covering oil field development shows the same trend: in 1957, the major companies completed 44.6 percent of all wells and in 1967 they completed 53.8 percent; principal minor companies increased their completions from 24.5 to 37.0 percent; and independents dropped from 30 to 8.3 percent of total completions. Notes that major companies had 45.5 percent of all wells in 1957; but this figure had increased to 53.4 percent by 1967; principal minor companies increased their share of all wells from 25 percent in 1957 to 27.4 percent in 1967; and independents dropped from 22.7 to 10.3 percent of total wells during the same period.

Disincentives

Points out that by using the ratio of oil production to taxes as a rough guide, the district V—Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington—producing industries share of the added annual tax load under the tax reform bill would be approximately $84 million, based on its current 14-percent share of total production in the United States. Contends that this added tax would be significant for the independent and minor companies, and that it would come directly out of their pockets.

Producers have no "ultimate consumer"

Indicates that in the oil producing industry the buyer, not the seller, determines the price they will be paid for crude oil and that the producer has no way of shifting the burden of any added expense, be it taxes, higher wages, or any other. States that the impact of added expenses is particularly severe for the California producer because California crude prices average $2.51 per bar- in the Nation where average crude prices are less than they were in 1959. Points out that California is the only oil producing region rel today, whereas in 1959 the average was $2.55.

D. F. M'KEITHAN, JR., PRESIDENT, INDEPENDENT OIL PRODUCERS AND LAND OWNERS ASSOCIATION, TRI-STATE, INC.

Percentage depletion and intanglible drilling cost

States that, in the tristate area of Indiana, Illinois, and Kentucky, a reduced depletion rate would seriously cripple this segment of the domestic oil industry resulting in the obvious curtailment of employment with the concomitant loss in payrolls and taxes as well as a loss in oil production and, consequently, royalties to the landowners, and taxes to the counties. Emphasizes that a change in the manner of deduction of intangibles will literally, and without exception, destroy the domestic oil business in the tristate area because the principle sources of capital funds relied upon by operators are derived from outside investors; any required capitalization of such funds will shut off completely this flow of money and force operators out of business.

Points out that over 1,500 small businessmen employing approximately 30,000 men and women in our tristate area annually contribute about $400 million to the economy, which includes $30 million annually paid to landowners in royalties and over $6 million in taxes to the counties. States that the proposed tax change will not merely work a temporary hardship upon these independents, but such changes will virtually eliminate them as a contributing segment of the economy, which would be unable to compensate for such a loss. Maintains that the country cannot afford to lose this segment of its domestic oil industry because once it is lost, it is doubtful that either the reserves or the skilled technicians could ever be replaced.

TOM SCHWINN, EXECUTIVE VICE PRESIDENT AND COUNSEL, KANSAS INDEPENDENT OIL AND GAS ASSOCIATION

General

Points out that the oil industry has been pictured as a single monolithic industry but that in reality it is composed of two segments: Independent domestic producers, and the major international oil companies. States that in the foreseeable future this Nation must depend upon the independent operator to explore and develop the country's petroleum resources, because the relative profitability of foreign oil has encouraged the major international companies to spend much of their exploration dollar in foreign countries.

Tax incentives

Indicates that the tax incentives necessary to carry forth the need of a healthy domestic petroleum industry are the following: The expensing of nonrecoverable business expenses (intangibles), percentage depletion, liberalization of the 50-percent net income limitation on percentage depletion, loss carryforward tax provision, and retention of capital gains treatment.

Believes that the methods proposed in both the House bill and by the Treasury to correct the so-called tax loopholes do not justify the drastic changes and penalties imposed upon the majority of legitimate oil and gas operators who are now paying a foreign sale of the necessary burden of the cost of Government.

Treasury's limit on tax preference and allocation of deduction proposals

Indicates that the LTP provisions would have a nominal effect upon the established oil operator or high income investor, but would affect the young operator with minimal oil and gas income, or for the investor with small outside income.

Opposes the proposal to include intangible drilling costs in the allocation of deduction provision. Urges that the 60-percent limitation for the application of the allocation of deductions be derived from oil and gas operations, including, but not limited to, all phases of exploration, development, drilling and producing, rather than from the sale of oil and gas. Indicates that there are a number of legitimate related activities for fully qualified oil and gas operators.

Believes that intangible drilling cost, in any case, should be excluded from the allocation of deductions rule on the basis that

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it is not truly a tax preference item. Points out that the theory of the allocation of deductions rule is that no cash is expended and that the intangible drilling costs do involve cash outlays in a legitimate search for oil and gas.

States that the inclusion of intangible drilling costs in the allocation of deduction provision would discriminate against the investor of the independent operator and that the 60-percent limitation would be a disincentive to the independent segment and have no true affect on the national oil companies.

Indicates that the suggested recapture rule for intangible drilling costs upon the sale of property would have its most adverse effect upon the small operator who periodically would be forced to sell a discovered lease to retire bank loans and other obligations incurred in drilling and developing the lease.

Believes that the proposed 50 percent top marginal rate on earned income, coupled with other proposed tax changes which affect the investor would eliminate him as an oil and gas speculative.

WILLIAM B. CLEARY, PRESIDENT, OKLAHOMA INDEPENDENT PETROLEUM ASSOCIATION

Percentage depletion for oil and gas

Believes the concept of percentage depletion is sound, and that it serves a vital function with respect to the risk capital needed for oil and gas exploration. Expects the major companies to do less drilling in Oklahoma as budgets are shifted more and more to offshore areas and Alaska, and feels independent producers have the burden of finding new domestic reserves of oil and natural gas.

Contends the present 50 percent net income limitation with respect to oil and gas depletion is an artificial limitation which renders it largely ineffective when it is most needed—urges that it be eliminated.

C. H. HINTON, PETROLEUM CONSULTANT, PANHANDLE PRODUCERS & ROYALTY OWNERS ASSOCIATION

Percentage depletion for oil and gas

States that it is an indispensable fact that there is a very serious shortage of natural gas being developed in the United States, and if future requirements are to be supplied, the number of well completions must be doubled over the 1968 level in the shortest possible time.

States that there are thousands of yards of sediments which are estimated to be productive of natural gas that have not been tested by the drilling of wells. Contends that any downward reduction in statutory depletion, or any reduction in intangible drilling costs as a tax reduction will cause a further decline in the number of well completions.

WILLIAM J. MURRAY, JR., PRESIDENT, TEXAS INDEPENDENT PRODUCERS AND ROYALTY OWNERS ASSOCIATION

General

Indicates that the Nation is running out of oil and gas mainly because of the lack of adequate incentive for domestic exploration and drilling. States that reserve productive capacity has been grossly overestimated and that some degree of consumer rationing might prove necessary in any future foreign-supply curtailment. Indicates that an attempt to fill the emerging energy gap by increasing imports would not only endanger national security but would thwart all efforts to close the Nation's payment gap.

Believes that the provisions in the House bill which affect the oil industry would further depress domestic exploration and drilling at the very time when the increase is required to avert a supply crisis.

Expensing of nonrecoverable costs

Indicates that the expensing of nonrecoverable costs is absolutely vital to the domestic wildcatter, and to require that these costs be capitalized would render it impossible for most small operators to look for oil and gas. States that the intangible charge of privilege does not allow the producer to retain tax-free income, but rather encourages him to go into debt or seek outside risk capital in order to remain in the business of searching for reserves to produce. Indicates that the denial of the intangible expensing privilege would be injurious to independents trying to get started but would have far less effect upon the large integrated companies and larger independent producers.

Percentage depletion rate

Supports the 27.5 percent depletion rate. Points out that percentage depletion is an incentive to drill in a high risk industry. States that if the rate were too high, there would be disproportionate concentration of resources into this enterprise when the contrary is true.

50 percent of net limitation

States that the 50 percent of net limitation on the depletion allowance is a particular hardship upon the small operator and upon the caretakers of the marginal or stripper wells. Points out that because of this limitation, few domestic independent producers use the full 27½ percent depletion rate. Indicates that an increase in the net limitation would enable all operators to realize a more uniform depletion percentage factor and would encourage domestic independence to become more active in the search for oil.

Limit on tax preferences

States that the proposal to require individual producers and outside investors who derive less than 60 percent of their income from oil and gas operations to include intangible expensing and depletion income in computing their tax liability would be particularly injurious to independents. Indicates that since the limit on tax preferences does not apply to corporations, it would be aimed directly at the independent producers.

Other tax provisions affecting the oil industry

Points out that the mineral interest holder, or land and royalty owners, would be particularly affected by the limited tax preference and percentage reduction proposals. Believes that the proposals to deny land and royalty owners full participation in depletion would further depress domestic exploration in drilling. Points out that the elimination of the ABC method of financing development, elimination of carved out production payments, and the proposed recapture rule that would require treating as ordinary income any gain or sale of mineral properties to the extent of intangible drilling costs previously deducted, would hit hardest at the domestic wildcatter.

A. V. JONES, JR., PRESIDENT, WEST CENTRAL TEXAS OIL & GAS ASSOCIATION

Provisions affecting the oil industry

Recommends that the tax structure of the domestic petroleum industry be left unchanged. Maintains that any adverse legislation will directly affect all consumers.

Intangible drilling expenses

Argues that the cost of exploration and drilling—known as intangibles—must continue to be recognized as essential business expenses for all participants in the oil and gas industry. Believes that all costs should be deductible when they are incurred and that no limitation be applied to these costs.

ABC transactions and production payments

Believes that present tax treatment of both ABC and carve-out type oil and gas payments should be continued.

Limit on tax preferences

States that the limit on tax preferences is applicable only to individuals, partnerships, trusts, and small corporations. Believes that if this provision becomes law it will tend to eliminate the independent producing segment of the oil industry, and will ultimately create a major company monopoly.

EBERHARD P. DEUTSCH, PERMIAN BASIN PETROLEUM ASSOCIATION

Percentage depletion rates

Opposes any reduction in the present oil depletion allowance under the income tax laws, on the ground that this allowance is a vital incentive to stimulate the search for new sources of oil and gas.

Carved-out production payments

Indicates that exploration and development of oil and gas reserves have grown increasingly expensive in recent years and that the independent producer has had to meet these costs, in large measure, from carved-out production payments. Indicates that the present advantageous tax treatment of such payments was accorded to the petroleum industry to encourage the search for oil and gas and to stimulate its production and that since these purposes are still necessary, the present tax treatment accorded to carved-out production payments should be retained.

Suggests that if it is deemed necessary to discontinue the present tax treatment of carved-out production payments, it should not be done retroactively. Points out that retroactive repeal would deprive the independent producer of venture and short-term operating capital, after he is committed and already in debt, at a time when it is virtually impossible to borrow money. Suggests that the carved-out production payments be permitted to remain in effect for the taxable year in which new legislation is enacted.

JOSEPH R. RENSCH, ON BEHALF OF THE AMERICAN GAS ASSOCIATION AND THE PACIFIC LIGHTING SYSTEM

General

States that a paradox currently exists: estimates of potential gas supplies have increased substantially; but estimates of proved recoverable reserves declined last year. Indicates that since 1946 the Nation's gas reserve/reduction ratio has declined from over 32 to less than 15. States that the addition of new proved reserves are lagging because drilling activity has declined sharply since 1956. Points out that the outlook for adequate gas supplies is bright because domestic supplies will be supplemented by imports and synthetic pipeline gas but that maximum domestic supplies must be developed now because there will be a time lag before these supplemental supplies become available in significant volumes.

Relationship of tax incentives to drilling

Points out that the current lag in exploration and development of new domestic gas supplies can be attributed basically to lack of available capital and incentive to drill for gas. Indicates that both of these factors would be worsened by a reduction in percentage depletion and elimination of other tax incentives.

WALTER E. ROGERS, PRESIDENT, INDEPENDENT NATURAL GAS ASSOCIATION OF AMERICA

Accelerated depreciation allowed regulated industries

Points out that the intent of Congress in allowing accelerated depreciation was to allow all taxpayers the free exercise of business judgment in the selection of the method of depreciation, without restriction by regulatory agencies in the case of taxpayers subject to regulation. Indicates that the position taken by several of the regulatory agencies in requiring those companies using accelerated depreciation for tax purposes to flow-through currently to the company's customers any and all tax benefits discriminates against the regulated industry and defeats the purpose and reason for accelerated depreciation.

States that fairness in the application of tax requirements or benefits demands uniformity to both regulated and nonregulated industries. Believes that all regulated industries now using the flow-through method of accounting for depreciation purposes should be given the right and option as to both old and new property to change the accounting method to a slower method of depreciation, to wit, straight line or accelerated depreciation with normalization, but not be required to. Indicates that all companies presently using accelerated depreciation and normalizing should be allowed to continue to do so as to both old and new property or to go to a slower depreciation on either type of property or both types, but not be required to. Believes, further, that those companies presently using the straight line method of accounting for depreciation purposes should be permitted to use accelerated depreciation and normalization on new property.

Percentage depletion rate

Opposes any reduction in the 27½ percent depletion allowance on oil and gas. States that this percentage has been in effect for over 40 years and has served to produce the incentive for the tremendous progress by this country in the development of oil and gas.

States that gas provides one-third of the energy requirements of our country and that the demand for additional service and supplies is consistently rising. Believes that the sensible investment this country could make at this time would be to retain the incentives presently available in the oil and gas industry, and if necessary, to add some rather than subtract any.

WILLIAM JACKMAN, PRESIDENT, INVESTORS LEAGUE, INC.

Capital gains

Contends that the bill was conceived and enacted in astonishing haste and will make the tax law immensely more complex and onerous for the individual taxpayer.

Opposes increasing the maximum capital gain tax from 25 to 30 percent. Contends that there would be a revenue loss from this change, rather than a revenue increase of $300 million.

Recommends reduction of the capital gains tax from 25 to 12.5 percent, contending that there would be a revenue gain of about $2.5 billion.

Maintains that the bill is one-sided in increasing the holding period of long-term capital assets from 6 to 12 months and removing the ceiling on the capital gains tax.

Argues that if short-term capital gains are treated as ordinary income, short-term capital losses should be deductible in full, and that if half of long-term capital gains are taxed, half of long-term capital losses should be fully deductible.

Proposes that capital gains should be reduced by the increase in the official price index over the holding period, so that gain representing inflation will not be taxed.

MORTON M. WINSTON, EXECUTIVE VICE PRESIDENT, THE OIL SHALE CORP.

Percentage depletion for oil shale

Concludes that oil shale is an economic supplement to domestic petroleum supplies. States, however, that the present Internal Revenue Code is frustrating shale oil development.

Points out that oil and gas produced from oil shale are subject to two competitive injuries in the depletion calculation under current interpretations by the Internal Revenue Service:

(1) There is no specific depletion allowance on shale oil under existing interpretation of the present tax code; and

(2) There is only a 15-percent depletion on the supposed value of the unmarketable shale rock from which the oil is separated.

Emphasizes that shale oil must compete with crude oil from wells even though oil from wells is allowed depletion on its full wellhead value at a rate of 27.5 percent.

Concludes that discrimination against shale oil production mitigates against the flow of capital into shale oil development, and it places shale oil at a competitive disadvantage in the marketplace.

Points out that oil shale retorting is not a manufacturing or refining process; it is a separation process. States that the logical point for applying depletion is after kerogen is first recovered by the separation process, and before any further processing.

Emphasizes that applying shale oil depletion to the value of the oil instead of the rock, will not affect present tax receipts one iota since there is no taxable income from the shale oil industry today. States that to launch this industry will require large amounts of capital and entrepreneurs willing to assume the substantial risks involved, both technical and financial. Requests the committee to remove the tax discrimination against shale oil and to approve the change made by the House.

B. P. HUDDLESTON, P.E., CITRONELLE-MOBILE GATHERING SYSTEM CO., INC.

Effects of reducing the oil depletion allowance and the elimination of the ABC transaction

Presents a case study illustrating the effect of the proposed changes in the Federal income tax law relating to the percentage depletion allowance and the ABC transaction on the independent oil operator. States that Citronelle Field, Ala., the basis for this study, is uniquely representative of a significant oil reserve with diverse operating ownership of over 500 individuals and corporations—major oil companies own less than 20 percent of the total operating interest ownership, and over 1,000 individuals received royalty income from Citronelle production.

Believes that this study shows that the Federal income tax burden of these largely independent Citronelle operators would be increased by 19.5 percent if the percentage depletion rate is reduced from 27.5 to 20 percent. States that the combination of this reduction in rate and the elimination of the ABC transaction will reduce the market value of the Citronelle owners' operating interests (the price that would be paid by a willing purchaser) by 34 percent.

HAROLD D. ROGERS, NORTH TEXAS OIL & GAS ASSOCIATION

Production payments

Expresses the opinion that the provision of the House bill dealing with production payments is contrary to the due process clause of the fifth amendment, and is unconstitutional because it is an attempt to tax income to a mineral property owner by reference to the income from a production payment property owned by another person. Points out that the Supreme Court has held that due process is denied where one person is taxed upon the income from property owned by another person.

States that the mere fact that Congress designates certain transactions has a loan (purchase money mortgage) will not result in creating taxable income when, in fact, the income from the property is not the taxpayer's income.

ARTHUR W. WRIGHT, ASSISTANT PROFESSOR OF ECONOMICS, UNIVERITY OF MASSACHUSETTS

Tax treatment of natural resources—lack of fairness

States that the present tax treatment of natural resources is an important source of unfairness in the Federal tax system as it enables many extremely wealthy individuals to pay less Federal taxes than persons living in poverty and enables corporations engaged in mineral production to pay far less Federal taxes than do other corporations.

Tax treatment of natural resources—Waste of tax moneys

Condemns the present tax treatment of natural resources as a wasteful and inefficient form of subsidy. States that the beneficiaries of mineral tax subsidies should have more faith in the ability of the American free market economy to produce minerals and fuels without Federal aid.

Rejects claims that natural resource producers pay their fair share of Federal taxes. States that claims of this sort often use misleading basis for comparison (such as gross income instead of taxable income) and inconsistently lump together foreign taxes, Federal taxes, local taxes, and user charges when computing the industry tax burden. Rejects, also, claims that the present tax treatment of natural resources is needed to let natural resource producers recover their capital investment in mineral properties. Points out that this recovery can be accomplished through cost depletion and the present tax treatment is defective because it permits tax-free recovery of amounts far greater than mineral producer's original capital investment. States that this tax treatment discriminates against other industries that also must attract substantial amounts of capital investment.

Tax treatment of natural resources

Points out that the present system of mineral tax subsidies creates severe administrative burdens for Government and business alike. Indicates that the areas of greatest administrative difficulty concern "economic interest" individuals, depletion rate determinations, cut-off point questions, unit price computations, and the 50 percent net income limitation on percentage depletion.

Recommendations

Describes the present program of tax assistance to the natural resource industries as an inequitable, wasteful, problem-ridden Government-aid program. Urges the committee to scrap the existing aid program and substitute depletion computed on the basis of actual costs, together with capitalization of intangible frilling costs and recovery of such costs over the useful life of the property like business investment in other industries.

States that the natural resource provisions in the House bill are a step in the right direction, but criticizes both the House bill and the administration's proposals for failing to eliminate percentage depletion entirely and for failing to require full capitalization of intangible drilling and development costs.

RECORDKEEPING REQUIREMENTS OF THE GUN CONTROL ACT OF 1968

Mr. DODD. Mr. President, a concerted effort is afoot to dismantle the Gun Control Act of 1968.

The Senate, after 35 days of committee hearings, at which 154 witnesses appeared, debated this firearms legislation for 6 weeks.

Based on all of this legislative activity, we wrote into the act provisions to require the keeping of records on the sale of ammunition so as to prevent bullets from being sold to criminals, juveniles, and persons who currently own weapons in violation of local laws.

The major charge against these provisions is that the Treasury Department has now issued regulations that require "massive bookkeeping," the obtaining of "privileged" information, and, in effect, the "registration" of firearms.

Because I knew this was untrue, I decided to find out exactly what happens when a person goes to a sporting goods store to buy bullets.

A female staff member of the Juvenile Delinquency Subcommittee was sent to several Maryland sporting goods stores

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which had figured in the subcommittee's previous investigations of out-of-State sales of firearms.

She asked for .22-caliber rimfire cartridges, of the kind that killed Senator Robert Kennedy.

She asked for rifle cartridges of the kind that killed Rev. Martin Luther King and President John Kennedy, and she asked for shotgun shells of the type that killed Medgar Evers.

At this point, I quote from her report on the purchase of these items:

> The man asked for my driver's license which I put on the counter. He wrote a sales ticket listing my name and address and the number of my D.C. driver's license, took my money, and gave me a copy of the slip and the shells.

The sales slip also lists the quantity, type, and cost of the ammunition. This information has always been obtained by any legitimate businessman. It is identical to the ones issued in department stores every day, which might list such an item as: one green wool dress, $25.

At a second store in the Maryland area, the staff member again purchased .22-caliber rimfire cartridges. These were long rifle .22's of the kind used in 60 percent of the rifle murders in the United States last year. I again quote from her report on these transactions:

> In a bound ledger the salesman recorded the purchase, my name, address, and birthdate, and "D.C. Op." indicating my vehicle operator's permit as the source of the information. He gave me a sales slip with only the price and purchase listed.

Is this "backdoor gun registration"? Is this the elaborate registration procedure" referred to by Senator BENNETT? Is this the "cumbersome burden" put on the purchasers of ammunition?

I have here in my hand the sales slips from these transactions.

The actual purchases took 4 minutes.

To describe this entire process as an "elaborate registration procedure" is almost laughable.

I am sure some Senators may ask, "All right, if this is really all that is required, the recording of the name, age, and address, of what value is this procedure or this information?"

Well, I will tell them the value of it.

The same staff member initially went to two sporting goods stores in the District of Columbia and attempted to buy the same ammunition. The clerks at both stores refused to sell her the ammunition because she did not have a firearms registration card from the Distict of Columbia police showing the registration number and the kind and caliber of gun for which she would be allowed to buy ammunition under the District law.

It was then that she drove to the nearby stores in Maryland to buy the ammunition.

Now I believe that the value of what transpired at the Maryland stores is obvious.

I am sure the District of Columbia is not registering guns to known criminals. That means criminals can not buy ammunition here. If they went to Maryland, they would be deterred from purchasing ammunition, because they would not want to identify themselves and leave a record of the transaction, as our staff member did.

In fact, it would make more sense to me if the Senate were to consider prohibiting the sale of ammunition to nonresidents, if such sales were in violation of their State or local laws, rather than to consider, as is now the case, the repeal of ammunition controls.

The Gun Control Act has prohibited the Washington criminal from buying his gun outside of the city in violation of its laws, and it makes sense to enact similar controls with regard to ammunition.

The Bennett amendment, however, would give the Washington criminal free and unaccountable access to ammunition for a weapon which he may already have.

And we must remember that tens of millions of deadly fireams are abroad in the land.

If a gun-toting District juvenile, who appeared to be over the age of 18, similarly traveled to one of these Maryland stores, he would not have to prove his age if we approved the proposal of the Senator from Utah (Mr. BENNETT).

And if the Bennett amendment were adopted, Washington criminals would undoubtedly avail themselves of the vast supply of ammunition in surrounding suburban communities. Thus, the Bennett amendment would remove an important element of proof in the investigation of firearms crimes. Investigation of crime by law enforcement officials is greatly benefitted by record of ammunition sales, particularly where police suspect a particular individual of a specific firearms crime.

I do not suggest that the situation I have just described is unique to the Nation's Capital. It would apply to any jurisdiction that has firearms or ammunition controls.

If the Bennett amendment were adopted, any criminal or delinquent who already owned a gun, any mature juvenile, anyone who wanted bullets for a homemade "zip gun," anyone who owned a gun in violation of the laws of his city or State—any of these people could walk into any store in a neighboring city or State with loose restrictions and obtain all the ammunition he wanted to use as he saw fit.

Mr. President, in view of the spiraling crime rate, in view of the ever increasing use of guns in murder, assault and robbery, I hope it will never be said that all that the United States Senate could do was to cave in to the gun and bullet lobby.

I ask unanimous consent that the sales slips be included in the RECORD.

There being no objection, the sales slips were ordered to be printed in the RECORD, as follows:

[Sales slip No. 12 from the Save-way Surplus Trading Post, 2747 Nichols Ave., S.E.; 11417 Georgia Ave., Wheaton, Md.; 4650 Suitland Rd., Suitland, Md.]

SEPTEMBER 26, 1969.

Name (None.)
Address (None).
Clerk (None).

1 Box 22 L.R.	$0.93
Tax	.04
Total	.97

[Sales slip No. 19933 from the N. F. Strebe Gunworks, 4926 Marlboro Pike, S.E., Washington, D.C.]

SEPTEMBER 26, 1969.

Name: Elizabeth V. DePaulo.
Address: 2513 Eye St. N.W., Washington, D.C. 20037.

1 Box 22 L.R. ——— SU	$0.93
1 Box 30–30 Hawthorne	4.15
1 Box 12 g Win AA No. 9	3.25
Total	8.33
Tax	.34
Total	8.67

For your protection and for the protection of others always use extreme care in handling this or any other firearm. This device is classified as a firearm and as such is sold by us with the distinct understanding that we assume no responsibility for its resale under local laws and regulations nor for its safe handling by any person or persons who may come into possession of it. We assume no responsibility for physical injury or property damage resulting from either intentional or accidental discharge.

Received by (None.)

SENATOR HARRISON WILLIAMS WRITES ABOUT CLOSING THE OPPORTUNITY GAP

Mr. MUSKIE. Mr. President, the September 1969, issue of the Junior College Journal, published by the American Association of Junior Colleges, contains an article that should be of vital interest to everyone concerned about postsecondary education and the future of higher education in America.

The article, entitled "To Close the Opportunity Gap," was written by the Senator from New Jersey (Mr. WILLIAMS). Senator WILLIAMS is the author of the Comprehensive Community Act of 1969, a bill which would focus Federal resources on the 2-year school.

As cosponsor of this important bill, I am delighted to call this article to the attention of the Senate and to salute Senator WILLIAMS for his continued leadership in stimulating discussion on postsecondary education.

I ask unanimous consent that this timely article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO CLOSE THE OPPORTUNITY GAP

(By Harrison A. Williams)

(EDITOR'S NOTE.—Senator Williams has been a member of the Education Subcommittee of the Senate Labor and Public Welfare Committee since he first came to that house in 1958. He introduced the Comprehensive Community College Act of 1969 to the Senate, February 17.)

During the past decade, Congress has launched a host of imaginative and long-overdue education programs which have transformed the United States Office of Education from a tired and marginal office to a center of action and controversy handling in excess of $4 billion. Fifty-five per cent of the more than seventy-five programs administered by the Office of Education were enacted in the eighty-eighth and eighty-ninth Congresses—a period from 1963 to 1966. Unfortunately, the Office of Education at the same time has moved in a limited way to meet the challenge of learning at the postsecondary level of education—the challenge on our nation's campuses. This is particularly true of the community junior college, an institution which has the potential and the apparent flexibility to fulfill the laudable goals of American education. This response is also unfortunate because these colleges represent a new level of education which is emerging in the country in response to a lack of relevance in traditional education.

While the community junior college is demonstrating that it is equipped best for the job of extending much-needed educational opportunities in the country, the federal government has failed in its full responsibilities to these colleges which represent almost half of all institutions of higher education and approximately one-third of all students in higher education.

The Bureau of Higher Education, which is responsible for the needs of community colleges in the Office of Education, has supported efforts through the programs indicated on the facing page (not printed in the RECORD).

In the Bureau of Educational Personnel Development, nine community colleges received direct grants under Part D of the enabling legislation. A report from the Office of Education recently made this observation:

"Part F received no appropriation in fiscal year 1969. Approximately thirty other in-service training projects developed by four-year institutions or local school systems include participants from or persons teaching in junior or community colleges, though the training is not necessarily a cooperative venture with a junior college directly. . . . Under B–2 of EPDA, the State Grants program, most states are likely to be working with junior and community colleges, especially in the training of classroom aides. However, the states are still in the process of negotiating their projects and have not submitted to us details on exactly how the funds will be dispersed."

BUREAU OF HIGHER EDUCATION PROGRAMS

Program	Legislation	Amount	Percent
National defense student loan program	NDEA-II	$7,000,000	3.9
Educational opportunity grants	HEA-IV-A	6,000,000	6.5
College work-study	HEA-IV-C	17,700,000	15.7
Grants for construction of undergraduate facilities	HEFA-I	67,000,000	25.0
Loans for construction of academic facilities	HEFA-III	14,800,000	10.0
Improvement of undergraduate instruction	HEA-VI-A	4,000,000	27.6
Comprehensive planning grants	HEFA-I, sec. 105	1,220,000	30.5
Strengthening developing institutions	HEA-III	6,600,000	22.0
Education professions development-training	EPDA V-E	74,000	1.6

In the Bureau of Adult, Vocational, and Library Programs, community college projects made up 10 percent of the total 719 institutional programs in 1968 under Title I of the Higher Education Act of 1965. Only two colleges received grants under the Adult Education Act's Special Experimental Demonstration projects and Teacher Training section. Under the Adult Basic Education programs, only the following estimated percentage of funds are going to community colleges under state distribution formulas:

State distribution of adult education programs

	Percent
New Jersey	8
New York	5
North Carolina	100
Virginia	3
West Virginia	2
Kentucky	5
Mississippi	2
Illinois	10
Wisconsin	100
Iowa	100
Kansas	50
Texas	1
New Mexico	1
Wyoming	10
Montana	10
Idaho	3
Colorado	12

Under the Manpower Development and Training Act (M.D.T.A.) of 1962, as amended, 115 institutions in only twenty-seven states share 7 percent of total M.D.T.A. institutional projects. Title III, Part I, of the Communications Act of 1934, as amended by the Public Broadcasting Act of 1967, has approved three grants to junior colleges. The Vocational Education Act of 1963 funded 444 community junior colleges with only 14.7 percent of funds under state programs which have recognized the contribution of community colleges to career development. Title III of the Library Services and Construction Act has four states which have specifically identified junior colleges in their state plans.

For fiscal year 1969, the Bureau of Research in the Office of Education had $89.4 million available under Title IV of P.L. 89–10 and Section 4–C of P.L. 88–210. Community colleges were involved directly in $451,249 worth of this research activity; when the amount involved indirectly is added, the total is about 6.5 per cent of the funding available.

All these figures point to a lack of sensitivity to the special needs of community colleges in the federal government. The problem is further compounded by a lack of adequate funding. Defense spending and the war in Vietnam cast a long shadow over all domestic priorities crippling the budget of the Office of Education and further darkening the prospects for fulfilling our commitments. We have confused our priorities. We should reverse the trend. The total cost of the antiballistic missile system would more than fully fund the entire education authorization; this kind of investment would certainly strengthen the fiber of an education system which is the best deterrent to the insanity of war games and arms races.

The problem extends beyond money. As Lewis Bender, director of the Bureau of Community Colleges in Pennsylvania and chairman of the National Council of State Directors of Community-Junior Colleges, said: "It deals with an honest error of having focused on elementary and secondary or graduate and research—trusts resulted from crises confronting our nation. Now our crisis is internal (not Sputnik) and is a human crisis, not scientific or technological."

CLOSING THE OPPORTUNITY GAP

The urgency of these imbalances prompted the introduction of the Comprehensive Community College Act of 1969. It is now time to close the opportunity gap in higher education. The early support of more than a third of the Senate[1] is sufficient mandate to all of us to take our federal responsibilities to this level of postsecondary education as seriously as we have those of traditional higher and vocational education. Ten similar bills[2] have been introduced in the House of Representatives with equal enthusiasm and support for two-year colleges. As soon as Congress has acted on the extension of the Elementary and Secondary Education Act, I am hopeful that hearings will be scheduled on this bill. I will certainly continue to urge early hearings on this legislation.

The frustration of restoring elementary school curriculum within crumbling school buildings, the futility of retrieving the academic dropout to continue in noncareer-oriented learning experiences in secondary schools, and the flaunting of rhetoric in response to honest demands for relevance on campuses of traditional institutions of higher education have propelled community colleges to the rescue. The extent to which they will succeed depends on their own commitment to the task. But the federal government will cripple that effort if it forces community colleges to conform to the procedures, jargon, and schemes which now pave the way to federal-aid support.

Because the bill which has been introduced focuses attention on postsecondary education, some might be tempted to conclude that we want to bolster the community college at the expense of the four-year university, or the vocational school, or the secondary school. Nothing could be farther from the truth; in fact, it is precisely because we believe so strongly in these other education systems that we are calling for action on the community college.

IDENTITY AND MISSION FOR COMMUNITY COLLEGES

The Comprehensive Community College Act of 1969 gives a long overdue identity to community junior colleges. This act is designed to support the development and construction of private and public two-year, postsecondary institutions of higher learning, including two-year branch campuses of four-year universities which are comprehensive in philosophy and service to the community. The day has long passed when the federal government can afford to support an educational institution which maintains an exclusionary admissions policy and offers only an elite academic course of study. Certainly, *comprehensive* includes consortium schools as in Union County, New Jersey, where Union College and the Union County Vocational and Technical School merge their facilities and services to respond to the demands of the community.

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[1] Edward Brooke (Massachusetts); Clifford Case (New Jersey); Frank Church (Idaho); Alan Cranston (California); John Cooper (Kentucky); Charles Goodell (New York); Albert Gore (Tennessee); Mike Gravel (Alaska); Edward Gurney (Florida); Fred Harris (Oklahoma); Philip Hart (Michigan); Vance Hartke (Indiana); Mark Hatfield (Oregon); Harold Hughes (Iowa); Daniel Inouye (Hawaii); Henry Jackson (Washington); Jacob Javits (New York); Edward Kennedy (Massachusetts); Charles Mathias (Maryland); Eugene McCarthy (Minnesota); Gail McGee (Wyoming); George McGovern (South Dakota); Walter Mondale (Minnesota); Frank Moss (Utah); George Murphy (California); Edmund Muskie (Maine); Gaylord Nelson (Wisconsin); John Pastore (Rhode Island); Winston Prouty (Vermont); Jennings Randolph (West Virginia); Abraham Ribicoff (Connecticut); Richard Schweiker (Pennsylvania); Hugh Scott (Pennsylvania); Ralph Yarborough (Texas); Steven Young (Ohio).

[2] H.R. 8200: Frank Thompson Jr. (New Jersey) for himself and Edward P. Boland (Massachusetts), Hugh L. Carey (New York), John H. Dent (Pennsylvania), William D. Ford (Michigan), Joseph M. Gaydos (Pennsylvania), William D. Hathaway (Maine), Augustus F. Hawkins (California), Margaret H. Heckler (Massachusetts), James J. Howard (New Jersey), Charles S. Joelson (New Jersey), Joseph G. Minish (New Jersey), Patsy T. Mink (Hawaii), William S. Moorhead (Pennsylvania), Edward J. Patten (New Jersey), Carl D. Perkins (Kentucky); H.R. 7178: James G. Fulton (Pennsylvania); H.R. 7975: Joshua Eilberg (Pennsylvania) for himself and William A. Barrett (Pennsylvania), James A. Byrne (Pennsylvania), William J. Green (Pennsylvania), Robert N. C. Nix (Pennsylvania); H.R. 8393: Henry Helstoski (New Jersey); H.R. 8754: Tim Lee Carter (Kentucky); H.R. 8935: Don Edwards (California); H.R. 10254: Richard C. Ottinger (New York); H.R. 10469: Bertram Podell (New York); H.R. 10591: Charles S. Gubser (California); H.R. 11040: John M. Murphy (New York).

The bill calls for a year of planning to give each state time to develop or update a master plan for postsecondary education. The need for planning is as critical in states that have assumed the leadership with this new level of education as it is in the states where community colleges are still in the planning phase. For example, in Illinois it is difficult to plan and set aside planning functions among the three agencies charged with this responsibility—the State Junior College Board, the Board of Vocational Education, and the Office of Public Instruction. This bill should give these kinds of groups some direction and help stimulate the development of master plans for postsecondary education. All state plans will be developed jointly at the state level with all postsecondary education agencies within the state. In keeping with the philosophy of this bill, individual community junior colleges—which should be the key planners in this effort—will give substantive direction to these plans and control the money appropriated to each state for the purpose of implementing this act. The bill specifies:

"That a State Agency, which is representative of all agencies in such State which are concerned with post-secondary education, will be the sole agency for carrying out such purpose."

Because organizational differences vary from state to state, this provision is not more specific at this time. The intention here is to ensure that the state agency will be fully responsive to community college needs. Hopefully, some direction will be given to this provision when hearings are scheduled.

These master plans will set forth a statewide plan for the improvement, development, and construction of comprehensive community colleges, including first, the development and implementation of comprehensive curriculum programs that have a special emphasis on the needs of the educationally and economically disadvantaged. These curriculums must include occupational-technical programs; career development opportunities; adult continuing education programs; community service, developmental, counseling-advising, and lower-division, university parallel programs. The percentage and relationship of these programs to each other should reflect the demands the community makes on the institution. But it seems that through the community service and counseling-advising programs, community junior colleges can provide their greatest services and thereby respond to their communities. Brookdale Community College Board policy states in part:

"Brookdale Community College is dedicated to its community—Monmouth County—and accepts the responsibility to equalize the post-high school educational opportunities for all who seek them. In fulfilling its mission of bringing higher educational opportunities within geographic and financial reach of all citizens, Brookdale Community College regards the entire county of Monmouth as its campus and all of the citizens as its student body. . . . Acceptance of this philosophical platform mandates the following operational objectives for Brookdale: To focus its educational program on the human development of the student so he increases in sensitivity and concern for his relationship with his fellow man. . . . To extend to every citizen a continuous opportunity to expand his capabilities for enjoying and adding to the productive life of his community—wherever it may be."

Every effort must be made to avoid tradition and elite pressures in determining these services. Room must be made for the concept of Chicago's skill studios; services should be made available around the clock; counseling centers should service the needs of the community—in short, creativity and imagination should be unleased in the colleges' services to the communities they serve.

The second emphasis of the bill is on the training of faculty, administrators, counselors, and other necessary personnel. The role of the faculty, counselors, and other staff at community colleges is critical to their success. Community colleges must find new ways to recruit and hold their teachers and administrators. The role of teachers must be redefined. Tutors from the business community, on a lease-time arrangement, should contribute to the classroom experience. The full resources of the community should be part of the learning process, and the classroom materials should extend to the full community. Miami-Dade Junior College, Florida; Junior College District of St. Louis, Missouri; and Orange Coast Junior College District, Costa Mesa, California, are among the institutions which are aware of this problem and have unleashed their creativity and imagination to solve this issue.

The community college will undoubtedly be a catalyst where change comes slowly in demanding a new concept of the teacher as a resource person and partner in learning. Certification and tradition in colleges of education have crippled progress in education, but community colleges are providing pressure for change as they have in Kansas where the educational training institutes are working closely with community college personnel and instructors.

The third emphasis is on research to be carried out in such colleges to increase their effectiveness and to provide data for future development. Hopefully, this provision will encourage rethinking among those who allot the research dollar in state legislatures and state departments of education. For too long, community junior colleges have been the beneficiary of "expert" advice from institutions which have failed to solve their own problems. This provision would certainly not rule out a consortium effort to work on these problems, but the hope is to tap and bring community junior colleges' creativity and approach to these perennial problems which existing research has failed to resolve.

In addition to these primary emphasis, state plans will establish priorities for the following objectives:

1. If not already tuition-free to state residents, such colleges will be made tuition-free as soon as practicable (or at least reverse the disquieting trend toward increased tuition) or provide adequate financial-aid programs. The intent is to make these institutions available to all and not to exclude anyone who cannot afford to continue his education.

2. Policies and procedures will be set forth designed to assure that federal funds made available under this title will be used so as not to supplant state or local funds, or funds of comprehensive community colleges, but to supplement and, to the extent practicable, to increase the amounts of such funds that would, in the absence of such federal funds, be made available for the purposes of this act.

3. Fiscal control and fund-accounting procedures as may be necessary to assure proper disbursement of and accounting for federal funds paid to the state (including such funds paid by the state to comprehensive community colleges) under this title will be included.

4. Interstate cooperation in carrying out programs pursuant to this bill will also be encouraged.

It will not be sufficient that the state plan be comprehensive. The final form which this bill takes will include a provision to ensure that community colleges retain and maintain local authority and responsibility for carrying out their services to the community. The independent institutions which are striving for a comprehensive mission should be identified in the state plan and nourished in the spirit of the bill. The danger of conformity is strong for community colleges as they mix with other institutions of higher education. It could be equally strong and devastating if these same pressures require the community colleges to conform to state jurisdiction alone.

A BUREAU OF COMMUNITY EDUCATION

For too long we have been treating education as a series of movements—forgetting the symphony. We have spent millions of dollars and uncounted man-hours to build partitions between grades, between levels of learning, and even between geographical designations of these levels. In all this typing, categorizing, and dividing, we have done an injustice to the long-term continuity of real education. When someone moves out of an assigned educational level—by graduating, failing, or dropping out—he seldom gets back. Nowhere in the scheme of things is there an educational system designed simply to serve people who want to learn—and not simply on the basis of birthplace, accumulated grade-point average, or prepschool lineage. The community college can, if it is given help, fill the void. We want to strengthen community colleges, because without them, the other forms of education will continue in hapless cycles of frustration to educate by drawing perimeters around the chosen few. Therefore, under the terms of this bill, a Bureau of Community Education will be established at the Office of Education.

The new bureau, of course, should not be limited to this legislation. The variety of programs that have been arbitrarily or unintentionally misplaced in other bureaus could find new flexibility in this bureau. Those who would resist such an organization should examine the justification for existing bureaus and compare that rationale with the increasing pressures for community control, relevance, continuity, participation, and dialog from students, parents, teachers, and community leaders and planners. Properly structured and developed with the same spirit that it is offered, the Bureau of Community Education could be a catalyst for the change education so desperately needs.

In addition to this administrative provision, the legislation calls for the commissioner of education to appoint a National Advisory Council on Comprehensive Community Colleges. An ad hoc Committee on Community Colleges has already been established to help direct the Congressional interest in this legislation.[3] This committee is a prototype of the National Advisory Council. These are men dedicated to the concept of community colleges. Their advice, judgment, and insight has already contributed immeasurably to the development of this legislation.

The National Advisory Council will be responsible for establishing criteria which the commissioner of education will use in evaluating the master plans and designating procedures for the administration of this act. It is not enough to rely on textbook intrigue and traditional approaches to administration. The council will bring the experience, sensitivity, and creativity needed at the federal level in handling community junior colleges.

Finally, the commissioner will make an investigation and study of all federal programs assisting community colleges in order to determine which of such programs provide assistance which is a duplication of assistance provided pursuant to this act, and report to Congress, not later than six months after the date of enactment of this act, his recommendations—including any necessary legislation—for terminating such duplication.

Our plan is for a one-stop service station for community colleges. Most of them do not have the manpower or resources to pound the pavements in search of grants. This service and centralization will minimize the effort.

The remarkable Danish scientist-humanist Piet Hein sums up our educational quandray in an aphoristic little poem called a grook:

"Double-doors are justified because they're comfortably wide. Therefore, you only half undo 'em; and therefore nothing can get through 'em."

America cannot afford to block the doors to education. Comprehensive community colleges can be the key to open the door and show the way to full educational opportunity for all Americans.

UNDERGROUND NUCLEAR BOMB TESTS IN ALASKA

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD my statement before the Committee on Foreign Relations on September 29, 1969. The statement relates to the series of underground nuclear bomb tests to be made in Alaska.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR MIKE GRAVEL BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON SENATE JOINT RESOLUTION 155, SEPTEMBER 29, 1969

THE SITUATION

The Atomic Energy Commission is preparing for a series of underground nuclear bomb tests in Alaska, at Amchitka Island in the Aleutian Chain. The first test, named MILROW, is due to go off Thursday, October 2. It will be one of the four largest underground explosions ever attempted by the United States, approximately one megaton. An underground test was held at Amchitka Island in October 1965. Thursday's test will be twelve times stronger. It has been termed a calibration test, designed as a forerunner of tests that may go up to five megatons.

IMPACT ON OUR FOREIGN RELATIONS

Japan and Canada have formally expressed their concern to our government regarding the forthcoming tests. The notes have not been made public, but our State Department says that both nations have served notice that they will hold the United States responsible for any lives lost or damage incurred as a result of the tests.

There are three principal areas of concern.

(a) The test could trigger large earthquakes, which not only might propagate eastward to populated areas of the United States, but might well generate devastating tidal waves, technically called tsunami waves, which could smash into the Canadian, Russian or Japanese coasts.

A tsunami is a submarine wave which typically travels at speeds of 500 miles an hour. When such a wave hits a sloping shore it piles up For instance, tidal waves 55-feet high have crashed into Hawaii.

Tsunami waves hit Hawaii in 1946, 1952, 1957, 1960 and 1964. All but the 1960 tsunami were generated in the Aleutians. The 1960 tsunami wave that hit Hawaii was created from an earthquake in Chile. Sixty-one Hawaiians died in that tragedy. The 1946 tidal wave took 173 lives and caused $25 million in property damage. The 1964 Good Friday Alaska earthquake killed thirteen people in Crescent City, California, 2,000 miles away, and also caused $12 million in property damage.

No one yet understands why some earthquakes produce tsunamis and others do not.

(b) The bomb test could leak radioactive debris, particularly through submarine earthquake faults whose locations are not known, and cause a mass pollution of Pacific Ocean fish and other marine life, some of which are protected by treaties to which the United States is a party.

Even when diluted, ocean contamination is amazing. The atomic tests in the South Pacific contaminated fish—especially salmon and tuna—so severely that by 1966 and 1967 those populations which consumed a higher than average amount of fish, people such as the Japanese, Scandinavians, Lapps, and the Eskimos, registered astonishing body-burdens of radioactive iron-55.

(c) The bomb blasts under Amchitka could also leak radioactive debris through venting into the air—an event which occurs at the Nevada test site more frequently than most people realize.

RELATIONSHIP BETWEEN UNDERGROUND TESTS AND EARTHQUAKES

On January 19, 1968 the Atomic Energy Commission exploded an 800-kiloton device in Central Nevada. The test was called "Faultless." A film of that explosion, recorded on a high speed motion picture camera aboard a helicopter, shows a long fault opening within seconds of the explosion, and running almost through ground zero. At the point of the greatest movement, the vertical displacement on the fault was 15 feet. Giant cracks in the earth extended three miles long. Following the "Faultless" test, northern Nevada experienced several earthquakes of magnitude 4.0 and 5.0.

Authorities now agree that underground nuclear explosions can trigger earthquakes.

What is becoming clear, moreover, is that most natural earthquakes are themselves a series of triggered events. For instance, the great Alaska earthquake of 1964 began with a shock of about 6.5. It snow-balled to an earthquake registering 8.4, the largest ever recorded on the North American continent. Two weeks ago on September 11, the Amchitka area itself experienced an earthquake, which began with a shock of 5.2 and triggered itself into 6.6.

Dr. James Brune, one of the AEC's principal earthquake consultants has said: "In many cases larger earthquakes may be considered successions of triggered events rather than smoothly propagating ruptures."

Frank Press is another eminent authority who agrees. He says, "Some recent results suggest that great earthquakes consist of a super-position of smaller tremors with magnitude 6.0–7.0, triggered in succession like a line of falling dominoes."

The Atomic Energy Commission's own material now says that earthquakes follow nuclear detonation. The AEC concedes that nuclear explosions near earthquake faults are particularly hazardous. "The Amchitka test area," the AEC literature says merits "special attention because it is located near one of the earth's most seismically active regions. Inasmuch as earthquake mechanisms are not completely understood, no absolute statements can be made about the possibility of triggering an earthquake of large magnitude in this area."

WARNINGS FROM QUALIFIED SCIENTISTS

The Aleutian arc is one of the most seismically active areas in the world. It is extremely unstable. No one can say for certain that "Milrow" will not become the triggering mechanism for a larger earthquake or that it will not result in a large vertical underground displacement, the prime cause of tsunami waves.

The danger has not gone unnoticed. A special panel headed by Dr. Kenneth Pitzer, President of Stanford University, a former Research Director for the Atomic Energy Commission, and a former member of the President's Science Advisory Committee, has conducted an independent evaluation of the United States underground nuclear testing program. That committee's report was completed in November 1968, but as of today it still has not been released by the AEC or the White House. Dr. Pitzer, on April 14, after having full access to all classified AEC studies, urged that large underground tests in Central Nevada and the Aleutians be delayed pending an independent inquiry by qualified scientists not now under contract to the Atomic Energy Commission or its contract agencies.

Dr. Pitzer said: "I believe the risk that a damaging earthquake might be triggered deserves a much more substantial public hearing before large tests are held at the new sites in Central Nevada and the Aleutian Islands, which are seismically active areas. Then Congressmen, Governors, and other responsible officials, as well as the interested public can form their own judgment, balancing this and any other risks against the need for tests, or the extra costs of moving to a non-seismic location.

No one knows precisely where the great Aleutian fault lies. It is believed to pass within 30 to 100 kilometers of the Amchitka test site. Seismologist James Brune of Cal Tech has said: "I would think that scientists

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[3] Milton Bassin, president, New York City Community College, Brooklyn, New York; Lewis W. Bender, assistant commissioner for higher education, State Department of Public Information, Harrisburg, Pennsylvania; James Broman, executive director, Illinois Association of Community and Junior Colleges, Chicago, Illinois; James Colston, president, Bronx Community College, Bronx, New York; Joseph Cosand, president, Junior College District of St. Louis, Clayton, Missouri; Patrick J. Diatasio, director, Center for Community Development, Miami-Dade Junior College, Miami, Florida; Paul Elsner, state director, Division of Community Colleges, Denver, Colorado; Ed K. Erickson, president, Seattle Community College, Seattle, Washington; William Flanagan, president, Rhode Island Junior College, Providence, Rhode Island; Richard Gott, director of O.E.O. Demonstration Projects, AAJC, Washington, D.C.; Richard Greenfield, president, Mercer County Community College, Trenton, New Jersey; Ervin Harlacher, president, Brookdale Community College, Lincroft, New Jersey; Norman C. Harris, professor of vocational education, Department of Higher Education, University of Michigan, Ann Arbor, Michigan; Ellis F. Hartford, dean, Community College System, University of Kentucky, Lexington, Kentucky; Carl Heinrich, director of college accreditation, Kansas State Department of Education, Topeka, Kansas; B. Lamar Johnson, Department of Higher Education, U.C.L.A., Los Angeles, California; Francis Keppel, president and chairman of the board, General Learning Corporation, New York, New York; S. V. Martorana, vice-chancellor, New York State University, Albany, New York; Lloyd E. Messersmith, executive director, California Junior College Association, Sacramento, California; Harry Miller, president, Keystone College, La Plume, Pennsylvania; Bill J. Priest, chancellor, Dallas County Junior College District, Dallas, Texas; Peter Scarth, Educational Systems Corporation, Washington, D.C.; Walter Sindlinger, Department of Adult and Higher Education, Columbia University Teacher's College, New York, New York; Oscar Shabot, president, Chicago City College, Chicago, Illinois; Dale Tillery, Center for Research and Development in Higher Education, University of California, Berkeley, California; James L. Wattenbarger, Institute of Higher Education, University of Florida, Gainesville, Florida; Everett Woodman, president, Colby Junior College, New London, New Hampshire.

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would be very hesitant to fire off a large nuclear explosion 30 kilometers from the San Andreas fault One hundred kilometers would be better. But I'd still be a little worried about it."

Dr. Frank Press, Chairman of the Department of Earth and Planetary Sciences at the Massachusetts Institute of Technology and perhaps the most acknowledged expert in this field, says that Amchitka lies in a zone perhaps ten times more seismic than Nevada. That fact, he says, and the fact that the large explosions being planned are without precedent, suggests that previous experience may not be pertinent. About the calibration test planned for Thursday, October 2, Dr. Press says; "Unfortunately, a series of tests with progressively increasing yields is a precaution of uncertain value if the instability mechanism which triggers an earthquake has a threshold.

"For these reasons," Dr. Press continues, "I would associate a definite, though small risk with large nuclear explosions in seismic belts like Amchitka. The very small possibility of very large damage must be balanced against national security needs. In my opinion, the need to test these large yields must be very compelling to justify the risk.

The AEC's own earthquake consultant, Wendell Weart from the Sandia Laboratory, said in 1969, "There is obviously some point in yield (test size) beyond which there would be danger . . ." and in May 1968, he said, "Further understanding is necessary to permit extension of present observations to higher yields and especially to other, perhaps more tectonically active test sites."

THE TSUNAMI WAVE DANGER

The Atomic Energy Commission says that a submarine earthquake of any magnitude greater than 7.0 would likely give rise to a perceptible wave. The AEC says that a long range tsunami of potentially destructive proportion is almost a certainty from a submarine earthquake of a magnitude greater than 7.5.

In fact. the 1946 tsunami which devastated Hawaii was created by a 7.4 earthquake in the Aleutians.

The explosion planned for Thursday will cause a shock estimated at 6.5. Further tests will be of greater intensity. Let me emphasize that a 6.5 underwater shock is the expected result. No one really knows.

Russian territory is only 400 miles from Amchitka. Tokyo is about 950 miles away. Honolulu is 700 miles. Anchorage is 1400 miles.

Let me repeat . . . Crescent City was 2,000 miles from the center of the 1964 Alaska earthquake . . . 13 people were killed.

DANGERS OF RADIOACTIVITY

At the Nevada Test Site, where no release of radioactivity is ever expected, at least 10% of the tests unexpectedly leak. The percentage would be considerably higher if onsite leaks were included. But they are not publicly enumerated. In four consecutive months in 1969 alone at least three tests at the Nevada Test Site have leaked. The Atomic Energy Commission did not expect radioactivity from the 1965 test on Amchitka Island to leak for hundreds of years. But radioactivity surfaced in at least two small fresh water ponds on Amchitka only a few months after the test.

Testing underground does not lessen the amount of radioactivity which an explosion creates; it simply changes the initial routes which it takes, as it begins its almost endless re-circulation in the air, water, soil and food-chains of this planet.

There are six ways in which radioactivity can surface from an underground test:

1. Buried tests contaminate underground water.
2. Buried tests can "vent" radioactivity into ocean water.
3. Buried tests can "vent" into the air.
4. Excavation tests always release radioactivity into the air, soil, rivers, and oceans.
5. Oil, gas, and ore extracted by nuclear blasts will contain residual radioactivity when they are distributed for public use. The most severely contaminated gas is being burned off into the atmosphere.
6. Radioactivity might be released at all levels by earthquakes renting the earth at ground-zero.

Although the Atomic Energy Commission apparently has assumed that the oceans are large enough to dilute the radioactivity forever beyond recognition, we are learning that the initial dilution is countered by the ability of marine life to concentrate it. Fish have concentrated ten to twenty thousand times the radioactivity level of water in which they have been found. Seaweed, an important harvest in many Pacific Rim nations, collects radioactive iodine, a major product of nuclear fission.

Substantial radioactive leakage from the bomb tests under the ocean around Amchitka could cause significant biological harm to the food chains of the North Pacific and to our Pacific coast fisheries, since the Japanese current flows from West to East.

Radioactivity could contaminate the waters around Amchitka via existing underwater earthquake faults. We do not know where these faults are.

ATOMIC ENERGY COMMISSION CREDIBILITY

The AEC's press release of September 24, 1969 announcing the Milrow test is itself evidence that the test is a risk. In its press release the AEC says that no radioactivity is *expected* to reach the atmosphere, no radioactivity is *expected* to reach the sea, no serious damage is *expected* to occur to fish and wildlife in the area, ground motion is not expected to be felt at great distances, the after-shocks are expected to be considerably smaller in seismic magnitude than the direct shock of the explosion itself.

The AEC says further in its statement that "It is most unlikely that the explosion will trigger an earthquake of magnitude as large or larger than the initial seismic shock."

The Atomic Energy Commission has not been infallible in the past. Some examples:

At the Nevada Test Site, where no release of radioactivity is expected, at least 10% of the tests unexpectedly leak. The percentage would be higher if on-site leaks were included. But these are not publicly enumerated. In four consecutive months in 1969 alone at least three tests at the Nevada Test Site have leaked.

The Atomic Energy Commission did not expect radioactivity from the 1965 test on Amchitka Island to leak for hundreds of years. But radioactivity surfaced in at least two small fresh water ponds on Amchitka only a few months after the test.

The AEC did not expect strontium-90 to accumulate in milk.

The AEC did not expect its 1964 test in Mississippi to cause $600,000 in property damage.

The AEC did not expect the 800-kiloton blast detonated in January 1968 in central Nevada to rock Salt Lake City and San Francisco as well as Las Vegas.

The AEC did not expect underground nuclear bomb tests to trigger earthquakes. But now it's clear they do.

The AEC does not expect anything to go wrong at Amchitka. But in its own release on September 24, it sets the stage to shirk liability with the following statement:

"It is most unlikely that the explosion will trigger an earthquake of magnitude as large or larger than the initial seismic shock.

"It must be recognized, however, that the Aleutians are in an area where earthquakes occur often; thus, a local natural earthquake (completely unrelated to the test explosion) could occur in the period following the test."

THE QUESTION OF SECRECY

The only independent evaluation of the underground testing program conducted in recent years, the study headed by Dr. Pitzer, has been kept secret for nearly a year. We do not know what the report recommends, but we do know that Dr. Pitzer personally has serious reservations about both the classification of so many AEC documents as secret, and about the continuation of our underground testing program without more knowledge. Indeed, Dr. Pitzer first recommended the independent commission approach embodied in S.J. Res. 108 and S.J. Res. 155. Even if the Pitzer Report were released today, there would be no time for public evaluation of its message before Thursday's explosion. We have had no explanation of why the AEC has withheld the report from public scrutiny.

Also, a review of recent history leaves an unmistakable impression that the Atomic Energy Commission has been less than candid in its public assessment of risks.

An AEC news release dated January 23, 1964 said: "Four authorities on ground shock, replying to questions posed by the AEC have concurred in the opinion that shock waves from underground nuclear testing—even if explosive forces should considerably exceed any detonation which has been conducted at the Nevada Test Site—offer little or no hazard to public safety . . .

"They agreed that it is not possible to cause a natural earthquake by the underground detonation of nuclear explosions.

"They said that while it was possible theoretically, that a natural earthquake—already poised to occur—could be triggered by an underground nuclear detonation, this would require such unusual circumstances that the possibility is extremely remote."

That view was widely held in 1964. But three large tests, "Faultless," "Boxcar" and "Benham" changed scientific judgment on this question. Nevertheless, the AEC reissued its 1964 statement on August 18, 1967, and again in testimony in August of 1968 before the Joint Committee on Atomic Energy.

Based on information it alone has, and refuses to disclose, the AEC has determined that the importance of the Amchitka test overrides the potential dangers: earthquakes, sea waves, radioactive leakage either into the air, or water, our relationships with Pacific Rim nations which have already expressed their concern.

SUMMARY

A number of issues are before us. We must be concerned with the impact of further underground testing, particularly the large tests planned for Amchitka Island, on the relationship the United States has with other nations in the Pacific area. We must be concerned with any potential violations of existing international treaties or agreements. We must be aware of the potential danger to the life and property of United States citizens as well as those of foreign countries. And finally, and perhaps most importantly, we must question whether the Atomic Energy Commission is sufficient unto itself to decide these questions without a public airing of the facts and factors involved.

The only independent evaluation made of the underground testing question, Dr. Pitzer's report, has been withheld from the public for a year. We in policy making positions, who must answer for the results of such actvity, and the public generally, must assume the worst when such a vital report is kept secret for so long.

I believe that too many questions involving too many areas of our domestic and international life are affected by our underground weapons testing program to continue that program without independent evaluation or public awareness.

My resolution would create a fifteen-member commission appointed by the President

to undertake a thorough evaluation of our underground weapons testing program. This commission would study questions of seismic disturbances, and ecological contamination. It would review the implications of further testing on our treaty obligations and foreign policy. It would also review the liability of the United States for foreign lives lost or damage to private property as a result of U.S. underground weapons testing. The Commission would report to the President and to the Congress within a year.

While it cannot be written into this resolution, I believe that such a study should go hand-in-hand with an increased effort on the part of the United States to discover the secrets of subterranean movement. The value of such a study would be incalculable in increasing our knowledge of the forces at work beneath the earth, as well as providing a sound basis for judgment on further underground tests. The day that we know why earthquakes are caused and how to anticipate them, we will have the ability to save countless lives and protect an incalculable amount of wealth and property.

Further, I would hope that this study would be the occasion for initiating the first inventory of the earth's total radioactive contamination. No such inventory now exists. We do not know to what degree man's experimentation with nuclear energy has contaminated his total environment.

I would urge further, Mr. Chairman, that this committee ask the President for a delay in Thursday's Amchitka test so that the implications may be properly evaluated by the Congress and so that the public review concept embodied in S.J. Res. 155 can itself be given proper consideration by the executive and legislative branches of the government before the underground atomic testing program proceeds any further.

I have appended to this statement general exhibits that I hope will prove useful to the committee.

Again, Mr. Chairman, I deeply appreciate your courtesy and that of this committee in calling today's hearing and the prompt consideration which you have shown for this extremely vital question.

SOME SIGNIFICANT MILITARY TESTS

[1 kiloton=1,000 tons of TNT, 20 kilotons=Hiroshima bomb, 1,000 kilotons=1 megaton]

Remarks	Name	Date	Location	Depth/rock	Yield
1st test in Nevada	"Able"	Jan. 27, 1951	Nevada test site	1,060 feet in air	1 kiloton.
World's 1st H-bomb test	"Mike"	Oct. 31, 1952	Eniwetok	Surface	10.4 megaton.
Our biggest H-bomb test	"Bravo"	Feb. 28, 1954	Bikini	do	15 megaton.
1st underground test	"Ranier"	Sept. 19, 1957	Nevada test site	790 feet in tuff	1.7 kiloton.
Voluntary test moratorium late 1958—September 1961					
Test suggests triggered quakes	"Hardhat"	Feb. 15, 1962	Nevada test site	943 feet in granite	5.9 kiloton.
Limited Test Ban Treaty signed Aug. 5, 1963					
1st test to rock Las Vegas	"Bilby"	Sept. 13, 1963	Nevada test site	2,413 feet in tuff	200+kiloton.
Biggest leak: million curies	Data unavailable	Mar. 13, 1964			
Vela detection test	"Salmon"	Oct. 22, 1964	Mississippi	Cavity in salt	5 kiloton.
1st test in Alaska: radiation leaked: seismic mag=6.2	"Longshot"	Oct. 29, 1965	Amchitka	2,300 feet in andesite	80 kiloton.
Las Vegas rolls again	"Greeley"	Dec. 20, 1966	Nevada test site	Data unavailable	850 kiloton.
Las Vegas swings, Salt Lake City jolted, San Francisco rolls; earth splits, rises 15 feet at ground-zero; giant cracks extend 3 miles; earthquakes of mag. 4.0–5.0 followed. 1st test at new site. Holes to accommodate multimegaton tests being drilled.	"Faultless"	Jan. 19, 1968	Central Nevada	3,200 feet	800 kiloton.
1st underground megaton blast; siesmic mag=6.4; fault displaced by 3 feet; faulting for 5 miles, triggers thousands of after shocks.	"Boxcar"	Apr. 26, 1968	Nevada test site	3,800 feet	1.2 megaton.
Deeper megaton test; approximately same effects as "Boxcar." Until it went off, AEC did not know if it would be larger or smaller than "Boxcar."	"Benham"	Dec. 19, 1968	do	4,600 feet in porous volcanic tuff	1.1 megaton.
3d megaton test	"Jorum"	Sept. 16, 1969	do	3,800 feet	A megaton.
Calibration test for multimegaton tests at Amchitka	"Milrow"	Oct. 2, 1969	Amchitka	4,000 feet	Do.

EXHIBIT B

EARTHQUAKES AND THEIR MAGNITUDES

The magnitude of an earthquake measures the energy of its seismic waves. For convenience, a logarithmic scale is used: that is, magnitude 4.0 is ten times the energy of magnitude 3.0; magnitude 5.0 is ten times the energy of magnitude 4.0; and so on.

Underground explosions, which also produce seismic waves, can be assigned magnitudes just like earthquakes. Underground nuclear explosions seem to put about 0.1% of their energy into seismic form. An underground nuclear blast of 1 kiloton would have a magnitude of slightly less than 5.0. A one-megaton explosion produces a magnitude of about 6.5. However, the seismic magnitude of underground explosions varies widely, depending upon the kind of surrounding rocks. Soft rock attenuates seismic energy far more rapidly than a hard rock like granite.

SOME HISTORIC EARTHQUAKES OF INTEREST

Date	Place	Magnitude	Depth (miles)	Estimated deaths	Property damage
1737	Calcutta, India			300,000	
1906	San Francisco	8.3		700	$800,000,000.
1920	Konsu, China			180,000	
1923	Japan	8.3		100,000	Vast.
1933	Long Beach, Calif	6.3	5–6	120	$60,000,000.
1960	Chile	8.4		1,000	$600,000,000.
1960	Agadir	5.7	[1] 1–2	12,000	Total at Kasbah.
1962	Iran	7.5		12,000	
1964	Skopje, Yugoslavia	5.4	8	1,000	
1964	Alaska	[2] 8.4	12	125	$311,000,000.
1964	Niigata, Japan	7.5	24	25	$800,000,000.
1965	Seattle	5.75	35	6	$800,000.
1965 [3]	Amchitka	7.5–8.0			
1969 [4]	Amchitka	6.6			

[1] Comparable in depth to planned multimegaton tests in Nevada and Alaska.

[2] This quake began with a shock of 6.5—which is the direct seismic punch delivered by a 1 megaton bomb—and snowballed to magnitude 8.4.

[3] Largest earthquake in the world during 1965.

[4] Sept. 11, 1969; began with quake of magnitude 5.2, triggering up to 6.6.

EXHIBIT C

THE VENT RECORD

September 15, 1961, to September 15, 1962: 17 out of 46 tests vented.

August 5, 1963 [1]: Limited Test Ban Treaty Signed.

March 13, 1964 [1]: the biggest off-site leak ever.

January–June 1965 [1]: 3 out of 16 tests vented off-site.

1966 [1]: 4 out of 40 tests vented off-site.

Including April 25, 1966 [1]: low-yield "Pinstripe".

1967 [1]: 2 out of 27 leaked.

1968 [1]: 1 out of 33 leaked off-site.

Including January 18, 1968 [1]: low-yield "Hupmobile."

March 1, 1969 [1].

April 30, 1969: low-intermediate (20–200 kilotons vented. Second one this size.

June 12, 1969: low-yield vented.

August 27, 1969: low-yield vented, not off-site.

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[1] Excluding Plowshare and on-site leaks, 14 out of 171 tests vented "off-site."

According to the AEC, additional tests during this period vented "on-site."

An "off-site" leak is one which can be detected at locations outside the Nevada Test Site, whereas an "on-site" leak is one which becomes so diluted before it passes the borders of the Nevada Test Site, that it cannot be detected outside.

Dilution, of course, does not eliminate the radiation; a curie is a curie, no matter how fast the radioactive substance is diluted.

Since many radioactive substances last for generations and even thousands of years, every leak ("off-site" or "on-site") adds to the planet's total radioactive pollution.

According to the AEC in April 1969, "It is current practice to bury nuclear devices sufficiently deep that no radioactive debris is expected to be released to the atmosphere."

If the rate of "on-site" venting in 1969—at least three vents in four months—is typical, then between August 5, 1963, and March 1, 1969, forty-seven such leaks occurred in addition to the 14 announced "off-site" leaks. If so, the percent of contained tests which unexpectedly broke loose is 33%, not 9%.

The AEC says that no test the size and depth of "Milrow" has ever vented; but only three such tests have ever been conducted, which hardly makes a sample adequate from which to predict about "Milrow."

According to the AEC, three out of ten significant leaks at the Nevada Test Site occurred via earthquake faults or fissures. Since the locations of the countless faults on and around Amchitka are not well known, the chance of venting there may be greater than at the Nevada Test Site, which has been under geological scrutiny for 18 years.

THE PROPOSED REVENUE SHARING ACT OF 1969

Mr. BAKER. Mr. President, on September 23 I introduced on behalf of my-

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self and 32 cosponsors S. 2948, the Revenue Sharing Act of 1969. This bill was recommended to the Congress by President Nixon and is designed to require the regular distribution of a specified portion of the Federal individual income tax to the States primarily on the basis of population with virtually no conditions attached.

Under the terms of this bill a portion of the money allocated to each State will be required to be distributed to all general purpose local governments. The amount that must be distributed to local governments will be the proportion of locally raised general revenues compared to total State and local revenues, and the amount which an individual unit of general local government will receive is that percentage of the total local share that its own revenues bear to the total of all local government revenues in the State.

In analyzing the terms and provisions of this bill, some observers have rushed to the conclusion that such a distribution procedure to the local governments rewards the wealthy suburb at the expense of the central city. This is, however, simply not a valid generalization. There is no evidence to support a contention that suburban governments raise more revenues per capita than urban governments. In fact the reverse is true in many specific instances.

I ask unanimous consent that two tables which have been prepared on this question be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Some urban-suburban comparisons—revenues, 1966–67; population,[1] 1960

[General revenues own sources: per capita]

1. Baltimore	[2] $232.12
Montgomery County	[2] 204.48
2. Seattle	114.87
Mercer Island	41.36
3. San Francisco	300.15
San Mateo	86.75
Palo Alto	140.76
4. Chicago	106.22
Evanston	99.34
Cicero	63.50
5. Boston	262.18
Cambridge	237.50
Brockton	214.50
6. Detroit	126.63
Ann Arbor	100.63
Grosse Pointe Farm	94.89
Dearborn	127.69
7. Minneapolis	101.95
St. Paul	114.04
Edina	134.28
Minnetonka	43.50
8. New York	372.78
Scarsdale	167.97
Mount Vernon	112.74
9. Cleveland	100.53
Cleveland Heights	66.78
Shaker Heights	101.59
10. Newark	218.34
Tenafly	100.74
Princeton	84.27
Paramus	125.27
11. Philadelphia	161.55
Penn Hills Township	39.35
Haverford Township	37.75
Upper Darby Township	47.25

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[1] Current population would generally be much higher for suburbs than for cities when compared to 1960.

[2] Both 1967 population.

All cities: General revenues own sources, 1967–68 per capita amounts

Population size:	
1,000,000 or more	$255.95
500,000–999,999	178.11
300,000–499,999	138.79
200,000–299,999	130.14
100,000–199,999	133.11
50,000–99,999	124.11
Less than 50,000	78.74

AMCHITKA TESTS

Mr. NELSON. Mr. President, grave concern has been expressed about the wisdom of the Atomic Energy Commission conducting underground nuclear tests on Amchitka Island in Alaska, especially in light of the questions that have been raised—and not yet answered—about the dangers from earthquakes, tidal waves, radiation leakage, and major environmental damage as a result of the tests.

Rather than go ahead with the tests—the AEC is planning the first one tomorrow—I believe it would be by far the wiser course to delay until an independent commission could undertake a thorough review of our underground nuclear testing program and its effects on the environment, on our safety, and on our international relations.

The commission—which could be the Board of Environmental Quality Advisers, which is near congressional enactment, or a special Presidentially appointed commission as proposed in resolutions before Congress—would make its report and recommendations to the President, Congress, and the American public, so that a determination could be made on whether underground testing can safely continue.

I ask unanimous consent that an excellent editorial on the Amchitka tests, published in the New York Times, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RISK-TAKING OF AMCHITKA

Despite the combined protests of scientists, conservationists, members of Congress, aroused citizens groups in three Western states and the governments of two friendly neighbors, the Atomic Energy Commission is moving ahead with plans for a one-megaton underground nuclear blast in the Aleutians tomorrow, the first of projected tests to perfect new weapons.

Some scientists fear that the explosion may trigger a very large natural earthquake in the seismologically unstable area and that there may be contamination of air and water. Conservationists are concerned about the ecological impact on Amchitka Island, site for the tests, which is a part of the Aleutian Islands National Wildlife Refuge and a stronghold of the sea otter, a species once near extinction. Alaskans, Californians, Hawaiians, Canadians and Japanese are apprehensive about the danger from quakes and tidal waves.

Congressmen have urged a postponement of the tests until an independent panel of experts can assess the potential damage. But the A.E.C., which does not deny that dangerous side effects are possible, insists that the risks are minimal and worth taking in the interest of national security.

That is a dubious proposition on two counts first, because A.E.C. scientists tend to minimize dangers in order to support their interest in further nuclear development, and second, because the weapons the tests are designed to develop will only accelerate the arms race and thus increase international insecurity.

Supporters of the test programs argue that the Russians also are testing new weapons. This, unfortunately, is true, but it does not justify testing in this particularly uncertain area until the dangers are studied more thoroughly and objectively.

At the very least, the tests should be postponed until an independent study of the dangers can be completed and discussed. Better still, the United States should press urgently in talks with Moscow and in the eighteen-nation Disarmament Committee for an agreement to ban all underground nuclear weapons testing, or at least those large-yield tests that can be easily monitored. The Amchitka tests pose unwarranted threats to the immediate safety of people living in the Pacific basin and the long-run security of mankind.

THE AMERICAN BANKERS ASSOCIATION CONVENTION IN HAWAII

Mr. FONG. Mr. President, the American Bankers Association annual convention concludes its meetings in Honolulu today.

It is extremely significant that the American Bankers Association selected my State as its convention site at the very time that we are celebrating the 10th anniversary of our statehood.

It is my understanding that delegates to this convention are in attendance not only from the west coast, but also the Midwest, the South, and the East.

The State of Hawaii was pleased and happy to serve as host to this convention and we hope the delegates will return on many occasions.

Mr. President, I ask unanimous consent that the agenda of the American Bankers Association convention be printed at this point in the RECORD.

There being no objection, the agenda was ordered to be printed in the RECORD, as follows:

AGENDA

MARKETING-SAVINGS DIVISION GENERAL MEETING, MONDAY, SEPTEMBER 29

Presiding: Joe H. Davis, President, Marketing-Savings Division, Senior Vice President, First National Bank of Memphis, Memphis, Tennessee.

Address of the President: "What a Difference a Year Makes."

Report of Nominating Committee: Archie W. McLean, Chairman, President, The Planters National Bank and Trust Company, Rocky Mount, North Carolina.

Election and Installation of Officers.

"Bank's Future Trends—Impact on Marketing Strategy," address by Charles C. Smith, Senior Vice President, Bankers Trust Company, New York, New York.

"Savings and Time Deposits—Changes Wrought and Changes Anticipated," address by Herbert V. Prochnow, Honorary Director, The First National Bank of Chicago, Chicago, Illinois.

STATE BANK DIVISION GENERAL MEETING, MONDAY, SEPTEMBER 29

Presiding: Henry H. Pierce Jr., President, State Bank Division, President, The Union & New Haven Trust Company, New Haven, Connecticut.

Report of Nominating Committee: Russell A. Blanchard, President, Georgia Railroad Bank & Trust Company, Augusta, Georgia.

Business Meeting for 1968–69 Executive Council Members.

Entertainment for Registrants by Kamehameha School Glee Club.

FIRST GENERAL CONVENTION SESSION, TUESDAY, SEPTEMBER 30

Presiding: President Willis W. Alexander, President, Trenton Trust Company, Trenton, Missouri.

Address of the President (Willis W. Alexander).

Address: George A. Spater, President and Chairman, American Airlines, Inc., New York, New York.

Address: Charles E. Walker, Under Secretary of the Treasury, U.S. Treasury Department, Washington, D.C.

Workshop: "How to Manage With Tight Money," sponsored by the Banking and Financial Research Committee. Moderator: Wesley Lindow, Committee Chairman, Executive Vice President, Irving Trust Company, New York, New York.

Election and installation of officers.

Remarks by the President.

Remarks: The Honorable Harry Bloom, State Bank Commissioner, Denver, Colorado.

Address: Irving H. Sprague, Director, Federal Deposit Insurance Corporation, Washington, D.C.

Address: The Honorable Donald H. Sauer, Director, Department of Financial Institutions, Indianapolis, Indiana.

Address: The Honorable Daniel K. Inouye, Senator from Hawaii.

TRUST DIVISION GENERAL MEETING, MONDAY, SEPTEMBER 29

Presiding: Charles W. Buek, Division President and President, United States Trust Co., New York, New York (no outside speakers).

NATIONAL BANK DIVISION GENERAL MEETING MONDAY, SEPTEMBER 29

Panelists:

James F. Bodine, Senior Executive Vice President, First Pennsylvania Bank and Trust Co., Philadelphia, Pennsylvania.

Jack T. Conn, Chairman, Fidelity National Bank & Trust Co., Oklahoma City, Oklahoma.

Carter H. Golembe, President, Carter H. Golembe Associates, Inc., Washington, D.C.

John H. Perkins, Executive Vice President, Continental Illinois National Bank and Trust Co., Chicago, Illinois.

William W. Sherrill, Member, Board of Governors, Federal Reserve System, Washington, D.C.

TUESDAY, SEPTEMBER 30

Workshop: "Plan Now For Survival," sponsored by the Monetary and Payments System Committee.

Moderator: Gerald M. Lowrie, Director of Payments Planning & Director of Automation, American Bankers Association, New York, New York.

Speakers:

John J. Cummings Jr., President, Industrial National Bank of Rhode Island, Providence, Rhode Island.

Karl Hinke, Chairman of the Board, Interbank Card Association, Buffalo, New York.

William M. Jenkins, Chairman, Seattle-First National Bank, Seattle, Washington.

William F. Murray, President, Harris Trust and Savings Bank, Chicago, Illinois.

Philip F. Searle, President, The Northeastern Ohio National Bank, Ashtabula, Ohio.

Workshop on State and Federal Legislation, sponsored by the Federal Legislative Committee (to be annunced).

Entertainment for registrants by Kamehameha School Glee Club (repeat of Monday's performance).

SECOND GENERAL CONVENTION SESSION, WEDNESDAY, OCT. 1

Presiding: President Willis W. Alexander.

Report of the Executive Council.

Report of the Resolutions Committee: Archie K. Davis, Chairman, Chairman, Wachovia Bank and Trust Co., Winston-Salem, N.C.

Inauguration of Officers.

Address: K. A. Randall, Chairman, Federal Deposit Insurance Corp., Washington, D.C.

PRESIDENT NIXON'S SUPPORT OF DIRECT ELECTION

Mr. GRIFFIN. Mr. President, the President's endorsement yesterday of the direct popular vote proposal for election of the President will be welcomed by all who favor this method as the best solution to the present system, and it should help those who desire electoral reform but have not determined which course is the most practical one to follow.

The President's support is significant not only in terms of the public focus which will again be given to electoral reform but also for demonstrating the overwhelming approval of the direct election at nearly all public levels.

We have seen strong support for the direct election from the people, from State legislators, from the House of Representatives, and now from the President. The next step in the process for making this proposal a reality will be up to the Senate. Already there is more support in this body for direct election than for any other proposal. In fact 43 Senators, including myself, are now cosponsoring Senate Joint Resolution 1. Such express support indicates the difficult obstacle other alternatives would face in gaining the necessary two-thirds approval.

For the Senate to block the popular vote plan or adopt a different proposal would be tantamount to a vote against reform. This point is emphasized by the President in his statement and should be of utmost concern to all who are interested in abolishing the electoral college.

The election of the President is the most important political decision which can be made by the people of the United States, and one which affects all of them. For this reason, the Senate should be particularly cognizant of the people's wishes, and I am confident that it will be responsive.

The support of the President, I believe will aid immeasurably in achieving Senate approval and ratification by three-fourths of the States.

UNDERGROUND NUCLEAR TESTING

Mr. FONG. Mr. President, as a cosponsor of Senate Joint Resolution 155, I have joined the distinguished and able Senator from Alaska (Mr. GRAVEL) in calling for the establishment of a Commission to review the international and foreign policy implications of United States underground nuclear testing.

Because of the critical nature of this issue, I wish to bring this matter to the attention of the Senate.

Since the adoption of the Limited Test Ban Treaty in 1963, the Atomic Energy Commission has been detonating underground nuclear explosions for the peaceful use of the atom, as well as for military purposes.

In all, there have been 183 such tests from 1963 to June 1969. Nearly all of these tests have been carried out in the AEC's underground testing area in Nevada—all but four of them. All of these 183 underground nuclear tests have been termed low-yield—1 to 20 kilotons—low-intermediate yield—20 to 200 kilotons—and intermediate yield—200 kilotons to 1 megaton.

The AEC has conducted two high-yield tests—the boxcar test last April, involving a yield of 1.2 megatons, and the Benham test last December, involving a yield of 1.1 megatons. These were the most powerful tests since the United States began underground testing some 12 years ago. Each was 50 times more powerful than the atomic blast that devastated Hiroshima in 1945.

AMCHITKA ISLAND TEST

Now, the AEC has scheduled another high-yield test of a huge bomb, to be set off on Amchitka Island, located at the western end of the Aleutian Chain—an area scientists say is one of the earth's most seismically active regions.

The Commission announced on September 24 that the Amchitka nuclear device will be exploded on October 2, that it will involve a yield of 1 megaton, that the test is designated Milrow, and that it is the forerunner of a series of much larger underground nuclear explosions scheduled on the same Alaskan island.

Mr. President, it is proper, appropriate and urgent that the Senate investigate and evaluate fully the international and foreign policy implications of this series of scheduled tests.

Already, two nations have submitted strong, formal protest notes to the United States, objecting to the Alaska tests, referring to problems of safety, of potential damage, and of liability. Japan filed its protest note on September 15, and Canada followed on September 19.

The site of the Amchitka test is only 670 miles from Soviet soil. It is only 830 miles from the Russian city of Petropavlovsk on the Kamchatka Peninsula.

These three nations may not be the only ones which may conceivably be affected by these gigantic underground explosions. All nations on the rim of the Pacific Basin, as well as those located in the Pacific Basin—such as my own State—may well suffer from the deleterious effects of these tests.

Notwithstanding the Atomic Energy Commission's strong and firm assurances that it would take "every reasonable precaution to insure that the tests cause no injury to people, either directly or indirectly, and cause no material damage either to the ecology or the manmade structures," and notwithstanding the Commission's assurances that first, there are no dangers of radioactive venting, seepage and leakage; second, there will be no direct seismic hazards; and third, measurable tsunamis are unlikely from any earthquake resulting from the tests—notwithstanding these assurances, so very little is known about the consequences of such an unprecedentedly large underground explosion, that at the very least all possible hazards which may result from the Amchitka test should be fully and thoroughly investigated in advance of the tests.

As a matter of fact, the very purpose

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of this test is not to try out a new nuclear warhead, but rather to determine whether Amchitka is a safe location for weapons testing, at yields of several megatons. The 1 megaton Milrow test, which the AEC has referred to as a "calibration shot," represents in itself a tremendous increase from the only other test previously conducted on that island—an 80 kiloton "long shot" explosion in 1965.

On the whole, the AEC can rightly claim an excellent record of safety for its 180-plus tests conducted since the Test Ban Treaty. But, as the agency steeply accelerates the level of yield in its tests into the multimegaton range, an increasing number of physicists, seismologists, oceanographers, and others in our scientific community are concerned that the AEC's assurances of safety may be quite unjustified.

EMINENT SCIENTISTS QUESTION LACK OF VITAL INFORMATION

These eminent scientists have stressed how little is known about the seismic, tsunami, environmental and ecological hazards which may flow from such high-yield tests. They are concerned with the demonstrable lack of vital information necessary for any precautionary measures which could and should be taken against these hazards.

They point out that any tests of the magnitude and gravity of Amchitka conducted without such data become an entirely needless risk to the lives of countless millions and to the contamination of a huge part of our planet.

For instance, Dr. Philip Morrison, professor at the Massachusetts Institute of Technology, who was a scientist at Los Alamos from 1944 to 1946, said:

> Since the unexpected venting of the Gnome shot, it has been plain that surprises remain a peril in every new test situation. It would be very unfortunate to have a radioactive venting or a peculiar degree of seismic damage at this crucial stage in diplomatic negotiations.

Four biological scientists at Washington University, St. Louis—including the chairman of the scientific division of the Committee for Environmental Information—"urgently" requested a moratorium and an "independent" study of the hazards of high-yield explosions.

Many scientists agree that of all the possible dangers, the ones involving the largest number of unknowns and uncertainties are the earthquake and the tsunami hazards.

In a pamphlet issued by the Commission in April 1969, called "The Safety of Underground Nuclear Testing," the AEC attempted to discount any concern over any ground motion induced by underground nuclear detonations; with respect to tsunamis, the report said:

> The chance of the proposed Amchitka tests generating a dangerous tsunami through a triggered earthquake appears to be negligible.

But in the very same publication the AEC appears to contradict these assurances. At one point the report makes this statement:

> At a particular location, the ground motion resulting from an explosion depends not only on the yield and the distance of the location from the site of the explosion, but also on the nature of the medium in the vicinity of the explosion, *the structure of the earth's crust between the explosion site and the location in question,* and the surface material at the locality. (Emphasis supplied.)

Then, at a later point, the report goes on to say:

> The Amchitka test area merits special attention because it is *located near one of the earth's most seismically active regions. Inasmuch as earthquake mechanisms are not completely understood,* no absolute statement can be made about the possibility of triggering an earthquake of large magnitude in this area. (Emphasis supplied.)

Thus, it would appear that, by their own statements, the Atomic Energy Commission clearly admits of the extreme danger and the high risks involved in the Amchitka tests.

For, although no large earthquake is known to have originated on Amchitka Island itself, the Aleutians are undeniably part of the circum-Pacific seismic belt, and one of the most earthquake-prone areas on earth. The Rat Island earthquake which occurred on February 4, 1965, originated only 20 miles south of Amchitka, and it was the largest one to occur that year anywhere in the world.

NEW EARTHQUAKE THEORY

Contributing to the concern that a high-yield underground nuclear explosion might trigger an earthquake of extremely large magnitude in the Aleutians is the explanation some leading seismologists are offering about the origin and nature of major earthquakes. In a paper prepared for the American Geophysical Union meeting last April, Dr. James N. Brune, of the California Institute of Technology, reported that a study he conducted led to the theory that:

> In many cases large earthquakes may be considered successions of triggered events, rather than smoothly propagating ruptures.

The evidence also strongly suggested that a large nuclear explosion might conceivably be sufficient to serve as the initial trigger, provided all the circumstances were appropriate. Dr. Brune, together with his colleagues at the institute, Dr. Max Wyss, said that this mode of earthquake development would increase the difficulties of prediction, because it would be necessary not only to predict the initial event, but also to understand all of the very complex geophysical circumstances that led to the resultant succession of events.

The report noted, for example, that the initial event of the great Alaskan earthquake of 1964 was registered as only 6.5 on the Richter scale, which is the scale used to gage the severity of earthquakes; but the largest event in that earthquake sequence had a magnitude of 7.8—which represents an enormous leap on the Richter scale.

In comparison with the largest underground nuclear blast conducted in Nevada, the boxcar 1.2 megaton shot in April 1968, produced direct seismic disturbances of magnitudes as high as 6.2 on the Richter scale, according to other scientific reports.

Dr. James Hadley, the physicist of the AEC Lawrence Radiation Laboratory in Livermore, Calif., said that it was "conceivable" that a nuclear test detonation so close to the concentration of stress in the earth's crust, such as that in Amchitka, could trigger a huge earthquake. He pointed out that, while there has been no evidence of any great stress concentration in the Nevada test sites, this was not true of the Amchitka area. There, he said:

> We have to accept the possibility that, being very close to concentrations of stored energy in the earth, tests might trigger larger events.

Even the Benham 1.1 megaton shot last December in Nevada was followed by approximately 10,000 localized earth shocks, according to scientists of the AEC, and a full month later the ground was still trembling several times a day.

Furthermore, according to AEC, each of the high-yield Nevada test shots caused linear fracture and faulting for a distance of nearly 5 miles in the area. They caused thousands of tiny earth tremors some 1,200 miles away from the explosion site.

POSSIBILITY OF SEISMIC DISTURBANCES GREAT

Clearly, then, the possibility of seismic disturbances following the Amchitka detonation is extremely great. There is no logical reason why a nuclear explosion could not be the initiating seismic event in a series of such events. According to Dr. Brune:

> The larger the explosion, the greater the possibility of its triggering such a series.

According to Melvin L. Merritt, of the Sandia Laboratories at Albuquerque, N. Mex., which has taken part in the AEC's seismological studies, the Amchitka tests will be fired at a distance of from 30 to 100 kilometers from the seismic zone associated with the Aleutian Thrust Fault. Unlike some fault systems, such as the San Andreas Fault in California, which are visible on the earth's surface, the great Aleutian Thrust Fault is buried deep in the earth. For this reason, Dr. Brune said:

> I would think that scientists would be very hesitant to fire off a large nuclear explosion only 30 kilometers from the San Andreas Fault.

The people of the State of Alaska, the great 1964 earthquake still vivid in their memories, are tremendously worried, I am sure, about the Amchitka test series.

At least as worried as the Alaskans are the people of my own State, where tidal waves, or tsunamis, generated by Alaskan seismic disturbances, have wreaked havoc along the length and breadth of the northern coastlines of all eight islands in the Hawaiian archipelago.

Tsunamis travel over the open ocean at a speed of about 500 miles an hour. The height of the wave in the open sea might be only a few feet, but the wave begins to build as it approaches shallow water, or reefs near a coastline.

Since 1946, tsunamis have struck Hawaii five times—in 1946, 1952, 1957, 1960, and 1964. All but that of 1960 were generated in the Aleutians.

After the great Alaskan earthquake of 1964, waves reaching heights of 30 feet smashed against the Alaska coast and

caused damage as far south as Crescent City, Calif.

A 1946 earthquake in the Aleutians produced a tsunami that traveled at about 490 miles an hour and reached Hawaii in less than 5 hours. Waves crested at 45 feet in height at the coastline of the island of Kauai and 55 feet at the big island of Hawaii.

The toll of lives lost reached 159, and the damage and losses reached into the hundreds of millions of dollars.

A 1960 tsunami originating in a Chilean earthquake killed 61 persons, devastated the coastlines of all islands in Hawaii, and destroyed untold millions of dollars in property. The wave continued and hit Formosa, the Philippines, New Zealand, and Japan, leaving death and destruction in its wake.

According to scientists on the Committee for Environmental Information, in their report dated June 14, 1969, underground nuclear tests would have about the same force as earthquakes in the Aleutians that "in the past have created tsunamis."

POSSIBILITY OF TSUNAMI GREAT

The report continued:

> Since Amchitka Island is only four miles wide, any earthquake triggered on or near the island would be almost certain to result in movement of the sea floor, and, therefore, possibly in a tsunami. If in this earthquake region a test were to precipitate a quake any larger in magnitude than the test itself, resulting in fault movement over many miles, the result might be a tsunami which did damage thousands of miles away.

The President's Science Advisory Committee panel on safety aspect of the underground nuclear test program delivered its report late last fall to the White House. According to the chairman of the panel, Dr. Kenneth S. Pitzer, president of Stanford University, while the report did not declare that the Amchitka tests would involve unacceptable risks, the panel members appeared to have looked at this test series very dubiously.

The panel did not have a mandate to consider alternative sites for the tests, but some of its members have revealed that the consensus within the group was that the north slope of Alaska's Brooks Range would be much safer than Amchitka for high-yield tests. The area is not earthquake-prone and is largely uninhabited.

But the AEC's view is that Brooks Range is acceptable only in the event that the Amchitka site is found to be unsuitable.

The Pitzer Committee strongly recommended that if high-yield nuclear tests must be conducted at Amchitka for compelling reasons of national security, the minimal precautions observed should include: First, increasing the shot yields gradually; and second, closely monitoring the shots for seismic effects. Again, the consensus of the Pitzer Committee was that these precautions would be advisable because even a low-yield shot might be enough to release the energy which is naturally accumulated along faults where strains exist.

However, according to present plans, the AEC will not be increasing shot yields by modest increments. Only three test holes have been drilled on Amchitka, one for the October's 1-megaton calibration test, and the remaining two for the testing of weapons too powerful to detonate safely in Nevada.

RADIOACTIVE SEEPAGE

Another serious concern about high-yield underground nuclear detonations is the danger of such a large explosion cracking open a fault and allowing radioactive material to escape into the atmosphere.

The Nuclear Test Ban Treaty specifies that no such material may enter the air space of another country. It is a well-established fact that at least one underground explosion in the past has released radioactive debris into the atmosphere by cracking open a fault. In addition, according to AEC figures, of the 40 underground shots fired in 1966, four of them leaked to such an extent that they were detected outside of the test area. Of the 27 shots in 1967, two leaked. Last year there was one leakage in 33 shots.

Radioactive seepage which may result from the Amchitka tests would contaminate Pacific waters and result in the destruction of fish and other ocean life for thousands of miles into the ocean. The island of Amchitka is only 3 to 5 miles wide. No matter where the bombs may be detonated, the explosions would produce fracture zones in the rock, extending considerable distances beyond the shores of the island. This contamination could easily leak into the ocean, and ocean currents would carry these waters for thousands of miles into the Pacific and even beyond.

Just as easily, the contamination may seep into the atmosphere. Nuclear, as well as chemical, explosions produce what is known as a base surge. As described by the AEC, a base surge consists of clouds of dust that are expelled in all directions along the ground by the pressures of an explosion.

A base surge from a nuclear explosion may be several hundred feet thick and may roll out many miles before dissipating. Much of the radioactivity not contained in the vicinity of the nuclear explosion is carried by this base surge and deposited on the ground over which it travels.

EVACUATIONS NECESSARY

The implications of a nuclear base surge for the Amchitka tests are that it is essential for all people in nearby areas to be evacuated. Further, Adak Island, only 180 miles from Amchitka, is inhabited by Navy personnel and their dependents. A few miles to the east of Amchitka, native Aleuts inhabit Umnak Island. There is no question but that these people must be evacuated.

But, as I mentioned earlier, the Russian city of Petropavlovsk is located only 830 miles from the test site. Must these inhabitants be evacuated? How far distant from the test site must such precautionary evacuations be made? How long must the affected areas remain evacuated before the inhabitants are permitted to return?

How, indeed, will the Amchitka test series affect American diplomatic relations with the Soviet Government, the Japanese Government or, for that matter, with all governments around the rim of the Pacific.

Although the protection of people is of primary consideration, the protection of wildlife from any destructive effects of the tests must also be taken into account. Amchitka, after all, is located in the middle of a National Wildlife Refuge.

Scientists, conservationists, and other persons concerned with protecting our natural environment from the destructive activities of man, have warned that the few bald eagles, our national emblem, which inhabit Amchitka, may well be wiped out as a species; they also worry about certain rare sea otters, ducks, and other wildlife.

Mr. President, I hasten to add that I do not oppose underground nuclear testing when such tests are necessary for the national defense or are to be used for peaceful purposes.

I am not a seismologist, nor am I a geophysicist, and I do not profess to know all the risks and peril involved in this Amchitka operation.

UNKNOWN DANGEROUS CONSEQUENCES

But I do know that a large segment of the American scientific community have expressed their alarm and concern about the tremendous risks in the tests as now planned and scheduled by the AEC at Amchitka; I do know that these experts have voiced their concern for the horrors with which mankind might be confronted should we go ahead with the Amchitka tests and thus irreversibly trigger unknown dangerous consequences.

As Dr. Clarence R. Allen, of Caltech's Seismological Laboratory, said:

> My confidence in (the safety of the Amchitka tests) would be increased if our geological and geophysical knowledge of the area were greater.

No matter how small may be the probability of any of the dangers I have been discussing—no matter how slight the possibility of a seismic disturbance or a tsunami; no matter how insignificant the chances of seepage and leakage may be, the present state of geologic, seismic and oceanographic knowledge does not allow us to rule out entirely any of the lethal dangers which I have been discussing. Every possibility, however remote, must be considered, investigated and studied thoroughly—and then every possible precaution taken to minimize any lethal effects which might result.

Mr. President, in view of the tremendous dangers surrounding the scheduled series of underground nuclear detonations at Amchitka Island, in view of the palpable ignorance and uncertainties over their consequence, I have urged the committee to act speedily on Senate Joint Resolution 155, in order that a thoroughgoing study and investigation in these matters may proceed without delay. I further urge that you will order a suspension of the Amchitka project until such studies and investigations have been conducted and the necessary information obtained, before proceeding with the tests.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

XUM

The PRESIDING OFFICER (Mr. Gravel in the chair). Is there further morning business? If there be no further morning business, morning business is closed.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The PRESIDING OFFICER. By previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The Assistant Legislative Clerk. A bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that I be permitted to speak out of order for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN POSTURE ON VIETNAM

Mr. TOWER. Mr. President, any suggestion of unilateral withdrawal of our forces from Vietnam serves to fuel war, not promote peace. Should we set a time certain for withdrawal from South Vietnam, we would completely sabotage the negotiation which is currently going on in Paris. The enemy would be encouraged to continue the war beyond a point at which he might otherwise opt for peace. Any resolution calling for withdrawal would make more sense if it provided for immediate withdrawal, not only of our troops, but of our negotiating team in Paris. Adoption of a policy of unilateral withdrawal in accordance with a firmly established timetable would, in reality, amount to capitulation. The credibility of the United States as a world leader would be destroyed and, ultimately, a power vacuum would develop which alien forces would rush to fill.

This would be tragic in light of the fact that with the advent of President Nixon's policy, there has been little complaint over the world about American posture on Vietnam. Privately, many heads of state encourage us to remain until we can get a satisfactory settlement which results in the arrest of Communist aggression in Southeast Asia. Such a settlement in the present context seems to be unattainable.

All of our conciliatory gestures and initiatives, such as the moratorium on bombing, has not produced a favorable response from Hanoi. Their strategy is to continue fighting until the United States wearies of the war and surrenders its goals. I think the time is fast approaching when, in the light of North Vietnamese intransigence, we must consider the exercise of additional military options available to us such as the resumption of bombing in the North, interdiction of their lines of communication and supply on a saturation basis, and closing the port at Haiphong.

It becomes increasingly apparent that the intensification of military pressure on our enemies is the only thing that will bring them to terms. I don't believe that we should regard victory as either an evil word or an unattainable goal. It is my belief we can achieve military victory with no more than our present available resources. The policy of restraint, though honestly motivated, and worthy of trial, has to date been unsuccessful.

We should convince Hanoi of our resolve. They are not now convinced and the words of those who advocate unilateral withdrawal give them encouragement to keep fighting. If the American people, and especially American leaders, would unite behind their President and declare a moratorium on attacks on his policies, lives would be saved and an early resolution of the conflict could be accomplished.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Arizona.

Mr. GOLDWATER. Does the Senator agree that military victory in South Vietnam is unattainable?

Mr. TOWER. No, I do not agree. I think it is attainable.

Mr. GOLDWATER. I agree with the Senator, and I commend him for the remarks he has made today.

I heard earlier the remarks made on the floor by the junior Senator from Arkansas about his proposals, his alternative, and I think it is proper and high time that other alternatives be offered. I join with the Senator from Texas in believing that we can achieve a military victory, that it is high time we told the people in Paris to fish or cut bait, and that if they do not, we go ahead and win this military victory which through sheer stupidity on the part of the Secretary of Defense prior to this administration we were prevented from obtaining.

I am glad the Senator has spoken as he has. I intend to address myself to the same subject later this week.

I am getting a little tired of people in this country saying we cannot win, of people in this country helping Hanoi by continually saying, "Let's pull out. Let's come home. Let's quit."

I do not think they will ever agree to peace over there as long as we try to set a deadline to pull our troops back, as long as we keep saying we are going to quit, we are not going to try to win.

I congratulate the Senator on starting what I hope will be a real ball rolling so that this country can come together, come to its senses, and stand behind the President, regardless of what decisions he makes, and I hope he makes a real tough one in this case.

Mr. TOWER. I thank my distinguished friend the Senator from Arizona, who is very well versed in military affairs.

Certainly, we can win. The reason why we have not won is that we have exercised restraint. It is because we have chosen not to adopt the role of victory as policy, and that is the only reason. We have the resources to accomplish a victory. It would have been much easier some time ago than it would be now. I will admit that the odds are greater. But we still can accomplish it. As the Senator knows, because he is a retired Air Force general, right now if we have to go back into the north, it is going to be costly for us because of the highly sophisticated antiaircraft defenses that have been developed there in the period since the moratorium started.

But if we must exercise such an option, we must. I think that over the long pull we save human life if we bring to bear in a massive way the military ground forces and the air and naval resources we have, to achieve maximum impact on the enemy. We can win it, and I think in a reasonably short period of time, which would save lives over the long pull. I think it would be better than a day-in, day-out, month-in, month-out war of attrition.

Mr. GOLDWATER. The Senator is correct.

When the decision was made in 1961 to go into South Vietnam heavily, a decision at the same time to win the war did not occur, and we went into what we like to call limited warfare. There is no such thing as limited war, because the enemy is not going to limit himself. We found this. When war is declared, as when it is undeclared, at the time we go to war the decision must be made to win the war in the next 15 minutes, if we can do it. This is the way lives are saved in war.

World War II, I remind the Senator, was extended long after its original period because of the terms of unconditional surrender, which are unacceptable to any enemy. I can understand that.

The decision made back in the early 1960's to fight a limited war has dragged this thing long past the time it would have been ended. Had we used our strategic airpower, both naval and air force power, this war would not have gone past the threatening stages, in my opinion.

I think the President should feel perfectly safe in saying, "You either come to a decision in Paris at the peace table, or we can consider breaking the dikes of the Red River, destroy the harbor of Haiphong, and we can deny you equipment."

I grant that we are going to face trouble, because in this long period of no bombing from November 1 of last year, as the Senator knows, because I believe he has been to South Vietnam five times, the buildup north of the DMZ has been spectacular. They have amassed equipment up there, power and transportation facilities, that they never had before, only because we were willing to let them do it.

If we made the decision to go in and win this war—which they know we can do—I think that threat alone would cause them to get to work in Paris or cause them to come to us and ask for a ceasefire. This is the way it should be,

and I hope it could be some other way. But I do not think we are going to be able to do it any other way.

Mr. TOWER. I concur with the Senator.

It is very foolish for us to say to the enemy, "Regardless of what you do at a given point in time, we will withdraw."

The distinguished Senator from Nebraska made a good analogy in a private conversation I had with him, when he said:

> As a lawyer, it would be as if two lawyers sat down to talk and one said to the other, "I won't pay you a thousand dollars; I'll settle for $500. But if you won't settle for $500, I'll pay you the thousand.

In effect, this is what we are doing now.

If we pinpoint in time when we will pull out all our troops, the enemy will have no incentive to negotiate, and we might as well pull our negotiating team out of Paris, because there will be no basis for negotiating. I think negotiation would have a better chance for success if we impressed on Hanoi our resolve—not only impressed on them what we have in terms of power, but also our willingness to use it if necessary.

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 105 Leg.]

Allen
Baker
Byrd, W. Va.
Cook
Cooper
Cotton
Cranston
Dodd
Ervin
Fannin
Goldwater
Gore
Gravel
Griffin
Hruska
Metcalf
Montoya
Nelson
Pearson
Prouty
Saxbe
Schweiker
Scott
Stennis
Talmadge
Tower
Williams, N.J.
Yarborough

Mr. KENNEDY. I announce that the Senator from Michigan (Mr. Hart), Senator from Iowa (Mr. Hughes), Senator from North Carolina (Mr. Jordan), Senator from Washington (Mr. Magnuson), are absent on official business.

I also announce that the Senator from Florida (Mr. Holland), Senator from Montana (Mr. Mansfield), Senator from Georgia (Mr. Russell), Senator from South Dakota (Mr. McGovern), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Hatfield), the Senator from Idaho (Mr. Jordan), the Senator from California (Mr. Murphy) are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergent at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Case
Church
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Fong
Fulbright
Goodell
Gurney
Hansen
Harris
Hartke
Hollings
Inouye
Jackson
Javits
Kennedy
Long
Mathias
McCarthy
McClellan
McGee
McIntyre
Miller
Mondale
Moss
Mundt
Muskie
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Thurmond
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal-mining industry of the United States.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. COOPER. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Kentucky will be read.

The legislative clerk read the amendment, as follows:

S. 2917

On page 51, line 24, immediately before the period, insert a semicolon and the following: "except that the provisions of this subparagraph (D) shall not apply to any mine which is not classified as gassy as defined in paragraph (12) of this subsection.".

On page 56, between lines 12 and 13, insert the following:

"(12) As used in subsection (1)(1)(D) of this section, the term 'gassy' as used with respect to any coal mine means any mine which has been or hereafter is classed in any manner as a gassy or gaseous mine in accordance with the laws of the State in which it is located or any Federal law, or which has been operated as a gassy mine prior to the operative date of this title, or in which the methane has been ignited, or in which an authorized representative of the Secretary finds methane in an amount of 0.25 per centum or more in any open workings of such mine when tested at a point not less than twelve inches from the roof, face, or rib."

Mr. COOPER. Mr. President, may I ask if my amendment is the pending business?

The PRESIDING OFFICER. The amendment is the pending business.

Mr. COOPER. Mr. President, the amendment which has been read has not been printed. I have decided to use this version of my amendment rather than the one that was printed amendment No. 207, because the amendment I now offer is in simpler form and I think may be more easily understood.

Mr. President, as the members of the committee and other Senators who have been attending the debate know, the purpose of this amendment, which has now been made the pending business, is to maintain the existing classification as either gassy mines or nongassy mines.

Of course, the statistics vary from year to year as mines are opened or closed, but the records of the Bureau of Mines—from 1952 through 1968, 16 years—would indicate that there are about 400 mines which are classified as gassy mines, and about 3,200 which are classified as nongassy mines.

The 400 gassy mines produce about 60 percent of the bituminous and anthracite coal mined in the United States. The approximately 3,200 nongassy mines, which are smaller mines, produce about 40 percent of the coal mined in the United States today.

I have some understanding, I believe, of these problems of our coal mines. Kentucky is the second largest producer of coal in the United States. Only West Virginia is superior in coal production.

Coal is produced in both the eastern and the western sections of Kentucky. In the eastern section, the coal is usually mined from what are known as drift mines. A drift mine is one in which openings are driven into the side of the hill, horizontally, with the vein of coal. The veins of coal may vary from 30 to 48 inches. Now and then there are thicker veins, though not of great acreage—some of a thickness of 5 or 6, or sometimes 7 or 8 feet.

In western Kentucky, as in Illinois, the mines usually are shaft mines, where access to the coal is obtained by driving a shaft perpendicularly into the ground, reaching in some mines great depths.

A third type of mining, which is not affected by this bill, is known as stripping. Anyone who has ever driven through or flown over a stripped area will know what I am talking about.

Mr. President, may we have order? I cannot speak very loudly, as Senators know, and I am doing my best.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. I was talking about strip mining. As I said, in hilly areas, one flying over the area can see around the hills concentric rings in flat terrain, areas stripped look something like pictures of the moon, except that they are much less attractive. Great cries have risen against strip mining, for good reason. One effect of the present version of this bill will be to increase strip mining. However, I now return to the core of my argument on the amendment.

Its purpose is, as I have said, to preserve the classification, now in the law, of gassy and nongassy mines.

A gassy mine, as has been determined by the regulations of the Bureau of Mines, is a mine which is classed as gassy under State law, or where an ignition of methane gas has occurred, or a mine where, by tests—and these tests are performed daily—it has been found that one-quarter of 1 percent of the area tested shows the presence of methane gas. I emphasize that when a mine is classed as gassy, it is done by finding methane gas in one-quarter of 1 percent or more of the area tested. To take the converse, a nongassy mine is one in which less than one-quarter of 1 percent of gas has been found in any daily test.

XUM

Once a nongassy mine has been classed gassy it can never again be reclassified nongassy.

The amount of gas which will cause ignition is from 5 to 15 percent; and if there should be an ignition, of course, there is a danger of explosion and fire, causing fatalities. Last fall there was a terrible tragedy in a mine at Farmington, W. Va., owned by the Consolidated Coal Co. It was a deep mine, with miles of underground passages, and there were a large number of miners working in it. It was a mine which had always been classed as gassy, and a few years before there had been an ignition in that same mine. And 16 miners were killed.

Notwithstanding the known danger in such gassy mines, where so many tragedies have occurred, the mine was opened again, and this explosion occurred, killing 78 people. I have read in the newspapers that they are investigating the cause of the explosion in the mine, and are getting ready to open it.

It is similar to many of the other gassy mines. The workers will go down to this mine again, and they are always faced with the danger of another explosion. But there is nothing in the bill, which is presented to us in the name of safety—and there is much in it that will help—which would prohibit the reopening of these gassy mines where these tragic deaths have occurred.

I have now spoken on this subject in the Senate three times and have placed in the RECORD the statistics I have received from the Bureau of Mines.

The effect of classifying all mines as gassy would be this: Under existing law, all gassy mines are required by law to use what is called "permissible" equipment. The design and construction of the equipment is intended to prevent sparking which might ignite the gas. Testimony taken by the committee indicates that there must be an accumulation of about 5 to 15 percent of gas to cause an ignition; but although this bill—and I say it willingly, as a cosponsor of the bill—works to better standards in both gassy and nongassy mines, and it is hoped that it will improve conditions in the gassy mines, permissible equipment will still be used there, and it will not prevent these ignitions and explosions that we have experienced throughout the years.

Early this year I asked the Bureau of Mines to give me a list of the nongassy and gassy mines. They are tabulated for 18 States. And in most of these States, the nongassy mines are greater in number than the gassy mines.

This is particularly true in my State where almost all coal mines are classified as nongassy. If these nongassy mines are required to reconvert their conventional equipment to what is called permissible equipment, it will—as I will point out later—cost vast sums of money. These smaller mines, by the nature of their operation—small in area and small in number of miners employed—would be forced to go out of business, and with no essential contribution to safety. The danger would reside still in the gassy mines.

I do not say this rhetorically. I have the statistics of the Bureau of Mines which I placed in the RECORD on June 5 and September 25, 1969. This is the record. In the 392 gassy mines, employing 55,000 men, the record for a period of 16 years shows that 381 ignitions and explosions occurred. Three hundred seventy four were killed and 427 suffered serious injuries.

In the same period of years, in nearly eight times as many nongassy mines as gassy mines—approximately 3,200 mines—there were 52 ignitions, 27 were killed and 54 injured.

It is sad for anyone to be killed or injured. However, I make the statement that, considering the fact that mining is a hazardous industry, the record in the nongassy mines is good. There were 52 explosions, slightly over 3 a year, in more than 3,000 mines.

I asked the Bureau of Mines to give me a report on the causes of ignition or explosion in the nongassy mines in these 52 cases. I had a detailed description of the cause of the 52 explosions printed in the RECORD. The RECORD shows that, with the exception of a very few—I believe nine in number—43 occurred because of smoking, lighting a match, the use of an open flame lamp—all now prohibited by the pending bill, and properly so.

In only nine of those 52 occasions would there have been a possibility of preventing the ignition had permissible machinery been employed. And those cases concerned coal drills and blowers. Under the pending bill, permissible blowers and coal drills are required, and my amendment does not strike this requirement. There is no case in the 52, where a permissible motor car, or coal loaders, cutting machines, or a continuous miner, even if they had been permissible, would have prevented the ignitions.

I want to hammer again and again, if I can do so, this into the minds of those who are present and those who may read my remarks—the comparison of almost 400 gassy mines producing 374 deaths in 16 years, and almost 3,200 nongassy mines with 52 explosions and 27 deaths in the same period.

A terrible tragedy occurred at Farmington, W. Va., last year. What did the Bureau of Mines do? The record shows that it had not been on the job, for since this tragedy occurred they have made more inspections and have found gassy mines that were improperly declared nongassy for years.

They do recommend better safety procedures which I support. But they propose to reequip the 3,200 nongassy mines which are safe mines—whether a small mine in Kentucky, West Virginia, Illinois, or Tennessee—that have never had an ignition or an explosion. There are literally hundreds of them.

Why should they be penalized when the big gassy mines are operating under dangerous conditions each time a man goes down in the mines. We are aware of the great investments made in these large mines.

The Bureau of Mines turns away from these dangerous mines and proposes to penalize an operator and his employees who keep the content of gas at less than one-fourth of 1 percent.

The operator of a nongassy mine has an incentive to keep the mine clean and free from gas, because if he does not do so and it reaches one-fourth of 1 percent or more in volume, the mine will be classed as gassy. He would then have to pay out thousands and thousands of dollars to reequip his mine with permissible equipment and junk his present machinery.

Another tabulation is printed in the RECORD. I wrote the Bureau of Mines and asked them to give me a list of mines in which more than one explosion had occurred.

I hope this statement will be heard. It is shocking. Gassy mine after gassy mine has had more than one explosion. Many men have been killed. This has occurred in gassy mines in all States, even in my own State.

The records of the Bureau of Mines from July 1952 to July 1969 disclose that explosion after explosion continued to occur in the "gassy" mines, ranging from two to as many as 18 in the Clinchfield mine at Dola, W. Va., seven occurred in the Pittsburg and Midway coal mine at Union, Ky., 10 at the U.S. Steel Corp. mine at Concord, Ala., eight at the Jones-Laughlin Steel Co. mine at Concord, Ala., eight at the Jones-Laughlin Steel Co. mine in Vestaburg, Pa., and of course, we are reminded poignantly of the fact that the explosion at the Farmington mine in West Virginia last year, which took the lives of 78 miners, was preceded in 1954 by an explosion which took 16 lives at the mine owned by the Consolidated Coal Co.

As I have noted my State did not escape. At Union, Ky., in the western part of the State, a mine owned by the Pittsburg and Midway coal mine has had seven explosions.

Does the Bureau of Mines or do the sponsors of the pending bill propose closing these great mines—as I will describe them later—large areas with millions of dollars invested? No. The mine in West Virginia will be opened in a few days and the men will go back down into the depths of these mines.

Mr. COOK. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. COOK. I would hope that Senators would turn to part II of the coal mine health and safety hearings which is on their desks. Between pages 880 and 881 is a map of the mine at Farmington, W. Va. Senators can see there the distinction right away, because the map shows 151 gas wells in and around those seams—151 known gas wells—and the map indicates abandoned natural gas wells. But gas wells abandoned before 1900 are not even mapped on here.

I can only say to the Senator that they may be about ready to open that mine in Farmington, but they could not guarantee that any one of the 151 known abandoned gas wells in and around those seams could not explode again tomorrow.

Mr. COOPER. The Senator is correct.

Mr. COOK. I am not sure that, under these circumstances, if we are going to punish the nongassy mines in the case of a gassy mine with the history of this one and the known gas wells around it, we should not have an amendment requiring that every gassy mine be closed.

Mr. COOPER. I have an amendment I may offer which provides that when a mine has had two or more explosions, it will be closed for a period, to make certain that it will be safe when opened.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. Does the Senator have any information at all that the Farmington mine is close to being reopened for the production of coal? As I understand it, they are just in the early stages of the tragic mission of recovering the bodies of the men who were killed in the explosion last November. There could be a suggestion here that they are close to opening that mine for coal production. Is there anything to suggest that that is anything but perhaps years away?

Mr. COOPER. The Senator is probably correct. All I do know is what I have read in the newspapers, the reports of opening of the mine and very careful testing of the mine—first, of course, for the purpose, if possible, of recovering the bodies.

Mr. COOK. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. COOK. The record does show that this mine has had previous explosions, that it has been closed, that it was reopened at a later time, and that it has been utilized for the production of coal.

Mr. COOPER. The Senator is correct. The Bureau of Mines shows one mine with 18 explosions, and they keep opening it.

Mr. WILLIAMS of New Jersey. I did not understand what the Senator said about an amendment that would deal with mines that have had two ignitions.

Mr. COOPER. I said I had such an amendment. I have not said I would offer it. I want to be fair. I hope this committee and the Senate will be concerned about the mines in which explosions have occurred again and again and which have an awful safety record.

Mr. WILLIAMS of New Jersey. There is an amendment, which has not been offered, which would close mines after the second ignition

Mr. COOPER. There is an amendment at the desk.

Mr. BAKER. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield.

Mr. BAKER. I inquire whether I, too, correctly understood the distinguished senior Senator from Kentucky, to the effect that he has drafted an amendment that would strike directly at the heart of the gassy mine problem in the sense that it would require the permanent closing of gassy mines if there have been two explosions. Is that the thrust of the amendment to which the Senator has referred?

Mr. COOPER. That is the amendment. It is at the desk. I have not called it up. I wanted to have such an amendment printed, so that the Senate would have the opportunity to understand where the core of this danger is.

With all the tremendous movement to close the nongassy mines, I thought we at least ought to suggest to the Senate that perhaps the thing to do is to close the mines that are killing the people working in them.

Mr. BAKER. If the Senator will yield further, I should like now to associate myself most firmly with the point made by the distinguished senior Senator from Kentucky.

I intend to fully support the amendment now pending, to reinstate the distinction between gassy and nongassy mines. If his second amendment is called up—to require the permanent closing of gassy mines that have had two explosions—my inclination is to support it.

It seems to me that, whether that is so or not, the terrible experience at Farmington is one of the reasons why we are coming to grips with the problem of mine safety.

I know something about the coal mining business, both large and small mines, because I grew up in eastern Tennessee, where the coal mine regions are, such as we have. It seems to me that the bill, with all due deference to the committee, has very little to say about the Farmington incident or about the deadly explosive potential of gassy mines but, rather, sets up an objective of requiring the scrapping of millions of dollars' worth of equipment in nongassy mines in order to salve the conscience with respect to losses and deaths and injuries sustained in gassy mines, which hardly seems a direct approach to a critical problem. I believe the record taken by the distinguished committee would fully support a distinction between gassy and nongassy mines, as the distinguished senior Senator from Kentucky now proposes, and that further measures to protect workers in gassy mines is a proper consideration of the Senate at this time.

I commend the senior Senator from Kentucky and the junior Senator from Kentucky for their deep and vital interest in this matter, and I fully associate myself with the position they take.

Mr. COOPER. I appreciate the remarks of the Senator from Tennessee. I know where he lives and where he was born and where he grew up. It is a coal mining area, as is the area in my State where I live. We have seen mines in operation, and we have been in the mines. We may say that we do have some knowledge that comes from observation, for whatever it is worth.

I want to recall to the Senate and to the manager of the bill that I have referred to the tables which I placed in the RECORD, supplied me by the Bureau of Mines after I had written a letter asking for the tables, and I assume they certify them as correct. They cover the period from 1952 through 1968.

I find a paper on my desk. I do not know who placed it there; but if it is on the desk of each Member, I assume it is designed to appeal to Members of the Senate. It would appear to be a contradiction of what I have said about the record. I will point out that it is a diversion. I must say that whoever proposed the statements does not know anything about the facts and that it would mislead the Senate.

It reads: "Methane ignitions and explosions in nongassy mines, 1941 to 1969."

The record I gave began in 1952. This chart, on which deaths and injuries from 1941 and 1952, are reported is a hoax. I will give my reasons. There was no effective Mine Safety Act until 1952. An act was passed in 1941 which was merely advisory. The Bureau of Mines had no power to inspect the mines; nor enforcement powers. Its powers were investigatory and advisory.

In 1952 Congress amended the act and it did provide in the act itself, safety standards in the mines. Further, the Bureau of Mines prepared a code which spelled out the standards in greater detail. The Bureau of Mines was given the authority, in the case of mines employing more than 14 people, to go into the States to inspect these mines, to enforce the law, and to close mines, if necessary. Of course, the record has been better since 1952. However, to go back before there was a mine law, in which there were standards, and before enforcement of these standards by listing the deaths, fatalities, and explosions is improper.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BAKER. Mr. President, I wish to say that the point made by the Senator from Kentucky is a very real and relevant point in this debate. I would like to commend him for bringing to our attention the fact that the 1941–69 time period does not actually reflect the effort of the U.S. Government to provide mine safety, especially in nongassy mines.

There is one additional point I would like to make and I wish to ask the senior Senator from Kentucky if he agrees with me. Assuming that the base period of 1941 to 1969 was relevant for any purpose, the record of injuries, and the record of the number of ignitions in nongassy mines is tremendously smaller than the number of industrial accidents in any other industry I know of for this number of operations and this number of people employed.

Mr. COOPER. The Senator is correct. Only last week I read in the Evening Star an article by Mr. McKelway, who writes with humor and charm but this particular article was not humorous. Mr. McKelway was discussing accidents. Apparently he had talked to officials in the Department of Agriculture and had ascertained there had been 1,000 farmers, or farmers' sons or daughters, killed last year in the operation of tractors.

I do not know whether that figure is accurate. It just occurred to me as the Senator made his comment. I would say that one of the other great dangers, as far as injuries are concerned, is the mowing machine. That fact is well known.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BAKER. Mr. President, I think the senior Senator from Kentucky is uniquely qualified to make the point that there were no effective Federal mine laws until 1952 because, I point out, while the senior Senator from Kentucky does

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not serve on the committee, he once did serve and served with distinction on the committee that has jurisdiction over mining legislation. He had a great part in shaping and forming standards of safety and in preserving the distinction between gassy and nongassy mines. He has a personal knowledge of the situation and, as I said a moment ago, so have I.

I have been in mines, both gassy and nongassy, big and little. I can say, and I hope the Senator agrees, that as far as I can tell the substitution of permissible equipment in nongassy mines will not have a substantial impact on the good safety record in nongassy mines, and it will have no impact on gassy mines.

Mr. COOPER. The Senator is correct. The Senator knows the subject.

The bill properly draws attention to the great problems of ignition and explosion. Ignitions and explosions with fatalities and injuries shock the country. Men are killed in the explosions. However, the big killer in the mines has been coal falls from the roof, the face where the coal is mined, and from the ribs which support the roof. Over one-half the fatalities that have occurred in coal mines have resulted from these rib, roof, and face falls.

In 1957 or 1958—I cannot remember the exact date—when a coal mine safety bill was before the Senate, I introduced an amendment which was reported by the Committee on Labor and Public Welfare. I was on the committee at that time. Former Senator Wayne Morse was the chairman of our subcommittee, former Senator John Kennedy was a member, and I was the third member. We reported a bill to try to reach this chief killer. We were not successful. The Bureau of Mines did not support the measure because they wanted to do then what they want to do today: favor regulations which will have the effect of closing the small mines.

We worked out an amendment in 1966. I was not on the committee at that time; Senator Wayne Morse was, and an amendment was secured to improve safety conditions.

This bill contains an amendment, which I proposed to provide stronger measures and standards for support of roof, rib, and face.

Now, I will return to my subject. Why are mines classified nongassy? The first and simplest reason is that they are essentially nongassy. Every coal seam has methane gas, but there are geological and physical characteristics of nongassy mines as compared to gassy mines, which have led to their classification as nongassy and to their good safety record.

A few moments ago I discussed the various types of mines. At the risk of repetition I will do so again briefly.

In some mines the shaft is driven perpendicularly into the earth some at great depth. Elevators and hoists are used. As Senators know, there is a main entry and other entries are driven out in various directions through the coal seam. Rooms at the sides of the haulways are opened and by careful shoring of the roof the coal is mined.

There are slope mines, where entries are driven in at an angle, often under the water table. The gas—in these types of mines and this is admitted in the record—cannot escape. It cannot escape easily unless there had been an earth convulsion. The gasses are fastened under the water table. The nongassy mines are those I have described as being driven into the side of the hill. They are above the water table, and as those of us who have ridden through the hilly country know the earth has been broken. The gas has been released.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. Are there any mines that are now classified nongassy that are below the water table?

Mr. COOPER. There could be.

Mr. WILLIAMS of New Jersey. There could be.

Mr. COOPER. Most nongassy mines are in the hilly parts of States like Kentucky, Virginia, West Virginia, Tennessee, Ohio, and Alabama.

Mr. WILLIAMS of New Jersey. In other words, the number of mines presently classified nongassy are above the water table.

Mr. COOPER. I know that is a characteristic of the nongassy mine.

Mr. WILLIAMS of New Jersey. If there were any degree of difference in treating mines, this would be one distinguishing factor whether the mine was above or below the water table?

Mr. COOPER. No, not at all.

Mr. WILLIAMS of New Jersey. I thought the Senator said that was where the gas——

Mr. COOPER. I was trying to describe some of the characteristics of mines which cause them, when inspected, not to exceed one-quarter of 1 percent of gas.

Mr. WILLIAMS of New Jersey. There is another one—the Senator described shaft mines and drift mines—but there is another method of mining described as long wall mining. Do we have any of that in the area the Senator is addressing himself to?

Mr. COOPER. I would not recognize it. I may, if the Senator would describe it further.

Mr. WILLIAMS of New Jersey. That is where the mining is done, as the term states, along a long wall, hundreds of feet. It is a continuous mining operation along that wall rather than, as the Senator has described, the corridors, with chambers or rooms, as the Senator states.

Mr. COOPER. I have heard mining operators and mining engineers speak of that type of mine. One told me they wanted to testify before the committee about the advantages of this type. But I would not recognize that type of mine. I have not been in one.

Mr. WILLIAMS of New Jersey. Then the Senator is not addressing himself, obviously, to that?

Mr. COOPER. No.

Mr. PERCY. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. PERCY. I have wanted to explain why I feel that I shall have to oppose the Senator's amendment, but I would be very happy to have any rebuttal the Senator may have of my reasoning.

First, I have been a cosponsor of the bill itself. Second, I have reaffirmed from the Bureau of Mines that they oppose the amendment. I have a very high regard for the Bureau of Mines under the direction of Mr. O'Leary. Third, from experience in Illinois, we had a disaster in 1962 in a gas-dust explosion in a mine owned by the Blue Blaze Coal Co., in Illinois, which caused the deaths of 11 men. The explosion was described by the Bureau of Mines investigators as caused by an electric arc or spark from a piece of electrical equipment. The explosion was propagated by methane coal dust. The mine was not classified as gassy by the Illinois Department of Mines and Minerals.

Thus, for those three reasons, I feel compelled to vote against the distinguished Senator's amendment, but I would be happy to have any rebuttal he might have that I should take into account before casting my vote. I have the very highest regard for the judgment and experience of the Senator from Kentucky. It is certainly deeper than mine in this field.

Mr. COOPER. I will be glad to respond to the Senator. I believe he said the Bureau of Mines was opposed to my amendment and therefore he would vote against it.

Mr. PERCY. I called the Bureau of Mines this afternoon just to see whether they had any last thoughts on this. I had understood that the Bureau of Mines and Mr. O'Leary stood with the original bill and opposed the amendment. I have been told on the telephone by Mr. Haynes, because Mr. O'Leary was not available, that the Bureau of Mines does wish to stay with its original position.

Mr. COOPER. As I recall, the Senator stated that his first reason for voting against the amendment—and of course the Senator will vote as he believes best—is that he is a sponsor of the bill. I am a sponsor of the bill, too. It has many provisions in it which are helpful which should have been incorporated in mine safety bills a long time ago—one I proposed 10 years ago. But I would not consider that my sponsorship of the bill prohibits me from studying the bill and deciding to support or reject portions of the bill. If I wanted to add to or change the bill, I would do so.

I have the report made by the Bureau of Mines, January 10, 1962, Illinois, 11 killed, cause, as given by the Bureau of Mines, permissible type shuttle car being repaired when ignition occurred.

Thus, the Bureau of Mines wants to require every nongassy mine to use all permissible equipment. Yet, this was an ignition that killed 11 men, where permissible equipment was used. It happens in gassy mines, using permissible equipment. The Senator was in the Chamber, I am sure, when I compared the record of gassy with nongassy mines.

Mr. PERCY. Yes, I was.

Mr. COOPER. 400 as compared to 3,200, yet despite permissible equipment required in gassy mines, they continue to have explosions and fatalities.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. I do not know whether we are reading from the same table.

Mr. COOPER. I am reading from the table given me by the Bureau of Mines. I have used the tables three times in the RECORD.

Mr. WILLIAMS of New Jersey. January 10, 1962. Is that the date?

Mr. COOPER. That is the date given me by the Bureau of Mines.

Mr. WILLIAMS of New Jersey. Where was this? The Blue Blaze Coal Co.?

Mr. COOPER. My record here does not give the name of the coal company but the date, the State of Illinois, and the cause of the ignition, the number of men killed, 11, and it corresponds to the statement of the Senator from Illinois.

Mr. WILLIAMS of New Jersey. The table that appears in part 5 of the hearing record is described this way: Electric arc from open panel in a shuttle car being repaired and in nonpermissible condition.

Mr. COOPER. That is misleading language. I am curious——

Mr. WILLIAMS of New Jersey. Which is misleading? The Senator's or what the record shows here?

Mr. COOPER. I will let it speak for itself. The Senator's record will speak for itself, and so will mine. The records were furnished me in June. I placed the table in the RECORD on June 5. The record, which was provided by the Bureau of Mines, describes this accident and all the other ignitions. I will ask the Senator, when did he secure his tables? I notice it has been drawn in a different form from mine. When did the Senator secure them? Were they introduced at the hearings?

Mr. WILLIAMS of New Jersey. These appear in our hearing records. I read from the tables. They are included in the hearing record. They were prepared by the Bureau of Mines on September 8, 1969.

Mr. COOPER. The point is, during the Senator's hearings the committee never asked the Bureau of Mines to submit records to it comparing the explosions, fatalities, injuries, in a gassy and a nongassy mine, did it?

Mr. WILLIAMS of New Jersey. I have the material here. I have the whole report right in front of me.

Mr. COOPER. My question is——

Mr. WILLIAMS of New Jersey. The number of ignitions, the number of miners killed in nongassy mines. I was going to put this in the RECORD——

Mr. COOPER. Were they requested in the hearings?

Mr. WILLIAMS of New Jersey. Of course, the material I read to the Senator from the record is in the record of the hearings and the record of the committee.

Mr. COOPER. That is right.

Mr. WILLIAMS of New Jersey. The material that I shall be describing later on the number of ignitions in nongassy mines for the period 1941–69, and the number of miners killed as a result of those ignitions, and the number of miners injured as a result of those ignitions, in what are still described as nongassy mines, was supplied to us by the Bureau.

Mr. COOPER. The Senator was present when I was discussing the new table of ignition fatalities and injuries which just appeared today. The one the Senator is just reading——

Mr. WILLIAMS of New Jersey. This is for the period 1941 until some point in 1969.

Mr. COOPER. I discussed that a few minutes ago. I think the Senator was here when I said it is not relevant, because from 1941 to 1952 the Bureau of Mines had no enforcement powers. The 1952 Act gives the Bureau of Mines such authority. I must repeat: I have put into the RECORD the facts, the record of ignitions, injuries and fatalities in gassy and nongassy mines that occurred since the adoption of the 1952 amendments. To go into the past before 1952, when mines were not under Federal regulations and enforcement procedures and to incorporate the record before 1952 is not relevant to the subject we are discussing today.

I have not cited the pre-1952 record of gassy mines, but I will be forced to do so if this argument continues.

Mr. WILLIAMS of New Jersey. Mr. President, if the Senator will yield, I just want to recall that all of this arose from the January 10, 1962, accident, and I thought I heard the Senator say that it dealt with permissible equipment. The record shows that if it were permissible equipment, it was in nonpermissible condition. That is the only thing I wanted to crystallize.

Mr. COOPER. I have already said that of the 52 cases, nine of them would not have occurred, and we hope they could not have occurred, if permissible drills and permissible blowers had been used. The bill requires such small equipment to be permissible and I support it. It is possible it did occur. The record we put in did not disclose that.

I have talked about the geological characteristics of nongassy drift mines. Most are small mines. The fact that 60 percent of the coal in the United States is produced by 400 mines, and that 3,200 mines are required to produce 40 percent, speaks for itself. The mine areas and the equipment of the 400 mines are different from those of the nongassy mines.

For a large mine operation to be economic, it requires the purchase or lease of large tracts of coal, whether underneath the surface or at the base of a hill. Large acreages must be mined to justify the purchase and installation of modern machinery, such as continuous coal miners which claw into the face of the coal, drag it back, and automatically load it onto a belt or car. The cost of modern equipment, even by Bureau of Mines estimates shown in the RECORD, requires a large capital investment.

Smaller mines do not require large acreages. They may be higher toward the crest of the hill, naturally of small acreage. The entries and haulways are not as long, and circuitous as those found in the larger mines, and naturally, they are safer.

One danger of explosion comes from the coal dust. Coal dust is combustible. I have been told, that one can hardly see his hand in front of him when the coal dust pours from the face of the coal, mined by modern machinery. It causes black lung, and it presents also the danger of explosion.

Small mine operations cannot buy that kind of equipment. Their conventional equipment does not produce such a volume of coal and coal dust, and the danger of explosion is less.

I want to speak for a few minutes about the effect if small mines are required by law to junk their equipment and to purchase equipment which they cannot afford, do not need and which will not contribute essentially to safety.

Such a requirement will, of course, drive many small mines out of existence.

I am certain we will be talking about cost of permissible equipment. I will be ready to talk about cost. Mr. President, the distinguished Senator from New Jersey, Senator WILLIAMS placed in the RECORD of September 25, at page 27144, a table which shows that a continuous miner costs $121,000—this is permissible equipment—shuttle cars, two, $80,000, roof-bolter, $16,000; Joy coal drill, $20,000; cutting machine, $84,000; loader, $60,000.

A coal mine producing 50 to 100 tons a day, at an estimated profit of 30 cents a ton, cannot be equipped with that kind of machinery. The operator will go out of business.

What will happen to the miners who work in these mines? They number thousands.

Coal production must be maintained. The demand for coal, happily, has increased because of the need for electric energy. The coal will then be produced by the big mines, the gassy mines, the mines which have permissible equipment, which experience ignitions, and which cause black lung.

Forty percent of the coal produced in the United States, according to the record of the committee, is produced by about 15 companies.

Many of the men thrown out of employment in the small mines would be out of employment forever. Many are older men who have been released from the big coal mines. But even the employable coal miners would have to find work.

Such miners, if they could find jobs at all, would have to go to the big mines. They would be forced into mines holding greater danger for them than the nongassy mines in which they work today.

What else would happen? Of course, the operators would suffer economic loss. They have invested such capital as they have in these mines. They provide employment to the people of the community. They pay their taxes in the community and State. Economic loss would follow—to the miners, to the coal operators, to the community, and to the State.

Another effect would be to lock up forever the wealth and resources of many sections of my State and many sections of the country.

Suppose the head of a family has owned 100 acres of mountain land, or 50 or 200, or perhaps 300, all his life, and perhaps his father before him; the only assets were the timber on the land and the coal under the land. Many lost those rights years ago, when the big companies

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from other parts of the United States bought their land for $1 an acre, or 50 cents, bought their white oak trees for 50 cents each, bought their land with coal.

But he who owns even 100 acres or 200 acres, and had hoped someday to mine it himself or with his sons, nephews, and brothers, if he should want to lease it to a mine operator, his resource would be locked up by the terms of this bill. No one could afford to operate the smaller tracts.

The analogy is not on all fours, but it would be something like passing a law permitting farming in the western part of my county, Pulaski County, a rather rich agricultural section, but prohibiting farming in the eastern section of the county. It is not a true analogy, but it gives some idea of the way this part of the bill would lock up the resources of many sections of our States, and affect our communities.

The small mines operate with low capital. They employ the people of the community. Auxiliary industries are affected by them, and they all will be hurt. The end effect will be no great contribution to safety, but the closing down of the mines, with all the attendant economic loss and unemployment, and the driving of the employable miners into the dangerous, gassy mines.

I do not think it is a wise thing to do. I have offered this amendment to preserve the classification, and, if it should be agreed to, I would offer a second amendment which would require the Secretary of the Interior to present to Congress, at 2-year intervals, a report upon the safety conditions in all mines in the United States, with his recommendations as to what should be done to assure greater safety.

If it should be shown—which I do not believe it will be—that there is danger in these nongassy mines which requires an installation of permissible machinery, of course, I would want the Senate to accept it.

One final statement, and then I shall close. I have testified on this subject twice this year, once before the House of Representatives subcommittee and once, due to the courtesy of the Senator from New Jersey (Mr. Williams) before his committee in an executive session. I have been asked on several occasions, and it has been suggested, that one who offers this type of amendment has more concern for the economics of the situation than he does for human life and safety.

I can only say that I have consistently supported safety measures. I have had included in this bill three measures which the committee thought improved the administration bill; and, of course, I intend to support other portions of the bill, most of which contribute to safety.

Why do we not place greater emphasis on life and safety in the gassy mines? Suppose I were to offer my amendment by which the Secretary of the Interior is required to close down any mine in which a second ignition or gas explosion has occurred since July 1, 1952? Whom would it affect?

It would affect some 48 of these 400 mines, some of which the record shows have already had as many as 18 explosions.

Who owns those mines? Forty percent of the coal is mined by a few of the greatest corporations in this country. I would like to see if the Senate would vote to close them. I hope we will not have to pass on that. But if in talks of placing human safety and life above economic interests, in respect of the nongassy mine we will have to do the same with these big mines in which people have been killed year after year. But, I doubt if the Senate will vote for that.

Mr. COOK. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. COOK. Mr. President, much has been said since the Farmington, W. Va., disaster of last year about the need for a stricter Federal coal mine safety law. During the same period rising concern over the prevalence in coal miners of pneumoconiosis, or black lung, has created a similar demand for stricter mine health laws.

The Committee on Labor and Public Welfare has reported a strong bill containing both health and safety features. I commend the committee for its concern for the welfare of our Nation's coal miners. However, one provision of the bill, eliminating the current distinction between gassy and nongassy mines, will have a disastrous effect on the small mine operators and miners of the Appalachian region while not making any contribution to improving safety conditions. The overwhelming majority of mines in Kentucky are both small and nongassy.

Historically, cries have been made by businessmen about various social legislation, such as wage and hour laws, that the effect of enacting such new measures would be to drive the owner out of business. It is true that the small operators—a small operator owns a mine which employs 14 or fewer miners—of my State and surrounding States are making essentially this argument against the provision in the committee bill which would eliminate the gassy-nongassy distinction. As I have said, this argument has been used to impede the progress of valuable social legislation in the past, but this is not the case with this argument as applied to the attempt to eliminate the distinction between gassy and nongassy mines.

What is the effect of eliminating the distinction? Under the current law, gassy mines are required to use permissible equipment, that is, equipment which is covered so that sparks will not ignite any gas which might be present. Permissible equipment is not now required in mines which are classified nongassy. Elimination of the distinction would require operators of the nongassy mines to purchase permissible equipment at a cost small operators argue would be prohibitive. I have studied the figures and assessed the economic impact of such action and I agree with their conclusion.

As a Senator from a State which has approximately 1,000 small mines—only 32 of which are gassy—and a great many miners who derive their living from these mines, I want an effective coal mine safety bill. If the elimination of the gassy-nongassy distinction would make any contribution to improving unsafe conditions in our mines I would favor it. But as my colleague, Senator Cooper, recently pointed out, between 1952 and 1969 there were only 52 explosions in nongassy mines; only four were fatal, and in each of the fatal cases the explosion was caused by open flames—matches, cigarette lighter or open lamps—resulting from violation of existing laws. In other words, these were explosions that could have been avoided by enforcement of existing laws and would not have been averted by the proposed changes in the law.

I do not think that General Motors has a record like that. I do not think that the Ford Motor Co. has a record like that. And I do not think that the Florida Power Co. has a record like that.

Senator Cooper further pointed out that during the same period there have been 381 explosions, killing 374 miners and injuring 427 in mines classified as gassy.

My senior colleague from Kentucky yesterday placed in the Record an editorial appearing in the August 23, 1969, edition of the Louisville Courier Journal supporting preservation of the gassy-nongassy distinction. In a letter I mailed to all Senators on September 5, I included that editorial which describes very well the fallacy of the argument that safety requires elimination of the distinction. As I pointed out at that time, the Courier Journal is not a business-oriented newspaper. It is concerned, as all of us are, about preserving one of the few remaining employers in the poverty-ridden Appalachian areas of our country. It would seem to be the height of inconsistency to advocate measures designed to alleviate the plight of the Appalachian poor and then support a provision which might significantly increase the unemployment rolls in the same region.

I support the substitute amendment to S. 2917 offered by my senior colleague including, of course, the preservation of the current distinction between gassy and nongassy mines. The distinction must be maintained not solely for the economic benefit of the small operators of Kentucky, but also to preserve the over 100,000 jobs either in or related to the mines which might be lost by enacting into law a provision making no contribution to improving safety in small nongassy mines.

Mr. COOPER. Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, yesterday, I along with 90 of my Senate colleagues, voted to amend the pending Federal coal mine health and safety bill. That amendment offered by the two Senators from West Virginia, will provide

health disability benefits to coal miners who, as a result of pneumoconiosis or "black lung," are totally disabled and unable to be gainfully employed.

It is an interim compensation bill, pending a detailed study of a pressing and difficult problem.

Those qualifying for these disability benefits—the totally disabled miner, his widow, or surviving dependents—will be eligible for amounts varying from $1,635 annually for a disabled individual up to $3,264 annually for a disabled individual with three or more dependents. These health disability benefits will be on a temporary and limited basis, in cooperation with the States, while studies are being conducted as to the best long-range approach to this problem.

"Black lung" presently afflicts approximately 20 percent of our retired coal miners and roughly 10 percent of the active coal miners. The committee reports:

> There are a significant number of inactive coal miners living today who are totally disabled and unable to be gainfully employed due to the development of complicated pneumoconiosis while working in one or more of the Nation's coal mines; that there also are a number of surviving widows and children of coal miners whose death was attributable to this disease.

My State of Virginia recognized the need of these victims of "black lung" in 1968 and passed legislation to assist them; there is, however, no coverage for victims who were afflicted prior to that legislation and in some States there is no assistance whatever to such disabled individuals or their dependents.

This amendment will, however, do more than merely provide interim relief to these previously noncovered individuals. It will authorize funds for research and development in the area of coal mine health and safety; more specifically, it will endeavor to develop entirely new methods of protecting miners from respirable dust. This, Mr. President, is most important, for a disability compensation payment can never be an adequate alternative to good health.

Another area of research will be to improve and develop technology to reduce roof fall hazards, which is the single leading killer in our coal mines today, accounting for between 50 percent and 60 percent of all underground fatalities.

Yes, Mr. President, I support this amendment, for I hope the research which it authorizes will be the "ounce of prevention" that avoids the necessity for "a pound of cure."

The proposal should be a reasonable first step toward the long-range solution of a difficult problem.

AMENDMENT OF THE LABOR-MANAGEMENT RELATIONS ACT OF 1947

Mr. WILLIAMS of New Jersey. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2068.

The PRESIDING OFFICER (Mr. Gurney in the chair), laid before the Senate the amendment of the House of Representatives to the bill (S. 2068) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees which was to strike out all after the enacting clause, and insert:

> That section 302(c) of the Labor-Management Relations Act, 1947, is amended by striking out "or (6)" and inserting in lieu thereof "(6)" and by adding immediately before the period at the end thereof the following: "; or (7) with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representatives for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child care centers for preschool and school age dependents of employees: *Provided*, That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: *Provided further*, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds".

CHILD-CARE CENTERS—VITAL FIRST STEP

Mr. YARBOROUGH. Mr. President, I am pleased to support the passage of the bill which would allow the establishment of child-care centers and scholarships for the education of children of employees through collective bargaining. The present limitation in section 302 of the Taft-Hartley law has worked hardships in not allowing the establishment of such scholarships or child-care centers. As the original sponsor of this measure when I was chairman of the Subcommittee on Labor and a cosponsor of this bill, I am pleased that both the House and the Senate have finally acted and that with the passage of the bill it will be possible for labor and management to sit down together, if they so desire, and create child-care centers which will increase the labor force in areas where they are needed the most.

I understand that the Amalgamated Clothing Union of the men's garment industry is ready to establish funds for these purposes as soon as the bill becomes law. I commend them for their foresight and interest in the general welfare of our country.

If private groups such as these can act together, there is no need for the Federal Government to act and impose its solution, which may not achieve the needs in every case. Through collective bargaining, the individual requirements of each group can be provided in the best interests of everyone.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Jersey.

The motion was agreed to.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. WILLIAMS of New Jersey. Mr. President, the senior Senator from Kentucky has raised a major issue which concerns one of the important measures that the committee has adopted to control methane ignitions and explosions. I cannot agree with the distinguished Senator's position, and I believe that a complete explanation of the issue and what the bill does is warranted at this point.

Since January 1941, 1,142 miners have been killed and 965 miners have been injured in the 683 underground coal mine ignitions and explosions which have been reported to the Bureau of Mines. These ignitions and explosions have been among the major causes of death and injury to coal miners.

In order to reduce significantly and ultimately eliminate this dangerous hazard to the safety of every miner, the committee bill, S. 2917, recommends numerous provisions which require operators to initiate procedures which, if properly followed, have the twofold purpose of controlling methane in the atmosphere in underground mines and eliminating the ignition sources of methane.

First, let us understand the hazardous nature of methane gas. Explosive mixtures are formed when the methane concentrations in the mine atmosphers range from 5 to 15 percent. The energy required for ignition is extremely minute.

When methane gas is present in a coal mine, in sufficient quantities, a frictional spark such as one emanating from a motor on a piece of equipment, or one caused by metal striking rock, or even one caused by the flint of an ordinary cigarette lighter, can provide the energy necessary to ignite the methane with the resulting ignition and explosion and death and injury to the miners.

As the knowledgeable Senator from Kentucky (Mr. Cooper) has noted, the potential for an explosion can increase with the presence of coal dust suspended in the atmosphere. As the amount of coal dust in the atmosphere increases, the amount of methane needed for an explosion may decrease to much less than 5 percent.

In 1952, Congress, in recognizing the importance of preventing methane ignitions and explosions, established some measures designed to prevent the accumulation of methane in explosive quantities and to eliminate the sources of methane ignition. Although the measures required by the 1952 act are deficient, that act does require that—

All mines must ventilate the working places;

In gassy mines, air passing through an abandoned area which cannot be inspected cannot be used to ventilate the face;

In gassy mines, preshift examinations for methane must be made 4 hours before the shift, and in nongassy mines, once a day;

Pillar workings in gassy mines must be tested for methane before a roof fall is made.

Perhaps that statement should be explained. This is a roof fall that is produced in the mining operation. As they mine the corridors there are left the supporting pillars, and mining back to and

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through the corridors these pillars are mined out to the point that they can be and continue to be safely mined. But this area, the pillar that is left finally, is not enough to support and there is a roof fall that is known to be part of the operation and will occur.

And further, that rock dusting be used to prevent propagation of explosions. Rock dusting means the penetration of the sides of the mines with a dust that will help to prevent the explosion of methane gas.

Electric face equipment and junction and distribution boxes in gassy mines, with some exceptions, must be permissible, and trolley and feeder wires cannot extend beyond the last open crosscut;

Smoking and open flames in gassy mines be prohibited; this is one area where there has been agreement by the Senator from Kentucky that even in nongassy mines, smoking should be eliminated.

Tests for methane be made after blasting; and

The drilling and sealing of oil and gas wells be done by the owners thereof under State laws.

Now those are what was included back there in 1952. Let us look at the record to see what followed that. Were these provisions successful in reducing the ignitions?

Since enactment of the 1952 act through June of this year—and these, of course, are most relevant findings—there were 454 methane ignitions and explosions in underground coal mines. This is almost double the 229 ignitions and explosions that occurred during the 1941–52 period. These pre-1952 ignitions and explosions killed 401 miners and injured 501. Although fewer miners have been killed and injured in methane ignitions and explosions since 1952, it is still a very hard record.

The causes of these ignitions are legion. They are smoking, the use of matches to light explosives, the improper use of explosives, the flame safety lamp, trailing cables, locomotives, welding, and numerous other causes.

The committee was shocked at this record. It was clear to us, first, that the safeguards in the 1952 act were inadequate to control methane before it reaches the explosion stage in all mines and, second, that the requirements of the 1952 act did not eliminate the causes of methane ignitions and explosions. We concluded that greater safeguards were needed in this area. Halfway measures are no longer acceptable. We must control the methane and we must eliminate the causes. Accordingly, the bill—

Requires that all mines be mechanically ventilated and that the ventilation equipment be inspected daily;

Increases the minimum quantity of air reaching the face workings;

Requires the use of brattice cloths or other approved devices to improve ventilation at the face; the brattice cloth, of course, is used to direct the flow of air so that it will reach the most difficult and hazardous place in the face of the mine;

Increases the frequency of testing for methane;

Prohibits, in ventilation of face workings, the use of air that passes through an abandoned area that is inaccessible or unsafe for inspection;

Requires sealing, or ventilating by bleeders of abandoned areas or areas where pillars have been removed;

Requires Federal inspectors at especially hazardous mines; these are inspectors who remain in residence at the most hazardous mines.

Improves present standards relative to rock dusting to prevent propagation of methane ignitions;

Prohibits the use of open flames and smoking;

Provides greater protection in the use of trailing cables;

Requires continuous testing for methane while welding;

Provides greater safeguards in the use, storage, and transportation of explosives;

Requires that operators make more diligent searches for oil and gas wells, and that operators provide and maintain larger barriers around such wells; and

Requires that flame safety lamps be approved and properly maintained at each mine in accordance with specifications to be prescribed by the Secretary.

These are some of the very detailed and comprehensive safeguards included in this bill. There were two other causes of ignitions that aroused considerable concern.

First, sparks from the bits of the continuous miner and from the cutting machine. There have been 155 such ignitions since 1952, many of which have occurred since the late 1950's. These have killed three and injured 141.

Unfortunately, the technology here is not very advanced. We were informed by the Bureau of Mines that a device to suppress these ignitions as they occur is now being developed and should be available very soon. Accordingly, with this in mind and with the idea of accelerating this process, we directed the Secretary to act promptly on this research and to require such a device as soon as possible. Furthermore, the committee expects immediate attention to be given to complete prevention of these ignitions.

At this point, I might also dwell on the flame safety lamp problem. As a device to measure and detect methane, it is not satisfactory. Miners using this lamp, despite claims to the contrary, are unable to measure the methane in the mine atmosphere at the low percentages required either in the 1952 act or in this bill, except under ideal conditions which may exist in the laboratory but are not found in the mines.

I remember my own surprise, several months ago, when I watched this lamp being used in a Pennsylvania mine. This lamp is a rather simple device. It is a flame in a glass enclosure which has measured markings, like a thermometer. The higher the flame goes the more methane gas there is in the atmosphere. The foreman raised the lamp up in the air and pointed out to me and to other members of the committee who were there that the flame reached only as high as the 1-percent methane marking. Now this chap happened to be a little bit taller than I am. From where I was looking, the flame appeared to be as high as the 1.5-percent marking.

Now that is a significant difference. Because at 1.5-percent methane, the law requires the miners to be withdrawn from the mine.

The point is that these lamps give different readings to different people. The accuracy of the lamp also depends on whether it is properly set by the man who uses it, and that setting is necessarily being changed all day long. So, as I have indicated, research is necessary.

Furthermore, the record is clear that the flame safety lamps in many instances are not properly maintained. Indeed, since 1952 there have been 5 miners killed and 24 injured in 17 ignitions caused by flame safety lamps. This emphasizes the need to maintain these lamps properly, and to be sure of that each day. This is required under the definition of the term "permissible" in section 219(4) of S. 2917.

One promising area of research now underway in the Bureau to control methane is a program of methane drainage in advance of mining. The committee recognized the potential of this research effort and directed that it, too, be accelerated, with primary emphasis on safety aspects of the research.

Mr. COOK. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I am happy to yield to the Senator from Kentucky.

Mr. COOK. During the hearing before the House committee on September 9, Mr. J. H. Musgrove, assistant commissioner of the Kentucky Department of Mines and Minerals, testified. In his testimony, Mr. Musgrove reviewed the number of fatal coal mine accidents in Kentucky from July 1, 1952, to June 1969, and listed their causes. During this 17-year period, a total of 837 fatalities from all causes occurred in our underground Kentucky coal mines. Of this number, the major causes are as follows: Some 517 fatalities are attributed to roof falls; 131 fatalities are attributed to haulage; 61 fatalities are attributed to accidents involving electrical equipment; 34 fatalities are attributed to machinery; 9 fatalities are attributed to gas or dust explosions in gassy mines. There are no fatalities—and I emphasize this point—attributed to gas or dust explosions during this period in mines classed "nongassy."

Mr. President, in this whole argument, I think it is proper and right to work with all of the means and with all of the individual capacities that we can, but it is disturbing, in attempting to work out some of these problems, that we have some people who are vitally interested in this matter who, I am afraid—and I do not say this in regard to the Senator from New Jersey at all, and I want that absolutely understood, but I refer to some people who may have talked with the Senator from New Jersey—may never have been in a coal mine in their lives.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. WILLIAMS of New Jersey. I did not hear all that the Senator said. The Senator was not including me?

Mr. COOK. No, under no circumstances.

Thus, out of a total of 837 fatalities in Kentucky during the 17-year period, none of these fatalities occurred as a result of a gas or dust explosion in a nongassy mine.

Bear in mind that there are over 900 nongassy mines as compared with 32 gassy mines in Kentucky. These statistics further emphasize my argument that, with respect to ignitions or explosions caused by methane, the safest mines are nongassy mines. More emphasis, in my view, should be placed on reducing the fatalities caused by roof falls, which were the cause of more than 60 percent of Kentucky's coal mine fatalities during this 17-year period.

Mr. President, I ask unanimous consent that a chart from the Kentucky Department of Mines and Minerals be placed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

FATAL COAL MINE ACCIDENTS, JULY 1, 1952–JUNE 3, 1969 INCLUSIVE (17 YEARS)

Year	Falls of roof	Haulage	Electricity	Machinery	Gas or dust explosions (gassy mines)	Gas or dust explosions (nongassy mines)	Miscellaneous	Explosives and blasting	Coal bump	Fire	Surface	Total	Strip	Grand total
1952 (July)	15	9	1	3				[1] 1		4	3	36		36
1953	39	10	3	2							2	56	3	59
1954	35	5	4	5					1		4	54		54
1955	33	13	4				[2] 1	[1] 1			3	55	2	57
1956	47	9	8	2	[3] 1		1	[5] 2			4	74	1	75
1957	40	10	4	1				[4] 2			2	59	2	61
1958	29	7	3	2				[6] 1		1	5	48	1	49
1959	26	7	4	1				[6] 1			3	42	1	43
1960	32	7	8	3				[6] 1			3	55	2	57
1961	43	5	2	1			1	[6] 1			2	55	0	55
1962	19	11	3	1	[7] 1			[6] 1			5	41	0	41
1963	25	5	1	1					1			33	0	33
1964	31	6	3	1				[8] 1			2	44	3	47
1965	25	6	1	3					1		1	37	2	39
1966	22	9		1			1	[9] 3			1	37	3	40
1967	25	5	4	2	[10] 7			[11] 1			2	46	4	50
1968	22	5	7	3				[12] 9	1		3	50	6	56
1969 (June)	9	2	1	2				[8] 1				15	1	16
Total	517	131	61	34	9	0	5	26	4	5	45	837	31	868
Percentage of total underground	62	16	7	4	1		.6	3	.5	.6	5			
Average per year	30.40	7.70	3.58	2.00	.53	0	.29	1.52	.24	.29	2.65			

[1] Blow through.
[2] Cop. air.
[3] Gas-locomotive-old works—Gassy mine.
[4] 1 blow through; 1 put shot off on.
[5] Blasting fuse-caps set off with cap lamp.
[6] Short fuse.
[7] Fireboss-inspection jeep—Gassy mine.
[8] Improper handling—Caps open light.
[9] (1) Flying material from shot, and (2) improper handling.
[10] 2 occurrences—Gassy mines.
[11] Fuse—Caps (open sparks).
[12] Improper handling and storage.

Mr. COOK. Mr. President, further, in 1963, when Mr. O'Leary was testifying before the House committee, Representative Roosevelt asked him certain questions, and I wish to read those questions into the RECORD:

> Mr. O'LEARY. I would say that there is a danger of explosion in every type of mine, and there have been some legislative proposals, I think before this committee, to classify all mines as gassy.
>
> Mr. ROOSEVELT. Would you support that?
>
> Mr. O'LEARY. No, sir.
>
> Mr. ROOSEVELT. You do not recommend it?
>
> Mr. O'LEARY. I wouldn't recommend that.
>
> Mr. ROOSEVELT. Why? Why wouldn't you recommend it, if it is so? I mean, in one sentence, you tell me that there is a danger of an explosion in every type of mine.
>
> Mr. O'LEARY. There is always the possibility of explosion in any type of mine.
>
> Mr. ROOSEVELT. And then in the next sentence you told me that you would not be in favor of so saying.
>
> Mr. O'LEARY. Well, I think in many cases this danger is quite remote. This is an academic danger in many cases.
>
> Mr. ROOSEVELT. Now where can we draw the line when it is non-academic and when it is real?
>
> Mr. O'LEARY. When we classify the mine as gassy.

Mr. President, the chart that has been put on each Senator's desk lists methane ignitions and explosions in nongassy mines. 1941 through 1969; 87 ignitions, 84 miners killed, and 116 miners injured, are listed.

The chart would be complete if it also listed the same situation during the same period from 1941 through 1969 on gassy mines. Had the chart been complete, it would have shown that the number of ignitions in gassy mines was not 87, but 600; that the number of miners killed was not 84, but 1,054; and that the number of miners injured was not 116, but 858.

I think if the comparison were made and the complete chart were presented, not only as to the nongassy mine situation, but the gassy mine situation, it would bring the matter more accurately to the attention of Members of the Senate and I think, in all fairness, would put it in a truer perspective.

Mr. President, I yield the floor.

Mr. WILLIAMS of New Jersey. Mr. President, with further reference to the bill before us, the bill contemplates that additional measures will probably be needed in the future to control methane and prevent methane ignitions and explosions. The research programs just mentioned and other efforts of the Bureau of Mines in this area, if fruitful, will form the basis for action by the Secretary to promulgate additional regulations on this subject.

Now, we come to the major problem—electrical face equipment and the nongassy classification.

The committee followed the recommendation of the Department of the Interior that mines, whether classed as gassy or nongassy under the current law, be treated alike in providing these new and additional safeguards to control methane and prevent ignitions.

Since 1952 the Federal Coal Mine Safety Act, as amended, has contained special provisions allowing the use of electric face equipment which is not sparkproof; that is, has not met the standards of the Bureau of Mines, in mines that have never had an ignition or have never been found to have methane of more than 0,25 percent. In addition, the act has specifically provided that many of these particular safeguards, such as the frequency of preshift examinations, and the prohibitions of smoking and the use of open flames underground applied to only one class of mines; namely, those which have had methane ignitions or in which there was methane of 0.25 percent or more.

Thus, the so-called nongassy mines—again those that have never had an ignition or have never been found to have methane of more than 0.25 percent in the mine atmosphere—have received special treatment under the premise of the 1952 act that a mine need not adopt special measures to control methane and prevent ignitions until there was "evidence of gas." The committee believed, however, that, based on the record, this premise was not valid and, therefore, reached the decision to treat all mines alike.

The committee's decision to do so, however, presented one of the most perplexing problems raised by this legislation. The principal opposition to this uniform treatment of all underground coal mines came from the small, non-gassy-mine operators, particularly those from eastern Kentucky, southern West Virginia, Virginia, and Tennessee. These operators, who want the special treatment for nongassy mines under the 1952 act continued, objected primarily to the requirement in the bill that large electric face equipment in these mines must be made permissible; that is, spark proof.

These small, non-gassy-mine operators, who produce less than 8 percent of the

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Nation's coal and employ between 15,000 and 20,000 employees, contend that this requirement will be costly to the operators of these mines and cause many of them to close their mines. They further contend that the history of gas being detected in these mines, either by ignition or air analysis during inspections, does not warrant such a requirement.

Many hours have been spent by the committee and its staff in attempting to understand the issue, the background of the problem, the arguments pro and con, the economic impact, and finally, and most importantly, its impact on the miner's safety. The subcommittee devoted almost 2 days of hearings to this problem. Based on all the information available, some of which was conflicting, the committee concluded that the special treatment granted nongassy mines for the past 17 years relative to the use in such mines of sparkproof electric face equipment should not be continued from the standpoint of the miner's safety. It is important that my colleagues in the Senate understand the reasons for the committee's conclusions.

~~Both~~ the previous administration, in January 1969, and the present administration, in March 1969, in proposing coal mine health and safety legislation, specifically proposed that all mines should be "subject to the same standards because all underground coal mines are potentially gassy." Both administrations were reiterating the position taken by the Bureau of Mines as long ago as 1926. I believe the senior Senator from Kentucky recognizes that all mines whether classed gassy or nongassy, are potentially gassy.

It is clear from the history of ignitions and explosions in the Nation's coal mines that the exceptions permitted by the 1952 Federal Coal Mine Safety Act, as amended, are not warranted. There is neither a scientific nor technical basis for these exceptions. The record shows that no one can predict when gas may be found in such quantity in any mine to cause considerable damage.

Past history shows that mines, once classified nongassy, do suddenly have sufficient accumulations of methane gas to cause ignitions and explosions. As the record demonstrates, this has happened at least 87 times since 1941. Let me stress that point—87 mines in the past 28 years have been classified nongassy, yet they have had sufficient methane gas to cause an explosion and, as a result of these 87 gas ignitions, in so-called nongassy mines, 84 miners were killed and 111 were injured.

These dangers exist in all nongassy mines, whether they are large or small; whether they are drift mines, slope mines, or shaft mines. As the record demonstrates, of the 55 methane ignitions that have occurred in nongassy mines since the 1952 Safety Act, over half—30 to be exact—occurred in small mines; almost half—22 to be exact—occurred in drift mines. In some of these 55 ignitions, fewer than five miners were employed in the mine. As recently as August 1968, a methane gas ignition occurred in a small nongassy drift mine, let me repeat that, a small, nongassy drift mine, in Kentucky, injuring three miners. On two previous inspections, the methane gas in the atmosphere at the mine registered less than 0.25. On one inspection, it registered 0.15, on the other, no methane gas whatsoever was detected. Yet, on August 5, 1968, a methane gas ignition occurred in that nongassy mine.

In the last 4 years alone, 168 nongassy mines had to be reclassified as gassy. Sixty-nine of these were small mines, and 117 of the 168 were drift mines.

I ask unanimous consent that the Bureau of Mines analysis of these reclassifications be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

203(f) ORDERS, GASSY CLASSIFICATION, ISSUED FROM 1964 THROUGH 1968 BY DATE, STATE, REASON, AND AIR ANALYSIS FOR THE 2 PREVIOUS INSPECTIONS

DISTRICT A

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
Feb. 18 964	Pennsylvania	Small	Slope	State—by letter.[1]		
Feb. 26 1964	do	Large	Drift	do[1]		
June 13 1964	do	do	Slope	0.58	(2)	(2)
Sept. 16 1964	do	do	Drift	1.05	0.21	0.09
May 23 1964	do	do	do	State—by letter[1].		
Feb. 4 1965	do	Small	Slope	do[1]		
Feb. 17 1965	do	do	do	do[1]		
Mar. 4, 1965	do	Small	do	do[1]		
Mar. 29, 1965	do	do	do	do[1]		
June 8, 1965	do	do	do	do[1]		
June 15, 1965	do	do	do	do[1]		
July 22, 1965	do	do	do	do[1]		
July 29, 1965	do	Large	Drift	do[1]		
Sept. 24, 1965	do	Small	Slope	do[1]		
Oct. 7, 1965	do	do	do	do[1]		
Oct. 26, 1965	do	do	do	do[1]		
Dec. 3, 1965	do	do	do	do[1]		
Jan. 3, 1966	do	Large	Drift	do.[1]		
Feb. 14, 1966	do	Small	Slope	do.[1]		
May 3, 1966	do	do	do	0.83	0.00	0.00
May 20, 1966	do	do	Drift	1.34	0.08	0.00
May 27, 1966	do	do	do	State—by letter.[1]		
July 15, 1966	do	do	Shaft	do.[1]		
Sept. 9, 1966	Pennsylvania	Small	Drift	0.40	0.00	0.00
Nov. 3, 1966	do	do	do	0.39	0.15	0.11
Nov. 28, 1966	do	do	do	0.32	0.03	
Nov. 30, 1966	do	do	Shaft	Interconnected	(3)	(3)
May 23, 1967	Pennsylvania	Large	Drift	State—by letter.[1]		
Sept. 26, 1967	do	Small	Slope	0.66	.00	.00
Sept. 27, 1967	do	do	do	Interconnected	(3)	(3)
Do	do	do	do	do	(3)	(3)
Oct. 6, 1967	do	Large	do	State—by letter.[1]		
May 29, 1968	do	Small	Slope	do.[1]		
Sept. 12, 1968	do	do	do	do.[1]		
Nov. 4, 1968	do	do	do	Interconnected	(3)	(3)
Apr. 1, 1967	West Virginia	Large	Drift	State—by letter.[1]		
Nov. 8, 1968	do	do	do	do.[1]		
May 21, 1964	Ohio	do	do	1.76	.00	.00
May 26, 1966	do	Small	do	0.26	(4)	(4)
Dec. 22, 1966	do	do	Shaft	0.50	.05	.07
June 26, 1967	do	Large	Slope	0.29	.08	.06
July 26, 1967	do	do	Drift	State—by letter.[1]		
Mar. 29, 1968	do	do	do	0.42	.06	.04
May 8, 1968	do	do	Slope	0.30	(2)	(2)

DISTRICT B

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
June 8, 1964	West Virginia	Small	Drift	0.26	0.06	0.05
Aug. 31, 1964	do	do	do	0.29	.20	.06
Sept. 23, 1964	do	Large	do	0.35	.00	.05
Oct. 6, 1964	do	do	do	0.70	.22	.05
Oct. 30, 1964	do	do	do	0.31	.13	.07
Nov. 4, 1964	do	do	do	Interconnected	.00	
Jan. 27, 1965	do	do	do	do	(4)	(4)
Feb. 24, 1965	do	do	do	0.26	.00	
Feb. 24, 1965	do	do	do	Interconnected	.00	.00
Feb. 24, 1965	do	do	do	do	.04	.00
Feb. 25, 1965	do	do	do	do	.00	.00
Mar. 9, 1965	do	Small	do	do	.00	.00
June 3, 1965	do	Large	do	0.32	.10	.04
Sept. 8, 1965	do	do	do	0.78		
Sept. 27, 1965	do	do	do	0.91	.05	
Dec. 20, 1965	do	do	do	0.49	.19	
Feb. 2, 1966	do	Small	do	Interconnected	(2)	(2)
May 24, 1966	do	Large	do	0.47		
June 14, 1966	do	do	Shaft	1.46		
June 16, 1966	do	Small	Drift	Interconnected		
Sept. 8, 1966	do	do	do	do	(2)	(2)
Dec. 8, 1966	do	do	do	0.43	.22	.08
Jan. 16, 1967	do	Large	do	Interconnected	.00	
Feb. 13, 1967	West Virginia	Large	Drift	Interconnected	0.00	
Feb. 23, 1967	de	Small	do	do	(2)	(2)
Mar. 15, 1967	do	Large	do	0.61	.00	.00
May 8, 1967	do	do	do	0.29	.03	.00
May 11, 1967	do	Small	do	Interconnected	(2)	(2)
Aug. 22, 1967	do	do	do	do	(2)	(2)
Sept. 25, 1967	do	Large	do	0.92	.19	.07
Sept. 28, 1967	do	Small	do	0.26	.05	.00
Oct. 24, 1967	do	do	do	Interconnected	(2)	(2)
Do	do	Large	do	0.92	.13	.15
Nov. 8, 1967	do	do	Shaft	0.51	.00	.00
Nov. 21, 1967	do	do	Drift	0.48	.05	.05
Nov. 28, 1967	do	do	do	0.89	.01	.00
Nov. 29, 1967	do	do	do	0.70	.22	.05
Dec. 4, 1967	do	Small	do	Interconnected	.00	.00
Dec. 6, 1967	do	Large	do	0.97	.14	.10
Jan. 18, 1968	do	do	Shaft	0.52	(2)	(2)
Feb. 13, 1968	do	do	Drift	0.30	.00	.00
Apr. 22, 1968	do	do	do	0.26	.07	.03
July 29, 1968	do	Small	do	0.26	.01	.15
Sept. 16, 1968	do	Large	do	0.25	.00	.00
Nov. 7, 1968	do	do	do	0.33	.06	.00

See footnotes at end of table.

203(f) ORDERS, GASSY CLASSIFICATION, ISSUED FROM 1964 THROUGH 1968 BY DATE, STATE, REASON, AND AIR ANALYSIS FOR THE 2 PREVIOUS INSPECTIONS—Continued

DISTRICT C

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
Dec. 17, 1965	Alabama	Large	Drift	0.29	0.24	0.00
July 1, 1966	do	Small	do	0.37	.10	.16
July 13, 1966	do	do	do	Interconnection	.05	.00
Jan. 3, 1968	do			State—by letter.[1]	.00	.00
Nov. 4, 1965	Tennessee	Large	Drift	0.31	.00	.00
July 31, 1967	do	Small	do	0.56	.14	.05
Aug. 23, 1968	do	do	do	0.27	.00	.00
July 15, 1968	do	do	do	0.51	.07	.05
May 17, 1968	do	do	do	State—by letter.[1]	.00	00
Sept. 9, 1965	Kentucky	Large	Slope	do[1]	.00	.00
Apr. 21, 1965	do	do	Drift	1.72	.07	
Apr. 5, 1966	do	do	do	Safety lamp and methane detector.	.00	.05
Feb. 16, 1966	do	Small	do	0.44	.00	.00
Jun. 12, 1967	do	Large	do	0.29	(2)	(2)
Dec. 27, 1967	do	do	do	0.34	.10	.15
Jun. 10, 1968	do	do	do	0.38	.12	.05
Jul. 18, 1968	do	do	do	0.34	.00	.00
Aug. 5, 1968	do	Small	do	Ignition	.15	.00
Mar. 10, 1964	Virginia	Large	Shaft	0.33	(2)	(2)
Nov. 3, 1964	do	do	Drift	State—by letter.[1]	.05	.05
Apr. 9, 1965	do	do	do	0.34	.02	.05
Do	do	do	do	Interconnection	.00	.00
Oct. 14, 1965	do	do	do	do	.15	.21
Mar. 10, 1966	do	do	do	0.32	0	0
Nov. 8, 1966	do	Small	do	Ignition	(5)	.17
Jan. 23, 1967	Virginia	Small	Drift	0.31	0.10	0.14
Mar. 20, 1967	do	do	do	0.27		.00
Do	do	do	do	0.49	.00	.22
May 1, 1967	do	do	do	0.44	.00	.07
May 24, 1967	do	Large	do	0.27	.15	.07
May 25, 1967	do	Small	do	0.56	.00	.03
June 26, 1967	do	do	do	0.36	.00	.16
Aug. 23, 1967	do	do	do	0.29	.14	.04
Aug. 31, 1967	do	do	do	1.49	.00	.15
Sept. 28, 1967	do	Large	do	0.44	.00	.10
Oct. 9, 1967	do	do	do	0.40	.00	.00
Oct. 11, 1967	do	do	do	2.09	.09	.05
Do	do	do	do	1.26	.10	.00
Nov. 9, 1967	do	Small	do	0.47	.00	.00
Dec. 21, 1967	do	do	do	0.26	.19	.15
Jan. 22, 1968	do	Small	do	0.53	.00	.00
Feb. 15, 1968	do	Large	do	0.51	.07	.23
Mar. 19, 1968	do	do	do	0.75	.00	.00
May 1, 1968	do	do	Shaft	State	(2)	(2)
May 6, 1968	do	do	Drift	0.30	.00	.00
May 15, 1968	do	Small	do	0.25	.00	.00
May 22, 1968	do	do	do	Interconnection	.00	.00
June 18, 1968	do	do	do	0.47	.00	.01
July 9, 1968	do	do	do	0.30	.05	.04
July 15, 1968	do	Large	do	0.30	.00	.10
July 30, 1968	do	Small	do	0.25	.05	.19
Sept. 3, 1968	do	Large	do	0.33	.12	.22
Sept. 11, 1968	do	Small	do	0.26	.00	.00
Dec. 13, 1968	do	Large	do	Interconnection	.00	.00
Sept. 11, 1968	do	Small	do	0.51	.03	.03

DISTRICT D

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
July 13, 1965	Kentucky	Large	Drift	State—by letter		
July 7, 1965	do	do	Slope	0.47	0.14	0.05
July 4, 1966	do	Small	Shaft	0.53	.00	.00
July 6, 1966	do	do	do	0.39	.00	.03
June 13, 1967	do	Large	Slope	0.53	(2)	(2)
June 21, 1967	do	do	do	0.36	(2)	(2)
Sept. 12, 1967	do	do	Drift	0.32	.10	.05
Nov. 12, 1968	do	do	Shaft	0.29	.03	.03
Do	do	do	Slope	0.41	.00	.16
Nov. 14, 1968	do	do	Drift	0.30	.08	.09
Dec. 10, 1968	Kentucky	Large	Drift	0.26	0.12	0.13
July 23, 1965	Illinois	do	Shaft	State—by letter		
Sept. 15, 1965	do	do	do	do		
Sept 14, 1966	do	Small	Slope	do		
Do	do	do	Shaft	do		
Aug. 18, 1967	do	Large	Drift	0.45	.05	.07
Oct. 22, 1968	do	do	Shaft	State—by letter		
Nov. 8, 1968	do	do	do	0.28	.08	.09
June 1967	Oklahoma	do	Slope	State—by letter		
October 967	do	do	Shaft	do		

DISTRICT E

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
Nov. 19, 1964	Utah	Large	Slope	State-By letter.[1]	0.07	0.00
Dec. 23, 1964	Colorado	do	Drift	0.63	.00	.01
Mar. 18, 1965	do	do	do	0.31	.00	.01
1966	None			None		
Apr. 19, 1967	New Mexico	Large	Drift	0.34	0.00	0.01
1968	None			None		

[1] Form 203(f) orders were not issued when mines were classed gassy by State department of mines.

[2] No prior Inspection.

[3] No samples.

[4] Data not available.

[5] None.

Mr. WILLIAMS of New Jersey. Most of these gas ignitions in nongassy mines have been caused by smoking, open flames, and small nonpermissible electric equipment.

The bill prohibits smoking and open flames, and requires that the small electric equipment be made ignition proof.

However, ignitions have also occurred from larger nonpermissible equipment, and large permissible equipment in nonpermissible condition. The bill also requires that this larger equipment be made ignition proof. The committee believed this requirement to be necessary for a very simple reason. Where there is methane, any spark—whether it be from a match, cigarette lighter, or small or large piece of electric equipment—can cause an ignition. In fact, as the committee has learned, five methane ignitions in nongassy mines have been caused by sparks emanating from large pieces of equipment.

While the bill was before the committee for consideration, a methane ignition was caused in a nongassy drift mine by a large piece of equipment which, the Bureau of Mines reports, was in nonpermissible condition at the time of the ignition. Five men were burned and hospitalized. In that case, fortunately, none were killed. In the most serious of these 55 methane ignitions in nongassy mines since 1952, 11 miners were killed in Herrin, Ill. These miners were working in a mine which the law said was nongassy. Yet, a spark, emanating from a large shuttle car, found methane gas which was not supposed to be there, and exploded the methane gas. The Bureau of Mines reports that the shuttle car was in nonpermissible condition at the time of the ignition.

The mine involved had not been classified gassy by the State of Illinois. According to the report, "methane was never detected in the mine with a permissible flame safety lamp, except for the one time that the mine manager thought he might have found a very small amount in a roof cavity." Air samples collected during State inspections of the mine showed a maximum methane content of 0.08 percent, which, under current law, is well below the nongassy classification limit of 0.25 percent.

A shuttle car was being repaired. It had been manufactured originally to meet the Bureau's standards. During the course of repair, however, the control panel was open.

The Bureau of Mines investigators, in reconstructing the facts after the disaster, believe that during the course of repair, the repairman energized the power to the shuttle car for test purposes. Since the control panel was open, sparks were permitted to emanate. According to the final report of the investigation, "Federal inspectors are of the opinion that the disaster was caused by the ignition of methane in the air current. The gas was ignited by an arc or spark from the open control panel while repairs were being made on the shuttle car." Had the control panel been properly sealed when the machine started to operate, and under the Department of the Interior standards it must be, the ignition would not have occurred.

This may be called a borderline case. Since the particular equipment was manufactured in compliance with Bureau standards, it would not be prohibited by the bill. The fact is, however, that the machine was in a condition of noncompliance with standards at the time of the ignition, and this would be prohibited by the bill. It is also not arguable that 11 miners died in a mine when a spark ignited gas which the law said was not supposed to be there.

In addition to this major disaster caused by sparks emitting from a large piece of equipment in a so-called nongassy mine, the Department of Interior reports that three ignitions, in 1944—Ohio, three injuries; in 1945—Virginia, two injuries; and in 1952—Pennsylvania, four injuries—had been caused by cutting machines which did not meet the Department's standards. This same general type of equipment is still in use in the so-called nongassy mines today, but would be prohibited by the bill.

With this history, the committee could reach no other conclusion than to eliminate the artificial distinction recognized in the 1952 act.

Early in the committee's deliberations two arguments were presented against the judgment that safety required an elimination of the nongassy classification. One argument was economic, the other was practical. The committee was told that the cost of eliminating the distinction to the average small-mine operator would be approximately $260,000. Estimates of the cost for all of the Nation's small-mine operators have ranged from $100 million to $300 million, and, as recently as a week ago, the New York Times reported estimates of between $400 million and $800 million.

In addition to these astronomical economic figures, the committee was informed that it might take as long as 10 years, and even more, for the necessary equipment to become available. As the committee learned, both the cost estimates and estimates of equipment availability were outrageously high because of basic erroneous assumptions. Both these estimates were based on an assumption that the small-mine operators, in order to comply, would have to purchase brandnew electrical equipment. In part, looking back at the early days of committee consideration, it may be understandable why this assumption was made.

Before I explain, however, the facts as they developed before the committee, I should note that the latest Department of Interior estimates are that it may cost the Nation's small-mine operators approximately $10,000 per mine, and that equipment availability is a relatively small problem. Let me explain.

The Department of the Interior, many years ago, established a laboratory in Pittsburgh, Pa. One of the functions of this laboratory was to develop, experiment with, and test electrical equipment to insure that it was ignition proof.

Under schedule 2(G) of the Department's regulations—the regulations governing approval of electrical equipment—the Department's procedures require, under ordinary circumstances, that the equipment to be approved be sent to the Bureau's Pittsburgh laboratory for testing. In addition, the Bureau requires specifications, design drawings, descriptions, and application fees.

Ordinarily, under this procedure, a manufacturer of specialized mining equipment would submit a prototype to the Bureau of Mines. After rigorous testing, which may take up to 3 years, the equipment may be approved. I ask unanimous consent that schedule 2(G) be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Schedule 2G, approved March 19, 1968]

ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

(From the U.S. Department of the Interior, Stewart L. Udall, Secretary, Bureau of Mines, Walter R. Hibbard, Jr., Director)

TITLE 30—MINERAL RESOURCES

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

[Bureau of Mines Schedule 2G]

Requirements for investigation, testing, approval, certification, and acceptance

On December 19, 1967, a notice was published in the Federal Register (32 F.R. 18098) of the proposed revision of Part 18 of Chapter I, Title 30, Code of Federal Regulations, and interested persons were afforded an opportunity to submit written comments, suggestions, or objections to the proposed revision.

Comments and suggestions have been received and considered and minor changes have been made in proposed §§ 18.13, 18.20, and 18.62, together with editorial changes not of a substantive nature.

Part 18 of Chapter I, Title 30, Code of Federal Regulations, is revised as follows and shall be effective upon publication in the Federal Register.

Part 34 of Chapter I, Title 30, Code of Federal Regulations, is revoked.

WALTER R. HIBBARD, *Jr.*,
Director, Bureau of Mines.

Part 18 of Chapter I, Title 30, Code of Federal Regulations, is revised to read as follows:

Subpart A—General provisions

Sec.
18.1 Purpose.
18.2 Definitions.
18.3 Consultation.
18.4 Equipment for which approval will be issued.
18.5 Equipment for which certification will be issued.
18.6 Applications.
18.7 Fees.
18.8 Date for conducting investigation and tests.
18.9 Conduct of investigations and teats.
18.10 Notice of approval or disapproval.
18.11 Approval plate.
18.12 Letter of certification.
18.13 Certification plate.
18.14 Identification of tested non-certified explosion-proof enclosures.
18.15 Changes after approval or certification.
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Subpart B—Construction and design requirements

18.20 Quality of material, workmanship, and design.
18.21 Machines equipped with powered dust collectors.
18.22 Boring-type machines equipped for auxiliary face ventilation.
18.23 Limitation of external surface temperatures.
18.24 Electrical clearances.
18.25 Combustible gases from insulating material.
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18.28 Devices for pressure relief, ventilation, or drainage.
18.29 Access openings and covers, including unused lead-entrance holes.
18.30 Windows and lenses.
18.31 Enclosures—joints and fastenings.
18.32 Fastenings—additional requirements.
18.33 Finish of surface joints.
18.34 Motors.
18.35 Portable (trailing) cables and cords.
18.36 Cables between machine components.
18.37 Lead entrances.
18.38 Leads through common walls.
18.39 Hose conduit.
18.40 Cable clamps and grips.
18.41 Plug and receptacle-type connectors.
18.42 Explosion-proof distribution boxes.
18.43 Explosion-proof splice boxes.
18.44 Battery boxes and batteries (exceeding 12 volts).
18.45 Cable reels.
18.46 Headlights.
18.47 Voltage limitation.
18.48 Circuit-interrupting devices.
18.49 Connection boxes on machines.
18.50 Protection against external arcs and sparks.
18.51 Electrical protection of circuits and equipment.
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Subpart C—Inspections and tests

18.60 Detailed inspection of components.
18.61 Final inspection of complete machine.
18.62 Tests to determine explosion-proof characteristics.
18.63 Tests of battery boxes.
18.64 Tests for flame resistance of cables.
18.65 Flame test of conveyor belting and hose.
18.66 Tests of windows and lenses.
18.67 Static-pressure tests.
18.68 Tests for intrinsic safety.
18.69 Adequacy tests.

Subpart D—Machines Assembled With Certified or Explosion-Proof Components, Field Modifications of Approved Machines, and Permits To Use Experimental Equipment

18.80 Approval of machines assembled with certified or explosion-proof components.
18.81 Field modification of approved (permissible) equipment; application for approval of modification; approval of plans for modification before modification.
18.82 Permit to use experimental electric face equipment in a gassy mine or tunnel.

AUTHORITY: The provisions of this Part 18 issued under sec. 5, 36 Stat. 370 (30 U.S.C. 7) as amended, and sec. 212(a), 66 Stat. 709 (30 U.S.C. 482(a)). Interpret or apply secs. 2, 3, 36 Stat. 370 (30 U.S.C. 3, 5) as amended, and secs. 201, 209, 66 Stat. 692, 703 (30 U.S.C. 471, 479).

SUBPART A—GENERAL PROVISIONS

§ 18.1 Purpose.

The regulations in this part set forth the requirements to obtain Bureau of Mines: (a) Approval of electrically operated machines and accessories intended for use in gassy mines or tunnels, (b) certification of components intended for use on or with approved machines, (c) permission to modify the design of an approved machine or certified component, (d) acceptance of flame-resistant cables, hoses, and conveyor belts, (e) sanction for use of experimental machines and accessories in gassy mines or tunnels; also, procedures for applying for such approval, certification, acceptance for listing; and fees.

§ 18.2 Definitions.

As used in this part—

"Acceptance" means written notification by the Bureau that a cable, hose, or conveyor belt has met the applicable requirements of this part and will be listed by the Bureau as acceptable flame-resistant auxiliary equipment.

"Acceptance marking" means an identifying marking indicating that the cable, hose,

or conveyor belt has been accepted by the Bureau for listing as flame resistant.

"Accessory" means associated electrical equipment, such as a distribution or splice box, that is not an integral part of an approved (permissible) machine.

"Afterburning" means the combustion of a flammable mixture that is drawn into a machine compartment after an internal explosion in the compartment.

"Applicant" means an individual, partnership, company, corporation, organization, or association that designs, manufactures, assembles, or controls the assembly of an electrical machine or accessory and seeks approval, certification, or permit, or Bureau acceptance for listing of flame-resistant cable, hose, or conveyor belt.

"Approval" means a formal document issued by the Bureau which states that a completely assembled electrical machine or accessory has met the applicable requirements of this part and which authorizes the attachment of an approval plate so indicating.

"Approval plate" means a metal plate, the design of which meets the Bureau's requirements, for attachment to an approved machine or accessory, identifying it as permissible for use in gassy mines or tunnels.

"Branch circuit" means an electrical circuit connected to the main circuit, the conductors of which are of smaller size than the main circuit.

"Bureau" means the U.S. Bureau of Mines.

"Certification" means a formal written notification, issued by the Bureau, which states that an electrical component complies with the applicable requirements of this part and, therefore, is suitable for incorporation in approved (permissible) equipment.

"Certification label" means a plate, label, or marking, the design of which meets the Bureau's requirements, for attachment to a certified component identifying the component as having met the Bureau's requirements for incorporation in a machine to be submitted for approval.

"Component" means an integral part of an electrical machine or accessory that is essential to the functioning of the machine or accessory.

"Connection box" (also known as conduit or terminal box) means an enclosure mounted on an electrical machine or accessory to facilitate wiring, without the use of external splices. (Such boxes may have a joint common with an explosion-proof enclosure provided the adjoining surfaces conform to the requirements of Subpart B of this part.)

"Cylindrical joint" means a joint comprised of two contiguous, concentric, cylindrical surfaces.

"Distribution box" means an enclosure through which one or more portable cables may be connected to a source of electrical energy, and which contains a short-circuit portective device for each outgoing cable.

"Experimental equipment" means any electrical machine or accessory that an applicant or the Bureau may desire to operate experimentally for a limited time in a gassy mine or tunnel. (For example, this might include a machine constructed at a mine, an imported machine, or a machine or device designed and developed by the Bureau.)

"Explosion-proof enclosure" means an enclosure that complies with the applicable design requirements in Subpart B of this part and is so constructed that it will withstand internal explosions of methane-air mixtures: (1) Without damage to or excessive distortion of its walls or cover(s), and (2) without ignition of surrounding methane-air mixtures or discharge of flame from inside to outside the enclosure.

"Fire-resistant" as applied to conveyor belts means belting that will pass the flame tests hereafter specified.

"Flame-arresting path" means two or more adjoining or adjacent surfaces between which the escape of flame is prevented.

"Flame resistant" as applied to cable, hose, and insulating materials means material that will burn when held in a flame but will cease burning when the flame is removed.

"Flammable mixture" means a mixture of methane or natural gas and air that when ignited will propagate flame. Natural gas containing a high percentage of methane is a satisfactory substitute for pure methane in most tests.

"Gassy mine" means a coal mine classed as "gassy" by the Bureau or by the State in which the mine is situated.

"Incendive arc or spark" means an arc or spark releasing enough electrical or thermal energy to ignite a flammable mixture of the most easily ignitible composition.

"Intrinsically safe" means incapable of releasing enough electrical or thermal energy under normal or abnormal conditions to cause ignition of a flammable mixture of methane or natural gas and air of the most easily ignitible composition.

"Mobile equipment" means equipment that is self-propelled.

"Normal operation" means the regular performance of those functions for which a machine or accessory was designed.

"Permissible equipment" means a completely assembled electrical machine or accessory for which a formal approval has been issued, as authorized by the Director of the Bureau of Mines under section 212(a) of the Federal Coal Mine Safety Act, as amended (66 Stat. 709; 30 U.S.C., sec. 482(a)).

"Permit" means a formal document, signed by the Director of the Bureau of Mines, authorizing the operation of specific experimental equipment in a gassy mine or tunnel under prescribed conditions.

"Plane joint" means two adjoining surfaces in parallel planes.

"Portable cable", or "trailing cable" means a flame-resistant, flexible cable or cord through which electrical energy is transmitted to a permissible machine or accessory. (A portable cable is that portion of the power-supply system between the last short-circuit protective device, acceptable to the Bureau, in the system and the machine or accessory to which it transmits electrical energy.)

"Portable equipment" means equipment that may be moved frequently and is constructed or mounted to facilitate such movement.

"Potted component" means a component that is entirely embedded in a solidified insulating material within an enclosure.

"Pressure piling" means the development of abnormal pressure as a result of accelerated rate of burning of a gas-air mixture. (Frequently caused by restricted configurations within enclosures.)

"Qualified representative" means a person authorized by the Bureau to determine whether the applicable requirements of this part have been complied with in the original manufacture, rebuilding, or repairing of equipment for which approval, certification, or a permit is sought.

"Splice box" means a portable enclosure in which electrical conductors may be joined.

"Step (rabbet) joint" means a joint comprised of two adjoining surfaces with a change(s) in direction between its inner and outer edges. (A step joint may be composed of a cylindrical portion and a plane portion or of two or more plane portions.)

"Threaded joint" means a joint consisting of a male- and a female-threaded member, both of which are of the same type and gage.

§ 18.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, to discuss a proposed design to be submitted for approval, certification, or acceptance for listing. No charge is made for such consultation and no written report thereof will be made to the applicant.

§ 18.4 Equipment for which approval will be issued.

An approval will be issued only for a complete electrical machine or accessory. Assemblies that include one or more nonexplosion-proof components will not be considered for approval unless such component(s) contains intrinsically safe circuits or is constructed in accordance with paragraph (b), § 18.31.

§ 18.5 Equipment for which certification will be issued.

Certification will be issued for a component or subassembly suitable to incorporate in an approved machine. Certification may be issued for such components as explosion-proof enclosures, battery trays, and connectors.

§ 18.6 Applications.

(a) Investigation leading to approval, certification, extension thereof, or acceptance of cables, hose, or conveyor belt, will be undertaken by the Bureau only pursuant to a written application, in duplicate, accompanied by a clerk, bank draft, or money order, payable to the U.S. Bureau of Mines, to cover the fees. The application shall be accompanied by all necessary drawings, specifications, descriptions, and related materials, as hereinafter provided. The application, all related matters, and all correspondence concerning it shall be addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

(b) Applications for acceptance of cable and cord as flame resistant shall include the following information: Number and gage of conductors, type of material and identifying compound numbers for conductor insulation, fillers, and jackets. The applicant shall provide other description of specifications as may be subsequently required.

(c) Applications for acceptance of a conveyor belt as fire resistance shall include the following information: Trade name of the conveyor belt, thickness of covers, friction and skim coats, number of plies, type and weight of ply material, and designation of breaker strip or floated ply. The applicant shall provide other description or specifications as may be subsequently required.

(d) Applications for acceptance of hose as flame resistant shall include the following information: Trade name of hose, identification of materials used, including compound numbers, thickness of cover, thickness of tube, and number and weight of plies. The applicant shall provide description or specifications as may be subsequently required.

(e) Drawings, drawing lists, specifications, wiring diagram, and descriptions shall be adequate in number and detail to identify fully the complete assembly, component parts, and subassemblies. Drawings shall be titled, numbered, dated and shall show the latest revision. Each drawing shall include a warning statement that changes in design must be authorized by the Bureau before they are applied to approved equipment. When intrinsically safe circuits are incorporated in a machine or accessory, the wiring diagram shall include a warning statement that any change(s) in the intrinsically safe circuitry or components may result in an unsafe condition. The specifications shall include an assembly drawing(s) (see Figure 1 in Appendix II) showing the overall dimensions of the machine and the identity of each component part which may be listed thereon or separately, as in a bill of material (see Figure 2 in Appendix II). The Bureau may accept photographs (minimum size 8'' x 10½'') in lieu of assembly drawing(s). Purchased parts shall be identified by the manufacturer's name, catalog number(s), and rating(s). In the case of standard hardware and miscellaneous parts, such as insulating pieces, size and kind of material shall be specified. All drawings of component parts submitted to the Bureau shall be identical to those used in the manufacture of the parts. Dimensions of parts designed to prevent the passage of flame shall specify allowable tolerances. A notation "Do Not Drill Through" or equivalent should appear on drawings with the specifications for all "blind" holes.

(f) The Bureau reserves the right to require the applicant to furnish supplementary drawings showing sections through complex flame-arresting paths, such as labyrinths used in conjunction with ball or roller bearings, and also drawings containing dimensions not indicated on other drawings submitted to the Bureau.

(g) The applicant may ship his equipment to the Bureau for investigation at the time of filing his application and payment of the required fees. Shipping charges shall be prepaid by the applicant.

(h) For a complete investigation leading to approval or certification the applicant shall furnish the Bureau with the components necessary for inspection and testing. Expendable components shall be supplied by the applicant to permit continuous operation of the equipment while being tested. If special tools are necessary to assemble or disassemble any component for inspection or test, the applicant shall furnish them with the equipment to be tested.

(i) For investigation of a cable, hose, or conveyor belt, the applicant shall furnish samples as follows:

Cable—a sample having a minimum length of 12 feet;

Hose—a sample having a minimum length of 2 feet;

Conveyor belt—a sample of each type 8 inches long cut across the entire width of the belt.

(j) The applicant shall submit a sample caution statement (see figure 3 in appendix II) specifying the conditions for maintaining permissibility of the equipment.

(k) The applicant shall submit a factory-inspection form (see figure 4 in appendix II) used to maintain quality control at the place of manufacture or assembly to insure that component parts are made and assembled in strict accordance with the drawings and specifications covering a design submitted to the Bureau for approval or certification.

(l) The Bureau will accept an application for an approval, a letter of certification, or an acceptance for listing of a product that is manufactured in a country other than the United States provided: (1) All correspondence, specifications, lettering on drawings (metric-system dimensions acceptable), instructions and related information are in English; and (2) all other requirements of this part are met the same as for a domestic applicant.

§ 18.7 Fees.

(a) Detailed inspection of each explosion-proof enclosure	$105

NOTE: When 20 or less explosion tests are required, the inspection fee shall be $60.

(b) Explosion tests of each explosion-proof enclosure	70

NOTE: When 20 or less explosion tests are required, the fee shall be $35.

(c) Each field inspection of a completely assembled machine or accessory	80
(d) Adequacy tests of potting material	50
(e) Test to determine adequacy of ventilation (battery enclosure)	$50
(f) Intrinsic-safety investigation and test	105
(g) High-potential test	50
(h) Surface temperature test	50
(i) 1. Flame test of cable	50
2. Development flame tests shall be charged at the rate of $10 per specimen. The minimum charge is $25.	
(j) 1. Flame test of conveyor belt or hose conduit	25
2. Development flame tests shall be charged at the rate of $5 per specimen. The minimum charge is $15.	
(k) Impact test each window or lens	25
(l) Thermal shock test each window or lens	25
(m) No charge will be made for inspection or tests made solely for the Bureau's information.	
(n) Examining and recording drawings and specifications preparatory to issuing:	
1. Approval	110
2. Certification	55
3. Extension of approval	70
4. Extension of certification	40

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence and incidental expenses of its representative(s) in accordance with Standardized Government Travel Regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

§ 18.8 Date for conducting investigation and tests.

The date of receipt of an application will determine the order of precedence for investigation and testing. If an electrical machine component or accessory fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume investigation and testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for investigation and testing will be so determined.

§ 18.9 Conduct of investigations and tests.

(a) Prior to the issuance of an approval, certification, or acceptance of a cable, hose, or conveyor belt, only Bureau personnel, representative(s) of the applicant, and such other person(s) as may be mutually agreed upon may observe any part of the investigation or tests. The Bureau will hold as confidential and will not disclose principles or patentable features; nor will it disclose to persons other than the applicant the results of tests, chemical analyses of materials, or any details of the applicant's drawings, specifications, instructions, and related material.

(b) Unless notified to the contrary by the Bureau, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and preparing equipment for return shipment. Explosion-proof enclosures shall be drilled and tapped for pipe connections in accordance with instructions supplied by the Bureau.

(c) The Bureau reserves the right to inspect a complete machine, component part, or accessory at a place other than the Bureau's premises, such as the assembly plant or other location acceptable to the Bureau, at the applicant's expense.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

§ 18.10 Notice of approval or disapproval.

(a) Upon completing investigation of a complete assembly of an electrical machine or accessory, the Bureau will will issue to the applicant either a written notice of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a notice of disapproval is issued, it will be accompanied by details of the defects, with recommendations for possible correction. The Bureau will not disclose, except to the applicant, any information upon which a notice of disapproval has been issued.

(b) A formal notice of approval will be accompanied by a list of drawings, specifications, and related material, covering the details of design and construction of the equipment upon which the approval is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to equipment for which an approval has been issued, and the drawings and specifications shall be adhered to exactly in production of the approved equipment.

(c) An applicant shall not advertise or otherwise represent his equipment as approved (permissible) until he has received the Bureau's formal notice of approval.

§ 18.11 Approval plate.

(a)(1) The notice of approval will be accompanied by a photograph of an approval plate, bearing the seal of the Bureau of Mines, the name of the complete assembly, the name of the applicant, and spaces for the approval number, serial number, and the type or model of machine.

(2) An extension of approval will not affect the original approval number except that the extension number shall be added to the original approval number on the approval plate. (Example: Original approval No 2G–3000; seventh extension No. 2G–3000–7.)

(b) The applicant shall reproduce the design on a separate plate, which shall be attached in a suitable place, on each complete assembly to which it relates. The size, type, location, and method of attaching an approval plate are subject to the Bureau's concurrence. The method for affixing the approval plate shall not impair any explosion-proof feature of the equipment.

(c) The approval plate identifies as permissible the machine or accessory to which it is attached, and use of the approval plate obligates the applicant to whom the approval was issued to maintain in his plant the quality of each complete assembly and guarantees that the equipment is manufactured and assembled according to the drawings, specifications, and descriptions upon which the approval and subsequent extension(s) of approval were based.

(d) A completely assembled approved machine with an integral dust collector shall bear an approval plate indicating that the requirements of Part 33 of this chapter (Bureau of Mines Schedule 25B), have been complied with. Approval numbers will be assigned under each part of such joint approvals.

§ 18.12 Letter of certification.

(a) A letter of certification may be issued by the Bureau for a component intended for incorporation in a complete machine or accessory for which an approval may be subsequently issued. A letter of certification will be issued to an applicant when a component has met all the applicable requirements of this part. Included in the letter of certification will be an assigned Bureau of Mines certification number that will identify the certified component.

(b) A letter of certification will be accompanied by a list of drawings, specifications, and related material covering the details of design and construction of a component upon which the letter of certification is

based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to the component for which a letter of certification has been issued; and the drawings and specifications shall be adhered to exactly in production of the certified component.

(c) A component shall not be represented as certified until the applicant has received the Bureau's letter of certification for the component. Certified components are not to be represented as "approved" or "permissible" because such terms apply only to completely assembled machines or accessories.

§ 18.13 Certification plate.

Each certified component shall be identified by a certification plate attached to the component in a manner acceptable to the Bureau. The method of attachment shall not impair any explosion-proof characteristics of the component. The plate shall be of serviceable material, acceptable to the Bureau, and shall contain the following:

Certified as complying with the applicable requirements of Bureau of Mines Schedule ________.

Certification No. ________.

The blank spaces shall be filled with appropriate designations. Inclusion of the information on a company name plate will be permitted provided the plate is made of material acceptable to the Bureau.

§ 18.14 Identification of tested noncertified explosion-proof enclosures.

An enclosure that meets all applicable requirements of this part, but has not been certified by the Bureau, shall be identified by a permanent marking on it in a conspicuous location. The design of such marking shall consist of capital letters SBM not less than ¼ inch in height, enclosed in a circle not less than 1 inch in diameter.

§ 18.15 Changes after approval or certification.

If an applicant desires to change any feature of approved equipment or a certified component, he shall first obtain the Bureau's concurrence pursuant to the following procedure:

(a) Application shall be made as for an original approval or letter of certification requesting that the existing approval or certification be extended to cover the proposed change(s) and shall be accompanied by drawings, specifications, and related information, showing the change(s) in detail.

(b) The application will be examined by the Bureau to determine whether inspection or testing will be required. Testing will be required if there is a possibility that the change(s) may adversely affect safety.

(c) If the change(s) meets the requirements of this part, a formal extension of approval or certification will be issued, accompanied by a list of new or revised drawings, specifications, and related information to be added to those already on file for the original approval or certification.

(d) Revisions in drawings or specifications that do not involve actual change in the explosion-proof features of equipment may be handled informally, without fee.

§ 18.16 Withdrawal of approval, certification, or acceptance.

The Bureau reserves the right to rescind, for cause, any approval, certification, acceptance, or extension thereof, issued under this part.

SUBPART B—CONSTRUCTION AND DESIGN REQUIREMENTS

§ 18.20 Quality of material, workmanship, and design.

(a) Electrically operated equipment intended for use in coal mines shall be rugged in construction and shall be designed to facilitate inspection and maintenance.

(b) The Bureau will test only electrical equipment that in the opinion of its qualified representatives is constructed of suitable materials, is of good quality workmanship, based on sound engineering principles, and is safe for its intended use. Since all possible designs, circuits, arrangements, or combinations of components and materials cannot be foreseen, the Bureau reserves the right to modify design, construction, and test requirements to obtain the same degree of protection as provided by the tests described in Subpart C of this part.

(c) Moving parts, such as rotating saws, gears, and chain drives, shall be guarded to prevent personal injury.

(d) Flange joints and lead entrances shall be accessible for field inspection, where practicable.

(e) An audible warning device shall be provided on each mobile machine that travels at a speed greater than 2.5 miles per hour.

(f) Brakes shall be provided for each wheel-mounted machine, unless design of the driving mechanism will preclude accidental movement of the machine when parked.

(g) A headlight and red light-reflecting material shall be provided on both front and rear of each mobile transportation unit that travels at a speed greater than 2.5 miles per hour. Red light-reflecting material should be provided on each end of other mobile machines.

§ 18.21 Machines equipped with powered dust collectors.

Powered dust collectors on machines submitted for approval shall meet the applicable requirements of Part 33 of this chapter (Bureau of Mines Schedule 25B), and shall bear the approval number assigned by the Bureau.

§ 18.22 Boring-type machines equipped for auxiliary face ventilations.

Each boring-type continuous-mining machine that is submitted for approval shall be constructed with an unobstructed continuous space(s) of not less than 200 square inches total cross-sectional area on or within the machine to which flexible tubing may be attached to facilitate auxiliary face ventilation.

§ 18.23 Limitation of external surface temperatures.

The temperature of the external surfaces of mechanical or electrical components shall not exceed 150° C. (302° F.) under normal operating conditions.

§ 18.24 Electrical clearances.

The clearance between live parts and casings shall be sufficient to minimize the possibility of arcs striking the casings. Where space is limited, the casing shall be lined with adequate insulation.

§ 18.25 Combusible gases from insulating material.

(a) Insulating materials that give off flammable or explosive gases when decomposed electrically shall not be used within enclosures where the materials are subjected to destructive electrical action.

(b) Parts coated or impregnated with insulating materials shall be heat-treated to remove any combustible solvent(s) before assembly in an explosion-proof enclosure. Air-drying insulating materials are excepted.

§ 18.26 Static electricity.

Nonmetallic rotating parts, such as belts and fans, shall be provided with a means to prevent an accumulation of static electricity.

§ 18.27 Gaskets.

A gasket(s) shall not be used between any two surfaces forming a flame-arresting path except as follows:

(a) A gasket of lead, elastomer, or equivalent will be acceptable provided the gasket does not interfere with an acceptable metal-to-metal joint.

(b) A lead gasket(s) or equivalent will be acceptable between glass and a hard metal to form all or a part of a flame-arresting path.

§ 18.28 Devices for pressure relief, ventilation, or drainage.

(a) Devices for installation on explosion-proof enclosures to relieve pressure, ventilate, or drain will be acceptable provided the length of the flame-arresting path and the clearances or size of holes in perforated metal will prevent discharge of flame in explosion tests.

(b) Devices for pressure relief, ventilation, or drainage shall be constructed of materials that resist corrosion and distortion, and be so designed that they can be cleaned readily. Provision shall be made for secure attachment of such devices.

(c) Devices for pressure relief, ventilation, or drainage will be acceptable for application only on enclosures with which they are explosion tested.

§ 18.29 Access openings and covers, including unused lead-entrance holes.

(a) access openings in explosion-proof enclosures will be permitted only where necessary for maintenance of internal parts such as motor brushes and fuses.

(b) Covers for access openings shall meet the same requirements as any other part of an enclosure except that threaded covers shall be secured against loosening, preferably with screws having heads requiring a special tool. (See figure 1 in Appendix II.)

(c) Holes in enclosures that are provided for lead entrances but which are not in use shall be closed with metal plugs secured by spot welding, brazing, or equivalent. (See Figure 10 in Appendix II.)

§ 18.30 Windows and lenses.

(a) The Bureau may waive testing of materials for windows or lenses except headlight lenses. When tested, material for windows or lenses shall meet the test requirements prescribed in § 18.66 and shall be sealed in place or provided with flange joints in accordance with § 18.31.

(b) Windows or lenses shall be protected from mechanical damage by structural design, location, or guarding. Windows or lenses, other than headlight lenses, having an exposed area greater than 8 square inches, shall be provided with guarding or equivalent.

§ 18.31 Enclosures—joints and fastenings.

(a) Explosion-proof enclosures:

(1) Cast or welded enclosures shall be designed to withstand a minimum internal pressure of 150 pounds per square inch (gage). Castings shall be free from blowholes.

(2) Welded joints forming an enclosure shall have continuous gas-tight welds. All welds shall be made in accordance with American Welding Society standards.

(3) External rotating parts shall not be constructed of aluminum alloys containing more than 0.5 percent magnesium.

(4) The Bureau reserves the right to require the applicant to conduct static-pressure tests on each enclosure when the Bureau determines that the particular design will not permit complete visual inspection or when the joint(s) forming an enclosure is welded on one side only (see § 18.67).

(5) Threaded covers shall be designed with Class 1 (coarse, loose fitting) threads. The flame-arresting path of threaded joints shall conform to the requirements of subparagraph (6) of this paragraph.

(6) Enclosures shall meet the following requirements based on the internal volumes of the empty enclosure:

(b) Enclosures for potted components:

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Enclosures shall be rugged and constructed with materials having 75 percent, or greater, of the thickness and flange width specified in paragraph (a) of this section. These enclosures shall be provided with means for attaching hose conduit, unless energy carried by the cable is intrinsically safe.

(c) No assembly will be approved that requires the opening of an explosion-proof enclosure to operate a switch, rheostat, or other device during normal operation of a machine.

	Volume of empty enclosure—		
	Less than 45 cu. in.	45 to 124 cu. in., inclusive	More than 124 cu. in.
Minimum thickness of material for walls	$\frac{1}{8}$ in.	316 in.	$\frac{1}{4}$ in.
Minimum thickness of material for flanges	$\frac{1}{4}$ in.[1]	$\frac{3}{8}$ in.[2]	$\frac{1}{2}$ in.[3]
Minimum thickness of material for cover	$\frac{1}{4}$ in.[1]	$\frac{3}{8}$ in.[3]	$\frac{1}{2}$ in.[2]
Minimum width of joint—all in one plane	$\frac{1}{2}$ in.	$\frac{3}{4}$ in.	1 in.
Maximum clearance—Joint all in one plane	0.002 in.	0.003 in.	0.004 in.
Minimum width of joint, portions of which are in different planes—cylinders or equivalent.	$\frac{3}{8}$ in.[3]	$\frac{5}{8}$ in.[3]	$\frac{3}{4}$ in.[3]
Maximum clearances—Joint in two or more planes, cylinders or equivalent:			
(a) Portion perpendicular to plane	0.008 in.[4]	0.008 in.[4]	0.008 in.[4]
(b) Plane portion	0.006 in.	0.006 in.	0.006 in.
Maximum bolt[5] spacing—Joints all in one plane	6 in., with minimum of 4 bolts.	6 in., with minimum of 4 bolts.	6 in.

	Volume of empty enclosure—		
	Less than 45 cu. in.	45 to 124 cu. in., inclusive	More than 124 cu. in.
Maximum bolt spacing—Joints, portions of which are in different planes.	(6)	(6)	(6).
Minimum diameter of bolt (without regard to type of joint).	$\frac{1}{4}$ in.	$\frac{1}{4}$ in.	$\frac{3}{8}$ in.
Minimum thread engagement[7]	$\frac{1}{4}$ in.	$\frac{1}{4}$ in.	$\frac{3}{8}$ in.
Maximum diametrical clearance between bolt body and unthreaded holes through which it passes.[8]	$\frac{1}{64}$ in.	$\frac{1}{32}$ in.	$\frac{1}{16}$ in.
Minimum distance from interior of enclosure to the edge of a bolt hole:			
Joint—minimum width 1 in.			$\frac{7}{16}$ in.[9]
Joint—less than 1 in. wide	$\frac{1}{8}$ in.	$\frac{3}{16}$ in.	

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[1] $\frac{1}{32}$ inch less is allowable for machining rolled plate.

[2] $\frac{1}{16}$ inch less is allowable for machining rolled plate.

[3] If only 2 planes are involved, neither portion of a joint shall be less than $\frac{1}{8}$-inch wide, unless the wider portion conforms to the same requirements as those for a joint that is all in 1 plane. If more than 2 planes are involved (as in labyrinths or tongue-end-groove joints) the combined lengths of those portions having prescribed clearances will be considered.

[4] The allowable diametrical clearance is 0.008 in. when the portion perpendicular to the plane portion is $\frac{1}{4}$ in. of or greater in length. If the perpendicular portion is more than $\frac{1}{8}$ in. but less than $\frac{1}{4}$ in. wide, the diametrical clearance shall not exceed 0.006 in.

[5] Where the term "bolt" is used, it refers to a machine bolt or a cap screw, and for either of these studs may be substituted provided the studs bottom in blind holes, are completely welded in place, or the bottom of the hole is closed with a secured plug. Bolts shall be provided at all corners.

[6] Adequacy of bolt spacing will be judged on basis of size and configuration of the enclosure, strength of materials, and explosion test results.

[7] In general, minimum thread engagement shall be equal to or greater than the diameter of the bolt specified.

[8] Threaded holes for fastening bolts shall be machined to remove burrs or projections that affect planarity of a surface forming a flame-arresting path.

[9] Less than $\frac{7}{16}$ in. ($\frac{1}{4}$-in. minimum) will be acceptable provided the diametrical clearance for fastening bolts does not exceed $\frac{1}{32}$ in.

CYLINDRICAL JOINTS

	Volume of empty enclosure—		
	Less than 45 cu. in.	45 to 124 cu. in., inclusive	More than 124 cu. in.
Shafts centered by ball or roller bearings:			
Minimum length of flame-arresting path	$\frac{1}{2}$ in.	$\frac{3}{4}$ in.	1 in.
Maximum radial clearance	0.010 in.	0.0125 in.	0.015. in.
Shafts through journal bearings:[1]			
Minimum length of flame-arresting path	$\frac{1}{2}$ in.	$\frac{3}{4}$ in.	1 in.
Maximum radial clearance	0.003 in.	0.004 in.	0.005 in.

	Volume of empty enclosure—		
	Less than 45 cu. in.	45 to 124 cu. in., inclusive	More than 124 cu. in.
Other than shafts:			
Minimum length of flame-arresting path	$\frac{1}{2}$ in.	$\frac{3}{4}$ in.	1 in.
Maximum radial clearance	0.0015 in.	0.002 in.	0.003 in.

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[1] Shafts or operating rods through journal bearings shall be not less than $\frac{1}{4}$ inch in diameter. The length of fit shall not be reduced when a pushbutton is depressed. Operating rods shall have a shoulder or head on the portion inside the enclosure. Essential parts riveted or bolted to the inside portion will be acceptable in lieu of a head or shoulder, but cotter pins and similar devices will not be acceptable.

§ 18.32 Fastening—additional requirements.

(a) Bolts, screws, or studs shall be used for fastening adjoining parts to prevent the escape of flame from an enclosure. Hinge pins or clamps will be acceptable for this purpose provided the Bureau determines them to be equally effective.

(b) Lockwashers shall be provided for all bolts, screws, and studs that secure parts of explosion-proof enclosures. Special fastenings designed to prevent loosening will be acceptable in lieu of lockwashers, provided the Bureau determines them to be equally effective.

(c) Fastenings shall be as uniform in size as practicable to preclude improper assembly.

(d) Holes for fastenings shall not penetrate to the interior of an explosion-proof enclosure, except as provided in paragraph (a)(9) of § 18.34, and shall be threaded to insure that a specified bolt or screw will not bottom even if its lockwasher is omitted.

(e) A minimum of $\frac{1}{8}$ inch of stock shall be left at the center of the bottom of each hole drilled for fastenings.

(f) Fastenings used for joints on explosion-proof enclosures shall not be used for attaching nonessential parts or for making electrical connections.

(g) The acceptable sizes for and spacings of fastenings shall be determined by the size of the enclosure, as indicated in § 18.31.

(h) The Bureau reserves the right to conduct explosion tests with standard bolts, nuts, cap screws, or studs substituted for any special high-tensile strength fastening(s) specified by the applicant.

§ 18.33 Finish of surface joints.

Flat surfaces between bolt holes that form any part of a flame-arresting path shall be plane to within a maximum deviation of one-half the maximum clearance specified in § 18.31(a)(6): All metal surfaces shall be finished in manufacture to not more than 250 microinches. A thin film of nonhardening preparation to inhibit rusting may be applied to finish steel surfaces.

§ 18.34 Motors.

(a) *General.* (1) Motors shall have explosion-proof enclosures.

(2) Motors submitted to the Bureau for test shall be equipped with unshielded bearings regardless of whether that type of bearing is specified.

(3) The Bureau reserves the right to test motors with the maximum clearance specified between the shaft and the mating part which forms the required flame-arresting path. Also reserved is the right to remachine these parts, at the applicant's expense, to specified dimensions to provide the maximum clearance.

NOTE: For example, a shaft with a diameter greater than 2 inches at the flame-arresting portion might require such machining.

(4) Ball and roller bearings and oil seals will not be acceptable as flame-arresting paths; therefore, a separate path shall be provided between the shaft and another part, preferably inby the bearing. The length and clearances of such flame-arresting path shall conform to the requirements of § 18.31.

(5) Labyrinths or other arrangements that provide change(s) in direction of escaping gases will be acceptable but the use of small detachable pieces shall not be permitted unless structurally unavoidable. The lengths of flame-arresting path(s) and clearance(a) shall conform to the requirements of § 18.31.

(6) The widths of oil grooves and grooves for holding oil seals will be deducted in measuring the widths of flame-arresting paths.

NOTE: Oil seals will be removed from motors prior to explosion tests and therefore may be omitted from motors submitted for investigation.

(7) Openings for filling and draining bearing lubricants shall be so located as to prevent escape of flame through them.

(8) An outer bearing cap will not be considered as forming any part of a flame-arresting path unless the cap is used as a bearing cartridge.

NOTE: The outer bearing cap will be omitted during explosion tests unless it houses the bearing.

(9) If unavoidable, holes may be made through motor casings for bolts, studs, or screws to hold essential parts such as pole pieces, brush rigging, and bearing cartridges. Such parts shall be attached to the casing by at least two fastenings. The threaded holes in these parts shall be blind, unless the fastenings are inserted from the inside, in which case the fastenings shall not be accessible with the armature of the motor in place.

(b) *Direct-current motors.* For direct, current motors with narrow interpoles, the distance from the edge of the pole piece to any bolt hole in the frame shall be not less than $\frac{1}{8}$ inch. If the distance is $\frac{1}{8}$ to $\frac{1}{4}$ inch, the diametrical clearance for the pole bolt shall not exceed $\frac{1}{64}$ inch for not less than $\frac{1}{2}$ inch through the frame. Furthermore, the pole piece shall have the same radius as the inner surface of the frame. Pole pieces may be shimmed as necessary.

(c) *Alternating-current motors.* Stator laminations that form a part of an explosion-

proof enclosure will be acceptable provided: (1) The laminations and their end rings are fastened together under pressure; (2) the joint between the end rings and the laminations is not less than $\frac{1}{4}$ inch, but preferably as close to 1 inch as possible; and (3) it shall be impossible to insert a 0.0015-inch thickness gage to a depth exceeding $\frac{1}{8}$ inch between adjacent laminations or between end rings and laminations.

(d) *Small motors (alternating- and direct-current).* Motors having internal free volume not exceeding 350 cubic inchea and joints not exceeding 32 inchea in outer circumference will be acceptable for investigation if provided with rabbet joints between the atator frame and the end bracket having the following dimensions:

DIMENSIONS OF RABBET JOINTS—INCHES

Minimum total width	Minimum width of clamped radial portion	Maximum clearance of radial portion	Maximum diametrical clearance at axial portion
$\frac{3}{8}$	$\frac{3}{64}$	0.0015	0.003
$\frac{1}{2}$	$\frac{3}{64}$	.002	.003
$\frac{1}{2}$	$\frac{3}{32}$	.002	.004

§ 18.35 Portable (trailing) cables and cords.

(a) Portable cables and cords used to conduct electrical energy to face equipment shall conform to the following:

(1) Have each conductor of a current-carrying capacity consistent with Insulated Power Cable Engineers Association (IPCEA) standards. (See Tables 1 and 2 in Appendix I).

(2) Have current-carrying conductors not smaller than No. 14 (AWG). Cords with sizes 14 to 10 (AWG) conductors shall be constructed with heavy jackets, the diameters of which are given in Table 6 in Appendix I.

(3) Have flame-resistant properties. (See § 18.64.)

(4) Have short-circuit protection at the outby (circuit-connecting) end of ungrounded conductors. (See Table 8 in Appendix I.) The fuse rating or trip setting shall be included in the assembler's specifications.

(5) Ordinarily the length of a portable (trailing) cable shall not exceed 500 feet. Where the method of mining requires the length of a portable (trailing) cable to be more than 500 feet, such length of cable shall be permitted only under the following prescribed conditions:

(i) The lengths of portable (trailing) cables shall not exceed those specified in Table 9, Appendix I, title "Specifications for Portable Cables Longer Than 500 Feet."

(ii) Short-circuit protection shall be provided by a protective device with an instantaneous trip setting as near as practicable to the maximum starting-current-inrush value, but the setting shall not exceed the trip value specified in the Bureau of Mines approval for the equipment for which the portable (trailing) cable furnishes electric power.

(6) Have nominal outside dimensions consistent with IPCEA standards. (See Tables 4, 5, 6, and 7 in Appendix I.)

(7) Have conductors of No. 4 (AWG) minimum for direct-current mobile haulage units or No. 6 (AWG) minimum for alternating-current mobile haulage units.

(8) Have not more than five well-made temporary splices in a single length of portable cable.

(b) Sectionalized portable cables will be acceptable provided the connectors used inby the last open crosscut in a gassy mine meet the requirements of § 18.41.

(c) A portable cable having conductors smaller than No. 6 (AWG), when used with a trolley tap and a rail clamp, shall have well insulated single conductors not amaller than No. 6 (AWG) spliced to the outby end of each conductor. All splices shall be made in a workmanlike manner to insure good electrical conductivity, insulation, and mechanical strength.

(d) Suitable provisions shall be made to facilitate disconnection of portable cable quickly and conveniently for replacement.

§ 18.36 Cables between machine componenta.

(a) Cables between machine components shall have: (1) Adequate current-carrying capacity for the loads involved, (2) ahort-circuit protection, (3) insulation compatible with the impressed voltage, and (4) flame-resistant properties unlesa totally enclosed within a flame-resistant hose conduit or other flame-resistant material.

(b) Cables between machine components shall be: (1) Clamped in place to prevent undue movement, (2) protected from mechanical damage by positon, flame-resistant hose conduit, metal tubing, or troughs (flexible or threaded rigid metal conduit will not be acceptable), (3) isolated from hydraulic lines, and (4) protected from abrasion by removing all sharp edges which they might contact.

(c) Cables (cords) for remote-control circuits extending from permissible equipment will be exempted from the requirements of conduit enclosure provided the total electrical energy carried is intrinsically safe or that the cables are constructed with heavy jackets, the sizes of whch are stated in Table 6 of Appendix I. Cables (cords) provided with hose-conduit protection shall have a tensile strength not less than No. 16 (AWG) three-conductor, type SO cord. (Reference: 7.7.7 IPCEA Pub. No. S–19–81, Fourth Edition.) Cables (cords) constructed with heavy jackets shall consist of conductors not smaller than No. 14 (AWG) regardless of the number of conductors.

§ 18.37 Lead entrances.

(a) Insulated cable(s), which must extend through an outside wall of an explosion-proof enclosure, shall pass through a stuffing-box lead entrance. All sharp edges that might damage insulation shall be removed from stuffing boxes and packing nuts.

(b) Stuffing boxes shall be so designed, and the amount of packing used shall be such, that with the packing properly compressed, the gland nut still has a clearance distance of $\frac{1}{8}$ inch or more to travel without meeting interference by parts other than packing. (See Figures 8, 9, and 10 in Appendix II.)

(c) Packing nuts and stuffing boxes shall be secured against loosening.

(d) Compressed packing material shall be in contact with the cable jacket for a length of not less than $\frac{1}{2}$ inch.

(e) Special requirements for glands in which asbestos-packing material is specified are:

(1) Asbestos-packing material shall be untreated, not less than $\frac{3}{16}$-inch diameter if round, or not less than $\frac{3}{16}$ by $\frac{3}{16}$ inch if square. The width of the space for packing material shall not exceed by more than 50 percent the diameter or width of the uncompressed packing material.

(2) The allowable diametrical clearance between the cable and the holes in the stuffing box and packing nut shall not exceed 75 percent of the nominal diameter or width of the packing material.

(f) Special requirements for glands in which a compressible material (example—synthetic elastomers) other than asbestos is specified, are:

(1) The packing material shall be flame resistant.

(2) The radial clearance between the cable jacket and the nominal inside diameter of the packing material shall not exceed $\frac{1}{32}$ inch, based on the nominal specified diameter of the cable.

(3) The radial clearance between the nominal outside diameter of the packing material and the inside wall of the stuffing box (that portion into which the packing material fits) shall not exceed $\frac{1}{32}$ inch.

§ 18.38 Leads through common walls.

(a) Insulated studs will be acceptable for use in a common wall between two explosion-proof enclosures.

(b) When insulated wirea or cables are extended through a common wall between two explosion-proof enclosurea in insulating bushings, such bushings ahall be not less than 1-inch long and the diametrical clearance between the wire or cable insulation and the holes in the bushings shall not exceed $\frac{1}{16}$ inch (based on the nominal specified diameter of the cable). The insulating bushings shall be secured in the metal wall.

(c) Insulated wires or cables conducted from one explosion-proof enclosure to another through conduit, tubing, piping, or other solid-wall passageways will be acceptable provided one end of the passageway is plugged, thus isolating one enclosure from the other. Glands or secured bushings with close-fitting holes through which the wires or cables are conducted will be acceptable for plugging. The tubing or duct specified for the passageway shall be brazed or welded into the walls of both explosion-proof enclosures with continuous gas-tight welds.

(d) If wires and cables are taken through openings closed with sealing compounds, the design of the opening and characteristics of the compounds shall be such as to hold the sealing material in place without tendency of the material to crack or flow out of its place. The material also must withstand explosion tests without cracking or loosening.

(e) Openings through common walls between explosion-proof enclosures not provided with bushings or sealing compound, shall be large enough to prevent pressure piling.

§ 18.39 Hose conduit.

Hose conduit shall be provided for mechanical protection of all machine cables that are exposed to damage. Hose conduit shall be flame resistant and have a minimum wall thickness of $\frac{3}{16}$ inch. The flame resistance of hose conduit will be determined in accordance with the requirements of § 18.65.

§ 18.40 Cable clampa and grips.

Insulated clamps shall be provided for all portable (trailing) cables to prevent strain on the cable terminals of a machine. Also insulated clamps shall be provided to prevent strain on both ends of each cable or cord leading from a machine to a detached or separately mounted component. Cable grips anchored to the cable may be used in lieu of insulated strain clamps. Supporting clamps for cables used for wiring around machines shall be provided in a manner acceptable to the Bureau.

§ 18.41 Plug and receptable-type connectors.

(a) Plug and receptacle-type connectors for use inby the last open crosscut in a gassy mine shall be so designed that insertion or withdrawal of a plug cannot cause incendive arcing or sparking. Also, connectors shall be so designed that no live terminals, except as hereinafter provided, are exposed upon withdrawal of a plug. The following types will be acceptable:

(1) Connectors in which the mating or separation of the male and female electrodes is accomplished within an explosion-proof enclosure.

(2) Connectors that are mechanically or electrically interlocked with an automatic circuit-interrupting device.

(i) *Mechanically interlocked connectors.* If a mechanical interlock is provided the design shall be such that the plug cannot be withdrawn before the circuit has been interrupted and the circuit cannot be established with the plug partially withdrawn.

(ii) *Electrically interlocked connectors.* If an electrical interlock is provided, the total load shall be removed before the plug can be withdrawn and the electrical energy in the interlocking pilot circuit shall be intrinsically safe, unless the pilot circuit is opened within an explosion-proof enclosure.

(3) Single-pole connectors for individual conductors of a circuit used at terminal points shall be so designed that all plugs must be completely inserted before the control circuit of the machine can be energized.

(b) Plug and receptacle-type connectors used for sectionalizing the cables outby the last open crosscut in a gassy mine need not be explosion-proof or electrically interlocked provided such connectors are designed and constructed to prevent accidental separation.

(c) Conductors shall be securely attached to the electrodes in a plug or receptacle and the connectors shall be totally enclosed.

(d) Molded-elastomer connectors will be acceptable provided:

(1) Any free space within the plug or receptacle is isolated from the exterior of the plug.

(2) Joints between the elastomer and metal parts are not less than 1 inch wide and the elastomer is either bonded to or fits tightly with metal parts.

(e) The contacts of all line-side connectors shall be shielded or recessed adequately.

(f) For a mobile battery-powered machine, a plug padlocked to the receptable will be acceptable in lieu of an interlock provided the plug is held in place by a threaded ring or equivalent mechanical fastening in addition to the padlock. A connector within a padlocked enclosure will be acceptable.

§ 18.42 Explosion proof distribution boxes.

(a) A cable passing through an outside wall(s) of a distribution box shall be conducted either through a packing gland or an interlocking plug and receptacle.

(b) Short-circuit protection shall be provided for each branch circuit connected to a distribution box. The current-carrying capacity of the specified connector shall be compatible with the automatic circuit-interrupting device.

(c) Each branch receptacle shall be plainly and permanently marked to indicate its current-carrying capacity and each receptacle shall be such that it will accommodate only an appropriate plug.

(d) Provision shall be made to relieve mechanical strain on all connectors to distribution boxes.

§ 18.43 Explosion-proof splice boxes.

Internal connections shall be rigidly held and adequately insulated. Strain clamps shall be provided for all cables entering a splice box.

§ 18.44 Battery boxes and batteries (exceeding 12 volts).

(a) A battery box (tray), including the cover, shall be made of steel the thickness of which is to be based on the total weight of the battery and tray, as follows:

Weight:	*Thickness in inches*
2,000 lb. maximum	3/16
2,001–4,500 pound	1/4
Over 4,500 pound	5/16

Materials other than steel that provide equivalent strength will be considered.

(b) Battery-box covers shall be lined with a flame-resistant insulating material, preferably bonded to the inside of the cover, unless equivalent protection is provided.

(c) Battery-box covers shall be provided with a means for securing them in closed position.

(d) Battery boxes shall be adequately ventilated. The size and locations of openings for ventilation shall prevent access to cell terminals.

(e) Battery cells shall be insulated from the battery-box walls and supported on insulating material. Insulating materials that may be subject to chemical reaction with electrolyte shall be treated to resist such action.

(f) Drainage holes shall be provided in the bottom of each battery box.

(g) Cell terminals shall be "burned" on. Bolted connectors (two-bolt type) may be accepted on end terminals.

(h) Battery connections shall be so designed that battery potential will be minimized between adjacent cells, and total battery potential shall not be available between adjacent cells.

(i) Cables within a battery box shall be protected against abrasion of the insulation.

(j) Each wire or cable leaving a battery box on storage-battery-operated equipment shall have short-circuit protection in an explosion-proof enclosure as close as practicable to the battery terminals. A protective device installed within a nearby explosion-proof enclosure will be acceptable provided the exposed portion of the cable from the battery box to the enclosure does not exceed approximately 36 inches in length; in addition, special care shall be taken to protect each wire or cable from damage.

(k) A diagram showing the battery connections between cells and between trays shall be submitted. The number, type, rating, and manufacturer of the battery cells shall be included in specifications.

§ 18.45 Cable reels.

(a) A self-propelled machine, that receives electrical energy through a portable cable and is designed to travel at speeds exceeding 2.5 miles per hour, shall have a mechanically, hydraulically, or electrically driven reel upon which to wind the portable cable.

(b) The enclosure for moving contacts or slip rings of a cable reel shall be explosion-proof.

(c) Cable-reel bearings shall not constitute an integral part of a circuit for transmitting electrical energy.

(d) Cable reels for shuttle cars and locomotives shall maintain positive tension on the portable cable during reeling and unreeling. Such tension shall only be high enough to prevent a machine from running over its own cable(s).

(e) Cable reels and spooling devices shall be insulated with flame-resistant material.

(f) The maximum speed of travel of a machine when receiving power through a portable (trailing) cable shall not exceed 6 miles per hour.

(g) Diameters of cable reel drums and sheaves should be large enough to prevent undue bending strain on cables.

§ 18.46 Headlights.

(a) Headlights shall be constructed as explosion-proof enclosures.

(b) Headlights shall be mounted to provide illumination where it will be most effective. They shall be protected from damage by guarding or location.

(c) Lenses for headlights shall be glass or other suitable material with physical characteristics equivalent to ½-inch thick tempered glass, such as "Pyrex." Lenses shall meet the requirements of the tests prescribed in § 18.66.

(d) Lenses permanently fixed in a ring with lead epoxy, or equivalent will be acceptable provided only lens assemblies meeting the original manufacturer's specifications are used as replacements.

(e) If a single lead gasket is used, the contact surface of the opposite side of the lens shall be plane within a maximum deviation of 0.002 inch.

§ 18.47 Voltage limitation.

(a) A tool or switch held in the operator's hand or supported against his body will not be approved with a nameplate rating exceeding 300 volts direct current or alternating current.

(b) A battery-powered machine shall not have a nameplate rating exceeding 240 volts, nominal (120 lead-acid cells or equivalent).

(c) Other direct-current machines shall not have a nameplate rating exceeding 550 volts.

(d) An alternating-current machine shall not have a nameplate rating exceeding 660 volts, except that a machine may have a nameplate rating greater than 660 volts but not exceeding 4,160 volts when the following conditions are complied with:

(1) Adequate clearances and insulation for the particular voltage(s) are provided in the design and construction of the equipment, its wiring, and accessories.

(2) A continuously monitored, fail-safe grounding system is provided that will maintain the frame of the equipment and the frames of all accessory equipment at ground potential. Also, the equipment, including its controls and portable (trailing) cable will be deenergized automatically upon the occurrence of an incipient ground fault. The ground-fault-tripping current shall be limited by grounding resistors(s) to that necessary for dependable relaying. The maximum ground-fault-tripping current shall not exceed 25 amperes.

(3) All high voltage switch gear and control for equipment having a nameplate rating exceeding 1,000 volts are located remotely and operated by remote control at the main equipment. Potential for remote control shall not exceed 120 volts.

(4) Portable (trailing) cable for equipment with nameplate ratings from 661 volts through 1,000 volts shall include grounding conductors, a ground check conductor, and grounded metallic shields around each power conductor or a grounded metallic shield over the assembly; except that on machines employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

(5) Portable (trailing) cable for equipment with nameplate ratings from 1,001 volts through 4,160 volts shall include grounding conductors, a ground check conductor, and grounded metallic shields around each power conductor.

(6) The Bureau reserves the right to require additional safeguards for high-voltage equipment, or modify the requirements to recognize improved technology.

§ 18.48 Circuit-interrupting devices.

(a) Each machine shall be equipped with a circuit-interrupting device by means of which all power conductors can be deenergized at the machine. A manually operated controller will not be acceptable as a service switch.

(b) When impracticable to mount the main-circuit-interrupting device on a machine, a remote enclosure will be acceptable. When contacts are used as a main-circuit-interrupting device, a means for opening the circuit shall be provided at the machine and at the remote contactors.

(c) Separate two-pole switches shall be provided to deenergize power conductors for headlights or floodlights.

(d) Each handheld tool shall be provided with a two-pole switch of the "dead-man-control" type that must be held closed by hand and will open when hand pressure is released.

(e) A machine designed to operate from both trolley wire and portable cable shall be provided with a transfer switch, or equivalent, which prevents energizing one from the other. Such a switch shall be designed to prevent electrical connection to the machine frame when the cable is energized.

(f) Belt conveyors shall be equipped with control switches to automatically stop the driving motor in the event the belt is stopped, or abnormally slowed down.

NOTE: Short transfer-type conveyors will be exempted from this requirement when attended.

§ 18.49 Connection boxes on machines.

Connection boxes used to facilitate replacement of cables or machine components shall be explosion-proof. Portable-cable terminals on cable reels need not be in explosion-proof enclosures provided that connections are well made, adequately insulated, protected from damage by location, and securely clamped to prevent mechanical strain on the connections.

§ 18.50 Protection against external arcs and sparks.

Provision shall be made for maintaining the frames of all off-track machines and the enclosures of related detached components at safe voltages by using one or a combination of the following:

(a) A separate conductor(s) in the portable cable in addition to the power conductors by which the machine frame can be connected to an acceptable grounding medium, and a separate conductor in all cables connecting related components not on a common chassis. The cross-sectional area of the additional conductor(s) shall not be less than 50 percent of that of one power conductor unless a ground-fault tripping relay is used, in which case the minimum size may be No. 8 (AWG). Cables smaller than No. 6 (AWG) shall have an additional conductor(s) of the same size as one power conductor.

(b) A means of actuating a circuit-interrupting device, preferably at the outby end of the portable cable.

NOTE: The frame to ground potential shall not exceed 40 volts.

(c) A device(s) such as a diode(s) of adequate peak inverse voltage rating and current-carrying capacity to conduct possible fault current through the grounded power conductor. Diode installations shall include: (1) An overcurrent device in series with the diode, the contacts of which are in the machine's control circuit; and (2) a blocking diode in the control circuit to prevent operation of the machine with the polarity reversed.

§ 18.51 Electrical protection of circuits and equipment.

(a) An automatic circuit-interrupting device(s) shall be used to protect each ungrounded conductor of a branch circuit at the junction with the main circuit when the branch-circuit conductor(s) has a current carrying capacity less than 50 percent of the main circuit conductor(s), unless the protective device(s) in the main circuit will also provide adequate protection for the branch circuit. The setting of each device shall be specified. For headlight and control circuits, each conductor shall be protected by a fuse or equivalent. Any circuit that is entirely contained in an explosion-proof enclosure shall be exempt from these requirements.

(b) Each motor shall be protected by an automatic overcurrent device. One protective device will be acceptable when two motors of the same rating operate simultaneously and perform virtually the same duty.

(1) If the overcurrent-protective device in a direct-current circuit does not open both lines, particular attention shall be given to marking the polarity at the terminals or otherwise preventing the possibility of reversing connections which would result in changing the circuit interrupter to the grounded line.

(2) Three-phase alternating-current motors shall have an overcurrent-protective device in at least two phases such that actuation of a device in one phase will cause the opening of all three phases.

(c) Circuit-interrupting devices shall be so designed that they can be reset without opening the compartment in which they are enclosed.

(d) All magnetic circuit-interrupting devices shall be mounted in a manner to preclude the possibility of their closing by gravity.

§ 18.52 Renewal of fuses.

Enclosure covers that provide access to fuses, other than headlight, control-circuit, and handheld-tool fuses, shall be interlocked with a circuit-interrupting device. Fuses shall be inserted on the load side of the circuit interrupter.

SUBPART C—INSPECTIONS AND TESTS

§ 18.60 Detailed inspection of components.

An inspection of each electrical component shall include the following:

(a) A detailed check of parts against the drawings submitted by the applicant to determine that: (1) The parts and drawings coincide; and (2) the minimum requirements stated in this part have been met with respect to materials, dimensions, configuration, workmanship, and adequacy of drawings and specifications.

(b) Exact measurement of joints, journal bearings, and other flame-arresting paths.

(c) Examination for unnecessary through holes.

(d) Examination for adequacy of lead-entrance design and construction.

(e) Examination for adequacy of electrical insulation and clearances between live parts and between lives parts and the enclosure.

(f) Examination for weaknesses in welds and flaws in castings.

(g) Examination for distortion of enclosures before tests.

(h) Examination for adequacy of fastenings, including size, spacing, security, and possibility of bottoming.

§ 18.61 Final inspection of complete machine.

(a) A completely assembled new machine or a substantially modified design of a previously approved one shall be inspected by a qualified representative(s) of the Bureau. When such inspection discloses any unsafe condition or any feature not in strict conformance with the requirements of this part it shall be corrected before an approval of the machine will be issued. A final inspection will be conducted at the site of manufacture, rebuilding, or other locations at the option of the Bureau.

(b) Complete machines shall be inspected for:

(1) Compliance with the requirements of this part with respect to joints, lead entrances, and other pertinent features.

(2) Wiring between components, adequacy of mechanical protection for cables, adequacy of clamping of cables, positioning of cables, particularly with respect to proximity to hydraulic components.

(3) Adequacy of protection against damage to headlights, push buttons, and any other vulnerable component.

(4) Settings of overload- and short-circuit protective devices.

(5) Adequacy of means for connecting and protecting portable cable.

§ 18.62 Tests to determine explosion-proof characteristics.

(a) In testing for explosion-proof characteristics of an enclosure, it shall be filled and surrounded with various explosive mixtures of natural gas and air. The explosive mixture within the enclosure will be ignited electrically and the explosion pressure developed therefrom recorded. The point of ignition within the enclosure will be varied. Motor armatures and/or rotors will be stationary in some tests and revolving in others. Coal dust, produced by grinding coal from the Pittsburgh coal bed to a fineness of minus 200 mesh, will be added to the explosive gas-air mixtures in some tests. At the Bureau's discretion dummies may be substituted for internal electrical components during some of the tests. Not less than 16 explosion tests shall be conducted; however, the nature of the enclosure and the results obtained during the tests will determine whether additional tests shall be made.

(b) Explosion tests of an enclosure shall not result in:

(1) Discharge of flame.

(2) Ignition of an explosive mixture surrounding the enclosure.

(3) Development of afterburning.

(4) Rupture of any part of the enclosure or any panel or divider within the enclosure.

(5) Permanent distortion of the enclosure exceeding 0.040 inch per linear foot.

(c) When a pressure exceeding 125 pounds per square inch (gage) is developed during explosion tests, the Bureau reserves the right to reject an enclosure(s) unless (1) constructional changes are made that result in a reduction of pressure to 125 pounds per square inch (gage) or less, or (2) the enclosure withstands a dynamic pressure of twice the highest value recorded in the initial test.

§ 18.63 Tests of battery boxes.

Battery boxes will be tested at the Bureau's discretion to determine the adequacy of ventilation, electrical clearances, insulation, and suitability for the intended service. Such tests will be conducted at the site of manufacture or assembly, or on the Bureau's premises.

§ 18.64 Tests for flame resistance of cables.

(a) *Size of test specimen.* Three specimens each 3 feet long with 5 inches of cable jacket and 2½ inches of conductor insulation removed from each conductor at both ends of each specimen.

(b) *Flame-test apparatus.* The principal parts of the apparatus within and/or appended to the 17-inch deep x 14½-inch high x 39-inch wide rectangular test gallery are:

(1) A source of electric current (either a.c. or d.c.) for loading the cable specimen with means for close regulation.

(2) A suitable ammeter to measure the electric current imposed on the cable specimen conductors.

(3) A suitable temperature measuring device to determine the conductor temperature.

(4) A rack for supporting the cable specimen. It shall have three (3) metal rods installed on the same level with spaces of 16 and 8 inches between rods from left to right. The rods shall be wrapped with asbestos tape to reduce the cooling effect. The height of the rack shall be sufficient to permit the tip of the inner cone of a Tirrell burned flame to touch the jacket of the cable specimen when the flame has been adjusted to proper height.

(5) An electric timer or stopwatch to measure the duration of the tests.

(6) A standard ⅜-inch Tirrell burner for igniting the cable specimen.

(7) A ventilated hood or canopy that, is substantially free from external air currents on the specimen.

(c) *Mounting of test specimens.* The test specimen shall be placed on the rack and connected to the electric source. It shall be centered on the two outside supporting rods with approximately one inch of jacket extending beyond each rod. The thermocouple of the temperature measuring device shall be held in intimate contact with the conductor under a flap of jacket and insulation 26

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inches from the left end of the specimen. The flap shall be held tightly, after insertion of the thermocouple, by tying with wire.

(d) *Procedure for flame tests of cables.* (1) The specimen will be heated electrically until the conductor reaches a temperature of 400° F., using a current that is five times the conductor rating given in Tables 1, 2, and 3 in Appendix I.

(2) When the conductor has reached a temperature of 400° F., the flame of a Tirrell gas burner, adjusted to give an overall free flame height of 5 inches and a 3-inch inner cone with natural gas, will be applied directly beneath the specimen at a point 14 inches from its left end.

(3) After subjecting the specimen to external flame for 1 minute, the heating current and gas flame will be cut off simultaneously.

(e) *Test requirements.* The specimen will be considered as having failed the test if the length of the burned area exceeds 6 inches or if burning continues longer than 4 minutes after the gas flame has been cut off. Three specimens of cable will be subjected to the flame-resistance test. If two of the three specimens meet the test requirements the cable will be accepted for listing by the Bureau as "flame resistant".

(f) *Acceptance marking.* Accepted cables shall be suitably marked with an identifying number assigned by the Bureau. Portable and remote-control cables shall have the marking impressed in the jacket or as raised letters and figures on an impressed background at intervals not exceeding 12 feet. Other accepted cables shall be marked at intervals not exceeding 3 feet in the same manner or have durable marking printed on the surface of the jacket.

§ 18.65 Flame test of conveyor belting and hose.

(a) *Size of test specimen.* (1) Conveyor belting—four specimens each 6 inches long by ½-inch wide by belt thickness, two cut parallel to the warp and two parallel to the weft.

(2) Hose—four specimens each 6 inches long by ½-inch wide by thickness of the hose.

(b) *Flame-test apparatus.* The principal parts of the apparatus within and/or appended to a 21-inch cubical test gallery are:

(1) A support stand with a ring clamp and wire gauze.

(2) A Pittsburgh-Universal Bunsen-type burner (inside diameter of burner tube 11 mm.), or equivalent, mounted in a burner placement guide in such a manner that the burner may be placed beneath the test specimen, or pulled away from it by an external knob on the front panel of the test gallery.

(3) A variable-speed electric fan and an ASME flow nozzle (16–8½ inches reduction) to attain constant air velocities at any speed between 50–500 feet a minute.

(4) An electric timer or stopwatch to measure the duration of the tests.

(5) A mirror mounted inside the test gallery to permit a rear view of the test specimen through the viewing door.

(c) *Mounting of test specimen.* The specimen shall be clamped in a support with its free end centered 1 inch above the burner top. The longitudinal axis shall be horizontal and the transverse axis inclined at 45° to the horizontal. Under the test specimen shall be clamped a piece of 20-mesh iron-wire gauze, 5 inches square, in a horizontal position ¼ inch below the pulley cover edge of the specimen and with about ½ inch of the specimen extending beyond the edge of the gauze.

(d) *Procedure for flame tests.* (1) The Bunsen burner, retracted from the test position, shall be adjusted to give a blue flame 3 inches in height with natural gas.

(2) The observation door of the gallery shall be closed for the entire test.

(3) The burner flame shall be applied to the free end of the specimen for 1 minute in still air.

(4) At the end of 1 minute the burner flame shall be removed, the ventilating fan turned on to give an air current having a velocity of 300 feet per minute, and the duration of flame measured.

(5) After the test specimen ceases to flame, it shall remain in the air current for at least 3 minutes to determine the presence and duration of afterglow. If a glowing specimen exhibits flame within 3 minutes the duration of flame shall be added to the duration of flame obtained according to subparagraph (4) of this paragraph.

(e) *Test requirements.* The tests of the four specimens cut from any sample shall not result in either duration of flame exceeding an average of 1 minute after removal of the applied flame or afterglow exceeding an average of 3 minutes duration.

(f) *Acceptance markings.* (1) Conveyor belting—conveyor belts accepted by the Bureau of Mines as flame-resistant (fire-resistant) shall be marked as follows: Metal stencils furnished by the manufacturer shall be used during the vulcanizing process to produce letters depressed into the conveyor belt with the words "Fire-Resistant, U.S.B.M. No. -------." This number will be assigned to the manufacturer after the sample has passed the tests. The letters and numbers shall be at least ½ inch high. The acceptance markings shall be placed approximately 1 inch from the edge of the carrying (top) cover of the conveyor belt and spaced at intervals not exceeding 30 feet for the entire length of the conveyor belt. The markings shall be so placed that they are alternately at opposite edges of the belt. Where cover thickness does not permit markings in accordance with the foregoing, other permanent markings may be accepted.

(2) Hose—hose conduit accepted by the Bureau of Mines as flame-resistant shall be marked as follows: Impressed letters, raised letters on depressed background, or printed letters with the words "Flame-Resistant, U.S.B.M. No. -------" at intervals not exceeding 3 feet. This number will be assigned to the manufacturer after the sample has passed the tests. The letters and numbers shall be at least ¼-inch high.

§ 18.6 Tests of windows and lenses.

(a) *Impact tests.* A 4-pound cylindrical weight with a 1-inch-diameter hemispherical striking surface shall be dropped (free fall) to strike the window or lens in its mounting, or the equivalent thereof, at or near the center. Three of four samples shall withstand without breakage the impact according to the following table:

Lens diameter, (D), inches:	*Height of fall inches*
$D<4$	6
$4\leq D<5$	9
$5\leq D<6$	15
$6\leq D$	24

Windows or lenses of smaller diameter than 1 inch may be tested by alternate methods at the discretion of the Bureau.

(b) *Thermal-shock tests.* Four samples of the window or lens will be heated in an oven for 15 minutes to a temperature of 150° C. (302° F.) and immediately upon withdrawal of the samples from the oven they will be immersed in water having a temperature between 15° C. (59° F) and 20° C. (68° F.). Three of the four samples shall show no defect or breakage from this thermal-shock test.

§ 18.67 Static-pressure tests.

Static-pressure tests shall be conducted by the applicant on each enclosure of a specific design when the Bureau determines that visual inspection will not reveal defects in castings or in single-seam welds. Such test procedure shall be submitted to the Bureau for approval and the specifications on file with the Bureau shall include a statement assuring that such tests will be conducted. The static pressure to be applied shall be 150 pounds per square inch (gage) or one and one-half times the maximum pressure recorded in the Bureau's explosion tests, whichever is greater.

§ 18.68 Tests for intrinsic safety.

(a) General:

(1) Tests for intrinsic safety will be conducted under the general concepts of "intrinsically safe" as defined in Subpart A of this part. Further tests or requirements may be added at any time if features of construction or use or both indicate them to be necessary. Some tests included in these requirements may be omitted on the basis of previous experience.

(2) Intrinsically safe circuits and/or components will be subjected to tests consisting of making and breaking the intrinsically safe circuit under conditions judged to simulate the most hazardous probable faults or malfunctions. Tests will be made in the most easily ignitable mixture of methane or natural gas and air. The method of making and breaking the circuit may be varied to meet a particular condition.

(3) Those components which affect intrinsic safety must meet the following requirements:

(i) Current limiting components shall consist of two equivalent devices each of which singly will provide intrinsic safety. They shall not be operated at more than 50 percent of their ratings.

(ii) Components of reliable construction shall be used and they shall be so mounted as to provide protection against shock and vibration in normal use.

(iii) Semiconductors shall be amply sized. Rectifiers and transistors shall be operated at not more than two-thirds of their rated current and permissible peak inverse voltage. Zener diodes shall be operated at not more than one-half of their rated current and shall short under abnormal conditions.

(iv) Electrolytic capacitors shall be operated at not more than two-thirds of their rated voltage. They shall be designed to withstand a test voltage of 1,500 volts.

(4) Intrinsically safe circuits shall be so designed that after failure of a single component, and subsequent failures resulting from this first failure, the circuit will remain intrinsically safe.

(5) The circuit will be considered as intrinsically safe if in the course of testing no ignitions occur.

(b) Complete intrinsically safe equipment powered by low energy batteries:

(1) Short-circuit tests shall be conducted on batteries at normal operating temperature. Tests may be made on batteries at elevated temperature if such tests are deemed necessary.

(2) Resistance devices for limiting short-circuit current shall be an integral part of the battery, or installed as close to the battery terminal as practicable.

(3) Transistors of battery-operated equipment may be subjected to thermal "run-away" tests to determine that they will not ignite an explosive atmosphere.

(4) A minimum of 1,000 make-break sparks will be produced in each test for direct current circuits with consideration given to reversed polarity.

(5) Tests on batteries shall include series and/or parallel combinations of twice the normal battery complement, and the effect of capacitance and inductance, added to that normally present in the circuit.

(6) No ignition shall occur when approximately ½ inch of a single wire strand representative of the wire used in the equipment or device is shorted across the intrinsically safe circuit.

(7) Consideration shall be given to insure against accidental reversal of polarity.

(c) Line-powered equipment and devices:

(1) Line-powered equipment shall meet all applicable provisions specified for battery-powered equipment.

(2) Nonintrinsically safe components supplying power for intrinsically safe circuits shall be housed in explosion-proof enclosures and be provided with energy limiting components in the enclosure.

(3) Wiring for nonintrinsically safe circuits shall not be intermingled with wiring for intrinsically safe circuits.

(4) Transformers that supply power for intrinsically safe circuits shall have the primary and secondary windings physically separated. They shall be designed to withstand a test voltage of 1,500 volts when rated 125 volts or less and 2,500 volts when rated more than 125 volts.

(5) The line voltage shall be increased to 120 percent of nominal rated voltage to cover power line voltage variations.

(6) In investigations of alternating current circuits a minimum of 5,000 make-break sparks will be produced in each test.

(d) The design of intrinsically safe circuits shall preclude extraneous voltages caused by insufficient isolation or inductive coupling. The investigation shall determine the effect of ground faults where applicable.

(e) Identification markings: Circuits and components of intrinsically safe equipment and devices shall be adequately identified by marking or labeling. Battery-powered equipment shall be marked to indicate the manufacturer, type designation, ratings, and size of batteries used.

§ 18.69 Adequacy tests.

The Bureau reserves the right to conduct appropriate test(s) to verify the adequacy of equipment for its intended service.

SUBPART D—MACHINES ASSEMBLED WITH CERTIFIED OR EXLOSION-PROOF COMPONENTS, FIELD MODIFICATIONS OF APPROVED MACHINES, AND PERMITS TO USE EXPERIMENTAL EQUIPMENT

§ 18.80 Approval of machines assembled with certified or explosion-proof components.

(a) A machine may be a new assembly, or a machine rebuilt to perform a service that is different from the original function, or a machine converted from nonpermissible to permissible status, or a machine converted from direct- to alternating-current power or vice versa. Properly identified components that have been investigated and accepted for application on approved machines will be accepted in lieu of certified components.

(b) A single layout drawing (see Figure 1 in Appendix II) or photographs will be acceptable to identify a machine that was assembled with certified or explosion-proof components. The following information shall be furnished:

(1) Overall dimensions.

(2) Wiring diagram.

(3) List of all components (see Figure 2 in Appendix II) identifying each according to its certification number or the approval number of the machine of which the component was a part.

(4) Specifications for:

(i) Overcurrent protection of motors.

(ii) All wiring between components, including mechanical protection such as hose conduits and clamps.

(iii) Portable cable, including the type, length, outside diameter, and number and size of conductors.

(iv) Insulated strain clamp for machine end of portable cable.

(v) Short-circuit protection to be provided at outby end of portable cable.

(c) The Bureau reserves the right to inspect and to retest any component(s) that had been in previous service, as it deems appropriate.

(d) Fees for testing under this subpart shall be consistent with those stated in § 18.7.

(e) When the Bureau has determined that all applicable requirements of this part have been met, the applicant will be authorized to attach an approval plate to each machine that is built in strict accordance with the drawings and specifications filed with the Bureau and listed with the Bureau's formal approval. A design of the approval plate will accompany the notification of approval. (Refer to §§ 18.10 and 18.11.)

(f) Approvals are issued only by Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

§ 18.81 Field modification of approved (permissible) equipment; application for approval of modification; approval of plans for modification before modification.

(a) An owner of approved (permissible) equipment who desires to make modifications in such equipment shall apply in writing to make such modifications. The application, together with the plans of modifications, shall be filed with Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

(b) Proposed modifications shall conform with the applicable requirements of Subpart B of this part, and shall not substantially alter the basic functional design that was originally approved for the equipment.

(c) Upon receipt of the application for modification, and after such examination and investigation as may be deemed necessary by the Bureau, the Bureau will notify the owner and the District office of the mine workers' organization having jurisdiction at the mine where such equipment is to be operated stating the modifications which are proposed to be made and the Bureau's action thereon.

§ 18.82 Permit to use experimental electric face equipment in a gassy mine or tunnel.

(a) *Application for permit.* An application for a permit to use experimental electric face equipment in a gassy mine or tunnel will be considered only when submitted by the user of the equipment. The user shall submit a written application to the Director, Bureau of Mines, U.S. Department of the Interior, Washington, D.C. 20240, and send a copy to Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

(b) *Fees.* The applicable fees for work to be done according to this subpart shall coincide with the fees stated in § 18.7.

(c) *Requirements*—(1) *Constructional.* (i) Experimental equipment shall be so constructed that it will not constitute a fire or explosion hazard.

(ii) Enclosures designed as explosion-proof, unless already certified, or components of previously approved (permissible) machines, shall be submitted to the Bureau for inspection and test and shall meet the applicable design requirements of Subpart B of this part. Components designed as intrinsically safe also shall be submitted to the Bureau for investigation.

(iii) The Bureau may, at its discretion, waive the requirements for detailed drawings of component parts, inspections, and tests provided satisfactory evidence is submitted that an enclosure has been certified, or otherwise accepted by a reputable testing agency whose standards are substantially equivalent to those set forth in Subpart B of this part.

(2) *Specifications.* The specifications for experimental equipment shall include a layout drawing (see Figure 1 in Appendix II) or photograph(s) with the components, including overcurrent-protective device(s) with setting(s) identified thereon or separately; a wiring diagram; and descriptive material necessary to insure safe operation of the equipment. Drawings already filed with the Bureau need not be duplicated by the applicant, but shall be properly identified.

(d) *Final inspection.* Unless equipment is delivered to the Bureau for investigation, the applicant shall notify Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, when and where the experimental equipment will be ready for inspection by a representative of the Bureau before installing it on a trial basis. Such inspection shall be completed before a permit will be issued.

(e) *Issuance of permit.* When the inspection discloses full compliance with the applicable requirements of this subpart, the Director of the Bureau will issue a permit sanctioning the operation of a single unit in a gassy mine or tunnel, as designated in the application. If the applicant is not the assembler of the equipment, a copy of the permit also may be sent to the assembler.

(f) *Duration of permit.* A permit will be effective for a period of 6 months. For a valid reason, to be stated in a written application, the Director of the Bureau of Mines may grant an extension of a permit for an additional period, not exceeding 6 months. Further extension will be granted only where, after investigation, the Director finds that for reasons beyond the control of the user, it has not been possible to complete the experiment within the period covered by the extended permit.

(g) *Permit label.* With the notification granting a permit, the applicant will receive a photographic copy of a permit label bearing the following:

(1) Seal of the Bureau of Mines.
(2) Permit number.
(3) Expiration date of the permit.
(4) Name of machine.
(5) Name of the user and mine or tunnel.

The applicant shall attach the photographic copy of the permit label, or replica thereof, to the experimental equipment. If a photograph is used, a clear plastic covering shall be provided for it.

(h) *Withdrawal of permit.* The Director of the Bureau may rescind, for cause, and permit granted under this subpart.

APPENDIX I—LIST OF TABLES

Table No.	*Title*
1	Portable power cable ampacities—600 volts.
2	Portable cord ampacities—600 volts.
3	Portable power cable ampacities—601 to 5,000 volts.
5	Nominal dimension of flat cables with tolerances in inches—600 volts.
5	Nominal dimensions of flat cables with tolerances in inches—600 volts.
6	Nominal diameter of heavy jacketed cords with tolerances in inches—600 volts.
7	Nominal diameter of three-conductor portable power cables with tolerances in inches—601 to 5,000 volts.
8	Fuse ratings or instantaneous settings of circuit breakers for short-circuit protection of portable cables.
9	Specifications for portable cables longer than 500 feet.

TABLE 2—PORTABLE CORD AMPACITIES—600 VOLTS (AMPERES PER CONDUCTOR BASED ON 60° C. COPPER TEMPERATURE—40° C. AMBIENT)

Conductor size-AWG	1-3 conductor	4-6 conductor	7-9 conductor
14	15	12	8
12	20	16	11
10	25	20	14

XUM

TABLE 1.—PORTABLE POWER CABLE AMPACITIES—600 VOLTS (AMPERES PER CONDUCTOR BASED ON 60° C. COPPER TEMPERATURE—40° C. AMBIENT)

Conductor size—AWG or MCM	Single conductor	2-conductor, round or flat	3-conductor, round or flat	4-conductor	5-conductor	6-conductor
8	45	40	35	30	25	20
6	60	50	50	40	35	30
4	85	70	65	55	45	35
3	95	80	75	65	55	45
2	110	95	90	75	65	55
1	130	110	100	85	75	65
1/0	150	130	120	100	90	80
2/0	175	150	135	115	105	95
3/0	205	175	155	130	120	110
4/0	235	200	180	150	140	130
250	275	220	200	160		
300	305	240	220	175		
350	345	260	235	190		
400	375	280	250	200		
450	400	300	270	215		
500	425	320	290	230		

TABLE 3—PORTABLE POWER CABLE AMPACITIES—601 TO 5,000 VOLTS (AMPERES PER CONDUCTOR BASED ON 75° C. COPPER TEMPERATURE—40° C. AMBIENT)

Conductor size—AWG or MCM	3-conductor types G–GC and SHC–GC 2,000 volts	3-conduct or type SHD–GC 2,001–5,000 volts
6	65	65
4	85	85
3	100	100
2	115	115
1	130	130
1/0	145	145
2/0	170	170
3/0	195	195
4/0	220	220
250	245	245
300	275	275
350	305	305

TABLE 4.—NOMINAL DIAMETERS OF ROUND CABLES WITH TOLERANCES IN INCHES—600 VOLTS

Conductor size—AWG or MCM	Single conductor	2-conductor			3-conductor			4-conductor Types W & G	5-conductor Types W & G	6-conductor Type W	Tolerance
		Types W & G twisted	Type PG, 2 power, ground	Type PCG, 2 power, 2 control, ground	Types W & G	Type PG, 3 power, ground	Type PCG, 3 power, 2 control, ground				
8	0.44	0.81	0.84	0.94	0.91	0.93	1.03	0.99	1.07	1.18	±0.03
6	.51	.93	.93	.98	1.01	1.03	1.18	1.10	1.21	1.31	±.03
4	.57	1.08	1.08	1.10	1.17	1.20	1.29	1.27	1.40	1.52	±.03
3	.63	1.17	1.17	1.20	1.24	1.27	1.31	1.34	1.48	1.61	±.03
2	.66	1.27	1.27	1.29	1.34	1.34	1.39	1.48	1.61	1.75	±.03
1	.74	1.44	1.44	1.44	1.51	1.52	1.52	1.68	1.88	2.05	±.03
1/0	.77	1.52	1.52	1.52	1.65	1.68	1.68	1.79	1.96	2.13	±.04
2/0	.82	1.65	1.65	1.65	1.75	1.79	1.79	1.93	2.13	2.32	±.04
3/0	.87	1.77	1.77	1.77	1.89	1.93	1.93	2.07	2.26	2.49	±.05
4/0	.93	1.92	1.92	1.92	2.04	2.13	2.13	2.26	2.46	2.71	±.05
250	1.03	2.16	2.16	2.16	2.39	2.39	2.39	2.66			±.06
300	1.09	2.32			2.56			2.84			±.06
350	1.15	2.43			2.68			2.98			±.06
400	1.20	2.57			2.82			3.14			±.06
450	1.26	2.67			2.94			3.26			±.06
500	1.31	2.76			3.03			3.40			±.06

TABLE 5.—NOMINAL DIMENSIONS OF FLAT CABLES WITH TOLERANCES IN INCHES—600 VOLTS

Conductor size—AWG	2 conductor								3 conductor			
	Type W				Type G				Type G			
	Major		Minor		Major		Minor		Major		Minor	
	Outside diameter	Tolerance	Outside diameter	Tolerance	Outside diameter	Tolerance	Outside diameter	Tolerance	Outside diameter	Tolerance	Outside diameter	Tolerance
8	0.84	±0.04	0.51	±0.03								
6	.93	±.04	.56	±.03	1.02	±0.04	0.56	±0.03	1.65	±0.06	0.67	±0.05
4	1.05	±.04	.61	±.03	1.15	±.04	.61	±.03	1.85	±.06	.75	±.05
3	1.14	±.04	.68	±.03	1.26	±.04	.68	±.03	1.99	±.06	.77	±.05
2	1.24	±.04	.73	±.03	1.35	±.04	.73	±.03	2.10	±.06	.81	±.05
1	1.40	±.04	.81	±.03	1.55	±.04	.81	±.03	2.43	±.06	.97	±.05
1/0	1.51	±.04	.93	±.03	1.67	±.04	.93	±.03				
2/0	1.63	±.04	.99	±.03	1.85	±.04	.99	±.03				
3/0	1.77	±.04	1.03	±.03	2.00	±.04	1.03	±.03				
4/0	1.89	±.04	1.10	±.03	2.10	±.04	1.10	±.03				

TABLE 6.—NOMINAL DIAMETERS OF HEAVY JACKETED CORDS WITH TOLERANCES IN INCHES—600 VOLTS

Conductor size—AWG	2 conductor		3 conductor		4 conductor		5 conductor		6 conductor		7 conductor	
	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance
14	0.64	±0.02	0.67	±0.02	0.71	±0.02	0.78	±0.03	0.83	±0.03	0.89	±0.0
12	.68	±.02	.72	±.03	.76	±.03	.83	±.03	.89	±.03	.98	±.0
10	.73	±.03	.80	±.03	.84	±.03	.90	±.03	1.00	±.03	1.07	±.0

TABLE 7.—NOMINAL DIAMETERS OF 3-CONDUCTOR PORTABLE POWER CABLES WITH TOLERANCES IN INCHES—601 TO 5,000 VOLTS

Conductor size—AWG or MCM	Type G–GC (nonshielded) 2,000 volts		Type SHC–GC (shielded overall) 2,000 volts		Type SHD–GC (individually shielded power conductors) 2,001–3,000 volts		Type SHD–GC (individually shielded power conductors) 3,001–5,000 volts	
	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance
6	1.25	+0.10, −0.06	1.39	+0.11, −0.07	1.62	+0.13, −0.08	1.78	+0.14, −0.09
4	1.40	+.11, −.07	1.55	+.12, −.08	1.77	+.14, −.09	1.90	+.15, −.10
3	1.48	+.12, −.07	1.62	+.13, −.08	1.84	+.15, −.09	1.98	+.16, −.10
2	1.55	+.12, −.08	1.71	+.14, −.09	1.92	+.15, −.10	2.09	+.17, −.11
1	1.74	+.14, −.09	1.89	+.15, −.09	2.04	+.16, −.10	2.18	+.17, −.11
1/0	1.84	+.15, −.09	2.02	+.16, −.10	2.18	+.17, −.11	2.34	+.19, −.12
2/0	1.99	+.16, −.10	2.16	+.17, −.11	2.29	+.18, −.12	2.46	+.20, −.12
3/0	2.12	+.17, −.11	2.30	+.18, −.11	2.45	+.20, −.12	2.62	+.21, −.13
4/0	2.30	+.18, −.12	2.48	+.20, −.12	2.62	+.21, −.13	2.76	+.22, −.14
250	2.46	+.20, −.12	2.70	+.22, −.13				
300	2.63	+.21, −.13	2.84	+.23, −.14				
350	2.75	+.22, −.14	2.97	+.24, −.15				

TABLE 8—FUSE RATINGS OR INSTANTANEOUS SETTING OF CIRCUIT BREAKERS FOR SHORT-CIRCUIT PROTECTION OF PORTABLE CABLES AND CORDS

Conductor size—AWG or MCM	Ohms/1,000 feet at 25° C.	Maximum allowable fuse rating (amperes)	Maximum allowable circuit breaker instantaneous setting (amperes)[1]
14	2.62	20	50
12	1.65	30	75
10	1.04	40	150
8	.654	80	200
6	.410	100	300
4	.259	200	500
3	.205	250	600
2	.162	300	800
1	.129	375	1,000
1/0	.102	500	1,250
2/0	.081		1,500
3/0	.064		2,000
4/0	.051		2,500
250	.043		2,500
300	.036		2,500
350	.031		2,500
400	.027		2,500
450	.024		2,500
500	.022		2,500

[1] Higher circuit-breaker settings may be permitted for special applications when justified.

TABLE 9.—SPECIFICATIONS FOR PORTABLE CABLES LONGER THAN 500 FEET[1]

Conductor size—AWG or MCM	Maximum allowable length (feet)	Normal ampacity at 60° C. copper temperature (40° C. ambient)	Resistance at 60° C. copper temperature (ohms)
6	550	50	0.512
4	600	70	.353
3	650	80	.302
2	700	95	.258
1	750	110	.220
1/0	800	130	.185
2/0	850	150	.157
3/0	900	175	.130
4/0	1,000	200	.116
250	1,000	220	.098
300	1,000	240	.082
350	1,000	260	.070
400	1,000	280	.061
450	1,000	300	.054
500	1,000	320	.050

[1] Fuses shall not be used for short-circuit protection of these cables. Circuit breakers shall be used with the instantaneous trip settings not to exceed the values given in Table 8.

APPENDIX II

LIST OF FIGURES

[Illustrations not printed in RECORD]

Figure No. — *Title*

1 Typical layout drawing of a machine.
2 Sample bill of material (to accompany layout drawing shown on figure 1).
3 Material to be included with the operating instructions on or with the wiring diagram submitted to each customer.
4 Sample factory inspection form.
5 Typical plane joint.
6 Typical combination joint.
7 Typical threaded joint.
8 Typical threaded straight stuffing box and packing gland lead entrance with provision for hose conduit.
9 Typical slip-fit straight type and angle-type stuffing box and packing gland lead entrance.
10 Typical slip-fit angle-type stuffing box and packing gland lead entrance and typical plug for space lead entrance hole.

FIGURE 2.—SAMPLE BILL OF MATERIAL

B. of M. No. ------
Date ---------------
Revision
Date
1. ------------
2. ------------
3. ------------
4. ------------
5. ------------

Bill of Material (Electrical)

(Manufacturing Company)
Model: --
(Unit Name)
Approval 2G– ------------
Motor: --
(Manufacturing Company)
Frame --
------ Hp., ------ Volts, ------ Ph.,
------ Cy., ------ R.P.M.
X/P– ------ ------------
(Date)
------------ Extension
(Date)
Starter: --
(Manufacturing Company)
Model --
------ Hp., --------- Volts.
X/P– ------ ------------
(Date)
------------ Extension
(Date)
Cable—Motor to Starter:
Cond. No. ------, ------''
O.D., ------' Long
Hose—Motor to Start Cable:
------'' I.D., ------'' O.D., ------' Long
Portable (Trailing) Cable—
Type: --
Cond. No. ------, ------''
O.D., ------' Long
Hose—for Portable Cable:
------'' I.D., ------'' O.D., ------' Long
Hose Clamps—
2 for Motor-Starter Hose conduit ----'' D
1 for Portable Cable Hose conduct ---'' D*
*Only when short length of hose is used.
Trolley Tap—

(Manufacturing Company)
Model -------------------------- with
------ -ampere fuse.
Rail Clamps, 2.
1 Ground Clamp, Cat. No. ------

(Manufacturing Company)
1 Return Power Conductor, Cat. No ------

(Manufacturing Company)
or—as Optional

Plug on outby end of potable cable for insertion into receptacle on distribution box or equivalent with short-circuit protective device set at ------ amperes.

Static-free Belt
Model
Style
Catalog No. -------,

(Manufacturing Company)
Guard for Belt—
Material --
Overall Dimensions ------'' Long x ----''
Wide x --------'' High

NOTE: The foregoing is intended as a guide. Additional electrical components used shall be completely identified.

FIGURE 3.—MATERIAL TO BE INCLUDED WITH THE OPERATING INSTRUCTIONS—ON OR WITH THE WIRING DIAGRAM SUBMITTED TO EACH CUSTOMER

(Sometimes referred to as "Caution Statement")

CAUTION

To retain "permissibility" of this equipment the following conditions shall be satisfied:

1. *General safety.* Frequent inspection shall be made. All electrical parts, including the portable cable and wiring, shall be kept in a safe condition. There shall be no openings into the casings of the electrical parts. A permissible distribution box shall be used for connection to the power circuit unless connection is made in fresh intake air. To maintain the overload protection on direct-current machines, the ungrounded conductor of the portable cable shall be connected to the proper terminal. The machine frame shall be effectively grounded. The power wires shall not be used for grounding except in conjunction with diode(s) or equivalent. The operating voltage should match the voltage rating of the motor(s).

2. *Servicing.* Explosion-proof enclosures shall be restored to the state of original safety with respect to all flame arresting paths, lead entrances, etc., following disassembly for repair or rebuilding, whether by the owner or an independent shop.

3. *Fastenings.* All bolts, nuts, screws, and other means of fastening, and also threaded covers, shall be in place, properly tightened and secured.

4. *Renewals and repairs.* Inspections, repairs, or renewals of electrical parts shall not be made unless the portable cable is disconnected from the circuit furnishing power, and the cable shall not be connected again until all parts are properly reassembled. Special care shall be taken in making rerenewals or. repairs. Leave no parts off. Use replacement parts exactly like those furnished by the manufacturer. When any lead entrance is disturbed, the original leads or exact duplicates thereof shall be used and stuffing boxes shall be repacked in the approved manner.

5. *Cable requirements.* A flame-resistant portable cable bearing a Bureau assigned identification number, adequately protected by an automatic circuit-interrupting device shall be used. Special care shall be taken in handling the cable to guard against mechanical injury and wear. Splices in portable cables shall be made in a workmanlike manner, mechanically strong, and well insulated. Not more than five temporary splices are permitted in a portable cable regardless of length. Connections and wiring to the outby end of the cable shall be in accordance with recognized standards of safety.

FIGURE 4.—SAMPLE FACTORY INSPECTION FORM

Date ------------
Inspector ------------------------

MACHINE

Designation: ------------------------------
Type: -------------- Serial No. ------------

MOTOR

Manufacturer: ----------------------------
Serial No.: ------ Type: ------------------
Frame: ------------------------------------
Hp. --- F.L. Speed: ---- Volts: --- Amps. ---
Winding: ------- X/P No. ------- (or parts list designation).

STARTER

Manufacturer: ----------------------------
Serial No. ------ Type: ------------------
Hp. ------- Volts: ------- X/P No. -------
(or parts list designation).
Short-circuit protection ------ amps.
Overload-current protection -------- amps.

PORTABLE CABLE

Manufacturer: ----------------------------
Type: ----------- Conductors: -----------
Length: ------ O.D. ------ BM No. ------
Is all wiring around machine adequately protected from mechanical damage? -----
By hose conduit --------, Troughs --------,
Metal tubing ----------, Other ----------.
By removal of all sharp corners or edges?

Is wiring separated from hydraulic components? ----------------------------
Is an adequate insulated strain clamp provided for the portable cable? -----------
Are all packing glands properly packed so that ⅛-inch clearance remains between packing nut and stuffing box?-----------
Are lockwashers (or equivalent) provided for all explosion-proof enclosure fastenings?

Are all plane joints securely fastened so that an 0.005-inch feeler gage cannot be inserted? ----------------------------
Are all threaded covers secured? -----------
How? ----------------------------------

XUM

Are all electrical connections secure -------
and properly insulated where necessary?--

NOTE: Add appropriate material for each explosion-proof enclosure when more than a motor and starter are on a machine.

Mr. **WILLIAMS** of New Jersey. This procedure was adopted years ago without the need for considering the special problem it might create for the small mine operators. It is clear, and I readily admit, that if this is the procedure which must be followed, the extremely high cost estimates and time estimates, although still greatly inflated, are a little closer to reality.

As the committee has learned, however, many small mine operators, using traditional American ingenuity, have manufactured homemade mining equipment. These pieces of equipment may differ from each other in each of the 3,000 small mines. There obviously is no prototype which can be sent to Pittsburgh for inspection. Nor could any small mine operator afford the expense and delay that would be necessitated by such a procedure.

The key question, therefore, was—How do we solve this problem of logistics? The small mine operator could convert his homemade equipment to assure its safe operation with relatively little cost, if the Department could bring its approval system to the small mine; if, so to speak, Pittsburgh could be moved to Kentucky.

The bill, therefore, provides the authority to the Secretary of the Interior to adopt a field approval system, under which the equipment used by small mine operators can be tested at the mine for ignition prevention and other safety characteristics. This relatively simple solution will not only permit the conversion of equipment in a much shorter period of time than originally estimated, but at a clearly reduced cost to the small mine operator. Yet, it will not lower the safety standards; it will not sacrifice the miners' safety to economic considerations.

As far as the economic considerations are concerned, the Department of Interior has conducted a nationwide survey of 10 small nongassy mines in each of nine States including Kentucky, Virginia, West Virginia, Tennessee, Illinois, Ohio, Pennsylvania, Colorado, and Utah. On the basis of this survey, and taking into account the field approval system authorized by the bill, the Department of Interior has concluded that the costs to the Nation's small nongassy mine operators will be no more than $30 million, perhaps as low as $21 million. This is approximately $10,000 per mine, as opposed to the estimate of $260,000 per small mine originally suggested to the committee by opponents of the committee's recommendation. And this figure includes the cost of upgrading or replacing the small equipment which the distinguished Senator from Kentucky agrees should be made explosion proof.

The committee recognizes that economic difficulties may still arise and that some already marginal small-mine operators may choose to close their mines. To assist the small-mine operator, the committee has included two important financial assistance programs which it believes will ease the economics involved in making the small mine a safe place to work. These two provisions authorize granting and guaranteeing of long-term low-interest loans for terms ranging up to 20 to 25 years, under both the Small Business Act and the Public Works and Economic Development Act.

LEGISLATIVE PROGRAM

Mr. **GRIFFIN**. Mr. President, will the Senator from New Jersey yield briefly?

Mr. **WILLIAMS** of New Jersey. I yield.

Mr. **GRIFFIN**. Mr. President, I should like to direct an inquiry to the acting majority leader as to whether he could inform us concerning the legislative activity for the remainder of the day and, hopefully, for the remainder of the week.

Mr. **KENNEDY**. Mr. President, it is the hope of the leadership that during the remainder of the day the supporters of the Cooper amendment and the Senators from West Virginia, who are deeply interested, and many other Senators will be able to develop some common language or some modification of this amendment. That will be the first order of business for consideration on tomorrow.

Actually, there are other amendments to the pending bill. The distinguished Senator from Montana (Mr. METCALF) has one. I have a short amendment also.

I would hope that during the remainder of the day the debate on those amendments could be carried on. There might be votes on those amendments. Perhaps there will not be, however. We hope that other amendments can be resolved and disposed of this evening so that the remaining amendment, according to the understanding of the leadership, and the sponsors of the pending bill as well, would be the Cooper amendment or a modification of that amendment.

The Senate will come in at 11 o'clock tomorrow morning. On tomorrow the Senate will consider the civil service retirement bill which, hopefully, will be completed on tomorrow or on Friday. After that, on Friday, the District of Columbia revenue bill will be considered.

On Monday, S. 7, the water pollution bill, and a reconsideration of the Peace Corps measure will be high on the agenda.

That will be the program for the remainder of the week and the early part of next week.

It is the hope of the leadership that any other amendments that are to be offered to the pending bill will be considered tonight and will be voted on so that we can get final action and passage of the pending bill at an early hour tomorrow.

Mr. **GRIFFIN**. Can Senators have reasonable assurance that S. 7, the water pollution bill, will not be taken up until Monday?

Mr. **KENNEDY**. Mr. President, I believe that the civil service retirement bill and the District of Columbia revenue bill will constitute a full program for the remainder of the week. I understand from those interested in the civil service retirement bill that there will not be extended debate. However, the District of Columbia revenue bill is another matter entirely. Our best judgment at this time is that S. 7, the water pollution bill, will be considered on Monday.

Mr. **METCALF**. Mr. President, will the Senator yield?

Mr. **KENNEDY**. I yield.

Mr. **METCALF**. Mr. President, I have an amendment to offer to the pending bill that, I believe, has been worked out so that we can in a very short time agree to a modification of the amendment that will suit everyone.

I have a second amendment, however, that I have referred to the distinguished senior Senator from New York who would like to take another look at the amendment and discsus it tomorrow.

It will take a very short time to consider my amendment. However, I would like to put off offering my second amendment until tomorrow and offer at this time a modification of my first amendment that I believe will be acceptable to everyone.

Mr. **KENNEDY**. Mr. President, with that understanding and from the information obtained during my conversations with the Senator in charge of the bill, the Senator from Vermont has a short amendment to offer and the Senator from New York has an amendment.

We are hopeful that we can set aside temporarily this afternoon the pending amendment and consider and dispose of other amendments as best we can.

Mr. **JAVITS**. Mr. President, the Senator refers to clearing up noncontroversial amendments.

Mr. **KENNEDY**. We hope that no controversy will be involved.

Mr. **METCALF**. Mr. President, I point out to the distinguished acting majority leader, the Senator from Massachusetts, and the Senator from New York, that my amendment is very brief. It should only take a few minutes to dispose of the matter one way or the other.

Mr. **GRIFFIN**. Mr. President, will the Senator yield?

Mr. **METCALF**. I yield.

Mr. **GRIFFIN**. Mr. President, if I may have the attention of the acting majority leader, I take it that it would have to be understood that while the acting majority leader is hopeful there will be no further rollcall votes today, there is no guarantee of that.

Mr. **KENNEDY**. The Senator is correct.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. **METCALF**. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily.

Mr. **COOPER**. Mr. President, reserving the right to object, may I see the amendment?

The **PRESIDING OFFICER**. Is there objection to the request of the Senator from Montana?

Mr. **COOPER**. Mr. President, I have no objection.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 177

Mr. **METCALF**. Mr. President, I call up my amendment No. 177 as modified.

The **PRESIDING OFFICER**. The amendment, as modified, will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Montana (Mr. METCALF) proposes an amendment:

> On page 78, between lines 3 and 4, insert the following:
>
> "(1) Where the Secretary finds that sanitary conditions so required, sanitary toilet facilities shall be provided in all underground mines. Such facilities will be located at places designated by the Secretary or his authorized representative.".

Mr. **METCALF**. Mr. President, the provision of sanitary facilities in a mine is just as important as any other safety requirement. I believe it is a national disgrace that we have not yet provided for the provision of sanitary facilities in our coal mines. We have provided for them on big construction operations and in the nonferrous mines. However, we have not yet provided that they be required in coal mines.

Mr. **BYRD** of West Virginia. Mr. President, may we have order?

The **PRESIDING OFFICER**. The Senate will be in order.

The Senator may proceed.

Mr. **METCALF**. Mr. President, the only provision contained in my amendment as modified is that where the Secretary finds it is necessary to have such facilities in a mine, they shall be provided.

I agree with some of my colleagues that the amendment as originally written made it an absolute mandatory requirement that the Secretary or his representative designate a place for the location of the sanitary facilities.

As modified, the amendment provides that in a small mine, where there is not a great distance to be traveled, or where not many persons are employed, the Secretary shall have some discretion to decide where facilities shall be located. In granting this discretion, we still provide that in mines that employ many employees, or where a great distance must be traveled, these facilities will have to be provided.

In a discussion among Senators to agree upon language, we have decided to provide a little flexibility in the amendment and, at the same time, to provide this very much needed requirement in the law.

Mr. **WILLIAMS** of New Jersey. Mr. President, the amendment has been carefully considered by me and by other members of the committee. As it was understood initially, the amendment would have required facilities to be provided in every mine. But after thinking that provision through, it has been concluded that there might be situations when that could not be accomplished.

Mr. **METCALF**. Or that it would be better to provide facilities outside the mine.

Mr. **WILLIAMS** of New Jersey. Yes. For these reasons of practicality, the amendment now provides discretionary authority to the Secretary. Will the Senator from Montana again read the words relating to discretion?

Mr. **METCALF**. Yes—"where sanitary considerations so require."

So the Secretary would have complete authority and complete discretion to determine whether the facilities should be inside or outside the mine, or whether they should be required at all.

Mr. **WILLIAMS** of New Jersey. Speaking for myself, and for the committee, as well, I may say that it is felt that this provision will make a significant contribution to the objective of the bill, which is to improve the working conditions in the coal mines of the country. We are glad to make this addition by accepting the amendment.

Mr. **METCALF**. I thank the Senator from New Jersey.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment, as modified, of the Senator from Montana.

The amendment, as modified, was agreed to.

Mr. **JAVITS**. Mr. President, I make a unanimous-consent request similar to the one just granted in relation to another amendment and which I gather is noncontroversial.

The **PRESIDING OFFICER**. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 9, between lines 14 and 15 insert: "(3) Within 6 months after the date of enactment the Surgeon General shall establish, and the Secretary shall publish, as provided in subsection 105 (c) of this title proposed mandatory standards establishing maximum noise exposure levels for all coal mines."

Mr. **JAVITS**. Mr. President, in coal mines, just as in any other working place reverberations and other noise may cause problems. This is an effort to meet those problems in a comprehensive coal mine health and safety bill, and hence its introduction here. Under this amendment, proposed standards for noise levels would have to be promulgated within 6 months after enactment. I ask for favorable action.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

EXECUTIVE SESSION

Mr. **SCOTT**. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations reported earlier today.

The **PRESIDING OFFICER**. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

The **PRESIDING OFFICER**. The nominations will be stated.

U.S. CIRCUIT COURT

The assistant legislative clerk read the nomination of Arlen M. Adams, of Pennsylvania, to be U.S. circuit judge, third circuit.

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

FOUR CORNERS REGIONAL COMMISSION

The assistant legislative clerk read the nomination of L. Ralph Mecham, of Utah, to be deputy cochairman of the Four Corners Regional Commission.

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

Mr. **SCOTT**. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. **SCOTT**. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENTS

AMENDMENT NO. 220

Mr. **JAVITS**. Mr. President, I submit an amendment to S.7, a bill, shortly to be laid before the Senate, to amend the Federal Water Pollution Control Act, as amended.

This amendment is designed to allow the Secretary of Interior to make available for reimbursement payments to States and local governments, those unobligated construction grant funds which the Secretary now is entitled to reallot to States merely having approved projects.

When the reimbursement provisions were included in the law in 1966, it appeared that a number of States—New York, for one—and municipalities, having desperate need for sewage treatment plant construction, would be in a position to commit their own funds if there could be some reassurance that the Federal Government would make an effort to reimburse them. It was recognized that these States and municipalities would have to assume a certain risk that Federal funds would be limited and that little, if any, reimbursement would be forthcoming. It was likewise recognized, however, that such a program was an excellent method of accelerating the necessary construction, and accordingly, the Federal Government would make reasonable efforts to assist those governments which in fact did assume the risk.

This amendment is an attempt to provide those States and municipalities that have used funds in lieu of Federal construction grant funds reimbursement to which they are legally entitled under the Federal Water Pollution Control Act, as amended, and which they most rightfully deserve. Like the amendment offered by the Senator from Maryland, this amendment would provide some reimbursement to those States that have committed their own funds to "prefinance" a portion of the Federal Government's share of water pollution control projects. The amendment goes further than that of Senator TYDINGS, however, in that it of-

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fers the same assistance to municipalities that have undertaken similar risks.

Presently, there are seven States that have in fact prefinanced Federal grant funds for the local communities. A number of the communities within those States have contributed funds similarly. It is of further interest to know that the communities in 25 other States also have used their own funds in lieu of Federal grant funds, and they, too, are entitled to reimbursement.

Mr. President, I ask unanimous consent that a chart prepared for me by the Federal Water Pollution Control Administration indicating the sum of the State and community funds advanced in lieu of Federal funds for each State be printed in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Grant funds prefinanced by States and communities, August 31, 1969

Total	$694,496,740
Alabama	6,308,000
Alaska	----------
Arizona	----------
Arkansas	----------
California	110,400
Colorado	149,442
Connecticut	60,900,000
Delaware	895,600
District of Columbia	2,917,510
Florida	1,835,004
Georgia	16,106,084
Hawaii	----------
Idaho	----------
Illinois	21,013,742
Indiana	3,318,671
Iowa	906,798
Kansas	111,984
Kentucky	----------
Louisiana	----------
Maine	3,500,000
Maryland	52,965,406
Massachusetts	8,500,000
Michigan	53,389,168
Minnesota	----------
Mississippi	----------
Missouri	14,051,977
Montana	----------
Nebraska	----------
Nevada	----------
New Hampshire	2,950,480
New Jersey	51,724,476
New Mexico	----------
New York	308,612,970
North Carolina	706,780
North Dakota	----------
Ohio	5,151,900
Oklahoma	----------
Oregon	2,913,270
Pennsylvania	35,133,010
Rhode Island	1,103,000
South Carolina	7,358,530
South Dakota	----------
Tennessee	3,031,136
Texas	5,007,846
Utah	----------
Vermont	677,000
Virginia	2,463,220
Washington	8,149,550
West Virginia	----------
Wisconsin	12,533,786
Wyoming	----------
Guam	----------
Puerto Rico	----------
Virgin Islands	----------

Mr. JAVITS. It should be made clear that these figures represent eligible reimbursable funds for States and communities through August 31, 1969, and as more communities proceed on construction projects with less than eligible Federal assistance, these figures should increase.

The Federal Water Pollution Control Administration informs me that should $214 million be appropriated for construction grant purposes, an estimated $10 million would remain unused and could be returned to the Secretary for reimbursement purposes. Should $600 million be appropriated, an estimated $100 million would be returned to the Secretary. In proportion to the need and the actual reimbursable amounts committed by the States and municipalities, these figures are small. Nevertheless, by incorporating my amendment into this bill, we will begin to recognize our obligation to those States and municipalities that have taken the risk of using their own funds and by expanding such a concept, we might further encourage other States and communities to take that risk.

These funds would be distributed according to regulations promulgated by the Secretary of the Interior. A suggested distribution, based upon a ratio of the amount prefinanced by each State—and community—to the total amount prefinanced by all such States—and communities—is presented on this second chart, which I ask unanimous consent to have printed in the RECORD at this point:

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Under the proposed plan, funds remaining unobligated six months after the end of the fiscal year for which approved will be reallocated to those States and communities which have prefinanced part of the Federal share of projects in the State. Such reallotment will be made on the basis which the amount prefinanced by each State and community bears to the total amount prefinanced by all such States and communities.

BASIS OF AMOUNT PREFINANCED

States	Percent	Share	Share
Alabama	0.91	$91,000	$910,000
California	.02	2,000	20,000
Colorado	.02	2,000	20,000
Connecticut	8.77	877,000	877,000
Delaware	.13	13,000	130,000
District of Columbia	.42	42,000	420,000
Florida	.26	26,000	260,000
Georgia	2.32	232,000	2,320,000
Illinois	3.02	302,000	3,020,000
Indiana	.48	48,000	480,000
Iowa	.13	13,000	130,000
Kansas	.02	2,000	20,000
Maine	.50	50,000	500,000
Maryland	7.63	763,000	7,630,000
Massachusetts	1.22	122,000	1,220,000
Michigan	7.69	769,000	7,690,000
Missouri	2.02	202,000	2,020,000
New Hampshire	.43	43,000	430,000
New Jersey	7.45	745,000	7,450,000
New York	44.43	4,443,000	44,430,000
North Carolina	.10	10,000	100,000
Ohio	.74	74,000	740,000
Oregon	.42	42,000	420,000
Pennsylvania	5.06	506,000	5,060,000
Rhode Island	.16	16,000	160,000
South Carolina	1.06	106,000	1,060,000
Tennessee	.44	44,000	440,000
Texas	.72	72,000	720,000
Vermont	.10	10,000	100,000
Virginia	.35	35,000	350,000
Washington	1.17	117,000	1,170,000
Wisconsin	1.81	181,000	1,810,000
Total		10,000,000	100,000,000

Mr. JAVITS. I ask unanimous consent that the amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 220) was received, ordered to be printed and lie on the table; and, without objection, was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 220

On page 73, between lines 15 and 16, insert the following:

"SEC. 106. Effective for fiscal years beginning after June 30, 1969, section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by striking out 'to States having projects approved under this section for which grants have not been made because of lack of funds' and inserting in lieu thereof 'for the purpose of making reimbursements pursuant to the sixth and seventh sentences of this subsection'."

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108, as sections 107, 108, and 109, respectively.

S. 2982—INTRODUCTION OF THE CHILD NUTRITION ACT OF 1969

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, the Child Nutrition Act of 1969, and I ask unanimous consent that my testimony before the Senate Agriculture Committee this morning, which explains the bill and its provisions, be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR JAVITS

Mr. Chairman, last Wednesday, the Senate passed a comprehensive and far-reaching food stamp bill. As one of the original nine sponsors of the substitute bill which the Senate passed, I am both pleased and gratified with this forward-looking action. Even though the food stamp bill will go a long way toward fighting hunger and malnutrition in this nation, we still must move forward on the other fronts of food assistance if we are to completely eliminate this problem from our midst.

It is for this reason that I will introduce today the Child Nutrition Act of 1969, a bill designed to bring more food and adequate nutrition to millions more children who live in poverty. Briefly, my bill would do the following:

(1) Establish national eligibility standards which require the furnishing of free or reduced price meals to any child who is a member of any household which, (A) is eligible to participate in any Federal food assistance program, or (B) has an annual income equivalent to or less than $4,000 for a household of four persons;

(2) Give the Secretary of Health, Education and Welfare a consultative-evaluative role in child feeding programs;

(3) Require uniform standards and procedures for the allocation of funds to schools and school districts from the states under child feeding programs to insure maximum participation of needy children in such programs;

(4) Require that there be no overt identification of children, who receive free or reduced price meals under any federal program as well as require that needy children receive priority in receiving special milk;

(5) Require an evaluation of the effectiveness of federal child feeding programs in meeting the nutritional and health needs of children, providing meals under school and non-school feeding programs (e.g., Vanik program, Headstart and day care center food programs as well as the school lunch and

breakfast programs), and a report of findings and recommendations for improving such programs to the President by January 20th of each year;

(6) Direct the Secretary of Agriculture to formulate and carry out demonstration projects with private food service concerns for the preparation and provision of nutritious meals in schools which lack or have inadequate facilities for food programs in rural and urban poverty areas as well as in pre-school and non-school feeding programs. It also directs the Secretary to furnish milk and other agriculture commodities in carrying out such projects;

(7) Apply to lunches, breakfasts and non-school food programs rather than just school lunches;

(8) Provide for work training programs whereby low-income individuals would be trained to administer and supervise child feeding programs.

Before I outline in detail my reasons for introducing this bill, I would like to commend my colleague from Georgia, Mr. Talmadge, for the progressive provisions of his school lunch bill, S. 2548, which is now before this Committee. I fel that in addition there are other aspects of our child feeding programs that should have attention and it is for this reason that I shall introduce the Child Nutrition Act of 1969 and would consider it the basis for amendments of Senator Talmadge's bill.

Testimony before the Select Committee on Nutrition and Human Needs, on which I serve as the ranking Republican, has pointed out the need for stronger leadership—both from Congress and the Department of Agriculture—in establishing eligibility standards for children who receive free and reduced-price meals, as well as leadership to assure maximum participation of needy children in all child feeding programs. Therefore, this bill directs the Secretary of Agriculture to consult with the Secretary of Health, Education and Welfare to establish national eligibility standards for receipt of free or reduced-price meals in our child feeding programs, as well as uniform standards to states to use in distributing funds to schools and school districts for such programs to assure maximum participation of needy children.

The Senate last week expressed its desire to have households in which annual income is less than $4,000 per year eligible for receipt of food stamps. It is only logical that children from such households should be automatically eligible to receive free or reduced price meals under Federal child feeding programs. Even more logical is that children from households which receive *any* form of Federal food assistance should also be eligible to receive free or reduced price meals. If a family is in enough need to receive one form of food assistance, then children from that family are in enough need to receive free or reduced price meals in our child feeding programs.

I am pleased that Senator McGovern, Chairman of the Select Committee on Nutrition and Human Needs, endorsed the principle of national eligibility standards for free and reduced price lunches in testimony before this Committee yesterday. I advocated establishing standards for such programs several weeks ago in my omnibus hunger bill, and I am gratified that Senator McGovern is in basic agreement with this principle. However, I think we must go further than just establishing such standards for free and reduced price lunches—we must also apply those same standards to the *breakfast programs, pre-school and non-school food programs.*

It has been estimated that there are between six to eight million children below the poverty level who should be receiving free or reduced-price meals, but only an estimated 2.5 million children in this category are being reached. These figures do not include children from near-poor families who could also benefit from such meals. Much of this lack of participation is due to the problem of local administrators not clarifying sufficiently just who is eligible for such programs. If we establish clear-cut standards, then local school officials will have the direction and leadership necessary to improve program participation and serve the nutritional needs of more children. *In establishing uniform procedures for the distribution of funds, the Secretary of Agriculture should strongly consider allocating funds from states to groups of school districts rather than to individual districts.* I feel that such a procedure would allow more children to be reached and would prevent the situation of one school district receiving funds for needy children and another school district, often only a few miles away, receiving no funds. This would also simplify bookkeeping and reduce some of the complexities of state and local administration of such programs.

This bill also gives the Secretary of Health, Education and Welfare an evaluative and consultative role in child feeding programs. I have often stated that the Department of Health, Education and Welfare, which now has the responsibility for administering Head Start and many day-care center programs, should be brought into all of our child feeding programs. Secretary Finch has stated that we must be concerned with the child from the cradle through his school years. I feel that it is important for the Secretary of HEW to have a role to play in the development and evaluation of our child feeding programs.

This bill also requires that needy children receive priority in the distribution of special milk under the Child Nutrition Act of 1966. All children must have milk, and I believe that we should provide it first to those who need it most—malnourished, needy youngsters.

Also, this bill requires that recipients of free or reduced price meals under child feeding programs shall not be identified in any overt manner. It is cruel to have a child openly identified as being poor and needy to his fellow classmates because of published lists, tickets, separate lines or any of the various devices which are common in many parts of this nation. For too long children have been embarrassed and many have refused to participate in child feeding programs—especially the school lunch program—because of such discriminatory practices. The time has come for this to end.

This bill also directs the Secretary of Agriculture to utilize the services of private food service concerns to bring food to needy children. It is generally accepted that the American private food market is the most effective food distribution system in the world. I feel that we should take steps now to speed up and encourage private food service concerns and processors to bring their expertise in food distribution, management and services into our school-feeding programs. The pace has been extremely slow and it is the intention of this bill to greatly hasten and expand such efforts.

This bill would provide $25,000,000 for the Secretary of Agriculture to carry out demonstration programs with private food companies for the supply, preparation and delivery of food in schools which have limited facilities or none at all for meal preparation and which are located in poverty areas. Every effort should be made to bring the lunch and breakfast programs into schools which now are without facilities. I feel that this approach could be utilized very effectively through the Central and Satellite Kitchen concept, as well as the forward-looking concept of *the development of large-scale food commissaries serving many schools, school districts or even cities and I hope that we can move in these directions* soon.

Already many schools are utilizing private food technology in their food programs and are proving to be very successful. In my own city of New York, the use of frozen convenience foods has proven to be very beneficial, both to the school system and the students. It is predicted that, eventually, all of the city's 400,000 elementary, junior and senior high school students will be offered such meals.

Finally, it is very important that we develop programs which will help the poor break the shackles of poverty so that they may be able to earn their own way and provide their families with the food and nutritional needs that are necessary to sustain a healthy life. It is for this reason that my bill includes a provision for work-training programs for low-income persons so that they might be trained to administer and supervise in child-feeding programs. We have seen how effective our nutrition aides have been in helping poor families achieve proper nutritional meals. *I propose that we train people to become dietitian aides* so that they might eventually receive the training to enable them to enter the field as professionals. I am quite certain that organizations such as the American Dietetic Association would be willing to cooperate in such an endeavor, as well as local school districts.

I deeply believe that we can end hunger in America and I am convinced that this bill, like the historic food stamp bill passed by the Senate last week, will go a long way toward meeting that objective.

Mr. JAVITS I also ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2982), to provide for the establishment under all Federal child feeding programs eligibility standards which require that free or reduced price meals be served to certain children, and for other purposes, introduced by Mr. JAVITS (for himself and Mr. GOODELL), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 2982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Nutrition Act of 1969".

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966

SEC. 2. (a) Section 3 of the National School Lunch Act is amended by inserting immediately after "Secretary of Agriculture" the following: "in consultation with the Secretary of Health, Education, and Welfare".

(b) Section 15e of the Child Nutrition Act of 1966 is amended by inserting immediately after "Secretary of Agriculture" the following: "in consultation with the Secretary of Health, Education, and Welfare".

(c) Section 3 of the Child Nutrition Act of 1966 is amended by adding at the end thereof a new sentence as follows: "The Secretary of Agriculture shall, after consultation with the Secretary of Health, Education, and Welfare, impose such requirements as he deems necessary under this Act to insure that priority is given to the furnishing of milk to children of low-income families."

DEMONSTRATION PROJECTS

SEC. 3. (a) The Secretary of Agriculture is authorized, after consultation with the Sec-

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retary of Health, Education, and Welfare, to formulate and carry out demonstration projects under which he shall contract with private food service concerns for the preparation of nutritious meals and contract with private food processors for the provision of such meals in schools and school districts which lack or have inadequate food preparation facilities for food programs. Such projects shall be carried out in schools which are located in rural or urban areas having a high concentration of low-income households. Such projects may also be carried out for the benefit of children participating in pre-school and nonschool programs if the children participating in such programs are predominantly children of low-income households.

(b) Such projects shall be placed in operation not later than six months after the date of enactment of this Act and shall be administered, to the extent practicable, in conjunction with any nutrition education program carried out under any other Act.

(c) The Secretary of Agriculture shall consult with and cooperate with local authorities in carrying out this section.

(d) The Secretary of Agriculture shall furnish milk and other agricultural commodities to the maximum extent possible in carrying out this section.

(e) There is authorized to be appropriated the sum of $25,000,000 for the fiscal year ending June 30, 1970 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the provisions of this section.

STANDARDS

SEC. 4. (a) The Secretary of Agriculture, after consultation with the Secretary of Health, Education, and Welfare, shall—

(1) establish for all Federal child feeding programs eligibility standards which require the furnishing of free or reduced price meals to any child who is a member of a household which (A) is eligible to participate in any Federal food assistance program, or (B) has an annual income equivalent to or less than an annual income of $4,000 for a household of four persons;

(2) establish such uniform standards and procedures as he deems necessary for the allocation to schools and school districts of Federal funds made available to States under child feeding programs to assure maximum participation by schoolchildren of low-income households in such programs; and

(3) develop curricula, training programs, and materials relating to diet and nutrition to be used in the training and education of persons engaged in the operation of school feeding programs for children.

(b) No overt identification shall be made of any child who is furnished meals at a free or reduced price under any Federally assisted program.

EVALUATION

SEC. 5. The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, shall evaluate the adequacy and effectiveness of school feeding programs administered by the Department of Agriculture, the Department of Health, Education, and Welfare, and other departments and agencies of the Government in meeting the nutritional and health needs of school children, pre-school children, and children provided with food under nonschool programs, and shall report his findings and recommendations for improving such programs to the President not later than January 20 of each year, beginning with the calendar year 1970. The Secretary shall, in evaluating the adequacy and effectiveness of such programs, determine the extent to which such programs provide nutrition assistance and education to children of low-income households.

WORK TRAINING PROGRAMS

SEC. 6. (a) The Secretary of Agriculture is authorized after consultation with the Secretary of Health, Education, and Welfare, to make grants to or enter into contracts and agreements with State and local school agencies for the purpose of planning and conducting specialized work training programs designed to prepare individuals of low income status to administer and supervise in the administration of school, pre-school, and nonschool food service programs. In carrying out the provisions of this section, the Secretary shall, to the maximum extent feasible consult and cooperate with other Federal, State, and local departments and agencies of government and with private, profit and nonprofit, organizations and institutions.

(b) To carry out the provisions of this section, there is authorized to be appropriated the sum of $12,000,000 for the fiscal year ending June 30, 1970, and such sum as may be necessary for each of the four succeeding fiscal years.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF "NATIONAL FAMILY HEALTH WEEK"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 46.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 46) to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week", which was to strike out the preamble.

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar numbers 429 and 430.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF THE NONVOTING DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA, AND AMENDING THE DISTRICT OF COLUMBIA ELECTION ACT

The Senate proceeded to consider the bill (S. 2163) to establish, in the House of Representatives, the office of Delegate from the District of Columbia, to amend the District of Columbia Election Act, and for other purposes.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–433), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The principal purposes of the bill S. 2163 are to provide a sure line of communication or link between the people of the District of Columbia and their Federal legislature, and to grant to District residents some form of immediate congressional representation.

To these ends, S. 2163 would create an elected but nonvoting delegate to the U.S. House of Representatives from the District of Columbia.

In addition, S. 2163 would amend the District of Columbia Eelection Act of 1955 in certain, less significant ways, reflecting largely experience gained in the District's first school board election in November of 1968.

More specifically, S. 2163 creates the office of congressional delegate from the District of Columbia; the bill then provides that the delegate shall be chosen by the qualified voters of the District, in a partisan, general election, following nomination by a political party by means of a party primary, or, in the alternative, following the submission of a nominating petition signed by 5,000 voters or 2 percent of the total District electorate, whichever is less.

Like other Members of the House of Representatives, the District delegate must be at least 25 years of age at the time of election. He must also have been a continuous resident of the District of Columbia for the 3-year period preceding his election. Unlike other bills providing nonvoting House representation for the District, S. 2163, recommended by the Senate District Committee, does not mandate, for the District's delegate, membership on the Committee on the District of Columbia of the House of Representatives.

The bill S. 2163 makes those technical amendments to the District Election Act and the United States Code which are essential to the selection of the delegate, and to the functioning of his office as created. The bill also, notably, (1) increases from 100 to 200 the number of signatures required on a nominating petition for an election to fill a party office; (2) authorizes the District Board of Elections to provide for the casting of nonabsentee ballots in District precincts other than those of the voters' residences; (3) authorizes the board to declare winners in advance of certain elections, where the number of qualified candidates or nominees does not exceed the number of offices to be filled; (4) increases the per diem compensation of board members from $25 to $50, but with an annual maximum of $2,500; and (5) extends from 10 to 30 days the period following an election within which candidates must file financial statements.

NEED FOR LEGISLATION

In providing for the Office of Delegate to the House of Representatives from the District of Columbia, the Senate Committee on the District of Columbia was mindful of, and found persuasive, the statement of the President to the Congress (dated April 28, 1969), which preceded the introduction of S. 2163 on behalf of the administration:

"I also urge Congress to grant voting representation in Congress to the District of Columbia. It should offend the democratic senses of this Nation that the 850,000 citizens of its Capital, comprising a population larger than 11 of its States, have no voice in the Congress.

"I urge that Congress approve, and the States ratify, an amendment to the Constitution granting to the District at least one

representative in the House of Representatives, and such additional representatives in the House as the Congress shall approve, and to provide for the possibility of two Senators.

"Until such an amendment is approved by Congress and ratified by the States, *I recommend that Congress enact legislation to provide for a nonvoting House delegate from the District.*" (Italic as in the original.)

Likewise, this committee has been impressed with the need for an effective spokesman for the District of Columbia—one with access and available in the Congress on a regular basis, a spokesman able to devote himself to matters of legislative import, a true representative, certain, by the fact of his election, of the support of the people of this city.

HISTORY OF LEGISLATION

The Senate Committee on the District of Columbia had pending before it three bills calling for the creation of a nonvoting congressional delegate from the District of Columbia—S. 1972, and S. 1991, updated versions of the home rule and nonvoting delegate measure (S. 118) passed by the Senate in the 89th Congress, first session, and S. 2163, introduced on behalf of the administration.

A public hearing was held by this committee on April 30, 1969, at which time the committee had before it S. 1972, S. 1991, and the message of the President to the Congress of the United States, dated April 28, 1969. That message outlined the substance of the provisions of S. 2163, which was introduced thereafter, on May 13, 1969.

Testimony was received from 31 witnesses, and further statements and communications were submitted for the record. (See the publication, Home Rule, hearing before the Committee on the District of Columbia, U.S. Senate, 91st Cong., first sess. 1969.)

SUMMARY OF BILL

Section 1 provides that the act (presently the bill S. 2163) is entitled "The District of Columbia Delegate Act."

Section 2 provides for representation of the District of Columbia in the U.S. House of Representatives by an elected delegate, to be seated in the House with the right of debate but not of voting.

The delegate is required, at the time of his election and thereafter while in office, to be at least 25 years of age, a qualified elector in the District, a resident of the District for a continuous period of at least the 3 years immediately preceding, and not otherwise a holder of any public office.

The delegate is entitled to the same privileges and made subject to the same restrictions as those enjoyed by and incumbent upon Members of the U.S. House of Representatives.

Section 3 defines the principal terms used in the Delegate Act.

Sections 4, 5, and 6 provide those technical amendments to the District Election Act and the United States Code which are essential to the selection of the delegate, and to the functioning of his office as created. The amendments assure that the status of the delegate is equal to that of U.S. Representatives except as to voting. Also notably, pursuant to section 4, a political party qualifies to conduct a primary election for the nomination of a candidate for the office of delegate, if a candidate of that party received at least 7,500 votes for delegate or Presidential elector in the next preceding election year; nomination for candidacy in a primary election is conditioned upon the submission of a petition signed by at least 2,000 registered adherents of the relevant party; said nominating petition is to be accompanied by a filing fee of $100; nomination for candidacy in a general election is by means of one such party primary or by petition, except that the latter petition must be signed by 5,000 registered voters or 2 percent of the total number of registered voters of the District; a person who has been a recent unsuccessful candidate in a party primary cannot be nominated as a candidate in the general election by petition; and runoff elections are to be held, after either primary or general elections, if no candidate receives 40 percent of the total votes cast in the election for delegate nominee or for delegate.

Section 7 provides further necessary, technical amendments to the District Election Act. Notably, pursuant to section 7, the number of signatures required on a nominating petition, for an election to fill a party office, is increased from 100 to 200; the District Board of Elections is authorized to provide for casting of nonabsentee ballots in District precincts other than those of the voters' residences; instead of any candidate (as under existing law), any group of qualified electors interested in the outcome of an election would be entitled to apply for credentials authorizing the posting of watchers at the polling places of the District; the Board of Elections is affirmatively authorized to regulate the number and conduct of poll watchers; the board is authorized to declare winners in advance of certain elections, when the number of qualified candidates or nominees does not exceed the number of offices to be filled; the per diem compensation of board members, for time spent in the performance of board business, is increased from $25 to $50, but with an annual maximum of $2,500; and the period following an election within which candidates must file financial statements is extended from 10 to 30 days.

Section 8 renders the delegate act effective upon enactment, and sets the first Tuesday in May 1970 as the date of the first party primary election for the Office of Congressional Delegate from the District of Columbia.

Section 9 provides that funds necessary to carry out the provisions of the District Election Act as amended by the delegate act are authorized to be appropriated.

Mr. PROUTY. Mr. President, the bills before the Senate today, S. 2163 and S. 2164, present a new approach to the establishment of a government by which the District of Columbia may be granted a greater measure of self-government than presently exists. Time and time again the Senate has considered bills on government for the District, only to have them fail in final enactment. As I said, when I introduced this bill, S. 2164, for the administration:

> We should forget past failures, admit we must take a new approach and get on with it.

Washington, D.C., as the Nation's Capital, stands alone in the spotlight. Its problems are national problems and its successes are imitated throughout the Nation. Congress is charged with the responsibility, not only to the residents of the city but to the citizens of the Nation, to create in this city the best form of municipal government possible and to make it a model for other American cities to emulate.

A Commission on Government for the District of Columbia, Mr. President, which this bill provides, is the most practical and realistic means of attaining the goal of the best form of government for the District. The composition of the Commission provides for four elected members giving those who would be governed a voice in the formation of the proposal. The congressional interest would be represented by two Members of the House of Representatives and two Members of the Senate, and the executive branch by five members appointed by the President.

The Commission will have an opportunity to review the many plans for government proposed through the years. In matters of finance, management, urban development and citizen participation it can draw upon the experience of other local governments in developing its proposals.

The bill reported by the committee, Mr. President, was amended in committee to enlarge the responsibilities of the Commission to not only examine the feasibility and desirability of various methods by which the structure of the District government may be improved but also to examine the methods by which the District government can promote economy, efficiency and improve service in its departments and agencies. This Hoover Commission amendment to the bill, offered in committee by the distinguished junior Senator from Virginia (Mr. SPONG), received my full support as well as support from other members of the committee. I think this amendment adds immeasurably to the effectiveness of the bill.

At the time I introduced S. 2164, the Commission bill, I also introduced S. 2163 which would provide for the election of the nonvoting delegate from the District of Columbia in the House of Representatives. This bill which has also been reported to the Senate, is a first step in establishing a needed link between the people of the District and the Congress. For some time I considered joining the two bills as one, but faced with the realities of such action, where one may fail because of opposition to the other, I felt it was unwise to place either of the measures in jeopardy. Neither should be exposed to such a fate. By going it alone each measure will stand on its own merits.

Mr. President, I believe that the enactment of both S. 2163 and S. 2164 will be in the best interest of the people of the District of Columbia and the Nation and I urge the Senate to consider them favorably.

The bill (S. 2163) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act is entitled "The District of Columbia Delegate Act".

DELEGATE TO THE HOUSE OF REPRESENTATIVES

SEC. 2. The people of the District of Columbia shall be represented in the House of Representatives of the United States by a Delegate, elected by the voters of the District of Columbia, to serve during each Congress. The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting.

He shall be at least twenty-five years of age at the time of his election, shall be a qualified elector in the District, shall have resided in the District for the three-year period immediately preceding the date of his election, and shall, if elected, hold no other paid public office. He shall forfeit his office upon failure to maintain the qualifications

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required by law. He shall have all the privileges of a Representative granted by section 6 of article I of the Constitution, and be subject to the same restrictions and regulations as are imposed by law or rules on Representatives.

DEFINITIONS

SEC. 3. (a) For purposes of this Act—

(i) The term "District Election Act" means the Act of August 12, 1955 (69 Stat. 699), as amended by the Act of October 4, 1961 (75 Stat. 817; D.C. Code, sec. 1–1100) and by the Act of April 22, 1968 (82 Stat. 101).

(ii) The term "Delegate" means the Delegate to the House of Representatives from the District of Columbia referred to in section 2 of this Act.

(b) Section 2 of the District Election Act is amended by adding the following new subsection (6) at the end thereof:

"(6) The term 'Delegate' means a Delegate to the House of Representatives from the District, elected pursuant to the provisions of this Act."

ELECTION OF DELEGATE

SEC. 4. Section 8 of the District Election Act is amended (A) by redesignating subsection "(h)", "(i)", "(j)", and "(k)" as subsections "(n)", "(o)", "(p)", and "(q)" respectively, and (B) by adding the following new subsections (h), (i), (j), (k), (l), and (m):

"(h) The Delegate shall be elected by the people of the District of Columbia in a general election. The nomination and election of the Delegate and candidates for Delegate shall be governed by the provisions of this Act. Each candidate for Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and in section 10(d) hereof, have been elected as such a candidate by the next preceding primary or party runoff election. No political party shall be qualified to hold a primary election for Delegate unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for Delegate or for its candidates for electors of President and Vice President.

"(i) Each candidate in a primary election for Delegate shall be nominated for such office by a petition, (1) filed with the Board not later than forty-five days before the date of such primary election; (2) signed by no less than two thousand persons duly registered under section 7 and of the same political party as the nominee; and (3) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed. A nominating petition for a candidate in a primary election for Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for Delegate.

"(j) (1) A duly qualified candidate for the office of Delegate may, subject to the provisions of this subsection (j), be nominated directly as such a candidate for election in the next succeeding general Delegate election (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (a) filed with the Board not less than forty-five days before the date of such general election, and (b) signed by duly registered voters equal in number to 2 per centum of the total number of registered voters of the District, as shown by the records of the Board as of ninety-nine days before the date of such election, or by five thousand duly registered voters, whichever is less: *Provided, however,* That no such signatures may be counted which shall have been made on such petition more than ninety-nine days prior to the date of such election.

"(2) Nominations for direct general election of Delegate pursuant to this subsection (j) shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for Delegate held within eight months prior to the date of such general Delegate election.

"(k) In each general election for the office of Delegate, the Board shall arrange the ballots so as to enable a voter to vote for any one of the candidates for Delegate who has been duly elected by any political party in the next preceding primary or party runoff election for such office, who has been duly nominated to fill vacancies in such office pursuant to subsection (d) of section 10 of this Act, or who has been nominated directly as a candidate for general election pursuant to subsection (j) hereof.

"(l) The signature of a registered voter on any petition filed with the Board and nominating a candidate for primary or general election to any office shall not be counted if such voter also signed any other petition, filed earlier with the Board, and nominating the same or any other candidate for the same office in the same election.

"(m) Designations of offices of local party committees to be filled by election pursuant to clause (3) of section 1 of this Act shall be effected by written communications filed with the Board not later than ninety days before the date of such election."

SEC. 5. (a) Subsection (a) of section 10 of the District Election Act is hereby amended (A) by redesignating subsections (3), (4), (5), and (6) as subsections (6), (7), (8), and (9), respectively, and (B) by inserting after subsection (2) thereof the following:

"(3) Except as otherwise provided in the case of special election, primary elections of each political party for candidates for the office of Delegate shall be held on the first Tuesday in May of each even-numbered year, and general elections for Delegate shall be held on the Tuesday next after the first Monday in November of each even-numbered year.

"(4) Runoff elections shall be held whenever, (i) in any primary election of a political party for candidates for the office of Delegate no one candidate has received as much as 40 per centum of the total votes cast in that election for all candidates for Delegate of that party, and (ii) whenever in any general election for Delegate no one candidate has received as much as 40 per centum of the total votes cast for all candidates in that election. Any such runoff election shall be held not less than three weeks nor more than six weeks after the date on which the Board has determined the results of any primary or general election. At the time of announcing any such determination, the Board shall establish and announce the date on which the runoff election will be held, if one is required. The candidates in any such runoff election shall be the two persons who had received respectively the two highest numbers of votes in such prior primary or general election: *Provided, however,* That if any person withdraws his candidacy from such runoff election (under rules and within time limits prescribed by the Board), the person who received the next highest number of votes in such prior election and who is not already a candidate in the runoff election shall automatically become such a candidate.

"(5) With respect to special elections required or authorized by this Act, the Board shall have the power to establish the dates on which such special elections are to be held, and to prescribe such other terms and conditions as may in the Board's opinion be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act."

(b) The last sentence of subsection (a)(9) of section 10 of the District Election Act is amended by deleting the number "(5)" at the end thereof, and substituting in place thereof the number "(8)".

(c) Subsection 10(b) of the District Election Act is amended by inserting after the words "general election for" the words, "Delegates and".

(d) Section 10(c) of the District Election Act is amended by (i) deleting after the words "of a tie vote", the word "in", and inserting in lieu thereof the words "the resolution of which will affect the outcome of", and (ii) by deleting the words "following the election" and inserting in lieu thereof the words "following determination by the Board of the results of the election which require the resolution of such tie,".

(e) Subsection (d) of section 10 of the District Election Act is amended (i) by inserting after the words "official other than" the words "a Delegate or winner of Delegate primary election, or" and (ii) by inserting the following additional sentences at the end thereof: "In the event that such a vacancy occurs in the office of a candidate for Delegate who has been declared the winner in the preceding Delegate primary or party runoff election, the vacancy may be filled not later than fifteen days prior to the next Delegate general election, by nomination by the party committee of the party which nominated his predecessor, and by paying the filing fee required by section 8(i). In the event that such a vacancy occurs in the office of Delegate, the Board shall call special elections to fill such vacancy for the remainder of the term but no such vacancy shall be filled which occurs within five months of the expiration of a congressional term."

AMENDMENT OF TITLE 2, UNITED STATES CODE, AND OTHER LAWS OF GENERAL APPLICATION

SEC. 6. (a) The Act of March 4, 1925 (sec. 4, ch. 549, 43 Stat. 1301, as amended (2 U.S.C. 31)), is amended by deleting the word "and" after the words "Representatives in Congress", and by inserting after the words "Puerto Rico" a comma followed by the words "and the Delegate from the District of Columbia".

(b) Revised Statutes, section 51, Act of July 16, 1914 (ch. 141, sec. 1, 38 Stat. 458 (2 U.S.C. 37)), is amended by deleting the word "and" after the word "Congress", and by inserting a comma in lieu thereof, and by adding, after the word "Commissioners", the words "Delegate from the District of Columbia,".

(c) The Act of July 2, 1954 (ch. 455, title I, sec. 105, 68 Stat. 409, as amended (2 U.S.C. 38a)), is amended by inserting after "Resident Commissioner to," the words "or Delegate to".

(d) The Act of June 23, 1949 (ch. 238, sec. 6, 63 Stat. 265 (2 U.S.C. 46i)), section 11(a) of the Legislative Appropriation Act, 1956 (69 Stat. 509, as amended (2 U.S.C. 60g–1)), and the Act of March 25, 1953 (ch. 10, sec. 4, 67 Stat. 8 as renumbered (2 U.S.C. 112c)), are each amended by deleting the words "from a Territory," and by inserting a comma in lieu thereof.

(e) The last sentence of the eighteenth paragraph under the subheading "CONTINGENT EXPENSES OF THE HOUSE" under the heading "HOUSE OF REPRESENTATIVES" in the Legislative Appropriation Act, 1955, as amended (2 U.S.C. 122), is amended (i) by deleting the word "and" following the words "Members of the House of Representatives" and by inserting a comma in lieu thereof,

(ii) by deleting the semicolon after the words "Resident Commissioner from Puerto Rico" and by inserting in lieu thereof the words "and the Delegate from the District of Columbia;", and (iii) by inserting after the words, "district, Puerto Rico," the words "District of Columbia,".

(f) Subsection (i) of section 1 of the Act of June 25, 1910 (ch. 392, 36 Stat. 822, as amended; 2 U.S.C. 241 (i)), and section 591, title 18, United States Code, are each amended by deleting the period at the end thereof and by inserting in lieu thereof a common followed by the words "and the District of Columbia".

(g) Chapter 11, title 18, United States Code, section 201 is amended by deleting the word "or" after the words "Member of Congress" and inserting the words "or Delegate from the District of Columbia" after the words "Resident Commissioner"; sections 203 and 204 are each amended by deleting the word "or" following the words "Resident Commissioner" and by inserting after the words "Resident Commissioner-elect" the words "Delegate from the District of Columbia, or Delegate-elect from the District of Columbia".

(h) Section 594, title 18, United States Code, is amended by deleting the words "Delegates or Commissioners from the Territories and Possessions" and by inserting in lieu thereof the words "Delegate or Resident Commissioners".

(i) The first paragraph of section 595, title 18, United States Code, is amended by deleting the words "from any Territory or Possession," and by inserting a comma in lieu thereof.

(j) Section 11(c) of the Act of August 6, 1965 (Public Law 89–110, 79 Stat. 443; 42 U.S.C. 1973i(c)) is amended by inserting after "or Delegates or Commissioners from the" the words "District of Columbia or".

(k) Title 10, United States Code, sections 4342(a)(5) and 9342(a)(5), are each amended by deleting the word "Commissioners" and by inserting in lieu thereof the words "Delegate in Congress", Section 6954(a)(5) of such title is amended by deleting the words "Commissioners of" and by inserting in lieu thereof the words "Delegate in Congress from".

(l) The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act, as amended (D.C. Code, sec. 25–107), is amended by striking out the words "the Presidential" and by inserting in lieu thereof the word "any".

MISCELLANEOUS AMENDMENTS OF DISTRICT ELECTION ACT

SEC. 7. (a) Clause (A) of subsection (2) of section 2 of the District Election Act is amended by inserting after the words "has resided" the words "or has been domiciled."

(b) Clause 2 of subsection (a) of section 8 of the District Election Act is amended by deleting the words "one hundred," and inserting in lieu thereof the words "two hundred."

(c) The first sentence of section 9(b) of the District Election Act is amended by deleting the words "The vote" and by substituting in lieu thereof the words "Except as otherwise provided by regulation of the Board, the vote".

(d) The first and second sentences of section 9(f) of the District Election Act are hereby amended to read as follows:

"(f) If a qualified elector is unable to record his vote by marking the ballot or operating the voting machine an official of the polling place shall, on the request of the voter, enter the voting booth and comply with the voter's directions with respect to recording his vote. Upon the request of any such voter, a second official of the polling place shall also enter the voting booth and witness the recordation of the voter's directions. The official or officials shall in no way influence or attempt to influence the voter's decisions, and shall tell no one how the voter voted."

(e) Section 1 of the District Election Act is amended (i) by inserting after the words "Vice President of the United States"' a comma, followed by the words "a Delegate to the House of Representatives"; (ii) by inserting the word "and" after the semicolon in clause (2); (iii) by deleting the present clause (3) in its entirety; and (iv) by renumbering as clause (3) the present clause (4).

(f) Sections 8(a) and 10(a)(1) of the District Election Act are amended (i) by deleting the words "clauses (1), (2), and (3)" and by inserting in lieu thereof the words "clauses (1) and (2)," and (ii) by deleting the words "clause (4)" and by inserting in lieu thereof the words "clause (3)".

(g) Section 8(c) of the District Election Act is amended (i) by deleting the words "The Board shall", and inserting in lieu thereof the words "Except as otherwise provided, the Board shall", and (ii) by amending subsection 1 to read as follows:

"(1) to vote, in any election of officials referred to in clauses (1) and (2) of the first section of this Act and of officials designated pursuant to clause (3) of such section, separately or by slates for the candidates duly qualified and nominated for election to each such office or group of offices by such party under subsections (a) and (b) of this section 8."

(h) Section 9(c) of the District Election Act is amended to read as follows:

"Any group of qualified electors interested in the outcome of an election may not less than two weeks prior to such election petition the Board for credentials authorizing watchers at one or more polling places at the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Subject to such rules and regulations watchers may challenge prospective voters whom they believe to be unqualified to vote."

(i) Section 9 of the District Election Act is amended (i) by redesignating subsection "(h)" to subsection "(i)", and (ii) by inserting the following new subsection (h):

"(h) In the event that the total number of candidates of one party nominated to an office or group of offices of that party pursuant to section 8(a) or 8(i) of this Act does not exceed the number of such offices to be filled, the Board may, prior to election day and, notwithstanding the provisions of section 8(c) or 8(i) of this Act, declare the candidates so nominated to be elected without opposition, in which case the fact of their election pursuant to this paragraph shall appear for the information of the voters on any ballot prepared by the Board for their party for the election of other candidates in the same election."

(j) The first sentence of section 4(b) of the District Election Act is amended to read "Each member of the Board shall be paid compensation at the rate of $50 per day, with a limit of $2,500 per annum, while performing duties under this Act.".

(k) Subsection (e) of section 13 of the District Election Act is amended by striking out the words "ten days" and by inserting in lieu thereof the words "thirty days".

(l) Section 14 of the District Election Act is amended by striking out the words "his place of residence or his voting privilege in any other part of the United States," and by inserting in lieu thereof the words "his qualifications for voting or for holding elective office, or be guilty of violating section 9, 12, or 13 of this Act."

(m) Subsection (g) of section 9 of the District Election Act is amended to read as follows:

"(g) No person shall vote more than once in any election nor shall any person vote in a primary or party runoff election held by a political party other than that to which he has declared himself to be a member."

(n) Subsection (b) of section 13 of the District Election Act is amended by inserting after the words "Vice President," the word "Delegate,"; by inserting after the word "committeewoman" the word "or"; and by deleting the words "or alternate,".

(o) Subsection (d) of section 13 of the District Election Act is amended by inserting after the word "elector," the word "Delegate,"; by inserting after the word "committeewoman" the word "or"; and by deleting the words "or alternate,".

EFFECTIVE DATES

SEC. 8. (a) Except as otherwise provided in this Act, its provisions shall take effect upon the date of its approval.

(b) The first primary election of each political party for candidates for the office of Delegate shall be held on the first Tuesday in May 1970.

APPROPRIATION AUTHORIZED

SEC. 9. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of the District of Columbia Election Act as amended by this Act.

ESTABLISHMENT OF A COMMISSION ON GOVERNMENT FOR THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 2164) to establish a Commission on Government for the District of Columbia, which had been reported from the Committee on the District of Columbia, with amendments, on page 1, at the beginning of line 3, strike out "That there is hereby established the Commission on Government for the District of Columbia (referred to hereafter as the 'Commission' to examine the feasibility and desirability of various methods by which the structure of the District government may be improved and by which the District of Columbia may be granted a greater measure of self-government than presently exists."; and, in lieu thereof, insert, "That there is hereby established the Commission on Government for the District of Columbia (referred to hereafter as the 'Commission') to examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District of Columbia government can promote economy, efficiency, and improved service in the transaction of the public business in the departments, agencies, and independent instrumentalities of the District government."; on page 3, after line 16, strike out:

SEC. 3. (a) The Commission shall examine the feasibility and desirability of various methods by which the structure of the District government may be improved and by which the District of Columbia may be granted a greater measure of self-government than presently exists. In this connection, the Commission may study among others, the following matters:

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And, in lieu thereof, insert:

Sec. 3. (a) The Commission shall examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District government can promote economy, efficiency, and improved service in the transaction of the public business in the departments, agencies, and independent instrumentalities of the District Government. In this connection, the Commission may study among others, the following matters:

On page 5, line 13, after the word "Congress;", strike out "and"; in line 18, after the word "and" where it appears the second time, strike out "instrumentalities." and insert "instrumentalities; and

"(11) the means and extent to which the District government can—

"(A) limit expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

"(B) eliminate duplication and overlapping of services, activities, and functions;

"(C) consolidate services, activities, and functions of a similar nature; and

"(D) abolish services, activities, and functions not necessary to the efficient conduct of the District government."

And on page 6, line 11, after the word "than", strike out "six" and insert "eighteen"; so as to make the bill read:

S. 2164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established the Commission on Government for the District of Columbia (referred to hereafter as the "Commission") to examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District of Columbia government can promote economy, efficiency, and improved service in the transaction of the public business in the departments, agencies, and independent instrumentalities of the District government.

MEMBERSHIP OF THE COMMISSION

Sec. 2. (a) The Commission shall be composed of—

(1) two Senators appointed by the President of the Senate, who shall not be members of the same political party;

(2) two Members of the House of Representatives appointed by the Speaker of the House of Representatives, who shall not be members of the same political party.

(3) five persons appointed by the President of the United States, one of whom he shall designate as Chairman and another of whom he shall designate as Vice Chairman. Not more than three of these persons shall be members of the same political party.

(4) the Commissioner of the District of Columbia and the Chairman of the District of Columbia Council shall be ex officio nonvoting members of the Commission; and

(5) four persons to be elected by the people of the District of Columbia.

(b) Vacancies of members appointed to paragraphs (1) through (3) of this section shall be filled in the same manner in which the original appointments were made, and subject to the same limitations with respect to party affiliation. Vacancies of the members elected under paragraph (5) shall be filled by the President.

(c) Seven members shall constitute a quorum, but a lesser number may conduct hearings.

(d) Members of the Commission shall not be deemed to be officers or employees of the United States by virtue of such service.

DUTIES OF THE COMMISSION

Sec. 3. (a) The Commission shall examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District government can promote economy, efficiency, and improved service in the transaction of the public business in the departments, agencies, and independent instrumentalities of the District government. In this connection, the Commission may study among others, the following matters:

(1) the basic structure of the District government and its relationship to the United States Government;

(2), the legislative authority to be delegated by the Congress to the District government to carry out the powers of local self-government;

(3) the authority of the District government and the allocation of such authority between the executive and legislative branches of the District government;

(4) the fiscal authority of the District government, including its authority to borrow for capital improvements, to engage in short-term borrowing, to provide for payment of bonds and notes, to make legal investments and to exercise other necessary fiscal authority;

(5) the taxing authority of the District government;

(6) the financial administration of the District government and audits of its affairs;

(7) the adjustment of Federal and District expenses and other arrangements between the District and the United States;

(8) elections in the District;

(9) the extent to which the Congress should reserve its authority to amend any charter of self-government which may hereafter be granted, the extent to which such charter may be amended by the people of the District and the extent to which such amendment should be subject to approval by the President or the Congress;

(10) all other appropriate and necessary subjects of legislation within the District consistent with the Constitution of the United States, which may establish the relationship between the District government and the Federal Government and its agencies and instrumentalities; and

(11) the means and extent to which the District government can—

(A) limit expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

(B) eliminate duplication and overlapping of services, activities, and functions;

(C) consolidate services, activities, and functions of a similar nature; and

(D) abolish services, activities, and functions not necessary to the efficient conduct of the District government.

(b) The Commission shall submit to the President and the Congress a comprehensive report of its findings and recommendations as soon as practicable and in no event later than eighteen months after the election of the members of the Commission provided for by section 2(a)(5) of this Act. The Commission is authorized to issue such interim reports as it deems necessary prior to the submission of its final report. The Commission shall cease to exist thirty days following the submission of its final report.

POWERS OF THE COMMISSION

Sec. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued over the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(b) The Commission, acting through its Chairman, is authorized to request from any department, agency, or independent instrumentality of the Federal and District Governments any information and assistance it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized and directed to cooperate with the Commission, and, to the extent permitted by law and available appropriations, to furnish such information and assistance to the Commission upon request by the Chairman.

(c) The Commission is authorized to accept, hold, and administer gifts and bequests of money, securities, and other personal property of whatsoever character absolutely or in trust, for purposes for which this Commission is created.

(d) The Commission may appoint and fix the compensation of such personnel as it deems advisable without regard to (1) the provisions of title 5, United States Code, governing appointments in the competitive service, and (2) the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates, except that no person shall receive compensation in excess of the rate now or hereafter provided for grade GS–18.

(e) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(f) When so authorized by the Commission, any member of the Commission may take any action which the Commission is authorized to take by this section.

COMPENSATION OF COMMISSION MEMBERS

Sec. 5. (a) Members of the Commission who are Members of the Congress or full-time officers or employees of the United States or the District of Columbia shall receive no additional compensation on account of their service on the Commission. The other members of the Commission shall be entitled to receive compensation at the rate now or hereafter provided for grade GS–18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

(b) While traveling on official business in the performance of services for the Commission, members of the Commission shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

ELECTION OF COMMISSION MEMBERS FROM THE DISTRICT OF COLUMBIA

Sec. 6. (a) Four members of the Commission shall be elected at large by the people of the District of Columbia, pursuant to the provisions of the District of Columbia Election Act (Act of August 12, 1955, 69 Stat. 699, as amended by the Act of October 4, 1961, 75 Stat. 817; sec. 401, Reorganization Plan Numbered 3 of 1967; Public Law 90–292, Ninetieth Congress) and pursuant to the provisions of section 2 of the District of Columbia Board of Education Act of June 20, 1906 (D.C. Code, sec. 31–101), as amended.

(b) The general election of such members shall take place on the date of the first general, primary, or runoff election (whichever occurs earlier) to be held pursuant to the provisoins of the District of Columbia Election Act and of the District of Columbia Board of Education Act which takes place more than ninety days after the approval of this Act.

(c) If the general election of such members held under subsection (b) of this section would not take place within one hundred and eighty days after approval of this Act, the Board of Elections for the District of Columbia shall provide for a special election of such members. Such election shall take place as soon after the approval of this Act as it can reasonably be held, but no less than ninety days and no more than one hundred and eighty days after the approval of this Act.

(d) The provisions of the District of Columbia Election Act and of section 2 of the District of Columbia Board of Education Act, as amended, relating to the election of candidates for the Board of Education elected at large, shall apply to the election of the elected members of the Commission, except as otherwise modified by this Act.

(e) (1) The following provisions of the District of Columbia Election Act shall not be applicable to the election of elected members of the Commission: Section 1, subsections (a), (c), (d), (e), (f), (g), and (h) (1) of section 8, subsections (a) (1) and (a) (2), (d), and (e) of section 10, subsection (b) (c), (d), and (e) of section 13 and section 15.

(2) The following provisions of section 2 of the District of Columbia Board of Education Act, as amended, shall not be applicable to election of elected members of the Commission: Section (2) (a), (b), subsection (1) or section 2(c), section 2 (d) and (e).

ADMINISTRATIVE SERVICES

Sec. 7. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. There are hereby authorized to be appropriated, out of moneys in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the purposes of this Act.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–434), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

The purpose of the bill S. 2164 is generally to create a home rule study commission for the District of Columbia, to serve at the same time as a local investigative commission (a local Hoover Commission) to study in detail the operations of the District of Columbia government.

More specifically, the purpose of S. 2164, (as stated therein), is to establish a Commission on Government for the District of Columbia to examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District of Columbia government can promote economy, efficiency, and improved service in the transaction of the public business in the departments, agencies, and independent instrumentalities of the District government.

The Commission on Government is to consist of 15 members—two Senators, two Members of the House of Representatives, five Presidential appointees, and four members elected by the people of the District of Columbia, along with, ex officio, the District Commissioner and the Chairman of the District of Columbia Council. While being charged with reasonable expedition, the Commission is allowed 18 months to submit its findings and recommendations to the President and to the Congress.

NEED FOR LEGISLATION

S. 2164 reflects, first, the awareness of this committee of the continued anomaly of the disfranchisement of Washington's 850,000 citizens. Unique among the constituent jurisdictions of the United States, the District of Columbia as such is governed entirely by appointed officials and employees.

In such a setting, in the National Capital, the move toward greater self-government is as inevitable as the ideal of democracy is cherished. The Senate District Committee, moreover, was persuaded that self-government can enhance good government by assuring the support of the people to be governed.

The committee recognized that the important position which the District of Columbia occupies—as a model for the Nation, the National Capital, as well as the residence of nearly a million persons—requires that the form of government in this city be acceptable at once to the Congress, to the President, to the Nation, and to Washingtonians. Yet, to date, proposals for particular forms of government, fashioned or approved by this committee, have not in fact achieved full acceptance. The committee concluded that some novel approach is necessary.

The committee further noted that recent developments in political thinking appear to pose, as never before, conflicting trends in the field of urban government. While some would urge an expansion of interjurisdictional cooperation, others urge decentralization or diffusion of governmental services. While some would urge increased professionalization of local government, others urge increased citizen participation. With this in mind also, the committee opted to create a study commission, whereby disparate thinking might more easily be tapped, reconciled, and implemented.

In specifically charging the Commission on Government (in S. 2164) with a review of the operations of the District government, the Senate committee was mindful of the need for shoring up the administrative underpinnings of any new form of city government. The committee likewise sought to institutionalize intensive oversight and reform, as the logical counterpart of its approval of increased Federal moneys for the support of the District of Columbia government, and of the committee's repeated authorization for an expansion of local governmental activities.

HISTORY OF LEGISLATION

The Senate Committee on the District of Columbia had pending before it four bills relating to home rule—S. 1971, providing for the election of the existing District of Columbia Council, S. 1972 and S. 1991, updated versions of the home rule measure (S. 1118) passed by the Senate in the 89th Congress, first session (providing immediate home rule with a Mayor-Council form of government), and S. 2164, introduced on behalf of the administration, providing a home rule study commission.

A public hearing was held by this committee on April 30, 1969, at which time the committee had before it S. 1971, S. 1972, S. 1991, and the message of the President to the Congress of the United States, dated April 28, 1969. That message outlined the substance of the provisions of S. 2164, which was introduced thereafter, on May 13, 1969.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and that the amendment I now offer may be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment offered by the Senator from Massachusetts will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 85, line 25, immediately after "(h)", insert "(1)".

On page 86, between lines 11 and 12, insert the following:

"(2) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pursuant to paragraph (1) of this subsection, (B) has filed, instituted or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(3) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (2) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of section 304 of this Act. Violations by any person of paragraph (2) of this subsection shall be subject to the provisions of sections 307 and 308(a) of this Act.

"(4) Whenever an order is issued under this subsection, at the request of the applicant,

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a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation."

On page 103, line 17, immediately after "section" insert "or section 301 (h) (3)".

On page 104, line 5, immediately after "section", insert "or section 301 (e) (3),".

Mr. KENNEDY. Mr. President, this is, I believe a noncontroversial matter. My proposed amendment would make it unlawful for any person to discharge or otherwise discriminate against a miner for bringing suspected violations of this act to the attention of authorities. In essence, the amendment gives to miners the same protection against retaliation which we give employees under other Federal labor laws. As a result, miners will feel free to point out health and safety hazards which this act is designed to prevent and correct.

Under the amendment, if a miner feels that he has been discharged or discriminated against because he pointed out a suspected violation, he may petition the Secretary of Interior for a review of the action. The Secretary will have a hearing to determine the validity of the charge. If the Secretary decides that the miner was wrongfully fired or transferred, he can order that he be rehired or reinstated to his former position, with or without back pay. He can enjoin the violator from further discrimination and take other appropriate action. A violater would be subject to the civil penalties, but not the criminal penalties, of the act.

A right of appeal to the Federal courts from the Secretary's decision is reserved for all parties.

If he wins his case before the Secretary, the miner can obtain costs and attorney's fees.

Mr. President, the rationale for this amendment is clear. For safety's sake, we want to encourage the reporting of suspected violations of health and safety regulations. Section 301(h) of the bill, on page 85, confirms this concern by calling for immediate inspection whenever a representative of miners believes that there may be a violation of health or safety standards.

But miners will not speak up if they fear retaliation. This amendment should deter such retaliation, and, therefore, encourage miners to bring dangers and suspected violations to public attention.

The provisions of this amendment are similar to protections in other labor laws.

The National Labor Relations Act, for example, makes it an unfair labor practice for an employer "to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this act." But this gives protection only to employees who have pointed out violations of the National Labor Relations Act, and not to those who have pointed out violations of other laws—such as the proposed Coal Mine Health and Safety Act.

The Fair Labor Standards Act, relating to minimum wage and hours worked, provides:

> It shall be unlawful for any person . . . to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceeding.

The Fair Labor Standards Act gives the employee a right to civil suit for back pay and damages. Suit can also be brought, on behalf of the employee, by the Administrator of the Wage and Hour Division of the Department of Labor.

If the suit is successful, the employee can collect reasonable attorney's fees and costs of the action from the defendant.

The Landrum-Griffin Act makes it unlawful for any person to "attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the provisions of this act."

Other labor laws have similar protections. But they do not apply in the case of the proposed coal mine health and safety bill. For the protections are written into the specific acts, and apply only for employees calling attention to violations under those specific acts.

My proposed amendment, then, simply puts into the Coal Mine Health and Safety Act the same protection which we find in other legislation.

It is especially important that miners not feel inhibited to point out health and safety violations because there is such a high degree of danger in the mines. As Mr. John Corcoran, chairman of the National Coal Association, testified:

> There can be no question that the health and safety of employees in the coal industry must be given first priority.

Indeed, the first declaration of purpose in the bill before us today is that "the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

Mr. President, our coal miners deserve the same safeguards that we give to other employees who raise possible violations of law. My amendment provides those safeguards. I urge its adoption by the Members of this body.

Mr. JAVITS. Mr. President, may I ask the Senator's indulgence, so that we might go on to something else for a few minutes? Would the Senator be agreeable to that?

Mr. KENNEDY. Yes.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Cranston in the chair). The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I would like to say a word about the amendment proposed by the Senator from Kentucky (Mr. Cooper) with respect to nongassy mines, and to deal with the general proposition for which the Senator from Kentucky so redoubtably contended, which is that the nongassy mines should have special consideration because of their safety record.

I think implied in his approach is the fact that on a very broad scale nongassy mines are usually small businesses.

Neither the Senator from New Jersey (Mr. Williams) nor I have any vested interest in respect of the inclusion of nongassy mines in this legislation. Senator Williams is from New Jersey, and I am from New York. We have no great problem with any regulations which would be fair and just to assist in this very dangerous occupation of coal mining.

I wish to assure the Senator from Kentucky and the many people he represents that when we examined into this matter, we examined it with great objectivity. We had to rely on the views of the authorities who deal with mine inspection and safety all the time.

The junior Senator from Kentucky (Mr. Cook) argued that on a given occasion some years ago the Department had a different view on the nongassy mine situation. I do not challenge that. The fact is, however, that their present representation to us—to the Senate, the country, and to everyone concerned—is that if we really want safety for the miners, the Department cannot give the assurance that it will be done unless nongassy mines are covered.

They say, "Yes, the number of explosions over a long period of years is materially less in nongassy than in gassy mines and many more miners are involved." But they say, "We cannot assure you tomorrow that that may not change or that any particular nongassy mine will not explode because of the ignition of methane gas from a spark—a spark which can come from a match, a cigarette or a large or small piece of equipment."

They give as evidence the undisputable fact that there have been methane explosions of a serious character in nongassy mines. The whole concept of our country—and that is one thing we are fighting about in Vietnam and there is no more redoubtable champion for the people in Vietnam and everywhere than the Senator from Kentucky—is that one life is as important as 5,000 lives and vice versa.

That is what we are faced with here. I must say in respect to this amendment that I really am convinced that if we are going to enact a scheme of health and safety, we have to include nongassy mines for the reasons I have just stated.

When one comes to the small business aspect, that is where I have deep sympathy with what the Senator from Kentucky (Mr. Cooper) is up against and what the nongassy mine operator is up against. It is a question of financial ability to do what the interests of safety may require.

The scheme of the legislation seeks—maybe it is inadequate; I am not going to try to be silly about that—to give an extended period of time for compliance of up to 4 years. I am confident that virtually every one of the small nongassy

mines could get the full period because they could qualify under the criteria. Furthermore, it makes them eligible for small business loans.

In a memorandum that the Senator from Kentucky (Mr. Cooper) has promulgated, I notice that he challenges the cost of the conversion or other corrections of equipment.

I might tell the Senator that precisely because of the provisions in the bill which permit onsite inspection by the Bureau of Mines, the cost has been brought down materially. Of course, the original cost estimates were much higher than what the cost has been brought down to, by virtue of the provisions in the bill permitting a field inspection system. We are convinced, again objectively, since neither the Senator from New Jersey (Mr. Williams) nor I have any ax to grind, that the $10,000 estimate of the average cost per small nongassy mine of the Bureau of Mines is sound.

We must respectfully submit, although we know that mines are small, and there are difficulties facing the individual proprietor, that this is not a forbidding sum for anyone over a period of years, an extended period of years, who is in business for himself to meet in the interests of safety.

This is the case for us, the proponents.

Let me say to the Senator from Kentucky that I, for one, will do my utmost, within the limits of reason, if more time is required to make more time available. Perhaps he might have a better suggestion as to the financing arrangements, I shall try to do what I can on that. But the fundamental proposition is that the nongassy mines should be required, ultimately to meet the standards of other mines, insofar as the prevention of explosions is concerned.

I speak now only because I hope that overnight, as the Senator considers—and we consider—this, some area of agreement may be found along the lines which I have just laid before the Senator from Kentucky (Mr. Cooper).

I have the deepest sympathy with the problems faced by small mine owners. On the other hand, it is also our responsibility. I hope very much that we can reconcile them by giving something of our time in trying to find some way to deal with the many forces involved, but still retaining the fundamental concept that a true health and safety bill in the coal mine industry demands that there be coverage for the nongassy mines as well.

Mr. COOPER. Mr. President, I appreciate very much the statement just made by my good friend, the Senator from New York (Mr. Javits). He is a constructive legislator. He is always reasonable. I accept wholly the statement, that he and the Senator from New Jersey (Mr. Williams) have approached this subject objectively. I know that is their attitude. That is their character. It may be said that I might not be as objective, but I think that we have to relate with objectivity one's knowledge of the situation and the facts. In that sense, I may be as objective as my friends from New Jersey and New York. I believe that I probably have a more practical knowledge of the situation in the mines, and what would happen, because of the terms of this bill. I say that with great respect for both of them.

The Senator from New York has referred to his efforts to provide help for reconversion through a more liberal, Small Business Administration regulation. That might be helpful to a few of the large nongassy mines which can afford to purchase the machinery, but to a great majority, as shown by the report of the committee, which describes small nongassy mines their operation would not be economically feasible. They could not recoup the investment; a small business loan would be of no value.

The Senator from New York referred to the elimination of nongassy classification as a matter of conscience. It is a matter which lies upon our conscience. I am sorry that anyone should die or be injured in a coal mine. Let me point out that there are many industries in this country, where men work with their hands, that are dangerous and hazardous. Whether in the coal mines, the machine shops, the roundhouses, or the other great industries in our country, there is danger of death and injury.

I must say that, sad as the record is in each of these classes of mines, the record in the nongassy mines is better than in most hazardous industries in this country and is remarkably good.

Mr. President, the Senator from New York argues that introduction into the mines of permissible machinery would reduce ignitions. The record shows that nearly all ignitions have come from matches and smoking. That is taken care of in the bill. I wish to point out that permissible machinery has not appreciably reduced ignitions in the gassy mines.

It is a matter of conscience. Two days ago, when we were debating the question of fixing a tax upon coal for conversion, I believed in my mind and judgment that we did not have the constitutional right and so argued. But, going home that afternoon, I felt sad because I thought that perhaps it would deprive these people who suffer from the black lung diseases would be deprived of compensation. If we in good conscience should close down the small mines, then in good conscience, I should also say that we should close down the gassy mines.

If I had to vote, I believe I would have to vote that the mine in Farmington, W. Va., could not be opened again.

It is not wholly correct to say that this is a matter of conscience on one side and not a matter of conscience on the other.

Mr. President, I thank the Senator from New York. He is my friend, as he knows. We are together on practically everything. We are not together on this subject. He usually knows more about the issues of the day than I do, but I think, in this case, I may have a little more practical experience.

Mr. President, I want to thank the distinguished Senator from New Jersey (Mr. Williams) for his explanation of the bill. He pointed out accurately the great improvements which have been made by his subcommittee—including the Senator from New York (Mr. Javits), Senator Randolph, and others.

As I have said, with the exception of this item, and perhaps a few minor ones, I wholly support the bill.

This is such a complex question that I have laid upon the desk of each Senator a two-page statement which summarizes the position which I believe supports my amendment. I have also analyzed the cost estimates, contradictory as they are, in the report and have placed a two-page summary of it on the desk of each Senator.

I must say that they are absolutely impractical. When anyone reads them, he will know that some of the estimates must have been prepared by one who knows nothing at all about the operation of a coal mine.

For instance, it speaks of a large coal mine, or a large nongassy coal mine with an annual production of 20,000 tons. With 250 days of operation, that would be 80 tons a day. That is a very small, nongassy coal mine.

That is just one example. An experienced coal mine operator or coal miner could look at the cost estimates and know absolutely how illogical and impractical they are. I have tried to emphasize that in the summary I have made.

Now, Mr. President, I have talked too long. Again I express my thanks to my good friend from New York.

Mr. President, I ask unanimous consent to place in the Record two memorandums I have prepared on this subject.

There being no objection, the memorandums were ordered to be printed in the Record, as follows:

S. 2917, COAL MINE HEALTH AND SAFETY ACT

SHORT EXPLANATION OF AMENDMENT PROPOSED BY SENATOR COOPER

The Coal Mine Health and Safety Act is complex and this is a short explanation of my amendment which would maintain the present classification of mines as *"gassy and nongassy"* as it relates to the use of certain electrical equipment.

The Coal Mine Safety Act of 1941 was only advisory, without Federal regulation.

The Act of 1952 provided Federal safety regulations and enforcement for mines employing more than 14 persons and designated as Title II mines. With respect to Title I mines—employing 14 or less—regulations were left to states. In 1966, Congress amended the Act, placing all mines without regard to the number of employees under Federal regulations.

The Bureau of Mines has recognized the distinction between "gassy" and "nongassy" mines from 1926 to the present. A mine is classed "gassy" when a test of air at specified places shows a concentration of 0.25 percentum of methane, one-quarter of one percent. Ignitions and explosions occur when methane content reaches generally 5 to 15 percent. The nongassy mines are termed "nongassy" because tests throughout the years showed that the percentum of methane is 0.25 or less.

The Bureau of Mines regulations have required and now require that "gassy" mines use "permissible equipment", equipment built, and approved by the Bureau of Mines, for the purpose of reducing sparking, because there is great danger of ignition in "gassy" mines. S. 2917, the pending bill, would change existing law and require all mines, "nongassy" as well as "gassy ", to use permissible equipment. Operators of "nongassy" mines would be required to junk their present equipment and purchase permissible equipment. The cost would put many of the small mines out of business without any real contribution to safety. I am attaching a second memorandum which will indicate

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the heavy cost of the requirement for permissible machinery.

Safety record of "gassy" and "nongassy" mines

I placed in the Record on June 5 and again on September 25 of this year the records furnished me by the Bureau of Mines covering the period 1952 through 1968. A comparison between "gassy" and "nongassy" mines is startling. In 392 "gassy" mines, employing about 55,000 persons, and producing about 60% of the coal, there were *381* ignitions, causing *374* deaths and *427* injuries. In the same period of time, in *3,191* "nongassy" mines there were 52 ignitions causing 27 deaths and 54 injuries.

While any deaths or injuries are sad, I must say that the safety record of "nongassy" mines is good. I also asked the Bureau of Mines for a detailed description of the causes of ignitions in "nongassy" mines which I placed in the Record on September 25, 1969. This record indicates that if permissible equipment had been used, only nine of the 51 ignitions might have been prevented by the use of permissible coal drills and blower fans, which are required by this bill, and which I support. The effect of requiring the "nongassy" mines to buy other large, expensive permissible equipment such as cutting machines, loaders and shuttle cars would put most of them out of business. The miners would be forced to find employment in the large "gassy" mines where the record of danger of deaths and injuries is great.

Repeated explosions have occurred in the "gassy" mines ranging from 2 to as many as 18, according to the records of the Bureau of Mines—"gassy" mines which were required to use permissible equipment. The explosion occurring at Consol #9 at Farmington, West Virginia, resulted in the death of 78 persons—about three times as many deaths in this one "gassy" mine as occurred in 3,191 "nongassy" mines in a period of 16 years. A similar explosion had occurred in the same mine in 1956, killing 16 persons.

The bill before us has some very helpful amendments which we hope will reduce the hazards of mining in both "gassy" and "nongassy" mines. I support these more effective regulations.

It is inconsistent for the Bureau of Mines, concerned about fatalities and the bad safety record of "gassy" mines, to keep these open and force upon the "nongassy" mines, which have a far superior safety record, the mandatory requirement to junk their present equipment and purchase permissible equipment.

Memorandum by Senator Cooper Concerning the Costs of Requiring the Use of Permissible Equipment in "Nongassy" Mines as Proposed by S. 2917

S. 2917 would change existing law and require the use of permissible equipment in "nongassy" mines. Unless my amendment is approved, S. 2917 would require about 3,000 "nongassy" mines be equipped with permissible machinery as is now required in 400 "gassy" mines.

I have shown in another memorandum that the Bureau of Mines' records show that in the period of 1952 to 1968, in "gassy" mines, there were 381 ignitions resulting in 374 deaths and 427 injuries. In sharp contrast, in 3,191 "non-gassy" mines there were 52 ignitions, 27 deaths and 54 injuries. The "gassy" mines are dangerous and will continue to be dangerous. S. 2917 would require the "non-gassy" mines, which have a good record of safety as far as ignitions are concerned, to junk their present equipment and rebuild their mines with costly permissible equipment. This would drive many of the small "nongassy" mines out of business and force their miners to find employment in the dangerous "gassy" mines.

The report of the Committee on costs is contradictory. The Committee heard no proof on the costs of refitting a "nongassy" mine with permissible equipment, except for the testimony of Mr. Cloyd McDowell who testified that the cost of fitting a section of a "nongassy" mine would be—about $240,000. Although the Committee heard no testimony, its report, on page 31 (2. Cost of Conversion), states varying figures of costs. The first paragraph states that the minimum would be $70 million, and a maximum of $360 million; the same paragraph places the cost at $51 million. The same page, fifth paragraph, states that the Department concluded the costs to be $80 million. Page 32, fourth paragraph, puts the cost at $51.7 million; page 32, fifth paragraph, puts the cost between $50 million and $60 million; and page 32, sixth paragraph, estimates costs of $30 million.

On pages 27143 and 27144 of the Congressional Record of September 25, Senator Williams of New Jersey placed in the Record tables submitted by the Bureau of Mines. The Record shows that new equipment for a section of a mine would cost $266,000, even larger than Mr. McDowell testified; Table 2, Rebuilt Equipment, would cost $196,500. The table is incorrect because the first three items would not be required and the cost would be $92,500.

Table 3, Rebuilt Equipment, $21,450 would apply to hand-loading mines which have a small production of coal and which have practically gone out of business. For such a mine, the amount of $21,450 would be prohibitive.

Another estimate on page 32 of the Committee Report indicates that small "nongassy" mines could be equipped with converted machinery at a cost of approximately $10,000 per mine. These costs would apply, according to tables placed in the Record, to a mine producing annually 15.000 tons, which on an average work-year of 250 days, would average about 60 tons a day. This is completely unrealistic. The average net profit per ton is thirty cents and, if it were possible to reconvert present machinery—which is not the case—it is an unrealistic estimate of cost.

Permissible machinery is now manufactured by a few companies, and the prototype of the machinery must be approved by the Bureau of Mines.

On page 27143 of the Congressional Record of September 25, the Bureau of Mines states that if all mines are required to re-equip with permissible machinery, "it appears that *a minimum of eight years might be required if the manufacturers could triple their sales capacity. It may, however, be as much as ten years . . .*" (Italic supplied.)

The Committee assures us there is no problem of converting present conventional equipment to permissible equipment. In correspondence I have had with equipment manufacturers and with operators, it is evident that conventional equipment cannot be converted to permissible equipment or, if some machinery could be converted, the costs would vary greatly, and would be prohibitive.

In summary, conventional equipment cannot be converted to meet the standards of permissible equipment. The cost of junking conventional equipment and purchasing permissible equipment will force hundreds of "nongassy" mines, with an excellent safety record, out of business causing economical loss to miners, mine operators, many associated industries, and to the communities and States in which these mines are located. It will not contribute to safety. The danger lies in the "gassy" mines and not the "nongassy" mines.

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand from conversations and consultations with officials in the Department of the Interior, that they find this amendment acceptable as far as they are concerned. So I move the adoption of my amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I may add that the amendment has a worthy objective and conforms the bill to other areas to which it should be extended. I accept the amendment.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. GRIFFIN. Is this the amendment that the Senator from Massachusetts was telling me about earlier, that had been cleared with the minority staff?

Mr. KENNEDY. With members of the minority.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. MOSS. Mr. President, my interest in coal mine health and safety is, in part a personal one. As you know, the State of Utah is a coal-producing State with an annual production of approximately 4-million tons per year and an average employment of over 1,200 men. Thus it is very important to me that Congress do whatever is necessary to fully protect both the health and safety of the men in the mines.

But, my interest does not only extend to those men currently employed. Utah has a coal reserve of almost 8-billion tons of which approximately one-half is considered recoverable. We in Utah hope that this reserve will form the basis for industrial development in our State and will provide for jobs and incomes for future generations of our State's residents. However, while we look with anticipation to the fullest development of our coal resources, we have an obligation to insure that such development is not paid for through the death and injury of the men who mine our coal.

The record in both the health and safety field in the Nation's coal mines is a deplorable one. Since 1960, more than 2,400 men have lost their lives in coal mine accidents. Since 1960, almost 100,000 miners have been injured while at work. This is an abominable record, a record which cries out for correction, a record which should galvanize this Congress and all others concerned to do whatever is necessary to effectuate a prompt and significant improvement in the safety field.

In 1968, 309 coal miners died in accidents. This represents an increase of almost 50 percent over the fatality record for 1967. In addition, when one considers the frequency rates of fatal accidents per million man hours, it is obvious that the situation is worsening

rather than improving. For example, in 1960 the frequency per million man-hours was 1.15, while in 1968, the frequency rate was 1.28 fatalities per million man-hours. I cite these statistics, Mr. President, only to illustrate what is obvious to all of us, that the American coal miner does not now have the protection to which he is entitled.

The record in the safety field is echoed in the area of coal mine health. Coal related diseases are ravaging our mining population to a point where a major crisis is developing in every coal field in this Nation. It has been estimated that 125,000 U.S. coal miners, active and retired, suffer from coal workers' black lung disease. More significantly, medical testimony indicates that there is an increasing incidence of the dust diseases among younger men who face the prospect of this work-related disease during what should be their prime working years.

I am alarmed, as I know you are, by these facts. Assuredly, the record substantiates the need for legislative action by this Congress and the proper enforcement of the coal mine health and safety statutes.

Coal mining is a vital industry in the United States. Coal is produced here by the most modern mining techniques available anywhere in the world. Output per man-day has improved to the point where the American coal miner is the most efficient miner on earth. Production and consumption, after a long period of decline in the early post-war years, has turned upward. Today the coal industry can look to the future with more confidence than it has ever done before. A part of this confidence is based upon the ever growing demand for all forms of energy in the United States. Since coal is the largest indigenous source of energy available to our Nation, it seems to be inevitable that coal mining must expand to meet a large part of this energy growth.

However, it is imperative that as coal mining grows, the coal miner should not be made to suffer from occupational death and disease. He should not be subjected to the daily threat of a roof fall, a fire, or an explosion, as well as other coal mining hazards, which will kill or maim him. Nor, should he have to face the grim probability that his final years on earth will be spent gasping for breath through lungs filled with deadly coal dust.

The cost of such human misery is more than the American people have to or will bear.

I support the bill (S. 2917) as reported by the Senate Labor and Public Welfare Committee. However, I feel that it can and should be improved, and I shall support the amendment to be offered by the Senator from Montana (Mr. Metcalf) to make mandatory civil penalties for violation of the act.

It should not be left to the discretion of the Secretary of the Interior as to when penalties should be imposed. There should be no doubt that they will be imposed whenever the coal operator violates the law.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it stands in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. SPONG. Mr. President, I ask unanimous consent that I may be excused from attendance on the proceedings of the Senate tomorrow, due to a death in the family.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate this evening, I move, in accordance with the previous order, that the Senate adjourn until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 34 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 2, 1969, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 1969:

Interntional Bank for Reconstruction and Development

Robert E. Wieczorowski, of Illinois, to be U.S. Executive Director of the International Bank for Reconstruction and Development for a term of 2 years, vice Covey T. Oliver, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1969:

U.S. Circuit Court

Arlin M. Adams, of Pennsylvania, to be U.S. circuit judge, third circuit.

Four Corners Regional Commission

L. Ralph Mecham, of Utah, to be Federal cochairman of the Four Corners Regional Commission.

HOUSE OF REPRESENTATIVES—*Wednesday, October 1, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Great peace have they who love Thy law; nothing can make them stumble.—Psalm 119: 165.

Almighty and most merciful Father, who art ever coming to Thy children with strengthening spirit, make us strong in Thee that we may serve our country with great and genuine devotion.

Give us steadfast minds with no room for unworthy thoughts, serene hearts which no trouble can disturb, and strong hands with which to do Thy will in lifting our Nation to higher levels of patriotic living.

We commend to Thy loving care all who are giving their lives for our country, that living or dying they may win for our world the fruits of justice and peace.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 713. An act to designate the Desolation Wilderness, Eldorado National Forest, in the State of California.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.

SPECIAL ELECTIONS—FOUR OUT OF FIVE

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, congratulations to the people of the Sixth Congressional District of Massachusetts on the election of Michael J. Harrington to Congress yesterday.

Michael J. Harrington, married and the father of four, is a lawyer and member of the State house of representatives.

Harrington is the first Democrat to represent this district in 157 years. He ran a hard-hitting and forceful campaign by taking a stand on the issues and by meeting the people to discuss with them the problems of the district.

Mike Harrington, who recently turned the age of 33, expressed his position on national and international issues.

Some 60 percent of the district's registered voters turned out, an unusually high figure for a special election.

Complete unofficial returns from the 186 precincts gave Harrington 72,030 votes to 65,453 for his Republican opponent, William L. Saltonstall.

With Harrington's overwhelming victory, he becomes the fourth Democrat to succeed in five special elections this year. Democrats have replaced Republicans in three of the five special elections.

We welcome him to the 91st Congress.

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DEMOCRATIC VICTORY IN SPECIAL ELECTION IN SIXTH CONGRESSIONAL DISTRICT OF MASSACHUSETTS

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, I am pleased to join my colleague, the gentleman from Massachusetts (Mr. Burke), in congratulating Michael J. Harrington, the Democratic candidate, on his spectacular victory in the special election for Congress in the Sixth District of Massachusetts.

Mr. Speaker, this election had particular significance. It was, indeed, a personal victory for Mike Harrington. It is, surely, a tremendous victory for the Democratic Party. For this is the first time since 1812—157 years—that this district will be represented by a Democrat.

But, Mr. Speaker, above and beyond its significance to our party, the result of the election demonstrated beyond any shadow of a doubt that the people, not alone in this district but throughout the land, are concerned with the issues that perplex them. Mike Harrington hit the issues head on. The war in Vietnam, our foreign policy, reform of the draft, our national priorities, military expenditures and particular systems like the ABM, and a host of other issues came under scrutiny in this special election. Harrington's victory reflected the grave concern that the people of his area have for the direction in which this country is headed. Some 137,000 people voted in this special election. I know of no other special election that has attracted such voter attention. This outpouring of people and Mike Harrington's win are dramatic evidence that people do interest themselves in the problems that beset our Nation.

Mr. Speaker, Mike Harrington was an outstanding candidate and the Democratic Party in this House can rejoice in his success. His ability, knowledge, dedication, his willingness to learn, his capacity for work, and his perceptive mind can and will add to the character of this House. I welcome him to this body.

THE MASSACHUSETTS SPECIAL ELECTION

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I join with the distinguished gentleman from Massachusetts who has just stated that yesterday's stunning victory by Michael J. Harrington in Massachusetts is of major national significance.

Mr. Speaker, the Sixth Massachusetts Congressional District has never been represented by a Democrat. It has been held by the Republican Party since before the Civil War. Our late colleague, William Bates, was reelected last November with 66 percent of the vote. He had won the seat in 1962 with 56 percent, in 1964 with 65 percent, and in 1966 with 66 percent. Mr. Harrington captured the seat for the Democratic Party yesterday by a vote of 72,030 to 65,453. Sixty percent of the registered voters turned out, an excellent showing for a special election.

I assume before long that spokesmen for the Republican Party, based on our experience in recent years, will start issuing statements as to the number of Democratic seats they intend to capture in 1970, and the news media will speculate at length on whether Democratic losses will be 20, 30, or more seats. I would respectfully urge on my Republican friends and the news media a word of caution. We have had five special congressional elections this year, the Democratic Party has won four of them. In three widely scattered sections of the country, Democrats have captured previously held Republican seats. The Seventh Wisconsin District, which has never been held by our party in the 20th century, shifted from Republican to Democratic. We took the Second Montana District which had not elected a Democrat since 1958, and now the Sixth District of Massachusetts, Republican since the 1850's, is ours. In Tennessee, in the face of an all-out Republican effort, we retained a Democratic seat. In California, in a strongly Republican district, the Democratic vote increased from 28 percent in 1968 to 43 percent in 1969. These elections are not isolated events. I believe they represent a national pattern. They reflect a widespread dissatisfaction on the part of the American electorate with the performance of the incumbent administration and the Republican Party. These special elections clearly foretell what is going to happen in next year's midterm congressional election. That election, I have every confidence, will result not in Republican gains in the House but rather a substantial increase in our Democratic majority.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON PUBLIC WORKS AND ATOMIC ENERGY APPROPRIATION BILL

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Thursday, October 2, to file a privileged report on the public works and atomic energy appropriation bill for 1970.

Mr. DAVIS of Wisconsin reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION TO COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A SUPPLEMENTAL REPORT ON H.R. 12605

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may file a supplemental report on H.R. 12605 to correct a printing error in that report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

VIETNAM

(Mr. JACOBS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JACOBS. Mr. Speaker, let us get specific.

Yesterday morning certain national leaders, including the President himself, called upon the American people to allow thousands more of their sons to die horrible deaths for the dubious cause of defending a dictatorship against a dictatorship in Vietnam.

Yesterday evening the only Americans having an official opportunity to answer that unfortunate request said "No" by electing the first Democrat in 157 years to represent their congressional district in the Speaker's home State of Massachusetts.

That new Member campaigned against our tragic and unnecessary intervention in that unhappy land which we have been able to make no happier by our staggering human and material sacrifice there.

There is a difference between guts and foolhardiness. And what "bugs" me is to hear those whose own lives are not being "bugged in" calling opposition to unnecessary death "bugging out." To them I say, do not be a hero on somebody else's time—or try to save the face of mistaken politicians by somebody else's sacrifice.

STUDENT LOANS

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, we are now in the third week since passage of the "emergency and urgent" student loan bill. On September 15, 1969, I stood in this well and asked the Members of this House to vote down the suspension and give the Members of this body an opportunity to amend that bill, regarding interest rates, student riots, and administration. During debate the chairman of the House Rules Committee assured the House that the bill would be granted a rule immediately and back on the House floor, open to amendments.

After passage of the bill dozens of Members of this body came and said to me, "Bill, I am sorry I could not vote with you. We do not like to operate under a 'gag rule,' but because of the urgency of this measure, we have to act on it right away to provide immediate funds for our college students."

Yet, today, in the third week, this "emergency measure" is still tied up in conference. We have met only twice and on two other occasions the meetings were canceled. Where has all the "urgency and emergency" that allegedly prevailed gone? It is doubtful as to when this bill will get out. Were it not for the arbitrary action of the chairman of the House Education and Labor Committee in holding this bill up and not releasing it in time for a rule so that the House could work its will the bill would have been passed long ago in both Houses and more students would have had an opportunity for loans.

Who is responsible for the failure to

obtain the "quick passage" which this House was promised if they swallowed the "gag rule"?

COTTON FARMERS WANT PAYMENT LIMIT

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, lobbyists are hard at work on Capitol Hill in attempting once more to rally opposition to the limitation written into the House appropriation bill for agriculture, the limitation that fixes a ceiling of $20,000 annually on the total amount any single farmer can get under the various programs authorized by the Agriculture Act of 1965 as extended.

Their theme, as I gather it from reports, is that this would be a disaster for the cotton farmer, that the cotton farmer is opposed to a limitation on payments because it would mean his ruin.

What do the farmers in the Cotton Belt really think about the limitation idea? Progressive Farmer is the magazine that is nationally regarded as the chief publication of the Cotton Belt. The magazine circulates almost exclusively in the cotton States. I have just received a copy of the October issue of the magazine, which reports on a survey it has taken of 6,300 farmers in the Cotton Belt. One of the questions asked of these cotton farmers was: Do you favor an annual limitation on payments to any one farmer under Federal farm programs? The answer was: 71 percent favored a limitation on payments.

Then, as a further inquiry this question was asked: At what level do you favor the limitation? Five percent of them favored the limitation at $100,000; 11 percent of them favored it at $40,000; and 35 percent at $20,000; and 44 percent at $10,000.

So I think it is quite clear from this report by Progressive Farmer magazine that in the land of cotton the farmer definitely wants a limitation on individual payments, and the farmer there thinks even the $20,000 figure is too high.

DISCLOSURE AND LIMITATION OF CAMPAIGN COSTS

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I am today introducing an election reform bill which would make our law governing Federal election campaign spending consistent with already declared intentions of full disclosure and limited campaign costs. A full summary is being included in today's appendix. Present law may attempt to accomplish these ends, but it offers such a variety of subterfuges that it makes any compliance a voluntary act. I am concerned about the advantage which the wealthy presently have in seeking public office or in influencing the outcome of the election process.

My bill proposes extensive changes in three broad aspects of the law: individual contributions, the total amount which may be spent on a campaign, and the administration of the election financing law.

I would place a realistic limit on the amount an individual may contribute to a candidate and on the amount which is spent in a campaign. I also propose that an independent agency administer the disclosure provisions and have broad administrative powers to deal with violators.

In introducing this legislation I am encouraged by the recent passage of the resolution to change the method of electing a President and by the activity of the Rules Committee concerning legislative reorganization. I hope that this atmosphere of change will continue.

During the 90th Congress election reform received a great deal of attention. The other body passed and the House Administration Committee reported bills which would have gone a long way toward reforming our election laws. This session of Congress has not seen a similar interest in this matter, for at present there is only one other bill pending offering meaningful reform of our election financing laws. There is a clear need for activity, for without reform in this area, our government will neither be truly representative nor responsive.

PRESIDENT DOING HIS BEST TO EXTRICATE US FROM VIETNAM

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, I regret to say that the leadership of the past two Democratic administrations led us into the war in Vietnam. Under President Johnson the Gulf of Tonkin resolution was passed. Under Presidents Kennedy and Johnson the number of men in Vietnam increased from 600 to 542,000.

Voices strangely silent during those years are now blatant and raucous. They would call it Nixon's war. History definitely refutes this.

As a friend said to me years ago when I asked him for one of his red apples, "I guess you do wish it."

As for labeling this Nixon's war, "I guess you do wish it."

Our President is doing his best to extricate us now from this horrible war in Vietnam.

LIMITATION ON PAYMENTS TO FARMERS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I was pleased to hear the gentleman from Illinois (Mr. Findley) say that he intends to offer a motion to instruct the conferees to maintain the $20,000 limitation on farm subsidy payments. I welcome his support for this measure.

Earlier this year, my amendment to the agriculture appropriation bill to limit farm subsidy payments to $20,000 passed in this body by a vote of 224 to 142. It was a long hard fight, as many of my colleagues may remember.

Now I realize that the gentleman from Illinois has circulated a letter indicating that he will offer the motion I have already described. I read over his letter and certainly do not disagree with the arguments he has set forth in favor of the limitation.

However, for the record, I would like to clarify one point that the distinguished gentleman from Illinois appears to have left out of his letter.

The point, Mr. Speaker, is that it was my amendment to the authorization bill that passed this body last year. And, as I have already stated, it was my amendment that was offered again this year, this time to the appropriation bill, and that was passed by this body.

In addition, Mr. Speaker, I would like at this time to inform the gentleman from Illinois that I intend to offer a motion to instruct the conferees to keep the $20,000 limitation on farm subsidy payments that passed earlier this year.

ELECTION REFORM

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was at a loss to know why I got a couple or three calls this morning from newspaper reporters and TV reporters wanting to know what I was going to do about election reform. Then I heard the gentleman from New York make a speech, and I suppose he circulated a press release about this election reform. One of them asked me what I intended to do about it as a member of the Elections Committee, and I told him nothing, My State has a good, sound election reporting law. You have to report all contributions and all expenditures. All expenditures over $20 have to be accompanied with a receipt. If the gentleman from New York is so upset about corruption in New York, I suggest that he take it up with the Legislature and the Governor of New York, because it is the States that conduct the elections and not the Federal Government.

PERMISSION FOR SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ELECTIONS, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Elections of the Committee on

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House Administration may sit during general debate today.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. **BROOMFIELD**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 194]

Abbitt
Addabbo
Bell, Calif.
Blanton
Blatnik
Bolling
Bow
Buchanan
Cahill
Carey
Clark
Clawson, Del
Clay
Colmer
Corman
Daddario
Dawson
Dickinson
Dorn
Dowdy
Esch
Eshleman
Fallon
Farbstein
Fascell
Fulton, Tenn.
Fuqua
Gallagher
Gettys
Hawkins
Holifield
Jacobs
Jarman
Karth
Kirwan
Koch
Lipscomb
McMillan
Mann
May
Mills
Murphy, N.Y.
Ottinger
Patman
Pepper
Powell
Sandman
Scheuer
Teague, Tex.
Whalley
Wydler

The **SPEAKER**. On this rollcall 379 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, 1970, AND RESERVE STRENGTH

Mr. **YOUNG**. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 561 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 561

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Armed Services, the bill shall be read for amendment under the five-minute rule by title instead of by section. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 14000 it shall be in order in the House to take from the Speaker's table the bill S. 2546 and move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 14000 as passed by the House.

The **SPEAKER**. The gentleman from Texas is recognized for 1 hour.

Mr. **YOUNG**. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 561 provides an open rule with 4 hours of general debate for consideration of H.R. 14000, the military procurement authorization for fiscal year 1970. The resolution also provides that the bill be read for amendment by title instead of by section and that, after its passage, it shall be in order to take S. 2546 from the Speaker's table and amend it with the House-passed language.

The purpose of H.R. 14000 is:

First, to authorize appropriations during fiscal year 1970 for (a) major procurement, and (b) research, development, test, and evaluation by the Department of Defense;

Second, to continue the authority for merging military assistance financing for South Vietnam, other free world forces there, Laos, and Thailand, with the funding of the Department of Defense,

Third, to authorize the personnel strengths for fiscal year 1970 for the Selected Reserve of each of the Reserve components of the Armed Forces; and

Fourth, to provide other authorities and impose certain limitations with respect to procurement actions, and for other purposes.

The total authorization is $21,347,860,000. Of this amount $13,926,460,000 is for procurement, as follows: $6,963,800,000 for aircraft, $3,138,260,000 for missiles, $3,591,500,000 for naval vessels, and $232,900,000 for tracked combat vehicles.

The balance of the authorization, $7,421,400,000 is for research, development, test and evaluation, as follows: $1,664,500,000 for the Army, $1,990,500,000 for the Navy—including the Marine Corps—$3,241,200,000 for the Air Force, $450,200,000 for the defense agencies, and $75,000,000 for the emergency fund.

H.R. 14000 includes, among other things, a limitation of active duty military personnel strength to 3,285,000, effective July 1, 1970; elimination of $142 million for TOW missile procurement; $110 million reduction in tracked vehicle authorizations; a 10-percent cut in research, development, test and evaluation funds; reductions in OV–1 Mohawk, the Cheyenne helicopter, the CH–46E Sea Knight, the Hawk missile, air defense control, XM–43 launcher, and the fast deployment logistics ships.

Mr. Speaker, there is ample time for the bill to be thoroughly gone into during debate and I urge the adoption of House Resolution 561 in order that the bill may be considered.

Mr. **SMITH** of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Texas (Mr. YOUNG), House Joint Resolution 561 does provide 4 hours of debate with an open rule for the consideration of H.R. 14000, the military procurement and research and development authorization for fiscal year 1970. It does provide that the bill will be read by title and that subsequent to the passage of the bill the language of the House bill can be substituted for that of the Senate bill.

I understand there will be a number of amendments offered and we had some question in the Committee on Rules as to the amount of time. The Committee on Armed Services asked for 3 hours. Some Members wanted considerably more. So we agreed on 4 hours. I think that should be adequate time with the time under the 5-minute rule.

Mr. Speaker, I would like to commend the Committee on Armed Services, its distinguished chairman and the ranking minority member, as well as other members, and particularly the staff, for the tremendous cooperation they have extended in connection with this measure. When we wanted to program this bill last week for today, we had to have adherence to our rules. I know that the staff worked well into the night to prepare this report which they hand delivered to our office Saturday so that we could have the report and bill to comply with our rules, which require that we have the bill 24 hours before it is heard in the Committee on Rules.

The purpose of the bill is to authorize funding during fiscal year 1970 for major military procurement programs and the military research, development, and evaluation efforts. The bill also authorizes the personnel strengths for the Selected Reserves of the Armed Forces.

Authorizations contained in the bill total $21,347,860,000. Of this amount $13,926,460,000 is for military procurement of aircraft, missiles, naval vessels, and tracked combat vehicles; $7,421,400,000 if for research and development programs. This is $615,800,000 below what the Defense Department formally requested on April 15. When the terminated manned orbiting laboratory and the Cheyenne helicopter costs are removed, the bill is still $47,100,000 below the Department's revised request.

The procurement authorization is broken down among the Armed Forces as follows:

Army:	
Aircraft	$570,400,000
Missiles	780,460,000
Tracked combat vehicles	195,200,000
Total	1,546,060,000
Navy and Marine Corps:	
Aircraft	2,391,200,000
Missiles	871,400,000
Tracked combat vehicles	37,700,000
Vessels	3,591,500,000
Total	6,871,700,000
Air Force:	
Aircraft	4,002,200,000
Missiles	1,486,400,000
Total	5,488,600,000

The research and development authorizations are broken down as follows:

Army	$1,664,500,000
Navy and Marine Corps	1,990,500,000
Air Force	3,241,200,000
Defense agencies	450,200,000
Emergency fund	75,000,000
Total	7,421,400,000

A number of major defense programs or systems are covered by the bill. These include the Safeguard ABM system, the C–5A transport, the construction of nuclear powered surface ships, and the advanced manned strategic aircraft.

The authorizations contained in the bill for the Safeguard system total $746,400,000; of this total $345,500,000 is for hardware procurement with the remaining $400,900,000 for continued research and development. The projected total cost of the complete ABM system called for by the President last March is $10,300,000,000. The committee believes both that the system will work and that it is necessary to begin deployment this year.

On this last point, the committee points out that the Soviets have deployed their ABM system around Moscow. They also note that the SS–9 ICBM now used by the Soviets is aimed primarily at knocking out our Minuteman missile silos, not at our cities. Protection is necessary. Our Safeguard system would also be very helpful in stopping all-out nuclear attacks by others than the Russians or an accidental launch by any nation.

The bill contains $940,000,000 for purchase of the C5–A transport. This will purchase the first 23 such planes along with the necessary spare parts. This plane can carry a 100,000-pound payroad 2,900 miles and return without refueling. Because of its double-deck construction 83 soldiers can be carried along with all types of heavy equipment, guns, trucks, tanks, and so forth.

The committee discusses the problem of the cost overruns on the C5–A. This overrun is estimated at approximately $1,300,000,000; all of this was not reasonably foreseeable by either the department or the contractor. The procurement contract technique used in this instance was a new one and not fully perfected. Mistakes have been discovered and cured.

The bill authorizes $100,200,000 for research and development of the advanced manned strategic aircraft—the new bomber—something the committee believes is vitally necessary and which past Defense Secretaries have opposed. Also authorized is $44,900,000 for further research and development of the new tank in which we are cooperating with West Germany. No procurement is authorized on either project.

The reported bill adds about $1 billion to the requested authorizations for shipbuilding, bringing the total authorized for this item to $3,591,500,000. Authorized is a new nuclear aircraft carrier at $515,000,000, eight destroyers, three attack submarines, and one nuclear guided missile frigate. Not included in the bill are funds for the fast deployment logistic ships; this continues the policy the committee took last year.

The bill also sets the ceiling on personnel of the Armed Forces selected reserves for fiscal year 1970. These are:

Army National Guard	393,298
Army Reserve	255,591
Naval Reserve	129,000
Marine Corps Reserve	49,489
Air National Guard	86,624
Air Force Reserve	50,775
Coast Guard Reserve	17,500

Finally, section 407 of the bill establishes a new temporary ceiling of 3,285,000 on the overall active duty personnel of the Armed Forces. This figure will require an actual decrease of 176,300 members by July 1, 1970. The reductions are allocated among the services as follows:

Army	34,000
Navy	72,000
Air Force	50,000
Marine Corps	20,300

This reduction in active duty personnel during fiscal 1970 is expected to result in savings of approximately $2,000,000,000.

The committee voted to report the bill 36 to 3. The bill is supported by the Defense Department, as shown by departmental letters contained in the report.

Mr. Speaker, I urge the adoption of the rule and reserve the balance of my time.

Mr. **YOUNG**. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader.

Mr. **ALBERT**. Mr. Speaker, I take this time merely to advise Members that if this bill is finished tomorrow, it will be our plan to adjourn over until Monday. If we do not finish it tomorrow, we will have to continue on with it on Friday. We, of course, want to accommodate the Members while at the same time not wishing to cut off anyone. However, I would like to make this announcement at this time so the Members may be advised accordingly.

Mr. **ARENDS**. Mr. Speaker, will the gentleman yield?

Mr. **ALBERT**. I yield to the gentleman from Illinois.

Mr. **ARENDS**. Mr. Speaker, I thank the gentleman for yielding. I, too, express the hope of the distinguished majority leader that we can complete the general debate today even though the rule provides for 4 hours of general debate—that we may finish that sometime today and then proceed to what the gentleman from Oklahoma has in mind tomorrow and complete action on the bill.

Mr. **ALBERT**. I thank the gentleman.

Mr. **YOUNG**. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. O'NEILL) for the purpose of debate only.

Mr. **O'NEILL** of Massachusetts. Mr. Speaker, I rise in opposition to House Resolution 561, which calls for consideration of H.R. 14000 with 4 hours of debate.

I cannot object too strongly to the great mistake I believe we are making here today.

We are going to discuss an authorization of more than $21 billion for military procurement, and for new weapons that may mean an entirely new defense and military policy.

Four hours is simply not enough. It is not only that we would be authorizing at a rate of almost $5½ billion an hour, but more importantly, we are to consider such major new weapons systems as the antiballistic-missile system, the MIRV, new planes, and missiles.

Mr. **RIVERS**. Mr. Speaker, will the gentleman yield?

Mr. **O'NEILL** of Massachusetts. I shall be happy to yield to the gentleman from South Carolina.

Mr. **RIVERS**. The authorization is not for $23 billion. It is for $21.3 billion.

Mr. **O'NEILL** of Massachusetts. I am sorry. I thought it was $23.1 billion. I stand corrected. I misread my notes.

Mr. **RIVERS**. If the gentleman wants an authorization of $23 billion I am sure we can amend it to bring it up to that amount.

Mr. **O'NEILL** of Massachusetts. Indeed you would. We discussed it before the Rules Committee yesterday and I thought it was $23.1 billion but the worthy chairman of the Committee on Armed Services says it is $21.3 billion. However, it is still the largest procurement or authorization bill that has ever come before the Congress, or before any legislative body in the annals of history.

There is disagreement among the Members as to the worth of these systems and equipment. There was a minority report and additional views on the committee's bill.

We cannot dispose of such important legislation in a mere 4 hours.

The other body discussed this bill for 2 months—are we to discuss a bill of this magnitude and significance in 2 days?

In the Rules Committee yesterday I attempted to obtain an open rule, with 10 hours of debate divided equally between the majority and the minority, with each side pledging one-half of its time to the minority view of the bill.

I believe this is the only fair and the only sensible way in which this bill can be discussed and voted on.

The committee's report was not available until Monday morning. This has scarcely been sufficient time to digest the report, the minority views, and to adequately think about each weapon and each weapons system.

Yesterday, our committee was told that there is no need for additional time, that each Member of this body knows how he is going to vote on the bill.

That may be true, but I doubt it. Perhaps each of us knows how he will vote on ABM and MIRV, but there are many other programs and weapons in this bill that have not been widely discussed nor thought about.

I do not believe that intelligent debate will have no effect on Members' decisions.

I have read the committee report and the minority views. I know that I will support certain amendments. But I also know that the five members of the Armed Services Committee who wrote the minority report have much more information that they would like to impart to their colleagues. I would like to hear them and I would like my colleagues to hear them and obtain the benefit of their knowledge and their views; and a dialog will be good for the public.

I intend to vote against the ABM. In 1968 I was one of a handful of Members who voted against it. I think this is

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a system that is unproven, unnecessary, and wasteful. I would like my colleagues to have the benefit of the views of the writers of the minority report, and I am sure they have much to say.

I believe we could easily spend the entire 4 hours on that one issue.

MIRV deserves and requires much more time. If the authorization is granted we will be entering an entirely new phase of the arms race—an area I believe that will bring the Nation much more harm than good.

I would like to see much more time spent on the consideration of each weapons system.

There seems to me to be too much waste in the defense budget, uncalled for overruns, needless expenditures.

I am also worried about the timing of some of this procurement. Weapons and systems have not been sufficiently tested or developed to enter this stage of procurement. Why must we buy now when we are not prepared to specify or test what we are buying?

There are other programs that need to be funded. The Nation's needs cry out for help. Our domestic problems need funding of the programs we have passed.

What good will be accomplished by thousands upon thousands of weapons, if there is no nation to save or protect?

In the past 5 years we have granted more than 4 hours' time to at least 10 pieces of legislation.

The Civil Rights Act of 1964, 10 hours;

The Housing and Urban Development Act of 1965, 6 hours;

Medicare, 1965, 10 hours;

OEO Amendments in 1966 and 1967, 8 and 6 hours, respectively;

Model cities in 1966, 6 hours;

ESEA of 1965, 6 hours;

Law enforcement in 1967, 5 hours; and

Extension of the surtax and the electoral college's reform this year, 5 hours and 6 hours.

Today we will begin discussion of extraordinarily important legislation. This legislation may ultimately mean the possibility of war is lessened or increased, that billions are wasted or are used for other programs that the Nation desperately needs.

I believe we need more time to discuss this among ourselves, to give the public the benefit of our views and facts, to insure that the minority opinon has time to make its case and present its view of the facts and its understanding of our defense needs.

I oppose this rule, because the destiny of this great Nation cannot be considered and disposed of in 4 hours.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Speaker, I had not intended to take the floor today to speak on this rule. I think my colleague, the gentleman from California (Mr. Smith) has certainly in very adequate fashion performed the duties on our side of the aisle explaining what the rule is about.

I do, however, take 2 minutes to tell this House that I join in many of the sentiments which have been expressed by the gentleman from Massachusetts (Mr. O'Neill). He knows I supported him in the Committee on Rules when this question came up, on the motion that would have allowed additional time for discussion of this very important bill. I am not suggesting, when I agree with him on that, that I share all of the reservations that he has about this bill. It so happens that I am for the ABM. He is against it. But I do have to somehow rise to object to the increasing tendency in this House to feel that you should not take the time under general debate or under the 5-minute rule to explore fully the arguments pro and con. There are some, I suppose, who think that only those on the committee are privy to all of the knowledge and all of the expertise on what are admittedly some very complicated and some very technical fields.

But it is for that very reason, I think—for that very reason we ought to have more debate here on the floor of this House, and particularly this bill coming on today as it does—and the announcement that has just been made by the distinguished majority leader, which I think makes it clear that an effort is going to be made to finish this bill in order that we not have a Friday session.

I would express the hope that Members will not be offering motions to cut off debate, when we get to the 5-minute rule and there are people who want to be heard on both sides of these very difficult and controversial questions, and that we will have that opportunity for debate, that is not, unfortunately, available under the rule itself.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, the gentleman from Illinois has placed an interpretation on my remarks which I thought should be clarified, and that is why I have asked him to yield.

I did say that if this bill is not finished tomorrow night, we will meet on Friday. I thought it was incumbent upon me as majority leader to let the Members know that there is a very decided possibility of a Friday session and that Members should make arrangements accordingly.

Mr. ANDERSON of Illinois. May I assure the distinguished majority leader that I intended no criticism, actual or implied, of his announcement. I do not mean to imply that he is using that as a device to cut off debate. What I am suggesting, and I think it is realistic to expect, however, in view of the pressures that will begin to mount, because we know that a Friday session is forthcoming, that perhaps Members will become anxious to see a limitation placed upon the debate.

I have some engagements for Friday myself and I would be very happy myself to cancel them to stay here because I think it is important to give the Members a chance to be heard on this bill.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Alabama (Mr. Andrews).

Mr. ANDREWS of Alabama. Mr. Speaker, I agree wholeheartedly with the gentleman from Massachusetts (Mr. O'Neill) that this is one of the most important bills ever to come before this House for consideration.

This bill is focused on Vietnam—on that ugly war that has been going on for far too long.

Mr. Speaker, I support this rule and I will support the bill. As a member of the Defense Appropriations Subcommittee, I will do my part to see that the provisions of this bill are implemented with funds.

Now people say "Nixon's war," "Johnson's war," "Kennedy's war." This is America's war. But, unfortunately, it seems that only those who are really interested in the war are those who have loved ones in South Vietnam. We are fighting the smallest country we have ever engaged in a war, and yet the war has lasted longer than any war in the history of this Nation.

We were not fighting to win under the other administration. We are not fighting to win under this administration. I renew my plea to the President: "If you are not going to fight to win, get out of there, lock, stock, and barrel." It is an injustice to our troops in South Vietnam to keep them down there in a war which they know they will not be permitted to win. That is not the American way of fighting a war.

I do not believe in pulling out troops piecemeal, because every time you pull out a contingent of troops, you endanger the lives of the remaining troops.

Those who think any good will come out of the peace conference in Paris are just whistling in the dark. It took them 2 months to decide what size and shape table they would sit around. Do you know it is costing Russia $1,200 million a year to keep this war going? It is costing Red China $200 million a year to keep it going. So for $2 billion Russia and China have their most powerful potential enemy pinned down, and when I say pinned down, in my opinion that is an understatement. Of course they do not want the war to end. Look what the envoys do when they leave Hanoi to go to Paris. They stop first in Peking, in Moscow, and then in Paris. When they leave Paris they go to Moscow, Peking, and back to Hanoi.

There is but one way to get out of South Vietnam honorably, and that is to win the war and defeat the enemy. I have said for years the greatest way to fight this war is just to pick up the telephone and call them in Hanoi and say, "If you are not out of there within 30 days, we are going to bring you to your knees. We think we can do it with conventional weapons."

I have talked to many high-ranking Air Force people. They do not tell our committee, because if they did, their heads would roll off their shoulders. But I get them in the restaurant for a cup of coffee or a bowl of bean soup and they say, "We can win this war if given permission."

Curt LeMay told our committee:

> You should not leave two bricks together with mortar in North Vietnam.

Now, let us act like men. Let us act like Americans. Let us fight this war to win or, as was said in the Navy when I was in the Navy, "Get the hell out of there."

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. Moorhead).

Mr. MOORHEAD. Mr. Speaker, I have asked for this time on the rule because although I am not a member of the Armed Services Committee I have, through service on other committees, become familiar with some of the matters contained in the bill.

I serve on the Military Operations Subcommittee which this year held extensive hearings on the subject of procurement. I serve on the Subcommittee on Economy in Government of the Joint Economic Committee which held extensive hearings this year on the subject of national priorities and the military budget. From both of these hearings I have concluded that the American people, first, will not tolerate waste or mismanagement in procurement and, second, would prefer the Congress to spend less rather than more than amounts requested by the Defense Department.

The C–5A is a classic case of waste and of questionable practices in procurement. It is a buy-in bail-out deal. The contractor bought-in at a figure so much below the Air Force cost estimate that this might have been the reason for a number of corporate officers selling large blocks of stock a few months later.

A few months later when it appeared to Air Force Secretary Brown that there would be cost overruns he believed that he was protected because this was supposed to be a fixed price contract. I discovered a memorandum quoting the Secretary making the following comment:

> The overhead rates are Lockheed's problem, aren't they? Can they increase our price beyond the ceiling? I don't think so.

There is a memorandum replying to that comment which says:

> You are correct in your statement that Lockheed cannot increase our price of the current C–5A contract beyond the contract ceiling—providing we introduce no changes to that contract.

This memorandum was referred to an Assistant Secretary who was described by a witness before our Military Operations Subcommittee in the following words:

> I know of one such Secretary who will tell you that he believes no defense contractor should be allowed to lose money on a government contract.

At that time it seems clear that the Air Force Secretary did not know of the repricing formula under which, if the Air Force was willing, the contractor would be paid so much for the second run, or run B, of the airplanes that it would be bailed out of its losses on the first run.

I understand that the gentleman from New York (Mr. Pike) will offer an amendment to delete this bail-out run of 23 C–5 airplanes. Mr. Speaker, this amendment should be adopted because these 23 airplanes are unnecessary; because the 58 C–5's which we will have without the additional 23 will be sufficient; because the aircraft has not yet been brought up to performance specifications; and because it is doubtful that we will ever again authorize the use for which it is intended, which is in connection with the massive intervention of large numbers of American troops into an underdeveloped country, like Vietnam, which has no improved airports.

The second thing that I learned as a result of the hearings before the Joint Economic Committee was that the people expect us in Congress to be a check upon the Pentagon. This is in accordance with the Constitution. Of late much has been said and written about clause 1 of section 2 of article II of the Constitution which provides:

> The President shall be Commander in Chief of the Army and Navy of the United States.

Under the Constitution the President commands whatever Armed Forces are provided to him but the decision as to the number of soldiers and sailors, and whether they shall be equipped with Sheridan tanks, and how many aircraft carriers, under our Constitution, is not his to make.

The so-called "war power" clauses of the Constitution are clauses 11, 12, 13, and 14 of section 8 of Article I of the Constitution.

These clauses provide that Congress has power, "to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the government and regulations of the land and naval forces."

The war power clauses of the Constitution which give Congress authority "to raise and support armies, to provide and maintain a Navy" and so forth, were not inserted for the purpose of endowing the National Government with power to do these things, but rather to designate the branch of Government which should exercise such powers.

These provisions grew out of the conviction that the Executive should be deprived of the sole power of raising and regulating fleets and armies which Blackstone attributed to the King under the British Constitution.

I submit, therefore, that while we have the power to authorize, for example, more naval vessels than are requested by the Department of Defense we should be very reluctant to do so. If we do so I believe we are out of step with the American people.

I, therefore, will support the amendment offered by the gentleman from New York (Mr. Pike) to strike the $1.023 billion add-on for the shipbuilding program to reduce the program to the level of support agreed to by the administration and authorized by the other body.

Included in the unrequested add-on is money for long-lead items for nuclear carrier No. 70 even though the other body so seriously questioned the future usefulness of carriers that it directed a special study of this subject to be made.

In this connection I note that in his supplemental views the gentleman from California (Mr. Leggett) says:

> I make no pretense that the Committee has considered the greater defense policy issues of the size of or necessity of a 15 carrier task force.

Under our constitutional duty to provide for the common defense and general welfare and "to provide and maintain a Navy," that is exactly what we should consider.

Do we need to maintain our superiority in attack carriers over the Communist nations at 15 to 0 or will 12 to 0 or some other figure be adequate to provide for the common defense? The Soviet Union does not now have a single attack carrier in their entire fleet. In their modernization program there is no indication that they expect to construct anything but light helicopter carriers. They appear to believe, and they may be right, that large attack carriers are becoming increasingly obsolete.

I recognize that there is a need for modernization of our Navy, and the bill without the add-on provides for modernization. But I think, at this time of inflation, the modernization program should be developed at the slowest safe pace and should not proceed at a pace faster than that requested by the Department of Defense.

I believe that the unrequested add-on should be deleted.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Speaker, I listened with great interest to the remarks by the gentleman from Alabama (Mr. Andrews) just a moment ago when he was discussing the dilemma proposed by the conflict in Vietnam. What he said about either getting in or getting out, winning the war or pulling out lock, stock, and barrel reflects sentiments I have heard expressed often in my own district.

I feel we have a responsibility in the Congress to help at least to deal with fundamental questions like this. I would like to ask the gentleman from Alabama, if he feels inclined to respond, whether or not he feels it would be in order under these circumstances, in order to clarify this issue and bring it to a head and get public discussion undertaken here in this great forum, to introduce a resolution of war declaration. Understand, I am not suggesting it because I do not favor that course of action, but I am sure the gentleman was sincere in what he said, and I would appreciate a response if the gentleman would feel inclined to respond.

Mr. ANDREWS of Alabama. Mr. Speaker, if the gentleman will yield, if I thought a resolution would do any good, I would introduce it. I am not a prophet. The gentleman saw what happened in Massachusetts. The war was an issue. The American people are not going to put up with a way of life which results in 1,500 to 2,000 casualties a week. I will make a prediction, and it will not sound good, even though I am not a prophet.

I am going to predict, if this war is going next year 80 percent of us sitting Members will have to find something else to do. The American people are not going to stand for it any longer.

Mr. FINDLEY. Would this not add further justification to the gentleman's action of introducing such a resolution?

Mr. ANDREWS of Alabama. Perhaps I did not understand the gentleman's suggestion.

Mr. FINDLEY. In other words, the political problem the gentleman says we all face together with this unpopular war, I would think, would motivate the gentleman to give substance to the views he just expressed by causing him to in-

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troduce a war declaration and do it quickly.

Mr. ANDREWS of Alabama. I would be willing to introduce it.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. HANNA).

Mr. HANNA. I thank the gentleman for giving me this time.

Mr. Speaker, I assure the Members I am not going to speak as a specialist on military affairs. I will leave that to my leader and friend who heads the committee.

There is an aspect to this I believe needs our close thought and consideration. I should like to speak a little more on the subject brought up by the gentleman from Pennsylvania (Mr. MOORHEAD) about our procurement policy.

If we are going to spend $21.3 billion we are going to do it through the procurement policies we have been following, and I suggest that those procurement policies indicate something is wrong or we would not have some of the problems that keep their heads popping up and embarrassing both the Government that is spending the money and the industry that is trying to do the job for the country.

I happen to represent a district in which a good deal of the work is done for some of the programs in defense. Discussing these problems with people in my district I have come to some conclusions I should like to take this opportunity to share with the Members.

It seems very clear to me when we have a procurement policy in new weaponry that starts out with a contract that is trying to describe something which has not yet been built. We then sit down to say, "We are going to have a closed bid operation on that thing which has been very ill-defined," and then come to the point where it is actually to be constructed and find we have to make some adjustments—this means overruns.

When contracts are being made under our present procurement policy, the people who are in charge, who dominate so far as the Government is concerned, and sometimes on the other side, are accountants. When we get to the execution of the contract it is put then in the hands of engineers. Engineers work in the real world with practical demands and practical limitations ultimately the original contract must adjust to their real world. This reads out as negotiated change orders. Change orders read out as overruns. Overruns read as higher costs and then somebody has to take the rap.

It kind of reminds me of a situation which happened in the Army. A certain major was always dreaming up new and different projects for his unit. The fellow who had to see that the men carried them out was the sergeant. One day the major came in to "chew out" the sergeant, as he often did when one of his great ideas failed to achieve success as he had envisioned it. The major said, "Sergeant, what is the trouble?" The sergeant said with immense sarcasm, "The same old thing, I guess, sir; this is a program conceived by a genius and carried out by an idiot."

It seems to me, whenever we have one group in charge of setting up a contract, which has one frame of reference that includes very broad, ill-defined ideas, and then ask somebody else to do it, the result is usually different than the conception.

We must come on line with some kind of realistic view. Perhaps what we need is a policy that recognizes the difficulties of defining a prototype weapons system. A negotiated contract for the prototype that reflects the difficulties of constructing something that has never been built before is in order. And then once we have a real firm understanding of what can be accomplished we can put the followup contracts out to bid. For then we will be dealing in concrete terms and progress, costs, and delivery can be measured by real standards. What I am suggesting is a separate approach for a contract calling for a first-of-a-kind system. Contracts for followup hardware can then be based on tangible standards determined during the development of the prototype system.

I believe if we do not change our procurement policies to something along the order of which I just suggested we will continue to have overruns, overruns, overruns in negotiated and bid contracts.

Mr. Speaker, it seems to me that we ought to have enough experience to know by now that that is not the way to go. There is another instance that happened that I think you should know about. When we have problems with these things the reaction in the Pentagon is generally to send out some more men to watch over the shoulders of the people who are doing the job. Now these men are coming on the line with no experience, and the result of what they do slows up the whole process. And you have an overrun. Then, in response, a whole group of other people are assigned to try to find out what is going on. This slows things down even more.

It is obvious we cannot continue in this way. We have to find a better way to do it. If we are going to spend $21.3 billion doing what we have been doing up to now, it seems to me we will not be able to justify to the taxpayers and to the consumers the impact this spending is going to have on this Nation.

I hope that as a part of this program we will somewhere here in this bill or somewhere here in this House indicate that we are asking for—no, demanding—a procurement approach in the expenditure of this money which will leave us where we are not embarrassed every time we try to justify what is being done.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. MOSS).

Mr. MOSS. Mr. Speaker, I want to pay my compliments to the statement made by the distinguished gentleman from Massachusetts (Mr. O'NEILL), and to the concurring remarks made by the gentleman from Illinois (Mr. ANDERSON).

I think it is time that this House become concerned over the role it is being relegated to, that of less and less significance in the Government of the United States, that of less and less significance in the legislative processes of the United States. We are being forced time and time again to consider under conditions of limitation the most far-reaching policy commitments any legislative body in the world is called upon to consider. The gentleman from Massachusetts pointed out that under 4 hours of general debate we will be discussing at the rate of in excess of $5 billion an hour. More significantly, how many hundreds of billions of dollars are implicit in some of the policy decisions which will be made in connection with the authorization of this bill? Must it always be said of the House that it fails to consider; that it does not know what it is doing; that it does not act upon the facts? I voted this year for an open rule on taxes because I felt that I was sent here as a responsible legislator and I feel that we should have legislated on that issue openly and not forced to take a package or reject it. The other body, with unrestricted debate, has the opportunity for every Member to gain the knowledge he should have as an effective legislator. I say to every Member of this body that there is no issue upon which you are receiving a greater volume of mail today than those which are contained in this bill.

We ought to know what we are doing. We ought to have adequate time to engage in a meaningful debate and not be forced to compact it all into 4 hours. I know what is going to happen. We are going to try to get the 4 hours out of the way probably today and then under the pressure of avoiding a Friday session try to limit debate tomorrow.

If we debated this thing for a week we would be giving it inadequate attention.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I would be happy to yield to the distinguished chairman of the Committee on Armed Services.

Mr. RIVERS. Did the gentleman from California ask the Rules Committee to grant any additional time?

Mr. MOSS. The gentleman from California was occupied in the Committee on Interstate and Foreign Commerce in a markup session to attempt to eliminate the problem of overcrowding in the Nation's airways which he regards as one of the most frightening domestic crises we face.

Mr. RIVERS. For which I congratulate the gentleman. The gentleman is doing a terrific job.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Minnesota.

Mr. FRASER. Would the gentleman agree that if a vote should occur on the adoption of the rule, a vote against the adoption of the rule would indicate our concern about the problem of having inadequate time during which to discuss this bill?

Mr. MOSS. I would certainly interpret that vote as indicating that we do not have enough time during which to evaluate and debate all of the aspects of this legislation.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the distinguished minority whip.

Mr. ARENDS. It just so happens that I am in charge of 2 hours on this side of the aisle. The manner in which things happen at this time, if the Members stay on the floor this afternoon, I would not be surprised but what there will be a lot of time for discussion and debate on this issue. I do not feel that anyone will be shut off. I think there will be time available here this afternoon to Members concerned during which to discuss this bill.

Mr. MOSS. I would say to the distinguished minority whip that he is a very wise legislator, one for whom I have tremendous respect. However, the gentleman knows that a lot of Members will not be here because of the 4-hour limitation and because they know unless they are a member of the Committee on Armed Services, they do not have the chance of the proverbial snowball in hell of addressing themselves to the issues contained in this legislation.

Mr. ARENDS. That is why I made the statement to my good friend, that I think they will find within the time allocated for general debate, if they are here, time during which to be heard.

Mr. MOSS. I think we should insure that the time is available.

The SPEAKER. The time of the gentleman from California has expired. All time of the gentleman from Texas (Mr. YOUNG) has expired.

Mr. SMITH of California. Mr. Speaker, I yield myself 30 seconds.

Mr. SMITH of California. Mr. Speaker, on this statement just made about voting down the rule, I would like to call the attention of the Members of the House to the fact that if we vote down the rule, school is out. They will have to go back to the Rules Committee for another rule and then have it back here on the floor of the House next week for consideration. That will take a considerable amount of time. When the rule was under consideration in the Committee on Rules some wanted general debate limited to 3 hours while others wanted 10 hours. We gave them 4 hours. When the time for general debate was arrived at, the distinguished chairman of the Committee on Armed Services said he would not attempt to start cutting off debate and I do not believe that anyone will be foreclosed from speaking on this bill. I think they will get ample time to discuss this issue.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, I told the members of the distinguished Rules Committee—and it is interesting to note that not one person from the bleeding heart society was there to oppose the rule—that I felt 3 hours of general debate was sufficient. The distinguished gentleman from Massachusetts (Mr. O'NEILL) said that we needed 10 hours in which to discuss this bill. I said, "Well, give us 10. I did not come here to fight you." If I wanted to take on anyone, it would not be the gentleman from Massachusetts.

I told the Rules Committee to give us what they thought was necessary. If the House does not like this rule, then turn it down. My term ends a year from next January, so I will be here that long. If you want to debate this thing as long as the other body debated it, go ahead and do it.

I am going to read to this House how many committee meetings we had and, if necessary, I will tell you how much time was taken by those who wrote the additional views. Everyone had his time. As a matter of fact, some people probably had more time than they deserved.

Now, I want the House to understand one thing. If overnight the military has become so terrible, repudiate them.

It is a popular thing to do now to take out after the military. If you want to take out after the military, go ahead and do it.

I was elected by this House as the chairman of our committee, and we have 38 fine members. We have disagreements, and we try to handle them on a high plane.

When this bill was reported out only three members voted against the bill—three members. I will read the vote on 90 percent of the amendments offered during the write up of the bill. Nobody—but nobody—was run over. That is not the way we operate in our committee.

I want this House to do exactly what it wants to do, but I am going to call out the cards; and I am going to give you the facts, if and when I am allowed to give them to you. But until then, if you think 4 hours are not enough, vote the rule down, send it back to the committee. I will take whatever time you give me, and I will be glad to have it, and I will not impugn anybody's motives. I do not believe that overnight lightning struck the intelligence tap of the Rivers family tree, as far as my source of intelligence goes.

Now, insofar as these Johnny-come-lately military experts are concerned, I want them to know that I do not claim to have all the knowledge there is about military matters. I do not question anybody, but I do not like the idea of people throwing darts at this committee by saying that we have led somebody down the primrose path.

We held over 63 committee hearings. We were in session for about 7 weeks, and we had 30 related subcommittee meetings. I do not believe it is going to take us 2½ months to tell the story. If we do, I think the whole Committee on Armed Services ought to resign. I can tell my story in less than 2½ hours.

Now, do what you wish to do, but for heaven's sake let us take up this bill. We are pretty late. The cupboard is pretty bare since the late Robert Strange McNamara once presided over the Defense Department. I remember something about that. I can tell you something about the cost overruns on the F–111, and I can tell you about the cost overruns on other defense items. But the military are not the only people who have had cost overruns; for example, the Kennedy Cultural Center. There are many nondefense cost overruns.

If the gentleman from Massachusetts wants us to take more time to talk, I will take 12 hours. But let me say this, Mr. Speaker: When the gentleman from New York, the beloved MANNY CELLER, came in here with his so-called civil rights bills and his so-called voting right bills—aimed at only six Southern States—we could hardly get sufficient time to say good morning. But I do not recall any complaints from the voices I have heard here today. It was just that we got in too late. The fellows south of the Mason-Dixon Line just lost their turns, that was all.

Where were these people who were hollering for equality? They did not seem to care about that. I did not complain. I have been here long enough to know that this is a coldblooded place.

But this is your military. If you do not want to provide for it, then go ahead. This is your military, and this is your Committee on Armed Services. If you want to repudiate us, that is your responsibility.

I will give you the facts as best I can. I will not complain about the results.

Now, let us vote and see just exactly where we stand. We are very late.

Mr. O'NEILL of Massachusetts. Mr. Speaker, will the gentleman yield for a 1-minute statement?

Mr. SMITH of California. I will yield briefly to the gentleman. I will yield 1 minute to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I just want to comment on the remarks made by the gentleman from South Carolina (Mr. RIVERS), the chairman of the committee. He asked for 3 hours and he said that is the prerogative of the Committee on Rules and the Committee on Rules can give or take as much time as they want.

He said:

> I have no objection.

He says:

> I will take 10 hours or 12 hours or anything you want to give us. I think we can get by with 3 hours.

The truth is we made different motions before the committee and the committee came up with 4 hours. Overnight I have been greatly concerned with the actions of the committee and I do not feel that it is enough time.

Mr. Speaker, I hope that the House votes down the rule and that it will go back and the bill will be brought up next week.

Mr. SMITH of California. Mr. Speaker, I think the matter has been adequately debated on the rule.

I urge the adoption of the rule and yield back the balance of my time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 324, nays 61, not voting 45, as follows:

XUM

[Roll No. 195]

YEAS—324

Abbitt
Abernethy
Adair
Adams
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Blackburn
Boggs
Boland
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins
Conable
Conte
Corbett
Corman
Cowger
Cramer
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Dingell
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Evins, Tenn.
Fallon
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Giaimo
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Henderson
Hicks
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
Mayne
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebell
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—61

Anderson, Calif.
Ashley
Biaggi
Biester
Bingham
Brasco
Brown, Calif.
Burton, Calif.
Button
Chisholm
Clay
Cohelan
Conyers
Coughlin
Culver
Derwinski
Eckhardt
Edwards, Calif.
Evans, Colo.
Ford, William D.
Fraser
Gaydos
Gibbons
Gilbert
Green, Pa.
Gude
Hanna
Hechler, W. Va.
Helstoski
Howard
Kastenmeier
Koch
Leggett
Lowenstein
McCarthy
McDade
Madden
Meeds
Mikva
Mink
Moorhead
Moss
Nedzi
Obey
O'Hara
O'Neill, Mass.
Ottinger
Patten
Pike
Podell
Pryor, Ark.
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rosenthal
Ryan
St. Onge
Stokes

NOT VOTING—45

Addabbo
Anderson, Tenn.
Bell, Calif.
Berry
Blanton
Blatnik
Bolling
Bow
Buchanan
Burton, Utah
Cahill
Carey
Celler
Clawson, Del
Colmer
Daddario
Dawson
Dickinson
Diggs
Dorn
Eshleman
Farbstein
Fascell
Gettys
Goldwater
Halpern
Hansen, Wash.
Hawkins
Holifield
Kirwan
Lipscomb
McMillan
Mann
May
Mills
Morton
Murphy, N.Y.
Powell
Rodino
Roybal
Scheuer
Staggers
Teague, Tex.
Whalley
Wydler

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Hawkins against.

Mr. Holifield for, with Mr. Farbstein against.

Mr. Rodino for, with Mr. Powell against.

Mr. Teague of Texas for, with Mr. Scheuer against.

Mr. Daddario for, with Mr. Diggs against.

Until further notice:

Mr. Mills with Mr. Bow.

Mr. Carey with Mr. Cahill.

Mr. Murphy of New York with Mr. Wydler.

Mr. Celler with Mr. Morton.

Mr. Blatnik with Mr. Bell of California.

Mr. Kirwan with Mr. Eshleman.

Mr. Staggers with Mr. Berry.

Mr. Gettys with Mr. Dickinson.

Mr. Fascell with Mr. Lipscomb.

Mr. Dorn with Mr. Buchanan.

Mr. Colmer with Mr. Goldwater.

Mr. Blanton with Mrs. May.

Mr. Anderson of Tennessee with Mr. Del Clawson.

Mr. McMillan with Mr. Burton of Utah.

Mr. Mann with Mr. Whalley.

Mr. Roybal with Mr. Halpern.

Mrs. Hansen of Washington with Mr. Dawson.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14000, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from South Carolina (Mr. RIVERS) will be recognized for 2 hours, and the gentleman from Illinois (Mr. ARENDS) will be recognized for 2 hours.

The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, I yield myself such time as I may consume.

It took a long time to get here, Mr. Chairman, but here I am.

Mr. Chairman, today we consider the annual weapons procurement and research and development bill that totals over $21 billion—as a matter of fact, it is $21.3-plus billions.

My remarks will not be too detailed, because many members of the committee are going to participate in this debate, because I observe—or get the inference from what has transpired before the adoption of this rule—that there are a lot of people seeking information, and I will not be surprised if we have a very large attendance here this afternoon—indeed, I hope we will, because if we do have a quorum here I think we can finish this bill reasonably soon.

It is not going to take me 2½ months to present you with all the facts. I can say all I have got to say in a much shorter time than that. I think we have sense enough to solve this question in a much shorter time than that.

This bill is for your security and your country. It provides hardware for our military.

I am expendable. I have been here almost 30 years, but if I lose this one, it will affect all of you.

I hope that I will not in any way say anything that will offend anybody—at least, I will try not to. I want to discuss this matter as dispassionately as we can, and I shall assign, as I said, to each of you the same heart and purpose that I want you to assign to me.

The Congress and the people have seen, this year, a wider discussion of our defense budget than ever before. This, from the overall view, I assure you, in my opinion, is a very good thing. The extent of the debate in the Congress and the wide coverage of this discussion in the press has given everyone, the Congress and the people, a much better understanding, and a much better knowledge of what exactly is involved in defending this country and in keeping our commitments with free nations throughout the world.

World leadership is a tough business. America has assumed this role of world leadership, and we cannot forfeit it. We just cannot forfeit this leadership. We are the only ones who can handle it, so now let us handle it.

But, as helpful as the discussion has been, I feel that, because of the way some of it has been handled in the press, there is pretty good reason to believe that there are some misunderstandings somewhere.

One reference in the press was to the effect that "open season" has been declared on the Armed Forces. This kind of statement would indicate that perhaps things are getting somewhat out of hand. I hope that no responsible person in this country feels that there is an open season on your military. They are your flesh and blood—born of your bodies. They are doing the best they can. I do not think they seek glory on the battlefield of Vietnam, especially since they have been ordered not to seek victory, yet 38,000 American lives have been lost—get that and do not forget it.

Certainly this year has seen greater questioning of our defense budget and of Armed Forces matters generally. As chairman of the committee, I do not object to this.

There are even more questions being asked now than there were, as some of you will remember, in the days of the B–36 controversy when we had a lot of questions being asked.

But this is not, in my opinion, by any reach of the imagination, the declaration of an open season on the men who wear the colors of my country—your country. Perhaps it is time to sit back and do a little self-appraisal. I say this because I feel from my reading of the press that there is a very real danger that the people of the country—through misunderstanding—can come to the point of losing faith in our civilian and military leaders and in the Department of Defense. This is a most dangerous thing.

We, as individuals and Americans, are not militaristic—we are antimilitaristic. The military comes under civilian control—where it belongs. We are fundamentally civilian in our attitudes and beliefs. This is as it should be. Many of our fathers and grandfathers and great-grandfathers came to this country to escape oppressive military rule or to avoid military service to a government in which they could not and did not believe.

Perhaps it is partly this tradition and history that has brought a substantial number of our people and some of their Representatives in the Congress to the point of questioning the very foundation of our national defense itself. I do not object to this. What is wrong with it? Everything should stand the searching light of public questioning.

But a traditional American attitude that is quite reasonable in its genesis—the questioning of any governmental decision whatever it may be—is becoming excessive, and to my mind dangerously excessive, in its application.

If I have the time I am going to answer some of the many erroneous statements that were made in the statement attributed to the gentleman who signed the additional views.

I did not have the time to answer all of those mistakes in that statement, but I will try to get around to answering a couple dozen of them or something in that neighborhood, if I have the time.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. LEGGETT. I would say that the gentleman from South Carolina had the privilege of having the additional views in his hand before you published your main majority report. We did not have your majority views in our hands when we published our additional views. So it was no handicap to the gentleman.

Mr. RIVERS. I would not publish anything of which I am not certain.

A famous writer wrote these words:

> A lie will hold its throne a whole age longer if allowed to skulk behind the shield of some fair seeming name.

I would not publish anything of which I am not certain.

We have got to be responsible. Never has there been any virtue in irresponsibility. Our great Speaker has always said we have got to be responsible. We have got to be strong. We have got to uphold our President, regardless of who he may be, because when he makes a decision he is speaking for all of us. And I am going to back him up to the limit of my capacity.

Today, many people in this country are finding their objections to militarism as necessarily extending to a distaste for even commonsense affairs. It is antimilitarism gone completely berserk. This is illogical. This is frought with danger. There can be no doubt that this misunderstanding, this misinterpretation of the word "militarism" does exist.

We were not ashamed in World War II to call America the arsenal of democracy. Hitler said:

> I fear the productive capacity of America.

Our industrial complex was not a bad word then.

Kipling said this:

> It's yes, sir, Mr. Atkins, when the bands begin to play——

And, Mr. PIKE, you can quote the other stanza better than I. But I tell you this: Do not let us fall into the ditch blaming somebody else for our own mistakes. There is room enough for us all to participate in this high privilege of saving what is left of this great country.

Our international difficulties do not arise because we have a large Military Establishment. We have a large Military Establishment because there are those who threaten us. That is the only reason. Do you want to bring everyone home from NATO. Go ahead and do it. I do not think it would be wise. I do not think we can bring everybody back from the Pacific. I do not think it would be wise.

We must face the cold facts of life. Are we going to heed these facts or disregard them? There are only two courses. We are not in a debating society now. The question now is preparation for survival. You can participate if you want to. If you do not want to do so, that is your responsibility.

Have you forgotten the vote in this House, Mr. Chairman, on the fortification of Guam? How many of those people who were here then would like to relive that day? Some of you must remember that vote. We are not saying that we must satisfy some newspaper editor or some TV commentator or the howling mob. We have a higher issue here.

Have you forgotten the Frenchman who said when he saw the mob in the street, "I've got to go out there and see in which direction they are headed, because after all I am their leader."

The other day two young men called on me. They had just been freed. They had just been freed from a jail in Hanoi. One of them came to me and mentioned the names of some Members of this honorable body whose words were played over and over again. He said, "I was so glad to hear your name mentioned."

I said, "What did they say about me?"

He said, "It wasn't anything good, but we sure wanted to applaud."

I said, "Why didn't you?"

They said, "We wanted to live."

That is the kind of enemy we face.

This is the kind of enemy we face and he will kill us if we let him.

I am not talking about the things that are necessary to give our men a chance—at least some chance of victory. God forbid that another holocaust should come in our time. We will not have the luxury of time again. Incidentally, should we lose our military superiority, church is out for us all. I am not here referring to the anti-ballistic-missile system or to more or fewer nuclear submarines or to aircraft carriers. I am not talking about the morality or immorality of the war in Vietnam. I am talking about the danger of adopting an inadequate bill.

Heaven help us all if the position prevails of those who say we can grow stronger by lowering our guard or we can achieve a world Utopia if we lay down our guns. I say: "We are a peace-loving people and we will prove it by laying down our weapons. If you are as nice and as reasonable and as free from intention to attack us as we are to attack, of course you will do the same thing."

It just does not work out that way. At least it never has, and I do not think it is going to start in 1969 or during my lifetime. I am not that silly or that naive. I question no one's patriotism in this House. I have something else to do. But I appeal to the judgment of Members and I appeal to their judgment as responsible men, and I appeal to the reason of those who are as dedicated as I am.

As for the objections that have been raised and will be raised in connection with this military procurement and research and development bill, certainly no one can question the right or obligation of Congress to look in the closest fashion into the vast expenditures authorized in this bill. Close analysis of some of these programs can go far toward bringing out the facts and helping to clear the air of suspicion and misapprehen-

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sion that is now so prevalent both in the Congress and in the public mind.

But let us exercise the greatest care to avoid the danger of overshooting the mark, of attacking excesses in an excessive fashion. There are indeed defects in our Defense procurement procedures, but there are also deep and abiding dangers which face this country. I feel certain that many share my concern that, in countering the one, we may run the danger of contributing to the growth of the other. We can rightly deal with the excessive costs of weapons systems and the failure of systems to perform in the manner intended, but if our view is limited to errors made and does not extend to the defensive and offensive position that this country needs to achieve, we will have failed to maintain a proper balance in our search for a reasonable and adequate national defense.

We think in generalities, all of us, but unfortunately we must live in detail. It is just a fact of life. It is an acceptable if not proven generality that militarism is bad. Generalities have no surface points to contact that one can grasp, but below the surface are those particulars, those small hard facts that we are sometimes unwilling to grasp or to gather. It is indeed a true generality that war is a terrible thing, but it is a hard fact of life that some wars must be fought.

I wish I knew how to stop them. If I did, I would not be in this Congress. It is an attractive generality that peace and the plucking of fruit from the tree is a way of life devoutly to be sought, but it is also a hard fact that he who would pluck the fruit often is confounded by the common enemy. Remember that.

It is a disturbing generality that the making of machines of destruction is contrary to our higher ethic, but it is a hard fact that someone with a gun is even now on the horizon.

Booby traps and pitfalls, I can assure you, were here long before Vietnam. This world is not a garden of Eden. In the real world in which we live comforting self-serving generalities just do not exist. They just do not exist.

So let us debate matters of defense in an atmosphere of good sense, but let us not make the military the whipping boy in the process.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I will yield to the gentleman from North Carolina any time he wants to ask me a question.

Mr. JONAS. The gentleman owns a house in Charleston, S.C., a home?

Mr. RIVERS. That is about the only thing I do own.

Mr. JONAS. The gentleman, I hope, has never experienced a fire in that residence?

Mr. RIVERS. Not in my house.

Mr. JONAS. Does the gentleman carry insurance?

Mr. RIVERS. I pay for it. I have to pay it in installments.

Mr. JONAS. The gentleman does not consider the insurance he pays for protection against fire wasted money, does he?

Mr. RIVERS. I know what the gentleman is talking about. I know what he means.

We must have this insurance. We never need a fire engine until the fire breaks out.

Let me tell the gentleman a story. Once we had a Secretary of Defense—I do not know whether he is still living or not—who was closing up everything. He came to me and he said, "we have got this MATS outfit"—we changed the name of MATS to MAC—"over at the National Airport, and we have got a fire engine. We do not need that fire engine." I said, "why of course you do not need it. Sell it. You are never going to have a fire at National Airport. Those planes are not going to crash. Get rid of it." Do you know what? He did get rid of it.

Mr. JONAS. If you have a fire and do not have fire insurance you are going to be sorry you do not have insurance.

Mr.. RIVERS. Then you have had the course.

There is an attractive generality about peace.

We can have our differences. That is a part of our system. But let us avoid the seeking of simple answers to difficult problems through name calling. This does not serve any purpose.

We are all on the same side. In our committee we had some very fine debates. We had differences. When the final analysis came, three out of 39 voted against it. Our batting average is pretty good. Even the good Lord had two out of 12 against him when the going got rough, so I do not think that our batting average is too bad.

I know the imperfections I have. Somebody said I was the southern distributor for mistakes. If somebody did not say it, somebody should have said it.

So let us all start at the same place. and end up at the same place in this day of debate and discussion, so we can find some answers.

In another context, John W. Gardner, who is fairly prominent around these parts, said that "America needs physicians, not executioners." John Gardner is right. This is what we need. I agree with that statement.

So now let me deal briefly with the bill. Let me deal briefly with some of the highlights of the bill.

As I said before, other members of the committee will deal with particulars. They are knowledgeable. They will participate in this debate. I do not want to take their time.

This bill before you totals $21,347,860,000. This includes $14,926,460,000 for procurement and $7,421,400,000 for research and development and test and evaluation.

This bill is $615.8 million less than the revised budget submitted by Defense Secretary Laird on April 15.

It is $1.8 billion less than the budget originally submitted by Secretary Clifford for the Department of Defense in January. After submitting his budget Secretary Laird terminated the manned orbiting laboratory and the Cheyenne program. If the money saved on these two programs were included, the present bill is $47.1 million less than the Laird budget of April 15. Our bill is $1,288,360,000 more than the Armed Services Committee of the Senate approved and $1,358,974,000 more than the final bill passed by the Senate. Our bill is still $277,890,000 less than the authorization bill passed by the House last fiscal year.

Now, you can see, with all of this inflation, that we have combed this with the finest of combs. The committee has given more time to a thorough study of the items contained in this bill than any previously made in my memory, and I went on this committee when it was founded and before that I was on the Naval Affairs Committee. The full committee has been working on this bill for more than 6 months. We had a total of 91 meetings that contributed to the bill before us today. We had 61 full committee meetings on the bill. In addition there were 12 sessions by our Seapower Subcommittee headed by the distinguished gentleman from Florida (Mr. BENNETT), and nine meetings by a special subcommittee on the Army tank headed by the gentleman from New York (Mr. STRATTON). There were six meetings by the subcommittee headed by the gentleman from Illinois (Mr. PRICE), which was made up of members formerly on the Research and Development Subcommittee and which will be reestablished. There was also meetings by the Anti-Submarine Warfare Subcommittee.

Every working minute, every working day we have dedicated ourselves to this bill. If we have made a mistake, it may be because we just did not know how to do anything any better. I can assure you we have done the very best we know how to do. I am jealous of this committee. It has been an illustrious group that has headed up this committee, and I do not propose to sit down and see anybody degrade it. I do not propose to sit down and not defend it. I do not hold anything against any member of the committee. This is not my committee. This is your commitee. This is your committee. If you do not think it is run democratically, ask every member on it. Everybody has his say.

The hearings of our committees on this legislation to date fill 2,660 pages, not counting the additional hearings by the subcommittees to which I have referred. We have had our full staff devoting virtually its full working time to this bill for about 6 months. I want to say that all members of the committee have worked dillingently on this legislation. All members have had an opportnuity to make a contribution, and we have taken time to consider divergent views. Ask any member of the committee.

Now let us get to what this thing is about.

The very real threat posed to this country is the Soviet threat. The Soviet military development of recent years is covered thoroughly in our committee report on pages 8 through 13. I hope you will read them.

Other members of the committee I am sure will want to address themselves to this phenomenon.

I want to particularly stress to all Members of the House the great leap forward taken by the Soviet naval authorities in recent years—and the Soviets have obviously made a conscious decision to compete for the position of dominating seapower, to dominate seapower totally not only in the Russian waters but elsewhere.

At this very minute they are walking into the vacuum of the Indian Ocean. The Soviets are not just modernizing their navy. They are using it. They are demonstrating that they understand the totality of seapower. They understand, the combined effect of a modern naval force—a vigorous and modernized naval fleet, an expanded merchant marine and fishing fleet and then, of course, research, and development in this and other areas is recognized to the fullest in this Soviet effort. Right today there are ships off Nantucket. Right today there are ships off my native South Carolina. They have been there so long that I think that they feel they have a right to occupy the waters off South Carolina. And, they are not kidding; they are not kidding. They have been all around the world. They have got the power to back it up.

The great growth of Russian combat power is discussed fully in the important report of our Seapower Subcommittee which is chaired by the gentleman from Florida (Mr. BENNETT) and which is now a best seller in England.

The Soviets now have the largest submarine force in the world. They have some 350 subs, including 65 nuclear-powered submarines. We have 140; 58 percent of the ships of the Soviet Navy, 58 percent, is under 10 years of age, while 58 percent of ours are over 20 years of age. Less than one-quarter of 1 percent of the ships in the Soviet Navy are over 20 years of age. It is because of these facts which were revealed by a thorough review conducted by the gentleman from Florida (Mr. BENNETT) and his Seapower Subcommittee that the committee added $960 million to the administration's request for the modernization of the Navy. And, let me say here that this $960 million was the figure that the Navy recommended. This is not our figure. Every single ship of every category counted in that $960 million were the ships the Navy asked for. The committee did not put these in as the result of some fanciful idea based solely on its own knowledge. We got the information from headquarters.

This is but the first installment of a 5-year program that shall have to be funded to as much as $4 billion a year if we are to catch up with the Soviets and again be the first naval power in the world.

Now, the Soviet power is a real threat. It exists now. It speaks more eloquently of the realities which we have to face here today than all of the noble speeches I or any member of this committee, may make on the subject.

We have all manner of experts in this country today telling us that we should be stopping our own national security developments, that the Russian threat will go away. Who believes this? You have not forgotten what happened in Czechoslovakia, have you? They are just plainly not kidding. You do not think that they are in the Mediterranean just for the purpose of a leisurely Mediterranean cruise. If you think so, just go down and look at them. They are loaded for bear. Take that from me. You can get all kinds of brilliant analyses from people who have never smelled gunpowder.

And let me say this: With reference to this addition for the Navy I speak for the highest authorities.

The President of the United States has promised me that he is going to proceed with this addition in as orderly a fashion as he can, and as fast as he can. And I do not believe Richard Nixon would say that if he did not mean it. He happens to be concerned for the U.S. Navy.

In this connection I inserted into the RECORD yesterday an answer to the study group on two things I do not recall what pages they are on, but if you will look in the RECORD today you will find what I inserted in answer to the study group on the overall defense picture, and also from Adm. Hyman J. Rickover, a fellow well known for his knowledge on nuclear propulsion. Read these. They might help you. It would help to resolve some of the questions that are assailing you because of so much misinformation being put out.

The committee has approved some major programs as recommended by the administration, and in these we are not in conflict with actions of the Senate. These include the ABM, the C–5A, the F–15, the F–14, the AMSA and a nuclear carrier. The Safeguard antiballistic missile system approved in the bill will provide $345 million to begin procurement. And then there is the additional $400 million for R.D.T. & E. for the Safeguard system. The House will recall that we already provided in our military construction authorization funds for construction of R.D.T. & E. facilities for the ABM in the Pacific.

Keep in mind that the deployment that would be started by the ABM procurement funds in the bill will not provide the first phase of the Safeguard until 1974. If the second phase is required, it would not be in place until 1976. By that time—the experts tell me that the Russian SS–9 threat, if continued at its present development, will be a serious threat to our land-based retaliatory forces.

Now, this is what worries us. We have spent in the past some $4 billion on ABM research and development work, and all of that is available to the Safeguard system.

The extensive hearings held by our committee on this issue have shown that the ABM can be made to work, and is technologically feasible. Other members of the committee will express themselves fully on this point. And I will answer you like Senator PASTORE answered some of the skeptics in the other body: Do you not tell me that the brains who sent those boys to the moon, and who brought them back here to tell us—"I walked on the moon."—do not tell me that the brains who sent them and brought them back cannot shoot down something that is man made. Anybody who makes a weapon can find a way to neutralize it. That has never failed in the history of the world. And I would not deprecate the energies and the efforts of my own fellow Americans to say that we cannot shoot down a missile that is headed for New York or Washington, or Philadelphia or Chicago or San Francisco, or Los Angeles, or some missile site. I would not say that of my scientists. I believe they can do it.

I know good and well that we can afford it. Any nation that is approaching a trillion dollars gross national product can afford to spend enough to survive.

As Senator Pastore said:

> What good is it to have a belly full of food and no place to live?

Sam Rayburn said:

> I would rather be a live American with an empty pocketbook than a dead one with a full one.

It is as simple as that. I would just hate for that missile to head for one of our teeming metropolitan centers and not be able to do something about it. If we do not, somebody will jump up and say: "Why didn't Congress give us the ABM?"

I can say, "Not me—I urged you to adopt it." And I believe you will. And I do not think it is going to be by one vote either.

We have a great group on our side who have been advising us and who have not failed us in the past. I believe like the rock of ages, they will come through now. This is my position on the ABM. It is as simple as that. I would rather have it than want it. How can you beat that? It is like a raincoat. I would rather have it on my arm than want it on my back. Nobody ever dislocated his arm carrying a raincoat.

Now you have read that there are five other people in this nuclear club. Communist China, France, England, Russia, and the United States.

McNamara said that we needed only one radar face to detect an attack. This would give us coverage of only 180 degrees at most. The Russian scientists have radars that cover 360 degrees and I do not know whether the fractional orbital missile that Russia has is going to come up over the North Pole or the Gulf of Mexico to this country. But if it comes, I want to be ready for it. I think the American people want to be prepared.

That is all I am going to say about the ABM.

The bill includes $940 million for the support of the 4th Squadron C–5A81 aircraft. At the proper time we will tell you about the C–5A.

The $52 million requested for long lead items for the 5th Squadron was denied on the basis that a decision has not been made to go beyond four squadrons.

The C–5A was started some time ago. It was not laid down yesterday.

Lockheed came before our committee and said they are going to lose money on it.

I want the C–5A. It is a weapons system and nothing anywhere in the world can take its place.

You say—why not the 747, built by the great Boeing Co.? There is no greater company on earth than Boeing. But it cannot fill the bill. It is not a weapons system.

The C–5A has 28 wheels on it. It can come in on a crosswind and land. That did not come out of my head, it came out of some scientist's head. This is the largest plane ever built and it will work as

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sure as you are a foot high. It will work just like the Polaris built by the great Lockheed Corp. out in California. They built that Polaris missile. Now it is building the Poseidon. Lockheed is a great company and the Poseidon is working. That great Lockheed Corp. built the fastest airplane that this country or any country has ever seen. It will build the C–5A. I am not going to demean a great corporation which has contributed so much to our land.

Consider the great North American Corp., which was down in the dumps when the RS–70 did not work. We did not give up. We did not say, "Abolish the North American Corporation." The great committee headed by the gentleman from California (George Miller) made money available, NASA awarded the Apollo contract to North American and through their leadership sent men to the moon and back.

I am not here to deprecate the efforts of American industry. I am here to say good words for their efforts. That is the least I can do.

Consider the great McDonnell Corp. I remember the time the McDonnell Corp. had a contract to build a Navy plane that never got above the ground. What happened to McDonnell? They did not give up. They built that great 101, in the same series, which is in use today. And I do not have to tell this country or this Congress what the McDonnell Douglas Corp. does today. It is a versatile company, building some of the greatest planes on earth today, like the F–4 and the A–4.

I believe American industry can rise to the challenge. Let us give them a hand. They need a pat on the back. If they ever needed it, now is the time. Experts are mushrooming all over the place like toadstools. I have run across more experts in the last year than there are dogs at a county fair. You know what I am talking about. That is the language you use in Georgia.

But I also know we must have something to take the place of the F–4. The F–4 has reached the end of its growth potential. The F–4 was laid down in 1954. It is high time we were moving on its successor and that will be the F–15.

And then there is the F–14. Someone has suggested restudying the F–14, but I point out that one of the great corporations in the country, Grumman is building it. Let us let them go ahead and continue to build it. The Navy badly needs it.

But I am not going to overlook the great General Dynamics Corp. The General Dynamics Corp. built the B–58 and the F–111. The General Dynamics Corp. builds submarines. General Dynamics does not need a kick from Mendel Rivers. But it needs a boost from all of you. Look at Fairchild-Hiller and the great workhorse the F–105. These are all great companies—and America's destiny rests in their industrial capacity and skill.

Of course, they make mistakes. They make a ton of them. But look at their successes.

Now let us get to the advanced manned strategic aircraft, the follow-on for the B–52. We do not have one new B–52 in Vietnam; did you know that? Not one.

Do Members know what a new B–52 is? It is one that is about 10 years old. We do not have any new ones over there. We have now new pure jet engines, but the new engines in the B–52s have the fans—and they are 10 years old at least.

Do we need an AMSA? I should say we do. I do not want to frighten any Members. I know this Congress is going to vote for an AMSA. There is no question in my mind about it. But there have been some statements that the Russians are not building an advanced bomber. I tell Members I do not believe this, and I have very good reasons for making this statement. That is all I will say.

We had better get on with the AMSA before it is too late. The experts tell me we need an AMSA, and one that can handle the problem. We do not have anything like that, now.

What is wrong with the AMSA? For years we begged Secretary McNamara to start this, and in this bill we give the money for the fuselage and configuration and engine and other parts.

Members of Congress have been recorded in favor of efficiency and economy in government. The MIRV program was a perfect example of a weapons system that does exactly this. It is an offensive capability with a classified number of warheads, and we can achieve the same capability at savings of almost $7 billion, the multiple independently targeted reentry vehicle. In the case of Minuteman III, we are able to take advantage of an investment already made in the silos and launch facilities for the earlier versions of the Minuteman missile.

In the case of Poseidon, we are able to retrofit existing Polaris-type submarines at a cost far less than that which would be required for a new missile submarine. with this economical missile.

Will MIRV work? Four out of the last five Poseidon MIRV tests have been completely successful, and five of the last seven Minuteman III MIRV tests have been successful with an additional one being partially successful, and only one being a complete failure.

That is how far we have gone. In my opinion this program would truly lend credibility to our strategic deterrent.

Remember, our strategic force is a deterrent. We do not seek to destroy others. Our MIRV'ed warheads do not constitute a first strike threat against Soviet hardened missile sites. They, therefore, would not start a new spiral in the arms race. The Soviet SS–9 missile on the other hand can launch three 5-megaton warheads which provide a real threat to our Minuteman silos. They can do this.

Nobody in this country died when the Soviets were getting ready to put all these defenses around Moscow. Why should they worry if we do the same thing in New York or Washington or with our defensive and offensive capabilities?

They could not care less. Positively I could not care less what they think. I want this protection, and our committee is giving the Congress the opportunity to accept it or reject it.

In comparison with the action of the other body, the committee has taken action on a variety of programs which were deleted or reduced by the Senate in their action on the administration's request. I will not go into these in great detail as they are explained thoroughly in the committee's report on pages 59 through 79. Let me list a few of these: First, we approved $66 million plus for the E–2C aircraft which had been deleted by the Senate. This is a much needed aircraft to provide the fleet with an airborne early warning capacity. It is something they can see with far away from our ships. We do not have anything this modern. We just want to have our fleet have a plane that can get high enough and see where the enemy is.

We approved $165 million plus for the S–3A aircraft—and I will tell you what it is—for which the Senate made a reduction of $25 million. This is a new antisubmarine aircraft designed for carrier use and much needed for the Navy's antisubmarine warfare function. Mr. Stratton will tell you something about this.

We removed the ban on the A–7D and A–7E aircraft imposed by the Senate. The A–7 aircraft is the only aircraft we have for close ground support. This mission was turned over to the Air Force, and this is the only plane available. It is a new plane, subsonic but a superior close air support weapons system.

The total funds requested for the A–7D and E are $478.7 million.

The Senate bill reduces to $15 million the $60 million requested for the airborne warning and control system, called AWACS. The committee recommends enactment of $40 million for this airborne surveillance capability with its associated command and control communications system. AWACS will provide valuable airborne intelligence and battle management capability for the Tactical Air Command and the Aerospace Defense Command.

The bill provides the full $75 million authorization requested for the SAM–D surface-to-air missile system which the Senate deleted. The SAM–D, on which Mr. Philbin is an authority, and which he will explain to you fully, will provide a major improvement for defending our field armies against an air threat. It would replace the Hawk and Hercules missiles, which are based on technology that is at least 20 years old. It will cost less than half as much to maintain, and the savings in operation and maintenance alone will pay for the system in 5 to 8 years.

This is a complicated bill. At the same time it is a comprehensive bill.

The bill authorizes $105 million plus for the short-range attack missile, SRAM, and $40 million for modifying the B–52 to carry this missile.

The Senate bill provided $67 million plus for the SRAM and deleted the funds for the modification work on the B–52's. The SRAM encountered difficulties in its development stages, but recent tests that have been held indicate those technical difficulties have been solved.

The SRAM missile is a key element in maintaining the capability of our manned strategic aircraft to carry out their assigned mission through the 1970's.

The bill also provides $67 million for

the advanced surface missile system; $20 million for the undersea long-range missile system; $28.1 million for the T–X navigational trainer; $10 million for the heavy-lift helicopter; $1 million for the light intratheater transport; $38.5 million for the A–37 tactical aircraft; $15 million for the RF–111 reconnaissance aircraft; and $18.5 million for the Conus air defense interceptor.

I said earlier in the day, our cupboard is bare. We need many new weapons. We do not now have them. This bill is the beginning.

The committee has worked very hard in trying to report to you a bill that has been considered at great length, and which the committee considers to be at least what this country can afford to maintain if we are threatened.

I urge you, and respectfully request you, to give us your attention. I thank you, too, for having given me yours.

We have done the best we can.

Mr. ARENDS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. ARENDS. Mr. Chairman, the Members of the House today are voting on perhaps the most important bill of the year, and it is a moment when all Members of the House must feel the weight of their responsibilities. There has been a new climate in consideration of Defense matters on Capitol Hill this year which reflects a climate of questioning and concern throughout the country. I find all manner of experts ready to give their advice to the Members of Congress on national defense policy. I have seen newspaper advertisements signed by every kind of expert from botanists to football coaches. But it is the Members of the House here today who must make the decision on national defense and he must answer to the American people and to history if that defense is inadequate.

I think of something the late President Kennedy used to like to quote about decisionmaking. It is from the Spanish poet Garcia Lorca:

> Bullfight critics row on row
> Crowd the vast arena full
> But only one man's there who knows
> And he's the man who fights the bull.

The Members of the House today are the ones who know. You are the ones who have gotten all of the information and heard all sides of the issues. But you cannot put responsibility for your decision on any number of noted college professors or Nobel Prize winners. You cannot turn the matter over to Vince Lombardi. You must make the decision. You must guarantee the adequacy of America's defense capabilities—not only today but into the foreseeable future.

The bill before you provides $21,347,860,000. This money would do two principal things: It will provide $13,926,460,000 for procurement of aircraft, missiles, tracked vehicles, and ships to provide the strength currently needed by our Armed Forces. It will provide $7,421,400,000 in research, development, test, and evaluation to assure the future readiness of our defense capability.

The amount requested in our bill is $615,800,000 less than the amount requested by Secretary Laird in his revised budget of April 15,. It is $47.1 million less when one excludes the Manned Orbiting Laboratory and Cheyenne programs. The bill is $1,803,800,000 less than what was originally proposed by former Defense Secretary Clifford in January of this year.

While the totals in our bill are close to what was recommended by the administration I think it should be clear that our bill is selective in its reductions and in its additions. The committee worked its will on this legislation. Nobody could call this a rubber stamp bill. We added roughly $1 billion in shipbuilding funds to start a needed modernization of the Navy. We made a reduction in research and development, test and evaluation funds of $801 million. But we exempted certain needed weapons systems from this cut since we felt they were vital to our capabilities. And we specifically directed the reduction and elimination of other programs such as the AX aircraft, the TOW missile, the Sheridan vehicle, the main battle tank—MBT–70—and the M–60 A1E2 tank.

The committee's main reductions are discussed throughly in part 3 of the report. Those items which the committee specifically exempted from the R.D.T. & E. cuts are discussed in part 4 of the report where the committee's actions are compared in detail with changes made in the authorization request of the administration by the Senate.

COMMITTEE OVERSIGHT

I want to take a little time to mention the effort the committee is making to improve its control of the defense budget. I believe these efforts are in response to the general desires of the House.

Hundreds of thousands of transactions and decisions take place daily in the Pentagon. It is virtually impossible for Congress to examine every action in detail. The committee, therefore, must work to bring about progressive improvements in management techniques and to do this, it has moved to take on more responsibility for surveillance of Defense Department programs.

I ask the Members of the House to reflect a little bit on the great growth in committee work over the last decade. The first law requiring congressional authorization of military expenditures for the procurement of aricraft, missiles, and naval vessels was enacted in 1959. The law was further amended by the 88th and 89th Congresses to require authorization for research and development and for tracked combat vehicles. This year, the committee has included a provision in the bill, section 405, to extend the authorization requirement to all vehicles, all weapons, all ammunition, and the related spare parts for these items. It will aid surveillance over $3 billion for the annual funding request for procurement.

This will place additional burdens on the committee and on its staff but it is an attempt by the committee to do an even more thorough job on the defense program. I might note that two professional staff members from the General Accounting Office have been assigned to the committee on a continuing basis to aid in the committee's important tasks.

The committee, of course, has had its investigative atuhority for 20 years, and we have recently sharpened the use of this authority to help the full committee in making decisions on weapons programs. The actions of the committee in the present bill on the General Sheridan tank, the M6A1E2 tank, the MBT–70 tank, and the TOW antitank missile system is an example of how our investigative efforts have aided our weapons decisions. The committee has deleted nearly one-quarter of a billion dollars from the 1970 funding request for these programs. This is because our investigations disclosed basic weaknesses in military management which showed these funds could be safely eliminated. This investigation also made recommendations for correcting the management deficiencies uncovered. We are going to have more of these in-depth examinations of major programs in the future

Proposals were made in the Senate to have the General Accounting Office handle much of the task of overseeing defense programs. Your committee believes that such oversight and direction should be a committee function of the Congress. The General Accounting Office can aid in this work to a considerable degree but the responsibility must be maintained within the Congress and within the appropriate committee.

As a further effort to improve its surveillance of programs, the committee added title V to the bill. This provides statutory authority to keep the Congress fully and currently informed on defense programs. The language here is similar to the language in the Atomic Energy Act which gave authority to the Joint Atomic Energy Committee to get all the information to be fully and currently informed about the activities of the Atomic Energy Commission. Again this is a step by the committee to help it better perform the function assigned to it by the House.

SOVIET THREAT

We have heard a great deal recently about the desire for stopping the arms race and a need to stop nuclear proliferation throughout the world, but I think Members should keep in mind that it takes two to tango and it takes both nuclear powers to bring about a real reduction in nuclear arms. We see no evidence that the Soviets are stopping their nuclear arms development. The evidence is quite to the contrary. I urge all Members of the House to read the discussion of the Soviet nuclear developments which begins on page 8 of the committee report.

The Soviets have developed a missile, the SS–9, which can lift a 25-megaton warhead and deliver it near one of our Minuteman silos with great accuracy. This missile is much larger, much more accurate in its guidance system, and much more expensive than would be required for a retaliatory weapon. The SS–9 does not seem logical—unless it is being developed to give the Soviets a first strike potential. It is because of this missile primarily that we have to be prepared with ABM defense. At the present rate of deployment and with the MIRV capability that will be within the Soviet grasp within a few years, the SS–9 would give the Soviets a first strike capability

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against our land-based strategic forces. They—Russia—are moving militarily full steam ahead.

This is only part of the threat imposed by the Soviets. They have a variety of other ICBM's, may soon pass us in numbers as well as megatonnage of ICBM's, have developed a fractional orbital bombardment system—FOBS—have developed the capability of launching missiles from submarines and, as Chairman RIVERS has indicated, have greatly expanded and enhanced their naval power. They have also expanded and modernized their general purpose forces and they showed in Czechoslovakia that they are willing to use that force to achieve their ends. Finally, they have deployed around Moscow a beginning ABM system, the Golosh, and are pursuing ABM technology with great vigor.

While we all hope and pray for the success of arms limitations talks, let's keep in mind that this Soviet power is very real and that we have to be prepared to counter it if our deterrence is going to be viable in the future.

The committee has approved the Department's request for major weapons programs that will provide an antiballistic missile defense system, the Safeguard; a great addition to our aircraft capability, the C–5A; the much-needed air superiority fighter for the Air Force, the F–15, a long deferred replacement for the F–4 aircraft for the Navy, the F–14; additional assurance of our offensive deterrent, MIRV capability for the Minuteman and the Poseidon; and the new manned strategic aircraft the committee has long sought, the AMSA.

The ABM has been the most discussed program of the year, both in Congress and in the press, and I am sure we are going to hear more about it today. The Safeguard program, recommended by the President and approved by the committee, will use the technology developed for Sentinel and previous systems to provide protection for our land-based nuclear deterrent. It will also provide protection against the potential Chinese threat in the late 1970's and against an accidental launch of an ICBM. The bill provides $345.5 million for procurement for the ABM and $400.9 million for research, development, test, and evaluation. Earlier in the military construction bill, we provided $15.2 million for construction of R. & D. facilities for Safeguard. Our committee gave extensive consideration to the Safeguard proposal, and these deliberations satisfied the majority that the system can be made to work and is required.

The Soviet military capability provides a real threat against our Minuteman missiles and our bomber bases in the mid to late 1970's. The ABM will provide protection for our Minuteman force and will thus be a valuable additional deterrent.

Safeguard will not, as some have claimed, heat up the arms race. The Safeguard is a defensive system which could not reach Soviet territory and could not start a nuclear exchange. I believe it will provide an incentive to arms negotiations by showing the Soviets that we are serious about developing our deterrent force and convincing them that no amount of expenditure on their part will permit them in achieving a first strike capability. At the same time, it will also show that we are not pressing an attack on the Soviets. I think the ABM can add to world stability, and I think the Russians are going to insist upon having their own because of the threat they face from China.

The C–5A has also been the subject of much discussion and many charges of cost overruns. The Committee's decision to approve the C–5A was based on the military requirement and the capabilities of the aircraft. The C–5A is said to be the world's largest airplane. Under wartime conditions, it will have the capability of delivering a 265,000-lb. payload over 3,100 miles at a speed of over 500 miles per hour. The operating cost of the C–5A will be 2.9 cents per ton-mile compared to 5.3 cents per ton-mile for the present C–141. So the long-range operation and maintenance cost should represent a considerable reduction when compared to present aircraft.

The committee approved the $940 million for the C–5A in the bill, including $481 million for procurement of 23 aircraft. The committee deleted $50 million of the C–5A funds requested for procurement of initial spares.

The F–15 will give the Air Force an air superiority fighter for the mid and late 1970's. Present aircraft cannot be economically modified to fulfill this need.

Failure to develop such an airplane will leave our Air Force at a great disadvantage a decade hence in comparison with the Soviet Air Force, which has developed a variety of firstline fighters, and which has six new prototype fighters in production.

The committee has authorized a total of $450 million in the bill for the F–14 for the Navy. This includes $275 million for procurement and $175 million for R.D.T. & E. The F–14, which will provide fleet air defense, replaces the F–4, which was designed in 1954 and has reached the end of its growth potential. In the years that the F–4 has been operational, the Soviets have developed eight new aircraft.

I would point out that the F–14 must operate off an aircraft carrier, and has a different mission requirement from the F–15. The joint Navy project is developing an advanced engine which will be used in both the F–14 and the F–15. But the different mission requirements and operating environment require different airframes for the two planes.

MIRV, which stands for multiple independently targetable reentry vehicles, is a method of carrying more than one warhead on a single rocket with guidance to take each warhead to a different target, or to send all warheads to the same target with spaced arrival times. We are developing MIRV capability on our Minuteman III and on the Poseidon submarine-launched missile, which is a follow-on to the Polaris. I would emphasize that our Minuteman missiles are only a fraction as big as the Soviet ICBM, and when MIRV capability is put into our missiles, the size of each warhead becomes that much smaller. The relatively small size of these warheads precludes the possibility of them being used against hardened enemy missile sites. Our MIRV, therefore, could not be considered a first strike weapon.

American MIRV'ed warheads will be too small in size and number to destroy the Soviet retaliatory force, although they will have a high capability against cities.

The Soviet SS–9, by contrast, is so large that it could launch three 5-megaton vehicles—which are large enough to have a first strike capability against weapon sites. The committee felt it was prudent, therefore, to authorize this continuing developing work on MIRV to make sure our forces are not outstripped by Soviet advances.

The House is aware of the long effort by this committee to assure the development of a manned strategic aircraft. The last B–52 came off the production line many years ago. And our B–52 force is aging badly. The previous administration had sponsored the FB–111 as suitable for the bomber mission and had a long record of roadblocking the AMSA. The current administration, after reevaluation of requirements, recommended an increase in AMSA funding to $100.2 million for fiscal year 1970, compared to the previous administration's request for $77.2 million. The speeding up of the development of AMSA is in line with the long-held position of our committee and we recommend it wholeheartedly to the House.

Dean Acheson, the former Secretary of State, a distinguished Democrat, when he spoke before the Women's Democratic Club, said this:

> I see in America a growing capacity for criticism and a declining capacity for unity.

Then he emphasized that all of us should recognize that the President of the United States is the President of all of us and that we should help him, as he seeks to bring the war in Vietnam to an honorable settlement. An honorable settlement, not a surrender, is what the people want.

These, I say, are the words of a true patriot, who places country above party. I would hope that others would recognize, as Dean Acheson does, that the surest and quickest way to achieve an honorable settlement of the war in Vietnam is to unite behind our President.

I do not believe it is necessary to review in detail all of the many actions that the committee has taken in this bill. A full discussion of all of the changes will be found in the report. I would like to emphasize however, that the development of our future readiness is as important a function of this bill as provision of our present systems. The committee felt so strongly on this that we have, in the R. & D. portion of the bill—title II—earmarked certain funds for specific systems, which will preclude these funds from being subjected to the overall reduction in R.D.T. & E.

The systems so protected include: the heavy lift helicopter and SAM–D missile for the Army the E–2C aircraft, the S–3A aircraft, the undersea long-range missile system, and advanced surface mis-

sile system for the Navy; and the RF–III aircraft, the light intratheater transport, the SRAM missile, the airborne weapon and control system—AWACS—and the Conus air defense interceptor for the Air Force.

As I am sure the Members of the House are aware, the present administration, following the submission of the budget, announced cancellation of the Manned Orbiting Laboratory and the Cheyenne helicopter. The committee supported these reductions which mean a $300 million savings in fiscal year 1970 on the MOL and a net savings of $420.5 million from the original Cheyenne request. We have also specifically directed in the bill that no funds authorized shall be expended for the Cheyenne helicopter.

R.D.T. & E. REDUCTIONS

While recognizing the importance of research and development in assuring the future readiness of our forces, the Committee was concerned about some of the management aspects of the R.D.T. & E. program. We felt that some savings could be made in this area and a better ordering of priorities provided.

We have, therefore, made a reduction of $801 million in R.D.T. & E. funds.

The committee has provided in section 402 of the bill requirements for detailed information to the Congrress from the DOD concerning R. & D. projects being done at universities and Federal contract research centers affiliated with universities. We feel there has been overlap and duplication in this program and that there has been too great a concentration of the research effort in a relatively few locations.

In addition, the committee was concerned about the sponsorship of research programs which appeared to be inappropriate to the mission of the Department of Defense.

We have, therefore, added section 203 to the bill, which requires no funds authorized may be used for any research project or study unless that project or study has a direct and apparent relationship to a specific military function or operation.

We have included in our bill, also, a provision adopted in the Senate version of the bill which limits the salary of employees of Federal contract research centers to a maximum of $45,000 unless an annual rate of compensation in excess of that has been approved by the Secretary of Defense and a report of such approval provided to the Committees on Armed Services.

In summary, we have a very big, but very necessary bill. National defense in the threatened world in which we live does not come cheap. All of us would prefer to live in a world where this $21 billion would be spent for peaceful pursuits. But we can afford this bill because we cannot afford to be without it.

Only by having the shield of national defense that this legislation provides will we be able to have a world in which we can work to solve our other problems. The bill, despite its numerous changes and despite the increase in costs of the recent year, is still $277,890,000 less than that authorized last fiscal year. It will support a national defense that takes a smaller percentage of the gross national product than we have spent in the last 3 fiscal years. It is a result of the most thorough and searching review that the Armed Services Committee has ever conducted and I urge all Members of the House to support it.

Mr. PHILBIN. I yield 5 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, with five major military bases in my congressional district, I am certainly not going to argue against the passage of the military procurement bill before the House. I do urge moderation, however. Projected Federal budget outlays for 1970 national defense were $81.542 million. While the figures we are dealing with today are slightly lower due to public demand, if this military authorization bill is excessive we well might be faced with a very large supplemental appropriations bill later in the fiscal year.

The bill before us, I am sure, is the largest authorization at $21,347,860,000 to be presented to any legislative body of the free or Communist world. This authorization covers but 25 percent of the $80 billion defense bill. These are the alleged controllable items over which the 86th Congress gave power to the House Armed Services Committee to control in this 412 authorization. I do not think we have adequately done our job.

I fully support control of the military by the civilians in the executive and I support controlling the executive, including the military, by a civilian legislative body. I abhor a civilian legislative committee that is a rubber stamp. My committee is not a rubber stamp.

I do charge though that the checks and balances intended by the rules of this House have almost totally broken down.

I say that when our expenditures for defense can be controlled as they were in the period 1955 to 1965, at $1.4 billion increase per year then there is reason in having perhaps a monolythic committee. When you compare this excellent record to the period 1966 to 1970 and notice that the total expenditure rise was nearly $10 billion per year average, then I think it is time to question the committee, its method of organization and its orientation.

I will support the statements I just made. I include in national defense expenditures nuclear power—the technology for propulsion and warheads; veterans benefits, the direct cost of past wars, interest on our national debt of past wars and the regular items referred to in national defense—this is the so-called "Udall method" of budget analysis. Total increase, $15.4 million; average increase in 11 years 1955–65, equals $1.4 billion per year. Total increase, 1965 to 1969, $40 billion equals $10 billion increase per year average.

In 1955 the itemization was as follows:

[In millions]

	Defense+ nuclear	War interest	Veterans	Total
1955	$40.323	$6,370	$4,522	$51,200
1965	49,598	11,346	5,722	66,600
1970	70,000	17,300	7,724	107,500

[In percent]

Year	Military budget	Interest on national debt	Veterans cost	Total defense cost	Administrative budget	Percent of administrative budget taken by defense
1952	43.8	5.9	4.9	54.6	65.3	83.2
1953	50.0	6.5	4.4	60.9	74.1	82.7
1954	46.4	6.4	4.3	57.2	67.5	84.9
1955	40.3	6.4	4.5	51.2	64.4	80.9
1956	40.9	6.8	4.8	52.5	66.2	79.3
1957	43.2	7.2	4.9	55.4	69.0	80.3
1958	43.7	7.6	5.2	56.5	71.4	79.1
1959	46.0	7.6	5.4	59.1	77.1	76.7
1960	45.3	9.2	5.4	49.9	74.9	80.0
1961	47.1	9.0	5.7	61.8	79.3	77.9
1962	50.7	9.1	5.6	65.4	86.6	75.5
1963	52.4	9.9	5.5	67.9	90.1	75.4
1964	53.3	10.7	5.7	69.6	95.8	72.7
1965	49.6	11.3	5.7	66.6	94.8	70.3
1966	57.7	12.0	5.9	75.6	106.5	70.9
1967	70.8	13.4	6.9	91.1	126.8	72.6
1968	80.5	14.6	6.6	102.0	143.1	71.4
1969	82.2	16.6	7.7	106.5	147.0	73.1

Now the main committee report on page 7 contains tables whereby a comparison is made between defense expenditures and the gross national product. The tables are fallacious and misleading for at least three reasons because they do not contain the figures included in the official budget summary under national defense for the referenced years as prepared by the Bureau of the Budget.

Second, our administrative income has not kept pace with the increase in our gross national product. As an example: Our administration income in 1953 was $74.1 billion with a gross national product of $355.1 billion.

Our administration income today is only up 100 percent to $152 billion in 1970 but the gross national product is up almost three times. Unfortunately we cannot pay defense bills with gross national product—all we can use is administrative income or debt.

A third fallacy of the main committee's comparison is that it includes trust fund outlays in its comparisons. This is grossly misleading. In 1953 when we had no medical care for retired, Federal highways, adequate insurance programs, and a thin social security experience. Trust fund outlays were $2.6 billion, or 3.4 percent of all Federal outlays. The United States came of age socially in 17 years, fortunately. This year trust fund ex-

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penditures will be $48.5 billion, or 25 percent of our total Federal outlays.

I would remind the House that the trust funds are "cookie jarred" and this fund is not available either to pay defense bills, save and except the amounts that have been, in fact, purloined to date to fund the national debt. I said stolen. Surplus trust funds by law go into Government bonds; 70 percent of the money from those bonds goes into defense. To date since 1953 the Federal Government has borrowed from the trust funds $95 billion. Prepayments by social security recipients, employers, highway users have vanished. They do not really have any money in the bank. It has all been swiped—mostly for defense. Last year we had a $9 billion trust fund surplus—where is it? This year we should have $11 billion. If we stick with President Nixon's budget restrictions we may salvage a few billion of the trust funds.

I want to go back to the problems of our committee. Unfortunately, due to the committee success that I mentioned in the 55- to 65-minute time frame, the committee became monolithic. We have a bipartisan committee—partisanship has completely broken down—we have no minority counsel or minority system of checks and balances that you have on every other committee of this House.

Five of us—three Democrats and two Republicans—have tried to constitute ourselves as a viable minority on the committee. This has been a necessity due to the massive unchecked authorizations that have evolved from our committee during the 1960's.

When partisanship is locked up on our committee and here on the floor, I say we have got a sick system when you keep the existing rules of the House that are only designed to protect a partisan minority.

I would say one more thing. We do not have just "average bears" on our committee and I would here address my remarks to the Ways and Means Committee on Committees and the Republican Committee on Committees. My poll indicates that nearly one-third of this House is opposed to the anti-ballistics-missile program. One-half of the Senate is opposed. Yet why is it that only 20 percent of my committee registers opposition. We are not simple random bears.

Not only has partisanship broken down, but due to the great attraction of this committee many Members with military background and orientation like myself populate the committee. There is a vacancy now on the committee. I would hope that the Republican side would have some sympathy for reinforcing the outpost now so gallantly manned by Congressmen Charles Whalen and Robert Stafford.

I have not addressed myself to the terms of the bill to this point for a very good reason. Probably 95 percent of this House, including myself, will vote for this legislation regardless of the rejection of amendments, so there is little purpose in reviewing the details of the bill.

As had been indicated, at least a dozen amendments will be offered to this bill. Colleagues, do not be timid. If you are afraid or if you abdicate your responsibility to review the military, you give up 70 percent of your power in the Congress.

You say the military has never been wrong—I say look to the waste that you voted for. Over the last 3 years because we and you did not do a proper job we spent $1½ billion for an Air Force manned orbiting laboratory which I am sure Secretary Packard calls a boondoggle. The American Legion and the American Security Council have passed resolutions to oppose this curtailment.

Otis Pike on the floor last year tried to cut in excess of $100 million for the Cheyenne helicopter. He said that it is costing too much—you shouted him down—we spent $150 million more during the year and finally the OSD recognized that when you are losing helicopters at the rate of three per day in Vietnam we cannot afford helos that cost $3 million each.

We spent $3 billion on the B–70 bomber a few years ago—built 2½—one crashed and the other one is in a museum. A high-level supersonic bomber is valueless. The original "fearless four" tried to warn this House of that fiscal disaster.

The same people who voted for B–70 to the end now are pushing for a new program called AMSA—advanced manned supersonic attack aircraft—350,000 to 400,000 pounds. Envision a plane 50 percent larger than a 707, larger than the C–141 Starlifter traveling supersonic high and on the deck—a fantastic challenge. We have done it for a cost of nearly $15 million per unit for the FB–111A. The AMSA will weigh five to six times the FB–111A weight and when you buy airplanes by the pound as we do we are talking about buying 263 airplanes at $80 million each. This is what you are doing in this bill. I have an amendment to decelerate this program.

On ABM you spent $1.2 billion last year for the Sentinel system to protect our cities from the Chinese. This year we are protecting our missiles from the Soviets. The CIA does not think there is a Soviet missile threat. But Mel says:

> They're going for our missiles—no doubt about it.

How can they go for our missiles when I indicate on page 168 of my remarks on the bill that the United States will have 24,000 nuclear warheads in the middle 1970's.

And talking about mistakes—what happened to all the dough we appropriated last year for the ABM system. You do not protect missiles like you do cities. What happened to all the real estate that was bought? How much research and development funds went down the drain trying to work out the problems of a city defense—several hundred million dollars?

I say if the Department of Defense can somehow wield the magic scalpel to terminate programs, so can this Congress.

We have exercised some options to cut in this bill and I want to congratulate the committee on total abandonment of the AH56A Cheyenne helicopter, halting the duplicate Shillelagh—Tow missile buy, ignoring the Navy plea on the FDL's, and stopping the AX engineering.

The House Committee on Armed Services has had under consideration the pending bill authorizing appropriations for fiscal 1970 for military procurement for over 6 months. The bill in the total amount of $21,347,860 is not the total tag for defense since under section 412 of Public Law 86–149 only aircraft, ships, missiles, tracked vehicles, and research requires a specific authorization. The pending bill in section 406 expands this authority for future legislation perhaps $3 billion.

The House Armed Services Committee for many years last past has not been a divided committee save on rare occasions; the committee while reserving subcommittee chairmanships to certain members on the majority side in fact has no partisan minority, partisan division or minority counsel. Recognizing the benefits resulting from past monolithic policy, but cognizant also of horrendous errors in our defense authorization in the past, four of my committee colleagues and myself determined early in the present session that a much greater debate was required over individual hardware items both in the House committee and on the House floor. I make no pretense that the committee has considered the greater defense policy issues of the size of or necessity of a 15 carrier task force, relative priorities between defense and nondefense needs of the country; nor did we consider the future costs of many multibillion dollar programs in relation to our future ability to pay for them, though the seeds of those programs are in fact conceived in this legislation.

If it is difficult for a 40-man committee with a 50-man staff of lawyers, investigators, and experts to monitor the 3½-million-man Defense Establishment, five members of that committee without a common staff have a more formidable task in formulating themselves into a viable bipartisan minority. Howbeit, the referenced bipartisan minority did commence to meet separately early this year and has continued nearly weekly meetings to this time in an effort to critically analyze the Defense issues that we were able in a nonmilitary environment. We have not agreed on every issue—witness our bifurcation in the support of the pending bill.

I am concerned with moderation in our defense policy because it has escalated beyond all proportion to the military threat posed to this country rising from $46 billion in 1961 to the budget submission early this year of $82 billion. Our overmesmerization with winning the war in Vietnam has absorbed at least 40 percent of the Defense funds budgeted, and this, in turn, has led to neglect of our military construction program at home and panic to deploy certain costly systems before they were ready. This action has cost the country billions of dollars. I believe that there is such a thing as an international arms race, that intelligence is such that for every action of the Soviets, or the Chinese, this country makes a response and vice versa ad infinitum.

I believe the United States has overreacted in the past and now is on the brink of moving ahead with another reciprocal round of massive expenditures that invariably leaves each side of the international triangle less secure. I am not a unilateral disarmer and believe in a strong defense until effective arms limitations can be entered into.

I am of the view, as former Secretary McNamara said some years ago, that the United States has bought about as much security as it can through the utilization of military hardware and that our future security lies more in international negotiation, detentes, and effective assistance with reform to those people less fortunate and underdeveloped than ourselves.

Domestically, I believe that a unified society can again be re-created out of the strife torn cities and colleges that pockmark our country. This re-creation, I do not believe, will result from victory in riots and rock throwing, but in effectively turning this country around so that our excellent military effort some years ago can be matched by an excellent effort in higher education, vocational training education, health and housing programs and in full well-paid employment. These efforts have been starved in recent years in favor of an endlessly escalating military appetite.

I am concerned about inflation—nearly 11 percent over the past 2 years. This is tantamount to theft from people on fixed incomes. The Federal Reserve Board has recently indicated that our current runaway economy will either continue to inflate, will be controlled by price and wage controls, or will ebb temporarily due to reduced Federal spending. They also say that when we increase military spending rapidly by $40 billion, as we did over the past 5 years, that we are bound to get inflation since consumer goods are not produced to balance the large increase in national income.

I believe, therefore, that the resolution lies substantially in reduction of military spending. The current actions of the President halting 75 percent of all construction programs, while perhaps sound from an economic sense of the need to reduce spending, appear to be substantially inconsistent with the recent announcement to increase spending by $300 million on the SST supersonic aircraft and are clearly inconsistent with the majority committee action here increasing naval shipbuilding by $960 million.

The pending bill in the amount of $21,347,860,000 is the largest amount authorized in any one bill in any legislative body in the world. In spite of our joint efforts at reduction, the bill is only $615.8 million—about 3 percent—less than the Secretary Laird request, and in reality is only $47.1 million below the DOD request if you exclude $300 million cut from the MOL—manned orbiting laboratory—program and $268.7 million net cut from the Cheyenne helicopter, both items by the Department of Defense.

The House bill as passed is $1,236,360,000 more than the Senate bill and should be substantially reduced before passage.

Mr. BRAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I intend to restrict my remarks to the air support of ground troops, and discuss the A–7, which is the vehicle that is in the budget and that was recommended by the Navy and the Department of Defense to accomplish this support.

The A–7A is the Navy version of the plane and the A–7D is the Air Force version. In the budget there is $374 million for the A–7D, and $104 million for the A–7A. These are planes that are already in existence, although there has been a great deal of electronic equipment added that will make these planes much more efficient.

Mr. Chairman, we, as a nation, have charged the Air Force with a variety of missions. One of the most significant, I feel, is the tactical mission to provide close air support to our ground forces. It is this important close air support role for which the Air Force requires the A–7D. The aircraft currently used in this role are aged—the F–100—or were designed primarily for other type missions—the F–4 for air superiority.

By modifying the Navy A–7A attack aircraft, the Air Force has optimized the A–7D for the close air support mission. I am told that a more powerful turbofan engine for the A–7D will provide the thrust for takeoff and operation with heavy payloads, and, a significantly improved weapon delivery system will provide the visual air-to-ground bombing accuracies afforded by current state-of-the-art technology.

The Air Force has wisely incorporated survivability features to reduce the aircraft's vulnerability to ground fire and improve its probabilities of returning to base. Foam and self-sealant have been used in the fuel system to suppress explosions or fire and a second fuel feed system serves as a backup. A third flight control power system assures the capability to land safely in case the primary and secondary systems have received battle damage. Armor protection has been provided for the cockpit, engine area, and around critical components. No other tactical fighter has been procured with the built-in survivability features of the A–7D.

Mr. Chairman, the Air Force indicates that the range-payload capability of the A–7D is better than any aircraft in its current inventory that is used in the close air support role. I am told that the aircraft has an inflight refueling capability as well as the ability to carry up to four external fuel tanks; over 15,000 pounds of external ordnance can be carried on six wing pylon stations. This combination gives the aircraft great operational flexibility. With its large fuel capacity, the A–7D can be diverted to alternative targets as the battle situation dictates. By using multiple ejection racks, an almost unlimited mix of conventional weapons can be programed.

Moreover, the A–7 is designed to permit the pilot to adapt his tactics to the ground situation. On a given mission, the aircraft can attack multiple targets or make multiple passes on one target while an automatic, continuous solution bombing system permits the pilot to maneuver or change delivery modes at will. He can, therefore, avoid the heaviest area of concentration of artillery or ground fire without degrading bombing effectiveness. The communications equipment for the plane has been selected to provide a complete interface between air and ground operations. The pilot can talk to the ground commander, the forward air controller, and the tactical air controller during the mission.

The maintainability and reliability standards established for the A–7D are very high, and operating costs are low when compared to the other tactical fighter aircraft. I doubt that any other tactical fighter has been procured with as many maintenance self-test features integrated into the design. I am sure you will agree that these are important features for an aicraft intended for the forward area support of ground forces.

In summary, Mr. Chairman, I support the Air Force's requirement for the A–7D. It is being procured to improve the Air Force capability for close air support. Specific design characteristics have been included in the aircraft toward this end. The aircraft capabilities are such that it can be utilized effectively in other roles but it is the close air support role for which the A–7D is optimized and in which it will be the most effective. The Air Force needs the A–7D to provide an integrated tactical air team. The 128 aircraft in the fiscal year 1970 budget proposal are necessary to fulfill this important requirement.

The action of the Senate in prohibiting the Air Force from procuring A–7's and forcing them to procure F–4's, an aircraft designed 15 years ago, and now outmoded must not be allowed to stand.

Our committee has very properly included the A–7's in the bill now before you and I urge you to support it.

Mr. BRAY. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. Bob Wilson).

Mr. BOB WILSON. Mr. Chairman, there is probably no more partisan Member of the Congress than I. Yet, I must say that our committee is probably the least partisan of any committee in the Congress.

We had a special election in Massachusetts yesterday to replace our beloved late Republican on the Armed Services Committee. The man who won was not exactly my first choice, but I salute him and he will be sworn in here shortly, I understand.

Mr. Chairman, for several months the Armed Services Committee during the illness of the gentleman from Massachusetts, Mr. Bates, suffered somewhat I believe. We certainly miss him today and we miss him for the great support he gave to the defense of our country. We are pleased that his place has been taken by the gentleman from Illinois, Les Arends, who has been the ranking minority member on that committee for many years and who has had more service in Congress than anyone on the floor today, I believe. He is familiar with the problems of the military as has been demonstrated just a few minutes ago in his brief remarks.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

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Mr. BOB WILSON. I shall be glad to yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I hasten to associate myself with the remarks of the gentleman from California with reference to the late and beloved William Bates and also to associate myself with the remarks which the gentleman has made with reference to our present ranking minority member, the gentleman from Illinois (Mr. Arends).

Mr. Chairman, I meant to say something earlier along this line, but I do want to add my sincere feeling of appreciation both for the memory and service of our late colleague Mr. Bates and my high affection for the gentleman from Illinois (Mr. Arends) who has taken his place.

Mr. BOB WILSON. Mr. Chairman, there has been no question about the close cooperation over the years between the chairman of the Committee on Armed Services and the Republican side. We have followed "Admiral" Rivers, as he is sometimes affectionately known, in his leadership of the committee. The committee does realize that the captain runs a taut ship. As one of the last petty officers, I appreciate that fact because there has been some little discussion to the effect that there is a little dissent at this time. However, I can assure you that there have been no captain's masts, no courts-martial and no brig time for any members of the committee, even though there has been a little dissent.

I want to address my remarks to one portion of this bill that is before us, and that is the portion concerning the advanced manned strategic aircraft known as AMSA.

This bill contains $100 million for research and development for AMSA. This money figure was originally $77.2 million, but we raised this to the new figure because of a sense of urgency that dictates that further delays in the development of this combat aircraft should not be permitted.

I understand there will be an amendment to reduce the research and development figure $23 million.

I think it should be made very clear that the $100 million that the committee has requested in this bill is $100 million for research and development only. The amount was raised by the Department of Defense from $77 million to $100 million with one purpose in mind, and that is to shorten the competitive design phase for this aircraft, and to permit the beginning of full-scale engineering development in fiscal year 1970.

The request of the Department of Defense and the recommendation of the committee that the request be approved by Congress is not necessarily a commitment for the initiation of production in fiscal year 1971. In other words, the House is not deciding here today or tomorrow whether AMSA will be produced. It is merely being asked to approve a step which later on will permit it to decide in the most deliberate and considerate fashion whether the advanced manned strategic aircraft should go into production.

I think it is extremely important that what we are doing here today should be clearly understood. We are not talking about production of a new bomber. The idea of a new manned bomber is not new, and there is nothing that the Committee on Armed Services has devoted itself to over the years more than to this particular bomber, as important as other projects are.

We are talking about fiscal year 1970, but as far back as fiscal year 1962 the committee was urging the House to approve specific authorization for long-range manned aircraft for the Strategic Air Command. And every year without exception since that time the committee has come before the House to continue urging that this element of our defense not be permitted to fall into decline. And every year the House has supported the committee's recommendation. The difficulty and the lack of progress does not lie with the House of Representatives, or with Congress, because we in Congress have consistently done our part of the job. The trouble has been with the Pentagon—and I am not referring to the military leaders, and I am not referring to the Joint Chiefs of Staff. I am referring to the civilian leadership that simply took an adamant position with respect to the manner bomber. The Joint Chiefs of Staff, I might mention, have consistently supported AMSA.

We have need for a new bomber. I personally am wholly convinced of this, and the Committee on Armed Services is convinced of this. The record of this House since fiscal year 1962 establishes that the House is similarly convinced that we do need a new bomber. Up to this time the Congress has been frustrated in its efforts to persuade the Department of Defense to pursue with anything like a sense of urgency the expressed will—the frequently expressed will—of the Congress for a new bomber.

Last year's committee report dealt in considerable detail with AMSA and stated at one point, and I quote:

> It might be said that AMSA has to this day been pursued by the Office of the Secretary of Defense with a relentless apathy.

This is a good description of the attitude of the civilian leadership in the Department of Defense over the past years. It has indeed pursued the need for a new bomber with a relentless apathy.

Let no one think for one moment that my support and the support of the Committee on Armed Services for a new bomber in any way diminishes its belief in the absolute essentiality of our missile force. This is not in any way involved here.

Very simply stated, in the light of the overall strategic balance between the United States and the Soviet Union—a balance that is much too close for comfort these days—this country needs to have a triple-threat capability. It needs its Polaris missile submarine; it needs its Minute Man missile force; and it needs a modern and effective bomber force—and that is the whole thing in a nutshell.

A mix of all these three capabilities means this: The effective presence of any one of these forces has a very strong tendency to fortify the viability of another of them, thereby strengthening the credibility of our total deterrent posture. If and when the Soviet Union's missiles are improved to a point of great accuracy, our Minuteman force would be very much more vulnerable than it is today. And in these circumstances a modern bomber force together with our Polaris missile submarines would provide a very real assurance against a devastating first strike by the Soviet Union. Further, should the Soviets make a technological breakthrough in antisubmarine warfare, our Polaris fleet could be seriously affected. In this situation a modern bomber force, plus our land-based missile force, would provide against the consequences of this antisubmarine warfare breakthrough. And the survival of our bomber force depends on adequate warning time of a Soviet missile attack; thus our Minuteman force and our Polaris force give assurance in the event the Soviet Union discovers a way of overcoming our warning systems or countering the capability of our bombers to penetrate.

We have a triple threat with the Polaris, the Minuteman, and with the new bomber.

Before concluding my remarks, I would like to make this observation: I look with some concern on the plans of the Department of Defense—if they really can be called plans at this time—to deactivate some of the older B-52 bombers, and the B-58 bombers.

I think we need them longer than the Department of Defense believes. Thank God we have the B-52's. Certainly, those who have engineered and designed them, and those of us in Congress who authorized and appropriated for them had no idea at the time when we were authorizing and appropriating for the B-52's and the B-58's that they would be used for the mission for which they are being used today. No one could see 10 years ahead as to what bomber we may need or what type of bomber we may need. Certainly, the B-52 was never planned for jungle fighting. Yet, those troops in the jungles today are protected by the threat of the bombers and by the actual use of the bombers to protect our fighting forces.

As strongly as I support AMSA, I do so with full awareness that AMSA cannot join our operating forces for a number of years. I strongly suggest that there be a reexamination of current plans with respect to the B-52's, the B-58's, and the cut in FB-111 bombers.

We have now arrived at a point where it is quite apparent that the long-expressed desires of the Congress are consistent with the intentions of the Pentagon.

At last the Secretary of Defense is willing to support the Congress in its support of AMSA. I urge the House to give full funding to the $100 million for research and development of this new bomber.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Chairman, there are

demands from many sources for cuts in America's defense programs. History is repeating itself. All of this is reminiscent of the peaks and valleys expenditures policies of other days and the unfortunate consequences of those policies to world peace. I am one of those who can recall America's postwar policies toward its military services after World War II, and even after World War I. After World War I ended America, disillusioned from its first serious venture into world affairs, turned its back and promptly disbanded all but token Armed Forces. When the outbreak of World War II in Europe finally shocked us into a realization of the pending danger, we had to rebuild our forces almost from the ground up. At either time had there been an aggressive and militarily prepared country on our borders rather than across the sea, we would have been helpless to defend ourselves.

After World War II we accepted a much larger measure of responsibility for what was happening in the world, at least to the point of setting up the Marshall plan to help Greece and Turkey survive against communism, and we talked tough to Russia about such faraway places as Azerbaijan. Russia was still reeling from near defeat in the war and undoubtedly was apprehensive about the fact that we possessed the atomic bomb and they did not. We even launched a United Nations with great hopes for its future value in quieting the problems of the world.

Nevertheless, it is still within recent memory that the tremendous U.S. military machine of World War II was hastily disbanded and much of its equipment left scattered around the world. In the process, the most powerful and effective fighting force ever assembled was decimated within a matter of months. Yet it was but a few years later that it became necessary to resort to the costly crash buildup for the Korean war. I would hope we have not forgotten the waste which goes with this process and the damage which it does to our international stature and prestige.

Now we live in a different world. Aircraft and missiles have shrunk the world to the point that once protective boundaries of oceans or friendly peoples are now meaningless. The effect has been to bring next door to America all of the world's aggressive and militarily competent Communist nations. Russia now is stronger militarily than we, because Russia's modernization of her weapons has not been neglected in any area and because their missile capability is as great as ours. I find nothing which indicates that communism seriously is prepared to adjust to coexistence with the West. Nor do I find indications that Communist intentions towards us are those of a friendly neighbor. The Communists have not changed their spots, or their plans for world domination. The best and surest security we have is afforded by a strong military defense.

The matter does not stop there. There is another problem which surely will come with the defense cuts which now are proposed. Defense cuts will mean an idling of important sectors of American industry. Idle industry means unemployment. Layoffs at military bases also mean unemployment for dedicated competent career personnel and for many others. These things will complicate the problems of the national economy and they will encourage the specter of depression.

I do not question the necessity to save the taxpayers' dollars wherever we can. I realize that there are areas where some cuts are justifiable, and I do not argue that we should spend money for defense that is not absolutely required for our own security. But I say there is now too much emphasis on cuts in defense.

Talk of troop withdrawals and defense cutbacks in the United States plus uncertainty over U.S. policies already have combined to stimulate Communist activity in other parts of the world and may result in adjustments in policy by nations directly under Communist pressure. It would not take much at this stage to encourage defections of some of our friends to the other side.

It is time to talk of improving our military posture by modernizing our military forces. More than anything we need modernization. It is also time to express appreciation for the services of those who wear the uniform. They have overcome tremendous odds time after time to preserve this Nation and prove its leadership. It is time to look first to America's security and America's commitments and the effect that cuts in the military would have on both. I do not think the people of America want the Congress or the administration to cripple our defenses. We must not return to the wasteful peaks-and-valleys policies of other years.

The President has begun a campaign to firm up American public opinion in support of his Vietnam policy of withdrawal of American troops as fast as practical and continued pressure on Hanoi to accept a realistic plan for peace. It is unfortunate that the public has not been more fully apprised of the status of the war all along and the necessity for the continuation of the American presence in Vietnam. It is certain there will be demonstrations against the war and there will be speechmaking in Congress for early and complete withdrawal of U.S. forces. The President should have the support of the American people on this issue, but it will be necessary that he give the people facts which merit their confidence. He will have to provide the leadership. It is going to be difficult to get a realistic peace, difficult not to lose this war if we overemphasize defense cuts which could seriously limit our military effectiveness. A strong defense capability will impress Hanoi and the Communist world much more than rapid de-escalation and defense cuts. Today it is our responsibility. We can give the President the tools with which to work or we can take them away.

Mr. BRAY. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Chairman, less than 9 years ago this Nation experienced a hard fought and a very close presidential election. The campaign of 1960 was certainly a cliffhanger.

As in all close elections, any one of a number of issues could have influenced the result. But in 1960, in those days which followed the launching of Sputnik, the most decisive issue was a missile gap which did not exist.

In 1960 I argued there was no missile gap because I knew otherwise. Others argued as I did, but, for understandable reasons, the shock value of bad news makes better reading and our voices of truth were drowned in a rapid fire of condemnation and belittling of our defense posture.

Only weeks after he took office, Secretary McNamara admitted that we were correct: There was no missile gap.

Yes, the ebb and the flow of public opinion has played curious tricks on public policy, and, to steal a few words from Alice in Wonderland, today things are getting "curiouser and curiouser."

Today we are engaged in an unpopular war, to which civilians committed us, and one which civilians have decided they will not let military men win.

Americans are disgusted—and rightly so—and their disgust has been fanned into a revulsion against anything military. Demagogs who make a profession of sniffing political winds and adjusting their principles accordingly were quick to follow instead of lead. Because negative criticism is more spectacular than the constructive variety, their efforts were rewarded with headlines and prominent spots on television.

So today, 9 years after public opinion anxiously demanded the closing of a nonexistent missile gap, that same public opinion has erupted into broadside opposition to maintaining a national defense superior to the force which threatens it. The irony of ironies is that today there is in fact a strategic gap. In 1960 we had a 15-to-1 advantage against the Soviet Union in ICBM's. Today she has drawn even and has passed us.

I hope we can rise to our moral responsibilities here in this House. We have no right to enslave ourselves to public opinion when it is wrong. We have no right to make reckless accusations on false or incomplete evidence. We have the responsibility to seek truth and to speak it loudly.

I do not expect my words of truth to receive any more attention today than they did in 1960, but my conscience obliges me to speak them, so I make two points:

First, there is a threat to this Nation.

Second, time is working against us.

I frankly feel our regulations regarding security are too tight and more should be told the American public about our situation vis-a-vis the Russians. If that were the case, my point would be clinched at the outset. Unfortunately, it is not the case. So let us skirt the fringes of classified information and ask some questions.

Why is Russia continuing to build ICBM's when she already has more than the United States?

Why is Russia fast becoming the world's leading naval power?

Why does Russia have, as our Seapower Subcommittee revealed, a fleet 58

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percent of which is less than 10 years old, while we have a fleet, 58 percent of which is more than 20 years old.

Why is Russia building a worldwide navy for operation beyond the Baltic and the Mediterranean with offensive—I repeat offensive—not defensive power?

Why is Russia again working on FOBS, the fractional orbital bombardment system?

Why is Russia stirring up trouble in the Middle East?

Why is Russia building a new bomber capable of reaching United States targets?

Why is Russia concentrating on chemical and biological warfare?

Why does Russia announce she intends to use such weapons?

Why is Russia increasing the type of offensive capability which would be required to overrun Western Europe?

Why has her research and development effort continued to expand through many, many years without fluctuation?

If these questions are answered honestly, how can one reach any other conclusion but this: The course of safety requires that we consider Russia's actions as indicative of aggressive intent.

But some will say in rebuttal, we must look forward to a detente with the Soviet Union, we must show our good faith and hope for disarmament.

Oh, how I would like to buy that argument, but can those who offer it show me one agreement Russia has kept when it served her purpose to break it? Can they show me one earnest and honest step toward international cooperation which Russia has taken? Until they do, this Nation must not err as Neville Chamberlain did.

Time is working against us. In World War II and in Korea we were unprepared to meet aggression, but weapons systems were simple in those days and a holding action by Britain or the beleaguered forces of MacArthur, who fought with their backs to the walls of Pusan, gave us the time to build the hardware we needed.

Today, against one of the world's leading scientific powers, a nuclear power, we will not have even a year. Now, it takes an average of 10 years for research to bloom into hardware. This is the reason why the strategic gap is growing wider in Russia's favor.

For this reason I say thank God for a military-industrial complex. I would be scared to death without it. To harass it out of the defense business by excessive regulation and to unreasonably squeeze profits would be to deny us our greatest strength. Furthermore, without it we invite Government "in-house" research and development and greater control of the military, which no person, even opponents of this bill, wants to see.

Let us be honest in criticizing the military. They are human. They make mistakes. They should be criticized, and they should correct their mistakes. But the mistakes of civilians should not be ascribed to the military in a blanket smear of a great group of people who are prepared to sacrifice their lives in the defense of freedom.

Do not forget that we have civilian control of the military. Do any of us doubt that civilian control prevailed under Secretary McNamara, who not only selected the targets to be destroyed but prescribed the ordnance to be used in destroying them? Do any of us doubt that he exercised absolute civilian control?

Did a military man make the TFX decision?

Did a military man decide to commit combat troops in Southeast Asia?

Did a military man decide not to close the port of Haiphong?

Did a military man conceive the revolutionary C–5A contract?

Have we not had absolute civilian control and decisionmaking?

So let us blame the military men when they deserve it, but do not ask them to take the rap for purely civilian mistakes.

And while we speak here at this end of the Capitol, let us not overlook the loud cries of condemnation of our military which echoed before the TV cameras at the opposite end of this building.

In the interest of fairness, we should let it be known that civilians in the Senate exert heavy control upon the military.

Military men are today rendering military support for treaty commitments that were ratified by the civilians of the U.S. Senate. Let me list a few of them. Here are treaties ratified by the Senate which would require U.S. military support.

The charter of the United Nations, signed in 1945; the Inter-American Treaty, the Rio Pact, signed in 1941; the general treaty between the United States and Panama, signed in 1936; the NATO treaty of 1949; the Southeast Asia Collective Defense Treaty, SEATO, signed in 1954; the security treaty between Australia, New Zealand, and the United States, the Anzus Pact of 1951; the treaty of mutual cooperation and security between the United States and Japan in 1960.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GUBSER. To continue, the mutual defense treaty between the United States and the Republic of China, signed in 1954; and the mutual defense treaty between the United States and the Republic of Korea in 1953.

Military men today are committed to defend the commitments made in these treaties which were ratified by the civilians of the U.S. Senate. So when we are passing criticism around these days let us be honest and let us direct it where it should be directed.

In conclusion, Mr. Chairman, I would like to make a firm and a flatfooted prediction. In less than 5 years the Russians can be depended upon to provoke another crisis. The voices in the Senate will heed another convulsion of public opinion. The American people will demand more security, and these same voices will be indicating someone besides themselves for allowing our defenses to deteriorate.

Some time in the future when the American people are demanding better defense as they did in 1960, the record of this debate will be used by the opponents of Congressmen in this Chamber today to criticize them for failing to support this bill.

Let us be moderate, let us be honest, let us be leaders, let us not be followers and sniffers of the winds of public opinion. Let us cut where we need to cut, but let us not forget two things: there is a threat, and time is against us.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I am one of those who may be classified as a bleeding heart or a Johnny-come-lately or a nonexpert or something like that, but I did vote against this bill in the committee and I am going to vote against it on the floor if it remains in its present form. I did this reluctantly and for the first time in 9 years, because obviously I think it is too much money for us to be spending in this area at this time. I offered five amendments in the committee and I managed to get four votes on one of them and a maximum of six on another one of them, so I do not claim any massive successes in the committee, and I will not be terribly surprised if I do not get any massive success in this body when I offer the same amendments here. I fully intend to do so. Frankly, I told the chairman after his speech that I hated to say so, but I thought he had made an awfully good speech. And I really did. The thing he said that I liked the best and which is most significant and most important is the fact that all of us do deal in generalities and we have to act in specifics. I believe that from the word go.

But, having said that, what do we wind up doing? We wind up saying, "Well, we need it like we need a fire engine or like we need an insurance policy or like we need a raincoat." I do not think it is any better to deal in metaphors than it is to deal in generalities.

We talk in generalities because we cannot get the specifics. We try to get specifics. We cannot get the specifics, however, time after time after time.

Mr. Chairman, the greatest problem we have in this country is not something called the military-industrial complex. It is something called "secrecy." We classify everything.

Mr. Chairman, there was a cartoon in the paper a while back which simply said that the highest category of classified information we have is that which does not support our position.

This is essentially what does happen.

I have some specifics right here in my hand. I have the Secretary of the Army, for example, responding to a question. I asked him: Is this for use in Vietnam?

His answer was: "I doubt that it is."

I asked him: Was it included in the money for Vietnam?

His answer was: "I doubt that it is."

And, Mr. Chairman, the Pentagon does not have the right to revise and extend, but they have the right to classify. So what did he classify? He classified "I doubt that." The answer comes back not that "I doubt that it is." The answer comes back, "It is."

That is the version you read, and the hearings you read—and I know you have read all the hearings obviously because they are only 4,000 pages long—but I want to particularly call your attention to page 3726 of the hearings. I asked for the pieces of paper that went over to be printed up in the printed hearings and this is what they looked like. There is that much chopped out of it, and then there is the next page and that is what is chopped out of it. Then there is the next page and it is all chopped out of it. Then you keep on going and finally you come to this page. It has only two little censored holes and here is the witnesses' answer:

> If I went any deeper into it I would have to get it classified.

That is in the statement. What did they do? This was an open hearing. My daughter was there sitting in on this session and they have classified everything out of the record.

Mr. Chairman, we deal in generalities because we cannot get specifics. We fight for specifics.

I simply say to you that when we offer amendments, they will be specific amendments on specific issues and I hope you will listen to them as such and I hope we will have time during which to debate them.

Further, I wish to say to you, finally, that there is not anyone who is against national defense. There is not anyone who is in favor of disarming this country. But, we are talking about national priorities. I will give you one specific as to priority.

For the cost of one of the 58 C–5A's that we have researched and built so far we could build in my district 4½ schools each capable of educating 1,000 people a year for 30 years—4½ of those schools. There is a specific.

Is a C–5A worth 4½ schools that can each educate 1,000 kids a year for 30 years? My judgment is that it is not.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RIVERS. Mr. Chairman, I yield the gentleman 1 additional minute for the purpose of asking him a question.

The CHAIRMAN. The gentleman from New York is recognized for 1 additional minute.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. PIKE. Certainly.

Mr. RIVERS. Since we are talking about dealing in generalities rather than specifics, was the gentleman from New York talking about the committee when he said "they," since he constantly said "they"—was he talking about the full committee?

Mr. PIKE. I do not know what you are talking about.

Mr. RIVERS. You said "they" classified this and "they" classified that.

Mr. PIKE. Are you talking about this particular classification?

Mr. RIVERS. Yes.

Mr. PIKE. This particular classification was done over at the Pentagon, I presume. Most of the classification is done at the Pentagon.

Mr. RIVERS. When you said "they," I thought you were referring to us.

Mr. PIKE. Oh, mercy, no. We have the hearings and then we ship them over to the Pentagon and they cut out everything they do not want in them and then they ship them back.

I have a letter here from the Secretary of the Navy in response to a question that I asked, and I was trying to get him to release the operational orders under which the *Pueblo* sailed. And he not only wrote me back saying no, he could not release the operational orders under which the *Pueblo* sailed, the letter saying "no" was classified as secret.

Mr. RIVERS. Oh, yes. Now will the gentleman yield?

Mr. PIKE. Of course.

Mr. RIVERS. Is this any reason to destroy the Pentagon in its entirety.

Mr. PIKE. If we cannot get the facts from them I suggest——

Mr. RIVERS. Wait a second. I asked the gentleman a question.

Mr. PIKE. Wait a minute, now. Right at the moment I have the time. I have the time.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RIVERS. Mr. Chairman, I yield the gentleman from New York 1 more minute so that I can ask a question.

I appointed the gentleman chairman of the special subcommittee to hold *Pueblo* hearings.

Mr. PIKE. That is right.

Mr. RIVERS. I am the one who assigned you that job. You did a good job, and I helped you get the classified material, but I did not and was not responsible to the things that the gentleman is, by innuendo assigning, to it.

Mr. PIKE. I am not saying that the committee did it. I am saying that right now, for example, the C–5A had a test failure last week, and nobody on the committee has been advised of that, and it failed at less than 100 percent of its design strength, and nobody on the committee has been advised about it.

Mr. RIVERS. I will say this——

Mr. PIKE. Because it does not justify the position of the Department of Defense.

Mr. RIVERS. Is the gentleman fully advised on this alleged failure of the C–5A?

Mr. PIKE. I got advised of it by the Air Force this morning after I found out about it in a bar in California last weekend.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RIVERS. I yield 1 additional minute to the gentleman from New York.

Mr. Chairman, I am not surprised at the gentleman's innuendo. I was apprised of it. I went into this thing that the gentleman is talking about. I was apprised of it.

Mr. PIKE. Does the gentleman not believe that all of the members of the commitee should be apprised of it?

Mr. RIVERS. I do not know whether I do now, after hearing what the gentleman is talking about, because he is evidently——

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Because he is evidently not possessed of all the facts. I have looked into this, and I am looking into it now. I am not ready, nor am I capable, of reporting to this committee the full reason for this alleged failure. I have been informed that some material which had been subjected to one complete life cycle of fatigue testing was put into this test as an expediency. This test failure should not adversely affect the static test or flight test program. I am not going to be a conscious party to assigning fraud to one of the greatest companies just because of an innuendo.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RIVERS. I yield 1 additional minute to the gentleman from New York.

I have yielded you 1 additional minute. Now go ahead and make your capital.

Mr. PIKE. I would simply say this: that if the Air Force is testing the C–5A's by a system which uses defective materials, then there is something wrong with the testing techniques of the Air Force, and we darned well ought to look into that also. But when there are test failures——

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I cannot yield to the gentleman.

But when there are test failures in a program as vital as this program, and at a time like this, and we do not know anything about it and we are not told about it until we drag it out of the Air Force, then that is why we deal in generalities, and that is why we do not deal in specifics.

Mr. RIVERS. Let me tell the gentleman something: We have an investigating committee looking into this matter. When we are ready to report to this Congress we will do it. The C–5A is not operational, and I am not going to accuse in absentia. I do not do business that way. I am not going to be a party to that, but when I find out, and if there is fraud, then I will raise hell about it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BINGHAM. Mr. Chairman, when the legislation currently before the House, the military procurement authorization for fiscal year 1970, is read for amendment, I intend to propose an amendment to delete $275 million proposed to be authorized for procurement of six F–14 aircraft over and above the six test prototypes proposed to be provided under the Navy's R.T.D. & E. authorization. I have set out some of the factors that have led me to propose this amendment in a letter which reached all House Members today, reading in part as follows:

> This amendment would bring the Authorization into compliance with the recent warnings of experts like Dr. John Foster, Jr., Director of Defense Engineering and Research, that "we should be cautious" in developing the F–14, and Admiral Connolly, Deputy Chief of Naval Operations for Air, who disclosed in House hearings that "the least risk program is to build the airplane, build a half dozen perhaps, and don't do another

thing until you fly these airplanes to the point where you are sure you have worked out everything."

The same cut in this program that my amendment proposes was recommended in the Report on Military Spending of the Military Committee of Members of Congress for Peace Through Law, headed by Senator Hatfield.

Passage of this amendment would (1) buy time for us to determine through flight tests of the R.D.T.&E. prototypes whether the F–14 and its component systems (particularly the Phoenix missile and the advanced technology engine) will perform as predicted, and (2) allow further study of cheaper, lighter, speedier, more maneuverable substitutes for the F–14 (like the VF–XX) favored by some experts. It will also, of course, greatly reduce the possibility that we will spend hundreds of millions of dollars on an aircraft which fails to perform adequately (as we did with the F–111B). Finally, should we find it necessary or desirable to substitute an aircraft like the VF–XX for the proposed F–14, we could realize a 10-year saving of about $15-billion in production and future operations costs.

In addition, many of the issues relating to the procurement of F–14s were examined in the course of consideration by the Senate. That discussion appears on pages 26140 to 26158 of the September 18, 1969, RECORD.

I will have more to say on this issue during debate on my amendment. In the meantime, I want to draw my colleagues' attention to an excellent article on the F–14 controversy by Andrew Hamilton from the sixth prepublication issue—dated September 22, 1969—of the National Journal, edited by former Congressional Quarterly editor, Thomas Schroth. The article, entitled "Air Force, Navy Requests for New Fighter Planes Spur Cost Controversy," follows:

AIR FORCE, NAVY REQUESTS FOR NEW FIGHTER PLANES SPUR COST CONTROVERSY

(By Andrew Hamilton)

In the controversy over military programs which has absorbed Congress this summer, Air Force and Navy proposals for new "air superiority" fighters have received relatively little attention.

Yet these programs may prove, in combination, to be the most expensive new items in the fiscal 1970 defense budget, with a potential cost of over $40 billion in the next 15 years.

Pentagon critics: The projected costs are so high that some defense officials believe procurement of the new Navy F–14 and Air Force F–15 will force a sharp reduction in the number of tactical aircraft wings, if future defense budgets are kept within present limits.

These officials argue that the new fighters are not only too expensive by a factor of three, but will fail to match projected new Soviet fighters. That could lead to a dangerous shift in the military balance in such areas as the Middle East, Korea and Central Europe, they assert.

Pentagon critics of the F–14 and F–15 argue that the Vietnam war proved that such complex, missile-firing aircraft, weighted with electronics, are ineffective in aerial combat. They believe a simple, highly maneuverable and very speedy fighter can be built for one-third the cost of the proposed new fighters, with a potential saving of at least $25 billion in the next 10 to 15 years.

Congressional action: The new fighter programs clearly involve the sort of major economic and military questions which have interested the Senate in 1969.

But with the exception of Sen. Vance Hartke, D-Ind., who has taken an interest in the F–14 program, the fighter issues have failed to gain significant political attention. The reasons for this lack of scrutiny help illustrate the difficulties involved in effective congressional oversight of defense programs.

A central reason, clearly, is the failure of the Defense Department to lay the controversial questions involved before Congress in a systematic way. In part this is due to the normal reluctance of an executive department to disclose internal disputes.

In addition, Congress' lacks reliable information on the long-term cost implications of these and many other new projects. Unlike the antiballistic missile system, operating costs are a major factor in aircraft systems. But the "10-year systems cost" concept, routinely used by Pentagon analysts to compare proposed weapons systems, is unfamiliar to Congress.

Moreover, the Senate and House Armed Services Committees strongly back the view of Senior Air Force and Navy officers that the United States must start new fighter programs now if it is to meet the Soviet challenge in the 1970s. Air Force Secretary Robert C. Seamans Jr., told the Senate Armed Services Committee April 16 that American superiority in air-to-air combat has declined from 12-to-1 during the Korean war to "less than one-to-one shortly before the bombing halt" in Vietnam in March 1968. Seamans said new Soviet prototype aircraft, including the Foxbeat interceptor, show that the Soviet Union is capable of developing a new air-to-air fighter which is superior to current American Fighters.

Members of Congress confess that it is very hard to start a discussion in the face of massive professional advice to proceed with the proposed new fighters, and without official testimony on alternatives.

For this reason, Hartke decided against challenging procurement funds for the F–14 and chose instead to back an amendment calling for a restudy of the need for the new Navy fighter.

Nevertheless, congressional interest in the F–14, including a critical paper on the program published July 2 by the Members of Congress for Peace Through Law, has helped to bring to light a controversy over the design and cost of new fighters that has raged through the Pentagon for the last year. (MCPL is headed by Rep. F. Bradford Morse, R-Mass., and the chairman of its military subcommittee is Sen. Mark Hatfield, R-Ore.

Impact on industry: The aerospace industry obviously has a large stake in the fighter decision. Although the F–14 airframe contract has been awarded to Grumman Aircraft Engineering Corp., three airframe manufacturers, at least two electronics companies and two engine companies are competing to produce components of the F–15 and the F–14B engine.

Meanwhile, a number of other companies are known to be in discussion with the Air Force and Navy concerning possible alternatives to the F–15 and F–14, as well as possible new missile and electronic systems for fighter aircraft.

COST ISSUE

The estimate that the F–14 and F–15 may cost more than $40 billion is derived from a calculation of the expense of buying and operating slightly more than 1,400 of them for 10 years. The cost of associated weapons for the aircraft could add several billion to this figure.

This estimate is several times larger than the procurement figures currently cited by the Air Force and Navy. Indeed, Congress faces a confusing welter of figures in trying to determine how far it is committing itself by approving development and production of the new planes.

For instance, at least three different sets of F–14 cost figures have been put forward. Sen. John Stennis, D–Miss., chairman of the Armed Services Committee, July 8 reported that the F–14 would cost $15.5 million a copy for the 287 that have been approved in the five-year defense plan. That works out to about $4.4 billion. Two days later, Sen. Howard W. Cannon, D–Nev., chairman of the Armed Services Subcommittee on Tactical Airpower, said in floor debate that the F–14 program would cost $6.4 billion for 463 aircraft.

Yet another committee member, Sen. Barry Goldwate.; R–Ariz., Aug. 11 placed in the *Congressional Record* a statement, prepared with Navy assistance, stating that procurement and support of 716 F–14As and F–14Bs would cost $7,643,000,000—a figure which apparently excludes approximately $1.3 billion in research and development. The statement said the "unit flyaway cost" of the F–14 will be $8.06 million each, taking into account 4 per cent annual inflation. ("Unit flyaway") costs exclude research and development, initial production costs, spares and other support costs such as ground equipment. These costs are included in a total procurement program.

The office of the Assistant Secretary of Defense for Systems Analysis, on the other hand, reportedly calculates that 300 F–14s would cost about $5.7 billion, or $19 million each on a total program basis and $13 million each on a unit flyaway basis. Some 700 F–14s would cost $11.6 billion, according to the same source. That works out to $16.5 million each on a program basis and about $11 million each, unit flyaway cost.

Some informed officials note that the Navy's cost figures, used by Goldwater, put the price of the F–14 very close to the cost of the Air Force fighter, which is smaller. The F–14 certainly will cost more than the F–15, they argue, because its airframe weighs some 8,000 to 9,000 pounds more, because it has over 1,000 pounds more electronic equipment than the Air Force fighter (at a cost of at least $1,000 a pound) and because it has a moveable wing.

Sen. Cannon July 10 said the Air Force program would cost $5.14 billion, or about $10 million a plane. But more recent Air Force cost studies put the price of 737 F–15s at about $8.9 billion, including research and development.

Systems cost concept: As an aid to defense decision makers, the Office of Systems Analysis at the Pentagon some years ago began pricing weapons systems on a 10-year basis, including development, production and 10-year direct operating costs for a full system. (Although the "10-year system cost" is a somewhat artificial figure, it provides a reliable way of predicting relative costs of different weapons systems. In actual practice, systems costs may be spread over 15 or more years, because more than five years are needed to put a full system into operation.)

None of the 10-year systems cost studies of the F–14, F–15 or alternatives to them have been made available to Congress, insofar as it can be determined.

But it is possible to construct an approximation of the systems costs for the F–14 and F–15 using known Pentagon figures and a common rule of thumb. This rule holds that 10-year direct operating costs of a modern combat aircraft are about double its "unit flyaway" cost. (Actual experience with recent aircraft suggest direct operating costs of up to three times the unit flyaway cost. In the following calculations it is assumed the F–14 and F–15 will be built for easy maintenance. Operating costs could be reduced much more if the electronics items on aircraft are built with better attention to reliability than has been achieved in the past, and, more important, if the whole system is kept simple. But neither the F–14 nor the F–15 is a simple aircraft.)

Using the Navy figure of $8-million unit flyaway cost for one F–14, 10-year direct operating costs per aircraft will be about $16 million. For 500 aircraft—the portion of 716 actually operating at any time—the 10-year direct operating costs will be approximately $8 billion. When development and production costs of the program are added, the 10-year system cost for 716 aircraft is approximately $17 billion.

Using the Systems Analysis cost unit flyaway basis for the F–14, the 10-year direct operating costs for 500 aircraft would be about $11 billion and the 10-year system cost will be close to $23 billion. Neither of these calculations includes F–14 weapons which could add up to 10 billion to the price.

The 10-year systems cost of the F–15 could exceed $17 billion based on a unit-flyaway cost of $8.5 million 10-year direct operating costs of $8.5 billion for 500 aircraft and a total program of 737 aircraft.

In combination, these replacements for the F–4 could cost $40 billion to buy and operate, not counting new missiles which will add significantly to the price.

The Systems Analysis Office reportedly calculates that an alternative fighter, described below, can be built and flown at one third this cost.

Phoenix missile: Latest price estimates for this long-range, radar-guided missile, designed to destroy large formations of enemy bombers, put the unit cost at $400,000. Each F–14 will carry six Phoenix missiles, weighing 1,000 pounds apiece, in its "fleet air defense" role. A complete load for 500 aircraft would cost $1.2 billion, excluding $500 million to $700 million in research and development. Ten complete loads—30,000 missiles—would cost nearly $10 billion (allowing a lower unit price on quantity). Insofar as can be determined, the Navy has not indicated to Congress how many Phoenix missiles it plans to buy over the life of the program.

Improved Sparrow: The Navy is developing an improved version of the Sparrow radar-guided missile for use on the F–4, F–14 and F–15. Known as the AIM–75, it will cost about 50 per cent more than current versions of Sparrow, or over $60,000 each.

The fighter aircraft will carry four Sparrows each. Ten complete loads for 1,000 aircraft would cost about $2.5 billion. Defense officials say the current Sparrow has one of the worst performance records of available air-to-air missiles. It reportedly scores a kill approximately one-third as often as the Sidewinder missile when the enemy aircraft is in visual range, and one-fourth as often as simple fixed machine guns aboard fighters.

OTHER SURMERGED ISSUES

Electronics systems: The potential cost of the new fighters is closely linked to the sophisticated systems they are designed to carry, and to the kinds of air battles they are designed to fight.

For the past year, the Systems Analysis Office has argued that electronics and missiles, instead of improving the effectiveness of fighter aircraft, actually reduce it. The argument, although supported by fighter pilots with Vietnam combat experience, has apparently failed so far to make an impact on the Pentagon's research and development bureaucracy.

In the case of aircraft, this bureaucracy consists of the Air Force Systems Command, the Naval Air Systems Command, and the Office of the Director of Defense Engineering and Research. For years it has been dominated by the view that the largest gains in aircraft performance will come from improvements in radar and other forms of electronics warfare, and from longer range missiles. Thus a large portion of Pentagon research and development spending is allocated to these purposes.

A secret Defense Department study, reported in The Washington Post June 28, noted that the fiscal 1969 Air Force research and development budget allocated $2 billion to research in electronics, missilery and space and only one-tenth that amount to improving simple tactical aircraft and weapons.

Air Force Secretary Seamans April 16 described the difference between American and Soviet fighters in the following terms: "Since their appearance in the Korean war, Soviet-designed fighters have generally been more maneuverable and have had better acceleration than U.S. fighters. Our fighters, on the other hand, have had better radius of action, firepower, avionics and payload." But, he went on to say, U.S. air-to-air superiority has declined alarmingly since Korea.

Systems Analysis studies of tactical aircraft argue that the decline occurred precisely because the United States has spent its money on aircraft capabilities that have little to do with, and hamper, visual air-to-air combat. For example, the F–4, currently the best U.S. fighter, costs about three times as much as its most direct Soviet competitor, the MIG–21. (The comparison is based on Defense Department calculations that it would cost about $800,000 to manufacture a MIG–21 in the United States.) The F–4 has six times the gross bomb payload and three times the range of the MIG–21 for combat missions. The F–4 is equipped with self-contained navigational devices, long-range search radar, radar-directed Sparrow missiles and devices to jam enemy radar.

Yet Vietnam experience raised serious questions about the utility of much of this equipment. Due to the large number of American aircraft in North Vietnam and the impossibility of using electronic equipment to reliably separate friend from foe, no "stand-off" aerial battles were fought, although the F–4 was designed precisely for this kind of warfare, in which fighter planes see each other only on radar and engage at ranges beyond eyesight.

Pentagon study: The secret Pentagon study mentioned above found that pilots seldom used their aerial search radar in Vietnam because it exposed them to early detection by the enemy. The radar also was ineffective because enemy pilots, directed from the ground, could easily avoid its narrow search pattern and approach American fighters from behind. Radar-directed bombing systems aboard some tactical aircraft like the Navy's A–6A were found at best to be 30 percent to 60 percent less accurate than eye-aimed bombing conducted in daylight. And night bomb-attacks in defended areas were found to result in more aircraft losses than daylight attacks.

The study found that air-to-air missiles like the Sparrow were one-quarter as effective for shooting down enemy aircraft as a fighter plane's cannon or machine guns, while costing 200 times as much per firing or 800 times as much per kill.

The study also found that electronics devices and missiles on tactical aircraft in Vietnam failed by very large margins to live up to peacetime test accuracies and manufacturer predictions of reliability.

New fighters: The new Navy and Air Force fighters will continue the trend toward greater electronic sophistication.

The micro-miniaturized electronics equipment, costly in itself, also imposes other cost on the fighter programs. In order to keep down total aircraft weight, the F–14 and, to a greater extent, the F–15, will use large amounts of titanium, which is several times more costly than aluminum. The F–14B and F–15 engines must be built with jewelers' care to achieve maximum thrust-to-weight ratios in partial compensation for the added weight of missiles and avionics.

But some defense analysts believe the new equipment will not work any better than current equipment, if as well. Look-down radar for air-to-air combat, for example, has yet to be successfully developed. Some experts believe it remains impossible to design an effective look-down radar for fighter aircraft. Similarly, the problems involved in developing electronic equipment to separate friend from foe, and long-range missiles that can hit maneuvering targets, make it highly improbable that successful "stand-off" aerial engagements will be feasible in the future, these analysts assert. The most sensible and effective armament for fighter aircraft is a gun, they argue.

Function challenged: The issue of sophistication is closely connected to the purposes for which U.S. tactical aircraft are designed. One basic requirement in recent years has been the "deep interdiction" mission in support of a conventional or tactical nuclear war in Europe. In theory the aircraft would fly deep into East Europe to attack supplies and military units moving toward the front. This mission accounts for the range, payload and low-level, all-weather attack capabilities of the Air Force F–111 tactical bomber, for example.

The F–15 is designed primarily to escort such bombing raids and protect them from enemy fighters. Thus it has been given very long range for a fighter and its equipment is designed to help it survive highly sophisticated enemy defenses, postulated for the future.

Recent Pentagon studies, however, challenge this basic requirement. They argue that deep interdiction is expensive in resources and pilots and highly ineffective because of the ease of duplicating and repairing transport facilities.

Some officials are also concerned that interdiction of Soviet supply lines in Europe will lead to escalation. It could be an open invitation to Soviet submarine attacks on allied ships, for example. The recent studies hold that American tactical airpower should be primarily designed for close support of ground troops and for winning air superiority over the battlefield. The F–15 is viewed as an overly expensive and relatively inefficient aircraft for air superiority.

Similar objections have been raised, both in Congress and at the Pentagon, to the basic requirements for the Navy's F–14. The basic purpose of the Phoenix missile system is to defend the fleet against Soviet bomber attacks. But the Senate Armed Services Preparedness Investigating Subcommittee, in a 1968 report on U.S. Tactical Air Power, said this threat "is either limited or does not exist." The Navy has informed Congress since that the Phoenix will also provide protection against Soviet "cruise" missiles carried aboard some patrol craft, destroyers and submarines.

But recent Pentagon studies are said to have cast doubt on the missile's ability to hit such low-flying targets. They also question the ability of the Phoenix to hit maneuvering targets such as enemy fighter planes.

The Pentagon studies argue that the Navy should not spend so much to defend itself against the most sophisticated and least likely Soviet threats that it can predict, but should be more attentive to its limited war and peacekeeping roles. The studies assume that the Soviet Union will develop an improved fighter like the MIG–21 and export this to its client states. The F–14 will be too cumbersome to engage in successful dogfights with such aircraft, they argue. That raises the possibility, for example, that Soviet-equipped Arab air forces will come to dominate much of the Mediterranean.

Recent Air Force and Navy studies cast doubt on the Navy's original claim that the F–14 will be a good dogfighting aircraft. The Air Force examined the F–14A in comparison to the latest F–4s and found it less maneuverable. A recent Navy study reportedly found that the MIG–21 could out-turn the F–14B, particularly at higher altitudes, thus gaining an important edge in dogfighting.

XUM

Alternative approach: A recent GAO study, confirming recent Pentagon studies of tactical air power, argues that the United States should develop flying prototypes of aircraft designed to handle various foreseen needs, in effect emulating the Soviet Union.

These test vehicles would be kept simple and inexpensive; their designs would not be enumbered by multirole requirements. In the field of avionics and missiles, primary focus would be reliable, maintainable designs. Thus procurement of large numbers of new aircraft and associated systems could begin with tested technology. This could, it is claimed, lead to potentially large gains in reliability, and major savings in production and maintenance costs. The study, dated July 14, is entitled, "Evaluation of Two Proposed Methods for Enhancing Competition in Weapons Systems Procurement."

FX–X: One aircraft proposal based on such thinking has been put forward by the Systems Analysis Office as a substitute for the F–14 and F–15. Known as the FX–X, it is described as an "austere" aircraft designed primarily as a dogfighter and escort.

The FX–X would weigh under 30,000 pounds at take-off, and have a single engine of about 40,000 pounds thrust, a single pilot, an all-aluminum airframe and would use existing avionics. Its range would be between that of the F–4 and that of the F–15. It would not be designed for a large bomb payload, although its power would allow it to carry bombs.

Systems Analysis calculated that 300 such aircraft would cost $3.2 million each (unit flyaway cost). The ten-year systems cost for 1,400 such aircraft would be about one-third the cost of the same number of F–14s and F–15s, a potential saving of $25 billion or more.

The Air Force argues that the technology does not exist for a 40,000-pound-thrust engine. But FX–X proponents note that General Electric is developing engines with 67,000 pounds thrust for the Boeing supersonic transport, and that 35,000 pound-thrust engines were built as long as eight years ago. To answer the Air Force argument that the FX–X lacks sufficient range, the Systems Analysis study claims that the FX–X has a 33-per cent longer range than the F–4, and that a larger internal fuel load would seriously reduce acceleration and maneuverability.

A Navy spokesman said Sept. 5 that at least four airframe manufacturers are discussing a variant of the FX–X with the Naval Air Systems Command. It is known to Navy airmen as the "fall-back fighter," to be pursued in case the F–14 program should be curtailed or eliminated.

WHAT THE AIR FORCE AND NAVY WANT

F–14: The new Navy fighter is planned (1) to substitute for the General Dynamics/Grumman F–111–B (Navy version of the TFX) as a missile-carrying aircraft for defense of the fleet against Soviet bomber attacks and (2) to replace the McDonnell-Douglas F–4 as the main carrier-based fighter aircraft. The presently authorized five-year defense plan contemplates purchase of 287 F–14As and F–14Bs to replace the F–111–B. The Navy has informed Congress it wants 716 planes in all, to replace the F–4s as well. Some estimates place the total number of F–14s that may be bought over the next seven or eight years as high as 1,000 to 1,200. The aircraft will be built by the Grumman Aircraft Engineering Corp., Bethpage, Long Island.

The F–14 will be a large swing-wing, supersonic, two-man, twin-engine aircraft. Its design is based on a slimmed-down version of the F–111–B. Like that aircraft, it is designed primarily to carry six large (1,000-pound) Phoenix air-to-air missiles. With the Phoenix it will weigh about 64,000 pounds (compared to about 80,000 pounds for the F–111–B).

In its "dogfight" role the F–14 will weigh, by present Navy estimates, 52,000 pounds. It will carry an improved Sparrow missile (20-mile-plus range) and shortrange Sidewinder missiles, plus a cannon.

Present Navy plans call for three models of the F–14: the F–14A, using the same Pratt and Whitney engine as the F–111–B; the F–14B, using a version of an improved engine being developed for the F–15, and the F–14C, due in the latter 1970s, with improved missile and air-to-ground electronics systems.

The fiscal 1970 military procurement and authorization bill (S: 2546) proposes $464 million for development and initial production of the F–14. The funds will permit purchase of six prototype aircraft and six production models.

F–15: The new Air Force fighter is designed to replace the F–4. It will be a twin-engine, one-man, supersonic aircraft designed primarily for air-to-air combat. It will carry Sparrow missiles, Sidewinder missiles and a cannon.

It will also incorporate a new attack radar (avionics) system to be developed concurrently) with the aircraft. The Air Force anticipates that the new radar system will include a "lookdown" capability which permits the plane to spot aircraft rising toward it from the ground. The Air Force also hopes for radar to discriminate between friendly and enemy aircraft. (Identification Friend or Foe).

The F–15 will be smaller than the F–14 and will have a fixed wing. It will have a takeoff weight of about 40,000 pounds, compared to the estimated 52,000 to 54,000-pound weight of the F–14 in its dogfight version. Both the F–14 and the F–15 will use similar engines.

The Air Force anticipates purchasing 737 F–15s. It may also begin developing a new dogfighting missile for the F–15. And it is studying new cannon designs.

HARTKE REQUESTS PENTAGON DOCUMENTS

Sen. Vance Hartke, D-Ind., Sept. 5, announced in a Senate speech that he had asked Defense Secretary Melvin R. Laird to supply him and other interested Members with several classified documents spelling out "internal objections" within the Defense Department to the new Navy fighter. Hartke said these documents included:

Development Concept Paper 19, which he described as "a study of the options for improving our air combat strength," which "clarifies the limitations of the F–14 as an air superiority fighter."

A letter from the Office of Systems Analysis to Laird containing new estimates of the cost of the F–14 which put the unit cost of 300 at $19 million each.

A study entitled "Feasibility Study of Alternative High-Performance/Low-Cost Fighter Designs, FX–X and VFX–X."

The proceedings of the Navy Fighter Pilots Symposium, held for the last three summers at Coronado, Calif. "At these meetings," Hartke said, "dissatisfaction among Navy pilots with the F–14 became such an embarrassment to the top Navy brass that tight restrictions were placed on all public comment with regard to the substance of the discussions that took place."

An internal study, by Systems Analysis, of a compromise alternative to blanket approval of the F–14 program. Hartke said the study recommended scrapping the F–14A and stretching out the remainder of the program for 18 months.

The Major Program Memorandum on tactical air forces for fiscal 1971–75, a paper drafted by Systems Analysis and addressed to the Joint Chiefs of Staff on June 4. Said Hartke, "This . . . document . . . suggests strict budget guidelines for program expenditures and specifies the mission of tactical airpower in terms of these important capabilities: air-to-air visual combat and close air support, with emphasis on anti-armor. . . . The F–14 is designed for none of these purposes, but instead to counter a dubious Soviet bomber threat with radar missiles."

LAIRD ON SECRET DEFENSE STUDIES

Defense Secretary Melvin R. Laird Sept. 2 sent the following letter to Sen. William Proxmire, D-Wis., in response to a request for two internal Defense Department studies of the C–5A transport.

"DEAR BILL: Thank you for your letter of September 2nd concerning two documents relating to the C–5A prepared in the Office of the Assistant Secretary of Defense for Systems Analysis. I hope I can clarify any misunderstanding concerning the work of the Office of the Assistant Secretary of Defense for Systems Analysis and the Assistant Secretary's recommendations to me in connection with the C–5A program.

"The job of the Systems Analysis staff is to make critical appraisals of defense programs. In their review and evaluation they examine both sides of an issue, but especially the critical side, since others will emphasize the positive aspects of an issue. This is an essential function of significant assistance to me. But, critical studies are not the only basis on which decisions are made. They are part of the wide variety of information I need to draw conclusions and make judgments on defense programs. However, if internal, critical studies prepared by the Systems Analysis staff continue to be given public expression and used as the source for attacking DoD programs, their valuable contribution to the defense decision-making process will be significantly reduced. . . .

"With respect to providing unclassified versions of the Major Program Memorandum (MPM) and other internal working papers, these usually lengthy documents are prepared only in classified form for the internal use of the Department of Defense components involved in the decision-making process. The reasons this particular MPM is classified is that it contains defense contingency planning details.

"Sincerely,

"MEL LAIRD."

IMPACT ON INDUSTRY

The developing controversy over the cost and design of tactical combat aircraft has large implications for the aerospace and electronics industries. For example, the potential F–14 and F–15 programs—and associated weaponry—represent possible sales of over $20 billion in the next 15 years. An alternative "austere" fighter program might be worth only $5 billion to $7 billion for the same number of aircraft. The following list shows major contractors associated with the F–14 and F–15 programs.

F–14—Component, contractor, and contracting agency:

Airframe: Grumman Aircraft Engineering Corp.; Naval Air Systems Command, Washington, D.C.

F–14A engine: Pratt and Whitney Inc., West Hartford, Conn.

F–14B engine: In competition, Pratt and Whitney Inc., West Hartford, Conn., General Electric Corp., Ivendale, Ohio (selection March 1970; Competition phase Aeronautical Systems Division, Air Force; Systems Command, Wright-Patterson Air Force Base, Ohio; Development and production phase to be determined.

Phoenix missile and avionics: Hughes Aircraft Corp., Culver City, Calif.; Naval Air Systems Command, Washington, D.C.

Sidewinder 1–C missile: Raytheon Co., Lowell, Mass.

Sparrow AIM–7F missile: Raytheon Co., Waltham, Mass.

M–61 20mm gun: General Electric Corp., Burlington, Vt.; Army Materiel Command, Washington, D.C.

F–15—Component, contractor, and contracting agency:

Airframe: In competition, Fairchild Hiller Corp., Farmingdale, N.Y.; McDonnell Douglas

Corp., St. Louis, Mo.; North American Rockwell Corp., Los Angeles, Calif. (selection by Jan. 1, 1970); Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson Air Force Base, Ohio.

Engine:[1] In competition: Pratt and Whitney Inc., West Hartford, Conn.; General Electric Corp., Ivendale, Ohio (selection March 1970); Competition phase: Aeronautical Systems Division, Air Force Systems Command; Development and production phase: to be determined.

Avionics: In competition: Hughes Aircraft Corp., Culver City, Calif.; Westinghouse Corp., Baltimore, Md. (selection late 1970); Aeronautical Systems Division, Air Force Systems Command.

M–61 20mm gun: General Electric Corp., Burlington, Vt.; Army Materiel Command, Washington, D.C.

25mm gun: In competition: General Electric Corp., Burlington, Vt.; Philco-Ford Corp., Newport Beach, Calif. (no selection date established); Aeronautical Systems Division, Air Force Systems Command.

Sidewinder 1–C missile: Raytheon Co., Lowell, Mass.; Naval Air Systems Command, Washington, D.C.

Sparrow AIM–7F missile: Raytheon Co., Waltham, Mass.

Short-range missile: To be determined by competition; Aeronautical Systems Division, Air Force Systems Command.

COST COMPARISON

The following graph compares the approximate 10-year systems cost (procurement and operation) of 1,400 F–14s/15s with the same number of new F–4s and the same number of the proposed FX–X aircraft.

The graph is intended to illustrate the assertion of the Defense Department's Systems Analysis Office that the new fighter aircraft will cost more than twice as much as a present fighter force of comparable size, and three times as much as a fighter force of FX–X aircraft.

The first figures show the systems cost of the F–14 and F–15 combined, based on present Navy and Air Force estimates of unit flyaway cost. The second figures introduce Systems Analysis estimates of the cost of the Navy fighter, which are somewhat higher than the Navy's figures.

[In billions of dollars]

F–14/15 current estimates:	
Procurement cost	17
Operating cost	17
Total	34
F–14/15 alternate prices:	
Procurement cost	20
Operating cost	20
Total	40
F–4:	
Procurement cost	6
Operating cost	8
Total	14
FX–X:	
Procurement cost	6
Operating cost	6
Total	12

NOTE: These figures are approximate due to interpretation from a bar graph.

Mr. BRAY. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIRNIE).

Mr. HALL. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. PIRNIE. I yield to the gentleman.

Mr. HALL. Mr. Chairman, it might be of interest to the Members of the Committee of the Whole House on the State of the Union that the C–5A 3 took off from Edwards Air Force Base today in an overweighted test flight with more thrust than expected, a 27-percent overload of maximum SOR capability, and gained 18,500 feet in less than the maximum rate of climb.

This report has just come over the press wires, and is a new world's record:

CARGO PLANE

MARIETTA, GA.—Lockheed's huge new cargo plane, the C–5 Galaxy, set an unofficial world record today when it roared into the skies weighing 790,100 pounds.

This was 21,000 pounds heavier than it is expected to fly even under wartime conditions and 28,100 pounds heavier than the old mark it established last June 16.

The record was set by C–5 "No. 3" during a test at Edwards Air Force Base, Calif., the company said. The pilot reported the plane lifted off flawlessly and climbed to an altitude of 18,800 feet, burning a total of 21,000 pounds of fuel during its climb.

Mr. Chairman, I thank the gentleman for yielding.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from South Carolina, chairman of our committee.

Mr. RIVERS. As I said before, this is the largest plane in the world and thank God we own it. Who is better to test their own planes than Lockheed? If it does not work we will not take it, and it will not be the first mistake we have made. But how are you going to find out until you have the guts to try to build the plane and test it. This is the largest plane in the world and this plane will work.

When we get the facts, you will get the facts. I am not giving you half truths and half facts. Nor am I rushing in to indict people—I have had that much law and that much experience in the legal profession.

Mr. PIRNIE. Mr. Chairman, I am sorry to take a part of my time to discuss anything that is not directly in this bill. But some of those who have preceded me in the well who complained about time or the lack of it have chosen to deal with other subjects, some of which I believe requires a response—at least I wish to make a response.

I have had the privilege to serve on the Committee on Armed Services during a trying period in our history. I have been proud of the fact that on that committee there seemed to be a general recognition that in the defense of this Nation there was no center aisle. Therefore, we have operated the committee on a bipartisan basis.

The staff of the committee has been available to every Member. I am surprised to hear anyone saying on this floor that this capable staff has been unresponsive. It may be that their requests had not been properly and timely made. I hope we will all remember that every Member of this House shares with the committee an obligation and that there is no center aisle dividing us in our duty to protect this Nation not only now but for the foreseeable future.

Now we have had a great deal of advice as to how we could spend money elsewhere. We have had expert witnesses on the subject in droves before our committee. But when we asked, "Supposing you were in our place and it was your duty to decide what is in the best interest of the security of this Nation?" some of them have thrown their hands up and said, "Thank God I do not have to decide that."

But we do have to decide, and that is what we are here for today.

Although I fully support H.R. 14000, time permits me to discuss only one phase of this program—the inclusion in the military procurement bill of $100.2 million for the engineering development of the proposed Advanced Manned Strategic Aircraft—AMSA. Since 1964 the Congress and the Air Force have attempted to get on with this vital weapons system. Over $140 million has been devoted to preliminary design and advanced development in propulsion and avionics for this aircraft, and this year the Department of Defense has asked for funds necessary to begin engineering development of AMSA in fiscal year 1970. There is every reason why they should be granted.

At the outset, I want to emphasize that the approval of these funds in this legislation does not authorize procurement of AMSA but merely allows the Air Force to get into a technical posture where it will be able to proceed with procurement should the Congress, at a later date, so authorize. These funds will allow the Air Force and the Congress to keep open in terms of potential deployment the option to go ahead with this system should the circumstances demand.

The purpose of AMSA is manifold. Let me dwell on some of the more important ones. AMSA is designed to replace an aging B–52 fleet in a way which reflects the technology of the seventies rather than that of the fifties. By the time that AMSA could be operational—1977—our youngest B–52 bombers will be about 15 years old, plagued by 15 years of hard wear and tear and more importantly, technology which at the minimum will be 25 years old. In light of the advances made in technology since the last B–52 came off the production line in 1963, by 1977 the B–52 bomber will be approaching the relic stage.

However, by building AMSA we will not merely be replacing an old aircraft with a new one which has the same basic equipment. We will be increasing the payload of the bomber significantly, we will have a weapon which has far greater penetration capability than the B–52, one which will have a far greater versatility to fly at high and low altitudes than the B–52. It will be faster, smaller, better able to get through enemy defenses than the B–52. This is what AMSA is, but the important question to be answered is why it is needed.

There are those who argue that we should put all our eggs in one basket—the missile basket. They point out that according to our intelligence the Russians are stressing missile capability

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[1] F–14B engine to be used in both F–14 and F–15 and funded jointly by Navy and Air Force.

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rather than manned bombers and that there is little reason in view of vast air defense technology and MIRV's to spend the large amount of money which will be necessary to build AMSA or any bomber. This position assumes that all we need is ICBM's and SLBM's in order to assure an effective deterrent.

However, I would remind the critics that the mixed force concept is not predicated on what a potential enemy may now have but what it may be able to develop between now and the post 1975 period. This time frame is important because that is how long it will take us to get any bomber operational. The most logical argument in favor of AMSA is that it provides us with an effective deterrent capability should our ICBM's be neutralized by MIRV's and in the unlikely event that the Soviets make a breakthrough in antisubmarine warfare which could neutralize the capability of our Polaris submarines. This, of course, assumes the worst but when considering our national defense we cannot afford to look at the possibilities through rose-colored glasses. In dealing with the large uncertainties involved in predicting threats 8 to 10 years in the future, we must keep our options open and remain in a position to move on the AMSA should events continue to verify its need.

In addition to keeping our deterrent credible, there are other reasons why AMSA makes sense. It will provide us with the flexibility to make a response and can be used for missions, such as the B–52 is presently carrying out in Vietnam. Furthermore, you can call back a bomber but not a missile. It can be used in a "show of force" deployment for diplomatic purposes such as was in the case during the 1962 Cuban missile crisis.

There are of course other arguments in favor of AMSA, but in my view, the most important of all is the fact that you can fly a bomber, you can test and retest a bomber, you can move a bomber as circumstances demand it. We cannot say these things about missiles. The chairman of the Senate Armed Services Committee, Senator Stennis, put it very well when he said:

> No one knows to what extent our ICBM's will operate. We believe they will fly effectively or that a great percentage of them will do so, but it is an unknown quantity.

The same is true of SLBM's. On the other hand, the bomber is a weapon which is a known quantity, and it assures that we have at least one system in our arsenal upon which we can rely in the event others fail or are neutralized.

Those who say we do not need a manned bomber for the post 1975 period continue to claim that our B–52's will do the job. This is not realistic and ignores the technology of today and the anticipated advances of tomorrow. Let us never forget that the Soviets have had many years to improve their methods of defending against the B–52. One area where they have placed great emphasis is in attempting to destroy our bombers prior to launch. Russian FOB's and sea launched ballistic missiles have reduced time and our reaction has been to disperse our B–52 force. One of the prime objectives of AMSA is to provide improved chances of pre-launch survivability through wide dispersal to austere landing bases and quick launch capability. The design of this plane then will make it much less vulnerable to Soviet efforts to destroy our manned bombers prior to launch.

Another question which must be resolved is whether our existing bomber fleet of B–52's can be modernized and restructured to handle the missions anticipated by the Air Force during the post 1975 period. The answer is found in the relative costs and the anticipated performance of AMSA versus the performance of modernized B–52's. First, it will be very costly just to maintain the existing B–52 force as it gets older, not to mention the alterations some have suggested. Clearly at a certain time it becomes more economical to buy new hardware rather than to continue repairing old hardware. If, for example, we restructure the B–52 to incorporate the newest penetrating devices such as missiles and decoys, we will be doing so at the expense of its payload capacity. In contrast, the AMSA will have these new devices including a reduced infrared signature and radar cross section, plus a much larger payload capacity than our existing B–52's presently have without modification. Thus, to take that path would be, in my judgment, a waste of resources and would leave much to be desired in terms of bomber force effectiveness.

I find it interesting that those who feel there is no justification for a new bomber do not attempt to strike all the funds requested for AMSA. Rather, they are hedging their predictions with $77 million which will allow the Air Force to do part of the work on this program. Although the proponents of reduction of funds may claim that their proposal will not eliminate AMSA, let us face the facts—this merely is step one in a concerted effort to kill this bomber. No one doubts for a moment that if this amendment is adopted, in the future the same persons will come forth with the same arguments and another effort to cut. If they are convinced there is no need for this bomber in the future, why do they employ such deceptive tactics?

Mr. Chairman, the decision we make today on this bomber is not a final one in any sense of the word. As I said earlier, approving the $100.2 million in this legislation merely allows us to keep open our option to go ahead with this bomber should circumstances demand it. However, it allows us to do so within the time frame which the Air Force, the Joint Chiefs of Staff, the Secretary of Defense and the President of the United States feel is mandatory. The efforts to cut this bill do more than make $23 million available for other uses, they alter the entire strategic balance of deterrents upon which we will have to depend in the post 1975 period and they weaken seriously the credibility of our determination to be able to respond effectively and completely to any possible first strike threat.

Let us never lose sight of the fact that our ability to avoid nuclear war is predicated on the credibility of our defense structure. Should we find it necessary to incorporate AMSA into that structure, we must be able to do it on a realistic timetable. Since the proposed reduction of funds will alter that timetable, it should be opposed.

Mr. **ARENDS**. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. Whalen).

Mr. **WHALEN**. Mr. Chairman, the five so-called dissident members of the Armed Services Committee had planned to undertake a coordinated effort this afternoon. I think it is quite obvious that this coordination suffered a very serious breakdown with the unsolicited compliment given to my colleague, the gentleman from Vermont (Mr. Stafford) and me. I do not thing I would say to the gentleman from California that this breakdown can be attributed to the members of the staff.

Mr. Chairman, about 6 months ago four of my colleagues on the Armed Services Commitee—the gentleman from Michigan, (Mr. Nedzi), the gentleman from California (Mr. Leggett), the gentleman from New York (Mr. Pike), and the gentleman from Vermont (Mr. Stafford), and I—formed an informal discussion group to study in depth our basic defense posture. We had in mind particularly a review of the concepts from which our authorization requests emenate.

We met on a regular basis. We met with many resource individuals, both in and out of Government. During the course of these meetings, we came to a number of conclusions regarding various defense issues and questions. In applying these conclusions to the defense authorization request submitted by Secretary Laird, we decided that his budget required substantial modification. Therefore, we decided to outline a number of amendments which we intended to introduce during the committee mark-up session.

On August 11 of this year we indicated to our distinguished chairman our reservations about the bill that was then being considered in the Senate and the amendments we intended to introduce.

Last week, when we received a copy of the House version of the defense procurement bill, we were very pleased to note a number of our reservations had been overcome. Thus we specifically endorse five provisions of H.R. 14000.

First, we are very pleased with the reduction in the overall troop strength to 3,285,000 personnel. This is approximately 185,000 less than the troop strength as of June 30, 1969.

Second, we are very pleased also with the reduction of $142 million for the TOW missile.

Third, we endorse the $110 million reduction in various tracked vehicles.

These latter two cuts were initiated by our colleague from New York (Mr. Stratton).

Mr. **STRATTON**. Mr. Chairman, will the gentleman yield?

Mr. **WHALEN**. I yield to the gentleman from New York.

Mr. **STRATTON**. I appreciate the gentleman's comments and his support. I hope, at the appropriate time, to list

some of the facts on these reductions in more detail.

Mr. **WHALEN**. I would say to the gentleman from New York, I hope that my compliment will not have the same adverse effect on his side of the aisle as an earlier compliment did on my side of the aisle.

Mr. **RIVERS**. Mr. Chairman, will the gentleman yield?

Mr. **WHALEN**. I am delighted to yield to the chairman of the committee.

Mr. **RIVERS**. The gentleman does not mind the committee making a decision in his favor, does he? He does not have any objection to that?

Mr. **WHALEN**. No.

Mr. **RIVERS**. We arrived at these conclusions that the five distinguished gentlemen approved of. The gentleman does not mind if we, somewhere down the line, participate in a decision they thought of first, does he?

Mr. **WHALEN**. We are not suggesting this, Mr. Chairman. We are just expressing our delight over the fact that we do agree at least in these five areas I am outlining, although there are some disagreements in other areas.

Mr. **RIVERS**. Before the gentleman came to Congress we had been known to make reductions in bills. We may have stumbled along before he got here, but if he will stay with us, he is helping us along.

Mr. **WHALEN**. I am expressing my delight.

I just want to indicate to the chairman and to the Members of the Committee of the Whole we do not find the bill completely objectionable.

Let me state the fourth area, the ten percent reduction in research and development, with which we heartily endorse.

Fifth, we also applaud the efforts of the committee to retain certain amendments that were inserted in the bill in the Senate.

Despite this fact, Mr. Chairman, we do have some very serious reservations about the bill which was presented to the committee and which was ultimately approved by the committee.

I believe these objections can be categorized in four areas.

First, we feel that the bill, if it is funded at the figure that is contained in this authorization, is inflationary. It is $1.8 billion some higher than the appropriation for the same purposes last year. It is $1,436 million higher than the figure approved by the Senate.

Mr. **PIRNIE**. Mr. Chairman, will the gentleman yield?

Mr. **WHALEN**. I am delighted to yield to the gentleman from New York.

Mr. **PIRNIE**. Would not the gentleman in the well like to make it clear to the House that the increase is due to the opinion of the committee that some reestablishment of our Navy was necessary for our national defense, and that that was not a subject which was taken up by the other body.

Mr. **WHALEN**. I will touch on this. It is quite evident, of course, that the increase was due to the opinion of the committee. Obviously, if it had not been, we would not have come out with that figure.

Mr. **PIRNIE**. It was just on that one area.

Mr. **WHALEN**. Let me finish my formal comments.

We say, second, that we have serious reservations because, if this bill is funded at the level approved by the Armed Services Committee, it will certainly take away funds from needed domestic programs.

Third, this authorization contains many dollars which were not requested by the DOD. I refer specifically to the $960 million in the bill for naval ship procurement.

Fourth, and finally, we feel that this bill contains a number of authorizations for programs which are not needed. We believe in the instance of these programs that their case has not been proved by the Department of Defense. Therefore, we feel that they can be either deleted or deferred without in any way detracting from our military posture.

To correct these deficiencies, therefore, the aforementioned five members of the Committee on Armed Services introduced a series of nine amendments during the committee markup session. These amendments were defeated. We intend to reintroduce these amendments tomorrow during the consideration of H.R. 14000.

They fall into two different categories. There are seven amendments which, if adopted, will reduce total authorizations by $2.075 billion. There are two other amendments which contain restrictive language similar to that adopted in the Senate version of the bill.

You have all received a letter from the five aforementioned members of the committee outlining these items. They are also contained in the committee report beginning on page 147. However, for your information here and so that we can perhaps develop the scenario that will unfold tomorrow, let me briefly recite the amendments and review them for you. As I say, they will be introduced by the five aforementioned Members and will be supported by them.

Four of these are in the section dealing with aircraft. The first is a $86 million reduction in the Cobra helicopter. This will be introduced by Congressman Nedzi. The rationale underlying this reduction is the fact that these will be scheduled for shipment to Vietnam in 1971 and 1972. In all probability there will be no American troops there to utilize them then. We have already provided our allies in South Vietnam with other aircraft which will do an equally good, or better, job.

Second, there will be an amendment proposed by Congressman Pike calling for a reduction of $481 million in procurement of the C–5A, specifically 23 aircraft. The principal reason underlying this particular amendment is the fact that there have been production delays. Therefore even deferring this for 1 year will not in any way impair the security of our Nation.

The third will be a series of amendments that will be introduced by Congressman Leggett totalling $77.4 million dealing with SHRAM.

The **CHAIRMAN**. The time of the gentleman has expired.

Mr. **ARENDS**. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. **WHALEN**. Mr. Chairman, as you know, this is the short-range attack missile. I am not going to impose on your time at this point, since my time is limited, to go into the rationale of this, because you can find it in the letter which my colleagues and I sent you as well as in the committee report beginning on page 147.

Fourth, Mr. Leggett will present an amendment deleting $38 million from the freedom fighter program. The Department of Defense does not have any provision for this aircraft in its fiscal year 1970 budget request. The committee included funds for this program on the basis of a limited conversation with the Deputy Secretary of Defense to which the Armed Services Committee members were not privy. On this basis, the additional $38 million does not justify urgency and seems ill-advised.

The fifth amendment will be in the missiles section of H.R. 14000. This will be an amendment calling for a reduction of $345.5 million for deployment of the Safeguard anti-ballistic-missile system. This will be introduced by Mr. Leggett, of California.

Going on to the next section of the bill—ship procurement—there will be an amendment introduced by Congressman Pike, of New York, proposing a reduction of $1.025 billion in naval ship procurement. As I stated previously, this amendment will delete the $960 million contained in this bill and not requested by the Department of Defense.

Finally, in the research and development area there will be an amendment proposed to reduce by $23 million the research funds for AMSA. This would reduce total AMSA research from $100 million to $77 million. That is the figure originally requested by the former Secretary of Defense.

The two restrictive amendments to which I refer, one a limitation on the procurement, the transportation, the deployment, and the storage of chemical and biological warfare agents, is very similar to the amendment adopted during the Senate floor debate. The second is the so-called Schweiker amendment which attempts to get at the problems we have been seeing with respect to large overruns and program delays.

This was adopted during Senate floor debate and calls for quarterly reports by the Secretary of Defense and an annual audit by the GAO.

Let me just close with two observations:

First of all, I think we should point out that the five members of the House Armed Services Committee who filed our additional views are not in any way conducting a vendetta against the military. For the security of our country we need a strong and sound military establishment. Personally, I feel this is an honorable profession, one of the highest callings, defending one's country.

Second, in making this study and in arriving at our conclusions and the resulting amendments, we in no way seek to reduce the security of our country.

Let me relate this to an analogy that was brought up earlier in this discussion by the gentleman from North Carolina (Mr. Jonas) with respect to insurance on his home. I think we all have insurance

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policies on our home. I know I do on mine in Dayton, Ohio. But let me point out that it also is true that all of us are not completely covered. Not all contingencies are covered by our household policies. By the same token, we cannot provide funds for every conceivable military contingency.

Mr. Chairman, let me say in conclusion that there will be these nine amendments introduced tomorrow. There will be additional amendments proposed by other Members. I certainly do not want to imply by not discussing them that the five members of the committee are opposed to these. We will make our own individual decisions. All of these amendments which we will consider tomorrow are important amendments. They are important to the future of our country. I am very glad to know that we will be given ample time during which to discuss these amendments. We certainly hope that there will be a full attendance on the part of the Members of the House on the floor during the period of that discussion and that in considering them, you will keep an open mind.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to a former distinguished member of our committee, but one who has now departed it for an assignment on the Committee on Appropriations.

Mr. COHELAN. Mr. Chairman, the debate over the necessity of ballistic missile defense has engaged our attention for a number of years. I became involved with this program as far back as 1966 when we were debating the merits of a heavy system, a light system and the sentinal program oriented toward city defenses. The key word now is "Safeguard." The names may have changed but the melody lingers on and the same sour notes continue to be struck.

We must however look to the history of this program, for past projections and requests by the DOD now look very much out of tune with present realities.

In 1967 testimony before the Armed Services Committee, the Nike X version of a ballistic missile defense was discussed at length. The Nike X was a precursor of the Sentinal which has lately been modified and renamed the Safeguard ABM system. Then Secretary of Defense McNamara presented a combination missile and fallout shelter program estimated at $22 billion, $8 billion of which would be allocated for shelters. Secretary McNamara, under questioning, then estimated a possible 6 to 8 billion yearly expenditures in the early 70's to maintain this system.

McNamara, however, did not at that time recommend deployment, recognizing that the quality and quantity of the threat had not been sufficiently determined. I quote from Secretary McNamara:

> I believe we should continue or development program . . . this will allow us to develop a system that would have the maximum capability against the Soviet threat . . . It isn't necessary to make that decision to deploy the system today, because the time they require to deploy their offensive system is greater than the time we require to deploy our defensive system.

Fortunately, the advice was correct as the old Sentinal system of area defense has been judged premature. General Wheeler disagreed in 1967 however and urged immediate deployment of an anti-Soviet area defense ABM coupled with an extensive "education" program by the Executive and Congress to sell a multi-billion dollar bomb shelter system to the American public.

The shelter question had been debated in the early 1960's and discarded as unworkable—leading to the decision not to deploy the Nike-Zeus system—the earliest ballistic missile defense program.

But in 1967, General Wheeler was "absolutely convinced of the necessity for concurrent development of missiles and shelters." As in other instances this too was a premature request as DOD's shelter research is now running at a mere $12 million per year and not tied to ABM like "ham to eggs" as General Wheeler espoused in 1967.

The period following the Nike-Zeus, Nike X era brought on the variation of the Sentinal theme, the heavy 50-city and the light 25-city defense. Both are area defense systems and both are tied to the supposition that we must protect against a massive Soviet strike against population centers, or a light Chinese strike against these same cities. In 1968 this was the last word in ballistic missile defense.

The Joint Chiefs testified to its innocently defensive nature and the proponents in both Houses reiterated the theme that this Sentinel program was only for defense purposes and could only be viewed as defensive by the Soviets. As we remember the ABM appropriation passed last year with 35 dissenting votes in the Senate and 43 in the House.

In the interim, the Safeguard emerged.

Concurrent with the administration decision to request the Safeguard site defense system, we were informed that Sentinel could indeed be considered an escalatory and offensive program. Here I quote from Secretary Laird on March 20, 1969:

> The modified ABM system has been designed so that its defensive intent is unmistakable. It is not an escalation of the arms race. The original Sentinel Plan could have been interpreted as a first step toward the construction of a heavy system toward the defense of our cities. Indeed, it could have been used for that purpose.

My point is, where are we now. If Sentinel was escalatory, as the administration infers, why is Safeguard not escalatory? The present site defense can be extended to area defense in the same manner as the Sentinel.

The last two administrations changed the thrust of ballistic missile defense three times, and on each occasion claimed the latest version to be the ultimate answer to the supposed threat.

What is to say that the Safeguard system will be the final answer. First we became concerned with Soviet intervention and planned a city defense against a large and sophisticated Russian strike.

Now we are told that our major concern is a small Chinese effort. Are we to believe that it is good sense to enter a program which could escalate the arms race at the most inappropriate time in order to derive an unknown quantity of protection against the old bugaboo which haunted us since the end of World War II.

I cannot view the ABM program seriously when the Defense Department keeps throwing the Chinese strawman in our face. There is absolutely no evidence that the Chinese, were they to attack, would waste a limited supply of missiles on our offensive capability.

Of course, there is another alleged reason for buying the Safeguard argument. This is the claim by Secretary Laird that the Soviet buildup of SS9 missiles was a clear indication of their intention to attain a first strike capability. Secretary Laird's arguments are not necessarily sound for reasons I shall get to in the course of my remarks.

There are five main points used by the proponents of the Safeguard ABM as reasons for initiating deployment now. I shall take up and rebut each of these points.

First, assuming that the U.S. and the U.S.S.R. enter SALT—Strategic Arms Limitation Talks—the existence of an ABM system in the deployment stage will give the United States enhanced bargaining power

This is a fallacious argument for a number of reasons. First, we expect the SALT talks to begin soon—at least within the year. The Safeguard will not be deployed for quite a few years—in any case, not before SALT begins. The existence of a full scale R. & D. program, which is agreed to by all sides of the ABM question is certainly as sufficient a bargaining ploy as is a program not ready for deployment.

Also, all evidence indicates that the Soviets have had considerable trouble in development of their own Galosh system. All evidence indicates that the deployment has slowed almost to a standstill, and the program is back in the R. & D. stage. Therefore, the Soviets are not likely to take our deployment seriously as a poker chip when they are fully aware of the difficulties inherent in the development of such a system. The SALT talks must necessarily be approached seriously and honestly. It is foolish to enter such talks with a stacked deck by rushing ahead with deployment on order to have a bargaining ploy. Not only will the Soviets not take such deployment seriously, but will also, and with just reason, accuse us of unfair tactics and lack of good faith.

Second, the ABM as now envisioned is a phased deployment system which will start on a small level—two sites—and can be contracted or expanded under congressional direction each year as the situation warrants.

This argument can be turned back on itself. Why deploy a system still in the development stage? The R. & D. funds for Kwajalein are certainly sufficient to prove the adequacy of the PAR and MSR. The Spartan and Sprint are already developed. This is a premature deployment which, even if there is sufficient reason for a workable ABM system, should not be started at this time. While the pro-Safeguard forces argue that long

leadtimes are necessary, there is no firm indication that once tested, we could not get a production run in short order. Past experience has indicated that a large number of complicated systems which have gone into production phase have had to be recalled and modified. This is a $6 to $10 billion program. Overruns could be far beyond what we have already experienced in other systems. Why should we not exercise our congressional scrutiny at this time and demand that we be presented with a workable system before we enter deployment. It is against precedent to embark upon procurement of the finished product before R. & D. is finished. The sound move is to continue R. & D. as now programed and at least wait until the test model has proved itself.

Third, a great number of distinguished scientists, Hans Bethe, Herbert York, George Rathjens, among many others, have pointed out grave faults in the system. The proponents of the ABM program argue that these scientists are wrong and point to the detractors who said the H-bomb would never work as an example of the nay sayer who talks through his hat.

In the first place, few of us are capable of making technical judgments. We can only rely on the best advice of the technical community. In the case of the ABM, the preponderance of scientific advice outside the Pentagon has been negative. On the numbers alone the indications are that the system is at best premature if not unworkable. The benefit of the doubt should be given to larger numbers. On the basis of the technical testimony I have seen thus far, we should first attack the problems of penetration and radar blackout before we get into production. All indications are that this phenomenon—blackout—will totally negate the system as now designed.

Fourth, the Soviet Union is stepping up its offensive missile development. Increased production of SS–9 indicates, among other things, that the U.S.S.R. is going after a first strike capability, therefore necessitating the ABM.

There are serious doubts about Secretary Laird's reading of the Soviet intentions. The Secretary stated that the SS–9 development indicates first strike intentions and that we must react. Intelligence indicators can be read both ways however. While the exact numbers are classified, the fluctation in Soviet deployment closely follows the U.S. development of the ABM.

In other words, SS–9 deployment can be read as a reaction to the American deployment of the ABM and not as an independent program to develop a first strike. The Soviet reaction is exactly what the U.S. defense planners would do in the same situation, that is, attempt to overtarget and overwhelm our proposed ABM defense.

Indications are that the intelligence community disagrees on the interpretation of this raw data. There is no reason to accept the DOD interpretation as binding especially in view of the consequences of this interpretation. A logical view of this data, as stated above, is that the increase in SS–9 production is a reaction to our ABM development. A counter-reaction on our part would certainly be escalatory.

Fifth, it is argued that the least escalatory program is the ABM. It is defensive in nature and not a threat as would be stepped up deployment of the ICBM, submersible missiles, or other offensive devices. I feel that it is not correct to use the term offensive and defensive in the context of missile hardware development. Any missile system can be offensive or defensive, depending on the intentions of the developer. It is just as sensible to argue that the ABM is offensive. For instance, if the United States were going for an offensive first strike position, it would certainly attempt to strengthen this position by deploying an ABM to counter any Soviet missiles which withstood the first strike. Since all public statements indicate that the ABM Safeguard is designed to provide defense only against a moderate number of enemy missiles—disregarding the site defense argument—it can be logically argued that the ABM is clearly offensive in that it is developed to pick off stray retaliatory missiles surviving our first strike.

Following similar logic, it can be argued that larger deployment of the ICBM force is defensive in nature in that we already have a multimegatonnage overkill and, therefore, more ICBM's are merely a reinforcement of our assured destruction capacity. In the field of nuclear strategy there is no such thing as a totally offensive or defensive missile.

Second, the ICBM, the Polaris, and so forth, are known quantities. Both sides have learned to deal with them and, in political terms, live with them. The ABM is a new equation and the consequences are unknown. At a time when deescalation of the nuclear arms race is approaching feasibility, it is not sensible to introduce a technically unproved and underdeveloped weapon. Both parties to the conflict have learned to live with the present nuclear structure. Both sides have tentatively developed their positions and philosophies relative to arms limitation along the lines of the present technology. The argument that the ABM would in some ways aid the arms limitations will not stand. ABM is an untried equation which could have serious consequences unknown at the present time.

Finally, there is one argument that must be covered if we are fully to understand the results of our actions. Even if deployed as foreseen, the Safeguard, or any other system for that matter, would remain a "low confidence" system. Under the present agreements regarding nuclear testing, it will be impossible to test the ABM warheads. Without atmospheric testing of the ABM warhead we will not be able to determine the answers to the blackout and related problems. Therefore, ABM will at best be a backstop. In the event of attack I cannot foresee reliance on the ABM and all indications are that retaliatory offensive missiles will be used in any case.

What we gain from the ABM, therefore, is the possibility of some damage limitation at the missile bases. These missile bases will in all probability consist of empty holes in any case, as the retaliatory force must be affected in such a low confidence situation. If the strategy of waiting for a hit before a retaliatory launch is considered is still followed, the gains of an ABM system are still not commensurate with the cost—both political and economic—of such a system in that we still have the submersible missiles, the IRBM's, the bomber fleet and the surviving ICBM's.

As a matter of economics it is far more sensible to buildup the ICBM force. This will not upset the balance of power, nor should it be viewed as offensive in that, as stated above, the present ICBM situation is a known quantity to the Russians, and the question of whether a strategic ploy is offensive or defensive is as much a question of the reading of the enemy intentions and past direction as it is the hardware itself.

Mr. Chairman, there is clearly something asked in our priorities and our strategy vis-a-vis the Communist world. As I have stated above, we are embarking on a disastrous course which would escalate the arms race in a dimension we cannot foresee at this time.

Arms limitation talks may soon begin. Our cities are destitute and the air we breathe has its own unhealthy fallout. This is a time for retrenchment from arms expenditures and a firm commitment to satisfying domestic needs.

I therefore, implore my colleagues to support the amendment which will be offered tomorrow to limit the funds for ABM procurement.

As a final matter I wish to recommend to my colleagues this article by Herbert York entitled "Military Technology and National Security." Dr. York is but one of the many outstanding scientists who have opposed the ABM program, and backed up their opposition with the most cogent of arguments.

The article follows:

Military Technology and National Security

(NOTE.—The ABM debate is analyzed in the context of a larger dilemma: the futility of searching for technological solutions to what is essentially a political problem.)

The recent public hearings in the Senate and the House of Representatives on anti-ballistic-missile (ABM) systems have provided an unprecedented opportunity to expose to the people of this country and the world the inner workings of one of the dominant features of our time: the strategic arms race. Testimony has been given by a wide range of witnesses concerning the development and deployment of all kinds of offensive and defensive nuclear weapons; particular atention has been paid to the interaction between decisions in these matters and the dynamics of the arms race as a whole.

In my view the ABM issue is only a detail in a much larger problem: the feasibility of purely technological approach to national security. What makes the ABM debate so important is that for the first time it has been possible to discuss a major aspect of this large problem entirely in public. The reason for this is that nearly all the relevant facts about the proposed ABM systems either are already declassified or can easily be deduced from logical concepts that have never been classified. Thus it has been possible to consider in a particular case such questions as the following:

1. To what extent is the increasing complexity of modern weapons systems and the need for instant response causing strategic decision-making authority to pass from high political levels to low military-

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command levels, and from human beings to machines?

2. To what extent is the factor of secrecy combined with complexity leading to a steadily increasing dominance of military-oriented technicians in some vital areas of decision-making?

3. To what extent do increasing numbers of weapons and increasing complexity—in and of themselves—complicate and accelerate the arms race?

My own conclusion is that the ABM issue constitutes a particularly clear example of the futility of searching for technical solutions to what is essentially a political problem, namely the problem of national security. In support of this conclusion I propose in this article to review the recent history of the strategic arms race, to evaluate what the recent hearings and other public discussions have revealed about its present status and future prospects, and then to suggest what might be done now to deal with the problem of national security in a more rational manner.

The strategic arms race in its present form is a comparatively recent phenomenon. It began in the early 1950's, when it became evident that the state of the art in nuclear weaponry, rocket propulsion and missile guidance and control had reached the point in the U.S. where a strategically useful intercontinental ballistic missile (ICBM) could be built. At about the same time the fact that a major long-range-missile development program was in progress in the U.S.S.R. was confirmed. As a result of the confluence of these two events the tremendous U.S. long-range-missile program, which dominated the technological scene for more than a decade, was undertaken. The Air Force's Thor, Atlas and Titan programs and the Army's Jupiter program were started almost simultaneously; the Navy's Polaris program and the Air Force's Minuteman program were phased in just a few years later.

More or less at the same time the Army, which had had the responsibility for ground-based air defense (including the Nike Ajax and Nike Hercules surface-to-air missiles, or SAM's), began to study the problem of how to intercept ICBM's, and soon afterward initiated the Nike Zeus program. This program was a straightforward attempt to use existing technology in the design of a nuclear-armed rocket for the purpose of intercepting an uncomplicated incoming warhead. The Air Force proposed more exotic solutions to the missile-defense problem, but these were subsequently absorbed into the Defender Program of the Department of Defense's Advanced Research Projects Agency (ARPA). The Defender Program included the study of designs more advanced than Nike Zeus, and it also incorporated a program of downrange measurements designed to find out what did in fact go on during the terminal phases of missile flight.

By 1960 indications that the Russians were taking the ABM prospect seriously, in addition to progress in our own Nike Zeus program, stimulated our offensive-missile designers into seriously studying the problem of how to penetrate missile defenses. Very quickly a host of "penetration aid" concepts came to light: light and heavy decoys, including balloons, tank fragments and objects resembling children's jacks; electronic countermeasures, including radar-reflecting clouds of the small wires called chaff; radar blackout by means of high-altitude nuclear explosions; tactics such as barrage, local exhaustion and "rollback" of the defense, and, most important insofar as the then unforeseen consequences were concerned, the notion of putting more than one warhead on one launch vehicle. At first this notion simply involved a "shotgun" technique, good only against large-area targets (cities), but it soon developed into what we now call MIRV's (multiple independently targeted reentry vehicles), which can in principle (and soon in practice) be used against smaller, harder targets such as missile silos, radars and command centers.

This avalanche of concepts forced the ABM designers to go back to the drawing board, and as a result the Nike-X concept was born in 1962. The Nike-X designers attempted to make use of more sophisticated and up-to-date technology in the design of a system that they hoped might be able to cope with a large, sophisticated attack. All through the mid-1960's a vigorous battle of defensive concepts and designs versus offensive concepts and designs took place. This battle was waged partly on the Pacific Missile Range but mostly on paper and in committee meetings. It took place generally in secret, although parts of it have been discussed in earlier articles in this magazine [see "National Security and the Nuclear-Test Ban," by Jerome B. Wiesner and Herbert F. York, October, 1964; "Anti-Ballistic-Missile Systems," by Richard L. Garwin and Hans A. Bethe, March, 1968; "The Dynamics of the Arms Race," By George W. Rathjens, April, 1969].

This intellectual battle culminated in a meeting that took place in the White House in January, 1967. In addition to President Johnson, Secretary of Defense Robert S. McNamara and the Joint Chiefs of Staff there were present all past and current Special Assistants to the President for Science and Technology (James R. Killian, Jr., George B. Kistiakowsky, Jerome B. Wiesner and Donald F. Hornig) and all past and current Directors of Defense Research and Engineering (Harold Brown, John S. Foster, Jr., and myself). We were asked that simple kind of question which must be answered after all the complicated ifs, ands and buts have been discussed: "Will it work?" The answer was no, and there was no dissent from that answer. The context, of course, was the Russian threat as it was then interpreted and forecast, and the current and projected state of our own ABM technology.

Later that year Secretary McNamara gave his famous San Francisco speech in which he reiterated his belief that we could not build an ABM system capable of protecting us from destruction in the event of a Russian attack. For the first time, however, he stated that he did believe we could build an ABM system able to cope with a hypothetical Chinese missile attack, which by definition would be "light" and uncomplicated. In recommending that we go ahead with a program to build what came to be known as the Sentinel system, he said that "there are *marginal* grounds for concluding that a light deployment of U.S. ABM's against this possibility is prudent." A few sentences later, however, he warned: "The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system." The record makes it clear that he was quite right in this prediction.

Meanwhile the U.S.S.R. was going ahead with its own ABM program. The Russian program proceeded by fits and starts, and our understanding of it was, as might be supposed in such a situation, even more erratic. It is now generally agreed that the only ABM system the Russians have deployed is an area defense around Moscow much like our old Nike Zeus system. It appears to have virtually no capability against our offense, and it has been, as we shall see below, extremely counterproductive insofar as its goal of defending Moscow is concerned.

Development and deployment of offensive-weapons systems on both sides progressed rapidly during the 1960's, but rather than discuss these historically I shall go directly to the picture that the Administration has given of the present status and future projection of such forces.

Data recently presented by the Department of Defense show that the U.S. and the U.S.S.R. are about even in numbers of intercontinental missiles, and that the U.S. is ahead in both long-range aircraft and submarines of the Polaris type. The small Russian missiles are mostly what we call SS–11's, which were described in the hearings as being roughly the equivalent of our Minutemen. The large Russian missile is what we call the SS–9. Deputy Secretary of Defense David Packard characterized its capability as one 20-megaton warhead or three five-megaton warheads. Our own missiles are almost entirely the smaller Minutemen. There currently remain only 54 of the larger Titans in our strategic forces. Not covered in the table are "extras" such as the U.S.S.R.'s FOBS (fractional orbital bombardment system) and IRBM's (intermediate-range ballistic missiles), nor the U.S.'s bombardment aircraft deployed on carriers and overseas bases in Europe and elsewhere. There are, of course, many important details that do not come out clearly in such a simple tabular presentation; these include payload capacity, warhead yield, number of warheads per missile and, often the most important, warhead accuracy.

In the area of defensive systems designed to cope with the offensive systems outlined above, both the U.S. and the U.S.S.R. have defenses against bombers that would probably be adequate against a prolonged attack using chemical explosives (where 10 percent attrition is enough) and almost certainly inadequate against a nuclear attack (where 10 percent penetration is enough). In addition the U.S.S.R. has its ineffective ABM deployment around Moscow, usually estimated as consisting of fewer than 100 anti-missile missiles.

What all these complicated details add up to can be expressed in a single word: parity. This is clearly not numerical equality in the number of warheads or in the number of megatons or in the total "throw weight"; in fact, given different design approaches on the two sides, simultaneous equality in these three figures is entirely impossible. It is, rather, parity with respect to strategic objectives; that is, in each case these forces are easily sufficient for deterrence and entirely insufficient for a successful preemptive strike. In the jargon of strategic studies either side would retain, after a massive "first strike" by the other, a sufficiently large "assured destruction capability" against the other in order to deter such a first strike from being made.

There is much argument about exactly what it takes in the way of "assured destruction capability" in order to deter, but even the most conservative strategic planners conclude that the threat of only a few hundred warheads exploding over population and industrial centers would be sufficient for the purpose. The large growing disparity between the number of warheads needed for the purpose and the number actually possessed by each side is what leads to the concept of "overkill." If present trends continue, in the future all or most missiles will be MIRVed, and so this overkill will be increased by perhaps another order of magnitude.

Here let me note that it is sometimes argued that there is a disparity in the present situation because Russian missile warheads are said to be bigger than U.S. warheads, both in weight and megatonnage; similarly, it is argued that MIRVing does not increase overkill because total yield is reduced in going from single to multiple warheads. This argument is based on the false notion that the individual MIRV warheads of the future will be "small" when measured against the purpose assigned to them. Against large, "soft" targets such as cities bombs *very much* smaller than those that could be used as components of MIRV's are (and in the case of Hiroshima were proved to be) entirely adequate for destroying the heart of a city and killing hundreds of thousands of people. Furthermore, in the case of small, "hard" targets such as missile silos, command posts and other military installations, having explosions bigger than those for which the "kill," or crater, radius slightly exceeds "circular error probable" (CEP) adds little to the probability of destroying such targets. Crater radius depends roughly on the cube root of the explosive power; consequently, if during the period when technology allows us to go from one to 10 warheads per missile it also allows us to improve accuracy by a little more than two-fold, the "kill" per warhead will remain nearly the same in most cases, whereas the number of warheads increases tenfold.

In any case, it is fair to say that in spite of a number of such arguments about details, nearly everyone who testified at the ABM hearings agreed that the present situation is one in which each side possesses forces adequate to deter the other. In short, we now have parity in the only sense that ultimately counts.

Several forecasts have been made of what the strategic-weapons situation will be in the mid-1970's. In most respects here again there is quite general agreement. Part of the presentation by Deputy Secretary Packard to the Senate Foreign Relations Committee on March 26 were two graphs showing the trends in numbers of deployed offensive missiles beginning in 1965 and extending to 1975. There is no serious debate about the basic features of these graphs. It is agreed by all that in the recent past the U.S. has been far ahead of the U.S.S.R. in all areas, and that the Russians began a rapid deployment program a few years ago that will bring them even with us in NCBM's quite soon and that, if extended ahead without any slowdown, would bring them even in submarine-launched ballistic missiles (SLBM's) sometime between 1971 and 1977.

One important factor that the Department of Defense omitted from its graphs is MIRV. Deployment plans for MIRV's have not been released by either the U.S. or the U.S.S.R., although various rough projections were made at the hearings about numbers of warheads per vehicle (three to 10), about accuracies (figures around half a mile were often mentioned, and it was implied that U.S. accuracies were better than Russian ones) and about development status (the U.S. was said to be ahead in developments in this field). A pair of charts emphasizing the impact of MIRV was prepared by the staff of the Senate Foreign Relations Committee.

One could argue with both of these sets of charts. For example, one might wonder why the Senate charts show so few warheads on the Russian Polaris-type submarine and why they show only three MIRV's on U.S. Minutemen; on the other hand, one might wonder whether the Department of Defense's projected buildup of the Russian Polaris fleet could be that fast, or whether one should count the older Russian missile submarines. Nonetheless, the general picture presented cannot be far wrong. Moreover, the central arguments pursued throughout the ABM hearings (in both the Senate Foreign Relations Committee hearings in March and the Senate Armed Services Committee hearings in April) were not primarily concerned with these numerical matters. Rather, they were concerned with (1) Secretary of Defense Melvin R. Laird's interpretation of these numbers insofar as Russian *intentions* were concerned, (2) the validity of the Safeguard ABM system as a response to the purported strategic problems of the 1970's and (3) the arms-race implications of Safeguard.

As for the matter of intentions, those favoring the ABM concept generally held that the only "rational" explanation of the Russians' recent SS–9 buildup, coupled with their multiple-warhead development program and the Moscow ABM system, was that they were aiming for a first-strike capability. One must admit that almost anything is conceivable as far as intentions are concerned, but there certainly are simpler, and it seems to me much more likely, explanations. The simplest of all is contained in Deputy Secretary Packard's chart. The most surprising feature of this chart is the fact that the Russians were evidently satisfied with being such a poor second for such a long time. This is made more puzzling by the fact that all during this period U.S. defense officials found it necessary to boast about how far ahead we were in order to be able to resist internal pressures for still greater expansion of our offensive forces.

Another possible reason, and one that I believe added to the other in the minds of the Russian planners, was that their strategists concluded in the mid-1960's that, whatever the top officials here might say, certain elements would eventually succeed in getting a large-scale ABM system built, and that penetration-aid devices, including multiple warheads, would be needed to meet the challenge. Whether or not they were correct in this latter hypothetical analysis is still uncertain at this writing. Let us, however, pass on from this question of someone else's intentions and consider whether or not the proposed Safeguard ABM system is a valid, rational and necessary response to the Russian deployments and developments outlined above.

To many of those who have recently written favorably about ABM defenses or who have testified in their favor before the Congressional committees, Safeguard is supported mainly as a prototype of something else: a "thick" defense of the U.S. against a massive Russian missile attack. This is clearly not at all the rationale for the Safeguard decision as presented by President Nixon in his press conference of March 14, nor is it implied as more than a dividend in the defense secretaries' testimony. The President said that he wanted a system that would protect a *part* of our Minuteman force in order to increase the credibility of our deterrent, and that he had overruled moving in the direction of a massive city defense because "even starting with a thin system and then going to a heavy system tends to be more provocative in terms of making credible a first-strike capability against the Soviet Union. I want no provocation which might deter arms talks." The top civilian defense officials give this same rationale, although they put a little more emphasis on the "prototype" and "growth potential" aspects of the system. For simplicity and clarity I shall focus on the Administration's proposal, as stated in open session by responsible officials.

From a technical point of view and as far as components are concerned, President Nixon's Safeguard system of today is very little different from President Johnson's Sentinel system. There are only minor changes in the location of certain components (away from cities), and elements have been added to some of the radars so that they can now observe submarine-launched missiles coming from directions other than directly from the U.S.S.R. and China. As before, the system consists of a long-range interceptor carrying a large nuclear weapon (Spartan), a fast short-range interceptor carrying a small nuclear weapon (Sprint), two types of radar (perimeter acquisition radar, or PAR, and missile-site radar, or MSR), a computer for directing the battle, and a command and control system for integrating Safeguard with the national command. I shall not describe the equipment in detail at this point but pass on directly to what I believe can be concluded from the hearings and other public sources about each of the following four major questions: (1) Assuming that Safeguard could protect Minuteman, is it needed to protect our deterrent? (2) Assuming that Safeguard works, can it in fact safeguard Minuteman? (3) Will it work? (4) Anyway, what harm can it do?

First: Assuming that Safeguard could protect Minuteman, is it needed to protect our deterrent?

Perhaps the clearest explanation of why the answer to this first question is "no" was given by Wolfgang K. H. Panofsky before the Senate Armed Services Committee on April 22. He described how the deterrent consists of three main components: Polaris submarines, bombers and land-based ICBM's. Each of these components alone is capable of delivering far more warheads than is actually needed for deterrence, and each is currently defended against surprise destruction in a quite different way. ICBM's are in hard silos and are numerous. Polarises are hidden in the seas. Bombers can be placed on various levels of alert and can be dispersed.

Since the warning time in the case of an ICBM attack is generally taken as being about 30 minutes, the people who believe the deterrent may be in serious danger usually imagine that the bombers are attacked by missile submarines, and therefore have only a 15-minute warning. This is important because a 30-minute warning gives the bombers ample time to get off the ground. In that case, however, an attack on all three components cannot be made simultaneously; that is, if the attacking weapons are launched simultaneously, they cannot arrive simultaneously, and vice versa.

Thus it is incredible that all three of our deterrent systems could become vulnerable in the same time period, and it is doubly incredible that we could not know that this would happen without sufficient notice so that we could do something about it. There is, therefore, no basis for a frantic reaction to the hypothetical Russian threat to Minuteman. Still, it is sensible and prudent to begin thinking about the problem, and so we turn to the other questions. We must consider these questions in the technological framework of the mid-1970's, and we shall do this now in the way defense officials currently seem to favor: by assuming that this is the best of all possible technological worlds, that everything works as intended and that direct extrapolations of current capabilities are valid.

Second: Assuming that Safeguard "works," can it in fact safeguard Minuteman?

One good approach to this problem is the one used by George W. Rathjens in his testimony before the Senate Armed Services Committee on April 23. His analysis took as a basis of calculation the implication in Secretary Laird's testimony that the Minuteman force may become seriously imperiled in the mid-1970's. Rathjens then estimated how many SS–9's would have to be deployed at that time in order to achieve this result. From this number, and the estimate of the current number of SS–9's deployed, he got a rate of deployment. He also had to make an assumption about how many Sprints and Spartans would be deployed at that time, and his estimates were based on the first phase of Safeguard deployment. These last numbers have not been released, but a range of reasonable values can be guessed from the cost estimates given. Assuming that the SS–9's would have four or five MIRV warheads each by that time, Rathjens found that by prolonging the SS–9 production program by a few months the Russians would be able to cope with Safeguard by simply exhausting it and would still have enough warheads left to imperil Minuteman, if that is indeed their intention.

The length of this short safe period does depend on the numbers used in the calculations, and they of course can be disputed to a degree. Thus if one assumes that it takes fewer Russian warheads to imperil Minuteman (it can't be less than one for

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one!), then the assumed deployment rate is lower and the safe period is lengthened; on the other hand, if one notes that the missile-site radars in our system are much softer than even today's silos, then the first attacking warheads, fired directly at the radars, can be smaller and less accurate, so that a higher degree of MIRVing can be used for attacking these radars and a shorter safe period results. To go further, it was suggested that the accuracy/yield combination of the more numerous SS–11's might be sufficient for attacking the missile-site radars, and therefore, if the Russians were to elect such an option, there would be no safe period at all. In short, the most that Safeguard can do is either delay somewhat the date when Minuteman would be imperiled or cause the attacker to build up his forces at a somewhat higher rate if indeed imperilizing Minuteman by a fixed date in his purpose.

In the more general case this problem is often discussed in budgetary terms, and the "cost-exchange ratio" between offense and defense is computed for a wide variety of specific types of weapon. Such calculations give a wide variety of results, and there is much argument about them. However, even using current offense designs (that is, without MIRV), such calculations usually strongly favor the offense. This exchange ratio varies almost linearly with the degree of MIRVing of the offensive missiles, and therefore it seems to me that in the ideal technological future we have taken as our context this exchange ratio will still more strongly favor the offense.

Third: Will it work? By this question I mean: Will operational units be able to intercept enemy warheads accompanied by enemy penetration aids in an atmosphere of total astonishment and uncertainty? I do not mean: Will test equipment and test crews intercept U.S. warheads accompanied by U.S. penetration aids in a contrived atmosphere? A positive answer to the latter question is a necessary condition for obtaining a positive answer to the former, but it is by no stretch of the imagination a sufficient condition.

This basic question has been attacked from two quite different angles: by examining historical analogies and by examining the technical elements of the problem in detail. I shall touch on both here. Design-oriented people who consider this a purely technical question emphasize the second approach. I believe the question is by no means a purely technical question, and I suggest that the historical-analogy approach is more promising, albeit much more difficult to use correctly.

False analogies are common in this argument. We find that some say: "You can't tell me that if we can put a man on the moon we can't build an ABM." Others say: "That's what Oppenheimer told us about the hydrogen bomb." These two statements contain the same basic error. They are examples of successes in a contest between technology and nature, whereas the ABM issue involves a contest between two technologies: offensive weapons and penetration aids versus defensive weapons and discrimination techniques. These analogies would be more pertinent if, in the first case, someone were to jerk the moon away just before the astronauts landed, or if, in the second case, nature were to keep changing the nuclear-reaction probabilities all during the development of the hydrogen bomb and once again after it was deployed.

Proper historical analogies should involve modern high-technology defense systems that have actually been installed and used in combat. If one examines the record of such systems, one finds that they do often produce some attrition of the offense, but not nearly enough to be of use against a nuclear attack. The most up-to-date example is provided by the Russian SAM's and other air-defense equipment deployed in North Vietnam. This system "works" after a fashion because both the equipment designers and the operating crews have had plenty of opportunities to practice against real U.S. targets equipped with real U.S. countermeasures and employing real U.S. tactics.

The best example of a U.S. system is somewhat older, but I believe it is still relevant. It is the SAGE system, a complex air-defense system designed in the early 1950's. All the components worked on the test range, but by 1960 we came to realize, even without combat testing, that SAGE could not really cope with the offense that was then coming into being. We thereupon greatly curtailed and modified our plans, although we did continue with some parts of the system. To quote from the recent report on the ABM decision prepared by Wiesner, Abram Chayes and others: "Still, after fifteen years, and the expenditure of more than $20 billion, it is generally conceded that we do not have a significant capability to defend ourselves against a well-planned air attack. The Soviet Union, after even greater effort, has probably not done much better."

So much for analogies; let us turn to the Safeguard system itself. Doubts about its being able to work were raised during the public hearings on a variety of grounds, some of which are as follows:

First, and perhaps foremost, there is the remarkable fact that the new Safeguard system and the old Sentinel system use virtually the same hardware deployed in a very similar manner, and yet they have entirely different primary purposes. Sentinel had as its purpose defending large soft targets against the so-called Chinese threat. The Chinese threat by definition involved virtually no sophisticated penetration aids and no possibilities of exhausting the defense; thus were "solved" two of the most difficult problems that had eliminated Nike Zeus and Nike-X.

Safeguard has as its primary purpose defending a part of the Minuteman force against a Russian attack. It is not credible that a Russian attack against the part of the Minuteman force so defended would be other than massive and sophisticated, so that we are virtually right back to trying to do what in 1967 we said we could not do, and we are trying to do it with no real change in the missiles or the radars. It is true that defending hard points is to a degree easier than defending cities because interception can be accomplished later and at lower altitudes, thus giving discrimination techniques more time to work. Moreover, only those objects headed for specific small areas must be intercepted. These factors do make the problem somewhat easier, but they do not ensure its solution, and plenty of room for doubt remains.

Second, there is the contest between penetration aids and discrimination techniques. This was discussed at length by Garwin and Bethe in their March 1968 article in *Scientific American* and mentioned also in varying degrees of detail by many of those who testified recently concerning the ABM issue. The Russian physicist Andrei D. Sakharov, in his essay "Thoughts on Progress, Coexistence and Intellectual Freedom," put the issue this way: "Improvements in the resistance of warheads to shock waves and the radiation effects of neutron and X-ray explosure, the possibility of mass use of relatively light and inexpensive decoys that are virtually indistinguishable from warheads and exhaust the capabilities of an antimissile defense system, a perfection of tactics of massed and concentrated attacks, in time and space, that overstrain the defense detection centers, the use of orbital and fractional-orbital attacks, the use of active and passive jamming and other methods not disclosed in the press—all of this has created technical and economic obstacles to an effective missile defense that, at the present time, are virtually insurmountable."

I would add only MIRV to Sakharov's list. Pitted against this plethora of penetration aids are variously observational methods designed to discriminate the real warheads. Some of the penetration devices obviously work only at high altitudes, but even these make it necessary for the final "sorting" to be delayed, and thus they still contribute to making the defense problem harder. Other devices can continue to confuse the defense even down to low altitudes. Some of the problems the offense presents to the defense can no doubt be solved (and have been solved) when considered separately and in isolation. That is, they can be solved for a time, until the offense designers react. One must have serious reservations, however, whether these problems can ever be solved for any long period in the complex combinations that even a modestly sophisticated attacker can present. Further, such a contest *could* result in a catastrophic failure of the system in which all or nearly all interceptions fail.

Third, there is the unquantifiable difference between the test range and the real world. The extraordinary efforts of the Air Force to test operationally deployed Minutemen show that it too regards this as an important problem. Moreover, the tests to date do seem to have revealed important weaknesses in the deployed forces. The problem has many aspects: The possible differences between test equipment and deployed equipment; the certain differences between the offensive warheads and penetration aids supplied by us as test targets and the corresponding equipment and tactics the defense must ultimately be prepared to face; the differences between the installation crews at a test site and at a deployment site; the differences in attitudes and motivation between a test crew and an operational crew (even if it is composed of the same men); the differences between men and equipment that have recently been made ready and whom everyone is watching and men and equipment that have been standing ready for years during which nothing happened; the differences between the emotional atmosphere where everyone knows it is not "for real" and the emotional atmosphere where no one can believe what he has just been told. It may be that all that enormously complex equipment will be ready to work the very first time it must "for real," and it may be that all those thousands of human beings have performed all their interlocking assignments correctly, but I have very substantial doubts about it.

Fourth, there is the closely related "hair-trigger/stiff-trigger" contradiction. Any active defense system such as Safeguard must sit in readiness for two or four or eight years and then fire at precisely the correct second following a warning time of only minutes. Furthermore, the precision needed for the firing time is so fine that machines must be used to choose the exact instant of firing no matter how the decision to fire is made. In the case of offensive missiles the situation is different in an essential way: Although maintaining readiness throughout a long, indefinite period is necessary, the moment of firing is not so precisely controlled in general and hence human decision-makers, including even those at high levels, may readily be permitted to play a part in the decisionmaking process. Thus if we wish to be certain that the defense will respond under conditions of surprise, the trigger of the ABM system, unlike the triggers of the ICBM's and Polarises, must be continuously sensitive and ready—in short, a hair trigger—for indefinitely long periods of time.

On the other hand, it is obvious that we cannot afford to have an ABM missile fire by mistake or in response to a false alarm. Indeed, the Army went to some pains to assure

residents of areas near proposed Sentinel sites that it was imposing requirements to ensure against the accidental launching of the missile and the subsequent detonation of the nuclear warhead it carries. Moreover, Army officials have assured the public that no ABM missiles would ever be launched without the specific approval of "very high authorities."

These two requirements—a hair trigger so that the system can cope with a surprise attack and a stiff trigger so that it will never go off accidentally or without proper authorization—are, I believe, contradictory requirements. In saying this I am not expressing doubt about the stated intentions of the present Army leaders, and I strongly endorse the restrictions implied in their statements. I am saying, however, that if the system cannot be fired without approval of "the highest authorities," then the probability of its being fired under conditions of surprise is less than it would be otherwise. This probability depends to a degree on the highly classified technical details of the Command and Control System, but in the last analysis it depends more on the fact that "the highest authority" is a human being and therefore subject to all the failures and foibles pertaining thereto.

This brings us to our fourth principal question: Anyway, what harm can it do?

We have just found that the total deterrent is very probably not in peril, that the Safeguard system probably cannot safeguard Minuteman even if it "works," that there is, to say the least, considerable uncertainty whether or not it will "work." Nonetheless, if there were no harm in it, we might be prudent and follow the basic motto of the arms race: "Let us err on the side of military safety." There seem to be many answers to the question of what harm building an ABM system would do. First of all, such a system would cost large sums of money needed for nondefense purposes. Second, it would divert money and attention from what may be better military solutions to the strategic problems posed by the Administration. Third, it would intensify the arms race. All these considerations were discussed at the hearings; I shall comment here only on the third, the arms-race implications of the ABM decision.

It is often said that an ABM system is not an accelerating element in the arms race because it is intrinsically defensive. For example, during the hearings Senator Henry M. Jackson of Washington, surely one of the best-informed senators in this field, said essentially that, and he quoted Premier Kosygin as having said the same thing. I believe such a notion is in error and is based on what we may call "the fallacy of the last move." I believe that in the real world of constant change in both the technology and the deployed numbers of all kinds of strategic-weapons systems, ABM systems are accelerating elements in the arms race. In support of this view let us recall one of the features of the history recited at the start of this article.

At the beginning of this decade we began to hear about a possible Russian ABM system, and we became concerned about its potential effects on our ICBM and Polaris systems. In response the MIRV concept was invented. Today there are additional justifications for MIRV besides penetration, but that is how it started. Now, the possibility of a Russian MIRV is used as one of the main arguments in support of the Safeguard system. Thus we have come one full turn around the arms-race spiral. No one in 1960 and 1961 thought through the potential destabilizing effects of multiple warheads, and certainly no one predicted, or even could have predicted, that the inexorable logic of the arms race would carry us directly from Russian talk in 1960 about defending Moscow against missiles to a requirement for hard-point defense of offensive-missile sites in the U.S. in 1969.

By the same token I am sure the Russians did not foresee the large increase in deployed U.S. warheads that will ultimately result from their ABM deployment and that made it so counterproductive. Similarly, no one today can describe in detail the chain reaction the Safeguard deployment would lead to, but it is easy to see the seeds of a future acceleration of the arms race in the Nixon Administration's Safeguard proposal. Soon after Safeguard is started (let us assume for now that it will be) Russian offense planners are going to look at it and say something such as: "It may not work, but we must be prudent and assume it will." They may then plan further deployments, or more complex penetration systems, or maybe they will go to more dangerous systems such as bombs in orbit. A little later, when some of our optimistic statements about how "it will do the job it is supposed to do" have become part of history, our strategic planners are going to look at Safeguard and say something such as: "Maybe it will work as they said, but we must be prudent and assume it will not and besides, *now* look at what the Russians are doing."

This approach to strategic thinking, known in the trade as "worst-case analysis," leads to a completely hopeless situation in which there is no possibility of achieving a state of affairs that both sides would consider as constituting parity. Unless the arms race is stopped by political action outside the two defense establishments, I feel reasonably sure there will be another "crash program" response analogous to what we had in the days of the "msisile gap"—a situation some would like to see repeated.

I also mentioned in my own testimony at the ABM hearings that "we may further expect deployment of these ABM systems to lead to the persistent query 'But how do you know it *really* works?' and thus to increase the pressures against the current limited nuclear-test ban as well as to work against amplifying it." I mentioned this then, and I mention it again now, in the hope that it will become a self-defeating prediction. It is also important to note that the response of our own defense establishment to the Russian ABM deployment, which I have outlined above, was not the result of our being "provoked," and I emphasize this because we hear so much discussion about what is a "provocative" move and what is not. Rather, our response was motivated by a deep-seated belief that the only appropriate response to any new technical development on the other side is further technical complexity of our own. The arms race is not so much a series of political provocations followed by hot emotional reactions as it is a series of technical challenges followed by cool, calculated responses in the form of ever more costly, more complex and more fully automatic devices. I believe this endless, seemingly uncontrollable process was one of the principal factors President Eisenhower had in mind when he made his other (usually forgotten) warning: "We must be alert to the . . . danger that public policy could itself become the captive of a scientific-technological elite." He placed this other warning, also from his farewell address, on the same level as the much more familiar comment about the military-industrial complex.

Several alternative approaches to Safeguard for protecting Minuteman have been discussed recently. These include superhardening, proliferation, a "shell game" in which there are more silos than missiles, and land-mobile missiles. Although I was personally hopeful before the hearings that at least one of these approaches would maintain its invulnerability, a review of the recent debates leaves me now with the pessimistic view that none of them holds much promise beyond the next 10 years.

Silo-hardening most probably does work now, in the sense that the combination of SS–11 accuracy and yield and Minuteman silo-hardening works out in such a way that one incoming warhead (and hence one SS–11 missile) has less than a 50–50 chance of destroying a Minuteman. If one considers the technological trends in hardening, yield per unit weight, MIRVing and accuracy, however, it does seem convincing that this is a game in which the offense eventually will win. Albert Wohlstetter, testifying in favor of the Safeguard system before the Senate Armed Services Committee, quoted a paper he wrote with Fred Hoffman in 1954 (long before any ICBM's were actually in place anywhere) predicting that the ability of silo-hardening to protect offensive missiles would run out by the end of the 1960's. That was a remarkably prescient study and is wrong only in numerical detail.

If we take the same rosy view of technology that was taken in almost all the pro-ABM arguments, then hardening will not work for more than another five years. My own view of the technological future is clearly much less rosy, but I do believe that the situation in which hardening is no longer the answer could come by, say, 1980 or, more appropriately, 1984.

Proliferation of Minuteman would have worked in the absence of MIRV. Now, however, it would seem that the ability to MIRV, which no doubt can eventually be carried much further than the fewfold MIRV we see for the immediate future, clearly makes proliferation a losing game as well as the dangerous one it always was.

The "shell game" has not in my view been analyzed in satisfactory detail, but it would appear to have a serious destabilizing effect on the arms race. Schemes have been suggested for verifying that a certain fraction of the missile holes are in fact empty, but one can foresee a growing and persistent belief on each side that the "other missiles" must be hidden somewhere.

Road-mobile and rail-mobile versions of Minuteman have been seriously studied for well over a decade. These ideas have always foundered on two basic difficulties: (1) Such systems are inherently soft and hence can be attacked by large warheads without precise knowledge of where they are, and (2) railroads and highways all pass through population centers, and large political and social problems seem unavoidable.

Where does all this leave us insofar as finding a technical solution for protecting Minuteman is concerned? One and only one technically viable solution seems to have emerged for the long run: Launch on warning. Such an idea has been considered seriously by some politicians, some technical men and some military officers. Launch on warning could either be managed entirely by automatic devices, or the command and control system could be such as to require authorization to launch by some very high human authority.

In the case of the first alternative, people who think about such things envision a system consisting of probably two types of detection device that could, in principle, determine that a massive launch had been made and then somewhat later determine that such a launch consisted of multiple warheads aimed at our missile-silo fields. This information would be processed by a computer, which would then launch the Minutemen so that the incoming missiles would find only empty holes; consequently the Minutemen would be able to carry out their mission of revenge. Thus the steady advance of arms technology may not be leading us to the ultimate weapon but rather to the ultimate absurdity: a completely automatic system for deciding whether or not doomsday has arrived.

To me such an approach to the problem is politically and morally unacceptable, and

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if it really is the only approach, then clearly we have been considering the wrong problem. Instead of asking how Minuteman can be protected, we should be asking what the alternatives to Minuteman are. Evidently most other people also find such an idea unacceptable. As I mentioned above, the Army has found it necessary to reassure people repeatedly that ABM missiles would not be launched without approval by "the highest authorities," even though this is clearly a far less serious matter in the case of the ABM missiles than in the case of Minuteman.

The alternative is to require that a human decision-maker, at the level of "the highest authorities," be introduced into the decision-making loop. But is this really satisfactory? We would be asking that a human being make, in just a few minutes, a decision to utterly destroy another country. (After all, there would be no point in firing at *their* empty silos.) If, for any reason whatever, he was responding to a false alarm, or to some kind of smaller, perhaps "accidental," attack, he would be ensuring that a massive deliberate attack on us would take place moments later. Considering the shortness of the time, the complexity of the information and the awesomeness of the moment, the President would himself have to be properly preprogrammed in order to make such a decision.

Those who argue that the Command and Control System is perfect or perfectable forget that human beings are not. If forced to choose, I would prefer a preprogrammed President to a computer when it came to deciding whether or not doomsday had arrived, but again I feel that this solution too is really unacceptable, and that once again, in attempting to defend Minuteman, we are simply dealing with the wrong problem. For the present it would seem the Polarises and the bombers are not, as systems, subject to the same objections, since there are now enough other approaches to the problem of ensuring their invulnerability to sudden massive destruction.

In my view, all the above once again confirms the utter futility of attempting to achieve national security through military technology alone. We must look elsewhere. Fortunately an opportunity does seem to be in the offing. There appears to be real promise that serious strategic arms-limitation talks will begin soon. The time is propitious. There is in the land a fairly widespread doubt about the strictly military approach to security problems, and even military-minded politicians are genuinely interested in exploring other possibilities. The essay by Academician Sakharoy, as well as the statements of Russian officials, indicate genuine interest on the other side. The time is propitious in another sense: both sides will be discussing the matter from a position of parity. Moreover, this parity seems reasonably stable and likely to endure for several years.

Later, however, major deployments of sophisticated ABM systems and, even more important widespread conversion of present single-warhead systems to MIRV will be strongly destabilizing and will at least give the impression that parity is about to be upset. If so, the motto of the arms race, "Let us err on the side of military safety," will come to dominate the scene on both sides and the present opportunity will be lost. Therefore in the short run we must do everything possible to ensure that the talks not only start but also succeed. Although the ABM decisions may not forestall the talks, it would seem that success will be more likely if we avoid starting things that history has shown are difficult to stop once they are started.

Such things surely include deployment of ABM missiles and MIRV's. There have been successes in stopping programs while they were in the development phase, but seldom has anything been stopped after deployment had started. The idea of a freeze on deployment of new weapons systems at this time and for these reasons is fairly widespread already, but achieving it will require concerted action by those believing strongly in the validity and necessity of arms limitations as a means of increasing national security. Thus the principal result of the recent national debate over the ABM issue has been to make it clear that Safeguard will safeguard nothing, and that the right step for the immediate future is doing whatever is necessary (such as freezing present deployments and developments) to ensure the success of the coming strategic-arms-limitation talks.

In addition, the ABM debate has served to highlight more serious issues (for example the implications of MIRV for the arms race) and to raise serious questions about other weapons systems. For instance, I suggest that we have also found that silo-based missiles will become obsolete. The only sure method for defense of Minuteman beyond, say, the mid-1970's seems to be the unacceptable launch on warming. As long as we must have a strategic deterrent, we must find one of that does not force us to turn the final decision over to either a computer or a preprogrammed President. Minuteman was conceived in the 1950's and served its purpose as a deterrent through the 1960's, but it appears that in the 1970's its threat to us will exceed its value, and that it and other silo-based missiles will have to go. The deterrent must have alternatives other than "go/no-go," and for the 1970's at least it would now appear that other strategic weapons (Polaris/Poseidon and bombers) could provide them. I expect, however, that as the continuing national debate subjects the whole matter of strategic arms to further public scrutiny we shall learn that these other alternatives also have dangerous flaws, and we shall see confirmed the idea that there is no technical solution to the dilemma of the steady decrease in our national security that has for more than 20 years accompanied the steady increase in our military power.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, I rise in support of this legislation and wish to associate myself with the comments which have been made by our distinguished chairman and by the ranking member of the committee.

I think it reflects the many hours of serious deliberation that the committee spent on this bill. I hope you will support the bill in toto. This afternoon, I would particularly like to address myself to title 3 of the bill dealing with the Reserve Forces.

Public Law 90–168, the Reserve Forces Bill of Rights and Vitalization Act, required that the Congress shall authorize the personnel strength of the selected reserve of each Reserve component of the Armed Forces each fiscal year and that no funds may be appropriated for the pay and allowance of any Reserve component of the Armed Forces unless the personnel strength of the selected reach of such Reserve component had been authorized by law. This authorization is the primary purpose of this title.

This bill provides that for the year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve will be programed to obtain an average strength of not less than the following: The Army National Guard, 393,298; the Army Reserve, 255,591; the Naval Reserve, 129,000; the Marine Corps Reserve, 49,489; the Air National Guard of the United States, 86,624; the Air Force Reserve, 50,775; and the Coast Guard Reserve, 17,500.

The average strength contained in this bill are those numbers recommended by the Department of Defense as necessary to meet our military requirements.

When the bill was originally submitted, it called for an end strength rather than an average strength figure as was included last year. Subsequently, however, the Department of Defense notified the committee that they had no objection to including an average strength requirement. This formula precludes the Selected Reserve from dropping below desired strength levels and then meeting the legal requirements by increasing the strength as the fiscal year end nears.

There is a small decline in the Army National Guard and the U.S. Army Reserve strengths from last year. This is mainly because some of the units mobilized in May 1968 are scheduled to remain on active duty until December 1969, necessitating a downward man-year adjustment.

The Naval Reserve figure is brought back up to 129,000 because of the early release of two Naval Reserve construction battalions which were previously scheduled for retention on active duty through May 1970.

The Marine Corps Reserve strength is increased by 2,285 man-years for fiscal year 1970, representing an increase in unit manning levels, with no additional units being formed.

The Air National Guard was slightly increased above the figures for fiscal year 1969. The main reason for this increase is the effect of the January 1968 mobilization. A portion of the strength of the recalled unit was not included in the authorized average strength of the Air National Guard for fiscal year 1969. Some Air National Guard units were released from active duty in December 1968 and all the remaining units were demobilized by the end of June of this year.

Last year's authorization provided that the total authorized strengths of the units released from active duty shall proportionately increase the average strength of the Reserve components involved. The President's budget provided for this increase. In addition, a recent decision of the Secretary of Defense to retain seven Air National Guard units previously scheduled for inactivation in fiscal year 1970 accounts for a further increase in the Air National Guard strength. These units included five air defense fighter units—F–102 and F–89—and two Military Airlift Command units—CO97. These units are to be retained and converted to new, higher priority missions resulting in an increase of 1,528 man-years above the figure submitted in the President's budget. The Secretary of Defense decision also included the retention of four Air Force Reserve units scheduled for inactivation in fiscal year 1970.

The U.S. Coast Guard requested an average Selected Reserve strength of 17,500 for fiscal year 1970, and the bill reflects that request.

Section 303 of the bill provides new language governing the responsibility of

the Secretaries of the military departments to furnish the personnel, equipment, facilities, and supplies needed to enable all units and Reserves and the Selected Reserves to meet their mobilization readiness requirements, as established and approved contingency and war plans.

If we are to have a Reserve Force to assist us in an emergency, the force is hardly worth the paper it is written on unless the units are equipped and properly trained to do their job in the case of an emergency. For years, we have been authorizing funds for equipment for the Reserve Forces only to have them diverted to the Active Forces, thus reducing the efficiency and effectiveness of the Reserves. It is time to stop this kind of bookkeeping deception. This section takes care of that.

Section 304 permits the year-end report to be filed with the Congress 90 days rather than 60 days after the end of the fiscal year. Experience has shown us that it takes more than 50 days for the paperwork to go through the computers. Then, after this material is assembled, the results must be reviewed at higher echelons. The result is that the reports are either coming in late or reflecting information at some point previous to the end of the fiscal year. By changing the time to 90 days, we expect to receive current information within the 90-day period.

Gentlemen, we believe we have a strong, defensible bill which will insure our Nation's safety. I urge your support.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to a distinguished member of the committee, the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 14000. It is a privilege to serve on this committee. I wish to associate myself with the remarks which have been made by our chairman and those which were made by the ranking member of the committee.

Mr. Chairman, we are here to consider the bill which involves $21.3 billion. This is one of the most important bills we will consider in this session of the Congress. We all sincerely hope debate will be responsible. We hope that in the days ahead as amendments are offered that tempers will not flare, that the adrenalin will not be loosed into the blood of those engaged in debate and responsibility will reign instead of emotions.

When we have finished we will have taken one of two courses—either to prepare for our survival or to have lowered our guard with the prayer that heaven will help us and our enemies will not take advantage of us. It seems to me we should all chart our course not so much as whether we are trying to satisfy some editor of a newspaper or a columnist or even those growing numbers who think it is fashionable to declare open season upon the military. We should recall that unlike the past, this time if the war clouds gather we will not have the luxury allowed to us in the past to prepare to defend ourselves.

The great part of the money we are authorizing in this bill could be quite appropriately compared to the insurance policy on one's home. A while ago the gentleman from North Carolina (Mr. JONAS) pointed out all of us carry insurance on our home but we still do not want a fire. It is true we never need a fire engine until the fire breaks out. But if we have a fire and there is no insurance or a fire department, at that moment there is no chance to provide either.

In the light of the foregoing, I subscribe to the thoughts of my esteemed chairman of the full committee who has said that it is far better to be prepared and be ready than to simply wish we were prepared and hope for the best when danger strikes.

Your House Armed Services Committee has not gone into this bill without adequate study. It is a big bill containing $21 billion, $14 billion of which is for procurement and $7 billion for research, development, and testing. When all is said and done it is $615 million less than the revised budget of Secretary Laird in April 1969 and $1.8 billion less than the military budget submitted by Secretary Clifford in January 1969.

We have combed this procurement authorization with the finest of combs. We worked on this bill for 6 months. There have been a total of 91 meetings of the full committee and subcommittees. There have been 61 meetings of the full committee.

The principal addition of funds over and above the request of the administration is $961 million for the modernization of our Navy. The Soviet Navy is a very real threat. They have quickly filled the vacuum in the Indian Ocean left by the withdrawal of the British fleet. They virtually control the Mediterranean today. Their ships are off Nantucket. Their ships are off our Carolinas. The Russian naval threat will not go away.

Procurement items in the bill include money for C–5A, the F–15, F–14, AMSA, and MIRV as well as funds for the ABM. For the procurement of ABM $345 million is included and $400 million for research, development, technology and engineering. There will be much more said about the ABM. Whether the ABM will work or not was answered in the best possible way during the debate in the other body when one of the Members pointed out if this country has the brains to send a man to the moon, there is no doubt but what he has the brains to make the ABM work.

Both in general debate and under the 5-minute rule, we will very likely hear again and again that we cannot afford the money authorized in this procurement bill. The answer is, surely a country with a gross national product which will soon approach $1 trillion can afford a $21 billion procurement bill. Put in somewhat different perspective, proponents of a strong defense posture have said what good is it to have a stomach full of food if you are dead. The late Sam Rayburn once said he would rather be a live American with an empty pocketbook than a rich dead American.

There is much dissatisfaction with the Vietnam war but that is not the issue in this debate. Everything we are authorizing here is for our own defense. We have drawn from the inventory of our military weapon vehicles, planes and ships. Largely because of the Vietnam war our cupboard is bear, our ships are old and our planes are old. We need something new and we do not have it. That is what this procurement bill is all about.

No one of the House Armed Services Committee has set themselves up as experts. We plan to accomplish in 3 or 4 days what the other body took months to achieve. Someone has quite appropriately said of the long debate in the Senate on the Defense procurement bill that never in our history has there been so much said by those who were so little informed on things that should never have been put into print at all.

Repeating, this bill has very little in it for Vietnam. Instead, it provides for long lead items for our own defense against enemies in the world that would hope we would lower our guard. Unlike Vietnam this procurement bill is not a matter of morality or immorality. It is purely and simply a matter of survival. I intend to support H.R. 14000. As a member of the House Armed Services Committee, I know that we have put in countless hours on this procurement bill. This measure deserves the full support of every member who believes we cannot afford to be unprepared.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to the distinguished member of the Appropriations Committee, the gentleman from Oklahoma (Mr. STEED).

Mr. STEED. Mr. Chairman, I rise in support of this legislation.

I have been more than normally interested in the progress of the C–5A military cargo airplane, because the Air Force will conduct its early training programs for the C–5 at Altus Air Force Base, in my district in Oklahoma. Over the past year, I have tried to keep track of the progress this airplane is making and have made several inquiries about the airplane itself and all of its performance characteristics.

Also, during the past 7 or 8 months, I have been reading about the various congressional committee inquiries and of course, followed the Senate debate in connection with the proposed amendment to delete funds for additional C–5A's. That amendment having been defeated, we now have a companion amendment in the House.

Throughout all of the news stories and reports of testimony and debate, I have been very surprised at the concentration and emphasis on the contractual aspects of the C–5A program. Comparatively, there has been far too little said about the airplane itself and its amazing performance abilities.

The C–5 is designed to respond to an extremely difficult Air Force requirement, and every evidence so far is that it will do so with room to spare. I believe it will be welcomed, not only by Air Force pilots, but also by the Army men on the ground who are so dependent on the supplies it will bring.

If we buy enough of them, C–5's will replace all the wornout, obsolete C–133's and C–124's at less than one-quarter of the cost per ton-mile.

In addition to doing it much cheaper, the C–5 can carry many oversized military equipment items that none of the others can carry at all. It will fly almost

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anywhere, nonstop, quickly and certainly—and when it gets there, it will land on short, unimproved fields, close to the men who need the items being carried on board.

You marvel that it can carry over 130 tons of supplies—that with lighter loads it can fly 5,500 nautical miles nonstop—that its landing distance can be less than 3,600 feet on a wet, grass-covered runway.

And, if you want to consider its usefulness—here is a list of one typical load that can be carried in just one C–5: One M–48 bridge launcher, weighing more than 128,000 pounds; four M–151 quarter-ton trucks with trailers, weighing a total of more than 16,000 pounds; two M–170 ambulances, weighing more than 7,500 pounds; two UH–1D helicopters, with a combined weight of 9,000 pounds; two M–54 5-ton trucks with trailers, weighing over 70,000 pounds; two M–37 three-quarter ton trucks with trailers, with a total weight of more than 20,000 pounds; plus 52 drivers, troops, and support personnel, who with their equipment weigh more than 12,000 pounds.

The total for this typical load in one C–5 is 264,768 pounds. And that airplane, with that load, can fly 2,500 nautical miles nonstop and land on a wet, grass field in less than 5,000 feet.

Or, if you want another statistic, the C–5 can carry 16, yes 16, three-quarter-ton trucks at the same time.

It will truly be an astounding performer—this C–5A, not only in the sheer size of its capabilites, but also at a ton mile rate lower by far than any other airplane in existence in the world today.

The statements I have just made about the C–5 cannot be made about any other aircraft in the world, and I am glad our Nation has it. But, of course, none of these great capabilities mean much if we do not need them.

But every evidence is that we do.

If this amendment is not defeated, the Air Force has said it will be forced to retain its C–133's and C–124's—despite their excessive cost of operation—despite the cost of further modifications to the C–133's—despite the fact that these airplanes cannot carry the outsized equipment that is needed—and despite the fact that these airplanes are grossly inefficient and hopelessly obsolete.

And even with the continued costly use of these old aircraft, there still would be a glaring deficiency in the strategic airlift rapid deployment capability that has been established as a requirement.

It is inconceivable to me that we would require the Air Force to fly obsolete and costly old airplanes that cannot do the job, when an outstanding new working tool is available in the form of the C–5A.

The C–5A is not only a giant in size—it also is a gigantic step forward in the state of the art—and it will serve an equally great need in the mobility and flexibility of our military forces.

All of the people of the Fourth Congressional District of Oklahoma are looking forward to welcoming the C–5A to Altus Air Force Base in the near future. I feel certain that the "marriage" performed there—between the world's finest military cargo airplane and the world's finest pilots in the U.S. Air Force—will be a very happy one.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to a distinguished member of the committee, the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, the increasing evidence of antimilitary sentiment in this country is most disturbing. At a time when the Soviet Union is closing gaps and Red China, while spewing threats and abuse at the United States, is building up a powerful war machine, amazing as it is, we find here in our country antimilitary gestures being manifested on many fronts.

We hear the howls of the antiwar element and the shameless outbursts of the pacifists. College ROTC programs are under attack. The anti-ABM and the anti-MIRV forces have been extremely vocal. The anti-CBW crowd beats their drums. The alleged industrial-military complex is wrongfully pictured as a sinister conspiracy in our society. The draft is under attack by the fuzzy brained professors, the hippies and yippies, the Spocks, and the Carmichaels. In some quarters it has become stylish to oppose, reduce, and denounce anything related to military preparedness in this country.

Then, there has been the surfacing of the new left, of which the Students for a Democratic Society is very much a part. The pro-Marxist SDS, which claims 30,000 members in American colleges, is aided and abetted by leftwing teachers, Black Panthers, and other militant troublemakers.

The people, goaded and financed—in part, at least—by the Communist Party U.S.A., are forever finding fault with their own country, but never seem to criticize Hanoi or other potential Communist aggressors.

Practically every facet of our military buildup seems to be suspect in the minds of most of these people. Fortunately for America they represent a relatively small minority of our population.

Now this does not mean that we should not exercise prudence and appropriate restraint in expenditures for national defense. Every outlay for this purpose, and indeed for every other Federal expenditure of tax money, should be screened, rejected if unsound, and reconciled with good judgment. Our Committee on Armed Services has done just that, so far as the military is concerned.

Whether by coincidence or not, it is a fact that most of those, whether on the college campuses or elsewhere, who oppose the draft, for example, also oppose the war in Vietnam, the anti-ballistic-missile program, the mythical industrial-military conspiracy, the ROTC, and practically every other move to strengthen our military posture. At the same time, of course, there are those who in good faith oppose various defense programs, who present their views in an orderly manner.

Mr. Chairman, we are living in a time that calls for sanity and soul-searching. It is a time which calls loudly for unity. Indeed, had there been complete unity among our people, backed by a positive win policy, it is safe to say the war against the Communist aggressors in Vietnam would have been won long ago and thousands of American lives would have been saved.

In dealing with those programs and weapons which our best military minds consider to be essential, let us proceed realistically and always give any doubt in favor of those measures which are designed to strengthen our defense posture. We should not ask for more, nor should we settle for less.

There is something reminiscent about the antimilitary eruption in this country. It reminds us of those critical months which preceded World War II, when the antidraft forces were so strong that only a few weeks before Pearl Harbor the draft was extended by a margin of only one vote in the House of Representatives. It reminds us that not long before the Japanese struck there was a substantial vote recorded against a measure to build up the military effectiveness in the island of Guam. And it reminds us of a strong move against a measure, sponsored by Carl Vinson, to create a two-ocean Navy.

Much of that opposition was in the name of economy and a faint but unrealistic hope for neutrality. Others insisted such measures were unnecessary, war-like, and provocative. And all of that at a time when Hitler was sinking our unarmed merchant ships on the high seas, and when Japan was amassing a war machine of major proportions. Less than a month before Pearl Harbor the Congress, over bitter opposition, managed to amend the Neutrality Act in order for helpless merchant ships to be equipped with deck guns.

It is true that times are different today. But with the balance of world power hanging in the balance, who are we to say there is not a significant similarity of dangers involved? Would we not be well advised to follow Napoleon's advice, hope for the best but be prepared for the worst? Let us remember that Hitler's Germany and Japan were armed to the limit in 1939; now, 1969, the Soviet Union and the Red Chinese are armed to the limit. And both of them point to the United States as their No. 1 enemy.

Above all, let us not be hoodwinked into thinking for a moment that our security is not in jeopardy today. This is a time for us to close ranks and move forward in a spirit of unity and determination. We can ill afford the luxury of unwarranted dissent and division, particularly at the level where definitive actions are taken and where responsibility lies, if an adequate security posture is to be maintained.

The best way, and perhaps the only way, to achieve and maintain peace in this troubled world is to keep America strong and powerful. Anything less is an invitation for disaster.

Mr. Chairman, I enthusiastically support the pending procurement bill. The committee spent weeks on it and evaluated every provision, line by line. We live in an age of technological and scientific marvels which requires research and development in the constant search for better weaponry. The enactment of this bill will make America stronger.

The committee left no stone unturned in listening to and carefully evaluating every change that was proposed. I am convinced that in view of conditions in this country and in the world today, this bill offers the least for which we can afford to settle. And I am convinced this House, close as it is to the voice and well-being of the American people, will support the measure overwhelmingly.

Mr. ARENDS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, I rise in support of H.R. 14000, the military procurement authorization bill as reported from the Armed Services Committee. I would like to comment briefly on some of the criticism being leveled at the so-called military-industrial complex which I feel is an attempt to downgrade our national military posture.

The strength of our Nation depends on not only the number and quality of the men available to fight for it but also upon the scientific, technological, and productive capacity of the Nation's industries.

It has been through the combined efforts of the military and industrial organizations to design, develop, and deploy necessary weapons systems that has made this Nation great and has kept it free.

What is contributing most to the current debate on national purpose and national resources is the bitter sense of frustration over the war in Vietnam. The enormous and unpredicted costs, combined with a sense of futility, have created social and economic pressures that have been directed toward almost all defense programs.

No one calls a national security budget of $80 billion a piddling sum. It is big, but contrary to popular belief, the majority of the defense budget is not funneled over to the defense industry for hardware. More than half of all defense dollars go for personnel related costs. We are spending over $7 billion on research and development vital to our survival. We are spending $291 million for research and development in some 350 colleges and universities.

The decisions we in Congress are making today will determine our national posture in the middle and late 1970's. There are some who feel that our priorities at home are so demanding that we should direct most of our national resources to them, cutting back drastically our military developments and requirements. These people should be advised that if we unilaterally lower our defenses and if a nuclear war results, the problems of our present world will seem minor indeed in comparison.

The basis for any national security policy must be a threat of intervention or aggression.

No one wants a Military Establishment simply for the glory of having one, least of all those who serve in it, either willingly or unwillingly. But the hard military facts of life today regarding the number of military threats around the world prove that it is hardly the time to cut military expenditures or impair our defense readiness. While some may disagree, I have been unable to find any mellowing on the part of Communist aggressive aims. It is not evident in Vietnam, nor at the Paris Peace Conference, nor in Czechoslovakia, nor in Korea.

Several areas of potential involvement of the United States exist today, requiring not only a large Army and Air Force but also a strong Navy.

Some say that we cannot protect our people from the effects of nuclear war, but in a large sense that is not correct. If we provide for deterrence by maintaining, providing, and protecting our forces, we reduce the probability of an enemy attack and increase the probability that our people will be safe.

Mr. Chairman, passage of the authorization bill as it has been submitted would reassure our military that our Nation stands behind them.

This proposal has received a penetrating review by the House Armed Services Committee, under the outstanding leadership of the distinguished chairman, the Honorable L. MENDEL RIVERS. The committee has been fully cognizant of the costs of defense and other needs of our country. We have already made substantial cuts upon the recommendation of the President and Secretary of Defense in the authorization and I sincerely feel that any further cuts would be an unacceptable risk to our security.

Mr. ARENDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. CLANCY).

Mr. CLANCY. Mr. Chairman, I rise to give my full support to H.R. 14000 now under consideration by this body and urge its immediate passage. In my judgment, this is one of the most important bills to come before Congress each year, if not the most important.

This legislation authorizes appropriations totaling $21,347,860,000, the bulk of which is for the procurement of urgently needed aircraft, missiles, naval vessels, and other military hardware to keep our defenses at the high level needed at this time.

By passage of this bill we make a determination of the defense posture necessary to be maintained by this country to insure our national security. It is difficult to calculate or assign value in dollars and cents to this proposition. It is impossible to repair whatever damage may be caused by the lapse of time or lack of effort applied in keeping our defenses strong and secure.

This measure attempts to deal realistically with the responsibilities the United States faces in a complex, uncertain international setting. It endorses a posture of constant readiness of our defenses and it underwrites a policy of diversification of those defenses permitting a flexible response in any contest. It provides for the supplementation and modernization of our defense system in accordance with the contemporary developments of those who challenge our security.

In this bill, the Safeguard anti-ballistic-missile system has been designated to receive appropriations totaling $746.4 million. The adversaries of freedom have made tremendous progress in the technology of mass destruction. We must, therefore, more than ever before in our Nation's history, have in our military inventory sufficient weapons and force to survive a massive nuclear attack and to deliver a decisive counterblow.

Anti-ballistic-missile defense is not a cureall for the security of the United States. It is not the ultimate defense system, for technology knows no limits and each decade produces fresh challenges and a greater need for response on the part of free nations. Antimissile defense is, however, an essential component in the network of military systems designed to give the American people a seamless garment of security in an age of acute danger.

If an enemy is planning a first strike attack, his utmost consideration is "certainty." He must, therefore, assume the most pessimistic capabilities for his own force and the most optimistic capabilities for a defending force. Since the ABM would greatly reduce any sense of certainty that the enemy might have about the success of his attack, it provides an important deterrent to nuclear attack. Therefore, a broad view of the need for the ABM must take into consideration the attitudes of the enemy toward the United States, the enemies' experience with ABM systems, and present and projected military capability.

The Armed Services Committee has taken the position that our national defense effort, to be truly effective, must be based on a balanced and flexible military force—a force that can be employed at any time and at any place, either wholly or in part, to effectively counter any type of aggression, be it guerrilla warfare or nuclear attack. To that end, we have stressed the grave importance of not relying entirely on our missile capability for our military strength. It is a matter of great urgency to hasten the development of an aircraft that can meet the optimum performance characteristics that are required today. I believe that the C–5A will put this country years ahead in airlift technology. It is more than the world's largest airplane, it is a new kind of defense system. A fleet of U.S. C–5A's, each shouldering 130 tons of helicopters, heavy artillery, tanks, trucks, folding bridges, munitions, medicine, food, fuel, and men, can make this the only country that can move an army across an ocean in a matter of hours. It is like having a military base in nearly every strategic spot on the globe.

Although the C–5A has many virtues, its main value is, as I have mentioned, its unique capability to deploy rapidly all the equipment necessary to enable our ground combat units to go into operation quickly when our treaty commitments require it.

During the late 1950's and early 1960's, the slow, range-limited propeller drive C–124 and the turboprop C–133 were the major aircraft that provided this capability. However, these aircraft cannot provide the fast deployment mobility currently required by our commitments.

The first step in improving our airlift force was the introduction of the C–141, which is currently our largest operational military jet transport. Its performance

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has been outstanding. However, about 35 percent of the equipment needed by an infantry division is too large to fit in the aircraft. Such items as tanks, helicopters, and armored personnel carriers, for example, cannot be transported in the C–141.

Eight years ago, Mr. Chairman, the Air Force foresaw the unavoidable retirement of our propeller aircraft and recognized the cargo size limitations of the C–141. Accordingly, the Air Force proposed a large, fast jet aircraft designed to carry all the large items of equipment of an Army division. Further, the design allowed the deployment of the necessary personnel required to man the equipment. This unique capability to airlift the combat troops and their equipment simultaneously is vital to an effective and responsive force deployment.

The C–5A weight is about twice that of the C–141 and it has three times the range/payload capability. Carrying up to 87 Army personnel on its upper deck and 200,000 pounds of heavy equipment or vehicles in the cargo compartment, the C–5A is the heaviest aircraft ever flown—a recordholder. Yet it takes less runway to land than many commercial airliners. Its 28-wheel high flotation landing gear permits the aircraft to land on unpaved primitive airfields and is designed to adjust vertically to allow the aircraft to kneel to match cargo compartment floor heights with loading docks, trucks, and to permit drive-on and drive-off traffic. The cargo compartment has full width openings, fore and aft, which provide a drive through capability and the rear door opens in flight to permit airdrop of materials. Airdrop loads in units of up to 50,000 pounds in size are possible—quite an improvement over the C–141.

Flight testing indications are that the C–5A will successfully meet the primary mission performance requirements.

This includes such requirements as maximum payload and range, takeoff and landing distances, engine thrust and specific fuel consumption, substandard runway operations, and maintainability and reliability.

The C–5A can help deliver completely equipped combat units, support forces, and all types of supplies, including large and heavy weapons virtually anywhere in the world. The C–5A, supplemented as required by the C–141 and civil reserve air fleet, will give U.S. defense forces the capability for instant reaction to global emergencies. For the first time since the development of modern ground combat equipment, both the troops and their supporting equipment can be deployed directly by air from a base in the United States directly to a forward combat area.

The simple fact is that this airplane is the only one of its kind. It is the only aircraft we have available for the unique requirements of operational ground force mobility.

There has been considerable discussion regarding cost overruns on the development and production of the C–5A aircraft. However, mitigating circumstances over which neither the Air Force nor the contractor had any control account for some of the cost increases. Abnormal economic fluctuations or inflation were reflected by increased costs of labor, overhead, material, and subcontractor costs. Other contributing factors were: Technical problems requiring redesign of the airframe; oversaturation of industry supplier capacity—a "seller's market"; use of more expensive material such as titanium and beryllium; and the application of more expensive fabrication techniques. Other reasons for this cost growth were: late specifications and changes, a tight delivery schedule, and the early phaseout of the C–141 production line.

The C–5A program initiated the new procurement technique known as the total package procurement concept. All developmental work and much of the support and production work were, under this new concept, to be procured under competition in one contract containing commitments on price, performance and schedule. However, this was not truly a total package as the contract did not include costs for initial spare parts or their replenishment depot level associated ground equipment, first destination charges facilities, or military construction.

In addition thereto, the C–5A contract was not a firm fixed-price contract. It is a fixed-price incentive contract with both cost and performance incentives.

Relatively little has been said throughout the public debate on the C–5A program about the engines for this airplane. The engine supplier, General Electric, has been able to meet the requirements of its contract with the Air Force and to deliver engines as needed at costs that do not exceed the contract ceiling prices.

Over 200 successful flights involving more than 3,000 engine flight hours have been made with the TF–39 engine manufactured by General Electric, Evendale, Ohio. To date, the total hours of factory testing and flight testing of this engine exceed 23,000 test-hours, an equivalent of 10 years of actual C–5A aircraft life. The engine has performed thus far in a very reliable manner. It has never been necessary to shut down an engine in flight, nor to abort a flight. Compared to other aircraft and engine development programs, this is indeed a remarkable record of success which attests to the greatness of this engine.

By means of factory testing some difficulties were detected during the development of this engine. Corrections were devised and proved in such a way that they were introduced into the production engines without any hold-up in aircraft production. So much effort has gone into making this engine reliable and long wearing that it will be relatively inexpensive to operate in service. General Electric feels that from the standpoint of a product that meets expected performance and delivery schedules, this is one of the most sucessful aircraft engine developments it has undertaken.

The legislation before us today is consistent with the maintenance of a military posture sufficient to deter aggression on the part of those who strive for world domination. In every instance the committee has worked to provide a bill which balances budgetary considerations against the realities of power and the impact of dollars saved against the security of the Nation. The result of such considerations is the bill which is before you today. It is one to which I give my full support and recommend for your favorable consideration.

Mr. ARENDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. Whitehurst).

Mr. WHITEHURST. Mr. Chairman, the proposal to appropriate funds for additional ships for the Navy and to modernize others can only be described as a belated step in the right direction. We as a nation need to be stronger at sea, not weaker as has been so recently suggested. And I also believe that we as a nation need to understand better what the sea offers us now and will offer in the future. The point which seems not to be too well understood is that there is far more at stake here than just whether the Navy can have 35 new ships.

Our non-Communist world is essentially a maritime alliance which is a system dependent upon the sea for communications and economic prosperity as much as for defense. The success of the free societies of the world, and the political integrity of those States are anchored in an economic well-being which in turn is to be found in their trade in the world marketplace. This trade has to go by sea. We are thinking of such countries as the United States, Great Britain, Japan, West Germany, Italy, France, Sweden, Australia, New Zealand and Canada. This list is not all of the free world States by any means, but it is enough to show that the political and economic fortunes of all are tied to the sea.

Even if we take the selfish viewpoint and consider only the economic health and prosperity of the United States, we find that those free sealanes as guaranteed by the Navy are mandatory for our multibillion-dollar export-import trade, and that they bring us some 60 critical raw materials without which our present way of life could not continue. To that you can add all the shipbuilding, port and yard facilities, labor and other sea-related industries. And this freedom of the seas as preserved by naval power in our hands perhaps is even more necessary if we are to think at all about any future development of those immense marine resources of all kinds which are our rightful heritage in the sea.

Most of us have a pretty good idea of how nations have used the seas from ancient times to the present. Most of us know the classic historical doctrine of the sea and how it was used to turn the tide of empires. Perhaps that has caused some of us to look at our missile-space age and say old-fashioned seapower has no place. And indeed there is not much place for old-fashioned seapower. But the thinking must not be allowed to stop at that point. What we do not know or possibly have not thought about much is how today's advances on all fronts are opening ways to use the sea in the thoroughly modern context.

As we approach the decade of the seventy's we are finding there is much more going on in the modern ocean than

the passage of ships and the swimming of fish. We find the sea itself becoming a competitive place. It is because immutable facts of world geography have placed the sophisticated nations of the world in the Northern Hemisphere near the water, and also many of the new and emerging nations. Nations are competing at sea in five distinct but related areas: the political, the economic, the area of ocean resources and the naval and strategic. The sum of a nation's capabilities in all these areas amounts to its total seapower effort. In our case the key to it all is naval strength, but it is not all naval strength by any means.

For the first 15 years after World War II we could do pretty much as we pleased on the sea because we came out of that war so strong on the sea. Then around 1960 some remarkable and quite important changes began to take place. The new competitive sea began to make itself felt. Other nations were claiming their birthrights in the world ocean. Japan, West Germany, France, Great Britain, and Italy, resurging from the shambles of World War II with new economies based in good part upon sea trade, regained world political stature, even to the point of aid to less developed countries. But the country making the biggest splash was the Soviet Union. In addition to a foreign aid program almost as large as our own, the Kremlin forged a massive sea capability which had obvious political and economic talents as well as naval and maritime uses. Now, wherever a Soviet ship goes, naval, merchant, pleasure, icebreaker, fishing, or oceanographic, there also goes Soviet ideology, usually in the form of a hard sell.

Even though the United States is more than holding its own with the world's biggest and best Navy, the biggest world trade volume, and is among the leaders in ocean transport, there must be great significance to us in the rise of the seagoing activities of these other countries. And there is. What they are telling us is what we seem so reluctant to see and admit, even though we traditionally like to think of ourselves not only as a maritime power, but as historically one of the greatest. They are telling us that far from being outdated, national power at sea and national uses of the sea are going to have deep and lasting effects upon present and future world order or the lack of it.

With regard to a use of the sea in today's world, it is nearly time for us to fish or cut bait. That is why the 35 new warships which started this discussion are so important. There will be upon us very soon the hard requirement to set our total goals in the world sea, and along with that will come the equally tough requirement to balance those goals against the national capability in both technology and investment, and to weigh the benefits against the real long term costs.

We think we know something about the sea. But I wonder how much we know about the modern sea. For instance, that the modern sea sets its own imperatives—things a nation must do to realize the benefits justly due them from the world oceans. And for instance, how tough minded the modern sea is. The sea does not care who understands its imperatives or misunderstands them, as history has shown time and time again. The only difference in our time is that onrushing technology is making both the rewards for understanding and the penalties of misunderstanding so much greater than ever before.

It may seem a trifle odd that this plea for 35 new ships for our Navy has mentioned the Navy hardly at all. Let me assure it is only a matter of putting first things first. I for one am convinced that the first problem we have at sea is the one of gaining a national understanding of what total sea power can do for us now and in the future. Once that understanding is ours, the spearhead and central element of seapower, the Navy, will never have to beg for ships.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I do want to express my deep appreciation to the distinguished minority whip, and the ranking minority member on the Committee on Armed Services, for granting me this time.

Mr. Chairman, I want to agree with the observations made by my colleague, the gentleman from California (Mr. Gubser) when he said there were two important things. First, there is a threat to this Nation and, second, that time is running against us in meeting that threat.

I think we ought to recognize in considering this legislation that those who do not speak enthusiastically for every item in it in the full dimenson are not bleeding hearts, and their patriotism is as great as any other person, including the distinguished chairman of the Committee on Armed Services himself.

Mr. RIVERS. Mr. Chairman, if the gentleman would yield, had the gentleman been here, the gentleman would have heard me make that statement.

Mr. MOSS. Mr. Chairman, I heard the statement, but I heard the continuing innuendo that went on throughout the thread of the remarks.

The fact is that the security of this Nation is also at stake here at home, and that we need some priorities assigned in this Nation. We cannot give to one department of the Government everything that it wants, as we have been doing—and I am as guilty, I think, of that as anyone. This is only the second time that I have stepped into the well to urge that we give the careful attention to priorities which are needed now, and which in my judgment have not been given, and are not reflected in the legislation now before us.

I hope that in the Committee on Appropriations a more careful consideration to those priorities will be given.

I point out to you that the industry and the business of this Nation that is not defense oriented is in deep trouble. It is in deep trouble because of the constantly escalating cost of money which is directly tied to our deep involvement and the escalating involvement in the Far East. I am not unfamiliar with that involvement, and I am not speaking here against the military. I am speaking for a rational balance for the military in the overall availability of wealth that this Nation has to commit to its many urgent priorities—and we have urgent priorities in every city, in every community in this Nation. We have them in every agency and in every department of the Government in this Nation.

We have been working in the Commerce Committee for the past few weeks to try to create the means of having an air transport system adequate to meet the demands of a great nation.

The Committee on Ways and Means has been considering a further enhancement of the trust funds for highways.

We have a serious disruption of communications in the largest city in this Nation, the city of New York.

We have priorities in every level of education that cry out for more dollars. Yet, the only bill that comes to the floor of this House that is not significantly cut is the one affecting the armed services—and that is not an antimilitary statement. That is a statement of fact—$47 million are cut out of a bill running to $21.3 billion. Why that is petty change. That is small cash for the military. That can be wiped out by eliminating waste in almost any activity in which they are engaged. It is not the way for responsible legislating.

I said earlier that there was a lack of time for adequate discussion and I point out that there have been many Members who want to talk and who needed more time who were contributing to the dialog in this House and were unable to get that time. One of my colleagues, the gentleman from California (Mr. Leggett) wanted more time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Chairman, as one who has kept "book" on closed rules and on waivers of points of order, I would like as a preamble to point out that we are operating here under an open rule with no waivers of points of order. I commend the Committee on Rules for it.

Further, I would like to say that comparisons with the actions of the other body in considering this procurement bill for a matter of 8 to 10 weeks and comparing it to the time allotted here, are odious because I think ofttimes a disservice to the Nation was performed in that discussion, although I am not adverse to public information.

I would simply summarize this by saying that never was so much said by those who were so little informed about something that maybe never should have been discussed in the first place.

Mr. Chairman, today the Committee on Armed Services brings to the Committee of the Whole for its consideration, a bill of over $21 billion authorization for military procurement.

While the full committee met on 47 separate days, heard 73 witnesses, and published 2,660 pages of hearings testimony, this record does not show the full scope of the committee's preparation for

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the bill. All of the authorization and posture hearings of prior years contributed to our preparation for this bill. Indeed, many of the questions which were asked this year, had to be with the relation of the current presentation with those of prior years. There were meetings of subcommittees which bore directly on the subject matter of the bill—and just the daily work of each of us is herein compiled. There were many trips that we took which added to our understanding of the problems of our defense in the same spirit in which the architect oversees the builder. We received a number of briefings which were not recorded as part of the hearings, including our usual classified military intelligence briefings. We have received and examined a large quantity of top classified information.

Out of all of this we have produced H.R. 14000—a 17-page bill and House Report No. 91–522, a 145-page report to which have been added 29 pages of additional views. These are the paper results of the actions of the 39 members presently on the Committee on Armed Services.

You may wonder why I have gone into these statistics in such length. I desire to review for you the history of committee operation.

As has often been quoted to you, article I, section 8, of the Constitution gives the Congress the power—among others—

> To raise and support armies;
> To provide and maintain a navy;
> To make rules for the government and regulation of the land and naval forces.

Article I, section 5, further provides:

> Each house may determine the rules of its proceedings.

There do not appear to be any references to the use of committees in the Congress in any of the papers relating to the formation of the Union. There is no apparent reference to them in either the Federalist papers or in the debates as recorded by James Madison. However, Jefferson prepared a manual for his guidance as President of the Senate from 1797 to 1801. This manual was adopted by the House in 1837, as a guide for its deliberations in supplement to its rules.

The importance of order in the functioning of the House is stressed at the beginning of the Jefferson Manual:

> It is very material that order, decency, and regularity be preserved in a dignified public body.

The Jefferson Manual is generally credited as the best statement of parliamentary law at the time that it was written. The practice of working through committees existed not only in the House of Commons in Great Britain, but also in the early colonial assemblies—for instance Pennsylvania and especially Virginia. In section XI, Jefferson clearly recognized the necessity of using committees:

> Standing committees, as of Privileges and Elections &c, are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as chairman. But this is a matter of courtesy; every committee having a right to elect their own chairman, who presides over them, puts questions, and reports their proceedings to the House.

In its early days, the House conducted its business by the use of a number of "ad hoc" committees. Only gradually did it create standing committees. The House Committees on Military Affairs and on Naval Affairs were not formed until 1822. Under the Legislative Reorganization Act of 1946 these two committees were joined into the present Committee on Armed Services.

At the present time the Committee on Armed Services functions in accordance with the provisions of rule XI of the Rules of the House of Representatives:

> All proposed legislation, messages, petitions, memorials, other matters relating to the subject listed under the standing committees named below shall be referred to such committees, respectively:
>
> 3. Committee on Armed Services.
>
> (a) Common defense generally.
>
> (b) The Department of Defense generally, including the Departments of the Army, Navy and Air Force generally.
>
> (c) Ammunition depots; forts, arsenals; Army, Navy, and Air Force reservations and establishments.
>
> (d) Conservation, development, and use of naval petroleum and oil shale reserves.
>
> (e) Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.
>
> (f) Scientific research and development in support of the armed services.
>
> (g) Selective service.
>
> (h) Size and composition of the Army, Navy, and Air Force.
>
> (i) Soldiers' and sailors' homes.
>
> (j) Strategic and critical materials necessary for the common defense.

Acting under these rules—after extensive hearings and other preparations, the Committee on Armed Services, in regular manner, and for the orderly conduct of business of the House has brought the present bill before you today.

The responsibility of the Armed Services Committee has also been set forth in statutes. They have been repeated here once today by the distinguished ranking minority member, and I shall not repeat them again except to add that we should also be cognizant of the responsibility of our committee for oversight, surveillance, and review of an add-on, added like the tail of a dog, which has been sutured by the Curtis-McCormack amendment to an appropriation bill, which has been much misinterpreted and much misconstrued to broaden the present Department of Defense with its oversight of the three constitutionally formed armed services, and I would refer you to the supplemental views in the report of the Joint Committee on the Reorganization of the Congress to find out what I think about this appendage and its need for reamputation.

Before 1959, only military construction and construction of naval vessels required authorization. Starting with Public Law 86–149 of August 10, 1959, the Department of Defense has been required to seek authorization for various kinds of procurement in addition to those items. This requirement was expanded by Public Law 87–436—1962—Public Law 88–174—1963—and Public Law 89–37—1965. Today the procurement of all aircraft, missiles, tracked vehicles and naval vessels as well as all research and development has to be authorized. This means that these areas receive special scrutiny by the Armed Services Committees on a line-item basis, before the services can go to the Appropriations Committees to receive the funds involved.

In the present bill, we are further expanding this authorization responsibility to include other vehicles, weapons, and munitions.

Having the responsibility of providing for the common defense by raising and supporting armies and providing and maintaining a navy, your Committee on Armed Services has exercised its responsibility by recommending H.R. 14000. This has been done, Mr. Chairman, after backgrounding, prayerful consideration, perception hopefully, and prudent judgment always; based on the sum total answer to three hauntingly persistent and logically basic questions:

First. If not us, whom?

Second. If not there, where?

Third. How else with freedom and honor?

Today there is opposition to the bill the Committee on Armed Services has almost unanimously approved. The opposition has not had the responsibility that this committee bears. Nor has it had the benefit of extensive hearings and testimony from those in the executive branch charged with carrying out the laws relating to our national security. Nor has it received the voluminous amount of classified information which has been made available to the entire Committee on Armed Services.

I have carefully reviewed the materials which have been published from time to time in the CONGRESSIONAL RECORD as constituting the work of the "loyal opposition." I must say that there is one gaping omission in their work. There is much discussion of the costs of various military operations. However, there is little relation to the threat we are facing. The Committee on Armed Services has very carefully set forth the major portions of the threat, starting at page 8 of its report. Remember always, our committee is a committee on defense as indeed our Armed Services are defense forces.

Your Committee on Armed Services has long been concerned with the apparent rush of the Soviets to overtake us in the matter of nuclear arms. In order to highlight this problem, we asked the American Security Council to examine the relation between our nuclear arms and those of the Soviets from all unclassified sources. That report, "The Changing Strategic Military Balance, U.S.A. versus U.S.S.R.," was printed as a committee print so that it could receive congressional distribution. This was later followed by "The ABM and the Changed Strategic Military Balance, U.S.S.R. versus U.S.A.," published privately. The committee asked the American Security Council to examine the maritime situation from unclassified sources. That report, "The Changing Strategic Naval Balance, U.S.S.R. versus U.S.A.," was published as a committee print so that it, too, could receive congressional distribution. More recently

our Subcommittee on Seapower issued its report, "The Status of Naval Ships," which has received widespread distribution.

The lesson from all of these unclassified sources—as well as inherent knowledge from a large number of classified sources—is that the Soviets are exerting every effort to better us, not only in strategic nuclear weapons but also in the naval-maritime field. These are two fields in which we have always thought we should predominate. Our ocean borders and friendly neighbors across our boundaries, require it. Our freedom-loving world allies rely upon us.

The report of the Committee on Armed Services this year goes very carefully into the threat. It considers the growing and expanding nuclear threat from the Soviets—not only in numbers, but in sizes of warheads as compared to our posture which has been voluntarily static for a considerable time.

As we go into the multiple warheads for our missiles, the Soviets will also make a similar development. Since their warheads can be much larger, they can either multiply more warheads or multiply larger warheads—in either instance gaining further advantage over us.

In the naval-maritime field we know that the Soviets have produced not only a new navy—but also a new merchant marine, and all since World War II. It is timely that Jane's Fighting Ships says that the Soviets are ahead in new construction and have built a navy "to be reckoned with." On the other hand, he has discouraging remarks to make about the U.S. Navy:

> All the same, prodigious though the recent shipbuilding effort has been, especially in the fields of nuclear-powered submarine construction and guided missile development, the U.S. Navy has not overcome its block obsolescence problem. Most of the U.S. aircraft carriers, cruisers, destroyers, escorts and minesweepers, refitted or not, are a quarter of a century old. War potential though they could still just be, they are becoming a liability.

While we have been slow to develop new airplanes—having only had the C–5A, the F–111, and the F–107 in the past few years, the Soviets have been coming out with at least six new fighters and a new bomber as well as a new supersonic transport.

While we have stopped construction of our Polaris submarines, and have only just started two classes of new fast or quiet attack submarines, the Soviets have been coming out with several new classes of both missile and attack submarines.

The review of the Soviet technology shows that it is carefully developed—primarily with the military needs in mind. The Soviet schools are turning out more scientists and engineers now than our schools are—and of course the Soviets can direct them into the fields where they are needed—they are not free to seek employment where they will.

Against this background, Mr. Chairman, our committee has endorsed a bill for over $21 billion in procurement of missiles, planes, tracked vehicles, naval vessels and research and development.

In one major respect we have gone beyond what the executive branch has asked for—because our committee has long recognized the need for rebuilding the Navy. Unless we are already too late, the time to start that rebuilding is now. We have provided for nearly $1 billion more for shipbuilding than was requested by the President. We have long been studying the "block-obsolescence" of the Navy. We have recognized the necessity of getting new capital ships. We must have new aircraft carriers, new destroyers, new frigates and new submarines. We also must have new support ships—for our warships cannot function properly if there is delay and problems in replenishing them.

It is against this background of the committee's responsibility and the committee's study of the threat that we are recommending the bill that is before you today. I commend it to your passage.

Mr. RIVERS. Mr. Chairman, I yield to the distinguished ranking majority Member of the House on our committee, the gentleman from Massachusetts, Representative PHILBIN, such time as he may consume.

Mr. PHILBIN. Mr. Chairman, I strongly support the pending bill.

The bill is necessary to continue the quality and adequacy of our national defense into the 1970's. It must be remembered that this House has a very heavy responsibility, not only to meet the present day needs of our Armed Forces but to prepare for our national defense in the future and make sure it is sufficient to meet all our defense needs.

The Soviets have been modernizing and improving their forces at a surprising rate, and are rapidly pulling ahead in some crucial respects. We must be strong enough to deter Soviet aggression in the decade ahead as in the decades past until total peace comes to this troubled world.

I know this bill comes at a difficult time when people feel frustrated by the tragic burdens and uncertainties of the Vietnam war and the need to solve pressing domestic problems.

But we must not let these unhappy frustrations blind us to the real needs of overall defense so urgently needed at this time, and until, through our most vigorous efforts and concern, we succeed in pressing the Soviet with the urgency of world peace.

All of us very much hope the strategic arms limitation talks—SALT—will begin soon and we will do all in our power to help the President to press for this vital project and work unitedly for its success.

But we cannot let our guard down until some definite agreement can be reached.

With reference to our economy efforts, it should be noted that in approving this $21.3 billion authorization bill, we authorized $7,421,400,000 for R.D.T. & E. However, but we also reduced the R.D.T. & E. funds by $801 million, and the sum of $260 million from the item for tank procurement, and other sizable cuts. This is a stringent budget.

Moreover, the committee, in response to what we feel are the wishes of the House for greater emphasis on Defense spending cuts, has put language in the bill to expand the authorization function next year.

This will add authorization jurisdiction to all weapons, all vehicles and all ammunition. This is an additional workload for our committee, adding about $3 billion in authorizations to the committee's responsibility. But we feel a more thorough review has to be made, we believe the House wants it made and we propose to perform this most vital task.

In summary, this bill provides the present arms requirements of our military services and provides the new systems—such as the C–5A, the F–15, the F–14, the Sam–D, the AMSA and others—that our forces will need in the future to keep this country, its homes and its people safe and secure and help keep the lamps of freedom lighted throughout the world.

I will have more to say about the contents and issues of this very costly, but essential legislation later in the debate and amendment stage since there are other specific provisions that I intend to discuss at some length.

The committee wants all Members of the House to have every opportunity to debate and amend this bill, but we do not believe it requires a 10-week debate such as was experienced in the other body, nor do we believe that amendments should be presented that may be harmful to the bill's adequacy and effectiveness as an instrument for rounding out the national defense, and giving heart and courage to struggling peoples and minorities who are living under the dark shadows and threats of dictatorial governments.

Mr. RIVERS. Mr. Chairman, to a young man who has made a great impact on this Congress, the distinguished Member from New York (Mr. LOWENSTEIN) I yield 5 minutes.

Mr. LOWENSTEIN. Mr. Chairman, I appreciate the graciousness of the eloquent chairman of the committee, and I am grateful for the opportunity to discuss for a few minutes the general problem confronting the Congress as we consider this particular bill.

It is not possible, of course, to discuss in detail a bill of this magnitude in the time allotted. What I will do is try to explain some of the things that worry me, and underscore some of the questions that the bill raises for many Americans.

In the first place, all of us agree that the security of this country is primary if we are to survive, and so to have time to resolve other problems. Since that is so, there is neither occasion nor excuse, as the distinguished chairman said, to either impugn the motives or the character of those who oppose—or who support, for that matter—any particular item in the bill.

Second, many of us who have served in the Armed Forces of this country, who have supported its policies in previous wars—who have swum against the tide, at times when isolationism was rampant—many of us share the determination that this country must never forget its obligation to contribute to collective security and to cooperate in the develop-

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ment of international institutions that will bring the world closer to peace and social justice.

This is not the time to discuss the merits of the war in Vietnam, but precisely because I am afraid of a renewed isolationism dominating the thinking of the American people, I want to warn that we are inviting exactly that by continuing on our present course there. Nor has the President's failure to answer important questions about the war—and the odd suggestion that his failure to answer these questions should inspire prolonged silence from those who have been asking them so patiently for so long—nor has this attitude gained time or support for his position on these matters.

Since World War II the United States has spent $1.4 trillion on defense, and we spend today on defense $1,000 per taxpayer per year. We spend more on defense than is spent by all levels of Government for health and education, old age assistance, housing, and agriculture. In fact, the Government spends more money on defense than the total profits of all American private enterprise combined.

The budget for ammunition in 1 year in Vietnam alone now equals the entire Federal budget for education and health.

In short, we have not been what one could call neglectful of our defense needs, when it has come to spending money.

Nor are we militarily vulnerable.

We have the only intercontinental bomber force in the world. We have enough thermonuclear weapons to destroy everyone everywhere repeatedly. We have the only naval carrier force in the world, and the only worldwide helicopter force.

We are the only country that now maintains a ring of military bases of great magnitude around the world at the cost of billions of dollars.

It has been said repeatedly today—and there will be no argument about it—that the Soviet Union is the chief external source of danger to our security. This bill adds almost $1 billion to the request of the Department of Defense for funds for naval construction. Yet note the primacy of our position viz-a-viz the Soviet Union in key categories of naval strength:

Attack aircraft carrier, nuclear:	
U.S.A	1
U.S.S.R	0
Attack aircraft carrier:	
U.S.A	15
U.S.S.R	0
ASW support aircraft carrier:	
U.S.A	7
U.S.S.R	0
Battleship:	
U.S.A	1
U.S.S.R	0
Guided missile cruiser, nuclear:	
U.S.A	1
U.S.S.R	0
Guided missile cruiser:	
U.S.A	3
U.S.S.R	0
Guided missile light cruiser:	
U.S.A	6
U.S.S.R	1
Guided missile destroyer:	
U.S.A	28
U.S.S.R	5
Fleet ballistic missile submarine, nuclear:	
U.S.A	41
U.S.S.R	15

Thus it seems reasonable to ask what security considerations justify the expenditures now before us for approval. And to ask, more profoundly, how we can attain a lasting security—to ask what the greatest threat is to our security, and how that threat can best be met. Is it not possible that our proper concern about threats from abroad has gradually transfixed us into forgetting—or ignoring what has been going on much nearer by?

I fear for the security of my country. I fear too for its health. I fear for its happiness. I believe we are plunging headlong, mostly by habit, almost by inertia, into programs and attitudes that have frustrated and alienated a vast number of our people, until it is no longer certain that we can hold together the delicate fabric that makes democracy function. Is this state of affairs not a threat to the national security, to the national well-being, that deserves some sense of urgency from those charged with the security and well-being of the Republic?

We have produced a generation of young Americans a large part of which would employ any ruse or device to stay out of the same Armed Forces that so many of us used ruses and devices to get in. Yet these are dedicated, intelligent, patriotic young Americans. They are in any case the only young Americans we have. I think it is a measure of the erosion of our security that so many of our young people have come to feel this way about the Armed Forces of their country.

Nor will it help this situation to villify the vast number of people who feel this way. It might, of course, help to try to find out why they feel this way, and then to do something about the cause of this attitude. It might even help national security, if easing mistrust and division is still considered relevant to national security.

But I am afraid the erosion of our security will continue as long as millions of Americans believe that their problems are not of primary concern to the people who make the decisions—that is, to us.

Alas, the voices of these millions of Americans are not heard here nearly as widely or as frequently as they are in the country at large. That, in its way, is not a help to our security.

So I am very concerned about the future of America, however great our supply of missiles and warships. Is it not clear to everyone by now what will happen to this blessed land if it fails to find the energy and use the resources necessary to overcome the socioeconomic and psychopolitical problems that are leading us toward unraveling at home?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LOWENSTEIN. May I have an additional 2 minutes, Mr. Chairman?

Mr. RIVERS. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 29 minutes remaining.

Mr. LOWENSTEIN. I will settle for 1 minute.

Mr. RIVERS. I yield the gentleman 2 minutes. If I do not have sufficient time, I will find it somewhere. The gentleman is doing pretty well for his side.

Mr. LOWENSTEIN. I appreciate the consideration of the chairman and his kind comment.

What I want to say in these last 2 minutes is that many people are watching—more than ever before—how we are going to deal with the threats to the future of this Nation that have nothing to do with the Soviet Union. We can hold our own when we are attacked from abroad. Can we do as well when the danger is from bitterness, division, and the neglected needs of millions of our own people? The voting on the amendments that will be offered to this bill during the next day or two will provide a clue.

I hope everyone here will understand the motives of those of us who cannot support this bill as it now stands, when we urge a reconsideration of the question of whether it is in the best interest of this country to give more money to the Defense Department than it has asked, even recalling the traditional modesty of its requests.

I hope this House will study these amendments bearing in mind what "security" in a free society must encompass. I hope we will vote on them in the light of other needs and expenses so long deferred, in the light of the tax burden inflation, and of the profound resentments now exploding among some of the minority groups that are so pronouncedly underrepresented here as we make these decisions that affect their lives as much as they affect ours. How good it would be if we could emerge from the voting on these amendments unified in voting adequate sums for the military defense of this country, and galvanized to do as much to defend it in other ways as well. I have great respect for the labors of this committee and of its chairman and staff. Their job was to consider military requirements. Our job is to put those considerations into the context of the larger requirements of the whole society, to weigh relative needs and costs, to consider the Nation's security and well-being in its totality.

The debate here on these critical matters will be over very soon. But that is not the end of the story. That debate will rage at length throughout the country because this bill is of special, almost unique, importance. It represents a vast outlay of money, and it will determine direction on critical questions for many years to come. But it also has great symbolic significance for a nation deeply troubled and divided, and in such circumstances it would be gravely irresponsible to vote on amendments by rote or by slogan. Men elected in parallel procedures have equal obligations to consider what is best for the country before they make far-reaching decisions. It is not in derogation of the committee report to suggest that in matters that affect everyone so profoundly, the committee's point of view must be weighed against other points of view, and then a balance must be struck.

We will not stint on money necessary for military security. We must stop stinting in the intensity of our inquiry to see what money is indeed necessary for this purpose, and we must start inquiring urgently what else we must do if we are to survive as a contented people.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I appreciate the chairman of the committee yielding this time to me, giving me the opportunity to raise some very important questions which are implicit in the bill before us.

H.R. 14000 would authorize appropriations of $21.35 billion—$21,347,860,000—for the procurement of certain weapons systems and research development, test, and evaluation. It is $1.29 billion more than the Senate authorized, including $1.02 billion for new ship construction which the administration did not request. This bill is almost one-fourth of the entire military budget for fiscal year 1970.

According to the Joint Economic Committee, 80 percent of this Nation's "relatively controllable Federal outlays" are military expenditures.

While no one disputes the need to finance the legitimate defense needs of the Nation, I am concerned about the magnitude of the military budget, its relationship to the budget for urgent civilian needs, and the imbalance in national priorities which it represents.

For too many years Congress has given unquestioning approval to the military budget and accepted without serious debate the assumptions upon which it is predicated. At last the Congress is beginning to scrutinize military spending and to ask questions. The long debate in the Senate, the well-reasoned additional views of our colleagues on the Armed Services Committee, and the debate on the amendments to be offered on this bill—all indicate that Congress has a role to exercise in the formulation of defense policy. Congress should no longer permit the Pentagon to set policy.

Of course, we must not forget that this authorization bill underwrites and continues to finance the war in Vietnam, a war which continues to rage on at a cost of some $30 billion a year. There is no end in sight, for unfortunately this administration seems unable to change the basic strategy of the previous administration.

In considering the bill before us, we should ask whether or not Congress is willing to exercise its responsibility or simply rubberstamp Pentagon requests which have been enlarged by the Committee on Armed Services.

We should ask whether or not Congress will continue to support the tragic war in Vietnam or use the only means which it possesses, that is, the power of the purse, to bring this war to a prompt conclusion.

We should ask whether or not the crucial and urgent domestic needs of our society will continue to play a role subservient to that of the military.

This bill contains many items which challenge our willingness to answer these questions and to make crucial decisions.

Amendments will be offered to reshape expenditures for these items, and the votes on these amendments will show whether or not we are ready to begin to make decisions on priorities and exercise effectively our responsibility.

Mr. Chairman, I would like to point out some of the areas of concern in this bill.

There are some $746.4 million for the Safeguard ABM system. In the past I opposed deployment of the Sentinel system, and the same basic objections apply to the Safeguard system. It threatens to upset the already delicate strategic balance, poison the climate for the strategic limitation talks, and to encourage escalation of the arms race.

The bill provides funds for research and development, and procurement for chemical and biological warfare. This program seems to have little relevance to national security requirements and raises grave legal and moral questions. Congress should insist at a minimum on certain guidelines for the development, testing, procurement, storage, and disposal of these weapons.

The $940 million allocated for the C–5A jet transport includes funds for a fourth squadron—23 airplanes in addition to the 58 airplanes already authorized and programed. The fourth squadron has not been justified. Moreover, not only are there technical problems but there has already been a cost overrun of at least $1.3 billion which means the total program will cost about $2 billion more than the Air Force originally said it would.

Serious questions have been raised about other items in this bill—the advanced manned strategic aircraft; the short-range attack missile for which the Senate deleted procurement funds until the results of new research and development are available; the Cobra helicopter which the Senate did not fund.

The Defense Department asked for $2,631.4 million for naval vessels. This was cut by the Senate to $2,568.2 million. The House Armed Services Committee has approved $3,591,500,000—$961 million more than the Defense Department asked for and $1,023.3 million more than authorized by the Senate.

Then there is the $52 million which the committee has added for the so-called freedom fighter aircraft. A total of $14 million for the F–5–21 was included on March 27 in the supplemental military procurement authorization bill for fiscal year 1969, but was not acted upon by the Senate. In opposing this project on March 27, I pointed out that this was nothing more than a subsidy to Northrup Aviation to build the F–5–21 for sale abroad and that our Air Force had no plans to incorporate the plane in its inventory.

There are just a few of the examples of unnecessary or unwarranted expenditures in this bill.

I might mention one item that is not in the bill—the manned orbiting laboratory. For years I pointed out that the MOL was a duplication of a similar NASA program. A year ago the Secretary of the Air Force refused to brief individual Members of Congress on the project. On September 12, 1968, I offered an amendment to the Defense appropriations bill to reduce it by 8.5 percent. Included in my amendment, which was based on a well-documented study by Congressional Quarterly, was the deletion of $550 million for the MOL. Unfortunately, my amendment was not adopted, but now the Department of Defense has abandoned MOL because, in its words, of the "first, continuing urgency of reducing Federal defense spending and, second, advances in automated techniques for unmanned satellite systems."

This kind of waste cannot be allowed to continue. The amount of money that was spent for the manned orbiting laboratory could have been spent to feed the hungry, build better housing, provide better health and medical care for our citizens, and provide every American child the opportunity to obtain a good education.

We cannot allow massive funds to continue to be used wastefully for military spending while we ignore our problems at home. Out of every $100 of tax money received by the Federal Government, $67 goes to military spending: past wars, the war in Vietnam, and preparation for future conflicts.

This leaves $33 for this Nation's urgent needs: housing, food, education, health care, social security, transportation, and other domestic programs.

The imbalance in our priorities is clear. To support H.R. 14000 is to support that imbalance and to strengthen the military-industrial complex while domestic social programs are being starved.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RIVERS. Mr. Chairman, I yield 6 minutes to the distinguished chairman of the Democratic Study Group, the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, first of all, I wish to thank the chairman of the Armed Services Committee for the courtesy of accommodating me with an additional minute and for affording me the original block of time despite the fact that I am not a member of the Armed Services Committee.

Mr. Chairman, one of the reasons we have to look carefully at this bill is that by our action we shall determine whether there will be what is commonly called a post-Vietnam dividend available to meet the domestic concerns of our country.

When one looks at the $7 billion in this bill for research, development, testing and evaluation, one can readily identify items which will soon blossom into multi-billion dollar expenditures, using up the $30 billion that would otherwise be available for nonmilitary purposes at the end of the conflict in Vietnam. There is R.D.T. & E. money in this bill for MIRV, ABM, SRAM, AWACS, SAM–D, SCAD, Phoenix, AMSA, AX, AGMX–3, CONDOR, Maverick, TOW, MBT–70, biological weapons and the F–14 and F–15 fighters.

When we start these weapons systems down the road by authorizing research and development and the testing, we set off an inevitable chain reaction. These weapons systems gain momentum of their own, leading to high levels of defense expenditures in later years.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. FRASER. Yes, I yield to the gentleman from New York.

Mr. McCARTHY. I wonder if the gentleman might be able to answer a ques-

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tion that is perplexing to me, one to which I cannot get an answer?

Why is it that the other body was able to pass unanimously an amendment that would put restrictions on the testing and transportation and disposal of germ and gas warfare weapons which would answer many of the problems that have arisen in this country regarding the safety of our own citizens? Why is it that an amendment like that, one which has been approved by the Secretary of Defense and passed by the other body unanimously, with such bipartisan support as was given by such "unilateral disarmers" as the Senator from Texas (Mr. TOWER), the Senator from Mississippi (Mr. STENNIS), and the Senator from South Carolina (Mr. THURMOND) all of whom voted for it—why would an amendment like that be voted down in the Armed Services Committee on the House side?

Mr. FRASER. I actually am at a loss to understand why the committee should not allow what seems on its face to be a commonsense amendment.

In this regard, I want to pay tribute to the gentleman from New York (Mr. McCARTHY) in connection with his excellent work on the problems of chemical and biological warfare.

Mr. McCARTHY. Thank you for that compliment but that was not my purpose in arising. I wanted to focus on the fact that the gentleman from Michigan (Mr. NEDZI) will offer basically the same amendment that passed the other body unanimously. It actually has been changed slightly at the behest of the Pentagon, and it is not even as strong as the one that passed the other body unanimously. I would hope that the Members would give some serious thought to the question. This specific amendment does not deal so much with our posture abroad as it does with the safety of our own citizens in the United States with regard to the transportation of these lethal materials across the United States, and their testing.

Mr. STRATTON. Mr. Chairman, would the gentleman yield for an answer to the question raised by the gentleman from New York?

Mr. FRASER. I would state that possibly later.

I just want to say——

Mr. STRATTON. I thought the gentleman was seeking information.

Mr. FRASER. Would the gentleman permit me to use my own time?

I understand that the amendment that the gentleman from Michigan (Mr. NEDZI) will offer, will not cost any money, or will not add or subtract any money but provides safeguards that the Department of Defense has agreed to. Is that the understanding of the gentleman?

Mr. McCARTHY. That is right. It would for the first time inform the Congress about what is going on in this program, and remove some of the excessive secrecy that has in effect blanked out most Members of this body and the other body from knowing some of the basic things that are going on in this business of chemical and biological warfare.

Mr. FRASER. I thank the gentleman for his comments.

Mr. Chairman, I hope that bipartisanship is not misused to cover over legitimate differences or to become the fountain for disagreement.

I think that the failure of partisanship occurred during the years involving our deeper and deeper involvement in Vietnam. Day after day on the floor of this House we heard pleas for unanimity behind the President.

I believe it is not right to insist on unanimity when there are serious and important questions to be asked—questions about premises, and about objectives for policies that have led us into the kind of war we have gotten into in Vietnam.

I hope this Nation will never engage in finger pointing at the past, but only learn from that experience. We must understand that honest and open debate is far preferable to cries for unanimity which obscure the actions that the public should be informed about.

Finally, there are just two points that I hope may be cleared up under the 5-minute rule.

There has been reference today to an unidentified threat that the Soviets are indeed, contrary to the knowledge that we have had in the past, planning a new strategic bomber force. This allegation——

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. RIVERS. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota.

Mr. FRASER. This allegation is made in support of the advanced manned strategic aircraft—AMSA. If there is hard intelligence on this, the House ought to know all about it.

Second, I hope that along the way there will be an explanation of the testimony of Under Secretary Packard in which he said that an effort is being made to achieve a hard target capability for the Poseidon missile. This has only one meaning, and that is the capacity to destroy the enemy's missile silos. And if we acquire that capacity, the Soviets then would have legitimate reason to believe that we have acquired a first-strike capability and are no longer willing to rely on our ability to retaliate if we or our allies are attacked.

I hope these questions will be explored, and will be answered in the debate which will follow when we move into the amending stage.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I appreciate the gentleman from Illinois yielding.

I have been present here in the Chamber for all but about 10 minutes this afternoon as this debate has proceeded. Very frankly, as it has gone on I have not been sorry that I made an issue, as I did earlier, of the somewhat scant amount of time allotted for general debate on this bill.

The debate has been good on this issue. It has been a reasonable debate. It has been a restrained debate. It has been the kind of responsible discussion of the critical and crucial issues that confront our country and I think possibly we ought to have more.

You know I think it is merely a matter of coincidence that the speakers who have preceded me in the well, at least the last three or four gentlemen, happen to be prominent leading members of the Democratic study group. Well, I would not want you to think that economy stops at the center aisle. I would not want the country to think there are not responsible Republican Members in this Chamber. I do think we do have the responsibility even in this great committee to try to take an intelligent and reasoned look at this very important segment of the budget.

I picked up a copy of Fortune magazine not long ago, the August 1969 issue, and that is scarcely I think a publication of the left wing. What did I see? The lead article in it related to a cut in the defense budget.

I saw the testimony the other day—I heard it or I read it—of a rather distinguished and I think eminently conservative gentleman in this country, Mr. William McChesney Martin. He said he would like to see the defense budget in this country cut down to $15 billion.

So I do not think you are being radical, I do not think you are being left wing, I do not think you are being irresponsible if you suggest cuts, with all due deference to this great committee, and it is a great committee. I appreciate the fact that they worked for 6 months and have had 91 meetings. But somehow, gentlemen, I think we have to understand this: some of the old ways that we have grown very comfortable with and have grown very accustomed to over the years, I do not think are quite good enough any longer so far as the discussion of public issues is concerned.

With all due respect to my friend the gentleman from Missouri, I cannot agree that the debate that took place in the other body was one that seriously and dangerously compromised the security of our country.

I think the people of this country expect not only the Chamber on the other side of the Capitol but also this Chamber, being the co-equal body that it is, to engage in the same kind of discussion and the same kind of analysis. That is why I made the plea that I did earlier for more time. I am glad we have had this debate, and I hope we may have more like it in the days to come.

I do not think any of us should hang our heads in shame. I do not attack the chairman of the committee or the members of the committee. They are some of the most valuable Members of this House.

I do not rise even to make a broad gaged, broad scale attack against this bill. I would express the hope that we can calmly and dispassionately and reasonably perhaps look at the task that confronts us and decide whether or not we can make some selective cuts.

I think under the conditions that exist in our country, given the budgetary procedures within which we must operate, that this is only discharging the duty that a responsible legislator has.

As a duty to my constituents, from the letters I received from people wondering why we have been spending so much money in this area, I would be the first to admit, as I said a minute ago, to the necessity of giving up some of the old and comfortable ways that we have become so accustomed to.

I would be the first to admit that I have not been as interested as I should have been in times past, and I have not taken the time to look into some of these areas as perhaps I should have done.

Let me, if I have a minute before my time is up, say I read with interest a section of this very excellent report devoted to the subject of MIRV. Much of what I read I like, but there are a couple of statements to which I would have to respectfully take exception. For example, they said in this report:

> It is for this very reason that prudence dictates that we should be disturbed about a large force of large-sized and accurate Soviet MIRV's.

It is precisely for this reason, because I was concerned about the possible potential threat to our own land-based deterrent, that I joined with more than 100 Members of the House some weeks ago in urging that we have a mutual moratorium in this area.

At that time we did not know whether we were going to have the SALT talks. Since that time I think it is very apparent that we are going to have those talks. I think it also has become apparent that the administration, the people downtown, are impressed by the urgency of this issue. They are impressed by the fact that a quarter of the Members of this body were sufficiently concerned to file a resolution of the kind that I mention. So I think it is going to be a negotiable issue. It is going to be high—and I hope very high—on the agenda of that forthcoming conference, and it certainly should be.

I am not going to offer any amendment to try to delete any funds dealing with that program because that would be in the nature of a unilateral action. I have never proposed a unilateral action. But I do deeply feel the wisdom of trying to engage in some mutual action that may help us to secure the security of this country that we all want.

The thing to which I did take exception in the report was the language contained on page 36, at which point the committee suggests that you can get deterrents in two ways. You can build credible deterrents in two ways. You can install more boosters, which is very expensive, or, they say, you can go on and do what they are doing with these programs. You can MIRV all our weapons. I quote the report:

> In reality it constitutes nothing more than a more efficient and less expensive method of creating a credible deterrent to a potential enemy whose intentions can never be known with any real certainty.

I would not want that language to pass without my at least issuing my personal caveat that I think something more is involved than just doing something more cheaply. I think that this can be and is potentially a destabilizing thing so far as the whole strategic arms race is concerned. I know the administration is concerned about it. If they were not, they would not be agreeing to sitting down and talking with the other side about a possible limitation of strategic arms.

I think we should be mindful that whenever we discuss this subject that what we are endorsing is not giving up any military advantage. Far from it. Rather, to take these reasonable and rational actions that will preserve our land-based nuclear deterrent, that will give us the security to keep us strong and the No. 1 power in the world.

Mr. RIVERS. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. STRATTON).

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from California.

Mr. GUBSER. Before the gentleman takes the floor, I would like to take note of the fact that he has chaired a subcommittee which has investigated the Sheridan-Shillelagh system. I assumed he will be speaking on that subject.

I would like to say at this time that never in my 17 years in Congress have I served under a more dedicated and enlightened leadership than the gentleman from New York has provided. I think he has done a great service, and the remarks he will make should be listened to intently by the entire House.

Mr. STRATTON. I certainly deeply appreciate the remarks of my friend from California, a very able and very patient member of the subcommittee.

Mr. Chairman, I take this time, as we are moving toward the end of this great debate on this subject, to try to comment on a point that I think has been largely overlooked.

The gentleman from Illinois (Mr. ANDERSON) spoke a moment ago very eloquently about the need to cut. We have to cut here, in defense, as we have to cut elsewhere, he said.

The gentleman from New York (Mr. RYAN) suggested a moment ago that the Committee on Armed Services is really just an outpost of the Pentagon, rubberstamping their suggestions except when we try to raise them.

There has been a good deal of comment made on the fact that this bill includes an increase of $1 billion in ship construction funds over the requests of the Department of Defense.

But what has been overlooked, I think very largely, although there has been some reference to it, is that we have also made cuts in this bill. We have cut very substantially, for example, in the field of Army tanks by over a quarter of a billion dollars. And I think it ought also to be pointed out that those cuts have not been made merely because of any feeling in our bones that defense ought to be cut or because of the application of any meat-ax or any antimilitary approach, but on the basis of a very careful investigation conducted by our committee through the agency of its special investigating subcommittee.

For after all, we do have in our committee a responsibility to oversee the operations of the Defense Department—not just to pass laws and authorize money and rubberstamp; we also have a responsibility to look over very closely what they have done.

And this is nothing new in our committee, either. The very distinguished gentleman from Louisiana (Mr. HÉBERT) chaired that investigating subcommittee for many years, and he struck terror into the hearts of many a general and many an admiral when they appeared before him. The distinguished gentleman from Virginia, a former Member of this body, Mr. Hardy, also chaired this subcommitee and he too took a very close look indeed at the exenditures of the Defense Department and its contractors.

This year, as the gentleman from California has indicated, the subcommittee did indeed have an opportunity to look into the Army tank program, and as a result of that investigation we found evidences of waste and duplication. We made our recommendations to the full committee.

And that full committee, which some people say will do only what the uniformed services want them to do, accepted these recommendations unanimously. We have, in fact, not only reduced the tank funds in this bill below what the Department wanted, but we have also cut out even more than the Senate tried to do—and more even than the amendments that were offered on the Senate floor and then later withdrawn—perhaps because we had the advantage of some careful knowledge and investigation in this field.

We have reduced, for example, the proposal for the development of a Tow missile by $156 million. Why? Because the Tow missile represents an almost exact duplicate of the Shillelagh missile, already produced for use with the Sheridan tank. Since the Army regards both as about equal in reliability and lethality, and since the Tow cost twice as much as the Shillelagh, this duplication seemed to us to be both an unnecessary and an extravagant expense. So we knocked out this money for the Tow missile because it was wasteful that we should be trying to do the same thing with two different missiles.

We knocked out $57.6 million for the production of additional Sheridan tanks, a tank that is perhaps better known because of the headline that appeared some time ago that it was a "billion-dollar booboo." I am not sure whether that designation is completely accurate, but the fact of the matter is we have hundreds of Sheridans now, today, sitting around unused in Army warehouses, as our subcommittee found out. So we have allowed in this bill only the money needed to complete the present contract for these tanks. After that buy is completed we are insisting that the Army fix these hundreds of Sheridans that are sitting around unused instead of contracting for still more off the assembly line.

We also knocked out $23.8 million for the M–60 tank because of a continuing failure to adapt this weapon to the Sheridan gun system; and we knocked out $25.4 million for the production of additional pilot models of the MBT–70, that makes a total of $262 million.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

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Mr. STRATTON. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I wish the gentleman from New York would say the reason we are finishing this contract for the Sheridans is that it would cost equally as much to terminate the contract. So we will continue the inventories with the hope that somewhere down the line the suggested improvements made by the distinguished subcommittee will be forthcoming. We cannot possibly reduce this.

Mr. STRATTON. The chairman is absolutely correct. It would cost more to terminate the contract because of the termination costs involved than it would cost to complete the contract. But we are refusing to allow the Army to buy any new Sheridans after that contract is over.

To cut out Sheridan procurement short of this total contract figure would have involved the Army in costly termination charges. But any purchases of additional Sheridans beyond those covered in the original contract would be completely unwarranted. The Army already has hundreds of Sheridans sitting around unused in warehouses or storage yards across the country. To be sure, these stored Sheridans do need various retrofits before they can be utilized. The Army would prefer to buy new ones, fresh off the assembly line, than take the trouble to fix up the ones they already have on hand. But this would be a most wasteful procedure—especially in a program that has already seen far too much waste—and the full committee approved our recommendation that we reject it.

With regard to our action on the MBT–70, let me just make this additional point: Even the Army does not know where it is going on the MBT–70. It is holding a top-level meeting on this very question with the Germans, who are cooperating with us in building the tank, in December. We left in the bill the money needed for further research and development on this new tank, but we deleted funds that had been requested to build additional pilot models. They have enough pilots already, and obviously until a decision is made as to just where this program is headed, it would be wasteful to start construction of any further prototypes. If it turns out that extra construction funds are urgently needed after the Army has made its decision as to where they are going, they can always come back to Congress for supplemental appropriations or for a reprograming.

Now, if I have another minute remaining, let me point out that while there has been criticism of this naval shipbuilding add-on to our bill, I am a little bit surprised at the people who have been suggesting we do not need a ship modernization program. Even the gentleman from California (Mr. Leggett) sent out a letter to all Members of the House suggesting we do not need it, because we have so many more ships than the Russians sailing around the seas. Surely the gentleman who is a very able member of our Antisubmarine Warfare Subcommittee knows of the recent dramatic advances in Soviet submarine power. Surely he knows the truth of our relative strength does not lie in playing a crude, oversimplified numbers game.

I would like to invite the attention of Members to a report by "Jane's Fighting Ships," which is certainly not a subsidiary of the House Armed Servies Committee. The Washington Post this morning, if you got a copy, had a report that the editor of Jane's Fighting Ships said today:

> The United States Navy faces a crisis—

That is, a crisis of obsolescence. Here is the full article, let me read it:

> The Soviet Union soon will have one of the most sophisticated and largest navies in the world, but the United States Navy faces a crisis, the editor of Jane's Fighting Ships said today in a foreword to the 72nd edition.
>
> The Russians are using their fleet to fill the naval void left in the Atlantic, the Northwest Pacific and Indian Oceans which was left as Britain withdraws her decreasing forces to the home islands and the Mediterranean, Raymond Blackman said.
>
> "The U.S. Navy still has not overcome its block obsolescence problem mentioned in these pages six years ago when most of the United States' aircraft carriers, cruisers, destroyers, submarines, escorts and minesweepers built during the war were already 20 years old," the editor said.

Mr. Chairman, that is what we are trying to do in this bill, by providing funds to modernize our Navy. We are trying to do something now to overcome this crisis of obsolescence.

Let me quote too from someone else who is not usually regarded as a leading member of the industrial-military complex. In fact, he has had his own problems with the military "brass." I speak of none other than Vice Adm. Hyman G. Rickover. Chairman Rivers has already put his letter in full in the Congressional Record. Members will find it on page 27766, in the Record. I believe all ought to read this great statement.

Here is what Admiral Rickover says:

> They are the foundation of the future nuclear-powered Navy for which you have worked so long and so hard—the modern Navy the United States needs to retain its position as a world power of the first rank. * * * There are those who deprecate the need to maintain military supremacy or even mere parity with the Communist empires on the grounds that other nations have accepted a decline from first to second or third rank. * * * The former great powers of Europe who have lost their defense capability enjoy political freedom today only because we are strong enough to defend them and ready to do so.

And he adds, if you do not believe what I say then look at what happened to Czechoslovakia.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RIVERS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. STRATTON. Mr. Chairman, I appreciate that, because it gives me an opportunity to read some more of this other section from Admiral Rickover's very eloquent letter:

> We observe the tragic drama of Czechoslovakia negotiating with Russia the continuing subjugation of her people.

That, the Admiral says, is what happens if one is not under America's nuclear umbrella or under the protection of our Navy.

We have heard some suggestions here this afternoon that these figures we have been quoting to you about Soviet power are all "cooked up." Here is what Admiral Rickover says on that particular point:

> Although we lack the data for a precise comparison of U.S. and Soviet military expenditures. It is clear that the U.S.S.R. spends much more annually for new weapons than the United States. Is it then reasonable for us to fail to modernize our defenses on the assumption that the danger of war no longer exists? The first priority of all life is survival.

Mr. Chairman, what is in this bill is the minimum we need to do now to protect ourselves in the dangerous days that lie ahead, whatever happens in Viet Nam. That is the reason this bill should be passed overwhelmingly by this House.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida, the author of the leading ship report, which his committee issued and which has been accepted by the entire world (Mr. Bennett).

Mr. Chairman, I yield myself whatever time I need to say that without the wonderful work of the gentleman from Florida I do not know how the committee could ever have arrived at the reason for urging the President to accept an additional $900 million to start at last the rebuilding and replacement of our obsolete and obsolescent—block obsolescent—Navy.

I yield to the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Thank you very much, Mr. Chairman.

Mr. Chairman, the primary need of the Navy at this time, according to Adm. Thomas H. Moorer, Chief of Naval Operations, is for new ships with which to modernize the Navy.

In order to examine into the matter, the Seapower Subcommittee of the Armed Services Committee held extensive hearings last January. Those hearings resulted in the report, "The Status of Naval Ships," which clearly and dramatically reveals the sorry shape of our Navy ships. No other set of hearings in recent times has examined into the matter as closely and carefully.

As a result of those hearings, we found that whereas 58 percent of our ships were 20 years old or older, 58 percent of the Soviet ships were 10 years old or younger. Indeed, less than one-fourth of 1 percent of the Soviet fleet was older than 20 years.

Specifically we found that the Soviets have built a whole new fleet since World War II, including a submarine fleet of over 360 ships. This construction has been carried on in modern yards—indeed, there is one submarine yard which is larger and more modern than all of our submarine yards put together. The Soviets can turn out 20 nuclear-powered submarines each year—with one nuclear-powered ballistic-missile submarine being completed each month. The Soviets have kept their design crews working together on ship after ship. They have an educational background which is pouring trained scientists and engineers into their maritime program.

Do the Soviets really mean business on the seas? Admiral Gorshkov, who is the equivalent of our Chief of Naval Operations, has said:

> The flag of the Soviet Navy now proudly flies over the oceans of the world. Sooner or later the United States will have to understand that it no longer has mastery of the seas.

He has also said:

> The USSR today has a naval fleet and aviation equipped with nuclear rockets equal to any strategic tasks, including tasks of an offensive nature, on all the seas and oceans of the world.

He has also said:

> For the first time in its history, the Soviet nation has acquired a powerful ocean-going navy. It has become the world's greatest naval power, capable of taking its line of defense out into the ocean.

Mr. Chairman, I insert in the Record at this point, other statements concerning the Soviet naval aims:

> "The mighty Soviet power must have a navy, both on sea and ocean commensurate with its interests and worthy of our great cause." Molotov at First Session of Supreme Soviet, 1938.
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> "Our Navy has become in full a modern navy, capable of resolving any strategic mission in its area (of responsibility). Overseas, they quite frequently speak and write that the U.S. Navy is capable of delivering an attack and landing at any point on our coastline. But as they say, 'It is easy to boast, but it is also easy to fail.' It seems to me that the people overseas should be thinking about the fate of their own coasts and their extended (lines of) communication, whose vulnerability is now monstrously bared, and about the traditional invulnerability of America which has forever been eliminated."—Marshall of the Soviet Union Malinovsky, 21st Congress of the CPSU, Feb. 1959.
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> "The Soviet Navy is an entirely modern navy, capable of resolving any strategic mission within its area (of responsibility). Our Fleet is in a position not only to defend the sea frontiers of the Soviet nation, but also to carry out successfully combat operations on the ocean expanses and to deliver powerful blows against targets on other continents."—Admiral S. G. Gorshkov, 41 Anniversary of the Soviet Army and Navy, Feb. 1959.
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> "It is correctly believed in advanced military thought that the navy best suited to meet the requirements of modern warfare must be basically a submarine navy. It is in this direction that the Navy of the Soviet Union is now developing. Its combat capabilities have grown substantially, primarily through an increase in the striking power of its submarines. Occupying a worthy place in the system of the state's armed forces, it is capable—in cooperation with all the other branches—of successfully accomplishing the most complex tasks of fighting on the seas."—Admiral Gorshkov, Navy Day 1960.
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> "The Soviet Navy, the basic armament of which is the submarine, equipped with atomic engines, missiles, and homing torpedoes with nuclear warheads, has received the capability of waging effective battle with the fleet of the enemy at the distant approaches to our shores."—Soviet Defense Minister Malinovsky, 1962.
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> "The Soviet submarine fleet with atomic engines armed with ballistic and homing missiles, vigilantly stands guard over our socialist achievements."—Premier Khrushchev, 22nd Congress 1961.
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> "The Soviet Navy by the character of her armament of highly maneuverable forces and military capabilities is obliged to be prepared at any moment and at any point of the globe to secure the protection of the interests of our state."—Admiral Gorshkov, *Krasnaya Zvezda*, October 31, 1962.
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> "The Communist Party and the Soviet government are displaying wise foresight, taking all measures to insure that the armament and organization of our fleet correspond to its growing role in the defense of the country, to the protection of its state interests."—Admiral Gorshkov, *Krasnaya Zvezda*, 5 Feb, 1963.
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> "During the last war, the actions of the fleet occurred basically in the regions close to shore and were conducted mainly in operational and tactical interaction with the army. Now, considering the intention of aggressors and the place given to their navies in the plan of nuclear attack on the socialist countries, we must be prepared to answer them with destructive strikes at naval and shore objectives on the whole territory of the world ocean."—Admiral Gorshkov, *Krasnaya Zvezda*, 5 Feb 1963.
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> ". . . the hopes of the strategists across the ocean that their communications, and even more their shores, will be inaccessible to our Navy in time of war have proved illusory."—Admiral Gorshkov, *Krasnaya Zvezda*, 5 Feb 1963.
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> "In our opinion time has already nullified the significance of such major warships as battleships and cruisers. Aircraft carriers are also losing their importance. Modern weapons make it possible to locate them quickly and to destroy them before they can use their armament."—Admiral Gorshkov, *Literaturnaya Gazeta*, 6 May 1965.
>
> "The necessity of strengthening the naval might of the USSR is stipulated also by the rapid development of our cargo and commercial fleet, and the broadening of state interests of our country on the seas and oceans. . . . Thanks to the attention and concern of the Party, the government, and the whole Soviet people, our navy has developed in full accordance with the aims and missions of a great naval power and plays an important role in the defense capability of the fatherland."—Editorial. "On guard over the sea defenses", *Krasnaya Zvezda*, 13 July 1965.
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> Fleet Admiral Kasatonov, First Deputy Commander-in-Chief of the Soviet Navy, when asked by a journalist if the introduction of intercontinental ballistic missiles had not decreased the role of the Navy replied, "By no means. On the contrary, the Navy's role has increased, because the missile has also become its basic armament." He went on to assert that the Navy now has everything necessary to repel any aggressor in coordination with the other services.—*Kazakhstanskaya Pravada*, July 25, 1965.
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> He (Kasatonov) later boasted that "the white and blue flag of the USSR Navy, with its red star and hammer and sickle" is seen "in all parts of the world".—*Trud*, July 30, 1966.
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> "There is no justification for the permament presence of the military fleet of the USA in the waters washing the shores of Southern Europe. The question is raised as to what basis there is for the fact that, 20 years after the end of the Second World War the 6th Fleet of the USA sails the Mediterranean Sea, using military bases, ports, and replenishment stations in a series of Mediterranean countries. This carries with itself a serious threat to the independence of all countries on this shore. The time has come for the demand to remove the 6th Fleet from the Mediterranean Sea to resound with full voice."—Brezhnev, *Pravda*, April 25, 1967.
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> "Tens of our submarines and surface ships are constantly located in various regions of the oceans and seas, where they vigilantly serve, safeguarding the state interests of the homeland, protecting the labor of the Soviet people. . . ."—Admiral Gorshkov, *Pravda*, 30 July 1967.
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> "For the first time in its history, our Navy has in the full sense changed into a long-range offensive arm of the armed forces. . . . Shoulder to shoulder with the Strategic Rocket Forces the Soviet Navy has become the most important weapon of the High Command."—Admiral Kasatonov, "Ha Boevoi Vakhte," *Krasnaya Zvezda*, 30 July 1967.
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> "During the Great Fatherland War (World War II), fleet actions took place basically in the areas close to shore and were conducted for the most part in operational and tactical cooperation with the Army. Now, taking into account the intentions of the imperialist aggressors, and the place given to their navies in the plan of nuclear aggression against the socialist countries, the Soviet Navy must be prepared to answer them with crushing blows at naval objectives on the entire territory of the World Ocean."—Captain (2nd Rank) A. V. Basov in *Boevoi Put 'Sovetskogo Voenno-Morskogo Flota* (Moscow: Voenizdat, 1964), p. 596.
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> "The construction of the Soviet submarine fleet is proceeding successfully. Our enemies are building a submarine fleet armed with ballistic missiles. We are arming our fleet with both ballistic and homing missiles. Conditions oblige us to do this. Our enemies in the opposing military blocs are preparing to bombard the territory of our country as well as the socialist countries from submarines. We are prepared to answer them, firing at their targets on the sea as well as on the land."—Premier Khrushchev, 22nd Party Congress of CPSU, 1961.

ROLE OF THE NAVY

Our Navy is an instrument of foreign policy. It is able to carry force, as that instrument, anywhere in the three-quarters of the world that constitute the oceans. This is distinct and different from the commitment of troops to overseas actions or the stationing of troops in foreign bases. At a time when the troops overseas and the bases in foreign countries are being reduced, we must not jeopardize our ability to exert power in those areas by cutting our Navy.

In carrying out national policy, there are many ways in which the Navy can be used. But this does not mean that only the Navy is important. On the contrary, the Navy is part of a team that provides defense in depth.

The Navy can also help protect this Nation from the threat of thermonuclear weaponry from intercontinental ballistic missiles. Through our Polaris submarines, we can provide part of a believable retaliatory capability that will keep anyone from using ICBM's against us. For the future we can continue this retaliatory threat with the development of the undersea long range missile system—ULMS. These submarines can go on target shortly after leaving their home port and can stay on target. They will have between four times and 10 times as much ocean in which to hide as our Polaris submarines because of their additional range.

At the same time we are faced with a very large fleet of Soviet submarines outfitted with their cruise missiles—hundreds of miles range—or ballistic missiles—thousands of miles range—which can be aimed at our cities or our weapons.

In order to contain this threat, we need a navy with the strongest possible antisubmarine position. This means that we need not only attack submarines which can detect and intercept Soviet

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submarines but land- and sea-based airplanes, destroyers, and carriers able to cope with this threat as defenses in depth—and the latest sensors in all of the equipment. Our research and development must be strengthened to keep ahead of this threat.

There is another very important role that the Navy can play in meeting these threats. Now, for the first time since the War of 1812, the United States is threatened with the possibility of a war being carried to its own home land. Perhaps the most important role that the Navy can play is to keep that war away from our lands. No other service can really play this kind of a role. By locating our retaliatory forces at sea with even larger areas in which to operate, it makes the problem of locating and neutralizing them much greater for the Soviets. In addition, the shipborne antimissile system could be placed between the United States and the Soviet Union in the oceans so as to intercept at an earlier stage any intercontinental ballistic missiles that the U.S.S.R. might want to launch at the United States. Even in only one location we could by this means take the fight away from our land and away from Canada and away from Greenland, and it would put that fight high over the Arctic Ocean.

In the past 30 years we have been involved in military operations on almost every continent in the world. We have some treaty commitments with over 40 nations in the world. We have to be able to fulfill those obligations. At this time we are already shipping by ocean about 2 million tons a month for military purposes—with over half of that petroleum products. Hence, we have to have control of the seas in order to meet our commitments.

A State Department analysis of our foreign defense commitments was inserted in the CONGRESSIONAL RECORD on September 5, 1969. I include it at this point in the RECORD:

U.S. COMMITMENTS TO FOREIGN POWERS

DEPARTMENT OF STATE,
Washington, D.C., August 15, 1967.

Hon. J. W. FULBRIGHT,
Chairman,
Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your letter to Secretary Rusk of August 1, 1967 concerning Senate Resolution 151 "Relative to United States Commitments to Foreign Powers."

You have asked in your letter for the Department's comments on the general subject of Resolution 151 and for answers to four specific questions. We believe the Department's general views on the subject of the resolution can best be presented in testimony before the Committee when hearings are held next week. In this letter the Department undertakes to answer the four specific questions.

Last year at approximately this time, Secretary Rusk appeared before the Preparedness Investigating Subcommittee of the Senate Committee on Armed Services to discuss some matters relevant to the specific questions posed in your letter of August 1, 1967. Prior to his appearance, the Department provided that Subcommittee with a compilation of United States commitments and assurances consisting of provisions of formal treaties and agreements, and official declarations by the Congress, the President, the Vice President, and the Secretary of State concerning actions the United States would take if another country were the victim of aggression. For the convenience of the Committee on Foreign Relations, and to provide a context for the answers to specific questions posed in your letter of August 1, 1967, which appear below, I have attached an updated version of the compilation earlier supplied to the Preparedness Investigating Subcommittee.

Question 1: Of the 42 countries with which the United States has bilateral treaties or multilateral agreements for collective defense, in how many instances would the Executive Branch view as automatic the American commitment as one upon which the United States would act unilaterally—meaning that we view the obligations not only as collective but individual, as the Department has interpreted the SEATO Treaty? For example, should *one* of the members of the 1947 Inter-American treaty of reciprocal assistance be attacked by subversion or from an external source, to what extent, if any, would there be a commitment for the United States on its own to supply men or materiel to respond to such attack? We would like to have such nations listed, not only in the American Republics, but elsewhere.

This question raises the issue whether the United States obligation to assist another party to one of these treaties is an individual obligation or an obligation that arises only when there has been a multilateral determination by the treaty parties. The question is asked with regard to responses in the case of armed attack and in the case of subversion.

Under each of our multilateral treaties, the commitment to extend assistance in the event of an armed attack is individual and requires no collective finding or decision by a multilateral organization. The Rio Treaty provides that in the event of an armed attack against an American state "*each* one of the said Contracting Parties undertakes to assist in meeting the attack" (Art. 3(1), emphasis added). The Treaty goes on to provide that "*each one* of the Contracting Parties may determine the immediate measures which it may *individually* take" (Art. 3(2), emphasis added). In the North Atlantic Treaty, "*each*" of the signatories "in the exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the party or parties attacked by taking forthwith, *individually* and in concert with the other parties, such action . . ." (Art. 5, emphasis added). In the Southeast Asia Collective Defense Treaty and in the Anzus Security Treaty "each party" agrees that "it" will act to meet the common danger (Art. IV in both). The same is true of the bilateral treaties with the Philippines, Korea, Republic of China and Japan. Thus, under each of these treaties there is an individual obligation independent of any collective action.

The question posed in your letter of August 1 is asked also in regard to actions taken in response to attack by subversion. All of our defense treaties call for consultation in the event of a threat other than armed attack—such as externally supported subversion. Article 6 of the Rio Treaty provides for a meeting of the Organ of Consultation "if the inviolability or integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack . . . or by any other fact, or situation that right endanger the peace of America". The Organ of Consultation can determine "the measures which must be taken . . . to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the continent". Article 4 of the NATO Treaty provides that "[t]he Parties will consult together whenever in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened". Substantially similar language exists in the Anzus and SEATO Treaties (Arts. III and IV(2), respectively). Thus, when the threat takes the form of subversion rather than armed attack, each multilateral treaty calls for consultation. No individual obligation of unilateral action is imposed. The same is true by virtue of similar language under the bilateral treaties with the Philippines and Korea. Under the Japanese treaty consultation is called for "whenever the security of Japan or international peace and security in the Far East is threatened."

Question 2: Specifically, does the United States (United Nations obligations aside) have a national commitment in the event of attack from an external source or from internal subversion to come either to the military or economic aid of Israel or any of the Arab States? In short, is the United States as a nation committed to supply American military or economic resources to protect the territorial integrity of these states?

President Johnson and his three predecessors have stated the United States interest and concern in supporting the political independence and territorial integrity of the countries of the Near East. This is a statement of policy and not a commitment to take particular actions in particular circumstances. Unrest and conflict in the Middle East have been of serious concern to the United States for a long time. The use of armed force in the Middle East can have especially serious consequences for international peace extending far beyond that area. We have bent our efforts to avoid a renewal of conflict there. Thus, we have stated our position in an effort to use our influence in the cause of peace.

Question 3: Bearing in mind recent situations in the Congo and Nigeria, is there any United States national commitment to supply American military or economic resources in the event of aggression or threats to the integrity of those states or any states in Africa?

With regard to the Congo, the United States has supported policies and actions of the United Nations in preserving the territorial integrity, political independence and economic unity of that country. We have no specific commitment to supply military or economic resources to the Congo in the event of aggression or a threat to its integrity. We have extended military and economic assistance to the Congo as a part of the implementation of our foreign assistance legislation. Recently, at the request of the Government of the Congo, we made available to it three C–130 aircraft. The decision to furnish this assistance was not based on any prior commitment of the United States to defend or assist in the defense of the Congo.

The United States has no commitment to come to the defense of Nigeria in the event of an armed attack or subversion. We hope that the current fighting in that country will be brought to an early end, but we have maintained that the crisis is an internal matter and we have refrained from any action that could be interpreted as interference in Nigeria's affairs such as the sale of arms from the United States to that country.

There are two other countries in Africa that should be mentioned in this context. The United States has an agreement of Cooperation with the Government of Liberia (TIAS 4303). Article 1 of that agreement provides: "In the event of aggression or threat of aggression against Liberia, the Government of the United States of America and the Government of Liberia will immediately determine what action may be appropriate for the defense of Liberia."

That language does not create a commitment by the United States to supply military or economic resources in defense of Liberia.

The United States has an agreement with

the Kingdom of Libya relating to Wheelus Air Base. The Preamble to that agreement provides in part that the two Governments confirm their determination "to cooperate to the maintenance of peace and security within the framework of the Charter of the United Nations" and are "of the opinion that cooperation within the territory of Libya will assist in achieving these objectives." The presence of United States Air Force personnel in Libya makes the security of that country of special interest to the United States. We have recently undertaken discussions with the Government of Libya concerning the phasing out of United States use of the Wheelus airfield.

Question 4: Finally, could the Administration at this time provide the Committee with a full list of all nations which upon the basis of past official statements, communiques, or other public or private understandings, as well as formal treaties, reasonably assume that they have a United States commitment under some set of circumstances involving either an economic or military threat to their existence, to receive either economic or military assistance from the United States?

The attached compilations set forth the provisions of formal treaties and agreements, and official declarations by the Congress, the President, the Vice President, and the Secretary of State concerning actions the United States would take if another country were the victim of aggression. We have, with the countries covered by these lists and with others, military and economic assistance agreements entered into pursuant to existing legislation. Some of these agreements are present commitments of the United States to provide specified assistance. They are not conditioned on the occurrence of a threat to the peace or security of the recipient country and they involve no commitments of the United States apart from their specific terms.

If the Department can be of any further assistance, please let me know.

Sincerely yours,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

U.S. DEFENSE COMMITMENTS AND ASSURANCES, DEPARTMENT OF STATE, AUGUST 1967

I. PROVISIONS IN TREATIES AND OTHER FORMAL AGREEMENTS

A. Charter of the United Nations, June 26, 1945 [1]

Parties

United States
116 other countries [as of June 20, 1966].

Relevant provisions

Art. 42: Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore internatioanl peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Art. 43: All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

* * * * *

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. . . .

Art. 51: Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

* * * * *

B. Western hemisphere

1. Inter-American Treaty of Reciprocal Assistance (Rio Pact, September 2, 1947) [2]

Parties

United States, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba,[3] Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

Relevant provisions

Art. 3:

(i) The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack again all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

(ii) On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

(iii) The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

(iv) * * *

Art. 6: If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intracontinental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

Art. 8: For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: . . . and use of armed force.

Art. 20: Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.

2. Applicability of North Atlantic Treaty, April 4, 1949

[Canada and Iceland, as signatories to the North Atlantic Treaty, are covered by the commitments embodied in that Treaty. Greenland, as part of the Kingdom of Denmark, and the Bahamas and Bermuda as "islands under the Jurisdiction of any of the parties in the North Atlantic area north of the Tropic of Cancer" are likewise covered by that Treaty. For the NATO commitments, see C. 1., below.]

3. Bilateral Agreements

a. Agreement Between the Government of the United States and the Government of the Kingdom of Denmark, Pursuant to the North Atlantic Treaty, Concerning the Defense of Greenland, April 27, 1951. [4]

Relevant provisions

Art. 1: The Government of the United States of America and the Government of the Kingdom of Denmark, in order to promote stability and well-being in the North Atlantic Treaty area [5] by uniting their efforts for collective defense and for the preservation of peace and security and for the development of their collective capacity to resist armed attack, will each take such measures as are necessary or appropriate to carry out expeditiously their respective and joint responsibilities in Greenland, in accordance with NATO plans.

Art. 2: In order that the Government of the United States of America as a party to the North Atlantic Treaty may assist the Government of the Kingdom of Denmark by establishing and/or operating such defense areas as the two Governments, on the basis of NATO defense plans, may from time to time agree to be necessary for the development of the defense of Greenland and the rest of the North Atlantic Treaty Area, and which the Government of the Kingdom of Denmark is unable to establish and operate single-handed, the two Governments in respect of the defense areas thus selected, agree to the following:

* * * * *

(3) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the United States of America, the following provisions shall apply:

* * * * *

(b) * * * the Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, shall be entitled within such defense area and the air spaces and waters adjacent thereto:

* * * * *

(iii) to station and house personnel and to provide for their health, recreation, and welfare.

* * * * *

(4) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the Kingdom of Denmark, the following provisions shall apply:

(a) The Government of the United States of America may attach United States military personnel to the staff of the commanding officer of such defense area, under the command of an officer with whom the Danish commanding officer shall consult of all important local matters affecting United States interest pursuant to the North Atlantic Treaty.

(b) The Government of the United States of America * * * may use such defense area in cooperation with the Government of the Kingdom of Denmark for the defense of Greenland and the rest of the North Atlantic Treaty area * * *

* * * * *

Art. 4: In connection with activities for the defense of Greenland and the rest of the North Atlantic Treaty area, the defense area will so far as practicable, be made available to vessels and aircraft belonging to other Governments parties to the North Atlantic

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Footnotes at end of article.

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Treaty and to the armed forces of such Governments.

* * * * *

b. Defense Agreement Pursuant to the North Atlantic Treaty Between the United States and the Republic of Iceland, May 5, 1951.[6]

Relevant provisions

Having regard to the fact that the people of Iceland cannot themselves adequately secure their own defenses, * * * [the North Atlantic Treaty Organization has requested the U.S. and Iceland to] make arrangementa for the use of facilities in Iceland in defense of Iceland. * * *

Art. 1: The United States on behalf of the North Atlantic Treaty Organization and in accordance with its responsibilities under the North Atlantic Treaty will make arrangementa regarding the defense of Iceland subject to the conditions set forth in this agreement. For this purpose and in view of the defense of the North Atlantic Treaty area, Iceland will provide such facilities in Iceland as are mutually agreed to be necessary.

[Arts. 2–8 relate to the use of facilities, the composition of forces, the status of Keflavik Airport, etc.]

c. North American Air Defense Command Agreement Effected by Exchange of Notes, United States-Canada, May 12, 1958.[7]

Relevant provisions

Studies made by representatives of our two Governments led to the conclusion that the problem of the air defence of our two countries could best be met by delegating to an integrated headquarters the task of exercising operational control over combat units of the national forces made available for the air defence of the two countries. * * * The agreed integration is intended to assist the two Governments to develop and maintain their individual and collective capacity to resist air attack on their territories in North America in mutual self-defence.

* * * My Government proposes that the following principles should govern the future organization and operations of the North American Air Defence Command.

1. * * *

2. The North American Air Defence Command will include such combat units and individuals as are specifically allocated to it by the two Governments. The jurisdiction of the Commander-in-Chief, NORAD, over those units and individuals is limited to operational control as hereinafter defined.

3. "Operational Control" is the power to direct, co-ordinate, and control the operational activities of forces assigned, attached or otherwise made available. * * *

4–11. * * *

d. General Treaty Between the United States and Panama, March 2, 1936.[8]

Article X

In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which it shall appear essential to one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments.

C. Europe

1. North Atlantic Treaty, April 4, 1949[9]

Parties

United States, Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, United Kingdom, Greece,[10] Turkey,[10] Federal Republic of Germany.[11]

Relevant provisions

Art. 3: * * * The Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Art. 4: The Partiea will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Art. 5: The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them. * * * [on the basis of Art. 51 of the UN Charter] will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. [Provides also for "immediately" reporting to the UN Security Council any armed attacks and all consequent measurea, and for terminating such measures when the Security Council has acted to restore and maintain peace and security.]

Art. 6: [As modified by the Protocol on the Accession of Greece and Turkey] For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack—

(i) on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France,[12] on the territory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

(ii) on the forces, vessels, or aircraft of any of the Parties when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Art. 11: This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes.

2. Joint Declaration Concerning the Renewal of the Defense Agreement of September 26, 1953, United States-Spain, September 26, 1963.[13]

Relevant provisions

* * * In affirming the importance of their bilateral Defense Agreement [signed Sept. 26, 1953. TIAS 2850] which will be applied in the new five year period of its validity in the spirit of this Declaration, they [the Governments of the United States of America and of Spain] consider it to be necessary and appropriate that the Agreement form a part of the security arrangements for the Atlantic and Mediterranean areas.

The United States Government reaffirms its recognition of the importance of Spain to the security, well-being and development of the Atlantic and Mediterranean areas. The two governments recognize that the security and integrity of both the United States and Spain are necessary for the common security. A threat to either country, and to the joint facilities that each provides for the common defense, would be a matter of common concern to both countries, and each country would take such action as it may consider appropriate within the frame work of its constitutional processes.

* * * * *

[Signed by Secretary of State Dean Rusk for the United States]

D. Near East-Middle East

1. Applicability of North Atlantic Treaty Since 1952

[On February 18, 1952, Greece and Turkey acceded to the North Atlantic Treaty. Since that date they have been covered by the commitments of that Treaty. (See C.1., above).]

2. United States Membership in CENTO Committees

The Pact of Mutual Cooperation (Baghdad Pact) between Iraq, Turkey, the United Kingdom, Pakistan, and Iran was signed at Baghdad, February 24, 1955. (Text in *American Foreign Policy, 1950–1955: Basic Documents*, pp. 1257–1259.) It was redesignated the Central Treaty Organization (CENTO) by a resolution of the Council of the Treaty Organization adopted August 21, 1959 following the announcement by Iraq of its decision to withdraw. The United States is a member of the Military, Economic, and Anti-Subversion Committees of CENTO and an observer at the Council meetings.

3. Bilateral Agreements

a. Agreement of Cooperation Between the Government of the United States and the Imperial Government of Iran, March 5, 1959.[14]

Relevant provisions

Art. 1: The Imperial Government of Iran is determined to resist aggression. In case of aggression against Iran, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forcea, as may be mutually agreed upon and as ia envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Iran at its request.

b. Agreement of Cooperation Between the Government of the United States and the Government of the Republic of Turkey, March 5, 1959.[15]

Relevant provisions

1. The Government of Turkey is determined to resist aggression. In case of aggression against Turkey, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Turkey at its request.

e. Africa

a. Agreement of Cooperation Between the Government of the United States and the Government of Liberia, July 8, 1959.[16]

Relevant provisions

Art. 1: In the event of aggression or threat of aggression against Liberia, the Government of the United States of America and the Government of Liberia will immediately determine what action may be appropriate for the defense of Liberia.

f. South Asia

1. United States Membership in CENTO Committees

[Pakistan is a member of CENTO, in certain activities of which the United States participates. (See Sect. I.D. 2., above).]

2. Membership of the United States and Pakistan in SEATO

[See Section G.1., "Southeast Asia-Southwest Pacific.]

3. Agreement of Cooperation Between the Government of the United States and the Government of Pakistan, March 5, 1959.[17]

Relevant provisions

Art. 1: The Government of Pakistan is determined to resist aggression. In case of aggression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate

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Footnotes at end of article.

action, including the use of armed forces, as may be mutually agreed upon and is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Pakistan at its request.

g. Southeast Asia-Southwest Pacific

1. Southeast Asia Collective Defense Treaty, September 8, 1954:[18]

United States, Australia, France, New Zealand, Pakistan, Philipines, Thailand, United Kingdom, Cambodia,[19] Laos,[19] Free territory under the jurisdiction of the State of Vietnam.[19]

Relevant provisions

Art. 2. In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

Art. 4:

(i) Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constructional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

(ii) If, in the opinion of any of the Parties, the inviolability of the integrity of the territory or the sovereignty or potential independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

(iii) It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

Understanding of the United States of America

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

2. Security Treaty Between Australia, New Zealand, and the United States (ANZUS Pact) September 1, 1951[20]

Relevant provisions

Art. 4: Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

3. Mutual Defense Treaty Between the United States and the Republic of the Philippines, August 30, 1951[21]

Revelant provisions

Art. 4: Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Art. 5: * * * an armed attack on either of the Parties is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.

4. Memorandum of Agreement, Ambassador Bohlen and Foreign Secretary Serrano of the Philippines, October 12, 1959[22]

Relevant passages

1. In accordance with the understandings reached during our discussions in August, September and October 1959, the following is agreed:

* * * * *

(c) *Mutual Defense:* The policy of the United States with regard to armed attack on the Philippines is contained in the Mutual Defense Treaty. Further the United States reaffirms the policy set forth in the statement of September 7, 1954 of then Secretary of State Dulles which reads as follows:

"Under our Mutual Defense Treaty and related actions, there have resulted air and naval dispositions of the United States in the Philippines, such that an armed attack on the Philippines could not but be also an attack upon the military forces of the United States. As betwen our nations, it is no legal fiction to say that an attack on one is an attack on both. It is a reality that an attack on the Philippines is an attack also on the United States."

and in the joint communique issued on June 20, 1958 by President Eisenhower and President Garcia the pertinent part of which reads as follows:

"President Eisenhower made clear that, in accordance with these existing alliances and the deployments and dispositions thereunder, any armed attack against the Philippines would involve an attack against United States forces stationed there and against the United States and would instantly be repelled."

5. Exchange of Notes Between Secretary Rusk and Foreign Secretary Ramos of the Philippines, September 16, 1966[23]

Relevant provision

[Referring to the Memorandum of Agreement of Foreign Secretary Serrano and Ambassador Bohlen of October 12, 1959:] . . . I have the honor on behalf of my government to reaffirm the policy of the United States regarding mutual defense expressed in the 1959 Memorandum. * * *

H. East Asia

1. Treaty of Mutual Cooperation from Security Between the United States and Japan, January 19, 1960[24]

Relevant provisions

Art. 5: Each Party recognizes that an armed attack against either Party in the territory under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processea.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

2. Mutual Defense Treaty Between the United States and the Republic of China, December 2, 1954[25]

Relevant provisions

Art. 2: In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and communist subversive activities directed from without against their territorial integrity and political stability.

Art. 5: Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

[In its report on the Treaty, the Senate Committee on Foreign Relations included the following: "It is the understanding of the Senate that the obligations of the parties under Article V apply only in the event of external armed attack; and that military operations by either party from the territories held by the Republic of China shall not be undertaken except by joint agreement."]

3. Mutual Defense Treaty Between the United States and Republic of Korea, October 1, 1953[26]

Relevant provisions

Art. 2: The Parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the Parties is threatened by external armed attack. Separate and jointly, by self help and mutual aid, the Parties will maintain and develop appropriate means to deter armed attack and will taken suitable measures in consultation and agreement to implement this Treaty and to further its purposes.

Art. 3: Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangeroua to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

[In advising and consenting to the ratification of the treaty the Senate added the following understanding: "It is the understanding of the United States that neither party is obligated, under Article III of the above Treaty, to come to the aid of the other except in case of an external attack against such party; nor shall anything in the present Treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."]

II. PROVISIONS OF OFFICIAL DECLARATIONS

A. Western Hemisphere

1. Seventh Annual Message of President Monroe to Congress ("The Monroe Doctrine"), December 2, 1823[27]

Relevant passages

* * * The occasion has been judged proper for asserting, as a principle in which the

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Footnotes at end of article.

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rights and interest of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. * * * The political system of the allied powers [the "Holy Alliance"] is essentially different * * * from that of America. * * * We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. * * * With the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. * * *

2. Statement by the Department of State on the Monroe Doctrine July 14, 1960 [28]

Relevant passage

* * * * *

The principles [of the Monroe Doctrine] which the United States Government enunciated in the face of the attempts of the old imperialism to intervene in the affairs of this hemisphere are as valid today for the attempts of the new imperialism. * * * Today, nearly a century and a half later, the United States is gratified that these principles are not professed by itself alone but represent through solemn agreements the views of the American community as a whole.

3. The Ogdensburg Agreement: Joint Statement by President Roosevelt and Prime Minister Mackenzie King of Canada, August 18, 1940 [29]

Relevant passages

The Prime Minister and the President have discussed the mutual problems of defense in relation to the safety of Canada and the United States.

It has been agreed that a Permanent Joint Board on Defense shall be set up at once by the two countries.

This Permanent Joint Board on Defense shall commence immediate studies relating to sea, land, and air problems including personnel and matériel.

It will consider in the broad sense the defense of the north half of the Western Hemisphere.

* * * * *

4. Joint Announcement on Defense, United States-Canada, February 12, 1947 [30]

Relevant passages

In the interest of efficiency and economy, each Government has decided that its national defense establishment shall, to the extent authorized by law, continue to collaborate for peacetime joint security purposes. * * *

[Citing the "identity, of view and interest between the two countries", and noting that "no treaty, executive agreement, or contractual obligation has been entered into," [31] the announcement quoted the Ogdensburg Agreement of August 1940 which established the Permanent Joint Board on Defense.]

In discharging this continuing responsibility [for the defense of the north half of the Western Hemisphere] the Board's work led to the building up of a pattern of close defense cooperation. The principles announced on February 12 are in continuance of this cooperation. * * *

5. Joint Resolution Expressing the Determination of the United States With Respect to the Situation in Cuba (Cuban Resolution) October 3, 1962

5. Cuban Resolution—Text of Public Law 87–733 [S.J. Res. 230], 76 Stat. 697, approved October 3, 1962: Joint Resolution expressing the determination of the United States with respect to the situation in Cuba.

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

6. Joint statement at Washington by President Kennedy and President Betancourt of Venezuela, February 20, 1963 [32]

Relevant passage

* * * * *

The President of the United States pledged the full support of his country to the Republic of Venezuela in resisting the all-out campaign of the international Communists, aided especially by their Cuban allies, to overthrow the constitutional Government of President Betancourt.

* * * * *

[When asked at a news conference on March 6, 1963 about the nature of the "full support" in case of a serious or successful revolution against Betancourt, President Kennedy replied: "Well, it would depend a good deal on the conditions and what our obligations might be under the Rio treaty. We strongly support President Betancourt's efforts in Venezuela in a good number of ways. But if you are asking me, I would have to see what the conditions were, what the responsibilities were under the Rio treaty, the OAS, if we knew we were going into a more substantial situation. If you are talking about aggression from the outside, the answer is very clear. If you are talking about internal acts, we would have to judge those acts, and depend a good deal on what the Government of Venezuela decided as the appropriate response."] [33]

B. Europe

1. Statement by President Eisenhower on United States Policy Towards the Western European Union, March 10, 1955 [34]

[In a message of the Prime Ministers of the signatories to the Western Europe Union protocols—Belgium, France, Federal Republic of German, Italy, Luxembourg, the Netherlands, and the United Kingdom—President Eisenhower referred to a similar statement of principles he had made on April 15, 1954, in anticipation of the European Defense Community, and to the fact that the latter evolved into the Western European Union plan.]

Relevant passages

I am glad to affirm that when the Paris Agreements [establishing the Western European Union arrangements] have been ratified and have come into force, it will be the policy of the United States:

* * * * * *

(3) To continue to maintain in Europe including Germany, such units of its armed forces as may be necessary and appropriate to contribute its fair share of the forces needed for the joint defense of the North Atlantic area while a threat to that area exists and will continue [sic] to deploy such forces in accordance with agreed North Atlantic strategy for the defense of this area;

* * * * * *

(6) * * * to regard any action from whatever quarter which threatens the integrity and unity of the Western European Union as a threat to the security of the parties to the North Atlantic Treaty calling for consultation in accordance with Article 4 of that Treaty.

2. Communique, North Atlantic Council Ministerial Session, Athens, May 6, 1962 [35]

Relevant passage

* * * the Ministers welcomed the confirmation by the United States that it will continue to make available for the Alliance the nuclear weapons necessary for NATO defense, concerting with its allies on basic plans and arrangements in regard to these weapons. In addition, both the United Kingdom and the United States Governments have given firm assurances that their strategic forces will continue to provide defense against threats to the Alliance beyond the capability of NATO-committed forces to deal with.

3. Final Act, London Nine-Power Conference, Declaration by the Governments of the United States, the United Kingdom, and France, October 3, 1954 [36]

Relevant passages

5. the security and welfare of Berlin and the maintenance of the position of the Three Powers there are regarded by the Three Powers as essential elements of the peace of the free world in the present international situation. Accordingly they will maintain armed forces within the territory of Berlin as long as their responsibilities require it. They therefore reaffirm that they will treat any attack against Berlin from any quarter as an attack upon their forces and themselves.

6. They will regard as a threat to their own peace and safety any recourse to force which in violation of the principles of the United Nations Charter threatens the integrity and unity of the Atlantic alliance or its defensive purposes. In the event any such action the three Governments, . . . will act in accordance with Article 4 of the North Atlantic Treaty [which calls for consultation] with a view to taking other measures which may be appropriate.

Footnotes at end of article.

4. Statement by President Kennedy Regarding Berlin, in Address to the Nation, July 25, 1961 [37]

Relevant passage

We are there [Berlin] as a result of our victory over Nazi Germany and our basic rights to be there deriving from that victory include both our presence in West Berlin and the enjoyment of access across East Germany. * * * But in addition to those rights is our commitment to sustain—and defend, if need be—the opportunity for more than 2 million people to determine their own future and choose their own way of life. * * * The NATO shield was long ago extended to cover West Berlin, and we have given our word that an attack in that city will be regarded as an attack upon us all.

5. Address by Vice-President Johnson before the West Berlin House of Representatives, August 19, 1961 [38]

Relevant passage

I have come to Berlin by direction of President Kennedy. He wants you to know—and I want you to know—that the pledge he has given to the freedom of West Berlin and to the rights of Western access to Berlin is firm. To the survival and to the creative future of this city we Americans have pledged in effect, what our ancestors pledged in forming the United States: "* * * our Lives, our Fortunes and our Sacred Honor". * * *

6. Statement by Secretary of State Rusk Regarding Berlin, in Address at Davidson College, February 22, 1962 [39]

Relevant passage

The Western allies, backed by all the NATO powers have the most solemn obligation to protect the freedom of the West Berliners. * * * To protect this freedom requires the continued presence of Allied troops and free rights of access. * * *

7. Concurrent Resolution 570 (Berlin Resolution), October 10, 1962

Concurrent resolution

Whereas the primary purpose of the United States in its relations with all other nations is and has been to develop and sustain a just and enduring peace for all; and

Whereas it is the purpose of the United States to encourage and support the establishment of a free, unified, and democratic Germany; and

Whereas in connection with the termination of hostilities in World War II the United States, the United Kingdom, France, and the Soviet Union freely entered into binding agreements under which the four powers have the right to remain in Berlin, with the right of ingress and egress, until the conclusion of a final settlement with the Government of Germany; and

Whereas no such final settlement has been concluded by the four powers and the aforementioned agreements continue in force: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress—

(a) that the continued exercise of United States, British, and French rights in Berlin constitutes a fundamental political and moral determination;

(b) that the United States would regard as intolerable any violation by the Soviet Union directly or through others of those rights in Berlin, including the right of ingress and egress;

(c) that the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to fulfill our commitment to the people of Berlin with respect to their resolve for Freedom.

8. Joint Communique, President Kennedy and Chancellor Adenauer of Germany, November 15, 1962 [40]

Relevant passage

It is agreed * * * that the freedom and viability of Berlin will be preserved in all circumstances and wtih all means.

9. Joint Communique, President Johnson and Chancellor Erhard of Germany, June 12, 1964 [41]

Relevant passage

The President restated the determination of the United States to carry out fully its commitments with respect to Berlin, including the maintenance of the right of free access to West Berlin and the continued freedom and viability of the city.

C. Near East-Middle East

1. Message of President Truman to Congress ("The Truman Doctrine"), March 12, 1947 [42]

Relevant passages

* * * * *

I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

I believe that we must assist free peoples to work out their own destinies in their own way.

I believe that our help should be primarily through economic and financial aid which is essential to economic stability and orderly processes.

* * * * *

2. Joint Resolution To Promote Peace and Stability in the Middle East ("The Eisenhower Doctrine"), March 9, 1957 [43]

Relevant passage

SEC. 2. The President is authorized to undertake, in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any such nation or groups of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

3. Tripartite Declaration (United States-United Kingdom-France) Regarding Security in the Near East, May 25, 1950 [44]

Relevant passage

3. The three Governments take this opportunity of declaring their deep interest in and their desire to promote the establishment and maintenance of peace and stability in the area and their unalterable opposition to the use of force or threat of force between any of the states in that area. The three Governments, should they find that any of these states [i.e. the Arab States and Israel] was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside the United Nations, to prevent such violation.

4. Multilateral Declaration Respecting the Baghdad Pact, July 28, 1958 [45]

Parties

United States, Pakistan, Iran, Turkey, United Kingdom.

Relevant passages

1. The members of the Baghdad Pact attending the Ministerial meeting in London [46] * * * declare their determination to maintain their collective security and to resist aggression, direct or indirect.

4. Article 1 of the Pact of Mutual Co-operation signed at Baghdad on February 24, 1955, provides that the parties will co-operate for their security and defense and that such measures as they agree to take to give effect to this co-operation may form the subject of special agreements. Similarly, the United States in the interest of world peace, and pursuant to existing Congressional authorization, agrees to co-operate with the nations making this declaration for their security and defense and will promptly enter into agreements designed to give effect to this cooperation.

5. Joint Communique, President Kennedy and the Shah of Iran (Mohammed Reza Pahlavi), Washington, April 13, 1962 [47]

Relevant passages

* * * * *

Their talks included a review of political and military situations in the world; a discussion of the progress which Iran is making in economic and social advancement; a review of defense arrangements in which the two countries are associated; and aspects of United States economic and military aid programs in Iran.

* * * * *

They discussed and were in complete agreement on the subject of the nature of the threat to the Middle East and to all free peoples. They reaffirmed the provisions of the bilateral agreement of 1959 concerning the maintenance of the independence and territorial integrity of Iran, and agreed on the necessity of collective security arrangements to achieve this end.

* * * * *

6. Letter from President Kennedy to Crown Prince Faisal of Saudi Arabia, October 25, 1962 [48]

Relevant passage

* * * * *

* * * Under your firm and enlightened leadership I am confident Saudi Arabia will move ahead successfully on the path of modernization and reform which it has already charted for itself. In pursuing this course you may be assured of full United States support for the maintenance of Saudi Arabia's integrity.

* * * * *

7. Statement on Jordan and Saudi Arabia by Secretary of State Rusk, in a News Conference, March 8, 1963.[49]

Relevant passages

[In response to a question on political stability in Saudi Arabia and Jordan, Secretary Rusk stated:]

* * * * *

We of course are concerned about the independence of these Arab states and their freedom from external penetration. * * * We are very much interested in the independence and the security of our friends in Jordan and Arabia and will be very much alert to any threats against them.

8. Reply by President Kennedy to a News Conference Question concerning the Middle East, May 8, 1963 [50]

Relevant passage

* * * * *

We strongly oppose the use of force or the threat of force in the Near East, and we also seek to limit the spread of communism in the Middle East which would, of course destroy the independence of the people. This government has been and remains strongly opposed to the use of force or the threat of force in the Near East. In the event of aggression or preparations for aggression, whether direct or indirect, we would support appropriate measures in the United Nations, adopt other courses of action on our own to prevent or to put a stop to such aggression,

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Footnotes at end of article.

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which, of course, has been the policy which the United States has followed for some time.

9. Remarks of President Johnson during Exchange of Toasts with President Shazar of Israel, August 2, 1966 [51]

Relevant passage

* * * * *

[Reaffirming President Kennedy's atatement of May 8, 1963 which expressed American support for the security of both Israel and her neighbors,[52] President Johnson said:]

We subscribe to that policy.

10. Statement by President Johnson on the Near East Situation, at the White House, May 23, 1967 [53]

Relevant passage

* * * * *

To the leaders of all the nations of the Near East, I wish to say what three American Presidents have said before me—that the United States is firmly committed to the support of the political independence and territorial integrity of all the nations of that area. The United States strongly opposses aggression by anyone in the area, in any form, overt or clandestine.

* * * * *

11. Address by President Johnson at a Foreign Policy Conference of Educators Sponsored by the Department of State, June 19, 1967 [54]

Relevant passages

* * * * *

Our country is committed—and we here reiterate that commitment today—to a peace [in the Middle East] that is based on five principles:

First, the recognized right of national life;

Second, justice for the refugees;

Third, innocent maritime passage;

Fourth, limits on the wasteful and destructive arms race; and

Fifth, political independence and territorial integrity for all.

* * * * *

D. Africa

The Department is not aware of any published official statements by the Congress, the President, the Vice President, or the Secretary of State containing United States defense assurances to African countries.

E. South Asia

1. Letter from President Eisenhower to Prime Minister Nehru of India, February 24, 1954 [55]

Relevant passage

* * * * *

* * * I am confirming publicly that if our aid to any country, including Pakistan, is misused and directed against another in aggression I will undertake immediately, in accordance with my constitutional authority, appropriate action both within and without the U.N. to thwart such aggression. * * *

* * * * *

2. Assurances to Pakistan Respecting the Extension of Military Assistance to India: Statement by the Department of State, November 17, 1962 [56]

Relevant passages

[Referring to an exchange of notes between the United States Government and the Government of India released the same day (November 17), which concerned the provision of military aid to India, and citing the assurances given to India in 1954 when similar aid was extended to Pakistan,[57] the statement continued:]

* * * * *

The Government of the United States of America has similarly assured the Government of Pakistan that, if our assistance to India should be misused and directed against another in aggression, the United States would undertake immediately, in accordance with constitutional authority appropriate action both within and without the United Nations to thwart such aggression.

Needless to say, in giving these assurances the United States is confident that neither of the countries which it is aiding harbors aggressive designs.

Footnotes at end of article.

F. Southeast Asia

1. Joint Resolution To Promote the Maintenance of International Peace and Security in Southeast Asia (Tonkin Gulf Resolution), August 10, 1964 [58]

Relevant passages

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

2. Statement of Congressional Policy, March 16, 1967 [59]

The Congress hereby declares—

(1) its firm intentions to provide all necessary support for members of the Armed Forces of the United States fighting in Vietnam:

(2) its support of efforts being made by the President of the United States and other men of good will throughout the world to prevent an expansion of the war in Vietnam and to bring that conflict to an end through a negotiated settlement which will preserve the honor of the United States, protect the vital interests of this country, and allow the people of South Vietnam to determine the affairs of that nation in their own way; and

(3) its support for the convening of the nations that participated in the Geneva Conferences or any other meeting of nations similarly involved and interested as soon as possible for the purpose of pursuing the general principles of the Geneva accords of 1954 and 1962 and for formulating plans for bringing the conflict to an honorable conclusion.

3. Joint Statement, Secretary of State Rusk and Foreign Minister Thanat Khoman of Thailand, March 6, 1962 [60]

Relevant passages

* * * * *

The Secretary of State reaffirmed that the United States regards the preservation of the independence and integrity of Thailand as vital to the national interest of the United States and to world peace. He expressed the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion.

The Foreign Minister and the Secretary of State * * * agreed that the Treaty [Southeast Asia Collective Defense Treaty] provides the basis for the signatories collectively to assist Thailand in case of [direct] Communist armed attack against that country. The Secretary of State assured the Foreign Minister that in the event of such aggression, the United States intends to give full effect to its obligations under the Treaty to act to meet the common danger in accordance with its constitutional processes. The Secretary of State reaffirmed that this obligation of the United States does not depend upon the prior agreement of all other parties to the treaty, since this treaty obligation is individual as well as collective.

In reviewing measures to meet indirect aggression, the Secretary of State stated that the United States regards its commitments to Thailand under the Southeast Asia Collective Treaty and under its bilateral economic and military assistance agreements with Thailand as providing an important basis for United States actions to help Thailand meet indirect aggression. In this connection the Secretary reviewed with the Foreign Minister the action. being taken by the United States to assist the Republic of Vietnam to meet the threat of indirect aggression.

* * * * *

4. Declaration of Honolulu, President Johnson, Chairman Nguyen Van Thieu and Prime Minister Nguyen Cooky, February 8, 1966 [61]

Relevant passage

The President of the United States and the Chief of State and Prime Minister of the Republic of Vietnam are thus pledged again—

To defense against aggression;

To the work of social revolution:

To the goal of free self-government:

To the attack on hunger, ignorance, and disease; and

To the unending quest for peace.

5. Communique of Seven Nations, Manila Conference, October 25, 1966 (Australia, Korea, New Zealand, Philippines, Thailand, United States, Republic of Vietnam) [62]

"We are united in our determination that the South Vietnamese people shall not be conquered by aggressive force and shall enjoy the inherent right to choose their own way of life and their own form of government. We shall continue our military and all other efforts, as firmly and as long as may be necessary, in close consultation among ourselves until the aggression is ended."

6. Remarks of President Johnson in Offering a Toast to the King of Thailand, Bangkok, October 26, 1966 [63]

Relevant passages

* * * * *

Tonight we stand as allies in a common cause. * * * We know the risks that we both run to meet the common dangers. But we know, also, that we act from a joint conviction of common interest.

Let me assure you in this regard that Thailand can count on the United States to meet its obligations under the SEATO treaty. The commitment of the United States under the SEATO treaty is not of a particular political party or administration in my country but is a commitment of the American people.

I repeat to you: America keeps its commitments.[64]

g. East Asia

1. Joint Resolution Authorizing the President To Employ the Armed Forces of the United States for Protecting the Security of Formosa, the Pescadores and Related Positions and Territories of That Area (Formosa Straits Resolution), January 29, 1955 [65]

Relevant passage

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such

related positions and territories of that area now in friendly hands and the taking of such other measurea as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores. * * *

2. Statement on Formosa and the Offshore Islands by President Kennedy in a Press Conference, June 27, 1962 [66]

Our basic position has always been that we are opposed to the use of force in this area. * * * [In the event of] aggressive action against the offshore islands of Matsu and Quemoy * * * the United States will take the action necessary to assure the defense of Formosa and the Pescadores. * * * In my own discussion of this issue in the campaign of 1960, * * * I stated this position very plainly, for example, on October 16, 1960: "The position of the administration has been that we would defend Quemoy and Matsu if there were an attack which was part of an attack on Formosa and the Pescadores. * * *" Under this policy sustained continuously by the United States Government since 1954, it is clear that any threat to the offshore islands must be judged in relation to its wider meaning for the safety of Formosa and the peace of the area. Exactly what action would be necessary in the event of any such act of force would depend on the situation as it developed. * * *

3. Reply to Question at Press Conference in Korea by Vice President Humphrey, February 23, 1966 [67]

Relevant passage

The United States Government and the people of the United States have a firm commitment to the defense of Korea. As long as there is one American soldier on the line of the border, the demarkation line, the whole and the entire power of the United States of America is committed to the security and defense of Korea. Korea today is as strong as the United States and Korea put together. America today is as strong as the United States and Korea put together. We are allies, we are friends, you should have no questions, no doubts.

H. Southwest Pacific

1. Joint Communique, President Johnson and President Macapagal, October 6, 1964 [8]

Relevant passage

The two Presidents recognized that the aggressive intentions and activities of Communist China continue to present an imminent threat in the Far East and in Southeast Asia. They reviewed, in this connection, the importance of the Mutual Defense Treaty between the Philippines and the United States in maintaining the security of both countries and reaffirmed their commitment to meet any threat that might arise against their security. President Johnson made it clear that, in accordance with these existing alliances and the deployment and dispositions thereunder, any armed attack against the Philippines would be regarded as an attack against United States forces stationed there and against the United States and would instantly be repelled.

2. Joint Communique, President Johnson and President Marcos of the Philippines, September 15, 1966 [9]

Relevant passages

* * * * *

14. Mutual Security. Both Presidents recognized the strategic role which the Philippines plays in the network of allied defenses and agreed to strengthen their mutual defense capabilities.

* * * * *

16. The two Presidents pledged themselves to strengthen the unity of the two countries in meeting any threat to their security. In this regard, they noted the continuing importance of the Mutual Defense Treaty between the Philippines and the United States in maintaining the security of both countries. President Johnson reiterated to President Marcos the policy of the United States regarding mutual defense as stated by him and by past U.S. Administrations to the Philippine Government since 1954.

FOOTNOTES

[1] 59 Stat. 1031. Signed at San Francisco June 26, 1945; entered into force for the United States October 24, 1945.

[2] TIAS 1838. Opened for signature at Rio de Janeiro September 2, 1947; entered into force for the United States December 3, 1948.

[3] Resolution VI, of the Final Act of the Eighth Meeting of Consultation of Ministers of Foreign Affairs of the American Republics, Punta del Este; signed January 31, 1962, excluded "the present Government of Cuba, which has officially identified itself as a Marxist-Leninist government" from participation in the inter-American system.

[4] TIAS 2292. Signed at Copenhagen April 27, 1951; entered into force June 8, 1951.

[5] Both the United States and Denmark are members of NATO. See *ante*, p. 10.

[6] TIAS 2266. Signed at Reykjavik May 5, 1951; entered into force May 5, 1951.

[7] TIAS 4031. Signed at Washington May 12, 1956; entered into force May 12, 1956.

[8] Treaty Series No. 945. Signed March 2, 1936; ratification advised by Senate, July 25, 1939; ratified by President, July 26, 1939; proclaimed by President, July 27, 1939.

[9] TIAS 1964. Signed April 4, 1949; ratification advised by Senate, July 21, 1949; ratified by President, July 25, 1949; proclaimed by President, August 24, 1949; entered into force August 29, 1949.

[10] Acceded by Protocol, February 18, 1952. TIAS 2390, October 17, 1951.

[11] Acceded by Protocol, May 5, 1955, TIAS 3428, October 23, 1954.

[12] Considering the independence of Algeria the North Atlantic Council on January 16, 1963, noted that insofar as the former Algerian Departments of France were concerned the relevant clauses of this treaty had become inapplicable as from July 3, 1962.

[13] TIAS 5437. Signed at New York, September 26, 1953.

[14] TIAS 4189. Signed at Ankara March 5, 1959; entered into force March 5, 1959.

[15] TIAS 4191. Signed at Ankara March 5, 1959; entered into force March 5, 1959.

[16] TIAS 4303. Signed July 6, 1959; entered into force July 6, 1959.

[17] TIAS 4190. Signed March 5, 1959; entered into force March 5, 1959. This bilateral agreement of cooperation was entered into pursuant to the Declaration Relating to the Baghdad Pact signed at London July 28, 1958 (see Section D, "Near East-Middle East").

[18] TIAS 3170. Signed September 8, 1954; ratification advised by the Senate, February 1, 1955; ratified by the President, February 4, 1955; proclaimed by the President, February 19, 1955; entered into force, February 19, 1955.

[19] Included (for the purposes of Article IV) by the Protocol to the Southeast Asia Collective Defense Treaty, TIAS 3170, signed September 8, 1954; entered into force, February 19, 1955. Cambodia has indicated disinterest in the protection of the Southeast Asia Treaty. In the Geneva Declaration on the Neutrality of Laos, the Royal Government of Laos declared that it will not "recognize the protection of any alliance or military coalition including SEATO," and the United States and other nations agreed to "respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO."

[20] TIAS 2493. Signed September 1, 1951; ratification advised by the Senate, March 20, 1952; ratified by the President, April 15, 1952; proclaimed by the President, May 9, 1952; entered into force April 29, 1952.

[21] TIAS 2529. Signed August 30, 1951; ratification advised by the Senate, March 20, 1952; ratified by the President, April 15, 1952; proclaimed by the President, September 15, 1952; entered into force, August 27, 1952.

[22] File 711.56396/10–1659.

[23] TIAS 6084. Signed at Washington, September 16, 1966.

[24] TIAS 4509. Signed January 19, 1960; ratification advised by the Senate, June 22, 1960; entered into force, June 23, 1960.

[25] TIAS 3178. Signed December 2, 1954; ratification advised by the Senate, February 9, 1955; ratified by the President, February 11, 1955; proclaimed by the President, April 1, 1955; entered into force, March 3, 1955.

[26] TIAS 3097. Signed October 1, 1953; ratification advised by the Senate, with an understanding, January 26, 1954; ratified by the President, subject to the said understanding, February 5, 1954; proclaimed by the President, December 1, 1954; entered into force, November 17, 1954.

[27] J. D. Richardson, *Messages and Paper of the Presidents, 1789–1897,* volume 11, pp. 207–220.

[28] *American Foreign Policy: Current Documents,* 1960, pp. 210–212.

[29] Made at Ogdensburg, New York; text in *Department of State Bulletin,* August 24, 1940, p. 154.

[30] *Department of State Bulletin,* volume XVI, No. 399, February 23, 1947, p. 361.

[31] Subsequently both Canada and the United States becomes parties to the North Atlantic Treaty.

[32] *Public Papers of the Presidents of the United States: John F. Kennedy* 1963, p. 166.

[33] *Ibid.*, p. 243.

[34] *American Foreign Policy, 1950–55; Basic Documents*, volume I, pp. 969–991.

[35] *American Foreign Policy: Current documents, 1962*, pp. 541–543.

[36] *American Foreign Policy, 1950–55: Basic Documents*, volume I, pp. 1481–1483.

[37] *American Foreign Policy: Current Documents, 1961,* pp. 604–612.

[38] *American Foreign Policy: Current Documents, 1962*, pp. 634–635.

[39] *American Foreign Policy: Current Documents, 1962,* pp. 689–690.

[40] *American Foreign Policy: Current Documents, 1962*, pp. 626–627.

[41] *Department of State Bulletin,* volume L, No. 1305, June 29, 1964, pp. 992–994.

[42] *Department of State Bulletin* Supplement of May 4, 1947, pp. 829–832. The message was delivered by the President before a joint session of Congress.

[43] House Joint Resolution 117, 85th Cong., 1st sess.; approved by the President, March 9, 1957.

[44] *Department of State Bulletin*, June 5, 1950, p. 886.

[45] TIAS 4084. Signed at London July 28, 1958; entered into force for the United States July 28, 1958.

[46] Iraq was not present.

[47] *American Foreign Policy: Current Documents, 1962*, pp. 778–779.

[48] White House press release dated January 8, 1963 (text in *American Foreign Policy: Current Documents, 1962*, p. 763).

[49] Department of State Press Release 121 Mar. 8, 1963, text in *Department of State Bulletin* XLVIII, No. 1239, Mar. 25, 1963, p. 435.

[50] *Public Papers of the Presidents of the United States: John F. Kennedy*, 1963, p. 373.

[51] Weekly Compilation of Presidential Documents, Aug. 8, 1966, Vol. 2, No. 31, p. 1019.

[52] See Item II, C.7., p. 48.

[53] White House press release dated May 23, 1967.

[54] *Weekly Compilation of Presidential Documents*, June 26, 1967, pages 889–920.

[55] Text as printed in *Dept. of State Bulletin*, XXX, No. 768, Mar. 15, 1954, pp. 300–401.

[56] Dept. of State press release 683, No. 17, 1962, text as printed in *Dept. of State Bulletin*, XLVII, No. 1223, Dec. 3, 1962, pp. 837–838.

[57] See item E. 1., p. 50.

[58] House Joint Resolution 1145, 88th Cong., 2d sess., August 10, 1964; 78 Stats. 364.

[59] Supplemental Appropriation Act, Title IV, 81 Stat. 5–6.

[60] Department of State Press Release, No. 145, March 6, 1962.

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In two world wars, we found that large enemy submarine forces have nearly cut us off from our allies. Now we face the largest and most modern enemy submarine fleet we have ever faced. We have found that we can effectively use submarines both against submarines and against enemy fleets and merchant marines in forward areas where the enemy has control of the ocean surface. Thus, in World War II our submarines were able to reduce the flow of petroleum to Japan to such an extent that at the end of the way, the Japanese fleet was hard put to find oil needed for operations.

We also learned the value of airpower, flying off carriers, to win our battles—and to cut down on the flow of petroleum to the enemy. We could not have made the step-by-step progress back across the Pacific up to Japan itself without getting control of the seas as we went. It was the use of planes flying off carriers that gave control of the air in our amphibious landing. I know because I was there—and I live today because of that. In Southeast Asia, we have been flying effectively off carriers as well as land bases. The carriers have not been subject to sneak attacks—such as have destroyed so many land aircraft.

When we had the missile crisis with Cuba, it was our seapower thrown around the island that made the effective difference. It gave us many choices of further steps.

With our Navy, our Government has any number of choices as to possible action in case of any trouble in any part of the world. With our large number of commitments we must be ready to back up our word or the Soviet will take over from us. Our choices range from "showing the flag," to blockades, to enemy action of varying kinds and amounts. Having these choices also gives our Government time to consider other possibilities which may be needed in any particular situation.

However, seapower must also be considered in its broader aspects. It is not merely the use and deployment of naval forces in both peacetime and wartime—it is also the use of the merchant marine, of fishing fleets, of oceanography. The Soviets are practicing what we learned long ago and have forgotten—that seapower is the coordinated use of all aspects of our naval and maritime abilities in support of a national policy.

FLEXIBILITY OF NAVAL POWER

Naval power has the great advantage of giving our Government any number of choices as to possible action in support of national policies in any part of the world. In meeting our treaty commitments and protecting our vital interests, naval power allows great flexibility of response ranging from show-the-flag operations to any level of response that a situation requires.

CUBAN CRISIS

The flexibility and effectiveness of our seapower were so well demonstrated during the Cuban crisis, that is is worthwhile recalling that experience, especially as related by Senator Robert F. Kennedy in "Thirteen Days."

After the United States had photographic proof of the existence of strategic missiles in Cuba furnished by the Soviets, there was considerable debate as to what course we should take. The choices ran from armed invasion to diplomatic action. President John F. Kennedy decided that the first step would be to quarantine Cuba.

At first the quarantine was to extend 800 miles from Cuba, but it was reduced to 500 miles in order to give the Soviets time to consider and send necessary orders to the ships already underway. Two Soviet freighters carrying missiles approached the 500-mile boundary. At first it was planned to have the interception made by a cruiser. However, when a Soviet submarine was located between the two ships, it was decided to send the antisubmarine carrier *Essex* to make the interception. The Soviet freighters stopped at the edge of the 500-mile zone, so there was no need to confront them. However, the Soviets sent a tanker on through. Not wanting a confrontation over a ship not carrying missiles, we sent only an escort of surface ships to accompany it.

The Soviets had six submarines in the area which were constantly watched by our antisubmarine activities. We were able to get a fleet of 25 destroyers, two cruisers, several submarines, three attack carriers, five antisubmarine carriers, and a large number of support ships for the surface quarantine, as well as for antisubmarine work.

When an East German passenger ship appeared and entered the quarantine zone, it was decided to let it pass without stopping it. The possibility of harming 1,500 passengers was the governing consideration. We did not want another *Lusitania*. In order to show that we would insist on boarding and inspecting ships within the zone, a Panamanian freighter was selected. It was stopped, boarded, examined, and permitted to go on its way since it carried no arms. This showed we meant business, still without a direct confrontation with the Soviets.

While these operations were taking place on the high seas, we were able to put our missile crews on maximum alert and move troops into Florida and the southeastern United States. The 1st Armored Division began to move out of Texas into Georgia. Five more divisions were placed on alert. The base at Guantanamo Bay was strengthened. The Navy deployed 150 ships into the Caribbean. The Strategic Air Command was dispersed to civilian landing fields around the country and the B–52's were ordered into the air with a full load of atomic weapons. Plans were made for all scales of attack, including invasions of Cuba and overrunning of the missile sites, in case the enemy undertook any of a number of possible kinds of action.

In the meantime, also, the United States was able to undertake diplomatic discussions with the Organization of American States, with the heads of England, France, and Germany, and with the United Nations. It was able to discuss the situation with the ambassadors of a number of countries and with the leaders of Congress.

Through the use of the quarantine, the United States was able to keep making a number of choices of courses of action. It was able to make clear its will and determination without necessarily making such a direct confrontation that the Soviets were not able to retreat. Throughout, there were any number of times when new circumstances made different decisions desirable at the last minute. The flexibility of our naval forces in the area combined with our mastery of the seas, based primarily on our aircraft carriers, gave us time to prepare and the Soviets time to reconsider.

To retain this kind of strategic flexibility, a flexibility which can be an important deterrent to war as this episode proved, is another important reason why we must proceed with the modernization of our Navy.

One hesitates to think what the results might have been in that crisis without the overwhelming mastery of the seas. As former Prime Minister Harold MacMillan has explained in an introduction to "Thirteen Days" by Robert F. Kennedy:

> Apart from the various diplomatic weapons which were used with consummate skill, the President's decision to adopt the method of the blockade gave an opportunity both for the Americans to prepare and to the Soviet Government to recede.

H.R. 14000

The bill which is before you contains $3.591 billion for shipbuilding. This bill does go beyond what the Department of Defense has asked for. However, it was drafted on information supplied by the Navy. Indeed, the Chief of Naval Operations has asked for a $4 billion shipbuilding bill for at least 5 years in order to get the Navy into a good posture by the 1980's. Even with that construction there will be a period during the middle 1970's when we will have to rely on too many ships over 30 years of age.

The Secretary of the Navy has called for a $4.5 billion shipbuilding program for 10 years. The Deputy Secretary of Defense has stated that the Navy needs this kind of a shipbuilding bill. The President has told the chairman of the full committee that he agrees with this shipbuilding bill. With this background, the committee decided it had no choice but to bring forth a bill which would restore the Navy to its rightful role.

The biggest differences with the Department of Defense program are in the construction of support ships and in the provision for long leadtime items.

Since the Navy cannot operate efficiently without a full complement of modern support ships, many of these are contained in the bill before you.

One of the most important ships that there is in the bill is the attack carrier.

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[61] Text in LIV Department of State Bulletin 305–307.

[62] Press release 252, Oct. 25, 1966.

[63] Text in *The Department of State Bulletin*, LV, No. 1430, Nov. 21, 1966, pp. 767–768.

[64] The President's statement was reiterated by Secretary Rusk in a press release on March 22, 1967, published in *The Department of State Bulletin*, LVI, No. 1450, Apr. 10, 1967, pp. 597–596.

[65] House Joint Resolution 159, 84th Cong., 1st sess., Jan. 29, 1955 (Text in *American Foreign Policy, 1950–1955:* Basic Documents (2 volumes, Washington: U.S. Government Office, 1957), Volume II, pp. 2486–2487).

[66] *Public Papers of the Presidents: John F. Kennedy, 1962*, pp. 509–517.

[67] Korea Times, February 24, 1966.

The attack carrier is the heart of the U.S. surface naval strength and gives us a unique capability which is unmatched by any other nation. The carrier is the one capital ship that the Russians do not yet have, and its flexibility gives us an important leverage in carrying out national policy.

Attack carriers are the one way the United States has of taking its air power almost any place it may be needed. Ninety-five percent of the world's population and 85 percent of the world's contingency areas lie within striking distance from carriers. Carriers are not dependent upon base rights, landing rights, or overflight rights, which can quickly disappear when needed most. Recently our overseas air bases have been greatly curtailed as in France and Morocco, to name some outstanding examples. From 551 overseas bases at the end of the Korean war, we now have dropped to 173. Of 105 operational Air Force bases overseas in 1957, there are now only 35.

The Air Force is said to have a "kit" by which it can turn any civilian airfield into a military air base, so as to be able to use more land bases in a hurry. This presupposes that there will be all of the base rights—as well as overflight rights—which will be necessary to the United States. Upon inquiry, it turns out that the kit consists of 6,000 people, 7,000 tons of cargo and 1,500 vehicles. Thirty-two hundred tons of consumables a day are also required for the operation, including petroleum products.

When all costs of maintaining a fighter wing are compared, the differences between Navy and Air Force are not great—in fact, they are just about even. And the carrier can be placed in a new location immediately.

Attack carriers have been able to provide air power in the Pacific against a large Navy in ending World War II, in Korea when all of the land bases were overrun by the enemy, and for Southeast Asia.

The use of carriers in support of U.S. policy is best shown by the following information:

SUMMARY OF ATTACK CARRIER SUPPORT OF U.S. FOREIGN POLICY SINCE THE KOREAN WAR

July 1954: Searched for survivors of downed British aircraft in South China Sea. Search aircraft fired on by Chinese Communist fighters. Our aircraft returned the fire downing two Chinese Communist fighters—*Philippine Sea* and *Hornet*.

June to October 1954: Support evacuation of citizens of North Vietnam to the South—"Passage to Freedom"—*Hornet*.

October 1954: Assist victims of hurricane "Hazel" which had devastated part of Haiti. Helicopters dropped medicine, food, clothing and other supplies and relieved the widespread suffering—*Saipan*.

January 24 to February 12 1955: Protected and supported evacuation of more than 18,000 civilians and 20,000 military personnel from Chinese Mainland and Tachen Islands to Taiwan—*Essex, Wasp, Yorktown, Kearsarge*.

August 23, 1956: Search for crewmen of Navy patrol plane shot down off coast of Communist China while prepared to take other military actions if required—*Wasp*.

July to October 1956: Egyptian-Israeli War—Suez Crisis. Protected the evacuation of 2,177 U.S. citizens from Alexandria, Haifa, Tel Aviv, Amman and Damascus. Provided air cover, and air and surface reconnaissance—*Randolph, Coral Sea, Antietam*.

October to December 1956: During Suez Crisis provided backup support to Mediterranean Naval Force in Eastern Atlantic—*Forrestal, Roosevelt*.

A two-carrier task force in the Western Pacific was prepared to sail to the Mediterranean—*Lexington, Bon Homme Richard*.

April 1957: Jordan Crisis. Provided show of force and presence—*Lake Champlain, Forrestal*.

September 1957: Participation in NATO exercise Strike Back in North Atlantic, North and Norwegian Sea—largest peacetime naval exercise in history (Canada, France, Netherlands. Norway, UK and US)—*Saratoga, Essex, Intrepid, Wasp, Forrestal*.

July to September 1957: US presence and show of force to defend Taiwan during Chinese Communist shelling of Kinmen Island—*Kearsarge, Lexington, Hancock, Bon Homme Richard*.

August to November 1957: US presence and show of force during Syrian political uprisings—*Randolph, Intrepid*.

July 14 to August 20, 1958: Lebanon crisis. Supported US Peace Force landing in Beirut. Conducted covering, reconnaissance and patrol missions—*Essex, Saratoga*.

August to September 1959: Provided US show of force during shelling of Nationalist Chinese islands Quemoy and Matsu by Chinese Communists. (*Essex* proceeded from Lebanon crisis to Taiwan area)—*Hancock, Lexington, Bennington, Essex, Princeton, Midway, Shangri La*.

July 5 to 10, 1959: Show of force during Nationalist China-Communist China crisis—*Ranger, Lexington*.

August to September 1959: Provided presence and US force in South China Sea during Laotian crisis—*Lexington, Hancock*.

September 1959: Distributed food, medicine and evacuated typhoon victims in Nagoya, Japan—*Kearsarge*.

December 3 to 5, 1959: Aided flood victims who survived a broken dam disaster near San Raphael in southern France. Provided medical supplies, doctors, food, communications and news coverage—*Essex*.

April 11–16, 1960: U.S. show of flag to India (first carrier to visit since WWII)—*Bon Homme Richard*.

Fall 1960: Guatemala and Nicaragua requested assistance to guard against invasion. Provided air and surface patrols along Central America—*Shangri La*.

September 1960: Executed President Eisenhower's new policy of keeping at least 3 attack carriers "on the line" in troubled waters of the Far East at all times—*Coral Sea* first to sail as an augmenting carrier in WEST PAC.

September 1960 to June 1961: Major short term buildup of U.S. retaliation capability in response to Soviet pressure on Berlin—3 CVA in Mediterranean by rotation.

1960: U.S. show of flag at Split, Yugoslavia—*Forrestal*.

February to April 1961: Laotian Crisis. Provided U.S. presence in South China Sea and prepared to protect and support amphibious and airborne assault force—*Lexington, Midway, Coral Sea*.

April 1961: Cuban Crisis (Bay of Pigs)—*Independence*.

June 1961: Dominican Republic Uprising following assassination of Trujillo. Provided show of force—*Intrepid, Shangri La, Randolph*.

November 19–27, 1961: Dominican Republic Crisis. Provided presence and show of force—*Roosevelt*.

May 1962: Laos-South Vietnam Crisis. Provided presence and show of force in South China Sea and gave air cover for Marines landed in Thailand—*Hancock, Lexington, Coral Sea*.

June 1962: Quemoy-Matsu off-shore islands crisis. Provided presence and show of force—*Hancock, Midway, Coral Sea*.

August 25, 1962: Miyako Island, Japan volcano eruption. Assisted survivors.—*Midway*.

October 22 to November 21, 1962: Cuban Missile Crisis. Conducted reconnaissance, quarantine and surface surveillance. Other carrier forces assumed higher readiness postures in the Mediterranean and Western Pacific.—*Independence, Enterprise, Saratoga*.

April 28, 1963: Increasing Middle East tensions. Provided U.S. presence and show of force.—*Enterprise, Saratoga*.

May 1–4, 1963: Laos Crisis. Provided U.S. presence in South China Sea.—*Ranger*.

June 1963: Provided 256,500 gallons fresh water to Hong Kong during extended drought period.—*Coral Sea*.

November 1963: South Vietnam political crisis following death of President Diem. Provided U.S. presence and show of force.—*Oriskany, Hancock, Coral Sea*.

April to May 1964: Good Will tour of Indian Ocean by "Concord Squadron" and Visits to Diego Suarez, Malagasy, Mombasa, Kenya, Aden and hosted the Shah of Iran.—*Bon Homme Richard*.

August 1964: Retaliatory strikes against North Vietnam following Gulf of Tonkin incident.—*Constellation, Ticonderoga*.

August 1964 to the present: Vietnam war.—*America, Enterprise, Constellation, Kitty Hawk, Independence, Ranger, Forrestal, Coral Sea, Hancock, Franklin D. Roosevelt, Oriskany, Midway, Bon Homme Richard, Intrepid, Ticonderoga*.

June 1967: "Six Day" Arab-Israeli War. Protected U.S. interests in Middle East. Provided protection for ships evacuating U.S. nationals from UAR.—*Saratoga, America*.

October 1967: Provided presence for possible evacuation of U.S. nationals during Greek attempted political coup.—*Saratoga, Roosevelt*.

January to March 1968: Readiness maneuvers after *Pueblo* capture by North Korea in Sea of Japan. Maintained presence in the area, ready to take offensive or defensive actions as directed.—*Enterprise, Ranger, Ticonderoga, Coral Sea*.

April to July 1969: Readiness maneuvers after unarmed Navy reconnaissance aircraft (EC–121) shot down over international waters by North Korean fighters. Maintained presence in Sea of Japan prepared to carry out actions as directed.—*Enterprise, Ticonderoga, Ranger, Kitty Hawk, Bon Homme Richard*.

INVULNERABILITY OF CARRIERS

One of the arguments made against funding the new attack carrier is that carriers are extremely vulnerable to enemy attack. The facts belie that argument.

Of the 44 attack carriers which have been built, only five have been sunk by enemy action, the last one being the *Hornet* on October 26, 1942, in the battle for the Solomons. No *Essex* class or later carrier has been sunk by enemy action. Forty-one of these carriers have launched air strikes in combat. The carriers are especially designed to take a large amount of punishment from bombs and torpedoes and still be able to continue flight operations. In the *Enterprise* catastrophe, nine major bombs exploded on the armored flight deck. If it had been the decision to continue flight operations, they could have resumed within hours merely by the removal of the debris from the deck.

The carrier may be subject to attack from either airplanes or submarines, but airfields can be subject to that attack, too, as well as to guerrilla and other enemy action. The carrier has protection from missile attack by its escort screen and by its own aircraft. An air base has protection by its own planes, too, as well

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as by ground forces and even naval forces. An attack on a carrier by a nuclear weapon would be about as devastating as the same kind of an attack on an airbase. However, a carrier, being mobile, cannot be pretargeted when it is maneuvering at sea.

During World War II, our attack carriers took some 42 bombings or torpedoings. There was no sinking after the *Hornet* went down on October 26, 1942. Carriers are especially designed to absorb bombings. Their hulls are especially designed and compartmented. There is armor plate on their flight deck. When the *Enterprise* had its tragic fire, nine major sized bombs exploded on its flight deck. Yet, if it had been desired, the carrier could have been back in flight operation within a few hours—requiring only the removal of the debris on the deck.

Some point to the sinking of the *Elatch* by a Styx missile as being indicative of the danger carriers run. Carriers have escorts whose task is to keep gunboats, such as fired the missile out of range of the carrier. They also can defend against any missile. The carriers' planes can also defend against a missile. One sub missile will not sink the carrier. Indeed, since the Styx missile is a heat seeking missile, and since a nuclear carrier does not have any stack, there will be no easy target provided to the missile. If the missile locks onto the heat from planes warming on the deck of the carrier, it would do no more harm than the explosions on the *Enterprise*, due to the armor plate in the deck.

A chart of the World War II bombings shows:

SUMMARY OF BATTLE DAMAGE TO U.S. CARRIERS, WORLD WAR II, INCLUDING CAUSE AND EFFECT OF DAMAGE

Ship	Date hit	Cause of damage	Continued in operation	Temporarily out of action (see remarks)	Out of action	Required overhaul or repair	Duration of overhaul or repair	Sunk	Remarks
Lexington	May 8, 1942	2 bombs, 2 or 3 air torpedoes	×		×		Sunk	×	Hit at 1120–1121 Landed 13 planes at 1145. Launched planes at 1243. Large explosion at 1442. Fires out of control at 1450. Ship abandoned and sunk by our own DD torpedoes
Yorktown	(1)	3 bombs: 2 air torpedoes: 2 submarine	×		×		do	×	Hit at 1430. Launched 8 VF at 1600. Torpedoes hit at 1620, ship stopped, later sunk (on 7th).
Wasp	Sept 15, 1942	2 or 3 submarine torpedoes			×		do	×	Finally sunk by own DD torpedoes. Japanese submarine torpedoes struck in way of magazines and exploded part own ammo. Fires and damage appeared manageable until 3 gasoline vapor explosions occurred below deck.
Hornet	Oct. 26, 1942	5 bombs; 3 air torpedoes; 2 kamikaze.			×		do	×	Day-long action. Finally sunk by own DD torpedoes and gunfires after ship abandoned
Saratoga	Jan. 11, 1942	1 submarine torpedo	×			×	See remarks		Repaired at NYPH and then proceeded to NYPS for installation of blisters as previously scheduled. Duration of overhaul 4 months, not all chargeable to torpedo damage.
Enterprise	Feb. 1, 1942	1 bomb	×						Splinter damage only.
Yorktown	May 8, 1942	3 bombs	×						Hit at 1127. Landed planes at 1155; launched at 1215; launched planes at 1230. Not sent in for overhaul or repairs.
Enterprise	Aug. 24, 1942	4 bombs	×		×	×	3 weeks		Hit at 1712, continued to operate planes until 1843 when steering lost. To NYPH.
Saratoga	Aug. 31, 1942	1 submarine torpedo		×		×	7 weeks		Hit at 1948. Stopped at 1953 as result electrical fires. At 0130 back in commission and at 0130 landed 20 VSB and 9 VTB, at 0030 launched and landed A/C.
Enterprise	Oct. 26, 1942	2 bombs		×		×	2 weeks		Hit at 1115, started operating planes again at 1230. To Noumea for repairs.
Independence (CVL)	Nov. 20, 1943	1 air torpedo			×	×	24 weeks		3 shafts knocked out and extensive flooding.
Lexington	Dec. 4, 1943	do			×	×	8 weeks		Hit at 2330, no air operations in progress to PSNY.
Princeton (CVL)	Oct. 24, 1944	1 bomb			×		Sunk	×	Hangar deck fires. Finally sunk by own forces.
Intrepid	Feb. 17, 1944	1 air torpedo			×	×	6 days		Steering gear damaged.
Wasp	Feb. 19, 1944	5 bombs	×						Fragment damage, local fires.
Bunker Hill	June 19, 1944	1 bomb	×						Fragment damage, local fires, minor flooding.
Franklin	Oct. 13, 1944	1 kamikaze	×						Negligible damage.
Hancock	Oct. 14, 1944	1 bomb	×						Minor fragment damage.
Franklin	Oct. 15, 1944	3 bombs	×						Minor fragment damage, small fires, minor damage.
Intrepid	Oct. 29, 1944	1 kamikaze	×						Small fire, quickly extinguished.
Franklin	Oct. 30, 1944	oo		×		×	10 weeks		Hit at 1046. Recovered planes of strikes in air at 1337. Launched again at 1649. Recovered at 1758. To PSNY. Extensive fires were extinguished in 2½ hours.
Lexington	Nov. 5, 1944	do	×						Small fires extinguished in 20 minutes.
Essex	Nov. 25, 1944	do	×						Minor fires, minor flight deck damage. Hit at 1256, resumed flight operations at 1326 (30 minutes).
Intrepid	do	2 kamikaze			×	×	7 weeks		Extensive fires and structural damage. Hit at 1254/59. Flight deck fires out at 1314; others under control at 1532. To NYSF.
Belleau Wood (CVL)	Oct. 30, 1944	1 kamikaze			×	×	4½ weeks		Serious fires on flight deck, gallery, and 01 decks. To NYSF.
Cabot (CVL)	Nov. 25, 1944	2 kamikaze		×			2 weeks		Small fires. Minor structural damage. Severe fragment damage. To Ulithi for repairs, operated planes 1 hour 06 minutes after hit.
Ticonderoga	Jan. 21, 1945	do			×	×	9 weeks		Extensive fires and damage to electrical cables under flight deck forward. To NYPS.
Saratoga	Feb. 21, 1945	4 kamikaze; 2 bombs		×		×	10 weeks		Hits over period from 1700 to 1846. Extensive fires and severe structural damage. By 2015 ready to land A/C. To PSNY.
Randolph	Mar. 11, 1945	1 kamikaze				×	3 days		Ship at anchor Ulithi when hit. Repaired at Ulithi.
Enterprise	Mar. 18, 1945	1 bomb	×			×	12 days		Minor fires, minor damage. No interruption of operations (Bomb broke up). Repaired at Ulithi.
Intrepid	Mar. 18, 1945	1 kamikaze	×			×	11 days		Minor gasoline fires, minor fragment damage. Repaired at Ulithi.
Yorktown	do	1 bomb	×						Severe blast and fragment damage to exterior shell plating. Minor fires quickly extinguished. No interruption of operations.
Franklin	Mar. 19, 1945	2 bombs			×	×	End of war		Terrific conflagrations and explosions of own bombs, ammo., and Tiny Tims.
Wasp	do	1 bomb		×		×	7 weeks		Severe fires. Moderate structural damage. Resumed routine flight operations day after hit. Withdrawn following day and ordered NY.
Hancock	Apr. 7, 1945	1 kamikaze		×		×	do		Severe fires. Hit at 1210, landed returning strike at 1630. Withdrawn and ordered Pearl Harbor for repair.
Enterprise	Apr. 11, 1945	2 kamikaze		×		×	4 weeks		Minor fires, hull damage and flooding. Heavy shock damage to machinery. Hits at 1410 and 1510. Launched planes at 1652.
Essex	do	1 bomb	×						Minor damage, hit 1507. Launched at 1541, landed CAP at 1604.
Intrepid	Apr. 16, 1945	1 kamikaze		×		×	5 weeks		Severe conflagration, moderate blast. and fragment damage. Hit at 1336, fires out at 1544 and reported ready to land planes. Repair at Hunter's Point.
Bunker Hill	May 11, 1945	2 kamikaze			×	×	16 weeks		Severe fires, moderate structural damage. Out of action. To NYPS.
Enterprise	May 11, 1945	1 kamikaze			×	×	14 weeks		Fires controlled in 30 minutes, but bulging of flight deck required sending planes to other ships. To PSNY.
Langley (CVL)	Jan. 21, 1945	1 bomb		×		×	9 days		Moderate blast and fragment damage, minor fires. Hit at 1207, recovered planes at 1435, and fleet operations continued thereafter.
San Jacinto (CVL)	Apr. 6, 1945	1 kamikaze	×						Minor damage.

Footnotes at end of article.

SUMMARY OF BATTLE DAMAGE TO U.S. CARRIERS, WORLD WAR II, INCLUDING CAUSE AND EFFECT OF DAMAGE—Continued

[1] Yorktown, June 4-7, 1942.

NEED FOR A NEW CARRIER

There are presently 16 carriers being used as attack carriers, including one antisubmarine warfare carrier which is temporarily being used in the attack role. The average age of these carriers is 15 years, but five were commissioned between 1944 and 1947 and one was commissioned in 1950, so they are between 19 and 25 years old.

There is no question that these carriers have about reached the end of their useful life. In particular, they will not be able to receive the new fighter planes which are needed to meet the new Soviet Blinders. Their catapults and arresting gear will not take the new planes, and there is not enough capacity to install new electronic equipment. Their equipment is old and falling into greater disrepair. Because the tempo of operations on carriers is higher than on other ships, there has been less opportunity for regular maintenance and repair.

In addition, the habitability of the older carriers is not good, and far below modern day standards. This is an important factor. Those who would have us cut back on the number of carriers we use are also those who want us to go to an all-volunteer force. A Navy composed of ships in poor condition and with poor habitability will not attract volunteers who will stay. It will also not be effective against its enemies. Hence, no matter how large the number of carriers may be proper for the Navy, it is essential to have a new carrier in view of the age and condition of the older carriers.

ATTACK AIRCRAFT CARRIERS OF THE U.S. NAVY

Number	Name	Date commissioned	Age in years as of September 1969	Planned replacement	Age when planned to be replaced
CVA-67	John F. Kennedy	Sept. 7, 1968	1		
CVA-66	America	Jan. 23, 1965	4		
CVA-65	Enterprise	Nov. 25, 1961	7		
CVA-64	Constellation	Oct. 27, 1961	7		
CVA-63	Kitty Hawk	Apr. 29, 1961	8		
CVA-62	Independence	Jan. 10, 1959	10		
CVA-61	Ranger	Aug. 10, 1957	12		
CVA-60	Saratoga	Apr. 14, 1956	13		
CVA-59	Forrestal	Oct. 1, 1955	13		
CVA-43	Coral Sea	Oct. 1, 1947	21	CVAN-72 (1980)	[1] 33
CVA-42	Franklin D. Roosevelt	Oct. 27, 1945	23	CVAN-71 (1978)	[1] 33
CVA-41	Midway [2]	Sept. 10, 1945	24		
CVA-34	Oriskany	Sept. 25, 1950	19	CVAN-70 (1976)	[1] 26
CVA-31	Bon Homme Richard	Nov. 26, 1944	24	CVAN-69 (1974)	[1] 30
CVA-19	Hancock	Apr. 15, 1944	25	Nimitz (1972)	[1] 28
CVA-14	Ticonderoga	May 8, 1944	25	Midway (1970)	[1] 26
CVS-38	Shangri-La	Sept. 15, 1944	25	(3)	

[1] To be redesignated as CVS.

[2] Presently decommissioned undergoing modernization.

[3] Temporarily serving as an attack carrier for duration of Vietnam conflict.

There has been considerable discussion about how many attack carriers the Navy should have. The number is examined and reexamined all of the time. At the present time there are 16, with one antisubmarine warfare carrier being used as an attack carrier. With this number we have maintained two carriers in the Mediterranean and five on station off Vietnam. The rest have been deployed in the Atlantic and the Pacific Oceans, or have been on training or undergoing overhaul. Even with the 16 it has been difficult to meet the missions expected of the Navy.

There are a number of ways to consider how many carriers are needed.

If response time is considered, we need between 12 and 24 carriers. If we have 12, we can respond anywhere in the world in 7 days; if we have 24, the response time is cut to 3½ days.

If matching the Soviet fleet is a factor, it is estimated that in the mid-1970's the Soviets will have about 30 task forces such as they recently sent into the Gulf of Mexico and into the Indian Ocean. If the Soviets keep between one-fifth and one-third deployed, then we will need six to 10 carriers, also, to match their deployments. This would require a total force of between 18 and 30 carriers.

If the number of possible areas for fighting around the world is considered, such as Korea, Southeast Asia, Germany, the Mediterranean, and now the Caribbean, then we need between 15 and 21 carriers.

By all three methods of computation—and the reasoning behind each is highly classified—then we not only do not need fewer carriers—we need more than the present 16.

There is no "magic number" of 15. The history of the number of attack carriers shows that there has been a variation over the years:

1945	20
1946	14
1947	12
1948	11
1949	8
1950	7
1951	14
1952	16
1953	16
1954	15
1955	17
1956	19
1957	16
1958	15
1959	14
1960	14
1961	15
1962	16
1963	15
1964	15
1965	16
1966	16
1967	16
1968	16
1969	16

. Of the 25 years since the end of World War II, we have had 15 carriers in only 5. Indeed, just before Korea erupted, we had only seven carriers on active duty. We were able to bring that strength up to 14 the next year because we had a reserve fleet. Now we have no really usable reserve of attack carriers.

No matter which way the problem is considered, one new carrier is needed now. Even on the best managed program, it takes about 6½ years to build a carrier from the first approval to buy long leadtime items to commissioning. This is a long enough time to wait for a new carrier without extending it.

One point should be added. One of the lessons from the Cuba missile crisis was that a quick response with an overwhelming use of seapower centered on aircraft carriers can bring about a desired result. We must remember that we no longer have the ability to move our attack carriers through the Panama Canal. No angle-deck carrier can pass through the locks. In case of emergency, the carriers would have to go around Cape Horn, which would increase the response time immeasurably, and perhaps unacceptably. This one factor alone means we have to consider the Atlantic Fleet and the Pacific Fleet separately. It also means we should have carriers able to go around the Horn or through the Northwest Passage with the shortest time taken to replenish before the voyage. This means a nuclear carrier.

The bill provides for 17 other warships than the nuclear carrier, 18 support ships, 21 conversions and long leadtime items for 41 new construction or conversions. The purpose of this kind of shipbuilding program is to attain a balanced fleet by the 1980's without having a crash program now or in the future. If we do not start this kind of a program now, we will either end with no fleet or with a crash program which will lead in turn to another period of block obsolescence.

As President Kennedy said:

> If there is any lesson of the 20th Century, and especially of the past few years, it is that in spite of the advances in space and air . . . this country must still move easily and safely across the seas of the world.

The CHAIRMAN. If there are no further requests for time, under the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

H.R. 14000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army $570,400,000; for the Navy and the Marine Corps, $2,391,200,000; for the Air Force, $4,002,200,000.

MISSILES

For missiles: for the Army, $780,460,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,486,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,591,500,000: *Provided*, That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended after January 1, 1970, for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least three different United States shipbuilders.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $195,200,000; for the Marine Corps, $37,700,000.

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the title be dispensed with and that it be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Rostenkowski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14000), to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING ON TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. BENNETT. Mr. Speaker, reserving the right to object, some comment has been made here today about Members not having enough time during which to speak on this bill. Could we start at 9 o'clock? I wonder if the distinguished majority leader would amend his unanimous-consent request for us to come in at 9 o'clock tomorrow?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, I would say to my distinguished friend from Florida I wish he had spoken to me about that earlier because I have cleared the time of meeting at 11 o'clock with other Members and I am fearful that this word will not get out in time to the Members with whom this has been cleared for us to meet at 10 o'clock tomorrow instead of 11.

Mr. BENNETT. I do not wish to disturb the arrangements which have been made by the leadership, but I would like very much for the majority leader to make the hour of meeting on tomorrow 10 o'clock.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, is this as a convenience for Members to not be here on Friday or is it for the purpose of making available ample time for the consideration of the bill on Thursday and Friday?

Mr. ALBERT. Mr. Speaker, if the distinguished minority leader will yield, I would respond by saying, either or both insofar as I am concerned.

Mr. GERALD R. FORD. Mr. Speaker, further reserving the right to object, is it the intention of the majority leader and the leadership on that side to work late tomorrow in order to finish this bill or to adjourn at a reasonable time if we have not concluded it by 6 or 7 o'clock tomorrow night and then meet on Friday?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further—if I may speak without having consulted with the members of the committee on both sides—I would like to play that by ear and then let the circumstances dictate when we reach a late point tomorrow afternoon. If it is obvious that we cannot finish the bill, I would think we would want to go over. However, if we can finish at an early hour, I think we would want to complete it.

Mr. GERALD R. FORD. In light of the fact that we have no other business scheduled on Friday, I see no reason whatsoever to go to a late hour tomorrow night.

Mr. ALBERT. I concur in what the gentleman has said and insofar as I am concerned I am willing to meet early and stay late and if we have not concluded the consideration of the bill, then to meet on Friday. However, I see that there seems to be considerable interest among those present to meet at an earlier hour on tomorrow. We had cleared the hour of meeting for 11 o'clock. But, if I may do so, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INTEREST EQUALIZATION TAX EXTENSION ACT

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, in the other body, the Finance Committee has added a totally nongermane and regressive amendment to the Interest Equalization Tax Extension Act—H.R. 12829. The amendment repeals the ammunition recordkeeping requirements of the Gun Control Act of 1968.

The Senate committee amendment eliminates recordkeeping in sales of, first, shotgun ammunition; second, rifle ammunition; third, .22 caliber rimfire ammunition, and component parts thereof.

The 1968 act prohibits the sale of ammunition to certain juveniles, mental incompetents, known felons, drug addicts, and other irresponsible persons. Requiring a prospective purchaser to give his name, address and substantiate his age is not a nuisance. Clearly, enforcement of the act's prohibitions would be impossible without requiring dealers to keep records of ammunition transactions.

Under the Senate committee rider, ammunition recordkeeping for aproximately 90 percent of all firearms would be eliminated.

Recordkeeping will deter those who cannot legally buy ammunition.

Recordkeeping will insure that dealers will exercise a higher degree of care in determining whether the buyer is barred under the statute from buying ammunition.

Availability of ammunition records will aid in the investigation of firearms crimes.

The only way of affecting the 90 million firearms already privately owned is by regulating the flow of ammunition.

According to Senate Juvenile Delinquency Subcommittee studies: .22 caliber pistols and revolvers were involved in 30 percent of the handgun murders committed last year; .22 caliber rifles were involved in 60 percent of the rifle murders last year; .22 caliber rimfire bullets accounted for 37 percent of the homicides committed in this country last year; that is, 3,300 Americans were murdered by these bullets.

The weapon used to kill Robert Kennedy was a .22 caliber revolver which fired a .22 caliber rimfire bullet.

Mr. Speaker, the Gun Control Act of 1968 represented one of the outstanding accomplishments of the 90th Congress. It marked the beginning toward

reducing the level of gun violence in this country. Now, without any hearings and only 10 months after the act has become effective, a Senate committee has moved to strike an essential element from the act's regulatory fabric.

No examination of the need or consequences of repealing ammunition controls has been made. It is unwise and regressive to cut back the scope of the act of 1968. Should the other body nevertheless adopt this ammunition rider, it will encounter sustained opposition on the floor of the House. The resulting delay may well jeopardize the enactment of the Interest Equalization Tax Extension Act. The ammunition amendment should be defeated.

INCREASE IN MAXIMUM CRIMINAL PENALTIES UNDER THE SHERMAN ANTITRUST ACT TO $500,000

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, I am pleased today to join with the distinguished chairman of the Committee on the Judiciary, the Honorable Emanuel Celler, in introducing the Nixon administration's bill to increase the maximum criminal penalties under the Sherman Antitrust Act to $500,000. The enactment of this legislation will provide a more effective and much needed deterrent to pernicious antitrust violations like price-fixing, profit-pooling, market allocation, monopolization and other often predatory practices.

As originally enacted in 1890, the Sherman Act imposed penalties up to $5,000 for conviction. As a result of the efforts by the Attorney General's National Committee to Study the Antitrust Laws, the law was amended in 1955, to increase the maximum fine to $50,000. Since then, the profit of corporations has increased greatly and the value of the dollar has decreased. As a result, this potential penalty has not served to punish offenders and has not deterred possible offenders. A maximum $50,000 fine simply does not dissuade most corporations from engaging in those activities which Congress has found to be inimical to the interests of a free and competitive society.

This legislation is properly limited to corporate defendants. Moreover, because no minimum fine is required, small businesses will not be unduly harmed as the court may, in its discretion, fit the penalty to the crime. In addition, though civil antitrust litigations instituted by the Government may sometimes involve novel or unfamiliar theories of illegality, this is not true in a criminal proceeding. For example, price-fixing agreements in their various forms, have been *per se* illegal since the *United States* v. *Trenton Pottery Co.*, 273 U.S. 392 (1927). It would be fatuous to argue that a businessman could be surprised by a price-fixing indictment or that a large penalty under those circumstances would be unfair.

Mr. Speaker, the President is attempting to create law and order with justice through a massive attack upon violent crimes, crimes against property and organized crimes. I commend him for this effort. Likewise, the deterrent to competitive crimes must be made strong. I commend the Nixon administration for its recognition of this principle and I urge prompt enactment of this legislation.

I am pleased to tell the House that in the administration of the late great Dwight D. Eisenhower, when Herbert Brownell was Attorney General, we increased the penalties for this kind of criminal act tenfold, and we propose to increase it that much again.

CALL FOR SHOW OF NATIONAL UNITY BEHIND PRESIDENT NIXON

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, I strongly support the call by the minority leadership of the House and the Senate for a show of national unity behind President Nixon in his determined effort to bring the long and agonizing war in Vietnam to an early and honorable conclusion.

The next few weeks could be crucial in our negotiations with the other side. I deplore any words and actions here on the home front now that would help to convince the North Vietnamese that the United States is tired, weak willed, and hopelessly divided. I especially deplore some of the recent efforts to make a political issue out of Vietnam by a few of the leaders of the party which was in power at the time we became so deeply involved in this tragic war.

This is not Mr. Nixon's war. He did not get us into it. He is only trying to get us out with honor. Time after time he has indicated to the Government of North Vietnam and its negotiating team in Paris his willingness to walk the extra mile toward a solution.

Mr. Speaker, on July 17, 1969, I listed in the Record a statement outlining the many specific moves the United States has taken to achieve peace. Under unanimous consent I am including as a part of my remarks the following excerpts from that speech:

> It may well be that the Communists believe they have only to sit tight and wait for the United States to "cut and run." They must follow, with at least some satisfaction, the mounting attacks here at home on the continuing American military presence in Vietnam. They may believe that the United States is tired, weak-willed, and hopelessly divided.
>
> They hear demands for unilateral withdrawal now from some of the very men who were a part of the preceding administration when the big buildup of U.S. military forces was taking place. One wonders why these experts did not speak out then.
>
> I do not believe the voice of despair is the voice of the American people.
>
> I think President Nixon has the support of most Amercans in his quest for an honorable peace. But I do not believe that most Americans want peace at any price—peace under terms dictated entirely by the Communists.
>
> A few weeks ago, I conducted a poll on the Vietnam question in my district. More than 7,500 persons responded, a number far larger than the professional pollsters query in their nationwide samplings of public opinion. I asked the people which alternatives they would favor "if the Paris peace talks fail to produce agreement leading to at least some disengagement in Vietnam within the next few months."
>
> Ten percent favored "withdrawal of U.S. military forces from Vietnam, even though this might mean a Communist takeover."
>
> "Withdrawing U.S. troops as rapidly as they can be replaced with South Vietnamese forces" was selected by 47 percent as the best course.
>
> Thirty-nine percent favored "an all-out offensive against North Vietnam, utilizing full available military power, short of nuclear weapons, in an effort to win a clear-cut victory."
>
> Only 4 percent were undecided.
>
> Certainly these responses reflect no great support for a "cut and run" policy. And I suspect that public sentiment in most congressional districts across the country is not greatly different from what it is in mine.
>
> President Nixon has not yet had quite 6 months to solve a problem which was many years in the making. For the first time since 1960, the number of American troops in Vietnam is being decreased, rather than increased. A sure and swift route toward peace has been opened to the other side.
>
> The time has come for the Communists to show some willingness to negotiate seriously—to show some evidence of good faith.
>
> I believe the possibility of achieving at least the beginning of a settlement would be enormously improved if a few individuals here in the United States would vountarily stifle their shrill cries of dissent long enough to let the Communists know that these United States are united in their determination to obtain a just and honorable peace in Vietnam.

FEEDING WHEAT TO BEEF CATTLE

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, I would like to take this opportunity, as the Representative from the largest wheat-producing district in the Nation, the "Big First" District of Kansas, to comment on the current wheat industry crisis and the related farm income problem not only in my district, but throughout rural and smalltown America.

The crisis in wheat today can be summed up in the words of a western Kansas minister who told his Sunday congregation, "Blessed be agriculture—if one does not have too much of it." That, Mr. Speaker, is precisely the problem. Our present domestic wheat surplus is slowly climbing to the 900-million-bushel mark. Our surplus, plus the present world surplus, has depressed the wheat market price to levels below the cost of production for many farmers despite increased efficiency and rapid technological advances.

It is a paradox of enormous irony that at the same time we are constantly being warned of the imminent threat of world hunger and overpopulation, the man whose job it is to feed America and to help feed a troubled world cannot make a decent living.

Yet, despite the fact the farmer is today being forced out of business by the present cost-price squeeze, many mistakenly believe the farmer is the real "fat cat" in our society—the fellow that gets paid for growing nothing.

XUM

Let me illustrate the true picture of the very real wheat industry crisis by comparing the plight of the farmer with his city cousin, that much maligned, made over and misinformed consumer. The Kansas wheat farmer actually receives only 14 cents of every $1 the American consumer spends on bread. At the same time, prices paid by farmers for all items increased 27 percent in the last 10 years. During the same period, costs of services increased 43 percent, transportation costs rose 24 percent, medical care rose 54 percent, production workers' wages increased 42 percent, and the inflationary statistics go on and on. Everything the farmer must buy is going up in price while everything he sells is going down.

This situation is most ironic when you consider the farmer's contribution to our society as a whole. The man who contributes the most is receiving the least. In western Kansas, we have a real emergency. Farm management fieldmen recently reported the average net income of $1,970 and $2,225 in the two-farm management districts within my district. This income figure in light of the average farmer's 58-hour week figures out to be 66 cents an hour—a wage that is a disgrace.

Yet, Mr. Speaker, what speeches ring throughout the Halls of Congress? Upon what peg are we hanging our legislative hat today? While the farmer turns an anxious eye to Washington, Washington in turn courts the consumer.

Let me make it perfectly clear I have no quarrel with the consumer in the important fight against inflation. My point is, let us not use the American farmer as the scapegoat. The average consumer today only spends 17 percent of his disposable income for food. Twenty years ago, he spent over 25 percent. The current figure means the American consumer is getting his food at a cheaper cost than any other country in the world and any other country in history.

In effect, the misinformed consumer and an urban oriented Congress do not realize the farmer has been subsidizing the rest of the Nation for many years with more than an adequate supply of food at prices below his own cost. By limiting a family's food expenditure to only 17 cents out of each dollar spent, the farmer has released 83 cents of every consumer dollar for nonfood items. He has made it possible for accelerated rapid growth and prosperity in all segments of our society.

The Kansas wheat industry is directly responsible for generating $450 million to the Kansas economy. Mr. Speaker, as you can see, it is imperative that we save the farmer from financial ruin. We must protect the traditional and proven way of life that provides the economic backbone to our society. We desperately need solid proposals that will help revitalize rural and smalltown America.

As a partial answer, I support my good friend and former "Big First" Congressman, Kansas Senator Bob Dole, in his efforts to increase wheat exports under the food for peace program. The food for peace program warrants expansion because it not only helps reduce Commodity Credit Corporation acquisitions and costs and improves farm product prices, but it also generates sufficient tax receipts through increased labor requirements to cover the Government's costs. It may well be that our mightiest weapon in our quest for peace is this Nation's willingness to share our abundance with those who are less fortunate.

Another partial answer to the wheat surplus dilemma involves increased domestic consumption. With the present concern for health and high cholesterol levels, studies show that a diet high in carbohydrate, including wheat and other cereals, serves to lower the level of susceptibility to heart disease. In this same vein, wheat cereal carbohydrates are a growing source of protein and energy.

Another proposal I would like to specifically emphasize is feeding wheat to beef cattle. Recent statistics show feeding wheat to produce meat has great promise in decreasing our surplus wheat stocks. This approach would convert the wheat surplus to red meat and help meet the growing demand for this quality product at the supermarket.

A fine local example of this approach is the feedlot at Pratt, Kans.—local producers are offered $1.15 per bushel for No. 2 Hard Red Winter wheat—the grade normally grown and handled by Kansas farmers. This compares with local offerings for cash wheat which range from $1.06 to $1.10. The 20,000-head-capacity feedlot will use approximately 90,000 pounds or 1,500 bushels of wheat a day in their feeding operation.

In relation to this development, Mr. Bill Duitsman, superintendent of the Fort Hays Agricultural Experiment Station of Kansas State University in Hays, Kans., recently sent me Bulletin 487 by John Brethour, station herdsman and associate professor, Fort Hays branch station, entitled "Feeding Wheat to Beef Cattle."

In reference to the station's research, Mr. Brethour recently offered an encouraging answer to the wheat farmer's dilemma. He stated the Kansas wheat crop alone represented a 5-pound steak per person in the United States. This crop could also represent 70 loaves of bread per person. I submit to you that beefsteak and good bread make a wonderful combination.

Further, his observations on feeding wheat described in the station bulletin state wheat is a safe and efficient grain to use in a beef cattle ration. In direct comparisons involving various grains: One pound of wheat has been equivalent to 1.09 pounds of corn or 1.15 pounds of sorghum grain. However, the relative value of wheat was 8 percent greater when mixed with corn—1 pound of wheat equivalent to 1.17 pounds of corn—and 9 percent greater when mixed with sorghum grain—1 pound of wheat equivalent to 1.24 pounds of sorghum grain.

To further illustrate the benefit of feeding wheat to beef cattle is the price relationship to other grains. With corn at $1.30, the value of wheat per bushel, if fed up to 50 percent of the concentrate, would be $1.63—a considerable increase from the $1.07 bushel value when marketed as grain at the present time in southwest Kansas.

Recent studies recently released by Purdue University further emphasize the importance of the "feed wheat" concept in reducing surplus wheat. The research reveals the value of wheat as a concentrate in swine finishing rations. The benefit is similar to that mentioned in the previous results regarding beef cattle.

The summary in the experiment station's bulletin presents in capsule form the statistics and technical data that point to the value of wheat as a concentrate in beef cattle finishing rations, as a protein source in balancing a beef cattle ration, and as an energy and protein source in high-roughage wintering rations.

I am happy to present this valuable information to my colleagues and for consideration and study by livestock producers. I feel this vehicle for reducing the wheat surplus and government storage expenses, for satisfying the growing demand for beef by the consumer in a most efficient way, and for boosting the wheat price and returning prosperity to the wheat farmer should be fully utilized.

Mr. Speaker, the consumer may not appreciate nor even understand feeding wheat to beef cattle, but it is through the application of such valuable research that we can find partial answers to the wheat industry crisis. This solution for the wheat farmer can actually represent an investment in our Nation's future food supply, could help our Nation's balance of payments, and will further guarantee to the consumer that his food will continue to be available at the lowest possible price.

INVESTIGATION OF WASHINGTON GAS LIGHT CO. LONG OVERDUE

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I am preparing legislation for a full-scale investigation of the practices of the Washington Gas Light Co.

I had installed in the house I live in in Virginia a brandnew furnace and air-conditioning system. I have had nothing but trouble with it and the Washington Gas Light Co. farmed the installation out to a subcontractor. It is just a little over 3 years old and, although I did not keep accurate track, I would presume that at least 36 calls have been made by me to the gas company because of the malfunction of the unit, both heating and air conditioning. I noted an advertisement in last night's Star which said, in effect, that if you have problems they will respond with instant service. This is not true. I had a problem with the unit last Thursday and nobody showed up until the following Monday.

More important is the farming out of the installation of the furnace-air conditioning combination, and I have evidence at my command of some pretty shady practices involving relationships between the Washington Gas Light Co. and those they direct to make the installation. The furnace is a Bryant,

which is the most antiquated, ill-constructed heating unit I have ever come across, and I have come across many because my late father was in the plumbing and heating business, and I happen to know something about these heating units.

I condemn the Washington Gas Light Co. and their practices, as well as the poor workmanship of the Bryant Co. which has resulted in the furnace practically falling apart, and it is just a little over 3 years old.

I am preparing legislation for a full-scale investigation of the practices of the Washington Gas Light Co., and I have talked to the chairman, Mr. Staggers, and I am confident that when the legislation is introduced he will agree to have the investigation and bring out the facts on this terribly bad installation as well as the others.

In conclusion, I call upon all of the citizens who are considering central air conditioning and new heating units to have nothing to do with the Washington Gas Light Co. and their installers. And if they do not heed my advice, they are going to be in for a heck of a lot of trouble. When you spend upwards of $3,000 for the installation of a new furnace and central air conditioning, you expect it to last from 10 to 20 years. This is not the case so far as I am concerned, as mine is a complete flop after only a little more than 3 years.

REPRESENTATIVE TAFT APPLAUDS FAA DECISION ON TRANSPONDERS, WELCOMES NTSB STUDY OF MID-AIR COLLISIONS

(Mr. TAFT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TAFT. Mr. Speaker, I was pleased to learn of the FAA's decision to require transponder equipment on all aircraft operating within designated areas of the country.

It is a step that may help improve air traffic control operations throughout the country and to reduce danger of mid-air collisions.

At the same time, however, I must caution that there are practical and technical difficulties to work out.

Private aircraft operators presently equipped with transponder equipment are frequently directed to turn it off because multiple transponders in crowded areas cloud up present radar screen equipment. This indicates the need for early action on the President's air safety program. Also, private owners are experiencing serious delays in servicing and repairing transponder equipment.

It is encouraging to read of the National Transportation Safety Board's plan to begin immediate hearings into the entire problem of mid-air collisions.

I include the following article from the Wednesday, October 1, 1969, Wall Street Journal in the Record:

FAA, Spurred by Indianapolis Collision, Acts To Curb Traffic Over 22 Airports

(By Albert R. Karr)

Washington.—Government men, haunted by the specter of midair collisions, took a safety step that they had been accused of dodging.

The Federal Aviation Administration published a proposed rule designed to control more rigidly the swarm of small, privately owned aircraft around 22 major airports, starting with extra-crowded Washington National. The rule is expected to reduce the the number of planes flying near the terminals, and the keep air traffic controllers better informed of the whereabouts of small craft in airport areas. The hope is that the risk of collision between airliners and smaller planes will be lessened.

FAA officials acknowledged that their action was speeded by the recent collision of an Allegheny Airlines DC9 and a small private plane near Indianapolis, which killed 83 persons. But they insist they had been moving ahead on the step anyhow, even before the catastrophe.

Underscoring the new urgency, interested parties will have only 30 days to comment before the new rule is effected, instead of the usual 60 days.

HIGHER ALTITUDES

The FAA, which runs the nation's air traffic system, also will take other action soon. It will direct controllers at all airports to keep arriving jet liners at higher altitudes before descending, and to get departing jetliners up to these heights faster. The aim is to reduce the exposure of airliners to small aircraft at the lower altitudes where the greateest danger of collision exists.

The agency also is considering tougher standards for certifying aircraft and pilots. "If the discipline of flight must be sharpened to prevent risk of life or its loss, then I am in favor of doing what is necessary to prevent a marginal aircraft, an incompetent pilot, or a permissive regulation from being loosed upon the airways," says John H. Shaffer, FAA administrator.

The FAA hopes to have the regulation it proposed yesterday in effect at National Airport by mid-December and at 21 other major fields by next July.

At the 22 airports, the rule would apply to all planes entering a space shaped like an inverted wedding cake. They would have to get clearance first from the tower controller, have necessary equipment to insure a good image on his radarscope, and furnish him by radio with such details as their altitude and flight plan. In addition, most nonairline planes would have to avoid designated corridors used by big jets climbing after takeoff or descending for landing.

Around National Airport, the "wedding cake" would roughly have a top layer 40 miles in diameter between 3,000 and 7,000 feet, a middle layer five miles in diameter between 1,500 and 3,000 feet, and a bottom layer three miles in diameter between the ground and 1,500 feet.

The wedding cake will be centered over the airport and planes allowed to enter it will either be passing through or coming down to land. Thus, at peak traffic periods there may be aircraft circling within the wedding cake waiting their turn to land.

With the new rules, controllers will be able to tell airline pilots of the whereabouts of any other craft in the more critical terminal areas, the FAA says. Further, controllers won't give entry clearance to many planes when too busy to handle them, and many aircraft owners would probably forgo flying near the big airports rather than pay for equipment that would satisfy the radar-image requirement.

The FAA also is planning to step up efforts to impress on pilots of all planes the need to be more aware of aircraft which might be near their planes, to complete development of high-intensity flashing lights on planes as a potential collision-preventing device, and to require future aircraft to have improved cockpit visibility.

Memories of the Indianapolis tragedy, plus awareness that the collision peril is increasing, also are spurring other anti-collision efforts within the Government and outside.

The National Transportation Safety Board, a Transportation Department unit that investigates aircraft accidents and recommends accident-prevention measures, will convene public hearings on the Indianapolis accident next week, only a month after it occurred and much faster than usual.

The board will quickly follow with hearings in Washington on the whole problem of midair collisions—the first such hearings ever scheduled. The aim: To put the FAA, the airlines and other groups on the spot, in hopes of producing more preventive action. "We're anxious for more progress," says John H. Reed, chairman of the safety board.

One interested group, the Aircraft Owners and Pilots Association, representing owners of private aircraft, is sure to resist the FAA's proposed restrictions on the small planes. But the owners and the Air Line Pilots Association, a union of airline pilots, are pushing anti-collision proposals of their own. Both favor reserving climb-and-descent corridors for airliners only.

The ALPA–AOPA proposal would establish climb-and-descent corridors rising to 18,000 feet and extending for 45 miles from major airports. These would be limited in usage for big jets only. By contrast, the proposed FAA rule would include more modest corridors; in many cases, such as National Airport, they would be entirely within the wedding cake control area, typically extending 10 miles from the airport and up to 7,000 feet. In others, they would extend out of the control area, but still be much shorter than those envisioned by the ALPA and AOPA.

Meanwhile, Congressional concern over mid-air collisions has received impetus from the Indianapolis accident. "Much of the Congress is now convinced it'll have to carry part of the ball; the Indianapolis collision is moving them along all the faster," say one knowledgeable Senate aide.

Last week, the House Ways and Means Committee, which had always cold-shouldered such proposals, gave tentative approval to a set of new and increased "user charges" to raise $10 billion for modernizing the nation's airport and airways systems. Committee members, with Indianapolis in mind, took the view that the legislation is urgent. Similar attitudes are evident in the Senate and House Commerce committees, which are dealing with airport-airway improvements that the legislation would authorize.

INCREASING DANGER

The collision danger is unquestionably increasing. Just in the past 2½ years there have been 10 collisions involving at least one airliner, compared with 34 in the entire three decades before. Since the start of 1965, there have been 137 midair collisions including 12 involving at least one airliner, with 403 persons killed. In the preceding five-year period, there were 93 collisions, five of them involving airliners, killing 219 persons. (Other aircraft in the collisions were privately owned or military planes.)

The potential for still greater tragedy shows in an FAA study of near-collisions during 1968. The FAA indicates publicly that pilot reports show there were about 4,500 "hazardous" near-misses, which came dangerously close to being actual collisions. But the FAA's private estimate approaches 9,000. Of all the near-miss reports, fully 30% came from airline pilots, and several involved two airliners.

A persistent safety problem is the presence of small planes, their exact locations unknown, in the airspace also used by airliners. There were 74 near-miss reports from the New York City area last year, and 54 of those involved airliners, most of them narrowly missing a small plane.

XUM

Airline pilots rely on traffic controllers to tell them about other aircraft that could be a collision threat. But many small planes don't show up on controllers' radarscopes, and many of these pilots don't let the controller know by radio that they're in the area; they usually aren't required to do so. As a result, an airline pilot often isn't aware of another craft until it's nearly upon him, if he sees it at all.

Even when the small-plane pilot does contact an air traffic facility, it's frequently a station that either doesn't have contact with a tower controller who talks directly with airline pilots or is too busy to relay word of the small plane's location to the tower.

FAA officials say the pilot of the Piper Cherokee that collided with the Allegheny jet over Indianapolis did contact an air traffic flight service station (a place where small-plane pilots file flight plans and get weather reports), but didn't check in with the approach controller. The controller might have told the Allegheny pilot to delay his descent until the small plane passed beneath, the FAA men say. The airliner was struck by the small plane while descending.

Besides the small planes flying near big airports, other factors contribute to midair collisions. The FAA's radar is being criticized. Various air-controller groups say the Indianapolis equipment was faulty. The controller organization goes further, alleging that much of the nation's radar system consists of obsolete, worn-out military hand-me-downs.

David Thomas, deputy FAA administrator, insists the Indianapolis radar is the best available right now. He concedes "a little bit of truth" to the charge regarding the general status of FAA radar, but he says the equipment has been kept in good condition and is usable within its limitations. More modern radar is being developed, Mr. Thomas adds.

MERRIMACK RIVER POLLUTION

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, a 1966 Federal Water Pollution Control Administration study of the pollution problem in the Merrimack River Basin stated that proper pollution control would enable 10.5 million people within a day's drive of the river and thousands in the rest of the country to fully utilize its tremendous fish, wildlife, and recerational potential. This report pointed out that there is a potential $1 million softshell clam industry in the river itself, but that in 1964 the harvest amounted to only $14,000.

According to FWPCA figures for 1964, the total income lost from the commercial shellfish industry, recreational visitor income, increased property value, and increased tax revenue, because of pollution, amounted to a minimum of $37 million. The maximum annual loss was estimated as high as $70 million—approximately $65 per year for every man, woman, and child in the basin.

The loss is even more striking when one has the opportunity to travel along these waterways. As I observed that day I accompanied Lowell Sun reporter Franz Scholz during his canoe trip on the Merrimack and Concord Rivers, recreating the journey made by Henry David Thoreau in 1839, the banks are still lush and verdant, and provide easy access to the river. An excursion along this area during the autumn when the foliage is turning would be one of the most beautiful and breathtaking sights in New England. The fact that the river is hardly used, even for boating, because of its pollution, is a great loss to the residents of the local communities, both in enjoyment and in revenue.

The following is the second in the series of articles in the Lowell Sun by Franz Scholz dealing with the various dimensions of the pollution problem in the Merrimack River Basin. The first article which appeared in the CONGRESSIONAL RECORD of September 30, described, in vivid terms of colors and odors, the pollution that was observed. This second installment describes in very real terms the effects of pollution on life, both in the river and along its banks:

POLLUTION MENACES RIVERSIDE RESIDENTS

(By Franz Scholz)

LOWELL.—Prior to the 19th century, commerce in the Merrimack Valley depended largely on the Merrimack River.

Henry David Thoreau, traveling the river in 1839 reported seeing ferries, canal and fishing boats plying the river. The bricks from which the factories in the city of Lowell were made, he said, were transported from Manchester on the river.

As we journeyed up the Concord and Merrimack Rivers from Aug. 23 to Aug. 29, following Thoreau's route on the rivers, we saw no signs of commerce. The only boats seen during our seven day journey were pleasure boats on the Concord from the South Concord boat house to Billerica and on the Merrimack from Lowell to the Tyngsboro bridge. Later, above the falls in Manchester other pleasure boats, some equipped for water skiing or hauling fishermen, were seen.

PREDICTED DECLINE

Writing 130 years earlier, Thoreau predicted such a decline in boating on the river: "In a few years there will be an end to boating on this river," he said.

Commerce on the river declined shortly after the advent of the railroad and the construction of super highways alongside the vast bridges over the river.

Outside of the few pleasure boats seen and an occasional young boy fishing, the only other uses we saw being made of the Merrimack was a depository of sewage by the major cities and towns and wastes by the huge factories along its banks, as a source of power for these same cities and factories as a source of water used by farmers to irrigate their crops and as a public water supply for the City of Lowell.

Of these sources, the disposing of waste from both public and industrial sources was far away the most widely practiced.

Fishing and boating, as noted, were seen only occasionally and only on certain sections of the river—Concord, Lowell, Tyngsboro and Manchester. (So rare was boating in the river above Nashua that children who spotted us making our way up the river called their parents and neighborhood friends to witness the unusual sight, and in Manchester, a policeman, who forbade us to rest our boats on the banks of the river a few yards from highway 495, looked at us in disbelief when we told him we had come all the way from Concord, Mass.)

Use of the river for irrigation was also restricted. We saw only a dozen or so farmers and two golf courses using the river's water to irrigate their crops or golfing greens.

Lowell was the only city using the river as a source of public or drinking water. (Further down the river, Lawrence also uses the river for drinking purposes.)

SPILL SEWAGE INTO RIVERS

And, although several of the larger cities and industries were seen using the river's water to supply electric power, we more often observed large cement pipes through which the cities spill their raw sewage into the rivers—the larger cities each poured sewage at 20 or more points into the rivers. In addition, the industries, also located mainly in the larger cities along the rivers, poured their wastes (for the most part untreated) into the rivers at hundreds of points—some of the largest industries, as pointed out in a previous article in this series, spilled more waste solids into the river's water than did the public sewers in the cities of Lowell and Manchester combined.

This dumping of raw sewage and industrial wastes has gone on for hundreds of years. Thoreau witnessed in 1839: "The river," he said of the Merrimack, "was devoted from the first to the services of manufacturers.

The result, as we learned, was the rivers' waters were so polluted they corresponded to settled raw sewage diluted from 17 to 31 times.

Near the sewage outfalls, the rivers' waters even more nearly approximated raw sewage. A sample taken of the Nashua river, approximately down half mile from the point where it flows into the Merrimack, for example, showed it corresponds to settled raw sewage effluent diluted less than six times.

POLLUTION COUNT IMPROVED

Downstream, further away from the large cities, we found the pollution count somewhat improved as a result of the river's ability to purify itself. Near the Lowell water plant intake, for example, a sample of the water corresponded to settled raw sewage diluted nearly 21 times.

In a previous article we described the effects of this pollution on the water and on the bed of the Merrimack watershed. In this and the next article we will describe the effects of pollution on the environment both within and immediately surrounding the rivers.

Examined in the remainder of this article are the effects of pollution on aquatic life within the rivers and the potential enjoyment it steals from people living along the rivers.

Again, we will rely on Thoreau to provide us with a knowledge of the fish living in the rivers when he made his journey in 1837.

In the Concord, he observed anglers catching a variety of fish: sun-fish, bream, common perch, cousin trout, dace, shiners, pickerel, horned pout, suckers, common eel, and sometimes in the rapids lamprey eel were found. At one point, he described a "kingfisher sat upon a pine over the water and the bream and pickerel swam below."

Formerly, he wrote, salmon, shad and alewives were abundant in the Concord until the "dam and canal at Billerica and factories at Lowell put an end to their migration hitherward."

He reported essentially the same fish living in the Merrimack, where shad, alewives, salmon and bass were in greater abundance. "But," he observed, "locks and dams have proved more or less destructive to the fisheries."

THOREAU WARNED IN 1839

He also warned in 1839 of the destruction factors wastes wrought aquatic life, advising, "it concerns us to attend to the nature of fishes."

Nevertheless, he observed men and boys fishing all along the banks of the two rivers, some marketing their catches and depending on the money they brought for their livelihood.

Gradually, the shad, alewives, and salmon disappeared, partly, perhaps, because of the dams, but also because of the river's pollution.

SPECIES DISAPPEARED IN 1938

Earl Hoover, New Hampshire's state biologist, reported the disappearance of these species in 1938. Surveying the possibilities of

stocking the Merrimack, Hoover wrote, "the problem resolves itself into whether fisheries or pollution are of most significance."

Although the salmon, shad, alewives and finer fish Hoover found to be practically nonexistent in the river at that time, bass and pickerel, he said were found in abundance.

But, he recorded, "they are seldom fished. This snomaly may be attributed to the anglers' dislike of fishing waters which are polluted, but not with pollutants which are toxic or in sufficient quantity to kill fish throughout the entire river.

In a 1966 report, the federal water pollution control administration offers a remarkably similar description of the effect of pollution on the aquatic life in the Merrimack watershed.

AVERSION TO USING FISH

"Parts of the Merrimack River in New Hampshire possess an outstanding fishery," it states. "However," it adds, "there is public aversion to using fish caught from the river for food because of the raw sewage emptied into the river."

Moreover, because of pollution, shellfish beds in the estuary of the river have been closed to harvest since 1926. Today, shellfish can be taken in only certain small sections, but must be treated in the shellfish depuration plant at Newburyport before marketing.

The fish contained in the Merrimack between Nashua and the state line according to the U.S. Fish and Wildlife Service in 1966 are yellow perch, red-breasted sunfish, pumpkinseed, large-mouthed bass, astern chain pickerel, northern yellow bullhead, northern common bullhead, eastern golden shiners, eastern common shiners, fallfish, long-nosed dace, eastern black-nosed dace and eastern common suckers.

In addition, some shad migrate into the river, but cannot make it past the Pawtucket Falls in Lowell.

As for salmon. The Fish and Wildlife Service reports it has not seen a salmon in the Merrimack in almost 50 years. Their disappearance, it says, is attributed mainly to dams and pollution.

We saw fewer species of fish than reported by the Fish and Wildlife Service and considerably fewer fishermen than Thoreau observed.

In Concord, Mass. we saw boys catching horned pout and bass. Other fishermen reported having caught pickerel in the clearer waters of the Concord.

Suckers and carp also reportedly fed off the bottom of the river and occasionally, with the bright sun reflecting off the surface of the calm waters, we could see what appeared to be minnows jumping on the surface.

Turtles also abounded in the river. On one log laying in the water on the left bank of the Concord, we spotted about 20 little sun turtles basking in the sun. Along the shores, the shells of shellfish could also be found, apparently caught by beaver or muskrats, brought ashore, opened and eaten.

When we got into the much larger Merrimack, we observed fewer fish, especially when we passed through the larger cities of Lowell, Nashua and Manchester where the vast majority of sewage and other wastes polluting the water enters the river.

On the long, desolate stretches between the cities, however, more fish could be seen jumping in the water.

Carp and suckers and horned pout were the only fish we saw in the sewage infested water near the large cities. Residents of Lowell and Manchester, however, reported having caught bass and even some perch from the banks of the river in their cities.

Between the cities, the scavenger fish were joined by bass, pickerel, sun fish and minnows.

Some people on these long stretches reported having caught or seen trout in these waters, although most people agreed that trout were more plentiful in the clean brooks and streams which run into the Merrimack.

FISH PREFER STREAMS

Owen Flynn, sports editor of The Sun, who has fished the river for many years, supports the observations we made. Trout and some of the more delicate fish, he tells us, enter the Merrimack from the clean brooks and streams. Because of the pollution on the larger river, however, most, he says, prefer to stay in the clear streams.

Contrary to what we expected, more anglers were seen in one day along the banks of the smaller Concord than in six days along the Merrimack river. Anglers abounded along the banks and in boats along the Concord river from the Concord bridge, almost to the dam at the old Talbot mills.

In the Merrimack, we saw only six groups of fishers—one between Lowell and the Tynsboro bridge, two others over sewer outfalls in Nashua, a group of boys at the mouth of a river of blood flowing from a slaughter house in Manchester into the Merrimack, another just above the dam in Manchester, and the last in a boat headed north in Concord, N.H.

Ironically, approximately one half of the anglers on the Concord River happened to be colored people—all adults—from what are predominately all white communities.

The remainder of the anglers were mixed between adults and young boys.

Their main catches consisted of horned pout, bass, perch and sun fish.

On the Merrimack, the staple catch was carp or suckers and horned pout, although further north some people were after bass, pickerel and perch.

Some of the fishermen seen were more lucky than others.

Two men fishing for bass and pickerel along the banks of the Merrimack in Tyngsboro had no luck at all on the Sunday we met them.

Just above the Tyngsboro Bridge on Monday, however, a resident of the area reported his son and a friend had fished 86 horned pout out of the river in a span of two hours the day before.

NOT MUCH LUCK

No one else had such luck, although lads fishing over sewer outfalls in Nashua and Manchester did manage to catch some carp. Fins of the huge carp and suckers could be seen as they fed on the raw sewage which poured out of pipes into the river in Nashua and Manchester.

Perched above the sewer pipes or standing on the banks alongside, youths baited hooks with either kernels of corn or worms and in minutes usually had a large carp on the end of their line. Occasionally, a horned pout nibbled at their baited hook, but their primary catch was carp and suckers.

They fished only for the sport and fun of wrestling with the huge large scaled fish on the end of their lines. They either freed or left the fish they caught on the banks to die.

The other groups of fishermen seen—one just above the dam in Manchester and another in Concord, N.H. heading north—had exactly the same number of worms when we met them as they had when they started fishing. Both groups of fishermen were primarily after bass and pickerel.

From talking with people, we learned that many residents along the banks of the river above the Manchester dam fish the river for sport. On the days we traveled that stretch, however, we did not see any lines in the water.

Nights, after we docked our boats, or while resting during the days, we often spoke with residents about fishing in the river. Most of the more experienced fishermen we spoke with said they prefer to fish the long stretches between the huge cities where sewage is not so abundant than in or near the cities where the waters are more polluted.

We found only one person, however, who said he took his catches home for his wife to serve on a platter. The others echoed the words of New Hampshire's former biologist and the fish and wildlife service—"I won't eat those fish. They live on sewage."

The sewage dampens not only their appetite for the fish, but also their desire to go fishing. Most of the fishermen we spoke with told how they used to fish the river every chance they had, but now do not like to put their boats in the sewage infested water or expose their hands or other parts of their bodies to it.

We used to spend weekends fishing between Nashua and Manchester, said one man about 35 years old. Now we won't go near the water. I bought myself a trailer, and when I feel like going fishing I pack my gear in it and go up north or to upstate New York, he said.

In Nashua, we spoke one night with several residents who had come down to the river to survey the progress made on the new Hudson bridge being built on the river. After assessing the progress made, their attention turned to kids fishing over a sewage outfall several yards below the new bridge.

FILTH RUINS FISHING

Watching the young boys reminded them of the days they fished the river. It's probably not as bad (polluted) now as it was then," one said, observing that many of the factories along the river have closed down. Staring at the kids fishing over the sewer, he added, however, that the "dirt and filth the cities pour into the river takes all the enjoyment out of fishing."

"I don't fish any more," a Nashua barber, married with two children said, "at least not in the Merrimack."

Normally, one would believe that people living along a river such as the Merrimack would enjoy not only fishing, but boating, and swimming and other water sports as well. But, as already seen, because of the pollution few fish the river. So even fewer swim in it. Boating is more popular, but water skiing and other sports in which the human body comes into contact with the water is virtually non-existent.

The lone exception again is just above the dam in Manchester, where homes line both banks of the river and virtually all the residents swim and boat on the river—we saw one lady with her two dogs out on a paddle boat—and most water ski.

The only other sport along the river where boating seemed popular was between Lowell and Tyngsboro. We saw perhaps a dozen boats on the Sunday afternoon we plied that stretch of water. Most of the boats were docked at the Lowell Boat Club.

Smaller craft, mainly canoes and row boats were seen on the Concord River.

But, for the most part, residents along both rivers enjoyed few of the advantages expected from a water front home.

We found only one family outside of the people living just above the dam in Manchester, which swam in the Merrimack. "We probably shouldn't swim in the river," the man of the house said. "But we do anyway."

Others observe the "bathing prohibited" sign posted on the old Lowell Bath House on the Pawtucket Boulevard.

Many, perhaps most of the people living along the Merrimack, don't have boats of any kind. Moreover, a great majority do not even have steps or a path leading down to the river.

Most of the residents we spoke with along the river admitted they do not use the river—some even forget it is in their backyards, except on warm summer nights when it gives off gaseous odors.

The only advantage it gives me, one resident said, is a breath of cool air on warm days and a scenic view to look out over. On warm nights the smell from the river negates all these benefits, he added.

DON'T GO NEAR WATER

Of most interest to us, however, was that many of the residents do along the river, have no access to it. Some have built steps or worn paths to the river, but a surprisingly large number simply do not go near it. "What do I want to go down there for," said one resident, "I can't swim in it and I don't have a boat." He has two children and said that if he had steps or a path leading to the river, it would make it easier for the children to fall in or try to go swimming.

Another interesting aspect of life along the river, is that many of the homes (especially in Hudson, N.H.) are abandoned. Other homes are only summer residents. In Tyngsboro, one man said he saw his neighbor whose home is used only during the summer, one day in the past year.

Finally, the benefits pollution in the river steals from people living along the river is indicated by the fact that for the most part, the banks of the Merrimack are underdeveloped. Large stretches of land along the river (especially between Tyngsboro and Nashua, Nashua and Manchester, and Manchester and Concord) are desolate, the several points with no houses seen for miles.

In this respect, the river remains much the same as Thoreau saw it. "As one ascends the Merrimack," he wrote, "he rarely sees a village, but for the most part, alternate wood and pasture lands, and sometimes a field of corn or potatoes, or rye or oats or English grass, with a few straggling apple trees, and, at still longer intervals, a farmer's house."

Farms still take up much of the land along the river. In Hudson, N.H., we visited with two farmers, although other farms could be seen beyond the trees along the banks. Three golf courses also help make up the banks of the river.

For the most part, however, the river's banks are undeveloped.

THE WAR IN VIETNAM

The SPEAKER pro tempore (Mr. PATTEN). Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 60 minutes.

Mr. BLACKBURN. Mr. Speaker, I previously addressed the House on this subject matter on Monday evening, but we did have a number of Members who could not appear at that time, and who also desired to express themselves concerning the subject of Vietnam and support of the President.

Mr. Speaker, at this time I will be very happy to recognize the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Speaker, I thank the gentleman from Georgia for yielding, and I would like to congratulate the gentleman for his concern and for his being willing to give evidence that all is not as represented in the advertisements paid for by some political circles and in the resolutions that are being circulated in this House even to this date.

Mr. Speaker, everyone in Congress is not happy with the Vietnam positions as stated in recent newspaper advertisements and resolutions being circulated in the House of Representatives. There are still a lot of us around who think that if the United States is in a war we should win it.

There is no doubt that if the Communists continue to refuse meaningful negotiations, we can force a military victory. Some of us have a deadline also—not a deadline for withdrawal of American forces—but a deadline for the resumption of meaningful military efforts based upon the continued failure of meaningful Communist negotiations. Say January 1 of 1970 is our deadline. If by that time there is no progress in Paris or directly between Hanoi and Washington, we will recognize that good will, conciliation, and conversation are not going to get the job done.

At this point, we should resume the bombing north of the 17th parallel in Vietnam. We should include the dikes of the Red River Delta as primary targets. We should close the harbor at Haiphong, either by bombing or mining. We should utilize the special infiltration teams of South Vietnamese rangers by having them invade North Vietnam in small groups with orders to do as much damage as possible.

We believe that every time Saigon is shelled or civilians are attacked anywhere in South Vietnam, American B–52's should bomb a North Vietnamese target and the North Vietnamese should be told this will happen.

We offer this policy based on the firm conviction that Communists only understand strength. We think it is presumptious of Congress to attempt to dictate military tactics or specific foreign policies, so we will introduce no legislation. We recognize that every elected voice raised to urge instant withdrawal simply strengthens the Communist conviction that delay means victory for them and death for many more American troops. However, we shall continue to urge the President to take whatever military action he deems appropriate and to assure him that in our view most Americans are not willing to abandon Southeast Asia at the behest of the politically self-seeking.

Mr. Speaker, I again thank the gentleman from Georgia for yielding me this time, and for the indulgence of the Members.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, several weeks ago, when my colleague from California (Mr. McCLOSKEY) advised me of his and Mr. RIEGLE's plans to introduce their resolution—to conclude our combat operations in Vietnam by December 31, 1970—I made it completely clear that even the serious suggestion of such an ill-conceived and presumptuous action was abhorrent and repugnant.

To seriously offer this resolution for the consideration of the House of Representatives is to suggest that the Members of this body must either be ignorant of established Communist aspirations, objectives, and strategy—or worse, totally indifferent to them.

What this resolution would do would be to tell the President of the United States to surrender to a demand by the House that the President do what he has told the Communists he will not do: order a unilateral American withdrawal which will permit the Communists to gain tyrannical, bloody control of the whole of Vietnam and, in turn, embolden them to move to repeat their Vietnam strategy in an effort to gain similar control over Laos, Cambodia, and Thailand.

What this resolution would do would be to serve notice on the Communists that Vietnam is to be theirs, courtesy of the Congress of the United States, in abject betrayal of the hundreds of thousands of young Americans who have served in Vietnam, of those who have shed their blood there, and of those who have died there.

It must be noted that this effort, like that by Senator GOODELL, is being forced by members of the President's own party in interesting concert with the political plans of such Democrats as Senator McGOVERN and National Chairman Harris.

According to the Washington Post of Saturday, September 27, 1969, Senator HARRIS "wants to help lead the war protests, which last year the Democratic organization tried to muffle."

I would advise the sponsors of this resolution that, under these circumstances, their role is even more incongruous than that of the bewildered chairman of the party whose Johnson administration involved us, 550,000 troops and billions of dollars strong, in this most nightmarish of wars, even as it denied those troops the hope of victory and, in many respects, the chance of survival.

I commend to the attention of the sponsors of this resolution these words, last Friday, by the distinguished gentleman from Pennsylvania, Senate Minority Leader HUGH SCOTT:

> An automatic, precipitous deadline-type withdrawal (from Vietnam) would simply encourage the North Vietnamese to say: "All we have to do is dig in and wait, the Americans will go home, and then we'll massacre the civilian populace."

I commend to the attention of my colleagues the fact that, every time President Nixon, like President Johnson before him, has made a move, has issued a statement, in the interest of real peace, Hanoi's propaganda agencies, like their so-called peace negotiators in Paris, have rushed forth to excoriate him.

I find no cause to do anything that could possibly be used by the Communists to further their effort against this country by attacking not just the President—but more importantly—the Presidency.

I prefer that the RECORD show my position as believing that, if we are to impose a time limit on anything, it should be on the time the President feels impelled to be patient with the Communists—a limit on just how contemptuous we will permit the Communists to be of our desire and efforts for peace.

I believe that if, within a certain reasonable period of time, the Communists continue to demonstrate no desire for peace, the President should take any and all military steps necessary to win the war at the earliest possible moment.

I remind my distinguished colleagues that last October I cited repeated instances of demonstrated Communist contempt for our various ceasefires, our bombing halt, and various and related efforts to deescalate and end the war.

I noted, then, that, in announcing his bombing halt, President Johnson said it

was a "step to really determine the good faith of those who have assured us that progress will result when bombing ceases."

Mr. Speaker, as we look back, that, indeed, was a long, long time ago—a time in which American casualties have increased daily—not in North Vietnam which created the conflict, but in South Vietnam, which continues to be the victim of that conflict. Down through these long and costly months in which, under the new administration of President Nixon, several thousand American troops have been withdrawn in further demonstration of American good faith, we have continued to suffer abundant demonstrations of the real character and meaning of Communist "good faith."

I note that, last Saturday, the distinguished chairman of the Republican Party, Representative ROGERS MORTON, said:

> For the first time, there is a significant shaft of light in that long dark tunnel of war . . . In his press conference (last Friday) . . . the President called for national unity in support of his search for a lasting peace . . . I now ask you to close ranks behind our President and, further, urge the support of your friends and neighbors. I do not ask this of you as Republicans—but as concerned Americans. Our country deserves no less.

Mr. Speaker, I commend this statement to the judgment and conscience of every Member of this House—especially to those of the gentlemen who brought this resolution before us.

Mr. BLACKBURN. I thank the gentleman for his observations.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield?

Mr WILLIAMS. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Does the gentleman feel that in addition to the lack of apparent political wisdom to which he referred, the action of the Republicans which he named in his statement offers any comfort to the Communists at this point by taking a public position of this kind?

Mr. WILLIAMS. There is no question about it. Actually I covered it in my statement. The resolution we are talking about and some of the actions to which you referred are definitely providing comfort to the Communists, providing comfort to North Vietnam, the Vietcong, and all their Communist supporters.

As I said in my statement, all this resolution is doing is telling the Communists, "Just hold on until December 31, 1970. The Americans will have gone." And then they can resort to their old tactics to massacre—the massacre of civilians in South Vietnam, the murder of their leaders, and the very things which have been the earmark of the campaign of North Vietnam and the Vietcong.

Mr. STEIGER of Arizona. I thank the gentleman.

Mr. BLACKBURN. I thank the gentleman for his remarks. I would like to comment that the observation of a time limit, if there is going to be one, should be on the negotiations in Paris. I personally think that the leadership of our country, both the former administration and the present, has shown more than reasonable tolerance in the negotiation period. The efforts toward reasonableness have been shunted aside with a genuine mockery from the other side.

I think the sooner we let it be known that the American public is not going to tolerate this loss of life with no end in view for an indefinite period, the sooner we will convince the North Vietnamese seriously to attempt to settle our differences at the negotiating table.

Mr. WILLIAMS. I would like to respond by saying the gentleman is entirely correct. There is no question but that President Nixon is making a number of very sincere moves in an effort to bring peace in Vietnam, and every time the President makes such a move, the Communist propaganda agents, just like the Paris peace negotiators that I referred to in my statement, cannot wait to misrepresent the President's intention.

In all of the time since we stopped the bombing of North Vietnam, back in October of 1968, I personally have not seen one gesture of good will from North Vietnam or the Communists, which leads me to believe that they seek in any way true peace in Vietnam.

Mr. BLACKBURN. I thank the gentleman.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

First I should like to commend the gentleman from Georgia (Mr. BLACKBURN) for taking the special order on Monday and again today to provide the opportunity for a colloquy on the Vietnam issue. I commend him for his quick reaction against a so-called "bug out" plan being advocated by some of our colleagues in this body and in the other body.

Every American would like to see the end of the Vietnam war today. Every American would like to see our boys returned home to their loved ones today. We all grow weary of this, our longest war in history. Yet, I feel that those who would bring all of our troops home no matter what are misreading the majority of Americans across this great country which has never before in history said we cannot win so let us give up.

There is no opportunity for a lasting peace if we just simply give up now. There is no point to further negotiations by North Vietnam of any kind of a satisfactory settlement—if they know that by simply killing more American soldiers without retaliation we will pull out in 15 months leaving the South Vietnamese nation to be overrun by Communist hordes who will have the 15 months to prepare for the onslaught. What kind of a solution is that?

Apparently forgotten in the debate is the fact that the North Vietnamese are the aggressors. They are the ones who attack below the DMZ and run for cover to their own country which we have not invaded.

The President has announced the withdrawal of 60,000 American troops to show the world he is intent on peace and not the conquest of another nation. He has offered an olive branch. He has, however, maintained that we not abandon South Vietnam until a peaceful satisfactory solution can be negotiated.

If we abandon South Vietnam now, the whole Indochina Peninsula is lost to the Communists and make no mistake communism is still our real enemy in the conflict in South Vietnam and in the entire world.

Weighing the cost of resistance and the price of capitulation, even a patriot might say we are better off to quit before more blood is spilled. Weak nations throughout history have capitulated to a strong aggressor rather than suffer loss of lives and devastation of their land.

But we are not a weak nation. We do not need to suffer the indignities of a surrender so that communism can continue its march to complete our destruction. Are we ready to say, better Red than dead. Are we ready to say, at the least, to South Vietnam, better for you to be Red than dead.

I do not think the people of this great nation are ready to surrender to communism. Yet, a total surrender in Vietnam could only be interpreted as such and a timetable withdrawal of all forces announced in advance is precisely that.

We have stopped the bombing of military targets in North Vietnam. Since the beginning, we really have fought with one hand tied behind our back. Negotiate—why should they? They have every reason to believe they have nothing to lose.

The President has taken steps he hopes will bring about an early and peaceful settlement to insure the integrity of South Vietnam. Let us support him until we see there is no hope for a peaceful settlement.

If North Vietnam does not want peace, we have the resources to take the offensive. Our biggest error, it seems to me, is that we have not tried to win.

We could easily blockade Haiphong Harbor to all shipping. We could, at least, engage in hot pursuit across the 17th parallel. We could impose economic sanctions on any country supplying North Vietnam with military supplies, certainly, but even to any goods including food.

We must make every effort to negotiate an honorable settlement. History has shown that settlement of a military conflict is not negotiated unless one of the adversaries is placed in a position where a solution to the end of the conflict becomes imperative.

On September 17, over 200 Members of the House participated in a special order designed to call attention to the inhumane treatment of our prisoners of war. The total disregard for the 1949 Geneva Convention clearly shows the kind of an enemy we are fighting in South Vietnam.

Just yesterday, I received a letter from a first lieutenant infantryman, a constituent of mine, who writes:

> I would like to return home to my wife and family as much as any man in this country. However, I feel that a tragic mistake

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is being made in withdrawing troops from this area without some sort of master plan. Areas and people are being left unprotected and many units are trying to operate at reduced strength. I fear that the same mistake is being made in Vietnam that was made in Korea. We have not stopped Communism. We have not settled anything, and yet we are pulling out.

I have received many letters like this from boys enlisted or drafted into the Armed Forces from my district. I doubt if they are much different from most other young men in the service from other districts over the Nation. We must, of course, support our young men in Vietnam. But, we must also support their Commander in Chief, our President, in those decisions he feels necessary to give him a chance to resolve the conflict.

I thank the gentleman for yielding me this time, and I appreciate the effort which he is making, as I have stated, and giving us this opportunity for discussion and colloquy on this most important subject.

Mr. BLACKBURN. I thank the gentleman for his remarks.

By way of illustration of his sentiment that the majority of the American people do not favor a surrender under any guise, a recent survey which was run in my own district indicated that in excess of 74.6 percent of the people in my district favor setting a definite time limit on the negotiations in Paris and in the absence of meaningful concessions from the North Vietnamese 62.5 percent favor using our maximum military, economic and diplomatic pressure to bring this matter to an honorable conclusion.

I believe this poll is probably representative of a great number of districts throughout the Nation. It would be a tragic error if the North Vietnamese should interpret the very vocal but small group who are crying for peace at any price to be symbolic of the will of the American people. The American people have never surrendered in armed conflict. We certainly are not going to suffer the indignity now at the hands of a fifth-rate power.

Mr. WYLIE. I would hope not. I appreciate the comments of the gentleman.

In my own district a poll has indicated a reflection of views similar to those of the constituents of the gentleman from Georgia.

I have not seen a recent poll on what action the United States should take by some of the professional pollsters, but at no time have I ever seen a poll which said that a majority of the people of this country favored a unilateral surrender in South Vietnam. I do not believe we have come to that place yet.

Mr. BLACKBURN. I certainly agree with the gentleman.

Mr. WYLIE. I thank the gentleman.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I am happy to yield to my colleague from Georgia.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding.

On the walls of this Chamber are pictures of two great men, Washington and Lafayette, Lafayette was a Frenchman. His contribution to this country was that the French helped us, in effect, guarantee and insure our freedom. We would not be the Nation we are today were it not for the fact that a foreign power, France, and some foreign individuals in that country, thought enough to come over here and in effect help and support our effort to have our own right of self-determination for the type of government we wanted.

President Kennedy and President Johnson throughout the entire involvement in Vietnam stated over and over our only purpose in Vietnam has been to assure the South Vietnamese of their right to self-determination, their right in a free election, an election in which there is no coersion either by ourselves or the North Vietnamese, to determine their own future.

Perhaps our mistake—and certainly we have made mistakes in this—has been the manner in which we became involved in this war, because we went into this war with the declared intention of not trying to seek victory over the North Vietnamese.

Over and over we heard President Johnson particularly state that we are not trying to defeat North Vietnam but are trying to show them aggression does not pay and that we will, in effect, put up a shield to protect the people of South Vietnam. Regrettably, the political leaders in this country did not stand behind President Johnson. I, for one, was convinced and continue to be convinced that had there been a unified effort behind the President, 1, 2, 3, or even 4 years ago, and the North Vietnamese were convinced that the American politicians were not going to try to make political profit for their own benefit out of cutting at the President, the war would have already been over and President Nixon would not have inherited the situation that he inherited. President Nixon—allow me to say this—is the first President who has, in effect, made any moves at deescalating this particular conflict. We saw constant escalation going on under Presidents Kennedy and Johnson. President Nixon is, in effect, trying to end the American involvement in Vietnam.

He has come into this situation not because of choice, but because the American public had confidence in him and elected him to this post. We saw President Johnson in an obvious political move a few days prior to the election, and I believe, in an attempt to influence the outcome of that election, cease the bombing of North Vietnam. This certainly put handcuffs on the incoming President so far as attempting to put any pressure on the North Vietnamese was concerned at the negotiating table. He is operating under the severest of handicaps that any person could possibly have.

Now, Mr. Speaker, the thing that particularly distresses me is to see people within his own party, both within this Chamber and the other body, attempting to and making personal political gain at the sacrifice, in effect, of thousands and thousands of American boys who have died in Vietnam while trying to assure the right of self-determination of the South Vietnamese. Make no mistake about it, there are people both within my party and the other party who are doing this for their own political reasons.

No, it is not popular sometimes to stand behind the President. He has more knowledge of this situation than we have and has more information, and he has a determination to bring this conflict to a close. I believe he will bring it to a close. But if there is going to be any conclusion which will be anything other than absolute surrender for this greatest nation on the face of the earth to a small power, it will require political leaders in this country to stand behind their President.

Let me make an additional point here, and let me make this crystal clear. In asking the political leaders of this country to stand behind their President, I am not asking them to stand behind one who desires to make war. It is not his desire to do so. His desire is to seek peace. But it is very obvious that if the enemy believes there are enough political leaders in the country who will create such diversion and division among the American public that it will be impossible for him to carry out his announced intention of negotiating an honorable settlement, then the North Vietnamese will negotiate in no meaningful fashion.

So, Mr. Speaker, the plea that I am making tonight is simply this: that we do have a moratorium on the undercutting of the President by certainly the members of his own party and the members of the other party, because it is in the national interest and in the interests of freedom-loving people of the world everywhere.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BLACKBURN. Mr. Speaker, I appreciate the gentleman bringing to the attention of our body the fact that we did receive at a very crucial time from another power, France, aid and assistance. Without this assistance we could well never survived the American Revolution.

Certainly all of us should be grateful for that help and I think in a very real sense the people of South Vietnam have a debt of gratitude to the people of this country in the same sense as has been expressed by my colleague, the gentleman from Georgia (Mr. THOMPSON).

Mr. Speaker, as an illustration of the position that the President has stated in public appearances, I insert into the RECORD at this point comments made by President Nixon, one of May 14, 1969, and one of September 1969 as an illustration of the degree with which the South Vietnamese people are reestablishing local government. I am going to insert these comments relating to villages and hamlets as illustrations of what is happening in South Vietnam during the last year and a half.

The matter referred to follows:

VIETNAM: PRESIDENT RICHARD M. NIXON'S PLEDGE

ADDRESS TO THE AMERICAN PEOPLE, MAY 14, 1968

We have also ruled out either a one-sided withdrawal from Vietnam, or the acceptance in Paris of terms that would amount to a disguised American defeat.

When we assumed the burden of helping to defend South Vietnam, millions of South Vietnamese men, women and children placed their trust in us. To abandon them now would risk a massacre that would shock and

dismay everyone in the world who values human life.

Abandoning the South Vietnamese people, however, would jeopardize more than lives in South Vietnam. It would threaten our long-term hopes for peace in the world. A great nation cannot renege on its pledges. A great nation must be worthy of trust. . . .

If we simply abandoned our effort in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability.

If Hanoi were to succeed in taking over South Vietnam by force—even after the power of the United States had been engaged—it would greatly strengthen those leaders who scorn negotiation, who advocate aggression, who minimize the risks of confrontation with the United States. It would bring peace now but it would enormously increase the danger of a bigger war later.

PRESS CONFERENCE, MARCH 4, 1969

I think that the American people will support a President if they are told by the President why we are there, what our objectives are, what the costs will be, and what the consequences would be if we took another course of action. . . . It is the responsibility of a President to examine all of the options that we have and then if he finds that the course he has to take is one that is not popular, he has to explain it to the American people and gain their support.

VILLAGE AND HAMLET ELECTIONS

A. SEPTEMBER 1969 ELECTIONS

The Republic of Viet-Nam will conduct a third round of 1969 village and hamlet elections during September. Scheduled for the first three Sundays of the month, these elections will bring self-government to more than 700 villages and hamlets in recently pacified areas of the country.

Statistics from previous local elections held since 1967 indicate that elected governments are already functioning in 1,891 (88.8%) of South Viet-Nam's 2,130 villages and 8,776 (81.4%) of the estimated 10,775 hamlets. (These figures are not exact but represent the best estimates by the Ministry of the Interior; precise figures are hard to come by because of population shifts under wartime conditions and consolidation for security purposes under the pacification program.)

The villages and hamlets holding elections this month have been run by appointed officials installed when pacification began. Authorities say elected governments can now operate in these communities because of the improved conditions and increased security.

Local elections will continue to be held during the rest of this year, until self-government is brought to virtually all of South Viet-Nam's villages, completing the electoral process began in April 1967.

The purpose of local elections, as stated by GVN officials, is to restore the centuries-old tradition of village autonomy and move nearer to the goal of full representative democracy. As an important part of the process of restoring local autonomy, the GVN has recently strengthened the powers of elected village officials by giving them authority over budgets and taxes and control of Popular Forces platoon, People's Civil Self-Defense Forces and Revolutionary Development teams operating within their jurisdiction.

B. HISTORY OF LOCAL ELECTIONS

The village

The village is the basic social and political unit of Vietnamese society. It is not a village in the European or American sense but is more akin to a British borough or American county, containing anywhere from two to ten hamlets and embracing rice fields, commons, forests, marketplaces, housing areas and a generally cohesive population. The village has traditionally been governed by a council of elders and notables chosen for their devotion to Confucian ideals and contributions to village welfare. Within the village the hamlets are like precincts, useful for administration but with no real legal autonomy or budgets of their own.

Village elections suspended

Security reasons and the desire rapidly to establish effective administrative control in the country moved the GVN to suspend village elections in 1956, and all local officials were appointed thereafter. The change occurred during a period of wide-spread terrorism by the Viet Cong directed against local officials who were largely unable to introduce effective local administration. Later, in an effort to improve village and hamlet security, the regime undertook a program of "strategic hamlets" based on organizing and arming the hamlets to contribute to their own defense. By emphasizing the hamlet, this program further contributed to a lessening of village authority and strength.

Election decree of 1964

Every government of Viet-Nam since the overthrow of Ngo Dinh Diem in November 1963 has committed itself to a return to village democracy. A village election decree providing for deliberative and executive village organs was issued in May 1964; but the village councils elected were purely advisory, and the village chief and his staff were still appointive officials.

Election decree of 1966

In March 1966 the GVN began to draft laws for the reorganization of village and hamlet governments and election of responsible officials at the local level. Work on these laws was delayed because of government preoccupation with the Buddhist struggle and preparation for the Constituent Assembly elections in September 1966. A decree was finally issued December 1966 governing the village and hamlet elections of 1967 and all subsequent elections. It also gave village councils increased authority over budgets, taxes, land transfers, public services and internal legal matters. It forbade provincial and district interference with village government and put a stop to higher officials tapping village budgets and taxes to defray district and provincial expenses. In January 1969 an amendment to the 1966 decree considerably shortened and simplified the electoral process.

1967 elections

The first round of villages and hamlet elections was held in April, May and June of 1967. These elections were bitterly opposed by the Communists, who killed six and kidnapped 18 candidates, killed 15 and kidnapped 38 voters, in 555 terrorist incidents. Despite Viet Cong attempts to frustrate the elections, 2,511,543 voters (77.6% of those registered) elected officials in 984 villages and 4,600 hamlets.

1968 elections

Local elections during 1968 saw some 300,000 additional voters choose officials in 120 villages and 236 hamlets.

1969 elections

On eight Sundays in March and June of this year, despite dangers posed by the communists' post-Tet offensive, nearly 90% of the eligible electorate turned out in village and hamlet elections around the nation.

The 1,553,308 men and women who went to the polls in March elected 7,741 leaders in 589 additional villages and 3,031 additional hamlets. The average of 1.7 candidates who stood for each post was a high figure in a country where local officials have long been prime targets for Viet Cong assassinations. The March elections reflected the success achieved by the Accelerated Pacification Campaign launched in November, 1968.

During the June elections, 1,092 candidates were elected to membership on local village councils and 1,121 hamlet chiefs were chosen for office, mostly in newly secured areas. It was estimated that close to 90 percent of the eligible voters in the various villages and hamlets turned out to vote—despite communist violence.

Government authorities announced that in the June village council elections, 118,043 of the 132,959 registered voters, or 88.7 percent, went to the polls. Further, 89 percent, or 282,169 of the 316,720 registered voters went to the polls in the hamlets.

C. ELECTION DETAILS

Preparation

The GVN's objective is to hold elections in all villages and hamlets in Hamlet Evaluation Survey (HES) classifications A, B, C, and D without elected officials by the end of 1969. The September elections are the third step in reaching that goal. The Ministries of Information, National Defense and Interior are supporting the information and security aspects of the election. Final lists of voters and candidates are posted not less than ten days before the polling each week. Candidates for village and hamlet posts are permitted to campaign during the five days prior to the election.

Village elections

A Village Council of 6–12 members, depending on the population, is elected for three years. The Village Council chooses the Village Chief from among its members, and he in turn nominates members of his staff, including two deputy chiefs, for Council approval. His staff is then known as the Village Administrative Committee; its members are responsible for security, education, agriculture, public health, administration and tax matters.

The Village Council shares authority with the Village Chief. It must be consulted on some tax collection procedures and on the use of village-owned land. Its concurrence is required before projects, usually public works, can be undertaken in the village. The Province Chief does not have the right of arbitrary removal of Council members and cannot remove the Village Chief without their concurrence.

Hamlet elections

Hamlet Chiefs are directly elected for three years. Deputy Hamlet Chiefs are elected only in hamlets of more than 3,000 population, also for a three-year term. The Hamlet Chief has two assistants, one for security and one for administration, whose appointments must be approved by the Village Council. The hamlet is a sub-unit of the village, and the Hamlet Chief operates under the direction of the Village Chief.

Administrative reforms

An April 1969 GVN decree reinforced the development of local autonomy by further strengthening the powers of elected officials. The Popular Forces (PF) and the Peoples Self-Defense Forces now come under operational control of the Village Councils and Village Chiefs, which means a substantial local defense capability responsive to local direction and under unity of command. Revolutionary Development (RD) cadres assigned to a particular village remain there permanently to further the development of local government, defense and self-help projects. They, too, are now under the control of the Village Council and Chief.

Villages now decide on their own which self-help projects they will undertake, usually with the people supplying the labor and the central government the materials to construct facilities. To help them get started the Ministry of Rural Development has allocated a total of 2,000 million piasters (US $16,949.153) in self-help funds for an initial 1,681 villages. Each village with an elected

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government will receive one million piasters (US $8,500) to finance its rural development programs. The Village Council may spend the money as it sees fit for projects requested by the people—schools, roads, bridges, wells, dispensaries, marketplaces, etc.

Having set in motion the process of restoring self-rule through elections and encouraging rural people to take a more active role in planning and executing village development projects, the GVN in February 1969 launched a program for training local officials in the political, economic and administrative arts necessary for effective self-rule. By the end of 1969 nearly 63,000 village and hamlet officials will have received training in village development, pacification techniques, deployment of self-defense forces, national politics, budgets, taxation systems and other essential administrative skills.

Mr. FREY. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I shall be happy to yield to the gentleman from Florida.

Mr. FREY. Mr. Speaker, with four colleagues of mine, we did during the recess visit South Vietnam, two on the other side and three on this side of the aisle. We went with an open mind, really wondering what was happening over there. We learned a lot and, frankly, as a freshman Member of Congress we had read over the years that each time someone went over there they came back with the statement that we were to achieve a military victory. All of us will recall that former Secretary of Defense McNamara went over there nine times and each time when he returned he said that we were going to have a military victory. So, we were wondering what was happening in Vietnam.

I shall not attempt to stand here in front of this body and say that we came back as experts, because that is not true. But I think it is true that we came to a better understanding of what was going on, with a better understanding of what was involved and this is true because you can see and feel it and can talk with the people involved.

One must remember and learn a lesson and that is that the war in Vietnam is a four-part war. It is not a military war. It is a war of pacification, an economic war, a political war, because they are attempting to build a nation over there under extreme circumstances.

We had an opportunity to talk to the legislators over there, some of whom had lived in North Vietnam and one of whom had been a legislator in North Vietnam before about 1 million of his fellow countrymen were driven to the south. That was at the time when Ho Chi Minh killed between 50,000 and 100,000 people who did not agree with him.

The fact of the matter is they have a long way to go. It is no easy task. Their country has been torn apart for years. However, I was amazed that they were doing as good a job as they were under the circumstances.

For instance, the educational level, I believe, is that 86 percent of the young people over there will receive 5 or 6 years of education in South Vietnam.

With reference to the economic situation, next year they will export rice under these circumstances.

We looked at this question also: Are the people in South Vietnam loyal to the government? Of course, this is really a key question. The real test of that fact is expressed in the action of the government of South Vietnam when it turned over 500,000 arms to the provincial and district troops. These are not the regular ARVN troops but are the troops who are guarding the villages and hamlets. This was a risk, because if they were not loyal to the government and if they did not believe in the government of the South Vietnamese, the arms would be used against them.

We looked at the pacification program in South Vietnam. It has the support of about 86 percent of all the villages. When we use the expression "pacification," this really falls into different categories. Generally, I think pacification means that you can go into one of these villages or hamlets and not get shot. However, it does not mean that you can run around the countryside and not take any risk. However, they are making progress. The road is open all the way to the DMZ and the railroad is being rebuilt.

Mr. Speaker, these people have been in the middle of war and a great many of them have been killed. There have been over 10,000 village chiefs and officers killed over the last 10 or 12 years. They are making progress and are moving forward and are trying to build a government. It is not a grassroots government as we know it here and I think to compare it to our form of government is ridiculous under the circumstances.

They are trying to build a defense machine from the top down. They are trying to do it, for instance, in the delta through the Tillers of the Soil Act. This act, if passed, will give about 800,000 to 1 million acres to the fellow working the land, which did not exist before. They are trying other reforms.

Yes, of course there is the black market, and this black market over there we saw in the streets of Saigon, but yet when you compare it to the situation in Korea at the same time, there is a world of difference, it is much better in Vietnam.

Certainly I think when we look at the military situation, when we realize that we are in a position where the North Vietnamese can hit and run across the border, and come back again; where we have been restricted in our targets that we can hit, where we have the stalemate, and impasse; I, for one, came back with the feeling that what we must do under the circumstances is withdraw our troops at staged intervals, withdraw them and replace them with troops of the South Vietnamese as quickly as possible.

I say that for this reason: I say it because the other alternatives of pulling out unilaterally, I believe, do not make any sense whatsoever. Whether Vietnam was important or was not important years ago, we made it important.

When you are over there I think you understand that the United States just cannot live in isolation in this world. I think all of us at times wish some of the problems would go away. I know I do.

But regardless of your belief in the domino theory, or any other theory, I just wonder what would happen if, for instance, say that whole part of the world over there was united behind Communist China, I think that Vietnam itself might be regarded as just a warmup.

But to return to what I was saying, I think that the action that the President has taken, frankly, is the only one that makes any sense. The Communists of North Vietnam are playing a crescendo, you might say, as far as the battle goes. They will run up the scale maybe every 60 days or 80 days now to keep the pressure on the United States, to keep the pressure on our troops over there, and then they will back off. It is not a lull. I will tell you, I hope no one uses that word to the troops there. To the troops in the field there is no such thing as a lull, but they will back off in their scale of fighting, but they are continually keeping the pressure on. Frankly, they are trying to pressure the people of the United States into taking some precipitous action.

Time is on our side. By changing the stalemate, by setting for the first time a new course of action where there is an end in sight for the American people, I think in essence we can frustrate the Communists who want to force us to do something; who want to force us to just pull up and leave.

I think this, too: I think that both our friends and our foes alike should know that we are starting on this course; that this appears to be the right course to follow. I feel it is the right course. But do not take anything for granted. I do not believe that if positions change we should not revalue it, and what we are doing, and that we should not look at it again.

Certainly this is not a sign of weakness in any sense, to frankly carry out the policy of allowing Asians to fight an Asian war, and help them logistically.

But I think I want to make that point clear. I know I want to make that one point clear, and that is do not sell us short, do not sell the people in this country short. Certainly the young men over there—and that is all they really are, is young men—I am never going to have any fear for the future of this country. These are fine young men. They are not all happy. Every one of them knows the date that they are going to come back, they have it worked out like we all did down to the last minute and second. But they are doing their job, and it is a tough job, and they are doing this tough job under all kinds of impossible conditions, and in beating Charlie at his own game.

There is no such thing as a good war, and there is no good place to fight. I certainly hope in the future if this country ever does get into another war we are not going to do it unless we assume the obligation of doing everything we can to back up the boys over there. But that is for the future. It is where we are at now that I think we want to do something about. And I for one am glad that we are taking action and are finally going to accomplish something so that there is an end in sight so far as this country's involvement in the war and so far as the war in Vietnam is concerned.

Again I thank the gentleman for yielding.

Mr. BLACKBURN. Mr. Speaker, I thank the gentleman for giving us the

benefit of his experience and his views, having been there. I simply want to state by own personal agreement. No matter what the debate may have been over the value of Vietnam 5 or 10 years ago, the fact of the matter is today that it is extremely important, if for no other reason that America has put her prestige on the line there.

Mr. DEVINE. Mr. Speaker, suddenly, overnight, the Nation is plagued with "instant experts" on foreign policy with easy solutions to U.S. involvement in the Southeast Asia theater. The second-guessers in both political parties are having a field day at the expense of thousands of dedicated American young men who gave their lives in the cause of freedom.

Sometimes it looks like an auction—seeing who can outbid the President on withdrawals. And it is so obvious these vocal hucksters are completely lacking in qualifications to formulate an intelligent judgment. When President Nixon announces a proposed withdrawal of 50,000 troops, an eager politician bids 100,000; then, not to be outdone, a colleague goes for 200,000, and another starry-eyed hero wearing an ensemble of dovefeathers, cries out for immediate withdrawal of everybody, yesterday.

Mr. Speaker, the President of the United States inherited a miserable situation, and he has responsibly and methodically gone about the business, for the first time since 1960, of reducing American troops in Vietnam—something neither John Kennedy nor Lyndon Johnson did as President. Yet, this is not enough for the "instant experts." There is no person in the United States of America today that has more accurate and more information available than our President. He also has the advice, guidance, judgment, and suggestions of the Secretary of Defense, Mel Laird, Secretary of State, Bill Rogers, not to mention Henry Cabot Lodge.

I do not know, Mr. Speaker, what solutions are offered by the instant withdrawal crowd, other than to appeal to the emotional responses of families who have loved ones involved; however, I do know it is not a traditional American posture to run up the white flag of surrender, to turn tail and run, to abdicate the honor of our commitments.

Many responsible citizens find it difficult to reconcile our "limited war" posture, and I agree. There are those who feel we should declare an ultimatum: Tell the Communists of North Vietnam that as of a date certain, unless positive steps for peace are taken, and complete cease fire, to get the women and children out of Hanoi and any other target area, because the United States is no longer interested in a prolonged indecisive no-progress negotiation. Let them know we will no longer consider North Vietnam a sanctuary, and we will take whatever responsible steps that may be necessary to win. This, of course, would include bombing dikes, industrial targets, blockading Haiphong, and shutting off supplies of all types.

Mr. Speaker, only the President of the United States has the authority and capability to win the peace. He should be permitted to do so, without demagoguery and political opportunism.

Mr. ADAIR. Mr. Speaker, as Members of the House know, I yield to no one in my desire to see the Vietnam war brought to an honorable and speedy conclusion. The killing of American and South Vietnamese boys and the destruction resulting from the effort of North Vietnam and the Vietcong to take over South Vietnam by force represent one of the great tragedies of this century.

We all hope that the Paris peace negotiations ultimately will be successful, but thus far our side has made the concessions and the other side has repudiated them. In my opinion, it is obvious that the Communists believe that if they can only hold out long enough, American public opinion will force the American Government to pull out unilaterally and precipitately in a defeat that will have repercussions for our country and the free world for decades to come.

It is my belief that well-intentioned proposals calling for the complete withdrawal of all American forces by a fixed period, such as the end of 1970, would have the effect of prolonging the killing and of delaying a peaceful settlement. What possible incentive is there for the Communist negotiators in Paris to negotiate an agreement with us if we announce in advance that we are going to pull out anyway by the end of 1970. Meanwhile, the Communists would prosecute the war to enhance their chances for a complete takeover after the Americans had gone.

Not only are such proposals unrealistic, in my opinion, but they do not keep faith with the thousands of Americans who have been wounded, killed and taken prisoner. We should keep these men and their families very much in mind as we consider how to speed the end of this war. Many of them are saying, "Let us not have made our sacrifice in vain."

Mr. LUKENS. Mr. Speaker, I rise in earnest dismay over the attack by some Members of this body on the Nixon administration's handling of the war in Vietnam. They are quick to criticize but offer no proposals for achieving a lasting and honorable peace in Vietnam. The Nixon administration, on the other hand, has been doing everything humanly possible to indicate our sincere and earnest desire for a peaceful settlement.

I deeply regret that some of my colleagues are inserting a knife in the back of a Republican President and a Republican administration which has inherited some of the most severe problems our country has ever faced.

It is obvious that the dissenting Members on either side of the aisle do not have access to hard intelligence information surrounding the situation in South and North Vietnam. It is also obvious that they do not have the experience nor the exposure that the President of the United States has in dealing with this problem. Thus they are not in a position to question the judgment of the Chief Executive of this Nation—a President who has made remarkable progress in extricating America from the horrible situation he inherited in January of this year.

It is also obvious they have very short memories. Many of those voices among us dispaired because we dared to protect a defenseless people who were faced with invasion by an outside force. They cry out now because we help protect the villages and innocent peasants from inhuman Communist atrocities. These same voices have continuously espoused intolerable concessions to bring about negotiations at any price. They began by influencing decisions which resulted in our failure to block the seaport of Haiphong and to our bombing of cowpaths instead of strategic military targets.

Because of this influence, we held back until antiaircraft missile capability was established by North Vietnam, resulting in many American deaths. We have honored many truces, all of which resulted in the dashing of our hopes for a ceasefire, and in the rebuilding by the enemy of their ability to kill Americans during such lulls. This merely resulted in a stronger enemy, a refreshed enemy; and a better equipped enemy, with an increased capability to kill.

"Stop the bombing of the North," cried those same timid souls to show our sincere desire for a negotiated peace. We did stop. Not once, but 11 times. This bombing cessation resulted only in military escalation by the North Viet Communists, who are now entirely free of harassment in the North. Daily they violate the demilitarized zone, while still fighting and killing innocent civilians in the South.

Still not satisfied, we heard the cry "pull some of our troops out." The President has indeed scheduled the withdrawal of almost 60,000 men as of this date. Their response, "Not enough, merely a political move," "not of any consequence." Yet how they would have ranted and raved if we had sent in an additional 60,000. The result of the pullout has been, inevitably, more casualties, more atrocities, and more aggressive action by the enemy. Now those same voices are demanding that we must pull all of our men out.

Gentlemen, we have gone that extra mile. Time and time again. The only sure means of achieving peace in the face of this continued Communist aggression, if we are to believe these voices, is to once again turn our backs on an innocent, Communist invaded country and run to "safety." Someday we may not have any place to which we can run. Then our only chance for peace will be submission.

In the name of peace, those people, either naively or intentionally have relayed the enemy propaganda. They have had their say. Their proposals have not been successful because they assumed the Communists want peace. The Communists do not want peace, a fact which they daily prove.

Neither South Vietnam nor the United States are the aggressor. The aggresors are the Communists. The Communists do not want peace so long as they make progress through aggression in all parts of the world. It should be apparent to

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any objective observer that we will have peace only when aggression is punished, only when we negotiate from a position of strength.

In order to minimize casualties, perhaps it is time to finally resolve this issue. To do so, we must consider using every conventional resource available to us to achieve what every sensible patriotic American knows we can achieve—a military victory in Vietnam.

I would like to close with a quote, Mr. Speaker, which runs thus:

> A coward is a man who does not realize that his safety depends on his courage.

A nation bogged down in the quagmire of indecision, torn by disunity, faced with the dissolution of ethics, is truly a coward. America must realize that the path to greatness, to a meaningful peace, and to real equality and freedom for all has always been to face physical suffering with moral courage born of spiritual belief.

GENERAL LEAVE

Mr. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the subject of my special order today, the war in Vietnam.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

NATIONAL ADULT-YOUTH COMMUNICATIONS WEEK

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, as a result of the adoption of Joint Resolution 814, sponsored by myself and many colleagues in this Congress, President Nixon has proclaimed this week as National Adult-Youth Communications Week.

I would, therefore, like to take this opportunity to publicize one area of activity with which I am personally acquainted, where the different generations have been communicating and have produced tangible results. I speak of the dialog and joint efforts which characterize the membership of my task force on youth.

After my election to the 91st Congress, I set about establishing various task forces to enable individual citizens to affect the legislative process and to enhance communication between citizens and the Congress. The purpose of each task force—all of which are completely nonpolitical in nature—is to advise me on matters which are under discussion for possible legislative action. I also expect from them feedback and recommendations and suggestions for improvements after bills have been introduced.

One of the first groups to be launched was the task force on youth. In forming this volunteer committee, we recruited qualified community leaders, well acquainted with the needs and problems of the younger generation. More important, however, than the recruitment of adult advisers was the gathering of youthful participants. Each high school in the Fifth Congressional District was asked to select one outstanding student from the junior and senior class to participate. Also, the colleges in both Prince Georges and Charles Counties were asked to select four outstanding students to serve.

At their first general meeting the task force on youth divided itself into 11 committees on the military draft, alcohol and smoking, education, mental health, race problems, narcotics, human needs, crime, voting age, environmental quality, and county government.

The committee on voting age, composed of several students and one member of the Jaycees as adviser, took it upon themselves to conduct a survey of high school students to gage their opinions on lowering the voting age, after they learned that I was sponsoring a bill to lower the voting age to 18 in Federal elections.

Mr. Speaker, I would like at this time to insert the results of that survey into the Congressional Record as an example of the cooperation which can be elicited when the different generations take the time to communicate effectively.

I commend all the members of my task force, under the chairmanship of Mr. Robert Crawley, who volunteered their time to participate in this project in order to keep me informed of the sentiments of the youth in my district, and I also thank the students, faculty, and administrators of the high schools who took valuable class time to comply with this request.

The following summary includes the questions and the tabulated results:

1. Are you in favor of lowering the voting age?

Yes	718
No	77

2. What should the voting age be?

17	24
18	588
19	100
20	5
21	74
25	1
No response	3

3. What do you believe justifies lowering the voting age? (Check one or more)

If a person can be drafted, he should be able to vote	589
Young people are civically and politically involved	320
Young people are prepared to vote at an earlier age because of the education they receive today	431
Young people today mature at an earlier age	174
Our nation is becoming "younger"; young people should have a voice of government	276
Other; explain	12
No response	58

4. Should voting age be uniform throughout the nation?

Yes	730
No	59
No response	6

5. How should uniformity of voting age be accomplished?

Constitutional amendment	440
Act of Congress	180
Constitutional convention	28
State legislatures	95
No response	52

6. Do you believe passing an examination should be prerequisite to voting eligibility?

No	468
Yes, only if under 21	123
Yes, all voters	189
No response	15

7. Which elected officials should voters under 21 be eligible to vote for?

No elected officials	48
All elected officials	610
President and Vice President only	48
President, Vice President, Congressmen	8
President, Vice President, State, local	6
Congressmen, State	4
Congressmen, State, local	34
State officials, local	10
Local officials only	14
State only	4
Congressmen only	2
No response	10

THE CASE FOR THE SAFEGUARD ABM SYSTEM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. Holifield) is recognized for 60 minutes.

Mr. HOLIFIELD. Mr. Speaker, the prevention of nuclear war must be the primary objective of our Nation. We must maintain a position of overall military strength sufficient to deter any nation from believing that it could launch a successful attack against the United States.

Deterrence today rests upon the conviction by leaders of the Soviet Union that the U.S. military power is sufficient to inflict unberable damage on the Soviet Union after a surprise first strike on us.

If the military power of the Soviet Union ever rises to the level where leaders in the Kremlin believe that the U.S. military power is inadequate to inflict such an unbearable retaliatory strike, the basic factor of deterrence no longer exists.

We must at all costs maintain the factor of deterrence, in order to buy time to achieve mutual disarmament.

Failure to negotiate a disarmament agreement, which includes adequate inspection guarantees, must inevitably cause mutual suspicion, mutual fear, and a continuation of the arms race to continue between the United States and U.S.S.R. as each strives to offset the other's military power.

I define offsetting military power as being sufficient power to maintain deterrence. Military power is composed of a mixture of military offensive and defensive capabilities.

No defensive or offensive weapon system can be separated from the "mix" and considered unnecessary, if it contributes to the total offsetting balance of military power upon which overall deterrence depends.

A key objective of our military power mix is to implant the credibility of our deterrence into a potential enemy's calculations, convictions, and intentions.

The respective military, economic, and

geopolitical assets of two potential enemies will, when separately compared, always vary. The important factor is that each nation's total weapon system mix, when compared with the potential enemy mix, will constitute an adequate level of offsetting military power.

In 1962, President Kennedy was faced with a Soviet power play to upset the balance of nuclear terror. He stood firm, and the destabilizing threat receded. Since then two Presidents and their top civilian-military advisers have evaluated the changing total military power mix of the Soviet Union. Each noted the growth of Soviet offensive and defensive military power. Their conclusions have led to additional research, development, and deployment of an ABM system in the United States to offset this developing imbalance created by the recent rapid expansion of Soviet military strength.

Let me cite some examples of this developing threat as seen by top U.S. Defense officials:

> Because of the low altitude of the (Soviet) FOBS' orbits, some of their trajectories would avoid detection by some early warning radars, including our BMEWS. Also, the impact point cannot be determined until ignition of the rocket engine that deboosts the payload out of orbit—and that occurs roughly three minutes and some 500 miles from the target. And the flight path can be as much as 10 minutes shorter than that of an ICBM. (Secretary of Defense McNamara, November 3, 1967.)
>
> We estimate that as of 1 September 1968 the Soviets had approximately 900 ICBM launchers operational, compared with 570 in mid-1967 and 250 in mid-1966—an increase of well over threefold in a period of a little more than 2 years. (Secretary of Defense Clifford, January 15, 1969)
>
> We must compare the 20 to 25 megaton warhead, on the Soviet SS-9, with our own ICBM warhead which are only a fraction as large. Thus, the Soviets by deploying as many ICBMs as the United States, can potentially deliver a much larger megatonnage in an attack than we can with our ICBMs. (Secretary of Defense Laird, March 21, 1969.)
>
> In the single year 1968, the Soviets put to sea a new type ballistic missile submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done.
>
> Admiral Gorshkov, Commander in Chief of the Soviet Navy, said recently: "The flag of the Soviet Navy now flies proudly over the oceans of the world. Sooner or later, the U.S. will have to understand that it no longer has mastery of the seas." (Admiral H. G. Rickover, April 25, 1969.)

Also, the following quotes on the effect of ABM defense are worth noting:

> A completely different concept of ABM is to deploy it around Minuteman silos, and at command and control centers. This application has gone in and out of Defense Department planning. *I am in favor of such a scheme at the appropriate time.* (Emphasis added.)
>
> My main reason for being in favor is that such a deployment would stabilize the strategic situation rather than the opposite. (Prof. Hans Bether, P. 39 of ABM hearing before the Senate Foreign Relations Committee, March 6, 1969.)
>
> Senator Symington. Dr. Panofsky, I would ask this question: If we are successful in defending Minuteman bases in this way, and if they desire to maintain parity, would they not increase their ICBMs?
>
> Dr. Panofsky. Only if they were genuinely interested in a first strike posture. If they were satisfied by a second strike posture, then, if we increased the defense of our Minuteman bases by ABMs, they would not have to increase their ICBM force. (P. 341 of ABM briefing before the Senate Foreign Relations Committee, March 28, 1969.)

CONCLUSION 1

> That there is little likelihood of nuclear attack by ICBM from either China or the Soviet Union because China lacks the capability, and because any such attack would be sure to rain lethal fallout and second-strike nuclear destruction on the attacking nation itself and existing defenses therefore provide adequate protection without addition of an ABM system.

REBUTTAL

As responsible legislators we cannot assume away the problem. It is our job to make sure that the likelihood of attack remains small. Therefore, we must be concerned with the evidence of Soviet increases in both offensive and defensive nuclear weapons capability and Red China's growing nuclear arsenal. Those who assert that "there is little likelihood of nuclear attack by ICBM from either China or the Soviet Union" might well have said the same about the Soviet invasion of Czechoslovakia in 1968, Soviet offensive nuclear missiles in Cuba in 1962, and Red China's attack on India in 1962. The fear of "lethal fallout" by leaders of the Soviet Union and Red China is also speculative in view of the extensive civil defense system in the Soviet Union and the relatively dispersed population in the U.S.S.R. and Red China.

CONCLUSION 2

> That neither Chinese nor Soviet missile development and deployment are going forward at such a rate or in such a manner as to suggest a significant change in the capabilities or intentions of either of these nations in the foreseeable future that would justify deployment of an ABM system at this time.

REBUTTAL

This is a risky conclusion, considering the Soviet present expansion of both offensive and defensive nuclear firepower. As Secretary Clifford said on January 15:

> In the Soviet strategic posture, the *large increase* in deployments of hardened, land-based ICBMs has been the most significant development of the past year; we project that by the end of 1969 they will have deployed over 1000 intercontinental ballistic missiles. (Emphasis added.)

Everyone can speculate about their intentions, but responsible legislators have to keep their eyes on the capability. To speculate and be wrong would make us the richest Nation in the international cemetery.

CONCLUSION 3

> That given the current uncertainties about the technical reliability and capability of the ABM system to perform the functions visualized for it, it does not merit our confidence, and additional research and development, rather than deployment, appears appropriate at this time.

REBUTTAL

The Safeguard system is backed by about 13 years of intensive research and development on ballistic-missile defense. Both the Sprint and Spartan missiles have undergone a number of successful test firings. A missile site radar has been constructed and is being tested at the Kwajalein Atoll in the Pacific. In the near future that radar will control test firing of both the Sprint and the Spartan interceptors. A few months later both radar and missile systems will be integrated in tests to track and intercept incoming ballistic-missile reentry vehicles from Vandenburg. The technology and components for the perimeter acquisition radar have already been tested in similar operational radars at Eglin Air Force Base, Fla. In parallel, the AEC will continue to test the warheads in a series of underground shots.

In identifying the need for ABM protection we should avoid overstating or understating the system capabilities. Nor should we advocate research only as a device merely for deferring a decision. To the extent that further research, development and testing are necessary for assurance of satisfactory operation according to performance specifications, such efforts should be made providing that Congress authorizes the Safeguard system. Thereafter it becomes the President's responsibility to determine when the system is ready for deployment in the interest of national security.

CONCLUSION 4

> That while greater protection from accidental launch of nuclear missiles toward the United States would be desirable, this alone does not justify deployment of the ABM, especially when there is serious doubt whether an ABM system could perform this function effectively, and there is no evidence that it is either the best or only means of dealing with the accidental launch problem.

REBUTTAL

It is difficult to conceive of any other means which we could use to intercept an accidentally launched ICBM than through the use of an ABM missile. The resolution of doubt as to functional efficiency must rely on testing an operational system—without a nuclear warhead explosion in the atmosphere.

An alternate to noninterception is, of course, our accepting the damage of a delivered enemy ICBM on our deterrent force of Minutemen bases.

Another alternate is to launch our ICBM's after recognizance of an incoming enemy missile and before its arrival on target. Either of these two alternates are stark and dangerous choices.

CONCLUSION 5

> That before delegating authority to fire offensive or defensive nuclear weapons to officials below the level of the President, which would almost certainly be necessary in case of ABM, all possible alternatives should be explored.

REBUTTAL

The problem of firing a defensive ABM type of missile is not insoluble. The President can direct beforehand the conditions under which such a missile can be used.

An accidental or deliberate firing, because of the relatively short range, however, would not constitute a threat against the Soviet Union. The Kosygin interview in the New York Times of February 10, 1967, discloses the Soviet attitude toward defensive short-range missiles.

CONCLUSION 6

> That a decision to deploy ABMs, or actual ABM depolyment would add nothing to our arms control bargaining position that we do not already enjoy through our current deploy-

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ment *capability*, and in fact might limit our bargaining power by reducing our seeming sincerity in seeking to limit strategic arms.

REBUTTAL

Logic would seem to argue that the United States would be in a better bargaining position for mutual arms reduction if we had, for trade off purposes, an offsetting ABM system to a similar system in the Soviet weapon mix.

I note the underlining of "capability" in the phrase "our current deployment capability." Does this suggest additional deployment of ICBM's, an offensive weapon?

As to "reducing our seeming sincerity in seeking to limit strategic arms," Kosygin in an interview in the New York Times of February 10, 1967, is quoted as follows:

> Question. Doesn't the Soviet Prime Minister share the view that a build up of a Soviet anti-missile system is a new step in the arms race?
>
> Answer. It seems to me that the system that warns of an attack is not a factor in the arms race. On the contrary, it is a factor that reduces the possibility of destruction of people. . . .

We have earnestly advocated and achieved steps toward disarmament; that is, Test Ban Treaty, Nonproliferation Treaty, Geneva Arms Control Conferences, and Presidential offers to negotiate peaceful arrangements. Our sincerity of desiring peace cannot be justifiably challenged.

CONCLUSION 7

(1) That arms control negotiations following ABM deployment or a decision to deploy would have reduced potential for reaching agreement due to influences from sources with vested interests in retaining the system and the possible need for one or more parties to dismantle existing hardware and to incur the resulting financial losses.

(2) Negotiations conducted prior to any deployment or deployment decision would proceed without these negative influences and constraints, and enjoy a correspondingly better probability of reaching arms control agreement.

REBUTTAL TO (1)

This argument applies to all weapon systems in our total weapon system mix. Arms control negotiations must inevitably involve freezing, reduction, or dismantling of existing hardware and cessation of future arms production of weapon systems and must inevitably result in financial loss to arms systems producers.

REBUTTAL TO (2)

If there is one lesson we have learned in Congress, it is that the leaders of the Soviet Union respect military power and understand resolve.

On June 24, 1968, the Senate voted 52 to 34 to support the deployment of a U.S. ABM system. Three days later representatives of the Soviet Union announced that they were inclined to discuss negotiations on offensive and defensive nuclear weapons. I think this timing clearly illustrates that when we show that we are determined to maintain our strength, the Soviets are willing to negotiate. If Congress rejects the ABM it will show the Soviets that the leaders of our Nation are deeply divided on this issue—a divison which they would exploit to our disadvantage without giving us any concessions.

CONCLUSION 8

The resources required to deploy an ABM system would have greater benefits for the Nation if devoted to various domestic needs.

REBUTTAL

This argument is of course a statement which relates to all military expense. Satisfaction of domestic needs could be made from substantial reductions in all military expenses, assuming that the funds would be diverted to domestic needs.

CONCLUSION 9

The request for funds to deploy the A.B.M. system ought, at this time, to be opposed.

REBUTTAL

Conclusion based on the assumption that statements 1 to 8, inclusive, are valid and not subject to challenges.

CONCLUDING COMMENT

Support of the research and development of an antiballistic-missile system is justified on the basis of:

First, it is an offsetting system to the Soviet deployment of the Galosh and Tallinn systems, now in being;

Second, it is part of the overall military mix of the United States which offsets the military mix of the Soviet Union; and

Third, it would be a factor both militarily and psychologically in preserving the factor of deterrence. As long as deterrence obtains, nuclear war will not destroy mankind. As long as deterrence obtains we are buying time for negotiating the terms of peace.

When deterrence fails and nations exchange their deadly nuclear warheads, no military device can protect humanity from catastrophic destruction.

The case for the U.S. decision to develop and eventually deploy a defensive anti-ballistic-missile system therefore rests on the judgment that it would be a balance offset component of our military system mix to a similar component in the Soviet military system mix, and that it would add to the factor of deterrence in the Soviet evaluation of comparative military capability and, therefore, affect their possible decision to start a nuclear war.

Mr. Speaker, I would also like to include a letter written by Adm. H. G. Rickover to Senator PASTORE on the ABM subject:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., April 25, 1969.

Hon. JOHN O. PASTORE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PASTORE: In your letter of April 15th, you asked me to give an estimate and an opinion as to where we are and where we are going and what needs to be done in a military way in these times of turmoil and peril. There is, as you point out, a division of opinion among the American people regarding the necessity of reinforcing our military strength.

The first point I would like to make is that in judging between conflicting views on this matter, the deciding factor must be their relevance to the world as it is, *not as we would wish it to be*. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forego recourse to arms? A look at history should put us on guard against those who claim that humanity has now reached a state where the possibility of armed aggression can be safely disregarded in formulating national policy.

I am reminded of the intense opposition to the Navy's 15-cruise bill in 1929. It was argued by many that with the signing of the Kellogg Peace Pact the year before it was no longer necessary to build new warships. And this in light of the lessons of World War I which erupted despite the various Hague Peace Treaties! These ships were of inestimable value in helping us win World War II. The war itself was prolonged because Congress—heeding the "merchants of death" argument—in 1939 prohibited shipment of war materials to Britain and France.

Then, too, weight must be given to the credentials of those propounding opposite views. Are they public servants charged with the awesome responsibility to secure our country against foreign conquest, or are they private individuals not accountable for the consequences of their opinions, who feel free to express their personal abhorrence of war and to agitate for a reduction of the financial burden military preparedness imposes on the taxpayer? Would the majority of the electorate accept their argument that, given our unmet domestic needs, we cannot afford an effective defense position vis-a-vis our potential adversaries? Or that war is so horrible that it is better to suffer defeat than to fight?

As for the high cost of preparedness, it is in fact no greater proportional to total U.S. output than 10 years ago—8.8% of total U.S. goods and services. Omitting the costs of the Vietnam War and allowing for inflation, our armed forces have less buying power today than a decade ago. In the Soviet Union, on the other hand—according to the Annual Report of the Congressional Subcommittee on Foreign Economic Policy issued last June—resources have been diverted from the farm sector to defense, where outlays rose dramatically in 1966–67, after remaining static since 1962. The Report talks about their new preoccupation with national security. And you must bear in mind that actual war costs absorb but a small portion of their expenditures while we are spending some two and a half billion dollars a month in Vietnam.

If history teaches anything it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace-loving nations if the former is militarily strong and the latter are not. Yet there are those who depreciate the need to maintain military supremacy or at least parity with the communist empires, on the grounds that other nations have accepted a decline from first to second or third rank and that we ourselves for most of our history were militarily a second-rate power yet secure enough within our borders. They forget that we then profited from the *Pax Britannica*, even as the former great powers of Europe who have lost their defense capability enjoy political freedom today only because we are strong enough to defend them and ready to do so. What it means to be weak and without American protection should be evident to all as we observe the tragic drama of Czechoslovakia "negotiating" with Russia the continuing subjugation of her people.

As a lawyer, you are familiar with Blackstone's statement that security of the person is the first, and liberty of the individual the second "absolute right inherent in every Englishman." Just so, the first right of every American is to be protected against foreign attack, and the first duty of government is to keep our nation alive. Given the world situation, this calls for maintenance of a defense capability which is adequate to discourage potential aggressors. Said President Nixon, in discussing the Cuban missile crisis, "It is essential to avoid putting an American

President, either this President or the next President, in the position where the United States would be second rather than first or at least equal to any potential enemy . . . I do not want to see an American President in the future, in the event of any crisis, have his diplomatic credibility be so impaired because the United States was in a second-class or inferior position. We saw what it meant to the Soviets when they were second. I don't want that position to be the United States' in the event of a future diplomatic crisis.

There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our defense capability, recognizing full well that there will then be no one left to prevent the takeover by communist power. Whether one takes the optimistic view that a permanent East-West detente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this nation has no future if it allows itself to be outmatched militarily.

To turn now to specific matters currently in dispute. There is the ABM system which is under heavy fire on grounds that it (a) will escalate the arms race and (b) will not work. It should be stressed that the Soviets have had their own version of the ABM for several years without inducing us to expand our military power. Just as the Soviet ABM version has not added to the Soviet threat, so our own ABM would not add to ours. The Russians have been singularly silent in this respect; the outcry has come mostly from those in this country who habitually apply a double standard when adjudging military developments in the U.S. and the U.S.S.R. One must ask how can our defensive capability be considered provocative, while theirs is not? Is there not something deeply disturbing when one observes scientists, formerly holding responsible positions in government, advocate policies directly contrary to those they supported when in office? It must not be forgotten that many of our most prestigious scientists were bitterly opposed to development of the H-bomb. Where would we be today had not the Congressional Joint Committee on Atomic Energy and President Truman—who had the responsibility for the safety of the U.S.—disregard their advice?

As for the assertion that the ABM cannot be made to work, I must disagree. If there is one lesson I have learned in the many years I have devoted to the development of nuclear propulsion plants it is that, given the soundness of a theoretical concept, it can, with drive and imaginative engineering be *made* to work.

Contrariwise, for a theoretical concept to be translated into reality it must be *worked* on. Research alone—no matter how prolonged—will not do it. The very act of developing the concept through detailed engineering work produces improvements in the original concept—improvements which would have been neither obvious nor possible without such actual engineering work.

The Soviets are just as adept in research and development as we are. They have amply proved this by their progress in space, in missiles, in aviation, in military equipment, in nuclear submarines. They know full well from their own experience that with research alone—without development engineering—our ABM system or any other system would not be meaningful and could be discounted. For this reason we must guard against those claiming that we can limit ourselves to research—that research alone will suffice.

You also asked me to comment on what needs to be done in these times of turmoil and peril. As I am more familiar with the threat posed by the Soviets to our naval power, I would like to confine myself to this area, and specifically to submarines. But what I say here is valid for our land, sea, and air power as well.

The Soviet Union is embarked on a program which reveals a singular awareness of the importance of sea power and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of sea power: knowledge of the seas, a strong modern merchant marine, and a powerful new Navy. They are surging forward with a naval and maritime program that is a technological marvel.

At the end of World War II, the Soviet Union had a fleet of 200 diesel-powered submarines. They then embarked on a massive building program, producing over 550 new submarines through 1968, at least 65 of which are nuclear-powered. During the same period, the United States built 99 submarines, 82 of them nuclear-powered. The Soviets have scrapped or given away all their World War II submarines as well as some built since. They now have a new submarine force of about 375; we have 143, which includes 61 diesel submarines most of which are of World War II vintage. Thus the Soviets have a net advantage of about 230 submarines. It is estimated that by the end of 1970 they will have a numerical lead in nuclear submarines.

To achieve this the Soviets greatly expanded and modernized their submarine building facilities. Just one of their numerous submarine building yards has several times the area and facilities of all U.S. submarine yards. They use modern assembly-line techniques under covered ways, permitting large-scale production regardless of weather conditions.

In the single year 1968, the Soviets put to sea a new type ballistic missile submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done. In looking to the future, it is estimated that by 1974 they will add about 70 nuclear-powered submarines to their fleet, whereas we will add but 26—further increasing their numerical superiority. In the case of the ballistic missile submarine the Soviets have undertaken a vigorous building program to surpass our Polaris fleet of 41. They have completed seven of the new Polaris-type submarines, and have the capability to turn out one a month. We have no Polaris submarines under construction or planned. We must assume that by the 1973–74 time period they will be up to us.

Numerical superiority, however, does not tell the whole story. Weapon systems, speed, depth, detection devices, quietness of operation, and crew performance all make a significant contribution to the effectiveness of a submarine force. From what we have been able to learn during the past year, the Soviets have attained equality in a number of these characteristics and a superiority in some.

In order to achieve the results so far attained in all areas of modern technology the Soviets had to develop their most important resource—technical and scientific personnel. The Soviet educational program enjoys highest national priority. The statistics on the total numbers of Soviet degree graduates are extremely impressive. The U.S. National Science Foundation data indicates that in 1966 alone, 168,000 engineers were graduated; the U.S., on the other hand, produced but 36,000. With specific application to the Navy, the Leningrad Shipbuilding Institute, just one naval institute of several, had over 7,000 students in 1966 studying naval architecture and marine engineering. I doubt we had over 400 enrolled in these subjects in all U.S. colleges.

While we cannot specifically count the number of Soviet scientists and engineers devoted to naval work, it is apparent that they have created a broad technological base. They have committed extensive resources to support development of their naval forces. The steady build-up of the Soviet submarine Navy from an ineffective coastal defense force at the end of World War II to the world's largest underseas navy today deserves admiration; also it should deeply worry every American. By the end of this year we face the prospect of losing the superiority in nuclear submarines we have held for many years. The threat posed by their submarine force—with their new ballistic and cruise missile launchers and new attack types, is formidable. If more sophisticated types are added in the near future, as is likely considering their large number of designers and their extensive facilities, the threat will rapidly increase.

The Soviets have frequently announced their intent to be the pre-eminent world power. Why do we not believe them? Hitler in Mein Kampf plainly announced his intent to dominate the world. We did not believe him either—until it was nearly too late. Admiral Gorshkov, Commander in Chief of the Soviet Navy, said recently: "The flag of the Soviet Navy now flies proudly over the oceans of the world. Sooner or later, the U.S. will have to understand that it no longer has mastery of the seas." And just a few days ago the Russians announced a projected 50% increase in the size of their merchant fleet. These facts should be weighed when assessing the judgment of those who argue for a reduction of American military power while the Soviet military power is rapidly expanding.

The bearer of bad news is always punished. In ancient times, he might be put to death. Today he becomes "controversial" and unpopular. But if there is one subject on which the American people must know the truth, however unpalatable, it is our military position vis-a-vis the Soviets. I believe *no one can better inform them than members of the Congress—who have such close ties to their constituents.*

I suggest that by keeping secret our knowledge of Soviet strength at this time we may lose more than by confiding the truth of the danger we face to the American people.

Respectfully,

H. G. RICKOVER.

THE RED NIGHTMARE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, Taft radio stations carried a series of broadcasts on the Red nightmare. I listened to this presentation and felt that it was one of the most comprehensive, succinct statements that I had heard on this vital subject. Joe Waldman, producer of this three-part series, has furnished a copy of the program. He and the Taft broadcasting stations are to be commended. I certainly recommend it to all who are interested in receiving a true insight into world communism. The program was as follows, and I quote:

THE RED NIGHTMARE

(By Joe Waldman)

The principle of communism is nothing new. In ages past, several primitive societies were built along communistic lines. The whole tribe lived in common and shared food, property and housing. Communism, as we know it today, is little more than a century old. The brand of communism we now know is called "scientific socialism." It came from the mind of an egotistical, crabby, industrious little man who was born in Germany and lived most of his life in exile. His name was Karl Marx.

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Marx was born in Trier, Germany in May of 1818, the son of a successful Germany lawyer. He was an intelligent youngster, and a temperamental one. At school he excelled; and showed one particular trait which was to mark his entire life: a tremendous capacity for work . . . if the work was to his liking.

Marx did not make friends easily. He was tremendously intelligent—but also vain, bitter and rebellious. He fell deeply in love with a lovely young girl named Jenny von Westphalen, a love which was to remain strong throughout his life. They were married in 1843. Their life together was one of great devotion . . . and abject poverty. Marx wrote; and his wife stood by him through incredible misery, including cold, starvation and the death of their children.

A life-long friend of Marx was a man named Friedrich Engels, the son of a wealthy industrialist. Engels supplied the money and Marx supplied the ideology. Both men were socialists and atheists. But rarely were two close friends so widely diverse in character. Engels was well-mannered, hedonistic and happy. Marx was morose, moody and quite rude.

Engels spent much of his time in Manchester, England, tending to his father's business, while Marx lived in London. Engels was tall and thin, blue-eyed, two years younger than Marx and a lover of horses and women.

In contrast, Marx lived in squalor. He was often sick, suffering from headaches, rheumatism and boils. His wife was constantly sick. Following the death of their seventh-born, Jenny's health worsened. The Marx's lived from pawnshop to pawnshop.

It is one of the great ironies of history that the father of communism was kept alive through the generosity of a wealthy capitalist; and that this capitalist's son should become the second father of communism.

The great classics of communism, including *Das Kapital*, were hacked out under these horrible conditions of poverty. But Marx was tough and stubborn. He continued writing, reading and denouncing capitalist poverty.

If the mind of Marx was biased, it was also razor sharp. He was an avid student of history, philosophy and economics. Sitting in his dingy apartment or in the British museum, this German born social theorist surveyed the world. He felt he could recast it on his own terms. Through his writings and his revolutionary organizations he undertook to do so.

Marx was called "the moor" by his children because of his deep black hair and dark, piercing eyes.

And what of this "communism" he fathered? His first line of attack was an atheistic view of the world. He joined two very old ideas:

First: That everything in the universe, whether a blade of grass, a human being, or society itself, is constantly changing and at the same time is in conflict. This is called "dialectics."

And two: That there is no God; that the world is composed only of "living matter." Hence, man is walking dust, without spark or image of any divine creator. This idea is called materialism. Hence, dialetical materialism.

This remarkable concept was to undergird the entire Communist world outlook. Human society, as well as the physical universe, Marx said, is affected by this outlook. The principles have universal application. Non-Communist thinkers, as well as human experience, have since punctured many holes in this thesis—but to Communists it applies with the same certainty as does the law of gravity.

"Constant and bitter struggle is good," said Marx, "because it achieves progress." In fact, Marx viewed the entire recorded history of the world as the story of class struggle. Mankind, he said, has always been divided into classes: groups of people who have special interests, ideals and ways of doing things. These classes, he said, have been struggling from the very beginning of time . . . and still are. Marx explained this struggle by means of a formula, commonly referred to as the "thesis-antithesis-synthesis dialectic," which he borrowed and altered from the German philosopher G. W. F. Hegel.

This is how it works:

You begin with an economic class—A thesis. This class is the dominant power in any given society. This class controls production—housing, clothing and all else. An opposing class arises—an antithesis—which seeks to overthrow the first class. It has different ideals, motives and ambitions. There is immediate conflict. Soon, a new class—a synthesis—is the result. This new class encorporates only the best of both previous classes. Marx seemed to have overlooked the possibility that it might also absorb some of the bad.

Now, with the synthesis, the process begins again. This is history for, as Marx held, historical materialism was nothing more than applying the concept of dialectical materialism to society. The new synthesis is now dominant and thus becomes, in turn, a new thesis. It directs housing, wealth, fashion and all else. And again, another opposition arises—a new antithesis. They struggle . . . and a new synthesis is the result. And again, the world begins another cycle. Obviously, these theories are a bit distorted. But to understand communism in its 20th century form, it is essential to grasp the underlying theory.

This class struggle, in Marx's reasoning, always produced a higher stage of civilization. First came the slavery of man. The class of slave-owners resulted in the antithesis . . . or those who sought to abolish slavery. The resulting conflict produced feudalism, representing the best of both previous classes. In turn, feudalism was attacked by its own antithesis. For hundreds of years the struggle continued, issuing forth finally in a new synthesis—Capitalism—again representing the best features of both rivals.

During Marx's lifetime history was still in the Capitalist stage. But he said it could not remain there. It must move on to Communism. The Capitalist class had already developed its own antithesis which Marx identified as the Proletariat, or working class, which was striving to overthrow the old system.

"Communism," Marx proclaimed, "Represents the new synthesis of the Capitalist-Proletariat struggle and the Apex of all history." When Communism emerged victorious conflict would cease. The state would wither away. History would come to an end. This new state would be the perfect and final society—stateless, classless, where all property used in production would be held in common and human activities would conform to the principle: "From each according to his abilities; to each according to his needs."

And now, the role of the party. The party, said Marx, was to be the vanguard of the Proletariat. Most workers are stupid, uneducated in Marxism and duped by Capitalists. They could never start a revolution by themselves. They need guidance; and that is the job of the party. Why? Because party members are awake, intelligent and, most important of all, learned in the ways of Marxism. They know the laws of revolution, the mysteries of the development of society. Their task is to be the general staff of the revolution. And what of force and violence? Can they be avoided? Marx said "No!"

Marx emphasized that capitalist society, most naturally, would not of its own volition turn over its factories, banks and money to the workers. Moreover, it would doubtless organize a counter-revolution. Hence, under the leadership of the party the workers must, if necessary, be prepared to utilize force and violent revolution. If the capitalists submit peacefully, good. If they resist, destroy them. But this is not the end of it. Once power is obtained, opposition will remain which must be stamped out—utterly, completely, ruthlessly. Again, this cannot be left to the untrained, untaught proletariat. It is a task for the dictatorship of the proletariat, conceived as a transitional stage between actual revolution and the arrival of the highest and final form of communism. And, again, guiding the dictatorship would be the party, serving as a steamroller and liquidating through sheer force all capitalist elements. Then—and only then—could new socialist construction begin.

In 1848 Marx, in collaboration with Engels, prepared the platform of the Communist League—a revolutionary organization which included a large number of German exiles. This was the famous "Communist Manifesto," the first sweeping blueprint for Communist ideals. The document is striking, forceful . . . and threatening:

". . . The Communists disdain to conceal their views and aims. Let the ruling classes tremble at a Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win. Workingmen of all countries, unite!!"

Marx believed that well-intentioned and good-hearted men cannot be depended upon to improve society. They are dabblers and botchers who only make things worse. Mere social reforms strengthen capitalism, prolong exploitation and keep the corpse alive.

The only solution is to tear down capitalism completely with the use of force and violence and set up a communistic government. In 1864, Marx helped organize the first Communist Internationale—the first Communist congress. Its legacy to the cause of communism lay in giving international structure to the movement.

Communism, as designed by Karl Marx, has never really worked. Virtually all of his precepts, as altruistic as he may have felt they were, have never been borne out in world society simply because they *cannot* work. Marx said that capitalism is destructive because it destroyed the working man, forcing him to live under subhuman conditions. He believed the industrial revolution would enslave the little man while the idle rich would live in splendor.

The truth: Under capitalism the little man has prospered and gained in a strength hardly dreamed of by Marx. And the industrial revolution has bettered the life of the worker. Capitalism has worked.

The truth: Marx predicted his great revolution would begin in a highly industrialized nation. It did not. It began in an industrially backward nation. And not because the working man was sick of living in a class society, but because he was being crushed from within by an inefficient monarchy and from without by an unsuccessful war.

The truth: Marx placed no trust in either capitalism or the goodness of man. And yet, capitalism has fostered the most unsordid acts of humanity and generosity in the history of the world; and its society has produced innumerable men of greatness and good will.

The final truth: communism has failed miserably. It has become the seat of unrest from the inside to the outside. Tito and Yugoslavia broke with Soviet Russia. Albania sided with Tito. There was open revolt in East Germany, Poland and Hungary. Most recently, tiny Czechoslovakia sought to peacefully institute a policy of liberalism. The result was a crushing blow from Russia. . . . Including the use of tanks, arbitrary arrest and detention and the burning of books. Communist China has broken from the rule of Moscow. A very deep schism has developed in the rigid structure of communism simply because, in the final analysis, it has proven to be an unworkable system.

Stated simply, there is no communism in Russia. Communism is just a name tacked onto an ancient form of government called "dictatorship." Russia experiences no classless society and no freedom of thought or action. It is a power which is fading. But, like a wounded tiger, it is all the more deadly because it is fading.

Communism is a handy title to hang on the Russian Government. In structure it has been likened to Christianity: It has its savior, Karl Marx; its bible, the manifesto; its heaven, the Communist utopian state; and its apostles, Lenin and Stalin.

Marx and Engels laid the groundwork for communism, but they left no guidelines as to the revolutionary methods by which the end result was to be reached.

But for one man, communism might have drowned in a sea of words. This man never knew Marx. He was born Vladimir Ilyich Ulyanov. The world came to know him as Lenin.

Vladimir Lenin took Communist theory and galvanized it into Communist organization and action. He became the third great driving force in the success of the great revolution. If Marx is the father of communism, Lenin is the father of the Communist Party.

Lenin was born on April 22, 1870 in Simbirsk, which is now called Ulyanovsk—a town on the Volga River. His father was a school inspector and a devout member of the Russian Orthodox Church. Lenin, one of six children, was a brilliant student. He had a tremendous capacity for deep concentration. What he may have lacked in speed he made up for in dogged perseverence.

At the age of sixteen Lenin became an Atheist. He is said to have ripped a cross from around his neck, thrown it on the ground and spat upon it.

In 1887, when Lenin was seventeen his older brother Alexander was hanged in the courtyard of Schlusselburg Fortress in St. Petersburg. He had been charged with four others in a plot to assassinate the czar of Russia. The death of Alexander deeply affected the young Lenin and much of his life was altered by this act.

In 1887 Lenin entered Kazan University. In a short while he became involved in student revolutionary organizations. He was arrested and later kept under police surveillance.

At the age of eighteen he discovered Marx. He was soon studying the precepts of communism day and night, discussing and planning with his sister Anna and organizing Marxist study groups.

He passed his law examination in 1891, graduating with honors, and was admitted to the bar.

At the age of twenty-four Lenin already had the appearance of a man who had lived much. A friend remarked that he had wrinkles which seemed better suited to middle age. He was bald. His eyes always seemed to be staring beyond what he was looking at. They were dark and piercing, revealing a quick mind and a sharp wit.

By the 1880s Russia was boiling with discontent. A strong revolutionary movement was in rebellion against the Czarist regime. Many of the revolutionary goals were impractical. Some demanded a greater voice for the peasants or industrial workers. Some preached violent revolution. Still others advocated democratic reform. The ideas were diverse but they all agreed on one thing—it was time for a change.

The more radical of the groups believed in political terrorism. Their violence, however, led only to more oppression.

It is interesting to note that the first foreign translation of Marx's "Das Kapital" was Russian.

In 1883 a Marxist group was founded in Russia. Ten years later, when Lenin joined the group at St. Petersburg, the movement was a strong and dynamic force.

The early Russian Marxists were deeply divided. They were merely theorists; not apostles of action. Lenin immediately undertook to change all that. And he might have succeeded had he not been arrested in December of 1895. He was imprisoned, then exiled to Siberia.

Lenin was released in 1900 and left Russia, more enflamed than ever with the idea of violent revolution.

Lenin and his wife Nadezhda lived in Western Europe as exiles, moving from city to city and using fictitious names. Most of their time was spent living in Switzerland.

Lenin was happiest when he could talk of revolution. And he would do so far into the night, or anytime he could find a willing audience. His wife was constantly on guard to prevent him from overburdening himself, because he abused his body and his mind through lack of sleep and poor eating habits. Often he would work himself into highly nervous states when discussing his plans for the revolution which he knew must come.

Lenin formulated the principles not only of scientific Marxism, but of violent revolution. He spent much time in London at various libraries studying the principles of warfare, the construction of barricades, home-made weapons, command structure and a good deal more. He made Marxism a highly disciplined, organized and ruthless creed. Ruthless—the key word. It appears again and again in his writings.

"Capitalism cannot be defeated and eradicated without the ruthless suppression of the resistance of the exploiters."

"Contempt for death must spread among the masses and thus secure victory. The ruthless extermination of the enemy will be their task."

And how could the revolution be achieved? Not by democratic reforms. That process is plodding and much too slow. It must be accompanied by violent, naked revolution. "The sword is the weapon," he would say, "Everything must be dedicated to this aim; one's time, talents . . . one's very life. Revolutions do not just happen. They are made."

Lenin conceived of the party as the cornerstone of the revolution. Marx, in his philosophical abstractions, had never thought out the day-to-day composition of the party. But Lenin did. The party, he said, must be a small, tightly-controlled, deeply loyal group. Membership was not to be the key—but fanaticism was. Members must live, eat, breathe and dream revolution. They must lie, cheat, steal and murder if the party was to be served. Family ties and years of goodness did not count. The only thing that mattered was the party and its existence.

In 1903 the Russian Social Democratic Labor Party—the Russian Marxist Party—met in convention in Brussels. The proceedings were later transferred to London after Belgian authorities had warned several of the delegates to leave the city.

A dispute arose. Should party membership be restricted . . . or open to anyone? Lenin, quite naturally, fought for restricted membership, and his views won out. His group became known as the Bolsheviks, or majority party. The losers were known as the Mensheviks, or minority party. The party, said Lenin, must contain the hard core, loyal and fanatic followers. To permit just anyone to join the party would weaken it. Each member was to be strong. To admit a weakling would place a large crack in the strength of the party. Discipline was an important word.

The masses could not be expected to make the revolution. They would run at the first sound of gunfire. They must be led . . . or pushed . . . by fanatical party members who would attack if the party so ordered, or to die if so ordered.

This principle of discipline has made the communist party the most successful recruiting organization in the world. The precepts of discipline exist in no equal form anywhere in the world today. In 1900 Lenin helped found a revolutionary paper called "Iskra," or "The Spark." It was printed in Germany and smuggled past customs into Russia. One man who religiously read this clandestine newspaper was a young ex-seminary student in Southern Russia named Joseph Vissarionovich Djugashvili. He later changed his name to Stalin. Lenin's newspaper offered directions to the secret revolutionaries all over Russia, informed them of the lines to follow and pushed for improved party organization.

Marx avoided the more violent aspects of the proposed revolution. Lenin filled in the gaps. Any weapon would do—a gun, a knife, hatchets, hammers or bare hands. Use any weapon just so it does the job. A man was either your friend or your enemy. If he is a friend, clasp his hand. If he is an enemy—kill him.

Lenin labored day and night for seventeen years studying the methods of revolution and hoping that it would come in his lifetime. And it did come—in November of 1917.

The First World War had erupted like a hideous chain reaction. Russia honored her blood relationship with England and declared war against the central powers. The name of the Russian capital of St. Petersburg was changed to the less Germanic "Petrograd." The Russian people answered the call gallantly as a wave of patriotic fever gripped the country.

Russia fared badly from the very beginning. The Russian footsoldier fought bravely but he was ill-equipped, poorly trained and suffered from poor leadership. The battlefield losses were appalling. In the words of German Field Marshal Paul von Hindenburg: "In regard to Russian casualties, the page has been torn from the book." Conditions were ripe for revolution. The soldiers were suffering at the front and the peasants were starving and taxed to death at home. In the Imperial Palace Czar Nicholas was taking orders from his wife who was taking orders from Gregory Rasputin, a self-proclaimed holy man who had the royal family in his hands.

The government was tottering and in March of 1917 gave way to the regime of Alexander Kerensky. Kerensky instituted a liberal regime. Czar Nicholas was forced to abdicate; and this became the signal for all revolutionaries to return from exile to Russia. Leon Trotsky returned from his exile in New York. Stalin returned from Siberia. Lenin was in Switzerland, unable to become a part of the revolution—the revolution which was beginning without him.

Suddenly, Lenin received help from an unexpected source. The German high command, hopeful that Lenin could take Russia out of the war, offered to transport him through Germany by train and deliver him to Russia. With Russia out of the war, nearly a million German soldiers would be freed from the eastern front. Germany could throw them against the allies in France and break the four-year deadlock. Lenin, they reasoned correctly, was the man for the job.

And so, as Winston Churchill said, Lenin was shipped across Germany in the sealed boxcar of a train like some deadly plague bacillus to be loosed upon Russia.

The great revolution was on and it came not from the ignorant poor but from the intellectual rich. The half-century of Russian communism was beginning upside down. The revolution had begun without Lenin. But now, thanks to the German general staff, he was on his way to the motherland in a sealed boxcar.

Lenin was wildly greeted upon his arrival and he immediately began working against

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the regime of Alexander Kerensky. He began a systematic program of dissention and unrest in the armed forces. Lenin refused to co-operate with the government except on his own terms. All the time he was building the strength of the Bolsheviks. Crash programs were instituted to train all members in warfare and party organization. Command structures were assigned and filled in virtually every area of Russia.

Lenin had almost a sixth sense when it came to diagnosing revolutionary situations. He knew when to act and when to remain silent. He was the true leader of the Russian revolution.

Joseph Stalin, fresh from exile in Siberia, was relatively unknown but he studied Lenin closely and began learning the skills that would, in a few short years, catapult him to absolute power.

In the fall of 1917 the Bolsheviks seized power during the October revolution. At last Lenin was the undisputed ruler of all the Russias. Communism had breached the first wall of capitalism.

The Bolsheviks immediately instituted the dictatorship of the proletariat. Karl Marx had conceived the dictatorship of the proletariat as merely a transitional period between revolution and the establishment of the final communistic society. But Lenin created more of a reign of terror.

A brutal campaign followed the Bolshevik takeover. Thousands were executed, including the czar and his entire family. The secret police—the cheka—were under direction to arrest, imprison and execute anyone who might, even in the slightest, interfere with the formation of the new state.

The loyalty test was simplicity itself. To what class did the individual belong? How much food in his home? How well educated was he? If a man owned too much, or if he was too well dressed, he might be accused of being an exploiter or capitalist and sent before an execution squad.

For the next three years the Bolsheviks were forced to defend their positions against the Poles and the White Russians—those loyal to the czar.

A bitter civil war raged from one corner of Russia to the other. American, British, French and Japanese troops were sent into Russia to protect their interests. And the Communists declared war on them as well.

In Red Square, the voice of Vladimir Lenin: "Comrades," he said, "the capitalists are waging war against Russia. They are sending money and military supplies to the Russian landowners hoping to restore the power of the czar, the power of the landowners, the power of the capitalists. No!! That shall never be!!"

Lenin immediately instituted a policy of war communism. Industry was nationalized. The government took over the task of distributing manufactured goods to the people. Trade and commerce were abolished. Food supplies were confiscated. Poor peasants were assembled into special committees to inform on their more wealthy neighbors who might be hiding their grain.

1921—and the revolution came to a close. The White Russians were either dead, in prison or in exile. Russia lay in a shambles. The Bolsheviks attempted to adapt Marxist theory to rural Russia. The result was chaos and confusion.

Industrial production was virtually nonexistent. The peasants were in open revolt. Private incentive had been destroyed. By 1922 famine was sweeping the land with millions starving or existing on a semi-starvation diet. Nearly five million people died.

Lenin became concerned as he saw his government slipping away. The very survival of communism hung in the balance. With uncharacteristic panic, Lenin embarked upon a crash program to preserve the state. Conformity became mandatory. Slave labor camps were increased in number to accommodate dissenters. "Religion is the opiate of the people," he said; and the churches were closed. Uprisings were brutally suppressed.

Lenin soon discovered that suppression was the worst possible answer to the problem. The people were not about to endure another brutal regime.

In March of 1921 sailors of the Red Navy at Kronstadt rose in open revolt.

With his customary keen sense of timing, Lenin realized that it was time for a change.

The result was the N.E.P., the new economic policy. Capitalist policies which were previously denounced were temporarily introduced to save the crumbling government. Peasants were allowed to keep surplus grain. The people were permitted to dispose of their supplies as they chose. And private trade was again allowed.

In industry many businesses were returned to private ownership, although the government retained control over the larger firms.

To the complete surprise of the Bolsheviks the N.E.P. was mildly successful; and it gave the government time to consolidate its gains. Years before capitalism had saved the father of communism. Now, capitalist theory was saving the Communist state.

The work had just begun. In March of 1919, even as the civil war was still raging, Lenin founded the third internationale. This meeting provided the keystone of Soviet policy. The most far reaching decision: Communism was to become truly international. Moscow, the new Russian capital, would guide the movement throughout the world. Victory in Russia was only the first step. The ultimate goal was world communism.

Ironically, the first powerful weapon of Soviet Russia was official recognition by the United States and Great Britain. Without this recognition communism might have been stillborn.

Under the leadership of Herbert Hoover millions of dollars in food and financial aid came to Russia from the people of the United States. America sought not to aid communism, but to save the lives of millions. For the third time, communism survived because of capitalism.

Lenin hoped passionately that the new Communist state would survive; and he could have chosen no better man to head the office of secretary general of the party. The man he chose was the son of a cobbler, a former seminary student turned atheist and an old line Bolshevik . . . Joseph Stalin.

In January of 1924 Vladimir Lenin died following a long illness. His death left open a struggle for supremacy within the party that was to last into the 1930s. Lenin could never have foreseen the lofty pedestal on which he would stand in Moscow a generation after his death.

To this day his body lies encased under glass in a magnificent tomb in Red Square. Each day, thousands pass by to gaze upon his remains. Next to Karl Marx, Lenin stands highest in Communist reverence. But his nation and his party were to pass under the control of an ambitious, scowling, mustached revolutionary from the province of Georgia in southern Russia.

Winston Churchill once said: "The worst thing that ever happened to the Russian people was the birth of Lenin. The next worst thing was his death."

He was right. Lenin's death opened the door to the most callous and brutal dictator in world history.

Joseph Stalin was born in 1879. As a young man he had attended a seminary in Tiflis in the Caucasus. He was expelled in 1899. At the age of twenty he was already a revolutionary. From 1902 until 1913 he was arrested seven times, exiled six times and escaped five times from exile.

Stalin was not brilliant. He was slow and plodding; yet his grasp of the Russian mentality was enormous. The years he spent as an agitator, prisoner and political schemer gave him an insight into Communist intrigue that other party leaders seemed to sorely lack. Working quietly and meticulously he was quick to exploit any opportunity that might increase his personal power.

Stalin liked to represent himself as the heir of Lenin—the man predestined to carry on the great Bolshevik revolution. This claim, however, is not borne out by the facts. Shortly before his death Lenin wrote:

"Comrade Stalin, having become General Secretary, has concentrated an enormous power in his hands; and I am not sure that he always knows how to use that power with sufficient caution."

Ten days later Lenin added this postscript:

"Stalin is too rude; and this fault, entirely supportable in relations among we Communists, become insupportable in the Office of General Secretary. Therefore, I propose to the comrades to find a way to remove Stalin from that postion."

But it was too late. And Lenin was too sick. Within days he was dead.

A bitter struggle for power began between Stalin and Leon Trotsky. Trotsky, whose real name was Bronstein, was born in 1879, the same year as Stalin. He was an early revolutionary and had spent many years in exile.

Following the revolution he served as Lenin's Commissar of Foreign Affairs and later did much to organize the Red Army. There were many differences which separated Stalin and Trotsky. The most important ideological dispute was one of basic policy. Stalin felt that Russia should concentrate on making itself powerful *first*, before undertaking extensive revolutionary action abroad. Trotsky felt that the revolution could survive only if Communist revolutions were promoted in other countries. Both men, however, sought world conquest.

Their dispute centered on how to achieve it. Stalin won out. In 1929 Trotsky was exiled by Stalin. Eventually he found refuge in Mexico.

There has never been proof that Trotsky was murdered on orders from Moscow. But very few believe that he was not. In any case Leon Trotsky was discovered in bed, hacked to death with a pick axe. It has long been thought that Stalin feared Trotsky's influence even in exile. Joseph Stalin was now undisputed dictator of Russia. He was to become the most successful dictator in world history. His power was absolute. This short, red-haired, stocky man would, through sheer force of will, weld Russia into a solid, powerful Communist nation.

Stalin can be called the "ideal" dictator. He was utterly ruthless. He knew and understood the Russian mind. He knew and understood every aspect of the Communist organization. He would let nothing stand in the way of his personal power. During the Second World War he permitted his own son to die in a German concentration camp rather than deal with the Nazis for his release. His own daughter recently published her memoirs and one is jarred by the total lack of emotion in the Russian ruler.

Stalin broke the first rule of Marxist theory. The state, which was to wither away, became even stronger. It became an agent of sheer oppression. The army, navy, secret police and all political structures grew even more powerful and permanent. Slave labor camps multiplied. Soviet society became ironclad, more rigid than under the most autocratic czar. Army officials, party henchmen, industrial managers; *all* emerged as classes, each jealous of the other.

Stalin carried to the extreme Lenin's concepts of the party as a fanatical, disciplined group. Stalin used the party not only as a tool with which to seize and maintain power, but also as a method of liquidating all personal opposition.

The party was, indeed, kept pure. Only the fiercely loyal and obedient belonged.

Each and every one of Stalin's actions had to be justified by Marxist-Leninist theory The solution was quite simple. If the theory did not fit, it was re-interpreted. To deviate was to court disaster. In 1928 the first of a series of five year plans, designed to strengthen heavy industry and collectivize agriculture, was launched. Step by step Lenin's new economic policy disappeared. Rigid government control was instituted. Production quotas were set and they had to be met. Compulsory labor increased. Private trade disappeared once again. Consumer goods were at a premium. Small farms were abolished. The peasants were moved to large, co-operative farms.

Rather than join the collectivization process a large group of peasants, the Kulaks, burned their crops and killed their livestock. It was an open denial of Soviet policy. Stalin's reply was to send in the Red Army. Tens of hundreds of thousands of Kulaks were annihilated; but the Kulaks achieved their goal: They crippled the Communist state. For thirty years Soviet food supplies were nil.

The first five year plan was a dismal failure. Food was scarce. Transportation broke down in every area of the country. Famine re-appeared. Disease stalked the land. And millions died.

Stalin held firm. Heavy industry was expanded. Steel mills, automobile and tractor factories were operating day and night. Emphasis was placed on armament.

Stalin's tight control extended to the arts. Literature, sculpture, painting and music were to conform to the party line. It can be noted that very little greatness exists in Russian art from 1935 to 1953.

In the early 1930s Stalin began sensing discontent within the ranks of the party. It was the old story again. A power struggle was in the making. With customary efficiency, Stalin solved the problem in a matter of months. Between 1934 and 1938 the Soviet state was brutally purged. The world was a witness to the public trials in Moscow as hundreds of old line Bolsheviks such as Grigori Zinoviev and Nikolai Bukharin faced the firing squads. Many had fought to create the 1917 revolution. Hundreds died. Then thousands. One thing was certain; Stalin was liquidating all opposition. The purge was effective. Any possible threat to Stalin was now gone. But Stalin made one terrible mistake, one he could not have forseen in the 1930s. Among those who went before the firing squads were the cream of the Russian officer corps. And they disappeared at a time when they would be needed most.

In Germany another former revolutionary was building an empire; and he, too, was building on an ideology.

On August 24, 1939, the world was jolted when Stalin entered into a mutual nonaggression pact with Adolf Hitler. Winston Churchill had called Russia "a riddle inside a question mark surrounded by an enigma." The key, he said, rested with Russian national interest.

Churchill was right. Stalin was buying time—time to rebuild the army he had destroyed during the purges. But time was against him. The men he needed were gone.

The world Communist movement was terribly shaken by the pact. The Communist parties in every country in the world were in a state of shock. For years Stalin had spoken out against Hitler and all that he stood for. Now he was doing an about-face and clasping hands with the German tyrant. In the half-century of world communism, this was the most demoralizing blow, as thousands left the party in disgust. On September 1, 1939, another aspect of the non-aggression pact became evident. German forces invaded Poland. The second World War had begun. Sixteen days later Russian forces crossed the Polish frontier and raced to the Vistula river. It was now clear that Russia and Germany had agreed to carve Poland in two.

This time Stalin was buying protection. In conquering the north of Poland he was shoring up the defensive perimeters of Russia. But he needed more before he could turn the Soviet Union into a fortress. Next, he demanded that Finland give him the Karelian Isthmus in exchange for some land north of Lake Ladoga. The Finns refused. Stalin was enraged. Huge armies were sent into Finland to bring the tiny country to its knees.

It is doubtful that Stalin fully understood the tough fibre of the Finns. Their defense was first rate. Within weeks the Finnish countryside was littered with the frozen bodies of an utterly destroyed Russian army.

This was a double-barreled blast for Russian communism. First, Stalin had launched an unprovoked attack on tiny Finland. Second, his armies were crushed.

A second invasion was launched, this time with the finest troops in the Soviet Union. By March of 1940 it was over; and tiny Finland was forced to surrender even more territory to the Russians.

Stalin got what he wanted, but time was still against him. He knew that it was only a matter of time before Hitler turned his armies east and he was racing the clock to prepare for it.

The year of 1940 was one of underlying tension. Stalin hurriedly assigned War Commissar Timoshenko to the enormous task of reorganizing the Russian army. He worked day and night for months plotting supply lines, troop movements, accelerated training schedules and defense installations. He would still be working on June 22nd, 1941 when Hitler's armies crossed the Bug river into Russia.

The German blow was unequalled in history. The attack was calculated to stun and demoralize the Russians and bring about their defeat before they could organize an effective defense.

The German timetable called for victory in a matter of months, and it seemed as though the timetable was right. In less than thirty days the Germans had killed half a million Russian soldiers and captured a half-million more.

Germany had developed modern warfare to an exact science. The German soldier was highly-trained and dedicated. He used the finest weapons and drove the finest tanks. The German Air Force was the best in the world.

The Russian soldier was ill-equipped and ill-trained. He was basically an ignorant peasant. The vast majority of Russian soldiers did not even carry adequate rifles. Most of them could not even drive a car. And Russian morale was non-existent.

By November the German army could see the outline of the Kremlin in Moscow. Hitler announced to the world, "the Russian Bear is beaten. He will never rise again."

Then, as it had a hundred thirty years before, the great Russian winter descended upon the north. The German Army ground to a halt. Then it froze. And thousands died in the snow.

By now the Russians had consolidated their forces. They counterattacked and pushed the Germans back.

It was a significant moment. The invincible German Army had suffered its first defeat; and the Russian Army its first victory.

The following year the winter descended again. The German Army was marching backward.

Hitler had made the mistake of treating the Russian population with unparalleled brutality. Now they rose up as one to drive the invader from Russia. Even Stalin was forced to admit that the people were fighting not for communism . . . but for mother Russia.

Stalin welcomed military and economic aid from the United States. Across the North Sea to the Port of Murmansk, millions of tons of military equipment were being delivered to the Russian Army and Air Force.

By now the allies were in North Africa, Italy and Sicily. Their bombers were pounding Germany day and night.

On June 6, 1944 American forces landed in France. The German Army was now caught in a vise. Eleven months later she lay in a shambles, the most completely destroyed nation in history.

Hitler was dead. Germany's thousand year state was nothing. President Roosevelt was dead.

Roosevelt made the mistake of trusting Stalin. During their conference at Yalta Roosevelt granted Stalin millions of miles of territory north of Greece. Thirty years of post-war controversy was born at Yalta. The war was over. The old prejudice and suspicion was born anew. President Truman and British Prime Minister Atlee accused Russia of violating the Yalta Agreement. Russia was suspicious of British intentions in Greece and of the American attitude toward German reparations.

On July 26, 1945 a meeting of the Big Three took place in Potsdam. Though suspicious of Stalin's motives Truman and Atlee reluctantly conceded the validity of the Yalta Agreements. Russia was given much of eastern Europe. Germany was divided into four zones of occupation.

And the final scene was yet to come.

On August 6, 1945 an atom bomb was dropped on Hiroshima, Japan. Two days later Russia entered the war against Japan and opened the door to Russian influence in China. On August 9 another bomb was dropped. The second world war ended.

Russia was now in a paradoxical position. She had been totally ravaged by the war. But she now stood at the summit. She had gained millions of square miles in territory, millions in population, an experienced army and an influence only dreamed of six years before.

Great Britain had been drained and weakened by the war, as had France. Two giants remained—the United States and the Soviet Union. The hot war had ended. The cold war was about to begin. It is a difficult thing to estimate Russia's loss during the war. Statistics can give us some idea. She lost seven million horses, seventeen million cattle, twenty million hogs, twenty seven million sheep, sixty per cent of her industry, forty-eight per cent of her electricity and twenty five million human beings.

The Second World War had finally placed a cheap price tag on human life. Its value has not yet returned.

The four power rule of Germany was one of daily tension and incident. Those Nazi war criminals who escaped to the West faced the Nuremberg Trials. Most were set free. Those captured by the Russians were quickly and simply shot.

Russia began moving westward. They swallowed up Poland, Rumania, Hungary and Czechoslovakia. All political resistance was crushed. In the Katin Forest in Poland nearly ten thousand bodies were discovered in shallow graves. All men. All officers in the Polish Army. All with their hands tied behind them. In one simple, efficient moment, Russia had assured that she would have no opposition in the post-war government of Poland.

Greece was ripe for revolution. The Communist Party in Greece rose up to overthrow the monarchy. The Reds were put down violently and the survivors were imprisoned. Before their defeat they kidnaped more than thirty thousand Greek children and transported them to Russia. They would return years later as Communist espionage agents. There was trouble in Berlin.

The Russians, who were bound by agreement to allow free access into the divided city, suddenly closed the gates. They were

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placing the city under seige to starve the inhabitants into submission. The United States and Great Britain had only one alternative. Rather than crash the barricades and precipitate another war they took to the air. For months the city of Berlin was fed, clothed and kept free by airplane. The Russians were beaten and the barricades came down.

At a small college in Fulton, Missouri the old warrior Winston Churchill once again sounded the alert against tyranny with a phrase which would leap into the headlines. He called upon the world to recognize that an "iron curtain" had descended upon eastern Europe.

The Communist revolution in China came to an end. Chaing Kai Chek and his army were pushed onto Formosa.

The Communist movement worldwide was at its apex.

A scientist once said, "there is only one thing worse than one nation having the atomic bomb—and that's two nations having it."

By 1949 the Russians had it. And with it they had another powerful weapon—not only for war but for diplomatic strength as well. In June of 1950 Communist North Korean forces crossed the 38th parallel and launched an unprovoked attack on the Free Republic of South Korea. Through sheer chance the Russian ambassador to the United Nations was absent when the general assembly voted to fight the aggression. Without Russia's veto to hinder them the entire assembly voted to oppose the North Koreans. Russia would not make the same mistake again.

Russia supported the North Korean armies and later supported China when she entered the war. Officially, the Soviets denied any support but the undeniable proof was there. The North Koreans and Chinese used Russian tanks, machine-guns, mortars, rifles, trucks, jeeps and airplanes.

The war ended in 1954. Twenty-two thousand men never returned. On March 6, 1953 Joseph Stalin finally proved he had something in common with the rest of mankind. He died.

Another power struggle developed. The result was Georgi Malenkov as premier and Nikita Khrushchev as first secretary of the Communist Party.

For the first time in years Russia took a warm approach to the west. Malenkov was a moderate. He sought co-operation with the western world. He bettered the lot of the Russian commoner. Even the head of the dreaded secret police, Lavrenti Beria, was executed.

Former enemies of the state were given their freedom. It appeared that a new era of peace might develop. But it was not to be.

The real power in the Kremlin is the 12-man comintern. They saw to it that Malenkov was taken out. In his place: Nikita Khrushchev, and a return to hard line communism.

In his book, "Darkness at Noon," Arthur Koestler made the point that Soviet Russia must, from time to time, destroy her idols and replace them with new ones. And so it was with Khrushchev and Stalin. Before a world Communist congress in Moscow, Nikita Khrushchev damned Stalin and all that he had stood for. One of the greatest of Communist leaders had come in for one of the most thorough condemnations in all Communist history. As Koestler had predicted, former enemies of the state were elevated to glory while others were defiled.

Khrushchev told the United States, "We will bury you." Since making that irrational statement the Soviet Union has taken great pains to point out that the statement referred to victory in an economic sense. Another untruth.

Khrushchev visited the United Nations and, in full view of the world, behaved much more like a disagreeable schoolboy than the ruler of millions.

He visited the United States and played the role of the benevolent dictator. At virtually the same moment Russian secret police were rounding up and executing thousands in Hungary in the wake of the Hungarian fight for freedom.

Ninety miles from the coast of the United States Fidel Castro led his guerrilla armies against the dictator Fulgencio Batista in Cuba. Millions the world over cheered his fight against tyranny.

Author George Orwell, in his book, "The Animal Farm," told the story of the animals who rose up against their master. . . . And of a few who assumed command. In time, the animal-leaders were indistinguishable from the hated humans they overthrew. And so it was in Cuba. In time, Castro replaced Batista's tyranny with his own. Communism now had a firm foothold in the western hemisphere.

As long as we are quoting some rather famous authors, let's consider this excerpt from the writings of Vladmir Lenin:

"The Russian bear, when confronting the enemies of communism, must strike quickly and withdraw his paw. If his opponent strikes back . . . then we must retreat. If he does nothing, strike again!!!"

And so it has been in Berlin and Cuba. When the West takes a firm stand against Communist aggression, the Red bear pulls back his paw. When the West does nothing, the arrogance of the Red bear is unbearable.

In the fifty-odd years since the October revolution, communism—in the final analysis—must be termed a failure. It has, indeed, reached powerful proportions. It still stands as a deadly threat to human freedom. But there are massive cracks in the structure. They can be seen in the open schism with China, Yugoslavia, Albania and Czechoslovakia. They can be seen in the Polish, East German and Hungarian revolts. They can be seen in the break with Cuba. They can be seen when world-famous Russian ballet dancers and Olympic sportsmen and writers defect to the West.

Most of all, the cracks in the superstructure of communism can be seen in the stone walls and barbed wire fences and deadly minefields which surround the Communist block. A Soviet official was once asked the reason behind all these barriers. He replied: "To keep people out." If so, they are unnecessary. For the world has so rejected the concept of the Soviet totalitarian state that it is doubtful anyone would ever want to get in. No—the walls are there to keep people in; stone and barbed wire monuments to the largest prison in all history.

Communism has failed; but that does not make it any less deadly. So long as the reigns of Communist government rest with the more fanatic members of the party, communism will remain an ever-present threat to individual thought and action.

One of the great symbols of the United States is the American eagle. It is an appropriate symbol and readily indicates the character of the people of this country. In one talon it holds the olive branch of peace; in the other, the arrows of war.

This country will always offer the hand of friendship to any nation that sincerely seeks peace and harmony. But it will rebuff with terrible fury any nation which seeks world conquest and war. It is appropriate, indeed, that our first President should supply the guiding words which we live by to this very day:

"Eternal vigilance is the price of liberty."—*George Washington.*

AMERICAN SST IS VITAL TO NATION'S FUTURE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Washington (Mr. PELLY) is recognized for 10 minutes.

Mr. PELLY. Mr. Speaker, it was announced this morning that the British-French supersonic transport, the Concorde, flew yesterday at supersonic speeds for the first time. This clearly demonstrates the wise decision President Nixon made last week when he announced a go-ahead for America's SST program for the Russians flew their TU–144 at supersonic speeds months ago.

The SST is here, Mr. Speaker, and we must accept it and cope with it. We can best cope with it by continuing research on noise abatement. Also, research in SST designs must be continued; flight techniques must be improved and flight maneuvers must be rigidly controlled; adaptation of the airplane to its mission—land or sea—must become a fixed policy. All of these steps will decrease the number of sonic booms and minimize those that do occur.

Above all, Mr. Speaker, surely a people intelligent enough to develop a supersonic airplane must be ingenious enough to render it acceptable.

With the strongest conviction, I believe outlawing the SST in America is not a sensible answer to any problems it may present. Again, Mr. Speaker, the SST is here.

What faces us in this matter is the opportunity to save a vital American industry; that of aircraft manufacturing which is spread throughout our land.

No one knows better than President Nixon that in America's endeavor to increase our standard of living through increased wages we have priced our products out of many world markets. Even in our automobile industry, where our mass production methods have helped exports. presently foreign automobile manufacturers, especially in Germany and Japan, are threatening our leadership.

In the air transport manufacturing field, we have been supreme, and as a result our sales abroad have contributed heavily toward our balance of international payments. However, in the years ahead, unless we advance, through new technology, from subsonic to supersonic travel, our supremacy will end. The President realizes what this would do to our world trade and economy. He knows there will be an SST and that if we don't build one our airlines will be forced to buy a foreign-built SST in order to compete.

Mr. Speaker, presently the Boeing Co. has 122 orders for the American SST; orders placed despite the fact that the Russians and the British-French consortium will be in the air in advance of our SST, and most importantly, because of our supremacy in building aircraft.

These 122 orders represent $4,880,000,000, at $40 million a piece. Fifty-seven of these orders are from foreign airlines, meaning that $2,280,000,000 would come from overseas, dramatically affecting our balance of payments. Even on just the 122 orders presently held by the United States, our balance of payments would be substantially benefited. Yet, without the aircraft that figure would be a negative $2,600,000,000 on the loss of sales to airlines in the United States. Sheer competition would force them to purchase the foreign-built aircraft.

In addition, Mr. Speaker, Boeing Co. has projected a market of 500 for the U.S. SST, 270 of them for foreign airlines. The sales, based on this projection, just to foreign carriers would total a staggering $10,800,000,000. This is money that would come into the U.S. economy in the middle and late 1970's and early 1980's providing we have an SST to sell.

Some people say the Boeing 747 will do the job, but nobody knows that this is not true better than Boeing. The 747 and the SST are designed to accomplish completely different tasks.

Russia is determined to capture the SST market just as the Soviet Union has plans to become the leading maritime power by building a modern merchant fleet.

Mr. Nixon knows the public opposition to noise and the problems of the sonic boom, so wisely he has limited the SST to overwater flights until this problem is overcome.

This research and promotion of American supersonic transportation by the Government is well within precedent. Congress legislated funds to develop low-cost, fast, frequent air transportation when I first came to Congress in 1953 and has subsidized this public service ever since. There is nothing new about this.

However, this is a program for the future, and delay could well be its doom. Certainly, anyone who knows anything about long-term investment funds recognizes private enterprise cannot do the job. Later, after the original research, private enterprise can enter the picture. On the matter of the Government backing, Mr. Speaker, it will be repaid with interest from royalties on sales of the aircraft.

I hope my colleagues who have not favored the SST in the past will restudy the issues and lend their support to the $9 million President Nixon is requesting of Congress.

The SST is an investment in the future of all Americans. In the years ahead it means jobs in nearly every State of the Union. But, just as important it means continued civil air supremacy and a vital contribution to our world trade and our ever-increasing living standard.

Finally, let me remind my friends that while this is a civil project, I hope no one will overlook that it has important military implications. We need the SST for defense and our airlift capability.

I urge support of the House for this vital program for the future of our Nation.

Meanwhile, Mr. Speaker, the Seattle Post-Intelligencer on September 26, presented an excellent editorial on the President's decision regarding the SST, and I ask unanimous permission that this editorial appear at this point in the RECORD:

THE SST DECISION

A P–I View: President Nixon's decision to proceed with the development of the supersonic transport plane (SST) should greatly aid this nation in keeping the aviation leadership it has enjoyed over the past 60 years.

The Boeing Co. people got a tremendous shot in the arm with President Nixon's announcement he would push forward with plans to develop two prototypes on the supersonic transport aircraft.

Although the proposal faces tough going in the Congress, particularly the House of Representatives, the President's action has done much to improve the sagging morale of Boeing officials and employees involved in the project. After a somewhat lengthy delay in waiting for Mr. Nixon's decision, his remarks were most encouraging.

We applaud the President's "difficult" decision in giving the go ahead for construction of the SST. At the same time we don't see how he could very well have failed to do so.

The SST—a monster able to carry 300 passengers at a speed of 1,800 miles an hour—admittedly is almost as controversial as the ABM antiballistic missile system. And for very good reasons.

Its practical economic value is unproven. Its potential sonic booms over residential areas could be intolerable. Many engineering and technological problems remain unsolved. Its immediate development program promises to cost a tremendous amount of money—ultimately as much as $4.5 billion.

To many of the critics, it is the cost of the program which should rule it out at this time of urban crisis and the war in Vietnam. "They insist—and will insist in the coming congressional appropriation debate—that the SST does not merit its recommended priority treatment.

All these are pretty impressive reasons for continuing to stall on a plane which was first planned under the Kennedy administration. Yet the fact is that other nations are not stalling. Russia's supersonic airliner, the TU–144, and its British-French counterpart, the Concorde, already have been test flown for many hours.

To President Nixon, and to us, this fact overrides all others. As happened in the space race, it is imperative this nation catch up and recapture leadership in another of mankind's major thrusts into the future.

Technical problems even sonic booms, can be solved if we really try. Money will be found for the war and for our social problems. What we must not lose, and certainly not by default, is the world pre-eminence we have earned by topping the competition in every really important challenge.

PRESIDENT NIXON'S ENDORSEMENT OF DIRECT ELECTION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, I am pleased that President Nixon has endorsed the direct election amendment that this body overwhelmingly adopted last month. I think the President's action represents a great step forward in our efforts to achieve a truly representative system, and I applaud him for it.

During the debate over this measure, we had the opportunity to hear all the arguments both pro and con. I think we faced the issue squarely and came out in the right place.

As the President stated, however, the issue is no longer the same. The issue now is how to achieve the goal of electoral reform in the shortest possible time.

Time is clearly of the essence. One only has to look back to 1968 to recognize the truth of this statement.

For this reason, I hope that something can be done by 1972, and if not then, by 1976 at the latest.

I think President Nixon's leadership in this fight will give it a tremendous boost. I congratulate him again for his forthright endorsement of the direct election amendment.

Thank you, Mr. Speaker, for the opportunity to make these brief remarks.

TEXAS DEPARTMENT OF PUBLIC WELFARE'S TREMENDOUS SUCCESS IN 1969 SUMMER PROGRAM FOR AFDC CHILDREN AND YOUTHS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues the excellent work of the Texas State Department of Public Welfare in the execution of their 1969 summer program for AFDC children and youths. The program was a great success, especially in my own county and the 24 other counties within the San Antonio coordinated region.

The program is aimed at gainfully employing as many children and youths as possible in summer activities which range from education, including the Headstart program, to health care, recreation, and summer employment. In Bexar County—part of which I represent—some 16,076 children participated.

Much of the credit for the enormous success of this year's program is due to the public welfare caseworkers. The entire field staff was mobilized in the 24 counties in my region in late May to plan the available resources for summer activity for the children. These efforts were coordinated with the staffs of public and private agencies to insure maximum participation in every possible area. Youths were placed in Federal installations under the youth opportunities program. Jobs ranged from IBM apprentice in Bexar County to fieldwork picking cotton in Wilson and Karnes Counties. The Headstart program, besides schooling, included complete health and dental checkups. Recreational activities for children included camping, organized sports, sewing, and so forth. There was also an extensive summer school program for those needing or desiring summer courses. The Upward Bound program and commercial schools were employed and some youths even attended colleges on their own.

It is clear to me, Mr. Speaker, that this program has helped one very needy segment of our society and, as such, deserves recognition and commendation. It is for this reason that I would like to commend its coordinators: Mr. Joel E. Falcon, the program director; Mr. Raymond G. Cheves, the director of field staff; and Mr. Roy A. Broussard, the program coordinator; along with the many caseworkers. It is their dedication and enthusiasm that is making this project a success. I insert a table of the activities by the various programs used at this point for your information:

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Summer activity by programs	Counties										
	Atascosa	Bandera	Bexar	Comal	Dimmit	Edwards	Frio	Gillespie	Gonzales	Guadalupe	Karnes	Kendal
Headstart program	3	7	576	45	20	8	8	4	15	130	34	0
Summer employment	83	5	1,100	25	12	5	0	0	6	132	102	3
Summer school and college	14	2	400	50	0	3	30	1	18	100	46	3
Recreation	7	60	7,000	87	10	40	53	5	20	161	82	8
Health care	1	0	7,000	45	0	0	0	0	0	123	21	0
Total	98	74	16,076	252	42	56	91	10	59	646	285	14

	Kerr	Kimble	Kinney	La Salle	Mason	Maverick	Medina	Real	Uvalde	Val Verde	Wilson	Zavala
Headstart program	7	7	6	32	0	10	5	4	9	6	34	8
Summer employment	0	15	5	1	0	9	5	5	9	6	102	6
Summer school and college	49	23	4	32	0	150	5	3	5	3	46	38
Recreation	15	19	20	22	0	158	5	10	10	5	82	3
Health Care	0	0	0	0	0	0	0	0	0	0	21	0
Total	71	64	35	87		327	20	22	33	20	285	55

	Number
Activities in all counties:	
Headstart program	978
Summer employment	1,636
Summer school and college	1,025
Activities in all counties—Continued	
Recreation	7,889
Health care	7,211
Grand total	[1]18,739

[1] For all activities in all counties.

ANYBODY FOR DIRTY MEAT?

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, several years ago the public was stunned to discover that approximately 15 percent of all red meat consumed in this country was slaughtered and processed without adequate inspection. The meat in question moved through packing facilities involved in intrastate commerce. Not crossing a State line, it came solely under State jurisdiction. More often than not, this meat was poorly inspected, recalling all the old horrid specters of the times of Upton Sinclair and his work, "The Jungle." In State after State, the picture was the same. Poor inspection. Putrid meat being doctored to look healthy and consumable. Unsanitary conditions. Special dealers in the "four D's"; animals which were dead, dying, disabled, or diseased. A national outcry went up from coast to coast and, under vigorous prodding, the consumer was extended protection by passage of the Wholesome Meat Act of 1967. This measure went into effect on December 15, 1967. A 2-year grace period was provided under the act, allowing individual States leeway for that period of time to bring inspection procedures and facilities up to Federal levels and standards. This deadline expires on December 15, 1969.

One further year of grace is provided for in the act for a given State which has attempted to live up to provisions of the law, but which does require some further extension in order to complete its updating of standards. Discretion is allowed the Secretary of Agriculture in extending such an additional grace period.

It is a fact that regulations promulgating this act have been published by the Department of Agriculture only about a month ago. Many States have entered into agreements with the Department of Agriculture under which they promise to live up to terms of the law.

If States have not lived up to the letter of the law by the expiration date, the Federal Government is empowered to move in and take over inspection of red meat in such facilities in the consumer interest.

It is interesting to note that Nebraska, home State of the Secretary of Agriculture, Mr. Hardin, has failed to enter into such an agreement with the Federal Government. An oversight, I am sure.

Mr. Speaker, it is already obvious that a good many States which tolerated such lax inspection have been equally lax in bringing their standards up to snuff. It is also obvious that a good many of them are preparing to ask for the extra 1-year extension from the Department of Agriculture, using the excuse that late publication of regulations leaves them with too little time to interpret and put them into actual force. They obviously are counting on aid and assistance from the Assistant Secretary of Agriculture in charge of enforcing the act itself. Mr. J. Phillip Campbell is the former Commissioner of Agriculture of Georgia. In that former capacity he bitterly opposed the entire Wholesome Meat Act when it was originally promulgated. He remained intransigent to the end, fighting the bill in the final form it now takes. It is clear to any who would see what is coming.

After December 15, a stream of exceptions for an additional year will emanate from the Department of Agriculture, allowing millions of consumers to be exposed to dirty meat for yet another year. Consumers will be able to purchase such unwholesome meat in one State and cross a State line with it into other jurisdictions. There is not a doubt but that such products will continue to endanger lives and public health. Unless the Department of Agriculture moves swiftly to inform all involved States that foot-dragging will be intolerable and extensions difficult to come by, the worst will occur.

We have already seen how standards are being relaxed in this department of Government. Recently we have seen a ruling allowing 15 percent of all hot dogs to be composed of garbage chicken meat. Also, they are to be allowed to contain up to 30 percent pure fat. Garbagedogs would be a more apt name for them. Will a relaxation of hard-won standards regarding meat inspection be added to the fast-growing list?

LAOS: THE SECOND VIETNAM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, as the fighting obviously escalates in Laos and excuses of the most feeble sort spill out of the administration, I have the chilling, despairing feeling that we have learned nothing from all the agony of the past few years.

It is a fact that the American air war in Laos is immense, equaling past air offensives in Southeast Asia. The automatic secondary target for our air strikes in case of truces is Laos. Foreign troops, possibly both Thai and American, are now engaged in combat there. At the very least, American air support and logistics support is increasing significantly.

We know B–52 raids on North Vietnamese supply routes running through Laos have been stepped up to compensate for a halt in bombing of the north. In March, tactical bombing was increased in support of Laotian forces fighting the Pathet Lao.

Already the American chain of command is the ultimate decisionmaker in the war because of our command of supplies and air support. Our total annual assistance to the government there is in the neighborhood of $250 million. Of this, only $60 million is accounted for publicly. The rest is, of course, going for military purposes.

It is no secret that the North Vietnamese are invading that nation, aiding

the native Pathet Lao. For almost a decade, we have sought to beef up the native troops to counter this threat. It is the same sad tale as in South Vietnam. They will allow us to turn them into a client state which profits while American dying escalates. Have we no ability to learn from the past? Then we are, of course, doomed to repeat it.

We know that American advisers are attached to a good many Laotian units, participating in planning and tactics. American personnel are servicing Laotian combat aircraft. One entire American base in Thailand is being used totally to support our Laotian effort.

Laos is a collection of tribes with no national feeling comparable to that found in the West or in other Asian areas. Civil war of some kind is a permanent state of affairs there. Yet we are involving ourselves in it just as we did in Vietnam. Our involvement is similar to that of a man who enters a quicksand bog in the hope of walking across it without sinking more than ankle deep.

As the Vietnamese war spills across the Laotian borders, intermingling with Laotian internal strife, we are now, in the name of fighting the North Vietnamese and Pathet Lao, diving headfirst into another Vietnam. A surrogate, if you will, for the Asian swamp we are already desperately striving to extricate ourselves from.

It is appallingly obvious that military and civilian personnel on the spot are seeking to edge us in a cumulative manner into the same insanity. Also, it is being done in secret, without permission of the Congress and in spite of the demand from coast to coast that such activity should end in Vietnam, much less commence in Laos.

By what right is the Government of this country pursuing such action? By what right does the Department of State dare to publicly stand up and tell the U.S. Congress such outrageous lies as they have been doing in the past few days about the Laotian question? Do they feel we are as frightened, stupid, and supine as they are?

Mr. Speaker, I am beginning to believe that these gentlemen who are making these decisions are functioning in a vacuum. Outside, they are utterly oblivious to the anger, mounting impatience and shortening tempers of the people of this country. It is about time that these gentlemen were told that if they intend to give another war, the attendance will be very sparse. If they are willing to go we shall be glad to cheer them on, wish them bon voyage.

MORE ON THE CASE AGAINST EXTENSION OF THE WEST FRONT

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, one of the difficulties in the recent action of the House in approving $2 million for undertaking plans and specifications for the proposed 4½-acre extension of the west front of the Capitol is that with the limited time available to the opposition I never had a real chance to answer some of the rather plausible sounding but nevertheless inaccurate arguments offered by proponents of this elaborate and expensive extension project.

I tried to make up for that deficiency the other day, however, when I testified on this same proposal before the Legislative Appropriations Subcommittee of the Senate. For some of those who heard the debate on this subject in the House, it may be of interest to peruse this additional testimony of mine on this costly project. We still have a chance to beat it.

Under leave to extend my remarks, I include my testimony before the Senate subcommittee:

TESTIMONY OF CONGRESSMAN SAMUEL S. STRATTON BEFORE THE SENATE LEGISLATIVE APPROPRIATIONS SUBCOMMITTEE, SEPTEMBER 24, 1969

Mr. Chairman, members of the committee, I appear here this morning in opposition to the appropriation of $2 million under the heading Extension of the Capitol contained in H.R. 13763, the Legislative Appropriation Act for 1970 which passed the House last Friday. As some members of this subcommittee are perhaps already aware, I not only fought, somewhat unsuccessfully, to have this appropriation deleted in the House but I have been fighting for more than three years to block the elaborate, expensive, and to me unnecessary proposal to extend the West Front of the Capitol which is referred to and in effect endorsed by this $2 million appropriation. I have opposed this not only because I believe that it would be unwise for us to cover up and destroy for all time the last remaining original section of the historic United States Capitol building that has been standing since 1800, but also because I do not believe that we need to spend the kind of money involved in this proposal for the additional space which it would provide, certainly not at a time when the President of the United States himself has cut back on construction funds by 75 percent.

In previous years it was to a large extent the action of the Senate in opposing this project that prevented its adoption, in particular the opposition of former Senator Monroney of Oklahoma and Senator Proxmire of Wisconsin, and Senator Young of Ohio. In fact in 1966, largely in response to the opposition of members of this body and the public outcry of aroused citizens, the leaders of the House Appropriations Committee indicated that they did not intend to attempt to fund this project while the Viet Nam War was still under way.

Nevertheless a fresh effort has suddenly been made late this summer to revive the whole program, in spite of the fact that the war is still on and the inflationary problems connected with it are even more disturbing than before. Largely the argument justifying this revival is that new cracks have developed in the West Front and unless Congress moves swiftly to approve the original expansive project the building may collapse at any moment around our heads with untold disaster to ourselves, our visitors and the Republic.

There is no disputing the fact, Mr. Chairman, that the West Front is in need of repair and certainly no one would deny that some steps must be taken to prevent its collapse and to restore it to a safe and sound condition. What is at issue is whether the only way to preform this job of preventing the collapse of the West Front is through the very elaborate extension plan which the Architect has been pushing for all these years and which in effect would be officially and formally endorsed by the Congress if this $2 million appropriation is approved.

As I am sure members of this subcommittee are aware, this extension is by no means a simple or a modest undertaking. It involves an increase in floor space of the Capitol of 4½ acres. It includes the addition of two dining rooms, two cafeterias, two auditoriums, 38 toilets, 8 elevators, two escalators, and a total of 98 offices, most of these presumably to be used as hideaways for especially favored members of the House or Senate. It should be obvious to anyone that we do not really need two escalators or two cafeterias or 98 additional hideaway offices just to keep the West Front of the Capitol from falling down.

My position for some time has been that before we proceed with this elaborate project, which would cover up the last remaining portion of the original Capitol building for all time, and would extend the West Front by some 44 to 88 feet, completely change its present architecture to a kind of poor man's replica of the East Front, and involve the destruction and duplication of the present Olmstead terraces, we ought to pause for a moment to find out whether there is any better, cheaper, easier way to save the West Front of the Capitol without doing all of this untold damage and costing the taxpayers so much money. In that connection, incidentally, the present bill for the West Front extension proposal is $45 million, an increase of $11 million from the price tag which the Architect fixed in 1966, and judging by our experience with his cost estimates for the East Front extension and for the Rayburn Building, I would judge we would be likely to end up with a final price tag of perhaps $60 or $70 billion. Even at Mr. Stewart's own figures the fact is that the present square foot cost of the West Front extension is 5 times the present square foot cost of what had hitherto been generally regarded as the most expensive of all office buildings, the Rayburn Building. The Rayburn Building, with 2,375,000 square feet and a total cost of $81,367,000, cost $34.26 per square foot. The West Front extension by contrast, using the Architect's own figures, would provide us with 269,000 square feet at a cost of $45 million, or $166.95 per square foot, nearly 5 times the cost of the Rayburn Building.

The arguments that have been given to the House Committees and to the House itself in support of this elaborate expansion project have claimed that it is impossible to determine how the West Front might be saved without being transformed and extended, that it would be impossible to determine in advance how much it would cost, and it has been argued that in any event the whole west side of the Capitol would have to be vacated for a very long period if anything except an extension project were carried out. I am not an architect myself, but the American Institute of Architects, which includes 80 percent of the professional architects of the country, maintains, on the other hand, that none of these three arguments will hold water. They claim that the West Front can be restored without being extended, they claim that a reasonably reliable estimate of its cost can be made, and they claim that only those sections of the Capitol immediately being worked on would have to be vacated during the restoration process.

The really incredible fact in this whole matter of the Capitol extension is that in all of these years that this proposal has been kicking around here nobody has ever undertaken to make a careful, thorough, impartial engineering study of what needs to be done in order to prevent the West Front from collapsing and how much it would cost. A good deal is made of a study made by the Thompson & Lichtner firm of Boston, Massachusetts, of the condition of the West Front. This study appears in 5 volumes, and I have looked at all 5 volumes. However, in all of

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these 5 volumes there is only one small paragraph which simply states flatly, without any description or analysis, that restoration is impossible and extension is the only solution. The balance of the volume is a detailed analysis of some of the cracks and crumbling that have occurred in the West Front. This is not an engineering study of restoration or of the problems associated with it, and it does not represent an argument that restoration is impossible. The firm was engaged by the Architect, and I am sure they were well aware of what the Architect wanted done. Like a good employee or consultant the study that they produced was designed to assist their client achieve the end that he wanted.

My recommendation has been, and I made the proposal in the House and I would make it to this subcommittee, that we delete the $2 million for plans and specifications for the extension project and substitute instead $100,000 to finance an independent engineering survey of just what would be required to keep the West Front from collapsing and how much it would cost.

Two years ago, I believe in 1967, this subcommittee and the Senate itself adopted a resolution directing the Architect of the Capitol to have such a study conducted, since this subcommittee and the Senate shared my conviction that nothing had been done to explore this alternative. However, the provision was knocked out in the Conference Committee and the assurance that nothing would be done on the item during the present emergency was made at that time, as I recall it.

This subcommittee should know that although the $2 million appropriation did pass the House last Friday, a day when normally many members of the House are not in attendance, it did not exactly sweep the House. The only vote which we were able, from a parliamentary situation, to take, was a nonrecorded vote of 92 to 59. Moreover, those speaking in favor of the extension project received nearly 2 hours in debate while I, speaking against it, got all of 8 minutes. I would say that the House was swayed primarily by these arguments: (a) Those supporting the extension were not interested in additional space for the Capitol, they were only interested in saving the building and its occupants from the hazard and calamity of a sudden collapse.

Yet the fact is that by approving this $2 million, we get the particular plan which the Architect has been pushing for years, the Plan No. 2 which involves this elaborate expansion with all of the facilities which I have already indicated, and the fact remains that there has still not been any study made of whether we can in fact save this building and prevent the collapse which we have been told is imminent in any simpler, less elaborate and cheaper way.

(b) Both Representative Yates and Representative Andrews of North Dakota made eloquent statements in defense of the proposal that the extension project was the only way to save the Capitol and that no alternative was feasible. However, their statements in this regard do not really represent an independent engineering or architectural judgment, in my opinion. They were based on three sources: (1) the Thompson & Lichtner report, which was commissioned by the Architect of the Capitol; (2) Mr. Campioli, the Assistant Architect of the Capitol, an employee of Mr. Stewart, who, incidentally, prior to becoming associated with Mr. Stewart was associated with the architectural firm of Alfred Poor & Associates, the group that designed the East Front extension, helped design the West Front extension, as well as the Cannon renovation and the garages of the Rayburn Building. Obviously, Mr. Campioli is hardly an independent witness on this particular subject; (3) a Mr. Severud, questioned by telephone by Congressman Yates, who was also identified as being on Mr. Stewart's payroll as an engineer consultant, so that he, too, like any good lawyer, would be expected to support the proposal of his client rather than oppose it.

All of this, Mr. Chairman, suggests to me that what we really need to do to make sense is to make certain that no construction work begins on this West Front until after we have had an independent engineering study made of what is the minimum we need to do to keep the West Front from falling and how much it would cost. Mr. Stewart or his associates have given their own figure for the cost of this restoration, ranging from $10 to $50 million, but that is not the result of any study and is hardly a disinterested quotation. If by spending $100,000 now we can perhaps save the taxpayers $10 or $15 or $20 million later on in avoiding the construction of unnecessary office space, and unnecessary cafeterias, and unnecessary auditoriums in the Nation's No. 1 historic shrine, I think we would be very wise and would be indeed well served. Some people have raised the question as to whether a study directly commissioned by the Architect of the Capitol himself, who is so deeply committed to this particular extension project, would be meaningful since he might well influence the decision of the firm which he engaged with this $100,000. I am not sure whether this is a wise concern or not, but if it is impossible for us to get a genuinely independent engineering survey made by some firm engaged by the Architect of the Capitol, perhaps the National Trust Foundation or even the Interior Department might be qualified to take on this particular assignment.

Let me make just one additional point. Much has been made of the urgent necessity of preventing the West Front from collapsing. In that connection, I ought to point out that the Architect's own statement makes it perfectly clear that if this $2 million for plans and specifications is appropriated it will be some 18 months before we have these plans and specifications available for further construction. Thus the blunt fact is that even if we go along with this requested appropriation we are not going to be doing anything to prevent the Capitol from collapsing around our heads for another 18 months. If the danger is really great now, we are going to have to live with it for another 18 months. If we can in fact survive for that 18 months' period without the building collapsing around our heads, certainly we can survive long enough for the 6 or 8 months that it might take to conduct the detailed, independent engineering study which I have suggested should be made. Then we will have not just one option before us but some alternative choice, and then we can act much more intelligently in deciding which course of action would be the best and the most economical to take.

Mr. Chairman, may I just conclude by inserting in the record with my remarks a letter which the American Institute of Architects addresesd to me earlier this year in response to certain questions addressed to them last fall by our late, beloved colleague, Senator Bob Bartlett of Alaska. Senator Bartlett was as concerned with the damage that might be done by this West Front extension as I was and as a member of this subcommittee he did a magnificent job in preventing any hasty extension action. On November 25th, he addressed a letter to the President of the AIA asking for his comments on certain statements by Mr. Campioli with respect to the imminence of the collapse of the Capitol. The reply of the AIA was forwarded to me on February 17, 1969. Because a distinguished former member of this subcommittee and this body was deeply concerned over this subject, I believe that it would be particularly appropriate that this exchange of correspondence be included in the record at this point. It should be noted particularly that the reply of the AIA spells out the points which I have made earlier, namely, that the entire West Front of the Capitol would not have to be evacuated for a period of from 5 to 10 years, that the West Front restoration is feasible, and that a relatively precise cost figure could be placed upon it.

The AIA letter is attached.

THE AMERICAN INSTITUTE
OF ARCHITECTS,
St. Louis, Mo., February 17, 1969.

Hon. SAMUEL S. STRATTON,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STRATTON: This is my belated reply to the late Senator E. L. Bartlett's letter of November 25, 1968 (enclosed), in which he asked the American Institute of Architects to comment on a speech given by Mario E. Campioli, Assistant Architect of the Capitol, before the Convention of American Registered Architects. Since you have long been interested in plans for correcting the condition of the West Front of the Capitol, I am directing my reply to you.

The American Institute of Architects believes that the West Front of the Capitol can and should be restored in its present location using existing standatone where possible or new sandstone where necessary. Like any prudent owner, Congress should commission an impartial structural engineer to study all aspects of restoration and to recommend a program for restoration complete with cost and risk evaluations and detailing any disruption of Capitol activities. Only then will Congress be able to make an effective comparison between restoration and extension.

The questions which Senator Bartlett asked illuminate one glaring fact: no one knows exactly what restoration will entail.

The engineering report prepared in 1964 by Thompson and Lichtner (which was commissioned by the Architect of the Capitol) is devoted solely to the feasibility of extension—nowhere does it state that restoration is impossible. This report professionally justifies extension but does not professionally analyze the expected risk, cost and disruption factors which would be encountered in restoration.

Without the benefit of a feasibility study we and the members of Congress can do no better than to make educated guesses about the risk, cost, and the extent of restoration needed. Yet, we are certain that restoration is possible. On this basis then we answer Senator Bartlett's questions which were prompted by the picture of horribles painted by Mr. Campioli.

Will restoration of the existing structure entail vacating the entire West Front "for a period of five to ten years"?

By using modern technological developments, the entire West Front would not have to be vacated "for a period of five to ten years." Only those spaces immediately adjacent to active restoration would have to be vacated.

Is it true that there would be no limit on risk or cost, if the West Front were restored rather than extended?

Of course, there would be a limit to cost and risk of restoration. We firmly believe restoration will prove much less costly than extension (much structural repair must be done in either event). A feasibility study would provide Congress with cost information.

Does the structural preservation of the Capitol indicate an extension of the building to the west?

The structural preservation of the Capitol does not necessarily indicate an extension to the West. Structural preservation can be accomplished by several means, including either restoration or extension. We strongly urge Congress to choose restoration.

Senator Bartlett also asks: "Am I mistaken in believing that nothing of the original Capitol building will remain if the West Front were extended?" The Senator was not mistaken: the West Front is the last remaining exterior portion of the original Capitol building. And for this very reason, we argue that Congress should restore the West Front.

As you know, the West Front of the original Capitol building is substantially unchanged from its appearance in 1825. In that year, Charles Bulfinch completed the West Front of the Capitol, slightly modifying William Thornton's prize-winning design of 1793. In 1800, under the direction of James Hoban, the north wing of the original Capitol—Congress House—was completed and the legislators moved in. In 1807, the south wing was finished under the charge of Benjamin Latrobe. Bulfinch then completed Thornton's conception of the Capitol by constructing the central portion, including its West Front. For reasons of economy, President George Washington chose sandstone as the building material.

In 1851, Thomas Walter began to add the present House and Senate chamber to the north and south wings. At this time, too he designed the present steel dome to replace Bulfinch's low brass dome which was dwarfed by the new wings.

No further changes were made in the Capitol until the late 1950's when the Associate Architects, commissioned by the Architect of the Capitol, J. George Stewart, extended the original East Front 32½ feet in order to eliminate the impression that the huge dome overhung the original central portico. In so doing, Mr. Stewart also replaced the sandstone of the East Front with marble. Thus, even though the original East Front was preserved as an interior wall, it has disappeared from view.

Now the Architect of the Capitol and Speaker McCormack want to extend the West Front in the same manner: replacing sandstone with marble and preserving the West Front as as interior wall. If this is done, all vestiges of the original Capitol will be buried beneath marble.

Since 1800, parts of the West Front have witnessed the unfolding of the story of the United States as a Nation. Surely, now when Americans are beginning to appreciate the heritage of their past, we can afford to restore the West Front in its original place for historical reasons.

Thus, we urge restoration in order to bequeath to the future a reliable representation of an original portion of the Capitol in the place where it was built. Restoring the wall in its present position is important to preserve a position in time without change: a position in time which will be credible to generations of Americans now and in the future. Certainly in our hierarchy of buildings there is none more important to our Nation than the Capitol. If a small portion of it is not worth restoring, what is?

Finally, Senator Bartlett inquired about The Institute's consistency in supporting restoration of the West Front. Once again he points to the AIA MEMO (see enclosed article) of January, 1958, which states in part: "It is believed that the space requirements could be better filled—and at far less cost—by leaving the East Front alone and instead developing a proposed scheme for expansion of the West side of the building." The above quotation was contained in an article reporting the activities of the Committee on the Preservation of the Capitol which was not an AIA committee, but composed of a group of architects (some AIA members), architectural historians, as well as other prominent citizens outside the profession, to rally support against the proposed extension of the East Front of the Capitol. This quotation is entirely out of context and misrepresents The Institute's long-standing position in favor of restoration. The American Institute of Architects has never officially or unofficially espoused any proposal for extending the West Front of the Capitol." While opposing destruction of the historic East Front, and reporting activities of that nature, The Institute has been cast by proponents of a West Front extension, in the position of recommending extension of the West Front.

In 1958, we urged restoration of the East Front for historical reasons. Now, extension of the East Front makes stronger our historical argument in favor of preserving the West Front as the last remaining exterior portion of the original Capitol. Only Congress can and should make the decision to restore the West Front. In so doing, Congress should not let its current and future space needs (which can and should be accommodated elsewhere) dictate; rather it should consider what our Capitol means to Americans now and will mean to future generations of Americans.

I feel that the controversy over restoration or extension of the West Front of the Capitol poignantly emphasizes the need for a professional commission to plan the comprehensive development of Capitol Hill. I hope that legislation such as S.J. Res. 74, which passed the Senate last year, will be reintroduced this session and enacted into law. Only then will there be an orderly resolution of controversies such as this.

I appreciate the opportunity to express once again The Institute's position on this most important matter.

Sincerely yours,
GEORGE F. KASSABAUM,
President, American Institute of Architects.

SDS PROMOTES DISCORD IN HIGH SCHOOLS

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, high schools across our Nation are being disrupted by Students for a Democratic Society—SDS—militants who are intent on promoting racial discord and violence. In nearly a score of States since the fall semester began, high schools have become the staging areas for the spread of the SDS revolutionary philosophy.

A national SDS high school policy was first inaugurated in October 1968, at an SDS national council meeting in Boulder, Colo., where a special "high school resolution" was adopted. The resolution called for: First, the hiring of a national high school coordinator; second, regional organizations of the SDS to make high school organizing a main part of their program; and third, the national circulation of an underground paper published by the Los Angeles high school SDS chapter.

SDS leaders feel they have found a new outlet in high schools for SDS militancy. They have emphasized the need to recruit new members on the high school level, to circulate SDS literature and to "radicalize" high school students. One SDS pamphlet for high school readers states:

> Even such seemingly destructive actions as starting trash can fires and pulling fire alarms are actually forms of protest directed at the school as it is now constituted. Not only the defense of hair and clothing styles against administration attack, but the adoption of such styles themselves indicates a general disgust with the values and attitudes that our generation has been force-fed.

Exploitation of racial unrest in many of our Nation's high schools appears to be of the SDS. For example, a few days ago in Pittsburgh, Pa., several high schools were closed for a time because of racial fighting blamed in part by police on SDS agitation. SDS members by painting slogans favoring "Black Power" and "Victory for the Vietcong" on the outside of Pittsburgh's racially tense Oliver High School touched off an incident of violence. At Pittsburgh's South Hills High School, a bare-breasted female SDS member ran through the halls urging pupils to leave class while a group of 30 SDS members distributed SDS literature to the pupils. In Detroit, a group of 15 SDS members painted SDS slogans on high school walls and assaulted two teachers who tried to stop them.

For immature young high school students the advent of the SDS activists in their schools may provide a new and different outlet for excitement. SDS does not hesitate to take advantage of these teenagers, for they are enthusiastic workers and a source of needed "bodies" to join in SDS-sponsored demonstrations. The tragedy is that the young people often do not know for what reason they are demonstrating and do not realize the deeper, more serious activity which could follow. The real catastrophe is that those who join the SDS with an honest and sincere belief that they may be helping minority groups or the poor are being exploited. The ability of the SDS activists to seize upon items of discontent and to fan the sparks of discontent into actual violence presents a clear and present danger.

In the days ahead, we can expect the SDS to concentrate even more on high schools in large cities where there are college SDS chapters. These chapters have been instructed by the SDS national leadership to direct and encourage SDS activities in local high schools. Likewise, they have been instructed to help the young students prepare attacks on high school principals and policies. In addition, they have been instructed to help publish "free press" type newspapers and urge disruptive tactics inside the school.

As chairman of the Committee on Internal Security I have presided over a series of hearings concerning the involvement of the SDS in revolutionary violence. I have heard outstanding educators, college and university administrators, and other outstanding academic leaders report on the willingness and readiness of SDS to engage in violence to accomplish its goals. As a committee, we are focusing our attention on the degree and the intensity of the threat SDS poses and the proper means to meet the threat—whether by school administrative action, by local or State government action, or by Federal legislation.

We have already seen the effect of SDS disruptive tactics and a vast majority of the American public is disgusted and sickened by such vicious activity. It is time to let it be known that we do not intend to stand idly by and let these malcontents make a mockery of our educational system because our schools are like any other community. In the presence of violence, the rights of the law-abiding residents—the students who want to learn, the teachers who want to teach—have to be defended at any cost. These come first. Any compromise with this principle is an invitation to anarchy.

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LEAVE OF ABSENCE

By unanimouus consent, leave of absence was granted to:

Mr. Pollock (at the request of Mr. Gerald R. Ford), for October 2 and the balance of the week, on account of official business.

Mr. Talcott (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of official business.

Mr. Saylor (at the request of Mr. Gerald R. Ford), for October 2 and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Holifield (at the request of Mr. Price of Illinois), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Ashbrook, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Cowger); to revise and extend their remarks and include extraneous matter:)

Mr. Pelly, for 10 minutes, on October 1.

Mr. Conte, for 5 minutes, today.

(The following Members to address the House (at the request of Mr. Mikva); to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Wolff, for 15 minutes, on October 15.

Mr. Tunney, for 15 minutes, on October 2.

Mr. Jacobs, for 60 minutes, on October 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Boland to revise and extend his remarks with reference to the congressional election in the Sixth District of the State of Massachusetts.

Mr. Conable and to include extraneous matter.

Mr. Bingham to include extraneous matter with his remarks in the Committee of the Whole, today.

Mr. Leggett to include a table during his remarks today on H.R. 14000.

Mr. Lowenstein (at the request of Mr. Leggett) to insert a table in his remarks during general debate today.

Mr. Bennett to include tables and other extraneous matter during his remarks on H.R. 14000.

Mr. Cohelan to revise and extend remarks made in Committee of the Whole and to include extraneous matter.

(The following Members (at the request of Mr. Cowger) and to include extraneous matter:)

Mr. McKneally.
Mr. Vander Jagt.
Mr. Wyman.
Mr. Chamberlain.
Mr. Scott in two instances.
Mr. Ashbrook.
Mr. Mathias.
Mr. Steiger of Wisconsin.
Mr. Coughlin.
Mr. Zwach.
Mr. Derwinski.
Mr. Morton.
Mr. Hastings.
Mr. Minshall.
Mr. Bray in two instances.
Mr. Schwengel.
Mr. Keith.
Mr. Foreman in two instances.

(The following Members (at the request of Mr. Mikva) and to include extraneous matter:)

Mr. Corman in five instances.
Mr. Clark in two instances.
Mr. Biaggi.
Mr. Garmatz.
Mr. Rarick in four instances.
Mr. Gonzalez in two instances.
Mr. Downing in three instances.
Mr. Bennett in two instances.
Mr. Mikva in six instances.
Mr. Hungate.
Mr. Moss in two instances.
Mr. Marsh in two instances.
Mr. Eilberg.
Mr. Hathaway in two instances.
Mr. Charles H. Wilson.
Mr. Hagan.
Mr. Fascell in two instances.
Mr. Ottinger.
Mr. Preyer of North Carolina.
Mr. Waldie in three instances.
Mr. Scheuer in two instances.
Mr. Hanna in four instances.
Mr. Wolff.
Mr. Brown of California in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation; to the Committee on Government Operations.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 713. An act to designate the Desolation Wilderness, Eldorado National Forest, in the State of California.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 10420. An act to permit certain real property in the State of Maryland to be used for highway purposes.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, October 2, 1969, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1203. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to extend the act establishing Federal agricultural services to Guam; to the Committee on Agricutlure.

1204. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, Detroit, Mich., Department of Labor; to the Committee on Education and Labor.

1205. A letter from the Assistant Secretary of the Interior, transmitting a proposed plan for supplying the power requirements of the central Arizona project and augmenting the Lower Colorado River Basin Development Fund, pursuant to the provisions of section 303(c) of the Colorado River Basin Act, Public Law 90–537; to the Committee on Interior and Insular Affairs.

1206. A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed contract with Monsanto Research Corp., for research and development to study foam properties and to develop foam generation and foam application systems that will collect coal dust while maintaining an enveloping blanket of foam, pursuant to the provisions of Public Law 89–672; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. Supplemental report (pt. II) on H.R. 12605 (Rept. No. 91–518). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 14020. A bill to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds; without amendment (Rept. No. 91–545). Referred to the Committee of the whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park; with amendments (Rept. No. 91–546). Referred to the Committee on the Whole House on the State of the Union.

Mr. EDMONDSON: Committee on Interior and Insular Affairs. H.R. 1706. A bill to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.; with amendments (Rept. No. 91–547). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (by request):

H.R. 14114. A bill to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 14115. A bill to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 14116. A bill to increase criminal penalties under the Sherman Antitrust Act; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 14117. A bill to increase criminal penalties under the Sherman Antitrust Act; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 14118. A bill to amend section 213 of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 14119. A bill to amend section 355 of the Revised Statutes, as amended, to eliminate mandatory submission for approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 14120. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. CONYERS:

H.R. 14121. A bill to authorize the Small Business Administration to indemnify corporate sureties on bonds covering contracts of sound small business concerns where such action will further the purposes of the Economic Opportunity Act of 1964; to the Committee on Banking and Currency.

H.R. 14122. A bill to increase the participation of small business concerns in the construction industry by providing for a Federal guarantee of certain construction bonds and authorizing the acceptance of certifications of competency in lieu of bonding in connection with certain Federal projects, and for other purposes; to the Committee on Banking and Currency.

H.R. 14123. A bill to amend the act of August 24, 1935 (commonly referred to as the "Miller Act"), to exempt construction contracts not exceeding $20,000 in amount from the bonding requirements of such act, and for other purposes; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 14124. A bill to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act; to the Committee on Merchant Marine and Fisheries.

By Mr. HANSEN of Idaho (for himself, Mr. Carter, and Mr. Rodino):

H.R. 14125. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. MacGREGOR:

H.R. 14126. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. PATMAN (for himself and Mr. Widnall):

H.R. 14127. A bill to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes; to the Committee on Banking and Currency.

By Mr. PICKLE:

H.R. 14128. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. ROTH:

H.R. 14129. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROUDEBUSH (for himself, Mr. Bray, Mr. Adair, Mr. Zion, Mr. Myers, Mr. Landgrebe, Mr. Watkins, Mr. Broyhill of North Carolina, Mr. Kyl, Mr. Hunt, Mr. Skubitz, Mr. Sebelius, Mr. Devine, and Mr. McKneally):

H.R. 14130. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. SAYLOR:

H.R. 14131. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 14132. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. ASHBROOK:

H.R. 14133. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 14134. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 14135. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. HANNA:

H.R. 14136. A bill to amend the Internal Revenue Code of 1954 to require private foundations, qualified pension, profit sharing, and stock bonus plans, and certain other exempt organizations to hold a portion of their assets in housing investments; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Leggett, Mr. McKneally, Mr. Murphy of New York, Mr. Moorhead, and Mr. Stokes):

H.R. 14137. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 14138. A bill to amend the Employment Act of 1946 to bring to bear an informed public opinion upon price and wage behavior which threatens national economic stability; to the Committee on Government Operations.

By Mr. POFF:

H.R. 14139. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended; to the Committee on the Judiciary.

H.R. 14140. A bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks; to the Committee on the Judiciary.

By Mr. CONTE:

H.J. Res. 917. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. HAGAN:

H.J. Res. 918. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. NICHOLS:

H.J. Res. 919. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. POLLOCK:

H.J. Res. 920. Joint resolution to provide for a study and evaluation of international and other foreign policy aspects of underground weapons testing; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL:

H. Con. Res. 394. Concurrent resolution expressing the sense of the Congress with respect to international agreements providing for mandatory extradition of aircraft hijackers; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas:

H. Con. Res. 395. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GIAIMO:

H.R. 14141. A bill for the relief of David Joseph Huntington and Beatrice Huntington; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 14142. A bill for the relief of Dr. Fuad S. Ashkar; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

272. The SPEAKER presented a petition of Domingo C. Castaneda, Munoz, Nueva Ecija, Philippines, relative to compensating the Philippine Scouts for their services during World War II; to the Commttee on Armed Services.

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EXTENSIONS OF REMARKS

GREEN THUMB PROGRAM IN VIRGINIA IS A NOTABLE SUCCESS; WORKERS ASSIST IN FLOOD RECOVERY WORK AT DOUTHAT STATE PARK

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 1, 1969

Mr. SPONG. Mr. President, the green thumb work program for the elderly has met with wide approval and success in Virginia. The efforts of green thumb workers have resulted in beautified park areas, new hiking trails, more attractive roadsides, and other improvements to public facilities.

During the recent disastrous floods in Virginia's James River Basin, green thumb workers provided valuable assistance in rescue and cleanup operations at Douthat State Park, near Clifton Forge.

The workers have been commended by Mr. A. R. Crutchfield, chief ranger of the park, for their help in cleaning roadways and bridges leading to stranded campers. Mr. Crutchfield said they rebuilt two wooden bridges washed away by high water, and cleaned debris from the culverts.

Mr. President, the August issue of the Virginia Highway Bulletin, a monthly publication of the Virginia Department of Highways, contained an article discussing the virtues of the program. The information on the success of green thumb will be of interest to Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OPERATION GREEN THUMB

In an age of governmental programs often referred to unkindly as giveaways, it is refreshing to find one that has been received as enthusiastically as Operation Green Thumb.

Not that it is as well-known as it should be. Only fourteen states, including Virginia, are currently participating in the program; the states, in addition to Virginia, are Arkansas, Indiana, Kentucky, Minnesota, Nebraska, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, and Wisconsin.

The program is designed to give retired farmers a chance to supplement their Social Security income by offering them employment and training on public projects as gardeners, landscapers, nurserymen, and highway maintenance men. Though any public agency may become a sponsor of the program, there are at present only three Virginia agencies participating—the Department of Highways, the State Division of Parks, and the Newport News Division of Parks. Several agencies, however, are cooperating in the program—the Virginia Office of Economic Opportunity, the Commission on Aging, the Virginia Farmers Union, the Farmers Home Administration, and the Virginia Employment Commission.

The program was conceived by the Farmers Union and operates under a grant from the U.S. Department of Labor. Tony T. Dechant, president of Farmers Union and Green Thumb, has pointed out that to many of the Green Thumbers the program has meant "the difference between staying in their own homes and leading their own productive lives or being dependent on the state or their children."

The average age of the 2,000 Green Thumbers now employed is 68. The average income, before the program, was $900 per couple, but Green Thumb gives each one an opportunity to earn up to $1,500 a year—that, of course, being the amount that one is permitted to earn in addition to full Social Security benefits.

The Green Thumbers are everywhere doing a notable job. Hard workers all their lives, they take a tremendous pride in their work and the contribution they are making to their communities. As one observer said: "These older workers seem to put something extra into their work. People in the community notice it. The cooperating agencies recognize it." The program has been so successful that a similar program, for women, has been created through the efforts of the Commission on Aging, called Green Light, it started on August 1 in the Newport News area, where a group of six women are employed in community service.

In Virginia there are ten Green Thumb projects, employing 140 men who work three days a week, eight hours a day, in seven-man crews. There are also two part-time administrators—a state director and a field supervisor.

The projects sponsored by the Highway Department are located in Lee, Washington, Pulaski, and Brunswick Counties. Typical of the projects is one that took place along 25 miles of US 58 and Route 70 in Lee County. Here brush and trees were removed to enhance the beauty of the roadsides and to improve sight distances on mountain curves. In Washington and Pulaski Counties, Green Thumbers pruned, fertilized, and cared for shrubbery along the entire length of Interstate 81 in the two counties. In Washington County, work was conducted in two nurseries owned by the Department, and in Pulaski County 6,000 small pines destroyed by a fire were replaced with pine seedlings. In Brunswick County, shrubbery was planted and trimmed and grass was cut along US 58.

The Virginia Director of Operation Green Thumb is Bennie I. Draper, Jr., of Blackstone, and the chairman of the advisory committee is Robert L. Dirks, of the Virginia Office of Economic Opportunity. Highway Department members of the committee are Craig S. Romaine and R. E. Greene (alternate), associate landscape engineers.

Mr. Romaine is so impressed by the program that he hopes it will encompass many more projects next year (most of the projects are carried on between May and September). He says that the Green Thumbers really earn what they are paid and that they are contributing vastly to the better economy of our rural communities.

JACKSONVILLE, FLA., CELEBRATES FIRST ANNIVERSARY AS CONSOLIDATED CITY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BENNETT. Mr. Speaker, today, October 1, marks the first anniversary of the Consolidated City of Jacksonville and Duval County, Fla. Jacksonville has given proof again that our Nation's citizens can fight "City Hall"—and win.

A few short years ago Jacksonville was a city in decline. Its urban ills had surfaced for all to see. They included the all-too-familiar corruption in local government, skyrocketing taxes, a disaccredited high school system, rising crime rates, water and air pollution, and an imbalance of city-county population, to name a few.

Outraged citizens took a long, hard look. And then they took action.

In January 1965, a two-sentence manifesto was drawn up and signed by 23 of the city's most influential business and civic leaders assembled by the Jacksonville Area Chamber of Commerce. It called for sweeping governmental reforms and became the driving force behind the eventual merger of city and county governments. As a result of this citizen action, a blue ribbon committee was appointed and given the legislative mandate to study the subject of local government in its entirety and to make appropriate recommendations for its improvement.

Ultimately, a "blueprint for improvement" was presented, which called for a single countywide government with a "strong mayor" and a 19-man council. Also recommended was a consolidated countywide police force under the supervision of an elected sheriff, a nonpartisan, nonpaid elected school board, plus a consolidated, elected civil service board.

On August 8, 1967, Duval County voters went to the polls and made political history. Consolidation won by a 2-to-1 margin. Following the vote for consolidation, an election was held for the new government's officials. With but a few exceptions, the "old guard" was passed over in favor of new political faces.

Consolidation went into effect on October 1, 1968. The new city limits embrace 827 square miles, making Jacksonville the largest city in land area in the United States.

Described as a "businessman's kind of government," Jacksonville now operates along corporate lines, seeking maximum efficiency at the lowest cost available.

Consolidation has won for Jacksonville, the Department of Housing and Urban Development—HUD—regional and national awards for "outstanding contributions to intergovernmental relations." And in March of this year the inspiring citizen action which brought about the government reform was rewarded with the coveted "All America City" award presented by the National Municipal League and Look magazine.

The enormity of the achievement in Jacksonville has prompted newspaper editorials from coast to coast. May I quote from just a few:

We often refer to the "backward South," but the voters of Duval County, Fla., were forward-looking enough to merge the county into the city of Jacksonville. If voters of the four-county metropolitan Cleveland area would do likewise, we would all benefit immeasurably.—The Cleveland Press.

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Jacksonville and Duval County have consolidated their areas and governments in a move for efficiency and economy that might provide thought-food for other governmental units, including Chicago and Cook County.—Chicago Daily News.

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Jacksonville-Duval and Portland-Multnomah do not have identical problems, but some are common to muncipalities throughout the nation. How the Florida consolidation works out will be watched with interests in many States.—The Portland Oregonian.

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Jacksonville's spirit of coordinated governmental thinking offers much to emulate.—The Atlanta Journal.

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The Jacksonville consolidation is a considerable feat in municipal government. There is no doubt that the Jacksonville example offers a real challenge to other metropolitan areas. And in our own community, the desirability of extending city limits to encompass areas which normally and logically belong to the city should be pursued.—The Birmingham (Ala.) News.

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With Detroit and other Michigan cities facing the same cash crisis in the struggle to provide adequate services—police, fire, schools—the story from Jacksonville seems to have some relevancy.—The Saginaw (Mich.) News.

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Waycross and Ware County, as well as other communities, should keep a close watch on the new consolidated government. Jacksonville may, indeed, be setting the pace for the cities of tomorrow.—Waycross (Ga.) Journal-Herald.

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The Jacksonville-Duval County consolidation as a pattern of local government will be worth watching.—The Austin (Texas) Statesman.

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The Jacksonville situation sounds somewhat like the one here. Consolidated government is the wave of the future, and something that some day must come to Knoxville.—The Knoxville (Tenn.) News-Sentinel.

May I take this opportunity to extend heartiest congratulations to Mayor Hans G. Tanzler, Jr., and all 505,000 citizens of Jacksonville on the first anniversary of their "bold new city of the South."

CAMPUS DISORDER

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 1, 1969

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal of September 30 contains a thoughtful editorial on the subject of campus disorder. The editorial makes the point that while some disruption is bound to occur, the prime need is for firm control within the academic community.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOWARD A HOUSE IN ORDER

Campus disruption may mar the new academic year as it marred the old, but we doubt that the trauma will be quite so acute. The academic community seems to be getting a grip on itself.

Given the juvenile militance of some students, it's hard to see how all outbursts can be prevented. The first few weeks of the academic year have been reassuring in that regard. Presumed students staged a hit-and-run raid roughing up staff members at the Center for International Affairs at Harvard University. A Marine Corps recruiter was splattered with paint at Cornell University. At the University of Michigan students seized a building in support of demands for a student-run bookstore.

We hold some hope, though, that there will be no general repetition of the truly sickening thing about last year's campus riots, which was not the outrages by adolescents but the weakminded response by responsible adults. Students would seize buildings and manhandle deans, and learned faculties would debate and divide on demands of amnesty. Criticism was often directed not at the students who initiated violence but at the deans who were forced to resort to police to quell it.

The Michigan incident, where administrators called police to arrest more than 100 demonstrators, will be the first test of whether that mood will continue this year. Perhaps significantly, the first comments by faculty members tended to support the administration.

Regardless of the outcome at any given campus, there is plenty of evidence that summer has given administrators time to think and plan, and time for university disciplinary procedures to take hold. While the real trick is to put the conclusions into practice, by and large the results of the rethinking seem to be sound.

Recent declarations by the trustees of Cornell are particularly interesting, since that was the scene of the worst capitulation last year—caving in to a group of armed black militants occupying Willard Straight Hall. The trustees now declare such common sense as, "There can be no such thing as a nonviolent building occupation. The every act is a threat of the use of force."

Even more significantly, the Cornell trustees singled out the heart of the problem: "Had discipline at Cornell been enforced over the last two or three years, simply by fair but firm adherence to the disciplinary code and the judicial system in force, a tragic event of the dimensions of the Willard Straight incident might well have been avoided."

Despite Cornell and other well-publicized instances of hesitation, in fact many universities have enforced their disciplinary codes far better than they have been given credit for. The Chronicle of Higher Education recently surveyed 28 campuses that suffered disruption last year and found that more than 900 students had been suspended or expelled. Another 850 had been placed on warning or probation that could result in harsher penalties upon a second offense.

Dartmouth and Harvard have disciplined faculty members who egged on demonstrators. Thus there is warning that disaffected professors cannot necessarily promote revolution at no risk to themselves.

These are all highly salutary steps, and it is important that those of us who have criticized the initial vacillations recognize how far the universities have gone in the directions we have advocated. We would not be surprised if the turn toward hardheadedness does take a lot of steam out of the protests, but some will probably continue. In these times of instant communication, it will be easy for a few spectacular outbursts to obscure a quite different general trend.

Certainly the record over the summer is enough to suggest that further intervention by state and Federal authorities is not what is currently needed. Academic freedom is threatened both by capitulation to mobs and by outside intervention. If it comes to a choice, intervention is no doubt the lesser evil, but that point has by no means arrived.

The way to avoid such a choice of evils—as these columns have been stressing throughout—is for the academic community to assert its own discipline and protect its values. It has now made creditable progress toward doing so.

The general community need not fear to criticize whatever backsliding may appear, but at the moment the appropriate thing is for the rest of us to stand back and give the universities time to reap the benefit of their start toward putting their own house in order.

ELECTION FINANCING REFORM BILL

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. CONABLE. Mr. Speaker, reform of any sort is always a subject of great public interest, a large amount of political oratory but all too often little real activity. During this session of Congress, oratory has been replaced by action a number of times, and frequently the activity has been directed at changes which are necessary in our method of governing ourselves. Recently this House approved a resolution to amend the Constitution to alter the way we elect a President. The movement to reorganize the legislative branch of Government will soon have public evidence of the willingness of Congress to reform itself when the Rules Committee reports its recommendations for change. Activity on these two subjects has been needed for a long time, and I am encouraged by the steps that have been taken.

There is a third aspect of our method of governing ourselves which has received a good deal of attention in the past and needs to be considered again—changing the law regarding limitation and disclosure of campaign spending. The present law is hopelessly inadequate and offers almost no real regulation on the subject, for reports of spending can be easily avoided through a variety of subterfuges, and disclosure of campaign costs is more a voluntary act than one in compliance with the law.

The legislation I am introducing today, the Election Financing Reform Act of 1969, is aimed at enforcing full disclosure of campaign costs and limiting the total amount which may be spent during an election campaign. The present limits on campaign spending, if absolute, would be unrealistically low, but they are easily avoided and have become only a small encumbrance having only the effect of adding a little more confusion to an already confusing aspect of our electoral process.

This bill proposes a limit on the amount a person may contribute to political campaigns in a year with strict criminal sanctions to enforce the limit. A person may contribute $50,000 in the aggregate with a maximum of $10,000 to a presidential candidate in any election, general or primary, and a maximum of $5,000 to any Senate or House candidate in any election. The terms "election,"

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"campaign contribution," "campaign expenditure," "candidate," and "political committee" are defined so that effective enforcement of the law will become a greater possibility than it is now.

Other aspects of campaign financing subject to criminal sanctions are certain contributions of Government contractors and promises of benefit for political activity. Stronger limitations, also in the form of possible criminal penalties, will be placed on the candidate himself, especially in respect to use of funds for personal purposes. The bill will make a candidate responsible for all expenditures in his behalf by requiring him to authorize specifically all contributions and expenditures. This is the only reasonable means of enforcing the law regarding campaign expenses as it removes the possibility of any candidate claiming that the expenses of his campaign were totally unknown to him. By careful definition of terms it is still possible for a person actually to be subject to a draft although it will not be as frequently claimed.

To make full disclosure a reality I have provided for administration by an independent regulatory agency separated physically and politically from its subject of regulation. This body, the Federal Election Commission, will be charged with receiving reports of campaign contributions and campaign expenditures made by political committees, candidates and certain individuals. It will have wide investigatory powers and the power to impose administrative sanctions for violations of the election law including ordering full public disclosure, an order in the nature of a cease-and-desist order and civil penalties up to $25,000.

The bill would require registration of all political committees, including intrastate political committees, which anticipate receiving contributions of $1,000 or which actually receive $1,000. Once registered, these committees will be subject to stringent reporting requirements as will the candidates whose campaign they are financing. In addition to filing with the commission in Washington, candidates will additionally have to file with the local Federal district court so that this public information is fully available to the persons most interested in it.

I am concerned with the emphasis which is increasingly placed on great wealth in election campaigns and I have inserted sections into the bill which attempt to limit the cost of elections and prevent the large donor from dominating a campaign. I have set a limit of 25 cents per person in the electorate as the measure of the maximum that may be spent in an election. For an average congressional district, this would mean that a candidate could spend over $100,000 but could not receive more than $5,000 from any one source. In recognition of the importance of the primary election, and the disadvantage which might result from a flat campaign spending limitation, I have separated the primary from the general election so that candidates for House or Senate seats would be able to spend 25 cents per person in a primary and the same amount in a general election. Because presidential politics are constructed in a different way, the 25 cents per person limit applies only in the general election with a different formula applicable to State primaries. The small States should be able to assert the same great national impact they have in past presidential primaries, so I suggest a limit which is not strictly tied to population. A candidate may spend the higher of either 25 cents per person in the State or 1¼ cents per person in the Nation; a maximum, depending on the State, of between $2½ million and $5 million.

These limits are high in comparison to the present limits set by law and in comparison to the amounts reported each year. Both the present limits and the present reported amounts give an inaccurate picture of the cost of running a campaign, as the weakness of the existing law allows most spending to go unreported. This bill provides a means of showing the true cost of campaigning and a means of limiting campaign expenditures.

We have long delayed the reform that is necessary in our election law. But the willingness of this Congress to examine and to change other deficiencies in our system of elections indicates to me that perhaps this needed change will be made as well. Information on the candidate's financial support and how this support is being used will be helpful to any voter seeking to make accurate assessment of the candidate's merits.

This is a matter of protecting the integrity of the electoral process and giving fairer representation to our constituencies. This bill will allow Congress to honor its intentions and the aims of the laws now governing elections by making the standards which are publicly proclaimed the standards that are actually honored—the opportunity of any qualified person to seek election regardless of wealth and the right of the public to be informed of campaign costs.

NATIONAL COUNCIL OF JEWISH WOMEN RESOLUTION ON A NATIONAL COMMITMENT TO EDUCATION

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Wednesday, October 1, 1969

Mr. JAVITS. Mr. President, at its August 25th national executive committee meeting in New York City, the National Council of Jewish Women adopted a resolution on "A National Commitment to Education." This organization, now in its 76th year, has chapters throughout the Nation and has long been in the forefront among those seeking to meet the educational needs of our Nation's young people. I ask unanimous consent that the NCJW resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A NATIONAL COMMITMENT TO EDUCATION

The National Council of Jewish Women commends the House of Representatives for its action in increasing greatly needed appropriations for education by one billion dollars and thereby recognizing Federal aid to education as one of the nation's highest priorities.

Through Council members' personal involvement in education, both as volunteers and professionals, they have come to realize that because needs in education are so overwhelming and local resources so overstrained there must be a continuous commitment on the part of the Federal government to provide financial support to education.

We urge the Senate to support the appropriation voted by the House and demonstrate its commitment to meeting the needs of the nation's children. We urge the President to authorize the expenditure of the appropriated funds because we feel that in the allocation of funds within the total Federal budget education should have highest priority.

AIR COLLISIONS

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. CLARK. Mr. Speaker, I am submitting a copy of a column carried in the News-Tribune, Beaver Falls, Pa., by William Northrop, on the subject of air collisions. As a former pilot of light aircraft myself I believe that Mr. Northrop's remarks have a great deal of truth in them and deserve consideration. Certainly something must be done about these collisions but not at the expense of driving out general aviation.

The material follows:

AIR COLLISIONS

(By Bill Northrop)

As a private pilot who does a bit of flying, even around some big airports, I've got to add my two cents worth to the present so-called discussion of air-collision problems. I say so-called discussion, because actually there isn't much discussion. The talk is about getting rid of general aviation so the big jets can have the sky safely.

So, to begin with lets start with some statistics—like there are over 100,000 general aviation planes to 2,500 commerical jets. Included in general aviation are things like Lear Jets, Jet Commanders, big twin engines, some four engined models, light twin engines, and high performance single engine. The little Piper Cub is a thing of the past. Most of these general aviation craft are well equipped electronically, and many of the general aviation pilots well-trained. The pilots don't run around looking for jets to ram.

Even with this many planes in the air, the air traffic problem is centered mainly around the big airports. And this congestion is caused by the commercial airline companies who insist on scheduling all the flights at a handful of times. Like at LaGuardia airport New York where 16 airliners are all scheduled to take off at 5 p.m.

Furthermore, the problem isn't so much the small plane as the big plane which is moving at 250 miles an hour even when it's within sight of the airport. Also as the jets become bigger and faster, they need more room, not to get away from small planes, but simply because they can't turn as sharp. This swings them over small airports at low altitudes. So, who's infringing on whom?

An interesting fact is that Van Nuys, California airport which is for general aviation only, is the second busiest airport in the United States. Yet, air collision problems there aren't critical, nor are air traffic delays. This tells something, I'm sure.

Now, let's get to the problem of air collisions. They happen, which is tragic. But, it's not all at the doorstep of the light plane and the student pilot. If anything, the crash in Indianapolis was a freak. Remember other air collisions?—between two airlinea over New York City, between two airliners over Grand Canyon, both under radar control. And the one in Asheville, N.C., both were under radar control and instrument flight rules (the private business pilot was experienced as the airline pilot in this instance). The flight controller gave questionable instructions in that one. Then there's the prop airliner that rammed the small plane near Chicago after disregarding the air controller's warning about traffic dead ahead.

The point is that it does happen and it happens under all sorts of circumstances and it isn't just a matter of light planes getting in the way of the big birds.

So, let's turn to safety in general, the FAA screams about air safety and wags a finger at general aviation. But . . . what about Bradford, Charleston, Cincinnati? Airliners went down on the approaches to these airports mainly because the FAA hadn't installed an instrument landing system, or as in the case of Cincinnati, the system wasn't operative.

Furthermore, to soothe the public's ears and the politicians, the FAA requires fully loaded jet liners in some areas to reduce power shortly after take-off and make a steep turn in some areas. Yet, this is a critical moment in flight and any engine failure will send this jet plunging to the ground.

In addition, the FAA maintains a whole gang of major airports that are inadequate and even unsafe for the big liners of today. And the problems within the air traffic control system? Well, that's a whole separate story.

What I'm saying is not that there shouldn't be safeguards to prevent air collisions, but that you can't dump the whole blame for lack of air safety on general aviation. Nor are there simple cures to this particular problem such as putting all planes under so-called positive control, or requiring all planes to have a device known as a transponder which sends positive signals back to a radar scope.

You can't drive general aviation out of the skies anymore than you can drive pleasure boats, or pleasure cars off the waters and the highways. Besides, general aviation flies more passengers than commercial carriers each year just because of the number of planes there are, and there are more business owned and operated planes than there are airliners.

There's room for all. In fact there's more room than you would imagine, and there are some solutions that would get the air separation we need. But it won't be done by finding a scapegoat.

THE AUTUMN MIGRATION OF HAWKS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, October 1, 1969

Mr. BOGGS. Mr. President. The migration southward of flocks of numerous varieties of birds is a certain and compelling sign that the warmth of summer will, before long, become the chill of winter.

One of the most accessible and enjoyable places from which to study this annual sign of the rhythm of nature is the Brandywine Creek State Park, near Wilmington, Del. This park offers to visitors a picturesque variety of scenery along the historic Brandywine Creek, plus the likelihood of spotting as many as eight migrating species of eastern hawks during the next several weeks.

A most interesting article about the park and the hawks was published in the New York Times of September 28, 1969. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAWKS STAGE A SHOW OVER DELAWARE

(By Victor Block)

ROCKLAND, DEL.—Dedicated bird watchers and nonexperts alike who want to marvel at a once-a-year spectacle are now heading, binoculars in hand, for 433-acre Brandywine Creek State Park, three miles northwest of Wilmington.

There, where Brandywine Creek meanders between three-covered mountain ridges, the annual fall hawk migration will be in full swing well into October, with members of some species being sighted as late as mid-November. Only the broad-winged hawks, which are on their way to Venezuela for the winter, complete the major part of their fly-by during September.

Eight species of Eastern hawks make their way southward along the mountain chain, which creates thermal currents or updrafts. These rising columns of warm air enable the birds to soar effortlessly as high as two and one-half miles, where they are still visible as specks in the sky.

FLIGHT PATTERNS

Larger, more mature birds take advantage of these updrafts to rest as they glide, waiting for younger hawks to catch up. When they do, as many as 100 hawks can regroup, peel off into a narrow flight pattern and disappear from sight within 30 seconds.

At other times, scores of broadwings may be spotted flying at tree-top level, while marsh hawks dart down into marshy areas along Brandywine Creek to search for food.

On a good day—one that is cool and breezy, or following a flight-postponing rainy spell—hundreds of hawks can be spotted and identified. They include the red-shouldered and red-tailed hawk, the osprey, the sparrow hawk and the pigeon hawk, which makes its way southward from its summer habitat in Canada.

DARKEN THE SKY

In addition, a variety of other birds may be seen by patient watchers. Three species of blackbirds—the redwing, grackle and cowbird—occasionally darken the sky over the area, so dense is their migration flight. Turkey vultures may be seen soaring overhead. During October, thousands of geese join the parade.

Two other East Coast locations—Hawk Mountain, northeast of Harrisburg, Pa., which is the first ridge of the Appalachians, and Cape May, N.J.—are widely known as hawk lookouts. But neither offers the complete program that is available at Brandywine Creek State Park, which is situated almost exactly between the two other hawk watch areas. The park was opened to the public last April.

The first stop in the park suggested by Charles Mohr, the director, is the Delaware Nature Education Center and its many exhibits. An automatic slide display, which visitors can activate, offers a brief but comprehensive explanation of sights that can be seen in the surrounding woods and fields. A narrated half-hour slide program, conducted at 1:30 P.M. on Saturdays and Sundays, gives a more complete description of the hawk migration, including a short course in spotting markings, silhouettes and flight patterns. The information makes almost anyone an "instant expert."

SELF-GUIDED TOURS

A guided tour of one of two nature trails that meander through the grounds follows the slide program at 2 P.M. on weekends. A self-guided tour follows well-marked woods trails and uses brochures available at the center to describe sights along the way.

While these aspects of the program provide much in the way of information and enjoyment, most fall visitors spend the bulk of their time at the hawk watch, which is near the Education Center. Standing behind a stone fence at the top of a gentle hill affords a good view of the nearby mountain ridge. It is a choice seat for the spectacular display.

Seeing a flock of broadwings circling directly overhead, or a pair of slenderwinged sparrow hawks performing aerial acrobatics, the neophyte may relate to a nearby guide his belief that hawks are considered destructive killers of chickens, game birds and harmless animals. The guide will quickly assure him that most species of hawks feed primarily on rodents and insects.

STOMACH STUDY

This was proved, in part, by a United States Department of Agriculture study of the stomachs of more than 5,000 hawks, which showed their favorite foods to be rats and mice, insects, snakes, frogs and small birds. Even the birds that fall prey to the powerful beak and talons of hawks are primarily those that are weakest, all part of nature's plan to maintain a wildlife balance. These facts are among those that led the Delaware Legislature to approve a bill last June to protect all birds of prey.

DIRECTIONS TO PARK

To reach Brandywine Creek State Park, cross the Delaware Memorial Bridge and turn north on Interstate 95 into Wilmington. Take U.S. 202 north for one and one-half miles, then turn left onto State Route 141. Turn right onto Rockland Road and bear right after crossing the bridge over Brandywine Creek.

Two other places of interest nearby are the Henry F. du Pont Winterthur Museum, the grounds of which are adjacent to Brandywine Park, and Longwood Gardens, across the state line in Pennsylvania.

ELECTION REFORM

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the electoral college, which for the greatest part of our history has not operated as intended, was originally conceived to meet conditions when communications were slow and difficult—when there was no modern two party system throughout the country and no mechanism for nominating candidates—and when a principal concern was to get quarreling ex-colonies, fresh from the failure of the Articles of Confederation, to agree on an effective national executive. Our political institutions have since grown up around and in some ways in spite of the present system. Their continued growth and stability, I am satisfied, now require a different, more viable procedure.

The State Journal of Lansing, Mich., in an editorial appearing September 20, adds its voice to those seeking reform in a brief, perceptive statement which I commend to the attention of my colleagues:

XUM

ICE FINALLY BREAKS ON ELECTION REFORM

The surprisingly quick passage of an electoral reform amendment to the Constitution in the U.S. House Thursday is an encouraging step toward overhauling the outmoded presidential election system.

The amendment, calling for direct popular election of the president in place of the electoral college system, is the most reasonable way to assure that the vote of every citizen has meaning.

Ever since the founding of this country, the electoral college system has left the door open to the possible election of a person who has not received a plurality of the public vote.

Secondly, the electoral college system makes it possible for a presidential election to be decided by the House of Representatives where political maneuvering again could bring the election of a man who ran second best in the popular vote.

The present amendment in Congress provides direct election of the president at the polls. If no candidate receives at least 40 per cent of the popular vote, then there would be a runoff election between the top two vote-getters. This would still assure a plurality winner.

Some have argued that the runoff provision could still lead to election of a minority president—one who has received less than 50 per cent of the total vote. But this has been true many times under the electoral system and is almost impossible to avoid when there are more than two major candidates in the presidential race.

The House amendment still has a rough road ahead in the U.S. Senate and in the nation's legislatures. But in a nation where almost every other public elective office, federal, state and local, is decided on the basis of plurality—it is logical that the most important one of all be brought in line with the times.

DICKEY-LINCOLN PROJECT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. HATHAWAY. Mr. Speaker, the time for House consideration of the current fiscal year's Public Works Appropriations draws near, Mr. Speaker, and, as it does, the familiar clamor generated by New England's private electric utilities is heard anew in the halls of Congress.

The private utilities are concerned that some $807,000 of public works funds recommended by President Nixon for the Dickey-Lincoln School hydroelectric project in Maine may be approved by this body.

They are concerned, Mr. Speaker, that, for the first time in history, the Northeast will receive the same inducements for reducing the cost of electricity as those which, for years, have benefited the Northwest, the Southwest, the Southeast, and the area surrounding the Tennessee Valley Authority.

They are concerned that, after years of self-indulgence at the expense of the good people of New England, their monopolistic stranglehold will be broken.

They are terrified at the prospect of competition.

And so, the volume of their protestations is raised again, as it has been in all of the 4 years since the project's authorization in October of 1965. The volume is great, because it is financed by a monopoly to which money means nothing—the costs of the large-scale lobbying campaign are simply tacked onto the electric bills of the people being exploited. The protestations are pervasive, because they are voiced by an interest group whose political persuasion and control far exceeds its actual contribution to the society of New England.

It is regrettable, Mr. Speaker, that the good people of New England command neither the influence, the money, nor the relentlessness to mount a lobbying effort of their own. For, surely, they are aggrieved.

The fact that New England's electric power consumers pay the highest electric rates in the Nation is irrefutable. Equally so are the facts that residential consumers pay nearly 35 percent more than the national average, that commercial consumers pay up to 50 percent more, and that industrial consumers pay over 60 percent more.

Prices like these should guarantee New Englanders the very best electric power service available anywhere. But, as we recall the power blackout of 1965 and look to the threat of a more serious failure during the oncoming winter, we know that the opposite is closer to fact. We know, too, that, in spite of the utilities' announced plans to increase their production of electric power, demand will continue to far exceed available supply.

Compared to the present level of New England's electric power costs, the Dickey-Lincoln project, would save consumers more than $9 million a year. Little wonder, then, why the vast majority of New Englanders favor its construction. Little wonder why the private utilities are so vehemently opposed.

Mr. Speaker, it is time that the great Northeast, where the fight for equity began two centuries ago, is finally accorded the same equities as those enjoyed by nearly every other section of the country with regard to the provision of electric power. It is time that this gilt-edged investment for the Northeast and the Nation is finally approved. It is time, insofar as the development of power resources is concerned, that New England is at last brought back into the Union.

I submit that it is the responsibility of the House of Representatives to assure that it is—to assure that equity is restored to a deserving citizenry. I respectfully request of my colleagues, therefore, that when consideration of the Dickey-Lincoln School hydroelectric project reaches the floor of this body, it be given their support and final approval.

REAR ADM. JOHN HARLLEE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. DOWNING. Mr. Speaker, recent weeks have seen an able public servant and strong advocate for a vibrant merchant marine leave Government service. I refer to Rear Adm. John Harllee who resigned as chairman of the Federal Maritime Commission September 1, having served with the Commission since 1961.

Originally appointed by the late President John F. Kennedy, Admiral Harllee was sworn in for his second term by President Johnson on July 20, 1965. That term was the first 5-year term granted on the Commission. Admiral Harllee served continuously as Chairman from August 26, 1963. His total Government service was more than 34 years.

He is the son of the late Mrs. Ella F. Harllee and the late Brig. Gen. William C. Harllee, U.S. Marine Corps, retired, and is a graduate of Western High School, Washington, D.C., and of the U.S. Naval Academy, class of 1934.

Admiral Harllee was stationed at Pearl Harbor at the time of the attack. During World War II he commanded Motor Torpedo Boat Squadron 12 and served as chief staff officer of the PT organization in the Southwest Pacific. Among his awards were the Silver Star and the Legion of Merit with Combat V. Motor Torpedo Boat Squadron 12 received the Presidential Unit Citation for 6 months of action under his command.

After the war he served with the Navy's Congressional Liaison Unit—on a special assignment for Congressman John F. Kennedy, commanded the destroyer U.S.S. *Dyess*—which won the division competition during the year it was under his command; and graduated with the grade of excellent from the senior course at the Naval War College.

During the Korean conflict, Admiral Harllee was executive officer of the cruiser *Manchester* and was awarded the Commendation Ribbon for conduct in action. He commanded Destroyer Division 152, including a month's tour as commander of the surface ships on the Formosa patrol. He served as chief of staff of Destroyer Flotilla 3 and commanded the attack cargo ship U.S.S. *Rankin*, which while under his command won more awards than any other naval vessel during the period 1957–58.

In 1959, Admiral Harllee voluntarily retired from the Navy and joined the Ampex Corp., Redwood City, Calif. In 1960 he was granted a leave of absence to devote full time to the presidential campaign. He became chairman of Citizens for Kennedy and Johnson of Northern California. After the election he became vice president of E. I. Farley & Co., New York City, a position he resigned in 1961 to accept appointment to the Federal Maritime Board—and later to the Commission.

Admiral Harllee was awarded the Man of the Year Award by the New York Foreign Freight Forwarders & Brokers Association, the Golden Quill Award by the Rudder Club of New York, the Order of Maritime Merit by the San Francisco Port Authority, the Honorary Port Pilot Award of the Port of Long Beach, Calif., and was cited by the Federal Bar Association for his work in maritime law. Admiral Harllee is also an honorary member of the Delta Theta Phi Law Fraternity. He was a member of the Administrative Conference of the United States from March 26, 1968, to September 1, 1969.

Admiral Harllee is married to the former Jo-Beth Carden of Texas and San Francisco. They have one son, John Harllee, Jr., a 1963 graduate of Harvard University and a 1968 graduate of Georgetown.

I know that all of us who love the sea and who admire the men who sail it wish him well in whatever future endeavor he chooses.

HEAVY RESPONSE RECORDED IN COUGHLIN POLL

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. COUGHLIN. Mr. Speaker, recently I conducted a poll of the citizens of the 13th Congressional District of Pennsylvania to determine their opinions on vital issues we face as a Nation. Because of the wide interest in public opinion samplings and the significance of the response, it is appropriate to report the result in the CONGRESSIONAL RECORD.

A majority of those responding ranked the end of the Vietnam war first in terms of national importance. Sixty-two percent favored President Nixon's policy of gradual withdrawal.

Almost two-thirds opposed deployment of the anti-ballistic-missile system.

More than half favored cutbacks in military spending, and there was substantial support for reduction in space and agriculture programs.

Seventy-seven percent felt the reduced tax surcharge for 1 year was justified as an anti-inflation measure or if accompanied by tax reform.

There was strong support for pollution and open space laws, permitting voluntary prayer in public places, direct popular election of the President, and stronger laws against obscene material.

My district, adjoining to and northwest of Philadelphia, is roughly 18 by 36 miles and comprises a good cross-section of the Commonwealth since it includes crowded urban areas, less densely populated residential sections, and rural communities and farmlands.

In an effort to reach as many citizens as possible, more than 175,000 questionnaires—not printed at Government expense—were mailed to households and boxholders. Before the August 15 deadline for tabulating, a total of 32,176 individual responses was received. These were carefully tabulated under statistical procedures guaranteeing a minimum of error.

The return of about 18 percent is high and the response shows an increasing degree of citizen concern. Each person who answered the questionnaire and provided his name and address will receive a copy of the results—also not printed at Government expense.

The results:

1. Please rank the following 1, 2, 3, 4, 5 and 6 in terms of National importance:

End of Vietnam war	1
Urban problems	5
Tax reform for middle income and elderly	4
Inflation and cost of living	2
Crime and unrest	3
Other	6

[Following answers in percent]

2. In Vietnam, do you favor? (one only)

Immediate withdrawal of all U.S. forces, even if it means North Vietnamese takeover	20
Nixon policy including gradual U.S. troop withdrawal and South Vietnamese responsibility for war	62
Escalated military pressure on North Vietnam	13
None of the above	5

3. On the proposed anti-ballistic missile system (ABM), do you favor? (one only)

Deployment of limited system at cost of about $7 billion	22
Deployment of a more extensive system at a higher cost	9
Continued research and development while redirecting funds to meet domestic needs	47
Elimination of any ABM	19
None of the above (specify)	3

4. In which of the following should we cut expenditures? (More than one, if any.) (Totals more than 100 percent, because more than one answer possible.)

Military programs	53
Antipoverty programs	24
Space exploration	41
Foreign aid primarily for humane purposes	27
Low income housing and slum clearance	11
Crime prevention and control	4
Transportation, ground and air	15
Agriculture programs	45

5. Do you feel a reduced tax surcharge for 1 year is justified? (One only.)

As an anti-inflation measure	31
If accompanied by tax reform and/or tax sharing with State and local governments	46
Under no circumstances	15
Other (specify)	8

6. Should college campus unrest be met with? (More than one, if any.) (Totals more than 100 percent, because of combinations.)

New Federal laws	27
New State and local laws	29
College authorities using existing laws	75

7. In electing the President, do you favor? (One only.)

Direct popular election	75
Awarding electoral votes in proportion to candidates' votes	11
Awarding electoral votes by congressional district	5
Present system	9

8. Do you favor voting at age 18?

Yea	45
No	47
Undecided	8

9. Do you favor stronger laws against obscene material?

Yes	68
No	24
Undecided	8

10. Do you favor constitutional amendment to permit voluntary prayer in public places?

Yes	78
No	17
Undecided	5

11. Do you favor further Federal laws to protect our natural environment such as legislation on air and water pollution, and open space?

Yes	95
No	2
Undecided	3

Party preference by percentage:

Republican	71
Democrat	25
Non-Partisan	3
Other	1

Ages of those responding by percentage:

18–21	2
21–35	27
35–50	37
50–65	25
65-over	9

THE FARM PRODUCERS INCOME

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. ZWACH. Mr. Speaker, as a member of the House Agriculture Committee, I am very much interested in improving the income of our farmers. Time and again, we have heard the complaint of high food prices and that the farmer is receiving a good price—this is not true.

Sylvia Porter, in an article in the Minneapolis Tribune, September 11, writes on the plight of the farmer in regard to the prices he receives for his products. Miss Porter's article certainly clears the air as to who receives the biggest percentage of our food dollars.

I am happy to share the facts of Miss Porter's article with my colleagues by inserting it herewith in the CONGRESSIONAL RECORD:

THE FARM PRODUCERS INCOME

(By Sylvia Porter)

With Food costs now rising at an annual rate of more than 7 percent and meat prices alone rocketing at a rate of near 12 percent a year, how's the farmer doing?

Poorly. As he usually has fared in recent years, poorly.

Just chew on these facts:

Of the $89.5 billion we spend on foods originating on farms, only $28.9 billion goes to farmers. The rest, $60.6 billion, goes to the maze of middlemen who store, transport, process, package, advertise and sell food to us—and to the government in the form of business taxes and to lenders in the form of interest.

Specifically, for every $1 we spend on milk, the farmer gets only 50 cents. For every $1 we spend on bread, the farmer gets 14 cents. For every $1 on oranges, he gets 22 cents; for onions, 27 cents; for potatoes, 33 cents; for cornflakes, a tiny 9 cents; for frozen peas, 17 cents; for margarine, 25 cents.

The average net income on a U.S. farm dropped between 1966 and 1967, according to the latest statistics available, to $4,526. And this is in the face of a dramatic increase in farm productivity to the point where today's farm worker supplies enough food to feed 42 persons, nearly double the 23 he fed a decade ago.

XUM

The U.S. farmers' costs of interest, taxes and wages are rising at nearly 3 percent a year—almost twice the rate of rise in food prices he is being paid.

Today, less than 5 cents of every dollar we spend on everything goes to the U.S. farmer for food—vs. 10 cents as recently as 1949.

So who is the winner? The food retailer—the man or woman we see across the counter? Not according to a recent study of profits by New York's First National City Bank. The bank reports after-tax profits of leading chain food stores at an average of only 1.1 percent of sales. It shows the percentage among food processors ranging from 1 percent for meat packers to 3.2 percent for bakeries.

Who are the winners in the food industry, then?

Since 1959, our total food marketing bill has risen about 44 percent to last year's $60.6 billion. This table, based on Department of Agriculture figures, shows you which of the middlemen got the biggest percentage increases of our food dollars during this period.

Source	Share in 1968 Bill	Percent rise since 1957–59
Laborer	$27.3	53
Transporter	4.6	15
Corporation after tax profits	1.8	71
Depreciation	2.2	57
Business taxes	2.3	92
Advertising	2.0	67
Rent	1.7	55
Interest	.5	150
Repairs bad debts	1.2	71
Other (including packaging)	15.0	22

MILITARY JUSTICE ACT OF 1968 SAVES MANPOWER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BENNETT. Mr. Speaker, the results of the first month of the Military Justice Act of 1968 have just been formulated by the Army Judge Advocate General Corps. I was privileged to be a House sponsor of this legislation which passed in the 90th Congress—Public Law 90–632.

Maj. Gen. Kenneth J. Hodson, the Army Judge Advocate General, has given me the following report, and I believe it should be brought to the attention of the Congress and the Nation. I congratulate General Hodson and his associates for the fine and dedicated work they are doing for the serviceman and our country:

MILITARY JUSTICE ACT OF 1968 REPORT

I. Percentage analysis:

(a) General Courts-Martial where accused requested trial by the Military Judge alone—72%.

1. General Courts-Martial trials by military judge alone involving pleas of guilty—76%.

(b) Special Courts-Martial in which a Bad Conduct Discharge was adjudged where one was authorized—100%.

1. Bad conduct discharge tried by military judge alone—100%.

(c) Special courts-martial to which a military judge was detailed—53%.*

1. Special courts-martial where accused tried by military judge alone—97%.

2. Special courts-martial tried by the military judge alone where accused pleaded guilty—81%.

(d) Trials by special court-martial where accused waived the right to qualified counsel—38%.

(e) Trial where qualified counsel were requested but not available—none.

II. Manpower savings analysis:

Based on August Rate for Military Judge alone and FY 69 case totals:

(a) 232,352 man hours per year saved at 53%* rate for detail of MJ to SPCM.

(b) 383,440 man hours per year could be saved if military judges were detailed to 100% of the SPCM.

REVENUE SHARING

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. VANDER JAGT. Mr. Speaker, the attention of the Nation recently has been focused on President Nixon's revenue sharing plan. For this reason I call to the attention of my colleagues a statement given to the press on September 15, 1969, by Donald D. Cook, president of the National Alcoholic Beverage Control Association, offering a proposal for revenue sharing which I believe should receive serious consideration. The statement of Mr. Cook follows:

REVENUE SHARING

(By Donald D. Cook)

Ladies and Gentlemen, to introduce myself, I am Donald Cook, Director of the Ohio Department of Liquor Control, but it is as President of the National Alcoholic Beverage Control Association that I welcome you this morning to our Press Conference.

Our Association has always received outstanding cooperation from the Press, and we deeply appreciate your taking the time to be here with us.

To get right to the subject matter, let me say that we have called this press conference, in conjunction with President Nixon's recently announced program of revenue sharing, to offer a startlingly simple, yet practical suggestion as to a possible source of revenue sharing with the states.

Specifically, what is proposed is the refund to the states of the 10.50 federal excise tax levied on distilled spirits on a per proof gallon basis or an approximate total of 790 million dollars. (Incidentally, a wine gallon is just a standard gallon of measure, whereas a proof gallon describes the strength of the alcoholic beverage which, in this country, means 50 percent of alcohol by volume. In other words, a bottle at 100 proof would be 50 percent alcohol.)

Briefly, ladies and gentlemen, the National Alcoholic Beverage Control Association is an association consisting of the states responsible for the purchase and distribution of approximately 30 percent of the total volume of all alcoholic beverages sold in the United States or approximately *one and three-quarter billion dollars.*

Eighteen Control States, representing one-third of the population of the United States, are affiliated with us, plus Montgomery County, Maryland, which also operates as a dispensary system.

As you know, President Nixon and several leaders of Congress have proposed a sharing of Federal taxes with the states as a block grant—with no strings attached. This is precisely what our proposition suggests—a return to the states of revenue which has already been paid by the citizens, for use as may be determined by the local governors and legislatures.

Speaking as the President of the National Alcoholic Beverage Control Association, I can tell you that we have been a constant supporter of relief to the states as currently proposed by the President. We see this current proposition as simply a further step in looking ahead to the future—a step which is indicative of the ever-present awareness by our State Officials of national as well as local problems— a new partnership between the states and the Federal Government.

It is in line with President Nixon's thinking in regard to the need for more funds to restore the states to their proper rights and roles in the Federal system, and to enable local officials to effectively exercise leadership in solving their own problems, which moves us to propose the return to the states of the $10.50 federal excise tax which is levied on distilled spirits as *one source* of revenue which can be considered.

We are going to make every attempt to implement this program during this current session of Congress and today we are requesting our Senators and the Chairman of the Senate Finance Committee to permit us to testify or file a statement to this effect.

We believe the existing tax bill, presently before the Senate Finance Committee, should be amended to include this program, which in our judgment is the most equitable way of returning to the people any given amount of taxes paid by the respective citizens of the states.

The Control States and the approximate amount of potential revenue resulting from the recapture of federal excise tax of $10.50 per proof gallon on distilled spirits, are as follows:

(In millions—1968)

Alabama	$32,225
Idaho	7,184
Iowa	27,225
Maine	14,239
Michigan	125,843
Mississippi	18,797
Montana	9,643
New Hampshire	23,867
North Carolina	65,526
Ohio	128,749
Oregon	27,245
Pennsylvania	143,004
Utah	8,266
Vermont	10,350
Virginia	67,911
Washington	51,839
West Virginia	17,055
Wyoming	5,166
Montgomery County, Md	5,700
Total	789,834

THOMAS NEWTON FROST

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. SCOTT. Mr. Speaker, one of my constituents, Tom Frost of Warrenton, Va., died recently. He was a member of the general assembly of Virginia for a long period of years and a very affable and friendly gentleman whom the people of his legislative district had returned to Richmond many times.

The Fauquier Democrat, a weekly newspaper published in his home town of Warrenton, wrote an editorial which expresses the feeling of esteem in which he was held by the people of his area.

We will miss Tom and I would like to insert at this point in the RECORD the editorial from the September 25, 1969, edition of the Fauquier Democrat:

"MAY I HELP YOU?"

The state Superintendent of Public Instruction Dr. Woodrow W. Wilkerson told Warrenton Rotarians on September 11 that Delegate to The General Assembly Thomas Newton Frost, of Warrenton, also a Rotarian, "is always there to lend a helping hand."

Dr. Wilkerson said, "I don't know where Tom Frost finds all the energy which he seems to possess in abundance."

At 64, Tom Frost was putting out the energy which few men, age 24, possess. Last Monday night he attended a meeting of the Fauquier Hospital board, on Tuesday night he met with the Fauquier County Democratic Committee, and on Wednesday he was the guest at a formal banquet.

There at least you would have expected him to relax, take it easy. Not Tom Frost. Surrounded by doctors of medicine, he spent much of the evening trying to interest them in moving to his district to relieve the doctor shortage here.

By Thursday night, Tom Frost was dead.

He should have paced himself, of course, tried to do less, delegate more of his work to others. But to Tom Frost, service was too personal a matter to delegate. He tried, as he had all his life, to do it all himself.

Some were determined for special reasons that Tom Frost would never do them a favor. They failed. It was so natural for him to be helpful where he thought help was needed that everyone in the community was to some extent his beneficiary.

The cynical would say he was building up an account payable on election day. But the instances are legion where Tom Frost's giving yielded him no return whatsoever. Few knew that—among many others—he befriended a convicted felon and helped him over rough times when the convict got out of jail. That man, by law, could not vote, and he had no voting relatives.

Tom Frost also was too simple and direct a man to fall into the awkward habit of many modern would-be professionals who identify themselves on the phone by saying, "This is Mister ________." To Tom Frost and all who met him and heard from him he was plain Tom Frost. And the simple self identification was followed immediately by the question, "May I HELP You?"

Throughout his county, his district and the Commonwealth, more than the question will be missed.

DREW PEARSON

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. SCHEUER. Mr. Speaker, 1 month ago, on September 1, Drew Pearson died. The man, the legend, the institution were as remarkable as they were controversial, and their passing marks the end of an era.

Drew Pearson meant many things to many people—an indefatigable, muckraker and ferret to some—a kind, wise, urbane, philosopher to others—a thoughtful commentator on the deep-running tides in our domestic and international affairs to still others. To me—old friend and three decades ago Pearson's legman—perhaps his finest scoops and most explosive exposés were those he chucked in the wastebasket and never printed. These were the exposés about public officials caught in flagrant dilecto—who were retiring, resigning, not running for reelection, dying of cancer, where no useful purpose would be served by shattering careers already terminated by time, tides, and events. For Pearson was totally devoid of personal vindictiveness. He was simply a news-behind-the-news professional who determinedly trod the news trail where the evidence led.

On Thursday, September 4, there was a morning memorial service for Drew Pearson at the Washington Cathedral. I believe my colleagues of all shades of opinion and holding in memory a variety of associations with Drew Pearson and his 40 years of journalistic distinction will be moved and touched by the remarks made at the memorial service by his stepson, Tyler Abell; by his longtime partner, Jack Anderson; and by his old friends of many years, Senator Wayne L. Morse and the Honorable Walter Washington, Mayor of Washington, D.C.

The remarks follow:

DREW PEARSON MEMORIAL

(By Tyler Abell)

In the beginning God created the heaven and the earth.

And the earth was without form and void; and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters.

And God said, Let there be light: and there was light.

And God saw the light, that it was good: and God divided the light from the darkness.

I was with Drew at the end, but the end was the beginning. Drew lived—and lives—in the future. He never thought about how bad things were or how sad a situation was; he pushed his thoughts to what should be done and how the world could be better.

His body quit him when its time was up. He didn't die because his heart quit; his body simply couldn't slow his spirit down any longer.

The ashes of his body will be left where things grow, on his beloved farm, where there is a spring every year, the cows, calves and the beans are ripe for picking in September.

He spent his last days on the farm he loved, and his spirit was so strong even his doctors didn't realize how weak his body was. He didn't complain about being sick; he talked about getting well. He talked about helping people. He talked about mistakes being made in government. He didn't want to know why he was sick; he wanted to know how to get well . . . how to make the world well.

We didn't know it was the last morning for his eyes to enjoy the beautiful view of the Potomac from the terrace of his home, but it couldn't have been a more beautiful morning. The sun was warm; the sky was clear; the river was full; the trees and grass as green as we had ever seen.

He sat on the terrace and read the newspaper. Intermittently we talked of a column he planned to write. He hoped, he said, that in a day or two he could start taking some of the burden off Jack.

After a time, he decided that before it got too hot, he would like to have a drive around the farm—as he had done the previous day.

He walked to the car, and I drove him first to the dairy barn where the silo was being filled—from which the cows would feed while they gave milk through the winter.

Then we went to the bean field where we had stopped the day before and where a few pickers were already in the fields. Melvin, who had driven with us, got out to explain that the beans wouldn't be ready until next week.

Drew said he thought he'd better go back. He didn't complain; he just said he needed to lie down. A few minutes later he was back in bed, and only then did I realize that his body was having far more trouble than his spirit would admit.

The breathing was heavy; we gave him oxygen and made him comfortable. Mother called the doctor, but Drew was asleep when the ambulance came.

Just when his spirit left his body behind, no one will ever know exactly, but leave, it did. The body which had served so well for so many years could no longer keep up.

The spirit of Drew Pearson continues free in the land, as it has for so long, a free spirit seeking freedom for all.

PEARSON MEMORIAL

(By Jack Anderson)

There are no words that, in two minutes, can capture the past 22 years, no words that can describe my deep feelings for Drew Pearson. To me, he was a giant, a man of courage and conviction, yet never without compassion. He who believes is strong; he who doubts is weak. Drew had the strong convictions that made him a master of those who were weak and wavering. I searched the scriptures, I thumbed through the classics for the right words to say here this morning. I finally selected these words from Edwin Markham:

God give us men! A time like this demands
 strong minds, great hearts, true faith
 and ready hands;
Men whom the spoils of office cannot buy:
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagogue
 and damn his treacherous flatteries
 without winking;
Tall men, sun-crowned, who live about the
 fog in public duty and in private
 thinking.

Such a man was Drew Pearson.

APPRECIATION FOR LIFE OF DREW PEARSON

(By Hon. WAYNE L. MORSE)

We gather at this memorial service, as free men and women, to express our reverent appreciation for the life of Drew Pearson. It was a life which, in keeping with his Quaker background, was dedicated to the service of mankind according to the dictates of his conscience. He was more than a Journalist; he was a humanitarian; he was a citizen-statesman.

Born to Quaker parents in Evanston, Illinois, on December 13, 1897, Andrew Russell Pearson lived most of his boyhood in Swarthmore Pennsylvania, where his father was Professor of Speech. After his graduation, in 1919, from Swarthmore College, having been an editor of the college newspaper and wearing a Phi Beta Kappa key, Drew Pearson walked forth into the world with his conscience as his guide. He volunteered for two years of service in Serbia to supervise the American Friends Service Committee post-war relief program in Balkan villages.

Often, over the years of my friendship with him, I heard Drew discuss the influence of his work for the American Friends Service Committee upon some of his later views on foreign policy. It brought him into a close and affectionate understanding of the Slavic people. They expressed some of their appreciation of his dedication to helping others help themselves in recovering from the ravages of war by naming a Serbian town, Pearsonovitch, in his honor.

It was the American Friends Service Committee that was the forerunner of the Peace Corps of which Drew was a staunch supporter. In fact, some of the advisors who helped to set up the Peace Corps were selected from the American Friends Service Committee with which Drew continued to maintain a close association, in support of all its work.

To fully appreciate this great American's public service we should never forget that

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he was a Humanist. Influenced early in his life by spiritual teaching that, although there is much about immortality that we do not know, there is a very real immortality of influence resulting from practicing spiritual values in person-to-person relationships.

Drew Pearson applied his spiritual beliefs. He was one of the organizers and a long-time president of the Washington, D.C., chapter of Big Brothers, devoted to combating juvenile delinquency. The Big Brother concept of One-Man-One-Boy relationship, as a means of graduating potential delinquent boys into responsible citizenship, is one of Drew's legacies to our youth.

Drew Pearson liked young people, He had faith in them. He helped them in many, many ways about which the general public knew very little. Sometimes we were privileged to look into the mirror reflecting his love and understanding of children when one of his columns took the form of a letter to his grandchildren. Those letters also portrayed the gentle, human qualities of this great man.

For a number of years, he made an annual practice of taking troupes of professional entertainers, including the popular Harlem Globetrotters, to visit American overseas bases at Christmas time.

In 1952, he organized a committee called "Americans Against Bombs of Bigotry" to combat the bombing of schools and places of worship that had resulted from racial and religious intolerance. Drew Pearson was largely responsible for raising the money to rebuild the Clinton, Tennessee, schoolhouse. In 1953, he organized the "Americans Conscience Fund" to assist victims of racial bigotry. These are among the legacies of his humanitarianism.

In public affairs and politics, Drew Pearson's brilliance, courage, and devotion to our system of constitutional self-government inspired millions of Americans throughout his great career. His acts of courage were countless.

When the Ku Klux Klan was in the heyday of its post-war revival, Drew waged a powerful radio campaign against it, climaxed by his famous broadcast from the State Capitol in Atlanta, Georgia. It was in that speech, on July 21, 1946, that he answered the dare from the Klan to come to Georgia.

His innumerable clashes with dishonest and corrupt officials at all levels of government demonstrated a courage rooted in sincerity, conscience, and conviction. The record of his service to his generation and all to follow is a significant part of this period of American history.

He recognized the truth of Jefferson's comment that a Democracy can be no stronger than the enlightenment of its people. He deplored the growing trend toward government by secrecy and executive supremacy in our nation. His muck-raking of the concealment of facts from the American people by departments of the executive branch—frequently including the White House itself—produced some of his most penetrating columns. The concealment by members of Congress of their conflict-of-interest, financial manipulations made him a crusader for years in support of effective and meaningful public-disclosure legislation which would give the people the facts about the sources and amounts of income not only of all members of Congress, but members of the Judiciary and Executive branches in the higher-pay brackets.

It is frequently said that Drew Pearson helped keep many public officials honest. He did. Most public officials are honest, and Drew often said so in his columns. Unfortunately, there is a small minority that yields to temptation now and then. Another group might become wayward if it were not for the possibility that, should they leave the straight and narrow, they might read about it in the column of Pearson and Anderson.

His contributions to the foreign affairs of our nation put us forever in his debt. In 1947, Drew Pearson helped symbolize the need for free nations to join in feeding a weakened Europe, by staging the Friendship Train. The Christian Science Monitor called it "one of the greatest projects ever born of American journalism".

He donated thousands of dollars of his own money, endless time and energy, to get the train rolling across the United States. Seven hundred carloads of food and other supplies, worth 40 million dollars were collected by patriotic Americans and sent to France and Italy to promote the cause of friendship.

Democratic leaders of France and Italy stated that this meaningful, symbolic gesture in support of friendship helped in their contest with Communism. You will remember that, in 1949, they sent the "Merci Train" of 40-and-8 cars, and an Italian car of gifts, chiefly of valuable paintings, to our country. Drew Pearson was selected by them to take charge of the distribution of the gifts to cultural centers in the United States.

In 1951, he helped launch the Freedom Balloon campaign, operated by the Crusade for Freedom, which reached behind the Iron Curtain with air-borne messages of liberty and encouragement. He also organized the Democracy Letters to Italy in the election of 1948 which was credited with helping defeat Communism in Italy in that election. In 1953, he proposed the "Food for East Germany" program which was supported by the Eisenhower Administration.

These activities of Drew Pearson in foreign policy, I mention to emphasize that we pay tribute at this memorial service to a great American who was dedicated to the cause of peace. Many of his columns, speeches, and radio programs warned of the danger that war only produces more war when nations, for whatever reasons, engage in unilateral, military interventions, and when they escalate armament races—particularly nuclear weapons of world destruction.

He argued that our defense guard must not be let down, but that multilateral negotiations under the aegis of international tribunals offer mankind a greater hope for world peace than resorting to the law of military might. Firm in this belief, Drew Pearson served his country as a Journalistic Statesman, traveling throughout the world, talking to high government officials, urging the escalation of diplomatic intercourse in the interest of peace-making rather than military containment productive of war-making.

He was welcome in many Latin-American countries and greatly helped to improve relations between the United States and Latin American countries. He was an effective supporter of economic, educational, health, and cultural aid to Latin America and a critic, rightly so, of military aid in large amounts. Military juntas and dictatorships of one brand or another received the lancing cuts of his sharp criticism. He particularly deplored the growing influence of the American military in Latin America in co-operation with military juntas and dictatorships.

In 1959, he attended the Atlantic Conference in London as a delegate and was a member of the President's Food for Peace Committee in 1961.

One of his greatest services to our country, in his capacity as a private citizen, was his trip to Moscow in 1961. He spent two days with Chairman Khrushchev at his summer home on the Black Sea discussing United States-Soviet problems. He wrote a series of columns on his talks with the Russian leaders, which received worldwide attention.

At this memorial service we pay tribute to the legacy of national and world statesmanship that he has bequeathed to us. We thank him for his courage and dedication to the dictates of his conscience. We honor him for putting into practice the principle that in a Democracy there is no substitute for the full, public disclosure of the public's business. In keeping faith with that principle, his conscience directed him to follow the facts as he honestly believed them to be. Whenever he found that he had been misinformed or had committed an error in judgment he again followed the dictates of his conscience and sought to ameliorate the wrong caused by his mistake.

Drew Pearson's escape from typewriter, editors, politicians, conferences, interviewers, and telephones was his farm in Maryland overlooking the Potomac River. There he could become completely absorbed in his farm hobby. He called it that, but it was, in fact, a substantial operation. Nevertheless, it provided him with the diversion, relaxation, and exercise he said he needed, and the opportunity to indulge his appreciation of fine animals and his love of nature.

He was a remarkably good farm manager. He was a good judge of cattle and horses, and a very keen David Harum trader. I frequently thought there was nothing he enjoyed more than to negotiate a profitable David Harum trade on livestock, machinery, or hay, particularly if I was on the short end of the trade. Some of my most enriching conversations with him were when we tramped over each other's farms and shared views on whatever came to mind.

He never took himself too seriously, and his roguish sense of humor was a source of delight to all who knew him well. A most prized possession of any who received one was a gift-enclosure card attached to a package of his own brand of frozen pheasant, the card showing Drew sighting a flying pheasant, with all the feathers falling off and only the carcass frozen in mid-air with the caption, "You got the bird".

One of the great sources of strength that helped sustain him over the years has been his beloved and loyal family. His lovely wife, Luvie, has been his intellectual counterpart, courageously standing beside him as he has faced difficulties, sharing with him their mutual successes. Their children and grandchildren have filled their home with much happiness and gratification. Drew's two sisters also have shared a close relationship with him and his family. To all of his loved ones, we, gathered here, extend our deep sympathy and share in their sense of loss.

He seemed so indestructible, as though he would go on forever slashing away at wrongdoing. It is difficult to imagine the American scene without him. We shall always remember him as one of the great citizen-statesmen of our generation whose brilliant record of accomplishments has strengthened us all as well as the history of our nation.

PEARSON GREAT HUMANITARIAN

(By Mayor Walter Washington)

I direct your attention to the 23rd Psalm—

The Lord is my Shepherd; I shall not want. He maketh me to lie down in green pastures: He leadeth me beside the still waters. He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: For Thou art with me; Thy rod and Thy staff they comfort me.

It was my great privilege to have labored in the vineyard with this great humanitarian. In his lifetime, Drew Pearson led many young people out of the shadows and into the sunlight, out of fear toward courage, away from evil into happy useful lives. As the moving spirit of the Big Brothers movement he had a miraculous gift for communicating the force of his own dreams to others to the end that countless little brothers were helped by bigger brothers to surmount the obstacles in their path toward adulthood.

His deep belief in his fellowmen gave strength to all who worked with him to

alleviate social ills and to improve the quality of life of the downtrodden. He believed and helped others to believe in freedom, equality, justice and opportunity for all.

The citizens of the Nation's Capital—the capital of the free world as he described it—now humbly pray that he be granted peace everlasting and that the blessings of the Lord rest upon his family.

SOUTH EL MONTE RESOLUTION CRITICAL OF ADMINISTRATION HANDLING OF SMOG ANTITRUST SUIT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BROWN of California. Mr. Speaker, the City Council of South El Monte, Calif., which is located in the 29th Congressional District, has joined the lengthening group of municipalities critical of the Justice Department action to settle behind closed-doors the antitrust suit brought against automobile manufacturers charged with conspiring to limit development of effective smog controls.

In the accompanying letter to the resolution, South El Monte City Administrator John F. Lawson, Jr. emphasized that "the South El Monte City Council and citizens stand 100 percent" behind the efforts now being made to have the Justice Department rescind its request for a consent judgment and press instead for a full open public trial.

The people of South El Monte recognize the importance of this issue, and I commend them for their action in passing this resolution:

RESOLUTION No. 69–1185

A resolution of the City Council of the City of South El Monte urging the Justice Department to reverse its decision regarding anti-pollution control devisea

Whereas the United States Justice Department has announced its decision to settle out of court a suit charging that four major United States automakers conspired to delay introduction of effective anti-pollution control devices; and

Whereas an appeal to this decision must be filed within thirty days of the date of that decision which was rendered September 11, 1969; and

Whereas a personal appeal on the part of Congressman George Brown has been made to the citizens of Southern California to demand this appeal since Southern California residents have been subjected to ever increasing amounts of air pollutants at a rate that seriously threatens both human health and the complete delicate ecology of the area;

Now therefore be it resolved by the City Council of the City of South El Monte that it be demonstrated to the Courts, Justice Department, and President of the United States that California citizens will not be satisfied with this out of court settlement; and

Be it further resolved that the Federal Legislature, Courts, Justice Department and the President of the United States be immediately urged to protect the residents of California by demanding a drive for effective air pollution abatement.

Dated this 25th day of September, 1969.

Ayes: Allen, Duncan, Stiles, Vargas, Shapiro.

Noes: None.

Absent: None.

MAX M. SHAPIRO.
Mayor.

Attest:

MARY E. VAN DYKE,
City Clerk.

WE HAVE NEEDED A NEW FRONTIER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. TEAGUE of Texas. Mr. Speaker, a recent Huntsville Times editorial has reviewed briefly our national space effort following the flight of Apollo 11. Here, in one of the major space centers of the Nation, these people have been close to the development of our national space program for the past decade. This thoughtful editorial reviews the values and benefits which have accrued from our manned space flight program and looks to the future. The editorial follows:

WE HAVE NEEDED A NEW FRONTIER

No matter what great deed is done, a certain number of people have always been around to declare that for various reasons it never should have been attempted. The pioneer moon landing of Apollo 11 is no exception, even though it is unquestionably one of those turning points which will profoundly influence the future destiny of mankind.

What does U.S. space achievement mean, and where should we now direct our efforts? These are questions that will be argued across the land and in the highest levels of government.

To complete the $24 billion moon landing and exploration program 9 more flights to the moon are scheduled. But even as Apollo 11 left its launching pad, pressure against the U.S. space program built in many areas.

A spokesman for a leading Negro civil rights group, protesting America's ". . . inability to choose the proper priorities," said the money spent to land a man on the moon could have wiped out hunger for 31 million poor people in the U.S. But to infer that the kind of concentrated effort and expenditure of funds, which brought success to the space program, could bring the same kind of results in solving social problems is no more valid than comparing elephants and eels. The two problems are just not the same and cannot be solved in the same way. One concerns organizing and directing technical know-how to solve highly complex problems of engineering, navigation, chemistry, electronics, etc., most of which can be calculated down to an infinite number of decimal places.

On the other hand, social welfare, poverty, hunger, employment, ways of life, motivation and behavior are all involved in the question of poverty or of hunger, and as yet the human mind and spirit cannot be calculated or controlled by any computer. As one newspaper commentary put it, ". . . the human problems which most need to be solved are least likely to be, in eight years or eighty. And the chief reason is that, for both good and ill, you can't engineer the human spirit like a Saturn rocket."

In terms of earthly human welfare, of what particular worth is the Apollo 11 flight and the space effort in general? This question is most often answered by asking another: Could there be any security for the people of the Western world if the USSR or eventually perhaps China stood on the moon while the United States did not have such capabilities in space? The disastrous implications of this have been considered so fully in the press and by the people of the United States as to need no additional discussion, and U.S. competence must extend into future space developments, whether they be orbiting space stations, moon colonization or interplanetary travel.

It must also be realized that our national ability to create jobs and to fund both private and government efforts to upgrade the opportunities and living standards of all our people depend upon the continued capacity of American enterprise to innovate, to grow, to create new industries, new wealth and employ even greater numbers of people. The technological breakthroughs in new products, new materials, whole new technologies and techniques of training, management and manufacture, characteristic of the space program, have contributed immensely to this capacity and will continue to do so.

Finally, one of the most significant contributions of the space program has been to bring together in a common effort some of the most creative minds and personalities in the nation. They are the kind of people who might have been found leading covered wagon trains, pushing the first railroad across the deserts and mountains of the western United States, or associated with men like Thomas Edison, Charles Lindbergh or the many others who in their lives advanced beyond the known boundaries of accomplishment.

The U.S. has needed a new frontier. Exploration and going beyond what was done before has been the history, the genius and the inspiration of our people. We cannot solve our earthly problems without national pride or the confidence and spirit to excel in whatever we do. More than anything else, the opening of the frontiers of space may profoundly influence the strengthening of these qualities in the hearts of the American people.

FORMER UNDER SECRETARY OF HEW GIVES KEYNOTE ADDRESS AT N.F.R.W. CONVENTION

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. MORTON. Mr. Speaker, last Saturday it was my privilege to attend the 15th biennial convention of the National Federation of Republican Women in Washington, D.C. It was my special pleasure to be present for the very fine keynote address which was delivered by my friend and constituent, the Honorable Bertha Adkins, Under Secretary of HEW during the Eisenhower administration.

Miss Adkins has had a very distinguished career in service to her community, her State, and her country. I am pleased to include in the RECORD the text of her remarks to the Republican women:

KEYNOTE SPEECH

(By Hon. Bertha Adkins)

I have been allotted twenty minutes for this keynote speech. It will not take me that long to say what I have to say.

Girls, this country is in a very unhealthy

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condition. War, riots, rebellion on the campuses, runaway inflation, bitterness among our people, do not indicate a healthy nation. It is up to the women—all ages, sizes, colors, backgrounds—to restore its strength. It is the women who nurse the sick, provide the right diet, and give tender, loving care to their families. If we love our country—and I think we do—we must use all of these skills *now* to return our nation to its position of leadership in a world at peace, at home and abroad. This is not time for pettiness, for foolish feminine flutterings, for nostalgic longing for the past, nor for hysterical recriminations. We must find out the causes for our illness and begin proper medication now. We must make the seventies a decade of response, responsibility and republicanism if we want the future of our country to be strong and secure.

RESPONSE

Our First Lady, Pat Nixon, has given us the emphasis we need. It is in our volunteer services in our own communities that we exert the greatest influence in solving national problems. If each separate community eliminated prejudice in personal relationships, had equal opportunities for individual development, controlled environmental health, and emphasized spiritual values—our national problems would vanish. Pat Hitt is promoting this approach in her job as Assistant Secretary of Health, Education and Welfare. Elly Peterson is bringing to our national political leaders the programs of assistance in the ghetto areas which she so successfully inaugurated in Detroit. Gladys O'Donnell, our Federation President, is encouraging our Republican Clubs to take Leadership in community action programs. But only you can really make this a decade of response.

This is the time to reach out to all women—especially the young women who are looking for action—to organize them to work for common needs. And I do mean WORK. Your club meetings should be planning sessions for ACTION—not just an occasion to read minutes, gripe about the status of things, have refreshments and go home. In the present day vernacular, find your "thing" and do it. I know that the young women of today will respond to your encouragement if you show that you are making your community a better place in which to live. We are often discouraged by the news accounts of rebellious youth. But I know that there are more of our youth who want to be constructive than destructive if we older people give them opportunity to do so.

RESPONSIBILITY

We are all too aware, however, that response without a sense of responsibility can be destructive. Extremists of both the right and the left have action programs, but these are not what we need for our national well being. We have seen action in the past decade from the New Frontier to the Great Society, but what are the results? Layer upon layer of government bureaucracy have been created. But are our problems being solved and growing smaller? More and more money has been spent, but has inflation been halted and the value of our dollar strengthened?

Let's look at the welfare programs. All of us want to help people who are in need. All of us want to help families remain together. All of us are willing to pay taxes to help children have proper food, clothing and shelter. All of us know that training is essential if workers are to become a part of our present economic society. Are our present welfare programs succeeding in these objectives? The answer is no. President Nixon, therefore, has proposed changes in the welfare programs which will help train people to take jobs and become self-reliant while still keeping their families together. He has also proposed that the Federal government share with the states and local communities some of the funds collected in the federal taxes so that local tax loads may be alleviated and needs of the people across the country be met on a more equitable basis. This is showing a sense of real responsibility to the entire nation.

All of us know that our tax laws must be revised to make a more equitable sharing of our tax burdens. The House of Representatives has already passed a bill which would bring many desirable changes. But the loss in revenue to the government is such that deficit spending seems inevitable, and that adds more fuel to the fire of inflation. So President Nixon has asked the Senate to take a longer look at the House proposals and make the tax cuts less drastic. As a single person I shall welcome relief. Single persons have long carried more of the share of taxes than they should be expected to bear. But I know that if I want my government to provide certain services and be strong, I must support it with tax money. I have also seen what inflation does to the value of my retirement income. I support President Nixon in his responsible view of taxes.

President Nixon is cutting government spending in non-essential programs in an effort to halt inflation which is a danger to every man, woman, and child in this country. This is again putting a sense of responsibility ahead of personal popularity.

Response and responsibility must go hand in hand.

REPUBLICANISM

Let me say here that I do not hate all Democrats and love all Republicans. Some of my best friends are Democrats. In fact, my mother's family are Democrats. I know that often in the press Republicans are pictured as being dull while the Democrats are amusing. It is true that our national conventions last year showed great contrasts. I do not think that riots and bloodshed such as we saw at Chicago are amusing. Do you? After over ten years of a Democrat controlled Congress and eight years of Democrats in the White House, is their record amusing? The people did not think so in 1968 and there are reasons why.

Let's look at the record in Vietnam. At the end of 1960, there were 800 military advisers in Vietnam from the United States sent by President Eisenhower at the request of the South Vietnamese Government to help them train their own people to fight the Communist forces threatening to take over their country. By the end of 1961, there were 3,200 *troops* sent by President Kennedy and by the end of 1963 he had increased that number to 16,300 troops. By the end of the Johnson administration in 1968, there were over 500,000 troops from the United States in Vietnam. This all is a matter of record. Now, thankful citizens of all political parties applaud President Nixon's orders to begin bringing our boys home and his efforts to end the hostilities there.

It is a fact that the Democrats have had a working majority in both Houses of Congress for almost 16 years. The committee chairmen have positions of leadership based on seniority, as you know. These men have been around there for a good long time. They know quite well how to get legislation on the floor. They know quite well how to bottle up legislation in committee. What is the record? Three months of this fiscal year have passed and they have not yet passed one bill funding the government departments. Our government is paying its day-to-day obligations on "emergency" measures. Would you call this efficient?

Last May, President Nixon sent proposals for much needed changes in our military draft system, which so vitally affects all of our young people and their planning for the future. What has Congress done about them? Nothing.

Some Democrats in the Congress say that they are waiting for the President to make recommendations before passing legislation. But they can move quickly when they want to. The House passed tax bill proves that this year. And I cannot remember that there was any dragging of the heels last year when Congress raised its own pay. The truth of the matter is that the Democrats are so busy fighting themselves that they have no real leadership. Despite their greater numbers they cannot enact legislation without Republican assistance in vital matters of national interest. The civil rights legislation of 1964 would never have been passed without the help of Senator Dirksen. But I think the real reason behind the do-nothing session of 1969 is the fact that elections of 1970 are influencing the Democrats to postpone action until next year no matter how essential it is for the country to have action now. The Democrats believe that the voting public have short memories. Action next year, therefore, will be fresh in people's minds.

I have more confidence in the people of this country than that. So I say we Republican women must start looking now for candidates to run for Congress—candidates who will be qualified, able, dedicated, and electable. We do most of the election work in the precincts anyway, and we should help choose the candidates for whom we can work with great enthusiasm. I wish the men appreciated us more. At least, I wish they showed their appreciation more actively in supporting well-qualified women for both elective and appointive posts in government. We have some wonderful Republican women in Congress—Margaret Chase Smith in the Senate, Margaret Heckler, Florence Dwyer, Charlotte Reid, Catherine May in the House. But 15 years ago there were twice that number of Republican women in the House. In appointive jobs it is apparent that the women must wait their turn. The patronage boys at the White House are very busy getting men into jobs. They are working so hard that the other day they named four men for three places! But I am sure they will eventually get to the girls.

Of course, we care more for our country than we do our personal feelings. We have helped elect Republican Governors. We have helped elect men and women to our state legislatures and local governmental posts. But we need to do more and we can do anything we put our hearts and minds to doing. Let us rally our forces now to make the seventies a decade of response, responsibility and republicanism and restore our beloved country to a land of Peace, Prosperity and Progress.

CORRESPONDENT JIM LUCAS WINS MARINE AWARD

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. EDMONDSON. Mr. Speaker, I was delighted to learn that Scripps-Howard Military Reporter Jim G. Lucas is the recipient of the 1969 Distinguished Service Award given by the Marine Corps Combat Correspondents Association.

This was good news to me. Our entire family considers Jim a close, longtime friend, and all Oklahoma is proud of him. He was born and reared in my district in Oklahoma, and started his career in journalism working for our hometown paper, the Muskogee Daily Phoenix. Jim became a military writer as a Marine combat correspondent, and received the

Pulitzer Prize for his coverage of Marine actions in the Pacific in World War II.

Since World War II, Jim has served as a war correspondent and military writer for Scripps-Howard, and he has served with distinction. He wrote for many months from Vietnam, and his reports and his perspective on the war in Vietnam have earned him the highest respect and acclaim—especially among combat veterans who have served in Vietnam.

In addition to his Pulitzer Prize, Jim has received many additional awards, including the Ernie Pyle award of the Overseas Press Club, which Jim has won twice—the only repeat winner in the history of that award.

I know, though, that Jim will find a place on his wall for this Distinguished Service Award of the Marine Corps Combat Correspondents Association. It is a high honor, and Jim has always had a special feeling for the Marine Corps since he went to the Pacific with the Marines in World War II.

YOUR OPINION, PLEASE: 1969

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BRAY. Mr. Speaker, some problems faced by the American Republic may change, and some may remain constant. But one thing that never changes is the interest in these problems, and the opinions held on them, by our citizens.

I find that the overwhelming majority of contacts I have with my constituents, by letters, wires, phone calls, and personal meetings, show a very high degree of knowledge on these problems. In addition, constituents' opinions and observations frequently give me new perspective and insight, which is very helpful and vitally important to anyone in the Congress.

An opinion poll, I have found, is an extremely useful supplement to these other contacts for both Congressman and constituent. For the constituent, it generates new interest in the issues of the day and encourages him to make his sentiments known to his elected representatives in Washington. For the Congressman, it gives him the added benefit, of incalculable value, of new angles and approaches to these same issues.

I know some questions are very difficult to answer with just a "Yes" or "No" but when a vote comes up in the Congress, these are the only answers open to Members. I have found that these polls do generate additional comments in the form of accompanying letters, where those responding to the poll expand and amplify on their checked poll card replies.

The major issues in my poll this year are among those most widely discussed and debated in our Republic. The answers have all been mentioned, by various sources, at one time or another. The replies will be tabulated, the results inserted in the CONGRESSIONAL RECORD, and a copy of the results sent to all those who were polled.

I have sent such questionnaires each year for many years, and I am asking this year, again, for "Your Opinion, Please." The questions follow:

YOUR OPINION, PLEASE: 1969

	Yes	No
1. Do you favor construction of an anti-ballistic-missile system?	( )	( )
2. Do you favor a federally financed guaranteed annual income?	( )	( )
3. Do you favor expansion of trade with East European Communist countries?	( )	( )
4. Should the Federal Government assume total responsibility (administration and costs) for all welfare programs, and let states, cities and local units drop them?	( )	( )
5. On student disorders at universities and colleges:		
(a) Stop Federal aid to students convicted by civil court or disciplined by school authorities for disorder	( )	( )
(b) Stop Federal aid to schools where administration fails to curb disorders	( )	( )

(Please check one in each of the following)

6. Which of the following world "hot spots" do you think holds the greatest danger to world peace?
   - (a) Vietnam ( )
   - (b) Middle East ( )
   - (c) Russian-Chinese Frontier ( )
7. In Vietnam, should we:
   - (a) Continue present course: limited military action and peace talks in Paris ( )
   - (b) Pull out of peace talks; push for military victory (but no nuclear weapons) ( )
   - (c) Immediate and unconditional U.S. withdrawal ( )
8. How do you assess the present overall course of the Administration?
   - (a) Too far Left ( )
   - (b) Too far Right ( )
   - (c) About the course I prefer ( )

PICO RIVERA URGES ATTORNEY GENERAL TO CHANGE DIRECTION ON SMOG SUIT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BROWN of California. Mr. Speaker, on Monday, the City Council of Pico Rivera, Calif., sent a letter to Attorney General John Mitchell urging that the Justice Department reverse its direction in the current air pollution antitrust suit brought against the major car manufacturers.

Pico Rivera is but one of many Southern California cities who have criticized the Nixon administration for the way it has sold out the right of all citizens to have a clean and healthy atmosphere.

I commend the action taken by the leaders of Pico Rivera, and I now insert their letter into the RECORD:

CITY OF PICO RIVERA,
Pico Rivera, Calif., September 29, 1969.

The Honorable JOHN H. MITCHELL,
Attorney General of the United States, Justice Department, Washington, D.C.

DEAR MR. MITCHELL: On behalf of the Pico Rivera City Council, I would like to urge you to not drop the suit against the auto manufacturers for conspiring to restrain and delay the development and installation of smog control devices.

We are of the opinion that the information gathered by the Federal Grand Jury after meeting for 18 months in secret session should be made public, and that the Justice Department carry out its obligations to those of us suffering from air pollution primarily caused by vehicle exhaust emissions.

Your cooperation will be appreciated.

Respectfully,

FRANK TERRAZAS,
Mayor.

THE POWER OF PRAYER

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. GAYDOS. Mr. Speaker, Americans have always been a praying people, our Founding Fathers saw fit to write into the Constitution a provision guaranteeing us the right to worship God in our own way.

These men, having just fought a bloody conflict to win freedom, knew well the power of prayer. They had learned there are times when God alone can provide the strength needed to overcome certain crises. Other Americans have learned the same truth in two world wars, Korea, and Vietnam.

But, as a people, we also have a tendency to take many of our freedoms for granted. We do not get alarmed until we are threatened openly with their loss.

Seven years ago that was the case. The Nation's God-fearing majority reeled under the sudden shock that the Bible and prayer in public schools had been declared unconstitutional by the U.S. Supreme Court.

The reaction was immediate. Public officials at all levels of Government were besieged with expressions of dismay and disbelief at the ruling. Here in this House many amendments have since been proposed to restore this constitutional right. Similar legislation was proposed in the other body. To date these efforts have been to no avail.

And what has happened in the 7 years since the Supreme Court's decision? Crime has soared at an almost unbelievable rate in practically every city in the country. Near the top of this list is the city which stands as a symbol of this God-fearing and freedom loving Nation—Washington, D.C., the Nation's Capital. Who here can stand proud in the face of what we know to be shameful truths?

We have watched the Nation's stockpile of morals become depleted. Nudity and obscenity, once found only in the books and films circulated in back alleys

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and gutters by degenerates, now have found acceptance on the legitimate stage under the guise of art. Novelists now win accolades for whatever new bit of sordidness they foist upon the public in the name of literature. Films for the family have all but disappeared. In their place we are shown celluloid commercials on illicit sex.

Drugs and narcotics drag 7,000 Americans each year down the path to addiction and self-destruction. Yet people sitting in our higher halls of learning actually have defended the use of dope for young Americans.

Law and order has been bent under the rulings of the same Supreme Court. Repeated decisions give rise to the opinion the rights of society are not to be considered on the same level as the rights or will of the individual.

I submit, Mr. Speaker, much of this rejection of morals and esthetic values can be traced to the lack of a strong religious belief in our Nation's young. They, in many cases, are rebelling against ethnical values, human cultures, and civilization.

The question "Where have we failed?" has been asked many times by many people. The Cleveland Chapter of the American Hungarian Federation has as good an answer as any I have heard to that question.

The chapter has declared a well balanced society cannot be uprooted by senseless rioting as long as it remains morally strong and united. But such a society cannot exist, it observes, unless the society is grounded in the belief in the Creator and unless prayer and religion are allowed to exercise their proper function in schools and public life.

Americans, reluctant to give up their religious right they had held for so long, now are attempting to circumvent the law and the Supreme Court.

Some of them have tackled the issue head on. School board in the city of Clairton in my district, the 20th Congressional District, acted boldy and decided to reinstitute prayers and bible reading in the schools. Other cities and school boards have followed Clairton's lead, although not by the same approach.

One of the most unique schemes was cited in an editorial of the Daily News, a newspaper which circulated in the Clairton area. The writer, John M. Orr, explained how student Netcon, N.J., are getting the word.

They get it, Mr. Speaker, through no less a medium than the Congressional Record. Each day the Record contains the prayer given by the chaplains of the House and Senate and these are read to the Netcong students as "messages from Congress."

Mr. Orr raises a most interesting question in his report on the Netcong prayers. He asks if any governmental agency has the authority to ban the reading of the Record, a publication of the Federal Government.

Furthermore, Mr. Orr states, the Supreme Court ruling on prayer was wrong and by being wrong the Court now finds itself being overruled by the only power higher than it in this society of ours—the people!

The people have spoken. They have for 7 years. It is time to quit talking and act on the many bills submitted to the House which would permit prayers, on a voluntary basis, in public schools and public buildings.

RHODESIA'S SIDE OF THE STORY

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. BROCK. Mr. Speaker, following the elections in Rhodesia last summer, the American public was subjected to a large amount of hostile commentary directed against the leadership of this small, proudly independent people. In the interest of presenting both sides of the story, and because of its merit and factual content, I submit the following editorial, originally printed in the June 21 issue of the Chattanooga News-Free Press, for inclusion in the Record. I commend it to the attention of my colleagues:

So What Does It Mean to Us?

So they held an election in Rhodesia. What's it to us? Isn't Rhodesia a little country, thousands of miles away? How are Americans affected?

We are involved in the welfare of Rhodesia because Rhodesia is a staunch anti-Communist nation in Africa, where Russian, Chinese, Algerian, Castro and other Communists are seeking to promote revolution. We are involved because Rhodesia wants to be our friend but our leaders have chosen to act as though Rhodesia were an enemy. Rhodesia has been chosen by domestic and international politicians to be a whipping boy in cheap racial politics—that may prove to be very expensive to the cause of freedom.

The country of Rhodesia in Southeastern Africa was settled as an English colony. It is about the size of California, is a beautiful land rich in minerals and agriculture potential and marked by cities more modern than Chattanooga.

The "issue" that usually is involved in discussion of Rhodesia pictures a few whites "oppressing" a majority of blacks. That is not the true picture at all.

The white population, mostly English in background, is about the size of the population of greater Chattanooga. The black population is about equal to that of the state of Tennessee. (There are, in addition, Indians and mulattos.) There is no question that the minority of slightly fewer than a quarter million whites runs the country, while the more than four million blacks and others have relatively little voice. But it still is not a situation of racial "oppression."

Most of the blacks, or Africans, as the Rhodesians call them, still live in a Stone Age culture. Most have mud huts with thatched roofs, except in modern settlements developed by the white government. There are, however, a few black millionaires who live in great style. The Europeans, as the whites in Rhodesia are usually called, are the primary entrepreneurs, the operators of farms and mines and factories and businesses—and the government.

To have it otherwise would be something like it would have been if a handful of American colonists had turned the government of the embryonic United States over to the wigwam-dwelling, buffalo-hunting, skin-olad Indians who had not developed an advanced culture. If we had done such a thing in America, obviously our country would not have survived. If the racial politicians throughout the world should force "one man, one vote" rule on Rhodesia, obviously that country would not survive, to the detriment of its black inhabitants as well as whites. It should be remembered that the Africans in Rhodesia enjoy a higher standard of living than the blacks in any other country in Africa—including the black-ruled ones—with the exception of South Africa, which is white-ruled and the most advanced nation on the continent.

Rhodesia does not deny blacks the right to vote. Voting is based on a combination of three standards: education, property ownership, earnings. Africans and Europeans are measured by the same general standards. Obviously, because they are backward, the Africans have a minority of the voters. There are perhaps 80,000 Europeans eligible to vote and about 10,000 others, of whom two-thirds are African blacks.

Rhodesian society is integrated. Go into the main hotel in Salisbury, the capital of Rhodesia, and you may see more integration than in most American cities.

The issue is not really race but ability and advancement.

In our country, however, this is widely misrepresented, even though Africans hold seats in Rhodesia's Parliament.

President Lyndon B. Johnson made a play for black American votes and kowtowed to black pressures in the UN by declaring by "executive order" a U.S. trade boycott against Rhodesia. Though our Constitution does not give a President power to pass criminal laws, the LBJ order that still stands threatens a 10-year prison term and a $10,000 fine for anyone who trades with anti-Red, friendly-to-America Rhodesia. Meanwhile, we trade with Russia and other Communist countries that aid in the killing of Americans in Vietnam.

Rhodesia declared its independence from Britain in 1965 just as the American colonists did in 1776—only Britain was not powerful enough or otherwise inclined to fight the Rhodesians. Rhodesia wanted to keep ties with Britain. But British appeasement of the international racists made this impossible. So Rhodesia declared itself a republic. The election yesterday one-sidedly supported the policies of Prime Minister Ian Smith.

Rhodesia is important to us because Rhodesia is our friend—in spite of what we have done to Rhodesia, because Rhodesia is a stronghold against Communism, because we are doing wrong that Americans ought to demand be corrected.

But our policy drifts on. Under the LBJ trade ban, vital U.S. purchases of the Rhodesian chrome we need have been cut off—while we buy lower grade chromite ore from Communist Russia at $6 a ton higher price.

Isn't it time to stand with our friends and against the Reds and quit the sort of foolishness we have engaged in regarding Rhodesia and so many other countries?

A CONVERSATION WITH CHIEF JUSTICE EARL WARREN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. WALDIE. Mr. Speaker, last June many of my colleagues in the Congress marked the retirement of Chief Justice Earl Warren with words of high praise and fond recollection for the tremendously significant accomplishments of the Supreme Court which he presided over and guided with courage and dedication.

At that time I said:

> The Court has taken the ideals of this Nation down from the walls where we have kept them inscribed to be pointed at with pride on ceremonial occasions and has put flesh and blood upon them.

Mr. Speaker, the Chief Justice has revealed a great deal about how that "flesh and blood" applied to our ceremonial ideals in a most candid and spontaneous interview he granted Morrie Lansberg, editor of McClatchy Broadcasting of Sacramento, Calif.

Mr. Speaker, I consider this interview to be a remarkable and historic recollection by this Nation's 14th, and possibly its greatest, Chief Justice.

I am grateful for the opportunity to submit it for inclusion in the Congressional Record:

A Conversation With Chief Justice Earl Warren

INTRODUCTION

Morrie Landsberg, editor, McClatchy Broadcasting, interviewed Earl Warren in connection with his retirement, on June 23, 1969, as the 14th Chief Justice of the United States. In the quiet of the book-lined study of the U.S. Supreme Court, the former California district attorney, attorney general and governor reviewed, on film and on tape, his 50 years of public service—the last 16 as the Chief Justice. But mostly the conversation traced Warren's momentous years on the court and its landmark decisions under his leadership.

The hour-long interview was broadcast June 25, 1969, over all McClatchy radio and television stations; radio KOH, Reno; KFBK, Sacramento; KBEE, Modesto; and KMJ, Fresno; and KOVR–TV, Stockton-Sacramento, and KMJ–TV, Fresno.

The exclusive interview granted by Warren in connection with his retirement was intended for Californians; it was done without preparation on his part and without knowledge of the questions to be asked. But the interview immediately attracted national attention and brought many requests for printed copies. What follows are the complete questions and answers of McClatchy Broadcasting's A Conversation With Earl Warren.

Question: Mr. Chief Justice, you have devoted more than 50 years to the law as a young legislative clerk, as District Attorney, as Governor, as Attorney General, and as Chief Justice of the United States. In what significant ways would you say the administration has changed over the past half century?

Answer: Of course, the principles of the administration of justice have changed very little. We have the same constitution, generally speaking, the same substantive law, but of course the size of our population, the number of crimes committed, the number of judges who administer the law, and all of the personnel that is essential to do that have greatly changed the manner of administering the law and that change has brought with it a great many problems that didn't exist. Judges formerly had a rather leisurely life, but these days they are pressed for time in everything they do, and pressed as much as they may be, there is always a backlog that distresses a judge and retards the administration of justice. This is one of the common problems that we must face in the near future.

Question: Are you saying, sir, that we are not spending enough money on the courts?

Answer: I am saying that courts are not adequately staffed, that they are not using modern methods of administration. I am not speaking of the judging process, because the judging process now, I guess, is the same as it was in the time of Solomon. The human element of judging is still present, but in the administration of it, there are so many complications now, so many ramifications, that it calls for business methods just as much as any business does, and unless we adjust to modern conditions and modern necessities, we are going to have serious backlogs that retard the administration of justice.

Question: Way back in 1925, in your days as a prosecutor, you were quoted as saying, "If people have money, they are likely to escape punishment." To what extent would you say our justice is class conscious today?

Answer: Well, that is a rather abstract statement, but just the same there is a lot to it. The person without the means of investigating his case and without having a skilled lawyer is at a disadvantage that a person of means would not be at, and naturally that is reflected in the number of people who are convicted and many times from the punishment that they receive.

Question: But have there been changes since 1925 which have made legal counsel more available to the poor?

Answer: Oh yes! Since I have been on this court, the court has determined that everyone is entitled to a lawyer. If he cannot afford it himself, the state or the nation, whichever it may be, must furnish counsel for him. But the problem is to get counsel who will work on the cases and do the things that are necessary to see that a man's rights, whatever they may be, are fully protected.

Question: Mr. Chief Justice, in recent years critics have contended the Supreme Court decisions coddle the criminal and encourage crime. What do you say to this from your perspective?

Answer: I am of the opinion that the decisions of the courts, and I am speaking now of this court in particular which has established the guidelines for the courtroom, have in no way adversely affected the prosecution of crime. Certainly, every man is entitled to a lawyer. No man, whether he is rich or poor, whether he is educated or uneducated, is qualified to go into a courtroom knowing nothing of the law or its procedures, is qualified to defend himself in a time of crisis such as that. He is entitled to someone who can look at his case objectively, study it, and study what his rights might be and then present it to the court. I think great advances have been made in recent years, but still there are many parts of the country where even the assignment of counsel is not done with any great degree of seriousness. Perhaps they will appoint someone to represent a man in the next half hour and they will go through a trial in a day and it will be all over. That is not representation and thoughtful lawyers and the bar association and defendants' association are working very diligently on that now to see that every man gets the proper representation of his rights, whatever they might be. A man might be guilty and confess his guilt and admit his guilt, but still he has certain rights in the courtroom that ought to be presented to the court in determining what the punishment should be.

Question: There are people who feel the court's critics overlook the fact that the rights of individuals—all individuals—are involved in these decisions. Do you agree?

Answer: Oh yes! There are so many people who believe that, for instance, any decision that might help a man who is charged with being a communist is coddling communists. Of course, that is not true, but a man, whether he is a communist, or a fascist, or a klu klux klanner, or whatever it might be, is entitled to have his rights protected in the courtroom and if his rights cannot be protected in the courtroom, the rights of no one can be secure.

Question: Do you feel that the police techniques have actually been improved as a result of court decisions?

Answer: I think that the work of the police has been improved through the years. I think it is on a higher standard now than it was when I first went into the law enforcement business almost 50 years ago and I am very hopeful that it will continue to improve through the years. The third degree, for instance, was a common thing 50 years ago and in the enforcement of the law, one had to watch it very carefully to see that it was not committed. But I think comparatively few law enforcement officers now are addicted to the third degree and it is because the courts have abhorred that kind of conduct and have said that if it is indulged in by the police then a man is not given a fair trial. Therefore his conviction cannot stand and certainly that is in the interest, not the particular defendant alone, but in the interest of everyone.

Question: Recalling your experiences as District Attorney of Alameda County and Attorney General of California, would you say the court's decisions have made police work more difficult?

Answer: I suppose one can honestly say that if you follow rules in any business, your work is more difficult than if you just are left to your own devices, some of them even brutal devices, but not more difficult in the sense that they should not be performed. But if, instead of beating a prisoner to get a confession from him, he is given a lawyer and given an opportunity to talk to him and then the police are enabled to talk to him after that . . . is a rule that . . . it is just so much a question of common humanity that nobody should want to avoid it.

Question: Mr. Chief Justice, from your days as Attorney General of California, you have consistently complained about the lack of support given law enforcement authorities. How serious do you consider the problem today?

Answer: If anything, I consider it more serious today than it was then because the police today have a tremendous problem, greater than it was even in the days when I was District Attorney and an Attorney General when we had the bootlegging, the rum running, the hijacking and all of those things. It was a very lawless era, but nothing like it is today. The police have a tremendous problem today and they are entitled to all the support that the public can give them; I mean support when they do right, not when they do wrong; support when they follow the rules of jurisprudence and not when they violate them. But today we see crimes committed on the streets in the presence of a great many people and the police are not able to find a witness who is willing to come and testify. We read of other crimes committed in the presence of a great many people and no witness—no one will even inform the police that a crime has been committed. That is not upholding the law. The police are entitled to respect and assistance because most of them are good people and are carrying a terrific burden, and they are entitled to the support of the public at all times.

Question: Mr. Chief Justice, the late Chief Justice Felix Frankfurter said in 1946, if I may quote, "It is hostile to a democratic system to involve the judiciary in the politics of the people." Have you ever felt that the Supreme Court's jurisdiction should be limited?

Answer: Well, it is very much limited and always has been and, of course, judges when they take the bench are supposed to detach themselves from politics, I don't mean become disinterested because every American citizen should be interested in politics, but a judge should detach himself from active politics and it has been my experience that most judges with whom I have ever come in contact have obeyed that rule.

Question: Did you feel in the early phase that the court was going it alone in protecting civil rights and liberties?

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Answer: Well, there was a long time, from the 1870's until 15 years or so ago, that Congress passed no laws affecting the civil liberties of the people. That was not entirely the fault of the Congress because the court itself had, in those early years, put some limitations upon the acts of Congress. But because there were no laws passed during that time and because problems involving civil rights were developing, the only refuge people had was in the courts, and the only law that the court could apply was the broad principles of the Constitution and that made a very, very difficult situation for the courts and we were very much alone at that time. But since that time, Congress has passed a number of civil rights laws which encompass a great many of the civil rights and I am sure that will mean the work of the courts will be easier now than it has been in the past.

Question: Were you at times impatient that state and federal officials were not responsive enough in the desegregation matter?

Answer: In some parts of the country, yes. One couldn't help being impatient when he would see the orders of the court flaunted and just not obeyed in any sense of the word, and where illegal things were changed in form, but not in substance and carried on. Of course, one feels frustrated at that, but there are so many things that have happened to encourage one who has been in this field that I think on the whole, much progress has been made.

Question: I know the court doesn't try to run a popularity poll, but do you feel there has been a general acceptance by the public of recent decisions on such matters as desegregation and civil liberties?

Answer: That is very difficult for me to say, but I think in the main, the people of this country recognize that the great American ideal is that everyone shall be entitled to equal protection under the laws and while they might disagree with the application of it in something that irritates them particularly, still they have the consciousness that it is not only the law, but that it is right. I think in that sense the American people are in favor of the overall objectives of the Fourteenth Amendment of the Constitution of the United States which guarantees those rights.

Question: How does the black separation movement fit in with what is being achieved or what people are trying to achieve in civil liberties?

Answer: Well, of course the separation movement is the opposite of equal protection. You see, this is the very thing that was stricken down in the desegregation cases. The old separate, but equal doctrine which existed for a period of some 50 years, or so we thought, had been abolished, but the idea of having separate institutions now and separate governments, and so forth, is the antithesis of equal protection under the laws.

Question: Do you see it creating some problem for this country?

Answer: Oh yes, of course it does. These problems are great that we are going through; well, I don't have the answers for them. I do believe that in the long run the principles of our Constitution will prevail because they're of the experience of the ages and Americans are reasonable people and on sober second thought they invariably decide the thing not only in the right way, but in a humane way too. So, I think we are on the way to progress even though we abhor many of the things that exist at the present time.

Question: Do you think the militants are trying to push us too far, too fast?

Answer: Well, militancy is always too fast, but the militancy is taking so many different forms these days it is impossible to discuss it in any brief interview.

Question: Would you say, Mr. Chief Justice, that American justice has been completely desegregated?

Answer: Oh no, by no means! There aren't 20% of the school children in the south that are in desegregated schools. The same situation exists in some of our northern cities. The black people do not have work opportunities that white people have. They're still having problems in voting in some parts of the country, and no we just haven't put all of our force behind giving people equal rights and that, to me, would be the answer to many of our problems. When the American people, as a whole, recognize that we have, in the past, been wrong in depriving certain minorities of their constitutional rights and when we make the decision to see that they will, in the future, have these rights, then I think we're on the way to solving most of our domestic problems.

Question: What would you list, Mr. Chief Justice, as the Supreme Court's most important decision in your 16 years here? Was it the school desegregation or reapportionment?

Answer: I think the reapportionment, not only of State legislatures, but of representative government in this country is perhaps the most important issue we have had before the Supreme Court. If everyone in this country has an opportunity to participate in his government on equal terms with everyone else, and can share in electing representatives who will be truly representative of the entire community and not some special interest, then most of these problems that we are now confronted with would be solved through the political process rather than through the courts.

Question: Would this apply mostly to the South?

Answer: I remember the first case we had, the Baker vs. Carr case, came from one of our northern states and that the legislature in that state had been the same for over 60 years in spite of all the territorial changes. The group that was in power kept the legislature apportioned just exactly as it was over 60 years before, although the State Constitution said that the representation should be equal, but they paid no attention to it. The courts, prior to Baker vs. Carr, said that it was the business of legislatures and not of courts. This court held that the question of whether a person was having equal protection of the laws was a judicial question and we had the right to decide it and we held that the legislatures must give equal representation to everyone. That was where the expression "one man one vote" came into being and, of course, it just isn't state legislatures, but it has been expanded to the Congress and expanded also to local government. If it's right on one level of government, of course, it's right on all levels of government, and in that sense, I think, the case which all the other reapportionment cases followed is perhaps the most important case that we have had since I have been on the court.

Question: In another area, you said awhile back that pornography was the court's most difficult area. Why is that?

Answer: It's the most difficult area for the simple reason that we have to balance two constitutional rights with each other. Of course, the state and national government have a right to have a decent society and have the right to make the laws and regulations that will keep it a decent society. On the other hand, we have the First Amendment which says Congress shall pass no laws abridging the right of speech and the press and religion, and so forth, and the question is how far can people go under the First Amendment which gives them freedom of speech without offending the right of the government to maintain a decent society, and when you have those two things coming together, you find it very difficult to write a verbal definition of what obscenity is. I know that in many communities in the past, they have had boards of censorship and the experience that was had under them was atrocious. I recall that in one southern city, the censorship board—board of censorship—ruled that a motion picture which showed little colored children and little white children playing in a school yard was obscene. I remember, also, another instance when in Chicago the police board of censorship, in spite of all that goes on in that great city, held that Walt Disney's picture of a vanishing prairie which showed a mother buffalo giving birth to her little one in a snow storm was obscene. Many other instances of things of that kind show how far boards of censorship will go in determining what is obscene and what is not obscene. When it comes to writing a definition, it is very difficult to do it. The court has done its best, but the people on both sides of the question will stretch it just as far as they can and make tremendous problems.

Question: Do you think that the people who peddle pornography sometimes have gone too far?

Answer: Oh my goodness yes! Some of the things that go through the mail, some of the things that are sent to my home are just unspeakable and under no decision of this court are they justified, but still nobody seems to do anything about it.

Question: Is it up to the postal authorities or is it a weakness in the law?

Answer: Well, I don't like to point the finger at anybody, but it is a question of law enforcement and those who say that the Supreme Court has put its approval on obscenity are just not aware of the facts because the court has not done that. The court has specifically said that obscenity is not protected under the free speech clause of the constitution. The only question involved is what is obscenity, and I haven't seen anyone who has been able to write the definition for obscenity that juries can follow that has been fairly satisfactory.

Question: Is one of the problems the fact that anti-pornography laws vary from state to state?

Answer: I am not so sure that's true. I think the states are rather uniform in what they are doing these days, but it's a difficult phase of the law to enforce. Policemen don't like to do it, prosecutors don't like to prosecute them, judges don't like to determine what is obscene and what isn't obscene, and there is just a general inclination for everybody to do nothing and blame somebody else.

Question: Mr. Chief Justice, if we can get into the field of politics, looking back, would you rather have been President?

Answer: Well, I never was infected, really, with the fever to be President. I was in a few primary elections and I was perfectly willing to be nominated if there was any chance to be nominated, but I never felt that there was any real chance of my being nominated. It was only an outside chance and had I been nominated, of course, I would like to have been elected and served as President, but I never felt the loss of it.

Question: That was in 1952. As I recall, the major weapon of your campaign was free orange juice from the California delegation headquarters.

Answer: Well, I suppose we did campaign with orange juice.

Question: Well, back in 1948, Harry Truman said of you. "He is a Democrat and doesn't know it." What was your reaction to that when you first heard that?

Answer: Well, inasmuch as he was speaking to Democrats at the time, I thought he couldn't have made a better campaign speech for me. I was running for governor about that time, but I am very fond of President Truman. I think he was a great president and a very fine human being. I serve on the Board of Directors of his library now and I have agreed to serve on the Board of Overseers of his peace center that is to be established in the Near East, so I am sure he said it with no malice and I didn't consider it as being a malicious statement and it didn't hurt me any either.

Question: Mr. Chief Justice, would you favor the proposal that has been debated in California for tuition at the University of California?

Answer: No, I would not. Public education in California has had a great history and a great tradition and it started with the idea of no tuition on any level, either in our public schools or in our state colleges or in our University of California. The University of California and our state colleges have grown great in estimation throughout the world and it's because we have taken in people of all economic levels. I believe that if we charge tuition we're cutting down the opportunity of people in certain economic levels to get the education that they should have. People who have means can always find a college to go to, but those who have little or no means have a very difficult time. I have heard it said that they come as freeloaders to the university if there is no tuition, but that isn't true. It costs a student about $2,000 a year to go to college, or to the University of California, even if there is no tuition. I believe because we have grown great in the tradition of no tuition and because our state is big enough and rich enough to provide free education for all of our people, we should retain the no tuition idea.

Question: Mr. Chief Justice, do you believe the Bill of Rights would be ratified if it came to a vote today?

Answer: I think probably that there would be a great debate over some of them because we have never taught our youngsters in the schools, or today are we teaching them in most of our colleges where the Bill of Rights came from, why it is there, and what its purpose is in society. There are a lot of thoughtless people who feel that we don't need any more Fifth Amendment, we don't need any more jury trials under the Sixth Amendment, and we don't need protection as to free speech and freedom of the press and freedom of religion, but I do believe that on sober second thought after a great debate, the American people are wise enough to retain those rights which have made this country the greatest in the world.

Question: Do you believe there is not enough foundation in the basics of what the Bill of Rights stands for?

Answer: Well, I would teach more of it in the public schools and I'd teach more of it in the universities and I'd teach more of it in the law schools than they do. I also think our Bar Associations should interest themselves more than they have in the past in discussions as to the merits of the Bill of Rights.

Question: You believe there is not enough foundation in the basics of what the Bill of Rights stands for?

Answer: That is right. People don't understand what they are, they're just a group of words to a lot of people until they affect their particular interest and then, of course, they are interested. I remember one time talking to a newspaper man when we had the loyalty oath fight at the university, if you remember that many years ago. I was Governor then and Chairman of the Board of Regents at the University of California and I was of the opinion that it was not only a destructive thing, but it was a silly thing, this oath, because it wasn't provided by statute. Anybody could take it and then laugh at having taken it, and the only people who would refuse to take it would be people who couldn't in conscience take an oath of that kind. All of them having taken the oath to support and defend the constitution of the United States, none of them objected to that, it was just this test oath that they objected to; and I talked to a newspaper man one time who was quite hostile at the position I took in opposition to the loyalty oath. I said to him, "Well, let me ask you a question: Now, suppose the Congress was to pass a law saying that before you could use the mails that you would take the test oath to the effect that you were not a communist, that you would not write anything communistic in your newspaper before you put it in the mail. What would you think of that?" And he said, "Well, you know what I would think of that." And I said, "I believe I do, but what would you think of it?" "Well," he said, "I would be against it." I said, "Why?" He said, "Well the first thing you know if we did that, there would be some bureaucrat in Washington telling us that what we were writing was communistic and they would be censoring what we were writing." I said, "You just made the case for these professors at the university because they felt that if they took a test oath like that, there would be somebody in Sacramento that would be looking into their work and saying to them, what you're saying is communistic or subversive in some other respect and, therefore, you must not teach it." And he said, "Oh well, it's much ado about nothing, let's forget it."

Question: You said in 1947, by the way, that our form of government is on trial today. To what extent would you say that our government is on trial?

Answer: I think that all free governments are on trial and perhaps always will be. You know we had, I say we, but the world had many democracies before the birth of Christ and around the Mediterranean Sea and very few of them lasted very long for the simple reason that the people became tired of governing themselves. They relaxed, they took no interest in their government, they let other interests step in, and they fell prey to some kind of authoritarian government. The only one that lasted was Rome, and it lasted for 1,000 years because Romans were proud of their citizenship, they participated in it and were thoroughly willing to govern themselves, but the rest of them all died. Our country is young by historical standards; it won't be 200 years old until about seven years from now, and in history, that is a very short time and we are still learning day by day how to govern ourselves. If we ever lose the impetus to do that, if we ever become lackadaisical and leave it to somebody else to govern us, if we ever forget the Bill of Rights which came to us in a hard way over the centuries of Anglo-Saxon law, then we're in danger. And we are on trial, always, and we are on trial before the world to see what we can do with this government of ours. The better we make it the more contented our people are, the more equal life is for people in this country, the more assuredly it will be sustained indefinitely.

Question: Mr. Chief Justice, what are some of the forces which challenge a free society today?

Answer: I think that perhaps the most important force is the force of apathy. When the people are not interested in their government, when they're not willing to participate in it and do the things for the general welfare that our institutions complicate, we are really in danger then. And that, I think, stems from the fact that so many people are unaware of the historical background of our institutions, how they came into being, why they came into being, and so forth. I have no fear at all of our future as long as people are interested in government. No matter how they disagree, as long as they are interested in government, and will have the great debate in order to get things established, I have no concern about the future at all. American People in the aggregate are wise and they're good and they will decide things in the right way if we can get everybody interested in the affairs of government.

Question: Have you ever felt that we were headed toward totalitarianism in this country?

Answer: Well, there have been some things that if permitted to be extended would tend toward totalitarianism, but I don't think that we are in any immediate danger of going into totalitarianism. However, erosion is a terrible thing, you know, and government can erode just by a succession of little things that happen just like a hillside. Those are the things that put us in danger, because when the erosion becomes noticeable, the weakness has developed and then it is very difficult to restore the virility of the government. But we have a great, growing virile country and there is no reason why anybody should become discouraged or become discouraged because we are not progressing, nor should they became apathetic because we progressed as far as we have because we still have a lot of problems and we must be after them all the time. The free way of life is not the easiest way of life to live by a long ways. If we are going to be free, we have to work for it and it's been said in the past, and I'm sure it's true, that every generation must re-establish its own freedoms and I believe that, because otherwise one generation could erode the freedoms that the others have built up until the next generation couldn't restore them.

Question: What do you say, Mr. Chief Justice, to critics who say that the court, by its decisions, has dealt a death blow to state's rights?

Answer: Oh, on the contrary, I think that the Supreme Court has established state's rights. What does reapportionment do, but establish state's rights? It establishes in the states the power to govern themselves and most of the problems that we have today in our big cities, for instance, we find they are there because the states have done nothing about them. And the reason they couldn't do anything about them was because most of their legislatures were controlled by interests that were not interested in the preservation of our cities. Now that they are freed from those restrictions, I am sure that the states will do something about cities and won't just look to the Federal government to have everything done for them. Most of this concentration of power that you find in the government, Federal government, comes from the fact that the states have not themselves done their job and they look to the Federal government, therefore, to do it for them. Once the Federal government does it for them, of course, it has to build up a big bureaucracy in order to administer these programs; so I think in all respects, I can't think of anything that this court has done to destroy state's rights. Now, of course, the term state's rights is abused very, very greatly. I suppose in some parts of the country when we compel the desegregation of schools that we are interfering with state's rights. We are not interfering with the rights of the people in those states because we're guaranteeing to the people the right to have those rights on an equal basis. But as far as I can see this court has not, in any sense, entrenched upon the Tenth Amendment, which reserves to the states and to the people the rights that are not delegated to the Federal government in the Constitution.

Question: There are some going around the country now saying we are really a federation of sovereign states. Is that the way you see history, Mr. Chief Justice?

Answer: Again, they use terms in ways that are not realistic. The states are not sovereign because the sovereignty is in the United States government. We have a supremacy clause in the Constitution which says that the laws of the United States are supreme and that makes the sovereignty, but the sovereignty in our country is really in the people through their representative form of government, both in the Federal government and the State government. There was never any indication in the constitutional convention that the states were sovereign, that's a

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word that has been added to it. They have autonomy to a great extent and they have just as much autonomy now as they had then, and probably more, but they never were sovereign after the Constitution of the United States was adopted. They were under the Articles of Confederation, but when the Constitution of the United States was adopted, the sovereignty was in the United States of America through the people.

Question: Mr. Chief Justice, you once said there should be compulsory retirement for all public officials, but didn't specify any age. Do you have any further views on this now?

Answer: I still believe that compulsory retirement is a good thing because in my opinion the strength of our institutions depends on infusing new blood into them all the time and I don't like to see people stay in public office too long. But I do want to see the compulsory retirement in all branches of the government, not just in the judiciary. That, I would be opposed to. I have been opposed to it all along because people who don't like the decisions of the Supreme Court are very free to say yes, we ought to have compulsory retirement, but they don't want to apply it to themselves. In the Congress they have chairmen of committees who are 80 odd, and one of them recently into the 90's, and those men are all powerful. I think if we are to have compulsory retirement in the courts, we ought to have it in the congress as well, and I'm in favor of having it in both.

Question: Do you have any suggestions for a retirement age?

Answer: Oh, I don't have any definite age. I suppose 70 or 75, somewhere in that range. I'm over either of them now, you know.

Question: You're 70????

Answer: 78.

Question: Mr. Chief Justice, what are your future plans? Will you write memoirs or teach or concern yourself with the administration of justice?

Answer: One thing I will do is to keep busy. That, I must do. I have been busy all my life and I have been in the public service now, counting my time in the Army, 52 years in August, without a day out of the public service. They have been vigorous years too, every one of them, and I couldn't stand to be idle. I'm not leaving just to go fishing or something of that kind, but there's so many things that can be done, there are so many causes in the world today, that one need never lack one that he can really work on.

Question: Mr. Chief Justice, what was your reaction to the clamor by your critics for your impeachment?

Answer: Oh, they have a right to do that. I believe that criticism is a proper function in government. No one should be above criticism and while one would rather be praised, I guess, than blamed, I have never had any ill feelings for anyone who criticized the court or even who suggested my impeachment. Although, they knew that there were no grounds for it and it wasn't possible, but they have a right to do it and I have never had any feelings against it.

Question: Do you think there is a better understanding of the court today than there was, let's say, 5 years ago or 10 years ago?

Answer: No, I can't say, because we have no measuring stick. You see, the court is in a position where it cannot fight back. It never can answer its critics and when all the public hears is one side, one never can tell what lodges in their minds and what they think.

Question: The statement has been made that the court, under your leadership, made laws instead of interpreting the Constitution. What do you say to that?

Answer: Well, I think that no one could honestly say that the court makes no law. It doesn't make it consciously, it doesn't do it by intending to usurp the role of Congress, but because of the very nature of our job, when Congress says that everyone is entitled to the equal protection of the laws and it enacts no legislation on a given subject, and we have a case in this court in that area, we are left to interpreting the constitutional section one way or the other. We make law. It couldn't be otherwise, but we don't do it for the purpose of usurping Congress' function because Congress can do as it did in the last few years in the Civil Rights area, pass some very important civil rights acts and those acts have made our work immeasurably easier because all we have to do now is say what did Congress mean when it said this, and it said that, and it said something else. Before Congress had said nothing and we had to decide whether it came within that broad language of the Constitution, that everyone is entitled to due process of law and to the equal protection of the laws. Now, normally when we interpret congressional statute, if we misinterpret it, it is of no great significance because Congress within a few days can enact a new law to state exactly what they do mean, but when you come to dealing with constitutional questions, then, of course, it's different. Congress can't overrule our opinions on the Constitution. But sure, we have to make law. When two litigants come into court, one says the Act of Congress means this, the other one says the Act of Congress means the opposite of that, and we say the Act of Congress means something—either one of the two or something in between. We are making law, aren't we? Not because we want to invoke our power as against the Congress, but we have to interpret it and whatever way we interpret it we are making some law. But to recognize that as to statutes, if Congress doesn't believe that we interpreted their law properly they can change it overnight if they wish to do it.

Question: Someone once said, Mr. Chief Justice, that the Warren court, as he put it, will rank in history as the court of the people. Is that the way you'd like the court to be remembered?

Answer: I would like the court throughout its history to be remembered as the court of the people. No one can say how the opinions of any particular court or any particular era will stand the test of time. All one can do is to do his best to make his opinions conform to the Constitution and laws of the United States and then hope that they'll both be so considered in the future.

CONGRESS HAS CHANCE TO END WAR

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. MOSS. Mr. Speaker, the McClatchy newspapers of California has taken a close look at Senator CHARLES GOODELL's proposal for ending the war in Vietnam. On Monday of this week, an editorial in the Sacramento Bee concluded:

> Goodell's move should spur something long overdue: A new assessment by the people's representatives in Congress as to the U.S. role in Vietnam, and by extension of this policy, in all of Southeast Asia:

I offer this editorial to my colleagues as food for thought:

CONGRESS HAS CHANCE TO END WAR

U.S. Sen. Charles E. Goodell, Rep-NY, in his first major move as a junior senator, has presented Congress with the opportunity of ending a war it never had a chance to declare in the first place.

His proposal to deny the Pentagon funds to continue the Vietnam war offers a sounding of congressional opinion which has not occurred since the hapless Gulf of Tonkin resolution, used by the Johnson administration to escalate U.S. military efforts in Vietnam.

Undoubtedly that resolution would not have carried with the force it did had the Congress known what subsequent probings of the matter have revealed. New evidence suggests American ships were not actually engaged with North Vietnamese craft in the episode which sparked belligerent reaction. In any case, the amorphous circumstances of that night are so unclear, upon deeper study, as to make the Tonkin resolution reckless brashness.

Implicit in the war-declaring power of the Congress is the power to grant or withhold money in the pursuit of war. Goodell stands upon firm enough constitititutional ground.

In considering his proposal, the Congress naturally would weigh President Richard Nixon's response that rigidly to set a timetable of withdrawal would lead Hanoi to halt all negotiations in Paris because the U.S. was abdicating the field, anyway.

Congressmen could weigh that against the point that if U.S. withdrawal is not on a systematic and definite basis, the South Vietnamese are unlikely to expedite the necessary reforms—both civilian and military—enabling them to take over their own battle.

Goodell's move should spur something long overdue: A new assessment by the people's representatives in Congress as to the U.S. role in Vietnam, and by extension of this policy, in all of Southeast Asia.

PROBLEMS OF WATERBORNE COMMERCE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. DOWNING. Mr. Speaker, in a keynote address before the annual convention of the Federal Bar Association before the Council for Transportation Law, Fontainebleau Hotel, Miami Beach, Fla., Wednesday, September 4, 1969, Commissioner George H. Hearn of the Federal Maritime Commission made an excellent presentation of Commission and court decisions which was most meaningful to all who are concerned with problems of waterborne commerce. I include the address in the RECORD in order to share it with others who doubtless will find it of interest:

PROBLEMS OF WATERBORNE COMMERCE

It is a privilege and honor to have been invited to address the 1969 annual convention of the Federal Bar Association, and particularly a personal pleasure to appear with this distinguished panel of friends and associates. While contemplating the function of a keynote address, I realize the difficulty of attempting to comment briefly on each of the areas to be discussed by our panelists; and I concluded as to the virtual impossibility of that approach. Consequently, I thought I would bring to the attention of this professional group a problem that has been a continuing impediment not only to Interamerican Transportation but to overall United States foreign waterborne commerce. I therefore thought a presentation of Commission and court decisions which may foster

international cooperation and result in removal of that impediment in the foreseeable future would be a helpful beginning to the panel discussion today.

As you know, in 1961 the President's Reorganization Plan No. 7 separated the promotional and regulatory functions of the Federal Maritime Board. The promotional functions were vested in the Maritime Administration of the Department of Commerce. The regulatory jurisdiction was given to the newly created Federal Maritime Commission. As a member of that Commission I consequently do not participate in the exercise of promotional responsibilities.

This is not to say, however, that the functions and activities of the Federal Maritime Commission have no bearing on the well being of our merchant marine industry. By specific statutory language and by the overall authority delegated by Congress to the Commission, it is empowered to take positive action to prevent certain activities prejudicial to our maritime industry and to our commerce in general.

An example of the specific authority to protect our merchant marine industry is Section 26 of the Shipping Act of 1916. That section empowers the Commission to investigate situations in which it appears "that the laws, regulations, or practices of any foreign Government operate in such a manner that vessels of the United States are not accorded *equal* privileges in foreign trade with vessels of such foreign countries or vessels of other foreign countries . . ."

And I emphasize the word "equal". The concept of equality is the touchstone of the authority of the Federal Maritime Commission to prevent undue detriment to our commerce.

The shipping laws of the United States do not discriminate as to flag. Our ports are open to the flags of all nations who may wish to participate in our foreign waterborne commerce. Such participation may not be indiscriminate, however, or without obedience to our laws. Foreigners who seek to profit from our foreign commerce have no greater or lesser rights than those which attach to our own citizens who seek their livelihood in the same manner.

This principle, of course, applies equally to individuals and nations. No person who profits from the commerce of the United States and who is protected by our laws should expect to do so on terms different from those imposed on any other person; and as the merchant marine industry of a nation contributes to its national economy, the nation must recognize the ramifications of that economic contribution. A nation cannot expect to enjoy the benefits of participating in another nation's commerce without assuming the attendant obligations.

These principles cannot be disputed. There can be no gain without investment, no privilege without constraint. In the present context no country can permit a vital aspect of its economy to rest in the unfettered hands of those whose interests are not at stake. This is especially true of a country which, like the United States, has 95% of the cargo in its foreign waterborne commerce carried in foreign bottoms.

The foreign merchant fleets which have served our trades so long and well have not done so for the sole benefit of the American economy. The owners of those fleets are businessmen who make decisions based on commercial considerations. What is good for their balance sheets, however, may not always be good for ours or, certainly, for our public interest.

Yet, despite the need of the United States to regulate its foreign waterborne commerce, and despite the profitable market foreign carriers find in our trades, they are not content. Sometimes they even are uncooperative toward our efforts to keep the trades functioning fairly and smoothly. There is a continual flow of complaint toward United States regulatory policies and practices in foreign trade; and from time to time these are sweetened by the crocodile tears of the foreign carriers bemoaning their inability to turn a profit in our trades because of our regulation.

But the next day the weeping is replaced by pleas for assistance against yesterday's partner in tears—the other foreign flag carrier who is now discriminating against a fellow foreigner.

If our trades are so unprofitable, then let the money-losing shipowners ply other trades; but no, they stay on and strive to continue their profitable participation in our trades. They go so far as even to struggle for the maintenance of the *status quo* in shipping practices, for fear, perhaps, of encroachment on their domains by other carriers utilizing advanced techniques.

Such action is not, however, in keeping with the public interest; and the Federal Maritime Commission is not in existence to protect vested interests at the expense of the public good. Indeed last year the Commission had occasion to speak on this subject in a famous case known as the *CML* Case. It involved a dispute over through intermodal rates between Container Marine Lines and the North Atlantic Westbound Freight Association conference. The Commission said:

"Traditional methods of transporting cargo are rapidly being replaced by the growth of new techniques and transportation systems. The Federal Maritime Commission . . . has sought to facilitate, wherever possible, the implementation of improved shipping systems."

If foreign carriers wish to maintain their position in our trades they cannot always place the interests of their pocketbooks above the public interest. Again, in the *Container Marine Lines* Case the Commission stated:

"Conferences and carriers have an obligation to conduct themselves in a manner commensurate with their responsibilities as transporters of the foreign waterborne commerce of the United States . . . There comes a point . . . when self-interest must yield to the public interest, and carriers and conferences must conduct their business decisional processes accordingly."

A number of foreign carrier interests also have found these conclusions inescapable, and they are seeking to maintain the profitability of plying our trades not through immobility, but by diversifying their operations. For example, there has been a spurt of interest in through intermodal cargo movements; and three carriers, including two foreign lines, recently received Commission approval for the joint operation of ships in a LASH service between the United States and Europe. LASH stands for Lighter-Aboard-Ship, and the ships carry cargo in floating containers, or lighters, which can be loaded and discharged directly into the water by shipboard crane.

It is evident, therefore, that only through the adoption of new technologies will water transportation be profitable to the carrier and shipper alike. Consequently, all carriers, domestic and foreign, have an obligation to themselves and the shipper to keep in step with transportation advances.

The offering of the most modern and efficient transportation service is not, however, a complete satisfaction of a carrier's obligations in United States trade. As I have said today, and on many previous occasions, carriers must bear the burdens as well as enjoy the advantages of participation in our commerce. That a carrier may be offering a technologically advanced service may do nothing for the shipper who cannot avail himself of it or cannot participate equally with others.

New practices bring new problems, and all carriers must cooperate with the Federal Maritime Commission in ensuring that the benefits of new shipping techniques are available in our trades to all in equal measure.

In this spirit I hope there will be a departure from past practice. My experience at the Federal Maritime Commission leaves me amazed and dismayed at the lack of such cooperation from foreign carriers. Notwithstanding the profits they have reaped in our trades or the advantages they enjoy under our law, foreign carriers have continually eschewed obedience to our Congressional laws and policies.

Despite the array of Commission and court decisions against them, foreign carriers persist in efforts to circumvent our laws. Again I repeat that those carriers and their governments steadfastly resist the United States in its attempt to regulate the privileges it has granted them. Privileges are not without cost; and if we actively seek and then enjoy a privilege we must be willing to pay the price.

In this case the lack of foreign cooperation is astounding in view of the value of the privilege compared with the smallness of the cost. To illustrate my point let me give some brief examples.

Section 15 of the Shipping Act of 1916 mandates the immediate filing with the Federal Maritime Commission of all agreements among carriers which would authorize rate fixing or other restrictions on competition between the parties. Such agreements, often known as conference agreements, must then be approved by the Commission before they may be implemented. Approval does not, however, merely relieve carriers from penalties for acting under an unapproved agreement. A very important consequence flows from approval and endows the carriers with a very meaningful privilege. Agreements are, on approval, *ipso facto* except from the provisions of our anti-trust laws.

This is a considerable benefit to conference members, considering the American economic philosophy which takes a dim view of price fixing and similar restrictions on competition. Considering further that conferences are the dominent commercial units in ocean commerce, it seems that our Congress, in grantig the anti-trust exemption, has asked little in return.

This far reaching immunity was intended by Congress to be counterbalanced with a scheme of surveillance over the conferences to be conducted by a regulatory body now known as the Federal Maritime Commission. Under that scheme the conferences were prohibited to engage in various unreasonable and discriminatory practices, and generally require to act in a manner not detrimental to the commerce of the United States. How small a price this is to pay for immunity from our anti-trust laws! I cannot imagine the force of the outcry should the United States revoke the privilege and subject conferences to the full effect of those laws!

Yet the foreign carriers who, incidentally, dominate most conferences, and the governments of their flag either do not appreciate the privilege or are bent on defiance of our need to place limits on its exercise. No privilege can be boundless; and Congress exercised its judgment in delegating to the Federal Maritime Commission the task of ensuring reasonable exercise of the anti-trust exemption utilizing guidelines set forth in the shipping statutes.

In carrying out this function the Commission has been met at almost every turn by obstacles set up by foreign dominated conferences. By withholding relevant information, by refusing to justify rates, by acting arbitrarily against our commerce and by any other available means have the conferences attempted to frustrate the Commission's lawful duties.

In 1965 there arose a case which began rather routinely and innocently, but which mushroomed into a *cause celebre*. It is known as the *Ludlow* Case.

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A conference raised its rate on jute to the United States and Ludlow Corporation, an importer, complained to the Commission. A formal proceeding was begun and the complainant sought to obtain data from the conference and its members. The Commission issued subpoenas *duces tecum* directed to each carrier covering documents located both in this country and outside the United States. The carriers refused to comply and the Commission was forced to seek court enforcement despite the clear state of the law in the Commission's favor.

In affirming the District Court decision granting enforcement of the subpoenas, the Court of Appeals said:

"The . . . contention, that the Commission is without power to issue a subpoena requiring the production of evidence from outside the United States, is surprising as a matter of common sense."

The court then analyzed the statutes and legal precedents and found the Commission clearly empowered to subpoena documents wherever located. In this manner the conference gained nothing but legal expenses and produced nought but delay for the shipper and the Commission. Obstructionism was clearly the object as the conference further demonstrated.

After the Court of Appeals decision four foreign carriers still refused to produce certain subpoenaed evidence located in their home countries—India, Great Britain and the Netherlands. The carriers pleaded that they were prevented from producing the documents by legal restrictions imposed by their respective governments. On that ground contempt relief was denied by the District Court.

Thereafter the Commission instituted a proceeding which resulted in cancellation of the conference agreement as having been carried out in a manner contrary to the public interest. The Commission concluded that the refusal to comply with valid subpoenas prevented the Commission from properly discharging its duties as established by Congress, notwithstanding the plea of legal prohibition abroad. The Commission opinion echoed *dicta* of the Court of Appeals which, in affirming the enforcement order, characterized the reluctant conference members as "the very foreign carriers that have doubtless had a hand in stimulating the attitudes of their governments."

Although the Court of Appeals set aside the Commission's cancellation of the agreement as being too severe a penalty under the circumstances, the court made one thing clear: the penalty of cancellation is available to the Commission in some cases. The court said:

"It may well be that there are some investigative proceedings where the inability of the conference to supply information would leave the Commission with no alternative but to cancel the agreement."

It should, therefore, be abundantly clear that the Federal Maritime Commission will no longer tolerate this type of obstructionism and that our courts will doubtless quickly lose patience with foreign carriers who persist in attempts to frustrate the mandates of Congress.

Although this case took three years to be finally resolved through a commercial settlement between the parties, the last chapter has apparently not been written. About two weeks ago Ludlow Corp. petitioned the Commission to issue a show-cause order against the same conference. Ludlow alleges new unlawful practices in the setting of rates on jute. I cannot comment on this new development because the matter may come before the Commission for adjudication.

Another example of a situation in which the foreign dominated conferences have evidenced this attitude is that of rate setting. In this area, too, there is the matter of the unwillingness of the carriers to produce data. Again the matter has been reviewed by a federal court, and in a landmark decision of last June the Commission was upheld in its demand for data.

In 1965 the Federal Maritime Commission began an investigation into the rates between United States North Atlantic ports and ports in the United Kingdom. The Commission was concerned with apparent rate disparities in that trade. The disparities were such that the rates outbound from the United States were higher than either the reciprocal inbound rates or the parallel Canadian rates. These disparities existed as to tariff items involving the same commodities moving in the reciprocal or parallel trades. It appeared, *prima facie*, that such disparities constituted a detriment to the commerce of the United States. Such a condition is contrary to Section 18(b)5 of the Shipping Act of 1916. That section requires the Commission to disapprove a rate which "it finds to be so unreasonably high . . . as to be detrimental to the commerce of the United States."

An extensive record was developed, but it lacked sufficient evidence to rebut the *prima facie* case; and on that basis, *inter alia*, the Commission disapproved and ordered cancelled six rates of the outbound conference because they were unreasonably high in violation of Section 18(b)5. We further ordered the conference to file lower rates on the six items with "written justification of the level of the new rates based upon cost, value of service, or other transportation conditions . . ."

The conference thereupon appealed our decision to the court saying that the Commission could not require justification of the rates. Such a requirement, it was contended, was an exercise of a rate-making power the Commission admittedly does not possess in foreign commerce.

Thus the conference declined to adequately defend its rates and then opposed a demand for justification of new rates when the old ones were found unlawful. This, it should be noted, is a conference that carries 98 per cent of the liner cargo in the trade moving outbound from the United States. I am at a loss to understand how such an omnipresent rate fixing body can expect to carry on its anti-competitive activities without restraint.

The Court of Appeals expressed similar feelings when it said:

"Certainly the United States has a right to protect its own commerce against injury by carriers, organized or not. The Commission . . . did not fix the rates. It did not use the terms 'prove' or 'establish.' It required 'justification' . . . which means an explanation with supporting data."

Foreign carriers should now be on notice that the Federal Maritime Commission and the courts will not permit rate setting on the basis of self-styled "unavailable" data. Rates must be justified and cannot be based on data withheld for any reason in another country.

I believe the carriers will be inclined toward greater cooperation in this area; for the next time the Commission's action may be more severe. Indeed the appeals court said in conclusion:

"We are inclined to think the Commission would have been hard put to fulfill its statutory duty with less disturbance of the traditional practices in the trade."

The conference attitude toward rate-making is evident in yet another confrontation between the Federal Maritime Commission and the foreign dominated conferences. This, the latest of the three matters I am bringing to your attention, has been handled short of court action so far. I speak now of certain surcharges imposed by many conferences following the longshoremen's strike of last winter. The development of this surcharge situation also has presented the Commission with an opportunity to test the willingness of the conference carriers to produce data for Commission scrutiny.

The longshoremen's strike affected our East and Gulf coasts and lasted as long as 57 days in some ports. It was the longest and costliest such strike in our history.

The effects of the strike were felt throughout our economy and not just in the shipping industry. United States export and import markets suffered at every level. American shippers could not move their goods across the docks outbound; American consignees could not take delivery of inbound cargo. Similarly, foreign shippers and consignees were prevented from having their cargo moved across our East and Gulf Coast piers.

In the shipping industry the effects were also widespread. Many ships lay idle in our ports and close offshore; numerous other ships were diverted from their scheduled routings; and the flow of money through some labor markets was sharply reduced.

It should have been clear to everyone that the shipowners were not the only ones to suffer economic losses due to the lengthy strike. Yet upon termination of the strike the shipowners acted as if they were entitled to recoup their losses even at the expense of other affected groups.

The carriers sought to recover their losses by imposing a "strike surcharge". With few exceptions the surcharge was set at 10%, thus increasing the shipper's costs by that amount.

The Federal Maritime Commission does not object to rate increases, *per se*. Carriers are entitled to be compensated for services rendered. Yet the Commission does have a statutory obligation to the public to scrutinize rate increases, especially extraordinary ones. Under Section 18(b) of the 1916 Shipping Act, all carriers subject to our jurisdiction must file their rates with the Commission; and those rates must meet the standard of reasonableness of Section 18(b)5 of that Act as I have already mentioned. In addition Sections 16 and 17 of the 1916 Act prohibit rates which impose undue discrimination or prejudice on any affected party.

Consequently the Commission began to examine the surcharges. This was done with an eye not only toward the new charges, but also in consideration of 5% to 10% general rate increases which had been recently filed by some conferences. Furthermore, the Commission's attention was sharpened by numerous protests against the surcharges received from shippers, shipper groups and even international organizations.

Close analysis of the surcharges was not necessary, however, in order to recognize a gross inequity in the new rates. A mere glance at the carriers' tariffs revealed that many carriers had imposed the surcharge only on cargo moving outbound from the United States. They had not imposed any surcharge on inbound cargo. This was startling to the Commission because the strike had made it impossible to move cargo across our piers inbound as well as outbound. The foreign shipper was prevented from marketing his goods in this country equally as the American shipper was prevented from exporting his goods.

While the Federal Maritime Commission does not deny carriers their due, such a disparity was, on its face, a detriment to the commerce of the United States. No such blatant and inexplicable disparity could stand without justification.

The Commission therefore sought justification from the carriers. We communicated with various conferences and independent carriers as to the disparity and the level of the surcharge. Generally, the response was consistent with the previous practice of noncooperation. The justification offered was flimsy and the Commission was confronted with little but delaying tactics. A few conferences and carriers did, however, remove the surcharges or postpone their effective date.

In light of these facts and the development of the surcharge situation, the Commission undertook strong action. Several further official requests for justification having failed, the Commission issued a show-cause order. The order was directed at two conferences—one inbound and one outbound—and their member lines. They were directed to show cause why they should not be found in violation of Section 15 of the Shipping Act because of their responsibility for the inequitable apportionment of a strike surcharge.

The two conferences presented a perfect example of a practice and attitude detrimental to our commerce and inimical to the carrying out of the Commission's responsibilities. Of the ten members of the outbound conference and the seven members of the inbound conference, seven served both trades—outbound and inbound.

The show-cause order produced positive results. Shortly after its issuance the Commission received a telex message from the outbound conference stating that the surcharge would be cancelled three days hence.

Unfortunately, this success may be somewhat illusory. The carriers preferred to withdraw the surcharge rather than justify it. Subsequently, other surcharges were also terminated, but most were replaced by general rate increases of equivalent amounts.

By such a tactic the conferences and carriers apparently hoped to circumvent the attack against their strike surcharges. This ploy will not avail them, however, if the general rate increases are merely the surcharges in disguise. If there remains a discriminatory inequality in the imposition of the new rates, the disparity will not have been eliminated. The Commission's request for justification of the rate increases will retain its validity and applicability. We hope that this episode can be terminated without difficulty and will not be as protracted as those involving the subpoenaed data and the dsparities in the North Atlantic/United Kingdom trade.

This, then, is our view of an attitude and practice which has been continually displayed before the Federal Maritime Commission. Foreign carriers and their governments have countered it with an argument based upon the nature of ocean-borne commerce. The foreign shipping interests say that ocean shipping is founded on the traditional and well accepted principle of freedom of the seas. This principle recognizes that ocean going vessels are subject to the laws of their home country, and no one nation can presume to make laws or establish regulations for all maritime countries.

With this we agree; but freedoms are not without bounds. A nation may impose liabilities on persons of foreign allegiance for activity beyond its borders but which results in consequences within its borders reprehensible to that nation. Thus, if an agreement is made outside the United States among foreigners, and not only is intended to but does have an effect on our commerce, then our laws may be extended to prevent such agreements from adversely affecting our commerce. An agreement which is unlawful if executed within the United States by Americans is equally unlawful although executed outside this country by foreigners if it is intended to and does have an effect within the United States.

These legal principles being unimpeachable, I cannot understand the chagrin of those foreigners who are agonized by the application of our laws to "their" conferences. Just because "their" conferences are domiciled abroad does not make them any the less "our" conferences since they engage in our commerce. And, further, I think history evidences the fairness of our laws in their enactment and implementation. Under our shipping statutes the Federal Maritime Commission shows no bias toward or against the vessels of any flag. Every ocean common carrier receives fair and impartial consideration before the Commission and in the courts of the United States.

Ocean transportation is, today, undergoing rapid change. New techniques are causing a complete restructuring of the industry which will include new groupings and new practices. Fresh accommodations will also be needed to ensure the growth of these developments to their full potential. Consequently, I hope the winds of change in ocean transportation will bring also a new spirit of international cooperation.

CONCERN FOR CRIME RATE IN WASHINGTON

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. SCOTT. Mr. Speaker, the Congress has exclusive jurisdiction over the District of Columbia and I would like to share with my colleagues a letter received from a responsible citizen who lives in my district and is concerned about his daughter moving into Washington.

Certainly, the Capital City should be a model for the rest of the Nation, but I share the concern of my constituent and know that most of the Members in this House also share his concern.

Therefore, it seems incumbent upon us in our deliberations to find some method of reducing the crime rate in Washington and making it a place in which any citizen could relax and enjoy its beauty during his visit or residence therein.

The letter is set forth in full, omitting only the name and official title of the citizen concerned:

SEPTEMBER 11, 1969.

The Honorable WILLIAM L. SCOTT,
House of Representatives,
1217 Longworth Building,
Washington, D.C.

DEAR BILL: My daughter, who recently accepted employment in Washington, D.C., and who expects to be a part-time student at George Washington University this winter, recently moved into an apartment in downtown Washington. This move was entirely against my better judgment and against my recommendation. Since she had just reached her twenty-first birthday on September 1, and filled with the enthusiasm and confidence of idealistic youth, she chose to disregard both my judgment and my recommendations.

Our friends in the community and in our church all echo one chorus, "Clay, are you crazy to let your daughter move into that "jungle"? A banker friend of mine at the Rotary Club meeting yesterday said, "Clay, I am a native of Washington. I grew up there. I moved to Montgomery County in 1950 however, and I will not go back into the place at night for any reason—shows, concerts, plays—you name it".

My daughter spent approximately six months in Vienna, Austria last winter studying voice. We were never at all concerned about her welfare. Now, however, when the telephone rings in the late evening my wife picks it up with great reluctance just knowing that a voice on the other end of the line will be conveying the message that our daughter has been raped, or worse. Can a sadder day fall upon America than this?

The Congress of the United States is the governing body for the District of Columbia. The Congress of the United States, in my judgment, is the only one that can restore sanity, safety and dignity to the Nation's Capital.

I have been in the public service most of my adult life. I feel that I am a reasonable student of domestic as well as foreign affairs. I sincerely doubt, however, that there is a more pressing matter before the Congress today than the matter of restoring safety to the streets of the Nation's Capital.

I am going to make a suggestion that has perhaps been made before. I make it not out of selfish interest, but from shame as a sincere American. We are using American troops to maintain peace in Korea; we are using American troops to try to restore order in South Vietnam, and we are using American troops to protect Western Europe. Until the District Government can re-establish an adequate police force and until society can correct the ills that make of Washington a "jungle", is it not time to police the streets of Washington at night with the Marines, the Infantry or the Green Berets? As a concerned American, I know of no better use of our armed forces than to protect the Nation's Capital and the citizens of the nation when they have occasion to visit it.

The Nation's Capital holds so much that is of interest and that is dear to its citizens. The Nation's Capital holds much that is of interest to the young people in the surrounding areas. Parents not only have to become dictators and deny their children the privilege of the many benefits of the Nation's Capitol, they have to do it in shame and humiliation.

I know that Washington is perhaps no worse than many other cities in the nation. None of these however, are the Nation's Capitol. None of these hold for the people of the nation what Washington holds. The Nation's Capital is simply different and should be different.

I hope in all sincerity that I will not receive a reply to the effect that "I am not on the proper committee" or that "I will bring your letter to the attention of the proper authorities". I hope rather, that if you see fit to reply to this letter, it will be to the effect that you are going to accept your responsibility as a member of Congress and pursue this matter with all of the facilities at your command until the people of the nation can again walk the streets of the Capital at night in reasonable safety.

CALIFORNIA ATTORNEY GENERAL FEARS RISE IN DANGEROUS DRUG ABUSE TIED TO MARIHUANA SUPPLY DROP

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, California Attorney General Tom Lynch testifying before a Senate juvenile delinquency subcommittee last week called for the Federal Government to assume broader, more direct responsibility for the control of both marihuana and dangerous drugs. According to a Los Angeles Times article on Lynch's testimony, the Attorney General contended that abuse of dangerous drugs increases in California in proportion to any shrinkage in marihuana supplies and the resulting rise in marihuana prices. Dr. Roger Smith, a University of California criminologist with research experience

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in the Haight-Ashbury District of San Francisco recently testified that Operation Intercept on the Mexican border has brought about a combination marihuana drought and hashish boom in California. Smith stated that—

> The marijuana gap is going to be filled by hashish importers who are a good deal more mercenary and sophisticated than the marijuana people.

All this reinforces my belief that Federal, State, and local drug control activities must be better coordinated. Independent action by separate official bodies may have unexpected deleterious effects upon the programs and projects of other concerned governmental branches. Misconceptions must be cleared up and accurate information on the entire drug scene must be widely disseminated, not only to the general public, but to enforcement officials as well. In effect, we must avoid jumping from the fryingpan into the fire.

I submit for inclusion in the Record the following articles:

Rise in Dangerous-Drug Abuse Tied to Marijuana Supply Drop; Lynch Tells Senate Subcommittee Linking Pattern Has Been Consistent in California Throughout This Decade

(By Rudy Abramson)

Washington.—Abuse of dangerous drugs increases in California in proportion to any shrinkage in marijuana supplies and the resulting jump in marijuana prices, Atty. Gen. Thomas C. Lynch told a Senate subcommittee Thursday.

The pattern has been consistent throughout this decade, he said, but it will be most dramatic in 1969, when arrests for dangerous-drug violations may surpass marijuana arrests for the first time in several years.

Testifying before the Senate juvenile delinquency subcommittee, he said:

"It is time that dangerous drugs in the illicit market be stripped of any facade which minimizes their risk, their harm and their role in drug abuse. The facade includes penalties."

LEGITIMATE DRUGS ABUSED

The dangerous-drug category includes nonnarcotic substances like amphetamines and barbiturates which have legitimate medical uses but are widely abused.

On comparing marijuana and dangerous-drug use patterns, Lynch did not suggest that marijuana laws be softened, but rather that penalties for trafficking in dangerous drugs be toughened.

Marijuana laws generally call for more severe sentences than those pertaining to the dangerous drugs. Lynch called for the federal government to assume broader, more direct responsibility for the control of both marijuana and dangerous drugs.

Neither of the drug-abuse bills now pending before the Senate juvenile delinquency subcommittee provides an adequate federal effort, he said.

"As one who has been willing to stand and be counted in my own state on these important aspects of the drug-abuse problem, I do not hesitate to point out the federal neglect in preventive education and health."

Even though the federal government has supported most of the research done on drug abuse, it has not taken steps to get the research findings into the hands of students.

A major problem for California authorities, Lynch said, is that dangerous drugs are shipped to Mexican buyers, who arrange for them to be diverted into illegal traffic without the shipments ever crossing the border.

"Last year there were six tons of these drugs seized in California by local, state, and federal agencies," Lynch said. "This is about 15 million pills and capsules. We believe that the major part of these seized drugs have their origin in export shipments to the border towns along the California-Mexico border.

HITS SHIPMENT METHOD

"This is possible because of the unsupervised method of such shipments. The drugs are 'consigned' to a Mexican citizen, but there is no requirement that delivery be made only to that person. Such a situation permits mind-bending drugs to be diverted from the foreign warehouses on the U.S. side of the border."

Lynch cited one 1967 case in which California officers bought 500,000 amphetamine tablets from a Tijuana cafe man who had ordered them from a firm in Chicago. The drugs were still in a warehouse on the U.S. side of the border.

The cafe man had used the name of a nonexistent pharmacy to order the drugs and had not been questioned by the manufacturer.

Lynch recommended that Congress consider amending export laws to give the President unquestioned authority to put restrictions on export of such drugs.

Shipments of these drugs might also be bonded, he said, to insure that they are delivered to the consignee.

The latter recommendation was also made by Mayor Sam Yorty, who testified before the subcommittee.

Questioned by Sen. Thomas J. Dodd (D-Conn.) on California's growing drug problem, Yorty said one major reason for it is "the lack of swift and sure justice, especially for those who push and sell."

The mayor strongly endorsed Operation Intercept, the stepped-up federal effort to cut off the flow of drugs across the border.

CALLS IT SURGERY

"It's surgery and surgery is painful," he said. Nevertheless, "I think it is high time we made a concerted effort."

The mayor emphasized the importance of strong enforcement of marijuana laws.

"This trend toward lighter penalties will see renewed emphasis on directing the major corrective thrust toward rehabilitation rather than prevention," he said in his prepared statement. "In short, law enforcement in this field is to be replaced by the philosophy of 'learn to live with your local dope pusher.' "

"I think the proper answer is to hit the source and the distributor. If one is sincere about not giving 'youthful experimenters' police records which might adversely affect their lives in later years, then, as a first priority, let's keep marijuana and drugs out of their hands to begin with . . ."

To accept the idea that simple possession of marijuana is of no great consequence, he concluded, "is to tell our young people we do not expect them to be concerned with observing basic morality or decency."

Marihuana Crackdown Booms Use of Hashish, Expert Says

(By Paul Houston)

Operation Intercept on the Mexican border has brought on a combination marijuana drought and hashish boom in California, a UC criminologist with research experience in the Haight-Ashbury District of San Francisco told a U.S. Senate subcommittee here Friday.

"The state's drug scene is changing rapidly, and we've now got the largest market for hashish in our history," said Dr. Roger Smith, a staff member of UC Medical Center, San Francisco, and head of a research project on amphetamine abuse.

"The hashish is coming from North Africa, and it's more potent, of higher quality and much cheaper than marijuana from Mexico," Smith told the Senate special subcommittee on alcoholism and narcotics at a hearing in the County Hall of Administration.

Smith added, however, that some marijuana continues to arrive from Panama, from such states as Iowa and Kansas, and from sailors on warships arriving in San Francisco from Vietnam.

"The marijuana gap is going to be filled by hashish importers who are a good deal more mercenary and sophisticated than the marijuana people," Smith said.

Related testimony was given a day earlier by Atty. Gen. Thomas C. Lynch at a hearing in Washington, D.C., before another Senate subcommittee. Lynch said shrinkage in marijuana supplies has led to a dramatic increase in the use of dangerous drugs in California.

Smith himself placed main emphasis in his testimony on discussing the wiedspread use in San Francisco of the amphetamine "Speed," which is the dangerous-drug category.

Most Speed available in Northern California, he said, comes from a few large illicit laboratories which produce up to 25 pounds a week at a cost of $50 to $150 a pound and a street sale price of about $4,000 a pound.

Smith described Speed as "one of the most insidious" of drugs because "one can get caught up quickly with it."

He explained, "The first experience makes you feel better than you've ever felt in your life, and the adverse effects come only after an extended period of use. To come down off the high, the user turns to barbiturates, then heroin and the progression is awful."

Smith said that of 196 cases treated at the private Drug Treatment Center in San Francisco from January to June, 1969, there were 118 involving heroin, 46 Speed, 13 barbiturates and 19 psychedelics such as LSD and marijuana. Seventy-four of the 118 heroin sufferers had used Speed first.

"So there is a definite relationship between Speed and heroin," he said, adding that "underground newspapers universally condemn Speed."

LACK OF TREATMENT

"My concern is not to titillate you," Smith told the assembled senators: subcommittee Chairman Harold E. Hughes (D-Iowa), George Murphy (R-Calif.), Peter H. Dominick (R-Colo.) and William B. Saxbe (R-Ohio).

"I'm concerned by the lack of treatment facilities and rehabilitation programs."

Smith was asked by Dominick if he believed drug laws were too stiff.

He replied, "I agree with Fort and Smith (two previous witnesses) that criminal sanctions against narcotics users must be done away with, that we should concentrate penalties on suppliers.

"If we're ever going to deal with the problem, we've got to take the romance out of it being against the law. People think they're being denied something sexual and fun, when the fact is it's miserable and rotten.

"When you deal with drug abuse as an illness, you change its image and deromanticize it."

Dominick said he was concerned that "the tenor of most witnesses here today is drugs are here to stay and we have to learn to live with them."

Smith commented, "I don't see any way of stopping them. The pharmaceutical industry is putting out thousands of drugs, and you're going to see a whole new collection in the next few years. We must develop rational attitudes on how to deal with them intelligently."

Three earlier witnesses urged the senators not to worry so much about marijuana as about what one called the "real problem drugs"—amphetamines, barbiturates and heroin.

The three were David Smith, a physician who organized the Haight-Ashbury Free Medical Clinic; Joel Fort, a physician in the UC Berkeley school of social welfare, and Assemblyman Jess Unruh (D-Inglewood).

Smith, Fort and another witness, William H. McGlothlin of the UCLA Neuropsychiatric Institute, testified that their research and experience had convinced them marijuana is a mild hallucinogen that is not addictive, causes no great physical or psychological impairment and is not as socially harmful as alcohol and tobacco.

Smith said there had been a big switch from marijuana to amphetamine use "on college campuses, by housewives and on Wall Street.

"The absurdity of operation Intercept," he said, "is that you could seal off the borders of the United States and still have huge supplies of amphetamine available from black market Speed labs.

THE IMPORTANCE OF PRAYER

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. DELANEY. Mr. Speaker, I am glad to have this opportunity to join my colleagues in recognizing the importance of prayer in our national life.

Down through the ages man has always associated knowledge with spiritual values, and in times of stress and deliberations on important issues, he has paused to seek the blessings of God.

The importance of prayer was perhaps best expressed by the Poet Tennyson in the following words from his great work, "Idylls of the King":

> More things are wrought by prayer than this
> world dreams of.
> Wherefore, let the voice rise like a fountain
> for me night and day.
> For what are men better than sheep or goats
> That nourish a blind life within the brain,
> If, knowing God, they lift not hands of prayer
> Both for themselves and those who call them
> friend?
> For so the whole round earth is every way
> Bound by gold chains about the feet of God.

The efficacy of prayer has been formally recognized by the Government of this Nation since its founding. George Washington first proclaimed a National Day of Prayer and Thanksgiving on October 3, 1789. Similar recognition of the importance of prayer has been regularly proclaimed periodically since that time. In 1952 Congress memorialized the President to proclaim a National Day of Prayer each year.

In their inaugural addresses, virtually every President has called upon Divine Providence to bless this Nation. Both this House and the other body begin each day's session with a prayer by the official chaplain. And the U.S. Supreme Court opens its session with its marshal praying, "God save the United States and this honorable court."

These brief examples clearly demonstrate that prayer has been widely accepted as having a proper place in our public life. I believe the great majority of the American people want prayer restored to the most important public function in which their children participate—attendance at public school. I am hopeful that a way may be found to satisfy this great desire of American parents, without offending the religious sensitivities of any citizen.

SELIG GOLDBERG: AMERICAN—HUMANITARIAN—FRIEND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BIAGGI. Mr. Speaker, on Sunday, October 5, 1969, I will attend a dinner honoring Selig Goldberg, a personal friend, an outstanding citizen of the Bronx, and a crusader in causes humane. Mr. Speaker, I am pleased to pay tribute to him.

His mother, Sarah, was born 97 years ago in Austria and resides with her daughter, Anna. His father, Morris, who came from Russia, died in 1927. Selig's two brothers, Ben and Abe are living in Florida. He has four sisters, Bea, Anna, Rose, and Sue, who makes her home in California.

Selig Goldberg, now 65, was in the sixth grade when he left school to undertake the duties of his first job—carrying newspapers from a basement at 180th Street and Third Avenue in the Bronx. He advanced to driving a horse and wagon to deliver newspapers and later obtained a job with the New York American.

The Goldberg family moved to California in 1938, where Selig accepted employment with the Los Angeles Examiner. Unhappiness resulting from the extensive frequent travel necessary in his new job prompted their return to New York within the year.

To support his family, struggling, Selig took any job that was available. He worked at the American News Co., and then as an inspector with the New York Journal.

The opportunity to own a business presented itself and was accepted by Selig in 1947. This was the beginning of the Bronx County News. To insure success in this venture, he did any and all kinds of work—from sorting the returns to driving the trucks, and worked day and night. He always began work at 6 a.m. until the day of his retirement.

He has two sons, Stan and wife Doris have three children; Steve, Sandy, and Meryl. Mel and wife Myra have a son, Craig, and a daughter, Jan.

It is my wish—and the wish of many, many friends—for the continued good health and happiness of Selig Goldberg and his lovely wife, Ruth.

This is another shining example of the great American story told countless times. A bootstrap effort to avail one's self of the opportunity this glorious country and its way of life presents—Selig's saga of life has woven itself into the fabric of American life and history. In the process he won legions of friends simply living by the golden rule.

The world is a better place—his family, friends, and associates enjoy richer lives because of his presence. May he never leave us.

I am privileged to call him friend.

LETTER TO THE PRESIDENT

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. HAYS. Mr. Speaker, one of my constituents, Pfc. Jeffrey C. Davis, now serving with the Army in Vietnam, has sent me a copy of his letter to the President. I am sure my colleagues will agree that this is an excellent and very moving letter and I include it in the Record at this point:

Salem, Ohio,
August 27, 1969.

The President,
The White House,
Washington, D.C.

Mr. President: I am a soldier, Pvt. E–2, MOS 11810, departing for Vietnam tomorrow. I am writing to you not so much as a soldier would write to his commander-in-chief, but more as a soldier would write to the visible head of his country. I am NOT writing to request your intervention in my shipment to Vietnam. I am writing a letter which I hope will express the feelings of many thousands of men who must fight and possibly die in Vietnam.

Mr. President, prior to entering the Army, I had four years of college with a major in political science. I also have held a very responsible position in the office of a large industrial firm. I have read nearly every piece of printed matter available concerning Vietnam. I have studied the culture and the history of Southeast Asia. After all of my study and after numerous conversations with responsible business men, I cannot agree with our actions of the past in Vietnam, nor can I find justification for our presence there now; however, I am an American and a soldier and therefore I serve in accordance with the laws of our country.

Now, I am faced with combat in a hostile environment. Mr. President, I will go to Vietnam and do my job as many have done before me. Each American who has served in Vietnam has received the gratitude of his country; however Mr. President, I feel that those of us who will see or have seen combat in Vietnam have a right to ask for something more.

We don't want more money or faster promotions. No, that is not the case at all. We simply want to come back to a land that is worthy to bear the title of "United States of America." We want to come back to a land where morality, not vice, is queen. We want to come back to a land where the mass medias produce education, not violence and smut. We want to come back to a land where the air we breathe and the water we use is pure. We want to come back to a land where education takes priority over space.

Mr. President, we want, upon our return, to see this land free from hatred. We want to see black and white live together as civilians in the same harmony that they died together as soldiers. We want to see every man treated as a human being. We want to see this land without poverty. We want to see this land without unemployment.

Mr. President, when we grow "short" in Vietnam, we want to look forward to returning to an America that has eliminated graft and corruption in all levels of government. We want to look forward to returning to an America where law and order is "in" and violence is "out". We want to look forward to a land where guns are not put in the hands of criminals; look forward to a land where we don't have to be afraid to walk down the street.

Mr. President, when we step off that plane

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that will bring us back from Vietnam, we want to step upon a land where we will not have to fear that someday our sons will go off to war. We want to step upon a land that is respected the world over, not for its military strength and its industrial advances, but rather for its humanitarian ideas of government and justice. We want to step upon a land where all the inhabitants are proud to be Americans!

These are the things that we want Mr. President. The medals and honors of combat mean nothing to us compared to these things. So, Mr. President, I will go to Vietnam and you will remain here.

However, even though we are many miles apart, we share one thing; we are both American. That is a great bond. We both know that American ends in the words "I CAN". Mr. President, I CAN return from Vietnam; CAN YOU give me and thousands of others what we want and what we will have earned in Vietnam?

As I depart for Vietnam, Mr. President, my prayers are with you, that God may watch over you and guide you in your every action.

Respectfully submitted,

JEFFREY C. DAVIS,
Pvt. U.S. Army.

THE NEED FOR IMMEDIATE PASSAGE OF THE EXPANDED STUDENT ASSISTANCE APPROPRIATIONS AMENDMENT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. VANIK. Mr. Speaker, cutbacks in Office of Education student assistance programs, announced by the administration during this spring and summer has brought chaos to American campuses. Not only have college administrators been faced with major budget problems and disruptions in plans, but thousands and thousands of worthy students have been denied loans and have been forced to drop out of college. Thousands of freshmen from low-income and middle-income families have had to cancel plans to begin school this fall. Many students, who have received loans in the past and were expecting loans in the 1969–70 school year were notified at the last minute that loans were unavailable. In cases, these upperclassmen in their senior year have been forced to withdraw from school.

In most cases, it appears that these students were not able to turn to private lending institutions for assistance. Because of the exorbitantly high interest rates now in effect, most students simply could not afford to borrow—or could not find sources willing to lend. The Federal Government's guaranteed student loan program, which works through private banks, has completley broken down because most banks refuse to participate in the program since they can charge—and get—higher interest elsewhere.

In an attempt to determine the dimensions of the problem, I recently wrote every college and university in my State of Ohio asking if the loan allocations which they received were adequate. The answer from 54 colleges and universities was an unequivocal "No." Except for one small religious college, all these replies from the State of Ohio indicated that the loan funds allotted to their schools were totally inadequate.

To give a better idea of the problems caused by the cutbacks in this program and the delay in Congress in passing an expanded appropriation, I would like to enter into the RECORD at this point a few sample quotes from some of Ohio's leading educators:

From Baldwin-Wallace College, Berea, Ohio:

> I could tell you that at least 70 or more students have been affected by this cut.
>
> There is one highly significant fact however, which I do want to call to your attention. More than one-half of our borrowers are planning to become teachers. For many of these young teachers this loan program has been the only open doorway to economic opportunity. At the same time the program has had a multiplier effect because of producing so many teachers. At this moment as we prepare to open our Fall Quarter on Thursday, we have upperclass students unable to return because of limited funds with which we must work. I am well aware of the bank loan subsidy bill. Psychologically, however, the students have not yet adjusted to this idea and many of them have not been in the position in the small towns to take advantage of it.

From Chase Law School, Cincinnati, Ohio:

> Many banks are unwilling to participate in that [State guaranteed loan program] under the conditions of the present money market.

Dyke College, Cleveland, Ohio, noted that changes in fund allocations in August and in the fall cause almost irreparable disruptions:

> How do I reverse a course of action that took place when notification of inadequate funds was first received by a student and his parents? The time for increased appropriations was last spring.

As Heidelberg College, Tiffin, Ohio, noted that—

> Unfortunately, over the history of the program, funding by the government has always come very late for institutions and students to do effective planning.
>
> Students have proven to be conscientious borrowers. We have less than 1% delinquent loans.

Kettering College of Medical Arts, of Kettering, Ohio, stated that—

> Where we are really hurting is in the Nursing Student Loan Fund allotted to us. We asked for $105,000 and were only allotted $16,000. A heavy percentage of our nursing students were depending on receiving from $1,000 to $1,500 each. This is a vital area in which the need is great today.

Lake Erie College, Painesville, Ohio:

> To the extent possible we substituted other types of College aid and referred students to state loan program. Nevertheless there are resident students who have withdrawn stating that they are unable to meet the cost of education here.

From Marietta College, Marietta, Ohio:

> Last year we supplied loans to 288 students. This year we have enough funds for only 224 loans. There are not enough funds available to cover the loans we have promised. If additional federal funds are not provided by January, we will have to reduce second semester loans across the board or try to find College funds to put into the program. I'm sure you realize the difficulties entailed by either of these alternatives.

Mary Manse College, Toledo, Ohio:

> Our students generally belong to working class families. They must assist themselves in large measure throughout college. This sudden reduction in student loans left many students without adequate resources for this year. We have had a considerable drop in enrollment. How much was due to lack of funds we have not yet accurately determined, but we do know that the cut in loans has been a great hardship for our students.

From Mount Union College, Alliance, Ohio:

> In an attempt to live within the anticipated budget for 1969–70 many students, particularly seniors, who in previous years had loans were denied renewals. And almost all other loans awarded to returning students were reduced. Some students already enrolled at Mount Union have been forced to withdraw or transfer because of the financial situation. Also we have had to deny assistance to many promising freshmen who without the needed aid were unable to enroll.

From Notre Dame College, Cleveland:

> As you know, our allocation for the *year* is $29,014; this is definitely NOT ADEQUATE. I have had to request this entire amount for use for the *first semester;* I just don't know what we are going to do for the second semester—I guess that I am living in faith that Congress will still give us what we need.

From Oberlin College, Oberlin:

> The Department of Health, Education, and Welfare recommends that a student obtain a State Guaranteed Loan if we are unable to grant his a National Defense Student Loan. At the same time it is obvious that banks are most reluctant to grant these loans, especially in Ohio.

From Ohio Northern University, Ada, Ohio:

> I would like to point out the difficulty for the Financial Aids Director in being notified of the official allocation as late as August 18, 1969.

Otterbein College, Westerville, Ohio, noted:

> The official notice, coming in August, that we would receive only $70,439, left us in a real quandry. We have had to divert funds from other sources—money which should go into new equipment, maintenance, etc.—in order to meet the commitments we have made to our students.

PRESIDENT NIXON SUPPORTS DIRECT POPULAR VOTE FOR PRESIDENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. McCLORY. Mr. Speaker, President Nixon has thrown his full support in favor of a constitutional amendment for the direct popular election of the President and Vice President.

This measure which passed the House overwhelmingly a short time ago is now pending in the other body. There is deep apprehension that the necessary two-thirds vote in that body may be difficult to achieve.

The President's position is most heartening and should encourage Members of the other body who have remained noncommittal to now cast their votes in line with the President's recommendation.

It should be noted also that the President's position is in complete accord with the popular sentiment of the country.

Mr. Speaker, once again we can be proud of President Nixon's leadership on a great national issue. It is to be hoped that this leadership will be respected and supported by the necessary two-thirds vote in the other body.

THE NATIONAL LEGISLATIVE COMMITTEE, VETERANS OF FOREIGN WARS OF THE UNITED STATES, OUTLINES LEGISLATIVE GOALS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. TEAGUE of Texas. Mr. Speaker, on September 27 and 28, the National Legislative Committee of the Veterans of Foreign Wars of the United States met here in Washington to review the several hundred resolutions approved by the delegates to the Philadelphia national convention last August. It was at this convention that this 1,500,000-member organization elected Ray Gallagher of South Dakota as their national commander in chief. This veteran leader has been in office a little over a month. It is already quite evident that the Veterans of Foreign Wars is going to be a bigger and better organization before his year is over.

The national legislative committee is a good example of his selecting the best men to do the best job for the VFW and the Nation. The chairman is a fellow Texan and a man whom I have known for many years and greatly admire. He is Ted C. Connell, of Killeen, who is a past national commander in chief of the VFW.

The main purpose of the national legislative committee's meeting was to recommend a top priority legislative program for the VFW for the following year. In addition, the national legislative committee filed a report outlining the concerns of the VFW respecting pending legislation, the VA appropriation for 1970, and the status of House approved bills pending in the Senate. I commend my colleagues' attention to this report on veterans legislation:

REPORT OF THE MEETING OF THE NATIONAL LEGISLATIVE COMMITTEE, VETERANS OF FOREIGN WARS OF THE UNITED STATES, WASHINGTON, D.C., SEPTEMBER 27 AND 28, 1969

> The National Legislative Committee of the Veterans of Foreign Wars, after reviewing veterans legislation in the 91st Congress together with the approximately 300 mandates approved by the delegates to our Philadelphia National Convention, submits the following report.
>
> There are three major problem areas of deep concern to the National Legislative Committee:
>
> 1. The negative position of the Administration with respect to legislation moving forward in the 91st Congress.
>
> 2. The position of the Administration, as reflected by its Bureau of the Budget, opposing adequate funds and perosnnel to operate veterans programs.
>
> 3. The bottleneck of bills in the Subcommittee on Veterans Affairs of the Labor and Public Welfare Committee of the United States Senate, where several V.F.W. Priority Legislative Goals have languished for many months.
>
> More specifically, your Committee found that the following bills, which have passed the House, are pending in the Subcommittee on Veterans Affairs:
>
> H.R. 693: Provide medical benefits to veterans of the Mexican Border Campaign.
>
> H.R. 692: Extend from the present six months to nine months the period of time that seriously disabled veterans may be cared for in a private nursing home at VA's expense.
>
> H.R. 693: Provide that the VA may furnish outpatient treatment and any medical services necessary for seriously disabled veterans who are in receipt of the special housebound or aid and attendance allowance for service connected or non-service causes.
>
> H.R. 693: Eliminate the so-called "pauper's oath," or statement of inability to defray hospital expenses, for a veteran 72 years of age or older, to be admitted to a VA hospital.
>
> H.R. 693: Authorize the VA to furnish drugs prescribed by a physician for all disabilities, service connected or non-service connected, for seriously disabled veterans who are receiving the special housebound disability rate.
>
> H.R. 2768: Eliminate the six months time limitation for veterans who are furnished nursing care for service-connected disabilities.
>
> H.R. 3130: Furnish outpatient treatment for non-service connected disabilities as well as for service connected disabilities for war veterans who are rated as permanently and totally disabled for service-connected disabilities.
>
> H.R. 9334: Increase the per diem rate to $7.50 where a veteran is receiving hospital care in a state home and liberalize the program generally.
>
> H.R. 11959: Amend the education provisions of the GI Bill to allow receipt of certain additional Federal educational assistance benefits for children, widows, and/or wives of deceased veterans who died of service connected causes.
>
> The Administration has recommended that action be deferred on the following legislation pending further study:
>
> Increase the dependency and indemnity compensation rates for service connected widows.
>
> Provide additional monthly payments for each child for widows in receipt of DIC benefits.
>
> Increase insurance for those serving in the Armed Forces from $10,000 to $15,000.
>
> Provide double indemnity coverage for Armed Forces personnel assigned to duty in a combat zone or for extra-hazardous duty.
>
> Provide dismemberment indemnity coverage for loss of or loss of use of limbs and eyes.
>
> Establish a Vietnam era Veterans Life Insurance Program for a permanent plan of insurance for those discharged from the Armed Forces.
>
> Increase education and training allowance for all of the VA educational programs by a sufficient amount to offset the cost of living and cost of education since the latest increase in education training benefits.
>
> All of the above legislation is moving forward in the 91st Congress and reflects V.F.W. national mandates.
>
> The VA budget for fiscal year 1970 is still very much in doubt. The Administration in April, 1969 recommended the following reductions in the fiscal year 1970 VA budget:
>
> $31,567,000 providing funds for 3,586 doctors, nurses, attendants, and other hospital personnel including operation of kidney hemodialysis units, alcohol treatment units, heart intensive care units, etc.
>
> $11,333,000 in other categories of veterans hospital care and medical and prosthetic research.
>
> $41,151,000 for modernization and construction of veterans hospitals.
>
> $4,000,000 for modernization and construction of medical facilities in State Soldiers Homes.
>
> $3,200,000 for 378 employees to contact veterans and adjudicate and process their claims.
>
> In addition, the Bureau of the Budget in July 1969 ordered the Veterans Administration to operate with approximately 3900 fewer personnel than it had on June 30, 1969, which is causing serious staffing problems in both VA hospitals and regional offices.
>
> It was the unanimous conclusion of your National Legislative Committee that the Commander-in-Chief of the Veterans of Foreign Wars take the following action in light of these findings, which are of such grave and intense concern to the membership of the Veterans of Foreign Wars:
>
> The Commander-in-Chief immediately advise the President of our grave concern on these matters and urge the President to sign those legislative bills thus far opposed by the Administration and when final action is taken on these measures by the Congress.
>
> The President be urged by the Commander-in-Chief to:
>
> Report favorably on the legislative proposals on which the Administration has deferred action, pending studies.
>
> Allocate all the funds the Congress appropriates to operate the Veterans Administration in FY 1970.
>
> To reevaluate the priorities of his Administration to take into account that the Veterans Administration must be considered in the same category with the Department of Defense as a war agency and that operating funds must be made available accordingly to staff the agency so that the VA can cope with the wartime workload imposed upon it by the present military discharge rate of about one million new veterans each year.
>
> Appreciation be expressed to the House of Representatives for restoring to the 1970 VA budget most of the funds which the Administration reduced from its April 1969 revised budget.
>
> Appropriate action be taken by the Commander-in-Chief and the National Legislative staff to urge the Senate to pass a 1970 VA appropriation at least equal to the $7,705,192,000 passed by the House of Representatives.
>
> An all-out campaign be inaugurated by the Veterans of Foreign Wars, calling for prompt, positive action by the Senate Labor and Public Welfare Committee and the United States Senate on H.R. 11959 and similar bills to provide increased education and training allowances for veterans enrolled under the GI Bill.
>
> That the Commander-in-Chief advise National, Department, District, County Council, Post Commanders, and our membership of the concern of its National Legislative Committee and that our officers and members contact the President and Members of Congress urging support of pending legislative proposals carrying out V.F.W. national mandates and our V.F.W. legislative program.
>
> It was the consensus of the National Legislative Committee that this report was needed at this time to dramatize the seriousness of veterans problems as the Committee found them during its meeting this past weekend. The recommendations made by your Committee are, in its opinion, most urgent. Time is of the essence. The Veterans of Foreign Wars must continue its leadership as the major spokesman for veterans and their families or, if deceased, their survivors.

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APPOINTMENT OF HELEN DELICH BENTLEY AS MARITIME COMMISSIONER

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. GARMATZ. Mr. Speaker, in his appointment of Mrs. Helen Delich Bentley to head the Federal Maritime Commission, President Nixon has shown unusually good judgment. A better qualified person could not be found.

An article in the Sunday Star by Miriam Ottenberg will substantiate my statement on her qualifications, and under permission to extend my remarks, I wish to include this article, which will be of interest to all Members:

TUGBOAT ANNIE OR KNOWLEDGEABLE LADY? OUR HIGHEST RANKING WOMAN APPOINTEE

(By Miriam Ottenberg)

Helen Delich Bentley, President Nixon's nominee to head the Federal Maritime Commission, has been labeled variously as a Tugboat Annie with language to match, an old-fashioned swashbuckler with hats to match and—by the President himself—a "knowledgeable lady in a man's world" who "has gained a reputation for being the best there is."

Her man's world has been on the waterfront, beginning with Baltimore, but for many years ranging over any of the world's waterfronts.

The $40,000-a-year job for which she has been nominated makes her the highest ranking woman appointed by President Nixon to the executive branch and the first woman to head a regulatory agency.

Her confirmation hearing set for Thursday before the Senate Commerce Committee's merchant marine subcommittee headed by Senator Russell Long (D.-La.) is expected to attract congressional witnesses from both Senate and House and from both sides of the aisle.

For Mrs. Bentley, a lifelong Republican, has taken a non-partisan approach to maritime affairs—giving the material she has collected to Democrats and Republicans alike, to anyone who would carry forward her campaigns for improving the port of Baltimore and strengthening the American merchant marine.

As long-time maritime editor of The Baltimore Sun, the 45-year-old blonde has talked with, tangled with, provoked and persuaded all manner of men from the lowliest longshoreman to the loftiest legislator.

Some who have felt the leading edge of her displeasure claim she has a low boiling point, a notorious temper. Others, more friendly, say that's not a volcanic eruption at all, just a tea kettle letting off a little steam.

In the course of 24 years of increasing responsibility on The Sun and ever-widening interest in national labor and transportation affairs, she has been the central figure in countless anecdotes—the dogged woman among all the men. There's the much repeated story about socking a longshoreman during a longshoremen's strike in Philadelphia when he suggested she turn her "newsy nosy nose" into a ski jump.

And the time in Oslo when her shout interrupted a conference she was covering when a Norwegian shipowner claimed he was losing money on U.S. business. Knowing full well he was making money, not losing it, she called out: "If that's true, if you're losing money, take your ships out, take them out of our service."

Back in Baltimore, they tell the story of the day she sent one of her legmen to cover a special meeting at' the longshoremen's union hall called after she wrote a story of payroll padding between longshoremen's officials and management. She knew her reporter couldn't get in but she wanted him to see who was attending and she was too busy at that hour to go herself.

When the longshoremen got rough with the reporter, he ran across the street and called her. She responded by going straight to the union hall. There she stood on the street, daring them to push her off the sidewalk.

"I knew they'd come to my defense if I had any trouble," she explained. "I always felt as a whole every longshoreman is a friend. I've always felt safe on the waterfront.

SHRUGS 'EM OFF

Sometimes the stories are apocryphal but she usually shrugs them off with a grin. In a day that begins before 6 a.m. and often ends way past midnight, there's no time to trouble over trivia.

Once in a while, though, the tale emerges so distorted for one reason or another that she determines to get the record straight. Such is the tale of the four-letter word heard 'round the world.

The word was used in the course of dictating a story to The Sun from the giant icebreaker S.S. Manhattan as it ploughed its way over the top of Canada to traverse the fabled but untraveled Northwest Passage.

She doesn't deny using the word. It slipped out, she recalls, at a moment when she was tired and irritable, the phone connection was bad and she had repeated the same sentence over and over again to the man taking her story. And she's sorry.

"I knew at the time I said it, I shouldn't have and I expected to be cut in on immediately but nothing happened for 24 hours. Then Stanley B. Haas, the mission commander for Humble Oil, told us there would be no more calls to our offices.

"The press was livid at me. I told them what I'd said and I apologized. I was mortified that I had caused this. I felt if I had done it, I should pay the penalty but not everybody else."

Before the day was out, though, several of the men did get through to their offices with reports that the Federal Communications Commission had ordered a communications blackout because of the word.

When news filtered back that the FCC denied any part of the blackout, Mrs. Bentley set about finding out who was really responsible.

Finally, at Anchorage, Haas issued a statement saying Mrs. Bentley's "slip-of-the-tongue" while transmitting over Humble's facilities was reported to Humble's communications company which held the license for radio facilities aboard the vessel.

"Fearing a more severe clampdown by the regulatory agency, we apparently over-reacted and imposed the restriction without any involvement by the FCC," Haas conceded. "Communicating word restriction to the ship was difficult and obviously there was some misunderstanding and inaccuracy in the way we made the announcement aboard ship."

He regretted that so much public attention was called to Mrs. Bentley's "lapse," expressed great respect for her as a journalist and confidence that she would prove an able head of the maritime commission.

With that the incident appeared closed, but everywhere she has gone since she returned last week—including Capitol Hill—she is asked about the word.

Disturbed by the incident as she has obviously been, she has managed to refrain from saying what she must have thought more than once—that it wouldn't have been a page one happening if she'd been a Harry instead of a Helen.

For Mrs. Bentley, becoming the first woman to traverse the Northwest Passage (unless some Eskimo woman made it centuries ago) was something less than a pink tea long before the word imbroglio. At the start, it didn't look as though she would make the trip at all.

GETTING ABOARD

When she applied, she was turned down by Humble Oil, which was spending some $40 million to determine the economic feasibility of transporting Alaskan oil to the east coast of the United States by using super-tankers to plow through the frozen waterway. This could be history in the making and Mrs. Bentley was determined not to miss it.

She was told Humble Oil's public relations man had arranged for space for 10 men. There was no room for a woman. She countered with a suggestion that three or four women could occupy a room together. Nothing doing.

A few days later she tried again. This time she argued that her syndicated column appeared in 14 newspapers and that ought to be enough.

"That didn't quite go over," she recalls "so I said, 'Supposing I become chairman of the Federal Maritime Commission' and he said, 'Well, that puts a different light on it.' Two days later he gave me the go-ahead and later that same day, the White House called to say I was going to be nominated to head the FMC."

The Manhattan left Chester, Pa., Aug. 24 but there was no space for her aboard until Sept. 4 when a helicopter picked her up with some others at Thule.

It wasn't the only occasion she had to be put ashore to make room for some men.

After she had been on the ship a few days, the only woman among 130 men, she was put ashore in Resolute, the most northerly point in Canada. It was a lonely outpost but she managed to get several stories there before a plane picked her up and deposited her on a rocky beach without benefit of landing strip.

A helicopter from the ship dropped off some men and took her back.

Being shunted on and off the ship she took in stride because she makes a point of not asking any quarter just because she's a woman. She's no shrinking violet, as she's the first to admit, but she's no feminist either.

Since she's been called a Tugboat Annie, what is her image of herself? Mrs. Bentley pondered awhile before she answered that one.

"I don't really think I'm a Tugboat Annie," she said. "I'm a very plain-spoken, hard-working and I think fair-minded person . . . a twentieth century woman with a certain amount of conservatism, which undoubtedly fits in with Republican Party thinking.

"I have always felt that each person should stand on his own two feet. I've worked since I was 12, never dodged anything, nor asked for any favors. I try to meet everyone on his or her level. I don't like phonies, don't like pseudo socialites and I particularly don't like lazy people."

Since she'll be bossing 260 people at the FMC and have regulatory authority over thousands of others, what kind of people does she like?

"Genuine people," she responded swiftly, "people who are honest, people who work, people who don't shoot from the hip, people who are fair and make an effort to get both sides of the story."

Undoubtedly, she will be something new to the foreign diplomats with whom she wi have to deal in her adjudicating role. Because she will be called on to rule between American and foreign shipping interest in world trade, Mrs. Bentley was asked what her position will be.

"FAIR-MINDED"

"I think the diplomats will find that I'm a fair minded person who will give them

every consideration," Mrs. Bentley replied. "I don't believe in special favors to the American merchant marine but I'm against prejudice that discriminates against the American merchant marine."

In her dealings with the American merchant marine she has steered a course that was at once protective as a mother hen and scolding as a maiden aunt. She is passionately patriotic about building American seapower.

"One thing people don't realize is how dependent we are on the rest of the world for raw materials as well as selling our finished products," she says with crusader's fervor.

"The United States is far from being self-sufficient. It's important that we keep good working relations with all countries, who are both producers and buyers."

Acknowledging that in her new post, she's supposed to be more on the regulatory end of maritime affairs, Mrs. Bentley nevertheless adds: "Naturally, I couldn't sit aside and not do what I can to help revive the fleet which is so sorely needed to protect our commerce and trade.

"In order for us to be assured of a steady flow of raw materials and of outlets for our products, we must have a basic nucleus fleet, which as President Nixon said would be able to carry at least 30 percent of our total foreign commerce."

Building the fleet is more the bailiwick of Marine Administrator Andrew Gibson, a fact of which Mrs. Bentley is well aware, but fortunately they've known each other for years and get along well.

As President Nixon noted in announcing her nomination, she has "established a record of professional excellence unsurpassed by any maritime expert in the country".

It's been a long haul for a woman who started out just about as far away from ships and the sea as she could get. She was born in Ruth, Nev., a mining town high in the mountains.

An award, the first of many in her career, was her springboard into the outside world. It came in 1941 when the Elks National Foundation selected her as the nation's outstanding high school girl graduate and gave her their top scholarship to the college of her choice.

After attending the University of Nevada for a year she came to Washngton to work for the late Senator James G. Scrugham whose campaign she had managed in two Nevada counties before she was old enough to vote herself.

At night, she attended George Washington University but wanted to get into newspaper work so she quit Washington for the University of Missouri's School of Journalism, from which she was graduated in 1944.

"TAKE A LOOK"

After brief stints with the United Press and Lewiston, Idaho, Tribune, she got a job on the Baltimore Sun in 1945. She went from general reporting to the labor beat but in 1948, she asked for a change.

"Go down and take a look at the port," she was told. "We've had nobody there since before the war."

The look became a career. One of the first stories she covered on the waterfront dealt with some supposedly Communist sailors who had mutinied and gone up the mast.

"I wanted to talk to them so I scooted up the mast. I didn't have any better sense."

She's been scooting ever since—building the waterfront beat until it takes three people besides herself to cover it all, carrying a television program for 14 years, writing a syndicated column, getting some laws and preventing the passage of others and scooping her male colleagues on some major stories.

She campaigned successfully for the Maryland Port Authority and teamed with Representative Thomas Pelly, R–Wash., to prevent enactment of a bill requiring American flag ships to put on radio call selectors. Her stories pointed out that the device had never been perfected but a Massachusetts manufacturer had a surplus lot and persuaded his Congressman to put in a bill to sell the things to American ships.

Her stories have often carried her far from Baltimore—as far as Saigon where her account of the shipping chaos on the waterfront eventually prompted AID to send an expediter to clear up the mess.

Ten years ago, she was married to William R. Bentley, a former public school teacher who now operates an antique business. Although her managing editor worried that her new by-line might be too long to fit in a column, she nevertheless added her married name. It fits.

The Bentleys live with their six poodles in Lutherville, Md. Their house is 58 miles from downtown Washington via the Beltway. She's clocked it because if she's confirmed, she's planning to commute. There doesn't seem much doubt about that.

U.S. CHAMBER'S DESKBOOK SHOWS BUSINESSMEN HOW TO COMBAT ORGANIZED CRIME

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. FASCELL. Mr. Speaker, in 1968, a subcommittee which I chair, the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, after extensive hearings said that—

> Organized crime cannot exist in any community that is determined that it shall not exist, and which backs up that resolve with effective action. (Federal Effort Against Organized Crime: Report of Agency Operations, House Report No. 1574, 90th Congress.

In June of this year I was invited to appear on the U.S. Chamber of Commerce radio program "What's the Issue?" to discuss the organized crime problem as it relates to legitimate businessmen. At that time I said:

> Organized crime is becoming a competitive force in legitimate business fields because by having illegitimate sources of revenue they have a tremendous competitive advantage over legitimate businessmen in the field.

It was recently estimated that organized crime today has a net worth of $149 billion, and that in 15 years its worth will increase to $600 billion. Obviously, a force of this magnitude, operating above the law and bent on subverting our institutions, must be defeated.

The question is: How can it be done? First, we need vigorous and coordinated law-enforcement efforts at every level of government. Second, we need an informed and active private sector which is willing to be a participating partner with government in the fight.

In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that "private business associations develop strategies to prevent and uncover organized crime's illegal and unfair business tactics."

The Chamber of Commerce of the United States has, this week, published a "Deskbook on Organized Crime." To my knowledge, it is the first self-contained, comprehensive, ready-reference book for businessmen hoping to find ways to combat organized crime. The deskbook is purposely compact and enables businessmen to recognize organized crime manifestations. It also supplies them with information on how to make those manifestations known to appropriate officials. It is an excellent work, in an area where there has been a great need.

Because the deskbook represents a meaningful step toward educating the private sector on the threat posed by syndicated crime, I recommend it to my colleagues and to all businessmen.

Following is the national chamber's announcement about the deskbook:

NATIONAL CHAMBER RELEASES BOOK THAT TELLS BUSINESS HOW TO DETECT ORGANIZED CRIME

WASHINGTON, September 24.—The Chamber of Commerce of the United States today released a 72-page book telling businessmen how to detect organized crime in their own companies.

Entitled, "Desk Book on Organized Crime," it is a compact detailed report that tells a businessman what to do if he suspects organized crime is trying to exploit his firm. The purpose of the book is to point out the symptoms of organized crime techniques to businessmen. It suggests what businessmen can do to combat these techniques, and it tells them where they can get help. It is written in such a manner that company supervisors can learn how to cope with organized crime techniques.

"Practically every type of business and industry in the United States is currently being exploited or penetrated . . . by a conglomerate of crime," the book warns.

It leads off with a description of the severity of the challenge that the organized underworld presents to the business community. It follows with a tabulated section that spells out the major organized crime threats that must be anticipated by business. The final section offers businessmen a blueprint for a counterattack against organized crime.

In releasing the book, Arch N. Booth, executive vice president of the National Chamber, said experts in the field of crime prevention, plus knowledgeable business leaders in a special study identified that of all crime, organized crime most directly and most seriously affects all business. He said the book will be helpful in protecting a legitimate business enterprise from organized crime and that it will also be helpful in protecting a businessman and his family from personal threats from organized crime racketeers.

"By and large, business has been a sitting duck for underworld sharpshooters," the book reports. How much organized crime reaps from its entry into legitimate business and industry is an open question, it continues. But it said one example is a single midwestern city where racketeers controlled or had large interests in 89 businesses with total assets of over $800 million.

The book contains a list of 87 business and industries in which organized crime has been known to be active. The list ranges from accounting, advertising, air freight, and auto agencies to vending machines, waterfront services, window washing and wire services. The book warns that the list is only partial.

The book alerts businessmen to the ways in which organized crime moves into legitimate business and industry. For example, one technique the book explains is the organized crime of planned bankruptcy fraud. The book reports the number of ways in which bankruptcy fraud is carried out.

It explains that one form of bankruptcy fraud is to set up a new company with an almost identical name and a similar address to that of a well known and highly creditworthy corporation. Capitalizing on the favorable credit rating of the well known firm,

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racketeers proceed to order goods from misled suppliers. The fraudulent company then goes bankrupt without paying its bills.

The book warns businessmen to make sure credit and sales personnel are aware of such flam operations. It urges them to review dollar cut-off points for credit and to closely check credit accounts.

But beyond these good business practicea the book warns that frequently victims of bankruptcy frauds are tempted to write off the account as a tax loss and be done with it. But the book urges against this practice and explains why. First, it is a disregard for the health of the business community and effective law enforcement. Second, such frauds tend to result in higher credit standards, and third, if a company appears to be so willing to be bilked once, organized crime may try a second and third time.

In addition, the book gives details on how to combat dummy or fraudulent associations, gambling, labor racketeering, loan sharking, monopoly and coercive competitive practices, illegal uses of stocks, bonds, credit cards, and illegal take-over of a legitimate business plus a number of other organized crime techniques. Editor's Note: Copies of the book are available from the News Department of the Chamber of Commerce of the United States.

JAMES L. HANBERRY—DENMARK, S.C., MAN A NATIONAL HERO

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. WATSON. Mr. Speaker, one of the most remarkable acts of bravery in the history of this Nation occurred at the turn of the 20th century when 14 men volunteered for a human experiment by Maj. Walter Reed to find out the cause of yellow fever. Three of these courageous men were from South Carolina. Just recently, a portrait was dedicated to the memory of one of these great Americans—Mr. James Leonard Hanberry, a native of Denmark, S.C., which is in my congressional district. Mr. Hanberry passed away in 1961, almost 60 years to the day when he allowed himself to be bitten by a mosquito which carried the dreaded yellow fever.

Attending the unveiling of the portrait were members of Mr. Hanberry's immediate family, including his brother, Mr. Everett Hanberry, and the Hanberry children. A magnificent dedication address was delivered by Mr. Richard Rhame, of Orangeburg S.C.

Mr. Speaker, as a part of my remarks I would like to include a story written by Joyce Milkie and the text of Mr. Rhame's address as they appeared in the Orangeburg, S.C., Times and Democrat of September 21, as follows:

JAMES L. HANBERRY—DENMARK MAN A NATIONAL HERO

(By Joyce W. Milkie)

More than 150 people gathered last Sunday afternoon at the Salley Archives Building to pay homage to the memory of James Leonard Hanberry, one of fourteen yellow fever volunteers, whose bravery and sacrifice helped to defeat this dread disease.

Hanberry, who was honored many times during his lifetime, was born in Denmark, S.C., but lived much of the latter part of his life in Orangeburg. One of his daughters, Mrs. B. Earle King, and a number of grandchildren and great grandchildren also reside in Orangeburg.

The overflow crowd stood for more than an hour waiting for the ceremony to begin. They were there to witness the unveiling of an oil painting of Hanberry by noted Orangeburg artist, Gerald Foster. The portrait, presented to the family of Mr. Hanberry by the artist, was in turn given to the Historical Society and will be hung in the Archives Building on Middleton St., Orangeburg.

Sons and daughters, a brother, and great grandchildren of Mr. Hanberry were present as the president of the Historical Society, Mike Salley, introduced the speaker for the afternoon, Richard Rhame.

Rhame told the story of Hanberry's heroic act, also giving full credit to another Denmark man, C. G. Sonntag, who was also a volunteer. Rhame emphasized that Hanberry offered himself for this dangerous feat for one reason—"It was the right thing to do."

Hanberry was discharged from the service immediately following the end of the Spanish American War. He re-enlisted December 18, 1898 and was discharged Dec. 12, 1901, on his birthday.

On Feb. 28, 1929, the Congress of the United States ordered gold medals to be struck to present to the 14 members of Dr. Walter Reed's famous group of volunteers. Their names also appear each year on a roll of honor in the official Army Register.

Hanberry's "Congressional Medal" was one of his most highly prized possessions; it is now safely encased in glass at the Archives Building, along with other memorabilia. The fever chart showing the list of volunteers, their dates of infection by the dread disease and the fantastically soaring fevers they suffered, is also at the Archives Building.

Rhame said it was interesting to note how closely South Carolina is associated with this great feat of history.

Four of the volunteers were, of course, Cuban. Three were from South Carolina, including Hanberry and Sonntag, both from Denmark, and Levi Falk of Newberry. One man from North Carolina enlisted with the South Carolina men initially, and another, from Florida, moved to South Carolina later and is buried at Spartanburg.

"This," Rhame said, "is indeed a proud record for our State."

Mr. Sonntag is buried in Arlington National Cemetery.

The handsome portrait was unveiled by two of Mr. Hanberry's great grandchildren, Debbi and Mary Paige Hutto of Orangeburg.

Present also for the occasion was Mr. Everett Hanberry of Denmark, brother of James Leonard Hanberry; and the Hanberry children, Joe M. Hanberry of Little Mountain, James L. Hanberry of Greenwood, Mrs. H. L. Dantzler, Mrs. J. D. Patrick, and Mrs. Earle King of Orangeburg.

TEXT OF PORTRAIT DEDICATION ADDRESS

CONTRASTING RECEPTIONS

"Just a few short months ago, all the world hailed the return of the brave lunar astronauts after they unfurled the American Flag on the 'Sea of Tranquility'—it was man's first step on the moon, destined to be ordained as one of civilization's greatest feats. Accolades from the leaders of the world—homage from all the people—multitudes lining the streets of the great cities to catch a fleeting glimpse of the returning heroes. Surely such praise and adulation were deserved—a new conquest had been completed in man's never ceasing search for knowledge.

"Contrast this reception for these three brave outer-space explorers just a little less than half a year ago with the reception accorded that small group of men returning from Cuba little more than half a century ago who, with no thought—nor expectation—of personal glory, unlocked the mystery of one of mankind's greatest killers: yellow fever.

GENERALLY IGNORED

"Except in small scientific and medical circles, little was heard of the accomplishments of the Yellow Fever Commission, headed by Major Walter Reed, U.S. Army. Their return was uneventful and generally ignored by the world—their contribution to all humanity was not acknowledged for over a quarter century.

"Today, 68 years later, we honor the memory of one of those heroes whose unselfish devotion to his fellowman resulted in greater benefits to the human race, at a far smaller material cost, than the launch of a single rocket.

"And this hero we honor today was one of our own: James Leonard Hanberry.

HE KNEW HIS ENEMY

"Mr. Hanberry had known 'Yellow Jack' as a child—his mother had been a victim of it in her youth. He knew what happened when the Yellow Fever Plague descended upon the great cities in both this, the new world, and in the old world—he knew how the populations of Charleston, New Orleans, Memphis, Washington, Philadelphia, and even New York were decimated—bodies stacked in the streets like cords of wood—destruction of homes and possessions of those thought contaminated. Mr. Hanberry knew 'Yellow Jack' while serving in the Hospital Corps of the Army during the War With Spain and the occupation of Cuba that followed. And his knowledge there was an intimate knowledge as he ministered to the sick and dying at Columbia Barracks near Havana, Cuba.

"With the fearsome knowledge he had of Yellow Fever, James L. Hanberry unhesitatingly stepped forward, one of 14 men, when the call went out from the Commission for Volunteers to participate in the previously unheard of human exeprimentation proposed by Major Reed to try to determine the unknown cause of the killer disease—more deadly than the bullets of the enemy during the recently completed conflict.

GREAT RISKS, DANGERS

"Mr. Hanberry committed himself to cross a threshold fraught with greater risks and dangers than those brave men who entered their space vehicles, bound for the moon—the mission of the astronauts had the combined knowledge of thousands at their disposal: Mr. Hanberry and that small band of fellow volunteers embarked upon their adventure with little more than an uncertain hope of survival, and the knowledge of four doctors—an uncertain knowledge buoyed up by faith, trust, and confidence.

"The mosquito had been suspect by a few scientists as a factor to be reckoned with—but proof had never been established. The only sure proof had to entail the engagement of uncertain, dangerous, unpopular human experimentation, scientifically ordered and controlled. The role in the Yellow Fever drama played by the insect must be determined—if it existed. It was vital to determine whether, in truth, one victim of Yellow Fever might infect others by personal or property contact—the theory commonly accepted at the time as the primary cause of the spread of the fever.

STRICT QUARANTINE

"Major Reed persuaded the authorities to segregate, under strict quarantine, a portion of Columbia Barracks for use in the experiment. This section of the military base—apart from all the remainder—was named Camp Lazear in honor of Dr. Lazear, a member of the Yellow Fever Commission who had succumbed to the disease a short time before the start of the experiment. Camp Lazear was the focal point for all the work of the commission—it became the home of the little band of volunteers. Several huts, including the 'Pest House,' were prepared according to the specifications of the commission.

"Mr. Hanberry, and his friend, C. G. Sonntag, also from Denmark, became residents of the 'Contamination Hut' where they lived secluded for a period of three weeks, seeing only those members of the staff assigned to them in carrying out the experiment. It was a lonely vigil they kept—cut off and isolated from friends and buddies.

"While confined in the stifling atmosphere of the sealed hut, they slept in the death shrouds of deceased victims of Yellow Fever—wore the clothing of those who had died—rested on the soiled beds and handled the possessions of the dead.

"In spite of this lengthy time, exhausted mentally from the psychological strain as well as physically from the inactivity of confinement, Mr. Hanberry suffered no ill effects related to the fever; hence, it was correctly concluded that the old theory of fever transmittal from person to person was in error.

"It staggers the imagination to reflect on the wanton destruction of life and property that had occurred over the years when it was thought that the plague was passed from person to person! Man's knowledge was immeasurably enriched as a result of those three weeks of agonizing experiments endured by Mr. Hanberry in the 'Contamination Hut.'

NEXT CRUCIAL STEP

"Now it was time to take the next crucial step: actual human infection by a mosquito which had fed from the veins of a Yellow Fever victim. And James Hanberry submitted to this second ordeal with full knowledge of the probable outcome—he permitted himself to be bitten by 'Mosquito No. 13,' an insect which had been carefully documented and chronicled as it sucked the blood of patients, delirious with fever.

CONSUMING FEVER

"Three days later—on Feb. 9, 1901—James L. Hanberry was seized by the consuming fever which registered above 105 degrees. For almost one month his body was tortured with pain and racked with convulsions but, with the youthful strength engendered by his wholesome life as a boy in Denmark, S.C., he successfully withstood the seige of the disease. Mr. Hanberry gave all credit for his recovery to his doctor and nurse. It was said by Dr. Roger Post Ames, the attending physician, that—'Mosquito No. 13 that bit Hanberry on Feb. 6, 1901, stopped 200 years of confusion, bitter controversy, horror, sickness and deaths.' And it was proved that man was only the temporary host and that the female stegomyia mosquito was not only the permanent host, but was infectious as long as she lived.

"The solution for the conquest of Yellow Fever was simple, once the transmittal agent was determined: destroy the breeding places of this deadly little insect and the Yellow Plague would evaporate. The world, armed with this great knowledge, was ready for liberation and mankind has been the victor once again. Had it not been for these experiments and the brave men who volunteered to be human guinea pigs, it is conceivable that there would have been no Apollo moon experiments—no Panama Canal, which had been thwarted previously when the French abandoned their efforts in 1880 because of the disease—mankind might still be stacking bodies on the streets.

"When he was asked why he submitted to the ordeal, Mr. Hanberry stated simply: 'Because it was the right thing to do.' And that answer typifies the man as we knew him—he did it because it was the right thing to do!

HUMOR, HUMILITY . . .

"We remember this brave man for his humor—his humility—and his courtliness—a man who was instrumental in quietly serving his fellow man in a great mission—without tumult and fanfare—and without expectations of any reward.

"Mr. Hanberry did not seek the noisy throngs—his was the personality of quiet reflection. He played his part in making the world a better place for all of God's children. He voluntarily gave his body as the instrument for human experimentation—and 'Greater Love Hath No Man.'

"It was our privilege to know him—it will be our great pride to point to his portrait in this building and say to those who did not know him: 'There is a Southern gentleman who placed the welfare of his countrymen far above his personal consideration.'

LET US REMEMBER

"Let us be forever mindful of his contribution to our health and well-being—and to the health of generations in all the world for ages to come.

"Let us Remember The Maine—Teddy Roosevelt and his 'Rough Riders'—Admiral George Dewey—but, above all, let us remember James Leonard Hanberry, born in Denmark, S.C., on December 12, 1875—died on February 27, 1961."

LAW PROFESSOR CALLS FOR CHANGE IN CONSENT DECREE APPLICATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BROWN of California. Mr. Speaker, at issue in the controversy over the Justice Department's move to enter a negotiated agreement to resolve the pending antitrust suit against automobile manufacturers accused of retarding development of smog controls is the legal tool of the consent decree.

Recently, I received an article from the April 1968 Iowa Law Review by Prof. John J. Flynn, of the University of Utah Law School, which takes a thorough and analytical look into the use and practice of the consent judgment. In addition, Professor Flynn makes some perceptive suggestions regarding improvement of the consent decree mechanism.

I found Professor Flynn's article to be an important contribution in the smog antitrust case at point, and I now insert it in the RECORD and recommend that my colleagues give this analysis serious consideration:

CONSENT DECREES IN ANTITRUST ENFORCEMENT: SOME THOUGHTS AND PROPOSALS*

(By John J. Flynn**)

The use of consent decree in federal civil antitrust enforcement is a widespread practice. The consent decree has proved to be an efficient enforcement tool and has received an increasing acceptance as such among the states. Professor Flynn examines the content and effect of the consent decree, its growth as an effective governmental procedure, and the recurring problems involved with its usage. In conclusion, he poses some practical suggestions for maximizing the use of the decree as a regulatory antitrust remedy.

The most widely used antitrust remedy in federal civil enforcement is the consent decree.[1] There is evidence that it is also becoming a common remedy in those states which are actively enforcing their antitrust laws. Although neither the federal, nor the state, antitrust laws expressly or directly authorize the use of the consent decree as a remedial device, it has been widely accepted as the primary remedy in public civil antitrust enforcement. The history and evolution of the antitrust consent decree constitutes an interesting chapter in the development of the legal process to accommodate the task of the adequately enforcing antitrust policy with a relatively limited and static budget in an increasingly complex society. Almost like the process of creating a common-law fiction to overcome a theoretical obstacle of substantive or procedural law, the judiciary and the bar have evolved a legal process to overcome a practical obstacle of substantive and procedural antitrust law—the expeditious enforcement of antitrust policy in a judicial setting. It shall be the purpose of this article to examine the development of consent decrees as an antitrust remedy, to examine their content, and to make suggestions concerning some of the recurring problems with antitrust consent decrees.

I. HISTORY AND EVOLUTION OF THE CONSENT DECREE

The first use of a consent decree in antitrust enforcement was in *United States v. Otis Elevator Company* in 1906.[2] Apparently drawing from the analogy of settlements in private civil litigation, the Government and the defendant entered into a stipulation, with the force and effect of an injunction, dismissing their case. Since that time, the consent decree has been used with increasing frequency, to the point where eighty-seven percent of all the civil antitrust cases pursued to remedy by the federal government during the decade of the fifties were settled by consent decrees.[3]

The constitutionality and the statutory validity of consent decrees were firmly established by the 1928 decision of the United States Supreme Court in *Swift and Company v. United States*.[4] The Court held that federal courts had jurisdiction to entertain antitrust consent decrees and that the only grounds of atack available on appeal are clerical errors, lack of consent, fraud, and lack of subject matter jurisdiction. Consequently, provisions of the decree based upon erroneous factual or legal conclusions, provisions which enjoin intrastate activities, provisions which are vague and general, and provisions which go beyond the scope of the antitrust laws are barred from attack on appeal because of the defendant's consent to the decree.[5]

The use of consent decrees to terminate antitrust litigation was stimulated by the enactment of the Clayton Act in 1914. Section 5(a) of the Clayton Act provides that a final judgment or decree "rendered in any civil or criminal proceedings brought by or on behalf of the United States under the antitrust laws" is to be given prima facie effect "as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto" in private treble damage actions under section 4 of the Clayton Act and single damage actions by the United States under section 4A of the Clayton Act.[6] Incentive to enter into a consent decree was stimulated by the proviso to section 5: "that this section shall not apply to consent judgments or decrees entered before any testimony has been taken or to judgments or decrees entered in actions under Section 4A."[7] A noticeable increase in consent decrees, which should not necessarily be solely attributable to sections 4 and 5 of the Clayton Act, took place after the passage of the Clayton Act.[8]

A peculiarity of consent decree litigation under the federal antitrust laws has been the almost exclusive use of this device in government civil antitrust enforcement. Although it has been pointed out that the theoretical basis for consent decree "emerges out of the very process of litigation" and that "settlement out of court is one of the oldest of legal usages," this writer has only uncovered one reported consent decree in a private equity action under the federal anti-

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trust laws, *A. O. Novander, Inc. v. Chapel Hill Gardens, Inc.*[9] The *Novander* case should not necessarily be considered an important instance of the use of the consent decree in private litigation, since the decree was based upon a consent decree entered against the same defendant in an earlier government antitrust action.[10] There is also little evidence to indicate widespread but unreported use of consent decrees in private antitrust equity suits.[11] The stimulus of the section 5(a) proviso of the Clayton Act is, of course, not present in a suit brought under the antitrust laws by a private litigant, and private injunctive cases are not numerous.[12] Moreover, it is likely that the private litigant does not have the additional bargaining leverage present in public enforcement because he does not have the government's unlimited resources, excellent investigative assistance, threat to bring criminal charges, and trained counsel. But there is no statutory limitation upon the power of litigants in private equity actions under the antitrust laws to settle their case and obtain a judicially enforced decree by entering into a consent decree.

At the state level, the general absence of state antitrust enforcement and the lack of official reporting until recent times of what little enforcement there was has restricted the development of consent decrees as a state enforcement weapon. The Tennessee antitrust statute specifically authorizes consent decrees against cooperative marketing associations restraining or monopolizing trade,[13] and Washington's new antitrust statute provides for a general remedy called "assurance of discontinuance."[14] Aside from being a vague and ambiguous remedy, the Washington provision seems to limit relief to negative proscriptions upon past conduct and does not appear to authorize affirmative relief in antitrust consent decrees.[15]

Other states have utilized consent decrees as an antitrust remedy in public enforcement, apparently upon the presumption that the power to bring civil actions includes the power to settle the dispute by consent decree. New York has reportedly used consent decrees to enjoin coercion in the installment loan contract business,[16] to enjoin bid rigging in state construction contracts,[17] and to enjoin monopolization.[18] Texas has long utilized consent settlements in civil forfeiture cases and recently found occasion to utilize a consent decree to prevent an anticompetitive merger.[19] Hawaii obtained dissolution of a motion picture theatre chain into two chains by a consent decree following a monopolization charge,[20] and California obtained a consent decree barring publication, adoption, or adherence to price schedules for real estate brokerage fees.[21] Thus, there is some evidence of the use of consent decrees as a state antitrust remedy, particularly in those states which have been actively enforcing their antitrust statutes over a sustained period of time.

As a general proposition, however, the development of the use of consent decrees in federal and state antitrust enforcement has been a gradual process resulting in the creation of a unique remedial device used in the vast majority of public civil antitrust cases. The remedy has grown by custom and usage with little direction provided by legislatures or the judiciary, and with relatively scant attention paid to the nature and content of decrees by the bar and the academic world. The analysis here will focus primarily on the use of consent decrees as a federal antitrust enforcement tool; however, the principles are equally applicable to state utilization of this remedial device.

II. THE NATURE AND CONTENT OF CONSENT DECREES

The consent decree has been described as "[A] compromise between two parties in a civil suit; the exact terms [of which] are fixed by negotiation between the parties and formalized by the signature of the federal district judge."[22] This definition is somewhat vague, not only because of the use of the obscure word of corporate folklore "formalized," but also because it does not accurately describe the process of negotiation, the judicial implementation, and the legal consequence of consent decrees. The process of negotiation can best be described as being similar to contract negotiations. Hamilton and Till's description of consent decree negotiations twenty-five years ago is still apt:

> Questions do not have to be transmuted into the alien language of the law; the procedures ordained for ordinary courtroom use do not obtrude with their distractions. The parties meet in informal conference; no weight of intent and harm hangs heavy overhead; fact and value do not have to trickle into the discussion through the conventional rules of evidence. An opportunity is presented to a group of men, sitting around a table, to reach a settlement grounded in industrial reality and the demands of public policy.[23]

Although the context of negotiation may differ from normal business contract negotiations, the essence of what is transpiring does not differ. The parties are engaged in a bargaining process, the Government offering to refrain from formal litigation in return for the defendant's consent to a legally binding "contract," backed by the sanction of contempt, obligating the defendant to refrain from certain conduct or to engage in a certain form of conduct. The very form of the decree illustrates the contractual bargaining nature of consent decree procedure since the decree's preamble states the Government's *quid*[24] and the balance of the decree states the defendant's *pro quo*.

At best, judicial implementation of consent decrees in most cases can only be analogized to the performance of a symbolic religious rite by a high priest, or, at worst, as the performance of an important public function with the machine-like logic of a chiclet dispenser. The analogy to a symbolic religious rite is apt since the placing of the judicial *imprimatur* upon a consent decree is akin to the symbolic act of spinning a prayer wheel, sprinkling water on an individual, or slaughtering an animal on an altar. The act itself is meaningless and often done with little concern about the act, but the symbolic meaning and consequence of the act is usually of great significance to the believers. The chiclet dispenser analogy is apt since the performance usually entails the following of certain mechanical steps with no rationalization or understanding of what is being done. Thus, the court is presented with a negotiated "contract" with little or no understanding of its background, content, or consequences, and mechanically performs the rite of stamping the contract with the approval of the judiciary.[25]

The consequences of a consent decree implemented by a court's *imprimatur* have often been analogized to the effect of an injunction. It is considered to be an order of the court adopting the decree and is enforced by contempt proceedings. But the analogy limps somewhat since the defendant to a litigated decree can appeal the findings of fact and conclusions of law to a higher tribunal. A consent decree, stamped by a court with its *imprimatur*, contains none of these attributes of a litigated injunctive decree. It can only be attacked on appeal for clerical error, lack of consent, fraud, lack of subject matter jurisdiction,[26] and, apparently, failure to carry out an appellate court's previous orders.[27] In effect, therefore, the consent decree is analogous to an injunctive decree with res judicata effect since the enumerated grounds for attacking a consent decree are similar to the limited grounds for collateral attack upon a final judgment which has become res judicata.

Thus, a consent decree in an antitrust case may be defined as the negotiation of an agreement by the parties to a civil antitrust claim; submitted to and adopted by a proper judicial tribunal without explanation or understanding of the circumstances and consequences of the agreement; which is given the effect and attributes of a res judicata injunctive decree by the parties and any tribunal in the future which may have occasion to interpret or enforce the decree. For all practical purposes, therefore, consent decrees may be viewed as a hybrid remedial device with many of the characteristics of a common-law fiction.

The basic content of consent decrees may be divided into routine provisions found in almost all decrees and provisions designed to eliminate alleged violations and prevent future violations by the defendant who happens to be involved in the particular case. The preamble or introductory portion of a consent decree enumerates prior procedural steps of the parties, denial of the substantive allegations of the Government's complaint, a statement that the parties have consented to the entry of "this judgment," that there has been no trial or adjudication of any issue of fact or law, that neither party has made any admission regarding any issue of fact or law, and that no testimony has been taken.[28] At times the preamble to the decree is varied to meet the situation of capitulation and consent to a decree by less than all the alleged defendant conspirators[29] or to dismiss certain specific counts of the complaint without prejudice.[30] In at least one case, the trial court inserted as a preamble to the consent decree the background and circumstances which induced the parties to negotiate the decree.[31] But the general purpose of the preamble to a consent decree seems to be the defining of the nature of the consent decree so that no question may be raised as to the application of the prima facie case provision of section 5(a) of the Clayton Act in subsequent treble damage actions.

The first three and last two numbered provisions of consent decrees normally consist of "boilerplate" provisions. Part I of the decree states that the court has subject matter and in personam jurisdiction, and specifies that a complaint has been stated upon which relief can be granted under a particular section of the antitrust laws.[32] Part II of most decrees is a definitional section defining products, practices, or classifications of individuals involved in the text of the decree.[33] While litigants may find the exercise of defining terminology a boring task, it should be done with care since subsequent proceedings under the decree may turn upon the meaning attributed to a word or phrase in the decree.[34] Part III of most consent decrees consists of a provision defining the scope of application of the decree.[35] This section of the decree usually makes the decree applicable to the parties named in the complaint, and in the case of corporate defendants, to "the officers, directors, agents, employees, subsidiaries, successors and assigns and all other persons in active concert or participation with the defendant" who receive actual notice of the decree by personal service or otherwise.[36] No litigation concerning this phase of routine antitrust consent decree boilerplate has been discovered. It is highly doubtful, however, whether this provision of the decree would enable the Government to claim that persons, corporations, subsidiaries, and "all other persons in active concert or participation" with the defendant are legally bound by the decree in the absence of being made parties to the original complaint. Such an interpretation would violate generally accepted due process notice requirements. The primary value of inserting this type of provision, which claims too much, perhaps lies in its value as a deterrent to the legally unsophisticated director, agent,

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employee, subsidiary, assigns, and "all other persons" in active concert with the defendant.

A second section of this third general boilerplate provision in an antitrust consent decree usually consists of a declaration that the officers, directors, agents, employees, and subsidiaries of the defendant corporation, when acting in such capacity, are deemed to be one person for purposes of the consent decree. This provision may prevent a charge of intracorporate conspiracy to violate the consent decree. A more likely explanation for its inclusion, however, is the possibility that the Government believes such a provision will ease proof of corporate violation of the decree by eliminating the question of whether officers, agents, employees, or subsidiaries were acting on behalf of the corporation.

Some consent decrees have varied the "scope of application" boilerplate provision to meet peculiar circumstances. For example, some of the consent decrees designed to eliminate repetition of the price fixing conspiracy in the heavy electrical equipment industry expanded the purpose of the consent decree provision defining the decree's scope of application to include extemptions for foreign sales arrangements,[37] requirements of delivering the decree to corporate officials and employees of the defendant,[38] and requirements that the defendant establish a training program for corporate personnel to explain the meaning of the decree.[39] The inclusion of these provisions was obviously designed to avoid hardships created by the different considerations in foreign trade and to assist the implementation of the decree, particularly within the large corporations involved with their farflung and relatively independent subdivisions.

Many consent decress also contain an additional boilerplate provision designed to inform competitors, members of a defendant's distribution system, or buyers who may have been injured by a defendant's alleged anticompetitive behavior of the decree provisions. Such a provision may require mailing a copy of the decree to those with whom the defendant has existing contractual relations for the marketing of the defendant's products;[40] mailing a copy of the decree to all buyers of defendant's products within a certain period;[41] publication of the decree in trade journals where it will presumably be seen by members of a defendant's distribution system, competitors of the defendant, and customers of the defendant;[42] or distribution of the decree among the members of a defendant trade association.[43] By requiring a defendant to disseminate a consent decree internally and to all dealers, buyers, and competitors, the rights of those dealing with a defendant under the consent decree become widely known and decree enforcement may be stimulated by complaints from those who were given notice of the decree by the defendant's own hand.

Enforcement of a consent decree, however, need not depend upon surveillance by competitors, customers, or members of a defendant's distribution system. Standard boilerplate for all consent decrees is the insertion of visitation rights in favor of the Attorney General. Such a provision authorizes the Attorney General or his delegate, upon reasonable notice to the defendant and subject to legally recognized privileges: (1) access during office hours, to all books, ledgers, accounts, correspondence, memoranda, and other records in the defendant's possession relating to matters contained in the consent decree; and (2) the right to interview the defendant's officers and employees with regard to any of the matters contained in the consent decree. Abuse of the visitation power is circumscribed by the requirement that information gained pursuant to the visitation provisions of the decree may not be divulged except in legal proceedings to which the United States is a party for the purpose of securing compliance with the decree.[44] This broad visitation power is inserted in every consent decree for the obvious purpose of assisting Government enforcement of the decree. On the few occasions that the government has sought to utilize the right of visitation, however, the courts have restricted Government access to documents by holding that the Government does not have the right to make an initial selection of documents since the decree limits access to documents relevant to the decree,[45] and the Government does not have the right to be present when the defendant selects the documents relevant to the decree.[46] In effect, the provision providing visitation rights for the Government can be equated with the subpoena power and confers little power beyond the Civil Investigative Demand available by legislation.[47] The determination of what documents are "relevant" to matters in the decree permits wide flexibility and discretion to the individual making the selection of documents. While the Government may be expected to give a broad application to what is "relevant," the defendant may be expected to give a narrow application to "relevant" and thereby frustrate the practical value of the visitation provision. The only solution to this Hobson's choice is, perhaps, to allow the defendant to make the initial selection of documents in the presence of the Government. Otherwise documents the Government might consider relevant to the decree may be forever lost to flames born out of a defendant's judgment of irrelevancy.

A final boilerplate provision in most consent decrees is a provision retaining court jurisdiction for the purpose of judicial enforcement, modification, and construction of the decree.[48] In most consent decrees, this provision is not finite, there being no termination date placed upon the life of court retention of jurisdiction. Consequently, several major corporations, unions, trade associations, and individuals which have entered into consent decrees are theoretically required to conduct a part or all of their business operation forever subject to the rules and regulations of a court-entered decree and subject to contempt proceedings for violation of that decree. Although many, if not most, consent decrees are filed and forgotten by the defendants, the Government, and the courts,[49] a vast part of American industry is theoretically governed by over five hundred consent decrees—decrees without limitations in time and subject to enforcement even unto the second or third generation.[50]

An occasional decree has contained a provision for termination after the passage of a certain period of time or upon the happening of a stipulated event.[51] The termination of a decree after the passage of a certain amount of time seems to be used where a defendant is prohibited from exercising certain otherwise legal rights or market conditions may reasonably be expected to change after a certain time period.[52] Other explanations for automatic termination of a decree after the mere passage of time may exist, but the paucity of factual information surrounding the negotiation and entry of consent decrees make educated guesses hazardous at best. The almost impossible test for modification of a consent decree[53] should stimulate defendants to bargain for termination of the decree after the passage of a stipulated period of time. Except in cases where the decree restructures the entire market,[54] where extensive supervision is called for,[55] or when the recidivistic conduct of the defendant warrants the addition of the sanction of contempt proceedings,[56] the Government might also find value in automatic termination provisions. Consent decrees are just as difficult to modify for the Government[57] as they are for defendants. The Government may well find itself bound by a decree which the passage of time indicates has not restored competition.[58] Furthermore, the tendency of the Government to shift attention from an industry which has recently been subjected to antitrust investigation and litigation to another may heighten the Government's belief that since a consent decree has been entered the industry is then compelled to be on its good behavior. The general failure of the Government to enforce decrees is such a well-known phenomenon that the consent decree slap on the wrist and exhortation to go and sin no more may induce a sense of security on the part of defendants; security to sin some more while the enemy rests on its consent decree laurels. The knowledge that an industry is no longer subject to a particular consent decree may well stimulate new Government surveillance to assure that the habits of the past are not renewed upon consent decree termination.

The non-boilerplate provisions of a consent decree are as many and varied as the practices which violate the antitrust laws. The minerun antitrust violations have all been enjoined by many of the vast number of consent decrees entered to date.[59] Of course, a general prohibition to stop price fixing, group boycotts, or some other acknowledged antitrust violation usually leaves the Government with only the advantage of having an extra remedy—contempt of the court's decree. Proof of the decree violation and proof of a violation of the statute usually require the same evidence.

Many consent decrees, however, attempt to go beyond enjoining a defendant from doing what he is already required to avoid by statute. Decrees of this type seem to be drafted with a view toward eliminating the basic causes of the violation. For example, in *United States v. Standard Oil Company*,[60] six major producers of retail petroleum products were charged with restraining trade by vertical price fixing and group boycotts. The decree not only enjoined the end practices restraining trade, but sought to eliminate the factors causing the restraint by enjoining the defendants from belonging to any organization controlling west coast oil products or prices; enjoining boycotts of producers in the use of pipeline and storage facilities; enjoining purchase contracts beyond one year unless the seller is given termination rights; establishing detailed provisions governing retail dealer contracts and distributor agreements; enjoining fair trading; restricting requirement contracts on T.B.A.; and enjoining boycotts of dealers. Much of the relief was in the form of affirmative requirements designed to eradicate the pressures and means for restraining trade rather than negative prohibitions enjoining the defendants from doing something they were already prohibited from doing by statute.[61] Consequently, violations are easier to prove, and the main objectives of an antitrust equity decree, preventing future violations and rooting out the causes for past violations, are achieved.

Several decrees have gone beyond negative prohibitions and ordered affirmative relief. Divestiture[62] and dissolution[63] have not been uncommon. Other decrees have ordered patent licensing on a reasonable royalty basis[64] or on a royalty free basis.[65] Several decrees, particularly in cases involving alleged violation of section 7 of the Clayton Act, have restricted future acquisitions by shifting the burden to the defendant of proving that future acquisitions do not restrain trade.[66] Other unique provisions in recent consent decrees have included enjoining the use of fair trade agreements;[67] limiting a Clayton Act section 7 defendant to a stated percentage of a statewide market,[68] requiring the destruction of all papers and records allegedly used by a trade association to allocate customers;[69] obtaining consent to

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a limited admission that the consent decree defendant had violated section 1 of the Sherman Act for purposes of treble damage suits by state and local governments; [70] conditioning the issuance of trademark licenses upon the defendant obtaining future licensee submission to the consent decree; [71] providing a domestic agent for service of process for a foreign subsidiary engaged in alleged export restrictions; [72] restraining the use of patents to harass competition and potential customers; [73] forbidding the use of a particular delivered pricing system; [74] and requiring a defendant renting machines to send all lessees a bill of sale for no additional consideration.[75] In many of these cases, it is doubtful whether a court would have ordered similar relief and in most of these cases it is impossible to determine the effectiveness of the relief obtained since little else is ever heard of a consent decree after its adoption by a court. In all of these cases, however, legitimate questions may be raised as to whether private rights and the public interest were adequately protected by the procedures followed by the parties in negotiating the decree. As will be developed later, the procedure for negotiating consent decrees leaves affected third parties with a weak position from which to protect their rights and interests, and the bargain the Antitrust Division has presumably struck for the public interest is subject to little or no independent review by an unbiased tribunal.

III. THE CONSENT DECREE'S ROLE AND VALUE IN ANTITRUST ENFORCEMENT

The sheer number of consent decrees entered in antitrust cases and the obvious willingness of government and private litigants to seek termination of civil litigation by consent indicates that antitrust consent decrees have several inherent values. For the Government, the antitrust consent decree is a relatively inexpensive and rapid method of enforcement. In turn, more extensive enforcement per enforcement dollar may be obtained. Moreover, the Government often has the opportunity to obtain broader and more radical relief,[76] particularly in cases where judicially acceptable evidence is difficult to obtain, than would be possible if the case were litigated and subject to the rules of evidence and judicial reluctance to impose broad and comprehensive remedial relief. In addition, substantive antitrust policy may be extended in antitrust consent decree negotiations; the Government is relatively free to indulge in experimentation with antitrust remedies; future cases against the same defendant may be governed by decree provisions shifting the burden of proof; [77] particular activity within an industry may be subjected to continual supervision; and far-ranging bargaining with an industry or particular firm may be engaged in for the purpose of settling a whole range of government-business problems beyond the basic antitrust complaint, away from public and judicial scrutiny.[78]

The consent decree defendant may also obtain several advantages. By entering into a consent decree, the defendant avoids the threat of a prima facie case for treble damage actions inherent in litigated cases under section 5(a) of the Clayton Act. The relative informality and secrecy accompanying consent decree negotiations also avoids the expense, inconvenience, and notoriety of protracted litigation. A further advantage to today's image-conscious businessman and corporation is the maintenance of an antitrust-pure reputation, since the consent decree is not an adjudication of an antitrust violation. Of a more subtle nature, but often of great value, are the advantages of being able to exert political and other outside pressures during consent decree negotiations which are unavailable or highly dangerous in a court room,[79] the avoidance of business disruptions and expense by extensive discovery if a trial were to be held, obtaining concessions in the decree which might not be permitted if a full trial were to be held, escaping contractual or other obligations involving third parties,[80] and insulating practices from government attack which prediction might suggest would be considered violations in the mind of the judiciary.[81]

The courts benefit by the extensive use of consent decrees in anti-trust cases since complicated and time consuming litigation is removed from crowded trial dockets. Trial courts avoid appellate reversal because of procedural, evidentiary, and substantive errors while retaining a semblance of judicial participation in antitrust enforcement.[82]

To some extent the interest of competitors of and those associated with an antitrust defendant are protected by the Antitrust Division's policy of filing proposed consent decrees thirty days prior to the effective date of the decree. Theoretically, those affected by the decree, but not named as parties, have an opportunity to present their views prior to the formal adoption of the decree by the court.[83] These views are presented to the Antitrust Division, not the court considering the decree. Consequently, an "affected person's" interests may only be reflected in the consent decree if the Antitrust Division chooses to do so.

Th only other avenue of approach for an "affected person," not a party to the suit, is by intervention under rule 24 of the Federal Rules of Civil Procedure. Federal courts have been more than reluctant to permit intervention in the framing or modification of consent decrees. In most cases the courts have been hostile to the intervenor on the grounds that the framing of a consent decree by negotiation would be frustrated by piecemeal intervention [84] or that that Justice Department will represent "affected persons" while representing the public interest.[85] The anti-intervention stand of the courts, however, may be undergoing change if the implications of the Supreme Court's language in *Cascade Natural Gas Corporation v. El Paso Natural Gas Company* [86] are carried to their natural conclusion.

In *Cascade* the district court denied intervention to the state of California, a Southern California electrical utility, and an Oregon-Washington natural gas distributor seeking to intervene in divestiture proceedings pursuant to a Supreme Court mandate holding that El Paso's acquisition of Northwest Pipeline Corporation violated section 7 of the Clayton Act and ordering divestiture without delay.[87] Rule 24(a) of the Federal Rules of Civil Procedure states that intervention may be had as a matter of right "(1) when a statute of the United States confers an unconditional right to intervene;" or "(2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties." [88] The Supreme Court held that all three applicants were entitled to intervene as a matter of right; the state of California and the Southern California public utility under the narrower standard of old rule 24(a)(3),[89] and the Oregon-Washington natural gas distributor under the broader standard of amended rule 24(a)(2). The state and the public utility were held to be the direct victims of the antitrust violation and " 'so situated' geographically as to be 'adversely affected' within the meaning of rule 24(a)(3) by a merger that reduces the competitive factor in natural gas available to California." [90] The Oregon-Washington distributor, Cascade, was entitled to intervene of right because it had " 'an interest' in the 'transaction which is the subject of the action' " [91] and "the 'existing parties' have fallen far short of representing its interests." [92] Although Cascade's interest was geographically remote, the proposed divestiture plan allegedly created a new firm with substantially less gas reserves than the merged company, thereby endangering the reliability of Cascade's source of supply. If the full implications of holding Cascade's "interest" sufficient to obtain intervention of right are realized in subsequent antitrust litigation involving intervention under rule 24(a), apparently the intervenor's interest need not be as direct as those of a competitor or a direct victim of the illegal conduct being corrected in tthe remedial phase of antitrust litigation. The *Cascade* case implies that customers and suppliers of an antitrust defendant may have a right to intervene even though the effect of an antitrust decree may be indirect in its effect upon the intervenor.

In addition to showing "an interest . . . which is the subject of the action", the intervenor must show that "he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicants interest is adequately represented by existing parties." [93] This requirement should prove to be far more troublesome for prospective intervenors in antitrust consent decree proceedings. The Antitrust Division theoretically repersents the public interest in consent decree proceedings, although a recent congressional study [94] and the *Cascade* case [95] cast doubt on this theory. The Antitrust Division consistently resists moves to intervene on the grounds that the Division adequately represents the interests of prospective intervenors while representing the public interest, that the thirty-day advance filing of proposed decrees before they are entered provides adequate opportunity for third parties to present their views, that intervenors are pursuing ther own interests which may conflict with the public interest, and that intervention so complicates the consent decree process as to sacrifice the Government advantage of expeditious and economic enforcement.[96]

In *Cascade*, the Court avoided a decision on what showing an intervenor must make in antitrust equity proceedings in order to satisfy the requirement that his interest is not "adequately represented by existing parties." While noting that enforcement of a public law may also demand protection of private interests which may not be adequately safeguarded, absent intervention, by enforcement officials or judcial discretion to grant permissive intervention,[97] the Court expressly disclaimed any intention of interfering with the Attorney General's authority to settle antitrust cases.[98] The Court avoided the issue by viewing the proposed divestiture decree as a stipulation circumventing the Court's earlier mandate ordering divestiture without delay,[99] and consequently, the intervenors were not adequately represented in the formulation of a decree pursuant to the Court's earlier order.

The implications of this case, therefore, are difficult to assess. In the absence of an appellate court mandate violated by a proposed decree entered between the Government and a defendant, an intervenor must allege facts demonstrating that the Government does not adequately represent his interest. As the *Cascade* opinion points out, this may often happen in public law enforcement. Yet, as the Assistant Attorney General for the Antitrust Division pointed out, allowing all those with an interest in the matter being settled by a consent decree intervention of right, may so complicate consent decree procedures as to eliminate the values those decrees provide as efficient and economical antitrust remedies.

The dilemma is created because of the application of the broader standards for intervention used in the judicial process, to a process which is essentially "administrative"

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in character.[100] The Assistant Attorney General's objection to intervention in consent decree proceedings is based upon preservation of the administrative process, rather than the standards of rule 24(a) which measure the right to intervene by the intervenor's interest and whether that interest is being adequately protected. So long as the guarantees of the administrative process [101] are not present in the consent decree process, private interests affected by a consent decree may justifiably claim a right to intervene beyond the limited right to file objections with the Antitrust Division during the thirty days between publication and entry of the decree. [102] Third party interests cannot always be adequately protected in the private negotiations between the Antitrust Division and an antitrust defendant, and the sacrifice of a particular private interest may often occur because of the practicalities of the bargaining situation involved, or because of political or other extraneous factors which might influence a particular antitrust case. Until the consent decree process is recognized for what it is—an administrative proceeding without any of the trappings of traditional procedures in administrative actions—the courts may be well advised to look with suspicion upon the claim that particular private interests of third parties are protected by the Antitrust Division and that the Antitrust Division necessarily always represents the public interest in consent decree negotiations.

The resistance of the Antitrust Division and the courts to formal intervention has been circumvented to a limited degree. In cases involving decree modification, federal courts have been liberal in allowing amicus briefs to be filed by affected persons.[103] The trend toward use of amicus briefs has been most evident in attempts to modify the famous motion picture consent decrees spawned by *United States v. Paramount Pictures, Inc.*[104] Each of the decrees required the divested circuit exhibitors to prove to the court supervising enforcement of the decrees that subsequent acquisitions of theatres would not unduly restrain competition. As the theatre circuits have expanded to modernize theatre holdings, meet shifts in population, and meet changes in theatre-going habits,[105] applications to the court under the decrees to acquire existing theatres to build new ones have evoked complaints from existing theatre owners in the affected markets. Competitor complaints about theatre acquisitions by the consent decree defendants have been heard by way of amicus curiae brief.[106] Consequently, the interest of competitors and others who may be affected by a consent decree or decree modification, but are not parties, must be protected by the Antitrust Division if intervention is not permitted, and by the slender reed of an amicus brief, if permitted, or by filing an objection with the Antitrust Division during the thirty-day waiting period before the decree becomes final.

Two recent developments in consent decree negotiations, the so-called "asphalt clause" and entry of a decree without the Government's consent, are further attempts to protect third parties injured by an antitrust defendant's violations. They also are an attempt to protect an antitrust defendant from allegedly unreasonable demands for decree provisions by the Government.

The "asphalt clause" was added to the antitrust consent decree lexicon by a provision inserted in consent decrees entered against ten sellers of asphalt, road tar, and bituminous concrete.[107] The defendants were charged with rigging bids in sales to state and local governments in Massachusetts, New Hampshire, and Maine. The "asphalt clause" of the decree enjoined the defendants from denying the prima facie effect of the decree in treble damage actions filed by state and local agencies prior to entry of the decree.[108] The obvious purpose of the clause was to assist state and local governmental agencies in damage actions against the antitrust defendants.[109] Such an object has the salutary effect of assisting a special class of "private" litigants to recover monetary damages for injuries caused by the antitrust violation, while at the same time assisting the national public interest in preventing a continuation of the violation. Moreover, the taxpaying public is not put to the expense of two investigations and trials. Asphalt clauses, however, saddle the consent decree program with a complicating factor which might stiffen an antitrust defendant's resistance to settlement if there is any chance of escaping an adverse judgment at trial. Additionally, the Antitrust Division is placed in the position of fostering two interests—the national government's interest in ending an injury to national trade and commerce and a state's interest in recovering damages for an injury caused by the antitrust violation. As Judge Wyzanski noted in *United States* v. *Lake Asphalt and Petroleum Company,*[110] the Antitrust Division may well find itself in the delicate position of representing divergent interests of conflicting equities.[111]

In the only other case in which the Government demanded an asphalt clause as the price of consent, *United States* v. *Brunswick-Balke-Collender Company,*[112] Judge Tehan found a more fundamental objection to the asphalt clause and entered the consent decree, minus the asphalt clause, without the Government's consent. Relying on *Twin Ports Oil Company* v. *Pure Oil Company,*[113] Judge Tehan found that an antitrust defendant has a "right" under the proviso of section 5 of the Clayton Act "to avoid the 'prima facie evidence' sanction by capitulation" in the form of a consent decree.[114] The asphalt clause was viewed as an "unauthorized attempt on the part of an administrative agency to avoid [the] congressional intent" to give antitrust defendants the "right" to escape the prima facie effect of section 5 of the Clayton Act.[115]

A basic difficulty with Judge Tehan's attack on the asphalt clause is the fact that section 5 of the Clayton Act was not intended to confer any rights on antitrust defendants. To the contrary, section 5 was intended to benefit third parties injured by an antitrust violation [116] and provide a stimulus to defendants to settle for the benefit of efficient government enforcement.[117] Rather than being contrary to the congressional purpose for enacting section 5 of the Clayton Act, the asphalt clause seems to be a unique device for carrying out the two major congressional purposes behind section 5—to assist injured third parties and to obtain efficient government enforcement by consent decrees.[118] Indiscriminate use of the asphalt clause might well hamper the purpose of stimulating capitulation by defendants, but the selective use of asphalt clauses in cases where the Government has a strong case and the injured third parties to be benefited are public agencies or persons unable to litigate a treble damage action seems a worthwhile policy the Government should follow. In this way a further deterrent will be added to the antitrust arsenal, the public purse will be spared the expense of duplicating investigations and litigation, third parties injured by antitrust violations will be spared the cost of litigating a complex damage claim, and the courts will be spared the burden of several treble damage suits spawned by successful government unmasking of an antitrust violation.[119]

The *Brunswisk* case also raised the issue of whether a consent decree can be entered without the Government's consent.[120] While entering a consent decree without the Government's consent might seem contradictory, defendants in antitrust cases should find comfort in the possibility. Arbitrary and unreasonable demands made by the Government as the price of Government concession may be voided by the court entering a proposed decree to which the Government has not consented.[121]

The issue was squarely presented to the Supreme Court in *United States* v. *Ward Baking Company.*[122] The district court had entered a consent decree without the Government's consent.[123] The Government's refusal to consent was based upon the contention that the decree omitted two necessary items of relief. The district court ruled that the claimed additional items of relief would not be awarded to the plaintiff after a trial of the case and therefore the court could enter the decree without Government consent. The Supreme Court avoided the fundamental issue of whether a consent decree could be entered without the Government's consent and reversed the district court on the lower court's own standard. The Court held the additional relief sought by the Government had a reasonable basis under the circumstances and that a bona fide disagreement concerning substantive items of relief existed, which could only be resolved by trial. The *Ward* decision seems to indicate that there may be some circumstances where a consent decree can be entered without the consent of the Government, even though the court expressly limited its holding to the particular facts there present.[124] By deciding the case on the standards applied by the district court the decision seems to indicate that "the Government does not have an unqualified right . . . to force the trial of a case because the defendant will not accept some substantive terms of a proposed decree—terms which the court can state before the trial it would not grant after trial even if the Justice Department proved its case. . . ." [125] Such a result is consonant with the libertarian's view of judicial review as a method of preventing arbitrary government action and with the view that a consent decree is more than merely a contract between private litigants. But the practical problems entailed in applying judicial control to the content of consent decrees may well prove to be a vexing problem. A novel solution to the problem was used in *United States* v. *Standard Oil Company.*[126] In that case, consent decree negotiations broke down over Government insistence that the defendants divest certain assets. The trial court held a hypothetical trial of the issue to determine whether divestiture would be granted if a full trial were held. Upon deciding divestiture would not be granted if a full trial were held, the parties agreed to a consent decree without divestiture. The difficulty with this procedure is that it skirts perilously close to the language of the section 5(a) proviso of the Clayton Act exempting consent decrees from the prima facie effect of antitrust judgments. The proviso only exempts "consent judgments or decrees entered before *any testimony* has been taken. . . ." [127] Moreover, the procedure of hypothetical trials to induce consent decrees weakens the Government's potent bargaining weapon of a full trial and the application of section 5(a) of the Clayton Act in subsequent treble damage actions.

Perhaps the only solution to the dilemma of preserving the freedom of the parties in consent decree negotiations while retaining sufficient judicial control so that arbitrary and excessive demands by the Government are not imposed as the price of Government consent is to permit entry of consent decrees over Government objection in cases where an antitrust defendant is able to carry the burden of demonstrating that the relief demanded is in no way related to the case.

IV. SOME SUGGESTIONS FOR IMPROVEMENT OF THE CONSENT DECREE PROCESS

There is some evidence of increased imagination in the formulation of antitrust con-

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sent decrees by the Government. Rather than settle for routine prohibitions of conduct already barred by the statute, the Government seems to be demanding relief directed at the causal factors behind the antitrust violation. To some extent more consent decrees are framed as regulatory standards to govern such conduct as a defendant's relationship with customers and suppliers rather than as a list of negative prohibitions. To the extent that such a trend acknowledges that many antitrust violations are symptomatic of structural factors rather than anticompetitive behavior, it should be encouraged. Indeed, it is difficult to see the value of simply enjoining anticompetitive behavior which is already outlawed by statute in the absence of vesting a right of action to enforce the decree in private persons who are injured by a violation of the decree.[128] The Government's failure to enforce decrees, the questionable utility of adding contempt as a remedy for violation of a decree by ordering a defendant not to do an act he is barred by a criminal statute from doing to begin with, and the possible invitation to a defendant to treat the decree as the only standard he is bound by and therefore encourage anticompetitive behavior in the process of circumventing the decree, all suggest that a consent decree should be used primarily as a regulatory decree rather than a negative prohibition of certain types of anticompetitive behavior. If consent decrees are to serve the latter function, as negative prohibitions of certain activities, it is suggested that private litigants be given a right of action to enforce the decree, either by injunction or damages, in light of the Government's failure to enforce consent decrees by contempt citations.

If consent decrees are to be used primarily as a regulatory decree designed to eliminate or regulate structure or conduct causing anticompetitive effects, it would seem that a reappraisal of consent decree procedures is necessary. If the decree amounts to legislation governing the growth or business practices of a particular industry, provision should be made for an objective evaluation of the public welfare, the rights of competitors, and the rights of suppliers and customers of the affected industry. The present practice of negotiating the decree in secrecy, bargaining in the framework of an adversary context rather than a legislative context, negotiating with less than all the affected parties, and vesting bargaining power in a litigation-oriented branch of government rather than a regulatory branch of government, all suggest serious deficiencies in present consent decree procedures. The danger of political influence or horse-trading being involved; the tendency to treat the questions involved as a private settlement between adversaries rather than the framing of regulations to guide an industry and prevent future anticompetitive behavior; the failure to allow all interested parties and pressure groups to present their views to the lawmaking institution involved; and the absence of a government approach to the issuea presented in regulatory decrees from an industry wide viewpoint and a legislative viewpoint based on extensive fact finding, suggest a need for congressional investigation of the consent decree process. While no solution to the question is proposed here, principally because of the absence of sufficient empirical data and a means to obtain such evidence, it does seem clear that civil antitrust enforcement by the Antitrust Division has evolved into an "administrative" process of negotiating regulatory consent decrees within the context of the adversary system. Congress should recognize this fact of antitrust enforcement, investigate its implications, and pass legislation making theory equate with the realities and requirements of modern antitrust enforcement. Whether the solution lies in the creation of a special court to oversee the implementation and enforcement of consent decrees, the transfer of cases involving the entry of regulatory decrees to an administrative tribunal,[129] or the retention of the present system with a considerable increase of the staff, budget, and investigative powers of the Antitrust Division, must await an adequate congressional investigation and a legislative judgment weighing the values inherent in present consent decree procedures and the objectives of antitrust policy with the rights of private interests and fundamental notions of due process.[130]

At the state level, assuming general enforcement, the obvious value of achieving antitrust enforcement in a speedy and inexpensive manner makes the consent decree an attractive enforcement device. However, since most restraints of trade encountered by states may be expected to be of the per se character and to involve predatory market behavior, it seems logical to expect that the bulk of state antitrust consent decrees would consist primarily of negative prohibitions rather than regulatory provisions. Consequently, the use of consent decrees in state enforcement is also open to the utilitarian objection that such a decree only provides the added sanction of contempt and is of little value in the absence of subsequent decree enforcement, since defendants would soon learn to ignore the decree.

Even so, it is suggested that any uniform state antitrust legislation should include express power to use consent decrees since the efficiency and economy of the remedy should make it a realistic remedy for an understaffed and underfinanced attorney general. To avoid the danger that antitrust defendants will ignore the decree, private parties should be given the right to enforce the decree by injunction or treble damage actions where they can prove the consent decree defendant has violated the decree and the violation has caused injury to the private party. Although the possibility of future treble damage actions based on the consent decree may increase defendant reluctance to enter into a consent decree, the advantages of a consent decree to the state and the private defendant, particularly if the state statute makes litigated decrees prima facie evidence of violation in subsequent damage actions, should override defendant hesistancy to negotiate. The state would obtain expeditious and economical antitrust enforcement and be able to shift the cost of decree supervision to private litigants, while assuring future compliance with the prohibitions of the decree.

TYPE OF DISPOSITION OF PRIVATE ANTITRUST CASES TERMINATED IN 86 U.S. DISTRICT COURTS, FISCAL YEARS 1955–60

		Judgment without consent or by consent									Contested judgment				
				Consent judgment		Consent dismissal							Judgment by court during trial		
Fiscal year	Total	Dismissed for want of prosecution	Default judgment	Before trial	During or after trial	Before trial	During or after trial	Transfers	Other disposition	Remanded	Judgment by decision of court before trial	Judgment after court trial	Directed verdict	Other	Judgment on jury verdict
1955[1]	200	8	0	8	1	129	5	1	4	2	21	5	2	1	3
1956[2]	212	5	1	5	0	146	7	1	2	2	25	8	1	0	9
1957[3]	192	10	0	0	0	123	4	3	0	1	28	9	3	0	11
1958[4]	201	4	0	1	0	149	1	2	0	0	28	9	0	1	6
1959[5]	238	15	0	3	0	164	2	1	2	2	35	9	1	0	4
1960[6]	220	15	1	3	0	145	4	4	5	5	19	9	1	3	6

[1] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C–4, 174–75 (1955).

[2] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C–4, 222–23 (1956).

[3] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C–4, 182–83 (1957).

[4] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C–4, 170–71 (1958).

[5] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C–4, 198–99 (1959).

[6] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C–4, 250–51 (1960). The same breakdown of information is unavailable after 1960. Table C–4 has been changed primarily to reflect the number of cases going to jury trial.

FOOTNOTES

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** Associate Professor of Law, University of Utah. B.S., Boston College; LL.B., Georgetown University; S.J.D., University of Michigan.

[1] See generally Barnes, Settlement By Consent Judgment, in An Antitrust Handbook 235 (1958); M. Goldberg, The Consent Decree: Its Formulation and Use (Michigan State Bureau of Business & Economic Research, Occasional Paper No. 8, 1962) [hereinafter cited as M. Goldberg]; W. Hamilton & I. Till, Antitrust in Action 88–97, 126–29 (TNEC Monograph No. 16, 1940); Antitrust Subcomm. of the House Comm. on the Judiciary, Consent Decree Program of the Department of Justice, 86th Cong., 1st Sess. (Comm. Print 1959); Birnbaum, The Auto-Finance Decree: A New Technique in Enforcing the Sherman Act, 24 Wash. U.L.Q. 525 (1939); Dabney, Consent Decrees Without Consent, 63 Colum. L. Rev. 1053 (1963); Dabney, Antitrust Consent Decrees: How Protective An Umbrella?, 68 Yale L.J. 1391 (1959); Donovon & McAllister, Consent Decrees in the Enforcement of Federal Anti-Trust Laws, 46 Harv. L. Rev. 885 (1933); Duncan, Post-Litigation Resulting from Alleged Non-Compliance with Government Antitrust Consent Decrees, 8 W. Res. L. Rev. 45 (1956); Harsha, Some Observations on the Negotiation of Antitrust Consent Decrees, 9 Antitrust Bull. 691 (1964); Ergo, ASCAP and The Antitrust Laws, 1959 Duke L.J. 258; Haberman & Birnbaum, The Auto-Finance Consent Decree: An Epilogue, 1950 Wash. U.L.Q. 46; Isenbergh & Rubin, Antitrust Enforcement Through Consent Decrees, 53 Harv. L. Rev. 386 (1940); Jacobs, Antitrust Law: Consent Decrees in Merger Cases, 43 A.B.A.J. 23 (1957); Jinkinson, Negotiation of

Consent Decrees, 9 Antitrust Bull. 673 (1964); Katz, The Consent Decree in Antitrust Administration, 53 Harv. L. Rev. 415 (1940); Litvack, Consent Decrees in Government Civil Antitrust Actions, 9 N.Y.L.F. 181 (1963); Marcus, The Impact on Business of Antitrust Decrees, 11 Vand L. Rev. 303 (1958); McHenry, The Asphalt Clause—A Trap for the Unwary, 36 N.Y.U.L. Rev. 1114 (1961); Peterson, Consent Decrees: A Weapon of Anti-Trust Enforcement, 18 U. Kan. City L. Rev. 34 (1949); Phillips, The Consent Decree in Antitrust Enforcement, 18 Wash. & Lee L. Rev. 39 (1961); Timberg, Recent Developments in Antitrust Consent Judgments, 10 Fed. B.J. 351 (1949); Van Cise, The Trend in Patent Provisions in Antitrust Consent Decrees, 41 J. Pat. Off. Soc'y 743 (1959); Withrow, Compliance with the Antitrust Laws, 9 N.Y.L.J. 187 (1962); Comment, Section 5 of the Clayton Act—Consent Decrees and the Statute of Limitations, 22 U. Chi. L. Rev. 514 (1955); Note, Antitrust: Consent Decree: The History and Effect of Western Electric Co. v. United States, 45 Cornell L.Q. 88 (1959); Note, Consent Decree as a New Method of Defining and Enforcing Antitrust Laws, 8 Cornell L.Q. 185 (1923); Note, The R.C.A. Consent Decree, 1 Geo. Wash. L. Rev. 513 (1933); Note, Modification of Antitrust Consent Decrees, 31 Ind. L.J. 357 (1956); Note, Consent Decrees in Anti-Trust Cases, 31 Law Notes 143 (1927); Comment, The Consent Decree in Antitrust Enforcement—Analysis and Criticism, 32 Rocky Mt. L. Rev. 387 (1960); Comment, The Packer Consent Decree, 42 Yale L.J. 81 (1932); Note, An Experiment in Preventive Anti-Trust: Judicial Regulation of the Motion Picture Exhibition Market Under the Paramount Decrees, 74 Yale L.J. 1040 (1965); Comment, Regulation of Business—Sherman Act—Administration and Enforcement—A Re-Analysis of Consent Decrees, 55 Mich. L. Rev. 92 (1956); Comment, Consent Decrees and the Private Action: An Antitrust Dilemma, 53 Calif. L. Rev. 627 (1965).

[2] 1 CCH, Decrees & Judgments in Federal Anti-Trust Cases 107 (N.D. Cal. 1906).

[3] From January 1, 1950 to December 31, 1959 the Antitrust Division filed 276 civil cases. Of these, 222 were pursued to a remedy. The balance were either dismissed, won by the defendant, or were not finally resolved by the time this compilation was made. Of the 222 cases pursued to remedy, 194 resulted in the entry of consent decrees against some or all of the defendants. Sources: CCH, The Federal Antitrust Laws with Summary of Cases Instituted by the United States 1890–1951 (1952) [hereinafter referred to as CCH Blue Book]; CCH, The Federal Antitrust Laws with Summary of Cases Instituted by the United States 1952–1956 (Supp. 1957); CCH, U.S. Antitrust Casea Summaries, Complaints, Indictments, Developments 1957–1961 (Transfer Binder 1961).

[4] 276 U.S. 311, 325–32 (1928).

[5] *Id.* at 327–32.

[6] Clayton Act, 38 Stat. 730, 731 (1914), *as amended.* 15 U.S.C. § 16(a) (1964).

[7] Id.

[8] From 1900–1909 the Government brought 19 civil antitrust cases; 5 of those cases were dismissed or disposed of short of adjudication in favor of the Government and 14 cases were pursued to some form of remedy in favor of the Government against some or all of the defendants. Of the 14 cases pursued to remedy, the Government obtained litigated injunctive relief in 12 cases and consent decrees were entered in 2 cases, or 14% of the cases pursued to remedy. From 1910 to 1919 the Government brought 75 civil cases, 57 of which were pursued to remedy. In 24 of the cases pursued to remedy injunctive relief was awarded the Government; consent decrees were entered in 33 or 58% of the cases pursued to remedy. The statistics of the decades through the sixties are as follows: 1920–1929: 97 civil cases instituted, 72 cases pursued to remedy, 12 cases in which litigated injunctive relief granted, 60 (83% of cases pursued to remedy) consent decrees entered; 1930–1939: 52 civil cases instituted, 41 cases pursued to remedy, 13 cases in which litigated injunctive relief granted, 31 (76% of the cases pursued to remedy) consent decrees entered; 1940–1949: 238 civil cases instituted, 201 cases pursued to remedy, 34 cases in which litigated injunctive relief granted, 170 (85% of the cases pursued to remedy) consent decrees entered; 1950–1959: 276 civil cases instituted, 222 cases pursued to remedy, 35 cases in which litigated injunctive relief granted, 194 (87% of the cases pursued to remedy) consent decrees entered. As of the date of this compilation 16 civil cases instituted between 1950–1959 were still pending. Disparities between the total number of cases pursued to remedy and the total of injunctive decrees and consent decrees are caused by consent decrees entered by some defendants and litigated injunctive decrees entered against the remaining defendants in a particular case. Sources: CCH Blue Book; CCH, The Federal Antitrust Laws with Summary of Cases Instituted by the United States 1952–1956 (Supp. 1957); CCH, U.S. Antitrust Cases Summaries, Complaints, Indictments, Developments 1957–1961 (Transfer Binder 1961).

The increase in the use of consent decrees to the present high level is not solely attributable to § 5 of the Clayton Act. Better government investigation, the institutionalization of the consent decree process, and the desire of both sides to escape costly and complicated litigation may also be cited for the dramatic increase in consent decrees.

[9] 1959 Trade Cas. ¶ 69,540 (N.D. Ill.).

[10] Id. at 76, 169. The earlier case was United States v. J. H. Matthews & Co., 1958 Trade Cas. ¶ 69,187 (W.D. Pa.).

[11] See Appendix.

[12] See Flynn, Survey of Injunction Relief. Under Federal and State Antitrust Laws, 1967 Utah L. Rev. 344.

[13] Tenn. Code Ann. § 69–111 (1955).

[14] Wash. Rev. Code Ann. § 19.86.100 (Supp. 1967).

[15] The proposed Uniform State Antitrust Act specifically authorizes consent decrees in public enforcement. Tentative Draft of Uniform State Antitrust Act § 14, 4 Trade Reg. Rep. ¶ 30,101, at 35,155 (1967). Section 15 of the proposed Uniform Act, authorizing private injunctive relief, does not include any mention of consent decrees in private cases. Id. Section 17 of the Act contains a proviso similar to that found in § 5(a) of the Clayton Act. Id. at 35,156.

[16] See 100 B.N.A. Antitrust & Trade Reg. Rep. A-4 (June 11, 1963).

[17] See 144 B.N.A. Antitrust & Trade Reg. Rep. A–12 (April 14, 1964).

[18] New York v. American Optical Co., 126 B.N.A. Antitrust & Trade Reg. Rep. A–4 (December 10, 1963) (microscope sales to public agencies).

[19] Texas v. Sinclair Oil Corp., 1961 Trade Cas. ¶ 70,144 (Tex. Dist. Ct.).

[20] State v. Farman, 138 B.N.A. Antitrust & Trade Reg. Rep. A–21 (March 3, 1964).

[21] People v. California Real Estate Ass'n, 1962 Trade Cas. ¶ 70,446 (Cal. Super Ct. 1962). See also State ex rel. Griffith v. Anthony Wholesale Grocery Co., 118 Kan. 394, 234 P. 992 (1925) (consent settlement under Kansas antitrust law); State v. Swift & Co., 187 S.W.2d 127, 130, 137 (Tex. Ct. Civ. App. 1945) (modification of 1915 consent decree entered under the Texas antitrust law).

[22] M. Goldberg, The Consent Decree: Its Formulation and Use (Michigan State Bureau of Business & Economic Research, Occasional Paper No. 8, 1962). Antitrust Subcomm. of the House Comm. on the Judiciary, Consent Decree Program of the Department of Justice, 86th Cong., 1st Sess., ix (Comm. Print 1959), defined an antitrust consent decree as:

> An order of the Court agreed upon by representatives of the Attorney General and of the defendant, without trial of the conduct challenged by the Attorney General in proceedings instituted under the Sherman Act, the Clayton Act or related statutes. Normally the consent decree recites that it does not constitute evidence or admission by any of the parties with respect to any of the issues involved in the litigation.

This definition is more accurate than Mr. Goldberg's since it avoids the obscurity of the words "formalized by the signature of the federal district judge" and makes clear the injunctive character of a consent decree.

[23] W. Hamilton & I. Till, Antitrust in Action 88 (TNEC Monograph No. 16, 1940).

[24] The standard "boilerplate" introduction to all consent decrees is illustrated by the following passage:

> Plaintiff, United States of America, having filed its complaint herein on June 28, 1960; defendant having filed an answer to such complaint on December 27, 1960, denying the substantive allegations thereof; and plaintiff and defendant having by their respective attorneys consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without any admission by plaintiff or defendant in respect to any such issue.
>
> Now, therefore, before any testimony has been taken and without trial or adjudication of any issue of fact or law herein and upon consent of the parties signatory hereto as aforesaid, it is hereby ordered, adjudged and decreed as follows:

United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227, at 79,903 (W. D. Mo.).

[25] On occasion, courts have taken an activist role. See Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 136–43 (1967); United States v. Blue Chip Stamp Co., 5 Trade Reg. Rep. (1967 Trade Cas.) ¶ 72,239 (C.D. Cal. Aug. 18, 1967), aff'd mem., 389 U.S. 580 (1968); United States v. F. & M. Schaefer Brewing Co., 5 Trade Reg. Rep. (1968 Trade Cas.) ¶ 72,345, at 84,939 (E.D.N.Y. Dec. 20, 1967).

[26] Swift & Co. v. United States, 276 U.S. 311, 324 (1928).

[27] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 136–43 (1967).

[28] See typical preamble quoted in note 24 supra.

[29] See, e.g., United States v. Sangamo, Elec. Co., 1962 Trade Cas. ¶ 70,502 (E.D. Pa.); United States v. Allen-Bradley Co., 1962 Trade Cas. ¶ 70,420 (E.D. Pa.); United States v. Cutler-Hammer, Inc., 1962 Trade Cas. ¶ 70,421 (E.D. Pa.). The only difference in the preamble of this type of decree is that the court states it has made a finding pursuant to Fed. R. Civ. P. 54(b) that there is no just reason to delay entry of the decree on the claims asserted against the consenting defendant.

[30] See United States v. Renault, Inc., 1962 Trade Cas. ¶ 70,386 (S.D.N.Y.).

[31] United States v. Standard Oil Co., 1959 Trade Cas. ¶ 69,399, at 75,525–27 (S.D., Cal.). The case involved a complaint filed in 1950 in which the Government was seeking divestiture of Standard's wholly owned retail outlets. The divestiture demand was the major stumbling block to a consent settlement and the court stated in the consent decree that it held a hypothetical trial on the issue of divestiture and decided that remedy would not be granted if a full trial were held. This conclusion evidently stimulated the settlement. The procedure of holding a hypothetical trial is open to some question since the proviso to § 5(a) of the Clayton Act only exempts from prima facie effect "consent judgments or decrees entered before any testimony has been taken. . . ." 15 U.S.C. § 16(a) (1964) (emphasis added). If the holding of a hypothetical trial to induce a

consent settlement does not violate the letter of § 5(a), it certainly violates the spirit. This case has provoked further confusion because of the decree's "tacit validation" of consignment selling by west coast oil companies which was condemned by the Supreme Court five years later in a private antitrust treble damage action. See Simpson v. Union Oil Co., 377 U.S. 13, 30 & n.4 (1964) (dissenting opinion, Justice Stewart).

[32] A typical decree provides: "This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief against the defendant may be granted under Section 1 of the Act of Congress of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' commonly known as the Sherman Act, as amended." United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227, at 79,903 (W.D. Mo.). For examples of consent decrees basing jurisdiction on § 7 of the Clayton Act, see, e.g. United States v. Suburban Gas, 1962 Trade Cas. ¶ 70,439 (S.D. Cal.); United States v. National Homes Corp., 1962 Trade Cas. ¶ 70,533 (N.D. Ind.); United States v. Ryder Systems, Inc., 1961 Trade Cas. ¶ 70,056 (S.D. Fla.). The Antitrust Division has generally refrained from instituting cases under the Robinson-Patman Act, but some consent decrees have contained provisions enjoining price discrimination under the Robinson-Patman Act. See United States v. Ekco Prod. Co., 1962 Trade Cas. ¶ 70,280 (N.D. Cal.), amending 1957 Trade Cas. ¶ 68,768 (N.D. Cal.); United States v. Foster Wheeler Corp., 1961 Trade Cas. ¶ 70,035 (E.D. Pa.).

[33] For example:

As used in this Final Judgment:

(A) "'Prestone' brand anti-freeze" means an anthylene glycol base anti-freeze produced and marketed by defendant under the trademark "Prestone";

(B) "Person" means any individual, partnership, corporation, or any other business or legal entity;

(C) "Agent" means any person selling for or on behalf of defendant "Prestone" brand anti-freeze from stock consigned to it;

(D) "Distributorship" means any person purchasing "Prestone" brand anti-freeze from the defendant for resale;

(E) "Fair Trade Contract" means any resale price maintenance contract, or supplement thereto, pursuant to which the resale price of "Prestone" brand anti-freeze is lawfully fixed, established or maintained under the fair trade laws of any state, territory, or possession and the Act of Congress of August 17, 1937, commonly called the Miller-Tydings Act, or the Act of Congress of July 14, 1952, commonly called the McGuire Act.

United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227, at 79,903–04 (W.D. Mo.). Occasionally, definition of the products involved becomes complex and extensive. In such cases the definitional section of the decree is supplemented by an appendix. See, e.g., United States v. Allen-Bradley Co., 1962 Trade Cas. ¶ 70,505, at 77,055–56 (E.D. Pa.) and United States v. Allen-Bradley Co., 1962 Trade Cas. ¶ 70,420, at 76,695 (E.D. Pa.) (definitions of industrial control equipment); United States v. Cutler-Hammer, Inc., 1962 Trade Cas. ¶ 70,421, at 76,700 (E.D. Pa.) (definitions of low voltage distribution equipment).

[34] See, e.g., United States v. Northern California Pharmaceutical Ass'n, 235 F. Supp. 378 (N.D. Cal. 1964); United States v. Restonic Corp., 1962 Trade Cas. ¶ 70,442 (N.D. Ill.); United States v. International Nickel Co. of Canada, 203 F. Supp. 739 (S.D.N.Y. 1962); United States v. Owens-Corning Fiberglass Corp., 178 F. Supp. 325 (N.D. Ohio 1959); United States v. Sears, Roebuck & Co., 165 F. Supp. 356 (S.D.N.Y. 1958); cf Hughes v. United States, 342 U.S. 353 (1952); St. Louis Amusement Co. v. Paramount Film Distrib. Corp., 168 F.2d 988 (8th Cir. 1948).

[35] For example:

The provisions of this Final Judgment applicable to the defendant shall apply also to its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with the defendant who shall have received actual notice of this Final Judgment by personal service or otherwise. For the purpose of this Final Judgment the defendant and its officers, directors, agents, employees and subsidiaries, when acting in such capacity, shall be deemed to be one person.

United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227, at 79004 (W.D. Mo.).

[36] Id.

[37] See United States v. General Elec. Co., 1962 Trade Cas. ¶ 70,488, at 76,987 (E.D. Pa.):

. This Final Judgment shall not apply to the defendant GE with respect to (a) activities and operations outside the United States which do not affect the domestic commerce of the United States, (b) contracts to be performed outside the United States, and (c) export sales or sales for export outside the United States except with respect to or for the stated use of the plaintiff or any instrumentality or agency thereof.

[38] See United States v. General Elec. Co., 1962 Trade Cas. ¶ 70,488, at 76,987 (E.D. Pa.):

Defendant GE is ordered and directed to take such steps as are reasonably appropriate for the purpose of procuring compliance with the terms of this Final Judgment, such as: (1) for the period of twenty years following the effective date of this Final Judgment, deliver a copy of this Final Judgment: (a) to each present and future member of its Board of Directors; (b) to each of its present and future Vice Presidents and chief managerial officers who are not members of the Board of Directors; (c) to the present and future members of the Board of Directors, Vice Presidents and chief managerial officers of each domestic subsidiary, if any, engaged in the manufacturing, processing or sale of heavy electrical products; (d) not less frequently than every two years, to each officer and employee of GE who has responsibility for establishing prices for the sale of heavy electrical products in the United States, together with a statement signed by the Chief Executive Officer of GE stating the obligation of such persons to comply with the terms of this Final Judgment; and file with this Court and serve upon the plaintiff affidavits as to the fact and manner of the delivery of a copy of this Final Judgment as provided for in this paragraph (1), such affidavits in respect of the delivery provided for in subparagraphs (a), (b), and (c) hereof to be filed and served ninety days after the effective date of this Final Judgment, and such affidavits in respect of the delivery provided for in subparagraph (d) hereof to be filed and served within ninety days after the end of any calendar year in which GE takes the action provided for in such subparagraphs.

[39] Id.

Defendant GE is ordered and directed to take such steps as are reasonably appropriate for the purpose of procuring compliance with the terms of this Final Judgment, such as: . . .

(2) Maintain a program of teaching and instruction of key domestic management employees on the application, meaning and effect of the terms of this Final Judgment.

[40] See United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227, at 79,904 (W.D. Mo.); United States v. Sherwin-Williams Co., 1961 Trade Cas. ¶ 70,179, at 78,713 (N.D. Ohio).

[41] See United States v. General Elec. Co., 1962 Trade Cas. ¶ 70,488, at 76,990 (E.D. Pa.); United States v. Armco Drainage & Metal Prod., Inc., 1961 Trade Cas. ¶ 69,942, at 77,751 (D.N.D.). In United States v. Wichita Eagle Publishing Co., 1959 Trade Cas. ¶ 69,400, at 75,538 (D. Kan.), defendant newspapers were required to print a copy of the consent decree in their newspaper.

[42] See United States v. True Temper Corp., 1961 Trade Cas. ¶ 70,090, at 78,388–89 (N.D. Ill.); United States v. Operative Plasterers & Cement Masons Int'l Ass'n, 1959 Trade Cas. ¶ 69,248, at 74,953–54 (N.D. Ill.).

[43] See United States v. Retail Floor Covering Ass'n, 1959 Trade Cas. ¶ 69,337 (E.D. Pa.).

[44] An example of the limiting power in a visitation clause is as follows:

For the purpose of securing compliance with this Final Judgment and for no other purpose, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice shall upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, upon reasonable notice of defendant made to its principal office be permitted subject to any legally recognized privilege:

(A) Access during the office hours of said defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of said defendant relating to any of the matters contained in this Final Judgment, and

(B) Subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview the officers and employees of said defendant who may have counsel present, regarding any such matters.

For the purpose of securing compliance with this Final Judgment, the defendant upon the written request of the Attorney General or Assistant Attorney General in charge of the Antitrust Division, shall submit such written reports under oath if so requested, with respect to any of the matters contained in the Final Judgment. No information obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227 (W.D. Mo.).

[45] See United States v. International Nickel Co. of Canada, 203 F. Supp. 739, 743 (S.D. N.Y. 1962).

[46] Id at 744.

[47] Antitrust Civil Process Act, 15 U.S.C. § 1312 (1964). The Civil Process Act for antitrust cases was suggested by the Prettyman Report (Procedure in Anti-Trust and Other Protracted Cases), 13 F.R.D. 41, 62 (1951) and the Report of the Attorney General's Nat'l Comm. to Study the Antitrust Laws 345 (1965). See generally Decker, The Civil Investigative Demand, 21 ABA Antitrust Section 370 (1962); Perry & Siman, The Civil Investigative Demand: New Fact-Finding Powers for the Antitrust Division, 58 Mich. L. Rev. 855 (1960); Smith, Conduct of a Justice Department Civil Antitrust Investigation for Defendant, 45 Chicago B. Rec. 502 (1964).

[48] For example:

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment and for the enforcement of compliance therewith and the punishment of the violations of any of the provisions contained herein. United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227 (W.D. Mo.).

[49] See M. Goldberg 66 (discovering only 39 civil and criminal contempt proceedings instituted since 1890 for violations of litigated and consent decrees).

[50] The latest attempt to modify the Packer's consent decree came in 1961, forty years after the entry of the decree. See United States v.

Swift & Co., 189 F. Supp. 885 (N.D. Ill. 1960), aff'd per curiam, 367 U.S. 909 (1961). For an excellent analysis of consent decree modification and flexibility, see Note, Flexibility and Finality in Antitrust Consent Decrees, 80 Harv. L. Rev. 1303 (1967).

[51] See United States x. General Motors Corp., 1965 Trade Cas. ¶ 71,624, at 81,809 (E.D. Mich.); United States v. Standard Oil Co., 1959 Trade Cas. ¶ 69,399, at 75,535 (S.D. Cal.); cf. Chrysler Corp. v. United States, 316 U.S. 556, 558 (1942); Ford Motor Co. v. United States, 335 U.S. 303, 312–320 (1948) (Supreme Court construed time limitations upon the life of a consent decree).

[52] See, e.g., United States v. General Motors Corp., 1965 Trade Cas. 71,624, at 81,807 (E.D. Mich.); United States v. Standard Oil Co., 1959 Trade Cas. 69,399 (S.D. Cal.); United States v. R.C.A., 1959 Trade Cas. 69,459, at 75,756 (E.D. Pa.); United States v. Wichita Eagle Publishing Co., 1959 Trade Cas. 69,400, at 75,537–38 (D. Kans.).

[53] "Nothing less than a clear showing of grievous wrong evoked by new and unforeseen conditions should lead us to change what was decreed after years of litigation with the consent of all concerned." United States v. Swift & Co., 286 U.S. 106, 119 (1932). The 1932 Swift decision on modification has been cited as controlling precedent in more than 100 cases passing upon the question of consent decree modification. See United States v. Swift & Co., 189 F. Supp. 885, 901 (N.D. Ill. 1960), aff'd per curiam, 367 U.S. 909 (1961). The test has been rigorously maintained. See, e.g., United States v. Lucky Lager Brewing Co., 209 F. Supp. 665 (D. Utah 1962); United States v. Owens-Corning Fiberglass Corp., 178 F. Supp. 325 (N.D. Ohio 1959); United States v. International Boxing Club, Inc., 178 F. Supp. 469 (S.D.N.Y. 1959). The most thorough and best considered recent opinion on consent decree modification is the 1961 district court opinion by Judge Hoffman in United States v. Swift & Co., 189 F. Supp. 885, 901 (N.D. Ill. 1960), aff'd per curiam, 367 U.S. 909 (1961). See generally Dabney, Antitrust Consent Decrees: How Protective an Umbrella? 68 Yale L.J. 1391 (1959); Note, Modification of Antitrust Consent Decrees, 31 Ind. L.J. 357 (1956).

[54] See United States v. General Motors Corp., 1965 Trade Cas. 71,624 (E.D. Mich.). The Packer's consent decree of 1920 has had a permanent impact upon the marketing of meat products.

[55] The nature of the anticompetitive restraints involved in the motion picture consent decree cases of the early 1950's necessitated remedial relief requiring extended supervision. See generally Note, An Experiment in Preventive Antitrust: Judicial Regulation of the Motion Picture Exhibition Market Under the Paramount Decrees, 74 Yale L.J. 1041 (1965). In other industries, reconciling the policies of the antitrust laws with the economic realities of a defendant's position may necessitate a decree permanently defining the permissible scope of a defendant's activities. See generally Ergo, ASCAP and The Antitrust Laws: The Story of a Reasonable Compromise, 1959 Duke L.J. 258.

[56] The past records of several of the defendants involved in the electrical equipment conspiracy cases suggests the public interest might best be protected by a consent decree without automatic termination provisions.

[57] See Ford Motor Co. v. United States, 335 U.S. 303 (1958). See generally Note, Requests by the Government for Modification of Consent Decrees, 75 Yale L.J. 657 (1966).

[58] Perhaps the best recent example of this is United States v. Western Elec. Co., 1956 Trade Cas. ¶ 68,246 (D.N.J.). The consent decree has not been successful in eliminating the dominance of Western Electric Co. and American Telephone & Telegraph Co. in the telephone apparatus and equipment business or in other important fields of communications. See Antitrust Subcomm. of the House Comm. on the Judiciary, Consent Decree Program of the Department of Justice, 86th Cong., 1st Sess. 29–120 (Comm. Print 1959); Hearings Before the Antitrust Subcomm. of the House Comm. on the Judiciary, pt. 2, 85th Cong., 2d Sess. (1958); M. Goldberg 34–48.

[59] See, e.g., Price Fixing: United States v. I.T.E. Circuit Breaker Co., 1962 Trade Cas. ¶ 70,586 (E.D. Pa.); United States v. Driver Harris Co., 1961 Trade Cas. ¶ 70,031 (D.N.J.); United States v. Frozen Food Distrib. Ass'n, 1959 Trade Cas. ¶ 69,364 (S.D.N.Y.); Bid Rigging: United States v. Sangamo Elec. Co., 1962 Trade Cas. ¶ 70,588 (E.D. Pa.); United States v. Allen-Bradley Co., 1961 Trade Cas. ¶ 70,052 (S.D. Ohio); United States v. New England Concrete Pipe Corp., 1959 Trade Cas. ¶ 69,461 (D. Mass.); Tie-Ins: United States v. Dempster Bros., Inc., 1962 Trade Cas. ¶ 70,359 (E.D. Tenn.); United States v. True Temper Corp., 1961 Trade Cas. ¶ 70,090 (N.D. Ill.); Group Boycotts: United States v. Southwest Steel Rolling Mills, 1961 Trade Cas. ¶ 69,902 (N.D. Cal.); United States v. Blue Diamond Corp., 1961 Trad Cas. ¶ 69,901 (N.D. Cal.); Division of Markets: United States v. Cornell-Dubilier Elec. Corp., 1962 Trade Cas. ¶ 70,589 (E.D. Pa.); United States v. True Temper Corp., 1961 Trade Cas. ¶ 70,090 (N.D. Ill.); United States v. Greater N.Y. Tailors' Expressmen Ass'n, 1961 Trade Cas. ¶ 70,154 (S.D.N.Y.); United States v. Pitney-Bowes, Inc., 1959 Trade Cas. ¶ 69,235 (D. Conn.); Monopolization: United States v. General Motors Corp., 1965 Trade Cas. ¶ 71,624 (E.D. Mich.); United States v. Lima News, 1965 Trade Cas. ¶ 71,609 (N.D. Ohio); United States v. General Elec. Co., 1962 Trade Cas. ¶ 70,342 (S.D.N.Y.); United States v. Eastman Kodak Co., 1961 Trade Cas. ¶ 70,100 (W.D.N.Y.); United States v. Standard Oil Co., 1959 Trade Cas. ¶ 69,399 (S.D. Cal.); Acquisitions and Mergers: United States v. Lucky Lager Brewing Co., 1962 Trade Cas. ¶ 70,508 (D. Utah); United States v. Borg-Warner Corp., 1962 Trade Cas. ¶ 70,461 (S.D. Tex.); United States v. Ryder System, Inc., 1961 Trade Cas. ¶ 70,056 (S.D. Fla.); United States v. American Radiator & Standard Sanitary Corp., 1960 Trade Cas. ¶ 69,810 (W.D. Pa.).

[60] 1959 Trade Cas. ¶ 69,399 (S.D. Cal.).

[61] The Standard Oil decree did not obtain as much relief as a court may have ordered if the case were tried. The Antitrust Division apparently did not believe it could prove certain arrangements to be violations of the antitrust laws. Simpson v. Union Oil Co., 377 U.S. 13 (1964), indicates the Supreme Court was willing to extend the substantive meaning of § 1 of the Sherman Act to include coercive arrangements as "combinations" in violation of § 1. See Note, Combinations in Restraint of Trade: A New Approach to Section 1 of the Sherman Act, 1966 Utah L. Rev. 75. Since the factual situations in Standard Oil and Simpson are substantially identical, it seems that further relief, in the form of diverstiture, could have been obtained in the Standard Oil decree if the case were litigated and appealed to the Supreme Court. Mr. Justice Stewart took note of the Standard Oil decree in his dissenting opinion in Simpson, indicating a conflict existed between the two cases. Simpson v. Union Oil Co., 377 U.S. 13, 30 n.4 (1964) (dissenting opinion).

[62] See, e.g., United States v. Suburban Gas, 1962 Trade Cas. ¶ 70,439, at 76,774 (S.D. Cal.); United States v. National Homes Corp., 1962 Trade Cas. ¶ 70,533, at 77,154 (N.D. Ind.); United States v. Ryder Systems, Inc., 1961 Trade Cas. ¶ 70,056, at 78,244 (S.D. Fla.); United States v. American Radiator & Standard Sanitary Corp., 1960 Trade Cas. ¶ 69,810, at 77,170 (W.D. Pa.); United States v. R.C.A., 1959 Trade Cas. ¶ 69,459, at 75,755 (E.D. Pa.); United States v. True Temper Corp., 1959 Trade Cas. ¶ 69,441, at 75,663 (N.D. Ill.).

[63] See, e.g., United States v. Nassau & Suffolk County Retail Hardware Ass'n, 1959 Trade Cas. ¶ 69,345, at 75,276 (E.D.NY.): United States v. Frozen Food Distrib. Ass'n, 1959 Trade Cas. ¶ 69,364, at 75,342 (S.D.N.Y.); United States v. Fur Shearer's Guild, 1959 Trade Cas. ¶ 69,312, at 75,172 (S.D.N.Y.); United States v. Aero Mayflower Transit Co., 1956 Trade Cas. ¶ 68,526, at 72,142 (S.D. Ga.).

[64] See, e.g., United States v. Borg-Warner Corp., 1962 Trade Cas. ¶ 70,461, at 76,882 (S.D. Tex.).

[65] See, e.g., United States v. Driver-Harris Co., 1961 Trade Cas. ¶ 70,031, at 76,108 (D.N.J.); United States v. Pitney-Bowes, Inc., 1959 Trade Cas. ¶ 69,235, at 74,860 (D. Conn). See generally, Cise, The Trend in Patent Provisions in Antitrust Decrees, 41 J. Pat. Off. Soc'y 743 (1959).

[66] See, e.g., United States v. Suburban Gas, 1962 Trade Cas. ¶ 70,439 (S.D. Cal.); United States v. National Homes Corp., 1962 Trade Cas. ¶ 70,533, at 77,153 (N.D. Ind.); United States v. M.C.A. Inc., 1962 Trade Cas. ¶ 70,459 (S.D. Cal.); United States v. American Radiator & Standard Sanitary Corp., 1960 Trade Cas. ¶ 69,810, at 77,169 (W.D. Pa.). A similar provision in the Paramount Decrees, 1948–49 Trade Cas. ¶¶ 62,335, 62,377 (S.D.N.Y. 1949); 1950–51 Trade Cas. ¶¶ 62,765, 62,861 (S.D.N.Y. 1951); 1952–53 Trade Cas. ¶ 67,228 (S.D.N.Y. 1952), has resulted in constant supervision over the motion picture exhibition industry. For an excellent analysis see Note, An Experiment in Preventive Antitrust: Judicial Regulation of the Motion Picture Exhibition Market under the Paramount Decrees, 74 Yale L.J. 1040 (1965). See generally Jacobs, Antitrust Law: Consent Judgments in Merger Cases, 43 A.B.A.J. 23 (1957).

[67] United States v. Sperry Rand Corp., 1962 Trade Cas. ¶ 70,495, at 77,015 (W.D.N.Y.); United States v. Arnold Schwinn & Co., 1962 Trade Cas. ¶ 70,445, at 76,800 (N.D. Ill.); United States v. Shaw-Walker Co., 1962 Trade Cas. ¶ 70,491, at 77,001 (W.D.N.Y.); United States v. Hamilton Cosco, Inc., 1959 Trade Cas. ¶ 69,394, at 75,491 (S.D.N.Y.); United States v. Maryland State Licensed Beverage Ass'n, 1959 Trade Cas. ¶ 69,261 (D. Md. 1958). In United States v. Wilson & Geo. Meyer & Co., 1961 Trade Cas. ¶ 70,020 (N.D. Cal), the defendant was permitted to enter into fair trade agreements exempted by the Miller-Tydings Act for the first ten years of the decree and thereafter to enter into McGuire Act exempted fair trade agreements.

[68] See United States v. Lucky Lager Brewing Co., 209 F. Supp. 665, 667 (D. Utah 1962).

[69] See United States v. Greater N.Y. Tailors' Expressmen Ass'n, 1961 Trade Cas. ¶ 70,154, at 76,596 (S.D.N.Y.).

[70] See United States v. Allied Chem. Corp., 1961 Trade Cas. ¶ 69,923 (D. Mass. 1960). In a similar type of suit, the Government was unable to obtain such an admission, and the trial court entered the decree without the government's consent. United States v. Brunswick-Balke-Collender Co., 1962 Trade Cas. ¶¶ 70,282, 70,346 (E.D. Wis.).

[71] See United States v. Spring-Air Co., 1962 Trade Cas. ¶ 70,402, at 76,632 (N.D. Ill.).

[72] See United States v. General Elec. Co., 1962 Trade Cas. ¶ 70,342, at 76,363 (S.D.N.Y.).

[73] See United States v. Dempster Bros., 1962 Trade Cas. ¶ 70,359, at 76,450 (E.D. Tenn.).

[74] See United States v. General Fireproofing Co., 1962 Trade Cas. ¶ 70,489, at 76,996 (W.D.N.Y.) three point zone pricing system).

[75] See United States v. Operative Plasterers & Cement Masons Int'l Ass'n, 1959 Trade Cas. ¶ 69,248, at 74,954 (N.D. Ill.).

[76] See, e.g., United States v. General Motors Corp., 1965 Trade Cas. ¶ 71,624 (E.D. Mich.) (consent decree with several novel provisions designed to end the defendant's alleged monopolization of bus manufacturing). See generally Barnes, Settlement by Consent Judgment, in An Antitrust Handbook 235 (1958).

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[77] See generally Note, supra note 55, at 1042–43.

[78] See generally Ergo, supra note 55.

[79] For an extended analysis of two consent decrees arrived at after alleged political interference see Antitrust Subcomm. of the House Comm. on the Judiciary, Consent Decree Program of the Department of Justice, 86th Cong., 1st Sess. (Comm. Print 1959).

[80] See, e.g., United States v. Carter Prod., Inc., 211 F. Supp. 144, 148–150 (S.D.N.Y. 1962); United States v. Arnold Schwinn & Co., 1962 Trade Cas. ¶ 70,445, at 76,800–01 (N.D. Ill.).

[81] Compare Simpson v. Union Oil Co., 377 U.S. 13 (1964), with United States v. Standard Oil Co., 1959 Trade Cas. ¶ 69,399 (N.D. Cal.).

[82] In Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129 (1967), the Court reversed a decree entered after 5 months of negotiation in open court. Judge Ritter of the U.S. District Court for Utah had to clear his docket for 5 months.

[83] See 28 C.F.R. § 50.1 (1965), which provides:

> Consent Judgment Policy.
>
> (a) It is hereby established as the policy of the Department of Justice to consent to a proposed judgment in an action to prevent or restrain violations of the antitrust laws only after or on condition that an opportunity is afforded persons (natural or corporate) who may be affected by such judgments and who are not named as parties to the action to state comments, views or relevant allegations prior to the entry of such proposed judgment by the court.
>
> (b) Pursuant to this policy, each proposed consent judgment shall be filed in court or otherwise made available upon request to interested persons as early as feasible but at least 30 days prior to entry by the court. Prior to entry of the judgment, or some earlier specified date, the Department of Justice will receive and consider any written comments, views or relevant allegations relating to the proposed judgment, which the Department may, in its discretion, disclose to the other parties to the action. The Department of Justice shall reserve the right (1) to withdraw or withhold its consent to the proposed judgment if the comments, views or allegations submitted disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper or inadequate, and (2) to object to intervention by any party not named as a party by the Government.
>
> (c) The Assistant Attorney General in charge of the Antitrust Division may establish procedures for implementing this policy. The Attorney General may permit an exception to this policy in a specific case where extraordinary circumstances require some shorter period than 30 days or some other procedure than that stated herein, and where it is clear that the public interest in the policy hereby established is not compromised.

In at least one case the objections of third parties caused the decree to be modified twice before a final judgment was entered. See United States v. Blue Chip Stamp Co., 5 Trade Reg. Rep. (1967 Trade Cas.) ¶ 72,239, at 84,502 (August 18, 1967). For a further example of intervention and a hearing on objection, see United States v. F. & M. Schaefer Brewing Co., 5 Trade Reg. Rep. (1968 Trade Cas.) ¶ 72,345, at 84,939 (Dec. 20, 1967).

[84] See, e.g., United States v. El Paso Natural Gas Co., 1965 Trade Cas. ¶ 71,362 (D. Utah), rev'd sub nom. Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129 (1967); United States v. Bendix Home Appliances, ¶ 10 F.R.D. 73 (S.D.N.Y. 1949); cf. United States v. General Elec. Co., 95 F. Supp. 165 (D.N.J. 1950).

[85] See Allen Calculator v. National Cash Register Co., 322 U.S. 137, 142 (1944); United States v. General Elec. Co., 95 F. Supp. 165, 170 (D.N.J. 1950). But see Missouri-Kansas Pipe Line Co. v. United States, 312 U.S. 502, 506 (1941): "But where the enforcement of a public law also demands distinct safeguarding of private interests by giving them a formal status in the decree, the power to enforce rights thus sanctioned is not left to the public authorities nor put in the keeping of the district court's discretion." In a sequel to the Packer's consent decree, intervention was allowed for a party whose contracts with the consent decree defendants were interfered with by the decree. See United States v. California Cooperative Canneries, 279 U.S. 553 (1929). Some decrees invite intervention by private parties. See Missouri-Kansas Pipe Line Co. v. United States, supra. In one case, the Government was permitted to intervene in a private suit. See Crosby Steam Gage & Valve Co. v. Manning, Maxwell & Moore, Inc., 51 F. Supp. 972 (D. Mass. 1943).

[86] 386 U.S. 129 (1967).

[87] United States v. El Paso Natural Gas Co., 376 U.S. 651, 662 (1964).

[88] Fed. R. Civ. P. 24(b) provides for permissive intervention:

> (b) Permissive Intervention. Upon timely application anyone may be permitted to intervene in an action: (1) when a statute of the United States confers a conditional right to intervene; or (2) when an applicant's claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or state governmental officer or agency or upon any regulation, order, requirement, or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely application may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

The Advisory Committee's extensive notes on the revision of rule 24 may be found in J. Moore, Federal Practice Rules Pamphlet 560–64 (1966). For general comments see 2 W. Barron & A. Holtzoff, Federal Practice and Procedure §§ 591–604 (Wright ed. 1961); 4 J. Moore, Federal Practice ¶ 24.01–.10 (1966).

[89] Prior to the 1966 amendment, rule 24(a) was as follows:

> Intervention of Right. Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute of the United States confers an unconditional right to intervene; or (2) when the representation of the applicant's interest by existing parties is or may be inadequate and the applicant is or may be found by a judgment in the action; or (3) when the applicant is so situated as to be adversely affected by a distribution or other disposition of property which is in the custody or subject to the control or disposition of the court or an officer thereof.

The purpose of the amendment was to avoid the concept of a funds in the hands of the court as a necessary element of an applicant's right to intervene and to predicate intervention upon whether the applicant's interests may be substantially impaired by the disposition of the action. See Advisory Committee's Notes in, J. Moore, Federal Practice Rules Pamphlet 561 (1966).

[90] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 135 (1967).

[91] Id.

[92] Id. at 136.

[93] Fed. R. Civ. P. 24(a) (2).

[94] Antitrust Subcomm. of the House Comm. on the Judiciary, Consent Decree Program of the Department of Justice, 86th Cong., 1st Sess. (Comm. Print 1959).

[95] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 141–42 (1967).

[96] See Intervention In Government Antitrust Suits, 301 B.N.A. Antitrust & Trade Reg. Rep. B–1 to B–3 (April 18, 1967).

[97] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 135 (1967). The Court relied upon Missouri-Kansas Pipe Line Co. v. United States, 312 U.S. 502, 506 (1941).

[98] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 136 (1967).

[99] Id.

[100] Intervention in federal administrative proceedings is governed by § 6(a) of the Administrative Procedure Act:

> So far as the orderly conduct of public business permits, any interested person may appear before any agency or its responsible officers or employees for the presentation, adjustment, or determination of any issue, request or controversy in any proceeding (interlocutory, summary, or otherwise) or in connection with any agency function. 5 U.S.C. § 1005(a) (1964).

See generally Note, Intervention by Third Parties in Federal Administrative Proceedings, 42 Notre Dame Law, 71 (1966).

[101] See generally Administrative Procedure Act, 5 U.S.C. § 1001 (1964).

[102] See "Consent Judgment Policy," quoted note 83 supra. In fact, litigation might be barred if they do not file before the 30 days have tolled on the filing of the proposed consent decree. See United States v. Blue Chip Stamp Co., 5 Trade Reg. Rep. (1967 Trade Cas.) ¶ 72,239 (Aug. 18, 1967), aff'd mem., 389 U.S. 580 (1968).

[103] This trend has not been confined to antitrust cases. Moreover, the role of amicus briefs has shifted somewhat from friend of the court to advocate before the court. For a perceptive article, see Krislov, The Amicus Curiae Brief: From Friendship to Advocacy, 72 Yale L.J. 694 (1963).

[104] 334 U.S. 131 (1948). The consent decrees entered after the Paramount decision are: United States v. Paramount Pictures, Inc., 1948–49 Trade Cas. ¶62,335, at 62,864 (S.D.N.Y. 1948); United States v. Paramount Pictures, Inc., 1948–49 Trade Cas. ¶62,377, at 63,010 (S.D.N.Y. 1949); United States v. Loew's Inc., 1950–51 Trade Cas. ¶ 62,861 (S.D.N.Y. 1951; United States v. Loew's Inc., 1952–53 Trade Cas. ¶67,228 (S.D.N.Y. 1952).

[105] Particularly the growth of drive-in theaters.

[106] For a survey of analyses see Note, supra Note 55.

[107] See, e.g., United States v. Allied Chem. Corp., 1961 Trade Cas. ¶69,923 (D. Mass. 1960); United States v. Lake Asphalt & Petroleum Co., 1960 Trade Cas. ¶69,835 (D. Mass.); United States v. Bituminous Concrete Ass'n, 1960 Trade Cas. ¶69,878 (D. Mass.). See generally Dabney, Consent Decrees Without Consent, 63 Colum. L. Rev. 1052 (1963); McHenry, The Asphalt Clause—A Trap for the Unwary, 36 N.Y.U.L. Rev. 1114 (1961); Comment, Consent Decrees and the Private Action: An Antitrust Dilemma, 53 Calif. L. Rev. 627 (1965); Comment, Section 5 of the Clayton Act and Entry of Consent Decrees Without Government Consent, 1963 Wis. L. Rev. 459.

[108] "Each defendant is enjoined and restrained from denying that this final judgment . . . has prima facie effect in . . . the suits instituted in this court by the Commonwealth of Massachusetts . . . and any other suit instituted by any city or town against any of the defendants signatory hereto prior to the date of entry of this final judgment." United States v. Lake Asphalt & Petroleum Co., 1960 Trade Cas. ¶ 69,835, at 77,272 (D. Mass.). Approximately 50 treble damage actions had been filed by Massachusetts and its political subdivisions. See McHenry, supra note 107, at 1119 n. 18.

[109] See Bicks, Significant New Antitrust Developments, 17 A.B.A. Antitrust Section 268 69 (1960).

[110] 1960 Trade Cas. ¶ 69,835 (D. Mass.).

[111] For excerpts from the record concerning Judge Wyzanski's reaction to the asphalt clause see McHenry, supra note 107, at 1124. In the only other case to consider a government demand for an asphalt clause, United States v. Brunswick-Balke-Collender Co., 203 F. Supp. 657 (E.D. Wis. 1962), Judge Tehan noted the "incongruity that a party who capitulated and thereby spared the Government the expenditure of substantial time and money would end up in immeasurably worse condition than it would if it lost its case after protracted trial." Id. at 660. This is perhaps overstating the case since the defendant would be spared the cost of a protracted trial, would not be subject to a prima facie case by all private damage claimants under the asphalt clause as would be the case if the defendant lost the protracted trial, and the defendant might well use as asphalt clause issue to bargain for the deletion of other proposed decree provisions.

[112] 203 F. Supp. 657 (E.D. Wis. 1962). In the electrical conspiracy cases, the same result was achieved by government resistance to nolo contendere pleas and the capitulation of the defendants by pleading guilty to a selected number of indictments. Apparently some state attorneys general were considering appearances in the cases to resist nolo contendere pleas, but decided not to appear when guilty pleas were entered in a limited number of cases. See McHenry, supra note 107, at 1114 n.2.

[113] 26 F. Supp. 366 (D. Minn. 1939).

[114] See United States v. Brunswick-Balke-Collender Co., 203 F. Supp. 657, 662 (E.D. Wis. 1962).

[115] Id. at 661.

[116] President Wilson's message to Congress in support § 5 clearly established the rationale for the proposal:

> It is not fair that the private litigant should be obligated to set up and establish again the facts which the Government has proved. He cannot afford, he has not the power to make use of such processes of inquiry as the Government has command of. 51 Cong. Rec. 1962, 1964 (1914).

[117] See 51 Cong. Reg. 15,824 (1914) (remarks of Senator Lewis); 51 Cong. Rec. 16,276 (1914) (remarks of Senator Webb); 51 Cong. Reg. 16,004 (1914) (remarks of Senator Chilton); H.R. Rep. No. 627, pt. 2, 63rd Cong., 2d Sess. (1914).

[118] For an excellent analysis of the Brunswick case see Comment, Section 5 of the Clayton Act and Entry of Consent Decree Without Government Consent, 1963 Wis. L. Rev. 459.

[119] One proposal has been that the courts be given discretionary power to determine whether a consent decree establishes a prima facie case for treble damage claimants. M. Goldberg 70. This proposal faces several difficulties. Most of the courts approving consent decrees have no knowledge of the facts and circumstances surrounding the cases before them; it is difficult to conceive of a court exercising this type of discretion without an extended hearing with the participation of the third party claimants; and, it would change the essential character of consent decree negotiations from a two-way negotiation to a three-way negotiation. It is also doubtful whether the Antitrust Division, the judiciary, and the bar would support the legislation necessary to implement this proposal. Although the Supreme Court has reserved consideration of the asphalt clause, United States v. Ward Baking Co., 376 U.S. 327 (1964), it does seem that this method for securing the rights of injured third parties, while also obtaining the advantage of a consent decree, stands the best chance of success. The only thing necessary to achieve that success is a willingness by the Antitrust Division to implement an asphalt clause program. There has been little indication of such a willingness since the Brunswick case.

[120] See United States v. Brunswick-Balke-Collender Co., 203 F. Supp. 657, 659–62 (E.D. Wis. 1962). See also United States v. Ward Baking Co., 1963 Trade Cas. ¶ 70,609 (M.D. Fla. 1962), rev'd, 376 U.S. 327 (1964); United States v. Aero Mayflower Transit Co., 1956 Trade Cas. ¶68,526 (S.D. Ga.); cf. United States v. Standard Oil Co., 1959 Trade Cas. ¶ 69,399 (S.D. Cal.). Contra, United States v. Lake Asphalt & Petroleum Co., 1960 Trade Cas. ¶ 69,835 (D. Mass.); United States v. Hartford Empire Co., 1 F.R.D. 424 (N.D. Ohio 1940). See generally Dabney, supra note 107; Comment, Antitrust Judgments Entered Without Trial or Government's Consent, 62 B.N.A. Antitrust & Trade Reg. Rep. B–1 (1963).

[121] Professor Oppenheim has reasoned:

> It has been stated to be a fundamental concept that the antitrust consent decree is not to be viewed solely as a contract resulting from an unrestricted bargaining process between the government and the defendants. Rather, it is an agreement for a voluntary settlement of antitrust issues in which the scope and content of the provisions therein can rise no higher than their source in the legislative objectives and prohibitions of the standards embodied by Congress in its national antitrust policy. . . . It follows, therefore, that neither antitrust officials nor a court of equity has authority under law to induce or accept provisions in consent decrees unless they are related to the prevention or correction of violations of the antitrust laws within the objectives of that legislation.

Oppenheim, Federal Antitrust Legislation: Guideposts to a Revised National Antitrust Policy, 50 Mich. L. Rev. 1139, 1230, 1234 (1952). The 1955 Report of the Attorney General's Antitrust Committee took the position that the Antitrust Division should not seek relief which would "transgress constitutional boundaries" or which could not "reasonably be expected after litigation." Att'y Gen. Antitrust Comm., Report 361 (1955).

[122] 376 U.S. 327 (1964).

[123] See United States v. Ward Baking Co., 1963 Trade Cas. ¶ 70,609 (M.D. Fla. 1962).

[124] "We decide only that where the government seeks an item of relief to which evidence adduced at trial may show that it is entitled, the District Court may not enter a 'consent' judgment without the actual consent of the government." United States v. Ward Baking Co., 376 U.S. 327, 334 (1964).

[125] See Dabney, supra note 107, at 1063. Mr. Dabney's second conclusion, that the Government cannot force a trial where the defendant consents to all the relief the Government requests for the sole purpose of creating a prima facie case under § 5(a) of the Clayton Act, is based on the Brunswick decision. United States v. Brunswick-Balke-Collender Co., 203 F. Supp. 657 (E.D. Wis. 1962). The Supreme Court refused to pass on that question in United States v. Ward Baking Co., 376 U.S. 327 (1964), and the conclusion seems doubtful in light of an analysis of the Brunswick case. See Comment, supra note 118. It may also be argued that the demand for an "asphalt clause" is "relief" the Government would obtain upon full trial of the case because of the prima facie case effect given a litigated decree by § 5 of the Clayton Act. The basic question is, of course, whether a prima facie case obtained by an asphalt clause or litigation of the case is "relief" to which the Government is entitled. In light of the legislative history of § 5 of the Clayton Act it is not too much to say that the Government does have an interest in securing to private litigants their right to damages as a matter of public policy in preventing a multiplicity of suits, restoring competition by aiding injured competitors, and increasing the deterrent effect of antitrust sanctions.

[126] 1959 Trade Cas. ¶ 69.399 (S.D. Cal.).

[127] 15 U.S.C. § 16(a) (1964) (emphasis added).

[128] See Comment, Consent Decrees and the Private Action: An Antitrust Dilemma, 53 Calif. L. Rev. 627 (1965).

[129] See Ellman, Antitrust Enforcement: Retrospect and Prospect, 53 A.B.A.J. 609 (1967). Commissioner Ellman suggests that the FTC should restrict its function to that of a regulatory agency rather than that of a policeman and prosecutor. While little debate can be had on this proposition, realistic facts demand that the FTC be substantially upgraded in quality before major changes are made in the allocation of authority between the FTC and the Antitrust Division.

[130] The Assistant Attorney General in charge of the Antitrust Division of the Department of Justice delivered an important address reflecting the Antitrust Division's position on several important questions with respect to consent decrees before the Bar of the City of New York on December 13, 1967. See Turner, Antitrust Consent Decrees: Some Basic Policy Questions, 336 Antitrust & Trade Reg. Rep. X–1 (Dec. 19, 1967). The speech was published after the preparation of this article, but in no way detracts from this author's views as stated herein.

JAPANESE-AMERICAN ASSEMBLY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, early in September a number of my colleagues and I had the honor of taking part in the second Japanese-American Assembly.

This meeting was jointly sponsored by the American Assembly and the Japanese Council for International Understanding and was held in Shimoda, Japan.

Because there are a number of substantive policy questions facing our two countries, I am including as a part of my remarks, the complete text of the final report:

FINAL REPORT OF THE SECOND JAPANESE-AMERICAN ASSEMBLY

PREFACE

The Second Japanese-American Assembly, sponsored by the Japan Council for International Understanding and The American Assembly, met in Shimoda, Japan, September 4–7, 1969. As in the first Assembly, also held in Shimoda, in 1967, the participants (70 in all) included scholars, government officials, businessmen and communication specialists from both nations.

For three days in small groups they discussed the outlook for the bi-national relationship in the 1970s in the light of present political, economic and social postures in each nation as well as in other countries of Asia. Their talks were based on issues raised in paper prepared as advance background reading by James W. Morley, Saburo Okita, Gerald Curtis, Muniyoshi Hirano, Jiro Sakamoto, George McT. Kahin, Fuji Kamiya, Mineo Nakajima, and Marius B. Jansen.

The participants also heard formal addresses by Shorjiro Kawashima, vice chairman of Japan's Liberal Democratic Party and Kogoro Uemura, president of the Federation of Economic Organizations; and by United States Senator Charles Percy of Illinois and Edwin O. Reischauer, former United States Ambassador to Japan.

In plenary session on the final day the participants reviewed the following report which had been drafted by the co-editors of the background papers—Messrs. Curtis and Kamiya—and by the discussion leaders and rapporteurs:

Jun Eto, Hans Baerwald, Herbert Passin, Masataka Kohsaka, Marius Jansen and Michio Rohyama.

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The views contained in this report are those of the participants in their private capacities and not of the Japan Council for International Understanding or of The American Assembly, a nonpartisan educational organization which takes no views on issues it presents for public discussion. Nor is The Ford Foundation, who generously underwrote the costs of the Assembly on the American side—gratefully acknowledged herewith—to be associated with the opinions herein.

CLIFFORD C. NELSON,
President, The American Assembly.

At the close of their discussions the participants in the Second Japanese-American Assembly reviewed the following report in plenary session. The report represents general agreement. However, no one was asked to sign it, and in view of the often differing opinions expressed during the course of the discussions, it must be clearly understood that not every participant agrees with every statement.

The relationship between the United States and Japan and their role in Asia have become the subject of serious public debate in both countries. While Japan and the United States share many common interests, there are significant differences in their views of the world and their respective roles in it. Furthermore, these views have not remained constant within each country but have been undergoing change.

There is today in the United States a great concern to solve pressing domestic problems such as poverty, race relations and a variety of urban ills. The American experience in Vietnam has generated a general questioning of America's foreign policy posture. American public opinion clearly desires a reduction in the overseas commitments of the United States, particularly in its military aspects. The timing and extent of this reduction are at issue but not the principle itself.

Japan's rapid industrial growth has created urgent pressures for attention to educational, urban, and environmental problems. At the same time its enormous economic power has contributed to an increase in national confidence. In this setting, America's desire to limit its commitments coincides with a changing political environment in Asia to create new choices and constraints for Japan. There is also a questioning of past policies and a public desire for a different, though still unspecified, role in international affairs.

Asia in the seventies will see a greater complexity in international relations than has heretofore existed in the postwar period. The Sino-Soviet split, the ongoing withdrawal of American troops from Vietnam, and internal developments in Asian countries are combining to create new challenges and new opportunities for the United States and Japan. Both countries must work out policies for the changing political environment in Asia appropriate to their respective capabilities and the desires of their publics.

Political instability will continue to characterize much of Asia in the 1970's, often as a result of the social and political strains of nation building. This will sometimes be constructive and not necessarily dangerous to world peace or subject to outside influence.

Japan will play a more influential role in Southeast Asia in the coming decade. This is partly the inevitable consequence of its position as the only highly advanced industrial nation in Asia. Japan thus has a unique opportunity further to participate and assist in the economic development of other Asian nations. This role, if fully accepted, would be extremely complex and challenging, given the great differences in stages of economic growth, political stability and other conditions among the states in the area. It will require greater involvement but should exclude any military role. By the same taken, the United States too should seek now opportunities to increase its role in economic development programs. Both countries should place emphasis on multilateral means in this field.

It is highly desirable that both the United States and Japan try to normalize their relations with mainland China and to have it participate in a variety of international conferences and organizations. The continued isolation of China and the misunderstanding of intentions between China, Japan, and the United States pose obstacles to the reduction of tensions in Asia.

The existing tensions between China and the Soviet Union are not expected to decrease in the near future. On the contrary, an increase in the conflict is a possibility in the coming decade. Military conflict between China and the Soviet Union is not in the interests of either the United States or Japan.

The problem of Taiwan is a major concern of both the United States and Japan. Eventually it must be solved by the people of Taiwan and China themselves. There was vigorous discussion concerning this formulation, but differences of opinion could not be resolved.

The Vietnam War must be brought to a quick settlement. All efforts should be made to insure that the Vietnamese themselves be free to decide what type of regime they desire. Both the United States and Japan should aid the reconstruction and economic development of North and South Vietnam in the postwar period.

The form of reversion of Okinawa to Japan is the most urgent issue confronting the United States and Japan. The Okinawa problem is not only one of national sovereignty but also of the basic rights of the Okinawan people. It is imperative that a timetable for reversion be set within this year and that immediate steps be taken to provide for Okinawan participation in Japanese life during the process of transition. It was the general view that the return of the islands in such a manner as would place American bases there on the same terms as apply to bases in other parts of Japan is most desirable. However views favoring the immediate, unconditional return of Okinawa were also expressed. Okinawan revision to Japan will remove a major irritant in United States-Japanese relations and will contribute to the development of great mutuality of interest between the two countries.

The problem of Korea is of direct concern to the United States and cannot be disregarded by Japan. We were in general agreed that forcible change of existing borders in the Korean peninsula would present serious problems to the United States and Japan, although we did not arrive at conclusions on the extent of this danger or counter measures to be taken.

Mutual security arrangements between the two countries must be considered in terms of the long range friendship between the United States and Japan. There was a wide variety of opinion ranging from abrogation to the indefinite continuation of the present Treaty without change. The prevailing view was that, in the immediate future, there was no alternative to automatic extension. However, dissatisfactions in both the United States and Japan clearly require that the Treaty be constantly examined and adjustments made as expeditiously as possible. Even under the present Treaty, the further reduction of American bases in Japan is desirable. It was generally agreed that both countries should work toward creating conditions under which the security of Japan and its neighbors could be insured without the presence of American bases.

Close relations between the United States and Japan are in part the result of their extensive economic ties. As great trading nations, both share a common interest in maximizing the opportunities for the freest possible world wide economic interaction. In this context it is imperative that both nations eliminate as quickly as possible barriers to trade and take necessary steps to insure the free movement of capital between the two countries. It was generally recognized that at this stage Japan should take the initiative in this regard in order to avert a vicious circle of retaliatory protectionist measures. The economies of both countries are sufficiently strong to make protectionist measures unnecessary.

There is unanimous agreement among Americans and Japanese that a friendly and equal relationship is of fundamental importance. As advanced industrial societies both countries share many common problems despite differences in language, culture, and historical experience. We both must improve our mass education systems, deal with the dissatisfactions of youth, make our cities more liveable, and make government and large organizations more responsive to the needs of society.

* * * * *

It was resolved in plenary session that the funds specified for cultural purposes in the repayment of Japan's debt to the United States be used for the creation of a foundation devoted to the fuller development of dialogue and the study of our common problems.

PARTICIPANTS IN THE SECOND JAPANESE-AMERICAN ASSEMBLY

Joint chairmen

Tokusaburo Kosaka, Chairman, Japan Council for International Understanding, Tokyo.

Clifford C. Nelson, President, The American Assembly, Columbia University, New York.

Joint editors

Gerald Curtis, Professor of Political Science, Columbia University.

Fuji Kamiya, Professor of International Relations, Osaka Municipal University.

Chief administrator and liaison officer

Tadashi Yamamoto, Japan Council for International Understanding.

Shigeyoshi Aikawa, Adviser to Editorial Board, *Yomiuri Shinbun.*

Yoshikata ASO, Member, House of Representatives, Democratic Socialist Party.

Hans H. Baerwald, Visiting Professor, International Christian University, Tokyo.

A. Doak Barnett, Brookings Institution, Washington, D.C.

John Brademas, Representative from Indiana, Congress of the United States.

William E. Brock, Representative from Tennessee, Congress of the United States.

Jerome Cohen, Professor of Law, Harvard University.

Frederick Dutton, Executive Director, The Robert F. Kennedy Memorial Foundation.

John Emmerson, Professor of Political Science, Stanford University.

Jun Eto, Literary Critic and Author.

Thomas S. Foley, Representative from Washington, Congress of the United States.

Aiichiro Fujiyama, Member, House of Representatives, Liberal Democratic Party.

Motoo Goto, Assistant Editorial Writer, The Asahi Shinbun.

Noboru Goto, President, Tokyo Electric Railway, Ltd.

Kazushige Hirasawa, Editor-in-Chief, The Japan Times.

Stanley Hoffman, Professor of Government, Harvard University.

Hiroki Imazato, President, Nippon Seiko, K. K.

Rokuro Ishikawa, Vice-President, Kajima Construction Co., Ltd.

Marius B. Jansen, Professor of Japanese History, Princeton University.

Nicholas Johnson, United States Federal Communications Commissioner.

Motoo Kaede, Sub-Chief Editor, *Tokyo Chunichi Shinbun.*

George McT. Kahin, Director, Southeast Asia Program, Cornell University.

Raymund A. Kathe, Senior Vice President, First National City Bank.

Shojiro Kawashima, Member, House of Representatives, Vice-Chairman of the Party, Liberal Democratic Party.

Yohei Kohno, Member, House of Representatives, Liberal Democratic Party.

Zenfaro Kosaka, Member, House of Representatives, Liberal Democratic Party, Former Foreign Affairs Minister.

Masataka Kohsaka, Professor of Law, Kyoto University.

Hiroshi Kurokawa, Assistant Managing Editor, *Nihon Keizai Shinbun.*

Akira Kuroyanagi, Member, House of Councilors, Vice Secretary, Komeito.

Shigeharu Matsumoto, Chairman, Board of Directors, International House of Japan, Inc.

Shiro Mikumo, Chief Editorial Writer, *The Sankei Shinbun.*

Seigen Miyazato, Professor of Law, Ryukyu University, Okinawa.

Osamu Miyoshi, Editorial Writer, The Mainichi Newspapers.

James W. Morley, Professor of Political Science, Columbia University.

Kinhide Mushakoji, President, Institute of International Relations for Advanced Study of Peace and Development in Asia.

Eiichi Nagasue, Member, House of Representatives, Member, Central Executive Committee, Democratic Socialist Party.

Mineo Nakajima, Lecturer in International Relations and Chinese Studies, Tokyo University of Foreign Studies.

Yasuhiro Nakasone, Member, House of Representatives, Liberal Democratic Party.

Yasumasa Ohta, Sub-Chief Editorial Writer, *The Tokyo Press.*

Herbert Passin, Professor of Sociology, Columbia University.

Hugh Patrick, Professor of Far Eastern Economics, Yale University.

Charles Percy, United States Senator from Illinois.

Richard Pfeffer, Assistant Professor, Dept. of Political Science, Johns Hopkins University.

Gerald Piel, President and Publisher, *Scientific American.*

John Powers, Aspen Institute, Colorado.

Edwin O. Reischauer, Professor, Department of Asian Studies, Harvard University.

Donald Rumsfeld, Director, Office of Economic Opportunity, Washington, D.C.

Kiichi Saeki, President Nomura Research Institute of Technology and Economics.

Shoichi Saeki, Professor of Literature, Tokyo University.

Jiro Sakamoto, Professor, Hitotsubashi University.

Joseph E. Slater, President, the Salk Institute.

William A. Steiger, Representative from Wisconsin, Congress of the United States.

Nathaniel B. Thayer, New York.

S. Fletcher Thompson, Jr., Representative from Georgia, Congress of the United States.

Seiji Tsutsumi, President, Seibu Department Store Co., Ltd.

John V. Tunney, Representative from California, Congress of the United States.

Gordon Tweedy, Chairman, C. V. Starr & Co., Ltd., New York.

Morris Udall, Representative from Arizona, Congress of the United States.

Kogoro Uemura, President, Japan Federation of Economic Organizations.

Jiro Ushio, President, Ushio Electric Co., Ltd.

Arthur L. Wadsworth, Executive Vice-President, Dillion Read & Co., New York.

Kei Wakaizumi, Professor of International Relations, Kyoto Sangyo University.

Ichiro Watanabe, Member, House of Representatives, Komeito.

Robert M. White, II, Editor & Publisher, the Mexico Ledger, Missouri.

Masakazu Yamazaki, Playwright, Assistant Professor, Kansai University.

CONGRESSMAN FRANK ANNUNZIO HONORED AS RECIPIENT OF THE JUSTINIAN SOCIETY OF LAWYERS' MAN OF THE YEAR AWARD FOR 1969

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. PUCINSKI. Mr. Speaker, last week our highly respected and very distinguished colleague Congressman FRANK ANNUNZIO, was honored by the Justinian Society of Lawyers as the recipient of its annual Man of the Year Award.

Congressman ANNUNZIO joins a very highly respected group of former recipients of this coveted tribute by the Justinian Society of Lawyers. Former recipients included Justice Michael A. Musmanno, Hon. Joseph A. Califano, Jr., Gov. John A. Volpe, and Mayor Joseph L. Alioto.

I was pleased to be able to participate in this very impressive tribute to our colleague which was held last Thursday in the Sherman House in Chicago.

Among those responsible for arranging this tribute to FRANK ANNUNZIO were:

Anthony J. Fornelli, president of the Justinian Society of Lawyers; Vito D. DeCarlo, first vice president; Gerald L. Sbarboro, second vice president; Anthony J. Scotillo, third vice president; Benjamin DiGiacomo, treasurer; Oscar P. Chiappori, secretary; Hon. Lawrence X. Pusateri, chairman, Parole and Pardon Board, State of Illinois; Angelo D. Mistretta, retiring president; Hon. P. A. Sorrentino, judge, Circuit Court of Cook County; and Rev. Paul J. Asciolla, C.S.

Mr. Speaker, FRANK ANNUNZIO has richly earned the distinction and honor paid him by the Justinian Society of Lawyers. Throughout his life, FRANK ANNUNZIO has been in the forefront of serving his fellow man and as an articulate spokesman of the high ideals and impressive achievements of the Italian people.

As a former schoolteacher, a State director of labor, a confidant of men in high public office, a community leader, a ward committeeman, and a stanch American, FRANK ANNUNZIO exemplifies the highest traditions of public service. He has brought credit to the Italo-American community and to Americans all. As a member of the Congress, he enjoys the highest respect of his colleagues. As a member of the House Banking Committee, his impact on major legislation affecting our entire economy is imposing and impressive. FRANK ANNUNZIO exemplifies the highest standards of dignity and compassion for his fellow man.

I should like to place in the RECORD today his speech delivered in acceptance of this highly distinguished award.

Congressman ANNUNZIO's speech follows.

REMARKS BY CONGRESSMAN ANNUNZIO

Father Asciolla, distinguished guests, all of my friends, ladies and gentlemen, it is needless for me to tell you how tremendously delighted I am tonight to be selected for the Justinian Award. I am aware of the fact that all of the other recipients of this award have been people from outside the City of Chicago and that I am the first Chicagoan to achieve this high honor and this distinction.

Your organization is to be commended for its courage tonight in inviting so many distinguished and outstanding judges in our community and to have as your awardee a Member of the Congress of the United States of America. As we all know, this is hunting season on Judges and Members of Congress. By inviting us tonight, you are demonstrating your faith in our institutions of government.

Our critics are many but you and I can agree that in America we have a government for and by the people, and that there is no government in the world better than the government in America.

We are not perfect, because we are not a totalitarian state. You can only achieve perfection in a Communist or Fascist state, where those who dare criticize, and those who dare oppose the government, and those who want to use the right of free speech, are either murdered or placed in concentration camps. Of course, the perfection of which I speak is not a real perfection but rather is the perfection which the dictators claim they have achieved. So, despite all of this criticism that is leveled at the public officials of America, and some of it is probably justified, but as far as the great majority of criticism that is leveled against the representatives of this government is concerned, I must say that the people who represent the press, radio and television should dig, and dig deeper, to get the facts because in this day and age when young people are rebelling all over the world it is necessary, when facts are presented in writing or on television, that they be as close to the truth as possible. So, whether we are teachers, lawyers, newspaper men, commentators or politicians, all of us are Americans, all of us are deeply concerned with the preservation of our free institutions, and all of us are deeply concerned about the continuation of our American way of life.

The Justinian Society of Lawyers, through its members, has contributed much to every Italo-American organization in this area. Its members have acted as lawyers and parliamentarians for our organizations, and have given freely of their advice and counsel to these organizations.

As the General Chairman of the Villa Scalabrini Development Fund, I want to publicly acknowledge the great contribution that the Justinian Society and its members have made to the Italian Old Peoples' Home. Our Home today is a five million dollar institution. It is one of the outstanding old peoples' homes in the nation. It is modern in every detail. It is the only Home I know that has a Geriatrics Department, and nurses and doctors are on duty around the clock to take care of the old people when they get sick. Therefore, at this time it is not necessary to remove those who are bedridden to hospitals. They can get the professional medical care they need right at the Old Peoples' Home.

As I look at the future of the Old Peoples' Home, I see our Home becoming a center for the Italo-American people all over the state and county where they can meet to discuss mutual problems facing them in our complex and modern society.

As you probably know, there are sixteen Italo-American Congressmen in the Congress

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of the United States. Most of these men represent areas either on the eastern or western seaboards. I have the distinction of being the only Italo-American Congressman west of the Appalachian Mountains, east of the Rocky Mountains, and from the Gulf of Mexico to the Canadian border. Despite the fact that we have 25 million Italo-Americans in the United States, there is only one Congressman who represents this vast area I have just described in the Congress of the United States.

Since my election in 1964, I have actively participated in every legislative measure that would give long overdue recognition to the contributions that Italo-Americans have made to America since the landing of Columbus in the New World.

We all know that Italo-Americans have participated with honor and distinction in every way in the history of our country—in the Revolutionary War, in the Civil War, in the Mexican War, in World War I, in World War II, in the Korean War, and in the Viet Nam War. Our people have given dedicated service in the defense of their country, and there are three Italo-Americans who are winners of the Congressional Medal of Honor.

On August 25, 1965, the Congress of the United States passed a new Immigration and Nationality Act and this Act was signed into law by President Lyndon B. Johnson on October 3, 1965, in an unprecedented ceremony at the Statue of Liberty. Before the enactment of this legislation, only 5,666 Italians could be admitted to the United States. Since the passage of this Act, over 100,000 Italians have been admitted to the United States. Under the law today, 20,000 Italians can come to America each year. Congressman Peter Rodino of New Jersey and I, when the bill was passed, were the coauthors of the program to phase out in three years the discriminatory national origins quota system in order that we could secure more visa numbers to alleviate the plight of a quarter-of-a-million Italians waiting to come to America.

The passage of this law was important not only because it provided for increased migration of Mediterranean peoples to our shores, but it was important because it took 42 years to repeal the infamous McCarran-Walter Act which conferred second-class-citizen status on every Italo-American, whether he came from Italy or was born in the United States. The philosophy of this anti-American is a permeated our entire society and especially our professional schools. It established in each school a quota, according to nationality, for admittance of law students, medical students, dental students, and other professional students. As far as I am concerned, one of the greatest achievements in behalf of genuine Americanism, is the repeal of the McCarran-Walter Act because this means that at least every American must be judged on his merits, and his merits alone, regardless of race, color or religion.

In 1968, we passed the National Monday Holiday bill. This bill was passed with the full cooperation of Speaker John W. McCormack, who waited until 9:30 p.m. in the evening in order to call the bill before the House. I want to say that every Italo-American Congressman and our friends were on the floor of the House and participated in the debate and in supporting passage of the National Monday Holiday bill. This bill was passed about 12 o'clock midnight by a vote of 212 to 83.

For the first time beginning in 1971, the second Monday in October will be observed as a national Federal holiday honoring Columbus. As you know, we celebrate George Washington's birthday because he is the father of our country. All other holidays depict an event in the history of America, such as Memorial Day, Veterans Day, Thanksgiving Day, but only two men have been singled out to be honored with a special day—George Washington and Christopher Columbus. As the father of all immigrants, Columbus certainly deserves this recognition and becomes the second man in the history of our country to be honored in this way. We as Italo-Americans have waited for over one hundred years to achieve this recognition, and as one of the cosponsors of this bill, I want to say that it was an event worth waiting for!

When I first came to the Congress of the United States, I heard so much about Constantino Brumidi—the Michelangelo of the Capitol. I went to the Senate to view the works in the Brumidi corridor, the beautiful frescoes of the Rotunda, and the Rotunda itself, because all of this work was performed by the genius who migrated from Italy in 1852. My distinguished friend, former Senator Paul Douglas, introduced the Brumidi Bust bill in the Senate because nowhere in the Capitol was there a mark to inform the hundreds of thousands of visitors to Washington about the beautiful art work of Constantino Brumidi.

I was the first sponsor of this legislation in the House of Representatives. Again, I must say that I received the untiring cooperation and assistance of not only the Italo-American Congressmen, but all of our friends in the Congress rallied to support this bill, and there were over one hundred Members of Congress who cosponsored the bill in the House. This bill was passed and signed into law, and an appropriation was made for the procurement of a marble bust of Constantino Brumidi to be placed in the Senate wing of the Capitol Building.

On February 26, 1968, I introduced resolutions to provide for dedication of the Brumidi bust in the Rotunda and to provide for a printed record of the proceedings of the dedication ceremonies in the Rotunda. I invited the Dean of the Italo-American Congressmen, Honorable Peter Rodino, to be one of the co-chairmen of this dedication, and I also asked Senator John Pastore of Rhode Island to act as a co-chairman. Over 54 representatives of the Joint Civic Committee of Italian Americans from Chicago were present in Washington to participate in the dedication ceremonies. It was a beautiful morning. The Marine Band played appropriate music. The Vice President of the United States, the Speaker of the House, the Ambassador of Italy, the Majority Leader of the House, the Minority Leader of the House, the Majority Leader of the Senate, the Minority Leader of the Senate, my good friend, the late Honorable Everett McKinley Dirksen, the distinguished members of the Dedication Committee, and important Members of the House and Senate representing both parties were all present at the ceremonies.

It was the first time, in the 193-year history of our country, that an immigrant Italian, who was born in Rome and migrated to the United States, was honored in the Rotunda of the Capitol for his great works of art and was given the long overdue recognition that he so richly deserved!

In the 90th Congress, and again in the 91st Congress, I introduced legislation to name the nuclear accelerator at Weston, Illinois the "Enrico Fermi Nuclear Accelerator" in honor of one of the great scientists of our time and the father of nuclear energy—Dr. Enrico Fermi.

This was a two-year struggle, but again, I must tell you that over one hundred of my Colleagues in the House of Representatives rallied and cosponsored this bill. On April 9, 1969 I received a call from the Chairman of the Atomic Energy Commission, Dr. Glenn T. Seaborg, informing me that the Commission had met and that they had voted to name the Weston Accelerator in honor of Enrico Fermi. However, I was asked not to release this information until Dr. Seaborg had received approval from the White House. On April 29, 1969, I received a call from the White House informing me that the President had approved the recommendation naming the Weston Accelerator in honor of Enrico Fermi, and on that day—April 29—I released this information to the press of America.

What is the importance of this particular recognition? For the first time in the history of our country, a national major Federal facility now has the name of another man born in Italy who came to the United States of America, just as Brumidi did, and made a major contribution to our way of life as the father of nuclear energy.

The day will come, because of the results of the work at the new Enrico Fermi Accelerator, when new discoveries will make life easier for mankind, nuclear energy will be harnessed for peaceful purposes so that we can have better facilities, cheaper energy to heat our homes, new cures for illnesses, and a constructive attack on some of the serious problems that beset our society, such as water and air pollution.

About three weeks ago I was having lunch in the Member's Dining Room with my good friend, the late Dan Ronan, the Congressman from the Sixth District of Illinois. While sitting at the table, another good friend, a Polish-American Congressman from the State of Michigan asked if he could join us and I said, "yes." He said, "Franco, what is your next Italian-American project?" I replied, "You know, my friend, the other day I was walking in the basement of the Rotunda, and to my great surprise, I found that in this corner of the Rotunda, where no one ever visits, there are three marble busts—Giuseppe Garibaldi, Thaddeus Kosciusko, and Casimir Pulaski." My Polish friend could not believe what he heard.

That afternoon, as it had been the custom of Dan Ronan and myself over the years, we walked around the Capitol Building and as we approached the Rotunda of the Capitol, Dan said to me, "You know, Frank, I would like to look at these three busts." So we went to the basement of the Rotunda, and do you know who was there checking up on me—my good Polish friend from Michigan. He said to me, "When are you going to introduce the legislation so that I can support you?"—"Not until 1970," I replied, "for that is an election year!" So you see, I am now going to have the help of the Poles in order to raise from the dungeons of the Rotunda of the Capitol Garibaldi, Kosciusko, and Pulaski.

There are many other pieces of legislation, such as the resolution dealing with defamation, that I can discuss. But my time is limited, and I know by now you are wondering what else I do as a Member of Congress to serve the interest of all Americans—not only Italo-Americans.

As most of you know, I am a Member of the House Banking and Currency Committee. I am also a Member of one of its most powerful Subcommittees—the Domestic Finance Subcommittee. During the last five years, I have been fortunate, for as a Member of the Committee I have helped to uncover the most extensive and vicious juice racket that ever existed in any part of our country.

American fighting men abroad were being charged and were paying interest rates amounting to 50 and 60 per cent on loans they had made with unscrupulous money lenders. As a result of our Congressional investigation, and with the help of the distinguished Chairman of the Banking and Currency Committee, Wright Patman, a fifty million dollar Washington-based company has been put out of business. This company had on its Board of Directors eight retired admirals and generals. It has been estimated that a racket of over one hundred million dollars has been broken and our servicemen are now free of the "fast buck" operators. These servicemen were sent to Europe and Asia to protect our free enterprise system, and instead, our free enterprise system was cheating them! Today, I am happy to report to you that on our military bases all over Asia and all over Europe, we have established Federal credit unions with deposits on hand

of over forty million dollars, with loans on hand of ten million dollars, and with a maximum interest rate of one per cent per month on the unpaid balance being charged to our fighting men.

At the present time, I am engaged in a confrontation with the insurance industry. I want to assure my friends who are in the insurance industry that I believe in the free enterprise system and that all I am saying to the insurance industry of America is—either you provide insurance at reasonable rates for the people of the inner cities and ghettos of America, or it becomes the responsibility of our government to get into the insurance business.

This is not a new experience. We have Federal insurance for depositors, for commercial banks, for savings and home mortgages, for VA loans and FHA loans. We have Federal flood insurance. Social Security is an insurance program. Our government has a long history of successful insurance programs. In order to meet the needs and wants of the small businessmen and the small home owners of our inner cities, and in order to keep our communities together, we can no longer tolerate red and black lining of districts and wholesale cancelling of policies, particularly when no reason is given by the insurance companies for the cancellation of these policies!

I could go on about some of my work, but I want to say to the Justinian Society of Lawyers that we live in a day and age where you cannot sit back, where you cannot be complacent, where it is not enough to earn a living only for your family. We live in a day and age of involvement. We must become involved in the social and political problems that confront our nation, our state, and our city.

The lack of involvement, evident in certain areas of our society today, reminds me of the jury that was considering a very complicated murder case that was filled with conflicting testimony. When the jury returned to the courtroom, they asked the foreman of the jury if they had reached a verdict. The foreman of the jury rose and told the judge, "Your Honor, in this case the jury decided not to get involved."

In Illinois, we are having a Constitutional Convention, and I was shocked when I read the list of the delegates, for with 1,250,000 Italo-Americans residing in our state, there are only a half-dozen delegates to this Constitutional Convention who are Italo-Americans. I call upon you to meet this challenge, to get involved, to file for public office. We cannot win them all, but we will win some if we try. I call upon the Justinians to prepare position papers, if you please, on how they feel about the judiciary and other important issues. Remember that if we do not elect our judges for the first time, we will find that Italo-Americans will disappear from the judiciary. I firmly believe that under the Missouri Plan, we will find less representation of members of our ethnic group. I do not agree with my friend Ambassador Goldberg who has said that a position on the Supreme Court is not a Jewish seat. The President took him at his word and he appointed another Anglo-Saxon to the Supreme Court. I do not feel that designating an Anglo-Saxon is wrong, but I do feel that Italo-Americans, Jewish-Americans, Irish-Americans, Polish-Americans, and all of the other hyphenated groups are just as intelligent as any other people in the United States of America and it is about time that we let others know where we stand—and we must stand up and be counted!

There are other issues that are coming up, and again we are reluctant to take part. What is,the position of the Justinians on the issue raised by thirteen prominent professors in major law schools across the country who declared recently that unrestrained snooping, eavesdropping, and wiretapping "would gravely threaten some of our most fundamental liberties as well as the true law itself."

We must remember that in my generation and in your generation, we were lucky enough to witness the birth of radio and television. I can vividly recall listening to the Dempsey-Tunney fight in 1927 when my father bought his first radio equipped with earphones. I can vividly recall when electricity was installed in our home when I lived on Edgemont Avenue not too far from this Hotel. I can recall the first television set, but our children and our grandchildren have no such recollection, for they were born in the electronic age and accept this electronic equipment as a way of life. It is not uncommon for us to have special telephones for the exclusive use of our children and it is no great surprise to me that so many of our college people and our young people will say "what's wrong"? They take these new instruments as a matter of fact and as a customary way of life, and unless those of us, who have deeprooted understanding of privacy and the rights of the individual, take a position, we will see the pillars that have supported democracy crumble, because today it is the unsavory character who is the victim of this invasion of privacy, and tomorrow it will be the innocent citizen, the professional man, and political representatives of the people who will fall to the vengeance of this facist philosophy.

In conclusion, I want to express to you my deep personal appreciation for honoring me and to extend my congratulations to your newly elected officers and to my good, friend, Anthony Fornelli, your new president, who is doing such an outstanding job as Chairman of the Human Relations Committee of the Joint Civic Committee of Italian Americans, and who works untiringly, with dedication and devotion, for all Americans. He is a champion—a fighter—against the smearmongers and the guilt-by-association-technique users, and the unscrupulous operator who peddles his lies in order to benefit his pocketbook.

Ladies and gentleman, the Italian-American can live with the lies that are printed about him if only the truth about his accomplishments is given equal space. Again, thank you for honoring me tonight with your award and I assure you that I will try with all my heart to live up to the faith and confidence you have placed in me.

Thank you.

DISTRICT 28 STEELWORKERS SERVE EVERY MEMBER

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. FEIGHAN. Mr. Speaker, it was my privilege to cut the ribbon on the occasion of the dedication of the building which will provide the facilities for members of the United Steelworkers to participate in their credit union program. My brief remarks follow:

The opening of this credit union is yet another example of the Steelworkers' Union conscientiously serving its members. Beginning today, the Steelworkers of the Cleveland-Akron-Lorain district will be assured of adequate financial services.

Credit unions have long contributed to the welfare of millions of Americans. Among the countless financial institutions, they are the closest to the people. Based on a self-help concept, credit unions provide members, who share a common bond, a private avenue for saving and borrowing. Their loan policies are another special feature. Banks often require considerable collateral before granting a loan. Credit unions, on the other hand, can grant loans based primarily on a member's character and ability to repay. By thus facilitating borrowing, credit unions are performing an invaluable service, especially in an economy troubled with inflation.

There are more credit unions than any other type of financial institution in this country. This credit union of the Steelworkers, however, is unique. The common bond of credit unionism has been expanded from the workers of a single steel plant to all Steelworkers in District 28. That expansion was possible because the forerunner of this credit union operated so effectively and efficiently. This represents the culmination of thirty-seven years of tireless, selfless, and unswerving devotion to the cause of unionism by the membership. Today marks the beginning of a new era and new horizons for all the members.

As a result, more than 30,000 Steelworkers in a large geographic area can now enjoy convenient financial services tailored to individual needs.

This building stands as a symbol of your initiative, and I am honored to join in its dedication.

PROPOSE POPULATION GROWTH COMMISSION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BUSH. Mr. Speaker, on Monday of this week the Senate passed by unanimous consent S. 2701, to establish a Commission on Population Growth and the American Future. This legislation was requested by President Nixon in his population message to the Congress, July 18.

The members of the Republican task force on earth resources and population are very pleased with this quick and bipartisan support taken by the Senate.

So many of us on both sides of the aisle have expressed our concern over the problems of our environment. The subject of ecology is now part of our everyday working vocabulary. In the past 6 months I have felt an increasing awareness on the part of all Members of the House about the need to understand the effects of population growth on our environment; our physical environment as well as our social environment.

The proposed Commission will be responsible for inquiry and recommendations in this interrelationship of population growth, environmental quality, and natural resources. This Commission will be as much educational as it is investigative and we certainly need a high-level platform from which the American people can see, hear, and learn about this interrelationship.

H.R. 13337 is identical legislation to S. 2701. It is cosponsored by the House Republican leadership as well as the members of our earth resources and population task force.

This bill has been assigned to the Government Operations Committee and we are hopeful that Chairman Dawson will give this bill a high priority within his committee's order of business.

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GREENSBORO MANPOWER DEVELOPMENT CENTER

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. PREYER of North Carolina. Mr. Speaker, many of us have been disappointed at times in the results of some of the programs designed to lift out of poverty the millions of Americans who, usually, through no fault of their own, live a life of limited opportunity and reward. At the same time, we need to recognize that there are many success stories in the recent history of the cooperative efforts of Government, education, and business, to provide a better life for our fellow citizens. One such story has recently come to my attention.

The Manpower Development Corporation, which is led in our State by Luther Hodges, Jr., the son of our distinguished former Governor and U.S. Secretary of Commerce, and by George Autry, former aide to North Carolina's Senator SAM ERVIN, has issued a report on the completion of a training program in my home city of Greensboro. It demonstrates how a well-developed and managed training program can produce graduates who put much more back into the economy than the cost of such a program. Most importantly, it shows what we can do in terms of enriching the lives of our fellowman.

A summary of the report follows:

THREE-MONTH FOLLOWUP OF FOURTH CYCLE GRADUATES OF THE GREENSBORO MANPOWER DEVELOPMENT CENTER

On April 18, 1969, 67 trainees graduated from the fourth cycle of the Greensboro Manpower Development Center. Three months later, 62 of these graduates were located in the Greensboro area and interviewed in depth about their post-training status. Salient points are summarized herein.

Employment status of the 62 graduates at the time of the interviews breaks out as follows:

Employed full time	43 (69.3%)
Employed part time	3 (4.8%)
Unemployed	16 (25.8%)
Total	62 (100%)

Of the 43 graduates employed full time, 35 were employed on the first job they had taken after graduation; six were on their second job after graduation; one was on his third full-time job, and one was on his fourth. Thus, over 60 percent of the full-time employed graduates had remained on the first job they had found after completion of the MDC training.

The 43 employed-full-time graduates were in jobs with 26 separate employers. Eight employers were manufacturers; five were food processers; five were government or social service agencies; five were sales/service organizations; three were individuals; and one was a construction firm.

The hourly wage of the 43 graduates employed full-time ranged from a low of $1.25 to a high of $3.00. The average hourly wage for the 43 was $1.82.

Sixteen graduates were unemployed at the time of the follow-up interviews. Four of the 16 had been employed at some time since graduation, but had left their jobs—one because of a jail term, one because of a health problem, and two because of on-the-job disagreements with fellow employees.

Of the 12 graduates who had been unemployed for the entire period between graduation and follow-up, four had not worked because of health problems. One graduate was planning to move out of town shortly, and one was waiting to enter a skills-training program at the local technical institute. The other six graduates had not been able to find suitable employment. All six stated that they were still trying to find work through such means as ESC, the want ads, and personal applications at plants.

The 62 graduates who were located for follow-up had, at the beginning of the cycle, an aggregate earned annual income of $90,670, or an average of $1,462 earned annual income per person. At the time of the follow-up, the same 62 individuals reported an aggregate earned annual income of $165,942—an increase of $75,272 over the pre-cycle figure. This translates into an average per-person income of $2,676, or $1,214 more than the pre-cycle per-person figure.

Actually, since 16 of the graduates were unemployed at the time of follow-up, the entire aggregate annual income figure of $165,942 was attributable to the 43 graduates employed full-time and the three employed part-time. The average annual income for the group of employed graduates only, then, is $3,607.

Figured on an individual basis using the family status and income data provided by the trainees, the 67 graduates were paying an aggregate Federal income tax amounting to $4,584 at the beginning of the cycle. Twenty-two weeks later, at the time of follow-up, the same group was earning at rates for which an aggregate Federal income tax of $12,626 for the first year is projected.

On the basis of this first follow-up, then, new Federal income tax payments in the amount of $8,042 have been generated. At this rate the Federal investment of $60,000 in the fourth cycle (total cost: $64,000) would be paid completely back into the Federal coffers in the form of income tax alone in a period of 7½ years.

POSTAL CORPORATION

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. OLSEN. Mr. Speaker, what with the deluge of propaganda promulgated by the so-called "Citizens' Committee" and Department officials themselves favoring the creation of a postal corporation, I believe we must keep in mind that many qualified and respected people still see an extreme danger in a sudden conversion of the Department to a corporation that would result in a precipitous diminishment of service to the American people.

I would like to call to the attention of my colleagues a letter by J. Edward Day, former Postmaster General, that appeared in the Washington Post on September 30. I hope that every one of my colleagues will read this letter, especially the paragraph describing the poll that was buried in the Kappel Commission Report:

WOULDN'T TAMPER WITH MAIL

Your editorial on the postal corporation plan (Sept. 23) mistakingly indicates that only the postal unions are opposed to it. Two and a half years ago when this old idea was trotted out again, I publicly explained its pitfalls. In my opinion it would bring us postal strikes, curtailed service and a 12-cent first class rate.

It is, we know, the current fad to scoff and oarp about most everything. Nonetheless, a Roper Associates poll buried in the "annex" material of the Kappel Commission report on the Post Office shows that 76 per cent of those interviewed were "completely" satisfied with the mail service they get and another 19 per cent were "fairly well satisfied."

Of course, a disaster can be manufactured in any organization if the top management tells the employees and the public every day that the whole thing is a mess. It is ironic that the backers of this plan profess concern with employee morale.

J. EDWARD DAY.

BRANDT COALITION, DEMOCRATIC MATURITY—A WALLACE COALITION, CONSTITUTIONAL CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. RARICK. Mr. Speaker, the German elections have left Chancellor Kiesinger with a plurality but not a majority. To hear the leftists talk, he was defeated. It has been amusing to see the news media promote a coalition of the second-place Socialist candidate Brandt, and the third-party Free Democrats in order to capture a majority of the votes in the Bundestag necessary to elect Brandt as the next Chancellor. For some reason, these people seemed pleased at the thought of the ouster of the Christian Democratic Party which has guided German destiny since World War II, and under which free Germany has achieved the status of a stable, solvent, anti-Communist ally of the United States.

The same news media has been notably silent on telling the American people who Willie Brandt really is—such significant items as his real name before he adopted his alias, his presence with Communist forces in the Spanish Civil War under a forged passport, his Moscow affiliations, and who his financiers are. By contrast, Mr. Kiesinger's bones were picked clean.

The real hypocrisy of the press is revealed by its enthusiastic endorsement of a coalition between the Socialist Party which ran second and a splinter party to unseat the party which achieved the largest popular vote.

Yet, under similar circumstances last fall, the same hypocritical news jockeys were aghast at even the suggestion that a third-party candidate might be in a position to influence a coalition government in the United States.

The news analysts bewailed this as a "constitutional crisis" here. In a panic reaction, fomented in great part by the news media, the House adopted a constitutional amendment completely altering the philosophy of our Government since its formation. The 40-percent-to-win principle applied to the German election would have left Mr. Kiesinger the undisputed Chancellor and his party in power without any coalition.

As to Bonn, however, the same news analysts suddenly read the same facts, where the swing is to the left, and discover it to be merely the attaining of Democratic maturity by the German people.

It is interesting to speculate what the attitude of these savants would have been if the third party in the deal were the National Democrats instead of the Free Democrats.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Bridgeport Telegram, the Bridgeport Post, the Middletown Press, and the Torrington Register in the State of Connecticut. The editorials follow:

[From the Bridgeport Post, Bridgeport, Conn., Aug. 4, 1969]

PUSH FOR BIGGER TRUCKS

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's roads, has lately come up with a new argument to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead of axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

[From the Middletown (Conn.) Press, Aug. 1, 1969]

THE TRUCKERS ROLL AGAIN

The trucking industry is again revving up its motors in an attempt to steer new weight and size limits through Congress. The industry naturally wants to increase the size of trucks that are permitted on the highways.

This is the bill that almost slipped through Congress last year, but was halted by a public outcry. The legislation, which has been denounced by the American Automobile Association as an "anti-safety bill," is what is called a permissive bill. It would merely permit the states to authorize larger truck sizes (wider, longer, and heavier) on the interstate highways within their borders. In the past, states have been quick to go along with the trucking industry.

But there are two problems. The first is safety and the second is money. Accidents between cars and small pick-up trucks produce 0.3 fatalities per 100 persons involved, but the death goes to 13.3 per 100 persons in collisions between cars and tractor-double trailer trucks, an increase of 40 times. There is, in short, a reason for people to fear large trucks, because usually it is the passenger car driver who gets killed. In addition, larger trucks cost the taxpayer money, tons of it. Last year the Bureau of Public Roads predicted that the wear and tear of an estimated 300,000 bigger trucks would add $8.5 billion in repair and construction costs to the interstate highway system during the first 10 years. That doesn't count the damage to local roads which presumably are built at lesser standards.

Actually, the trucking industry has long received too much hidden public subsidy. These huge underpowered tractor-trailers, snorting fumes and noise, crawling up hills and barrelling down hills, jack-knifing and exploding, have run roughshod over the highways. What is actually needed is legislation to insist on noise and exhaust suppression, and sufficient power to maintain a constant, safe speed on the highway.

[From the Torrington (Conn.) Register, Aug. 1, 1969]

HIGHWAY GIANTS

The trucking industry is back before Congress this year with a bill to permit the operation of heavier and bigger trucks on the nation's interstate highway system. Congress, as it did with a similar measure last year, should reject the proposed changes.

Foremost among the opponents of the legislation is the American Automobile Association, whose executives testified recently before the House Public Works Committee. The AAA's opposition is based on two points. The first is that bigger trucks will constitute a hazard on the highways because their bulk diminishes the visibility of other drivers and their length makes passing more risky.

The second point the AAA stresses is that—the increased weight of tractor-trailers and tractor-two trailers will punish pavements and bridges and increase not only the costs of upkeep but also the construction of new roads built to withstand the heavier loads.

Highway costs warrant concern, but the argument Congress should find most persuasive is the likelihood of greater danger on the nation's already unsafe roads. A 70-foot truck, more than eight feet wide and weighing as much as 15 tons, is an intimidating object. To allow such snorting behemoths on the public roads is not in the public interest.

POST OFFICE DEPARTMENT DECISIVE ACTION LAUDED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. DULSKI. Mr. Speaker, our Subcommittee on Postal Operations is working diligently to come up with legislative answers to the avalanche of smut which is flowing into the Nation's homes through the mails.

Postmaster General Blount announced today decisive action to revoke the post office box privileges of eight dealers in sexually oriented materials.

This is the kind of affirmative action which we must take to deal with this mounting problem of ponography. I commend Mr. Blount and the Department for their initiative in this instance.

Mr. Speaker, following is the text of the press release issued by the Department on this matter:

POST OFFICE DEPARTMENT PRESS RELEASE ON TUESDAY, SEPTEMBER 30

The Post Office Department today revoked the post office box privileges of eight dealers in sexually oriented materials. Postmaster General Winton M. Blount said the action was taken under his administrative authority to deny the use of rental boxes to individuals who use them for immoral or improper purposes as determined by the Department's General Counsel.

Five of the affected firms have been using rental boxes in California post offices. They are: Collectors Publications, City of Industry; John Amslow & Associates, Culver City; G & M Enterprises, Hollywood; Athens West and Athena Books, both of Los Angeles. The remaining boxes which were ordered closed include those rented by Central Sales, Baltimore, Md.; Marion John Shiflet, Detroit, Mich.; and Superb Sales, York, Pa.

Each of the dealers has been either arrested or indicted on charges of violating Federal or state pornography statutes.

"DON'T WORRY, MOM"—BUT HE DIED IN VIETNAM

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. SNYDER. Mr. Speaker, no one will remember my words here, but I know that all of us will remember the brave young men who have given their allegiance and their lives without protest to the defense of America and free men everywhere.

There may be questions of policy or skepticism over tactics, but no one can doubt the valor of our fighting men.

Mr. Speaker, our sympathy and the sympathy of millions of Americans goes to the family of Johnny Cottingham, who paid the ultimate sacrifice for his country in Vietnam. But we owe him more than sympathy. We owe him our highest debt of gratitude, for he died for all of us.

The September 26, 1969, article about his sacrifice—from the Kentucky Post, by John Harris—appears below:

"DON'T WORRY, MOM . . ." BUT HE DIED IN VIETNAM

(By John Harris)

"Please don't worry about me, Mom."

Like so many other boys in Vietnam, that was what John Edward (Johnny) Cottingham wrote his mother.

But mothers can't help worrying a little.

So it was Wednesday night for Mrs. William C. Cottingham, of 21 Prospect street, Newport.

"It was about nine o'clock. I had my pajamas on, fixing to go to bed," she said. "We saw a car come up the drive and a man in uniform got out.

"I just knew something was wrong."

She was right.

The Army officer brought word her youngest son had been killed Tuesday in Vietnam.

A later telegram confirmed he was killed when he encountered a hostile force. There were no further details.

Pfc. Cottingham, 20, had been serving with the First Air Cavalry Division at Quam Loi since arriving in Vietnam July 26.

He was drafted some six months earlier

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on Jan. 8, took basic training at Ft. Dix, N.J., and then went to Ft. Lewis, Wash., before Vietnam.

Young Cottingham had attended Immaculate Conception Elementary School, Newport Catholic High and Newport High.

He had dropped out after his sophomore year and worked as parking lot attendant before entering the Army.

"He was my baby," the grieving Mrs. Cottingham said today, "the youngest of five.

"He had a lot of plans—wanted to finish his education when he got back. But it doesn't matter now . . .

"I got a letter from him two weeks ago. He said, 'Please don't worry about me, Mom.'

"And he may have more letters in the mail to me now—I don't know. He wrote every chance he got."

Young Cottingham's father retired last March after 20 years as a truck driver for the City of Newport. He was widely known as a professional boxer from 1925 until 1933 under the name of "Bobby Cotton."

Other survivors include two brothers, Frank, Rochester, N.Y., and Thomas, Southgate.

Also two sisters, Mrs. Judith Florence, and Mrs. Mary Selby, both of Newport.

Funeral arrangements are pending further contact with the Army.

Cottingham is the 26th Campbell Countian to be killed in Vietnam and the 105th for northern Kentucky.

SOCIAL SECURITY INCREASE FOR THE ELDERLY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. OBEY. Mr. Speaker, no more eloquent testimony in support of the need for an increase in social security benefits can be found than the words of the letter which I received from two of my constituents from Marshfield, Wis.

This letter conveys, better than any words of mine, the need for Congress to pass a decent social security increase of at least 15 percent this year. Senior citizens are not asking for handouts. They are simply asking for what they have a right to expect in a period of inflation.

I commend the text of this letter to the attention of my colleagues:

MARSHFIELD, WIS.,
July 28, 1969.

Hon. Mr. DAVID OBEY,
Member of Congress,
Washington, D.C.

DEAR MR. OBEY: Well, we got you into Congress, thank God and so far you are doing good there, but you promised us old people to do something about our social security income. We sure are having a hard time making ends meet with everything going up in price that we need. We had to quit farming on account of health and age after our youngest son graduated from the U. of Wis. in Madison. One of our 4 boys bought the farm, he is crippled with polio, one of our boys is a Korean war veteran, one is still in the army. Our combined income is $136.40 a month. We sure have a hard time making it. So please work on that bill to up our payments.

God bless you and yours.

Yours thankfully,
Mr. and Mrs. OTTO A. KRAUS.

We hope to hear from you, your honor.

THE FEDERAL TRUTH IN LENDING REGULATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. HUNGATE. Mr. Speaker, I believe my colleagues will find useful the following article from the Illinois Bar Journal: "The Federal 'Truth In Lending' Regulation." The article indicates the Federal agencies that can furnish information regarding requirements of this act for each category of business.

The article follows:

THE FEDERAL "TRUTH IN LENDING" REGULATION

(By Howard H. Braverman, director of professional services)

A very necessary addition to every law office library is a copy of Title 12, Chapter II, Part 226, Code of Federal Regulations, the so-called "Truth in Lending" regulation.

The Federal Reserve Bank of Chicago, Box 834, Chicago 60690 has an excellent pamphlet available without charge entitled, "What You Ought To Know About Truth In Lending".

The pamphlet contains the full text of Regulation "Z", questions and answers of a general nature about the Regulation along with specific ones in regard to finance charges and annual percentage rates, open end credit, real estate and the advertising of credit. There are also very fine exhibits in the pamphlet which can be adapted to your clients' needs, especially those with the less complicated transactions.

From the pamphlet, we learned that for $2.00, you can obtain two volumes showing finance charge rates for credit payments running up to 480 months and up to 104 weekly payments as well as annual percentage rates on irregular or multiple advance transactions. These tables can be obtained by sending your check to the nearest Federal Reserve Bank or to the Board of Governors of the Federal Reserve System, Washington, D.C.

Each category of business will be subject to enforcement of the regulation by a federal agency. The following is a list of the business and the federal enforcing agency to which it has been assigned. If you have specific questions in respect to your client's compliance with the Regulation, you will get your most prompt and accurate answer by writing directly to the enforcing agency.

BUSINESS AND FEDERAL AGENCY

National Banks: Comptroller of the Currency, U.S. Treasury Dept., Washington, D.C. 20220.

State Member Banks: Federal Reserve Bank in which bank is located.

Nonmember Insured Banks: F.D.I.C. Supervising Examiner for District where bank is located.

Savings Banks insured by FSLIC and members of FHLB system: Supervisory Agent, FHLB District where bank is located.

Federal Credit Unions: Regional Office of Bureau of Federal Credit Unions where credit union is located.

Those subject to Civil Aeronautics Board: Director, Bureau of Enforcement, C.A.B., 1825 Connecticut Ave. N.W., Washington, D.C. 20435.

Those subject to Interstate Commerce Commission: Office of Proceedings, Interstate Commerce Comm., Washington, D.C. 20523.

Those subject to Packers and Stockyards Act: Nearest Packers and Stockyards Administration area supervisor.

Retail, Department Stores, Consumer Finance Companies and all other subject businesses: Truth In Lending, Federal Trade Commission, Washington, D.C. 20580.

ELECTION OF THE PRESIDENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. DERWINSKI. Mr. Speaker, since we in the House have passed the proposed constitutional amendment establishing the direct popular vote for the election of the President including the highly questionable 40 percent runoff figure, editorial commentary on the subject is especially pertinent since the Senate is wisely scrutinizing the measure.

The Homewood-Flossmoor Star, one of the publications of the Williams Press, carried a very thought-provoking editorial on the issue in its Thursday, September 25 edition. It follows:

CHOOSING PRESIDENT

In its opinion column, "Review and Outlook," the Wall Street Journal recently offered sober advice concerning national elections, with particular emphasis on proposals for choosing the President by popular vote. Such a proposal subsequently passed the United States House of Representatives by so substantial a margin (more than 80 per cent) that many observers who foresaw no immediate threat to the electoral college system must have seen fit to fall back and regroup.

To be sure, the direct vote proposal would still need to be approved by two-thirds of the federal Senate and at length by the states in order to take effect. But the House vote not to mention public opinion polls, might indicate that the makings for favorable action in these quarters are also on the horizon.

The Journal draws in part on the writing of Theodore H. White, who authored the "Making of a President" series, for resources with which to cool the direct vote fervor.

Much of the heat developed, you will recall, when the third party candidacy of George Wallace threatened to throw the 1968 decision into the House of Representatives for resolution. Special attention was directed toward the possibility of a permanent deadlock or a deal which would give Mr. Wallace more bargaining power than he deserved. The cause for concern was valid.

But there is no less, and perhaps more, cause for concern over the direct vote process. Under the electoral vote system, it is pointed out, recounts in areas where irregularities are apparent tend to be isolated to one or a very few states. "Under direct election," it is added, "a nation-wide recount becomes a distinct possibility, especially considering that in two of the three most recent Presidential elections the winning margin has been less than one per cent."

Thus it is entirely possible that we wouldn't be worried now over who was elected in 1968 for the simple reason that we wouldn't even know who had won in 1960.

Clearly there are good arguments for reforming or modifying the electoral vote system rather than abandoning it. One modification which has appealed to us is apportioning electoral votes on the basis of state pluralities or along Congressional district lines.

As the Journal says: "In the real world, as Mr. White warns, it will be better to correct known defects in a tested system than to experiment with a new system carrying obvious and quite possibly dangerous defects of its own."

Perhaps the substantial House margin for scrapping the electoral vote system does in fact portend similar favorable action by the Senate and the populace. Then again it might stimulate the careful scrutiny of the issue which appears to have been entirely too limited in advance of the Congressional tally.

THE SHOCKING CRIME PICTURE IN CLEVELAND, OHIO

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. MINSHALL. Mr. Speaker, there has been no doubt in the minds of Cleveland residents for some time that its streets no longer are safe, by night or day. Statistics recently released by the Federal Bureau of Investigation confirm that the much maligned cry for law and order has a basis in fact. That cry is being heard in every section of our city.

WJW-TV and WJW radio in Cleveland recently broadcast an excellent editorial calling for stronger local leadership, tougher law enforcement and court action, and increased citizen support to reverse this alarming crime rate. The editorial, which follows, points out just how intolerable the situation has become, with the crime rate in Cleveland rising almost 50 percent faster than in the average city of comparable size. The editorial follows:

THE SHOCKING CRIME PICTURE IN CLEVELAND

The increase in crime in Cleveland can be described in one word: shocking. Figures quoted by the FBI indicate that crime rose by 56 percent in Cleveland for the first six months of this year compared to the same period last year. The national average was 9 percent.

Let's look at these figures in more detail, and compare Cleveland with the other cities whose population is between 500,000 and one million.

Murder: Cleveland +54%, average +18%.
Rape: Cleveland +59%, average +34%.
Robbery: Cleveland +62%, average +21%.
Assault: Cleveland +71%, average +21%.
Burglary: Cleveland +44%, average +4%.
Larceny: Cleveland +37%, average +16%.
Auto theft: Cleveland +71%, average +18%.

These startling figures confirm the growing concern and fear among Cleveland residents. They underline the urgency of a concerted community effort to fight crime. We feel this requires a three-pronged effort. We must have capable law enforcement supported by a better equipped and more effective police department.

Our police must enforce the laws to the fullest extent. Our courts must get tougher and mete out firm sentences to protect the innocent victims of crime. Our citizens must support law enforcement and not be afraid to report crimes whenever and wherever crimes are being committed.

As we see it, the current crime situation demands a major community effort. It requires increased and decisive action on the part of the police department, the administration, City Council, the courts and the public. No one in Cleveland can afford to remain complacent in the face of this shocking crime picture.

THE OCEAN'S RICHES

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. HANNA. Mr. Speaker, yesterday's Wall Street Journal pointed out the vast potential value of the oil lying beneath the ocean floor. No one can dispute the great material benefits that might be realized from the exploitation of this single resource. However, we should not—as many have suggested by their pronouncements on our public policy toward the development of the deep seabed—denominate this aggregate of natural resources, the sea, in terms of the immediate or near-term returns available to the entrepreneurs of our Nation. This is not to say that their efforts are unimportant. It is to suggest that we should not, like those who rushed to California in quest of gold in 1849, allow our attention to be so thoroughly affixed to a single quest that we lose sight of the vast importance of an orderly program for efficiently maximizing the return from all the available resources. While the broad-gaged approach I suggest is clearly more costly and certainly can promise little in the way of instantaneous returns, it does promise to provide a rich harvest of returns over the long term.

The article follows:

OCEANS OF RESOURCES—AND QUESTIONS

(By Ruth Sheldon Knowles)

(NOTE.—The author is a petroleum specialist who has made four trips around the world in the past four years.)

As private enterprises opens ever broader opportunities for development of the ocean's resources, the future is being increasingly clouded by governmental intervention, both actual and potential.

To some extent such intervention is not only unavoidable but desirable. However necessary marine resources may be, now and in the future, someone has to set rules to guide orderly development and to promote sensible conservation. Government research also is needed in areas where private companies can see no early prospect of profits.

The key question, then is whether governments and private industry will be able to work together constructively, making use of the vast knowledge acquired in recent years. On a planet where expanding populations are making ever greater demands on resources, the answer to that question is of no mean significance.

IMPRESSIVE BREAKTHROUGHS

Ten years ago we knew less about the oceans which cover three-fourths of the globe than we did about Mars. In the past few years, due primarily to petroleum industry research, we have been making impressive technological breakthroughs. By 1980 the U.S. will have the technical capability to utilize extensively the underwater resources of offshore lands to a water depth of 6,000 feet, which is equivalent to adding approximately 1,370,000 square miles to the nation's lands, or more than five states the size of Texas.

Benefits from the acquisition of this new territory include the development of tremendous oil and gas reserves, new mineral, chemical and pharmaceutical resources, fish farms and such things as "seasteading" by private companies and individuals leasing public lands to develop underwater parks, hotels and restaurants.

The petroleum industry, which finances 85% of its research, has spent more than $250 million in underwater research in the past 15 years. Initially the new technology is of primary importance to the whole world in assuring the availability of adequate oil and gas resources to satisfy rapidly increasing energy demands. The current annual increase in oil consumption is about a billion barrels, which is more than the annual production of Saudi Arabia or Iran, two of the world's largest producing countries. Consumption of oil 20 years from now is expected to be nearly four times today's.

Dr. Lewis G. Weeks, retired chief geologist of Standard Oil Company, (New Jersey) and an authority on potentialities of world oil basins, states that offshore prospects offer the best hunting grounds. He estimates that the seabed under waters only out to 1,000 feet deep contains potential oil basins covering 6.2 million square miles, one-third as large as the area covered by the world's land basins.

Ten years ago only three or four countries and five companies had offshore petroleum interests. Today, hundreds of companies are exploring the waters of 75 countries, and 28 countries are producing oil and gas.

The United States continental shelf has been the principal laboratory for new developments. Since 1946, 12,500 offshore wells, more than 60% of the world total, have been drilled in our shallow, near shore, coastal waters. They account for approximately 15% of total U.S. oil production and about 10% of total gas production. This development has cost $13 billion, including almost $6 billion in bonus, rental and royalty payments to state and Federal governments. So far, the industry has not recovered its investment, as the average rate of return is about 7%. The investment payout period of a successful offshore discovery will take a minimum of ten years.

Before the first self-contained offshore drilling platform was built, the industry spent $5 million researching currents, wave profiles, wave forces and other non-existent sea data to determine the engineering and materials required. This research led to the ability to detect development of hurricanes. These studies enlarged the understanding that sea, air and land are a single, complex system. Ocean currents and the roughness of the sea's surface result from lower atmosphere winds and the shape of the ocean floor and its coastlines.

Most of today's offshore drilling is in waters of less than a thousand feet and the deepest producing wells are in 345 feet of water. However, technical capability has grown to the extent that industry is already planning complete ocean floor operations applicable to 6,000 feet of water where fixed platforms would be impractical or too expensive. Mobil Oil Co. and North American Rockwell recently announced that their deepwater production system will be ready for use next year.

The two companies developed automated sea-bottom installations to operate a whole oil field. Life support systems were devised so that technical men, who are non-divers, can work in a shirt-sleeve environment. The structures are serviced by a small submarine to transport men to and from work. The submarine also is equipped with articulated arms to enable the submarine operator to perform essential duties on the outside of the sea-bottom structures. To a ship traveling on the surface there will be no indication that men and machines are working far below with as great ease as on land. This systems approach could be the forerunner to deep sea mining operations as well as the

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establishment of underwater industrial colonies.

Automated operations have reached a sophisticated state in shallower waters. Shell Oil Co. developed a robot, a 14-foot tall mechanical man, which swims and can walk on the ocean floor. Human divers are still necessary, of course for many complicated maneuvers. Their capabilities have been increased by the oil industry. In 1967, Humble researchers devised diving chambers and techniques for divers to perform maintenance work which pushed the limit of water depth at which man can work effectively for prolonged periods to 636 feet.

A 500,000-BARREL TANK

In the Arabian Gulf, off the coast of the Trucial sheikhdom of Dubai, Continental Oil Company recently launched the largest underwater oil storage tank in the world. The 500,000 barrel tank, designed by Chicago Bridge & Iron Co., is as tall as a 20 story building and is anchored underwater 65 miles from shore. It is a major step towards the establishment of all offshore petroleum development on the ocean floor, at increasingly greater depths, operating independently of dry land facilities.

Petroleum industry research scientists predict that by 1980 we will have the capability of exploring and producing in any ocean area of the world. Economics rather than technology will be the determining factor. This prediction is based on the success of deep ocean drilling. The oil industry developed the use of small, dynamically positioned vessels to core in water depths as great as 5,000 feet. This led to a joint Government-industry deep sea drilling program and the development of the Glomar Challenger, a specially designed floating drilling vessel using satellite navigation and automatic dynamic positioning equipment allowing it to drill in water depths of 23,000 feet.

Developing ocean frontiers has created manmade problems. The most critical at the moment is pollution resulting from drilling accidents such as the blowout in a Santa Barbara Channel well and tanker accidents such as the "Torrey Canyon" disaster off the English coast. Under prodding from governments the industry is intensifying research and development of safety devices to prevent such accidents, and researchers are working continuously on methods to render accidental spills harmless to man as well as marine life. New, fast-acting oil dispersants have been developed which achieve both purposes. Ocean development, unlike much industrial development of the past, comes at a time when industry and governments are keenly aware of the necessity of preserving man's natural habitat and preventing the general resources abuse.

HARMONIOUS COEXISTENCE

Competing uses of the seabed pose other problems, some of which may well be surmountable. In the Gulf of Mexico, for instance, oil and fishing interests coexist harmoniously. Although there are over 2,000 fixed oil structures in the Gulf, they occupy such a small portion of the total area they do not interfere with fishing operations. Also, seabed petroleum facilities are designed to reduce the fouling of fishing gear. Oil operations actually are credited by the Department of Interior with increasing fish catches as sea life attaches itself to oil structures and attracts schools of fish.

The Government is studying its role in America's future in the sea. Last January, the Commission on Marine Science, Engineering and Resources, authorized by Congress and headed by Julius Stratton, chairman of the Ford Foundation, presented its voluminous two year study to President Nixon and Congress. The commission recommends creating a National Oceanic and Atmospheric Agency (or "wet" NASA) with a $20 billion budget for the next ten years. The agency would coordinate existing Government programs, support basic research, manage the coastal zone, establish pollution controls, encourage fishing and mining industries, and a variety of other activities.

The need for a $20 billion public program to develop the ocean will be a subject of debate in view of the rate at which private industry is already moving. However, there is no question that a fundamental goal of both industry and Government is to see that technology is advanced rapidly in order to establish jurisdiction over the seabed of the entire U.S. submerged continental land mass.

The question of who owns the seabed and how much is not as clear as it should be. Present international laws of the sea relate only to its surface. The 1958 Geneva Convention on the Continental Shelf, signed by the U.S. and 38 other nations, is the only international document concerning seabed ownership. This Convention confirms to coastal nations exclusive sovereign rights to the natural resources of their "Continental Shelf" which is legally defined as "the seabed and subsoil of the submarine areas adjacent to the coast to a depth of 200 meters (650 feet), or, beyond that limit, to where the depth of superjacent water admits of the exploitation of the natural resources of the said areas."

The U.S. position is that because of the Geneva Convention clause referring to recognition of sovereign rights beyond the 650-foot depth which admit of "exploitability," a nation has the right to claim the seabed to the limit of its submerged land mass, no matter how deep the water, as long as it has technological ability to exploit it.

This position is threatened by a United Nations proposal under consideration by a General Assembly permanent committee which proposes establishment of an international agency which, by treaty, would become the owner of the minerals beneath the sea beyond the limits of national jurisdiction, with the financial benefits of exploitation going to the developing countries of the world. The proposal does not define "national jurisdiction" and the U.S. does not want to open up any Pandora's box of defining this term on any other basis than that determined by the Geneva Convention.

MILDRED STEISEL—A SPECIAL KIND OF WOMAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. WOLFF. Mr. Speaker, during the course of our lives we all come in contact with women who represent—as mothers, in civic affairs and in their personal qualities—the highest American ideals. Such a special kind of woman was Mildred Steisel, a friend and constituent who lived in Glen Cove, N.Y., before her untimely death earlier this week.

I believe it important to pause from time to time in the rush of public affairs to reflect, however briefly, on where the strength of this great country rests. And whenever I ponder this vital question I am always drawn to the conclusion that our greatness stems from the millions of Americans who give of themselves in public service, especially in their local communities.

Mildred Steisel was such a person. There was always time in her too short but very busy life for her neighbors and friends, for civic affairs, for those seemingly small but very important individual efforts that provide our communities with better schools or an aware public or any other specific need of a community.

We all owe a lasting debt of gratitude to the people like Mildred Steisel who truly, in their own way, have made this country what it is. To her husband, William, and her three fine children, we can only express our sorrow and honest belief that they can forever be proud of the ideals and principles that Mildred Steisel personified.

NEED FOR AN EFFICIENT AND RESPECTED DISTRICT OF COLUMBIA GENERAL HOSPITAL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. FRASER. Mr. Speaker, as many of us know the District of Columbia General Hospital is in trouble. Mr. William Raspberry, in his September 29, 1969, Washington Post column, quotes members of the hospital house staff organization who are critical of Mayor Washington's failure to act in this crisis. By introducing this column into the RECORD, I do not necessarily endorse these criticisms of Mayor Washington. But I do know that an efficient and respected general hospital is an absolute necessity in an urban area. There are some medical functions which can only be handled by a general hospital. We must take the necessary steps to make the District of Columbia General an effective arm of the District of Columbia government.

Recently, my Minneapolis constituents voted overwhelmingly for a $25 million bond issue which will finance a new general hospital in our city. The passage of this bond issue in an era often marked by taxpayer revolt indicates the great impact a good municipal hospital can have on a community.

Mr. Speaker, American voters will support added taxation when they are convinced of the value of the new programs requiring the higher taxes. The lesson for us and Washington, D.C., is that we must support the District of Columbia General. We must make it an efficient and respected institution even if this means new taxation. There is some indication that added personnel costs will pay for themselves. But whatever the source, the resources must be found to make the District of Columbia General the pride of the community.

The article referred to follows:

DISMAY GROWS AT THE DISTRICT OF COLUMBIA GENERAL

(By William Raspberry)

The sign on the fourth-floor bulletin board at D.C. General Hospital announces: "The Mayor is Coming."

Underneath, someone has added: "Tomorrow & tomorrow & tomorrow."

It is by way of expressing the dismay of D.C. General's young doctors that Mayor Walter E. Washington has shown little public interest in joining their fight for improving conditions at the hospital.

"We've had promises of support from Reps. (Joel T.) Broyhill, (Ancher) Nelsen and (Donald) Fraser," one intern said. "But they tell us it is up to the mayor to submit a request for an emergency supplemental appropriation. He may be planning to do something but he certainly hasn't let us know."

Every day's delay, the doctors say, is costing needless suffering, needless overcrowding and needless death. And in its own perverse way, delay in obtaining the money needed for services and staff increases is costing money.

"We have twice the patient load and half the staff of the better hospitals in the city," said Dr. Martin Shargel, president of the House Staff Organization, which is spearheading the fight.

What this means is that scores of patients are being kept in hospital beds, at a cost of some $75 a day, while doctors await reports from understaffed laboratories.

If these reports were readily available, many of these patients could be released outright or treated as outpatients.

No one knows, for instance, how many patients are kept unnecessarily long because it takes several days to get X-rays made and returned to patients' files. Many X-ray films get lost and have to be redone. The key reason why is that there are no more than three people—often fewer—to keep track of some 250,000 current X-rays.

Understaffing is costing money in still other ways. Much of the overtime payment, for instance, could be eliminated if the hospital were properly staffed.

The Washington Hospital Association has estimated that some 70 per cent of D.C. General's patients may have enough insurance to pay for their care, Dr. Shargel said. But there aren't enough clerks to handle the billing, and many patients who could pay never get billed for their care. D.C. General may be losing as much as $15 million to $18 million a year on bills that are collectable but uncollected, he said.

Dollars—and life-saving facilities—are wasted because the city has no real convalescent facility. A drunk who gets admitted as a "social emergency" stays in a nonsurgical hospital ward at a cost of $71 a day when he could be cared for in a more appropriate institution at a fraction of the cost. (The rate for chronic care institutions averages about $15 to $18 a day.)

"We could build and staff a chronic care facility on the savings alone," one resident said.

The in-and-out surgery facility off the main surgery room is locked and idle because there is no nurse to staff it. As a result, a patient admitted to have a cyst removed may spend two weeks in the hospital—again at $75 a day—when he could have been treated and released in a matter of hours, both saving money and freeing a bed.

One of the reasons that the hospital has never had enough money is that the city has never asked for enough, according to Dr. Timothy Tomasi, one of the 180 to 190 interns and residents who belong to the House Staff Organization.

"The supervisors make minimal requests and these are routinely cut by the hospital's medical director before the budget goes to the Health Department. There, Grant (former Health Department director Dr. Murray Grant) would cut it again, as would the District Building, the Bureau of the Budget and the Congress. If you start off asking for what you really need to operate, you obviously wind up with far less."

The doctors want assurances from Mayor Washington that this system will end and that he will move quickly to request emergency funds to meet current needs.

They are afraid the mayor doesn't see the current situation as a crisis, and they are increasingly bitter about it.

"A similar situation arose in New York City recently," one of them said, "and within 48 hours New York's mayor came up with $80 million.

"Our situation came to a head on Sept. 8, and our mayor has yet to make his first public statement regarding his hospital."

SENATOR GOLDWATER CALLS FOR HALT TO MENACE OF OBSCENITY IN THE MAILS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. DULSKI. Mr. Speaker, the public demand for action is mounting to stem the flow of smut through the mails.

Our Subcommittee on Postal Operations is conducting hearings on various bills aimed to putting teeth in our present laws concerning what can be sent through the mails.

On our hearing today, chaired by Chairman ROBERT NIX, of Pennsylvania, the leadoff witness was the Honorable BARRY GOLDWATER, Senator from Arizona, who presented very helpful testimony in support of legislative action.

He particularly gave support to the bill sponsored by myself and other members of the subcommittee to ban the sending of smut through the mails to homes where minors reside.

Mr. Speaker, Senator GOLDWATER's statement is a very comprehensive and forceful commentary on this problem and I am including the full text as part of my remarks:

"HALTING THE MENACE OF OBSCENITY IN THE MAILS"

(Statement by Senator BARRY GOLDWATER, of Arizona, before the House Subcommittee on Postal Operations, October 1, 1969)

Mr. Chairman and Members of the Subcommittee:

It is a pleasure for me to visit with you today to discuss the ways in which we can combat the ever-increasing menace of obscenity in the mails. I only wish that my colleagues on the other side of the Hill would rev up their legislative machinery so that both Houses would be acting together on this.

Mr. Chairman, I want to open my remarks by saying that the members of this subcommittee have my utmost respect for the excellent record which they have made in this field. This group has the distinction of holding more sessions this year on the subject of smut mail than all the other committees of Congress put together. Also, I know that this subcommittee handled five or six earlier measures designed to clean up the mails.

Mr. Chairman, it will be my purpose today to explore with you the ways in which Congress can build upon this record.

The present situation is completely baffling to most Americans. On the one hand there is a whole Government arsenal of anti-obscenity laws, including an entire chapter of the United States Criminal Code and several provisions of title 39, which are aimed at excluding indecent matter from the mails.

AVALANCHE OF COMPLAINTS

On the other hand there is a staggering number of complaints being made by individual citizens who protest that their homes are being inundated by a flood of unsolicited smut mail. The number of these complaints made to the Post Office Department alone has soared to well over one-half million in the past three years.

The actual number of Americans who are deeply irritated and offended by perversion in the mails can only be estimated. There is no question that it is enormous. A Gallup poll released just three months ago reveals that 85 out of every 100 adults interviewed said they favor stricter laws dealing with obscene literature sent through the mails. Translated into population figures, this means that one hundred million persons are dissatisfied with the existing postal obscenity laws.

Why is this so? What is the real difficulty with our present laws?

These are questions which I have been examining very closely in recent months. I have sought to get to the bottom of the reasons why this terrible menace continues to threaten the sanctity of American homes. Also, I have attempted to learn what solutions, if any, exist to control it.

Mr. Chairman, as a result of this study, I have formed the following conclusions, which I would like to share with you on the chance that there may be a new idea or two among them to aid in the fight for decency in the mails.

THREE CONCLUSIONS

First, the major source of outrage among our citizens is the unsolicited mass mailing of advertisements by some fifteen to twenty large firms. These operators generally send out computerized first-class mailings, taken from regular mailing lists, to pander their filth. They are well-heeled businesses making as much as $10 million a year in a market that runs into billions of dollars.

Second, the next great source of public concern is the fear that sexually perverted material will endanger the ethical, mental, and moral health of children. Many of the current mailings are specifically aimed at teenage children. The remainder is sent indiscriminately with a reckless disregard to the fact that a substantial portion of this trash may reach the hands of young children.

Third, there are three primary reasons why this misuse of the mails has not halted—

The stringest and confusing definition of obscenity which different members of the Supreme Court have announced in recent years is one.

The fact that the newly enacted pandering law of the 90th Congress does not apply to unsolicited first mailings is another.

The fact that there is no national law aimed squarely at the protection of minors is the third one.

LOOPHOLES CAN BE CLOSED

Mr. Chairman, it is clear that Congress can close up these loopholes. There is no longer any question that society may regulate the dissemination to youngsters of material which is objectionable as to them, but which could not be regulated as to adults. The landmark decision of 1968 in the second *Ginsberg* case persuades me that Congress has the Constitutional power to enact a strong new law to restrict the distribution of pictures and printed matter that are obscene to minors.

In this case, the Court upheld a New York State law specifically designed to protect children from obscene matter. This ruling settled the authority of governments to adopt one set of obscenity standards for adults and a separate set for children. That this approach offers unusual chances for effective enforcement is shown in the fact that the conviction upheld in *Ginsberg* involved the sale to a 16 year old of four "girlie" magazines.

If the Court is now willing to find that newstand magazines are harmful to minors, I am certain it will find that the utter garbage which is infesting the mails is likewise obscene when sent to minors.

Thirty-nine of the State legislatures have adopted some type of special prohibition against the exposure of minors to obscene

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materials and it is high time that Congress does the same.

CAN STILL PROTECT PRIVACY

The second concept which I believe holds out a strong basis for cleaning up the mails lies in the power of society to protect the Constitutional guaranty of freedoms of privacy.

To me privacy deserves one of the highest spots on the list of individual freedoms. It embodies the essence of the sanctity of a man's home and the right to enjoy the privacies of his life.

The basic concepts underlying the right of privacy date back to the laws of ancient Greece and Rome. It has been defined as a distinct and separate right in American law for the past 80 years and is regularly winning expanded interpretations.

The reason for this is easy to see. As great improvements in the means of communications bring all of us closer and closer together, it becomes increasingly simple for the intimacies of life to be intruded upon by those who pander to commercialism. To cast the individual citizen upon his own resources in the setting of modern times would be to leave him without adequate means to protect his privacy.

COURTS RECOGNIZE STATE POWER

Thus it is that the Courts now recognize the authority of the State to protect a man's feelings as well as his limbs. The exercise of this power is particularly strong when the threat to privacy involves an invasion of a man's home.

There is a Supreme Court decision close at hand. In *Breard* v. *Alexandria,* 341 U.S. 622 (1951), the Court considered the validity of a municipal ordinance forbidding persons from going upon private residences to solicit orders for the sale of magazines, without prior invitation. The Court upheld the Constitutionality of the ordinance as a proper means to protect householders against "uninvited intrusions into the privacy of their homes."

Perhaps the foremost principle stated by the Court is that in cases where the Constitutional guaranties of free speech and free press collide with the fundamental personal right of privacy, there has to be an adjustment of these rights. In the words of the Court, the privilege to engage in interstate commerce or free speech cannot be permitted to crush "the living rights of others to privacy and repose."

As you know, the most recent enunciation of the rule was made by a three-judge Federal court convened in California to consider the pandering advertisement law. In upholding the power of Congress to restrict unwelcome mailings, the Court said:

"To require a commercial enterprise to strike a name from a mailing list seems little burden to impose to guarantee that dimension of privacy to an individual, otherwise helpless in his home, to 'turn off' pandering advertisements which may be erotically arousing or sexually provocative to him and his family."

DECISIONS LAY SOLID FOUNDATION

In my opinion, these decisions lay a solid foundation for the enactment of strong new controls to enforce the right of an individual to choose what it is he desires to see and read within his own home.

Therefore I propose that we act on these cases without further delay by doing one of two things. We should frame a stringent new law that bans completely any mailings by commercial dealers of unsolicited advertisements for smut material. Or we should prohibit all mailings of such matter to persons who declare that they do not wish to receive this type of mail.

Mr. Chairman, I believe the adoption of the controls I have proposed would slam the door on the kind of sexually oriented mail which is inciting the nation's anger. I might add, at this point, that I do not know of any single piece of legislation that could better carry out my objective than the bill introduced by Mr. Dulski and the Gentleman from Pennsylvania, together with Mr. Corbett and Mr. Cunningham of this subcommittee.

For my part, I was pleased to be the coauthor of the first Senate bill that is aimed solely at protecting children against obscene matter. My bill is similar in many ways to the provisions of H.R. 10867 which pertain to minors.

SIMILARITIES OF OUR BILLS

One of the similarities of our bills is the fact that they each define obscene matter in a descriptive way. Each bill thereby follows the standards applied by the New York State statute that has been upheld by the Supreme Court.

Mr. Chairman, I urge that you do not change this approach. The need for a carefully drawn definition is crucial to the validity of obscenity convictions.

This point is emphasized in a decision handed down by the Supreme Court just after its approval of the New York law. In *Interstate Circuit* v. *Dallas,* 390 U.S. 678 (1968), the Court ruled that an ordinance of the city of Dallas was unconstitutional because the standards used to define obscenity were not definite and narrowly drawn. The Court said that this was so even though the ordinance had been adopted to protect children.

The Court specifically noted that the Dallas statute, unlike the New York one, was not drawn "in accordance with tests this Court has set forth for judging obscenity." In view of this signal by the Court, it is important that the "New York" type of definition is the one we should use.

MINORS IN 60 PERCENT OF HOMES

Mr. Chairman, my studies in this field have turned up some data which increases my belief that Congress may enact much stricter controls over the dissemination of obscene materials to children. I will start with the fact that there is a child under 18 living in six out of every ten American homes.

Next, we can note that there are 35 million children in the age group under 18. This is clearly a sufficient number to deserve protection at the national level.

Finally, the official Labor Department statistics disclose that at least one-third of American wives in families with children under 18 are employed outside the home. The highest working force rate among women of all ages is that of married women with children ages 6 to 17. These ladies represented 45% of the entire women's work force and totalled over six million persons.

From this, Congress might properly infer that several millions of children who have arrived at a crucial, inquisitive stage of life will have an unsupervised opportunity to open the mail before their working parents return home.

Based on the above facts, it can be concluded that the access of children to direct advertising mail is so great that additional requirements should be imposed to decrease the chances they will be exposed to matter which is harmful to them.

SMUT DEFINITELY HARMFUL

Mr. Chairman, I do not want to leave the subject of a child-oriented statute without stating my belief that exposure to pornographic material is definitely harmful to minors.

Common sense will tell anyone as much. For the sceptics, however, the record contains many persuasive statements by responsible experts.

For example, in 1963 the New York Academy of Medicine published a report on the medical aspects of indecent publications sold at newsstands and circulated by mail. The Academy stated its belief:

"(T)hat although some adolescents may not be affected by the reading of salacious literature, others may be more vulnerable. Such reading encourages a morbid preoccupation with sex and interferes with the development of a healthy attitude and respect for the opposite sex. It is said to contribute to perversion."

In addition, competent medical witnesses have appeared before committees of the Congress to decry the harmful influence of obscene material on juvenile behavior. One of the worst possible relationships was discussed by Doctor Benjamin Karpman, then Chief Psychotherapist at St. Elizabeth's Hospital, who said:

"You can take a perfectly healthy boy or girl and by exposing them to abnormalities you can virtually crystallize and settle their habits for the rest of their lives. If they are not exposed to that, they may develop to perfectly healthy, normal citizens. It is here that objection comes upon pornographic literature."

There are many distinguished professionals in the medical field who would be ready to add to this record, and I am hopeful that the subcommittee will invite a fair number of psychiatrists, law enforcement officers, and other experts who have had contacts with consumers of obscenity to appear before you during these hearings.

AS FOR SPECIFIC PROVISIONS

Turning to the specific provisions of H.R. 10867, I would like to make a few observations that might fit into the legislative record you are shaping.

The first question I want to raise is whether the new section 4011, which creates a category of nonmailable matter as to minors, is intended to impose a strict liability upon the sender to know the recipient is a child.

It seems to me that it does, and I think this is an excellent way to attack the problem. But, in order to guarantee the law will pass the scrutiny of a permissive Supreme Court, I wonder if this feature should be limited to commercial dealers who do not take reasonable precautions to keep their trash out of the hands of minors.

It is true that under certain child protection laws, knowledge that the child is a child is not an essential element of the particular crime. The laws against furnishing liquor to children come to mind.

Lacking a clear precedent in the free speech area, however, I am not at all sure that we can brush aside the element of "knowledge" so easily.

PUT SMUT MERCHANT AT OWN RISK

What we could do is to put the smut merchant at his own risk on the question of age whenever he fails to have a professional assurance that the addressee is an adult. Under my proposal the dealer in smut would be required to show that he has taken all reasonable precautions to learn the age of the addressee.

By making this one change in the section, I believe we would safely handle the Constitutional thorns. Further, we might write into the section the defense which would be permitted. For example, the dealer might be allowed to rely upon a professionally designed mailing list that promises a high degree of certainty that it contains the names of adults only.

Such lists can be obtained. I am told that a good list compiler can select such detailed groups of people as new parents, parents of babies born only in private hospitals, or even parents who are new at being new parents. With such ingenuity, I am certain the list compilers and list brokers will be able to rise to the challenge given them to preselect families without children under a specific age. Of course the lists must be

checked at regular intervals to be accurate and the statute should require that this be done.

Whatever degree of liability should be imposed on smut peddlers, I would suggest that the statute be made applicable only in a commercial setting. For example, the language should not catch the case of relatives or friends who use the mails without any purpose of material gain.

TARGET SHOULD BE MAJOR DEALERS

The source of the national uproar about obscene mail is a few major dealers and it would seem best to me to keep the bill on target by hitting straight at them.

The final change which I suggest is to expand the scope of the bill's criminal provisions. The only person who is covered by the offense seems to be the one who deposits matter in the mail. I fear that this might enable the maker of obscene films or the publisher of indecent literature to evade the penalties of the law by using an independent distributor to handle the mailing of his product. This could be avoided by applying the criminal sanctions to persons who manufacture or publish pornography knowing or intending that it will be sent in the mails in violation of section 4011.

Mr. Chairman, in looking at the ways in which the bill is designed to protect the right of privacy, I am satisfied that you have framed a valuable new approach. Sections 4012 and 4013 are expressly limited to advertisements only, and thereby, are wisely focused on the commercial aspects of the problem.

Also, the scheme used in section 4012 is effective. This provision requires that the disseminator of smut must refrain from mailing his product to anyone on a list of persons who have expressed their unwillingness to receive such matter. I realize this will force the distributor to use computers to scan the hundreds of thousands of names on such lists, but many, if not all, of the present merchants in this illicit industry are already using such equipment. In my opinion, it is high time Congress decided to shift the burden of keeping this unsought material out of homes where it is not wanted to the purveyors of filth, even if it ups the cost of their product.

In summary, Mr. Chairman, I can only recommend that the subcommittee continue its efforts until this public menace is stamped out once and for all.

WASHINGTON, D.C.—DESTROYED BY LIBERALISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. RARICK. Mr. Speaker, today a committee of the other body held hearings on the question of dangers to schoolchildren in the public schools of the District of Columbia. Some of the testimony was called to my attention, and I find it quite appropriate to again mention the degree to which the American people are awakening to the sickness of our Nation's Capital.

An early witness was the principal of a high school, who related his powerlessness to prevent crime, including rape, robbery, and narcotic traffic within his school. The last witness was a young lady speaking for the military parents, who pointed out the dangers to the children of our servicemen, not in foreign nations but in Washington.

This young lady pointed out quite plainly that service personnel have no vote in the District, hence no influence on the School Board. She added that she had always been a supporter of "home rule" for the District, but now that she has seen Washington, she has changed her mind and has asked her Congressman and both of her Senators to oppose such a move. Her logic is unassailable. If the District has not enough ability to run safe schools, it obviously cannot run its own government—even on Federal money.

Mr. Speaker, the lawlessness which runs rampant in our Capital is a national disgrace—and it is the responsibility of the Congress, no one else, to perform our constitutional duty and see to it that only people at least competent to protect schoolchildren are selected to preside over this once great city before it further disintegrates. I insert a potpourri of recent typical news clippings:

[From the Washington (D.C.) Evening Star, Sept. 30, 1969]

Court Mikes Stolen

Four microphones, valued at a total of $300, have been stolen from the courtroom of D.C. General Sessions Court Judge Thomas C. Scalley. A court official told police yesterday the chrome-plated microphones were removed from the judge's stand some time after Sept. 9.

[From the Washington (D.C.) Evening Star, Sept. 30, 1969]

Conte's Car Robbed

Rep. Silvio O. Conte, R-Mass., has reported to police that his car was entered Sept. 20 while it was parked in the 200 block of New Jersey Avenue SE and a stereo tape recorder was stolen.

In addition to the recorder, valued at $59, a tape valued at $10 was taken.

[From the Washington (D.C.) Evening Star, Sept. 30, 1969]

Big "Woof" Routs Masked Gunman At Woman's Car

Evelyn Hynson of 5541 Edgemont Drive, Alexandria, drove to the Penn Daw Duck Pin Bowling Alley last night to pick up her husband James.

As she sat in the parking lot, a man with a stocking over his head jerked open the car door and pointed a gun at her.

Mrs. Hynson screamed.

"At this point," a Fairfax County police report said, "A 200-pound dog that had been lying in the rear seat raised up and said 'woof'." The dog is a Great Pyrenees.

"The subject," police said, was last seen running south."

[From the Washington Daily News, Sept. 30, 1969]

Four Grocers Convicted of Selling Stale Meat

Owners of four small District grocery stores were found guilty yesterday of selling stale hamburger meat that was unfit for eating.

They were fined $50 each and given a suspended sentence by General Sessions Judge Justin L. Edgarton.

The meat, which would look fresh to the eyes of the average grocery shopper, was found to be adulterated with specks of sulfite by a meat inspector. Sulfite, when appled to meat which is turning brown on the surface, makes it look fresh and redder by drawing hemoglobin from inside the flesh.

"Sulfite also destroys the Vitamin B-1 content of the meat," William Paxton, an assistant corporation counsel said.

The four store owners found guilty are: Paul J. Barber, owner of a grocery at 653 Eighth-st ne; Max S. Goodman, owner of Goodman's Grocery at 1000 Third-st se; Frieda L. Schindler, owner of Schindler's Market at 2940 12th-st ne and Ester M. Lyerly, presidnt of Moy Inc., which operates the A & L Market at 2007 First-st nw.

Three other cases, involving the same charge, were continued to Oct. 20.

[From the Washington Evening Star, Sept. 3, 1969]

Visitor Is Raped at Friend's Home

A visitor to Washington was raped in a friend's house in the Connecticut Avenue area early yesterday by a man who apparently had planned to rob the home.

Police quoted the 26-year-old victim as saying she had returned from a party, and was looking in a linen closet for a sheet when she was seized from behind.

The man told her not to struggle, forced her into a bedroom and took $5 from her purse, police said.

After she told the man she had no more money, he forced her to undress, and then raped her, she told police.

[From the Washington Evening Star, Sept. 9, 1969]

Phone Operator Raped and Robbed

A 51-year-old switchboard operator was raped and robbed in an upper Connecticut avenue apartment house yesterday afternoon, policie reported.

Police said the woman was operating the switchboard in the apartment house about 4:45 p.m. when she heard a noise behind a bank of mailboxes.

Investigating, she found a man crouched behind the mailboxes, and when she attempted to return to the switchboard to call for help he took out a knife, pulled two rings off her hand, and raped her, police said.

[From the Washington Post, Sept. 4, 1969]

Group Robbed Leaving Church

The administrator of Grace Baptist Church at 9th Street and South Carolina Avenue SE and four members of the congregation were robbed in front of the church last night after they left a meeting there.

Police said four youths, one armed with a gun, approached the group about 9 p.m., threatened to shoot them and took $309, including $75 from administrator Hugh H. Lowery, 48.

[From the Washington Post, Sept. 28, 1969]

Barry's Dissidents Break Up Meeting on Pilot Precinct

(By Stephen P. Caplan)

Dissidents led by Marion Barry broke up the meeting yesterday that was to have set up the election of a citizens advisory board for the Pilot Police Project.

The dispute, which has held up the project nearly a year, is over definition of community participation.

Barry, who is operations director of Pride, Inc., led the group that broke up a citizens meeting last Feb. 19 to organize the pilot project. In April the city suspended the project pending selection of a representative citizens board.

Barry ended yesterday's meeting five minutes after it was called to order.

He and a group of his supporters arrived at the Garrison School, 12th and S Streets NW, where the meeting was held, and became involved in a pushing and shouting match at the front door when they tried to enter.

Policemen on duty told them that admittance was by invitation only.

XUM

INVITATIONS ISSUED

Invitations for the meeting had been sent to all civic organizations operating in the Third Police District, a broad section of central Washington bounded on the north by Harvard Street NW and on the south by L Street.

Each organization was allowed one representative and one vote in procedures.

Barry left his group of dissidents at the door, entered on his invitation as representative of the Ad Hoc Committee for the Pilot Police Project, and immediately took the floor to call for admittance of all people interested.

Meanwhile Pat Garrison, a United Planning Organization employe, became involved in an altercation with policemen stationed at the door of the school when she attempted to gain admittance and was turned back because she did not have an invitation, but she was eventually admitted.

FUNDED BY OEO

The $1.4-million Pilot Police Project, designed to give special training to police officers and to improve police-community relations, gets its money from the federal Office of Economic Opportunity.

The project has run into opposition and criticism from the UPO, the city's antipoverty agency.

Barry, inside the school, stepped to the speaker's rostrum when a call for committee reports was issued. He began demanding that people at the door be admitted.

Barry was harassed from the floor at the start, and chairman Thrulow Tibbs called for order so that business might continue.

Finally, however, as a majority of the representatives shouted from the floor for attention, Tibbs allowed Barry to call for a vote to admit uninvited people waiting at the door.

BARRY WINS VOTE

Tibbs and Barry argued over the results of the first vote, which Barry counted, and when a second vote was called, Barry's forces won by a margin of 29 to 17.

Tibbs then announced to the group of 78 representatives that he would inform project director Robert Shellow of the vote and leave action to his discretion.

The representatives shouted both Tibbs and Barry down.

Tibbs then adjourned the meeting and asked all participants to leave the school.

Barry, after being informed by police that the school was closed and everyone had to leave, called a rump session at the Twelfth Street YMCA, 1816 12th Street NW.

About 45 of the 80 persons at the original meeting followed Barry to the YMCA where a short meeting was held outlining the purposes of Barry and his associates.

Calvin Rolark, UPO liaison for the police project, offered his support to the rump group, saying the project had to be controlled from within the community.

The meeting at the YMCA ended with Barry announcing a news conference at 11 a.m. Monday at the project's headquarters, to discuss its problems.

Robert Jones, of the Concerned Citizens of Central Cardozo, told the meeting that his group could not allow the city officials to control the project.

Any meeting not open to all interested parties would be "smashed up," he said, before it would be allowed to make any decisions for the community as a whole.

[From the Washington Evening Star, Sept. 9, 1969]

Armed Robberies Soar to Record 714 in August

Armed robberies in the District last month rocketed to a record 714, topping the previous monthly high of 707, set last January.

And Capt. Ralph L. Stines of the robbery squad reports that so far this month, armed robberies have continued at better than a 20-a-day clip with 184 recorded through yesterday morning.

In late August, with the robbery rate sliding up again after a dip to 312 in June, Mayor Walter E. Washington ordered the use of overtime pay to put an extra 150 uniformed men on the street.

FEBRUARY PRECEDENT

The precedent was set in February this year when the Mayor had authorized 170 additional patrolmen into the streets, but overtime funds were exhausted in June and the extra officers were discontinued.

After a major crackdown on narcotics peddlers here in August, there was speculation that this might dry up drug sources, increase prices, and force addicts to turn increasingly to armed robbery rather than the more traditional shoplifting and burglary to get enough money for drugs.

However, police officials discounted this as a prime factor for the August record. Insp. Walter R. Bishop, commander of the morals division, said that after the raids, there was a "freeze," with heroin increasing in price about $2 a capsule; prices dropped back to normal in a short time, Bishop said.

"I would hesitate to say that the raids were a prime factor in the robbery increase," he said, adding, however, that in the past several years there has been a definite trend of more addicts involved in armed robberies.

ASKS COURT SPEEDUP

Stines said he hoped that the "courts get moving," pointing out the long delay before a felony suspect is able to be brought to trial here because of jammed court calendars.

"It takes too darn long to get them to court, and robbery is all some of these people know," he said.

He cited the court reorganization bills pending in Congress, including a preventive detention provision and said, "This would keep some of these people off the streets who are causing us trouble."

[From the Washington Sunday Star, Sept. 28, 1969]

Three Cyclist Clubs Involved in Southeast Bar Shoot-Out

(By Michael Anders)

Nearly two months of increasing hostility between three motorcycle gangs and residents of a predominantly-black District neighborhood erupted into a major gun battle near midnight Friday at a Southeast Washington bar.

Two persons received minor gunshot wounds and a girl was hospitalized after the quick-tempered shoot-out in which as many as a dozen rounds apparently were fired. Three motorcycle clubs were involved in the melee, which at one time involved in-fighting among the gangs.

District police investigating the incident were given several versions of the shootout and witnesses interviewed yesterday gave still another.

PAGANS WERE INVOLVED

All versions agree, however, that the shooting involved members of the Pagans, based in Northern Virginia, and a Negro man who entered the bar.

According to the versions given most credence by policemen of the 11th Precinct, between 25 and 30 members of the motorcycle groups were drinking beer at the Livingston Inn in the 4600 block of Livingston Road SE.

A car containing two Negro men drove into a nearby alley and one of the men went inside the bar to see a girl. He returned shortly to exclaim: "They're shooting in there."

At this point, according to police, another Negro emerged from the bar firing a gun. He dashed over to the car and "fired some more" shots across the trunk.

"That's when he caught return fire," said one officer. The driver of the late model car got out and ran after his car was hit by three bullets.

Two men suffered superficial gunshot wounds: Richard C. Richter of the 7200 block of Harrison Lane, Alexandria, and Albert F. Schoepper of the 1700 block of the 19th Street, NW. Police did not list the age of either man but said that both were white.

Both were treated at Cafritz Hospital and released. A girl was kept under observation for a head injury.

DANCE SPARKED INCIDENT

Several Negroes were in the bar when the shooting started, police said. Both black and white witnesses, who preferred anonymity, added that the incident began when a Negro started dancing with a white girl.

A verbal exchange between a Pagan and the Negro heated up until the Pagan was invited to settle the differences outside, according to accounts by witnesses.

How the shooting started is unclear, police said, but a witness added that everybody pulled a gun when the first shot was fired. "There must have been 15 guns pulled out" from boots and belts, he said.

Two Pagans followed the Negro out of the bar and a second Negro, with an open knife, followed the trio.

"I was going out the door," another witness said, "when a bullet barely missed me and hit that guy in the side."

The second victim told a waitress, "Hi ya, baby," and collapsed near the door. A bullet grazed his temple, traveling between skull and the skin.

The concentration of motorcycle riders in the area started about two months ago. A policeman explained that cyclists usually hit one spot for a month or two, then leave when things become too hot or a better hangout is found.

PROGRESS, PROJECTS AND SURVIVAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. WALDIE. Mr. Speaker, there is no question that environmental protection is among the highest concerns of the citizens of this Nation. It is apparent from public opinion polls, constituent mail, editorial comment that the concern of the people for enhancement of their environment and protection from increased air and water pollution has eclipsed other more mundane issues.

This concern, Mr. Speaker, is completely justified by the evidence at hand. Our cities are suffering from strangulation by air pollution and by increased traffic. Our rivers, estuaries, and lakes are fast becoming open sewers, despite efforts to protect them from becoming the repository of agricultural, industrial, and municipal wastes.

The anger of the young at the apparent inability of our governmental and commercial institutions to protect their world from this degradation is now being matched by the growing frustration of their elders.

Mr. Speaker, we in the Congress must demonstrate our willingness to meet this frustration and this anger with action. The effort to convince the administration to reconsider its decision to spend but $214 million of the $1 billion authorized by the Congress to finance water pollution control efforts is one step.

Reconsideration of public works projects that have questionable effect on the environment may be another.

I would like to take this opportunity, Mr. Speaker, to submit four editorials regarding this concern by the public for protection of their environment. The editorials represent a cross section of the west coast and, I think, the entire Nation.

The editorials referred to follow:

[From the Los Angeles Times, Sept. 25, 1969]

The Battle for Survival

Issue: Public concern has resulted in a counter-attack against environmental pollution. But can it be effectively maintained?

Only now is man beginning to realize that he has imperiled his very future on earth by despoiling his environment.

The terrible price of public indifference and neglect is all too apparent in the pollution and ugliness that have resulted. And we are running out of time as well as resources.

Yet a California state legislator only a few days ago was still defending a major construction project with the argument that progress is more important than protecting the environment.

"We're just going to have to live with the destruction of natural resources," he said.

He was wrong.

We cannot live with any more destruction of natural resources. Indeed we will not maintain our present standard of life unless we preserve and enhance what is left of those resources.

The battle for survival finally is gaining momentum in Southern California—a once-scenic land now best known for its polluted air, its oil-soaked shoreline and other ugly consequences of uncontrolled exploitation.

This past week the public fought back on several environmental fronts—and with a degree of success that would not have been possible until recently.

Who would have expected serious consideration to be given a proposal that a moratorium be placed upon all state public works projects until their environmental impact is reassessed?

But that suggestion by Chairman George Milias of the Assembly Committee on Natural Resources and Conservation reflects a markedly changing attitude toward environmental problems at all levels of government in California.

"There is no reason why we should be stampeded like cattle toward foreseeable and preventable environmental disaster," Assemblyman Milias (R-Gilroy) told delegates to the Planning and Conservation League legislative conference in Santa Barbara. It was a most appropriate place to hold such a meeting.

Less spectacular, but of far greater duration, than the Santa Barbara oil spill has been the continuous pollution of Los Angeles Harbor with industrial wastes. A weak Regional Water Quality Control Board had done little to deal with the problem.

On Wednesday, however, the board stiffened its attitude and refused to delay a cease-and-desist order against one of the principal offenders, Vegetable Oil Products Co. Goaded by public opinion, state officials had told board members they were moving too slow in cleaning up the harbor waters. They should now move considerably faster.

Meanwhile in Orange County, Southern California Edison Co. was jolted by the announcement that the county air pollution control officer would deny the utility's application to expand its Huntington Beach power generating station.

"The Edison plant is the largest single stationary source of pollution of oxides of nitrogen in the county," APCD officer William Fitchen said. "If Edison triples the size of its plant, that will mean 90 tons a day from just that source and that is equal to the entire output from our motor vehicles today."

Ventura County officials last week also informed Edison that new and more stringent air pollution standards would be imposed on its generating plant now under construction at Ormond Beach.

Fitchen suggested that power plants be built in the desert, something Edison, to its credit, is already doing on a major scale. Their plans could well be accelerated and expanded by the obvious concern of customers in Orange and Ventura counties.

It was also the week that the 1970 models from Detroit appeared in dealers showrooms, equipped with devices to meet the tougher emission standards required by the Legislature. And the word from Sacramento was that even more stringent requirements than those now scheduled would be sought.

In Los Angeles, the Board of Supervisors ordered a comprehensive study of the entire waste disposal problem and the means to cope with it.

But not all the environmental news was encouraging.

The Federal Aviation Administration appeared singularly indifferent to the jet noise objections of those living near International Airport and beneath the aircraft flight patterns.

One FAA official, Donald Haugen, dismissed the increasing number of complaints as due to "the hot summer and windows being open more."

Later in the week, another FAA official was even less sympathetic. People will just have to become accustomed to the noise of supersonic jets, said Col. Robert L. Stephens. Those on the ground "will get used to sonic booms," he said. "It will be just like a train passing their homes."

He too is wrong.

People will not get used to sonic booms, any more than they can get used to air and water pollution. Nor need they tolerate these threats to their environment.

The public can protect itself and its resources if it is not apathetic. But unless we are willing to pay the price of preserving the environment, we will deserve the tragic consequences of our neglect.

[From the Antioch Daily Ledger, Sept. 25, 1969]

It's Your Fight; Get With It

You have to experience it to believe it.

That's why not many people get really excited when they read or hear about the destruction of our environment, through pollution.

To most people, pollution is a term applied to waters of the land. But pollution takes many forms, not the least of which includes the atmosphere. When we destroy our atmosphere, to the extent that we have destroyed many of our streams, then man's days on earth are limited—or we learn to live in a test tube environment, under glass or plastic.

Air pollution can't be written about, related or seen on television so that the listener, reader or viewer fully understands it. It has to be smelt and felt. Lived in, to put it another way.

That's why we appreciate the efforts to curb those who add to the pollution crisis under the guise of "progress."

Recent statements by Congressman Jerome R. Waldie, D-Antioch, may seem far-fetched to some but careful analysis bears out his position. His latest claim—that state plans to divert more and more north-state water to the south will result in increased air pollution—is a mind-boggler at first.

But figure it out for yourself. Los Angeles and vicinity already is a critical smog area, caused by the concentration of people, machines and industry there. If more water is provided, more and more people will move in with less and less usable air available to support life.

The problem goes deeper than that though, as anyone who has traveled by land across this country knows.

By western standards, much of the East already is uninhabitable as a result of pollution. Clean air is as scarce as clean water.

That's why we appreciate a suggestion by California Assemblyman George Milias, R-Gilroy, that a moratorium on all major public works be ordered. He says a moratorium is needed "in the face of a steady disintegration of the state's natural environment."

His eye is on the State Water Project and its pell-mell activities.

Milias is not just another politician spouting off. He is chairman of the Assembly Committee on Natural Resources and Conservation.

Instead of continuing with "major environmentally questionable public works," Milias says the state should turn its manpower resources temporarily "to environmental enhancement programs."

Milias gets specific and his recommendations should be of particular interest to Delta Bay residents.

"Until the protected waterway plans is completed, the National Estuarine Report completed, the Open Space Plan completed, and until we have finally determined how to define state lands, we should not present a series of irreversible accomplished facts to the people who have entrusted their natural resources to our decision-making ability," he said.

"We have everything to lose from blind progress and everything to gain from a chance to take stock . . ."

The legislator has called on the Planning and Conservation League to enter the major water policy dialogue and make itself felt.

Now get this point:

"The principal planning going on in this state," he said, "is not in the hands of the state Office of Planning and other such agencies, but in the hands of the water engineers and hydrologists of the Department of Water Resources, who by law must be primarily concerned with delivering water to contracting agencies."

That's exactly what our complaint—and that of most Contra Costa officials—has been right along in the Delta water controversy.

We hope other legislators had their ears open to these remarks.

What we are fighting for in the Delta-Bay area is part of the battle that should be going on world-wide, if this world is to be maintained in a condition that will continue to support life naturally.

We may have less to fear from bombs that could destroy life in seconds than from policies that will cause the same result over a longer period of time. We are heading rapidly forward to the point of no return.

[From the Tribune, Sept. 22, 1969]

Water at Any Cost?

The lack of concern for the San Francisco Bay-Delta system becomes clearer every day as state water officials push construction of the State Water Project at literally any cost.

Proponents of the $3 billion project disregard ecological preservation, pursue financial circumvention and offer extraneous rhetoric in urging construction of the project and its yet-to-be approved peripheral canal.

XUM

Northern California water interests contend that water diversion via the canal around the Delta would leave insufficient water available to prevent intrusion of salt water into the Delta. This intrusion would prohibit agricultural use and upset nature's delicate balance necessary for preservation of wildlife.

The attitude of the canal's proponents toward the Bay-Delta have been revealed by Indio's Gordon Cologne, chairman of the Senate Water Committee: "We're just going to have to live with the destruction of natural resources."

It is that kind of thinking which would allow damage to the single most valuable resource in Northern California for the sake of pumping water into the arid deserts of Southern California to meet consumer and agricultural demands.

In addition, William Gianelli, state water resources director, wants the state's taxpayers to take a financial risk even the banking industry will not assume.

The state, prohibited by law from selling bonds at more than five per cent interest, has asked banks to buy $100 million in notes anticipating voter approval next June of a hike in the interest rate limit to seven per cent.

When the banks turned Gianelli down, he proposed "borrowing" the funds from the state's pooled money investment account until voters approve selling the bonds at a higher interest rate.

What Gianelli fails to acknowledge is that the pool is not surplus money and if voters turn down the interest hike, the state legislature would have to ask the taxpayers to replenish the $100 million.

Neither does it seem like sound reasoning to go to such extremes to finance construction of the controversial canal in view of Governor Reagan's attempts to curtail inflation by cutbacks in statewide building.

Gianelli also asks why the canal's opponents were not heard from 10 years ago before the public and legislature approved the massive State Water Project.

Has Mr. Gianelli forgotten that the canal was not added to the $3 billion project until three years after the electorate approved financing in 1960? Further, what "should have been done" 10 years ago has no bearing on what should be done now to protect the Bay-Delta system.

Gianelli and other state officials must not be allowed to follow a course which clearly aims at building the project in apparent disregard to fiscal and physical costs.

[From the Reno Evening Gazette, Sept. 19, 1969]

TOO MUCH PROGRESS

One California legislator has locked horns with a sacred cow.

U.S. Rep. Jerome Waldie of Contra Costa County has objected strongly to a $208 million proposal to siphon water from the Sacramento River and send it to Southern California.

This source of supply empties into San Francisco Bay, and Waldie and other Californians are gravely concerned with the effect the project might have on bay pollution, salinity and ecology.

It doesn't make sense for the north to have to suffer the consequences of satisfying the south's insatiable demand for more and more water, Waldie figures.

Waldie further proposes that other sources of surplus Northern California water be denied to the south, too. The point is, he says, Los Angeles is too big for its own good, already, and further rampant growth ought to be discouraged for a while.

A breathing spell of a generation or so would give the south time to come to grips with the terrific problems its teeming millions have brought with them. Such problems as smog, urban sprawl and traffic jams.

You can't legally stop people from coming, says Waldie, but you'll discourage them if there's no water.

Chambers of Commerce in the Los Angeles area will certainly scream, since chambers generally subscribe to the old truism that growth is progress and you can't stop that. A lot of other people will snort derisively—they're doing it already—and probably identify Waldie as some kind of nut. But the lawmaker is no crackpot. He is an apt politician who once served as floor leader in the California Assembly.

He is someone fairly important who is finally speaking what has been almost unspeakable. He is risking being branded as a screwball for daring challenge the proposition that "we've got to get more water down there so we can expand this megalopolis."

Waldie's point makes some sense, not only for California, but for Nevada and other places, where unchecked growth threatens some of the very conditions that make life in the West so attractive for so many people.

People are flocking, only to find that subdivisions and roads and shopping centers are rapidly displacing the attractions they came to enjoy.

That is progress in reverse, and it not only can be stopped but should be, Continuous growth ought not to be a sacred cow where it does more damage than good.

SENIOR CITIZENS SUPPORT STV

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. OTTINGER. Mr. Speaker, in these inflationary times, with nearly 20 million older Americans living on fixed incomes, I am more than ever concerned with the welfare of our senior citizens. These older Americans are among those most painfully affected by rising costs and must be even more careful than ever in seeing that their dollars are spent wisely.

At a time when they already have more than enough problems to contend with, senior citizens are now the object of a particularly cynical scare campaign being waged by movie-theater owners, intent upon capitalizing on the unfounded economic fears of a substantial segment of the American population. Not content with relying on the court to judge the issue, this group has launched an unbelievable advertising and propaganda campaign intended to stampede senior citizens into signing petitions and writing letters to Congress against STV.

What alarms me most is the deliberate attempt to distort the facts and unnecessarily scare senior citizens who already have more than enough problems to concern them in their sunset years.

In my view, the scare campaign generated against STV is contrived and insidious. It clearly represents an attempt to distort the facts by a group more interested in its own ledger sheets than in the welfare and enjoyment of the elderly.

It is my firm conviction that a successful STV operation, properly regulated, will, in fact, enhance the entertainment opportunities of all citizens, including our senior citizens, at less cost than is now possible.

I want to call to the attention of my colleagues an open letter recently circulated to members of the National Council of Senior Citizens and signed jointly by John W. Edelman and Aime J. Forand, both presidents emeritus of this organization. These two gentlemen are to be commended, both on their understanding of the issues involved and their initiative in setting the record straight for the benefit of senior citizens who might otherwise be influenced by this unfortunate and cynical scare campaign. I submit this letter for inclusion in the RECORD for the benefit and information of my colleagues:

JULY 23, 1969.

AN OPEN LETTER TO SENIORS

DEAR CLUB MEMBER: In these inflationary times, those of us who are living on fixed incomes must be more careful than ever in seeing that our dollars are wisely spent. The cruel effects of inflation hit hard at our entertainment and recreation. We all know that this is the area in which we can spend proportionately less.

Naturally, radio and television are the two services which many of us rely on to fill this need. In recent days, a large-scale campaign has been mounted to frighten Senior Citizens into believing that existing TV service will be wiped out by a proposed new system, called Subscription TV (STV) or Pay TV. We deny this flatly.

This campaign has been managed by movie-theater owners, who are more concerned about competition to their business than about the welfare of Senior Citizens or, indeed, the public at large.

We have analyzed subscription television and the tight rules under which the Federal Communications Commission will permit it to operate: our belief is that older Americans will benefit substantially by STV.

Pay television will bring to the home TV screen—at a fraction of the cost of a ticket to a live performance—entertainment that is now completely foreclosed to most of us for reasons of cost. Opera, ballet, Broadway plays and symphony concerts which are not now broadcast by commercial television, as well as first-run movies, would be available on STV . . . and without commercial interruption.

A single STV-equipped television set located in a Golden Years Club, a Housing Center Senior Club, or any similar facility could be viewed by 50 to 100 people for much less than the cost of one ticket to a first-run movie house in any of our major cities.

A seven-year trial experiment of STV in Hartford, Connecticut, authorized by the Federal Communications Commission, has established the appeal of this new form of entertainment to persons of low and modest incomes. Statistics filed with the FCC showed that more than 85% of the subscribers in Hartford had annual incomes of less than $10,000 and more than 40% were under $7,000.

The FCC has allowed STV as a supplement to the television fare you now receive. It has adopted rules designed to assure that you will not have to pay for anything that now or in the future is or will be available on advertising television. The Commission has stated that, if the present rules are not adequate to give you this security, the rules will be amended to make them adequate. The official FCC "fact sheet" and an explanatory brochure are enclosed for more detailed information.

Thus, the FCC rules will not permit STV to encroach on any of the programming now carried on commercial TV, including sports events. STV will be allowed to show only first-run movies, not more than two years old. Each new STV station will be required to give at least 28 hours of free programming per week—so that there will be more entertainment on the airwaves, not less. And no STV will be permitted unless the service area already receives four top-quality television channels.

So, subscription TV can not take away any of the television now received, it can only augment it. But what's best is that nobody has to watch the pay programs. You only pay for those programs you choose to watch. And you pay for none if that is your choice. That's free choice TV!

Some theaters, we are told, are offering Senior Citizens a reduced matinee rate to attend their movies. We are confident that the producers of STV also will take the older American into consideration when they establish their rate structure. We hope that other media will also offer discounts to the more than 20 million Senior Citizens.

In fact, what we really support is more entertainment at less cost to the elderly. If STV will allow Senior Citizens to see a first-run film, play or opera without having to pay for transportation downtown, parking, restaurant meal and other extras, then we are for it.

Sincerely,

JOHN W. EDELMAN,
President Emeritus, National Council of Senior Citizens.
AIME J. FORAND,
President Emeritus, National Council of Senior Citizens.

RELIEF FROM ADVERSE EFFECTS OF RESTRICTIVE MONETARY POLICY SOUGHT BY CERAMIC TILE INDUSTRY

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. HASTINGS. Mr. Speaker, because of its crippling effect upon our Nation's economy, President Nixon has placed the fight against excessive inflation at the top of his list of domestic priorities.

There is one side effect of the Government's anti-inflationary drive which, it seems to me, must be given special attention. While monetary restrictions, such as those imposed by the Federal Reserve Board in the past and those presently in effect, are a traditional tool in the fight against inflation, these restraints, and the resulting interest rate increases, have produced a sharp contraction in the housing construction market, and threaten irreparable harm to the ceramic tile industry and others engaged in the manufacture of products used principally in new home construction. While the fight against inflation is one which must be waged, and for which the President deserves high praise, it seems to me that we must recognize that we have a responsibility to those aspects of our economy being most adversely affected by restrictive monetary policy.

At the same time it must cope with a contracting housing market, the ceramic tile industry must also face a rising tide of foreign imports, which stand today at historically high levels—and are the product, for the most part, of predatory practices which would bring prosecution under U.S. statutes if engaged in by domestic firms. These practices include marketing through giant international cartels, price fixing, unlawful territorial restrictions, improper use of standard labels, to cite a few examples.

Through widespread violations of our antidumping statutes, first the Japanese and now the British have been able to capture significant shares of the U.S. market, to the point that these products now amount to one-third of our domestic consumption.

The impact of restrictive monetary policy reaches far beyond mere contraction of the housing market, for these same forces have produced a shift in the nature of the type of housing unit being built. Last year, for the first time in history, apartment units represented more than 50 percent of residential construction—and it is in apartment construction that foreign made tile finds its most receptive market.

Consequently, foreign manufacturers of ceramic tile are not sharing the burden of our Nation's fight against inflation.

In order to offset the adverse effects of these monetary restrictions on the housing industry, I urge bipartisan sponsorship of House Concurrent Resolution 386, which I introduced Monday. It expresses the sense of Congress that the executive branch should take steps under the Trade Expansion Act or under its general authority to negotiate voluntary quota arrangements with foreign countries to effect such reductions in imports as are necessary to protect the ceramic tile industry and others until such a time when restrictions are lifted and free market conditions are restored.

"FUN FARMERS" GROW FREE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. HAGAN. Mr. Speaker, in my opinion, I believe one of the best ideas to help solve social problems in our country today is contained in a letter and enclosure received from my good friend, Mr. W. Clyde Greenway, executive director, Sears Roebuck Foundation at Atlanta, Ga. I, therefore, commend the following to your attention:

GEORGIA AGRIBUSINESS COUNCIL, INC.,
Atlanta, Ga., July 23, 1969.

Hon. G. ELLIOTT HAGAN,
U.S. Representative,
First District of Georgia,
Sylvania, Ga.

MY DEAR CONGRESSMAN: Enclosed is a copy of a clipping from the *Tallahassee Democrat* which gives the story of how retirees, students and others who are interested in gardening can have the privilege of doing it on the farm of Mr. Lawrence Edenfield in Tallahassee "for free."

Mr. Edenfield's pay is the enjoyment he gets from seeing these people produce fresh vegetables for their tables as well as make good use of their time.

After reading this article I got to thinking about the many people in cities all over the South who are either on welfare, in the low income category, or elderly, and have a lot of time on their hands. This combination of circumstances causes a lot of problems and it suddenly dawned upon me that a program of some type should be developed that would permit these people to use their spare time in gardening to produce food as well as keep them busy.

Possibly this type project could be a part of the adult phase of the vocational agricultural program. In my experience this should be one of the great programs to teach people to garden plus provide a laboratory plot for them to actually carry out what they learn under the vocational guidance.

It might be of interest to you to know that I have discussed this with vocational leaders, county agricultural extension agents and business people and all agree that a project of this type would solve quite a few of our problems where people are forced to live so close together.

If you think this idea has merit I would certainly like to hear from you and hope you would have the opportunity of discussing it with some of the educators.

Sincerely,

W. CLYDE GREENWAY.

"FUN FARMERS" GROW FREE

(By Mike Wright)

Fifteen Tallahassee families have found a "Garden of Eden" on Miccosukee Road.

Lawrence Edenfield, owner of Edenfield Farm, a 90 acre tract located two miles east of the truck route on Miccosukee Road, is donating a prime portion of his land and much of his personal help to friends and acquaintances who "can use the land and want to grow fresh vegetables for their tables."

And for the use of his land, machinery, and help, which includes initial plowing, fertilizing and readying the rows to be planted, Edenfield charges, "not one red cent".

"I get my rent," he added, "from the satisfaction I get from watching people make things grow."

Edenfield first began his project of "lending" rent-free land to his friends more than 10 years ago when he allowed students at Florida State to come out and grow the food they needed to eat while still in school. "Some of the students who used my land then," stated Edenfield, "said they would have had to drop out of school if it wasn't for their garden."

Since then, a variety of people from all walks of life have become a part of Edenfield's "gardening community". Included now is a barber, two assistant attorneys general, several retired State Department of Education employes, two professors at FSU, a doctoral candidate and several people employed by various Tallahassee businesses.

"Most of the people gardening usually know me or someone who knows me. That's how they got started," stated Edenfield. "All that I ask of someone who uses my land is that they be honest."

Edenfield and his troop of gardeners raise almost all crops native to North Florida and some that aren't. Edenfield has set aside six rows of honeydew melons which are almost exclusive to Southern California and have never been known to be raised here.

Claude Andrews, a retired Vocational Rehabilitation State Department of Education employe, said concerning his gardening, "There is nothing better than fresh food on the table. In addition, we get good exercise and something we can use at home. Being 73 years old, this gardening is possibly the one thing that has kept me out of the hospital."

The people who use Edenfield's land are allowed to use as much as they can take care of all year around if they like and grow anything they want.

When an individual gets behind with his gardening, others pitch in to help him catch up. "When I was out plowing my 'middles' to get rid of some of the grass, I noticed Clem

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Roach's middles were dirty. When I finished with mine, I went over and cleared out Roach's," Andrews said.

Howard Mathews, a retired United States Soil Conservation employe stated, "We've been eating out of our garden for months. My wife has put up corn, cucumbers, tomatoes and almost everything else we raise. Last winter, we had such a bumper crop of greens that we gave more than a pickup truck load away."

A doctoral candidate at FSU and a former agriculture teacher in Hillsborough County, Hiram Green said, "Mr. Edenfield was the principal of the high school where my wife taught—that's how I came to garden here."

"Working here has been good therapy for me and we enjoy the fresh vegetables," added Green.

Mrs. D. E. Williams, the wife of the retired Negro Education Supervisor, State Department of Education, and a fellow gardener, summed up the entire gardening operation, "Mr. Edenfield is doing one of the most generous things I know of by lending his land and machinery like this. It's his big spirit that makes him do it. He likes to make things grow and see other people make things grow."

THE AMERICAN LEGION'S 50TH ANNIVERSARY

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. McKNEALLY. Mr. Speaker, the American Legion is just finishing 50 years of service to God and country and is now looking forward to the second half century of service.

While this great organization has established a most admirable record, it is striving to improve its effectiveness and future contributions to the community, State, and Nation. To this end, it created a task force for the future under the chairmanship of a distinguished Legionnaire and past national commander, William E. Galbraith, who presently is serving as Deputy Under Secretary for Congressional Relations, U.S. Department of Agriculture.

I should like to commend to my colleagues in the House the report of this task force which was presented to the 51st annual national convention of the American Legion:

REPORT OF THE TASK FORCE FOR THE FUTURE

To the 51st National Convention:

In our observance of The American Legion's Golden Anniversary Year, we have done much to honor the past. However, the Task Force For The Future was directed to use this period to prepare for the future—to build a springboard to the Legion's second half-century of service.

The Task Force For The Future was appointed on December 15, 1967. Its basic charge was to (quote) "provide the Legion with a grand strategy to guide its course in the years to come, a clear road map of suggested activity for the next decade; long range aims to be met before the centennial in 2019." (End quote)

Conscious as we have been of our own fallibility, ungifted with visionary powers, limited by our own experiences and biases, the Task Force for the Future has, nevertheless, applied itself to the assigned task for nearly two years. We have attempted to view America as a whole and to visualize the future role that the American Legion can and should take in our national destiny.

We also wish to place in the record an acknowledgment of our respect for and debt to our departed comrade James F. Green of Nebraska, who served as chairman of the Task Force from its inception until his untimely death, June 14, 1968.

Many persons have contributed to this study. We have solicited and received suggestions and recommendations from national and department officers, from past officers, and from many who have never held office. Chairmen of national commissions and their directors have cooperated. To all who contributed their knowledge, opinions and thinking, we express our deep appreciation.

In 1919 and the early 1920's, the youthful Legion swiftly developed policies and programs that bore directly on the major national problems of that time. The Preamble to our Constitution served as a beacon in guiding the organization to those activities which were found to be pertinent to the day.

As we look forward to the next fifty years, we find that our Preamble is still our surest guide. If we accept the pledges we make in reciting the Preamble, if its words have as much meaning for us today as they did for our founders, then, in the opinion of your Task Force, the American Legion must direct more of its attention, its leadership and its energies to finding solutions to the massive problems that beset America during these critical years. The American Legion is already making substantial contributions in several areas of current national concern. The Task Force recommends that now and for the foreseeable future we direct even greater attention to the following ten major problems:

1. The crisis in our educational system.
2. Poverty and its attendant problems.
3. Race relations in America.
4. The continuing problems of national security and civilian problems related thereto.
5. The trend toward anarchy and other forms of lawlessness; the need for impartial law enforcement and the administration of prompt, even-handed justice.
6. The pollution and dissipation of our basic natural resources, including our air, our waters, our minerals, our forests, our soil, our very living space.
7. The ominous spiral of inflation, which tends more and more toward catastrophe.
8. The search for a just, stable and enduring world peace.
9. The threats to public safety and the disorganization of daily life flowing from a vast and ever growing technology that may outstrip the ability of men and governments to live with it.
10. The mushrooming of cities with its twin evils of urban disintegration and the decline of rural stability.

We do not suggest that the Task Force or anyone else has ready answers to these problems. We do suggest that they need as much of our attention as we can give them, that the difficulty of solution is but a challenge to be met, that a great organization such as The American Legion has an obligation to lend its best efforts in the quest for answers, locally and nationally. We cannot absolve ourselves of this responsibility by claiming ignorance or lack of expertise, or the absence of precedents. Neither will it suffice to criticize and condemn. These problems, in all of their complexities, must be faced. We must, by endless search, and study and trial, qualify ourselves to speak and to act constructively. We must make our contribution, be it great or small to the search for solutions.

With the evidence so clearly before us, few would deny that the American educational system is due for a serious and critical reevaluation and overhaul. We should insist upon impartial, penetrating, exhaustive and competent reviews of that system from the kindergarten to the college and the graduate school. It is obvious that many university students have been willing to follow anarchistic leaders down blind and dreary trails which can lead to destruction and chaos. Indeed, chaos has triumphed on many a once proud campus in recent months. Your Task Force must draw the conclusion that either (a) students do have certain deep-seated, genuine causes for complaint, or (b) the educational system has failed to transmit to them the values necessary in a free, responsible, democratic society, or (c) both.

Although poverty has today become identified with racial issues, poverty is by no means the exclusive burden of any one race, ethnic group or geographical location. We believe that our technological and economic progress has made it possible and, indeed, necessary to eliminate poverty so that the poor may become independent, self-supporting and proud citizens. We recall The American Legion's monumental contribution to the Nation through the original GI Bill of Rights and its succeeding versions. The success of that legislation, designed to help those who will help themselves, persuades us that the Legion can and should be a force in shaping self-liquidating programs that could really reach to the roots of poverty. At the same time, simple humanity and the welfare of our society demand that supplementary income sufficient to maintain personal dignity and health be given to those in deprivation because of circumstances beyond their control.

With regard to racial problems, the record of The American Legion shows that we have already made many basic decisions against discrimination. We have not shrunk from some that were temporarily costly to the organization. Your Task Force believes that we should do whatever else is in our power to discourage racial considerations as factors in human relations.

Through the personal experience of each of its members, The American Legion is conscious of the security needs of our nation and the degree to which those needs may be satisfied only through the joint efforts of industry and the military branch of our government. Nevertheless, we are living in an economy which is ever more dependent on military production for jobs, wages and support. In this age of possible instant war and instant annihilation, our military system has become so huge, complex and expensive that it cannot help but vastly influence our internal political decisions, strain our foreign and domestic stability, and provoke internal hostilities. Your Task Force suggests that The American Legion, which understands and cares about our security needs, must analyze in depth the social, economic and political problems that the security system creates. Certainly, The American Legion is better able to appraise these problems in balance than those hostile to the military.

We could continue by pointing out the very considerable American Legion activity of the recent past with regard to law enforcement and other of the ten major problem areas. But a further enumeration of problems and past Legion accomplishments is not necessary.

In the course of its nine full-scale meetings, the Task Force has on many occasions looked critically and intensively into the inner structure and operation of our organization. We have reached agreements on a wide variety of strictly internal matters. We are submitting our specific recommendations to the National Commander for early study and action by the proper standing commissions and committees and by administrative personnel.

However, some of these internal recommendations are of such immediate and overriding importance that they merit presentation from this platform. Your Task Force sees in the returning thousands of Vietnam veterans both an immediate responsibility and a future boon. The immediate responsibility is, of course, to render to them the full range of services of which we are capable and to arouse an apathetic public to the debt which we all owe them. The future boon is the strength which The American Legion will gain as they affiliate themselves with us and bring to us their new ideas and their great potential for leadership.

Your Task Force has been concerned by reports that veterans of the Vietnam period are taking advantage of the educational benefits of the GI Bill to a lesser degree than did the veterans of World War II and the Korean War. The present scale of monthly educational benefits is so low that it is *no* benefit to the more needy Vietnam vets. The meagerness of the benefit prevents them from going to school at all. Very serious attention should be given to amending the GI Bill so that it will meet tuition costs. Knowledgeable persons who have discussed this matter with us are convinced that soaring tuition costs are preventing many returning veterans from entering or continuing in training, under the present benefit system.

We believe that there is much more that our National Organization can and should do to inform the public, to organize our own services, and to implement the programs already established to contact and to enroll the new veterans. However, we have examined the budget reports of the National Finance Commission and, like you, we have winced at the increasing pressures of inflation. We commend the National Commander, the National Adjutant and the National Finance Commission that they have candor, we do not believe that our current dues structure will maintain this same level of services much longer. Certainly it will not permit us to expand into the new areas suggested by this report. We strongly recommend that attention be given to our future financial requirements during the coming year and that the 1970 National Convention be prepared to come to grips in a realistic manner with our future financial requirements.

Recommendations and suggestions on leadership training, the reputation of Posts, modernization of terminology, structure, eligibility, observance of the bi-centennial of the Declaration of Independence, the Flag Code and similar internal matters will be presented to the National Commander for further study by the proper standing commissions and committees.

But, Mr. Commander, recommendations are easily made, and words are cheap. The need is for action. Time is running out. We strongly urge that the work started here be taken up now by a Task Force For The Future in every department.

Fellow Legionnaires, your Task Force For The Future has been fully aware, throughout its long and intensive studies and deliberations, of the importance and magnitude of its truly awesome task, and indeed of its incapability of achieving it to the ultimate degree. We have endeavored to give a glimpse of the world in which, from now on, the Legion will "live, and move, and have its being," now and in the swiftly coming twenty-first century. The Immortal Bard, some hundreds of years ago, said: "There is a tide in the affairs of men which, taken at the flood, leads on to fortune. Omitted, all the voyage of their lives is bound in shallows and in miseries." For The American Legion, in this supremely challenging era—this great citizen phalanx near three million strong—let us believe—the tide again is at the flood. Let us take it, and, guided in the night by the stars of an unselfish service, in the day by the compass of consecration to God and Country, sail on to that fortune which alone is our true wealth, the respect and honor of our own generations, and of the generations yet to be.

NEW YORK TIMES LAUDS NATIONAL DRIVE TO IMPROVE READING SKILLS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. PUCINSKI. Mr. Speaker, this Nation has long suffered from a chronic shortage of competent readers. Our schools have produced a wasteland of nonreaders, who have had to suffer the consequences of inadequate training in reading for the rest of their lives. My colleagues will recall that I called their attention to the woefully deficient reading level of our student population in a speech before this body on August 2, 1968. At that time I called on the Congress to place priority on reading achievement in all programs supported under title I of the Elementary and Secondary Education Act. I also urged that the national assessment project emphasize evaluation of reading skills being produced in our Nation's schools.

Therefore, I am highly encouraged to learn that U.S. Commissioner of Education James E. Allen, Jr., intends to place greatest emphasis on reading programs, so that by 1980 every student will be able to read capably before he leaves school. I wish to recommend to my colleagues the following editorial which appeared in the New York Times on September 30, 1969, in praise of Dr. Allen's new directive:

A NATION OF ILLITERATES?

The youth who leaves school without being able to read—and read well enough to cope with the demands of modern life and employment—enters society crippled. Worse, his deficiency is likely to impel him to become a drop-out, a frustrated, embittered and easy victim of delinquency, drift and crime. At present, an estimated one-third of the nation's schoolchildren are embarked on such a dismal course, and in the nation's big cities, the hopeless army is probably closer to half of the total enrollment.

It is to this intolerable situation that James E. Allen Jr., the United States Commissioner of Education, addressed himself in opening a nationwide war against reading retardation. His target is to make sure that by 1980 no youngster will leave school unable to read.

Few priorities ought to command more unquestioned support. Dr. Allen is justified in asking for a public determination as compelling as President Kennedy's earlier goal of landing a man on the moon. But this parallel could be misleading unless it is remembered that the triumph in space was accomplished not just by enthusiasm but by the hard work of experts and the single-minded deployment of resources.

What has not yet been acknowledged is the need to teach children, at an early age, individually or in small groups. This must be done by teachers sure of their methods and skills. The teacher training institutions have not remotely begun to satisfy the demand for such teachers. School systems still fail to understand the importance of the kind of saturation effort that will not allow pupils to fall by the wayside.

The Allen plan will go down to defeat as long as schools leave it to remedial instruction to pick stragglers up later. Once the frustrations build up and the momentum is lost, reading becomes a hateful chore that infects the entire enterprise of learning.

These are the pitfalls the Allen crash program must avoid. The teams of experts whom he properly wants to place at the disposal of the states and local systems must avoid becoming embroiled in methodological controversies and action-delaying research. They must help speedily to spread the benefits of demonstrably successful operations.

Experts differ—as they should—about the best way to teach children to read, and Dr. Allen does not intend to impose governmental control and standardization. But there can be no disagreement over the end result. The public has a right to know what is being accomplished. Tests can and should be devised to provide a national yardstick; schools must be held accountable for their ability to accomplish their basic mission.

EARLY ASSESSMENT CAN PREVENT SCHOOL FAILURE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. WALDIE. Mr. Speaker, the early failure in school of a young and sensitive child can have a profound effect upon his future behavior pattern and thus his entire life. If the educational institution can provide children with early assessment, for each child is, of course, different, we can thus know what he is capable of and what help he needs.

It is this early assessment that can prevent early failure, frustration, and possibly negative reaction.

Dr. Harvey R. Wall, psychologist for the Mount Diablo Unified School District and associate professor at California State College, Hayward, recently made an excellent presentation on this subject before the California State Assembly Education Subcommittee on Instruction and Teacher Relations.

Mr. Speaker, I would like to submit Dr. Wall's remarks for the RECORD so that my colleagues can share his views on this important subject:

To California Assembly Education Subcommittee on Instruction and Teacher Relations, March K. Fong, Chairman.
From Dr. Harvey R. Wall, Psychologist, Mt. Diablo Unified School District and Associate Professor, California State College at Hayward.
Re Testimony Regarding Early Education Readiness, Assessment, and Prescriptive Primary Education.
Date September 19, 1969, San Francisco.

INTRODUCTORY STATEMENTS

The prevention of failure in our public schools can represent a savings in human resources, a savings in public expenditures, increased teacher effectiveness, and immeasurable decrease in child and family life stresses.

Professional education and the behavioral sciences have long recognized that children's learning rates vary and that individual prescriptive learning (programs) can be adapted to accommodate individual differences. However, the system of mass education has unfortunately been slow to recognize the potentialities of implementing what we now know. Furthermore, it can be shown that an early educational intervention into the life of a potentially failing student can prevent the necessity for the apparent proliferation of remedial programs which now hopefully respond to the later identification of symptoms related to school failure.

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Because, in our society, the educational life of a child is a mandatory or virtually conscriptive one, it would seem only appropriate that his 13 years be made as free of undue frustration and as full of meaning and success as possible.

It is rather common knowledge that lack of school success is common to those whose lives are characterized by delinquency, dropping out of school and society, and unemployment. An individual's perception about his total school success may well determine his perception of himself as a contributing or a hostile member of society.

Thus, economy of human resources and funding would seem to favor prevention over remedy.

1. *The essential components* of a comprehensive early assessment procedure must call upon the disciplines of teaching, child psychology, curriculum development, medicine, speech and language development, administration, and parenthood. Specifically, experience and the research literature have demonstrated that children learn best when the following developmental characteristics are adequately represented in the young child:

(a) Acculturation in broadest definitions which includes an awareness and responsiveness to the surrounding environment.

(b) Physical growth, stamina, and neuromuscular ability to respond to small and large muscle demands of the learning and socialization process.

(c) Social competence to respond to the teacher to child and child to child relationships found in group instruction.

(d) Dependence versus independence criteria which characterize a child's readiness to respond to direction while knowing when to request and accept help.

(e) Speech and hearing so that the receiving and expressing of ideas and facts are unencumbered.

(f) Visual-motor skills give the child the ability to manually and visually do what the teacher and the brain demand in his basic curriculum.

(g) Emotional stability permits him to respond to the many requirements of the daily learning processes.

(h) General mental ability gives the child a global aptitude to comprehend and integrate the learning into a meaningful experience.

2. *Initial comprehensive pupil examinations* are valuable when administered prior to school entry. But, they serve a *continuing* purpose when the results of these assessments contribute to program, instructional, and curricular adaptations geared to the unique requirements of the examined children. Far too often, schools have administered "screening" examinations for the express purpose of determining that the child is either "ready" or "too immature" for the kindergarten program. Examinations should preferably be administered as an initial step in developing purposeful prescriptions for all of the children.

Far too often we have told parents that conforming girls meet our program standards and that active boys cannot succeed in our female-oriented system.

Examinations are important but prescriptions are vital.

3. *Increased academic performance* has been observed in children who have undergone preschool examinations and have then participated in prescriptive activities during kindergarten and grade 1. Because the evidence is somewhat limited, we need pilot programs for the purpose of developing and refining prevention systems.

One of our District's schools, located in an area of cultural disadvantage, has demonstrated that improved academic performance does result from a well planned and executed system for potentially unsuccessful children. The improved academic work of the children is, however, only one of the many positive outcomes emanating from this approach: improved parent-school relations, improved self-worth indicators in the children, improved teacher involvement with program development, and a decrease in school vandalism.

Basic components of this project are:

(a) Early assessment of pupil characteristics finds principal, teachers, specialists, and aides examining prospective kindergarten children several months before the fall entry.

(b) Many ongoing conferences by the principal with small groups of parents in their homes using the approach "You invite your friends and I'll bring the coffee and cookies."

(c) Use of a wide range of developmental materials in kindergarten and grade 1 stressing language and listening skills, physical skills, small and large muscle training activities.

(d) Extended language development periods with a teacher-pupil ratio of 10.

(e) Extensive and well planned use of para-professionals.

(f) Individual conferences directed at home prescriptions which supplement school-related skill development.

(g) Parent guidebook giving them several tips and directions for improving child competencies.

Increased funding through Title I, ESEA, and an exhaustive work week for the principal further characterize this program.

After two years of active commitment to the assessment and prescription system, this school's grade 1 reading test scores have shown dramatic improvement. Other basic pupil skills have similarly improved.

Although less funding will be available, four more schools in non-target communities of the District are involved in similar programs beginning this fall. Thus, these data are not available at this time.

Many other and varied programs could be described. They range from the bombardment-immersion approach of Bereiter and Engelmann of Illinois to the less dramatic Ilg-Ames Gesell Institute commitment to the "let the child's maturation rate show us the way."

4. *Assurance of program adaptations* can be realized after competent pupil assessments when some of the following characteristics are present:

(a) Training of prospective teachers should include a variety of interventions geared toward the prevention of individual pupil failure.

(b) Re-training of the current force of teachers through state-sponsored scholarships, funded in-service training activities, and state or regionally developed materials to aid in the intervention process.

(c) Careful and goal-directed teacher selection.

(d) Revision of the kindergarten through grade 3 curriculum and its methodologies (a program of continuing value must acknowledge more than a kindergarten commitment to individualization).

(e) Provision for the active and continuing involvement of specialists for assisting teachers and parents.

(f) Pre-school assessment programs and facilities which can be available for children as early as three years so that prevention prescriptions can be realized at a stage in child development when interventions can be the most productive. (Schools or school-related agencies could provide such services on the Well Baby Clinic model. Prevention of disorders has been an effective aspect of the program for physically handicapped children at age three years.)

(g) School districts applying for special funds for implementing prescriptive programs should show evidence that (1) adequate pupil assessments will occur, (2) adequate evidence exists that the districts will, in fact, design programs which are geared to observed characteristics of the examined children for the primary level school years, and (3) parent education and training is an ongoing activity as an aspect of their application.

(h) Supervision of program development is available from local and state sources.

(i) Funding for research staff should assist districts in adequately evaluating the success of the program design and implementation.

5. *Present pilot projects* are responding to pupil prescriptions after assessment when teachers and administrators are convinced that the present primary program is *inadequate* and they are involved in developing something better. Furthermore, it has been found that increased funding must be available so that there is a significant decrease in pupil-adult ratios in the primary school years. Increased staff may be specialists and/or they could come from ranks of the paraprofessionals who can free the well-trained teacher to make the necessary curricular and teaching interventions necessary for realizing a successful prevention of failure program.

6. *Cost of implementing programs* directed at preventing school failure will vary from *impact* upon the problem to an *optimum* attack at eliminating many of the currently operating remedial programs.

For each child retained in a school grade level, a cost of $800.00 to $1,000.00 can be added to the education of the child.

Failure to succeed can become a cost of overwhelming proportions and relates to the spectrums of public welfare, Youth Authority, special education, remedial education, police, mental hygiene agencies, and the economy as a whole.

Our State's attempts at remedying mental, physical, social, and educational disorders now require annual expenditures in nine figures.

Isn't it, therefore, time for us to spend a mere fraction of this amount in systematically trying to prevent some of these disorders?

It would appear that we should implement the knowledge that we already possess.

This Subcommittee is commended for its interest in a problem of such far-reaching consequence.

NATIONAL CATHEDRAL DESECRATED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. RARICK. Mr. Speaker, the magnificent structure known as the Washington National Cathedral has been constructed over a period of half a century by the contributions, both direct and indirect, of the Christian American people who have felt that such a house for the worship of God was appropriate to the capital city of a nation of Christians.

Technically the cathedral is the Episcopal Cathedral of Saints Peter and Paul, the seat of the Episcopal bishop of Washington. Because of the fundraising appeal to all Americans, it has long been customary to permit responsible leaders of other Christian denominations to worship and to preach in the cathedral on special occasions.

Americans who have built this cathedral are entitled to know the use to which it is currently being put as a stage and platform from which to propagate doctrines the antithesis of Christianity. Articles reporting this desecration follow my remarks:

[From the Washington Post, Sept. 29, 1969]

Gandhi: Ceremony for "A Universal Man"

(By B. J. Phillips)

On the 100th anniversary of the birth of Mahatma Gandhi, Indian Foreign Minister Shri Dinesh Singh and former Vice President Hubert H. Humphrey came to the National Cathedral to talk about Gandhi. And Ravi Shankar came to play sitar music composed especially for the centennial celebration of Gandhi's birthday.

What was said bounced and echoed in the high stone ceilings, at times understood, at times not understood. But Shankar's music was never lost in the Cathedral. It turned the ornate home of one culture into a sounding board for another.

"I want the cultures of all lands to be blown about my house as freely as possible," was the quotation from Mahatma Gandhi's writings which appeared on the leaflet passed out by ushers containing the order of service.

In its pomp and prayers, it was a service not unlike that followed by the English men and women who had colonized India. Twenty-two years after he led India to independence from Great Britain, committees across the world have arranged birthday anniversary celebrations such as the United States' observance yesterday at the Cathedral.

Gandhi, the originator of passive resistance and nonviolent political action, was, like his disciple, Dr. Martin Luther King Jr., killed by an assassin, less than six months after India became an independent nation.

The service, attended by church ladies in hats and gloves, Shankar devotees in blue jeans and Indian women in saris, began with a processional. It would have seemed like any other service at the Cathedral—altar boys carrying the cross and two giant candles, church officials in purple robes—but for the white-saried members of the Indian Embassy choir and the low platform beneath the pulpit where Shankar would play.

Dean Francis B. Sayre welcomed the worshippers, who included an overflow of several dozen who stood throughout the service, to "a celebration of the grandeur of Gandhi's spirit."

Humphrey read passages from the scriptures of the world's major religions.

Foreign Minister Singh spoke of Gandhi as "a universal man, a man deeply in love with humanity as a whole."

A hymn was sung and, during the last verse, incense carried into the Cathedral heralded Shankar's entrance.

Shankar and Miss Kamala, who accompanied him on the tanpura, removed their sandals and climbed onto the platform. Cradling the sitar with one foot, Shankar began to play.

Ravi Shankar is a delicately-built man, with small hands and feet. When he plays, his chest appears to expand as though he only breathes in, never exhaling. He seems to grow as his music grows, in carefully controlled, intricately developed expansion of the theme.

The National Cathedral reaches seem to hold the low brooding quarter-tones and turn them into a background for the shimmer of the developing theme. For more than 20 minutes, Shankar's sitar owned the Cathedral as fully as the medieval saints carved into the pulpit above his head.

Finally he finished, exhaled, picked up his incense and waited for the long line of choir-boys and officials to file out before falling into the recessional.

At evening services, the Cathedral again was filled to capacity. This time there were no gloved ladies; there were strike buttons and "boycott grapes" lapel pins.

Cesar Chavez, leader of the California farm workers, was the main speaker at a church service-union rally attended by Mrs. Robert F. Kennedy, Sen. Walter Mondale, Rep. John O'Hara, Mrs. Fannie Lou Hamer and an overflow crowd of students and union workers.

The service began with folk singer Joe Glazer leading a two-stage sing-in. First he led the audience in the original words to "John Brown's Body" and "We Are Climbing Jacob's Ladder," followed by the rewritten versions: "Solidarity Forever" (in English and Spanish) and "We Are Building a Strong Union."

Chavez sat quietly in a black vinyl-covered aluminum rocking chair while the speeches by Sen. Mondale, Father John McCarthy, of Texas; Mrs. Hamer, one of the founders of the Mississippi Freedom Democratic Party, and Rep. O'Hara praised him for his efforts to organize farm laborers.

"There is a shameful thing in this country," Chavez said. "Those who plant, irrigate, cultivate and harvest the food that reaches the table of every American have no food for themselves."

Chavez asked that "Americans band together to bring justice to the tortured valleys of our land."

There was another round of songs, led by Mrs. Hamer; then the concert and union hall was quiet after a day Cathedral Dean Sayre said happened "because the church cares."

[From the Evening Star, Sept. 29, 1969]

Cesar Chavez at the Cathedral: Chavez Says Pentagon Prolongs Grape Strike

The leader of the nationwide grape boycott charged last night that the Pentagon has sharply boosted its purchase of grapes and has thus kept the bitter, 4-year-old strike alive.

Cesar Chavez, beginning a week of boycott activity spoke to an estimated 2,000 persons at Washington Cathedral, claiming the Pentagon had undermined the boycott by increasing its grape purchases by 30 percent last year, and by shipping 350 percent more grapes to Vietnam.

He said the Department of Defense told him that servicemen's "routine craving" for grapes was responsible for the increased purchases.

More grapes are also going into fruit cocktails, and being used as raisins, Chavez said, to make up for what he claimed was a 30 percent decrease in the sale of grapes since the strike began in September, 1965.

Chavez also charged that the Federal Mediation and Conciliation Service had ignored his request to summon grape growers back after negotiations broke down recently.

Chavez, 42, accused the Food and Drug Administration of failing to find evidence of dangerous pesticides on grapes after a supermarket chain said it had found the poison. Some 80 percent of the pickers in his native Delano, Calif., are affected by the pesticides, he said.

Sen. Walter Mondale, D-Minn., another speaker at the fund-raising rally, supported Chavez' charge against the FDA. Mondale said the agency's study discounting reports of dangerously contaminated grapes was "partial, unfair, and unresponsive."

Chavez was to testify today on the pesticide question before Sen. Mondale's subcommittee on migratory labor. Sen. George Murphy, R-Calif., a supporter of the grape growers affected by Chavez' strike, was also scheduled to testify.

Chavez told the predominantly young crowd that he pledged his workers' support to the Vietnam moratorium scheduled Oct. 15 in the nation's colleges.

Chavez' appearance here was his first outside of California since he went on a 25-day fast 18 months ago.

The boycott supporters will hold a rally Tuesday night, and then a "surprise-in" led by Chavez. Speakers at last night's meeting indicated the "surprise-in" would include demonstrations at Sen. Murphy's home and at local supermarkets where grapes are sold.

HOUSE OF REPRESENTATIVES—*Thursday, October 2, 1969*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Teach me, O Lord, the way of Thy statutes; and I will keep it unto the end.—Psalm 119: 33.

O Thou who dost reveal Thyself to man in endless ways, deepen within us the sense of Thy presence as we lift our hearts unto Thee in this our morning prayer. As our fathers came to this altar to worship Thee, so do we bow before Thee humbly and reverently.

With grateful hearts may we learn to labor in Thy spirit, to live in harmony with Thy laws, and to let love lighten and brighten our lives.

Turn Thou our strength to the tasks of justice, mercy, and peace that as we work for the common good we may find joy and satisfaction in useful living.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CALIFORNIA EARTHQUAKE

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, last night in northern California there was an earthquake of considerable proportions that had its epicenter in Santa Rosa, which is approximately 50 to 60 miles north of San Francisco. There was considerable damage done in the area of the epicenter, the damage in property costs ranging in the thousands and, in addition, a number of people were injured. There was additional damage done in the immediate San Francisco Bay area from this particular earthquake.

I joined recently with Representative MINK, of Hawaii, and others expressing concern about the consequences and risks that were unknown relative to the Amchitka underground testing of nuclear weapons that is scheduled for today. At that time my concern was predicated upon the consequences and risks that the Representatives in Hawaii and Alaska believed were present as a result of these proposed nuclear tests.

I am now expressing the concern of the people of the bay area of California, which I represent, which is a seismic unstable area of considerable extent, that this test may further jeopardize that instability which was in motion as of last night's earthquake.

I intend to contact the President today to urge that the test scheduled for this evening in Alaska be reconsidered until

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these consequences affecting the seismic stability of the Pacific Basin are fully understood. We believe our area should not be subjected to risks that are not totally and completely understood.

TRIBUTE TO THE LATE JOHN P. WHITE

(Mr. McCORMACK asked and was given permission to address the House for 1 minute.)

Mr. **McCORMACK**. Mr. Speaker, I am deeply grieved at the passing of a very dear and valued friend of mine, whom many Members of the House knew and admired as much as I did, John P. White, Deputy Assistant Secretary of State for Congressional Relations.

John White was one of the finest gentlemen I ever met. I knew him back in Massachusetts when he was connected with the Massachusetts Legislature, and I knew him in his associations with our Government and Members of the Congress. For years he occupied a very important position in the State Department, which he performed in an outstanding manner.

His qualifications were rich, not only including his dedication to his duties, but his beautiful outlook on life. He was a man who by those rich qualities inspired others who knew him or came in contact with him.

I saw him only last Tuesday in my office when we were having a chat. Two or three days a week he would drop into my office, as I am sure he dropped into the offices of other Members. We were having a chat and he appeared to be in excellent health. The information I received is he left his house this morning to go to the State Department and while en route death suddenly took place. In any event, we have lost a very valuable public official. The State Department certainly has lost a very able servant and employee, and many of the Members of the House—and particularly myself—have lost a dear and valued friend.

I extend to Mrs. White and her loved ones my deepest sympathy in her bereavement.

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **ZABLOCKI**. Mr. Speaker, the news this morning about the sudden passing of John P. White, Deputy Assistant Secretary of State for Congressional Relations was a shock. It is an untimely loss not only for his immediate family but for his many friends and associates at the State Department and on Capitol Hill.

I came to know "Skip" White especially well when he served as a State Department escort officer on several trips abroad with my subcommittee. I found him courteous and always willing to be of all possible assistance to me and my colleagues. His reports and counsel on international affairs were deeply appreciated. He was a friend as well as an adviser and he will be sorely missed.

Mrs. Zablocki joins me in extending our heartfelt sympathy to Mrs. White and their son, Scott.

Mr. **O'NEILL** of Massachusetts. Mr. Speaker, a close and dear friend, John P. White, died suddenly this morning of a heart attack.

Mr. Speaker, I know you are as grieved as I am at the loss of our good friend, dedicated and extraordinarily able public servant and one of God's noble men.

I first met Skip White when I entered the legislature in 1938. He was a page and legislative attaché to the Massachusetts Legislature and was without a doubt the best liked man in the statehouse. He enlisted in the service in 1940 as a private in Field Artillery. When he was honorably discharged in 1945, he was a captain in the U.S. Air Force. When he returned to the legislature, it was as legislative counsel. He served in that capacity from 1946 to 1953 and gained a reputation as being extremely able, dedicated, and dependable. Everyone in the legislature on both sides of the aisle respected him and loved him.

In 1952, right after he had been elected Governor of the Commonwealth, Christian Herter asked Skip to be his legislative secretary. I remember how hard Skip had worked for the reelection of Paul Dever as Governor. But what concerned Governor Herter most was that Skip was the most able man in the statehouse and the man who could best get his legislative program across to the legislature. In the 4 years that he served in this position, he was responsible more than any other man for getting 23 of the 24 major programs of the Herter administration through the legislature. Although he was a good Democrat, he put the Commonwealth above party and the needs of the people above all other considerations.

In 1957, he rejoined us in Washington as special assistant in the Office of Congressional Relations of the State Department. We, who had served in the legislature while he had been there, were overjoyed to have our good friend in Washington, and while we were working on new legislation and new programs, it was nice to have a reminder of past days in the Massachusetts house. We had watched Skip's career from the time he was a house page going to Boston College. We had watched him come up through the ranks and took a special pride in his being brought to the State Department. I will never forget the party we had for him when he was named Deputy Assistant Secretary for the State Department's Congressional Relations in 1964. That was a joyous time because we saw a good friend, an able public servant rewarded for his diligent work. From 1964 until that day he competently, conscientiously, and brilliantly performed his duties in the Office of Congressional Relations. He was always available, always informed and informative, and always helpful.

I will miss him greatly; he was a good friend, a fine companion, and a wonderful man. His wife, Elaine, and their son, Scott, have my deepest sympathy. The only consolation I can offer them is that the time they had together was the happiest period in his life. He loved them and knew he was loved and his life was fulfilled through them. I hope this knowledge will give them strength and comfort.

Mr. **BURKE** of Massachusetts. Mr. Speaker, it is with great sadness and shock that I learned of the passing this morning of John P. White, Deputy Assistant Secretary of State.

Born in Winthrop, Mass., in 1915, Skip, as he was known to those of us who were fortunate to be among his many friends, attended the Winthrop public schools until 1933 at which time he entered the New Preparatory School in Cambridge. While attending Boston College between 1934 and 1939 he was legislative attaché to the Massachusetts State Legislature.

In 1940 Skip enlisted in the Air Force as a private and upon discharge 5 years later was a captain and pilot.

Upon separation from the Air Force he became legislative counsel for the Massachusetts State Legislature in which position he served until 1953 at which time he became legal secretary to the Governor.

In 1957 he joined us here in Washington as the Special Assistant for Congressional Relations with the State Department, and in 1964 was promoted to the position of Deputy Assistant Secretary of State.

Skip's life was a model of loyalty and service to his country and dedication to his family and friends.

He was a good friend and a capable and hardworking man who will be deeply missed by those of us whose lives were made a little better by his passing through them.

Mr. Speaker, I extend my deepest sympathy to his lovely wife Elaine and his son Scott.

Mr. **BROOMFIELD**. Mr. Speaker, I want to join my colleagues in expressing my deep sense of shock and grief at the passing today of John P. White, Deputy Assistant Secretary of State for Congressional Relations.

"Skip" White was among the most able and amiable men in the State Department. His loss will be felt all over Capitol Hill and throughout the State Department. But he will be especially missed by those of us who serve as members of the House Foreign Affairs Committee.

Skip provided each of us with years of valuable counsel and experience as well as courteous and efficient personal service during the committee's trips abroad. It was on those occasions that many of us got to know Skip personally and were privileged to share his friendship.

His death is an untimely loss for all of us. Mrs. Broomfield joins me in extending our sincere condolences to Mrs. White and their son, Scott.

Mr. **DORN**. Mr. Speaker, I was shocked and saddened to hear of the passing of my warm and personal friend, "Skip" White.

Skip White was one of the greatest men it has been my privilege to know. He rendered magnificent service to the Nation and was loved and respected by Members of the Congress.

There were so many good characteristics about Mr. White. He was always thoughtful, pleasant, and helpful. He was intelligent, industrious, and a dedicated public servant. Skip White possessed the quality of warmth and friendship that drew people to him. Above all, he loved this Republic. He served our country and the cause of freedom throughout the world with a very special devotion and dedication.

Skip White will be greatly missed by his colleagues in the State Department, by every Member of Congress who knew him, and by a host of friends the world over. Skip White used our office frequently to make calls and hold conferences in connection with the Wednesday morning State Department briefings for House Members. Mrs. Dorn and my staff looked forward to his visits, as he was always courteous and kind. They join me in my deepest and most heartfelt sympathy always to Mrs. White and to all of his family.

Mr. **ROONEY** of New York. Mr. Speaker, I was profoundly shocked to learn of the sudden passing this morning of the Honorable John P. White, Deputy Assistant Secretary of State for Congressional Relations. I knew "Skip" White for many years. He was a true friend. Skip had been with the State Department since 1957; a truly dedicated, informed, hardworking, and warm human being. We shall all miss him greatly. Skip's professional life was one of public service starting back in 1933 when he was a page to the Massachusetts State Legislature while attending Boston College. In 1940 he entered the armed services as a private, emerging 5 years later as a captain and pilot. He became legislative counsel for the Massachusetts State Legislature upon his discharge and held that post until 1953 when he became legal secretary to the Governor. In 1957 he came to the State Department as special assistant for Congressional Relations and, in 1964 was made Deputy Assistant Secretary of State. His dedication to his work was exceeded only by his dedication to his lovely wife, Elaine, and their son, Scott. Mrs. Rooney joins me in extending our prayers and deepest sympathy in this sad hour.

Mr. **MURPHY** of Illinois. Mr. Speaker, I was shocked and saddened to learn of the untimely death of John P. White, Deputy Assistant Secretary of State for Congressional Relations.

Jack White began public service by working as a page and later as legislative counsel for the Massachusetts State Legislature. After serving as legal secretary for the Governor of Massachusetts, Christian Herter, Jack White moved to Washington in 1957 as Special Assistant for Congressional Relations for the State Department. In 1964, he became Deputy Assistant Secretary of State for Congressional Relations, a post in which he served until his death.

My friendship with Jack White began in 1959, when I first came to Congress and was appointed to the House Committee on Foreign Affairs. Throughout my years of association with him, I developed a deep appreciation and respect for his reports and wise counsel on international affairs. The State Department has lost an able and dedicated servant, and I have lost a dear and valuable friend.

Mrs. Murphy joins me in extending to his wife, Elaine, and son, Scott, our most heartfelt sympathy.

Mr. **CONTE**. Mr. Speaker, I rise today in sadness over the death of one of our true friends, and one of the Federal Government's most loyal workers.

Deputy Assistant Secretary of State for Congressional Relations John P. White—known to most of us as "Skip" White—died suddenly this morning while on duty for the State Department. He was 53.

"Skip" White was one of those key officials whose roles are often unheralded, but without whom the massive Federal Government cannot function. Many Members of this body, and particularly those of the Massachusetts delegation, are very familiar with the efficient manner in which "Skip" White carried out his duties as a liaison man for the State Department with the Congress.

Always willing to help, "Skip" was adept at avoiding delays in communication between his Department and this body. I know personally of many occasions when his intimate knowledge of the Government, and his knack for getting things done, rescued projects that appeared to be tangled in redtape.

"Skip" was born in Winthrop, Mass., in December 1915. He attended public schools there, the New Preparatory School in Cambridge, and from 1935 until 1940 he was a student at Boston College. He enlisted as a private in the Army in 1940, served in combat in World War II, and was honorably discharged as a captain and a pilot in 1945.

During his years at Cambridge and Boston College, he had served as a page in the Massachusetts general court, and he returned to the State legislature as a legislative counsel from 1946 to 1953. His long and close relationship with former Massachusetts Gov. Christian Herter began in those days, and he served as legislative secretary to the Governor from 1953 to 1957. When Mr. Herter became Secretary of State, "Skip" came to Washington with him and became a special assistant in the Office of Congressional Relations, Department of State. He served in that position from 1957 until 1964 when he was named Deputy Assistant Secretary for Congressional Relations.

During my 8 years in the Massachusetts Senate, I came to know "Skip" White well and to appreciate his very special talents.

That death should strike down a man of such stature at such an early age is truly tragic. The Congress, the State Department, and the entire Federal Government is greatly diminished by his passing.

I extend my deepest sympathy to his widow Elaine, and his son Scott B. White.

Mr. **HANNA**. Mr. Speaker, will the gentleman yield?

Mr. **CONTE**. I yield to the gentleman from California.

Mr. **HANNA**. Mr. Speaker, I thank the gentleman for yielding, and I would just like to join the gentleman in expressing my shock and sorrow at the passing of "Skip" White, and in doing so I know that I express the sentiments of many of the Members in this House who have been involved in matters with the State Department, and in connection with foreign nations in which "Skip" White played such an important part.

To many the servants of Government beneath the ranks of leadership are faceless ciphers. Not so. More so than not they are warm, wonderful, and valued copartners in the business of Government. No one person typifies the interdependency; the mutual respect that is created and maintained between those that lead and those who serve in less spectacular roles than did John "Skip" White. His untimely passing dramatically demonstrates the respect and affection that so often attaches to our partnership in good government.

I want to remind the House that he was a very active and valuable ally in the recent exchange between Members of the House here in the United States and Members of the National Assembly in Korea.

We have certainly lost a friend and I want to join in our expression of sympathy to the family.

Mr. **ALBERT**. Mr. Speaker, will the gentleman yield?

Mr. **CONTE**. I yield to the distinguished majority leader, the gentleman from Oklahoma.

Mr. **ALBERT**. Mr. Speaker, I certainly desire to associate myself with the remarks of the gentleman from Massachusetts and the gentleman from California. I was among those who had the opportunity of working with "Skip" during our legislative exchange with the Korean National Assembly. His work was outstanding.

I should like to add that over the years I have worked with many representatives of the various executive departments of the Government. I have never known one who was more cooperative, more helpful, or more efficient in the pursuit of his duties than our late friend, "Skip" White.

Mr. **SIKES**. Mr. Speaker, will the gentleman yield?

Mr. **CONTE**. I yield to my distinguished friend, the gentleman from Florida.

Mr. **SIKES**. Mr. Speaker, I want to associate myself with all that has been said about this great loss to good government and our country in the very untimely death of the Honorable John P. White, the good friend of the Members of the House of Representatives for many years and my warm personal friend.

I shall indeed miss his friendly counsel and his important and valuable services.

Mr. **MOSS**. Mr. Speaker, will the gentleman yield?

Mr. **CONTE**. I yield to the gentleman from California.

Mr. **MOSS**. Mr. Speaker, I want to join in the expressions of the gentleman from Massachusetts. I confess to a deep sense of shock on learning of the death of "Skip" White.

As chairman of the Subcommittee on Foreign Operations, he has been an invaluable ally and aide to every member of the subcommittee. He has been at all times efficient, effective, courteous, and considerate.

I think the Government of the United States has sustained a real loss in the passing of this most dedicated servant.

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I offer my deepest sympathy to his family.

Mr. **RIVERS**. Mr. Speaker, will the gentleman yield?

Mr. **CONTE**. I yield to the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina.

Mr. **RIVERS**. Mr. Speaker, I want to associate myself with the eloquent remarks of the most distinguished gentleman from Massachusetts (Mr. CONTE). His sentiments of bereavement and those of the other Members are so well said that I can add nothing to them. But I am honored to associate myself in such sincere remarks of sorrow.

Mr. Speaker, this young man was a hallmark of dedication to his country and a magnificent representative of the Department of State. If all other departments of our Government were represented as he represented his country as a member of the State Department, there would be less suspicion and more admiration on the part of those who make the policy and carry out what this Congress is trying to do for this country.

Mr. **CONTE**. I thank the distinguished gentleman from South Carolina.

Mr. **KLEPPE**. Mr. Speaker, will the gentleman yield?

Mr. **CONTE**. I yield to the gentleman.

Mr. **KLEPPE**. Mr. Speaker, I was a member of the congressional delegation that went to Korea and I had the chance to get to know "Skip" White.

I found out just what kind of representative of our country he was. I also found out what kind a man and friend he was.

Mr. Speaker, I want to join in the remarks made by the gentleman in the well and my colleagues who have just preceded me and extend my sympathies to the family. We have lost a friend and this country has lost a very notable citizen.

Mr. **CONTE**. I thank my colleague.

Mr. **BOLAND**. Mr. Speaker, will the gentleman yield?

Mr. **CONTE**. I yield to my colleague, the gentleman from Massachusetts.

Mr. **BOLAND**. Mr. Speaker, I want to join my colleague, the gentleman from Massachusetts, in this expression of sorrow over the passing of John White.

I think what has been said here by so many Members is indicative of his character and of his personality. I have known "Skip" White for more than 30 years. I recall being a young member of the Massachusetts Legislature when Leverett Saltonstall was speaker of the house. At that time John White was his personal page. From those days to this day, he dedicated himself to the public service, having been assistant to Governor Herter and then coming down here as one of his assistants when he was Under Secretary and then Secretary of State.

I think the task he had as Deputy Assistant to the Secretary of State for Congressional Affairs and the manner in which he performed that particular task showed pretty well his personality and his ability.

Congressional liaison is not the easiest of tasks, but John White performed this chore with great ability, knowledge, and a pleasing personality. His fine style and manner won the respect and esteem of all all who came in contact with him. He was constantly on the Hill and dropping in to the Members' offices or chatting with them in the corridors on, not alone, matters pertaining to the Department of State but personal problems affecting the constituents of the Members of the Congress. He, indeed, was the ideal congressional liaison man.

I know that this Nation has lost a great public servant. I know the Department of State has lost a spirited and very persuasive member of the Secretary's staff. So I join with my colleagues and all of those who have expressed their sympathy today and those who did so yesterday and those who will do so in the days to come.

I express that sympathy to his wife, Elaine, and his son, Scott, in this hour of deep sorrow.

Mr. **CONTE**. I yield to the distinguished majority whip, the gentleman from Louisiana.

Mr. **BOGGS**. Mr. Speaker, I would like to associate myself with the remarks made by my colleagues with respect to "Skip" White. I was shocked, as were the members of my staff in the whip's office, when we learned of the untimely death of Mr. White. We had a very warm, close personal relationship with him. He was an invaluable aide to my office and myself, and I join with all who have expressed their deep sense of loss in a great public official. Mrs. Boggs joins in extending our sympathy to Mrs. White and members of his family.

Mr. **CONTE**. I yield to the distinguished ranking minority member of the Foreign Affairs Committee, the gentleman from Indiana (Mr. ADAIR).

Mr. **ADAIR**. Mr. Speaker, I am among those who were deeply grieved over the passing of our good friend and counselor, John P. White, Deputy Assistant Secretary of State for Congressional Relations.

"Skip" White was an able professional, and he represented the State Department and his country in a most effective manner. I always found him to be courteous, well informed, and very helpful. I will miss being able to call upon this dedicated American for advice and counsel in the years ahead.

Mr. **PRICE** of Illinois. Mr. Speaker, I was shocked at the sad news of the sudden death of John P. White, Deputy Assistant Secretary of State for Congressional Relations.

Many in this House knew "Skip" White longer and better than I, among these our distinguished Speaker of the House, JOHN W. McCORMICK, but I yield to none of these in the depth of my admiration and respect for this faithful public servant.

"Skip" White's passing was sudden as he drove from his home to his office in the Department of State. The news reached Capitol Hill quickly and was received with great sorrow by his hosts of friends.

His assistance to many Members of this House was invaluable to them in their official work. His counsel on international affairs was a big factor in helping many Members of Congress in forming their own views and making important decisions.

I personally shall miss him. I will always look back with great pleasure to a trip to Southeast Asia last March when "Skip" White was the escort representative of the State Department assigned to the U.S. delegation attending an interparliamentary meeting with representatives of the National Assembly of South Korea. I will never forget his many courtesies and his help extended to me and all the other members of the delegation.

Mrs. Price, who holds the same high esteem and admiration for "Skip," joins me in extending our deepest sympathy to Mrs. Smith and their son, Scott.

Mr. **BRADEMAS**. Mr. Speaker, like many other Members of Congress, I was profoundly grieved to learn of the death of John P. White, Deputy Assistant Secretary of State for Congressional Relations.

John White, or "Skip" as most of us knew him, was a most dedicated and able public servant.

After service for the Massachusetts State Legislature and for the Governor of Massachusetts, Skip White came to Washington in 1957 as the Special Assistant for Congressional Relations for the State Department, and 7 years later became Deputy Assistant Secretary of State.

He worked hard at his job, was scrupulously fair to Members of Congress of both political parties, and I know that all of us who knew him will miss him.

I extend to Mrs. White and his son my deepest sympathies.

Mr. **VANIK**. Mr. Speaker, it was a shock to learn of the untimely death of John P. White, Deputy Assistant Secretary of State for Congressional Relations.

Mr. White was an exemplary public official with a high sense of dedication. The State Department and the Nation has lost a valuable public servant.

GENERAL LEAVE TO EXTEND

Mr. **ZABLOCKI**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late John P. White, Deputy Assistant Secretary of State for Congressional Affairs.

The **SPEAKER**. Is there objection to the request of the Senator from Wisconsin?

There was no objection.

CALL OF THE HOUSE

Mr. **ARENDS**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 196]

Abbitt
Addabbo
Anderson, Tenn.
Ashley
Aspinall
Barrett
Bell, Calif.
Blanton
Blatnik
Bolling
Brock
Byrne, Pa.
Cahill
Carey
Celler
Chisholm
Clark
Clawson, Del
Clay
Collins
Colmer
Culver
Cunningham
Daddario
Davis, Ga.
Dawson
Derwinski
Digga
Edwards, La.
Farbstein
Fascell
Feighan
Flowers
Ford, William D.
Gallagher
Gray
Green, Oreg.
Halpern
Harvey
Hawkins
Hechler, W. Va.
Holifield
Hosmer
Kirwan
Lipscomb
MacGregor
Mann
Marsh
Matsunaga
May
Miller, Calif.
Mills
Morton
Ottinger
Pollock
Powell
Purcell
Roberts
Rodino
Rooney, N.Y.
St. Onge
Saylor
Springer
Talcott
Taylor
Teague, Tex.
Waggonner
Whalley
Wilson, Bob
Wydler
Wyman

The **SPEAKER**. On this rollcall 359 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CUT IN MODEL CITIES PROGRAM

(Mr. **PATMAN** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **PATMAN**. Mr. Speaker, yesterday, the Nixon administration announced a 42-percent reduction in the funds for the model cities program, along with similar reductions in our 235 and 236 housing programs for low-income people and a reduction in water and sewer loans.

The Model Cities Act, the rent supplements program, and the 1968 Housing Act passed by Democratic Congresses and Democratic administrations are truly milestones and will, if properly carried out, solve our housing programs. The action of the Nixon administration in cutting back funding for these programs constitutes, in my opinion, one of the cruelest and most cold-hearted steps ever taken against our low- and moderate-income families. While, at the same time, the Nixon administration and its Secretary of Housing and Urban Development mouthed pious statements about and concern for housing, they immediately moved to cut the heart out of the model cities program—one of the major housing programs enacted by the Congress. There can be no question that this action by the Nixon administration makes it clear that it is turning its back on the hopes of the low- and moderate-income person in their desire to secure decent, safe, and sanitary housing.

Mr. Speaker, Mr. Romney very recently said:

> We have to establish for housing and urban development the high national priority which the goals set by Congress require.

Yesterday's action is apparently Secretary Romney's concept of "high national priority."

It is doubly cruel, Mr. Speaker, and especially tragic that the administration has moved to cut back its housing programs at a time when the housing industry is at one of its lowest points in recent history. Housing starts will, no doubt, drop as low, or lower than 1 million units in 1969—meaning that for the year 1969, we will fall 1.6 million units beow that needed to meet our national housing goals for this year.

DEMOCRATIC VICTORIES IN CONGRESSIONAL ELECTIONS

(Mr. **EDMONDSON** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **EDMONDSON**. Mr. Speaker, last night a very well-known news commentator, Alan Smith, on WTTG, reporting on the latest development on the campaign front, said the Democrats had just won their third special election this year for a House seat.

I called WTTG to try to get the record straight on it. I was informed the United Press had given them that information. I called the United Press to try to get the record straight, and they said somebody else had given them the information.

So, for the record, for my friends at WTTG, which usually is a very accurate television station, and for United Press International, I just want to make the record clear:

There have been five special elections this year for House seats, and the party of the people, the Democratic Party, has won four of those special elections—not three—and we hope we can continue to see this trend develop and grow in the months ahead, with another great Democratic victory in November of 1970.

INCREASE IN REQUEST FOR FOREIGN AID PROGRAM

(Mr. **HAYS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **HAYS**. Mr. Speaker, I was interested in the remarks of the gentleman from Texas about the cut in the model cities program. We are marking up the foreign aid bill now, and I thought the membership would be interested to know that the administration has submitted a bill and asked for a billion dollars more for foreign aid than the Congress voted last year, which comes out to just about a 40-percent increase.

I hope, when this bill gets to the House, we can at least cut it down to size.

CALIFORNIA EARTHQUAKE AND AEC TESTING IN ALASKA

(Mr. **DON H. CLAUSEN** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **DON H. CLAUSEN**. Mr. Speaker, I want to further add to what has been said about the major earthquake that occurred in my congressional district causing extensive damage and personal injury to the area and the people of Santa Rosa and Sonoma County.

With the San Andreas fault located near the western seashore of Sonoma County, everyone familiar with the area recognizes the basic seismic instability of the terrain.

In view of this disaster and the instability factor, a number of my constituents have been calling, expressing concern over the pending Atomic Energy Commission tests to take place in Amchitka, Alaska.

Therefore, I have joined with some of my other congressional colleagues from California in signing a letter to President Nixon, asking that he postpone the nuclear test explosion until such time as we can be satisfied that there will be no adverse affect on our coastal area resulting from or caused by these tests.

You can understand the concern on the part of the people of Hilo, Hawaii, Crescent City, Calif., and other coastal communities when you realize that these areas have been the recipients of major tidal waves caused by earthquakes that have occurred in Alaska.

The tsunami wave action wiped out my hometown of Crescent City, Calif., in 1963, following the earthquake that centered in Anchorage, Alaska. Ten lives were lost and the entire downtown section of Crescent City was totally devastated.

And now, this major earthquake in Sonoma County has developed extreme and very emotional fear among my constituents.

Therefore, I have called the White House, the Department of Defense, and the Atomic Energy Commission, asking President Nixon, the DOD, and the AEC to call off the firing of the test explosion in Alaska today.

AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, 1970, AND RESERVE STRENGTH

Mr. **RIVERS**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The **SPEAKER**. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14000, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN**. When the Committee rose on yesterday, it had agreed that title I of the bill would be considered as read and open to amendment at any point.

Mr. **RIVERS**. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today could be a long day, and I suspect it will.

It is not going to be the desire of the chairman of the Armed Services Com-

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mittee to keep any Member from saying anything he wants to say. I personally believe that everyone has made up his mind on how he is going to vote on just about everything here. It will be my desire not even to ask for a limitation of debate at this time, or the next 3 or 4 hours, as far as that is concerned. I just hope this Committee will get on and debate the things which are causing the country the greatest concern.

I sincerely recognize a lot of the Members of this body have problems with certain parts of this bill. I want them to look out for what they think is good for the country and for their own welfare. Of course, that would never come before the country's welfare. I recognize this.

I will certainly not impose my will on anybody if I can help it. I just hope that those who want to finish tonight will help us. I will cooperate any way I can. I just ask and plead with everybody, let us debate first things first and let us see if we cannot get the main problems out of the way and then get to the small problems.

I ask, and I am sure I will receive, the full cooperation of everybody.

On yesterday if I hurt the feelings of anybody it was not intentional. That is not my business. One distinguished Member accused me of saying something that hurt his feelings. I am not in the business of making enemies; they pick me out of the crowd. So if I have, I hope that you will accept my apologies, because I have a higher mission than this. I try to reflect what the committee has done. Believe me, if I reflect on anybody, there was absolutely no intention to. I want you to know I would not do it.

In debate I do not mind taking it. I can take care of myself. I did not want to hurt anybody's feelings. I want to set the record straight. I would not hurt anybody's feelings.

AMENDMENT OFFERED BY MR. CHARLES H. WILSON

Mr. CHARLES H. WILSON. Mr. Chairman, I offer an amendment.

Mr. NEDZI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NEDZI. Mr. Chairman, are not members of the committee supposed to be recognized by seniority?

The CHAIRMAN. That is a matter for the Chair's discretion.

The Clerk will read the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Charles H. Wilson of California: On page 2, line 6, strike out "$780,460,000" and insert in lieu thereof "$434,960,000".

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. CHARLES H. WILSON. Mr. Chairman, this is the amendment which there has been so much discussion about and which is possibly the most important amendment that will be considered in the bill that is now under consideration. This is the amendment that will strike out the deployment of the Safeguard antiballistic-missile system but which does, however, leave some $400 million in the research and development for this program.

There have been reams and reams of publicity both for and against this particular amendment. Everyone is acquainted with the issue, I am sure. I made a commitment to the people in my district that I would support the amendment to eliminate the deployment of the ABM system. I was one of the eight members of the committee who voted against it when we were marking up the bill, and I am submitting this amendment at this time in line with the commitment I have made to the people of the 31st District of California. I would suggest that we debate this thing fully and we consider all aspects of it this morning and proceed with our deliberations on this important legislation as expeditiously as possible.

Mr. Chairman, I yield back the balance of my time.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

Mr. LEGGETT. The offering of this amendment at this time disturbs a little bit the timetable we had arranged for today, but I think——

Mr. HALL. Mr. Chairman, will the gentleman yield? Who is "we"?

Mr. LEGGETT. I am talking about a number of us on the committee who voted and signed the minority and concurring views. As you know, we have been working for about 6 months trying to develop a viable minority on our committee, and without counsel I might say it has been a very, very difficult chore. I want to commend my colleague from California for offering the amendment at this time. We have a united position on the majority side of the aisle from California.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I cannot yield at this time. I have only 5 minutes.

We are both opposed, Mr. Wilson and myself, to the deployment of the ABM missile and granting funds for that at this time. I want to say that if we were provincial, probably I would have another position, because certainly 17 percent of our defense budget comes from California. A lot of it comes from my district and a lot of it is spent out there. Certainly I think we have to have cost effectiveness as a prime criterion with respect to the expenditure of Federal funds. I moved in the committee to strike out $545.5 million for the ABM system. I included $345 million as my colleague has included in his amendment here today. Actually, this was going to be my amendment. However, he does not include a $200 million cut for R. & D. that I included in my committee amendment. I thought, since research and development was proceeding parallel with the hardware procurement, if we do not buy the hardware we would be saving a large portion of research and development money.

Mr. Chairman, I would ask the members of the Committee to look at page 164 of the report where they will find a synopsis of some of the things I am going to say here today. I refer particularly to that paragraph wherein the Army states that no R. & D. funds would be saved if procurement does not advance. When I stated that I felt they did not need the $200 million for research and development, they say they do. In other words, what happens to the R. & D. if there is no deployment?

The statement to which I refer is as follows:

> If fiscal year 1970 authorization to proceed with tactical procurement is denied, the fiscal year 1970 R. & D. program will continue as presently planned because the development and test program has reached a state whereby all of the major components (except the perimeter acquisition radar) are ready in fiscal year 1970 or early fiscal year 1971 for integrated system tests at the Kwajalein Missile Range. Any significant delay in these planned tests would create inefficiencies in utilization of test facilities and personnel and use of previously accumulated test data and materials.

So it is obvious that a full testing program can take place without spending $4.5 billion to test the system in the Dakotas.

We are going to find out whether this system will work when we fire the missiles out at Kwajalein as best we can without atmospheric testing. I say we are not going to have tests anyway in the Continental United States. We cannot make up our minds now as to whether or not we can actually have the silo tests of the Minuteman which the local farmers tell us really will not work.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Speaker, reserving the right to object, and I shall not object to the gentleman proceeding at this time because I think he made his request quite properly—I believe this is a subject for debate, but, in view of the fact that the Congress convened 2 hours early today, I shall object in the future.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEGGETT. Mr. Chairman, I appreciate very much the gentleman's consideration. I might say, however, that, if the gentleman is going to object to anyone asking for additional time, Members who have spent much time in studying the ABM system and this bill will be unable to express themselves within the span of 5 minutes fully on this very important subject and I suspect, therefore, we will be out of this House by 2 o'clock this afternoon.

Mr. Chairman, we are spending 70 percent of our total administrative budget either directly or indirectly in this procurement bill. I say it is worthwhile to take some time to determine whether or not all the items we have in this bill are pragmatic and necessary.

Mr. Chairman, the total program with reference to the ABM, as you know, is not to shoot down every incoming missile that is going to be shot by the Soviet

Union. As the Secretary of Defense Mr. Laird has said it is to assure that we are going to have approximately 200 missiles surviving to meet the problem posed in 1970 when the Soviets build the SS–9 and that we want to be sure that they will never feel free to think that they can shoot those SS–9's and effect a first strike.

In the ABM portion of this legislation, we are spending $10 billion and the other body estimates the figure will be $20 billion.

Mr. Chairman, Senator Symington estimated that this escalation could take us to the $400 billion level over the next 10 years. But what we are doing in this bill now pending before us here today is spending in the order of $50 million to $100 million per ICBM silo, to protect the Minuteman missile in the foreseeable future as they do not have such protection today.

If we want to assure that we are going to have a viable, credible deterrent, why, we can buy 200 additional missiles and, by building one-(ulms), ultra-long-range submarines, we can buy 200 missiles for a fraction of the ABM cost. We have money for the (ulms) program in this bill. We have money for all kinds of enhancements to our Minuteman program and the Poseidon program contained in this legislation. So I say we just do not need to spend $100 million to $200 million a silo to extend this kind of protection.

I say we are foolish to start off on a very, very expensive program that is going to take us 10 years—admittedly 5 years—to effect a deployment with the very fragile support that we have for this system.

I think it is a good thing that we have had virtually unanimous support in this Congress for the great things we have done in this House, the Polaris program, and our nuclear ship program, and personally I like the Poseidon program—and on that I might differ with some of my colleagues—but I think it is worth while to move ahead with programs where we have got very strong polarization. But we are damned fools to start in with a $10 billion expenditure when there is the possibility of a 50–50 Mexican standoff—as we have in the other body, especially when the 50 Senators who voted against this bill represent 58 percent of the American population.

If you are wondering about the attitude of the American people, you can refer to the polls and refer to the election that my colleague from Oklahoma referred to just a moment ago in the home State of our Speaker in Massachusetts.

I do not believe the American public likes waste. I think when we moved ahead with the program last year we in effect wasted $1.2 billion dollars.

You recall we had on the floor at that time the system called Sentinel. This was to protect us from the Chinese, and their ability to lob 20 or 50 missiles over into the United States in the middle seventies. But then over the years suddenly that has not become important at all. Now we are concerned with an alleged massive installation on the part of the Soviet Union and the fact that Secretary Laird discovered that the Soviet Union was in the process of constructing 35 missiles of the SS–9 variety over the past year.

I moved in committee to strike $545.5 million from the item "Missiles for the Army." Eight favorable votes were recorded. This reduction includes the procurement amount of $345.1 million and an additional amount of $200 million—the estimated research funds attendant to the procurement that would not be spent if the system is not deployed. Were this amendment to carry, there would remain $200.9 million for Safeguard research and $125 million for general missile research.

Since the committee hearing I have received a communication from the Army that negates that any R. & D. funds would be saved if procurement does not advance. The Army statement is as follows:

> If fiscal year 1970 authorization to proceed with tactical procurement is denied, the fiscal year 1970 R. & D. program will continue as presently planned because the development and test program has reached a state whereby all of the major components (except the perimeter acquisition radar) are ready in fiscal year 1970 or early fiscal year 1971 for integrated system tests at the Kwajalein Missile Range. Any significant delay in these planned tests would create inefficiencies in utilization of test facilities and personnel and use of previously accumulated test data and materials.

I fail to understand the Army logic of this position, however, rather than argue the point I will not ask for an R. & D. reduction on the House floor.

The debate over the necessity for ballistic missile defense, or the adequacy of the proposed ABM systems, has been continuing for a number of years. The proposals have ranged from a heavy city-oriented defense through a light city defense and finally to an offensive missile defense system known as the Safeguard, the system under consideration this year.

I have consistently opposed these proposals for what I and a large number of my colleagues on both sides of the aisle and in both Houses of Congress consider to be sound strategic and political reasons.

I do not intend to reiterate all the arguments. Most of them have been fully covered in prior debates. I do, however, wish to discuss the major premises.

I do not believe that the ABM program makes much sense. It is clearly cost ineffective. It is very, very expensive for the limited objectives which could be satisfied with other existing hardware. There is a serious question of its effectiveness in achieving its limited objectives under battle conditions. There is no doubt that it creates a massive real estate, personnel training, and readiness problem never before attempted by modern man. Assuming we are successful in developing an anti-missile-missile system, the whole thing could be easily obviated by more Soviet missiles which leads again to ad infinitum escalation.

MAJORITY OF AMERICANS OPPOSE

The point has been made that major American action is usually accompanied by a two-thirds vote requirement—city bonds, impeachment, constitutional amendments. In the other body, the vote on this issue was divided 50–50—so the program was not terminated and the tie went to the administration. Ironically, the 50 Senators on the minority represent 58 percent of the American electorate in the States or portions of States they represent—assuming each Senator represents one-half of a State. We think it is fundamentally bad business to start a 10-year or maybe 50-year building program with such a frail even standoff to begin with.

The purpose of the ABM system as it has been described by Secretary Laird is to assure that with our capability to shoot 1,000 Sprint and Spartan antiballistic missiles, perhaps 200 of our offensive ICBM Minuteman II's and III's will survive in the middle 1970's and 1980's in the event the Soviets go for a "first strike" at our missiles.

WASTE LAST YEAR

You will recall in the authorization bill last year, it was not our loss of missiles due to the Soviet threat that engulfed us, but rather the loss of people in our cities due to the Chinese threat. We have apparently forgotten about the Chinese and the Sentinel system, and as of this writing, it's anybody's guess what happened to the $342.7 million we appropriated for procurement, $312.9 million for research, and $263.9 million for construction near cities—totaling $919.5 million. No doubt these funds have been spent for good national purposes regardless of the complete change of mission.

M'NAMARA WARNING

It was stated in my separate views in the report last year that undoubtedly someday there would be pressure to escalate the system to take on the Soviet Union. Nobody dreamed that the system would be changed in less than a year and the Soviets challenged.

The ABM system, of course, has been under development for over 10 years by the Army and later by the other services—$4 billion have been spent on research to date for the Nike Zeus, Nike X—then the Sentinel, and now the Safeguard system. From a $3 billion light city defense in 1967, we have now moved to a $12 billion Soviet missile defense. It has been estimated in the other body that this escalation may not stop until we reach the $400 billion level.

The alleged reason for the modification from Sentinel to Safeguard was because of the Defense Department discovery early this year that the Soviets had 35 more SS–9 large missiles than we thought they had, and the mere fact that the Soviet Union had 235 large SS–9 missiles under construction posed a threat to our very existence. As Secretary Laird said, "They're going for our missiles. No doubt about it."

What the OSD forgot, however, was an admonition from former Secretary McNamara—1967, page 395–6 Armed Services Committee hearings:

> Once sufficient forces have been procured to give us high confidence of achieving our assured destruction objective, we can then consider the kinds and amounts of forces which might be added to reduce damage to our population and industry in the event deterrence fails. But here we must note another important point; namely, the possible interaction of our strategic forces programs with those of the Soviet Union. If the general

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nuclear war policy of the Soviet Union also has as its objective the deterrence of a U.S. first strike (which I believe to be the case), then we must assume that any attempt on our part to reduce damage to ourselves (to what they would estimate we might consider an acceptable level) would put pressure on them to strive for an offsetting improvement in their deterrent forces. Conversely, an increase in their damage limiting capability would require us to make greater investments in assured destruction, which, as I will describe later, is precisely what we now propose to do.

It is this interaction between our strategic forces programs and those of the Soviet Union which leads us to believe that there is a mutuality of interests in limiting the deployment of anti-ballistic-missile defense systems. If our assumption that the Soviets are also striving to achieve an assured destruction capability is correct, and I am convinced that it is, then in all probability all we would accomplish by deploying ABM systems against one another would be to increase greatly our respective defense expenditures, without any gain in real security for either side. * * *

The principal issue in this area of the strategic forces program concerns the deployment of an anti-ballistic missile defense system, that is, Nike–X. There are three somewhat overlapping but distinct major purposes for which we might want to deploy such a system at this time:

1. To protect our cities (and their population and industry) against a Soviet missile attack.

2. To protect our cities against a Red Chinese missile attack in the mid-1970's.

3. To help protect our land-based strategic offensive forces (that is, Minuteman) against a Soviet missile attack.

After studying the subject exhaustively, and after hearing the views of our principal military and civilian advisers, we have concluded that we should not initiate an ABM deployment at this time for any of these purposes. We believe that:

1. The Soviet Union would be forced to react to a U.S. ABM deployment by increasing its offensive nuclear force still further with the result that:

(a) The risk of a Soviet nuclear attack on the United States would not be further decreased.

(b) The damage to the United States from a Soviet nuclear attack, in the event deterrence failed, would not be reduced in any meaningful sense.

As I noted earlier, the foundation of our security is the deterrence of a Soviet nuclear attack. We believe such an attack can be prevented if it is understood by the Soviets that we possess strategic nuclear forces so powerful as to be capable of absorbing a Soviet first strike and surviving with sufficient strength to impose unacceptable damage on them.

We have such power today. We must maintain it in the future, adjusting our forces to offset actual or potential changes in theirs.

There is nothing we have seen in either our own or the Soviet Union's technology which would lead us to believe we cannot do this. From the beginning of the Nike-Zeus project in 1955 through the end of this current fiscal year, we will have invested a total of about $4 billion on ballistic missile defense research—including Nike-Zeus, Nike X, and Project Defender. And during the last 5 or 6 years, we have spent about $1.2 billion on the development of penetration aids to help insure that our missiles could penetrate the enemy's defenses. As a result of these efforts, we have the technology already in hand to counter any offensive or defensive force changes the Soviet Union might undertake in the foreseeable future.

We believe the Soviet Union has essentially the same requirement for a deterrent or "assured destruction" force as the United States. Therefore, deployment by the United States of an ABM defense which would degrade the destruction capability of the Soviet's offensive force to an unacceptable level would lead to expansion of that force. This would leave us no better off than we were before.

NO EVIDENCE OF FIRST STRIKE INTENT

It is very questionable whether the conclusion is valid that the Soviets are going for our missiles at all in a first strike. In the early 1960's we built very large liquid propellant multimegaton rockets. We've never professed an intent to go for their missiles on a first strike. After building many hundreds of large liquid rockets, we converted to the smaller megaton solid fuel Minuteman. The Soviets, on the other hand, have always had more primitive rockets than the United States. The U.S.S.R. started SS–9's in 1964, carried on an almost level building program through 1967 when they phased down last year and this year. The general intelligence information is based on classified numbers which substantially negate any Soviet massive building program recently.

Of course, the fact that at least 100 of our Minuteman field is out of range of the Soviet SS–9 missile should be the easy answer to those who charge a Soviet first strike intention.

I questioned Secretary Packard at length before our committee with respect to Russia's first strike intentions. I do not believe the Secretary of Defense was fully conscious of American nuclear might when he drew the conclusions he did. In the 1970's the United States, as published in nonclassified documents, will have:

	Warheads
31 submarines × 16 missile tubes × 10 + Poseidon MIRV warheads----	4, 230
10 submarines × 16 missile tubes × 3	480
1,054 minuteman III ICBM's × 2----	2, 108
Tactical nuclear bombs warhead Europe ----------------------------	7, 000
B–52 bomber capacity--------------	4, 200
(Plus unknown B–58; FB–111, AMSA load) ----------------------------	-----
Total ----------------------	10, 018

In addition, we are providing funds in this bill for a new class of—ULMS—ultralong-range submarines that will pose an additional 6,000 warhead threat in the late 1970's.

It is utter and complete nonsense to suggest that the Soviets are going for our missiles. How they would conclude that we might not be going for theirs is hard to imagine.

How 200 warheads could add or detract from the 24,000 warhead threat of the seventies is difficult to contemplate. It can be argued, however, quite plausibly that a 1,000 unit ABM system in reality is intended to pick off a few stray Soviet missiles after we effect our first strike.

UNITED STATES ASLEEP WITH 24,000 WARHEADS

How any country could postulate that they could shoot 225 or 500 ABM's and catch the United States napping with all 24,000 warheads under repair, out of commission or out of effective Presidential control in this modern age is inconceivable.

Mentioned in Newsweek magazine some months ago was the 916 Satellite warning system. There are funds in this bill to support this foolproof $2 billion warning system that is designed to give warning 5 minutes after launch and 25 minutes before impact of an enemy attack and the pattern of impact. This warning system upon which the ABM is dependent will also give us adequate time to launch any counterattack contemplated by the President.

OTHER SYSTEMS CHEAPER

If the President wants an ABM system I say he should buy it from the Air Force, not the Army. The Air Force system outlined to the committee could be installed by modifying the nose cone on 100 ICBM's. The 10-year total cost was estimated at $500 million plus a $2 billion cost for MSR—missile site radars—and PAR—perimeter area radars. The Air Force has experience at being on ready alert and already has the men and silos in place.

Compare this to the Army system. It is estimated that 10,000 to 20,000 Army personnel will be trained and stationed at the contemplated 1,000 silos around the country to protect our missiles. We are buying annual maintenance charges in this bill of at least $1 billion per year. This is the most expensive fire department ever conceived by man.

Interestingly enough today we do not have enough money in the Defense Department to keep more than a few hundred of our B–52's on 15-minute alert with highly trained Air Force personnel. With the ABM the plan is to keep 1,000 crews on 3-minute alert waiting for the Soviets to develop a submarine launched fractional orbiting Poseidon type missile that will be accurate enough to catch our Air Force napping on the several score bases to which our planes are currently being scattered.

The Navy, of course, has its SABMIS system guaranteed to cost only $6 billion that undoubtedly will be presented in next year's budget. I personally think the Navy system is better and cheaper than Safeguard—but we may start to buy both when we probably need neither.

For those who charge that the United States needs an ABM because the Russians have a Golash ABM the answer is simple. The Soviets 5 years ago started a defensive system and installed not 1,000 sophisticated launchers as we are doing in this bill, but 67 primitive nonautomatic devices. When we learned of this defensive mechanism many years ago we immediately responded to the challenge. We developed and deployed ICBM's and Polaris with chaff and decoy capability and a multiple warhead capability. In addition, we overtargeted our missiles at Moscow. The net effect of Moscow's efforts was that they were less secure and today they have abandoned their efforts, while two-fifths complete, to provide an ABM Moscow defense.

The Moscow Golash experience is ample proof to answer those who say the ABM system is defensive only and will not escalate the arms race—they have the United States in a panic.

There is another objection to the system. Even if deployed, the Safeguard or any other system for that matter, will remain a "low confidence" system. Under the present agreements regarding nuclear testing, it will be impossible to test the ABM warheads. Without atmospheric testing of the warhead we will not be able to determine with complete accuracy the answer to blast blackouts and related problems of incoming missile discrimination. Therefore, the ABM will at best be a backstop. In the event of attack I cannot foresee total reliance on the ABM defense, and all indications are that retaliatory offensive missiles will be used, in any case. What we will gain from the ABM, therefore, is the possibility of some damage limitation at the missile bases. These missile bases will in all probability consist of empty holes in any case, as the retaliatory force must be effected in such a low confidence situation. If the strategy of waiting for a hit before a retaliatory launch is considered, the gains of an ABM system are still not commensurate with the cost both political and economic of such a system in that we still have the submersible missiles, the IRBM's, the bomber fleet, and the surviving ICBM's.

As a matter of economics, it is far more sensible to build up the ICBM force. This will not upset the balance of power nor should it be viewed as offensive.

As a practical matter, regardless of the arguments on this floor, we are never going to actually be in the position where we can rely on the ABM and let the Soviet missiles fall, not shooting our own ICBM's—we are never going to be able to take that chance and the Soviets certainly should not be misled on this point. We can never test the system in action. Scientists claim that there well might be a radar blackout negating the whole system under nuclear fire—we will really never know.

WILL THE ABM CONFOUND SALT TALKS?

With Gromyko's current soft line in the United Nations it is expected that strategic arms limitation talks will begin this year. I would certainly hope that regardless of the outcome of the ABM debate that the President would suspend construction on the system during a 6-month negotiating period. The ABM will take 5 years to build. SALT talks could rule out deployment in less than 1 year.

While on the one hand the ABM could be a poker chip in the talks, as already indicated, the President is the banker already with 24,000 chips at his disposal.

The existence of a full-scale R. & D. program, which is agreed to by all sides of the ABM question, is certainly as sufficient a bargaining chip as is a program not ready for deployment.

The SALT talks must necessarily be approached seriously and honestly. It is foolish to enter such talks with a stacked deck by rushing ahead with deployment in order to have a bargaining ploy. Not only will the Soviets not take such deployment seriously, but will also and with just reason accuse us of unfair tactics and lack of good faith.

Knowing the way Secretary Laird became alarmed when he saw the start of construction of six sites last year with possibly 36 Soviet SS–9 missiles, I am sure the Soviets will be similarly unduly alarmed when they see the start of construction of our 1,000-silo program. I am well cognizant that many Members of this House do not believe in an arms race detente. This program is sure to fan the flames of the international bonfire they are encouraging.

In conclusion:

First. The expensive safeguard ABM is not designed to save people—only a few hundred missiles in the Dakotas. These surviving missiles constitute but a few percent of our total force that would survive a Russian first strike.

Second. The Safeguard system can be a poker chip in "arms limitation" agreement talks whether or not we spend several billion dollars to start a system.

Third. The Russian ABM has been a net loss for Moscow and this Moscow defense two-fifths complete has been canceled.

Fourth. If the Chinese ever develop a meaningful threat, the Air Force and Navy have much cheaper systems to take down a handful of missiles or an accidental launch than the "Safeguard" system.

Fifth. Our massive nuclear arsenal and the warning system we are deploying are ample deterrent to preclude either the Soviets or Chinese from launching a first strike.

Sixth. There are not threats current or in any hard intelligence estimates for the future that would degrade our Polaris-Poseidon nuclear second strike.

It is interesting to note that 2 years ago when Secretary McNamara yielded to congressional pressure to move in development of an ABM system against the Chinese, he alluded to two imminent dangers, one of which is already upon us—Speech September 18, 1967, in San Francisco:

> In reaching this decision. I want to emphasize that it contains two possible dangers, and we should guard carefully against each.
>
> The first danger is that we may psychologically lapse into the old oversimplification about the adequacy of nuclear power. The simple truth is that nuclear weapons can serve to deter only a narrow range of threats. This ABM deployment will strengthen our defensive posture—and will enhance the effectiveness of our land-based ICBM offensive forces. But the independent nations of Asia must realize that these benefits are no substitute for their maintaining, and where necessary strengthening, their own conventional forces in order to deal with the more likely threats to the security of the region.
>
> The second danger is also psychological. There is a kind of mad momentum intrinsic to the development of all new nuclear weaponry. If a weapon system works—and works well—there is strong pressure from many directions to procure and deploy the weapon out of all proportion to the prudent level required.
>
> The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system.
>
> We must resist that temptation firmly—not because we can for a moment afford to relax our vigilance against a possible Soviet first-strike—but precisely because our greatest deterrent against such a strike is not a massive, costly, but highly penetrable ABM shield, but rather a fully credible offensive assured destruction capability.
>
> The so-called heavy ABM shield— at the present state of technology—would in effect be no adequate shield at all against a Soviet attack, but rather a strong inducement for the Soviets to vastly increase their own offensive forces. That as I have pointed out, would make it necessary for us to respond in turn—and so the arms race would rush hopelessly on to no sensible purpose on either side.
>
> It is said that nothing can prevent a man from suicide, if he is sufficiently determined to commit it.
>
> The question is what is our determination in an era when unlimited war will mean the death of hundreds of millions—and the possible genetic impairment of a million generations to follow?
>
> Man is clearly a compound of folly and wisdom—and history is clearly a consequence of the admixture of those two contradictory traits.
>
> History has placed our particular lives in an era when the consequences of human folly are waxing more and more catastrophic in the matters of war and peace.
>
> In the end, the root of man's security does not lie in his weaponry.
>
> In the end, the root of man's security lies in his mind.
>
> What the world requires in its 22d year of the atomic age is not a new race towards armament.
>
> What the world requires in its 22d year of the atomic age is a new race towards reasonableness.
>
> We had better all run that race.
>
> Not merely we the administrators. But we the people.
>
> Thank you, and good afternoon.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. LEGGETT. Mr. Chairman, I would ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, some time ago I heard a prominent scientist make the statement that if there was anything worse than a scientist or an artist or an actor speaking out in the field of politics, it was a politician speaking out on a subject about which he knew nothing. I have heard politicians speak on something about which they knew nothing. As a matter of fact, I have been guilty of that transgression myself.

But I do not believe we have today that kind of a situation. All of us know something about the complicated anti-ballistic-missile system known as Safeguard.

I have not heard anyone in this body, however, claim to be an expert. If there is a person who claims to know all about the intricate components and the intricate workings of this complicated system that we call Safeguard, he will have difficulty convincing me of the validity of his claim.

But even though we are not experts, we are called upon to make a decision and I think this is a proper decision for the politicians to make.

I rise not as an expert, but as a member of the House Committee on Armed Services who has listened to all the arguments of the experts, both pro and con. I have studied all of the material

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I could get my hands on, both pro and con, in order to make this great and difficult decision.

Mr. Chairman, I reject all of the arguments directed against the deployment of the Safeguard. My preference would be not to spend the large sums of money we are spending for national defense. But I, Mr. Chairman, cannot afford to live in a world of fantasy. I cannot afford to approach this issue with emotion. I must accept the world as it is.

There is a great danger that the Soviet Union will soon have a decisive striking advantage over the United States unless some action is taken. There is a very grave danger that our nuclear deterrent credibility will be overcome unless Safeguard is authorized and deployed.

I submit that the balance of the argument weighs in support of a decision to deploy the Safeguard without further delay.

Because, Mr. Chairman, of the widespread allegations that the Safeguard will not work, I would like to discuss particularly this aspect of the system. I do this because I do not believe most of the Members of the House realize the extent to which the development work has progressed on the ABM. The committee voted the initial development funds for the ABM in this bill because the system has developed and advanced to the point where deployment can be initiated.

I would like to go into some of the details of the development work, and which led the committee to believe the system will work.

First, let us look at the missiles. Flight tests of the redesigned Spartan were initiated in March of last year.

The Army has had 12 Spartan flight tests to date and of these, eight have been successful, two partially successful, and two unsuccessful. This is a remarkably fine record for early flights of a redesigned missile. Naturally, there are many more flight tests to come.

In early 1970 all flight tests will be moved to the Meck Island complex for control and execution by the missile site radar—MSR—there. Beginning in the spring of 1970 interceptions of ICBM's will be attempted.

The Army has fabricated and flight tested some 32 Sprint missiles at White Sands Missile Range. Of these, 17 flights have been fully successful, seven partially successful, and eight unsuccessful. Of particular importance, 12 of the last 14 Sprint firings have been successful. The latest successful firing was on September 15 at White Sands Missile Range. Late this year, all testing will be shifted to Meck Island where firings using most of the system components will be conducted.

Let us look now at the radars and the accompanying computers which are a key part of Safeguard.

The missile site radar installation began in August 1967. The radar first operated in May 1968 and was operating at full power by November 1968. Its performance fully met expectations. The computer and computer programs—software—are similarly being phased-in in an orderly way. The first missile site data processor was installed in January 1968 and operated with software in February 1969. In May 1969, the MSR was successfully tested in closed-loop communications with a Spartan guidance section. By June 1969, the MSR-data processor-software combination was working together and a test sphere was tracked. Before next July 1, missile firings will be conducted with the MSR.

While the data processing function for Safeguard is certainly complex, it is not any more complicated than some of the previously built computers. The data processing job for Safeguard, like that for the successful Apollo program is a difficult one; however, the requirements can be met. Safeguard data processors are operating successfully today, meeting their requirements both at the Bell Telephone Laboratories and at the Kwajalein test facility. Two of four required data processors for the MSR at the Kwajalein test facility have been installed and have operated successfully as a multiprocessor unit.

The PAR will employ demonstrated state-of-the-art components. Its design and characteristics are quite similar to the FPS–85 radar that the Air Force is operating now at Eglin Field, Fla. Because of the demonstrated state-of-the-art capability, a research and development model is not required. The phase I PAR at Grand Forks, N. Dak., will be used initially for checkout and testing purposes, becoming subsequently a tactical component of the phase I Safeguard system.

What is still needed, then, to insure an effective Safeguard ABM system, is the integrated testing of the components. The Kwajalein test facility will not provide for the checkout and operation of the tactical system. Equally important, it will not provide the ability to check out an integrated multiple site defense. The minimum deployment that will provide operational experience, including the initial interaction between sites, is the phase I deployment approved by the committee.

The major task left is the integration of Safeguard system functions in the computer programs.

The computer programs will be developed and tested at data processing centers—with equipment identical to that at the sites—at the Bell Telephone Laboratories. These centers will contain portions of PAR and MSR receivers and the digital equipment that interfaces these receivers with the data processors. All of the computer programs involved in preparing the missiles, launch control, guidance, and the missile commands will have been thoroughly tested for months at either the data processing centers or the Kwajalein test range before they are needed at the Safeguard sites.

Many months will be devoted to onsite final debugging, checking, and testing. Testing will not stop on the operational readiness date. System testing will continue over the years, and the simulations will become more and more realistic.

In summary, the evidence presented to your committee and the program for development convinces us that the system can work and will work. It should be remembered that the first phase, which includes radars at two sites, will not be operational until 1973, and there will be plenty of time until then to work on the remaining technological problems.

There are always those who say it cannot be done. But we believe that our national defense has succeeded because it does not yield to that negative spirit. This defensive system is a necessary part of our future security, and we have confidence that American technicians can make it work.

I urge the Members to defeat the amendment of the gentleman from California.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ICHORD. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. HALL. Mr. Chairman, I object.

Mr. PIKE. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I think it is sort of a unique experience in this House to have an amendment of this magnitude introduced by a person who does support the amendment in his heart but really does not make any great speech in its behalf. I do not mean that it was a bad speech, but simply that he did not use much of his time to support his position and it is fairly obvious that this is a tactical maneuver of one sort or another.

Does the gentleman from California (Mr. CHARLES H. WILSON) want me to yield to him?

Mr. CHARLES H. WILSON. I just want to assure the gentleman that I am not a great speechmaker.

Mr. PIKE. I would assure the gentleman that anything he had to say in support of his terribly important amendment I think all of us would have listened to with great interest.

Yes, we all do know something about the ABM system. But there is so much that we do not know about the ABM system. I would probably support it if I thought it had a chance on earth of working. But one of the things that concerns me most is the command and control problem. We say that no one but the President of the United States has the authority to fire nuclear weapons, and the ABM, all of its firing components, is a nuclear machine. The long-range Spartan missile is a nuclear machine and the short-range Sprint missile is a nuclear machine. When the Spartan intercepts, hopefully, at a high altitude, it does not hit the incoming missile and kill it. The theory is that it kills it with X-rays at some distance, and depending on what the distance is, the incoming missile may or may not be deflected. It may come right straight ahead, and radars on the ground are not going to know really whether that is a dead missile or a live missile, whether that incoming missile has been killed or has not been killed, and nobody is going to give the order to fire the Sprint missiles except a computer, and the Sprint missiles go off at a lower altitude, a much lower altitude, and there is a danger of fallout from our own defensive missiles which have been fired, not by a human being, but by a computer.

I think there is so much about this program that the American people really are not aware of—and I for one am going to be very, very slow to risk the danger of nuclear fallout on the people of this country or on the people of any country, based on a decision which, in the final analysis, is made by a computer. That is what we are talking about. We are talking about the command and control.

I think it is a fiction if we try to tell the American people that the President is going to make the decision to use nuclear weapons. This is not an offensive weapon. This is a defensive weapon. But it can, in the Sprint phase, cause fallout. And nuclear fallout can kill people.

We do not know whether what is coming in is what Dr. Foster refers to as a piece of space garbage or a nuclear missile coming in, but should not we at least have the decision as to whether this thing should be fired really in the hands of the President?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

It is not necessary at this time for me to go into a review of the total ABM system. I feel it is fully covered in the committee's report and further clarified by the statements made by the chairman and the ranking minority member.

Incidentally, the additional views referred to were prepared by the House Armed Services Committee staff. I would like to address myself to the apparently misunderstood "cog" in the wheel of our planned deterrent, and I refer to the "command and control aspects."

It has been said that the Safeguard system will not work because there will not be enough decision time available to allow for human intervention. It is further alleged that this could lead to a "computer-made" decision on whether or not there would be a nuclear exchange.

Let me quote the words of our former colleague and now the Secretary of Defense, Mel Laird:

> The need for timely response has been recognized in the design of Safeguard communications. We have had a wealth of experience in the operation of a very sophisticated command and control system applied to our air defense against bombers. There are duplicating, multi-routed communication channels which internet among the President, CONAD headquarters in Colorado Springs, and the National Command Center in Washington. Safeguard will build upon this already proved system to provide the President with the power to make his decision in timely fashion.

Let it be quite clear, that a war-or-peace decision will not be left to the determination of a computer. That decision will most certainly be left in the hands of the President of the United States, who has access to the best advice humanly possible to receive. Deputy Secretary of Defense David Packard is on record as saying:

> I could not recommend any system whereby atomic bombs are released by the decision of a computer. That is not involved, despite what some of the scientists might say.

Much has been made about the technical problems involved in the communications network that controls the Safeguard. Although there are problems to be overcome, it is most certainly safe to say, that they will be no more difficult to solve in Safeguard than in another area, for example, landing two men on the moon.

Secretary of Defense Laird has stated in testimony before the Committee on Armed Services, that we have not yet reached the point in time where the decision has to be made, as to the possibility of the President delegating the authority to fire the Safeguard to a lower ranking officer.

The Secretary further pointed out that every President since Harry S. Truman has retained unto himself the authority to release a nuclear weapon. However, it must be understood that in the past we have always been concerned with offensive weapons, which would impact on the territory of an enemy, thus starting a war, undoubtably involving nuclear detonation and subsequent release of radioactive material.

In response to a question by Mr. PRICE, chairman of our subcommittee, on R.D.T. & E., Secretary Laird said:

> As Mr. Price stated, the warhead will not detonate in the nuclear mode unless an actual target is encountered. Specifically, the missile cannot be sent a command to detonate in the nuclear mode unless the interceptor has reached an altitude which is safe to people on the ground, the radar has tracked the target and established the intercept point, and the interceptor is on course to a position near that point. The missile will accept such commands only after its own environmental sensing equipment discerns that a safe detonation point has been reached. Thus, the warhead cannot be armed and fired until a safe altitude has been reached. As Mr. Price also indicated, the system design permits a withholding of the nuclear detonation if a decision not to intercept is made after the missile is launched. In this event, the warhead can either be destroyed in flight, with conventional explosives, or be permitted to return to earth or the ocean intact. Should it return to earth, there will not be a nuclear detonation. The worst that could happen would be that the small conventional high explosive charge in the warhead could explode or burn on impact, thus scattering small amounts of nuclear material.

This makes for three very important points.

First. In the worst of situations, the ABM will not detonate until it is high enough to not cause a dangerous fallout problem.

Second. If fired accidentally, or at a false target, it will not cause a nuclear explosion, because once in the air it can be destroyed, or it can fall to earth with no resulting nuclear detonation.

Third. It is entirely defensive, and trigger control can and probably will be delegated properly and in a timely manner.

We have now arrived at a point, where in an emergency, such as a failure in communications, authority to fire the ABM could be delegated to someone of responsibility other than the President. This delegation could be made in complete safety, because of the aforementioned "foolproof" design, and the most important fact that the range of the "Spartan" missile—the larger of the two ABM missiles—is limited to 400 miles. Certainly not enough range to even come close to Soviet territory. In fact, not enough range to clear our own shores.

On the basis of this information, I think it can be fairly stated that the President could and should be able to delegate the firing of a defense weapon, in this case the two ABM missiles.

Let me make it quite clear that I do not advocate the delegation of authority to fire an offensive missile such as the Minuteman. On this I am sure that the President would be the first to agree, that only one man's finger should be on the nuclear trigger. Let us not for one moment forget, that the ABM is and always will be a defensive weapon, it cannot be used for any other purpose.

Let me point out once again that we have lived for many years with the authority to fire our offensive weapons strictly in the hands of the President of the United States, and, at the same time, let me point out, that the amount of time the President has to respond to an attack is very limited, even with our advanced technology giving us the ability to see over the horizon. Today, we are talking about minutes to reach a decision.

There is no doubt that the capability of the system has been sufficient to make it a successful deterrent, which would imply a confidence in the communications system on the part of the Russians, as well as on the part of our own military leaders. I think it is safe to assume that the Russians will have the same approach as we do to the communications link in our ABM system, and I seriously doubt that they would be foolhardy enough to assume that our ABM could not be fired in a short enough period of time so as to blunt an attempted first strike. It would, therefore, have real deterrent effect on any Soviet leader contemplating a first-strike attempt.

Let me say as simply as I can, I believe in the entire concept of the ABM system, that includes the command and control aspects. I have said many times before that we need the system. It can and will work. We cannot afford to forgo it. It will save a minimum of 20 million U.S. lives. I urge my colleagues to support the Safeguard ABM.

Mr. DANIEL of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I come before the House this morning, posing not as an expert on this or any other subject, but as one who is tremendously interested in the security of our Nation, and as one who is distrustful of our adversaries. After our sad experience at Yalta, Potsdam, Teheran, Cairo, Geneva, and Paris, I regret to say I have come to have little faith in the processess of international bargaining.

History reveals that nations experience periods of external and internal crisis. This is such a period in the history of our Nation. We are victims of an era of

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permissiveness both at the national and international levels which could become our Achilles' heel.

We live in an era when it is popular to downgrade the dangers of communism. They say that it is no longer a monolithic force and therefore poses no threat to the safety and security of our Nation.

Mr. Chairman, I can find no evidence to justify any such conclusion. It is obvious that the adversaries change their tactics from time to time, but their goal remains constant, and that is to bury the United States economically and world domination. This is why, Mr. Chairman, we must remain strong defensively and offensively. This is why, Mr. Chairman, we must deploy the Safeguard system.

As one of the gentlemen before me said, we spend a great deal of time on this subject in the committee. I am convinced that Safeguard provides us a degree of security which is essential and also gives us certain options which are not now available to us.

There are those who say that the suggested money could be spent on more meaningful projects. They talk about rehabilitation of the inner cities. The Congress has many needs to consider. The inner cities are important, as are a number of other projects which have been proposed to this Congress. But, Mr. Chairman, I would suggest that unless we build a deterrent capability this entire subject could very well become academic, because there may not be any inner cities to rehabilitate.

There are also those who argue that to deploy the system will dim our prospects for disarmament. Wise old Patrick Henry once said that the only lamp by which his feet were guided was the light of experience. Mr. Henry said:

> I know of no better way to judge the future than the past. Those who harbor such thoughts ignore the lessons of history. What little success we have experienced in our international negotiations has been when we have negotiated from a position of strength.

We also hear the argument that deploying the system is immoral. I would ask the question, when did it become a sin to protect ourselves and to protect our country? It is morally right to deploy this system, and any position that is morally right cannot be politically wrong.

Our country has its faults and its shortcomings, but I suggest that the American way of life, based on a fundamental belief in God and propelled by our free enterprise profit-maturated system, has no equal. Mr. Chairman, let us keep it that way. Let us deploy the Safeguard system. Our best approach to the goal of world security is through the security of the United States of America.

Mr. Chairman, I include the following analysis of the Chinese threat:

THE CHINESE THREAT

One of the great values of the Safeguard Anti-Ballistic Missile System which perhaps has been understated is its capacity to provide protection against limited or accidental attack.

Going to the heart of this problem is the kind of limited attack that Communist China can be expected to mount in the 1970's.

Those who oppose the ABM generally make light of its ability to protect against the Chinese threat on two grounds. The first is that China is simply not likely to do anything as insane and irrational as launching an attack against the United States, since such would appear suicidal. China is far weaker than Russia, so the argument goes, and our power has been sufficient to deter Russia from nuclear war and certainly will deter China, too.

The other part of the argument is that if the Chinese did launch an attack, they would use low-flying aircraft, cruise missiles, sub-launched missiles, or bombs smuggled into the country, against all of which the ABM would be presumably useless.

Finally, the argument is made that China could develop penetration aids against the ABM.

Let us look at the situation of China.

The Chinese ICBM program has been adversely affected by the so-called "cultural revolution" and has slipped from an expectation of the early 1970's to some later period. The Chinese were expected to test a long-range missile before the end of 1967 but did no do so. The Chinese exploded a thermonuclear device in 1966.

I think we should keep in mind, however, that even with this setback, the Chinese can be expected to have a long-range delivery capability in the 1970's. The lead time required for the development of an anti-ballistic missile system is so long that even if we started this year, the Chinese are likely to have missile systems that can reach the United States before we get our ABM fully operational.

Unlike the Soviets, the Chinese Communists could not under any current estimate be considered to have a counter force capability against our strategic force. That is to say, within a few years, the Chinese may present a city-busting threat but will not by any stretch of the imagination have the ability to destroy our ICBM missiles in their silos.

The Red Chinese will, of course, consider an ICBM delivery capability of even a relatively unsophisticated kind as a deterrent against our country and equally against the Russians.

The Chinese could carry out a small demonstration attack to gain the upper hand in a crisis. But the assumption is naturally made that the Chinese would be constrained by our relative capability. The Chinese leader who ordered a nuclear strike against us would have to be completely convinced that moral considerations prevented us from retaliating—or he would have to be insane.

Even with a limited nuclear threat in relation to ours, the Chinese must be reckoned with at the point where they attain ICBM capability. The Chinese have repeatedly demonstrated a readiness to be as brutal as possible if it will serve their purpose. This has been true in their dealings with India, in their brutal invasion of Tibet, in their dealings with U.S. prisoners of war in Korea, and in their attitude towards loss of life among their own troops and their own citizens and their allies. They have frequently displayed the kind of approach the North Vietnamese demonstrate—readiness to see 10 of their own men die in order to kill one American.

It also should not be forgotten that the threat of ICBM retaliation may not mean the same thing to Communist Chinese leaders as to us. Relatively few of their population live in cities, so the destruction from a nuclear attack would not be as concentrated on their cities as would be the case with the United States or even Russia.

A crisis in which the Chinese could seriously threaten to "punish" the United States may prove to be quite difficult under our political and moral system.

At the present we have the capability to punish the Chinese homeland severely, while they can only kill our military men who come within their nation. But when they could deliver nuclear missiles on our homeland, an entirely different position pertains. So, while any kind of nuclear attack against the United States is unlikely, a lack of resolve on our part could persuade some future Chinese leaders to test the United States with a nuclear confrontation. This would be an enormous problem for an American president.

If during a future crisis Chinese missile-carrying submarines lay off our coastline, it would pose an obvious threat. If cities within the range of these submarine-based missiles were undefended, and assuming the Chinese are attempting to blackmail us in our relations with a third country, the President would be in a most difficult position. His choice would be either the threat of a retaliatory strike against the Chinese mainland or backing off from his course in the third country, abandoning his course to avoid a demonstration strike by the Chinese submarines. A President for moral reasons might seek to avoid a retaliatory strike that might kill millions of innocent civilians in China. In addition, a retaliatory strike by us might trigger additional firing by such nuclear forces as the Chinese had available, threatening a full nuclear exchange.

With the United States with such grim alternatives, it is not inconceivable that the Chinese might fire one missile in a demonstration attack against the U.S. mainland, or against an outlying island under the protection of the United States.

Even the remotest possibility of this kind of thing happening should lead a prudent man to have doubts about foreclosing the option for some other kind of response beyond a simple nuclear exchange. Having an ABM capability with some confidence in the safety of our cities and our mainland forces might spare a president the awful alternative of nuclear warfare or surrender to blackmail.

But China also poses a threat because of the possibility of accidental launch. The Chinese have moved at their highest possible speed to develop atomic bombs and hydrogen bombs. However, the sophisticated command and control systems, which keep these weapons under control in the United States and apparently in the Soviet Union, may not be so easy for the Chinese to develop.

Considering the nature of the Chinese Communist system, their incredible internal leadership struggles, and the speed with which they attempted to achieve a nuclear weapons capability, the danger from an accidental strike against the U.S. from Red China simply cannot be ignored. While the possibility might appear slim and the cost, therefore, not justified, the possibility exists and the alternatives make an anti-ballistic missile defense feasible. An ABM system could negate the threat of a light Chinese attack and leave a number of options open to the United States.

THE LESSON OF MENNON

Consistent with this preparatory approach is the fact that the Chinese Communists have shown themselves reluctant to attack those who prepare an adequate defense. The Chinese, for example, have been reluctant to try to invade the Nationalist-held island of Quemoy, only two miles off the Chinese mainland, because of the strong defense that would be faced.

By contrast, faced with weak defenses the Communists have been ready for quick and ruthless attack, such as their actions on the Indian frontier in 1962 and their ruthless attack on Tibet.

In considering the slippery leadership of the Chinese Communists, one should not forget the lesson of Nehru and his Defense Minister Krishna Mennon. How they used to lecture the United States on getting along with China! They knew the Chinese. If one were "reasonable" with China and did not constantly treat her as an enemy and confront her with troops, the tensions would drop and any arms race with her would cease. Mr. Mennon apparently had a different theory about how to deal with us, because while he was constantly saying nice things about the Chinese, he was constantly attacking the United States. Nehru and Mennon backed up their theory with action—that is to say, they left their Tibetan border with China virtually undefended. And the Chinese were reasonable enough to charge in and take huge chunks of Indian territory, humiliating India in the process.

By contrast with Indian-type thinking as regards the Communist Chinese, the approach of the Russians would appear to be much more effective. It is to be prepared at all times. It is not impossible to imagine that the Chinese might fire their missiles out of an irrational fear that they were going to be subject to a U.S. attack and that if they did not fire first they would not be able to launch their small and highly vulnerable force. This kind of presumption of U.S. attack is certainly not beyond the realm of possibility considering the irrational nature of Red Chinese leaders.

THE FALLACY OF UNILATERAL CONTROL

There are those in this country today who are so desperate for arms control that they encourage a unilateral attempt at control by the United States.

The argument goes that building an ABM system would be provocative to the Russians and that, therefore, we should refrain from doing so both to avoid encouraging the enemy to build up countermeasures and on the theory that our show of good intentions would encourage these other countries to limit their own nuclear force. The theory is that we create good will in a potential enemy by leaving ourselves unprotected, and this is somehow supposed to lead to the end of the arms race.

Those who make the argument against the ABM today as an upsetting factor in the arms race are the same people who label the Soviet ICBM program as an attempt on their part to achieve parity with us. This was supposed to be a good thing. When they reach parity with us, they would feel secure and we could then negotiate an arms reduction agreement. We stopped our ICBM program at 1,054. The Soviets reached parity, but they kept going. They now have more than 1,200 missiles and appear determined to put at least 1,800 in place. And what is more, they are building missiles with far larger payloads than ours—up to 25 megatons. At the same time, they have a large program going for the development of nuclear ballistic missile submarines.

It is curious that building a defensive system would be maintained to be provocative to the Chinese, whereas the Chinese, by issuing a "no first use" statement about their offensive system, were considered to have adequately quieted the fears of India and Japan and other Asian neighbors about Chinese nuclear intentions.

There are all kinds of holes in the unilateral control argument, political and moral. Even recognizing the danger of the arms race, it is not prudent to foreclose the options to defend oneself against either the great Soviet force or the Chinese force. It would seem almost impossible to maintain the position—that some opponents of the ABM maintain—that defending oneself makes things worse. As indicated earlier, a defensive system gives one an option in a crisis other than all-out exchange.

It must also be remembered that the competition between China and Russia will continue regardless of what action we take. Even if we stopped our nuclear development in hopes of encouraging the Russians to do likewise, no one would seriously maintain that the Chinese would stop theirs. They would continue trying to move forward until they achieve a parity with the Soviets and at some point in time when they got close, the Russians would continue development to stay ahead of them, not to mention their desires to get ahead of us.

It is also not beyond the realm of possibility that the Chinese might launch an attack against the U.S. or the U.S.S.R. in hopes of creating a nuclear exchange between the U.S. and the U.S.S.R. in the confusion following the attack.

PENETRATION AIDS

It is claimed by some of the critics that the Chinese People's Republic could cheaply and quickly develop penetration aids which would negate the effectiveness of our Safeguard system. This is simply not correct.

Penetration aids are not simple, and they are certainly not cheap. We have spent over one billion dollars developing pentration aids and are only now reaching a level of success. It would cost the Chinese as much and would take them as long to develop a similar capability.

The radars needed to successfully design and build truly reliable penetration aids requires the sophistication and complexity of the radars to be used with the ABM system. It is absurd to suppose the Communist Chinese can quickly develop such a radar capability. Without this radar capability and extensive R&D expenditures, such penetration aids as could be developed would not be of high reliability and the Chinese would know and we would know that their penetration aids were not a creditable threat.

All in all, an ABM defense against the Chinese should add to world stability. And in the event of an inadvertent firing or even an intentional demonstration attack being fired—which certainly wouldn't be the first irrational act by a Chinese leader—would serve to save lives and property and help avoid World War III. The decision to have an ABM system capable of meeting the Chinese threat, which was an overriding consideration in the Johnson Administration's approval of the Sentinel system, and a key element of President Nixon's Safeguard system, adds up to a lot of good common sense.

Mr. FRASER. Mr. Chairman, will the gentleman yield for a question?

Mr. DANIEL of Virginia. I am glad to yield to the gentleman from Minnesota.

Mr. FRASER. I was impressed by the argument the gentleman made about his conviction that we really had to have this system. One of the questions that remains in my mind is what happened to the Sentinel system, which this committee approved a year ago and which the President then determined was not a wise move to make? Did the gentleman believe that the President was right or the committee was right a year ago?

Mr. DANIEL of Virginia. The gentleman was not on the committee at that time.

I believe the President was right at the time he proposed the Sentinel, and I believe the President is right when he proposes the Safeguard, because we have a different situation now from what we had at that time.

Mr. NEDZI. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. NEDZI. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. HALL. I object.

The CHAIRMAN. Objection is heard.

Mr. NEDZI. I thank the gentleman from Missouri.

Mr. Chairman, I request some additional time not because I am impressed with my powers of oratory or because I like to hear myself talk, but because I think it is vital that we, the bipartisan minority on the Armed Services Committee, make clear what we are trying to accomplish.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent that the gentleman may have an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HUNT. Mr. Chairman, I object.

Mr. THOMPSON of Georgia. Mr. Chairman, I object.

Mr. NEDZI. Anyone who has reflected on the process through which we review military authorizations and anyone who has reflected on what has happened yesterday and today and upon the many reports of inadequacies in the military establishment has to conclude that there is lots of room for improvement. Improvements are essential if we are going to survive as a nation. It has to be stated that there is no acrimony on our part against the military or against the committee. As the gentleman from Ohio (Mr. Whalen) said, we regard the military among the higher callings, and probably more so than most Members, because we see firsthand the dedication and the competence of our military. Moreover, I want to make clear that we are no more willing to place the destiny of our country in the hands of the Soviets or the Chinese hawks than in the hands of any other hawks and, so long as any nation retains military might capable of inflicting harm on us, we have to have a military defense against it. We understand that, and we are not naive enough to believe that unilateral disarmament will necessarily cause others to disarm. Unilateral disarmament, as a matter of fact, may well create irresistible temptations which would be totally counterproductive as far as peace in the world is concerned. Any disarmament has to be accompanied by adequate safeguards. We understand all of this.

My colleagues, the enormity of the military budget and the highly technical nature of it, coupled with the problems of secrecy that have been alluded to by my colleague from New York, Mr. Pike, yesterday, combine, in my judgment, to result in a morass that is intimidating the average Member of Congress.

How much more simple to "go along with the chairman," who is the recognized expert in this field, than to have to explain the extremely complicated details of a weapons system. This tendency prevails, my colleagues, on the Armed Services Committee itself. I must confess that to this time, despite spending almost 7 years on the committee and diligent efforts to understand, there are far too many aspects of our military posture which are accepted on faith, with the hope that an absence of protest or sign of approval is in the best interest

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of the Nation. The nonpartisan attitude and monolithic character of the committee creates additional doubts since no minority staff is charged with the responsibility of digging to expose weaknesses in the position of the majority. We have an excellent professional staff to whom I would like to extend my compliments and appreciation. I mean this sincerely. The chairman and staff have been extremely generous in providing assistance in specific instances whenever requested, and it is unfair to charge a lack of cooperation in this regard. However, unlike other committees where there is a philosophical division along party lines with full-time staff devoted to serving the minority, our committee staff is committed to the chairman and majority. This is by no means intended, even by implication, as a criticism of either the chairman or staff. This is the structure within which all of us endeavor to carry out our responsibilities.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. If the chairman can get me some additional time, I will be delighted to yield to him.

This is the structure which prompted the minority to attempt to determine whether there is another side to the case made within the committee. On the basis of outside sources as well as on a critical review of evidence presented to the committee, we have prepared the amendments for consideration today.

My colleague, the gentleman from Illinois (Mr. ANDERSON), said yesterday the "old and comfortable ways" require some revision. The point is emphasized, ladies and gentlemen, when we on the committee learn about a Soviet bomber threat through the press following the chairman's appearance before the Rules Committee; or when we learn about a problem with the C–5A through a chance conversation in a bar; or where we are called upon to approve a reduction of $52 million in the C–5A program on the basis of a conversation between the Deputy Secretary of Defense, Mr. Packard, and the chairman on the morning of the mark up of this bill, which lasted a day, and at the same time we gave approval to an authorization of $52 million for a controversial Freedom Fighter based upon the same conversation. Page 58 of the report gives you as much information on the $52 million transfer as the committee had when it voted.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MOSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Michigan.

Mr. NEDZI. Mr. Chairman, my colleague from California will offer an amendment later in the day to strike this latter authorization primarily for the reason that the matter received no adequate deliberation in the committee.

Mr. Chairman, page 58 of the report gives to you all the information we had on the $52 million transferred when we voted on it last week.

These are not generalities, my colleagues, but specific problem areas. I assure all of you that our efforts today are not the result of any mad obsession with the magnitude of our defense budget but are the result of a careful consideration of our requirements and the justifications made by the record as well as the overall condition of our economy and pressing alternative needs. The amendments we offer are conservative and are our best collective judgment of where cuts can be made without affecting the muscle of our defense establishment.

If you are of the opinion that our defense expenditures are excessive, I assure you that your support of the amendments we offer can be justified.

Mr. Chairman, the controversy over the ABM is destined to be one of the most dramatic in American history.

Why? Because the decision over whether or not the United States should deploy an ABM system comes at a moment of opportunity, a potential turning point, a military and political fork in the road. In addition, for the first time in the postwar era, American public opinion is playing a role in a question involving a weapons system.

In such a controversy it is inevitable, I suppose, that there will be some on both sides who will approach the issue on pure emotion, promilitary or antimilitary, pro-Establishment or anti-Establishment, and so forth. So much greater the obligation, then, for serious public officials to search out the facts in as clearheaded a manner as possible, and to be as precise in analysis and argument as possible.

Several basic, valid assumptions have guided our post-World War II policies in the 24 quick years of the atomic age. We should examine and restate these assumptions as a necessary stage-setting to detailed examination of the merits of the ABM.

BASIC PREMISES OF U.S. POLICY

In 1964, a then-popular President of the United States said in his state of the Union message:

> We must be constantly prepared for the worst and constantly acting for the best—Strong enough to win a war, and wise enough to prevent one.

This remains a valid premise.

A second premise is that we must so conduct our affairs that it is clear to the Communist giants that it is in their interest, as well as ours, to live in peace. One of the ways we persuade them is by maintaining · deterrent nuclear power. We would rather be in the position of having the strength and not needing to use it than to be in the position of needing the strength and not having it.

Third, the advent of nuclear weaponry has accelerated the potential speed and scope of war destruction to awesome levels. Everyone knows that in a nuclear exchange we would not have the luxury of time as we did in World War II. We would have to respond with forces in being. Hence, in the absence of international agreements it is necessary to maintain great and costly forces in a constant state of readiness.

Fourth, we have relied on a strategy of "assured destruction capability." That is, we have well-dispersed and powerful nuclear forces fully capable of destroying the Soviet Union, even after absorbing an initial surprise attack. We want Soviet planners to know, as a certainty, that the best attack they could launch would still leave us with the capability of destroying their society. At the same time, we fully realize that they could inflict terrible damage on us. A nuclear stalemate exists.

Finally, it has been a conviction among Americans in and out of Government, particularly since the outbreak of the Korean war, that we will always be willing to pay the price for having too much defense rather than risk the danger of having too little defense.

PUBLIC DISCUSSION WELCOME

As a member of the House Armed Services Committee, I am pleased to have this national debate.

I believe we can have a probing and intelligent debate without demeaning one another. Proponents do not favor nuclear holocaust and opponents do not favor abject weakness, regardless of what some partisans on each side would imply.

Wisdom in military affairs is not limited to the military, or even to congressional committees. I could remind you of the fact, for example, that in 1963, the House Armed Services Committee voted 32 to 5 in favor of the construction of the RS–70 bomber. Several billion dollars were spent on just two planes which never became part of our defense weaponry. One was lost in an accident, and the other is a museum piece in Dayton, Ohio.

When the ABM came up for a vote in 1968, the House Armed Services Committee voted 36 to 4 in favor of it. Last week the vote was 32 to 8.

This is preface to two observations which will be familiar to Congress watchers:

First. The Congress, particularly the House, operates largely by committee, with the membership at large coming together to ratify the decisions made earlier by the committee responsible for the legislation in question.

Second. The membership of the Armed Services Committees in both House and Senate is, unfortunately, not truly representative of national public opinion. Nor do minority views on military matters always get wide hearing, unless those views are held by a civilian Secretary like Robert McNamara.

Thus it is very important that Congressmen and Senators who are not on the Armed Services Committee, are, virtually for the first time, seeking to educate themselves on military matters. They are no longer willing to pass perfunctorily, and with almost no debate, military bills hitherto regarded as sacred. Whatever the outcome on ABM, this is a healthy development.

THE ABM—A TURNING POINT

The ABM has all the earmarks of an expensive mistake—expensive financially, politically, and morally.

It is possible, just possible, that this is one of those moments in world history when a turning point has been reached. It may be a moment of opportunity. If so, we should explore it. If we can reach an accommodation on arms control with the Soviet Union, we must try.

It is an awesome, growing, and insistent fact that the speed of intercontinental missiles is so rapid that some fundamental command concepts are at stake now. Leadtime is so precariously thin that life-and-death decisions are perhaps inexorably passing from political leaders to more narrowly focused technicians, and maybe even from human beings to machines. While the comparison is not totally analogous, it should be noted that we found in the *Pueblo* and the EC–121 cases that by the time the chain of command was negotiated, the time for effective action had long passed.

We have not yet reached a "launch-on-warning" stage in our missile weaponry command system. Such a development, if reached, would remove those precious elements of civilian control and restraint we so cherish.

But if an ABM system is installed, it is my considered judgment that the power of decision in the firing of defensive nuclear weapons must pass from the hands of the President of the United States. Such a development would be of the utmost seriousness. I do not make this warning lightly and it should not be taken lightly. The conclusion is inevitable that the nature of the ABM and the nature of the command structure are such that delegated authority and not the President, will have to be in the position to press a nuclear button.

It may be necessary, if the international situation reaches the gravest dimensions, to place the United States in the position where the civilian Commander in Chief does not have the ultimate responsibility. But before we reach this state we should explore, with all the determination at our command, the desirability and possibility of arms control and a turning down of the spiraling arms race.

SHIFTING JUSTIFICATIONS FOR THE ABM

I have diligently examined the pros and cons of the ABM proposals and there is one point, at least, that is uncontrovertible: proponents of the ABM have used and often abandoned one argument after another.

As soon as one argument is knocked down, they shift to another, label it "the argument" and then shift again when that one is shot full of holes. Pretty soon you get the idea that the real reason for deployment is because someone wants to deploy it, no matter what.

The first argument, made with apparent reluctance by then-Secretary Robert S. McNamara, was that a "thin system" was needed to protect us against projected Chinese ICBM capability in the 1970's.

When Clark Clifford became Secretary of Defense this argument was joined, then overshadowed, by the whispered argument made to the Senate that we needed to authorize the ABM, to begin it, as a bargaining point with the Russians. In effect, it was to be a $5 billion poker chip and let us not worry that it might become a $50 or $60 billion mistake. There were also hints that this "thin system" was a Democratic political tactic to protect L.B.J.'s flank against any "missile gap" charges which might be made by Republican political candidates in the 1968 campaign.

President Nixon shifted the scene away from the cities with his "Modified ABM" speech, which some say was more of a political compromise than a military decision. He told us that ABM's would be placed not around our cities but at two ICBM sites to protect our offensive missiles, and, make our deterrent more credible. There are some suggestions that our nuclear weapons are vulnerable. Accordingly, we can expect implementation of the plan to place ABM's not only at two sites but at 12 sites to provide coverage over the entire country.

All other arguments having fallen short, Secretary Laird tells us that the Russians are preparing a "first strike capability." That is, a strike which can wipe out our second strike, reprisal weaponry. This, too, is questionable and Secretary of State Rogers has already caused Laird to explain this argument.

Finally there is the perennial problem of those in charge of classifying information declassifying portions of it to suit their purposes.

TECHNICAL ADEQUACY

Let us review the question of the technical adequacy of the ABM, and some of the arguments which first demean and then flatter its technical development.

For months we were told that the ABM was not capable of defending against "sophisticated" Soviet attack. The ABM, we were told, would be useful in defending American cities against an "unsophisticated" Chinese attack. Assuming, of course, that the Chinese conveniently devoted themselves to developing unsophisticated missiles and then neatly hurtling them into an American system designed to knock them all down, and great care was taken to assure the Russians that the system was not directed against them. Now we are told that our ABM's can be expected to knock out the "latest sophisticated missiles" of the Soviet Union which may attack our ICBM missile sites, and that protecting cities might be provocative while protecting missile sites is not.

We have been told the Soviets are building an ABM system around Moscow and then we have been assured and reassured that we can penetrate any Soviet defense system with our Polaris submarine missiles, our SAC bombers, and our intercontinental ballistic missiles.

As an opponent of ABM deployment, I caution those who share my general view to avoid the temptation to say the ABM will not work.

We cannot be sure it will not work now or in the future. Highly able men, of great technical competence say we can have a workable American ABM. I cite, for example, the testimony of John S. Foster, Director of Defense Research and Engineering of the Department of Defense. He is a man I respect and he says the ABM will work.

It is a fact, regrettable but no less a fact, that there are technical experts on both sides and that the technical questions are of such refinement that no sure judgment on technical feasibility can be made by even the most searching of congressional critics, let alone by the average American.

Since it is logical that technical strategists must stay on the safe side in strategic matters, we are at a decided disadvantage if the ABM question is to be decided on technical aspects alone. However, the ABM question is much broader in scope. Other crucial factors are inextricably involved. These factors include:

First, the effect the ABM deployment would have on arms control discussions;

Second, the effect ABM deployment, by either the Soviet Union, or the United States, or both, would have on the arms race;

Third, the role of the human being in the trigger-quick decisions inherent in the operation of nuclear weapons; and

Fourth, the implications of the demotion of the nuclear weapon from the "last resort" category. When we begin to treat the enormously destructive nuclear weapons as we do conventional weapons then we enter a stage of fantasy mixed with a touch of madness.

Fifth, recent studies indicate the possibility a large nuclear attack would be suicidal to the attacker.

THE IMPACT OF ARMS CONTROL TALKS

There has been a lot of loose talk from both sides about what effect deployment of an ABM system would or would not have on disarmament talks.

Confusing "straw men" have been set up without restraint. Not only that, but partisans on each side ascribe nonexistent views to their opponents.

In any event, it is not true, in my opinion, that we will necessarily be unable to get the Russians to agree to arms control if we proclaim a "policy for deployment."

Second, there is no reason why we could not talk even if both Russia and the United States have begun to deploy ABM's.

Nonetheless, it is simply commonsense to make the observation that it would be easier to agree to refrain from beginning deployment than to interrupt deployment once begun. Each weapons system and each governmental policy does develop a momentum of its own, and a self-interested constituency.

THROUGH THICK AND THIN

It is my considered judgment that the deployment of a "thin" or partial ABM system is the first step toward deployment of a "thick" system.

The pressure to approve "modest" changes, all in "modest" billion dollar increments, will be irresistable, especially when the usual experts testify as to how much additional protection we will have. This is akin to the process of gradual commitment which raised our military, political, and financial involvement in Vietnam to such levels. That there will be a Soviet response to an ABM deployment cannot be questioned. The Soviet Minister of Defense would not be doing his job if he were not developing plans to improve Soviet capabilities should we deploy. And another rung on the arms ladder will have been ascended by both parties.

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COMMAND PROBLEMS

In all the swiftly—accumulating literature on the ABM, one crucial problem has not been given sufficient attention. It may be the most serious consideration of all. This is the problem of command responsibility.

An accidental attack could not possibly be intercepted under the present chain of command.

The military command structure is such that a missile attack does not allow sufficient "lead time" to respond efficiently.

Under the fundamental American principle of civilian control of the military, the civilian President is the Commander in Chief of the Armed Forces. Only he has the authority to order the firing of offensive or defensive nuclear weapons.

If we deploy an ABM system, however, and if each ABM site is to be effective, lesser authority will have to be given authority to fire intercept nuclear weapons. Once this is done, civilian control is weakened and persons down the line, without full political and intelligence information, could be making a policy decision which should be reserved for the President. This particular question deserves full debate.

THE "VULNERABILITY" OF OUR DETERRENT

In the last few weeks we have been told for the first time that our deterrent capability is vulnerable in the foreseeable future. This is a sudden evaluation and one which is hotly disputed by Polaris and missile men in the field, as well as by civilians.

There have been no recent breakthroughs in exotic technology to justify such talk.

Soviet deployment of the ICBM's is within predicted levels and our second strike reprisal capability is clear and unmistakable.

It is conceivable that the Soviets could develop a first strike capability. But we must ascertain and weigh "capability" and "intent." Any such Soviet effort would be enormously expensive and we would have intelligence information about it well before the point of critical vulnerability.

And to those who claim we would be defenseless if the Soviets persisted in their current rate of deployment, it should be emphasized that at no expense and with no leadtime we can render Soviet SS–9's targeted at our missiles virtually useless.

We have merely to change our policy to one which would call for immediate retaliation. Any enemy planner has to consider the very practical problem of catching our missiles in their silos. There is no doubt among any in the scientific community that we have the capability of getting our missiles off before enemy missile impact. Certainly, a second strike capability is more desirable for it provides valuable leadtime, however, I submit the probability that Soviet planners would have to consider seriously any provocative acts, however slight, if they forced us to resort to a policy of immediate response. The point is that this kind of posture would still provide us with deterrent strength and "leadtime" to structure our defenses—thus obviating the need for immediate deployment of the ABM with all of its possible consequences on the arms race.

While we must constantly analyze and counter the military capabilities of potential enemies, we cannot allow ourselves to be mesmerized by "capability" and "potential" to such a degree that the arms race will spiral and spiral at a mad pace. Somewhere civilian political officials must inject themselves and feed other considerations into the processes of decision like political self-interest, morality, and the future of humanity itself.

SUICIDAL TO ATTACKER

Recent studies, though disputed by some, indicate the possibility that any nuclear attack capable of destroying any nation's retaliatory capability would so contaminate the hemisphere's atmosphere with radioactive debris that it would be suicidal. Respected scientists have indicated that a nuclear attack of such dimensions would cause future generations genetic damage to an extent that would require restructure of existing societies. The extent of malformed humans would be so great that contemporary attitudes toward caring for the physically and mentally incapacitated would have to be changed and may require their premeditated elimination. The thought is too ghastly to dwell on.

ARGUMENTS TO SET ASIDE

I realize that my own views will not always coincide four-square with the views of other ABM opponents.

I have no hesitance, in any event, in commenting upon a few anti-ABM arguments which do not persuade those who ultimately must be persuaded.

For example, the charge was made that the cities will become a powder-keg if the ABM system is deployed around cities. The answer is that if there must be deployment, they should be deployed where they will do the most good.

Second, we hear of a "military-industrial complex" conspiracy. There is no conspiracy. There is a community of views and a psychology which develops when men become deeply involved in a project. Their perspectives become subjective.

There must be other men in a position to discount biases and built-in self-interest. But there is no conspiracy. Such talk deflects thought; it does not abet it.

Third, the argument is made that the funds for an ABM system should be used for domestic needs. It is an easy argument, easy to run with and even demagogic. But it does not stand up. Our security deserves primary consideration, even at the expense of domestic needs. So if the ABM truly is imperative for our security it must take priority. In addition, the facts of legislative life are such that any decrease in military expenditures would bear little relation, symmetrical or otherwise, to spending for domestic programs. A concession has to be made, however, that any decrease in defense spending weakens the argument of those who say we cannot afford domestic programs. Unfortunately, it merely weakens the argument but does not convert.

CONCLUSION

The question of whether or not to deploy an ABM system is of the highest importance to our national security, our foreign policy, and, to some extent, our domestic priorities.

The entire world is listening in on our debate. It should, for the decision has potential consequences for everyone in the world.

We are now on a plateau of nuclear stalemate. If we, and the Russians, are coaxed by technological temptations to slip off the present "plateau" we could be swept into a whirlwind of an expensive and imponderable arms race without end. Faced with such a prospect, we should try once more, and before all, to take the initiative for world peace through arms agreements and control.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in my remarks I would like to refer to several of the points made in opposition to the deployment of the ABM.

The gentleman from New York made two points. One was that never on earth would this system have a chance to work. The other was the command and control problem.

The gentleman from Michigan in discussing this matter made what he considered to be the main point as he saw it to the effect that it would adversely affect the arms control negotiations.

Now, the argument as to whether this system is workable or not has an old ring to it.

I remember back in the late 1940's and the early 1950's when nine out of 10 scientists of the country and three out of the five members of the Atomic Energy Commission—everyone but one of the 20 or so scientific members of the General Advisory Committee to the Atomic Energy Commission—opposed the development of the hydrogen bomb.

But fortunately there were some scientists who were actually at work on what they then called a superbomb, and they knew that such a bomb would be workable. They were in the laboratory doing the actual work.

The President of the United States at that time, Harry Truman, ordered a special survey to be made to determine the feasibility of developing such a weapon and, after some months of study which included members of the Joint Committee on Atomic Energy, the Secretary of Defense at the time, the Chairman of the Atomic Energy Commission, and some other scientists, they reported to the President and he came to the decision that we should go forward as quickly as possible with the development of the hydrogen bomb.

It was very fortunate that we did, because within a few months after we successfully tested the hydrogen bomb the Soviets also successfully tested the hydrogen bomb.

So our very security could be at stake now as it was then, when some people think that this defensive system will not be workable. I am convinced that it will be workable, maybe not as effectively and efficiently in the first models as it should be, but the reason you start with deployment is so that you can improve upon it step by step, and when you do need it, it will be ready.

For the opponents of the ABM system who say they are not exactly against the ABM system, but this is not the time to deploy it, let me tell you, my friends, that when the time comes when you do need it you cannot deploy it then because it will be too late. You cannot wait until it is needed to start deployment.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I am sorry, but I cannot yield to the gentleman from Minnesota inasmuch as I only have 5 minutes, and I am sure that an objection would be made if I asked to proceed further.

Let me say something about the point raised by the gentleman from Michigan as to how it would adversely affect arms limitation talks. The record does not show that at all. It shows that when we did move forward with certain defensive programs we speeded up arms limitations negotiations. Why, even the most recent vote in the Senate has helped to speed up discussions on arms limitations.

I would admit that there is some concern on the part of some, and I would like to be able to relate the records to show just how arms limitations have been improved as we increased our offensive and our defensive capabilities. However, in the limited time I do not have the time to do it. We did not withdraw from arms limitation talks when the Soviet Union deployed an ABM system.

Turning now to the command control situation, the rocket engine of this system has not the range to transport the warhead to a potential foreign enemy.

The warhead will not detonate in the nuclear mode unless an actual target is encountered. The system will also be designed so that a launch of the ABM will even be impossible unless an incoming target is detected and identified since computers, radars, and other equipment will prevent launch unless a target is acquired.

And, finally, environmental sensing equipment such as altitude and acceleration sensors will not permit arming when the weapon is on the way up and is close enough to the ground to hurt people by its detonation. The warhead is designed to never return to the ground intact.

If the nuclear destruction command is not given, the warhead will be destroyed by dynamite-type explosives and any contained plutonium will be scattered high in the air. This scattering essentially eliminates any public health hazard.

The problem of firing a defensive ABM type of missile is not insoluble. The President can direct beforehand the conditions under which a missile can be used.

Mr. PIKE. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois, if he so desires, may have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ARENDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, no defense issue in my memory has been involved in more public debate than this current question of the development of an anti-ballistic-missile system. It has been a very emotional issue, often generating more heat than light. When all of the debate and discussions are examined in detail, it becomes apparent that the ABM is not considered an issue in itself, but is a symbol of those who want to question the whole basis of our national defense policy.

They have the right to question and debate defense policy and the other policies in response to which our defense forces are devised. We here today, however, are to vote on the ABM system itself. In doing this, we must remember that the ABM is a part of the whole national defense structure that we need to assure the deterrent capability of our military forces. You may not like the world we live in. You may not like living with the knowledge that hundreds of nuclear weapons exist in the world. You may not like the military-industrial complex. You may not like the Pentagon. But these are not reasons for voting against any one particular weapon system. These are not arguments against the ABM.

In considering the ABM you must ask yourself these questions: Is there a real threat to our land-based strategic forces? Does the Safeguard system give reasonable promise of protecting against that threat? Would the ABM make nuclear war more likely or less likely?

The vast improvement in the Soviet missile forces over the past several years is one of the most dramatic military developments of the last 20 years. The Soviets have improved, expanded and modernized their forces, have greatly improved their naval power, and are rapidly developing a force of huge ICBM's. With their solid-fueled SS–13, the Minuteman-sized SS–11 and their gigantic SS–9, the Soviets soon will have in place as many ICBM's as the United States. Now, because of the concentration of our people, the Soviets could destroy a larger percentage of our population with 200 1-megaton warheads than we could destroy of theirs with 1,200.

But the Soviet SS–9 is a huge missile which can carry up to a 25-megaton warhead and which is highly accurate. According to the best intelligence available to us, the Russians are expected to have about 400 of these operational by the mid-1970's. It is the purpose of this SS–9 that caused the committee the greatest concern. It is much larger, much more accurate and much more expensive than the kind of missile needed for a retaliatory force.

Why would the Soviets spend much more than necessary on a missile if it was only for retaliatory purposes? I am sure they are concerned about the level of their defense spending, too. I do not suppose their military-industrial complex is any more popular than ours. But with multiple, independently targeted reentry vehicles—MIRV—the SS–9 could launch three 5-megaton warheads toward the United States with an accuracy of within a half-mile of target. Such accuracy with such large warheads would mean a 90-percent chance of destroying Minuteman missiles in their silos. Thus, the force of SS–9, which the Soviets will have in the 1970's, will give them the capability of virtually destroying our land-based ICBM force—unless we do something about it.

Secretary Laird said the SS–9 with MIRV capability could make the survivability of our Minuteman force "virtually nil by the mid-1970's"—it is argued that the Soviets have no intention of developing a first strike force. But we cannot develop our forces according to what their intentions might be. We cannot predict what their intentions will be in the midseventies—we cannot even predict who their leaders will be at that time. But we must develop our forces in such a way as to be able to meet their capabilities regardless of how sanguine some might feel about their intentions.

Can the ABM give a reasonable promise of being able to meet this Soviet threat?

The answer is simply yes. The ABM is a complex system and the technical considerations are also. But it would be foolhardy to assume that their resolution is beyond the capabilties of American scientists and engineers. Research in antiballistic-missile defense has gone on for 13 years. The work has always revolved about the same basic concept—that is, using radars to track the attacking missile, using computers to direct the defensive missile, and using a high speed similar weapon to destroy the incoming missile.

All of the prior work and research, the total cost of which is around $4 billion, is available and useful to the Safeguard system. We are not starting from scratch.

The missiles used in the Safeguard, the Spartan, and Sprint have been under development for some time. The Spartan was flown over a year ago. There is no question that these missiles can achieve the speed required for their mission. Computer-controlled radars, using electronically beamed steering, as planned for the Safeguard, are operating today. The technical problems of the phased-array radar have been largely solved. The Air Force FBS–85 radar in Florida uses a computer similar to that required for the perimeter acquisition radar—PAR—of the Safeguard system and is tracking thousands of space objects daily.

The job required of the computer is obviously the most technically challenging aspect of the ABM. I do not wish to minimize the difficulty of the job required. However, it is simply true that computers, every bit as complex as those required for Safeguard, have been built. The IBM 360–91 computer exceeds the Safeguard computer in computing capacity and is operating successfully today.

In summary, our committee believes that the system will work.

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I would like to note that the committee went into enormous detail to satisfy itself on this point. The committee has reviewed ABM developments yearly since research began. This year, with all of our background, the committee conducted a sweeping reexamination of the whole issue.

We questioned the Secretary of Defense, Melvin Laird. We questioned the Deputy Secretary of Defense, Mr. Packard. And we questioned Dr. John S. Foster, Jr., the Director of Defense Research and Engineering. We spent 3 days on hearings with these officials alone. In addition, we spent a full day of morning and afternoon sessions questioning expert outside witnesses, including three who opposed the ABM system and three who supported it. We also had available statements of other groups and individuals who have presented arguments for or against the system. Included in our hearings, which are available to all the Members of the House are statements opposing the system from men who have been among the principal public opponents of the ABM. We questioned witnesses repeatedly on the technical feasibility of the system, as well as on their concern for its implications on the arms race.

I can only tell you that I listened as carefully as I could and to me, the witnesses in favor of the ABM were more persuasive.

I know that a particular argument is made against the Safeguard because of what is called the command and control problem. It is alleged that because we have had difficulties in the past with communications systems that word might not be gotten to leaders in time to make the Safeguard work. If that argument was followed through its logical extension, we would give up all kinds of defense capabilities because of system problems. If the communications system is not working properly, the answer is not to give up the whole ABM system. It is to improve the communications link in the system.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. Arends) has expired.

Mr. DICKINSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Chairman, it is alleged that the time frame for decision is too short for the President to act. Again, logic will not carry that argument very far. It is far better to be in a situation where the President has to react very quickly than be in a situation where he has no hope of reacting at all. The decision time facing the President is not too much different from that facing him now with the Minuteman missile, but certainly no one would recommend we get rid of our Minuteman force.

Finally, it is alleged that authority to release the nuclear weapons would have to be delegated by the President, and that if this were true a lower ranking officer could lead us into war. What Secretary Laird told our committee is that we are not at the point yet when this decision on delegation has to be met. However, I think it is chiefly important to remember that in no case could the ABM, of itself, start a war. Because of its range, the ABM missile could not reach Soviet territory. It explodes high above the United States—high enough so as not to cause a significant fallout on our own people. If it misses an incoming warhead, or if it is fired by mistake, it would be destroyed in the air without a nuclear detonation. And, of course, it could still not reach Soviet territory.

Finally, would the ABM make a nuclear exchange more likely as some critics claim?

I think it would make it less likely. I have pointed out that it could not reach Soviet territory and accidentally start a war. But it could stop the accidental start of a war because it could eliminate an offensive missile accidentally launched from another country. We must keep in mind that in future years when some smaller nations have a nuclear delivery capability without the sophisticated control techniques developed by this country and by the Soviets, the chances of an accidental launch would be increased. An ABM defense can prevent such a launch from killing millions of people and starting a nuclear exchange. It also would be quite valuable in handling a missile fired by the Chinese when they develop ICBM delivery capability possibly in the late 1970's. I am convinced in my own mind that even if arms negotiations meet their fondest hopes, we will never find the Soviets willing to give up their ABM development because of the concern that they will need it against the Chinese threat.

I did not hear anybody complaining that the ABM was a provocative weapon when the Soviets were developing theirs in recent years, and it is significant that Soviet Premier Kosygin said of the Russian ABM:

> I think that a defense system which prevents attack is not a cause for the arms race but represents a factor preventing the death of people.

Finally I would note that some people are much taken with the idea of the strategic arms limitation talks—the so-called SALT negotiations.

I am of the opinion, myself, that any SALT agreement signed by the Soviets must be taken with a large grain thereof.

But in any case, the critics have shown no evidence that ABM development would delay the SALT talks. The Russians announced their interest in SALT negotiations in June of 1968 but 3 months later invaded Czechoslovakia. It is curious to me that those who are so concerned about our ABM development hurting the arms talks did not express the same concern when the Soviets actually invaded another country.

We can and we should pursue the possibilities of the SALT talks, but we also can and we must prepare against the other developments in the Communist world, above all, the threat posed to our nuclear deterrent. The Safeguard system is necessary to be sure we can meet that threat.

Mr. DICKINSON. Mr. Chairman, I am opposed to the amendment. I support the limited deployment of the ABM. I am not an expert on this subject. I claim no expertise. I am a member of the committee, though, who has sat through the hearings, and I am a concerned American. No one knows for sure until we reach the point where we need and have to fire them as to how effective antiballistic missiles will be. At some point, we have to make a judgment as to whom we are going to trust and make a decision to defend ourselves.

Mr. Chairman, I submit that we have reached the point now where we must make such a decision. If we err, then we shall have spent money. But if we err in the wrong direction—if we do not go ahead with the development and the token deployment—if we make a mistake in this judgment, then we shall have spent untold millions of American lives.

So if we do not know—no one can say, "I know," with a finality—if we must make a judgment, let us make it on the side of safety and the side of American lives and for a strong defense of America.

I yield back the remainder of my time.

Mr. FISHER. Mr. Chairman, I move to strike the requisite number of words.

The importance of this issue becomes self-evident when we recognize that the lives of 20 to 50 million people are involved. Therefore, it is of the highest importance that this body give the consideration to this that should be given when human lives, more than the technical intricacies involved in weaponry are involved, are involved, in the outcome of the issue. I do not recall that any issue since I have been on the Committee on Armed Services has received as much attention, not only this issue, but every one contained in the mammoth military procurement bill, as was accorded in this instance.

Nearly 3,000 pages of words are contained in the printed hearings. The opposition to this issue and to all the half dozen or so others that arose during the course of deliberations were accorded all the time they could use during the course of the discussion and the inquiry. In fact, I have an idea that if the record were examined, it would be found a disproportionate portion of the time was actually taken by those in opposition—and that was very proper and agreeable with all concerned.

So we have an issue before us now relating to the deployment of the ABM and the further research and development related to it. Let us remember as we vote on this issue, Mr. Chairman, that the Soviets are now deploying ABM's around Moscow. Let us remember that the Soviet version is a third-generation version. Let us remember that not only are the Soviets today deploying the ABM, the third generation of the ABM, but also the Soviets today are engaged in the research and development of the SS–9, the multiple warhead nuclear missile which is designed for one purpose and one purpose only, according to the best authorities in this country, and that purpose is to knock out and destroy our ICBM bases. There is no other purpose for it. They are spending hundreds of millions of dollars and perhaps thousands and thousands of

hours in research in an effort to develop that sort of thing. Yet we debate here whether we should spend money and continue our research and development, and the deployment which would follow, of an effective defense against the SS–9.

Now the question is raised as to whether this weapon will work, and I doubt if there are very many in this body who are really qualified to contribute very much in the way of expertise on that subject. Probably the gentleman from Illinois (Mr. Price) is about the best experienced and most knowledgeable man in the Congress, at least of those I know, of that caliber.

But if we go beyond that and go outside to seek the views of the real experts, we might confer with Dr. Edward Teller, the father of the H-bomb, and he says this ABM will work. He says it should be deployed now. He supports the Sentinel and the Safeguard. He supports this program we are debating. I would assume his judgment on this subject should be worth appropriate consideration, because surely he knows more than almost anyone in this body knows about it.

As was said a moment ago, Mr. Chairman, the lives of millions and millions of people could be involved in the outcome of this issue. But time is running out. We are playing for keeps. The hour is late. If we make any mistake, let us make it in favor of trying to save 20 million to 50 million lives. That is precisely what is involved in the outcome of this issue here today.

WHY DEPLOY SAFEGUARD NOW?

I am deeply concerned about the statements that have been made as to when Safeguard should be deployed. Many have said there is no urgency to deploy ABM. They have said that the United States has plenty of time to decide how best to defend its deterrent forces. They have said "wait for results of arms talks." We must realize—and our fellow Americans must realize—that Safeguard deployment should start now.

As has been explained in some detail, we know that the Soviets are steadily building up their ICBM forces and show no signs of slowing down. Additionally, the Chinese Communists could have an operational ICBM capability by the mid-1970's. We know that the Soviets are testing multiple warheads on their SS–9's, each with an estimated yield of 5 megatons. We know that, if we attribute to them an accuracy 5 years from now no better than we can achieve now, each of these multiples can achieve a very high kill probability against an undefended Minuteman. If we project a Soviet SS–9 force in the mid-1970's no larger than their current rate of buildup permits, this number could take out over 90 percent of our Minuteman force. With less than 100 Minutemen left, and assuming a reasonable Soviet ABM, this would effectively remove our Minuteman second-strike capability.

The Soviets are also steadily expanding their force of *Yankee*-class submarines—equivalent to our Polaris ships. If they continue at the estimated rate, these will constitute a very serious threat to our bomber bases in the mid-1970's. This is because the warning time can be so short that the B–52's will not have time to take off and fly a safe distance. Most of our B–52's will be destroyed, and their second-strike capability negated.

With Polaris we are in much better shape. We do not know of any way in which the Soviets could destroy Polaris. We know, however, that the Soviets are very active in the antisubmarine warfare area, and we can never be sure that some technological breakthrough might not compromise Polaris. It would be the height of imprudence to depend on one type of strategic deterrence only.

The threat is serious, it is real, and we must start defense preparations now.

There are those who argue that a delay of 1 year will give time to see if the U.S.S.R. is ready for arms limitation agreements. They argue that during this year we can continue our research and development and emerge with better designs. Our designs have already reached an advanced stage; little or no improvement can be expected by a year or two of delay. And the whole history of negotiations with the U.S.S.R.—even on simple matters—has been one of long, tedious and repetitious debate. It is far from likely that any binding and effective agreement could be formulated in 1 or 2 years. Yet our capability to deploy would have been delayed 2 or 3 years.

We occasionally hear the argument for delaying Safeguard that if the Soviet threat develops we can always deploy additional Minutemen—and that this can be done in a short time, say 1½ to 2 years. The total time to go from decision to deploy to operational status is considerably more than 1½ to 2 years. To go through the entire budgetary appropriation, procurement, and construction cycle would normally take 4 to 5 years, and even on an expedited basis would require at least 3 to 4 years. A switch to deployment of additional Minutemen missiles would require immediate decisions to provide for a 1974 deployment of these offensive missiles.

The most significant fact, however, is this approach would mean that we meet the Soviet threat by proliferation and not defense. Our option for defense might be lost, and with it the chance of stabilizing the relative posture of the two countries at a lower level of offensive weapons.

Another significant effect of delay would be the loss of the effort which is currently underway—resulting in a substantial delay in defensive readiness in case of a later decision to deploy.

Stopping deployment funds now would mean readiness of the first site would be delayed at least 2 years—until early 1976. Later deployments, such as the so-called phase 2, could not be ready until 1978. This long delay results from the necessity to abandon now and to build up again later the talented and trained personnel base for production, site engineering, construction, and the like. It is questionable whether many of these highly talented individuals would return if once separated from the program.

Delay would also result in a great loss of funds. Congress has already appropriated $1,744 million for deployment. An estimated $500 million of these funds would be lost if we decided to cease deployment. Even if we again decided to deploy during the next session of Congress, the cost of a 12-site deployment would be over $250 million and possibly $500 million higher than if we continue our current effort.

This cost results from the discharge of the some 5,000 trained personnel we now have on preproduction and construction engineering effort and the necessity to replace them later; the termination of contracts with subcontractors throughout the country who have made commitments for undertaking parts of the program; and the need to reestablish production lines, and build a new construction engineering base.

To illustrate the effect of a delay of 1 year in deployment, let us examine the case of the first site planned for deployment, the missile site radar facility at Grand Forks, N. Dak.

About 7 to 9 months would be required after firm site selection for the completion of the detailed engineering necessary prior to contract award. After contract award, some 24 to 27 months would be required to ready the site to the point where installation and test of radar and data processing equipment and other military equipment could begin. Some 19 to 22 months would be required thereafter for installation, test, checkout, and onsite training prior to site readiness. Procurement of hardware would have been made approximately 30 months prior to delivery to the site. All of these are relatively tight time factors for the work to be accomplished.

If deployment were delayed for a year, with activity restricted to R. & D., DOD would terminate as quickly as possible all procurement and construction engineering activities, packing items already procured, stopping all other production and fabrication, canceling vendor contracts, packing or sealing the production lines, and reassigning people. If the Congress in next year's authorization renewed the authorization and appropriated funds to deploy, the schedules would be approximately as follows: Completion of negotiations for a preproduction contract award in August 1970 at the earliest. Contract would take 2 to 3 months more. About 9 months would then be required to rehire, relocate, and retrain procurement and production personnel, renegotiate and restart the flow of vendor items, and reestablish production lines. Thus, about August 1971, effective production and assembly could be reinitiated in order to deliver all major hardware to site by April 1974. Site readiness would be achieved about January 1976.

Consider the impact of such unilateral action by the United States on the strategic arms limitation negotiation. We would be delaying with a U.S.S.R. which has already initiated deployment of a defensive system, has some sites operational, and is presently carrying on a most active test program on an advanced ballistic-missile defense system. We would enter negotiation having lost great bargaining factor.

In summary, then, a deployment decision is needed now if we are to be able to counter the mid-1970's Soviet and Chinese Communist threat to our land-

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based strategic offensive forces and avoid the loss in money and effectiveness that would result if skilled engineering and production talents are allowed to disperse.

Mr. STAFFORD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. Wilson), which eliminates the deployment money, $345.5 million from the ABM system, but—let us not lose sight of this—it leaves all of the $400 million-plus for research and development for ABM.

Mr. Chairman, being a Northerner, a New Englander, it will not be necessary for me to ask unanimous consent to speak more than 5 minutes, and it will not be necessary for anybody to seek the floor in order to yield me any extension of time to talk, because I do not believe I will need the 5 minutes in question.

I am not going to argue any of the ideological questions which are inherent in the discussion we have today on this very important issue. There is only one aspect of the ABM problem which I wish to discuss, so far as deployment is concerned.

I recognize that the majority of the members of the Research and Development Subcommittee of the Committee on Armed Services, upon which I have served, as well as the majority of all the members of the committee disagree with the position I am taking here. I respect their judgment. I hope they will respect my sincere conviction upon this matter.

In my opinion, in spite of the tests and the work which has been done in research and development on the ABM system thus far, this enormously complex system which we are considering today, we have not yet done enough to prove the system; to justify beginning the actual deployment of the system here in the United States of America.

This is one of the most complex undertakings which our technology has encountered.

I am not going to say the system will not work. Perhaps it will as it is now constituted. I am not going to say if the system will not work now, it cannot be made to work, because I believe it can be made to work in the future if that is what we want to do.

In the next 9 months of fiscal year 1970, with the $400 million available if this amendment is adopted for just such purpose, we ought to continue research and development upon the ABM system and not begin the deployment of that system.

I would say, Mr. Chairman, enough instances have come to light in the past 12 months of expensive, complex military weapons systems, like the Cheyenne helicopter, which have not worked. Let us not have another. Let us not go ahead with the deployment of the ABM system until we are convinced beyond any reasonable doubt that if we do deploy it that system is going to work. Let us go ahead with $400 million worth of R. & D. in the next 9 months. There are only 9 months left in fiscal year 1970. In that time frame it can be further extensively tested. Then let us review the state of the ABM system's development in the light of such further tests as we begin consideration of the 1971 budget, which we probably will have under consideration in our committee within 6 or 7 months from the time we meet here today.

I urge the adoption of the amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I am glad to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I would like to compliment the gentleman from Vermont (Mr. Stafford) for his discussion of why we do not need to deploy the ABM at this time.

I would also like to ask him a question on the immediate need or lack thereof for deploying the ABM. I will preface my question, however, with a few comments on our existing nuclear deterrents.

First, our ground-based ICBM system consists of 54 Titan II rockets and 1,000 Minutemen I missiles. Minuteman I, by 1973, will be replaced by Minuteman II's and Minuteman III's, each possessing longer ranges and heavier payloads.

Second, the U.S. Air Force has on alert about 600 B–52 and B–58 bombers equipped with over 1,000 nuclear-type weapons. It has been estimated by no less an authority than Dr. Jerome B. Wiesner that of the 600 bombers, "about half would get through to their targets."

Third, the fleet ballistic-missile weapon system is compried of 41 nuclear-powered submarines carrying a total of 656 Polaris missiles. This is really quite a deterrent because on April 7, 1969, Secretary of Defense Laird called it "virtually invulnerable."

Fourth, and finally, we have above and beyond what I have already mentioned over 7,000 nuclear weapons positioned outside the United States. Many of these are capable of striking targets in the Soviet Union.

In view of all this, it certainly seems to me that our national security is not in danger at this time. It looks like we have plenty of time and plenty of elbow room to continue further research on the ABM before we deploy it. We are talking about a huge investment, specifically $345.5 million for procurement, and I for one want to be sure we really need this before we dump all this money into it.

My question, then, to the distinguished gentleman from Vermont is this—in light of our current nuclear deterrents, which I have just discussed, is not our national security sufficiently protected for the time being to allow us some elbow room to go ahead with further research on the ABM but to delay any deployment of it?

Mr. STAFFORD. I believe the various missile systems we have are a great deterrent force, a great force for peace in the world. I believe under the umbrella which they provide we can use the next 6 or 9 months to further test the ABM system.

Mr. CONTE. I thank the gentleman.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I am glad to yield to the gentleman from New York.

Mr. ROBISON. Mr. Chairman, I appreciate the gentleman's yielding to me so that I can announce my support for the pending amendment as offered by the gentleman from California (Mr. Leggett) that would delete $345.5 million from the bill as now included for Army missile procurement—and hence deployment—in connection with the so-called Safeguard anti-ballistic-missile system.

As others have noted, this amendment would leave untouched and still in the bill the sum of $400.9 million in research and development funds for the Safeguard or a follow-on—and hopefully—better ABM system in the event there should be clearer evidence than we have today of our need for the same.

In taking this position, I am holding to the same position I have maintained relative to the deployment of any form of an ABM system since September of 1967 when, as I recall, I was one of only 26 Members voting against the first military construction appropriation bill that clearly carried advance deployment moneys for such a system. Subsequent votes on this issue have not been as clearly defined, in a number of instances, as that first vote—and some have occurred within the Committee of the Whole and, thus, were not recorded, but on each such occasion I have voted against ABM deployment moneys.

In so stressing my consistency, I do not wish to give the impression that mine has been a rigid position—or that I have not reviewed my position from time to time, as conditions changed or, indeed, as President Nixon directed a substantial and, to me, welcome modification of the original Johnson-McNamara concept of an ABM system. For there have been few issues during my entire period of service in the Congress to which I have devoted as much time and attention—and study—as I have to the complex and, in many cases almost unanswerable, questions involved in the matter now before us.

It would, thus, have been a simple matter, I suppose, as President Nixon—of my party—succeeded Lyndon Johnson, and then as Mr. Nixon did, as I have mentioned, direct what I regarded as an improved ABM concept over that one originally offered by Mr. Johnson, to have said that in matters of this sort the President knows best; or that, in instances involving the national security, it is always best to err, if at all, on the side of caution.

It would have been easy—in many ways—to have thus accommodated my position to the changed political and, to a lesser extent, technical circumstances.

But I have not done so because I have yet to see any convincing evidence—convincing to me, that is—that even the modified Safeguard system is presently required from the standpoint of our national security.

If I thought it was, I would vote the necessary funds for its deployment regardless of its costs for, though I am well aware of the need to remarshal our resources as between our defense needs and our Nation's social needs as soon as world conditions permit, the time has not yet arrived, unfortunately, when we can do that without some degree of risk.

Thus, my opposition is not based on the system's costs, as set forth in the bill before us, or as contemplated in future years.

Nor is it based on whether or not the system will work.

One has to assume that a nation that can land men on the moon safely and then bring them home can, with equal competence, solve the technological problems remaining before Safeguard becomes a thoroughly reliable weapons system.

At the same time, why begin to put a still-rudimentary and largely-untested system into the field if one is not convinced we need it now or, indeed, may not need it for several years yet to come, if at all?

If one believes that to be the situation—as I do—why not, then, proceed with further research and development of the system's components, and with the necessary testing, rather than beginning deployment of something that may well become obsolete before its installation is complete?

Nor is my opposition based on that difficult question—which I tend to answer in the affirmative—of whether or not our proceeding with deployment could upset the chances of success of the forthcoming arms-limitations—SALT—talks. Our past experiences in attempting to negotiate anything with the Russians ought to have taught us that it is rather useless, in any event, to try to speculate whether or not the Russians will move in this direction, if we move in that. So, while I do not wish us to do anything that might lessen the chance that, this time, at long last, they are prepared to talk realistically about our coming to some sort of arms agreements—so we can each slow down, if not end, the endless and senseless race we have been engaged in for so tragically long—I really do not see how anyone can make much of a case one way or the other on this point.

And, as to that case's other side—that the President needs congressional approval for deployment of an ABM system as a sort of "poker chip" to use in those talks—I do not really see that at all since the existence of a full-scale research and development ABM programs, which he will have in any event, ought to be equally as good a "chip" for him to advance as the very limited deployment of a system not really ready yet for the field.

Nor, finally, does my continuing opposition relate to the fear, as some have expressed it, that our having an ABM system is, in itself, so provocative as to result in an escalation of that arms race which I have mentioned. Such questions as I have had about this, I have tended to answer in the negative, for an ABM system as importantly modified by President Nixon should not be considered by the Russians—who have a partial and rudimentary ABM system of their own which may well have been designed to furnish them with some protection against a future nuclear threat from Red China—as being a provocative move on our part.

Instead, when it all comes down to the final analysis, my continuing objection to spending money to deploy Safeguard relates to my belief that the same will not buy us $1 worth more security than we now have against the threat of nuclear war.

In explaining this, one has to state again the basis upon which our strategy for deterring nuclear war—or the threat thereof—has always rested. We have always sought to do this—and have so far succeeded—by maintaining at all times a capability to retaliate against the Russians, or any other would-be nuclear aggressor, with such nuclear force as to cause that aggressor an "unacceptable" amount of damage in return.

I have purposely put quotation marks around that word "unacceptable," Mr. Chairman, because no one really knows what is, or is not, "acceptable" in this sense—and, of course, the answer may differ as we consider different nations, it being generally felt that our retaliatory blow, to constitute a proper deterrent, might have to be heavier, for instance, against Red China some day in the future than as against Russia now.

In any event, when one considers the massive retaliatory strength we now have—with its tremendous "overkill" capacity—in our vast and diversified deterrent force consisting, at last count, of 645 strategic bombers, 41 missile-launching submarines carrying a total of 656 weapons, and 1,054 land-based ICBM's, plus such tactical weapons as we may have here and there in Europe and elsewhere, it would clearly seem that we remain immune from any possible first-strike reach by Russia, if that is even contemplated, for some time to come.

And then when one adds into this strength the fact that, in response to the technological advances both we and Russia have made in recent years, we are fully prepared to begin to MIRV—meaning to replace our existing, single warheads with multiple, independently-targeted, reentry vehicles—both a substantial portion of our land-based Minuteman ICBM force and our Polaris submarine ICBM force, it is most difficult to see how a rudimentary ABM system, protecting only a few of our Minuteman sites, is really necessary now or in the immediate future.

It is important to understand that, by so MIRV-ing our retaliatory nuclear arsenal, we can thus increase its warhead strength by multiples of up to three for Minuteman and up to 14 for Polaris/Poseidon; thereby maintaining a substantial lead over Russia in total number of warheads.

Considering the fact that even the smallest warhead we are discussing is many times more powerful than the rudimentary atom bombs used over Hiroshima and Nagasaki years ago, all this would seem to assure us the continuance of an overkill retaliatory capacity as against Russia for several years yet to come, and for quite a few more years than that insofar as the budding Red Chinese threat may be concerned.

Now, finally, an ABM system is supposed to protect a part of our Minuteman force, as I have said, against a surpise attack, or to give us a flexible response—evidently meaning some alternative to all-out retaliation—or to be a defense against stray, accidentally-fired ICBM's.

But I have not yet been told why our Minutemen are now more vulnerable to a surprise attack than they have ever been. Personally, I doubt they are, and surely Russia's attempt, if that is what she is doing, to overcome our long-time lead in numbers of both missiles and warheads would not, alone, make them so vulnerable.

More importantly, however, let us remember that our entire investment in all this will be totally wasted if we ever have to use it.

This is because deterrence is a psychological thing, depending on our keeping our willingness—as well as our ability—to retaliate in full force credible to any would-be aggressor. The key word, here, is "credible."

Our Minutemen are only vulnerable to a surprise attack if they are still in their silos.

I wonder if, in further considering that fact, we have not touched upon what is, perhaps, the basic fallacy in the argument of those advancing the case for ABM.

Each of us can well undestand the awesome nature of a Presidential decision to release those Minutemen from their silos—and any President's desire for some degree of flexibility.

But, in the event of an actual attack, it is also difficult to contemplate any President wanting to rely on an untested and uncertain Safeguard system. It would seem to me that our retaliatory missiles would be used in any case—and, then, ABM would be protecting nothing but empty silos.

And I wonder further whether or not, in so seeming to reach for that flexibility, we do not risk somewhat eroding the credibility—key word, again—of our deterrent strength? By seeming to wish to prepare ourselves to ride out a potential Russian first strike against us, do we not invite Russia to essay that first strike—as we wait, with ABM, to see if she really means it?

If we are uncertain about Russia's first-strike capabilities and intentions—and we are—I know of no better way to prevent any attempt by her at a first strike, or even of any better way to cause her to make sure there never is an accidental ICBM launch in our direction, than to leave her in doubt whatsoever about our second-strike capabilities and intentions.

Mr. Chairman, few who have engaged in this debate—either here in this Chamber or in the preceding debate on this issue in the other body—have addressed themselves to this question. But it remains one that troubles me greatly.

In conclusion, I believe that deployment of the Safegard ABM system, now, adds nothing to our national security, but is something that may, in a wholly unintended and unforeseen manner, actually detract therefrom.

Our assured retaliatory capability, coupled with the certainty of our intended response, represents to my mind our greatest inhibition against any Russian first-strike attack—and even against any accidential ICBM launch.

Thus, for the reasons stated, I will vote

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for the Leggett amendment, and I urge my colleagues to do likewise.

Mr. HICKS. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

Mr. Chairman, I believe that the gentleman from Massachusetts (Mr. CONTE) put his finger on the reason why this system should not be deployed at the present time. That reason is we do not need it at the present time. Let us not lose sight of the fact that the sole reason for the ABM is that we want to make our deterrent credible in the 1970's. Keep in mind this fact, that if we have to use the ABM system, it has not worked. It is just that simple. If we have to use it, it has not worked. All this talk about 30 million people it will save or 50 million peope it will save is a lot of nonsense. It is just not designed to save people. The Safeguard system, as contrasted to the Sentinel system, was not designed to save people. It is designed to have the Soviets believe that our missile system can do what it is designed to do; that is, destroy the Soviet Union as a way of life.

The question is: Is that deterrent credible and will it remain credible in the 1970's. That is a judgment matter, as the gentleman from Alabama (Mr. DICKINSON) said. He wants to put his judgment on the side of putting in the ABM. I put my judgment on the side of the fact that at the present time and through the period of the eighties we will be able to destroy the Soviet Union with the missiles that we now have. As the gentleman from California says, if we cannot, we had better start building the long-range missile submarines so that we can move them around the ocean so that they cannot be destroyed. That is the reason why I say the amendment offered by the gentleman from California (Mr. CHARLES H. WILSON) stopping the deployment of these missiles should be adopted. Every dollar we spend that we do not need on defense is a dollar too much. On the other hand, I am going to vote against a great many amendments that the dissident minority is offering today, because I am not sure that we do not need them. This is one measure of our defense budget that I am absolutely certain we do not need.

Along with the gentleman from Vermont (Mr. STAFFORD) I agree we should continue our research and development, because who knows when we will have a breakthrough at some time when we will get a system that will save lives. At that point, when we have a defense missile system that will save lives, we ought to deploy it, but at the present time we do not have one and do not contemplate having such a system. We contemplate a system that will make our nuclear deterrent more credible. It is credible today and it will remain credible in the 1970's time frame regardless of whether the ABM is deployed or not deployed, in my judgment. For that reason I think there is $345 million here that need not be expended.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to my distinguished chairman.

Mr. RIVERS. If this system can save a missile site, could it not save a city?

Mr. HICKS. If it could save a missile site, it would make the missiles in that missile site available to shoot back at whoever was shooting at us, but if we have to use it to save a missile site, then it has not worked, because it has not proved to be a deterrent. That is the only reason why we are putting in the Safeguard system. It is to make our missile deterrent credible so that they cannot be destroyed and we can shoot them back.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from California.

Mr. LEGGETT. I thank the gentleman for yielding.

I know that the gentleman in the well is very much concerned about saving people. The fact is that we have totally changed our orientation on this missile system. Last year when we were on the floor those who urged support of the Sentinel were trying to save people from the Chinese. However, that is not the ploy today. The ploy today is to save missiles, which is the virtual exclusive use of the Safeguard missile system. I know that the gentleman is concerned about what happened to the $1.2 billion we voted on the floor of the House last year for the Sentinel system. There was $300 million for military construction where we were going to buy up sites near cities and we had the cities erupting and complaining all around the country. There has never really been an adequate explanation given to me as to what has happened to this kind of wasteful expenditure.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, ever since my college days I have had a very healthy respect for the process of debate. That is the reason I am terribly disappointed in this debate today, because thus far it seems that most of the proponents of the amendment have not argued on the merits of the question.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield to me at that point?

Mr. GUBSER. No; I cannot yield at this point.

Mr. Chairman, they have made the claims of "foul" and charged that they were being gagged and have not been given adequate time during which to discuss this issue.

Very frankly, if I were sitting on the other side of the aisle, I would be asking unanimous consent for everyone's time to be extended in the hope that the boys in the Press Gallery would emphasize the fact that discussion and debate was curtailed.

But, Mr. Chairman, I ask this question: Have you ever known of an issue before the American public which has been so thoroughly discussed and debated as this one? I certainly do not know of one. I think the American people and every Member of this House pretty well knows the issue.

For a moment I would like to address myself to the merits of this matter. I think they involve three questions.

First of all, will it work? Second, will it upset the balance of power and start a new arms race? Last, do we need it?

The distinguished gentleman from Texas (Mr. FISHER) pointed out the fact that Harry Truman was faced with a decision and made it in his typical courageous style. Dr. Teller said that the H-bomb would work. Other experts said it would not. Mr. Truman made the decision and I ask you where we would be in this world today if Russia had possessed a thermonuclear weapon while we did not. That would be the case had Mr. Truman followed the advice of some of the so-called scientific experts.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Illinois.

Mr. ARENDS. The gentleman just reminded me of something that happened with reference to the H-bomb. The great scientist, Mr. Oppenheimer, was reported in the press as saying that it would not work. After it did work and he was confronted with the question, "How could you be so wrong?" he said something like this, "I had only hoped it would not work, I did not want it to work."

Mr. GUBSER. I thank the gentleman.

Mr. Chairman, we put a man on the moon. We will make this system work. I do not say when or how well it will work, but I say we can make it work.

With reference to the question, Will it upset the balance of power and start a new arms race?—there are arguments both pro and con which I shall not dwell upon. However, it is a defensive weapon.

How can a defensive weapon start a new arms race? In our military history we had H-bomb superiority, and Russia met it and surpassed it; we had the B–52 superiority and she met that. With respect to everyone of our deterrents she has met them. We have the ICBM and she is fast meeting that. We have the Polaris deterrent and surely she will meet that.

Mr. Chairman, my point is that this will not set up an arms race because, ladies and gentlemen, there is one in progress right now and Russia is winning it. It is just that simple.

Last, do we need an ABM? The answer lies in another question: Will Russia or China launch a first strike against us? The answer to that question only lies in the minds and the hearts of the men in the Kremlin and in Peking.

Mr. Chairman, I do not have extrasensory perception and I cannot look into the minds and hearts and consciences of these men. I cannot answer the question and I submit no one else in this room can.

But, as I pointed out yesterday during general debate, I think I established by asking several questions, which if answered honestly would prove conclusively that there is a threat and there is an aggressive intention on the part of the Soviet Union.

So in the interest of safety we must assume that that threat is real, and we must be ready for it. We cannot run the risk of erring as Chamberlain did.

I submit that this is the real and significant issue. What we are buying is a minimum of 1 year's time and probably 2 years in a deployment schedule. We can come back here next year and repeal all of this, and stop the program dead in its tracks, but we will not have lost 1 year or perhaps 2 in the face of a serious threat.

Mr. Chairman, if anyone favors further research and development is he not really saying, "I am for deployment if it works." If this is not so why support any funds for R. & D., why not cut it off now? Thus the arms race argument is negated and so is the argument that negotiations will be hindered. If one favors further research and development the issue is not deployment, the issue is when it will be deployed.

I believe American scientists will make it work. So if there is a threat from a potential aggressor and time is against us, is it not sensible to save 1 year and probably 2. The year we save may be the difference between having a nation and not having one.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I will yield part of my time in a moment to members of the committee who wish to discuss this. Before yielding I want to indicate that I rise in support of the amendment.

I might state that my background on the ABM does not come from this debate today, or this week; it started actually, as far as I am concerned, over a year ago when the deployment of the Sentinel ABM on a site within the Seattle area was discussed. Many of us were approached by a group of scientists and physicists, many of whom have worked on the programs for the scientific advancement of defense of the United States. These scientists said that first, the system will not work; and second, if it were used it could destroy the city which it was designed to protect by a fire storm that would result. There are also problems in the control-command area which are involved with an X-ray kill system.

For example, if you use an X-ray kill your radar will still reflect that the missile is coming into the area, and if you give humans control over the Sprint missiles they will fire these short-range missiles at the incoming missile or you have to lock it down and just depend on computers to fire for the X-ray kill, otherwise you will have a massive firing at the missile as it continues to come in, and as the Sprints are fired, and the resulting fire storm will destroy that city.

The Sentinel was then rejected and the Safeguard was picked.

This system we discuss today is not a people saver, it is a missile saver. I would like to mention that I put in the RECORD on July 11, 1968, an article from the Scientific American of March 1968, describing the ABM system in detail, and showing how it cannot work. On February 26, 1969, I did the same thing with another article.

For example, it can be shown that through the use of a simple tandem missile there is a radar blackout. The first explosion knocks out the long-range radar, and in the blackout the second missile goes through. The use of chaff and various other penetration devices are equally dangerous to this system.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from New York.

Mr. GILBERT. Mr. Chairman, I thank the gentleman for yielding, and I wish to associate myself with the remarks of the distinguished gentleman from Washington.

Mr. Chairman, I rise and associate my remarks with those of the distinguished gentleman from Washington (Mr. ADAMS) in support of the Wilson amendment, which would delete $345,500,000 for limited deployment of the ABM system.

I voted against the ABM appropriation last year and I have not altered my position. The cost is exhorbitant; it will be a financial drain on this country. And I believe the deployment of this system threatens to upset our already delicate, strategic balance and encourages escalation of the arms race. In addition, there is the serious risk of accidental explosion near our urban centers, and I certainly believe the deployment of this system would weaken our bargaining position and diminish our capacity to conduct intelligent and rational foreign policy. As I have said in the past, the ABM system is inconsistent with our efforts for the ratification of the Nuclear Nonproliferation Treaty and the establishment of a Department of Peace. Under the terms of the treaty the nuclear powers are to undertake "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament." If there is good faith intent in nuclear disarmament, then deployment of the ABM system is inimical to a nonproliferation treaty. Mr. Chairman, I do not want to dwell longer on the technical shortcomings of such a system. We have heard ample scientific testimony that the system may be of little or no worth to the Nation's security. But I will say with conviction that we have set a grievously bad example to the rest of the world.

Mr. Chairman, I reiterate that I support the Wilson amendment, and I urge my colleagues to support it, also.

Mr. ADAMS. Mr Chairman, I also want to associate myself with the remarks made yesterday by the gentleman from Illinois (Mr. ANDERSON) for whom I have the greatest respect, and who I believe stated it so very well when he said that we must change our comfortable, old ways. That is why some of us who are not on the Armed Service Committee are involved in this argument we are engaged in today.

I also want to associate myself with the remarks made by my colleague from Washington (Mr. HICKS). He and I have both gone through a great deal of soulsearching in regard to this situation. We have been involved in it for over 2 years. We are concerned about our people in our cities, and we are concerned about where this program goes if you start with the Safeguard, and then go to the Sentinel, and then go to heavy defenses. And that is why I again urge the members of the committee who have not done so to read the articles I have previously placed in the RECORD on July 11, 1968, and on February 26, 1969.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from California (Mr. LEGGETT) a member of the committee.

Mr. LEGGETT. Mr. Chairman, I thank the gentleman for yielding.

I know that the gentleman is appreciative of the great wisdom of Dr. Teller who has been alluded to here on the floor before, intimating that he had contributed measurably to the building of the hydrogen bomb—whether or not he is the father of it or not, I have never been really able to prove.

I do recall, however, Mr. Chairman, that the doctor sometimes has been wrong. For instance, when I was in the California Legislature some 7 or 8 or 9 years ago I recall the doctor appeared before our legislature urging at that time the great necessity for the development of civilian defense shelters. If you take his mathematics and the recommendations of the doctor at that time, it would have meant that the State of California as a State would have expended the amount of $10 billion to protect the State from the fallout of the nuclear holocaust that was going to come.

Mr. Chairman, now on hearing of the doctor's enthusiasm for the ABM, I am satisfied that really why he was doing that was because he was really anticipating what the nuclear holocaust would be like and what problems would be created in our own atmosphere with this tremendous fallout that we would be getting from the ABM nuclear weapons exploding in our own atmosphere at very short range.

Mr. ADAMS. Will the gentleman agree that the Sprint missile being fired in tandem in great numbers at the incoming missile can establish a fire storm within the area in which they are fired?

Mr. LEGGETT. That is exactly right. It is very interesting to note that we have had some other systems presented to our committee—one an Air Force system, classified by letters and names describing it and the SABM's the Navy surface anti-ballistic-missile system.

Mr. WEICKER. Mr. Chairman, I move to strike out the requisite number of words and rise in support of the amendment.

Mr. Chairman, the great tragedy of the ABM is that it has become a symbolic test of conflicting ideologies. As such, it has already made its first kill—specifically, the commonsense of many who will render judgment on it.

The prevailing rules require that a big "L" liberal must state his opposition to the ABM in order to preserve his reputation for social reform. Similarly, a big "C" conservative finds he must support the system if he is to convince his backers that he has not sold out to creeping socialism.

The mass media has used the ABM issue to symbolize everything from Biafra to tax reform. Conservatively oriented media charge opponents of the ABM with being against national security and soft on communism, while their liberal counterparts insist that only without the ABM will Russia bargain in good faith on arms reduction with the United States.

Let us stop the noise and try to examine what is really at stake in this issue. We are looking at a proposed weapons system, a piece of military hardware, costing *x* number of dollars and designed to do a certain job. We are not conducting a symbolic test of feelings toward the administration. We are not symbolically examining our love of country, and we are not attributing any new candor or worthiness of purpose to Sino-Soviet communism.

If we fail to examine this system on its merits, or if we oppose it simply to create an embarrassment for our President, then indeed we have raised an issue even greater than the ABM—specifically, the priority we give to partisanship.

I have always believed in a strong national defense posture and I do not think this is the time to base our national policies simply on trust in the Soviet word. But if we are talking about national security, and putting democracy on the offensive, then commonsense leads this American to a stance of opposition to the ABM Safeguard system.

On the first point—national security. If I recall my military history correctly, the United States became the greatest military nation in the world, not because of our numbers, but because we developed military weapons and tactics which depended on mobility and simplicity of operation. An example of this would be the development by the United States of the principle of indirect artillery fire as compared to the Russian tactic of massing artillery on the ground in a certain pattern to achieve a similar pattern of shell bursts. The ABM system proposed in this bill is neither mobile—this, because of its fixed-site characteristics, nor is it simple of operation—this, because of its reliance on extremely delicate ground-based electronic gear.

As to mobility. Do you honestly believe that fixed installations are superior in this day and age to highly mobile installations such as our nuclear submarines?

As to the electronic part of the system. Do you honestly believe that we are not capable of doing via satellite, what is proposed to be done on the ground?

It is impossible to touch upon the issue of national security without commenting on the balance of nuclear terror which presently exists. I do not know if the ABM system has credibility in Moscow or Peking; what I do know is that our present nuclear arsenal capable of being delivered by ICBM, submarines, or B–52's does. And I also know that those ABM's already constructed by Moscow can in no wise give to any Russian the assurance that at the minimum, he would not be on the receiving end of at least 100 of our missiles. I believe the time has come for this Nation to distinguish between more defense and better defense. Is it not a sad commentary on the creativity of our democracy that we are always talking about military defense or military offense. Again, historically we have displayed a success way beyond the numbers of our population because we not only concentrated on military weaponry, but also on the powerful weapons of scientific discovery and technological advancement for life. If only we can forget our unnatural cynicism and remember that freely creating is where a free society like ours has two punches for every one of the Sino-Soviet military state.

What I am saying is that for every man you can persuade to a political philosophy with CBW, I can persuade 1,000 with a cure for cancer. For every woman that you can persuade with an ABM, I can persuade 1,000 with a system that creates fresh water where none now exists. And so it goes.

I plan to vote for the bill, but also for this amendment. And I think in doing that, I represent the commonsense judgment of a majority of Americans. That judgment accepts reaching the limits of destruction, but very humanly pleads that the work of hope begin.

Mr. RIVERS. Mr. Chairman, I wonder if we can get some idea as to how many additional Members desire to speak on the amendment. I wonder if we could agree to, say, an hour of debate.

Mr. GERALD R. FORD. Mr. Chairman, will the distinguished chairman of the committee yield?

Mr. RIVERS. I yield to the minority leader.

Mr. GERALD R. FORD. I had hoped to make a few remarks. Others in the leadership on both sides might like to say a word or two. Even if an hour were now allocated among the Members now standing, it would mean each would have less than 5 minutes.

Mr. RIVERS. I would not wish to deny anyone 5 minutes. Maybe we ought to go on.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to assure the distinguished chairman of the Armed Services Committee that I shall not take the full 5 minutes unless members of this Committee would like me to yield to them.

Mr. Chairman, there has been a great deal of talk on this floor about who is and who is not an expert. I come before you obviously making no claim to be an expert. I am a lawyer by training and a politician by trade. But I do remember that as a trial lawyer I had to cross-examine experts. I had to educate myself in their field. I remember a case involving the awful disease of epilepsy. I had to learn enough so I could cross-examine medical experts on that subject.

In this field I tried to do a little cross-examining. I cross-examined an expert as to whether we could now and in the future penetrate whatever kind of defense the Soviets could erect against us, and the expert assured me that there was no system that the Soviets could possibly erect that we could not, with our various penetration aids—chaff, decoys, multiple warheads, maneuverable warheads and, if all fails, a precursor to knock out their radar—there was no system that could be erected that we could not penetrate. Therefore, I asked, Why is it not true that they could also penetrate whatever we would erect?

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. LEGGETT. I appreciate the gentleman yielding and giving us the additional time. I appreciate the remarks the gentleman is making on the subject of experts, because I am reminded of the way our Committee on Armed Services selects its experts on the question of deployment of the ABM. We heard many generals, admirals, Air Force generals, and colonels expressing their views on why it was pragmatic that we deploy these various systems. We did set aside, I think, one Friday morning to hear civilian witnesses who might be pro or con on the question of deployment. This was a day when, I believe, we had a bare quorum of the committee present. We had a total of about 3 hours of testimony presented which was split between the distinguished people who thought it was a good idea and those who thought it was a bad idea. I do not purport to be any expert myself. I have familiarized myself, I think, with this subject matter about as much as anybody on the floor.

But still when you come up against a $10 billion system that envisions this massive expenditure of money, personnel, and training, it is very difficult for anybody to master exactly what it means. But I think that one of the great experts we are forgetting about, Bob McNamara, while I have disagreed with him on a number of subjects, certainly on the question of deployment against the Soviet Union he was immutable.

He said that even though the Sentinel system might be all right—and we recall in October 1967 he said it would be OK, we should release the Sentinel, and we will start with an R. & D. program; he said at the time, however, that we should not initiate an ABM deployment to help protect our land-based strategic offensive forces against a Soviet missile attack.

He said:

> 1. The Soviet Union would be forced to react to a U.S. ABM deployment by increasing its offensive nuclear force still further with the result that:
>
> (a) The risk of a Soviet nuclear attack on the United States would not be further decreased.
>
> (b) The damage to the United States from a Soviet nuclear attack, in the event deterrence failed, would not be reduced in any meaningful sense.

Those remarks appear on page 167 of the report in my concurring remarks, which I might mention were not prepared by any committee staff lawyer.

I would say that as far as the people who come up and say that we should deploy the ABM because we want to save 50 million people, Bob McNamara has said if we want to save 50 million people, we should not deploy this system against the Soviet Union, because they will have to do what we did. The Soviets deployed not a thousand ABM's, like we are deploying in this program, but they put up 67 around Moscow in the Galosh system and they got it two-fifths completed and then abandoned it. Nothing has happened in the past year on that program. It is a nonautomatic ineffective primitive system.

I think the effect of it has been to make the United States move ahead with this massive deployment and this massive arms race.

Mr. RANDALL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, a nation's most fundamental interest is its own survival. If I were convinced that the Safeguard ABM system would contribute significantly to our Nation's security I would not be standing here urging my colleagues to vote against it. But, I am convinced otherwise. Some of the best scientific minds in this country have studied the ABM and it is their opinion that at worst the system will not work at all and at best it cannot be depended upon to work at a given time. To a man, James Killian, Donald Hornig, Jerome Wiesner, and George Kistiakowsky, the science advisers to the last three Presidents, oppose the decision to deploy the Safeguard ABM. One of the primary responsibilities of these highly trained scientists was to advise the President on weapons systems. I do not think anyone questions their objectivity or qualifications. What is it about the ABM which inspires such little confidence in its reliability?

For one thing it is the most complicated electronic system ever conceived. Briefly this is how the system is set up. It is composed of two types of missiles and two types of radars, the latter feeding impulses to a computerized central "nervous system."

One radar is a perimeter acquisition radar—PAR—a long-range detection and tracking instrument capable of scanning the horizon. The other radar is a missile site radar—MSR—designed to track incoming targets at shorter ranges than the PAR and to track U.S. missiles to their encounter with an attacking missile.

The larger of the two missiles is Spartan, a three-staged rocket with a range of several hundred miles. It carriers a nuclear warhead and is designed to intercept incoming missiles above the earth's atmosphere.

The smaller missile is Sprint. It is also nuclear-tipped; has two stages and like Spartan is fired from an underground silo. It has high speed and limited range and is designed to intercept attacking missiles that have pierced the long range Spartan defenses.

In theory the system would begin to function when incoming missiles were more than 1,000 miles away. PAR would track them for a minute or two, establish their trajectory and feed the data to a computer.

A Spartan missile would be launched to intercept the attacking missiles hundreds of miles distant in outer space. It would fly at about 5,000 miles an hour and at its nearest point to the enemy missile, explode its hydrogen warhead with the impact of millions of tons of TNT.

Any enemy weapons penetrating this nuclear defense would encounter the short-range Sprint which is capable of climbing thousands of feet in a few seconds and making interceptions between 5,000 and 100,000 feet at ranges between 15 and 25 miles.

Sprint's operation is all within the earth's atmosphere where it is easier for radar to identify decoys and other devices designed to confuse the defender. Its warhead is smaller than that of Spartan; its explosion probably would be about 20 miles in the air.

The computers which guide the Sprint and Spartan are fantastically complex. They must interpret radar signals, identify targets, track incoming objects, predict trajectories, distinguish between warheads and decoys, eliminate false targets, reject signals from earlier nuclear explosions, correct for blackout effects, program, arm and fire the rockets. And it must do it all within 10 minutes.

It is obvious even to a layman that if any one of the components is out of order or does not perform perfectly, the whole system fails not partially but totally. If the missiles misfire or malfunction, no enemy rockets can be intercepted. If the radar does not properly interpret the signals it cannot guide our missiles to their targets. Certainly the enemy would send a large number of decoys along with the actual warheads and if the computers are fooled by the decoys then our rockets will be sent to incept the decoys and the enemy ICBM's will proceed unharmed. The list could go on ad infinitum. If a showdown ever came and something malfunctioned, it would not be possible to hold the countdown for adjustments and repairs as we are able to do with the Apollo moon shots.

A Bureau of the Budget official recently made a study of 13 major aircraft and missile programs utilizing sophisticated electronic systems. Of the 13, only four could be relied upon to perform at more than 75 percent of their specifications. Two of the systems costing $10 billion had to be phased out when their low reliability became manifest. Two others were simply canceled after an expenditure of $2 billion.

Dr. Daniel Fink writing in the October 1968 Science and Technology states that our missiles have a reliability of about 50 percent. Fifty to 75 percent reliability in an offensive weapon is acceptable because of our very high coefficient of overkill. Recent Senate hearings revealed less than 10 percent of our offensive missiles need reach the Soviet Union in order to completely devastate the 50 largest cities. Thus we have a rather large margin for error with offensive missiles. Conversely, since the U.S.S.R. also has a high coefficient of overkill our ABM system must perform with absolute perfection. Even 90 percent is not good enough.

Back in 1960–61 there was great pressure to deploy the Nike-Zeus or its variant, the Nike X. Both were anti-ballistic-missile systems not greatly different than the one now being offered. Much to their credit, President Eisenhower and President Kennedy opposed deployment. Looking back on that decision, Dr. George Kistiakowski, President Eisenhower's science adviser made this observation:

> It is interesting to contemplate that had the deployment of Nike Zeus been authorized in 1960–61, we would have just about now the full system in operational readiness, after spending what was then estimated as twenty billion dollars and could have been, judging by analogy with other large weapon systems, twice as much. Considering the current numbers and sophistication of offensive missiles now being deployed by the super powers, it is technically certain that the Nike-Zeus ABM system would now be of little value. It would be obsolescent or even obsolete, judging by the fact that the probably somewhat more modern Soviet ABM defenses around Moscow are rated of little value to the Soviet Union by our competent military experts.

Even if we thought we had built an impenetrable system there would be no means of testing it thoroughly. For example there is no way to know what effect a high altitude nuclear explosion would have on the ABM radar and electronic systems. We cannot test this because the Test Ban Treaty prohibits atmospheric nuclear testing. A great number of scientists feel that such an explosion would completely "black out" our radar. In response to a question by Senator SYMINGTON, Dr. Hans Bethe, professor of physics at Cornell University observed:

> An atomic explosion would produce a much higher concentration of electrons and would thus reflect radio waves of much higher frequency than the ionosphere. This gives radar blackout for a certain length of time after the explosion, usually counted in minutes and this has been observed in our own high altitude nuclear weapons tests in 1958 and 1962.

Since the ABM could not be deployed before 1973 at the very earliest, the U.S.S.R. as well as any other potential foe will have 3 years to figure ways to alter their ICBM's so that they can penetrate our ABM. This point has particular relevance to the Chinese threat since Chinese ICBM's are still in the development phase. China will not have to make expensive revisions of her ICBM's. She can simply provide for the penetration aids in her original design.

What will this system of doubtful reliability cost the American taxpayer? The President says $8.2 billion. That cost does not include the nuclear warheads which will run the price up to about $11 billion. But if we think we are going to get off that cheaply we are fooling ourselves. In 1967 a system similar to the Safeguard ABM was estimated to cost $3.7 billion. A Brookings Institute analysis of weapons systems costs revealed that actual costs have exceeded estimates by 300 to 700 percent. If the ABM follows this trend we are going to put out an awfully lot of money. The $11 billion buys protection for only a few sites. If it turns out that Safeguard is only the prototype for a "thick" system, the total might reach astronomical heights. I do not think any thoughtful American is willing to spend hundreds of billions of dollars for a weapon that has no better record for reliability than the ABM. Applied to domestic problems, $100 billion would develop and protect our rural economy, rebuild our cities, decontaminate our air and water, educate our children and still leave a surplus.

From strictly the military point of view a multibillion-dollar expenditure for

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ABM means that less money will be available to develop new and more effective ways to protect our security. Dr. Jerome Wiesner, Science Adviser to President Kennedy stated:

> Some weapons systems are obsolete in their conception, and I think this is probably true for the anti-ballistic-missile system before us. I have in fact come to the conclusion that any system that depends upon projectiles—rather than say nuclear rays or electromagnetic beams or laser beams—is futile.

Would it not be better to devote more funds to further research and development in the field to see if some really effective system might be developed, than to deploy an unprecedentedly expensive system that probably won't work and is sure to become rapidly obsolete?

Not even the most optimistic proponent of ABM will argue that the system proposed will protect our cities. Rather deployment will be directed toward protecting some of our ICBM's. Such protection, the argument continues, will assure that sufficient numbers of our Minuteman ICBM's would survive a sneak attack to devastate the attacking nation. This argument seems to assume that our deterrent credibility is based exclusively on our Minuteman ICBM's. We all know that is not so. Our deterrent or "assured destruction capability" rests on three distinct and independent components: Bombers, missile carrying submarines, and Minuteman ICBM's. The task assigned to Safeguard is to protect only a fraction of our ICBM's. The fact is that if every Minuteman were destroyed, our bomber force and our Polaris submarines would still have the capability to totally destroy the attacker. Therefore, whether or not we deploy the Safeguard ABM our assured destruction capability remains intact.

Some have said that we ought to have an ABM because the Russians have one around Moscow. If we do not deploy we will suffer an ABM gap. That reasoning might be more persuasive if there were any reason to think the Russian model was effective. Our intelligence has confirmed that the Russian ABM system is a primitive type similar to the type President Eisenhower rejected as unworkable back in the late 1950's. It now appears the Russians have recognized the weakness of the system and no longer deploy it. In a letter to former Senator Monroney, former Deputy Secretary of Defense Roswell Gilpatrick commented:

> It seems generally accepted within our intelligence and scientific community that the ABM system which the Soviets have deployed around Moscow has encountered many technical difficulties and is probably of limited effectiveness.

It would be ludicrous to justify a multibillion-dollar weapon as a reaction to a weapon you and your adversary both know has marginal utility.

Another of the multitude of alternative uses the administration has attributed to the ABM system is a protection against accidental launch of an ICBM. Of course, any additional protection against an accidental launch would be reassuring, but in this case other more effective means are available. The U.S.S.R. and the United States have a vital and coinciding interest in this problem, and it would therefore seem preferable to get an agreement with the Russians and anyone else who has operational ICBM's to place self-destruct mechanisms in the ICBM itself. Then if one were accidentally fired its owner could destroy it before it could cause any damage.

Not only does Safeguard allegedly protect against Russian attack, Chinese attack, and accidental launch, but it also is supposed to provide an alternative response when we are faced with a possible attack. We need not, they say, launch our Minuteman, Polaris missiles, and B–52's. If the attack is less than all out we need only launch our ABM's which will intercept the missiles. But, before we buy this facile argument let us imagine ourselves to be the President. A special adviser comes in and tells the President that the radars have picked up what are believed to be Soviet ICBM's and their projected trajectory indicates they are headed for one of our Minuteman sites. The President must make his decision in less than 5 minutes. He knows the ABM's have a failure probability of 50 percent or more. He knows that there is a 72-percent chance that one of the radar installations will not be operational. With these and all the other uncertainties, would you order the Minuteman to remain in their silos and rely on the ABM? Or would you fire the Minuteman immediately and leave the enemy ICBM's to hit empty silos? Viewed in these terms the option is illusory.

The fact that no ICBM or hydrogen bomb has ever exploded accidentally, does not mean that it cannot happen. The specter of such an accident is clearly accentuated by adding many more nuclear rockets to the Minuteman bases. Also of significance is the fact that one of the two types of ABM's used in the Safeguard system is programed to detonate at a comparatively low altitude. We must at least concede that the potential risk to civilian population is increased by the deployment of the ABM. Dr. George Rathjens of MIT observed that if the warhead of a single Spartan missile went off accidentally, it would cause nearly total destruction for a radius of 5 miles. Moreover, Dr. Ralph Lapp points out that if the Sprint rockets are detonated above the sites as they are programed to do, the resulting heat, light, and blast may cause very great damage to nearby cities—such protection we may be able to do without. It naturally follows that the very existence of an ABM installation will attract enemy ICBM's trying to destroy the system.

Aside from the question of whether Russia could achieve a preemptive strike capability, the great weight of the evidence points to the proposition that she is seeking only to maintain a form of missile parity. Dr. Wolfgang K. H. Panofsky, director of the Stanford Linear Accelerator Center at Stanford University expressed considerable doubt that the Russians either could or would attempt a preemptive strike against the United States:

> I would like to express considerable skepticism that an attack of the kind envisaged by the Department of Defense witnesses could be mounted by the Soviets with any confidence of success. One has to recognize that such a first strike implies that the Soviet decision makers would have to make a rational decision for such a fully coordinated attack and that in the absence of having carried out any operational tests involving nuclear warheads (forbidden by the atmospheric test ban), they would have confidence that such an attack would actually work. I consider this to be an extremely implausible projection of our available intelligence, including that concerning the SS–9. I can think of no better prescription for accelerating the arms race than taking the position that we must prepare a fully safe countermeasure for any technically imaginable contingency. It is this kind of planning which, from the narrow point of view of the military may appear conservative but which can lead to disastrous consequences for the survival of the U.S. or in fact the entire world.

Deployment of the ABM will surely lend credence to the feeling that the United States is reassessing its world responsibilities and is planning to withdraw to a "fortress America" unconcerned about the protection of our allies in Europe and elsewhere. It is no secret that Canada is miffed about our failure to consult with her on the proposal to deploy the ABM. This is understandable since presumably in case of attack most of the intercepts would occur over her territory.

Finally, let us look at the probable Soviet reaction to ABM deployment. What are they likely to do as a response to our ABM? Will they do nothing since they recognize that ABM is defensive rather than offensve? Or, will they speed up their own work on an ABM system? Or will they feel that their own deterrent is imperiled and launch an effort to enlarge their offensive capability? I submit that they will react just as we reacted when they deployed a rather primitive missile defense system around Moscow. We gave the go ahead to development and deployment of weapons which could penetrate their defense system. I refer of course to the Posiedon and MIRV.

I think the conclusion is inescapable that with the deployment of the ABM we are off on another round of what is euphemistically called the "arms race." Actually "race" is a tragic misnomer. A race implies a finish line and a winner, but the arms race can have no winner because there is no finish line. For every weapon there is a counterweapon; to every offense, a defense, and so the cycle goes on; thrust, parry, thrust, parry. It is a cycle that can terminate in but two ways. The participants can stop voluntarily. They can sit down together and agree to stop the race and they can devote their energy to more practicable and useful pursuits. We all know the alternative. We have lived with it since July 16, 1945. If the experience of those 24 years offers any lesson it is this: the arms race must end or civilization will. So far we have been lucky. Maybe our luck will hold out for a while longer. And maybe it will not.

Wishing will not stop the arms race. In addition to mutual distrust and suspicion, there are powerful vested interests on both sides. Frederick Collins

noted that 28 major contractors for the ABM project employ about 1 million people in 42 States. That adds up to a terrific amount of political pressure that may be brought to bear. It is not easy to vote against a bill that provides employment for your constituents. But, sometime we must apply the brakes and there is no better time than today. Prior to the ABM deployment proposal the Russians had expressed interest in beginning disarmament talks. We can give impetus to those talks by voting not to deploy the ABM. Let the research and development continue, but let us give disarmament a chance.

For too long, Mr. Chairman, we have abdicated our constitutional responsibility to raise and support armies. It is time that we serve notice on the Department of Defense that its requests shall no longer receive only pro forma scrutiny. We in the Congress have been elected to judge what is and is not in the national interest. I am merely suggesting that we exercise that responsiblity. Let us say "No" to an expensive new weapons system that does not work and that we do not need. Let us say "Yes" to a reorientation of our national priorities and direct ourselves to the crucial domestic problems that ominously cry for solution. The survival of our Nation demands it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. Mr. Chairman, I rise in opposition to the amendment of the gentleman from California (Mr. WILSON), which would eliminate all funds for the deployment of the Safeguard system and leave only some money to continue research and development.

I will now yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I wonder if the Bob McNamara the gentleman from California was speaking of, is the same Bob McNamara who, as the former Secretary of Defense, was going to have American troops out of Vietnam 3 years ago?

Mr. RANDALL. Yes, I am sure we are speaking of Mr. Robert Strange McNamara. I think it is no secret that I had the opportunity several times to interrogate him about his policy of gradualism on Vietnam which cost us so many lives of the finest young men ever sent on the battlefield. As we all know, this no-win policy became so unbearable that it was finally rejected by former President Johnson who replaced him with a new Secretary, Clark Clifford. For my part one of the few things that I ever said which could be construed to be praiseworthy about Mr. McNamara was the fact that he had served longer than any other Secretary of Defense in the history of that office before he had to be removed by former President Johnson.

Now, Mr. Chairman, I think we ought to get back on the track to discuss some more the things that were brought out by those on the other side of the aisle concerning the deployment of the hydrogen bomb. Mr. Truman happens to be my fellow townsman. If he had listened to some of the scientists, who urged him to put aside the H-bomb the entire history of the world might today be on a different course. If Mr. Truman had yielded to the scientists who said to do nothing we might not be engaged in this debate today, because we could already have surrendered to the Soviets and living as a slave of the Soviet Union.

We are behind. We are behind in this race. All the committee asks you to do today is give our Department of Defense the funds to catch up or to become even with our enemies. Regardless of what Members' feelings may be about Vietnam, about the morality or immorality of that war, the Safeguard is something for our own defense. There has been far too little emphasis that the Safeguard is only a defensive weapon. We are not talking about war in Vietnam now or about anything except the defense of our own country. I submit that the defense of our homeland is a worthwhile undertaking. If for no other reason we should defeat this amendment.

May I suggest that if we do not approve deployment of the Safeguard today, then such a failure to act is tantamount to inviting the Russians to take advantage of our indecision.

There has been a great deal of argument back and forth concerning the cost of the ABM. The cost is going to be great. There is no question about that. But, if we do not start this deployment, if we do not start doing something, all the while admitting it may not be 100-percent effective, we are saying we never plan to start the journey toward perfection. No journey starts until one takes the first step.

The defeat of this amendment will mean we can start the deployment. It would be something like lighting a candle instead of continuing to curse the darkness.

Returning to the cost of the ABM, we did not know the cost in terms of lives and money when we determined to win our liberty at the time of our Revolution. I do not think we worried about the cost at the time of the war in 1918. We did not worry over costs at the time of Pearl Harbor. Certainly we should not worry about the cost of our own defense at this time—because that is what we are talking about right here and now. We are considering a defensive weapon to protect the lives of our own people and the land we all love.

A lot more needs to be said.

If I may, I want to quote from a gentleman by the name of Admiral Rickover, who I know we all respect. Concerning the difference between an ideal world of peace and the realism we all must face he said:

> In judging between the conflicting views on this matter, either to scrap the ABM or deploy it, the deciding factor must be relevance to the world as it is, not the world we would wish it to be.

As to this issue of whether the deployment of the Safeguard will escalate the arms race, let me emphasize again that if we start today we are still a long way behind the Russians. We in this country have not complained against their defensive missiles. In fact the Russians themselves do not regard the deployment of the ABM as an act of escalation.

Returning to the argument on whether the Safeguard will save lives; that is whether it is effective, even if it should prove to be less effective than we now believe—nevertheless we must have it as a bargaining device. I am convinced it is a dangerously inaccurate assessment to say that we can sit down with the Russians without this kind of weapon as a bargaining device.

Certainly the Safeguard will cost some money. Priorities have been mentioned with the suggestion many domestic needs are inadequately funded. Let me remind you that I and many others who favor the Safeguard were also among those who voted for the Joelson amendment which provided $1 billion additional funds for education. We are for education. I am going to support full funding for water pollution control and most of you who are for Safeguard are going to vote for control of water pollution. With a gross national product of $1 trillion we can provide for these domestic needs and for our own defense.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to my colleague from Missouri.

Mr. HALL. I appreciate the gentleman's statement, and I want to associate myself with him and commend him for what he has said so well.

Does the gentleman not agree with me and the chairman of the Subcommittee on Research and Development, which has labored from long before the days of the original Nike X determination, that there would be no radioactive fallout because of the way the program will be run, because this is a weapon whose nuclear capability cannot be touched off until the guidance motor—rocket—is locked on to a true incoming missile. Because it is a defensive weapon it would be detonated or used only over the seas or at very high altitudes over the continental United States.

Mr. RANDALL. That is an accurate statement. I appreciate the contribution of our colleague from Missouri.

I am glad you stressed the fact the nuclear device would not be activated until it was in outer space, or outside our atmosphere.

Now, Mr. Chairman, if I have any remaining time I want to discuss some of the most commonly used arguments against the ABM and present rebuttals to these arguments. One of the constantly recurring arguments is that the ABM which is developed today may be useless 10 years from now. The best way to answer this opposition is to say that if we develop an ABM system today we can continue to make it so effective that it may be unnecessary to have such a system 10 years from now. But, even if that is wrong, we will have all of those 10 years in which to find improvements to such defensive weapons systems and have the same time, 10 years, to pursue negotiations that will hopefully be meaningful and productive in causing all countries to abandon the arms race.

Another argument is the the deployment of the ABM system is not necessary before we sit down to the bargaining table with the Soviets. Who can forget the fact that the Soviets fully understand only the language of strength.

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They began their ABM system 7 years ago and constantly improved and updated that system. My rebuttal to such a shallow argument is that we will be in a position of perilous weakness if we try to bargain with Russia without at least a start on our ABM system. No other country knows better how to capitalize on weakness than the Russians. The history of the past two and one-half decades demonstrates that the strength of her adversaries is far more persuasive with Russia than is the humaneness of any proposal presented to the Soviets.

Mr. Chairman, those who stand against this amendment to cut out all funds for the deployment of the Safeguard are saying you do not want to take a chance on the defense of your country. In essence you are saying you want some insurance. Most important, I think we can all say if we may be in error about the validity of the arguments of the opponents then those who favor deployment can say, though they may be in error, they have erred on the side of strength and security for our Nation.

In my humble opinion, the opponents of the ABM have either forgotten their history or have not read enough of our own history about how between wars we have allowed ourselves to become unprepared. In every instance we have reasoned that it was inconceivable that there could be a First World War, or a Pearl Harbor, or a Korea. But they all happened. We live in a day now that it takes a long leadtime to build sophisticated weapons. We must deploy the Safeguard now while there is still time available.

It is my sincere hope that one who reads the Record will not conclude that any of us who favor the deployment of the Safeguard have suggested that we are more patriotic than those who oppose it. There is room for honest differences. I am proud of the record that the House of Representatives has always carried on the tradition that it will support the President in matters of national defense. Mr. Nixon is my President. He is briefed by more high echelon sources of intelligence than any other person in America. He is the Commander in Chief of all of our Armed Forces. He has asked for the Safeguard. I will support him because I believe he knows more about our needs than any other person in America.

The hour is late. We cannot delay any longer. We hope and pray the time will never come that we will need the Safeguard. But, if that time should come, it will be too late to talk about deployment. We must prepare for our own defense now. Today may even be too late.

Mr. REID of New York. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, the bill which is now before us, the Military Procurement Authorization Act of 1969 will have historic impact on this Nation, not only from the standpoint that it will determine to a large extent the direction and growth of our military preparedness for the next several years, but perhaps equally important, the fate of this bill and the many provisions and dollars it contains for defense programs may well mark the beginning of an era when Congress commits itself to a thorough and careful review of funds that are committed for military purposes.

I have taken the floor several times earlier in this session to cite the very real and very desperate need in America for additional Federal commitments to solving some of the problems we face on the domestic scene. It is, to say the least, irresponsible to assume a one-sided view of the question of priorities as between defense and domestic programs in the Federal budget. There can be no question that the position we have in the world demands a strong, a modern, a responsive military; on the other hand there is no question that the Federal Government must take equally seriously the problems it faces within its borders and the commitments that will be required to solve those problems.

Last month, Mr. Chairman, our colleagues in the other body spent day after day after day reviewing and studying and pruning and debating the bill that is now before us. The Senate consideration of this fiscal year's military procurement program was a responsible one. Judging from the seriousness and the accomplishments of that Senate debate I think we can safely say that we are at the end of the era when Congress would hastily and confidently approve almost any and all requests it received for funds from the Department of Defense. We should not pass from that irresponsible, into one equally irresponsible, where the meat ax rather than the magniying glass is used to scrutinize the programs requested of us by the military.

I have made a very long and careful study of this legislation, I know that many amendments are going to be offered to cut or trim the funds allocated in the bill for various weapon systems development programs and for other programs for procurement of weapons that have already been deployed.

Before specifically stating my views on these amendments, I want to offer well deserved praise to the Secretary of Defense who on his own initiative has already made significant cutbacks in several defense programs. After a review within his own Department, Secretary Laird announced the termination of the manned orbital laboratory. He has further announced significant cutbacks in the numbers of naval ships and in the deployment of Army and Marine manpower. I do not believe that Secretary Laird took these actions in order to head off further cuts that might be made by the Congress in considering this bill. I believe they were made out of sincere conviction within the administration that some sense of priority had to be applied within the military budget in order not to afford the Defense Department a vastly unreasonable share of the total Federal tax dollar in this fiscal year.

On the other hand I do not believe that the action taken by the Secretary of Defense means that all of the cuts that might or could be warranted or appropriate have already been taken by him. I do think that the Secretary's review of his own procurement programs has been sufficient for us to decide that any procurement item or weapon systems which he did not request from the Congress need not be added on to this authorization bill.

Of the many amendments that are being offered by our colleagues to trim the funds authorized in this bill, I can think of none more important than that being offered to trim deployment funds for the anti-ballistic-missile system. Beginning with the President's announcement of his desire to deploy antiballistic missiles surrounding two hardened Minuteman sites, I have made a thorough study of this request, and while I feel strongly that our Nation must maintain the most up to date possible technology in the area of missile defense, I am not convinced that it is either necessary or wise at this point to take the steps of deploying the antiballistic missile. There have been several thoughtful and well-founded questions raised about the workability of our ABM system as it is presently offered, and there have been even further questions raised about the possible obsolescence of such a missile if and when it became deployed. For that reason, Mr. Chairman, I intend to support the amendment which will delete deployment funds from the ABM program in this authorization bill.

There is another amendment being offered, Mr. Chairman, one which passed the Senate after it was offered by Senator Richard Schweiker, of Pennsylvania. His amendment would require the General Accounting Office to make a periodic review of all defense procurement contracts in effect at any given time. After the experience we have had this year with the uncovering of substantial waste and overruns in defense procurement contracts I feel that this is one safeguard which we in the legislative branch can apply in the hopes of avoiding such occurrences in the future. I might mention here that Secretary Laird has himself placed a high priority on the elimination of waste and overrun in defense procurement practices.

But I feel as the oversight body principally responsible for conserving the taxpayers' dollar, the Congress through the General Accounting Office can best provide this review through a current and periodic check on ongoing defense procurement programs.

Other amendments being offered concerning procurement of new armored weapons and tanks, the development of a new Sram missile system, the placing of a ceiling on the overall manpower level in the Armed Forces, and the amendment to delete procurement of the addition squadron of C–5A cargo aircrafts are all worthy of very careful consideration before we include funds for these items.

I commend each of the gentlemen who have researched and prepared these amendments because they are indeed responsible attempts to trim funds from the military budget which might better be utilized elsewhere in the Federal spending picture.

There really has not been much opportunity to review military spending on the floor, so that we can set priorities in both domestic and military spending. I feel that one way to do this is through a total review of our spending and for this reason I cosponsored H.R. 474, a bill to establish a Commission on Government Procurement, which if passed by the Senate will give more opportunity for closer scrutiny of both domestic and military spending.

Mr. Chairman, let me again say, these amendments are not to hack away at the total military budget, but to review spending program by program to make responsible cuts that will not interfere or deter our goals for national and international policy.

Mr. REID of New York. Mr. Chairman, I should like to address myself briefly today to the remarks of the chairman of the Committee on Armed Services. First I wish to say to him that I am appreciative, as I am sure are my colleagues, that he has placed no limitation on debate. I very much hope that he will give us an assurance today that there will be no limitation on debate, because the Senate took several months on the ABM and I feel very strongly that every Member of the House ought to have an opportunity to speak clearly and fully on this subject.

Would the chairman care to respond?

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman.

Mr. RIVERS. Is the gentleman asking me a question as to whether or not I am going to move to limit debate on the ABM issue?

Mr. REID of New York. That is correct.

Mr. RIVERS. At this time I have no intention to.

Mr. REID of New York. I appreciate the assurance of the chairman.

Mr. RIVERS. I made that statement earlier in the day.

Mr. REID of New York. I am glad to have it reassured. I thank the chairman.

I believe the debate today has not fully focused on one very simple proposition. Again, I would value any comments of the chairman, if he wishes to make them.

The United States stands at a point in history where it could miss a unique chance for peace. In the history of events it is always possible for nations not to seize an opportunity. I believe the SALT talks, which I hope will be started very promptly, are such an opportunity.

I know of no evidence, no intelligence, that requires that there be any deployment of the ABM at this time. Furthermore, I do know of considerable evidence that suggests we should not make this deployment on the eve of and pending serious talks with the Soviets. I have talked at some length on this question with Bill Foster who, as Members know, was Chairman of the Disarmament Agency for some 8 years. I think he is as knowledgeable as anybody on the subject.

What specifically are we risking? We are risking serious nuclear escalation. We could lose, perhaps irrevocably, a chance for peace and debate. If we start by deployment, there is every indication that the Soviets will follow suit; a macabre chance of escalation and counterescalation. I repeat that, as yet, there is no indication that they have made a decision to build the next generation of offensive and defensive weapons. Furthermore, if we once start down this road, it is not a matter of a few billion dollars but, in the estimate of Mr. Foster, which I credit, it could be a $100 billion decision.

That very clearly would vitate our opportunities to meet our basic needs at home; it could sharply reduce our diplomatic options bringing on a new chapter of political cold war.

I very much hope that we will show the wisdom in this House today to step back from the precipice while there is yet time.

There is a military-industrial complex in this country, but equally there is one in the Soviet Union. If we proceed to deploy when we do not need to, I think there is every indication that the Soviet marshals will respond. I think in the past we have tended to confuse capability with action. There is no evidence that I am aware of that the Soviets have made any irrevocable decision to deploy.

This amendment does not seek to limit research. Indeed it provides for the continuance of research. What it seeks to do is to avoid the deployment that could trigger massive nuclear escalation. I think if we miss this chance for peace and if the House does not act to limit deployment of the ABM, what we are risking is the potential incineration of our planet. We are risking a very critical diplomatic opportunity to negotiate a moratorium on ABM deployment and on MIRV deployment. If anyone wishes to take that responsibility, I think they would be making a tragic mistake.

Mr. Chairman, I urge that the amendment be supported and that deployment be opposed.

Mr. McCORMACK. Mr. Chairman, I move to strike the last several words.

Mr. Chairman, there are some observations that I think are very pertinent, or at least they are to me, that I would like to convey to my colleagues for whatever consideration they might be worth to them.

I stood in this well the day after Pearl Harbor and offered the resolution declaring war after the dastardly attack made there upon our fleet and our men. Three months before that I sat in this Chamber and saw the extension of selective service pass this body by one vote. Every Member who voted against that bill was just as good an American as I. But Pearl Harbor happened 3 months later. Nobody could see it. It is difficult, if not impossible, to look into the future. But it happened. If that bill had failed to pass, where would we have been when Pearl Harbor occurred? We did not have much defense with its passage. We could not even get some $30 million through to fortify Guam in the state of mind that existed. However, fortunately for us, when Pearl Harbor happened the Atlantic was still our first line of defense. No longer. As far as Europe is concerned, the Atlantic is no longer the first line of defense of the United States.

We were very weak after Pearl Harbor. It took us 3 years to marshal our industrial resources and our manpower resources as well as our military resources before we could start taking even a limited offensive.

And, there is something even more important in the fact that the Atlantic is no longer our first line of defense. That is the fact that the United States of America or any other country—and I am speaking about our country—will never have another opportunity to prepare itself after the fact. World War II also settled that fact for all time, whether we like it or not. World War II was the last opportunity that the United States would have to prepare itself after the fact.

Mr. Chairman, if we are going to be prepared, we have got to be prepared before the fact. That applies to all nations. But I am speaking and talking about the country that I love and the country which we all love and of which we are citizens. Now, we cannot question those two facts. The Atlantic is an important area of offensive warfare I will admit, for us and to also the Soviet Union or any other potential enemy powers who would undertake to attack us. I have no question about that. I know all about that.

The President of the United States of America, Harry Truman, had the vision and the doggedness to make the decision over the advice of the members of the General Science Committee to proceed with the hydrogen bomb. Nine members composed that committee and eight of them voted against it. The ninth member was in Europe and did not vote. Three out of the five members of the Atomic Energy Commission voted urging us not to go ahead with it. Sixteen out of the 18 members of the Congressional Joint Committee on Atomic Energy voted to urge the President to go ahead with it. We can thank God that there were those in good faith who said we did need it and needed it then. We knew the Soviets were experimenting on it. They completed their experiments about 10 months after we completed ours.

Mr. Chairman, where would we have been if Mr. Truman had made the decision not to go ahead with this project? We could never have recovered. We would not have had the time. It would have taken years.

I can tell you another story about the A-bomb. I wonder how many of you realize how close we came to losing World War II? One morning we had a meeting in the late Speaker's office, the late Sam Rayburn's office, and there were three Members of the House present. Sam Rayburn was there, I was present as the majority leader, and the late Joe Martin was present as the minority leader and former Speaker. There was also present Gen. George Marshall and Henry Stimson, Secretary of War; and Dr. Vanderveer Bush.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and yield to the distinguished Speaker.

Mr. McCORMACK. I do want to indirectly take this additional time, but I thank the gentleman. However, I just

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want to call attention to the A-bomb and to one of the most momentous meetings, I think, which took place in the history of our country. General Marshall and Secretary Stimpson were asking for funds to be appropriated by Congress because they could not carry it on themselves within the then budget. We had to get an appropriation of about $1.6 billion in order to carry it on without letting the Nazi government know it. Both of them said to Sam Rayburn and Joe Martin and myself that they knew that the Hitler government was experimenting on it. We did not know how many projects they had. They started before we did. And, with their heads down on their chins they both said that if the Nazi government perfected it before we did, we could lose the war overnight.

Mr. Chairman, there is much history in connection with the A-bomb.

Now, with reference to the H-bomb, I do not know whether this is the proper time to go into that but, on the other hand, there were many questions involved.

You know all of these motives.

Those who oppose this are just as good Americans as I am, just as concerned for the welfare of our Nation, but I do not want to take a chance. I want insurance for my country in all situations in which it is involved. If I am going to err in judgment, I prefer to err on the side of strength and security than on the side of insecurity and uncertainty. And that feeling is more important today, in my mind, than it was before World War II because then we had a breathing spell to recover. No longer will we have that in the future.

(Mr. ST. ONGE asked and was given permission to extend his remarks at this point in the Record.)

Mr. ST. ONGE. Mr. Chairman, the current debate on the proposed anti-ballistic-missile system—ABM—is of major national significance and rightly so. On the eve of the congressional decision, residues of political differences are fast dissipating. National interest has taken precedence over party politics, personal commitments, and scientific reputations.

As a concerned citizen, I have listened, read, studied, and wrestled with the question of how I, as a Member of Congress, should respond and ultimately vote on the ABM authorization and appropriation. I have reached the conclusion that I cannot, in all honesty, support this program. This has not been an easy and pleasant task. The Nixon administration, the proponent of the ABM system, has not been consistent in its argument, united in its claim, clear as to its objective, sure of its capabilities, and positive as to its effect on stabilizing the nuclear arms race.

As we approach a decision, the Nixon administration has shifted away from its main argument that the ABM is vital to prevent the Soviet Union from achieving a "first strike" capability that could wipe out American retaliatory forces, as well as from its previous stand that it will work, or that it is even needed. In other words, the administration is now saying that the present American defense system is a potent and effective deterrent to the Soviet Union or Communist China.

The chief argument, now advanced, is that the ABM is needed to strengthen the President's hand as he is about to begin talks on strategic arms limitations with the Russians. This is not a good argument. In my opinion, negotiations should precede any commitment to such an uncertain, expensive, and dangerous course which is bound to accelerate the arms race. There is always some risk in negotiation with the Russians, but I prefer to take such risks in the name of peace and sanity than take chances with nuclear games in the name of security.

The ABM is an enormously expensive system and, as such, cannot be divorced from the question of national priorities. Surely our domestic difficulties—race, poverty, urban blight, inflation—must take precedence. Our Nation can never be strong internationally as long as these problems remain unsolved.

I give and have always given the highest priority for necessary programs contributing to American national security and national defense within the larger world community. I would never hesitate to vote for programs which I believed would secure those ends. I have doubts, however, about the ABM's contribution to our national security. This system is designed to defend the United States by intercepting and detonating in the atmosphere or outer air any missiles with nuclear warheads which might be fired toward the United States. Serious controversy among eminent military, scientific, and political experts raises questions about whether or not the ABM system would actually contribute toward our national defense. Until some of this controversy can be solved, I believe in supporting appropriations only for continued research and development of the system.

In light of the fact that so many experts are so diametrically opposed in evaluation of the above questions and others, I believe that we should at the present time continue our research and development of the ABM system, but not deploy any of its component parts. During this time, we may reach a better consensus and knowledge about the reliability, purpose, and cost of the system, and we may also be able to reach agreement with the Soviet Union which would make unnecessary the new and costly arms systems.

We may, therefore, by delaying decision, not have to deploy the ABM system or the MIRV. We may be able to assert our national community needs over those of a purely military orientation, and devote more of our energies and resources to our urgent national priorities—improving our cities, achieving equal rights and law with justice, combating poverty, creating better educational and health facilities, protecting our national resources, and preventing air and water pollution. Delay or avoidance of deployment of these new weapons systems will, I hope, have positive implications for the quality of our national life and for the direction of our foreign and military policy in the future.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as others have said, I do not stand here before you as an expert, but do say that perhaps I have had more practical experience with atomic and nuclear explosions than most of the Members in this Chamber. My aircraft has been buffeted by the explosion of atomic bombs. I participated in a joint atomic task force being on the control aircraft directing the movements of sampling aircraft in the first hydrogen bomb test in the Pacific. I have seen the largest atomic bomb that we have ever exploded, exploded. I know some of the terror of these particular weapons.

Our Speaker in a few words capsuled my feelings on this very important question; that is, if there is an error to be made, it should be made on the side of strength rather than on the side of weakness.

What are the arguments that we hear against deployment? Well, first we heard it costs too much. I believe the Speaker effectively answered that question about costs; it does not cost too much. We can deploy and we can still proceed against pollution—and I also will support one billion dollars for pollution.

I also voted for the Joelson amendment. We can do this. We can do both. We can defend and protect the future of this country.

Then we hear that if we in effect have the audacity to protect and defend America through deployment of this system, that we may in effect make the Russians so angry with us that they will not negotiate on disarmament.

Well, I believe as strongly as does the Speaker of the House that we are in a better position to negotiate from strength rather than from weakness. I reject the argument.

Then the gentleman from Washington—I wish he were here—made the statement—and he was assuming, of course, that this system works, when he said that the Sprint missile would explode at such a level that it could possibly cause a fire storm. Well, this simply is not true. The Sprint missile is designed to explode at a height at which it would not cause a firestorm.

Bear in mind that heat diminishes with the square of distance. But would you rather have a city destroyed by a nuclear explosion than take the chance of possibly having some fallout, or having a fire? I would not. I would rather have the chance of fallout, which I do not believe is a very creditable chance and save our cities from being destroyed by a nuclear explosion.

Then you come to the point about the saving of lives. Yes, I am convinced the system can be overcome. It can be overwhelmed. But even in overwhelming it we would still—and I would like to see a wider deployment in the first stage—save 50 or 60 million lives by the missiles we would stop before it is overcome. To me that is worthwhile.

But I believe perhaps one of the greatest arguments against this amendment is simply this: I do not foresee nor expect a massive nuclear attack. I believe the Russians are more rational than that, because they realize what would happen to them.

But I do know human nature being such as it is, and with the many millions of human beings with some getting into positions of power, that possibly in a moment of insanity and in conjunction with several others, could cause an accidental launch against this country. Put yourself in the position of the President, if one morning you have the hot line from Moscow, ring, and you pick up the phone and the interpreter on the other side says, "Mr. President, we regret to tell you this, but a group of our generals have gone berzerk and they have launched a missile against Chicago. We want you to know we are not made at you, Mr. President, and we are not at war with you and we hope you will be understanding of the situation, but in 20 minutes 2 million people in Chicago are going to die."

Now what I would like to see is a deployment of such an ABM system as would provide an alternative to our only present defense of massive retaliation. I would like to see a deployment that I feel would be able to intercept incoming missiles and not have to wait for one of our cities to be destroyed before we act.

I have met and counseled with Dr. Keller and he tells me that with a limited launch of four or five missiles, we have a 95 percent certainty of stopping them and, to me, this is reason enough for deployment even beyond the present proposal.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from South Carolina.

Mr. RIVERS. If my memory serves me rightly, at the time of Pearl Harbor the Japanese Ambassador was here in conference at the White House.

Mr. THOMPSON of Georgia. That is correct; we cannot place the future of this Nation in the hands of Foreign Ambassadors.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FRASER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I was impressed with the argument in favor of the ABM that the Speaker of the House made with his use of historical analogies. But it was an historical analogy that thrust us into the Vietnam war—the analogy of Munich—the need to stop aggression or be overrun.

I think the United States has been going through a maturing process for the past 30 years. We are beginning to understand the complexities and difficulties of the world around us.

Sometimes argument by analogy can obscure the complexities rather than help us understand them.

One of the facts about the history of the ABM system that impresses me is that this is the fourth generation of the ABM that has been brought before the U.S. Congress. We began with the Nike-Zeus system. Then it was the Nike X. Then it was the Sentinel system and now it is the Safeguard system. At every step of the way we heard the same argument that it is better to err on the side of strength than on the side of weakness. We are fortunate that we never have built any of the four versions, because each has proved to be incapable of giving the defense claimed for it.

We had a debate in this Chamber a year ago on the Sentinel system and we heard the same argument made in the well of this House that we are hearing today. Then what happened? The President took another hard look at the Sentinel system, and he went on the air, I think it was on March 14, 1969, and said to the American public that it was not a wise move to deploy the Sentinel system; that this would not be prudent in terms of the reaction it would arouse from the Soviet Union. Instead we should move to a different system—the Safeguard.

Should we have believed the arguments in favor of Sentinel a year ago? Was Congress wise in approving the Sentinel system when in March of this year President Nixon said, "No, it would be a mistake."? This is the kind of sophisticated and complicated judgment with which we are faced.

The argument that has impressed me the most against the ABM system is the fact that if the Soviets do intend to acquire a first-strike capability against the United States, the ABM would be no deterrent to them. They would acquire this capability sometime in the middle 1970's and by simply continuing the production of the SS–9 for another 3 or 4 months they can completely wipe out the effect of a limited ABM system. They could produce sufficient numbers of additional warheads so they could overcome a limited ABM system and proceed to destroy, if they have that capability, our missiles in the ground.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from California.

Mr. GUBSER. But suppose that one Sentinel or one ABM were able to stop one incoming Russian SS–9: Could the gentleman speculate as to how many thousands of American lives would be saved by that one missile, even if the others failed?

Mr. FRASER. I will say to the gentleman that not even the most fervent advocates of the ABM argue that this system will protect the American people if the Soviets are determined to launch a major strike against the United States. The President himself made that perfectly clear.

If I may make one other point: It has been said that the ABM system is defensive, and hence it will not have any effect on the other side. Turning to the page of the committee report that talks about equipping our offensive missiles with the MIRV, I ask the Members to look at the justification given for the United States going ahead with the MIRV system. Do you know what the reason is? Because of the Soviet ABM. For us to say that an ABM is defensive and it will cause no response on the other side is answered completely in the committee report in which it is made clear that our response to the Soviet ABM is the MIRV, which is clearly the most destabilizing development in nuclear weaponry since the arms race began.

I want to emphasize that this is not a partisan issue. Some of us have been concerned, whether our President was President Johnson or President Nixon, and our concern continues until today. I hope in the House we will not yield to the simplistic arguments of the past, but rather learn from the past to better understand today.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am happy indeed to follow the gentleman from Minnesota in the well directly after his arguments. It is difficult for anyone to expand in a more rational way on the merits of the President's ABM proposal over and beyond what the distinguished speaker has just said, because he has laid it on the line and given us the meat of the coconut. Just a few thoughts since time does not permit more. The gentleman from Minnesota (Mr. Fraser), concluded his arguments by saying, in effect, we ought to learn something from history, and I think this is what the speaker was trying to say. We indeed ought to learn something from history. But the people who have advanced the arguments against the ABM system apparently have never learned that, because arguments exactly like those they have made here today have been made between every war in which this country has been engaged and history records that because these agreements have been heeded we as a result have never and I said never been ready for any war. We have always had to play catch up. Between World Wars I and II the cry was to quit spending money on defense and to disarm. And stupidly we did disarm. Every time we sank three battleships the other side burned three sets of plans to provide equity. How foolish can we be?

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the distinguished minority whip.

Mr. ARENDS. The gentleman has made a point which reminds me of a statement that appears in the committee report.

As the late Robert F. Kennedy reported in "Thirteen Days," his memoirs of the Cuban crises, this country cannot trust the word of the Soviets concerning their strategic or tactical plans. Just prior to the quarantine, the highest Soviet leaders were giving both private and public assurances that there were only defensive missiles being brought into Cuba. We had photographic proof that the opposite was the case. As Senator Kennedy described it:

> Now, as the representatives of the CIA explained the U–2 photographs that morning, Tuesday, October 16, we realized that it had all been lies, one gigantic fabric of lies.

Mr. WAGGONNER. The gentleman is exactly correct. Because of arguments like the one I mentioned before yielding, we were not ready for World War I, we were not ready for World War II, we were not ready for Korea, and we were not ready for Vietnam. And we are not ready for an expanded war today. We have said to the world for all to hear, "We are not going to strike first with nuclear weapons." Then why on earth would the Rus-

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sians have a defensive system similar to our ABM system except to defend against retaliation from the United States which would come if we were able after we were struck? They have never said that they would not launch a first strike. It was a mistake for us to ever say so. The Russians have both a first strike and defensive capability now.

Let me tell you what the fallacy of the opposition argument is. The gentleman from Minnesota (Mr. Fraser) made it perfectly clear. He unwisely believes he can predict their intent. He talks about the intent. I have had letters from a few people who have said it is inconceivable that anybody could or would attack the United States. As has already been pointed out, it was once inconceivable to us that the Japanese would attack us at Pearl Harbor, as they did. But the fallacy in the argument is this. In establishing a Department of Defense, in preparing for the defense of this Nation and its people, we do not and should not do what we do because we think we can estimate intent, and we never have been able to estimate intent, but we prepare ourselves as we should and give primary consideration to what the potential of the enemy might be. Intent is of no value, but potential is. We must be prepared to over match their potential. The Russians have tremendous potential.

The argument has been made that it is a waste of money to spend this amount on defense. It has been said we ought to spend it on social welfare. The rate of growth of social welfare costs far exceeds the growth rate of the costs of the Department of Defense. The truth is, if you follow this rationale, every dollar spent on defense is wasted if you do not have a war but if spending money to provide for defense prevents war it is money well spent. You cannot equate lives with dollars. Some say it will not work, but it will.

I am told we will have an amendment offered to strike conventional carriers. Are we going then to be consistent with our arguments and say they will not work? It has been proven that they will work. You can make no argument against carriers except you do not want to provide for defense and want to spend the money for something else.

Let me tell the Members what my impression of the Safeguard system is. I think the President made a wise decision. He recognized we have a fourth generation of ABM missiles, as the gentlemen who preceded me said, and in recognizing so, the President recognizes we are going to get other capabilities which are advanced, so what does he want to do? He wants to protect our retaliatory capability and expand that capability and our defensive capability as technology is gained to do so, and I cannot see anything wrong with that.

Here then is the crux of the issue. The ABM just might be the difference between our surviving and saving this country in a war and not doing so. I do not want to take that chance. It just might be the balance of difference. Vote down this amendment. Do not prostrate the United States before the Russians or anybody else. Do not be led down the road of no return by those who so foolishly believe the Russians or Chinese can be trusted and their future actions predicted.

Mr. WHALEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard many arguments today, both in favor of and against the deployment of the Safeguard anti-ballistic-missile system. I think at this point it might be well to list the points on which both the proponents and opponents agree. I think in doing that, we then will be able to narrow the issues.

First. I think both the proponents and opponents agree on the fact that we can indeed afford the cost of deploying the Safeguard ABM system. This point was well stated by one of the most outspoken opponents of the system, Mr. Adolf Berle, Jr., who said in the 1970's with the trillion dollar gross national product, we can afford to excise up to $50 billion for ABM deployment.

Second. Both the proponents and opponents agree that the Safeguard ABM system cannot protect people, cannot protect urban areas. I think perhaps there has been some misunderstanding on this point. This fact was pointed out very clearly by President Nixon in his message of March 14, when he said "it is not within our power to do so."

Third. The experts are agreed Russia is continuing its ABM research, and it is for this reason that those who oppose deployment of the Safeguard do believe we should continue funding ABM research and development.

Fourth. I think this is the most important: There is unanimity among our military intelligence and scientific experts that the Russian Golosh system does not work, and it can be easily overcome by U.S. missiles.

Having enumerated the areas of agreement, let us next consider the issues which represent the major points of disagreement between Safeguard proponents and opponents. As I see it, there are three.

First. Does the Soviet Union have a first strike intention? I think it is difficult to surmise "intention." Thus, I believe the possibility of a Russian first strike is not a debatable subject. Rather, I agree with Secretary Laird who said we are not concerned so much with intentions as with capabilities.

This leads, then, to the second issue.

Second. Is there a real threat to our nuclear deterrent?

Before answering this question, I believe we ought to enumerate what this deterrence consists of. First, our intercontinental land-based missiles. Second, our SAC intercontinental aircraft. Third, our nuclear-powered submarines. Fourth, our tactical missiles located in Europe.

These are widely dispersed. From available statistics it is obvious that our nuclear strength far surpasses that of the Soviet Union. Therefore, they are in no position to overwhelm us. Further, it is literally impossible to knock out the various deterrents which I have mentioned at one time with one strike. If one of these is knocked out, this will still leave us with a credible deterrent in the other areas. So I believe it is obvious at the present time, and for the foreseeable future, there is no real threat to our second-strike force.

Third, will the Safeguard system work? Is it operationally feasible? We already have pointed out that the Russian Galosh ABM is not workable. The reasons which cause the Russian Galosh ABM system to be unworkable also apply to Safeguard.

First, Safeguard, like Galosh, can be overwhelmed.

Second, the Safeguard radar is extremely vulnerable. This is the primary weakness of the Russian system. The entire ABM system is dependent upon our radar. I would point out that our MSR radar has one-tenth the hardness of the missile which it is seeking to defend. It is quite obvious there will be a strike against the radar, which can easily be knocked out. Since Safeguard's effectiveness depends upon operable radar system, destruction of that system will render Safeguard ineffective.

Third, Safeguard's computer system is not technically feasible. Why? Simply because the computing task cannot be defined and an effective response, therefore, cannot be programed.

In view of the fact that there is now no credible threat to our own nuclear deterrent, plus the fact that Safeguard's operational capabilities are extremely doubtful, I urge the adoption of the Wilson amendment.

Mr. OBEY. Mr. Chairman, I rise in favor of the amendment and move to strike the requisite number of words.

Mr. Chairman, I doubt that there is a Member of this House who does not want the maximum in national security and safety of our Nation and its citizens. Sometime today or tomorrow we will vote on an anti-ballistic-missile system, and by doing so will answer the question of whether we believe our Nation's security will be enhanced or diminished by the development of a weapons system which will cost anywhere from $10 to $40 billion.

It is politically difficult to vote against any weapons system. It is difficult because a vote against a weapons system, no matter how many doubts exist about its effectiveness, subjects the man who cast that vote to wild, unfounded attacks upon his patriotism and his dedication to his country's welfare.

But what we are really talking about here today is how best to preserve national security and how best to spend the people's money, and difficult though it may be, that vote must be cast.

Mr. Chairman, for many years the arms budget has received little more than perfunctory review by the Congress as a whole. We are often told that "the military knows best"; that the Congress should not try to override military judgment on weapons system matters. But Mr. Chairman, a few weeks ago a person known by everyone in this House was quoted as saying:

> It is not the military people who make our world-wide commitments, it is not the military people who determine our budgetary expenditures, it is not the military people who set the major policies of our nation; all these things are the responsibilities of civilian leaders in executive and legislative branches.

The man who said that was a man who served in this House for 16 years, a man whose seat I was elected to fill 6 months ago, the present Secretary of Defense, Melvin Laird.

I think that statement indicates what the facts are.

Mr. Chairman, above all else, I do not want this debate to generate into a cliched attack upon the so-called "military-industrial complex." I think it would be a dangerous thing to turn this debate and the opposition toward the deployment of an ABM system into an attack upon the military. The country cannot afford that, and the military does not deserve it. I, for one, am not especially shocked because our chief military leaders are requesting approval for another weapons system. If they sincerely believe that weapons system is in the best interest of the country, it is their obligation to the public, to the Congress, and to their own consciences to request such a system.

But, to us falls a different task. We too have our obligations to conscience and our role is quite different.

To us falls the responsibility to examine that request, not only in terms of past military realities and requirements, but also in the context of present and future military, international, economic and domestic considerations.

To us fall the responsibility and the obligation to balance such requests against other requests for hospitals, medical research, pollution control, and a good many other things, including other weapons systems.

So today the Congress must make a decision which should be ours to make. Most of us have studied the questions involving the deployment of the ABM and its implications for our national security and some will say that because of this examination we are for the first time meeting our responsibilities in this area.

That is not really true.

We should not only be debating weapon systems, we should also be examining the foreign commitments, the contingency planning, and the tactical assumptions which make this discussion of weapons systems necessary. Until the Congress is organized to do that, we will really be debating only the last step in the process of constructing a defense or armament budget.

Within that limited context, I cannot help but conclude that our security is not enhanced with the deployment of an ABM system. Debate on the ABM in the Senate and throughout the nation has shown that there are grave and widely held doubts about the invulnerability and reliability of the Safeguard system proposed in this bill.

In case you think that these are far-fetched doubts, the Stubbings report showed that of 11 major electronic weapons systems procured since 1960, only two of them have worked correctly and six—or more than half of them—have met less than 25 percent of their specification standards and these were systems which could be tested.

We are talking about a system of radar, computers and missiles—all of which can never be realistically tested as an integrated system.

There are strong doubts that the long and short-range radar systems, part of which have not yet even been built, will operate with the simultaneous and instantaneous precision necessary in the event of a sudden attack. Dr. Jerome Weisner, former science adviser to President Kennedy has said:

> Few competent people expect the extremely complex ABM system to work the first time; yet it must to have any effect.

The computer system of the ABM will contain hundreds of thousands of parts. It has not yet even been built, let alone tested. It must guide radar, detect and track targets, sort out decoys, and with all their other doubts, many leading scientists simply do not believe that the computers can ever be programed to do the job required. They are also convinced that because the short-range radar is much more vulnerable to nuclear blast than the missile sites, the entire system could be blinded—even by relatively inaccurate missiles.

Equally as significant is the fact that they believe that the Safeguard is designed inadequately to do the job it is supposed to do—to protect our Minuteman missile sites.

The most telling criticism of all is the ease with which our ABM missiles could be overcome by simply raining in more offensive warheads than our defensive system is capable of destroying.

While it will take us until about 1974 to have our first two ABM sites finished, the Soviet Union could manufacture and deploy, in a few short months, enough missiles to completely off-set our ABM system.

To quote Senator Stuart Symington, who, as a past Secretary of the Air Force can hardly be classified as "inexpert" or "naive":

> Even if the Safeguard works perfectly, with a slight addition in production by the Soviets of their SS–9 weapon, according to objective and capable scientists and engineers, there will be no increase in the security of the United States; so the money will be wasted.

Senator Symington has also described the system as "a nuclear space age followup to the tragedy that was the maginot line."

In 1958 President Eisenhower prevented the deployment of a Nike-Zeus anti-ballistic-missile system against the wishes of a good portion of the military. So did President Kennedy. Secretary of Defense McNamara testified in 1967 that if President Eisenhower had not won that fight we would have been saddled with a $12 to $14 billion white elephant which would have been obsolete before it could have been deployed.

The evidence is all too strong that the same will be true of the Safeguard system. The overwhelming opinion of the scientific community is against it, and the Federation of American Scientists has called the ABM: "irresponsible on fiscal grounds" and "pointless on military grounds."

Perhaps the most distressing of all, however, is the destablizing effect our decision to deploy an ABM system could have on the balance of terror which has existed between the Soviet Union and the United States for the past two decades.

In September 1967, Secretary of Defense Robert McNamara said:

> What is essential to understand here is that the Soviet Union and the United States mutually influence one another's strategic plans. Whatever be their intentions, whatever be our intentions, actions—or even realistically potential actions—on either side relating to the build-up of nuclear forces, be they either offensive or defenseive weapons, necessarily trigger reactions on the other side. It is precisely this action-reaction phenomenon that fuels an arms race.

The proponents of an ABM system tell us it will not escalate the arms race. Recent history shows differently. In response to the Soviet deployment of their Galosh system around Moscow, we reacted by accelerating our MIRV multiple warhead program and by requesting money for manned bombers. Now we have learned that the Soviet Union has resumed testing of its fractional orbit bombardment system—FOBS—a system which involves the delivery of nuclear weapons from low altitude orbits. That system had not been tested by the Soviets for almost a year. But, in what many consider a direct response to the Senate decision on the ABM, the FOBS testing began again in mid-September.

So the Russians went to Galosh, we responded with ABM and MIRV and they went to FOBS and, no doubt, we will be told that the new tests of FOBS present a danger to which we ought to respond.

How soon will we hear that the "thin" ABM system must be expanded into a "thick" one?

Mr. Chairman, we have an awesome array of weapons that ably guard the security of this Nation.

We have large numbers of tactical nuclear weapons in Europe, 650 nuclear armed strategic Air Force bombers, not to mention our medium range bombers. We have over 1,000 land-based Minutemen missiles and 656 of the most effective weapons in the world—Polaris missiles. With our plans to install the Poseidon in 30 of our 41 submarines, we will have over 5,000 ICBM's in addition to the tactical weapons I have mentioned—enough to retaliate with devastating effect upon any country foolish enough to attack us.

The United States and Russia have stockpiled enough nuclear weapons to equal 15 tons of TNT for every human being on earth. Is not that, in the President's words, "sufficiency" enough?

If such an arsenal does not offer us sufficient protection to try once more to slow the momentum of the arms race, then we might just as well admit it can never be done.

Is it not, less dangerous to try than not to?

If we do not act now before the ABM and MIRV genies get out of the bottle, will we have another chance?

Mr. Chairman, societies can be destroyed from within as well as from without. Either way, the result is the same, a rending of national fabric and a lessening of national security.

The security of a nation is determined not only by the soundness of its weapons, but also by the soundness of its society and the soundness of its dollar. Even in

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times of economic stability we are not so rich a nation that we can afford to spend $10 and possibly eventually $40 billion on a weapons system of questionable reliability, and inevitable pointlessness.

In a time of inflation, such a decision would not only be unwise, it would be downright risky.

The cost of the ABM program before us today is now set at about $11 billion. A few months ago that cost was estimated at about half that amount. What it will be 2 years from now we can only guess. But this is the money that will not go to build schools or hospitals, feed the hungry or help our citizens to live a decent life. And the fact that 12 major systems developed by the Department of Defense since 1950 exceeded their estimated cost by an average of 220 percent offers us little hope that the future will be different. What we should do now is to delay deployment of the ABM but continue research and development. If at some future time the cast for deployment becomes compelling, we would be prepared.

Congress should not be surprised when the military asks for new weapons systems. That is their job. But, in the name of fiscal sanity, we must expect Congress to look at those requests in the same way that we do anybody else's. That is our job. So far we have not done it and we have certainly not done it with the ABM. I am convinced that if we applied the same test for cost effectiveness to the ABM that we supposedly apply to our domestic programs, this House would never authorize money for the deployment of Safeguard—nor for several other systems in this bill.

I shall not vote for this system. There is overwhelming evidence that it will not work. History and logic shows that it will leave us at least $10 billion poorer, and will start another costly and futile round of nuclear armament escalation leaving us in the end with more burdens, but no more security, than before. And that makes no sense at all!

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I want to commend the gentleman for his outstanding statement here today. I know we have been talking about what the American people want. I know the gentleman has come to the Congress fresh from the people in his home State of Wisconsin. As I understand it, they have expressed themselves and you have come in here to give us your views. I think the statement made here today by the gentleman is outstanding.

Mr. OBEY. I appreciate the comments of the gentleman from California. I have not often taken this floor in the past during debate because I know it is felt a freshman does not very often have that much to offer, and that is probably right, but I felt so strongly about this issue that I felt I ought to do it.

Mr. BELCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I very seldom, if ever, take the well to argue anything concerning another committee, but I have not gotten clearly in mind exactly what the issue here is, and before I vote on it I would like to know. Apparently the issue is whether or not we are willing to shoot $345 million in the hope that it might save 50 million people. I am willing to take that kind of a chance, and I am not much of a bettor, either.

I am ranked as one of the conservatives. As conservative as I am I would vote for the $345 million just in the hope that it would work. I do not know whether it would work and I do not think anyone else knows whether it will work. I do not have any more information than these gentlemen who are proposing this amendment. I am just as ignorant as they are about the whole thing. The thing that surprises me, though, is this: Every time we have a cut in an appropriation you know it is us old mossbacks that are trying to cut it. Those fellows never do. I have never seen them support a cut in an appropriation for foreign aid. I have never seen them cut an appropriation for welfare or anything else. Why does it get to be such a principle that they who are very liberal and are willing to spend money for almost anything under the sun are not willing to spend $345 million just in the hope that it will save 50 million people? Why, you fellows are not liberal at all; you are more conservative than we are.

Now, why in Heaven's name have you come to be such tightwads all of a sudden? Wait until we get the foreign aid bill up here and see what you do about it. Wait until we get the welfare bill up here and see what you say about it. Even in our Committee on Agriculture we are spending $3.5 billion a year in subsidies to agriculture. If we are willing to spend that much and if we are willing to spend $192 billion for the Federal budget, I am willing to spend $345 million in the hope that we will all be here to enjoy it.

Mr. Chairman, there is one thing about this. You fellows are not taking any chance. If you are proved wrong, there is not going to be anybody left in America to claim that you were wrong.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. RIVERS. Mr. Chairman, I wonder if we could arrive at some time limitation on this amendment? I wonder if we could not agree to close debate on this amendment and all amendments thereto at 2 o'clock.

The CHAIRMAN. Is the gentleman from South Carolina making that unanimous-consent request?

Mr. RIVERS. I ask unanimous consent that all debate on this amendment and all amendments thereto close at 2 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. ECKHARDT. Mr. Chairman, reserving the right to object, I should like to ask if I had been recognized prior to the time the request was made by the gentleman from South Carolina.

The CHAIRMAN. The Chair will state to the gentleman from Texas that the Chair had not recognized the gentleman.

Is there objection to the request of the gentleman from South Carolina?

Mr. FOLEY. Mr. Chairman, reserving the right to object, I wonder if I could ask the distinguished chairman of the committee if he would consider a time limitation of 2:30. We have a number of Members standing and this is a very significant issue.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the chairman of the committee.

Mr. RIVERS. As a matter of fact, the chairman of the committee has not opened his mouth on this amendment. I would like to let people know that I at least have some opinions about it and I would like to say something.

Mr. Chairman, I would like the Chair to state how many Members are standing who wish to be heard on this amendment.

The CHAIRMAN. The Chair will state that 30 Members are standing.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 2:30, with the last 5 remaining minutes reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Chair will recognize the Members who were standing for 2 minutes each.

The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I rise in favor of the amendment. The anti-ballistic-missile system—ABM—could well turn out to be the most tragic and costly military dud in the Nation's history. There is strong indication that the ABM is not technologically feasible and that spending billions on its development and deployment is little more than a public works program for the defense industry. The thought of throwing away billions of dollars on a weapon system whose only utility is as a museum piece is shocking to me because of the vital domestic social and humanitarian needs of our society which are going unmet.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, most of the debate against the amendment, which amendment I support, has been directed at a straw man, a straw man who is for unpreparedness, a straw man who is for unilateral disarmament, yet I know of no man who has taken the floor—and I do not believe there is likely to be one—who stands for either of those principles.

I recall that Winston Churchill said of the early 1938 period:

> Poor England! Leading her free, careless life from day to day, amid endless good-tempered parliamentary babble, she followed, wondering, along the downward path which led to all she wanted to avoid. She was continually reassured by the leading articles of the most influential newspapers, with some honorable exceptions, and behaved as if all the world were as easy, uncalculating, and well-meaning as herself.

I also recall at that time that the mightiest military force on earth was the

Luftwaffe, and Britain was unprepared and not concerned with preparedness.

Today the mightiest military force on earth is the U.S. strategic arms force. We are certainly not in the position of an easy, careless, miscalculating England of the late thirties.

Our situation is simply this: to choose whether or not to choose an untested defense mechanism as against a well-detested deterrent force. The United States has in excess of three times as many nuclear warheads—including its Polaris submarines, its ICBM Minuteman, and its warheads on planes—as the Soviet Union at the present time.

The status of the two nations today is as if two persons sat across the table from each other naked, with blowguns with poison darts. Neither dare shoot the poison darts because of the deterrent force of the other side. But let us devise imperfect shields for both sides, and the darts may then fly.

We are not talking about disarmament. We are not talking about unpreparedness, but about the best way to be prepared.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, people keep saying that we can do things that seem impossible, as if that were at issue in the discussion about the ABM. The point seems to be that because someone has said it is impossible to construct a successful anti-ballistic-missile system, we should deploy at once whatever anti-ballistic missiles we happen to have on hand.

But the question is not, Can we do things that seem impossible? The question is, Should we spend billions of dollars more to deploy more weapons before there is much reason to think that they will work?

Some men once thought they could reach the moon by planting beanstalks. Now eventually we did reach the moon, but we did not do it by deploying large numbers of beanstalks until some of them grew to the moon. Research provided a better way to reach the moon than climbing beanstalks, and in fact it now seems clear that not much was lost by not having spent much on beanstalks.

No one here has opposed continuing research to develop antimissile defenses. But the men who have had the most to do with developing the ABM—the great scientists whose names are a "Who's Who" of America's foremost Defense consultants: York, Panofsky, Killian, Kistiakowsky, and the rest—tell us that it is foolish to deploy what we have now got. The simple fact is that one does not add to one's security by deploying weapons that will not work, no matter how many of them one deploys. One may, on the contrary, weaken one's security by spending billions of taxpayer's dollars pointlessly in the midst of an already dangerous inflation.

People also keep saying, "You cannot trust the Communists," as if that were at issue. We have been reminded that the Russians lied about missiles in Cuba, as if the lesson of that episode were not that our technology was good enough—even 7 years ago—to detect deception. The point of course is precisely that we do not need to trust the Russians at all to make agreements with them that would limit the arms race, because if these agreements were violated our technology would tell us so right away, and we could proceed accordingly.

For instance, we know the Russians have deployed ABM's around Moscow. We would not have known it any the less had they done so in violation of a treaty prohibiting the deployment of ABM's.

We also know that the Russians have stopped deploying ABM's. Perhaps they know more about the futility of deploying ABM's than we do having already deployed some. Perhaps they are hoping that we will balance their waste by deploying some of our own. If it is relevant to keep repeating, "You cannot trust the Communists," perhaps that is the relevance.

If a few little Galoshes near Moscow can lead the United States into vast expenditures for more useless missile systems, it may well be said accurately one day that the Soviet ABM's struck a grievous blow against America.

Finally, it has been suggested that we must deploy ABM's to protect us against a sort of unofficial attack by a mad Russion colonel acting on his own. This line of reasoning apparently agrees with Secretary McNamara's assessment of the utter uselessness of ABM's in their present stage of development if we were to be confronted by a massive and deliberate Russian attack. But, it is said, against a stray intercontinental missile or two, deployed ABM's could save a large number of American lives. And who would begrudge money for that—even if it costs $400 billion to construct ABM's that could protect all of our population centers, as Senator SYMINGTON, among other experts, has told us it would?

Which brings us back to the central, incontrovertible fact of this debate: Weapons that do not work do not afford anyone much protection against anything, even against stray missiles fired by madmen, whether they be Russian colonels, Chinese dictators, or anyone else.

That is why money for ABM research makes sense, and why money for ABM deployment at this time does not.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, obviously in 2 minutes' time I can only address myself very briefly to one facet of this debate.

I hope perhaps, because of the concern I have expressed here in the well in recent months over the arms race, I may have some small claim to some credentials in this area, of being interested and concerned about the build-up of nuclear power in the world and with the threat that this may pose to the very fragile peace that still exists in the world.

After listening to all of these arguments over the deployment of the ABM or at least the authorization in this bill to proceed toward the goal of operational deployment by 1974, I firmly disagree that it is the kind of provocative gesture that will upset the forthcoming SALT talks.

It seems to me that the whole subject of anti-ballistic-missile systems is one of the things that might well come up in the talks, an agreement to limit systems of this kind to make sure they do not blossom out or ballon into huge city ABM defense systems which I think would be a potential forerunner of an attempt to achieve a counterforce capability.

But how are we going to bargain at those talks if we are going into those talks and have already indicated that we foreclose completely the option of this country to deploy any kind of an anti-ballistic system and if we deny the President the right that he should have to proceed on a very sound and reasoned and incremental basis.

The program will be reexamined annually, and we will have the opportunity to consider whether diplomatic conditions have changed and whether the technology has changed, to the point where perhaps the decision to go ahead can be altered.

It seems to me the President's report of the 14th of March did spell out the kind of responsible program that enables those of us who are interested in maintaining this option and also interested in seeing a scaling down of the arms race to support the authorization requested in this bill.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I am very glad that the distinguished gentleman from Illinois has raised the question of the SALT talks.

I have enormous admiration for the gentleman who, I think, is one of the ablest Members of this House. We agree on the danger of the MIRV weapons system and that there should be a suspension of MIRV testing on both sides, to give us a chance to succeed in the SALT talks.

But I disagree with him on the implications of the ABM decisions before us today with respect to the SALT talks.

I regret that very little attention has been paid during this debate to these talks. In my opinion it is impossible to overstate the significance of these talks. Whether we can achieve a strategic arms limitation agreement with the Soviet Union, with adequate safeguards, is perhaps the most important question that lies in front of us, indeed of the whole world.

We are at a crossroads. We can take the road of an accelerated arms race, with MIRV and with the ABM, and spend billions and billions of dollars over the next 10 years, and at the end of 10 years have no greater security than we have today because the Russians will have kept up with every move.

Or we can move toward success in the SALT talks that would mean a substantial limitation of military expenditure on both sides and the possibility of spending on needed programs at home.

Today those SALT talks are not taking place. Why? Because the Russians have

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not set a date. We have asked for a date. What are they waiting for?

I submit, Mr. Chairman, that the Russians are nervous today, they are afraid we will achieve a situation dangerous to them by moving ahead with the ABM and MIRV and they have said so in their controlled press.

By holding back on ABM and MIRV, we would create a better atmosphere and hopefully we would be able to get these talks started.

If we accept this amendment, we are not ruling out the possibility of going ahead with the ABM, if we cannot get the talks started or if they do not succeed—that possibility is always there. So, we are not giving up any leverage with the Soviets, which is what the gentleman from Illinois is worried about.

I have stated previously that I think it is literally impossible to exaggerate the importance of this issue. As I said, in a previous discussion on the floor of the House:

> I think it is undoubtedly the most important issue that will come before this Congress, because it not only signals a whole new dimension in the arms race between ourselves and the Soviet Union, but it will also determine how we are going to use our resources in the coming years, whether we are going to use them on highly dubious military devices, or whether we are going to use them for the crying needs of our cities and the country as a whole.

I would like, at this point, to review in some detail what my reasons are for opposing deployment of ABM.

First. There is little likelihood of first-strike nuclear attack by ICBM from either China or the Soviet Union—because China lacks the capability, and because any such attack would be likely to rain lethal fallout and/or retaliatory nuclear destruction on the attacking nation itself—and addition of an ABM system would not improve existing defenses against a nuclear attack delivered by means other than missiles.

The Chinese have not developed the degree of missile capability that was predicted and that would require ABM deployment on our part. Deputy Secretary of Defense Packard confirmed in testimony before the House Armed Services Committee that he had concluded that "the Communist Chinese threat had slipped somewhat and the exact date it would be realized is not now clear."

The assumption that China would act so irrationally as to attempt to deliver a nuclear strike upon the United States by whatever means is contrary to the record of Chinese international behavior over the past 2 years, during which China has acted, if not spoken, with considerable caution and moderation toward the United States.

Secretary of Defense Laird has argued, on the basis of the size and nature of the ICMB's being produced by the Soviet Union and the rate at which they are being produced, that the Soviet Union is seeking to develop a first-strike capability—that is, an ability to destroy our retaliatory forces with a preemptive attack. He has suggested that the Soviets might be tempted to utilize such a capability in the coming decade, casting the ABM as an essential element in maintaining the credibility of our deterrent—and indeed in assuring our survival in the face of growing Soviet strength.

There has, however, been serious question whether Secretary Laird has correctly estimated projected Soviet capabilities and future intentions. Secretary of State Rogers, for example, has publicly doubted the Soviet "intention" of launching a first strike.

Second. Neither Chinese nor Soviet missile development and deployment are going forward at such a rate or in such a manner as to suggest a significant change in the capabilities or intentions of either of these nations in the foreseeable future that would justify deployment of an ABM system at this time.

Intelligence experts are in sharp disagreement over both the capabilities of the large Soviet SS–9 missile and the strategy the Russians are currently pursuing. In questioning Secretary Laird's assumptions, several analysts have pointed out—

First, that the United States holds an overwhelming lead in total warheads and is still substantially ahead in development of MIRV's—multiple, independently targeted reentry vehicles—and in submarine-based missiles;

Second, that the Soviet deployment of solid-fuel missiles began only last year—6 years after the United States began deployment;

Third, that the deployment curve for new weapons systems rises sharply in the early stages of deployment, and levels off thereafter. On that basis, the Soviet Union's deployment of SS–9's is currently within normally predictable limits for a new weapons system, and therefore the assumption that the Soviet Union will continue indefinitely to deploy these weapons at the current rate is highly questionable.

In short, current Soviet efforts can equally well be explained as a response to a "missile gap" in which they perceive themselves as lagging, rather than an effort by the Soviets to create a first-strike capability that could destroy our second-strike deterrent capability.

Even if the Soviets did develop a theoretical first-strike capability, that capability would depend on the assumption that their attacking missiles would find our Minutemen in place. In fact, the Soviets could never be sure that—should they launch a first strike at our offensive missiles sites—we would not fire our missiles in anticipatory retaliation even before their missiles had reached American soil, a possibility that, in itself, constitutes the needed deterrent to a Soviet first strike without adding an ABM system. This element of uncertainty would persist in the Soviet's minds even though a U.S. President might, in fact, be reluctant to react to radar signals of an incoming attack in such an all-out manner.

Third. Given the current uncertainties about the technical reliability and capability of the ABM system to perform the functions visualized for it, it does not merit our confidence, and additional research and development, rather than deployment, would be appropriate at this time.

A number of prominent scientific and technical experts believe that, based on past experience with complex weapons systems—including current published doubts about the reliability of our Minuteman ICBM force—the ABM, the most complex system of missiles, radars, computers, and command systems ever contemplated, let alone deployed, is unlikely to perform well enough to do its intended job. Evaluating the system is complicated by the fact that its components can never be fully tested, leaving us in a position of having to rely on an unproven system to work effectively on a few minutes' notice.

Some scientists feel that the radar system which would have the task of guiding our ABM's—especially the Spartans—could be confused by any of a number of enemy penetration aids. Though there remains considerable debate over whether decoys could easily be added to the unsophisticated Chinese missile threat, it is generally assumed that Soviet development of radar baffling penetration aids has paralleled our own. In addition, the radars guiding both Spartans and Sprints could be completely blacked out for "several minutes" by initial high-altitude nuclear explosions either of incoming missiles or of our own first wave of ABM's.

Fourth. While greater protection from accidental launch of nuclear missiles toward the United States would be desirable, this alone does not justify deployment of the ABM, especially when there is serious doubt whether an ABM system could perform this function effectively, and there is no evidence that it is either the best or only means of dealing with the accidental launch problem.

A strong case has been made that an ABM system is necessary to fill the void which is alleged presently to exist in the event a nuclear power should accidentally launch an ICBM at the United States. This is a highly unlikely eventuality, and if it were to occur, there is no assurance that the proposed ABM system would be capable of dealing effectively with the situation, or that an ABM system is the only means—or even the most desirable means—of solving the problem of preventing or limiting damage from an accidental strike.

If it could be assumed that the ABM system would provide effective protection against damage due to accidental attack, that alone would hardly justify deploying it given the many other arguments against it. But many foreseeable technical and command problems with the proposed ABM system cast real doubt even on its usefulness for dealing effectively with accidental attack.

Fifth. Before delegating authority to fire offensive or defensive nuclear weapons to officials below the level of the President, which would almost certainly be necessary in the case of ABM, all possible alternatives should be explored.

Under the fundamental American principle of civilian control of the military, the civilian President is the Commander in Chief of the Armed Forces. Only he has the authority to order the firing of offensive or defensive nuclear

weapons. If we deploy the currently proposed ABM system, lesser officials will have to be given authority to fire intercept nuclear weapons. While the circumstances are not totally analagous, the *Pueblo* and EC–121 incidents indicate that current systems of human command do not respond quickly enough to permit a Presidential decision to launch ABM's within the "lead time" that would be available when enemy missiles appear on the warning radar screens. To respond in time with ABM's would almost certainly require a "launch-on-warning" arrangement that would remove the civilian control over nuclear weapons to which this country has long been committed. In other words, the nature of the command structure and the nature of the ABM are such that delegated authority and not the President would have to be in a position to press the nuclear button. The seriousness of this problem, and the technical problems with the ABM, are even more evident when viewed in the context of certain political considerations, in particular, the long-awaited arms limitations talks.

Sixth. A decision to deploy ABM's, or actual ABM deployment, would add nothing to our arms control bargaining position that we do not already enjoy through our current deployment capability, and in fact might limit our bargaining power by reducing our seeming sincerity in seeking to limit strategic arms.

Proponents of the ABM have contended that deployment would merely match what the Soviets have already done around Moscow, and that it would put us more in step with the traditional emphasis on defense in Soviet strategic doctrine. They further note that the Soviet reaction to Secretary McNamara's initial announcement of our intention to deploy an ABM system was quite restrained. Therefore, such deployment will either leave the prospects for agreement unchanged or will improve them by giving us a new bargaining counter.

On the other side, opponents of deployment have contended that deployment of any new weapons system, whether offensive or defensive, is inevitably destabilizing and a spur to further escalation by both sides. The United States has accelerated its embryonic program to develop MIRV's and its own ABM system largely in response to the Soviet ABM deployment around Moscow. Similarly, it must be assumed that Soviet defense leaders would have to respond to deployment by the United States of an ABM system with a further increase in their own offensive and defensive capabilities.

If the Soviets perceive a "missile gap" in favor of the Americans at the present time, how much wider must the gap seem to them if we now add ABM's, MIRV's, and even AMSA—advanced, manned, strategic aircraft—to our already superior arsenal? Since we have managed to raise the specter of a Soviet first strike despite our present lead, the menace of preemptive action by the United States must seem even more real to worried planners in Moscow. Dr. Marshall Shulman has argued, for example, that an American ABM deployment is likely only to strengthen the hand of those individuals in the Soviet hierarchy who contend that the United States is too committed to an arms racc seriously to be interested in negotiating its halt. Consequently, this American action would reenforce the case for increased Soviet arms deployment and give fresh impetus to the upward spiral of arms. Indeed, it must be assumed that Soviet defense leaders would be regarded as derelict in their duty if they did not propose expanded Soviet armament in response even to the prospects of American ABM's, MIRV's, and AMSA.

Seventh. Arms control negotiations following ABM deployment or a decision to deploy would have reduced potential for reaching agreement due to influences from sources with vested interests in retaining the system and the possible need for one or more parties to dismantle existing hardware and to incur the resulting financial losses. Negotiations conducted prior to any deployment or deployment decision would proceed without these negative influences and constraints, and enjoy a correspondingly better probability of reaching arms control agreement.

It is in this regard that our ABM deployment could well leave us with less rather than more security. For if the ABM has the destabilizing effect which we fear, we may lose our chance to reach agreement with the Soviets on a level of mutual deterrence approximating that toward which they are presently building. We may instead be forced by parallel fears to match, and to top, each other's weapons systems, with neither side able to know with assurance whether it is leading or lagging in the race for national survival. The resulting atmosphere of uncertainty would produce a much less stable international order, in which we might encounter far greater difficulty than at present in insuring American security.

With negotiations on possible arms limitations such an important factor, what of the contention that an ABM system would prove a valuable bargaining counter for the United States? The proposed Safeguard system would not be operational until 1973. So in any negotiations over the next year or two—the period in which prospects for international arms control agreement would be fully tried and tested—the United States would, in fact, be bargaining our capability to deploy an ABM system rather than the actual deployment of such a system. A decision now to deploy, therefore, would add nothing to our bargaining position within this time frame and would probably weaken it by decreasing our ability to convince the Russians that we are sincere in seeking to limit strategic arms.

There is little doubt that arms control negotiations could be conducted even if Russia, the United States, or both had decided to deploy or already begun to deploy ABM's. But once the decision to deploy is made, or deployment undertaken, any arms control agreement is likely to require a dismantling of existing facilities and consequent financial losses—both likely to incur the opposition of the vested interests that inevitably develop in support of retaining and expanding any weapons system once it is deployed.

Eighth. The resources required to deploy an ABM system would have greater benefits for the Nation if devoted to various domestic needs.

The cost of the Safeguard system for which further funding will be required this year has been estimated by the administration at between $6 and $7 billion. About $900 million of this total will be needed in fiscal year 1970. Opponents of the system have contended that Safeguard is just the opening wedge for a "thick" ABM system which would be designed to defend against a major Soviet attack, at a cost estimated upward from $40 to $100 billion. The Nixon administration has not denied this. The Joint Chiefs of Staff were consistent advocates of heavier ABM defenses and only shifted their position to Safeguard recently. Similarly, the testimony on the ABM by successive Secretaries of Defense has consistently emphasized the case with which the initial ABM system can be "upgraded" to deal with improvements in the anticipated offense. Pressures for expansion and refinement of the system, once deployment begins, would be irresistible, no matter how sincere the Pentagon and other proponents of the system may be today in asking only for a "thin" ABM defense. Indeed, the inadequacies of a "thin" system are already being pointed out by such ABM proponents as Dr. Donald Brennan of the Hudson Institute, and the chorus of voices favoring expansion would inevitably swell as the limitations of the Safeguard became increasingly apparent from operational experience.

Some experts have argued that the ABM, in view of the political and technical questions which have been raised about its capability for enhancing national security, is not worth even the relatively limited price for the Safeguard system, and that the American people deserve to have their national resources put to better use than for weapons systems of uncertain value.

It is this last point that carries the ABM argument to a considerable extent into issues of social policy—and, indeed, of moral judgments—in addition to the political and economic considerations already explored. Here, judgments admittedly become increasing subjective; contentions on either side of the case become vitally impossible to quantify or to support conclusively. But it is the conviction that the national security of the United States cannot be assured solely through escalation of military might. National security requires, in addition, the restoration—or creation—of a healthy domestic society which offers each citizen full and equal opportunity for self-development and participation in the affairs of the Nation. From this base, our security also requires that every effort be made to advance the cause of world peace through effective arms control and extension of the rule of law. Exclusive, or even major, reliance on arms can advance neither of these purposes, but can only undermine them, and, in the end,

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undermine the national security we all seek to insure.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Foley).

Mr. FOLEY. Mr. Chairman, I rise in opposition to the amendment. I must echo the words of the gentleman from Illinois (Mr. Anderson), who pointed out that the forthcoming SALT talks will not be advanced by a decision to prohibit the deployment of phase I of the Safeguard system. I feel as he does, that it would be tragic, to deprive the President and our negotiators at the talks of the widest opportunity to reach whatever negotiated agreements are possible and useful regarding strategic weapons.

On the other hand, the gentleman from New York (Mr. Bingham), who just left the well, has suggested that the Soviets might be unwilling to enter the talks if we should proceed with this authorization or that our action would at least create a bad climate for the talks. Let me quote a brief statement to the Committee which I believe may be of interest. This statement was made by Soviet Premier Kosygin—at a press conference in London on February 9, 1967:

> I believe that defensive systems, which prevent attack, are not the cause of the arms race, but constitute a factor preventing the death of people. Some argue like this: What is cheaper, to have offensive weapons which can destroy towns and whole states or to have defensive weapons which can prevent this destruction? At present the theory is current somewhere that the system which is cheaper should be developed. Such so-called theoreticians argue as to the cost of killing a man—$500,000 or $100,000. Maybe an antimissile system is more expensive than an offensive system, but it is designed not to kill people but to preserve human lives.

The Soviets have been outspoken in support of ballistic missile defense, they can hardly claim that a decision to authorize the Safeguard system justifies postponing or canceling the SALT. The fear that authorizing ABM will of itself cause a failure or contribute to a failure of the talks does not appear to be supported by what we know of Soviet statements and attitudes.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, my good friend, the gentleman from Illinois (Mr. Anderson)—and he is my good friend—has suggested that we ought not to take away from the President the chip in the poker game that will be known as the SALT talks. If that were the basis of consideration, I submit that perhaps the President should have recommended about 10 additional weapons systems so he might have available additional chips as well. I think the gentleman from New York (Mr. Bingham) correctly suggested the fallacies in that argument.

I see my good friend, the gentleman from Oklahoma (Mr. Belcher) on the floor. He talked about the fact that he did not know why we are opposed to spending $345 million to save 50 million lives. The fact is that we are not spending $345 million as he says. What is in prospect here is the expenditure of $50 or $60 billion for a system that probably will not work. That is one very good reason we are opposed to this program.

My authority for the statement that the ABM will not augment our national security is not any of the witnesses who appeared in opposition to the bill but rather a statement made by Dr. Foster himself before the Committee on Appropriations in the last hearings of that committee that are printed. Dr. Foster, of the Department of Defense, is the strongest proponent of the ABM.

This is what Dr. Foster stated in response to a question by the gentleman from Texas (Mr. Mahon). Mr. Mahon said:

> In you opinion, is there anything we could do today that would make your statement invalid? Is this just a fact of life based on the unilateral strength of the U.S.S.R., with which we must live ad infinitum?

Dr. Foster replied as follows:

> One hopes not, Mr. Chairman.
>
> I have tried to explain in the statement that we are making a major effort in research and development of the ABM defense in the hope that it may be possible to evolve a defense.
>
> In other words, we do not have one at the present time, but in the hope that we may evolve a defense that will protect our American people against an all-out Soviet attack.
>
> As you know, we do not feel that current technology permits this capability.

There is a time for research. There is a time for deployment. As far as I am concerned, we have not yet reached the time for deployment. I support the efforts of the ABM proponents to continue research to try to find a system that will resist incoming missiles. We have not yet reached that position.

The notion that it may be possible to provide an effective defense against missile attack is so seductive, on the surface, that most reasonable men would react favorably to such a proposal. Unfortunately, the problems of missile defense are too complex and the implications of an ABM deployment too far reaching to afford us the luxury of easy answers. Too often in the past Pentagon decisions have been accepted as though they were handed down from on high. If the Pentagon was infallible, or if we could even be assured that only national security objectives guided its decisions, our problem would be substantially simpler. As it is, we have some work to do.

On March 14, President Nixon announced his decision to proceed with the deployment of an anti-ballistic-missile system. He called that system Safeguard, to distinguish it from the previous Sentinel deployment which he had rejected. The Sentinel deployment had been proceeding until early February, when local protests in Chicago, Boston, Detroit, and Seattle forced a stoppage. Then, in the short period of 6 weeks, the $6 billion Sentinel deployment was set aside in favor of the new $7 billion Safeguard system. The Sentinel had been billed as a population defense, but President Nixon made it very clear that such a defense was not feasible. I found that interesting, since it was the position that myself and several of my congressional colleagues in the House and Senate had held from the outset. We are pleased the President affirmed our creed. I think we ought all to be suspicious of a decision of that magnitude which was arrived at in so short a time. Every indication is that the Safeguard system will stand close scrutiny no better than its now abandoned predecessor.

The Secretary of Defense has discussed the Safeguard system primarily as a defense for our Minuteman ICBM's. In order to substantiate his position he has stated unequivocally before Senator Gore's Arms Control and Disarmament Subcommittee that the Soviet Union is seeking a first-strike capability against the United States. He has not, however, provided any evidence which would make that statement even remotely plausible. In order to achieve a first-strike capability against the United States the Soviet Union would have to have a high assurance of destroying all but 400 of our offensive nuclear warheads before they reached their targets in the Soviet Union. Moreover, they would have to achieve the destruction of those warheads virtually simultaneously.

Secretary McNamara has testified that 400 1-megaton warheads would kill immediately 74 million Russians and would destroy 76 percent of Soviet industry. At the present time our arsenal consists of some 4,200 separately targetable warheads. By 1975, the year in which Secretary Laird foresees such vulnerability to our forces, it is likely the MIRV technology will have increased the number of our separately targetable warheads to something in the neighborhood of 10,000. In order to achieve a first-strike capability against us, then, the Soviet Union would have to be able to destroy more than 95 percent of our offensive arsenal before it reached its targets. That kind of reliability is simply not possible in the foreseeable future. It is useful to note in passing that the above calculations do not even take into consideration the thousands of tactical nuclear weapons we have stationed in Europe. Neither does it account for the relative invulnerability of our Polaris submarines, which by 1975 will be able to deliver, at any given moment, more than 3,000 warheads on Soviet soil.

Dr. George Rathgens of Massachusetts Institute of Technology has stated that in order for the Soviets to achieve the objective Mr. Laird has set for them they would "need to have a capability of destroying virtually all of our land- and sea-based missiles nearly simultaneously since they could hardly count on our delaying retaliation very long after the first few of our missiles were destroyed. Clearly the Soviet Union has none of these capabilites at present. Development of most of them should be evident to us through our intelligence collection well before they are operational."

Moreover, even if Mr. Laird should succeed in persuading the Congress that a Soviet first-strike capability was a serious possibility, the burden of proof would still be on him to demonstrate that the Safeguard ABM system was the most effective, economical way to protect our retaliatory forces. Dr. W. K. H. Panofsky has suggested that a much less expensive ABM system than the Safeguard deployment could provide adequate protection for the Minuteman. Dr. Rathgens has suggested that since the Safeguard system expends so much of its capabilities

protecting its own radars, it costs something on the order of $25 to $100 million to protect a single Minuteman. That figure is made all the more incredible by the fact that the Minuteman itself costs only about $4 million apiece. The Pentagon has provided no cost-benefit analysis of the Safeguard program. Assuming that protecting the Minuteman fields is a reasonable objective, it is still not clear that it could not be done cheaper and more dependably by some other means, such as improved silo-hardening techniques or dispersal of the missiles.

It is important to understand that in the unlikely event the Soviets should decide to attack the Minutemen, it would be a saturation attack. Under those circumstances, the possibility of a massive, catastrophic failure of a system as complex as the Safeguard is substantial. If just a single warhead reaches the missile site radar, which is about 10 times as vulnerable as a Minuteman silo, then the system collapses. All that is required is that one of the Sprint missiles defending the MSR fail, and the entire defense would be rendered useless.

In many respects the Safeguard deployment, with its components adapted from the Sentinel hardware, is a typical example of how weapons technology tends to feed on itself. The full Safeguard deployment consists of some 12 sites. It has been announced that, though the whole deployment has been described as a thin "area defense," there will be short-range, terminal defense Sprint missiles at each site. Since none of the sites will be located near population centers and only a few will be adjacent to our Minuteman fields and bomber bases, the sole objective of most of the Sprint missiles will be to protect the ABM itself. The Sprints are necessary because the area defense provided by the long-range Spartan missiles is so leaky and undependable.

The Safeguard system, then, is the same old system that we thought had been buried, and it is based on the same old assumptions about national power that have caused us to establish military bases all over the globe. More important, the Safeguard system is, in the final analysis, based not on a rational calculation of our national security needs, but on the continuing illusion that the United States can order the world according to our rather specialized blueprints about how governments ought to be run. The debacle of Vietnam, with its tragic costs in lives and spirit, should have long since laid that illusion to rest. The day has now passed when the United States could seek influence in the name of democracy and international hegemony in the name of defense.

The ABM system is only a single symptom of the disarranged national priorities that are reflected in a Federal budget that spends over $80 billion for weapons while domestic programs which are designed to give new life to our troubled society continue to be drastically underfunded. Of course we need a strong national defense and adequate appropriations for the purpose. But something must be done to stop the unneeded wasteful military expenditures. Unfortunately, over the last two decades Pentagon requests for appropriations have not been screened adequately.

McGeorge Bundy, in a recent issue of Foreign Affairs, stated the situation very well:

> The neglected truth about the present strategic arms race between the United States and the Soviet Union is that in terms of international political behavior that race has now become almost completely irrelevant. The new weapons systems which are being developed by each of the two great powers will provide neither protection nor opportunity in any serious political sense. Politically the strategic nuclear arms race is in a stalemate. It has been this way since the first deliverable hydrogen weapons were exploded, and it will be this way for as far ahead as we can see, even if future developments should be much more heavily one-sided than anything now in prospect. This proposition does not square with the complex measurements of comparative advantage which dominated the ABM debate, but I think it can be supported by both fact and logic.

No purpose can be served by explaining once again the technical case against the ABM. That case is as strong today as ever, and it has never been refuted. The committee report, which contains a quite thorough, if not persuasive, discussion of the ABM, makes no inroads at all into the arguments made by such distinguished scientists as Dr. George Rathgens, Dr. Herbert York, Dr. Hans Bethe, Dr. George Kiastakowsky, Dr. Ralph Lapp and several others. The Safeguard ABM is such a low-confidence system that the "conservative assumptions" by which we guide our strategic planning must assume that it will not work. In an attack situation experts tell us we simply could not rely on it. Conservative planning would require that we launch our Minutemen on warning. This would be the deterrent to forestall any attack, and not a penetrable ABM. The so-called choice given the President by another set of buttons, an $11 billion complex of radars and missiles, is not really a viable alternative.

The ABM debate has been unique in that for the first time an independent body of technical knowledge has been brought to bear on a major strategic weapons system. The Nation owes a considerable debt to those civilian scientists whose conscience and competence brought them into the ABM discussion. The Congress and the American public knows more about the nuclear age today than ever before, however disquieting that knowledge might be. It is important now to apply the larger lessons implicit in the ABM debate and begin to bring the nuclear arms race under control. We have to understand that technical considerations, despite their importance in the ABM debate, do not hold the key to arms control.

In fact the contrary is true. From a technical standpoint virtually anything is possible as long as the time and money are available. Herman Kahn, a Hudson Institute researcher who specializes in this sort of thing, has projected some technological "advances" in weaponry that are expected to develop in the last two decades of the century if the arms race continues on its present course: New kinds of nuclear weapons; various kinds of laser or other "death rays"; a menu of techniques for effective chemical and/or biological warfare in various applications; well understood doomsday machines—or near doomsday machines—tidal wave producers; climate changers, earth scorchers, or other ways to modify or damage the environment on a large scale; new forms of psychological, or even direct mental warfare; and the invention of a nuclear six-gun technology or at least the development of inexpensive and widely available versions of the nuclear weapons of mass destruction characteristics of the military technologies of the middle and late 20th century.

The ABM system, especially in tandem with the developing MIRV technology, threatens to make it much more likely that Mr. Kahn's predictions will come true. The Safeguard system, if deployed, will not make doomsday machines or tidal wave producers inevitable—technologically they are not related. But if the ABM deployment or the MIRV program are allowed to go ahead unchecked in both the United States and Soviet Union, then an offense-defense race will be prospect that would result in still higher levels of armaments and a net diminution of security on both sides. I urge passage of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. Dellenback).

Mr. DELLENBACK. Mr. Chairman, I do not think there is a Member in this body today who is not really sincerely reaching for peace. While we must remain strong militarily to reach for peace, ultimate peace does not lie along the road of indefinite escalation of arms. The world's best chance for peace lies in effective negotiation—negotiation leading to binding and effective international agreements.

We may be on the verge of finally beginning those negotiations with the Russians. President Nixon has called for those negotiations. The Russians may be finally at last about to agree.

Under our government of delegated powers, the responsibility of conducting those negotiations lies with the President of the United States. He will speak for America. He must be a credible negotiator. World peace may well depend upon whether or not the Russians recognize Richard Nixon as such—whether they are convinced that in the ultimate analysis this Nation will follow the President in this critical area.

President Nixon has eloquently set forth his conviction on this issue. He has based that conviction on the broadest possible knowledge, on extensive discussions and on intensive study of all arguments, pro and con. He has called for a limited deployment of the ABM. He has put his credibility completely on the line. In my opinion, without taking away from our right and even from our obligation to disagree with the President on other matters, we dare not destroy the credibility of President Nixon on this particular issue. We must support him on this. This amendment should be defeated.

The CHAIRMAN The Chair recognizes the gentleman from Washington (Mr. Meeds).

XUM

Mr. MEEDS. Mr. Chairman, I rise in support of the amendment. I favor further research and development but I am opposed to deployment at this time.

I believe the gentleman from Ohio (Mr. WHALEN) said we would agree, and I certainly agree with him, that we can afford it. I would add this caveat, however: We can afford it only if we need it. That is, only if we need it.

I think the gentleman from Washington, my colleague (Mr. HICKS) with his classic ability to cut through the chaff, has struck at the heart of this matter, and that is the question of whether this is necessary to preserve the credibility of our deterrent. I agree with him wholeheartedly, it is not necessary to preserve the credibility of our deterrent, and thus, in my judgment, there are $345 million here which are not necessary.

I know that if we do not spend it for this, that does not mean for certain we will spend it for some other programs, but I also know if we do spend it for this, it will not be available for other programs that are in need of this type of money. There are other programs such as vocational education which need it. The $345 million is $100 million more than the President suggested for vocational education for this entire Nation. The $345 million is six or seven times as much as we have appropriated in this House for library books for the children in this Nation. As the gentleman from New York yesterday pointed out, it would build 10 schools which would educate 1,000 young people each year for 30 years.

I suggest that the domestic budget contributes as much to the national security as does the military budget. A progressive country solving its own problems may do more for peace than a phalanx of antiballistic missiles. Full funding of education and fulfilling of man's hopes must command a higher priority.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, one comment I also would like to allude to was made by my distinguished friend, the gentleman from Oklahoma (Mr. BELCHER) when he made this decision in his mind that he would spend $345 million on the hope we could save 50 million people. I think everyone in this Chamber, if that were the question, would join with the distinguished gentleman from Oklahoma and vote for this $345 million. But I submit that is not the question.

The purpose of this apropriation is to protect our own missile sites, not cities. I submit further that in fact we are not simply talking about a thin system. We are talking about making a decision which will ultimately lead to a thick system. If a thin system protects against only 10 percent of the incoming missiles, once we accept the logic, then we will be pushed to develop a thick system without question. Maybe we should develop a thick system. I do not believe the state of the art is now at a point where we can or should make that decision.

I believe we should and can preserve our option for this. However, I am worried about a remark made by my friend, the gentleman from California (Mr. GUBSER). He has suggested the possibility of a foreign military officer or politician going insane and some day does get his finger on a trigger of an ICBM. Under those circumstances I might vote for deployment of an ABM to take care of such an event, because goodness knows this world has had insane men in it. But, beyond that eventuality, I would not vote for deployment in this year.

The CHAIRMAN. The Chair recognizes the gentleman from Flordia (Mr. SIKES).

Mr. SIKES. Mr. Chairman, we would be in a better negotiating position if the ABM were deployed now. We will definitely be in a stronger position in defense when it is deployed. There is no rhyme or reason for further delay.

The deployment of Safeguard is pictured by opponents as an escalation of the arms race. It is alleged that it will draw a Soviet reaction to insure their deterrent force. Thus, Safeguard is criticized as causing the initiation of a new round in the arms race.

The truth is the system would not require a Soviet reaction—unless the Soviets are aiming for a first-strike capability.

With the deployment of Safeguard, the United States will qualitatively improve its strategic forces, not quantitatively escalate the total offensive megatonnages. The decision to primarily defend Minuteman and the bomber forces rather than deploy additional offensive forces reflects this.

Defense of our retaliatory forces should, in fact, actually slow down the arms race by enhancing the stability of our deterrent without threatening the Soviet deterrent. Safeguard in any of its proposed phases or options is of modest scope and presents little or no threat to their deterrent. The Sentinel plan called for deployment of radars and missiles in our heavily urban industrial centers, but Safeguard radars will—with the exception of the Washington, D.C., area—be deployed well outside of our cities.

In this vein, I should add the fact that the Soviets show every evidence of understanding the ABM issue. They did not exhibit any concern over the original Sentinel decision and continued thereafter to express their interest in arms limitation talks. Premier Kosygin has declared publicly in regard to the Soviet ABM system, which they began to deploy before we decided on Sentinel, that a defensive system is not a threat to any nation and does not provoke an arms race.

A Soviet reaction to the Safeguard system, as I said, will be necessary only if the Soviets want a first-strike capability against the U.S. bomber and the Minuteman-Titan force.

Of all the actions we might take to preserve our deterrent forces in the face of the growing Soviet threat, deployment of a defense of our deterrent forces is the least provocative.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, the question is not whether the proponents of this amendment are right. The question is whether they can afford to be wrong.

We have spent $3 billion on research on this program. The time for action is now.

I will tell you why. If we started building this ABM system tomorrow and all went well, it would take us at least 48 months before it became operational. It just so happens that in 48 months the Red Chinese will have completed a production capability to produce 200 deliverable nuclear warhead intercontinental ballistic missiles every 12 months. This Nation must start building now a defense against a Red Chinese threat which will become very real in 48 months.

So I do not believe we can waste 1 more day. We are behind schedule now.

I am opposed to this amendment because I believe we have to move forward with the deployment of this system.

There is one thing that is certain around here. Our friends say, "We want more research, but we do not want deployment; we do not want procurement." We know the rule around Congress is that the best way to kill a project is to study it to death. This has been studied, researched, and experimented. They have found that it works. Now is the time for action.

I hope the amendment will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, at long last we have had a real debate in the House on the subject of the ABM. The American people are deeply concerned about the implications of the deployment of any ABM system, and for good reason.

The ABM issue has awakened the Nation to the dangers of the nuclear arms race and the imbalance in our national priorities. Today we have an opportunity to apply the brakes to the spiraling arms race with its inflationary effects upon our economy and at the same time save billions of dollars which might be used to solve urgent domestic problems.

I have presented the arguments against deployment of an ABM system when military procurement and appropriations bills have been before us in the past. This year the system is called Safeguard and is designed to protect offensive Minuteman missile sites against a Soviet attack. Last year it was called Sentinel and was designed to protect our major cities against the possibility of an irrational Chinese attack into the 1970's.

The agility with which ABM supporters shifted from Sentinel to Safeguard suggests that the objective is to initiate deployment of whatever ABM system will create the least public outcry. Then once the camel's nose is under the tent, a "thin" system will become "thick"; a missile site defense system will also become a population center defense system; a project with a cost of $10.3 billion—according to the committee report at page 18—will become a $50 to $100 billion

project; and absolute security in the nuclear age will still be unattainable.

The essential arguments against the ABM are:

It would encourage the Soviet Union to increase its offensive missile capability, which in turn would necessitate that the United States reciprocate, resulting in an expensive and destabilizing increase in the missile race.

Militarily, the United States is in a position of relative strategic parity with the Soviet Union; both have sufficient capacity for retaliation so that it is in the interest of neither to strike first. There is, thus, a stabilized, mutual nuclear deterrence.

If an ABM system is deployed by one country, the calculations of the other's offensive capability may be thrown off by an unknown factor, which would be compensated by an increased offensive strength. This will probably yield the same strategic parity we have now, at a higher level. More likely, it will introduce a dangerous new unstabilizing element in the arms race.

By the time it is deployed, it will be virtually technologically obsolete. Not only will it be obsolete, but it may not work.

As former Secretary of Defense McNamara pointed out, it is more economic to devote our resources to maintaining offensive superiority or parity than to pursue an ABM system.

The deployment of the ABM may well have an adverse effect on the strategic arms limitation talks.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from California.

Mr. BURTON of California. I should like to commend the gentleman from New York and to associate myself with his remarks.

Mr. RYAN. I thank the gentleman from California who is one of the most dedicated Members of the House in the quest for peace.

I should like to comment for a minute on one of the arguments espoused by the supporters of the Safeguard, which is that somehow its deployment will strengthen our bargaining position at the conference table with the Soviets. They claim that, if it is approved, the Soviets will have an added incentive to agree to an arms limitation.

There is a fault in that logic. If the Safeguard system is a defensive weapon and in no way provocative, how can it be a bargaining incentive? If the Soviets have nothing to fear from the ABM, why would they be concerned about its deployment?

If, on the other hand, it does present a threat, is it reasonable to expect cooperation from the Soviet leaders?

The notion of using this for a tradeoff is not very logical.

This system has been sold to the American people at various times with various rationales—as a necessary protection against an irrational Chinese attack. This was the concept, when it was presented by Secretary of Defense McNamara. Now it is presented to us as a defense against the offensive missiles of the Soviet Union directed at our missiles.

If the Safeguard is deployed, the Department of Defense will surely find one or more reasons for its continued existence. Should it be offered as a tradeoff in bargaining at arms limitation talks with the Soviets, it is not difficult to imagine the Military Establishment balking and swiftly dredging up the potential Chinese threat to justify it. Weapons systems must not be allowed to dictate defense policy. Defense policy should dictate weapons systems.

The arms race must be brought under control. The adoption of the pending amendment will at least help to stabilize the situation.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I believe there are three things that each and every one of us would recognize and accept.

First, we have been working on the anti-ballistic-missile for some 16 or more years, if one goes back to the initial studies that were made by the Department of Defense.

I served on the Defense Appropriations Subcommittee beginning in January 1953, and one of the first requests made for research and development by the Department of the Army at that time was for money for anti-ballistic-missile studies. We have gone through the various generations of the Nike and then we had Sentinel and now Safeguard. We are still in the research and development stage for any practical purposes on Safeguard.

Secondly, we know that the Soviet Union has deployed an ABM system, the Galosh family of weapons. We know it is a deployed first generation ABM system, and we must assume it is probably a second generation ABM system, and it may well be a third generation ABM system.

We also know that the United States has had no ABM system that is deployable.

With this background it seems to me we ought to take affirmative action in this session of Congress to approve the Safeguard system.

Now, there are some legitimate questions that have been raised. First, is deployment of the Safeguard system a provocative act and, secondly, will it hinder disarmament and, finally, will it work and is it needed.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from New Mexico (Mr. FOREMAN).

(Mr. FOREMAN asked and was allowed to yield his time to Mr. GERALD R. FORD.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, I ask unanimous consent that I may be allowed to yield my time to the gentleman from Michigan (Mr. FORD).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. LEGGETT. Mr. Chairman, I object.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. The question is, Is it provocative? Well, I do not use the words of this gentleman often to back up an argument of my own, but several years ago Mr. Kosygin, a fairly influential member of the Soviet Union heirarchy at the time that Kremlin leaders made the decision to proceed with their ABM system was quoted as saying:

> It seems to me that defensive measures do not accelerate the arms race.

If that is a good argument from their point of view, it is certainly equally effective from our point of view.

The next question is, Will it hinder disarmament? Again I think we can look back at history. Either in 1967 or 1968 former President Lyndon B. Johnson announced that he was going to deploy the so-called Sentinel ABM system. There were some at the time who felt that that announcement would preclude a go-ahead on disarmament talks. The contrary is true. The facts are that within 4 weeks after Mr. Johnson as President of the United States announced that we are going to deploy the Sentinel ABM system the Soviet Union asked the United States to begin arms control negotiations.

I do not believe a start on deployment of the Safeguard system will hinder disarmament talks. Actually I think it would be helpful in the initiation of worthwhile and needed discussions between the United States and the Soviet Union.

Let me ask this question: Why should the Soviet Union enter into negotiations involving possible concessions by them on the one hand and concessions by us on the other hand if the United States has already stopped beforehand the undertaking of a weapons system that is negotiable?

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

(Mr. ARENDS asked and was allowed to yield his time to Mr. GERALD R. FORD.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, if this Congress either by this amendment or by any other amendment precludes the President of the United States from proceeding with the Safeguard system, when the President proceeds to negotiate with the leaders of the Soviet Union he will have one hand tied behind his back.

Let me make this observation: If the United States enters into negotiations naked, we will come out of those negotiations naked.

If we want the United States to be in a bargaining position, a strong position for negotiations, this Congress ought to make available to the executive branch of the Government the authority to proceed with the Safeguard system.

XUM

The third question: Will it work? Well, I have read a great deal, some scientific and some otherwise, that it will not. I have read an equal amount of scientific substantiation of the workability of this program. I have listened to others, many very knowledgable, who have also alleged that it will work. But there is one person I think we all respect—and I have not heard his name mentioned here before—there is one person in the scientific community of the United States who has been the winner of "the Big Four" in the area of the sciences. That is Prof. Eugene Wigner, of Princeton University. He has been the winner of the Nobel Prize for physics, the National Medal of Science, the Enrico Fermi Award and the Atoms for Peace Award.

You should read Dr. Wigner's justification and support for the ABM. His observations will resolve any question or any doubt in your minds. His statement on the ABM was inserted in the Congressional Record for May 1, 1969, page 11049. I urge every Member to read it.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(By unanimous consent, Mr. Gubser yielded his time to Mr. Gerald R. Ford.)

Mr. GERALD R. FORD. I thank the gentleman.

Mr. Chairman, any Member of this House who questions deployment of the Safeguard system should do as the distinguished Speaker has recommended that we do, and that is to err on the side of strength rather than on the side of weakness.

Mr. Chairman, I have listened to the debate on this occasion and other occasions. I have listened to Members in this body as well as Members in the other body who were here during World War II and the Korean war and when the critical decisions were made with reference to the atom bomb and to the hydrogen bomb. And, let me say this: This country would not be here today if those decisions had not been made affirmatively, despite substantial opposition from segments of the scientific community.

I say as one American along with 200 million other Americans that we are fortunate that those in the White House did make those decisions. The same strong decision must be made today by the President and the Congress.

Let me ask you this question: Is the ABM needed? The answer is yes. Fortunately, President Truman made the decision to proceed with the H-bomb in the early 1950's. The late President Eisenhower stated in 1954:

> If the Soviets had beaten us to the hydrogen bomb, Soviet power would today be on the march in every quarter of the globe.

I say to you if we hesitate, if we wait, if we hinder, if we roadblock this program, we would be doing the same thing for the decade of the 1970's that former President Eisenhower predicted would have happened if President Truman had not made the right decision in the early 1950's.

Mr. Chairman, rumors have been rife around the world, and I have heard comments made, that certain weapons tests have been undertaken or completed by the enemy. If those tests, my colleagues, prove out as the Soviets hope they will, then in my opinion we would be foolhardy, we would be stupid in disapproving the ABM. I strongly favor the Safeguard system.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. FOREMAN: Mr. Chairman, I support H.R. 14000. I oppose the amendment to delete deployment of the anti-ballistic-missile system—ABM. I believe in saving dollars, but I place a priority on the saving of lives.

The argument is advanced that we should use this ABM money to help our people. How better could we help our people than by providing a defensive system to protect them against the adversaries who would, if they thought they had the decisive advantage, destroy them? What good does it do to spend money to build increased model cities, welfare programs and other domestic ideas and programs if there is no one left here to enjoy them?

The argument is made that this system won't work. As a matter of fact, it is the fourth generation of ABM development. It does work. But even if we were still testing to make it work, the Russians, the Chinese, and/or others don't know whether or not it will work either, and no adversary would want to take the chance whether or not it would work.

The argument is advanced that the ABM is provocative. Is a shield in a sword fight provocative? Is a coat of armor provocative? ABM will provoke only those who plan to attack us, because it is only a defensive weapon.

It took courageous leadership, ability and determination for Mr. Nixon to make the decision to deploy the Safeguard-ABM defensive system. Current, reliable, hard intelligence shows us that the Soviets are presently deploying SS–9 ICBM's with 20 to 25-megaton warheads capable of destroying our hardened Minuteman ICBM strike force. In addition, the Chinese threat against our population, as well as the danger of an accidental attack, cannot be ignored. With the Safeguard, a purely defensive weapons system, it is possible to reduce U.S. fatalities to a minimal level in the event of a Chinese nuclear attack in the 1970's, or an accidental attack from any source—and, to protect our retaliatory strike capability against any aggressor. No President, or Congress, with the responsibility for the lives and security for the American people, could fail to provide this protection.

Mr. DONOHUE. Mr. Chairman, as we initiate our examination, discussion, and determination of this amendment, to eliminate funding for the proposed ABM system, and other amendments, to this military procurement authorization bill before us, I most earnestly hope and urge that our legislative mood and movement toward final action will be firmly founded upon an unyielding and immovable "bare bones" policy and scrutiny in the imperative public interest.

Mr. Chairman, shortly after I entered this U.S. House of Representatives, it became quite clear that the mere utterance of the phrase, "necessary for the national defense" was the magic and unchallenged password to the swift and near unanimous congressional approval of any requested military expenditure.

There was then and there is now no gainsaying the fact that "necessary for the national defense" is mighty impressive, and that many military expenditure requests, now and in the past, are and were substantially meritorious and actually urgent in and for our national defense security.

However, many of us, through these past years, have consistently, earnestly, and patriotically questioned the good sense and wisdom of the Congress in repeatedly and customarily attributing, in reality, to the words, "necessary for the national defense" the same significant magic projected in the children's storybook command of "open sesame."

Too often through too many years, the purse strings holding our national taxpayers hard earned money have been burst asunder and nearly the whole content of the purse freely emptied, without any concentrated study or sensible limitation, at the mere sound and pronouncement of the hypnotical expression "necessary for the national defense."

Many of us, through the years, have, perhaps too quietly at times, persistently and conscientiously protested against this "open session" military spending affliction and annually urged, as I repeated here on July 18, 1968, the Congress not to approve a blank check for unlimited military spending.

That is why I placed in the Congressional Record, on last May 28, 1968, an article by an outstanding columnist revealing grave instances of military waste and extravagance in various parts of the world for the information of my colleagues and commendation of dedicated employees who discovered and revealed these disturbing instances of careless supervision and inventory.

That is why, in the Congressional Record of last June 5, 1969, I inserted an editorial article estimating that sloppy and wasteful procedures in defense contracts had cost the American taxpayers some $30 billion in sheer waste over the past 20 years. In this article it was indicated that all too often high Pentagon officials tended to try to cover up spending blunders of colossal size in defense contracts instead of publicly revealing them and initiating corrective action.

In my own remarks, I appealed to the Defense authorities on the ground that it was "far better, in the national interest, to 'put out' the facts about such military spending than to have them 'found out'," pointing out that the confidence of the American people and the Congress is seriously impaired when those in high public trust withhold the truth for no clear and good purpose.

Mr. Chairman, that is why, as the author of similar legislation, H.R. 17357 of the 90th Congress, I urged the adoption and voted for on May 27, 1968, of H.R. 17324, a bill designed to keep the profits, of industries that contract with the Government for the manufacture of military hardware, under realistic bookkeeping control and right reason. The record and

evidence clearly reveal that some contract manufacturers had received unconscionable profits at tremendous and unjust expense to the taxpayers.

Mr. Chairman, that is why I have consistently urged the closest scrutiny and most searching questioning of the legitimate extent and commitment of military spending in the technical areas of research and development.

That is why last February 26, 1969, I again publicly protested and questioned the financial prudence and feasibility of the proposed construction of the anti-ballistic-missile system for which various estimated costs have ranged anywhere from 5 to 50 or 80 billions of dollars. I am still opposed to this unrestricted expenditure.

Mr. Chairman, those who have been long engaged in this mission of trying to focus the concentrated attention and examination of the Congress and the country upon military expenditures were deeply gratified at the historical action of the U.S. Senate in their recent exhaustive debate and study of military procurement expenditures over a period of 2 months when, in previous years, they had initiated and completed Chamber action on the same subject mostly within 2 days.

I respectfully submit that the unprecedented Senate action, even without actual accomplishment of the substantial expenditure reductions that a good many of us would have liked, still represents, finally, a great moral victory and morale boost for our people and our country at a time in our destiny when it is imperatively needed to sustain and strengthen confidence and faith in the legislative branch of this Government.

Mr. Chairman, there are many more amendments that will be offered in the course of this debate to eliminate and/or lessen requested authorization amendments in several areas of spending in this bill.

Even though the other body may have accepted some of them in their originally proposed figure I would hope and urge that their various decisions will not be permitted to weaken or dilute our higher duty and determination, as the source of national appropriations, to effect sound reductions and sensible savings to taxpayers at whatever point and on whatever items our legislative judgment dictates.

Mr. Chairman, the largest item, by far, in our national budget, some $77½ billion this fiscal year, is for overall military defense expenditures.

Neither I nor anyone else would attempt to argue against the urgency of insuring the ability of this country to successfully repel any possible armed threat to our national security.

However, the duty of the Defense Establishment to provide our adequate defense does not automatically carry with it the right to a blank check on American taxpayer.

Modern, expert bookkeeping, wise spending projection, and the diligent exercise of frugality can be high marks of military efficiency as well as they are of a modern American private enterprise system.

Experience unhappily proves that loose purse strings are an almost irresistible temptation to careless excess and wasteful extravagance.

I do not question the motives or sincerity of any Congressman or citizen who is conscientiously concerned about insuring the adequacy of our national defense system, but I, just as conscientiously, consider it our highest duty and obligation to the American taxpayer to hold the military expenditure purse strings, and those of any other Federal department, as sensibly and prudently tight as is humanly possible.

Let me quietly and calmly remind you that if and when any emergency may arise, which we pray it will not, immediate, responsive action can be readily taken by the President and the Congress to meet and overcome it, whatever it may be. That is what the Congress is for, and I most earnestly hope that when our deliberations are done on this vitally important measure before us, it will truly represent and reflect a triumph of legislative prudence and responsibility in the disbursement of our people's money in the national interest and the peace of the world.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I listened with interest to my colleague from Oklahoma as he engaged in a little "you-fellowsism." He stated that "none of you fellows will be around to know if you are wrong if it is a mistake not to deploy the ABM system." And, that there will not be anyone around to know if we are wrong.

But, on the other hand, when you other fellows make a mistake we are around to know. For instance, the mistake you made in the midfifties about the educational system in our country, a mistake which has brought about one of the most critical situations this country has ever faced, a woefully inadequate educational system which has allowed our cities to reek with ignorance and therefore unemployment and crime. We are around to see that mistake. And speaking of "fellows," was it not you "other fellows" who told us in the fifties that Lenin predicted the Russians would not defeat us by force of arms but that the Communists would force us to spend ourselves into bankruptcy?

I congratulate you "other" fellows. You are helping to prove that prediction precisely right with this FBM—French bankruptcy maginot line.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Pike).

Mr. PIKE. Mr. Chairman, I listened with great interest to the remarks of the minority leader, and he is absolutely correct that we have in fact studied this for 16 years now; we have researched it for 16 years and, according to what we are presented with today, for 15 years we have been wrong.

Last year we did come in with a system which was designed to save lives, and this year we have changed that system completely, and all we are talking about today is a system which is designed to save missiles. We have changed that system 100 percent, in this year.

We have, as the gentleman from Washington said so eloquently a while ago, a system which is not designed to save life, for if we ever use this system, it has already failed; this is a system which is designed to deter war as the other one was, but I simply ask if it fails and if it does not deter war, let us not talk about how many lives will be saved. Let us consider how many lives will be lost.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Mr. Chairman. the people who are concerned about saving 50 million lives, and are willing to invest $345 million to save those lives, I wonder how they voted on the $1 billion that we put in the education bill to save 50 million lives of the young people around this country, to properly educate them? It is a question of national priorities.

While it is said that we need a fire insurance policy as a rationale for the ABM, I do not think that we need to buy the whole fire department in order to protect us; and that is what we are doing in this case. What we are buying here is 10,000 men who we are going to use to man this system on a 3-minute alert basis for the next 50 or 100 years.

If it is like the ICBM system that we have currently deployed, we are going to buy 48,000 contract civilian personnel like the ones who are now working on the ICBM system around the clock. So what we are buying here is an obligation of about $1 billion per year maintenance. It is said in argument that the estimated cost is around $350 million; I think it is going to take a billion dollars to maintain the system. And the net effect is, that all we are going to do is to stimulate the Russians into doing what we have done. They have put up 67 antimissiles, and we are going to put up 1,000.

Of course, the distinguished minority leader says that the ABM's do not lend themselves to the arms race. Well, he can say one thing in one paragraph, and his innuendo in another is a very different point of view.

If you look in the report of the majority on page 26 at the bottom of the page, they say that it is alleged that the Safeguard system could be overcome by a Soviet missile buildup.

What is their answer? They say that obviously Safeguard defenses could also be increased.

So what we are saying, then, is that Senator Symington is right; we are moving toward a $400 billion dollar program to try to make ourselves safer, and in the end all we are going to do is to be contaminating and confounding our budget, and making ourselves less safe.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Chairman, I support the bill and its provision for the limited ABM. I feel that this will not be a stimulus to an arms race, but as a matter of fact will help us in controlling

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arms throughout the United States and the world.

I support President Nixon's Safeguard ABM and I do this after extensive study of the pros and cons and only after being convinced that the Safeguard is necessary to the long-range protection of the United States.

I began my inquiry into the Safeguard, frankly, with skepticism. I was hoping that I could find sufficient evidence that it was not needed and that we could safely vote against it. We have many other important areas where we could use the money, not the least of which is considering relief for the heavily burdened U.S. taxpayer.

But the more I learned about the ABM the more I became convinced that Safeguard is not only vital for the future security of the United States but will make a very real contribution to world stability in the coming decade.

Three things impressed me a great deal in my review of the ABM:

First, was the logic of Secretary Laird's statement that we can never be sure of Soviet intentions, but that we must be ready to respond to Soviet capabilities.

All study material available to the Congress and particularly the material made available by the intelligence community will convince an objective observer that the SS–9 missile will give the Soviets the capability in the mid to late 1970's of destroying our Minuteman missiles in their silos.

As Secretary Laird has said, we could not say with certainty that the Soviets are planning a first strike but the SS–9, if its development and deployment are continued at the present rate, could give the Soviets that capability. We must see that the protection for our deterrent is such that the Soviets never have that capability and never have enough of a chance to succeed with a first strike so as to be tempted to try one.

There has been much dispute in the public debate about the intelligence on the Soviet missiles. But if you read that closely, you will find that the disagreement is really a matter of judgment on what the Soviets intend. There is no disagreement in the intelligence as to what the actual developments are and what the Soviet capabilities will be if those developments continue. I do not think we can determine our defense needs on the basis of the hope that the Russians' intentions have become more benign with the passage of time. The invasion of Czechoslovakia, after all, was only a year ago and is at this moment being solidified.

The second point that impressed me greatly in my study was the extent to which past technological developments have contributed to the Safeguard program.

Quite frankly, when one reads much of the public debate one might be led to a belief that the Safeguard is a wholly new and untried approach and that the technological developments required are part of a new guessing game.

In actual fact, two things are apparent. One is that Safeguard is the culmination of years of research and development in which billions of dollars have been invested and while its deployment concept is somewhat different because the character of the threat is somewhat different, it can logically make use of the work that was previously performed in developing the Nike X and the Sentinel. The benefits of all of these earlier systems are available to Safeguard and the technology required for Safeguard is to be found at least in part in those earlier programs.

Also one should note how much of the development has already taken place. There are actually computers in existence now that are as complicated as those which will be used for Safeguard. Safeguard data processors are operating today and meeting test objectives at the Kwajalein test facility. The Spartan missile was first flown over a year ago. The Sprint missile has been undergoing tests for 2 years and is developing satisfactorily.

The third thing that impressed me in my study of ABM, and to me one of the most crucial reasons for supporting the system, is that I think Safeguard can improve world stability in a decade of the 1970's and 1980's. It is a nonprovocative weapon. It cannot harm a single hair on the head of a single Russian because it cannot go far enough to land on Russian territory. It cannot start a war. Even if fired at a command level lower than the Presidency, it would entail no danger of nuclear exchange even if it had been fired at a false target. It can be destroyed in the air without a nuclear exchange. In addition to warding off the Russian threat, it will be of crucial importance at the time when the Chinese will have a nuclear delivery capability, which is already claimed by them to be a fact. It could handle the threat the Chinese are likely to pose and its very existence would give the President an option to resist demonstration attacks or nuclear blackmail threats in future years when other nations might have a nuclear capability without the sophisticated command control capability we have and the Soviets have. In such a world an ABM defense against an accidental launch could truly save the world from nuclear holocaust. It would give us the opportunity to make sure that an accidental launch does not start world war III.

In summary, I think we should all remember the ABM is not a thing in itself but a part of the whole fabric of national preparedness. We must defend America. And the best defense is the power that wards off initial attack in the first place. Our maintenance of that kind of power has been the best deterrent to general war. And now that a threat to the deterrent is made, we must continue to develop our national defense capabilities to assure the survivability of our deterrents. The ABM is a necessary step in that process. We cannot play guessing games with 40 million American lives, which may be saved by the development of this purely defensive weapon.

I support the ABM and I will urge all of my fellow Members of the House of Representatives to do likewise.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I at this point yield to the chairman of the committee.

Mr. RIVERS. Mr. Chairman, I thank the gentleman.

On July 9 the distinguished Senator from Washington, Senator JACKSON, made a speech in which he listed the names of those who composed the Politburo. I have some copies here. I would like to give them to the Members. They are Stalinists. They are the crowd who marched into Czechoslovakia.

This is the crowd who will make the decision as to whether or not to set off a missile in Russia for which we may have to use the ABM. But that is not the only fact.

But I would like the Members to read this. It is a very, very carefully written speech. The Members can read it now from these copies, or they can read it later in the RECORD. I shall include it at the end of my remarks.

But I want to say to the Members that you cannot put any faith in the written word of these Soviet leaders, or on their promises. I call this to the attention of everyone here.

When I get my time on the floor I am going to read a part of the speech by the distinguished Senator from Rhode Island, Senator PASTORE, wherein he answers a few questions and pays his respects to the patron saint of the opposition, Dr. Jerome Wiesner.

I think you will be quite interested in what he has to say.

Mr. Chairman, the statement I referred to is as follows:

Fiscal Year 1970 Department of Defense Authorization Bill

(Remarks by Senator Henry M. Jackson, member, Senate Committee on Armed Services, on the floor of the U.S. Senate, July 9, 1969)

In considering the fiscal year 1970 Department of Defense Authorization Bill, which is now before the Senate, I can think of nothing more essential for the Congress than clear thinking about the Soviet Union.

How can we reach sound judgments on the national defense budget if we do not understand the nature of the Soviet adversary?

Can you think of a top American business leader who would make decisions determining the survival of his company before he had carefully studied his chief competitors and what they were up to? Yet many in Congress seem willing to make decisions that could determine the safety and survival of this nation and the future of individual liberty without facing up to what the Soviet Union is up to.

Recently, we have heard a great deal about "national commitments", disarmament, and threats to "cut and cut and cut and cut" the defense budget. But we have heard precious little discerning comment from those same sources about the nature of Soviet leadership and what is really going on in the Soviet Union.

Who are the Kremlin rulers today? What sort of people determine the foreign and defense policy of the Soviet Union?

Briefly, these are the members of the 11-man Politburo, in alphabetical order:

Leonid Brezhnev, age 62, General Secretary of CPSU Central Committee. Russian by birth, he began his career during the Stalin purge of 1936–38 in the Ukraine where there were three survivors of the 102-man local Central Committee. This is one of the men who denounced others on innumerable occasions. Orthodox in outlook, built his career on the political platform of return to doctrinal rigidity, partial rehabilitation of Stalinism, and crackdown on liberal writers. His political priorities are protection of the

supremacy of the party, tightening the ties of the socialist camp under Soviet dominance, protection of defense goals through allocations to heavy industry, with agricultural allocations ranking second.

Andrey Kirilenko, age 62, Secretary of CPSU Central Committee. Russian by birth. Rose from a career of bloody and petty intrigue in the provincial Ukranian party committees. Thus far one of Brezhnev's most loyal political supporters. Alternates with Suslov in deputizing for Brezhnev when the latter is out of town. Has been increasingly prominent in the past year and may now have edged Suslov out as the number two man in the party. Kirilenko displayed a strong pro-consumer bias during the Khrushchev years and in the period immediately after his ouster. These views have been muted since 1966 when ideological orthodoxy and preoccupation with the needs of defense began increasingly to dominate the thinking of the leadership.

Aleksey Kosygin, age 65, Chairman of USSR Council of Ministers. Russian, born in Leningrad. Took the first moves in his career in the great purge of 1936–38. He played an active role in Party life at a time when the main "activity" was the denunciation and purge of the previous secretaries and bureaus, and when the Leningrad communists were being slaughtered on a very large scale. During that time he advanced rapidly—moving up in four steps, from shop manager in a Leningrad factory to a post in the Soviet government in about two years. Pragmatic with a strong interest in a balanced economy, especially interested in increased attention to consumer goods and "rationalization" of economic planning methods. His age, desire to preserve his privileged position, and orthodox Marxist training, however, limit his receptivity to new ideas and methods.

Kirill Mazurov, age 55, First Deputy Chairman of USSR Council of Ministers. Byelorussian by birth. Started his career in the Party at the time of the 1936–38 purge. He has served some years in KGB operations. Pragmatic in outlook, responsible for light industry, but also interested in agriculture. Is behind a grandiose plan for the "urbanization" of the countryside being strongly pushed by the Byelorussian party organization, but currently hard up for funds. In foreign policy, Mazurov seems to favor an aggressive stance against the West. Alternates with Polyansky in deputizing for Kosygin.

Arvid Pelshe, age 70, Chairman of Party Control Commission. Latvian by birth and career, began his rise in the Latvian party during Suslov's pro-consulship of that area, and is reported to owe his present high position to Suslov's patronage. A colorless party functionary, orthodox in outlook, he has spent important years in KGB operations.

Nikolay Podgorny, age 66, Chairman of Presidium USSR Supreme Soviet. Ukrainian by birth and career. Under Khrushchev, identified with relatively liberal views, but since early 1966 has moved steadily toward orthodoxy in support of Brezhnev.

Dmitry Polyansky, age 51, First Deputy Chairman of USSR Council of Ministers. Ukrainian by birth, career ties to the Crimea, and thus far a loyal member of the Ukrainian group in the Politburo. Has served in both party and state positions. As First Deputy Premier is responsible for agricultural production and is a zealous champion of investment in the agricultural production base. As a result has been increasingly in direct competition with the military for scarce resources. He is interested in doing business with the West and acquiring advanced Western technology, but otherwise seems to be ideologically orthodox in his foreign policy views.

Aleksandr Shelepin, age 50, Chairman of All-Union Central Council of Trade Unions. Russian, made his career in the Komsomol, then as head of the KGB. One of the most powerful figures in the leadership at the time of Khrushchev's ouster. Since 1966 his political position has steadily weakened. Interested in administrative efficiency and modern methods of control. Was behind move to rehabilitate Stalin in early 1966 and seemed to favor a tough, chauvanistic foreign policy. There are now indications that he is in search of a new platform to "run" on. Is said to have opposed Politburo handling of Czech crisis, but was an advocate of the aggressive line in the 1967 Middle East war.

Peter Shelest, age 61, Ukranian by birth and career, still based in Kiev. First Secretary of Ukranian Central Committee. Conservative on most domestic issues though something of a Ukranian nationalist and champion of the "rights" of the republics, which however does not prevent him from applying harsh measures against his independently minded Ukrainian countrymen. A hard-liner on military matters. His remarks on foreign policy issues have been consistently tough, and he is reported to have pushed hard for a military intervention in the Czech crisis, fearful of the spread of the freedom-virus to the bordering areas of the Ukraine.

Mikhail Suslov, age 66, Secretary of CPSU Central Committee with informal ranking of second-in-command. As the 1936–38 purge struck, Suslov began his spectacular rise, becoming one of the Rostov provincial secretaries. In 1939 he was appointed First Secretary of the Stavropol Regional Committee, where in 1944 he became involved in the deportation of the Karachai people. Proving successful in this, he was made Chairman of the Bureau of the Central Committee for newly-occupied Lithuania, in 1944, and reimposed Soviet rule against a bitter resistance. High priest in doctrinal matters with special interest in the cohesion of international Communism. Orthodox in outlook and long opposed to "revisionism" in any field.

Gennady Voronov, age 58, Russian by birth. Grew up in the Soviet Far East and for many years party boss of one of the large districts bordering on Communist China. Chairman of RSFSR Council of Ministers. Ambiguous figure with no apparent political ties with other members of the Politburo. Has been outspoken defender of the technocracy and favors establishing western-style management training schools.

The often neglected truth about this group of men who are now on top in Russia is that they are the first generation of rulers who are actually the products of the Stalin system. Those who rose with Brezhnev, Kosygin, Suslov, Kirilenko and the others in the purge of 1936–38 were qualified for promotion by their denunciations of their colleagues. To have moved ahead in those days is a certain sign of complicity in Stalin's terror.

Now, in power, these men have shown themselves unable and apparently unwilling to make the reforms, small or large, required to meet the needs of an increasingly more complex, sophisticated Russian society. As one Russian observer put it: "There are no liberals at the top. Not in the Politburo. No Soviet Dubceks in sight, and no viable faction within the Party that would support one. That's the worst of it all."

Indeed, the repressive measures employed today to intimidate, frighten and stifle expression of dissent approach those of the thirties and forties in their intent and in the dogged intensity with which the Politburo executes them. There are more intellectuals now incarcerated in jails, committed to mental hospitals, or exiled to Siberia than at any time since Stalin's terror—Aleksandr Ginzburg, Yury Galanskov, Pavel Litvinov, Larissa Daniel, and all the others. In addition, Soviet official organs employ countless other methods of repression. Liberals are slandered in the official press. Travel abroad is denied dissenters. Writers are denied the right to publish their works in their own country.

The lack of qualifications of most of the Politburo in dealing with foreign affairs is obvious. Careerists in the provincial or Central Party apparatus, they are generally narrow-minded, nationalistically oriented, basically hard-boiled communists, limited men, concerned for their own positions and privileges, and knowing little of foreign reality.

After World War II, Maxim Litvinov used to take foreign diplomats and newspapermen aside and warn them that Stalin and his colleagues were thoroughly ignorant of the outside world, and that this constituted a very great danger. It seems that most of the present Politburo are no better off in knowledge of the outside world, some of them probably worse off. Clearly, we cannot discount the danger that these men, who are showing themselves unequal to the need for reforms at home, may make serious errors of judgment in their conduct of affairs abroad.

This is the group that chose to use armed force to strangle the evolutionary democratization of its own friend and ally, Czechoslovakia, which under Dubcek's leadership was indicating to the Soviet Union itself a way out of the vicious circle of repression, fear, repression. This is the group that then concocted the ominous Brezhnev doctrine of limited sovereignty which asserts the right of the Soviet Union to intervene unilaterally in all communist-run countries.

It is difficult to see how one could have thought up a more clumsy and self-defeating rationalization of the Czech invasion. All the talk about the subordination of international law of the "laws of the class struggle" and the double-talk about defending sovereignty by denying sovereignty gives no comfort to any other communist ally, and shows a crude and deliberate disregard for the political interests of other communist parties, particularly many in Western Europe, who, to retain the credibility of their effort to gain power by parliamentary means and of their willingness to support "bourgeois liberties" feel they must repudiate the theory of imperialist communism and Soviet Party predominance.

If anyone had any doubt about the capacity of the Politburo to blunder, its performance in the case of Czechoslovakia should dispel the doubt. The similarities between Moscow's forcible methods and Nazi methods are now fully visible to the peoples of all the Warsaw Pact countries, beginning with Rumania, and to communist comrades around the world whose interests the Soviet leadership brazenly ignored.

Meanwhile, there is little doubt that a struggle for power and influence goes on within the Politburo, and that the outcome is uncertain.

In the Soviet Union a few leaders conspiring when they choose, can make and unmake a man's power without his knowledge or that of the public. That is what happened to Khrushchev in 1964.

Will change when it comes bring merely a reshuffle of the same old Party *apparatchki* (Suslov or Kirilenko in place of Brezhnev; Voronov or Podgorny in place of Kosygin)? Or will it bring a change of generation of Party *apparatchki* (Shelepin, Mazurov, Polyansky)?

Will the change continue to restrict Soviet politics to the self-perpetuating Kremlin circles? Even now, the police appear to be gaining ground. As Michel Tatu, one of the most astute analysts of the Soviet scene has said, it is no accident that Yury Andropov, the KGB chief, has been promoted to be an alternate member of the Politburo, for the first time since the notorious Lavrenti Beria was in the top group. Andropov has presided over the crackdown by the KGB on liberal Soviet intellectuals and signs of him in action during the Czechoslovak crisis have not indicated any doubts on his part concerning the intervention.

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Also now, the influence of the Stalinist-type political commissars appears to be on the rise. General Shtemenko, Stalin's former chief of staff, downgraded two ranks on his master's death, has not only been reappointed to high position in the Soviet military hierarchy but is now Chief of Staff of the Joint Armed Forces of the Warsaw Pact states, and is campaigning to refurbish Stalin's image as a military leader. General Yepishev, a particularly sinister figure, who was Stalin's assistant minister of state security in the horrible Doctor's Plot period, was made chief political commissar of the Soviet armed forces in 1962 and promoted to full membership of the Central Committee following the fall of Khrsuhchev. He is noted for his continual attacks on the liberal writers and on the so-called "foreign imperialists." And one gets no comfort from Yepishev's chilling article, widely circulated this year in *Kommunist*, the official Communist Party journal. In that article he says that "classical Leninist teaching" on the inevitability of "a series of frightful clashes" between capitalism and communism still applies in the nuclear age, and that World War III would "guarantee the construction of socialism and communism."

The resurgence of Soviet thinking in terms of the class struggle, reflected in military doctrine as well as in the Soviet approach to international law, must cause apprehension about the road ahead.

Now, the fact of the matter is that an increasing number of the informed Western analysts of Soviet developments assess the Soviet Union as a dangerous, unpredictable opponent—on the verge of a leadership crisis, the outcome of which cannot be forecast.

In this perspective, the fast growing military capabilities of the Soviet Union take on added significance.

No one is sure of the future and one has to be prepared for surprises.

I am reminded of the lively discussion of the Czech crisis on August 7, 1968, at a high-powered workshop. The discussion produced a show of hands on the probability of Soviet military occupation of Czechoslovakia. Twenty present believed such an eventuality unlikely; two thought it probable.

One participant later suggested as a possible subtitle for the workshop, "Or Why We Were So Wrong."

We do not know who will have the finger on the Soviet trigger in the months and years ahead. The enormous Russian arsenal will be at the disposal of whatever "strong man" or ascendant faction of tough, ambitious figures come to the fore in the Soviet power struggle.

Hence, there is everything to be said for the United States to maintain a solid and prudent stance.

Mr. President, the essence of a solid and prudent stance is a protected U.S. second-strike capacity which gives us the capability to retaliate against a strategic nuclear attack, and therefore to discourage such an attack. This is the first essential of national security and individual liberty, and of the survival of us and our allies in freedom.

In recent years recognition has grown decisively among officials and scientists that we want to maintain the second-strike capacity—not of just one, but of all major vehicle types of our strategic force: Minuteman, bombers, and Polaris-Poseidon.

As our Armed Services Committee report states: "Each system has different limitations, is subject to varied uncertainties and requires distinct modes of attack. Each type must be protected, so as to insure no easy defeat of our system by an enemy. It must be of serious concern therefore if any part of our deterrent mixture is adversely affected by changing adverse forces and technologies."

The Senate Armed Services Committee has voted to cut about $2 billion from the proposed 1970 Defense Department Authorization Bill. I joined in those votes. We can do without some of the less urgent military programs. But in the face of the likely dangers ahead, tampering with the strategic offense and defense core of the Defense budget is a very risky business.

Of real concern is the continuing Soviet development of their gigantic SS–9 missile, on which they have already begun to test multiple reentry vehicles, and not without success. The evidence is firm that the Soviets have more than 230 SS–9's operational or under construction. If the Soviets continue to deploy additional missiles at the same rate as in the past few years, by the mid-1970's the survivability of most of our Minuteman forces as presently deployed, would be in question.

Also of special concern is the threat to our bombers from the growing number of Soviet Polaris-type missile submarines, and the danger to our Polaris system from Soviet efforts in nuclear attack submarine construction and in anti-submarine warfare. As the report of the Armed Services Committee puts it: "We cannot assume that our Polaris system will be the first weapon in history to remain invulnerable."

Also of concern is the hard work which the Soviets have put into their ABM for many years. The Soviets are completing the deployment of some 60 Galosh ABM missiles on launchers around Moscow. And, very important we now have hard evidence that the Soviets are testing an improved long-range ABM, which apparently has a "loiter" capability, so that, after the initial firing, the missiles can coast or "loiter" for a period of time, until a specific target is selected, at which point it can then be restarted and maneuvered to the target. The Tallinn defense system, very extensively deployed throughout the Soviet Union, is believed by many in the intelligence community to be subject to upgrading so as to give it an ABM capability.

Faced with these problems, President Nixon has recommended a phased program to deploy an ABM defense. The functions of the Safeguard ABM program are to help protect (1) the Minuteman silos; (2) our manned bomber force; and (3) the command and other facilities necessary in a crisis to assure national political control of both our land and sea-based strategic forces. It is intended also to (4) provide a partial but useful protection of our people against an accidental, irrational or reckless small missile attack.

The opponents of the Safeguard program initially seemed to deny the fact that we confront increased threats to our deterrent forces in the mid and late 1970's. They now appear to have retreated from that position and are trying to make a case for alternatives to deploying an ABM system which in their view would be better.

Several Senators and scientists have suggested that, rather than *defend* our offensive forces, we should *expand* our offensive forces—our Minuteman or our Poseidon, or both. Yet buying more Minuteman without protection is certainly more destabilizing than an active defense of Minuteman silos, since it increases the capacity to strike first. And buying more MIRVed Poseidon forces would surely be viewed from the Russian side as more threatening than a limited ABM defense of our forces.

Moreover, any significant expansion of our *offensive* nuclear weapons is more costly than the Safeguard program.

The President and the proponents of the Safeguard system are in my judgment the real moderates on this issue.

Some opponents of ABM advocate delay in deployment—of what they call "an inadequately tested, unproven missile defense system." In fact, the Safeguard system is the result of a very comprehensive research and development effort. The components are more fully advanced and better tested than were the components of the Polaris missile system, when a comparable go-ahead was given.

Mr. President, how can we now prove this system, except through a prototype-like deployment? Phase I of Safeguard is, in effect, a prototype installation that will enable the Defense Department to complete engineering, installation, and shakedown and tests and to have the two stations fully operative by 1974. If we delay the decision for about a year, as some propose, the soonest these two sites could be ready for complete checkout would be in 1976. This would leave us with no option to provide active defense for the essential portion of our Minuteman force on the schedule that may be necessary if we do not reach agreement with the Soviets on limiting or reducing strategic forces. There is obviously no substitute for time. And, what's more, the delay would cost us an extra expenditure of several hundred million dollars.

We can expect, as in the case of every other offense and defense system, that we can improve its effectiveness over the years. But we urgently need the experience of a deployed working prototype. The idea that we should not be getting this experience in this very important defense area of nuclear weaponry, while the potential opponent was not dormant and has had the opportunity to obtain some of this experience for many years, is to me the height of imprudence.

The statement to our Committee by Freeman J. Dyson of the Institute of Advanced Study at Princeton includes this perceptive comment:

"In the long run the battle between offensive and defensive technology is a battle of information. If the defense knows where the offensive warheads are, it is not too difficult to destroy them. For the last 20 years the offensive has had an overwhelming advantage, but this advantage is being reduced as defensive information-handling capability improves. In the long run, I believe the defense will prevail because the defense will have more accurate and timely information than the offense. Defensive batteries within a hundred miles of the battle should ultimately be able to out-maneuver incoming offensive vehicles controlled from a command center 5000 miles away on land or in a submarine off-shore. The offensive command will be fighting the battle blind, without any possibility of quick reaction to defensive moves. I consider that it is only a question of time, perhaps ten or twenty years, before these inherent advantages of the defense become actual. The time that it will take to overturn the doctrine of the supremacy of the offensive will of course depend on political decisions as well as on technological developments."

Some of the campaigners against ABM deployment argue that before deciding to proceed with deployment we should negotiate with the Russians.

Why either one or the other?

Why not both?

If we do not have *our* ABM system moving along, what inducement is there for the Soviets to negotiate with us on a freeze or a reduction in *their* ABM deployment? Can anyone seriously maintain that Moscow will agree to limit its ABM's, if we now, and unilaterally, abandon deployment of our ABM's? Nothing in the record of negotiations on the control of arms suggests that this would be the way to have a successful negotiation with the Soviets.

I do not think that we can realistically expect the Politburo to sign an arms agreement that rules out a limited Soviet ABM defense and leaves their country vulnerable to nuclear coercion and attack from Communist China and other secondary nuclear powers? And I also very strongly doubt that the American Congress and people would accept an agreement under which the Soviets are permitted to have their ABM system while we have no comparable ABM protection well underway here.

Thus I believe the chance is promising that we could come to an agreement with the Soviet Union for a limited ABM defense on both sides—an agreed ceiling on the number of ABM's, for example—provided that we don't foolishly throw that chance away by now scuttling our own program.

In my judgment, anyone who wants a successful negotiation with the Soviets to halt the further evolution of dangerous strategic armaments should be a strong proponent of the Safeguard ABM.

President Nixon has asked us to give him the funds to proceed with the Safeguard ABM as a matter "essential for national security."

After thorough consideration, a majority of the Senate Armed Services Committee has supported the President's request.

President Nixon believes he would be in a much stronger position in the forthcoming negotiations with the Soviets on limitation of offensive and defensive nuclear systems if he had the backing of the Congress on his Safeguard program. I agree with that analysis. Indeed, in my opinion, nothing would be more detrimental to our diplomatic effort—and more shortsighted—than to deny the President the strong hand he needs just as his negotiators are about to sit down at the conference table.

I have no doubt that the Senate will evidence its common sense and vote to go forward with the ABM program as part of the 1970 Department of Defense Authorization Bill.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. PHILBIN).

Mr. PHILBIN. Mr. Chairman, I yield to Chairman RIVERS.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that this yielding to me come when my time comes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, one of the most dubious arguments I have ever heard is the one that proclaims boundless faith in American science and asserts, "If the Russians can build a missile we can figure out a way to shoot it down." In Russia there are equally competent scientists who can claim, "If the Americans can build a missile defense, we can figure out how to penetrate it." Philosophically, the two claims are equally strong; it comes down to a matter of hard technology.

The hard technological fact is that missile offense is far ahead of missile defense and will remain so in the foreseeable future. There is no law of nature that says this should be so; it is simply an empirical fact.

Any one of a long list of inherent defects renders the Safeguard system hopelessly inadequate. Consider, for example, the missile site radar. It is too complex, too expensive, and too fragile. It is only one-tenth as hard as the ICBM silos it is supposed to protect. This means it can be destroyed by a warhead only one thirty-second as powerful as that needed to destroy an ICBM. Even if we very optimistically assume the ABM to be 80 percent effective, the Soviet Union need only direct two SS–9 missiles, each bearing 15 warheads of perhaps 150 kilotons each, against a missile site radar to have a better than 90 percent chance of destroying the radar. Thus, by spending perhaps $120 million on four SS–9's, they could destroy both missile site radars of Safeguard phase I and render the entire $2.1 billion system inoperable. This is not a good cost-exchange ratio, and it gets no better as the system is expanded into phase II.

There is no doubt in my mind that Safeguard is nothing more than a make-work project for the military-industrial complex.

But even more important than the question of technical adequacy is the question of national priorities. Some of the better political cartoonists have taken to depicting our cities as dilapidated, vermin-infested shantytowns squatting in the shadows of glistening, gigantic antiballistic missiles. In my view, this is a dead accurate representation of the situation. We do not need augmented military protection for our country; our existing nuclear deterrent is more than sufficient to do this many times over. We need to take this money and use it to improve the society we are so concerned about protecting.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment.

Rather than restate the many valid reasons for opposing the appropriation for the ABM that my colleagues have given, I just want to say that I support those reasons.

I also want to bring the attention of the House to something that occurred yesterday which indicates the order of our national priorities as the Nixon administration views them.

Yesterday, the Nixon administration announced that it is going to cut by $215 million the model cities program—a slash this year of 42 percent—and, yet, here today we are going to willy nilly spend for the commencement of the deployment of the ABM, as one gentleman said, $345 million. We all know expenditures for the ABM ultimately will cost the taxpayers of this country close to $60 billion, and the authorization today will be the first installment payment.

I say to the gentlemen who are supporting this bill that some of us who are opposed to it are not necessarily unalterably opposed to it in principle, we are saying—wait until the SALT talks take place. Then if the talks prove unsuccessful in their goal of ending the arms race and if we think we must therefore go ahead, we can debate its merits then. But until those talks occur, we ought not to embark upon this course of expenditure. It appears that the Nixon philosophy is committed to saving silos and destroying our own cities by permitting them to fall into decay for lack of funds.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I yield to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I rise in support of this amendment to delete a total of $545.5 million from Safeguard ABM procurement and research and development.

A number of amendments are being offered today, but none in my opinion involve a program with the potential for disastrous consequences found in ABM deployment. The Senate recognized the grave questions when they ended in a tie vote. The House Armed Services Committee—generally a bastion of unanimity—recorded eight dissenting votes on the committee bill which we seek to amend.

It seems abundantly clear that this lack of agreement coupled with the consequences of development and deployment can lead to only one conclusion—we must halt this system now.

Secretary of Defense Laird points to Soviet missile development, the SS–9 in particular, as a reason for immediate deployment, reasoning that the Soviets are preparing for a first-strike capability.

Dr. Jerome Wiesner and Abram Chayes disagree. In their recent book, "ABM, an Evaluation of the Decision To Deploy an Antiballistic Missile System," they state:

> Our present intelligence on Soviet strategic forces shows an ICBM force of about 1,000. It may be that some 200 more are in the process of deployment.
>
> About 600 of these are SS–11's, comparable to our Minuteman; about 230 are SS–9's, capable of carrying considerably larger payloads. The remainder are of other models. The bulk of this force has been deployed in the last three years. In addition, the Soviets have 150 intercontinental bombers, a few nuclear submarines and large numbers of intermediate-range missiles and planes that could be used to attack targets in Europe or in the bordering oceans.

Carl Kaysen, formerly White House policy planner and currently director of the Institue for Advanced Studies at Princeton, also challenges Laird's perception of the threat. He states:

> He (Laird) has particularly emphasized his projections of the rate of build-up of Soviet offensive weapons, especially of SS–9 missiles, capable of carrying large warheads or multiple warheads. The facts on which this argument rests, so far as can be determined, are essentially the same facts from which the two preceding Secretaries of Defense drew quite different conclusions. These show a rapid growth of Soviet land-based intercontinental missile forces: from 250 launchers in total in mid-1966; 570 in mid-1967; to some 1,000 by early 1969. Of these some 200 to 250 are of the SS–9 type, all of which were added since 1966. In addition, the Soviet Union is building a missile-launching submarine force which now has some 50 to 100 missiles and is similar to our Polaris fleet. Secretary of Defense Clark Clifford, in describing the situation of the Soviet land-based missile force, said late in 1968, "The rate of increase over the past year has been somewhat greater than estimated a year ago. However, we believe the rate of increase will be considerably smaller over the next two or three years. Beyond that point, our estimates become less firm.

Former Secretary of Defense Robert McNamara considered the possibility of a Soviet first strike and said:

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> It would not be sensible for either side to launch a maximum effort to achieve a first-strike capability. It would not be sensible because the intelligence-gathering capability of each side being what it is, and the realities of leadtime from technological breakthrough to operational readiness being what they are, neither of us would be able to acquire a first-strike capability in secret.

Jeremy Stone, a longtime opponent of the ABM also discounts the probability of a sudden strike from Russia.

> A large-scale Soviet attack against American cities is plainly and simply not rational, since the American response is primed to destroy the Soviet Union in return. The Soviet leadership is aware of this. That nuclear war is mutual suicide has attained the status of a cliche with both super-powers. Wide-scale nuclear attacks on American forces are so unlikely to succeed, and so dangerous in any case, that it is very hard to imagine a Soviet leader, or Soviet committee, attempting them.
>
> One can talk of war occurring through escalation. But it still requires, at some stage, that one major power launch nuclear weapons against the other. This will be, and can be expected to be perceived as, a self-destructive act. For the foreseeable future, war calculations will not seem promising; moreover, leaders are unlikely to believe them if they do seem so. And there is ample evidence in the three decades since World War II of great-power caution in treating events that might risk general nuclear war.

Finally, we must look at this situation in the light of our domestic needs which are generating pressures equal to anything facing our national security. We are operating with a budget that has a ceiling of about $92 billion. There are uncontrollable expenses such as medicare, veterans payments, and other trust accounts which bring us down to about $72 billion. Out of this I ask you what funds are available for our cities, our open spaces, education, and welfare. Just about $9 billion. This is $9 billion to fund the incredible problems that are facing us on the domestic scene. Compared to the numbers that we are discussing today, this is a mere pittance. I have had continual discussions with the officials in the cities I represent and I can assure you that the problems are acute and cannot be put off indefinitely.

We must reorient our fiscal thinking and recognize that a country facing the crises we have today cannot blithely spend $80 billion a year for a military machine. This is not a question of national security. This is a question of condoning massive waste in the military sphere and refusing to look at the pressing needs of the people in the cities. I am for national security, but I view national security in the full sense of the word. National security means security for all the people, not just a bloated military machine. I hope the time has finally come when we can recognize that an insecure domestic population is as much of a threat to our existence and the quality of our life as is the threat from outside aggressive powers.

As the scientists I have quoted point out, the ABM is dangerous. Its technical merits are under serious question. It will in all probability lead to an escalation of the arms race.

On the policy level, it is an example of the waste and sloth in our thinking on national priorities.

I sincerely request that my colleagues pass this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. SYMINGTON).

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield to me?

Mr. SYMINGTON. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. I thank the gentleman for yielding. I rise to announce for the RECORD my support of this amendment and to associate myself with the remarks of the gentleman from Minnesota (Mr. FRASER), the gentlemen from New York (Mr. LOWENSTEIN and Mr. BINGHAM), and the gentleman from Illinois (Mr. YATES), the gentleman about to speak, and many of the others who oppose deployment of the ABM at this time.

Mr. SYMINGTON. Mr. Chairman, I suppose I might be looked upon as a second-generation weapon in this discussion, a distant second, certainly, in understanding of the subject and influence in the debate, but not in concern for the result, or the third generation it will affect. Defeat of the amendment is widely predicted. It is traditional for this House to support Presidential initiatives in matters involving national security. It is equally traditional for this House to expect great things of our Presidents in the search for peace, diplomatic success, and the projection of America as a Nation to be trusted, loved, and respected.

But we must not think that by merely giving the President a mighty weapon he requests, we are discharging our duty, much less exhausting our opportunity, to prepare a legacy of peace for our children. For the very request itself is predicated on failures of international communication and understanding for which the President does not bear any more responsibility than we do. Nor is it a question of trust. Our relations with recognized adversaries throughout history have been based upon mutual distrust. When powerful adversaries meet to talk, they are not beguiled by suggestions of mutual trust. They concentrate on what is in their mutual interest. The question is how to translate mutual interest into an agreed series of moves which need not be considered "trusting," yet which will turn man back from the brink.

Today's wisdom will be measured in years to come by whether it fosters or inhibits such moves. In Dr. Brennan's familiar article supporting the ABM he quotes Premier Kosygin as approving its adoption by this country. A trusting government would accept such "approval" at face value—a Soviet endorsement of purely defensive systems. A less trusting interpretation would arise from the suspicion that the Soviets would like us to invest in a costly defense system that would be born obsolete and, like their own, abandoned. Self-deception is not self-interest.

Finally, the issue before us is not solely one of national security, but of the security and hope of the whole world. And this is something no one nation can guarantee. It will take broad and historically unique agreements between parties who somehow are induced to assign a lower priority to the next generation of weapons than the next generation of children.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, the gentleman, along with all others, has engaged in good debate. It has been long. It has been to the point. I think we have perhaps demonstrated that there is nothing as impervious as a logic-tight idea in the minds of some. Certainly, with disposal of the theory of the electromagnetic pulse, ordinarily known as the Fireball, we have disillusioned those who say the arms race is even or that we are ahead. Good intelligence indicates to the contrary.

We have heard much about the Galosh-U.S.S.R. ABM, and, little orientations on the redirection of the direct-phased array of radar toward China. The proponents of the amendment conveniently fail to mention the Tallinin U.S.S.R.-ABM ringing their principal cities. We have discussed the SALT talks and disabused them, because it still takes two to tango, and one does not get in bed with a snake without getting bit. On the other side we have proved that the ABM is defensive. We cannot afford not to have it because of the lives lost, and I am disabused with the argument about whether those lives were preserved by direct or by indirect action. If our Safeguard deters the Soviet first strike "turkey-shoot," it has been completely successful. We have proved also that we can delegate the trigger control to a trustworthy man who can control, and this is purely a defensive weapon, which would be exo-atmospheric in its motivation and carefully controlled, or it would be overseas beyond an area of 400 miles to the point of origin.

For all of these reasons, because we are within the state of the art and the technological know-how of knocking down incoming intercontinental ballistic missiles, to the point of saving American lives, whether we live thereafter in fallout shelters or not, I say we cannot afford to do anything less than to deploy this system and do it now while there is still time available.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, I rise in support of the amendment.

ABM AND AMERICA'S FUTURE

For 2 years an increasingly disturbed American public questioned the need for an anti-ballistic-missiles system—scientists doubted whether it would work; many of my colleagues thought the money could be more profitably spent on domestic priorities; citizens were frightened by it; and civilian defense analysts felt it was a useless strategy. And yet, today we are being asked to appropriate funds to deploy an ABM system that could escalate the arms race and inject national life with a new militarism.

The Nation's defenses must be maintained, and I do not pretend to be a defense expert, but when such a vast array of respected opinion questions the wisdom of spending billions on a nuclear defensive system that may not even work,

then the Safeguard ABM system must be viewed with skepticism.

The ABM would commit America to a military strategy that has never been tested and relies as much upon ambiguous logic as it does on its ability to function.

While we all wish to secure "peace among nations," it is difficult to view this rash ABM decision as anything but provoking the Soviet Union and other hostile Communist countries. The Pentagon says an anti-ballistic-missile system would improve our bargaining position with Russia. But is this not the old, discredited gamesmanship of the cold war?

I think the time has come when the United States should take the lead in seeking peace, instead of risking our national security on a nuclear gamble.

Indeed, the time has come when Americans must stand up to what former President Eisenhower called the "influence of the military-industrial complex." For years we have let our foreign policy be set in accordance with unquestioned judgments made by military men. Generals, no doubt, have rights as citizens, but in our democracy, they traditionally are supposed to carry out civilian-made policy, not dictate it.

Yet the Pentagon now has come up with an ABM system that modifies the previous administration's $5 billion Sentinel system. This new "thin" nuclear defensive system will be phased over several years, costing $6 to $7 billion. It alters the original ABM sites, from the cities to rural America—in hope of detracting popular opposition—and focuses on defending existing defensive networks through detection, interception, and destruction of enemy nuclear missiles. It has been estimated that this supposedly modest "thin" system would eventually escalate until we have poured $25 billion or more into a full-scale ABM network.

Just from a technical point of view, there are many reasons that militate against an effective ABM. No computer has ever been built that can approximate the performance that will be required of the Safeguard system. Time and again, it has been pointed out that the Soviets have numerous means at their disposal to circumvent the Safeguard system. Chaff can be dispersed to confuse our radars; a nuclear explosion would probably make radar penetration impossible; and electronic countermeasures could be used to jam our radar. Since the radar constitutes the core of the Safeguard system, it is highly unlikely that effective ABM defense can be developed.

Perhaps even more dangerous than the system itself may be its effect on the strategic arms limitation talks—SALT. At a time when the Nation is seeking a means of accommodation with the Soviet Union on arms limitation, it appears that we are prepared to take another step down the perilous road of escalation of the arms race. I am quite certain that the Soviets will view this development with extreme suspicion. They may well conclude that successful arms limitation talks with the United States are out of the question. This would be one of the most tragic developments for the American people and the people of the world.

Almost a quarter of a century has gone by since the skies over Japan were besmirched by the detonation of the atomic bomb. Surely such an event must never happen again. If we do not maintain an atmosphere wherein the SALT talks may proceed, we may only be bringing ourselves that much closer to nuclear destruction. I firmly believe that the deployment of the ABM system will create a situation wherein arms limitation talks will be fruitless.

As an alternative to giving the go-ahead on the ABM, Congress should insist that the system's effectiveness be carefully tested, and in view of considerable criticism, I believe strongly that additional research should be carried on before the antiballistic missile system can be called operational. Let us set our sights in that direction and then let us consider our pressing domestic problems. I feel democracy would be best served by spending the proposed billions now on human needs.

In the last analysis, I feel the Nation will be losing a great stride toward peace if this missile system is deployed at this time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I yield to the gentleman from South Carolina, the chairman of the Armed Services Committee (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, I thank the gentleman from Texas very much.

Mr. Chairman, we have come to the end of this debate now. We have got to make up our minds. I think there has been a good debate. It has been on a high plane. I think everybody has had his say. We have had some very knowledgeable statements.

I want to say this. Whether we like it or not, Richard Nixon is the President of the United States. Like Harry Truman, who used to have on his desk, a sign like this: "The buck stops here." We cannot pass the buck beyond Richard Nixon. He has to make the ultimate decision, and from his decision there is no appeal. This is Richard Nixon's responsibility, and the responsibility of each one of us is to back our President when it comes to our country's survival.

What do we do? Someone says, do not use this. When you use it, church is out. We do not plan to use it. There is no mistake about that. But, we do not plan to put all our eggs in one basket.

During the discussions in the other body, Dr. Jerome Wiesner's name was thrown around quite a bit.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Chair recognizes the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, I thank the gentleman from Louisiana.

We had learned gentlemen come before our committee. We had three from the opposition and three from those who were for this. One of the great scientists who favored this was Dr. John Wheeler, Palmer Physical Laboratory, Princeton University. I was quite impressed with his testimony. He left no doubt as to where the scientists of his group stood.

Dr. Wiesner could not get there, and he sent Dr. Rathjens, if my memory serves me, and he presented Dr. Wiesner's paper and one of his own. There were others. Over in the other body the distinguished Senator from Washington, Senator JACKSON, asked the Senator from Rhode Island, Senator PASTORE, to yield. I want to quote for the House what transpired, and I hope the Members will listen:

> Mr. JACKSON. Mr. President, will the Senator yield?
>
> Mr. PASTORE. I yield.
>
> Mr. JACKSON. Mr. President, I should like to ask the Senator if he is aware that, in 1962, it was said that the lunar orbital rendezvous technique would be a poor way to send a man to the moon, that it would not work, that it would involve too great risks for the lives of the astronauts, and so on. Is the Senator aware that the man who said that was Dr. Jerome B. Wiesner, the science adviser to President Kennedy? Fortunately, President Kennedy did not follow the counsel of Dr. Wiesner on that issue. Dr. Wiesner is now the leading opponent of the ABM. President Kennedy followed the advice of the responsible technical experts in NASA.

Says Senator PASTORE:

> The best way I can answer that is that Jerome Wiesner—and he is a good friend of mine; I know all about Jerome. He was the scientific adviser to President Kennedy in 1961, 1962, and 1963; and while he was scientific adviser, John Kennedy spent $800 million on the ABM. So it is either one of two things: He was either advising Kennedy wrong, or Kennedy was not listening to him.

In here it has "laughter." I can tell you that, because I was there.

> I mean, there you are. I studied geometry. You cannot have it both ways—

Says the distinguished Senator—

> I will admit that this is not the ultimate answer, and I do not think we should have to prove that it is.
>
> Let me tell you something else, about taking care of the poor. Here is one man—

Speaking of himself—

> who apologizes to no one about taking care of the poor. I stood on this floor alone and offered an amendment to override the House of Representatives and override my Appropriations Committee by increasing a cut that the House made, and was sustained by the Appropriations Committee on an amendment to raise it by $225 million.
>
> Let nobody tell me that I am taking bread out of the mouths of the hungry in order to get the bomb. Let him tell that to somebody else.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

The Chair recognizes the gentleman from South Carolina to close debate.

Mr. RIVERS. I thank the distinguished Chairman.

Mr. Chairman, am I now on my own time?

The CHAIRMAN. Yes.

Mr. RIVERS. I thank the Chairman.

Now, says the Senator:

> Furthermore, who ever said we had to make a choice? After all, if we need the ballistic missile for the security of the Nation, let us have it. If we do not need it, let us do away with it. That was the purpose of the Smith amendment. If we do not need it, let

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us do away with it. Let us be honest about it.

The only question is: Will it work? I have already covered that ground. It is said that the ballistic missile is expensive. Everything is expensive. What are we talking about in the bill? A difference of $345 million. Yet we spend almost $500 million in Vietnam every week. If we can spend $500 million on strangers to keep them free, why can we not spend $345 million to save our American population? We are not so poor that we have to give up the security of our country.

Says the distinguished Senator:

> Now as to the miracle of our time: Today is the 24th anniversary of the dropping of the atomic bomb on Hiroshima.

I am now speaking for myself. I am the only Member of this body here today who was among the first Members of Congress to see Hiroshima in 1946. The late George Bates was there. The late John Fogarty was there. It was a horrible sight—a horrible sight. I saw the wounds and the burned and charred flesh of those people in that hospital. Part of the hospital survived, and the only other building, if I recall correctly, was a brewery, and it was standing with all the windows knocked out.

I do not want that to happen to my people.

The President of the United States says we need to talk to the Russians about disarmament. We have got to give him what he says he needs. John F. Kennedy said:

> Let us never negotiate out of fear, but let us not fail to negotiate.

I asked President Nixon point blank, "Do you need this?" He said, "I do." Now, this is all I need to know. President Nixon is the most briefed man in the United States. He gets the highest information. And he says he needs it. I know it will work. It will shoot down the incoming missiles.

As chairman of your committee, presiding over your committee, after hearing testimony that went on for about 6 months on the whole bill, we came to this conclusion. We had a rollcall vote on it. The vote was about 31 to 8.

I know there are many of you who have a problem. I do not deny the reasons for your decisions nor do I assign myself any more patriotism than I do to you. Yours is an honest difference, and this I hasten to say, but it is my firm conviction that we need this system. We have already spent money on it, and we must spend money on the long leadtime items. It will take at least 4 years to do it. We must spend the money on the hardware for it. This is what we must do.

We should turn this amendment down and get on with the business of saving America.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I fully share the distinguished chairman's view, one, that it will work and, two, if there is any question, we ought to proceed simply because it will be helpful to the President of the United States in any negotiations that he might have with the Soviet Union or others on disarmament.

It seems to me the crux of the argument for the Safeguard system is precisely this: It adds to the credibility of our strategic nuclear deterrent and if it is deployed it will be a deterrent against any attack from any source. If that is true and it is successful in deterring war—and I believe it is and will be—then we will save every American's life and not just a few.

Mr. RIVERS. The speech of the great Speaker of the House should be the answer. Mine, of course, any way you look at it, is anticlimatic, but mine, nevertheless, comes as the authority from your committee. We conducted the hearings and we arrived at the decisions. America is too young to die. Do not let us participate in that funeral, so help us God.

Mr. TUNNEY. Mr. Chairman, we are again today considering the deployment of the ABM. This is one of the most important issues facing our Nation today. The issue is important because how it is decided could drastically alter our future national priorities. The issue has received extensive debate—one of the few times that a weapons system has been thoroughly examined. Since the end of World War II we have spent $23 billion on missile systems that were never completed, or when completed were obsolete.

The debate has convinced me of the undesirability of deploying the ABM at this time. I am convinced that not only is ABM not needed but it probably will not work. This so-called defensive system would in actuality only create a danger to the cities and families it is purported to protect. Misplaced confidence in an unsure weapons system does not strengthen but only weakens our national security.

I believe that a more rational approach would be to freeze further deployment of the ABM and continue with research and development. Let us explore this vital issue with great care before committing expenditures of almost $10 billion now and up to $100 billion in the future.

Former Secretary of Defense Robert McNamara once said:

> Every ABM system now feasible involves firing defensive missiles at incoming offensive warheads in an effort to destroy them. What is overlooked is that any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defensive missiles capable of destroying them.

Many knowledgeable scientists have argued that the so-called thin ABM will be obsolete by the time it is ready to cope with a mid-1970 Chinese missile threat.

Dr. George Rathjens has stated:

> If the numbers of Chinese ICBM's and United States interceptors are both doubled, the chances of at least one Chinese missile getting to its target rises to over 70 percent, to over 90 percent if the numbers of ICBM's and interceptors are both quadrupled, and so on. In the long run then (and it may not be too long a run), defense clearly becomes a losing game even against a relatively weak adversary. The costs of defense required to maintain any given level of protection will rise much more sharply than the costs of improving the offense.

We stand at a critical juncture to move with the momentum of the arms race or apply reason to this vicious cycle and at the same time rearrange our national priorities.

For example let us consider that our total human and physical environment is slowly deteriorating while less and less money is spent for its improvement. Let us not leave as a heritage for future generations cities ringed with useless ABM's; but these same cities populated by undereducated children, consisting of substandard housing, bisected by polluted waterways and covered by noxious smog.

Mr. SCHADEBERG. Mr. Chairman, those who are members of the Armed Services Committee that has spent many hours in the study of the vital issues so involved in the future security of our Nation, and those who have made a cause celebre of their opposition, have more than adequately dealt with the subject of deployment of the ABM system. Yet, not one Member of the House of Representatives will have his mind changed by what has been said during debate. Each Member has made it his responsibility not only to inform himself about this legislation before he came to the Chamber, but to weigh the possible alternatives. This has been done in order to make a responsible judgment in keeping with what each Member believes to be in the best interest of the security of this Nation. That we come to different conclusions is testimony to the fact that there are good arguments for and against this amendment to delete funds for the deployment of the ABM. In the end, each one of us has to make his own judgment and stand by it.

In weighing the arguments in support for the amendment to strike out authorization to build the ABM system, it is clear that this is a matter of spending priorities. There are many demands being placed on our tax dollars, but in my mind the answer is clear. No matter how successful we are in solving the many problems that beset us, our successes will be of little avail if there is no one around to enjoy them and to enjoy them in an atmosphere of freedom.

In addition to the argument that we can ill afford to build the system from an economic standpoint, a second argument in favor of the anti-ABM amendment has been that "it will not work." I do not know, for certain, whether it will work or not, nor does any one who has spoken pro or con the question. Even the "experts" are divided in their opinions. I was not elected by the people of Wisconsin's First District to vote away their security or, if I should err in my judgment, to err on the side of insufficient defenses. I would sooner spend money for a system of promised security and discover, in a case of critical need, that it does not work as efficiently as we anticipated, than not to provide the system and discover at a time of vital need that we do not have a defense that might have worked to meet an enemy threat.

The people, to whom we have been given the responsibility of protecting, deserve to have more than two alternatives—total annihilation or surrender. They must have an alternative besides the choice between future capitulation before the force of an enemy and all-out nuclear war—the protection of our Nation that makes possible the preservation not only our own freedom, but that of the freedom-loving peoples of the world.

We cannot afford not to provide the ABM defense. If we cannot afford it now we need never to be able to afford it because time will have run out. Should we be forced to surrender or to go down to defeat, we will no longer have the choice even to debate the issue.

I want to make it clear to my colleagues that what I fear is not really understood as clearly as it ought to be. That is, that after all is said and done in this august body, our ultimate defense, our security, and our future does not depend on anything we say here or do here. Our future depends not upon the people of Russia or China, but of their Governments which, incidentally, do not exist by the expressed will of those governed. Until such time when despotic governments determined to rule the world are no longer a threat to the freedom of the world, we do not have a choice but a moral responsibility to leave no stone unturned in the defense of this Nation. The ABM system will not give us peace. Perhaps it will not even prevent war. But, with it, we will have a chance to pursue peace and freedom. Without it we may not even have a future.

Mr. Chairman, I am opposed to the amendment which would strike the authorization of the ABM system from this bill.

Mr. GAYDOS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. WILSON), to cut $345 million from the military procurement authorization for the deployment of the Safeguard antiballistic missile system. I have read and listened to arguments for and against the system. I have reached the conclusion that there has not been a strong case presented for the expenditure of the total amount earmarked for this project. I emphasize here, however, I am not opposed to the expenditure of some $400 million to continue research and development of a defensive system.

There are several factors which have led me to the conclusion that the Safeguard system is not practical for deployment. It is a highly complicated fragile system. We never will really know if it works except under combat conditions and if it should fail, then it will be far too late to correct the mistake.

Scientists have said the effectiveness of Safeguard could be nullified by nuclear explosions causing a radar blackout and preventing missiles from leaving the ground. They would, therefore, be completely useless as defensive weapons. There are other sophisticated methods of changing the radar system, accomplishing the same effect. An enemy could overcome Safeguard simply by saturating the air with incoming attack missiles; or it could send over a fleet of missiles with dummy warheads on which our ABM's would be wasted, leaving the prime targets open for a followup attack.

When deployed, the Safeguard system will not protect people but military targets. Nor will it bring about any dramatic change in arms limitation talks. In fact, it could have the opposite effect and trigger an acceleration in the arms race.

This country's growing stockpile of offensive missiles is expected to number 24,000 in the 1970's. This in itself is a defensive weapon. What nation can expect to eliminate all our land and submarine-based missiles in a single first-strike effort? There would be more than enough of our missiles left after such an attack to retaliate with devastating results. Should a nation be foolish enough to take such a gamble? I fail to see how that nation will be deterred from its suicidal course simply because we have deployed the Safeguard system.

Furthermore, Mr. Chairman, the mere fact that a nation attempts a first-strike attack is proof positive that Safeguard or any other defensive system would not work. The idea of such system, of course, is to be a deterrent against such strikes. If a foreign power did send in waves of missiles do you honestly believe we would launch only the ABM in defense and then sit back and wait to see how many of the enemy's missiles hit us and how much damage they cause? Nonsense. I expect we would send up our retaliatory missiles as soon as we were convinced a major attack had been launched against us. Then what would the ABM's be protecting? Empty silos.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. CHARLES H. WILSON).

Mr. PIKE. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CHARLES H. WILSON and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 105, noes 219.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PIKE: On page 2, line 10, strike "$3,591,500,000", and insert "$2,568,200,000".

Mr. PIKE. Mr. Chairman, my staff yesterday, my own personal loyal staff, advised me that I have done a very bad thing—I had done something the President of the United States has asked us not to do—I raised my voice.

I apologize to the Members of this House and to the President of the United States, if I have raised it too loud. But I am going to try to make my amends now because what this amendment does is to take the authorization of money for naval ship construction back to what the President of the United States asked for.

We heard an awful lot in the last hour about how we have got to support the President of the United States. I heard yesterday the President of the United States supports this billion dollar add-on that the Armed Services Committee has put in this bill, which is $960 million more than the President asked for. It is $1,024 million more than the Senate approved. So just as a round figure, let us talk about a $1 billion add-on.

I find it hard to believe that the President who excoriated this Congress because we added a billion dollars for education is going to embrace this Congress if we add a billion dollars for naval warships. I find it very, very hard to believe.

My amendment, to be specific, gives to the Navy precisely what the President asked for minus three FDL ships plus one nuclear submarine. That is the action that the other body took. It is so close to the President's position that I am going to be interested in seeing how many are really going to support the President's position.

I simply want to start by saying that the chairman of the subcommittee that heard the testimony on the need for additional ships is one of the men who I really value most highly on the committee, the gentleman from Florida (Mr. BENNETT).

When the gentleman from Florida (Mr. BENNETT) says that something is so, you can hang your hat on it. By that I do not mean that I agree that the $3½ billion which is in the bill would really come to $3½ billion because we all know there is an escalation in all these costs and we all know there is an overrun on these costs. The head man himself is telling us precisely what the Navy said. I believe the gentleman from Florida (Mr. BENNETT) and I believe the committee report when it says that the need or the reason for this billion dollar add-on is because our ships are old. Of course, that is absolutely right. Our ships are old. But there are an awful lot of things in this country that are old. We have some old schools in this country. We have some old hospitals in this country and we have some old highways in this country. We have air that smells old and water that is just as old. More importantly, we have people who are old and who are not being adequately taken care of. We have all kinds of people who are ill and who are not being adequately taken care of. We have people who are not being adequately fed. This is simply a question of national priorities. That is all it is. Are we going to turn our backs on the American people for the benefit of the U.S. Navy? Are we going to add on a billion dollars more than the President requested? I do not believe the President is nervous about this. If he really wanted this money, I suspect he would have had the Secretary of Defense come to the committee and ask for it.

Mr. BENNETT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when we were talking yesterday about the bill in general, I mentioned the fact that this is a matter of conscience that we have before us now in this bill. The question is whether we will do what we should in our time for our country. That has been clearly testified to, and that is what this provision in the bill would do. It is true that it is just an authorization bill. Ultimately the appropriations procedure may cut it down considerably. That is always true.

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But the testimony before our committee was clear. There was not any doubt about it at all. The facts were right on the line that our Navy is becoming very antique, that there are specific vessels of the Russians that can outrun our vessels vessel-for-vessel and can outshoot our vessels vessel-for-vessel, and are fitted with better weapons of war than ours. Our vessels are the counterparts of those vessels. They are side-by-side with those vessels.

Members will recall the Israel situation, although we, ourselves, were not involved in it. If we had been involved in it, we would have found our own war vessels would not have been able to measure up to those others. They would have been outrun by the counterparts of the Russians, and shooting could be outdone by the Russians. The measure of the weapons was greater with the Russians.

Mr. Chairman, that situation must be rectified. We cannot avoid the responsibility...It is our responsibility in the Armed Services Committee to bring this situation to the Committee of the Whole and show the situation as it actually is. We cannot get political about it. We must tell you what the need of our country is. Our country needs these vessels.

I hope that the provision to which the amendment is directed will be allowed to stand in the bill, because I think it is essential to tell the country what lies ahead of it—$5 to $10 billion of new military construction to put ourselves vis-a-vis on a par with the Russians. We must do that. If we do not do it in the next half decade or whole decade from now, this country will be in grave danger indeed.

I caution all Members to consider the amendment very carefully. It is an important amendment. It is true that the authorization may not be fully funded by the Appropriations Committee, but we ought to have the authorization. A full study has been made. Incidentally, as subcommittee chairman, I ask the question, Why have a subcommittee study for hour after hour, day after day, week after week, and take testimony after testimony in order to arrive at conclusions unless those conclusions are going to be looked at? Nobody made any attack on the actions of the committee. Everyone agreed that what was concluded by the subcommittee was so. Read what Jane's said yesterday about the American Navy. See what foreign people have said about the American Navy. Do not take my word if you do not want to. But why should a committee make an investigation and study of a matter such as this, coming back with the actual facts, and then find that others turn their backs on that study? That should not be the way to legislate. We should get the facts and live with the facts.

Not only the subcommittee but also the full committee and everyone present who commented on this matter found the facts to be true. Those facts show that America must, in this period of history, do something very dramatic with regard to its Navy. It must get these 30-year-old ships off the sea and get modern ships built and in their place, in the interest of preserving our national security and world peace in our time.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. PIRNIE. I thank the gentleman for yielding. I take this moment to observe that the gentleman from Florida is the chairman of a very important committee that made a very intensive study. I have heard many times on this floor pleas for studies. Now that we have one, a very good one founded on fact, I think we would do well to heed this study very, very seriously. I trust that the authorization will be approved.

Mr. BENNETT. I thank the gentleman.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I rise in opposition to this amendment.

The U.S. Navy is in a serious situation primarily because of the age of its ships. According to the Bennett seapower report, our seapower has reached a state of block obsolescence with over 58 percent of our combatant ships being 20 years old or older. Since 1964, the Navy has had funded only three ships capable of living on a total environment; that is, capable of fighting air, surface, and subsurface opposition.

It is not a question of enlarging our present Navy, it is a question of maintaining an adequate Navy capable of defending the country should that occasion ever arise.

The experts have told us, in no uncertain terms, that our present Navy is in a deplorable and dangerous condition. They have literally begged the Congress to take immediate action. And now is our opportunity to fulfill this responsibility.

The naval shipbuilding part of the bill was based upon a Navy request. The Secretary of the Navy has called for a 10-year $3.5 billion annual shipbuilding program. The Chief of Naval Operations has asked for a $4 billion annual program for at least 5 years. Even with these programs, there will be a serious gap during the midseventies, because we have waited too long to get started.

The Navy has presented us with a package program giving careful, expert consideration as to the mix of the various type of vessels needed.

The nuclear attack carrier, CVAN–6A, is the second nuclear-powered attack carrier of the *Nimitz* class. This ship and a third planned in fiscal year 1971 will be procured on a multiyear contract from a single shipbuilder in order to acquire them at the least cost.

This ship is authorized in order to maintain our carrier force capability. She is scheduled to replace the *Bon Homme Richard* which will be 30 years old on her replacement date in 1974.

The third carrier, CVAN–70, is scheduled for delivery in 1976 replacing the *Oriskany* which at that time will be 30 years old.

Secretaries McNamara and Clifford previously approved the third carrier in the fiscal 1971 program. Secretary Laird has conferred to the chairman of the Senate and House Armed Services Committee that this carrier is still planned for 1971.

I understand the gentleman's amendment would delete the funds for the CVAN–69, the second of the nuclear carriers in this program. We have already spent $132 million in leadtime items. Delay in completing the funding of this vessel will only increase its cost. But all this is academic because we have to have it now.

I think the words of Adm. H. G. Rickover, the father of the nuclear Navy, are pertinent at this point in our deliberation. He said:

> What of those who advocate reduction in our military strength prove to be in error? What ultimate gain will there be if we have money but lose our freedom?
>
> Is the decision to build or not build a weapon to be based on cost, or is it to be based on need. The cost of weapons is one of the sacrifices we must pay in order to remain free. I, too, wish the world were different and that it were not necessary to lose lives and expend irreplaceable natural resources for defense. But we must survive in the world as it is, not as we dream it should be.
>
> Freedom comes at a price. If we fail to pay for adequate defense now, and our weakness invites attack, we will pay many times as much in dollars to wage war and infinitely more in young lives lost.

We cannot afford not to do what is necessary. I urge the defeat of this amendment.

Mr. BENNETT. I thank the gentleman from Virginia.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr BENNETT. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding.

Mr. Chairman, I share the very high respect which the gentleman from New York has stated he holds for the gentleman from Florida. I hold it so strongly that I agree 100 percent with the gentleman from Florida that the amendment of the gentleman from New York should be defeated. The overwhelming arguments at this time for a stronger, modernized Navy are, in my opinion, greatly strengthened by the moves which we are making toward disengagement from some land-mass commitments. The U.S. Navy must be kept up to date as the world's strongest naval force. The Pike amendment must be rejected.

Mr. STAFFORD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. Pike).

Mr. Chairman, the amendment offered reduces the authorization in this bill for naval shipbuilding only from the $3.5 billion figure which has come out of the Committee on Armed Services to a figure which approximates that requested by the administration of $2.5 billion. The only difference between the Senate figure, which is contained in the amendment offered by the gentleman from New York (Mr. Pike), and the request of the administration is to add one nuclear attack submarine and to delete three fast-deployment logistic ships, which action was agreed to in our committee, and, as I recall, in the Senate bill as well.

Mr. Chairman, I would like to say I find the decision to speak out on this issue to be one of the most difficult decisions I have made in the 9 years I have served in the House of Representatives. I have the greatest admiration and respect for the chairman of my committee and the ranking member and for the decision of the majority of members of the committee to the effect that we should recommend an additional billion dollars for shipbuilding beyond the administration's budget request. I dislike being in a different position from the chairman on this matter.

Another factor which makes my decision difficult is the fact that I have served through two wars in the U.S. Navy. I revere the Navy. I am proud of the fact that I have had service in it. I would not knowingly deny it anything it really needs that is also essential now to the security of the United States of America.

Moreover, I have served on the Seapower Subcommittee of the Armed Services Committee for some time and I can appreciate the necessity for maintaining our ability as a country to insure the freedom of the seas, so that the raw materials from around the world which are necessary to our industrial complex can reach our shores and the finished materials from our factories can reach markets abroad.

I know also of the problems generated in our Navy by the aging and block obsolescence of our ships.

I think the Navy needs every ship which it has requested this year, and it ought to have every ship which it has requested. I know it could use the additional ships which my committee seeks to make available to the Navy through this inflated authorization, but I think those additional ships beyond the President's budget request run into another paramount need of the United States of America, and that is the need to control inflation in this country, inflation which is robbing our senior people of their purchasing power, inflation which has been one of the causes of the cost overruns which have been plaguing the military and which threaten to run the cost of ships, planes, missiles, tanks, and aircraft out of sight in the stratosphere.

I think we need to get inflation under control. I believe the Secretary of Defense and the Department of the Navy have recognized this and it has been a major factor in the size of the budget request which they have made this year.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to my chairman, the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, is the gentleman from Vermont aware that these additions are precisely what the Secretary of the Navy requested of the Department of Defense as a minimum need to begin an orderly 5-year replacement program for the obsolete ships and for the obsolescence of our Navy? Is the gentleman aware of this?

Mr. STAFFORD. Mr. Chairman, I am aware that the Navy and the other departments of the armed services would all like much more than the final submission made for them contained. I understand that the Navy could use these other ships.

Mr. RIVERS. Is the gentleman aware that the Chief of Naval Operations said he needed these? These are his figures, not those of the gentleman from South Carolina.

Mr. STAFFORD. Mr. Chairman, I appreciate that.

Mr. RIVERS. Is the gentleman also aware the President of the United States agreed he would accept this as a need?

Mr. STAFFORD. I think anybody would agree that the additional ships are needed, but I say, Mr. Chairman, that when we have inflation under better control than we do today, and we may be able to accomplish that by next fiscal year, then and not now would be the time to give the additional ships authorization to the Navy. I say this year let us give the Navy what the President has requested for it in the official budget submission. Let us give the Navy this full request and nothing more.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, yesterday there was some comment both on the floor and off the floor about the result in the Massachusetts runoff election to fill the seat of our late beloved colleague, Bill Bates of Massachusetts. The young man who was elected the day before yesterday will probably be here to take his seat in a short time, but I am sure even when he arrives it will be a long time before any of us will forget Bill Bates. Many of us journeyed to Salem to attend his funeral, and we paid an unusual tribute to him here on this floor. His voice is one we miss today in this Chamber as we debate this bill under probably more opposition than we have had certainly in the 11 years I have had the privilege of serving in this body.

In all those 11 years there was one thing Bill Bates said and one thing he fought for and one thing he tried hard to get, and that was the end of the block obsolescence of the U.S. Navy. Bill Bates was a sailor. He knew the condition of the Navy and he knew we cannot continue year after year, year after year, to sail the same ships without having them wear out. So Bill Bates year after year stood up here and said, "I think we ought to have a program to lick this block obsolscence."

And year after year that program somehow got eroded away. In spite of what the gentleman from Massachusetts did and in spite of what the gentleman from South Carolina has done in fighting for new nuclear frigates, and ships of that kind, as we on our committee have usually found, somehow they always got chopped out.

The obsolescence crisis we face today is a much greater crisis than we faced 11 years ago when I first came to this body and when the gentleman from Massachusetts, Bill Bates, was first speaking out on that subject.

The gentleman from Florida (Mr. Bennett) referred a moment ago to a story that appeared yesterday in the Washington Post, for those who were lucky enough to get a copy. It came from Jane's Fighting Ships. This is not the committee speaking. This is not the Member from New York speaking. This is Jane's:

> The Soviet Union soon will have one of the most sophisticated and largest navies in the world, but the United States Navy faces a crisis, the editor of Jane's Fighting Ships said today in a foreword to the 72d edition.
>
> The Russians are using their fleet to fill the naval void left in the Atlantic, the Northwest Pacific and Indian Oceans which was left as Britain withdraws her decreasing forces to the home islands and the Mediterranean, Raymond Blackman said.
>
> "The U.S. Navy still has not overcome its block obsolescence problem mentioned in these pages six years ago.

This is the reason for this add-on. It is to provide the ships that we need. Jane's recognizes the problem, and have, as they say, for more than 6 years.

Finally, the chairman of our committee took the bull by the horns and put in this year's bill a total program to provide the ships we need if we are ever going to stay up with this competition.

Where are the Russians today? What are they doing? Look at their submarine forces. The Soviet submarine forces today are 375 to our 146. When it comes to nuclear submarines, they have 65 to our 79, but 41 of those 79 are Polaris submarines, so they cannot fight other submarines.

The Soviets are building today at a rate of eight submarines a month, and they have the capacity to go up to 20. This is a frightening picture, and no one has expressed it more clearly than Admiral Rickover.

Take a look at the letter from Admiral Rickover, which the gentleman from South Carolina put into the Record the day before yesterday.

> The Soviet Navy has undergone a continuing modernization program including the building of missile-armed cruisers and destroyers, helicopter carriers and several new classes of nuclear and conventional submarines. As a result, their Navy has become a fleet capable of sustained open ocean operations. For the first time in her history, the Soviet Union is using a deployed naval force in support of foreign policy in areas not contiguous to its borders.

They are not backing down; they are pushing out hard and pushing out fast, and we need to recognize that blunt fact if we are to protect the future security and survival of our country.

Mr. FISHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Chairman, I appreciate my friend from Texas yielding to me, because I think that the remainder of these words by Admiral Rickover are very important in connection with this amendment, and certainly, in my judgment, it is a very dangerous amendment.

> Their force in the Mediterranean includes warships armed with surface-to-surface and surface-to-air missiles, amphibious ships with naval infantry embarked, as well as attack and missile submarines.

All you have to do is look at the papers. The Soviet Navy has already cruised in the Gulf of Mexico. They have more ships in the Mediterranean today than we do in our 6th Fleet. As our Committee on National Defense posture brought out a year ago, under the very able leadership of our former colleague from Virginia, Mr. Hardy, there are very serious problems of neglect and obsolescence

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in ships of the 6th Fleet right on the edge of the Soviet empire. This bill is designed to correct that situation, and this amendment is dangerous because it will kill this effort. Not only will it knock out those new ships that we need but it will also knock out the third nuclear aircraft carrier of the *Nimitz* class which we have scheduled, the CVAN 70. That is just what you are doing if you vote for this amendment. You are voting to keep our Navy, as it says on page 10 of our committee report, saddled with 58 percent of its ships over 20 years of age, while the Soviets have 58 percent of their ships under 10 years of age.

Mr. Chairman, I remember the strong words of Franklin D. Roosevelt which he sent to Winston Churchill in those days when England was fighting with her back against the wall. We should remember those words in connection with this amendment when the question is whether we are going to keep the U.S. Navy supreme. Roosevelt sent to Churchill those famous lines from Longfellow:

> Sail on, oh Ship of State.
> Sail on, oh Union strong and great.
> Humanity, with all her fears,
> And all her hopes of future years,
> Is hanging breathless on thy fate.

The free world today is literally hanging breathless on the future of a strong and modern American Navy, and you are going to gut that great Navy if you adopt this amendment.

Mr. NEDZI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think it is important to describe to the House exactly what this amendment does. We have been given the impression that if this authorization does not go through as it appears in the bill, we are going to be in danger of survival, but the fact here is that this cut does not affect the full funding of an aircraft carrier this year. It does not affect the funding of three nuclear attack submarines, and it does not affect the construction of the nuclear-powered frigates which have already been approved. The only warship construction affected is the DD963, and there the only effect is to cut the number being authorized this year from eight to five, which is the number requested by the DOD. In all of the material that has come before the House today we have relied on the DOD to give us their expertise and to make a determination as to which services should receive the priorities. All of a sudden we find that advice is not sound. There is a certain inconsistency in what has taken place.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield to me for a question?

Mr. NEDZI. Briefly.

Mr. FINDLEY. The administration made very plain its opposition to the ABM amendment which was just rejected. Has there been any indication whatever that the administration is opposed to the amendment now under consideration? I have heard of none, and I wonder if the gentleman has.

Mr. NEDZI. I have to be candid with the gentleman and say that I am not aware of any, and I think the reason is quite obvious.

If the money is appropriated, it does not have to be spent.

We went through a similar exercise on the B–70 a few years ago.

The point is that before the House approves such an open-ended authorization and hands a blank check to the Department of Defense and to the Department of the Navy, it seems to me that we should have some extensive hearings on this. In fact, the Department of the Navy and the Department of Defense should come in and, in effect, say that the money cannot be better spent some place else.

What the Department has requested is a $2.5 billion shipbuilding program. So it is not as if you are not going to modernize the Navy at all. There are substantial funds in the bill for that purpose. The point is that here is a gratuitous $1 billion added on which primarily affects support vessels.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Ohio.

Mr. WHALEN. Would the gentleman agree that if the administration, indeed, approved of this $90 million ship procurement add-on, there is a vehicle by which this can communicate that to us, namely, an authorization request?

Mr. NEDZI. Well, I know that my lines are open but perhaps they choose not to use them.

Mr. WHALEN. The point I am making is simply this: Did the administration request these funds in its budget submitted to the Congress by Secretary of Defense Laird?

Mr. NEDZI. Absolutely not.

Mr. WHALEN. Mr. Chairman, if the gentleman will yield further, is not this the normal vehicle through which this is accomplished?

Mr. NEDZI. It certainly is. I would say to the gentleman that the committee has under consideration at the present time the difference between a $2½ and $3½ billion program. It is not as if you are wiping out everything the Navy asked for by supporting the amendment. You are supporting what the Department of Defense asked for and in so doing what is in the best interest of the United States.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to revert—as the fundamental matter we are dealing with today—to the questions which the distinguished chairman of the committee put to our colleague, the gentleman from Vermont (Mr. Stafford), a few moments ago, when he asked him whether he was aware that it was the Secretary of the Navy who requested the additional billion dollars for fleet modernization.

Mr. Chairman, we face two challenges: No. 1, the capability of the administration, of the executive branch of the Government to sift and evaluate and judge requests of the military, as between the competing requests of the various services, and as against the competing demands of our domestic economy, with its enormous unmet needs, its deteriorating public services, its polluted air and waters.

Second, the capability and the willingness of this Congress to support or not to support the administration by exercise of its own independent judgment, rather than continuing to acquiesce supinely to the requests of each military service and continue to give them, to all intents and purposes, carte blanche authority over military budgets.

In 1968, approximately a year and a half ago, our administration came to the basic conclusion that unlimited military expenditures—unlimited application of military force alone—as applied to Vietnam—could not prevail, that we had to work to achieve a nonmilitary solution to that war. That decision involved a gradual—hopefully not too gradual—deescalation of military expenditures. I sense that the present administration is pursuing that goal in order to fulfill the hopes and dreams of 200 million Americans.

Mr. Chairman, in a recent Gallup poll 52 percent of the American people thought we ought to limit military expenditures. We have heard complaint after complaint that this Congress has been frozen out of the basic decisionmaking process with reference to the warmaking power, that we have abdicated our constitutional function.

Mr. Chairman, here is a perfectly clear case where the Congress should make its own independent judgment as to the balance of expenditures between the services, and the proper balance between expenditures for our total military capability and the needs of our domestic economy.

In this case we are supporting an administration that apparently judges that we do not need this extra $1 billion which the committee supports, a 40-percent increase in a budget item for this particular authorization.

It is high time that the Congress supported not only the capability of the executive department to make decisions independent of the military, but also, our own integrity as a Congress in making decisions that are going to affect the form and substance and quality of the life in America for decades to come.

This is one case in which we ought to support the administration and the President in the evaluation and the judgment that they have made. This is a $1 billion item, a 40-percent increase in requested administration budget. We ought to support our President, and our own independent judgment by acceding to the President's judgment and the determination of the Senate on this point.

Mr. Chairman, in March 1968, the historic reversal of our Vietnam policy took place amidst pleas for change from both within and without the executive branch of Government. When experienced, perceptive advisers like McGeorge Bundy and Dean Acheson saw the folly of that policy, the voters had expressed their own dissatisfaction with the Johnson policy at the polls. As of today the public has already spoken on the

military budget. Just as in 1968, the representatives of the public interest must pay attention to the calls of the populace. We must seize this opportunity. We must stop this escalation of the military budget. We must restore the budget to the Senate's moderate requests. We must regain the faith and the support of a majority of our own people.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are working here—and apparently we are going to continue working with all of these amendments—until very late this afternoon, and I was a little amazed when I took this off the ticker, in view of the fact that the President has been talking about the Congress not doing much.

This is the President's schedule for today:

At 9 o'clock he met with a group of at least six Republican Senators. That would be a rigorous thing, I am sure.

At 12:15 he had a meeting with Harold Lee, an old friend who owns the Mandarin Hotel in Hong Kong.

At 12:30 he met with Aubrey M. Meyers, of Pomona, Calif., a classmate at Whittier High School.

At 5:30 he departs for the weekend in Florida with Mrs. Nixon and the White House staff members.

Now, in view of the House working late tonight, I think at the end of our deliberations we ought to pass a resolution and ask the President of the United States to slow down. No man can stand a pace like this very long.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, at this time, I would like to point out many of the problems of the shipbuilding yards, as a result of an arbitrary decision handed down by the Secretary of the Navy a short time ago in canceling out the General Dynamics' Fore River Shipyard at Quincy, Mass. from further consideration of the DD–963 class destroyer, package contract.

Under a concept the Navy Department established a few years ago, a shipyard winning design competition would be awarded total construction contract. The plan offered the opportunity to shipyards to apply mass production, from start to finish, development techniques to major shipbuilding projects. The winner would receive whopping contracts assuring the yard a steady workload and multimillion dollar volume of business. The Navy would benefit by having the opportunity of gaining the best design from the competitors, and from the economics of applying mass production techniques to a large number of vessels. It would allow for modernization of the shipyard, and a total package procurement system promised a number of identical class ships at a lower unit cost, thereby making maximum use of taxpayers' dollars.

I endorse and support this concept, if it is to be carried out, however, when the Navy announced its arbitrary decision, canceling the General Dynamics' Fore River Shipyard from further consideration, I immediately tried to make several inquiries to the Secretary of the Navy and the Naval Ship Systems Command. I ran into a blank wall of silence. No one in authority seemed able to give any clear cut explanation why the Fore River Shipyard was excluded from further consideration.

The Secretary of the Navy failed to answer for several weeks and then his response was vague and failed to give answers as to cost and other factors important to this over-$1-billion program.

I sought out those in the Navy Department in charge of selection of design and, of course, I am not at liberty to disclose my sources of information. I was reliably informed that the designs submitted by General Dynamics' Fore River Shipyard were considered to be superior than those submitted by the other two yards by those making the appraisal.

Of course, none of us want to up the cost to the taxpayer, but the information I have indicates that the Navy has no intention or carrying out a package deal to one shipyard. Litton, it is reported, will be awarded a full package contract, but will then fragment by subletting part of the destroyer contract to Bath Iron Works, thereby taking care of the States represented by the chairman of the Senate Armed Services Committee and the ranking minority member of the Senate Armed Services Committee. Both appear to be not unhappy at the elimination of the Fore River Shipyard from further consideration.

There is talk around Capitol Hill that Massachusetts will be punished for those who have attacked the military complex, and some have pointed out that the Senator from Maine cast the deciding vote in the Senate in favor of the ABM.

I am a realist, and when the Navy Department fails to come up with the proper answers, I step forward and start questioning their actions. I feel that the Secretary of the Navy has failed to answer why General Dynamics' Fore River Shipyard was eliminated for further consideration of the gigantic program.

As a Congressman from the district where Fore River Shipyard is located, I would be remiss in my duties to my district, and indeed the Nation at large, if I kept silent in this matter.

If the Navy is abandoning its original concept, I can see no alterntive but to support the procurement bill providing that these contracts be constructed in the facilities of at least three different shipyards, or else, the yard that is being awarded the contract should be compelled to adhere to the original concept set up by the Navy Department in streamlinig its yard, in improving its production methods, and in cutting down unit cost in each ship to be built. It does not appear at this time that the Navy will insist on naval yards completing one contract, so the original concept would be nullified.

I cannot change my decision until the Navy Department comes forward with information on cost and design that can justify the unusual hasty decision a few weeks ago.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. PIKE. Mr. Chairman, reserving the right to object, I think, in view of the number of people who still want to be heard on this amendment, that 10 minutes is simply not adequate to do it in. We are talking about a $1 billion add-on; a $1 billion amendment. I would have to object to the request.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 15 minutes.

The motion was agreed to.

The CHAIRMAN. The Members who were on their feet will be recognized for 1¼ minute.

The Chair recognizes the gentleman from Michigan (Mr. Riegle).

Mr. RIEGLE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. Pike) to cut approximately $1 billion from the Navy procurement section of this bill.

Of the allocable and controllable portions of the Federal budget, approximately 80 percent is for the defense budget, and that is an enormous portion. Of the total $193 billion Federal budget, only $1 in $10 is spent on nonmilitary controllable items. That is about as small as we dare let that fraction be.

Today we have one of the best minds who ever came out of this Congress serving as Secretary of Defense. Probably no man here is better qualified to serve in that position than Mel Laird, and I do not believe he would submit a defense budget to the Congress that would compromise our defense posture, and that would be insufficient to our needs. There might be times when he would ask for too much, but I cannot believe of there ever being a time when he would ask for too little, nor do I think the President would okay a budget that asked for too little. If these extra naval funds were strategically important, I am sure they would have been included in the budget.

Further, we are strapped for funds. This billion dollars is critically needed for urgent human needs here at home.

These funds could: First, provide 30,000 additional hospital beds; second, construct and equip 20,000 schoolrooms; third, increase by five times our national expenditures on cancer and heart disease research; and fourth, increase by 15 times our national antiair-pollution efforts.

Let us put these dollars where they will really help America—not in additional materials of war that exceed the requests of the Defense Department.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Moorhead).

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment to strike the unrequested $1 billion add-on to the shipbuilding program.

In this connection, I would like to associate myself with the remarks made by the distinguished gentleman from Vermont (Mr. Stafford) because today the nation is facing almost unprecedented inflation which is steadily robbing

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not only our taxpayers on fixed income and retirement income, but also those in the prime of their earning life.

The plea to engage in defense spending adds nothing to consumer goods and services, and does add to inflation.

The American people recognize this and they expect us in the Congress to do our duty and cut rather than add to the Pentagon request.

The President also recognizes the urgency of controlling it. He has deferred federal construction. He has criticized this House for our action on education. He is now beginning to indicate that he may veto this tax reform bill out of fear for its inflationary impact. Yesterday, in this period of urban crisis the administration cut the model cities program by $215 million.

Surely at this time we should support an amendment which would delete a budget busting unrequested $1 billion add-on.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Whalen).

Mr. WHALEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. Pike).

In so doing I would like to make three observations.

First, reference was made earlier to the recent Janes report on naval vessels and naval construction.

I think it is significant that the conclusion of this report was not read to the committee this afternoon. The conclusion of that report states that the United States today is by far the leading seapower of the world and will continue to remain so for many years to come.

Second, it has been inferred that the President supports the $960 million ship procurement add-on.

I suggest that if the President favored this add-on he would have indicated his support by inserting a request for an additional $960 million in his military authorization request.

Third, it has been suggested that the Navy needs additional vessels. We certainly do not quarrel with this. We do not quarrel with the fact that the Air Force needs additional planes.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Chair recognizes the gentleman from Illinois (Mr. Railsback).

Mr. RAILSBACK. Mr. Chairman, I ask unanimous consent that the time allotted to me may be granted to the gentleman from Ohio (Mr. Whalen).

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WHALEN. I thank my colleague. As I was saying, Mr. Chairman, we recognize that the Air Force needs additional aircraft. These additional funds have not been provided.

We recognize that additional funds are needed for education. Those additional funds have not been provided.

We recognize that additional funds are needed for welfare programs. These additional funds have not been provided.

So, Mr. Chairman, I am simply stating that if we add up all the needs expressed by the various departments and bureaus, the budget would be astronomical. We have to establish some kind of priority and in the case of defense spending, the President has done this. I urge, therefore, that the House go along with the budget submitted by Secretary Laird by supporting the Pike amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Fraser).

Mr. FRASER. Mr. Chairman, I can hardly hold back my disappointment that the chairman of the committee saw fit to cut off debate so peremptorily on an amendment of this size. I know that this is a matter that is dear to his heart. I am sure he thinks he is doing the right thing in adding another $1 billion to the $2½ billion that the administration asked for. He wants to have a 5-year replacement program instead of the scheduled 10-year replacement program.

The truth of the matter is that in a confrontation with the Soviet Union, we would not be engaged in a naval battle. We are not going to keep a naval fleet out of the Gulf of Mexico by buying some support ships.

Mr. Chairman, the kind of argument that we have heard here is falacious. Of course, we need a navy. I have very strong respect for its role in maintaining the U.S. presence around the world. But this kind of addition of $1 billion above the amount asked for by President Nixon in a time of severe inflation is sheer folly.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. Mr. Chairman, this morning the chairman of the committee spoke of the principle of civilian supremacy in our Government and of its importance. But here is a case where the reverse principle is being applied. The civilian chief of the Defense Department submitted to the Congress a proposal for naval shipbuilding. Instead of going along with that proposal, the committee now asks us to reverse the Secretary's decision and accept the amount requested by the admirals.

My good friend from New York, Mr. Stratton, referred to this as a very dangerous amendment. I hardly think our former colleague, Secretary Laird, would come in here with a very dangerous recommendation. But then, as is so often the case, my good friend from New York also represents the point of view of the Navy. Perhaps from the point of view strictly of the Navy, bearing in mind how important service priorities may be, this could be a "very dangerous amendment," but it is not dangerous for the people of this country.

We may need new ships to replace old ones. But I say we need new hospitals, new schools, new subway cars, new houses, more, much more. We also must give greater priority to the needs of our older citizens.

It seems to me incredible that this House should even consider adding $1 billion to the DOD's request to the Congress, when we are constantly told we must cut back on our homefront needs.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Ryan).

Mr. RYAN. Mr. Chairman, the amendment before us offers us an opportunity to reduce this massive $21.3 billion military spending bill by $1.023 billion.

The Department of Defense originally asked for $2.631 billion for ship construction in its revised budget. The Senate Armed Services Committee cut this figure by $63.2 million, which was approved by the Senate. The new figure, $2.568 billion, was also approved by the Department of Defense following Senate action.

The House Armed Services Committee, however, on the grounds that our Navy is in "deplorable and dangerous condition" not only restored the funds cut by the Senate, but also added $960.1 million, making a total of $1.023 billion.

I certainly believe that our Navy must be modernized to meet the demands that face it in the nuclear age. However, I do not feel that the House should substitute its judgment for that of the Department of Defense which has the concurrence of the Senate.

The Department of Defense has set up a modernization program keeping in mind that the resources of this Nation are not unlimited.

This amendment to reduce procurement funds to the level of support asked by the Defense Department will not cut back on our warship building program.

Funds would still be available for the CVAN–69, construction of a nuclear-powered frigate, three nuclear attack submarines, and the two LHA's which were approved previously. Only one warship would be affected. The number of DD–963's would be five, the original number requested by the Department of Defense, instead of eight.

This amendment would eliminate funds, however, for those ships added by the House committee—support vessels not requested by the Department of Defense. These are not first-line ships. If the building of these ships were a matter of national security, I am sure that the Defense Department would have included them.

This amendment will cut back on the building of two nuclear ships: a carrier, costing $100 million and a cruiser, costing $32.1 million. It will cut back on support construction funds for five research ships, five ocean minesweepers, four salvage tugs, three fleet supply ships, and a floating drydock. The cost: $662 million.

It will cut back funds for three additional DD–963-class destroyers. The cost: $157.3 million. It will cut back funds for three additional LHA assault ships, costing $112.3 million. And it will cut back $154.4 million for general ship construction and conversion.

None of these items were requested by the Defense Department.

Throughout this debate I have talked about national priorities. This is a blatant example of our distorted sense of priorities, a willingness to expend huge sums, $1.023 billion to be exact, on unnecessary military items. Yet, when the House recognized the importance of education and adopted the Joelson amendment increasing appropriations for education by some $900 million, the President, and those in the House who are the foremost advocates of this $1 billion

add-on, deplored the actions of the House.

Where the Defense Department has not even asked for this additional $1 billion, how can it be justified? How can it be argued that the national defense will be in danger if this amendment is adopted?

There is danger closer to us than on the high seas. We have a dangerous domestic crisis facing us daily. It is time to face that crisis and allocate our resources toward its solution.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Pike).

Mr. PIKE. Mr. Chairman, because of the lack of time we have to consider this, some of the Members may be in doubt as to what the effect of the amendment is.

I ask you to look at page 57 of the report. It will show that the President's submission was $2.631 billion. It will show the Senate bill and the ships involved therein, which are $2.568 billion. And it shows what we have done in the House, which is to add $1 billion and make it $3.591 billion.

My amendment simply takes it back to the Senate bill, which is essentially what the President asked for. I simply do not think that this is any time in our national history to be adding 40 percent to the amount the President requested for naval ship construction.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Chairman, reference was made a moment ago, I believe, by the gentleman from Minnesota (Mr. Fraser), that what we are voting for here are just support ships. Make no mistake about that. This bill does not call here for support ships. Admiral Rickover's letter gives the clear details of this add-on. He lists what it involves: three high-speed nuclear submarines this year, with long lead-time items for five more; completion of funding for the next nuclear carrier, CVA–69, and long lead-time items for the next one, CVAN–70; and completion of one nuclear-powered guided-missile frigate this year, with long lead-time items for three more.

It may well be that the American Navy is stronger today than the Soviet Navy, but the important thing is that we are going down while they are going up, and very rapidly so. Unless we are going to get a long-range shipbuilding program going, we can never lick the problem of obsolescence. That was the lesson of Mr. Bennett's subcommittee on the status of seapower in America. It is also the lesson Mr. Bates never fully succeeded in getting over to this House or to the executive branch. This is the job we must do, to build for the future, not just for 1 year ahead, but for the long-range future, for our Navy, yes, but even more for our country.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. Downing).

Mr. DOWNING. Mr. Chairman, for the life of me I cannot understand the thinking of some of my dear friends who are proposing this amendment. What other warning signals do we have to have? The experts have told us that our fleet is in a "dangerous and deplorable" condition. Our able colleague, Charles Bennett from Florida, and his subcommittee went into this and they said, "We are subject to block obsolescence." With 58 percent of our present combatant ships being 20 years old or older.

We are not enlarging the Navy with this bill. We are just trying to maintain an adequate Navy. But no words of mine can excel those of Admiral Rickover who said:

> What if those who advocate reduction in our military strength prove to be in error? What ultimate gain will it be if we have money but lose our freedom? Is a decision to build or not build a weapon to be based on cost or is it to be based on need? Freedom comes at a price. If we fail to pay for adequate defense now and our weakness invites attack, we will pay many times as much in dollars to wage war and infinitely more in young lives lost.

We must defeat this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Chairman, I strongly oppose the adoption of this amendment, and I adhere to the report of the subcommittee chaired by the gentleman from Florida (Mr. Bennett).

Mr. Chairman, I yield to the gentleman from California (Mr. Gubser), who was a member of that subcommittee.

Mr. GUBSER. Mr. Chairman, I was privileged to serve on the subcommittee chaired by the gentleman from Florida. I believe we have compiled a report which should be a bible so far as future needs of the U.S. Navy are concerned. It is known as a best seller across the world, because it clearly shows we are lagging behind.

The gentleman from New York referred to page 57 of the report. I invite him to look at the opposite page, at page 56, where it is clearly shown that it will take us until the year 1983 to build ourselves back to parity with ships that are less than 20 years of age.

I remind the House this is not an executive dictatorship. This is a republic. We have a responsibility in this House to formulate policy. We believe this is what the U.S. Navy needs, and we should vote for it.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Rivers) to close the debate on this amendment.

Mr. RIVERS. Mr. Chairman, these are not the chairman's figures. They came from the Navy, and the President of the United States has accepted the figures in his conversation with me. It is known to everyone on this committee. In the committee there was a vote of 35 to 4, and even the gentleman from California, (Mr. Leggett) did not follow the gentleman from New York (Mr. Pike) on this one.

If there is anything wrong with the Navy, the Chief of Naval Operations could not have come in and testified as he did. Who knows better than he?

The gentleman from New York (Mr. Pike) knows this is for our Navy. We need at least $4 billion a year if we are going to have a modern Navy by 1990. How much time do we need?

What else do we need to convince us? This is our Navy. If the Members want to sink it, that is their right. But the President is for this. The Secretary of Defense is for this. The Armed Services Committee by a rollcall vote has approved it by 35 to 4. It has been debated, Members can bet their bottom dollar on this, and we have reams of testimony attesting to this fact of life.

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment. It seems to me that "modernity" is the main thrust of the subject here. It is not modernization or modernizing, for those terms imply an updating or refurbishment. As I see it, we are mainly concerned here with one day having on hand new ships—a significant number of new ships—and not ships that essentially are new weapons systems mounted aboard old hull or ships that are driven across the waves by powerplants built a quarter of a century ago.

It is true that within this section of the bill there are provisions for some conversions and updating. But for the greater part the subject is modernity: ships that are new from the keel to the topmost antenna.

Somewhere behind the thought of these proposed ships lies the idea of the Russian threat at sea. I need not dwell on this, except to say it is major—it does not abate—and it is taking some forms that should give us all concern. As a recent example, there was the deployment in July of a Red navy squadron that proceeded to Cuba and the Gulf of Mexico by way of the waters off our own east coast. Whoever it was that laid out the course of that seven-ship group saw fit to have them steam a few score miles off U.S. shores.

In viewing the Soviet maritime threat we see some certainties and some uncertainties. Russian warships have not been tested in fleet actions since the early days of this century, and thus we do not really know how they would stand up in battle. From appearances the technology of their fleet units would seem first rate. But here, again, we do not know how they would hold up under conditions of prolonged and arduous service. These, I submit, are uncertainties. We know the capabilities of our own fleet units in these respects, but do not—to any degree of certainty—know those of the Soviet Navy.

As it pertains to modernity, however, we are on much firmer ground. We are now dealing with figures and can thus talk with a measure of mathematical precision. The facts are on hand, and I should like to present them later.

I do not hold myself forth as an expert in naval tactics. It would seem, though, in a contest between a group of new ships and a group of old ships a pronounced advantage would lie with the former. It would also seem that in a noncombat situation newer ships make a better impression than old ships. Concepts of that nature are, perhaps, what lie at the base of my concern with modernity.

As an example of impressions in a noncombat situation, I present a scene

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that often takes place in ports at many locations throughout the world: the Mediterranean, Latin America, Africa, and so on. Some of our Navy's ships are in port and are open to general visiting. Groups of college students come aboard and tour the ships. However favorable the initial impressions of these young people, they are diluted somewhat when they realize that the hull, the engineering plant, the living spaces, and the very decks they're walking on were built even before they were born.

There is also the difference between the product that is of a whole in its time frame as contrasted to that which represents varying inputs over the decades. Creative and energetic young Americans can take the body of a Model-A Ford, add to it an engine and accessories of more recent make, and come forth with a product that is the curiosity and pride of the neighborhood. But no manufacturer of automobiles could stay solvent producing such a machine. Their successful products are one in technology, in form, and in structure—all brought together in a specific time frame. Something of this, too, should pertain in the building of a nation's ships of war.

I am well aware of the fact that the Navy must, for certain reasons, resort to major alterations and conversions in its efforts to keep the fleet up to a desired standard. But that practice is not the Navy's ideal choice—even though it is the course often chosen. This is not to degrade conversions and alterations. They do serve a purpose; and I believe those listed for the 1970 program are valid. Nonetheless, the end result is modernizing—and that's not quite the same as modernity, as I have attempted to show.

Referring to my earlier statement about modernity figures for the U.S. Navy and the Russian Navy. The certainty here is that ours is the older Navy. Perhaps the most meaningful set of figures is 58 and 99. The former figure—58—refers to the percentage of our total combatant tonnage that is of World War II basic design. In contrast, 99 percent of Russia's combatant tonnage was placed in commission within the past 20—not 25 but 20—years.

When we go into ship types, we find that none of their approximately 375 submarines was built before 1948.

Among destroyers, 90 percent of our conventional types were built before 1948. However, all equivalent Russian types were built since that year.

The pattern is all too clear.

But there is more to this matter than a Navy-by-Navy rundown of ships' ages. Things grow old merely through the passage of time. Consider the year 1949—20 years ago. Nine out of 10 of our present auxiliary ships were sailing the seas even then. As were 65 percent of our present amphibious warfare ships.

The rigors of continuous service have been just as strenuous on these workhorse types as they have been on our destroyers, submarines, and aircraft carriers. It is odd when you think of it—our career Navy men can retire from active duty after 20 years' service, but the ships they man seem destined to sail on and on.

Our aircraft carriers have been the subject of increased discussion in recent months. Age patterns among this type are somewhat different from the norm. While all of our ASW support aircraft carriers were built 20 or more years ago, we do have a fairly even spread among our 15 attack carriers.

Five are less than 10 years old. Four are in or approaching their mid-teens. The others, however, are nearing or already past the 20-year marker. Old age is truly at hand for these veterans of wartime and immediate postwar building efforts. They are beyond modernizing.

Mr. Chairman, I realize that while speaking in support of the section on shipbuilding, I have dwelt at some length upon modernity—a factor that is often overlooked. And yet, when you build something—ships or whatever—you necessarily build something new. Modernity and the benefits it brings must thus be considered as one with the building of a ship.

I strongly urge that the amendment be defeated.

Mr. KYROS. Mr. Chairman, I have long admired the outstanding and effective support which the chairman of the Committee on Armed Services, the distinguished gentleman from South Carolina, has given to our programs of national defense. Our Nation can be particularly grateful for the dedication which this committee has shown in its efforts to provide our fighting men at sea with the equipment necessary for maintaining not only our own defense but that of the free world. I have always given my full support to the gentleman from South Carolina and to his committee in these efforts, and I was particularly impressed by the committee's study of the status of U.S. Navy ships released earlier this year.

As a graduate of the U.S. Naval Academy, a former naval officer with 10 years of active duty, and a person with great pride in my own State's seafaring traditions, I have done everything possible to assist our Government in meeting the continuing demands placed upon our naval fleet and its men. I have, while in the Congress, sailed aboard our fleet in many parts of the world and recently visited aboard the *John F. Kennedy,* with the 6th Fleet in the Mediterranean. While I have welcomed every opportunity to remain in constant contact with the U.S. Navy, I have also been profoundly disturbed by the deteriorating condition of many of our vessels. Our destroyer fleet, in large part consisting of World War II vintage vessels, is in particularly bad shape. I would like, therefore, to commend the distinguished gentlemen from South Carolina and the members of his committee for the dedication which they have shown in providing for a renewed and modern destroyer fleet, which I believe to be a most essential ingredient of our Navy's defense and peacekeeping capabilities.

The committee has wisely allocated a considerable amount of funds for this purpose and provided for the necessary level of commitment in constructing new, multipurpose destroyers, now designated to be the DD963 class.

I am seriously disturbed, however, by one aspect of the military authorization and procurement bill now before this body. The bill states that no funds shall be allocated for the construction of these vessels unless such plans call for construction at the facilities of at least three different U.S. shipbuilders.

From the outset of the DD963 program the Navy premised its plan on the fact that very real benefits accrue to the Nation and the Navy by awarding a large number of ships to a single prime contractor. It is my opinion that the above provision in H.R. 14000 represents a significant change in the procurement concept which may reduce the benefits.

I am concerned that the special provisions of the bill calling for a three-way division of the contract could have consequences which are far-reaching and extremely costly. It is my understanding that such a division of the contract would substantially increase costs of the program, possibly in the magnitude of $200 million. Moreover, this act could conceivably delay the construction of badly needed replacements for our huge destroyer fleet by months or years and this, I believe, cannot be tolerated.

Of equal significance, the special provision relating to the DD963 program could reduce to a minimum the advantages gained by a single design and production plan for all the ships in the program. If this were to be the case, the desired standardization within the fleet could not be achieved and problems which have historically hampered our fleets relating to maintenance, repair and overhauling would continue.

Procurement of large numbers of ships from a single contractor was a vehicle devised, among other features, to assure a continuity of work for a single shipbuilder. This concept was implemented to correct a flaw in previous ship procurements which spread the work within a single program to a number of contractors covering wide geographical areas. While the former approach appeared to protect a vital national resource, our shipbuilding industry, it in fact spread the work to such an extent that individual shipbuilding companies rarely had sufficient backlogs to justify the capital expenditures required to modernize the industry or maintain a competitive posture on a world-wide basis.

The DD963 contract as originally conceived made it possible for the contractor receiving the award to justify the cost associated with construction of a completely new facility, a facility which when completed would become a vital national asset. A three-way division of the contract will seriously impair this opportunity to improve our Nation's shipbuilding abilities.

In my opinion neither the Congress nor the Navy will benefit if the contract is divided as proposed in H.R. 14000. In any event at least 60 or 65 percent of the work would be subcontracted out by any prime contractor involving over 30 States.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York (Mr. Pike).

Mr. PIKE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Pike and Mr. Bennett.

The Committee divided, and the tellers reported that there were—ayes 92, noes 131.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Nedzi: On page 2, line 2, after the word "Army" strike out "$570,400,000" and insert "$484,400,000" and add the following language: "Provided, that none of the funds herein authorized shall be used for the procurement of Cobra helicopters."

Mr. NEDZI. Mr. Chairman, I appreciate that it is getting late in the afternoon and we started early this morning. I will try not to take the full 5 minutes. But the amendment I have presented to the Committee at this time is one of those that the bipartisan minority has worked on. It deals with helicopters. I suppose most of you realize at the present time there is unanimity that the Cheyenne helicopter program, in the words of the committee report, "has been a costly experiment." I might remind the Committee that this now abandoned program is the same one that our colleague from New York (Mr. Pike) expressed so much concern about many months ago. Had his concerns then been heeded, many thousands and perhaps millions of dollars could have been saved. Though the program is now abandoned, the tendency to hang on to at least some of these funds persists. We are asked in the bill to authorize the purchase of 170 of these gun ships for $86 million. This gun ship obviously is an interim one. It is not due for delivery until 1971 or 1972. The missile which is to be used on this helicopter has been canceled. A decision as to whether to use a 20 or 30 millimeter gun has not been made. In addition to these shortcomings, the final determination as to whether a twin-engine helicopter is preferable still remains to be made. As a matter of fact, the Marine Corps is presently testing for the purpose of determining whether a twin-engine helicopter is preferable or not.

Mr. Chairman, I do not think that there is any question we are endeavoring to scale down our efforts in Vietnam. In view of the thousands of the helicopters in our inventory—and mind you, an additional authorization of almost half a billion dollars in this bill for Army aircraft which are mostly helicopters—it truly taxes the imagination to conclude that our national security is jeopardized because of the failure to authorize 170 experimental interim Cobra helicopters in fiscal 1970. We may well find ourselves in 1972 with obsolescent aircraft with no requirement for them. In the words of the committee report in commenting on the Cheyenne, "We must carefully confirm our development progress on complex new systems before entering the production phase." This decision to authorize can clearly be deferred until we understand with greater certainty what we are actually authorizing. I ask your support to strike $86 million from the bill through this amendment.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

Because of the cancellation of the Cheyenne helicopter program, this bill is already $371 million below the original administration request for aircraft for the Army. The only thing that can possibly take up that void created by cancellation of the Cheyenne is an improved version of the Cobra, which has been performing with such superlative capability in Vietnam.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I did not ask the gentleman to yield to me during his remarks.

Mr. NEDZI. I would have been pleased to yield had the gentleman requested me.

I think the record should be set straight that the administration has not asked for the Cheyenne helicopter.

Mr. WRIGHT. If the gentleman will refer to his own committee report on the pages where the Cheyenne helicopter is discussed, pages 41 and 42, he will see that the Army requested funds that had been earlier earmarked for the Cheyenne to be used instead to acquire Cobra helicopters. The committee bill allows $86 million for this purpose, but eliminates $429 million originally requested for the Cheyenne and $28 million requested for the Mohawk. This amounts to a total reduction below the administration's defense budget when these three items are considered in tandem.

If the gentleman will be kind enough to bear with me while I attempt to develop two or three specific thoughts, I would appreciate it very much.

First of all, the Vietnam war has demonstrated as never before the utility and the enormous potential of the helicopter as a tactical military weapon. The Cobra has been largely responsible for this. It was the first great and effective helicopter to be used in numbers for a variety of military purposes. The Cobra has more than proved itself. I have met returning pilots who eloquently sing the praises of the Cobra. As contrasted with my experience and that of others during World War II, when with 30 or 40 combat missions we were allowed to come back to the States, many of these fellows have flown as many as 750 combat missions in the Cobra helicopter.

The helicopter, and the Cobra in particular, is one of the principal reasons why we have maintained superiority in this difficult bush war, this type of guerrilla operation, so foreign to our past experience. When we take into consideration the fatality record, it is something like 8 to 1 or 10 to 1 in our favor. Surely we do not want to abandon helicopter development. The Army declares its need for an improved Cobra with night visibility and an antitank missile.

The second basic thought we need to consider is that this is the one combat aircraft we can still get in numbers, in numbers if you please, for a relatively modest amount of dollars.

The amendment which the gentleman has offered seeks to strike out $86 million for this purpose. This $86 million will buy 170 improved aircraft, with all the new developments. That comes to approximately $500,000 apiece. We simply cannot get any other kind of modern military aircraft for that amount of money.

Finally, for this very reason, the helicopter is one combat aircraft that can be supplied in some numbers to our friends with which to defend themselves. In other words, I would say to those who declare that they want to get our boys out of Vietnam and let the South Vietnamese take over and defend themselves, remember that they cannot defend themselves without equipment. And the multipurpose helicopter is the prime equipment need.

Unless you are prepared to say with certainty that the Vietnam war will end this year, and further that there will never be any other guerrilla-type operation such as this, and unless you are prepared to say that there will not be any situation in which a small country has to defend itself from an aggressor then certainly you cannot conclude that we have no further need for helicopters.

Mr. Chairman, I suggest for these reasons that it would be an act of great folly for us to eliminate this modest request for the improved Cobra helicopters.

Mr. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. These helicopters are needed. The helicopters which they had planned to use did not work out. If we do not need this helicopter, we do not need any rifles in South Vietnam. My goodnes, what on earth are we talking about? If you take this away from the U.S. Army you might as well tell them to come home.

Mr. Chairman, I do not know of any further arguments to be raised in support of this amendment and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Nedzi).

The question was taken; and (on a division demanded by Mr. Nedzi) there were—ayes 36, noes 92.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pike: On page 2, line 4, strike out "$4,002,200,000" and insert "$3,521,200,000" and add the following language: "*Provided*, That none of the funds herein authorized shall be used for the procurement of C5A aircraft beyond the number of 58 previously authorized."

Mr. RIVERS. Mr. Chairman, I wonder if we could arrive at a time to vote on this amendment?

Mr. MOSS. Mr. Chairman, reserving the right to object——

Mr. RIVERS. Mr. Chairman, I have not made the proposal yet. I just asked to see if we could arrive at some time limitation.

What about 30 minutes?

Mr. MOSS. Mr. Chairman, reserving the right to object, I pointed out to the distinguished chairman on yesterday, and I made the point when the 4-hour rule was discussed, that on today we would be faced with an effort to force this thing through the House before today was over, and that there would be efforts to propose severe limitations upon debate, a debate which would cover 21.3 billions of dollars. Precisely that has happened. There have been—I am speaking in regular order. If you want to make a point, stand on your feet.

That has happened, so that there have been many Members forced to step into the well here for a minute and three-quarters, or under 2 minutes in time. That does not permit logical or rational debate. It is for that reason I object.

Mr. RIVERS. Mr. Chairman, I have made no motion. I have not set the time on anything. Everything has either been agreed upon by unanimous consent or voted on by the House. The chairman does not have that much power. If the House did not vote to cut off debate, then it was not done. I think that is still the rule.

Mr. PIKE. Mr. Chairman, may I ask: Is this all to come out of my time?

Mr. RIVERS. Mr. Chairman, is this coming out of the time of the gentleman from New York? I certainly do not want to cut off anybody, and I certainly would not want to cut off the distinguished gentleman from California for all the tea in China. But I do want to say I would not be surprised if we finish tonight, if you do not mind going through supper time.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Pike) for 5 minutes in support of his amendment.

Mr. MOSS. Mr. Chairman——

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from California?

Mr. PIKE. Does the gentleman from California ask me to yield?

Mr. MOSS. Mr. Chairman, inasmuch as the gentleman only has 5 minutes, I will take my own 5 minutes.

The CHAIRMAN. The gentleman from New York is recognized in support of his amendment.

Mr. PIKE. Mr. Chairman, I am not at all sure, really, that prolonging this debate at this particular time is particularly useful because we can see the way things are going.

By the same token, I think there are things which ought to be said, and which are important not only to us who have worked hard on these matters—and everybody on the committee has worked hard on these matters—but that are important to the Nation as a whole.

For example, it was pointed out that the prior amendment which I offered to reduce the Navy shipbuilding authorization was defeated in the committee by a vote of approximately 35 to 4.

Yet, it was defeated here on a teller vote of 131 to 92. So I think it honestly can be said that there are some currents afoot in the land, and there are some ideas afoot in the land which are not necessarily represented when we take a vote in our committee.

The amendment which I have just offered cuts out additional procurement of the C–5A aircraft. You have all heard about the C–5A aircraft. I am not going to change any yotes by a speech I make here today. It has fantastic capabilities. It has fantastic cost overruns. Lockheed can, indeed, build magnificent aircraft. The question again is one of national priorities. How much is it worth to us? Every one of the aircraft that we have authorized and built thus far has cost us, if you apportion the R. & D. money over the 58 that we procured—five R. & D. models and 53 procurement models—approximately $45 million each.

Now that is an awful lot of money per aircraft. We are told in this procurement that the 23 which are authorized this year will only cost about $21.5 million each—per plane. I do not deny that it is a great big plane. It is. It is a huge plane. It is the biggest plane that the world has ever seen. The question is, Is it worth what we are paying for it?

Now Lockheed has engaged in a massive advertising campaign. Here is a little bitty ad that was in Life magazine here in the Washington region a couple of weeks ago for the C–5A. They say all kinds of things about it. They say it has beryllium brakes and it has, I have forgotten, how many wheels—but it has an awful lot of wheels. It says that a fleet of U.S. Air Force C–5A's will make this the only country that can move an army across an ocean in hours.

Well, if I read my mail right, the only direction that my people want to move an army across an ocean is toward home. I do not think they really care if it is in a matter of hours. I think they would be willing to spend even a few days on it.

So the question is, Do we want this? There is a further question. We do not know what the planes we have already authorized are going to cost. I sent each of you a mimeographed thing this morning. They have troubles with that plane. I do not say that they cannot fix the troubles. This is the same argument I made last year on the Cheyenne helicopter. But I said, "Let us do the research and development first before we buy any more of these planes."

The CHAIRMAN. The Chair recognizes the gentleman from California, a member of the committee (Mr. Leggett).

Mr. LEGGETT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I support the amendment offered by my colleague, the gentleman from New York. I do not think there is any particular magic about 81 C–5A airplanes. I say that this House, and I said it before, should use its discretion. We should not abandon totally the power to control 70 percent of our budget to our House Committee on Armed Services.

There has been some indication that the currents on our committee are not exactly the currents in this House. I have alluded to that before.

I want to say in answer to the question—Do we have democracy on our committee? That I would have to answer that at first blush—yes—we have on things that the majority controls and we never report anything to the floor of the House that the majority does not control.

But we have another thing on our committee. It is called the policy committee. I have indicted this committee in public before. I do not know what it is. I have been on the committee only 4½ years. I do not know who the members of the policy committee are. I think they might be on the majority and the minority sides, but I am not sure of that. I have never seen a scratch of a pen before our committee authorizing what the policy committee does. I know on the day of our committee markup, it was reported to us that the policy committee had recommended such and such with respect to all of these various systems, but I have never heard one member of the policy committee, wherever they are—and whoever they are I wish they would stand up and identify themselves—but I have never heard one member relate what was happening, relate an argument, or relate some of the democracy that has taken place on that very important committee.

I value my membership on the House Armed Services Committee very much. I am one of 40 members on that committee. Certainly I do not ingratiate myself with our leadership on the committee by making statements such as this. But I think this kind of nondemocracy has got to come to a stop. The idea of rewarding people who vote with the leadership by chairmanships, subcommittee chairmanships, and those of us who have not voted with the leadership, giving us no subcommittee assignments, relatively none, is wrong. We have a committee now working on the draft. But if you look at the membership on the majority side on the draft committee, the most important subject matter now being reviewed by this Congress, you will find that on the majority side we do not have experienced men save and except the subcommittee chairman. We have two junior members of the committee who have only been in the House about 8 months.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I do not have the time to yield.

Mr. HÉBERT. Do you know the facts?

Mr. LEGGETT. You can take your own time to explain them. I do not yield.

Mr. HÉBERT. You refuse to know the facts?

Mr. LEGGETT. I refuse to know the facts.

The CHAIRMAN. The gentleman from California refuses to yield.

Mr. LEGGETT. I say there is nothing magic in the power of the Department of Defense. They came down to our committee on the day of our hearing and they said, "We do not need the fifth squadron of C–5A's. Authorize only the fourth. We have the money for the third, but we do not need the fifth squadron" they said.

All of a sudden our committee chairman went into a conference. The chairman, with the Assistant Secretary of Defense, related to us, "I had a conference with the Secretary this morning. He said he does not need the fifth squadron. That $52 million is out."

Oh, by the way—and this is not a direct quote—I want to tell you that that $52 million we agreed that that was going into a new aircraft, what we call a world freedom fighter aircraft—not the F–5, not necessarily the F–5–21, but a

new airplane, there was not a scratch of the pen from the Department of Defense in support of that action. For those of you who abdicate your responsibilities as a Member of this House to our committee to act in this fashion, I put you on your conscience; and to sit around and say, "Well, if we are going to err for national defense, let us err on the part of safety," I do not think this is an adequate cliche to rely on.

Mr. ARENDS. Mr. Chairman, I move to strike the last two words.

I think it is high time that we really gave some consideration to the amendment before us rather than some of what I would refer to as idle chatter going on around the floor of the House this afternoon, some of it based on facts, a little bit on misrepresentation. We are here this afternoon trying to do a job on this bill. Everyone is being afforded an opportunity to make his speech and express his will. Nobody has been shut off. But I wish we would stick to facts.

The gentleman who just spoke before the House went into some detail about who he believes is on the Armed Services policy committee. If he does not know who is on the policy committee of our committee, that is his fault. It is very simple. If he has not learned in 4½ years, that is his fault. He should ask who is on the policy committee. This is no secret. I have told many people when they have asked.

On this particular policy committee are majority members and minority members. I happen to be the ranking member on the Republican side. Contrary to what the gentleman from California says, I have no chairmanship of a subcommittee. No one has rewarded me for anything in our committee. I am not asking for any favors.

I wish my colleague from California would stay around and pay some attention to what is going on in the committee, and not make rash statements about what he thinks is wrong with the policy committee and the Armed Services Committee as a whole. The gentleman must remember that, during committee discussion, he used as much time as any other single member. About that, I have no complaint but wish he would stop implying our committee does not try at all times to act fairly and reflect the views of each and every member.

Mr. RIVERS. Nine percent of the total time taken up in the committee's voluminous hearings was taken up by the gentleman from California (Mr. Leggett) despite the fact that he is only one of 39 members. Does this suggest that our committee is not democratic? Of course not. I have no complaints from the gentleman about his taking up the time, but I have had complaints about the time taken up by the gentleman.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield for some further statistics on that time?

Mr. ARENDS. Mr. Chairman, I have the time. I have yielded to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, this same thing happens on every bill. This same gentleman gets up and talks about the committee. Ask the gentleman from Illinois (Mr. Price). Ask anyone. I do not know what more time the gentleman wants. I have given him time.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. Mr. Chairman, I refuse to yield.

Mr. Chairman, one further thing. I have served on this committee, and there is no question of partisanship. I stand on the judgment of the committee. If it is not good, then the House ought to do something about it.

Mr. LEGGETT. That is the whole problem.

Mr. ARENDS. If that is the whole problem, then the gentleman should do something about the committee, and maybe he will be around here long enough to do it, but I doubt it.

Mr. HUNT. Mr. Chairman, in his supplemental views on the committee report and in his letter to the Members of the House, Mr. Leggett correctly identifies the number of the bill as H.R. 14000. Beyond that, I cannot vouch for the veracity of his remarks.

Mr. Leggett says the committee has a 50-man staff of lawyers, investigators, and experts. The committee has 15 professional personnel including the staff of the investigating subcommittee and two GAO investigators assigned to the committee on a continuing basis. Even with all our secretaries and clerical staff included, we do not have 50 employees.

Mr. Leggett says that the war in Vietnam absorbs at least 40 percent of the budget. The Defense budget is approximately $77 billion a year. The annual cost associated with Vietnam is $24 billion.

Mr. Leggett claims that the committee's report outlines an alleged Soviet buildup of military power. That buildup is very real.

Mr. Leggett says that we have budgeted $7.8 billion for veterans' benefits. Of course, veterans' benefits are not in the present bill, are not under the jurisdiction of our committee, and are the cost of past wars, not future ones. However, since Mr. Leggett thinks this is too much, perhaps he would be kind enough to tell the House and his constituents which veterans' benefits he wants to reduce.

Mr. Leggett says:

> Today, virtually all income taxes paid by individuals feed the military appetite.

Since the military outlay takes less than 50 percent of the total Federal budget, it is impossible for me to understand how Mr. Leggett can say this.

The gentleman points out that the orientation of our ABM effort has changed over the years. This is correct because the nature of the threat has changed. The gentleman also says that the ABM will confound SALT talks and heat up the arms race. The Safeguard is not designed to be a defense of cities. It is to defend our strategic offense capabilities. So, it is clearly not a first-strike weapon, and it will not require the action on the Soviet's part—unless the Soviets are going for a first-strike capability.

Mr. Leggett says that even the success of the ABM could be obviated by more Soviet missiles. The fact is that at the point of time when the ABM is in place, the cost of Russian offensive missiles will be higher than our defensive missiles. Deploying sufficient missiles to keep a first-strike capability would be prohibitively expensive and strategically uncertain for the Russians.

Mr. Leggett makes the novel suggestion that we should have something like a two-thirds vote before an undertaking of this importance is approved. Perhaps he is prepared to suggest that we should not elect a President unless he has a two-thirds vote.

Mr. Leggett says that the ABM is "clearly cost ineffective." If it stopped one accidental offensive ICBM, the ABM could save 20 million American lives. Members can draw their own conclusions about cost effectiveness.

Mr. Leggett claims that the Soviets could not possibly be going for a first-strike capability since they have 200 warheads and he alleges we have many thousands. As the evidence presented to the committee clearly shows, the Russians in the mid or late 1970's will have over 400 SS–9's and with MIRV capability, they provide a serious threat to our Minuteman force. Mr. Leggett seems unable to understand that it is the period of the late 1970's that we are preparing for and, of course, he is unable to explain the purpose of so large a missile as the SS–9 if it is not a first-strike weapon.

He makes the very dangerous statement that "it is quite plausible that a 1000-unit ABM system could be intended to pick off stray Soviet missiles after we effect our first strike."

Mr. Leggett knows perfectly well that we do not have first-strike intentions. But, more important, he should certainly understand that our offensive missiles are too small in size to have a first-strike capability against hardened missile sites.

Mr. Leggett alleges there is a much cheaper system available. The nonnuclear approach being studied by the Air Force is unfortunately not a system that is now available. This bill does not preclude further study of that approach. But it is in the elemental stages of development whereas the radar, the computer, and the missiles for the Safeguard are well along on their development with most of the technological problems solved.

Mr. Leggett claims the annual maintenance charges on the Safeguard will be $1 billion per year. The only figures available to us indicate our annual maintenance cost at $350 million a year. No $1 billion figure has ever been presented to our committee.

Speaking of the Soviet ABM effort Mr. Leggett says the net effect of Moscow's efforts was that the Russians were less secure as a result of those efforts and today they have abandoned their attempts to put an ABM defense around Moscow although it is only two-fifths complete. There is no evidence that the Soviets are less secure as a result of having built an ABM system around Moscow and it is certainly incorrect to assert that they have abandoned their efforts to build an ABM defense. On the contrary, the Moscow ABM system has achieved a state of operational readiness. The Moscow system has an effective radar network, and it must be remem-

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bered, the big radars are the long leadtime elements of their ABM system. It is true they have installed only a limited number of Galosh interceptor missile launchers. But more launchers can be installed rapidly. Furthermore, we have heard evidence that the Soviets are testing an improved interceptor which can coast or "loiter" until a specific target is selected and then be maneuvered to its target. It is certainly reasonable to anticipate the addition of this new interceptor to the Moscow system. The Soviet ABM capability reduces the effectiveness of our deterrent forces in penetrating a large urban-industrial complex. Their level of defense can be expanded quickly and will probably be qualitatively improved.

I could go on with numerous inaccuracies in this statement. But it would be a pointless exercise. It should be clear that this is an emotional outburst that is not based on fact, and would be a dangerous document for Members of the House to depend on.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been here about 10 years, and I have been on the Committee on Armed Services all that time, and I am not on the policy committee nor am I the chairman of any subcommittee. I would like, however, to address myself to the comparison of the C–5A with the oncoming SST, the 747, and other civil reserve air fleet planes—CRAF—with which our Department of Defense contracts in order to handle strategic and military airlift. I have had the privilege of serving from its inception on the Military Airlift Subcommittee.

I think the main fact that remains, after the gentleman from New York with whom I often agree in some of his perceptive and delving excavations, is that we need enhanced and increased strategic military airlift capability if we are going to fly men thoroughly equipped from points at home to points overseas, and if we are going to return from overseas our forces we have kept there much too long and in much too great a concentration. The C–52 can handle this. The Galaxy is eminently successful. Costly? Yes. Mistakes? Of course. Overruns? Assuredly. But we cannot brush it all away by simply saying that the differential is between $21 million a copy and $45 million a copy in a piece of equipment we need.

This committee has listened to the industrialists. This committee has had "on the pan" the militarists who have engaged in this. There is a new concept originated during a past administration, known as "a total package concept" contract. I believe even the gentleman who proposed this amendment will agree with that the only way we can get the reduced rate for the necessary numbers of copies of the Galaxy is to go through with this total package concept contract which the committee in its wisdom decided was not so bad anyway. We have to do it to come out. We have to do it in order to provide for our need for total capability of lift in the military. We have to do it in order to keep our word. We have to do it in order not to destroy by a writ of the pen a contract on which we have agreed in solemn covenant with a great industrial producer that has provided the "Starlifter" and many others.

I think this amendment should be defeated out of hand because of the wisdom of the committee and the entire work they have done for it, and because of the needs of the services and the hope of returning our men from overseas so that they can better serve at home and be available on call for strategic airlift overseas when needed.

COMPARISON OF THE C–5A WITH THE 747 AND OTHER CRAF AIRPLANES

One of the arguments introduced against the C–5A is that aircraft in the civil reserve air fleet can be used at least in partial substitution for the C–5A. It is argued that the new Boeing commercial airplane, the 747, particularly makes this an attractive alternate.

Once again, this argument presents a comparison between apples and oranges, and we have economic arguments presented which really are beside the point.

There is a tendency to forget, in the case of the 747, that it is designed to carry commercial passengers and/or commercial cargo, and all indications is that it is a fine airplane for these purposes. And, also, it generally is forgotten or not known that of the approximate 200 747's on order, only three are convertible cargo models and none are all cargo models. Therefore, 747's in the CRAF program essentially will carry only passengers or troops, and what little cargo they can carry would have to fit into the small compartments beneath the passenger floor.

Even if 747's were to be ordered as all cargo models by the Air Force today, or by commercial carriers for CRAF use, the delivery of them would be some 24 months later than C–5's because of the current production status of the 747, and because of present delivery commitments of these aircraft to commercial users. This in turn would force the use of obsolete and expensive C–133's and C–124's for 2 more years.

But let us also remember, that in comparison with the 747 or other commercial carriers, the C–5A is designed to carry military equipment and cargo—not troops—and under military conditions. It is true that the C–5A can be converted to commercial cargo use, but it would be changed very substantially for this purpose. The reverse is not true—as the 747 simply could not be converted—except at huge expense—to perform C–5 type military missions.

Let us examine why this is so.

First, the C–5 can land on short, unimproved runways at remote points, with unsophisticated or no landing aids from the ground—and the 747 cannot make such landings. Under some conditions, the C–5 can require no more than 3,500-foot runways, and under other conditions it may take 5,000-foot runways. These runways can be grass instead of cement, and the grass can be wet instead of dry. An expensive air terminal, with all the sophisticated and complicated radar and guidance systems, is not required.

For example, there are over 1,300 paved airports throughout the world suitable for the C–5 to land with its wartime load of 265,000 pounds. This does not include the thousands of unpaved sites which the C–5 can use. The 747, however, can land this kind of a load at only 415 airports. This means there are over three times as many places to which C–5 missions can be deployed, not even counting the unpaved sites. The value of this asset, in case of a national emergency, is beyond measure.

As it arrives at a landing area, the C–5 cross-wind landing gear again gives it the flexibility to operate from substandard fields, for it has a system which permits positioning the landing gear up to 20 degrees on either side of neutral. The 747 does not have such an ability, nor does it need it for commercial missions, since it is designed for operation from civilian fields or large military fields which normally have more than one runway, allowing it to pick a direction dictated by current wind conditions.

After the C–5 arrives at the field, it can kneel its landing gear to lower the fuselage, and then employ its forward and aft ramps to drive equipment off the airplane under its own power, or roll it off, very quickly and ready for action. The 747, on the other hand, would require extensive ground handling equipment, in place on the ground, to lift the equipment off the airplane from 16-foot heights—a tortuous, time-consuming and expensive operation, assuming the ground handling equipment is available in the first place.

Or, if the C–5A crew wishes, and conditions require it, the C–5 load can be air dropped to the ground by parachute, using built-in air-drop equipment. This is impossible in a 747.

At the start of a mission, the question arises as to loading efficiency and the ability to carry all kinds of equipment.

In the first place, there are many pieces of equipment that can be carried in the C–5 but cannot be carried in the 747. Only 53 percent of the military equipment items which need to be airlifted can get through the 747 door, again assuming you have the necessary and expensive ground handling equipment available and prepositioned in the first place.

Still speaking of load carrying ability, the C–5 has a heavy floor, which will accommodate heavy wheeled or track loads. The 747 floor is normal for commercial type loads, but will not accommodate heavy loads.

But even the pieces that can be carried in the 747 would require a much longer time to load. Because of the specialized loading systems and ramps that are built in on the C–5, the average loading time for a 1970 infantry division is 35 minutes for a C–5, whereas it would take 85 minutes to load the 747 with just those portions of the infantry division which it is capable of carrying. And here again, this assumes the existence in the first place of the expensive but necessary ground handling equipment required to load a 747.

Then, after the equipment load is on board, the C–5 has seats on an upper deck for 75 troops and equipment handlers, so that when it lands the entire unit of

equipment and men is ready to go. The 747 has no such room for troops and equipment handlers.

Now that we have loaded the C–5 and we are in the air, let us see what other differences there might be.

First, let me call to your minds a picture in the Washington Post on Sunday, August 31. It showed a C–5 being refueled in the air—one more unique feature built into the C–5, but not available in the 747. Even if ground bases for refueling were denied the C–5, after commencement of hostilities, the C–5 could continue to operate, whereas operation of the 747 would be severely limited.

Next, the C–5 has a built-in guidance system providing for terrain following, terrain avoidance, and station keeping for formation flying. This capability does not exist in the 747.

The C–5 is designed and stressed for flying "on the deck" at 200 or 300 feet altitudes, following mountainous terrain at speeds as high as 350 knots. A commercial airplane, such as the 747, would experience premature fatigue failure in this kind of operation.

Also, while enroute, the C–5 has a built in Madar system. This means—malfunction, detection, analysis, and recording system. This unique feature enables the ordering of necessary spares while the aircraft is still in flight, and it is uniquely compatible with the U.S. Air Force spares support system. This is a significant advance, in comparison with the rudimentary engine analyzer systems on other aircraft such as the 747.

Still speaking of maintenance features, in view of the kinds of conditions the C–5 is expected to encounter on landing at unimproved fields, there is danger of damage to its wheels. In this event, the C–5 can be taxied, or even landed with one bogie retracted—a bogie is a group of 6 wheels. This permits tire or wheel changes without the use of jacks, and allows the airplane to be moved off the runway to a work area for repairs on wheels, brakes or tires. The 747 cannot do this.

The list of differences for military cargo missions goes on and on, and the plain fact is that the 747 is simply not capable of performing C–5 missions, nor is any other commercial airplane. Cost comparisons are beside the point.

None of this should be construed to be a criticism of the 747. All reports indicate it is a fine airplane and will perform very well the commercial missions it was designed for.

The C–5A, on the other hand, was designed for military missions, and all test results to date indicate it will perform them superbly and at a very low cost.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I recognize the facts that have been brought out with relation to the C–5A program. We are all aware of the stories that have appeared through the press over the months on the cost overrun. The Committee on Armed Services and other committees of the House and the other body have held extensive hearings on overruns in the C–5A program.

There is not a single Member of the House who condones these excessive overruns. They wish they would not happen. We would like to see them renegotiated. I am certain that in accordance with existing law they will be.

But this is not the first aircraft that has been involved in a cost overrun. I doubt if any new type of aircraft at any time in the history of this country has not cost more than people thought it would when it was originally contracted for.

There have been papers written on the subject of overruns in Government work, and even in municipal work, and in private building. There are cost overruns on our public roads program. There are cost overruns in the atomic energy program. Every reactor ever built cost from 50 to 100 percent more than people estimated it would cost at the beginning.

As a matter of fact, studies have been done from time to time on cost overruns and estimates have been made that in the area of weapons procurement during a period in the 1950's, the overruns ran as high as 200 percent. The lowest one ran about 100 percent.

This is not anything new to the House. It is something we do not like. From time to time we pass legislation to try to tighten it up. The military should concentrate more in taking steps to avoid such overruns.

But we are not talking here this afternoon about a cost overrun on the C–5A. We are concerned with whether or not it is a valuable aircraft for use in the military airlift.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield for a question?

Mr. PRICE of Illinois. I am glad to yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I have looked at the report to find out whether the effect of the amendment would be to strike out all funds for the further development of the C–5A. Could the gentleman inform us, if the amendment offered by the gentleman from New York (Mr. PIKE) is passed, would this eliminate all funds for further C–5A development?

Mr. PRICE of Illinois. I believe the gentleman from New York (Mr. PIKE) could explain that a little better than I. I do not have time to explain his amendment. Since it is a reduction in funds, I assume it will substantially reduce the number of aircraft. I am opposed to it, and I hope the House will not accept it.

The C–5A is a valuable aircraft for the military airlift. I hope that the House will oppose this amendment.

The gentleman from Missouri (Mr. HALL) reviewed some of the capabilities of the C–5A, and did a very fine job.

I find it extremely difficult to question the need for the C–5A. Who was it who first indicated a need for it? Actually, it was the Congress itself, through studies of the Military Airlift Subcommittee, which originally supported a program known as the CX–4. What was the CX–4? It is the C–5A. Who pushed it? The Congress of the United States did, because existing aircraft were not capable of meeting the contingencies in the future with respect to the need for adequate military airlift.

This type of aircraft is the idea of the Congress. Why did we want it? We wanted it because we knew there was a need for it. We sought development of a new aircraft to increase the effectiveness and efficiency of our airlift—and reduce the cost of operation. And we have. The C–5A will cut down the cost of operation.

It is estimated now the cost is 5.3 cents per ton mile for the C–141, and that is a lot lower than the aircraft previous to that. But the C–5A cost per ton mile of hauling is 2.9 cents per ton mile.

It would take a long time, I know, to save some of the money lost in this overrun, but in the years to come this money will be retrieved by the efficiency of the operations of the C–5A.

On the overrun questions I would like to refer to a report released by the Air Force in July 1969. This report titled, "Review of the C–5A Program," resulted from an in-depth review of the program which was one of the initial actions directed by the new Secretary of Defense The objectivity of the report is further reinforced by the fact that four persons outside of the Air Force, who are experts in their field and were not previously involved in the C–5A program, also presented their findings in the report.

What does the C–5A report say concerning the cost increase? The cost estimate in the report is the same given to Congress as being $4,831 million for 120 aircraft for research and development, production and initial operating spares. In October 1965 when the contracts were signed with Lockheed and General Electric, the comparable figure was $3,369 million. The latest figure is an increase of $1,462 million or a 44 percent cost growth for a program 7½ years in duration.

While not condoning the cost growth in the C–5A program, I would like to point out that the C–5A report indicated that a significant part of the contractors' cost increases was beyond their control. That is to say, any airplane manufacturer, no matter how great his engineering and management talent, would also have been victimized by the inflation that has occurred in our economy over the past several years.

There are further reasons for the cost growth cited in the C–5A report which I recommend be read. It should be noted that although the report itself is a comprehensive one, it is but a small part of one of the most exhaustive reviews ever conducted on a weapon system by Members of the Congress and the Department of Defense. Most of the information, except that which is classified, is a matter of public record for all to see and examine in minute detail.

After reviewing these records, I find it extremely difficult to question the need for the C–5A's truly tremendous capability to move quickly, a military force anywhere in the world. It opens a new era in rapid mobility and air operations. It does both more economically, even at its increased costs, than can be done any other way. I said a moment ago one of the greatest assets of the C–5A which is often overlooked is that it will carry cargo at a cost of 2.9 cents per ton mile based on airlift industrial fund. This

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compares with the cost of 5.3 cents per ton mile for the C–141 whose low cost per ton mile is considered an exceptional achievement. Putting the economic gains on an annual operating cost basis, six C–5A squadrons will provide an increased airlift capability of almost four times than that of the 16 squadrons of aging C–124's and C–133's, which the C–5A will replace at only a slight increase of 4 percent in annual operating costs.

And as previously stated, I respectfully remind the Members that your Special Subcommittee on Military Airlift of the Committee on Armed Services in 1963, recommended that the C–5A, previously identified as the CX–4 be built to satisfy future airlift requirements.

Gentlemen, I am convinced that this decision to build the C–5A was a wise one, the need is valid, and we should buy the aircraft under consideration for the fourth squadron.

Mr. RANDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, so far as I know, in the debate on this amendment, no reference has been made to the fact the House Committee on Armed Services has already cut out $102 million on the C–5A. What is proposed by this amendment is to cut out the C–5A entirely and completely. In the course of the debate today I have observed that those who are for this amendment referred in several instances with approval to our senior Senator from Missouri and his stand on the procurement bill in the other body. Mr. SYMINGTON was the first Secretary of the Air Force. The senior Senator from Missouri is, in my opinion, sincere when he says he is quite concerned about the magnitude of military expenditures. No one can charge he has abandoned his views on the importance of a strong national defense. He is concerned about the staggering costs cf defense. Nearly everything he has proposed is in the effort to save some money in defense expenditures. Right here is an illustration of a way the Senator has proposed we save money on defense costs, because with the C–5A we are provided with a "remote presence."

That is what we are talking about. With the C–5A we can do something which we have not been able to do with any other plane we have; namely, we can avoid the necessity of stationing a large military force overseas.

The "remote presence" concept enunciated by Senator SYMINGTON in the Senate debate provides an additional reason for C–5A's—beyond those requirements based on JCS plans.

Senator SYMINGTON as well as other Members of Congress have addressed themselves to this subject from time to time. Senator SYMINGTON'S "remote presence" speech was made on the Senate floor September 9, 1969.

The latest figures available indicate some 593,000 American troops are stationed abroad, not including the troops in Vietnam. It has been estimated that the cost of these men averages about $8,600 per man—in pay, in allowances, and in supplementary benefits, a total of more than $5 billion per year. Additionally, there are about 500,000 dependents and 250,000 foreign employees located on the more than 3,300 major and minor U.S. military bases overseas. In direct cost, it is a staggering bill—and the adverse effect on our international balance of payments is perhaps even more important, in spite of the offset we receive in West Germany.

Full exploitation of the C–5A in this way would allow the United States to reduce its troops abroad to token forces in many cases, and in an emergency to rapidly reinforce the military presence by massive airlift.

With airplanes like the C–5, able to carry all kinds of military equipment including the outsized pieces like tanks and helicopters, and able to land in remote areas on short and unimproved fields, it would be unnecessary to risk the hazards of prepositioning. And it would be unnecessary to pay the huge cost of duplicating an inventory of equipment abroad and at home.

The C–5A makes the "remote presence" concept credible. It can carry tanks, fuel trucks, bridge launchers, armored personnel carriers, helicopters, and all the other outsized pieces of equipment that are unable to be carried in today's cargo airplanes. It can carry many combinations or multiples of these pieces of equipment. It can carry the equipment handlers and technicians who go with the equipment. It can fly nonstop 6,000 miles at jet speeds, and then land on short, wet grass fields. It has its own built-in loading and unloading ramps—or it can drop equipment from the air.

Ten of these C–5A's could have accomplished the Berlin Airlift job it took 300 then-current transports to do.

With a sufficient number of C–5A's, able to pick up many pieces of equipment from inventories positioned in the United States and transport them quickly to wherever they are needed, the "remote presence" is not only credible—the "presence" is not really very remote.

Thus, the C–5A can be a "peacemaker" in this "remote presence" concept, rather than an instrumentality of war. It can satisfy our obligations and our commitments abroad, without the necessity of so many troops and so much equipment being physically stationed abroad.

The not-so-remote presence of the C–5A makes the "remote presence" concept a viable, exciting theory—worthy of the fullest possible exploitation of our Defense Department and our State Department and the Congress as they consider the important questions of our involvement abroad.

Those who oppose this amendment to further cut funds for the C–5A over the $102 million already cut by the committee are not voting for a saving of defense money, except the original amount cut out. If you vote for the C–5A you are voting for great saving in defense costs over the entire life of this great plane with its massive airlift. The Senate rejected a similar effort to cut the C–5A by a vote of 64 to 23. Those who really want to save on defense costs will prevent knocking out the great C–5A because it is one of our greatest money savers.

Mr. LANDRUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is rare indeed in all the time that I have been privileged to be a Member of this House for me to attempt or presume to speak on a subject coming from a committee on which I am not a member. However, it occurs to me in the examination of this question that most of the opposition to the continuation of this program for the C–5A is built more on a notion brought about by some bad publicity than it is on hard, cold facts. I have been impressed here by the very profound remarks of the distinguished gentleman from Missouri (Mr. HALL) about what the C–5A will do and what it is doing and how it has already shown completely that it can meet the demands that the Air Force requires and that our defense needs will require. I think we also ought to think a little bit about what some of the individuals connected with this program, one of whom, not a Georgian but a former Alabama boy and a very distinguished man of business, Dan Haughton, chairman of the board of Lockheed Aircraft Corp., said. He has been in the "boiler room"—actually and literally in the boiler room—of the University of Alabama where he worked his way through the college and up from that point, mind you, to the present high position of chairman of the board of this great and successful corporation. Let us listen a little bit to what Mr. Haughton said before the committee. The distinguished chairman held hearings on this, and here is what Mr. Haughton said to the people of the United States:

> The issue is this—do the people of the United States need the kinds of products we produce? If they do, they should procure them from the most efficient companies available. If procurement on that basis excludes Lockheed, then we will have deserved it.

There is not anything any more American than that.

Now I have heard here today the eloquent plea of my warm friend and very able and distinguished colleague, the gentleman from New York (Mr. PIKE), for hospitals, for schools, and for money to take care of the things that go with operating this great social order that we have. His record bears out his concern in this area.

But, let me say to my distinguished friend, and my warm friend, this: Here is a way to save some money for those schools. Here is a way to save some money for those hospitals. Here is the way to provide some money to build those roads you want over which the people may travel. This will save money. Here is a way to let those who would become an aggressor against this Nation know that we will continue to be equipped to meet that aggression and do it in a most economical and efficient fashion.

Mr. Chairman, I can think of nothing more unwise or more imprudent, in my judgment at least, than at this moment to hamper or hamstring the continued production of this great aircraft. I think the Air Force has demonstrated that our defense needs it. I think it is important for them, and despite the mistakes that have been made, as the distinguished gentleman from Missouri (Mr. HALL) has said they were made for the same reasons all mistakes are made; on the basis of trial and error, trying to get the best that we can. The good minds that are behind this program building this aircraft are giving the best that they have. I think that is good enough to justify our continued support of the C–5A and defeat the amendment.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the distinguished minority whip gave us some good advice today. He said let us talk about some facts. I join the gentleman in that. I think it is time that we talk about facts and get over the emotionalism that has characterized very much of the debate here this afternoon. There are some very important facts connected with this C–5A. It is perhaps—well, there is no question about it—the most costly plane we have ever acquired. The overruns are far above average and we are not getting what we have expected in the three squadrons of 58 with reference to their cost and no one knows how much the next 23 will cost. We know how much we are authorizing in dollars, but we do not know how much it is going to cost. Every Member of this House who has followed this in the press and who has attempted to follow the confused information from the Pentagon, knows that you can select any one of a half dozen figures as to the cost per plane or the cost of the overrun.

Now, do we need the plane? I think it is an excellent plane. I think 58 of them probably fulfill our requirements at the moment and will do so for some years into the future, because this does not represent the totality of military aircraft available to this Nation.

Now, I am not talking about something I know nothing of. I have been here for 17 years, and I have been on the Committee on Interstate and Foreign Commerce for the past 13 years dealing with the problem of aviation. I know that we are having a whole new generation of aircraft, the 747's, the first delivery having been made to one of the major airlines, and that these are going to come off in increasing numbers and constitute an important part of the reserve fleet available to this Nation, and you can buy two of them, having about 50 percent more carrying capacity, for the same number of dollars, as you can the C–5A's.

I know the whole story, about how many wheels the thing has, and it will sit down in marshland, but I would be willing to wager that no one is going to be damned fool enough to set it down in marshland at a time when we might be depending on it. We will have the runways as we had the runways in World War II, and as we had the runways in Korea, and as we have them in Vietnam, and every one of you who has been out there, as I have, knows that we do have them.

Then we have the tremendous fleet of 707's, and the Douglas counterpart, and that fleet is not being fully utilized in civilian aviation. Any of you who travel by air—and I think most of you do—know that since the day before yesterday your fares went way up. They went up because our civilian fleet is operating at approximately 32 percent of capacity. So we have the airlift ability to meet the most urgent demands of this Nation.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I will yield to the gentleman from New York for a question.

Mr. STRATTON. Mr. Chairman, does the gentleman know how you could get a tank into a 747?

Mr. MOSS. I do not think that you are going to have to have 82 C–5A's full of tanks.

Mr. STRATTON. Well, the fact of the matter is, the C–5A is not to be compared to the 747. The C–5A has a roll-on roll-off capacity, which the 747 does not have.

Mr. MOSS. I do not yield further. I answered the gentleman's question. I do not yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. MOSS. Mr. Chairman, we have transported tanks in other aircraft, and we can transport them again, and the gentleman knows it. But I thought that the policy of this Nation was going to be one now of switching to a defensive posture. I did not think that the policy of the Nation was to continue to underwrite a world policeman's role and move into every troubled spot on the globe.

I think it has become the firm conviction of this administration as enunciated by the President that you cannot win a military victory in Vietnam, and if you cannot win it there, you cannot win it in a lot of other parts of the globe.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the point the gentleman from California (Mr. Moss) is missing is that this aircraft, the C–5A is uniquely adapted for a military purpose. The 747 is a very fine aircraft, and it has a tremendous capability, but the fact of the matter is that it was not built for military missions.

The basic purpose of the C–5A aircraft is to transport equipment as well as personnel to overseas spots where they may be needed. You can roll this equipment on and off the C–5A something you cannot do with a 747 or even a 707.

There are many Members of this House and of the other body who say we ought to bring our troops back quickly from Vietnam, and who say we ought to bring our troops back from other places too, like Europe. If we are going to do that, then we need the facilities to get back there if there should be a new emergency. If we cannot keep our troops in Europe, for example, if we cannot keep our equipment there, then we are going to need a vast airlift capability to move in quickly in case of a Soviet attack.

If you really want to establish an effective fortress America, and bring back many of our troops from Europe so as to make an appreciable dent in military budget, you are going to have to have this kind of aircraft. We need it to maintain our credibility and our deterrent power in Europe, as well as elsewhere in the world where we may have vital interests to protect.

Mr. EVANS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am most concerned with this decision that we are making because I am impressed with this aircraft. I am also very concerned about the difficulties that this aircraft has experienced.

I would like to address a question or two then to the sponsor of this amendment, the gentleman from New York (Mr. PIKE), if I could please.

If the gentleman's amendment is passed, would there be any funds left for the production and development of this aircraft in this coming fiscal year 1970?

Mr. PIKE. Yes, of course.

There is $34 million for research and development including flight tests.

There is $160 million for initial spares. There is $40 million for replenishment spares.

There is $225 million to cover previous years overruns which is for production of prior authorized aircraft.

We simply do not have the slightest conception of what this new aircraft is going to cost because under the formula of the contract, the cost of this new addition of aircraft depends on what the cost of the present aircraft is. We do not know what the cost of the present aircraft is because they are still having difficulties with the development of it. The more that the present authorized aircraft costs us, the more the new 23 aircraft are going to cost.

But there is $459 million in the bill for the C–5A's, even if my amendment passes.

Mr. EVANS of Colorado. If I may prevail upon the gentleman to ask one more question.

Assuming the gentleman's amendment was to fail and this money were in the bill for the construction of the additional 23 C–5A's. Could the gentleman tell the committee what his opinion is, from the hearings that he has attended, as to whether or not these 23 can be made in the next fiscal year and what period of time it would take them to construct these airplanes?

Mr. PIKE. I do not think anybody can answer that question at this time.

As I indicated yesterday, they had a test failure last week. It was not a great big test failure, but it was a serious test failure.

In July they had a wing problem. So they developed a fix for that wing problem. Last week the fix they had developed failed under a test at 83 percent of its designed load. Well, they said, it was not a valid test because they used bad equipment or material to test it with. It was their test—Lockheed's test. But they do not want to accept the results of their own test. They may be right, I do not know. But what we do know is that when they develop a "fix," every one of the aircraft which has been made so far is going to have to go back and to some degree have to be taken apart. There are 22 locations on each plane where they have to stick this fix in. Obviously, this is going to cause a delay and, obviously, it is going to cost an awful lot of money.

I do not say that Lockheed cannot fix them. Of course, they can fix them. But

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we do not have the slightest idea how long it is going to take and we do not have the slightest idea how much it is going to cost.

Mr. EVANS of Colorado. If I may ask the gentleman a further question and if he would give us the answer, if he knows the answer. Have we finished production of those aircraft which we have purchased at the present time?

Mr. PIKE. No, we will not finish the production of aircraft that we have already authorized money for until 1971.

Mr. EVANS of Colorado. In other words, money that has been authorized and appropriated and available for this aircraft as of this date will carry construction through 1971?

Mr. PIKE. Well, no—to be fair to the company—there comes a point in any aircraft procurement when you start stopping. The production line does not stop all at once. But they are 6 months behind schedule right now. They are going to get further behind schedule because of the difficulties that they are having. I honestly think we could delay this authorization another year without seriously turning down the production line of aircraft because of the fact that it is already behind schedule and because of the difficulties they are having.

Mr. EVANS of Colorado. I thank the gentleman very much.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I do not think that anyone in this Chamber disputes the fact that there has been an overrun. There has been an overrun in a number of various projects. A short time ago we discussed the Kennedy Center for the Performing Arts, and it was pointed out that percentagewise there was a much greater cost overrun there than we have in this particular area.

The cold, hard facts of life are simple. We are in a period of inflation. Where the manufacturer had projected production based on maybe 3 percent inflation, we have had 7 percent. But even the proponents of reducing the commitment to Lockheed acknowledge this fact without any question of doubt, the C–5A is the finest cargo aircraft ever developed. In fact, we will be able to transport cargo for the lowest cost per-ton-mile ever in the history of the world with this aircraft.

Heretofore, the C–141 held this record. With the C–5A we will be able to transport at a rate much lower than that. But even that is not the real reason for continuing the commitment on this aircraft, nor is the full employment of Lockheed. This is a concern to me because I recognize that even if the amendment were to succeed, production would continue for some period of time. But the very future of this Nation and our foreign policy very definitely can hinge upon the decision we make in this area.

Why do I make that statement? I say that simply because we appear to have engaged in a process of diminishing our bases overseas. We are in trouble in Libya right now. I do not know what is going to happen to our bases in Libya. Certainly in Vietnam the President has made very clear that in a relatively few years we will no longer have a presence in Vietnam. In the Peace Treaty with Japan we gave our written pledge that Okinawa would be returned to Japan. Hopefully, and I am assured of the fact, we will retain bases there. But I do not know for how long.

The point is simply this: the C–5A will give a mobility to foreign policy that we have never had before, because rather than just being able to transport men, as we could by utilizing our civilian fleet of aircraft—the 747, the 707, and so forth—we can now transport a complete military unit, including all the tanks and hardware. As our bases diminish overseas, we know that our foreign policy need not be ineffective or disastrous, so far as influence on world matters is concerned, if we have the mobility which the proper numbers of the C–5A aircraft can give us.

Let me emphasize the point that there is no other aircraft in the entire world that can do the job that this particular aircraft can do.

The gentleman from California (Mr. Moss) mentioned the fact that it has a number of wheels and can land in a marsh area. The C–5A's 28 wheels may not actually allow it to land in a marsh but it can land certainly in an unimproved cleared area. I do not know what is going to happen in Europe or throughout the world, whether we would have improved landing fields available or not. But the designers of this aircraft have so designed it that it can operate on unimproved cleared land. It can land in an unimproved cleared area and carry the greatest load that any aircraft has ever hauled and land in a distance shorter than the DC–9 uses.

I am not knowledgeable on the question of military plane needs or the needs of our country in this field. But I do place confidence in the Pentagon in trying to provide for the defense and protection of this country. The Pentagon has stated we need more than the 58 aircraft, and I am willing to stand behind those who have the full facts and support them because I feel, just as the gentleman from Georgia, the Dean of our delegation, has pointed out, this aircraft will in effect end up saving money because if we do reduce our bases overseas, we will still have mobility without a negative effect on foreign affairs.

Mr. RIVERS: Mr. Chairman, I wonder if we could agree on a time to vote on all amendments thereto end at a quarter to 5.

Mr. ARENDS. Mr. Chairman, reserving the right to object, will the gentleman repeat his request?

Mr. RIVERS. I would propose that debate continue for 15 minutes longer, until a quarter to 5.

Mr. Chairman, I ask unanimous consent that debate on the amendment and all amendments thereto end at a quarter to 5.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. DAVIS of Georgia. Mr. Chairman, reserving the right to object, I would like to point out that the C–5A is manufactured in my district, and, since that is so, I would like to deliver the remarks that I have prepared on the subject.

Several Members have been recognized and the airplane is not made in their districts.

The CHAIRMAN. Does the gentleman from Georgia object to the unanimous-consent request?

Mr. DAVIS of Georgia. I do, for the time being.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, I want the gentleman from Georgia to be recognized for his 5 minutes.

Mr. Chairman, I ask unanimous consent that after the gentleman from Georgia has concluded his statement, the committee conclude debate on this amendment and all amendments thereto within 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. Davis).

Mr. DAVIS of Georgia. Mr. Chairman, I thank the Chairman, and I thank the chairman of the committee, the gentleman from South Carolina (Mr. Rivers).

I will not use my 5 minutes, but at the outset of my few remarks, I do want the Committee not to misunderstand the fact that I do represent the district in which this airplane is made. We have 28,000 employees there, most of whom reside in my district.

Mr. Chairman, I would like to associate myself with the remarks of my colleagues in opposition to this amendment.

Also I would like to point out this airplane represents a new conquest in the ocean of space. I am convinced from my conferences with the engineers and with Lockheed Aircraft Corp. and with other people that we will wind up with a method of transporation that actually will be more economical than water transportation, if we figure in the time element, because, of course, while water transportation is cheaper, it is also a great consumer of time.

Based on the studies I am familiar with—and I ask you to accept my word for it—we are going to conquer the ocean of air in a more economical way than we have conquered the ocean of water or than we have conquered land transportation.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, it is so very easy to put out figures that the layman does not comprehend. As the gentleman knows, these tests referred to are static tests conducted in a laboratory on the ground. The manufacturer wants to be sure his planes are going to work. He wants to get 150 percent safety on this plane, and it got up to 83 percent of capacity. Listen to what this plane has done in the air. It is not a failure. It is a great success. The C–5A aircraft itself

weighs 320,000 pounds. As part of its programed testing at Edwards Air Force Base, a C–5A lifted off at 790,000 pounds. In essence, the airplane lifted 470,000 pounds in addition to lifting itself. This represents lifting of 247 percent of its own weight.

This is a world's record. This plane is no failure. There is nothing to compare with it since man took to the air down at Kitty Hawk, N.C.

The gentleman knows what he is talking about. This is a great company. They want to be sure it will work. Believe me, it will work. We will be the only nation on earth to have anything like this for airlift logistics or any type of mobility.

This is no pipe dream. It is a fact of life. Our committee has gone into this thing. We know something about airplanes too. This plane has 28 wheels on it. It can land in a crosswind with the wind blowing against it, and it can land sideways. There is nothing in the world like it. We are not selling you a bag of bones. The gentleman is correct.

Mr. DAVIS of Georgia. May I endorse every remark the chairman of the committee just made.

Mr. Chairman, I want the Members to know that this is the biggest airplane in the world, the biggest in the world. Russia has nothing to compete with it. No other nation in the world does. And it is adaptable to civilian uses. It is conquering the air.

Throughout the months of various congressional hearings on the C–5A, and in view of the newspaper stories that have followed these hearings, there has occurred a greater distortion of public information than any I have ever witnessed in my years in Congress. The distortions, half-truths, and gross inaccuracies culminated in the introduction, both in the other body and now in this body, of amendments that would delete authorization for those C–5's that constitute the fourth squadron of aircraft.

The central issue, of course, is whether the United States needs the additional 23 C–5A's which are included in the committee bill but which are sought to be deleted by the amendment offered by my distinguished colleague, the gentleman from New York (Mr. Pike). On the question of need, the Armed Services Committee has ample testimony and information from the military to defend the requirement for these additional 23 C–5A's. I support strongly the committee views on this central question of need.

However, as the representative of the district in which C–5's are built and where over 28,000 men and women are employed in their production, there is another aspect of this subject I wish to discuss.

The proponents of this amendment have said that "a final decision on whether to go ahead with the added 23 aircraft can be deferred." Previously they had talked about a "1-year moratorium" on C–5 production. In the other body the sponsor of a companion amendment was a bit franker. He said his amendment was necessary in order to "put the Air Force in the driver's seat" in its negotiations with Lockheed for amendments to the C–5 contract.

I shall not presume to stand before this Committee and say that I am familiar with all the details of the contract between the U.S. Government and the Lockheed Aircraft Corp. But I will say that I have been a member of the bar since 1939 and have practiced law from every position in the courtroom, including that of having been a superior court judge. To me, it is unthinkable that the Government is immune from the solemn obligations of a contract and that persons who enter into agreements with the Government must run the risk of whimsical abrogation when a few members of our Military Establishment take sudden flight at the behest of a tiny minority of members of this Committee.

The Air Force and Lockheed are negotiating changes in the C–5 contract which are desired by the Government. I would dislike very much for the U.S. Congress to enter into those negotiations, as this amendment would have us do, so as to put the Government in the driver's seat.

This would mean that the Government has abrogated unto itself the power to disavow the terms of a solemn obligation and to wreak havoc with the plans of the management and employees of a major company which has in good faith engaged its personnel in the protection of our national security and which had a right, peculiar to free countries, to rely on its covenant with our Government.

The amendment's proponents also propose to abrogate the repricing clause in the C–5 contract. In this respect, it should be remembered that extensive testimony on this clause was made both by the Government and the contractor before the Armed Services Committee.

In this testimony, it was explained that this clause was not a "special agreement for Lockheed" as it was called by a Washington Post reporter. Nor was it a "golden handshake" with all the implications that go with that phrase. Instead, it was a contract clause offered to all three competitors in the 1965 competition for the C–5, and was designed to avoid catastrophic losses for the winning contractor, in the event unforeseen cost increases were to occur.

Lockheed testified that it could not have signed the contract without such a clause—the risk would have been too great. Now it is proposed that this contract clause be abrogated by the Government—that the Government should fail to live up to its agreement with Lockheed.

But what is the ultimate aim of this amendment? We already have heard voluminous testimony before the Armed Services Committee that Lockheed cannot make any profit on the C–5 contract and might lose $200, $300 million on it. And that is on the basis of the present terms of the contract. Does the amendment seek to go further than that, and put the Air Force into the driver's seat so far that Lockheed is driven into bankruptcy?

This, of course, would put the Congress in the position of punishing the Nation's most efficient and dependable defense contractor and cause layoffs of 20,000 of Lockheed's employees and layoffs of 20,000 more employees of subcontractors and suppliers. Even more importantly, it would put us in the position of denying the Air Force a badly needed logistics support program that is designed to help our fighting men, who depend so much on the supplies and equipment that would be carried by the C–5.

Again I say that this last point—the need for these aircraft—should be not only the central issue, but the only issue in this debate. All of the members of the committee who have been victimized by misinformation on this procurement question, I submit—without meaning to impugn the motives of anyone—are, in the words of the late minority leader of the other body, simply leading us down the road to defeat.

Mr. HAGAN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to my colleague from Georgia.

Mr. HAGAN. Mr. Chairman, I would like to briefly discuss the C–5A program and why I consider it essential that we proceed in an orderly manner to procure additional C–5 aircraft.

The C–5A program has been under examination for quite some time. All aspects of the program have been examined by our distinguished colleagues in the Senate and by us. The results of this investigation have produced supporters of the program and those who oppose spending any more money for additional aircraft. Today, I would like to say a few words in support of the program.

In carrying out our national commitments, a rapid response to regional contingencies is vital. The capability to provide this response with effective U.S. forces reduces the risk of localized crises and threatened aggression expanding into major conflicts. Rapid deployment of effective forces, of course, may require the capability to airlift necessary ground combat troops and their equipments.

During the late 1950's and early 1960's, the slow, range-limited C–124 was the major aircraft that provided this capability. However, this airplane and the other propeller-driven cargo aircraft can no longer provide the deployment mobility required by our commitments. In 1961, foreseeing the unavoidable retirement of our propeller aircraft, the Air Force proposed a large, fast aircraft designed to carry all of the large items of equipment of an Army division. This aircraft, the C–5A, was designed to be complementary to the C–141 which was developed as the first step in improving our airlift force.

In recent statements in this Chamber and in the Senate we have been reminded of our existing collective defense agreements with some 45 or 50 different countries around the world. These commitments and the overseas force we maintain to support them are subjects of substantial controversy. Congressional critics have said that "our overseas establishment which consists of 1.45 million troops, 500,000 dependents, and 250,000 foreign employees on 429 major and 2,980 minor bases is excessive." The senior Senator from Missouri stated in the Senate that these overseas establish-

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ments could be reduced by creating a "remote presence."

Now I do not want to discuss the pros and cons of "remote presence" nor do I want to delve into the various facets of our foreign commitments. I just want to make the point that either continuing our present overseas forces the way they are now or establishing a "remote presence" requires an improvement in our airlift capability. The C–5 is the only way to satisfy the requirement for effective, rapid responses in the event of aggression in the various treaty areas. The Boeing 747 and other civilian aircraft will be able to assist in solving the airlift problem, but these will not be able to operate into and from unimproved fields, carry outsize cargo, nor to function in an air drop role.

We have had considerable discussion about the number of airlift aircraft, including the C–5, needed to achieve our airlift objectives. Obviously, a great number of variables are involved in making this determination including the number of Army divisions to be deployed, the number of contingencies that have to be dealt with, and many others. From hearing these discussions, it is clear to me that the number of C–5 aircraft needed depends on our intentions to meet our treaty commitments and a judgment as to the military force these commitments would require. Our professional experts in determining required force levels, the Joint Chiefs of Staff, continually evaluate these variables. They have consistently stated a need for more than three squadrons of C–5's.

If the funds for the C–5 for fiscal year 1970 are not approved, the minimum impact would be a delay of several months in the procurement of additional aircraft, and in view of the increased costs caused by any delay, it could possibly result in termination of the program. It is estimated that a 1 year funding delay would increase the costs of the full-scale 120-aircraft program by $400 to $575 million with a 1½-year delay in the delivery of the first additional aircraft. Even with only a 3-month delay, it is estimated costs would increase by $135 to $175 million.

Mr. Chairman, we cannot afford any delay or a chance of terminating this vital program. If we are to meet our commitments, the procurement of additional C–5's is imperative. I request all of you to support the authorization bill as written.

The CHAIRMAN. Under the unanimous-consent agreement. Members will be recognized for 1¼ minutes each for debate.

The Chair recognizes the gentleman from Pennsylvania (Mr. Moorhead).

(By unanimous consent, Mr. Leggett yielded his time to Mr. Moorhead.)

Mr. MOORHEAD. Mr. Chairman, the case against the C–5A procurement is probably the best documented of any system within the authorization bill currently before the House. Beginning almost a year ago, the Joint Economic Committee, on which I serve, determined that these mammoth airplanes were going to cost the American taxpayers almost $2 billion more than the original estimate. It is clear that—

First. The Air Force entered into a contract that was poorly conceived and which did not protect the taxpayers' interest, but even worse that—

Second. The Air Force purposefully withheld knowledge of the exorbitant overruns that were occurring—from Congress and from the public to protect itself against criticism which may be understandable but also to protect the position of Lockheed in the common stock market.

That, Mr. Chairman, is not the function of Air Force officials.

Furthermore, we are now told by the Air Force that costs will escalate even more, but they refuse to say how much.

With this long history of deceit and purposeful misleading of both bodies of the Congress and the public, I am more than a little dubious about one aspect of the C–5A airplane that has not been addressed adequately either here in the House or in the Senate—its performance. We have been furnished with glowing reports by the Air Force and other advocates of the plane including many members from Georgia which indicate that despite its cost it is a fine airplane. But is it? Do you know? I certainly do not.

It failed its recent wing strength test.

We do know that the weight has been increased, full flap speed changed, and the landing sink rate decreased. There have been 46 design and performance changes—but the Air Force tells us that it will meet or exceed all specifications. We also know that the performance has been degraded so that its takeoff weight from unimproved runways has been decreased by 100,000 pounds. This means that it must carry less cargo or fuel for its return trip. However, there have been some 789 specification changes.

My question, Mr. Chairman, is: Will the plane meet the specifications or will the specifications meet the plane? What is going on? I have been trying to find out for 4 months. In June an Air Force witness promised to supply information relating to contract changes as they affect performance for the record of hearings by the Subcommittee on Economy in Government. That record is still open today. As recently as last week, I again attempted to obtain this information. The Air Force has systematically avoided responding to my requests. Why should they avoid responding? It is not a question of security classification. It is not a question of time—they have had almost 4 months to reply. In view of their past practice of withholding "bad news" from the Congress, I am becoming more and more suspicious all the time that we may end up with a plane that does indeed fly—but one which must be flown so gingerly that it will be of little utility to us under the stringent military conditions we are expecting it to operate. Why else would they refuse to supply this information?

It would be the height of irony if we were to end up with a complete fiasco on this program—a fantastically priced plane that barely works and which we do not really need. Let us not compound the error. Let us support the Pike amendment to delete funds for acquiring the fourth squadron of C–5A airplanes.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Pucinski).

Mr. PUCINSKI. Mr. Chairman, it is difficult to try to second guess the Armed Services Committee. It is obvious they are all experts in their field. They have done their homework well.

One does not quite know where the facts lie, because both sides are compelling in their arguments.

But I should like to point out to the House that the expenditures in this budget are based on an estimate of revenue made by the Bureau of the Budget and the Treasury Department a year ago, when they anticipated a $5.5 billion surplus for 1969. When we consider that we have lost $100 billion in value in the stock market so far this year, and Members have talked to building contractors in the last 2 days and know what has happened in that industry, and we know the auto industry this year is cutting back its production runs because of a slowdown in orders for 1970, there is a good possibility some $15 billion to $20 billion of revenue that had been anticipated in 1969 will never materialize.

I believe the Members ought to take that into consideration as they debate these amendments.

I supported the ABM because I believe it is absolutely necessary to our defense but I believe there is merit in all the other amendments to reduce the budget.

I believe the House should be advised this budget will lead to a substantial normal deficit for fiscal 1970 if we do not trim sail. Obviously, I shall have to vote for this bill in final passage but I do believe we ought to substantially reduce the unnecessary expenditures.

I intend to offer an amendment later if I am recognized which would provide this authorization shall be reduced by 10 percent of any debt we might have in anticipated revenues for 1969. It is obvious we must do everything possible to keep expenditures down. And I shall continue supporting amendments which will reduce this tremendous expenditure.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. Dickinson).

Mr. DICKINSON. Mr. Chairman, I wonder if I may have the attention of the proponent of this amendment to answer a question.

Mr. Chairman, I believe everyone is pretty well familiar with the fact that contracts are entered into under a penalty provision. Whoever breaches the contract usually suffers a penalty.

If, for instance, Lockheed should fail to perform, they are subject to certain penalties each day for this failure. We have talked about what it will cost and what it is costing, but how much more will it cost the United States. That is one question. First of all, are we obligated, if your amendment prevails, to purchase them?

Mr. PIKE. If I understand the gentleman's question correctly, I would answer this way: We have already gone over the penalty figure for delay that Lockheed was responsible for, and all of the additional failures are chargeable to the taxpayers of America.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Pike).

Mr. PIKE. I will be happy to yield further to the gentleman from Alabama.

Mr. DICKINSON. I appreciate the gentleman yielding, because I do not think I understand you and, if I did understand you, I do not agree with you. If I understand the situation correctly—and I heard the testimony just as you did—if we do this and correct this contract as we are supposed to do by your amendment——

Mr. PIKE. No, no. I hope they are not building the aircraft that we have not yet authorized, because, if they are, then there is something really wrong with our operation.

Mr. DICKINSON. Let me say to the gentleman, is there not an opinion by many that we are already obligated to purchase these planes? Are we not obligated?

Mr. PIKE. The Air Force said specifically that they did tell Lockheed they would do it subject to the action of the Congress, and that is what we are here for today.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Bray).

Mr. BRAY. Mr. Chairman, something was said about experts on airplanes. I am certainly not one, although I have been on every subcommittee that was set up dealing with airlift that has been formed by the Committee on Armed Services, and I have been for many years the ranking minority member of the Air Lift Subcommittee. There was a great need for a plane like the C–5A. There is no question about that. Nothing like it has ever been produced before. Congress has nothing to do with making the contracts. We do need this plane badly and we need it even worse today than we did before. There has been an enormous amount of money spent on the C–5A. I am not at this time going to go into the argument as to the reasons for these costs, but I say it is a condition and not a theory that confronts us here today. It is the finest plane in the world for its purpose and no other nation has one that even approaches it. Most of the expense has already been incurred, and if we stop it today we will wreck something that we need.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. Montgomery).

Mr. MONTGOMERY. Mr. Chairman, the Air Force made a flat statement that the military cargo planes are needed. Our own Armed Services Committee said we need it. The C–5A seems to be the answer. You know you cannot compare the Boeing 747 with the C–5A. The 747 is mainly a passenger plane. Of the 200 Boeing 747's ordered only three will be converted to cargo hauling. The C–5A can land on 1,300 runways around the world whereas the 747 can land on only 300 runways around the globe.

Mr. Chairman, I hope this amendment will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Chairman, on the question of the funds in this bill for the C–5A, I would like to make comments on the issues that have been raised.

It is said: "The Department of Defense has not justified the military necessity for the 4th squadron—planes 59 to 81—of C–5A aircraft."

ANSWER

The presently programed force of 6 C–5A squadrons was decided upon as a result of a series of studies in the early 1960's and culminated in a joint Army-Air Force study in 1964 known as "Airtrans 70's." This study analyzed the force closure times achievable with several alternatives airlift forces, based on the total military forces then planned for deployment under several potential contingency situations.

The study concluded that the closure times achievable justified an airlift force of at least 13 squadrons of C–141's and six squadrons of outsize transport aircraft.

The critical time in any deployment situation is the first several weeks. Sealift offers little help during this early time unless it is pre-positioned under a concept similar to that intended for the fast deployment logistic ships. However, in view of the lack of support for the FDL program by the Congress, it is unlikely that the United States will have that sealift capability to meet the initial requirements for a military deployment. Without that sealift capability, it is highly possible that the requirement for C–5A's will increase rather than decrease.

The requirements for strategic airlift including the C–5A are reviewed and approved annually by the Joint Chiefs of Staff as well as the Office of the Secretary of Defense.

ISSUE NO. 2

During the Senate debate it was stated that the C–5A would provide a "remote presence" capability. That is, we could bring our boys home from foreign bases and only deploy them when required. This did not establish the need for additional airplanes for the following reasons:

It was not established that we do not already have this capability with our existing airlift capability of C–5A's already under contract, and C–141's. Senator Symington who enunciated this "remote presence" admitted this when he stated "Without benefit of a detailed analysis of the logistics problems involved, it is not possible to make an exact quantitative estimate of the effect of this revised threat scenario on U.S. heavy airlift requirements."

Additionally, the C–5A is not designed as a troop carrying plane. Its purpose is to carry the outsized equipment for an armed division in the first few days of an emergency. For troops or for longer periods of time, other planes and ships are as efficient and less costly.

ANSWER

In meeting a contingency requiring U.S. troops, we must either have our forces on the scene or capable of deploying them to the scene in the shortest amount of time to prevent the emergency situation from expanding beyond control.

It is more costly to keep our forces overseas in the hopes of preventing crises than it would be to keep a major portion in the United States and deploy them rapidly as needed when emergency situations arise.

The C–5A is designed to carry approximately 99 percent of the heavy equipment of an Army division on the main cargo deck. Simultaneously on the upper deck the C–5A accommodates up to 83 drivers, troops, or support personnel. The balance of the troops and lighter equipment and cargo are carried in the C–141's and in the commercial aircraft of the Civil Reserve Air Fleet that are under contract.

As previously stated, the critical time for any deployment is the first several weeks. During this time MSTS vessels and notional ships cannot deliver from the United States to an overseas destination.

ISSUE NO. 3—COST OF THE C–5A AIRPLANE

It is said: First. The C–5A is a tremendously expensive airplane. Including amortized development costs, the plane has increased in cost from $28 million apiece to approximately $43.4 million apiece. This is almost double the cost of the 747 jumbo jet which is approximately the same size.

Second. These cost increases mean that the total program will cost about $2 billion more than the Air Force originally said it would.

ANSWER

General Accounting Office witnesses testified before the committee that it looked like the overrun on the 115 aircraft that are now under contract with Lockheed will be $1.3 billion.

The General Accounting Office also estimated the cost per airplane would be $38 million for the first 58, or through run A, and $30.2 million per aircraft for the 57 airplanes in run B. This is not almost double the cost of the 747 jumbo jet.

The Boeing 747 is comparable in overall size to the C–5A and was designed for commercial airlines primarily to carry as many passengers as possible. According to the Air Force, it is not an acceptable substitute to perform the missions planned for the C–5A. Although the 747 has a large cargo floor area, its irregularly shaped cargo door has a clear rectangular opening smaller than the cargo door of the C–141. Thus the 747 can not carry the outsize cargo for which the C–5A was designed. The main cargo deck of the 747 is over 16 feet off of the ground so that the aircraft can be loaded or unloaded only at airfields where special loading equipment has been located in advance. Also, as presently designed, the 747 is intended principally to move containers of cargo, while the military requirement involves the movement of substantial quantities of vehicles. The floor of the 747 is not stressed to carry heavy tanks, bridge launchers, cranes or other very heavy combat equipment. Finally, the 747 is not designed for operation on semi-prepared, short runways, for air dropping cargo, or for formation flying.

ISSUE NO. 4—AIR FORCE MANAGEMENT OF THE C–5A PROGRAM

It is said:

First. The Air Force has systematically refused to make public the facts about

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the C–5A and has misled the Congress about the costs and the nature of the C–5A contract.

Second. The last Air Force cost estimate is almost 1 year old, and despite the huge cost overrun, and the fact that the Air Force admits that there will be further cost increases, the Air Force has failed to bring their cost estimate up to date.

Third. The Air Force entered into a contract with Lockheed that clearly does not protect the taxpayer's interests. It contains a reverse incentive in the so-called repricing formula, whereby Lockheed will be paid back more than 1 dollar on run B airplanes, for each dollar they overrun on run A.

ANSWER

The System Project Office—SPO—reporting to higher Air Force headquarters has been accomplished in an extensive, detailed, periodic, and timely manner. Review of minutes of the Designated Systems Management Group—DSMG—consisting of the Secretary of the Air Force, the Chief of Staff, and their immediate staff meeting held throughout the period 1966–69 have revealed no withholding of known cost or performance problems by the System Project Office. Known cost growth estimates were reported to higher echelon at all times and as early as 1966 potential cost growth was discussed at the Designated Systems Management Group meeting. All official Air Force congressional testimony has been researched during this same period. Again, all cost and technical data known at the time of testimony was disclosed. However, this research did reveal that the context in which these figures were given varied.

The most critical period in this respect was found to be the May–June period. In March, testimony was given to the House Appropriations Committee to the effect that Air Force estimated an overrun of about $250 million. The May 1968 cost study revealed for the first time that Lockheed costs might be running over contract ceiling. In June, after a detailed review of the May estimates, top Air Force and Department of Defense management decided to make a bottoms up estimate to confirm the May study results. The decision was also made to reflect the May estimates only in the selected acquisition reports—SAR's—and program change requests—PCR's—to OSD until the sudden rise in costs could be absolutely confirmed.

It was also decided that no other internal reports would reflect these costs until confirmed. Two specific Air Force reports were involved—the contract summary report and the USAF cost performance report. The contract summary report had actually not reflected an overrun since the first report of February 2, 1966, due to the System Project Office interpretation that the overrun related to overceiling costs. The reports submited from May through December 31, 1968, did not reflect an overrun in accordance with the June decision to treat the estimates as tentative pending confirmation by the new bottoms up estimate. The USAF cost performance reports during the period May 1, 1968, through December 29, were not updated to reflect the May estimates—no reports were submitted during the periods of July 1 through August 31 and November 4 through December 29. In addition, since the headquarters USAF management summary is based on these reports, it also did not reflect the latest cost estimates during this period. The reports for January 1969 all reflected the latest cost estimates.

It is at this juncture that the Air Force management judgment could be questioned by someone outside DOD not knowing all the considerations that went into the decision to wait until the bottoms up cost study was completed. These considerations were that: First, the May cost estimate resulted from extremely preliminary data; second, Lockheed contested its accuracy; third, potential inequity which this preliminary data, if made public, might have on Lockheed's overall financial health.

It is pertinent to point out that there were no procedural or policy requirements in the Department of Defense or Air Force that called any further disclosure of the May cost estimate. Then current procedures required only that reprograming actions of the current fiscal year be reported—not changes in total program estimates, and that program status normally be provided Congress during budget hearings or on request of the committees.

To proceed, the "bottoms up" cost estimate was completed and reflected in the September 30 Selected Acquisition Report—SAR. This reflected an even greater total program estimate—$4.3 billion.

Again, Department of Defense procedures did not require disclosure of this estimate. Providing no reprograming action was required, the next logical point would be to reflect the $4.3 billion in connection with the fiscal year 1970 budget—to be presented in early 1969. However, the C–5A came up in other congressional proceedings in November and, of course, the Air Force then acknowledged the increases, and subsequent detailed discussions were held with Armed Services and Appropriations Committee staffs.

One thing is clear, neither the Air Force nor the Department of Defense withheld requested data on costs to the Government for the C–5A from Congress. Cost data was reported internally within OSD at top management levels but, under the existing agreed upon procedures, was not automatically reported to the Congress. The information would have been, and was, furnished when requested. There is certainly room for disagreement between reasonable people as to whether additional data should have been voluntarily offered to Congress.

Continuing issue No. 4, it is said: Air Force failed to bring cost estimates up to date.

ANSWER

More accurate assessments of cost increases will be available as production progresses. The magnitude of the overrun cannot be established with absolute certainty however until 1971 when all actual costs through production run A are known and agreed to between the contractors and the Government.

Continuing issue No. 4, it is said: "The Air Force entered into a contract with Lockheed that clearly does not protect the taxpayer's interests. It contains a reverse incentive in the so-called repricing formula, whereby Lockheed will be paid back more than one dollar on run B airplanes, for each dollar they overrun on run A."

ANSWER

The repricing formula was made part of the contract to preclude catastrophic loss if unknown risks, such as those which actually materialized, increased the cost of the C–5A beyond the range of foreseeable risk. This formula was developed in recognition of the fact that, as the time of the Request for Proposals, bidders were committing themselves to operational aircraft prior to their development and covering a long span of time.

Price adjustments resulting from the application of the repricing formula were not intended to turn a loss into a profit, and, in fact, do not. The clause was in the model contract to which all competitors bid and signed their contract before one was selected. Hence, it was not a special afterthought designed to protect Lockheed. It has been determined that, under a selected set of conditions, not fully understood at the time the contract was written, the price adjustment provisions of the contract can result in a "reverse incentive." A point can be reached where, for each additional dollar of cost occurring in the production of run A aircraft, the result is an increase in total contract target and ceiling of more than a dollar. This potential could encourage a contractor to add costs to run A so as to reduce his overall loss on both the run A and the run B production.

The provisions of the price adjustment clause are both vague and ambiguous as regards implementation. The clause is vague as to the technique of applying the multiplier factors of 1.5 and 2. It is vague with respect to the relationship of abnormal economic fluctuation to the repricing formula. There is no specific language to indicate if the formula's denominator—target cost—is all run A target costs or just run A target costs for those Materiel Procurement Codes in the numerator—actual costs. In addition, it does not address the question of whether the provision goes into effect when any portion of run B option is exercised. Based on the latest Air Force estimate of cost to complete, the contractor's net loss position could vary from $56 million to $285 million depending on how this ambiguity is resolved.

In summary, a recent Air Force review conducted by Assistant Secretary Whittaker found that this provision was well intentioned but poorly structured, and not fully comprehended at the time of award. In operation, it is beset with ambiguities, complicating its implementation and raising the prospect of a reverse incentive. The amount of reverse incentive and the point of its effectivity—the number of run B airplanes—depends upon resolution of all of the aforementioned. The supplemental agreement for

option B aircraft and engines limited the Government's obligation to funds for 99 more engines and for only the long leadtime material for the run B aircraft. This was done to avoid exceeding statutory authority regarding obligations.

No reverse incentive exists with the 23 aircraft being requested for fiscal year 1970. The Air Force is negotiating with Lockheed to eliminate the possibility of a reverse incentive, before more than the 23 fiscal year 1970 run B aircraft are procured.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I support the amendment to delete $481 million for procurement of 23 additional C–5A's pending a cost review by the Comptroller General.

There have been 58 C–5A's, three squadrons, authorized by Congress. This request for a fourth squadron at a cost of $481 million does not seem necessary at this time. Studies made by the Systems Analysis Group of the Department of Defense have challenged the military and economic necessity of 23 additional planes. Although the Secretary of Defense overruled the opinion voiced in these studies, he has not provided Members of Congress with justification for the additional planes.

Even if a fourth squadron of 23 planes could be justified, this amendment would not hamper production schedules since they are already 6 months behind. Further delays are expected. Delivery is not planned until fiscal year 1972.

The C–5A program has been an extremely costly one. There have been numerous technical problems such as the failure of the wing spars. Only the Lockheed Corp. has benefited from the program. A repricing clause in the contract has made it quite profitable for Lockheed, but a fiscal disaster for the Government.

The Government has already had to pay at least $1.3 billion more than the original estimate for research and development of the first three squadrons; and the cost overruns are expected to reach $2 billion.

Delaying the decision will allow for a cost-benefit analysis, and will give the Government the ability to negotiate with Lockheed, instead of being forced to be victim to the repricing clause of the present contract.

The amendment is a sound amendment. Its adoption will signal the intent of Congress to exercise some measure of control over military procurement contracts.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS) to close debate.

Mr. RIVERS. Mr. Chairman, now that the figure of $2 billion has been bandied around here by some of the opponents of this bill, we asked the GAO about it and they said it would be $1.3 billion.

The Air Force says it will be $1.4 billion.

Mr. Chairman, as everyone knows there are overruns on everything. I told you yesterday that there are overruns. Overruns are no mortal sin. We have got to have this thing whether or not there are overruns. We are watching it. We have the GAO on it. We did not tell former Secretary of Defense McNamara to go out here and make a total package concept. We had nothing to do with that.

President Nixon now has a milestone concept and at regular intervals of about every 6 months he is advised as to the cost of these things.

But, if you are going to fight somebody, fight the former Secretary of Defense. We are trying to do something about it. If you terminate this thing now, listen to me, the Air Force says it wil cost between $400 million and $500 million to get started again. They have got to have these planes. We cannot get rid of this plane.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired.

The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PIKE and Mr. RIVERS.

The committee divided, and the tellers reported that there were—ayes 60, noes 136.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATTA: On page 2, line 20, strike out the period and substitute a semicolon and add the following: "*Provided*, That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault Vehicles (M–551) under any new or additional contract."

Mr. LATTA. Mr. Chairman, I discussed this amendment before the Committee on Rules on Tuesday. I have since discussed it with the Chairman of the Armed Services Committee, and I have discussed it with the ranking Republican member of that committee, and they are in agreement with it.

Mr. Chairman, I want to commend the committee for accepting this amendment and recognizing in this bill that this Sheridan tank has not only been a costly failure but according to reports, it constitutes a safety hazard for its occupants. It is, therefore, time to bring the program to a halt. Believe it or not, $1 billion of taxpayer's money has been expended on this unworthable tank since 1959 and some army people still want to continue it.

By adopting my amendment there would be no further contracts entered into for these Sheridan tanks, or better known as Sheridan assault vehicles, after the present contract expires.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I will be happy to yield, but first let me point out to the gentleman from New York that I do not believe I have ever read a more comprehensive report on any given subject than the one that the gentleman and his subcommittee prepared on this subject and I commend him for it.

Mr. STRATTON. I certainly appreciate the gentleman's very generous words.

I was not quite clear on listening to the gentleman's amendment whether his amendment would alter the bill to the extent that we are funding those tanks which would represent completion of the original contract which was signed back in 1964.

The committee felt, after examining the situation, that to terminate this contract short of the remaining number of vehicles—and I have forgotten the exact number, but I think it is 20 or something like that—we would actually run into more expense, with increased costs. I do not know whether the gentleman is trying to prevent us completing that.

Mr. LATTA. No, I am not attempting to do that. I agree with the gentleman's finding in his report that it would probably cost more money to terminate the present contract than to permit them to fulfill what remains of it.

By reason of that fact, my amendment does not terminate the present contract but says none of the funds authorized herein shall be utilized for the procurement of them under any new or additional contract.

Mr. STRATTON. I appreciate the gentleman's explanation.

Mr. LATTA. I want to make it clear, however, that we want no more of these tanks.

Mr. STRATTON. I think I am in complete agreement with the gentleman.

Mr. RIVERS. Mr. Chairman, I do not see how I can oppose this amendment, and so far as I am concerned, I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows·

Amendment offered by Mr. LEGGETT: On page 2, line 4, strike out "$4,002,200,000" and insert "$3,962,200,000".

On page 2, line 8, strike out "$1,466,400,000" and insert "$1,466,000".

The CHAIRMAN. The gentleman from California (Mr. LEGGETT) is recognized.

Mr. LEGGETT. Mr. Chairman, this may be the last amendment to the hardware items in this bill. This is your last opportunity to register a vote for economy, if you are so inclined. If you are inclined to err ad infinitum on behalf of safety, why then shout this amendment down.

I want to tell you in spite of how it may appear on the floor here that some of we dissidents from the committee might lay bare our defenses; certainly that is not true.

We are recorded by not making our objection in this bill for the F–14 aircraft, the F-15 aircraft, the VSX aircraft, the EC–3A aircraft, for the SAM–D and I could go on and list another 50

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programs that we have approved up to this point and that we are going to approve.

So we are not nitpicking and we are not singling out every single item in the bill to object to.

But with the SRAM particularly, that program appealed to us for curtailment. It appealed to the Department of Defense for curtailment because this year they cut out of that program $326 million out of the development costs. They are not totally terminating the program. They would leave in the bill on the order of 84 million for research and development and $40 million for SRAM modification of the B-52. Twenty million dollars for the development of the SRAM missile itself. The SRAM is defined in the Air Force Space Digest as a short-range supersonic air-to-ground launch and standoff attack missile.

It is going to replace the Hound Dog missile but it is supersonic. It is nuclear and it is expensive. I say, if it is the will of this House to impose some limitations on the unreasonable expenditures of contractors, then I say, this is the place to go ahead and include some discipline. As I note in my remarks, at page 172 of the report, in this one contract alone we thought it would cost us, about three years ago, $161 million to develop this program with the great company of Boeing. They have been doing other things, but I guess they have not been able to zero-in on just exactly what we are doing here, because their development costs now are $314 million, a 94-percent overrun, a greater percentage overrun than we have any place in the Department of Defense or the Department of the Air Force.

The cause of it, as has been explained in the report, is the fact that this is in part a program in which we need to work with the Atomic Energy Commission to develop nuclear warheads. It so happened, over in the AEC section, they developed a warhead that was an inch out of kilter with the balance of the missile. This seems totally impossible in this day and age when we can put a man on the moon within a half minute of the time we prognosticate. But that is what they did with this program.

We were supposed to have a flying air-to-ground supersonic nuclear missile tested in February of this year. The tests did not come off because the program did not jell. It was not until July of this year that we finally got the solid-propellant engine in this missile to reignite in flight but the missile still missed its target.

I would say another thing. This missile is supposed to be developed in the early seventies so that it can attach to the B-52. The B-52, according to other sections of the majority report is scheduled to be phased out in the mid-seventies—so how long will the system be useful?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. I object.

The CHAIRMAN. Objection is heard.

Mr. FISHER. Mr. Chairman, I move to strike the last word. I shall not consume the time allotted to me, because I feel the Members would like to hear the gentleman from Washington (Mr. Hicks) when he addresses himself to this subject. I know he is knowledgeable about it, and I know he has some very strong views.

Mr. Chairman, this amendment should be defeated. As you can readily determine by turning to page 74 of the committee report, authorization for the further R. & D. and early production of the short range attack missile—SRAM—is of the highest urgency. It will fill a vacuum in our family of missiles. SRAM missiles will provide our deterrent force with greatly increased capabilities to penetrate terminal defenses and present a variety of threats for the enemy to worry about. The range is about 350 miles.

Early deployment of the SRAM will produce three distinct cost advantages. The useful life of the B-52 can be extended into the mid-1970's, thereby reducing the need for their earlier replacement. It will permit a leveling off of FB-111 aircraft. And it will be needed for the advanced manned strategic aircraft.

As is not uncommon in the development of highly sophisticated weapons, many technical difficulties have plagued the SRAM development effort. Fortunately most of the bugs have been removed. There was a successful test from a B-52 at White Sands on July 29, and another is scheduled within a few days from now. Perfecting this weapon has been a long and rocky road to travel. And it has been expensive, but very rewarding.

It has now been determined that the technology is sound and that a reliable system will emerge. After additional tests, procurement will be in order, but there will be no procurement until further tests are concluded.

In case funds for procurement are not provided, the Air Force will have a proven missile system in April 1970 but no funds to provide for its deployment, causing a slippage of operational use by an estimated 18 months.

It is imperative that this funding be provided—now. It is foolhardy to deny the Air Force the opportunity to deploy the SRAM at the earliest possible date and at the same time cause a very costly delay, both in time and money, and above all—the strategic strength of our Nation.

PARLIAMENTARY INQUIRY

Mr. DELLENBACK. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DELLENBACK. Mr. Chairman, did I understand the reading clerk correctly when he read the amendment offered by the gentleman from California (Mr. Leggett) on page 2, line 8 to call for a reduction of the figure from "$1,486,400,000" to a grand total of "$1,466,000", a reduction of $1,485,000,000?

The CHAIRMAN. The gentleman is correct.

Mr. LEGGETT. Mr. Chairman, that was a Freudian slip. That really should have read "$1.46 billion" in the last part of my amendment. I ask unanimous consent that my amendment be so corrected.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will reread the amendment.

The Clerk read as follows:

Amendment offered by Mr. Leggett: On page 2, line 4, strike "$4,002,200,000" and insert "$3,962,200,000".

On page 2, line 8 strike "$1,486,400,000" and insert "$1,466,000,000".

Mr. HICKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California.

The hour is late and we are getting tired. I suspect this amendment is going to be defeated anyway, and it should be defeated.

The SRAM missile is part of our strategic nuclear deterrent. It is just exactly the same as the missile on the ground, the Minuteman, and the Polaris submarine in the ocean, and this is the weapon we use on our aircraft.

As pointed out by the gentleman from Texas, it is a nuclear tipped missile, about 14 feet long. A B-52 will carry 20 of them. The FB-111 will carry six of them. It is to be used and is used as part of our nuclear deterrent.

There will be probably amendments offered later to strike funds for the AMSA (the Advanced Manned Strategic Aircraft) now called the B-1.

People say we do not need a new bomber. Well, if we do not need a new bomber, certainly we need to be able to use the bomber we now have, and the bomber we now have is the B-52, and the B-52 is not usable against the defenses of the Soviet Union if it has to carry bombs over the target and deposit them.

Mr. FRASER. Mr. Chairman, will the gentleman yield for a question?

Mr. HICKS. I yield briefly.

Mr. FRASER. Mr. Chairman, I do not wish to take up the gentleman's time, but I am curious about one fact. As I understand it, although the Soviet Union has no strategic bomber force and we do, the Russians therefore have a relatively good air defense system.

Mr. HICKS. I so understand.

Mr. FRASER. If we equip our B-52's with this new missile, the SRAM, the Soviet Union would probably be forced to operate their air defense system.

Mr. HICKS. We will anticipate that they will continue to operate their air defense system regardless.

Mr. FRASER. So what we will be doing as we add the SRAM to our inventory is force the Soviet Union to a further expenditure in defense, which may be good, because that will use up all her resources and thereby make it more difficult for her system to work.

Mr. HICKS. Of course, that is one of the theories behind having the mix of offensive weapons we have, so that they have to be equipped to defend against all three of them. There is no question about that. That would be one of the subjects we hope that would be taken up in the

Strategic Arms Limitation Talks—SALT—if they occur.

Mr. FRASER. At least it would be fair to say the Soviet Union has no counterpart to the U.S. strategic bomber force.

They do not have the same forces, and as far as the gentleman knows they are not planning to acquire a larger force?

Mr. HICKS. That is my understanding.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding, because that is certainly not my understanding.

I am a little tired of hearing the assumptions that we are ahead in nuclear capacity, in fleet capacity, in capital ship capacity, and now in strategic capacity. I do not know on what intelligence or on what basis these assumptions are handed out here willy-nilly, and on which some of the debate is based.

The gentleman is a member of the committee. He hears about the Bison, the Bear, and the Badger. He knows of the overflights and the long-range TU-41. We know, within reasonable figures, the exact numbers available, and the capability of the aggressor's strategic air force.

I believe we should straighten out the record as to the assumption that there is no strategic air capability in the aggressor.

Mr. HICKS. The gentleman is exactly right that we know the Soviet capability. He also knows as well as I know that the Soviets do not begin to have the capability of the Strategic Air Force we do, despite all the names he so glibly reeled off just a moment ago. They do not begin to be able to compete with our Strategic Air Force.

Nevertheless, we still need the SRAM missile to make our Strategic Air Force even better, to keep it at top capacity, so that if we do not get the AMSA now called the B-1 we will still have the very best in the way of a nuclear deterrent.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

I appreciate the candor of the gentleman from Washington in his discussion of the Soviet bomber threat.

Here we have a contest between the United States strategic bomber offensive capability and a growing Soviet air defense which they are trying to maintain so as to offset our bomber threat. Now we are being asked to spend more money to make our bomber threat more credible, which will force the Soviets to spend more money to make their defense more effective.

I am not against making our bombers more effective, but it seems to me at some point we ought to recognize that all we are doing is fueling the arms race. We are seeking to improve an arm of our strategic force which has not substantial counterpart in the Soviet Union. Because they obtain some kind of a defense against what we have, we try to go to an even higher plateau of effectiveness.

When does reason intervene to stop this kind of ever-increasing rise in the arms expenditures? When can we say we have a sufficiently credible bomber deterrent? Perhaps it has some problems of penetration, but we do not have to face a comparable threat from the Soviet Union.

Before this debate is over, I hope that it will be made crystal clear that when we have put Poseidon missiles into 31 nuclear submarines we will have in every single submarine the capacity to destroy 160 Soviet cities, more cities than are worth destroying. There is nobody on the floor of the House who even pretends that our submarine fleet at the present time is vulnerable to any Soviet destruction. If they should try to destroy our submarine fleet, and they miss but one, then we would destroy 160 cities.

It is this kind of madness, it is this kind of unrealistic effort to meet contingencies which are remote, which is bothering the people of the United States.

We have, as has been said here before, very real threats to the United States that emanate from within. We have problems in our cities and racial tensions; we have alienation; we have young people marching. Yet we go blithely forward spending, spending, spending for military expenses against contingencies which are neither real or substantial. I hope at some time this House will feel the concern that the American people have as we move this spiral upward, and that instead we will begin to respond to their desire for a balanced and improved defense program which is related to the real world and protects our security, but not a program that goes after every conceivable, marginal threat.

Mr. HAGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have followed closely the development of the short range attack missile—SRAM.

The original program for its development was approved in 1965 based on the Air Force estimate of $161.6 million, excluding contract definition. Since the inception of the SRAM, a total of $297.4 million has been appropriated for research, development, test and evaluation only.

The development cost has grown to an estimated total of $413.4 million.

There has been two principal reasons for this cost increase:

First, various technical problems encountered during development have required more time and effort to solve than had been originally estimated.

Second, design changes and schedule availability changes in Government supplied interfacing equipment have caused redesign and rescheduling of SRAM system components.

As you may know, the major area of technical problems was the development of the missile rocket motor.

Although progress is now being made, the motor subcontractor faced very serious problems in 1967 and 1968 due in part to stretching the state-of-the-art required to build this small motor in a compact body.

Solving these problems involved major efforts including the redesign of this motor, which has run the subcontractor's costs over the ceiling of the subcontract.

Under the incentive sharing arrangement of the subcontracts, the prime contractor must pay a portion of the costs over the target price up to the ceiling price.

The Government pays a portion of these costs up to the prime contractor's ceiling price in accordance with the cost sharing provisions of the contract.

Costs over the ceiling price are paid solely by the contractor.

These technical problems also extend the period of time the development program must be carried prior to going into production.

The first powered missile launch, scheduled in August 1968 was accomplished from a B-52 over the White Sands Missile Range, N. Mex., on July 29, 1969.

The contract test objectives were satisfactorily accomplished on this mission which gives high confidence that the motor problems have been solved.

In my review of the program, I have found that the biggest part of the cost increase in the design changes and availability of Government supplied equipment are in the FB-111 interface and the availability of the FB-111 for test purposes.

The SRAM development contract incorporated a specific baseline for each of the SRAM carrier aircraft configuration, this being the aircraft's performance including the avionics and the availability of these aircraft as Government furnished property to the SRAM contractor.

Under the total package contract which outlined correction of deficiencies responsibility for the total combined B-52/SRAM and FB-111/SRAM systems, including the interface specifications, the Government became liable whenever its side of the interface specifications or its requirement to furnish equipment could not be met.

I further found that the principal difficulty had to do with the large numbers of changes that were required as a result of the concurrent development of the FB-111 aircraft, the SRAM missile itself and the warhead.

The result is that as a problem shows up requiring a design change on the aircraft it necessitates a design change on the missile to insure compatibility as both evolve into operational hardware.

Since the SRAM must also be compatible with the B-52, it also resulted in many engineering hours and hardware redesigns for this aircraft.

Some of these major interface problems were:

The change of the engine inlet on the FB-111, the redesign of the bomb bay doors, the interface with the Mark I, then the change to the Mark II Avionics, redesign of the warhead to incorporate Permissive Action Link—another nuclear Safeguard which is classified—and the updating of the B-52 Bomb Navigation Capability, and additional B-52 emergency power requirements.

Further, various developments and changes in the FB-111 program—slips, reduced buys, and so forth—have caused the availability of test aircraft for SRAM to slide significantly since the start of the SRAM program.

This has required rephasing and stretchout of the SRAM test program.

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Due to the reasons I have just enumerated, the original program cost estimate of $161.6 million for SRAM development has grown to an estimated $413.4 million, of which $190.1 million is related to the interface and schedule changes discussed. Since these changes are directed by the Government, these are costs which must be borne by the Government.

The estimated over-target costs of $60 million is the Government's portion of the cost increases due to the unforeseen technical problems I discussed earlier.

On the surface, it would appear the program suffered from weaknesses in coordination of the program which, no doubt, cost the taxpayer a substantial sum.

And perhaps some of this could have been avoided by better planning and coordination.

To that extent, improvements must be made within the Department.

Despite the high cost of the SRAM program, however, we should not lose sight of the fact that the program is now on the threshold of production. We should not deny this request for funds because we have incurred seemingly exhorbitant costs.

We must not take away the opportunity from the Air Force to prepare for production when it appears to be within grasp.

The earlier this weapon is introduced into the weapon inventory, the more savings we will derive.

The real savings are derived from the extension of the useful life of our B–52 bomber forces and the reduction of large numbers of strategic bomber forces.

I urge my colleagues to carefully consider the SRAM program from this viewpoint before consideration is given to any hasty reduction in funding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Leggett).

The question was taken; and on a division (demanded by Mr. Leggett), there were—ayes 34, noes 88.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Pike: On page 2, line 6, before the semicolon, insert the following language: "No funds authorized and appropriated for the deployment of an anti-ballistic-missile system shall be expended until the Congress has been advised by the executive branch of Government of a clear policy and definitive plans for the command and control of such system. Such definitive plans shall include at a minimum the following information: The titles of the person or persons authorized and responsible to order the launch of the missiles; the manner in which that person or persons shall be informed of an impending attack and shall give the order to launch; any provisions which are made for contingencies regarding the absence, death, or disability of such persons and the titles of all persons authorized to and responsible for the exercise of command and control under such contingencies."

Mr. PIKE. Mr. Chairman, I think that this should not be a long discussion. But I do think it is an important discussion.

Let us start by saying this is one which to the best of my knowledge no one supported me over in the committee and I do not want there to be any question that I come here fresh from some other triumph on the Armed Services Committee. No, I will take that back. I am advised that I did have one vote of support.

We have authorized the deployment of an ABM. Our basic law, as I understand it, on the control of nuclear weapons and who can authorize the use of them, is in the Atomic Energy Act, and it says that:

> The President from time to time may direct the Commission to deliver such quantities of special nuclear material or atomic weapons to the Department of Defense for such use as he deems necessary in the interest of national defense.

The report which accompanied that legislation said this:

> In view of their enormous military significance the atomic weapons are subject under the bill to full control by the President as Commander-in-Chief.

In our hearings—and I refer you now specifically to page 1927—we discussed the question. And there are many people who disagreed with me as to the validity of the ABM concept who share with me a troubled feeling as to who is going to authorize the firing of the ABMs, and perhaps with some people it is a question of whether it will get authorized in time or not. My own feeling is that if we continue to say, as we have said that only the President has this power, the system simply cannot work. I read from page 1927 of the hearings and this is a question I asked of Secretary Packard:

> Mr. Pike. You were quoted, I think, personally, as saying that there would be no delegation of this power. I think this is very vital, Mr. Chairman, this point that you raised.
>
> The Chairman. I think so, too.
>
> Mr. Pike. You were quoted in the New York Times as saying there would be no delegation of this power. Is this an accurate quotation?
>
> Secretary Packard. I believe it is very important. The nuclear weapon is such a dangerous device that I think it is necessary that it be kept under the control of the President.

I should say, just to put this in context, that we were talking about the ABM.

On the following page, page 1928, Dr. Foster said:

> Now, to release this weapon under these conditions—

He was talking about the different types of nuclear attack on America—

> requires the authority of the President.
>
> As we said yesterday, the President is never away from the communications that tie him to the civilian military authorities that operate the system.

Well, I just submit to you that that is poppycock. The President is away from the civilian military authorities that tie him to the system. The President may be throwing out a ball at the opening ball game. He may be doing some very important work in southeast Asia. He may be in all kinds of places, but he is not available all the time.

He was not available at the time of Pearl Harbor. The message did not get there.

He was not available at the time of the *Liberty* incident—the message did not get through.

The *Pueblo* messages did not get through, and the EC–121 messages did not get through.

Mr. LONG of Maryland. Mr. Chairman, if the gentleman will yield, is it not also true that he was not necessarily available at the time when he was visiting an Iron Curtain country recently.

Mr. PIKE. Of course it is true that he was not instantly available.

I simply submit to you that there are people who are in favor of delegating this power. There are people who are not in favor of delegating this power. I think the very least we have to do is establish some lines of command and control, and be honest with the American people about what we are doing, because if you are not honest with the American people about what you are doing we are telling them that we are depending upon a system that we know cannot work, because the President is never going to get the message in time to use it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HALL. Mr. Chairman, the amendment of the gentleman from New York (Mr. Pike) would preclude deployment of any anti-ballistic-missille system until the President revealed to Congress the persons who would be authorized—delegated—the responsibility of firing the defensive weapon. The Chief Executive would have to reveal the manner in which the Congress would be informed. In addition, the Commander in Chief would have to reveal the manner in which the order would be given and, finally, who would succeed to the authority.

Mr. Chairman, I hope the amendment will be defeated on the basis that the President is the Commander in Chief. I have already spoken about our responsibility as a Committee and as the Congress to raise, provide for, and support the Armed Services and will not repeat it at this time. I am very jealous of the duties of the Congress, and anxious that we fulfill our committee responsibilities, but there is such a thing as the principle of the separation of powers between the executive, legislative, and judicial branches. Having served in the executive branch during World War II, I am anxious that the Commander in Chief be allowed to continue operating our forces, and indeed be the Chief Executive and administrator of the executive branch. This amendment would require an infringement on his constitutional prerogative—and indeed his responsibilities—and change operational control to "advisory to the legislative branch." It would lock the President in. Second, the release of this information would increase the possibility of sabotage of our command and control system to say nothing of our defensive system. I believe the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Pike).

The question was taken; and on a division (demanded by Mr. Pike), there were—ayes 32, noes 86.

So the amendment was rejected.

Mr. HALL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks immediately prior to the action on the previous amendment.

Mr. NEDZI. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ARENDS. Mr. Chairman, I move to strike out the last word, and I am not going to take any time.

But we have just seen a rather unprecedented incident take place in this House where any Member of Congress is denied the right to extend his remarks in the Record. I wish the gentleman would reconsider and withdraw his objection.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Pike: On page 2, line 4, add the following language: "of which $42,000,000 is authorized to be appropriated only for the procurement of OV–10 aircraft".

Mr. PIKE. Mr. Chairman, I regret to say that this amendment does not save a dime.

It does this. It does not say where the money is to come from, but it would be my hope that we would take the price, or at least the alleged price of two C–5A aircraft and with it buy approximately 100 OV–10 aircraft.

The OV–10 aircraft is not a glamorous plane. It is a relatively small plane optimized for the light attack role in a guerrilla environment.

It recently had writeups in both the Navy Aviation News and the Armed Forces Journal. The Armed Forces Journal referred to the fact that over half of the engagements in Vietnam last less than 20 minutes. The OV–10 in a test which the Air Force recently ran was available in 5 minutes. The nearest any other aircraft we have, for the close-air-support role, can come is an average of 50 minutes. If half of the engagements are over in 20 minutes and the planes do not get there for 50 minutes, you really do not have anything you can call close air support.

The gentleman from Indiana (Mr. Bray) yesterday made a fine speech about the A–7 as a close-air-support aircraft. The A–7 started as a plane called the F–8. It was made by Ling-Temco-Vought. It was a fighter plane. They did not have anything else, so they decided to make an attack plane out of it. At that time the project was called Val. So they gave some to the Navy and they gave some to the Air Force, and the Air Force found that with the engine they had in it they couldn't get it off the ground. Literally, on a hot day, with a full load in Vietnam, the plane would not fly. So they had to put a more powerful engine in it, and they did it.

But it is not a close-air-support aircraft. It is a conversion of an obsolete fighter. That is what it is.

Later on in this bill you will find a provision prohibiting the Air Force from developing the only close-air-support plane that the Air Force has ever come close to supporting. It is a plane called the Ax. The committee bill says, "Don't develop the Ax." And I am saying, for heaven's sake, if we really care about the people who are on the ground in Vietname or anywhere else, let us get them an aircraft that can get to them within the timeframe in which they need it. If the OV–10 can do it in 5 minutes and it takes anything else 50 minutes, let us give them an OV–10. For the price of two C–5A's you can get 100 of them. I happen to believe that we are not really going to have the nuclear holocaust. I happen to believe that our deterrent power plus the simple sanity of world leaders is going to prevent this all-out nuclear exchange that we all dread.

So what are we left with? If you were a Communist leader and you saw what was going into Vietnam, what would you do? I would submit you would try to start more Vietnams, and I would suggest to you that we ought to have the kind of plane which is performing magnificently over there. We have an opportunity to buy it. The production line for us is over, but the Germans are buying some. This is the last opportunity we will have to do it, and I think it is important.

Mr. DEVINE. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN pro tempore. (Mr. Rooney of New York). The gentleman from Ohio is recognized.

Mr. DEVINE. I rise for economic reasons as they relate to the amendment offered by the gentleman from New York. The OV–10A is also known as the Bronco. This is a counter-insurgency-type aircraft. It happens to be the product of a manufacturing company in my district, in Columbus, Ohio, the North American Rockwell Co. They worked for many years developing this aircraft, and it is currently in use.

Last month I put a rather detailed, comprehensive report on the performance of this aircraft into the Record, and I would invite our Members' attention to it. This will not give us any additional funds. It is my understanding the amendment offered by the gentleman from New York would merely substitute an OV–10 aircraft in place of two C–5A's and it would serve the purposes that are needed in our current conflict in Vietnam.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. Pike). I am in full agrement with his proposal that $42,000,000 be authorized to be appropriated from the suggested aircraft allotment for the Air Force, and utilized solely for the procurement of the OV–10A aircraft manufactured by North American Rockwell.

I support this particular procurement from a rather unique perspective, at least for a Member of Congress. I have logged several hours flying time in the OV–10A aircraft. I have put the Bronco, as it is called, through several series of maneuvers and flight tests similar to those I employed when I flew combat in jet fighter planes during the Korean war. I found the Bronco to be highly maneuverable and extremely flexible in terms of the combat support functions it could provide our troops in the field.

The record that the Bronco has compiled in only 7 months of combat operations in Southeast Asia is an enviable one. It is a matter of record that during the 7 months Air Force OV–10A's were used in the combat zone, they compiled an average monthly utilization rate of 94 hours. In addition, the average operational readiness rate for the 7-month period was 87 percent, as compared with the Air Force standard rate of 71 percent. The Marine Corps has maintained high utilization and operational ready rates with the Bronco, accumulating 16,100 combat hours through April 1969. Together, the Air Force, Marine Corps, and the Navy, totaled almost 36,000 combat hours through April of this year using this aircraft.

The OV–10A has some special attributes which are worthy of mention. A Bronco piloted by two veteran Marine Corps officers has claimed a new class distance record with a nonstop flight of better than 2,500 miles. With the exception of auxiliary fuel tanks, the record-breaking aircraft is identical to those now in service in Vietnam.

The Navy is presently using OV–10A's to power its light attack squadron which, in addition to fulfilling valuable forward control and spotting functions, is providing much-needed firepower support for U.S. ground troops operating in the enemy-infested delta region. Normal firepower for the Bronco includes machineguns and rockets of various sizes.

I know from experience how valuable these armaments can be. If a pilot is flying a forward position and he spots an enemy tank that has American troops pinned down with deadly gunfire, there is no time to call up planes with heavy armament. In situations such as this, the enemy tank must be knocked out on the spot. The Bronco can perform this task. In tight spots, it can help save American lives.

The operational successes of the Bronco have been recognized by our allies. At the recommendation of the German Air Force, the German Ministry of Defense is buying 18 OV–10A aircraft through the U.S. Government, with follow-on production orders. Performance, not advertising, sells contracts such as this; we would be wise to profit from it.

Mr. Chairman, on the basis of my personal experience with the OV–10A Bronco, coupled with its outstanding performance in the field. I can recommend its increased utilization by the U.S. Air Force. I think that earmarking $42,000,000 in the general Air Force aircraft procurement quota is a good way of insuring that the Bronco will see further action; I hope, however, that all the services will employ the OV–10A, as its flexibility, versatility, and durability, makes it ideally suited for our air combat needs.

Mr. RIVERS. Mr. Chairman, I oppose the amendment. The plane called Bronco was built as a counterinsurgency aircraft. I have in my hand a picture of it. It has done a terrific job. Nobody, but nobody, but nobody ever dreamed that this fine little aircraft would be for close ground support. It is fine as a forward air control aircraft—FAC—but they could not use it for close ground support. In any area but South Vietnam, they would

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shoot it to kingdom come. When you get over the frontlines, you have to get in and out fast. This plane is just not designed for that purpose. We have a close ground-support plane, the A–7, which is a magnificent aircraft and a subsonic aircraft. They made a deal with the Army that the Air Force would take the close ground support and the Army would yield certain aircraft they had for that purpose.

Yet, they did not try under the last Chief of Staff to make the A–7 work. We made them take those or we would take the close ground support from them. This little aircraft has great capability. It is a magnificent aircraft, but the plane is not designed for this sort of thing. It just cannot operate that way. Now we have a plane doing that. We have never yet fulfilled the mission of the A–7. We have the plane. Let us make the Air Force use it. But the OV–10A is not for this purpose.

Mr. Chairman, I ask that we vote on the amendment.

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. LEGGETT. Mr. Chairman, I yield to the gentleman from New York (Mr. Pike) to close the debate.

Mr. RIVERS. Mr. Chairman, I asked that we vote on the amendment.

Mr. PIKE. Mr. Chairman, I think the gentleman from California was recognized.

The CHAIRMAN. The Chair will state the Chair recognized the gentleman from California for 5 minutes for purposes of debate. He has yielded to the gentleman from New York (Mr. Pike).

Mr. PIKE. Mr. Chairman, it is absolutely true, as the Chairman states, that the Air Force has never used the OE–10 in the role of close support, but the OE–10 is flown not only by the Air Force, but also by the Marine Corps, and it does act in that role, and also the Navy does use it in that role.

This plane is an armed aircraft in the Marines and in the Navy. It has never been an armed aircraft in the Air Force until they finished their evaluation of it this year. It is an armed aircraft today, and it can be used for close air support, as it is in the Marines.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, the Marines have an altogether different mission. Everything in the Marines, when they talk about obstacles, is close ground support—even the cooks and the bottle-washers. This has nothing to do with close ground support as we have it on the battlefield. We have a close air-ground support but this is not it. We cannot compare the Marines with the U.S. Army. Theirs is a different mission.

Mr. LEGGETT. Mr. Chairman, I will read from the U.S. Air Force Digest, on page 215, talking about the OV–10, where they say this aircraft carries more armament and can perform close support duties.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Pike).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bingham: On page 2, line 3, strike "$2,391,200,000" and insert in lieu thereof "$2,116,200,000".

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. BINGHAM. Mr. Chairman, my amendment eliminates $275 million in procurement funds for the first production models of the airplane. The amendment does not affect research and development—R.T.D. & E.—funds, $175 million, or the Navy's plan to build and fly six test models, three of which are provided for in the $175 million. Let us not have another TFX fiasco.

The health of the American aircraft industry has been sorely tested by the boom-to-bust pattern of military procurement in recent years. We have seen many projects, which we backed in good faith, terminated or threatened with termination after costs got out of hand because Pentagon managers had acted with undue haste and optimism in deciding to go into production. This cycle is wasteful. It is unfair to the workers at defense plants which lose business. And it is harmful to national security. The experts are unanimous in agreeing that the way to prevent this disastrous sequence in the future is to build flying prototypes of new aircraft before making the commitment to introduce them into the military inventory.

My amendment says to the Navy: go slow. Build the first six test models with R.T.D. & E. funds and see how they fly. Be sure the aircraft can be built to weight and performance specifications before you pay to tool up for production. Make sure the new engines will live up to expectations, and that the Phoenix missile and electronics systems will work as you want them to. If and when all these systems work, it will be time enough to start production.

The early production models of the F–14 will be equipped with obsolete engines designed for the F–111, because an improved engine will not be available for at least 3 years. The F–111 engines will serve well on test models. But it is acknowledged that they have inadequate thrust for air-to-air combat with existing Soviet fighters, not to mention those that will surely come. The only stated purpose for rushing the F–14 into production now is to have a handful of aircraft—less than 100—to defend our fleet against Soviet bombers and ship-launched cruise missiles by 1973. But both the Senate Preparedness Investigating Subcommittee in a 1968 report on tactical airpower, and the chairman of the House Appropriations Committee, the gentleman from Texas (Mr. Mahon), have told us that the Soviet bomber threat to our fleet has failed to materialize as predicted. In 1961, Congress was told that it was imperative to have a fleet air defense system using the Phoenix missile against Soviet bombers by 1969. Last year we were told it was safe to put this defense off another 4 or 5 years. Nothing has happened since then to challenge the conclusion that this defense can be safely delayed at least another year beyond that while the large technical problems involved in this new aircraft system are worked out.

Because they will lack the new engines, the early production models of the F–14 will serve only to carry the Phoenix missile. This will cost at least $400,000 a copy, according to the latest estimates. Indeed, the whole Phoenix system could cost several billion dollars in addition to the cost of the F–14. Yet the Phoenix has not been tested against supersonic or maneuvering targets. The tests to date have been carefully structured. They are hardly a fair measure of the performance to be expected from this very expensive, very complex system under ordinary conditions of maintenance and combat. Clearly the Phoenix needs more testing. It would be foolish to authorize procurement of aircraft which can be used only for the Phoenix before it is clear that either the aircraft and the missile will work effectively.

Dr. John Foster, Jr., the Director of Defense Engineering and Research, has warned us that "we should be cautious" in developing the F–14, because, he says:

> Despite the best efforts of the professionals in the Navy and the contractors, we will have difficulties in fitting the Phoenix fire-control system into the new aircraft, and in mating the new engines.

And Admiral Connolly, the Deputy Chief of Naval Operations for Air, has declared:

> The least risk program is to build the airplane, build a half dozen perhaps and don't do another thing until you fly these airplanes to the point where you are sure you have worked out everything.

These gentlemen did, nevertheless, recommend against the "least risk" program.

The production aircraft proposed to be deleted by my amendment would be, pound for pound, the most expensive tactical aircraft we have ever put into production. Each of them would cost nearly $46 million. At a weight of 36,000 pounds each, that works out to over $1,270 a pound, more than twice the cost of gold. Once in mass production, the airplanes will cost close to $12 million each, and perhaps as high as $19 million. Recent Pentagon and industry studies are said to prove that a very good fighter can be built by 1974 for one-third as much, or less.

An impressive body of evidence based on Vietnam combat experience has been marshaled in recent months to show that the national interest could be better served by building a highly maneuverable fighter with great acceleration—characteristics in which, the Navy acknowledges, the F–14 is somewhat deficient. It was for this reason that the Air Force flatly rejected the notion that the F–14, even with advanced engines, could serve its needs for an air superiority fighter.

The most this amendment could cost us would be a short further delay in introducing a new fighter into the Navy, a delay which would be entirely compatible with the Air Force schedule for its new fighter, the F–15. We have had expert assurances that the delay would not entail a dangerous military risk. But from it we could gain a better, more reliable fighter. This could be an F–14 with most of the bugs worked out in advance of production. But it might be a substitute fighter, like the proposed VF–XX or a similar aircraft designed strictly for dogfighting. Many experts believe such an aircraft is not only more desirable than the F–14, but could be built and flown for some $15 billion less over a 10-year period. What Members of this Congress could wish to be accused, in years to come, of voting for a multibillion-dollar disaster in defense spending when the chance was offered to say to the Pentagon: be prudent, be absolutely sure you are buying what we need, and that it will perform, before committing us to production?

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is a case of trying to be holier than a pope.

The amendment offered by the gentleman from New York (Mr. Bingham) was considered by the "fearless five" who probably know more about this particular weapon than he does, and they rejected it.

As a matter of fact, I should not be standing up here talking about the F–14. The distinguished and able gentleman from New York (Mr. Pike) is probably one of its most eloquent spokesmen. As a matter of fact, he and I entertained a number of Members of the House several months ago in the Rayburn Building, at which time the manufacturers of this aircraft appeared before us and spoke very eloquently about not only the job it would do but also the capacity of the company to perform the job.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield to the gentleman from New York.

Mr. PIKE. That was the F–15.

Mr. STRATTON. It was the F–14, too. We talked about both of them. Would the gentleman suggest he is opposed to the F–14?

Mr. PIKE. I guarantee the gentleman if I were opposed to the F–14 I would offer the amendment.

Mr. STRATTON. The gentleman is an eloquent spokesman for both these aircraft.

The simple fact is that this is the Navy's answer to the F–111 fiasco. We have been all through the F–111, the TFX. They tried for years to adapt it to a Navy version. It would not work. As a matter of fact, it is not working very well even in the Air Force version. It was just too heavy for the Navy carriers.

Finally, a couple of years ago the Navy admirals persuaded the Department of Defense—with some help from the Congress—to forget about the F–111 and switch to a new Navy plane, now called the F–14. This is an aircraft which embodies all the good things that were in the F–111, but does it with less weight and does it more quickly. It has the variable wing, for example, the air-weather avionics, the powerful TF–30 engine, the supersonic speed, and the Phoenix, stand-off missile. Because it embodies so much of the F–111 there is a much lower level of risk in its construction. And it is being developed, as Mr. Pike, will tell you, by the company that probably has done more over the years in developing successful carrier aircraft for the Navy, the Grumman Corp. of New York.

Now, I am a little surprised that the gentleman from New York should have tried to create the impression in what he put into the Record on yesterday on page 27973, that both Dr. Foster, the head of R. & D. for the Defense Department, and Admiral Connolly are against this aircraft and are in favor of his amendment. I have here in my hand a letter to the chairman of our committee dated today and signed by Dr. Foster which I would like to read to this House:

> Dear Mr. Chairman: The F–14 is an advanced design, carrier-based fighter aircraft. The program has been laid out to proceed through the test phases in an orderly manner. It was thoroughly reviewed prior to initiation by all elements of the OSD, and has since been under constant surveillance by both Secretary Packard and myself. By using the engine and avionics from the F–111B program, and designing solely against Navy requirements, the technical risk is considered to be low. The flight test phase is, of course, the first real opportunity to confirm the design and identify where modifications are needed. While the initial six research and development aircraft can gather some data, experience has proven that additional numbers are required to provide timely investigation of all elements of the system. The magnitude of the testing requires these additional aircraft.
>
> The program enjoys high priority in the Navy, and accordingly, people of the highest professional competence have been assigned to manage it. Progress is being reported on a quarterly basis and evaluated against defined milestones. Specific inquiries are initiated as the situation warrants. For example, last spring the NASA was asked to make an independent performance evaluation of the design. Their results essentially confirmed the Navy and contractor calculations. To date the program is on schedule and meeting the design objectives.
>
> Inasmuch as the F–14A is urgently needed to replace the aging F–4 and fill a Fleet Air Defense gap, I strongly urge that the DOD request for $275 million PAMN FY 70 be authorized and appropriated to continue the test and development phase of the program.
>
> Sincerely,
>
> John S. Fostea, Jr.

Mr. Chairman, we have already waited long enough in the Navy because of all of the fiascos connected with the F–111. Let us not delay further, as this amendment would do, because of the urgent need of the Navy for a modern carrier airplane. The gentleman from New York in the Record quotes Admiral Connolly as saying that:

> The least risk program is to build the airplane, build half a dozen perhaps, and don't do another thing until you fly these airplanes.

The gentleman from New York quoted this statement entirely out of context. The admiral said that would be the least risky policy, but he emphatically did not advocate it. Instead of that he said that we should go ahead with the program included in this bill, building 12 of these planes, because since we are applying here so many of the techniques which were worked out in the F–111 we are not taking any very serious technical risks.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the chairman of my committee.

Mr. RIVERS. If you adopt this amendment, you might as well say that you are going to do away with the nuclear carriers, because this is to be based on the new nuclear carrier fleet, to replace one of the best planes we ever had, the F–4. You could not do anything like that, because it would sink the new Navy. This is being done by a good company, Grumman, and there is no better company on earth. We cannot be serious about this. Why do you want to take any more time on this? Why not just vote on this and get it out of the way?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RIVERS. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Chairman, I would hope that we can speedily get down to facts on the proposal to eliminate procurement of the F–14. Proponents of the amendment would take away the opportunity to acquire in the shortest possible time, a well-designed and almost certainly effective fighter, and offer instead something which is vague and indefinite and completely unknown for tomorrow. In the intervening time between the availability of the F–14, which would be 1973 at the earliest, and some hypothetical future date for a later aircraft, possibly 5 years later, we would have lost precious time to the Russians. It is an inescapable fact that while we have been preoccupied with the Vietnamese war, we have neglected modernization. This problem has been complicated by the failure of the F–111 series to measure up to expectations. The Russians have a new generation of fighter aircraft which soon will be coming into inventory and which undoubtedly will be superior to anything we now have. It should not be forgotten that only one or two of our aircraft are a match for their present Mig–21.

I do not want and I do not think the House wants to limit and possibly to condemn American fliers to the possibility of combat against obviously superior enemy aircraft in future years. The new Russian aircraft which will be coming into inventory may be as good as the F–14. Undoubtedly, they will be better than anything we now have. Money is not as all important as the sponsors of this amendment apparently believe. I would rather spend $275 million for the prospects of a better aircraft if it will insure even a reasonable chance that we will be as effective in the air as enemy forces. I do not think the House will want to forget that the F–4 which is now our best aircraft, has been in service since 1958.

It has been a great airplane, but in order to keep it effective, we have already improved it in every possible way. We have milked dry the possibility of future improvement. We must have a new aircraft. The House would be making a very serious mistake to refuse to approve the funds for the F–14. The Navy is as completely certain that this will be an effective aircraft as I have ever seen, and I have heard them testify on many, many weapons systems in my time here. I am willing to risk their judgment. I am convinced the House should do so.

Mr. RIVERS. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. Hunt), a member of the committee.

Mr. HUNT. Mr. Chairman, I have listened intently to the debate on the F–14. Likewise, I read with great interest the debate in the other body about the F–14. The subject matter that revolved around debate was great indeed and in many respects went way beyond the case itself. The credibility of everything—cost, performance, strategy, tactical usage, and so forth—was opened to attack on an almost indiscriminate basis. The very R. & D. nature of weapon system development and procurement creates an environment that is fraught with uncertainties and unknowns. When the Defense Department legislates in this environment with arrogance and a sense of cleverness as it has for the past 6 to 7 years, we are bound to experience a "credibility" gap. If we react to that credibility gap with a slashing attack at all programs—and we all know it is possible to find something wrong in hindsight with any major development program—we should ask ourselves if we are in reality closing or opening that gap even further.

Let me make one specific point on the F–14 program to illustrate my point. Those in opposition to the F–14 have cited a wide range of cost figures that create a picture of the F–14 as an extremely expensive weapon system when compared to an F–4 or even the proposed new F–15 airplane. I do not know where these cost figures are generated or how—they are certainly not to be found in the Navy Program Office that has responsibility for the determination and validation of such figures. The incredible point is that in the development of a large weapon system, you can find any combination or range of figures you want. With an overabundance of figures and statistics you can prove anything you want.

In this environment of widely varying rules for program costing and interpretation, it is possible to tell a "truth" that is so misleading as to destroy perspective and understanding. What is needed is to tell a simple whole truth that is constrained and purposely expressed to give understanding and confidence. We find for example unqualified estimates of the F–14 program costing $25 billion being entered into the Record. I can find no basis for such an estimate.

Such an estimate can only be due to a glib treatment of cost data and estimating factors and is inexcusable in the environment of debate and discussion.

There is a much simpler whole truth. The Navy has contracted with the Grumman Corp. for 469 F–14 aircraft—six R. & D. and 463 production aircraft—subject to the approval of the Congress. The information I have shows the program will cost $6.4 billion. This includes all three models, the F–14A, the F–14B, and the F–14C. It includes $1.3 billion for R. & D. and $5.1 billion for production. Most importantly, these figures are based on escalated dollars which means that provision has been made for a 4-percent compounded annual increase in cost for inflation from 1970 to 1976.

Gentlemen, let us concentrate on simple truths that we can understand—to my mind the Navy needs an F–14; the F–4 is rapidly becoming obsolete. The background of the F–14 design and development is comprehensive and as thorough as any program I have reviewed. The contract is correctly structured with incentives and safeguards. The management team within the Navy is a strong one. It is matched with a dedicated and strong contractor management team that has been in place with outstanding technical expertise from the inception of studies initiated some 2½ years ago. The program is on schedule, it has met a number of tough milestones to date with regard to mockup, release of drawings, and fully negotiated subcontracts.

I concur with the previous recommendations that we support this program and not jeopardize the future of this Nation by further needless, irresponsible, and naive debate.

I urge the defeat of this amendment.

Mr. STAFFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. However, I shall not take the full 5 minutes.

Mr. Chairman, I just want to say that I believe the F–14 is a very necessary aircraft for the U.S. Navy and that we should go ahead with its procurement as rapidly as we can, and that if we do that, we can have the first test flight in 1971 and we can have the aircraft operational and going into the inventory in 1973.

Mr. Chairman, it has been almost 15 years since the last air superiority fighter was designed in this country. If we do not move now with the new one, the Soviet Union will have at least two aircraft which will be superior as air superiority fighters over our present F–4 in its latest modification.

Mr. Chairman, without taking more time, I urge that the amendment be defeated.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from New York.

Mr. PIKE. As I have so frequently done today—I am tremendously impressed with the gentleman's judgment—and I would like to associate myself with his remarks.

Mr. QUILLEN. Mr. Chairman, I rise in support of H.R. 14000, to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

A number of major defense programs or systems are covered by the bill, all of which I support. These include the Safeguard ABM system, the C–5A transport, the construction of nuclear-powered surface ships, and the advanced manned strategic aircraft.

Mr. Chairman, I urge the passage of this bill without further delay.

Mr. BRADEMAS. Mr. Chairman, section 402 of the military procurement bill—H.R. 14000—contains a provision which has very grave implications for the future of American higher education.

This section requires the Department of Defense to submit to Congress 60 days prior to the award of a contract or grant for research and development at any given university a report on the status of previously funded research and development projects at that university.

This report must include "a statement summarizing the record of the school, college or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus."

While section 402 contains no provision for the cutoff of research and development funds to any university, it requires little imagination to see the intent of the legislation. Section 402 is little more than a thinly veiled threat to universities which, for their own reasons, decide to change the status of ROTC and military recruiting on their campuses. In this section, Congress is serving notice on our universities that abolition of ROTC or campus military recruiting will not be looked upon with favor, and could eventually result in the loss of defense research contracts.

This interpretation of section 402 is supported by the report of the Armed Services Committee on H.R. 14000—House Report 91–522—which states that section 402 "ties together the attitudes of colleges and universities and their record of cooperation with the Department of Defense and the Armed Forces in the areas of the Reserve Officers Training Corps and military recruiting on the campus with contracts and grants for research and development to the school and to individuals on the faculty and staff of that school."

The report continues:

> We also believe that when the scientific efforts are believed to be equal at several institutions, such research projects should be placed in universities which are cooperating fully with the Department of Defense in the national defense efforts.

Mr. Chairman, it would, indeed, be unfortunate if this potentially punitive provision is allowed to stand in the final version of the bill. Section 402 would constitute an irresponsible use of the power of the purse by the Federal Government to influence the internal decisionmaking processes of American universities. Universities already hard pressed by conflicting internal pressures, must not be stripped of their freedom to make decisions concerning ROTC and military recruiting on campus. It is not the role of the Federal Government to tell our universities how they should proceed in such areas.

But even more important, section 402 would play directly into the hands of those extremist elements on our campuses who want to destroy our universities. Many of our finest universities depend very heavily upon the funds they obtain through Federal research to maintain their standards of excellence, especially in the technical fields so vital to national defense. By successfully mobilizing the pressures against ROTC, which already exist on many campuses, the extremists could succeed in bringing to bear upon the university the official displeasure of the Federal Government, with, under section 402 of H.R. 14000, the implied threat of the cutoff of funds. The result could be irreparable damage to the quality of American higher education.

The militants on our campuses claim that involvement in Government-financed research has compromised the freedom of American universities, making them little more than appendages of our Nation's Defense Establishment. Section 402 would only serve to susbtantiate this argument.

I doubt very much that the Department of Defense is at all satisfied with section 402. I doubt that our military planners are willing to accept the 2-month delay in research and development programs which the reporting provisions of section 402 will involve. I doubt that the Pentagon will accept with equanimity the possibility of losing the services of some of our most important research installations. If this should happen, the national security of the United States would suffer.

At a time when our universities are being subjected to such intense pressures, it is especially important that Congress exercise prudence in dealing with the problems that affect higher education. Section 402 would serve to aggravate rather than to solve these problems.

I, therefore, hope that when the military procurement bill, as passed by the House, goes to conference with the Senate, section 402 will be deleted. As it now stands, section 402 is a big, fat gift to the extremists on the Nation's university campuses.

Mr. PRICE of Illinois. Mr. Chairman, an important item found in the House bill before us now is authorization for funds to provide the Air Force with 128 A–7D aircraft. In the other body there is no provision for A–7D procurement.

In extensive hearings before the House Armed Services Committee justification for the inclusion of an authorization of $347.7 million was made and the committee urges the House to support its action.

Testimony before the committee indicated that there is no question in the minds of both Navy and Air Force personnel intimately familiar with the operating characteristics of the A–7D and its Navy counterpart the A–7E, that these aircraft more than meet the specifications designed to fulfill their mission.

The A–7D is essential to the Air Force in its close support missions. Both the A–7D and A–7E represent a dramatic step forward in navigation and weapons delivery capability.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Bingham).

The amendment was rejected.

Mr. NEDZI. Mr. Chairman, I ask unanimous consent to withdraw my objection to the unanimous-consent request of the gentleman from Missouri (Mr. Hall).

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sorry the last debate was cut off, because I wanted to ask the gentleman from New York (Mr. Stratton) the question, because earlier today he had commented on the necessity for increasing the fleet—and as an ex-Navy man I understand the reasons for wanting to increase the fleet—then just in the argument just completed there were some comments about this being a fighter plane, and that we needed the fighter airplanes.

Not knowing about the merits of the F–14 or the F–15, or the TFX or F–111, or whatever it is, I want to know about where we are going to fight this naval war?

In other words, it seems to be that we are going to place fighters on our carriers in the anticipation of fighting the type of war we fought in World War II. And it is my understanding, and I do not pretend to be the military expert, perhaps, that the gentleman is, that the Russians do not have any carriers, and that we are not fighting a carrier to carrier battle, or a plane to plane battle, we are not fighting a fighter to fighter battle, and that instead we are fighting with missiles, and with nuclear weapons and other nuclear armament.

There is no other navy in the world today that anybody has to speak of except our friends. So I am trying to visualize this. Maybe we need the F–14 as a support fighter if we are going to fight off Vietnam, or someplace, as a fighter-interceptor together, on our carriers, and to take up the room from the bombers. If I understand what our idea is in having nuclear carriers to use them as a floating base, then it seems to me they should be doing it.

I would like to know the kind of concept the war that we are to be fighting.

Mr. STRATTON. Mr. Chairman, if the gentleman will yield, the gentleman apparently is not aware that we have carriers in Vietnam, and that we are not dropping nuclear bombs from them; they are not part of our strategic force, they are down there doing the day-to-day support work in Vietnam, and the plane that is doing the job is the F–4.

We also have carriers in the Mediterranean as part of our defense forces over there, and they do have a strategic role. They also are providing a lot of our attack power, our F–4's which, as the gentleman from Florida said, was first conceived in 1954.

Even Mr. McNamara, who has been both praised and excoriated on this floor, insisted that we needed a new plane when he first came in, and his proposal was the F–111 because he wanted the same plane for the Air Force and for the Navy, but it never worked. So our Navy has waited all these years to get a plane to replace the aging F–4.

I wish that I was as assured as the gentleman seems to be that we will never have to fight another engagement in which we will use carriers, but if the time should occur then we are going to have to have our carriers to bring our fighting power in where it may be needed, whether it is Korea or Vietnam, or whether it is in the Mediterranean, and I want to see those carriers equipped with the best possible planes.

Mr. ADAMS. I want the gentleman to answer my question. I agree with what the gentleman says, I am not arguing that point at all. My problem is this: If we are going to use these as attack carriers off Vietnam, and so on, we should have bombers and perhaps fighter bombers on them.

Now, the problem that I have, as I understand this is a fighter, and perhaps an intercepter, and that you are going to put on some jury rigs and let the F–4 carry out tactical support, or something else, but if you want to use them as attack carriers for some purposes so that they can go off on a mission, then put bombers on them and do not put fighters on them.

I want to know whether we are going on a fighter program or is this to be a bomber program.

Mr. STRATTON. I think the gentleman misunderstands the role of these aircraft. Some are called fighters, and some are called attack planes. The fighters have the capability of engaging other planes just as our F–4's have engaged the Mig's over in Vietnam, but they also have an attack capability, and the same thing is true of attack planes.

This is nothing new. We are not changing our role. This is simply a faster and swifter plane to deal with the threat. The Soviets have laid down eight new aircraft since the F–4 was first developed and we have not come up with a single new plane in this category.

The F–111 apparently is a lemon. It has not produced for the Air Force and it was grounded in Thailand. The F–111b was washed out for the Navy and apparently the FB–11 is being washed out. It is time that we at least tried to stay up with the Soviets in this field.

Mr. ADAMS. That is what I wanted to ask the gentleman. Are we developing a plane to match the Mig or something that is going to be a package like the F–111?

Mr. STRATTON. Exactly like the F–111.

Mr. ADAMS. Then I do not want it if it is like the F–111.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will not take the 5 minutes, but I have asked for this time simply for the purpose of assuring this House that I would not mislead the House.

I greatly regret the fact that the gentleman from New York (Mr. Stratton) suggested that I did mislead the House. If the gentleman had been listening to

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me, he would have heard me say, after I quoted Admiral Connolly and Dr. Foster, that they did, nevertheless, recommend the F–14 program. After having spoken of another course as the "least-risk" program, they did not recommend that "least-risk" program.

I also regret that the chairman of the committee for the first time today moved to close debate without giving anybody else a chance to speak when there were a number of Members on their feet and the gentleman for the first time today moved to close debate without further time being yielded to anyone.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. RIVERS. I have no intention of cutting the gentleman off. I asked if everyone had finished speaking and I thought we were ready to vote.

Mr. BINGHAM. But members of the committee were on their feet, Mr. Chairman.

Mr. RIVERS. I did not know the gentleman wanted to speak twice on his amendment.

I thought since the gentleman had spoken once that that is what he wanted to do. If the gentleman had asked me to yield, I would have yielded.

Mr. BINGHAM. You asked the gentleman from New York to yield, but after I had asked the gentleman to yield several times during the course of his remarks to straighten out what he was saying.

Mr. RIVERS. There was not any intention of doing that and the gentleman knows that, I am sure.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. STRATTON. I might not have heard what the gentleman said in offering his amendment. I was preparing my own remarks in opposition. I apologize to him for not catching his statement that the admiral did not support his amendment. But I read the fact sheet which the gentleman put out on this amendment earlier today and I read the remarks he put in the RECORD yesterday on page 27973. In both cases he quoted Admiral Connolly in support of his position, and without mentioning that the admiral was actually opposed to his amendment.

Let me read to the gentleman what Admiral Connolly did say on page 3006 of our hearings about the proposal the gentleman offered as an amendment:

> Stopping the F–14A program and proceeding only with the F–14B will result in additional program costs of $340M.

Mr. BINGHAM. Mr. Chairman, I decline to yield further and yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,664,500,000, of which (a) $10,000,000 is authorized to be appropriated only for the development of the Heavy Lift Helicopter and (b) $75,000,000 is authorized to be appropriated only for the development of the SAM-D system: *Provided*, That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the Cheyenne helicopter;

For the Navy (including the Marine Corps), $1,990,500,000, of which (a) $66,091,000 is authorized to be appropriated only for the development of the E–2C aircraft (b) $165,400,000 is authorized to be appropriated only for the development of the S–3A aircraft, (c) $20,000,000 is authorized to be appropriated only for the development of the Undersea Long-range Missile System, (d) $67,900,000 is authorized to be appropriated only for the development of the Advanced Surface Missile System, and (e) $517,300,000 is authorized to be appropriated only for the research and development of Anti-Submarine Warfare Systems;

For the Air Force, $3,241,200,000, of which (a) $15,000,000 is authorized to be appropriated only for the development of the RF–111D aircraft, (b) $1,000,000 is authorized to be appropriated only for the development of the Light Intratheater Transport aircraft, (c) $18,500,000 is authorized to be appropriated only for the development of the CONUS Air Defense Interceptor, (d) $84,700,000 is authorized to be appropriated only for the development of the Short Range Attack Missile (SRAM), and (e) $40,000,000 is authorized to be appropriated only for the development of the Airborne Warning and Control System (AWACS): *Provided*, That none of the funds herein authorized shall be expended for research, development, test and evaluation of the A–X aircraft; and

For the Defense Agencies, $450,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $75,000,000.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that title II of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. FRASER. Mr. Chairman, reserving the right to object, I wonder if the chairman could tell us what his plans are with respect to having the Committee rise tonight.

Mr. RIVERS. I am ready to move that the Committee rise right now.

Mr. FRASER. So if the gentleman's request is granted, you expect to have the Committee rise?

Mr. RIVERS. Yes.

Mr. FRASER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina (Mr. RIVERS)?

There was no objection.

Mr. RIVERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, at the request of several Members, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. PATMAN. Mr. Speaker, reserving the right to object, and I shall not object, the Committee on Banking and Currency has a very important bill which was set down for hearing at 10 o'clock this morning. We had to postpone the meeting until tomorrow morning on account of the fact that the House met today at 10 a.m. If the gentleman from Oklahoma would change his request to 11 a.m., we could hear the witnesses who are in town for the purpose of testifying. That is the reason for the request being changed.

Mr. DANIELS of New Jersey. Mr. Speaker, also reserving the right to object, I am likewise in the same position. A number of witnesses from the State of New Jersey are scheduled to testify tomorrow before the Committee on Education and Labor. It would cost these people not only a great deal of expense but a great deal of inconvenience, and it may not be possible for them to come back. I join in the request, and ask the distinguished majority leader if he would make the time 11 o'clock.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RESIGNATION OF CONFEREE AND APPOINTMENT OF CONFEREE ON S. 1075

The SPEAKER laid before the House the following communication:

OCTOBER 2, 1969.

HON. JOHN W. MCCORMACK,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: At this time, I would like to resign as a conferee on S. 1075.

I will be out of town on official business, attending the Third Annual Fish Expo in Seattle.

I respectfully request an alternate be appointed in my place.

With kindest regards,
Sincerely,

THOMAS M. PELLY,
Representative in Congress.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER. The Chair appoints as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 1075 the gentleman from California (Mr. MAILLIARD) to fill the existing vacancy thereon caused by the resignation of the gentleman from Washington (Mr. PELLY).

The Clerk will notify the Senate of the action of the House.

THE GREEN BERETS

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, most Americans, I am sure, joined with us in applause when Chairman RIVERS announced that Army Secretary Resor had dropped charges against the Green Berets accused of murdering a suspected South Vietnamese double agent.

In the words of this morning's edition of the Washington Post the Secretary's action "closes the official curtain on a dark side of the Vietnam war."

It may close the official curtain but it leaves many questions unanswered and the fate of the Green Berets allegedly involved uncertain.

According to the press the case against Col. Robert Rheault and his men was being pushed by the Department of the Army at the highest level. Indeed, it was not until the Central Intelligence Agency "declined" to produce certain material prosecution witnesses that the case was dropped.

Under the circumstances Secretary Resor said he doubted the defendants could receive a fair trial. Even before the announcement that the charges were to be dropped there was concern that the defendants would not receive a fair trial.

Just what these men actually did and under what orders they acted is not known publicly and may never be. This much is apparently clear, however:

A South Vietnamese national was executed.

This man was suspected of being a double agent.

The Central Intelligence Agency apparently was involved.

It is also apparent that what the Green Berets did was done during time of war in the belief that orders were being followed.

From this one can conclude that, notwithstanding the dismissal of charges against them, the military careers of these Green Berets are henceforth stagnate at best and ruined at worst.

It can also be concluded that the Central Intelligence Agency has again erred and is attempting to cover up what apparently is a very serious mistake.

Notwithstanding Secretary Resor's assurances that he wants to "make it clear that the acts which were charged, but not proven, represent a fundamental violation of Army regulations, orders, and principles," this type of activity has been carried on in the past. The question seems not to be whether but by whom and how often.

Mr. Speaker, it seems to me that Col. Robert Rheault and the men charged with him have been caught in the middle of a bizarre and clandestine operation not of their design nor their choosing for which they may well suffer throughout their lives. This is a tragedy. The whole episode is a tragedy in the shameful history of the Vietnam war.

FUNDS FOR POLLUTION CONTROL

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, the need for adequate funding of water pollution control projects has been recognized by a majority or substantial number of the Members of this body. It is heartening to know that the American public—and this means the American taxpayer—is wholeheartedly in support of funding programs designed to improve the quality of the Nation's water.

The very influential Chicago Tribune editorialized on this subject in yesterday's issue and I am including a reprint of that editorial for the information of all of my colleagues:

FUNDS FOR POLLUTION CONTROL

When Congress enacted the clean waters restoration act of 1966, it was regarded as a significant step in the nation-wide campaign against water pollution. But since then Congress has failed to fulfill its obligations under the act by falling far short of appropriating all the funds authorized. Such funds are to be used as federal cost sharing grants for construction of municipal sewage treatment plants.

In Illinois, for example, there are federal grant applications for 273 water pollution control projects but proposed federal funding sufficient for only 20 to 25 of them. Gov. Ogilvie points out that this short funding has a serious impact on this state's progress toward construction of necessary pollution abatement works, particularly in cities along the Illinois river, Lake Michigan, and other interstate waters. Other authorities warn that the whole national anti-pollution effort is being crippled.

Altho the 1966 act authorized one billion dollars for such purposes in fiscal 1970, the Nixon administration's budget calls for appropriations of only 214 million dollars. To stimulate the cities to get on with the job of cleaning up pollution, a strong movement is under way in the House to persuade the administration to provide full funding under the act. This movement has the support of most state governors, mayors of many cities, and nearly 40 conservation, civic, and other groups and agencies, including the AFL–CIO, the Chicago metropolitan sanitary district, the Izaak Walton league, and the League of Women Voters.

Sponsors of the movement assert they have 219 "firm" votes pledged in the House—enough to approve an amendment to increase appropriations to the full billion dollars in the event the House appropriations committee fails to recommend this sum. Pollution control costs money, but it is necessary if Americans are to avoid fouling their environment even more seriously than they have already. The longer control measures are delayed, the more it will cost eventually to stop pollution.

A 25-PERCENT BENEFIT INCREASE AND EXPANDING COVERAGE FOR ELDERLY AND DISABLED CITIZENS

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, I am introducing a bill today to reform our social security program by providing a 25-percent benefit increase and expanding coverage for our elderly and disabled citizens.

Since the last increase in social security benefits in February 1968, the cost of living has gone up dramatically and is continuing to rise. The escalating costs of the staples of human life—food, housing, clothing, and medical care—have created a real crisis for the elderly.

The President's proposal for a 10-percent increase in social security payments, effective in March 1970, is totally unresponsive to the needs of our elderly and retired citizens and, due to inflation and rising taxes, does not constitute a real increase at all. In terms of actual buying power, it would represent a reduction in social security benefits by next March.

In my congressional district alone, about 54,000 individuals receive social security benefits. Many of these citizens who must rely on this fixed income have written to me describing their desperate situation and their inability to cope with the rising costs of essential goods, services, and taxes. It is ironic that our modern society, which has realized the enormous benefits of medical breakthroughs that have dramatically prolonged human life, has not made adequate provision for our senior citizens in their years of retirement when they need it most.

As originally conceived, the social security program was based on the theory that benefits received would be in relation to the contributions a worker made and would not necessarily be his sole means of support. If a retired worker and his wife have a total income of $105 a month with which they have to budget for food, housing, and drugs and other medical expenses, then clearly this sum is inadequate and the social security program has failed in its purpose. Now, however, we must acknowledge the fact that social security payments are relied upon by many of our elderly as their prime income and the present level of benefits is not enough for many of them to meet their basic expenses and live in dignity.

It is a sad and inexcusable commentary on our society that the aged are the largest single group making up our poverty rolls. Almost one-third of all Americans over the age of 65, nearly 6 million, live in poverty and this number is increasing.

I believe a substantial raise in benefits is essential and my bill provides a 25-percent across-the-board hike for all social security recipients.

In addition, my bill would double the minimum primary benefit by raising the present level of $55 a month for an individual to a much more realistic $110

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monthly. The minimum amount for a couple also would increase from $82.50 to $165 a month.

It also raises the amount persons may earn without losing benefits, adds prescription drugs to the medicare program, extends medicare coverage to the disabled, and provides for automatic cost-of-living increases in benefits in the future.

The present $1,680 limitation on earnings is quite unrealistic and I feel it should be raised to at least $2,400 annually. My bill would accomplish this by increasing the monthly earnings limit from $140 to $200 and it also would enable a retired worker to keep $1 of every $2 he earned from $2,400 to $3,600.

Since drug costs are a substantial portion of the budget of every older American, my bill broadens the medicare program to include the cost of prescription drugs.

A formulary committee would be established to determine the drugs and biologicals which are to be covered. The reimbursement for these would be based on the lowest priced generic or brand name drugs available, consistent with Federal Food and Drug Administration standards.

I also propose extending medicare coverage to those receiving social security disability benefits who presently are not covered. Many of these disabled citizens have sizable medical expenses, often related to their disability, and they often cannot secure private health insurance coverage at a reasonable rate.

By providing for automatic cost-of-living benefit increases in the future, we can insure that the elderly will not have to wait on congressional action when living costs rise. Civil service annuitants already receive automatic cost-of-living increases. My bill would establish the same system for those receiving social security benefits so that their payments would be increased by the amount the cost-of-living index has risen whenever this is more than 3 percent.

In order to insure that the social security trust funds will be maintained on a fiscally sound basis, my bill would raise the level of wages subject to social security taxes from $7,800 to $9,000 and supplement this with general tax revenues in meeting the cost of certain features of the program. This financing plan seems practical in view of the administration's announcement it anticipates a budget surplus for this fiscal year. In future years, the likelihood of termination of our involvement in Vietnam and reduced military expenditures, coupled with additional revenue coming from the closing tax loopholes should provide the Treasury with more than enough general tax funds to cover the cost of higher benefits.

I am pleased the House Ways and Means Committee plans to begin hearings on various social security proposals later this month and I expect this will be one of the most important areas of legislation Congress will consider in the coming months. I hope it will act promptly to put this increase into effect by January 1, 1970, since higher payments are so urgently needed by so many people.

THE PRICE OF BEEF VERSUS THE PRICE OF CATTLE

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POAGE. Mr. Speaker, retail meat prices are always a matter of concern to the housewife, so I think some information recently developed by our Committee on Agriculture would be of interest to those who prepare the family menu and handle the family budget.

During the past year the price of live cattle of choice grade moved up from approximately $29 a hundred pounds last January to a high of $35.14 the last week of June. Every housewife is aware of this and most of them attribute the rise in the retail meat market prices to this move. Actually, the retail price of meat in the Nation as a whole, figuring a combined average of all cuts, rose from 90 cents a pound in January to a July high of $1.01, and there has been little decline since that time. The Department's estimate for September is 99.4 cents, a decline of approximately 2 percent.

The consumer naturally is more conscious of any rise in the price of food than of any drop which might occur and certainly of any decline in the price paid to the producer. Therefore, what has been happening in the price of cattle in recent weeks may well have escaped the attention of the public generally.

A number of members of the House Committee on Agriculture returned from an observation tour of livestock centers in the Southwest, visiting operations on the farms and ranches, through the cattle auctions and feedlots, to the slaughterhouses and packing plants. We saw cattle selling at appreciably lower prices than the same kind of cattle were bringing a few months ago, notwithstanding the fact that the production costs had continued to go up, just as other costs in our economy. As a matter of fact, on the first of this month livestock growers were receiving just about the same price for choice steers that they had received on the first of January, and about 17 percent less than they received in June. In short, as far as the producers' price for his cattle is concerned, there is no justification whatever for any higher retail prices than existed a year ago. And if measured by the price of cattle, beef should today actually retail for 18.3 percent less than it did 18 years ago, inasmuch as the cowman is today taking approximately 6½ cents per pound less for his live animals than he received in 1951.

Unfortunately, the retail price of food items always very quickly reflects, and generally greatly magnifies, any upward movement of farm prices, while any downward movement of retail prices always lags far behind a drop in the farmers' prices, and very seldom, if ever, reflects the entire drop which has occurred in the farm products.

Let me therefore suggest that when the housewife goes to look for a scapegoat for the high price of retail meat, that she look somewhere other than on the farm or ranch.

REMOVAL OF LIMITATION ON INCOME UNDER SOCIAL SECURITY

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, today I am introducing legislation to remove the limitation on income for our citizens receiving social security payments.

The earnings limitation system should be removed. The Government has reported that almost 1½ million people lost some or all of their social security benefits last year because they had income from work. There are probably millions of others who deliberately held their earnings down because they did not want to get involved with a complicated provision and a computer-run bureaucracy.

In a period when older people are being hard hit by inflation, older people with needed skills are being shunted out of work. This makes no sense at all. People need to be encouraged to work—not discouraged. It is high time for the Congress to remove this archaic provision and take this step to get an additional $2½ billion a year into the hands of our inflation-hit aged population.

This is the least we can do for our older Americans, many of whom are still earning below the poverty level with their social security because of this limitation.

CUTS IN FUNDS FOR HOUSING AND URBAN DEVELOPMENT

Mr. BARRETT. Mr. Speaker, the callous action of the administration in slashing the funds available for Housing and Urban Development was a long step backward and one that will do lasting damage to some of our most important programs. Not only will these budget cuts have a serious impact on the important programs directly affected but the fundamental message they carry must be clear to everyone—this administration is turning its back on the problems of our cities and all those who need decent housing. Nothing can explain away that fact, particularly, in view of the stark contrast with the administration's position favoring $10 billion for an ABM system which experts have said is not needed, hundreds of millions of dollars in subsidy money to aircraft manufacturers to develop a supersonic transport, and nearly $3 billion for foreign aid. Moreover, the administration's opposition to tax relief for those of average or below average income while favoring tax benefits for wealthy corporations, shows the true position of this administration.

The tragically misguided cuts in Federal aid for Housing and Urban Development must come as a shock to everyone who believes in our national housing goals and the improvement of our cities. For 20 years the Federal Government has pursued the policy of "a decent home and a suitable environment for every American family," established by the Housing Act of 1949. Now in 1 day we have seen a major reversal of that policy.

Secretary Romney apologized for the President's announced 75-percent cut in

Federal construction spending on the grounds that this would supposedly help to produce more housing. Obviously the Secretary is not calling the shots. His own programs have been riddled by this latest blast from the White House.

The model cities program enacted in 1966 is the keystone to our efforts to improve not only housing conditions in our city slums but the whole range of education, employment, and social benefits needed by the underprivileged. After the years of hard fighting to obtain even the present inadequate budget level we see that these funds are cut by nearly one-half with a stroke of a pen.

One of the most critical problems facing the homebuilding industry and the home buying public is the present record high level of interest rates. And yet, in the face of this, the administration has announced its intention to cut the interest subsidy assistance enacted by Congrees just last year to help low-income families.

The water and sewer grant program was approved by the Congress with overwhelming support. This reflects the urgent need for more adequate facilities to meet the population pressure in our growing towns and cities. In spite of this, Federal grant funds for local water and sewer construction have also been cut.

The administration has also obstinately refused to use the $2 billion available to them in the Government National Mortgage Association fund for mortgage loans on low- and moderate-income families. They even asked the Congress to repeal $500 million of this which became available on July 1, but neither body of Congress would accept this. The administration is also opposing our efforts to provide additional funds for the program of low-interest loans for housing for the elderly. On top of this they have administratively frozen funds for public housing and have set an arbitrary limit on urban renewal funds for the new neighborhood development program created by Congress last year.

The intentions of the Nixon administration become clearer every day—it is their policy to repeal, through tight money and freezing Federal funds, all of the gains in housing legislation made over the past two decades. There can be no justification for the latest cuts which are aimed at our neediest families and the most urgent problems of our cities.

MODEL CITIES PROGRAM

Mr. MOORHEAD. Mr. Speaker, I find the plans by the administration to cut $215 million from the model cities program an incredible act of stupidity. How can the President ignore the plight of our urban areas and discuss budget cutbacks in the one sector that is grossly underfunded—in relation to its needs—to begin with?

I think that every Member of this Chamber will agree that frugality is desirable in this time of inflation, but the administration need look no further than an overfat military budget for a place to trim expenditures.

This Congress authorized $515 million for the model cities program and we expect the administration to spend this amount. This body did not call for a 42-percent cutback in the program. This body did not deem this worthwhile program could begin adequately the revitalization of our cities with only $315 million.

I, for one, am not going to be taken in by the shilly-shally excuse that the $215 million reduction represents a lack of applications or a faulty bureaucratic effort.

What sort of priorities is the President setting for this Nation when he calls for a slash in an area where, if anything, twice the authorized amount would still be inadequate to do the job of building our cities?

If the President is truly concerned with trimming the budget, I can give him an item to do away with that will save the taxpayers $1.023 billion. We seem to find funds for an unnecessary nuclear carrier but there is not a fifth of that amount available for the millions of Americans who inhabit our ailing urban areas.

THE TIME HAS COME TO END THIS WAR

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, I do wish to emphasize at the outset of this statement that I believe the first responsibility of our Government is to provide for our security. For without that security our national ideals and goals are immediately in danger. So I speak, not as a pacifist, but as one who believes firmly in the importance of maintaining adequate defenses to insure our national security.

However, time and again since I took the oath of office almost 5 years ago, I have felt it my responsibility to speak out against what I regard as our tragic, futile policy in Vietnam. This war, that has taken 40,000 American lives and left 130,000 of our young men maimed and wounded, has been and remains the focus of our attention.

This is appropriate for it is clear that the prolonged war is the principal cause of the sharp divisions among Americans. The war is the single most important reason that our economy is beset by serious inflation, tight money, and other dangers. The war has prevented the United States from correcting certain grave domestic problems to which we awakened only in this decade; and even our great country is unable to fight a land war in Asia and, at the same time, address itself to pressing domestic problems.

Despite the problems it has bred it would be our responsibility to prosecute this war if it was vital to our national interest. But on balance, weighing the enormous costs against what we might possibly gain if all went our way in Vietnam—something that is quite unlikely—on balance, prolonging this war is not in our national interest. In fact, a continuation of the war, with the accompanying loss of American lives and the great drain on our national resources, is clearly contrary to the best interest of the United States.

I am drawn inexorably to the conclusion that we must begin immediately what former Under Secretary of the Air Force Townsend W. Hoopes has called "deliberate, orderly but complete withdrawal" from Vietnam. This total withdrawal must begin now, for as President Nixon said several weeks ago, "The time has come to end this war." The President is correct and I urge him to use the power at his disposal to give true meaning to his words; for it is deeds and not words that will stop the killing of 200 young Americans every week.

We must have an end to the sidestepping that appears to be our current policy. Just as we drifted into this war and the overwhelming American combat role it seems as though the administration would have us drift out. The consequence of such a policy would be substantial, unnecessary loss of thousands of American lives and protecting our men now in Vietnam must be our first concern.

The withdrawal that I seek, I might add, is not susceptible to any fixed timetable. To establish some far away date for the end of American fighting in Vietnam would probably insure that we will be involved up until that deadline. Rather than indirectly prolonging the war by picking some future date arbitrarily we should move promptly in the manner suggested by Mr. Hoopes.

Moreover, I believe we should, at the same time, propose in Paris an immediate, standstill cease-fire. I have come to believe that the beginning of the end of American combat involvement in Vietnam must start immediately for the following reasons:

There is no reason to give 25 American lives every day to sustain the corruption in a South Vietnamese regime that is more interested in perpetuating its own power and waging war than it is in seeking peace.

Nor is there any reason to suffer the thousands of deaths that will ensue during a fictitious withdrawal such as the one already begun. The slim chance of saving face is not sufficient justification for additional American deaths and casualties.

Even today, more than 4 years after major escalation was begun, the South Vietnamese have not established a truly democratic government. Some time ago I saw a glimmer of hope that democracy might be achieved but that glimmer has been extinguished. I shall only cite as a salient example the continued imprisonment of Truong Dinh Dzu, the man who ran second in the Vietnamese national elections, for alleged "treasonous statements"—charges never proven.

The South Vietnamese have provided no substantial moves to undertake their proper responsibility in fighting what is primarily their war.

At the same time some South Vietnamese government leaders provide impediments to peace with intransigent or unreasonable demands. I might note here the remarkable assertion last weekend by Vice President Ky in which he proposed to dictate American policy.

There is, here at home, a justifiable anxiety about the war that threatens to

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aggravate serious, existing differences among the American people.

There is, as has been charged so often of late, a confusion of priorities when we can fight this war, with its fantastic cost of 40,000 lives and more than $100 billion of our resources, while failing to act against more pressing problems here at home. The focus of American interest is blurred; we must attack isolationism, but we must, at the same time, recognize that the primary needs of our own people come first.

Now I know it has been said that those who are critical of American policy should remain silent. I cannot accept this; if freedom of expression is ever to be stifled then we will have begun to forfeit our greatness. Americans have a responsibility not to be silent about our national problems and national needs, but rather to be honest, vocal and outspoken. Anything less than full freedom of expression would be a contradiction of our creed.

I believe the American errors in Vietnam can be identified in four separate administrations. It is not, under any circumstances, a partisan issue and nothing is to be gained from futile efforts to place the blame here or there, with this individual or that.

My purpose, and I trust the purpose of all who differ with the evolution of our Vietnam policy, is not to affix blame. Rather, I seek to correct the errors of the past and substitute for a failing policy new directions that will extricate us from a war that we cannot justify in terms of its cost to the American people.

The simple truth is that we cannot save face, salvage prestige, or aid American interests in any way by permitting this war to continue.

I urge the President, in all good faith and with the conviction that what I propose is what the American people want and need, not to protract our disengagement.

The President seeks, as all Presidents should, the broad support of a majority of the American people. The only way this can be achieved is to begin immediately a reordering of our national priorities by undertaking without further delay the call for a standstill cease-fire and the "deliberate, orderly but complete withdrawal" of American combat forces from Vietnam.

TO END ABUSE OF TENNESSEE WALKING HORSE

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Devine) is recognized for 5 minutes.

Mr. DEVINE. Mr. Speaker, I have today introduced legislation designed to end the cruel and unnecessary practice of deliberately making the legs, ankles, and hooves of the Tennessee walking horse sore to alter its natural gait.

Unscrupulous owners and trainers have discovered that, if the front feet of the walking horse are deliberately irritated, he will lift them quickly and take longer strides in an effort to reduce his pain. This desired gait is thus accomplished quickly without months of training.

Soring is done by the use of chains, tacks, or small rollers attached together by chain. Some are also sored by the use of oil of mustard or oxide of mercury. Many horses lie down in the ring because the pain is so severe.

My bill joins Congressmen Kuykendall, of Tennessee, and Whitehurst, of Virginia, to prohibit the movement in commerce of horses which are sored. The penalty provided for each violation is a fine of $500 and/or 6 months in jail.

In the latest issue of a national magazine this cruel and inhumane practice is being brought to the attention of the public, and I am sure all Members of Congress will receive considerable mail on this subject. Soring is a cheap substitute for careful training, and a practice which should have been outlawed many years ago.

FARM PAYMENT LIMIT

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Findley) is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, the long-awaited action of the House to go to conference with the other body on agriculture appropriation disagreements was momentarily scheduled this past Monday, but delayed once more. While no announcement has been made, action could occur at any moment.

Certainly this step has been a long time coming. The House completed its own work on the appropriation bill in May and the other body shortly after. Senate conferees were named several months ago.

It is generally accepted that the reason the House conferees have not as yet been named arises from the disagreement over House language establishing a $20,000 limitation on the amount of payments any single farmer can get for the 1970 crop year under various farm commodity programs.

On a substantial record vote this provision was accepted by the House. It was subsequently rejected by the other body.

Before House conferees are named, an attempt will be made to instruct House conferees to insist on the limitation provision now in the House version.

As you know, the limitation, although voted 224 to 142 by the House on May 27, is not popular with prospective conferees and in my opinion certainly will be deleted in conference unless they are instructed.

Here are the principal arguments being advanced against the payment limit:

ARGUMENT

It is legislative in character and should be considered later in legislation, not tacked on an appropriation bill.

RESPONSE

This argument is dilatory nonsense. The relatively few wealthy cotton producers who are the beneficiaries of individual payments running into hundreds of thousands of dollars a year have been fighting an effective rearguard action against payment limits for years wherever they are proposed—on legislation or appropriations.

Their lobbyists are shrewd and resourceful. I am confident they are covering House offices in their usual discreet but potent way.

Last year when the same payment limit was scuttled in conference on a legislative bill, the plea was for just one more year to draw up something better. So what is new?

ARGUMENT

The new Secretary of Agriculture has given assurances that new legislation will include a payment limit.

RESPONSE

At no point has the Agriculture Secretary indicated support for payment limits. His statement this past Wednesday to the House Agriculture Committee gave no assurance that administration proposals will include a payment limit of any kind. He listed arguments for and against a payment limitation, but he stated that there was "legitimate concern" amongst those who espoused the negative arguments.

ARGUMENT

Because of the snapback provision of the present cotton law, the $20,000 payment limit would actually increase program cost. As you will recall, this argument was used widely and with great effect during earlier debate in both the House and Senate. The basis for it was a forecast by the Agriculture Secretary in which he said flatly that the payment limit would have the effect of increasing the cotton program cost by $160 million.

RESPONSE

I have in writing an acknowledgment from the Agriculture Department to the effect that the Secretary's use of the word cost was "unfortunate."

This admission followed my investigation of the assumptions and computations on which the Secretary based his forecast. Details may be found in the Congressional Record August 4, page 22145. In summary, he failed to adjust for the recoverable value of the inventory increase he predicted would occur. This oversight was a $334 million boner. Making adjustment for this error alone shows the payment limit effecting a cotton program cost reduction of $96 million, instead of cost increase of $160 million. In his assumptions he used an unrealistic yield figure—550 pounds per acre—which also tended to inflate substantially the cost estimate. Yield this year is now reported at only 474 pounds, and never in history has come close to 550.

The Department's statistical work actually supports my forecast that, with or without snapback, the limitation amendment will cut costs substantially.

ARGUMENT

Instructing conferees is unnecessary, because an opportunity will exist for a recommital motion with instructions if the amendment is deleted in conference.

RESPONSE

Last year I learned my lesson. Scrapping normal procedure, the conference report which had deleted a $20,000 payment limit was taken first to the Senate, not the House. The effect of this deliberate shuffling of papers was to deny me the opportunity to attempt to recommit with instructions to insist on the payment limit.

ARGUMENT

The $20,000 limit will impoverish cotton farmers and may cause a shortage of cotton.

RESPONSE

On the face of it, the argument is ludicrous. Using the Department's own assumptions and computations—except for the boner on inventory value—1970 crop income of cotton farmers would be up $60 million, not down. Assuming the snapback provisions would not take effect, the result would hardly put farmers in the poorhouse. Take Eastland Plantation in Sunflower County, Miss., for example. It would still get $20,000, surely enough to grubstake the owner for a year.

WOULD LIMITATION HELP EASTLAND PLANTATION?

One of my colleagues from the land of cotton, in his enthusiasm for big payments for wealthy farmers, has been privately stating in the cloakroom that Eastland Plantation would actually get more money from the Government under the $20,000 limit.

His explanation is that the snapback provision would be in effect and this would mean that the Government would purchase at a high price all of the Eastland cotton, representing an outlay considerably higher than under the present program.

Unfortunately this explanation suffers from the same gross shortcoming as Secretary Hardin's mistaken cost estimate. It treats the inventory value of Eastland cotton as zero, which of course is preposterous.

Under the snapback provision, Eastland Plantation, like other producers, would be eligible to receive a Government loan at 65 percent of parity. This year that would come to about 32 cents a pound. That figure, however, does not represent Government cost; rather, it is inventory investment. The realized loss—or cost—would, based on past experience, likely be about 12 cents a pound—not 32 cents.

Under the present program, Eastland Plantation would be eligible for a direct payment of about 15 cents a pound, in addition to income from sale or loan of about 20 cents. Thus the combined payment-loan this year would be about 35 cents a pound, compared with 32 cents if the snapback provision had been operating. While parity value, as well as payment level, will climb next year, figures will remain comparable.

This means that net Government cost of handling Eastland Plantation cotton under the snapback provision next year would clearly be less than under the present program.

In mentioning this, I do not wish to leave the impression that I am defending the snapback provision. This provision should not be in the law. I voted to delete it from the bill when it was first proposed.

On the other hand, the existence of the snapback provision is not sufficient reason to justify opposition to the $20,000 limitation provision.

Sustaining the House position on the limitation is our only chance to limit payments on 1970 crops, because subsequent amendments—whether on appropration or legislative bills—cannot be effective until 1971 crops at the earliest.

The hard-pressed taxpayers of the United States should not longer be required to finance big payments to wealthy farmers.

For the convenience of Members who may wish to reflect on the cost advantage of the $20,000 limitation, here is the text of correspondence I have had with the Department of Agriculture:

July 30, 1969.

Hon Clifford M. Hardin,
Secretary of Agriculture.

Dear Mr. Secretary: In your statement to the Senate Appropriations Agriculture Subcommittee on June 4 in opposition to the $20,000 limitation on individual payments to farmers, you stated that the provisions of the snapback clause of the present cotton program would increase the "cost" to the government by $160 million if they became operative for the 1970 crop.

The use of the word "cost" was unfortunate, because it left the erroneous impression that the expenditure would be entirely nonrecoverable.

Actually, a careful examination of the computations and assumptions your staff uses in analyzing the effect of the snapback clause leads inevitably to the conclusion that it would reduce program costs to the government and at the same time increase income to producers. Accepting as valid all the assumptions your staff made, the snapback clause would give cotton farmers in 1970 a $350 million boost in income, compared with last year. Program cost, $879 million compared with $975 million, would be down $96 million.

In Table 5 appended to your statement, you showed a net change of $432 million in stocks at loan rate. This item can hardly be termed cost in the usual sense, unless the words cost and investment are used interchangeably. Using the last 3-year average market price for cotton, 24 cents, we could assume the government in time would recover about $120 for each bale that went into the increased carryover. This would mean a projected net loss in this increased carryover of $98 million, not the $432 million gross outlay you listed.

Under the snapback clause, the major expense items based on the assumptions you used would be $156 million for diversion payments, $595 million for losses on sales and $98 million predictable loss on increased carryover—making a total of $879 million. This is $117 million less than the $960 million in payments forecast under the present program for the 1970 crop.

Accordingly, I feel that you may wish to correct your statement as to "cost" under the snapback clause.

By your own figures, cost under snapback will actually be less, not more. Your figures show cotton producers getting $60 million more from the 1970 crop under snapback than the present program (farm value of production plus payments), and $350 million more than in 1968. This makes the argument against snapback difficult to comprehend.

Moreover, several assumptions made in producing the estimates are open to question. Understandably they are designed to make snapback look unattractive. Reasonable modifications in the assumptions would reduce sharply the cost estimates under snapback.

For example:

In light of the import controls on raw cotton, it can reasonably be anticipated that the higher support price under the operation of the snapback clause would result in a market price higher than 24 cents.

If the market price should rise to 26 cents, for example, the net loss on the increased carryover would drop by $27 million. Each one-cent increase in market price would reduce carryover losses by $13.5 million. Corresponding cost reduction would also of course occur on CCC sales.

In your forecast you assume a yield of 550 pounds per acre. With the 1968 yield at 515, and the 1969 forecast at 520, a yield of 530 would surely be more reasonable than 550. Yield has never reached 550 pounds average. A diversion payment rate higher than the 10 cents you specified could be expected to take additional acres out of production. In 1968 the program secured a diversion of 3.2 million acres for payment. Acceptance of your figure of only 2.4 million would therefore seem debatable at best.

These variable factors, together with the recoverable character of the item you described erroneously to be cost, led me to conclude that net program cost under the snapback clause for the 1970 crop would actually be substantially less than the cost you project under the present direct-payment program. At the same time farmer income would go up.

If, as I have suggested, you administer the snapback clause under the option of simultaneous purchase and sale—a procedure which the Comptroller General has described as a payment program and therefore, in my view, subject to the $20,000 individual limitation—even greater program-cost reductions would be realized.

I would appreciate a word of clarification for the benefit of those who may have been misled by your statement to the subcommittee.

Sincerely,

Paul Findley,
Member of Congress.

Following is the text of the transmittal letter from Mr. Frick, together with the worksheet and assumptions for snapback computations that he supplied to me:

U.S. Department of Agriculture,
Agricultural Stabilization and
Conservation Service,
Washington, D.C., July 11, 1969.

Hon. Paul Findley,
House of Representatives.

Dear Mr. Findley: Per your request I am enclosing detailed notes concerning the computations and assumptions we used in analyzing the effect of the implementation of a snap-back program for cotton.

Sincerely yours,

Kenneth E. Frick,
Administrator.

Work Sheet and Assumptions for Snap-back Computations

1. Assume the Secretary would offer voluntary diversion at a payment rate of 10 cents per pound on up to 35 percent of the producer's allotment.

2. Planted plus diverted is estimated at 12.7 plus 2.4 equals 15.1 million acres; this compares with an adjusted allotment of 15.3 (16.2 minus .9). The incentives for either diversion or planting are so high that there would be very little "slippage."

3. Voluntary diversion payments would be subject to a limit of $20,000; therefore, we have assumed that only about half of the 5 million acres eligible for diversion would be diverted.

4. The difference between planted and harvested is estimated at only 600,000 due to the fact that under the snap-back, benefits accrue to farmers on actual production rather than projected production.

5. Average yield is estimated at 20 pounds higher due to the above reason and additional acres planted in skip-row patterns.

6. Ending stocks are estimated to be 1.5 million bales higher than under present program; CCC stocks, however, are estimated to be 2.1 million bales higher. This is due to the fact that with surpluses beginning to build up again the trade would carry less

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stock. This results in a nonrecurring CCC outlay of $96 million ($160 per bale times 600,000 bales).

7. Current parity for cotton is approximately 48 cents; the minimum support rate of 65 percent would indicate that the support price for average of the crop could not be less than 31.2 cents.

8. The expenditures of $432 million is merely the 2.7 increase in CCC stocks times $160 per bale.

9. Storage and handling costs are estimated up 50 percent in the line with the increase in CCC stocks.

10. Producer payments are calculated as follows; 2.4 million acres diverted at projected yield of 520 pounds equal $125 million plus $31 million in small farm payments for a total of $156 million.

11. Total disappearance of 11.9 million bales at a CCC loss of $50 per bale accounts for the snap-back loss of $595.

TABLE 5.—UPLAND COTTON—ESTIMATES OF BASIC DATA FOR 1968 THROUGH 1970 CROPS (BASED ON PRESENT PROGRAM) AND 1970 UNDER THE SNAPBACK PROVISION

Item	1968 crop (1)	1969 crop (2)	1970 crop	
			Present program (3)	Snapback (4)
Acreage (thousands):				
Alloted	16.2	16.2	16.2	16.2
CAP, CR, adjustment, etc	1.0	.9	.9	.9
Diverted for payment	3.2			2.4
Planted	10.9	11.9	11.9	12.7
Harvested	10.1	11.1	11.2	12.1
Field: Pound per acre harvested	515	520	530	550
Supply and utilization (1,000 bales):				
Production (including imports and city crop)	10.9	12.1	12.5	14.0
Beginning stocks (including preseason ginnings)	6.3	6.6	7.2	7.2
Domestic disappearance	8.1	8.3	8.4	8.4
Exports	2.5	3.2	3.5	3.5
Ending stocks	6.6	7.2	7.8	9.3
CCC stocks July 31	3.0	3.6	4.2	6.3
Price (in cents):				
Support price per pound (middling 1 inch)	20.25	20.25	20.25	32
Support price per pound (average of crop)	19.69	19.71	19.71	31.25
Price support payment rate	12.24	14.73	17.31	
Diversion payment rate	10.76+6			[1]10
Producer payments	784	826	966	156
Farm value of production (million dollars)	1,192	1,290	1,302	2,172
Total (million dollars)	1,976	2,116	2,268	2,328
Major receipts or expenditures (million dollars):				
Net change in stocks at loan rate	−230	−60	−60	−432
Storage, handling, and loan settlement	−3	−18	−20	−30
Producer payments	[2] −742	−826	+966	−156
Snapback loss on sales or loan repayments				−595
Subtotal, price support expenditures	−975	−904	−1,046	−1213
Public Law 480	−82	−70	−70	—
Estimated major expenditures	−1,1057	−974	−1,116	−1,283
Change in CCC stocks (million bales) (from June 30 of prior year)	+2.2	+0.6	+0.6	+2.7

[1] Volume.

[2] Fiscal year.

Since this correspondence occurred, USDA reports on 1969 crop cotton yield tend to discredit even further the cost estimate under snapback for the 1970 crop. The yield for 1969 is now put at 474 pounds per acre, which contrasts with the 520 yield figure used in table 5, and makes even more unrealistic the 550-pound yield figure used in forecasting the cost of the snapback provision for the 1970 crop. Yield has never in history approached 550 pounds per acre.

GOV. MARVIN MANDEL FIGHTS MALNUTRITION IN MARYLAND

The SPEAKER. Under a previous order of the House the gentleman from Maryland (Mr. FRIEDEL) is recognized for 10 minutes.

Mr. FRIEDEL. Mr. Speaker, in Maryland we do not have a lieutenant governor. Under our constitution when a Governor dies or resigns, his place is taken temporarily by the president of the senate until such time as a successor is chosen by the members of the general assembly.

When the Vice President of the United States, SPIRO T. AGNEW, resigned the governorship of Maryland, the general assembly chose as the new Governor the distinguished speaker of the house of delegates, Marvin Mandel, a resident of the Seventh Congressional District of Maryland, which I have the honor to represent in this House.

Mr. Speaker, Marvin Mandel is a quiet unassuming man, who has nothing about him of the demagog. A superb craftsman, who knows the business of government as few in America do, he believes in doing his job with a minimum of fanfare and a maximum of results.

Many very serious problems faced the new Governor, but one of the most awesome is the problem of childhood malnutrition in our State, a problem which the State had through the years left to the political subdivisions. Unfortunately, despite their best efforts the problem has grown to a level beyond the fiscal capabilities of the subdivisions.

Rather than delaying action on this problem, Governor Mandel conceded the point that conditions in our State had reached scandalous proportions and typical of Marvin Mandel, he set out to correct the situation.

Earlier this year he appointed a blue ribbon task force with a mandate to report back to him by the opening of the present school year. Working closely with the task force, Governor Mandel, made available $1,200,000 in State funds to assist the city of Baltimore and the 23 counties of Maryland. In addition, he has maintained close liaison with the congressional delegation of our State in an effort to obtain badly needed Federal assistance.

On October 1, 1969, Governor Mandel's national relations officer, Gerard F. Devlin, presented a hard-hitting report to the Senate Committee on Agriculture and Forestry, which is considering amendments to the School Lunch Act. His testimony paints a picture which is far from pretty, but he "tells it like it is." Mr. Speaker, I insert Mr. Devlin's statement and a very pertinent series of articles published earlier this year in the Baltimore Sun in the RECORD following my remarks. I know many other States face the same problem and I believe these articles will be of interest to my colleagues.

Mr. Speaker, I am very proud of my most distinguished constituent and if, to coin a phrase, the name of Marvin Mandel is not exactly a household word, rest assured that before he leaves office his name will be known across this Nation as a Governor who gets the job done.

The material follows:

TESTIMONY OF GERALD F. DEVLIN, NATIONAL RELATIONS OFFICER FOR THE STATE OF MARYLAND, BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY CONSIDERING AMENDMENTS TO THE SCHOOL LUNCH ACT

Mr. Chairman and members of the Senate Committee on Agriculture and Forestry:

My name is Gerald F. Devlin. I am National Relations Officer for the State of Maryland and I am here today representing Governor Marvin Mandel, who shares the deep concern of members of this Committee on the problem of malnutrition and especially malnutrition among our school children. We would like to commend the very distinguished junior Senator from the State of Georgia, the Honorable Herman E. Talmadge for his sponsorship of Senate Bill No. 2548 and his commitment to the concept that no child who comes to school hungry will go home hungry.

I would like to thank you, Mr. Chairman, for your promptness in scheduling hearings on pending bills to amend the School Lunch Act.

Mr. Chairman, statistically speaking, Maryland is perhaps the most typical American state. We rank near the middle of the 50 states in population, in per capita income, in poverty. We are a state with a great industrial base, but also a great agricultural state. We are part of the industrial Northeast, part of the rural South and, three counties are part of Appalachia.

I point this out, Mr. Chairman, in order to show that Maryland's problems are similar to those of the other 49 states. A close look at hunger in the State of Maryland shows a truly appalling picture, but it is rivaled by conditions in other parts of the United States.

Mr. Chairman, earlier this year Weldon Wallace of the Baltimore Sun wrote a four-part series on hunger in the City of Baltimore. With your consent, Mr. Chairman, I would like to have this series made a part of the permanent record of this committee, in order that all members of the Senate and all persons interested in malnutrition may look at this factual report of conditions in a large American city.

Mr. Wallace points out that the problem of malnutrition in parts of Baltimore is worse than that in some of the so-called "underdeveloped" nations. For example, Mr. Wallace cites a study conducted by Dr. Ray Hepner, who heads the Community Pediatrics Center at the University of Maryland's Medical School. Dr. Hepner, who is also Chairman of

Governor Mandel's Commission on Childhood Malnutrition, notes that a study which he made of children below school age in Baltimore and in poverty-ridden West Pakistan indicates that iron-deficiency anemia is twice as prevalent among children in Baltimore's Inner City than among children in the poorest areas of West Pakistan.

In similar nutrition studies, Vitamin A deficiency was found to be far more severe in the poorer parts of the City of Baltimore than it was in Ethiopia. The normal value of Vitamin A level in blood serum is considered 37 micrograms per 100 mm. For Ethiopian children, the range is 31 to 50. For Inner City Baltimore children, it is 19 to 38. Among 4 and 5-year olds examined by the Community Pediatrics Center at the University of Maryland, 16% had a Vitamin A level below 15 micrograms or less than half the normal. This record is no better than the situation in Thailand and South Vietnam.

Dr. Hepner's investigations also pointed out that among Baltimore Inner City children between the ages of 5 and 15 years, 23% got less Vitamin A than the required daily allowance.

Mr. Chairman, without going on at length, I think that we in Maryland concur with the very accurate appraisal of the effects of malnutrition made by the distinguished Senator from Georgia on the floor of the Senate on July 7, 1969. He said then that "An improper diet in the formative years has resulted in mental retardation, individual lack of energy and initiative in unknown segments of our adult population. The most tragic aspect of this is that many of those deprived adults are producing offspring who must endure the same unfortunate cycle of poverty."

I think our experience in Maryland and the studies conducted by Dr. Hepner and others have underscored the accuracy of the Senator's remarks—and I might add—the human tragedy that goes with the repetition of the poverty cycle. Mr. Chairman, in Maryland we are at this time taking dynamic action to alleviate childhood malnutrition. For example, within the past month the Governor has allocated $1,200,000 to serve 40,500 additional needy children free, or reduced-price, meals each day. Further, the Governor has indicated his willingness to recommend additional funds to alleviate this problem.

It has been estimated that there are 90,000 children in need of free or reduced-rate lunches in the State of Maryland. About half of this number are to be found in Baltimore, and the other half in the 23 counties outside of the city. At this time the House Committee on Appropriations is considering the Appropriation bills adopted by the House and Senate which include funds for school lunch programs. With these funds, and the supplemental funds made available by Governor Mandel, we still would not have enough money to solve the problem and to feed the 70,000 Maryland children who need free or reduced-rate lunches each day of the school year. It is for this reason that Governor Mandel earlier announced his strong support of HR 11651, a bill which would make available $100,000,000 in additional funds in the present fiscal year, of which Maryland's share would amount to something between $1,900,000 and $2,000,000.

Governor Mandel urged the members of the Maryland House Delegation to give their full support to this emergency measure when it was considered under suspension of rules in the other body. I am happy to report that the Maryland Delegation, four of whom are Democrats and four of whom are Republicans, supported this measure unanimously, indicating the fact that hunger is not a partisan issue.

Funds along this order are desperately needed, and it is our hope that this great Committee will authorize the expenditure of at least the amount of money contained in HR 11651.

Mr. Chairman, there are so many other witnesses who have testified upon this same subject that I shall not take time of this great Committee any further. I would like to thank you, Mr. Chairman, for your deep and personal interest in this subject, an interest which extends back more than three decades, and to Senator Talmadge for his deep and humane interest in the well-being of American school children. It is my hope, and the hope of Governor Mandel, whom I represent today, that you will authorize funds to assist the states in providing proper nutrition for our school children. I commend this Committee for its energy and its diligence. Thank you.

[From the Baltimore Sun, May 19, 1969]

HUNGER IN BALTIMORE—I: CITY'S CHILD ANEMIA RATE RIVALS PAKISTAN'S

(By Weldon Wallace)

Eighteen-year-old Marcia is the anemic mother of a 10-month-old boy and a 2-year-old girl. They live in West Baltimore.

The boy was placed in foster care recently. At the age of 9 months he weighed 9 pounds—11 pounds under normal expectancy.

The girl has been diagnosed as severely anemic at the Provident Comprehensive Neighborhood Health Center. She has not tried to stand alone, and characteristically she keeps her feet in a curled-up position. She is receiving physical therapy.

The cause of the children's poor condition: Bad diet.

Such cases are commonplace here.

The proportion of Baltimore children whose growth is severely stunted because of malnutrition far exceeds the national average.

In certain other conditions reflecting poor diet, the city's record compares unfavorably even with some of the so-called "underdeveloped nations."

As but one example, the rate of anemia traceable to iron deficiency is twice as high among children in Baltimore's inner city than among children in rural areas of West Pakistan.

This was reported by Dr. Ray Hepner, who heads the community pediatrics center operated by the University of Maryland with federal funds. His conclusions are based on comparative studies he made of children below school age—650 in Baltimore and 474 in West Pakistan.

Iron-deficiency anemia is the result of a diet poor in meat, eggs, vegetables and fruits.

The effect of such a diet is to lower levels of hemoglobin, a substance in red blood cells that transports oxygen and removes carbon dioxide. When hemoglobin is deficient, heart and blood vessels must work harder to meet the body's demands for oxygen.

Symptoms include apathy, poor attention and performance and increased susceptibility to fatigue and disease.

Iron-deficiency anemia is no respecter of race, creed or color. It is however, definitely a disease of the poor.

In a sampling of children from Baltimore suburban homes made by the University of Maryland pediatrics department not one case was found. By contrast, studies in an area radiating out from University Hospital, at Greene and Lombard streets, revealed severe iron-deficiency anemia in 36 percent of children 6 months old; 54 per cent at 12 months; 18 per cent at 4 years, and 25 per cent at 15 years.

These findings are matched by records in other sections of the inner city.

A Johns Hopkins survey showed that among 8,000 East Baltimore children in the socalled "Broadway corridor," 20 per cent had hemoglobin levels lower than 10 grams per 100 milliliters of blood. Translated, that means "truly severe anemia."

At the Johns Hopkins Hospital, 86 children were treated for iron-deficiency anemia in the last six months of 1963 alone, it was reported by Dr. Henry Seidel, associate professor of pediatrics.

In another nutrition study, Vitamin-A deficiency was found to be far more severe in Baltimore's inner city than in Ethiopia, according to the University of Maryland. The normal value for Vitamin-A level in blood serum is considered 37 micrograms per hundred milliliters. For Ethiopian children the range is from 31 to 50; for inner-city Baltimore children, it is 18 to 38.

Among 4- and 5-year-olds examined by the community pediatrics center of the University of Maryland, 16 per cent had a Vitamin-A level below 15 micrograms, less than half the normal. This record is no better than the situation in Thailand and South Vietnam.

The source of statistics on Ethiopia, Thailand and South Vietnam was the International Committee for Nutrition in National Development. The University of Maryland conducted the comparison study for Baltimore.

The local investigation involved inner-city children between the ages of 5 and 15 years. It revealed that 23 per cent got less Vitamin A than the recommended daily allowance.

At the age of 4 years, Patty is 37 inches tall—4 inches below normal expectancy for her age—and thus is rated as severely stunted. But at 45 pounds Patty is obese—9 pounds overweight. Her wobbly head indicates all too clearly the unhealthy nature of her fat.

This child is anemic, with a hemoglobin level of less than 8 grams per 100 milliliters of blood. The normal level for her age is about 13 grams.

Patty is one of six children in a fatherless white family of Southwest Baltimore. She is overfed on starches but deprived of milk, meat, fruits and vegetables

A typical day's menu, as recorded by a social worker, consisted of the following:

Breakfast—Sugar-coated cereal with water.

Lunch—None.

Dinner—Hominy grits and gravy.

The typical child admitted to a Baltimore hospital for treatment of ordinary pneumonia, gastro-enteritis or dehydration is an inner-city dweller who lives on a poor diet. Almost never is it a youngster from the suburbs.

Of 22 beds in the sick-infant ward at University Hospital, 20 to 50 per cent, depending on the season, are occupied by patients suffering from some preventable illness reflecting malnutrition.

Aside from human considerations, this is sheer financial waste.

The cost of hospitalizing a child is nearly $100 a day, including laboratory and other charges, and the average stay is 14 to 25 days. Meanwhile, preventive services available at the University of Maryland community pediatrics center cost $100 for each child each year.

As already pointed out, one of the chief effects of malnutrition is stunted growth, and Baltimore's record in this area is much worse than that of the nation as a whole, according to Dr. Alexander J. Schaffer, a world-renowned pediatrician at Johns Hopkins. Dr. Schaffer is consultant to the city Health Department and the federal government on child-health programs in Baltimore.

In a special study of height and weight, he examined 2,000 children chosen randomly from four health centers in different parts of the inner city, white and black. Their ages ranged from 2½ to 9 years.

He found that 15 per cent of the children were severely stunted in height, and that 12 per cent were severely deficient in weight.

By the same scientific measure in the na-

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tion as a whole, 9 per cent of deprived children stand at the severely stunted level in both height and weight.

Findings more extreme than Dr. Schaffer's were obtained by Dr. Zsolt Koppanyi in the O'Donnell Heights section of southeast Baltimore, a predominately white area.

In a study of school children from the first through sixth grades, Dr. Koppanyi tabulated almost 300 out of 900 as severely stunted.

Statistically, one would expect only 30 of these children to be small for hereditary reasons. High excesses above that figure, physicians say, are attributable to other causes—chiefly, malnutrition.

Studies of malnutrition in animals, reported earlier this year in *Science* magazine, contain extremely disturbing implications for mankind.

These investigations proved that nutritional deficiencies in animals at a very early age not only retard physical growth but also produce irreversible mental and emotional damage. The studies were described by two eminent pediatricians, Drs. Heinz F. Eichenwald and Peggy Crooke Fry.

Research of this kind obviously would be impossible among humans, for scientists cannot deliberately starve subjects for study purposes. But there is no scientific reason to doubt that what Dr. Eichenwald and Dr. Fry and other investigators noted in animals is also true of humans.

A child's brain, like an animal's grows far more rapidly than other parts of the body. By the age of 3, the normal human brain is 80 per cent of its adult size, while body weight is only 20 percent of what it will be at maturity.

In rats and pigs, comparable development takes place by weaning time. The Eichenwald report showed that the brain never attained normal size at maturity in animals deprived of adequate nutrition during the early period of rapid brain growth, even if they received a consistently good diet after weaning.

Ten-year-old Raymond, of Baltimore's O'Donnell Heights, was described by a physician as being at least "two years behind in his normal development." He is anemic. He is only 49 inches tall—6 inches below normal expectancy—and weighs only 49 pounds, 25 pounds under the normal weight for his age.

His performance also lags. He has failed a grade in school.

What Raymond ate on the day before a physician examined him recently is typical of the diet of many deprived families—enough to keep going, even token amounts of foods necessary for normal development, but far from adequate to sustain healthy growth.

For breakfast, Raymond had one egg, a glass of milk and toast. For lunch, nothing, and for dinner a hot dog on one slice of bread, with soda pop.

Raymond is one of eight children in a white family. His father earns $172 a month.

The malnutrition responsible for intellectual retardation is not simply a deficiency in the quantity of food eaten or in the calories consumed. The crucial factor is the amount of protein in the diet. For young infants, protein is derived almost entirely from milk, while for older babies and young children the sources are not only milk but also meat and eggs.

In numerous cases the malnourished are well fed so far as calories are concerned but starved of proteins. Indeed this is one of the most common types of malnutrition found in Baltimore.

The evidence is that failure to nourish a child adequately in the earliest years may not only do physical harm but may also leave him ill equipped to compete fairly in school and in work—never able to realize a potential which was, in fact, inborn.

[From the Baltimore Sun, May 20, 1969]

HUNGER IN BALTIMORE—II: A MEAGER MEAL

(By Weldon Wallace)

A DAY IS COMMON

The Johnson family, consisting of a mother and four children, ages 5 to 9, shares a six-room house in East Baltimore with a family of six (the mothers are sisters).

Terry, the oldest of the Johnson children, is an epileptic who cannot read or write.

Six-year-old Allen has asthma and severe anemia. His hemoglobin level is less than 6 grams per 100 milliliters of blood. A level of 12 would be normal for his age. He also has a heart murmur.

A social worker found that the family ordinarily eats nothing for breakfast. Lunch consists of soup or crackers or sometimes a dry, sugarcoated cereal, served with water.

A typical dinner would be hamhock, which is mostly bone, skin and gristle; green beans, and boiled potatoes.

How many people in Baltimore go to bed hungry?

The answer to that question depends on the definition of hunger.

Outright starvation, as in a concentration camp or the streets of Calcutta, is rare—though such cases do appear in Baltimore hospitals from time to time.

But if hunger means subsisting on one meager meal daily, then it is common in this city.

If hunger means dullness at school or work because of protein deficiency, it is widespread here.

Malnutrition is often disguised by appearances. Many Baltimoreans who suffer malnutrition because they are deprived of meat, fresh vegetables and eggs look well-filled out because their diets are heavy with starches.

Though it is easy to find evidence of hunger simply by making random visits to the kitchens of inner-city homes, there are more precise ways to form an idea of the number of Baltimoreans for whom its pangs are part of daily living.

As of February, nearly 19,800 families with dependent children were receiving payments from the city Department of Social Services. These families included more than 61,000 children.

Health Department officials estimate that the population also includes perhaps 60,000 children whose parents work but earn very little more, and sometimes less, than the welfare scale.

Scientific evidence indicates that out of an estimated 120,000 indigent children in Baltimore, 12,000 are severely stunted because of malnutrition. That figure is obtained by applying to all such children in the population the findings of Dr. Alexander J. Schaffer, who studied a representative cross-section of them.

In addition to the severely stunted there are at least 15,000 preschool children—and that figure is probably far too low—who are malnourished to a degree that impairs function and hampers normal development.

It is also estimated that among the inner city, about 2,400 in every grade are malnourished to a severe degree, plus others who are moderately so.

These calculations are based on a conservative interpretation of findings made in a variety of studies at University, Johns Hopkins, Sinai and City hospitals.

An uncounted number of Baltimore adults are also hungry, malnourished or both. The situation is especially bad for the old, of whom 4,000 are on welfare rolls. Many are stranded in their quarters by infirmities and often are forced to subsist on so little food that their survival itself is miraculous.

It is among the young, however, that malnutrition is most ominous, in view of scientific studies indicating that protein deficiency early in life permanently impairs brain growth and mental capacity.

What, actually, do deprived Baltimoreans eat?

Families stock up mainly on potatoes, rice, spaghetti, grits, baked beans and bread—foods that meet the most immediate demand, relief of the feeling of emptiness.

Meats eaten by the poor are, for the most part, not the ones high in protein value but those which are cheap because they consist chiefly of bone and fat. These are pig knuckles; pig feet; pork neckbone; "fatback" (a part of the hog that has no lean); chicken wings and back; and hamburgers that may contain as much as 50 percent fat. Luncheon meats are eaten, too, but these are relatively expensive, and the quantities taken are generally so small as to provide negligible protein.

Even the above meats are by no means daily fare.

Walter Crane, a laborer, supports his wife and 12 children on earnings of about $425 a month.

Monthly expenditures include: $100 for an unfurnished house in South Baltimore; $20 for gas and electricity; $30 for clothing and household maintenance and $15 to pay off a debt. This leaves no more than $260 for food and other expenses—$18.50 for each person.

For breakfast the family eats grits or toast.

Lunch is a peanut-butter-and-molasses sandwich, with half a pint of milk bought by those of the children who are in school.

Dinner may consist of neckbone or pigfeet—chicken or pork chop on Sunday—with rice or potatoes and a canned vegetable, usually string beans. The children get powdered milk.

Perhaps because of the milk, limited though it may be, the children have developed no major diet-deficiency diseases, but they tend to be anemic; they are below par in energy and school performance, and they are not thriving like children on balanced diets.

When a youngster enters the comprehensive child-care clinic of the University of Maryland, a record is taken of the food he has consumed during the preceding 24 hours.

Sample records, chosen at random, illustrate vividly how indigent Baltimoreans manage to keep going on diets that maintain existence but lack balance and offer almost none of the protein, iron or vitamins needed by the body.

SAMPLE DIETS

For a 2-year-old from a family of four:

Breakfast: Applesauce.

Lunch: Lunchmeat on one slice of bread.

Dinner: Nothing.

For a 4-year-old from a family of six:

Breakfast: Grits, scrambled egg, coffee with milk and sugar.

Lunch: Collard greens, white potatoes, rice and fatback.

Dinner: Collard greens, rice, chicken wing.

Snack: Cookie, potato chips, soda pop.

For a 7-year-old girl:

Breakfast: Nothing.

Lunch: Nothing.

Dinner: Pork Shoulder, candied sweet potatoes, white potatoes, string beans.

A 4-year-old girl from a family of four:

Breakfast: Hard-boiled egg and orange juice.

Lunch: Cornflakes and one orange.

Dinner: Hamburger and orange juice.

A 7-year-old girl:

Breakfast: Nothing.

Lunch: Bean sandwich with margarine; chocolate milk.

Dinner: Nothing.

A 3-year-old girl:

Breakfast: Cornflakes with milk and sugar.

Lunch: Nothing.

Dinner: Pork roast, potatoes, cabbage.

Snack: Two jam sandwiches.

The following menu of a 6-year-old girl is unusual in that it is nutritionally adequate:

Breakfast: Bacon, scrambled eggs, grits, milk.

Lunch: Cookies and milk.

Dinner: Ham, collard greens, white potatoes, milk and bread.

Snack: Cake and frozen strawberries.

A 2-year-old had:

Breakfast: Pancakes with syrup and applesauce.

Lunch: Nothing.

Dinner: Frozen chicken-pot pie.

For several of these children the only drink was a popular beverage which consists of nothing more than flavored water.

Sweets are common substitutes for something more substantial, and it is not unusual to see a child enter an innercity store in the morning to exchange a coke bottle for candy that may serve as breakfast or lunch. If the child has a little money, coke and potato chips commonly are purchased.

The last week of the month may find a family subsisting on a single food three times a day—oat meal, for example, with nothing more than cinnamon and sugar to vary the taste.

Sometimes one food will predominate for several days because a large supply has been purchased.

EGGS, ALL WEEK

One mother of six recently bought several dozen eggs, and for lunch all the next week she served her children two egg sandwiches apiece. Breakfast in that household normally consists of cornflakes with watered cream the first two weeks of the month and a piece of cake or toast for each person the rest of the time. Dinner might be hamburger or a portion of sausage or bacon served with eggs. No milk.

Some poor persons become so used to bulky foods that they are not tempted by proteins and green vegetables even when those are available.

"Nothing tastes right to me anymore," said one inner-city mother, "except bread with margarine and salt."

[From the Baltimore Sun, May 21, 1969]

HUNGER IN BALTIMORE–III: EIGHT EAT ON $77 A MONTH WITH NO MILK, GREENS, FRUIT

(By Weldon Wallace)

Shirley, a 12-year-old girl who lives in West Baltimore, has reached only the fourth grade level in an upgraded class. She lags not only in her studies but also in physical development.

Shirley is 52 inches tall, 8 inches below the 5 feet normal for her age, and she weighs 63 pounds, 24½ pounds less than the average healthy 12-year-old. Physicians rate her severely stunted.

Shirley is the oldest of seven children in a fatherless family. An examiner found she had "rampant" tooth decay and other evidences of poor condition.

Shirley's 3-year-old brother is even more retarded, proportionately. He weighs 25 pounds, litle more than two thirds of the 34 pounds normally expected at that age.

The mother, by contrast, is obese at 190 pounds.

The children's retarded development and the mother's fat both reflect a diet heavy in starches but lacking in the iron, proteins and vitamins mandatory to health.

A social worker recorded the following menu on a typical day in the family:

Breakfast: Sausage and grits.

Lunch: Lunchmeat and bread.

Dinner: Turkey wings and mashed potatoes with gravy.

No milk, no green vegetables, no fruit.

Shirley's family has a monthly income of $282, which comes from the Department of Social Services and child support paid by the absent father. The monthly rent for a large house, which was found by the social worker to be in "horrible condition," is $100. Since gas is used for heating, the gas bill in winter can run as high as $70. Electricity takes another $15. Clothing and the most minimal of needs for household maintenance account for another $20 at least.

This means that in cold weather the average money available for food each month is $77, little more than $9.50 a person—less than 32 cents a day.

The problem of hunger in Baltimore cannot be solved solely by pouring more money into welfare, say more than a dozen top-ranking medical and social specialists whose opinion was sought.

Yet all of these experts believe some money increases are necessary.

As they see the situation, hunger cannot be isolated from other social ills. Its correction requires a drastic upgrading of inner-city life as a whole.

"Nutrition is a part of nurture," says Dr. Ray Hepner, University of Maryland pediatrician. It does not go with a sense of hopelessness. It demands at least minimum economic and social stability, which cannot be achieved without the basic education and vocational training that innumerable Baltimore families lack.

Yet malnutrition in itself is such an urgent problem for the young that truly heroic efforts are called for to prevent a new generation from growing up here stunted in body and mind. That is the conviction of Baltimore physicians who live with the problem every day.

To these doctors, there is no question that more money for food is a desperate and immediate need.

Simple arithmetic shows the reason.

The Baltimore Department of Social Services pays a family of four $128 monthly for subsistence and $50 for shelter, including utilities. Subsistence is allocated on the following basis: $95 for food; $20 for clothing; $13 for personal and household maintenance.

But the United States Department of Labor says a family of four needs $192 for minimal subsistence. This exceeds the Maryland allowance by $64 or one-third of the welfare subsistence grant.

The federal government breaks down the total this way: $112 for food; $40 for clothing; $40 for personal and household maintenance.

To achieve a moderate standard of living, which means all necessities but no luxuries, a family of four needs $266 for subsistence, according to studies made by the Maryland State Department of Social Services.

This is divided into $149 for food; $58 for shelter; $58 for personal and household maintenance.

For shelter, a family of four requires $118 to meet a moderate standard of living, the state Department of Social Services estimates. This is more than three times the $50 Maryland welfare allotment, which has not changed since 1958.

A welfare family may live in a public-housing project at the rate allowed for shelter by the Department of Social Services—if units in the project are available, but few are.

Of 10,280 such units in Baltimore, all but 111 are presently taken. Tenants include 5,000 welfare families, according to Robert C. Embry, Jr., the city housing commissioner, and that figure represents only one-quarter of the nearly 20,000 families in the single welfare category of Aid to Families with Dependent Children.

The other public-housing units are rented to indigent families not on welfare. These pay a higher rate, which is necessary in order to make the housing projects self-supporting.

What the average welfare family of four actually pays for rent is $86 monthly, the state Department of Social Services found in a sampling it made.

Since that is $36 above the $50 earmarked in the grant for shelter, clients must dig into their subsistence allotment to make up the difference. Almost inevitably the family skimps on food.

As it is, the $95 food allotment amounts to less than 79 cents a person a day. To subtract $36 leaves only $69—57½ cents daily for each person. That amount may be subject to further depletion from the incidentals and emergencies that are part of the experience of almost any family.

Further, the $69 is only $9 more than the lump sum the family-of-four householder must put down in order to buy food stamps, which are designed to stretch the buying power of his grocery dollars.

Many people cannot use the food-stamp program simply because they are unable to pay out a large proportion of their monthly grant at one time. The money is just not there.

Figures reveal how far the program falls short.

In March, 9,400 clients bought food stamps. That is less than half the families with dependent children on relief, to say nothing of clients in other categories.

Only 1,000 householders who were not on public assistance purchased the stamps in March—and there are probably as many self-supporting indigents as there are welfare clients.

In buying food stamps a householder who is not on welfare is subject to the same rules that apply to public-assistance clients. If his family totals four, and his net earnings, for example, are $190 a month, he is not eligible for stamps because his income exceeds the $178 basic welfare grant.

Several plans and proposals are now under consideration to ease the workings of the food-stamp program and to permit the indigent to enjoy the great benefits it was designed to provide.

A federal source of free food to supplement the diet of indigents has been available in recent years, but Maryland has not taken advantage of it.

The Department of Agriculture would send foods to this state for donation to the indigent when prescribed by a physician or requested by nurse or social worker. However, Marland has never made the appropriations necessary to stockpile this food and distribute it.

Even the few dollars which indigent Baltimoreans have to spend for food may not go as far as an equal number of dollars spent by the more fortunate consumer. The inner-city householder generally cannot afford taxi or bus fare to shop for bargains among chain stores beyond her neighborhood and must go to the corner grocery, where prices are often higher for poorer food.

A substandard diet not only deprives body and mind of nutrition; it also helps to weaken family relationships. In comfortable homes the dinner table is a source of unity, drawing the family together at least once daily and often providing the only opportunity for leisurely interchange among parents and children.

But in many ghetto homes, food is so scarce and monotonous that the family has no interest in sitting down at the table together. The mother may simply put a pot of beans or potatoes or cabbage on the stove, and family members go there at random to help themselves.

And food alone, even the best of it, may not provide adequate nutrition if an unhealthy or unsettled emotional tone in the environment interferes with the body's processes of digestion and assimilation, physicians say.

Nothing contributes to instability more than the absence of a father from the house-

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hold—one of the most depressing problems of the ghetto.

Ironically, the welfare system tends to perpetuate rather than alleviate the problem of the fatherless home.

A father who works may be unable, for one reason or another, to earn as much as his family could receive from a welfare grant. Often he lacks the training to do so. His family, however, is not eligible for public assistance so long as he remains at home. It is tempting, therefore, for the father to desert his family for its own economic good.

The Monroe family consists of husband, wife and 15 children. Because Mrs. Monroe is a devout Catholic, she has refused to practice contraception.

Mr. Monroe works for a construction firm, so his employment is often dependent on the weather. He also has a problem with alcohol but, nevertheless, he is employable by standards of the Department of Social Services.

The wife is the family's main support. Each night she travels by bus from her Schroeder street home to Dundalk to work as a janitor for $60 a week. She has to pay for her own carfare and lunch.

If Mr. Monroe were to leave home, his wife and children would draw a minimum of $250 in public assistance and Mrs. Monroe would not have to make that nightly journey to Dundalk. But the couple will not hear of this.

"We will stay together," Mrs. Monroe says, "and, if necessary die together."

Welfare clients heretofore have found little encouragement to seek work, since whatever they have earned above $10 and expenses is deducted from their welfare grant. As of July this will be changed to permit a worker to retain $30 plus one-third of additional earnings.

Some knowledgeable persons would go even further. As they see it, the client should be allowed to retain both his grant and his full wages if neither alone can provide him with basic subsistence. This would give him a toehold on a better life for his family and would be an incentive to push further up. As his lot became better, the welfare grant would taper off.

One new undertaking of the department of special services which shows great promise is the work incentive program, designed to provide job-training opportunities for clients. The interest this has aroused, and the response to it, belie the popular belief that welfare clients are happy to remain wards of the state.

[From the Baltimore Sun, May 22, 1969]

Hunger in Baltimore—IV: War on Anemia Is Urged in Slums

(By Weldon Wallace)

A group of leading Baltimore pediatricians has presented to the federal government a plan to protect infants from iron-deficiency anemia, which now affects thousands of young Baltimoreans.

Under this proposal, drafted by Dr. Alexander J. Schaffer, all infants born in the Model Cities area of Baltimore would receive iron-enriched milk from birth through the age of 9 months. This preventive measure would benefit a vast deprived section of Baltimore, extending from Monroe street in the west across the business district and to Broadway in the east. The population of the area is at least 100,000.

Dr. Schaffer is consultant on all public child-health programs in the city.

His recommendation is one of several moves taken recently in Baltimore by public and private agencies as the city becomes more sharply aware that hunger is chronic here and that malnutrition is a constant drain on the energies of the poor.

Another move is a proposal by the School Board to double the free lunches offered in city schools, bringing the number to 10,000. Though health officials say that at least twice that many are needed, the increase sought is regarded as a substantial advance in the attack on hunger. If the budget for the additional lunches is approved, the city would pay about 45 per cent of the cost, and the remainder would be made up from federal sources.

Dr. Schaffer's proposal contains two provisions. The first concerns the iron enrichment of milk for infants. The second calls for a program of systematic and widespread nutritional education for parents. Dr. Schaffer emphasizes the second just as strongly as the first.

Such education would be given to expectant mothers along with other training in child care. The instructors would be organized as neighborhood teams headed by 12 full-time persons employed from among residents of the Model Cities area, all under a project director.

Dr. Schaffer computes the cost of his two-part proposal at nearly $212,000 annually, and in return for this money he believes the infant population of Baltimore would be virtually freed of iron-deficiency anemia.

Such anemia lowers the levels of hemoglobin in red blood cells, thus impairing the delivery of oxygen to the body and the removal of carbon dioxide. Its symptoms include apathy, poor attention and performance and increased susceptibility to fatigue and disease.

A scientific sampling of the population has shown that more than a third of the infants born to indigent parents in Baltimore have iron-deficiency anemia by the age of 6 months. Among indigent 15-year-olds, one-quarter are affected.

It is believed that the iron formula Dr. Schaffer wishes to add to milk would have a number of beneficial side effects, including improvement in the assimilation of proteins, which are necessary for the infant's physical and mental development.

Dr. Schaffer is only one of the experts in infant and child care who consider nutritional education of the public an indispensable weapon in the battle against hunger.

Even big increases in food grants to welfare recipients will not be reflected by comparable improvement in nutrition unless householders know what foods to buy—this is the conviction of all experts who were questioned.

Numerous indigent mothers do not understand that there is a vital nutritional difference between a diet of bread, spaghetti and potatoes and a menu that offers meats, eggs and fresh vegetables.

Many of the poor, especially those who have come from rural areas, think of food in terms of cornbread, syrup, grits and other starches, prepared with ethnic flavorings. Foods high in protein and other elements necessary for growth and health are often unwelcome to palates unaccustomed to them. Even with more money to spend for food many persons would probably continue eating the foods they know and like.

It is the consensus of experts that any other measure to aid nurtition will be only partially successful without a vast training program in food habits and tastes, in shopping practices and menu planning.

Understandably, in view of the meager food money available to them, inner-city householders feed their families primarily on cheap but filling starches. Yet even with very limited resources, householders who have some knowledge of nutrition manage by resourceful shopping and adroit menu-planning to give their families the basic foods needed for growth.

If the job that must be done to improve the lot of poor Baltimoreans nutritionally, nothing is more hopeful and promising than the fact that a great deal of nutrition can be provided on a small budget.

At a cost of hardly more than $6 a day a family of 10 can eat meals that are both tasty and adequate to meet the body's nutritional demands.

Proof is a booklet prepared by Mrs. Norma Maiden, nutritionist of the University of Maryland Community Pediatric Center.

This booklet contains menus and recipes designed to enable a family of 10 to eat for a week at a cost of $43, based on food prices in corner grocery stores.

Listed are such dishes as omelets, barbecued chicken, hamburger "submarines," meat loaf, baked fish, beef stew and "herringburgers."

Mrs. Maiden includes price lists of all foods bought. She also offers suggestions on how to use leftovers and how and when to shop to get the best value.

Public and private organizations are considering plans to train people to serve as instructors in nutrition in the ghetto.

But to be successful, such a program must be part of an intensive overall drive to eliminate illiteracy, provide job training and otherwise prepare indigent people to make a better life for themselves. Hunger, the experts insist, does not stand isolated from other problems. It is part of the total pattern of deprived living.

Family stability is the base of a better life, and a job is essential to stability.

Dr. Henry Seidel, Johns Hopkins pediatrician, has said, that "if I had $100,000,000 to give to the poor, I would not spend it on food or health but on jobs."

Education and job placement, better nutrition and social circumstances—all should help in the abatement of alcoholism, drug addiction and illegitimacy, in the opinion of people who work with these problems every day.

For many indigent persons alcohol has been the only escape from a world without hope; a world where even when jobs become available, the unemployed lack training to fill them.

As for illegitimate parenthood, there is a popular notion that numerous unmarried women become pregnant repeatedly because each additional child produces more welfare revenue. In truth the money allotted for each new child is $24.50 per month, a slim amount indeed for the nurture of a child and hardly an inducement for maternal profiteering.

And, until very recently, the welfare department imposed a maximum in grants, so that each extra child after the fourth produced no increase in benefits at all.

Dr. Ray Hepner, who heads the University of Maryland Community Pediatric Center, offers clear evidence to refute the idea that repeated pregnancies are desired by these women or are viewed by them with indifference.

Four years ago the university started education in family planning. For a quarter of a century, the birth rate in the area around University Hospital, Greene and Lombard streets, had been rising sharply. After programs in family planning were started, the birth rate began to decline and today it stands at the level that prevailed 25 years ago.

No factor in the present attack on ghetto problems is more encouraging than the sheer build-up of public concern about hunger and malnutrition.

There has been something like a national awakening. Hunger is a pressing topic in Congress, in state legislatures, in magazines and newspapers, on television and radio. Many churches have entered the inner city as the most important area of their ministry today.

And while Baltimore has the unwanted distinction of leading the country in many evidences of malnutrition, it was also the first city to create a task force on nutrition. This unit, established by Mayor D'Alessandro, has brought together numerous agencies,

public, private and religious, for a concerted attack on the problem.

All are needed to regenerate the other side of the land of plenty.

SOCIAL SECURITY

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. Staggers) is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, our elderly citizens, dependent for the most part upon social security benefits, were given every reason to believe that changes in the system would go into effect before the close of 1969. The administration's recent proposal for an increase in benefits, effective April 1, 1970, is obviously an unreasonable delay. Further, the increase proposed is insufficient to cover the increase in cost of living since the last change was made in the system.

We will fail in our duty to social security beneficiaries if we do not provide earlier and more substantial relief. I am therefore suggesting that Congress amend the Social Security Act so as to provide:

First. Changes effective with checks mailed out in early January 1970.

Second. An increase in minimum benefits to $75 per month.

Third. A general increase of benefits of 15 percent of the present scale.

Fourth. A cost-of-living increase on a scale equivalent to those used by industry in fixing wage scales, such increases to be calculated every 6 months.

Fifth. Modifications in employer and employee contributions to the system which will make the above increases possible.

Mr. Speaker, the present social security system has demonstrated the correct answer to the aging problem. It has proved itself to the satisfaction of the public as a concrete and workable method of assuring a serene and unworried old age. It needs modification from time to time to meet changing conditions. If those modifications must be made by successive congressional acts, those changes will necessarily become involved in partisan political manipulations. The social security system has not at any time been a partisan measure. Frequent automatic assessments of changing conditions will help to preserve its nonpartisan character.

I feel that this suggestion is just and proper at the present time, and that it will assure a satisfactory operation of the system for some time to come.

OUR COURSE IN VIETNAM

(Mr. KYL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KYL. Mr. Speaker, since becoming involved in Vietnam, we have had three basic courses we could pursue:

We could seek military victory.

We could withdraw unilaterally.

We could attempt to negotiate some kind of settlement between those first two extremes.

Our Government has been trying to negotiate. There is no question about the seriousness of our desire. We have taken steps to indicate our good faith in seeking a solution. I do not know how much has been achieved. This is a diplomatic process. Diplomacy cannot exist in public.

In recent days, we have had an increasing tempo of criticism over Vietnam policy. The agitation has centered chiefly on the schedule for withdrawing troops from Vietnam. The argument has been carried on primarily by press release. It is obvious that there is an effect on public opinion. A decision is being forced.

In this brief discourse, I am not attempting to say that opposition is good or bad or whether silence would be better. I am saying that what is happening will result in some easily predictable results.

Most important, opposition to our foreign policy effectively removes the option to negotiate. For what we are saying to the enemy is this: "You better hurry and negotiate with us soon because we are going to have all our troops removed by a certain date, and then it will be too late to negotiate."

It is as simple as that.

This will leave us with but two options. We will have the option to pull out. But we will also have the alternative of seeking military victory. And once the middle option is removed we will have to move one way or the other.

What is the cost of accepting either alternative? I do not think anyone needs briefing on the costs of an all-out war in Vietnam. I am not so sure we all understand the possible costs of withdrawal.

For when we get ready to make the decision for withdrawal, we have to ask ourselves if this means withdrawal from all Southeast Asia. If it does not, how do we specify where or when or how we can or will be involved in that portion of the globe. And if our policy determination at that time is to be meaningful, we will have to express our intention clearly or we will be tested at every geographic point in Southeast Asia.

We will also have to make it obvious very quickly, what our interests are in other parts of the world, particularly in those acute trouble spots like the Mideast.

It is always easier to have an opinion than to make a decision.

In attempting to pressure others into making decisions that we ourselves cannot make, we are advised to estimate all possible consequences of our recommendations. And, we must all be prepared to share the responsibility for the decisions others make at our insistence.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill and joint resolution of the Senate of the following titles:

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees; and

S.J. Res. 46. Joint resolution to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week."

The message also announced that Mr. Bellmon be appointed a conferee on the bill (H.R. 10505) entitled "An act to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program" in lieu of Mr. Cook, excused.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2163. An act to establish, in the House of Representatives, the office of Delegate from the District of Columbia, to amend the District of Columbia Election Act, and for other purposes; and

S. 1264. An act to establish a Commission on Government for the District of Columbia.

GENERAL LEAVE TO EXTEND

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Pike amendment opposing the construction of naval vessels to the bill, H.R. 14000.

The SPEAKER pro tempore (Mr. Pucinski). Is there objection to the request of the gentleman from Alabama?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Foreman) and to revise and extend their remarks and include extraneous matter:)

Mr. Devine for 5 minutes today.

Mr. Findley for 15 minutes today.

Mr. Rhodes for 5 minutes today.

(The following Members (at the request of Mr. Anderson of California) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez for 10 minutes today.

Mr. Friedel for 10 minutes today.

Mr. Staggers for 10 minutes today.

Mr. Rosenthal for 60 minutes on October 14.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Fulton of Tennessee in three instances, and to include extraneous matter.

Mr. Hunt to extend his remarks following those of Mr. Arends in the Committee of the Whole today.

Mr. Price of Texas to extend his remarks following those of Mr. Devine in the Committee of the Whole today.

Mr. Tunney, to revise and extend his remarks immediately preceding the vote on the ABM amendment.

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Mr. Eckhardt, to extend his remarks and to add extraneous matter on the bill H.R. 14000 on amendment No. 1.

Mr. Daniel of Virginia, and to include extraneous matter following his remarks on the ABM today.

Mr. Price of Illinois, to extend his remarks on the final amendment on H.R. 14000.

Mr. Brademas, to extend his remarks at the end of the debate today on H.R. 14000.

Mr. Schadeberg to extend his remarks during debate on the ABM on H.R. 14000.

Mr. Quillen to revise and extend his remarks made during debate on H.R. 14000.

(The following Members (at the request of Mr. Foreman) and to include extraneous matter:)

Mr. Roudebush.
Mr. Zwach.
Mr. Taft.
Mr. Winn in two instances.
Mr. Pelly in five instances.
Mr. Carter.
Mr. Collier in five instances.
Mr. Eshleman.
Mr. Wyman in two instances.
Mrs. Reid of Illinois.
Mr. Pollock in five instances.
Mr. Horton.
Mr. Derwinski.
Mr. Watson in two instances.
Mr. Esch.
Mr. Foreman.

(The following Members (at the request of Mr. Anderson of California) and to include extraneous matter:)

Mr. Natcher in two instances.
Mr. Long of Maryland.
Mr. Rarick in four instances.
Mr. Gonzalez in two instances.
Mr. Charles H. Wilson.
Mr. Cohelan in two instances.
Mr. Addabbo in two instances.
Mr. Watts in two instances.
Mr. Tiernan.
Mr. Diggs.
Mr. Hathaway in two instances.
Mr. Griffin in three instances.
Mr. Monagan in two instances.
Mr. Kastenmeier.
Mr. Brown of California in two instances.
Mr. Minish.
Mr. O'Neill of Massachusetts in four instances.
Mr. Brademas in 10 instances.
Mr. Biaggi.
Mr. Rogers of Florida in five instances.
Mr. Ashley.
Mr. Tunney.
Mr. Olsen in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2163. An act to establish, in the House of Representatives, the office of Delegate from the District of Columbia, to amend the District of Columbia Election Act, and for other purposes; to the Committee on the District of Columbia.

S. 2164. An act to establish a Commission on Government for the District of Columbia; to the Committee on the District of Columbia.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees; and

S.J. Res. 46. Joint resolution to authorize the President to designate the peroid beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week."

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p.m.) under its previous order, the House adjourned until tomorrow, Friday, October 3, 1969, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1207. A letter from the Director, U.S. Information Agency, transmitting the report of the Agency on activities under section 401 of the Federal Property and Administrative Services Act of 1949 (Public Law 81–152); to the Committee on Government Operations.

1208. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States under the provisions of section 212(a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1209. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d) (6) of the act; to the Committee on the Judiciary.

1210. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1211. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1212. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KIRWAN: Committee on Appropriations. H.R. 14159. A bill making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal; the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes; without amendment (Rept. No. 91–548). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 14143. A bill to amend the Employment Act of 1946 to bring to bear an informed public opinion upon price and wage behavior which threatens national economic stability; to the Committee on Government Operations.

By Mr. CEDERBERG:

H.R. 14144. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. DEVINE:

H.R. 14145. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored" and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 14146. A bill to authorize the release of 12,366 short dry tons of non-stockpile-grade fluorspar from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. FREY:

H.R. 14147. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in benefits thereunder and a minimum primary benefit of $70; to the Committee on Ways and Means.

By Mr. GILBERT (for himself, Mr. Adams, Mr. Addabbo, Mr. Annunzio, Mr. Brasco, Mr. Button, Mr. Byrne of Pennsylvania, Mrs. Chisholm, Mr. Conyers, Mr. Dent, Mr. Edwards of California, Mr. Farbstein, Mr. Feighan, and Mr. Flood):

H.R. 14148. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled and for other purposes; to the Committee on Ways and Means.

By Mr. GILBERT (for himself, Mr. Halpern, Mr. Hicks, Mr. Howard, Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. O'Konski, Mr. Olsen, Mr. Podell, Mr. Pucinski, Mr. Rees, Mr. Tiernan, and Mr. Tunney):

H.R. 14149. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 14150. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. JARMAN:

H.R. 14151. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 14152. A bill to amend title II of the Social Security Act to provide a 25-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $110 and subsequent cost-of-living increases, and to raise the amount individuals may earn without suffering loss of benefits; to amend title XVIII of such act to make health insurance benefits available without regard to age to all individuals receiving cash benefits based on disability, and to provide coverage for qualified drugs under part B of such title; and to authorize appropriations to finance the cost of these changes; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 14153. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in the monthly benefits payable thereunder, with a minimum primary benefit of $80, and for other purposes; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 14154. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

H.R. 14155. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 14156. A bill to exclude from Federal income taxation amounts received under insurance contracts for increased living expenses necessitated by damage to or destruction of an individual's residence; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 14157. A bill to provide for the orderly marketing of flat glass imported into the United States by affording foreign supplying nations a fair share of the growth or change in the U.S. flat glass market; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 14158. A bill to amend title XVIII of the Social Security Act to provide that payment may be made under the hospital insurance program for emergency inpatient hospital services furnished in Canada or Mexico regardless of where the emergency occurred; to the Committee on Ways and Means.

By Mr. KIRWAN:

H.R. 14159. A bill making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers-Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. ASHLEY:

H.R. 14160. A bill to provide additional mortgage credit, and for other purposes; to the Committee on Banking and Currency.

By Mr. BROTZMAN:

H.R. 14161. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 14162. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 14163. A bill to provide for the distribution to the several States, for display to the public in museums and other appropriate institutions, samples of the lunar rocks and other lunar materials brought back by the Apollo 11 mission; to the Committee on Science and Astronautics.

By Mr. de la GARZA:

H.R. 14164. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. ICHORD:

H.R. 14165. A bill to provide for the orderly marketing of flat glass imported into the United States by affording foreign supplying nations a fair share of the growth or change in the U.S. flat glass market; to the Committee on Ways and Means.

By Mr. MacGREGOR:

H.R. 14166. A bill to provide for the prototype construction of a commercial supersonic transport airplane, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14167. A bill to amend section 274 of the Atomic Energy Act of 1954 to allow the imposition by a State of more restrictive standards relating to the discharge into the navigable waters of the United States of radioactive materials; to the Joint Committee on Atomic Energy.

By Mr. POAGE:

H.R. 14168. A bill to extend the act establishing Federal agricultural services to Guam; to the Committee on Agriculture.

By Mr. SISK:

H.R. 14169. A bill to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 14170. A bill to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H. Con. Res. 396. Concurrent resolution expressing the sense of the Congress relating to the withdrawal of U.S. Forces from South Vietnam; to the Committee on Foreign Affairs.

By Mr. VANIK:

H. Res. 563. Resolution to establish a Select Committee on Post-War National Priorities; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ICHORD:

H.R. 14171. A bill to except Col. Alexander M. Hearn, U.S. Marine Corps (retired), from the application of the provisions of section 283, title 18, United States Code; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 14172. A bill for the relief of Maria dos Anjos Branco Silva and her minor children Jose, Octavio, and Germina; to the Committee on the Judiciary.

SENATE—*Thursday, October 2, 1969*

The Senate met at 11 o'clock a.m. and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our Father and Preserver, we give Thee thanks that of Thy goodness Thou hast watched over us during the night that is past and brought us to this new day; and we beseech Thee to renew and strengthen us by Thy spirit as we dedicate ourselves to Thy service.

Uphold this Nation in all her righteous endeavors. Draw together the broken multitude into one united people strong in the Lord and in the power of His might that the good life may be fulfilled in all men. Protect the protectors of our safety and guard the guardians of our lives and property that our ways may be the way of peace and justice. Give wisdom to all who teach and all who are taught that the young may be nurtured in Thy truth and qualified to lead in the days of promise and hope into which Thy providence guides us.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., October 2, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 1, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in

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relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. The nominations on the Executive Calendar will be stated.

NATIONAL COUNCIL ON THE ARTS

The assistant legislative clerk read the nomination of Nancy Hanks, of New York, to be Chairman of the National Council on the Arts.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

GREETINGS TO SENATOR MANSFIELD

Mr. SCOTT. Mr. President, I ask unanimous consent to extend the greetings of the Senate to the distinguished majority leader, to welcome him back, and to find him in excellent health.

Mr. MANSFIELD. I thank the Senator.

The ACTING PRESIDENT pro tempore. We are delighted to have the majority leader back in the Senate.

Mr. MANSFIELD. I thank the minority leader and the Chair.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FORMER SENATOR · HAYDEN'S 92D BIRTHDAY ANNIVERSARY

Mr. GOLDWATER. Mr. President, I invite the attention of the Senate to the fact that today is the 92d birthday anniversary of our esteemed former colleague, Carl Hayden, and at this moment a little celebration is going on in observance of his birthday at the Hayden Library at Arizona State University at Tempe, Ariz.

I thought perhaps some of my colleagues might wish to send him a telegram or something, because not many men reach that age, particularly with the great veneration he commands.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Amendment to the Budget, 1970, for Disaster Relief

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1970, in the amount of $125 million, for disaster relief (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Proposed Family Assistance Act of 1969

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes (with accompanying papers); to the Committee on Finance.

Report of Claims of Employees for Damage Claims Settled by the Department of Commerce, 1969

A letter from the Assistant Secretary of Commerce, transmitting, pursuant to law, reporting on claims of employees for damage to or loss of personal property sustained by them incident to their service which the Department of Commerce settled during fiscal year 1969 (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Harry D. Steward, of California, to be U.S. attorney for the southern district of California; and

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas.

By Mr. LONG, from the Committee on Commerce:

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner.

By Mr. CANNON, from the Committee on Commerce:

Secor D. Browne, of Massachusetts, to be a member of the Civil Aeronautics Board; and

Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 533. A bill for the relief of Barbara Rogerson Marmor (Rept. No. 91–437);

S. 2096. A bill for the relief of Dr. George Alexander Karadimos (Rept. No. 91–438);

S. 2231. A bill for the relief of Dr. In Bae Yoon (Rept. No. 91–439);

S. 2443. A bill for the relief of Dr. Silvio Mejia Millan (Rept. No. 91–440);

H.R. 3165. An act for the relief of Martin H. Loeffler (Rept. No. 91–441); and

H.R. 3560 An act for the relief of Arie Rudolf Busch (also known as Harry Bush) (Rept. No. 91–442).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1775. A bill for the relief of Cora S. Villaruel (Rept. No. 91–444).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 1797. A bill for the relief of Dr. Wagih Mohammed Abel Bari (Rept. No. 91–443).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.J. Res. 851. Joint resolution to request the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival" (Rept. No. 91–446).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 476. A bill for the relief of Mrs. Marjorie Zuck (Rept. No. 91–445).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases (Rept. No. 91–447).

By Mr. TYDINGS, from the Committee on the Judiciary, with an amendment:

S. 981. A bill to amend title 28 of the United States Code to provide that the U.S. District Court for the district of Maryland shall sit at one additional place (Rept. No. 91–448); and

S. 1508. A bill to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States (Rept. No. 91–449).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

S. 2983. A bill to amend the Federal Meat Inspection Act to give any State an additional year to develop and enforce an effective inspection program for meat and meat food products that are distributed wholly within such State, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Curtis when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. FANNIN:

S. 2984. A bill to permit certain service performed as a temporary employee of the field service of the Post Office Department to be counted toward civil service retirement; to the Committee on Post Office and Civil Service.

By Mr. JACKSON (for himself and Mr. Allott) (by request):

S. 2985. A bill to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the System, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SCOTT (for himself, Mr. Brooke, Mr. Dominick, Mr. Griffin, Mr. Hansen, Mr. Javits, Mr. Prouty, Mr. Schweiker, and Mr. Stevens):

S. 2986. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Scott when he introduced the bill appear in the Record under the appropriate heading.)

By Mr. BENNETT:

S. 2987. A bill for the relief of Alba Cristina Asserbauer Pirez; to the Committee on the Judiciary.

By Mr. HARTKE (for himself and Mr. McGee):

S. 2988. A bill to amend title 5, United States Code, relating to civil service retirement; to the Committee on Post Office and Civil Service.

By Mr. GOODELL:

S. 2989. A bill to permit the vessel *Marpole* to be documented for use in the coastwise trade; to the Committee on Commerce.

S. 2983—INTRODUCTION OF A BILL AMENDING THE FEDERAL MEAT INSPECTION ACT

Mr. CURTIS. Mr. President, just 21 months ago, in December 1967, the Wholesome Meat Act, a great milestone in consumer protection, was signed into law. The act was designed to provide a cooperative Federal-State program of meat inspection that would guarantee a uniformly high standard of purity and wholesomeness in meat or meat products slaughtered or processed for sale anywhere within the United States.

Since the passage of that act the States have made impressive strides in bringing their individual inspection systems up to Federal standards. Every one of the 50 States has either passed a new meat inspection law, amended its old law, or is now considering in its legislature a new or amended statute. Forty-four States and the Commonwealth of Puerto Rico have signed cooperative meat inspection agreements with the U.S. Department of Agriculture. Since January 1 of this year the States have initiated inspection in 1,200 plants that were previously uninspected. There are today a total of 9,079 plants under State inspection. The States are also making impressive strides in hiring and training new personnel for their programs. And more than $20 million have been budgeted by the States for plant inspection during fiscal year 1970.

However, while much has been done, much remains to be done. On December 15 of this year the Secretary of Agriculture must determine whether each State has a system of meat inspection "at least equal" to the Federal system. If the State does not have such a system fully operative but is making good progress toward it, the Secretary may extend the time for developing such a system to December 15, 1970.

I believe that it will be unfortunate if the Secretary of Agriculture is forced to take over intrastate meat inspection. The Wholesome Meat Act was designed to establish a cooperative Federal-State system of inspection. We should give the act every chance to do just that.

Under a cooperative Federal State system small plant operators may have the benefit of more responsive state inspection. It is much easier for local plants to have their plans approved and their inspection administered by State officials who are within the range of convenient communication and transportation arrangements.

Moreover, if the Federal Government is forced to take over all State meat inspection activities the additional cost will run upward of $50 million.

The legislation which I introduce today (S. 2983) will do three things. It will give each State an additional year in which to achieve an inspection system equal or better than the Federal system. The legislation will also grant a further 3-year exemption from inspection to some small business concerns to allow them opportunity to bring their intrastate facilities up to Federal standards. Finally, this legislation will allow inspected packing plants to perform exempt custom slaughter and processing of livestock for a producer's individual use.

As I have pointed out, the States are making impressive efforts to create high standards of meat inspection in accordance with the spirit of the Wholesome Meat Act. However, in many of these States biennial legislatures have just passed or are just in the process of passing or amending their meat inspection laws. The implementation and the financing of these programs will take time. If we cut these States off too soon, others may feel that their efforts are not worthwhile. Hasty action can produce a domino effect in which State inspection systems and the concept of Federal-State cooperative inspection fall by the wayside. Extending the final time that may be allowed for compliance to December 15, 1971, will allow biennial legislatures to meet to implement and finance the systems which they have now established or are establishing.

I believe that it is also necessary to provide a short-term exemption for small operators that will allow them to bring their intrastate plants up to Federal or at least equal State standards.

I am thinking of the small plants in my own State and in other States which slaughter and process only for local citizens and local markets. Under the present law these plants will have to comply with Federal standards which are incorporated in the proposed new Federal meat inspection regulations, or at least equal State requirements, not later than December 15, 1969, or December 15, 1970, if the Secretary grants the additional year to the State.

However, the proposed Federal meat inspection regulations were only published on August 14 of this year. It may be after January 1, 1970, before they become effective. It will take an incredible effort for operators of small plants just to ascertain whether their facilities now comply with such standards. And the problems of changing facilities to meet the requirements that are finally adopted and of financing such changes simply cannot be solved in the time now permitted.

The operators of the plants who would benefit from this exemption do a relatively small business, less than $250,000 gross a year. They are reputable members of the local community and they are known by their customers in that community. The purpose of this exemption is not to allow them to operate indefinitely at a lower standard but to allow them time to obtain the advice and financing necessary to reach a higher standard.

Finally, legislation I have introduced would relieve current provisions in the law as to custom slaughtering and preparation of meat products for limited use by a livestock owner. The present law allows custom slaughter and preparation of meat products for such uses without Federal inspection, but only if the slaughterer does not engage in any other slaughtering or processing activities.

The legislation I propose, numbered S. 2983, follows what I believe is a fair and sensible route. Under it custom slaughter activities could be exempted from the inspection requirements that apply to a plant's commercial operations. The Secretary would be authorized to

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issue regulations to assure that custom slaughtered meat is kept strictly separate from meat that is held for sale.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2983) to amend the Federal Meat Inspection Act to give any State an additional year to develop and enforce an effective inspection program for meat and meat food products that are distributed wholly within such State, and for other purposes, introduced by Mr. Curtis, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 2985—INTRODUCTION OF A BILL IMPROVING THE ADMINISTRATION OF THE NATIONAL PARK SYSTEM

Mr. JACKSON. Mr. President, on behalf of the Senator from Colorado (Mr. Allott) and myself I introduce, for appropriate reference, a bill to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes.

This measure was submitted and recommended by the Department of the Interior and I ask unanimous consent that the letter from the Secretary of the Interior accompanying the bill be printed in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 2985), to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes, introduced by Mr. Jackson (for himself and Mr. Allott) (by request), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter furnished by Mr. Jackson follows:

U.S. Department of the Interior,
Washington, D.C., September 23, 1969.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "To improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the System, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The national park concept in the United States had as its genesis the establishment of Yellowstone National Park in 1872 (17 Stat. 32; 16 U.S.C. § 21 *et seq.*) Some 44 years later the National Park Service was created to: "promote and regulate the use of the Federal areas known as national parks, monuments, and reservations. . . ." (39 Stat. 535; 16 U.S.C. § 1)

The years since that time have been witness to an increased national awareness of our heritage which has expanded and varied the nature and quality of resources which the American people demand as the focus of that awareness. Since 1916 the National Park Service has been honored by the trust bestowed for administration of areas containing superb natural, historic, and recreational resources. This maturing process has, however, resulted in vestiges of the separate origins which are anachronism today. The proposed bill would clearly unify all these areas, and insure a greater measure of uniformity by clarification of existing general authorities, as well as adding new authorities to assist in administration.

Section 1 of the bill consists of a legislative recognition of the growth of the National Park System, and a declaration of the close relationship of the distinct, yet interrelated areas, and of the part they play as expressions of our national heritage.

Section 2 of the bill amends the Act of August 8, 1953 (67 Stat. 496), which defines the term "National Park Systems". The amendment would redefine National Park System to mean all areas administered by the Secretary through the National Park Service. "National Park System" is currently defined only in terms of six specific types of areas (16 U.S.C. § 1(c)). Other types of areas, administered pursuant to cooperative agreement, are excluded from that definition but are defined as "Miscellaneous areas", while others, such as recreational areas, are not involved at all. The statutory references in the bill are to authorities which should be applicable in aid of unified administration, as follows:

1. General National Park Service authority
2. Rights-of-way
3. Donations of land and money
4. Roads and trails
5. Approach roads
6. Conveyance of roads to states
7. Acquisition of inholdings
8. Aid to visitors in emergencies
9. Arrests
10. Services to the public, emergency supplies and services to concessioners, acceptability of travelers checks, and care and removal of indigents
11. Concessions
12. The land and Water Conservation Fund
13. General sellback and leaseback authority (except in national parks or national monuments of scientific significance) and general exchange authority

Section 3 of the draft bill provides the Secretary with authority to undertake certain activities, as follows:

(a) Transportation for employees and their families at isolated situations could be provided. There are, at present, situations in which restrictions on use of leave time, access to shopping, and so on, caused by distance from the lack of transportation to the nearest convenient areas, constitutes a condition of employment amounting to a penalty, (such as at Isle Royale National Park and Fort Jefferson National Monument). The authority would be exercised where adequate commercial transportation is not available and only where incidental to official transportation services.

(b) Provide recreation facilities for employees and their families at isolated situations. The authority would be similar to that given the Forest Service in Public Law 87–867 (76 Stat. 1157).

(c) Appoint advisory committees to advise the Director on matters concerning existing programs and to bring about a greater public understanding of such programs. Members shall receive no compensation, but may be reimbursed for necessary travel expenses.

(d) This extends the provisions regarding "waterproof footwear" (45 Stat. 238) to other field equipment, and clarifies existing authority as to items such as safety glasses, foul weather gear, wet suits, safety shoes and other specialized footwear, chaps, scuba gear, etc.

(e) This paragraph would authorize contracts to provide services and property such as water, at reasonable rates, for visitor facilities which may be located outside the boundaries of a unit of the National Park System.

(f) This provision would enable the National Park Service to equip certain special purpose vehicles, such as U.S. Park Police cruisers, patrol vehicles in remote desert areas, etc., with air conditioners. These are especially needed in park police cruisers where officers spend many hours patrolling the national capital parks. Similar authority with respect to vehicles used by the Washington Metropolitan Police is contained in the District of Columbia Appropriation Act for Fiscal Year 1969.

(g) In the interpretation of certain historical properties, Washington's Birthplace at Wakefield, Virginia, for example, and in providing meaningful environmental exposure to urban visitors, the National Park Service operates as interpretive facilities such exhibits as living farms. Products and services from these facilities, such as eggs, vegetables, and breeding stock can, under this authority, be sold without regard to the surplus property procedures of existing law, and the proceeds credited to the appropriation which funds the National Park Service interpretive activity, rather than being credited to miscellaneous receipts in the Treasury as required under existing law.

(h) This provision authorizes the National Park Service to transport children from nearby communities to organized interpretive and recreational programs in the parks. For example, under such authority children from Washington, D.C., metropolitan area could be transported to Prince William Forest Park for organized camping and outdoor recreation. Similar authority exists for transportation to assemblies called by the Secretary of Agriculture in the furtherance of his extension services.

Section 4. This amendment to section 1 of the 1948 Act would remove the requirement of exclusive or concurrent jurisdiction as to park police arrest authority. Since the arrest authority is for *Federal* crimes on *Federal* property, the present requirement is unnecessary and results in a confusion of the authority.

Piscataway Park, which is in the National Capital Region, is partly within Prince Georges County, and partly within Charles County, Maryland. Likewise, Prince William Forest Park is partly within Prince William County and partly within Stafford County, Virginia. Park police arrest authority does not extend to Charles County, or to Stafford and Prince William Counties. The amendment would add these counties to the definition of "environs of the District of Columbia" in section 3 of the 1948 Act.

All of these authorities will greatly assist us in providing for the American people and, indeed, the people of the World, service commensurate with the extraordinarily fine and unique resources administered by the National Park Service.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,
Walter J. Hickel,
Secretary of the Interior.

S. 2986—INTRODUCTION OF THE FAMILY ASSISTANCE ACT OF 1969

Mr. SCOTT. Mr. President, I introduce on behalf of myself, and other Senators, "The Family Assistance Act of 1969," comprehensive legislation addressed to one of our most serious domestic problems. This bill constitutes one of the most important domestic initiatives which the Nixon administration will undertake. It embodies the administration's proposals for a complete overhaul of our present, highly unsatisfactory welfare system. President Nixon did not overstate the case when he termed the welfare system a colossal failure and a huge monster. No one is happy with welfare as it now exists—neither the taxpaying American, administrators at the Federal, State, and local levels of government, nor the recipients themselves.

Most of the problems in the existing system center around the program known as AFDC—aid to families with dependent children. In a period of increasing prosperity, and decreasing unemployment, this program has grown steadily. Since 1960, its cost has tripled, and the number of recipients has more than doubled. This program is now responsible for payments to 6,500,000 persons. Yet this program is basically unfair. It is unfair to men who work hard for low wages. It is unfair to families that stay together, instead of breaking up. It is unfair to people who live in different States, some of whom receive a payment of $39 a month, and others of whom receive as much as $163 a month.

After a great deal of study, the administration has concluded that the best way to remedy these problems is to establish a uniform Federal payment—a family assistance payment—to families with children and with comparable amounts of income. This is not a guaranteed income program. Persons who do not accept work or training opportunities will not be eligible for payments. It is a program that guarantees that help will be available for any family, with children, where the breadwinner uses his best efforts. It is designed as a program to encourage people to help themselves. The incentives to have earnings, and to increase earnings, are large.

Under this plan, the basic benefit for a family with no income would be $500 for each of the first two persons in the family, and $300 for each additional one. Thus, in the case of a family of four without income, payments of $1,600 annually would be available. The first $720—based on $60 a month—of annual earnings, would not result in any reduction in the basic family assistance benefit. This would ordinarily cover the expenses of employment so that an individual would not be disadvantaged by going to work. Above this level, a dollar of earnings would result in only a 50-cent reduction in benefits. For each dollar of unearned income, there would be only a 50-cent reduction, thus providing a monetary incentive for child support, and for more stable work effort by individuals so that higher unemployment compensation benefits would be available.

The food stamp program which was proposed by the President, and for which legislation has now been passed by this body, will enhance the benefits available. The comprehensive manpower and training bill will make more available training opportunities in relation to local labor markets, and the opportunity for placement of welfare recipients in the type of training program most likely to fit them for available jobs. This bill will complement both programs. With regard to the latter, this bill provides funds to help defray training costs, and it vastly expands—compared with present programs—the authority for day care. Any unemployed person who is able to work or take training will be required to register with the State employment services. An exception is made in the case of mothers of children under 6 whose acceptance of training or employment is voluntary.

Under the existing system there is, as I pointed out, a very wide variation in payments. It would be unfair to significantly reduce the amount of assistance being received by individual families today. This bill, accordingly, contains provisions for State supplementation so that persons will not lose under the new arrangement. Obviously, the intact working families who are eligible for nothing today will gain, and greater equity will result.

In the program for the aged, blind, and disabled, Federal matching is materially improved. The Federal Government would provide 100 percent of the first $50 of payment per individual, 50 percent for the next $15, and 25 percent of the amount above $65. Of vital importance is the principle of a minimum income floor that would be established for the first time. As a condition for receiving Federal grants, the States would have to assure that each aged, blind or disabled individual would have at least $90 from his assistance payment and other income each month.

The bill has been designed to assure some fiscal relief under the welfare programs as compared with existing law. It includes provisions that the Federal Government will reimburse the States for any required non-Federal expenditures that exceed 90 percent of what their expenditures would be under existing law. At the same time, other provisions assure that States will expend at least one-half as much as they are spending at present. These provisions, coupled with the revenue-sharing proposals of this administration, will aid hard-pressed State treasuries.

Out of new expenditures of approximately $5 billion—$4 billion under the bill that I have introduced and $1 billion of direct revenue sharing—the savings to State treasuries is estimated at $1.7 billion, one-third of the total. The remaining expenditures will go primarily to the recipients of family assistance payments, for training costs and day care and for administration and other items.

The bill makes minimal changes in the existing provisions for social services to families. This, I understand, will be the subject of later proposals. Similarly, the bill makes only minimal changes in the medicaid program which is now under intensive review by the Department of Health, Education, and Welfare.

Mr. President, the welfare proposals contained in this bill are designed to correct four basic evils in the present system—evils which provide strong incentives for abuse. It corrects the evil inequities between male and female-headed families which today provide an incentive for them to leave home. It corrects the inequities today between the idle and the working poor which presently provide an incentive for idleness. It requires recipients to accept available work or training and provides expanded training in day care services to make this possible.

Mr. President, this bill is long; it is complex. Not all may agree with the details of every provision. Certain refinements may be suggested in committee, and on the floor. Yet, overall, I believe these proposals constitute a major improvement in the way in which we deal with one of our most troublesome problems. They warrant fully the most careful consideration by all of us, leading to enactment.

For the first time since the 1930's the emphasis in Federal programs has shifted from the merely custodial to the remedial. President Nixon recognizes that the Federal dole is demeaning to human dignity, and only encourages a cycle of dependence from one generation to the next. This bill is vitally essential to the successful implementation of his stated goal to "assist millions of Americans out of poverty and into productivity."

I am pleased to have joining me as cosponsors in this effort the following distinguished Senators: Mr. Griffin of Michigan, Mr. Brooke of Massachusetts, Mr. Dominick of Colorado, Mr. Hansen of Wyoming, Mr. Prouty of Vermont, Mr. Schweiker of Pennsylvania, Mr. Stevens of Alaska, Mr. Javits of New York, and Mr. Percy of Illinois.

Mr. President, I ask that an explanatory statement by Health, Education, and Welfare Secretary Robert H. Finch, and a section-by-section analysis of the Family Assistance Act of 1969 be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the explanatory statement and section-by-section analysis will be printed in the Record.

The bill (S. 2986), to authorize a family assistance plan providing basic benefits to low-income families with children to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, introduced by Mr. Scott (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

The material furnished by Mr. Scott follows:

STATEMENT OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ROBERT H. FINCH, IN EXPLANATION OF THE FAMILY ASSISTANCE ACT OF 1969

The Family Assistance Plan is a revolutionary effort to reform a welfare system in crisis. With this program and the Adminis-

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tration's proposed Food Stamp plan, the Federal Government launches a new strategy—*an income strategy*—to deal with our most critical domestic problems. For those among the poor who can become self-supporting, this strategy offers an avenue to greater income through expanded work incentives, training, and employment opportunities. For those who cannot work, there is a more adequate level of Federal support.

If the Family Assistance and Food Stamp proposals are enacted, we will have reduced the poverty gap in this country by some 59 percent. In other words, these two programs taken together will cut by almost 60 percent the difference between the total income of all poor Americans and the total amount they would have to earn in order to rise out of poverty. In one particular category of the poor, that of couples over 65 years of age, the Family Assistance Plan will in fact raise recipients' incomes above the poverty line altogether. This income strategy includes an Administration proposal for a 10 percent increase in Social Security benefits, coupled with an automatic cost of living escalator. This is a real war on poverty and not just a skirmish.

I. THE FAILURE OF WELFARE

On August 8 the President addressed the nation and called the present welfare system a failure. He said:

"Whether measured by the anguish of the poor themselves, or by the drastically mounting burden on the taxpayer, the present welfare system has to be judged a colossal failure. . . .

"What began on a small scale in the depression 30's has become a huge monster in the prosperous 60's. And the tragedy is not only that it is bringing States and cities to the brink of financial disaster, but also that it is failing to meet the elementary human social and financial needs of the poor."

The failure of the system is most evident in the recent increases in welfare costs and caseloads. In this decade alone, total costs for the four federally-aided welfare programs have more than doubled, to a level now of about $6 billion.

In the Aid for Families with Dependent Children program (AFDC), costs have more than tripled since 1960 (to about $4 billion at the present time) and the number of recipients has more than doubled (to some 6.2 million persons). Even more disturbing is the fact that the *proportion* of persons on AFDC is growing. In the 15 years since 1955, the proportion of children receiving assistance has doubled—from 30 children per 1,000 to about 60 per 1,000 at present.

Prospects for the future show no likelihood for relief from the present upward spiral. By conservative estimates, AFDC costs will double again by Fiscal Year 1975, and caseloads will increase by 50 to 60 percent. Yet, the great irony is that despite these crushing costs, benefits remain below adequate levels in most States.

Moreover, the present AFDC program is built to fail. It embodies a set of inequities which help to cause its own destruction. First, it is characterized by unjustifiable discrepancies as between regions of the country. With no national standards for benefit levels and eligibility practices, AFDC payments now vary from an average of $39 per month for a family of four in Mississippi to $263 for such a family in New Jersey.

Second, it is inequitable in its treatment of male-headed families as opposed to those headed by a female. In no State is a male-headed family, where the mother is also in the home and the father is working full time for poverty wages, eligible for AFDC. In half the States, even families headed by unemployed males are still not eligible under the AFDC–UF program. On the other hand, families in poverty headed by women working full or part-time are almost universally covered. The result of this unfortunate discrimination is the creation of a powerful economic incentive for the father to leave home so that the State may better support his family than he can. For example, if a father employed full time in a low wage job is able to earn only $2000 per year, and welfare in the State would pay a fatherless family $3000 per year, his wife and children are financially 50 percent better off if he leaves home. And this financial incentive has taken its toll. In 1940, only 30 percent of the families on AFDC had absent fathers, but today the figure stands at over 70 percent.

Third, AFDC imposes inequities between those who work and those who do not. Because families in poverty headed by working men are not covered, it is easily possible for such a working family to be less well off than the welfare family. And what could be more debilitating to the motivation to work to see the opportunity for one's family to be better off on welfare? Moreover, the present system further undercuts the incentive to work by reducing welfare payments too rapidly and by too much as the head of the household begins to work.

II. THE FAMILY ASSISTANCE PLAN

This Administration began its formal inquiries into welfare reform even before the inauguration. From the report of the Transition Task Force on Welfare to the present time, a number of reform proposals have been considered. The final result reflects the best efforts of many different people in and out of government and in different Federal agencies.

This analysis led us to the conclusion that revolutionary *structural reform* in the system is required. The first priority of the Family Assistance Plan has been to remove, or at least minimize the inequities of present welfare policies. It is designed to strengthen family life and incentives for employment. This strategy may not pay off immediately, but unless this investment is made now, fundamental reform will be even more expensive in the future.

The Family Assistance Plan provides fiscal relief for hard pressed States and at the same time raises benefit levels for recipients in those areas where they are lowest. Of the $2.9 billion made available in new funds under the plan for benefits to families and to aged, blind and disabled adults, an estimated $700 million will have the effect of providing fiscal relief for the States and about $300 million will be for benefit increases for present recipients. But these goals, it must be said, cannot be our first priority at the present time. There are others who would invest more of our available resources in benefit increases or in a federalization of the program designed to provide maximum fiscal relief to the States. These are not easy priorities to weigh and balance, but we have concluded that—while those other approaches might be politically more popular in many respects—they only pour more Federal money into a system doomed to failure. The *system* must be changed, not just its payment levels or the division of labor between the Federal and State governments within it.

The technical operation of the Family Assistance Plan is described in the attached summary. This memorandum will review its major purposes.

First, it combines powerful work requirements and work incentives for employable recipients. By including the working poor—families in poverty headed by men working full time—the new plan much reduces and in many cases eliminates the inequity of treatment between those who work and those who do not. Second, by making it possible for a family to earn $60 per month without any reduction of benefits, a recipient will have a strong financial incentive to enter employment and will be able to recoup his expenses of going to work without a drop in total income. Third, the program includes a strong work requirement: those able bodied persons who refuse a training or suitable job opportunity lose their benefits. For this reason, the program is not a guaranteed annual income. It does not guarantee benefits to persons regardless of their attitudes; its support is reserved to those who are willing to support themselves. The work requirement is made effective by a new obligation of work registration. In order to be eligible for benefits, applicants must first register with their employment service office so that training and job opportunities can be efficiently communicated to them. Mothers with children under six, are however, exempted from this requirement of work and work registration and may elect to stay at home with their children without any loss in benefits.

Second, the Family Assistance Plan treats male and female-headed families equally. All families with children, whether headed by a male or female, will receive benefits if family income and resources are below the national eligibility levels. From this structural change in coverage flows one of the key advantages of the program in terms of family stability. No longer would an unemployed father have to leave the home for his family to qualify for benefits. In fact, the family is better off with him at home since its benefits are increased by his presence. And for employed men, the system greatly reduces and in some cases reverses the financial incentive to desert. In the example cited above of the father earning $2000 in a State where his family would receive $3000 on welfare, the Family Assistance Plan would supplement his wages by $960, giving the family $2960 in income and eliminating the financial incentive for the father to leave home.

Third, the program establishes a national minimum payment and national eligibility standards and methods of administration. For a dependent family of four, the Federal benefit floor will be $1600 per year. *When benefits under the President's Food Stamp proposal are also taken into account, the assistance package for such a family is about $2350 per year, or more than two-thirds of the poverty line as it has been most recently redefined.* This is not, of course, a sufficient amount to sustain an adequate level of life for those who have no other income; it is, nevertheless, a substantial improvement and can be made more adequate as budget conditions permit. As a result of the establishment of the Federal benefit floor of $1600, payment levels will be raised in 10 States and for about 20 percent of present recipients.

For the aged, blind, and disabled, a nationwide income floor would be set at $90 per month per person of benefits plus other income. This comes on a yearly basis to $2160 for two persons, an amount which is actually above the poverty line for an aged couple. This represents an important change which we have made in the program since the President announced it on August 8; when the minimum for the adult categories was set at $65.

Perhaps at least as important as the establishment of national minimum benefit levels, however, is the provision of national eligibility standards and administrative procedures to govern the Family Assistance and State supplementary payment programs. For the first time, a single set of rules will apply throughout the nation, although the States will remain free to administer their supplementary payment programs under these uniform rules if they so desire. (The pre-existing State standards of need and payment levels will still continue to control in the supplementary payment programs with regard to eligibility and amount of benefits.)

States will be given the option, for both the supplementary payment and the adult category programs, to contract with the Social Security Administration for Federal assumption of some or all of the administrative burdens under these programs. In this way, we should be able to move toward a single administrative mechanism for transfer payments, taking advantage of all the economies of scale which such an automated and national administered system can have. The eventual transfer of Food Stamp Program to the Department of Health, Education, and Welfare—as previously proposed by the Administration—should further enhance this administrative simplification.

Fourth, the plan includes over $600 million for a major expansion of training and day care and opportunities. Some 150,000 new training opportunities will be funded under the legislation, which, when combined with the proposed Manpower Training Act is a simplified and centralized framework, should greatly broaden the opportunities for self support for recipients. Some 450,000 quality child care positions are also funded in a new and flexible program which further extends the Administration's commitment to the first five years of life.

Fifth, the Family Assistance Plan provides major fiscal relief for the States. An estimated $700 million of the $2.9 billion in new Federal money being made available for expanded cash assistance will go to the States in the form of saving on their existing welfare costs. For five years from the date of enactment, every State is assured fiscal relief at least equal to 10 percent of what its costs would have been under the old welfare program. When these savings are combined with the new money going to the States through the training and child care components and through the separate revenue sharing program, major relief for State governments is produced. In particular, by including the working poor within the Family Assistance Plan, we are establishing a wholly Federal responsibility for a category of potential recipients which an increasing number of States are beginning to assist at their own initiative. Some 7 States now have Statewide programs of relief for the working poor and another 8 States have local or experimental programs directed to these people—all entirely at State expense. By establishing a Federal program to cover the working poor, we are relieving the States of what seems to be the next likely increase in costs and coverage.

III. IMPACT ON OTHER PROGRAMS

The Family Assistance Plan has a major impact on several other Federal programs bearing on the poor.

First, we have changed the treatment of unearned income compared to the present welfare system so that the recipient of Family Assistance benefits loses only 50 cents from his benefit for each dollar of unearned income received. This results in the elimination of an important inequity which, for example, would make a female-headed family of four ineligible for Family Assistance benefits if it received $1700 per year in alimony or support payments, but would pay that family a benefit if the husband were at home and earning $1700 per year. It also has an important impact on other Federal programs such as Old Age, Survivors and Disability Insurance, and Unemployment Insurance by eliminating the dollar-for-dollar loss in benefits under welfare as income from these other programs is received.

Second, this legislation amends Title XIX (Medicaid) to extend mandatory coverage under that program to the AFDC–UF category. It is not possible at this time to include the working poor adults in Medicaid even though they are added to public assistance coverage under Family Assistance.

Third, Family Assistance has been carefully harmonized with the Food Stamp Program. As has already been stated, the benefits under these two programs are additive, so that a family of four receives a package of Family Assistance and Food Stamp subsidies totalling about $2350. Moreover, the eligibility ceilings have been set at virtually the same point—$4000 for a family of four—and both programs would now extend coverage to the working poor.

Finally, certain changes in the programs of services for AFDC recipients under Title IV of the Social Security Act are necessitated as a result of the Family Assistance Plan. The Department of Health, Education, and Welfare will be submitting more comprehensive amendments on the service program shortly. These amendments will include an expanded program of assistance to the States for foster care. In the meantime, however, we are leaving the present AFDC services provisions intact and retaining the 75-percent Federal matching for the financing of these programs.

SUMMARY OF FAMILY ASSISTANCE ACT OF 1969

TITLE I—FAMILY ASSISTANCE PLAN

Establishment of plan

Section 101 of the bill adds new parts D, E, and F to title IV of the Social Security Act, establishing a new Family Assistance Plan providing for payment of family assistance benefits by the Secretary of Health, Education, and Welfare and supplementary payments by the States.

Eligibility and amount

The new part D of title IV of the Social Security Act authorizes benefits to families with children payable at the rate of $500 per year for each of the first two members of a family plus $300 for each additional member.

The family assistance benefit would be reduced by non-excluded income, so that families with more non-excludable income than these benefits ($1600 for a family of four) would not be eligible for any benefits.

A family with more than $1500 in resources, other than the home, household goods, personal effects, and other property essential to the family's capacity for self-support, would also not be eligible.

Countable income would include both earned income (remuneration for employment and net earnings from self-employment) and unearned income.

In determining income the following would be excluded (subject, in some cases, to limitations by the Secretary):

(1) All income of a student;

(2) Inconsequential or infrequent or irregular income;

(3) Income needed to offset necessary child care costs while in training or working;

(4) Earned income of the family at the rate of $720 per year plus ½ the remainder;

(5) Food stamps and other public assistance or private charity;

(6) Special training incentives and allowances;

(7) The tuition portion of scholarships and fellowships;

(8) Home produced and consumed produce;

(9) ½ of other unearned income.

Veterans pensions, farm price supports, and soil bank payments would not be excludable income to any extent and would, therefore, result in reduction of benefits on a dollar for dollar basis.

Eligibility for and amount of benefits would be determined quarterly on the basis of estimates of income for the quarter, made in the light of the preceding period's income as modified in the light of changes in circumstances and conditions.

Definition of family and child

To qualify for Family Assistance Plan benefits a family must consist of two or more related individuals living in their own home and residing in the United States and one must be an unmarried child (i.e., under the age of 18, or under the age of 21 and regularly attending school).

Payment of benefits

Payment may be made to any one or more members of the qualified family. The Secretary would prescribe regulations regarding the filing of applications and supplying of data to determine eligibility of a family and the amounts for which the family is eligible. Beneficiaries would be required to report events or changes of circumstances affecting eligibility or the amount of benefits.

When reports by beneficiaries are delayed too long or are too inaccurate, part or all of the resulting benefit payments could be treated as recoverable overpayments.

Registration for work and referral for training

Eligible adult family members would be required to register with public employment offices for manpower services and training or employment unless they belong to specified excepted groups. However, a person in an excepted group may register if he wishes.

The exceptions are: (1) ill, incapacitated, or aged persons; (2) the caretaker relative (usually the mother) of a child under 6; (3) the mother or other female caretaker of the child if an adult male (usually the father) who would have to register is there; (4) the caretaker for an ill household member; and (5) full-time workers.

Where the individual is disabled, referral for rehabilitation services would be made. Provision is also made for child care services to the extent the Secretary finds necessary in case of participation in manpower services, training, or employment.

Denial of benefits

Family Assistance benefits would be denied with respect to any member of a family who refuses without good cause to register or to participate in suitable manpower services, training, or employment. If the member is the only adult, he would be included as a family member but only for purposes of determining eligibility of the family. Also, in appropriate cases, the remaining portion of the Family Assistance benefit would be paid to an interested person outside the family.

On-the-job training

The Secretary would transfer to the Department of Labor funds which would otherwise be paid to families participating in employer-compensated on-the-job training if they were not participating. These funds would be available to pay the training costs involved.

STATE SUPPLEMENTATION OF FAMILY ASSISTANCE BENEFITS

Required supplementation

The individual States would have to agree to supplement the family assistance benefits under a new part E of title IV of the Social Security Act wherever the family assistance benefit level is below the previously existing Aid to Families with Dependent Children (AFDC) payment level. This supplementation is a condition which the State must meet in order to continue to receive Federal payments with respect to maternal and child health and crippled children's services (title

V) and with respect to their State plans for aid to the aged, blind, and disabled (title XVI), medical assistance (title XIX), and services to needy families with children (part A of title IV). Such "supplementation" would be required to families eligible for family assistance benefits other than families where both parents are present, neither is incapacitated, or the father is not unemployed. The States would thus be required to supplement in the case of individuals eligible under the old AFDC and AFDC–UF provisions; they would not have to supplement in case of the working poor.

Amount of supplementation

Except as indicated below and, except for use of the State standard of need and payment maximums, eligibility for and amount of supplementary payments would be determined by use of the rules applicable for Family Assistance benefits.

In applying the family assistance rules to the disregarding of income under the supplementary payment program—

(1) In the case of earned income of the family, the State would first disregard income at the rate of $720 per year, and would then be permitted to reduce its supplementary payment by 16⅔ cents for every dollar of earnings over the range of earnings between $720 per year and the cutoff point for family assistance (i.e., $3,920 for a family of four), and could further reduce its supplementary payments by an amount equal to not more than 80 cents for every dollar of earnings beyond that family assistance cutoff point.

(2) In the case of unearned income, these same percentage reductions would apply, although the initial $720 exclusion would not apply.

Requirements for agreements

Some of the State plan requirements now applicable in the case of Aid and Services to Needy Families with Children would be made applicable to the agreement. These include the requirements relating to:

(1) Statewideness;

(2) Administration by a single State agency;

(3) Fair hearing to dissatisfied claimants;

(4) Methods of administration needed for proper and efficient operation, including personnel standards, training, and effective use of subprofessional staff;

(5) Reporting to Secretary as required;

(6) Confidentiality of information relating to applicants and recipients;

(7) Opportunity to apply for and prompt furnishing of supplementary payments.

Payments to States

A State agreeing to make the supplementary payments would be guaranteed that its expenditures for the first 5 full fiscal years after enactment would be no more than 90 per cent of the amount they would have been if the Family Assistance Plan amendments not been enacted. This would be accomplished by Federal payment to each State, for each year, of the excess of—

(1) The total of its supplementary payments for the year plus the State share of its expenditures called for under its existing State plan approved under title XVI plus the additional expenditures required by the new title XVI, over

(2) 90% of the State share of what its expenditures would have been in the form of maintenance payments for such year if the State's approved plans under title I, IV(A), X, XIV, and XVI had continued in effect (assuming in the case of the part A of title IV plan, payments for dependent children of unemployed fathers).

On the other hand, any State spending less than 50 per cent of the State share, referred to in clause (2) above, for supplementary payments and its title XVI plan would be required to pay the amount of the deficiency to the Federal treasury.

A State would also receive ½ of its cost of administration under its agreement.

ADMINISTRATION

Agreements with States

Sufficient latitude is provided to deal with the individual administrative characteristics of the States. Provision is made under which the Secretary can agree to administer and disburse the supplementary payments on behalf of the States. Similarly the States can agree to administer portions of the family assistance plan on behalf of the Secretary, with respect to all or specified families in the States.

Evaluation, research, training

The Secretary would make an annual report to Congress on the new Family Assistance Plan, including an evaluation of its operation. He would also have authority to make periodic evaluations of its operation and to use part of the program funds for this purpose.

Research into and demonstrations of better ways of carrying out the purposes of the new Plan, as well as technical assistance to the States and training of their personnel who are involved in making supplementary payments, would also be authorized.

Special provisions for Puerto Rico, the Virgin Islands, and Guam

There are special provisions for these areas under which the amount of family assistance benefits, the $720 of earned income to be disregarded, and several other amounts under the Family Assistance Plan and the new title XVI of the Social Security Act (aid to the aged, blind, and disabled) would be reduced to the extent that the per capita income of these areas is below that of that one of the 50 States which had the lowest per capita income.

TRAINING, EMPLOYMENT, AND DAY CARE PROGRAMS

Section 102 of the Administration bill would replace part C of title IV of the Social Security Act in its entirety.

Purpose

The purpose of the revised part C is to provide manpower services, training, and employment, and child care and related services for individuals eligible for the new Family Assistance Plan benefits (new part D) or State supplementary payments (new part E) to help them secure or retain employment or advancement in employment. The intent is to do this in a manner which will restore families with dependent children to self-supporting, independent, and useful roles in the community.

Operation

The Secretary of Labor is required to develop an employability plan for each individual required to register under the new part D or receiving supplementary payments pursuant to the new part E. The plan would describe the manpower services, training, and employment to be provided and needed to enable the individual to become self-supporting or attain advancement in employment.

Allowances

The Secretary of Labor would pay an incentive training allowance of $30 per month to each member of a family participating in manpower training. Where training allowances for a family under another program would be larger than their benefits under the Family Assistance Plan and supplementary State payments, the incentive allowances for the family would be equal to the difference, or $30 per member, whichever is larger.

Allowances for transportation and other expenses would also be authorized.

These incentive and other allowances would be in lieu of allowances under other manpower training programs.

Allowances would not be payable to individuals participating in employer compensated on-the-job training.

Denial of allowances

Allowances would not be payable to an individual who refuses to accept manpower training without good cause. The individual would receive reasonable notice and have an opportunity for a hearing if dissatisfied with the denial.

Utilization of other programs

In order to avoid the creation of duplicative programs, maximum use of authorities under other acts could be made by the Secretary of Labor in providing the manpower training and related services under the revised part C, but subject to all duties and responsibilities under such other programs. Part C appropriations could be used to pay the cost of services provided by other programs and to reimburse other public agencies for services they provided to persons under part C. The emphasis is on an integrated and comprehensive manpower training program involving all sectors of the economy and all levels of government to make maximum use of existing manpower and manpower related programs.

Appropriations and administration

Appropriations to the Secretary of Labor would be authorized for carrying out the revised part C, including payment of up to 90 percent of the cost of training and employment services provided individuals registered under the Family Assistance Plan. The Secretary would seek to achieve equitable geographical distribution of these funds.

In developing policies and programs for manpower services, training and employment for individuals registered under the Family Assistance Plan, the Secretary of Labor would have to first obtain the concurrence of the Secretary of Health, Education, and Welfare with regard to all programs under the usual and traditional authority of the Department of Health, Education, and Welfare.

Child care and support services

Appropriations to the Secretary of Health, Education, and Welfare would be authorized for grants and contracts for up to 90 per cent of the cost of projects for child care and related services for persons registered under the Family Assistance Plan and in manpower training or employment. The grants would go to any public or non-profit private agency or organization, and the contracts could be with any public or private agency or organization. The cost of these services could include alteration, remodeling, and renovation of facilities, but no provision is made for wholly new construction. The Secretary of Health, Education, and Welfare could allow the non-federal share of the cost to be provided in the form of services or facilities.

These provisions (unlike other provisions of the bill) would become effective on enactment of the bill.

Advance funding

To afford adequate notice of available funds, appropriations for one year to pay the cost of the program during the next year would be authorized.

Evaluation and research

A continuing evaluation of the program under part C and research for improving it are authorized.

Annual report and advisory council

The Secretary of Labor is required to report annually to Congress on the manpower training and related services.

ELIMINATION OF PRESENT PROVISIONS ON CASH ASSISTANCE FOR FAMILIES WITH DEPENDENT CHILDREN

Section 103 of the bill revises part A of title IV of the Social Security Act which relates to cash assistance and services for needy families with children. The new part A is called Services to Needy Families with Children, reflecting the elimination of the provisions on cash assistance. The cash assistance part is no longer necessary because of the Family Assistance Plan in the new part D of title IV.

The revised part A provides for continuation of the present program of services for these families. Foster care for children and emergency assistance, as included under existing law, are also continued.

Requirements for State plans

Section 402 of the Social Security Act which sets forth the requirements to be met by State plans before they are approved and qualify the State for federal financial participation in expenditures, would be revised as appropriate in the light of the elimination of the cash assistance provisions.

Payments to States

The provisions on payments to States for expenditures under approved State plans remain the same as existing law with respect to services, emergency assistance, and foster care. The matching formulas continue to vary, as in existing law, according to the kinds of services involved.

Definitions

The definitions of "family services" and "emergency assistance to needy families with children" have not been substantially changed.

The definitions of "dependent child", "aid to families with dependent children", and "relative with whom any dependent child is living" have been replaced (as no longer applicable) by definitions of

(1) "Child"—which refers to the definition in the new part D, establishing the Family Assistance Plan; this in effect substitutes a requirement that the child be a member of a "family" (as defined in the new part D) instead of having to live with particularly designated relatives;

(2) "Needy families with children" (and "assistance to such families")—this being defined as families receiving family assistance benefits under the new part D, if they are also receiving supplementary State payments pursuant to the new part E or would have been eligible for aid under the existing State plan for aid to needy families with children if it had continued in effect.

Foster care and emergency assistance

The provisions on payments for foster care of children and emergency assistance remain virtually the same as under existing law.

Assistance by Internal Revenue Service in locating parents

The provision on this subject remains the same and allows use of the master files of the Internal Revenue Service to locate missing parents in certain cases.

TITLE II—AID TO THE AGED, BLIND, AND DISABLED

This title revises the current title XVI of the Social Security Act and sets forth the revised title XVI in its entirety. One of the major changes is the removal of the provisions relating to medical assistance for the aged which, under existing law, would terminate at the end of calendar 1969. All medical assistance for which the Federal government shares costs will now be provided under approved title XIX State plans.

Requirements for State plans

Few changes are made in this section (sec. 1602), aside from deleting the provisions relating to medical assistance for the aged. The section retains, without substantial change, the requirements relating to:

(1) Administration by a single State agency (except where a separate agency is permitted for the blind as under existing law);

(2) Financial participation by the State;

(3) Statewideness;

(4) Opportunity for fair hearing;

(5) Methods of administration, including personnel standards, training, and effective use of subprofessional staff;

(6) Reporting to the Secretary as required;

(7) Confidentiality of information relating to recipients;

(8) Opportunity for application and furnishing of assistance with reasonable promptness;

(9) Establishment and maintenance by the State of standards for institutions in which there are individuals receiving aid;

(10) Description of services provided for self-support or self-care; and

(11) Determination of blindness by an opthalmologist or an optometrist.

The present prohibition against payment to persons in receipt of assistance under title I, IV, X, or XIV would be applicable instead to cases of receipt of family security benefits under the new part D of title IV.

The provision on inclusion of reasonable standards for determining eligibility and amount of aid would be replaced by one requiring a minimum benefit of $90 per month, less any other income, and by another requiring that the standard of need not be lower than the standard applied under the State plan approved under the existing title XVI or (in case the State had not had such a plan) the appropriate one of the standards of need applied under the plans approved under titles I, X, and XIV.

While the requirement relating to the determination of need and disregarding of certain income in connection therewith has been continued (although without the authorization to disregard $7.50 per month of any income, in addition to other income which may or must be disregarded), it has been expanded in a manner parallel to family assistance benefits to include disregarding as resources the home, household goods, personal effects, other property which might help to increase the family's ability for self-support, and, finally, any other personal or real property the total value of which does not exceed $1500. There would also be a new requirement for not considering the financial responsibility of any other individual for the applicant or recipient unless the applicant is the individual's spouse or child under the age of 21 or blind or severely disabled, and a prohibition against imposition of liens on account of benefits correctly paid to recipients.

Other new requirements relate to provision for the training and effective use of social service personnel, provision of technical assistance to State agencies and local subdivisions furnishing assistance or services, and provision for the development, through research or demonstrations, of new or improved methods of furnishing assistance or services. Also added is a requirement for use of a simplified statement for establising eligibility and for adequate and effective methods of verification thereof. Finally, there are new requirements for periodic evaluation of the State plan at least annually, with reports thereof being submitted to the Secretary together with any necessary modifications of the State plan; for establishment of advisory committees, including recipients as members; and for observing priorities and performance standards set by the Secretary in the administration of the State plan and in providing services thereunder.

The present prohibitions against any age requirement of more than 65 years and against any citizenship requirement excluding U.S. citizens would be continued.

In place of the present provisions on residency, there is a new one which prohibits any residency requirement excluding any resident of the State. Also there would be new prohibitions against any disability or age requirement which excludes a severely disabled individual aged 18 or older, and any blindness or age requirement which excludes any person who is blind (determined under criteria by the Secretary).

Payments

In place of the present provision on the Federal share of expenditures under the approved State plan there is a new formula which provides for payment as follows with respect to expenditures under State plans for aid to the aged, blind, and disabled approved under the new title XVI:

With respect to cash assistance, the Federal Government will pay (1) 100 per cent of the first $50 per recipient, plus (2) 50 per cent of the next $15 per recipient, plus (3) 25 per cent of the balance of the payment per recipient which does not exceed the maximum permissible level of assistance per person set by the Secretary (which may be lower in the case of Puerto Rico, the Virgin Islands, and Guam than for other jurisdictions).

With respect to services for which expenditures are made under the approved State plan, the Federal Government would pay the same percentages as are provided under existing law, that is, 75 per cent in the case of certain specified services and training of personnel and 50 per cent in the case of the remainder of the cost of administration of the State plan.

Payment by Federal Government to individuals

The revised title XVI includes authority for the Secretary to enter into agreements with any State under which the Secretary will make the payments of aid to the aged, blind, and disabled directly to individuals in the State who are eligible therefor. In that case, the State would reimburse the Federal Government for the State's share of those payments and for ½ the additional cost to the Secretary of carrying out the agreement, other than the cost of making the payments themselves.

Definition

The new title XVI defines aid to the aged, blind, and disabled as money payments to needy individuals who are 65 or older or are blind or are severely disabled.

Transitional and related provisions

Titles I, X, and XIV of the Social Security Act would be repealed.

Provision is made for making adjustments under the new title XVI on account of overpayments and underpayments under the existing public assistance titles.

Provision is also made for according States a grace period during which they can be eligible to participate in the new title XVI without changing their tests of disability or blindness. The grace period would end for any State with the June 30 following the close of the first regular session of its State legislature beginning after enactment of the bill.

Conforming amendments

The bill also contains a number of conforming amendments in other provisions of

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the Social Security Act in order to take account of the substantive changes made by the bill. Thus, the changes in the medicaid program (title XIX of the Social Security Act) would require the States to cover individuals eligible for supplementary State payments pursuant to the new part E of title IV or who would be eligible for cash assistance under an existing State plan for aid to families with dependent children if it continued in effect and included dependent children of unemployed fathers.

Effective date

The amendments made by the bill would become effective on the first January 1 following the fiscal year in which the bill is enacted. However, if a State is prevented by statute from making supplementary payments provided for under the new part E of title IV of the Social Security Act, the amendments would not apply to individuals in that State until the first July 1 which follows the end of the State's first regular session of its legislature beginning after the enactment of the bill—unless the State certified before this date that it is no longer prevented by State statute from making the payments. In the latter case the amendments would become effective at the beginning of the first calendar quarter following the certification.

Also, in the case of a State which is prevented by statute from meeting the requirements in the revised section 1602 of the Social Security Act, the amendments made in that title would not apply until the first July 1 following the close of the State's first regular session of its legislature beginning after the enactment of the bill—unless the State submitted before this date a State plan meeting these requirements. In the latter case the amendments would become effective on the date of submission of the plan.

Another exception to this effective date provision is made in the case of the new authorization, in the revised part C of title IV of the Social Security Act, for provision of child care services for persons undergoing training or employment—which would be effective on enactment of the bill.

Mr. JAVITS. I have joined as a cosponsor, Mr. President, because I wish to encourage the administration in this initiative.

I advise the Senator from Pennsylvania (Mr. SCOTT) that I reserve the right to put in another bill or move amendments, but the fundamental principle is so important and I think the initiative of the administration so sound and desirable that I felt it my duty to join as cosponsor.

Mr. SCOTT. I thank the Senator from New York.

ADDITIONAL COSPONSORS OF A BILL AND JOINT RESOLUTIONS

S. 2979

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. INOUYE), and the Senator from Alabama (Mr. ALLEN) be added as cosponsors of S. 2979, to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 154

Mr. EAGLETON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. GURNEY), the Senator from Rhode Island (Mr. PELL), and the Senator from Illinois (Mr. SMITH) be added as cosponsors of Senate Joint Resolution 154, to authorize and request the President to proclaim the month of January of each year as "National Blood Donor Month."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 155

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Alaska (Mr. GRAVEL), I ask unanimous consent that, at the next printing, the names of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from New Mexico (Mr. MONTOYA), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of Senate Joint Resolution 155, to provide for a study and evaluation of international and other foreign policy aspects of underground weapons testing.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SETTLEMENT OF CERTAIN LAND CLAIMS OF ALASKA NATIVES—AMENDMENT

AMENDMENT NO. 221

Mr. STEVENS. Mr. President, today I would like to submit an amendment, intended to be proposed by me, in the form of a substitute for S. 1830, the Alaska Natives Land Claims Settlement. This amendment has been prepared at the request of the Alaska Federation of Natives, and represents their views on a land claims settlement.

Mr. President, because of the extremely wide interest this legislation has aroused in my home State of Alaska, I ask unanimous consent that in addition to the normal number, 1,500 extra copies of this amendment be printed and made available to the Interior Committee.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 221) was referred to the Committee on Interior and Insular Affairs and ordered to be printed.

THE DRAFT CALL REDUCTIONS—A CRUEL HOAX? CLAYTON FRITCHEY ANALYZES THIS PROPAGANDA

Mr. YARBOROUGH. Mr. President, recently this administration announced, with considerable fanfare, a reduction in draft calls for the remainder of this year. At the same time, a call was issued for meaningful draft reform. I am proud to say that I was among the first Senators to endorse this action for draft reform.

Now, however, serious questions have been raised about the validity of these draft-call reductions. It appears that, for the first 10 months of this year, draft calls have been running considerably higher than they were for the similar time period of last year. In fact, if my figures are correct, the average monthly draft call last year was 24,667 as opposed to 29,040 this year. That is over 4,000 men per month more than were being drafted last year.

In this light, the draft-call reductions are not so significant, for the administration has been drafting more men up to now, perhaps with the intent to announce reductions in draft calls later in the year.

A similar tactic was used by this administration earlier in the year when it announced a reduction in U.S. troop strength in Vietnam knowing full well that there had been a sharp increase in the numbers of U.S. forces there beforehand.

Mr. President, if these developments indicate any sort of trend in the way this administration intends to deal with the American people, they are perpetrating a cruel hoax on this Nation for which they will be held accountable.

While it may be possible to market a candidate like a new brand of laundry detergent, it is not possible to merchandise national policies in this way. The people are too alert to what an administration does for it to be able to continue to make meaningless gestures of the sort I have been discussing.

Mr. President, I ask unanimous consent that an article entitled "Are Draft Cuts, Token Pullouts Fooling Anyone?" written by Clayton Fritchey, and published in the Washington Star of Friday, September 26, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE DRAFT CUTS, TOKEN PULLOUTS FOOLING ANYONE?

(By Clayton Fritchey)

Dr. Benjamin Spock and some of the student leaders dismissed President Nixon's draft reduction announcement as "fakery," which may be putting it a little strongly, but certainly there are good reasons for taking a hard look at the hat from which this rabbit was pulled.

Nixon's hand is quick, but not quicker than the computers. And the computers show that he has been drafting young Americans even faster than Lyndon Johnson did last year. The administration is able to call off draft calls for November and December because the government has inducted so many into the armed forces since Nixon took office that it already has enough in the pipeline to sustain operations for the time being.

The unpublicized, although significant fact is that draft calls have shot up 70 percent over last year since Nixon announced in June that he was beginning the withdrawal of U.S. troops from Vietnam. In October 1968, for instance, the call was for 13,800 as against 29,000 this October.

In the five-month June–October period the 1968 total was 79,300, compared with 135,700 in 1969. In 10 months this year, Nixon is going to draft almost as many men (290,400) as Johnson did (296,000) in 12 months last year.

Is the President really fooling anybody (except possibly himself) in hoping that momentary draft cuts and token troop withdrawals will take him off the Vietnam hook, and make the war acceptable to the American public, especially the students he is presently so concerned about?

A Pentagon official is quoted as saying, "We're simply buying time—on the installment plan." Gen. Lewis Hershey, director of Selective Service, views the presidential move as buying a "breather for a couple of months."

In its cynicism, the administration may have underestimated the idealism that animates many students. The anti-war spirit on the campuses is not based solely on self-interest and fear of the draft. Actually, most of the militant leaders have been immune to the draft.

"The time has come for peace," the President told the United Nations last week, but the delegates noted that, despite his earlier "hopes" of withdrawing all of America's combat troops next year, Nixon has currently settled for another small cutback of 35,000 men by Dec. 15.

Since the first reduction was 25,000, this means total withdrawals for 1969 will be only 60,000. At this rate it would take eight years to bring them all home. Moreover, even if future casualty rates do not exceed the level of the present fighting, such a prolonged withdrawal would cost the U.S. about 600,000 more killed and wounded.

For months, the administration has tried to pacify the public with talk of "lulls" and turning the fighting over to the South Vietnamese army. Yet, says the Armed Forces Journal, after a new analysis of casualties: "The harsh fact is that U.S. military forces in Vietnam have suffered approximately 30 percent more combat deaths in the first six months of the Nixon administration than in the last six months of the Johnson administration."

Under Nixon, combat deaths jumped from 4,894 to 6,358, and wounded rose from 31,557 to 45,363. Even during the most recent "lull" U.S. killed and wounded have been averaging around 1,500 a week, or over 75,000 annually, which is higher than the average for the last three years.

The figures do not support Pentagon propaganda that militarily the war is going our way. Just the contrary. In the last six months of 1968, the kill ratio of enemy combat deaths to total allied combat deaths was 5.49. For the first half of 1969 the ratio was 3.95. Between the first and second quarters this year, it dropped from 6.74 to 2.76. Does this sound as if the enemy have lost the capacity to fight effectively?

YOUNG DEMOCRATS ENDORSE U.S. RATIFICATION OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, in November 1967, more than 1,000 Young Democrats gathered in Miami, Fla. They went there to discuss matters of great import to both the country and the party. Out of this assembly came a number of resolutions.

I am gratified that one of the resolutions concerned the human rights conventions. The resolution contains a ringing endorsement of the conventions and a call for Senate ratification. I feel that it is noteworthy that even though dealing with such topics as Vietnam, foreign aid, and the war on poverty, these young people found time to include human rights among their priorities. I suggest that we follow the example and advice of the Young Democrats by placing human rights among our priorities and ratifying the human rights conventions.

Mr. President, I ask unanimous consent that the Young Democrats resolution on human rights be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS CONVENTION

The United States Senate is presently considering several international Human Rights Conventions, among them the convention on the political rights of women, the convention on Genocide.

The Senate has held hearings on these conventions wherein many prominent Americans and organizations have testified in favor of their ratification.

A number of United States Senators, most prominent among them the Hon. William Proxmire of Wisconsin, have continued the fight for ratification of these conventions and the principles involved in these conventions have long been held basic to the American way of life and would require no amendment of our own laws but would simply reaffirm our desire to make universal those rights already prevailing in the United States.

Most of the nations of the world have ratified these conventions, but the United States, whose principles they embody, has not.

The Young Democratic Clubs of America call upon the United States Senate to ratify the convention on the political rights of women, the convention on Genocide, as soon as possible as proof to the world that we stand behind the principles that made our country great.

THE COST OF QUOTAS

Mr. BROOKE. Mr. President, this morning's Wall Street Journal has a fine editorial that effectively pinpoints the tremendous inequity and inadequacy of this country's oil import program.

The burden that this costly program puts on New Englanders is intolerable. Since the implementation of the mandatory oil import program nearly a decade ago, many millions of oil consumers have paid increasingly higher prices to heat their homes. The cost of home heating oil in New England is far higher than in any other section of the Nation. This program has turned the New England area into a carefully manipulated captive market dominated by the major oil companies. The end result has been that the people of New England have paid more than their fair share of the several billion dollar yearly outlay that it takes to support this program.

We hope that the Presidential task force now studying the oil import program will be the vehicle for vast changes in this costly and unfair quota system.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE COST OF QUOTAS

While no one doubts that oil import quotas cost U.S. consumers a great deal of money, there's a wide divergence of opinion as to what the cost amounts to.

Imported oil on the average is much less expensive than petroleum produced domestically. So companies that get permission to bring in foreign crude reap windfall profits, and consumers pay more for gasoline and other petroleum products than they otherwise would.

How much more? Well the Interior Department last July officially estimated the extra outlay at $2.2 billion to $3.5 billion a year. But one of the department's own agencies, the Bureau of Mines, puts it substantially higher and figures it will amount to more than $7 billion a year by 1975.

John Ricca, deputy director of the Office of Oil and Gas, which oversees oil-import analysis, said the two reports "are based on different economic models and different assumptions." He explained that the earlier estimate assumed that product prices are influenced by larger integrated oil companies, while the Bureau of Mines study assumed that prices are determined by independent refiners.

That sort of explanation isn't likely to make consumers feel any better. Nor, for that matter, does it make the oil import quotas look any better.

The alleged purpose of the quotas is to assure the U.S. an adequate supply of oil if it is cut off from foreign sources by a world emergency. Quotas protect domestic producers and supposedly encourage them to go on hunting for new U.S. oil supplies.

The argument is at best questionable, in view of such factors as large existing reserves on this continent and new discoveries in Canada and Alaska. If the argument is fully accepted, however, an import-control program of unknown cost, paid willy-nilly by consumers, is still a poor way to assure adequate oil supplies. By contrast, direct and open subsidies to the industry would look fairly good if assistance were really needed.

Even that misguided chap who buys a pig in a poke at least knows what he's paying for it.

CHAIRMAN OF HOUSE JUDICIARY COMMITTEE VOWS FIGHT TO PREVENT REPEAL OF AMMUNITION CONTROLS

Mr. DODD. Mr. President, many of us are gravely concerned over a "Christmas tree" attachment to H.R. 12829, pending on the Senate Calendar, which would repeal the ammunition controls of the Gun Control Act of 1968.

The distinguished chairman of the Committee on the Judiciary of the House of Representatives (Mr. CELLER) discussed this matter on the floor of the other House yesterday. Because I wish to call the attention of Senators to this valuable statement, I ask unanimous consent that it be printed in the RECORD again today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

INTEREST EQUALIZATION TAX EXTENSION ACT

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, in the other body, the Finance Committee has added a totally nongermane and regressive amendment to the Interest Equalization Tax Extension Act—H.R. 12829. The amendment repeals the ammunition recordkeeping requirements of the Gun Control Act of 1968.

The Senate committee amendment eliminates recordkeeping in sales of, first, shotgun ammunition; second, rifle ammunition; third, .22 caliber rimfire ammunition, and component parts thereof.

The 1968 act prohibits the sale of ammunition to certain juveniles, mental incompetents, known felons, drug addicts, and other irresponsible persons. Requiring a prospective purchaser to give his name, address and substantiate his age is not a nuisance. Clearly, enforcement of the act's prohibitions would be impossible without requiring dealers to keep records of ammunition transactions.

Under the Senate committee rider, ammunition recordkeeping for approximately 90 percent of all firearms would be eliminated.

Recordkeeping will deter those who cannot legally buy ammunition.

Recordkeeping will insure that dealers will exercise a higher degree of care in determining whether the buyer is barred under the statute from buying ammunition.

Availability of ammunition records will aid in the investigation of firearms crimes.

The only way of affecting the 90 million firearms already privately owned is by regulating the flow of ammunition.

According to Senate Juvenile Delinquency Subcommittee studies: .22 caliber pistols and revolvers were involved in 30 percent of the handgun murders committed last year; .22 caliber rifles were involved in 60 percent of the rifle murders last year; .22 caliber rimfire bullets accounted for 37 percent of the homicides committed in this country last year; that is, 3,300 Americans were murdered by these bullets.

The weapon used to kill Robert Kennedy was a .22 caliber revolver which fired a .22 caliber rimfire bullet.

Mr. Speaker, the Gun Control Act of 1968 represented one of the outstanding accomplishments of the 90th Congress. It marked the beginning toward reducing the level of gun violence in this country. Now, without any hearings and only 10 months after the act has become effective, a Senate committee has moved to strike an essential element from the act's regulatory fabric.

No examination of the need or consequences of repealing ammunition controls has been made. It is unwise and regressive to cut back the scope of the act of 1968. Should the other body nevertheless adopt this ammunition rider, it will encounter sustained opposition on the floor of the House. The resulting delay may well jeopardize the enactment of the Interest Equalization Tax Extension Act. The ammunition amendment should be defeated.

PROPOSED DEPARTMENT OF CONSERVATION AND ENVIRONMENT

Mr. CASE. Mr. President, the responsibilty for protecting our environment currently is scattered among more than 90 Federal agencies. One of these agencies is the Bureau of Sports Fisheries and Wildlife, which is conducting a continuing study of the amounts of hard pesticides accumulated in the bodies of fish, birds, and shellfish.

An article published recently in the Newark Sunday News reported that the study has revealed that wild ducks shot by hunters in New Jersey contained one of the highest concentrations of DDT in their bodies found among ducks anywhere in the country.

This is just one example of how, with the aid of technological and scientific developments, we have accelerated the pollution of the soil, the air, and the waters to a point where irreparable harm to the health and livability of our surroundings is a distinct possibility.

Unless man begins to take better care of his environment, the earth may become as inhospitable to life as the moon.

Therefore, I have introduced proposed legislation to create a new Federal Department of Conservation and the Environment, which would for the first time give a specific single Government agency responsibility for protecting our environment.

Mr. President, I believe that the article in the Newark Sunday News should be of interest to Senators. Therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Newark (N.J.) Sunday News, September 28, 1969]

STUDY FINDS HIGH DDT IN NEW JERSEY DUCKS

(By James M. Staples)

WASHINGTON.—A two-year federal survey has revealed that ducks from New Jersey had among the highest concentrations of the pesticide DDT in their bodies found anywhere in the United States.

It is part of a continuing study by the U.S. Bureau of Sport Fisheries and Wildlife on amounts of DDT and other "hard pesticides" accumulated in bodies of fish, birds and shellfish. Findings will be used as a base against which future research can be measured.

Wings of mallard and black ducks collected from hunters during the hunting seasons of 1965 and 1966 were assayed for pesticide contents. The wings were originally collected in order to plot duck population and migration data.

The new findings were expected to heighten the New Jersey confrontation between conservationists, and agricultural-chemical interests on controls for DDT and other chlorinated hydrocarbons.

HARD PESTICIDES

They are termed hard pesticides because they retain chemical identity for many years after being applied, entering bodies of fish, birds, animals and man and gradually building up concentrations suspended in fats. Foes of the DDT family stress that there are some 900 pesticides which are not under attack.

A bill in the New Jersey Legislature, introduced by Assemblywoman Josephine S. Margetts, R-Morris, and Assemblyman Thomas H. Kean, R-Essex, would establish a state pesticide review board with the power to assess and, if deemed advisable, ban any insecticide, fungicide or herbicide from sale or use in the state.

New Jersey Secretary of Agriculture Philip Alampi heads a Pesticide Study Council named a month ago by Gov. Hughes. Alampi has spoken out strongly in favor of pesticides generally, saying that his council will seek to "protect and reassure" pesticide users.

DDT has been charged with bringing on the imminent extinction of bald eagles, peregrine falcons, ospreys and pelicans, because it causes weakness in egg shells which leads to their collapse during incubation and death of the unhatched bird. There is a growing mass of evidence that chlorinated hydrocarbons damage sex hormones in mammals and may lead to genetic problems.

OTHER SURVEYS

Published recently in the government's pesticide monitoring journal, the duck survey and a companion one on starlings will be followed soon by a report on DDT and other pesticides found in shellfish.

Another study in the same series earlier this year showed that of fish sampled throughout the country, the highest DDT concentrations were in fish from the Delaware River near Burlington, N.J.

The report on ducks focused on four "flyways," or migration routes taken by the birds each year. They are along the Atlantic Coast, the Mississippi River, Rocky Mountains and Pacific Coast.

Ducks killed in New Jersey averaged 2.1 parts per million of DDT in adults and 1.75 in immature birds. The part per million measurement is the ratio of pesticide to body weight.

Researchers noted that all ducks collected were killed by hunters during hunting seasons. This means that some could have migrated southward and others could have been residents of New Jersey.

Findings in adult ducks in Delaware at the same time showed only .88 parts per million (ppm) of DDT. In Pennsylvania it was 1.14 ppm, New York, 1.24 ppm; Rhode Island, .94 ppm; Connecticut, 1.51 ppm, and Massachusetts, 1.69 ppm. These states, along with New Jersey, are an "overlap area" for duck breeding and migration grounds.

Comparable findings to those in New Jersey came also from Alabama; along the Mississippi flyway ducks were "cleanest" from the DDT standpoint, followed by those along the Mississippi.

Scientists scanning the survey theorized that ducks, living in wetlands, acquire DDT mainly in areas which have been dosed for mosquito control. They said the same thing about DDT found in the fish from the Delaware River.

The starling survey showed nationwide DDT accumulations, with the Southeast averaging highest. Two samplings from Arizona and New Mexico were the highest individual readings, between 15 and 25 ppm.

Dieldrin, like DDT, a chlorinated hydrocarbon pesticide but 50 or more times as powerful, also showed up uniformly among starlings and most ducks. Although dieldrin readings were much lower than DDT, its added potency caused concern among reseachers.

PUBLIC SUPPORT FOR THE ESTABLISHMENT OF AN AMERICAN FOLKLIFE FOUNDATION GROWS

Mr. YARBOROUGH. Mr. President, I have been greatly encouraged by the rapidly growing public support for my bill, S. 1591, to create an American Folklife Foundation within the Smithsonian Institution.

The American people are recognizing the necessity for accumulating and permanently recording the diversified traditions and cultures which have molded our Nation. Not only does each American enjoy the distinctive ways of his own family, ethnic group, region, and occupation which comprise his traditional or folk culture; but he also shares with all Americans a common body of customs and traditions which is our national culture and heritage. The establishment of the Foundation would guarantee the preservation of the very basis of our unique society.

In a letter to me endorsing the bill, Mrs. Mildred L. Rahn of Baltimore, Md., lucidly warns of the increasing homogenization of our society in this day of mass communication and conformity.

We must act quickly to prevent the eventual loss of this vital portion of our heritage.

Mr. President, I ask unanimous consent that Mrs. Rahn's letter, dated September 27, 1969, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BALTIMORE, MD.,
September 27, 1969.

Senator RALPH YARBOROUGH,
Senate Committee on Labor and Public Welfare, Old Senate Office Building, Washington, D.C.

DEAR SENATOR YARBOROUGH: This letter is in support of your Senate Bill No. 1591, relating to the American folk life foundation. I think it is time that the various cultures within the United States are consolidated, studied, and preserved as a national folk life.

Maybe a separate folklife museum could be founded to sponsor folklife demonstrations throughout the nation—a sort of travelling version of the Smithsonian's folklife festivals.

I am especially partial to the American folk music. Our country has such a wealth of folk song tradition. The excellent exhibit by Mr. Scott Odell at the Smithsonian should be expanded and made a permanent part of the Institution. I am referring to the Country Music exhibit with instruments, pictures, tapes, and slides. This could even become part of the American folklife foundation.

Please urge the committee to pass the bill so researchers can begin collecting while there is still time. Each generation loses a bit more of the past tradition. Let it be recorded for everyone, now, while we still have people from the pre-T.V. generation—who knew folk culture before mass communication.

Pacem in terris,

MILDRED L. RAHN.

CALIFORNIANS KILLED IN VIETNAM

Mr. CRANSTON. Mr. President, in the past week, since last Thursday, September 25, the Pentagon has notified 14 more California families of the death of a loved one in Vietnam. Those killed were:

Pfc. Dennis L. Bartlebaugh, son of Mr. Kenneth L. Bartlebaugh of Fullerton.

Sp4c. Encarnasion Rodriquez, son of Mr. and Mrs. Encarnasion A. Rodriquez of La Mirada.

Sp4c. Kenneth G. Burlock, Jr., son of Mr. Kenneth G. Burlock of San Bernardino.

Pfc. Gregg L. Cochrane, son of Mr. and Mrs. Robert S. Cochrane of Santa Clara.

Sp4c. Robert A. Cooke, son of Mr. and Mrs. Dan Cooke of Durham.

Sgt. Lowry T. Cuthbert, son of Mr. and Mr. Richard Cuthbert of Compton.

Pfc. David T. Ford, son of Mr. and Mrs. Gordon E. Ford of Hayward.

Pfc. Charles H. Goldmeyer, son of Mrs. Ellen L. Erdman of San Diego.

Cpl. Frank J. Montez, brother of Miss Dianne Montez of San Martin.

Lt. John A. Reed, husband of Mrs. Susanne C. Reed of Fallbrook.

Pfc. James S. Rogers, husband of Mrs. Luann Rogers of Palmdale.

Sp4c. Neis V. Rosenlund II, husband of Mrs. Vivian P. Rosenlund of Rio Dell.

Pfc. John C. Sterling, son of Mrs. Angelina M. Espinosa of Concord.

Pvt. Erich L. Tidwell, son of Mrs. Beverly S. Bush of San Diego.

They bring to 3,815 the total number of Californians killed in the Vietnam war.

SUPPORT FOR THE PRESIDENT'S EFFORTS TOWARD PEACE IN VIETNAM

Mr. HANSEN. Mr. President, it is time that Members of Congress who believe in national honor and national principle should stand up for the President of the United States in his efforts to bring about an honorable and just peace in Vietnam.

Day after day, we hear and read about the advocates of surrender and retreat until sometimes average Americans must think there are only quitters and cowards in their country's Capitol.

Those are harsh words, Mr. President, but I believe they are fully justified.

Get out now, some say.

Get out by 1970, or by the end of 1970, or by the middle of 1970, others say.

Get out at any cost—to us or to our allies.

And daily as they talk, they strengthen the resolve of the enemy in the field and harden his heart at the bargaining table, thus making the road to peace ever longer and more difficult. But these people do not represent all America or even most of America. And it is time the world knew it.

Whether we are in Congress or out in the hinterlands, it is time the enemy know that most Americans support their President and, even more, believe that he should be given a decent time in which to arrange an honorable peace without the harpers and the hippies creating confusion at home and lending comfort to the other side with their eternal bleating.

Mr. President, it is time for America to tell the President it stands with him during this time of awful responsibility. It is time for Americans who still put their country's honor and duty first, to stand up and be counted.

MILITARY PROCUREMENT

Mr. MONDALE. Mr. President, the military procurement bill reported by the House Committee on Armed Services came as a shock to those of us who are concerned about wasteful and unnecessary military expenditures. Instead of following the lead of the Senate Committee on Armed Services, which recognized the necessity of reducing the military budget, the House Committee actually increased the total authorization approved by the Senate Committee in the amount of approximately $1.3 billion.

Most of this increase can be traced to the $1 billion which the committee added to the administration's budget request for Navy shipbuilding. According to the chairman of the House Committee, this billion-dollar addition is justified because the Navy asked for it. The distinguished chairman, who professes an allegiance to the principle of civilian control of the military, was not persuaded by the fact that the Navy's civilian superiors in the Defense Department submitted a budget to Congress which did not recommend this additional billion dollars for shipbuilding.

What is particularly disturbing about the recommended increase in the Navy's authorization is the inclusion of approximately $100 million for the procurement of items for the nuclear attack carrier designed as CVAN–70—which the administration did not plan for funding until fiscal year 1971. This recommendation flies in the face of the amendment unanimously adopted by the Senate, requiring a comprehensive study of the Navy's carrier program before any funds can be authorized for the carrier CVAN–70.

I see no justification for the House committee's action. At a time when most of the American people are already bearing an unfair tax burden and at a time when our overwhelming domestic problems require a reordering of national priorities, it would be fiscally irresponsible for Congress to act in this manner.

I should assume that President Nixon would strongly oppose this recommended increase in his own military budget. When the House recently added more than $1.1 billion to his budget request for education, the President immediately announced his intention not to spend these additional funds. He expressed the importance of holding down Federal "spending in the present economic environment," and stated that "present circumstances plainly require a point of predictable firmness and responsibility in dealing with these budgetary problems."

In light of the President's sentiments on Government spending, I was dismayed when the chairman of the House Committee on Armed Services announced that the President supported this effort to add $1 billion to the Navy's budget. The chairman told the House:

> The President of the United States has promised me that he is going to proceed with this addition in as orderly a fashion as he can, and as fast as he can. And I do not believe Richard Nixon would say that if he did not mean it. He happens to be concerned for the U.S. Navy.

I strongly disagreed with the President's decision to withhold desperately needed funds for education. I do not believe that it is justifiable to cut education programs in an attempt to restrain an inflation which is fed primarily by excessive military expenditures.

But his unwise decision not to spend money appropriated for education in excess of his budget request is even more indefensible if he in fact supports the $1 billion addition to his military budget by the House committee.

It is ironic that the additional amount of funds in both cases is approximately $1 billion. If the President's position is that he will support inflationary spending for naval shipbuilding but will oppose funds to improve the education of our children, it exposes his administration's distorted sense of national priorities.

MAHATMA GANDHI AND THE ENDING OF THE GANDHI BIRTHDAY CENTENNIAL CELEBRATION YEAR

Mr. McGEE. Mr. President, today is an appropriate day to pay tribute to Ma-

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hatma Gandhi, the most effective apostle of nonviolence this world has seen in generations, if not centuries. Today the Gandhi Birthday Centennial Celebration Year, proclaimed by UNESCO, comes to an end.

That this year has been full of conflict and violence is a fact that Gandhi would have lamented, but be assured that he would not have rested with lamentations alone. We can only believe that he would reaffirm these words he wrote in 1920:

> I believe that non-violence is infinitely superior to violence, (that) forgiveness is more manly than punishment. Forgiveness adorns a soldier. But abstinance is forgiveness only when there is the power to punish; it is meaningless when it pretends to proceed from a helpless creature.

But Gandhi recognized that this was only half the problem, and he did not counsel the helpless to depend upon the generosity of the strong. He wrote:

> Non-violence in its dynamic condition means conscious suffering. It does not mean meek submission to the will of the evil-doer, but it means the putting of one's whole soul against the will of the tyrant. Working under this law of our being, it is possible for a single individual to defy the whole might of an unjust empire to save his honor, his religion, his soul, and lay the foundation for that empire's fall or its regeneration.

There should be a special place in American hearts for Gandhi and the philosophy he espoused. Not only does he arouse our sympathy for the underdog, he also reminds us that the United States was also once a colony and had to struggle for its national independence. It should not be forgotten either, that Henry David Thoreau's "Essay on Civil Disobedience" exerted a strong influence upon Gandhi's thought. Nor that Thoreau himself had been deeply influenced by the teachings of Hindu scriptures.

So it is highly fitting that we take this occasion to pay our respects to the memory of Mahatma Gandhi, the man about whom Albert Einstein wrote:

> Generations to come will scarce believe that such a one as this ever in flesh and blood walked upon this earth.

SURRENDER NOT WANTED IN VIETNAM

Mr. GOLDWATER. Mr. President, I note with some interest and more than a little skepticism the declaration of the Democratic national chairman that he is not trying to make retreat and surrender in Vietnam a Democratic issue.

I think it would be more accurate to say that he is trying, but is having little success.

Mr. President, everyone wants peace. But only a very few want surrender. Everyone wants Americans troops out of Vietnam. But only a few want a cowardly retreat.

Everyone wants to get out. But only a few want to bug out.

Everyone wants to negotiate, if possible, an honorable end to this war. But only a very few insist on undercutting the President and his negotiators at the negotiating table.

Mr. President, I should say that, on the basis of his recent statements, the chairman of the Democratic National Committee is beginning to sound like one of that little group who would surrender, retreat, and bug out.

I think he is wasting his time. Most Democrats, like most Republicans, want an honorable, negotiated peace which would find the United States living up to its commitments and which would insure the freedom of our allies.

I hope that eventually the chairman of the Democratic Party will join with the great majority of Americans in seeking to attain those goals.

THREATENED AMERICA; WILDERNESS AREAS ARE DEFENDED BY LIFE MAGAZINE; THE BIG THICKET SHOULD BE SAVED

Mr. YARBOROUGH. Mr. President, the August 1 issue of Life magazine contains an editorial and an excellent article which describe the effects of man's lack of concern for his environment.

The editorial points out that our continental wilderness has largely vanished and that what remains is threatened by our own increased needs. It tells of how pollution, the misuse of pesticides, and indiscriminate and ruthless development are deteriorating the quality of American life today, both in the countryside and in our cities.

The article, entitled "Threatened America," written by Donald Jackson and Grey Villet, describes the erosion of our little remaining wilderness. They sampled the survivors and discussed how Hell's Canyon along the Idaho-Oregon border, the continent's deepest gorge, is threatened with inundation by a reservoir; how Yosemite National Park in California is already inundated with people; how Corkscrew Swamp in south Florida, a teeming pool of life, is endangered by water-draining canals; how the Pine Barrens of New Jersey are in danger by a projected jet port; and how Admiralty Island in Alaska, domain of the grizzly and the bald eagle, is headed for the power saws of the loggers. As the author says, "the wilderness erodes. And as it does, perhaps we do, too."

Mr. President, these are only a few of the limited samples of wilderness areas threatened with destruction. The Big Thicket, a unique and beautiful wilderness in southeast Texas which is unparalleled in the richness and diversity of its plant and animal life in the southwest, is also facing destruction. It has already been reduced from its original size of 3.5 million acres to about 300,000 acres. I have introduced bills to create a Big Thicket National Park in each Congress since 1966. My bill, S. 4, to save the Big Thicket is pending now. We must act soon if we are going to save this incomparable area from destruction.

Mr. President, I ask unanimous consent that the editorial from Life magazine and the article, written by Donald Jackson and Grey Villet, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AN EDITORIAL

The following story shows a part of America that is threatened by our spreading civilization and growing population—the wilderness lands. These lands—10 million acres now under protection, almost all west of the Mississippi—have always held a magic. F. Scott Fitzgerald wrote of the early settlers arriving at the new world three centuries ago: "For a transitory enchanted moment man must have held his breath in the presence of this continent, compelled into an esthetic contemplation he neither understood nor desired, face to face for the last time in history with something commensurate to his capacity for wonder."

That enchanted moment is long past. The continental wilderness has largely vanished, and what remains of it is threatened by our own increasing needs. Our capacity for wonder survives, but less survives to be wondered at.

Vanishing wilderness is, however, only one aspect of the deteriorating quality of American life today, both in the countryside and in our cities. There are many others: pollution, endangered wildlife, smog, urban sprawl and that new catch-all term, "uglification." In later issues Life will show this deterioration and recommend ways to prevent it.

Change, of course, is inevitable; and progress, which is intelligently conceived change, is desirable. There must indeed be more jet airports, highways, housing and power plants, and it is foolish to maintain—as some conservationists do—that their encroachment must be prevented everywhere and at all costs. But too often the cost is too high. We are a rich country, but as Jean Mayer, a population expert and Special Consultant to the President, writes in *Columbia Forum:* "Rich people occupy much more space, consume more of each natural resource, disturb the ecology more, and create more land, air, water, chemical, thermal and radioactive pollution than poor people."

The population of the U.S. is headed toward 300 million in the next quarter of a century; our GNP will reach a trillion dollars in the next two years. This explosive combination of people and money will produce ever greater demands for more cars, dams, lumber, fuel, food, roads, land. These demands will lead, unless checked, to more pollution, garbage, trash, noise, desecration—and leave much less beauty to evoke our capacity for wonder.

What we now require is an intelligent and continuing weighing of the demands of "progress" against what might be sacrificed to them. Fortunately, some momentum in this direction already exists. Both government and industry have shown awareness—though not yet enough—of the environmental side effects of their activities. The Wilderness Act of 1964 set aside vital acreage for protection and provides a method for setting aside much more. Two months ago President Nixon established an Environmental Quality Council at Cabinet level, with himself as chairman and his scientific adviser Dr. Lee DuBridge as executive secretary. The same executive order set up a Citizens' Advisory Committee on Environmental Quality, with Laurance Rockefeller as its chairman. Both groups have a broad charter but have yet to show what they can do. Such industries as chemicals, oil and utilities have recently shown a greater responsibility toward the environment in which they flourish.

Public concern has also increased. The destruction of rivers by chemicals and detergents, the destruction of wildlife by insecticides, the destruction of landscape by indiscriminate and ruthless "development"—all are now less likely to occur without protest than was possible 10 years ago.

Nevertheless, not nearly enough information exists to enable government, industry and the public to determine whether or not specific projects should be approved. The Santa Barbara oil-drilling leases, granted by the U.S. Department of the Interior, might not have been granted if the full extent of the threat had been known. The use of DDT, a successful chemical against insects, is either being questioned or has been banned in 17 states because its damage to other forms of life is finally recognized. Marshlands that have been filled in and gobbled up by industry and housing might well have have been protected if more people had realized that one acre of marshland potentially can produce 10 times as much animal protein (fish, oysters, clams, crabs) as one acre of farmland.

Quite aside from the purely physical destruction involved in careless exploitation are the esthetic losses. Even when no ecological damage is committed, we constantly afflict the eye with shoddy excrescences of bad design, ugly and haphazard travesties of modernity spattered across the landscape in the name of expansion.

Life will undertake to treat these themes in pictures and words. We will report the threats and attempts to show how they can be opposed and, if possible, defeated. We believe that the threats are serious, that the potential losses are critical and that the need for action is urgent.

THREATENED AMERICA: POLLUTION, TRASH, SMOG, SPRAWL, NOISE, GARBAGE, UGLINESS—THE WILD LANDS STRUGGLE TO SURVIVE

(By Donald Jackson)

The wilderness erodes. What remains of it survives in isolated and glorious patches, on mountainsides and remote islands and dark swamps and deserts. For every strip that's left there are competing claims, often more than two; the back country may be serene, but there is little security.

Here we look at a sampling of the survivors, at how they achieved that state of grace and what their prospects are: Hells Canyon, the continent's deepest gorge, threatened with inundation by a reservoir; Yosemite, already inundated with people; Corkscrew Swamp, a teeming pool of life endangered by water-draining canals; the Pine Barrens of New Jersey, a tidy forest being eyed by the jetport builders; Admiralty Island, Alaska, a domain of grizzlies and bald eagles, headed for the power saws of the loggers. "Something will have gone out of us as a people," Wallace Stegner has written, "if we ever let the remaining wilderness be destroyed." The wilderness erodes. And as it does, perhaps we do too.

HELLS CANYON

The canyon liberates the imagination even as it constricts the horizon. The sun arrives late and leaves early, and the long dark lets you see what your grandfather saw, and his grandfather, and you hear the sounds they heard, and you know their dreams and dreads and joys. A wondrous gift, this wilderness, a summoning of the senses and a teasing at the spirit. The wild river sings the spring away, and in the summer it lies on its back, kicking and biting like a downed cat—at once violent, poignant and beautiful. Across the river might as well be across the sky. On the canyon wall the would-be dam builders have painted their initials, like fraternity boys autographing a railroad bridge: HMS—High Mountain Sheep Dam. For 15 years engineers for Northwest power companies have gazed fondly at their blueprints and dreamt of this dam—a canyon almost *demands* a dam. The only undammed reach of the Snake, its last 80 miles of wild water, would be tamed; a 60-mile-long reservoir would rise lolling and drown the fragrant riverside meadows, and water skiers would glide where rapids had snarled. The few sheep and cattle ranchers who live there, the outdoorsmen who come in by rapids-running boats or pack mules would just have to find someplace else. The dam was approved by the Federal Power Commission, a compromise dam was suggested by the Interior Department, and the Supreme Court finally bounced the whole question back to the FPC. Engineers and conservationists are now arguing through another round of hearings.

"I spent three weeks in there once," the old woodsman said. "Never saw a soul. Do you understand? Never saw a soul."

YOSEMITE

It's 8 a.m. A squirrel hobbles gamely under half a piece of bread. Smell of bacon and woodsmoke. Sound of raucous bluejays. Of 5,000 people camped in Yosemite Valley, 4,000 are asleep. One rolls out of a sleeping bag and finds a hot dog for breakfast. The tough part is finding a stick. For sale at the gate: "Instant fire-pac Pres-to-Logs. An evening's fire in a carton." Rivers full, white. Gentle morning sun paints the mountainside. Trailers everywhere. Cars everywhere. People everywhere. Question: What is a national park? Answer: A national parking lot.

Two p.m. Motorcycles, each with built-in girl, makes circles in the dust. An old couple watches transistor TV. "We've got crime enough here for a city of 200,000," says a ranger. Drinkers drink. Sleepers sleep. A hundred eager tourists surround a bear at Glacier Point. The ranger keeps his distance, does nothing. Is it dangerous? "Sure, but we're okay here." The bear nuzzles a woman. She looks annoyed. Question: What are these people doing here? Answer: Having a cheap vacation.

Eight p.m. Hippies convene in a meadow. Smell of pot. Sound of acid rock. "Hey, want to trade a swig of wine for a cigarette?" Squares at Yosemite Lodge, digging the slide show. They hiss when a picture of a skunk appears. "Look, I live in Glendale," says a camper. "In Glendale we got smog. Here you got good water, good air and the smell of pines. Crowded, sure, but it's better than smog." Impartial bluejays mooch from everybody. San Jose-in-the-pines. Disneyland-in-the-wild. Question: Where is the wilderness? Answer: Over there somewhere, beyond the auto nature trail.

CORKSCREW SWAMP

The swamp makes feeble tools of our senses. There is too much to absorb: too many sounds, too much density, motion, mystery. The colors are too bright, too true; none of man's paints can match them. Suddenly a heavy splash, a strangled squawk: something is dying. On the lake of water lettuce the heron stalks, one long twig of a leg hanging absently in the air, hypnotized by some twitch of life on the water. The tension breaks, the sounds resume: the faintly nasal grunt of the alligator, the skull-rattling drumbeat of the woodpecker, a dozen birds singing in a dozen keys for a dozen reasons. There is something terrible about the swamp: it seems to stir some forgotten fear—perhaps of dark and silent death, the clumsy stranger's death, a quick and quiet ripple on the black water. More here than you can see, or hear, or smell; intimations of things never known.

This swamp survives, but its enemy closes. Land developers ("Building New Worlds for a Better Tomorrow") have dredged canals near the swamp, lowering the water level on which everything depends—orchid and wood stork, bluegill and otter. The Audubon Society, owner of the 10,000-acre swamp, has fought back by buying buffer land, building dikes, drilling wells. "I think," says the Audubon superintendent cautiously, "we can reasonably expect to survive." "The wilderness has been pushed aside," boasts the housing developer's brochure. Not yet. Not quite.

PINE BARRENS

Strange these woods should be here. Miraculous, in fact. (The green dark of the pines closes in, closes in.) They must be a part of some "master plan," there will be a city here, certainly, or a nuclear power plant, or a shopping center. (Look at the water beetles, chugging around the neat dark river like miniature speedboats. Taste the water. You can drink it.) This is New Jersey, smack in the middle of the megalopolitan main line. Twenty million people live within two hours of these "barrens"—so named by early farmers because of their disappointing soil. Obviously the barrens can't stay this way, 1.3 million acres of green in midurbia, there must be something—ah, a jetport, they're talking about a jetport. *That* sounds more like it. (In the canoe we glide, silent as Indians, and I feel invisible.) "What are you going to do, waste a *resource* like this, let it just sit there, undeveloped? Ninety percent of it *privately owned!* Man, that's opportunity!" Maybe they'll build a jetport, maybe they won't, they haven't decided—but you don't think it's going to stay here like it *is*, do you? (What secrets have these woods kept? What promises? Why are they here?) Something, *something* will happen, certainly. All those people so close, all this space, all those people so close, all this space . . .

ADMIRALTY ISLAND

This island is the home of royalty, and the rest of us tread here at the sufferance of the monarchs. A neat division has been worked out by the rulers: the land belongs to the grizzly, the sky to the bald eagle. Very little grousing by the subjects, either. Man, though—well, you know man, he's the touchy one. He slashes the trees and chokes the salmon streams with his debris, just to show who's *really* boss. So far the logging has been small-scale and well hidden; the bulk of Admiralty has remained the preserve that the monarchs know. But the bulldozers are revving their engines offshore, and the power saws are coming in their dozens. The land is national forest, but the U.S. Forest Service has chosen to sign a contract with a lumber company turning over nearly half of the remaining open land to logging. "We harvest timber like farmers harvest crops," says a Forest Service man. But why here, why in this realm of wonders? "Everybody's gotta be somewhere," comes the reply.

In the carpeted forests and the perfumed meadows, though, out there amid the sedge and wild raspberries, lush moss and brilliant streams, playfully splashing herring and silver-domed sea otters, out in the wild stillness the monarchs aren't listening. There's the grizzly, lazing up to a stream and selecting his breakfast salmon. There's the eagle, preserving his dignity through strength alone as he drops into the nest. Surely we can't intimidate *them*. High, high up in the Arctic sky a jet bomber slides soundlessly west, the only visible work of man, taking a full minute to traverse the broad horizon. There is no past, no future, only this stillness, eagle and plane and bear, together in a frozen tick of time.

The sight of a bear track on an Alaskan island, intimidatingly huge, a miniature amphitheater filled with three inches of water . . . the smell of spring in Hells Canyon, sweet and soft and fresh . . . the sound of a full and violent river, a ceaseless fast freight smacking along to some midnight rendezvous . . . a sudden stillness in a place vivid with life . . . the feeling of oneness with your tribal past, the ease of letting years blow away like blossoms in the wind . . . an echo off a cedar swamp . . . the surprising gentleness of nature . . . fear . . .

XUM

wonder . . . solitude . . . mystery. "Wilderness," wrote one connoisseur, "holds answers to questions man has not yet learned how to ask."

Our history was written in prairies and mountains, not castles and cathedrals, and the raw spectacle confronted by the first Europeans on this shore had no equal in the Old World. Americans still live so close to the wilderness, figuratively if not often in fact, that it's difficult for many to see that it is practically gone. It doesn't *look* that way, flying over the country at 28,000 feet, but almost all that land down there is spoken for—it's being used to graze cattle or sheep, it's part of a military base or a testing site, it's been leased to a lumber company. Excluding Alaska, only between two and three percent of the U.S. qualifies for the federal definition of wilderness: "An area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain . . . [an area] without permanent improvement or human habitation." Most of that slender remnant has either been picked over once, or is about to be. The Wilderness Act of 1964 set aside nine million acres for permanent preservation (a million more acres have been added since then), but left the remaining *de facto* wilderness as a shrinking arena where the final scenes of an old American drama are being played—the conflict between the developers and the conservationists.

In the past the fight has never been even. From the beginning, when the last Conestoga was put on blocks and the boosters fanned into the countryside, building the dam has had clear precedence over listening to the river, clearing the woods has had the edge on getting lost in them. There have been isolated victories for the conservationists through the years—it comes as a revelation to learn that Yellowstone Park was set aside as a "public park or pleasuring ground" *97 years ago*—but those were exceptions.

The American creed was and is foursquare for growth; growth is seen to have a sort of *a priori* goodness, a moral value, and against that force the tender arguments of the wilderness-lovers ("deep breathers" and "kissers of the wind," one developer calls them) were feeble indeed. Still, there was an ambivalence in the American mind: if conquest of the wilderness seemed necessary and therefore Christian and laudable, it was gradually subverted to the idea of wilderness as sanctuary, as escape, as the resting place of truth and beauty. It's a tough one: both ideas are wholly American, both impulses beat in the American breast, and thus the conflict is not so much a clash of two opposing groups as it is a collision of two ideas within the mind of each of us. "We have met the enemy," Pogo said, "and they are us."

Both sides indulge in what might be called the "last great" syndrome. In Hells Canyon on the Idaho-Oregon border, for example, private and public power companies have hankered to build a dam for half a generation, claiming that the middle Snake River represents the "last great source of hydroelectric power in the Pacific Northwest." The Sierra Club, a late-arriving but fiercely effective foe of any dam in the canyon, ripostes with the charge that the Snake is the "last great free-flowing river in the West." Both contentions are wrong, and both sides, in moments when candor gets the better of combat, will admit it.

But now the fight is a lot closer to even than it ever was. The reason, probably the only reason that could explain it, is that the public, or at least large segments of it measurable regularly in election returns, has become conservation-minded.

Nothing like reliable statistics are available to document this phenomenon, but its existence is conceded by both dam builders and river preservers, the former with a sour mutter that "the pendulum has swung too far the other way," and the latter with the kind of raucous victory about peculiar to long-time losers.

Nirvana for the deep breathers is still beyond the sunset, however. David Brower, the eloquent conservationist recently ousted from leadership of the Sierra Club, explains that "there's plenty of power when the public gets excited about a specific issue like Grand Canyon or the redwoods, but there's still not enough day-in-day-out support."

Brower's examples are not random; preservation of the Grand Canyon (from a dam which would have backed reservoir water into the canyon) and the redwoods (from the lumber industry) were victories for an army he commanded. Through dogged energy and charismatic flair, Brower built the Sierra Club to its present strength and letter-writing clout. In April he was voted out of office. Critics charged that he was authoritarian, spent too freely and acted without the consent of the club's board of directors. As a result, the conservationists are floundering momentarily for lack of strong leadership. The two most significant and visible leaders of the last decade, Brower and former Interior Secretary Stewart Udall, are currently without portfolio.

The best illustration of the growing strength of the wilderness forces is the sunburst of conservation legislation that emerged from Congress during the Johnson years. The Wilderness Act was only one of dozens that reflected an increasing environmental uneasiness—the scenic rivers bill, antipollution laws, establishment of new parks and others.

In the courts as well, the values of wilderness have begun to get a hearing. A federal appeals court ruled in 1965 that scenic, historic and recreational values had to be taken into account by the Consolidated Edison Company in its proposal to build a nuclear power plant on the Hudson River. A 1967 U.S. Supreme Court decision on the Hells Canyon dam issue introduced the same ideas into an order remanding the question to the Federal Power Commission, where it remains.

Industry itself has begun to show some long-absent sensitivity to conservation. Public relations men go to elaborate lengths to avoid offending the wind-kissers. Some firms have subsidized conservation studies, others have donated parks or wild land to local governments. This kind of thing cuts no ice with Brower, however. He calls it "cosmetics for rape." He is, of course, incorrigible.

Along with the growing power of the conservationists has come a change in the character of the movement. The wind-kissers, in fact, are in decline. The scientists, more specifically the ecologists, are increasingly important. Nowadays a stand of trees or a piece of sageland is worth preserving not necessarily for its beauty or its opportunity for solitude; it is more likely defended as vital to the balance of nature, the "chain of life" in a given area, or as a natural laboratory containing potentially valuable secrets. The ecologists talk less about the romance of wilderness and more about "ecosystems," distinctive networks of relationships between land and water, vegetation and wildlife.

This has led to some peculiar gyrations. Some scientists are trying to "quantify," in the good new American way, the values of wilderness. This is a ploy born in desperation. For decades developers have been able to show, in dreary charts of "cost-benefit ratios," what *specifically* might be gained from whatever project they have in mind—read: dollars. In reply the conservationists have fiddled with their fingernails and talked about beauty. Now they are groping for figures to fight the developers on their own terms; hence graphs that measure "scale of valley character" and assign numerical values to a view of a mountain or the presence of a bear.

"What it comes down to is this," says Brower. "If you can't measure a thing, measure it anyway for those who won't know anything about it unless you do."

The ecologists are running the palace, all right, but the troubadours are still skulking around outside in the high grass, practicing birdsongs, comparing back packs, listening, frowning when they hear an airplane. Udall thinks the two sides, conservationists and developers, now have "a kind of parity of influence," but most conservationists disagree. "There's very little conservation legislation coming forward these days," says one congressman. "The logging and power interests are still damned strong. I'm pessimistic."

The one huge, dark fact dominating the entire question of land preservation is continued population growth. Any question of conserving space leads ultimately to a question of limiting the people with claims on that space. Most defenders of the wilderness are, at bottom, pessimistic about their chances, and spiraling population is the reason. It seems the final, ironic fruition of the "more is better" philosophy—to simply outgrow our resources. Nothing riles conservationists more than the celebration of growth for its own sake—ceremonies saluting the arrival of the 200 millionth American, the National Park Service's breathless releases on rising attendance figures. A Sierra Club poster is only about 20% facetious when it suggests that man, like the bald eagle or the flamingo, is now an "endangered species."

Another dark shadow on the future of wilderness is the state of public ignorance. Despite the growth of interest in the outdoors, most Americans remain urban, motorized and oblivious to the physical and spiritual wonders of the wild. The major recreation phenomenon of the past few years is the growth of trailers and camper trucks, motel rooms on wheels with names like Teardrop, Week-N-Der, Six-Pac, Rolls Royal and Char-Akee. Most camper drivers get no closer to the wild than a national park campground.

On the other hand, though most Americans may personally feel no urge to tramp the back country, they are enchanted by the idea of its existence. The camper truck may become an outdoors teaser; as he sees a little of raw, splendid America, the driver may want to see more; he may even recognize that the easiest way is not necessarily the best way—but that's getting giddy.

For the men who draw up "master plans" and "long-range policy," then, there is this difficult series of questions: what does the majority want, open country or scenic overlooks? Do you strike a balance between tourist development and wilderness preservation and, if so, how? Is *everything* that remains worth saving, or just some of it? (When conservation pioneer Bob Marshall was asked how much wilderness was enough, he replied, "How many Brahms symphonies are enough?" He was incorrigible too.) How do we develop an ecological conscience in America? Through education, but why haven't we done so? Why aren't children taught to respect all living things? Wilderness is peculiar among American possessions in that it is not susceptible to compromise. To take some wilderness is still to take wilderness. Roads cannot be unbuilt.

The men who worry about these questions have come up with a few suggestions. (No ideas or initiatives have come from the new Administration, except for the President's creation of an Environmental Quality Council. "We're trying to steer clear of the controversial ones right at the start," says a high Interior Department official.) Here are the proposals:

The National Park Service is considering eliminating cars from some parks and operating campgrounds on a reservation system, as opposed to the present first-come, first-served method.

Some conservationists have urged that tax relief be granted to encourage the preservation of open space. Pay landowners, in effect, not to develop their land.

Udall suggests that "environmental mediators" could arbitrate disputes between developers and conservationists, in the manner of labor mediators.

Brower would like to see a sort of Fair Conservation Practices Commission, an independent nongovernmental agency with authority to review projects before and after construction.

Biologist Garrett Hardin proposes that access to wilderness be limited to those "of great physical vigor," willing and able to walk and to take the risks of the wild, and that wilderness and park areas be established at graded levels of difficulty according to ability.

Hardin's intriguing idea recognizes the final paradox: as more people learn to know and appreciate wilderness, more will want to experience it. Ultimately, their numbers might destroy it just as effectively as would highways or snack bars. It could be cherished to death.

THE PESTICIDE PERIL—LX

Mr. NELSON. Mr. President, environmental quality should be a matter of concern to every individual throughout the world. Abuse of the environment in one geographic area will in time effect neighboring geographic areas. The disastrous effects on the total environment from the use of persistent pesticides has international significance and has already been the subject of grave concern by many countries.

An article published recently in the Toronto, Canada, Globe & Mail reports on the findings of high levels of DDT residues in fish in some Canadian lakes. In Lake Simcoe DDT residues were found at levels twice that permitted in commercial fish in the United States.

The Canadian Government is concerned and beginning to phase out the use of DDT. The newspaper article reports:

> The Ontario Water Resources Commission had stopped issuing permits for DDT use in controlling aquatic nuisances, and the Department of Lands and Forests stopped using DDT for mosquito and black fly control in 1966. Last year it stopped using DDT altogether, as did the Metro Toronto Parks Commission the year previously.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Toronto (Ontario) Globe Mail, July 8, 1969]

ONTARIO TESTS FOR RESIDUE, BUT MAINTAINS POLICY OF FINDING DDT SUBSTITUTE

(By Loren Lind)

Lake Simcoe supports the largest sport fishery of any lake in Ontario other than the Great Lakes, Patrick Hardy, editor of the Canadian Audubon, says.

Mr. Hardy says the 283 square miles of water 40 miles north of Toronto also takes the drainage from much of York and Simcoe counties, where 14,128 pounds of DDT pesticide were sprayed on crops last year.

He wrote an angry editorial recently, telling the Department of Lands and Forests it ought to be monitoring the level of DDT. "Is it being done?" he asked. "If so, what are the levels?"

One man who read this editorial on the subway one morning was Douglas Roseborough, supervisor of fish management for Lands and Forests.

"He's pretty hard on us, but he's asking some good questions," said Mr. Roseborough, "We are monitoring for DDT in Lake Simcoe."

The results are neither conclusive nor reassuring. Five spawning lake trout, netted in Lake Simcoe in the fall of 1967, showed telltale signs of DDT residue at more than twice the level permitted in fish sold commercially in the United States. Their DDT content ranged from 12.55 to 18.44 parts per million.

No tests for DDT residue in Lake Simcoe fish have been completed since that date, but the result was a concentrated research project that should provide clues about the extent and origin of DDT contamination by 1970.

This study, conducted jointly by Lands and Forests and the Ontario Water Resources Commission, will include two other DDT trouble spots, Lake Muskoka and the Bay of Quinte.

The Lake Simcoe finding followed a 1966 sample taken on Lake Muskoka, which showed lake trout there to have 19 to 72 parts per million of DDT. This exceeded the level at which young fry died in a study at Lake George in New York in 1964, and it led the researchers to conclude that these female lake trout would be incapable of reproducing "without subsequent fry mortality developing."

Lake Muskoka was chosen for the study because lake trout were dying out there, and widespread DDT spraying for mosquitoes and blackflies had been conducted for several years. The conclusion that DDT appeared to cause fish deaths was more predictable than the suggestion that human health might also be in danger.

Their high DDT content, said the Subcommittee on Pesticides in its report to the Government, "raises the question of whether these fish are suitable for human consumption."

Dr. Ernest Mastromatteo of the Department of Health later declared these fish warranted concern but not alarm, even though their DDT content exceeded the 7 parts per million maximum set by the Food and Drug Directorate for fruits, vegetables and the fat of cattle, hogs and sheep.

He explained last week: "In terms of the total diet, they would have little effect on a person. But if these fish were a person's only food, the judgment would be quite different."

The Muskoka finding led the Department of Health to ban commercial application of DDT in the Muskoka Lakes system, although it permits DDT spraying in other areas.

The Ontario Water Resources Commission had stopped issuing permits for DDT use in controlling aquatic nuisances, and the Department of Lands and Forests stopped using DDT for mosquito and black fly control in 1966. Last year it stopped using DDT altogether, as did the Metro Toronto Parks Commission the year previously.

But according to the Department of Health, which requires registration of all DDT sales over four pounds, at least 305,961 pounds of the pesticide were sold in Ontario last year. More than one-third of this was used in Norfolk County (133,236) pounds, mainly for the control of cutworm in tobacco growing. It is used on rye grass cover crops prior to tobacco planting.

The Department of Agriculture and Food has a goal of cutting back the use of DDT by 20 percent in five years, but almost 80 percent of its current use is for tobacco crops. No satisfactory substitute has been found to combat the cutworm and Ontario's policy regarding DDT has been one of substitution.

M. K. McCutcheon, executive director of the Department of Energy and Resources Management was asked whether laws restricting DDT use might need to be enacted. "I don't think we have any real worry about this," he replied, "because the industries themselves have been very vigilant in finding alternatives."

W. L. Smith, the man who issues commercial spraying licenses for the Department of Health, said he intends to keep a close watch on DDT, but just now he wouldn't want to commit himself one way or another.

"We are not in favor of banning or prohibiting anything if we can avoid it, because that is pretty final. But we are discouraging its use. We haven't issued any permits for the use of DDT for biting fly control by aircraft in 1968 and 1969."

Byron Beeler, soils and crops branch director for the Department of Agriculture and Food, said his department is gradually trying to fade out the use of DDT. Yet he recommends its use for cutworms on tobacco crops, leafhoppers on potatoes and codling moths on apples, in the spraying calendar issued annually.

"If we come up with a product that can do as good a job and compete favorably economically, then I think we can phase DDT out."

This objective will be helped along by new Food and Drug Directorate rules which will reduce the permissible uses of DDT from 60 to about a dozen. Expected in January, the new rules will ban DDT use for mosquito control, combatting dutch elm disease, protecting such fields crops as beans, corn, and peas, and spraying against the common housefly in homes.

But it will be permitted to protect fruit crops, potatoes, tomatoes, grapes, berries and tobacco, said Lloyd Roadhouse of the federal Agriculture Department's pesticide technical information office. His reasoning: no adequate substitutes have been found.

In some instances, the substitutes prove too expensive. For example, it takes 1½ pounds of DDT per acre to protect carrots from leafhoppers. This much DDT costs about 90 cents. A farmer might use one-quarter of a pound of Phosdrin instead, but this would cost him $2.18.

Mr. Roadhouse said the public outcry against DDT has compelled government and industry to come up with alternatives that break down more rapidly than DDT. It has a half-life of five to 15 years, which means its total biological activity is reduced to half its original power in that much time.

This means that DDT which has a half-life of 15 years would still retain one-eighth its original effectiveness after 45 years. This allows much time for it to accumulate in the lower forms of life and then become transferred to the fat tissue of cattle and humans. For this reason, alternatives that break down more swiftly, such as methoxychlor in mosquito control, are being used in place of DDT.

As the Agriculture Department reduces the permissive use of DDT, the Food and Drug Directorate intends to reduce the amount of DDT allowed in foods. A. B. Swackhammer, an official with the FDD, said the 1 ppm maximum may be replaced by a graded scale but the effect will be to cut down on the total DDT content in food.

At present, even though the official 7 ppm maximum does not apply to fish, the director-

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ate uses this level as a guideline to decide if fish is edible. Mr. Swackhammer said he has found no instances in which the edible parts of fish in an entire region ran above this level.

Dr. Mastromatteo emphasized that the 7 ppm level retains a large margin of safety, so that persons eating any one fish with that much DDT would be in no danger. Even though very little of the DDT is lost in cooking, it would take more than a steady diet at that level to cause any immediate danger.

Milk is another substance in which DDT often appears, but a province-wide study by the Provincial Pesticide Residue Testing Laboratory at the University of Guelph shows little cause for alarm.

"The study hasn't been released yet," said Dr. Heinz Braun, chief chemist, "but I can generally say that the report will probably allay a lot of suspicion people have right now about DDT."

Ontario's 130,000 coho salmon, stocked in rivers near Toronto last spring, stand little chance of contracting the high DDT level of their Michigan cousins. Last March the U.S. Food and Drug Administration seized 28,000 pounds of commercially caught cohos found to have DDT at 12 to 19 parts per million.

When that happened, Mr. Roseborough had his men check the cohos being caught on the banks of Lake Huron at Sarnia and Goderich. They found the DDT less than 1 ppm. "I don't know where they're getting this fantastic level they talk about, because we just haven't got it," said A. E. Armstrong, a biologist, with the Department of Lands and Forest. Fish in Lakes Erie and Ontario generally have even lower levels of the pesticide than those in Lake Huron.

PUBLIC HEARINGS TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Committee on Finance received testimony relating to various features of the House-passed tax reform bill, including those which revise the standard deduction allowance and the accumulated earnings tax. Other topics before the committee involved the tax treatment of both retired persons and single persons. However, a majority of our witnesses today testified in connection with the House bill in general.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

WITNESSES

HON. HENRY BELLMON, U.S. SENATOR, STATE OF OKLAHOMA

General

Believes the main purpose of our tax system should be to raise revenue, and questions whether it is now necessary for extensive use of our tax system for social purposes.

Recommends that the tax reform law include a provision which would allow a taxpayer who goes to court and successfully proves his innocence to recover the costs of such litigation from the Federal Government.

Believes that equity requires an immediate upward adjustment of the personal income tax exemption, and that if the total adjustment cannot be made in 1 year, it should be made in stages that will not unduly upset the Nation's economy.

Cites a University of Oklahoma study indicating that during a recent 2-year period, independent oil producers drilled 86.5 percent of the exploratory wells and 20 percent of the development wells completed in Oklahoma, and that it showed that 70 percent of the capital employed by independent operators is obtained from outside investors who are not connected in any other way with the independents' oil operations. Concludes that it is clear that the independent oil producer in Oklahoma relies heavily on outside investment funds as a source of capital to supplement his own funds obtained through capital recovery. States that if a current writeoff of intangible drilling costs is restricted and the proposed reduction in the depletion allowance to 20 percent is carried out, drilling operations of independent oil producers in Oklahoma might be reduced by as much as 45 percent,.

Supports the Treasury's position calling for the deletion of the House proposal eliminating depletion on foreign oil and gas production.

HON. CHARLES M'C. MATHIAS, JR., U.S. SENATOR, STATE OF MARYLAND

Philanthropy

Considers the House bill to be a severe challenge to the spirit of philanthropy.

Charitable contributions

Supports the increase in the limit on charitable deductions from 30 to 50 percent. Expresses concern about other provisions which could discourage large contributions, such as charitable trusts and gifts of appreciated property. Considers the Treasury proposals as an improvement over the House bill, but indicates that further modifications should be considered.

Objects to different tax treatment of gifts of appreciated property to private foundations as contrasted to similar gifts to other tax-exempt organizations.

Foundations

States that the proposed 7½ percent tax on investment income is excessive and unwarranted. Supports, as a compromise, the Treasury recommendation to reduce the tax to 2 percent. Believes that such a levy should be explicitly imposed as a user charge or fee, earmarked to defray administrative expenses.

Contends that the "income equivalent" provision requiring a minimum 5 percent yield is unrealistic and would reduce the flexibility of investment practices of foundations.

Maintains that the stock ownership limitations would impose special hardships on foundations whose assets consist wholly or primarily of stock in closely held family corporations, and whose major contributors are members of that family. Questions the necessity of such complete divestiture if stock is nonvoting. Expresses concern that divestiture would result in lower prices being paid for this stock than its real value.

Suggests that redemption of such closely held stock by the issuing company should be allowed over the 10-year period with no adverse tax effects to the foundation, the redeeming corporation, its stockholders, or the original donor of the stock.

Urges that the language of the House bill be modified and clarified regarding the permissible activities of foundations in public policy fields. Contends that the line between lobbying and educational activities is delicate and elusive.

State and municipal bonds

Maintains that the House provisions have caused chaos in the bond markets. Urges caution in considering measures which could make it more difficult for States and localities to finance public improvements.

Pension plans and deferred compensation

Opposes the proposed change in tax treatment of lump sum distributions from qualified pension plans.

Suggests postponement of consideration of deferred compensation pending further study.

Livestock

Contends that lengthening the required holding period and including livestock in the depreciation recapture rule could create havoc in the industry.

GENERAL

DAN TROOP SMITH, PROFESSOR OF FINANCE, HARVARD UNIVERSITY

General

States that many of the substantive revisions of H.R. 13270 are long overdue, and will prevent abuses which have developed under the letter of the existing law but seem to flout the spirit and intent of Congress. Considers examples of this to include the *Clay-Brown* provisions, extending unrelated business income tax to other exempt organizations, tighter rules on farm and hobby losses, multiple corporations, cooperatives, recapture of depreciation on real estate, stock dividends, and limitations on certain aspects of mergers. Indicates, on the other hand, that some of the substantive provisions represent new departures, some of which seem unduly complicated and questionable from economic or social policy.

State and municipal bond interest

Considers the proposed option to issue taxable bonds, with a Federal interest subsidy to offset the higher interest cost, to be the best approach devised. States that the issues of State and local bonds have become so large they can only be absorbed by offering high yields which give extra benefits to the highest bracket taxpayers, and results in higher revenue losses to the Federal Government than the interest savings to State and local governments.

Maintains that inclusion of municipal bond interest in LTP would be retroactive legislation which has already disturbed the bond market. Recommends adoption of the Treasury proposal to remove this item from LTP, and the sooner the better.

Private foundations

Believes that the prohibitions on self-dealing seem reasonable and desirable, as do the limitations on stock ownership and use of assets, though a long period should be allowed for divestment.

Argues that the proposed tax on investment income is undesirable. Feels that this would penalize recipients of grants, and possibly encourage higher taxes on foundations.

Maintains that the demarcation between permitted and forbidden activities concerning legislation is too vague and would prevent grants for many important topics such as population and pollution control and other areas where foundation activity has preceded government activity.

Restricted property

States that since options in restricted stock may be used to secure more favorable tax treatment, it is not unreasonable that their value should be taxed fully as ordinary income. Suggests that the present law on qualified stock options might well require a longer holding period and permit a longer period for options to run before exercise.

Believes that the maximum marginal tax rate of 50 percent on earned income will change the relative attraction of options and cash compensation in favor of cash.

Deferred compensation

Feels that the 50-percent maximum marginal rate on earned income will also substantially reduce the advantage of deferred compensation contracts. Suggests that in view of this, it seems doubtful that it would be worthwhile to recreate the uncertainty of tax treatment of deferred compensation contracts. Proposes postponement of legislation in this area. Recommends, however, if legislation is adopted now, that deferred compensation from earned income be included in earned income to which the 50-percent maximum marginal rate applies.

Percentage depletion on foreign production

Notes that any revenue gain from the repeal of foreign percentage depletion will be eliminated in the long run by increased foreign taxes. Contends that the profits of U.S. companies will be reduced by higher foreign taxes and that our balance of payments will be hurt. Supports the Treasury proposal to delete this provision.

Capital gains and losses

Considers the proposed removal of the 25-percent maximum alternative tax rate to be undesirable and unfair, since it has been in the law for many years and that this one rate is singled out for a substantial increase while other rates are being reduced. Argues that such a large increase in rate may so reduce transactions that both revenue and mobility of capital funds will be reduced.

Supports the extension of the holding period from 6 to 12 months, as gains on short-term holdings may be expected to represent trading profits rather than true capital appreciation. Indicates that although the longer holding period will probably reduce total transactions in the security markets, this rapid turnover may just represent churning in the markets with little benefit with regard to investment savings.

Urges that consideration be given to a sliding scale of inclusions of capital gains based on length of holding period, such as: up to 1 year—full inclusion; 1 to 2 years—75 percent; 2 to 5 years—50 percent; 5 to 10 years—30 percent; and over 10 years—20 percent. States that with a sliding scale such as this, there would be no need for an alternative tax rate.

Charitable contributions

Supports the Treasury recommendation to remove the appreciated property of gifts from LTP and allocation of deductions. Maintains that if this is not done, it will hurt giving to educational institutions and hospitals.

Believes that there has been abuse in claims of high values for art objects. Feels that a limitation on charitable contributions of art to cost would not be unreasonable, nor would it prevent ultimate gifts to museums due to the estate tax.

Accumulation trusts

States that the proposed new rules on accumulation trusts are exceedingly complicated. Supports the Treasury recommendation that this be applied prospectively to avoid the impossible task of reconstructing income for past years.

Purposes an alternative approach that would tax income of an inter vivos trust to the grantor unless it was distributed and taxed to a living beneficiary and require the consolidation of income from all testamentary trusts and inter vivos trusts after the death of the grantor.

Suggests that if the H.R. 13270 provision is adopted, it be made applicable only to accumulations after the beneficiary has come of age at which time a young person may be expected to keep adequate income records anyway.

Investment credit and amortization

States that the investment credit should never have been adopted and its repeal is no loss. Recommends that the reserve ratio test of the depreciation guidelines be removed by administrative or statutory action. Maintains that no other major industrial country has any similar constraints.

Suggests that the special amortization of pollution control facilities may be justified because of the importance of the subject. Indicates, however, that the provision is inadequate and incorrect. Considers severe fines and other penalties to be necessary and appropriate so that the costs of pollution are borne by the producers and the consumers of these products.

Corporate mergers

Believes that more study is necessary to determine the impact of different types of requisitions. Notes that many mergers may strengthen firms and increase their competitive effectiveness, but other mergers may reduce competition. Indicates that the capital structures of some of the new conglomerates are uncomfortably reminiscent of some of the holding ocmpany inverted pyramids of the late 1920's.

Feels that when the fixed charges on new securities issued in acquisitions exceed the pretax income of the companies acquired it seems likely that leverage is being pushed too far, and that a tax law which discriminates against equity financing is leading to unstable financial structures.

Considers the most serious result of the conglomerate merger movement to be the prominence it gives to the "wheeler-dealer" type of entrepreneur. Indicates that the House bill provisions appear reasonable but may be too lenient. Supports the denial of the installment sale provisions.

Other provisions in H.R. 13270

Considers the balance of H.R. 13270 to be deficient in that individual tax burdens are reduced by $7.3 billion and corporate tax burdens are increased by $4.9 million. Maintains that this does not seem wise in a country which needs continuing new investmet in order to increase labor productivity (and keep wage increases from being too inflationary) and strengthen the international competitive position.

States that the 50-percent maximum marginal tax rate is the most important single change which could be made to reduce the search for new tax loopholes. Feels that it is unfortunate that a similar maximum is not set up for all income.

Suggests that deductions for dependent children be limited to two at a high enough income level to prevent hardship for larger families now in existence, such as $15,000. Considers the tax subsidy to large families to be unjustified due to the immense problem of population control.

GEORGE S. KOCH, CHAIRMAN, FEDERAL FINANCE COMMITTEE, COUNCIL OF STATE CHAMBERS OF COMMERCE

General

Urges the committee delay its decisions on the House bill, so as to provide the time needed for Congress, the administration, taxpayers and tax specialists, to study the bill and be more nearly certain of its effect on the economy and the Nation's institutions.

Believes that the House provisions respecting State and local bond interest, the oil industry, the capital formation markets, contributions to schools and other institutions, the obvious trend toward a gross income tax, and the attacks on the foreign tax credit, are wrong for the Nation and its economy. States that numerous provisions of the bill would not produce any meaningful revenue effect or gain, and questions how, with a small, relatively insignificant revenue effect, these changes can be justified as against the predictable serious and adverse effects on our economy that many foresee.

States that the House bill has a number of retroactive features which in fairness should be eliminated; for example, the increased capital gains tax on individuals and corporations applying to appreciation which occurred before the date of change, inclusion of State and municipal bond interest in the limit on tax preferences, and the application of the limit on tax preferences and allocation of deductions to capital gains, appreciation in donated property, and excess depreciation on real estate.

STANLEY NITZBURG, TAX COUNSEL, COMMERCE AND INDUSTRY ASSOCIATION OF NEW YORK, INC.

General

States that tax incentives are not "loopholes" but a proper part of the socially and economically justifiable dynamics of a free enterprise system. Suggests that the raising of corporate taxes and reducing incentives for technological advancement and new plant construction will add to the competitive burden of U.S. business with foreign trade and will aggravate our trade and payments problem. Feels that tax relief will be attained through tax reform and that tax reduction at this time is an inappropriate response to continued inflation. Believes that our inequitable and complex system of taxation requires both reform and simplicity.

Analysis of provisions in House bill

Supports the following provisions in the House bill:

(1) Section 121 restricting business activities of tax-exempt organizations by subjecting their unrelated business income to tax at ordinary corporate tax rates.

(2) Section 231 which would liberalize deduction of moving expenses.

(3) Section 311 which would liberalize income averaging by reducing the qualifying percentage to 120 percent and by including capital gains in the computations.

(4) Section 412 which limits the application of the election to have an installment sale.

(5) The provision encouraging rehabilitation of low-income housing.

(6) Section 421 which restates the existing law making stock distributions taxable where the stockholders not accepting cash or other property receive a proportionate corporate interest.

(7) Sections 801–804 which would afford tax relief to individual taxpayers with a reservation as to fiscal soundness of enacting such provisions at this time.

Opposes the following provisions in the House bill:

(1) Unreasonable dollar limitation imposed on moving expenses.

(2) Section 301 which would restrict the amount of tax preference income which an individual could earn without being subject to tax.

(3) Section 302 which requires the allocation of expenses between taxable income.

(4) Section 331 which would impose an additional "minimum tax" on deferred compensation payments.

(5) Section 401 which would penalize small business by changing the tax treatment of multiple corporations.

(6) Section 413 which requires a pro rata portion of original issue discount to be included in a bondholder's annual income and requires a corporation to file an information return recording the amount of discount earned by each bondholder.

(7) Section 414 which limits the deduction paid by a corporation on repurchase of its convertible securities.

(8) Section 461 which would increase the alternative capital gains rate for corporations from 25 percent to 30 percent.

(9) Section 515 which would eliminate capital gain treatment on total distributions from qualified plans made to an employee in 1 year.

(10) Section 521 which eliminates the use of the double declining balance and sum of

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the years digit methods of accelerated depreciaton on new buildings.

(11) All provisions of the bill which would have retroactive application.

ARTHUR J. PACKARD, CHAIRMAN, GOVERNMENTAL AFFAIRS COMMITTEE, AMERICAN HOTEL AND MOTEL ASSOCIATION

Capital gains

Contends that the proposed increase in the corporate capital gains rate from 25 to 30 percent should be deleted because it is grossly unfair. States that corporate income is taxed twice, once to the corporation and a second time on distribution to its stockholders as dividends at normal tax rates.

Real estate depreciation

Contends that the changes in the use of the accelerated methods of depreciation are unrealistic. States that while the bill allows the 150 percent declining balance method on new construction of hotel and motel properties, older properties purchased do not share such treatment, yet the depreciable factors remain the same. Argues that more depreciation occurs in the case of new properties than in used properties during the early years, and this fact has been recognized by the provisions of existing law, which permit the 200 percent declining balance and the sum-of-the-year digits methods in the case of new properties and a maximum of 150 percent declining balance method for used properties. Contends that these provisions should be maintained.

Objects to recapture of depreciation in excess of straightline because no consideration is given to the part which inflation plays in increasing the selling price of an asset. States that the current law gives some effect to the inflationary aspect of the economy and contends that to convert what is now taxed as capital gains into ordinary income as excessively burdensome.

Earnings and profits

Opposes the provision dealing with the effect on earnings and profits of accelerated depreciation on the grounds that it introduces a double standard (1) for the determination of taxable net income, and (2) for the computation of earnings and profits.

Argues that if accelerated depreciation is considered correct, and recognized in the determination of taxable income, it should be accepted in computing earnings and profits.

Multiple corporations

Objects to the elimination of the multiple surtax exemption and other related benefits as discriminatory, since two or more separate business activities owned by different interests will pay less income tax than if they were under common control. Contends that there should be no tax penalty imposed upon the business community in conducting business activities in a multiplicity of corporate forms that are found essential and desirable in the ordinary course of business.

Exempt organizations

Agrees with extension of the "unrelated business income tax" to virtually all exempt organizations and advocates imposing a tax on the investment income of such organizations.

Proposes exclusion from "unrelated trade or business" the activities of a trade show sponsored by a business league exempt under section 501(c)(6). States that existing regulations imply that a trade show of a type common to the hotel/motel industry represented an "unrelated trade or business."

States that the Internal Revenue Service takes the position that income from trade shows is not unrelated income where the exhibits are for products or services utilized by the sponsoring organization's members. Argues that the display at an industry trade show by suppliers of products used in the industry is also within the activities and purposes of the industry's business league.

CARL A. BECK, CHAIRMAN OF THE BOARD OF TRUSTEES, NATIONAL SMALL BUSINESS ASSOCIATION

Surtax exemption

Recommends that the surtax exemption be increased from $25,000 to $100,000. Justifies this recommendation on the premise that the present exemption dates back to the "thirties" since which time the dollar has lost almost 75 percent of its value. States that technology requirements demand larger investments by small business in plant and equipment, hence, greater demands on the small firm's revenues. Points out that increasing the level of the surtax exemption from $25,000 to $100,000 is almost exactly equal to lowering the tax rate 2 percent on the first $1 million of corporate profits.

Accelerated depreciation

States that sec. 452 of H.R. 13270 restricting the use of accelerated depreciation by all corporations unduly penalizes the smaller firm in that investments by small firms are sporadic and any single purchase of equipment is a large percentage of the total capital invested in the business while in the case of large corporations, the effect of section 452 would be relatively minuscule. Feels that rapid depreciation more nearly reflects the actual—and true—rate of depreciation of plant and machinery. Concludes that accelerated depreciation is vital to small business in that it allows the entrepreneur a return of capital to be reinvested thus permitting the smaller business to expand and keep modern.

Cooperatives

Supports the provisions of S. 2646 with respect to cooperatives, and urges their substitution for section 531 of H.R. 13270.

Tax on unrelated business income

Supports, in principle, the provisions of section 121 of H.R. 13270 relating to the business income of now tax-exempt organizations. Feels that income derived by such organizations from commercial transactions in direct competition with taxpaying business should not be tax exempt.

ROBERT G. SKINNER, EXECUTIVE COMMITTEE, DIVISION OF FEDERAL TAXATION, AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

Taxation of payments for merchandise or other property received prior to the occurrence of sale

Proposes that section 451 of the code be amended by adding a new subsection which would simply provide that payments received for goods sold by a taxpayer in the ordinary course of trade or business shall be included in income in the year in which the sale takes place. Adds that for this purpose the method of accounting regularly employed by the taxpayer in keeping his books shall be determinative.

Alternatively, suggests that section 451 could be amended to make it clear that gross income from the sale of merchandise or other property is the gain from such a sale and not the gross receipts from the transaction.

Relaxation of requirements for advance rulings regarding transactions involving foreign corporations

Suggests that the Secretary of the Treasury or his delegate should be given statutory authority to make a determination after an exchange that the exchange was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

Amortization of intangible assets

Proposes that the cost of purchased goodwill, trademarks, trade names, secret processes, formulas, licenses, and other similar intangible assets should be amortizable over a stated period fixed by statute to the extent that these costs are not otherwise deductible under other sections of the code.

Recommends an amendment of the code to provide that if a definite life cannot be determined for a purchased intangible asset, its cost can be amortized over a period of 120 months or, at the election of the taxpayer, over a longer period, with a provision in section 1245 which would provide for recapture of amortization when the intangible asset is sold or otherwise disposed of in a transaction covered by that section.

Private foundations

Supports the prohibitions on self-dealing although unable to express a consensus of opinion on other provisions of the bill regarding private foundations.

Suggests the following modifications relating to private foundation provisions:

(1) The tax on investment income should be limited to the extent it is intended to raise revenue. It should not be imposed as a "user" fee.

(2) While it is difficult to object to the imposition of the proposed tax on termination of exempt status for willful repeated acts or for a willful and flagrant act (proposed code section 507), the computation of the aggregate past tax benefits is too complicated and seems unnecessary in view of the circumstances under which the tax would be imposed.

(3) The tax on failure to distribute (proposed code section 4942) requires that allowance for amounts set aside for future projects be established to the satisfaction of the Internal Revenue Service at the time they are set aside. In view of the penalties for failure to distribute, the Service will be able to prevent the setting aside of amounts merely by failing to act on applications or through the manner in which information supporting the amounts set aside is required to be filed. Foundations should be permitted to support these "set-asides" later.

(4) The bill limits to 20 percent the combined ownership of the corporation's voting stock which may be held by the foundation and all disqualified persons. We believe that this percentage limitation should be 35 percent.

(5) The tax on investment which jeopardize charitable purposes (proposed code section 4944) is too punitive considering the subjective nature of the act that would give rise to the tax. Any investments that experience a loss in value would be regarded by some as having jeopardized the exempt purposes. As a minimum, there should be a "correction period" as provided in proposed code section 4941(e)(4).

(6) The attribution rules included in proposed Code section 4946(a)(3) for determining "disqualified persons" should be modified to follow the rules of section 318(a) rather than code section 267(c), or section 267(c)(3) should be modified to apply only to partners having an interest of 10 percent or more.

Other exempt organizations

States that section 121(d) dealing with the Clay B. Brown problem seems unnecessarily harsh in attempting to tax all debt-financed income. Proposes an alternative that the present exemption from the unrelated business income tax for rents from personal property leased with realty could be eliminated. Suggests that this would prevent Clay Brown-type transactions by taxing the rent from any lease for whatever term where personal property constitutes more than an incidental or insubstantial portion of the property subject to the lease.

Supports the extension of the tax on unrelated business income, however, recommends that the specific deduction allowed in

the determination of unrelated business income be raised from $1,000 to $5,000 which should eliminate much of the burden of compliance by the organizations and audit by the Internal Revenue Service.

Recommends that in the case of social clubs, the allocation of income and expenses between member and nonmember activities will present difficult accounting and definitional problems that should be provided far more clearly.

Advertising income derived from periodicals of exempt organizations

Believe that it is possible for both the advertising and editorial content of certain periodicals to be functionally related to the exempt purposes of the organization. Consequently, it seems that the regulations which single out advertising activities of a periodical published by an exempt organization for treatment as an unrelated business, are unrealistic in concept. Recommend that section 512 or 513 should be amended to incorporate the following concepts:

(1) A trade or business should be defined along vertically integrated lines so that advertising activity, alone, cannot constitute a trade or business.

(2) If the activities of such defined trade or business are functionally related to the purposes for which an organization has been granted exemption, this trade or business should not be characterized as unrelated to the exempt purposes of the organization.

Suggests that this approach should prevent the unfair competition that was the original target of Congress in enacting the tax on unrelated business income.

Charitable contributions

With respect to sections 201 (c) and (d) regarding charitable contributions of appreciated property, does not favor the distinction drawn between gifts to public and gifts to private foundations. Feels that contributions of such property should be treated in the same manner without regard to the type of charitable recipient.

Farm losses

Agrees with the intended purpose of the proposed legislation to curb abuses of capital gain provisions coupled with the use of losses from farming operations, however, believes that the language of section 211 of the bill is so sweeping that it will affect more taxpayers than intended.

Recommends that the bill be clarified so that there is no doubt that the $50,000/$25,000 de minimis exceptions apply also in the case of farm net losses for the current taxable year.

Hobby losses

Agrees with the intended purpose of the proposal for dealing with so-called hobby losses. Suggests the provisions should be modified to the following extent:

(1) The $25,000 excess of deduction over gross income should be changed to $50,000 (proposed code section 270(b)).

(2) Wherever it appears throughout the section, the term "activity" should be changed to "trade or business."

(3) The application of this proposal should be limited to individual taxpayers.

Limitation on deduction of interest

Does not agree with the proposed limitation on the deduction of interest on funds borrowed for investment purposes because it has been an established general principle of economics, accounting and taxation that expenses incident to the production of income are deductible from such income. Suggests that this legislative proposal in a sense represents an artificial and arbitrary mutation of this principle which would tend to discourage the assumption of risk and the investment of capital—both of which have been important factors in the growth and development of our economic system. Furthermore, it would constitute an inconsistent exception to the cash receipts and disbursements method of accounting under which expenses are deducted when they are paid and income is taxed when it is received.

Adds, however, that if this proposed provision is enacted in basically its present form, it is suggested that the limitation be made applicable at both the corporate and the shareholder level in the case of subchapter S corporations.

Moving expenses

Believes that the dollar limitations on amounts of certain of these deductions are unrealistic in today's economy and that they should be increased. Also believes that the deductions provided for should be extended to self-employed taxpayers and to partners.

Urges that the moving expense proposals be made effective for taxable years beginning on or after January 1, 1964.

Limit on tax preferences

Recommends that the tax preference items be dealt with through direct legislation. States that if this is not practicable, then supports the provisions of the bill with one modification, for example, the tax preference item regarding the excess of accelerated depreciation over straight line depreciation should likewise provide for a reduction when straight line depreciation exceeds accelerated depreciation.

Income averaging

Supports income averaging provision of the bill but takes exception to the proposed effective date of taxable years beginning after December 31, 1969. Notes that the provisions of the bill dealing with the repeal of the alternative tax on capital gains for individuals (section 511) are to be effective with respect to sales and dispositions occurring after July 25, 1969. Suggests that the effective dates of these two provisions coupled with the 10-percent tax surcharge now in effect subjects any long-term capital gain realized by individuals in the brief period from July 26 to December 31 to a severe and inequitable tax penalty. Believes equity dictates that the effective dates for eliminating the alternative capital gains tax and introducing the new averaging provisions be the same.

Restricted property

Supports the restricted property provision on condition that any legislation finally approved continues to provide for the 50 percent maximum rate on earned taxable income. Concludes that this provision, coupled with the capital gain provisions in the bill, reflects a recognition of equality of tax treatment between earned income and capital gain income. Believes that these provisions, taken together, will continue to provide incentive for those who have contributed much to our economic progress and will also lessen the search for transactions motivated by tax avoidance.

Accumulation trusts, multiple trusts, etc.

Supports the provisions of the bill applicable to trusts except for effective dates. Recommends that the restrictive changes proposed with respect to accumulation trusts be made applicable only to those trusts established or additions made to the corpus of existing trusts after April 23, 1969.

With respect to eliminating the exceptions available under the definition of "accumulation distribution" as contained in present section 665(b) of the code, it is recommended that for those accumulation trusts which cannot qualify under these exceptions, the effective date with respect to full or maximum throwback apply only to accumulations in fiscal years ending after April 23, 1969.

Corporate mergers

Disagrees with section 411 of the bill, which provides that a corporation is not to be allowed an interest deduction with respect to certain types of indebtedness. Suggests that any restrictions on the "tide of conglomerate mergers" should be imposed outside the tax law.

Contends that the proposal will adversely affect persons who for valid business reasons may desire to sell their businesses.

Disagrees with section 412 of the bill to the extent proposed section 453(b)(3) will disqualify from installment sale treatment transactions which presently have good business purpose. Contends that section 453(b)(4) is adequate to cover present abuses of the installment method.

Does not agree with section 413 of the bill regarding the tax treatment of the original issue discount on bonds. Feels that the proposed changes violate the well-established rules of the cash method of accounting and further that they will add to complexity and information reporting difficulties far out of proportion to the problem which section 413 is designed to solve.

Recommends as an alternative solution of the problem that present Code section 1221 be amended to exclude from the definition of a capital asset all corporate nonconvertible debt (sometimes referred to as "straight" debt).

Natural resources—Mineral production payments

Recommends that an exception to the treatment of mineral production payments as loans be made for production payments used to equalize the investment of participants in a unitization.

Natural resources—Mining and exploration expenditures

Supports the provisions of the bill dealing with exploration expenditures. Suggests that a provision be added to permit taxpayers who have made elections under present law to have additional time to make new elections.

Capital gains and losses

Believes that a holding period beyond 6 months would more accurately indicate the intention to invest and thereby serve more closely congressional intent that special tax treatment be afforded gains from investment as distiguished from speculative gains.

Effective date for the capital gain and loss provisions can impose serious tax penalties for those sales or dispositions which are made after July 25, 1969, pursuant to action taken prior to that date. Suggests that the effective date be established at December 31, 1969, or, in the alternative, eliminate from the provisions of the bill any transactions to which the seller was committed in writing on or before July 25, 1969. Further suggests that insofar as the repeal of the alternative capital gains tax for individuals and the character of the gain is concerned, collections or other dispositions in connection with transactions in which the installment method was elected should be treated as if they occurred on or before July 25, 1969.

Subchapter S corporations

States that the bill's treatment of contributions to retirement plans is an improper approach to only one subchapter S corporation tax policy matter. Suggests that a better policy would be to amend the H.R. 10 rules to conform them more closely with those accorded corporations. Recommends that no action should be taken on this matter until the overall revision of subchapter S is further considered.

Suggests a more convenient method be provided for handling forfeiture applicable to contributions for years beginning after 1969.

RICHARD L. GOLDMAN, TAX COUNSEL, ASSOCIATION OF MUTUAL FUND SPONSORS, INC.

Associations taxable as corporations

States that an amendment is needed to avoid threat of two capital gain taxes on one

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gain, and perhaps one tax on no gain, in the case of investors who accumulate mutual fund shares under a periodic payment plan (by which they may invest, for example, $25 a month for a period of years).

States that when an investor liquidates his interest under the plan (his shares being sold back to the issuing fund by the bank custodian to give him his cash), his gain is taxed to him, as is proper, but contends that it may be taxed a second time because the investors are considered an association taxable to a corporation, and the association is regarded as having sold the fund shares and realized a gain. Maintains that the association, electing to be a "regulated investment company," should not be taxable on the gain, because it is distributed, but the gain is threatened with being treated as if not distributed, for technical tax reasons. Argues that the second tax would be borne in effect by the continuing investors, who do not benefit by the gain.

Maintains that in other instances there could be a tax on no gain at all.

Proposes that association status for such investors be abolished, since they are unrelated, and the action of one should not affect the tax status of the rest.

Standard Deductions

JOHN RINALDO, RINALDO AND ASSOCIATES, LONG BEACH, CALIF.

Tax rates

Based on statistical studies of the firm's clients and Treasury income statistics, it is recommended that tax rates for individuals (Sec. 804) be retained in order that the middle income taxpayer receive some limited tax relief from the 1969 Tax Reform Law.

Tax Treatment of Retired Persons

ERNEST GIDDINGS, LEGISLATIVE REPRESENTATIVE, NATIONAL RETIRED TEACHERS ASSOCIATION, AMERICAN ASSOCIATION OF RETIRED PERSONS

Retirement income credit

States that the retirement income credit has not been updated since 1962, and that it no longer provides equal tax treatment for those who may be retired under Government or private pension systems or who make provision for their own retirement. Suggests that the 13-percent increase in social security benefits in 1967 (and a few lesser increases between 1962 and 1967) justify an amendment to permit computation of the credit on an increased base.

States that the maximum amount of income which may qualify as retirement income should be raised from $1,524 to $1,872 a year, and that the reduction made in the credit on account of earned income should be changed to correspond with the changes made in the earned income reduction provided in the social security law.

Urges the adoption of S. 2968, introduced by Senator Ribicoff, and states that it does no more and no less than to again adjust the retirement credit provisions to conform with existing social security laws.

JOHN F. GRINER, NATIONAL PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Exemption from income tax of civil service annuities

States that a comparison of the social security, the Railway Retirement Act, and the civil service retirement systems shows that, although all are mandatory, the civil service employee suffers discrimination because his annuities are subject to income tax payment on income derived from contributions of the Federal employer.

Points out that an analysis of the annual income of both the civil service employee and survivor annuitants reveals that an overwhelming majority are living at the poverty level.

Contends that the precepts of tax justice require that we extend to civil service annuitants the same tax policy that now applies to social security and Railway Retirement Act annuitants—total exemption from all income tax.

Recommends that this vestige of tax discrimination which has been endured too long by retired Federal employees, by their dependents and by their survivors be eliminated. Emphasizes that the great majority of them are now living at or near the poverty level and they are in urgent need of tax relief.

THOMAS G. WALTERS, PRESIDENT, NATIONAL ASSOCIATION OF RETIRED CIVIL EMPLOYEES

Exemption of Federal employee annuitants and survivors from tax

States that most annuitants and their survivors are in the low-income bracket. Points out that according to the latest statistics issued by the U.S. Civil Service Commission only 968 annuitants receive a monthly annuity of $1,000 or more; 281,435 annuitants received less than $200 per month and 231,958 survivor annuitants received less than $200 per month; 110,436 annuitants received less than $100 per month and 168,288 survivor annuitants received less than $100 per month.

Recommends the following items regarding the tax treatment of the elderly:

(1) Exemption of the elderly from any surcharge tax.

(2) Exclusion from the gross income of the first $5,000 for a family and the first $3,600 for a single person received as civil service annuity from the U.S. Government or any agency thereof.

(3) Reestablishment of the provision to deduct drug and medical expenses for persons 65 years and older. (Deleted in 1967). S. 1564 introduced by the late Senator Everett McKinley Dirksen and now before this committee provides for this restoration for income tax purposes.

(4) Amendment of medicare to provide for the payment of prescription drugs outside of hospital.

(5) Amendment of medicare to provide that provisions (a) and (b) be made available to all Federal annuitants and their survivors.

Single Persons

MISS VIVIAN KELLEMS, EAST HADDAM, CONN.

Tax treatment of single persons

1. Discusses background of the community property laws which resulted in the income-splitting provision for all married couples. Alleges that this is a discrimination against single persons.

2. Claims that discrimination against single persons is unconstitutional.

3. Supports the House bill which extends the head-of-household rate schedule to certain single persons. Strongly endorses the bill (S. 2794) introduced by Senator McCarthy which extends to unmarried persons the tax benefits of income splitting used now by married persons.

General

ADRIAN H. PEMBROKE, NATIONAL OFFICE PRODUCTS ASSOCIATION AND THE BUSINESS PRODUCTS COUNCIL ASSOCIATION

Accumulated earnings tax

Argues that the accumulated earnings tax is really a penalty, the liability for which often arises from ignorance, bad advice, misunderstanding, or mistakes in business judgment. Contends that it is too complex to be coped with by small corporations, and advocates its repeal.

States that the accumulated earnings tax is applied only to closely held corporations, which are for the most part small businesses. Contends that this gives a competitive advantage to big business. Maintains that the growth of small businesses must be financed through retained earnings, because financing with borrowed capital is unfeasible, particularly in the present high-interest-rate money market.

Urges that if the statute cannot be repealed, it should be amended as follows:

(*a*) The *Donruss* case should be overruled in part by providing that the taxpayer will prevail if it can show that the corporation would have accumulated its earnings without regard to the tax savings at the shareholder level.

(*b*) Something further should be done to alleviate the taxpayer's burden of proof.

(c) The amount of the minimum accumulated earnings credit should be increased to reflect the decline in the value of the dollar since the credit was fixed at $100,000.

(*d*) If the higher bracket tax rates are reduced a corresponding reduction should be made in the accumulated earnings tax rates.

ESTIMATES OF CAPITAL EXPENDITURES CONTINUE TO DECLINE

Mr. HARTKE. Mr. President, I oppose the repeal of the investment tax credit because I believe the credit is necessary for our economic strength and because its repeal cannot possibly help to curb inflation.

Outlays for new plants and equipment have not contributed to inflation and in fact may be one of the few factors forcing prices and costs down.

In the arguments for repeal of the tax credit some very inflated estimates have been made for capital expenditures for 1969. In February of this year, it was estimated that capital expenditures would be increased by 14 percent over 1968; in May it was estimated to be a 12½-percent increase. On July 23, I predicted that capital expenditures will show only a 7- to 8-percent increase. It should be remembered that inflated prices distort my estimated 7 to 8 percent increase. In terms of constant dollars, the increase in capital expenditure would be no more than 4 percent; and that is neither inflationary nor even adequate for our growing economy.

I invite the attention of Senators to the most recent estimate for capital expenditures as published in the Commerce Department's "Survey of Current Business" for September. It forecasts only a 10½-percent increase over 1968 for capital expenditures. Whatever the final figures, it is obvious that capital expenditures for 1969 will be much closer to my estimate of 8 percent than the originally predicted 14 percent.

EROSION DESTRUCTION OF WOLF RIVER

Mr. NELSON. Mr. President, on August 1, 1969, I introduced S. 2757, a bill to provide for the control and prevention of pollution, deterioration of water quality, and damage to lands and waters resulting from erosion to the roadbeds and rights-of-way of existing State, county, and other rural roads and highways and from erosion of streambanks.

As I said before the Senate in introducing the bill, erosion along 300,000 miles of the Nation's waterways is destroying valuable land, and the annual cost of removing sediment from stream channels, harbors, and reservoirs is $250 million.

The need for this type of legislation can also be cited by individual examples. An article published in the Appleton, Wis., Post Crescent on September 14, 1969, tells the story of the pollution of the Wolf River by erosion. A voyage down the river by nine members of the Wisconsin Assembly Conservation Committee opened their eyes to the difference that effective erosion control makes. The last sentence sums up the situation well:

> Our eyes have been opened to a tragic thing . . . this disintegration because of the lack of a joint effort.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAWMAKERS SEE BOTH SIDES—WOLF RIVER: REAL JEKYL AND HYDE

(By Roger Pitt)

NEW LONDON.—Members of the state Assembly Conservation Committee saw two Wolf Rivers Friday—and it wasn't a mirror image.

The split personality Wolf River could be compared to a person—a real Jekyl and Hyde: one side is ugly, and showing signs of rapid deterioration; the other is wide, beautiful and easily navigable.

It is hard to believe they are the same river.

Fremont is the dividing point. Fremont north, shows the harsh signs of man, while below Fremont man has taken steps to prevent the erosion of valuable river banks.

MANY ACRES LOST

George Framberger, Winnebago County soil conservationist, told Assembly committee members, "I feel 10,000 acres of land has been lost by erosion."

Nine of 13 committee members made the tour. They were accompanied by a large number of officials from areas bordering the Wolf River and newsmen from the state.

A 20-minute drive by car is a long, 40-mile voyage from New London to Fremont.

WILDLIFE ABOUNDS

Twisting, agonizing bends in the river, dead falls protruding from the shores, shifting sand bars resulting from eroding shorelines and other debris of nature challenge the boat pilot. Nearly all obstructions except the meandering river course can in part be blamed directly to man. Even the changing river channel is being affected by man's encroachment on nature.

We saw a picturesque view only nature could duplicate. Bountiful wildlife—ducks, giant blue heron, deer, turtles and muskrats—were seen during the trip. State legislators from the metropolitan area were most impressed. Legislators from this area were most concerned.

Only in two places were cattle—often blamed for bank erosion—viewed along the river. Much of the farm land above Fremont has been rip-rapped with miles of stone and broken concrete. The areas disappearing the fastest are the marshes lining the river's course and privately owned, non-farm land.

Stone rip-rapping below Fremont is interpersed with wood and steel.

Gene Garrow, Fremont, told assemblymen he estimates 700 ton annually of silt pours into the river punctuating the need for greater streambank preservation measures.

MORE FOR LAWS

Wolf River residents hope that the legislative effort needed to end the increasingly serious threat to the river might have gotten its start Friday.

Paul Alfonsi, R-Minocqua, committee chairman, discussed the upper-Wolf problems for two hours with Ed Hildebrand, Weyauwega school teacher and a native of the river.

Hildebrand recalled how the river was "generous to his family during his youth." He said, "Much of our subsistence came from the river . . . white bass smoked, pickled and fresh; northerns—they were called pickerel."

"Now," he just shook his head and made a hand gesture in disgust, never finishing his statement, but clearly showing his thoughts.

Alfonsi said, "Many studies have been made by a varity of agencies . . . it's amazing how much of the material is duplicated."

The majority leader pledged hearings, probably in the spring or summer of 1970, with an eye toward a legislative report and action in 1971. "We have to see that we get all the information there is," he stressed.

"We couldn't paint a picture to show the unfortunate problem existing on the Wolf River," Alfonsi said at a noon luncheon. "Our eyes have been opened to a tragic thing . . . this disintegration because of the lack of a joint effort."

THE NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH

Mr. MONDALE. Mr. President, I very much hope that President Nixon will withdraw his nomination of Judge Clement F. Haynsworth to the Supreme Court.

Judge Haynsworth's record clearly indicates his insensitivity to the needs and aspirations of Americans who have spent the last 50 years struggling for equal rights and the opportunity to earn a decent living. Moreover, I believe the conduct of his personal financial affairs shows far less discretion than we should expect of a Supreme Court Justice.

It is no accident that those most concerned about civil rights and economic justice—the civil rights movement and organized labor—have led the effort to prevent Judge Haynsworth's confirmation. To these groups and organizations, the nomination of a man with Judge Haynsworth's philosophy is a throwback to an America of a different age—when segregation was the law of the land and when working men were prevented from organizing for higher wages and better working conditions.

If this nomination is not withdrawn, the Senate will have to make a decision which may prove to be a turning point in American history.

The question before us is much broader and much more important than merely the nomination of a single individual to our highest court, as important as that would be by itself. The question really is the direction in which we will move in the country concerning the quality of rights which we say we stand for as a nation.

There are already disturbing indications that we have changed our direction on these matters. The administration has issued a statement of change policy on school desegregation, which is nothing more than a blatant invitation to the South to delay further. The statement has been followed by transparent requests to southern courts to slow down based on the claim that desegregation plans could not be implemented in time. In Mississippi, the request for delay in 33 school districts was premised upon the damage created by Hurricane Camille—yet not one of the 33 school districts was in the path of that terrible natural disaster. The administration has awarded defense contracts to textile firms with a history of racial discrimination. It has proposed a voting rights bill which is a clear watering down of the commitment to equal suffrage in the South and a patent call to southern Members to embroil the simple extension of the 1965 act in a welter of confusion and delay.

These are the circumstances in which Judge Haynsworth's nomination is received. Unfortunately, the nomination is clearly another step in the same direction, but this time a step which could affect the course of civil rights enforcement for a generation.

I, for one, will not stand still to see this country go through a second reconstruction period. If the Supreme Court—the one institution to which black Americans have been able to look with confidence—is turned around, there will be no reason for those in the South committed to resist change to act in any way other than according to their convictions.

This is happening already. I frequently hear disturbing reports from back communities in Mississippi and Alabama and rural Georgia that local sheriffs and Klansmen have been striking and retaliating with greater boldness and violence in the last 8 months. Think of what it would mean if they knew that the Federal courts were no longer open to those whose rights they violate.

The Washington Post said the other day that Judge Haynsworth's record on civil rights places him "merely in the middle of the civil rights stream." That is a gross misstatement, and if the editors of the Post had read the testimony of witness after witness before the Judiciary Committee or studied Judge Haynsworth's record with any care, they could never have made that statement.

We are dealing here with a man whose judicial record—not his personal views—is one of evasion and delay in the implementation of the law of the land. Throughout the struggle that has ensued since the Brown decision in 1954, Judge Haynsworth has been on the wrong side in crucial cases ever since he came on the bench.

In a major case where a majority of his court ruled that a hospital receiving Federal funds could not practice racial discrimination, Judge Haynsworth dissented. This dissent expressed his view that since the hospital had been established privately, it could legally practice discrimination, despite its receipt of Federal funds. A man who believes that private hospitals receiving Federal funds can legally discriminate against black Americans does not exemplify the values of 20th century America.

His record on school desegregation cases has been equally unresponsive to the rights of black Americans. In 1962, he said that it was permissible to have a rule which allowed any child to transfer from a school where he would be in a racial minority—despite the fact that the obvious purpose of the rule was to minimize integration. His colleagues overruled him by a vote of 3 to 2.

In 1963, he voted against requiring the schools of Prince Edward County to be reopened, and if any doubt his views on the merits of that case, it is neces-

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sary to quote but one sentence from his opinion:

> When there is a total cessation of operation of an independent school system, there is no denial of equal protection of the laws, though the resort of the poor man to an adequate substitute may be more difficult and though the result may be the absence of integrated classrooms in the locality.

Luckily the Supreme Court disagreed with him.

In 1965, he said that separate steps need not be taken for faculty desegregation, that assignment of teachers could be expected to change as racial patterns in the school change. Again, the Supreme Court reversed this decision.

In 1967, Judge Haynsworth refused to condemn "freedom of choice" as an ineffective route to desegregation. The Supreme Court reversed him once again. Indeed, Judge Haynsworth filed an opinion 4 days after the Supreme Court's decision disapproving freedom of choice, expressing his preference for this type of plan.

In December 1968, he granted stays in a number of cases to delay desegregation, all of which were vacated by Justice Black. This past summer, Judge Haynsworth refused to move a number of school cases along fast enough to bring desegregation for the fall term. Later in the summer, Justice Black made a statement which is in cold contrast to his record of sanctioned delay:

> There is no longer the slightest excuse, reason or justification for further postponement of the time when every public school system in the United States will be a unitary one, receiving and teaching students without discrimination on the basis of their race or color.

Any Presidential appointment requiring Senate confirmation cannot be considered lightly. This is especially true of appointments to the Supreme Court—the one institution which has represented the last hope for redressing the grievances of those who have been denied fundamental rights and opportunities.

It is, therefore, vitally important that men be appointed to the Supreme Court who strongly oppose discrimination and economic injustice and who believe that courts should be prepared to provide remedies where other institutions have failed to do so.

Judge Haynsworth's record strongly suggests that he is not this type of man. It is a record which has not received enough attention. Judge Haynsworth may be a "moderate" on civil rights, but all that means in this context is that he has been sophisticated in his efforts to delay the course of desegregation.

There are other matters as well—such as Judge Haynsworth's consistently antilabor record. But to me, the basic point is his record on civil rights—for that, in many ways, is the test of our quality and integrity as a nation. I will not participate in approving a nomination which could well affect the very essence of what America is supposed to be.

Mr. EAGLETON. Like every Senator, I have given considerable thought to the Haynsworth nomination. I have decided to vote against its confirmation. Let me make clear my reasons for this decision.

The fact that Judge Haynsworth may be a conservative, or that his views on certain matters may differ from mine or from a majority of the Warren court, does not, in my judgment, preclude his sitting on the Supreme Court.

The Senate has the right and the duty to consider the views of Supreme Court nominees on vital national issues. However, we should not seek a uniformity of opinion on the Court, and I believe a nominee should be rejected on this ground only if his views are so extreme as to place him outside the mainstream of American political and legal discourse. Clearly this is not true of Judge Haynsworth.

My opposition to his appointment rests solely on his apparent insensitivity to the canons of judicial ethics established by the American Bar Association. In my judgment, the record made before the Committee on the Judiciary with regard to the Darlington and Brunswick cases clearly evidences an insensitivity on Judge Haynsworth's part to canons 25 and 26, which read as follows:

> *Canon 25—Business Promotions and Solicitations for Charity:* A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relation which, in the normal course of events reasonably to be expected might bring his personal interest into conflict with the impartial performance of his official duties."
>
> *Canon 26—Personal Investments and Relations:* A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.
>
> He should not uitilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin.

The Canons of Judicial Ethics require, not just that judges be men of integrity, but that they avoid even the "appearance of impropriety." This Judge Haynsworth has not done.

Judge Haynsworth has been nominated to fill the seat left vacant by the resignation of Justice Fortas following allegations of conduct contrary to Canon 25. I cannot in good conscience vote to replace Justice Fortas with Judge Haynsworth.

THE FALLACIES IN THE FINANCE COMMITTEE'S ARGUMENTS FOR REPEAL OF AMMUNITION CONTROLS

Mr. DODD. Mr. President, the Committee on Finance has filed its report on H.R. 12829, the Interest Equalization Tax Extension Act. Section IV of the report on this tax measure is devoted to the repeal of the ammunition controls of the Gun Control Act of 1968.

While no hearings were held on this repeal amendment, it is, nevertheless, on the Calendar to be considered by the full Senate.

While I have already spoken about this matter, I now want to discuss section IV of the committee report in some detail.

In all candor, certain language in that section is in error. It is a misrepresentation, and it is misleading.

Initially, the report states:

> Under Chapter 44 of title 18 of the United States Code, the Secretary of the Treasury is required to record the name, age, and address of a person buying any type of ammunition.

Mr. President, that is not true.

The Secretary of the Treasury is not required to record the name, age, or address of a person buying ammunition. That is required of the licensee, the dealer, the seller of ammunition.

Second, the committee report says that the ammunition control regulations from the Treasury Department go considerably beyond this requiring a person purchasing ammunition to give his name, address, and date of birth; the date of purchase, the manufacturer, caliber, gage, or type of component, and the quantity of the ammunition purchased; and the purchaser's driver's license number or other type of identification.

Mr. President, this information is in error. The ammunition purchaser is not required to give information concerning his purchase, it is the licensed dealer who is required to maintain such information in his records.

It is true that the dealer undoubtedly asks the purchaser for a copy of his driver's license, because that is the only way that the dealer can be sure that he is not selling handgun ammunition to minors under 21 or rifle and shotgun ammunition to persons under 18. This is hardly burdensome for, as we all know, most young people in this country must show proof of age when they seek to purchase alcoholic beverages and, in some cases, even cigarettes.

Third, the report goes on to state that the registration of persons purchasing ammunition creates an "enormous and unnecessary administrative burden on the Treasury Department, on firearms dealers, and on the Nation's sportsmen who purchase this type of ammunition."

Mr. President, there is no administrative burden on the Treasury Department that would be relieved if the Bennett amendment were adopted, for it is the licensee who maintains the records of sale or other disposition of ammunition, not the Treasury Department.

Certainly, this is not an enormous burden on the licensee. It is merely prudent recordkeeping.

Further, the report goes on to say that these "requirements do not contribute to an increase in public safety."

Mr. President, I state emphatically that records on ammunition are essential as a law-enforcement tool, because they do indeed contribute to an increase in public safety.

They serve as a deterrent to the purchase of ammunition by juveniles.

They serve as a deterrent to felons who might be very hesitant to have their name and address recorded.

And they serve to assist law enforcement officers in cases where police suspect a particular individual of a specific firearms crime.

The committee report goes on to say that "the ammunition covered by the amendment is the type used mostly in sporting types of firearms. The amendment does not affect the registration requirements under present law related to pistol and revolver ammunition; these are the weapons most commonly used by criminals in the commission of a crime."

Mr. President, I submit that .22-caliber ammunition, which would be exempted by the amendment, is the type used in the Saturday night specials, the inexpensive revolvers that have plagued law enforcement officers throughout this Nation for the last 10 years.

In fact, 30 percent of the handgun murders each year are committed by .22-caliber handguns, and 3,300 murders were committed last year by .22-caliber handguns.

Further, while the committee report tells us that the ammunition in question is used only by hunters and sportsmen, the Violence Commission report tells us that ".22 calibers have very limited utility as hunting weapons." The Violence Commission report also points out that the most common sporting use of .22-caliber ammunition in America is for "plinking at tin cans and bottles," and the Metropolitan Life Insurance Co. tells us that this plinking is a major cause of accidental deaths.

The committee report could mislead the Senate, for it talks only about hunters and sportsmen. It does not say that the ammunition control amendment would help to guarantee that every Minuteman, Nazi, Black Panther, Ku Klux Klansman, and other extremists will soon have 4 billion bullets available "with no questions asked."

The committee report does not tell us, as the Violence Commission does, that the leaders of these extremist groups recommend to their followers that they purchase shotguns, rifles, handguns, and ammunition for political assassination and civil insurrection. And when these anarchists can afford only a single weapon, the preferred gun is the .22 caliber handgun or rifle.

The report states further:

> The Committee is convinced that this amendment accomplishes the dual objective of (a) relieving ammunition dealers and sportsmen of unreasonable burdens in the purchase of sporting-type ammunition, and (b) protecting the public safety by retaining registration requirements with respect to the purchase of ammunition designed primarily for handguns.

The facts speak for themselves:

Ninety percent of all available ammunition will be removed from Federal controls if this amendment is adopted.

And that means that the four billion bullets which will be produced in America this year will be available to lunatics and would-be assassins.

Seventy percent of the ammunition produced in America is .22-caliber rimfire. Tens of millions of people presently own the weapons that will fire such ammunition. We do not know who they are, they may be deliquent "zip-gun" owners, would-be bank robbers and murderers, such as the trio who viciously shot to death four innocent women last Wednesday with a .22 caliber pistol, or any one of the other 3,000 to 4,000 people who will murder Americans in the next 12 months. To remove the present controls would make .22-caliber bullets even more accessible to the unfit and the irresponsible.

Mr. President, section IV of the committee report on H.R. 12829 is so inaccurate that the Senate should insist on hearings before the Bennett amendment is considered. It is only with hearings that the Senate will be able to act intelligently, because only then will it have an accurate committee report.

Mr. President, I ask this for those of us who have worked so long and so hard on the question of controls of firearms and ammunition. I ask this on behalf of a public frightened and threatened by crime in the streets.

Let us not be too easily misled on an issue which is so vital to the safety of our fellow citizens.

THE ANNOUNCED CUTBACK IN MODEL CITIES FUNDING

Mr. KENNEDY. Mr. President, the announcement yesterday that the administration plans to cut drastically the funding of the model cities program can be viewed only with deep concern and regret.

This most important program, enacted in 1966, was adopted after long and careful study in both Houses of the Congress. Its sponsors and supporters quite literally fought to bring this much needed program into being. The model cities program is vital to the Nation's effort to revitalize our cities and to make them economically and socially viable. The restoration of these cities—especially those at the core of major metropolitan areas—is vital to the Nation.

A cutback of $215 million in the funding of a program never adequately funded signals the end of our commitment to the provision of a better life for our citizens who live in urban areas. It signals the end of a newly created Federal-local partnership of progress. The Federal Government cannot continue to demand a commitment from State and local governments if it does not intend to fulfill its own commitment of financial and technical assistance.

We in New England, because our cities are older, know well the value of this program in our effort to restore our cities. In Massachusetts alone, nine cities have made a major commitment of time and personnel and funds to the model city program. These cities—Boston, Springfield, New Bedford, Worcester, Cambridge, Lowell, Lynn, Holyoke, and Fall River—typify most dramatically the need for this program and the hope it held out to their citizens. Forty-one cities across the country have already signed contracts to move their programs into implementation—we are told they will not be affected by this cutback, but can we be sure. More than 100 other cities are participating at some level of planning and development under the promise of this program. Surely, there is no better evidence of the country's need for and response to this program.

I urge the administration to reconsider this action. I hope that Congress will continue to express its commitment to this program, and I will do what I can in this regard.

We are told that our involvement in an unpopular war in Vietnam has no effect on our ability to pay for the domestic needs of this country. Yet plain commonsense tells us that when we spend billions in the central highlands, we will not have those billions for our cities; or that when we spend billions on bombs, we will not have those billions for schools.

Mr. President, as we in Congress look over the last few years and review the landmark legislation we have passed to meet the needs of this country and its citizens, we are constantly aware that we cannot find the appropriations for them. It is plain that we cannot finance a war and finance our needs at home, at least if this experience is any guide.

As we enter 1970's, we simply must find the funds to provide for the domestic needs of the country. To do less than this is to shortchange our children.

ENVIRONMENTAL QUALITY: MONEY TO CLEAN UP OUR WATERS

Mr. TYDINGS. Mr. President, one of the major domestic problems confronting the United States today is the pollution of our waterways. The sad fact is that all of our rivers and streams are in part polluted.

A nation of clean, sparkling waters no longer exists on our land. In its place we have a country of brown and gray waters, often unfit to swim in, and filled with all types of garbage and effluents.

Even in Maryland, which is one of the few States to move ahead forcefully in the area of water resources, the rivers are in less than perfect shape. The Potomac, the Patuxent, the Severn, the Choptank, and the Patapsco are all filled with filth.

In 1966, Congress passed the Clean Waters Restoration Act authorizing substantial sums for construction of water quality treatment facilities. Unfortunately, appropriations have lagged far behind authorizations.

Today, I am told a House committee reported out a $450 million appropriation measure for fiscal year 1970. This is well above the $214 million figure requested

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by the administration, but below the $600 million which the Senate committee is expected to approve.

I would just like to remind my colleagues in the Congress that the legislation we passed in 1966 authorized a figure of $1 billion for the construction of water quality plants in fiscal year 1970. According to the information we received in 1966, and I have no reason to doubt it is no longer valid, $600 million is insufficient to meet the real need.

I hope that in our recognition of our responsibility for clean water and our willingness to move ahead of the administration we do not forget that $600 million still falls short of the mark. It does not close the gap between authorizations and appropriations. It does not meet the requirements as Congress itself has defined them, and it will not result in the cleaning up of our waters.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If there be no further morning business, morning business is closed.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CURTIS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposition of the Journal tomorrow, the distinguished Senator from Nebraska (Mr. CURTIS) be recognized for a period not to exceed 1 hour. I understand the subject of his remarks will be the tax treatment of State and municipal bonds, foundations, and charitable giving.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the remarks of the Senator from Nebraska (Mr. CURTIS), there be a period for the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MODEL CITIES SHOULD HAVE HIGHER PRIORITY THAN SST

Mr. PROXMIRE. Mr. President, the Model Cities Act was passed in 1966. It was a new and unique idea whose purpose was to pull together a wide variety of individual or "ad hoc" Federal, State, and local programs in order to concentrate resources in the urban ghettos of the country.

For 3 years the program has been in the planning stage. Finally, it has arrived at the point where action should take place. The danger has always been that there would be too much talk and too little action. The Douglas Commission in its final report entitled "Building the American City" put the problem very well. I quote the final five paragraphs of part II, chapter 7 of the report entitled "Model Cities" and I remind Senators that this was written late last year:

> The program is in its early stages, but a few crucial issues that may determine its ultimate success or failure are already discernible.
>
> The concept seems to be correct. Under the traditional program-by-program approach, a variety of local agencies administer their own narrow programs with little or no coordination with the needs of other programs and the city as a whole. They are funded by a variety of Federal agencies whose programs, both at the Federal and local levels, are largely independent of each other, and whose funds are often funneled through a State administrative apparatus that adds another layer of autonomous operation.
>
> Instead, under model cities, a comprehensive program is designed at the local level so that the funds and activities can be concentrated to meet the total needs of a community. This is both a desirable and absolutely necessary goal.
>
> If this commendable purpose is to be carried out, however, at least two major pitfalls must be avoided. The first is the danger that the program will become bogged down in the "planning process" and planning terminology at the expense of action. One hears from model city experts and reads in its literature an abundance of language taken from space jargon which might best be termed modern barbarisms. One hears about "target" neighborhoods, "restructuring the delivery systems," and "launching the planning process." One hears very little about how many houses will be built, how often the garbage will be collected, and what kind of schools, health clinics, and job training classes are planned or when they will be open for use.
>
> This may be due in part to the fact that the program is still in its early stages. But one senses that to date there is more interest from the local administrative structure than from the people or the concerned program-oriented groups in the community. There is a danger that the program will be overweighted by the creation of a multitude of new committees or institutions to coordinate, plan, and talk with one another and that needless new layers will be added rather than that existing institutions will be made more efficient.
>
> The second major problem, and one which affects the first, is that of funding. It is vital to fund the amounts authorized for at least two reasons. Unless there are enough funds to carry out programs, model cities will become nothing more than a talking and planning program. It is the promise of funds and the receipt of funds which provide the incentives for cities to focus their efforts in a concentrated area, to develop innovative programs and to foster the active involvement of neighborhood residents.
>
> Funds are vital to success. Without them, no amount of planning will build houses, collect garbage, train the unemployed, or educate children. The promise of the program can result in performance by the cities only if the funds are forthcoming.

Now, however, just at the time when the success of the program is at stake, the Nixon administration has called for a slowdown and a stretchout of $215 million in model cities funds. What is worse, it is said that the slowdown and stretchout are due in large part to bureaucratic delays at HUD.

I ask unanimous consent that an article published in today's New York Times entitled "$215 Million Cut in Model Cities Is Ordered by the Administration," which gives the facts in some detail be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

$215-MILLION CUT IN MODEL CITIES IS ORDERED BY THE ADMINISTRATION

> WASHINGTON, October 1.—The Nixon Administration has signaled a slowdown and stretchout for the Model Cities urban-aid program by cutting $215-million from planned expenditures this year.
>
> The 42 per cent reduction in spending estimates for the fiscal year ending next June 30 was prompted by two factors: President Nixon's call for $3.5-billion in Government-wide budget cuts and a slow start for the action phase of the Model Cities program.
>
> The rollback from outlay estimates in April of $515-million to $300-million represents bureaucratic delays and not substantive program cuts, officials of the Department of Housing and Urban Development maintain.
>
> The 41 cities that have already signed contracts moving their Model Cities programs from planning to implementation will lose none of their money, the officials say.
>
> Some 150 communities in 45 states, the District of Columbia and Puerto Rico are participating in the program, enacted in 1966.
>
> MANY MAYORS ANGRY
>
> While planning has proceeded for some time, this is the first year for implementing the plans to attack all the causes of poverty and blight within a slum through one integrated plan. The idea is to funnel all the renewal that Federal-local money can buy into target slum neighborhoods.
>
> News of the funding slowdown caught big-city Mayors by surprise. Many were angry.
>
> In New York, Mayor Lindsay termed it a "disastrous mistake" and an "incredible anti-city action."
>
> In Boston, Mayor Kevin H. White said:
>
> "Cutting back these funds downplays the Model Cities program and thereby establishes a dangerous precedent, because this program, unlike poverty programs and other Federal programs, is the direct responsibility of big-city mayors."
>
> The stretchout stems in part from Republican cancellation of plans left by the Democrats to fund at least 65 cities beginning last July 1.
>
> Boston, for example, was originally scheduled to receive $7.7-million from July, 1969, through June, 1970.
>
> "However, because of various delays in the Federal bureaucracy, the money will not start coming until October, 1969, and this will be our budget through October, 1970," Mayor White said.
>
> Other cities will move into their action phases later in the fiscal year than expected, thereby reducing over-all expenditures, Housing Department officials said. Completion, in turn, will be delayed.
>
> The slowdown is expected to have its heaviest impact on the 34 first-round Model Cities locales that have yet to sign grant contracts and on the 75 second-round choices still in the planning phase.

Mr. PROXMIRE. Mr. President, the success and integrity of this program is at stake. Whether it is to be nothing more than a "jaw boning," program in which local bureaucrats meet to "communicate" with each other, or whether it will be a program to build houses, collect garbage, provide schools, establish health clinics, and train unskilled men and women for jobs, is now at issue.

Once again the question of priorities is at stake. The "go ahead" is given for the SST, the C–5A, the ABM, and manned space flights; but housing is cut. At the present rate more members of the jet set will be flown to Europe on the SST in its first year of operation than the number of housing units for low-income families which will have been built under the model cities program.

Let us get our priorities straight. Let us get the bureaucracy to function. Let us cut back on the frivilous and the marginal programs, excessive military expenditures, and unneeded public works projects. Let us use those savings to meet our most pressing social needs—housing, jobs, schools—to help dampen down inflation, and to reduce the tremendous tax burden which now falls on the American people.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDIING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. MANSFIELD. Mr. President, to get the ball rolling and try to finally dispose of this bill, whether or not Senators are present, I understand that my distinguished colleague (Mr. METCALF) has an amendment he intends to offer at this time.

The ACTING PRESIDENT pro tempore. The junior Senator from Montana is recognized.

AMENDMENT NO. 177

Mr. METCALF. Mr. President, I call up that portion of my amendment No. 177 on lines 3 and 4 of page 2 thereof and ask that it be stated.

The ACTING PRESIDENT pro tempore. Does the Senator ask unanimous consent that the pending amendment be temporarily laid aside?

Mr. METCALF. I so ask unanimous consent.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment of the Senator from Kentucky (Mr. COOPER) will be laid aside temporarily, and the amendment offered by the Senator from Montana (Mr. METCALF) will be considered. The clerk will state the amendment.

The assistant legislative clerk read as follows:

> On page 101, line 9, strike the word "may" and insert in lieu thereof the word "shall".

Mr. METCALF. Mr. President, under the provisions for penalties for violations of the various provisions of this act, it provides that:

> The operator of a coal mine in which a violation occurs of a mandatory health or safety standard established by, or promulgated pursuant to, titles I or II of this Act, or of any other provision of this Act, may by order be assessed a civil penalty by the Secretary which penalty shall not be more than $25,000 for each occurrence of any such violation. Each occurrence of any such violation may constitute a separate offense.

Then that section continues to tell how the Secretary or his representative is to determine what the penalty shall be. The size of the coal mine, the number of violations, the frequency of violations, and all those things that determine the good faith in which the man has operated the mine are to be considered.

My amendment provides that if there is a decision that a violation exists, the Secretary shall impose a penalty.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. METCALF. I yield.

Mr. MANSFIELD. Could that penalty be as low as $1?

Mr. METCALF. It could be as low as $1. I have considered some of the problems that have been submitted. Some people have suggested that a penalty of not less than $100 or more than $25,000 be imposed. It seems to me that that is unfair to many operators of small mines, who have operated in good faith but have some safety violations. But, if my amendment were agreed to, every owner of a mine would know that he would be subject to a penalty of at least $1, or something of that sort, for his first violation.

Mr. MANSFIELD. Will the Senator yield further?

Mr. METCALF. I yield.

Mr. MANSFIELD. The idea, as I take it on the basis of the amendment as read and as explained by my colleague (Mr. METCALF), is that even if the fine is as low as $1, it will still serve as a reminder that a judgment has been made, and perhaps in this way will make the mine owner more careful, so that subsequent violations will not occur?

Mr. METCALF. And subsequent violations, of course, would be subject to higher penalties, so that any miner who does violate the safety and sanitary provisions of this act knows that a penalty is going to be imposed—a fair penalty, maybe only, for the first violation, the $1 that my colleague from Montana has suggested; but there will be a penalty imposed.

That is the only purport of my amendment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. METCALF. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. I should like to ask the Senator a question, and then perhaps the manager of the bill may have a comment.

As the senior Senator from Montana has developed, with the Senator's response, there is no provision for a mandatory assessment of any certain sum.

Mr. METCALF. That is correct.

Mr. COOPER. The Secretary can fix any sum he thinks proper, from $1 to $25,000?

Mr. METCALF. A token penalty for a first violation.

Mr. COOPER. When I first read this section, I was concerned as to whether or not an operator charged with a violation would be afforded due process. Is it the Senator's opinion, after studying this section, that an operator would be afforded due process, and that there would be a hearing with the right of appeal to a court?

Mr. METCALF. Of course there would be due process. There would be investigation by the inspector and the determination of a civil penalty, and such determinations are subject to appeal to the Federal courts—the Federal district courts, the circuit courts of appeals, or in extraordinary situations, even the Supreme Court of the United States.

Mr. COOPER. I thank the Senator.

Mr. METCALF. I call attention to the provision of the act that the Secretary should consider the operator's history of violations. The way to get a history of violations is to have a mandatory penalty imposed. If the original penalties are only a dollar there is a part of the history of violations, so that the history of subsequent violations, then, would show a lack of good faith and a refusal to comply with the provisions of the law.

Mr. WILLIAMS of New Jersey. Mr. President, in further response to the inquiry of the Senator from Kentucky, on page 102, paragraph (3), the procedural protection afforded an individual who might have a penalty assessed against him is fully spelled out, as follows:

> An order assessing a civil penalty under this subsection shall be issued by the Sec-

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> retary only after the person against whom the order is issued has been given an opportunity for a hearing and the Secretary has determined by decision incorporating findings of fact based on the record of such hearing whether or not a violation did occur and the amount of the penalty, if any, which is warranted. Section 554 of title 5 of the United States Code shall apply to any such hearing and decision.

So all of the protections are, of course, afforded in the situation where a civil penalty is considered and assessed.

I believe it has been made abundantly clear by the junior Senator from Montana, who offers this amendment, and by the majority leader, that the only amount fixed in the penalty section is the amount of $25,000, which, of course, is manifestly the ceiling; and any amount below that ceiling could be assessed, as was indicated. It is even suggested by the bill that the gravity of the violation, the good faith of the operator, and all other pertinent considerations would go into the assessment of the penalty, which, as the majority leader has suggested, could, under the discretion of the Secretary, go down to a dollar.

Mr. METCALF. And, as the Senator from New Jersey has pointed out, one of the things to be taken into consideration is whether or not the amount of the penalty is warranted, as provided in subsection (3) on page 102.

Mr. WILLIAMS of New Jersey. I will say, Mr. President, that the mandatory nature of the penalties that would arise under the amendment of the Senator from Montana was discussed quite extensively in committee, though not to a voting conclusion; and I believe it is safe to say that the majority of the committee members would be willing that this amendment be a part of the bill as we go from the Senate to a conference with the House of Representatives.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. COOPER. Mr. President, as a matter of courtesy, I think I should say I have been informed that the senior Senator from New York (Mr. JAVITS) opposed in the committee the making of this civil penalty mandatory. I have been informed that he would like to have consideration of the amendment postponed until he arrives in the Chamber. I extend that courtesy to him and state that fact.

Mr. METCALF. Mr. President, I was on the floor all day yesterday. I had discussed the matter with the senior Senator from New York. I had the amendment offered. It was the lowest numbered amendment of any offered to the pending bill. The amendment has been pending for all of this time. I have been trying to bring it up, and I have been forced to bring it up at this time in order to get consideration of the amendment before the pending bill is passed.

Mr. WILLIAMS of New Jersey. Mr. President, in view of all of the factors and mindful of the committee discussions we have had and the fact that we are now in the 5th day of debate on the pending bill and knowing that the distinguished Senator from Montana has been present on each of those 5 days and ready on all of those occasions to offer his amendment, I do believe that it would be wise at this time to agree with the Senator from Montana that the amendment be agreed to and be part of the conference with the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Montana, on line 9 of page 101 of the bill, to strike the word "may" and insert in lieu thereof the word "shall."

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on agreeing to amendment No. 218, offered by the Senator from Kentucky (Mr. COOPER).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Vrginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS—WAIVER OF RULE VIII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to speak without regard to rule VIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTIVITIES BY MILITANT RADICAL GROUPS—NEW TROUBLE ON COLLEGE CAMPUSES

Mr. BYRD of West Virginia. Mr. President, several events in the news in the past few days concerning activities by militant radical groups should alert us to the new trouble that is brewing on the Nation's college campuses and elsewhere.

It has been observed that coming events cast their shadows before, Mr. President, and I believe that all of us would do well to pay heed now, and law-enforcement authorities should plan a course of action before the situation gets completely out of hand.

We have grown so used to demonstrations and violence that I am afraid many of our people tend to take these things for granted. Perhaps some have been misled by the relative quiet of the summer following the ending of school terms last June.

That may well have been the quiet before the storm, for the events of the past few days indicate serious disorders may lie ahead. I hope that I am proved wrong. But to be forewarned is to be forearmed.

Last week a vicious gang of young thugs, about 20, who said they were members of the SDS, the so-called Students for a Democratic Society, vandalized Harvard University's Center for International Affairs. No one at first seemed to be sure whether they were students or not.

Teachers and students were physically assaulted, and at least two required hospitalization. Windows were smashed, telephones ripped out, a seminar was disrupted, and the so-called anti-imperialist slogans were stenciled on walls while the invaders shouted obscenities.

The gangsters shouted:

> Ho, Ho, Ho Chi Minh, NLF is going to win.

As every one knows, NLF stands for the National Liberation Front, which is the political arm of the Vietcong.

Ostensibly these hoodlums were attacking this center for international study because of their opposition to the war in Vietnam. The irony of the situation, however, is that the center has not been known for its support of the war, but on the contrary much of the written material that has come out of the center is said to be critical of U.S. foreign policies in this regard.

As has happened in so many other cases those who are bent on violence commit their depredations without any sensible, reasonable motivation for their actions. They are troublemakers pure and simple and not responsible individuals.

Another indication of what may lie ahead occurred at the University of Maryland. A brawl evolved on that campus when an organizer for the SDS appeared at a student rally with a Vietcong flag. A member of the university's student government, I am glad to say, had the intestinal fortitude to rip it down.

But those who were rallying around that flag screamed through bullhorns:

> We are Communists. We support the Vietcong. We want the revolution here.

Their objective was to urge students to go to Chicago to take part in the antiwar demonstrations set for early October.

These incidents to which I have alluded—and there are others which I could cite—should not have surprised anyone who has been reading about the subversive activities of the SDS, although not all of the SDS activities have been publicized. Unfortunately, I am convinced that many of our citizens do not really know how viciously anti-American many of the SDS leaders are.

For example, some recent checking I have done has unearthed the fact that Bernardine Dohrn, former SDS interorganizational secretary, has recently returned from a trip to Cuba where she and other SDS members last month reportedly met with representatives of the Provisional Revolutionary Government—PRG—of South Vietnam.

What trouble they planned at that meeting we can only conjecture. But we know that the SDS has called for militant demonstrations in Chicago from October 8 through October 11. Miss Dohrn has said publicly that the demonstrations will include rallies and marches at the courts and in the schools.

In a press release, she declared that the Chicago demonstrations will be in support of the PRG for the immediate withdrawal of the United States from Vietnam; the immediate release of all black, brown, and all other political prisoners in the United States; independence for Puerto Rico; and an end to the income tax "war surcharge."

The first proposal for the demonstrations in Chicago was made in July in a meeting held in Cleveland, Ohio, called by David Dellinger, national director of the National Mobilization Committee—NMC—To End the War in Vietnam, now known as the New Mobilization Committee. The demonstrations have been referred to as "Chicago Action."

SDS National Secretary Mark Rudd had proposed Chicago Action to begin around September 24 to coincide with the beginning of the trial of the eight principals indicted for criminal conspiracy to violate Federal antiriot statutes at the 1968 Democratic National Convention, and we have seen that such disorders did occur. Dellinger is one of the eight defendants.

The October dates were substituted so there would be no conflict with student registration at colleges. Rudd declares there needed to be militant demonstrations to "bring the war home" by fighting racism, imperialism, and poverty in the streets of the Nation.

He did not specifically advocate physical confrontation with Chicago police, but others at the Cleveland conference expressed concern about the prospects for violence in Chicago Action. The NMC leadership expressed a desire for Chicago Action to be nonviolent.

A steering committee was appointed to work out differences with SDS. But the committee so far has failed to achieve an agreement. SDS leaders continue in their militant approach to Chicago Action, talking of "some kind of action" inside or outside the Federal court during the trial of the eight defendants, a sample of which demonstrations have already been staged, as we have seen.

Meetings of the committee have been marked by NMC claims that it will not take part in the SDS Chicago Action but will organize its own Chicago Action to include a march on State Street and a massive rock music concert during October 21 through October 25.

Dellinger told the committee that Black Panther Party National Chairman Bobby Seale, one of the eight defendants, will support NMC but not the SDS Chicago Action. Youth International Party—YIPPIE—founders Abbie Hoffman and Jerry Rubin, also defendants, have disagreed with SDS on militant action. The Young Lords and Young Patriots, Chicago street gangs, have rejected the SDS Chicago Action on the grounds it does not have long-range community appeal and would reflect adversely on local groups.

But the SDS has shown no signs of compromise. It has outlined a tentative schedule for Chicago Action to include a "memorial rally" on October 8 for Che Guevara and other revolutionaries; a mobilization of high school, trade school and community college students for an "offensive" against the schools on October 9; an SDS "go after the courts" drive on October 10 to "stop the trial;" and a "big march" on October 11, during which participants "must be prepared to defend ourselves in the event of vicious attacks by Chicago pigs."

SDS leadership considers the Chicago Action a test of the organization's ability to build and carry out a national militant action without the help of other groups. Some leaders, including Rudd, in July expressed doubts that such could be done.

But they have gone ahead without compromise in their demands for a militant Chicago Action which they feel must not fail if SDS is to continue in the vanguard of the revolutionary movement in the United States.

SDS, Mr. President, therefore is organizing from coast to coast for this action and one leader has predicted it will be "pretty bloody" because protesters will "fight back."

American citizens should not be complacent about plans such as these, Mr. President. The time to sound the alarm is now, not after the fire has started.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUMBER OF AMERICAN TROOPS IN SOUTH VIETNAM

Mr. GORE. Mr. President, in order that the Senate may be informed, on September 11, 1969, there were 508,000 U.S. troops in South Vietnam.

According to the U.S. Defense Department, on September 18 the total had reached 510,200. On September 25, which is the latest report I am able to get, the number had increased to 511,500. I do not wish to draw any conclusions, but merely to state these facts.

There are some other statistics which Senators should find disturbing. The number of U.S. casualties in Vietnam for the week ending September 27 was 1,448. There have been 67,009 casualties of American boys in Vietnam since last January 18.

Mr. President, without desiring to stimulate debate or otherwise to stir controversy, permit me to say this war must end.

The PRESIDING OFFICER. What is the will of the Senate?

CALL OF THE ROLL

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 106 Leg.]

Allen
Anderson
Bellmon
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Cook
Cooper
Cranston
Curtis
Dodd
Eagleton
Ellender
Goldwater
Gore
Gravel
Griffin
Hansen
Hart
Holland
Hollings
Hruska
Inouye
Javits
Jordan, N.C.
Kennedy
Mansfield
Mathias
McGee
Nelson
Pearson
Pell
Prouty
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Sparkman
Stennis
Talmadge
Williams, N.J.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), and the Senator from Virginia (Mr. SPONG), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Bennett
Bible
Cannon
Case
Cotton
Dole
Dominick
Eastland
Fannin
Fong
Fulbright
Goodell
Gurney
Harris
Hartke
Jackson
Jordan, Idaho
Long
McCarthy
McClellan
McGovern
Metcalf
Miller
Mondale
Moss
Mundt
Muskie
Packwood
Pastore
Percy
Proxmire
Smith, Maine
Stevens
Symington
Tower
Tydings
Williams, Del.
Yarborough
Young, N .Dak.

The PRESIDING OFFICER. A quorum is present.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on September 30, 1969, the President had approved and signed the following joint resolution:

> S.J. Res. 152. A joint resolution to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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(For nominations this day received, see the end of Senate proceedings.)

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, if I may have the attention of the manager of the bill, the proposer of the pending amendment, and the minority leader, I would like to propound a unanimous-consent request.

I ask unanimous consent that on the pending amendment of the Senator from Kentucky (Mr. Cooper) there be a time limitation of 1 hour, the time to be equally divided between the distinguished senior Senator from Kentucky (Mr. Cooper), and the distinguished Senator from New Jersey, the manager of the bill (Mr. Williams), and that on any amendments to the Cooper amendment there be a time limitation of one-half hour, the time to be equally divided between the sponsor of the amendment and whoever may be in opposition.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I have one question. I do not know whether there would be any ruling on germaneness as to a substitute. We have a substitute.

Is it to be understood the substitute to be proposed by the Senator from New Jersey (Mr. Williams) and me would be in order?

Mr. COOPER. Mr. President——

Mr. MANSFIELD. I would bow to the Senator from Kentucky in that connection.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COOPER. I had raised this question myself with the majority leader; that is, if there should be a question about germaneness and the question of whether or not a substitute can be offered to my amendment.

I would want sufficient time for some argument before a decision is made.

Mr. MANSFIELD. The Senator can be assured of that.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. JAVITS. Mr. President, I do not quite understand the way the matter is left. Do we or do we not have authority to put in the substitute to the Cooper amendment? Is it understood that this amendment will qualify regardless of the germaneness rule, for the purpose of the time limitation?

Mr. COOPER. I would make this suggestion. We have agreed upon a time limitation of 1 hour for my amendment, which is the pending amendment. If there should be an amendment offered to it——

Mr. JAVITS. Or a substitute.

Mr. COOPER (continuing). Or a substitute, it should have one-half hour. That is an hour for the amendment with a half-hour added.

I have not seen the substitute which I understand will be offered. I do want to look at it and if it should be what I understand it will be, I will raise a question as to whether or not it can be offered. I would suggest we have 15 minutes on that matter if it becomes necessary.

Mr. JAVITS. Mr. President, we are entering into a unanimous-consent agreement. I do not have to consent to it and, therefore, the substitute will be in order. There are no conditions necessary. I am anxious to enter into the agreement. I thoroughly agree with the Senator. But this business of setting a precondition on the kind of substitute we will offer is not proper in a unanimous-consent request.

Mr. COOPER. We agree on the time limitation if an amendment is properly laid down.

Mr. JAVITS. Right.

Mr. COOPER. But if a question is raised——

Mr. JAVITS. As to what is germane?

Mr. COOPER. Germanenes or privilege.

Mr. JAVITS. Then, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

What is the pleasure of the Senate?

Mr. SCOTT. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Allen in the chair). Without objection, it is so ordered.

Mr. COOPER. Mr. President, I have asked that the order for the quorum call be rescinded. We have been debating my amendment now for 3 days. This is the largest attendance we have had during those 3 days. If Senators who are in the Chamber will remain, I will finish my argument.

Inasmuch as the amendment is a complex issue and not many of us are from coal mining States, I have prepared and had printed in the Record of October 1, page 27949, a short explanation of my amendment and the reasons I have introduced it. I have also had placed on the desk of each Senator the same statement. If the statement has been removed, the statement is in the Record of yesterday on page 27949. I do not believe it would take over 3 or 4 minutes to read the statement.

I have spoken on this issue every day for 3 days. Last June, when the matter was being considered in committee, I made a rather lengthy statement on the bill in the Senate and placed in the Record at that time statistical records on safety from the Bureau of Mines.

Today I wish to tell the Senate the purpose of my amendment.

The Senate is now considering the Coal Mine Health and Safety Act. It includes proposed amendments to the Coal Mine Safety Act, the last amendment being in 1966.

One section of the bill concerns itself with health standards. We have at last taken note of the fact of the heavy concentrations of coal dust which usually occur in the large mines because of their modern and advanced equipment used at the face of the coal.

Mr. President, these large concentrations of coal dust at the face of the coal are, I have been told, so heavy that a miner cannot see his hands in front of his face. The inhalation of coal dust, day after day, has been a cause for many years—but worse in recent years—of the malady generally known as "black lung."

A section in the bill, which is very strict, is intended to reduce the concentration of coal dust; it will be of help in preventing black lung.

The second section of the bill—and this is the section with which my amendment is concerned—deals with safety standards in the mines to protect the lives and limbs of those who work in the mines.

To recall to Senators who are not on the committee, or who do not come from coal-producing States, let me say that the Bureau of Mines has been an agency of the Government for over 30 years.

In 1941, an act was passed which provided to the Bureau of Mines the authority to make recommendations to the States and to mine operators on appropriate standards of safety, but the Bureau of Mines had no enforcement powers and its function was only advisory.

In 1952, the act was amended to provide standards, to authorize to the Bureau of Mines the authority to write regulations, and also gave the Bureau of Mines enforcement powers in mines employing 15 or more men.

In 1966, the act was further amended and provided to the Bureau of Mines the authority to fix standards and enforcement powers in every mine in this country.

Many States have mine safety laws. My State of Kentucky has a model safety law. The Kentucky Department of Mines and Minerals makes more inspections of mines in 1 year, than the Bureau of Mines does in the entire United States.

Last fall, in Farmington, W. Va., a terrible tragedy occurred. In a mine owned by the Consolidated Coal Co., an ignition or explosion of some type occurred. While the exact causes have not yet been ascertained, 78 miners were entombed and are assumed to have been burned to death or asphyxiated.

That accident shook the conscience of the people of our country. It also shook the Bureau of Mines.

The President of the United States sent to Congress the bill now before the Senate. I am a cosponsor of the bill, but I said on its introduction that from my experience in the past, having worked on three safety bills, and by knowledge of the operations of coal mines in my State, I would reserve the right to offer such amendments as I thought proper. That is the right of every Senator whether or not a sponsor.

From the beginning, the Bureau of Mines, until this time—and I hope that it will continue—has classified mines as either gassy or nongassy.

A mine is classified nongassy as long

as the content of the gas in a specimen of atmosphere tested in a specific way does not exceed one-quarter of 1 percent in volume. This is the law today. Gas must accumulate, according to experience, to about 5 to 15 percent before it can be ignited or exploded.

According to the last records I have been able to secure from the Bureau of Mines, there are 3,192 nongassy mines. That may vary because that was at the end of 1968. The same record listed 392 gassy mines. They are generally larger than nongassy mines, and produce 60 percent of coal mined annually.

But in comparing the safety records of these two classes of mines—there is a vast difference. In the 3,192 mines 52 explosions occurred in 16 years, and 27 deaths.

Any record of deaths is sad. But, considering it is the record of approximately 3,200 nongassy mines operating over a 16-year period, with only 52 explosions, I contend before this body that it is a safety record superior to most industries in this country.

Mr. President, what happened in the 400 gassy mines in the same 16 years? There were 381 explosions which caused 374 deaths, compared to 52 explosions and 27 deaths in nearly 3,200 nongassy mines.

The explosion in Farmington, W. Va.—one explosion killed 78 people—three times as many as have been killed in the 3,200 mines in a 16-year period.

I asked the Bureau of Mines for further information and to give me a list of the mines in which more than one explosion had occurred. I was given a list, and in 48 of the gassy mines there have been more than two explosions. There have been six explosions, and eight explosions, and one mine has had 18 explosions. Yet the Bureau of Mines did not close these dangerous mines.

The explosion in the coal mine in Farmington, W. Va., killing 78 people was most unique. A few years ago, 16 men were killed in the same mine.

It has not been closed.

What does the bill do? It turns to the 3,100 nongassy small mines. The small mine operators and mines have no great companies to speak for them. They do not have the United States Steel Co. They do not have the Consolidated Coal Co. They are not giant companies. The record shows that about 20 companies produce about 40 percent of the coal annually mined in this country. We who come from States with small mines, which may produce 50 tons, 100 tons, 150 tons, or 300 tons a day, must speak for them. We do speak for them. I have placed in the Record and before this body the tragic safety record of the 400 gassy mines in this country, and the good safety record in the 3,200 nongassy mines.

What remedy does the Bureau of Mines and the committee propose? They require that the small nongassy mines must buy permissible equipment, whether needed or not, whether it contributes to safety or not, and junk their hard bought conventional equipment. There is no word in the hearings about the expense of the equipment except the testimony of Mr. McDowell of my State who testified that it would cost $240,000 to equip a mine section. After they saw the record, at the last minute the Bureau of Mines provided the committee a series of estimates of cost, which appears in their report.

I would say that anyone with any experience with coal mines would know that the estimates are impractical and in some instances silly. I will give an example. The bureau attempted to divide mines into new classes for the purpose of their estimates: gassy mines, large nongassy mines, and small nongassy mines. It described a large nongassy mine as one which produced 20,000 tons a year, or about 80 tons a day. This is absolutely ridiculous. It speaks the impracticality and the unreliability of their estimates. Those who know mining are aware that if the companies operating in nongassy mines are to stay in business—and a few of them may—they must buy a permissible motor, permissible cars, a permissible loader, a permissible cutting machine. The Bureau of Mines itself estimated that the equipment would cost $266,000, more than Mr. McDowell from Kentucky testified the equipment would cost—$240,000. Yet it speaks of $10,000 or $20,000 as the cost of equipment.

What will be the effect? I say without hesitation that if the bill is passed with this requirement—the requirement that the nongassy mine must install permissible equipment, I do not care how much time is given to the mines to convert—it will put out of business one-half or more of the small mines of this country. It will end the employment of many miners. It will cause the operator to lose his investment. It will put out of business auxiliary industries such as the trucking and equipment industry. It will hurt every community, county, and area in which the small mines are located.

There are about 1,100 in my State. They are scattered throughout eastern Kentucky.

There has hardly been a newspaper or magazine particularly those from the State of my dear friend from New York—that has not sent a writer and photographer to eastern Kentucky to write and picture examples of poverty and desolation. I live in the eastern part of Kentucky. I have long been concerned with the poverty and deprivation there. During the administrations of President Eisenhower and President Kennedy efforts began to be made to do something about the situation. And much has been done. These writers stay a few days, take pictures, go back, and write about the worst examples of poverty in eastern Kentucky.

I would not deny there is poverty. I would not deny there is lack of proper housing. I would not deny there is a lack of proper sanitation in some places. But I stand for those people and defend them. They are an independent and patriotic people. Sometimes but not as often as in the great cities they are violent, but they do not engage in crimes of theft and robbery and similar crimes as in the great urban centers.

I raise this point to emphasize that the chief source of employment in eastern Kentucky is the coal mining industry. Next to West Virginia, Kentucky has the largest coal production in the Union.

If my amendment is defeated, small mines, which are numerous not only in my State of Kentucky, but West Virginia, Tennessee, Virginia, and Alabama, will be closed. The mines will not be employable elsewhere, many of them because they are too old. Those who are employable will have to go to the big gassy mines, the dangerous mines in which nearly 400 have been killed in 16 years.

I will read the list of States concerned:

Alabama has 17 gassy mines; 85 nongassy mines.

Colorado has 23 gassy mines and 36 nongassy mines.

Iowa has only 5 mines. They are nongassy.

Kentucky has 32 gassy mines and 913 nongassy mines.

Maryland has 33 mines, all nongassy.

Missouri has two mines, which are nongassy.

Montana has 12 mines, which are nongassy.

New Mexico has one gassy mine and seven nongassy mines.

North Dakota has one gassy mine.

Ohio has 18 gassy mines and 55 nongassy mines.

Pennsylvania has 68 gassy mines and 279 nongassy mines.

Utah has 10 gassy mines and 17 nongassy mines.

Virginia has 44 gassy mines and 673 nongassy mines.

The State of Washington has one gassy mine and three nongassy mines.

West Virginia has 132 gassy mines and 908 nongassy mines.

I predict that at least half of the small nongassy mines and up to two-thirds, will be forced out of business, with the consequences I have mentioned.

Mr. President, the pending bill is a very strict bill, and it is a necessary bill. One who votes for the bill, with the adoption of my amendment, will be voting for better standards of health and safety.

I say, with all deference, that lack of information about this problem is nothing strange. I do not know about many serious problems that exist in other States. We have gone as far as we could.

I would call to the attention of all Senators, as I did the manager of the bill, the Senator from New Jersey, and the Senator from West Virginia, that if they will look at the bill, page 48, line 20, section 206, they will see that the subject is "Electrical Equipment Generally"; this section describes all of the electrical equipment, in general, that will be found throughout the mines, such as wiring, power connections, cables, circuit breaking devices, and so forth. This is permissible machinery, and we are not objecting to it, because it can be provided. It is not of great cost, and it could be of help where safety is concerned.

On page 51 of the bill are two sections to which we do not object. One concerns itself with junction and distribution boxes for making power connections past the last open crosscut. This means at the face of the coal, where coal is being mined. The second involves small equipment, such as a hand-held electric drill, blower and exhaust fans, and electric pumps. These are small pieces of equip-

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ment that can be carried up to the face. It has been found in several cases that if a permissible drill had been used in a nongassy mine, an explosion might have been prevented, because there is a possibility of drilling into a gas pocket. We accept these requirements.

What we cannot accept is the demand of the Bureau of Mines, and this committee, that these small mines, producing 50, 80, 100, 200, or 300 tons a day, must buy a permissible motor, a permissible loader, and permissible shuttle cars, permissible machines which the Bureau of Mines states cost $266,000. The economic operation of these mines would not permit it, and they would go out of business.

I pointed out the other day that this measure would have another effect upon mining States. The poorer, or usually poorer, families who have managed to hold onto 50 or 100 acres of land with some coal under it, near the top of a hill, have a chance now to lease it to a small operator, or perhaps to mine it themselves. It may be all they have. Long ago, the big companies came into Kentucky, some of the same ones operating big gassy coal mines now. They purchased the lands and the mining rights of the people, some who were not the best educated in the world. They bought their timber, some of the best timber in the United States, white oak and poplar, at 50 cents a tree. Many a man has discovered that he had sold his coal rights and did not know about it. But the people who have been able to hold onto a small acreage that has coal under it will be deprived, if my amendment is defeated, of ever being able to lease the coal or to work it. They are denied the opportunity, but the great companies with the gassy mines can continue to operate.

Another consequence, if my amendment is defeated, is strip mining of the small acreages at the tops of the hills, for they cannot be mined with permissible equipment economically, there is one way they might be mined, which is through strip mining. One who has flown over the areas and seen the country devastated by strip mining, and its effect upon the environment, know what I am talking about; conservationists in the Senate should know.

I call to the attention of my friends from New York and from New Jersey, who are arguing that the nongassy mine should be refitted with permissible machinery, that many of the gassy mines are not fitted wholly with permissible machinery, for example, cutting machines. The Senator from New Jersey admitted this yesterday.

I will give the record. The committee placed in its report: "Summary of Ignitions and Explosions in Gassy and Nongassy Mines, January 1941 to June 10, 1969." It provides the causes of explosions in both categories, gassy and nongassy mines. I hope my friends who argue the imposition of permissible machinery upon all mines will listen.

One of the chief causes of ignitions in gassy mines, as shown on page 372, part 5, is "cutting bits." How many explosions have they caused? 153. This is by nonpermissible machinery used in gassy mines. How many explosions have been caused in the nongassy mines by nonpermissible cutting bits? Two. Two in the nongassy mine compared to 153 in the gassy mines. Yet the bill, unless my amendment is adopted would require the nongassy mines to junk their equipment with cutting bits which have caused two explosions, and put in $75,000 equipment with cutting bits which have caused 153 explosions.

Mr. President, it has been implied in the reports, and it has been said on the floor of the Senate that this is a matter of conscience of weighing safety against property.

I agree that we must do everything practicable and reasonable and possible to provide for the safety of the miners. This bill has many helpful provisions, with this exception. But if we are to talk of placing economic interests above human life and safety, then I ask that we think of the 400 gassy mines, their multiple explosions, up to 18 in which nearly 400 people have been killed. There is nothing in this bill which will close these mines. Only the safe nongassy mines are threatened with closing.

I do not know what the Senate will do with my amendment. I know that the committee opposes it, though some of its members support it. I know those members have worked objectively, and have done their best; but with deference, I feel impelled to say this: as I do not know very much about urban conditions in New York, and New Jersey, except through the news media, nor about the special problems in many States of which their representatives have specific knowledge, I must say to the chairman and other members, "With all your study and your objectivity, you do not know the specific conditions in the mining States, and the practical operation of the mines.

I hope my amendment will be accepted. If it is defeated upon the ground as Mr. O'Leary testified, several years ago, an "academic risk," cannot be taken, then I believe it is right that I offer my amendment to reach the heart of the problem: To close down the gassy mines in which more than one explosion occurred, with multiple deaths, till they are safe. It is a valid answer to the argument of placing material considerations above life and safety. The committee will not vote for such a measure. Millions of dollars are invested in the mines by the Consolidated Coal Co., the United States Steel Corp., the Bethlehem Steel Co., and others. Large investments are involved. These companies employ hundreds of people and pay 40 cents a ton to the United Mine Workers' Benefit Fund, which I think correct. But we must consider safety from both sides of the picture—gassy as well as nongassy mines.

This is the third time I have worked a mine safety bill. Neither of the other bills was as comprehensive as the pending bill. In 1957 and 1958, when I was a member of the Committee on Labor and Public Welfare, former Senator Wayne Morse, a friend of labor and a tremendous worker, accepted my position against that of the Bureau of Mines. He brought a bill to the floor.

At this point, I would like to refer to a statement I made on this debate on September 29, a reference to the large mine operators and the United Mine Workers being together, a United Mine Workers representative in my State informed me, and properly, that my statement could be interpreted to mean some sort of collusion between the mine operators and the United Mine Workers. I did not so intend. While I disagree with the UMW in the bill, with respect to the classification of "gassy" and non-gassy mines, I must state that the UMW has worked hard for safety for its members and all mines. I make this statement in fairness to the United Mine Workers. The bill was not passed because of the opposition of the Bureau of Mines and the United Mine Workers.

Former President John F. Kennedy was then a member of that committee. He supported my position against that of the Bureau of Mines.

Again in 1966, although I was not a member of the committee, former Senator Morse was kind enough to ask me to join his committee in working up a bill, which I did. I make these comments to indicate this is not a new problem—and the Bureau of Mines position is not always sacrosanct.

The Senator from New Jersey yesterday made much of the fact that in late months, since the awful tragedy in West Virginia, the Bureau of Mines has discovered that some mines which had previously been classified nongassy were gassy.

I have said always that the Bureau does not make enough inspections. If they were gassy mines, they should have discovered it a long time ago.

Yesterday I found a statement on my desk. It is an attempted answer to the records of the Bureau of Mines which I had placed in the Record contrasting safety records in gassy and nongassy mines.

The statistics supplied me by the Bureau of Mines begin with the year 1952 and extended through 1968. The year 1952 was chosen because it was the first year in which the Bureau of Mines had authority to fix standards for the States and enforce them. Of course, they had records before that date, from 1941 on.

The Senator from New Jersey had printed in the Record statistics from 1941 through 1968 on nongassy mines. He did not supply statistics for the gassy mines.

Including the period of 11 years, from 1941 to 1952, 87 ignitions occurred in the nongassy mines instead of 52 ignitions. Instead of 27 men killed, there had been 84. Fifty-seven men had been killed in nongassy mines between 1941 and 1952. However, as I have said, those were the years in which there was no Federal standards and no Federal enforcement.

The statistics on gassy mines for that period were not cited as the statistics on nongassy mines were supplied. I will give the record on gassy mines for the period 1941–68.

There were 600 explosions in the gassy mines in that period. And 1,054 men killed.

We shall see what happens. I hope very much that the Senate will support my amendment.

The PRESIDING OFFICER (Mr. Hollings in the chair). The Senator from New Jersey is recognized.

Mr. WILLIAMS of New Jersey. Mr. President, the Senator from Kentucky in his customary manner has spoken with great eloquence and emotion for the small mine operators, the operators of mines that have been designated as nongassy.

Most of the arguments we advance have been made in the debate. I would merely like to say that the whole picture as it comes from all of the coal mines in the country has brought forth a national demand that we in the U.S. Senate, right here and now, enact legislation that will bring a new and significant measure of safety to the men who mine the coal in this country. That is why we are here.

All of the statistics on the gassy and nongassy mines are in the record, as they should be. We have the record on ignitions and explosions that kill and injure men. That record should be here. That is why we are here with what the Senator from Kentucky has described—as I believe it is—a stiff bill.

If anyone deserves stiff standards for safety and improved conditions for health, believe me it is the coal miners of the Nation. The bill will provide them a new degree of safety and a better and healthier atmosphere in which to work.

For many reasons, and certainly with patience and to seek understanding, the members of the committee have worked with the Senator from Kentucky. We understand the economic problems of small mines. Certainly the Committee on Labor and Public Welfare will be the last place in the world where anything will be done to put men out of work. So we have been understanding and patient, and we have responded to the needs of the small mines of the country.

I must say, however, that at the outset we were confused by the anachronism of gassy and nongassy mines. All mines are gassy. The gas can be detected upon entry into some mines. If it cannot be immediately detected, it is latent, buried in the seams of coal beneath the ground, and as the coal is cut, the gas will come out. That is why geologists say and the Department of the Interior say, and the bill provides that all mines should have the same classification. So the distinction of gassy and nongassy is, by the bill, eliminated. It is a wrong distinction. It is an anachronism. It is geologically unsound. Now it has been wiped away.

The committee was mindful of the respect to which any member is entitled. Since January of this year, we have worked patiently, week in and week out, month in and month out, to the point where we have arrived at what our committee thinks is a good bill. We were also mindful of St. Matthew's statement in chapter 5, verse 41:

> And if anyone forces you to go one mile, go with him two miles.

Mr. President, we have gone, and we were glad to go, with the Senator from Kentucky the extra mile.

Now I should like to offer an amendment as a substitute for the pending amendment. It will take us the extra mile. It will take us the 2 miles in an accommodation to all the facts and the understanding we have arrived at from the Senator's presentation.

Mr. COOPER. Mr. President, I raise an objection.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 53, after the period on line 7, add the following sentence: "permits for noncompliance and renewals thereof issued in accordance with the provisions of this paragraph shall, in the aggregate, not extend the period of noncompliance more than forty-eight months after the date of enactment of this Act."
>
> "(6) In the case of any coal mine which is operated entirely in coal seams located above the watertable, which has not been classed under any provision of law as a gassy mine prior to the date of enactment of this Act in which one or more openings were made prior to the date of enactment of this Act, and the total annual production of which does not exceed seventy-five thousand tons annually based on the mines' production records for three calendar years prior to such date, the effective date of the provisions of paragraph (1) (D) of this subsection shall be three years after the operative date of this title, except that any operator of such a mine who is unable to comply with the requirements of paragraph (1) (D) on such effective rate may file with the Panel an application for a permit for non-compliance ninety days prior to such date. If the Panel determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (8) of this subsection and that such operator, despite his diligent efforts will be unable to comply with such requirements, the Panel may issue to such operator such a permit. Such permit shall entitle the permittee to an additional extension of time to comply with the provisions of paragraph (1) (D) of not to exceed twenty-four months, as determined by the Panel, from such effective date."
>
> On page 53, line 8, change "(6)" to "(7)"; on page 53, line 21, strike "paragraph" and insert "subsection"; and on page 54, strike lines 4 through 7 inclusive.
>
> On page 56, between lines 12 and 13 insert:
>
> "(12) On and after two years from the operative date of this title, all electric face equipment covered by paragraphs (5) and (6) of this subsection which is replaced or converted shall be permissible and maintained in a permissible condition and, in the event of any major overhaul of such equipment in use on or after two years from such date, such equipment shall be put in and shall thereafter be maintained in permissible condition."

Mr. WILLIAMS of New Jersey. Mr. President, I inadvertently failed to say that I offered the amendment for myself, the Senator from New York (Mr. Javits), and the Senator from West Virginia (Mr. Randolph).

The PRESIDING OFFICER (Mr. Gravel in the chair). The Chair would like to state that this amendment is not in order. It hits places in the bill that the original amendment does not touch, and therefore, it cannot be offered as a substitute. It could be redrafted, of course, to confine itself to the same areas of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LIFE MAGAZINE ATTACK ON SENATOR THURMOND

Mr. ALLEN. Mr. President, a Member of this body has been scurrilously attacked. This attack was launched from the pages of the September 19 Life magazine. This story can best be characterized as having the nature of a diatribe loosely clothed in the trappings of yellow journalism. The purpose and design of this article was to slander Senator Thurmond and to mortally wound the confirmation of Judge Clement Haynsworth to the Supreme Court.

The entire article was fraught with fiction and bereft of fact.

Here are the facts:

Senator Thurmond and Charles E. Simons, Jr., who is now a Federal district judge and a former law partner of Senator Thurmond, purchased a large tract of land in Aiken County, S.C., in 1953, and 452 acres of the tract turned out to be a fine industrial site.

In 1966, the South Carolina Highway Department started condemnation proceedings in Aiken County to take 66 acres of the 452-acre industrial site by eminent domain, for the purpose of building a nonaccess portion of Interstate Highway I–20. Three appraisers in the pay of the highway department found that the highest and best use of the property would be for timber growing purposes, and so they placed the value on the right-of-way as follows: Mr. Norwood of Greenville, $8,585; Mr. Height of Jackson, $9,900; Mr. Willard of Spartanburg, $12,700. It should be noted that all three of these appraisers adopted the highway department's timber cruise of $3,253. This figure was grossly in error and was later raised to $9,000 by the attorney general's office. Two of the appraisers had never appraised any property in Aiken County prior to that time, and none of them considered the property as having any value as an industrial site.

Senator Thurmond and Judge Simons had two outstanding foresters—a Mr. Hatcher, who found the timber on the land alone to be worth $9,717.55, and another forester, a Mr. Billingsly, who valued it at $9,649.00.

The primary value of the land did not lie in its timber-producing capacity, but rather in its inherent and obvious value as an industrial site. This is an important factor and should be borne in mind as one reviews the matter. Three well-qualified experts in the field inspected the property, evaluated it as an industrial site, and were prepared to go into court and testify as follows:

Mr. Buck Mickel, president of Daniel Construction Co., a $400 million company headquartered in Greenville, S.C., and his company's site evaluation expert, Mr. Currie Spivey, appraised the 452 acre tract as an industrial site worth $500 an acre.

Mr. Stathy Verenes, of Aiken, a mem-

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ber of the State Development Board and a former member of the planning and development commission of Aiken County, who had been very active in bringing large industry into Aiken County and who had tried to purchase the land on two occasions from Senator THURMOND He was of the opinion that the tract had a minimum value of $500 per acre.

The other, and final, appraiser, Mr. William B. Byrd of North Augusta, S.C., who, as a member of the Aiken County Planning and Development Commission had been active in bringing industry into the Aiken area and owned large woodlands himself, felt the tract had a fair market value of at least $500 an acre as an industrial site.

All three of these experts expressed a strong opinion that the 452-acre tract was a prime industrial site. In reaching their decisions they took into consideration these factors: First, its location on the South Edisto River which had a daily flow of approximately 16 to 18 million gallons of water; second, its topography—it is high ground; third, its location near many populated communities, most of which had no large industry but had large labor supplies; and fourth, availability to natural gas and other public utilities. They all further expressed the opinion, and were prepared to testify in court, that after this tract was divided in half by the highway right-of-way its availability and use as an industrial site would be effectively destroyed.

Lawyers know that in condemnation cases a primary factor to be considered is that of "severance damages". The original tract in question, as I have pointed out, was composed of 452 acres; 66 acres of that land was condemned by the Highway Department. This 66 acres ran right through the middle of the original tract; therefore, the land was severed into two parts and rendered useless as an industrial site. The law provides for damages for lands that have been severed and thereby rendered less valuable.

There were three major factors involved in determining the value of the condemned property: First, the value of the land condemned, which was determined to be $500 per acre; second, the value of the timber lost when the land was condemned; and third, the damage to the remainder of the tract because of the portion taken by condemnation known as severance damages. The damages break down in the following forms:

The loss of 66.04 acres at $500 an acre	$33,020
The value of the timber on the 66 acres	9,640
The severance damages for the remaining 386 acres: 386 acres x $194 (difference between $500 and $306)	74,884
Total damages	117,544

The highway department initially offered to Senator THURMOND and Judge Simons the amount of $10,000 for the 66 acres. When the landowners compared this figure with their total losses of $117,000, it was, of course, refused. The Senator and the judge appealed the case to the highway condemnation board, which raised the bid for the land to $18,892.50. They did not consider this amount adequate, in view of the great disparity between this offer and the real value of the land. The only recourse left the Senator and the judge was to go to court. There is no question that, as a matter of constitutional right, an individual is entitled to the payment of just compensation when his land is taken for public use, and that compensation is to be calculated on the basis of the highest and best use to which the land may be adapted.

Prior to going to trial several offers were made and considered, and ultimately a settlement of $32,500 was arrived at as being acceptable to the attorney general, the highway department, and the Federal Bureau of Roads. Senator THURMOND and Judge Simons felt such offer of settlement was inadequate, but decided to accept it in order to stay out of court if possible because of their positions of public trust.

It is significant to note at this point that the lawyer who represented the State in this matter, Mr. Marion L. Powell, agreed to represent the attorney general for a fee of $2,500, with a special proviso that if he obtained a good result in the case he would be paid an additional fee. After the $32,500 final settlement was consummated, Attorney Powell submitted a bill for an additional fee of $2,500, on the grounds that he had obtained an especially favorable settlement for the attorney general's office in this case. The payment of Mr. Powell's additional fee for the good settlement he obtained was immediately approved by the attorney general and paid by the highway department.

The breakdown of the settlement which was agreed upon by the attorney general's office, Senator THURMOND and Judge Simons, and directed by the court, was as follows: $15,000 for the land and timber, and $17,500 for severance damages to the remainder of the land. This is clear proof that the attorney general's office recognized that the major damage suffered by the Senator and the judge was the destruction of the industrial site potential of the land.

In spite of the fact that the land was valued by competent businessmen and appraisers at $500 per acre, the fact that the State's lawyer was paid a bonus for getting a low settlement, and the fact that the breakdown in the court decree itself showed that the major portion of the damages went to reimburse the landowners for the loss of industrial site potential, Life magazine wrote its ludicrous article.

In spite of these facts, which were clear and fully substantiated, and a matter of public record, Life magazine sent one of its reporters to South Carolina who rambled across the State for some months in an attempt to uncover skeletons in Senator THURMOND's closet.

It is clear from the evidence that they were not interested in the facts, for if they were they would have printed the story directly from court records; but instead they were so intent on undermining the man's character and reputation that the facts of the case were utilized as nothing more than a skeleton for the story.

Let us look at the fiction.

Life's story made various charges. At one point the article said:

> What they add up to is that Senator Thurmond and Judge Simons received more money for their land than any neighboring owners of similar property received, more money than the land was worth by any appraisal other than their own—in brief, more money by far than they would have received had they not been United States Senator Thurmond and Federal Judge Simons.

This statement is patently false. Some landowners received more money per acre for their land than did Senator THURMOND and Judge Simons, and some received less.

Attention is invited to the information presented by Mr. Currie Spivey of Daniel Construction Co. at the press conference held by Senator THURMOND and Judge Simons in reference to these charges. In his survey of the situation, Mr. Spivey found that some landowners got more and some got less money per acre than the Senator and Judge. This should certainly come as no surprise to anyone, since the value of land is largely a matter of location and adaptability.

Attorney General McLeod of South Carolina, states that at least one property owner of similar land received $500 an acre from a jury trial. There were also other owners who received similar amounts for their land. Highly qualified appraisers familiar with the requirements for industrial sites appraised the property at $500 to $550 per acre.

There were other landowners in the area who received similar amounts for their property and such persons did not hold high office, thus it is incorrect to conclude that this settlement was related to the positions held by Senator THURMOND and Judge Simons rather than the value of the land itself.

The article describes the land as "mostly covered with scrub timber." This is another falsehood. The land had been cleared and planted with pines at the owners' expense. In fact, it has been admitted by the State that the timber on the 66 acres in question had a value of around $9,000, admitting that the earlier timber appraisal of $3,200 was in error.

The Life article attacks the experts who were prepared to testify that the land was a valuable industrial site. The article fails to cite the impressive credentials of these individuals, the reasons for their opinions of its value, and why their opinions would have validity. The article cites the opinions of the highway department witnesses and its own "independent" appraiser, as if their views on the question were the only ones which should be considered. They assume that witnesses appearing on behalf of the State were unbiased, impartial, and highly qualified, but that witnesses appearing for THURMOND and Simons should have carried no weight whatsoever.

The Life article cites the reputations and influence of the landowners and their attorneys, implying that a fair trial could not be held in Aiken County.

It is well known that the reputations and connections of attorneys are a factor in any trial in any county; furthermore, Marion Powell, the lawyer for the State Highway Department, who serves as city judge in Aiken, enjoys a prestige in the community comparable to that of Mr. Williams and Mr. Surasky, the lawyers for the Senator and the judge.

Also, while the favorable opinion which citizens in Aiken County hold for Senator THURMOND and Judge Simons might be a factor before a jury, to deny the regular recourses of the law to anyone for this reason would be an attack on the jury system itself. Had the case gone to trial, there would have been 2 or 3 days of closely reasoned and highly persuasive testimony by experts for both sides. By the time the jury retired to make its decision, after having been charged by the judge on the relevant law, it is far more likely that the jury's deliberations would have focused on the questions before them rather than on the identity of the landowners.

Life described the matter as "tightly kept as a family indiscretion." However, the entire transaction is a matter of public record, as both Senator THURMOND and Judge Simons knew it would be from the very beginning; furthermore, all of this information has been in the hands of State officials who are part of a Democratic administration and who would have little reason to protect Senator THURMOND.

Upon learning of Life's inquiry, Senator THURMOND and Judge Simons discussed the entire matter completely and in detail with representatives of Life magazine, including Mr. Walsh, who wrote the story. No questions were asked which were not answered, and the Life representatives expressed themselves as completely satisfied with the information provided by THURMOND and Simons.

It should also be noted that Judge Simons went out of his way to make sure Life had access to all records concerning the transaction including a transcript of his testimony. Senator THURMOND's senatorial duties kept him busy in Washington and he did not testify in the case.

In the story, Life also reports the Senator's ownership of three lots in West Columbia, as if something were wrong with this, even though Life could find nothing wrong.

Senator THURMOND purchased the property at a time when a bridge was planned for another location. In fact, he first attempted to buy this property approximately 20 years ago as a proposed homesite.

Life described the view from this site in such a way as to imply the site was unsuitable for building a home when, in fact, the lots command a beautiful view of the river.

Upon learning that authorities were considering locating the bridge on a portion of his property, Senator THURMOND expressed his view to the highway department that he hoped the proposed bridge would return to its original site, but that if this were not feasible, he would sell the property for what he paid for it plus interest.

Life implied that the presence of attorneys and a tape recorder at their interview with Senator THURMOND and Judge Simons indicated that there was something to be covered up.

The Life reporters were explicitly told the attorneys were there to answer Life's questions and were in no way representing THURMOND and Simons for the purposes of the interview.

The Life article also stated that John Ehrlichman at the White House was investigating this matter. This is a fabrication which Mr. Ehrlichman has denied.

The Life article was released the day before the hearings on Judge Haynsworth's confirmation began. It contained snide and untrue references to Judge Haynsworth, completely irrelevant to the subject of the article. The article was written with the purpose of hurting Judge Haynsworth and also as part of a campaign in the northern liberal press to villify Senator Thurmond, because the South has a spokesman who has influence in the Nixon administration.

One may not agree with Senator THURMOND in all matters, but no one can deny that he is an honest man. He did in this matter what he always does—he fought for what he believed to be right, and no man can fault him for that.

STROM THURMOND is a man of sterling character, great courage and limitless capacity; a man who has been honored many times by the citizens of his State, this country, and foreign lands.

It has been reported that a former journalist who was known for his ability to uncover cadavers in the closets of Members of Congress tried for many years to "get something" on STROM THURMOND, and failed to do so. Life merely proved that there is absolutely nothing unsavory about this man. The fact that they could find not one scrap of evidence against him did not stop their tabloid type attack.

In their effort to damage STROM THURMOND, the editors of Life may have done their publication mortal harm; in their effort to hurt his reputation, they tarnished theirs; in an effort to raise questions about his character, they revealed lack of character themselves.

The true motive of Life is revealed in an interview reported by Thomas P. Mayes in the Augusta Chronicle on September 17, 1969, which he held with Judge Julius B. Ness, of Bamberg. In a front page story Mr. Mayes reported:

> The trial judge in Senator Strom Thurmond's recently publicized property condemnation settlement told The Augusta Chronicle that a Life reporter informed him the magazine was "out to get" the Republican legislator.
>
> South Carolina Circuit Judge Julius B. Ness of Bamberg said the magazine contacted him two or three times concerning the case. After repeatedly informing the magazine there was nothing unusual about the settlement. Ness reported, he then asked the reporter why Life was so interested.
>
> He said Life was "out to get Strom Thurmond", the judge continued.
>
> Ness said he does not list himself as a Thurmond supporter.

Mr. President, I have evidence available that the brother journalists of the editor and writer of Life have reached the conclusion that there is no substance to the Life story about Senator THURMOND and Judge Simons.

Numerous editorials supporting the position of Senator THURMOND and Judge Simons have been written by prominent editors all over South Carolina who are objective and fair minded and fully capable of weighing the facts, and their judgment is cleary and overwhelmingly thumbs down for Life, and thumbs up for THURMOND and Simons.

Mr. President, I ask unanimous consent that the following editorials be printed in the CONGRESSIONAL RECORD at the conclusion of these remarks:

"The Smear That Failed", News and Courier, Wednesday, September 24, 1969.

"So Strom's a Tough Fighter", Greenville News, Wednesday, September 17, 1969.

"Strom-Life: Falling Money Will be His", Greenville Piedmont, Wednesday, September 17, 1969.

"Attack on Thurmond Seems Flimsy Case", the Spartanburg Herald, Thursday, September 18, 1969.

"Life's Case Against Strom", Columbia Record, Tuesday, September 16, 1969.

"An Empty Bucket", the Gaffney Ledger, Wednesday, September 17, 1969.

"Strom Needs No Defense", the Ridge Citizen, Thursday, September 18, 1969.

"That's Life, I Reckon!", North Augusta Star, Thursday, September 18, 1969.

"A Strikeout", the Chester Reporter, Wednesday, September 24, 1969.

"Thurmond Taken", Star Reporter, Thursday, September 25, 1969.

"Land For Sale", James Island Journal, Thursday, September 25, 1969.

"A Liberal Smear?", Augusta Herald, Tuesday, September 16, 1969.

"Thurmond 2, Life 0", Charlotte News, Friday, September 19, 1969.

I also ask unanimous consent that documentary evidence prepared by Mr. Currie Spivey, Industrial Site Expert for Daniel Construction Co., be printed in the RECORD following the editorials referred to above.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, in closing, let me reiterate the primary points.

First, the article charges that Senator THURMOND and Judge Simons received more money than their neighbors for land condemned for the highway right-of-way, because of their influence. This is not true and STROM THURMOND publicly denied it in Columbia, S.C., on September 19, where he said:

> As you know, last Sunday Life magazine published a story which implied that Judge Charles Simons and I used our influence as public officials to get more money for a tract of land that we owned than others got for lands located in the same area when our land was condemned by the state to build a highway. These charges are false, malicious and unfounded and I deny any impropriety or wrongdoing.

It is clear that some landowners got more, some got less, per acre for their land than did STROM THURMOND and Judge Simons.

Second, the purpose of the article was to smear STROM THURMOND, hurt Judge Haynsworth's confirmation by the Senate, and do harm to Judge Simons because he has been mentioned as a possible replacement for Judge Haynsworth on the fourth circuit court of appeals. Although his record is without blemish, they hope to ruin his chances for elevation to a higher court.

I think Senator THURMOND parried this thrust well when he said:

> The heart of the matter is simply that the state of South Carolina and the South in general, for the first time now in modern history, has a voice in Washington, and that voice is being heard.
>
> The northern liberals can't stand that. The northern liberal press aimed its guns at me in Miami, and they haven't stopped shooting yet—they haven't shot me down yet, and they won't—because you just can't stop the truth with a pack of lies.
>
> This is just another barrage in the battle between the anti-South, northern liberals and those of us who come from the South who are standing up for the Constitution and fighting to stop the leftward trend and reverse the flow of power to Washington.

There may be other attacks leveled against conservative constitutionalists like Senator STROM THURMOND, but I am confident that he will continue successfully to defend his reputation and his position with truth and unflinching courage as he has done so ably in this case.

EXHIBIT 1

[From the Charleston (S.C.) News and Courier, Sept. 24, 1969]

THE SMEAR THAT FAILED

Life Magazine's attempt to "get" Strom Thurmond by means of a smear article is a failure. The senator's support in South Carolina hasn't diminished. In the nation at large, Life's innuendoes have gone over like the proverbial lead balloon.

In a sensational article captioned "Strom's Little Acres," Life suggested that Sen. Thurmond's influence enabled him to receive an excessively high price from the State Highway Department for 66 acres in South Carolina which he and Judge Charles Simons Jr. owned.

The senator, like many another landowner, declined the State Highway Department's bid for his property. He took the matter to court, as was his right, and settled for a price below what his attorneys thought acceptable. The reasonableness of the settlement is indicated by the fact that the Highway Department paid its attorney an extra fee because he had obtained an "especially favorable settlement for the Attorney General's office in this case."

Life's crude effort is all the more unworthy because Strom Thurmond has gone to unusual lengths to avoid profiting from influence or knowledge gained in public service. He has said he does not own any securities. He also dissolved his law partnership. This is rare in the U.S. Senate in which many senator-lawyers and their partners back home represent powerful corporations or equally powerful unions.

The damage as a result of the Life article is to Life Magazine. It stands exposed as a dealer in sensational smear journalism.

[From the Greenville (S.C.) News, Sept. 17, 1969]

SO STROM'S A TOUGH FIGHTER

We don't pretend to know what Life magazine was trying to prove in the recent "expose" of money made by Senator Strom Thurmond and Judge Charles Simons Jr. on land condemned for highway purposes.

Life did prove one thing South Carolinians already knew. Strom Thurmond is a tough fighter, always ready, willing and able to stand up for his legitimate rights. In this case he was prepared to go to court over the land price and so wound up with a pretty nice settlement.

His actions in the land case, all of them in the public record, are no different from a thousand previous fights on political issues. Strom Thurmond's rugged individualism and refusal to be pushed around on anything by anybody are why he has become an institution in South Carolina.

So what else is new in life?

[From the Greenville (S.C.) Piedmont, Sept. 17, 1969]

STROM-LIFE: FALLING MONEY WILL BE HIS

(By William F. Gaines)

Life magazine has it that Sen. Strom Thurmond and his former law partner bought a tract of land near Columbia at one price and sold it at a much higher one.

This is bad?

If it is illegal to buy property for investment and later realize a profit on the investment, a great many persons in South Carolina are out of jail who should be in it. The practice is rather common.

The property was bought in the early 1950s. It was condemned for road construction by the State Highway Department in 1956. Senator Thurmond and his partner Charles E. Simons Jr., now a district federal judge, were not satisfied with the price offered. They appealed, and later were paid $492 an acre. The 66 acres involved was part of a 3,000-acre tract which had been bought in several parcels at an average price of $14.35 an acre.

All of this is a matter of public record. Life magazine did not have to dig it out, for the record is open to anyone interested in seeing it.

Life makes a leering point of the fact that owners of adjoining property were accepting $200 an acre for tracts of the same nature.

The difference is that Thurmond and Simon appealed, the other property owners haven't. They have, if they wish, the same recourse.

Thurmond has spent 46 years in public life and service in South Carolina and in the Army. This is the first time he has been under attack for any financial dealing.

A picture of the senator standing on his head appeared in Life while he was honeymooning with his first wife, Jean. An anti-Thurmond man was kidding an ardent Thurmond supporter in Greenville about it.

"I can tell you this," returned the pro-Thurmond man. "Any money that falls out of his pocket will be his own."

Thurmond has always been a man of principle and outspoken conviction. This has earned him friends and this has earned him enemies.

In my opinion, he is incorruptible. We could do with some more like him.

He does not deserve harassment.

[From the Spartanburg (S.C.) Herald, Sept. 18, 1969]

ATTACK ON THURMOND SEEMS FLIMSY CASE

As more light is put on the Strom Thurmond land matter, Life magazine's attack becomes much less journalistic expose and much more an attempt at political assassination.

The Senator won't be helped by the episode. But if this is the best they can do to hang Strom Thurmond, he's got a long political life ahead.

The simple facts are these:

Thurmond and his former partner, U.S. Judge Charles Simons, owned a parcel of land in Aiken County. It happened that an interstate highway went through the property.

They declined the State Highway Department's offer of $200 an acre and prepared to take their case to a condemnation jury. A final settlement came to $492 an acre.

S.C. Atty. Gen. Dan McLeod says he feels the price was too high, but that the state decided not to take the matter to a jury for fear the jury would award considerably more. Sen. Thurmond says he thinks the land is worth at least $750 an acre.

This kind of situation is rather common in land acquisition for highway construction.

The only criticism leveled at Sen. Thurmond is that, being a prominent national figure he is, he should have been willing to sell his land for the same price as others in the vicinity received.

That is a rather flimsy basis for implications of scandal and exercise of improper influence.

There is no indication that Thurmond or Simons attempted to exert special influence.

Inevitably, there must be consideration about the political motives involved in the attack. At immediate question is whether it was intended to adversely affect the Senate's approval of Judge Clement Haynsworth for the Supreme Court; and subsequently the possible appointment of Simons to succeed him on the Circuit Court of Appeals.

One thing about Thurmond is that he is not likely to recoil into silence.

[From the Columbia (S.C.) Record]

LIFE'S CASE AGAINST STROM

Vicious muckrakers and doctrinnaire liberals have been trying for a long time to get something on U.S. Senator Strom Thurmond of South Carolina. Finally *Life*, in its effort to put some "life" into its magazine, has come out with a weak indictment that contradicts itself.

By innuendo rather than fact, it attempts, under the title, "Strom's Little Acres," to show that the Senator did something wrong by demanding and getting more than he was offered by the State Highway Department for Aiken County land for an Interstate right-of-way, and by buying a future homesite in the possible path of a Columbia exit route.

Life says Thurmond and U.S. District Judge Charles E. Simons Jr., received $492 an acre for 66 acres while others received an average of $200 an acre, which was the original offer to the former Aiken law partners.

Thurmond said he valued the land at no less than $750 an acre. Highway appraisers gave it a maximum appraisal of $192 an acre. The Highway Department offered a condemnation price of $200. Thurmond and Simons made a move to take the matter to court.

The state's local counsel advised against fighting the case, saying that a local jury verdict might give the landowners as much as $120,000 for the property. The local state's attorney arranged a $50,000 settlement. The U.S. Bureau of Public Roads, which pays 90 per cent of Interstate highway costs, refused to approve that price.

Before the case went to trial, a compromise was reached on a total of $32,500, or $492 an acre. Thurmond said he thought the land was worth more than $50,000, but he and Simons accepted the lower figure "because of the positions we held with the public."

Life sent an appraiser to look at the property. His comment was, "This land is mainly good for holding the earth together," a cliche used for describing uninhabited badlands, deserts and bald, arid mountains of the West. Everybody in South Carolina knows that the state has no land of this type, that all South Carolina land is valuable, and especially so in booming Aiken County. Land values throughout the state have skyrocketed in recent years.

Thurmond and Simons purchased the 66 acres three years before Congress passed the Federal Highway Act of 1956 authorizing construction of the Interstate System, so no routes had been planned at that time.

The second count in *Life's* case against Thurmond was that he purchased a place to build a home on the West Columbia bank of the Congaree River, overlooking the City of Columbia, and he may receive a windfall profit if a proposed river crossing "nicks the corner" of the property.

Life hints that there was some skullduggery about shifting the site of the river bridge from Gervais Street farther upstream. It found the change in plans to be for "reasons as yet obscure."

A principal "obscure" reason was that Gervais Street is criss-crossed by railroads that often pile up West Columbia-Columbia road traffic. West Columbians registered a strong appeal to move the crossing three blocks northward to avoid the railroad tracks. Incidentally, the plans for location of the crossing have not yet taken definite shape.

Thurmond and Simons bought the Aiken County woodlands as an investment, hoping to make a profit. That was not the case in Thurmond's purchase of the West Columbia lots. "I thought I might wish to retire there," he told *Life*. "Now, if this road runs through there and touches a corner, it would destroy the property as a homesite. I have expressed the hope to the Highway Department that they would not have to run it through there, but if they do have to have the property, all I would expect is the money I put in it, plus interest."

The late Drew Pearson was reported to have tried for years to find some deviation to pin on Thurmond and damage his reputation for integrity, but failed. Political foes attempted it and failed. One of the attempts backfired when Thurmond exposed the fact that the information used in the smear attempt had been stolen from his briefcase by an aide of the government spokesman.

And now *Life*, by suggestion and display, tries to make a mountain out of a mirage.

[From the Gaffney (S.C.) Ledger]

AN EMPTY BUCKET

Life magazine went hunting for a needle in the haystack and is quite frankly stuck by its own needling.

If the magazine, with all of its money, prestige, political power and capable investigator-writers, cannot nail Sen. Strom Thurmond with any more than the latest charges leveled at the senior South Carolina senator, then the winner of this round is Sen. Thurmond.

Life has charged that Sen. Thurmond and another party received exorbitant prices for land they owned which was condemned by the State Highway Department.

The article, in the September 19, 1969 issue of Life, states that Charlie Simons and Sen. Thurmond received twice as much for some property condemned by the S.C. Highway Department as did some other property owners who apparently did not appeal to the courts.

Sen. Thurmond said, "When the property which we purchased in the early 1950's was condemned in 1966, the Highway Department did not offer a fair or just price for destroying a prime industrial site and taking growing timber worth thousands of dollars. We appealed to a court and jury which was our only recourse."

Sen. Thurmond has the same rights as any other citizen to own property and to ask for protection and a decision by a jury. If any injustice was done any of the other land owners, the state or the S.C. Highway Department might be answerable before an individual citizen.

If Life magazine, after an extensive effort to dig up something on the South Carolina senator which might be used against him in an all-out drive to reduce any influence he might have in high places, could find nothing more than this, then they have failed miserably.

There was nothing done in this case that could not have been reported by the smallest newspaper in the state, for everything that was done was conducted in the open, it was all legal and above board.

The fact is that nobody in this state or any responsible person in any state would be interested in reporting something that had been reported in 1966 as a matter of public record and has not changed since.

The fact is that the liberal smears against Sen. Thurmond are having an adverse effect. People who know and those who did not know before, realize more than ever that Sen. Thurmond is a man of integrity and that those who attack him are doing so with political purpose.

We do not always agree with the senior senator from the Palmetto State but we have never, ever had any reason to question his character, uprightness and honesty.

Life writers might look closer home for skeletons in political closets. They might prompt an investigation into some matters which have caused far more damaging accusations to be leveled against certain liberal senators.

Sen. Thurmond has his faults, he is human. He is entitled to the rights and privileges given each and every American. His moral conduct has been beyond reproach for as long as we have known him and of him, and we in South Carolina have known him and of him, far longer than anyone at Life magazine.

If the story was written to sell magazines, we hope it succeeded. If it was meant to damage the character of Sen. Thurmond it failed miserably. If you set out to smear someone . . . be sure you have some dirt in your bucket before you take him on. Life magazine took on Sen. Thurmond with an empty bucket and everybody knows it . . . even Life.

[From the Johnston (S.C.) Ridge Citizen]

STROM NEEDS NO DEFENSE

Strom Thurmond needs no defense from here or elsewhere against the innuendo of slander in a story published in the recent issue of Life Magazine. Anyone who knows Strom Thurmond and Life Magazine can come only to the conclusion that the magazine is out to "get" Senator Thurmond by any means, fair or foul. And that conclusion can be arrived at with no other information than the above. A detailed list of so-called "facts" in the matter is not necessary.

If ever a Shakespearean quotation were applicable, the following is to Life's article: "It is a tale told by an idiot, full of sound and fury, signifying nothing."

In this connection, we note that Wednesday morning's Augusta Chronicle, carried a statement by the trial judge in the case that Life's reporter admitted to him that Life was out to "get" Thurmond. The magazine is a mouthpiece of the Liberal extreme which hates and fears the influence of Senator Strom Thurmond.

In the 46 years of his political life, better men than Life Magazine's reporter have tried the same thing, only to come up against the impregnable wall of Thurmond's private and public integrity. South Carolina politicians have no peers when it comes to unearthing something or anything that would be detrimental to an opponent. And that fact that South Carolina politicians have been unsuccessful for this long is due to a very simple explanation: there is nothing there on which Thurmond's character and integrity may be successfully attacked.

He needs no other defense.

[From the North Augusta (S.C.) Star, Sept. 18, 1969]

THAT'S LIFE, I RECKON

From what we read, it looks like Life magazine is after Our Strom. 'Pears as how that Yankee magazine thinks $492 an acre is too much for some land Strom sold for the interstate right-of-way.

Reckon them Life writers still thinks weuns is just using our land for growin' five cent cotton.

Shore am glad them critturs didn't attend the last meeting of the area school advisory council. One of the things they discussed was how much money a couple of local folks wants fer a access road to the new high school.

Seems as how one feller wants $15,000 fer 2.1 acres and 'nother fellow wants $1500 per acre fer three and a half acres.

Right now, them same acres is bein' used fer cows to graze on.

Shore hope them Life fellers don't find out about this! They might start investigatin' our farmers!

[From the Chester (S.C.) Reporter, Sept. 24, 1969]

A STRIKEOUT

We do not agree with Senator Strom Thurmond on all subjects but we do agree with his characterization of the recent article in Life Magazine as "false, malicious and unfounded." It was a pretty sorry attempt to imply wrongdoing in a situation where the bare facts would not support such a charge.

And these facts were simply that Senator Thurmond and his former law partner, Federal Judge Charles Simons, refused to accept an offer of $200 an acre for land needed by the State Highway Department and settled out of court for $492. This figure, approved by the S.C. Attorney General, was a compromise of their claim that the land was worth at least $750 an acre.

As Senator Thurmond said, he had quit his law firm and stripped himself of all connections that might be considered in conflict with his duties as a Senator, but he did not give up his rights as a citizen to protect his property.

That Thurmond, as a Republican Senator, could force this compromise out of a Democratic regime in South Carolina should have been warning enough to Life that the facts did not cover the insinuations of political pressure and fast-buck dealing contained in the article.

There is a strong suspicion, as Senator Thurmond charged, that Life was sold a bill of goods by Democratic party officials in the hope that his political future would be so damaged that Thurmond could be replaced in the Senate by a good Democrat.

[From the Star Reporter, Sept. 25, 1969]

THURMOND TAKEN

Competent lawyers tell us that Yancey McLeod knows whereof he speaks in his assessment of the value of Senator Thurmond's property, which was the subject of Life's half-baked expose. Such being the case, it appears to us that the senator and his partner, Judge Simons, were taken for up to $40,000 by the state in this transaction.

[From the James Island Journal, Sept. 25, 1969]

LAND FOR SALE

The story behind the story concerning Strom Thurmond's sale of land to the highway department suggests as much indiscretion as the sale itself. There is speculation that it is not a move by liberals out to gain revenge against the South Carolina conservative but rather a maneuver on the part of South Carolina politicians to embarrass Thurmond and lessen his chances for reelection next time around.

If this is the case, we feel sorry for anyone that has to step that low. Granted that the price paid for Thurmond's land was high, officials have nevertheless admitted that he could have probably obtained more had he chosen to go to court.

If he had purchased the land with prior knowledge of the roadway's being built in that specific location, the criticism would have been justified. Journal readers know that we have been seldom in Senator Thurmond's corner, but in this instance, we feel that he has been the victim of someone's outright greed, either for money or what they felt to be a chance at political power.

As we heard in one commentary, it ap-

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pears that the prestigious national press is out to get any and all politicians through picking at anything that they can exaggerate into some sort of sensationslism. Being a public figure exposes a person to constant public view, but it shouldn't require them to suffer the indignities heaped on them by a nit-picking news media that has lost its concept of objective reporting.

Sooner or later the public will wise up that what they are hearing and reading is not really reporting, but a form of trite entertainment, a yellow journalism, designed only to enhance commercial ratings and protect advertising revenue.

We would venture a guess that 90% of America's problems are promoted, if not generated, by this same irresponsible group The sad part is that the group is probably less than 1 percent of the overall news media.

[From the Augusta (S.C.) Herald, Sept. 16, 1969]

A LIBERAL SMEAR?

Charges brought by Life Magazine that Sen. Strom Thurmond (R–S.C.) and Federal Judge Charles E. Simons have profited excessively from the sale of land for use in the Interstate system seem to be about what the senator has called them—"another in series of attempted liberal smears."

Life has said that Thurmond and Simons received $32,500—$492 an acre—for 66 acres of land of a type that brought their neighbors around $200 an acre. The strong implication is that the two former law partners were able to get the higher figure by virtue of their respective high offices.

Both men have categorically denied any wrong-doing. Judge Simons is quoted as saying in response to the article: "We received no more than a fair price for the land—there is no question about that. I don't know what the other landowners got."

For his part, Sen. Thurmond said that upon going to the Senate in 1954 he gave up his law practice, severed all business connections and disposed of such stocks as he held, but "did not and will not surrender my right as a citizen to own property."

That right to own property connotes the right to dispose of property.

The property in question, interestingly enough, was acquired in 1953, at an average price—Life says—of $14.35 an acre. Whatever reason Thurmond and Simons might have had for buying it, that reason could not have had anything to do with any preknowledge of the use to which it actually was put, since even the outline for the Interstate system was not aired until the following year, when President Eisenhower first presented it at the Bolton Landing (N.Y.) Governors Conference on July 12, 1954.

As for whatever price other landholders in the vicinity got for their property, that would seem to be their affair and does not necessarily have any bearing on what Thurmond and Simons were paid. All had access to the courts to appeal the original offer on condemnation, and the two men availed themselves of this right. Apparently, not all of the others did likewise.

It is no dark, deep secret that there has been among liberals of both parties a gnashing of teeth over the amount of influence Thurmond allegedly wields over the Nixon Administration, and his charge of a "liberal smear" would seem to be every bit as valid as is the implication of wrongdoing on his part.

In fact, the Life charge appears to be just another manifestation of that abiding anti-Southernism which has been so roundly condemned by columnist James Jackson Kilpatrick, and which has so colored the opposition in Congress to the Supreme Court appointment of Judge Clement F. Haynsworth of Greenville, S.C. (an appointment which, incidentally, knocked down the shibboleth of Thurmond's supposed "influence," since the man he was backing was passed over).

Someone apparently has dug mightily to discredit the senator, only to come up with a handful of dust. We have a notion the senator will survive the latest attack.

[From the Charlotte (S.C.) News, Sept. 19, 1969]

THURMOND 2, LIFE 0

We yield to none in our distaste for the general run of South Carolina Sen. Strom Thurmond's politics. Perhaps it is significant that one is impelled to make that plain before venturing that Life magazine hasn't laid a glove on the senator in its investigation of his real estate dealings.

The facts as Life sets them forth seem clear and above contest. Thurmond and Federal District Court Judge Charles Simons, a friend and associate, owned 66 acres of land that lay in the path of an interstate highway in South Carolina. A complex chain of events brought Thurmond and Simons to the threshold of a court fight with the state over the value of the land, whereupon the state agreed to pay them more than twice what other landowners in the path of the interstate were getting. In another instance, Life notes, a parcel of Thurmond-owned land fell unexpectedly and conveniently under the end of a new bridge.

"It cannot be stated that Thurmond had foreknowledge of or control over . . . the bridge site," Life says of the point that is essential to make the bridge episode worth more than a glance, which is all Life gives it.

That the outcome of the interstate episode was not fair is indisputable. That the status of Thurmond and Simons as public figures in South Carolina didn't hurt them any in their contest with the state is alleged, and is reasonable to assume. However, it's also true that what happened was neither illegal nor very uncommon. In fact, if we understand correctly, any man with knowledge and money enough to hire a lawyer and fight for his land may receive an increased settlement, simply because government likes to avoid the trouble and expense of court fights.

And that, in fact, is about all Senator Thurmond demonstrably did. He certainly has that right, even if the attendant developments and results might well embarrass a senator who once said "A man in public office has got to appear to be right as well as be right." It's pretty small potatoes, really, unless the people at Life have more to tell. So far they don't seem to have proved much, except that these matters are seldom fair. And they don't seem to have accomplished much, except maybe to further strengthen Senator Thurmond's hold on the heads of South Carolinians and the Senate seat that is theirs.

GENERAL INFORMATION ON SENATOR THURMOND-JUDGE SIMONS TRACT

(a) Topography of 452 Acre Tract is quite suitable for utilization as a building site for a large Industrial Plant prior to Bisection by I–20. Bisection by I–20 has completely negated such utilization by reducing the land area remaining on either side of I–20 to inadequate proportions.

(b) The South Edisto River constitutes an excellent source of raw water as well as an ideal medium for dissipating treated Industrial effluent. (Flow rate reported 16–18 million gallons/day).

(c) Well water experience in the area is excellent. The City of Aiken derives approximately 15% of its potable water from a single well capable of delivery up to 4,000,000 gallons of water per day.

(d) Natural Gas is available at the site.

(e) Railroad is available within 6.8 miles: $914,000 approximate cost times 1.5 equals $1,371,000.00 yearly gross revenue. $1,371,000.00 divided by $300 per car equals 4570 cars per year.

This type railroad revenue could be derived from: (1) Average pulp mill (2) major synthetic fiber plant (3) large heavy chemicals plant (4) large nitrogen plant (5) other miscellaneous large industrial plants.

(f) U.S. Highway No. 1 is located approximately 3 miles west of the site with an excellent network of county road connections. These would normally be paved, according to the industries requirements, by the state or county.

(g) Labor availability in this portion of Aiken County is excellent. There are no major industries in this area of Aiken County or adjoining Edgefield County.

(h) Soil bearing capacity in the area is very good.

(i) Available adjacent land for expansion requirements.

A. PURCHASE PRICES PAID FOR INDUSTRIAL TRACTS ACTUALLY SOLD IN SOUTH CAROLINA SIMILAR TO THE TRACT OF SENATOR THURMOND AND JUDGE SIMONS

Industry	Approximate number of acres	Average price per acre	Year
Nitrogen	316	$787	1961
Synthetic fibers	600	900	1961
Do	2,500	500	1964
Paper	413	552	1965
Synthetic fibers	750	500	1966
Chemical	645	500	1966
Nuclear fuels	1,000	800	1967
Synthetic fibers	1,500	540	1968
Do	260	800	1969

B. AVAILABLE INDUSTRIAL SITES FOR SALE WHICH ARE LISTED BY DANIEL CONSTRUCTION COMPANY AND WHICH ARE SIMILAR TO TRACT OF SENATOR THURMOND AND JUDGE SIMONS

Location	Approximate number of acres	Average price per acre
Greenville	800	$1,000
Dillon	100–300	750–1,000
Timmonsville	448	850
Lake City	150	800
Hartsville	394	600
Jackson	225	500

C. CONDEMNATION PRICES PAID TO AIKEN COUNTY LANDOWNERS BY SOUTH CAROLINA HIGHWAY DEPARTMENT FOR RIGHTS-OF-WAY ON HIGHWAY I–20[1]

Owner	Location	Approximate number of acres	Average price per acre
Dr. W. H. Mathis, Jr.	Belvedere	33	$1,666
W. D. Mathis	do	19	1,736
Julian Roberts	do	35	650
Jenny McKie	North Augusta	90	1,000
Butler Estate	Belvedere	22	1,136
Bennie Willing	Aiken	22	465
John W. Yonce	do	21	514
Lenwood Willing	do	11	500
Ralph Hartley	do	14	581

[1] Same highway on which the tract of Senator Thurmond and Judge Simons is located, and only a few miles away.

D. SITES WITH SIMILAR CHARACTERISTICS ARE MORE SCARCE EACH YEAR DUE TO REQUIREMENTS BY INCOMING AND EXPANDING INDUSTRY—NEW AND EXPANDING INDUSTRY (CAPITAL EXPENDITURES) IN SOUTH CAROLINA

Year	Number of new and expanded plants	Value Of investment
1960	151	$209,759,000
1961	187	217,677,000
1962	187	210,795,000
1963	162	264,208,000
1964	179	281,214,000
1965	226	600,006,000
1966	202	509,012,000
1967	149	305,797,000
1968	201	635,617,000

IN MEMORIAM—JOHN P. WHITE

Mr. KENNEDY. Mr. President, this morning, John P. White—known as Skip to his hundreds of friends—died suddenly and unexpectedly as he was leaving his home in Rockville, Md.

Skip served both his home State of Massachusetts and his Nation over the years with ability, imagination, dedication, and high good humor. His record of public service covers some 35 years, and bears repetition to show the variety of his experience.

He was born in Winthrop, Mass., in 1915, and was educated in the Winthrop public schools, the New Preparatory School, and Boston College.

He served as a legislative aide in the Great and General Court of Massachusetts—the legislature—from 1934 until 1940.

In 1940, he enlisted as a private in the Field Artillery of the U.S. Army, and served with distinction until 1945, by which time he had risen through to the rank of captain.

After his discharge, he returned to the Massachusetts Legislature, this time as legislative counsel and stayed from 1946 to 1953.

Christian Herter was serving as Governor of Massachusetts in 1953, and Skip joined his staff as legislative secretary. Governor Herter and Skip had become friends in the 1930's, and this close association continued in the Massachusetts State House until 1957.

In that year, Skip came to Washington to serve in the Department of State, as a Special Assistant in the office of Congressional Relations. He later became Deputy Assistant Secretary of State for Congressional Relations, and he held this post until his death this morning.

President Kennedy spoke often of his great respect for Skip, whom he had come to know in his work as a member of the Senate Committee on Foreign Relations. This relationship—based both on personal friendship and a working relationship—continued through President Kennedy's life.

I shared this respect for Skip, because of his unlimited capacity for work and unflagging devotion to assisting the Members of Congress with matters relevant to the State Department. In my travels abroad as chairman of the Senate Subcommittee on Refugees and Escapees, for example, Skip was of immeasurable value.

He leaves behind him a large gap in the lives of his many friends. These friends live both in Massachusetts and in Washington, as well as around the world. He was in many ways unique in keeping his old friends while making new ones every day.

I speak for these many friends in saying how much we shall miss him.

To his wonderful wife, Elaine, and his son Scott, now a student at Princeton, I offer my sympathy for their loss, but in consolation to them let me say he leaves warm memories of a rich and full life of service to his country and companionship to his friends.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. JAVITS. Mr. President, I yield to the Senator from New Jersey for the purpose of introducing an amendment.

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and the Senator from New York (Mr. JAVITS), I send to the desk a substitute amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read the amendment as follows:

On page 51, before the period on line 24, immediately before the period insert a semicolon and add the following: "except that, notwithstanding any other provision of this subsection, in the case of any coal mine which is operated entirely in coal seams located above the watertable, which has not been classed under any provision of law as a gassy mine prior to the date of enactment of this Act in which one or more openings were made prior to the date of enactment of this Act, and the total annual production of which does not exceed 75 thousand tons annually based on the mine's production records for three calendar years prior to such date, the effective date of the provisions of this paragraph shall be three years after the operative date of this title, provided that any operator of such a mine who is unable to comply with the requirements of paragraph (1)(D) on such effective date may file with the Panel an application under paragraph 5 of this subsection for a permit for non-compliance ninety days prior to such date. If the Panel determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (8) of this subsection and that such operator, despite his diligent efforts will be unable to comply with such requirements, the Panel may issue to such operator such a permit. Such permit shall entitle the permittee to an additional extension of time to comply with the provisions of this paragraph of not to exceed twenty-four months, as determined by the Panel, from such effective date."

On page 56, between lines 12 and 13 insert:

"(12) On and after two years from the operative date of this title, all electric face equipment covered by paragraphs (5) and (6) of this subsection which is replaced or converted shall be permissible and maintained in a permissible condition and, in the event of any major overhaul of such equipment in use on or after two years from such date, such equipment shall be put in and shall thereafter be maintained in permissible condition."

Mr. WILLIAMS of New Jersey. Mr. President, the substance of this amendment was read prior to the point made by the Senator from Kentucky. The only changes are technical, to make it conform to the amendment for which it would be a substitute.

The PRESIDING OFFICER. Without objection, the Chair recognizes the amendment as now in proper form.

Mr. COOPER. Mr. President, I raise a point of order, and ask for a ruling from the Chair, as to whether the amendment can be offered as a substitute.

The PRESIDING OFFICER. The Chair has just ruled that the amendment can be offered and is in proper form.

Mr. JAVITS. Mr. President, is my name on that amendment?

The PRESIDING OFFICER. Yes, it is.

Mr. JAVITS. And the name of the Senator from West Virginia (Mr. RANDOLPH)?

The PRESIDING OFFICER. Yes; the Senator from West Virginia is also a cosponsor.

Mr. WILLIAMS of New Jersey. Mr. President, it was previously requested. That was an error.

Mr. JAVITS. Mr. President, then, the sponsors are the Senator from New Jersey and I. The name of the Senator from West Virginia (Mr. RANDOLPH) is off.

The PRESIDING OFFICER. The three Senators are sponsors.

Mr. JAVITS. Mr. President, the name of the Senator from West Virginia (Mr. RANDOLPH) is to be stricken, at his request.

The PRESIDING OFFICER. Very well.

Mr. JAVITS. Mr. President, one brief word, and I shall not detain the Senate long.

I heard, with interest, the Senator from Kentucky (Mr. COOPER) refer to my familiarity with the slums of New York, and his lack of familiarity with them and their details, being like my lack of familiarity with conditions in eastern Kentucky. I will, of course, thoroughly agree with the Senator from Kentucky that he knows much more about the mines in eastern Kentucky than I do, just as I know much more about the slums in New York than he does; but he is a U.S. Senator and I am a U.S. Senator. I have to vote on his mines, and he has to vote on my slums. If he were a member of the Committee on Labor and Public Welfare, and he were the ranking minority member of the committee's subcommittee concerned, he would have to use his best judgment, as God gave him to use that judgment. His judgment would not in any way be affected, as mine is not affected, by the fact that I have a deep feeling for those people, not any more or any less than for every other American.

I state frankly that I was persuaded by the evidence, nothing else. If I were a judge on the Circuit Court of Appeals in the District of Columbia, or on the Supreme Bench of the United States, I would have to rely upon the same criterion. I do not think I disappoint the people of my State any more than I think I disappoint the people of the country by so doing.

Here is the nubbin of this case as I see it. There is a universal opinion among the labor people that the distinction between gassy and nongassy mines should be eliminated. It is true that many of the mines the Senator from Kentucky is talking about are very small businesses and are not organized. I do not say that is good or bad. It is a fact of life. I know

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that the Senator from Kentucky has argued for years that the United Mine Workers has been in some sort of cahoots with operators with respect to health and safety requirements. I do not know whether it is true or false, but I know as far as labor is concerned, it has requested this regulation for both gassy and nongassy mines.

Couple that with the fact that the Bureau of Mines, an agency of the United States, thinks it should be done and that technically it can be done, and add to it the fact that there have been explosions in nongassy mines. The ratio of explosions between nongassy and gassy mines may be 2 to 20 or 2 to 50, but there have been explosions in nongassy mines, explosions which have kill and maimed miners. Therefore, if we are going to have health and safety, we have to do something about it in mines where there has been not only a hazard but a loss.

So the question comes up: What distinction shall we make between the two?

The Senator from Kentucky is on strong ground in certain respects. I do not think he is on strong ground for advocating that the small mines be left out of this requirement that all equipment be explosion proof, but he is on strong ground when he says they are small mines and they have financial problems. We do not want to put them out of business unless the requirements of safety dictate otherwise.

I know of other businesses, small enterprises, that would do pretty well if we permitted them to operate. For example, firms could make fireworks and sell them. Firms might distill alcohol and sell it illegally. They might engage in narcotics sales. There are many businesses that could exist if we permitted them to, but we have to have a balance between social gain and social loss.

I want to keep those very small mines in business if I can. I am a member of the Small Business Committee, so I have some familiarity with the problems faced by small businessmen.

I know the feeling of the Senator from Kentucky for people, and I know something about the situation. The people there have no better friend than John Cooper of Kentucky. Nor has he any better friends than they. They are fine, honorable Americans. I am sure we should stretch every point he has made. The only question is: What can we do?

I do not see, in all honesty, how we can make this distinction, which would be, not arbitrary, but unjustified from a safety standpoint. I will not use the word "arbitrary." Second, what can we do to help them financially?

There exists a serious difference between the Senator from Kentucky and the committee. We really believe we help by the changes made in this bill, which completely revise the matter of re-equipping mines. The practice used to be that if an operator wanted to have equipment which was permissible, he would have to send it to Pittsburgh for the purpose of its being appraised, analyzed, and tested by the Bureau of Mines. Under the bill, the inspections, and so forth, would take place at the site, with every kind of field improvisation, as we used to call it in the Army, and the machinery would be permissible so long as it came up to the performance standards.

Again the Bureau—and I do not know why it would have any ax to grind—represents that the cost per small mine would be $10,000. That is a tremendous difference from the $240,000 or $260,000 figure the Senator from Kentucky has used. Certainly the cost of $240,000 or $260,000 for many small mines would be confiscatory. I would be the first to say it. But we think we have found a way out of that.

It seems to me there is a case for the Bureau of Mines, not withstanding that at one time the witnesses testified that the cost would be several hundred thousand dollars. Now we are over that hill and we have done something different, which brings the cost down and which means the small nongassy mines can be brought within this framework.

That is our case. I will not be passionate about it. I think I speak for the Senator from New Jersey (Mr. Williams) when I say that both he and I would be pleased by nothing more than to agree with the Senator from Kentucky (Mr. Cooper). We do agree on practically everything. But sometimes there are sectional interests. Sometimes there are responsibilities such as I carry and such as the Senator from New Jersey carries as members of the Committee on Labor and Public Welfare, where we think we see things clearly and where we are convinced, no matter how warmly we feel about opponents on this question. We can treat our opponents affectionately, but we cannot throw in with them. I cannot in this case. Whatever the Senator does, I must vote for my conviction. Having heard it out and tested it out, I cannot do otherwise.

So, Mr. President, as far as I am concerned, I rest our case with the Senate. In the strain and effort to do something more than we have done before—and we have given much time to this matter—the amendment which the Senator from New Jersey has offered for both of us will give another year of relief. It will give 5 rather than 4 years. It simplifies the application. There is a 3-year moratorium. Then he gets 2 years more on one single application. It can be granted for many reasons, whether it is economic or the ability to acquire the equipment.

Then we have included in the bill the opportunity for small business loans.

Those are the two areas in which we have tried to accommodate the situation; and the substitute, as I say, goes even further than we did in committee: It provides for a simplified procedure and an additional year.

One last thing: I think that one of the most important successes—the Senator from Kentucky does not have to agree with me, and I am not asking him questions—that the Senator from Kentucky could have would be that a distinction is made by this substitute between gassy and nongassy mines in respect to the time allowed. Thus I think the principle as to which Senator Cooper feels so deeply is given some recognition; but we simply cannot go along with him on the basic issue of leaving out the nongassy mines completely, for the reasons I have stated, assuming the Senate agrees with us. We can only give our view. I assume that the Senator from New Jersey (Mr. Williams) will speak for himself, but I think I have fairly represented the motivation and the attempt which has persuaded us that this is the way the Senate ought to go.

Mr. WILLIAMS of New Jersey. Mr. President, the Senator from New York certainly speaks eloquently for himself, and he speaks for my position also.

I should like to state, very briefly, where we are. The bill as reported, together with the amendment that is now pending, would require, if this amendment were adopted:

First, that all mines now classified as gassy comply as to all electric face equipment within 16 months.

Second, that small, 1-horsepower electric face equipment in all mines be permissible within 16 months.

Third, that the large horsepowered equipment in all mines now classified as nongassy be permissible within a maximum period, depending on the availability of equipment, of 4 years, except that all mines now classified as nongassy which are above the water table, and which annually produce not more than 75,000 tons, shall have up to 5 years, depending on the availability of equipment, to be make their equipment permissible.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I should like to ask the distinguished Senator from New York a question.

In what way does his substitute amendment change the language of the bill so as to accommodate the small operator in the economic situation which confronts him, while, at the same time, providing additional safety for the miner?

Mr. JAVITS. First, it gives the smaller operator more time. It gives him a year more than is given to other operators to conform to the standards of the bill.

Second, it gives him a much simplified procedure. In the rest of the bill, after 16 months, the nongassy operator has to make an annual application for more time. Under the substitute, the small operator gets practically a standstill for 3 years without anything, and then another 2 years for some more, but it is a very easy provision for him to take advantage of. So those are two distinctions: one is to time, and the other is to procedure.

Those are the effects of the substitute. As to safety, we wait an extra year. But you have to draw a balance somewhere, and we are really straining to try to accommodate the economics of the situation.

Mr. RANDOLPH. That is right.

Mr. JAVITS. The Senator from New Jersey and I have no doubt as to our rightness on the classification, but we are trying very hard to accommodate the eloquent pleas of the Senators from Kentucky (Mr. Cooper and Mr. Cook), and I am sure others feel the same way.

Economically, there must be some bad news, but we have done the best we can.

Mr. BYRD of West Virginia. Does the Senator feel that, on the basis of the evidence, the small operators can feasibly meet the requirements of the substitute within the time frame that is provided by the substitute?

Mr. JAVITS. We believe so. We believe so very much, because we do place a lot of faith, and I think justly, in the complete change in procedures, which can cut costs enormously, because again that is a two-sided thing: One, you save the enormous costs of shipment and transshipment; and two, you open the door to all kinds of field improvisations. Because if you deal with shipping something to Pittsburgh, they have to assemble it; hence, in essence, it has to be new. But the minute you get inspection on the site, then it can be rehabilitated. It can be a bunch of spare parts or components a fellow gets and puts something together, because you have tremendous latitude for improvisation in the field, and the Department expects that.

They know there will be a big burden of administration, but, again, an effort is being made to accommodate the small operator, and their estimate of the cost is $10,000, as contrasted with the figure stated here of $240,000 or $250,000. I do not know enough about estimates to argue about it; it may be $12,00, $15,000, or $18,000, rather than $10,000, but it is in an entirely different order of magnitude, contrasted with the cost of a bunch of new machinery sent to Pittsburgh for a seal, and so on.

I believe, and the Senator from New Jersey believes with me, that the order of magnitude within that compass, $10,000 or thereabouts, is well within the competence of any operator who really ought to be in business. I mean, we simply cannot stretch the rubberband beyond the point where we are going to risk lives, because we are trying to keep everybody in business. That is really what the balance is, and this is where we struck it.

Mr. COOPER. Mr. President, I do not want my friends from New York and New Jersey to think I am ungrateful. If I did not show proper regard for them in this debate, it was because I feel strongly about this issue, and not because I do not respect them. They are certainly not my enemies. We have been friends throughout the years, and perhaps I can talk that way, at a time when we are celebrating the anniversary of the birth of Gandhi.

There are those in the country today, who cause violence, yet say they are in the tradition of Gandhi. They are not in his tradition. He did not hate those against whom he opposed. He appealed to their goodness, to their common humanity. He loved them.

So, as I have been talking against your positions, I have been appealing to your goodness.

Mr. JAVITS. Mr. President, will the Senator yield? I just want to add one of the most interesting experiences of my life to that.

Mr. COOPER. I yield.

Mr. JAVITS. Golda Meir, in New York, spoke with the deepest feeling of grief for the Arab boys who are falling in the so-called guerrilla warfare against Israel. In the same spirit, she said her heart was grieved and broken just as much for any boy, Arab or Jew, who fell in that kind of struggle.

Mr. COOPER. It is an aspect of greatness and of her greatness.

I must respond to the subject—the substitute. As I understand it, it provides to those mines now classified as nongassy an additional year in which to convert their equipment, if their annual production does not exceed 75,000 tons. A mine producing 75,000 tons would, on the average, produce about 250 tons a day. It is not a large mine. It might or might not be able, over a long period of years, to purchase such equipment. It would depend upon its acreage, its capital, and many factors which none of us can estimate clearly at this time.

I oppose the substitute amendment, because it only postpones the date of closing of many mines.

Mr. President, I urge that the substitute amendment be rejected.

Mr. COOK. Mr. President, I cannot help saying, with all the respect I have for the distinguished senior Senator from New York and the distinguished Senator from New Jersey, that the enthusiasm with which the substitute amendment is being presented can best be described by the fact that 18 States in our Nation mine coal. And from those 18 States come 36 Senators. There is not a single Senator from a coal mining State in the United States that has his name on the substitute amendment.

That is the only statement I want to make in supporting the senior Senator from Kentucky in opposing the substitute amendment.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that, following a quorum call in which the presence of a quorum will have been ascertained, the proponents of the amendment, represented by the Senator from New Jersey, and the opponents of the substitute amendment, represented by the Senator from Kentucky, have 5 minutes each to conclude the debate on the substitute amendment.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, is it the intention to have a live quorum?

Mr. JAVITS. That is what I understand the Senator from Kentucky has in mind. Is that correct?

Mr. COOPER. No. I will be satisfied if we have a quorum call.

Mr. JAVITS. Mr. President, I modify my unanimous-consent request to provide that after a quorum call, which will follow immediately upon this unanimous-consent agreement, the time for the quorum call not being charged to either side, when the Senate resumes its deliberations, there be 10 minutes of debate on the substitute amendment, the time to be equally divided and under the control of the Senator from New Jersey (Mr. Williams) and the Senator from Kentucky (Mr. Cooper).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanmious consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on the amendment in the nature of a substitute, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, I shall take time only to say that the substitute, although offered on its merits, is also offered to defeat the proposition which I have urged before the Senate; namely, that the classifications of mines should be retained as gassy and nongassy.

The effect of the substitute amendment, if adopted, would be to remove those classifications. The amendment is of no substantial benefit at all to the nongassy mines and the small operators. It would only postpone the date of closing mines.

I urge that the substitute amendment be rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am sure that both Senators from Kentucky know of my appreciation of the problem they have presented to the Senate. I am sure that the distinguished senior Senator from Kentucky (Mr. Cooper) recalls that in 1965 and 1966 it was upon my motion that he sat, in effect, as a member of the Committee on Labor and Public Welfare as we considered the problem of the smaller bituminous coal miners of the United States. At that time, I helped to bring that legislation, with the aid of former Senator Morse and others, to the floor, and this is a matter of record.

So the understanding of the Senator from West Virginia, who now speaks, as to the problem is one that I do not believe that anyone—certainly, not the Senator, for whom I have a very cherished affection—would indicate otherwise.

Mr. COOPER. May I say that I agree wholly with the Senator. He and his colleague, Senator Byrd, have been valiant fighters for their sides, their mines, their miners, and for safety.

Mr. RANDOLPH. I thank the Senator.

We come today to this situation in the mine health and safety proposal of 1969. We remember the past, but we are faced with the problem, in so far as possible, at least in degree, regardless of the type of mine, of remembering that it is the health and the safety of the miners that must be considered by the Senate.

For the record, I want to have it understood very clearly that the feeling within the committee and the feeling

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within the subcommittee was—I would say 80 percent of the membership of the subcommittee and the committee, as Senator Cooper, I think, would understand in our conversations—for a 3-year period. An amendment to that effect was offered in the full committee. But I appealed, very frankly, to the Senator who offered the 3-year proposal to extend it to 4 years, because I recognized the problem. To a degree it exists in West Virginia, Virginia, Kentucky, and other States. So I was going then beyond what I think the committee really felt in its composite judgment we should do.

Now we come here, and after going from 3 to 4—I think Senator Javits would say that I argued the point of 4 years rather than 3—we come up with 5 years.

So there is a very real attempt here not only on the part of the majority but also of the minority of the committee to understand and try to respond to the argument of the Senator from Kentucky. I cannot believe that the Senate, after we have worked for months and months on this measure—we understand the health and safety problems involved—would not think in terms of the constructive substitute which has been offered. I trust that it will pass by a very considerable margin of votes.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. I yield back the remainder of my time on the substitute amendment.

Mr. COOPER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the substitute amendment has been yielded back.

The question is on agreeing to the substitute amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METCALF (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from New Mexico (Mr. Montoya). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. MATHIAS (when his name was called). Mr. President, on this vote I have a live pair with the Senator from South Carolina (Mr. Thurmond). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea."

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from Georgia (Mr. Russell), and the Senator from Virginia (Mr. Spong) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes), and the Senator from Washington (Mr. Magnuson) are absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. Cranston), the Senator from New Mexico (Mr. Montoya), the Senator from Iowa (Mr. Hughes), the Senator from Virginia (Mr. Spong), and the Senator from New Hampshire (Mr. McIntyre) would each vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Kansas (Mr. Dole), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Oregon (Mr. Packwood) and the Senator from Delaware (Mr. Williams) are detained on official business.

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Kansas (Mr. Dole). If present and voting, the Senator from Oregon would vote "yea," and the Senator from Kansas would vote "nay."

The pair of the Senator from South Carolina (Mr. Thurmond) has been previously announced.

If present and voting, the Senator from Tennessee (Mr. Baker) would vote "nay."

The result was announced—yeas 45, nays 31, as follows:

[No. 107 Leg.]

YEAS—45

Aiken
Anderson
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Dodd
Eagleton
Eastland
Ellender
Fong
Gravel
Griffin
Harris
Hart
Hartke
Holland
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
McGee
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—31

Allen
Allott
Bellmon
Bennett
Boggs
Brooke
Cook
Cooper
Cotton
Curtis
Dominick
Fannin
Fulbright
Goldwater
Goodell
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
Mansfield
Miller
Mundt
Pearson
Prouty
Saxbe
Sparkman
Stennis
Stevens
Tower
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Mr. Metcalf, against.
Mr. Mathias, for.

NOT VOTING—22

Baker
Bayh
Cranston
Dole
Ervin
Gore
Hatfield
Hughes
Long
Magnuson
McCarthy
McClellan
McGovern
McIntyre
Montoya
Murphy
Packwood
Russell
Smith, Ill.
Spong
Thurmond
Williams, Del.

So the amendment of Mr. Williams of New Jersey in the nature of a substitute for Mr. Cooper's amendment (No. 218) was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. SCOTT and Mr. JAVITS moved to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Kentucky (Mr. Cooper), as amended by the substitute amendment offered by the Senator from New Jersey (Mr. Williams) and the Senator from New York (Mr. Javits).

The amendment, as amended, was agreed to

Mr. SCOTT. Mr. President, I now ask the distinguished Senator from New Jersey (Mr. Williams) to advise us what other amendments may be pending. I understand the distinguished Senator from Vermont (Mr. Prouty) has an amendment. Are there others?

Mr. WILLIAMS of New Jersey. As far as known here, that is the only amendment that is expected, unless other Senators have amendments that I have not been notified of.

Mr. COOPER. Mr. President, I have an amendment.

Mr. WILLIAMS of New Jersey. So it would be two amendments that we now know of.

Mr. SCOTT. Mr. President, can we have some understanding as to limitation of time, or does the Senator feel he would not want to do that?

Mr. PROUTY. I do not feel that I should agree at this time.

Mr. WILLIAMS of New Jersey. Mr. President, I would be willing to agree to a time limitation. I know the general nature of the amendment of the Senator from Vermont.

Mr. SCOTT. Mr. President, I would request that the Senator from Vermont be next recognized so that, while we have so many Senators present, we may ask for the yeas and nays.

Mr. COOPER. Mr. President, it may be that the Senator from New Jersey will accept my amendment.

Mr. SCOTT. May I then ask that the Senator from Kentucky be recognized?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOPER. Mr. President, I send my amendment to the desk. I hope Senators will remain in the Chamber. I think we can dispose of it in a few minutes.

The PRESIDING OFFICER. The amendment offered by the Senator from Kentucky will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The clerk will proceed to read the amendment.

The assistant legislative clerk resumed the reading of the amendment.

Mr. COTTON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, I request that the Chair direct staffers to take seats or leave the Chamber.

The PRESIDING OFFICER. Staff members are so directed.

The clerk will proceed with the reading of the amendment.

The assistant legislative clerk resumed the reading of the amendment.

Mr. YOUNG of Ohio. Mr. President, a point of order. I see in the Senate Chamber a person in a pink shirt who is not a Senator, seated in the second seat, and I ask that he be excluded from the Senate Chamber.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. JAVITS. Mr. President, he is my assistant. He is here to assist me with the bill. If the Senator insists on removing him, of course——

Mr. YOUNG of Ohio. If the Senator from New York says it is necessary for him to be in the Chamber, of course, I was not aware of it.

Mr. JAVITS. It is.

Mr. YOUNG of Ohio. I was not aware of it. I have no objection.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk resumed the reading of the amendment.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The assistant legislative clerk read the amendment, as follows:

> On page 92, between lines 15 and 16, insert the following:
>
> "Sec. 302A. Any operator of a coal mine in operation on the operative date of this title which, during the period commencing July 1, 1952, and ending on such operative date, has experienced two or more ignitions or explosions due to methane shall be ordered by an authorized representative of the Secretary to close and cease mining operations in such mine within sixty days following such order. After the operative date of this title, any operator of a coal mine which has experienced, subsequent to July 1, 1952, two ignitions or explosions due to methane shall be ordered by an authorized representative of the Secretary to close and cease mining operations in such mine within sixty days following such order.".
>
> On page 92, line 18, strike out "or 302", and insert in lieu thereof ", 302, or 302A".
>
> On page 93, line 18, strike out the period and insert in lieu thereof a semicolon and the following: "except that the Secretary shall not modify or terminate any order issued pursuant to section 302A the effect of which would enable any such mine closed by such order to commence mining operations, unless the Secretary, following such investigation, has first determined that such mining operations are not likely to adversely affect the health and safety of miners in such mine.".
>
> On page 103, line 15, strike out "or 302" and insert in lieu thereof ", or 302A".
>
> On page 104, line 3, strike out "or 302" and insert in lieu thereof ", 302 or 302A".

Mr. COOPER. Mr. President, I shall explain the amendment very briefly. I know a number of Senators are now in the Chamber who were not present during the debate.

The amendment which was defeated was my amendment. A substitute to it was adopted. My amendment proposed to retain the classification of gassy and nongassy mines. Its purpose was to retain the classification so that the small nongassy mines, which have a fine safety record over 16 years, would not be driven out of business. The amendment was defeated.

There are 3,200 nongassy mines in the United States, producing 40 percent of the coal. There are 400 gassy mines that produce 60 percent of the coal. The effect of the vote just taken will be to drive out of business a large number of small nongassy mines.

But that is done. These employees must go to gassy mines.

The records of the Bureau of Mines show that in the last 16 years there were 52 explosions and 27 miners were killed in those 3,200 nongassy mines.

In that same period of 16 years, there were nearly 400 explosions in those 392 gassy mines, and nearly 400 people were killed. These mines are open.

I placed also in the Record statistics from the Bureau of Mines showing that in many of the gassy mines multiple explosions had occurred. Many had six and eight explosions. One had 18 explosions. They are still operating.

In one mine, in one explosion, three times as many people were killed as were killed in 3,200 mines in 16 years.

Safety is the primary consideration.

My amendment proposes that any mine which has a second explosion shall be closed by the Secretary of Interior through the Bureau of Mines, and that it shall not be reopened until the Secretary, with the assistance of the Bureau of Mines, shall have determined that it is, in reason, safe to reopen the mine.

For example, if such a provision had been in effect when the first explosion, at Farmington, which killed 16, the mine could not have been opened again until it was known to be safe. Later 78 persons were killed in the same mine.

My amendment is a safety measure. It will make certain that if a mine has more than one explosion, it will be closed and not allowed to reopen until the Secretary, by proper procedure, has determined that it is safe. The amendment provides for proper procedures and due process under the law.

I hope that the managers of the bill will accept my amendment.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Kentucky yield for one or two questions, before we reach the question of accepting the amendment?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. Do I correctly understand that, as it was first stated, the amendment would close all mines that have had two ignitions since 1952?

Mr. COOPER. No. My amendment would be prospective.

Mr. WILLIAMS of New Jersey. In other words, the history of explosions does not bear upon the provisions of the amendment?

Mr. COOPER. I do not propose: Close every mine that has had more than one explosion in the last 16 years. It is necessary to have due process, and no one can determine why explosions have occurred in the past. So the amendment must be prospective.

Mr. WILLIAMS of New Jersey. Mr. President, if the Senator will yield further, so that we might be completely clear, this is an amendment bearing the Senator's name, and his endorsement is on it, which says:

> On page 92, between lines 15 and 16, insert the following:
>
> "Sec. 302A. Any operator of a coal mine in operation on the operative date of this title which, during the period commencing July 1, 1952, and ending on such operative date, has experienced two or more ignitions or explosions due to methane shall be ordered by an authorized representative of the Secretary to close and cease mining operations in such mine within sixty days following such order. After the operative date of this title, any operator of a coal mine which has experienced, subsequent to July 1, 1952, two ignitions or explosions due to methane shall be ordered by an authorized representative of the Secretary to close and cease mining operations in such mine within sixty days following such order."

That says that all mines that have had two ignitions since 1952, as of the operative date, shall close.

My question simply is, how many mines, how many workers, how much production is the Senator seeking to close?

Mr. COOPER. Mr. President, let me answer the Senator's question. When the Senator asked me, I thought it was prospective. I immediately went to the desk for the amendment, and saw that it would become effective as of July 1, 1952. While the Senator from New Jersey was talking, I was striking the language, to make sure that it was prospective.

I intended it to be prospective, and I shall modify the amendment as follows: In the third line of the amendment, after "which," strike out the words "during the period commencing July 1, 1952, and ending on such operative date," and insert in lieu thereof "shall, from the date of enactment of this act, experience two or more ignitions."

Mr. President, I ask that my amendment be modified accordingly.

The PRESIDING OFFICER. The Senator may modify his amendment.

Mr. COOPER. I assure the Senator that that was not my intention, and when he asked me I went immediately to the desk to make certain, I found that the Senator was correct, and I have changed the amendment. It was not my intention to make it retroactive.

Mr. President, before the yeas and nays are ordered, may I say that in a few moments I shall withdraw my proposed amendment. I sent it to the desk to assert my view that it is just as necessary to apply adequate safety procedures to 400 gassy mines owned by strong corporations, mines whose safety record is bad, as to apply severe measures to the small, safe nongassy mines. I withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment will be withdrawn.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record at this point certain provisions in the bill which begin at page 90, line 24, and continue through page 92, line 15, which deal precisely and exactly

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with the kinds of conditions toward which I think the Senator from Kentucky was directing his attention, and provide a procedure by which even potentially dangerous mines can be kept under control and closed, if need be, by the Secretary.

There being no objection, the excerpt from the bill was ordered to be printed in the RECORD, as follows:

(h)(1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representative of the miners of such mine, if any. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners, if any, to present information relating to such notice.

(2) Upon the conclusion of such investigation and an opportunity for a hearing upon request by any interested party, the Secretary shall make findings of fact, and shall by decision incorporating such findings therein, either cancel the notice issued under this subsection or issue an order requiring the operator of such mine to cause all persons in the area affected, except those persons referred to in subsection (d) of this section, to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated.

(i) Should a mine or portion of a mine be closed by an order issued by the Secretary or his authorized representative for repeated failures of the operator to comply with any health or safety standard established by, or promulgated pursuant to, titles I or II of this Act, the Secretary shall, after all interested parties have been given an opportunity for a hearing, order that all miners who are idled due to the order shall be fully compensated by the operator for lost time, as determined by the Secretary, at their regular rates of pay for such time as the miners are idled by such closing, or for one week, whichever is the lesser. Any order issued pursuant to this section shall be subjected to judicial review under section 304 of this Act.

Mr. BELLMON. Mr. President, the coal mine health and safety bill, S. 2917, is a major step toward providing needed changes in the present law which will benefit the thousands of people employed in this industry. As a former member of the Committee on Labor and Public Welfare when this legislation was written, I strongly support the vast majority of provisions which upgrade health and safety standards of this Nation's coal mines.

However, one provision of this bill, namely section 301(i), may cause extremely difficult administrative problems, will be extremely expensive and, more important, will not result in any increase in safety in the coal mines. This section requires the Secretary of the Interior to permanently station a Federal inspector in those coal mines which liberate excessive quantities of gases which in the opinion of the Secretary are likely to present explosion danger.

The Department of Interior has recently written a letter to me setting forth their objection to inclusion of this provision in any legislation which might be enacted into law. The Department feels that this provision will actually weaken the safety protection afforded the miner. The Department feels that in those mines which will liberate excessive quantities of gases, the permanent presence of a Federal inspector will cause the mine operator to defer to the Federal inspector the responsibility for protecting the miners' safety. Also in those mines which do not liberate excessive quantities of gases, the operator and the miner will have a tendency to relax the maintenance of safety standards.

Mr. President, I ask unanimous consent that a copy of the Department's letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., October 1, 1969.

Senator HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BELLMON: The Department of the Interior is very concerned about one of the provisions contained in S. 2917, reported by the Committee on Labor and Public Welfare.

The provision I am referring to is section 301(i) which is as follows:

"(i) The Secretary shall station Federal inspectors, for the purpose of making mine inspections on each and every day such mine is producing coal, at those underground coal mines which liberate excessive quantities of explosive gases and which are most likely to present explosion dangers in the opinion of the Secretary, based on the past history of the mine and other criteria he shall establish."

While we have some concern regarding the administrative problems, the funding problems, and the problems of attempting to define a mine "that liberates excessive quantities of explosive gases" all of which this provision causes, our greatest concern is that the inclusion of this provision will actually reduce the safety protection afforded the miner.

This Department has repeatedly gone on record as supporting a strong health and safety bill. We believe that the Committee in including this provision in the bill felt that this would increase the safety protection afforded the miners. We are convinced, however, that just the opposite will result. Rather than placing the responsibility on the operator and the miner to maintain the safety standards established by the bill, this provision allows this responsibility in those mines designated as liberating excessive quantities of explosive gases to be deferred to the Federal inspector stationed there by the Secretary. Likewise, in those mines which do not liberate excessive quantities of explosive gases the operator and the miner will have a tendency to relax the maintenance of the established safety standards.

The prime responsibility for safety must rest, as it always has in coal mines or in any other industry, with the day-to-day exercise of care and responsibility by the operator and the miner. The operator must provide safe working conditions and let his foreman and miners know that he believes in and wants them to practice "safety first". The miner, since his supervisor cannot be with him at all times, has the major role in seeing that he works safely—for his own good as well as his co-workers. He must be highly motivated toward safety.

The inclusion of this provision in the bill will significantly weaken the safety protection afforded the miners and will reduce the level of mine safety. Such a result is contrary to the stated intentions and objectives of both this Department and your Committee.

We therefore strongly urge that you delete section 301(i) from the bill.

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary of the Interior.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 219

Mr. PROUTY. Mr. President, I send to the desk my amendment No. 219, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROUTY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY's amendment (No. 219) is as follows:

AMENDMENT NO. 219

Strike out all after line 1, page 6, through line 24, page 7, and insert in lieu thereof, the following:

"FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW

"SEC. 5. (a) There is hereby established a Federal Coal Mine Health and Safety Board of Review which shall be an independent agency. In the exercise of its functions, powers, and duties, the Board shall be independent of the Secretary and the other offices and officers of the Department of the Interior.

"(b) The Board shall consist of five members to be appointed by the President with the advice and consent of the Senate. No more than three members of the Board shall be of the same political party. Members of the Board shall be appointed with due regard to their fitness for the efficient discharge of the functions, powers, and duties invested in, and imposed upon, the Board, and two members shall have a background, either by reason of previous training, education, or experience in coal mining technology, one member shall have a background either by reason of previous training, education, or experience in public health, and two members shall be drawn from the public generally. All such members shall not have had any interest in or hold any office in, or connection with, the coal mining industry or any organization representing coal miners for at least one year prior to their appointment and during the term of their appointment. Pending the appointment by the President of members of this Board, the members of the Federal Coal Mine Safety Board of Review, established by the Federal Coal Mine Safety Act, as amended, shall continue as members of the Board in accordance with the provisions of that Act regarding their appointment until they are replaced or reappointed under this section.

"(c) Members of the Board shall be appointed for terms of five years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term and (2) the five members first appointed shall serve for terms, designated by the President at the time of appointment, ending on the last day of the first, second, third, fourth, and fifth calendar years

beginning after 1969. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified.

"(d) The Chairman of the Board shall be entitled to receive compensation at a rate equal to that provided for in level IV of the Executive Schedule and section 5316 of title 5, United States Code. The other members of the Board shall receive compensation at a rate equal to that provided for in level V of the Executive Schedule.

"(e) The principal office of the Board shall be in the District of Columbia. Whenever the Board deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place. At the request of an operator of a mine or a miner or the representative, if any, of the miners working in the mine, the Board shall hold hearings or conduct other proceedings under this title, at the county seat of the county in which the mine is located or at any place mutually agreed to by the Chairman of the Board and the operator or miner or representative involved in the proceeding. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

"(f) The President shall designate from time to time one of the members of the Board as Chairman. The Board shall, without regard to the civil service laws, appoint such legal counsel and hire consultants as it deems necessary. The Chairman shall be the chief executive and administrative officer of the Board and shall, subject to the policies and decisions of the Board, exercise the responsibility of the Board with respect to (1) the appointment and supervision of personnel employed by the Board; (2) the distribution of business among the Board's personnel; and (3) the use and expenditure of funds. Subject to the civil service laws, the Board shall appoint such other employees as it deems necessary in exercising its power and duties. The compensation of all employees appointed by the Board shall be fixed in accordance with chapter 53 of title 5, United States Code.

"(g) For the purpose of carrying out its functions under this title, three members of the Board shall constitute a quorum, and official action can be taken only on the affirmative vote of at least three members. A special panel composed of one or more members, upon order of the Board, shall conduct any hearing provided for in this title and submit the transcript of such hearing to the entire Board for its action thereon. Such transcript shall be made available to the parties prior to any final action of the Board. An opportunity to appear before the Board shall be afforded the parties prior to any final action and the Board may afford the parties an opportunity to submit additional evidence as may be required for a full and true disclosure of the facts.

"(h) Every official act of the Board shall be entered of record, and its hearing and records thereof shall be open to the public. The Board shall not make or cause to be made any inspection of a coal mine for the purpose of determining any pending application.

"(i) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall provide for adequate notice of hearings to all parties. The existing rules of the Federal Coal Mine Safety Board of Review shall constitute the rules of the Board until superseded or modified by the Board.

"(j) Any members of the Board may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(k) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

"(l) In the case of contumacy by, or refusal to obey a subpena served upon, any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and, after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Board or to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as contempt thereof."

(2) Strike out all on lines 22 and 23, page 5, and insert in lieu thereof the following:

"(13) 'Board' means the Federal Coal Mine Health and Safety Board of Review established by this Act."

(3) Strike the word "Panel" whenever it appears in the bill and insert in lieu thereof the word "Board".

(4) Strike everything from line 3 through line 24 on page 24 and insert in lieu thereof, the following:

"(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c) or this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefor and requesting a public hearing by the board on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards to which objections have been filed and a hearing requested, and shall refer such standards and objections to the Board for review in accordance with subsection (e) of this section.

"(e) Promptly after any matter is referred to the Board by the Secretary under subsection (d) of this section, the Board shall issue notice of, and hold a public hearing for, the purpose of receiving relevant evidence. Within sixty days after the completion of the hearing, the Board shall make proposed findings of fact on such objections and shall file with the Secretary a report incorporating such findings together with its recommendations and with the record on which such findings are based and shall make such report public. Upon receipt thereof, the Secretary, upon consideration of the Board's findings of fact and recommendations, may by decision adopt the Board's recommendations or make new findings of fact and promulgate the mandatory standards with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

"(f) Any aggrieved person may, within thirty days after promulgation in the Federal Register of any mandatory health or safety standards which were referred to the Board under subsection (d) of this section, file with the United States Court of Appeals for the District of Columbia a petition praying that such standards be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary, and thereupon the Secretary shall certify and file in such court the record upon which the Secretary made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such standard and such standards shall not be the subject of any review during any procedure to enforce such standards by the Secretary in the Board or the court. The filing of a petition under this subsection shall not stay the application of the standards complained of, unless the court so orders, upon finding that there is a substantial likelihood that the Secretary's findings are erroneous, and that irreparable injury will result without such a stay."

(5) On line 25, page 24, change "(f)" to "(g)" and on line 3, page 25, change "(g)" to "(h)".

(6) Strike out all from line 17 on page 81 through line 13 on page 82, and insert in lieu thereof the following:

"(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c) of this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefor and requesting a public hearing by the Board on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards to which objections have been filed and a hearing requested, and shall refer such standards and objections to the Board for review in accordance with subsection (e) of this section.

"(e) Promptly after any matter is referred to the Board by the Secretary under subsection (d) of this section, the Board shall issue notice of, and hold a public hearing for, the purpose of receiving relevant evidence. Within sixty days after the completion of the hearing, the Board shall make proposed findings of fact on such objections and shall file with the Secretary a report incorporating such findings together with its recommendations and with the record on which such findings are based and shall make such report public. Upon receipt thereof, the Secretary, upon consideration of the Board's findings of fact and recommendations, may by decision adopt the Board's recommendations or make new findings of fact and promulgate the mandatory standards with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

"(f) Any aggrieved person may, within thirty days after promulgation in the Federal Register of any mandatory health or safety standards which were referred to the Board under subsection (d) of this section, file with the United States Court of Appeals for the District of Columbia a petition praying that such standards be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary, and thereupon the Secretary shall certify and file in such court the record upon which the Secretary made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole,

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shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such standard and such standards shall not be the subject of any review during any procedure to enforce such standards by the Secretary in the Board or the court. The filing of a petition under this subsection shall not stay the application of the standards complained of, unless the court so orders, upon finding that there is a substantial likelihood that the Secretary's findings are erroneous, and that irreparable injury will result without such a stay."

(7) On line 14, page 82, change "(f)" to "(g)", and on line 17, page 82, change "(g)" to "(h)".

(8) Insert the following between lines 14 and 15 on page 94:

"REVIEW BY BOARD

"SEC. 304. (a)(1) Within thirty days after receipt of an order made pursuant to subsection (a), (b), (c), (h), or (i) of section 302 or of a decision made pursuant to section 303 or of an exception made pursuant to section 401(c) of this Act, as the case may be, an operator or the representative, if any, of the miners of the affected mine may apply to the Board for review of such order, decision or exception.

"(2) The operator or the representative as appropriate, shall be designated as the applicant in such proceeding, and the application filed by him shall recite the order complained of and other facts sufficient to advise the parties of the nature of the proceeding. The Secretary shall be the respondent in such proceeding, and the applicant shall send a copy of such application by registered or certified mail to the respondent and to the operator or the representative, if any, of the miners of the affected mine, as appropriate. Immediately upon the filing of such application, the Board shall fix the time for a prompt hearing thereof.

"(3) The facts found by the Secretary or his authorized representative and recited or set forth in an order issued pursuant to subsection (a), (b), (c), (h), or (i) of section 302 or in a decision issued by the Secretary pursuant to section 303 or in an exception made pursuant to section 401(c) of this Act, as the case may be, shall be prima facie evidence of such facts and the burden of rebutting such prima facie case shall be upon the applicant, but either party may adduce additional evidence.

(4) Upon conclusion of the hearing, the Board shall make findings of fact, and shall issue a written decision incorporating such findings therein affirming, vacating, modifying, or terminating the order issued under subsection (a), (b), (c), (h), or (i) of section 302 or the decision issued under section 303 or the exception made pursuant to section 401(c) of this Act, as the case may be.

"(5) In the case of an application by an operator for review of an order or decision or exception of the Secretary, the representative, if any, of the miners of the affected mine shall be permitted to intervene in the proceeding. In the case of an application by a representative, if any, of the miners of the affected mine for review of an order or decision or exception of the Secretary, the operator shall be permitted to intervene in the proceeding. An operator or representative permitted to intervene shall have the same rights as any other party.

"(b)(1) Within thirty days after receipt of an assessment order made pursuant to section 309(a) of this tile, the operator or the miner may apply to the Board for review of such order.

"(2) The facts found by the Secretary and recited or set forth in said order shall be prima facie evidence of such facts and the burden of rebutting such prima facie case shall be upon the operator or miner, as the case may be, but any party may adduce additional evidence.

"(3) Upon conclusion of the hearing, the Board shall make findings of fact, and shall issue a decision incorporating such finding therein and granting with such modifications as it deems appropriate or denying the petition.

"(c) The Board may permit any interested person to intervene in any proceeding and such person shall have the same rights as any other party, unless the Board otherwise orders.

"(d) Each decision made by the Board shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. Upon issuance of a decision under this section, the Board shall cause a true copy thereof to be sent by registered or certified mail to all parties and their attorneys of record and to the representative, if any, of the miners of the affected mine or other interested person. The Board shall cause each decision to be entered on its official record, together with any written opinion prepared by any members in support of, or dissenting from, any such decision.

"(e) The Board shall establish procedures to provide for the consolidation of hearings under this section whenever appropriate.

"(f) Pending the hearing required by this section for review of said order or decision or exception, the applicant before the Board may file with the Board a written request for the Board to grant temporary relief with such conditions as it may prescribe from the order or decision, together with a detailed statement giving reasons for granting such relief. The Board, after a hearing in which all parties and the representative, if any, of the miners of the affected mine are given an opportunity to be heard, may grant relief upon a finding that (1) there is a substantial likelihood that the action under review was erroneously issued, (2) the granting of the relief will not adversely affect the health or safety of the miners of the affected mine, and (3) failure to grant the relief will result in serious and irreparable injury.

"(g) In view of the urgent need for prompt decision of matters submitted to the Board under this section, all actions which the Board takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved."

(9) On line 16, page 94, change "304" to "305"; on line 4, page 97, change "305" to "306"; on line 2, page 99, change "306" to "307"; on line 6, page 100, change "307" to "308"; and on line 6, page 101, change "308" to "309".

(10) On line 11, page 103, add the following sentence after the period: "No such petition shall be filed while any review proceedings concerning the assessment order are pending under sections 304 and 305 of this title."

(11) Strike the words "the Secretary or" on line 3, page 95; on line 4, page 95; on line 9, page 95; on line 10, page 95; on lines 13 and 14, page 95; and on line 23, page 96.

(12) Strike everything from the word "issued" on line 16, page 94 through the word "Act" on line 19 of page 94, and insert in lieu thereof the following: "issued by the Board under sections 102, 206(1), and 304 of this Act."

(13) On line 16, page 95, strike the phrase "Secretary under Section 303" and insert in lieu thereof the following: "Board under section 304".

(14) On line 17, page 15, and on line 12, page 56, change "304" to "305".

(15) On lines 21 and 22, page 90, change "303 and 304" to "303 through 305".

(16) Strike out all from the word "Any" on line 13, page 92, through the word "Act" on line 15, page 92, and insert in lieu thereof the following: "Any order issued pursuant to this section shall be subject to review under sections 304 and 305 of this Act."

Mr. PROUTY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PROUTY. The purpose of this amendment, Mr. President, is to establish an independent and full-time Board which would provide a prompt and impartial review of actions taken by the Secretary of the Interior and his subordinates in the administration and enforcement of this act. This Board would also pass upon requests for extensions of time to comply with certain provisions of the bill. The Interim Compliance Panel created by the Senate bill to perform this function and composed of representatives of various Federal departments will be eliminated.

The critical need for such a Board has been fully recognized and its adoption repeatedly urged by both President Nixon and former President Johnson. It is also supported by State representatives, the United Mine Workers and the coal industry, to assure a strong and effective enforcement of health and safety provisions while simultaneously providing an immediate, fair and technically sound determination of disputes concerning the application of the law.

The provisions of this amendment are basically those creating a Coal Mine Health and Safety Board of Review which were included in S. 2405, the coal mine health and safety bill introduced by the distinguished Senior Senator from New York (Mr. JAVITS).

The five members of the Board will be full-time Federal employees. They will be nominated by the President, subject to Senate confirmation, but will not be selected as representatives of the workers and the coal industry, respectively, as is the case at present. The amendment provides that two members shall have a background by reason of either previous training, education, or experience in coal mining technology; one member shall have a background in public health; and the remaining two members shall be drawn from the general public.

I believe the need is obvious for an independent Board to review the promulgation of standards, the extensive mine closing orders, and the severe civil penalties authorized in this bill. Such a Board would be consistent—although not identical—with the review board which has functioned with an exemplary record of fairness, objectivity, and approval for over 17 years under the present act. Moreover, it would parallel the independent review boards established only recently by Congress, after careful deliberation, in the closely related field of metal and nonmetallic mine safety and in the broad field of transportation safety. The inclusion of such a board has been vigorously supported by substantially all the immediate parties most knowledgeable and concerned in the advancement of coal mine health and safety, including the administration, the progressive industry members, and the responsible representatives of the coal mine workers.

The rejection of an independent review board, and the substitution in the bill

of such procedures as the hearing and review of disputes by the Secretary whose subordinate issued the order in conflict or found the alleged violation upon which a penalty would be imposed, are manifestly unfair and violative of our deeply rooted concepts of justice. For the Secretary—vested also with regulatory powers under the bill—would serve in each instance as investigator, prosecutor, and also as the sole trial judge and jury—a concentration of authority which shocks our sense of due process of law.

Furthermore, while the bill superficially accords a right of appeal to the courts from decisions of the Secretary, such appeals would be strictly confined to the record made before the Secretary, without the benefit of any findings by an independent board; temporary relief would be essentially unobtainable either before the Secretary or the courts; and the cost of taking an appeal, with the mine forced to remain shut down and the workers unemployed pending the appeal, would be economically prohibitive. Indeed, as is evident from such procedures, the bill is so contrived as to deny any effective protection to the mine operators or the mineworkers from arbitrary or unwarranted actions taken by the Secretary, or his representatives, in the enforcement of the law.

The inclusion of an independent review board, with appeals from the findings of the board to the appellate courts, would obviously correct these grave deficiencies in the bill and would establish a fair and equitable system for the resolution of disputes. Such a board would not, of course, hinder an intensive and vigorous administration, since, apart from other considerations, it would enable the Secretary and his representatives more fully to test the enforceable limits of the act. But most importantly, the ready availability of an efficient, impartial and inexpensive forum to decide conflicts regarding the extremely complex health and safety requirements in the bill would promote the compliance and cooperation of the parties, which, as President Nixon indicated in his message to Congress, provide "the touchstone to any successful health and safety program."

The committee report makes several assertions which it thereafter relies upon as justification for eliminating the present Coal Mine Board of Review. In my opinion, these assertions are unfair and unfounded, and I will comment on some of them briefly.

First. The committee report states that both the Nixon and Johnson administrations proposed that the Coal Mine Board of Review continue in existence "with veto power over the Secretary in enforcement actions."

The truth of the matter is that neither the Board under the present act, the Board which I propose be created, nor any independent review board proposed in any of the bills before the Senate, would grant any veto authority whatsoever to such a board. Rather, the Board would be delegated the authority to resolve disputes concerning orders or penalties issued by the Secretary, and decisions by the Board would be subject to full review by the U.S. Court of Appeals and by the U.S. Supreme Court.

Second. The committee report states that the present Coal Mine Board of Review "on its face appears to be an industry-oriented Board, or a special interest Board."

However, the facts are these. On appeals to the Board from disputed orders issued by the Federal inspectors, the Board has upheld the Federal inspectors in almost 70 percent of the fully litigated cases; and the decisions of the Board have been unanimously sustained in every case considered by the U.S. Courts of Appeals, with the courts even specifically commending the opinions of the Board. Also, most significantly, the Bureau of Mines itself filed only two appeals from Board decisions, one of which was dismissed as untimely, and the other was denied on its merits. Moreover, the present Director of the Bureau of Mines expressly testified before the committee that he agreed with all except one of the Board's decisions issued in the last 17 years, and that the Board "has done a very responsible and respectable job." Consequently, it is obvious that the Board has performed its quasi-judicial functions with complete fairness and impartiality, and has implemented the enforcement of the present act.

Third. The committee report quotes the Director of the Bureau of Mines as characterizing the Board as "an escape valve" for the industry and refers to the Board's own statement before the Appropriations Committee describing itself as "essentially a buffer between the U.S. Bureau of Mines, and the coal industry."

These quotations by the Director and by the Board were lifted wholly out of context, and neither in fact reflected any suggestion of any role by the Board which would weaken the enforcement of the act. More particularly, the Director testified that the Board has been a highly effective forum for the resolving of disputes; that without this "escape valve" for the handling of conflicts, the industry "might well have become litigation oriented"; and that the system of appeals "has worked beautifully" in operation. Likewise, the Board, in its statement before the Appropriations Committee, referred to its adjudication functions as a "buffer between the U.S. Bureau of Mines and the coal industry, in determining the propriety and scope of orders issued under title II of the Federal Coal Mine Safety Act." In the same statement, the Board emphasized that its "assigned mission is the safeguarding of lives and property under the amended Act," and that progress in reducing major disasters "will derive from a more intensive and vigorous enforcement of the present law, and from the active cooperation of the parties concerned."

Obviously, neither the Director nor the Board stated or implied in any manner that it was a function of the Board to weaken the effective enforcement of the act. Indeed, no major disaster has ever occurred in a mine involved in any Board proceeding. The record of the Board, as already noted, has plainly enhanced, not impaired, the effective administration of the act.

Fourth. The committee report quotes Professor Jaffe of the Harvard Law School of stating that "it is difficult to see what legitimate interest is served by subjecting the Secretary's judgment to the final decision of an industry Board."

In the first place, the Board to be created by my amendment is not an industry board. Second, the committee report carefully omits the professor's statement at the outset of his quoted remarks, namely:

> A comprehensive judgment as to the property of the Board Mine Health and Safety Board of Review would require more information than I have.

Moreover, the professor's remarks were strictly confined to S. 1300 and were without reference to the proposed reconstitution of the Board under S. 2405—the Javits bill—or under my amendment.

Finally, contrary to the professor's statement, none of the proposed bills, or my amendment, would subject the Secretary's judgment to any "final decision" of the board, since complete review of the board's decisions would be provided in the U.S. courts of appeals and the Supreme Court.

The "legitimate interest" to be served by the right of appeal to an independent review board, as recommended to the committee by the present and past administrations and by the most experienced and competent authorities in the field of coal mine health and safety, is the success of the entire health and safety program. This interest would be thwarted by the autocratic concentration of legislative, enforcement, and judicial powers in the Secretary under S. 2917, and by the virtual denial, in practice, of any right of review of disputed orders or penalties issued by the Secretary in the enforcement of this bill.

In conclusion, Mr. President, I would like to emphasize again that the administration and the Department of the Interior have favored and continue to favor retention of a Federal Coal Mine Health and Safety Board of Review.

It is also my understanding that the bill being considered in the House provides for such a Board. Although there are differences between the House provisions and this amendment, I believe that the adoption of this amendment by the Senate will lead to the creation of a competent and independent Review Board when we go to conference with the House.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WILLIAMS of New Jersey. Mr. President, with regard to this amendment, I will be very brief. The amendment has only become available for review today. It was not offered in the subcommittee, it was not offered in the full committee, and it comes as new material. It consists of 17 pages of very complex material that would materially affect the entire bill, a bill that has been in evolution and development for better than 9 months and in debate here for 5 days. But I should like to make four important observations.

This amendment would deny small operators an opportunity for judicial re-

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view of the Secretary's mandatory standards in enforcement proceedings by permitting only one test of those standards when initially promulgated.

Another point: It would permit the Board, without a full hearing, to reopen a mine which has been closed because of an imminent danger. The committee bill does not permit this to be done, not even by the Supreme Court. One mine, reopened by a court in these circumstances, exploded and killed five miners before the court's action could be rescinded. I would address this observation particularly to the Senator from Kentucky, who has come through with such feeling and concern with respect to the danger and the security of the men who work in the mines. Consider Farmington: Certainly that should have the fullest attention before that mine would be permitted to be reopened for production.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. PROUTY. I point out that under the provisions of the amendment I have introduced—

> The filing of a petition under this subsection shall not stay the application of the standards complained of, unless the court so orders, upon finding that there is a substantial likelihood that the Secretary's findings are erroneous, and that irreparable injury will result without such a stay.

I think that answers the Senator's question with respect to that point.

Mr. WILLIAMS of New Jersey. I thank the Senator.

Further, it would deny the protections of the Administrative Procedure Act in violations and penalty hearings before the Board.

Another point: It would abolish the Interim Compliance Panel carefully established by the committee to grant operators extensions of time to comply with the dust and permissible equipment sections of the bill. This was very carefully worked out, so that if there were any hardships in compliance, there would be ample opportunity for coal operators to adjust to the requirements of the bill.

In addition, the amendment contains, according to legislative counsel—I have not had an opportunity to read it in word-by-word detail—numerous technical and drafting errors which would of necessity have significant impact on the proposed legislation.

For all these reasons, but particularly because it is a complex matter that has not been considered by the committee that had the responsibility of bringing this major bill to the floor, I strongly oppose this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PROUTY. Mr. President, first, I am going to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I wish to quote from the August 1, 1969, issue of the United Mine Workers Journal, page 3:

> We favor the retention of the Federal Coal Mine Safety Board of Review. However, we believe that its structure should be changed. We suggest the Chairman of the Board be an impartial person with no prior association with any segment or organization of the coal mining industry. We strongly favor retention of labor and management representatives on the Board. No one has a more immediate interest in coal mine health and safety than the workers in the mines and the management of the mining operations. We know that some dissatisfaction has been voiced about the Board, much of which has been unfounded. However, we favor retention of the Board for two major reasons.
>
> a. The Board serves as a technically qualified quasi-judicial Board which can render prompt and expert judgment needed in coal mine health and safety matters, and
>
> b. We believe that Federal inspectors are more willing to issue closure orders which are appealable to a Board than they would be if such appeals were taken in the first instance to the federal court.

Mr. President, the proposal I have submitted is not comparable to the present Board, although there is a great similarity to it. Certainly the interim panel which we find in the bill is completely contrary to the wishes expressed by the miners at that particular time and also before the committee.

The mine workers want a professional board. As a matter of fact, the Board proposed by my amendment is much stronger in this respect than the board advocated by the United Mine Workers which would have continued the present special interest Board containing two members selected by the union.

Under this Board neither representatives of industry nor labor are included in the Board or as members of Board. Under the interim panel the five members are composed as follows: One member each from the Department of Labor; Department of Commerce; Department of Health, Education, and Welfare; Department of Interior; and the National Science Foundation. These members are full-time, salaried employees in these departments. They cannot devote the necessary time to the problems, the very grave and important problems, which will have to be considered in view of the legislation which we will soon enact into law.

Under my proposal the Board would consist of two members with a background in coal mining technology, one member with background in public health, and two members representing the general public. They shall not have an interest, have held office in or had connection with the coal mining industry or a union representing coal miners for at least 1 year prior to appointment. Members are to be nominated by the President subject to confirmation by the Senate. The chairman would be designated by the President from among confirmed members. The first members would be appointed for 1, 2, 3, 4, and 5 years, respectively, to establish the rotation principle. Thereafter, all terms would be for 5 years. No more than three members of the Board shall be of the same political party.

Mr. President, I ask unanimous consent to have printed in the RECORD the Comparison of Interim Compliance Panel established in S. 2917 and Federal Coal Mine Health and Safety Board of Review, as proposed in my amendment.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

COMPARISON OF INTERIM COMPLIANCE PANEL ESTABLISHED IN S. 2917 AND FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW PROPOSED IN PROUTY AMENDMENT

	PANEL	BOARD
Size	5 Members.	5 Members.
Background	One Member each from Dept. of Labor; Dept. of Commerce; Dept. of HEW; Dept. of Interior; Natl. Science Foundation.	Two Members with background in coal mining technology; 1 Member with background in public health; 2 Members representing general public.
Other qualifications	None. No restrictions on prior activities.	Shall not have had interest in, held office in or had connection with coal mining industry or a union representing coal miners for at least one year prior to appointment.
Membership on Board	Automatic if in one of 5 specified federal positions, or if selected by man in one of these 5 positions. Chairman elected by members.	Members to be nominated by President subject to Senate confirmation. Chairman to be designated by President from among confirmed members.
Tenure	Indefinitely.	First members to be appointed for 1, 2, 3, 4 and 5 years, respectively, to establish rotation principle. Thereafter all terms to be for 5 years.
Political Affiliation	No restrictions. Presumably all 5 would represent party of Administration.	No more than 3 members of the Board shall be of the same political party.
Status of members	Responsible government officials with full-time duties in other capacities will be part-time Panel members when and if functions of Panel can be fitted in with duties of full-time employment.	Board members will be full-time. Board members to work exclusively on duties and functions of the Board imposed by law.

COMPARISON OF INTERIM COMPLIANCE PANEL ESTABLISHED IN S. 2917 AND FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW PROPOSED IN PROUTY AMENDMENT—Continued

	PANEL	BOARD
Compensation	No additional compensation, as are already paid full-time government employees in other capacities. May be reimbursed expenses.	Chairman to be at Level IV of Executive Schedule—other members at Level V. Also receive expenses.
Administrative authority	When applicants for permits of non-compliance with respect to either dust standards or electrical equipment meet the statutory filing requirements, the Panel will act on the application after all interested parties have been notified and given an opportunity for hearing. Any hearing shall be of record, and the Panel shall make findings of fact and issue a written decision.	1. Rule making authority. 2. Power to issue subpoenas. 3. Official seal judicially noted. 4. Every official act to be a matter of record, and all hearings and records to be open to the public. 5. Authority to take depositions and to pay witness fees.
Functions	1. No.	1. Upon timely request by mine operators or union, Board will hold hearings on orders or decisions of the Secretary, and may affirm, vacate, modify or terminate such orders or decisions, in the following categories: a. Withdrawal orders. b. Findings of other violations. c. Idle pay for miners. d. Permits granting mine operators exceptions to health and safety standards to let accredited engineering institutions experiment with new techniques and new equipment to improve health or safety of miners. e. Imposition of civil penalties upon either coal mine operators or coal miners. The Secretary's findings of fact shall be prima facie evidence of such facts, but subject to rebuttal.
	2. No.	2. When timely objections made to proposed mandatory health or safety standard, Secretary shall refer proposed standard to Board for hearing. After hearing, Board makes proposed findings of fact and submits to Secretary together with its recommendations and the record. Secretary may modify

COMPARISON OF INTERIM COMPLIANCE PANEL ESTABLISHED IN S. 2917 AND FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW PROPOSED IN PROUTY AMENDMENT—Continued

	PANEL	BOARD
Functions		standard or take any other action on it he deems appropriate, as Board's findings and recommendations are not binding on him.
	3. Review and, after giving all interested parties an opportunity for hearing, act upon applications for permits of non-compliance with respect to dust standards and the use of non-permissible electrical equipment of more than 25 horsepower.	(3) Same.
Duration	Will work itself out of existence when law prohibits any further issuance of permits of non-compliance. Six years with respect to dust standards and four years with respect to electrical equipment of more than 25 horsepower.	Will become permanent part of structure administering and enforcing Federal Coal Mine Health and Safety Act.
Support	Majority of members on Senate Labor and Public Welfare Committee.	1. The Administration and the Dept. of Interior. 2. State representatives. 3. The coal industry. 4. The United Mine Workers. 5. The prior Administration. 6. The House Committee currently considering similar legislation. The House bill currently provides for a 5-member full-time Board to review notices, orders and penalties, and for 3 additional members to consider granting dust standard exemptions and for research, consultation in setting standards and to assist in coordinating Federal and State health and safety activities.

Mr. PROUTY. Mr. President, I ask unanimous consent to have printed in the RECORD a table making clear the review and appeal procedures.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REVIEW AND APPEAL PROCEDURES

PRESENT LAW	S. 2917 WITHOUT PROUTY AMENDMENT	S. 2917 WITH PROUTY AMENDMENT
1. Federal and State inspectors issue order finding safety violations.	1. Federal inspector issues Order finding violation.	1. Federal inspector issues Order finding violation.
2. Operator may request review by Director of Bureau of Mines or operator may request review by Federal Coal Mine Safety Board of Review.	2. Operator or union may obtain review by Secretary of Interior.	2. Operator or union may request review by Secretary of Interior or operator or union may request review by Federal Coal Mine Health and Safety Board of Review.
3. If review requested of Director of Bureau of Mines operator may request the Board to review the Director's Order.		3. If review requested of Secretary of Interior, operator or union may request Board to review Secretary's order.
4. The Board's Order is subject to judicial review in the U.S. Court of Appeals for the circuit in which the mine is located.	4. Operator or union may obtain review of Secretary's Order in U.S. Court of Appeals for circuit where mine is located or in U.S. Court of Appeals for District of Columbia.	4. Operator or union may obtain judicial review of Board's Order in U.S. Court of Appeals for circuit where mine is located or in U.S. Court of Appeals for District of Columbia.

Mr. PROUTY. Mr. President, with reference to actions reviewable by the Board, referred to in my mimeographed statement, which Senators will find on their desks, I read as follows:

> 1. Closing orders issued by Federal inspectors on ground of imminent danger;
>
> 2. Orders issued by Federal inspectors concerning violations which do not constitute imminent danger situations;
>
> 3. Orders issued by Federal inspectors finding that violations which do not constitute imminent danger situations are caused by the operator's unwarrantable failure to comply with health or safety standards, and closing orders issued by Federal inpectors on grounds that such violations have been caused by the operators unwarrantable failure to comply with health or safety standards;
>
> 4. Closing orders issued by Secretary affirming, or orders setting aside, findings of Federal inspectors that (a) violations exist which do not constitute imminent danger but that (b) reasonable assurance cannot be provided that the continuance of mining under such conditions will not result in an imminent danger, and (c) such conditions cannot be effectively abated through the use of existing technology;
>
> 5. Orders issued by the Secretary affirming or vacating orders of Federal inspectors granting full compensation to miners idled by a closing order resulting from an operator's "repeated" failures to comply with health or safety standards.
>
> 6. Any of the foregoing orders issued by the Secretary after review where the initial order was made by a Federal inspector rather than the Secretary himself;
>
> 7. Any modifications or terminations in previously issued Orders made by the Secretary or federal inspectors;
>
> 8. Assessment of civil penalties against mine operators for violation of health or safety standards, and assessment of civil penalties against miners for wilfull violations of safety standards; and
>
> 9. Board will act directly on applications for extensions of time to meet applicable dust standards, or to install permissible electrical equipment of more than 25 horsepower, as specified in S. 2917.
>
> (NOTE 1.—All foregoing Board Orders subject to judicial review in Court of Appeals for circuit where mine is located or in Court of Appeals for the District of Columbia.)
>
> (NOTE 2.—Board will also hold hearings on health or safety standards proposed by Secretary upon request of an interested party.)
>
> (After hearing Board will submit its findings and recommendations to the Secretary. They are not binding, however, upon Secretary's decision as to what standards he shall promulgate.)
>
> Standards then promulgated by the Secretary are subject to review only in the Court of Appeals for the District of Columbia. This Court's decision is final unless U. S. Supreme Court grants review.

Mr. President, in addition, the Board will also review exceptions to the health and safety standards granted by the Secretary to mine operators for the purpose of permitting accredited engineering institutions the opportunity to experiment with new techniques and new equipment to improve the health and safety of miners.

It also orders under the Kennedy amendment adopted yesterday, "When the Secretary finds that a miner or a union representative has been discharged for having made charges or for having furnished information under this act."

Mr. President, shortly I shall suggest the absence of a quorum. It will be a live quorum. Then I shall speak very briefly following the quorum and then be prepared to vote, if that is agreeable to the other side.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 108 Leg.]

Aiken
Allen
Allott
Bellmon
Brooke
Byrd, Va.
Byrd, W. Va.
Cook
Cooper
Dodd
Ellender
Goldwater
Hansen
Hollings
Javits
Kennedy
Mansfield
McGee
Metcalf
Mondale
Prouty
Randolph
Saxbe
Talmadge
Williams, N.J.
Williams, Del.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Bennett
Bible
Boggs
Burdick
Cannon
Case
Church
Cotton
Curtis
Dominick
Eagleton
Eastland
Fannin
Fong
Fulbright
Goodell
Gravel
Griffin
Gurney
Hart
Hartke
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Mathias
McCarthy
Miller
Moss
Mundt
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Tower
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment (No. 219) of the Senator from Vermont (Mr. PROUTY).

Mr. PROUTY. Mr. President, I should like to remind Senators that the yeas and nays have been ordered on this amendment. I shall speak only very briefly, and I assume the distinguished Senator from New Jersey will be perhaps even less verbose.

Mr. WILLIAMS of New Jersey. That is accurate.

Mr. RANDOLPH. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. RANDOLPH. Mr. President, I believe that when this amendment is either voted up or voted down, we can bring this measure to passage. Presumably no other amendments will be offered.

I commend the able Senator from Vermont for the argument he presented earlier this afternoon, so that Senators who have considered this legislation for several days can join with him and others of us who have been attentive to these problems in bringing consideration of this measure to a close. I thank my colleague from Vermont very much.

Mr. PROUTY. Mr. President, first I want to contradict a rumor that has been circulated today to the effect that the Board I propose under my amendment would consist of 10 members, all of whom would be college professors with little or no knowledge or concern for the coal miners of our country.

I point out that that is a false story. I think it was circulated for some reason which I will not go into at the present time. However, it is a malicious and completely false rumor. I think the Members of the Senate should be made well aware of that fact.

Mr. President, the pending bill eliminates the Federal Board of Review and establishes an Interim Compliance Panel. The Panel would consist of five members drawn from various Government agencies and departments, members who have other full-time duties and whose functions—and I hope the Senators will listen to this very carefully—would be limited to passing upon requests for extensions of time to meet the applicable dust and safety standards imposed upon electrical equipment of more than 25 horsepower contained in the pending bill.

Those are the only functions the members of this Interim Compliance Panel would have.

Under my proposal the Health and Safety Board of Review would have authority to: First, resolve disputes concerning orders and civil penalties, subject to full judicial review by the U.S. courts of appeals and the U.S. Supreme Court.

Second, rule on applications for extensions of time in which to meet applicable dust standards and safety standards imposed upon electrical equipment of more than 25 horsepower which are contained in the pending bill. These decisions are also subject to judicial review in the court of appeals.

Third, hold hearings on proposed health and safety standards promulgated by the Secretary of the Interior upon the request of any interested party. The board's findings and recommendations upon proposed standards will be submitted to the Secretary, but will not be binding in any way upon the standards the Secretary may then decide to promulgate.

The Board under my amendment would be a full-time board whose members would be nominated by the President subject to Senate confirmation. The Board under my amendment would have two members with a background of coal mining technology, one with a background in public health, and two members representing the general public.

This would mean that it would be certainly anything but a fixed interest type of group. It will be a special group devoted to the welfare and the needs of the coal miners and the coal mining industry, and on a full-time basis.

The Board is essentially the same as that proposed by the Senator from New York (Mr. JAVITS) in S. 2405.

The provisions had been worked out and were completely agreeable to the Department of the Interior and the administration.

The concept of the Board of Review was fully supported by President Johnson during his administration and is fully supported by the Bureau of Mines, the Department of the Interior, and the Nixon administration.

The concept is also supported by representatives of the States, by the coal industry, and by the United Mine Workers of America.

Provision for a Board of Review is also included in the bill now pending in the House.

The argument in favor of retaining a Board of Review probably has been most concisely summarized by President Boyle, of the United Mine Workers, in a letter to the Senator from Texas (Mr. YARBOROUGH) under date of July 29.

The letter was reproduced in the United Mine Workers Journal on August 1, 1969. I read excerpts from it:

> a. The Board serves as a technically qualified quasi-judicial Board which can render prompt and expert judgment needed in coal mine health and safety matters, and
>
> b. We believe that Federal inspectors are more willing to issue closure orders which are appealable to a Board than they would be if such appeals were taken in the first instance to the federal court.

Mr. President, I will read again one paragraph from my statement delivered earlier:

> The rejection of an independent review board, and the substitution in the bill of such procedures as the hearing and review of disputes by the Secretary whose subordinate issued the order in conflict or found the alleged violation upon which a penalty would be imposed, are manifestly unfair and violative of our deeply-rooted concepts of justice. For the Secretary (vested also with regulatory powers under the bill) would serve in each instance not only *investigator*, and *prosecutor*, but also as the *sole trial judge* and *jury*—a concentration of authority which shocks our sense of due process of law.

Mr. President, I yield the floor.

Mr. WILLIAMS of New Jersey. Mr. President, the amendment has been stated earlier. It is an amendment that has broad ramifications. It just came to us today, although we have been working on this matter for months and months.

It is hard to understand, in this brief time. Therefore, I strongly urge the Senate to reject the amendment.

The United Mine Workers did perhaps indicate support for the kind of Board last August which is the subject of the amendment. However, they do not support the amendment at this time.

I ask unanimous consent to have printed at this point in the RECORD a telegram sent to me by W. A. Boyle, president of the United Mine Workers of America, and a letter sent to me by acting director of labor's nonpartisan league by Joseph "Jock" Yablonski, both of whom oppose the Prouty amendment in these communications.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED MINE WORKERS OF AMERICA,
Washington, D.C.

HON. HARRISON A. WILLIAMS, Jr.,
U.S. Senate,
Washington, D.C.:

The UMWA's support of the Federal Coal Mine Safety Board of Review was predicated upon the position the Board would be retained in its present form and would exercise its present limited powers of review. It is not the position of the UMWA that the Board should be vested with tremendous new authority far beyond the scope of its present power. The UMWA supports rigid enforcement of a strong coal mine health and safety law. If the Board were vested with virtually unlimited powers over all standards set by the Secretary of Interior and with power to veto any penalties against the operator levied by the Secretary, this could well jeopardize the rigid enforcement of the strong law for which we are fighting. The UMWA expresses grave concern over the retention of the Board if it is to be given such a broad scope of power. The strict enforcement of improved health and safety standards for the coal miner could best be assured if the Secretary of Interior were given the authority as provided in the Senate Committee's bill.

W. A. BOYLE,
President.

LABOR'S NON-PARTISAN LEAGUE,
Washington, D.C., October 2, 1969.

HON. HARRISON A. WILLIAMS, Jr.,
Chairman, Labor Subcommittee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: The new powers given the Federal Board by the Prouty amendment were not considered in the public hearings of the Coal Mine Health and Safety legislation, and the United Mine Workers had no opportunity to testify on the impact of this amendment on the health and safety needs of the mine workers. These new powers in the Prouty amendment are so numerous and so sweeping that I cannot list them all. It is impossible, without a great amount of study, to assess their impact on the coal mine workers of this Nation.

We wish to be clearly on record that we favor the administrative review provisions in the Committee bill which we understand and know would protect the miner's rights to a safe and healthy job. We do not support the board proposed by the Prouty amendment.

The miners workers health and safety bill has been before the Senate for almost 5 days. We urge prompt passage.

Sincerely yours,
JOSEPH "JOCK" YABLONSKI,
Acting Director.

Mr. PROUTY. Mr. President, in response to what the Senator from New Jersey has just stated, I point out that a bill introduced by the Senator from New Jersey (Mr. WILLIAMS), and I believe at the request or with the knowledge and consent, at least, of the United Mine Workers, there was provision for a board of review.

Why all of a sudden the United Mine Workers have changed their opinion at the last moment—and I understand it was this morning or last night—I am at a loss to understand except for the malicious rumor that someone has been circulating to which I referred earlier, that the Board would be composed of 10 members, all of whom would be college professors without any interest or concern for the mine workers or operators.

That is strictly untrue and false, and perhaps malicious would be a polite way in which to refer to it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. MILLER. Mr. President, will the Senator tell us whether the proposal of the Senator from New Jersey provided for a board which was an independent board such as the Senator from Vermont is proposing or whether it provided for a board which would be within a department similar to the former Board?

Mr. PROUTY. Mr. President, I want to be corrected if I am wrong. I think the membership would have been composed of five, two of which would have represented the union, two of which would have represented the operators, and the fifth would have represented the public, so to speak.

It was not a completely independent board such as I am proposing at this time. There is that difference.

Mr. MILLER. Mr. President, I was wondering if that might not be a substantial difference.

Mr. PROUTY. I think the proposal which I have made, which would provide for five full-time and qualified independent members, would protect the interests of both the mine workers and the operators to a much greater degree than was possible under the old Board of Review type they had in which industry and labor were represented or controlled, and it was always referred to as a special interest board. This is completely independent and removed from any influence by the industry or the workers themselves.

XUM

Mr. KENNEDY. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MILLER. Mr. President, I am not suggesting that there is not a great deal of merit to the proposal of the Senator from Vermont. I am trying to define why the United Mine Workers would support a board proposal in a bill introduced by the Senator from New Jersey and then all of a sudden not support a board proposal introduced by the Senator from Vermont.

As I understand it, the Senator from New Jersey proposed a board which would be within the department. The Senator from Vermont proposes an independent board outside of the department. Is my understanding correct?

Mr. WILLIAMS of New Jersey. The Senator's understanding is correct.

Mr. MILLER. I think it might be a little beneficial if we could find why the difference. I can understand why a board within the department might have some merit. It enables perhaps the Secretary to exercise some influence in accordance with departmental policy which may be spelled out in legislation; whereas, a separate and independent board might take a position contrary to departmental policy, and I am not sure that that would be good. But at this moment I must say that the Senator from Iowa is a little concerned and confused about the difference.

If either the Senator from New Jersey or the Senator from Vermont can enlighten us, I think it might be helpful.

Mr. PROUTY. I might point out to the Senator from Iowa that President Boyle of the United Mine Workers also spoke in favor of a board of review during the committee hearings, and one that would have two union representatives and two management representatives, and they could pick their own two representatives. That may be the difference.

I think what they apparently want to do is to place the Secretary of the Interior in such a position that he becomes a virtual czar. The Secretary of the Interior does not want that authority. He thinks that with a board we can iron out some of these disputes and differences without going to court.

The present Board has done an excellent job over the years, and I think the proposal I am suggesting will be even superior, certainly with the new responsibilities. We are making the Board a full-time group with the added responsibilities which are imposed upon someone by the provisions in this bill. I think they should be full time and highly expert in the field.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. PROUTY. I yield.

Mr. MILLER. I see the Senator from New Jersey in the Chamber. Perhaps he would rather answer.

Did the proposal in the bill introduced by the Senator from New Jersey provide for a full-time board?

Mr. WILLIAMS of New Jersey. To which bill is the Senator from Iowa referring?

Mr. MILLER. The Senator from Iowa is referring to the bill which I understand the Senator from New Jersey introduced, which provided for a board.

Mr. WILLIAMS of New Jersey. I believe that is true. Months, months ago, I, as chairman of the Subcommittee on Labor, which had jurisdiction over this matter, introduced a bill. The Senator from West Virginia introduced a bill. We came out with the pending bill. We feel that with the authority in this bill, the Secretary will be in a position of Secretaries of other departments. Orderly procedures will be preserved, and it will be far more effective and more efficient in the objectives of reaching what the bill is all about—coal mine health and safety.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MILLER. Mr. President, I should like to continue for a moment.

I just want to say to my friend the Senator from New Jersey that I appreciate his answer, but I do not think I have yet got the answer.

Mr. WILLIAMS of New Jersey. The answer is that I support the pending bill, and it comes after months and months of day-in and day-out study. I had a bill in at the beginning of our study. In the evolution of study and discussion, this is our end product, the pending bill.

Mr. MILLER. Perhaps I should make my question more clear.

I am interested in this point. The Senator from Vermont has stated that the United Mine Workers supported this Board concept. The Senator from New Jersey a few moments ago read to the Senate a telegram signed by the United Mine Workers indicating opposition to this amendment. What I am trying to find out is whether there has been a change or whether there was a different ball game.

Mr. WILLIAMS of New Jersey. The Board proposed by the Senator from Vermont has vast, sweeping powers that were never understood because it was never heard; and the mine worker representatives, speaking for their membership, certainly are not going to support something the effect of which they do not know. It is a broad, sweeping Board, and they are worried about it, as I am worried about it, as the Senator from West Virginia is worried about it. All of us are worried about it.

Mr. MILLER. I can understand somebody being worried about something they do not know anything about; but I understand that the bill of the Senator from New Jersey provided for a Board and that the United Mine Workers supported that bill. Now the Senator from Vermont says he is proposing a bill with provision for a Board in it. Why does the United Mine Workers not support this?

So far, I have this distinction: The Senator from New Jersey had a bill which provided for a Board within the department. The Senator from Vermont is providing for a Board which is outside of the department—separate and independent. I am trying to find out whether that is the only difference and, if that is the only difference, what that difference means.

Mr. WILLIAMS of New Jersey. So far as this Senator is concerned. I am supporting the pending bill, which is the end product of 9 months—believe me—hard work.

Mr. MILLER. I thank the Senator.

Mr. RANDOLPH. Mr. President, will the Senator yield 30 seconds?

Mr. PROUTY. I yield.

Mr. RANDOLPH. I wish to say, in response to the helpful discussion of the Senator from Iowa, that there were eight bills before the subcommittee. I introduced three bills. In the introduction of those bills, I never committed myself to all provisions of all of them. But we felt it necessary, as we broke ground here in connection with the health and safety of miners, to have before us many viewpoints—whether it was the viewpoint of the Johnson administration, the viewpoint of the Nixon administration, the viewpoint of the operator, the viewpoint of the coal mining union, or that of other interested citizens.

I think the chairman of our subcommittee has said what I have said in other words; but I wanted to make it clear that in the introduction of three of the eight bills before us, I sought to supply alternative subject matter on which we could exercise our judgment in bringing a constructive measure to this body.

We studied and debated many options in arriving at the bill reported to this forum and amended in part here.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOK (when his name was called). On this vote I have a live pair with the Senator from Alaska (Mr. STEVENS). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from New Mexico (Mr. MONTOYA), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER) would vote "yea."

The pair of the Senator from Alaska (Mr. STEVENS) has been previously announced.

On this vote, the Senator from Kansas (Mr. DOLE) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting the Senator from Kansas would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Maryland would vote "nay."

The result was announced—yeas 24, nays 53, as follows:

[No. 109 Leg.]

YEAS—24

Allen
Allott
Bellmon
Bennett
Boggs
Cooper
Cotton
Curtis
Dominick
Fannin
Fong
Goldwater
Gravel
Gurney
Hansen
Hruska
Jordan, Idaho
Miller
Packwood
Pearson
Prouty
Tower
Williams, Del.
Young, N. Dak.

NAYS—53

Aiken
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Dodd
Eagleton
Eastland
Ellender
Fulbright
Goodell
Griffin
Hart
Hartke
Holland
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Mansfield
McCarthy
McGee
Metcalf
Mondale
Moss
Mundt
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cook, against.

NOT VOTING—22

Anderson
Baker
Bayh
Cranston
Dole
Ervin
Gore
Harris
Hatfield
Hughes
Long
Magnuson
Mathias
McClellan
McGovern
McIntyre
Montoya
Murphy
Russell
Smith, Ill.
Stevens
Thurmond

So Mr. PROUTY'S amendment (No. 219) was rejected.

Mr. BYRD of West Virginia. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from West Virginia proposes an amendment, on page 101, line 16 after the comma insert the following: "whether the operator was at fault".

Mr. BYRD of West Virginia. Mr. President, under section 308, an operator of a coal mine shall be penalized for violations occurring of a mandatory health and safety standard.

I am not opposed to penalties being assessed against operators where the operators are clearly at fault. The language in my amendment would merely require that, before a penalty could be applied, there be a finding that the operator was indeed at fault.

Mr. WILLIAMS of New Jersey. Mr. President, we have thoroughly discussed this amendment with the Senator from West Virginia. It would require the Secretary to consider the fault of the operator, or his lack of fault, in determining the amount of the penalty. It is acceptable to us.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. METCALF. Mr. President, I was the author of an amendment that required a mandatory penalty and, of course, I do not want a mandatory penalty to be placed upon a coal operator who is penalized for the inadvertent act of a coal employee. I want only a penalty for the coal operator who is responsible for his own actions. Many times it is the inadvertence of an employee which is responsible for a violation, and I feel that the Senator from West Virginia has made a contribution.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Montana.

Mr. JAVITS. Mr. President, personally I am opposed to a mandatory penalty. Perhaps, had I been here this morning, I might have taken action against it. But I have thought it over, and I know how strongly the Senator from Montana (Mr. METCALF) feels about it. Therefore, I have not sought to undo it. Thus, it was left open to me to move for reconsideration. I express my appreciation for that to the leadership, but I do think that what the Senator from West Virginia (Mr. BYRD) is trying to do now lends another quality to it. It is unfortunate that, nonetheless, the Secretary must still levy a penalty, if it is only $1. But as it is a civil penalty, I do not feel so exercised about it.

I think the amendment of the Senator from West Virginia is very useful. When it goes to conference we will have to study the amendment in the context of what results from the conference, as to both amendments. I am sure that both of us appreciate that I, for one, will have to come back to each of them, if we have to make some shift from that position.

Mr. ALLEN. Mr. President, I offer an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Alabama proposes an amendment, on page 101, line 11, between "be" and "more" insert the following "less than $1 nor".

Mr. ALLEN. Mr. President, in the colloquy this morning, at which time the imposition of the civil penalty was made mandatory rather than discretionary, it was stated by the distinguished junior Senator from Montana (Mr. METCALF) that a fine of as little at $1 could be imposed under the language of the section. That is true, because the penalty provided by section 308 shall not be more than $25,000. Of course, under that language, a penalty of as little as $1, or 1 cent, for that matter, could be imposed. With such a tremendous ceiling for this penalty, a ceiling of $25,000, it would seem that the Secretary might be somewhat reluctant to impose a penalty of as little as $1.

The purpose of my amendment is to give legislative sanction by legislative act rather than by colloquy in the CONGRESSIONAL RECORD to the imposition of a penalty as low as $1. That is the purpose of my amendment.

Mr. METCALF. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. METCALF. The very able Senator from Alabama was in the chair during the course of the colloquy when I offered my amendment. It was very plain from both the majority leader and on my part that we anticipated there would be penalties of only $1—that is, a token penalty at times. Thus I feel that the Senator from Alabama, in nailing this down as part of the legislation, has made a contribution.

Mr. ALLEN. I thank the Senator from Montana.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

Mr. METCALF. Mr. President, we are reaching a landmark in industrial health legislation in approval of the Federal Coal Mine Health and Safety Act of 1969. Coal mining is one of the most hazardous occupations. It has been in many ways a tragic industry. Death, disease, unemployment, and poverty have plagued many of the coal areas. We are recognizing and acting on some of the problems in this legislation.

I believe that the members of the Senate Committee on Labor and Public Welfare, who have worked so long and carefully on this bill deserve our thanks. I am especially mindful of the efforts of the distinguished Senator from New Jersey (Mr. WILLIAMS), chairman of the Senate Labor Subcommittee. Because of his leadership, fairness, and persistence, the health standards and working conditions in American industry are substantially improved. I want to express my appreciation to him, and to note with gratitude the reception accorded my amendments regarding enforcement, inspection, and sanitary facilities.

I believe that this legislation marks the beginning of a new era in coal development. My State, which is also the State of our distinguished majority leader (Mr. MANSFIELD) is very much a part of that new era. At least 10 percent of the Nation's coal reserves lie in Montana. Sen-

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ator Mansfield, Congressman Olsen, Congressman Melcher, Governor Anderson, and I are jointly cosponsoring a 2-day coal symposium at Eastern Montana College in Billings, November 6 and 7. We believe that coal development will be of great import to our State's future. We want to encourage that development, we want to protect our environment as we proceed with development, and we want the people who mine Montana coal to be protected by the type of legislation which Congress is in the process of approving.

Mr. President, I ask unanimous consent to insert at this point in the Record the press release announcing the Montana coal symposium and a background paper which Governor Anderson and the Montana congressional delegation have prepared.

There being no objection, the press release and background paper were ordered to be printed in the Record, as follows:

[From the Montana congressional delegation and State of Montana, Sept. 24, 1969]

Two-Day Coal Symposium in Billings, November 6 and 7

Eastern Montana College, Billings, will host a two-day symposium, November 6 and 7, designed to attract national attention to development of Montana's vast coal reserves.

The symposium will also examine protection of environment and preservation of Montana's prime recreational assets as coal resources are developed.

Announcement of the symposium was made jointly today by Governor Forrest Anderson, Senator Mike Mansfield and Lee Metcalf and Representatives Arnold Olsen and John Melcher.

Dr. Will Clark, Chairman of the Division of Science and Mathematics at Eastern and the immediate past president of the National Conservation Education Association, will coordinate the symposium.

Speakers and panelists will include representatives of industry, the Federal and State government and conservation organizations.

Topics to be discussed will include construction of mine-mouth plants, regional electric power pooling, conversion of coal to synthetic hydrocarbons, magnetohydrodynamics (direct conversion of coal to electrical energy), plant location in relation to water supplies, slurry pipelines (pipelines which carry coal mixed with water), freight rates, barge transportation, use of unit trains to transport coal to distant markets, strip mining, land reclamation, air and water pollution and safeguarding of areas of archeological and historical importance.

Montana has some 221 billion tons of lignite, sub-bituminous and bituminous coal reserves, averaging more than 2,300 tons to the acre. At least 14 billion tons are considered capable of economic strip mining. Montana's reserves amount to about one-tenth of the Nation's total.

The Congressional delegation and the Governor summarized the goal of the symposium in these words:

"Montana's vast coal reserves offer an opportunity for economic development unprecedented since the discovery of the 'Richest Hill on Earth' in Butte. But, as was the case in Butte, development poses threats to Montana's beautiful environment that cannot be ignored. The purpose of the Montana Coal Symposium will be to look at how modern technology can best utilize Montana coal—and, at the same time, how the development can take place with minimal damage to the environment."

Speakers and panelists will be announced at a later date. Persons may reach Dr. Clark, symposium coordinator, at Eastern Montana College, Billings, 59101, phone—406-657-2343.

Background Paper, Montana Coal Symposium, Billings, Mont., November 6 and 7, 1969

Montana's vast coal reserves offer an opportunity for economic development unprecedented since the discovery of the "Richest Hill on Earth" at Butte. But, as was the case in Butte, development poses threats to Montana's beautiful environment that cannot be ignored. The purpose of the Montana Coal Symposium will be to look at how modern technology can best utilize Montana coal—and, at the same time, how the development can take place with minimal damage to the environment.

Coal offers two commodities to modern man: the energy that can be produced through burning it or its products, and the chemicals that can be derived from it. The greatest potential today appears to be a conversion of coal to energy or energy products—although chemical production could very possibly be an auxiliary industry.

Energy can be secured from coal in two basic ways. One is conversion to electrical energy, and this industry today is by far the largest user of coal in Montana. The other is conversion of coal to synthetic hydrocarbons—gasoline or a natural gas substitute—and this represents a great potential, although the necessary technologies are still in the developmental stage.

POWER FROM COAL

The Nation's power needs, especially in heavily-populated areas, are growing rapidly. Markets in the populated Midwest and in the Pacific Northwest are burgeoning. These areas a short time ago were looking to the atom for the future's major power source. However, rapidly escalating nuclear fuel and plant costs, plus a number of unsolved conservation problems, have cast a shadow over the future of nuclear generators—at least for the next few years.

Montana coal may fill the gap. Preliminary studies show extra- or ultra-high-voltage transmission lines—"electrical superhighways"—between the Pacific Northwest and the Midwest to be economically feasible. The lines will probably pay for themselves through allowing giant bulk power exchanges between two regions. When you add the economic benefits of low-cost Montana coal to the formula, the lines become even more desirable. Not only would they provide for power exchanges between the two regions, but they also would carry power produced in Montana. Montana coal would be "shipped by wire" to these two great markets.

An Office of Coal Research report strongly indicates that power carried from generators in Montana to Pacific Northwest markets would be highly competitive with power produced in nuclear plants right at the markets.

Power has traditionally been produced from coal through burning of coal to produce steam to turn a turbine—which, in turn provides torque to a generator. This technique has disadvantages. It is not very efficient (although it is more efficient than the similar process that is used in nuclear plants) and it creates thermal pollution—the heating of water that is used to condense the steam. This kind of pollution can be devastating to the balance of life in a stream or lake or even in an ocean, at least locally.

A promising new technique that might eliminate thermal pollution, or reduce it greatly, is magnetohydrodynamics, called MHD for short. Briefly, MHD converts burning coal directly to electrical energy without any of the intermediate steps. It is far more efficient than the old steam-turbine technique and it thus does not create as much waste heat. The Office of Coal Research is ready to go ahead with an MHD pilot plant research program if it can get appropriations. The program has been endorsed by the Office of Science and Technology and by the Montana Congressional Delegation. Montana might be an ideal site for the pilot plant.

Power from Montana coal does not necessarily have to be produced in Montana. There is also a great potential for shipping coal via rail to populous markets. Already Montana coal is going to northern Minnesota for this purpose. That the coal is hauled 800 miles, and is still competitive, proves its strength in the marketplace.

SYNTHETIC FUELS

Coal is mostly carbon. Add hydrogen and you have hydrocarbons, the basic of all modern fuels, including natural gas, gasoline and fuel oils.

Hydrogen *can* be added to coal this way. The Germans relied on "Braun coal," a substance much like Montana lignite, for producing fuels when they ran short of petroleum during World War II.

The Nation's petroleum will not last forever, even with the fabulous Arctic Slope discovery in Alaska. Oil companies know this, and they and the Office of Coal Research have been working on techniques to "hydrogenate" coal into hydrocarbons. A number of processes have been developed for this purpose—OCR recently issued a report on a Cresap, West Virginia, pilot plant operated by Consolidated Coal Company. There is little doubt now that an economic process will be developed, and oil companies have been securing leases on coal in Montana, Wyoming and elsewhere.

A Rapid City, South Dakota, pilot plant will be used to study the potential for conversion of coal to a substitute for natural gas, the reserves of which are rapidly being depleted.

COMBINED PLANTS

Combined electric and synthetic hydrocarbon plants may offer a great potential for Montana coal. It is possible that "char," a byproduct of the coal-to-gasoline process would make a good fuel for powerplants.

Chemicals might also be produced in such a plant. Petroleum in recent years has become the major source of such chemicals, but coal may once again be a major contender in the chemicals industry.

WATER

One of Montana's aces in the hole in attracting coal-based industry is water. The State has abundant supplies—from the Yellowstone and Missouri Rivers and their tributaries, Yellowtail Reservoir on the Big Horn River is a major possibility, and Fort Peck Reservoir on the Missouri may also be.

Water may be the key to coal development. Every process described above requires cooling water and water for other purposes—although MHD needs less than most.

CONSERVATION

There are large conservation problems associated with coal production and development, but they can be solved with modern technology.

Coal in Montana in modern times is obtained from strip mines. These mines create deep gullies and accompanying mounds of earth, called "spoil banks." A major conservation issue is the extent to which countryside must be restored after strip mining. Not only are the spoil banks unsightly, but they also often contribute to water pollution and other kinds of environmental damage. Modern technology has developed ways to level the spoil banks—but the cost is high, and choices must soon be made.

Burning coal for many purposes creates "fly ash," a fine, abrasive residue, and various gaseous pollutants, including sulfur and nitrogen oxides. Montana coal possesses a tremendous advantage over other coals in that its sulfur content is very low and it produces less of the damaging sulfur oxides.

Nonetheless, there will be a problem of air

pollution from power plants and other coal-using installations. Technology can now remove the particulate pollutants, the fly ash, without too much difficulty. But processes for removing the gaseous pollutants are still embryonic. With increasing nationwide, even worldwide, air pollution, it is necessary that solutions be found soon, even for installations that will be located on remote Montana prairies.

Eastern Montana, wherein most of the coal reserves lie, is an especially rich paleontological and archeological field, with ancient remains of prehistoric Indian life and rich fossil beds, which would be ruined by indiscriminate strip mining.

This background paper on the Montana coal symposium at Eastern Montana College, Billings, was prepared for members of the Montana Congressional delegation and the Governor of Montana. Additional copies are available from them or Dr. Will Clark, Symposium Coordinator, Eastern Montana College, Billings, Montana 59101.

Several Senators requested the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from California (Mr. Cranston), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes), and the Senator from Washington (Mr. Magnuson) are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from California (Mr. Cranston), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from Minnesota (Mr. McCarthy), and the Senator from Georgia (Mr. Russell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Kansas (Mr. Dole), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith), the Senator from Alaska (Mr. Stevens), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Fannin) and the Senator from Maryland (Mr. Mathias) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. Baker), the Senator from Utah (Mr. Bennett), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Fannin), the Senator from Oregon (Mr. Hatfield), the Senator from Maryland (Mr. Mathias), the Senator from Alaska (Mr. Stevens), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 110 Leg.]

YEAS—73

Aiken
Allen
Allott
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Curtis
Dodd
Dominick
Eagleton
Eastland
Ellender
Fong
Fulbright
Goldwater
Goodell
Griffin
Gurney
Hansen
Hart
Hartke
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
McGee
Metcalf
Miller
Mondale
Moss
Mundt
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—27

Anderson
Baker
Bayh
Bennett
Burdick
Cranston
Dole
Ervin
Fannin
Gore
Gravel
Harris
Hatfield
Hughes
Long
Magnuson
Mathias
McCarthy
McClellan
McGovern
McIntyre
Montoya
Murphy
Russell
Smith, Ill.
Stevens
Thurmond

So the bill (S. 2917) was passed, as follows:

S. 2917

An act to improve the health and safety conditions of persons working in the coal mining industry of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Coal Mine Health and Safety Act of 1969".

FINDINGS AND PURPOSE

Sec. 2. Congress declares that—

(1) the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner;

(2) deaths and serious injuries from unsafe and unhealthful conditions and practices in the coal mines cause grief and suffering to the miners and to their families;

(3) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal mines in order to prevent death and serious physical harm, and in order to prevent occupational diseases originating in such mines;

(4) the existence of unsafe and unhealthful conditions and practices in the Nation's coal mines is a serious impediment to the future growth of the coal mining industry and cannot be tolerated;

(5) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(6) the disruption of production and the loss of income to operators and miners as a result of coal mine accidents or occupationally caused diseases unduly impedes and burdens commerce; and

(7) it is the purpose of this Act (1) to establish interim mandatory health and safety standards and to direct the Surgeon General and the Secretary of the Interior to develop and promulgate improved mandatory standards to protect the health and safety of the Nation's coal miners; (2) to require that each operator of a coal mine and every miner in such mine comply with such standards; (3) to cooperate with, and provide assistance to the States in the development and enforcement of effective State coal mine health and safety programs; and (4) to improve and expand, in cooperation with the States and the coal mining industry, research and development and training programs aimed at preventing coal mine accidents and occupationally caused diseases in the industry.

MINES SUBJECT TO ACT

Sec. 3. Each coal mine, the products of which enter commerce, or the operations or products of which affect commerce, shall be subject to this Act, and each operator of such mine and every miner in such mine shall comply with the provisions of this Act and the applicable standards and regulations of the Secretary and the Surgeon General promulgated under this Act.

DEFINITIONS

Sec. 4. For the purpose of this Act, the term—

(1) "Secretary" means the Secretary of the Interior or his delegate;

(2) "Surgeon General" means the Surgeon General, United States Public Health Service in the Department of Health, Education, and Welfare, or his delegate;

(3) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(4) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(5) "operator" means any owner, lessee, or other person who operates, has control of, or supervises a coal mine;

(6) "agent" means any person charged with responsibility for the operation of all or part of a coal mine or the supervision of the miners in a coal mine;

(7) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(8) "miner" means any individual working in a coal mine;

(9) "coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(10) "work of preparing the coal" means

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the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous, lignite, or anthracite coal, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(11) "imminent danger" means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(12) "accident" includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of, any person; and

(13) "Panel" means the Interim Compliance Panel established by this Act.

INTERIM COMPLIANCE PANEL

SEC. 5. (a) There is hereby established the Interim Compliance Panel, which shall be composed of five members as follows:

(1) Assistant Secretary of Labor for Labor Standards, Department of Labor, or his delegate;

(2) Director of the Bureau of Standards, Department of Commerce, or his delegate;

(3) Administrator of Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, or his delegate;

(4) Director of the Bureau of Mines, Department of the Interior, or his delegate; and

(5) Director of the National Science Foundation, or his delegate.

(b) Members of the Panel shall serve without compensation in addition to that received in their regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Panel.

(c) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, Secretary of Commerce, the Secretary of Labor, and the Secretary of the Interior shall, upon request of the Panel, provide the Panel such personnel and other assistance as the Panel determines necessary to enable it to carry out its functions under this Act.

(d) Three members of the Panel shall constitute a quorum for doing business. All decisions of the Panel shall be by majority vote. The chairman of the Panel shall be selected by the members from among the membership thereof.

(e) The Panel is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted in accordance with the provisions of this Act. The provisions applicable to hearing examiners appointed under section 3105 of title 5 of the United States Code shall be applicable to hearing examiners appointed pursuant to this subsection.

(f)(1) It shall be the function of the Panel to carry out the duties imposed on it pursuant to sections 102 and 206(l) of this Act. The provisions of this section shall terminate upon completion of the Panel's functions as set forth under sections 102 and 206(l) of this Act.

(2) The Panel shall make an annual report, in writing, to the Secretary for transmittal by him to the Congress concerning the achievement of its purposes, and any other relevant information (including any recommendations) which it deems appropriate.

TITLE I—MANDATORY HEALTH STANDARDS FOR COAL MINES

PART A—INTERIM MANDATORY HEALTH STANDARDS FOR CONTROLLING DUST AT UNDERGROUND COAL MINES

SCOPE AND COVERAGE

SEC. 101. (a) The provisions of sections 102 and 103 of this title shall be interim mandatory health standards applicable to all underground coal mines until superseded in whole or in part by improved mandatory health standards promulgated by the Secretary in accordance with health standards established by the Surgeon General for such mines to become effective after the operative date of this title. Any orders issued in the enforcement of the provisions of this part shall be subject to review as provided in title III of this Act.

(b) Among other things, it is the purpose of this title to provide, to the greatest extent possible, that the working conditions in each underground coal mine are sufficiently free of dust concentrations in the atmosphere to permit each miner the opportunity to work underground during the period of his entire adult working life without incurring any disability from pneumoconiosis or any other occupation-related disease during or at the end of such period.

(c)(1) Within one year after the date of enactment of this Act, the Surgeon General shall develop and submit to the Secretary and the Congress recommendations as to the maximum permissible total exposure of individuals to coal mine dust during a working shift. Such recommendations shall be revised by the Surgeon General as necessary.

(2) Within three years after the date of enactment of this Act, and thereafter as needed, the Secretary shall publish as provided in subsection 105(c) of this title a schedule specifying the times within which mines shall reduce the total personal exposure to dust on a working shift to the levels recommended by the Surgeon General. Such schedule of the Secretary shall be based upon his determination of what is the minimum time necessary for these levels to be technologically feasible and the availability of equipment. The levels so specified by the Secretary shall be the dust standards applicable to coal mines under this Act.

(3) Within 6 months after the date of enactment the Surgeon General shall establish, and the Secretary shall publish, as provided in subsection 105(c) of this title proposed mandatory standards establishing maximum noise exposure levels for all coal mines.

DUST STANDARD AND RESPIRATORS

SEC. 102. (a) (1) Effective sixty days after the operative date of this title, each operator shall continuously maintain the concentrations of respirable dust in the atmosphere of the active workings of the mine during each shift at or below 3.0 milligrams of dust per cubic meter of air, except that, where a permit for noncompliance has been issued to an operator as hereinafter provided, such operator shall continuously maintain the concentration of respirable dust in the atmosphere of the active workings of the mine during each shift at or below 4.5 milligrams of dust per cubic meter of air or, if a lower concentration is prescribed in such permit, at or below such lower concentration. In mining operations where the coal dust contains more than 5 per centum quartz, the dust standard shall be determined in accordance with a formula to be prescribed by the Surgeon General.

(2) Effective three years after the date of the enactment of this Act, each operator shall continuously maintain the concentrations of respirable dust in the atmosphere of the active workings of the mine during each shift at or below 2.0 milligrams of dust per cubic meter of air, except that, where a permit for noncompliance has been issued to an operator as hereinafter provided, such operator shall continuously maintain the concentration of respirable dust in the atmosphere of the active workings of the mine during each shift at or below 3.0 milligrams per cubic meter of air or, if a lower concentration is prescribed in such permit, at or below such lower concentration.

(b)(1) Any operator who determines that he will be unable, using available technology, to comply with the 3.0 milligram standard established by subsection (a)(1) of this section, or the 2.0 milligram standard established by subsection (a)(2) of this section, upon the effective date of such standard, may, no later than sixty days prior to the effective date of the standard with respect to which such application is filed, file with the Panel an application for a permit for noncompliance. If, in the case of an application for a permit for noncompliance with the standard established by subsection (a)(1) of this section, the application satisfies the requirements of subsection (c) of this section, the Panel shall issue to the operator a permit for noncompliance. If, in the case of an application for a permit for noncompliance with the standard established by subsection (a)(2) of this section, the application satisfies the requirements of subsection (c) of this section, and the Panel, after all interested persons have been notified and given an opportunity for a hearing, determines that the applicant will be unable to comply with such 2.0 milligram standard, the Panel shall issue to the operator a permit for noncompliance. Any such permit so issued shall entitle the permittee during a period which shall expire at a date fixed by the Panel, but in no event later than twelve months after the effective date of such standard, to maintain continuously the concentrations of respirable dust in the atmosphere in each active working place during each shift to which the extension applies at a level specified by the Panel, which shall be at the lowest level which the application shows the conditions, technology applicable to such mine, and other available and effective control techniques and methods will permit, but in no event shall such level exceed 4.5 milligrams of dust per cubic meter of air during the period when the 3.0 milligram standard is in effect, or 3.0 milligrams of dust per cubic meter of air during the period when the 2.0 milligram standard is in effect.

(2)(A) Except as provided in paragraph (3) of this subsection, in any case in which an operator, who has been issued a permit (including a renewal permit) for noncompliance under this section, determines not more than ninety days prior to the expiration date of such permit, that he still is unable to comply with the 3.0 milligram standard established by subsection (a)(1) of this section or the 2.0 milligram standard established by subsection (a)(2) of this section, he may file with the Panel an application for renewal of the permit. Upon receipt of such application for renewal of a permit, the Panel, if it determines, after all interested persons have been notified and given an opportunity for a hearing, that the application is in compliance with the provisions of subsection (c) of this section, and that the applicant will be unable to comply with such standard, may renew the permit for a period not exceeding six months. Any hearing held pursuant to this subsection shall be of record and the Panel shall make findings of fact and shall issue a written decision incorporating its findings therein.

(B) Such renewal permit shall entitle the permittee, during the period of its effectiveness, to maintain continuously during each shift the concentrations of respirable dust in the atmosphere at any active working place to which the renewal permit applies at the lowest level which the conditions, technology applicable to such mine, and other available and effective control techniques and methods will permit, as determined by the Panel, but in no event shall such level exceed 4.5 milligrams of dust per cubic meter of air during the period when the 3.0 milligram standard is in effect, or 3.0 milligrams of dust per cubic meter of air during the period when the 2.0 milligram standard is in effect.

(3) Except to the extent otherwise provided in subsection (k) of this section, no permit or renewal permit for noncompliance shall entitle any operator to an extension of time beyond thirty-six months from the date of enactment of this Act to comply with the 3.0 milligram standard established by subsection (a)(1) of this section, or beyond seventy-two months from the date of enactment of this Act to comply with 2.0 milligram standard established by subsection (a)(2) of this section.

(c) Any application for an initial or renewal permit for noncompliance made pursuant to this section shall contain—

(1) a representation by the applicant and the engineer conducting the survey referred to in paragraph (2) of this subsection that the applicant is unable to comply with the dust standard applicable under subsection (a)(1) or (a)(2) of this section at specified active working places because the technology for reducing such dust concentrations at such place is not available, or because of the lack of other effective control techniques or methods, or because of any combination of such reasons;

(2) an identification of the active working places in such mine for which the permit is requested; the results of an engineering survey by a certified engineer of the dust conditions of each active working place of the mine with respect to which such application is filed and the ability to reduce the dust concentrations to the level required to be maintained in such working place under this section, together with a copy of such engineering survey; a description of the ventilation system of the mine and its capacity; the quantity of air regularly reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms of each such active working place; the method of mining; the amount and pressure of the water, if any, reaching the working face; the number, location, and type of sprays, if any; actions taken to reduce the dust concentrations; and such other information as the Panel may require; and

(3) statements by the applicant and the engineer conducting such survey, of the means and methods to be employed to achieve compliance with the applicable duat standard, the progress made toward achieving compliance, and an estimate of when compliance can be achieved.

(d) The Secretary shall cause to be made such frequent spot inspections as he deems appropriate of the active workings of underground coal mines for which permits for noncompliance have been granted under this section for the purpose of obtaining compliance with the provisions of this title. The Secretary shall also make spot inspections of all active workings in underground mines to insure compliance.

(e) Any operator or representative of miners aggrieved by a final decision of the Panel with respect to an application for an initial or renewed permit for noncompliance may file a petition for review of such decision in accordance with the provisions of section 304 of this Act:

(f) Each operator shall take samples of the atmosphere of the active workings of the mine to determine the atmospheric concentrations of respirable dust. Such samples shall be taken by any device approved by the Secretary and in accordance with the methods and at locations and at intervals and in a manner prescribed by him. Such samples shall be transmitted to the Secretary, in a manner prescribed by the Secretary, and analyzed and recorded by him in a manner to assure that the dust levels established by, or permitted under, this section are not exceeded and to enable him to cause an immediate inspection of any mine whenever such samples indicate that the concentration of dust therein exceeds such level. If, upon the basis of such samples or additional samples taken during an inspection, the Secretary or his authorized representative finds that the concentrations of respirable dust in any active workings in a mine exceed the level required to be maintained under this section, the Secretary or his representative shall issue a notice to the operator or his agent, a copy of which shall be transmitted to the Panel and to a representative of the miners in the mine, fixing a reasonable time to take corrective action, which time shall not exceed seventy-two hours, and the operator of the mine shall take corrective action immediately in order to bring such concentrations at or below the level required to be maintained under this section. If, upon the expiration of such time, the Secretary or his authorized representative finds that such action has not been completed and the violation has not been abated, he shall issue an order requiring that while such corrective action is underway, no work, other than that necessary to take such action and to obtain valid samples of the atmosphere of the active workings of the mine to determine the atmospheric concentrations of respirable dust, shall be permitted until the dust concentrations in such mine have been reduced to or below such required level. As soon as possible after an order is issued, the Secretary, upon request of the operator, shall dispatch to the mine involved a person or team of persons, to the extent such persons are available, determined by him to be knowledgeable in the methods and means of controlling and reducing respirable dust. Such person or team of persons shall remain at the mine involved for such time as they shall deem appropriate to assist the operator in reducing respirable dust concentrations. While at the mine, such persons may require the operator to take such actions as they deem appropriate to insure the health of any person in the coal mine.

(g) The dust resulting from drilling in rock shall be controlled by the use and maintenance of dust collectors, by water or water with a wetting agent, or by ventilation or other means approved by the Secretary. Miners who are engaged in drilling in rock and exposed for short periods to inhalation hazards from gas, dust, fumes, or mist shall wear respiratory equipment. When the exposure is for prolonged periods, other measures to protect such miners or to reduce the hazard shall be taken.

(h) Respirators shall be worn by all persons for protection against exposures to concentrations of dust in excess of the levels required to be maintained under this section. Use of respirators shall not be substituted for environmental control measures. Each mine shall maintain a supply of respirators adequate to comply with the provisions of this section.

(i) References to respirators, dust collectors, or respiratory equipment in this section mean respirators, dust collectors, and equipment approved by the Secretary in accordance with health standards established by the Surgeon General.

(j) References to specific concentrations of dust in this title mean concentrations of respirable dust if measured with an MRE instrument or equivalent concentrations of dust if measured with another device approved by the Secretary. As used in this title, the term "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(k) At any time within two years following the date on which the 2.0 milligram standard established by subsection (a)(2) of this section becomes effective, the Secretary may, after having given the Congress advance written notice not less than one hundred and twenty days prior thereto and in accordance with health standards established by the Surgeon General, extend the time within which all underground coal mines are required to comply with such standard, if the Secretary determines that the technology or other effective control techniques or methods for reducing such dust concentrations to the level required by such standard is not available. Such extension shall be effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which a written plan of such extension is transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that that House does not favor the extension plan.

(l) For the purpose of subsection (k) of this section—

(1) the continuity of a session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

(m) Any extension plan transmitted to the Congress pursuant to this section shall be received and acted on by the Congress in the same manner as that provided for reorganization plans under chapter 9 of title 5 of the United States Code.

(n) The Secretary and the Surgeon General shall, from time to time, but in no event less than twice annually, submit a written report to the Congress setting forth the progress made toward achieving absolute compliance with the standards established by subsection (a) of this section, and an estimate of the time as to when such compliance can be achieved.

(o) The Secretary or his authorized representative may require a greater quantity of air than the minimum required under section 204(b) of this Act when he finds it necessary to protect the health of miners in a coal mine. Where line brattice or other approved devices are installed, the space between such device and the rib shall, in addition to the requirements of section 204 (c)(2) of this Act, be adequate to permit the flow of sufficient volume of air to reduce the concentrations of respirable dust at each active working face.

MEDICAL EXAMINATIONS

SEC. 103. (a) The operator of an underground coal mine shall establish a program approved by the Surgeon General under which each miner working in such underground coal mine will be given, at least annually, beginning six months after the operative date of this title, a chest roentgenogram and such other tests as may be required by the Surgeon General. The films shall be taken in a manner to be prescribed by the Surgeon General and shall be read and classified by the Surgeon General and the results of each reading on each such miner shall be available to the Surgeon General and, with the consent of the miner, to his physician and other appropriate persons. The Surgeon General may also take such examinations and tests where appropriate and may cooperate with the operator in taking of such examinations and tests on a reimbursable basis. Each operator shall cooperate with the Surgeon General in making arrangements for each miner in such mine to be given such other medical examinations as the Surgeon General determines necessary. The results of any such examination shall be submitted in the same manner as the aforementioned films. In no case, however, shall any such miner be required to have a chest roentgenogram or examination under this section without his consent.

(b)(1) On and after the effective date of the 3.0 milligram standard established by section 102(a)(1) of this title, any miner who, in the judgment of the Surgeon General based upon such reading or medical examinations, shows evidence of the development of the pneumoconiosis shall be assigned by the operator, for such period or periods as may be necessary to prevent further development of such disease, to work, at the option of the miner, in any working section or other area of the mine, where the mine atmosphere contains concentrations of respirable dust of not more than 2.0 milligrams of dust per cubic meter of air.

(2) On and after the effective date of the 2.0 milligram standard established by section 102(a)(2) of this title, any miner so showing such evidence of the development of pneumoconiosis shall be assigned in accordance with the provisions of paragraph (1) of this subsection to any working section or other area of the mine where the mine atmosphere contains concentrations of respirable dust at a level, below 2.0 milligrams of dust per meter of air, determined by the Secretary, in accordance with health standards established by the Surgeon General, to be necessary to prevent further development of such disease.

(3) Any miner assigned to work in any other working section or other area of the mine pursuant to paragraphs (1) or (2) of this subsection shall receive for such work the regular rate of pay received by other miners performing comparable work in such section or area, or the regular rate of pay received by such miner immediately prior to his assignment, whichever is the greater.

PART B—PROMULGATION OF MANDATORY HEALTH STANDARDS FOR ALL COAL MINERS

HEALTH STANDARDS; REVIEW

SEC. 105. (a) In accordance with health standards established by the Surgeon General from time to time and the procedures set forth in this section, the Secretary shall promulgate mandatory health standards for the protection of life and the prevention of occupational diseases in coal mines.

(b) In the development of such standards, the Surgeon General shall consult with other interested Federal agencies, representatives of State agencies, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, the State, such advisory committees as he may appoint, and where appropriate, foreign countries. In addition to the attainment of the highest degree of health and protection for the miner, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this and other health regulations.

(c) The Secretary shall from time to time publish any such proposed standards and the schedule provided for in subsection 101(c)(2) of this title in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (c) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards or schedule with such modifications as he and the Surgeon General may deem appropriate. Not later than twelve months after the date of enactment of the Act, the Secretary, in accordance with health standards established by the Surgeon General, shall propose mandatory health standards for surface coal mines and surface work areas of underground coal mines and shall publish such proposed standards in the Federal Register.

(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c) of this section, any interested person may file with the Secretary written objections to a proposed standard or schedule, stating the grounds therefor and requesting a public hearing by the Secretary on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards or provisions of the schedule to which objections have been filed and a hearing requested, and shall review such standards, schedules, and objections in accordance with subsection (a) of this section.

(e) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (d) of this section, the Secretary shall issue notice of and hold a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary shall make findings of fact and may promulgate the mandatory standards with such modifications, or take such other action, as he and the Surgeon General deem appropriate. All such findings shall be public.

(f) Any mandatory standard or schedule promulgated under this section shall be effective upon publication in the Federal Register unless the Secretary specifies a later date.

(g) All health standards established by the Surgeon General pursuant to this title shall, at the time of their transmission by him to the Secretary for disposition by him in accordance with the provisions of this title, be published in the Federal Register.

TITLE II—MANDATORY SAFETY STANDARDS FOR COAL MINES

PART A—INTERIM SAFETY STANDARDS FOR UNDERGROUND COAL MINES

SCOPE OF COVERAGE

SEC. 201. (a) The provisions of sections 202 through 218, inclusive, of this title shall be interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by improved mandatory safety standards promulgated by the Secretary for such mines pursuant to section 219 of this title. Such interim standards shall be enforced in accordance with the provisions of title III of this Act.

(b) The purpose of this title is to provide for the immediate application of mandatory safety standards developed on the basis of experience and advances in technology and to prevent newly created hazards resulting from new technology in coal mining. The Secretary shall immediately initiate studies, investigations, and research to further upgrade such standards and to develop and promulgate new and improved standards promptly that will provide increased protection to the miners, particularly in connection with hazards from trolley and trolley feeder wires, signal wires, the splicing and use of trailing cables, and in connection with improvements in vulcanizing of electric conductors, improvement in roof control measures, methane drainage in advance of mining, improved methods of measuring methane and oxygen concentrations and the use of improved underground power equipment, including diesel power.

(c) In any case in which an exception to a standard established by this part is authorized by the provisions thereof, such exception shall be made only upon a finding by the Secretary that it is warranted under the criteria established in the provision authorizing such exception, and that the granting of the exception would not pose a danger to the safety of miners. Such findings shall be made public and shall be available to a representative, if any, of the miners at the affected mine.

(d) In any case where the provisions of sections 202 to 218, inclusive, of this title provide that certain actions, conditions, or requirements shall be carried out as prescribed by the Secretary, the provisions of section 553 of title 5 of the United States Code shall apply unless the Secretary otherwise prescribes.

GENERAL STANDARDS

SEC. 202. (a) Telephone service or equivalent two-way communication facilities shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section that is more than one hundred feet from the mine portal.

(b) Smoking shall be prohibited underground. No person shall carry smoking materials, matches, or lighters underground. Smoking shall be prohibited in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator of a coal mine shall institute a program, approved by the Secretary, at each mine to insure that any person entering the underground portion of the mine does not carry smoking materials, matches, or lighters.

(e) Each operator shall make arrangements in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements in this subsection, the operator shall meet at least minimum standards established by the Surgeon General. Within two months after the operative date of this title each operator shall file with the Secretary a plan setting forth in such detail as the Secretary may require the manner in which such operator has fulfilled the requirements in this subsection.

(d) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for one hour or longer. Each operator shall train each miner in the use of such device.

(e) The Secretary may require in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which men could go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, proper accommodation for the men while awaiting rescue, and such other equipment as the Secretary may prescribe. A plan for the erection, maintenance, and revisions of such chambers and the training of the miners in their proper use shall be submitted by the operator to the Secretary for his approval.

(f) Upon the basis of research demonstrating that underground illumination will im- within eighteen months after the operative date of this title, prescribe standards for illumination by permissible lighting for all active workings in a mine.

(g) Every operator of a coal mine shall establish a program, approved by the Secretary, of training and retraining of qualified and certified persons needed to carry out functions prescribed in this Act.

(h) The Secretary shall prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

(i) The Secretary may require each operator of a coal mine to establish a check-in and check-out system that will provide positive identification of every person underground, and provide an accurate record of the miners in the mine. Such record shall be kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazard and shall bear a number identical to an identification check that is securely fastened to the lamp belt worn by the person underground. The identification check shall be made of a rust resistant metal of not less than 16 gage.

ROOF SUPPORT

SEC. 203. (a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof-control plan and revisions thereof suitable to the roof conditions and mining system of each mine and approved by the Secretary shall be adopted and set out in printed form within sixty days after the operative date of this title. The plan shall show the type of support and spacing approved by the Secretary. Such plan shall be reviewed periodically, at least every six months by the Secretary, taking into consideration any falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under the approved roof control plan. A copy of the plan shall be furnished to the Secretary or his authorized representative and shall be available to the miners or their authorized representatives.

(b) The method of mining followed in any mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator, in accordance with the approved plan, shall provide at or near each working face and at such other locations in the mine as the Secretary may prescribe an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof boltholes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Except in the case of recovery work, supports knocked out shall be replaced promptly.

(d) When installation of roof bolts is permitted, such roof bolts shall be tested in accordance with the approved roof control plan.

(e) Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities, whether natural or otherwise, that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan, and shall be conducted by experienced miners and only where adequate temporary support is provided.

(f) Where miners are exposed to danger from falls of roof, face, and ribs the operator shall examine and test the roof, face, and ribs before any work or machine is started, and as frequently thereafter as may be necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

VENTILATION

SEC. 204. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active underground workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away flammable or harmful gases and smoke and fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms of any mine shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. The Secretary or his authorized representative may require in any coal mine a greater quantity of air when he finds it necessary to protect the safety of miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c)(1) Properly installed and adequately maintained line brattice or other approved devices shall be used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove gases, dust, and explosive fumes, unless the Secretary or his authorized representative permits an exception to this requirement. When damaged by falls or otherwise, they shall be repaired promptly.

(2) The space between the line brattice or such other device and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable and noxious gases.

(3) Brattice cloth used underground shall be of flame-resistant material.

(d)(1) Within three hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift enter the underground areas of the mine, certified persons designated by the operator of the mine shall examine a definite underground area of the mine. Each such examiner shall examine every active underground working section in that area and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in the active underground working sections; examine active roadways, travelways, and all belt conveyors, approaches to abandoned workings, and accessible falls in working sections for hazards; examine by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume; and examine for such other hazards and violations of the standards established by, or promulgated pursuant to this title, as an authorized representative of the Secretary may from time to time require. Such mine examiner shall place his initials and the date and time at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory standard established by, or promulgated pursuant to, this title, or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "Danger" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the mine operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination, such mine examiner shall report the results of his examination to a person, designated by the mine operator to receive such reports at a designated station on the surface of the mine or underground, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(2) No person (other than certified persons designated under this subsection) shall enter any underground area, except during a coal-producing shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift or more often if necessary for safety, each active underground working section shall be examined for hazardous conditions by certified persons designated by the mine operator to do so. Any such conditions shall be corrected immediately. If such conditions cannot be corrected immediately, the operator shall withdraw all persons from the area affected by such condition, except those persons whose presence is required to correct such conditions. Such examination shall include tests with means approved by the Secretary for detecting methane and with a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency.

(f) Examinations for hazardous conditions, including tests for methane, and for compliance with the standards established by, or promulgated pursuant to, this title shall be made at least once each week by a certified person designated by the operator of the mine, in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and insofar as safety considerations permit, abandoned workings. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date at the places examined, and if hazardous conditions are found, such conditions shall be reported promptly. Any hazardous condition shall be corrected immediately. If a hazardous condition cannot be corrected immediately, the operator shall withdraw all persons from the area affected by the hazardous condition, except those persons whose presence is required to correct the conditions. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in any pair or set of developing entries and the last open crosscut of any pair or set of rooms, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(h)(1) At the start of each coal-producing shift, tests for methane shall be made at the face of each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If more than 1.0 volume per centum of methane is detected, electrical equipment

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shall not be energized, taken into, or operated in such working place until the air contains no more than 1.0 volume per centum of methane. Examinations for methane shall be made during such operations at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting methane.

(2) If the air at an underground working place, when tested at a point not less than twelve inches from the roof, face, or rib, contains more than 1.0 volume per centum of methane, changes or adjustments shall be made at once in the ventilation in such mine so that such air shall not contain more than 1.0 volume per centum of methane. While such ventilation improvement is underway and until it has been achieved, power to face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions will be carried out under the direction of the operator or his agent so as not to endanger other active workings.

If such air, when tested as outlined above, contains 1.5 volume per centum of methane, all persons shall be withdrawn from the area of the mine endangered thereby, and all electric power shall be cut off from such area of the mine, until the air in such area shall not contain more than 1.0 volume per centum of methane.

(i)(1) If, when tested, a split of air returning from active underground working sections contains more than 1.0 volume per centum of methane, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall not contain more than 1.0 volume per centum of methane. Tests under this paragraph and paragraph (2) of this subsection shall be made at four-hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting methane.

(2) If, when testing, a split of air returning from active underground working sections contains 1.5 volume per centum of methane, all persons shall be withdrawn from the area of the mine endangered thereby, and all electric power shall be cut off from such area of the mine, until the air in such split shall not contain more than 1.0 volume per centum of methane.

(3) In virgin territory, if the quantity of air in a split ventilating the workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section, if the air in the split returning from such workings does not pass over trolley or trolley feeder wires, and if a certified person designated by the mine operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons and cut off all electric power from the portion of the mine endangered thereby only when the air returning from such workings contains more than 2.0 volume per centum.

(j) Air which has passed by an opening of any abandoned area shall not be used to ventilate any working place in the mine if such air contains 0.25 volume per centum or more of methane. Examinations of such air shall be made during the preshift examination required by subsection (d) of this section. In making such tests, a qualified person designated by the operator of the mine shall use means approved by the Secretary for detecting methane. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(k) Air that has passed through an abandoned panel or area which is inaccessible or unsafe for inspection shall not be used to ventilate any working place in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any working place in such mine, except that such air, if it does not contain 0.25 volume per centum or more of methane, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(l) An authorized representative of the Secretary may require in any coal mine that electric face equipment operated therein be equipped with a methane monitor approved by the Secretary and kept operative and in operation.

(m) Idle and abandoned areas shall be inspected for methane and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible, but not more than three hours, before other employees are permitted to enter or work in such areas. However, persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the Secretary for detecting methane and in the use of a permissible flame safety lamp or other means for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(n) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether methane is present. Such person shall use means approved by the Secretary for detecting methane. If in such examination methane is found in amounts of more than 1.0 volume per centum, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall not contain more than 1.0 volume per centum of methane.

(o) Within six months after the operative date of this title, and thereafter, all areas in all active mines in which the pillars have been extracted or areas which have been abandoned for other reasons shall be effectively sealed or shall be effectively ventilated by bleeder entries, or by bleeder systems or an equivalent means. Such sealing or ventilation shall be approved by an authorized representative of the Secretary.

(p) Pillared areas ventilated by means of bleeder entries, or by bleeder systems or an equivalent means, shall have sufficient air coursed through such areas so that, before entering another split of air, the return split of air shall not contain more than 2.0 volume per centum of methane, when tested at the point it enters such other split.

(q) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area to the extent approved by an authorized representative of the Secretary if the edges of pillar lines adjacent to active workings are ventilated with sufficient air to keep the air in open areas along the pillar lines below 1.0 volume per centum of methane.

(r) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of twelve months may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(s) In all underground areas of a coal mine, immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for methane shall be made by a qualified person with means approved by the Secretary for detecting methane. If methane is found in amounts of more than 1.0 volume per centum, changes or adjustments shall be made at once in the ventilation so that the air shall not contain more than 1.0 volume per centum of methane. No shots shall be fired until the air contains not more than 1.0 volume per centum of methane.

(t) Each operator of a coal mine shall adopt a plan within sixty days after the operative date of this title which shall provide that when any mine fan stops immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the working places, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other workings where methane is likely to accumulate are reexamined by a certified person to determine if methane in amounts of more than 1.0 volume per centum exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(u) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(v) The mine foreman shall read and countersign promptly the daily reports of the preshift examiner and assistant mine foremen, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(w) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book approved by the Secretary provided for that purpose a report of the condition of the mine or portion thereof under his supervision which report shall state clearly the location and nature of any hazardous condition observed by them or reported to them during the day and what action was taken to remedy such condition. Such book shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard, and shall be open for inspection by interested persons.

(x) Before a mine is reopened after having been abandoned or declared inactive by the operator, the Secretary shall be notified and an inspection shall be made of the entire mine by an authorized representative of the Secretary before mining operations commence.

(y) In any coal mine opened after the operative date of this title, the entries used as intake and return airways shall be separated from belt and trolley haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt and trolley haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries to protect the health of miners and to insure that the air therein shall not contain more than 1.0 volume per centum of methane. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened prior to the

operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than haulage entries, are such as to permit the coursing of intake or return air through such entries, (1) the belt and trolley haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate working places, and (2) when the belt and trolley haulage entries are not necessary to ventilate the working places, the operator of such mine shall limit the velocity of the air coursed through the belt and trolley haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, to protect the health of miners, and to insure that the air therein shall not contain more than 1.0 volume per centum of methane.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

SEC. 205. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall not be permitted to accumulate in active underground workings or on electrical equipment therein.

(b) Where underground mining operations create or raise excessive amounts of dust, water, or water with a wetting agent added to it, or other effective method approved by an authorized representative of the Secretary, shall be used to abate such dust. In working places, particularly in distances less than forty feet from the face, water, with or without a wetting agent, shall be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard.

(c) All areas of a mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within forty feet of all working faces, unless such areas are inaccessible or unsafe to enter or unless an authorized representative of the Secretary permits an exception. All crosscuts that are less than forty feet from a working face shall be rock dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all underground areas of a mine and maintained in such quantities that the incombustible contents of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible contents in the return aircourses shall be not less than 80 per centum. Where methane is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1.0 and 0.4 per centum for each 0.1 per centum of methane, where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subsections (b) through (d) of this section shall not apply to underground anthracite mines subject to this Act.

ELECTRICAL EQUIPMENT—GENERAL

SEC. 206. (a) The location and the electrical rating of all stationary electrical apparatus in connection with the mine electrical system, including permanent cables, switchgear, rectifying substations, transformers, permanent pumps, trolley wires and trolley feeders, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electrical rating, or setting shall be promptly shown on the map when the change is made.

(b) All power circuits and electrical equipment shall be deenergized before work is done on such circuits and equipment, except, when necessary, a person may repair energized trolley wires if he wears insulated shoes and lineman's gloves. No work shall be performed on medium- or high-voltage distribution circuits or equipment except by or under the direct supervision of a competent electrician. Switches shall be locked out and suitable warning signs posted by the persons who are to do the work. Locks shall be removed only by the persons who installed them.

(c) Electric equipment shall be frequently examined by a competent electrician to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected.

(d) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that the rise in temperature resulting from normal operation will not damage the insulating materials.

(e) All joints or splices in conductors shall be mechanically and electrically efficient and suitable connectors shall be used. All joints in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(f) Cables shall enter metal frames of motors, splice boxes and electric compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(g) All power wires (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare insulated ground and return wires) shall be supported on well-installed insulators and shall not contact combustible material, roof, or ribs.

(h) Power wires and cables, except trolley wires, trolley feeder, and bare signal wires, shall be insulated adequately and fully protected.

(i) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

(j) In all main power circuits, disconnecting switches shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground portion of the mine and within five hundred feet of all other places where main power circuits enter the underground portion of the mine.

(k) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(l)(1) One year after the operative date of this title—

(A) all junction or distribution boxes used for making multiple power connections inby the last open crosscut shall be permissible;

(B) all handheld electric drills, blower and exhaust fans, electric pumps, and other such low horsepower electric face equipment as the Secretary may designate within two months after the operative date of this title, which are taken into or used inby the last open crosscut of any coal mine shall be permissible,

(C) all electric face equipment which is taken into or used inby the last open crosscut of any coal mine classified as gassy prior to the operative date of this title shall be permissible; and

(D) all other electric face equipment which is taken into or used inby the last open crosscut of any other coal mine shall be permissible; and except that, notwithstanding any other provision of this subsection in the case of any coal mine which is operated entirely in coal seams located above the watertable, which has not been classed under any provision of law as a gassy mine prior to the date of enactment of this Act in which one or more openings were made prior to the date of enactment of this Act, and the total annual production of which does not exceed seventy-five thousand tons annually based on the mine's production records for three calendar years prior to such date, the effective date of the provisions of this paragraph (1)(D) shall be three years after the operative date of this title: *Provided*, That any operator of such a mine who is unable to comply with the requirements of paragraph (1)(D) on such effective date may file with the Panel an application under paragraph 5 of this subsection for a permit for noncompliance ninety days prior to such date. If the Panel determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (3) of this subsection and that such operator, despite his diligent efforts will be unable to comply with such requirements, the Panel may issue to such operator such a permit. Such permit shall entitle the permittee to an additional extension of time to comply with the provisions of this paragraph of not to exceed twenty-four months, as determined by the Panel, from such effective date.

(2) The operator of each coal mine shall maintain in permissible condition all electric face equipment, required by this subsection to be permissible, which is taken into or used in by the last open crosscut of any such mine.

(3) Each operator of a coal mine shall, within two months after the operative date of this title, file with the Secretary a statement listing all electric face equipment by type and manufacturer being used by such operator in connection with mining operations in such mine as of the date of such filing, and stating whether such equipment is permissible and maintained in permissible condition or nonpermissible on such date of filing, and, if nonpermissible, whether such nonpermissible equipment has ever been rated as permissible, and such other information as the Secretary may require.

(4) The Secretary shall promptly conduct a survey as to the total availability of new or rebuilt permissible electric face equipment and replacement parts for such equipment and, within six months after the operative date of this title, publish the results of such survey.

(5) Any operator of a coal mine who is unable to comply with the requirements of paragraph (1)(D) of this subsection within one year after the operative date of this title may file with the Panel an application for a permit for noncompliance. If the Panel determines that such application satisfies the requirements of paragraph (8) of this subsection, the Panel shall issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an extension of time to comply with such requirements of paragraph (1)(D) of not to exceed twelve months, as determined by the Panel, from the date that compliance with the provisions of paragraph (1)(D) of this subsection is required.

(6)(A) Any operator of a coal mine issued a permit under paragraph (5) of this subsection who, ninety days prior to the termination of such permit, determines that he will be unable to comply with the requirements of paragraph (1)(D) of this subsection upon the expiration of such permit may file with the Panel an application for renewal thereof. Upon receipt of such application, the Panel, if it determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (8) of this subsection and that such operator, despite his diligent efforts, will be unable to comply with such requirements, may renew the permit for a period not exceeding twelve months. Any hearing held pursuant to this paragraph shall be of record and the Panel shall make findings of fact and shall issue a written decision incorporating its findings therein.

(B) Any permit issued pursuant to this subsection shall entitle the permittee to use such nonpermissible electric face equipment referred to in paragraph (1)(D) of this subsection, as specified in the permit, during the term of such permit.

(7) Permits for noncompliance issued under this subsection shall, in the aggregate, not extend the period of noncompliance more than forty-eight months after the date of enactment of this Act.

(8) Any application for a permit of noncompliance filed under this subsection shall contain a statement by the operator—

(A) that he is unable to comply with paragraph (1)(D) of this subsection within the time prescribed;

(B) listing the nonpermissible electric face equipment being used by such operator in connection with mining operations in such mine on the operative date of this title and the date of the application by type and manufacturer for which a noncompliance permit is requested and whether such equipment had ever been rated as permissible;

(C) setting forth the actions taken from and after the operative date of this title to comply with paragraph (1)(D) of this subsection, together with a plan setting forth a schedule of compliance with said paragraph for each such equipment referred to in such paragraph and being used by the operator in connection with mining operations in such mine with respect to which such permit be required and the means and measures to be employed to achieve compliance; and

(D) including such other information as the Panel may require.

(9) No permit for noncompliance shall be issued under this subsection for any nonpermissible electric face equipment, unless such equipment was being used by an operator in connection with the mining operations in a coal mine on the operative date of this title.

(10) As used in this subsection, the term "permissible electric face equipment" means all electrically operated equipment taken into or used in by the last open crosscut of any coal mine the electrical parts of which, including, but not limited to, associated electrical equipment, components, and accessories, are designed, constructed, and installed, in accordance with the Secretary's specifications, to assure that such machines will not cause a mine explosion or mine fire, and the other features of which are designed and constructed, in accordance with the Secretary's specifications, to prevent, to the greatest extent possible, other accidents in the use of such equipment. The regulations of the Secretary in effect on the operative date of this title relating to the requirements for investigation, testing, approval, certification, and acceptance of electric face equipment as permissible shall continue in effect until modified or superseded by the Secretary, except that the Secretary shall provide procedures, including, where feasible, field testing, approval, certification, and acceptance by an authorized representative of the Secretary, to facilitate compliance by an operator with the permissibility requirements of paragraph (1) of this subsection within the period prescribed.

(11) Any operator or representative of miners aggrieved by a final decision of the Panel under this subsection may file a petition for review of such decision in accordance with the provisions of section 304 of this Act.

(12) On and after two years from the operative date of this title, all electric face equipment covered by paragraphs (5) and (6) of this subsection which is replaced or converted shall be permissible and maintained in a permissible condition and, in the event of any major overhaul of such equipment in use on or after two years from such date, such equipment shall be put in or shall thereafter be maintained in permissible condition.

(m) Any coal mine which, prior to the operative date of this title, was classed gassy and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(n) All power connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

(o) Each undergrounded, exposed power conductor that leads underground shall be equipped with lightning arresters of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding median on the surface which shall be separated from neutral grounds by a distance of not less than twenty-five feet.

(p) No device for the purpose of lighting any underground coal mine which has not been approved by the Secretary or his authorized representative, or open flame, shall be permitted in any underground coal mine, except under the provisions of section 212(d) of this title.

(q) An authorized representative of the Secretary may require in any coal mine that electric face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

TRAILING CABLES

SEC. 207. (a) Trailing cables used underground shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker of adequate current interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) One temporary splice may be made in any trailing cable. Such trailing cable may only be used for the next twenty-four hour period. No temporary splice shall be made in a trailing cable within twenty-five feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have spices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be—

(1) mechanically strong with adequate electrical conductivity and flexibility;

(2) effectively insulated and sealed so as to exclude moisture; and

(3) vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile equipment.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 208. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded. Metallic frames, casing, and other enclosures of electrical equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded or otherwise maintained at safe voltages by methods approved by an authorized representative of the Secretary.

(c) The frames of all high-voltage switchgear, transformers, and other high-voltage equipment shall be grounded to the high-voltage system ground.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them.

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 209. (a) High-voltage circuits entering the underground portion of the mine shall be protected by suitable circuit breakers of adequate interrupting capacity. Such breakers shall be equipped with relaying circuits to protect against overcurrent, ground fault, a loss of ground continuity, short circuit, and undervoltage.

(b) High-voltage circuits extending underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit. At the point where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed out by the automatic breaker and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) The grounding resistor shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(d) High-voltage systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

(e) Underground high-voltage cables shall be equipped with metallic shields around each power conductor. One or more ground conductors shall be provided having a cross sectional area of not less than one-half the power conductor or capable of carrying twice the maximum fault current. There shall also be provided an insulated conductor not smaller than No. 8 (AWG) for the ground continuity check circuit. Cables shall be adequate for the intended current and voltage. Splices made in the cable shall provide continuity of all components and shall be made in accordance with cable manufacturers' recommendations.

(f) Couplers that are used with medium-voltage or high-voltage power circuits shall be of the three-phase type with a full metal-

lic shell, except that the Secretary may permit, under such guidelines as he may prescribe, couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single-phase loads, such as transformers primaries, shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be installed only in regularly inspected aircourses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

(k) Terminations and splices of high-voltage cable shall be made in accordance with manufacturers' specifications.

(l) Frames, supporting structures, and enclosures of substation or switching station apparatus shall be effectively grounded to the high-voltage ground.

(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another. High-voltage cables, other than trailing cables, shall not be moved or handled while energized.

UNDERGROUND LOW- AND HIGH-VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 210. (a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity. Such breakers shall provide protection for the circuit against overcurrent, ground fault, short circuits, and loss of ground circuit continuity.

(b) Low- and medium-voltage circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all electric equipment supplied power from that circuit. The grounding resistor shall be of the proper ohmic value to limit the ground fault to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously.

(c) Low- and medium-voltage circuits shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or the pilot check wire is broken.

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnectd. Trailing cables for mobile equipment shall contain on or more ground conductors having a cross sectional area of not less than one-half the power conductor and an insulated conductor for the ground continuity checks circuit. Splices made in the cables shall provide continuity of all components.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Trailing cable for medium voltage circuits shall include grounding conductors, a ground check conductor and ground metallic shields around each power conductor or a grounded metallic shield over the assembly, except that on equipment employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

TROLLEY AND TROLLEY FEEDER WIRES

SEC. 211. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley wires and trolley feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

(d) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires, unless the wires are placed 10 feet or more above the top of the rail; (2) on both sides of all doors and stoppings, and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PREVENTION

SEC. 212. (a) Each coal mine shall be provided with suitable firefighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type, quality and quantity of such equipment, and the interpretations of the Secretary relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in all undergound areas in a mine shall be in portable, fireproof, closed metal containers.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return.

(d) All welding, cutting, or soldering with arc or flame in all underground areas of a mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting, or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall, immediately before and during such operations, continuously test for methane with means approved by the Secretary for detecting methane. Welding, cutting, or soldering shall not be conducted in air that contains more than 1.0 volume per centum of methane. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Fire suppression devices meeting specifications prescribed by the Secretary shall be installed on underground equipment within one year after the operative date of this title. In lieu of such devices, fire resistant hydraulic fluids approved by the Secretary may be used in the hydraulic system of unattended equipment.

(f) Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other effective means approved by the Secretary of controlling fire shall be installed at main and secondary belt-conveyor drives. Where sprays or foam generators are used they shall supply a sufficient quantity of water or foam to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches.

(h) After every blasting operation performed on shift, an examination shall be made to determine whether fires have been started.

BLASTING AND EXPLOSIVES

SEC. 213. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground.

(b) Explosives and detonators shall be kept in separate containers until immediately before used by the miners. In underground anthracite mines, (1) open, unconfined shake shots may be fired, if restricted to battery starting when methane or a fire hazard is not present, and if it is otherwise impracticable to start the battery; (2) open, unconfined shake shots in pitching veins may be fired, when no methane or a fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous; and (3) tests for methane shall be made immediately before such shots are fired and if methane is present when tested in 1.0 volume per centum such shot shall not be made until the methane content is reduced below 1.0 per centum.

(c) Except as provided in this subsection, in all underground areas of a mine only permissible explosives, electric detonators of proper strength, and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. This section shall not prohibit the use of compressed air blasting.

(d) Explosives or detonators carried anywhere underground by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(e) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(f) When supplies of explosives and detonators for use in one or more working sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirements, such boxes shall be placed in niches cut into the solid coal or rock.

(g) Explosives and detonators stored near the working faces shall be kept in separate

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closed containers, which shall be located out of the line of blast and not less than fifty feet from the working face and fifteen feet from any pipeline, powerline, rail, or conveyor, except that, if kept in niches in the rib, the distance from any pipeline, powerline, rail or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

HOISTING AND MANTRIPS

SEC. 214. (a) Every hoist used to transport persons at an underground coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist handling platforms, cages, or other devices used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device; with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device; and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in vertical shafts shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are regularly transported into or out of a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Other safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided.

(d) There will be at least two effective methods approved by the Secretary of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

(e) Each locomotive and haulage car used in an underground coal mine shall be equipped with automatic brakes, where space permits, speed reduction gear, or other similar devices approved by the Secretary which are designed to stop the locomotives and haulage cars with the proper margin of safety.

MAPS

SEC. 215. (a) The operator of an active underground coal mine shall have in a fireproof repository located in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on scale. Such map shall show the active workings, all worked out and abandoned areas, excluding those areas which have been worked out or abandoned before the operative date of this title which cannot be entered safely and on which no information is available, entries and aircourses with the direction of airflow indicated by arrows, contour elevations, elevations of all main and cross or side entries, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and either producing or abandoned oil and gas wells penetrating the coalbeds or any underground area of such mine and such other information as the Secretary may require. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. Such map shall be kept up to date by temporary notations, and such map shall be revised and supplemented at intervals prescribed by the Secretary on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, and by any miner and his authorized representative, and by operators of adjacent coal mines. The operator shall furnish to the Secretary or his authorized representative, upon request, a copy of such map and any revision and supplement thereof. Additional copies shall be made available to the Secretary or his authorized representative upon request.

Any such map or revision and supplement thereof shall be confidential and its contents shall not be divulged to any person other than those mentioned in this subsection without the consent of the operator of the mine covered by such map, except that such map or revision or supplement thereof may be used by the Secretary to carry out any provision of this Act and in any proceeding, investigation, or hearing conducted pursuant to this Act.

(c) Whenever an operator permanently closes such mine, or temporarily closes such mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified as true and correct by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

ESCAPEWAYS

SEC. 216. (a) At least two separate and distinct travelable passageways to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from each mine working section continuous to the surface, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground portion of the mine of surface fires, fumes, smoke, and flood water. Adequate facilities approved by the Secretary or his authorized representative shall be provided in each escape shaft or slope to allow persons to escape quickly to the surface in event of emergency.

(b) Not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(c) When only one mine opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, and the distance between the mine opening and working face shall not exceed five hundred feet.

(d) In the case of all coal mines opened after the operative date of this title, the escapeway required by subsection (a) of this section to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine.

MISCELLANEOUS

SEC. 217. (a) Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barrier shall not be less than three hundred feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations, or unless the Secretary or his authorized representative requires a greater barrier.

(b) Whenever any working face approaches within fifty feet of abandoned workings in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred feet of any other abandoned workings of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the working face and shall be continually maintained to a distance of at least ten feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned workings or adjacent mines. Boreholes shall be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such places.

(c) Persons underground shall use only permissible electric lamps approved by the Secretary for portable illumination.

(d) On and after the operative date of this title, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless structures prior to such date located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from surface sources endangering miners underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept and shall be available for inspection by interested persons.

(e) Adequate measures shall be taken to prevent methane and coal dust from accumulating in excessive concentrations in or on surface coal-hauling facilities, but in no event shall methane be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for methane by the Secretary within one year after the operative date of this title, and coal dust shall not accumulate in excess of limits under title I of this Act. Where coal is dumped or near air-intake openings, provisions shall be made to avoid dust entering the mine.

(f) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that the face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the miners operating such equipment from roof falls and from rib and face rolls.

(g) After the operative date of this title, the opening of any mine that is declared inactive by the operator or is abandoned for more than ninety days shall be sealed by the operator in a manner approved by an authorized representative of the Secretary.

(h) The Secretary may require any operator to provide adequate facilities for the miners to change from the clothes worn underground, store such clothes from shift to shift, and for sanitary and bathing facilities.

(i) Where the Secretary finds that sanitary conditions so require, sanitary toilet facilities shall be provided in all underground mines. Such facilities will be located at places designated by the Secretary or his authorized representative.

DEFINITIONS

SEC. 218. For the purpose of this title and title I of this Act, the term—

(1) "certified person" means a person certified by the State in which the coal mine is located to perform duties prescribed by such title (provided that the State standards meet at least minimum Federal requirements established by the Secretary); except that, in a State where no such program of certification is provided, such certifiation shall be by the Secretary;

(2) "registered engineer" or "registered surveyor" means an engineer or surveyor registered by the State pursuant to standards established by the State meeting at least minimum Federal requirements established by the Secretary, or if no such standards are in effect, registered by the Secretary;

(3) "qualified person" means an individual deemed qualified by the Secretary to make tests or measurements, as appropriate, required by such titles;

(4) "permissible", as applied to—

(A) equipment used in the operation of a coal mine, except as otherwise provided in subsection 206(l) of this title, means equipment to which an approval plate, label or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire;

(B) explosives, shot firing units, or blasting devices used in such mines, means explosives, short firing units, or blasting devices which meet specifications which are prescribed by the Secretary; and

(C) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary;

(5) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, (1) 100 per centum of which will pass through a sieve having 20 meshes per linear inch; and 70 per centum or more of which will pass through a sieve having 200 meshes per linear inch; (2) the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and (3) which does not contain more than 5 per centum of combustible matter or more than a total of 5 per centum of free and combined silica (SiO_2);

(6) "coal mine" includes areas of adjoining mines connected underground;

(7) "anthracite" means coals with a volatile ratio equal to .12 or less; and

(8) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts.

PART B—PROMULGATION OF MANDATORY SAFETY STANDARDS FOR ALL COAL MINERS

SAFETY STANDARDS; REVIEW

SEC. 219. (a) The Secretary shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise as may be appropriate, mandatory safety standards for the protection of life and the prevention of injuries and occupational diseases in a coal mine.

(b) In the development of such standards, the Secretary shall consult with other interested Federal agencies, representatives of State agencies, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and such advisory committees as he may appoint. In addition to the attainment of the highest degree of safety protection for the miner, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this Act and other health and safety regulations.

(c) The Secretary shall from time to time publish any such proposed standards in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (d) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards within his jurisdiction under this Act with such modifications as he may deem appropriate. Proposed mandatory safety standards for surface coal mines and surface work areas of underground coal mines shall be developed and published by the Secretary not later than twelve months after the date of enactment of this Act.

(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c) of this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefor and requesting a public hearing by the Secretary on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards to which objections have been filed and a hearing requested, and shall review such standards and objections in accordance with subsection (e) of this section.

(e) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (d) of this section, the Secretary shall issue notice of and hold a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearing, the Secretary shall make findings of fact and promulgate the mandatory standards with such modifications, or take such other action, as he deems appropriate. All such findings shall be public.

(f) Any mandatory standards promulgated under this section shall be effective upon publication in the Federal Register unless the Secretary specifies a later date.

(g) All interpretations, regulations, and instructions of the Secretary in effect on the operative date of this title, not inconsistent with any provision of this Act, shall continue in effect until modified or superseded in accordance with the provisions of this Act.

TITLE III—ENFORCEMENT

INSPECTIONS AND INVESTIGATIONS

SEC. 301. (a) Authorized representatives of the Secretary shall make frequent inspections and investigations in coal mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) developing safety standards, (3) determining whether an imminent danger exists in a coal mine, and (4) determining whether or not there is compliance with the mandatory health and safety standards established by, or promulgated pursuant to, title I or II of this Act or with any notice, order or decision issued under this Act. In carrying out the requirements of clauses (3) and (4) of this subsection in each underground coal mine, such representatives shall make inspections of the entire mine at least four times a year. No advance notice of any inspection required by this subsection shall be given to any operator of a coal mine or his agents.

(b) For the purpose of developing improved health standards, the Surgeon General or any authorized representative of the Surgeon General shall have a right of entry to, upon, or through, any coal mine.

(c) For the purpose of making any inspection or investigation under this Act, the Secretary or any authorized representative of the Secretary shall have a right of entry to, upon, or through, any coal mine.

(d) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal or State agency.

(e) For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal mine, the Secretary may, after notice, hold public hearings, and may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(f) In the event of any accident occurring in a coal mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a coal mine where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems appropriate, supervise and direct the rescue and recovery activity in such mine.

(g) In the event of any accident occurring in a coal mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the coal mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representatives, when feasible, of any plan to recover any person in the mine or to recover the mine or to return affected areas of the mine to normal.

(h)(1) Whenever a representative of the miners has reason to believe that a violation of a mandatory health or safety standard promulgated by the Secretary exists, or an imminent danger exists, in a coal mine, such representative shall have a right to obtain an immediate inspection by notifying the Secretary or his authorized representative of such violation or danger. Any such notice shall promptly be reduced to writing, signed by the representative of the miners, and a copy shall be provided the operator. Upon receipt of such notification, a special inspection shall be made as soon as possible to determine if such violation or danger exists in accordance with the provisions of this title.

(2) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pursuant to paragraph (1) of this subsection, (B) has filed, instituted or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(3) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against

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by any person in violation of paragraph (2) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of section 304 of this Act. Violations by any person of paragraph (2) of this subsection shall be subject to the provisions of sections 307 and 308(a) of this Act.

(4) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(i) The Secretary shall station Federal inspectors, for the purpose of making mine inspections on each and every day such mine is producing coal, at those underground coal mines which liberate excessive quantities of explosive gases and which are most likely to present explosion dangers in the opinion of the Secretary, based on the past history of the mine and other criteria he shall establish.

(j) At the commencement of any inspection of a coal mine by an authorized representative of the Secretary, the authorized representative, if any, of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the authorized representative of the Secretary on such inspection.

FINDINGS, NOTICES, AND ORDERS

SEC. 302 (a) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that an imminent danger exists, such representative shall determine the area throughout which such danger exists, and thereupon shall issue an order requiring the operator of the mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists.

(b) Except as provided in section 102(f), if, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard established by, or promulgated pursuant to, title I or II of this Act, but the violation has not created an imminent danger, he shall find what would be a reasonable period of time within which the violation should be totally abated and thereupon issue a notice to the operator or his agent fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, an authorized representative of the Secretary finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violation has been abated.

(c)(1) If, upon the inspection of a coal mine, an authorized representative of the Secretary finds that any mandatory health or safety standard established by, or promulgated pursuant to, title I or II of this Act is being violated, and if he also finds that, while the conditions created by such violation do not cause imminent danger, such violation is of such nature as could significantly and substantially contribute to the cause and effect of a mine safety or health hazard, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with such mandatory health or safety standards, he shall include such finding in the notice given to the operator under subsection (b) of this section or subsection (f) of section 102 of this Act. If, during the same inspection or any subsequent inspection of such mine within ninety days after the issuance of such notice, a representative of the Secretary finds a violation of any such mandatory health or safety standard and find such violation to be also caused by an unwarrantable failure of such operator to so comply, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (d) of this section, to be withdrawn from, and to be debarred from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, a withdrawal order shall promptly be issued by a duly authorized representative of the Secretary who finds upon any subsequent inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

(d) The following persons shall not be required to be withdrawn from, or prohibited from entering, any area of the coal mine subject to an order issued under this section:

(1) Any person whose presence in such area is necessary, in the judgment of the operator or an authorized representative of the Secretary, to eliminate the condition described in the order;

(2) Any public official whose official duties require him to enter such area; and

(3) Any consultant or any representative of the miners in such mine who is, in the judgment of the operator or an authorized representative of the Secretary, qualified to make coal mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order.

(e) Notices and orders issued pursuant to this Act shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any mandatory health or safety standard established by, or promulgated pursuant to, title I or II of this Act and, where appropriate, a description of the area of the coal mine from which persons must be withdrawn and prohibited from entering.

(f) Each notice or order issued under this Act shall be given promptly to the operator of the coal mine or his agent by an authorized representative of the Secretary issuing such notice or order, and all such notices and orders shall be in writing and shall be signed by such representative.

(g) A notice or order issued pursuant to this Act may be modified or terminated by an authorized representative of the Secretary. Any such modification or termination of an order shall be subject to review under sections 303 and 304 of this title in the same manner as the order being modified or terminated.

(h)(1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representative of the miners of such mine, if any. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners, if any, to present information relating to such notice.

(2) Upon the conclusion of such investigation and an opportunity for a hearing upon request by any interested party, the Secretary shall make findings of fact, and shall by decision incorporating such findings therein, either cancel the notice issued under this subsection or issue an order requiring the operator of such mine to cause all persons in the area affected, except those persons referred to in subsection (d) of this section, to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated.

(i) Should a mine or portion of a mine be closed by an order issued by the Secretary or his authorized representative for repeated failures of the operator to comply with any health or safety standard established by, or promulgated pursuant to, titles I or II of this Act, the Secretary shall, after all interested parties have been given an opportunity for a hearing, order that all miners who are idled due to the order shall be fully compensated by the operator for lost time, as determined by the Secretary, at their regular rates of pay for such time as the miners are idled by such closing, or for one week, whichever is the lesser. Any order issued pursuant to this section shall be subjected to judicial review under section 304 of this Act.

REVIEW BY THE SECRETARY

SEC. 303. (a)(1) An operator notified of an order issued pursuant to sections 102(f) or 302 of this Act, or any representative of miners in any mine affected by such order or any modification or termination of such order pursuant to section 302(g) of this title may apply to the Secretary for review of the order within thirty days of receipt thereof

or within thirty days of its modification or termination. The applicant shall send a copy of such application to the representative, if any, of miners in the affected mine, or the operator, as appropriate. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of the operator or the representative of miners in such mine, to enable the operator and the representatives of miners in such mine to present information relating to the issuance and continuance of such order.

(2) The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and he shall issue a written decision vacating, affirming, modifying, or terminating the order complained of or the modification or termination of such order and incorporate his finds therein.

(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with the adequate consideration of the issues involved.

(d) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any order issued under sections 102(f) or 302 (b) or (c) of this Act or from any modification or termination of any order under subsection (g) of section 302 of this Act, together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, under such conditions as he may prescribe, if—

(1) a hearing has been held in which all parties were given an opportunity to be heard;

(2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to the applicant; and

(3) such relief will not adversely affect the health and safety of miners in the coal mine.

JUDICIAL REVIEW

SEC. 304. (a) Any decision issued by the Secretary under sections 302(h), 302(i), 303, or 401(c) of this Act or by the Panel under sections 102 and 206(l) of this Act shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, or the United States Court of Appeals for the District of Columbia Circuit, upon the filing in such court within thirty days from the date of such decision of a petition by the operator or a representative of the miners in any such mine aggrieved by the decision praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary or the Panel, as the case may be, and thereupon the Secretary or the Panel shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112 of title 28, United States Code.

(b) The court shall hear such petition on the record made before the Secretary or the Panel, as the case may be. The findings of the Secretary or the Panel, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any decision or may remand the proceedings to the Secretary or the Panel for such further action as it may direct.

(c)(1) In the case of a proceeding to review any decision issued by the Secretary under section 303 of this Act, except a decision pertaining to an order issued under section 302(a) of this Act, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(A) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(C) such relief will not affect the health and safety of miners in the coal mine.

(2) In the case of a proceeding to review any decision issued by the Panel under sections 102 or 206(l) of this Act, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(A) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief; and

(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding.

(d) The judgment of the court shall be subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the decision of the Secretary or the Panel.

(f) Subject to the direction and control of the Attorney General, attorneys appointed by the Secretary may appear for and represent him in any proceeding instituted under this section.

POSTING OF NOTICES AND ORDERS

SEC. 305. (a) At each coal mine there shall be maintained an office with a conspicuous sign designating it as the office of the mine and a bulletin board at such office or at some conspicuous place near an entrance of the mine in such manner that notices and orders required by law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any notice or order required by this title to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(b) The Secretary shall cause a copy of any notice or order or decision required by this Act to be given to an operator to be mailed immediately to a duly designated representative of miners in the affected mine, and to the public official or agency of the State charged with administering State laws, if any, relating to health or safety in such mine.

(c) In order to insure prompt compliance with any notice or order issued under this Act, the authorized representative of the Secretary may deliver such notice or order to an agent of the operator and such agent shall immediately take appropriate measures to insure compliance with such notice or order.

(d) Each operator of a coal mine shall file with the Secretary the name and address of such mine and the name and address of the person who controls or operates the mine. Any revisions in such names or addresses shall be promptly filed with the Secretary. Each operator of a coal mine shall designate a responsible official at such mine as the principal officer in charge of health and safety at such mine and such official shall receive a copy of any notice, order, or decision issued under this Act affecting such mine. In any case, where the coal mine is subject to the control of any person not directly involved in the daily operations of the coal mine, there shall be filed with the Secretary the name and address of such person and the name and address of a principal official of such person who shall have overall responsibility for the conduct of an effective health and safety program at any coal mine subject to the control of such person and such official shall receive a copy of any notice, order, or decision issued affecting any such mine. The mere designation of a health or safety official under this subsection shall not be construed as making such official subject to any penalty under this Act.

RECORDS

SEC. 306. (a) All accidents and, except in any abandoned panels or areas of an underground coal mine which are inaccessible or unsafe for inspections, all unintentional roof falls, whether or not death or injury results, shall be investigated by the operator to determine the cause and the means of preventing a recurrence. Records of such accidents and roof falls, and all ignitions, whether or not death or injury results, and records of such investigations shall be kept and such records shall be made available to the Secretary or his authorized representative and the appropriate State agency. The operator shall file with the Secretary at such intervals as he may prescribe, but at least annually, a report of all accidents, roof falls, and ignitions, together with a statement of the hours worked during such reporting period.

(b) Every operator of a coal mine and his agent shall establish and maintain, in addition to such records as are specifically required by this Act, such records and make such reports and provide such information, as the Secretary may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically prohibited by this Act, all records, information, reports, findings, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

INJUNCTIONS

SEC. 307. The Secretary may institute a civil action for relief including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which a coal mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (a) violates or fails or refuses to comply with any order or decision issued under this Act, or (b) interferes with, hinders, or delays the Secretary or his authorized representative, or the Surgeon General or his authorized representative, in carrying out the provisions of this Act, or (c) refuses to admit such representatives to the mine, or (d) refuses to permit the inspection of the mine, or the investigation of an accident, injury, or occupational disease occurring in, or connected with, such mine, or (e) refuses to furnish any information or report requested by the Secretary or the Surgeon General in furtherance of the provisions of this Act, or (f) refuses to permit access to, and copying of, such records as the Secretary or the Surgeon General determines necessary in carrying out the provisions of this Act. Each court shall have jurisdiction to provide such relief as may be appropriate. In such actions, subject to the direction and control of the Attorney General, attorneys appointed by the Secretary may appear for and represent him.

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PENALTIES

SEC. 308. (a) (1) The operator of a coal mine in which a violation occurs of a mandatory health or safety standard established by, or promulgated pursuant to, titles I or II of this Act, or of any other provision of this Act, shall by order be assessed a civil penalty by the Secretary which penalty shall not be less than $1 nor more than $25,000 for each occurrence of any such violation. Each occurrence of any such violation may constitute a separate offense. In determining the amount of the penalty, the Secretary shall consider the operator's history of previous violations of health or safety standards or other such provisions, whether the operator was at fault, the appropriateness of such penalty to the size of the business of the operator charged, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance, after notification of such a violation. No penalty shall be assessed under this subsection pending the completion of proceedings for review of an order or decision under this title.

(2) Any miner who willfully violates the mandatory safety standards established by, or promulgated pursuant to, title II of this Act, relating to smoking or the carrying of smoking materials, matches, or lighters shall be subject to a civil penalty assesesd by the Secretary, which penalty shall not be more than $1,000 for each occurrence of such violation.

(3) An order assessing a civil penalty under this subsection shall be issued by the Secretary only after the person against whom the order is issued has been given an opportunity for a hearing and the Secretary has determined by decision incorporating findings of fact based on the record of such hearing whether or not a violation did occur and the amount of the penalty, if any, which is warranted. Section 554 of title 5 of the United States Code shall apply to any such hearing and decision.

(4) If the person against whom the penalty is assessed fails to pay the penalty within the time prescribed in such order, the Secretary shall file a petition for enforcement of such order in any appropriate district court of the United States. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and to the representative, if any, of the miners in the affected mine and thereupon the Secretary shall certify and file in such court the record upon which the order sought to be enforced was issued. The petition shall designate the person against whom the order is sought to be enforced as the respondent. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Secretary or it may remand the proceedings to the Secretary for such further action as it may direct. The court shall hear the case on the record made before the Secretary and the findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. Subject to the direction and control of the Attorney General, attorneys appointed by the Secretary may appear for and represent him in any action to enforce an order assessing civil penalties under this paragraph.

(b) Any operator who willfully violates a mandatory health or safety standard established by, or promulgated pursuant to this Act, or violates or fails or refuses to comply with any order issued under sections 102(f) or 302 of this Act, or any final decision issued under this title, except decisions under subsection (a) of this section or section 301(h) (3), shall, upon conviction, be punished by a fine of not more than $25,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such person, punishment shall be by a fine of not more than $50,000, or by imprisonment for not more than five years, or both.

(c) Whenever a corporate operator (1) violates a mandatory health or safety standard established by, or promulgated pursuant to, this Act, or violates any other provision of this Act, or (2) violates, fails, or refuses to comply with an order issued under sections 102(f) or 302 of this Act or any final decision issued under this title, except a decision under subsection (a) of this section or section 301(h)(3), any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (b) of this section.

(d) Whoever knowingly makes any false statements or representations in any application, records, reports, plans, or other documents filed or required to be maintained in accordance with this Act or any mandatory health or safety standard promulgated thereunder or in connection with the violation of any such standard or any order issued under this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or both.

TITLE IV—ADMINISTRATION

RESEARCH

SEC. 401. (a) The Secretary and the Surgeon General shall conduct such studies, research, experiments, and demonstrations as may be appropriate—

(1) to improve working conditions and practices, and to prevent accidents and occupational diseases originating in the coal mining industry;

(2) after an accident, to recover persons in a coal mine and to recover the mine;

(3) to develop new or improved means and methods of communication from the surface to the underground portion of the mine;

(4) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine;

(5) to develop new and improved sources of power for use underground, including diesel power, which will provide greater safety; and

(6) to determine the improvement to health or safety that illumination will produce and to develop such methods of illumination by permissible lighting.

(b) The Surgeon General shall conduct studies and research into matters involving the protection of life and the prevention of diseases in connection with persons, who although not miners, work with or around the products of coal mines in areas outside of such mines and under conditions which may adversely affect the health and well-being of such persons.

(c) The Secretary is authorized to grant an operator, on a mine-by-mine basis, an exception to any of the provisions of this Act for the purpose of granting accredited engineering institutions the opportunity for experimenting with new techniques and new equipment to improve the health and safety of miners. No such exception shall be granted unless the Secretary finds that the granting of the exception will not adversely affect the health and safety of miners.

(d) The Surgeon General is authorized to make grants to any public or private agencies, institutions and organizations, and operators or individuals for research and experiments to develop effective respiratory devices and other devices and equipment which will carry out the purposes of this Act.

(e) There is authorized to be appropriated to the Secretary of the Interior such sums as will be necessary to carry out his responsibilities under this section and section 202(b) of this Act at an annual rate of not to exceed $20,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $30,000,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter. There is authorized to be appropriated annually to the Surgeon General such sums as may be necessary to carry out his responsibilities under this section. Such sums shall remain available until expended.

TRAINING AND EDUCATION

SEC. 402. (a) The Secretary shall expand programs for the education and training of coal mine operators, agents thereof and miners in—

(1) the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions in coal mines, and

(2) in the use of flame safety lamps, permissible methane detectors, and other means approved by the Secretary for accurately detecting gases.

(b) The Secretary shall, to the greatest extent possible, provide technical assistance to each operator of a coal mine in meeting the requirements of this Act and in further improving the health and safety conditions and practices at such mine.

STATE PLANS

SEC. 403. (a) In order to assist the States where coal mining takes place in developing and enforcing effective health and safety laws and regulations applicable to such mines consistent with the provisions of section 407 of this Act and to promote Federal State coordination and cooperation in improving the health and safety conditions in the Nation's coal mines, the Secretary shall approve any plan submitted under this section by such State, through its official coal mine inspection or safety agency, which—

(1) designates such State coal mine inspection or safety agency as the sole agency responsible for administering the plan throughout the State and contains satisfactory evidence that such agency will have the authority to carry out the plan;

(2) gives assurances that such agency has or will employ an adequate and competent staff of trained inspectors qualified under the laws of such State to make mine inspections within such State;

(3) sets forth the plans, policies, and methods to be followed in carrying out the plan;

(4) provides for the extension and improvement of coal mine health and safety in the State, and that no advance notice of an inspection will be provided any operator or agent of an operator of a coal mine;

(5) provides such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the State under this section;

(6) provides that the designated agency will make such reports to the Secretary, in such form and containing such information, as the Secretary may from time to time require; and

(7) meets additional conditions which the Secretary may prescribe by rule in furtherance of and consistent with the purposes of this section.

(b) The Secretary shall approve any State plan or any modification thereof which complies with the provisions of subsection (a) of this section. He shall not finally disapprove any State plan or modification thereof without first affording the State agency reasonable notice and opportunity for a hearing.

(c) Whenever the Secretary, after reasonable notice and opportunity for a hearing, finds that in the administration of an approved State plan there is (1) a failure to comply substantially with any provision of the State plan, or (2) a failure to afford reasonable cooperation in administering the provisions of this Act, the Secretary shall by decision incorporating his findings therein

notify such State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(d) Any State aggrieved by the Secretary's decision under subsection (c) of this section may file within thirty days from the date of such decision with the United States Court of Appeals for the District of Columbia a petition praying that such action be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary, and thereupon the Secretary shall certify and file in such court the record upon which the Secretary made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The filing of a petition under this subsection shall not stay the application of the Secretary's decision, unless the court so orders.

(e) The Secretary is authorized to make grants to any State where there is an approved State plan (1) to carry out the plan, including the cost of training State inspectors; and (2) to assist the States in planning and implementing other programs for the advancement of health and safety in coal mines. Such grants shall be designed to supplement, not supplant, State funds in these areas. The Secretary shall cooperate with such State in carrying out the plan and shall, as appropriate, develop facilities for, and finance a program of, training of Federal and State inspectors jointly. The Secretary shall also cooperate with such State in establishing a system by which State and Federal inspection reports of coal mines located in the State are exchanged for the purpose of improving health and safety conditions in such mines.

(f) The amount granted to any State for a fiscal year under this section shall not exceed 80 per centum of the sum expended by such State in such year for carrying out the State coal mine health and safety enforcement program.

(g) There is authorized to be appropriated $3,000,000 for fiscal year 1970 and $5,000,000 annually in each succeeding fiscal year to carry out the provisions of this section which shall remain available until expended. The Secretary shall provide for an equitable distribution of sums appropriated for grants under this section to the States where there is an approved plan. The Secretary shall coordinate with the Secretaries of Labor and Health, Education, and Welfare in making grants under this section.

RELATED CONTRACTS AND GRANTS

SEC. 404. In carrying out the provisions of sections 201(b), 401, and 402 of this Act, the Secretary and the Surgeon General may enter into contracts with, and make grants to, public and private agencies and organizations and individuals.

INSPECTORS; QUALIFICATIONS; TRAINING

SEC. 405. The Secretary may, subject to the civil service laws, appoint such employees as he deems requisite for the administration of this Act and prescribe their duties. Persons appointed as authorized representatives of the Secretary shall be qualified by practical experience in the mining of coal or by experience as a practical mining engineer or by education. Persons appointed to assist such representatives in the taking of samples of dust concentrations for the purpose of enforcing title I of this Act shall be qualified by training or experience. The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply with respect to the appointment of such authorized representatives of the Secretary or to persons appointed to assist such representatives, and, in applying the provisions of such section to other agencies under the Secretary and to other agencies of the Government, such appointed persons shall not be taken into account. Such persons shall be adequately trained by the Secretary. The Secretary shall develop programs with educational institutions and operators designed to enable persons to qualify for positions in the administration of this Act. In selecting persons and training and retraining persons to carry out the provisions of this Act, the Secretary shall work with appropriate educational institutions, operators, and representatives of employees in developing adequate programs for the training of persons, particularly inspectors. Where appropriate, the Secretary shall cooperate with such institutions in carrying out the provisions of this section by providing financial and technical assistance to such institutions.

ADVISORY COMMITTEE

SEC. 406. (a) (1) The Secretary shall appoint an advisory committee on coal mine safety research composed of—

(A) the Director of the Office of Science and Technology or his delegate, with the consent of the Director;

(B) the Director of the National Bureau of Standards, Department of Commerce, or his delegate, with the consent of the Director;

(C) the Director of the National Science Foundation or his delegate, with the consent of the Director; and

(D) such other persons as the Secretary may appoint who are knowledgeable in the field of coal mine safety research.

The Secretary shall designate the chairman of the committee.

(2) The advisory committee shall consult with, and make recommendations to, the Secretary on matters involving or relating to coal mine safety research. The Secretary shall consult with and consider the recommendations of such committee in the conduct of such research, the making of any grant, and the entering into of contracts for research.

(3) The chairman of the committee and a majority of the persons appointed by the Secretary pursuant to paragraph (1) (D) of this subsection shall be individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(b) (1) The Surgeon General shall appoint an advisory committee on coal mine health research composed of—

(A) the Director, Bureau of Mines, or his delegate, with the consent of the Director;

(B) the Director of the National Science Foundation or his delegate, with the consent of the Director;

(C) the Director of the National Institutes of Health or his delegate, with the consent of the Director; and

(D) such other persons as the Surgeon General may appoint who are knowledgeable in the field of coal mine health research.

The Surgeon General shall designate the chairman of the committee.

(2) The advisory committee shall consult with, and make recommendations to, the Surgeon General on matters involving or relating to coal mine health research. The Surgeon General shall consult with and consider the recommendations of such committee in the conduct of such research, the making of any grant, and the entering into of contracts for research.

(3) The chairman of the committee and a majority of the persons appointed by the Surgeon General pursuant to paragraph (1) (D) of this subsection shall be individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(c) The Secretary or the Surgeon General may appoint other advisory committees as he deems appropriate to advise him in carrying out the provisions of this Act. The Secretary or the Surgeon General, as the case may be, shall appoint the chairman of each such committee, who shall be an individual who has no economic interests in the coal mining industry, and who is not an operator, miner, or an officer or employee of the Federal Government or any State or local government. A majority of the members of any such advisory committee appointed pursuant to this subsection shall be composed of individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(d) Advisory committee members, other than employees of Federal, State, or local governments, while performing committee business shall be entitled to receive compensation at rates fixed by the Secretary or the Surgeon General, as the case may be, but not exceeding $100 per day, including travel time. While so serving away from their homes or regular places of business, members may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons intermittently employed.

EFFECT ON STATE LAWS

SEC. 407. (a) No State law in effect upon the effective date of this Act or which may become effective thereafter shall be superseded by any provision of this Act or order issued or standard established or promulgated thereunder, except insofar as such State law is in conflict with this Act or with any order issued or standard established or promulgated pursuant to this Act.

(b) The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provides for more stringent health and safety standards applicable to coal mines than do the provisions of this Act or any order issued or standard established or promulgated thereunder shall not thereby be construed or held to be in conflict with this Act. The provisions of any State law or regulation in effect upon the effective date of this act, or which may become effective thereafter, which provide for health and safety standards applicable to coal mines for which no provision is contained in this Act or any order issued or standard established or promulgated thereunder, shall not be held to be in conflict with this Act.

(c) Nothing in this Act shall be construed or held to supersede or in any manner affect the workmen's compensation laws of any State, or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under State laws in respect of injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

ADMINISTRATIVE PROCEDURES

SEC. 408. Except as otherwise provided in sections 201 (d), 303 and 308(a) of this Act, the provisions of sections 551–559 and sections 701–706 of title 5 of the United States Code, shall not apply to the making of any order or decision pursuant to this Act, or to any proceeding for the review thereof.

REGULATIONS

SEC. 409. The Secretary, the Surgeon General, and the Panel are authorized to issue such regulations as each deems appropriate to carry out any provisions of this Act.

ECONOMIC ASSISTANCE

SEC. 410. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

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(2) by adding after paragraph (4) a new paragraph as follows:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern operating a coal mine in effecting additions to or alterations in the equipment, facilities, or methods of operation of such mine to requirements imposed by the Federal Coal Mine Health and Safety Act of 1969, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of such Act is amended by inserting "or (5)" after "paragraph (3)".

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(5)," after "7(b)(4),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(5) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

TITLE V—INTERIM EMERGENCY COAL MINE HEALTH DISABILITY BENEFITS

PURPOSE

Sec. 501. Based on a recent study conducted by the United States Public Health Service, Congress finds and declares that there are a significant number of inactive coal miners living today who are totally disabled and unable to be gainfully employed due to the development of complicated pneumoconiosis while working in one or more of the Nation's coal mines; that there also are a number of surviving widows and children of coal miners whose death was attributable to this disease; that few States provide benefits for disability from this disease to inactive coal miners and their dependents; and that, in order to give the States time to enact laws to provide such benefits or to improve those laws where token or minimal benefits are provided, it is, therefore, the purpose of this title to provide, on a temporary and limited basis, interim emergency health disability benefits, in cooperation with the States, to any coal miner who is totally disabled and unable to be gainfully employed on the date of enactment of this Act due to complicated pneumoconiosis which arises out of, or in the course of, his employment in one or more of the Nation's coal mines; to the widows and children of any coal miner who, at the time of his death, was totally disabled and unable to be gainfully employed due to complicated pneumoconiosis arising out of, or in the course of, such employment; and to develop further and detailed information and data on the extent to which past, present, and future coal miners are or will be totally disabled by complicated pneumoconiosis and unable to be gainfully employed, on the extent to which assistance to such miners and their dependents is needed, and the most effective method for assuring such assistance.

INTERIM DISABILITY BENEFIT STANDARDS

Sec. 502. The Secretary of Health, Education and Welfare (hereinafter referred to in this title as "the Secretary") shall develop and promulgate interim disability benefit standards governing the determination of persons eligible to receive emergency coal mine health disability benefits under this title and the methods and procedures to be used in disbursing such benefits to such persons. Such standards shall take into consideration the length of employment in coal mines considered sufficient to establish a claim for such benefits; reasonable and equitable means, methods, and procedures for filing and establishing proof of disability, consistent with the purpose of this title, by the coal miner or, as appropriate, his survivor to enable such person to receive benefits as soon as possible after enactment of this Act; and such other matters as the Secretary deems appropriate. Such standards shall be effective upon publication in the Federal Register, unless the Secretary prescribes a later date which date shall not be more than ninety days after the operative date of this title. The provisions of section 553 of title 5 of the United States Code shall apply to the promulgation of such standards.

ASSISTANCE TO STATES

Sec. 503. (a) Upon publication of the interim disability standards by the Secretary under this title, the Secretary shall enter into agreements with any State pursuant to which he shall provide financial assistance, in accordance with the provisions of this title, to the States to carry out the purpose of this title, and the States shall receive and adjudicate, in accordance with such standards, claims for interim emergency coal mine health disability benefits from any eligible person who is a resident of such State. Such State shall also agree to pay one-half of such benefits during the fiscal years ending June 30, 1972, and June 30, 1973. Such agreements shall, in addition to such other conditions as the Secretary deems appropriate, include adequate assurances that the State shall provide such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the State under this section; and that the State will make such reports to the Secretary, in such form and containing such information, as the Secretary may from time to time require.

(b) Beginning after the effective date of any agreement entered into with a State under this section and ending on June 30, 1973, the Secretary, subject to the provisions of this section shall, from sums available therefor for any fiscal year, make grants to such State equal to the estimated sums needed by such State to pay all such benefits to eligible persons through June 30, 1971, and to pay one-half of such benefits to eligible persons during the fiscal years ending June 30, 1972, and June 30, 1973. No benefits shall be paid under this section to an eligible person if the State, after the enactment of this Act, reduces the benefits for disability caused by complicated pneumoconiosis to which such person is otherwise entitled under such State's laws or regulations. Benefits paid to an eligible person under this section shall be reduced by an amount equal to any payment made to such person under any other provision of law for a disability directly caused by complicated pneumoconiosis arising out of, or in the course of, employment in one or more of the Nation's coal mines.

(c) Interim emergency coal mine health disability benefits shall be paid under this section to persons determined by the State pursuant to such standards to be eligible to receive such benefits. Such benefits shall be paid as soon as possible after a claim is filed therefor and eligibility determined, except that such benefits shall terminate when such person is no longer eligible, or on June 30, 1973, whichever date is first. The amount of benefits payable to an eligible person under this section shall be determined as follows:

(1) In the case of total disability, such eligible person shall be paid benefits during the period of such disability up to a rate equal to 50 per centum of the minimum monthly payment to which an employee in grade GS–2 with one or more dependents, who is totally disabled, is entitled under the provisions of sections 8105 and 8110 of title 5, United States Code;

(2) In the case of the death of a miner resulting from such disease, an eligible widow shall be paid benefits at the rate the deceased miner would be entitled to receive such benefits if such miner were totally disabled until such widow dies or remarries; and

(3) In the case of any eligible person entitled to benefits under clauses (1) or (2) of this subsection who has one or more dependents, such benefits shall be increased at a rate of 50 per centum of the benefits to which such person is entitled under clauses (1) or (2) of this subsection, if such person has one dependent, 75 per centum, if such person has two dependents, and 100 per centum, if such person has three dependents; except that such increased benefits for a child, brother, sister, or grandchild, shall cease if such dependent dies or marries or becomes eighteen years of age, or if over age eighteen and incapable of self-support becomes capable of self-support.

(d) There is hereby authorized to be appropriated from funds in the Treasury for the fiscal year ending June 30, 1970, not to exceed $10,000,000, and for the fiscal year ending June 30, 1971, not to exceed $30,000,000, and for the fiscal years ending June 30, 1972, and June 30, 1973, not to exceed $15,000,000 annually for the purposes of this title. If the amounts appropriated for any fiscal year are less than the amounts necessary to enable the Secretary to make the full amount of grants to all States which have entered into agreements with him under this title, the grants to each State for such fiscal year, and the payments to eligible persons required to be made during such fiscal year under such agreements, shall be proportionately reduced.

STUDY

Sec. 504. The Secretary shall immediately undertake a study to determine the extent to which coal miners are or will be totally disabled due to complicated pneumoconiosis developed during the course of employment in the Nation's coal mines and unable to be gainfully employed; the extent to which the States provide benefits to active and inactive coal miners and their dependents for such disability; the adequacy of such benefits, the need for, and the desirability of, providing any Federal, State, or private assistance for such disability; the need for, and the desirability of, extending the provisions of this title for persons eligible for benefits under this title; and such other facts which would be helpful to the Congress following completion of this study, as the Secretary deems appropriate. In carrying out this study, the Secretary shall consult with, and, to the greatest extent possible, obtain information and comments from, the Secretary of the Interior, the Secretary of Labor, and other interested Federal agencies, the States, operators, representative of the miners, insurance representatives, and other interested persons. The Secretary shall submit a report on such study, together with such recommendations, including appropriate legislative recommendations, as he deems appropriate, to the Congress not later than October 1, 1970.

TITLE VI—MISCELLANEOUS

JURISDICTION; LIMITATION

Sec. 601. In any proceeding in which the validity of any interim mandatory health or safety standard set forth in this Act is in issue, no justice, judge, or court of the United States shall issue any temporary restraining order or preliminary injunction restraining the enforcement of such standard pending a determination of such issue on its merits.

OPERATIVE DATE AND REPEAL

Sec 602. The provisions of titles I through III and title V of this Act shall become operative one hundred and twenty days after enactment. The provisions of the Federal Coal Mine Safety Act, as amended, are repealed on the operative date of those titles, except that such provisions shall continue to apply to any order, notice, or finding issued under

that Act prior to such operative date and to any proceedings related to such order, notice, or finding. All other provisions of this Act shall be effective on the date of enactment of this Act.

SEPARABILITY

Sec. 603. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

REPORTS

Sec. 604. Within one hundred and twenty days following the convening of each session of Congress, the Secretary and the Surgeon General shall submit through the President to the Congress separate annual reports upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of coal mine health and safety, and any other relevant information, including any recommendations either deems appropriate.

Mr. WILLIAMS of New Jersey. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay it on the table was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of the bill, to correct any technical or clerical errors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. I also ask unanimous consent that Senators may add remarks for the Record within 5 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, while I was unable to attend the opening sessions of the debate on this measure which is designed to up-date our coal mine industry and provide miners with long-needed protection, it was with great pleasure that I witnessed the highly thoughtful debate today. The overwhelming passage of this measure represents a splendid achievement for the miners of our Nation.

Much of the credit, I must say, belongs to the distinguished Senator from New Jersey (Mr. Williams). All of us appreciate the long hours he devoted to preparing this measure both in committee and while it was pending before the Senate. The high caliber of that preparation was exhibited in the wide acceptance of the proposal. We are grateful.

Our thanks go also to the distinguished senior Senator from New York (Mr. Javits) who joined constructively and with characteristic cooperation to assure this fine success. Other Senators played vital roles, as well. Noteworthy was the contribution of the distinguished Senators from West Virginia (Mr. Randolph and Mr. Byrd). Representing a great mining State they understand well the grave problems of unsafe mines and mining operations. They contributed immensely to the discussion.

Of course, the distinguished senior Senator from Kentucky (Mr. Cooper) must be singled out for his contribution. Though his views differed to some extent with some features of the proposal, he urged his position with great advocacy and the deep sincerity which was always welcome. The same may be said for his colleague, the distinguished junior Senator from Kentucky (Mr. Cook). The Senator from Vermont (Mr. Prouty) also deserves our gratitude for his contribution to the discussion and for cooperating to assure final disposition with such efficiency.

Finally, I wish to thank all Members of the Senate for their cooperation. I think each of us may take great pride in the passage of this measure. We have gone on record unequivocally in support of this great issue.

Mr. RANDOLPH. Mr. President, by a unanimous vote, the Members of the U.S. Senate have committed themselves to improve the health and safety of the coal miners of the United States. As one of the Senators representing West Virginia, the State with the greatest tonnage of coal produced annually and the one with the largest number of miners employed in the production of that coal, I wish to express my personal and official appreciation to my colleagues in the Senate, and, especially, to my fellow members of the Committee on Labor and Public Welfare. I commend the able chairman of the Committee on Labor and Public Welfare (Mr. Yarborough) and I am grateful beyond expression of words for the attention given to this vital subject by our tireless and diligent colleague from New Jersey (Mr. Williams), the chairman of the Subcommittee on Labor, who has spent many, many hours, days, and weeks managing this vital legislation in subcommittee, in full committee, and in this forum. He had excellent cooperation by his majority colleagues.

My words of commendation for him go equally to the very able Senator from New York (Mr. Javits), the ranking minority member of both the Committee on Labor and Public Welfare and of the Subcommittee on Labor, and to his colleagues on the minority side.

We wrote, within the subcommittee and the committee, and now we have successfully completed in the Senate itself, a bill which I believe will enhance very much the health and safety of the Nation's coal miners. It is legislation which, although very stringent and very strict in its provisions, and likely to be very expensive to administer and to comply with, should be effective and workable. This is very important not only to those who operate the mines and to the workers in the mines, but also to people generally in the United States.

This measure is in no wise a timid contribution to the strengthening of industrial safety. It is a commitment, as I stated in my first sentence—a commitment by this Congress to a job that needed to be done. It is my hope that, in conference with the House of Representatives, after a companion measure has been passed there, we can resolve as quickly as possible the differences between the measures, and place upon the desk of the President of the United States legislation important not only to miners and operators, but to the well being of the consuming public of the United States as well.

I conclude by associating myself with Chairman Williams' appropriate and thoroughly justified words of appreciation and commendation for the able and dedicated staffs of the Subcommittee on Labor and of the full Committee on Labor and Public Welfare. They performed admirably under stress and with loyalty to the cause of better health and safety for coal miners—a cause for which we were all working with devotion. I likewise commend the members of committee members' staffs for their very real assistance.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I shall just be 30 seconds. I appreciate everything that the Senator from West Virginia has just said about me. I know that the Senator from New Jersey (Mr. Williams) feels the same way. We could not have accomplished this effort without the work of the Senators from the coal-mining States, the Senators from West Virginia (Mr. Randolph and Mr. Byrd), the Senator from Kentucky (Mr. Cooper), and his tremendous fight for the operators of the nongassy mines in the mountains of eastern Kentucky, the Virginia Senators, and others who had the expertise. Senator Williams and I were the objective fellows who found the facts and worked out a bill, but I wanted at this point to pay my tribute to the Senators from the coal-mining States.

Mr. YARBOROUGH. Mr. President, I want to thank the distinguished Senator from New Jersey for his leadership on this bill. I am proud to report that this is the second safety bill, to protect American labor, to come out of the Labor Subcommittee this year, under the chairmanship of the distinguished Senator from New Jersey (Mr. Williams)—first the construction safety bill, and now the mine safety bill. These are two notable productions of that subcommittee. Despite the fact that some people say Congress is not moving, Mr. President, I say that the Senate is moving, and we have gotten through two of the most important safety bills for the benefit of workers in this country in many years.

The passage of this bill has been accomplished with the cooperation, as has been stated, of the Senator from New York (Mr. Javits), the ranking minority member of the committee, and the Senators from the coal-producing States, notably the Senator from West Virginia (Mr. Randolph) and the Senator from Pennsylvania (Mr. Schweiker), who coming as he does from the coal-mining State of Pennsylvania, was very active.

Mr. President, in the midst of our deliberations on this bill, word was spread through the news media to the effect that the people, the workers in the mines and the coal producers, had lost interest, and nobody wanted the bill. Nevertheless, the committee and the subcommittee, and then the Senate, moved ahead with this measure to protect these coal miners from black lung and other such ailments. I wish to thank the mem-

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bers of the subcommittee and every member of my Committee on Labor and Public Welfare for their excellent efforts. Week after week, while this matter was under consideration, we always had a quorum present.

Several Senators addressed the Chair.

Mr. BYRD of West Virginia. Mr. President, I wish to compliment the able Senator from New Jersey (Mr. Williams) on the splendid and effective manner in which he has managed the coal mine safety bill, and to express my appreciation for the diligence and the dedicated effort that he has put into the tedious and tiring deliberations on this measure over a long period of many months. At all times he has been very sympathetic, patient, and understanding. He has worked very hard.

I wish also to commend the able Senator from New York (Mr. Javits) on the very fine and sincere work that he has contributed. He truly has been most helpful and cooperative, and very effective. I commend all the other Senators who have worked so long on this very difficult measure. Especially, I would commend my colleague (Mr. Randolph) who has lived so closely with this legislation from the beginning. He has certainly given his best.

My part in the measure, Mr. President, was confined almost entirely to the compensation amendment, which the Senate adopted on Tuesday by a vote of 91 to 0. I am not a member of the committee, but I did cosponsor that amendment with Mr. Randolph and others, and I feel that my efforts in behalf of that amendment were of some assistance. I am happy, again, Mr. President, to commend the Senators who have worked so long and so hard on this very difficult and important bill, especially those on the committee.

Mr. SPONG. Mr. President, as a Senator from a coal-producing State, I would like to associate myself with the remarks of commendation made regarding the Senator from New Jersey (Mr. Williams) and the Senator from New York (Mr. Javits) for their efforts resulting in the unanimous adoption of a Coal Mine Health and Safety Act. In behalf of the coal miners of Virginia, I thank the floor managers of the bill and the other Senators who have labored so long on this legislation.

I have had recent opportunity to talk with Virginia miners—some of them victims of accidents, others of lung disease resulting from their occupation.

The Senate has taken a step today toward improving the conditions for safety in the mines and reducing the chances for contraction of pneumoconiosis by workers in the coal mines.

Mr. KENNEDY. Mr. President, I congratulate the Senator from New Jersey (Mr. Williams) for his outstanding leadership as he has led this important legislation through to passage today. His activities, and the final result today, are very impressive. I commend, as well, the Senator from New York (Mr. Javits), the Senator from Kentucky (Mr. Cooper), the Senator from Vermont (Mr. Prouty), and the Senators from West Virginia (Mr. Randolph and Mr. Byrd).

CIVIL SERVICE RETIREMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 333, S. 2754.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 2754) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished chairman of the committee, I should like to yield at this time to the distinguished minority leader.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, may I ask the distinguished majority leader what is the order of business from here on out? What is to be done on the pending measure, and what does the majority leader plan thereafter?

Mr. MANSFIELD. Mr. President, in response to the questions raised by my distinguished colleague, the minority leader, there is a hope—how good it is I do not know—that we might be able to finish the pending business tonight. Whether or not we finish it tonight or tomorrow, it will be followed by the John F. Kennedy Center bill, Calendar No. 316, and that, in turn, will be followed by the District of Columbia revenue bill, Calendar No. 427, and that in turn by S. 7, Calendar No. 346, the water pollution control bill.

It is anticipated that either tonight or tomorrow morning, we will bring up for reconsideration the Peace Corps measure, which I understand has been cleared all around.

That, to the best of my knowledge, is the situation as we see it.

Mr. SCOTT. I thank the distinguished majority leader.

CIVIL SERVICE RETIREMENT

The Senate resumed the consideration of the bill (S. 2754) to amend subchapter II of chapter 83 of title V, United States Code, relating to civil service retirement, and for other purposes.

Mr. McGEE. Mr. President, I sent to the desk amendments to the pending measure, S. 2754, and ask unanimous consent that the amendments be agreed to en bloc. These are perfecting amendments in language, or updating of dates, recommended by the administration, and have nothing to do with the substance or any controversial parts of the bill. I ask unanimous consent that they be agreed to en bloc.

The PRESIDING OFFICER. The clerk will state the amendments.

The assistant legislative clerk proceeded to read the amendments.

Mr. McGEE. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be printed in the Record.

The amendments are as follows:

On page 8, line 7, change the section designation from "Sec. 201." to "Sec. 201. (a)".

On page 8, line 12, strike out the words "period of" and insert in lieu thereof the word "total".

On page 8, line 12, insert the following new subsection "(b)":

"(b) Subsection (c) of section 8333 of title 5, United States Code, is amended to read as follows:

"(c) A Member or his survivor is eligible for an annuity under this subchapter only if the amounts named by section 8334 of title have been deducted or deposited with respect to his last five years of civilian service, or, in the case of a survivor annuity under section 8341(d) or (e)(1) of this chapter, with respect to his total service."

On page 12, in lines 1 and 16, strike out the word "consecutive".

On page 14, beginning on line 6, strike out all down through line 14 and insert in lieu thereof the following:

"(2) The annuity of each surviving child who, immediately prior to the effective date of such amendment is receiving an annuity under section 8341(e) of title 5, United States Code, or under a comparable provision of any prior law, or who hereafter becomes entitled to receive annuity under the Act of May 29, 1930, as amended from and after February 28, 1948, shall be recomputed effective on such date, or computed from commencing date if later, in accordance with such amendment. No increase allowed and in force prior to such date shall be included in the computation or recomputation of any such annuity. This paragraph shall not operate to reduce any annuity."

Mr. McGEE. Mr. President, the pending legislation relates to civil service retirement.

The PRESIDING OFFICER. The Chair would inquire of the Senator from Wyoming if he wishes that these amendments be agreed to prior to his presentation.

Mr. McGEE. If that is in order, Mr. President.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The Senator from Wyoming may proceed.

Mr. McGEE. Mr. President, this legislation is a result of neary 3 years of careful study and recommendation by the Committees on Post Office and Civil Service to enact legislation resolving the financial difficulties of the civil service retirement and disability fund and to make certain improvements in the benefits offered employees of the Federal Government through the retirement plan.

Each Senator has on his desk a copy of the public hearings which our Subcommittee on Retirement held on this legislation, as well as a copy of the committee report recommending enactment; so I will not dwell at length on the intricacies of the bill except to describe briefly the major purposes involved.

Title I relates to resolving the longstanding problem of adequately financing the civil service retirement system. Ever since its creation in 1920, the system has had a financial liability which was not properly funded. This was caused originally by permitting credit for all civil service performed prior to August 1, 1920, and it has over the years accumulated a total unfunded liability of

$57.7 billion. It is "unfunded" because the amount of money collected from the employees and contributed by the Government, when invested at interest, will not pay the debt which the Government owes to all employees.

Let me point out that none of this liability results from any failure on the part of our civil service employees to pay their share. They have always paid whatever the law required, originally 2.5 percent of their gross salary, and now 6.5 percent of their gross salary.

The liability is solely the result of the Government's failure to live up to its part of the bargain. In the early years, no money was contributed by the Government to the fund. After 1928 the amount contributed was not sufficient to meet fully the future costs, and it was not until 1957 that Congress by law required agency contributions at a rate equal to the employee's contribution. So all that time, the fund lost earnings on money that would have been invested had it been contributed by the Government, and we call that the "lost interest on the unfunded liability." In addition, changes in the retirement law, statutory salary increases, inclusions of new groups of employees, and other liberal changes in the law create additional unfunded liability because no contribution is made to pay the cost of crediting past service.

Title I seeks to resolve this problem permanently. In the first place, the lost interest on the unfunded liability as well as the amount of annual annuity payments based on military service will be paid directly from the Treasury into the retirement fund. To soften the impact upon the budget, we will start at 10 percent and gradually move up to full payment over a 10-year period. By fiscal year 1980, the Treasury will pay directly to the fund approximately $3 billion each year, and at that time the unfunded liability will cease to grow any larger on account of the loss of interest.

Second, title I authorizes the Congress to appropriate each year whatever amount of money is necessary to prevent an increase in the unfunded liability resulting from statutory changes in the retirement law or salary increases which affect the future liability of the fund. These payments would be amortized over a 30-year period at a level rate. At the end of 30 years, the payments would come to an end and because of the payments, the unfunded liability would not have increased.

That is title I in a nutshell. Our committee has worked for several years on this problem. The status of the fund has been a serious problem. We must act now to insure the future stability of the retirement program so that those who retire from the Federal service will never have their annuities jeopardized. The Bureau of the Budget, the Civil Service Commission, the House of Representative's Committee on Post Office and Civil Service, all of the members of the House Appropriations Subcommittee on Independent Offices, and the Senate Committee on Post Office and Civil Service endorse and support this remedy for the unfunded liability.

The requirement that the Treasury pay the annual cost of crediting military service for civil service retirement purposes was given our very careful consideration. The idea first arose some years ago when the then chairman of the Senate committee, Senator Olin Johnston, recommended that the Department of Defense be required to reimburse the fund for the military service added to an employee's retirement credit. Our committee considered that proposal and we also considered charging the cost to the Veterans' Administration. But in the last analysis, we determined that the cost for military service should not be borne by any one agency of the Government. It is a benefit to those who have served in the Armed Forces, which is a general responsibility of the Government. Originally, Congress' idea was to credit such service for men who had their career in the Federal civil service interrupted on account of war. Congress deemed that they should not lose retirement credit under such circumstances if they returned to the Government and retired on a civil service annuity. There are thousands of employees in those circumstances; but there are also thousands of employees whose career was military rather than civilian, and who retire after 30 years in the Army or the Navy, and come into the civil service. Subsequently, after 5 years' civilian service, they may be eligible to retire and have their entire military service credited toward civil service retirement if they give up their military retired pay, or if they were retired from the military on account of a combat-connected disability.

The result is that nonveteran employees pay a portion of their contribution for a retirement benefit which they do not receive and which in many cases will pay a retirement benefit to a retired officer or enlisted man who spent 20 or 25 or 30 years in the Armed Forces. I am sure my colleagues have heard a number of complaints from constituents concerning this particular quirk in the law. With that in mind, our committee recommends that the Government generally pay this cost, that it not be charged to the Army or the Navy or the Veterans' Administration or the retirement fund itself. As in the case of the interest on the unfunded liability, the impact of the payment would be softened by amortizing it over a 10-year period, beginning at about $9.5 million and increasing to about $195 million over a 10-year period.

Finally, Mr. President, title I increases the amount of contribution by employees and each agency of the Government. Presently, employees, including congressional employees, pay 6.5 percent of the gross annual pay into the retirement program, and each agency contributes 6.5 percent of its payroll into the system. Members of Congress pay 7.5 percent of their annual salary, and an equal amount is contributed by the appropriations available for congressional operations.

Under the new rate, each employee will contribute 7 percent of pay, effective in January 1971, each congressional employee will contribute 7.5 percent, and each Member will contribute 8 percent. The total additional contribution into the system will be about $240 million a year, based on next year's payroll. The total contribution will be 14 percent, and the total cost of the program after the effective date of the amendments in title II, will be 13.98 percent of payroll.

Title II makes certain very basic changes in the Civil Service Retirement Act to improve the system. Five of these were included in the bill which passed the House a couple of weeks ago:

First, changing the high 5 to the high 3 for computing civil service annuities;

Second, including accumulated sick leave as service for an employee who retires with sick leave to his credit;

Third, adding 1 percent to the cost-of-living adjustments for annuitants which are made from time to time on the basis of Consumer Price Index.

Fourth, permits the widow of a Federal employee who died or retired before the act of July 18, 1966, to remarry and continue to receive her annuity if she is past 60 years of age; and

Fifth, permits an employee of the Congress to receive the 2.5-percent computation formula for all years of service. He would pay an additional 1 percent for this improved formula.

In addition to these changes the Senate bill exempts up to $3,000 of civil service annuity from Federal income taxation, and improves the survivor annuity protection for employees or disability-retired employees.

Some of these features are well known to all Members. Changing the high 5 to the high 3 is an effort to make more relevant the annuity which an employee receives in relation to the salary he was receiving at the time of his retirement. There is not anything magic about the high 5. It has been in the law for 39 years, and it is time to recognize that retirement annuities should be as closely related to the standard of living the employee was purchasing and enjoying at the time of his retirement as we can make them.

Adding sick leave to an employee's retirement credit resolves a very basic problem, because although employees are paid for their accumulated annual leave at the time of retirement, they give up all of their sick leave. One result is that employees tend to call in sick quite frequently in the last year or two before they retire. When an employee retires on disability, it is standard practice to use up all of his sick leave before leaving office. So the Government pays at full value for accumulated sick leave in many cases. In other cases, an employee who has enjoyed good health and good conscience gives up 2,000 hours or so of accumulated sick leave for which he receives no credit or compensation.

The additional 1-percent adjustment in annuities recognizes that our national productivity continues to increase, and that there is more to maintaining a reasonable standard of living after retirement than just chasing after the consumer price indicators.

The change in the retirement computation for the employees of the Congress makes their retirement computation identical to that of Members of Congress—2.5 percent for congressional serv-

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ice, and 2.5 percent for up to 5 years of military service. For this they will pay an extra 1 percent each year.

The exclusion of up to $3,000 of civil service annuities from Federal income taxation is a goal that retired civil service employees have sought for many years. It is just hard to explain to people back home that civil service annuities are taxed as ordinary income, while social security is tax free, railroad retirement is tax free, and income from investments on municipal bonds is tax free. That does not create a very good impression upon a retired civil service employee who is trying to get by on $2,000 or $3,000 a year and is paying taxes on it. This is an amendment to the Civil Service Retirement Act and is very similar, except for the dollar amount, to the bill, S. 2087, which I introduced on May 8, 1969, and which was referred to the Committee on Post Office and Civil Service.

This exclusion of up to $3,000 would be in lieu of the retirement credit now provided by the Internal Revenue Code. Under that law, any pension or annuity payment which is not taxed must be subtracted from the retirement credit. The effect of our amendment, therefore, would be to replace the retirement credit for civil service annuitants only, thus giving them a tax benefit equal to the difference between the $3,000 exclusion and the tax credit they now receive, which is now a maximum of $228. The impact on revenue would not be substantial because retired employees past 65 who are married to a spouse past 65 have very little taxable income anyway.

Finally, the bill revises very substantially the survivor annuity benefits for a widow of a Federal employee who dies or who has retired on account of physical disability and thereafter dies.

Under existing law, the widow and children of an employee who has less than 5 years' service receives no benefit at all if her husband dies. If an employee has 5 years of service, his widow is entitled to a percentage of his earned annuity; and since civil service retirement is a system based on long service and average salary, the earned annuity of a young employee is very small. After 10 years, his earned annuity is just 16¼ percent of his average salary. After 20 years, it is just 36¼ percent of his average salary; and when you give the widow 55 percent of that, she will not get rich. The examples cited on pages 6 and 7 of the committee report indicate how drastic the financial impact of the death of a short-term employee is upon his wife and children.

For some time our committee has attempted to work out legislation acceptable to all to provide for a transfer of credit between civil service retirement and social security. Nothing acceptable has been developed. We shall continue that effort, but in the meantime, we must resolve the problem for the survivors now. Our bill does this, and I think it is a most significant improvement in the retirement program.

The amendments provide that when an employee dies after completing 18 months' service under the Civil Service Retirement Act, he has a vested annuity for survivor annuity purposes only. His widow is entitled to at least 55 percent of 40 percent of his average salary or 55 percent of his annuity projected to age 60, whichever is less; and his children would be entitled to the lesser of $900, 60 percent of his average salary divided by the number of children, or $2,700 divided by the number of children. The effect of our amendments are to make very substantial improvements in the survivor annuity protection offered an employee who has at least 18 months' service, but not more than 22 years of service. This is where the retirement program for civil service employees is now gravely deficient and that is where we have aimed our corrections.

The cost of the bill as reported from the committee is about $205 million in direct transfer from the Treasury to the civil service retirement fund in the coming fiscal year, that is fiscal year 1971. The normal cost of the system is increased by about one-fifth of 1 percent of Federal payroll. One percent of Federal payroll was about $22 billion as of June 30, so the extra cost which, of course, will be fully paid for under the financing portion of the bill is $44 million a year. That is $2 million a year less than the provision of the bill passed by the House of Representatives. The difference relates primarily to changing the method of financing military service credit.

The unfunded liability of the system would be increased by $1.4 billion as a result of the liberalizations in title II, but the overall liability of the fund would be reduced because of the direct Treasury funding for military service credit. The net result would be a decrease in the liability of the fund of about $3.3 billion.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. Mr. President, I congratulate the distinguished Senator from Wyoming for his leadership in bringing to the Senate this very constructive bill. This bill really stabilizes, for the first time, the retirement system and assures that our civil service employees will be paid in the future. It also adds a few changes to the law that are very desirable.

Mr. President, the Civil Service Retirement Amendments of 1969, contained in S. 2754 and presently under debate, contains critical and very necessary changes in the U.S. civil service retirement system and fund. The bill was reported out unanimously by the Senate Committee on Post Office and Civil Service.

I strongly urge my Senate colleagues to approve the proposed legislation.

For 22 years the U.S. Civil Service Commission has urged Congress to approve legislation eliminating or stabilizing the Federal retirement fund's unfunded liability. The Senate report on S. 2754 explains in detail the reasons for this huge deficit, now totaling $61,000,000,000, and the committee's proposal to correct the present intolerable situation which if allowed to continue will bankrupt the Federal retirement fund in 18 years.

The Federal retirement fund was established in 1920 to provide retirement income for all Federal employees. The initial employee contribution of 2½ percent was to be matched by Federal Government contribution of an equal amount. The 2½ percent employee-agency contribution was increased periodically until in 1956 the present 6½-percent contribution rate became effective. During the entire history of the Federal retirement system, all Federal employee contributions have been paid in full and have approximated one-half the normal cost.

In contrast to the specific requirements for employee contributions, the act, prior to 1958, stated in effect that the Federal Government's share would be financed by the submission of appropriation estimates to Congress necessary to finance the system and to continue the act in full force and effect. As a result, a number of different methods were employed over the 48 years the plan has been in existence to take care of the Government's contributions.

During the first 8 years of the plan, no agency appropriations were enacted and benefit disbursements were financed entirely by employee contributions. From 1929 to the end of World War II, although Government contributions were generally recommended by the President in amounts sufficient to cover normal costs and to amortize the unfunded liability then existing, the amounts actually appropriated varied. Congress enacted lower appropriations than those recommended by the President on five occasions, higher amounts twice, and on one occasion approved the full amount requested by the President in his budget.

In 1958, the present funding procedures were enacted. Under it, each Federal agency contributes to the fund from its appropriations for payment of salaries, amounts equal to deductions from the salaries of its employees for retirement at the rate of 6½ percent. This achieved the objective of assuring annual income approximating normal cost. However, these contributions failed to meet fully the Government's portion of retirement costs because it did nothing to reduce the unfunded liability caused by insufficient appropriations in previous years.

A review of the system shows that the major causes for the present unfunded liability of approximately $61 billion have been: First, creditable service for which neither the employee nor the employer contributed, such as military service creditable for civilian retirement; second, general wage increases which result in benefits based on a higher pattern of salaries than that upon which at least a portion of contributions is based; third, liberalizations applying to benefits based on past and/or future service without a commensurate increase in contributions; and fourth, loss of compounded interest income which would have been earned if the accrued liability had been fully funded.

Because employee contributions during the 1930's and 1940's exceeded benefit payments, the potential impact of an unfunded liability was obscured. However, with stabilized employment, inadequate employer contributions and in-

creased benefit payments, the annual trust fund revenues within the foreseeable future would be unable to meet benefit payments.

Under the present funding practices the assets of the fund which presently total $20,500,000,000 will increase to $23 billion in 1975 while the deficiency will simultaneously approach $80 billion. In 1975 the disbursements will begin to exceed the annual income of $3.8 billion. Thereafter, disbursements will continue to escalate over a relatively static income and will result in a declining fund balance. At that time, in order to meet benefit payments, all disbursements in excess of current income will have to come from the fund balance. Without additional funding, that balance will be depleted by 1987.

Thereafter, disbursements will exceed income by $3,500,000,000 and will require direct appropriations to meet benefit payments. By year 2000, the necessary direct annual appropriations would approach $5,000,000,000. This would be in addition to the approximate $3,000,000,000 employee-agency contributions.

PROPOSED NEW FUNDING PROCEDURE

Under the provisions of S. 2754, the normal cost financing of equal employee-agency contributions would be retained. Normal cost in this sense is defined as that level percentage of annual employee pay which, invested at interest, is required to cover the costs of benefits earned each year starting for each employee at the time of appointment.

The present inadequate contributions and the normal cost financing of the combined contribution rate from 13 to 14 percent of payroll—7 percent each from employee and agency, effective January 1970. The congressional employee rate of 6½ percent would be increased to 7½ percent, and Members of Congress would contribute an additional one-half percent, to 8 percent.

The present normal cost of present benefits is equivalent to 13.86 percent of civilian payroll for the Federal Government. The increased benefits plus the modified reimbursement procedure for military service credit contained in the bill would increase the cost coverage by 0.12 percent, for a total of 13.98 percent of current payroll. The result is an overfinancing of slightly less than .02 percent of payroll.

Although the system's unfunded liability has grown to $61 billion in 1969, and can be attributed to numerous liberalizations of benefits, recurring salary increases, and several automatic cost-of-living adjustments to annuities, the major growth of the unfunded liability is attributable to the loss of interest on the unfunded liability. This approximates $2 billion each year.

The bill would eliminate this loss by providing for direct appropriations of this interest. However, for the first year the Secretary of the Treasury would transfer to the retirement fund a sum equivalent to 10 percent of the interest on the then-existing unfunded liability; and thereafter an additional 10 percent for each successive fiscal year until 1980. After 1980, the amount transferred annually will be the equivalent of the full interest thereon.

This formula, though not reducing the unfunded liability, will provide the interest to make the fund operationally solvent. This is the thrust of title I of the bill.

Should future incremental unfunded liabilities result from benefit liberalizations, general salary increases, extension of coverage to new groups of employees, or newly authorized annuity increases, they would be fully financed by the Federal Government through direct appropriations to the fund, in equal annual installments, over 30-year periods. The Government would assume full responsibility for additional deficiencies thus created, and, by amortization, preclude further increases in the unfunded liability.

Title II of the bill makes certain liberalizations in the Federal Retirement Act. It would: use "high 3" instead of "high 5" for computing civil service annuities; permit adding sick leave accumulated at the time of retirement to the period used in computing annuities; add 1 percent to cost-of-living increases for annuities; make the remarriage provisions of the 1966 Amendments to the Federal Retirement Act partly retroactive; improve survivor benefits for employees and retired disabled employees who die in service or after disability retirement; exempt up to $3,000 of civil service retirement annuity from Federal income taxation; and permit congressional employees to receive 2½ percent credit for all years of congressional employment in computing their annuities rather than limiting congressional service credit to 15 years.

Both the House and the Senate Committees on Post Office and Civil Service have labored hard on this legislation in an attempt to find the best solution to the critical problems which face the Federal retirement system.

The matter of correcting the funding deficiency of the Federal retirement system must be faced by Congress now. We sincerely believe that we have found a good solution. We have also written into S. 2754 some much needed benefits, but at the same time we have held the cost down below the amounts to be contributed by the employees and their employing agencies. Under the bill the benefits of the entire fund will still be .02 points under the 14 percent of payroll contributions.

I strongly urge favorable action on this measure.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the distinguished Senator from Florida.

Mr. HOLLAND. I am not clear as to the exemption of $3,000 of retirement pay from the provisions of the Federal income tax. I assume that that means an overall amount of $3,000 and not $3,000 per year.

Mr. McGEE. No; this would be from income in a given year.

Mr. HOLLAND. Does the Senator mean $3,000 in every year would be exempted?

Mr. McGEE. Would be exempted from the income tax; yes.

Mr. HOLLAND. The bill is not clear on that. It does not say that this exemption takes effect every year. It appears from the way the bill reads—at least to this Senator—that it is an overall, one-time exemption.

Mr. McGEE. I am having the staff check the language in the bill, and then I will respond to the Senator.

Mr. HOLLAND. My second question on the same point, which I think the Senator can answer while that is being checked, is this: Does this provision affect the provision of the present law under which there is exempt from income tax the full amount that any Member of Congress has paid in up to the time that that amount is fully paid?

Mr. McGEE. It does not affect that existing provision so far as Congress is concerned.

Mr. HOLLAND. The $3,000-per-year exemption, or whatever it is, does not apply to Members, then, but only to civil service retirees?

Mr. McGEE. The first $3,000 applies to all.

Mr. HOLLAND. Does this mean that retired Members of Congress get not only the right to receive everything they have paid in—which, of course, is a very large amount and figured over a large number of years—but also $3,000 a year?

Mr. McGEE. No. As I understand the Senator's point, if I understand it correctly, he still is entitled to all his entitlements in what he has paid in, that this only would obtain to his calculations on paying an income tax annually, and that he would be exempted from the first $3,000 of obligations in the tax computation.

Mr. HOLLAND. Let me state it in a hypothetical way: Suppose a retiring Member of Congress had paid in $10,000 to the retirement fund. Under present law—at least as the Senator from Florida understands it—up to the time his retirement pay had equaled $10,000, he would have no income tax to pay, because, in effect, it would simply be a repayment of savings accumulating to his account. Do I correctly understand that this would still be the case under the proposed legislation?

Mr. McGEE. The Senator's understanding is correct.

Mr. HOLLAND. How does the $3,000, then, come into the figure?

Mr. McGEE. It comes in after that point.

Mr. HOLLAND. Does it mean that the $3,000 is a supplement to the return of the $10,000 or that it is not applicable during the time the $10,000 is being repaid, or just how does it apply?

Mr. McGEE. The $10,000 figure the Senator is using is regaining capital. This is a $3,000 exemption on income.

Mr. HOLLAND. Then, this would be in addition to the return of the $10,000 saved?

Mr. McGEE. Yes. The $10,000 capital would be unaffected.

Mr. HOLLAND. One would get back the $10,000 he had paid in, and, in addition to that, in each year he would be entitled to a $3,000 exemption?

Mr. McGEE. Exemption; correct.

Mr. HOLLAND. What is the philosophy behind that, may I ask the distinguished Senator?

Mr. McGEE. The basic reason for that

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was that most of the annuitants are not confronted with that situation, and this was aimed at protecting the across-the-board annuitants who are in a very low income retirement fund category.

Mr. HOLLAND. Is the Senator suggesting that the able committee was seeking to discourage Members of the House and the Senate from staying here for many years?

Mr. McGEE. To my knowledge, the committee never entertained such a thought.

Mr. HOLLAND. I thank the Senator for that clear statement in the Record.

Mr. McGEE. May I respond to the Senator's earlier question in regard to the language in the bill and what it means.

On page 13, in subsection (f) of section 207——

Mr. HOLLAND. Is the Senator referring now to the bill or to the report?

Mr. McGEE. To the bill.

The thrust of the exemption allowance puts it on an identical basis with the Social Security and the Railroad Retirement Acts at the present time.

On page 13, the language reads:

> An amount, not to exceed $3,000 each year which is received by an annuitant or a survivor annuitant under this subchapter . . . which would be included as gross income for purposes of the Federal income tax laws, shall not be included as gross income under such laws.

Would the Senator feel that that would remove the uncertainty?

Mr. HOLLAND. I think it would remove the uncertainty, but it would make the $3,000 not applicable to retirees who would have to receive $10,000 or $20,000, or even more, before they got back what they had put in. Apparently, this $3,000 does not begin to apply at all until one has received back his entire contribution to the fund.

Mr. McGEE. The income tax law itself, I understand, separates the income capital from the exemption category.

Mr. HOLLAND. I thank the Senator. I believe we have it reasonably clear now. In other words, if a retiree were entitled to receive, let us say, $20,0000 a year, having been here a good while, he could set off that first year the $10,000 that he had contributed, if that was the amount, and, in addition, claim an exemption of $3,000 as against the remaining part of the income which would be gross taxable income.

Mr. McGEE. Yes, that is my understanding of it.

Mr. HOLLAND. I think that is a clear explanation. Whether that approach is justified, is another thing.

I hope the Senator will make very clear what is implied, because I do not believe that Congress is trying to increase its rights as above what it had before, in the passage of this measure.

Mr. McGEE. No. The intent was to try to keep it as simple as we could and yet take care of the typical annuitant, who is generally in the $3,000, $4,000, or $5,000 category, which leaves him a very minimal sum.

Mr. HOLLAND. I say again that the Senator is suggesting that the Members of the Senate and the House stay here a very short period.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. The reason for the $3,000 exemption is that if one is a social security retiree, all the amount he receives as a social security beneficiary is not taxable. People who work for the Federal Government are not under social security but do receive a retirement income, and we feel that the $3,000 is the equivalent amount that the people under social security are getting.

Mr. HOLLAND. The theory of the social security law is that the citizens have paid for insurance and they are getting payments because they have paid for insurance.

Mr. FONG. This will be the same.

Mr. HOLLAND. That is not true in this case, though. The Members of Congress pay on a portion of their retirement. They pay, as I recall it, half of the pool. They have been paying 7 percent each year for a long time—I do not remember how long—and that amounts to a very considerable sum. But the Federal Government pays an equal amount, as I recall.

Mr. FONG. The same is true with respect to the individual. The employer pays half and the employee pays the other half.

Mr. HOLLAND. Perhaps I was thinking about the matter solely from the standpoint of the self-employed person, because that has been my own situation, except for membership in the Senate; and, of course, there is no employer to pay the other half when a person is self-employed.

Mr. McGEE. That is correct. Here our real concern was the 9 million-plus annuitants that we felt had long since merited this kind of exemption in order to keep it equitable for them.

Mr. HOLLAND. From a quick reading of the report and several sections of the bill applying thereto it is made clear there is no change in the existing law as to the way surviving widows are affected. Am I correct in that?

Mr. McGEE. There is a small change in the way surviving widows are affected. It enables them to keep their annuities if they remarry, provided they are over 60 years of age.

Mr. HOLLAND. I am not speaking of that. I am speaking particularly of Members, because of the impression that Members would be particularly concerned with this point. My understanding is, leaving aside the question of remarriage which the Senator mentioned, there is no change whatever in the right of a surviving widow.

Mr. McGEE. There is no improved benefit. Surviving widows would still be affected by the 1-percent addition on the cost-of-living index.

Mr. HOLLAND. That is the 1-percent addition for every 3-percent upping of the consumer price index.

Mr. McGEE. The Senator is correct.

Mr. HOLLAND. I think it is a good provision. I congratulate the committee for having added it. I think most of the bill is good; maybe all of it is good.

Mr. McGEE. The Senator from Florida has been very helpful.

(At this point, Mr. Spong assumed the chair.)

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. McGEE. I have told the Senator from Delaware I will yield to him.

Mr. President, I yield briefly to the Senator from Indiana.

Mr. HARTKE. Mr. President, first I wish to congratulate the distinguished Senator from Wyoming for his leadership in this field. It has been my privilege so serve as the chairman of the subcommittee and to hold hearings on this measure.

The question raised by the Senator from Florida concerning taxation points out a deepening crisis that exists in the entire field of caring for the aged. I did not think this bill is the answer as far as the problems of these people are concerned. In many cases we have a combination of circumstances surrounding former employees which is rather tragic.

They have never been able to achieve comparability with people in private industry, so that even by taking the high 3 years instead of the high 5 years they are being told they will be paid a percentage on reduced capability that they would have had in the field of private employment. There should not be any penalty for anyone who serves in the Government. I know many people seem to attach an undesirable stigma to people who work for the Government. I find that most people who work for the Government are sincere people. They want to provide service, and they would like to be treated on a comparable basis, not only while they are working, but after they retire.

Anyone who studies the actual amount of money that will be provided under this bill will be shocked because it comes pretty close to the poverty level. This is a problem the country will have to face up to soon. We have two circumstances combining. First, because of the better health of the Nation we have people living longer than they used to; and, second, the increase in cost for people after retirement is frequently the total cost for them to take care of themselves. Frequently people in retirement do not have anyone around to take care of their ordinary affairs. They may have to hire people to care for them and to take them places. The person in retirement usually cannot drive a car any longer. My statement with respect to costs is especially true in the field of medical treatment and drugs.

This is a problem which is very acute in the Nation and affects all the aging. The situation is compounded for the civil service employee so I really feel that in this case we are not righting a wrong; we are correcting some of the inequities, but we have much farther to go.

I hope we will not be content to say that the Committee on Post Office and Civil Service considers this to be the answer to the problem. The answer lies beyond.

This is not a problem which is special to the Government, but I think the Government has a responsibility. Certainly, when people retire it should not be the first time in their lives that they are poor. Unfortunately in America today

many old people are saying for the first time, "I did not become poor until I became 65." Mr. President, that is tragic, indeed.

I hope we pass the bill quickly and then go about the business of trying to determine what we are going to do about the acute problem of the aging.

Mr. McGEE. Mr. President, the Senator's point is well taken and no one speaks with greater perception and depth of understanding than the Senator from Indiana. The Senator has spent a great many years with this problem, and the thrust of his comments just now have been that this is not the place where we stop. This is only another of the steps we are taking, and that should have been taken in many cases long ago. But at least we are finally moving in this direction. I agree with the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am glad this entire discussion has come up. I certainly appreciate the comments of the Senator from Indiana. I doubt if the average citizen knows right now that each Member of the House and Senate is paying $3,000 on his retirement fund out of each year's earnings besides the full income tax which everybody pays, subject only to a $3,000 allowance for living in Washington, which costs most of us nearly $10,000.

I think it is good for these matters to be placed in the Record because they more clearly explain the situation.

The next thing I would like to say is I think there is another fact not generally known to our people and that is that workers on the Hill, for Congress, are not in the same situation as civil service workers in that when their Senator or House Member is defeated, their jobs stop the day he goes out of office. There is no right to stay on and there is no vested right to remain, as there is in civil service. I think employees of Congress are thoroughly entitled to be regarded as in a different classification. They are placed in a different classification under the present law and would be by this law. I am glad they are. Of course, they pay a little bit more for the protection they get and under this bill this practice would continue. But it is well for the Record to show that employees of Congress are not in the favored protected and secure position that civil service workers are. I believe that is shown by this bill and the different treatment accorded for the different groups of employees.

I thank and congratulate the Senator.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. YARBOROUGH. Mr. President, as a member of the Committee on Post Office and Civil Service, who has served on that committee longer than any other Member of the Senate, I congratulate our chairman, the distinguished senior Senator from Wyoming, for the great care he has taken with the bill, for the diligence with which he attended all hearings, and his work in bringing the measure to the floor of the Senate. I commend him for his work on the bill.

There is one provision in particular that I desire to mention and that is the provision for crediting Federal employees for unused sick leave time.

I introduced that measure in Congress after Congress. We were unable to move it. I hope that it is passed some time. In some respects this provision is more generous than my proposal.

The provision for unused sick leave, I think, is for the benefit of the Federal Government. Figures show that of Federal employees who work for 30 years, one-half use up all the accumulated sick leave and one-half end up with about 44 days in unused sick leave. The able, efficient, and experienced employee works for years and years and does not use any sick leave time. The Government profits on those employees who work year after year and do not use their sick leave because those employees get no credit. These people have worked faithfully and they do not take sick leave and, therefore, they lose 44 days when they retire. When there is an experienced employee who takes a couple of weeks off for sick leave and his substitute is brought in there is a general loss—we had testimony on that year after year—by losing 2 weeks' time of the most efficient employee. This is the experience of private business in America. This is going to make money for the Federal Government.

I congratulate the chairman of the committee on having that provision in the bill.

I want to associate myself with the remarks of the distinguished Senator from Florida. In talking to people in my State, I find that they have no concept of the fact that our payments for retirement are more than $300 a month. They have heard something about Federal judges, which they get from the lawyers and other laymen, that a Federal judge pays nothing into his retirement system and that after 5 years of service, if he is at the proper age, he can retire at full pay.

I do not think that the service of a judge is so much more patriotic, more arduous, and more difficult that we should have to vote ourselves a harsh retirement system and vote for them such a generous retirement system. But that is a fact.

I want people to know that whereas a judge pays nothing into his retirement fund and after 5 years of service, if he is old enough, he can retire on full pay, we must pay $3,400 a year into the fund, which gives us only 2½ percent of credit for a year's service. When we compute that in with other deductions and limitations, we can take the year's service and it adds up that we will not get that 2½-percent credit in our retirement. If one should pass away, then his widow will draw only one-half the pension, which will not be 2½ times the number of years served. In other words, this is a limited retirement compared to retirement either in Federal service or outside of it.

Mr. President, as the able Senator from Florida has pointed out, it is well for people to know that Senators are also having income tax deductions taken from their checks, just as the rest of American workers do. Many people think that somehow or other we enjoy some free largesse here, that we get things tax free. I think it is well to have that in the Record, too, that our income tax payments come out of our salary checks, and they are heavy, with hundreds of dollars taken out every month for retirement, and hundreds of dollars taken out for income tax, so that the take-home pay of every Member of Congress is reduced drastically from what a person might imagine it is from the gross amount we get.

Mr. President, S. 2754 is a measure which is badly needed. I am hopeful that the Senate will not only pass this bill today but that we would do so without amendment.

This measure has a particularly fond place in my legislative heart for, aside from its basic provision and many financial reforms, it also provides a formula for the addition of unused sick leave to actual length of service in computing annuities. This provision is not as extensive as my own unused sick leave bill, S. 1276, but it is a big step in the right direction. I have fought for this principle for some 6 years now since I introduced my first bill on the subject in 1963, and I am very pleased that we were able to include this principle in this vital legislation.

As has been stated, the basic thrust of S. 2754 is toward financial reform of the system. The financing of the civil service retirement program has been an obvious and continuing problem for a number of years. For years the reports of the actuary have been grim forecasts of impending financial disaster, each succeeding report being more pessimistic than the preceding. For example, in 1958 the unfunded liability of the program was estimated to be about $18.1 billion and over the years the estimates have risen so that it is now about $57.7 billion. Current forecasts are that the civil service retirement fund will have a zero balance in about 18 years if no changes are made in the benefits provided or the financing.

Though these financing reforms are generally supported, it cannot be said that the bill is without controversial features. It is a matter of record that the administration is in general agreement with the financing provisions but objects to the benefit improvements which would be provided.

For my part, I believe that the extensive study that has gone into the preparation of the bill indicates that it would provide adequate income to pay for all presently scheduled benefits and an orderly method of financing future benefits.

In addition to the "high-3-year average" formula for computing annuities, a provision of the original bill, Senator McGee and the full Post Office and Civil Service Committee have added three amendments that are the basic difference between the House and Senate bills. I strongly urge the retention of these amendments in the final bill.

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One of these amendments would create a vested survivor right after 18 months' service rather than the 5 years now required. Another would exempt up to $3,000 of an annuity from Federal taxation. In effect, both these amendments merely extend to Federal employees rights now enjoyed by social security recipients.

The third McGee amendment would require an annual payment to the retirement fund to cover the costs of extending credit for military service in figuring the final annuity. The military service credit was the idea of the Congress and the cost should not be charged to the fund as a whole. This amendment would rectify this previous oversight.

Upon extensive examination of this measure and a careful study of the problems it is designed to meet, your Committee on Post Office and Civil Service reported S. 2754 unanimously. I urge the Senate to give S. 2754 a similar vote of confidence today.

Mr. President, with this retirement matter coming up year after year, with different provisions in it, I must commend the able Senator from Wyoming for a very skillful job in combining in this bill the many things in our Federal retirement system which need correcting.

As the Senator from Indiana said, it is not perfect. It is difficult to get a perfect bill with all differences of opinion ironed out. But this is a very splendid piece of work and the Senator from Wyoming is entitled to great credit for bringing such a bill to the floor of the Senate.

Mr. McGEE. Mr. President, I want to thank my friend from Texas for his kind comments and would say to him that I always stand very humbly at a time like this, remembering how very much he contributed to the thinking on the bill which reflected the effective way which his years of seniority on the committee made it possible to serve as guidance.

My chairmanship on the committee is the consequence of some of the flukes in our committee system. But it does represent a responsibility, nonetheless. Without men like the Senator from Texas, the Senator from Indiana, the Senator from Utah, the ranking minority member, the Senator from Hawaii, and the Senator from Delaware, we would, I think, have gone off on many occasions in different directions that might not always have turned out to be the wisest ones.

It is the combined vigilance on the part of members of the committee which has made it possible to arrive at what I think is substantially a sound piece of legislation.

Mr. YARBOROUGH. The distinguished Senator from Wyoming just said that he is chairman of the committee by what might be called one of the flukes in our committee system.

Let me say that if his chairmanship is a fluke, then it is one of the luckiest flukes the Senate has had happen to it in a long time.

Mr. McGEE. I thank the Senator from Texas.

Mr. President, I have said all I can say at this time and, therefore, I yield the floor.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of Delaware. Mr. President, I want to agree with the chairman, the Senator from Wyoming (Mr. McGee), on one point; and that is, that title I is long overdue recognition of the insolvency of the civil service retirement fund. Title I provides a method for reimbursing the fund and placing it in a more solvent position.

Mr. President, there are some questions in title II on which I raise questions, particularly the one mentioned by the Senator from Florida. He referred to section 207 on page 18 regarding the $3,000 special tax exemption, or an amount not to exceed $3,000 each year for the annuitant. The bill states that this extra $3,000 will be excluded from the gross income, and it amends section 8355 of title 5 of the United States Code. Under existing law the Treasury Department allows credit for the amount of the pension that repesents a return on the payments made by the employee and the other is treated as income.

That is approximately the formula under which it has been taxed heretofore.

As is pointed out, when an employee has recovered all of his original payments to the fund the remainder now is taxable income.

It is interesting to note that this $3,000 special exemption has no effect, as I see it, on a married couple drawing a pension of $5,000 or $6,000 a year. It really does not begin to take effect until the pension has crossed the $6,000 annual figure. Let us face it, this is not a tax break for the low-income employee.

What disturbs me is not so much the question of whether the $3,000 exemption should be approved but rather why it does not apply to all retirees, whether they be in private industry or government service. Why give a $3,000 extra tax exemption on retirement income just to Federal employees? I think that all American citizens who are living on retirement are in the same category and are therefore entitled to the same kind of treatment.

True, retirement payments are exempt under social security, but the social security fund is financed by the employee and the employer—one-half is taken out of his paycheck, and the other half is paid by the employer. But the employer figures that as part of his wage. It is deferring the income. Social security has a much lower formula for computing benefits than it is under this more favorable formula of civil service.

I think there should be a question in the minds of all of us when considering changing the revenue code, can the Government afford to give this $3,000 retirement exemption on pensions? If it can then the next question is, should it be made available to employees of the U.S. Government only, or should the tax break be made available to all taxpayers in America?

Mr. President, I do not think it can be justified to single out the employees of the U.S. Government, whether we be Members of Congress or serving in some other capacity, for a special tax exemption that is not extended to all other retired American citizens.

For that reason I think that if this is going to be considered it should be considered as an amendment to the tax revenue bill which will come before the Senate later this year. As a part of that bill Congress can consider how far we reduce the tax for all pension funds. Let us be sure that all the people will be treated alike, and let us not establish a special group of tax-exempt citizens by virtue of their having been employed by the U.S. Government.

Mr. McGEE. Mr. President, will the Senator let me respond to that question?

Mr. WILLIAMS of Delaware. I will in just a moment.

Mr. McGEE. Oh, I thought the Senator had asked a question. Excuse me.

Mr. WILLIAMS of Delaware. We have on the Senate calendar, a tax bill which has long been deferred and which proposes to lower taxes for those in the so-called poverty or low-income groups. That bill has not been acted upon. If it were it would to a large extent reduce the need for the bill we have before us now.

Any tax reduction that is approved by the Senate should apply equally to all taxpayers and not to a select group, which happens to include Members of Congress.

Another point I wish to make is that the tax reduction proposal in section 207 is to amend the Revenue Code in a Senate bill, a procedure which heretofore the Senate has not recognized as being proper. The Revenue Code can be amended only by a bill that has come from the House or by amendments offered thereto in the Senate. That is the customary procedure. Let the Ways and Means Committee of the House or the Finance Committee of the Senate consider the merits of the proposal and relate it to all the other taxpayers.

For that reason, I suggest that it would be wise to strike section 207 from the bill and let it be considered in the regular tax bill later.

Mr. President, I wish to make a point of order that section 207 is an amendment to the Revenue Code, as attached to the Senate bill, which is not in order under our rules.

Mr. McGEE. Mr. President, if it is permissible, am I in order to respond to the point raised by the Senator from Delaware?

Mr. WILLIAMS of Delaware. Mr. President, I will withhold it.

The PRESIDING OFFICER. Will the Senator from Delaware withhold his point of order?

Mr. WILLIAMS of Delaware. I will withhold it, yes.

Mr. McGEE. Mr. President, the Senator raises several good points here. I would like, as best I can recollect them now, to respond to them as they appear to me.

I think the Senator is so right that here we have a special group that has been kind of "selected out" for this package—Federal employees—but I think it is important to remember that they were "selected out" long ago and denied that $3,000 allowance while social security annuitants were getting it and while Railroad Retirement annuitants were getting it. That is the kind of selectivity

we have witnessed here in the program. So I think there is a second side to the coin in who is playing favorites.

I agree that there is great merit in having a uniform application of this provision to all retirees, but the jurisdiction of this committee is over civil service retirees. We did not pretend to try to tell the income tax service how to administer the law. We did not intend to invade some other committee's jurisdiction. Our intent was to live up to our responsibility, and that was to address ourselves to the problem of Federal civil service annuities in this particular instance in the bill, in section 207, on page 13, which amends section 8345 of title 5 of the United States Code. This is the Civil Service Retirement Act. It is not the Internal Revenue Code. We believe, therefore, it is still very much in order.

Finally, I would suggest that a year ago, or earlier this year, when a bill that I introduced provided for this very specific allowance—S. 2087—the bill was referred to the Senate Committee on Post Office and Civil Service. And because of the jurisdiction and concern of that committee over civil service annuities, I would have to take issue with my friend from Delaware in regard to the legitimacy of a point of order's being sustained. The Finance Committee has jurisdiction over tax matters. The House can originate revenue bills. But we believe this to be in the civil service annuity category and properly within the jurisdiction of the Committee on Post Office and Civil Service.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Perhaps I do not understand the English language. I will ask the Senator this question: Is not the purpose of section 207 to exempt from Federal income taxes $3,000 of annuitants' pensions?

Mr. McGEE. The purpose of this provision is to try to make it possible for an annuitant to survive on the basis of his annuity.

Mr. WILLIAMS of Delaware. Is not the purpose of this provision to exempt from Federal income taxes the first $3,000 of an annuitant's pension? Is not the purpose of the section to exempt the Federal employee from taxes on $3,000 of his pension?

Mr. McGEE. From the first $3,000.

Mr. WILLIAMS of Delaware. Of taxes?

Mr. McGEE. Yes.

Mr. WILLIAMS of Delaware. So that makes it a tax bill.

Mr. McGEE. If the Senator will permit me to quote the English language, that is quite a jump in adding that up to a tax bill.

Mr. WILLIAMS of Delaware. It is quite a jump, and it is a benefit that is not extended to any other group——

Mr. McGEE. I mean the Senator's conclusion that it is a tax.

Mr. WILLIAMS of Delaware. On September 4, 1969, the Senator's committee was served notice by the chairman of the Finance Committee (Mr. Long), and I refer the Senator to the remarks of the Senator from Louisiana appearing on page 24287, wherein the Senator from Louisiana points out how it would amend the Revenue Code and raises a question of jurisdiction.

Today before the Finance Committee we had testimony on this very proposal, based on an amendment introduced by the Senator from Connecticut (Mr. Ribicoff). His amendment deals with this matter in a broad way. It would affect not only Government employees but all annuitants, including private industry as well. We had testimony on that point before our committee today.

What I am saying, without debating the merits or demerits of this proposal, is that I think whatever we do should be done for all retirees who are living on pensions. I am merely suggesting that we should wait until we get the tax bill, and then whatever we do we treat all taxpayers alike.

When the Senator from Wyoming has finished his statement I will renew my point of order because there is no question that the purpose of this provision is to exempt from Federal income taxes the first $3,000 of pensions of civil service annuitants.

Mr. McGEE. Mr. President, may I say to my distinguished colleague from Delaware that we were not aware that there had been any great move in the Finance Committee to concern themselves with civil service annuitants or their annuities. I think that is understandable because that matter belongs in the Committee on Post Office and Civil Service.

The staff advises me that the Internal Revenue Code of 1954 contains a provision—I believe sponsored by the Senator from Delaware—to the effect that part-time postal employees cannot attach that to their civil service status.

I think this is a case of looking at both sides of the coin. I would suppose that was subject to some kind of point of order, since it would reflect invading the jurisdiction of the Committee on Post Office and Civil Service. But that really should not be the issue of a point of order here. The issue ought to be whether this is a correct procedure, with the Post Office and Civil Service Committee having jurisdiction.

In view of the absence of any real effort anywhere else to look into the interests of our civil service annuitants, and because of the precedent set by the Senator himself in adding to the Internal Revenue Code of 1954 a provision that influenced civil service directly, without having to do with the income tax element, it would seem to me that this factor also should be weighed on the scale of decisionmaking in terms of his point of order.

Mr. WILLIAMS of Delaware. When the Senator says the Finance Committee is not concerned with the civil service employees I remind him that the Ribicoff amendment deals with the pensions of all annuitants, including private industry as well as civil service employees. It does not single out one special group for recognition; it deals with all of them, just as all other tax bills should do.

Mr. President, I renew my point of order against section 207, as appearing on page 13 of the bill, on the basis that it is an amendment to the Internal Revenue Code in a Senate bill.

The PRESIDING OFFICER. In response to the Senator from Delaware, the Chair would say that his point of order raises a constitutional question, and that the Chair has no authority to rule on a point of order involving a constitutional question. Therefore, the Chair refers the point of order and the question to the Senate.

The question is, Is it the judgment of the Senate that the point of order is well taken?

Mr. WILLIAMS of Delaware. I ask for a division, Mr. President.

The PRESIDING OFFICER. A division is requested. Will Senators who believe the point of order is well taken stand and be counted?

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

Mr. McGEE. Mr. President, I did not hear the second part of the question.

The PRESIDING OFFICER. The question is, will Senators who believe the point of order is well taken stand?

Mr. McGEE. I thought they had stood, and the Chair had made a follow-up statement.

The PRESIDING OFFICER. All those opposed.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, will the Senator withhold that?

Mr. WILLIAMS of Delaware. I will withhold it, but I will be requesting the yeas and nays. I might ask, is the Senator willing to have a vote on it tonight?

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have talked with the interested parties on this measure now pending, and I am about to propound a unanimous-consent request.

UNANIMOUS-CONSENT AGREEMENT

I ask unanimous consent that, at the conclusion of morning business tomorrow, there be a time limitation of 30 minutes on the pending constitutional question which has been referred to the Senate for decision, and that the time be equally divided between the distinguished senior Senator from Wyoming, the manager of the bill (Mr. McGee), and the distinguished senior Senator from Delaware (Mr. Williams), who raised the point of order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That at the conclusion of the morning business on October 3, 1969 during the further consideration of the point of order against Section 207 of S. 2754 Civil Service Retirement bill, debate be limited to 30 minutes to be equally divided and controlled by the Senator from Wyoming (Mr. McGee) and the Senator from Delaware (Mr. Williams).

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. For the information of the Senate, there will be a record vote on that question.

Mr. MANSFIELD. Yes, I think there should be.

Mr. McGEE. Mr. President, will the Senator yield until I can propound another thought here?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Holland in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPONG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELEVISION NEWSPAPER OF THE AIR

Mr. SPONG. Mr. President, WETA, channel 26, launches a daily newspaper-of-the-air tonight—Thursday, October 2—with editors and reporters from the Washington Post and the Evening Star. This is an example of public television's ability to respond effectively to an emergency community need, the channel 26 newspaper-of-the-air will be broadcast in color, 7 to 8 p.m., 10 to 11 p.m.

Newspaper-of-the-air will cover the day's most important events in the fields of foreign and national news; District of Columbia, Virginia, and Maryland news; entertainment, sports, and other news features; with incisive reports and analysis of leading Washington reporters.

I make this announcement for the information of Senators who may be interested.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Friday, October 3, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 1969:

Agency for International Development

Samuel C. Adams, Jr., of Texas, to be an Assistant Administrator of the Agency for International Development, vice R. Peter Straus, resigned.

U.S. District Judge

R. Dixon Herman of Pennsylvania to be U.S. district judge for the middle district of Pennsylvania, vice Frederick V. Follmer, retired.

U.S. Attorney

S. John Cottone, of Pennsylvania, to be U.S. attorney for the middle district of Pennsylvania for the term of 4 years, vice Bernard J. Brown.

U.S. Marshal

Thomas Edward Asher, of Kentucky, to be U.S. marshal for the eastern district of Kentucky for the term of 4 years, vice Archie Craft.

William C. Black, of Texas, to be U.S. marshal for the northern district of Texas for the term of 4 years, vice Robert I. Nash.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 2, 1969:

National Council on the Arts

Nancy Hanks, of New York, to be Chairman of the National Council on the Arts for a term of 4 years.

U.S. Attorneys

Duane K. Craske, of Guam, to be U.S. attorney for the district of Guam for the term of 4 years.

James H. Brickley, of Michigan, to be United States attorney for the eastern district of Michigan for the term of 4 years.

Bart M. Schouweiler, of Nevada, to be U.S. attorney for the district of Nevada for the term of 4 years.

Edward R. Neaher, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years.

William W. Milligan, of Ohio, to be U.S. attorney for the southern district of Ohio for the term of 4 years.

Blas C. Herrero, Jr., of Puerto Rico, to be U.S. attorney for the district of Puerto Rico for the term of 4 years.

Stanley G. Pitkin, of Washington, to be U.S. attorney for the western district of Washington for the term of 4 years.

U.S. Marshals

Gaylord L. Campbell, of California, to be U.S. marshal for the central district of California for the term of 4 years.

Rex Walters, of Idaho, to be U.S. marshal for the district of Idaho for the term of 4 years.

George R. Tallent, of Tennessee, to be U.S. marshal for the western district of Tennessee for the term of 4 years.

William A. Quick, Jr., of Virginia, to be U.S. marshal for the western district of Virginia for the term of 4 years.

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years.

EXTENSIONS OF REMARKS

ROSCOE I. DOWNS

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. NATCHER. Mr. Speaker, Roscoe I. Downs is not only an outstanding Kentuckian but he is also one of the great newspapermen of our Commonwealth.

This veteran of the journalistic field began his newspaper career in 1906 and from that time on he has made sure that his readers are provided with a fair, honest, and unbiased presentation of the news. His strong and frank editorials have won for him numerous honors and have made the newspaper he has published since 1945, the Hancock Clarion in Hawesville, Ky., invaluable in attracting and accelerating the industrial growth of this particular area.

Mr. Downs is one of the most respected and admired gentlemen in the Second Congressional District of Kentucky and certainly I am delighted that the Kentucky Press Association recently gave special recognition to their eldest member for his many years of splendid newspaper work.

Mr. Speaker, I am pleased at this point to insert in the Record the article which appeared in the July 1969 issue of the Kentucky Press, the voice of the Kentucky Press Association, honoring Mr. Downs. The article follows:

Downs Has Enjoyed Long Association With KPA

Teddy Roosevelt was president of the United States and the Kentucky Press Association was only 38 years old when Roscoe I. Downs became a member of KPA and attended his first summer convention.

At 84, Downs is editor of the Hancock Clarion at Hawesville and still adheres to 6-day a week work schedule. His editorials have won for his paper several awards over the years and even today are a force in his community.

It was in June of 1907 that Downs and his bride, the former Miss Winnie Cullin, honeymooned at the KPA convention at Estill Springs, Irvine, Ky. They were married at Livermore on June 16, 1907 and immediately began the journey to Louisville where they joined other Western Kentucky editors for the trip by special railway car to Irvine and the convention.

The bride and groom escaped the hazing of the press group by concealing the fact of their newly wedded state. A Courier-Journal reporter, however, learned of the couple's secret during the trip home after the convention and wrote a story of how the entire KPA had been fooled.

Downs can probably lay claim to the oldest membership in KPA. His membership has not been continuous, over the 62 year period, he has spent several years in other states. Consecutive membership has been since 1945 and in 1952 he was voted a Life Member of the association.

In 1906 he edited the Livermore News in McLean County. The name of the paper was later changed to The Kentucky Citizen.

After having closed the paper at Livermore, Downs continued his career on various newspapers, first the Dixon Journal and later the Corydon (Ind.) Republican. His next

move was to Havanah, Ill. and the Mason County Democrat.

Then came several years out of the journalistic field before the smell of printer's ink drew him back. First to the Cynthiana Log Cabin and then the Georgetown News. For several years he was employed on the Aurora (Ind.) Bulletin. He then became shop foreman in the printing department of Indiana University, Bloomington, Ind. From there he moved to Freemont, Ohio, where he was makeup man on the Daily Messenger.

Returning to Kentucky, Downs worked for a short time on the State Journal at Frankfort before moving on to the Estil Herald at Irvine. From Irvine he went to Washington, D.C., where, for 15 years—1930 to 1945, he was employed in the Government Printing Office.

He returned to Kentucky in 1945 to publish the Hancock Clarion. His daughter, Mrs. Bernice E. Wimmer, and grandson, Donn K. Wimmer, are now co-publishers of the paper and Mr. Downs is the editor.

The Clarion converted to offset last April and Mr. Downs remarks that "now, at past 84, I find my trade as a printer being relegated to the rear by this photographic pattern of offset."

"Being a printer for 62 years," Mr. Downs says, "is an era of which I am proud, along with Benjamin Franklin, I count my trade as a worthy one."

"In the past years I have enjoyed the Kentucky Press Association and, until recently, have attended most of its meetings."

Several years ago Mr. Downs published a novel, "This Fair Eden."

FARM LOSSES PROVISIONS IN TAX REFORM BILL

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, October 2, 1969

Mr. HARTKE. Mr. President, on September 22, the Committee on Finance held hearings on the very important farm losses provisions contained in the tax reform bill. Artificially created farm losses are a notorious area of tax abuse. This tax loophole distorts farm prices and imposes on the ordinary farmer a particularly cruel form of unfair competition.

The distinguished Senator from Montana (Mr. Metcalf) is a recognized leader in the fight to close this tax loophole. I ask unanimous consent to have printed in the Record his excellent and most persuasive statement to the Committee on Finance.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Eliminate Tax-Dodge Farming

My bill, S. 500, would eliminate existing distortions in the farm economy by limiting to $15,000 or to the amount of "special deductions" listed in my bill, whichever is higher, the amount by which a "farm loss" may offset nonfarm income. Special deductions are those that would be allowed to some one whether or not he was in farming or because it is the type of deduction clearly beyond a taxpayer's control. I am referring to such things as taxes, interest, abandonment or theft of farm property, fire, storm, or other casualty, losses and expenses from drought, and recognized losses from sales, exchanges and involuntary conversions of farm property. Neither the House-passed bill nor the Administration's proposal contain a comparable provision to protect the legitimate farmer and rancher from being penalized for having incurred an economic agricultural farm loss in a given year. My bill also provides safeguards to protect those just starting out in farming as well as those who might find themselves in a loss situation in a given year, not by design for tax purposes but rather by chance. This is accomplished by a provision that allows a disallowed loss to be carried back three years and forward five years against past or future farm income.

The problem with the approach recommended by the Administration and now contained in the House-passed bill except for different dollar exclusions is that it allows the tax-dodge farmer to defer any recognized capital gains while at the same time he is allowed to continue using the full amount of his artificial losses as an offset against nonfarm income year after year. By attempting to convert capital gains into ordinary income rather than nip the losses in the bud before the tax-dodge farmer can use them, both the House bill and the Administration allow offenders an easy out with just the proper amount of tax planning.

Revenue figures provide some insight into the comparative effectiveness of the House bill, the Administration's proposal, and S. 500. My bill would affect about 14,000 individual tax returns and would raise an additional $205 million a year from these individuals. The House bill would affect about 3,000 returns and when fully operative raise an additional $25 million annually. These revenue estimates do not include comparative figures for corporations. I can only imagine the amount by which the gap between the two bills would widen even further.

The Administration estimated its 4 September proposal would apply to 9,300 individuals and raise $50 million annually. The Administration has already admitted that although the House bill adopts the same approach, the dollar exclusions contained in the House bill are so high as to render it ineffective.

Here is a unique opportunity to combine substantial revenue increases with substantial equity by restoring healthy competition to our farm economy. The House-passed bill can be reshaped to serve as a meaningful vehicle for equitable and effective reform in this area.

I appreciate the opportunity to testify for legislation that would remove inequities between legitimate farm operators and tax-dodge farmers—people who engage in farming for the purpose of creating artificial losses which can be used to offset substantial amounts of their nonfarm income.

In the first session of the 90th Congress, I introduced S. 2613, to amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income. When I ultimately decided upon the loss limitation approach as the best way to get at this problem, one of the sources of information I considered was an article written by Hendrik S. Houthakker, now a member of the Council of Economic Advisors. At the time that he wrote the article, Mr. Houthakker was engaged as a professor of Economics at Harvard. He concluded his article, which appeared in the January-February 1967 issue of Challenge, with the observation that "if this sacred cow is to be finally eliminated, the Internal Revenue Service may need some help from the Congress."

I found Mr. Houthakker's discussion of possible methods to get at this problem particularly stimulating. He stated as follows:

"If the tax laws are to be effective in this area, a more sophisticated definition of farmers is needed, or, alternatively, the offsetting of farm losses against other income should be restricted. But this restriction has to be introduced with due regard to the interests of genuine farmers.

"The best possibility would be to limit the farm loss deduction to, say, $10,000 in any one year, with provisions to carry larger losses backward or forward to be offset against earlier or later farm profits, but not against nonfarm income. In 1962 the taxpayers who claimed over $10,000 in farm losses had an average nonfarm income of about $50,000.

"Another possibility would be to treat as farmers only those who have derived a specified fraction of their income from farming during the past five years.

"Still another (similar to the Treasury proposal of 1963 which was rejected by Congress) would be to allow capital gains treatment only for the amount by which sales exceed deductions for farm losses in prior years. This proposal, however, would not deter those who do not take capital gains at all."

The 1963 Treasury proposal referred to by Mr. Houthakker is basically the same proposal as that suggested by Administration officials in their testimony before the House Ways and Means Committee on 22 April of this year and restated again but with higher dollar figures before this Committee on 4 September. This proposal which has come to be known as the Excess Deductions Account approach is now contained in the tax reform bill under review by this Committee.

In July of last year, both the Departments of Treasury and Agriculture issued highly favorable reports on S. 2613, the predecessor to my bill, S. 500, which I reintroduced with substantial bipartisan support in January of this year. Both of those reports endorsed the principle of my original bill but at the same time suggested constructive modifications which I incorporated in the bill which was introduced last Fall for discussion purposes and then reintroduced early this session.

In order for the record to be complete on this matter here are the constructive suggestions made by the Treasury Department in its report of 11 July 1968:

"As an alternative, we suggest placing a ceiling on the amount of nonfarm income which could be offset by farm losses in any one year. If there were excess farm losses, they could be carried backward and forward to offset farm income, but no other income, of other years. If part of a taxpayer's income for a year consists of capital gains, his carryover of excess farm deductions arising from the special farm accounting rules would not be permitted to offset it. On the other hand, the ordinary farmer incurring a loss would be protected under this approach in two ways: First, by allowing a limited deduction for farm losses, an ordinary farmer who must take part-time or seasonal employment to supplement his income in a poor year in his farm operations would not be deprived of his farm loss deductions. Second, the carryover and carryback provisions would be available to absorb large one-time losses. In other words, the provision would, in operation, only affect taxpayers with relatively large amounts of nonfarm income, that is, individuals who do not have to depend on their farm income for their livelihood.

"It is suggested that . . . corporations could be covered in the same manner as individual farmers and farms run by a partnership."

The Treasury Department concluded by suggesting that some kinds of farm expenses should be excepted from the disallowance provisions. Here is the reason for that suggestion:

"One category of farm expenses would in-

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clude taxes and interest which are generally deductible whether or not they are attributable to an income producing activity. A second category would include casualty and abandonment losses and expenses and losses arising from drought. These events are generally not in the taxpayer's control and disallowance of the loss or expense could create an undue hardship to the taxpayer since they may be catastrophic. These same expenses and losses are now excluded from the operation of section 270 which excludes losses in connection with a hobby operation."

One additional suggestion made in the report was to provide "for an adjustment that would limit the measure of allowable farm deductions to the taxable one-half of capital gains." The reason for this suggestion was to prevent the taxpayer from receiving a double deduction against his capital gain farm income.

The suggestions contained in last year's Treasury and Agriculture reports together with those contained in Mr. Houthakker's article made a great deal of sense. For example, it was clear that all concerned agreed the most equitable and effective way to get at this problem is to limit the amount of farm losses that can be used as an offset against nonfarm income in any one year.

The problem which now exists is that liberal tax accounting rules designed for the benefit of the ordinary farmer are being manipulated by nonfarmers. These nonfarmers engage in farming for the purpose of creating artificial losses that they can use to reduce the taxes they would otherwise have to pay on high-bracket nonfarm income. The tax losses which these tax-dodge farmers show are not true economic losses. These so-called "tax losses" arise from deductions taken because of capital costs or inventory costs and thus usually represent an investment in farm assets rather than amounts actually lost. Usually, the investment is ultimately sold and taxed only at lower capital gains rates.

The deductions are set off against ordinary income, while the sale price of the resulting assets represents capital gain. The gain is then usually the entire sales price since the full cost of creating the asset has previously been deducted against ordinary income. In reporting on my original bill, S. 2613, in July of 1968, the Treasury reviewed the two principal methods of accounting used in reporting business income for tax purposes. Generally speaking, those businesses which do not involve the production or sale of merchandise may use the cash method. Under that method, income is reported when received in cash or its equivalent, and expenses are deducted when paid in cash or its equivalent.

However, in businesses where the production or sale of merchandise is a significant factor, income can be properly reflected only by deducting the costs of merchandise in the accounting period in which the income from its sale is realized. This means that costs are recorded when incurred and sales when made, and costs attributable to unsold goods on hand at year's end are included in inventory. Under this method of accounting, the deduction of costs included in inventory must be deferred until the goods to which they relate are sold rather than being deducted when the costs are incurred. Thus, under this second method of accounting, income from sales of inventory and the costs of producing or purchasing such inventory are matched in the same accounting period. The end result in this type of business is a proper reflection of income.

The Treasury Department has historically permitted farmers to deviate from general accounting practices to spare the ordinary farmer the bookkeeping chores associated with inventories and accrual accounting. In addition the Treasury has in the case of some capital outlays permitted farmers to write them off as if they were current expenses.

On 5 February of this year, the House Ways and Means Committee published a study of needed areas for tax reform conducted by the Treasury Department during the last two years of the Johnson Administration. In discussing the effect that tax-dodge farmers have on the farm economy the study points out that "when a taxpayer purchases and operates a farm for its tax benefits, the transaction leads to a distortion of the farm economy. The tax benefits allow an individual to operate a farm at an economic break-even or even a loss and still realize an over-all profit. For example, for a top-bracket taxpayer, where a deduction is associated with eventual capital gains income, each dollar of deduction means an immediate tax savings of seventy cents—or seventy-seven cents with the surtax—"to be offset in the future by only twenty-five cents of tax." This cannot help but result in a distortion of the farm economy, and is harmful to the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

"This distortion may be evidenced in a variety of ways: For one, the attractive tax benefits available to wealthy persons have caused them to bid up the price of farmland beyond the price which would prevail in a normal economy, and is harmful to the ordinary farmer who must compete in the marketplace with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes."

My bill would eliminate these distortions by limiting to $15,000 or to the amount of the "special deductions" listed in the bill, whichever is higher, the amount by which a "farm loss" may offset a taxpayer's nonfarm income. The $15,000 figure is reinforced by the following observation contained in Treasury's two-year study, and I quote: "If a taxpayer has more than $15,000 of nonfarm income, his primary source of livelihood is not likely to be his farming efforts, and, thus, he is not the type of farmer for whom the special accounting rules were devised." Generally, a farm loss would be the amount by which farm deductions exceeded farm income in any given year. For this purpose, as the 1968 Treasury report suggested, the untaxed one-half of long-term capital gains attributable to farm property would not be included in farm income. Farm deductions include all deductions that are attributable to the business of farming. If the taxpayer's nonfarm income is in excess of $15,000 in any given year, the limit on his deductible loss in that year would be reduced by one dollar for each dollar of such excess. However, economic losses are protected by providing that the $15,000 loss limitation will be raised to the amount of the taxpayer's special deductions if that amount is higher than $15,000.

When Assistant Secretary of the Treasury Edwin S. Cohen testified before this Committee on 5 September he referred to the fact my bill is now pending before this Committee. He was then asked by Senator Hartke and I quote: "What is wrong with that bill?" Answer by Mr. Cohen. "Well, suppose as Senator Gore said, a short while ago, there were an actual economic loss of $50,000, suppose there is an actual economic loss from tornado, floods, low prices, drought, any number of factors, why should we disallow a true economic loss to the farmer or where should we disallow it in any event at strictly $15,000 a year."

There are two observations I must make with respect to that answer. First, if there were an actual economic loss of $50,000 from tornado, floods, low prices, drought or any other factor beyond the control of the taxpayer under the provisions of my bill the entire amount of that economic loss could be used to offset nonfarm income. Assistant Secretary Cohen's answer simply demonstrated that he had never read my bill. My bill specifically takes into account the nature of the deductions that generate a loss in a given year. It provides that if the sum total of deductions paid or incurred in the business of farming and which are attributable to taxes, interest, the abandonment or theft of farm property, or losses of farm property arising from fire, storm, or other casualty, losses and expenses directly attributable to drought, and recognized losses from sales, exchanges and involuntary conversions of farm property—if any one or all of those deductions adds up to a figure that is higher than $15,000 then the taxpayer is allowed to use the higher figure as an offset against nonfarm income. An exception is made in my bill for such deductions since they are in general deductions which would be allowed to anyone holding farm property without regard to whether it was being used in farming or because it is the type of deduction that is clearly beyond the control of the taxpayer.

My second observation is that assuming an actual economic loss of $50,000 caused by any of the economic factors listed by Assistant Secretary Cohen, and assume one additional fact . . . that the taxpayer has an adjusted gross nonfarm income in excess of $25,000 in that same year, it is the Administration's proposal that would penalize the taxpayer for an economic loss. Although the loss could be used as an offset against nonfarm income the entire amount of that loss would have to be included in the Administration's excess deductions account. To the extent of the balance in that account, what would otherwise be a long-term capital gain from farming in a subsequent year would be converted into ordinary income. The House-passed bill would also attempt to recapture an economic loss by the same method but to a lesser degree because it only applies to that portion of a farm loss above $25,000 and then only if nonfarm adjusted gross income is above $50,000. When Assistant Secretary Cohen testified he observed that the dollar exclusions contained in the House-passed bill render the bill ineffective.

Getting back to the loss limitation approach, my bill adopts a suggestion made in both the 1968 Agriculture and Treasury reports as well as in Mr. Houthakker's article. If the farm loss in any given year is greater than the allowable amount, it would be carried backward three years and forward five years to offset farm income of those years. This safeguard is in the bill to protect new farmers who are sincerely interested in farming but who understandably might be unable to turn an economic profit in those years.

My bill also provides that a taxpayer may treat a nonfarm business as a part of his farming operation if it is related to and on an integrated basis with the farm business. Some recent inquiries about this provision indicate that there are those who would attempt to use it to offset some artificial farm losses arising from the farm tax accounting rules against income earned in another business. This provision is not intended to allow a business to be considered as related and conducted on an integrated basis with the farming operation unless it consists of the processing of a product raised in the farming operation. Furthermore, it is only equitable that to qualify to elect this provision, the sale of such processed product should produce a substantial portion of the total receipts of the over-all operation. Moreover, this provision is intended only for purposes of measuring the size of the "farm loss" to ascertain whether certain deductions are allowable. This provision is not meant to allow the nonfarm business to be treated as a farm operation for the purpose of adopting accounting methods, the filing of estimated tax returns, or the filing of final returns, and the like.

The House-passed bill and the Administration's proposal both adopt the proposal contained in S. 500 which would exclude from the application of any limitation, the taxpayer who is willing to follow with respect to his farming income, accounting rules which apply generally to other taxpayers; that is if he uses inventories in determining taxable income and treats as capital items—but subject to depreciation in cases where other taxpayers would take depreciation—all expenditures which are properly treated as capital items rather than treating them as expenses fully deductible in the current year.

My bill has gained substantial bipartisan support in both the House and the Senate. Twenty-six other Senators, including three members of this Committee (Senators Hartke, McCarthy and Harris) are cosponsors of S. 500. At last count, the loss limitation approach contained in the bill had been specifically endorsed by members of at least thirty different Congressional delegations.

Aside from Congressional support the method of approach taken in S. 500 has the full support of all those who are sincerely interested in the working farmers of our Nation. For example, the National Farmers Union, the American Farm Bureau Federation, the National Grange, the National Farmers Organization, the National Council of Farmer Cooperatives, the National Association of Wheat Growers, the Cooperative League of the U.S.A., the National Association of Farmer Elected Committeemen, the Farmland Industries Cooperative, the Mid-Continent Farmers Association—formerly known as the Missouri Farmers Association, the Farmers Grain Dealers Association, the AFL–CIO, the Industrial Union Department of the AFL–CIO, the United Steelworkers, the South Texas Cotton and Grain Association, Inc., and the Amalgamated Meat Cutters and Butcher Workmen, have all called for a limit to be placed on the amount of artificial farm losses that can be used as an offset against nonfarm income.

Contrast this type of support with the testimony of the National Livestock Tax Committee before the House Ways and Means Committee some six years ago. This is what the National Livestock Tax Committee had to say about the excess deductions account approach in 1963 and I quote: "We cannot say whether it would work or would not, but it is the most modest approach that has come to our attention."

Well, that sort of grudging praise coming from an organization that has been fighting tax reform in this area every step of the way made me take a hard look at the EDA approach when I first considered ways to get at this problem without hurting the legitimate farmer.

The basic problem with the EDA approach is that it allows the tax-dodger farmer to defer any recognized capital gains until he chooses to sell and at the same time, allows him to continue along his merry way each year using artificial farm losses as an offset against nonfarm income. With proper tax planning the balance in the excess deductions account can be milked dry by the time the taxpayer decides he is ready to recognize long-term capital gains. Such a proposal will not remove any of the incentive from existing clients of cattle management firms such as Oppenheimer Industries. Instead of catching the tax-dodge farmer with his hand in the cookie jar by limiting premature deductions each year, the EDA approach lets the tax-dodge farmer put us in the position of having to refill an empty jar.

Farm operations carried on by corporations usually are not separately reported on the corporation tax return. Consequently, data concerning the number of corporations and revenue effect with respect to corporations could not be determined with respect to either the EDA approach or the loss limitation approach.

However, I do have revenue figures that provide some insight into the comparative effectiveness of the House bill, the Administration's proposal, and S. 500. At my request the Chief of Staff of the Joint Committee on Internal Revenue Taxation, Laurence N. Woodworth, has provided me with the following statistics.

My bill would affect in the neighborhood of 14,000 individual tax returns. It is estimated that it would raise an additional $205 million a year from these individuals. The number of returns affected by the "Excess Deductions Account" provision of H.R. 13270 is estimated to be in the neighborhood of 3,000. By 1979 the estimated increase in tax liability under the farm provisions of the House bill are as follows: excess deductions account, $10 million; depreciation recapture, $5 million; holding period of livestock, $5 million; hobby losses, negligible; for a total of $20 million by 1979. It is estimated that sometime after 1979 the increase in tax liability ascribed to the excess deductions account provision would increase an additional $5 million. So we are talking in terms of increased revenue under the House-passed bill of $25 million a year as opposed to $205 million under S. 500. These revenue estimates do not include comparative figures for corporations. We can only leave to the imagination the amount by which the gap between the two bills would widen even further.

The Administration estimated on 4 September that its modified EDA rule "would apply to only 9,300 individuals" and that the long-range revenue effect of its farm loss provisions would be $50 million, still a far cry from the amount of revenue that could be raised by equitably and effectively dealing with this problem.

Elimination of the exception for livestock from the depreciation recapture rules was analyzed in detail several years ago by the President of Oppenheimer Industries, General Harold L. Oppenheimer. General Oppenheimer has been described by Time magazine as the "Bonaparte of Beef". He has authored three books for the cattle industry, Cowboy Arithmetic, Cowboy Economics and Cowboy Litigation. I have been informed by his Washington representative that a fourth book, Cowboy Politics is now in preparation. Here is what the General had to say in 1966 in his book, Cowboy Economics, about the depreciation recapture provision that has since been adopted in the House-passed bill:

"Members of Congress and officials of both the old and the new administrations have suggested that where accelerated depreciation is taken, on any subsequent sale, the portion of the capital gain which represents the recovery of previously taken depreciation should be treated as ordinary income. This is essentially the system now used in Canada.

"Evaluation. This piece of legislation is undoubtedly going to get passed within the next year or so, although it was deleted by the House Ways and Means Committee from the 1964 Tax Bill. However, as far as breeding herds are concerned, this is a matter of relatively little significance. During the first two years of a purchased breeding herd, the culls sold from the herd on a capital gain basis are very unlikely to exceed the depreciated value by more than a few dollars. During the third and fourth years, this could be a matter of some importance in the sale of culls but without an appreciable percentage effect on the overall picture. During the fifth year, most of the animals with an original capital base will have been sold and the herd will consist almost entirely of animals born to it at no cost basis, so the effect this legislation would achieve would then be zero."

General Oppenheimer's book, Cowboy Litigation, contains an interesting chapter, "Tax Play in Race Horses." Here are some of the observations contained in that chapter.

"The tax aspects of the horse business are unique, but in most instances, parallel the cattle business . . .

"Stud fees paid by the owner of a mare are currently deductible or they can be capitalized and depreciated over the life of the foal. Unless the breeder is in a loss position and concerned about a so-called hobby loss, it would be better to expense the fee . . .

"Depreciation can produce considerable tax benefits as with cattle. . . .

Animals held for breeding are treated the same as other livestock such as cattle . . .

"Continued losses are a problem and always subject to scrutiny. . . . Breeding, racing, and the showing of horses have always been suspect, particularly when conducted by a high-bracket taxpayer that endeavors to write the losses off against other income. . . . As with cattle, the decision turns on the subjective motives and profit potential of the owner. . . . Country estates and small operations are in the facet suspect. The more attention paid to the business and the professional manner in which the business is operated are all plus factors."

I shall turn now to some of the more common allegations made by those who oppose my bill. For example, there are some who say that the bill would force farmers to use the accrual system of accounting; that the bill would prevent the successful farmer or rancher from engaging in nonfarm operations with outside income for fear of losing his right to deduct from losses; that the bill would discourage the flow of outside money into ranching and farming operations and so on.

I have repeatedly denied these allegations. Statistics reveal that there are a comparatively few taxpayers who enter into farming as a tax-dodge device. The 32-page report, "Statistics of income—1967. Preliminary, Individual Income Tax Returns," published on 14 January of this year reveals that for 1967 there were approximately 770 thousand taxable individual income tax returns filed that reported a net loss from farming. My bill would affect in the neighborhood of 14 thousand or slightly less than 2 per cent of those returns. This is statistical evidence that my bill will only affect the tax-dodge farmers who are currently distorting the farm economy.

In discussing statistical evidence of this problem, the Treasury's two-year study, published on 5 February of this year, points out that a growing body of investment advisors is currently advertising that they will arrange farm investments for high-bracket taxpayers to enjoy deductions on dollars that are really spent to acquire capital assets. It is because of that kind of advertising that people are being drawn to farm "tax-loss" situations.

Just last year I saw an ad in a magazine called the Airline Pilot that read in part—"Own a citrus grove using tax dollars as your total investment, . . ." The ad was headed "Tax Shelters for 1968." You can pick up the Wall Street Journal on any given day and find ads of this type. For example, the other day I came across one that read in part: "Pistachio Nuts, The Green Nut with the Golden Future . . . Outstanding opportunity for land investment and Pistachio nut tree planting program . . . Most of growing costs deductible."

As I evaluated each of the proposals pending before this Committee, I must admit that I have become even more convinced that the fairest and most effective way to get at this problem is to adopt the loss limitation approach contained in S. 500. Here is a unique opportunity to scale down the long run revenue loss that results from the sum total of all the provisions of the 368-page House bill while at the same time we increase substantially the equity of our tax laws through a healthier farm economy.

XUM

TAX REFORM BILL'S EFFECTS UPON COLLEGES AND UNIVERSITIES

HON. JOHN C. WATTS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. WATTS. Mr. Speaker, the following statement was presented before the Senate Finance Committee by Dr. Robert R. Martin, president of Eastern Kentucky University, on behalf of the American Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges.

As the outstanding president of Eastern Kentucky University, Dr. Martin is uniquely qualified to comment upon the provisions of H.R. 13270, the tax reform bill, and the effect these provisions will have upon educational institutions. I commend President Martin for his excellent statement and hope that it will be widely read by the Members of Congress:

STATEMENT BY PRESIDENT ROBERT R. MARTIN, OF EASTERN KENTUCKY UNIVERSITY

Mr. Chairman: members of the Committee: My name is Robert R. Martin, I am President of Eastern Kentucky University in Richmond, Kentucky. I am also chairman of the Committee on Federal Relations of the American Association of State Colleges and Universities and a member of the Association's Board of Directors. This statement is submitted on behalf of the American Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges. The combined membership of these two associations is 372 colleges and universities located in the 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. They enroll approximately three and a half million students, or about half of all the college students in the nation.

The Associations presenting this statement have previously joined with the American Council on Education and others in testimony covering major points in H.R. 13270 of interest to higher education. While we concur generally in the position taken by the American Council on Education, we feel that the gravity of the proposals in H.R. 13720 with respect to state and municipal bonds was inadequately emphasized in that statement, and for this reason present additional testimony on this point.

We also wish particularly to emphasize the concern of these two Associations—which was expressed in the American Council's testimony—over the proposed tax on the income of private foundations. We oppose the imposition of such a tax, and support the proposal that, instead of a tax, a registration or similar fee be prescribed adequate to cover the cost of enforcement of existing laws and regulations.

The colleges and universities in our two Associations have experienced enrollment increases in the past decade that have resulted in enormous demands for additional physical facilities. During this period of time, state governments and institutions of public higher education have had to rely primarily on long-term borrowing as the source of funds to meet these capital needs. General obligation bonds and/or revenue bonds have been issued by the states or by the institutions to provide funds for necessary academic, service and housing facilities. Such bonds, being exempt from taxation by the Federal Government have been readily marketable and have enabled the institutions to provide the facilities necessary for the academic and other programs required by the increasingly large number of young men and women seeking the advantages of higher education.

I do not believe it is an overstatement to say that the result will be "catastrophic" if the bill passes in its present form. In fact, the threat of passage has already seriously damaged markets for this type of bond.

To illustrate, I cite the experience of Eastern Kentucky University. Since 1960, Eastern Kentucky University has issued and marketed several series of its Consolidated Educational Buildings Revenue Bonds, aggregating $21,400,000, which were sold in the open market and purchased by private investors. In July, 1969, the University offered a series of such bonds in the amount of $7,400,000 for the purpose of constructing needed academic facilities. For the first time in the history of the Commonwealth of Kentucky, no bids were received for the purchase of bonds offered by a state agency. I am informed by a respected municipal bond dealer that the threat of passage of H.R. 13270 was the sole contributing factor for the market decline during the week that this issue of bonds failed to attract a bid.

Under Sections 301 and 302 of the proposed Income Tax Reform Act of 1969, the tax exempt status of state and municipal bonds is negated, not only on future issues by these agencies but on existing issues. With reference to existing issues, the provisions of these two sections will, in my opinion, be a serious breach of faith by the United States Government. These bonds were purchased under the assumption of tax exemption and lower interest costs were realized by the seller of the bonds due to tax exemption. I am informed that bonds issued by state and municipal government agencies have been tax exempt from the original enactment of the income tax laws until the present date. If Sections 301 and 302 become law, then earnings from such bonds will become liable to taxation and the owner will have no recourse for the resultant or potential loss of income. Obviously, the bondholder will unavoidably conclude that the state and municipal bonds are not good investments. Further, the potential purchaser of state and municipal bonds will be forced to conclude that, if such bonds can be made subject to taxation on the basis proposed by Sections 301 and 302, then subsequent legislation can make such bonds fully taxable. Accordingly, interest rates will rise markedly and the marketability of state and municipal bonds will be seriously jeopardized. Further the provisions of these sections constitute an attempt, by indirection, to provide for federal taxation on state and local governmental units.

Proponents of H.R. 13270 have pointed to Sections 601 and 602 as protection for state and municipal agencies in this matter in view of the potential effects of Sections 301 and 302. However, what appears to be a choice between the sale of taxable or tax-exempt bonds by the agency is in reality no choice whatsoever. An analysis of the effect of H.R. 13270 upon the bond market would have to conclude that the bill in its present form would make it necessary for public institutions of higher education to look to the Federal Government for federal financing of physical plant needs. The proposed subsidy will not attack the problem of debt capacity under parity formulas to which existing debt has committed the institutions. Further, a serious question arises regarding the determination of the amount of interest subsidy. Here, I am advised by a municipal bond dealer, whose qualifications I respect, who stated that he was unable to find a single individual in his business who does not believe that the result of the bill will be higher interest costs to issuers, even after the federal subsidy. Additionally, the imposition of federal regulations and "red tape" will seriously impair the flexibility and efficiency of capital financing by public institutions of higher education.

Under existing federal statutes and regulations, state and local governments have had the ability to operate freely, without federal interference or intervention, in the incurrence of long term debt. Admittedly, state colleges and universities have used federal assistance in this field at one time or another. However, when such federal assistance was used, the Federal Government was free to accept or reject this assistance under the prevailing rules. The provisions of H.R. 13270 are such that, in my opinion, this freedom will disappear. State colleges and universities will be forced to apply to the Federal Government for assistance or pay rates of interest that would be economically prohibitive. While the bill proposes a subsidy without regulation, experience in the field of federal assistance leads us to conclude that the outcome would be otherwise.

I have offered no opinion or comment concerning the remainder of the Act. Certainly, I subscribe to the concept of tax reform to the end that the burden of taxation is equitably distributed among the citizenry. I must strongly protest, however, the efforts of proponents of the Income Tax Reform Act of 1969 to use the concept of "tax reform" to disguise an attack upon the treasuries of states and municipalities. Such action is contrary to the fundamental conception of the relationships between states and municipalities on the one hand and the Federal Government on the other. I implore you on behalf of public colleges and universities of the Nation to leave for states and municipalities the freedom from federal taxation of bond issues in order that these colleges and universities may continue with freedom from federal interference, to develop their institutions with the diversity and uniqueness that has been the hallmark of higher education in the United States.

STUDENTS FOR A DEMOCRATIC SOCIETY AT UNIVERSITY OF SOUTH CAROLINA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, October 2, 1969

Mr. THURMOND. Mr. President, many Americans are finally waking up to the fact that their country is under attack. Those of us who have been concerned in recent years over the subversive and totally disruptive activities of various outlaw groups across the land are heartened and encouraged. Responsible citizens from every corner of the Nation are demanding that action be taken against those who would destroy our form of government. Notorious among those despoilers is the Students for a Democratic Society.

Mr. President, the SDS no longer makes any attempt to be subtle as they go about their work. Using cliches and platitudes which Communists have long employed to foment hate and dissatisfaction, SDS is systematically spreading its venom—always concentrating on the young. The disturbances we have seen over the past few summers are indicative of their labors, and testify to the terrible competence they possess.

Mr. President, I have before me a pamphlet that is being distributed by SDS at the University of South Carolina, a fine institution located in the capital city of my home State. While I consider it unfit for printing in the RECORD in full, I should like to read a few selected passages which are typical:

> U.S. Occupation Troops Out of Vietnam, All Foreign Countries, The Black and Brown Communities, And The Schools!
>
> Support The National Liberation Front And The Provisional Revolutionary Government of South Vietnam!
>
> Support The Black Liberation Struggle!
>
> Solidarity With The "Conspiracy 8"!
>
> It has been almost a year since the Democratic Convention, when thousands of young people came together in Chicago and tore up pig city for five days. The action was a response to the crisis this system is facing as a result of the war. The demand by black people for liberation, and the ever-growing reality that this system just can't make it.
>
> This fall, people are coming back to Chicago: more powerful, better organized, and more together than we were last August.
>
> SDS is calling for a National Action in Chicago October 8–11. We are coming back to Chicago, and we are going to bring those we left behind last year.
>
> And at home, in the black and brown communities, the pig patrols the streets defending white-owned property against black people. Pigs occupy black and brown communities just like troops occupy Vietnam. Busting heads whenever they can. Arresting people on trumped-up charges just for trying to stay alive. And coming down hardest on the black and brown liberation struggles—on the people who are fighting the hardest for the freedom of their people, and all the oppressed people of the world.
>
> And in the working class communities, the schools and the shops of the cities, the pig stands six feet tall to protect the boss against the worker, the principal against the student.
>
> The only people the troops abroad and the pigs at home defend are the rich people—the ruling class—who own and run the country.
>
> Behind all the pigs in the world are a few millionaires. Behind the "riot squad" riding four deep through Watts, or the 'tactical unit' busting up a wildcat picket line, behind the National Guard and the U.S. Army stand the rich people who run every large company you can name.
>
> It's got to be the truth. Because one thing that's absolutely for sure is that those pigs aren't around to defend you. They enforce the laws that mess you over. They "keep you in your place". When you rebel, when you fight for what you need, they try to crack your head.
>
> Rich people need lots of different kinds of pigs. Sometimes their jobs is to train others to keep the people down. Like the leaders of the Guatemalan people's movement. High school principals and guidance counselors and college administrators are also pigs, trying to bribe people and make them believe that one day they'll really get ahead.
>
> But we can't let the pigs keep us down any longer. In almost all the countries of the world, in the black and brown communities, and in many schools and shops, people are getting together to fight and defeat the pigs and the people the pigs defend. In Vietnam 500,000 U.S. troops are being defeated by a people's army, led by the National Liberation Front and the Provisional Revolutionary Government. The Vietnamese have shown us that the pig can be beaten.
>
> On October 8–11, tens of thousands of people will come to Chicago. During those days there will be a series of actions aimed at exposing the real nature of the pig power structure and taking a price for all of the suffering, misery, and death that imperialism causes to the peoples of the world: A memorial rally for Che Guevara, murdered by CIA pigs two years ago October 8 in Bolivia. An action at schools all over the city, carried out in co-ordination with local high school, community college, and trade school people in Chicago.
>
> A march on the courts demanding freedom for all political prisoners—viciously jailed by the pigs and, like the Chicago "Conspiracy 8," used as scapegoats for the pig violence that dominates this country.

Mr. President, we can see from this comparatively mild example of SDS literature that we are not dealing merely with idealistic kids, as some would have us believe. Rather, we are faced with an attack by bands of roving revolutionaries who are striking at the very heart of one of our most valuable resources—our young people. One wonders how anyone who cares about America's future can be unconcerned or disinterested in the face of such activities.

Mr. President, something must be done. We must fight back before the damage becomes irreparable. I was pleased to note that the Attorney General stated several months ago that he would seek indictments under the "Thurmond antiriot amendment." He has made the promise good at Chicago, as we know, and I think this is a great stride in the right direction.

There is another measure in which I have a special interest, Mr. President. On April 25 of this year I introduced the Academic Freedom Protective Act of 1969, S. 1988. This bill is currently pending before the Internal Security Subcommittee of the Committee on the Judiciary, and is one which we all should keep an eye on. I am convinced that, if enacted, this measure would effectively deal with the serious threat posed by the various groups interested in disrupting our educational process. It would also show that the U.S. Senate is not going to stand idly by like the proverbial Nero while our colleges burn and our students are denied the right to an education commensurate with their abilities.

Mr. President, S. 1988 is a practical solution to this problem. The bill does not seek to punish entire institutions by withholding aid and thus penalizing the innocent along with the guilty. This legislation protects the college students from those who would commit illegal acts by subjecting them to the processes of the Federal court. I urge the attention of Senators to this pressing problem, with the hope that this attention will result in congressional action to remedy it.

HOW MUCH LONGER?

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. TIERNAN. Mr. Speaker, the country grows weary of the senseless bloodshed that now has mounted its toll for 8 years. Almost 40,000 Americans have died, 250,000 Americans have been wounded, and we face the probability that 1,800 more will be maimed before the end of this year. Our Nation is tired of the killing, tired of the useless bloodshed, and repulsed by the prospect of spending another 5 years in Vietnam.

Since 1963 we have allowed the Nation to follow an erratic course in Southeast Asia that has left us open to question on every front. After 8 years we are faced with the fact that our commitment in blood has not brought victory; that our fighting has further damaged our battered image on the world scene; that our power has been thwarted; and that our Presidency and Congress have been questioned as to their ability to lead wisely.

On May 27 of this year, I urged that President Nixon initiate a "peace offensive" designed to reduce our active participation in one of the most tragic chapters in American history. Today we still are unable to clearly see peace in the near future. We continue to talk in Paris, at the Pentagon and here in the Congress; but while we talk, lives are snuffed out at the rate of 150 per week. Since my speech in May, another 3,000 young Americans have died in Vietnam. We ask for what, and how much longer? We have asked these same questions for 8 years now, and we still have no answer. If our end is truly to guarantee that the South Vietnamese have the right to determine their own future and their own form of government, then our support of the present Thieu-Ky regime is a mockery.

It is now time for us to answer the question, "How much longer?" We must bring to a halt the carnage of American youth. I am today introducing a Vietnam disengagement resolution of 1969. I believe that this resolution is truthful when it states that the United States "has substantially fulfilled, in fact and in spirit, any obligation it may have had to protect the Republic of South Vietnam from aggression or rebellion." We have given the people of South Vietnam a reasonable opportunity to decide their own future.

This resolution would assure that substantially all U.S. forces will be removed from South Vietnam before December 31, 1970. We would make arrangements providing sanctuary outside of Vietnam for persons desiring it if their safety should appear to be threatened following the departure of American troops by the coming to power of a hostile power.

It is my contention that the South Vietnamese have not taken enough of the initiative in this war. They must be kept from taking further advantage of the courageous fighting of American soldiers. It is not in the interest of the American people or the South Vietnamese people to support a government which refuses to admit broader participation in the processes of government, which censors and closes newspapers, and which jails political prisoners.

Mr. Speaker, I urge my fellow colleagues to support this resolution. By setting a clear timetable for withdrawal, we will force the South Vietnamese Government to reform itself. But most of all, we will extricate ourselves from the brutality, destruction, and demoralization that have been our fate for 8 long years.

CAPITAL GAINS TREATMENT IN TAX REFORM BILL

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, October 2, 1969

Mr. JAVITS. Mr. President, I am very much concerned with the tax treatment of capital gains as proposed by H.R. 13270. I feel that the proposals put forth by the administration are a much better alternative. The administration proposals would basically continue the current tax treatment of capital gains, except in situations where capital gains income is unusually large in relation to other income, and I favor the administration's position.

I ask unanimous consent to have printed in the RECORD the statement delivered before the Committee on Finance on September 16 by Robert W. Haack, president of the New York Stock Exchange, on this question. I recommend that Senators review the statement most carefully because few people can speak to the issues involved with more knowledge than Mr. Haack.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CAPITAL GAINS TREATMENT IN TAX REFORM BILL

SUMMARY

My name is Robert W. Haack. I am President of the New York Stock Exchange. With me today are Bernard J. Lasker, Chairman of the Board of Governors of the Exchange, and Donald L. Calvin, a Vice President of the Exchange.

My statement this morning is the summary of a comprehensive 18-page statement analyzing the impact of the capital gains tax provisions of the tax reform bill now before this Committee. Copies of the full statement, including my summary, have been submitted to the Committee.

In the ten minutes allotted to me this morning, I will summarize the principal points and conclusions of that statement.

As passed by the House of Representatives, the specific capital gains tax provisions of the tax reform bill constitute a sharp increase in the capital gains tax. The Exchange believes that three major adverse results may be anticipated if these provisions are enacted in their present form:

First, risk-taking incentives and the supply of essential venture capital would be seriously curtailed.

Second, investments in modern plant and equipment and in new technologies would diminish.

And third, the mobility of capital assets—which is crucial to maintaining a dynamic and fluid economy—would be impeded.

To my knowledge, there is no controversy about the need for maintaining an adequate level of investment to promote long-run economic prosperity. Recognition of this need is implicit in a recent statement by Secretary David M. Kennedy, who pointed out that the bill passed by the House is (quote) "weighted in favor of consumption, to the potential detriment of the nation's productive investment." Secretary Kennedy concluded that the present version (and again I quote) "could impede economic growth in the years ahead by curtailing the incentive to make productive investments." (End of quote).

The Exchange's own analysis of the probable economic impact of the proposals under consideration suggests that their hasty enactment could cause irreparable harm to the nation's long-term capacity for growth.

Let us look briefly at each of the major proposed revisions in capital gains treatment.

THE HOLDING PERIOD

I don't think anyone would quarrel with the proposition that smooth functioning of capital markets is largely dependent upon liquidity—that is, the ease with which investors can move in and out of investments.

The holding period required to distinguish between an investment transaction—which qualifies for capital gains tax treatment—and a non-investment transaction—which does not—automatically decreases the liquidity of the national investment pool.

In determining the most suitable length of the holding period, there is necessarily a trade-off between the opposing goals of making the necessary distinction between types of transactions and of stimulating market liquidity. To achieve one goal completely would be to sacrifice the other.

All available data indicate that the existing six-month holding period is more than ample to filter out the majority of non-investment transactions.

The proposal to extend the holding period to 12 months simplistically assumes that most investors will refrain from altering their investment behavior and that the net result will be a revenue gain. I submit that it is far more realistic to assume that investors will tend to follow their individual self-interest; that they will lock themselves into existing investments for the longer period in order to qualify for capital gains treatment. In that case, the net result could well be a revenue *loss*.

The logical tendency of an investor with a sizeable gain would be to speculate against the holding period if there were any reasonable chance of preserving enough of the gain to make waiting worthwhile. To the extent that this incentive would be operative, it would tend to lock large amounts of capital into current investment positions—with an inevitable, and significant, loss in both capital mobility and market liquidity.

The House Ways and Means Committee Report suggests that upper-income taxpayers are the principal beneficiaries of the shorter holding period. But an examination of the available data refutes this. The most recent Treasury Department statistics show that only 4 percent of all long-term gains realized by taxpayers with incomes of $100,000 or more were from assets held between six and 12 months. By contrast, the ratios were 10 percent for those with incomes under $10,000 and 9 percent for those in the $10–50,000 bracket.

Stated somewhat differently, the top-income group accounted for only 17 percent of all gains realized between six and 12 months after purchase, while taxpayers with incomes under $10,000 accounted for 16 percent of all gains realized during the six-to-12 month period—and those in the $10–$50,000 bracket accounted for 50 percent.

Thus, it is clear that the major portion of the additional tax burden that would be imposed by lengthening the holding period would fall not on the wealthiest taxpayers—but on those who can least afford to bear it.

THE ALTERNATIVE RATE

The most direct impact on the flow of risk capital would result from the proposed elimination of the alternative tax rate.

This is, pure and simple, an increase in the tax rate on long-term capital gains. And as such, it would lower the incentive for investors to put money at risk—by reducing the after-tax rewards. Moreover, it would discourage the transfer of capital from matured investments to more venturesome opportunities by raising the tax cost of such transfers. Ultimately, the cost of capital would rise as entrepreneurs would be forced to compete for a portion of the smaller pool of available risk capital.

Relatively few individuals qualify for use of the alternative rate. However, it is this group that is the prime source of venture capital. These investors provide the cutting edge of economic growth. In effect, eliminating the alternative tax would penalize the group from which the largest proportionate share of the national investment pool is expected to be accumulated.

Common sense dictates that the lower the after-tax value of an existing investment, the more likely the investor is to hold onto it. This is, of course, another aspect of the "lock-in" phenomenon. The proposal to eliminate the alternative tax optimistically—we might even say, naively—minimizes the probable lock-in reaction of those who would be affected. The available data tabulated in the text of our statement clearly demonstrate that the higher the income, the greater the tendency to wait before realizing accrued capital gains. Elimination of the alternative tax would strongly accentuate this tendency.

TREATMENT OF CAPITAL LOSSES

Investment risk would also be affected marginally by the proposal to restrict the long-term capital loss deduction from ordinary income to 50 percent of the loss. It is no secret that investors weigh prospective gains or losses in terms of *total* dollars, and make their investment decisions accordingly.

The capital loss proposal assumes that many taxpayers can manage their investments so as to realize gains and losses in different years. Not only is this assumption not valid, but the proposed change would most seriously affect lower-income taxpayers who are least able to time realizations to achieve a tax advantage, and who have the least prospect of offsetting accumulated losses against future gains.

In effect, a majority of taxpayers who may sustain investment losses—which, in the lower and middle-income brackets can often amount to a sizeable portion of annual income—would be subject to further penalties. The rationale for this seems to be that it is justifiable in the interests of restricting a relatively small number of higher-bracket individuals who, however, would *still* be in a position to use the loss provision to best advantage.

Contrary to the avowed intent of this measure's proponents, the disparity in loss treatment would continue to exist between taxpayers who can manage their investments so as to realize gains and losses in different years—and the great majority who cannot.

CONCLUSIONS

The bill under consideration contains several additional proposals which would tend to dampen investment incentives. Two of these are discussed briefly in the full statement we have submitted to the Committee. We plan to submit a more detailed analysis of these provisions for the record at a future date.

The proposals to lengthen the holding period, to eliminate the alternative tax, and to restrict capital loss deductions would—if enacted—have a serious adverse effect on investment incentives, capital mobility and stock market liquidity.

We agree with the Secretary of the Treasury that they carry the potential for impeding economic growth in the years ahead, and we respectfully urge this Committee to reject all three provisions.

For the future, we would urge that any new proposals to revise the existing capital gains tax structure be preceded—or at the very least accompanied—by a detailed study of all aspects of capital gains taxation. We would hope that such a study would provide more definitive data—both on the effectiveness of the existing structure and on the probable impact of any proposed changes—than were available to the House Ways and Means Committee when the present bill was drafted.

ANALYSIS OF ECONOMIC ASPECTS OF THE CAPITAL GAINS TAX PROVISIONS OF H.R. 13270

Any examination of the specific capital gains tax provisions of the tax reform bill must consider the broad economic consequences which may flow from enactment of the bill in its present form. As passed by the House, these provisions constitute an effective increase in the capital gains tax. The Exchange believes that three major adverse results may be anticipated if these provisions are enacted in their present form:

(1) Risk-taking incentives and the supply of essential venture funds would be seriously curtailed.

(2) Investments in modern plant and equipment and new technologies would diminish.

(3) The mobility of capital assets, which is crucial in maintaining a dynamic and fluid economy, would be impeded.

These effects, as discussed in greater detail below, would retard long-term economic growth and enterprise and would, ultimately, limit the rise in our nation's real standard of living. The New York Stock Exchange shares the view that policies which may inhibit the incentive to invest, to innovate, and to take risks should not be enacted in haste and without careful study. The mobility of capital assets is vital to the entire concept of private enterprise. Beyond these broader economic considerations, we believe that the House proposals on capital gains will fail in their avowed purpose of redistributing tax burdens in a more equitable fashion. Therefore, the current proposals should be made to bear a heavy burden of proof before they are accepted by the Congress.

CAPITAL GAINS AND RISK

Congress has long acknowledged that there are distinct differences between ordinary income and gains realized on true capital assets, in that it is to the national economic advantage to encourage people to invest in productive enterprises. Accordingly, capital gains should be—and, since 1921, have been—subjected to a lower tax rate than ordinary income. Long-term investments play a crucial role in promoting economic growth. The House appears to have ignored the fact that the expectation of capital gains induces not only saving, but investing, and an optimum allocation of resources—all of which are indispensable to a rising per capita income.

Capital must be encouraged to flow into new ventures if society is to benefit from new technological trends and discoveries. And the individual's willingness to assume unusual capital risks depends to a considerable extent upon the prospect he sees for suitable returns. Obviously, then, higher taxes on the gains from high-risk situations would discourage investors from assuming such risks. Accordingly, if the tax provisions dealing with capital gains are altered to provide less favorable treatment, a reduced flow of equity capital to newer, more risky, business ventures and a diminution of aggregate investment will result.

IMPACT ON THE LEVEL OF INVESTMENT

There is no controversy about the need for an adequate level of investment to promote long-run economic prosperity. Government has available various fiscal and monetary tools by which it can attempt to influence aggregate investment. Since the acquisition of physical assets, such as plant and equipment, typically requires the issuance of securities of one type or another, tax policies towards buyers of securities directly affect the ease and cost of financing expansion. Realistic tax treatment of capital gains can effectively induce the saver-investor to offer funds in greater quantity and at lower cost to enterprises undertaking the expansion of modernization of their physical facilities. A number of industrial nations—including Canada, West Germany and Japan—have indicated their awareness of this by exempting capital gains from any form of taxation.

Administration officials have voiced concern on several occasions with regard to this bill's detrimental impact on the level of real economic investment. In a recent speech to the Tax Section of the American Bar Association, Assistant Secretary of the Treasury for Tax Policy Edwin S. Cohen stated that economic analysis indicated that the Bill "involves too great an allocation of benefits to consumption and not enough to investment in productive equipment and capacity." Secretary of the Treasury David M. Kennedy reiterated the view that the House bill was "weighted in favor of consumption, to the potential detriment of the nation's productive investment." He concluded that the House version "could impede economic growth in the years ahead by curtailing the incentive to make productive investments."

CAPITAL MOBILITY

Increases in capital gains taxation will adversely affect both the level of investment and the allocation of investment funds.

Economists in general agree that the mobility of capital should be encouraged in order to achieve optimum allocation of economic resources. Tax measures which hamper investment liquidity and impair capital mobility are clearly undesirable. Increases in capital gains taxation offer a classic example of such measures. If funds are to be allocated among competing investment projects with maximum efficiency, it is essential for investors to have access to a liquid and orderly market when a sale is to be consummated. Liquidity in securities markets facilitates the purchase and sale of securities, and thereby frees capital to flow to whatever industries or companies offer the highest prospective returns. Individuals should not be deterred from making desirable shifts in the composition of their assets as their needs and expectations change. Inevitably, higher capital gains taxes, by discouraging investors from switching to other alternatives, will interfere with the optimal allocation of resources, to the ultimate detriment of economic growth.

THE LEVEL OF SAVINGS AND INFLATION

It would, in any case, be difficult to imagine a more inopportune time for setting forth the proposed changes in capital gains taxation. The major economic issue confronting the American economy today is excessive demand and inadequate savings. Inflationary pressures are intense and, to some extent, are likely to remain with us into the 1970's. Tax policy at this time should *encourage* savings as a means of combatting the pressures of excessive demand. Instead, we find tax policy changes proposed which would increase the tax burden on capital gains. Studies indicate that individuals view capital gains in a different light than ordinary sources of income. Regarded as unusual and unpredictable receipts, capital gains are not typically consumed but are returned to the flow of savings. It follows that an increase in capital gains taxation may well stimulate consumption at the expense of savings, and decrease the over-all pool of funds available for investment. Such recommendations are inconsistent with other recent counter-inflationary policies, such as the income tax surcharge which representa a compulsory form of personal savings. To the extent that business capital investment is financed through savings rather than through the expansion of the money supply, price pressures are relieved and the task of the Federal Reserve is made easier.

Higher aggregate savings can also lessen inflationary pressures that arise from the "cost-push" side. Greater availability of aggregate savings serves to promote investment in more productive techniques.

By making the most efficient equipment available to employees, industry improves the productivity of the labor force. Larger gains in output per man-hour serve to narrow the gap between wage increases and improvements in productivity and thereby limit the inflationary push coming from the cost side. Thus, it seems clear that in the current economic environment, any tax policy which discourages savings compounds the problem of achieving non-inflationary economic growth.

The current economic climate underscores the importance of continuing existing capital gains tax policies without significant change. From the short-run point of view as well as the longer-run goals of our economy, it would be wise to refrain from altering the tax treatment of capital gains in a manner that would reduce savings, impair the mobility of capital, and seriously interfere with the flow of capital to newer, more dynamic, and more risky ventures. We believe that the recommendations made in the House bill have been conceived in haste and are based on inadequate data. Our analysis of the economic impact of the proposals under consideration suggests that their hasty enactment can cause irreparable harm to the nation's long-term capacity for growth.

In the following pages, each of the major capital gains tax proposals is discussed in some detail, with reference to available data which we believe strongly accentuate the dangers inherent in proceeding at this time with the changes recommended by the House.

THE HOLDING PERIOD

Tax incentives for capital investment, however, are not the only determinant of capital market efficiency. Smooth functioning of a nation's capital markets is dependent upon liquidity—the ability to move readily in and out of investments. The less liquid an investment, the less attractive it is to investors. Rates of return reflect, in part, the degree of liquidity. The strength of the NYSE—and the U.S. securities markets in general—stems from the large number of orders that continually flow to it. Any diminution in the flow tends to impair market quality.

The NYSE agrees with the assertion in the House Ways and Means Committee's Report that "The holding period is an arbitrary and imperfect procedure that may be inaccurate in some specific situations, but it provides an approach under which there are significantly fewer administrative and compliance difficulties than would arise under a less objective standard." In setting this admittedly imperfect cut-off point, two considerations should be paramount. First, the barrier must be raised high enough to separate ordinary business transactions and speculation from investment; and, second, it must not be raised so high as to seriously impair market liquidity. In other words, there is a trade-off between the two objectives. To achieve one completely is to sacrifice the other.

The current six-month holding period filters out the vast majority of transactions by those who earn their livelihood by buying and selling securities. It has the same effect with regard to investors who buy and sell securities with the objective of making short-term gains. The Ways and Means Committee estimates that the revenue gain from an extension of the holding period to 12 months will ultimately total $150 million annually. Underlying this estimate is the assumption that the proposed changes in the tax treatment of capital gains will have relatively

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little impact on investment behavior. It is realistic to assume, however, that investors would tend to significantly alter their pattern of realizations to conform to the lengthened holding period requirement. Some investors would be discouraged from purchasing equities altogether. It is, of course, impossible to determine precisely, in advance, the revenue effect of a changed holding pattern. It is clear, however, that, at best, postponement of realizations would tend to minimize the revenue gain associated with a holding period extension and might very well lead to a revenue loss.

The problem is to weigh the uncertain promise of a small revenue gain against the economic disadvantages which would stem from a holding period extension.

EFFECTIVENESS OF THE SIX-MONTH HOLDING PERIOD

All available data indicate that the six-month holding period is more than ample to filter out the majority of "non-investment" transactions. Transactions data from the 1962 Internal Revenue study of capital gains, for example, demonstrate where long-term investment apparently is not the motivating factor, there is a strong tendency to go for quick gains.

TABLE I.—*Gains transactions in corporate stock by length of holding period, 1962*

Holding periods:	*Number of transactions*
Short term, total	1,124,449
Under 1 month	408,114
1 under 3 months	316,687
3 under 6 months	260,411
Not available	139,237
Long term, total	2,621,942
6 to 12 months	432,214
1 under 2 years	472,202
2 under 3 years	300,343
3 under 4 years	223,332
4 under 5 years	151,044
5 under 10 years	411,212
10 under 15 years	153,808
15 under 20 years	71,304
20 years and more	78,422
Not available	328,061
Total, all periods	3,746,391

SOURCE: "Statistics of Income—1962, Supplemental Report, Sales of Capital Assets Reported on Individual Income Tax Returns," U.S. Treasury Department, Table 12, p. 112.

As can be seen from Table I, 2.6 times as many *transactions* occurred in stock held under six months than in stock held from six months to a year. Especially significant is the fact that the number of gain transactions that occurred in stock held under one month (408,000) was almost as great as the total for the entire six to twelve-month period (432,000). The number of gain transactions that occurred within three months of purchase is, in fact, so great—approximately three-fourths of all short-term gain transactions—as to suggest that six months may be a longer period than necessary to catch most non-investment transactions.

Corroboration of this view is apparent in the findings of studies of public transactions on the NYSE over the years. Results of the most recent studies are presented below.

TABLE II.—VALUE OF SHARES SOLD BY INDIVIDUALS BY HOLDING PERIODS

[In percent]

NYSE public transaction studies	Holding periods: 1 month or less	Over 1 to 6 months	Over 6 months
1960	[1]17	[1]22	[1]61
1961	10	32	58
1963	24	[2]29	[3]47
1965	12	28	60
1966	23	23	54

[1] Percentages are based on total excluding "don't know" category.

[2] Over 1 to 3 months of holding accounted for 16 percent of total sales and over 3 months to 6 months accounted for 13 percent.

[3] Over 6 to 12 months of holding accounted for 18 percent of sales.

Source: New York Stock Exchange.

As can be seen in the summary of the five studies in Table II, from two-fifths to over half of the *value* of sales occurred before the end of the six-month holding period, with disproportionately large dollar volume of sales taking place within the first month after purchase. A more detailed analysis of holding periods is available only for the 1963 study.

In that study, not only did most sales (53%) not qualify for long-term gains under the six-month test, but also the amount of sales within the first six months of holding were nearly three times greater than the amount in the six-to-12 month period.

There was a greater tendency to sell within three to six months after purchase than in six to twelve months. Putting the 1963 sales data on a monthly average basis, to allow for the difference in length of period, the ratio of all sales made in the three-to-six-month holding period (4.2%) was higher than the ratio for sales in the later period (3.0%).

In 1966, the American Stock Exchange undertook a similar study, the results of which confirm the findings of the 1963 NYSE study. As can be seen, 66% of the value of sales did not qualify for capital gains treatment, and only 13% of the sales total was attributable to holdings in the six-to-12 month category. Furthermore, the highest income group accounted for a disproportionately low share of sales in the six-to-12 month holding period.

TABLE III.—VALUE OF SHARES SOLD, BY HOLDING PERIODS, AMERICAN STOCK EXCHANGE, MAY 25, 1966

[In percent]

Income class	Short sales	Under 1 month	1 to 3 months	3 to 6 months	6 to 12 months	12 plus months	Unknown
Under $10,000	5	29	23	11	15	9	8
$10,000 to $25,000	9	25	15	13	13	18	8
$25,000 plus	10	27	14	10	9	25	5
Unknown		24	12	27	13	12	12
Total	7	28	20	11	13	14	7

The transactions data collected by the New York and American exchanges, do not specifically isolate the trading proclivities of short-term traders, who are the prime target of the holding period. We believe, however, that the typical short-term trader is interested in rapid turnover of funds with relatively small profits on each transaction, rather than with achieving long-term capital gains treatment.

Evidence on this point is provided by a study made in July 1961 among NYSE floor members who traded for their own account. There is little reason to doubt that the 1961 findings remain valid today. The study found that only 3% of both number and value of shares sold during a one-week period was held longer than six months. By contrast, 86% of the shares sold and 90% of their value were held one month or less.

The foregoing analysis of transactions strongly suggests that the six-month holding period is more than doing the job it was intended for. While it "may be inaccurate in some specific situations," it is clear that the six-month holding period excludes from long-term capital gains treatment the vast majority of transactions which are not consistent with the basic concept of what should and what should not qualify for preferential treatment.

SHORTCOMINGS OF WAYS AND MEANS COMMITTEE ANALYSIS

Underlying the NYSE analysis is the concept that the most accurate measure of the holding period's effectiveness is the number and value of transactions disqualified from capital gains treatment. The Ways and Means Committee's conclusion that the current holding period is not adequate for the job of distinguishing between investment and non-investment transactions stems from a limited perspective of the problem. Rather than measuring transactions directly, the Committee looked at Capital gains realizations. Standing alone, gains realizations give little indication of trading patterns. One should also ask, how much trading do the gains represent?

For example, the Ways and Means Committee supports its contention that ". . . assets held between 6 months and 1 year tend to be speculative" by showing "that almost 90% of all capital gains on corporate stock in 1962 arose from sales occurring after 1 year of possession." But this offers no true indication of the efficacy of the six-month holding period. As indicated in the table on transactions above (Table I), taken from the same IRS study used in the Ways and Means Committee analysis, more capital gains transactions in stock (472,000) occurred between the first and second years of holding than in the 6 to 12-month period. By contrast, 1,124,000 transactions took place before the expiration of the holding period. If the six-month holding period did not adequately cope with the question of speculative and normal business transactions, we would expect the opposite results—that is, a jump in gain transactions from the first to the second half of the year after purchase and a decline in the number of transactions in the second year after purchase.

The pattern of transactions provides a more reasonable basis for judging the holding period than the statistic that almost 90% of gain occurs from sales occurring after one year of possession. This compares growth over a single year with the total of gains which have accrued over many years. Obviously, in a growing economy with a secularly rising stock market, the dollar value of appreciated stocks held over a period of years will be substantial.

The Ways and Means Committee Report offers as evidence of the inadequacy of the current holding period, the "sharp increase in sales between the sixth and seventh months the stock was held." The fact is that there will always be a tendency for realizations to bulge at the expiration of a holding period of any duration.

In appraising both the preceding and the Ways and Means Committee's discussion of trading patterns during the first year, it must be noted that 1962, the only year for which detailed IRS data on gains realizations are available, was undoubtedly an atypical year. A sharp market break in the spring of that year prompted early realizations of both profits and losses in order to preserve the former and minimize the latter. The high ratio of realized losses to gains emphasizes this point. In 1962, short-term losses reported to IRS ($768,000,000) were 2.2 times greater than short-term gains. Similarly, the

value of losses realized after six to 12 months of holding ($804,000,000) was double the value of six-to-12-month gains.

The 1962 pattern of realizations emphasizes the need for preserving flexibility for the investor. No matter what his initial intentions, he is exposed to the fluctuations of the market after making his original purchase. An intended "long-term investment" may become a short-term gain, or even a loss as market conditions shift. The greater uncertainties of a longer holding period are bound to discourage investors. It would impede the mobility of capital and thereby lessen market liquidity. New ventures, particularly, would find financing more difficult as the longer holding period added to the basic risk associated with venture capital.

From the Treasury's point of view, a longer holding period, particularly in a year like 1962, would reduce revenue collections. This would occur because the investor is often well-advised to wait for the end of the holding period, *even if substantial erosion in his gain takes place*. With capital gains taxed at half the regular rate, the investor in the 50% tax bracket waiting for the holding period expiration could accept a one-third erosion in his gain and still come out with the same after-tax profit. At the top 70% marginal rate, the break-even point is a 60% erosion in profits, assuming a 25% alternative capital gains tax rate.

TABLE IV.—EROSION IN GROSS GAIN AT WHICH CAPITAL GAINS AND REGULAR TAX RATES RESULT IN EQUIVALENT AFTER-TAX YIELDS

[In percent]

Marginal tax rate	Erosion factor	Marginal tax rate	Erosion factor
14	8	50	33
20	11	60	[1]47
30	18	70	[1]60
40	25		

[1] Assumes 25 percent alternative capital gains tax rate.

WHO USES THE 6–12 MONTH HOLDING PERIOD?

The Ways and Means Committee report asserts that the inadequacy of the six-month holding period is demonstrated by the pattern of realizations in the first year of holding by the $100,000-and-over group. The report demonstrates that the top income group realizes a far greater portion of its first-year gain in the six-to-12 month period than in the 0-six month period. As shown in the preceding table (Table IV), that is to be expected since higher income groups take a smaller risk (in after-tax profits) in delaying realizations than do lower income groups. This pattern would hold no matter what the holding period.

Furthermore, the Committee report does not point out that the higher income groups tend to hold assets longer than the lower income groups. In fact, when the data for all long-term realizations are examined—rather than just those for the first year—we find that in terms of total long-term capital gains, realizations in the six-to-12 months period are far more important for the lower income groups than the higher income groups.

For example, as indicated on Table VI, in 1962, only 4% of all realized long-term gains on returns with incomes of $100,000 or more were from assets held 6 to 12 months. By contrast, the respective ratios were 10% and 9% for those with incomes of under $10,000 and from $10,000 to under $50,000.

Put another way, the $100,000 and over group, while accounting for 33% of all reported long-term gains in 1962, accounted for only 17% of all gains realized in the six-to-12 month period; while taxpayers with incomes under $10,000 accounted for 16% of all gains realized in the six-to-12 month period—and those in the $10–50,000 bracket accounted for 50% (Table V).

Similar results were obtained in the American Stock Exchange study. The AMEX study indicated that 74% of all sales in the six-to-12 month period were made by persons in the under-$10,000 group, compared with only 14% for the over $25,000 group. By contrast, their portion of sales of stock held longer than one year were 44% and 40%, respectively.

TABLE V.—DISTRIBUTION OF CORPORATE STOCK CAPITAL GAINS BY HOLDING PERIOD AND INCOME CLASS, 1962

[In percent]

Holding periods	Taxable returns: Under $10,000	$10,000 under $50,000	$50,000 under $100,000	$100,000 and over
6 to 12 months	16	50	16	17
1 under 2 years	16	50	17	18
2 under 3 years	15	47	16	22
3 under 4 years	14	47	16	22
4 under 5 years	15	45	17	23
5 under 10 years	13	39	16	32
10 under 15 years	7	39	16	39
15 under 20 years	5	31	16	48
20 years and over	8	21	12	59
Total, all periods	11	40	16	33

Source: "Statistics of Income—1962, Supplemental Report, Sales of Capital Assets Reported on Individual Income Tax Returns," U.S. Treasury Department, table 12, p. 112.

Available data give strong indication that lengthening the holding period would not exclude very many additional non-investment transactions from long-term capital gains treatment. Its principal effect would be to realign investment holding patterns, hinder market liquidity and capital mobility and increase the risk to venture capital.

ALTERNATIVE RATE

Among the proposed revisions in capital gains treatment, the most direct impact on the flow of risk capital would stem from elimination of the alternative tax rate. First, it would lower the incentive to put money at risk by reducing the after-tax reward. Second, it would discourage the movement of capital from mature, less risky investments to new and unproved but potentially rewarding opportunities by raising the tax cost of transferring investments. Ultimately, the cost of capital would rise as entrepreneurs vie for shares of the smaller pool of venture capital.

Relatively few individuals qualify for use of the alternative rate on long-term capital gains; however, it is this group that is the prime source of venture capital. These investors provide the cutting edge of economic growth.

In the landmark study, *Effects of Taxation, Investments by Individuals*, it was concluded that ". . . business must look mainly to a very small percentage of the population—individuals with large incomes or substantial holdings of wealth or both—to find any widespread willingness to assume the risks of business ownership, especially of unseasoned enterprises." The authors also found that there is ". . . very strong evidence for the validity of the major finding of this section, namely, that the investment decisions of the upper income and wealth groups are of overwhelming importance in governing the flow of equity capital from private investors to business enterprise." *

While any blunting of investment incentives serves as an impediment to the generation and free flow of investment capital—as the NYSE has pointed out many times—its effects are magnified as the degree of risk increases. It is a fact of economic life that the relative handful of large savers are in the best position to supply risk capital. The problem is to maintain an investment environment which would stimulate the large savers to frequently turn over their matured investments and seek out new risk situations. The tax penalty for turning over an investment is clearly a major factor in the decision.

A dollar in an existing investment paying a reasonable return at minimum risk, often proves more attractive than 75 cents (after the alternative capital gains tax) in a high-risk investment that holds out the possibility of sizeable returns. The existing investment dollar looks even more attractive to top-bracket taxpayers when its after-tax value drops 13%, from 75 to 65 cents. The lower the after-tax value of an existing investment, the more likely the investor is to hold on to it—or "lock" himself in. This "lock-in" effect is generally acknowledged.

The 1965 capital gains study conducted for the NYSE by Louis Harris and Associates, Inc. was designed to measure investors' reactions to 20% and 50% *reductions* in tax rates. In examining the *long-run* implications of a 20% cut in the maximum capital gains tax rate, Harris estimated that Treasury revenues would rise by slightly more than one-quarter. If the maximum rate were halved, to 12½%, estimated revenues would climb nearly three-quarters. The implications of these findings in the context of a tax rate *increase* are clearly disturbing.

This study of the lock-in effect of the capital gains tax suggests that an increase in the rate would have a substantial impact on capital mobility. As a consequence of the decline in gains realizations, the revenue increment would not rise in proportion to the increase in the effective capital gains tax rate.

CURRENT HODING PATTERNS

Available data clearly demonstrate that the higher the income, the greater the tendency to wait before realizing accrued capital gains. This shows up in the following table.

TABLE VI.—DISTRIBUTION OF REALIZED LONG-TERM CAPITAL GAINS ON CORPORATE STOCK, BY HOLDING PERIODS AND INCOME SIZE CLASS, 1962

[In percent]

Holding period	Taxable returns: Under $10,000	$10,000 under $50,000	$50,000 under $100,000	$100,000 and over
6 to 12 months	10	9	7	4
1 under 2 years	13	12	10	5
2 under 3 years	11	10	9	5
3 under 4 years	9	9	8	6
4 under 5 years	8	7	7	4
5 under 10 years	28	25	25	24
10 under 15 years	8	14	15	17
15 under 20 years	4	7	9	13
20 years and over	9	7	10	22
Total	100	100	100	100

Source: "Statistics of Income, 1962, Supplemental Report, Sales of Capital Assets Reported on Individual Income Tax Returns," U.S. Treasury Department table 12, p. 112.

In the lowest (under $10,000) income group, 51% of total long-term capital gains were realized on assets held five years or less. While this ratio is only modestly higher than those for the $10,000-to-under $50,000 and $50,000-to-under $100,000 income groups, it is more than double the 24% ratio for the over $100,000 income group. By contrast, 22% of gains realizations by the top income group were accounted for by sales of holdings of 20 years or more, compared with only 7% to 10% for the three lower income groups.

We do not mean to imply that differences in the timing of realizations are all attributable to the lock-in effect. We do suggest, however, that securities markets (and other investors) would be better served if the holding pattern of the top income earners more closely resembled that of the less affluent groups (i.e., more frequent asset turnover). Elimination of the alternative tax on long-term capital gains would have the opposite effect. It would further widen the disparity in length of holding.

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* J. Keith Butters, Lawrence E. Thompson, and Lynn L. Bollinger, *Effects of Taxation, Investments by Individuals* (Cambridge, Mass.: The Riverside Press, 1953), p. 27.

From the point of view of capital mobility, inclusion of capital gains in income averaging is not a substitute for the alternative tax. While the latter helps to ease the lock-in problem somewhat, income averaging would tend to aggravate it by providing an incentive to postpone the realization of gains so as to qualify for the advantages of averaging.

The blunting of tax incentives to the prime source of venture capital will mean more competition for the pool of available risk money. Returns to risk capital will have to rise if new ventures are to attract equity financing. In turn, desirable, but less promising, new ventures may fall by the wayside in the tougher competition for risk capital.

In an environment of strong competition for funds, it is especially imperative that incentives for risk capital be preserved if the business sector is to make a maximum contribution to national economic growth and well-being. The proposal to eliminate the alternative tax—which is essentially a technique for increasing the tax rate for the most substantial investors—offers a virtually foolproof means of *reducing* such incentives.

TREATMENT OF CAPITAL LOSSES

Investment risk would also be affected marginally by the proposal to restrict the long-term capital loss deduction from ordinary income to 50% of the loss. Investors weigh prospective gains or losses in terms of *total* dollars and make their judgments accordingly.

The proposal is largely predicated on the assumption that many taxpayers are in a position to manage their investments in such a way as to realize gains and losses in different years. Not only is the assumption not valid, but the proposed change would have the greatest impact on the lower-income groups, which are in the least advantageous position to arrange the timing of realizations to qualify for beneficial tax treatment. In effect, the great bulk of taxpayers already hurt by investment losses—often amounting to a sizeable portion of annual income—would be further penalized in order to restrict a relatively small number of taxpayers who are in a position to use the loss provision to best advantage.

Not only does that rationale lead to inequities, but it still does not deal directly with the problem. Taxpayers in a position to properly time gain and loss realizations would still do so.

It should be emphasized that most capital losses (74% in 1982) result from stock sales. Stockholdings are subject to market fluctuations. For the most part, losses may be realized either because of the need for cash or to prevent possible erosion of the value of holdings. In either case, the sale cannot be postponed for very long. Similarly, for most investors, the possibility of erosion of the gain during the period when realization is postponed generally outweighs the advantage of the minor tax saving attributable to proper timing.

From the individual's point of view, a loss is a loss no matter how it comes. A dollar lost through a decline in an investment hurts just as much financially as one lost through negligence or theft.

IMPACT OF THE PROPOSED TREATMENT OF LOSSES

The limitation on deduction of loss hits hardest at the lower-income groups. In point of fact, lower-income taxpayers with losses have far less of a possibility of offsetting losses against future gains or future income than do upper-income taxpayers. As a group, lower-income taxpayers sustain very high losses in relation to income.

TABLE VII.—LONG-TERM CAPITAL LOSS CARRYOVER ON TAXABLE RETURNS SHOWING NET CAPITAL LOSS, 1966

Adjusted gross income classes	Average adjusted gross income	Average carryover	Average carryover as percent of average income
Under $3,000	1,432	3,589	254
$3,000 to under $4,000	3,491	2,974	85
$4,000 to under $5,000	4,500	6,744	151
$5,000 to under $6,000	5,005	13,628	248
$6,000 to under $8,000	6,985	8,838	127
$8,000 to under $10,000	8,941	4,308	48
$10,000 to under $15,000	11,937	4,142	35
$15,000 to under $20,000	16,976	5,428	32
$20,000 to under $50,000	28,240	5,458	19
$50,000 to under $100,000	65,847	7,183	11
$100,000 to under $200,000	131,729	10,574	8
$200,000 to under $500,000	280,453	16,202	6
$500,000 to under $1,000,000	670,661	14,077	2
$1,000,000 and over	2,161,328	15,125	1

Source: Adapted from "Statistics of Income—1966 Individual Income Tax Returns," U.S. Treasury Department, table 19, p. 41.

For returns with under $8,000 of adjusted gross income, the average capital loss carryover generally runs well in excess of income. The ratio of loss carryover to income dwindles as income rises above $8,000, falling to only 1% for the top income earners.

That the tax burden of proposed capital loss limitations (including revised treatment of losses of married couples) will fall upon the lower and middle-income groups is corroborated by the Ways and Means Committee's revenue estimates. Of the $65 million of additional revenue attributable to the change in treatment of losses, 57% would be paid by the under $15,000 income group and 34% by the under $10,000 group.

In summary, net capital losses in practice have been virtually nondeductible. The proposed changes in treatment of losses will further penalize investors whose financial positions have already been impaired. They would hit hardest at individuals in the low and middle-income groups, who have the least prospect of offsetting accumulated losses against future gains.

OTHER PROVISIONS AFFECTING INVESTORS

In addition to the three proposed revisions in capital gains treatment already discussed, the Bill contains several other proposals which would tend to dampen investment incentives. The NYSE will submit a detailed statement on these to the Committee on Finance at a future date. Here, we will comment only briefly on two of these proposals.

Disallowance of nonbusiness deductions

Non-corporate taxpayers would be required to allocate non-business deductions—such as interest, state and local taxes, charitable contributions, casualty losses and medical expenses—between taxable income and tax preference items. The latter include one-half of long-term capital gains, presumably on the theory that one-half of long-term capital gains is being excluded from income.

In simplest terms, the proposal amounts to an increase in the effective rate of the capital gains tax. It does by indirection and through administrative complexity what could be more easily done by a simple increase in the tax rate, if that were thought desirable. The burden of the change in treatment of deductions would fall primarily on those individuals who are the major source of venture capital. Their response to the proposed change would be essentially the same as it would be to an increase in the alternative tax (discussed above).

In addition, the provision does not differentiate between capital gains realized in connection with a trade or business as contrasted with ordinary investments.

Furthermore, the rationale for the allocation of deductions between income included and excluded from taxable income does not, in actual practice, apply to the vast majority of realized capital gains. In the words of the report of the Committee on Ways and Means, "The bill essentially requires allocation of any itemized deduction where it is *reasonable to assume* that a portion of the pertinent expense is met out of nontaxable income." The fact is that most individuals who would be affected—those with relatively large capital gains—would tend to reinvest their realized funds rather than use them for living expenses—the assumption on which the proposal is based.

Overlooked completely by the proposal is its effect on the relationship between state income taxes and the Federal tax. Escalation of state tax rates at the upper end of the income scale is predicated on the theory that the taxpayer would recoup a large part of the additional tax through the state tax deduction. In addition, since many states tie their tax base to the Federal base, effective state income taxes in many instances would also rise. Combined, the two would have substantial effect on total tax costs (state and Federal) of large investors which the report of the Ways and Means Committee evidently did not foresee.

Limitation on deduction of investment interest

Limiting the interest deduction on loans used to finance investment property to $25,000 over and above investment income also penalizes those individuals who exhibit the greatest willingness to take investment risks. It seems anomalous to permit unlimited interest deductions for consumption purposes, while limiting interest deductions on funds put into productive investment. Furthermore, where does one draw the line between legitimate risk-taking through leveraging investments and tax considerations? Even where tax considerations are a factor, the end result is still an increase in investment.

This provision was apparently prompted by the widely-publicized 150 or so high-income returns for 1966 in which excess investment interest allegedly was used to insulate from taxation other types of income received by the taxpayers. The simple way of handling this situation would have been to include investment interest within the "limit on tax preferences" structure. Instead, the Bill offers an extremely complex provision which is shot-through with possibilities for inequities.

To the extent that interest must be offset against long-term capital gains, with an effective 50% disallowance, the real tax on such gains is substantially increased.

If the investment on which the interest is being paid results in a capital loss, both the loss and the interest in excess of the minimum are disallowed—a disturbing new form of double tax jeopardy. When a taxpayer repays investment borrowings from non-investment income, he can deduct practically no capital losses and, under this Bill, only limited amounts of investment interest.

The argument that the $25,000 annual limitation means that only substantial investors are confronted with such a choice of alternatives hardly alters the intrinsic unfairness of the provision. It underscores however, the fact that the impact of the Bill falls most heavily upon those investors who necessarily must be depended upon to supply a major share of risk capital.

CONCLUSION

The whole question of investment incentives, including capital gains taxation, is fraught with uncertainty. That incentives for investment are essential for sustained economic growth in a free enterprise economy is not in dispute. What constitutes a proper level of incentives is a question on which reasonable men can differ. The existing treatment of capital gains has been essentially unchanged for over a quarter of a century. Over that period, the U.S. has compiled an enviable record of economic growth.

In the years immediately ahead, the rate of generation of new capital must be stepped up if our economy is to meet the demands put upon it by an increasingly sophisticated and expensive industrial plant and a population demanding an attack on the backlog of social and environmental problems. In the face of these needs, the structure of incentives which has proved out over the years should not be casually or hastily dismantled.

Unfortunately, there is little hard current data on the capital gains tax and other incentives. Based on the fragmentary data that do exist, the NYSE believes that the various capital gains provisions are essentially doing the job for which they were designed.

Heavy reliance by proponents as well as opponents of capital gains tax revision has been put on a single study done in 1962—a year in which stock market performance, and probably gains realizations, was distinctly not typical.

As we have demonstrated, the existing data offer no persuasive rationale for altering the existing capital gains tax structure at this time; and, in fact, there is every indication that the provisions now in effect are accomplishing the job for which they were designed.

If, at some future time, it should be deemed desirable to alter the present tax treatment of capital gains, it would certainly seem necessary to base any proposals for far-reaching changes on a detailed study of capital gains. Such a study would aim to provide timely and definitive new data on all aspects of the capital gains tax provisions of the Internal Revenue Code.

CAN "POLITICAL REALISM" HALT THE WAGE-PRICE SPIRAL?

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. COHELAN. Mr. Speaker, Herbert Rowen, business and financial editor of the Washington Post, recently wrote an article that succinctly challenges the wisdom of President Nixon's rejection of wage-price guidelines.

Inflation still spirals, unemployment still rises, but our President refuses to acknowledge that prices in major industries must be held down. Mr. Rowan correctly writes that "pricing moves—as in autos and steel—are often precisely the ones that set national patterns and affect the general psychology."

To meet with the leaders of the automobile and steel industries and to ask them to consider their responsibility to the economy, however, is "jawboning" which Mr. Nixon self-righteously refuses to do.

"Jawboning" is immoral, our President has indicated, but he has also said that his real reason for not partaking in such "immoral pursuits" is that they do not work. Instead, President Nixon plans to rely totally on tight money and expenditure control.

Mr. Speaker, President Nixon's negation of leadership in the area of wage-price guidelines indicates to me that our President's concept of what will or will not work tends to favor the corporations. Corporate profits increase or stay level while the trap of inflation clamps its jaw on the wage earner.

To further elucidate why wage-price controls should be used by the President, I am including Mr. Rowan's article in the RECORD at this point:

CAN "POLITICAL REALISM" HALT THE WAGE-PRICE SPIRAL?

(By Hobart Rowen)

We now have Mr. Nixon's word for it that he rejected wage-price guidelines not only because they are a fraud and immoral, "but most important" because they are ineffective. Presumably, the President would be less bothered by the ethical consideration and discriminatory impact of guidelines—if only they worked.

At least, that is a candid revelation. By his own definition, re-stated at last week's press conference, Mr. Nixon is a "political realist." Thus, he was able to say he would swallow a reduction in the oil depletion allowance (although he had always opposed such a change) because the House insisted on reducing the allowance as part of the tax reform bill—and he wants tax reform.

These are valuable clues to the thinking of the President. A close associate says, "above all he is a pragmatist," recalling how the President reversed his opposition to junking the 7 per cent investment tax credit earlier this year, when it became clear the Democrats controlled that issue.

That leads us back to the wage-price question. No one has seriously advocated re-instituting wage-price controls, or even a formal set of guideposts; inflation, as a consequence of huge Vietnam war costs financed by borrowings instead of taxes, has overrun the old 3.2 per cent benchmark.

So President Nixon, as he knew, was beating a dead horse. But what has been suggested is that the President still has great power to demand of big industrial corporations and big unions that they exercise a degree of restraint.

This has been called "jawboning," because the sanctions behind such a request depend mostly (but not wholly) on the conviction in the President's voice. And after saying that he wouldn't resort to any such tactic, President Nixon then proceeded to do a bit of jawboning, even while disavowing it.

"I am not jawboning and telling them to reform themselves . . ." Mr. Nixon said at his press conference. "But I do say this: that labor and management, labor that asks for exorbitant wage increases, management that raises prices too high, will be pricing themselves out of the market."

This was a very mild and justifiable warning, nothing more than Economic Council Chairman Paul W. McCracken and Labor Secretary Shultz themselves had done before. But it was much less than some others on the Nixon team had hope he would do.

What can White House-backed pressure really accomplish? Let us look at three examples from the very recent past:

A year ago, after a good-humored session in the office of Arthur Okun, LBJ's economic adviser, General Motors' boss John Roche pared an intended $100 average car increase back to $48. This year, the boost was $125—after Mr. Nixon had publicly announced there would be no intervention in such decisions.

In April, 1968, major U.S. companies raised heating oil prices. The increase didn't stick, whereupon the companies rolled wholesale prices back but left consumer prices at the higher level. This bonanza to wholesalers was repealed after the Economic Council made a polite representation to the industry.

When the 10 per cent tax surcharge was passed last year a number of state utility commissions began to figure the cost, automatically, into companies' rate bases. But a letter from Treasury Secretary Henry H. Fowler urging the commissions to consider first whether the companies would be able to earn their allowable returns, even with surtax, halted this movement in its tracks. Estimates are that by holding the utilities in check consumers may have been saved $200 million.

This is the kind of effort the Nixon administration rejects, in part because it is discriminatory. But such pricing moves—as in autos or in steel—are often precisely the ones that set national patterns and affect the general psychology.

Stubbornly, the Nixon administration "game plan" relies exclusively on tight money and expenditure control to reduce total demand. It's a calculated policy of letting steam run out of the economy, whether it becomes a "slowdown," "recessionette," "mini-recession," or what-have-you.

The result is to discourage real growth in the economy—a process that must be accompanied by an increase in unemployment.

Eventually, if Mr. Nixon's administration follows this "game plan" unremittingly, it will work. That is, it will slow the economy down and produce some kind of recession (maybe in time for the 1970 congressional elections).

But the problem is that a tight budget and a tight monetary policy do not necessarily come to grips with a wage-price spiral. A federal surplus will not affect wage increases averaging 7 per cent already built into the economy for several years ahead. And Mr. Nixon's scenario of total reliance on aggregate controls does nothing about structural problems: nothing in his "game plan," for example, will affect soaring hospital or doctor costs.

One would think that a political realist, with an eye on 1970, wouldn't shrink from a little tough-turkey talk with industry and union leaders when they forget the public interest.

MAYOR DALEY PROCLAIMS MAHATMA GANDHI DAY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. MIKVA. Mr. Speaker, today, October 2, 1969, people of all nations will celebrate the birth-centennial of Mahatma Gandhi. Pursuant to a UNESCO resolution, all member states will mark this anniversary. Former Vice President, Mr. Hubert H. Humhprey, is heading the U.S. National Gandhi Centenary Committee.

In honor of the event, the mayor of the city of Chicago, Richard J. Daley has proclaimed October 2, 1969, as Mahatma Gandhi Day in Chicago. The Mahatma Gandhi Centennial Committee

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of Greater Chicago, headed by Patrick F. Crowley and sponsored by 60 leading Chicago organizations has planned an exciting program for this special day. The main event will feature addresses by the Reverend Jesse Jackson, on "The Relevance of Mahatma Gandhi" and by Illinois State Treasurer, Adlai Stevenson III, on "Gandhi's Message for the World Today."

Because of Mahatma Gandhi's important place in history and the special events planned in Chicago, I invite my colleagues' attention to the following proclamation.

The proclamation referred to follows:

PROCLAMATION

Whereas, October 2, 1969 marks the 100th anniversary of the birth of Mahatama Gandhi, one of the greatest servants of mankind in the 20th century; and

Whereas, Mahatma Gandhi earnestly sought early progress towards the achievement of a peaceful, happy, harmonious and cooperative community for all men; and

Whereas, Mahatma Gandhi dedicated his life and talents to the establishment of a social order based on peace and brotherhood; and

Whereas, Mahatma Gandhi exemplified the values of love, truth and non-violence in his life in the fullest measure, thus providing an appropriate basis for the establishment of such a social order; and

Whereas, the centennial of Mahatma Gandhi's birth provides a most suitable occasion for renewing hope and confidence in the creation of social order governed by the basic human values for which Gandhi stood; and

Whereas, the Mahatma Gandhi Centennial Committee of Greater Chicago has taken leadership in the commemoration of the centenary of Mahatma Gandhi's birth, thus calling world attention to Chicago's pre-eminent position in the field of international relations:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago do hereby proclaim Thursday, October 2, 1969, as "Mahatma Gandhi Day in Chicago" and do call upon the people of the City of Chicago to assist and participate in the proper observance of this anniversary celebration.

Dated this 15th day of May, A.D., 1969.

RICHARD J. DALEY,
Mayor.

PULASKI DAY PARADE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ADDABBO. Mr. Speaker, on October 5, the 33d annual Pulaski Day Parade will head up Fifth Avenue and millions of Americans will take time to remember the great contributions which our fellow citizens of Polish descent have made to our Nation.

This year marks the 190th anniversary of the death of Brig. Gen. Casimir Pulaski, who was one of the heroes of American independence. General Pulaski died of wounds suffered at the Battle of Savannah and his devotion to America serves as a rallying point for our 10 million citizens of Polish descent.

On Pulaski Day, we also honor the heroes of the Warsaw uprising and the successful Polish soliders who fought at Monte Casino 25 years ago.

Perhaps the most important thoughts shared by Americans on Pulaski Day are those thoughts of support and good will for the people of Poland who remain oppressed but have never lost the dream of freedom.

On October 5 as thousands in New York City and other communities march in Pulaski Day Parades, the people of Poland will know that they are not alone in their desire for liberation and their determination will be strengthened by our expression of sympathy and support.

AUTOMOBILE PRICE ADVERTISING

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to commend the fine and comprehensive work of Mr. Dermot P. Shea, executive secretary of the State Consumers' Council of the Commonwealth of Massachusetts.

Our State is quite fortunate to have a man as dedicated as Mr. Shea in his struggle to eliminate many of the unfair practices of the automobile retailing industry. He has been able, through his extensive amount of research, data, and investigation, to help alert the people of the Commonwealth to the misrepresentation of many automobile transactions.

I feel that the testimony which he presented on September 17, 1969, to the Federal Trade Commission's public hearing in Washington, D.C., should be read by every Member of this body. This testimony was researched and prepared by the State Consumers' Council of the Commonwealth of Massachusetts. The council is a statutory body charged with representing the consumers in government and in the marketplace. Dermot Shea and his council should be congratulated on his testimony, which clearly defines the vast spectrum of dishonest techniques that can hoodwink the car-buying public.

Mr. Speaker, we must take heed of Mr. Shea's testimony and help to abolish all practices of dishonest marketing in the automobile business.

I present his testimony for the benefit of my colleagues:

MISREPRESENTATION IN AUTOMOBILE PRICE ADVERTISING

My name is Dermot P. Shea. I am the Executive Secretary of the State Consumers' Council of the Commonwealth of Massachusetts. The Council is a statutory body charged with representing the consumer interests in government and in the marketplace.

I am happy to be here today to represent the consumers of the Commonwealth at this important hearing. The serious problems in automobile merchandising field led the Council to sponsor and fight for the enactment of the Massachusetts odometer law, the retail installment sales act with its truth-in-lending provision, the deceptive trade practices act modeled after the Federal Trade law itself, among other pieces of corrective legislation. I would like to state for the record that our Agency has always received the fullest cooperation from the Federal Trade Commission, both from the Boston regional office as well as here in Washington.

I admire the courage of the Federal Trade Commission in undertaking to probe into the problem of new automobile price advertising. Actually, it is easier for the consumer to figure what the true national debt is than to determine the actual retail price of an automobile. Certainly it is one of the most chronic and serious problems of the entire automobile industry. Because of the deliberate confusion in this area induced by the automobile manufacturers, as well as marginal automobile dealers, the consumers are being bilked by not being given full and proper information as to the true going retail price while they are in the showroom. Therefore, in the overwhelming majority of automobile retail transactions, the consumer has not been given a true market value choice.

In my judgment, based upon the experience of the Consumers' Council with the retail area in the marketing of automobiles, what is lacking in the automotive trade, among others things, is *price integrity at the retail level*. I am making an effort to stay on the subject of this hearing which relates to the price structure of this trade but I cannot help making a pertinent aside to quote briefly from a complaint just received by the Council from a consumer which follows:

"I am concerned, as are many other citizens, with the skyrocketing prices being charged for the shoddy merchandise the consumer is forced to buy. During this time of spiraling inflation and excessive prices, the consumer needs protection more than ever. The average person is paying sky high prices for merchandise that is of extremely poor quality.

"An example of the poor quality of merchandise is our nation's leading product—automobiles. An average price of $3,000 will buy the consumer a car with doors, windows, seats and screws loose, parts missing, and most things assembled or installed incorrectly. Every car dealer is so overwhelmed with repairs on other new cars, that he cannot possibly service every car he sells. The consumer may find also that after he has had the car awhile and has driven it many miles, the manufacturer may call in thousands of these cars and claim that a part is defective and the car is unsafe to drive!"

The point of referring to this additional area of concern, such as poor quality workmanship at the manufacturing level, and the very serious breakdown of warranty performance by factory and dealer alike is to emphasize that the whole spectrum of automobile problems is the direct result of the morass of ineptitude and shystering in the automobile marketplace. Price deception is one of these major problems.

All the advertising promotions and public relation gimmicks of the automobile manufacturers have not and cannot cure the basic problem the entire automobile industry faces—*the question of integrity of product and marketing which includes the pricing structure of this industry.*

Here are examples of the oriental bazaar type of advertising now occurring in Massachusetts and elsewhere. I hereby submit copies of local dealership ads:

EXAMPLE A—PONTIAC AD

If you will note, it states that you will save $1,034 on a brand new Bonneville convertible. This is taken from a supposed list price of $4,654. Actually, the average price of this vehicle in the New England area would be from $500 to $600 automatic discount off this so-called Federal sticker list price, making this claim of a saving of $1,034 totally misleading. I will not repeat all the other examples involved in this one ad but the principle is the same. Many car dealers quote a Federal sticker list price and state savings that are false as far as the true market price is concerned. As a result, the consumer is actually being baited into this type of huckster dealership and parted from his savings.

EXAMPLE B—FORD AD

The Council has been checking a new rash of ads pertaining to leased cars being sold as new Fords. These cars are being sold with the implication that they are factory fresh cars and again in these ads the Federal sticker price with fictitious savings claims is being used.

EXAMPLE C—DODGE AD

This dealership had advertised consistently in full color page ads that it would pay for out of state buyers, transportation free with accommodations at a motel overnight and used the Federal sticker price and fictitious savings to bait customers to his dealership. This dealership has now changed hands because the prior owner was finally terminated by the factory. My office received justified complaints as to the price and also the model of the car advertised. This was a volume dealer but who is taking care of his warranties now!

To save time I would like to enter into the record samples of other ads that have used the Federal sticker price to mislead the consumers of the Commonwealth.

Now this type of advertising has been going on ever since the Federal sticker price law took effect. What has happened once again is a law that is designed to protect the consumer is being turned against the consumers of the country, this time by the automobile manufacturers who are playing a numbers game in establishing a fictitious price on a Federal sticker that is not a true going market price. In a word, the consumer is being "stuck" by the sticker.

To demonstrate this point further, I will cite the Federal sticker price and the actual true market value price of three similar 1969 models by three different manufacturers, all with the same equipment:

1969 models, 4-door hardtop	Factory Federal sticker price	Dealer's gross markup	Actual average profit to dealer plus get-ready cost	Actual metropolitan retail price	Federal sticker price inflated by—
Chevrolet Impala	$3,559.95	$789	[1] $240	$3,010	$549.95
Plymouth Fury III	3,562.75	789	[2] 225	2,998	564.75
Ford Galaxie 500	3,592.27	804	[3] 250	3,038	554.00

[1] Chevrolet "get ready cost," $40.
[2] Plymouth Fury III "get ready cost," $25.
[3] Ford Galaxie 500 "get ready cost," $50.

Note: These prices for all 3 similar models include a standard V-8 engine, freight cost, automatic transmission, power steering, pushbutton radio, wheel covers, and undercoating. State and local taxes are not included.

Source: Responsible industry authorities.

These figures are quoted from Metropolitan Boston area, exclusive of local taxes. I am, also, informed that these are the actual retail prices throughout most all metropolitan areas of the United States with a variation of possibly $50.00. It should be obvious, therefore, that the automobile manufacturers are deliberately inflating their price in order to subvert the Federal sticker law to the detriment of the public interest. Why the automobile industry insists on further compounding its sins of omission and commission that already exist in the area of safety, warranties, poor quality control and design by now adding vicious price deception practices is beyond my comprehension.

I have reviewed the practices cited by the Federal Trade Commission that are the subject of this hearing. In the case of three practices cited, namely price comparison advertising (No. 1), "comparably equipped" advertising (No. 2), and advertising prices for new automobiles that do not include all the charges (No. 4), the advertising campaigns conducted by the major automobile manufacturers with their local tie-in speak for themselves. You have already evidence of this in the record.

In connection with the practice cited concerning the advertising of pricing actions with respect to new automobiles in such a way as to conceal an actual price increase as a result of the reduction in the warranty coverage of new automobiles (practice No. 4 cited), I wish to commend the Commission for drawing this to the public attention. The consumer does not realize the extent of the limitations of the new car warranty. This is a tribute to the Detroit hucksters. Perhaps the new 1970 models will carry some more surprises for the consumer. Maybe Detroit will decide that the spare tire and wheel is superfluous. There is a strong industry rumor making the rounds to this effect. Evidently Detroit has decided to cut the car warranties today and is considering charging extra for the wheels tomorrow. Where else have the automobile manufacturers been cutting corners? How many horses are being stolen from the horse power of new cars?

The new warranty program of the automobile manufacturers does reflect pessimistic view of the durability of their product as some manufacturers are cutting down the term of their warranty to one year. The way this was done makes the Brinks job look sick. If you figure the value of the prior warranty to be $50.00 a car, the reduction of the warranty coverage by Detroit adds up to a substantial sum. One estimate has been made that by this action alone Detroit has taken away $200,000,000 from the car buyers of the United States (based on a loss of $25.00 a car—8,000,000 production). This actually is a conservative figure in terms of the cost of repairs that normally would have been covered by the prior warranty program in the second year of ownership when most repairs of an automobile are needed and when the defects or flaws of an automobile come to light.

Finally, Mr. Chairman, I have discussed at length the issue raised in practice #5 cited concerning the advertising of the manufacturers suggested retail price which is required by the Federal sticker law to be attached to new automobiles. These retail prices, as I have previously stated, are being posted in order to conceal the true fair value in order to permit manipulation on phony high trade-in allowances for used cars, as well as confusing the buyer as what is the actual price of the new car he is buying.

In my judgment, all of these practices warrant the issuance of Trade Regulation Rules prohibiting them as unfair and deceptive acts and practices. Until the Federal Trade Commission or the Congress acts in this area, particularly with reference to the Federal sticker law, I am (as Executive Secretary of the Consumers' Council) recommending to all consumers of the Commonwealth of Massachusetts to take 15% off the top of the Federal sticker price, exclusive of taxes and transportation costs, on American automobiles (with the exception of luxury and sports cars that may have limited production) in order to have a rule of thumb to determine the true retail market value of a new automobile.

DICKEY-LINCOLN PROJECT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. HATHAWAY. Mr. Speaker, time is fast approaching for consideration by the House of Representatives of fiscal 1970 public works appropriations, and with it, consideration of a public works project for which the people of New England have been waiting and hoping for many years.

I refer, of course, to the Dickey-Lincoln School hydroelectric project, which, like the Grand Coulee and Hoover Dams and the Tennessee Valley Authority, would provide reliable and low-cost electric power to a large region of the Nation.

The Dickey-Lincoln project was authorized by the 89th Congress 4 years ago this month. Its potential worth to New England and the Nation has attracted the endorsement of two administrations, the bipartisan support of the majority of New England's national legislators, and the nonpartisan support of labor, business, industry, and the general public. Since its authorization, however, its construction has been disparaged and delayed by the lobbying efforts of a self-serving interest group comprising the private power utilities of New England.

The need for reduced electrical rates for the many residents of the Northeast is irrefutable, Mr. Speaker. New Englanders—homeowners, business concerns, and industrial plants alike—currently pay the highest rates in the Nation.

But the high cost of electric power is only part of the concern expressed by the citizens of the Northeast. More to the point of these remarks is their genuine apprehension about the reliability of the electric power service being provided them.

New Englanders recall the power blackout of 1965 and look with no little anxiety toward the real threat of another more serious failure during the winter months ahead. And as they do, they wonder why there has been no decisive action on the lesson of 1965—why there has been no alleviation of the threat of future power failures.

An incisive, well-researched article, which appears in the September issue of the Washington Monthly magazine, poses the question "Where will you be when the lights go out again?" Author John Wicklein, a former reporter for the New York Times and currently a producer of public affairs programs for National Educational Television in Washington, relates many of the reasons why the threat of another blackout is not remote and, in so doing, focuses on some of the questionable tactics of the private utility lobby of the Northeast in preventing assurances against the recurrence of such a catastrophe from reaching the people of New England.

Excerpts of Mr. Wicklein's article follow:

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Where Will You Be When the Lights Go Out?

(By John Wicklein)

Power companies have failed to act decisively on the lesson of 1965, when 30 million people in a 30,000-square-mile area found themselves without power for up to 13 hours.

Why have they failed to act?

The only reasonable answer, when you study the power situation in the United States, is lack of foresight among most private power company executives. These men somehow seem to lack the will—or the enterprise—to face up to the capacity problems of an industry whose demand is doubling every ten years.

To some people, the Big Blackout was a lark. "Where Were You When The Lights Went Out?" and all that. It was fun being caught between floors in the elevator.

But what if the building had caught fire at the same time? What if it had not been a bright, clear night, and you had been in a plane over a fogged-in airport that had no ground control to guide it down? What if *you* had been on an operating table in a New York hospital when the lights went out?

Miraculously, no deaths occurred. But miracles don't necessarily happen twice.

In New England, where the private companies have so far been able to fight off all attempts to establish federal yardstick projects, the customers are charged the highest rates in the country. A homeowner supplied by the Boston Edison Company, for example, pays more than twice the rate paid by a homeowner in Seattle, in the Bonneville marketing area. In part, this reflects high fuel costs in New England, but fuel by no means accounts for all the difference.

Over bitter opposition from the private industry, Congress four years ago narrowly approved a bill to authorize a major federal hydroelectric project in Maine. First call on this project's 800,000 kilowatts would go to public systems in the area, and the rest would be sold wholesale to the private companies. Desperate as they are for new capacity, the New England companies just do not like the idea of a federal project on their turf.

New England traditionally has been an area of rugged individualist companies that did not want to cooperate even with each other. So the region lags behind the rest of the country in the coordinated operation the companies' own engineers agree is necessary.

The big Blackout of 1965 gave the New England companies a jolt. Suddenly the papers were filled with "Investor-Owned Utilities" ads announcing plans for all kinds of coordination and cooperation and capacity-building. One ad, printed in the Wall Street Journal and elsewhere, proclaimed the formation of a "Big 11 Power Loop." This was to tie 11 large plants of several companies into one big grid. The grid was to include new nuclear plants—a form of generation that had not received much attention in New England up to that time.

But Big 11 proved to be a paper loop. In a hearing before the Atomic Energy Commission on plans to build the Vermont Yankee Nuclear Power Plant, Albert H. Cree, chairman of the Central Vermont Public Services Corporation, was asked if the companies involved had made a study of a one-system basis of operation in their area. Cree replied that the Big 11 Loop was a study of a sort. Whereupon this exchange between Cree and George Spiegel, attorney for a group of publicly-owned systems in Massachusetts:

SPIEGEL. Is that full-page ad of the Big 11 Power Loop the only document that exists as to the study of the one-system basis in New England?

CREE. So far as I know it is.

SPIEGEL. Do you think that there is sufficient detail in that one-page ad to guide you in this project?

CREE. Yes, I do, because the forecast of loads upon which all of our individual planning is based was part of the Big 11 ad.

Even if it had come into being as announced, the "Big 11 Loop" would not have met the criterion for reliable one-system operation—that all systems in the area must be interconnected. The power companies planned to exclude the public agencies from participating in the nuclear plants and the grid that would tie them together. Legal actions by the municipal systems have changed that, but the grid is still unbuilt. The "Big 11 Loop" continues to be promoted in television ads while the prospects for a major blackout seem about the same as they were in 1965.

Rather than reliability, the main interest of the New England companies in regional cooperation seems to be to keep federal power out of the area, prevent the states from forming public power authorities, and kill off the local publicly-owned systems. It's interesting to document this through evidence entered at a current SEC hearing on an application of three of the companies to merge into the Eastern Electric Energy System.

One Justice Department exhibit concerns the formation of an association of New England utility presidents. The association's purpose, according to a press release was "to coordinate individual construction plans of New England's investor-owned companies, to the end that these companies will remain prepared to meet, in full and on time, all of the area's rapidly expanding electrical requirements, and to do so at the lowest rates consistent with the maintenance of proper service standards."

To this publicly announced purpose were added, on an "overall strategy" paper circulated privately among the participating companies, these "basic objectives":

"To develop a regional climate of public opinion which will prevent any expansion of government-owned or tax-subsidized electricity within New England, and which will, instead permit the gradual elimination of government power operations presently existing in the area.

"To take a position of national industry leadership in securing the final defeat in the U.S. Congress of Passamaquoddy, St. John, and every other Federal power proposal for New England which requires Congressional authorization."

The first crisis to confront the presidents' association came as an aftermath of the Northeast Blackout. More then ever, the Dickey-Lincoln School project seemed necessary to the region. Some Maine legislators, concerned for future supply, proposed setting up a Maine Power Authority to distribute Dickey-Lincoln power and to build an atomic power plant. Quickly the New England companies reacted with a plan of their own. They would build a nuclear plant—Maine Yankee—which would bring power to the state cheaper than Dickey-Lincoln School.

At the SEC hearing, the Massachusetts municipal systems introduced a memo on Maine Yankee subpoenaed from the files of the Boston Edison Company. In it Frank M. Staszesky, executive vice president of Boston Edison, said that officials of two companies participating in the project had urged Boston Edison to come in as a gesture of "self-serving patriotism for the investor-owned utility industry."

Enlightened self-serving?

"They both feel," Staszesky wrote, "that the public power thrust is in Maine and must be met in Maine, and in particular they consider Dickey-Lincoln School the main threat."

In another memo, Staszesky said the major objective of the Maine Yankee project was to "discourage the formation of a Maine Power Authority, which could be a precedent for formation of similar public power authorities in New England." He reported to his president that the commitments of the two companies to come into the project had been made over the telephone. The urgency, he said, was to announce Maine Yankee before a special session of the Maine Legislature that was to consider creating the authority. One New England company executive, he wrote, "specifically thought we should join Maine Yankee to avoid arousing suspicions that the New England companies are not thinking and planning together—even if in private there are some differences of opinion between companies."

In cross-examination, the municipal systems' attorney commented: "It seems to me the testimony we have been listening to here . . . illustrates that they didn't even have time to figure out what the power was going to cost from Maine Yankee or how they were going to transmit it, but the main thing was to get it tied down on some kind of oral commitment, get it announced to the press in order to head off a proposal for a public power plan."

In the case of the Maine Power Authority, the companies' strategy worked: the Legislature killed it. The Dickey-Lincoln School Project is still alive, but only just. No funds for construction have been appropriated. Power lobbyists in New England and in Washington are working hard to get Congress to strike the $807,000 budgeted for planning and development from this year's appropriations.

Mr. Speaker, it is essential to the citizens of New England and their economy that funds for the Dickey-Lincoln project be included in the public works appropriations bill for this fiscal year and subsequently approved by this House.

New Englanders have already waited too long to be freed from the stranglehold of the private power monopoly. They have lived too long under the ominous threat of another serious power failure.

ESTABLISHMENT OF A PRESIDENTIAL TASK FORCE ON WOMEN'S RIGHTS AND RESPONSIBILITY

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mrs. REID of Illinois. Mr. Speaker, I want to take this opportunity to commend President Nixon on his announcement yesterday regarding the establishment of a task force on women's rights and responsiblities, with Miss Virginia R. Allan, former president of the National Federation of Business and Professional Women's Clubs as the chairman.

Earlier this year my colleagues, the gentlewoman from New Jersey (Mrs. DWYER), the gentlewoman from Washington (Mrs. MAY), the gentlewoman from Massachusetts (Mrs. HECKLER), and I met with the President to discuss opportunities for women generally and particularly in Government and public service. In my judgment, President Nixon

has shown by his move to establish this task force that he is sincere in his desire to improve opportunities for women.

I was particularly pleased that two women from Illinois were appointed by the President to serve on the 13-member task force. They were Mrs. Laddie F. Hutar, president, Public Affairs Service Associates, Inc. of Chicago, and Sister Ann Ida Gannon, president, Mundelein College, Chicago.

The task force will review the present status of women in our society and recommend what might be done in the future to further advance their opportunities. I feel sure that the Congress will give its cooperation to this endeavor, and we will look forward to receiving the report and recommendations of the task force.

GHANA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. DIGGS. Mr. Speaker, yesterday governmental authority in one of the most promising countries in Africa was transferred from the military back to a civilian regime, an almost unprecedented phenomenon.

It may be recalled that on February 24, 1966, the National Liberation Council, made up of army and police officers, overthrew the government of former President Nkrumah and assumed the reins of government of the Republic of Ghana.

This action became necessary because of the deteriorating economic and political conditions in Ghana at that time.

On the assumption of power, the National Liberation Council declared that they had no political ambitions and were anxious to hand over power to a duly constituted representative civil government as soon as possible. To this end the National Liberation Council appointed a constitutional commission to draft a new constitution for Ghana.

The National Liberation Council further promised that they would relinquish their powers to any government formed in accordance with the new constitution and as a result of genuinely free and fair elections conducted under the constitution.

It is gratifying to note that after a constituent assembly had reexamined the proposals of the constitutional commission for a constitution for Ghana, the constituent assembly was empowered to enact and promulgate a new constitution for the Second Republic of Ghana on August 22, 1969.

General elections were held throughout Ghana on August 29, 1969, to elect members of the national assembly and a new civilian government. The Progress Party, led by Dr. Kofi Abrefa Busia, won the elections by a landslide after 4 months of vigorous campaigning and a peaceful, smooth, and uneventual election.

Dr. K. A. Busia has been sworn in as the Prime Minister of Ghana, and he has announced his 17-member cabinet, who are expected to take over from the National Liberation Council by September 30 this year.

The National Liberation Council has been able to salvage the economy of Ghana and laid sound foundations for the further improvement and expansion of Ghana's economy.

Politically, Ghana's new constitution insures the fundamental freedoms, amongst these life, liberty, and security of the individual; freedom of conscience, of expression, and of assembly, and freedom of association.

The new Prime Minister of Ghana, Dr. K. A. Busia, has in the nationwide broadcast in Ghana appealed to all his fellow Ghanaians to start the Second Republic in the spirit of forgiveness and tolerance and that "this time, we shall succeed in building a truly democratic country in which we shall be proud and happy to live."

Mr. Speaker, the Second Republic of Ghana has thus been born. The young and virile people of this country are determined to succeed and they deserve our goodwill and understanding.

FARMERS MUST CONTROL PRICING OF THEIR PRODUCTS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ZWACH. Mr. Speaker, in the House Committee on Agriculture, we are discussing a new farm program. Secretary of Agriculture Clifford Hardin and others have so far testified. Many more people will be heard from before we pass a farm bill out to the floor.

In the meantime, I read a very interesting article submitted to the Swift County Monitor News at Benson, Minn., by Mrs. Wesley Benham and printed in the September 11 issue of that newspaper.

Mr. Speaker, I hope all of my colleagues will read this article, which I am inserting herewith in the CONGRESSIONAL RECORD. This article tells very plainly some of the problems our producers are up against.

I particularly commend to my colleagues, this paragraph from Mrs. Benham's article:

> The time has come for the American farmer to exert some control over his destiny. He must control the pricing of farm products instead of abdicating this power to special interest groups.

The entire article follows:

Farmers Must Control Pricing of Their Products

(By Mrs. Wesley Benham)

Would you be surprised to read headlines like these in your newspaper?

"Mills increase steel price $8 a ton"

"Manufacturers up new car prices an average of $56"

"Producers announce 17% increase in price of copper"

Hardly. It's not surprising that the people who produce the goods should have the power to price these goods.

But how about headlines like these?

"Ranchers boost beef 3¢ a pound"

"Dairymen increase milk price 2¢"

"Farmers announce 6% increase in price of wheat"

Surprising? Quite! Because everybody knows that unlike other producers, farmers can't put a price on the goods they produce. Steel mills can. Manufacturers can. Smelters can. But farmers can't.

Farmers take what they are given for their products. If other producers used the same marketing technique farmers do, then new shoes, washing machines and cars would all sell for whatever buyers were willing to pay for them. And if Chevy . . . or any other truck manufacturer . . . complained that $1900 pick-ups were selling for only $1750, buyers could retort with, "Sorry, but new pick-ups are bringing only $1750 today That's all we're paying. Take it or leave it."

A farmer might survive with this kind of marketing system if all other producers would agree to play the same game. Then farmers could price the things they need . . . they could pay whatever they wished for fertilizer, farm equipment, for kids clothes and kitchen appliances. So far, no one's been able to persuade other producers to plat this "What will you give me" system of marketing. Small wonder. No businessman could afford to leave the pricing of his own products to the decision of others.

So if other producers won't relinquish their God-given right to price their own products, the alternative is for farmers to exercise the same God-given right themselves. That right is theirs. It's theirs constitutionally. And it's been certified in Congress by the Capper-Volstead Act.

The time has come for the American farmer to exert some control over his destiny. He must control the pricing of farm products instead of abdicating this power to special interest groups.

Because solving the farm problem lies in the power of pricing. Conscientious, responsible pricing based upon the principles of sound, ethical business management.

What's the score? Farmers are losing 542 to 68. New York financial columnist Sylvia Porter has come up with figures that show how much the American farmer has been subsidizing other working people the past 50 years. Since 1919, average hourly wages have gone up 542 per cent. But the cost of food has risen only 68 per cent. If you are a farmer, you know that the people who raise the food didn't collect the 68 per cent increase, either. It went to processors, packagers, food chains and others. Farm income today is actually lower than it was at mid-century. It's still not too late to get into the game. You can control the power through NFO.

EDITORIAL HONORS BENGALS' COACH; THE DOUBTERS NO LONGER DOUBT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. TAFT. Mr. Speaker, the Cincinnati Bengals, the newest member of the American Football League, are undefeated in three games this year.

As my colleagues know, the Bengals' success is due in large measure to the remarkable skills of their leader, the No. 1 Bengal of them all, Paul Brown.

XUM

I am proud to include the following WKRC–TV editorial in the Record so that all may read of the Bengals' achievements under Coach Brown:

Paul Brown

September 19, 1969.

Depending on the school or league, amateur or professional, a football season encompasses anywhere from ten or fewer games to as many as fourteen. Obviously, in order to rack up 300 wins, a coach has to put in a lot of anxious Friday nights, or Saturday or Sunday afternoons. But that's exactly what Paul Brown accomplished this past Sunday when his Bengals beat the Miami Dolphins in the opening game of another long season.

Paul Brown brought home 300 winners over a 35-year coaching career that began in 1930 at a Prep School in Maryland. However, it's his record at Massillon High School, Ohio State and, finally, with the Cleveland Browns that has become an established part of the folklore of the Buckeye State.

The Bengals' press, radio, and TV Guide lists so many innovations of this remarkable man that it's difficult to know which to include here. Perhaps the most important was noted in the citation accompanying his induction into pro football's Hall of Fame, which read: "He was the first to make coaching a year-round occupation, not only for himself, but for a fulltime resident coaching staff—a practice that has since become universal."

Paul Brown is, as the Bengals' publicity men claim, the man responsible for making pro football what it is today, and is the leader in shaping its future. Cincinnati is fortunate to count him among its citizens.

VOLUNTARY PRAYER IN OUR PUBLIC SCHOOLS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ROUDEBUSH. Mr. Speaker, excellent response has been received from throughout the Nation on our plans to insert children's prayers into the Congressional Record for use by our Nation's public schools where the Supreme Court has outlawed prayer and Bible reading.

I have received letters and phone calls from across the Nation encouraging my efforts to offer a legal solution to the evil effects of the Supreme Court ban.

Strong sentiment has also been expressed for passage of a constitutional amendment to permit voluntary prayer in our public schools and provide a permanent solution to the antireligious efforts of the Supreme Court.

Mr. Palmer Stracco, president of the board of education in Netcong, N.J., has also contacted my office.

Netcong is the community where the school board first devised the ingenious idea of reading Chaplain prayers from the Congressional Record each day as a substitute for regular prayer services outlawed by the Supreme Court.

Mr. Stracco extended his thanks for my plans to insert more suitable children's prayers in the Congressional Record, and indicated that other school jurisdictions now may follow suit and read prayers from the Congressional Record to circumvent the antiprayer decision of the Supreme Court.

I wish to publicly applaud Mr. Stracco and the Netcong School Board for their courage and inventiveness in opposing the Supreme Court, and devising a means whereby voluntary prayer can be restored to those schools which desire to start the school day with a devotion.

I hope this plan catches on like wildfire and that schools across the Nation will turn to the pages of the Congressional Record for a source of children's prayers inserted to provide a legal remedy to the tragic Supreme Court decision.

The Supreme Court is but nine men, most of them possessing a twisted, liberal philosophy that says "Yes" to pornography and obscenity for our children but "No" to prayer and Bible reading.

The enduring foundation of our country is based on religious conviction, morality, patriotism, and freedom.

The effects of many recent Supreme Court decisions have undermined these foundations. Some of the authors of these evil decisions have now left the Court, but the results of their infamous work are still with us. We must continue to labor to offset these consequences.

This week's children's prayers for use in public schools follow:

My voice shalt Thou hear
In the morning, O Lord:
In the morning will I direct
My prayer unto Thee
And will look up. (Fifth Psalm)

Father, keep me all day long
From all hurtful things and wrong;
Make me Thine obedient child,
Make me loving, gentle, mild.

Dear God, hear me, a little child,
Who speaks to You in prayer;
Teach me today that Your great love
Is living everywhere.

Lord, for tomorrow and its needs,
I do not pray;
Keep me, God, from stain of sin,
Just for today.

Let me no wrong or idle word
Unthinking say;
Set Thou a seal upon my lips,
Just for today.

In the early morning,
With the sun's first rays,
All God's little children
Thank and pray and praise.

I, too, thanks would offer,
Jesus, Shepherd dear,
For Thy tender pasture
And Thy guiding care.

THE WALKING HORSE PROTECTION BILL

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. FULTON of Tennessee. Mr. Speaker, over the past 20 years, a proud breed of pleasure and show horses, the Tennessee walking horse, has fallen victim to a vicious and inhumane practice.

A minority of unfeeling exhibitors, owners and trainers have, over the years, resorted to the practice of soring the hoofs of these beautiful animals as a shortcut to the patience and skill needed for the training of the Tennessee walking horse. For far too long, diverse and inadequate State laws have "looked the other way" at this inexcusable practice.

The walking horse protection bill, introduced in the Senate by Senator Joseph Tydings of Maryland, and my colleague from Tennessee, Representative Dan Kuykendall, would prohibit the interstate shipment and exhibition of sored walking horses, make it unlawful to exhibit a sored horse in a horse show in which any horse had been moved in interstate commerce, and prohibit holding a horse show in which a sored horse is exhibited, if any horse was moved in interstate commerce. The legislation would impose a fine of up to $500 and imprisonment up to 6 months, or both. The Agriculture Department would administer the law, and those who conduct a horse show, as well as those who participate in it, are responsible with enforcement of the law, under the bill's terms.

These are strong provisions—they are justified.

Leaders and officials of the American Horse Show Association, and leaders of the National Tennessee Walking Horse Celebration at Shelbyville, Tenn., have all voiced agreement that the practice of soring these animals is an abominable practice. Some of them differ, however, on how this practice can be effectively brought to an end.

One of the great problems in this area is the differing State laws, and a situation which permits everyone to blame someone else for these acts of blatant cruelty. Trainers and exhibitors maintain the public demands such practices to produce the conformation and gait expected in competition.

I cannot agree that the public is so unfeeling and callous.

The executive secretary of the National Walking Horse Trainers Association, Mr. Jack Short, has stated that their association, only a year and a half old, should be given sufficient time to clean up the industry without Federal regulation.

Although I can sympathize with Mr. Short's views, I cannot see how this legislation could adversely affect the association's efforts to do exactly what is proposed by such Federal legislation—the immediate halt to the practice of soring walking horses. If anything, such legislation should make their efforts more effective, enforceable, and immediate.

The use of oil of mustard or iodide of mercury, placed on the horse above the hooves and below the ankles, or the use of chains or heavy boots to add weight, forcing the horse to take an exaggerated gait or step, is a despicable practice. Federal legislation, making regulations against this practice uniform throughout the Nation, is needed and should be given immediate approval.

The Tennessee walking horse is a handsome and distinct breed. It has created a multimillion dollar industry, and these animals have brought pleasure to thousands.

The industry must remove from its ranks those unfeeling and unscrupulous individuals who would, through such heartless practices, destroy not only this industry, but this proud breed of horses.

The walking horse protection bill would accomplish this.

HORTON URGES HELP FOR HANDICAPPED WORKERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. HORTON. Mr. Speaker, there is no one for whom I have more admiration than a disabled person who pursues a normal life and becomes an active member of the community.

A disabled person performs tasks that we take for granted; but these things that we so easily disregard demand an inordinate amount of determination, stamina, and above all, courage.

Can you imagine getting up in the morning, realizing the struggle ahead of you, and yet continually enduring and even relishing the challenge.

Not the least of the obstacles handicapped people face is money. For many it is more expensive to work, than not to; it is more expensive to contribute to society than to stay at home.

Mr. Speaker, there is in my district a man who, to me, is an example of a person working to his fullest capacity. Charles G. Bills of Walworth, N.Y., is paralyzed from the shoulders down. And yet, he is a full-time teacher at Wayne Central School in Ontario, N.Y.

Mr. Bills' expenses so he can get to work each day include $800 every 3 years for an electric wheelchair, $3,000 for a van to transport him in the wheelchair, and $800 for a power hoist to raise and lower the wheelchair from the van.

Mr. Bills' valiant example has prompted me to submit legislation today to help the handicapped pay for transportation to and from work. It will provide a $600 additional tax exemption for a disabled taxpayer who needs special equipment to travel to work.

I would like to share with my colleagues, portions of a letter from Mr. Bills. I have always believed that employed handicapped people should have every advantage we can afford them, but this letter has reinforced my opinion:

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Mr. Horton: I am paralyzed from the shoulders down as the result of an accident. I am one of the *very few* seriously paralyzed persons in America to be fully employed. I am a fulltime teacher at Wayne Central School, Ontario Center, N.Y.

Extra costs of employment to me are as follows: an electric wheelchair to enable movement with ease in the classroom. Cost? $800. I will have to have a new one every 2 to 3 years. The van to transport the wheelchair and myself to and from school costs $3000. The van requires a power hoist to raise and lower the wheelchair. Cost? $800. So far I have been fortunate enough to have a good friend, a teacher in the same building, to drive me—no charge. You see I am not able to drive a vehicle because I don't have complete use of my hands and arms.

In a year I will change buildings and then may have to pay a driver. Needless to say, employment is very expensive for me. For a long time tax laws have recognized extra expenses to the blind by providing an added exemption for them. I think we should extend this to cover seriously disabled persons of all kinds. I would guess that my out-of-pocket expenses of employment are greater by far than those of a blind person. You see they can ride in a regular car pool. I cannot. My wheelchair doesn't fit. Many thinks.

Very sincerely yours,

Charles G. Bills.

Mr. Speaker, I would hope my colleagues would pay particular attention to this admirable man. Employed handicapped people perform a valuable service by challenging themselves to their full capacity and demonstrating the ability of a disabled person to be an active member of the community. I urge Congress to give its full support to my legislation to help the disabled.

ESTABLISHMENT OF AN INDEPENDENT COMMISSION

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. POLLOCK. Mr. Speaker, I introduce today a joint resolution to provide for the establishment of an independent commission to study the foreign policy effects and other implications of our underground nuclear testing program. This commission, composed of experts in such diversified fields as oceanography, medicine, and international relations, would evaluate our testing program in order to determine what effect, if any, the underground detonation of nuclear devices is likely to have on our environment and ecology and on our existing treaty obligations. Under the provisions of my resolution, the commission would be required to transmit a report to the President and to the Congress when its work is completed. Appropriate legislative and Executive action could then be taken on the basis of the commission's findings.

Mr. Speaker, I am convinced that the Atomic Energy Commission has taken every possible precaution with respect to the imminent underground test on Amchitka Island to insure the ecological balance of the region and to assure the safety of the inhabitants of the lands comprising the Pacific rim. However, because other tests of larger magnitude are planned for the future, I feel that further study and evaluation should take place.

To preserve our national security, we must continue our underground testing program for the foreseeable future. However, the people of our great Nation and the people of every nation on the Pacific rim have the right to expect virtually absolute safety even though underground testing must go on. A commission of the type I have proposed would provide us with an independent, unbiased assessment of the ecological and political consequences of our testing program. People everywhere could give real credence to this report, for the commission, unlike the AEC, would be totally disinterested.

Since the turn of the century, earthquakes and other natural phenomena have caused great damage and loss of life in every nation bordering on the Pacific Ocean. We must insure that a man-made phenomenon with these destructive characteristics is not created by our underground testing program. My distinguished colleagues, I urge your careful consideration of the resolution which I have just introduced.

REPORT TO CONSTITUENTS

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ESHLEMAN. Mr. Speaker, I am now sending to my constituents another of my regular series of newsletters. I am including the contents of that report in the Record at this point:

The Threat of Political Radicals

(By Ed Eshleman)

When you turn on your television to watch the news, you are likely to see one or the other or both of the following characters: A young man with a beard who threatens to overthrow authority in the name of justice. A man with a gun who threatens to take the law in his own hands to protect his rights. Either of these characters or others like them are a threat to our nation. They may come from the far right or the far left. They are political radicals who are attempting and sometimes succeeding in undermining our basic democratic institutions.

Radicalism is not new to America. We have always had a certain number of citizens with way out opinions. But, never before have we taken such views so seriously. In the past, we dismissed those persons on the political fringes as irresponsible voices of unreasoned dissent. Today, perhaps because so many frustrations confront us as a people, the screamers are listened to and sometimes believed.

When things seem wrong, it is easy to find agreement with someone who promises a change. The promiser is often followed without being asked to spell out his policies. So Hitler found as he rose to power in Germany. So campus revolutionaries discovered last spring as they convinced thousands of moderate students to support them. But, herein lies the mistake for men who wish to remain free.

Freedom is a fragile thing which can be lost easily in the excesses of the moment. Revolutionists exploit the temper of the moment to achieve their own goals. Those goals are always anti-democratic, tending toward one of two extremes—tyranny or anarchy. The good intentioned citizen, who sees only the few worthwhile things in what a radical has to say, can get swept up in a tide moving toward loss of liberty and even a demise of civilization.

On the national front, many young people find certain attractive features in the recent ravings of the far left. For example, the peace theme has won the far left a goodly number of supporters. But a little close examination of leftist groups like the SDS has shown their peace leanings to be selective in nature. In some of their underground publications, the Students for a Democratic Society have indicated that they want American youth to fight, but on the side of the Communists in wars of liberation throughout the world. The far left peace theme can be simply a cover to win adherents to an anti-American philosophy.

There is danger on the far right as well. Many people can get excited about a law and order theme. Like in the case of peace, it is difficult to find fault with a goal of attaining law and order. But a close look at the far rightists, who have taken to exploiting law and order for their own ends, reveals some disturbing signs. The extremists on the right are often willing to go the route of vigilante committees and other strong arm taotics to preserve order, but are unwilling to give consideration to the need for maintaining real justice. Freedom demands law and order tempered with justice, or totalitarianism is soon the product.

On the international front, the political radicals have shown themselves to be more than just anti-freedom. They are, in fact, anti-oivilization. Their most savage assaults against the established order have been directed against precisely those institutions furthest removed from the law of the jungle—against the office of ambassador (even primitive societies, in their first steps away from constant tribal conflict, give sanctity to the herald); against peaceful transportation, where international cooperation has progressed steadily; against universities, and against churches.

If Americans are to protect their rights against the irresponsibility of political radicalism, they must resolve to take a difficult path to solving problems and relieving tensions. That path goes down the "middle of the road" and offers no easy answers. But, it is the path which traditionally has provided the political balance necessary for social stability. It is a commitment toward keeping the radicals where they belong—out on the fringes and generally ignored.

SHORTS

Cutting defense spending

The defense budget can be cut, and I expect this to be done. Dollars, no less than men in combat, ought to stand up and fight, right down to the last penny. Waste is a dangerous enemy in the military. But any meat-ax chopping such as some legislators seem to have in mind, could jeopardize our whole national security. The job is not to downgrade or smear the military, but to keep it under control. We must expect the military to be prudent in every way, including its management of the taxpayer's dollar. But Congress should be equally prudent. And prudence does not mean either reckless spending or reckless slashing.

We've moved

My staff and I are now working in a new office on Capitol Hill. When you get to Washington, be sure to stop and see us in the three rooms we like to think of as a Pennsylvania Dutch Country annex. And, when you're writing me, the new address is: 416 Cannon House Office Building, Washington, D.C. 20515.

Kids quiz astronauts

Congressmen and their families were recently given an opportunity to meet and question the American "moonmen". During the question-answer session, the children more or less took the floor away from their parents. Typical questions from the small fry: "Did you think about getting stuck in the moon dust?" "Do you know when someone is going to the moon again and are they taking any girls along?" Hiding a smile, Astronaut Neil Armstrong, main apokesman for the Apollo 11 trio, answered seriously that actually they were not too concerned about sinking in the dust since they had learned what to expect before beginning their trip and that the next moon flight is scheduled for November 14, but if any women were going along the crew isn't saying anything. Another youngster asked why the flag looked like it was blowing when there isn't any wind on the moon. "We fooled you on that one," she was answered and then the explanation of how the flag was rigged was given her.

Washington staff

I have always regarded my staff more as public servants for the 16th Congressional District than as personal assistants. I thought perhaps you would like to see the four people who work for you in my Washington office. Pictured on the left, from left to right, are: Bob Walker, Research Assistant, from Millersville, 3 years on Capitol Hill; Vi Heinzel, Executive Stenographer, 20 years on Capitol Hill with 6 Congressmen; June Burke, Administrative Assistant, 27 years on Capitol Hill with 7 Congressmen; Pat Felty, Secretary, from Lebanon, 1 year on Capitol Hill.

Finest sense of politician

In his eulogy to the late Senator Everett M. Dirksen, President Nixon had some notable words about the profession to which Senator Dirksen devoted his life. I thought those words were worth repeating. "Everett Dirksen was a politician in the finest sense of that much-abused word. If he were here, I think he might put it this way: A politician knows that more important than the bill that is proposed is the law that is passed. A politician knows that his friends are not always his allies and that his adversaries are not his enemies. A politician knows how to make the process of democracy work, and loves the intricate workings of the democratic system. A politician knows not only how to count votes but how to make his vote count. A politician knows that his words are his weapons but that his word is his bond. A politician knows that only if he leaves room for discussion and room for concession can he gain room for maneuver. A politician knows that the best way to be a winner is to make the other side feel it does not have to be a loser. A politician in the Dirksen tradition knows both the name of the game and the rules of the game, and he seeks his ends through the time-honored democratic means."

Apollo film

The National Aeronautics and Space Administration recently made a film about the flight of Apollo 11 especially for the Congress. I have obtained a copy of that film and will make it available to schools (for assembly programs) and organizations in the 16th District. Not only can you schedule the film, but in addition, I will send along my Field Representative, Ron Reedy, to show the historic moon landing as photographed by the astronauts. If you are interested, call my District office in Lancaster, 717/393–0666.

Combatting inflation

Stern steps are being taken these days to combat inflation. The federal budget is being balanced at all costs because there is no doubt but what deficit spending is a cause of inflation. A 75 percent cutback in federal construction has been ordered. For many with federal projects this is a hard pill to swallow. If, however, this and all the other steps to reduce the cost-of-living end the inflationary spiral that is now stealing six cents from every dollar we earn or possess, then in the long run we should be thankful for any present day sacrifices.

Marijuana problem

The national debate about the narcotic marijuana has most often centered on two questions: (1) Is marijuana really an addictive drug? (2) Does society really have a right to prevent a person from using marijuana even if it might be harmful to him? Now a judge in the State of Washington has added a new dimension to the argument, and I think an important dimension. The judge stated: "Marijuana is a dangerous drug. It is much more dangerous to the non-user than to those who resort to it. It is the hard-working, responsible citizen who suffers by the cult that it creates. For it is he, the responsible citizen, who is called upon not only to support himself and his family, but also to carry the burden of the drug-oriented, anti-social user. If he fails to provide for both, the culture in which he lives will surely deteriorate and be less than desired, and possibly may even fail to meet the needs for a good existence. The impact of the lark attitude that some have toward the drug may not really be felt until the next generation—when it comes to light that the smoker of it is neither physically nor mentally fit to shoulder the burdens that society imposes upon him."

Name game

What's in a name? Plenty—especially if your name is Smith. According to some figures released by the Veterans Administration, Smith is the most popular name (310,000) in the VA's master file. The Johnsons (202,700) not only are keeping up with the Joneses but are far out in front. In fact, even the Williamses (150,020) are ahead of the fourth place Joneses (145,180). In fifth place are the Browns (144,000). The VA file shows 10 Abraham Lincolns, 1640 Robert E. Lees, 44 Ulysses S. Grants and 496 George Washingtons.

Spiritual crisis

The principal issues of the moment may not be as political and economic as we might like to think. There is a growing conviction in Washington that we are faced today with what is essentially a crisis of the spirit. Modern man has turned too often and too easily to government for answers to all his problems. He needs to recognize that there are answers he must seek elsewhere. Daniel P. Moynihan, an Assistant to the President, put it this way: "What is it government cannot provide? It cannot provide values to persons who have none, or who have lost those they had. It cannot provide a meaning to life. It cannot provide inner peace. It can provide outlets for moral energies, but it cannot create those energies. In particular, government cannot cope with the crisis in values which is sweeping the Western World."

Miniature message

Bumper stickers have become a popular form of self-expression. The latest one I've seen reads: "You're a Good Man Uncle Sam." Even when we disagree with some things our government does, I think we would still endorse that sentiment. Let's all think a little more positively!

PRICE-WAGE GUIDEPOSTS NEEDED NOW

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ASHLEY. Mr. Speaker, today I am joining my colleague from Wisconsin, Mr. REUSS, and 12 other House Members in sponsoring legislation directing the Council of Economic Advisers, after full consultation with representatives of business and organized labor, to prepare annual price-wage guideposts to effectuate the stable, noninflationary growth in our national economy.

The bill provides for establishment of a three-man Price-Wage Stabilization Board in the executive branch to hold hearings on price-wage behavior and to report promptly to the President and Congress when national economic stability is threatened.

Mr. Speaker, the need for enactment of this legislation is urgent. Inflation continues out of control. The Consumer Price Index has increased at a rate of 7 percent from the start of 1969 while the wholesale index has increased at a rate of 6 percent. Recent price increases in automobiles, steels, copper, gasoline, nickel, zinc, and aluminum are certain to fuel further escalation of the inflationary spiral.

The traditional weapons against demand inflation—a restrictive monetary and fiscal policy—have not proven adequate to curb inflationary pressures, in part because major companies and unions in highly concentrated industries have substantial discretion in their price and wage decisions. If inflation is to be brought under control, monetary and fiscal policies must be supplemented by a system of price-wage guideposts designed to contain further increases.

In my view, Mr. Speaker, the previous administration made a serious mistake when it abandoned economic guideposts in 1967. Previous to that action, they had proved an effective instrument—not perfect but certainly helpful—in curbing unjustified price increases and holding labor increases to gains in productivity.

One of the weaknesses of the guidepost policy of the previous administration was that there was no administrative agency assigned the task of holding hearings and focusing public attention on specific wage or price increases inconsistent with national economic stability. That weakness would be righted in the legislation introduced today.

Another shortcoming of the previous guideposts was that they were announced unilaterally by the Council of Economic Advisers instead of being arrived at after institutional consultations with labor and management. This shortcoming too would be corrected by the bill that is being introduced.

Mr. Speaker, I am reluctantly drawn to the conclusion that total reliance upon monetary and fiscal policy to halt inflation will result in the substantial downturn in economic activity, with resultant unemployment and further postponement of essential domestic requirements.

Let me make it clear that I find no fault with the decision of this administration to continue the surtax and to limit postponeable public spending. I have supported these measures. However, we must face the fact that actions taken to date have not been effective and that erosion of the dollar must be halted before we can again enjoy a healthy economy. Mr. Speaker, I am reluctant to advocate the imposition of price and wage controls found necessary during other periods when our Nation has been involved in armed conflicts. This course may be necessary, however, if we do nothing to supplement the anti-inflationary measures now being relied upon. I am firmly convinced that a comprehensive mechanism for establishing price-wage guidelines is an action that Congress can and should undertake immediately in an effort to avoid the more bitter medicine of actual wage and price controls that otherwise may become necessary.

RETURNED VOLUNTEERS CALL FOR ABOLISHING PEACE CORPS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. BROWN of California. Mr. Speaker, the new Peace Corps Director, Joseph Blatchford, caused great interest here in Congress when he recently noted that he is going to bring about significant new directions and composition of the volunteer organization.

Mr. Blatchford is not the only person advocating such major changes.

Many former Peace Corps volunteers are members of a national organization called the Committee of Returned Volunteers, and when this group conducted its general assembly last month they took a strong position on the future for the Peace Corps.

CRV suggests that the Peace Corps, as it is now, should be abolished. Their reasons are included in the position paper which I am inserting into the RECORD.

While I do not advocate abolition and subversion of the Peace Corps, I do think that many of the points raised by the returned volunteers deserve serious consideration.

Undoubtedly, the Committee of Returned Volunteers does not represent the views of all ex-PCV's. Yet, I deem it significant that many of these extremely dedicated and idealistic Americans see distortions and tarnish in the image of the Peace Corps of which they were a part, and that they feel that Peace Corps should be so radically changed.

I have always supported the Peace Corps., and I believe that "volunteerism" ranks as one of the highest attributes of America's national character. It is the one facet of our foreign aid program which give my greatest backing. Certainly, I do not want to see Peace Corps entangled in massive bureaucratic structuring and policy constraints such as those which seem to limit the effectiveness of the other parts of our aid programing.

After 8 years, the Peace Corps has become sort of an establishment. Perhaps it is appropriate that substantive changes be made in its objectives and operations. If so, then we should listen to what former volunteers have to say.

Mr. Speaker, I now put the Committee of Returned Volunteers position paper in the RECORD:

COMMITTEE OF RETURNED VOLUNTEERS: POSITION PAPER ON THE PEACE CORPS

(Passed by the General Assembly on Sept. 15, 1969)

We are United States citizens who have worked abroad for voluntary service organizations including International Voluntary Service, the American Friends Service Committee and, for the great majority of us, the United States Peace Corps. We who volunteered for the Peace Corps saw that organization as a vehicle through which we could work in poor communities overseas to help people improve their lives. However, our original idealistic concern did not include an understanding of the underlying causes—social, economic and political—of the underdevelopment we sought to combat.

Now we have gained first hand experience of the conditions of life in the Third World, and we have also worked to develop a broader perspective on our individual experiences through extensive discussions with many other returned volunteers. Moreover, we have come to a new realization that present day underdevelopment is in many cases perpetuated by the negative and destructive policies of the United States. Therefore because of our continuing commitment to the well-being of the people with whom we lived and worked, we have come to the unavoidable conclusion that *the Peace Corps should be abolished*, for the following reasons:

I. THE PEACE CORPS SUPPORTS THE STATUS QUO IN THE COUNTRIES TO WHICH IT SENDS VOLUNTEERS

(a) It gives legitimacy, through its very presence, to the local power structure which invited it. This elite, typically in collaboration with powerful U.S. financial interests, indulges its narrow self-interest at the expense of the common people.

(b) It provides an illusion of progress by helping to coax out of an obsolete and inadequate politico-economic system some token social projects (a school here, a health center there), although on a scale so small that it can only be described as cynical.

(c) It attempts to work through individual volunteers on a person-to-person level to ameliorate small, local difficulties, even though these may be but symptoms stemming from problems in the nation's basic institutional structure whose solutions require collective action and awareness.

(d) It seeks to channel the energies of local people with sincere aspirations (youth, leaders, idealists) away from examining and challenging underlying social, political and economic injustices of the existing order by drawing them into superficial efforts; to make that order, no matter how unjust, work more smoothly.

(e) It has the effect of reinforcing the belief already held by many of the world's poor that their underdevelopment is really their own fault and that the unjust social order in which they struggle for existence is immutable. Their conviction that they themselves do not have the creativity and cannot marshal the resources to understand and overcome their poverty and dependence is confirmed.

II. THE PEACE CORPS SUPPORTS THE WORLDWIDE VESTED INTERESTS OF U.S. BUSINESS AND THE U.S. GOVERNMENT

(a) It "makes friends for America" abroad who will become the future supporters of and apologists for U.S. policy in the Third World and can easily be recruited into local American business concerns and cooperating host country agencies. The ultimate goal of this process is the Americanization of the entire world.

(b) It collaborates with other U.S. agencies in underdeveloped countries (including the Agency for International Development, the United States Information Service, the Alliance for Progress,) to promote an "alternative to communism." This is nothing more than a kind of "devélopment" along lines which American interests can control for their own benefit—a goal which can only be assured by frustrating the development of the people's awareness of their own self-interest, which might well take the form of socialist revolution.

(c) It grooms Americans for future employment as "area specialists" with the State Department, A.I.D., the Foreign Service, and pacification programs, and with U.S. business interests overseas, thus serving in effect, as a "graduate school for imperialism."

(d) It assembles the considerable collective knowledge which the Peace Corps volunteers have about a country, as expressed in the reports, surveys, plans and evaluations they are frequently called upon to submit to their superiors. The Peace Corps director in the

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country, in turn, attends regular meetings called by the U.S. ambassador of his "country team" (including heads of the U.S. military assistance program, the Central Intelligence Agency, I.A.D., U.S.I.S.). It cannot be denied that much of the information they gather is available for passing on to other government agencies.

(e) It capitalizes on the idealism of U.S. youth and on the good will of the people of the United States to present a false image of the U.S. presence in the Third World. Far from radicalizing volunteers, it attempts to dissipate their "excess energy" and to channel it to further U.S. interests.

(f) It presents the Peace Corps volunteer to the people of the United States as the embodiment of its sincere concern with the world's "less fortunate" peoples. The Peace Corps volunteer supposedly represents a sacrifice to carry our "help" to the remotest village. The public is led to see the Peace Corps as a sincere effort to do the "right thing", making up for many mistaken policies and bureaucratic shortcomings of other U.S. aid programs.

(g) It not only draws attention away from the obvious manifestation of U.S. imperialism, such as the Green Berets, but because of its subtlety it is a dangerous extension of U.S. penetration and domination of the Third World.

The Committee of Returned Volunteers is convinced that real development is often impossible without a revolution which carries out an equitable redistribution of economic and political power, including nationalization of all resources; one which makes education, employment, housing and medical care available to all the people. The United States opposes any such revolution, and the Peace Corps is an integral part of U.S. policy. There may well be many superficial changes in the Peace Corps structure and policies from time to time, but regardless of these changes it will continue to function as an instrument of U.S. domination. Therefore, we oppose the presence of Peace Corps volunteers in the Third World. We call for abolition of the United States Peace Corps. We call upon present volunteers to subvert the Peace Corps and all other institutions of U.S. imperialism.

FROM SPACE, A GAIN FOR EARTH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the Plain Dealer of Monday, September 1, 1969, carried a letter written by Dr. Walter T. Olson, assistant director of Lewis Research Center, a NASA laboratory, who replied to a letter by a schoolboy named Walter Williams. Because of the brief but thoughtful reply by Dr. Olson to this young man's questions, I commend this letter, as reprinted by the Plain Dealer, to your reading:

FROM SPACE, A GAIN FOR EARTH

(NOTE.—In the following letter, Dr. Walter T. Olson, assistant director of Lewis Research Center of the National Aeronautics and Space Administration on Brookpark Road, replies to a query by a schoolboy, Walter Williams, 12815 Woodside Avenue.

The latter had written NASA, asking why man is spending millions of dollars on the moon when he has problems on this earth and wouldn't he be better off to spend this money on fighting slum conditions?

The Plain Dealer believes Dr. Olson's concise appraisal of the overall space program is worth consideration by a wide audience and reprints it with his permission.)

(By Walter T. Olson)

You have asked us why we spend so much money to explore space when we have problems on earth.

I hope that you and your friends will study your history very carefully. When you study history, you will learn that man has always had problems on earth and has, at the same time, continued to explore and to learn new things and to learn how to do new things. As man has learned how to do new things, he has been able to apply what he has learned toward a better life on earth.

It's like this: Once man lived in caves and hunted food by clubbing animals with a stick. Then he learned to hunt with a bow and arrow and that gave him time to build a better house to live in. Then he improved his household tools and that gave him time to cultivate plants and to keep animals for food. All of that gave him time to wonder and so he learned to travel and to navigate.

Travel made it possible for riches and knowledge to spread and to be accumulated all over the world. With riches and knowledge, man acquired even more time to study nature and other things, and what he learned from nature enabled him to invent even more wonderful tools and machinery which let him do things that he could not do by himself.

But many thousands of years went by before our modern age started. Inventions like the telescope and the microscope around 1600 helped the development of sciences like biology, chemistry, astronomy and physics. These sciences helped the development of inventions like steam engines (about 1700), gasoline engines, electric power (late 1800's), automobiles, airplanes, plastics and synthetics, radios and television (1900's).

One invention leads to one or more other inventions, and so the many things and services that we see have been created recently and in growing numbers. The wealth that has appeared in our country has largely come from discovery and invention.

What I have tried to say, so far, is that science and technology have brought us to where we are. For most of the history of man, the tasks of providing for necessities and luxuries were performed through drudgery or slavery. Only in the last 100 years or so have we been able to eliminate slavery, and that was largely made possible by the advancing technology that I have described.

Mankind has always had poverty and slums. Only because technology has advanced so rapidly in the last 20 years have we been able to produce enough wealth and power to even ask the question that you ask: "Why not spend this money on the slums?" This money that you talk about only exists because we have advanced technology.

The space program has been made possible by advanced technology. And, in turn, it helps to continue the development and advancement of scientific knowledge and technical ability. So I would not stop the space program because it advances technology, and we need technology to produce the wealth that will ultimately eliminate slums.

Also, you might want to know how much money is being spent on the space program; it is approximately $4 billion per year. That compares with the nearly $60 billion that the United States will spend in 1970 on health and welfare and on community development and housing; in other words, our government is already spending about 15 times as much money on these functions as it spends on space.

Annual military spending is about $80 billion. Our government will pay almost $4 billion (as much as the space program) to farmers for not growing things and as price supports. It is interesting to realize that people in the United States spend about $8 billion, twice as much as the space program, on cigarettes, and they aren't even good for you! So we can afford a space program and a lot of other things, too.

Best of all, the accomplishments of the space program remind us that we can solve big and difficult problems. But, we must want to solve the problem, and we must study hard and work hard to succeed. That's how we got to the moon—by hard study and hard work for many years here on earth.

I share your wish and the hopes and prayers of many others that we will somehow speed up our efforts to make the world a better place to live in. But it won't just happen, not even if we spend more money on slums. It will take thought, and dedication, and hard work by us all.

JAMES GROPPI—THE MAD PIPER OF WISCONSIN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. RARICK. Mr. Speaker, most of us have heard of Milwaukee's James E. Groppi, the demagog masquerading as a priest. His usual followers are young Negroes, demanding something or other which he has persuaded them that they have been denied. His targets are varied, and have included the city counsel, a judge, a distinguished fraternal order, and now the Legislature of the State of Wisconsin. Should he elevate his sights and regard the Congress as a target, it might be well for us to note his latest escapade.

Monday he led a crowd of so-called "welfare mothers" on a march to Madison, Wis. It is not exactly clear who was caring for the children, but at any rate Groppi and his girls were marching to the legislature to demand more money. On the way, he stopped at the University of Wisconsin to recruit some more assistance. In addressing the students, he told them he had a plan. A number of students joined his troop, and away they marched. Again, it is not entirely clear who was doing any learning at this university.

Groppi's plan turned out to be quite simple. His mob literally tore down the doors of the chamber in which the Wisconsin House of Representatives was meeting, occupied the chamber, took over the meeting, and physically prevented the transaction of business. The Governor of Wisconsin was not a good sport, and called out the National Guard. In this instance, it does not appear to have been federalized.

Today Groppi is in the news again. It seems that a Wisconsin judge has issued a bench warrant for his arrest as a parole violator—stemming from the last time he was convicted of violently interfering with a police officer.

So Groppi is back in church, again. He is claiming "sanctuary"—a gimmick revived by the far left from medieval times. The theory is that a criminal can hide in a church, and the authorities are powerless to apprehend him. This is only a theory, of course, but it does make

good news stories and may even confuse Americans who cannot conceive of their own church hiding a criminal. It is not clear at this time whether Groppi is pretending again to be a priest while he hides.

I insert an article of the Monday disgrace:

[From the Washington Evening Star, Sept. 30, 1969]

GROPPI "SEIZES" LEGISLATURE

MADISON, WIS.—Police herded the Rev. James E. Groppi and about 200 welfare demonstrators from the Wisconsin Capitol last night, but the militant civil rights leader vowed to return.

The eviction of the priest and his fellow protesters ended an 11-hour takeover of the Assembly chambers. National Guardsmen called to duty by Gov. Warren P. Knowles surrounded the Capitol to prevent re-entry.

There were no arrests.

PROSPECTS POOR FOR BILL

The legislature was scheduled to try to resume its special session on the Republican governor's $33 million welfare and urban aid package today. The bill would restore a number of cuts in the state welfare program which the legislature made last month. Its prospects of passage were believed poor.

"We're going to be here as long as the special session is in Madison," Groppi told several hundred cheering followers after their ouster from the Capitol.

ADJOURNMENT FORCED

Groppi, who led a small group of welfare mothers on a 90-mile, week-long march from Milwaukee to Madison, had entered the Capitol about an hour before the special session was to begin at 2 p.m. yesterday.

By the time lawmakers started arriving, more than 2,000 protesters—many of them students from the nearby University of Wisconsin—had crowded into the chambers. They jammed the balconies and stood on desks during speeches by Groppi and others.

The Assembly finally adjourned in an uproar after Speaker Harold Froehlich, R-Appleton, tried unsuccessfully to get the demonstrators to give legislators room to operate.

As uniformed police, and eventually guardsmen, arrived at the Capitol, the number of protesters in the Assembly chambers slowly dwindled. About 300 National Guardsmen were on the scene when Groppi and his group were evicted. A short time later, the guard announced an additional 750 men were being placed on active duty to seal off the Capitol.

MR. McLARNEY—EXPERT

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. MONAGAN. Mr. Speaker, I attach herewith an editorial from the September 29, 1969, edition of the Waterbury, Conn., American, praising Connecticut Governor Dempsey's appointment of Thomas McLarney, of Waterbury, to the new State Commission To Revise the Election Laws. Mr. McLarney is not only an expert and an authority on Connecticut voting laws, but he is a dedicated public servant. His long service as registrar of voters in the city of Waterbury has won credit for him and for the city in the interpretation, enforcement, and improvement of the Connecticut laws, and the protection of the interests of the individual voter. I am personally familiar with Tom McLarney's abilities and accomplishments in his field and, additionally, I am happy to have him as a friend. The article follows:

RECOGNITION FOR AN EXPERT

Gov. John Dempsey has affirmed the special capabilities of Waterbury's Thomas McLarney when he appointed him to the new State Commission to Revise the Election Laws. The selection of McLarney, Democratic registrar of voters, was proper recognition of one of the true authorities in Connecticut on voting laws.

While McLarney is a Democrat, it has been customary for years for both Republicans and Democrats to consult with him on the proper interpretation of the laws. Election officials in many communities in this area and elsewhere in the state have conferred with him on procedures to be followed. The office of the secretary of state over several administrations has made use of McLarney at seminars of various types on the election laws.

This city is extremely fortunate to have such a man holding the office. While the job of registrar may not have the glamor of many others in city government, it is the key to honest elections which is the foundation of democracy. McLarney's supervision of any election matters is assurance to everyone that the rights of all, regardless of political persuasion, will be protected.

URBAN DEVELOPMENT SHRINKS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. MINISH. Mr. Speaker, it is unbelievable and indeed, bizarre, that our Housing Secretary, George Romney, has decided to slash funds almost 50 percent for the model cities program. This program, enacted in 1966 to improve living conditions for inner city dwellers, is already underfunded. Nonetheless, Mr. Romney wants to cut its funds almost in half.

The Housing Secretary has announced similar plans concerning the interest subsidy program, which assists low-income families in the purchase or rental of homes. Further, Mr. Romney has called for a substantial reduction in funds for the water and sewer grant program, which was enacted to meet the urgent need of our growing population for increased facilities.

Mr. Romney's statements will only increase confusion about Housing and Urban Development policy concerning Federal aid to cities. Although he has said in the past that these programs must have the highest national priority, he follows up by announcing a cutback on these already underfunded programs. Then he says that "this downward revision in outlay does not represent a cutback."

The fact remains that when there is a reduction in funds for a program, less money can be spent for the program. The cities, therefore, will now have a smaller sum of money to use in solving their urgent problems.

Where will it end? We just might find that without housing and urban development programs, there is no need for a Housing and Urban Development Secretary.

DUAL MORTGAGE MARKET SYSTEM

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. GRIFFIN. Mr. Speaker, I know that every Member of this body is gravely concerned over high interest rates and other factors caused by inflationary pressures which have restricted the building of housing units. It is our duty to explore every possible avenue which will provide relief for the homebuilder and the homeowner. In this connection, I commend to my colleagues a statement presented Tuesday before the Committee on Banking and Currency of the other body by W. Parham Bridges, Jr., Jackson, Miss., vice chairman, Realtors' Washington Committees of the National Association of Real Estate Boards:

STATEMENT OF W. PARHAM BRIDGES, JR., JACKSON, MISS., VICE-CHAIRMAN REALTORS' WASHINGTON COMMITTEE OF THE NATIONAL ASSOCIATION OF REAL ESTATE BOARDS, BEFORE THE SENATE BANKING AND CURRENCY COMMITTEE WITH RESPECT TO THE REPORT OF THE COMMISSION ON MORTGAGE INTEREST RATES

Mr. Chairman and members of the Committee: We appreciate this opportunity to appear this morning to offer our comments on the Report of the Commission of Mortgage Interest Rates and to support its most important recommendations—the abolition of the 6% statutory interest rate ceiling on FHA-insured and VA-guaranteed mortgages and the implementation of an experimental three-year dual market system for determining these rates. The Commission in this report has undertaken an analysis of a very complex subject that adds to our knowledge of the various factors which influence home mortgage credit.

In supporting the recommendations for a dual market system and abolition of the 6% statutory ceiling, we wish to make it clear that we have no particular affinity for high interest rates. Our industry is hurt badly during periods such as the present one when money is tight and rates are high. Nor should our position lead any to infer that we are insensitive to the credit needs of lower and moderate income families who suffer the most from high rates. If we felt that the dual market system would contribute to the upward tendency in interest rates, we would surely be opposed to its enactment.

Experience has shown, however reluctant any of us may be to admit, that there is very little relationship between the statutorily imposed ceiling rate and the actual yield demands of the market. While government can control interest rates by imposing an artificial ceiling, the result of doing so often leads to a drying up of available funds. Accordingly, we believe that more money will be made available to mortgage borrowers under a comparatively regulation-free system than under a system which imposes an unrealistic statutory ceiling which is not responsive to the demands of the market place.

There are those who argue that a rate ceiling can act as a restraint in tight money periods, that the ceiling will slow the upward trend in yield demands. This argument continues that the ceiling enables many families to obtain mortgage loans at lower rates than they could have obtained in an unrestrained market. We believe that these "restraints" actually serve only to make FHA and VA mortgages unavailable to the very people the advocates of a controlled system wish to help. What solace does it provide to the borrower

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that he is not saddled with high interest rate payments if the result of all this protection is to deny him mortgage funds altogether? Perhaps there are home owners today who are paying lower rates than they would under a relatively free system, but there are far more families that are not home owners, or who have not moved into a new home they covet, only because an artificial ceiling has dried up any funds that would otherwise be available.

We must overcome the notion that we can control yield simply by imposing ceilings. As long as lenders have alternative means of investment the ceiling will be self-defeating. Discounts are the inevitable by-product of rate ceilings, and the discount simply translates the allowable rate into the actual rate. If discounts are forbidden and the ceiling is not lifted, then no funds are made available. The ceiling might protect would-be borrowers from excessive interest, but in reality only by denying them mortgage funds outright.

In advocating permanent abolition of statutory rate ceilings for FHA and VA mortgages we are by no means suggesting that government should make no effort to minimize interest rates. The Commission quite properly cited the need to control inflation, and the need to achieve a proper balance between fiscal and monetary measures designed to combat inflation as a means of helping to control the tremendous upward pressure on interest rates we have experienced in recent years. Ultimately, interest rates on residential mortgages are determined by the economic forces which compete for the nation's supply of credit. Policies of the federal government and the spending and borrowing practices of the Administration have a tremendous impact on mortgage interest rates. Mortgage rates can be influenced downward if our nation's leaders make such control a high priority item. It will require discipline, but interest rates can be reduced, and we urge that they be reduced—but not by imposition of an artificial statutory ceiling which serves only to shift the blame for high interest away from those whose policies helped to cause the high rates in the first place.

Members of this Committee have heard many times in recent years that inflation hits hardest at the mortgage industry. We will not elaborate on it any further now, but we hope steps will be taken to control it if not end the current inflationary spiral.

The primary objective of the proposed dual market system is to eliminate discounts. Real estate brokers and salesmen believe that high discounts are a far greater deterrent to any mobility in housing than high interest rates. Our members have the unpleasant task of explaining to a distraught home owner who is finally ready to buy a new home more suited to his family needs that the equity he has in his present home, which he is counting on to provide the downpayment for his new one, must be used instead to cover part of the cost of mortgage funds for the buyer of his existing home. It is not possible to calculate the quantitative effects of high discounts, but it should be borne in mind that as each home owner decides against the purchase of a better home, as many as three or four sales may have been lost. He will not be buying a new home, no one will be buying his home, and no one will be buying or moving into the home of the family which might have bought his present home.

In the final analysis it is unjust to expect a seller to use his equity to help a buyer obtain financing. It should be a goal of the Congress to eliminate the factors which cause excessive discounts in the first place.

Discounts also deter speculative building, in our opinion, more than high interest rates. It cannot be over-stressed that unless there is building and unless owners of present housing place their homes on the market, home ownership opportunities for families not now enjoying that privilege cannot be made available.

Nevertheless, we agree with the Commission Report that it will take some time for the market to adjust to a system which abolishes discounts, and for this reason we urge the Committee to approve both parts of the dual market system. Hopefully, in three years it will be possible to discontinue the charging of discounts in the FHA and VA market altogether. Certainly we pledge that our Association will do all within its power to discourage the use of discounts, if this plan is enacted. The institutional changes that the new system will bring about will not occur overnight, and we therefore believe that the option should still be available.

For lower income families that can least afford high interest rates federal assistance is the only answer. Interest subsidy programs such as Sections 235 and 236, rent supplements, leased housing and other programs must be funded at sufficient levels to enable these families to acquire adequate housing. We do not believe that these families should be made the victims of federal spending restraint.

At the same time, however, we hope there will not be reluctance to enact the dual market system and to abolish the statutory ceiling because of the impact it will have on low and moderate income families. If a ceiling rate is arbitrarily low, money will not be available. The cost of home mortgage credit will be set by the market, regardless of how much some of us may wish this were not so. To those families whose incomes are insufficient to pay the market price federal assistance must be made available. The Congress would be doing these families a much greater favor by appropriating money for interest subsidies and other housing assistance than by "protecting" them against the evils of high interest rates by cutting off what funds might otherwise be available for mortgage loans.

We would like now to comment briefly on some other aspects of the mortgage market which we hope the Committee will consider. First is the authority contained in the Housing Act of 1968 for the holders of FHA and VA mortgages to issue securities which would be backed by the Government National Mortgage Association. We earnestly hope that the proposed regulations recently published by HUD will be activated without further delay, but at the same time we believe they are too restrictive to have the impact the authors of this program envisioned.

We believe that the authority needs to be expanded to permit the issuance of securities other than the pass-through type. If this instrument is going to tap the sources of capital that need to be attracted in order to become a viable force in the market, market-types of securities must be designed. Moreover, we believe the proposed regulations contain minimum issue amounts and minimum face amounts which are much too high. The $5 million minimum issue amount is unduly restrictive and will prevent many smaller institutions from taking part in this program. In addition, we believe that the $100,000 minimum face amount of each individual obligation is higher than it need be if the obligations are to have a wide appeal. A $25,000 minimum would provide the necessary protections against disintermediation and undue competition with mortgage-oriented thrift institutions.

We urge the Committee to use its influence to obtain these changes and additions in subsequent regulations. The mortgage-backed security is one of the most promising developments in the mortgage market in recent years, and we hope that the implementing regulations will be sufficiently flexible to enable these securities to be of maximum impact in attracting capital that has heretofore been unavailable to the mortgage market.

We also wish to reiterate our plea that we begin looking toward some long-range solutions to some of the institutional problems that have plagued the mortgage market, even in brighter years. In the past, reforms in the mortgage market have been born out of crisis and the solutions have been necessarily short-range. Many of the reforms we still need could have come about 20 years ago if all of us had been a little more farsighted.

The mortgage instrument itself is in need of revision. Because of differing redemption periods, complex foreclosure procedures, and other institutional problems inherent in the mortgage instrument the mortgage is not competitive in the financial market. The National Commission on Uniform State Laws has undertaken a project aimed at the objective of creating uniformity in this area. This project is being financed by the industry.

While the Federal Housing Administration has made a significant contribution toward ameliorating this problem by achieving some degree of uniformity for certain classes of insured mortgages, the great bulk of residential mortgages are not nationally marketable securities. Even the FHA mortgage is subject to different state laws involving foreclosure and redemption procedures.

Uniform state laws would be of immeasurable benefit, but we need some form of catalyst to bring them about. Our years of study on this question bring us to a recommendation we have made to this Committee in the past and which we make again today: that the Federal National Mortgage Association be authorized to deal in conventional loans.

The development of a strong secondary market for residential mortgages, whether insured or conventional, is essential to the future stability of the mortgage market. FNMA haa made considerable progress and now that it is independent it is making a tremendous impact on the insured mortgage market. But it needs to have an impact on the entire mortgage market, not just that part consisting of FHA and VA mortgages.

We note that the Chairman on September 24th introduced S. 2958 to authorize the Federal National Mortgage Association to purchase conventional mortgages. We strongly urge the Committee to approve this bill as essential to the solution of the long range problems affecting the mortgage market.

HEARINGS OF INTERNATIONAL EXECUTIVES, FINANCEES, AND H-VISAS

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. FEIGHAN. Mr. Speaker, the Immigration and Nationality Subcommittee of the Committee on the Judiciary has scheduled hearings to commence on October 6, 1969, in room 2237, Rayburn House Office Building, at 10:30 a.m. and to be continued in room 2237 Rayburn House Office Building on October 8 and 9 at 10 a.m.

These hearings will examine the subjects of temporary admission of specialist personnel and executives, the temporary admission of financees and finances of U.S. citizens, and the temporary admission of skilled workers to fill jobs permanent in nature.

Officials from the State Department will testify on October 6, officials from the Justice Department on October 8, and officials from the Labor Department on October 9.

Additional hearings will be scheduled later in the month at which officials of the AFL–CIO, U.S. corporations conducting international business, the National Foreign Trade Council, and the Association of Immigration and Nationality Lawyers, and others will testify.

EFFORT TO KEEP RAILROAD PASSENGER SERVICE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. PICKLE. Mr. Speaker, last week, I joined with the gentleman from Washington (Mr. ADAMS) in his special order concerning rail passenger service, and in sponsoring a bill to give the Interstate Commerce Commission the authority to regulate the quality of service extended to the railroad passenger.

This is an important and critical area and one made more so to me by recent developments in my own hometown Several weeks ago, the Missouri-Pacific filed with the Texas Railroad Commission an application to discontinue the Eagle, the last remaining passenger train serving Austin.

The Eagle now runs from St. Louis to Laredo, and the discontinuance application, if granted, would allow the service to terminate at Texarkana.

In addition to this development on north-south service, my district also suffered a serious blow in connection with the recent ICC case which gave rise to the legislation dealing with quality of service. The so-called Messer case authorized discontinuance of the Sunset Limited, and this action worked to remove from Smithville and other towns in my district the last remaining east-west passenger train service.

The result of these developments of the past several weeks is that the 10th District and indeed all of central Texas has lost or is seriously threatened with losing north-south and east-west passenger train service.

As a result of these saddening developments in our own area, and of the activity seen recently in Congress, I was contacted by a number of people from the Austin area who expressed strong support for a move to keep the Eagle running. They also felt that the ICC should have the authority to regulate the quality of passenger service, and some of the letters described extreme instances of poor service.

While the discontinuance of the Eagle does not come before the ICC for consideration, I do feel that many of the letters I have received concerning it are of proper concern in connection with the additional authority the ICC requested in issuing the Messer opinion.

Accordingly, Mr. Speaker, I intend to forward these letters to the ICC in further support of the need for maintaining our passenger train capability.

In addition, I intend to forward to the ICC any further statements I receive on this subject, particularly as they relate to the rail passenger problems in my area.

As I have said before, I strongly feel that we must make an all-out effort now to keep our passenger trains alive, and to assure that we do have a system available for use when we reach further technical success in high speed ground transportation. We already have seen strong evidence from the demonstrations of high speed trains that a good, reliable system can be profitable when operated with due consideration for the passenger.

THE ADMINISTRATION WORKS TO SOLVE CIVIL AVIATION PROBLEMS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. KEITH. Mr. Speaker, the Committee on Interstate and Foreign Commerce, on which I serve, is presently in its second week of markup of the administration's airports and airways development bill.

Passage of this proposal is essential if we are to provide for the orderly growth of our Nation's airways and airports system in the decade ahead. In order to alert the American public to the need for this bill and to inform citizens of its provisions, FAA Administrator Shaffer has written an explanatory letter to a number of newspapers.

In order that all members might have the benefit of this clear and concise appraisal of the administration's response to the challenge of airport and airways growth and modernization, I include Administrator Shaffer's letter, as it appeared in the Boston Herald Traveler, September 25, 1969, at this point in the RECORD:

ADMINISTRATION WORKERS TO SOLVE PROBLEMS OF CIVIL AVIATION

(By J. H. Shaffer)

In recent weeks considerable editorial comment has been accorded air traffic controllers and their observations on the state of the country's airports and airways.

In behalf of the controllers, let me say that their profession entails a deep sense of responsibility for the safety and welfare of the flying public. The vital service controllers perform is indispensable to safe air transportation.

We are continuing to recruit, train, and place air traffic control personnel and technicians as rapidly as present circumstances permit. During fiscal year 1969, we achieved a net gain of 2,086 air traffic control specialists, 241 electronic technicians, and 224 inspectors and aircraft operations personnel. Unfortunately, the influx of qualified people is not sufficient, under the present system, to meet our total needs.

It should be understood that the air traffic controller personnel problems cannot be isolated from the larger problems besetting the nation's air traffic system. I am concerned that public attention may have been diverted from pending legislation which seeks to revamp the nation's airport/airways system and, not incidentally, vastly improve the environment of those who control traffic and maintain the airways.

I am hopeful that newspapers which are concerned about the state of aviation generally will not overlook the efforts the Nixon Administration is making to deal constructively with the root of the problem—the insufficiencies of our present airport/airways network.

The subject is timely, since further congressional hearings on the legislation introduced last 16 June are being held during September.

The problems afflicting civil aviation today did not develop yesterday, last month, or on 20 January. Over the years, the Federal resources available in support of civil aviation have failed to match all transportation's spectacular growth. Repeatedly, aviation's needs have yielded to other national priorities. In the past, gross tragedies such as the Grand Canyon and Staten Island accidents have stimulated public support.

Nevertheless, the time for improvement and expansion of the nation's aviation facilities and services can no longer be delayed. Accordingly, the administration has proposed strong and responsible legislation, not only to pay for additional navigation aids and other electronic equipment, to help expand airports, to reduce the pressure of air traffic control, and to further support the growth of aviation as a viable force in our national economy, but also to produce the necessary funds to do these things.

Today revenues from a half-dozen user sources are available for the construction and maintenance of highways, while only a nominal tax on aviation gasoline (four cents a gallon, two cents of which is refundable on request) presently goes into the general fund to support aviation needs. Yet, like expressways, runways take concrete, and high-stressed runways cost $1,000 a linear foot; a modern airport like the new Wallas-Fort Worth jetport may cost a billion dollars before fully completed.

Aviation's needs are fiscal, not technical. Federal program costs for airports and airways over the next decade are estimated to be $14½ billion. Two-thirds of that sum can be raised through increased taxes on air transportation.

I believe the American public is ready to pay as it flies for the improvements in the airways which are so badly needed, just as the public pays as it drives for the highways that lace our country. A long-range, fiscally-sound foundation is urgently needed if airway developments are to cease being piecemeal, patch-work projects, and graduate into well-planned, substantive programs consistent with the national need. Such programs are not feasible unless the funds to support them are assured.

The schedule of user taxes produced includes an increase in the commercial air passenger domestic ticket tax from five to eight per cent, for a projected ten-year revenue yield of $7.37 billion; a $3 per person tax on international departures ($.4 billion); a five per cent tax on air freight waybills ($.62 billion); and an increase to nine cents per gallon on all non-commercial aviation fuel ($.75 billion). The total revenue to be realized over a ten-year period: $9.14 billion.

All taxes collected under this schedule will go into a "designated account" and be earmarked specifically and exclusively for air traffic services and airport development, excluding the facilities within the terminal itself. During the first year, the proposed new taxes would produce revenues of $509 million, an increase of $274 million over present taxes.

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In the course of the decade, the prospects indicate double the revenue yield that would be available without the new taxes.

The FAA's program for the next decade calls for the construction of 900 new airports and the improvement of 2,750 others (the ten-year cost would be approximately $2.5 billion in Federal money, matched 50–50 by local governments); the extension of air traffic facilities to smaller airports and an acceleration of modernization efforts (also $2.5 billion for the ten years); research and development activities aimed at the future ($.6 billion); and the recruitment, training and placement of the additional air traffic and emergency personnel needed to fully man and maintain all facilities ($8.9 billion to raise the total of such personnel from 32,000 to 53,000).

In the past the Congress has supported department and agency recommendations for the hiring of additional controllers and for authorizing true time-and-a-half for overtime, where necessary. While the training and placement of controllers admittedly has not kept pace with the growth of aviation (which has exceeded everyone's forecasts), there is a limit to the logic of tackling a problem by assigning more people to share it than by seeking to correct it. The completion of the current automation program, the replacement of out-dated equipment, and the acquisition of more and better navigation aids will substantially reduce the strain of the air traffic controller's job while increasing his responsibility as the ground level manager of an airborne system.

It is, therefore, Secretary Volpe's view and mine that "pay-as-we-grow" airport/airways legislation is one of the most important measures before the Congress. If we are to avoid the mistakes of recent years, the under-estimation of the growth of air travel and the need for airways facilities and people, we must embrace the user charge and designated account principle of financing our airports and airways.

The resulting transfusion of funds and facilities will stem the national civil aviation anemia, and strengthen air transportation's prospects for growth in the public interest.

LUNAR LANDING

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. GOLDWATER. Mr. Speaker, during these days of great scientific achievement, there is much discussion of an alleged conflict between science and religion. However, I believe most of us will agree that man's achievements here on earth and his spiritual life go hand and hand. I believe that this was very beautifullly stated by a Rabbi Juda Glasner in an article published in the Los Angeles Herald Examiner on August 30, 1969. The climax of our scientific and technological advancement in this century was culminated, I believe, by the landing of man on the moon in July. Therefore, I am placing this column in the CONGRESSIONAL RECORD, because I believe it describes in simple words the relevance of God to both our modern world and this wonderful achievement:

LUNAR LANDING

(By Rabbi Juda Glasner)

The success of Apollo 11 is among mankind's historic achievements. Because of it historians will refer to our age as the era of fantastic accomplishments in science.

The following story is an apt commentary on the unprecedented progress of our age and its ramifications. A pilot was reported to have made this announcement to his passengers: "Ladies and gentlemen, we are off course but we are making excellent time." Whether or not this story is really true, it reflects upon the trend of our present time. The speed at which we travel has led our nation to land men on the moon. The tempo of our time leads us to produce a staggering volume of commodities of almost infinite variety. Thus it appears that speed and quantity have become national goals. However, as the above story indicates, it seems proper and fitting to ask: are we as a nation off course?

Long ago when the Psalmist prayed to the Lord, it was not for speed he pleaded, but to "Make the way straight before me (Psalms V,9). Thus, to King David, right "direction" was more important than "speed." Similarly, even in a time of amazing accomplishments, we must remember, just as David did, that as we move ahead we must be sure that we are moving in the right direction.

As a nation we can take rightful pride in the phenomenal advancements made by Apollo 11. However, we must be mindful that an age of discoveries and innovations is generally beset with many hazards. The President, in his address at the dedication of the Karl E. Mundt Library at General Beadle State College in Madison, South Dakota on June 3, 1969, referred to these hazards when he said, ". . . the usual apologists are ready to excuse any tactic in the name of progress." Indeed, progress alone without direction can eventually cause retrogression. Just when we are moving forward we may easily fall backward if we are misguided in our direction. Therefore, it is vital that today, when our nation is overwhelmed with progress, that we should seek the direction that will make our progress meaningful.

Thus, the astronauts of Apollo 8 should be credited not only for being the first men to see the backside of the moon, but also for the spiritual lesson they taught us which lesson perhaps transcends the technological achievement. For, in their greatest triumph, they focused our attention on God. As they accomplished their difficult and complex mission they were not overwhelmed by their own power, instead, at the height of their success, they displayed a humility that is so often forgotten in these days of progress. As they circled the moon they recognized that without God there would be no universe. While still in space they referred to the opening verses of the Book of Genesis, reminding us that God is the Creator of the universe, and that without His assistance, without His help, no mission, no task can be executed and fulfilled.

Again, during the Apollo 11 mission, when Edwin E. Aldrin discussed the symbolic aspects of the moon flight, he ended his remarks with a verse from the Psalms: "When I considered Thy heavens, the work of Thy fingers, the moon and the stars which Thou hast ordained, what is man that Thou art mindful of him? . . ." (Psalms VIII, 4–5). Thus our nation has concluded its most significant projects in space by reaffirming that we are a nation under God. And we have thereby rejected the notion of the Soviet Union that were there a God the late Yuri Gagarin would have seen him hovering somewhere in space.

Our direction, therefore, should be clear. Abraham Lincoln indicated that direction when he said, "I am concerned to know not whether the Lord is on my side but whether I am on the Lord's side." As long as it continues to keep this direction in mind, our nation will continue progress and prevail.

THE GREEN BERET DEBACLE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. WYMAN. Mr. Speaker, at long last the public charges against our eight Green Beret soldiers have been dropped. They never should have been brought in the first place, much less all the attendant public information concerning their nature and detail.

Soldiers under military discipline in time of de facto if not de jure war ought never to be exposed to this sort of public accusation. It is not only harmful to them individually but virtually disastrous in terms of military morale in general. Whomever within the Military Establishment is responsible for initiating this debacle ought now to be placed in a position where such a grievous error cannot harm this country again.

In this connection the following editorial in the Washington Evening Star of September 30, 1969, is significant:

CHARGES DROPPED

One of the strangest cases in the annals of United States military justice has come to a fittingly bizarre conclusion. The murder trial of the eight Green Berets has been called off.

The decision to cancel the trial was entirely reasonable. Army Secretary Stanley R. Resor cited the refusal of the Central Intelligence Agency to let its agents testify as the reason. Perhaps it was. But there is an inevitable suspicion that the Army, the administration and the CIA must have watched with growing dismay as the defense wheeled up an awesome array of legal artillery.

When the charges were first announced, it seemed proper that the trial should proceed—if only to give the accused officers and men a chance to clear themselves of the charge of murdering an enemy in time of war. As the weeks went by, and as the list of major defense talent lengthened, it became clear that the eight Green Beret soldiers would not be the only defendants. The Army, Special Forces, the CIA, the intelligence apparatus in Southeast Asia, would be in the dock beside the accused men.

What would remain of the intelligence system after such a trial? What of the already tattered image of the United States in the eyes of much of the world? What would happen to relations between the United States and its touchy ally in Saigon?

But if the cancellation of the trial was justified, what of the Army's conduct prior to its reversal? There is at least a question as to whether the case should ever have been brought to light, or whether, in the national interest, all matters involving the shadow world of espionage should not be left beneath the veil.

Those who bungle assignments or who exceed their authority can be—and have been—disciplined without the attendant glare of a public trial. It is not "The American Way." But neither is espionage. It is a necessary evil, and if we are going to play the game, perhaps we should play it all the way according to the established, dark rules.

There can, under any set of rules, be no excuse for the revelation of specific charges against the accused men. The part each man is supposed to have played in the planning and the execution of the murder of the suspected double agent is on the record. The trigger man was named. Calling off the trial removes the possibility that any of the accused will spend the rest of their lives in prison. But it cannot lift the shadow of suspicion that the Army has placed over them.

Perhaps the only sound official decision to date has been the cancellation of the last act of the dismal drama.

AN ANSWER TO OUR BLOOD SHORTAGE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. CARTER. Mr. Speaker, to emphasize the importance of the donation of blood by all healthy citizens, I have introduced a resolution authorizing the President to proclaim the month of January of each year as National Blood Donor Month.

Recently, Mr. Robert K. Massie, a prominent author whose son suffers from hemophilia, wrote an enlightening article, one that shows an excellent understanding of the use of whole blood and its various components.

I include the article in the RECORD at this point:

[From the Reader's Digest, October 1969]

AN ANSWER TO OUR BLOOD SHORTAGE

(By Robert K. Massie)

Through last year's long Fourth of July weekend, while most Americans were lazily swimming, grilling hamburgers or watching fireworks, I was struggling with a medical emergency. I spent the whole four days on the telephone, trying to locate a supply of the special blood product that my son Bobby needed to stop an internal hemorrhage into his right elbow joint.

Bobby, 13, is a hemophiliac. On Thursday morning, he had complained of pain in the elbow. Normally, I would have given him a transfusion of the blood protein essential to clotting—which should have stopped the bleeding quickly. But I could find none available in the Greater New York area. So Bobby continued to bleed. "Don't worry so much, Dad," he'd say cheerfully. "It's not too bad."

Relatively speaking, he was right; it wasn't one of his most serious bleeding experiences. But it seemed to me incredible that New York's reservoir of blood could suddenly run completely dry. Donating blood doesn't take much time and hurts very little. And millions of people, for myriad personal reasons, donate theirs so that other millions can survive disease, surgery and accidents. This recognition of obligation between human beings who usually don't know one another has always seemed to be a hopeful feature of modern life.

In our case, Monday morning did bring a fresh trickle of donors, and the crisis—Bobby's and the city's—was over.

The grim fact is, however, that the shortage of blood is a dangerous, growing, nationwide phenomenon. Superb new advances in medicine, such as open-heart surgery and organ transplants, require unprecedented quantities of blood. This year, between six and seven million pints of blood will be drawn in the United States, yet this is only a tiny fraction of the amount potentially available: only three percent of the potential donor population (people between the ages of 18 and 65) gives blood. This figure is, I think, both an indictment and a challenge.

Blood recruiters have tried many techniques to stimulate more voluntary blood donations.[1] The results are disappointing, however. In New York, for example, the Community Blood Council, a voluntary group made up of some 16 different organizations in the area, devised a plan under which the donation of a single pint of blood entitles the donor and his entire family to complete coverage of any possible blood needs for a year. Yet from about 3,500,000 healthy adults in the Greater New York area who are members of Blue Cross come only around 100,000 donors a year. "In New York City," says Edward Schottland, Director of Donor Recruitment for the Greater New York Blood Program, "some companies give their employees time off for donating blood. But others tell their employes that if they want to give blood, they must do so after working hours." The problem is not confined to the United States. To encourage donations, Sweden has found it necessary to pay all donors a flat $5 "courtesy fee." Russian workers who give blood get one day off. If a worker gives five times a year, he may receive an extra week's vacation on the Black Sea.

STRETCHING THE SUPPLY

But many doctors wonder if even additional recruiting can meet skyrocketing demands quickly enough. Says Dr. James Stengle, Chief of the National Blood Resources Program of the National Institute of Health, "If supply is to keep pace with demand, we must first make better use of the blood already available." One of the things that worries Dr. Stengle is that blood often expires on the shelf of one hospital while there may be a desperate need for it in another hospital only a few miles away.[2] To everyone concerned with blood resources, this huge and costly loss is totally unacceptable. A new program designed to eliminate this wastage is being worked out on a regional level by the National Institutes of Health: a computerized blood inventory system that moves blood swiftly from areas of surplus to areas of demand.

A second great step forward is the development of techniques for quick-freezing blood so that it can be stored indefinitely. Eventually, it may even become possible for a person to build an absolutely safe reserve of his own blood, drawn over the years, frozen, and stored against the day when major surgery is needed. But so far, the process is cumbersome and expensive.

By far the most promising new advance in blood utilization is called "component therapy," involving the process of separating blood into its different cellular and protein components: red cells, white cells, platelets, antihemophilic factor (AHF), albumin, fibrinogen and gamma globulin. Thus, one pint of blood, given by a single human donor, can help seven other human beings by providing only that component which they actually need. Not only does this multiply the national blood supply, but it is also infinitely safer and more effective for patients.

My son Bobby provides an excellent example of component therapy's effectiveness. His hemophilia is caused by the absence of the blood component AHF. Whole blood contains little AHF relative to the amount of blood that can safely be transfused. Fresh-frozen plasma was an advance, but even this sometimes failed to provide enough AHF to control his bleeding. Separating the blood into components removes those parts of the blood that he does not need and gives him a concentrate of AHF, which usually stops his bleeding almost immediately.

ISOLATING THE COMPONENTS

The scientific understanding of the nature and function of human blood is expanding rapidly. For almost a century, doctors had to transfuse whole blood. Then, during World War II, plasma—the fluid, non-cellular portion of blood—was successfully separated from red cells on a mass basis. Plasma saved thousands of wounded men in shock from blood loss. Since then, many of the components of blood have been identified, their functions understood, and ways found to isolate them without damaging their ability to function effectively inside another human body.

Thus, doctors today have at their command an impressive array of separate blood components. First are the red cells, basic to life because they carry life-sustaining oxygen from the lungs to every part of the body. Formerly, a patient suffering from chronic anemia—his tissues "suffocating" slowly for lack of oxygen—was given a transfusion of whole blood to supply the missing red cells. Unfortunately, the large volume of plasma included with the transfused blood filled the patient's veins with superfluous fluid, which could strain the heart. Now, only the red-cell component need be given. A minimum volume achieves a maximum effect.

White cells, or leucocytes, defend against infection in the body. With cancer therapy and certain toxic conditions, for example, the number and activity of leucocytes drop alarmingly. In such cases, a transfusion of the concentrated leucocyte component may help save lives. Or take the patient who receives a new kidney or heart. He must have massive doses of X rays or drugs to prevent his body from rejecting the foreign organ. But this dosage may also kill his white cells, leaving him dangerously susceptible to infection. Transfusing him with concentrated white cells provides a temporary defense mechanism.

Platelets, the smallest cellular component of blood, play an important part in preventing bleeding. When a break in a blood-vessel wall occurs, platelets form clumps which temporarily plug the hole and then interact with plasma proteins to produce a clot. A normal person has almost nine million platelets in every ounce of blood. But in leukemia, platelet count may fall below one million, and the result may be massive bleeding throughout the body. Transfusions of platelets are therefore standard in leukemia therapy.

Once the red and white cells and platelets have been separated from blood, what remains is plasma, which can be further subdivided into several vitally useful components. One is AHF, Bobby's benefactor. The known others are albumin, fibrinogen and gamma globulin.

Albumin is the most abundant of the many proteins found in plasma, and is used principally as a substitute for whole plasma in restoring blood volume. It has the great advantage over plasma of being free of any hepatitis virus, but though widely in demand, it is not adequately available. Fibrinogen, like AHF and platelets, plays a role in blood clotting, and is occasionally effective in controlling the dangerous bleeding that may occur in women immediately after childbirth.

Gamma globulins are a family of protein molecules that include antibodies to almost all infectious diseases. Given either preventively after exposure to a disease, or, sometimes, as treatment, they play an increas-

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[1] In New York about 40 percent of total collection comes from paid professional donors, which can be hazardous. For example, authoritative studies have found that the incidence of hepatitis is at least six times greater among professional donors than among volunteers from the families of patients.

[2] Even within the blood bank's refrigerator, more and more blood cells die as the days pass. After 21 days, the cellular component is no longer fit to use, but plasma can be conserved for fractionation into proteins.

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ingly routine and important role in modern medicine. Donors who have recently had a given disease or a vaccination against it may have blood whose gamma globulin is especially rich in that particular antibody, thus providing science with what amounts to a specific "tetanus immune" or "measles immune" globulin. "Separation of plasma into components is not merely the best way of using most of the blood collected," says Red Cross and New York University researcher Dr. Alan Johnson. "It is literally the *only* way that we will be able to supply enough plasma and prepare enough blood-component concentrates to meet our rapidly expanding needs."

A PROBLEM OF EDUCATION

Why not fractionate most of our fresh whole blood? Without recruiting a single additional blood donor, six million annual donations could be transformed into a supply of as many as 42 million units of blood components.

One reason is know-how. Producing blood fractions is still more complicated than collecting and transfusing whole blood. Another factor is cost. In time, however, because costs will be fairly shared among the several components, fractions will become cheaper than whole blood. And if, as scientists hope, the process eventually can be automated and large volumes fractionated routinely, costs should drop dramatically.

At the moment, however, there is a more serious obstacle: doctors themselves. "Many physicians are still unaware of the value of using blood components," says Dr. Julian B. Schorr, clinical director of the Greater New York Blood Program. "They have been told in medical school, 'If your patient is losing whole blood, replace whole blood.' They are reluctant to change."

Some patients, of course, do need whole blood: to replace massive blood loss or in certain exchange transfusions. In many other cases, whole blood is being given in order to replace a deficient number of red blood cells. Here, the administration of whole blood is wasteful. Moreover, it can be a gamble with a patient's life. Errors can occur in the process of matching the donor's blood to the recipient's. In rare cases, they may be fatal.

The problem, therefore, is as much one of education as of cost. And the message to be preached is as logical as it is urgent: Faced with a surging demand for blood and its components, confronted with unmistakable evidence that the separate components are usually better for the patient than whole blood itself, American medicine must make component therapy not the exception, but the rule. When this is combined with an increased realization of the need for blood donations, then and only then can we avoid weekends like that Fourth of July when a great American city simply ran out of blood.

MOTHER'S FEARS REALIZED

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. LONG of Maryland. Mr. Speaker, L. Cpl. Joseph G. Sands, a fine young man from Maryland was killed recently in Vietnam. I wish to commend his courage and to honor his memory by including the following article in the RECORD:

MOTHER'S FEAR REALIZED: WAR KILLS SON

Mrs. Eleanora Wolfe had a feeling that her son, Joseph Gregory Sands, ever went to Vietnam, "he wasn't coming back."

Mrs. Wolfe stopped him from going into the combat zone once, and an appendicitis attack stopped him a second time. On his third try, he got as far as Okinawa, and in June he finally got to Vietnam. "He certainly kept on trying," Mrs. Wolfe said yesterday. "And he finally made it."

Tuesday, an enemy mortar round crashed into a Marine night camp in Quangh Nam province and killed Lance Corporal Sands, 22.

"When I came home yesterday, there were two Marines waiting for me," Mrs. Wolfe, said, "I knew what it was."

Mrs. Wolfe says she has come to trust her "feelings." She had "a feeling" just before her first husband, Joseph B. Sands, died, and just before her son had his appendicitis attack.

"I had a feeling again a month ago, and told my husband that something had happened to Gregory," she said yesterday. "The next week we got a letter that his helicopter had been shot out of the air, but miraculously no one was injured."

NEVER TOLD SON

Mrs. Wolfe said her son first volunteered to go to Vietnam when he was still under 21 and needed her permission.

Mrs. Wolfe said she never told her son of her foreboding.

"I never told him point-blank please don't go," she said. "He was not a kid, he was a man: he had a right to make his own decisions."

Mrs. Wolfe said that after the helicopter crash last month her son wrote and told her "he was indestructible," and she wrote back and told him "to keep * * *."

"SENSE OF DUTY"

"He was a good kid," she said. "He wanted to go to Vietnam, and he had a great sense of duty and responsibility to his country."

Mrs. Wolfe said her son dropped out of Patapsco Senior High School in his senior year to join the Marine Corps, but continued his studies and passed his high school equivalency test while in the service.

Besides his mother, he is survived by two sisters, Christine Sands, of the home address, 1939 Codd avenue in Dundalk, and Mrs. Sharon Kruft, of Camarilla, California.

GARDENA VALLEY NEWS COMMENDS WILSON DRUG BILL—CALLS FOR JOINT UNITED STATES-MEXICAN CONTROLS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the Gardena Valley News has long been a crusading newspaper in the field of combating narcotic addiction and drug abuses. The publishers have shown perception and sensitivity in this area that unfortunately is very rare today. They have been in the forefront of responsible citizens calling attention to the Mexican border narcotic traffic and the attendant increases in California drug consumption.

This summer the Gardena Valley News published an editorial largely commending but also slightly critical of drug legislation that I have proposed in the House and Senator YARBOROUGH has introduced in the Senate. I wish to thank the publishers for their kind words and constructive criticism. I wish also to call to my colleague's attention the text of their editorial.

With the institution of the administration's Operation Intercept the Gardena Valley News' call for action against pharmaceutical houses which send to Mexico large quantities of pills that are inevitably smuggled back across the border and for the United States and Mexico to work out a mutually agreeable yet effective solution to the border drug traffic problem, merits your attention. As pointed out in the editorial, like crime, the drug problem will not yield to one or two simple methods of attack. Creating tension between border merchants and government officials may possibly deter the government-to-government cooperation that is needed to reduce smuggling. The effects of driving marihuana off the market must be considered and planned for. Will it increase consumption of harder narcotics? Will it spur profit-motivated pharmaceutical firms to keep up their outrageous pill production for export and eventual illegal reentry into the United States? Will organized crime move in and try to encourage increased heroin importation because of the tremendous profits that they can derive from it? Will the cutting off of marihuana prove that it is psychologically addictive? Is hashish merely a concentrated form of marihuana with no noticeable differences in effect? These are but a few of the questions that come to mind as a result of the Nixon administration's aim of making marihuana too expensive and rare for college kids to acquire.

Is the Justice Department consulting the Department of Health, Education, and Welfare on these questions? Are Federal efforts being coordinated? Is there a difference in approaches to the problem within the administration? If so, should not a unified, joint approach be utilized? Do we know enough about the subject? I think not and have, therefore, sponsored a bill to create a commission on marihuana and hallucinogenic drugs. The Judiciary Committee will hold hearings on the bill today and hopefully favorable action will take place shortly. The concern of many Members of Congress is well-founded. We are confronted with a medical, psychological, and social problem that needs thorough understanding to combat it. I will continue in my efforts to gain greater understanding of the problem and to take appropriate actions that will be in the best interests of all parties involved.

I now insert into the RECORD the aforementioned editorial:

DRUG ABUSE LEGISLATION: SOLONS SHOWN ENLIGHTENED WAY

Congress has before it at last a bill with the potential to curb the increasing use of illicit drugs and narcotics. The new legislation, introduced simultaneously by Rep. Charles Wilson (D-Calif.) and Sen. Ralph Yarborough (D-Texas), emphasizes research, rehabilitation and education—in all an enlightened approach.

It avoids the pitfalls of a recent Nixon proposal that emphasizes law enforcement—a program that would be useless without thousands more policemen and an understanding judiciary to enforce it. Neither is a reality today.

Yet somehow the rehabilitation and enforcement goals must be met, and today's frustrations overcome. In introducing his "comprehensive bill," Rep. Wilson noted that "fully half of those now being arrested for drug use are under 21. Juvenile drug arrests rose 800% between 1961 and 1967. This evidence clearly points to the need for examining and attempting to understand the drug situation, rather than merely condemning it," he said.

We believe the Wilson-Yarborough bill begins to meet this need. Gardenans should be concerned about the legislation, for although it is being debated in Washington, the thrust of its programs would be in the nation's communities.

It would increase the research into the causes and cures of drug problems, offer incentive grants for community programs to treat and rehabilitate drug-dependent individuals, and attempt to educate a wide audience—particularly young people—to the dangers of drug abuse. The Secretary of Health, Education and Welfare would be authorized to control drugs that he finds are prone to abuse.

We suggest the addition of some other points to make the bill truly comprehensive. Some provisions should be amended into the bill obliging pharmaceutical houses to cease sending to Mexico the large quantities of pills that inevitably are smuggled back across the border. It is imperative that the United States and Mexican governments work out some solution to the traffic of drugs across the border. No legislation will be complete without such a provision.

Because of this legislation's own premise that research is a necessary prerequisite to action, we believe that marijuana should not be moved from the Internal Revenue Code and placed under control of the Food, Drug and Cosmetic Acts, as it suggests. That move needs the support of the very research that Wilson and Yarborough propose.

Finally, the supporters of this legislation, including 24 co-sponsors, must seek more bipartisan support. The bill has too much potential to be passed over because it only has Democratic support.

It has some proposals that will surprise the layman, because he would expect such common sense provisions to be law already.

It includes, for the first time, some means of evaluating the adequacy of existing state programs. It would extend enlightened California standards about rehabilitation to the nation. And it would officially acknowledge the need to study stimulants and depressants.

Like crime, the drug problem will not yield to one or two simple methods of attack. We applaud this effort to broaden the front of the battle.

MILITARY TECHNOLOGY AND NATIONAL SECURITY

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. COHELAN. Mr. Speaker, due to an error, the article "Military Technology and National Security," by Herbert York, did not appear in the RECORD following my remarks on the floor yesterday. This article is of great importance and should be shared by all my colleagues. For this reason I am inserting it now and recommending it to the membership of the House:

MILITARY TECHNOLOGY AND NATIONAL SECURITY

(NOTE.—The ABM debate is analyzed in the context of a larger dilemma: the futility of searching for technological solutions to what is essentially a political problem.)

(By Herbert F. York)

The recent public hearings in the Senate and the House of Representatives on anti-ballistic-missile (ABM) systems have provided an unprecedented opportunity to expose to the people of this country and the world the inner workings of one of the dominant features of our time: the strategic arms race. Testimony has been given by a wide range of witnesses concerning the development and deployment of all kinds of offensive and defensive nuclear weapons; particular attention has been paid to the interaction between decisions in these matters and the dynamics of the arms race as a whole.

In my view the ABM issue is only a detail in a much larger problem: the feasibility of a purely technological approach to national security. What makes the ABM debate so important is that for the first time it has been possible to discuss a major aspect of this larger problem entirely in public. The reason for this is that nearly all the relevant facts about the proposed ABM systems either are already declassified or can easily be deduced from logical concepts that have never been classified. Thus it has been possible to consider in a particular case such questions as the following.

1. To what extent is the increasing complexity of modern weapons systems and the need for instant response causing strategic decision-making authority to pass from high political levels to low military-command levels, and from human beings to machines?

2. To what extent is the factor of secrecy combined with complexity leading to a steadily increasing dominance of military-oriented technicians in some vital areas of decision-making?

3. To what extent do increasing numbers of weapons and increasing complexity—in and of themselves—complicate and accelerate the arms race?

My own conclusion is that the ABM issue constitutes a particularly clear example of the futility of searching for technical solutions to what is essentially a political problem, namely the problem of national security. In support of this conclusion I propose in this article to review the recent history of the strategic arms race, to evaluate what the recent hearings and other public discussions have revealed about its present status and future prospects, and then to suggest what might be done now to deal with the problem of national security in a more rational manner.

The strategic arms race in its present form is a comparatively recent phenomenon. It began in the early 1950's, when it became evident that the state of the art in nuclear weaponry, rocket propulsion and missile guidance and control had reached the point in the U.S. where a strategically useful intercontinental ballistic missile (ICBM) could be built. At about the same time the fact that a major long-range-missile development program was in progress in the U.S.S.R. was confirmed. As a result of the confluence of these two events the tremendous U.S. long-range-missile program, which dominated the technological scene for more than a decade, was undertaken. The Air Force's Thor, Atlas and Titan programs and the Army's Jupiter program were started almost simultaneously; the Navy's Polaris program and the Air Force's Minuteman program were phased in just a few years later.

More or less at the same time the Army, which had had the responsibility for ground-based air defense (including the Nike Ajax and Nike Hercules surface-to-air missiles, or SAM's), began to study the problem of how to intercept ICBM's, and soon afterward initiated the Nike Zeus program. This program was a straightforward attempt to use existing technology in the design of a nuclear-armed rocket for the purpose of intercepting an uncomplicated incoming warhead. The Air Force proposed more exotic solutions to the missile-defense problem, but these were subsequently absorbed into the Defender Program of the Department of Defense's Advanced Research Projects Agency (ARPA). The Defender Program included the study of designs more advanced than Nike Zeus, and it also incorporated a program of down-range measurements designed to find out what did in fact go on during the terminal phases of missile flight.

By 1960 indications that the Russians were taking the ABM prospect seriously, in addition to progress in our own Nike Zeus program, stimulated our offensive-missile designers into seriously studying the problem of how to penetrate missile defenses. Very quickly a host of "penetration aid" concepts came to light: light and heavy decoys, including balloons, tank fragments and objects resembling children's jacks; electronic countermeasures, including radar-reflecting clouds of the small wires called chaff; radar blackout by means of high-altitude nuclear explosions; tactics such as barrage, local exhaustion and "rollback" of the defense, and, most important insofar as the then unforeseen consequences were concerned, the notion of putting more than one warhead on one launch vehicle. At first this notion simply involved a "shotgun" technique, good only against large-area targets (cities), but it soon developed into what we now call MIRV's (multiple independently targeted reentry vehicles), which can in principle (and soon in practice) be used against smaller, harder targets such as missile silos, radars and command centers.

The avalanche of concepts forced the ABM designers to go back to the drawing board, and as a result the Nike-X concept was born in 1962. The Nike-X designers attempted to make use of more sophisticated and up-to-date technology in the design of a system that they hoped might be able to cope with a large, sophisticated attack. All through the mid-1960's a vigorous battle of defensive concepts and designs versus offensive concepts and designs took place. This battle was waged partly on the Pacific Missile Range but mostly on paper and in committee meetings. It took place generally in secret, although parts of it have been discussed in earlier articles in this magazine [see "National Security and the Nuclear-Test Ban," by Jerome B. Wiesner and Herbert F. York, October, 1964; "Anti-Ballistic-Missile Systems," by Richard L. Garwin and Hans A. Bethe, March, 1968; "The Dynamics of the Arms Race," by George W. Rathjens, April, 1969].

This intellectual battle culminated in a meeting that took place in the White House in January, 1967. In addition to President Johnson, Secretary of Defense Robert S. McNamara and the Joint Chiefs of Staff there were present all past and current Special Assistants to the President for Science and Technology (James R. Killian, Jr., George B. Kistiakowsky, Jerome B. Wiesner and Donald F. Hornig) and all past and current Directors of Defense Research and Engineering (Harold Brown, John S. Foster, Jr., and myself). We were asked that simple kind of question which must be answered after all the complicated ifs, ands and buts have been discussed: "Will it work?" The answer was no, and there was no dissent from that answer. The context, of course, was the Russian threat as it was then interpreted and forecast, and the current and projected state of our own ABM technology.

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Later that year Secretary McNamara gave his famous San Francisco speech in which he reiterated his belief that we could not build an ABM system capable of protecting us from destruction in the event of a Russian attack. For the first time, however, he stated that he did believe we could build an ABM system able to cope with a hypothetical Chinese missile attack, which by definition would be "light" and uncomplicated. In recommending that we go ahead with a program to build what came to be known as the Sentinel system, he said that "there are *marginal* grounds for concluding that a light deployment of U.S. ABM's against this possibility is prudent." A few sentences later, however, he warned: "The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system." The record makes it clear that he was quite right in this prediction.

Meanwhile the U.S.S.R. was going ahead with its own ABM program. The Russian program proceeded by fits and starts, and our understanding of it was, as might be supposed in such a situation, even more erratic. It is now generally agreed that the only ABM system the Russians have deployed is an area-defense around Moscow much like our old Nike Zeus system. It appears to have virtually no capability against our offense, and it has been, as we shall see below, extremely counterproductive insofar as its goal of defending Moscow is concerned.

Development and deployment of offensive-weapons systems on both sides progressed rapidly during the 1960's, but rather than discuss these historically I shall go directly to the picture that the Administration has given of the present status and future projection of such forces.

Data recently presented by the Department of Defense show that the U.S. and U.S.S.R. are about even in numbers of intercontinental missiles, and that the U.S. is ahead in both long-range aircraft and submarines of the Polaris type. The small Russian missiles are mostly what we call SS–11's, which were described in the hearings as being roughly the equivalent of our Minutemen. The large Russian missile is what we call the SS–9. Deputy Secretary of Defense David Packard characterized its capability as one 20-megaton warhead or three five-megaton warheads. Our own missiles are almost entirely the smaller Minutemen. There currently remain only 54 of the larger Titans in our strategic forces. Not covered in the table are "extras" such as the U.S.S.R.'s FOBS (fractional orbital bombardment system) and IRBM's (intermediate-range ballistic missiles), nor the U.S.'s bombardment aircraft deployed on carriers and overseas bases in Europe and elsewhere. There are, of course, many important details that do not come out clearly in such a simple tabular presentation; these include payload capacity, warhead yield, number of warheads per missile and, often the most important, warhead accuracy.

In the area of defensive systems designed to cope with the offensive systems outlined above, both the U.S. and the U.S.S.R. have defenses against bombers that would probably be adequate against a prolonged attack using chemical explosives (where 10 percent attrition is enough) and almost certainly inadequate against a nuclear attack (where 10 percent penetration is enough). In addition the U.S.S.R. has its ineffective ABM deployment around Moscow, usually estimated as consisting of fewer than 100 antimissile missiles.

What all these complicated details add up to can be expressed in a single word: parity. This is clearly not numerical equality in the number of warheads or in the number of megatons or in the total "throw weight"; in fact, given different design approaches on the two sides, simultaneous equality in these three figures is entirely impossible. It is, rather, parity with respect to strategic objectives; that is, in each case these forces are easily sufficient for deterrence and entirely insufficient for a successful preemptive strike. In the jargon of stategic studiea either side would retain, after a massive "first strike" by the other, a sufficiently large "assured destruction capability" against the other in order to deter such a first from being made.

There is much argument about exactly what it takes in the way of "assured destruction capability" in order to deter, but even the most conservative strategic planners conclude that the threat of only a few hundred warheads exploding over population and industrial centers would be sufficient for the purpose. The large growing disparity between the number of warheads needed for the purpose and the number actually possessed by each side is what leads to the concept of "overkill." If present trends continue, in the future all or most missiles will be MIRVed, and so this overkill will be increased by perhaps another order of magnitude.

Here let me note that it is sometimes argued that there is a disparity in the present situation because Russian missile warheads are said to be bigger than U.S. warheads, both in weight and megatonnage; similarly, it is argued that MIRVing does not increase overkill because total yield is reduced in going from single to multiple warheads. This argument is based on the false notion that the individual MIRV warheads of the future will be "small" when measured against the purpose assigned to them. Against large, "soft" targets such as cities bombs *very much* smaller than those that could be used as components of MIRV's are (and in the case of Hiroshima were proved to be) entirely adequate for destroying the heart of a city and killing hundreds of thousands of people. Furthermore, in the case of small, "hard" targets such as missile silos, command posts and other military installations, having explosions bigger than those for which the "kill," or crater, radius slightly exceeds "circular error probable" (CEP) adds little to the probability of destroying such targets. Crater radius depends roughly on the cube root of the explosive power: consequently, if during the period when technology allows us to go from one to 10 warheads per missile it also allows us to improve accuracy by a little more than twofold, the "kill" per warhead will remain nearly the same in most cases, whereas the number of warheads increases tenfold.

In any case, it is fair to say that in spite of a number of such arguments about details, nearly everyone who testified at the ABM hearings agreed that the present situation is one in which each side possesses forces adequate to deter the other. In short, we now have parity in the only sense that ultimately counts.

Several forecasts have been made of what the strategic-weapons situation will be in the mid-1970's. In most respects here again there is quite general agreement. Part of the presentation by Deputy Secretary Packard to the Senate Foreign Relations Committee on March 26 were two graphs showing the trends in numbers of deployed offensive missiles beginning in 1965 and extending to 1975. There is no serious debate about the basic features of these graphs. It is agreed by all that in the recent past the U.S. has been far ahead of the U.S.S.R. in all areas, and that the Russians began a rapid deployment program a few years ago that will bring them even with us in ICBM's quite soon and that, if extended ahead without any slowdown, would bring them even in submarine-launched ballistic missiles (SLBM's) sometime between 1971 and 1977.

One important factor that the Department of Defense omitted from its graphs is MIRV. Deployment plans for MIRV's have not been released by either the U.S. or the U.S.S.R., although various rough projections were made at the hearings about numbers of warheads per vehicle (three to 10), about accuracies (figurea around half a mile were often mentioned, and it was implied that U.S. accuracies were better than Russian ones) and about development status (the U.S. was said to be ahead in developments in this field). A pair of charts emphasizing the impact of MIRV was prepared by the staff of the Senate Foreign Relations Committee.

One could argue with both of these sets of charts. For example, one might wonder why the Senate charts show so few warheads on the Russian Polaris-type submarine and why they show only three MIRV's on U.S. Minutemen; on the other hand, one might wonder whether the Department of Defense's projected buildup of the Russian Polaris fleet could be that fast, or whether one should count the older Russian missile submarines. Nonetheless, the general picture presented cannot be far wrong. Moreover, the central arguments pursued throughout the ABM hearings (in both the Senate Foreign Relations Committee hearings in March and the Senate Armed Services Committee hearings in April) were not primarily concerned with these numerical matters. Rather, they were concerned with (1) Secretary of Defense Melvin R. Laird's interpretation of these numbers insofar as Russian *intentions* were concerned, (2) the validity of the Safeguard ABM system as a response to the purported strategic problems of the 1970's and (3) the arms-race implications of Safeguard.

As for the matter of intentions, those favoring the ABM concept generally held that the only "rational" explanation of the Russians' recent SS–9 buildup, coupled with their multiple-warhead development program and the Moscow ABM system, was that they were aiming for a first-strike capability. One must admit that almost anything is conceivable as far as intentions are concerned, but there certainly are simpler, and it seems to me much more likely, explanations. The simplest of all is contained in Deputy Secretary Packard's chart. The most surprising feature of this chart is the fact that the Russians were evidently satisfied with being such a poor second for such a long time. This is made more puzzling by the fact that all during this period U.S. defense officials found it necessary to boast about how far ahead we were in order to be able to resist internal pressures for still greater expansion of our offensive forces.

Another possible reason, and one that I believe added to the other in the minds of the Russian planners, was that their strategists concluded in the mid-1960's that, whatever the top officials here might say, certain elements would eventually succeed in getting a large-scale ABM system built, and that penetration-aid devices, including multiple warheads, would be needed to meet the challenge. Whether or not they were correct in this latter hypothetical analysis is still uncertain at this writing. Let us, however, pass on from this question of someone else's intentions and consider whether or not the proposed Safeguard ABM system is a valid, rational and necessary response to the Russian deployments and developments outlined above.

To many of those who have recently written favorably about ABM defenses or who have testified in their favor before the Congressional committees, Safeguard is supported mainly as a prototype of something else: a "thick" defense of the U.S. against a massive Russian missile attack. This is clearly not at all the rationale for the Safeguard decision as presented by President Nixon in his press conference of March 14, nor is it implied as more than a dividend in the defense secretaries' testimony. The President said that he wanted a system that would protect a *part* of our Minuteman force in order to increase

the credibility of our deterrent, and that he had overruled moving in the direction of a massive city defense because "even starting with a thin system and then going to a heavy system tends to be more provocative in terms of making credible a first-strike capability against the Soviet Union. I want no provocation which might deter arms talks." The top civilian defense officials give this same rationale, although they put a little more emphasis on the "prototype" and "growth potential" aspects of the system. For simplicity and clarity I shall focus on the Administration's proposal, as stated in open session by responsible officials.

From a technical point of view and as far as components are concerned, President Nixon's Safeguard system of today is very little different from President Johnson's Sentinel system. There are only minor changes in the location of certain components (away from cities), and elements have been added to some of the radars so that they can now observe submarine-launched missiles coming from directions other than directly from the U.S.S.R. and China. As before, the system consists of a long-range interceptor carrying a large nuclear weapon (Spartan), a fast short-range interceptor carrying a small nuclear weapon (Sprint), two types of radar (perimeter acquisition radar, or PAR, and missile-site radar, or MSR), a computer for directing the battle, and a command and control system for integrating Safeguard with the national command. I shall not describe the equipment in detail at this point but pass on directly to what I believe can be concluded from the hearings and other public sources about each of the following four major questions: (1) Assuming that Safeguard could protect Minuteman, is it needed to protect our deterrent? (2) Assuming that Safeguard "works," can it in fact safeguard Minuteman? (3) Will it work? (4) Anyway, what harm can it do?

First: Assuming that Safeguard could protect Minuteman, is it needed to protect our deterrent?

Perhaps the clearest explanation of why the answer to this first question is "no" was given by Wolfgang K. H. Panofsky before the Senate Armed Services Committee on April 22. He described how the deterrent consists of three main components: Polaris submarines, bombers and land-based ICBM's. Each of these components alone is capable of delivering far more warheads than is actually needed for deterrence, and each is currently defended against surprise destruction in a quite different way. ICBM's are in hard silos and are numerous. Polarises are hidden in the seas. Bombers can be placed on various levels of alert and can be dispersed.

Since the warning time in the case of an ICBM attack is generally taken as being about 30 minutes, the people who believe the deterrent may be in serious danger usually imagine that the bombers are attacked by missile submarines, and therefore have only a 15-minute warning. This is important because a 30-minute warning gives the bombers ample time to get off the ground. In that case, however, an attack on all three components cannot be made simultaneously; that is, if the attacking weapons are launched simultaneously, they cannot arrive simultaneously, and vice versa.

Thus it is incredible that all three of our deterrent systems could become vulnerable in the same time period, and it is doubly incredible that we could not know that this would happen without sufficient notice so that we could do something about it. There is, therefore, no basis for a frantic reaction to the hypothetical Russian threat to Minuteman. Still, it is sensible and prudent to begin thinking about the problem, and so we turn to the other questions. We must consider these questions in the technological framework of the mid-1970's, and we shall do this now in the way defense officials currently seem to favor: by assuming that this is the best of all possible technological worlds, that everything works as intended and that direct extrapolation of current capabilities are valid.

Second: Assuming that Safeguard "works," can it in fact safeguard Minuteman?

One good approach to this problem is the one used by George W. Rathjens in his testimony before the Senate Armed Services Committee on April 23. His analysis took as a basis of calculation the implication in Secretary Laird's testimony that the Minuteman force may become seriously imperiled in the mid-1970's. Rathjens then estimated how many SS–9's would have to be deployed at that time in order to achieve this result. From this number, the estimate of the current number of SS–9's deployed, he got a rate of deployment. He also had to make an assumption about how many Sprints and Spartans would be deployed at that time, and his estimates were based on the first phase of Safeguard deployment. These last numbers have not been released, but a range of reasonable values can be guessed from the cost estimates given. Assuming that the SS–9's would have four or five MIRV warheads each by that time, Rathjens found that by prolonging the SS–9 production program by a few months the Russians would be able to cope with Safeguard by simply exhausting it and would still have enough warheads left to imperil Minuteman, if that is indeed their intention.

The length of this short safe period does depend on the numbers used in the calculations, and they of course can be disputed to a degree. Thus if one assumes that it takes fewer Russian warheads to imperil Minuteman (it can't be less than one for one!), then the assumed deployment rate is lower and the safe period is lengthened; on the other hand, if one notes that the missile-site radars in our system are much softer than even today's silos, then the first attacking warheads, fired directly at the radars, can be smaller and less accurate, so that a higher degree of MIRVing can be used for attacking these radars and a shorter safer period results. To go further, it was suggested that the accuracy/yield combination of the more numerous SS–11's might be sufficient for attacking the missile-site radars, and therefore, if the Russians were to elect such an option, there would be no safe period at all. In short, the most that Safeguard can do is either delay somewhat the date when Minuteman would be imperiled or cause the attacker to build up his forces at a somewhat higher rate if indeed imperiling Minuteman by a fixed date is his purpose.

In the more general case this problem is often discussed in budgetary terms, and the "cost-exchange ratio" between offense and defense is computed for a wide variety of specific types of weapon. Such calculations give a wide variety of results, and there is much argument about them. However, even using current offense designs (that is, without MIRV), such calculations usually strongly favor the offense. This exchange ratio varies almost linearly with the degree or MIRVing of the offensive missiles, and therefore it seems to me that in the ideal technological future we have taken as our context this exchange ratio will still more strongly favor the offense.

Third: Will it work? By this question I mean: Will operational units be able to intercept enemy warheads accompanied by enemy penetration aids in an atmosphere of total astonishment and uncertainty? I do not mean: Will test equipment and test crews intercept U.S. warheads accompanied by U.S. penetration aids in a contrived atmosphere? A positive answer to the latter question is a necessary condition for obtaining a positive answer to the former, but it is by no stretch of the imagination a sufficient condition.

This basic question has been attacked from two quite different angles: by examining historical analogies and by examining the technical elements of the problem in detail. I shall touch on both here. Design-oriented people who consider this a purely technical question emphasize the second approach. I believe the question is by no means a purely technical question, and I suggest that the historical-analogy approach is more promising, albeit much more difficult to use correctly.

False analogies are common in this argument. We find that some say: "You can't tell me that if we can put a man on the moon we can't build an ABM." Others say: "That's what Oppenheimer told us about the hydrogen bomb." These two statements contain the same basic error. They are examples of successes in a contest between technology and nature, whereas the ABM issue involves a contest between two technologies: offensive weapons and penetration aids versus defensive weapons and discrimination techniques. These analogies would be more pertinent if, in the first case, someone were to jerk the moon away just before the astronauts landed, or if, in the second case, nature were to keep changing the nuclear-reaction probabilities all during the development of the hydrogen bomb and once again after it was deployed.

Proper historical analogies should involve modern high-technology defense systems that have actually been installed and used in combat. If one examines the record of such systems, one finds that they do often produce some attrition of the offense, but not nearly enough to be of use against a nuclear attack. The most up-to-date example is provided by the Russian SAM's and other air-defense equipment deployed in North Vietnam. This system "works" after a fashion because both the equipment designers and the operating crews have had plenty of opportunities to practice against real U.S. targets equipped with real U.S. countermeasures and employing real U.S. tactics.

The best example of a U.S. system is somewhat older, but I believe it is still relevant. It is the SAGE system, a complex air-defense system designed in the early 1950's. All the components worked on the test range, but by 1960 we came to realize, even without combat testing, that SAGE could not really cope with the offense that was then coming into being. We thereupon greatly curtailed and modified our plans, although we did continue with some parts of the system. To quote from the recent report on the ABM decision prepared by Wiesner, Abram Chayes and others: "Still, after fifteen years, and the expenditure of more than $20 billion, it is generally conceded that we do not have a significant capability to defend ourselves against a well planned air attack. The Soviet Union, after even greater effort, has probably not done much better."

So much for analogies; let us turn to the Safeguard system itself. Doubts about its being able to work were raised during the public hearings on a variety of grounds, some of which are as follows:

First, and perhaps foremost, there is the remarkable fact that the new Safeguard system and the old Sentinel system use virtually the same hardware deployed in a very similar manner, and yet they have entirely different primary purposes. Sentinel had as its purpose defending large soft targets against the so-called Chinese threat. The Chinese threat by definition involved virtually no sophisticated penetration aids and no possibilities of exhausing the defense; thus were "solved" two of the most difficult problems that had eliminated Nike Zeus and Nike–X.

Safeguard has as its primary purpose defending a part of the Minuteman force against a Russian attack. It is not credible that a Russian attack against the part of the

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Minuteman force so defended would be other than massive and sophisticated, so that we are virtually right back to trying to do what in 1967 we said we could not do, and we are trying to do it with no real change in the missiles or the radars. It is true that defending hard points is to a degree easier than defending cities because interception can be accomplished later and at lower altitudes, thus giving discrimination techniques more time to work. Moreover, only those objects headed for specific small areas must be intercepted. These factors do make the problem somewhat easier, but they do not insure its solution, and plenty of room for doubt remains.

Second, there is the contest between penetration aids and discrimination techniques. This was discussed at length by Garwin and Bethe in their March 1968 article in *Scientific American* and mentioned also in varying degrees of detail by many of those who testified recently concerning the ABM issue. The Russian physicist Andrei D. Sakharov, in his essay "Thoughts on Progress, Coexistence and Intellectual Freedom," put the issue this way: "Improvements in the resistance of warheads to shock waves and the radiation effects of neutron and X-ray exposure, the possibility of mass use of relatively light and inexpensive decoys that are virtually indistinguishable from warheads and exhaust the capabilities of an antimissile defense system, a perfection of tactics of massed and concentrated attacks, in time and space, that overstrain the defense detection centers, the use of orbital and fractional-orbital attacks, the use of active and passive jamming and other methods not disclosed in the press—all of this has created technical and economic obstacles to an effective missile defense that, at the present time, are virtually insurmountable."

I would add only MIRV to Sakharov's list. Pitted against this plethora of penetration aids are various observational methods designed to discriminate the real warheads. Some of the pentration devices obviously work only at high altitudes, but even these make it necessary for the final "sorting" to be delayed, and thus they still contribute to making the defense problem harder. Other devices can continue to confuse the defense even down to low altitudes. Some of the problems the offense presents to the defense can no doubt be solved (and have been solved) when considered separately and in isolation. That is, they can be solved for a time, until the offense designers react. One must have serious reservations, however, whether these problems can ever be solved for any long period in the complex combinations that even a modestly sophisticated attacker can present. Further, such a contest *could* result in a catastrophic failure of the system in which all or nearly all interceptions fail.

Third, there is the unquantifiable difference between the test range and the real world. The extraordinary efforts of the Air Force to test operationally deployed Minutemen show that it too regards this as an important problem. Moreover, the tests to date do seem to have revealed important weaknesses in the deployed forces. The problem has many aspects: the possible differences between test equipment and deployed equipment; the certain differences between the offensive warheads and penetration aids supplied by us as test targets and the corresponding equipment and tactics the defense must ultimately be prepared to face; the differences between the installation crews at a test site and at a deployment site; the differences in attitudes and motivation between a test crew and an operational crew (even if it is composed of the same men); the differences between men and equipment that have recently been made ready and whom everyone is watching and men and equipment that have been standing ready for years during which nothing happened; the differences between the emotional atmosphere where everyone knows it is not "for real" and the emotional atmosphere where no one can believe what he has just been told. It may be that all that enormously complex equipment will be ready to work the very first time it must "for real," and it may be that all those thousands of human beings have performed all their interlocking assignments correctly, but I have very substantial doubts about it.

Fourth, there is the closely related "hair-trigger/stiff-trigger" contradiction. Any active defense system such as Safeguard must sit in readiness for two or four or eight years and then fire at precisely the correct second following a warning time of only minutes. Furthermore, the precision needed for the firing time is so fine that machines must be used to choose the exact instant of firing no matter how the decision to fire is made. In the case of offensive missiles the situation is different in an essential way: Although maintaining readiness throughout a long, indefinite period is necessary, the moment of firing is not so precisely controlled in general and hence human decision-makers, including even those at high levels, may readily be permitted to play a part in the decision-making process. Thus if we wish to be certain that the defense will respond under conditions of surprise, the trigger of the ABM system, unlike the triggers of the ICBM's and Polarises, must be continuously sensitive and ready—in short, a hair trigger—for indefinitely long periods of time.

On the other hand, it is obvious that we cannot afford to have an ABM missile fire by mistake or in response to a false alarm. Indeed, the Army went to some pains to assure residents of areas near proposed Sentinel sites that it was imposing requirements to ensure against the accidental launching of the missile and the subsequent detonation of the nuclear warhead it carries. Moreover, Army officials have assured the public that no ABM missiles would ever be launched without the specific approval of "very high authorities."

These two requirements—a hair trigger so that the system can cope with a surprise attack and a stiff trigger so that it will never go off accidentally or without proper authorization—are, I believe, contradictory requirements. In saying this I am not expressing doubt about the stated intentions of the present Army leaders, and I strongly endorse the restrictions implied in their statements. I am saying, however, that if the system cannot be fired without approval of "the highest authorities," then the probability of its being fired under conditions of surprise is less than it would be otherwise. This probability depends to a degree on the highly classified technical details of the Command and Control System, but in the last analysis it depends more on the fact that "the highest authority" is a human being and therefore subject to all the failures and foibles pertaining thereto.

This brings us to our fourth principal question: Anyway, what harm can it do?

We have just found that the total deterrent is very probably not in peril, that the Safeguard system probably cannot safeguard Minuteman even if it "works," that there is, to say the least, considerable uncertainty whether or not it will "work." Nonetheless, if there were no harm in it, we might be prudent and follow the basic motto of the arms race: "Let us err on the side of military safety." There seem to be many answers to the question of what harm building an ABM system would do. First of all, such a system would cost large sums of money needed for nondefense purposes. Second, it would divert money and attention from what may be better military solutions to the strategic problems posed by the Administration. Third, it would intensify the arms race. All these considerations were discussed at the hearings; I shall comment here only on the third, the arms-race implications of the ABM decision.

It is often said that an ABM system is not an accelerating element in the arms race because it is intrinsically defensive. For example, during the hearings Senator Henry M. Jackson of Washington, surely one of the best-informed senators in this field, said essentially that, and he quoted Premier Kosygin as having said the same thing. I believe such a notion is in error and is based on what we may call "the fallacy of the last move." I believe that in the real world of constant change in both the technology and the deployed numbers of all kinds of strategic-weapons systems, ABM systems are accelerating elements in the arms race. In support of this view let us recall one of the features of the history recited at the start of this article.

At the beginning of this decade we began to hear about a possible Russian ABM system, and we became concerned about its potential effects on our ICBM and Polaris systems. In response the MIRV concept was invented. Today there are additional justifications for MIRV besides penetration, but that is how it started. Now, the possibility of a Russian MIRV is used as one of the main arguments in support of the Safeguard system. Thus we have come one full turn around the arms-race spiral. No one in 1960 and 1961 thought through the potential destabilizing effects of multiple warheads, and certainly no one predicted, or even could have predicted, that the inexorable logic of the arms race could carry us directly from Russian talk in 1960 about defending Moscow against missiles to a requirement for hard-point defense of offensive-missile sites in the U.S. in 1969.

By the same token I am sure the Russians did not foresee the large increase in deployed U.S. warheads that will ultimately result from their ABM deployment and that made it so counterproductive. Similarly, no one today can describe in detail the chain reaction the Safeguard deployment would lead to, but it is easy to see the seeds of a future acceleration of the arms race in the Nixon Administration's Safeguard proposal. Soon after Safeguard is started (let us assume for now that it will be) Russian offense planners are going to look at it and say something such as: "It may not work, but we must be prudent and assume it will." They may then plan further deployments, or more complex penetration systems, or maybe they will go to more dangerous systems such as bombs in orbit. A little later, when some of our optimistic statements about how "it will do the job it is supposed to do" have become part of history, our strategic planners are going to look at Safeguard and say something such as: "Maybe it will work as they said, but we must be prudent and assume it will not and besides, *now* look at what the Russians are doing."

This approach to strategic thinking, known in the trade as "worst-case analysis," leads to a completely hopeless situation in which there is no possibility of achieving a state of affairs that both sides would consider as constituting parity. Unless the arms race is stopped by political action outside the two defense establishments, I feel reasonably sure there will be another "crash program" response analogous to what we had in the days of the "missile gap"—a situation some would like to see repeated.

I also mentioned in my own testimony at the ABM hearings that "we may further expect deployment of these ABM systems to lead to the persistent query 'But how do you know it *really* works?' and thus to increase the pressures against the current limited nuclear-test ban as well as to work against amplifying it." I mentioned this then, and I mention it again now, in the hope that it will become a self-defeating prediction. It is also important to note that the response of our own defense establishment to the Russian ABM deployment, which I have outlined above, was not the result of our being "provoked," and I emphasize this because we hear so much discussion about what is a "provocative" move and what is not. Rather, our response was motivated by a deep-seated belief that the only appropriate response to any new technical development on the other side is further technical complexity of our own. The arms race is not so much a series of political provocations followed by hot emotional reactions as it is a series of technical challenges followed by cool, calculated responses in the form of ever more costly, more complex and more fully automatic devices. I believe this endless, seemingly uncontrollable process was one of the principal factors President Eisenhower had in mind when he made his other (usually forgotten) warning: "We must be alert to the . . . danger that public policy could itself become the captive of a scientific-technological elite." He placed this other warning, also from his farewell address, on the same level as the much more familiar comment about the military-industrial complex.

Several alternative approaches to Safeguard for protecting Minuteman have been discussed recently. These include superhardening, proliferation, a "shell game" in which there are more silos than missiles, and land-mobile missiles. Although I was personally hopeful before the hearings that at least one of these approaches would maintain its invulnerability, a review of the recent debates leaves me now with the pessimistic view that none of them holds much promise beyond the next 10 years.

Silo-hardening most probably does work now, in the sense that the combination of SS–11 accuracy and yield and Minuteman silo-hardening works out in such a way that one incoming warhead (and hence one SS–11 missile) has less than a 50–50 chance of destroying a Minuteman. If one considers the technological trends in hardening, yield per unit weight, MIRVing and accuracy, however, it does seem convincing that this is a game in which the offense eventually will win. Albert Wohlstetter, testifying in favor of the Safeguard system before the Senate Armed Services Committee, quoted a paper he wrote with Fred Hoffman in 1954 (long before any ICBM's were actually in place anywhere) predicting that the ability of silo-hardening to protect offensive missiles would run out by the end of the 1960's. That was a remarkably prescient study and is wrong only in numerical detail.

If we take the same rosy view of technology that was taken in almost all the pro-ABM arguments, then hardening will not work for more than another five years. My own view of the technological future is clearly much less rosy, but I do believe that the situation in which hardening is no longer the answer could come by, say, 1980 or, more appropriately, 1984.

Proliferation of Minuteman would have worked in the absence of MIRV. Now, however, it would seem that the ability to MIRV, which no doubt can eventually be carried much further than the fewfold MIRV we see for the immediate future, clearly makes proliferation a losing game as well as the dangerous one it always was.

The "shell game" has not in my view been analyzed in satisfactory detail, but it would appear to have a serious destabilizing effect on the arms race. Schemes have been suggested for verifying that a certain fraction of the missile holes are in fact empty, but one can foresee a growing and persistent belief on each side that the "other missiles" must be hidden somewhere.

Road-mobile and rail-mobile versions of Minuteman have been seriously studied for well over a decade. These ideas have always foundered on two basic difficulties: (1) Such systems are inherently soft and hence can be attacked by large warheads without precise knowledge of where they are, and (2) railroads and highways all pass through population centers, and large political and social problems seem unavoidable.

Where does all this leave us insofar as finding a technical solution for protecting Minuteman is concerned? One and only one technically viable solution seems to have emerged for the long run: Launch on warning. Such an idea has been considered seriously by some politicians, some technical men and some military officers. Launch on warning could either be managed entirely by automatic devices, or the command and control system could be such as to require authorization to launch by some very high human authority.

In the case of the first alternative, people who think about such things envision a system consisting of probably two types of detection device that could, in principle, determine that a massive launch had been made and then somewhat later determine that such a launch consisted of multiple warheads aimed at our missile-silo fields. This information would be processed by a computer, which would then launch the Minutemen so that the incoming missiles would find only empty holes; consequently the Minutemen would be able to carry out their mission of revenge. Thus the steady advance of arms technology may not be leading us to the ultimate weapon but rather to the ultimate absurdity: a completely automatic system for deciding whether or not doomsday has arrived.

To me such an approach to the problem is politically and morally unacceptable, and if it really is the only approach, then clearly we have been considering the wrong problem. Instead of asking how Minutemen can be protected, we should be asking what the alternatives to Minuteman are. Evidently most other people also find such an idea unacceptable. As I mentioned above, the Army has found it necessary to reassure people repeatedly that ABM missiles would not be launched with approval by "the highest authorities," even though this is clearly a far less serious matter in the case of the ABM missiles than in the case of Minuteman.

The alternative is to require that a human decision-maker, at the level of "the highest authorities," be introduced into the decision-making loop. But is this really satisfactory? We would be asking that a human being make, in just a few minutes, a decision to utterly destroy another country. (After all, there would be no point in firing at *their* empty silos.) If, for any reason whatever, he was responding to a false alarm, or to some kind of smaller, perhaps "accidental," attack, he would be ensuring that a massive deliberate attack on us would take place moments later. Considering the shortness of the time, the complexity of the information and the awesomeness of the moment, the President would himself have to be properly preprogrammed in order to make such a decision.

Those who argue that the Command and Control System is perfect or perfectable forget that human beings are not. If forced to choose, I would prefer a preprogrammed President to a computer when it came to deciding whether or not doomsday had arrived, but again I feel that this solution too is really unacceptable, and that once again, in attempting to defend Minuteman, we are simply dealing with the wrong problem. For the present it would seem the Polarises and the bombers are not, as systems, subject to the same objections, since there are now enough other approaches to the problem of ensuring their invulnerability to sudden massive destruction.

In my view, all the above once again confirms the utter futility of attempting to achieve national security through military technology alone. We must look elsewhere. Fortunately an opportunity does seem to be in the offing. There appears to be real promise that serious strategic-arms-limitation talks will begin soon. The time is propitious. There is in the land a fairly widespread doubt about the strictly military approach to security problems, and even military-minded politicians are genuinely interested in exploring other possibilities. The essay by Academician Sakharov, as well as the statements of Russian officials, indicate genuine interest on the other side. The time is propitious in another sense: both sides will be discussing the matter from a position of parity. Moreover, this parity seems reasonably stable and likely to endure for several years.

Later, however, major deployments of sophisticated ABM systems and, even more important, widespread conversion of present single-warhead systems to MIRV will be strongly destabilizing and will at least give the impression that parity is about to be upset. If so, the motto of the arms race, "Let us err on the side of military safety," will come to dominate the scene on both sides and the present opportunity will be lost. Therefore in the short run we must do everything possible to ensure that the talks not only start but also succeed. Although the ABM decision may not forestall the talks, it would seem that success will be more likely if we avoid starting things that history has shown are difficult to stop once they are started.

Such things surely include deployment of ABM missiles and MIRV's. There have been successes in stopping programs while they were in the development phase, but seldom has anything been stopped after deployment had started. The idea of a freeze on deployment of new weapons systems at this time and for these reasons is fairly widespread already, but achieving it will require concerted action by those believing strongly in the validity and necessity of arms limitations as a means of increasing national security. Thus the principal result of the recent national debate over the ABM issue has been to make it clear that Safeguard will safeguard nothing, and that the right step for the immediate future is doing whatever is necessary (such as freezing present deployments and developments) to ensure the success of the coming strategic-arms-limitation talks.

In addition, the ABM debate has served to highlight more serious issues (for example the implications of MIRV for the arms race) and to raise serious questions about other weapons systems. For instance, I suggest that we have also found that silo-based missiles will become obsolete. The only sure method for defense of Minuteman beyond, say, the mid-1970's seems to be the unacceptable launch on warning. As long as we must have a strategic deterrent, we must find one that does not force us to turn the final decision over to either a computer or a preprogrammed President. Minuteman was conceived in the 1950's and served its purpose as a deterrent through the 1960's, but it appears that in the 1970's its threat to us will exceed its value, and that it and other silo-based missiles will have to go. The deterrent must have alternatives other than "go/no-go," and for the 1970's at least it would now appear that other strategic weapons (Polaris/Poseidon and bombers) could provide them. I expect, however, that as the continuing national debate subjects the whole matter of strategic arms to further public scrutiny we shall learn that these other alternatives also have dangerous flaws, and we shall see confirmed the idea that there is no technical solution to the dilemma of the steady decrease in our national security that has for more than 20 years accompanied the steady increase in our military power.

A MARINE REPLIES FROM VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. RARICK. Mr. Speaker, Cpl. D. J. Welsh, a Louisianian from my district, presently serving in the U.S. Marine Corps on his third tour of duty in Vietnam writes to us:

> Of all the people those of us serving in Vietnam want to see the war end, but not until the job is done. Communism has to be stopped somewhere. Why not right here and right now? Communism is like a disease and if left unchecked, it will spread until all else is wiped out. We are fighting not just for South Vietnam but for our own way of life as well. If we give in now, we'll be just one step closer to making a well-known Communist statement a fact. Those infamous words are "We will bury you." It's up to us whether they do or not.

Certainly Corporal Welsh's letter home is a refreshing change from the usual diatribes that are being spewed out by many who have not been there, will not go, do not know what it is all about, and have a closed mind on learning the truth.

Seldom do we hear from our men on the front line and when we do their credibility far exceeds that of the "better-Red-than-dead" crowd.

I include Corporal Welsh's letter, as follows:

[From the State-Times, Sept. 24, 1969]

EDITOR, STATE-TIMES:

My name is Darrel Welsh and my home is in Baton Rouge. I've been in the Marine Corps for three years now and I plan on continuing my education when I come home next June.

I want to let people at home know why I'm glad and proud to be where I am. I hope that maybe this letter could be printed in your paper. I'm not a politician, only a Marine in Vietnam doing his small share, but I have eyes and ears and I want to pass on a few of my impressions of the situation here. This way I can answer many people without getting angry at any one person for some of the ridiculous questions that I have been asked or for statements that have been made because I volunteered for duty in Vietnam.

I have started to write a number of times before but just let it go instead. However, the latest offensive changed my mind. Two fellow Marines died and 14 were wounded in a five minute rocket attack and I do not want to believe that they died in vain. As I was running for a bunker, only my own safety was in mind. However, once inside, my thoughts were varied but something that all too often seems like a popular pastime in the United States came to my mind. I'm talking of the current generation of demonstrators and protesters. Of course, some of what I say is only opinion, but some of it is undeniably fact. I will say, however, that I know many Marines who feel the same as I do.

I am now in Vietnam for the third time. I asked to come back and all too many people had questions for me too. Questions like: Do you like it over there? Are you crazy? I am here because I want to be, not because I'm crazy or because I like it here. Many people question our involvement in Vietnam and in some ways rightly so. Yet many protest for the sake of protesting or because they don't really know what it's like outside their own limited environment. If they knew, they might try to do something useful instead of sign carrying or shouting insults.

Vietnam has taught me that it's not enough to reap the benefits of the American way of life without also putting something into it, just because one is lucky enough to be born an American . . . and believe me we are lucky to be American! By the same token, why should someone have to live under Communist domination just because he or she was born in Vietnam, China, North Korea or any of the other Asian nations?

Do all these protesters really know the score? Do they know what it's like to live in a filthy, rat and bug-infested thatched hut, a hut that leaks when it rains, has no air-conditioning or heating, no plumbing and only a bamboo bed and a wooden table or two for furniture? Have they had their teeth rot out because proper care wasn't available? Have the women had to give birth to their own babies and watch them die of disease or malnutrition because there was no doctor or they couldn't pay transportation fares, let alone medical fees? Do their families and friends get tortured and murdered because they don't politically or morally agree with someone else? I don't think so!

Of all people surely those of us serving in Vietnam want to see the war end, but not until the job is done. Communism has to be stopped somewhere. Why not right here and right now? Communism is like a disease and if left unchecked it will spread until all else is wiped out. We are fighting not just for South Vietnam but for our own way of life as well. If we give in now, we'll be just one step closer to making a well known Communist statement a fact. Those infamous words are "We will bury you." It's up to us whether they do or not.

D. J. WELSH,
Corporal, U.S. Marine Corps.

FREEDOM FROM HUNGER

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. TUNNEY. Mr. Speaker, Mr. Lionel Steinberg, a constituent of mine, and an outstanding authority on agricultural matters in the State of California and the Nation, made a speech on freedom from hunger before the State Board of Agriculture in Sacramento earlier this year. While the speech was delivered several months ago, its importance is in no way diminished by the passage of time. Mr. Steinberg's appeal merits the attention of all concerned Americans and I am placing it in the CONGRESSIONAL RECORD so that my colleagues may have the opportunity to read it.

FREEDOM FROM HUNGER

(By Lionel Steinberg)

I shall speak today on the growing concern about the vast increase in armament by the East and West and the effect it is having on the hungry people of the world.

It was heartening to hear in the Inaugural Address of our new President, some encouraging words about his desire for peace, and his interest in the hungry peoples of the world. He said, "For the first time, because the people of the world want peace and the leaders of the world are afraid of war, the times are on the side of peace. The greatest honor history can bestow is the title of peacemaker. This honor now beckons America; the chance to help lead the world at last out of the valley of turmoil and onto that high ground of peace that man has dreamed of since the dawn of civilization. If we succeed, generations to come will say of us now living that we mastered our moment—that we helped make the world safe for mankind.

"This is our summons to greatness. And I believe American people are ready to answer this call.

"Standing in this same place a third of a century ago, Franklin Delano Roosevelt addressed a nation ravaged by depression, gripped in fear. He could say, in surveying the nation's troubles: 'They concern, thank God, only material things.'

"Our crisis today is in reverse. We find ourselves rich in goods, but ragged in spirit; reaching with magnificent precision for the moon, but falling into raucous discord on earth.

"We are caught in war, wanting peace. We are torn by division, wanting unity. We see around us empty lives, wanting fulfillment. We see tasks that need doing, waiting for hands to do them.

"To a crisis of the spirit we need an answer of the spirit. And to find that answer we need only look within ourselves."

The U.S. Arms Control and Disarmament Agency estimates that world military outlays since 1900 have totaled $4,000 billion. If recent rate of increase in the arms race continues, the world will manage to spend another $4,000 billion in just the next decade ahead. The peace loving nations of the world spent more than $182 billion last year on arms.

Despite these huge expenditures, recent reports indicate that the United States has enough nerve gas to kill 100 billion persons—or thirty times the world population; and enough atomic weapons for the equivalent of 100 tons TNT per capita. The Soviet Union is similarly endowed.

We are spending for arms, 45 times what we are spending for economic aid. And, the United States now ranks sixth in the world in the amount of economic assistance we give, based upon our national income.

In other words, at the same time arms expenditures have gone up, our expenditures for aid to the less developed nations have gone down.

As some of the members of this Board may know, I have been a National Trustee of the American Freedom from Hunger Foundation for nearly eight years. The Freedom from Hunger Foundation is affiliated with the United Nations Food and Agriculture Organization, and its goals have been threefold:

1. To arouse world interest in the problems of hunger.
2. To conduct research, and to deal with the cause and effect of world hunger.
3. To commence an action program of information, food production, and expansion of nutrition in the less developed nations.

In my last report to this body, I stated that—"It's '1776' all over the world," and that—"Communism is not the last hurdle to continuous peace." I stated that—"world chaos would continue throughout the remaining years of this Century even if all the remaining Communists in the world were to suddenly and unaccountably drop dead."

World revolutions are the sign of the times.

Two-thirds of the people of the world go to bed hungry every night of their lives. Some two billion of them live on less than one hundred dollars each year. In fact, most of the world's people suffer from conditions which are the basis of the greatest revolution in history: Hunger, poverty, disease, the pressure of increasing population, limited supplies of food, foreign exploitation, the exploitation of natural resources for quick profits, colonialism, bondage, absentee ownership of most of the land, corruption of officials, oppressive taxation, no access to capital, disastrous interest rates, no freedom of

speech, no freedom of press, no freedom of assembly, no right to vote or hold office.

Last fall Lord Snow gave an address at Westminster College, Fulton, Missouri. He referred to the present condition of the World as literally in a "state of seige". He asks—"What is going wrong with us?"

Among philosophical thinkers, the world's dooms-day clock still reads—"11:52", with a few moments left before famine reaches serious proportions among two billion people who habitate the southern hemisphere of the globe.

Raymond Ewell, of Population Bulletin forecasts famine for India, Pakistan and China in the early 1970's, followed by Indonesia, Iran, Turkey, Egypt and several other countries within a few years, and then followed by most of the other countries of Asia, Africa and Latin America by 1980, just eleven years away. Such a famine will be of massive proportions affecting billions of persons. If this happens, it will be the most colossal catastrophe in history.

What is going wrong with us in the western world?

Can man, politically, contain the social, environmental, economic and ideological forces that threaten the world with total destruction? Authorities of world conditions such as Gunnar Myrdal of Sweden, the emminent Soviet physicist Andrei Sakharov, and the new member of the World Bank, Robert McNamara, have bluntly posed the question of whether we possess the political creativity to resolve the critical challenge to our future existence.

The most pressing problems in the quarter century ahead—each require bold and virtually unprecedented international cooperation for their resolution. To enumerate a few of these:

1. Nuclear War and danger of global suicide.
2. Hunger and starvation.
3. Explosion of World population, which makes all problems more acute, particularly that of food.
4. Great power rivalry, intensified by critical ideological differences between the Western Powers and the Soviet Union, and between the Soviet Union and China.
5. The destruction and poisoning of man's environment—pollution of the air, the sun, the land, and the failure of technical and social expertise to keep pace with the radical increase in the number of human beings, particularly in the cities.

It took from the dawn of mankind until 1830, for the world to reach a population of 1 billion. It took only 100 years from 1830 to 1930 for the second billion and it took only thirty-eight years for the third billion. Present world population growth is almost a new billion every ten years and the forecast is for a seven billion population in about 30 years.

Man, today, is on the threshold of landing on the moon, with the project costing the United States and the Soviet Union in excess of $50 billion. But here on earth, two-thirds of the world's population, cannot be assured of getting a square meal tomorrow.

In Vietnam, we are spending $3 billion per month; this expenditure for one month equals the cost of the entire California water plan which offers food for millions in the United States and hundreds of millions abroad. Armament costs the Soviet Union and the United States over $100 billion per year. The new contemplated anti-missile shield could cost the U.S. another $60 billion.

From a gross national product of over $900 billion, and national tax revenues of $180 billion, less than one-fifth of 1% is going for the less developed nations.

Despite efforts by United States and United Nations agencies, and northern European countries, a massive population explosion eats away progress almost as rapidly as it is made. It has been said that the stork "passes the plow".

The population of the poverty stricken two-thirds of the earth is increasing at more than double the rate of the advanced countries.

In the past twenty years, the United States and Britain alone, have spent more than $85 billion in Africa and Asia in aid and loans to bridge the poverty gap.

Last year, the United States Congress voted the lowest sum in the history of the foreign aid program—$1.75 billion. Britain, engulfed in massive and stubborn fiscal problems, has been forced drastically to trim its foreign aid program.

Having passed through the first development decade of the United Nations without making much tangible progress, the underdeveloped world now faces the new decade with less outside help than it has ever had before.

All our Presidents in the past twenty years have made contributions to the problem. In leaving office, former President Johnson, in commenting on the slash in the foreign aid program, said—"It is unmerciful to condemn millions of people to wretchedness. It is madness to so jeopardize our own security and the orderly progression of our world."

C. P. Snow comments that the rapidity and completeness of human communications are constantly presenting us with the sight of famine, suffering, and violent death. He said it may be that this era of complete communications, in some perverse manner, helps to make man more callous.

The gap between rich and poor countries is growing. The average daily income among the peoples of nearly one hundred countries is something like 35¢ a day or less than $100 per year.

There have been some encouraging breakthroughs; new fertilizer plants in India and Pakistan, new rice varieties mentioned at the last State Board of Agriculture meeting in Tulare, new wheat varieties and new mechanized processes in many countries.

However, the rich countries will be surrounded by a sea of famine unless three forces are placed in operation—not just one alone, but all three.

1. A concerted effort by the rich countries to concentrate on hunger, instead of war, to produce food, money and technical assistance for the poor nations.
2. A supreme effort by the poor nations themselves, similar to what is being done in India and Pakistan to revolutionize their food production.
3. An effort by the poor countries, with all the assistance that can be provided—to reduce, or stop population increase.

The United Nation's Secretary General Thant said . . . "We are not winning the war on want. The opportunity gap is growing wider and inequality is increasing. Tens of thousands of Indians sleep and die in the streets, and hundreds of millions suffer from malnutrition."

In Africa, more than 180 million people, spread over an area of the continent, more than twice the size of the United States, now holds more than 40 independent countries trying to exist on one crop economies with a tribal primitive agriculture. It has been said that tribalism and corruption are the twin scourges of Africa.

In the cities of Africa, graft is not a crime. Corrupt politicians charge that army officers in many African countries have overthrown the government.

The present rate of population expectancy, will triple the population in Africa.

One of the few optimistic reports that came out recently came from Dr. Bernard Berelson, President of the Population Council. He believes that we have a good start at slicing a significant proportion of the birth rates in underdeveloped countries. The optimism is dependent, in part, on the future development of two or three new contraceptive techniques that will be cheap and easy to administer with no side effects. One such contraceptive, a tiny capsule implanted in the skin, has shown great promise in early tests.

This talk has been largely concentrated on world food problems, but here at home we have recently been told that malnutrition exists among 10% of the population of our own country, the richest in the world. A recent U.S. Public Health Survey Nutrition report, pointed out thousands of cases of Kwashiorkor and scurvy among the many random samples taken in Texas, Louisiana, Kentucky and South Carolina.

Dr. Arnold Schaefer, who made the report said—"nearly one out of twenty Americans in the survey had the protruding belly and the wasted limb common among those with protein deficiency." This nutrition expert called our attention to rickets and glandular diseases in American children due to malnutrition. This is because 10 percent of America's youngsters live on starchy foods such as potatoes, beans and grits—poor sources of protein. It was not until late last year that the Nation's dried milk used in the United States food program, was fortified with Vitamins A and D.

The food crisis can be solved. The developing nations can grow more food. The agrarians, the economists, the administration methods now exists.

Just last week, a major oil company reported in North Africa that where they had failed to find a sea of oil, they did discover a sea of pure water of such magnitude that it will make possible the farming of several millions of acres in North Africa. Full use of atomic power will make it possible to irrigate other arid areas. Over 90% of the world's rivers flow into the seas unused. The major oil companies and private government are putting vast resources into the production of fertilizer plants. These plants, new seeds and chemicals, and modern farm equipment and technical expertise, offer some more answers.

Here in the United States, we hope that the present Secretary of Agriculture, Clifford Hardin, will bring new energy and ideas to both domestic food problems and to world food problems.

From 1963 through 1968, I had the honor of serving on Secretary of Agriculture Orville Freeman's Civil Rights Committee. One of our most important field study reports brought the plea for the extension of the Food Stamp Plan for those families unable to purchase the stamps, but despite the humanity of Orville Freeman, in eight years, during the Kennedy and Johnson Administrations, he was unable to unsnarl the red tape hampering the Federal Government in getting food to the hungry, or even finding out where and how many hungry people there are. He was "ham-strung" by conservative Southern Congressmen who controlled appropriations.

One of the first things that the new Secretary Dr. Clifford Hardin did was a constructive change in the Food Stamp Plan under which the poor people in three Southern South Carolina counties were given food stamps free.

It may very well be that a once conservative Republican, as President of the United States, will complete the task that liberal Democratic Presidents commenced.

The Russian Sakharov says: "Only by immediate international cooperation, by pooling the resources of the Soviet Union and the United States, and placing them at the service of the world can we survive our critical problems."

Lord Snow concluded his speech in Missouri by saying: "We can survive only if we turn from war to peace; if we utilize the capabilities of the New Culture for man's preservation rather than his destruction."

XUM

I would like to close my talk by suggesting that we take a new look at the young generation of Americans. Too often, the press is filled with stories about our long-haired, rioting, striking, dope-taking teen-agers.

Former Congressman Leonard Wolf when he became the Executive Director of the American Freedom from Hunger Foundation was frustrated because he did not have sufficient funds for the work of the foundation. So he undertook a program to communicate with the youth of America concerning the problems of world hunger. He went to Fargo, North Dakota and went to the students in Oregon and in California and he told them about the problems. The students of Fargo, North Dakota came up with a program, "Why not have a walk for development?" Some 3,500 studenta joined by their teachers and religious leaders and some parents walked 32 miles. Each one was sponsored by community leaders, by business, by some of their parents and over $35,000 was raised in that walk for development in Fargo, North Dakota. Those funds were sent to Madagascar for an agricultural experiment station and part of the funds went to help an Indian tribe in North Dakota.

I spoke to Leonard Wolf and one of the National Trustees and said "maybe this was a "fluke" in North Dakota, I don't think this could happen in California." He accepted the challenge and spoke at the high schools of Indio and Palm Springs, California. Some 800 young people from the high schools of the Coachella Valley joined in this walk for development and raised $15,000.

I received a phone call in my room this morning from the Executive Director of Freedom from Hunger in Northern California who informed me that five more youth organizations in California cities will have nine walks for development. Plans are now underway. It seems obvious with thousands of young people demonstrating unselfishness perhaps we here in California might well implement some of the new programs of President Nixon and Secretary Hardin. Perhaps the State Board of Agriculture ought to vote a congratulatory message to Secretary Hardin for his work to extend the Food Stamp Plan. Perhaps we might again indicate to President Nixon and the new Secretary of State that there are successful farmers in California whose "know how" and "show how" ability might help some of the underprivileged Nations.

What really is needed is more revitalization of active participation in Government. Let's not leave it to the other "guy". Let's help do something to prevent world famine and world hunger.

POSTAL POLITICS

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. OLSEN. Mr. Speaker, we on the Post Office and Civil Service Committee have heard a long parade of administration witnesses decrying politics in the Post Office. These witnesses cite such activity as being at the core of postal ills.

Yet when it comes to playing politics to convert the Post Office to a corporation, there is apparently no hesitancy on the part of the Post Office Department officials. A timely article substantiating this appears in the October issue of the Postal Supervisor—the magazine of the National Association of Postal Supervisors. I would like to submit this article for the RECORD for the edification of all my colleagues.

The article follows:

NO MORE POLITICS?

(By Donald N. Ledbetter)

In a year when the Post Office Department has ordered an end to politics in the postal service, the Department itself has engaged in one of the best organized and most expensive lobbying efforts in recent history. In my ten years on the Washington scene, I have not witnessed a bigger campaign for any piece of legislation than has been waged by the Department for its postal reform bill, H.R. 11750. A bottomless reservoir of talent and money in the Post Office Department has been available for this purpose despite the continuing cry of "budgetary limitations" when requests are made by postmasters and supervisors for adequate staffing and other legitimate mail moving needs.

At the outset of the state convention season last April, the Department indicated that Departmental representation at N.A.P.S. state conventions would have to be limited to a few of the larger conventions. After H.R. 11750 was introduced on May 28, however, Departmental speakers suddenly became available for all of our conventions despite their size or remote locations. The Department had a product to sell—a postal corporation— and it was obvious from the start that no stone would be left unturned in the effort to sell it. Departmental representatives were directed to preach corporation to N.A.P.S. audiences and apparently to anyone else who would listen. It was incongruous to say the least to hear a speaker at the beginning of his speech state that he "was not there to sell the postal reform bill because it would be illegal for him to do so"—and then proceed to do just that for the next thirty to forty minutes. From reports received at national headquarters, there were only a few Departmental speakers who departed from the written text which, of course, was 99% corporation.

Meanwhile, the arm twisting was going on here in Washington. The N.A.P.S. resident national officers, who had been trying unsuccessfully for two years to get the Department to sit down and discuss the pros and cons of postal reform, were suddenly invited to a series of meetings with top Departmental officials to discuss the proposal. The discussions at these meetings were informal and frank with both sides expressing their opinions quite freely. The N.A.P.S. resident officers felt that the meetings were very profitable, but the Department probably did not. They were unsuccessful in selling the corporation to the N.A.P.S. officers.

The Department even went so far as to recommend that a special off-year national convention be called in order for the Department to have an opportunity to try to sell the corporation idea to the N.A.P.S. membership. When President O'Dwyer told the Department it would be ridiculous to call a special convention for such a purpose, the Departmental officials decided to try some other approach to reach N.A.P.S. members in the field.

Meetings were set up in all fifteen Regional Offices, and in an unprecedented move, at least two N.A.P.S. state officers from each state branch were invited to come to the Regional Office on administrative leave and at Departmental expense. In addition to these, the officers of the local branches in the Regional headquarters cities were also invited to attend the meetings.

Simultaneously, Regional Directors called in "50 to 75 representative postmasters" for the same purpose. Top Departmental officials visited the Regions, and at each of the one-day seminars, the assigned official spoke to the postmasters at a morning session and to the supervisors at an afternoon session. Although billed as briefing sessions on reorganization plans, it was obvious to those who attended that the meetings were called for the sole purpose of selling the postal reform bill, H.R. 11750. Considering a minimum of one day's pay, travel and per diem allowance for all who attended the meetings, the expense to the Department should stagger the imagination.

An interesting sidelight to the Regional meetings was the fact that the president of the National Association of Postmasters, U.S., who is a full time postmaster, attended all fifteen of the meetings at the invitation of the Postmaster General and spoke to the postmasters at the morning sessions. He did so in an effort to explain *"The Postal Service Act of 1969"* to postmasters and *"to insure their full understanding and wholehearted support."* (See *Postmasters Gazette*, August 1969, page 2.) The postmasters association had previously endorsed the corporation bill, making it the only postal employee organization—to our knowledge—to have taken such action.

In this connection, we have great respect for N.A.P.U.S. and agree with many of its aims and objectives. When there are points on which we do not agree, however, we certainly honor their right to a difference of opinion. Unfortunately there have been reports that the N.A.P.U.S. president openly criticized N.A.P.S. at some of the Regional sessions for not going along with the Department on the corporation idea.

With the Regional meetings concluded, the Department turned its attention to Postal Forum III, a meeting attended by more than 2000 mail users and field postal officials at the Washington Hilton Hotel in Washington, D.C. on September 8–9. N.A.P.S. resident officers attended the meeting and estimated that there were 400 to 500 postmasters, Regional and Departmental officials present. The registration fee was $50.

Although advertised as a continuing of the dialogue established between the post office and its largest mail users with Postal Forum I in 1967, it was obvious to all who attended that the theme of the Forum was "The Postal Service Act of 1969, H.R. 11750." From the keynote address by the Postmaster General on Monday morning to the banquet address on Tuesday night by Secretary of Commerce Maurice Stans, the message was the same—H.R. 11750. The PMG even had the assemblage at the banquet reciting the number of the bill in unison!

For people who are proud of their lack of past experience in politics and who have declared that there will no longer be any politics in the postal service, this team has shown Washington a lobbying campaign which will long be remembered. Who said "No more politics?"

POST OFFICE CONSTRUCTION

Postmaster General Winton M. Blount announced on September 9 a cutback of more than $182 million in new post office building contracts in carrying out President Nixon's program to reduce cost pressures in the construction industry. The President had announced on September 4 a reduction of 75% in new federal building contracts until inflationary pressures ease in the construction industry.

The Post Office Department's cutback—which, incidentally, does not affect contracts already let—applies to buildings to be leased from private firms as well as those to be owned by the government. The cutback however will not delay site acquisitions and architectural planning for future facilities.

Because of the cutback, contracts will only be awarded for projects having the highest priorities. These would include those replacing facilities which are considered to be dangerous to health and safety, where the growing mail volume could create a breakdown unless the project goes forward, and where the lease on a facility cannot be extended.

N.A.P.S. 1970 DUES CARDS

N.A.P.S. 1970 dues cards are now available upon order from national headquarters at a cost of 2¢ each regardless of quantity. The cards, which are yellow in color with the year "1970" screened in the background, have suitable spaces on the back for a branch officer to initial to indicate either dues withholding or cash payments. Although use of the cards is not mandatory, more and more branches are using them each year. The cards may be ordered by branch officers only.

PELLY BACKS FULL FUNDING OF CLEAN WATER PROGRAM

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. PELLY. Mr. Speaker, I am pleased to be one of more than 220 Members of the House supporting a $1 billion appropriation for the Clean Water Appropriation Act scheduled for House consideration next week.

Conditions of many of our lakes, streams, and rivers sometimes appear hopeless, but in my hometown of Seattle there is an outstanding example of what proper planning and financing can accomplish.

The beautiful Lake Washington, lining the east side of the city, a number of years ago began deteriorating in quality caused by increased population and individual community sewage treatment plants dumping their effluence into the lake.

Joint action and the founding of Metro, a metropolitan area government organization to deal with sewage and other pollution problems, along with strong citizen participation through a bond issue, as well as with Federal assistance, have resulted in the restoration of Lake Washington into what can be cited as a splendid example of what can be done in fighting water pollution.

All of us in Seattle are proud of Metro and its accomplishments. But, much remains to be done in expanding this system so that an entire watershed is protected. The sewage from more towns must be tied into this system which carries much of the area sewage and after treatment in its consolidated plants pipes the effluence to where it is dissipated in the deep tidal salt water of Puget Sound.

The Clean Water Restoration Act and the vital help it could provide for cities and States on a matching basis is the most direct and least expensive way of making progress in cleaning up the Nation's waters, and the program cannot work unless the Federal Government provides its share as promised.

Mr. Speaker, I urge my colleagues to support the funding of $1 billion for the Clean Water Restoration Act and include a fine article from the September 28 edition of the Seattle Times concerning the work of Metro at this point in the RECORD:

METRO PLANS PHASE 2 PROGRAM OF SEWERS, POLLUTION CONTROL

(By Bob Lane)

So you think Metro's job is done, now that it is nearly finished with the last projects in a 10-year construction program that has been completed in eight years at a cost of $131 million?

Metro doesn't think so.

The agency and its consulting engineers now are working on a Phase 2 program that will require almost as much sewer construction and pollution-control work in the 15-year period ending in 1985.

Because of inflation and other cost pressures, the price of the small work program will be substantially greater—with the total possibly as high as $160 million.

Work completed in Phase 1 was close to miraculous.

Lake Washington was cleansed of the treated sewage that fed algae, whose superabundant growth was speedily bringing on the biologic death of the lake.

Lake Sammamish has received a similar cleansing.

Construction work to be completed early next year will end the dumping of raw sewage into Elliott Bay.

Metro officials see a need for continued spending to make further improvements to water quality and to provide sewer service in new and growing suburban communities.

About one-third of the spending required in the next 15 years will be to extend Metro trunk lines into unserved areas such as Southeast King County, east of Lake Sammamish and into other rural districts about to become suburban communities, Charles V. Gibbs, Metro executive director, said.

The other money will go for the improvement and expansion of existing facilities, Gibbs said.

Phase 2 plans will include expansion of the Renton treatment plant, development of sludge-disposal facilities at the West Point treatment plant, modifications to the Alki treatment plant and construction of more regulator stations on North End sewer lines to prevent the overflow of sewage into the Lake Washington Ship Canal and Lake Union during wet weather.

The problem is money. Metro doesn't have enough.

But the agency is working on that problem, too.

The federal government consistently has discriminated against large cities and metropolitan sewer districts in the distribution of its limited pollution-control funds, Gibbs said.

Twenty-five other major utilities and Metro, at Metro's instigation, have developed an informal but powerful alliance designed to win proper consideration by the government and perhaps to get some of the federal money.

Metro has received only $6 million from the federal government in support of its $131 million program. It was entitled to receive $40 million.

A survey by Metro shows that since 1956 the 26 sewer utilities have been responsible for $1.4 billion or 24 per cent of all spending on water-pollution control. The same utilities have received only 6 per cent of federal aid distributed in the same period.

Representatives of the utilities met recently in Washington to discuss the financial situation and will meet in Dallas next month with the Water Pollution Control Federation.

A bill now before Congress would authorize the Secretary of the Interior to develop contracts with utilities under which the federal share of a project would be spread over 30 years. Most cities and utilities oppose the bill.

Gibbs said he believed the bill will be amended to provide, among other things, some way of giving major cities and districts credit for some of the money they qualified for but did not receive.

The magazine Nation's Cities, published by the National League of Cities, has reported that Congress has appropriated only about one-third of the funds authorized in 1966 and that because of the money shortage about 4,600 applications for grants "are now languishing" in federal offices.

Metro's financing program, however, will have to go beyond digging deeper into the federal till.

The Phase 2 program will include recommendations for acquiring additional local funds.

Methods being studied include higher monthly fees for customers in new areas and some form of service or connection charge to be levied against municipalities or districts joining Metro.

Some members of the Metro Council believe that residents of new areas should pay their own way and that those now served by Metro—who have paid their own way—should not be asked to subsidize extensive extensions of the Metro system.

The issues now are clear. The answers to the questions are not.

TREATMENT AND USE OF WATER

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and population held two fascinating hearings during September.

The first dealt with water recycling and reclamation. The Honorable GUY VANDER JAGT, a member of our task force, invited Dr. William Tanner of Michigan State University to speak with us regarding the water reclamation and recycling project being initiated on the campus of his university. This type of leadership and initiative demonstrated at Michigan State could provide a model for other institutions and needs the support of private as well as public interests.

I found most interesting the treatment and use of water in this process as a closed system—rather than an open one—that simply discharges water—with its pollutants—into our tributaries, rivers and lakes. It was most encouraging to learn that water pollution problems can be solved by a space and time formula rather than by unknown future technological advances.

The subject of our second hearing was marine biochemistry and biology. The Honorable JERRY L. PETTIS, another task force member, invited Dr. Bruce Halstead, executive director of the World Life Research Institute and one of the Navy's top consultants on marine biochemistry. Dr. Halstead talked on the phenomena of marine ecology in micro-organisms, plant life and fish. He explained how water pollutants were creating enormous levels of toxicity within healthy looking fish and how changing environments can change the toxicity in marine life. The task force also examined a model diving ship being developed for further sea exploration by General Electric Co.

Both of these hearings further convinced me that we need to move quickly in alerting the public to the needs of the next decade if we are to properly manage our technology, our environment and our society with the increased population expected in the next 30 years.

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Mr. Speaker, I insert the highlights of these two hearings in the RECORD:

HIGHLIGHTS OF STATEMENT OF DR. HOWARD TANNER

Dr. Howard Tanner, Director of Natural Resources at Michigan State University and recipient of the "Conservationist of the Year" award, cited 4 domestic issues which he feels are interrelated and responsible for our depletion of earth resources—(1) population stability; (2) inner city tension; (3) racial harmony; and (4) environmental degradation. The key element that brings these four together is the *water problem*. Our behavior in the past has been reckless and thoughtless because we tend to believe that our rich, unpopulated country still exists today as it did one hundred years ago. Thus, we traditionally displace our earth resources problems but we do not solve them, e.g., we treat water but we do not recycle or reuse it effectively.

The solution to the water quality problem and the pollution problem necessitates more *space* and *time*. In addition, there must be a complex *team approach*, an incorporation of the facts of economics, social and political scientists, as well as technology. Michigan State University is involved in a program concerned with the environmental quality and will tackle 2 important areas:

1. Wastewater reclamation and reuse
2. Fundamental and applied research and teaching in field phases of the natural sciences.

Three to six million gallons a day of treated domestic wastewater will be pumped four miles to an allocated area of small lakes on the MSU campus. As the water flows through the lake system, nutrient levels will be altered due to biological activities of plants and animals. Nutrients will be removed by growth of aquatic plants and farm crops treated by irrigation. A withdrawal system will transport water to experimental sites such as a golf course, a recreation area, crop sections and woodlots to determine the value of this nutrient-rich water on each area. Afterwards, the same water will be available for immediate reuse as well as for injection elsewhere.

Various areas will be dedicated to teaching and research activities; (1) intensive plant research to study wastewater utilization and irrigation and the influence of water nutrient levels on plants; (2) study of aquatic environments including the cropping of aquatic plants.

Another phase of the program will consider community recreational benefits such as picnicking, fishing and boating, direct body contact in water sports and other recreational uses of water.

The benefits of this management program are many. It will be possible to clean up wastewater, reuse the water, and salvage and use waste material, all without discharging high-nutrient wastes into a stream.

In order for this experiment to prove valuable, first to Michigan, and then to the nation as a whole, we need citizen awareness as well as a combination of engineering, biology, economics, etc. Everyone, from liberal arts student, to citizen, to scientist, must take an active interest in wastewater reclamation and reuse in order to permit the full utilization of our natural resources and still prevent the destruction of our environment.

MARINE BIODYNAMIC CHEMICALS—A NEGLECTED RESOURCE

(By Bruce W. Halstead, M.D.)

It is highly significant that the Republican Research Committee of the United States Congress has seen fit to establish a House Republican Task Force on Earth's Resources and Population. Technical experts representing a broad international spectrum of disciplines have pointed up the extreme urgency for prompt and bold action that must be taken by Government and private enterprise if we are to divert an impending global catastrophe of unprecedented proportions. The problems involved in the global population explosion and accompanying lack of food supply are of such enormous scope as to comprise the most massive technological challenge of our age. Food and population problems are further compounded by the ever present threat of diseases which appear in a multitude of forms. When these problems are placed in their proper mix, we have the resulting products: poverty, hunger, and disease—the infamous triumvirate which provide the matrix for wars and civil strife. When the overall situation is critically analyzed, we come up with the single common denominator of a defective economic structure.

In the light of some of these threatening developments, it is particularly appropriate that the President and Congress critically evaluate the total picture of earth's resources, their relationship to society, and the role of our great Nation in the development of these resources. A large amount of literature and numerous analyses have appeared over the decades on such topics as petroleum, minerals, foods, lumber, fisheries, and a host of other materials that commonly are recognized to be vital to our economy. One resource area that has been given relatively little attention has been the field of marine biochemistry which includes a vast array of biodynamic substances having both nutritional and pharmaceutical potential. There is now an overwhelming amount of scientific documentation which clearly supports the contention that the sea is man's greatest untapped storehouse of life-giving and life-sustaining substances.

Natural products as recognized by chemists and pharmacologists generally refers to chemical substances having biodynamic activity that are produced by plants and animals. Past research in natural products chemistry has shown that plants and animals are capable of producing a vast number and variety of biodynamic substances. The plant kingdom has contributed many useful drugs having remarkable structures and myriads of biological effects. Some of the better known substances include such diverse items as reserpine, atropine, scopolamine, ergonovine, ephedrine, quinidine, quinine, digitoxin, rutin, pilocarpine, leurocristine, vincaleukoblastine, various antibiotic substances, etc. Although it is estimated that this planet contains more than 850,000 plant species and more than one million animal species, it is probably safe to say that less than 5 percent of these amazing organisms have been screened with any degree of thoroughness as to their total potential as producers of biodynamic substances. When one considers the tremendous contribution which these organisms have already made to the therapeutic armamentarium of mankind, it is extremely difficult to rationalize the reasons for our failure to have explored more thoroughly these vast medicinal resources.

With the advent of the era of ocean exploration, the subject of natural products research has once again come into sharp focus and rightly so because the oceans which comprise about 71 percent of the earth's surface are recipients of a comparable portion of the energy received from sunlight, and it is estimated that about four-fifth's of all living things live in, on, around, or fly over the seas of the world. When one considers the number of biochemical substances within a single specimen of plant or animal and then multiplies this by an infinitude of ecological situations which can modify the chemical constituents within the organism and then multiplies the number of species of organisms, the mathematical possibilities of biochemical agents throughout the world of natural products truly staggers the imagination. However, the purpose of this Congressional hearing is to try and make a realistic economic assessment of the future of natural products rather than to discuss a subject which some critics have termed as "pie in the sky." The question that now presents itself is what are the mechanisms whereby we can harness these substances and thereby avail ourselves of these extremely valuable economic and therapeutic resources. It is to this specific topic which I wish to direct my remarks.

If one critically examines the research and development requirements of the proposed marine pharmaceutical business, it will be seen that there are major deficiencies operational at present both in the government and private sectors. A marine pharmaceutical program begins with a good field procurement program. Geographically speaking the greatest concentration of marine organisms possessing biodynamic substances is found within the rich marine Indo-Pacific faunal province. However, this is not to say that enormously large resources are not to be found elsewhere. Effective field programs demand adequate logistics support. It is in this specific area that our present marine pharmaceutical operations begin to fall apart at the seams and ultimately result in an ineffective program. The initial procurement step involves faunal surveys suitable for toxicological and pharmacological screening. This operation requires trained marine biologists who are competent shallow-water divers capable of using self-contained underwater breathing apparatus and hookah. Accurate locality and ecological records of the exact site at which the specimens were captured are needed. In marine organisms as in many land plants, it has been demonstrated that the chemistry of the organism varies with the environment and the food ingested. Consequently, many of the toxins which are of potential pharmaceutical value are not species specific. The production of these substances frequently is controlled by environmental rather than genetic factors. The difficulties are further compounded by the fact that these chemical fluctuations are not always seasonally predictable but are due to ecological factors which are at present completely unknown. A useful field record must be accompanied by an accurate scientific identification of each organism that is collected. The matter of obtaining a taxonomic diagnosis of each organism poses monumental problems if one is screening marine organisms on a large-scale basis from many localities.

The difficulties in field logistics and marine specimen identification are foreign to the thinking of the pharmaceutical industry. No pharmaceutical company presently has an in-house capability for dealing with either of these problems. Field surveys are expensive, demanding the services of divers, underwater photographers, technicians, marine epidemiologists, marine biologists, etc. Many of the most productive areas of the world are in remote localities and require the use of aircraft and ships of varying sizes and types. Ship time alone may cost from several hundred to several thousands of dollars per day. The identification of marine plants and animals requires the services of a large number of specialists. The Smithsonian Oceanographic Sorting Center, which operates the largest program of its type, utilizes the efforts of about 250 systematists throughout the world. Unfortunately for the marine pharmaceutical industry, the SOSC is not in the business of providing a routine identification service for commercial groups even though they have been most generous in attempting to assist any group in need of identification services. If the marine pharmaceutical industry is going to develop on a practical commercial scale, it will require solid backing from a government agency such as the SOSC which can provide the necessary identification back-up. It will also

require assistance in funding expensive ocean operations, ecological, faunal, floral, epidemiological, and screening studies. Legislation is presently being formulated by our United States Congress for the establishment of a National Institute of Marine Medicine and Pharmacology which hopefully will be able to provide leadership, funding, and technical assistance to the academic community and industry in developing marine pharmaceuticals. However, if this program is to be successful it will require better liaison and a more cooperative government-industry climate than presently exists.

Another serious problem that we face within the marine pharmaceutical business is the matter of screening. The pharmaceutical industry as a whole is geared largely to the screening of synthetics which is handled in a rather stereotyped or assembly-line fashion. Obviously synthetics which have a known structure and at times predictable pharmacological properties which are readily subject to patent procedures offer rough competition to an unknown and unwieldy group of slimy substances from the briny deep. Sad experiences has shown that this mish-mash of marine noxious substances which refuses to exhibit a consistent pattern of any type is not suitable for processing through the well-oiled computerized wheels of our modern pharmaceutical industry. Moreover, because of the very physical nature of these creatures, consisting of such troublesome materials as spongin, cellulose, silicious substances, calcified structures coupled with soft tissues, chitin, dentinal structures, etc., the otherwise simple problem of preliminary chemical extraction becomes very complex and almost impossible to handle on a production basis. Thus at the very beginning even before the screening process begins most industrialists are ready to throw in the towel and call it quits. This initial discouragement is further enhanced by the realization that even when the active substances are extracted they are available in such minute quantities as to be useless as far as a practical source of commercial supply is concerned. At the present time, most pharmaceutical companies are by temperament and in-house technology poorly equipped to cope with the avalanche of problems with which the marine world is so bountifully graced.

With this dismal picture in mind why should we attempt to pursue this pharmacognostic chaos any further? In the final analysis what are the benefits to be derived from the large investment that is going to be required by both taxpayers and stockholders alike? The need for a new and broader spectrum of more effective pharmaceuticals is obvious and of concern to all men everywhere. It is apparent that if the pharmaceutical industry were capable of meeting all of these needs by means of a strictly synthetic approach, they would have long ago done so and would now be spending the remainder of their days in retirement and meditation clipping coupons resulting from the benefits of their patented discoveries. The facts of the matter are that regardless of the approach that is used the discovery of chemical structures which have resulted in major breakthroughs in therapeutic medicine are few and far between. Moreover, if the record of the synthetic achievements is stacked against that of natural products, it is not particularly impressive in the new horizon area of pharmaceutical achievement. The enormous contributions of natural products are too well known to pharmacists and physicians to need further documentation at this time. If indeed we are seeking new and revolutionary types of molecular structures and biological activity, it would be logical to assume that we should direct our attention to those areas where they are present in the greatest abundance, namely, natural products. In sheer numbers alone, the comparatively meager number of industrial synthetic chemists throughout the world cannot hope to compete with the infinite number of chemical factories that exist throughout the natural world. Moreover, "nature's chemists" have one advantage over synthetic chemists and that is that from their very beginning they have been manufacturing products that are a functional part of a biological system.

The ocean is a vast chemical-physiological receptacle that not only encompasses almost 71 percent of the earth's surface but measures its proportions on a three-dimensional scale with a volume of about 325,000,000 cubic miles of water. Much of the solar energy received by the ocean is utilized by minute plants living in the upper 25 fathoms in the manufacture of living substances. These algae are to be found in a host of forms and serve as the primary food source of the sea. It is estimated that this vegetable matter annually amounts to 4,000 tons per square mile, and that marine plants produce about 85 percent of the food produced by all plants on this earth. Feeding upon this vegetable matter, either directly or indirectly, are myriads of marine animals. In the study of marine biotoxins it has been shown that potent biochemical agents may originate at lower trophic levels (algae, etc.) within the food web and eventually make their way through a sequence of organisms involving plants, invertebrates, fishes, and even mammals. In some instances their biochemicals may be modified; whereas in others they appear to be stored within the tissues of the organism apparently without undergoing any change. Thus carnivorous fishes feeding at the upper trophic levels are literally a biochemical product of their predecessors. An interesting example of this biochemical succession is found in the case of ciguatoxin which appears to be capable of passing from plant to invertebrates and on through a great variety of fishes. This phenomenon presents certain opportunities for those searching for biodynamic substances because organisms at one level may serve as concentrators of substances derived from a lower trophic level. For example a rapid sampling of certain types of materials produced by minute encrusting algae might be obtained by screening the gut contents of herbivorous fishes such as the surgeon-fishes of the family Acanthuridae. This would also involve a biological analysis of the gut contents, but it nevertheless permits a rapid check of an array of substances which might be difficult to obtain by other methods.

One practical question that presents itself at this juncture is the matter of supply of raw materials in the event that a useful substance is discovered. There are two considerations of fundamental importance in the screening of natural products. One objective is to discover new molecular structures which can serve as a blueprint or model for a synthetic chemist to use in the development of a new product. Another objective of natural products research is to find commercial uses of undeveloped marine resources. Although chemical characterization studies may utilize large quantities of raw materials, the amounts required would undoubtedly be much less than that needed to meet the continuing demands of a commercial market. On the other hand, if synthesis of the substance is not possible or economically unfeasible, then alternate routes must be considered. This now brings up the subject of harvesting marine products by means of marine pharmaceutical aquaculture.

During the past several years the subject of marine aquaculture has been given a great deal of attention relative to increasing our food resources. To many uninformed persons this technology is thought to be of recent vintage and a new discovery, but such is not the case. The basic principles of aquaculture have been in practice on a large scale in many parts of the world for many centuries. Oyster culture has been in operation in Japan since about 2000 B.C. and by the Romans since about 100 B.C. to cite only two examples. Culture techniques are effectively utilized in the rearing of seaweeds, sponges, mollusks, shrimps, and vertebrate fishes to one extent or another in Japan, China, Korea, Indonesia, Philippines, Australia, Great Britain, United States, Venezuela, Scandinavia, and elsewhere. Although there are pros and cons as to the need and in some cases the practicality of rearing oceanic food fishes on a massive scale, it is becoming increasingly evident that this is an area of technological research that can be highly productive. Marine aquaculture from the viewpoint of pharmaceutical research should ultimately prove to be a vital link in the development of drugs from the sea. Granted that there are numerous problems, but they are not insurmountable. It should be kept in mind that the pharmaceutical industry would not be faced with a highly competitive food fisheries market in which the cultured products must compare favorably with wild stocks. In some instances the marine pharmacologist may be working with organisms which are present in sufficient abundance to develop a new commercial fisheries. At the present time, some of the most interesting compounds are appearing in groups of little-known organisms such as certain species of sponges, coelenterates, echinoderms, annelid worms, anthropods, and species of so-called "trash fishes."

Marine pharmaceutical fisheries of the future offer great economic possibilities to island and many continental areas of tropical and temperate seas of the world. Biodynamic substances appear to be most commonly present in shallow-water organisms within the 150-foot zone which is readily available to shallow-water divers. There is presently needed a new pharmaceutical and fisheries technology. These are just a few of the areas which the proposed National Institute of Marine Medicine and Pharmacology together with industry and the scientific community hopefully will begin to explore within the immediate future. If the marine biotoxicological findings of the past are any indication of the future, it will ultimately be shown that the biochemical wealth of the sea probably far outweighs that of the utilizable marine inorganic resources. How long mankind can continue this luxury of scientific and economic ignorance only future historians will be able to ascertain. The greatest single impediment to the development of the field at present is the lack of fresh imaginative and adventuresome thinking on the part of both industry and government.

WATER POLLUTION CONTROL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

ADDRESS OF GOV. RAYMOND P. SHAFER AT PENNSYLVANIA CONFERENCE ON WATER POLLUTION CONTROL, PENN HARRIS MOTOR INN, WEDNESDAY, OCTOBER 1, 1969

Welcome and thank you for coming to the third annual conference on environmental problems faced by our Commonwealth.

These conferences, which are part of my Administration's ten-year program: "Project Environment," are designed to put focus on the most critical problems we must solve if

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life is to be liveable for future Pennsylvanians.

In the first conference we concentrated on air pollution.

In the second we discussed land pollution. Now we take up water pollution.

I trust that you will find this conference as productive as we found the first two. And I hope you will help us find ways to assure every Pennsylvanian that the water in our faucets is clean and pure. The sad fact is that we cannot give that assurance to every citizen today—a fact that is not isolated to Pennsylvania.

I want to take this brief moment to be personal about this and the other crises we face in the Commonwealth.

As Governor, I am deeply proud of the efforts most Pennsylvanians are willing to make, and are making, toward solving our mutual problems.

I have travelled about this Nation and have yet to find a more beautiful natural land of variety than our Commonwealth. And I have yet to find any State making a greater effort to preserve its beauty, natural resources and environment than we are.

We have a $500 million land and water fund that is now being used to attack the scars and pollution left by irresponsible mining practices; for providing good recreation; for getting the sewage out of our streams.

We have the first and strongest solid waste management law in the Nation for dealing with the junk and garbage of our affluence.

We are ready to begin construction of the Nation's first air pollution monitoring network when a certain State official decides to stop playing politics with it.

We have the Nation's first water pollution monitoring network to help us strengthen the enforcement of our model Clean Streams Law. We also have the toughest strip mining laws among the States.

These are examples of our willingness to work against the problems of the past and meet the challenges of the future.

But I ask myself: Is this really enough? Are we going to win with this kind of an effort?

I read the words of the pessimists, which warn us that for the first time in history, the future of the human race is now in serious question.

For many of us, that warning sounds melodramatic, but an increasing number of thoughtful people are repeating it. People like Professor Richard A. Falk, of the Center for Advanced Study in Behavioral Sciences, who said recently:

"The planet and mankind are in grave danger of irreversible catastrophe . . . Man may be skeptical about following the flight of the dodo into extinction, but evidence points increasingly to just such a pursuit . . . There are four interconnected threats to the planet—wars of mass destruction, overpopulation, pollution, and the depletion of resources. They have a cumulative effect. A problem in one area renders it more difficult to solve the problems in any other area . . . The basis of all four problems is the inadequacy of the sovereign states to manage the affairs of mankind in the 20th Century."

These critics of our present way are repeating to themselves those marvelous lines from Pogo: "We have met the enemy and he is us."

And to prove it they produce these facts:

That DDT has been found in the tissues of Eskimos and of Antarctic penguins.

That 75 percent of all incinerators in the Nation are inadequate.

That dump-and-fill operations in the San Francisco Bay over the past 150 years have reduced the Bay to half its original size.

That we Pennsylvanians alone are still dumping millions of gallons of industrial wastes, raw sewage, pesticides and detergents into our water daily.

Can we hope to change these conditions under our present structure of self-government?

In his brilliant editorial in last month's issue of Harper's Magazine, John Fischer concludes that we are living in a state of near-anarchy because "we have no government capable of dealing effectively with public problems."

He makes this blanket charge that everyone of us must heed, whether or not we agree:

"We have a hodgepodge of 80,000 local governments—villages, townships, counties, cities, port authorities, sewer districts and special purpose agencies. Their authority is so limited, and their jurisdictions so confused and overlapping, that most of them are virtually impotent. The states, which in theory could put this mess into some sort of order, usually have shown little interest and less competence. When Washington is called to help out . . . it often has proven ham-handed and entangled in its own archaic bureaucracy. The end result has been that nobody in authority has been able to take care of the Country's mounting needs."

We, as Pennsylvanians, cannot escape this criticism, although I believe we have done more recently than any other State to show our interest and provide competence for dealing effectively with public problems.

Our "Partner Cities Program" though in infancy, is designed to help local governments plan for the future.

We have committed ourselves, through the Governor's Science Advisory Committee, to a program we call "Science for Society." This program has originated out of our conviction that the scientific know-how that has powered our national space and defense programs can help create inexpensive and durable housing materials, unsnarl urban traffic tangles and purify our air and water supplies.

If we fail to answer the criticisms of John Fischer in Pennsylvania, it will not be because we didn't try.

And that really is what this conference is all about. To give you the opportunity to help Pennsylvania respond to the challenge.

It is needless to say that our past history and policy toward control of water pollution was not a noble achievement. The fact that we allowed millions of gallons of acid mine drainage to get into our streams was alone a disgrace.

And even with the efforts we are presently making through the construction of the first acid mine water treatment facilities, through the Sanitary Water Board and other State agencies concerned about pure water, changes are needed.

At this conference, we are asking you to think about and give us answers to these questions:

Does the Sanitary Water Board have the tools now needed to assure the quality of our water supply?

Are the water pollution control concepts and methods developed in the 1930s, and still in existence, adequate to meet the growing demands for pure water?

There is need for improved planning and new water management techniques. Our present system of providing municipal sewage collection and water pollution control is moving too slowly. Consequently, it is not keeping pace with the development of the Commonwealth.

We must now create a State-local partnership of regional systems of water quality management. Communities, industries, builders, and individual citizens must work more cooperatively in a region to assure a pure water supply.

We can no longer allow the proliferation of water treatment facilities along our streams, just as we can no longer permit any community, regardless of size, to dump raw sewage into any body of water.

During the past year, the State's Water Resources Coordinating Committee held a series of meetings to stimulate the formation of watershed associations. We have found that these associations are providing our citizens with a better awareness of regional water problems and a new responsibility to become involved in pollution control efforts.

These associations can give us the basis needed to create regional control of the water supply and bring to an end the era when a hamlet, acting selfishly, can veto the improvement of water quality for other communities.

The program for this conference is designed to give you the opportunity to present your views on what course Pennsylvania should follow to protect its priceless water and its proper use. I know of no greater contribution you can make to the improvement of our environment and the future development of our Commonwealth.

Thank you.

SWEEPING REFORMS IN POST OFFICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. DERWINSKI. Mr. Speaker, next Wednesday the House Post Office and Civil Service Committee may take a positive step in commencing the markup for the proposal to reform the Post Office Department. The bill which would effectively produce postal reform by means of a Government corporation is H.R. 11750 which received tremendous editorial endorsement from objective publications across the country.

It was with special interest that I noted a very spirited and effective editorial in the South Suburban News of Harvey, Ill., Saturday, September 6, which gives an especially sound presentation for the arguments in support of H.R. 11750.

The editorial follows:

SWEEPING REFORMS IN POST OFFICE

It isn't often that a new idea calling for sweeping reforms in one of our long-established national institutions is able to enlist substantial and enthusiastic bipartisan political support at all levels of government—federal, state, and local.

But that is just what is happening in the case of President Nixon's legislative proposal to reorganize the antiquated Post Office Department from top to bottom.

Twenty of the states' governors and 66 mayors from coast to coast have already joined federal officials in urging Congressional passage of the President's bill, known in its present form as H.R. 11750, which would remove the Post Office from Cabinet and restructure it as a government-owned corporation operating under a charter from Congress to run on a self-supporting basis.

In our vew, the features of the proposed corporation (to be called the United States Postal Service) are so superior to those of the present system that the bill deserves the wholehearted approval of every citizen.

First, the public at large would benefit from the savings the corporation would bring about.

One of the most exasperating aspects of the Post Office operation is that it is always in debt. Last year's deficit, for instance, was a colossal $1.2 billion. A comprehensive independent study made last year pointed out that a large part of the Department's annual deficits is caused by inefficient management practices built into the system itself and completely beyond the powers of the Postmaster General to change.

The study group concluded that only a total overhaul of the Department would effect the improvements so crucially needed in this area.

This is precisely what the President's proposal would do. It would place the corporation in the hands of a group of professionally competent directors and give them the authority to run it on a sound businesslike basis. It would also empower them to purchase badly needed modern equipment and construct modern facilities to insure that postal services are provided as efficiently as those of any successful private corporation.

The result, as stipulated in the President's bill, will be that five years after the beginning of operations, the corporation's income in revenues should, on the whole, equal its outgo in expenses.

Second, the mail users themselves would derive tremendous benefits. The present haphazard and inequitable rate structure would be replaced by a plan in which the board of directors would set rates after hearings and recommendations by a panel of expert rate commissioners.

Thus, all classes of users would be assured of fair treatment, and the old practice of one user helping to pay for the transportation and delivery of another user's mail would be eliminated, as nearly as it is humanly possible to do.

Thanks to building and equipment improvements, service to mail users would be faster and more dependable than it is now.

Finally, postal employees would find that the corporation will provide them with a whole range of benefits that the current system doesn't have. Workers will be able—for the first time—to be represented in productive labor-management negotiations on the bread-and-butter issues of wages, hours, benefits, and all conditions of employment. In the event that labor and management cannot get together on the resolutions of an issue, H.R. 11750 also makes provisions for the use of impartial and binding arbitration to see that the rights of workers are fully guaranteed and fully protected.

Then—another first—Post Office employees would be given the incentive and opportunity to advance their careers as far as their own abilities and energies would carry them. They would no longer be hamstrung by the current system frustrating restrictions, under which nearly two-thirds of all postal workers reach retirement age in the exact same job for which they were originally hired.

On all these counts, therefore, we can see nothing but good emanating from the corporation, and we urge quick Congressional passage of the President's bill.

THE MANPOWER AMENDMENT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ESCH. Mr. Speaker, tomorrow the House will consider an amendment which I will introduce to cut back on the total military manpower by the number of troops withdrawn from Vietnam. I view this as one of the most significant amendments to come before the House in its debate on military procurement. Passage of this amendment would assert, at long last, congressional authority over the constant and seemingly inevitable expansion of the military. Ever since the Korean war, the Congress has abdicated its constitutional role over the raising of armies and has simply put its rubber stamp on the requests made by the Pentagon. By limiting the number of men in uniform, the Congress will serve notice that it believes that military expansionism must be brought under control.

The failure of the House of Representatives to scrutinize Defense budgets has been of great concern to me since I first took my seat here 3 years ago. There is no excuse for waste, inefficiency, and empire-building in the Defense Department than there is in any other department or agency in the Government. I believe this amendment is a small, but meaningful, first step in gaining control over the gigantic defense budget which eats up 50 percent of the taxpayer's dollar. Our strength can be maintained without waste and inefficiency in military spending.

This amendment guarantees that troops withdrawn from Vietnam will not be redeployed elsewhere, but will be deactivated. It would serve as a measure to assure that American boys withdrawn from Vietnam are not involved in another military action elsewhere in the world. It would serve as a check against the United States becoming involved in another Vietnam, without the full consultation of the Congress by the administration.

Mr. Speaker, I joined with four colleagues in a letter describing the details of the manpower amendment which we will consider tomorrow. I include the letter at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, D.C., September 29, 1969.

Re Manpower Amendment to Military Procurement Authorization Bill.

DEAR COLLEAGUE: What should happen to the troops activated for Vietnam duty as they are withdrawn from Vietnam?

The Senate answered this question by passing overwhelmingly (71–10) an amendment to the military procurement authorization bill proposed by Senators Cook (R-Ky) and Bayh (D-Ind). The Cook-Bayh formula effectively requires that the overall strength of the Armed Forces be reduced by the number of men withdrawn from South Vietnam. Actually, it deals with the deactivation problem conservatively since it is estimated that about 800,000 troops are engaged directly or indirectly in Vietnam support operations. The amendment requires reduction in manpower equal to only the approximately 540,000 men *directly involved* in Vietnam.

The Cook-Bayh formula was accepted by both the Pentagon and by Senator Stennis on the floor of the Senate. See pages 25802–08, Cong. Rec. for Sept. 17, 1969.

We intend to offer an amendment when the House considers the military procurement authorization this week which is *similar in principle to the Cook-Bayh amendment.* The Commitee bill reduces the strength of the Armed Forces by 175,000. But this just barely covers the 175,000 in troop cuts *already announced* by the Administration; it says nothing about what will happen to the additional Vietnam troops to be withdrawn.

We believe that our amendment is a reasonable and responsible approach to the question of what will happen to troops withdrawn from Vietnam. We believe it deserves widespread, bi-partisan support such as it received in the Senate because:

It guarantees that troops withdrawn from Vietnam will not be redeployed elsewhere but will be deactivated.

It does not involve the question of a withdrawal timetable from Vietnam. The amendment simply says that as troops are withdrawn from Vietnam, they are to be deactivated rather than redeployed elsewhere—such as Laos.

It would not tie the President's hand in the future. The amendment specifically provides that the manpower ceilings it enacts will not apply if a future national emergency is declared by the President or Congress.

It would not require any service to be reduced below its present statutory ceiling. Thus the Marine Corps, which is already at a level below its statutorily authorized strength (unlike the other three services), would not have to be reduced further under the amendment.

It would bring our post-Vietnam troop levels in line with what the Pentagon was planning before Vietnam. In 1964, military planners projected force levels of 2.7 to 2.8 million men. The 175,000 Committee reduction plus an eventual reduction of another 475,000 as troops are withdrawn from Vietnam would reduce overall U.S. troop strength from its present 3.46 million (the largest in the world) to about 2.8 million men. The amendment is also consistent with the MCPL report endorsed by 80 members of the House and Senate. Finally, Senator Stennis said on August 11 that he favored reducing military manpower "as soon as the shooting stops at least to the level it was before the war started." (Cong. Rec. at 23226).

It would save between $3.2 and $5.5 billion annually to the American taxpayer when troop withdrawals are completed. These estimates do not include related costs of operating and maintenance which would also be reduced.

It would restore Congress to its proper constitutional role of determining the size of U.S. military forces. The existing statutory limits on military manpower have been continuously suspended since 1950. This has meant that for all practical purposes the Pentagon, not Congress, set military manpower levels. The amendment would remedy this constitutional imbalance.

We would welcome you as a cosponsor of the manpower amendment or as a speaker in support of it on the House floor. Most important, we hope you will vote for this amendment for the reasons outlined above. If you would like to act as cosponsor, or would like more information on the whole problem of military manpower, call Joe Lundy, X4835, or speak to any of us on the floor.

A copy of the amendment which will be proposed to section 407 of the Committee bill is attached.

ABNER J. MIKVA,
WILLIAM F. RYAN,
OGDEN R. REID,
MARVIN L. ESCH,
DONALD M. FRASER,
Members of Congress.

PROPOSED MANPOWER AMENDMENT TO MILITARY PROCUREMENT AUTHORIZATION BILL

In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after December 1, 1969, this limitation of 3,285,000 shall within 180 days thereafter be reduced by a like number. Nothing in this section shall be construed as requiring the reduction of the active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law.*

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*NOTE.—Section 407 of the Committee bill already makes these ceilings inapplicable if the President determines that they "will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

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WE NEED AN INFORMED PUBLIC MORE THAN AN ENTERTAINED PUBLIC

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. COLLIER. Mr. Speaker, we are fortunate as citizens of a free nation to have the constitutional right of petition and freedom of speech among other basic privileges which are not allowed under a totalitarian system. Every citizen, however, has the same right to protection under the law to pursue his daily activities without molestation or infringement of his own liberties.

Each of us is responsible to abide by the laws which are established under a democratic system for our mutual protection. The right of petition does not carry with it the right to infringe upon the rights of our fellow men in a civilized society.

We may appeal the decision of a court, but no individual or group of citizens can be permitted to wantonly defy the courts and the laws of this land at their whim. Laxity in enforcing laws and indifference to flagrant violations have been too frequent in recent years, and we must not assume that the use of force or coercion through mass action can be justified or condoned regardless of the cause.

Because there are wrongs and inadequacies in every system and because there are disagreements between men of good will, we provide laws, enforcement agencies and courts to deal with these things in an orderly manner. To even suggest that any individual or group of individuals has the right to pick and choose the laws they wish to obey or disobey flaunts the principles of our civilized society. Carried to any extreme, this can only result in anarchy and its totally destructive aftermath.

In a recent speech before the Catholic Lawyers Guild, Mayor Richard J. Daley of Chicago summarized the problem which has plagued many of our cities and institutions of higher learning in recent times.

Mr. Speaker, I quote from that part of his address which provides food for thought in appraising the situation. Indeed, it is high time for reappraisal. Said Mayor Daley:

> We can applaud the idealism of the younger generation even if we fail to see how tearing down existing institutions and rejecting established values must of necessity lead to an immediate better world.
>
> While we of the older generation can acknowledge our weaknesses, we feel we can also take credit for some of our strengths.
>
> We developed an economic and technological revolution which has increased the standard of living for millions in this nation. We made it possible to distribute political and economic power more widely than in any nation in history.
>
> Our generation fought two wars to preserve liberty. We were the architects of the most generous programs of a victorious nation helping other lands. We have made friends of our former enemies and helped them bind their wounds, till their lands, and rebuild their factories. At home, we have stricken from the books those laws which discriminated amongst our citizens—an important step toward providing equal opportunity. We have launched massive programs to help the most impoverished segment of our population. All this our generation has done—and we agree with the younger generation that much more needs to be done.
>
> Another essential change affecting both generations is the impact of instantaneous communication.
>
> Television, as no other method of communication, influences greatly not only the public which views that event but also the event being photographed.
>
> Television has proved time and time again its great potential for bringing events into the home as they occur, often at the expense of editorial judgment. It presents fragments of events as the whole. The law would not permit in a court room a statement taken out of context to be entered into evidence—even though the fragment is true.
>
> One of the primary ways that television and radio have sought to be objective is to present opposite sides of an issue. Often, however, these views are voices of extremes. For example, one may wonder at the balance or the wisdom of a discussion on a moratorium of the death penalty when one of the participants is situated in death row.
>
> The extreme, the bizarre, the violent, the most theatrical presentations are offered to viewers and readers because they are moving and dramatic. This stress on the emotional content of issues adds to the polarization of attitudes.
>
> Thomas Jefferson advised us of the necessity for an informed public—not an entertained public.
>
> There is a blatant attempt at the trial of eight persons charged with creating a riot at the convention in Chicago last year to focus attention outside the courtroom and onto the streets.
>
> As lawyers and judges, we hold sacred the right to a fair and impartial trial and we lend our total effort to the end that any man, no matter what the charge, may be tried fairly on the charge, and not on extraneous matters.
>
> The courts are society's instrument to balance and resolve legitimate differences, conflicting rights and competing principles. This is fundamental to a nation of law. This all of us must defend regardless of individual views on the issues.
>
> We have been discussing some of the basic stresses in our society which are behind the headlines and pictures we see in our media today. We can resolve these conflicts first of all by being men of good will and then by acting on the basis of principle. This responsibility is especially ours.
>
> Many of you sit on the boards of great commercial enterprises, on the governing bodies of universities and colleges, and as directors of charitable, civic and religious organizations. And as lawyers, you advise clients.
>
> You cannot stay on the sidelines. You can bring to any conflict the essential approach of the judicial process. To act on facts, not emotion—to demand the evidence be weighed—and to seek justice.
>
> Above all, I would like to recall the words of St. Thomas More—what you cannot turn to good you must make as little bad as you can.

INTEREST RATE CRISIS APPEAL HAS BROAD SUPPORT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. MIKVA. Mr. Speaker, in early August representatives of many organizations attended an emergency meeting on the high interest crisis. At that meeting a broad consensus developed about what action the administration must take to fight the present outrageous level of bank interest rates. After the meeting, the statement which had been adopted there was circulated to the organizations represented at it. I believe it will be of interest to my colleagues to see the statement and to know the organizations which have endorsed it.

It is significant, Mr. Speaker, that the organizations endorsing the high interest rate crisis statement cover a broad spectrum of American life. There are labor organizations, there are organizations of Government employees, of teachers, senior citizen groups, farm groups, the homebuilding industry, the U.S. Conference of Mayors, and many, many more. The point is that the call for swift and decisive Government action to end the credit squeeze has broad, nationwide support. With this kind of consensus existing within the country, we are certainly entitled to ask "When will the President act"?

The statement referred to follows:

Statement for Emergency Meeting on High Interest Crisis

Interest rates in the United States have risen to the highest level in 100 years. The prime interest rate charged by banks has climbed to an astounding 8½ percent. The discount rate paid by banks for loans from the Federal Reserve has skyrocketed to 6 per cent, the highest rate since 1929.

The bitter fact is that the country is in the grip of a high interest rate crisis that portends grave consequences for the American people. Already the ordinary citizen is priced out of the home buying market. Even middle-income families cannot afford the 8½ to 10 per cent interest cost which inflates the price of new housing. This is especially true of lower wage earners.

The Federal government is also forced to spend more of its income on interest. Whereas the interest on the Federal debt was $14 billion in 1968, it is estimated to reach $16 billion for 1970. The obvious result of this interest rate escalation is that the Federal government will have $2 billion less in 1970 to spend on needed services than in 1968.

The proponents of high interest insist that a high interest rate policy is necessary to take the steam out of inflation. During the 1950s, increases in the prime rate were followed by recession—the recessions of 1954, 1958 and 1960 all were preceded by an upswing in interest rates. Instead of achieving economic stability, recession and unemployment followed. The social and economic costs of the high interest rate policy are too great—especially since there are other, more direct ways, to control inflation.

High interest rates are not ordained by nature. They are man-made—made by bankers seeking greater profits and government unwilling to take positive action in favor of the borrower and the public generally. The time to drive down interest rates is now, before the grim toll of economic recession is again exacted from the American people.

Therefore this Emergency Meeting on High Interest Crisis, representing millions of people on every level of American life:

1. Calls upon the Administration, through the Department of Justice, to investigate possible antitrust violations by banks in connection with the recent prime interest rate increases. The virtual unanimity of banks in adopting the higher rates strongly suggest the possibility of a conspiracy.

2. Urges the President to publicly declare his opposition to the high interest policy of the Federal Reserve Board and use his great influence and power to bring about a rollback in interest rates.

3. Asks the President to withdraw tax and loan accounts, on which no interest is paid to the government, from those banks which refuse to cooperate and continue to raise interest rates.

4. Calls upon Congress to pass legislation that will curb interest rates, and direct the Federal Reserve Board to sharply reduce the current exorbitant cost of credit.

Finally, it is becoming increasingly clear that the nation's social needs have a low priority on the agenda of commercial banks and the Federal Reserve System. The backlog of desperately needed housing, schools, hospitals, natural resources development, transit, pollution abatement, and other public facilities, bears with crushing weight on our society. Our failures in these fundamental areas of human need will be gravely aggravated if the present high interest rate crisis is allowed to persist. The tools to reverse the upward trend of interest rates exist; we call for their use.

We suggest to the Administration, to Congress, to the Federal Reserve System, and to the banks that the American people will expect prompt and meaningful action if a disaster is to be avoided.

Organizations agreeing to the high interest statement adopted by individuals assembled at the New Senate Office Building Auditorium, August 5, 1969:

Amalgamated Meat Cutters & Butchers Workmen.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Flint Glass Workers Union of North America.
American Public Power Association.
American Association of Retired Persons.
Basin Electric Power Cooperative.
Brotherhood of Painters, Decorators and Paperhangers of America.
Consumer Federation of America.
East River Electric Power Cooperative.
Glass Bottle Blowers' Association of U.S. and Canada.
Group Health Association of America.
Industrial Union Department, AFL–CIO.
International Association of Fire Fighters.
International Association of Machinists and Aerospace Workers.
International Brotherhood of Electrical Workers.
International Brotherhood of Operative Potters.
National Association of Counties.
National Association of Home Builders.
National Association of Housing & Redevelopment Officials.
National Association of Retired Civil Service Employees.
National Consumer League.
National Council of Senior Citizens.
National Farmers Union.
National Grange.
National Institute of Governmental Purchasing.
National League of Cities.
National Retired Teachers Association.
National Rural Electric Cooperative Association.
National Telephone Cooperative Association.
South Dakota Consumers League.
United Cement, Lime and Gypsum Workers International Union.
United Glass and Ceramic Workers of North America.
United Housing Foundation.
United Steelworkers of America.
United Stone and Allied Products Workers of America.
U.S. Conference of Mayors.
Window Glass Cutters League of America.

NATION'S CHILDREN NEED CARE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to include in the RECORD a statement of Thomas P. O'Hearn to the Senate Subcommittee on Agriculture and Forestry.

Tom O'Hearn is a close and dear friend, a man who is very concerned with the welfare of our Nation's children. At the present time, he is serving as the chairman of the legislative committee, American School Food Service Association; and as the director of food services for the department of education in the archdiocese of Boston.

When one considers the vast wealth and resources of this country, it seems rather absurd that our children are unable to receive adequate nourishment; nourishment which would most certainly result in an increased interest in study and the pursuit of knowledge. How can a child learn when he has not had sufficient food to keep himself alert and active? As Mr. O'Hearn points out, the cost of food is rising, and it seems only logical to provide for an increased allocation of funds to be used to purchase food for our schoolchildren.

I commend Tom O'Hearn's statement to my fellow colleagues. He is a compassionate man; his statement is eminently reasonable and reflects his concern for the welfare of America's children.

The statement follows:

Statement of Thomas P. O'Hearn

I am most grateful for the opportunity of appearing before you and your Committee. My panel associates are most distinguished and I am proud to be associated with them in a common effort to alleviate the physical plight of an estimated 7,000,000 of our nation's school children. Well documented nutritional evidence is available indicating this estimate to be reasonably accurate. I would also like to thank Dr. Perryman for his efforts in arranging for our appearance here today.

For quite some time now various news media have been reporting these estimates under a variety of distressing headlines such as "Hunger U.S.A.", "The Hungry Americans" and "Poor Children Can't Have School Lunches". Unfortunately public opinion seems to be placing the blame on the Congress for not having succeeded by now in closing this apparent nutrition gap. This disturbs me, because realistically the Congress should not be expected to bear this responsibility alone.

I do not take this position in a patronizing way, but because of a strong feeling that a majority of us responsible for school food services should have, long before now, communicated to the Congress in a more dramatic way the inevitability of our present crisis. We all have been attempting to solve problems by small measures when a full measure of assistance would have been the ounce of prevention initially needed, rather than the pound of cure essential now, in the fight to alleviate the plight of all of our undernourished children.

During the past school year the Congress provided a small measure of assistance in appropriating an additional $43,000,000 for use by the States in initial attempts to feed the most needy children. Within the limitations imposed by the amount of the appropriation only limited progress was made. Greater advances must be made and we have a responsibility here today, Mr. Chairman and Members of the Committee, to acquaint you not only with what has been done, but, as well, with some idea as to what additional financial assistance is needed to complete the job.

Prior to the availability of the additional $43,000,000 only about 2.5 million needy children had been receiving free or reduced priced lunches each day. During the latter part of the 1968–69 school year this number increased to 4 million children per day. Had these additional children been receiving lunches during the first part of the last school year an appropriation of $77,000,000 would have been necessary.

Approximately 3,000,000 additional children must be served each day, if our common objectives are to be reached. Many of these deprived children reside in large urban areas and are being educated in antiquated school buildings. Problems relating to building replacement, redistricting and the locating of central kitchen facilities contribute to an unavoidable slow rate of progress in the extension of essential food services in most of these areas.

The Commonwealth of Massachusetts for example still has at least 600 public and parochial schools in 29 cities and towns in which school lunches are not available. Although authorities in these areas may be interested in installing necessary facilities they are unable to do so due to a lack of funds. Inflated general education costs appear to be exhausting available local tax dollars. An estimated $4,000,000 would be needed to install food service equipment in these schools.

During the past school year Massachusetts received an allocation of $717,292 out of the $43,000,000 appropriated on an emergency basis. To reach all visible needy children during the present school year a minimum allocation of $1,800,000 will be needed. An increased allocation of equipment monies for distribution by the Commonwealth to needy cities and towns is also essential on an equitable matching basis. Although these statistics apply only to Massachusetts, I am confident that they reflect the situation as it exists, with slight variations, in all other States. It is only with this thought in mind that they have been presented.

We have been invited here today, Mr. Chairman and Members of the Committee, to express our views on the provisions of S 2548 introduced by Senator Talmadge. This legislation in providing for increased appropriations and calling for greater contributions by the States basically represents an enlightened approach and, if enacted, would provide the nation temporarily with a most formidable weapon to use in its fight to eliminate malnutrition among children. My temporary qualification is premised on a conclusion that monies in addition to those called for in this bill will ultimately become necessary, if the Congress should decide to provide a full measure of assistance.

Since 1946 a provision of the regulations issued under the National School Lunch Act has established a maximum reimbursement rate of .09 cents on a Type A lunch. In compliance with the intent of the matching provisions of the Act a few States such as New York, Massachusetts, Utah, Louisiana, Vermont and New Jersey are presently appropriating monies for School Lunch Program purposes. New York and Massachusetts laws stipulate that monies appropriated may not exceed amounts needed to maintain reimbursement rates at the present maximum allowable rate of .09 cents per lunch. It is very difficult for many of us to understand why this maximum rate has not been periodically adjusted to compensate for the significant food cost increases which have taken place since 1946. To correct this inequity, I strong-

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ly recommend that the following amendment be inserted in Section 7 of S. 2548 as Item (b) and that the succeeding items in this section be re-lettered: (See Appendix)

In my opinion failure to adopt this Amendment will result in hundreds of thousands of children being deprived of needed lunches unless they become an additional Section 11 responsibility. Approximately 16% of our needy children presently are being provided for under this program. It is evident that the indicated funding provisions of S. 2548 are not intended to assume this additional burden. In addition, if States continue to be restricted by this unrealistic maximum rate, many more worthy children may well be priced out of the program.

It should be pointed out at this time that this suggested formula for establishing a realistic maximum rate would not in any way commit the Congress to an additional Section 4 appropriation. It would, however, permit the States to appropriate voluntarily additional monies to the program in conformity with the suggested matching provisions of S. 2548.

Mr. Chairman and Members of the Committee, I urge you to recommend favorably the passage of S. 2548 subject to the Amendment which I have recommended. The enactment of this legislation by the Congress would contribute immensely to the future good health of millions of our nation's children. We cannot afford to gamble with the future for too soon it will be the past. Thank you very much.

APPENDIX

Section 8 of the National School Lunch Act is hereby amended by inserting the following sentences immediately after the first sentence in this Section.

The Secretary in establishing the maximum rate of reimbursement which states may pay schools for meeting the prescribed minimum nutritional requirements shall take into consideration the actual national average purchase cost of food necessary to provide such meals. However, in no event shall the Secretary set the maximum rate of reimbursement at less than 50% of the current national average cost of food per meal in each fiscal year. Nor may the states or USDADO wherever applicable reimburse schools in an amount which is in excess of this rate times the number of meals served or the actual cost of food purchased whichever is the lesser. Except that in schools meeting the established criteria for need the Secretary may establish a rate in excess of 50% of the national average cost of obtaining food.

SOUTHERN UNIVERSITIES STUDENT GOVERNMENT ASSOCIATION

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. GRIFFIN. Mr. Speaker, at a time when daily headlines draw our attention to continued campus unrest and violence, it is refreshing to note the organization of a responsible student voice—Southern Universities Student Government Association.

SUSGA rejects revolution as the primary vehicle for social change. Instead, it appeals to the rational student seriously concerned over our Nation's problems and ills who want changes within a lawful and stable environment.

Unlike the SDS, and other Marxist-oriented groups, SUSGA makes no attempt to dictate college or university policies or to function as a political organization. Nor does it villify or denounce national leaders or agencies. By the free exchange of ideas and experiences, SUSGA intends to provide for effective, responsible student governments—the basis for future leadership and sound citizenship.

I commend the following article which appeared in the Jackson, Miss., Clarion-Ledger on August 10, 1969:

[From the Jackson (Miss.) Clarion-Ledger Daily News, Aug 10, 1969]

SUSGA ON CAMPUSES: SOUTHERN COLLEGIANS LEAD IN "RESPONSIBLE" MOVEMENT

(By Bill Marble)

Construction instead of destruction, unity rather than disunity, is the goal of a student organization with deep Mississippi roots that seeks to provide a responsible student voice on the national level.

The organization, Southern Universities Student Government Association, or SUSGA, presently claims membership in only a dozen states. But through a program of regeneration backed by nationally prominent persons, it hopes to change all that.

Included among those who have expressed an interest in and support of the association in its task of achieving national status are former Secretary of Agriculture Orville Freeman, syndicated columnists Jack Anderson and Paul Scott, CBS newscaster Roger Mudd and former Vice President Hubert H. Humphrey.

SUSGA, its leaders say, exists to serve the students of its member schools in building effective representative governments on their campuses. Its ultimate goal is to help produce individuals who are not only campus leaders, but who also will carry their leadership characteristics into society when they graduate.

The South quietly has taken a leading role in meeting the changes of this era. SUSGA, the second largest student government association in the United States, has been a key factor both in keeping Southern colleges and universities abreast of the trends in student opinion and in averting the violence which has disrupted schools throughout parts of the nation.

Unlike any other regional or national student association, SUSGA does not attempt to serve as a policy-making or political organization. Nor does it condemn or ridicule government leaders, agencies or policies or other individuals of this country.

The association enables student leaders to exchange ideas and experiences in order to provide more effective student governments—the basis for leadership, service and citizenship.

STUDENT AWARENESS

Through SUSGA conferences and publications, student leaders are made aware of the wide range of programs and activities suitable for their individual campuses.

SUSGA is not stagnant. It deals with topics relevant to today's campuses. The annual conference is geared toward exploration of every area of student government—academic involvement, human relations, the relationships between students and administrators and the services student governments can provide on their campuses.

Officers of SUSGA are students elected each year at the annual conference. They serve one year and work with the advisers selected to coordinate activities.

Although SUSGA has come a long way in the less than two decades of its existence, the future yet holds many gray areas—problems which lurk in the background for student governments or new ones which arise as old problems are solved.

SUSGA serves a changing climate in Southern higher education. It has proved itself to be an effective sounding board for new ideas and a dynamic force challenging students toward leadership and self-realization, despite the pitfalls inherent in such a program.

REAL DEMOCRACY

SUSGA, declared one officer, is "democracy in practice."

The SUSGA influence within the state of Mississippi is a profound one. Its local affiliate, the Mississippi Intercollegiate Council (MIC), was founded in 1947.

MIC, the first statewide student government organization in the United States and one of the oldest of any kind in existence, traditionally has rejected affiliation with what its president Bill Cole termed "the more irresponsible elements of the nation's students."

MIC meets twice annually with membership having grown from the original four schools to almost 30 junior and senior colleges.

Student representatives of the member schools converge to discuss common campus problems and to establish channels of communication and understanding among all segments of the college community.

POSITIVE PLAN

According to Cole, a senior at the University of Mississippi who also serves on the SUSGA board of directors, said both MIC and SUSGA felt it was time for the establishment of a body to present a positive alternative to "the extremism of Students for a Democratic Society and the National Student Association."

"We are trying to combat the SDS-NSA image by providing a sounding board to discuss all issues—while refraining from endorsing political philosophies, candidates or legislation—as a better way to resolve problems and prevent confrontations on campuses and in the streets," Cole said.

"Through MIC, we have shown how this has been accomplished within the state," Cole added.

RHODESIA—IT IS HERE TO STAY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. RARICK. Mr. Speaker, in less than 2 months from today Rhodesia will be celebrating the fourth anniversary of its independence from British rule.

Mr. Ray Vicker recently has prepared two reports covering the progress in Rhodesia under self-government.

From his reports we learn:

First. Rhodesia is booming despite U.N.O. sanctions and expects a 10-percent increase in gross domestic product in 1969.

Second. African nationalist guerrillas pose no problem, though evidence indicates they are getting strong Communist backing.

Third. Many countries are winking at sanctions, including black-ruled countries in Africa that officially are waging economic war with Rhodesia.

Fourth. The United States enthusiastically cooperates in the boycott, although it is forcing American chrome buyers to deal with Communist Russia at prices 50 percent higher—actually more—than Rhodesian chrome.

Fifth. Sanctions are not affecting Rhodesia's survival but are damaging to the

prospects of expanding opportunities for black employment.

It has come time for the United States to come to terms with the realities of the situation in Rhodesia. Our Government has no alternative but to recognize progress, even under the most difficult conditions. Rhodesia is there. It will not go away.

I call on the President to use the prestige of his good office to see that the sanctions are dropped and further that the United States officially recognize the Government of Rhodesia.

The two articles by Ray Vicker from the Wall Street Journal follow:

[From the Wall Street Journal, Sept. 22, 1969]

IN AFRICA, A SHIFT IN POLITICAL WINDS

(By Ray Vicker)

VICTORIA FALLS, RHODESIA.—In London, representatives of an African guerrilla organization had contended that this part of the Zambezi River Valley formed Africa's newest battleground between blacks and whites in Southern Africa. Now, as the rented Datsun follows the curves of the river road, nothing stirs.

On the far Zambia side of the island-studded Zambezi, a cluster of Tonga huts squats on the bank, inhabitants either elsewhere or enjoying a siesta. A crocodile suns itself on a glittering, white sand bar, while somewhere an unseen hippo snorts like an annoyed pig. Softball sized elephant droppings stud the winding road. The elusive elephants are nowhere in sight. Neither are any African Guerrillas.

In fact, a 50-mile drive from Victoria Falls to Kazungula fails to produce anymore action than a few Rhodesian fishermen and picnickers along the river. And at Kazungula, where South Africa's Caprivi Strip, Zambia, Rhodesia and Botswana rub shoulders uneasily, a South African border guard contemptuously says: "African guerrillas? They're all up in Dar-Es-Salaam driving their Mercedes sedans, occupying their seaside villas, and printing statements about imaginary battles along the Zambezi."

Indeed, along the Zambezi and elsewhere in Africa's "guerrilla country" it soon is evident that African nationalism is making little progress against entrenched white Africa. Moreover, the political winds of change may no longer favor the nationalists.

After March, 1957, when Ghana won its independence, it had seemed as if the forces of change were irresistible. One colonial regime after another was swept way, to be followed by independent African rule. An atmosphere of romance and radicalism hung over African nationalist leaders. They attracted liberal support from around the globe.

It became popular to predict that the wind of change would blow white Africans from control pedestals everywhere, leaving Rousseauesque black African states behind. It was also popular to claim that "South Africa is living on a volcano," about to explode, that "Portugal is too poor to hold African territories for long," and more recently that "Rhodesia can't maintain independence" in the face of United Nations sanctions.

MYTH AND FACT

Today, there are 42 independent nations on the African continent, including Rhodesia. And those statements about the white-controlled nations sound more and more like the wild claims of African nationalists regarding mythical guerrilla victories in Southern Africa.

Only a handful of Africa's peoples have won independence since Rhodesia declared its Unilateral Declaration of Independence in November, 1965. Botswana and Lesotho, two geographical appendages of South Africa, obtained independence from British rule in 1966. Swaziland, another such state, followed in 1968, along with Equatorial Guinea and Mauritius. (The Mauritius might more rightly be classified as an Indian Ocean state. But it is looking to Africa for economic ties.)

Meanwhile, South Africa, Rhodesia and the Portuguese territories of Portuguese Guinea, Mozambique and Angola remain under white rule. And only the most fervent optimist believes the situation will change at any time in the foreseeable future.

"African nationalism has reached the Zambezi river. It will come no further," says Balthazar Johannes (John) Vorster, South Africa's Prime Minister.

Charles E. Bedaux, an American management consultant with offices in Johannesburg, says: "When companies interested in locating here ask me how long this country can go on before the racial explosion occurs, I tell them: 'Whites will be in control here for at least another fifty years. What happens after that doesn't matter, now.'"

That's only an opinion, of course. Nevertheless, it now is evident here that African nationalists have woefully misjudged two factors on this continent: The strength of Southern white Africa; and the strength of tribalism in all Africa.

African nationalism never was a widespread yearning for liberty from black Africa's 230 million people. Rather it was the creation of Africa's thin stratum of Western educated intellectuals, a group never more than a tiny fraction of the total population.

Admittedly, in the right climate, this nationalism can stimulate a following. Britain, Belgium and France, and to a lesser extent Spain, provided such climate in the post World War II period. They decided to decolonize, come what may, making it relatively easy for the nationalist intellectuals to lead their nations to independence. But these bloodless separations created a false picture of nationalist strength. Only two nations of black Africa—Kenya and Madagascar—actually fought for independence. Other murderous upheavals in black Africa came after independence was achieved, whether in the Congo, in Burundi, Rwanda, the Sudan, Zanzibar (now part of Tanzania) or Nigeria.

Only in white Southern Africa did the nationalists meet real resistance.

There, they turned to violence. Russian and Red Chinese training and weapons have helped to forge guerrilla armies which seek to wage war against Angola, Portuguese Guinea, Mozambique, Rhodesia and South Africa.

But after eight years of trying, Angola still is as Portuguese as it was in 1961. Only a small part of Northern Mozambique is affected by the five-year-old war there.

Guinea, a hot, swampy country of throbbing drums and drenching rain, is wedged between two African nationalist nations which provide support for guerrillas. But even with that help, guerrillas are stalemated after seven years of war.

South Africa is virtually unaffected. Rhodesia proves far stronger than nationalists figured. In Salisbury, one Rhodesian government official grimly relates the story of a guerrilla attack in force across the Zambezi about 18 months ago: "Our forces cut them to pieces," says this official.

Then he explains that about a year ago, another buildup of guerrillas was noted on the Zambian side. Rhodesian helicopters hovered over the river while loud speakers carried taped messages which said in effect: "Come on across the river. We're waiting for you." Guerrillas faded into the bush, and haven't been seen here since.

Today it is doubtful that any of the various guerrilla groups in the field can mount more than a few hundred men at any one time. Moreover, units suffer from the fact that "everybody wants to be chief," as one Rhodesian phrases it. So groups splinter, then splinter some more as victory seems further and further away.

Meanwhile, tribal splits have become evident all through Africa. The splits suggest that there is no black-white confrontation in Africa, simply because there is no black front in Africa. An African in South Africa regards himself as a Zulu, or Xhosa or Basuto, or something else, not as a member of a black race where everybody shares common grievances. In Rhodesia the African sees himself as a Matabele or Mashona. In Zambia there are the Bemba, the Lozi, the Tonga and scores of other tribes.

There is no more political unity among most of these tribes than there is between white Swedes, Italians, Poles and Englishmen. There also is a good deal less cultural unity.

Tribal conflict is more evident in the current attempt of the Ibo tribe to carve the new nation of Biafra from Nigeria. It has been a factor in black versus black wars which have cost the lives of 3.5 million Africans since nationalism became a factor in African politics, according to one North Atlantic Treaty Organization source.

ALIEN TRIBES

Often a guerrilla group can wield a sizable force from one tribe as is the case with Frelimo, the nationalist movement in Mozambique. It has sizable support in the Makonde tribe which straddles the Tanzania-Mozambique border. But when the Makonde guerrillas move into another tribal area, they are viewed as the alien enemy. Local Africans betray them to the Portuguese.

This is true in many other places in Africa, too. Rhodesia, for instance, has only two main tribes, the Mashona and the Matabele. "They get along now because whites still are in control," says C. G. Tracey, a Salisbury businessman who was born and raised in Rhodesia. "If we weren't in control, these two tribes would be at each others' throats, as they were when the first settlers came to this country."

This is not a pleasant picture, of course, for the African nationalists. But too often they have substituted wishful thinking for ingenuity in facing problems. For example, they like to avert that history and sheer numbers alone will decide issues in this part of the world.

"This ignores the fact that 40,000 Romans were able to keep a million and a half Britons in subjection for 400 years," says another Rhodesian businessman. And that was before modern technology added a new dimension to the power of industrialized peoples.

Rhodesia, Portugal and South Africa have jet air forces. Portugal has some of the best weaponry NATO can provide, as African nationalists like to emphasize from time to time. South Africa is advanced enough to build its own missiles, and perhaps atomic bombs, too, were they considered necessary. Rhodesia and South Africa have developed economies which produce everything from complex electronic equipment to automobiles. And all three countries have manpower capable of handling the intricate gadgets and weaponry which provide heavy firepower to a comparative few.

If numbers alone decided political fates, little Israel with its two million people would have been beaten long ago by the 100 million Arabs from Morocco to the Persian Gulf. Those 50 to one odds, of course, are longer than the 20 to one odds faced here by 228,000 Rhodesians if all the blacks in the country had one united opposition voice, which they do not.

This is one reason why a visitor can drive along the Zambezi river by himself without much chance of encountering any African guerrillas. That situation could always change if pressure from southern Africa continues and starts to accelerate.

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But there's nothing right now which indicates that, even with massive Communist help, much progress is being made.

RHODESIA: BOOMING DESPITE SANCTIONS

(By Ray Vicker)

SALISBURY, RHODESIA.—What happens when the United Nations leads a world-wide economic boycott of a little country with only 4.8 million people?

If the country is Rhodesia, it has the biggest boom in its history, with a net inflow of new settlers, an economic revolution that launches dozens of new industries, sets off a boisterous stock market advance, and strengthens wills all around. That's the picture that emerges after talks with dozens of government figures, businessmen, bankers, farmers and ordinary citizens in this ruggedly individualistic land.

Prime Minister Ian Smith, in an interview, underscores the picture of a country on the go. After estimating that the country's gross domestic product will rise 10% this year over last he adds, "This is happening despite the fact that we sometimes must discount prices of our products to sell them on world markets, while paying premium prices for the goods we buy."

That 10% figure comes after deducting a 2½% inflationary factor from an estimated upsurge of nearly 13% this year. Moreover, the estimate is backed by solid figures of exports, interviews with numerous company officials here and first-hand observation.

All this expansion makes for a growth rate matched by few countries on earth, none in black Africa. It's enough to give Rhodesia a GNP of $1.2 billion this year, well above the $986 million level of 1965, the year of Rhodesia's unilateral declaration of independence, or UDI as it is known here.

The Rhodesian leader sits in his parliament building office beneath a drawing of Cecil Rhodes, pioneer empire-builder of Africa. He also voices a racial theme akin to that of Rhodes, "Equal opportunity for all civilized men." He emphasizes that Negroes are getting and will continue to get the vote as they measure up to earnings and educational standards. And he hopes the vote will be expressed in a multiracial society. "Apartheid along South African lines is a practical impossibility here," he says.

In jaunty mood he also outlines developments in this California-sized country. The economic sanctions are being circumvented. African nationalist guerrillas pose no problem, though evidence indicates they are getting strong Communist backing. A new constitution is being prepared that will allow further gradual expansion of the African vote. The country is to become a republic when that constitution is introduced "probably next March, April or May," depending on the mechanics of implementation. Several nations are expected to recognize Rhodesia then, and the sanctions will probably fade away. Indeed many of them seem to have faded already.

LONDON VS. SALISBURY

The UN sanctions were initiated at British instigation after UDI. Britain refused to certify the independence of its colony, contending that more political rights must be accorded the nation's 4.5 million blacks by its 228,000 whites. Prime Minister Smith led Rhodesians in insisting that the pace of Negro political development would be set here, not in London.

The sanctions program, which began with all the elements of a spy novel, may be degenerating into a gumshoe comedy. Initially, British secret agents poured into Beira and Lourenco Marques, key Mozambique ports through which Rhodesian goods had moved. Agents snooped into cargo manifests, investigated ship loadings, warned the UN about suspicious ships with Rhodesian cargoes. The British foreign office applied pressure on governments suspected of allowing their citizens to trade with Rhodesia.

But Rhodesians are evading the boycott. In Addis Ababa, Diallo Telli, secretary-general of the Organization of African Unity, complains that "the UN sanctions policy against Rhodesia is an utter failure." Instead of looking like a besieged city, Salisbury is prosperous. It is an antiseptic city of broad walks, green parks and high-rise buildings. Its outer circle contains an array of ranch-type homes set on spacious lawns, most with swimming pools.

The O. K. Bazaar, like other of the city's department stores, teems with shoppers. Appliance stores display Grundig and Zenith radios, Sony and Akai tape recorders and various other electronic gadgets from major nations of the world. New French-made Citroen and Peugot automobiles vie with German-made BMW cars. There are so many automobiles on streets that parking is a problem. A gasoline station attendant scoffs at suggestions of the world. New French-made Citroen gives you 100 gallons if you can pay for it, he says. Meikles Hotel, one of the best in town, offers French wines on its ample menu in the chic La Fontaine Room. American films such as "The Prime of Miss Jean Brodie" and "MacKenna's Gold" are featured at theaters.

Jan Brinker, a long-legged and elegant blonde from San Francisco, packs them in nightly at "La Boheme" nightclub where she is the singing attraction. Also on the program is Nadjia, "The Nymph of the Nile," a stripper. Her special 5:30 p.m. show catches numerous tired businessmen on their way home. None seem to be thinking about sanctions when Nadjia reaches the climax of her act.

D&M Williams travel agency is advertising 34-day Caribbean cruises at fares of from $1,236 to $1,736. Yerman quality footwear is plugging a new shipment of ladies' shoes from Italy, while the Salisbury Jaycees are holding stock exchange investment courses aimed at explaining market operations to potential investors.

The Salisbury stock exchange reflects the boom. Early this month the industrial shares index kept by L. Waugh & Co., a Salisbury stock brokerage, stood at 356.9 (January 1963 equals 100). In October, 1965, just before UDI, it was 171.3. Moreover, the current level is down from the peak attained May 9, 1969 of 434.2.

Rhodesia's diversified economy is a big reason for the country's success in surmounting sanctions. "If we had a single-crop economy, things might have been awkward," says Prime Minister Smith. "But we make hundreds of different things and it is difficult to enforce sanctions in such a situation."

Rhodesian tobacco production, 132 million pounds annually, now is just about in balance with the country's ability to sell the crop. Of course that total is only half the 260 million pounds produced in the UDI year of 1965. Farmers have shifted to production of cotton, corn, wheat and other crops, which helps conserve foreign exchange.

In manufacturing, too, Rhodesia is becoming self-sufficient in scores of fields, becoming an exporter in others. "We've gone into the manufacture of simple farm tools such as disc plows, harrows, graders and peanut shellers," says John D. Cameron, managing director Bain & Co., Rhodesia Pty Ltd., Salisbury. This farm implement dealership has a volume of around $2.5 million annually and has the International Harvester agency in Rhodesia. Proudly Mr. Cameron says: "We can produce and sell the items we're now making 10% cheaper than the imports."

Rhodesians now are even manufacturing Dumbartin brand "Scotch" whisky, using sugar alcohol as a base. "The first two drinks are bloody awful. Then it goes down all right for your throat is numb," says one booster of this local Scotch. Rhodesian manufacturing ingenuity is found in scores of other areas from quality textiles to electronic equipment.

Tourism has rallied, too, after falling immediately after UDI. A record 266,421 visitors entered Rhodesia last year, and the total so far this year is 6% higher. The Victoria Falls Hotel had a full house on a recent weekend. The nearby casino does a brisk business at tables. On Lake Kariba, a yatching regatta attracts a crowd, while the Zimbabwe ruins draws busloads of tourists. Earnings from tourism will amount to more than $20 million this year.

Mine production is booming. Union Carbide Corp. operates the world's largest chrome mine, under government aegis. This and another big mine account for about 5,800 tons of ferro-chrome alloys annually. Nickel production is being expanded sharply by the Anglo-American group of South Africa and the RTZ group of Britain. Estimates are that both groups together will be producing at a rate of 28 million pounds of nickel annually next year. This would be equivalent to $84 million at today's prices says one mining source—a substantial addition to Rhodesia's foreign exchange earnings.

Rhodesia is a gold producer too, and this is a valuable product, with the free market offering more than $40 an ounce. Like many other things, the rate of output is secret. Evidence indicates, however, that about 455,000 ounces will be produced this year, about $15.8 million at $35 an ounce, or about $18.2 million at $40 an ounce. The latter price is the likelier for Rhodesian sales.

ALMOST A FIASCO

The sanctions are also failing because few nations support them vigorously. South Africa and Portugal rejected the sanctions outright. Both nations have solid reasons: If sanctions worked against Rhodesia, the UN might well apply them next to these two nations, under pressure from black Africa. So many Rhodesian products can be expected or imported through South Africa or Mozambique that the sanctions have become almost a fiasco. Rhodesian citrus fruits reach markets under a South African label.

Many other countries are winking at the sanctions. Officially, black-ruled Zambia is waging an economic war with white-ruled Rhodesia. Nevertheless, a Zambian National Tourist Bureau bus carries travelers from Livingstone airport in Zambia to the Victoria Falls Hotel in Rhodesia. The bus crosses the Zambezi on the joint road-rail bridge just below the mighty falls discovered by David Livingstone. A Rhodesian Railways freight train trundles northward on the single track, toting about two dozen carloads of South African products plus a half dozen cars of Rhodesian coal for Zambia.

Like Rhodesia, Malawi and Zambia export tobacco. So Rhodesian bills of lading can sometimes be doctored to make it appear as if the tobacco originated in neighboring countries. Rhodesia is paying its farmers about 29 cents a pound for top grade tobacco, though comparable tobaccos sell at 55 to 58 cents a pound on world markets. This gives the government plenty of leeway for discounting. Discounts attract buyers from Continental Europe or elsewhere.

Britain, of course, is supposed to be leading the sanctions drive, and British Overseas Airways Corp., is a government-owned company. Still, the Rhodesian Herald here contains a quarter-page BOAC ad offering to fly Rhodesians to Paris, London Rome and elsewhere.

BOAC planes no longer land here, but South African Airways does, and BOAC has a cooperative arrangement. After passengers have been whisked away from Salisbury on SAA, they can switch to BOAC at the closest transfer point. To expedite this business, BOAC still maintains an office in Salisbury.

U.S. SUPPORT OF BOYCOTT

The U.S. enthusiastically cooperates in the boycott. "America is one of the worst in trying to make sanctions hurt us," says Prime Minister Smith. The U.S. is even forcing American chrome buyers to deal with Communist Russia at prices 50% higher than Rhodesian chrome.

Still, says the prime minister, "Sanctions have drawn our people closer together. Overnight we have developed into a young nation." He cites the fact that 72% of the voting population voted for the new constitution, while 61% favored creation of a republic. That voting population is primarily white, it is true. Mr. Smith points out, though, that nearly a quarter of the members of parliament are blacks, a fact often overlooked in discussions of white domination here.

Foot on desk, he leans back in his swivel chair to add: "As far as sanctions are concerned, we expect that they will gradually erode away." He shakes his head as he adds, "Unfortunately, it is the African who is suffering most because of sanctions. We employ the same number of Africans now as at UDI. But the African population is increasing and we should be increasing the total number employed. Sanctions keep us from doing that."

Then he expresses puzzlement about the American position in Africa. "Why is America persecuting us?" he asks. "The United States is one of the most active countries in enforcing sanctions against us. Yet we are holding the line here against Communist encroachment in Africa through Zambia and Tanzania."

Shaking his head again, he says, "We've fought alongside Americans in World War II. Now we've found the same weapons on Communist armed guerrillas here as are killing American boys in Vietnam. We aren't asking for a single dollar or a single American life or a single gun to help us. All we ask is that you leave us alone."

SENATE—*Friday, October 3, 1969*

The Senate met at 11 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who hast promised that they that wait upon the Lord shall renew their strength, teach us in holy silences how to wait and how to listen that we may be strengthened by Thee, and, strengthened by Thee, we may love and serve Thee. May the drive of daily duties never crowd Thee from our inner being, but keep us so aware of Thy presence that our work may be our worship. Be in and with all who are in the service of this Nation that we may forward the day of Thy coming kingdom, the law of which is love, and the ruler of which is the Eternal God.

In His Name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 3, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. **ALLEN** thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 2, 1969, be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Commerce.

(For the nomination this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore:

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provde employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees; and

S.J. Res. 46. Joint resolution to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week".

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that, at the conclusion of the speech to be delivered by the distinguished Senator from Nebraska (Mr. CURTIS), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The **ACTING PRESIDENT** pro tempore. Without objection it is so ordered.

ORDER OF BUSINESS

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **SCOTT**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR CURTIS

The **ACTING PRESIDENT** pro tempore. Under the order of yesterday, the Senator from Nebraska is recognized for not to exceed 1 hour, after which the morning business will be taken up.

TAX REFORM ACT OF 1969

Mr. **CURTIS**. Mr. President, I am opposed to changing the tax-exempt status of State and municipal bonds in any manner. Likewise, I am opposed to the provisions of the tax bill now under consideration by the Senate Committee on Finance relating to foundations and the giving of property of appreciated value. These are but parts of H.R. 13270, referred to by some as the "Tax Reform Act of 1969."

This measure, now before our committee, is potentially one of the most significant revenue bills ever to come before the Congress of the United States. I commend the Nixon administration, particularly Secretary Kennedy and the Assistant Secretary of Treasury for Tax Policy Cohen, the House Ways and Means Committee, particularly my good friends, the distinguished chairman of the committee, WILBUR MILLS, of Arkansas, and the very able ranking minority member, JOHN BYRNES, of Wisconsin, for the efforts they collectively have made in connection with tax reform. I served on the Ways and Means Committee for 10 years, and I speak with some appreciation of the tremendous amount of work that went into the House passage of H.R. 13270.

However, a good many basic public policy issues as well as public revenue issues are raised by many of the House tax reform proposals, and I am deeply disturbed that several provisions, if enacted, will be completely counterproductive in the terms of advancing what I consider to be the clearly defined national interest.

I refer, first, to the vehement opposition of State and local government officials to the House-passed provisions relating to the tax treatment of State and local bonds. The protests of those

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who oppose these provisions carry a conviction more compelling than the hollow ring of self-serving declarations of those who simply seek to avoid higher taxes. Their arguments as to the undesirable policy implications of these provisions have impressed me. While I am for tax reform, I also favor decentralization of governmental authority, and any tax provision which would weaken State and local governments and make them more dependent upon the Federal Government is questionable in my mind.

As a practical matter, I also am concerned about another possible side effect of the House-passed provisions relating to State and local bonds—the possible increase in the property tax burden of property owners in this country. The demand for services and physical facilities at the State and local level is almost incomprehensible. The cost of State and local government is skyrocketing. In the last 2½ years the State and local expenditure rate on goods and services has risen to $111.9 billion, an increase of 25.3 percent, as compared with a Federal increase of 10.9 percent. If, as State and local government officials contend, the impact of the House provisions relating to State and local bonds will be to increase the borrowing costs of such governmental entities, it is inevitable that these increased costs will have to be raised through the imposition of additional taxes since only the Federal Government can continue to operate with large deficits. Local governments are heavily dependent upon the property tax as a source of revenue. I need not remind my colleagues of the tremendous constituent concern existing about high property taxes on homeowners. I do not wish to have to answer the charge that I am partially responsible as a member of the Senate Finance Committee and as a Member of the Senate for an increase in the tax cost of homeownership in cities and counties across Nebraska. If property taxes will thereby be increased, enactment of the House provisions regarding State and local bonds will not only be bad policy but also bad politics.

Second, I am deeply disturbed that other provisions of the bill will, if enacted, deal a crippling blow to our schools, colleges, hospitals, and other similar organizations which depend on private philanthropy to survive in today's world of soaring costs. One needs only to look at the burgeoning enrollments in our schools, colleges, and universities and the ever-mounting numbers of patients in our hospitals, the demands for increased salaries, and the skyrocketing costs of construction, to realize that these organizations are in grave financial danger. The Federal Government, already commendably committed to minimizing increased expenditures in order to fight inflation—the most unfair tax of all—cannot provide additional massive assistance to these organizations. Truly, this is a time when private philanthropy should be encouraged, rather than discouraged. Yet, many of the provisions of the tax reform bill affecting private foundations and charitable contributions must be viewed as lessening if not eliminating the incentive for private philanthropy.

Mr. President, I wholeheartedly agree that private foundations should not be used merely as a tax shelter. Accordingly, I vigorously support those provisions of the bill which prohibit self-dealing and require foundations to distribute all of their income on a current basis.

What concerns me, however, is that the House did not stop at acting to prevent these abuses but went on to pass other provisions which can only be characterized as punitive in nature. The potential for disruption contained in these provisions is staggering. For example, the proposed 7½-percent income tax on private foundations is a radical departure from our historic public policy of encouraging private philanthropy, which has so clearly contributed so much to our society. As the Treasury Department itself has recognized, the burden of this tax would ultimately be borne by those schools, colleges, and hospitals which are so dependent on foundation funds. For example, in my own State of Nebraska, private colleges carry 30 percent of the cost of higher education. I doubt that a single one of them could meet the needs of the times without the aid of foundations. Curiously, under the House bill, those foundations which produce the greatest amount of income and thus provide the greatest support for our schools and colleges would pay a greater tax than those organizations who abuse the privilege of tax exemption by investing in assets which produce little or no income for charity.

Mr. President, taxing the income of foundations is in reality taxing those organizations, such as schools and hospitals, which provide services and facilities that the Government would be forced to provide if these organizations are crippled. During the past few weeks I have listened to college presidents, church officials, and representatives of similar organizations urge the Committee on Finance to carefully consider what they, the experts in this field, view as the potentially disastrous effects of this bill. To them, the tax on foundations represents nothing less than a dollar for dollar reduction in their financial resources, resources they so vitally need to educate our future leaders. These are men who have no other interest than to insure the continued high quality of American education.

Mr. President, their fears are not illusory. In a recent year, 20 universities received nearly 80 percent of all Federal aid to higher education. Other educational institutions—private and public—obviously must depend heavily on State and private sources of funds. Mr. President, privately supported colleges which bear a great portion of the public burden of educating our young, simply cannot afford to lose the support of American philanthropy, support which we, the Congress, have committed ourselves to encourage since the earliest days of our income tax laws. Even our great State universities must, of necessity, rely heavily on grants from private foundations and private philanthropy.

I realize, of course, that the Government will need funds for a vigorous enforcement program by the Internal Revenue Service so that past abuses of the tax exempt privilege will not be repeated in the future. There is merit in this view that this cost should not be borne by taxpayers generally. Accordingly, I approve the proposal that private foundations be required to provide funds for such compliance activities through an annual fee measured by the value of their assets.

Other provisions of the tax reform bill respecting private foundations greatly disturbs me. For example, under the House bill, a foundation could not own more than a specified percentage of the stock in a business corporation. Although the stated purpose of this provision—to insure that foundations are operated exclusively for charitable purposes—is laudatory, there is simply no proof that every foundation whose assets consist of controlling interests in other corporations operates any less in the public interest than a private foundation which does not so control a business. Indeed, the major abuse at which this provision is aimed would clearly be eliminated by the provision in the House bill requiring a foundation to have a minimum current yield on its investment assets and requiring its current distribution to charity. I find it hard to see why the proposed limitation on stockownership is necessary. So long as a private foundation earns a reasonable amount of current income and distributes all of its current income to charity, the privilege of tax exemption is not abused regardless of the type of assets held by the foundation. The enactment of this provision will provide no revenue whatever.

Mr. President, we are considering a tax bill to do justice, to equalize the burden on taxpayers. In this particular instance, there is inserted in the bill a provision totally unsupported by any evidence as to its necessity which will not bring in one dime of revenue.

Finally, I think it is clear that the penalties which the House bill would impose on both the private foundation and its managers for violation of its provisions are much too harsh, foreseeably involving civil fines far exceeding any fine which could be imposed in a Federal criminal case. In short, in many of these cases, the punishment simply does not fit the "crime."

In short, Mr. President, I regard even the most private of private foundations as a public institution. I vigorously support the purpose of those provisions of the bill which are intended to prevent future abuses of the privilege of tax exemption and abuses in charitable giving. But I am deeply concerned lest, under the banner of tax reform, we do not stop at alleviating these abuses but rush on in an effort to meet a deadline to enact ill-conceived legislation which will be disastrous in its impact upon schools, colleges, hospitals, and other similar organizations.

These provisions give me serious concern even apart from their potential for disruption. They represent nothing short of an all-out assault on the concept of pluralism under which this country

has prospered since its inception. By discouraging American philanthropy, as these provisions would surely do, those organizations who depend on private funding will be forced to turn in ever increasing numbers to Washington. If Federal assistance is forthcoming, not only will the battle against inflation be set back as the result of budgetary deficits, but collective national judgments will be substituted for local and individual choices. To those of us who believe in the continuing vitality of the theory Tocqueville remarked:

> The success of a democracy may be measured by the quality of functions performed by private citizens.

The role of private philanthropy in America is far too important to permit it to be undercut by ill-conceived and hasty legislation.

Mr. President, the Senate has often prided itself on being the greatest deliberative body in the world. In that tradition, let us take the time to enact carefully considered legislation which deals with recognized abuses without destroying private philanthropy. This goal can be accomplished if we have the will, and take the time, to do it.

I want to say something now about the importance of this proposed tax bill to our libraries, our museums, our colleges, our churches, our children's camps, our hospitals, our research centers, and other such institutions. Those provisions of law which create incentives for individuals to give their property away to good causes should not be altered.

If an individual has owned a piece of property for some time and he gives it to one of these excellent institutions, he should not be required to pay a capital gains tax. The reason is simple. He has not gained financially. He has given something valuable away. Second, the current value of the gift is the right value to measure the donor's charitable deduction. This is a proper incentive. It is an incentive that materially helps to support our finest institutions.

Mr. President, if a taxpayer has a property that has increased in value, and he gives it away, it is no longer his. He could have sold it and reinvested the money and created more wealth for himself. He could have spent it for his own pleasure. He could have hoarded it. Why should there not be a tax incentive for him to give it to a most worthy cause that helps everyone?

If we are to have a tax reform bill, Mr. President, it must not alter in any manner the tax-exempt status of the bonds of State and local governments. It must not contain the provisions of the House bill with respect to foundations and charitable giving.

There are many, many far-reaching changes in this bill. H.R. 13270. I shall have something to say about some of the proposed changes at a later time.

Mr. President, I yield the floor.

Mr. PEARSON. Mr. President, I would like to commend the Senator from Nebraska for the very excellent statement and well reasoned argument in regard to foundations and charitable institutions. I would amplify the record he has made by indicating that we have an enormous number of church-affiliated colleges in Kansas, as there are in the State of the Senator from Nebraska. I have some intimate knowledge of what the financial conditions are in those institutions. I have been called upon on a number of occasions to help raise money and solicit funds, particularly for church-affiliated schools. I do not know how they are hanging on. The presidents of those institutions spend practically all their time in fundraising efforts. The Senator makes an excellent point in his concern with regard to funds for such institutions.

Indeed, it applies to State universities. Kansas State and the University of Kansas rely heavily on gifts and grants and foundations. If such sources of funds dried up, the call upon Federal funds will be that much greater in the years ahead.

I recognize some of the evils that have been brought to the attention of the Congress in regard to foundations, but it would be a mistake to overreact, particularly in the vital field of education, where we have such a great need for funds.

I again commend the Senator.

Mr. CURTIS. I thank the distinguished Senator from Kansas. I appreciate his words very much.

I would like to call attention to the fact that there are perhaps as many as 22,000 private foundations, and there may be more, in the country. Individuals and groups that are against foundations, and which have particularly sought to investigate them and get the facts, have never touched as many as 500 foundations. Many of those foundations have had no fault found against them.

Here is what can well be done: There are some clearly defined abuses against which Congress can enact provisions of law. There could be a requirement that a foundation must pay the money out for the purposes designated as charity. Then, if we require adequate information, and there is a small tax—not the one proposed by the House, but a small tax—arrived at in a different manner, so the Internal Revenue Service can audit the records of these organizations, after a few years we can intelligently legislate and prohibit practices that should be prohibited. We can provide for punishment where punishment is deserved. But if we act on the House version, or if we ourselves attempt to cover the same ground and reach the same purposes under a deadline of performance, we will have rendered an all-time injury to colleges, universities, research centers, camps for underprivileged children, and for all the wonderful activities that private philanthropy carries on.

I would also like to mention something that may come as a shock. Under the House bill, some foundations are taxed at the regular corporate rate. I will illustrate: If a corporation owns all of another corporation, and that corporation pays dividends to the parent corporation, there is an 85-percent dividend credit for the parent corporation with respect to taxes, so it pays on the 15 percent, or 7½ percent. The House version would require an income tax on foundations of 7½ percent.

Let me illustrate what the House has provided. Here is a foundation that owns a business. It is the sole owner. The business pays a tax, as does any other business, but it transmits its earnings to the foundation. The House proposes to tax the foundation's income at 7½ percent. That is exactly the same as if a private corporation received an 85 percent dividend credit and paid a tax on 15 percent of its earnings, at a rate of 50 percent.

The bill just should not be passed as it is written. We should limit our action to clearly defined abuses and provide the Treasury Department and the Internal Revenue Service with the tools and the funds—and we would do that with a special act—to ascertain what the problems are. Then we could act for the public good, without doing great damage, not only to some wonderful institutions, but to our way of life.

Mr. PEARSON. Mr. President, I want to ask the Senator just one more question. I do not know how many international foundations we have, but I am familiar with one or two foundations which are designed to promote Anglo-American friendship. I refer to American-British foundations. I think we have a number of international foundations. I am concerned about that, and I make inquiry as to what effect the proposed legislation would have on that type of foundation.

Mr. CURTIS. The junior Senator from Nebraska is not prepared at this moment to answer the question of the Senator. I would say that the Senate cannot go wrong in following a procedure of getting the facts and then legislating. The only way we can do that is in the manner I have outlined—to have a nominal tax—not an income tax, but a nominal tax—so the foundations pay the full cost of supervision and policing and auditing. After a little while we will know just where there are abuses and where there are practices, regardless of how well intentioned they are, that are not in the public interest.

Again I thank the distinguished Senator.

Mr. SCOTT subsequently said: Mr. President, the distinguished Senator from Nebraska (Mr. CURTIS) has made a very helpful and useful contribution to the discussion on the tax bill. I am very much in sympathy with the points he makes, particularly with reference to the harm which the bill in its present form, as now before the committee, would do to our museums, colleges, and universities, particularly to our private colleges, through the new regulation which forbids donations at appreciated value. I believe there is much reason for very careful thought and review with regard to the foundations and with regard to the taxation on hitherto exempt muncipals and educational securities.

Therefore, I commend the distinguished Senator, who is one of our recognized experts on tax policy.

AMERICAN TROOP STRENGTH IN VIETNAM

Mr. GRIFFIN. Mr. President, on yesterday the distinguished Senator from

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Tennessee (Mr. Gore) took the floor and put into the Record some statistics concerning troop levels in Vietnam. He has regularly provided these figures, which he indicated he received from the Pentagon.

I would like to set the Record straight in the matter of our troop strength in Vietnam by including in the Record these facts:

First. In January 1969, when the Nixon administration took office, the authorized strength ceiling in Vietnam was 549,500.

Second, this authorized strength ceiling was reduced by 25,000 by the President's decision announced at Midway Island on June 8. The President said at that time that the matter of troop level strength would be kept under continuing review, and this is precisely what has happened.

Third. Subsequently, it was announced that the new authorized ceiling of 524,500 would be further reduced to an authorized strength of 484,000, to be attained in an orderly basis by December 15, 1969.

Fourth. Thus, action has been taken to reduce the authorized strength through December 15 by 65,500.

Fifth. The Department of Defense has acknowledged and emphasized repeatedly, and the Military Assistance Command, Vietnam has stated repeatedly, that there will be some fluctuation in strength totals from week to week as a result of the understandable pipeline requirements—that is, the movement and arrival of replacement troops in Vietnam who are there before those they are to replace leave Vietnam.

However, the essential point which the Amercan public should know is that whereas military manpower totals in Vietnam were on a steadily increasing basis through the beginning of this year, there has now been an emphatic turnaround and U.S. military strength is going down.

As has often been mentioned, three factors have been taken into consideration in this reduction of U.S. military manpower in Vietnam:

First. The progress in the Paris peace talks.

Second. The progress in Vietnamization.

Third. The level of enemy activity.

The troop reductions which have been made to date are based primarily on progress in Vietnamization and the turnover to the South Vietnamese of increased combat responsibility.

Members of the Senate should know, and indeed the entire American public should know, that whatever the fluctuations on strength totals for a particular week, the movement clearly is down.

Based on previous experience where actual strength has been below authorized strength, it would be reasonable to forecast that as of December 15, there will actually be fewer American military personnel in Vietnam than the authorized total of 484,000—which again I want to emphasize, is to be compared with the authorized total of 549,500 at the start of 1969.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. GRIFFIN. Mr. President, I make the point of order that a quorum is not present.

Mr. BYRD of West Virginia. Will the Senator withhold that?

The ACTING PRESIDENT pro tempore. Will the Senator withhold his point of order?

Mr. GRIFFIN. I withdraw it.

FEDERAL COMPENSATION FOR DISABILITY RESULTING FROM PULMONARY DISEASES CONTRACTED THROUGH EMPLOYMENT IN COAL MINES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement prepared for radio concerning Federal compensation for disability resulting from pulmonary diseases contracted through employment in the coal mines.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Radio Broadcast on Black Lung Compensation

(By Senator Byrd, of West Virginia)

My fellow West Virginians, earlier this year I proposed legislation to provide disability benefits to disabled coal miners suffering from black lung, pneumoconiosis, and other pulmonary diseases contracted while working in the coal mines. My proposal would reach those miners who are not eligible for benefits under State statutes, and would be funded through Federal and State appropriations without any additional cost to the mine operators.

My foster father was a coal miner, and I recognize the need for a program to benefit disabled miners and the widows of such miners in those instances where State statutes, not being retroactive, leave such disabled miners and their families without any means of support. Many of these old and disabled miners have been forced to retire without anything other than unemployment compensation benefits, which cover only a period of a few months, after which the disabled miner is forced to go on relief or be supported by his children. I feel that the Federal Government and the governments of mining states have a responsibility to help these disabled miners, and I believe that this assistance should be given without additional cost to the coal industry. The mining industry is already heavily burdened with overhead expenses and I believe that we should do everything possible to avoid adding any expense to the industry which would only serve to drive up the price of coal and jeopardize its competitive position in the energy market.

During the debate in the Senate this past week on the Federal Coal Mine Health and Safety Act of 1969, Senator Randolph and I sponsored an amendment, in which other Senators joined, to provide such relief to disabled miners. The amendment was adopted by a vote of 91 to 0. I hope that the conferees from the House of Representatives will accept the amendment when the bill goes to conference.

The amendment provides that the Secretary of Health, Education, and Welfare shall enter into agreements with mining states to provide financial assistance to eligible persons on the basis of disability benefit standards developed by the Secretary. This will be an interim disability benefit program, with the Federal Government paying all benefits through June 30, 1971, and one-half of the benefits during the fiscal years ending June 30, 1972, and June 30, 1973, the states paying the other half. An eligible widow will be paid benefits where the death of her husband resulted from pneumoconiosis arising out of coal mine employment.

Our amendment also provides that the Secretary of HEW shall immediately undertake a study to determine the extent to which states provide disability benefits in cases of pneumoconiosis, the adequacy of such benefits, and the desirability of providing Federal or State or private assistance for such disability. The Secretary is to submit the results of this study, together with his legislative recommendations, to the Congress not later than October 1, 1970.

Our amendment authorizes the appropriation of moneys to carry out the necessary provisions.

The maximum benefits payable under this amendment are according to a formula which would provide: to the miner without dependents, $1,635 annually; to the miner with a single dependent, $2,496 annually; to the miner with two dependents, $2,904 annually; and to the miner with three or more dependents, $3,264 annually.

As I have already stated, the Secretary of Health, Education, and Welfare will develop the interim disability benefit standards which will govern the determination of persons eligible to receive emergency coal mine health disability benefits under this legislation, and he will also develop the methods to be used in disbursing such benefits to such persons.

This amendment is, in my judgment, a very necessary and humanitarian proposal. It constitutes a sincere effort to give some assistance to disabled miners who are in need of help and to widows of miners whose deaths have been caused by disabling pulmonary diseases contracted through employment in the coal mines. The legislation does not seek to substitute Federal assistance for State assistance, but it does seek to provide disability benefits where State statutes fail to do so.

As one who grew up in the coal mining communities of Southern West Virginia, I am glad the Senate has taken this action, and I am also glad that I have been privileged to play some part in the passage of the amendment.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

"DAY OF BREAD" AND "HARVEST FESTIVAL"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 442, House Joint Resolution 851.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The Assistant Legislative Clerk. A joint resolution (H.J. Res. 851) to request the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

Mr. DOLE. Mr. President, on July 23, 1969, I introduced Senate Joint Resolution 139 with 21 other cosponsors requesting the President designate October 28, 1969, a "Day of Bread," and asking all Americans to join with other nations in the observance of these occasions with appropriate ceremonies and activities. A companion measure, House Joint Resolution 851, was introduced and passed the House of Representatives. The House-passed version was referred to the Senate Judiciary Committee which yesterday reported it out favorably.

Mr. President, I am gratified the Judiciary Committee acted expeditiously on this measure. Designation of a "Day of Bread" and a "Harvest Festival" week would be proper recognition of the essential role that wheat and the products of wheat play in our daily lives. Wheat provides more nourishment for people of the world than any other food. Increased consumption of enriched wheat products would alleviate much of the malnutrition that exists in our country and throughout the world.

The fact that our "Day of Bread" is being coordinated with other countries is evidence that the role of wheat in meeting man's needs transcends national boundaries. This is an important effort in the promotion of greater international cooperation and understanding.

I urge my colleagues to support this measure.

Mr. YOUNG of North Dakota. Mr. President, it is a pleasure for me to take this opportunity to express my wholehearted support for House Joint Resolution 851. This legislation, which is identical to a proposal introduced by the distinguished Senator from Kansas (Mr. Dole), myself, and others, would provide for the designation of a "Day of Bread" and a "Harvest Festival."

This recognition of the importance of one of the most, if not the most basic, of our foods is most fitting. Such an observance will provide an important opportunity to call attention to the advances being made in human nutrition and to the importance of adequate nutrition in the development of the individual.

This proposal has been enthusiastically received by agricultural groups throughout the Nation and is supported by processors, producers, trade groups, and governmental units across the country.

The history of mankind is replete with references to the role of the "staff of life." A central concern of all great and powerful nations has always been an adequate supply of the basic foods for their people.

Too often, we are prone to take for granted the great blessings we have because of our agricultural abundance. I feel that the observance called for by this resolution will provide a most fitting occasion for all Americans to reflect on the benefits we enjoy.

No nation in the history of man has ever achieved greatness without a strong and stable agriculture. It is worth noting as well, that the decline of most of the great civilizations has been preceded or accompanied by a decline in their agricultural industries. Americans of every walk of life have reason to be thankful for the bounty of our farms. This has made possible a standard of living unrivaled in the history of mankind.

Passage of this resolution will open the way to a group of activities aimed at recognizing the great benefits we enjoy and, at the same time, seeking to bring these benefits to others.

Mr. President, I am happy that this legislation is being considered today and I cannot urge too strongly that it be enacted.

Mr. HRUSKA. Mr. President, the joint resolution pending before the Senate, Senate Joint Resolution 139, is of great significance to my home State of Nebraska, and to the entire Midwest. This resolution would establish an annual "Day of Bread" and an annual "Week of Harvest" festival. The event would express man's gratitude for the bounty of nature and the annual harvest of farm and field, and would recognize bread as the symbol of all foods.

Mr. President, agriculture is the mother of us all. Not so many generations ago, almost all of our forebears were farmers. Today, agriculture still supplies us with the great part of our most basic necessities—food and clothing.

Although diminishing as the Nation's largest work force, our farmers remain our most productive work force, and our most important consumers for the output of our implement industry, our electric industry, our chemical industry, and others. Although vital to the economic growth of our largest industries, our farmers are also vital to the well-being and happiness of our urban dwellers. The American farmer produces food and fiber for the American consumer at a cost to the consumer of about 17 percent of his income, which is the lowest in the world.

Of all the staples produced on the farm, bread has universal acceptance as one of the most basic. It has been said that man has been born with both a thirst for water and a taste for bread.

Not only has the bounty of our wheat farmers provided bread in ample quantities for our people, but through the food for peace program, our wheat farmers have helped feed hungry people in many nations of the world—most notably India and Pakistan.

For this reason, it is significant that the observance of a "Day of Bread" has already been, or is being, introduced in West Germany, the United Kingdom, Central and South America, the Orient, Sweden, Switzerland, and other European nations.

The full head of wheat, and the waving fields of grain in the Midwest have become symbols for many people of many tongues of the difference between starvation and survival. Forty-three countries with a third of the world's population—almost a billion people—use wheat as a staple, so this world recognition is well-deserved.

The resolution will mark October 28 as the annual celebration of a "Day of Bread" and that week will be known as "Harvest Festival Week." Mr. President, I ask my colleagues to give their consent to this joint resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–446), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the joint resolution is to provide that Tuesday, October 28, 1969, be designated as a "Day of Bread" and the last week of October within which it falls be designated as a period of "Harvest Festival" and the President is requested to issue a proclamation calling for such observance.

STATEMENT

Since the beginning, men of all peoples and places have been compelled by some inner force to pause each autumn to express their gratitude for the annual bounty of Nature—in formal ceremony acknowledging the harvest of garden, field, farm, forests, pasture, lakes, streams, and seas.

Among reverent peoples, the custom of marking a period of harvest festival has become embedded in family, tribal or religious ritual, in local or regional custom, in national and international holidays. The celebration of a harvest festival—be it for grapes that make wine, grains for bread, or fish or meat for the table—symbolized joy in the security of plenty together with a solemn expression of gratitude. The fields lay clean and bare, ready for a new crop next spring; the graneries held food for the winter and seed for new planting; the larders were full; the long work done.

The symbolism whereby bread stands for appreciation of and pleasure in the harvest is not without reason. Wheat and the products of wheat, most commonly bread, are perhaps man's oldest crop and cultivated food. Wheat provides more nourishment for peoples of the world today than any other food; serving as a staple in 43 countries with 35.6 percent of the population—almost a billion people. The wheat crop is the world's largest. Bread assumes ever greater importance—economically, culturally, and as nourishment for millions—when one considers those loaves made with proportions of cereals other than wheat.

The word "bread" gains greater meaning every day in growing awareness around the world of governments increasingly concerned with the problems of feeding the hungry and malnourished, domestically and abroad.

In recognition of these values, the inheritance of the past merges with the custom of the present throughout the world. Since 1953, the people of West Germany have celebrated a Day of Bread as part of a harvest festival on a commonly accepted date in October. The observance has spread to Austria. In the United Kingdom, the English church annually joins in a similar occasion marked by a display of different breads and ecclesiastical mention of their significance.

The practice of marking a Day of Bread each year is being introduced in Central and South America and the Orient. Consideration of an international observance has also been indicated by the Bread Institute of Sweden and millers' associations of Switzerland and other European nations.

From such tradition, cooperation, and potential participation, the conclusion is ap-

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parent that the harvest festival and Day of Bread transcend national consideration. They represent a device of unchallenged integrity contributing to a greater international communication and understanding among the nations of the world. The observance involves not only those concerned with agriculture, but those concerned with international relations and policy as well.

Accordingly the committee is of the opinion that this resolution has a meritorious purpose and accordingly recommends favorable consideration of House Joint Resolution 851, without amendment.

The joint resolution (H.J. Res. 851) was ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, for action on nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read the nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. DOLE subsequently said: Mr. President, the Senate has demonstrated sound judgment by confirming the nomination of Salina, Kans., Police Chief Jack Richardson to be U.S. Marshal for the District of Kansas.

Chief Richardson brings to his new position a thorough, practical understanding of law enforcement, having begun his career as a patrolman with the Salina Police Department and risen through the ranks to his present position.

He has demonstrated a creative and civic-minded approach to the police department's role in the community.

Under his leadership, the Salina police force has modernized its facilities and equipment and improved departmental organization through the employment of up-to-date management techniques. He has also instituted a broad community relations-crime detection program.

Jack Richardson is a modern peace officer in all respects. I am confident that he will serve as U.S. marshal with the same dedication and integrity which he has demonstrated throughout his career.

FEDERAL MARITIME COMMISSION

The assistant legislative clerk read the nomination of Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner.

Mr. MANSFIELD. Mr. President, I think this is an outstanding appointment, and that the new Federal Maritime Commissioner will bring to her new position a wealth of knowledge, a great deal of courage, and a lot of determination, and obstinacy. She is one of the foremost maritime writers in the Nation. She has had a keen personal interest in this field, not for years but for decades. The appointment is extremely well merited, and I hope there will be names of other women of like capability submitted for appointments of this nature, and better, if capable.

Mr. MATHIAS subsequently said: Mr. President, I associate myself with the remarks made by the distinguished majority leader with respect to President Nixon's nomination of Mrs. Bentley, of Maryland, to be Chairman of the Federal Maritime Commission.

I think the majority leader has been generous, but entirely accurate in his praise of Mrs. Bentley. She deserves every word of it. She has made the maritime section of the Baltimore Sun the most authoritative word on maritime affairs in the whole Nation. She will do great credit to the Nixon administration as she has to the State of Maryland by her remarkable achievement in mastering the complex and fascinating world of ships, cargoes, and oceans.

She will be the key figure in helping the President fulfill his pledge of a revived and renewed maritime industry for America. In this respect, she will be of enormous importance to the economy of America in the future as well as in the present.

I am delighted to report that I am heartily in favor of the appointment of Mrs. Bentley.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. TYDINGS subsequently said: Mr. President, yesterday morning, when the chairman of the Subcommittee on the Merchant Marine, the Senator from Louisiana (Mr. Long), had to leave the chair to preside over the Committee on Finance hearings on taxation and reform, it was my pleasure to preside during the confirmation hearings of a Marylander of whom we are all very proud. She is Mrs. Helen D. Bentley, who was nominated by the President to be the Chairman of the Federal Maritime Commission.

Mrs. Bentley was presented to the committee by the Honorable Edward A. Garmatz, the distinguished Representative from Maryland who is chairman of the House Committee on the Merchant Marine and Fisheries, the Honorable George Fallon, another distinguished Representative from Maryland, who is the chairman of the House Committee on Public Works, the distinguished junior Senator from Maryland (Mr. Mathias), and by me. The Maryland delegation was unanimous in its approval of the President's nomination of Mrs. Bentley.

Mrs. Bentley is a very unusual lady. She was born in Nevada and reared in the Midwest. She has made a great name for herself as a premier writer on the maritime industry in the United States. Her column which is published in the Baltimore Sun, is read assiduously by all leaders of the maritime industry who wish to be kept current on the day-to-day problems and events of importance to the maritime industry.

As recently as this past month she was aboard the *Manhattan* on its historic voyage across the Northwest Passage from the east coast of the United States to Alaska.

I know of no one in or out of the maritime industry in the United States who is more knowledgeable on every facet of this vital phase of our national economy than Mrs. Bentley. Her appointment by the President does great credit to the administration as well as to herself.

Mr. President, as one of the two Senators privileged to represent the State of Maryland, I am delighted that today the Senate has unanimously confirmed the nomination of Mrs. Helen D. Bentley to be the Chairman of the Federal Maritime Commission.

CIVIL AERONAUTICS BOARD

The assistant legislative clerk read the nomination of Secor D. Browne, of Massachusetts, to be a member of the Civil Aeronautics Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NATIONAL TRANSPORTATION SAFETY BOARD

The assistant legislative clerk read the nomination of Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board.

Mr. MANSFIELD. Mr. President, this is another appointment of a lady of intelligence, capacity and capability. There is a pretty good score for the women today.

Mr. GOLDWATER. Mr. President, I am very happy to recommend for confirmation as a member of the National Transportation Safety Board, Mrs. Isabell Burgess from Arizona.

Mrs. Burgess is an outstanding woman, having served as a member of our State house of representatives for 6 years and a member of our State senate for the past 3 years. Incidentally, she has represented my legislative district and I have been one of her precinct committeemen.

She brings to this job outstanding qualities of leadership, and I am sure she will prove to be a hard-working, industrious member in this very important field.

As chairman of the State Highway Committee in the Arizona State Senate, she has been very active both regionally and nationally in highway and transportation matters and so she also brings a great deal of expertise and knowledge to this important job.

It is with a great deal of pride that I congratulate Mrs. Burgess on her nomination to this post and thank President Nixon for nominating her. I am sure that her confirmation here today will add a considerable deal to the stature and expertise already on the Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

ANOTHER EXAMPLE OF MISPLACED PRIORITIES

Mr. PROXMIRE. Mr. President, today's New York Times carried a story about the closing down of a major study program of the National Heart Institute. The program has been in existence for the past 20 years, and has developed significant new data on high blood pressure, cigarette smoking, obesity, and cholesterol as risk factors which contribute to heart disease.

Now, because some $400,000 and about 20 staff positions have been cut from the Institute's budget, the program will have to shut down, with its work only partially completed. Officials at the Heart Institute confirm that all work on the study is to be phased out by June 30, 1970.

Mr. President, this makes absolutely no sense to me. How can this country in one breath announce that it lacks the resources to find ways to save hundreds of thousands of lives—heart disease is the Nation's No. 1 killer—and in another breath signal the go-ahead for a supersonic transport plane? We cannot find $400,000 for research on heart disease. But somehow we have no trouble raising $1,200,000,000—3,000 times as much—for the SST.

Mr. President, what has happened to our sense of priorities?

I ask unanimous consent that the New York Times article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 3, 1969]

Big Study Program on Heart Attacks To Close Because of Fund Shortage

(By Harold M. Schmeck, Jr.)

Washington, October 2.—A major study program of the National Heart Institute, which has collected invaluable data on heart attack tests for almost 20 years, is being closed down for lack of about $400,000 and about 20 staff positions.

The program, the Framingham heart disease epidemiology study in Framingham, Mass., is internationally known for its work. Stringent budget and manpower limits are forcing the institute to close it down, a spokesman confirmed today.

The decision was made recently in the course of budget reviews.

Since 1949 the program's scientists have been collecting data on about 5,000 men and women in their 30's, 40's and 50's who live in Framingham.

It is believed there is no comparable study population in the United States on which a like amount of data has been collected. There are other community studies of heart disease, but most of them concentrate on men in specific occupation groups.

The Framingham study has provided important data on such factors as high blood pressure, cigarette smoking, obesity and the concentration of cholesterol in the blood as indexes of the risk of serious heart disease.

DATA HELPFUL TO DOCTORS

Generally speaking, the risk of heart attack and death from coronary heart disease rises with factors and with combinations of them. This kind of information has helped doctors identify high-risk patients early so that corrective measures can be taken.

For example, if a middle-age patient smokes heavily, has high blood pressure and is seriously overweight, the doctor can tell what the odds of a heart attack are and how they may be improved.

Much of the data that could be expected on heart disease have been obtained by now. In recent years, data of the same sort have been accumulating on stroke and other circulatory problems because strokes tend to occur later in life than heart attacks.

The Framingham program is scheduled to be phased out by June 30, 1970.

After that, a small staff will be maintained to compile records on members of the study population who die or are hospitalized, but it will not be possible to collect the thorough data obtained in the past.

Since 1949 each person in the group of Framingham residents has been given a thorough physical examination every two years so that the scientists can observe the progression of health and disease as the individual grows older.

The study staff is working through the 11th round of these examinations now in the hope of completing them before the program has to end next year.

STROKE DATA CURB

The closing seems to prelude the possibility of collecting data on stroke comparable to those collected on heart disease since 1949.

Dr. Robert L. Ringler, deputy director of the Heart Institute said today that the study would be a source of valuable information on strokes, which kill an estimated total of 200,000 Americans every year.

"Our position is that we recognize this," he said in answer to a query, "but we also recognize the dollar and personnel constraints."

Dr. Ringler said it cost roughly $400,000 a year to operate the program, which has a staff of about 27. He said the Federal ceiling on manpower was at least as important in the institute's decision as the limit on funds.

The original plans for the study called for its completion in 20 years—about the time it is actually being closed, but scientific review panels have repeatedly recommended that it be continued beyond the 20-year point.

By phasing out the study, the institute will cut about 20 staff and support positions from its rolls.

The institute has a total staff of 569, Dr. Ringler said, and the 27 positions represented by the Framingham study group are of great importance.

The plan to close the program was not announced formally, but was noted briefly today in a newsletter called American Patient, published by the American Patients Association, a consumer group. Officials at the Heart Institute confirmed the report.

THE TROUBLED AMERICAN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record two very interesting, informative, and enlightened articles published in the Newsweek magazine of October 6, 1969.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Troubled American: A Special Report on the White Majority

All through the skittish 1960s, America has been almost obsessed with its alienated minorities—the incendiary black militant and the welfare mother, the hedonistic hippie and the campus revolutionary. But now the pendulum of public attention is in the midst of one of those great swings that profoundly change the way the nation thinks about itself. Suddenly, the focus is on the citizen who outnumbers, outvotes and could, if he chose to, outgun the fringe rebel. After years of feeling himself a besieged minority, the man in the middle—representing America's vast white middle-class majority—is giving vent to his frustration, his disillusionment—and his anger.

"You better watch out," barks Eric Hoffer, San Francisco's bare-knuckle philosopher. "The common man is standing up and someday he's going to elect a policeman President of the United States."

How fed up is the little guy, the average white citizen who has been dubbed "the Middle American"? Is the country sliding inexorably toward an apocalyptic spasm—perhaps racial or class warfare or a turn to a grassroots dictator who would promise to restore domestic tranquillity by suppressing all dissent and unrest? To get a definitive reading on the mood of the American majority. Newsweek commissioned The Gallup Organization to survey the white population with special attention to the middle-income group—the blue- and white-collar families who make up three-fifths of U.S. whites.

The survey, bolstered by reports from Newsweek correspondents around the country suggests that the average American is more deeply troubled about his country's future than at any time since the Great Depression. The surface concerns are easy to catalogue: a futile war abroad and a malignant racial atmosphere at home, unnerving inflation and scarifying crime rates, the implacable hostility of much of the young. But the Middle American malaise cuts much deeper—right to those fundamental questions of the sanctity of work and the stability of the family, of whether a rewarding middle-class life is still possible in modern America.

America has always been the most middle-class of nations, the most generous and the most optimistic. But the pressures of the times have produced confused and contradictory impulses among the people Richard Nixon likes to call "the forgotten Americans." Himself a prototypical expression of the middle-class majority ("These are my people," he says. "We speak the same language"), the President presides over a nation nervously edging rightward in a desperate try to catch its balance after years of upheaval.

The reassertion of traditional values has festooned millions of automobile windows with American-flag decals, generated nation-

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wide crusades to restore prayers to the schoolroom, to ban sex education, to curb pornography. The uneasy new mood has also spawned a coast-to-coast surge to law-and-order politicians—one of them a roly-poly Malaprop named Mario Procaccino, who may oust America's most outspokenly progressive mayor, John V. Lindsay, in New York City, once the Athens of American liberalism.

"YOU BETTER WATCH OUT—THE COMMON MAN IS STANDING UP"

For the Negro, the turn in the tide can have the most momentous consequences. More and more American institutions are opening their doors to Negroes—mostly as a result of the social momentum generated in the Kennedy-Johnson years. Still, with the Nixon Administration setting the tone, the country seems to be retreating from active concern with its black minority—as the nation did nearly a century ago with the demise of Reconstruction. Self-reliant or self-delusive, the trend to separatism among younger blacks only intensifies the withdrawal. More ominous, even well-educated liberal whites have begun once more to speak openly of genetic differences between the races, an intellectual vogue before the turn of the century. "One has to consider the evidence that the Negro may be inherently inferior to the white and incapable of competing with him," says an MIT professor. "Look at the ones who have succeeded—they're almost all light-colored."

Such talk is only the tip of the iceberg. All around the country—especially among blue-collar workers—whites feel increasingly free to voice their prejudices and their hostility. "Everybody wants a gun," reports a community worker in a Slavic neighborhood in Milwaukee. "They think they've heard from black power, wait till they hear from white power—the little slob, GI Joe, the guy who breaks his ass and makes this country go. Boy, he's getting sick and tired of all this mess. One day he'll get fed up and when he does, look out!" A sign of the times: near-violent demonstrations by white construction workers enraged by Negro job demands in Pittsburgh last month and again last week in Chicago (page 105).

Newsweek's survey yielded provocative evidence of a deep crisis of the spirit in Middle America—but so far, at least, no real indication of outright rebellion. The average white American feels relatively optimistic about his own personal prospects, but he fears that the country itself has changed for the worse, that it will deteriorate further in years to come, that his government is not coping with its problems, that America's troubles may be so overwhelming that the nation may not be able to solve them at all. He thinks the war in Vietnam is America's most pressing concern right now, feels it was probably a mistake to send American troops to fight it, but has no clear idea how to get them home with honor. He gives President Nixon a generally favorable rating (highest in the South) and is inclined to prolong the new President's honeymoon, but he shows no deep enthusiasm for Mr. Nixon.

He bitterly opposes much of what is happening in the country. The Middle American complains that standards of morality have declined and that the exploitation of sex and nudity in the mass media erodes morals further every passing day. He is relentlessly opposed to violent tactics by blacks and campus radicals and believes that the police should have more power to curb crime and unrest. Out of perversity or ignorance, he is convinced that Negroes actually have a better chance to get ahead in America than he does and that any troubles blacks suffer are probably their own fault. Yet he does not reject black aspirations altogether. And, despite his rejection of campus revolutionaries, the average white has a favorable attitude about young people and thinks much of their criticism of the society is warranted. Perhaps most encouraging of all, the middle-class American wants the government to start moving on the nation's domestic ills. Even though he grumbles that taxes are too high, he would favor spending money on such programs as training for the unemployed and housing for the ghetto poor.

The statistics flesh out only one dimension of the story, of course. For all the essential stability the numbers indicate, the people of Middle America talk with eloquent bitterness or forlorn resignation about the state of the nation. There is a strong strain of fear in their conversation. "The honest person doesn't stand a chance because of what the Supreme Court has done," a Boston cabbie complained to a NEWSWEEK correspondent. "People are scared and they've changed. Ten years ago if you were getting beaten up you could epect some help. Now people just walk by—they're afraid for their lives." In Inglewood, Calif., a dentist wonderingly recalls a confrontation with a booted band of motorcyclists: "When the light changed they didn't move off so I blew my horn. One of them yelled, 'What do you want, you old son of a bitch?" I was so scared and nervous I didn't even get their license numbers."

There is a pervasive feeling of being cheated by the affluent society. "Why, I can't even afford a color TV set!" explodes a Los Angeles plumber. And there is the conviction that the government has its priorities wrong. "They spend $50 million to send a ——— monkey around the moon and there are people starving at home," growls a Milwaukee garage man.

But most of all there is a sense of loss and neglect. No hero to millions of Americans in life, John F. Kennedy has been elevated in death to an almost magical place in the hearts of his countrymen. "Kennedy put the spirit back in people," says a factory hand in Tyler, Texas. "He would have done some good if they would of gave him some time and hadn't killed him." And, feeling himself the spokesman of the oppressed majority, a hard-hatted San Francisco construction worker gripes: "The niggers are all organized. So are the Mexicans, even the Indians. But who the hell speaks for me?" Adds Paul Deac, head of the National Confederation of American Ethnic Groups: "We spend millions and the Negroes get everything and we get nothing."

Resentment over compensatory programs for blacks feeds the Middle American's sense of himself as the ultimate victim. The experts typically disagree over whether the middle-class white is as victimized by the society as he feels himself to be. Some contend that the white reaction is a rational response to the squeeze of taxes and inflation (despite big wage increases the average factory worker's real income has declined $1.09 per week in the past year) and the authentic danger of rising crime. Others point out that Middle Americans tend to ignore the large government subsidies they get in such benefits as tax write-offs for mortgage interest payments; still others say unrealistic expectations are bred by the myth of affluence. "Middle-class people," says University of Michigan philosopher Abraham Kaplan, "look around and say, 'We've entered paradise and it looks like the place we just left. And if this is paradise why am I so miserable?'" Then, says Kaplan, they look for scapegoats among those who are attacking middle-class values.

"WE'VE ENTERED PARADISE—AND IT LOOKS LIKE THE PLACE WE JUST LEFT"

Indeed, the most deeply rooted source of the white American malaise is the plain fact that middle-class values are under more obdurate attack today than ever before. "The values that we held so dear are being shot to hell," says George Culberson of the government's Community Relations Service. "Everything is being attacked—what you believed in, what you learned in school, in church, from your parents. So the middle class is sort of losing heart. They had their eye on where they were going and suddenly it's all shifting sands."

The sands are shifting beneath all the familiar totems—the work ethic, premarital chastity, the notion of postponing gratification, and filial gratitude for parental sacrifice. Middle-class folk, says philosopher Kaplan, are infuriated by college demonstrations because they "upset their image of what college is—a place where there are trees, where the kids drink cocoa, eat marshmallows, read Shakespeare and once in the spring the boys can look at the girls' underthings." Says radical writer Paul Jacobs, once a union organizer: "The notion of work that they had been brought up to deify is being undermined by the young people. The hippies, Woodstock, all those broads walking around with their boobs bouncing. Not only do young people do it, but the media seem to approve it and the upper class does these things, too." Television is the most subversive enemy of the old ways. "Through television," says Anthony Downs, a consultant to LBJ's riot commission, "we are encouraging, on the consumption side, things which are entirely inconsistent with the disciplines necessary for our production side. Look at what television advertising encourages: immediate gratification, do it now, buy it now, pay later, leisure time, hedonism."

Beyond that, TV enhances the Middle American's feeling that he is enveloped in a chaotic world he never made and cannot control. "You have violence and sex and drugs on television," says Chicago psychiatrist Dr. Jarl Dyrud, whose patients are mostly drawn from the middle class. "You have the news about the Vietnam war, the protests of the kids on campus, the protests of the blacks. It's hard to escape any more." "Every time you turn around, there's a crisis of some sort," says community organizer Saul Alinsky, a brassy anti-Establishmentarian now concentrating his efforts on white communities. "You have the black crisis, the urban crisis—it's just one ——— crisis after another. It's just too much for the average middle-class Joe to take. There's always something else to worry about. But the worst thing about it for the middle class is that they feel powerless to do anything about anything."

The more precarious a family's hold on economic security, the more menaced it feels by the pressures of black militancy and inflation. The government estimates that it costs at least $10,000 a year for a family of four to maintain a moderate standard of living—yet 26.3 million white families fall below that level. And, despite nine consecutive years of prosperity, many a breadwinner can't forget the specter of the wolf in the carport. "Blue collar and white collar alike still live too near 'layoffs,' 'reductions,' 'strikes,' 'plant relocations' to be personally secure," says former HUD Under Secretary Robert Wood, now head of the Harvard-MIT Joint Center for Urban Studies.

With little equity but his mortgaged home and his union card, the white worker is especially resistant to integration efforts that appear to threaten his small stake in the world. "I believe that an apprenticeship in my union is no more a public trust to be shared by all, than a millionaire's money is a public trust," one worker wrote to The New York Times. "Why should the government . . . have any more right to decide how I dispose of my heritage than it does how the corner grocer disposes of his?" "Second-generation people inherit from their parents a reverence for their own home," says Rep. Roman Pucinski, a Chicago Democrat who takes the pulse of his district each Saturday. "The Polish have a word, *grunt*—a base, a foundation. They know integration has to

come, but their big concern is property values."

The hunt for scapegoats goes beyond the blacks to their allies: the liberal white elite. Many lower-middle-class whites feel that an unholy alliance has grown up between the liberal Establishment and Negro militants to reshape American life at their expense. School busing to achieve integration, for example, is probably the least popular social nostrum of the 1960s. And the Kerner commission's well-publicized conclusion that "white racism" is the basic cause of black riots touched off howls of indignation. "They resent their leaders' hypocrisy," says Paul Jacobs, "—especially the rich liberal politicians who send their own kids to private school."

There has always been a streak of anti-intellectualism in Middle America. It bubbles to the surface when the country feels itself betrayed—as it did in the days before Joe McCarthy's rampages. All through the late 1960s, liberals and radicals have been predicting a revival of know-nothingism. So far, it has failed to materialize to any great degree—although George Wallace did his best last year with his diatribes against "pointy heads" and such enemies of the common man. Today, a growing sense of betrayal undoubtedly is percolating in many middle-class hearts. The anti-middle-class bias of college radicals contributes to the problem. "Many of the young people see middle-class people as nothing but a bunch of big-bosomed, beer-drinking, drum-and-bugle-corps types," says Rep. Allard Lowenstein, who tries to keep up his contacts both on the campus and in his middle-class Long Island district.

S. I. Hayakawa, who became something of a Middle American folk hero by suppressing demonstrations at San Francisco State College last year, thinks the educated elite is dangerously out of touch with the middle-class masses. "You and I," he tells a visitor, "can live in the suburbs and demand integration in the schools downtown. We can make the moral demands and someone else has to live with them. We can say the war in Vietnam is a dirty, immoral act while our children are in college, exempt from the draft. The working people's children are in Vietnam and they're praying for victory. They want to believe America is right."

More bluntly, Eric Hoffer rages: "We are told we have to feel guilty. We've been poor all our lives and now we're being preached to by every son of a bitch who comes along. The ethnics are discovering that you can't trust those Mayflower boys."

Hoffer's observation is symptomatic of the new mood of ethnic chauvinism taking hold in Middle America. "The rise of Negro militancy," says Congressman Pucinski, "has brought a revival of ethnic orientation in all the other groups." The hard truth is that the celebrated American melting pot has never worked quite so well in life as in nostalgic myth. As Nathan Glazer and Daniel P. Moynihan pointed out six years ago in "Beyond the Melting Pot," Americans tend to maintain their sense of ethnic identity far more tenaciously than was once supposed. One result of the new white nationalism is a greater willingness to express anti-black feelings—intensified by Negro job competition. "They've always been anti-Negro," says one old union hand. "But they've never been pressured to say it publicly before."

THE MELTING POT NEVER WORKED SO WELL IN LIFE AS IN MYTH

In the current atmosphere, liberal groups are devoting new attention to the hyphenated American. The American Jewish Committee has conducted substantial research on the subject, and Americans for Democratic Action is making a major thrust to try to keep ethnic voters in the Democratic coalition. "Any politician who ignores 40 million ethnics is a fool," says Leon Shull, executive director of the ADA. Paul Deac, of the Washington-based ethnic lobby, is trying to pry anti-poverty money and other considerations for his people from the Administration. "Right now, the ethnic vote is up for grabs," insists Deac. "Our people are as gun-shy of the Republicans as of the liberal Democrats. If the Republicans grab the opportunity they can forge an alliance with ethnics and remain in power for a long time."

Except for the Italians, few of the nation's later immigrant groups have had much use for the Republican Party. And no one can say for certain how successful Richard Nixon will be if he tries to entice ethnic voters into his new centrist coalition. The President's strong anti-Communist stand over the years—and his recent trip to Rumania—are likely to enhance Mr. Nixon's appeal. Just such a thrust is at the heart of a GOP battle plan devised by Kevin P. Phillips, a 28-year-old Justice Department aide, in a much-discussed book called "The Emerging Republican Majority." As Phillips envisages it, the Republicans could cement their hold by building an alliance based on the South and the traditional heartland, and whites disgruntled by Democratic "social engineering." The President professed last week not to have read the book. And, basically, Mr. Nixon will stand or fall on his over-all ability to convince America that he can end the war, reorder priorities and bring greater stability to the U.S.

On that score, the President seems to have a number of advantages. "Nixon is tremendously reassuring to middle-class Americans," says sociologist Robert Nisbet of the University of California at Riverside. "If you started out to design a human being who would be an answer for this kind of person in this kind of time, you couldn't design a better one than Nixon. His kind of corny, square, ketchup-on-cottage-cheese image is very reassuring to these people." What's more, says Brandeis University historian John Roche, who was once LBJ's intellectual-in-residence, government—Nixon style—has reduced the level of disorder in America. "The edge is already off," says Roche, "because the election of Nixon put into office people who are not going to be responsible for demonstrations. There will be no great riots—you don't riot against your enemies but against your friends, because you know your friends don't shoot. [Attorney General John] Mitchell means business."

Even if he should end the war and further cool the ghettos and campuses, the President faces the more fundamental problem of giving the white majority a greater sense of participation and reward in the life of the society. And he must somehow accomplish this while maintaining the nation's commitments to its non-white minorities, especially the Negroes. "The ethnic groups, the Irish and the Jews don't want to penalize the Negro but they feel strongly that the rules they came up with should apply," says Roche. "To change rules now is basically unfair."

"WE NEED MORE PROGRAMS FOR MR. FORGOTTEN AMERICAN"

"We need more programs for Mr. Forgotten American," says a Washington liberal. The fact is, however, that very little thought has gone into the problems of the white middle class. Foundations and think tanks have primarily been concerned with the plight of the minorities. A turnabout of sorts is under way. The Harvard-MIT Joint Center for Urban Studies has made Middle America its target subject for the new year, and the Ford Foundation plans to focus some of its attention on the middle class. Concrete ideas are sparse. Mitchell Sviridoff, Ford's vice president for national affairs, speaks rather vaguely of expanding medicaid programs and of retraining the middle-aged white worker trapped in a dead-end assembly-line job.

But the underlying necessity is to find the national resources to help both the majority white and his non-white counterpart. "We've stimulated the minorities to believe that something is going to happen for them. If we slow down, as we have, their frustrations will be so seriously exacerbated that they will be pushed to more militant behavior," argues Sviridoff. "Then the majority will be pushed to more repressive behavior and we will have an absolutely impossible situation on our hands."

Some think that the problem goes far beyond the reach of even the most imaginative government. "When the hippies go to the Woodstock," says Paul Jacobs," they are building a new community of their own. The worker's community is disintegrating. He doesn't know where to find a new one. So he keeps harking back to the old days and the old values. But it is not possible to go back. And there is no new community to replace the old."

Can Middle America somehow create a new pluralist community to satisfy its new needs? On the answer to that question rest much of the destiny of the nation in the years ahead.

HOW IT FEELS TO BE CAUGHT IN THE MIDDLE

In this harvest season of 1969, that is the voice of Middle America—the white middle class, the backbone of the country, the people who have taken to thinking of themselves as "forgotten."

Newsweek's special poll of white Americans, conducted by The Gallup Organization in an unusually wide sampling of public opinion, found the white majority profoundly troubled—but not, as some have suggested, on the bring of violent rebellion. There is a heavy undertone of resentment—a dark suspicion that the rules are being changed in the middle of the game, that the dice are loaded in somebody else's favor. But at bottom, the mood adds up to a nagging sense that life is going sour—that, whatever is wrong, the whole society somehow has lost its way.

This new pessimism has serious implications for the nation, because Middle America, in a real sense, *is* America. For the Newsweek survey, Gallup interviewers talked to 2,165 adults comprising a cross-section of the entire white population (which, in turn, is almost 90 per cent of the total population). The sample included a middle-class group large enough for detailed analysis: 1,321 Americans with household incomes ranging from $5,000 to $15,000, representing 61 per cent of the white population.

By themselves, the Middle Americans are a majority of the nation—and the strength of their opinions outweighs their numbers. In the Newsweek Poll, the attitudes of the middle-income group showed hardly any significant variation from those of the total white group on any question.

As the Middle American sees it, his country is beset by a sea of troubles. The war in Vietnam oppresses the nation—nearly two out of three of those polled cite it as one of America's top problems. "I don't like a war where there couldn't be a winner," complains an electrician in Mineral Wells, Texas. There is the endless, abrasive racial crisis, mentioned by 41 per cent. "We could have a civil war," warns a county employee in Stanwood, Wash. There are the nagging pocketbook issues: inflation erodes everybody's paycheck, and 76 per cent think Federal taxes are just plain too high. There is crime and deliquency and a gnawing feeling of powerlessness. The government, says a Chicago truck driver, "doesn't know I exist—or care." And there is a sense that solid old values are crumbling. "Seems like we have lost respect for ourselves," says a housewife in Bellefontaine Neighbors, Mo.

Save for the war, the nation's brooding is almost exclusively inward. Only 2 per cent of the sampling thought to mention nuclear war as a problem facing the country; fewer

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than 1 per cent listed Russia or Red China. But the internal discontents are as varied as they are pervasive. "This sex education shouldn't be in the small grades, like I heard they're going to have," said the wife of a laborer in South Bend, Ind.

For all that, most middle-class Americans expect to prosper in coming years. Nearly two-thirds of the sampling feel that five years from now they will be at least as well off as they are today—or better off. But they are afraid they will enjoy it less. Fully 46 per cent agree that the nation has changed for the worse in the past ten years. Opinion splits on whether the United States can solve its problems at all. Fifty-nine per cent believe that the danger of racial conflict is on the rise—and 58 per cent feel that the United States, on the whole, is likely to change for the worse in the years ahead.

"I DON'T LIKE A WAR WHERE THERE COULDN'T BE A WINNER"

Middle America itself is hardly monolithic; its over-all statistical unity conceals many shadings of opinions. The biggest differences match educational levels. Thus, people who went to college tend to have better jobs, earn more money and be more tolerant on racial issues and less disturbed by youth protests. Those whose education ended in grade school tend to hold blue-collar jobs—and to be financially insecure and angry over the accelerating pace of social change. The educational split was neatly shown by a question asking whether the United States is becoming two materialistic. Some 54 per cent of those who had gone to college agreed—but only 36 per cent of the grade-school group would go along.

Other significant divisions of opinion stem from age, sex and region of the country. Women, for instance, tend to be less hawkish than men on Vietnam. Westerners worry most about drugs and air pollution. And surprisingly, adults under 30 tend to disapprove of modern youth more vehemently than do people aged 30 to 55.

Despite these internal differences, however, Middle America is united in its discontent—and, increasingly, sees itself as an oppressed majority. "I think the middle class is getting the short end of the stick on everything," says a computer technician from Brooklyn. "The welfare people get out of taxes, and so do the rich," says a construction foreman in Baltimore. "The middle-class family is just forgotten."

The worst frustration is the war in Vietnam. It is, by now, a war that has come very close to home; 55 per cent of the Newsweek Middle American sampling said they were personally acquainted with someone who had been killed or wounded in Vietnam. Yet people are frankly and bitterly confused as to the conduct of the war, the reasons for American involvement and what should be done next.

There is general agreement on only one thing: that the war is not going well. Only 8 per cent believe that the U.S. and South Vietnam are winning. One in five said the war was being lost, and two-thirds of the sampling opted for the euphemistic "holding our own." Nearly three in five said the U.S. was justified in intervening in the war—but 70 per cent argued that, justified or not, the nation should have kept its sons at home.

At the extremes, hawks and doves were almost evenly divided. Approximately one in five said that the U.S. had "no right or reason" to fight in Vietnam; one in four said it was "our right and duty." In volunteered opinions, however, the stronger expressions were hawkish, with 21 per cent urging a more aggressive, fight-to-win policy. "I can't figure it out" complained a retired sand-and-gravel dealer in Fort Loramie, Ohio. "If you can't go into North Vietnam, what's the use of fighting? If you hit me and go into the next room and I can't follow, what the hell's the use?" "Don't bomb here, don't bomb there—it's a cuddly war," snapped a nurse who lives in East Keansburg, N.J. "They should blast them all and come home."

In contrast, the dovish opinions sounded oddly uncertain; opponents of the war cited passionless arguments on the theme that the U.S. should not have been involved in the first place, or that it was time for the war to end. "I can't remember when we started fighting there," said 22-year-old William H. Neumann Jr., manager of a restaurant in Sarasota, Fla., "but I do think we should have been out a long time ago." One of the most curious findings of the survey was the almost total absence of moral arguments against the war. Despite the clamor of the most vocal doves over the past four years, only a handful of the sampling argued that the war was simply wrong. Instead, opinions both pro and con were thoroughly pragmatic; as a New York City housewife phrased her case, "There's nothing to be gained."

On issues closer to home, the Middle American is considerably more emotional. He is in a financial vise, with inflation and rising taxes threatening what precarious security he has—and to make this threat worse, black Americans are demanding an ever-greater economic share.

Resentment of Negroes is at once the most obvious and the most complex note in the new mood of Middle America. It is not outright racism, in the sense that Negroes are hated because they are black. As recently as 1966, a Newsweek survey found white Americans agreeing, by more than 2 to 1, that Negroes were discriminated against and deserved better. Fully 70 per cent of whites then said that, like it or not, they would probably be living in integrated housing in five years' time—and there was a similarly grudging acceptance of black gains in jobs and education. But with this acceptance went a strong feeling among whites that Negroes were trying to win too much, too fast—and this attitude is as strong as ever.

Recent progress for Negroes—particularly in jobs, education and housing—has come partly at the expense of the middle class. What's worse, some black demands and white-liberal rhetoric have focused on the concept of reparations for years in discrimination—an idea that Middle Americans see simply as a new form of reverse discrimination. "I see the Negro stepping on my rights," said a finance manager in Los Angeles. "He is asking for more than is justifiably his."

Whatever the facts of the case, a substantial minority of white America professes to believe that the black man already has the advantage. More than four out of ten in the sampling said Negroes actually have a better chance than whites to get a good job or a good education for their children, and nearly two-thirds said Negroes got preference in unemployment benefits from the government. "The Negroes think they are having a disadvantage, which is not true," said Mrs. John Tiedje, in Clarksville, N.Y. Ludicrous as the idea sounds to Negroes, many Middle Americans are convinced that police and the courts give blacks especially lenient treatment. "It looks," said an oil-refinery worker in Galena Park, Texas, "like whites don't have the rights that Negoes do."

MANY THINK THE BLACKS LIVE BY THEIR OWN SET OF RULES

Blacks are also perceived by many as morally different from whites: they don't seem to live by the rules of the basically Puritan white middle class. "They are given jobs by good companies and they don't work," says a New York policeman. "The backers of the Negro are making them think that we owe them jobs, and we owe them housing, food, money, for nothing." This attitude is astonishingly widespread; 73 per cent of the NEWSWEEK sampling agreed that blacks "could have done something" about slum conditions, and 55 per cent thought Negroes were similarly to blame for their unemployment rate. What's more, nearly four out of five declared that half or more of the nation's welfare recipients—who tend to be thought of mainly as Negroes—could earn their own way if they tried.

With such basic attitudes, it is hardly surprising that Middle America shows little enthusiasm for what it thinks of as sacrifice to advance the black cause. In education, for instance, only 2 per cent of those polled favored busing to improve racial balance in the schools. In fact, only one out of four favored further integration at all. Given their choice, nearly two-thirds would either improve Negro schools or let blacks run their own schools.

Even this attitude is not unalloyed bigotry. Unfashionable as it is to credit racial rationalization at face value, much white middle-class opposition to integration reflects a genuine fear that the quality of education may deteriorate. And for all his resentment at black activism, the Middle American still has a basic sympathy for the Negro's aspirations, Significantly, nearly seven out of ten agreed that at least some of the demands presented by Negro leaders were justified. Equally to the point, the same proportion also agreed that "it will take some time" to meet the demands.

White America's prejudice is most obvious when it comes to the crime problem—which large numbers automatically associate with Negroes. "We are really afraid," said a North Carolina woman, "with the colored right in our backyard." Asked to define "law and order," an investment adviser in King of Prussia, Pa., said, "Get the niggers, Nothing else."

Crime, the survey showed, is considered one of the nation's most serious problems—but oddly enough, it is generally thought to be worse in somebody else's backyard. Only 10 per cent of the sampling volunteered crime in their own listing of the nation's problems, and fewer than half considered it a serious issue in their own communities. Yet nearly two-thirds checked it off as one of the worst problems facing the cities—and suburbanites were more likely to think so than city dwellers themselves.

Despite the furor over crime in recent months, only three in ten said they had changed their habits to protect themselves; those few were mainly locking doors and windows formerly left unlatched. And despite widespread reports of an arms buildup, only 4 per cent volunteered that they kept guns to protect themselves, and fewer than 1 per cent said they had installed burglar alarms. Others mentioned teargas guns and judo lessons. "We've started feeding an ugly dog," reported David Ingraham, owner of a service station in Clarksville, N.Y.

DESPITE EVERYTHING, A VOTE FOR YOUTH

Nearly four out of five are satisfied with their local police, reporting that the officers do a good job of preventing local crime. Nonetheless, 63 per cent of the sampling said police didn't have enough power in dealing with suspected criminals, and more than two-thirds agreed that judges should have the right to deny pretrial bail to suspects considered likely to commit a crime while on the loose—a crime-fighting step of dubious constitutionality.

A significant minority worried that more police power could bring on a police state—"Hitler had law and order," observed Mrs. Marjorie Runner, a San Francisco housewife. But the majority of those polled were convinced that thugs were getting too many breaks. To most people, the possibility of added police powers offers no conceivable threat to anyone but wrongdoers. "Behave yourself and there's no problem," declared a construction worker in Wichita, Kans. "I think of law and order as what I do."

If crime is a threat to the Middle American's safety, the much-publicized youth

rebellion is an equally real challenge to his self-esteem. Whether picketing on campus or parading barefoot in hippie regalia, the younger generation seems to be telling him that his way of life is corrupt, his goals worthless and his treasured institutions doomed. Logically enough, a good many middle-class citizens tend to resent the message. "It's horrible. They are going to the dogs," said Mrs. Cecil L. Davis of Wichita Falls, Texas. The overwhelming majority in the poll made it clear that they had little sympathy for the outright rebels among the younger generation; 84 per cent said campus demonstrators had been treated too leniently, and nearly three out of five said the demonstrators had little or no justification for their actions.

Nonetheless, most Middle Americans make a clear distinction between youthful rebels and the greater number of what they think of as normal youngsters. "These college rioters should be put in concentration camps," said Herbert R. Parsons Jr., a furniture store manager of Peru, Ind. "But by and large, the majority are fine young people." Some 59 per cent of those polled agreed that their impression of most young people was favorable.

And in his heart, the Middle American isn't all that sure that even the rebels are altogether wrong. Some 54 per cent of those polled, in fact, agreed that young people were not unduly critical of their country, and that criticism was actually needed. But this sentiment reflects not so much tolerance of the young as a deep-seated fear that the whole system is somehow failing, that the quality of life is declining and that the middle-class citizen's own place is no longer secure.

This painful awareness that things just aren't what they used to be is at the bottom of the nation's new discontent. "Conditions are changing for the worse," mused a farmer from Bald Knob, Ark. "Conditions are unstable, and getting worse." Solid old values seem to be deteriorating; seven-tenths of the sampling agreed that people now were less religious than they were five years ago, and 86 per cent said sexual permissiveness was undermining the nation's morals. "I really worry sometimes about this country, if we don't change our ways and return to religion," said another farmer in Timmonsville, S.C.

And this erosion of values extends to the interpersonal links that foster security and stability in any society. Only 39 per cent of those polled feel most people "really care" what happens to strangers. About the same percentage said it wasn't likely that anyone would help them if they were robbed on the street in their own neighborhoods. More than half said they put only "some" trust in the news media and the Federal government to tell the truth about what was going on; some 30 per cent said they had little trust or none at all. But however skeptical, Middle Americans feel increasingly powerless to shape their own destiny. In the face of the complexity of the modern world, a bare half of the sampling thought they should have any say in their country's defense and foreign policy. "We are not well-informed enough to give solutions," said a Chicago accountant.

What the middle class does want is stability—or at least the illusion of stability. If change is inevitable, in race relations, for example, it should come without upheaval. "I think Negroes have justified reasons," said the wife of a utility serviceman in St. Paul, Minn., "but they are going about it in the wrong way with the wrong leaders."

"I REALLY WORRY ABOUT THIS COUNTRY"

In such a national dilemma, it would be natural for people to turn on their leaders—and there is, to be sure, no lack of grumbling in Middle America about the government. Only 24 per cent of the sampling said the government was doing a "good" or "excellent" job of dealing with the nation's problems; two-thirds said "fair" or "poor."

The grumbling is loudest, of course, over the pocketbook issues of taxes and inflation. Despite the vaunted prosperity of the nation during the 1960s, one out of every four middle-class American said the rising cost of living had forced a cutback on purchases; another 44 per cent said they were just managing to stay even. Nearly eight out of ten said Federal taxes were too steep, and 59 per cent thought local taxes excessive. "We had to sell our home because our taxes were too high," said G. W. Loenstein, a retired grocer in Oakland, Calif.

For the most part, however, the middle class has a weary sort of tolerance for their elected representatives. "It's not really the government's fault," said Thomas Silevitch, a Christmas-tree bulk maker in Dorchester, Mass. "The government can't solve everyone's problems." Asked to rate President Nixon's performance in office, nearly half of the sampling—49 per cent—gave him favorable marks, with 31 percent less enthusiastic and only 15 per cent downright critical. There was no great yearning for another leader; only 12 per cent thought the country would be better off with George Wallace at the helm, and a bare 10 per cent thought Hubert Humphrey would do better. But there was little enthusiasm for Mr. Nixon. In fact, people had a tendency to praise him with faint damns, explaining their ratings by saying that he had done all right so far, or seemed to be working for peace. "He is doing the best he can with the ability he has, which I don't think is too much," said a housewife in Jacksonville, Fla.

MALAISE GOES AGAINST THE MIDDLE AMERICAN GRAIN

Whatever its resentments and frustrations, then, Middle America is not about to take to the barricades—or even to slump into mulish apathy. Indeed, the most encouraging finding of the NEWSWEEK Poll is the extent to which people are willing to seek fresh solutions; a clear plurality of 48 per cent agreed that "we need to experiment with new ways of dealing with the nation's problems." Even the celebrated tax revolt turns out, on close scrutiny, to be a paper dragon. The chief complaint is not so much the level of taxation but rather that the government has its priorities wrong. "Nobody has the right to take a hard-working man's money and waste it, but they all do," said Mrs. Margaret Donovan, a housewife in Albany, N.Y. "Our money just isn't used right."

By a clear margin, the middle class is more concerned with solving problems than with governmental economies. Asked how the government should use any unexpected surplus in revenues, fully 48 per cent said the money should go to improve conditions in the country; only one in three favored a tax cut, and 16 per cent wanted to reduce the national debt. In specific terms, the sampling favored added spending for such programs as job training, pollution control, medicare, slum housing and crime control. But a good many thought money was being wasted in foreign aid and defense spending—and even in the afterglow of the moon landing, fully 56 per cent thought the government should spend less on space.

In the end, this willingness to tackle the nation's problems tempers Middle America's pessimism. "Change is not bad," said John King, a Mississippi cattle raiser. "But there may be a period of time when things worsen before we settle on a course again." In the long run, said the owner of a printing shop in Cleveland, "I have great confidence in our ability to find the right answers. We're great opportunists and improvisers." A touch of malaise may be fashionable, and all very well for a while, but it goes against the Middle American grain. If something has gone wrong, it will simply have to be fixed; after all, says a San Diego aircraft inspector, "We won't just sit around and let the country go down the drain." And in this troubled harvest season, the hope is that his is the real voice of the country.

LOOKING AHEAD: PESSIMISM

[In percent]

	Agree	Disagree	No change
The United States has changed for the worse over the past decade	46	36	13
The danger of racial violence is increasing	59	26	12
The United States is likely to change for the worse over the next decade	58	19	14
The United States is less able to solve its problems than it was 5 years ago	40	40	16

Note. Undecided omitted.

WANTED: LAW AND ORDER

[In percent]

	Yes	No
Local police do a good job of preventing crime	78	16
Police should have more power	63	35
Suspects who might commit another crime before they come to trial should be held without bail	68	23
Black militants have been treated too leniently	85	8
College demonstrators have been treated too leniently	84	11

Note. Undecided omitted.

THE BLACKS: TOO MUCH, TOO SOON?

[In percent]

	Better	Worse	Same
Do Negroes today have a better chance or worse chance than people like yourself—			
To get well-paying jobs?	44	21	31
To get a good education for their children?	41	16	41
To get good housing at a reasonable cost?	35	30	27
To get financial help from the Government when they're out of work?	65	4	22

Note. Undecided omitted.

BLACK SCHOOLS—OR MIXED? WHAT SHOULD BE DONE ABOUT NEGRO DEMANDS FOR BETTER EDUCATION

[Undecided omitted]

	Percent
Improve schools where Negro children go	40
Move toward integration	35
Let Negroes run their own schools	24
Integrate schools by busing children	2
Ignore demands because they are not justified	3

THE SITUATION AT THE DISTRICT OF COLUMBIA GENERAL HOSPITAL

Mr. MATHIAS. Mr. President, I am deeply troubled by the crisis at the District of Columbia General Hospital.

Wednesday, a member of my staff visited the hospital. His description heightens my indignation.

At 3 p.m. yesterday afternoon, the emergency room was filled with more than 60 persons. At the same time 3 days ago, a hundred sick and injured sat in that room. Some of them had been there since 8 in the morning.

One day last week a doctor found himself alone in the emergency room. Nine people, choking and gagging from asthma attacks, were led in. The doctor had to treat them himself, one at a time. There are 12 examination booths in the emergency ward, and it is not unusual to find one doctor trying to treat patients in all of them.

On Wednesday, a child of 8 was seen carrying his own X-rays to the pediatrics ward for diagnosis. Yesterday, halls were strewn with beds holding sick, sleeping patients—at least, trying to sleep.

The District of Columbia General is one of two hospitals in Washington that treats the indigent not covered by medicaid. There are 120,000 people in the District with medicaid, and at least as many without it.

The doctors at District of Columbia General ask themselves two questions every time a patient comes before them. They ask, "Does he need hospitalization?" and if he does, they ask, "Is there room in the hospital?" The answer to the second question must sometimes be, "No." The doctors cannot estimate how many patients with colds and incipient illnesses have been sent home. They have done the best they can for as many as they can.

Mayor Washington visited the District of Columbia General yesterday. The tour is a response to a recommendation by a subcommittee of the Mayor's task force on public health, which recommended that $6 million in emergency funds be requested from Congress immediately. The Mayor said he will decide, on the basis of his inspection, whether to ask Congress for the money.

The appropriation for the hospital for the fiscal year of 1970, approved by the Mayor and before Congress now, is $18,760,276. This is $1,756,000 more than the appropriation for last year. The District of Columbia General had requested an increase of $2,452,000. All these figures disturb me.

The staff at the District of Columbia General has not asked for more money because long ago it despaired of receiving it, and, as one doctor puts it, everyone is too busy sustaining the activity at the hospital to take time to construct a new budget. But the staff at the District of Columbia General agrees that to raise the hospital to the efficiency of Washington's other hospitals, an additional $8 to $10 million is imperative.

Day before yesterday, Dr. John P. Nasou, medical director at the District of Columbia General, received a letter from the Public Health Service. On August 29 an inspector from the Health Service examined the laboratories at the hospital and found substandard administration in eight of 13 categories of laboratory work. These categories are below standard because there are not enough people to run them. If the failing categories are not brought up to standard, they will be closed, and that service will not be available.

I want to encourage Mayor Washington and his health task force in their efforts to obtain more money for the District of Columbia General. If necessary, the hearings of the District of Columbia Subcommittee of the Appropriations Committee should be reopened to gather evidence on the current situation. We should consider this year not only the additional $6 million recommended by the task force subcommittee, but also the $8 million to $10 million more which is needed to make the District of Columbia General a decent, adequate public hospital.

Mr. President, I pledge myself to do everything I can to improve this situation.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

The PRESIDING OFFICER (Mr. Spong in the chair.) The time of the Senator has expired.

Mr. MATHIAS. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Would the able Senator enlighten the Senate as to the percentage of patients who do not pay?

Mr. MATHIAS. As I alluded earlier, and as the distinguished Senator from West Virginia, who has such extensive knowledge in this area, knows, this hospital services the indigent who are not covered by medicaid and who are unable, in very many cases, to pay. I cannot provide for him at this moment the precise figure, but I can say to the Senator that it must be a very large percentage of all the patients who are treated there, and that is the nub of our problem.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. MATHIAS. I am happy to yield.

Mr. BYRD of West Virginia. Would the Senator provide for the Record the amount of money not collected in the last fiscal year for services rendered to patients at the District of Columbia General Hospital, and also the percentage of patients who do not pay for such service?

Mr. MATHIAS. Not only will I provide for the Senator those figures, insofar as they become available to me, but also, I want to thank him for raising this question; because I think his own familiarity with the subject is such that he well knows that this is a critical question, and it does reflect what the measure of public responsibility is for the District of Columbia General. It will help to bring into focus the whole area of congressional responsibility for this phase of health service in the Nation's Capital, where Congress has not only the ultimate authority, but also the ultimate responsibility.

I will provide those figures as expeditiously as possible.

Mr. BYRD of West Virginia. Mr. President, would the Senator also provide for the Record the percentage of total costs for hospital construction in the District of Columbia that has been provided by the Federal Government through Hill-Burton appropriations, and so forth, by Congress, and also the percentage that has been provided by the District of Columbia?

Mr. MATHIAS. I will attempt to do so. I may have to seek the Senator's cooperation in securing those figures for the Record. I know I shall have them.

Again, I think the Senator's question is very pointed. It could be very helpful, because, as many private institutions find, the initial investment in a philanthropic and eleemosynary institution is only the first bite, and the ongoing, continuing maintenance of the institution is a totally different proposition, and is one that sometimes involves even greater effort than the initial input.

Mr. BYRD of West Virginia. I am sure the Senator will have no difficulty in securing the statistics I have asked for, and I hope he will also include statistics along the same general lines for the other general hospitals in the District of Columbia.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON WILLIAM L. PAUL AGAINST THE UNITED STATES, BEFORE THE INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, an order dismissing Docket No. 171, William L. Paul, Sr., on the relation of the Tee-Hit-Ton Indians, a tribe, band or group, Petitioner *v.* The United States of America, Defendant, before the Indian Claims Commission (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve and relocate internal audit activities at the Veterans' Administration, October 3, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED ST. CROIX NATIONAL SCENIC RIVERWAY COOPERATIVE AGREEMENT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed cooperative agreement between the United States, Northern States Power Co., United Power & Land Co., the State of Minnesota, and the State of Wisconsin, for the establishment of the St. Croix National Scenic Riverway (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON CLASSIFYING THE WOLF RIVER

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, documents classifying the Wolf River, establishing boundaries, and setting forth development plans (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON RIVER PLAN, ROGUE RIVER IN OREGON

A letter from the Forest Service, U.S. Department of Agriculture, transmitting, pursuant to law, a copy of the River Plan for a segment of the Rogue River in Oregon (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON RIVER PLAN, CLEARWATER RIVER IN OREGON

A letter from the Forest Service, U.S. Department of Agriculture, transmitting, pursuant to law, a copy of the River Plan for the Middle Fork of the Clearwater River, including the Lochsa and Selway Rivers in Idaho (with an accompanying report); to the Committee on Interior and Insular Affairs.

RIVER PLAN, SALMON RIVER IN IDAHO

A letter from the Forest Service, U.S. Department of Agriculture, transmitting, pursuant to law, a copy of the River Plan for the Middle Fork of the Salmon River (with an accompanying report); to the Committee on Interior and Insular Affairs.

RIVER PLAN, ELEVEN POINT RIVER, MISSOURI

A letter from the Forest Service, U.S. Department of Agriculture, transmitting, pursuant to law, a copy of the River Plan for the Eleven Point River, Missouri (with an accompanying report); to the Committee on Interior and Insular Affairs.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Ollie L. Canion, of Louisiana to be U.S. marshal for the eastern district of Louisiana.

By Mr. CANNON, from the Committee on Commerce:

Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RIBICOFF, from the Committee on Government Operations, with amendments:

H.R. 337. An act to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes (Rept. No. 91–450).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH:

S. 2990. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Yarborough when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. ELLENDER (by request):

S. 2991. A bill to extend the act establishing Federal agricultural services to Guam; to the Committee on Agriculture and Forestry.

By Mr. GOODELL:

S. 2992. A bill to amend the Internal Revenue Code of 1954; to the Committee on Finance.

S. 2990—INTRODUCTION OF THE PREVAILING WAGE RATE DETERMINATION ACT OF 1969

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill entitled "Prevailing Wage Rate Determination Act of 1969," whose purpose is to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees.

Because the number of wage board employees exceeds 765,000, this bill is of vital concern to one-fourth of all employees of the Federal Government, and to many thousands of my fellow Texans. It directly affects their wages, their own rights and obligations, as well as the rights and obligations of their union representatives who are bargaining for them and who represent them on the various wage board committees established by this bill.

Basically, my bill is intended to bring order and system out of the chaotic situation which now exists in the Federal Government's procedures for fixing the rates of pay of employees working under the so-called prevailing wage rate system, as wage board employees. The information which I have been receiving for some time showed such a great discrepancy between rates of pay for wage board employees performing the identical functions and working in the same community that I found that the presumption of serious inequity and injustice could not be excluded, and this situation is not getting any better in spite of the efforts being made at the present time.

This bill would reduce inequities that now exist in this system.

While remedying abuses, the bill will preserve, nonetheless, the concept and procedures of the "prevailing wage" system. It thus is not a modification of the wage board system itself but simply a measure to eliminate injustice and inequity by providing new mechanisms to establish basic regulations, to conduct wage surveys and to adjudicate or arbitrate differences.

The most important single improvement in my bill over the present arrangement is that it will give a statutory foundation to improved procedures for wage board rate determinations. The principal instrumentality provided by the bill to assure that such a policy is pursued is a newly created standing committee within the Civil Service Commission, to be known as the National Wage Policy Committee.

Composed of 11 members, the National Wage Policy Committee will have as its Chairman a person who shall be from outside the Federal service and who shall be appointed directly by the President and shall hold no other office in the Federal service during his tenure as Chairman.

My bill provides that the Chairman will serve at the pleasure of the President of the United States and that his compensation will be $75 for each day spent in the work of the Policy Committee.

In addition, the Policy Committee will have five Federal employee union representatives and five management representatives.

The Federal employee union representatives will be appointed as follows:

Two by the president of the AFL–CIO; and one each appointed respectively by the president of the Federal employee union representing the first largest, the second largest and the third largest number of Federal employees subject to this act.

The five employer representatives shall be appointed to the National Wage Policy Committee as follows:

Two management representatives will be appointed by the Secretary of Defense, at least one of whom shall be appointed on a rotational basis for a period of 2 years from the Department of the Army, the Department of the Navy, and the Department of the Air Force;

One management representative from the Veterans' Administration will be appointed by the Administrator of Veterans' Affairs;

One management representative from the Civil Service Commission will be appointed by the Chairman of the Civil Service Commission; and

One management representative will be appointed, on a rotational basis for a period of 2 years, by the Chairman of the Civil Service Commission from Federal agencies which are leading employers of employees subject to this act.

In addition to establishing the National Wage Policy Committee, my bill will require each Federal Department or independent agency designated by the National Wage Policy Committee to establish an Agency Wage Committee, composed of five members. The role of the Agency Wage Committee will be to assure the implementation within the agency of the wage surveys through the functioning of the local wage survey committees.

An important feature of my bill is the inclusion under its wage rate system of all employees who are now paid from so-called nonappropriated funds. These employees will no longer be considered outsiders to the wage board, or prevailing wage rate system. They will be assured equity and justice in the same manner as if they were receiving their pay from appropriated funds. Certainly, it is improper that an employee should receive less money for his work simply because his employer or manager draws his checks on a different bank account. This provision will apply to military service post exchanges, whose employees would thus be assured fairer treatment.

On the basis of my experience, I am hopeful that whatever final statute emerges from this bill, will not be very much different in its essentials from the bill which I introduced today.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2990), to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees, introduced by Mr. Yarborough, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

ADDITIONAL COSPONSORS OF BILLS

S. 500

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Montana (Mr. Metcalf), I ask unanimous consent that, at the next printing, the name of the junior Senator from Hawaii (Mr. Inouye) be added as a co-

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sponsor of S. 500, to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2890

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), the Senator from Texas (Mr. TOWER), the Senator from Iowa (Mr. MILLER), and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of S. 2890, to amend title 38 to the United States Code to permit certain active duty for training to be counted on active duty for purposes of entitlement to educational benefits under chapter 34 of such title.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2893

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Utah (Mr. MOSS), I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of S. 2893, to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2986

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the names of the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), and the Senator from Idaho (Mr. JORDAN) be added as cosponsors of S. 2986, to authorize a family assistance plan providing basic benefits to low-incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 243

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Indiana (Mr. BAYH), I ask unanimous consent that, at the next printing, the names of the Senator from Delaware (Mr. BOGGS), the Senator from Connecticut (Mr. DODD), and the Senator from New Hampshire (Mr. MCINTYRE) as cosponsors of Senate Resolution 243, to make it the sense of the Senate that the President should request the United Nations to take such steps as may be appropriate to bring about compliance by the Government of North Vietnam with its obligations under the Geneva Convention of August 12, 1949, relative to the treatment of prisoners of war.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCOME TAX LAW REFORM—AMENDMENT

AMENDMENT NO. 222

Mr. MILLER submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

On page 27, strike out line 21 and all that follows through line 8 on page 28 and substitute in lieu thereof the following:

"(3) APPLICABLE PERCENTAGE.—(A) For purposes of paragraph (1)(B), the applicable percentage in the case of a private foundation with 'excess business holdings', as defined in section 4943(c)(1), for taxable years beginning in 1970 is 5 percent. The applicable percentage for any taxable year beginning after 1970 shall be determined and proclaimed by the Secretary or his delegate and shall bear a relationship to 5 percent which the Secretary or his delegate determines to be comparable to the relationship which the money rates and investment yielda for the calendar year immediately preceding the beginning of the taxable year bear to the money rates and investment yields for the calendar year 1969.

"(B) In the case of a private foundation with 'permitted holdings', as defined in section 4943(c)(2) and 4943(c)(3), the applicable percentage for such taxable year shall be reasonable, as determined and proclaimed by the Secretary or his delegate pursuant to regulations, taking into account an average rate of return from investments in common stocks traded on a public stock exchange. Such applicable percentage shall apply to the aggregate fair market value of all assets of such foundation as defined in section 4942(e)(1)(A)."

On page 34, line 17, strike out all that appears thereon and all that follows through page 42, line 21 and substitute in lieu thereof the following new section 4943:

"SEC. 4943. TAXES ON EXCESS BUSINESS HOLDINGS

"(a) INITIAL TAX.—

"(1) IMPOSITION.—There is hereby imposed on the excess business holdings of any private foundation in a corporation or business enterprise which is not incorporated during any calendar year which ends during the taxable period a tax equal to 5 percent of the value of such excess holdings.

"(2) SPECIAL RULES.—The tax imposed by paragraph (1)—

"(A) shall be imposed on the last day of the calendar year, but

"(B) with respect to the private foundation's holdings in any corporation or business enterprise which is not incorporated, shall be determined as of that day during the year when the foundation's excess holdings in such corporation or business enterprise which is not incorporated were the greatest.

"(b) ADDITIONAL TAX.—In any case in which an initial tax is imposed under subsection (a) with respect to the holdings of a private foundation in any corporation or business enterprise which is not incorporated if, at the close of the correction period with respect to such holdings, the foundation still has excess business holdings in such corporation or business enterprise which is not incorporated, there is hereby imposed a tax equal to 200 percent of such excess business holdings.

"(c) EXCESS BUSINESS HOLDINGS.—For purposes of this section—

"(1) IN GENERAL.—The term 'excess business holdings' means the amount of voting stock in a corporation or the interest in any business enterprise which is not incorporated which the foundation, its officers, directors, trustees or related foundation would have to dispose of in order for the remaining holdings of the foundation, its officers, directors, trustees, and related foundation in such corporation or business enterprise which is not incorporated to be permitted holdings.

"(2) PERMITTED HOLDINGS IN A CORPORATION.—The permitted holdings of any private foundation, its officers, directors, trustees, and related foundation in an incorporated business shall be less than 50 percent of the voting stock.

"(3) PERMITTED HOLDINGS IN PARTNERSHIPS, ETC.—The permitted holdings of a private foundation, its officers, directors, trustees, and related foundation in any business enterprise which is not incorporated shall be less than 50 percent of the net capital interest.

"(4) RELATED FOUNDATION DEFINED.—Only for purposes of this section, a 'related foundation' means a foundation which is effectively controlled (directly or indirectly) by the same officers, directors, or trustees who control the private foundation in question.

"(5) 10-YEAR PERIOD TO DISPOSE OF PRESENT HOLDINGS.—

"(A) In applying this section, any interest in a corporation or busines enterprise which is not incorporated which a private foundation, its officers, directors, trustees, and related foundation hold on May 26, 1969, if the private foundation, its officers, directors, trustees, and related foundation have on such date excess business holdings, shall while held by them be treated as permitted holdings during the 10-year period beginning on such date."

"(B) Subparagraph (A) shall cease to apply with respect to such excess business holdings unless, at the close of the 2-year period beginning on May 26, 1969, the private foundation, its officers, directors, trustees, or related foundation have disposed of at least one-tenth of such excess business holdings to a person other than the foundation. Its officers, directors, trustees, or related foundation. The preceding sentence shall not apply if—

"(i) such disposition would create severe hardship for the foundation, its officers, directors, trustees or related foundation, or such corporation or business enterprises which is not incorporated (including a severe depressive effect on the value of any interest in such corporation or business enterprise which is not incorporated), and

"(ii) it is established to the satisfaction of the Secretary or his delegate that, during the retention of such one-tenth interest, control of such interest will be exercised by persons other than the foundation, its officers, directors, trustees or related foundation, or a plan has been adopted to assure that the value of any interest in such corporation or business enterprise which is not incorporated will not be jeopardized.

"(C) Subparagraph (A) shall cease to apply with respect to such business holdings unless, at the close of the 5-year period beginning on May 26, 1969 the private foundation, its officers, directors, trustees, or related foundation have disposed of at least one-third of such excess business holdings to a person other than the foundation, its officers, directors, trustees or related foundation. The preceding sentence shall not apply if—

"(i) such disposition would create severe hardship for the foundation, its officers, directors, trustees or related foundation, or such corporation or business enterprise which is not incorporated (including a severe depressive effect on the value of any interest in such corporation or business enterprise which is not incorporated) and

"(ii) it is established to the satisfaction of the Secretary or his delegate that, during the retention of such one-third interest, control of such interest will be exercised by persons other than the foundation, its officers, directors, trustees, or related foundation, or a plan has been adopted to assure that the value of any interest in such corporation or business enterprise which is not incorporated will not be jeopardized.

"(D) Any period prescribed in subparagraph (A), (B), or (C) for the disposition of excess business holdings shall be suspended during the pendency of any judicial proceeding by the private foundation which is necessary to reform its governing instrument to allow disposition of such holdings.

"(6) 10-YEAR PERIOD TO DISPOSE OF HOLDINGS (ACQUIRED) BY WILL.—Paragraph (5) shall apply to any interest in a corporation or business enterprise which is not incorporated which a private foundation acquires under the terms of a will executed on or before July 28, 1969, which are in effect on such date and at all times thereafter, except that 'the date of acquisition by will' shall be substituted for 'May 26, 1969' wherever it appears in paragraph (5).

"(7) 5-YEAR PERIOD TO DISPOSE OF GIFTS, BEQUESTS, ETC.—Except as provided in paragraph (6), if, after May 26, 1969, there is a change in the holdings in a corporation or business enterprise which is not incorporated (other than by purchase by the private foundation or its officers, directors, trustees or related foundation) which causes the private foundation or its officers, directors, trustees or related foundation to have excess business holdings in such corporation or business enterprise which is not incorporated, the interest (immediately after such change) of the foundation, its officers, directors, trustees, or related foundation, in such corporation or business enterprise which is not incorporated shall (while held by the foundation, its officers, directors, trustees or related foundation) be treated as permitted holdings during the 5-year period beginning on the date of such change in holdings.

(d) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

(1) ATTRIBUTION RULE.—In computing the holdings of a private foundation or the officers, directors, trustees, or related foundation, in any corporation or business enterprise which is not incorporated, any stock or other interest owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

"TAXABLE PERIOD.—The term 'taxable period' means, with respect to any excess business holdings of a private foundation, its officers, directors, trustees or related foundation in a corporation or business enterprise which is not incorporated, the period beginning on the first day on which there are such excess holdings and ending on the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212 in respect of such holdings.

"(3) CORRECTION PERIOD.—The term 'correction period' means, with respect to excess business holdings of a private foundation, its officers, directors, trustees or related foundation in a corporation or business enterprise which is not incorporated, the period ending 90 days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (b)) under section 6212, extended by—

"(A) any period in which a deficiency cannot be assessed under section 6213(a), and

"(B) any other period which the Secretary or his delegate determines is reasonable and necessary to permit orderly disposition of such excess business holdings.

"(4) FUNCTIONALLY RELATED BUSINESS.—The term 'corporation or business enterprise which is not incorporated' does not include a trade or business—

"(A) which is not an unrelated trade or business as defined in section 513, or

"(B) which is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which is related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exempt purposes of the organization."

JOHN F. KENNEDY CENTER—AMENDMENT

AMENDMENT NO. 223

Mrs. SMITH of Maine (for herself and Mr. GOLDWATER) proposed an amendment to the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such Center, which was ordered to be printed.

(The remarks of Mrs. SMITH of Maine when she offered the amendment appear later in the RECORD under the appropriate heading.)

INCOME TAX LAW REFORM—AMENDMENT

AMENDMENT NO. 224

Mr. COOPER submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 3, 1969, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees; and

S.J. Res. 46. Joint resolution to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week."

NOTICE OF HEARINGS BY THE AD HOC SUBCOMMITTEE ON SURPLUS PROPERTY LEGISLATION

Mr. ALLEN. Mr. President, I wish to announce that the Ad Hoc Subcommittee on Surplus Property Legislation will hold hearings on Thursday, October 9, at 10 a.m., in room 3110, New Senate Office Building, on a number of bills which have been referred to the subcommittee. They are as follows:

S. 2583. Mr. MCGEE, to convey to the county of Washakie, Wyo., certain real property of the United States.

S. 2584. Mr. MCGEE, to authorize the donation of surplus real and personal property to States and political subdivisions for use in establishing and maintaining public museums.

S. 25~~91. Mr.~~ GURNEY, to authorize the donation of surplus personal property to State and local police organizations.

S. 2563. Mr. HART, to amend the Federal Property Act, to permit the disposal of surplus real property to public housing agencies for public housing purposes.

Anyone wishing to testify or submit a statement for the record on any of the bills should contact Mr. Glenn K. Shriver, room 3308, New Senate Office Building, telephone extension 7464, as soon as possible.

NOTICE OF HEARINGS ON S. 2821

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency will hold hearings on S. 2821, a bill to provide long-term financing for expanded urban public transportation programs, and for other purposes, and any pending amendments thereto.

The hearings will be held on October 14, 15, and 16, 1969, in room 5302, New Senate Office Building, and will commence at 10 a.m. each day.

COAL MINE SAFETY

Mr. WILLIAMS of New Jersey. Mr. President, the Senate yesterday, without a dissenting vote, voted to pass S. 2917, the most comprehensive coal mine health and safety legislation ever written. With one resounding vote, the Senate has told all of the Nation's miners, both active and retired, that their great contribution to American life, at great risk to their own lives, has now been commemorated and honored by their fellow citizens. The Senate has demonstrated its great concern for the vital daily problems of life and death to the miners.

I, for one, am grateful, for the opportunity I have had, as Labor Subcommittee chairman, to be the chief sponsor and floor manager of the bill. I am grateful also to have been a Member of the Senate which, in one session, has already enacted a Construction Workers Health and Safety Act, has just passed a Coal Mine Health and Safety Act, and, I am confident, will soon enact an Omnibus General Occupational Health and Safety Act. My colleagues should know that we began hearings on that bill just this week.

This historical measure requires urgently needed improvements in health and safety at all coal mines in the United States. It is an act which should be known as an act to reduce the cost of coal; not the cost in dollars and cents to the corporate operators of our coal mines, but the infinitely greater cost that does not appear on profit and loss records: the cost in human pain and suffering to our Nation's coal miners and to their families.

The purpose of this Coal Mine Health and Safety Act of 1969 is to insure that both the industry and the Government do, in fact, give first priority to the health and safety of the miner; to insure an end to the annual carnage in our Nation's coal mines; and to insure that new generations of coal miners are not ravaged by black lung.

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The act is a major comprehensive measure which offers our Nation's coal miners the promise of a lifetime of productive work free from the hazards that have depleted this work force. It offers the families of our coal miners the hope of relief from the daily fears that permeate their lives.

The act not only provides the means to improve the health and safety conditions and practices at all underground coal mines; it encompasses all other coal mines including strip mines, not now covered by the Federal Coal Mine Safety Act.

It is the first Federal action aimed at meeting the demand for better health and safety in the coal mines. There must, however, be others if we expect to accomplish the goals of this legislation. The officials and employees of the Interior Department and the Bureau of Mines must reorient their attitudes toward the miner. Business as usual is no longer acceptable. They must develop the role of the "advocate" for the miner. They must vigorously seek sufficient manpower and funds to do the job. They must accelerate their health and safety research, always looking for new ways to save a life. They must institute a broad program of education of the operators and the miners to be safety and health conscious at all times. Time is no longer on their side. The Nation is demanding action. Any delay may well be disastrous.

A fatalistic attitude has permeated this industry for years. However, the unanimous passage of this act demonstrates that the Nation's miners, the public, and Congress will no longer accept this attitude. Men's lives are at stake and those of their families who are dependent on them.

I am most grateful for the constant and dedicated bipartisan support the act has had during its development and passage. Without the assistance, guidance, and resolve of all of the members of the Subcommittee on Labor and the full Labor and Public Welfare Committee, whether from coal-producing States or not, this bill would not have been passed yesterday.

I express my great appreciation to the ranking majority and minority members of our committee, Senators RANDOLPH and JAVITS, who have labored so tirelessly to produce the most effective legislation and to assure the unanimous support it has had throughout the legislative process. I also thank the senior members of the committee, Senators PELL, KENNEDY, NELSON, MONDALE, PROUTY, DOMINICK, and MURPHY, for the valuable, constant efforts to keep this legislation on the right track. Newly elected members of our committee have demonstrated a full acceptance of their legislative responsibilities. Each of them, Senators EAGLETON, CRANSTON, HUGHES, SCHWEIKER, BELLMON, and SAXBE, have contributed their unique talent to making this legislation possible.

A special word is in order about our committee chairman. Senator YARBOROUGH chairs one of the most active committees in the Senate. With many subcommittees vying for time in committee executive session, he set aside 10 days, during the month of July, so that this legislation could be reported out. His assistance and cooperation have enabled us, this session alone, to obtain Senate passage of all three pieces of legislation reported out of my Labor Subcommittee this year. Indeed, one of these bills, construction safety, has already been signed into law; the other, the day care bill, is on its way to the President right now.

Mr. President, this is a proud moment for the Senate. It is a proud moment for all America. We have recognized and accepted our responsibilities to our men who go down into the mines. I know that this moment is to them and to all workingmen in America a moment of well-deserved triumph.

RESOLUTION OF INTERNATIONAL CONFERENCE OF RED CROSS ON PRISONERS OF WAR

Mr. FULBRIGHT. Mr. President, I am informed that the International Conference of the Red Cross conducted in Istanbul during the period September 8–13, 1969, was attended by representatives of 77 governments and 91 national Red Cross societies or their counterparts. Each of the governments represented is a party to the so-called Geneva convention, or Red Cross Treaty. Under its rules, the Conference is forbidden to deal with political matters or to serve as a forum for political debate. Among the subjects examined by the Conference was the recognized failure of parties to armed conflicts that are being waged in several parts of the world to respect the humanitarian terms and principles of the Geneva conventions. In particular, the Conference took note of the failure of some parties to these conflicts to observe the terms and principles of the Prisoner-of-War Convention to which each of the governments represented at the conference had formally adhered.

The Conference adopted a resolution calling upon all parties to these conflicts to abide by the terms of the convention and to afford prisoners of war the full measure of protection the adhering governments are obligated to extend. I understand that the conference was careful not to suggest in any manner an opinion as to the merits of particular hostilities but confined its concern strictly to the subject of humane treatment of prisoners of war "without regard to how the conflict—resulting in their capture—may be characterized."

It is my understanding that the resolution was adopted without dissent and that governments from all segments of the political and ideological spectrum voted for the resolution. Unfortunately, neither the Government of North Vietnam, which is a party to the convention, nor its Red Cross Society attended the Conference but I am advised that attending countries that have supported that government in the current conflict supported the resolution. Mr. President, I ask unanimous consent that the resolution be printed at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

PROTECTION OF PRISONERS OF WAR

The XXIst International Conference of the Red Cross.

Recalling the Geneva Convention of 1949 on the protection of prisoners of war, and the historic role of the Red Cross as a protector of victims of war.

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized.

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals.

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention.

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention; and further calls upon all parties to provide free access to the prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross.

Mr. FULBRIGHT. Mr. President, the American Red Cross, concerned with the plight of American servicemen detained as prisoners of war by the Government of North Vietnam, has urged its sister Red Cross societies in all parts of the world to appeal to the Red Cross Society in North Vietnam and to take such other action as may be appropriate to insure that these prisoners are afforded the humane treatment prescribed by the convention. The text of the American Red Cross message, dispatched by cable on September 26, is in the following terms:

> Recognizing that International Red Cross Conference Resolution 3 calling for treatment of prisoners of war in accordance with the convention is concerned exclusively with humanitarian considerations without regard to political viewpoints or how particular armed conflict is characterized, press in many parts world has commented favorably upon principle embodied in resolution. Public concern this country about American servicemen interned by Government North Vietnam for periods up to five years reflects deep anxiety parents, wives and children regarding health servicemen and whether they are in fact alive.
>
> Sincerely urge your society to appeal directly to North Vietnamese Red Cross and seek similar appeals from your Government to the Government of North Vietnam for compliance with the intent and content of resolution. We informed that recently an official of Hanoi delegation in Paris stated they would welcome anyone seeking information about prisoners provided such inquires made without United States Government sponsorship. We immediately appealed to the ICRC to endeavor to talk to Hanoi delegates in Paris. Based upon both this statement and uncontroverted sentiment of the International Red Cross as shown by adoption of resolution without single dissenting vote we ask for your sympathetic understanding and your prompt effort in response to above suggestion. Earnestly believe effective action this matter is of utmost urgency not only families involved but survival of world-wide confidence in Red Cross.

The actions of the International Red Cross Conference and the American Red Cross seem to me to be entirely appropriate and should command the support of all men of good will. Surely the lot of a prisoner of war is at best an unhappy one and all governments should be persuaded that the mistreatment of prisoners of war lends no support to the political and military causes those governments espouse. Irrespective of the nature of the conflict which gives rise to his imprisonment a captor should be mindful, in the words of the convention, that a prisoner is in the hands of a detaining power "as a result of circumstances independent of his own will." He should, as recited in the International Red Cross Conference resolution, be promptly identified; afforded an adequate diet and medical care; permitted to communicate with other prisoners and with the exterior; promptly repatriated if seriously sick or wounded; and at all times be protected from abuse or reprisals. And, as specifically prescribed in the convention, a neutral intermediary such as the International Committee of the Red Cross should be afforded free access to prisoners of war and their places of detention. I ask unanimous consent that there be printed in the RECORD a list of the countries to which the American Red Cross cable was sent.

I trust that the Red Cross will be successful in its efforts and I am glad to associate myself with its appeal.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

> Cable of Prisoners of War has been sent to Red Cross Societies of:
>
> Australia, Belgium, Brazil, Cambodia, Canada, Denmark, Finland, France, Federal Republic of Germany, Great Britain, Greece, Hungary, India, and Italy.
>
> Japan, Republic of Korea, Liberia, Netherlands, New Zealand, Norway, Pakistan, Philippines, Poland, Senegal, Spain, Sweden, Switzerland, Turkey, U.S.S.R., and Yugoslavia.
>
> League of Red Cross Societies.

PRESIDENT NIXON'S WELFARE REFORM PROGRAM

Mr. PERCY. Mr. President, I commend President Nixon for his initiative in grappling with the complex problems of welfare reform. His family assistance proposal, introduced by the Senator from Pennsylvania (Mr. SCOTT) yesterday represents an innovative step in the structural reform of a system now characterized by inequities. I am pleased to be a cosponsor of the bill.

While I do favor the principle behind the family assistance program and many of its provisions, I think that hearings and further analysis may reveal areas in which some modifications are necessary. Should it become evident that some changes are needed, my cosponsorship of the bill would not preclude my support of them.

A 15 PERCENT SOCIAL SECURITY INCREASE IS NEEDED

Mr. MOSS. Mr. President, I noted with great joy last Thursday that President Nixon has apparently overcome the traditional Republican myopia and has begun to focus on the problems of the working and older Americans. The President has taken executive notice of the severe damage that results when accelerated inflation rips into fixed incomes and has proposed the solution of a 10 percent across-the-board boost in social security payments.

While I commend the President for his stand, I hasten to point out that his vision is not quite 20/20 yet. From my perspective, the proposed 10-percent increase precisely equals the rise in the cost-of-living index from February 1968, when the last social security increase took effect through December of this year. This being true, the administration's proposal can only be viewed as a stopgap measure.

It is widely recognized that older Americans make up 75 percent of the 25 million who are receiving social security payments. It is recognized that social security is the greater part of the total income for these people. What apparently is not recognized is that these old-age benefits are patently inadequate. This would appear to be an obvious fact to those who observe the standard of living of social security recipients.

One can make the point with statistics as well as through common observation. The Bureau of Labor Statistics has indulged in extensive research to arrive at a dollar figure which represents what would be needed by a retired couple living in an urban area for a moderate standard of living. The figure that I have is for the year 1966, and it amounts to $3,869. This is the figure I want to work with, but I want to emphasize that, given the rises in prices over the last 3 years, the projected dollar amount for the year 1970 would be much larger than $3,869.

If we can take the average family benefit for an aged couple, both receiving social security benefits, the present figure is $170 per month. With President Nixon's 10-percent increase, the figure goes up to $188 per month which, multiplied by 12, provides an annual income of $2,256. Thus, even when using the average annual payment that a family would receive if the President's proposal were passed, this dollar amount is still woefully below the $3,869 that the Bureau of Labor Statistics established as what a retired couple would need to live moderately in 1966.

It is, of course, true that many of our elderly have other sources of income. But more do not. Again turning to statistics, I note that income from outside sources has decreased rapidly since 1956. The median income from sources other than social security benefits has decreased 23 percent for married couples, 19 percent for retired men, 34 percent for retired women, and by as much as 33 percent for aged widows.

I have also been disturbed to learn that the gap between the median income of those over age 65 and the median income of those less than 65 continues to widen. The Special Committee on Aging, of which I am a member, reports that in 1962 a family that had a senior citizen at its head could expect to receive one half of the income of a family headed by an adult less than 65. By 1967, the family headed by a senior citizen could expect only 46 percent of the median income of younger families. And the gap continues to grow.

My proposal is tempered by the realities of a tortured budget. I believe a 15-percent raise across-the-board is necessary and consistent with our fiscal responsibilities. My proposal is only a minimal attempt to direct a little more of our rising national product to our older people. I also stand by my bill, introduced earlier this year, that would raise the limitation on earnings for a person receiving social security from the present $1,680 a year to $2,520 a year, or $210 a month. This change should be adopted as a matter of basic equity.

A SPEECH THAT DESERVES ATTENTION

Mr. DODD. Mr. President, recently there came to my attention the text of a speech by Gen. Leonard F. Chapman, Jr., Commandant of the U.S. Marine Corps, which he made in Chicago before the Combat Correspondents' Association on September 20. It was a remarkable speech, in my opinion. But even more remarkable was the fact that it received just about zero attention from the major eastern newspapers.

This is one of the many incidents which suggests the existence of a pattern, under which any criticisim of the Vietnam war is considered news no matter how disreputable the critic, whereas any defense of our Vietnam commitment is considered non-news, even when the speakers are men of national stature.

General Chapman, who had just returned from another trip to South Vietnam, paid a glowing tribute to the morale and heroism of the young Americans who continue to serve in Vietnam. Said General Chapman:

> The debate here at home over the purpose and morality of our being in the Republic of Vietnam, has made little impression on those young men. The individual Marine knows why he is there. He sees countless reasons every day. He sees it in the people, as more and more they turn to a strengthened government of the Republic of Vietnam in their escape from enemy terror. He sees it as the armed forces of that republic grow stronger, steadier, and take on more of the commitments.

There is another passage in General Chapman's speech which I would like in particular to call to the attention of the Senate. Speaking of the anti-war demonstrations in this country, General Chapman issued this warning:

> The well-intentioned Americans who think they can stop war and tyranny by destroying their own strength are unknowing allies of the enemy. The enemy has another ally in this country. This one is not a dove—or a peacenik, though he has made some success in identifying with the sincere antiwar groups. He is a veteran fighter, and a veteran hater. He is not tired of war. In fact he

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preaches war, and he waves the flag of the Viet Cong. He is against this war only because he is in accord with the principles of the enemy. He employs the weapons of words in mass. His proven theory is: if something is said loud enough, and often enough, some of it will be accepted as truth. It has worked, now some of their words and phrases have found their way into the national vocabulary: "imperialism," "militarism," "the American military machine." Is it necessary to deny that this country is not imperialistic? Must it be said that Americans are not a militaristic people?

How many seek victory for the enemy? I don't know. I know they are a minority. But because this noisy minority effects a bizarre appearance, because they offer instant and theatrical violence, they are news. Their images march across television screens throughout the nation. Their slogans and actions are chronicled in every newspaper and magazine. They have identified with youth, but they are not young because their ideas are old: Destroy the nation's defenses, destroy the nation's educational institutions, polarize the races.

Mr. President, I ask unanimous consent that the complete text of General Chapman's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY GEN. LEONARD F. CHAPMAN, JR.

Thank you, Ed.

You know, I understand that when Ed McMahon was flying an OE for VMO-6 in Korea, they had to revise their standard commands. While Ed was there, instead of passing the word "all pilots, man your planes," the order was changed to "all pilots, man your planes—Captain McMahon, put yours on."

Well, Ed, you'd be happy to know we've finally developed larger aircraft for observation work.

You might even be able to get an observer in there with you.

Fellow Marines and fellow members of the Marine Corps Combat Correspondents' Association, it's good to be here. This is a good time to be with old friends—old comrades. This is a good time to talk to you, and to hear *your* talk, especially you. Certainly, there isn't a group of Marines anywhere who would listen as carefully as you, to new words about our Corps—or who can speak as eloquently as you, in furthering the story of our Corps. You have proven this in three wars. You have always listened and observed with great care, and reported what you saw and heard with accuracy and warmth. The service you have performed for the Corps in chronicling our most important element the individual Marine—is a duty well done.

But even more important is the service you have rendered the American people. You have told them of *their* Marines, and you have told that story the only way it could be told in depth. You reported *as* Marines.

From the very beginning our Corps has enjoyed a good rapport with the American public. Our history, and promise have always been of faithful and good service. Since 1775 the very word Marine has meant strength. But until World War II we were not only strong, we were silent—a strong, silent servant of our country. The American people wanted to know more about us, but we didn't know how to tell them.

In 1941, the Major General-Commandant, General Thomas Holcomb, assigned Brigadier General Robert L. Denig the task of making sure the Marine Corps story *was* told. Well, General Denig wasn't sure how the story should be told—nor was his Sergeant Major, Walter Shipman—but they were both sure of who *did* know how to tell the story—and they sought your service. You came to us, you became Marines, and as Marines you told our story. It was a new idea, and not all of the old hands liked it, but it was a new time—a new era.

There were other new ideas that were entering our Corps then: new equipment, new weapons, new tactics, and new Marines. The old hands looked askance at all of them. The new equipment they tolerated, the new weapons looked like an improvement, they learned the new tactics—but the new Marines?

New Marines, models 1941 through 45. Gum-chewing jitterbugs. Gunnery sergeants of long and faithful service scratched their heads and grumbled. They had never seen Marines like this crop—and it was true. The young men who came to wear the emblem then, *didn't* look like the men who had worn tight fitting khaki in the Caribbean—or wrap leggings in France. No, they didn't look like those Marines anymore than those Marines had looked like the Marines of the Spanish American War, or the Civil War, or the War of 1812. These new Marines listened to jive on portable radios, jitterbugged in the USOs, and impressed a new life-style on the old Corps. They were hot stuff, but they were Marines. They saluted the flag, trained hard, wore their uniforms with pride (even though a close check had to be made at liberty call to ensure that no one went ashore in white socks), and boldly assaulted the bristling islands of the Pacific with a determination that could leave no doubt—they were Marines. And they were magnificent Marines.

Those same men, minus chewing gum and wearing hashmarks, then wondered what we could do with the Marine of the 50s. Well, the 1950 model didn't want to be hot stuff, his main social ambition was to be forever cool. And so he was, in the snow covered mountains of Korea. The men wearing our emblem in that time fought their way north, became surrounded, fought their way back out, then turned and fought north again with a spirit that could leave no doubt—they were Marines. And *they* were magnificent Marines.

This is a new time, a new era. We again have a new model wearing the emblem. White, black, or whatever the color of his skin—he is the young American, he is the new Marine. He has new ideas, new desires, and a new life-style that no more resemble those of the Korean War or World War II—than those styles matched the ones before them.

But don't confuse style with character. These young Americans come to us with a new set of social ideals, but they also come to us seeking the good traditions of our Corps. They have no desire to change those traditions, they want to be a part of them, and they want to add their own dedication and deeds to those traditions. They fight for a better world, aren't they entitled to see it improved? Don't confuse the hatred and violence of a small minority for the new ideals. That hatred is not new, it is as old as it is senseless. It is really what these new Marines are fighting against—what all of us have always fought against. Because the style has changed again does not mean our traditions of service have changed. Those traditions are granite hard, they will not change.

Last month I made a trip to the Republic of Vietnam, so I report to you with a fresh memory of the young Americans fighting this war. Young Americans who continue to serve with energy and courage. The debate, here at home, over the purpose and morality of our being in the Republic of Vietnam has made little impression on those young men. The individual Marine knows why he is there. He sees countless reasons every day. He sees it in the people, as more and more they turn to a strengthened government of the Republic of Vietnam in their escape from enemy terror. He sees it as the armed forces of that republic grow stronger, steadier, and take on more of the commitments.

That same individual Marine doesn't like being referred to as a tool of imperialist aggression—especially when the words are delivered in American accents—but he doesn't pay too much attention to it. He doesn't have time. He's too busy searching for mines set by North Vietnamese soldiers. Mines that have killed and injured more South Vietnamese civilians than they have American troops.

The young Marine knows he is fighting a guerrilla war. He knows from hard experience that there are no lines of battle, and key terrain is a matter of who holds a piece of ground at a given time. He also knows that this is a limited war, but only our prosecution of the war is limited, not the enemy's. The enemy has a distinct advantage. He moves to and from the sanctuary of his homeland as he chooses. It is clearly up to him if there will be a war at all. To stop the war, the enemy merely removes himself from the contested area, while the Marine knows that his only means to stop the war is to destroy the enemy in the areas in which we have limited our operations. And this he does, when and where he finds the enemy.

The young Marine is well aware of the strategic situation in Vietnam. He knows the enemy can maintain his advantage of free movement, and a stable rear, only because we choose to remain out of his country. He knows, too, that if the situation were reversed, North Vietnam would not be able to withstand guerrilla warfare within her borders—without outside help—anymore than the Republic of Vietnam.

But our country and our allies did not choose the destruction of North Vietnam. Rather, our forces have been committed to deny the North Vietnamese the destruction and conquest of the Republic of Vietnam. And we are attempting to do this by limiting our action to the area of contention: South Vietnam.

This is a test, a severe test, to determine the feasibility of halting aggression without the destruction of the aggressor nation. We have no desire to destroy a country, we only intend that another country be left to its own determination. Our part in this war has been an effort to reestablish peace and order, by making it unprofitable for one nation to impose its will on a neighbor. But it takes great restraint, and an extremely temperate application of power. This country, in the past four and a half years, has shown an unprecedented ability to do just that. But restraint demands a high price. It demands time, and time demands patience.

You know, this war has two areas of combat. One in Vietnam where the enemy attacks with bullets—and the other, right here in this country, where his allies attack with words. The enemy has never achieved a meaningful gain on the battleground in Vietnam—but he has scored heavily here, in this country.

Yes, there is a Defense establishment in the United States, and there is a military industrial complex. There is nothing wrong with those terms, they are not sinister. Only editorial inflections used in their delivery make them evil. This is not a conquered country. The military industrial complex does not nurture, nor does the Defense establishment control an army of occupation. It is the threat of other men in other countries that has made them necessary. It is that continued threat that is evil.

Since June of 1940, more than 29 years, Americans have been preoccupied with war. Three different times in that period young Americans have had to fight on foreign

shores. Eleven of those 29 years have been spent in actual conflict, and the years in between have been periods of increasing defense preparedness.

So good Americans, gentle people, who have never seen tyranny, war, or terror, call themselves doves. Americans who have never known the shock of violent death at close quarters, or the heavy foot of an invader, call themselves peaceniks. And somehow, in this one-sided monologue, those who fight tyranny, who seek to eliminate terror—are war-hawks.

Gentlemen, I think the true dove, the real peacenik, is made in battle. No one wants peace more than the Marine rifleman on his 50th patrol—or the Marine artilleryman returning counter-mortar fire from an open gun pit—or the Marine aviator flying his third medical evacuation mission in one day. I think you'll agree with me, that is the real school for doves. But it is a school convened in an environment of object lessons in the loss of freedom. These young Americans who fight this war truly learn the value of peace, and they learn the value of peace as free men. And because they are willing to fight for it they will remain free men.

But the well-intentioned Americans who think they can stop war and tyranny by destroying their own strength are unknowing allies of the enemy. The enemy has another ally in this country. This one is not a dove—or a peacenik, though he has made some success in identifying with the sincere anti-war groups. He is a veteran fighter, and a veteran hater. He is not tired of war. In fact he preaches war, and he waves the flag of the Viet Cong. He is against *this* war only because he is in accord with the principles of the enemy. He employs the weapons of words in mass. His proven theory is: if something is said loud enough, and often enough, some of it will be accepted as truth. It has worked, now some of their words and phrases have found their way into the national vocabulary: "imperialism," "militarism," "the American military machine." Is it necessary to deny that this country is not imperialistic? Must it be said that Americans are not a militaristic people?

How many seek victory for the enemy? I don't know. I know they are a minority. But because this noisy minority affects a bizarre appearance, because they offer instant and theatrical violence, they are news. Their images march across television screens throughout the nation. Their slogans and actions are chronicled in every newspaper and magazine. They have identified with youth, but they are not young because their ideas are old: Destroy the nation's defenses, destroy the nation's educational institutions, polarize the races.

This group has hurt us in recruiting qualified college graduates for our officer programs. For years we have depended upon recruiting on college campuses to provide nearly 85 per cent of all new Marine officers. Now, through violence and the threat of violence, this group has intimidated some college administrators into either blocking our recruiting efforts, or placing our selection teams in positions where it will be assured that qualified students do not know of their presence.

In spite of these efforts young Americans from every part of this country—from every educational level—and from every ethnic origin, still offer their services as Marines, officer and enlisted. And because of their choice to serve in the face of the dialogue of hate, they have found a new cohesion, a new comradeship.

I attended the State Dinner for the Astronauts in Los Angeles last month. It was but one of the many tributes to the bravery and skill of those incredible men. I also thought of the bravery and skill of the young Marines in Vietnam. But there is one great difference. Our Astronauts were cheered by all the American people, and greeted enthusiastically when they returned. Can we say this of our brave young Marine? Obviously not. Many Americans do not support him—many reject him when he returns. But his bravery and dedication do not diminish. They are of a quality that persist.

I have told you what a dedicated man the modern Marine is. I have told you that he believes in this war, and that he offers his service as an individual, not a conformist. But what does he really think of the war and his service? Well, since the first Marines became eligible for rotation home from Vietnam in the spring of 1966, a total of 38,000 have extended for six months or more in that country—in that war. That's almost a battalion a month. I want to point out that the number of career regulars in that figure is minimal. The career Marine knows he'll go back eventually anyway, very few extend.

Another statistic is important in looking at the character of the young Marine of today. Of all Marines eligible, 74.5 per cent actually cast their ballots in the last national election. That's against a national average of 60 per cent. Does the young Marine value his position as a citizen of this country?

But our young Marines are really only parts of the overall fabric of American life. And back here, at home, the stresses and strains of today sometimes have their effect. I am sure you are aware of the two separate disturbances—racial in nature—that have occurred in the Corps. One at Kaneohe Bay, in Hawaii, the other at Camp Lejeune, North Carolina. Because of these I have clearly outlined specific policies, and I have strongly reminded all commanders that under no circumstances will the Corps tolerate either discrimination or a breakdown in discipline resulting in violence.

Within the Corps there is no color gradiation. All Marines are green, khaki, or blue—depending on the prescribed uniform of the day. My troop commanders will see to it.

I want to assure you that those incidents involving only a few men in Marine uniform are not typical of today's Corps. They are surely not representatives of our young Marine of today—the young American without protest sign. He's truly as fine as we've ever had. For those two occurrences I could describe thousands of other incidents of bravery and compassion. But it is really the small events that make up the good esprit of our Corps—and all of our Armed Forces.

A few days ago a young Marine, after a total of 19 months in Vietnam—13 months assigned, and 6 months voluntary extension—stopped by Headquarters Marine Corps to see one of the officers he had served under in Vietnam. The young Marine, wounded twice and decorated once, was still on his rotation leave. Naturally the officer was anxious to hear how everything was with the old outfit. "How's the contact with the enemy?" he asked the youngster.

"Oh, it picked up quite a lot, sir, especially just before I left."

The officer gave it some thought, and then asked another question. "How's the morale?"

The Marine didn't hesitate, "Terrible," he said.

The officer didn't like the answer, but at least it was straight forward. He asked the Marine what the problem was.

"Well, my girl got engaged to another guy, I got a ticket for speeding, and I can't get a barber to give me a decent haircut for less than three bucks. It's pretty rotten, sir."

The officer laughed with some relief. "No, no, not your morale. I mean in Vietnam."

"Oh, it's okay there, sir. That's why I came by to see you. Do you think you could fix it up so I could get another six months out there, with six days in Australia on my way back?"

We have some problems, gentlemen, but they are not centered in the young Marine. He is doing everything he can. I ask the CCs to help. Know he is a Marine, recognize that fact. Support him, make him feel your support. And as it is your tradition, help him—tell it like it is.

OPPOSITION TO A GUARANTEED ANNUAL WAGE

Mr. YOUNG of North Dakota. Mr. President, one of the very best arguments in opposition to the proposal for a guaranteed annual wage is contained in an article written by Mr. Lawrence Welk and published in Christian Economics for August 5, 1969.

Mr. Welk makes a persuasive case against this proposal in a way that most Americans will easily understand. Lawrence Welk understands better than most people what it really takes for a young person to succeed. He is one of the best known and best liked of all Americans. He had a humble beginning with very limited means, but because of his strong Christian spirit, his patriotic attitude, and his stanch belief in our system of government, coupled with his natural talents and hard work, he has become a great success and risen to the top of his profession. Needless to say, like all North Dakotans, I am very proud of this outstanding American.

Mr. President, because the article presents such a persuasive argument against a guaranteed wage, I believe that everyone—whether or not he believes in such a program—would be interested in it. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GUARANTEED WAGE AND HUMAN DIGNITY

(By Lawrence Welk)

Numerous spokesmen today are advancing the theory that a guaranteed annual wage plan for every person in the United States would solve our hard-core unemployment problem and dramatically alleviate the suffering of our poor. I share very deeply the common concern we all feel for these terrible conditions . . . but I believe there is a better solution than a guaranteed annual wage.

I speak not as a politician or a statesman . . . but simply as a father, a business man, an orchestra leader and a concerned citizen of this country which I love so very much. I have known extreme poverty in my lifetime, and I have been blessed with a measure of success, and I have had an unique opportunity during these past forty-five years in show business to observe human nature at work. I base most of my objections to the wage plan on the lessons I have been able to learn through practical experience and observation.

A guaranteed annual income would pay each person in the United States a fixed sum of money every year. Four thousand dollars has been suggested as the minimum amount for a family of four. If the head of the household earns part of that sum, the government will make up the difference. If, however, he earns nothing at all . . . the government will pay him the full amount.

To my way of thinking this is a negative approach which does not solve the basic problem. Instead of inspiring and helping a man fulfill his potential by working to support himself and his family, it actually encourages him to sit back and do nothing, secure in the knowledge that the government will take care of him. This destroys his initiative and his will to succeed. It robs him of his natural human dignity, and even the right to direct his own life.

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I am also concerned about the effect such a guaranteed wage plan would have on our children. A child raised in an atmosphere of defeat and apathy, and taught to expect that his every need will be taken care of whether he works or not, stands little chance of developing a strong character. His own natural eagerness to learn and to grow and to excel is cut off at the very beginning of his life, and he may never know the thrill of achievement on his own. A child who is encouraged early to earn extra pennies by shining shoes or selling newspapers or doing household tasks, stands a much better chance of reaching them than a child who is taught to do nothing.

The most destructive aspect of the guaranteed wage plan, it seems to me, is the fact that it endangers our free-enterprise system . . . and I believe with all my heart that this is the best system the world has ever known.

We have achieved a higher standard of living, given more, helped more, and been more alert to the needs of our citizens than any people, under any other form of government in the history of the world . . . and I, for one, do not want to lose it. I believe one of the reasons our country has been able to accomplish so much is that our founding fathers and early immigrants had the freedom to dream great dreams and work hard to achieve them. We must not lose this right.

My own parents came halfway around the world in search of the freedom this country offered . . . and they found it. They started with nothing but boundless hope and optimism, and through sheer hard work managed to acquire their own farm. Thousands of others did the same thing. Their achievement was limited only by their energy and initiative. Nobody tried to stop them, or tell them what to believe or how much they could earn or whether they could pray to their God or not. The Constitution of this country guaranteed them their basic freedoms. They taught their children what a priceless gift that was and what a great nation this is. To lose our liberties now would be tragic and senseless, but I'm afraid we stand a very real danger of doing just that if we continue to trade off our personal freedoms for more and more government paternalism. The bigger the government . . . the smaller the people.

I grew up on a small farm in Strasburg, North Dakota, along with seven brothers and sisters, and my parents taught all of us children the value and joy of work. They will never know how grateful I have been all my life for their example and their teachings! Our parents taught us that nothing good is ever achieved without work, and that there is a kind of joy in work itself which contributes to one's peace of mind and inner tranquility.

And the work should be quality work! A few years ago American children were taught routinely that a job worth doing was worth doing well, but somewhere along the line that idea seems to have vanished. Today . . . in talking with various businessmen . . . I have learned that it is becoming more and more difficult to find competent workmen . . . men who take real pride in performing their craft. In my own profession, I have found it next to impossible to find a well-trained young musician. I have been looking for almost two years for an experienced young violinist, and have not been able to find one who combines talent with the training and self-discipline necessary to do the job. True competence in any field takes time, perseverance, infinite patience . . . and hard work.

Rather than give a man money, simply because he exists . . . let us educate him to the glory that can be found in work . . . and then bend every effort towards helping him find and hold a job. I do not think it is ever too late to help a man accomplish this, no matter what his condition in life. We can start right now by educating our people to the fact that this is still the land of opportunity, and that any job . . . no matter how lowly . . . can lead to a successful and happy life if it is performed with spirit and enthusiasm. Our primary goal should be to build the character of the man who is doing the job, for in this way we will build the character of the nation as well.

One of the deepest joys of my own life has been to recognize the potential in other people and help them try to achieve it. It is a wonderful experience to watch any man or woman develop his talents to the fullest and I have noticed that the happiest people in our orchestra are always those who work the hardest.

Many examples come to mind. . . . Years ago I suspected that Larry Hooper, our pianist, could also be a singer, because of the exceptionally deep resonance of his speaking voice. When I encouraged him to try, he found to his surprise that he really could sing, and he not only developed into a popular singer, but his whole personality improved! Jack Imel, who was a drummer and dancer on our show, came to me with ideas for production sketches, and the more he worked, the better his ideas became, until today he is the assistant to our brilliant producer, Jim Hobson.

Myron Floren overcame the twin handicaps of poverty and serious illness. Myron was stricken with rheumatic fever as a youngster, but he turned all of his energy and willpower into making a full recovery, and was able to regain his health completely. His fortitude, dependability and complete devotion to whatever task he undertakes have become almost legendary in our band. He has developed the inner strength and self-confidence necessary to handle whatever new responsibilities come his way. He has today reached goals no one would have thought possible for him when he was a young boy growing up in poverty on an obscure farm.

You cannot build character and courage in an able-bodied man by taking away his initiative and spirit of independence. You cannot buy happiness for a man. He must earn that for himself. That is one of my basic objections to the Guaranteed Annual Wage Plan. It does not really help a man to grow.

We have made tremendous progress in the fields of science and technology. We have learned how to send a man to the moon and probe the underside of the sea. We have learned how to split the atom and harness the energy of the sun. We have built giant computers that do incredibly complex jobs for us. But we have neglected our most important obligation. We have neglected our primary duty to build men.

I think we began to get into serious trouble when we took God out of our schools and out of our hearts. We need to re-introduce basic moral values into our lives. We need to affirm again those American verities of hope and courage and faith . . . the principles of fair play and integrity, and an honest day's work for a day's pay.

Somehow I feel that the real answer to our difficult problems can best be found in the teachings of Christ. He spoke of the dignity of the individual human being. He demonstrated through the love and compassion of His own life just how valuable each human soul is.

A human being is far too valuable to be paid off in money. A human being grows and prospers through the dignity of work.

HUMAN RIGHTS CONVENTION ON POLITICAL RIGHTS OF WOMEN—NO EXCUSE FOR SENATE'S FAILURE TO RATIFY

Mr. PROXMIRE. Mr. President, the Human Rights Convention on the Political Rights of Women was adopted by the General Assembly of the United Nations in December of 1952.

It was opened for signature in March of 1953, 16 years ago. As in the case of the Genocide Convention and Forced Labor, the Senate has failed to ratify the Convention on Political Rights of Women. President Kennedy sent this convention to the Senate 6 full years ago.

Why has the Senate failed to ratify this convention? Certainly the 19th amendment to the Constitution clearly defines and protects the political rights of women in the United States. All that this convention establishes and guarantees are the rights of women: first, to vote; second, to be candidates for office; and third, to hold office.

The National Council of Women of the United States strongly supports Senate ratification. While recognizing that it is less than a half century since women in the United States have gained full political equality, the council has pointed out that its affiliate organizations in 60 countries face a far different situation. The council urges Senate ratification so that women, the world over, may point proudly to the United States as they wage their own fight for political equality.

Of the 60 affiliates of the International Council of Women, 18 are in nations less than 25 years old. How can the young governments of Burma, Cameroon, and Gambia—to name a few—be expected to change centuries-old traditions without encouragement, example, and prodding?

Any nation which denies full political equality to women denies itself the benefit of a full one-half of its human resources. Let us help the younger countries to a quicker awareness of this truth by ratifying the Human Rights Convention on Political Rights of Women.

UPGRADING PROFESSIONAL STANDARDS FOR POLICEMEN

Mr. NELSON. Mr. President, Appleton, Wis., is doing its part to see to it that great strides are made in bettering the overall conditions for policemen. The citizens of Appleton have been working for 3 years to upgrade professional standards for policemen. Only through a higher degree of professionalism, they agree, can the police maintain the respect of the community while effectively enforcing the law.

The professionalizing process involves education and training. One of the best ways to achieve this, according to Mr. Gordon Myse, an Appleton citizen who is in the forefront of the leadership, "is for the city to provide educational incentive pay for policemen who take credit courses in police science at the college or vocational school level. Sending a policeman into the street without a proper education is like sending him out without his badge and gun."

I ask unanimous consent to have printed in the RECORD an article published in the Appleton Post-Crescent which profiles the important work being done in this community.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"PROFESSIONAL" POLICE NEEDED

It might make his job in the courtroom more difficult, but Appleton Attorney Gordon Myse would, nevertheless, like to see every policeman become a "professional."

And he's doing his part to see that it happens in the Fox River Valley.

Myse, three years ago, began representing Appleton police in wage negotiations. He started shortly after Appleton became one of the first Wisconsin cities to see collective bargaining used in setting police wages.

Today police departments in Appleton, Oshkosh, Green Bay, Fond du Lac, Winnebago County, Neenah, New London, and Clintonville are using Myse's services to get better wages, working conditions, and other job benefits.

He has contracts with some of the police associations. Others he serves on retainer or hourly-rate bases.

The young attorney assists some police agencies only with their collective bargaining. He does all the legal work for others.

CUP OF COFFEE

Myse started his move into the previously unexplored police negotiations field over a cup of coffee three years ago.

For years, Appleton, like most other cities, negotiated police contracts through their police chiefs. He was the middle man between his men and the city administration. The system had many shortcomings.

In 1966, Appleton officially recognized a five-man employer-employee relations committee of the Appleton Professional Policemen's association as the police-city bargaining unit for 1967.

Detective Richard Jirschele headed the committee. He and Myse were having coffee one day when he asked the attorney if he knew anything about labor law. Myse didn't, but he was willing to learn. The association hired him, and he became one of the first attorneys to represent a Fox Valley police agency in negotiations.

NEW RULE

Myse started learning his new role, by attending, with Jirschele, a University of Wisconsin police bargaining school in July 1966. He said he has been learning ever since.

The attorney sees himself as the "vehicle" providing an "orderly adjustment" between police and their employing municipality at contract time. Orderly adjustments, Myse said, prevent strikes which, although often used, are not legal as far as police are concerned.

Collective bargaining, Myse explained, is a skill that must be learned. Police departments without that skill and knowledge will find themselves at a disadvantage during bargaining.

Myse can "say things" during wage talks that the policeman cannot. The policeman who has arrested a city councilman for speeding and then has to sit across from him at the bargaining table is at a distinct disadvantage—as is the entire police department—Jirschele explained.

SHORT ON RATE

There are many areas of his law practice that provide greater financial returns than does collective bargaining work, Myse said. When he balances the time spent with the money earned, he said he often finds himself short of the hourly minimum bar rate.

He has both lost and gained clients in his criminal law practice because of his affiliation with police. "Any time I represent a defendant in a criminal case, I immediately disclose my relationship with police," Myse said.

He says he will fight as hard for a defendant as for police, thus he feels his police relationship does not interfere with his criminal court work.

Said Myse, "If police make a mistake by which the defendant can profit, then police must be trained so they don't make those mistakes.

GREAT STRIDES

The attorney said that although great strides have been made in bettering overall coordinations for policemen in general, much remains to be done, and the Fox Valley is no exception.

"Police have lost the respect of their community," Myse declared. They must recapture that respect.

They can do it only if a higher degree of professionalism is brought to law enforcement. And that can be possible, according to Myse, only if police wages first are hiked to a point where more qualified people are attracted.

Better wages constitute one of the most pressing needs in law enforcement, Myse said. He would like to see a $10,000 maximum salary for patrolmen. The ceiling in the Fox Valley is now about $7,500.

PRESSING NEED

Another pressing need is what Myse terms "a professionalizing process" involving education and training.

One of the best ways to accomplish this, he said, is for the city to provide education incentive pay for policemen who take credit courses in police science at the college or vocational school level.

Appleton city officials have balked at the plan which Myse said has worked well in Oshkosh, Fond du Lac, and the Winnebago County Sheriff's Department.

"Sending a policeman into the street without a proper education is like sending him out without his badge and gun," Myse explained. He terms law enforcement one of the most "complex demanding and difficult" of all fields of work.

It angers him that "some people" group police with other municipal services. They will not recognize, Myse emphasized, that law enforcement has its "special problems, special challenges and particular needs, and must be treated accordingly."

SOME DISAGREE

Some policemen in some departments do not agree with some things Myse proposes for them. He expects it. Senior officers have different ideas and goals than the younger men, but generally they all want to improve themselves, their department, and their community, Myse said. He must first attempt to establish a common ground and a united approach within the department before he can take the policeman's case to the city.

Nor do city administrations always agree with what Myse proposes. There have been problems, disagreements, and even crises. There have been no strikes in Fox Valley police departments, but there have been fact finding and mediation sessions.

But, as Myse explains it, ". . . the negotiation process is one of debate and exchange. It has to be."

And, although there has been much disagreement in the police-negotiator-administration triangle, Myse said he has seen enough agreement to give him the satisfaction of having helped law enforcement in the Fox Valley make significant gains in the past couple of years.

HO CHI MINH AND GEORGE WASHINGTON

Mr. DODD. Mr. President, the recent death of Ho Chi Minh touched off countless eulogies to him in the American press. There were some who considered him a benevolent and dedicated despot, whose virtues somehow outweighed the fact that he was a Communist dictator. Others went further and described him as the Vietnamese equivalent of George Washington and Abraham Lincoln.

Prof. John P. Roche, of Brandeis University, a former president of Americans for Democratic Action, has written a newspaper column which helps to set the record straight on the real Ho Chi Minh. Let me quote one paragraph from this column:

> If George Washington operated differently, he might have been a model for Ho. If, for example, in 1765 Patrick Henry had been found dead in a ditch with a bullet hole in the back of his neck; and in 1767 Thomas Jefferson had been found hanging from a barn rafter, an apparent suicide; and in 1771, John Adams had been found drowned in Boston harbor; and in 1775, Alexander Hamilton and James Madison—on their way to a secret meeting at Mt. Vernon—had been captured by the British—if our colonial history had been highlighted by such incidents, George Washington could have been an excellent preceptor for Ho Chi Minh.

There was a Vietnamese nationalist leader who, perhaps, deserves to be ranked with George Washington and Sun Yat-sen. But his name was not Ho Chi Minh. It was Phan Boi Chau.

According to the noted Vietnamese historian, Joseph Buttinger, Phan Boi Chau was "regarded by the French as the most dangerous among the nationalist revolutionaries."

Ho Chi Minh, whose name at the time was Nguyen Ai Quoc, got Phan Boi Chau out of the way by the simple device of betraying him to the French colonial regime. He justified this betrayal on the grounds that, first, the reward of 150,000 piasters could be put to good use by the Communist cause, and, second, that the execution of Chau by the French would create shock and resentment which the Communists could then exploit for their own purposes.

This betrayal was not an isolated incident. It was, on the contrary, part of a systematic policy of eliminating the real nationalist leadership, either by assassinating them or by betraying them to the French.

The Vietnamese scholar, Hoang Van Chi, who held several important posts in the North Vietnamese Government under Ho Chi Minh before he chose freedom, writes:

> Those who, during their stay in China, had been attracted by Nguyen Ai Quoc's propaganda and had joined his Youth League, were allowed to go home in secrecy. The rest who remain faithful . . . to the nationalist cause always found a French agent waiting for them near the Sino-Vietnamese border, armed with copies of their photographs.

The facts about Nguyen Ai Quoc's betrayal of the revered nationalist leader, Phan Boi Chau, were so well known in Vietnam that the Communist movement decided that Nguyen Ai Quoc had better disappear from the scene. The story was accordingly put out that Nguyen Ai Quoc had died, and to further the pretense there were even elaborate mourning rituals by his family.

For years after he had assumed the name of Ho Chi Minh, the fact that Nguyen Ai Quoc and Ho Chi Minh were

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one and the same person was not admitted.

And when the question was raised on several occasions by people who suspected an identity between the two, Ho Chi Minh flatly denied that he was Nguyen Ai Quoc. It was only after the French had been driven from Vietnam that the Communists admitted for the first time that Ho Chi Minh was, in fact, the same person as the supposedly dead Nguyen Ai Quoc.

Ho Chi Minh, in short, had about as much in common with George Washington as Benedict Arnold did. Indeed, this is an understatement, because Benedict Arnold, prior to his final act of treason, was apparently a competent and conscientious officer, whereas Ho Chi Minh was an agent of international communism rather than a Vietamese nationalist from the very first days of his political activity.

He destroyed the nationalist opposition to the Communist Party by systematically betraying nationalist leaders to the French.

When he took power, he brutally suppressed a peasant revolt in his native province. The number of victims of this single act of repression ran into scores of thousands.

He masterminded the attack on South Vietnam which got underway in 1960; he sought to subvert the government of Laos and then openly invaded Laos; and he used the Vietcong insurrection as a training ground for terrorists and guerrillas from all over the world.

He not merely gave his stamp of approval to the inhuman terror practiced by the Vietcong against the civilian population of South Vietnam, but he personally selected the political cadres who were responsible for the application of this terror.

It is a tribute to the effectiveness of the international Communist propaganda apparatus that, in the face of all these facts, it has been able to persuade so many people in the free world to regard Ho Chi Minh as old Uncle Ho, a kindly, childloving, nationalist leader who is supposed to have been revered by his own people.

Mr. President, I ask unanimous consent to have printed in the RECORD the column entitled "Ho Had a Way of Doing His Job," written by John P. Roche.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HO HAD A WAY OF DOING HIS JOB

(By John P. Roche)

The death of Ho Chi Minh has touched off a lot of absurd rhetoric. One Congressman suggested he was the Vietnamese equivalent of George Washington and Abraham Lincoln, while a favorite description leaned heavily on the word "mystic."

As far as Ho's mysticism was concerned, I am not prepared to argue—provided those who use the term also would apply to Adolph Hitler, Sirhan Sirhan, and the organizers of the Spanish Inquisition.

However, I do find the analogy with George Washington and Abraham Lincoln too much to take.

Without for a second denying Ho Chi Minh's dedication, courage, and strategic genius, the stark fact is that he became the "Father of His Country" by murdering the other candidates.

The Stalinists pre-empted the cause of Vietnamese nationalism by their ruthless willingness to destroy non-Communist competition, particularly Marxist revolutionaries who rejected Moscow.

If George Washington operated differently, he might have been a model for Ho. If, for example, in 1765 Patrick Henry had been found dead in a ditch with a bullet hole in the back of his neck; and in 1767 Thomas Jefferson had been found hanging from a barn rafter, an apparent suicide; and in 1771, John Adams had been found drowned in Boston harbor; and in 1775, Alexander Hamilton and James Madison—on their way to a secret meeting at Mt. Vernon—had been captured by the British—if our colonial history had been highlighted by such incidents, George Washington could have been an excellent preceptor of Ho Chi Minh.

For this was the basis of Ho's "mystical" commitment to Vietnamese nationalism. It was brought home vividly to me a few years ago when a friend introduced me to a Vietnamese who was on the lam from everybody. At that point in time, both Ho Chi Minh and President Diem had a price on this man's head. He was an authentic Vietnamese nationalist, a one-time leader of the Cao Dai reistance to the French in the Mekong Delta. His story was incredible—but verifiably true.

In early 1947, after Ho broke with the French, the top leadership of the Viet Minh (which then had substantial non-Communist forces) allegedly was called to a meeting near Hanoi.

The word came to Dr. Xuan (a pseudonym) and he set out on the long, dangerous journey. Shortly before he reached the secret meeting place, French security agents seized him. French intelligence officers told him he had been betrayed by the Communists and tried to get him to sing. He thought it was a trick, refused to reveal anything even under torture, and was sentenced to death.

On the day of his execution, a French officer appeared with a squad of Senegalese. The French officer looked at him and suddenly called him by his real name. They had been classmates and friends at the famed Ecole Polytechnique in Paris!

The officer instructed him quickly: "Everything is chaotic around here; we will march you down towards the place of execution. When we reach a certain corner I will distract the soldiers and you take off. Good luck."

To make a long story short, he escaped, and keeping what the French intelligence officers had told him in mind, made no contact with the Viet Minh. Later in Paris he met others who told him there had been no meeting, that he had been deliberately led into a trap.

One of those who had set the stage now was himself a refugee from General Giap's secret police (Giap was then Minister of the Interior); he had been denounced as a "Trotskyite."

The best estimates are that in 1946–47 about 10,000 key non-Stalinist Vietnamese nationalists were murdered. When it came to being the Father of His Country, Ho Chi Minh took no chances on paternity suits.

And what makes the New Left acclaim for "Uncle Ho" savagely ironic is that they are precisely the sort of undisciplined, unreliable, talky types who were featured on the execution lists as "Trotskyites."

In pragmatic terms, however, one has to hand it to Ho: after 1947, he had very little trouble with his intellectuals.

PUBLIC HEARINGS, TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Senate Finance Committee received testimony concerning those provisions in the House-passed tax reform which amend the tax treatment of physically handicapped people, treble damage awards, the foreign tax credit, and foundations. Additionally, testimony was received by a number of distinguished individuals on the bill in general.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

WITNESSES

HONORABLE TED STEVENS, UNITED STATES SENATOR, STATE OF ALASKA

General

States that the House bill does not deal with several important inequities, and that he has introduced several bills that would help to correct these deficiencies. Proposes that the personal exemption be raised from $600 to $1,000, that it be increased in those areas of the country where the cost of living exceeds the national index.

Proposes a deduction for funeral and burial expenses to the extent that they exceed 3 percent of adjusted gross income.

Proposes the removal of the restriction which presently limits deductions for care of dependents of working mothers to taxpayers whose combined husband-and-wife earnings are less than $6,500.

Believes that provision should be made for the employee whose employer does not provide a qualified pension plan, so that the employee may be treated as a self-employed person. Suggests, also, alteration of the tax treatment of lump-sum distributions from retirement funds.

Points out an equity in present Revenue Service practices whereby the Service is not required, and does not in practice, notify the county or burrough recorder to remove a lien (after the taxpayer has paid the taxes which resulted in the lien) which it has recorded.

Favors present tax treatment for the oil and gas industry, and states that we are at a time when the reduction of these incentives could do irreparable harm not only to Alaska—which would most certainly suffer severely if the House proposed changes in this treatment were enacted—but also the entire nation.

HONORABLE WRIGHT PATMAN, UNITED STATES REPRESENTATIVE, STATE OF TEXAS

Private tax-exempt foundation

Strongly endorses provisions of H.R. 13270. Requests that provisions affecting private foundations not be weakened.

Questions why so many private foundations are established. Indicates that many huge family fortunes have been continued in perpetuity through private foundation control of businesses. States that it is not known how much tax revenue is lost by tax avoidance through private foundations. Points out that there is a need for more public information on the operations and activities of these foundations.

Makes the following recommendations derived from the study conducted by the Subcommittee on Foundations:

(1) Consideration should be given to a limitation of 25 years on the life of foundations.

(2) Prohibit engagement in business directly or indirectly.

(3) Ban commercial money lending and borrowing by foundations.

(4) Prohibit self-dealing.

(5) Prohibit foundation or donor solicitation of acceptance of contributions from suppliers or users of goods or services.

(6) Limit foundation ownership of a business to 3 percent of the stock of a corporation and not allow a vote of the stock.

(7) Establish standards with respect to foundation behavior in a proxy fight.

(8) Regulate trading and speculation in securities.

(9) If the donor controls the foundation, disallow the deduction until the foundation actually uses the money for charity. Income earned by the foundation should be taxable to the controlling contributor until used for charity.

(10) Exemption be denied if a foundation is formed for tax avoidance purposes or for financial benefits for the contributor. Disallow a contribution by a controlled corporation.

(11) Treat gifts to private foundations at the cost or value, whichever as lower.

(12) Provide that contributions made by subchapter S corporations be attributable to the shareholders so that an extra 5 percent deduction is not allowed.

(13) For the purpose of figuring the accumulation of income, all contributions and capital gains of the foundation should be considered as income, not capital.

(14) For the purpose of computing the accumulation of income, amounts unreasonably accumulated in corporations controlled by a foundation should be added to the foundation's direct accumulation as if the two were one.

(15) Corporations controlled by foundations should be subject to the unreasonable accumulation earnings tax.

(16) With regard to gift and estate taxes: (a) exclude from the base for the marital deduction amounts left to foundations that are untaxed and (b) the gift and estate tax rate brackets to be applied to taxable amounts should be the same as if the foundation amounts were part of the taxable gifts or estate.

(17) Consideration should be given to a regulatory agency for supervision of tax-exempt foundations.

(18) Review extensively every application for tax exemption.

(19) Make public all matters relating to the granting or denial of tax exemption, foundation tax returns, and provide a registry of all foundations.

(20) Require disclosure of foundation expenditures for instigating or promoting legislation or political activities (or paid to other organizations) and to TV, radio, and newspaper advertising.

(21) Require description of all activities of foundation.

(22) Expand program for auditing returns of foundations.

(23) Impose stiff penalties and revoke tax exemption for improper or insufficient reporting.

(24) Assess a reasonable tax on foundation income.

Indicates that from 1951–1967 about 50 percent of foundation receipts were distributed for contributions, gifts, and grants. Contends that proposed 7½ percent tax on net investment income will not impair philanthropic activity.

Suggests that foundations could be more efficient in their operations to reduce administrative expenses. States that there are problems other than tax matters which require scrutiny, e.g., SEC, anti-trust, conflict of interest, etc.

HONORABLE CHARLES A. VANIK, U.S. REPRESENTATIVE, STATE OF OHIO

General

Endorses the principal provisions of the House bill. Indicates that decisions of the House Ways and Means Committee were made calmly and deliberately and in substantial response to the overwhelming mandate which each member of the Committee received from their constituencies. States that the House bill is in many cases only a soft touch on tax privilege instead of the heavy hand that he would like to see. Indicates that those who criticize the efforts to impose a minimum tax on the wealthy must find another way of accomplishing this goal.

Tax treatment of natural resources

Indicates that the small reduction in the depletion allowance enacted by the House was the minimum the taxpayer would accept. Believes that there can be no tax reform without some reduction of oil tax privileges. Points out that nothing was done about intangible drilling costs, accounting proceeds, and several other devices to spare oil taxation. Believes that the oil industry should be able to assume this taxation without threats to increase consumer prices.

Supports the provision in the House bill removing foreign oil depletion. States that there is no rational legislative reason for extending the privilege of the depletion allowance to foreign produced oil.

Personal exemptions

Suggests that from projections of tax receipts which he has seen, that it would seem feasible to increase the personal exemption at the rate of $100 per year per dependent for the next 4 years until the dependency allowance reaches $1,000 per dependent.

Simplification of tax return and payment procedures

Points out that one major objective of tax reform in the House bill which was not achieved is the critical need for simplification of tax returns and payment procedures. Believes that for the individual taxpayer there is a need for a simplified appeal provision.

HON. GEORGE A. SMATHERS, ON BEHALF OF MANUFACTURERS HANOVER TRUST COMPANY AND MORGAN GUARANTY TRUST COMPANY OF NEW YORK

Debt securities held by banks

Opposes provision to tax net gain on bonds as ordinary income. States that it is not in the public interest at this time to discourage financial institutions from acquiring bonds. Feels that the pendency of the House bill already has had an adverse impact on the demand for long-term issues and has had the effect of reducing the already low liquidity of the banking system.

States that modification of the present treatment of gains realized by banks on debt securities will increase the difficulty of the Treasury and state and local governments in issuing securities and consequently will tend to increase the cost of such financing. Feels that there continue to be valid public policy objectives for maintaining the present nonparallel treatment of gains and losses.

If, despite the above considerations, the Congress sees fit to adopt the proposal embodied in the House bill, submits that such change should be made effective only with respect to bonds or debt securities purchased after the effective date. States that the present treatment was designed to encourage banks to perform the important functions of providing a market for governmental and corporate securities, therefore, it is inequitable that the current holdings of debt securities of banks which were purchased in the light of this favored tax treatment should not continue to enjoy such favored treatment.

Bad debt reserves

Believes it is not wise to limit bad debt reserves to relatively recent experience and thus ignore the impact of a possible future decline in the economy. If such change is to be adopted, then it seems inequitable to freeze the base year balances, as proposed under section 441 of the bill, in the case of banks who have not yet reached the 2.4 percent limit currently permitted and who are in mid-stream in a catch-up formula provided for by Internal Revenue Service rules currently in effect.

Lump sum distribution from profit sharing funds

Opposes the provision which would eliminate capital gains treatment of lump sum distributions from profit sharing funds. Contends that the proposed averaging treatment is too complex requiring recomputation and refund claims by small taxpayers. Submits that the fairest and simplest method for averaging lump sum distributions from funds that have been built up over many years is the present capital gains treatment long permitted by the tax law.

GENERAL

SCOTT P. CRAMPTON, CHAIRMAN, SECTION OF TAXATION, AMERICAN BAR ASSOCIATION

General

States that the tax section believes that the bill makes many desirable reforms in the Internal Revenue Code. Points out, though, that to conserve time the report is limited to comments on problems of statutory draftsmanship, undue complexity in the structure of the tax law, and alternative methods of accomplishing the same general objectives.

Since this statement is of a very technical nature, the following summary will highlight the major points.

Retroactivity

States that retroactivity is determined with reference to the date upon which the amendment becomes law. Points out that it is recognized that in some cases publicity of a proposed amendment may induce taxpayers to take advantage of an existing loophole. Believes that the foreclosure of such last-minute tax avoidance is considered less important than the preservation of the principle that a taxpayer may rely upon an existing statute in planning his affairs. Urges that the principles be applied to the fullest extent possible in this bill.

Private foundations

Recommends that the 7.5 percent tax on investment income be replaced by a tax which would raise only the amount necessary to administer an audit program for private foundations. Recommends that the tax be an excise tax on receipts from all sources instead of an income tax on net investment income.

Maintains that the tax on termination of private foundation status is highly complex and contains serious procedural difficulties. Requests consideration of provisions permitting a foundation to terminate its exempt status by transferring its assets to an exempt public charity. Recommends that if termination is required by the Treasury, the tax be abated pending action by the State to transfer the assets to a charity. Proposes a penalty of 100 percent of the assets if the State does not act.

States that the requirements of section 508(g) that the governing instrument of a foundation contain certain provisions is unnecessary and would impose undue hardship on many foundations.

Argues that the 5 percent current minimum pay-out requirement should be reduced because of the tax on investment income, or the tax should be included as a qualifying distribution.

Contends that section 4942 (the minimum pay-out provision) requires too many determinations to be made by the Secretary or his delegate, and suggests that the statute be more specific.

Recommends consideration be given to deleting the 2- and 5-year requirements for disposition of excess business holdings. Argues that they serve only to evidence the good faith of the foundation in commencing disposition, and in the case of closely held stock it may not be possible to dispose of a small part of the excess holdings.

States that the 100 percent penalty imposed on investing assets in such a manner

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as to jeopardize the carrying out of the foundation's exempt purposes may be unduly harsh. Implies that the penalty should only be imposed to the extent of the loss resulting from such investment. States that consideration should be given to excluding from the term "substantial contributor" persons related to the substantial contributor if the contribution was made more than ten years earlier. Also, recommends considering, for purposes of self-dealing, elimination of substantial contributor status after ten years.

States that the penalty imposed for repeated, willful or flagrant acts seem too onerous both in circumstances of its application and in amount.

Contends that the amendment to section 6033(b)(5) is an unnecessary invasion of the privacy of charitably inclined individuals and might cause donations to be curtailed, although it appears to serve no substantial tax purpose.

Other tax exempt organizations

Suggests that there be a parity in the rate of tax imposed on unrelated business income of exempt corporations and exempt trusts. Recommends that the rate applicable to trusts be imposed on corporations also.

Recommends that gains from the sale or exchange of property used to carry out exempt functions should not be taxed to social clubs and certain other membership organizations under the proposal taxing the investment income of these organizations in certain circumstances.

Contributions of income interests to charities

States that where a donor transfers his entire interest in property irrevocably and retains no reversionary interest, there is no sound reason for disallowing a deduction for a gift of an income interest to charity.

Contributions of a partial interest in property

States that the House provisions with respect to such contributions appears broader than intended, and suggests the effect of provision may be to deny contribution deductions for outright gifts of undivided interest in property as well as of legal life estates or remainders unless all other interests in the property also are contributed.

Contributions of appreciated property

States that if the abuse sought to be corrected by the House provisions occurs primarily in connection with charitable contributions of ordinary income property, such as inventory, then it should be noted that the House bill requires recognition of gain in a number of situations not falling within the area of such abuse.

Bargain sales to charities

States that there seems to be no valid reason to differentiate between bargain sales to charities and bargain sales to other donees—believes where the donor is willing to make a gift to charity of the difference between the fair-market value of the purchase price, he should receive the full tax benefit.

Charitable remainder trusts

States that the basis for the House provisions dealing with such trusts is that the value of the remainder can be wiped out, and suggests this is questionable because trustees are bound by State law to protect the remainderman's interest, State attorneys-general increasingly exercise supervision, the remainderman itself can protect its interest, and even with a unitrust or annuity the remainder could be destroyed by bad investment.

Estate and gift tax deductions for income income interest, charitable remainders, or other partial interests in property

Sees no reason why either a charitable income interest or a charitable remainder after a normal life estate should not continue to be allowed as an estate or gift tax deduction. States that aside from an outright transfer, such a remainder is the most common form of charitable bequest or gift. Believes Congress should not arbitrarily restrict the estate and gift tax to two limited and novel forms of charitable remainder trusts—it would be unreasonable to force testators and settlors into the defined annuity or unitrust arrangement.

Farm loss provisions

Indicates they are not convinced that the problem which the House provision seeks to correct with respect to farm losses is sufficiently greater to justify such complex legislation. Adds, however, if it is, then the House approach is more acceptable than attempts to deal with and by other means, such as tampering with the timing of losses and gains as proposed in earlier legislative drafts in this area.

Hobby losses

States that the House proposal appears to contain so many technical deficiencies that they suggest consideration be given to a complete redraft. As an example, notes that the present provision would apply not only to the traditional "hobby" but also to the normal profit-seeking business and investment activities, including all estate operations, equipment leasing, and oil and gas development and exploration.

Limitations of interest and investment indebtedness

States that the House bill is not clear as to the order in which the $25,000 limitation, and the net investment income and the long-term capital gains provisions are applied against the investment interest. Believes the order of application is important since it affects the amount of the deduction and the consequent amount of the tax.

Limit on tax preferences—Charitable contribution of appreciated property

Suggests that the term "excess of fair market value over basis" be used in place of "appreciation in value of property" since it is more precise and would avoid introducing a new and undefined term into the Code.

Limit on tax preferences—Accelerated depreciation

Questions whether this item continues to constitute a tax preference in view of the revisions made in accelerated depreciation recapture. States that if accelerated depreciation is retained as an item of tax preference, the recapture rule under the House bill should be changed to provide for a correlative reduction of the amount of recapture as ordinary income on disposition. Argues that the treatment of these items as tax preferences will extensively complicate both the preparation and the audit of tax returns.

Adjustments for disallowed tax preferences

States that under present tax rates, it will be possible for a tax payer to realize a greater tax reduction. in one or more of the five carryover years than the increase in tax attributable to inclusion of dissallowed tax preferences in gross income in the earlier taxpayer year. Conversely, a taxpayer having an amount of other taxable income in the later year less than the disallowed tax preference carried forward would receive a tax reduction in the later year significantly lower than the effective tax cost of the disallowed tax preference. Points out that in some cases the income averaging provisions of the Code would reduce the effective rate of the tax reduction attributable to the carryover adjustment below the effective tax cost of the disallowed tax preference in the earlier taxable year, but this would not be true in all situations.

Suggests that this problem could be avoided in large part by providing that the carryover, instead of giving rise to a reduction, would give rise to a credit for taxes paid in the later year equivalent to the amount by which the preference year's tax was increased by reason of the amount for which the bill now would allow a deduction.

Allocations of deductions

Maintains that the enactment of the House bill would adversely affect thousands of taxpayers since the time consuming adjustments called for by this section would apply, or figures would have to be assembled to determine whether they would apply, every year. Suggests that in view of the universal desire for *simplification* of the tax laws, the desirability of a provision which will substantially complicate the return and recordkeeping requirements of a large number of taxpayers appears to be open to question.

Allocations of deductions—Application to estates and trusts

Suggests that the application of the allocation provisions to estates and trusts is not clear and that further clarification of the impact of this provision on present law would appear to be desirable.

Allocable expenses—interest

States that it seems improper to disallow deduction of interest payments under section 265 of the code because they are related to tax-exempt interest received and at the same time to allocate some of the taxpayer's *other* interest payments in part to the same taxexempt interest. Furthermore interest that is specifically attributable to carrying income producing property should be excluded from the numerator of the "section 277 fraction" just as interest paid or incurred in the conduct of a trade or business is excluded under the proposed section of the House bill.

Allocable expenses—taxes

Believes it is improper to allocate any taxes which are incurred on taxable income, such as compensation or taxable investment income, of which are imposed on income producing property, between taxable and tax-exempt income.

Allocable expenses—charitable contributions

Maintains that the inclusion of charitable contributions in the list of allocable expenses presents a serious policy question. Points out that under this provision an individual who has tax-exempt income would receive a lesser tax benefit from an identical charitable contribution than an individual who has no tax-exempt income. States that the inclusion of charitable deductions in "allocable expenses" will undoubtedly cause many individuals who have previously made substantial gifts of appreciated property to stop making such gifts.

Interest on certain governmental obligations

Recommends that the change takes into account tax exempt interest for purpose of allocation of deductions should apply only to obligations issued after the date of enactment.

Depletion and intangible drilling and development costs

States that computation of cost depletion requires an estimate of recoverable reserves and that this section will require individual taxpayers claiming percentage depletion to compute cost depletion with the attendant engineering expenses.

Suggests that this burden be removed by giving the taxpayer an option to compute cost depletion or amortize his cost over a 10-year period. Maintains that this procedure would achieve the objective of the House bill while relieving the taxpayer of an expensive cost depletion computation.

Income averaging

Suggests that consideration might be given to permitting averaging the excess over 100 percent of the average base period taxable income, provided the $3,000 test is met.

Restricted property

States that this provision of the House bill raises serious problems for a closely held corporation. Points out that such a corporation must offer one or more key employees a greater equity interest than may be made available through a qualified stock option plan. But because of the practical problems involved in the disposition of stock by minority stockholders can do so only with substantial restrictions on transferability of the stock. Indicates that this provision in the bill will expose such employees to the receipt of substantial amounts of ordinary income in one year.

Accumulation trusts, multiple trusts, etc.

States that in an attempt to remedy the tax avoidance that results from multiple trusts, this provision in the bill extends much further and covers all accumulation trusts. Points out that the administration of the statute would be a tremendous burden. Suggests the retention of the $2,000 exemption to greatly alleviate administrative problems.

Debt-financed corporate acquisitions and related problems

Believes that section 411 (interest on indebtedness incurred by corporations to acquire stock or assets of another corporation) would represent an unwise addition to the tax law because of the section's limited coverage, the likelihood that it would contribute little toward accomplishment of its major purpose, its lack of coordination with other provisions of the code, the possible implications which might arise from the provision with respect to situations not covered, and its bewildering complexity, appear to outweigh the limited benefits likely to result from it in correcting a few cases of abuse.

Doubts that there is any significant abuse of the installment method which the amendments would correct. Recommends that if these provisions are adopted, the effective date should be changed to exclude sales made prior to the date of enactment of the bill or pursuant to contracts made prior thereto.

Feels that the revenue considerations involved would not seem to justify the hardships that the proposals on bonds and other evidences of indebtedness would create for bondholders and issuers or the considerable additional complexity introduced into the Code.

Stock dividends

Recommends that modification of section 305 be deferred and be made a part of and integrated with a more comprehensive technical revision of subchapter C of the Code.

Foreign tax credit

Feels that it is questionable whether in light of the general purpose of the foreign tax credit provisions to relieve the international double taxation on a unilateral basis, it is an appropriate implementation of this intent to limit the foreign tax credit in cases where the foreign loss is not taken into account in computing the foreign tax in later years.

States that the special provision permitting a U.S. taxpayer to elect to return to the per country limitation without consent of the Secretary or his delegate seems unduly restrictive in that the election must be made with respect to the first taxable year beginning after the date of enactment of the bill, whether or not the taxpayer in fact has foreign mineral income in that year. Feels that authorization to make such an election without consent, could equitably be extended to the first year, after enactment of the bill, in which the taxpayer receives any "foreign mineral income."

Depreciation allowed regulated industries; earnings and profits adjustment for depreciation

Recommends that the ambiguity regarding what constitutes earnings and profits should be resolved by either a change in the language of the provision or an appropriate statement in a committee report. Recommends that the "income tax basis" rather than the "earnings and profits basis" should continue to be used for corporate distributions under section 301(b)(1)(B)(ii) and the other provisions of section 301. Suggests that the purposes of section 312(m) would be adequately accomplished by providing that the straight line depreciation shall be calculated without regard to salvage value.

States that if computations of the earnings and profits of a foreign corporation required to be made under section 902 are to be affected by the proposed amendments to section 312, this will effect a dramatic change in the amount of foreign taxes allowed as a credit. Points out that foreign countries allow depreciation to be taken into account for tax purposes at accelerated rates; if the foreign corporation's earnings and profits are to be determined by taking depreciation only on a straight line basis, the effect will be to increase markedly the earnings and profits of the foreign corporation and thus increase the denominator of the portion of the foreign taxes available for credit resulting in a marked decrease in the available foreign tax credit under section 902.

Percentage depletion

Indicates that the disallowance of percentage depletion on foreign oil and gas is inconsistent with treatment allowed other minerals.

Suggests definitions for "economic interest" and "mineral production payment."

Repeal of alternative capital gains tax

Argues that the effective date is unfair for those with bona fide transactions which were not completed until after the effective date.

Distributions from pension plans

Suggests clarification of the term "benefits accrued" in the bill. Proposes that the effective date of the repeal of the alternative capital gains rate not apply to lump-sum distributions with respect to benefits accrued prior to 1970.

Real estate depreciation

States that the definition of "low-cost rental housing" is inadequate.

Subchapter S corporations

Recommends that the $2,500 limitation under H.R. 10 be removed, thus it should not be included for subchapter S corporations. Argues that the proposal to limit subchapter S owner-employee contributions to pension plans to the present H.R. 10 limitations adds further complexity to the difference between partnership and subchapter S corporations, and that it would require extensive revision of existing plans of subchapter S corporations. Notes that the proposed 5-percent stockholder rule appears inconsistent with the 10-percent limitation in H.R. 10.

Amortization of pollution control facilities

Doubts that the language of the bill would allow the additional first year depreciation under section 179 of the Code even though the facility is amortized under section 168 of the Code.

States that pollution control facilities should more properly be classified as "section 1250" property rather than "section 1245" property. Feels that investment in pollution control facilities in existing plants should also be given the tax incentive. Indicates that new section 168 neither defines "adjusted basis" nor specifies the treatment to be accorded to capital additions to qualifying property.

Fifty-percent maximum rate on earned income

Indicates that the definition of "earned income" excludes deferred compensation, and that this seems to be an unwarranted discrimination against deferred compensation.

DONALD GLEASON, NATIONAL ASSOCIATION OF MANUFACTURERS

General

Criticizes the adverse effect of the bill on capital formation, particularly the combination of the repeal of the investment credit with the changes in the capital gains taxation, restriction of depletion on real estate, and changes in the tax treatment of natural resources.

Tax rates

Recommends cutting the corporate tax rate at least 5 percentage points over a five-year period ending in 1976.

Capital gains

Opposes the increase in the corporate capital gain rate, arguing that it would raise the rate to substantially more than half of the regular 48 percent corporate rate.

Opposes the elimination of the 25 percent ceiling on the individual capital gain rate.

Recommends a reduction in the capital gain rate for assets held for long periods, such as ten years.

Lump sum pension plan distributions

Opposes the provisions of the bill dealing with lump sum pension distributions. Contends that the present law works well in reflecting the long period of accumulation of benefits under qualified plans. States that no showing has been made that present law has been abused. Argues that the proposal is extremely complex, and that the five-year averaging device is inadequate.

Recommends that lump sum distributions be included in the 50 percent ceiling on earned income.

Deferred compensation

Opposes the deferred compensation provisions, contending that they will be extremely complex and difficult to administer, and that they do not recognize the legitimate uses of deferred compensation plans.

Proposes inclusion of deferred compensation in the 50 percent ceiling on earned income.

Real estate depreciation

Urges rejection of section 521(a) to insure that accelerated depreciation methods will continue to apply to industrial real estate.

Natural resources

Opposes reduction in depletion rate for oil and gas and other minerals, contending that the existing rates, as well as current deductions for research, development, and exploration, are necessary for the discovery and development of new mineral deposits.

Foreign tax credit

Opposes the limitations on the foreign tax credit imposed by sections 431 and 432. Recommends liberalizing the requirements for the indirect credit, and revision of the treatment of the surcharge in computing the foreign tax credit limitation.

Moving expenses

Approves the inclusion of "indirect" expenses as deductible moving expenses, but recommends further liberalization, including the elimination of the dollar limitations. Argues that all reimbursements and allowances for reasonabe expenses and losses actually incurred should be excluded from income and to the extent not reimbursed should be be allowed as deductions. Opposes extension of the 20-mile test to 50 miles.

Cooperatives

Approves the 50 percent pay-out requirement for cooperatives, but feels that the phase-in period is too long. Approves the 15-year pay-out requirement but recommends reducing the period at least to five years.

Pollution control

Advocates accelerated amortization of air and water pollution control equipment, up to and including immediate write off, plus a liberal tax credit. Approves the provision in the bill as a step in the right direction. Recommends deletion of the dual certification requirement and of the provision giving the Federal Government authority to promulgate minimum performance standards.

Corporate mergers

Recommends that the provision disallowing deduction of interest on certain bonds issued in connection with the acquisition of a corporation not be applied where there is a binding commitment prior to May 27, 1969, the effective date of the provision.

Transfers of franchises

Recommends that secret processes be treated like patents, trademarks, or tradenames.

Treble damages in antitrust actions

Opposes S. 2156 and S. 2631, which would overturn Rev. Rul. 64–224, holding that amounts paid in satisfaction of treble damage damage claims are deductible as ordinary and necessary business expenses.

WALKER WINTER, VICE PRESIDENT, CHAMBER OF COMMERCE OF THE UNITED STATES

General comments on the bill

Supports the following provisions:

(1) Increase in the standard deduction, as providing a degree of simplification for a large number of taxpayers.

(2) Reductions in tax rates of individuals. Recommends reduction in corporate tax rates to avoid shifting the burden of taxation.

(3) The 50 percent maximum tax rate on earned income. Recommends applying this rate to all personal income.

(4) Liberalization of moving expense deductions. Recommends elimination of the dollar limitations, and reconsideration of the 50-mile limitation.

(5) Repeal of the unlimited charitable contribution deduction.

(6) The *Clay Brown* provision extending the unrelated business income tax.

(7) Liberalization of the income averaging provisions.

Opposes the following provisions:

(1) Extending the capital gains holding period and increasing the rate, as seriously impairing the flow of needed investment capital.

(2) Limiting the use of accelerated depreciation on real estate, as harmful to an industry vital to our economy.

(3) The interest subsidy option for State and municipal bonds, as the first step towards dependence on Federal subsidy.

(4) The provisions of the bill relating to deferred compensation, restricted stock, and lump sum distributions.

(5) Taxing the advertising income of exempt organizations.

(6) The excess deductions account. Argues that it is too complicated an approach to the problem of farm losses.

(7) The limit on tax preferences and allocation of deductions. Argues that these provisions are exceedingly complex and that the problems dealt with indirectly in these provisions should be dealt with directly, if necessary.

Makes the following additional proposals:

(1) Depreciation reform, including the incorporaiton of depreciation rates and allowances into the law, and elimination of the reserve ratio test.

(2) Rejection of efforts to make anti-trust treble damage payments nondeductible.

(3) Rejection of recommendation that nonbusiness state gasoline taxes be made nondeductible.

SAUL PEARL, PRESIDENT, MACHINERY DEALERS NATIONAL ASSOCIATION

Incentives for small business

Concerned with the failure of H.R. 13270 to include tax revisions which would assist small businesses. Recommends that the bill be amended to either provide direct incentives for small businesses or in the alternative to include reforms of the depreciation tax structure.

Recommends that direct incentives include:

(1) Limited reinstatement of the investment credit applicable to the first $100,000 of purchases of both new and used equipment.

(2) A reduction in the normal corporate tax rate from 22 percent to 20 percent on the first $25,000 of taxable income.

Suggests that depreciation reforms should include:

(1) Elimination of the reserve ratio test.

(2) Elimination of the requirement that the taxpayer's annual deduction for depreciation be limited by the salvage value of the asset.

(3) An increase in additional first year depreciation allowance provided by section 179 for small businesses from the present $10,000 ceiling to a more realistic level of at least $25,000.

(4) More rapid write offs for new and used equipment.

HAROLD KETELHUT, FREEPORT, ILL.

Tax-exempt organizations

States that political activities of all tax-exempt organizations should be curbed—including the political activities of tax-exempt labor unions. Resents the fact that the United Auto Workers uses his dues money in efforts to defeat political candidates that he supports. Believes that the preservation of tax loopholes for unions that spend their members' dues for political action would be a great injustice to the working people of this country. Believes that it is unfair to deny a tax exemption to one organization on the basis of its political activities and allow the political activities of another tax-exempt organization. Urges that a tax exemption be denied to all organizations which use any part of their income for any kind of political activity.

MRS. J. M. FORD, LAWRENCE, KANS.

Tax on unrelated business income

Objects to the failure of the House bill to propose a tax on the unrelated income of labor unions.

Also objects to the favored treatment unions receive with regard to political activities. Points out that the bill will impose a severe tax on tax-exempt foundations if any of their money is used for any kind of political program—including voter registration campaigns. However, the bill does not tax labor unions if they spend money for voter registration drives or other political activities.

Questions the validity of the national AFL–CIO president's request for "tax justice," when workers are required to pay dues to a tax-exempt union that spends this money to elect political candidates the workers are against.

Objects to union dues being used to elect politicians who are favored by the union officials against the members' wishes.

TAX TREATMENT OF PHYSICALLY HANDICAPPED

EDNA ANISH, EXECUTIVE SECRETARY, OPEN DOORS FOR THE HANDICAPPED

Tax treatment of the physically handicapped

Urges enactment of an additional $600 exemption for the orthopedically handicapped. Maintains that the average income of the orthopedically handicapped person is $3,400 annually, only slightly above the poverty level. Argues that special employment and personal expenses, such as the additional cost of transportation, housing, domestic help, special equipment and custom-made clothing reduces his income to the poverty level, yet he must pay substantial taxes.

MAX LUPKIN, EXECUTIVE SECRETARY, THE JOINT HANDICAPPED COUNCIL

Additional exemption for the handicapped

Urges the enactment of H.R. 424 (Mills) and S. 1069 (Javits) which provide a $600 tax exemption for income tax purposes in the case of a severely orthopedically handicapped taxpayer suffering from a 40 percent or more loss, or loss of use of one or more extremities. Indicates that these bills also allow deductions of up to $600 for special transportation expenses in going to and from work.

Believes that the enactment of these bills will enable hundreds of thousands of rehabilitated, employable handicapped to go to work and pay taxes instead of remaining on the welfare rolls. Indicates that these bills are intended to include severely disabled employable veterans of present and past wars as well as those employed and employables who have been severely handicapped by disease, amputation and other causes.

TAX TREATMENT OF TREBLE DAMAGES

H. FRANCIS DELONE, CHAIRMAN, CLAYTON ACT COMMITTEE, SECTION OF ANTITRUST LAW, AMERICAN BAR ASSOCIATION

Deductibility of treble-damage payments

Opposes legislation to make nondeductible payments in satisfaction of private antitrust treble-damage claims or actions because:

(1) Such claims or actions are remedial, not punitive. Payments to satisfy them are "ordinary and necessary expenses" deduction for which should be allowed since such deduction does not "frustrate sharply defined national" policy.

(2) The tax laws should not be manipulated to achieve, indirectly, antitrust goals which can and should be achieved directly through the antitrust laws and amendments to them.

(3) Similar payments are deductible.

(4) The antitrust laws are necessarily imprecise; their interpretation depends on complex and difficult economic analysis, allowing a wide range of culpability, so that inequities will result from any blanket rule of nondeductibility of such payments.

(5) The proposed legislation creates possibilities of double taxation and, perhaps, windfall tax treatment, and would contribute to further court congestion.

(6) The proposed legislation raises problems of retroactivity and ex post facto application which cannot be justified on the basis of any claimed deterrent effect.

Opposes any amendment of the Internal Revenue Code which would disallow in whole or in part the deductibility of treble-damage payments. Concludes that such payments, arising as they do in the context of a civil action based on business conduct, should continue to be deductible in their entirety as ordinary and necessary business expenses under section 162 of the Internal Revenue Code.

FOREIGN TAX CREDIT

DR. N. R. DANIELIAN, PRESIDENT, INTERNATIONAL ECONOMIC POLICY ASSOCIATION

General

States that the current controversy over tax reform started with the proposal to extend the 10 percent surcharge and that one of the primary purposes for the surcharge was to reestablish confidence abroad in the U.S. dollar. Believes that it is important to suggest ways in which the balance of payments of the United States may be improved

by means of appropriate tax treatment of foreign trade and investment. States that it is necessary to encourage rather than discourage profitable investments abroad, because the United States will ultimately become the beneficiary of the earnings and such benefits. Suggests the elimination of unnecessary hindrances to the expansion of this most important source of income.

States that a number of specific suggestions on this matter are to be submitted for the record.

ROBERT T. SCOTT, VICE PRESIDENT, NATIONAL FOREIGN TRADE COUNCIL, INC.

General

Opposes all of the provisions in the House bill relating to foreign source income. Indicates that alleged loopholes in the present foreign tax credit provisions do not exist. Believes that the enactment of the provisions in the House bill relating to foreign source income would create undesirable precedents for the future. Points out that it has been a long-standing principle of the United States that its nationals are taxed on worldwide income. Indicates that the credit for foreign income taxes imposed on foreign source income has worked well in the past to prevent double taxation and to protect the United States tax property payable on U.S. source income. Believes that the foreign tax credit provisions should not be further restricted by adding complex sections which will only add to the growing uncertainty of the tax burden that must be undertaken by our nationals willing to venture abroad.

Per country limitation restrictions

Recommends that this section be deleted from the House bill. States that this provision would depart from the principles of tax neutrality and would complicate the conduct of foreign operations. Indicates that this recapture provision would penalize nationals conducting operations in underdeveloped nations or risk areas where the possibility of loss from nationalization or expropriation is greatest. States that a loss is a loss whether it is incurred in the United States or in a foreign country and a national, taxable on worldwide income, should not be deprived of the tax effect of such an allowable deduction.

Separate mineral income limitation

Points out that the Treasury has proposed that the provision as contained in the House bill should not be adopted, and recommends that excess foreign tax credits resulting from the allowance of percentage depletion by the United States should not be available against other foreign income.

Concurs with the Treasury recommendation that this provision not be enacted, but opposes the Treasury's alternative.

Points out that this provision would segregate and fragmentize income from foreign operations and apply United States tax on a per item basis rather than treat such income either worldwide or from a particular country, as a unit. States that this provision and the Treasury recommendations complicate already complex tax laws without justification for such a departure in the taxation of foreign source income.

Percentage depletion on foreign oil and gas production

Recommends that this provision in the House bill which eliminates percentage depletion on foreign oil and gas production be deleted from the bill. Indicates that this provision discriminates more heavily against the foreign operations of one particular industry than it does from the domestic operations of the same industry.

Agrees with the Treasury recommendation that this provision should not be enacted with respect to foreign oil and gas production but does not believe that the Treasury's alternative to limit foreign tax credits allowable on a specific type of foreign business income is sound or equitable.

Tax status of the Continental Shelf

Recommends that the tax status of the Continental Shelf be clarified along the lines of the Treasury proposal. Believes that the definition of the Continental Shelf adjacent to a foreign country should clearly include any portion over which the foreign country exercises jurisdiction to grant licenses or permits to conduct operations.

Earnings and profits of corporations

Opposes the enactment of this provision in the House bill. States that if it is enacted, its application should be limited to the distribution of tax-free dividends. Indicates that, in any event, this provision should not apply to the determination of earnings and profits for purposes of computing foreign tax credits, minimum distributions, or when such determination is otherwise required under section 964 of the Code.

Moving expenses

States that this provision in the House bill should be liberalized to eliminate the $2,500 limitation with respect to moving expenses incurred in connection with overseas assignments.

Foreign deposits in U.S. banks

Opposes the enactment of this provision, but suggests that the favorable treatment afforded foreign deposits in U.S. banks should be made permanent and not merely extended throughout 1975 to avoid the continual threat of withdrawal of foreign funds from U.S. banks.

WILLIAM J. NOLAN, JR., UNITED STATES COUNCIL OF THE INTERNATIONAL CHAMBER OF COMMERCE

Foreign income

Recommends a full-scale review of U.S. tax policy with regard to international activities of U.S. corporations. Believes that taxation should be based on the premise that the jurisdiction where the income is produced has the exclusive right of taxation. Urges that pending reexamination of policy, any legislation in the foreign tax area be deferred.

Recommends that if there is legislation affecting foreign source income, the following proposals be considered:

(*a*) An extension of the deemed foreign tax credit to "third tier" foreign corporations;

(*b*) A broadened definition of what foreign taxes may be creditable where a foreign jurisdiction does not rely to the same extent as the United States on an income tax as the major source of revenue;

(*c*) Restraint by the United States in taxing foreign income where the foreign jurisdiction engages in tax sparing to encourage foreign investment;

(*d*) An adjustment in the foreign tax credit computation to prevent distortions in the case of abnormal losses;

(*e*) The elimination of the advance ruling requirements under section 367 for transactions involving foreign corporations;

(*f*) Tolling of the one-year period under section 1034 (for deferral of taxation of gain because of the reinvestment of proceeds from the sale of the taxpayer's principal residence) while the taxpayer is resident abroad on assignment by his employer.

Foreign tax credit

Opposes sections 431 and 432 of the bill as injurious to foreign business and to the development of foreign resources by U.S. nationals.

Opposes singling out the mining industry for restrictive legislation with respect to its foreign income. Argues that if foreign income is to be taxed by the United States, it should not be treated for purposes of depletion or otherwise differently than similar domestic income.

PAUL D. SEGHERS, PRESIDENT, INSTITUTE ON U.S. TAXATION OF FOREIGN INCOME, INC.

Foreign income

Contends that the "per country" method of computing the limitation on the allowable foreign tax credit does not result in any double deduction or any double credit, and proposes the elimination of the provision in the House bill which would deny U.S. manufacturers the use of this provision.

States that requiring a corporation to use the straightline method of computing depreciation for purposes of determining its earnings and profits would create substantial and apparently unintended hardship by reducing the allowable amount of the foreign tax credit.

Proposes elimination of the provision in the Code dealing with income earned abroad from the sale abroad of U.S. products—states that the provisions of the Code of which this provision is a part prevents many smaller U.S. manufacturers from entering the export field.

Suggests the elimination of the "gross-up" provisions of the Code and states that in many cases they reduce the benefit of the foreign tax credit. Believes that foreign "added value" and similar "indirect" taxes be treated as income for the purpose of the foreign tax credit. Suggests allowance of a foreign tax credit for foreign taxes paid on the income of subsidiaries below the second tier when received as a dividend by a U.S. taxpayer having an interest of 10 percent or more in such subsidiary. Also, the allowance of a "tax sparing" credit for foreign income taxes waived ("forgiven") by a foreign government as an incentive for foreign investment.

Surcharge computation

Contends that the "tricky methods" of computing the 10 percent surcharge should be eliminated so that the amount of surtax would not be more than 10 percent of the amount of U.S. tax which the taxpayer would have paid on the same income in the absence of the surtax. States, for example, that such methods impose a surcharge of 14 percent on Western Hemisphere Trade Corporations.

General

Proposes the elimination or amendment of section 367 of the Code, restoration of the 7 percent investment credit, limiting the allocation of the "conglomerate" provisions to acquisitions by domestic (U.S.) corporations, and the adoption of a substantial "Tax on Value Added" to replace in whole or in part the corporate income tax, and its use as a "border tax" as an incentive for U.S. exports.

FOUNDATIONS

DR. JOHN A. PERKINS, PRESIDENT, WILMINGTON MEDICAL CENTER, WILMINGTON, DELAWARE

Tax on investment income on private foundations

Opposes tax on investment income of private foundations, however, not opposed to sanctions to prevent past abuses. Feels that the tax on investment income goes too far—is the same as placing a tax of the same amount on charities since it will have the effect of reducing their receipts by the amount of the tax. States that tax on investment income may increase costs of government.

Tax on failure to distribute income—private foundations

Opposes tax on failure to distribute income. States that foundations must be allowed to accumulate funds for specific projects without Internal Revenue Service approval. Feels that it is wrong to leave private foundations

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at the mercy of a subjective determination by an Internal Revenue Agent rather than with individuals responsible for and knowledgeable of the intents and purposes for which the foundations were created.

Charitable contributions of appreciated property

Opposes section 201(a) of H.R. 13270 to the extent that it does not permit deduction of contributions of appreciated property up to the increased limitation of 50 percent of adjusted gross income.

States that the provision of section 201(c) of the bill dealing with the donors of certain types of appreciated property to private foundations tends to do nothing more than inhibit charitable contributions and thus, reduce the source of funds for such eleemosynary institutions as the Wilmington Medical Center.

Charitable contributions

Opposes the following provisions of H.R. 13270 which would inhibit rather than encourage charitable contributions.

(1) Section 201(a)—disallowance of charitable deduction for gift of use of property.

(2) Section 201(f)—elimination of the set aside deduction presently allowed estates and trusts.

(3) Section 201(g)—repeal of the two-year charitable trust rule.

(4) Sections 201(e), (f), (h) and (i)—requiring that charitable remainder trusts be either an annuity trust or a unitrust.

(5) Sections 201 (a) and (h)—requiring that charitable income trusts provide an annuity to charity or a fixed percentage of annual fair market value and requiring that the grantor is taxable on the income unless all the interests in the trust are given to charity.

(6) Sections 301 and 302 to the extent that such sections have the effect of reducing the benefit received by a donor from a charitable contribution of appreciated property and require the donor to allocate a portion of the charitable contribution deduction to nontaxable income thus reducing the amount of the deduction.

Concludes that Federal and State governments should adopt legislation which encourages rather than discourages charitable contributions to such institutions, otherwise, governmental bodies will need to provide the services themselves at a cost much greater than the revenue dollars lost by granting incentives to give to charity.

THE PESTICIDE PERIL—LXI

Mr. NELSON. Mr. President, while the problem of the persistency of pesticides is severe, one cannot overlook the basic toxicity of these chemical compounds.

Pesticides are poisons specifically manufactured to kill pests.

A recent issue of Park Maintenance magazine outlines the manner in which the toxicity of pesticides is measured. While the article basically contains technical information, it would be of value to anyone who is interested in more details on pesticides.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEASURING TOXICITY OF PESTICIDES

(By Stanley Rachesky, Extension Entomologist, University of Illinois)

Why are some insecticides more toxic than others? How is toxicity measured?

Let's look at a few of the insecticides that are used and find the how and why of toxic insecticides.

The University of Illinois recommends five basic insecticides. These chemicals will control just about all insect problems. They are:

Sevin (carbaryl LD-50—acute oral 500-850 mg/kg; acute dermal 4,000+.

Chlordane LD-50—acute oral 335-430 mg/kg; acute dermal 690-840.

Diazinon LD-50—acute oral 76-108 mg/kg; acute dermal 455-900.

Malathion LD-50—acute oral 1000-1375 mg/kg; acute dermal 4444+.

Pyrethrin LD-50—acute oral 820-1870 mg/kg; acute dermal 1880+.

The simplest way of expressing the toxicity of a compound is by means of an LD-50 value. Such a value is a statistical estimate of the lethal dosage (LD) necessary to kill 50 percent of a very large population of test animals. Acute oral toxicity ratings are usually obtained by feeding white rats and acute dermal ratings by skin absorption tests in rats or rabbits LD-50 is expressed in terms of mg/kg. This is the number of milligrams of actual insecticide per kilogram of body weight of the test animal.

To express toxicity in practical terms the factor 0.003 times the LD-50 value will give the ounces of actual insecticide required to be lethal to one of every two 187 pound men or other warm-blooded animals. As an example, the oral LD-50 value for malathion is 1200 mg/kg, therefore, if a group of men each weighing 187 pounds at 3.6 ounces (1200 x 0.003) of actual malathion per man 50 percent of them would die. The dermal toxicity LD-50 value of malathion is approximately 4000 mg/kg or for a 187 pound man (4000 x 0.003), 12 ounces.

By comparison, the oral LD-50 value of aspirin is 1200 mg/kg or (1200 x 0.003) 3.6 ounces per 187 pound man, the equivalent of malathion. To give a further comparison, the oral LD-50 value of ethyl alcohol (95 percent or 190 proof) is 450 mg/kg or (4500 x 0.003) 13.5 ounces. If a group of 187 pound men each consumed somewhat more than one quart of 80 proof whiskey in 45 minutes they would not only be intoxicated but 50 percent of them might die.

Toxicity varies with sex, age, weight, health, etc. Therefore, the LD-50 values presented here must be applied with caution. However, LD-50 values are useful in making an objective comparison.

A good general guide to follow:

Acute oral LD-50:	LD-50 for a human adult:
50 to 500	1 teaspoon to 2 tablespoons
500 to 5,000	1 ounce to 1 pint
5,000 to 15,000	1 pint to 1 quart

Let us not lose the proper perspective. These LD-50 values are for 100 percent strength materials. The LD-50 values for the commercial products can be anywhere from ¾ as toxic to almost 100 times less toxic. For example, chlordane is sold anywhere from 10 percent dust to a 74 percent emulsifiable concentrate. Sevin is available as a 50 percent or 80 percent wettable powder, diazinon is a 25 percent emulsifiable concentrate, malathion as a 50-57 percent emulsifiable concentrate and pyrethrin as a ⅓ percent space spray.

Let's take Sevin sold at 50 percent wettable powder. The acute oral LD-50 for the 100 percent strength material is 500-850 mg/kg. As a 50 percent wettable powder the acute oral LD-50 would then be 1000-1700 mg-kg or ½ as toxic and require twice as much material to cause concern.

THINK PESTICIDE SAFETY

1. Read the label. The most important 4 minutes in pest control is the time it takes you to read the label.
2. Do not smoke while handling pesticides. Some are quite flammable.
3. Apply correctly to label specifications and only when necessary. Don't over apply.
4. Avoid inhaling fumes, mists, dusts.
5. Wash off contaminated skin with soap and water. Many insecticides are contact poisons and can be easily absorbed through the skin, especially the eyes.
6. Store pesticides in the original containers and under lock and key. It is better to be safe than sorry especially with all the children roaming around.
7. Destroy empty containers. Break bottles and punch holes in cans to prevent reuse. Paper containers should be burned, being careful not to inhale the fumes while doing so. *Reprinted from the Bullsheet, Vol. 21, No. 11, 1968.*

ENVIRONMENTAL QUALITY: POPULATION AND POLLUTION

Mr. TYDINGS. Mr. President, two of the major problems today confronting our country and the entire world are overpopulation and the pollution of our natural resources.

Thirty-one years from now, in the year 2000, the population of this Nation will swell to 300 million. This presents roughly a 50-percent increase from the 1950 figure of 202 million and is in effect a doubling of people in the last half of the 20th century.

During the middle years of this century, we have managed to pollute our rivers, dump 142 million tons of toxic matter into our air each year, and persist in poisoning our soils and water by the indiscriminate use of certain pesticides.

The result of all this activity is a striking deterioration in the quality of our environment. I think it fair to say that as a nation and as a society we have treated the ecology of our world with less than sufficient respect and care.

These two major problems of population and pollution are, of course, closely related. A part of the latter stems from the increasing demand on our resources placed by an over growing tide of people.

I say a part of the pollution problem only because some of it is the result, quite frankly, not of people but of carelessness, greed, insensitivity, and our heritage of improper land use.

A growing population means more industries, roads, and buildings, towns and cities all of which place a heavy burden on our limited supply of water, air, and land.

A graphic example of this is Washington, D.C., where the tremendous increase in population has overrun our efforts to prevent pollution of the Potomac. This great river is now polluted to a degree as if Washington were a city of 800,000 and had no water quality treatment facilities at all.

The related nature of the population and pollution problems is increasingly being recognized by the public. The two really are inseparable and if we are to succeed in resolving one of them, we shall have to resolve the other as well.

This week a significant meeting took place between representatives of the conservation community and several population groups. They discussed a matter of great interest to all of us, the decline in the quality of our environment, and established what I hope will be a common link.

The primary issue was succinctly

stated by Dr. Hudson Hoagland of the Worchester Foundation for Experimental Biology when he said:

> So serious is the question of pollution of land, air and water, the consumption of irreplaceable metals, fuel and natural resources that competent scientists believe the world cannot indefinitely support the 3.5 billion people we have on earth today, let alone the horrendous numbers anticipated in the relatively near future.

I invite the attention of the Senate to this meeting and ask unanimous consent that an article by Bayard Webster, published in the New York Times of October 2, 1969, briefly describing the meeting, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OVERPOPULATION UNITES TWO GROUPS

(By Bayard Webster)

Representatives of leading conservation groups met yesterday with chief proponents of birth control and voluntary sterilization to discuss the problems of overpopulation and the deterioration of the earth's surface.

The meeting, the National Conference on Conservation and Voluntary Sterilization, was the first to bring together conservation and birth control groups to seek solutions to population problems.

Conservation groups, seeking broad-based support for their individual projects, have often been reluctant in the past to enlist the aid of most birth control organizations, which are opposed by many religious groups. Yesterday's meeting was regarded as evidence that almost all conservation groups now accept the population explosion as being close to the roots of their problems.

The relationship of the population explosion to pollution, overcrowding, urban deterioration and environmental destruction was the theme sounded by the scientists who addressed the one-day meeting, sponsored by the Association for Voluntary Sterilization.

The problem of how to support and control a rapidly growing world population was emphasized by Dr. Hudson Hoagland, of the Worchester Foundation for Experimental Biology, when he told the conference:

"So serious is the question of pollution of land, air and water, the consumption of irreplaceable metals, fuel and natural resources that competent scientists believe the world cannot indefinitely support the 3.5 billion people we have on earth today, let alone the horrendous numbers anticipated in the relatively near future."

PROBLEM CALLED DIFFICULT

Dr. Paul R. Ehrlich, author of "The Population Bomb" and Stanford University biologist who had a sterilizaztion operation after fathering one child, said the task of solving the population problem "makes going to the moon a childish prank by comparison."

"Every year there are 70 million more people to feed and house," he continued, "and that yearly number will increase during the next decades. Only a fool would think that we are going to be able to supply food and the other amenities for a population increase of 70 to 100 million people each year for the next 30 years."

Another facet of the problem—the national commitment to growth, both economic and human—was cited by Roland C. Clement, vice president of the National Audubon Society.

"We have fallen prey to the error that production for the sake of production is good," he said. "We must become aware that our growing numbers and the repercussions of our new technology are jeopardizing our future."

The conservation scientists were in agreement on the value of fertility control. The Association for Voluntary Sterilization announced that it had adopted a resolution urging that American parents "adopt as a social and family ideal the principle of the two-child family."

Population experts have often reported that to stabilize population growth in the United States the average number of children a family must drop to two.

Among those who also addressed the conference, held at the Carnegie Endowment International Center, 345 East 46th Street, were Dr. Donald J. Zinn, president of the National Wildlife Federation; Dr. Ivan L. Bennett, Jr., director of the New York University Medical Center; Richard H. Goodwin, president of the Conservation and Research Foundation, and Reward A. Ames, program officer, Division of National Affairs, Resources and Environment, Ford Foundation.

The Association for Voluntary Sterilization, a national organization with headquarters here, conducts a program of education, research and service on voluntary sterilization as a major solution to family and population problems.

TO SAVE THE LAND: ADDRESS BY SENATOR CHARLES McC. MATHIAS

Mr. MATHIAS. Mr. President, on Wednesday evening, October 1, I had the privilege of addressing the banquet which concluded the urban conservation tour sponsored by the Howard Soil Conservation District in Howard County, Md.

I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

You have spent the day as many of you spend your careers: considering the land. I wish I could have joined you for your tour through this beautiful county. As you have seen, Howard County is one of Maryland's most pleasant areas. But, like so many other historically rural counties in Maryland and elsewhere, Howard County is now entering a period of rapid—almost explosive—growth. It is sandwiched between the surging metropolitan areas of Baltimore and Washington. It is the home of the new city of Columbia. It has already become one of our State's crucial arenas for all the forces of growth—and for the cause of conservation.

In many places, the advance of population across the countryside has been as tragic and devastating as Sherman's march across Georgia to the sea. Forests and farms have been torn up with no regard for conservation, beauty or open space. All too often it seems that as the price of acreage soars, pride in the land diminishes, until it has become simply property to be marketed, rather than a natural resource to be preserved.

As a result, too many of our "amber waves of grain" have been replaced by crowded rows of homes. As a result, much of the best topsoil in Maryland is now at the bottom of the Chesapeake Bay. As a result, public officials and concerned citizens in many suburbs must now make yeoman efforts to restore open space to the health it enjoyed when only scattered yeomen lived on it.

Here in Howard County, though, there is still a good chance to channel growth, to anticipate problems and to practice preventive medicine. You have seen today many of the progressive and important efforts underway here, and have met many of the people engaged in this campaign—a campaign not to halt the bulldozers of progress, but to temper their blades and their bite.

It is far easier to prevent environmental blight than to defeat it after it has taken root. We are now learning, to our personal sorrow and national concern, that the cost of decades of national carelessness is huge and that the price of recovery is going to be extremely high. As Alice found behind the looking glass, we have to run as fast as we can to stay in the same place. We are going to have to run twice that fast to make any gains at all.

Consider for example the Potomac River estuary which ebbs and flows in front of Washington, the Nation's Capital. In 1932, before the District of Columbia built its present sewage treatment plant, the Potomac estuary was receiving the raw sewage from 575,000 persons. Now, 37 years and millions of dollars later, the estuary is receiving the equivalent of raw sewage from 674,000 people—a load of pollution one-sixth more than before we started to fight it at all.

The villain of the piece is population growth, aided and abetted by our miraculous technology. Here in Maryland, for example, we are welcoming an average of 222 more people every single day, through natural increase and migration from less favored States—a total growth of some 800,000 during this decade.

Each of those people imposes new demands on our public facilities—our schools, our hospitals, our roads and trains, our water systems. Each new person puts new pressures upon our parks, our open space, our waterways, so that the traffic jams of boats on Chesapeake Bay become dangerous, and the campgrounds at Assateague Island National Seashore have become overcrowded even while this new park is still being shaped.

It has been estimated that for each new person, the urbanized area of Maryland expands by about two-fifths of an acre. In 1960, 550,000 acres of Maryland were in urban use. By 1980, this intensively developed land will have expanded by one-fifth—and it has been estimated that construction activities generate silt which piles up to 3.7 tons per capita.

Technology has compounded our problems. In this consumer-oriented age, every person and the industries and commerce which attend him generate some 9.7 pounds of solid wastes per day—bottles, packages, papers, plastics which are often so ingenious that they are virtually impossible to dispose of. Chemists used to joke about creating the perfect solvent, and having nothing to keep it in. Our problem now is that we have created almost perfect packaging—and have no proper place to throw it away.

So the land must collect all of the refuse of our disposable culture. Along many of our roadsides, we can't see the erosion for the trash. At the bottom of many of our streams, where once we found the geologic strata of the ages, we now find inches of muck and the typical fossils of our age, rusty beer cans.

As Walt Kelly's character, Pogo, says, "we have met the enemy and they are us."

What can we do? The threats to our environment are so various and pervasive that we hardly know where to start. Do we abandon our grubby cities to their ills, and try to preserve what countryside is left? Do we try to protect the land, and let the clouds of air pollution drift across it? Do we clean up our rivers, and forget their shores? Do we command progress to halt until we can catch up with it?

The first encouraging note is that conservation is no longer a lonely cause. It is no longer the career of a few specialists or the crusade of a few outraged idealists. Don Quixote and Sancho Panza have been joined by thousands of public officials and millions of ordinary citizens, and the once-impossible dream of a clean environment—while still a distant goal—has begun to seem plausible. More important, the public interest in saving our environment has every sign of being a lasting commitment.

At the moment, though, we run the danger

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of having too many armies in too many separate fields. Fighting too many skirmishes without any overall leadership or a strategic plan. For example, the Baltimore Evening Sun recently found that Chesapeake Bay has been subjected to more than 1,450 separate studies—more than 800 by the Army Corps of Engineers, and over 650 by other Governmental agencies, scientists and laymen. Yet the Sun concluded, "There are so many studies of bits and pieces of the bay that no one man or group of men knows what all of the reports do or do not say."

Similarly, there have been so many studies of the Potomac River that we could build the Bloomington Dam of books.

Yet somehow research does not always lead to action—and even action by Congress or the states does not lead to results. In 1966, for example, the Congress passed the clean waters restoration act, which made a new national commitment to helping states and cities build adequate sewage treatment plants. Yet, having made this billion-dollar pledge, two administrations and the Congress have somehow failed to follow through and appropriate the funds. As a result, the Federal Government now owes Maryland alone over $89 million, and inadequately treated sewage is still pouring into our rivers and the bay.

There are heartening signs that Congress will approve far more money for this one program this year than in the past. Certainly I intend to fight for it.

There is an important bill now awaiting Senate floor debate. This measure, S. 7, is aimed at three growing environmental problems—oil spills, pollution from boats, and thermal pollution. It would also put new Federal sanctions behind state water quality standards, by requiring that no Federal agency may issue any license or permit for any construction or activity affecting a waterway until the State concerned has certified that water quality standards will be met.

I am sponsoring an amendment to this measure to insure that the concerned public will have a real voice in reviewing such cases, which would include new power plants, dredging and filling, and laying pipes.

But far more important than any isolated piece of legislation, aimed at any one particular ill, is the new trend toward looking at our environment as a whole—toward bringing together for example, all the knowledge contained in those 1,450 studies of the bay, and developing not 1,450 small, separate efforts, but one orchestrated campaign.

The President took a major step this May when he created the Environmental Quality Council, a committee responsible directly to him and charged with overseeing and coordinating all of the Federal Government's myriad efforts which affect the environment. At the same time, the President named a Citizens' Advisory Committee on Environmental Quality to bring to bear the best thinking and broadest perspectives in the Nation.

There are now not one but two separate bills before the Senate to give congressional sanction to this comprehensive approach and to provide the staff and funds required to make such an office a really vigorous, effective advocate for conservation. Somewhat typically, however, these bills have been temporarily snarled in a dispute over Senatorial committee jurisdiction—but the field is certainly large enough for all, and I am confident that such legislation will be enacted this year.

Throughout the country, as on the Federal level, agencies and groups committed to conservation have discovered that they can work best when they can work together. As the dangers to our environment multiply, as public concern increases, more and more are abandoning competition and starting to cooperate. Maryland's natural resources agencies have just been pulled together, for example. Many conservation and sporting groups are forming area councils and designing umbrella organizations broad enough to cover many specific interests with a common goal.

I ask you to consider, therefore, whether the time has come to creat regional councils on the environment—permanent advisory groups which would embrace all of the concerned citizens of a region—organized and un-organized—and all of the levels of government involved. This would include the local officials whose powers and decisions often mean the difference between sound development and chaotic growth.

Such a council, as I envision it, would be more than another organization in the crowd of groups, associations, and emergency committees to save this tree or that watershed. A truly effective regional council could be, first, a clearinghouse for information, the fruits of research and the proposals being debated by state legislatures and local boards.

It could be, second, a forum for debate, and a crucible in which priorities and programs could be hammered out across state lines and organizational charts.

It could be, third, a watchdog, prodding agencies to follow through and citizens to continue their work.

It seems to me that the Chesapeake Bay region, broadly defined and including at least the lower Potomac Basin, could profit from the creation of such a regional, citizen-led council. But an effective body cannot be established by the fiat of any legislator or public official. It must emerge from the people themselves, from their desire to come together to do the conservation job which is far too vast and too urgent for anyone to complete alone.

I urge you, as you continue your specific tasks not to lose sight of the real proportions of the challenge we face. For the job is far more than to protect any single acre of soil: it is to save the land itself.

MINNESOTA EXPERIMENTAL CITY PROJECT

Mr. MONDALE. Mr. President, in the aftermath of our walk on the moon, many people have renewed their calls for a reassessment of our national priorities and a reallocation of our resources to the solution of human problems on this earth. The recent progress report of the Minnesota Experimental City project—MXC—provides, I believe, an opportunity comparable in scope to manned space flight, to focus our almost unlimited technological capacity and business skill in this new direction.

For the past 2 years, a group of scientific, educational, governmental, and business leaders has been engaged in defining the concepts that would underlie the creation of an experimental, new city where men can live in a better, healthier, more rewarding environment, and where technology is really harnessed to serve the needs of all the people.

The MXC progress report details the conclusions of hundreds of participants in a series of workshops and seminars that considered both sociocultural and economic and physical aspects of building a completely new city of 250,000 people by the year 1976.

I have worked closely with this group, and I am proud that such a significant program has been undertaken in my State. I commend this timely and thoughtful report to the Senate and ask unanimous consent that selected parts of chapter one be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CHAPTER I

THE CONCEPT

Envision the Minnesota Experimental City as a national proving ground for demonstrating the social, economic, and physical capabilities for building cities which will be responsive to changing human needs. Since these capabilities have yet to be demonstrated, a needed focus, as the United States enters its third century, is upon the future relationships of people in urban environments. An experimental city could be a testing ground for new living patterns. These patterns, if their practicability and viability be demonstrated, might enable existing cities to accommodate themselves more readily to the new urban situations.

More than assembling bits and pieces of the present urban structure (as in existing cities), the Minnesota Experimental City seeks to achieve an *overleap*—at once an advance into future possibilities and a break with past constraints—in man's ability to shape his environment and the quality of his life. The City has as its premise that: (1) man can creatively mold his environment; (2) that he can, in a positive and constructive way, unite the resources of private technology with public authority; and that (3) he can reorient social, economic, and physical forces to serve people.

The Minnesota Experimental City (MXC) is conceived as a coordination of relevant technologies into an exhibition of the best of what is now known and an establishment of appropriate relationships within the total urban order. It is conceived as a live laboratory in which innovations can be demonstrated and evaluated, a laboratory concerned with the relationships of urban people and the ease and flexibility of living which might be afforded them. The task confronting MXC is not so much that of overcoming technical difficulties as it is that of defining, at least on an interim basis, the relationships between people and the social and physical systems which are necessary to support them.

The Minnesota Experimental City proposes to create, at a point in time and space (at the geographic center of the North American continent), a new city which will serve in 1976 as a symbol of two hundred years of evolving democratic society—its people, its institutions, and its technology.

A. Goals of the city

Goal formulation was centered on the assumption that the City, like any other modern American city, would respond to basic goals of health, safety, education, and welfare. Beyond this, workshop participants believed it important that the City subscribe to a set of community and human values based on several general assumptions:

The City will encourage citizen participation in evaluation and change and will develop mechanisms for achieving results;

The City will foster social interaction within the various age groups and between groups of different ages, as well as between religious, racial, and ethnic subgroups;

The City will support personal integrity, individuality, and choice;

The City will meet not only the common needs of individuals and groups but also the special needs of subgroups such as the very old and the very young;

The City will provide protection and security; and

The City will foster creative and renewing experiences.

Although how to resolve conflicts between goals is still a major uncertainty, the City

provides a unique opportunity to anticipate, study, and resolve goal conflicts. It also provides an opportunity to redefine goals over time, to reflect changes in community attitudes, and to pioneer in the field of individual goal achievement.

A set of operational premises, which appear to be at the heart of the Experimental City concept, were derived from workshop discussions:

1. *An open society in an open city.*—Basically, the City hopes to demonstrate that people of different races, incomes, and backgrounds can productively and compatibly inhabit a city. Such a premise immediately raises questions: What would be the criteria for a feasible population balance? How are the people to be oriented? How are criteria to be adjusted in subsequent years? And, How could freedom to move "vertically" as well as "horizontally" be assured in the City?

2. *Technology—social and economic as well as physical—should serve people.*—A given technology of prefabricated structures or of social services can, by itself, serve either a social or an anti-social purpose. The primary concern is whether or not that technology in context serves the human and community goals.

3. *Continuing experimental investigations structured around the growth and development of man and his institutions.*—The Minnesota Experimental City is conceived as an experimental entity primarily concerned with research for future benefits, yet providing information that will be of benefit to existing cities. It would be expected to shape and test new social goals developed on the basis of what can exist in *physically new situations*. The City would be concerned with testing components, plans and ideas in a variety of areas and situations.

The City must be able to change those things that do not work. Its aim would be to learn how to build better cities.—In some cases findings might be generalized to existing urban settings, either in part or in whole; in other cases not.

Already identified by the workshops are numerous studies and experimental projects. [(See Section III, page 16; also Appendix C.)] Many of the proposed projects can probably be sited in existing urban communities; some others will have to be conducted in the laboratory using simulation, gaming, and model building; and still others will be designed to be instituted in the new City itself. The end goal, of course, would be a set of related experiments analyzing and contributing to the realization of an ongoing, viable city.

An intriguing possibility frequently suggested in workshops is delineated in Section IV of this report: the development of close ties between the experiments of the City and those of technology-oriented industries and the advanced social and behavioral science functions in and out of government.

4. *Institutions in the city should develop in an organic response to urban life and change.*—Not all social or physical systems need be frozen before the arrival of the residents. Desirably, those actions which are taken in advance of arrival would present situations in which development might occur most easily and naturally as a response to expressed needs; desirably they would provide frameworks within which human possibilities would be maximized.

5. *The City should be an Information Center*, a center concerned with the handling of information—the gathering, processing, storing, and interpretation of data. Innovative telecommunications network envisioned for the City, a proposed public microfiche library, and an advanced center for learning should attract other activities oriented around information handling.

6. *The City's experimental findings and procedures should reach a wide audience.*—A coordinated information base would be established to serve not only the interests of the Experimental City but also a broad public. Hopefully, the City would become a mecca for students of urban futures and an information source for developers, industrialists and an interested lay public.

B. The city should be a "new" city

A new city is essential because only there would a total systems experiment be possible.—Urban systems are complex and interacting; the bits and pieces of experiments possible in existing communities are no substitute for a total systems experiment. Inhabitants of existing cities and their institutions are deeply committed to the traditional, the status quo; even if it were possible to test some of the subsystems in existing cities, the experiment would fall short of the mark because each system affects the others. Two examples: The level of communications technology affects the necessity for travel, the availability of educational opportunities at home, and the need for a strong concentration of activities downtown. The level of transportation technology affects the demand for communications, the accessibility of educational and other activities, and the need for a strong concentration of activities downtown.

In a new city it is possible to experiment in a coordinated way with a variety of factors:

1. Study and development of the Experimental City and its environs as a complex ecological system could be undertaken. Of concern would be: the "natural" and the "man-made" environment; the areas of population concentration versus the woodlands, lakes and streams and the conservation of land, air, and water; the long-term use of land and its development (if at all), its use in years immediately ahead, and the ways in which long range development goals might be served. Appropriate relationships need to be studied between urban and rural populations and the use of open space, taking into account the increasing public concern for an aesthetic environment and a range of amenities not usually available.

2. New techniques for planning and development could be utilized from which a more efficient urban environment would emerge with orderly growth at a prescribed location and time. Public investment could be scaled to the actual growth pattern and future needs. More efficient relationships could be achieved between work and residential locations, and commercial and public buildings could be more directly related to their functions and the concentrations of people which they serve.

By its very nature, a new city there would have many inherent advantages. Some principal factors are:

1. Land cost would be lower in a new city—particularly if the site were removed from an area currently under development or if it were already in the public domain. Such savings might be used to offset costs of innovation and experimentation.

2. Communities with diverse housing types and sizes could be achieved which might accommodate, more equitably than at present, the full life cycle. It would also be possible to plan and test intermixes of different income and age groups—experimenting with ratios of low, moderate, and upper income residents, and older as well as young and middle-aged householders.

3. Innovation in construction technology might encounter fewer deterrents in the form of customary building codes, ordinances, and regulatory controls. In their stead, a new city might experiment with performance approaches—relying on expert analysis and evaluation of promising materials, equipment, techniques and methods. Important would be development of ways of viewing innovations in their total context or system. Major gains for existing cities might be not only in the published evaluations, but, more important, in more effective techniques for safeguarding public health, welfare and safety.

4. There might be less resistance to change in a *new* city because the population would have been aware of its innovative dimensions in advance of having moved there; they would have fewer established commitments of an economic or socio-psychological nature.

C. The city should be an "instant" city

The Experimental City should be regarded, and perhaps is only possible as an *instant city* in which *a coordinated application of social and physical know-how can be brought to bear* and a *total* city realized as a working demonstration. (*Instant* in this context is interpreted to mean a ten-year period from start to substantial completion.)

The instant aspect of the planning and development of the city is urgent lest new technology make the overleap of today no leap at all tomorrow. For example, a ten-year development period could provide a fair test of current transportation systems; but a thirty to forty year time interval would undoubtedly mean obsolescence of the system before the City achieved totality.

The instant aspect is required to achieve a population level and an economic viability necessary to support initial infrastructure and superstructure costs.

Early returns on the *new* city idea, especially on a city removed from existing population centers, are urgently needed for decisions about future development of the United States. Demonstrated capability for rapid city building is urgently needed to provide the volume of houses, schools, factories and parks necessary for the impending population increases.

D. Functions of the city

Project members conceive the City as an *Information Center* concerned with the handling of information—the gathering, processing, storing, retrieval, and interpretation of data—broader in scope than that usually associated with research and formal education.

Beyond the information center idea, conceptualization is difficult as this City and others will be influenced by current trends as well as changes to become apparent only during the coming decade. Some general trends can be anticipated, such as a reduced role for manufacturing production, a growth of service industries, and increases in technical and professional endeavors. These, when considered in conjunction with the information center, indicate a set of supportive activities in the City to include: education for all ages; entertainment, recreation and cultural components; convention and resort accommodations; governmental service functions; finance; air transport; and merchandising.

After a reasonable take-off period, the City would aspire to economic viability. Such a notion does not preclude the City functioning as a national experimental facility with the periodic infusion of public funds which they might imply. The City would not be overly dependent on any single economic function. Its residents would be able to find opportunities for choice of employment; the City would be no more dependent on public funds than the average city of its size.

E. Location of the city

With modern communications and transportation systems, the City need not be especially close to natural resources or to other population centers. However, to be viable, the new City must assume a natural

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role in its environment, interfacing compatibly with the changing world around it.

Within the context of the urban system (as Borchert and Lukerman point out in their paper on The Setting of Anomalous Places, Appendix B, page 248) there are large degrees of freedom of options, but they are not unlimited.

To assure economic balance and a fresh start the Experimental City should be located outside the commuting range of existing cities. At the same time, economic balance can only be achieved if the location permits the ultimate development of strong social and economic links with the regional network of cities to which it belongs.

During workshop discussions, it was repeatedly suggested that less importance should be given to the geographic distance (initially assumed to be 100-miles) and more value attached to the "time distance" from major population centers. "Time distances" ranging from 45 to 90 minutes travel time to the nearest major population center were suggested. Such a "time distance" should take into account the need—initially and subsequently—for services and amenities, while permitting the City to develop as an integrated unit.

An optimum location (as is noted in the Darwent paper: Towards Criteria for evaluation of Alternative Locations, Appendix B, pages 127–129), is more than that which will maximize the probability of achieving City goals; it should also satisfy the exogenous and endogenous requirements at the lowest cost possible. Such a definition cannot by itself yield an unambiguous, single location. One must raise the additional questions: What are the goals, which interest groups hold these goals, and do they conflict? What are the constraints, and are the endogenous ones justifiable? And once we understand the relationship between goals, can we develop measurements of the degree to which the goals can be, or have been, achieved?

SIZE OF SITE

Two aspects of *size of site* were considered critical in terms of the location of the City and its concept:

1. The size of site necessary for the *City urbanized areas* should be determined by the functions to be accommodated in the City, the nature of the city's technologies, and the desired density and character of residential areas.

2. In terms of the hinterlands of the City, site requirements should be a function of (1) the need to guard against undesired encroachments and (2) the needs of the rural/agricultural environment. A part of the desired balance between rural and urban life will probably be found in the continuing social relationships of the populations and their cultural interchange.

One possibility is that the new City depart from the present practice of ever-extending suburban accretions in favor of open space for recreation, for agriculture, for beauty and for ease of living. Related to this possibility would be the critical issue of whether lands currently in the public domain (park, conservation, forests, etc.) could be maintained in such use—assuring against undesirable and wasteful use of land and water. Man cannot improve the quality of life and simultaneously destroy his environment.

*F. Intervention**

The obligations implicit in the above objectives are formidable. The tasks are attainable, even though they are of a high order of magnitude. Further, except for an Oak Ridge, or a Los Alamos (both built with priority directives during a national emergency), the blueprint for building a city *de novo* is virtually uncharted. No earlier day river-rail-and-turnpike-junction is going to catapult the new City into fulfillment; rather, only through intervention of the highest order is it likely to be achieved.

A basic premise of the study, then, is that a cooperative, coordinated intervention will be brought to bear, that it will involve business and industry, academic institutions, and State and Federal governments.

The project team envisions a unique partnership in which the social, economic, and physical concerns of both the private and public sector are involved; a partnership through which private technology is united with the broad resources of public authority toward a common goal, human betterment in a new city.

H. Objectives of national significance

The laboratory aspect of the Minnesota Experimental City has particular meaning for a number of *national* objectives, both now and in the future:

1. Demonstration that a city could be undertaken *de novo* and brought to realization within a five- to ten-year period would open up new alternatives for accommodating the increasing populations of the nation—alternatives to the current trend of increasing densities and of burgeoning megalopolitan growths. Dispersal of the population and urban settlements would be brought a step closer with the demonstration that one can open up new areas of the countryside and can find ways to establish a reasonably self-contained community at a distance from the existing megalopolis. New economic opportunities could be brought to the countryside and a more balanced national economic development achieved.

2. The benefits of technological innovation beckon, but cities across the nation are wary of the costs involved and the accelerated obsolescence of existing public and private investments. Further guarantees of successful application are lacking or insufficient. If social, economic, and physical models of the city were to be continuously updated, tests could be run and impact studies could be made on a variety of innovations with a view toward exporting the more promising ones to existing cities.

3. Conservation of land, water, and air has become a matter of increasing national concern as urban and suburban development has taken its toll of farmlands and woodlands.

A desirable policy would be concerned with land reserves for future development and the management of such lands in the intervening years in the interest of the people. The technique of designating and acquiring land is obviously a knotty problem. A related concern is the protection of urban hinterlands and the rural countryside from spoliation in the urbanization process.

Several features of the Minnesota Experimental City effort make it peculiarly suitable for investigating some of these very problems: The City would be established in the public interests, not in narrowly defined real estate or builder interests; its separation from existing urban concentrations would isolate it from many vested interests and permit it to gain control over the future use of its hinterland; there are large areas of publicly held (mostly State) lands, many of which might satisfy criteria for site selection; still other public lands (existing State and Federal forests, preserves, wild rivers, and recreation parks) not only provide a high level of amenities for future residents, but suggest ready techniques for management of the City's hinterlands.

4. Within present cities, land use and redevelopment controls frequently do not work for acknowledged objectives; it is essential to overhaul them in the light of new patterns of living and working, and new organizational relationships. In a new city, one might find ways of getting at land use policies—ways which, for instance, would be more concerned with three-dimensional relationships and uses, and less pre-occupied with two-dimensional geographic delineations of segregated uses.

5. The population mix and the grain of residential communities can be readily experimented with in a new city, and a new basis for ordering community life and residence could be derived.

6. Construction techniques, including industrialization, could be developed and tested in a new city.

One area for experimentation would be the much discussed but seldom tried concept of building housing and other structures for a limited life span. Housing for the 15,000- to 20,000-man construction force, for instance, might be put in place for an expected life of 10 years; other housing, for an intended use of 20 years, with specific provisions made for evaluation, future demolition, and replacement. Limited-life housing would provide built-in flexibility in the city's framework and allow changes as new concepts and technologies become available.

I. international significance

Problems of population growth and press in towns and cities are worldwide. Increasingly, there is a commonality of concern for the urban situation and for understanding the deterrents to creating truly gracious living for all men.

The Experimental City would not only be an exhibition of physical things, but also a model for our democratic society. The City would not gloss over the social issues with which the nation is confronted, but it would endeavor to demonstrate the dimensions of social problems and some realistic measures being tried to obviate or alleviate those problems.

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*Intervention is used here to mean those actions which are necessary to alter the social and economic as well as the physical environments to achieve otherwise unattainable goals.

SENATOR HART PROBES IMPACT OF PESTICIDES

Mr. NELSON. Mr. President, the chairman of the Subcommittee on Energy, Natural Resources, and the Environment of the Committee on Commerce, Mr. HART, has been conducting a series of significant hearings on the effects of pesticides on sports and commercial fisheries.

With increasing national concern about the effects on our environment from the continued use of persistent pesticides, I am sure that Senator HART's investigation will contribute a great deal toward developing a better understanding of the nature and scope of the pesticide problem.

When the subcommittee opened its hearings in Washington last May, I was privileged to testify in favor of improved controls of DDT and other persistent pesticides. Now the investigation has moved to the Great Lakes region, where the problem of pesticide pollution is endangering the future of sport and commercial fishing on Lake Michigan.

During hearings earlier this week in Lansing, Mich., Dr. Joseph Hickey, of the University of Wisconsin, linked the potential extinction of the American bald eagle, the pelican, and the peregrine falcon to persistent pesticides.

Other testimony cited the impact of DDT on the water quality of Lake Michigan and outlined steps that the State

of Michigan has taken to cope with the growing problem.

I ask unanimous consent that a report of the Michigan hearings, published in the Stevens Point, Wis., Daily Journal, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS URGED TO OUTLAW HARD PESTICIDES

LANSING (AP).—Citing evidence that hard pesticides are hazardous to North America's bird population, a University of Wisconsin ecologist Monday urged Congress to outlaw DDT.

Appearing before the Senate Subcommittee on Energy, Natural Resources and the Environment, Joseph J. Hickey said:

"We have lost the brown pelican on the west side of the Gulf of Mexico, and we will lose it on the coast of California. We have lost at least 95 per cent of our nesting peregrine falcons—perhaps the supreme example of avian evolution—in the United States south of Canada. We are going to lose our national bird, the bald eagle, as a nesting species on the shores of the Great Lakes.

"These are pollution effects of DDE (formed by the breakdown of DDT in the environment). Unless the Congress is prepared to outlaw the use of DDT in this country, this process of environmental degradation will continue—and we will turn over to our children an impoverished environment which will require centuries for its restoration," Hickey stated.

While Hickey concentrated his testimony on the effects of DDT on birds, W. F. Carbine, regional director of the U.S. Bureau of Commercial Fisheries at Ann Arbor, told the subcommittee that it is essential to outlaw hard pesticides if commercial and sport fishing is to be maintained in the Great Lakes.

Already, Carbine noted, there are sufficient concentrations of DDT in the Great Lakes to "affect the reproduction of certain species," including the Coho salmon.

Dr. Harold Tanner, who was responsible for the introduction of Coho salmon in the Great Lakes, added that the pesticide problem is "much worse than we're aware of."

A. Gene Gazlay, assistant director of the Michigan Department of Natural Resources, urged the committee to amend the Federal Water Pollution Control Act to include pesticide levels as a means of determining water purity.

Gazlay suggested that the best means of determining the level of pesticides in interstate waters would be to measure residues in fish.

"Limits of contamination are given for fish rather than water because the permissible concentration in the water is not known," Gazlay said, adding that the permissible water level might be as low as one part per trillion.

Following the recommendations of a Lake Michigan Pollution Enforcement Conference, Gazlay suggested that "the concentration of DDT in the fish should not exceed one part per million (ppm), DDD should not exceed 0.5 ppm, Dieldrin should not exceed 0.1 ppm, and all other chlorinated hydrocarbons, singly or combined, should not exceed 0.1 ppm."

"The above values for DDT and DDD are based on evidence that Lake Michigan fish apparently exceed these levels, while fish of the other Great Lakes and inland waters do not," Gazlay said.

Michigan recently denied the registration of DDT in Michigan for all but a few public health uses.

"When research supplies scientific solutions with regard to other pesticides, we will take similar action under our present laws," declared John Calkins of the Michigan Department of Agriculture.

INVALIDATION OF UTAH'S CALL FOR CONSTITUTIONAL CONVENTION

Mr. TYDINGS. Mr. President, an editorial published in the Baltimore Sun comments upon the recent Utah Federal Court decision invalidating Utah's call for a constitutional convention. I agree with the Sun that—

> The one-man, one-vote mandate should not be open to successful attack by those who unfairly benefited from the former malapportionment.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONVENTION CALL

Those who have been seeking to petition Congress to call a federal constitutional convention to overturn in part the results of the Supreme Court's one-man, one-vote decision had seemed quite recently to be on the verge of success. Thirty-three states had petitioned for a convention—only one more was needed. Now the tide has apparently turned.

Last week, in a statement to the Senate, Senator Tydings drew attention to two possibly decisive actions. First, a federal district court invalidated Utah's petition for a constitutional convention because it was adopted by a malapportioned legislature. Second, the attorney general of Oklahoma ruled that his state's petition had expired.

An appeal can be taken in the Utah case, of course, and court action can be brought in the Oklahoma case. But the two have opened the door for court proceedings against a possible 20 of the state petitions that have been filed for a convention call. Maryland could be among the 20—the Maryland petition for a convention was adopted in 1965 but the Legislature was not brought fully into line with one-man, one-vote until 1967.

For years many state legislatures refused to take steps to end the malapportionment of the voting strength in their respective bodies. The Supreme Court finally took the matter in hand. But before the court's order's were put into effect, some of the malapportioned legislatures adopted petitions for a convention call, at the behest of rural areas which held majority votes but not population majorities.

It is that situation to which the Utah case was directed, and properly so. The one-man, one-vote mandate should not be open to successful attack by those who unfairly benefited from the former malapportionment.

NEIGHBORHOOD DEVELOPMENT PROGRAM

Mr. MONDALE. Mr. President, on September 25, 1969, several Members of the House circulated a letter and discussion paper to their colleagues in which they pointed out the importance of the neighborhood development program. These Members expressed concern over proposed restrictions on this program which the administration is reportedly considering.

I share these concerns, and I have sent a telegram to Secretary Romney urging HUD to do nothing which would restrict the operation of the NDP.

HUD maintains that the basic problem with NDP is that it has generated a demand for funds which far exceeds the money available to the program. Yet, despite the fact that there is an available authorization for urban renewal of $1.4 billion which could be appropriated for fiscal year 1970, the administration only requested an appropriation of $1 billion. Since Congress appropriated $750 million in advance for fiscal year 1970 last year, the administration's request amounts only to $250 million in new appropriations.

I recognize that it will not be possible to meet all the requests for conventional urban renewal and NDP, even if Congress appropriated the full amount authorized. However, with this type of appropriation, it would be possible to take care of a sizable portion of the total demand.

What the administration should do, then, is to push for full funding of these programs, rather than seeking to curtail NDP as a means of solving the problem. I will, of course, do what I can to convince the Senate of the importance of passing an appropriations bill which contains full funding in fiscal year 1970 for urban renewal and NDP.

In the meantime, it is essential that HUD do nothing to restrict the NDP program by issuing new guidelines.

Mr. President, I ask unanimous consent that my telegram to Secretary Romney and the letter and discussion paper prepared by Members of the House be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OCTOBER 3, 1969.

Hon. GEORGE W. ROMNEY,
Secretary of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: I am most concerned by reports that guidelines for the neighborhood development program are in the process of being changed by your department.

It is my understanding that the proposed changes would restrict the funding, size, and execution time for NDP, which could impair the operation of NDP as well as the Model Cities program.

I urge you not to implement these changes. If the administration would seek full funding for all urban renewal programs in FY 1970, much of the pressure on NDP would be relieved. I will strongly support such a request for additional funds for these programs.

Sincerely,

WALTER F. MONDALE,
U.S. Senate.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 25, 1969.

DEAR COLLEAGUE: As you know, Mr. Lawrence M. Cox, Assistant Secretary for Renewal and Housing Assistance, postponed his appearance at a Department of Housing and Urban Development Congressional briefing, which was to have been held at 9:00 a.m., Thursday, September 25, Room 135, Cannon House Office Building. Assistant Secretary Cox had planned to discuss *Urban Renewal Problems*, such as conventional urban renewal, the Neighborhood Development Program, code enforcement, demolition, interim assistance, and community renewal programs. We are told, however, that Assistant Secretary Cox will appear at a HUD Congressional briefing "sometime in the near future."

Because of the grave concern expressed by many of us, mayors, and citizens of hundreds of cities throughout the Nation, over the status and implementation of some of these programs, we urge two things: (1) that you, or a member of your staff, attend this important meeting when Assistant Secretary Cox is rescheduled to appear; (2) that you make

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your views known on the Urban Renewal problem to Secretary George W. Romney and Assistant Secretary Cox, as soon as possible.

We make this suggestion for the following reasons:

1. Urban renewal, which is so vital to improvement of our cities, is in serious financial trouble with application backlogs for all types of renewal far in excess of what can be satisfied by current requested appropriations.

2. The Housing and Urban Development Act of 1968 created the Neighborhood Development Program (NDP) under which cities at their own expense and pursuant to certain guidelines promulgated by HUD, were encouraged to prepare applications for funding. The NDP was designed to accelerate the renewal process. This program now faces the possibility of being scrapped.

3. Because HUD is undertaking a major management review of NDP and regular urban renewal, it is certain that the guidelines formerly set forth by HUD, and which were relied upon by many cities, are in the process of change. This would result in further delay, cost, and confusion to the city applicants, defeating the original promise of the NDP.

4. More than the future of NDP is at stake. If NDP guidelines are changed at this time, the result will be a deleterious effect on other programs, such as Model Cities. HUD's proposed guideline changes would play havoc with many model city programs that have adopted NDP as a major component. Sharp restrictions on the funding, size, and execution time for NDP could upset the balance of federally assisted and innovative local programs on which the success of model cities depends.

We feel that there should be a thorough airing of the entire NDP concept and how it is being handled before any proposed restrictive changes by HUD be put into effect. Thus, we have prepared, for your review, a discussion paper (attached), covering in detail: What is NDP? Why did the 90th Congress find NDP attractive? What has HUD done, and is about to do, and What are the alternatives?

Since every Member of Congress is in some way directly affected by the problems of our cities, we hope you will attend the planned HUD briefing on Urban Renewal Problems, to hear what Assistant Secretary Cox has to say, and make your views known to him and Secretary Romney in the meantime.

Sincerely,

John Brademas,
Daniel E. Button,
Donald M. Fraser,
Charles W. Whalen, Jr.

MEMORANDUM

To: Members of Congress.
Re: Discussion paper on the neighborhood development program.

I. WHAT IS NDP?

The Neighborhood Development Program (NDP) is a new set of rules for carrying out urban renewal enacted in the Housing and Urban Development Act of 1968. It is a method of placing a premium on action, and, if fully implemented, will cure the phenomenon so prevalent in many communities, where urban renewal activities, due to their slowness, have at times compounded the problems they were supposed to solve.

Unlike the conventional urban renewal program, NDP does not require a lengthy period to develop elaborate plans before renewal activities can begin. Rehabilitation and rebuilding activities in areas of severe dilapidation are permitted and encouraged concurrently with the development of a longer range plan.

Since NDP provides for annual funding (or biennial as proposed by the House Banking and Currency Committee in the Housing and Urban Development Amendments of 1969), this puts a real premium on localities, using the funds approved for their program each year.

In communities where renewal progress is impaired for any reason, the funding for the next incremental funding cycle can be scaled to what the new level of activity requires. In communities experiencing better than expected success, their next funding increment can be adjusted upward. Hence, the new rule for urban renewal funding from the localities' point of view is "use it or lose it"—do well and be rewarded.

II. WHY DID THE 90TH CONGRESS FIND NDP ATTRACTIVE?

Some of the features of NDP which the 90th Congress found particularly attractive are the following:

1. NDP returns control of the physical development of cities to local residents and elected officials. Under traditional urban renewal, once citizens and their mayors and councils approved a project they turned over control to their local renewal authority and, in effect, surrendered any right to give continuing direction to the project during its lifetime, which might be 10 to 15 years. In contrast, NDP requires an annual (or perhaps two-year) action program which is subject to approval by local elected officials.

2. NDP projects are funded on an annual basis. This point is responsive to our grave concern over the fact that traditional urban renewal funding is based on a grant reservation system under which HUD reserves out of appropriated funds all the federal cost of a 10–15 year project in the year the project begins. This grant reservation system has resulted in the tying up of vast reserves of funds, which now total $4–$5 billion. This fact has often been used as a reason for opposing budget requests for annual appropriations.

3. An integral part of the NDP approach is the option given localities of converting unspent funds from traditional urban renewal projects and applying them to the cost of new NDP projects. This enables communities, in effect, to finance the first few years of new projects out of their existing grant reservation for an older project. This is done in lieu of submitting an application for a new conventional project which would have to take its place at the end of a $2 billion backlog of applications. The conversion process should also begin to reduce the large unspent reserve which is of such great concern to us.

III. WHAT HAS HUD DONE, AND IS ABOUT TO DO

To date approximately 300 communities have indicated their desire to start a new NDP project and/or transfer existing projects over to the new NDP system. Only 35 communities receiving NDP approvals during FY 1969.

Since April there has been a virtual halt in approvals. In addition, in an effort not to further compound the demand for scarce funds, HUD regional offices have been instructed not to accept additional NDP applications beyond those known to be in preparation.

The Bureau of the Budget has reportedly told HUD that it may spend a maximum of $150 million for new NDPs and $175 million for the 35 cities already in the program from its total FY 1970 urban renewal appropriation.

HUD has been conducting a major management review of NDP and regular urban renewal in an attempt to find a way to meet the demands of all current and proposed projects with the limited funds available. Examples of elements proposed for inclusion in HUD's management plan are the following:

For new NDP cities—

1. Limit NDP funds in this fiscal year to no more than $1 million per city.

2. Restrict the size of an NDP area to no more than 20 acres.

3. Permit no more conversions of conventional renewal projects to NDP.

4. Require that execution of a project be completed within two years, except for unusual circumstances.

5. Require that 80% of the funds for a project be committed in its first year.

6. Limit expenditures for public works to not more than 20% of the federal share of of project, plus an additional amount equal to the portion of the local share which is paid in cash. In a project which is made up of ⅔ federal and ⅓ local shares, the public works spending could range from a low of 13% (20% of the federal ⅔ share) to a high of 46% (13% plus the entire local ⅓ share in cash).

7. Restrict action within an NDP project to activities which might be completed within one year, such as code enforcement and rehabilitation.

8. Treat any proposal which spends more than $1 million, involves more than 20 acres, and/or requires more than two years in execution as an application for a conventional renewal project, thus placing it in the pipeline of some $2 billion in unfunded requests.

For the 35 existing NDP cities—

1. Limit existing NDP projects to less than half of their first-year expenditures, regardless of need.

The ultimate outline of HUD's plan is not known. However, unless substantially more funds are secured for urban renewal, it is likely that many of the provisions listed above will be included.

Many of the approximately 300 pending NDP applications propose to treat project areas of several hundred acres and to spend several million dollars during the first action year. If HUD enforces its proposed management plan, it would take these localities many years to do what they now count on doing this year.

IV. WHAT ARE THE ALTERNATIVES?

It is clear that renewal programs, including NDP, will be short of funds in FY 1970. HUD did not request adequate funding for them. HUD did not adequately explain or vigorously defend what it did request prior to action on the House Floor. Consequently, the House voted $100 million to go with $750 million of advance appropriation carried over from last year for a total of $850 million for all urban renewal programs (old-style renewal, code enforcement, CRP planning, etc. *plus* NDP.)

If subsequent action does not increase the appropriation for all renewal activities, HUD reportedly plans to allocate less than $300 million (of the $850 million) for NDP for FY 1970. This represents only about ¼ of the NDP demand for FY 1970.

Cutting back new NDP funds to ¼ of demand is serious, but to do it by implementing the HUD management plan described in III above is far more so. In fact, such provisions of that management plan as a 20-acre-per-project limit and an embargo on conversion of grant reservations would remove the very features of NDP which most appealed to the 90th Congress. If HUD implements this management plan the program would no longer be NDP, and HUD should cease calling it such. What would be left might properly be called "first aid" or "emergency relief", but not NDP.

A number of steps could be taken to bring funding and demand more into balance without altering the concepts of NDP:

1. Obviously a larger FY 1970 appropriation would help. The Senate is being urged to increase the House figure of $100 million to $837.5 million, which, when added to the

$750 million advance appropriation, would give a total of $1,587.5 billion.

2. HUD could administratively increase the percentage of the total urban renewal appropriation which it allocates to NDP.

3. HUD could permit cities to convert grant reservations from traditional renewal projects to NDP projects. (The 35 cities already in the program have used $2 of such conversions for every $1 from FY 1969 appropriations.)

4. Utilizing all the above to increase funds, HUD could then approve as many pending NDP applications as funds would allow and hold the remainder for nine months till FY 1971. (This would be painful for those who had to wait, but at least they would be getting into the program they applied for; and they would lose part of that nine months anyway in revising their application if the HUD management plan is imposed on them.)

If after maximum feasible utilization of the above it was still necessary to change regulations applicable to NDP, three things should be made clear: (1) such changes were temporary; (2) in FY 1971 HUD would be returning to the program as passed by the 90th Congress; (3) HUD would request and fully justify a $2 billion level for urban renewal, of which at least $700 million would be for NDP.

NOTE

H.R. 13827, as reported by the Housing Subcommittee would point HUD toward some of the alternatives discussed here. It provides for:

1. $2 billion in added authorization for urban renewal available July 1, 1970.

2. A definite minimum percentage of total urban renewal funds earmarked for NDP.

3. Local project funding periods for two years rather than one.

We feel these provisions of H.R. 13827 particularly deserve your support.

PRIVATE ENTERPRISE AND HOUSING REHABILITATION

Mr. JAVITS. Mr. President, an article published recently in the Harvard Business Review discusses with great insight the challenge to private enterprise of rehabilitation in our urban centers. Eli Goldston, the author of this article on the Boston urban rehabilitation project and president of Eastern Gas and Fuel Associates, explains in great detail how the company he heads took a leading role in an outstanding example of rehabilitating decaying inner-city apartment structures.

As Mr. Goldston indicates, there is an important role for a private company willing to serve in the public interest in its community. Housing rehabilitation, in particular, offers a unique opportunity for business know-how and investment. It is crucial, of course, that any corporation which enters this field be particularly sensitive to the community in which it is operating and must view the effort as a "joint venture" with the residents. Within that context there is almost unlimited opportunity for jobs and entrepreneurship for minority persons who live in the area. For the investing corporation there is the chance for developing new markets for their products—as Boston Gas did—and for substantial tax benefits.

It is important that Mr. Goldston should emphasize the role of the real estate "tax shelter" as an incentive to this sort of private investment in inner-city rehabilitation. At present, the Committee on Finance is considering the House-passed tax reform bill, which would make substantial changes in those provisions of the Internal Revenue Code. As I testified to that committee, I believe it essential that we should not eliminate present tax incentives for housing without the enactment of alternative incentives for increasing the supply of housing for low- and moderate-income persons. At this time the housing industry is in a period of serious recession, and we are farther from our national housing goal than we were when the 1968 Housing Act was passed.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Harvard Business Review, September–October, 1969]

BURP AND MAKE MONEY

(By Eli Goldston)

(Note.—BURP may not be the most dignified of acronyms, but it holds its figurative head up high as easily the outstanding example in this country of rehabilitating decaying inner-city apartment structures. Eastern Gas and Fuel Associates, which took the leading private role in the Boston Urban Rehabilitation Program, has been besieged with requests for information on how it can be done. This article gives the answers.

(Mr. Goldston is President of Eastern Gas and Fuel Associates. While practicing law in Cleveland, he became associated with Midland Enterprises Inc., and he was President of that river barging company when it was acquired by Eastern in 1961. Mr. Goldston was named President of the parent company (which is also engaged in ocean shipping, coal mining, and gas distribution) in 1962 and Chief Executive Officer in 1963. He has served on the boards of many companies, social agencies, and cultural enterprises.)

The delegation comes in—typically consisting of a financial expert, an administrator, and an engineering-operating man—asking us the standard business questions of men in their specialties. They represent a company whose corporate conscience is being nagged about social involvement, and they have heard that we have some expertise to share in the field of large-scale, low-income urban housing rehabilitation.

We have made this date with them; we have assembled in a conference room; and now the questions begin:

The financial man wants to know how we arrived at the value of the equity, what the problems are in getting interim financing, what the interest rate is likely to be, whether any difficulties with bonding or insurance are expected, what a pro forma P&L statement looks like, and how the spillover tax shelter works.

The administrator asks us to take him through the intricacies of the National Housing Act, to differentiate between Sections 221(d)(3) and 236, to show him the forms necessary for initial endorsement, to tell him what happens at the time of commitment, to describe the advantages of a limited partnership over a general partnership, and to offer an opinion on whether it is better to work directly or through a specially organized subsidiary.

The engineering-operating man is naturally concerned with the actual work on the structures, invariably probing for information on new techniques or materials in housing rehabilitation which he has heard can achieve dramatic economies of time and money. He asks about mass production approaches, prefabrication, the durability of materials, and the quality of workmanship.

These are important questions, and we answer them as well as we can, digging into our memories and files for information. When we have done our best with their questions, we ask some of our own:

What has been the ethnic succession pattern in the neighborhood you're talking about?

Can you tell us anything of family sizes, their economic levels, and the scope of the possible program with relation to the total community?

Is your mayor on speaking terms with not only the municipal renewal agency but also the regional FHA and HUD officials?

Is the city flexible and progressive with respect to its building code?

Are you acquainted with some local community (which usually means black) contractors, real estate operators, lawyers, and construction workers?

What are the attitudes and effectiveness of the neighborhood institutions, particularly any weekly newspapers?

This is when their education in the realities of urban housing rehabilitation begins to begin. It continues as we put on a side show of the successes and mistakes of our project, the Boston Urban Rehabilitation Program (BURP).

Often they fail to grasp our point until later, perhaps at lunch, when the head of an all-black development team, invited to meet the visitors, instructs them on the benefits of double declining balance depreciation, and the black real estate manager describes his method of keeping tenants advised about the progress of the work.

Our most important message for visitors is that an understanding of the sociopolitical factors—particularly recognition of the ghetto's "do-it-ourselves" requirement—must come first, and the financial and legal questions come last.

Front-line experience in urban housing rehabilitation is clearly a sought-after commodity today. Since the announcement nearly two years ago of the participation by Eastern Gas and Fuel Associates and its subsidiary, Boston Gas Company, in BURP, nearly every day has brought a call or a letter asking for information, seeking an opportunity to come, hear, and see, or pleading for someone to fill a speaking engagement.

These inquirers want to learn about this first involvement of a major business organization in a joint housing venture with a number of small real estate developers and the federal government, where the motivations of both private profit and social good seem to have been merged successfully.

We say our participation in BURP demonstrates that it is possible to do well by doing good. We have done "well" by combining the tax benefits afforded to the parent by real estate investment with increased gas sales made by the subsidiary. We have done "good" by helping significantly in the effort to rehouse a major segment of Boston's black community.

OPPORTUNITY KNOCKING

These days, almost every publicly held U.S. company feels some unease concerning its role in the problem areas of our society. Thoughtful businessmen increasingly are examining corporate actions that may have contributed to the problems, and at the same time they are searching for ways for the corporation to serve—preferably highly visible ways.

More recently there has developed an equally vague awareness that in the problems lie opportunities. More and more businessmen accept the notion that no one really benefits from squalor and poverty. They believe that the deprived segments of our society present untapped markets—if only these segments could be helped to join the buying throng!

And if this questioning had not been self-generating, it would have been stimulated by the shared and expressed convictions of both major political parties that business must

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become more directly involved in the solution of social problems. Augmenting these expressions of conviction are the federal government's many direct and subtle ways of exerting pressure and the demands of the more outspoken blacks.

Businessmen and public officials alike, for reasons that are almost self-evident, have settled on inner-city housing—especially the rehabilitation of substandard housing—as one of the first areas where the muscle and money of business can very effectively assist. Such diverse political figures as President Nixon and the late Senator Robert Kennedy have reached the same conclusion: corporate involvement in inner-city housing must be generated if we are to attack our urban problems effectively.

This is truly a task of great urgency and magnitude. According to a study by the Kaiser Committee in 1968, "about 7.8 million U.S. families—one in every eight—cannot afford to pay the market price for standard housing." The report also estimated that "6.7 million occupied units are substandard dwellings—4.0 million lacking indoor plumbing and 2.7 million in dilapidated condition."[1] Most informed persons agree that there are certainly 3.4 million units in our cities which need rehabilitation.

While the employment drive of the government-business alliance has set a target of hiring 600,000 hard-core unemployed over the next 10 years, the housing goal has been set at 26 million standard dwelling units over the same period—a rate astronomically beyond the present construction rates. This housing gap obviously is too wide for government alone to close.

The vague notion of market opportunity has crystallized for many companies in estimates of the need for new bathroom fixtures and kitchen appliances, wallboard, glass, hardware, and the whole range of building materials except for heavy framework essentials. The F. W. Dodge Company states that the current rehabilitation market represents a $12 billion opportunity (including the market for new and increased utility services in areas where the basic piping and wiring already has been installed).[2]

Rationale for rehabilitation

While the lure of involvement in new housing construction has been tempting, there is a powerful rationale for rehabilitation that seems particularly appealing to big business. Halting deterioration, preserving the preservable, and salvaging the structurally sound are concepts satisfying to the prudent businessman. He may be quite willing to destroy the dilapidated and build anew, but he likes to think that more can be accomplished for less by rehabilitation.

It also seems to be a speedier solution. With no need for site acquisition or clearance, installation of utilities, or major planning, design, and construction, the inventory of standard housing units could be rapidly swelled by refurbishing the old.

Finally, there is the argument that rehabilitation avoids displacement or dispersal of residents and preserves whole communities with their existing services.

Inasmuch as rehabilitation historically has been carried out by small contractors, big businesses have been encouraged to believe that they could effect vast economies by bringing to bear their know-how and technology. The convergence of all these pressures, lures, and changes in attitudes has resulted in the persuasion of a fair number of large companies to venture into the rehabilitation of middle- and lower-income housing. The best-known projects have been these:

Warner & Swasey Company rehabilitated a 40-year-old apartment building in the Hough area of Cleveland into 13 living units with three bedrooms each.

Smith, Kline & French Laboratories assisted the developer who rehabilitated 210 living units in 70 structures near the SKF factory and administration building in Philadelphhia.

Allegheny Housing Rehabilitation Corporation, financed by a number of Pittsburgh's major corporations, as a demonstration of financial feasibility rehabilitated 22 substandard row houses and provided 22 families with decent housing at rents only slightly higher than before.

United States Gypsum Company, in a demonstration of modular prefabrication, rehabilitated in 48 hours a New York City tenement building containing 32 units by dropping preassembled kitchen and bathroom modules through a hole cut in the roof.

None of these early efforts, or others (to the extent that details have been made available), seem to have been profitable. Of course, several were only demonstrations, but even their costs appear to have run very substantially over estimates. All of them also have been quite small in relation to the needs of their respective cities.

Beyond the marketing, operational, and social attractions of rehabilitation, however, there is the more sophisticated financial consideration of the "spillover" tax shelter in real estate investment which industrial companies have hitherto seldom considered in their analyses of profitability.

They are just now learning about this dynamic, which has motivated private investors in commercial and upper-income residential development for many years. They are discovering the relation of land values to cash flow, the leverage achieved by esoteric ways of financing (like "bobtailed mortgage debt"), and the benefits of capital gains at disposition.

The only major program of ghetto housing rehabilitation where all these considerations played a significant part in producing a profitable project is BURP. Since we encountered a wide range of the problems inherent in each facet of such involvement, made every possible mistake, and emerged with some solutions and many judgments, it is not surprising that companies contemplating ventures in housing want to hear about BURP.

Large demonstration

What has come to be known as the Boston Urban Rehabilitation Program (BURP) had its genesis in the early fall of 1967, when the Department of Housing and Urban Development (HUD) decided to conduct a large demonstration of rehabilitation in the Roxbury-Dorchester section of Boston under Section 221(d)(3) of the National Housing Act of 1961.

The BURP designation was originally limited to describing the allocation of $24.5 million in federal funds to five private developer-sponsors to rehabilitate 2,000 apartment units in 101 buildings. It has since been extended by common usage to cover an almost contemporaneous rent supplement program involving 731 units in 30 buildings, with an allocation of $7.5 million, and two subsequent projects covering 217 units at a cost of $2.7 million. (Although rent supplement financing varies slightly, all other elements of the program are virtually identical.)

The central 2,000-unit award still is far and away the largest single allocation for rehabilitation the Federal Housing Administration has ever made. In the eight years since the FHA has had authority under Section 221(d)(3), only 9,000 dwelling units (including the 3,000 BURP units) have been rehabilitated under it in the entire nation. In that perspective BURP constitutes a very significant prototype.

"A controlled experiment" was how the then Secretary of HUD, Robert C. Weaver, described it. "What we seek here," he said, "is not only good dwelling units but the knowledge of how to produce them more quickly than ever before. . . . What are the human resources, the leadership ingredients, the building techniques—and perhaps as much as anything, what are the processing techniques that will reduce nine pieces of paper to one piece of paper."[3]

Our companies became involved initially because of the marketing interest of Boston Gas in the sales opportunities of such a vast rehabilitation program. [The inelegant acronym of the program name provided our subsidiary with the lighthearted slogan, "When you BURP, think gas!" It also led a housing expert, Charles Abrams, to challenge our electric utility competitor to match us in social responsibility with BELCH—Boston Edison Low-Cost Housing.]

Inquiries revealed the developers' need for equity cash to make their projects go. After extensive negotiation with the developers and discussions with FHA officials, Eastern Gas and Fuel Association provided this money by the purchase of equity interests in limited partnerships in a majority of the units. Boston Gas received the fuel commitment by extending its low public housing rates to the buildings, thus meeting competitive fuel costs.

Boston Gas gained its largest single addition to gas load in recent years, while Eastern received the spillover tax shelter benefit. Neither return by itself would have justified our involvement commercially, but together the two showed a respectable profit.

With all its difficulties, BURP was successful by many standards. In 18 months, one seventh of the black population of Boston was rehoused in renovated units, with no increase in shelter cost. More than 400 black construction workers were employed at one time or another, and the majority of them were given some craft training. Two all-black development teams—contractors, lawyers, developer-sponsors, managers, and a majority of the investors—emerged to receive about 10% of the total BURP program.

LESSONS WE HAVE LEARNED

The challenge for us and HUD, as it is for the corporate teams that visit us, is to find the lessons of the BURP experience and determine what elements are transferable to other locations and other circumstances. In the jargon of housing specialists, to what extent is BURP replicatable? It is important that, when the inevitable national housing effort finally gathers force, the alliance of public direction and private execution functions to the benefit of our whole society.

We have thought deeply about the lessons of BURP, and we have learned from our mistakes. From the questions asked of us about our experience, we have an understanding of what corporate newcomers to this field need to know. Here are the key elements to consider and the advice we give our visitors.

Test your attitude

We tell our visitors first to examine most carefully their own approach and attitude to the problems in our cities, of which lack of housing is, after all, just one.

Astute urbanologists early in the renewal effort suggested that more important than all the particulars of a single program is the business community's recognition that it

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[1] President's Committee on Urban Housing, *A Decent Home*, report submitted December 11, 1968, pp. 7-8.

[2] Ibid., p. 21.

[3] Robert C. Weaver, "Preserving Neighborhoods," an address at Freedom House, Boston, December 4, 1967.

must, like Chaucer's clerk, be willing to "gladly . . . lerne and gladly teche" when it assumes a role in social action. As one of them, Webb S. Fiser, has written:

"The interests included must contain all the different business and industrial interests, labor, religious groups, professional groups, civic associations and minority interests, social agencies and educational institutions.

"Many businessmen have a natural repugnance toward this procedure. First of all, they are not accustomed to meeting with representatives of many of these groups and therefore feel uncomfortable. Also the perspective of many of these people will seem strange to business leaders; yet it is precisely the accommodation of these perspectives that is required for community consensus . . .

"Second, businessmen will often want action and insist upon getting down to work. Bringing in a lot of other people creates the danger of delay. However, too great an emphasis upon action may get short-term results but is apt to build up opposition over the long haul. The only secure basis for community development is full consideration of all the important concerns of the community."[4]

As Fiser suggests, businessmen often assume that their economic power should automatically validate their ideas about the future of the community. This attitude offends the nonbusiness people, and in many community issues businessmen have demonstrated that they do not even perceive what their own long-run interests require, let alone what the public interest is.

A primary lesson of our experience was that involvement in housing-rehabilitation means a long, slow, often frustrating and time-consuming process of give and take. It is a path that requires much listening and much adjusting, and is as likely to bring abuse and noisy public criticism as praise. The company president should not be surprised if, just at the time when he thinks he deserves community acclaim for helping to bring a vast rehabilitation program to the area, he is burned in effigy. I was—and (to make things worse, since I'm in the gas utility business) in oil!

But he must not let this deter him from the effort. The alternative could be an accelerating plunge of our cities into decay and violence and an ever-widening gulf between great segments of our population and the business-based economy that has accomplished so much.

FIND "GOOD EGGS"

A good omelet means starting with good eggs. Similarly, the starting point in rehabilitation is suitable structures to rehabilitate, and any company thinking of involvement in rehabilitation should first be sure that it has "good eggs." We therefore tell our visitors to look carefully at the neighborhoods under consideration to see if the pattern of population progression and sociological development seems to have left structures suitable for rebuilding.

The Roxbury-Dorchester section of Boston was originally a community of Yankee farmers. They were displaced in the early 1900's by Irish and Canadian immigrants. These in turn were succeeded by middle-class Jewish families, who moved to the "streetcar suburb" from downtown West End Boston as that area became Italian. Beginning in the late 1940's the black population of Boston expanded into Roxbury-Dorchester, which now is predominantly black.

The buildings are generally three-story brick apartment houses, with each entry serving six walk-up units. They were built in the mid-1920's, many of them as investments by families who then lived in one of the apartments. This meant that the structures were well-built and well-kept as long as the sociological pattern prevailed.

The pattern began to change in the 1950's, and it changed more precipitously in the 1960's as the black population increased. Overcrowding and undermaintenance produced a dramatically rapid deterioration in condition. Since these properties were mostly owned by the original builder-owners' children, who had moved away from the neighborhood or even from the city, real estate managers, acting for absentee landlords, bled the properties. When tenants left, taking lighting fixtures, hardware, and even doors, the properties were boarded up rather than rehabilitated.

Among these apartment buildings there often stood wooden single- or multiple-family dwellings of about the same vintage, usually still owner-occupied and only beginning to show the neglect that comes from despair that the area is doomed to decay. The government hoped that if the apartment structures were renewed, the owners of these smaller dwellings would be encouraged to keep them up, and in this way the neighborhood would be saved.

The characteristics of the buildings in BURP make them more suitable for rehabilitation than most of the millions of "deteriorated" or "dilapidated" buildings that abound in our nation's cities. They were built as multiunit structures; their rooms are large enough to permit rehabilitation by installing "a box within a box"; their foundations and bearing walls are still sound; and they also have adequate stairways and fire escapes.

Too often the inexperienced developer is tempted to try to convert large single-family town houses into apartments, or to try refurbishing buildings such as the so-called "old law" tenements in New York. In the first case, the large rooms, high ceilings, inadequate stairs, and so on, require too much rebuilding to be economic. In the other case, the tiny rooms neither meet present-day building code requirements nor permit the box-within-a-box technique that seems to be the best approach to rehabilitation.

It is cheaper by far, for instance, to "fur" over a cracked plaster wall and install gypsum board than to haul away the old plaster; the disposal of construction waste is a significant cost in a project. Similar handling of ceilings and floors provides a quick overhaul and a new appearance, and permits easy and inexpensive installation of new wiring and plumbing. The rule of thumb is to nail down and then cover up anything that doesn't smell, doesn't spontaneously combust, or doesn't contain live vermin.

There is a continuing debate among those experienced in rehabilitation as to how much to preserve and how much to renew. The answer must be an individual one, varying with the company and the project.

No nationwide survey seems to be at hand to spot the availability of potential rehabilitation structures. In some cities, such as Milwaukee, most of the lower-income residential properties are of a type that probably should be demolished or only modestly rehabilitated. The area of Boston selected for BURP offered residential housing almost ideal for rehabilitation. Out of the vast pool of "deteriorated" and "dilapidated" residential buildings (using the latest dual classification of substandard dwellings) there must be great numbers that would meet the test of economics that BURP has demonstrated. Without them, forget it.

Know your government

Any rehabilitation program of substance inevitably becomes the concern of the city's political structure. Its success or failure can easily affect the political fortunes of an administration or at least of certain elected officials. It must, in short, be welcomed or at least tolerated, by officialdom.

Any business contemplating rehabilitation involvement on a large scale should carefully consider the attitude of the city government. For example:

Is it a project the mayor will endorse?

Will the city council favor or oppose it?

Are the assessors sympathetic to the idea of providing a greater supply of low-income housing through the salvage of properties to which the city now holds tax title?

What is the approach of the city's building code enforcement agency to the use of new materials, new techniques, and new construction methods?

That last question is particularly crucial because building restrictions can be a serious impediment. It is important, for instance, to check out at an early stage whether the rehabilitated properties will be subject to current building code requirements or recognized as falling within a "grandfather" clause.

Many zoning, building code, and setback restrictions were developed in the 1940's and early 1950's, when the threat of urban blight was unknown or unappreciated. Their goal was the gradual elimination of existing nonconforming structures. In today's situation such restrictions are unrealistic if applied to the rehabilitation of 40-year-old buildings.

At least two favorable preconditions for rapid, economic implementation of a large housing program were present in Boston. Urban renewal in the city was lodged in a single agency, the Boston Redevelopment Authority (BRA), with centralized power and control that helped to cut red tape. Moreover, the city government had established a precedent for tax treatment of commercial property that would not impose a crippling hardship on rehabilitation. Such preconditions may not prevail in other cities.

Even so, BURP needed a sympathetic city administration to prevail over a difficult interregnum situation in the early days of the project. BURP was put together in the fall of 1967, shortly before city elections were to bring about a change of administration that included both the mayor and his urban renewal administrator. Fortunately the new mayor, Kevin H. White, moved quickly to name a new head of the BRA, Hale Champion, who joined with the mayor in action to overcome the program's birth pangs.

Federal agencies: Valuable attributes are knowledge of and patience with the staffs and procedures of federal agencies involved in inner-city housing. Too often a businessman approaches these agencies belligerently with demands for instant action, then retreats in furor and frustration when they are not immediately met. Such an approach to a normal business transaction might very well produce negative results.

More important are a perspective on the procedures and a personal relationship with those handling the government's part of the processing. This can range from a first-name acquaintance with secretaries checking entries on forms to a top-level friendship that permits clearance of important policy points by telephone.

In the case of BURP one of the primary objectives set by HUD Secretary Weaver was to try to cut through lengthy procedures and greatly reduce the time required to process applications for FHA mortgage insurance commitments. This was achieved to the extent that paperwork which had taken other developers 18 months to move through the steps from application to commitment was now completed within two months.

With this evidence that it can be done, we suggest to businessmen approaching us for

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[4] *Mastery of the Metropolis* (Englewood Cliffs, New Jersey, Prentice-Hall, Inc., 1962), pp. 148–149.

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advice that they first try to get "BURP processing" for their projects, using whatever persuasive powers they can muster through the local government and local agencies (which are usually just as eager to move ahead quickly). The applicant must be willing to move as fast as he is asking the agencies to do, and to respond with dispatch to any request they may make.

Work with the community

Nowhere is the businessman less sure of himself or more apprehensive than in dealing with a community of blacks (or other minorities). And no aspect of involvement in inner-city housing rehabilitation is more important. Experience in dealing with minority groups on nonhousing issues is a far more valuable asset than knowledge of rehabilitation techniques or the ability to understand sophisticated real estate financing.

The businessman seeking involvement in inner-city work must not naively assume, as many have done, that his company's arrival with a completely developed program will be greeted with open arms. The corporation must understand that black communities today are no longer docile and complacent, but are outspoken and demanding in their aims and goals. They are protective of their neighborhoods ("our turf") and will no longer allow decisions that impinge on their destiny to be made without their representation and participation. White businesses must accept the fact that they will most likely be regarded as intruders.

Here the lesson of BURP is certainly instructive. Its twin goals of speed and size led to early oversights and mistakes that caused problems with many elements of the black community. To assemble almost 3,000 dwelling units without undue real estate speculation and complete the rehabilitation in record time, it seemed to be advisable for the FHA to move quietly in the beginning and to select established and experienced real estate and rehabilitation firms as private developers.

Furthermore, to heighten the impact of the program, it was determined that the announcement should be made with a splash and a show. Little did we know, but danger was waiting.

At the announcement luncheon, held in a black settlement house which represented the social work approach of an earlier generation, Secretary Weaver—himself a black—was interrupted and challenged by black militants as he tried to explain the program. They denounced BURP as another effort of slumlords, undertaken without consulting or considering tenants or the community, to profiteer in the ghetto.

In succeeding days an extreme cold wave, coinciding with eviction notices, brought an avalanche of public complaints of hardship. A glorious experiment appeared doomed before it started.

We tell our businessmen visitors, therefore, that their principal concern, if suitable rehabilitation structures are available, should be to find the way of genuine community acceptance. To this end, they need the best possible advice from the community itself.

This means competent black advisers with whom mutual confidence has been established by previous business relationships. Sometimes they are employees, sometimes customers, sometimes community leaders whose causes the company has aided. From them it is possible to get guidance about the groups and persons who are the focal points of persuasion in the community.

It is not easy to determine the power structure or to estimate how long it may prevail. While there is a more-or-less recognized leadership, there is also, as in all other communities—but perhaps more so in the black ghettos—significant new leadership appearing within short periods of time. A company must realize that its friends of today may be the *ancien régime* of tomorrow. Plans for Columbia University's gymnasium and Governor Nelson Rockefeller's state office building originally received support from the Harlem community but were later blocked after a turnover in community leadership.

In the case of BURP, where it was necessary to counter community opposition promptly, we found that established company relationships with the NAACP, various youth and employment groups, a community social service center, and especially the widely respected black operator of a school of fine arts were invaluable resources.

Local partners: A search for allies or partners acceptable in the ghetto community may turn a company toward nonprofit organizations. This direction, however tempting, can bring the frustrations of inexpert, spare-time participation. Or it could result in a more radical step, a kind of black socialism. Either outcome makes real accomplishment very difficult to achieve, though there is a valid role for nonprofit organizations in eventual ownership of properties rehabilitated by business.

The best solution is to find black entrepreneurs with commercial talent (if not scope of experience) and help them perform as much of the ghetto operation as possible, not as fronts for the company, but as principals or at least equal partners in a rehabilitation enterprise.

Such persons can be located; through black employees and friends, we were able to identify a number of local people with the instinct for commercial enterprise. Black sports figures or entertainers need tax shelter, and successful black contractors and real estate operators can be found—though their businesses may be small.

The danger is that the white businessman who is unacquainted with his black community will team up with the very sort of glib, politically or spiritually motivated, impractical black person whom he would instantly identify and avoid if the person were white.

Real estate rehabilitation is one of the most promising fields for black entrepreneurs. The cash needs in FHA programs are modest, so large pieces of property can be put in the hands of black owners with small cash payments. The work can be broken down into easily managed portions, and the economies of scale that make some projects move amenable to the large corporate approach do not apply here.

Moreover, big business can be the most help precisely in the aspects of the program where black businessmen are the most limited. The construction work can be subcontracted so that white companies can be brought in for more sophisticated parts of the job until black firms develop expertise. Because most black firms are too small to afford accountants, the black entrepreneur can use help in keeping adequate records.

Bonding in the usual way will be a special problem, but, again, big business can fill the gap, either by endorsement or by itself guaranteeing the construction performance of the entrepreneurs. Of course, the FHA is likely to be reasonably flexible on a mortgage increase to cover overruns based on improvements and additions beyond the minimum contract specifications.

The benefits of bringing along capable, though inexperienced, black entrepreneurs and helping them take on the projects themselves are incalculable. Here is the "piece of the action" that the black community now insists on having. Here is the best chance of community acceptance. Here is the hope for mutually respectful employee and tenant-landlord relationships. Here opens the possibility of the ghetto reclaiming itself. And, with confidence established in their own business ability, the black developer-sponsors can impartially consider the commercial interests of their tutors.

We have worked with several black developer-sponsor teams in Boston, helping them get organized, leading them through the paperwork, giving them legal, financial, and technical advice, and using our knowledge of city and federal agencies for their benefit. These black groups either have completed or are carrying out more than $5.5 million worth of rehabilitation projects in Boston, involving nearly 450 apartment units—far more than a token share of the rehabilitation work being done in the area. And they have chosen gas heat for all of these units.

Consider your tenants

An early concern of the developer should be a tenant audit, including, when possible, data on both family size and income level. With this information he can make adequate provision in his planning for size of families. Otherwise, he may find out after the job is finished that he underestimated the number of four-bedroom apartments that would be needed, giving him a severe relocation problem.

This happened with BURP. We failed to insist on a tenant audit, not realizing this was important even at the expense of speed of completion of the work. The result was that a number of so-called "oversized" families, previously permitted to crowd into inadequate quarters in unregulated structures, could not qualify under FHA regulations—either by size or income level—for the refurbished units. (I should add here that, by means of rent supplement contracts with HUD and of leased public housing contracts with the local housing authority, tenants with inadequate incomes can be accommodated.)

We also tell our business visitors to try their best to make sure that the structures to be rehabilitated follow FHA regulations on filling the needs of the present tenants. (This is conditioned to some extent by the necessity for secrecy in assembling the real estate, to avoid driving up prices.)

In planning for tenant occupancy, by the way, the sponsor may wish to weed out families who are chronically delinquent in paying their rent or have other undesirable characteristics. But it is unrealistic to expect that such tenant selection can be accomplished unilaterally. Tenant organizations, probably supported by community leaders, will insist on the right of first refusal for present occupants to return to the rehabilitated apartments.

If the sponsor decides to relocate many large families without first making suitable provision for them, he is headed for trouble. The public clamor, based on a claim of undeniable injustice, will undo any gains in bricks and mortar. A good relocation plan is a must.

Prepare yourself, we say too, for a great deal of negotiating and consulting with tenants. A tenants' council most likely will be organized, but our experience is that you can live with it comfortably, and perhaps it may even come to provide the self-regulation and control lacking in typical low-income rental situations. The sponsor may be surprised to discover a spirit of cooperation in the leaders of tenant groups—except on the subject of ability to pay rent. They usually recognize that it is in the tenants' interest to eliminate troublesome occupants and keep the buildings well maintained. So, tenant organizations, often headed by officious matriarchs, will support landlords who insist on cleanliness and good housekeeping.

In our case, the regular weekly meetings of the BURP tenants' council became in part a forum for educating tenants in landlords' problems. As tenants saw the damage to

their own self-interest caused by recalcitrant neighbors, the council became useful as a final arbitrator of disputes.

In any event, a hard look at the tenant situation is a basic social precondition of business involvement in housing rehabilitation. And if trouble develops, the developer cannot necessarily depend on the courts to sustain what he considers to be a landlord's rights. As two experts on urban law and I recently wrote in the *Columbia Law Review*:

"With black militancy, community control, advocacy planning and all of the other social tides surging back and forth in low income communities, large scale undertakings of any sort cannot be successfully operated on the assumption that traditional legal rights, obligations and enforcement procedures will be heeded by anyone—even the courts."[5]

Watch for labor problems

As part of their understandable claims for a piece of the action, the ghetto residents will want some of the jobs created by the project. Here, again, the position of the black development team gives it a natural advantage over white developers; but to get the ghetto housing job done, the general contractors probably will require a majority of whites in some building trades for a long time to come.

In the meantime, as a partner of a black developer, the sponsor should prepare for confrontations with building trades unions and for the uncontrolled costs that result from use of pathetically unskilled black workers. Vandalism, at the least, will be the consequence if a satisfactory accommodation is not reached.

As for labor union problems, we can say that on the projects in which BURP was involved they were faced with firmness. When the union demanded the dismissal of nonunion blacks, it was refused, but the union was offered the opportunity to try to organize the workers. This offer was not immediately accepted, nor was our suggestion that they try to put white pickets at the job sites in the black community.

While it is likely that the situation in the building trades unions will gradually improve, it is nevertheless important to lose no time in building up a pool of capable, responsible black construction workers. One way in which the FHA can promote this effort is to take the lower productivity of unskilled workers into account in calculating mortgage commitments, perhaps with a productivity scale. Or else the government should provide training funds from other sources. To illustrate:

One of the principal white developer-sponsors in BURP attempted to satisfy community demands by employing a considerable number of blacks. Under FHA requirements, "prevailing wages" had to be paid. The result was almost catastrophic financially. Productivity was about one third that of skilled white workers. Expenses mounted while projects lagged.

Eventually the developer's training and apprenticeship programs began paying off in improved work performance. But project costs substantially exceeded mortgage limits, and efforts are even now being made to have these limits raised accordingly.

When contemplating a ghetto project of any size, the prudent businessman should remember that the social requirement of hiring substantial numbers of unskilled black construction workers will cost him extra money.

Take care in staffing

The range of these socioeconomic questions leads us naturally to ask our visitors if they have considered the staff necessary to handle the enterprise.

A fund of legal, financial, planning, and production expertise is necessary to interpret the National Housing Act, FHA regulations, and the Internal Revenue Code; to translate the titles and paragraphs into a housing package that makes financial sense; to lay out and oversee a program; to create a partnership of investors; to locate and acquire suitable properties; to find contractors; and finally to obtain the necessary money to launch the project. Only an organization with a strong profit motivation is likely to persist through this maze.

The missing element in most corporations that undertake these ventures is an urban affairs officer with enough experience to guide the company through the tangled and complex communty problems and enough authority in the corporation to see that the right things are done in the right way. We say, be sure you have such a man.

Analyze the "$ and sense"

By this circuitous route we bring our visitors back to some of their original questions, particularly concerning the profit possibilities in urban housing rehabilitation. Now we are on ground familiar to them—profit and loss statements, balance sheets, tax returns, and so on—but even here, real estate financing is apt to be an unknown quantity.

Until recently, few of the larger, publicly held U.S. companies have taken much interest in real estate, particularly residential real estate. Most real estate owners have been individuals, partnerships, or smaller publicly owned syndications. Usually the tax shelter from real estate is more significant than the cash earnings or book earnings. Because of the relatively low book earnings, publicly held companies conscious of their earnings per share have shied from real estate investing.

In the early days of urban renewal a number of major corporations did show an interest in the program, but largely for the purpose of exploring the possibilities of expanding the use of their products in the construction industry or the markets for their consumer goods. In the early 1960's, for example, the Aluminum Company of America and Reynolds Metals Company competed vigorously for urban renewal projects, and Westinghouse and General Electric also participated.

Concern remained, however, as to the impact of equity ownership on book earnings, the effect on traditional balance-sheet ratios of showing large mortgages in consolidated statements, the problems arising from rent controls, demands for open occupancy, and so on. Several major insurance companies, in fact, sold out large residential developments because they concluded that the public relations headaches exceeded the benefits to themselves.

Many of these objections can be overcome by investing in rehabilitation projects as a limited partner. With an interest of less than 50%, the investor is not required, under present accounting practices, to consolidate mortgages in his balance sheet or operating losses in his earnings statement. Also, he can remain anonymous to the tenants.

The principal factor in most speculative real estate developments is the spillover tax shelter, by which tax losses on cash-producing real estate can be used to reduce the taxes paid on income from other sources. The tax loss write-offs (rather large in comparison to the size of the equity investment) result from the interplay of two sets of legislation, the National Housing Act and income tax laws:

The Housing Act makes mortgage financing available on very favorable terms for a high percentage of the cost of acquiring and rehabilitating properties. As a result, relatively little in the way of cash equity investment is required. Offsetting this are rather strict legal restrictions on the distribution of cash earnings from these projects.

Section 167 of the Internal Revenue Code allows equity investors to take rapid depreciation on real state improvements, whether paid for out of equity investment or out of mortgage borrowing. This write-off, in turn, creates substantial tax losses for projects during their early years of operation. High tax-bracket investors, including corporations, who are limited partners in such projects may carry these losses into their tax returns as offsets to taxable income from other sources.

221(d)(3) 236: Among the several sections of the National Housing Act concerning the financing of real estate projects, 221(d)(3) was the basis for underwriting the BURP projects. It provides among other things that, in the case of "for profit" sponsors, the FHA will insure mortgage financing for up to 90% of the total cost of a rehabilitation project. It is also enables federal funds to be lent for this purpose at a 3% interest rate, repayable on a level debt service basis over 40 years.

The reader who is interested in the financial details of a typical BURP project can find them in the Appendix to this article (page 96).

In 1968 Congress amended the National Housing Act by the addition of Section 236 relating to low-income housing. It is similar in many respects to 221(d)(3). Under both programs 90% mortgage financing for limited dividend partners and 100% financing for nonprofit sponsors are authorized. Both sections limit the cash distributions to limited dividend developers to an amount that approximates 6% of the equity investment. Both are also subject to the HUD regulation that no more than 20% of the units in a given project may be leased to local housing authorities who, in turn, further subsidize rentals.

The two sections differ mainly in the form of the financing subsidy. Under 221(d)(3), mortgages are available either at or below market interest rates, with the latter salable to Ginnie Mae (Government National Mortgage Association). Section 236, on the other hand, permits developers to negotiate mortgages directly with lending institutions at market interest rates.

To cover the gap between tenant capacity to pay and interest expense at market rates, HUD pays a subsidy. Thus, the debt service paid by the mortgagor will vary from a minimum of 1% for the lowest income housing to 6%, depending on the tenants' income formula. Any balance between that figure and the market interest rate is made up by HUD in the form of an interest subsidy.

Section 236 also provides that on completion of rehabilitation the developers may sell to a nonprofit or cooperative entity, which can finance the purchase with a new mortgage at the then fair value of the project. This could permit a large enough mortgage to reimburse the seller for his entire investment, plus any taxes he incurs on the sale.

It is possible that, depending on treatment for tax purposes of the interest subsidy in the partnership accounts, the tax shelter created by a 236 project could be more favorable than a similar 221(d)(3) venture. The IRS has not yet clarified this.

'Jumping' partnership: Even without the opportunity to form a partnership with black athletes or entertainers who can use the tax shelter, a developer can still make a piece of the action available to the community through a so-called "jumping" partnership. Here is how it would work:

The partnership might include ghetto residents of modest means, who would be given a nominal interest—say, 10%. Since most of the tax shelter advantages will be realized by about the tenth year—and at that point certain tax recapture provisions will have run out—the partnership agreement would provide for automatic transfer of all or a large portion of the high tax-bracket

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[5] Curtis Berger, Eli Goldston, and Guido A. Rothrauff, Jr., "Slum Area Rehabilitation by Private Enterprise," *Columbia Law Review*, May 1969, p. 739.

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partners' interest to the 10% partner early in the eleventh year.

Such a transfer would of course occur without payment to the 90% partner. However, this probably does not represent much of a sacrifice in terms of capital gains, since it is difficult at the outset to place a high residual value 10 years in the future on partnership interests in rehabilitation projects. (Section 236 allows limited dividend projects to be sold to nonprofit entities with enough increase in the mortgage to provide the sellers with much of the cost required to pay their taxes.)

The financing available under the National Housing Act provides other advantages. For one, only property in the project itself is subject to the mortgage lien; it does not extend to the general or limited partners beyond their initial investment. Therefore the equity in one project cannot be pledged to support the indebtedness of another project. This prevents pyramiding of the type that led to the downfall of at least one major real estate enterprise in the past decade.

RATIONALE FOR INVOLVEMENT

Over drinks at the club or on the way to the airport at the day's end, after a tour of the rehabilitated apartments, we turn our visitors back to the motivation for their visit. It came, they say, from a nagging feeling that their company ought to be tackling some of the problems of our society, and the sneaking suspicion that perhaps they might also make money at it.

It is true that there is a great need for business to establish its legitimacy as an influential social institution in a society that has begun reexamining all of its perceived premises and challenging all of its conventional wisdom. A well-conceived program of residential property rehabilitation seems to offer a company a highly visible opportunity to express its compassion while demonstrating its business competence.

In our own instance, since the time we finally got BURP back on track, our efforts have drawn extensive and continuing favorable publicity and also have shown a reasonable profit. They have not only helped to rehouse one seventh of the black citizens in our franchised territory, but they have also brought considerable pride and satisfaction to many of our employees and helped greatly in attracting an unusually high quality of young executive recruits. The project has even brought some investment in both our equity and debt securities by colleges which feared, perhaps, that their portfolios might be challenged by their students "in this increasingly questioning age," as one college treasurer put it.

What, then, out of all our studies of other projects and our experience in BURP, do we recommend to these visitors? We arm all of them with a barely portable library on BURP and on housing, but the advice we give is explicit: Stay out of it unless you're willing to work as hard and tenaciously at it as at any important business problem. Stay out of it unless you can answer the hard questions we've asked and unless you're prepared to provide enough of the right kind of staff for it.

Under existing social conditions, rehabilitating occupied lower-income residential property can be likened to performing a major operation without being able to anesthetize the patient. It is no game for amateurs, and anyone who approaches the operating table with warm compassion but without trained competence will soon prove to be both a quack and a failure.

Nevertheless, it has become increasingly clear that large companies which make the same preparations that they would for a venture into a new territory or with a new product can succeed in the once-unknown terrain of the low-income areas of our central cities. The successful ones are pragmatic in facing the social issues that inevitably tangle and can destroy the best-intentioned efforts.

Companies willing to take some financial and public relations risks, willing to train their own staffs to participate in the problem solving, and willing to depend on outside consultation for sensitizing themselves to the problems—those companies, and only those, are ready to plunge into residential rehabilitation on a scale commensurate with their resources.

Companies unwilling to do these things but concerned about the crisis of the cities should just send money. But such money won't buy what most of the bright young people you are hoping to recruit are seeking: a sense of belonging to an organization that has the compassion to direct its capacities toward the crisis of our cities and that also has the intelligence and energy to do it within the framework of the free enterprise system.

The real challenge is to do good for society while doing well for your business. You can concentrate on increasing your sales and earnings; you can build your plants in relatively remote suburban areas inaccessible to the black ghetto. Thus for a while you may divorce yourself from a chance to help your country in a time of grave crisis and, indeed, from a chance to participate in one of the most challenging business adventures in the world today.

Justice Oliver Wendell Holmes, Jr. put the issue accurately when he said: "Life is action and passion. I think it is required of a man that he should share the action and passion of his time at peril of being judged not to have lived."

SHORELINE EROSION

Mr. NELSON. Mr. President, the Green Bay, Wis., Press Gazette recently published an article concerning damage done by the high water level on the Great Lakes. In spite of the serious erosion and destruction of property that occurred this year, the Great Lakes are expected to cause even more trouble along 10,000 miles of shoreline in 1970. Unfortunately, as the article points out, there is not much control that man has over these levels.

The only two feasible alternatives are adequate prevention measures such as seawalls and jetties, or massive Federal aid after the destruction has become so widespread as to warrant the area's being declared a disaster area.

Clearly, the first alternative, preventative measures, would be the reasonable and economic choice. Because much of our shoreline is owned by private citizens who are unable to finance the necessary precautionary steps without some aid, I introduced S. 2662 on August 18, 1969, to allow private citizens to receive up to 50 percent aid for such projects where there is a coordinated effort. This is the same figure that public institutions are able to apply for.

An identical bill has been introduced in the House by Representative SCHADEBERG and other Representatives.

The fact that the danger remains, as the article points out, is a clear indication that Congress should enact this type of legislation.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGH WATER CENTERS DAMAGE ON MICHIGAN'S EASTERN SHORE

(By A. F. Mahan)

DETROIT.—With damages mounting and levels already near or surpassing high-water records for this century, the Great Lakes are expected to wreak more havoc along their 10,000 miles of shoreline in 1970.

Waves eating away embankments, particularly the high bluffs along eastern shores of lower Lake Michigan, are threatening to topple scores of homes and vacation cottages, whose front or back yards have already vanished.

Although there has been some damage from high water in parts of Sheboygan County, little damage has been reported in Northeastern Wisconsin, including the counties of Manitowoc, Kewaunee, Door, Brown, Oconto or Marinette.

Only a few years ago complaints were registered over the low water level and the fact that lakeshore property owners had to dredge canals to get boats to their docks.

Once high and dry private docks now are awash, waiting for a storm to carry them away. Where sandy beaches once stretched outward there now is water. Nearby low-lying areas once above water level now are marshes.

CUTS BRIDGE CLEARANCE

Some cruiser owners have found themselves unable to get their pleasure craft out of boathouses—rising water having shortened door-top clearance too much. Still others have found themselves cut off from the lakes, unable to get under canal bridges because higher water has given them no clearance.

No figures are available for 1969 damages, but the Lakes Survey District of the Army's Corps of Engineers estimated somewhat similar high waters did $61.2 million damages in the springs of 1951 and 1952.

And the three lakes over which man has virtually no control—Michigan, Huron and Erie—are expected to start their annual spring rises next year at levels considerably higher than they did this year.

EXPECT GREATER DAMAGE

Experts attribute the high waters to above normal precipitation in all of the five lake basins this year and last.

Speaking before the Great Lakes Commission, made up of representatives from the eight states bordering the lakes, Atty. Gen. Frank Kelley of Michigan said last month that "today's damages could be much higher than those of 1951–52 because of increased development along the shorelines."

Pointing to serious problems occasioned by low water in the early 1960s, Kelly said that "methods must be found to keep our lake levels within reasonable bounds."

Lake Erie's average July level was the highest for any July since the Lakes Survey District began keeping tabs on the inland seas in 1890. It was only 2¾ inches below the alltime one-month record set in May 1952.

Last month, Michigan, Huron and Erie were less than an inch and a half below their highest levels for this century.

PRECIPITATION IS KEY

The key to the problem is, of course, precipitation.

In the first six months of this year, the Lake Superior basin received 16.67 inches, against an average of 16.08 inches. In Michigan's basin it measured 21.33 this year, against an average of 17.72. The 1969 precipitation against the average for Huron was 19.51–17.56; Erie, 23.17–19.57; Ontario, 19.71–19.63.

Many things figure into just how much rainfall went into the lakes: Whether the rainfall was on frozen ground and ran off

quickly; whether it fell on dry or already wet grounds; whether it was in the fall or spring when trees, plants and other vegetation were absorbing large amounts; whether the weather was hot and evaporation high; whether lake-feeding streams were high or low, etc.

COMPARED TO SUPERIOR

The Great Lakes are tremendous bodies of water. If the contiguous 48 states were level, had a rim around them and all the water in the Great Lakes were dumped over them it would make a lake nine feet deep from the Atlantic to Pacific and Gulf of Mexico to Canada, according to Lakes Survey engineers.

Lake Superior is 350 miles long, 160 miles at its widest point and ranges up to 1,333 feet deep, Lake Ontario, smallest of the five, is 193 miles long and 53 miles wide.

High water is not unwelcome by all who use the lakes. It means money to ship operators. For each inch of water above the so-called low-water datum line or guaranteed channel depth a freighter can take on an additional 100 tons of cargo.

Last month, the lakes ranged up to 47 inches above the low-water datum line, and all were above both their average levels for the past 10 years and for the 1860–1968 period.

And the Lakes Survey forecasts all except Ontario will exceed their 10-year and long-term average levels for the next six months. Ontario is expected to dip below in December but turn upward in January.

TO BUILD SEAWALL

The Michigan Highway Department has announced plans to build a 3,900-foot seawall at a cost of $10 million to protect a section of the Interstate 94 business route through St. Joseph.

The Corps of Engineers can partly control the outflow of Superior and Ontario by dams with gates. But there's no control anywhere else.

Some have suggested widening of the Detroit and St. Clair Rivers and possibly some control works on Lake St. Clair would provide the answer. It might, engineers agree, but it would be too costly to undertake, with the river having to be pushed several blocks into downtown Detroit and into Windsor, Ont., on the other side.

NOMINATION OF HON. CLEMENT F. HAYNSWORTH TO SUPREME COURT

Mr. WILLIAMS of New Jersey. Mr. President, the Committee on the Judiciary is now considering President Nixon's second nomination to the U.S. Supreme Court. As we all must realize the nomination of Justices to the Supreme Court is one of the most important decisions a President must make. The Senate, in confirming those nominations is making judgments which affect the very fabric and fiber of our society for years to come. With these thoughts in mind we approach the nomination of Clement F. Haynsworth, Jr., to assume the Supreme Court seat recently vacated by the resignation of Abe Fortas.

The Supreme Court, and the entire judiciary, for that matter, is an institution which most Americans view with awe and reverence. It is the final arbiter of some of the most basic decision concerning each American's relationship to his fellow man and concerning his relationship to society. It is also the final protector of man's rights to be free from governmental restraint.

Several times in the history of our Nation, Presidents have set for themselves the task of changing the complexion of the Supreme Court. They have done this by nominating Justices whose policy inclinations accorded with their own. Most Presidents, however, have only had the opportunity to nominate one or two Justices and so the policy directions of the Court have changed very slowly. On rare occasions, however, a President may have the opportunity to make several nominations and thereby cause an immediate, almost cataclysmic change in policy direction. So, for example, President Roosevelt named nine Justices to the Supreme Court. In the process, he converted the Court from one which vetoed Presidential and congressional efforts to take this country out of the depression to a Court which was attuned to the needs of America's workingmen, to the needs of the oppressed in our society.

President Nixon, in less than 1 year in office has nominated two Justices. It is likely that in his remaining 3 years in office he will nominate at least one, perhaps even three more Justices. In one 4-year term he may be able to name a majority of the Court.

And what does this nomination represent? Clement Haynsworth's record is clear. As a sitting judge he has demonstrated some of the most regressive judicial thinking in at least two areas vital to the majority of America—the areas of labor and race relations. One perhaps could not quarrel if Judge Haynsworth's dissenting opinions were in landmark precedent-setting cases. But his dissents come in even the most obvious cases, cases raising the basic issue of workingmen's right to organize into a labor union in southern textile mills, mills where the basic salary for a full week's work is not much more than the minimum wage of $64 for a 40-hour week, cases raising the basic issue of a black man's right in the Southern United States to be free from legally imposed and fostered segregation.

If this is the kind of judicial temperament President Nixon wants on the Supreme Court, there is very little that can be done to prevent him from achieving his goal. The President can find other nominees who will vote against any effort to break the yoke of racial separatism, who will vote against even the most limited struggle of workingmen to improve their lot in life.

But the President not only has selected a man who rejects the strivings of the great majority of our society, he has selected a man who is insensitive to the needs for propriety in judicial conduct. Clement Haynsworth, admittedly, voted in favor of a textile company which was doing thousands of dollars worth of business with a company partially owned by Judge Haynsworth.

The judge has now also admitted purchasing $16,000 worth of stock in a company which, at the time of the purchase, was a party in a case before him. There has been considerable argument over the timing of this purchase of stock. It is now recognized that the judge bought the stock after he and his colleagues had reached their decision, in favor of the company, but before the opinion was written and before the decision was announced.

In my judgment, this appears to be as unconscionable as the "insider trading" prohibited by the Securities Exchange Act.

Both of these business transactions would be illegal if committed by an ordinary citizen and the wrong is certainly compounded by the fact that he was a judge. A judge should not permit himself to participate in this kind of conduct.

Whether or not Judge Haynsworth's conduct is unethical, is in my judgment, a question which need not be resolved. He has demonstrated a complete lack of judicious sensitivity. He has not sufficiently demonstrated sensitivity to the need for a judge to maintain both the appearance and substance of unimpeachable propriety that American people have a right to expect in all the judges in the land; certainly in the members of the Supreme Court of the United States.

If the nomination of Judge Haynsworth is not withdrawn, I shall vote against its confirmation.

STATEMENT OF POSITION ON TAX REFORM ACT BY 70 PENNSYLVANIA COLLEGES AND UNIVERSITIES

Mr. SCHWEIKER. Mr. President, on Wednesday, October 1, the minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT), and I had the distinct pleasure of meeting with Gaylord P. Harnwell, president, University of Pennsylvania; William W. Hagerty, president, Drexel Institute of Technology; Clarence Moll, president, Pennsylvania Military College; Rev. Robert J. Welsh, president, Villanova University; and Donald L. Helfferich, president, Ursinus College, who provided us on behalf of 70 independent institutions of higher education in the Commonwealth of Pennsylvania, attended by more than 128,000 students, a statement of position on the Tax Reform Act of 1969.

I ask unanimous consent that the statement of position by the Pennsylvania colleges and universities be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A STATEMENT OF POSITION ON THE TAX REFORM ACT OF 1969 (H.R. 13270) BY THE FOLLOWING 70 PENNSYLVANIA COLLEGES AND UNIVERSITIES, SEPTEMBER 29, 1969

Albright College, Reading; Beaver College, Glenside; Bryn Mawr College, Bryn Mawr; Bucknell University, Lewisburg; Cabrini College, Radnor; Carnegie-Mellon University, Pittsburgh; Cedarcrest College, Allentown; Chatham College, Pittsburgh; Chestnut Hill College, Chestnut Hill; College Misericordia, Dallas; Dickinson College, Carlisle; Drexel Institute of Technology, Philadelphia.

Eastern Baptist College, St. Davids; Franklin and Marshall College, Lancaster; Gettysburg College, Gettysburg; Gwynedd Mercy College, Gwynedd Valley; Haverford College, Haverford; Immaculata College, Immaculata; Juniata College, Huntingdon; Keystone Junior College, La Plume; King's College, Wilkes-Barre.

Lafayette College, Easton; La Salle College, Philadelphia; Lebancn Valley College, Ann-

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ville; Lehigh University, Bethlehem; Lincoln University, Lincoln University; Marywood College, Scranton; Moravian College, Bethlehem; Muhlenberg College, Allentown; Pennsylvania Military College, Chester; Philadelphia College of Pharmacy and Science, Philadelphia; Philadelphia College of Textile and Science, Philadelphia; Rosemont College, Rosemont.

Saint Joseph's College, Philadelphia; Susquehanna University, Selinsgrove; Swarthmore College, Swarthmore; University of Pennsylvania, Philadelphia; University of Scranton, Scranton; Ursinus College, Collegeville; Villanova University, Villanova; Washington and Jefferson College, Washington; Westminster College, New Wilmington; Wilkes College, Wilkes-Barre.

Twenty-seven additional independent colleges and universities are listed in Appendix C annexed hereto.

Believing that tax reform need not and should not be achieved at the expense of the long-range national interest, we join the American Council on Education and its 1538 institutional members in opposing certain provisions of H.R. 13270 that would adversely affect higher education by weakening some of the most effective incentives to its voluntary financial support.

Higher education in the United States has produced the men and women who have put Americans on the moon, banished many killing diseases, developed our economy, and made our system of government work. It holds our ultimate hope of rising to such critical challenge as the social and environmental ills of our cities. Clearly, funds contributed to colleges and universities go to the heart of our national welfare.

Today, the resources of our institutions are severely strained by the burgeoning demands on our services in the face of inflation and cutbacks in Federal aid. We need more money, not less. Any discouragement of personal philanthropy from our accustomed benefactors would, it is submitted, increase rather than lessen the burden on the Federal government for the support of our institutions and indeed for our survival.

A gift to an educational institution has these characteristics that we believe pertinent to any consideration of its tax treatment:

It is a wholly discretionary expenditure.

It is an act of constructive citizenship, facilitated by favorable tax policy but motivated by a concern for human good.

It is essentially an unselfish act; whatever the tax consequences, it reduces the donor's net worth.

With these insights into the nature of educational philanthrophy and its importance to the vitality of our institutions, we have examined H.R. 13270 and assessed its implications in the broad context of the stated purposes of the Bill.

We concur in the purposes and general thrust of the Bill. We also concur in the principle that no individual should be able to "profit," that is, increase his net worth, by reason of donations to our institutions. The enactment of some of the provisions supported below, it should be pointed out, will close meaningful avenues of past support for our institutions.

Acceptable provisions of H.R. 13270

(1) Repeal of the Clay Brown transaction (pps. 25–26).*

The taxation of "unrelated debt financed income" of a charity where it acquires a business or investment property is justified. However, as written, it is possible that by reason of the definition of "obligation" in the statute, a promise to pay a life income or annuity in return for a gift of property will give rise to taxation. The life income contract and annuity agreement as used by our institutions is wholly distinct from the Clay Brown situation and the statute must be clarified if this unintended and unjustified side effect is to be avoided.

(2) Extension of the unrelated business income tax to activities which are not within the "function" of educational institutions and do constitute unfair competition to private enterprises (pps. 26–28).

(3) The increase in the annual limitation of deductibility of contributions to colleges and universities from 30% to 50% (pps. 31–32).

(4) Repeal of the unlimited deduction (pps. 32–33).

(5) Taking gain or income into account for tax purposes in the case of appreciated gifts to our institutions involving short term capital gain or ordinary income had the donated property been sold (pps. 33–35).

(6) Repeal of the Two Year Charitable Trust Rule (pps. 35–36).

(7) Allocation of basis in the case of a bargain sale of appreciated property to our institutions (pps. 33–35).

(8) Repeal of deduction for the charitable income trust with non-charitable remainders (pps. 38–39).

(9) Increase in the standard deduction (pps. 100–101).

(10) *Most important*, the continued deductibility at fair market value of the vital gifts to our institutions of long term appreciated securities and real estate.

Objectionable provisions of H.R. 13270

We feel impelled to oppose with the deepest conviction the following provisions, the enactment of which we believe would critically impair the voluntary support and financial viability of our institutions:

(1) Inclusion of the long term appreciation in donated securities and real estate in tax preference income for purposes of limited tax preference and allocation of deductions (pps. 47–50).

Gifts from individuals are the greatest single source of voluntary support for our colleges and universities; the largest of these gifts are commonly made in the form of appreciated property. In a sampling of Pennsylvania colleges and universities, a majority reported that from 30% to 70% of their total gift income from individual donors during 1968–69 was received in this form. (See Appendix A annexed hereto). Over the past three years, an average of 40.6% of outright gifts received by 18 of our institutions from individuals amounting to $43,415,000 consisted of securities.

The Ways and Means Committee deliberately chose to continue the deductibility of long term appreciated gifts at fair market value; the Bill's inclusion of the appreciation in tax preference income and in allocation of deductions is inconsistent with the principle which the Committee studied and upheld. Adoption of this provision would be severely damaging to our institutions; it would discourage precisely the very large gifts that make or break our programs of voluntary support. The deductibility of such gifts of appreciated property produces a benefit to society wholly distinctive from the other stated tax preference items. The unfortunate consequences of this provision would, in our judgment, discourage such vitally needed philanthropy at great cost to our future welfare and for relatively little revenue to the federal government.

(2) Inclusion of gifts of "a future interest in property" among those appreciated gifts that would be disqualified for deduction on the basis of fair market value (p. 34).

The adverse effect of this provision would appear unintended. The stated reasons for denying deduction for such gifts are (a) difficulty in evaluation and (b) over-valued claims for deduction. Although abuses infrequently arise in the valuation of gifts of tangible personal property, they do not occur in gifts of future interest. For colleges and universities, the provision would virtually eliminate gifts subject to life income. These gifts are usually made by donors of limited means who wish to contribute substantially to their college or university, but who must safeguard their personal lifetime security by retaining the income from their gifts. Upon the death of the income beneficiaries, the gift passes irrevocably to the institution.

The value of the tax deduction on such a gift is exactly ascertainable by mathematical computation; under existing law, it is determined by reference to U.S. Treasury issued actuarial tables.

The experience of representative Pennsylvania colleges and universities during 1968–69 (See Appendix B attached hereto) shows that gifts subject to life income are preponderantly in the form of securities. Such gifts would be markedly discouraged, if not altogether precluded, by the loss of fair market value deductibility.

(3) The assorted effective dates of various provisions of H.R. 13270 and the prospective application of new rules to past established contracts or trusts between donors and our institutions are not only confusing, but are inequitable. Such arrangements entered into with *bona fide* reliance on existing statutes or regulations should not, we submit, be upset.

Other provisions of H.R. 13270 to which we respectfully call attention are:

(1) Charitable Remainder Trusts (pps. 37–38).

Tied in with gifts of "future interest," previously discussed, these provisions designed to prevent a life tenant from benefiting at the expense of the remainder interest passing to our institutions, fail to distinguish between situations where control of the assets is in the hands of the educational institutions and where it is not. Where an educational institution is Trustee, the possibility of abuse is eliminated, for, realistically, no reputable college or university would countenance tax mischief on the part of a donor. Similarly, trust law concepts of every state impose fiduciary responsibilities upon Trustees, which make improper administration punishable by surcharge. The Bill provisions would eliminate deduction for the traditional life income gift, namely, a reservation of a life estate in real property with the property passing outright at the death of the life tenants to a college or university. Again, in such a situation, deduction abuse is not possible and the basis for this restriction is without merit.

(2) Charitable contributions of estates and trusts (pps. 36–37).

The one-year "set aside" limitation is insufficient where circumstances beyond the control of a Trustee or an Executor (e.g., tax audits, litigation, appraisals) prevent a distribution to a charity within that period.

(3) Gifts of tangible property (pps. 33–36).

Other than a gift of one's own work by an artist, author, or other creative person, gifts of tangible property are now capable of fair evaluation by Treasury procedures, which prevent an excessive deduction. The fair market value deduction has encouaged gifts of unique manuscripts and great works of art to our institutions that might otherwise not be made available to students, scholars and the public.

(4) Gifts of use of property (p. 37).

This provision requires a clarification of definition. As written, a donor might be denied a charitable deduction for a gift of 50 acres of a 100-acre tract of land, or a remainder interest subject to a life estate. As intended, the provision was to deny a deduction for the fair rental value where a gift of use of property was made—a principle we do not oppose.

(5) Filing information returns (pps. 18–19).

While none of our institutions objects to disclosure to the Treasury of its income and expenses, or its donors or highly compensated employees, the extraordinary proposal to expose this latter information by name and address to the public record could have serious adverse consequences in the day-to-day operations of our institutions. The rationale for their rule with respect to "private foundations," namely policing their exempt status, is inapplicable, we submit, to educational institutions such as ours. Our purpose is in evidence on our campuses at all times.

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*References are to August 18, 1969 *Summary of H.R. 13270* prepared by the Staffs of Joint Committee on Internal Revenue Taxation and Committee on Finance.

In addition, we question the logic of taxing foundations at a revenue-producing rate. Foundations are an important source of support for higher education and a stimulant to innovative solutions to society's problems. To supervise foundations and require them to bear the cost of supervision is eminently fair; to impose a tax upon them ostensibly to raise revenue would be a denial of the function for which this type of organization was permitted by Congress.

Regulation of foundation expenditures through penalty must not be an excuse for control; if this happens, their distinctive contribution to society will be largely lost, and contemporary problems, often requiring legislative cures, will ultimately lose the benefit of the research which Foundations have supported with increasing effectiveness.

Conclusion

Tax reform, once enacted, will influence national priorities for years to come. We believe the Congress would agree that the development of our capabilities in higher education must have a basic place among these priorities.

Speaking for 70 colleges and universities in the Commonwealth of Pennsylvania that are educating approximately 128,600 students each year and whose expenditures for that purpose aggregated over $348,000,000 in 1968, we urge that while tax reform is needed and timely, remedial legislation must not impede the fulfillment of national expectations vested in our country's colleges and universities. If we are to continue to provide knowledge, education, and understanding as wellsprings of our nation's strength, critical incentives to private support require the endorsement of our nation's leaders.

APPENDIX A.—GIFTS OF SECURITIES OR REAL ESTATE TO REPRESENTATIVE PENNSYLVANIA COLLEGES AND UNIVERSITIES FROM INDIVIDUAL DONORS IN FISCAL YEAR ENDING JUNE 30, 1969

Institution	Value of gifts of securities or real estate from individuals	Percentages of such gifts to total gifts from individuals
Haverford	$1,214,000	70
Pennsylvania	6,909,000	61
Juniata	243,000	53
Lehigh	2,022,000	52
Chatham	5,000,000	50
Carnegie Mellon	6,573,000	48
Lafayette	674,000	44
Bryn Mawr	$1,536,000	44
Pennsylvania Military College	561,000	40
Moravian	244,000	34
Rosemont	271,000	34
Washington & Jefferson	418,000	33
Drexel	327,000	32
Gettysburg	352,000	27
St. Joseph's	350,000	26
Bucknell	441,000	24
Lebanon Valley	58,000	23
Westminister	280,000	22
Villanova	89,000	15

APPENDIX B.—ILLUSTRATIVE GIFTS SUBJECT TO RESERVATION OF LIFE INCOME MADE IN THE FORM OF SECURITIES

Institutions	Total value of gifts subject to life income	Percentage of such gifts made in securities
Philadelphia College of Pharmacy and Science	$150,000	100
Drexel	300,000	100
Lehigh	1,480,000	95
Carnegie Mellon	621,000	91
Pennsylvania	2,597,000	87
Bryn Mawr	750,000	85
Gettysburg	293,000	60
Bucknell	623,000	41

APPENDIX C

Additional endorsing institutions of Pennsylvania Commission for Independent Colleges and Universities

Allegheny College, Meadville; Alliance College, Cambridge Springs; Carlow College, Pittsburgh; Delaware Valley College of Science & Agriculture, Doylestown; Dropsie College, Philadalphia; Duquesne University, Pittsburgh; Elizabethtown College, Elizabethtown; Gannon College, Erie; Geneva College, Beaver Falls; Grove City College, Grove City; Holy Family College, Philadelphia; Lycoming College, Williamsport; Mercyhurst College, Erie; Messiah College, Grantham; Moore College of Art, Philadelphia.

Mt. Aloysius Junior College, Cresson; Philadelphia College of Art, Philadelphia; St. Charles Borromeo Seminary, Philadelphia; St. Francis College, Loretto; St. Vincent College, Latrobe; Seton Hill College, Greensburg; Thiel College, Greenville; Valley Forge Military Junior College, Wayne; Villa Maria College, Erie; Waynesburg College, Waynesburg; Wilson College, Chambersburg; York College of Pennsylvania, York.

THE WATER POLLUTION CONTROL FUNDING GAP

Mr. YARBOROUGH. Mr. President, a clean and healthful environment is emerging as one of the most discussed public issues. Population experts remind us that we can expect the United States to have a population of 300 million by the end of the century. Resource experts remind us that although populations are variable, resources are fixed. No matter how many people there are, the supply of air, water, and land remains the same.

These facts can only mean that greater care must be taken to use resources wisely, and to leave them in a condition that permits them to be reused over and over.

We are all aware by now that this is especially true of water. Ever since 1956, when Congress first enacted water pollution control legislation, the public has been aware that pollution of the national water supply is the most critical of all environmental pollution. But it is also a condition we know how to control. We know what is necessary to have pure water, and still use it for industry, transportation, recreation, and public supply.

We are not waiting for a technological breakthrough; we are waiting for a budgetary breakthrough. The figures speak for themselves. The September issue of Nation's Cities contains a documentation of the water pollution control funding gap. It shows that 71 percent of the need for funds will go unmet in the budget. Of $1 billion authorized, only $214 million is requested for the Clean Waters Restoration Act for fiscal year 1970.

For Texas, $51 million is allocated under the 1970 authorization, but only $9.6 million would be available under the budget request. We are not going to control the Nation's growing pollution problem at that rate. I ask unanimous consent that the table and an article entitled "Are the Cities Trapped in the Water Pollution Control Funding Gap?" be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE WATER POLLUTION CONTROL FUNDING GAP

AUTHORIZATIONS VS. ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT

[In millions]

States	1968		1969		1970		1968–70 funding gap total [1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated [1]	Total authorized	Total allocated	Total gap	Not funded (percent)
Totals	$450.0	$203.0	$700.0	$214.0	$1,000.0	$214.0	$2,150.0	$631.0	$1,519.0	70.7
Alabama	8.4	4.1	12.9	4.1	18.3	4.1	39.6	12.3	27.3	68.9
Alaska	1.2	.9	1.5	.9	1.9	.9	4.6	2.7	1.9	41.3
Arizona	3.8	2.0	5.6	2.1	7.8	2.1	17.2	6.2	11.0	64.0
Arkansas	5.2	2.9	7.6	2.8	10.6	2.8	23.4	8.5	14.9	63.7
California	35.3	14.6	56.9	14.9	82.8	14.9	175.0	44.4	130.6	74.6
Colorado	4.7	2.4	7.1	2.4	10.0	2.4	21.8	7.2	14.6	67.0
Connecticut	6.2	2.9	9.7	2.9	13.9	2.9	29.8	8.7	21.1	70.8
Delaware	1.6	1.1	2.3	1.1	3.0	1.1	6.9	3.3	3.6	52.2
District of Columbia	2.3	1.3	3.3	1.3	4.6	1.3	10.2	3.9	6.3	61.8
Florida	11.8	5.3	18.6	5.4	26.8	5.4	57.2	16.1	41.1	71.9
Georgia	9.8	4.6	15.1	4.6	21.6	4.6	46.5	13.8	32.7	70.3
Hawaii	2.2	1.4	3.0	1.3	4.1	1.4	9.3	4.1	5.2	55.9

Footnotes at end of table.

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THE WATER POLLUTION CONTROL FUNDING GAP—Continued

AUTHORIZATIONS VS. ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT—Continued

[In millions]

States	1968		1969		1970		1968–70 funding gap total [1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated [1]	Total authorized	Total allocated	Total gap	Not funded (percent)
Idaho	$2.5	$0.5	$3.4	$1.6	$4.5	$1.6	$10.4	$3.7	$6.7	$64.4
Illinois	22.9	9.6	36.7	9.8	53.4	9.8	113.0	29.2	83.8	74.2
Indiana	11.1	4.9	17.5	5.0	25.2	5.0	53.8	14.9	38.9	72.3
Iowa	6.9	3.3	10.7	3.3	15.3	3.3	32.9	9.9	23.0	69.9
Kansas	5.7	2.8	9.6	2.8	12.2	2.8	26.5	8.4	18.1	68.3
Kentucky	7.8	3.7	12.0	3.8	17.0	3.8	36.8	11.3	25.5	69.3
Louisiana	8.3	4.0	12.7	4.0	18.1	4.0	39.1	12.0	27.1	69.3
Maine	3.1	1.9	4.5	1.9	6.1	1.9	13.7	5.7	8.0	58.4
Maryland	7.5	3.5	11.8	3.6	17.0	3.6	36.3	10.7	25.6	70.5
Massachusetts	12.0	5.3	19.1	5.4	27.6	5.4	58.7	16.1	42.6	72.6
Michigan	18.0	7.7	28.7	7.8	41.6	7.8	88.3	23.3	65.0	73.6
Minnesota	8.4	3.9	13.1	3.9	18.7	3.9	40.2	11.7	28.5	70.9
Mississippi	6.2	3.4	9.2	3.4	12.8	3.4	28.2	10.2	18.0	63.8
Missouri	10.3	4.7	16.3	4.8	23.4	4.8	50.0	14.3	35.7	71.4
Montana	2.4	[2].7	3.3	1.5	4.5	1.5	10.2	3.7	6.5	63.7
Nebraska	4.0	2.2	5.9	2.1	8.2	2.1	18.1	6.4	11.7	64.6
Nevada	1.2	.9	1.7	.9	2.2	1.0	5.1	2.8	2.3	45.1
New Hampshire	2.2	1.4	3.0	1.4	4.0	1.4	9.2	4.2	5.0	54.3
New Jersey	14.0	6.1	22.4	6.2	32.4	6.2	68.8	18.5	50.3	73.1
New Mexico	3.1	[2].7	4.4	1.9	6.0	2.1	13.5	4.7	8.8	65.2
New York	37.6	15.5	60.7	15.8	88.4	15.8	186.7	47.1	139.6	74.8
North Carolina	11.1	5.2	17.4	5.2	24.9	5.1	53.4	15.5	37.9	71.0
North Dakota	2.3	[2].3	3.3	1.6	4.3	1.6	9.9	3.5	6.4	64.6
Ohio	22.1	9.4	35.5	9.6	51.5	9.6	109.1	28.6	80.5	73.8
Oklahoma	6.1	3.1	9.3	3.1	13.2	3.1	28.6	9.3	19.3	67.5
Oregon	4.7	2.4	7.1	2.4	10.1	2.4	21.9	7.2	14.7	67.1
Pennsylvania	25.7	10.8	41.3	11.0	60.0	11.0	127.0	32.8	94.2	74.2
Rhode Island	2.7	1.6	3.9	1.6	5.3	1.6	11.9	4.8	7.1	59.7
South Carolina	6.5	3.4	9.7	3.4	13.7	3.3	29.9	10.1	19.8	66.2
South Dakota	2.5	[2].3	3.5	1.7	4.6	1.8	10.6	3.8	6.8	64.2
Tennessee	9.0	4.3	13.9	4.3	19.8	4.3	42.7	12.9	29.8	69.8
Texas	22.0	9.4	35.2	9.6	51.0	9.6	108.2	28.6	79.6	73.6
Utah	2.9	[2].7	41.1	1.8	5.6	1.8	12.6	4.3	8.3	65.9
Vermont	1.8	1.4	2.4	1.3	3.0	1.3	7.2	4.0	3.2	44.4
Virginia	9.7	4.5	15.1	4.5	21.7	4.5	46.5	13.5	33.0	71.0
Washington	7.0	3.3	11.0	3.3	15.7	3.3	33.7	9.9	23.8	70.6
West Virginia	5.2	2.7	7.8	2.8	10.8	2.8	23.8	8.3	15.5	65.1
Wisconsin	9.5	4.4	15.0	4.4	21.5	4.4	46.0	13.2	32.8	71.3
Wyoming	1.5	[2].005	2.1	1.2	2.6	1.2	6.2	2.4	3.8	61.3
Guam	1.6	[2].8	1.6	1.5	1.7	1.4	4.9	3.7	1.2	24.5
Puerto Rico	6.6	3.5	9.8	3.5	13.7	3.5	30.1	10.5	19.6	65.1
Virgin Islands	1.5	1.5	1.5	1.4	1.6	1.4	4.6	4.3	.3	6.5

[1] 1970 appropriations still pending.

[2] Actual amounts used by these 8 States although they were entitled to use more. Unused amount totaling $8.3 million from these 8 reallocated to other states.

Source: Federal Water Pollution Control Administration.

ARE THE CITIES TRAPPED IN THE WATER POLLUTION CONTROL FUNDING GAP?

(By Raymond L. Bancroft)

Hopes were high back in 1966 when the Congress approved the Clean Waters Restoration Act. NATION'S CITIES called it "one of the 89th Congress' most sweeping accomplishments."

And indeed it was. The act called for a steady and steep rise in federal assistance for sewage treatment facility construction—from $150 million in fiscal 1967 to $450 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971. Financially hard-pressed cities and counties were enthusiastic about the prospects of really being able—with increased federal help—to meet the water quality standards then being drafted by state water agencies under the Water Quality Act of 1965.

While the lofty money authorization levels set in the 1966 act remain intact, however, the appropriations to match them have not been made by Congress. In fact, as the table on page 8 shows, the appropriations from fiscal year 1967 through 1970 (including $214 million asked for '70) total $781 million, only a third of the $2.3 *billion* authorized. Construction grant officials in the Federal Water Pollution Control Administration said in July that applications for non-existent funds continue to pile up. A total of 4,648 applications for construction grants are now languishing in FWPCA regional offices or in state water pollution bureaus.

The result of the lag in federal funds for wastewater construction projects naturally has "put the burden back on the localities" to pay for needed projects, says Robert Canham, acting executive secretary of the Water Pollution Control Federation, a national association representing both industry and government.

"This whole situation has tended to lead to a lack of confidence by local and state officials in what federal aid levels will be," Canham adds. "The states are recognizing the problem where it counts . . . through their taxpayers with the expectation of federal assistance later."

The fact that municipalities and states are taking up the slack in waste treatment facility building left by inadequate federal assistance is borne out in a new WPCF publication, *Water Pollution Control Facts.*

"The influence of the federal grants program for the construction of wastewater treatment facilities, even at its $214-million per year level, assures the proper encouragement of construction by municipalities," the report states. "Witness the 1968 increase over 1967; it showed a 20 percent increase for a total of $1.35 billion, despite the fact that the level of federal grants funds did not increase. Fiscal 1970 continues at the $214 million level, the same as fiscal 1969. At least this will keep up the momentum."

Canham, however, wonders what will happen to the fight against water pollution when the 1966 act's current authorization expires in fiscal 1971, particularly if increased federal appropriations aren't forthcoming.

"The whole effort is bound to suffer," he says.

In advocating that Congress appropriate the full $1 billion authorized for fiscal 1970 construction grants, the National League of Cities has pointed out the bind in which many cities will find themselves if they cannot get federal assistance.

"Local improvements must be made since the act provides for enforcement through the courts," said NLC President C. Beverly Briley, Mayor of Nashville, in a letter to President Nixon urging his support of the full appropriation.

"Local units will be compelled to proceed with major improvements and expenditures whether or not the federal government meets its obligations. The sad product will be that cities will be forced to clean up the waterways but will do so at the expense of improving housing, education, and other critical local needs which draw upon the same resource base."

Already communities in Pennsylvania, Missouri, Florida, California, and New Jersey have faced state-imposed restrictions on future residential and commercial construction because of water pollution problems.

But many observers, including the NLC, feel it is unfair for cities to be forced to comply with water quality standards while many are not able to financially meet them because Congress has failed to appropriate funds already authorized.

Mayor Briley urged the Administration to either support efforts to get full appropriations or, if this is not possible, to modify the schedule of compliance to permit cities a longer period of time in which to meet water quality standards.

The primary reason for lack of adequate federal financing of the 1966 Clean Waters Restoration Act is the same given for other domestic program appropriation lags: the Vietnam War. Under prodding from the budget cutters, the Administration has sent Congress an alternative plan for financing waste treatment plant construction. Under the plan, the Secretary of the Interior could enter into contracts up to 30 years in length with a local or state government to pay the federal share of the costs of treatment plants.

This means larger bond issues would have to be floated and the locality or state would have to pick up the interest on the federal share. Federal payments to the state or local government would be made up to 30 years to cover that U.S. share. The National League of Cities and other groups representing local governments are opposed to the plan. "We think it stinks," said one NLC staffer.

1968 MUNICIPAL WASTE INVENTORY [1]

Size of place 1960 census	Primary treatment			Secondary treatment			No treatment	
	Total plants	Communities identifiable	Population served	Total plants	Communities identifiable	Population served	Communities	Population served
Unknown	112	65	6,284,805	643	302	8,049,603	15	271,725
Under 500	261	239	587,361	1,231	1,117	1,820,942	252	79,640
500–1,000	355	338	249,101	1,422	1,334	1,322,214	333	228,444
1,000–2,500	623	550	980,302	2,160	1,945	3,422,129	491	685,556
2,500–5,000	368	318	1,110,813	1,329	1,103	4,325,341	215	704,898
5,000–10,000	279	239	2,532,269	961	781	5,763,512	143	1,649,878
10,000–25,000	242	211	3,453,900	771	519	8,875,655	82	1,354,855
25,000–50,000	106	83	3,063,100	258	166	6,588,635	25	839,075
50,000–100,000	48	41	3,374,220	158	74	6,192,422	14	1,071,710
100,000–250,000	35	18	3,419,215	97	39	6,604,168	8	1,224,070
250,000–500,000	17	9	3,307,525	76	10	4,200,285	2	858,905
Over 500,000	22	6	15,372,410	77	9	18,620,880	2	2,305,900
Total	2,468	2,117	43,735,021	9,183	7,399	75,785,786	1,582	11,274,656

[1] Includes 1962 rather than 1968 conditions for the States of New York, New Jersey, Pennsylvania, Iowa and Arkansas.

Source: "The Cost of Clean Water and Its Economic Impact," Vol. 1, 1969 (preliminary data). Federal Water Pollution Control Administration.

As Joe G. Moore, Jr., the former commissioner of the Federal Water Pollution Control Administration, expressed it at a conference earlier this year:

"Congress . . . will again this year wrestle with the problem of how to provide additional funds for the construction of waste treatment facilities without appropriating money."

David D. Dominick, Moore's successor, expresses disappointment at the length of time it took to get the alternate financing proposal to Congress. But, he adds, "we must make the best of a tight budget situation because right now we are lagging in the fight for clean water."

Dominick's FWPCA is caught in the middle of the financing dilemma. It pushed hard for an appropriation of $600 million for construction grants in the proposed 1970 budget but the Bureau of the Budget chopped that request to $214 million, the same as that appropriated in 1969.

"It is most important that we make every effort in Washington to keep faith with the states that have already begun construction on their own," Dominick says. "We must keep faith with the municipalities which need additional financial assistance in order to meet the water quality standards to which they have agreed."

FWPCA officials in the field also feel the pinch of congressional promises in the light of funding realities. Richard A. Vanderhoof, director of FWPCA's Ohio Basin Region, notes the "clearly incompatible" nature of water quality standards and the funds available to meet them.

"We're making progress in water pollution control if everyone would stand still," Vanderhoof says. "But we must run faster. The combination of industrial growth and municipal growth almost puts us in a position of status quo, particularly with the level of funds we have available."

Although it is generally agreed that there is a whopping backlog of unmet sewage treatment needs in the U.S. (a 1967 FWPCA estimate put the total at $8 billion to provide secondary treatment for most of the urban population), the 1969 edition of FWPCA's *The Cost of Clean Water and Its Economic Impact* comes up with a much smaller backlog estimate of less than $2 billion.

"Only a fault in basic assumptions or a significant change in circumstances can account for the variation found to exist between various estimates of the cost of water pollution and control," the agency report says.

"It may be argued," the report continues, "that the concept underlying almost every cost estimate that has been made—that is, the idea of a fixed backlog—is no longer a valid assumption in light of the current status of waste treatment as reflected in the 1968 Municipal Waste Inventory.

"Water pollution is a process as well as a condition. It is dynamic in its occurrence; fluctuating in its circumstances. So water pollution control must be flexible in its approaches; and time forms an essential element in estimates of its cost.

"This document [the report], then, views the municipal costs of water pollution control within a context of dynamism. It gropes with the question of determining an *appropriate rate of investment* rather than establishing a final cost of water pollution control. In substituting the dynamic view for the static one, it recognizes the disagreeable fact that pollution control will continue to require expenditures, that pollution cannot be ended by spending any single sum. It loses something in apparent precision. It is felt, however, that the view compensates for any lack of definition by bringing us closer to a manageable statement of real conditions.

"The changed way of looking at things imposes a broader view and forces recognition of problems in relating federal programs to events in such a way that the programs will not be out of date or mis-scaled by the time they are initiated. While all the ramifications of the approach are not understood, analyses now being undertaken can be expected to yield some insights over the coming year. These may be useful in recasting legislation after the expiration of current authorization in fiscal year 1971."

The FWPCA report also points out that new treatment plant investments are fairly close to the estimated need for construction and that rates of investment for interceptors and outfalls are very close to the level of indicated requirement. "But sewer, replacement, and expansion shortcomings seem to be developing," it adds. "Since 1963 the construction of new waste treatment plants has been declining relative to the other major categories of investment that qualify for FWPCA construction grants—replacements, additions, and installation of interceptor sewers."

But the FWPCA notes that the decline in new treatment project should not be a surprise. An "enormous number" of new plants—more than 7,500—have been built between 1952 and 1967 and the great majority of the population with sewers now receives some sort of waste treatment.

Since only four cities over 250,00 population (Honolulu, New Orleans, Memphis, and parts of New York City) remain available for *initial* waste treatment investments, the coming investment in new plants is concentrated in small towns. The FWPCA report says communities under 10,000 population now account for almost half of the dollar value of investment for new waste treatment plants, up from slightly more than a third during the 1952–55 period.

Estimates from the states in their program plans indicate that municipal waste handling investments over the 1969 through 1973 period will amount to about $6 billion, roughly equal to that spent over the past five years, the FWPCA report says. It is very likely that spending for upgrading, expansion, and replacement needs in 1969 will exceed the outlays for new plant investments. "There seem to be great expansion and replacement needs in cities of all sizes," the report notes.

Adding to this trend will be the need for advanced waste treatment to meet the stricter state water quality control standards. Tertiary or advanced waste treatment is a state goal for many Indiana communities by 1977, is contemplated for some Ohio towns, is being phased into the Chicago system, and is planned for part of Long Island. Construction costs zoom upward for advanced treatment facilities.

The need for advanced treatment, the increased emphasis on upgrading operational efficiency, and the need to raise operator wages will increase operating and maintenance costs of municipal waste treatment plants "very sharply in the immediate future," the FWPCA report notes. Already these operating and maintenance costs total $150 million to $200 million a year, a doubling in the last decade.

In summarizing its findings, the FWPCA concludes:

"It would appear, then, that there may be a substantial gap opening between the amount the nation expects to spend—as measured by state program plans and by the level of federal construction grant appropriations—and the amount that will be required to complete the connection of all sewered places to waste treatment plants and to expand, replace, and upgrade treatment where it now exists.

"The fact that the states as a group anticipate programs that will involve a level of spending very close to that of the last six years is a cause for major concern, despite the major accomplishments of the last six years.

"The findings of this report show that investment requirements imposed by new plant construction, expansion, replacement and upgrading of plants, accelerating acceptance of industrial wastes in the municipal plant, increasing levels of waste reduction being required, and the fact that a very significant portion of needed new investment occurs in precisely those places where cost experience in the past has been highest, will all result in pressing capital requirements upward significantly for many years."

INVITATION TO ATTEND WENDELL WILLKIE MEMORIAL BREAKFAST

Mr. SCOTT. Mr. President, I am most pleased to invite all Members of the Senate and House to participate in a memorial breakfast to commemorate the 25th anniversary of the death of the late Wendell Willkie.

Born and raised in Elwood, Ind., Wendell Willkie was a leader, statesman, and the nominee of his party for the Presidency. He exercised in his time, and continues to exercise a profound influence on the destiny of our Nation.

It will be my honor to preside at this breakfast. Senator JOHN SPARKMAN will join me in addressing the gathering, and

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Rev. Edward L. R. Elson, Chaplain of the Senate, will deliver a memorial prayer.

The breakfast will be held in room S–207 of the Capitol at 8:30 a.m. on Wednesday, October 8. If you plan to attend, please contact Mrs. Lamar Toole of my staff at extension 6324 at your earliest convenience since there is a limited seating capacity in S–207. Individual invitations to this effect have already been extended to all Members of the Senate and House, but I believe the nature of the occasion makes this formal announcement in the Senate most appropriate.

I look forward to seeing you on Wednesday.

TESTIMONY OF SENATOR GOODELL BEFORE THE COMMITTEE ON FINANCE ON THE TAX REFORM ACT OF 1969

Mr. GOODELL. Mr. President, this morning I testified before the Committee on Finance on the Tax Reform Act of 1969 (H.R. 13270). The swift enactment of legislation to reform our tax structure is a matter of great concern to me.

I discussed with the committee the provisions of a bill which I am introducing today to provide two new selective tax relief measures in lieu of the blanket rate reductions in the House-passed bill: A 25 percent tax credit for medical expenses and a graduated tax credit for higher education expenses.

I also made recommendations to the committee on other provisions in H.R. 13270: The investment tax credit, capital gains tax, tax exemption of municipal bonds, donations of appreciated property, and the tax treatment of foundations.

Mr. President, I ask unanimous consent that the text of my statement to the committee, a summary of my testimony, and the text of my bill be printed in the RECORD.

There being no objection, the summary and text of the bill were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GOODELL TO THE SENATE FINANCE COMMITTEE ON THE TAX REFORM ACT OF 1969, OCTOBER 3, 1969

Last month, the House of Representatives passed a tax reform measure of comprehensive scope. That fact alone has provoked widespread interest in Congress and throughout the nation. Comprehensive tax reform is so long overdue that we are all grateful for a measure which does, in fact, address itself to correction of many of the inequities in our tax laws—inequities that over the years have transformed the democratic ideal of our graduated system of income taxation into a haven for special privilege.

Like a child who has taken his first few steps, we're a little awed by our own courage but delighted to discover that we do have, after all, the ability to go where we want to go. In our enthusiasm, however, let us not lose sight of where it is we want to go.

REVENUE-PRODUCING REFORMS

The House bill does represent a first step—some see it as a somewhat shaky and uncertain step—toward elimination of special tax privileges which do not serve the national interest. The Treasury estimated that this loop-hole plugging function of the bill will eventually bring in $4 billion per year in additional revenue collections. A feature of the bill designed primarily to fight inflation—repeal of the investment credit—is expected to bring in an additional $3.3 billion per year.

These revenue-producing provisions make possible for the first time in many years a responsible and creative reexamination of the ways in which the taxpayer's burden may be lightened—not just to serve the individual's narrow interest in decreasing his own taxes but to serve the national interest.

BLANKET RATE REDUCTION

I do not think the across-the-board reduction in tax rates included in the House bill are in the national interest.

The tax reform and anti-inflationary provisions in the House bill will in the long-term raise an additional $8.1 billion per year. The blanket rate reductions and other relief measures in the bill would cost $10.5 billion per year. This leaves a net loss of $2.4 billion per year.

This loss—unless it is offset by reductions in Federal spending—will simply add to inflationary pressures. The inflationary effect will be particularly strong because blanket rate reductions *directly* feed consumer spending.

If we really are concerned with fighting inflation—as I think we have to be—we simply cannot afford the fiscal luxury of this sort of wholesale rate reduction.

It is surely apparent that the last general reduction in tax rates which took effect in 1964 and 1965 has contributed materially to our present overheated economy. It may be appropriate in the future to consider another general reduction of the magnitude proposed in the House bill. This is not the time, however. Let us first give our unpleasant fiscal and monetary medicine a chance to bring the present bout of inflation under control before risking renewed infection.

It is, moreover, difficult enough to solve the pressing social problems facing the country in the present stringent budgetary situation. Passing a tax bill in which tax cuts exceed revenue-raising measures will only aggravate the situation.

For these reasons, and for other reasons detailed in the testimony of Secretary Kennedy before the Senate Finance Committee, I prefer the Administration proposals on the low income allowance, on the standard deduction and on the rates for single taxpayers to the analagous provisions of the House bill. I also prefer the Administration's proposal to eliminate the gasoline tax deduction.

I would, however, go further—and oppose the blanket rate reductions contained in the House bill.

SELECTIVE TAX RELIEF

It makes much more sense, in lieu of blanket rate reductions, to adopt a rational choice among our high-priority goals which may most effectively be served by tax relief. Let me suggest two national assets which are fundamental to the quality of American life and which may be served effectively by carefully directed tax-relief innovations: the health of the body and the development of the mind.

I propose the use of income tax credits to lighten the burden of the lower- and middle-income citizens who incur expenses for medical care or for higher education. These tax relief provisions will inevitably extend the scope and improve the quality of modern techniques devoted to health care and higher education.

A recent Harris survey has shown that 33% of American families consider medical and educational costs as the major financial problems they are facing. The tax relief measures I am proposing will help reduce the impact of these costs on family budgets.

These two tax relief proposals—the credit for medical expenses and the credit for higher education expenses—are set forth in a bill which I am introducing today and which I would like to submit to this Committee with my statement. I respectfully suggest the Chairman consider the substance of this bill as an amendment to the Tax Reform Act this Committee is now considering.

CREDIT FOR MEDICAL EXPENSES

I propose a 25% credit against income tax for all reasonable, uninsured medical expenses—including hospitalization, professional fees, medicine, and related insurance premiums. This credit would be subject to a maximum annual limitation of from $500 to $800 (depending on the number of the taxpayer's dependents) and subject to gradual reduction in higher tax brackets.

Under existing law, a deduction is available for that portion of general medical expenses which exceeds 3% of the taxpayer's adjusted gross income. And only that portion of the cost of medicine which exceeds 1% of adjusted gross income may be taken into account for purposes of calculating the deduction.

EFFECT OF STANDARD DEDUCTION

These existing provisions are of limited significance. One reason for this is that no relief is available to the broad category of taxpayers who elect the standard deduction. And more often than not it is these taxpayers who are most in need of relief. The enlargement of the standard deduction proposed in the House bill serves to underline this objection.

Under the provisions I propose, relief would be available by way of direct credit against the tax due, whether or not the taxpayer uses the standard deduction.

NEED FOR RELIEF

In the cases when the existing deduction does become available, another defect is apparent: the amount of tax relief increases with the taxpayer's bracket. A medical expense deduction is worth roughly twice as much to the taxpayer in the 50% bracket as it is to the taxpayer in the 25% bracket.

The tax credit provisions I am proposing would provide direct tax relief (up to the $500 to $800 limit), rather than a percentage relief based on the tax bracket. It thus provides real benefits to low- and middle-income taxpayers.

Furthermore, the credit would be decreased on a percentage scale as the taxpayer's income rises over $25,000. No credit at all would be available for the very wealthy—those taxpayers with incomes over $65,000.

OPTIONAL MEDICAL EXPENSE DEDUCTION

Because the credit is limited to a maximum of $500 to $800, taxpayers with unusually high medical expenses should continue to have the option to utilize the existing medical expense deduction. Accordingly, my proposal will retain this option.

PREVENTIVE MEDICINE

An undesirable feature of the present law is, in my opinion, its reinforcement of the economic barrier to periodic medical checkups and to early professional consultation when the first symptoms of illness appear. The barrier is reinforced because the initial medical expenses in any year up to the threshold of 3% of adjusted gross income are not deductible. If the taxpayer's annual income is $10,000, that threshold is $300.

It is my hope that the credit I propose for these initial expenses will encourage periodic physical examinations and early professional consultation. The key to good health lies in recognizing and overcoming the incipient threat of disease before it develops. The cost to us of failing to encourage the practice of preventive medicine, in terms both of human and monetary loss, is beyond measure. The tax credit I propose will fulfill this essential function.

LIMITATION TO REASONABLE EXPENSES

There must, of course, be safeguards to assure that the medical expenses incurred

and sought to be credited are reasonable. The Secretary of the Treasury should be given authority to establish and adjust by regulation a schedule of maximum creditable charges for such items as hospitalization expenditures and consultation fees.

CREDIT FOR EXPENSES OF HIGHER EDUCATION

I propose a credit against income tax for a portion of expenses incurred for undergraduate and post-graduate education. The costs of expenses such as tuition, books and supplies would be covered, subject to a maximum annual limitation of $325 per student and a gradual reduction of the available credit in higher tax brackets.

Like the credit for medical expenses, the credit for expenses of higher education would be available whether or not the taxpayer uses the standard deduction. And reduction of the credit in higher brackets would assure that lower- and middle-income taxpayers receive the primary benefits.

SLIDING SCALE

The amount of the credit would be reduced on a sliding scale as the expense increases. This would equalize benefits between low-tuition and high-tuition institutions. Proportionately greater tax relief would be available for payment of low tuitions.

The sliding scale would operate in the following way. Of the first $200 in expenses for any one student, 75% would be creditable; of the next $300, 25% would be creditable; of the next $1,000, 10% would be creditable. Expenses for any one student in excess of $1,500 would be ineligible for credit in any year, and the maximum annual credit would be limited to $325.

PREVIOUS PROPOSALS

A sliding-scale credit for expenses of higher education is not a new idea. I sponsored legislation providing for such a credit while serving in the House of Representatives. In 1967 the Senate approved legislation similar to that which I now propose, but the credit, vigorously opposed by the Johnson Administration, was eliminated in conference.

In two respects, however, my proposal differs from the measure approved by the Senate in 1967.

LIMITATION ON BENEFICIARIES

Under my proposal, relief would be limited to expenses for education of the taxpayer himself, of his spouse or of his dependents. The 1967 measure would have provided multiple credits for the education of anyone whose expenses the taxpayer chose to pay.

THE STUDENT PAYING HIS OWN WAY

One shortcoming of the 1967 measure was the likelihood that little or no assistance would become available to the student working his way through college. For at the time his expenses were incurred, his income would normally be so low that little or no tax would be payable against which his credit may be taken. This likelihood would be increased by provisions of the present House bill which enlarge the standard deduction and low-income allowances.

I propose, therefore, that to the extent any credit for the taxpayer's own educational expenses may not currently be used due to low tax liability, it be carried forward for use in any of the next ten years. This is appropriate since the training and skills acquired in the educational process contribute materially to the production of income in later years, and I believe this to be true not just of specialized vocational training but of general curricula at both undergraduate and graduate levels.

IMPROVING AND BROADENING EDUCATIONAL OPPORTUNITIES

The general arguments for and against a tax credit for educational expenses are well known and have been developed at length in recent years.

What most impresses me is the impetus such a measure will inevitably give to (1) improving our educational system at both public and private institutions and (2) broadening the opportunities available to the public for higher educational training.

The legislation I propose will encourage the widest possible attendance at colleges and universities and help spread the benefits of higher educational training throughout our population.

In some ways, carefully directed use of tax relief is the most effective form of government assistance to higher education. It does not require the creation of cumbersome and costly bureaucratic machinery. And it avoids controversy over government determinations as to the institutional beneficiaries of federal support.

There can be no charge that, by government fiat, church-sponsored institutions are being favored, that secular institutions are being favored, that public institutions are being favored, or that private institutions are being favored. Institutions will benefit from the indirect support of the proposed tax credit solely to the extent they attract students. And the attraction for students will increase as educational opportunities improve.

FISCAL EFFECT OF TAX CREDIT PROPOSALS

The Treasury estimates that the annual cost of the credit for medical expenses I have proposed would be about $3 billion; and that the annual cost of the credit for educational expenses would be less than $2 billion. I would propose that both credits become effective for the 1972 fiscal year.

The total annual cost of both tax relief measures would be approximately equal to the annual increase in revenue expected to result by 1979 from the reform and anti-inflationary provisions of the House bill (other than the reform provisions which I oppose for reasons set forth elsewhere in this statement).

The enactment of these two tax credits would not have the same inflationary effects as the across-the-board cuts in the House bill. This is because their inclusion in the House bill—in lieu of the across-the-board reductions—would create a situation where the revenue-reducing measures in the bill would not exceed the revenue-producing measures in it by a large amount. In addition, these tax-credits would not directly feed consumer spending to the same extent as blanket rate cuts.

THE INVESTMENT TAX CREDIT

I have serious reservations about the advisability of repealing the investment tax credit.

Vigorous fiscal measures are clearly needed to combat the inflation that now threatens our economy. We must accept the fact that these measures, to be effective, cannot be painless.

We must be equally aware, however, of the risks of putting all the fiscal and monetary brakes on at once. The anti-inflationary measures we are invoking now may take a substantial period of time before they are fully felt—and then may "grab" all at once.

This problem of a long "lead" time is particularly serious in the case of the investment tax credit. The credit does not primarily affect consumer spending now; it affects capital expenditures 6 months to 2 years from now. Removing the credit now may "take hold" at a future time when we are no longer so much concerned with inflation as with recession.

The experience of a few years ago—when Congress repealed the credit only to restore it—suggests the inadvisability of trying to turn the credit on and off to offset swings in the economy. Congress repealed the credit to halt the inflation—only to find that this action took effect in the economy when inflation was no longer the problem, and then hurried to restore it. I opposed repeal at that time.

I think it is essential to have a permanent tax incentive for long-run economic growth. The investment tax credit serves this function.

I am aware, however, that repeal of the credit has broad support in both Houses of Congress and the Administration, and thus is almost certain to pass. Accordingly, in the calculations upon which my other proposals are based, I assume the credit would be repealed.

TAXATION OF CAPITAL GAINS

The Tax Reform Act proposes sweeping changes in the treatment of capital gains—including an increase in the rates and extension of the holding period necessary to qualify for long-term gains status.

In my opinion, inadequate study has been given to these changes.

These are some of the hard questions which will have to be fully explored in deciding whether to alter the existing system of capital gains taxation:

How will elimination of the 25% alternative tax on gains and application of a "minimum tax" to gains affect the availability of high-risk capital to finance new ideas, new technology, new businesses, new industries?

How will the expansion of the holding period to one year affect the essential liquidity of our securities markets?

How will the opportunity of lower- and middle-income families to build private capital for their future be affected?

The special treatment now accorded to capital gains is not just a loophole. It is a way of stimulating investment. Any change in this treatment must be considered, therefore, not in the loophole-plugging spirit merited by special privilege provisions of the tax code, but in the spirit of inquiry into all factors affecting capital formation and economic growth in this nation.

It may well be that changes of the present rules are desirable. But the effect of those changes on the economy, on markets, and on individuals must first be thoroughly understood. The haste with which action was taken on these changes in the House of Representatives did not permit adequate investigation of the consequences.

TAX TREATMENT OF INTEREST ON MUNICIPAL BONDS

I feel this is not the time to promote radical changes in the form of support extended by the Federal government for the financing undertaken by state and local governments.

This support now takes the form of a Federal tax exemption for municipal bonds.

The Tax Reform Act now before this Committee would partially nullify this exemption by subjecting interest from tax exempt municipal bonds to a "minimum tax" and to a rule of allocation of deductions.

I do not think these measures are well advised. The limited revenues these changes would bring to the Treasury would be more than offset by increased costs and difficulties which states and municipalities would encounter in marketing their bonds.

Our Federal system of government now faces a crisis of fiscal imbalance. The revenue-raising capacity of the Federal government is simply not matched by that of state and local governments.

President Nixon has been the first President to recognize fully the gravity of their crisis and to propose a bold "New Federalism" to help rectify it. Among the President's proposed reforms is one I have long supported—Federal revenue sharing with state and local governments. With this important initiative, the President for the first time has created a realistic hope that revenue sharing will become a reality in the near future.

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If revitalizing our Federal system is, indeed, our aim, we certainly cannot afford to take any action that hinders states and localities in marketing their obligations to finance their capital requirements.

TAXATION OF FOUNDATIONS

One of the most significant aspects of the House bill is its proposed changes in the tax treatment of private foundations.

Private philanthropic institutions have made incalculable contributions to the development of this nation. These contributions resulted from foundation innovation, creativity and support for new ideas. The possibility for innovation must be protected and nurtured if we are to continue to reap benefits in the future. Therefore, any far-reaching changes made in the tax treatment of foundations must be considered with great care.

No one can argue that there have not been abuses by foundations in the past which require correction. Self-dealing between a foundation and its donors must be prohibited. The misuse of tax exemption for private influence or gain should be curtailed. Greater public disclosure of foundation activities is in the public interest.

Nonetheless, curtailing existing abuses should not be a vehicle for a punitive attack upon the very essence of private philanthropic activities in this country. It is for this reason that I recommend that the Committee consider the following changes in the bill as it passed the House.

THE 7½ PERCENT TAX ON PRIVATE FOUNDATION INCOME

I am strongly opposed to the imposition of the proposed tax on foundation income.

In my judgment, this tax is an unwarranted departure from the principle that non-profit organizations organized for charitable purposes should be free from taxation.

It is discriminatory in that it would only be levied against foundations and not against other nonprofit charities such as schools, universities, churches, and hospitals.

It would hit not the donors or officers of foundations, but the whole range of educational, scientific, medical, cultural and social activities they finance. Any tax on foundations means an automatic corresponding loss of funds for these activities. To the extent that foundations aid the public, the public is hurt by a tax on their investment income.

Foundations have a commendable record of success in developing institutions overseas. Many foundations which operate in foreign countries receive the benefits of tax free status in those countries because of their exemption in the United States. Should a tax of any kind be imposed, this could result in a loss of their foreign exemption as well.

Finally, the tax creates a dangerous precedent. If it is appropriate to tax foundation income now at the rate of 7½ percent, then why not at 10 percent, or 25 percent next year or the year after? If the Federal government can tax foundations, why should State and local governments not do so? Should a tax be imposed, the road ahead is only too clear: government will take a larger and larger bite from foundation income, and a smaller and smaller portion will be left over to fulfill charitable and social purposes.

In my opinion, there are no advantages to be derived from imposing this 7½ percent tax. It would not be a revenue raising device of any significance, as it will bring in only about $65 million in the first year and $100 million by the tenth year. It would not aid in reforming known abuses, for these are dealt with in other sections of the bill.

In my opinion, the only rationale for collecting any revenue from foundations should be to encourage more effective supervision of their activities. For this reason, I would strongly recommend that the Committee substitute the requirement of an annual *filing fee* in place of the 7½ percent tax. This fee should be collected only to cover the costs of an increased program of supervision and audit by the Internal Revenue Service. This could be accomplished by charging each foundation either an amount proportional to its assets or a specified percentage—with an upper limit clearly set—of its income.

FOUNDATION PROGRAM ACTIVITIES

The bill would bar foundations from attempting to influence legislation through (1) attempting to affect the opinion of the general public or any segment thereof or (2) privately communicating with any member or employee of a legislative body or with any person who may participate in the formulation of legislation other than through making available the results of non-partisan analysis and research.

Foundations are engaged in studies or projects on almost every topic of public concern, be it drug abuse, air pollution, or international satellite communications. We as legislators have benefitted from this expertise. The public interest has been served by these activities. Does it make any sense to prohibit foundations from taking a public stand on vital issues or from discussing them with legislators? Does it make any sense to limit their treatment of such issues to a vaguely defined term, "nonpartisan research," and to prohibit them from making definitive recommendations or taking definitive action?

Surely, this is self-defeating.

Existing law prohibits foundations from *substantially* carrying on propaganda or otherwise attempting to influence legislation or supporting political parties and individual candidates. It is generally agreed that more effective enforcement procedures would substantially reduce violations of the existing statutory standard. Allowing the existing law to remain as it now is, with increased enforcement and supervision, should be adequate protection both for the public and the foundations themselves.

EXCESSIVE SANCTIONS

The bill now imposes heavy tax liabilities on foundations and foundation managers for violations of the programmatic and financial provisions of the bill. In my view, these penalties are excessive and should be scaled down.

I submit to the Committee that the present sanctions far exceed the reasonable limits of enforcing these violations. With this club hanging over the head of foundations and their officers, the result will no doubt be to inhibit their support for innovative and creative projects.

Consider, for example, the penalties for violating the provision regarding an attempt to influence legislation discussed above. The foundation would be taxed at the rate of 100% of the amount of the program expenditure paid for the improper purpose. In addition, foundation officials who knowingly made this expenditure would be taxed at the rate of 50% of the amount spent.

Many medium-sized foundations make grants of $50,000 and more—and the large foundations often make multi-million dollar grants. The imposition upon a foundation officer of a fine of 50% of these large amounts could ruin him financially. I submit to the Committee that this is neither rational nor justified. I fear that this will be an effective bar to people seeking jobs in foundations.

Any penalties for violations of the bill must be reasonable. Moreover, there should be a period in which violations can be corrected before the penalty is imposed.

THE DEFINITION OF FOUNDATIONS AND RESTRICTIONS ON GRANTS APPROVED AS "QUALIFYING DISTRIBUTIONS"

The bill creates a broad definition of private foundations which describes them from a totally new vantage point. The public has traditionally viewed foundations as private, nonprofit organizations with a principal fund of their own, established primarily to make grants in support of charitable, educational, scientific and civic purposes serving the public welfare.

The provisions of the bill would expand this traditional definition to such an extent that a wide range of other institutions would now be classified as "private foundations."

Some of these institutions are primarily engaged in research or conduct studies on educational, medical, scientific and social issues. They have never been considerd foundations in the past. Others are public service organizations working with the community on health, welfare and other programs. Many of them are heavily dependent upon foundation grants for their very existence. Newly classified as foundations under the bill, they would be subject to the supervisory tax or filing fee—thereby having less money available to conduct their activities. They would also be subject to the House bill's program limitations upon foundations.

In addition, the bill requires that foundations annually allocate at least 5% of their investment assets in order to insure prompt charitable distribution of annual foundation income. Grants from one foundation to another foundation would not qualify as approved distributions under this provision, except in the case of those organizations classified as "private operating foundations."

It is reasonable to expect that because of this provision foundations would make grants with an eye toward meeting their qualifying distribution requirements. This could have an extremely damaging effect upon a large number of institutions—those not classifiable as "operating" foundations—which currently depend upon foundation grants for their very existence. Overseas organizations established under U.S. foundation grants would also be so affected.

I would recommend to the Committee that it redraft the present definition of a foundation now in the bill to reflect the traditional public view of foundations as funded nonprofit, private, grant-making organizations.

FOUNDATION RESPONSIBILITY FOR THE EXPENDITURES OF GRANTEES

I would agree that foundations should exercise responsibility for the grants which they make. However, this standard of responsibility should be one of reasonable care and diligence. It should not be absolute liability.

The bill—unrealistically, in my view—imposes a standard of absolute liability. Foundations are required to exercise "full" expenditure responsibility over the grants they make to all beneficiaries except for grants to publicly supported or other "30 percent" charities. Foundations would have to make absolutely sure that the funds are spent for the purposes for which the grant was made.

In order to comply with this requirement, foundations would probably have to increase greatly their auditing and monitoring staff. It can be argued that an unintended result of the bill would be domination by the parent foundation over the program of its grantee. This is neither necessary nor desirable.

The requirement could have other effects. Foundations might tend to limit their grants to those charities exempted from it. New organizations, in the process of building a program, might suffer from lack of support. Once again, we would be discouraging innovation and pioneering.

Therefore, I would recommend that the Committee replace the standard of "full" responsibility with a standard of "reasonable care and diligence".

GRANTS TO INDIVIDUALS

Under the provisions of the bill, grants by foundations directly to individuals must be made according to "objective" standards. The Ways and Means Committee report states that the grants must be "directed toward the production of a tangible product (a book, paper, or other study, or a scientific development or useful process), the achievement of a specific objective, or the improvement or enhancement of a literary, artistic musical, scientific, or other similar capacity talent, or skill."

These requirements would have the undesirable effect of barring the continuation of certain respected grant programs which are conducted simply to recognize excellence in a profession. There is also an implication here that the federal government would in some way have to approve the standards by which foundations make grants. The dangers of this need no further discussion.

I personally feel that we have already suffered too much from the effects of the "publish or perish" syndrome affecting the academic community. Why encourage this further?

DONATIONS OF APPRECIATED PROPERTY

I do not favor the proposals in the House bill concerning the tax treatment of gifts of appreciated property for charitable purposes. Colleges, universities, hospitals, and churches now receive gifts of appreciated property in heavy volume, and depend upon such gifts for nearly one-half of their philanthropic support. The House bill imposes new limits upon the degree to which such gifts can be deducted from taxable income, and exempted from a capital gains tax. The quantitative impact of these provisions is very damaging.

As James Reston pointed out in an article in the New York Times on August 31, 1969, "In the opinion of university administrators and fund-raisers, it is precisely this tax incentive of deducting the full market value of appreciated securities that is responsible for the immense flow of private giving in recent years. For example, in the years 1965–68, the market value of securities donated by individuals to Yale University amounted to $33,007,690 or 65 per cent of the total gifts from individuals during this period. In 1968–69, Harvard received $15,900,000 or 68 percent, and M.I.T. in 1968–69, $2,170,000 or 70 percent. Columbia University, which is now in the midst of a major fund-raising drive to deal with its serious financial problems, received $2,658,000 in security donations in 1966, $3,178,000 in 1967, and $6,038,000 in 1968, and it is still in deep trouble."

Of great concern to me is the provision in the bill which would prohibit the deduction of the value of works of art unless the appreciation is included in ordinary income. Assistant Secretary of the Treasury for Tax Policy Edwin Cohen pointed out that, "Our finest museums and art galleries are dependent on such gifts, and their contribution to the good of our society is universally acknowledged. We see no sufficient reason to distinguish such gifts from gifts of appreciated securities to other charities."

REALIZING THE FULL POTENTIAL OF TAX REFORM

In most other respects, the reform features of the House bill deserve support, even those which fall short of expectations. Taken together, these reforms represent a creditable first step toward elimination of inequity in the tax system.

Even more important, these reforms now permit *selective* tax relief innovations which will serve fundamental national interests, such as the two I have singled out: the preservation of health and the development of intellect.

Lower taxes for all may appeal to the voter today. The higher prices which result tomorrow will not.

Higher standards of national health and education could constitute a lasting heritage which this Congress now has power to dedicate to future generations.

Another opportunity may not come, if history is a guide, for another decade. Let us, therefore, make the most of today's reforms so that our children can make the most of theirs. They will need all the health and education we can give them to solve the other problems we will leave them.

Summary of Statement by Senator Charles E. Goodell

BLANKET RATE REDUCTION

Opposes the blanket tax rate reductions because of their inflationary effects. Supports the Administration proposals on low-income allowance, on the standard deduction and on rates for single taxpayers.

Proposes selective tax relief in lieu of blanket rates reductions.

CREDIT FOR MEDICAL EXPENSES

Proposes a 25% credit for medical expenses. This credit would be subject to a maximum annual limitation of $500 to $800 (depending on the number of the taxpayer's dependents) and subject to gradual reduction in the higher brackets. Taxpayers would be permitted the option of taking the existing medical deduction in lieu of the credit. The credit would take effect in 1972.

The existing medical deduction is of limited significance to low- and middle-income taxpayers because (1) it is not available for taxpayers who elect the standard deduction, (2) it is not available for taxpayers whose medical expenses are below 3% of their adjusted gross income, and (3) the value of the deduction goes down as the taxpayer's income goes down. The proposed credit has none of these defects, would provide real benefits to low-income taxpayers, and would encourage taxpayers to undertake the preventive medicine of regular medical check-ups and early professional consultation.

The estimated cost of the credit is $3 billion per year.

CREDIT FOR EXPENSES OF HIGHER EDUCATION

Proposes a credit for a portion of expenses incurred for undergraduate and post-graduate education. The costs of expenses such as tuition, books and supplies would be covered, subject to a maximum annual limitation of $325 per student and a gradual reduction of the available credit in higher tax brackets. For students working their way through college, the credit could be carried forward over a 10-year period. The credit would take effect in 1972.

The credit will constitute a major impetus to (1) improving our educational system at both public and private institutions and (2) broadening the opportunities available to the public for higher educational training.

The estimated cost of the credit is $2 billion per year.

INVESTMENT TAX CREDIT

Questions the wisdom of repealing the 7% investment tax credit.

CAPITAL GAINS TAX

Opposes the changes in the treatment of capital gains proposed in the House bill, because insufficient study has been given to the effect of these changes upon investment and long-term national growth.

MUNICIPAL BONDS

Opposes the changes in the tax exemption for municipal bonds proposed in the House bill, because they would interfere with the ability of states and municipalities to finance capital construction.

TAXATION OF FOUNDATIONS

Opposes 7½% tax on foundation income because it is an unwarranted departure from established principles; is discriminatory; would adversely affect the educational, scientific, medical, cultural and social activities of foundations; and would create a dangerous precedent. Sees no advantages in this tax either as a revenue raising device or as a measure to reform abuses.

Recommends substituting an annual filing fee to cover the costs of increased auditing and supervision by the IRS. This fee should be charged either as an amount proportional to the assets of each foundation or a specified percentage—with an upper limit clearly set—of income.

FOUNDATION PROGRAM ACTIVITIES

Regards provision in bill prohibiting foundations from formulating positions of issues as too sweeping, ambiguous, and self-defeating.

Recommends this provision be dropped.

Maintains that more effective enforcement of existing law—which prohibits foundations from substantially carrying on lobbying activities—should be adequate protection for the public and the foundations.

EXCESSIVE SANCTIONS

Opposes House bill's tax penalties on foundations and foundation managers. Considers these proposals excessive and a threat to support for innovative programs. Recommends proposed penalties be scaled down to reasonable levels, and recommends a period for correction of violations before penalty is imposed.

DEFINITIONS OF FOUNDATIONS AND RESTRICTIONS ON GRANTS MADE ELIGIBLE AS "QUALIFYING DISTRIBUTIONS"

Opposes new definition of private foundation as excessively broad. Notes that the House bill's definition, combined with the qualifying distributions requirement, will bar many organizations from receiving essential foundation support. Recommends that definition be redrafted to reflect the public's traditional view of foundations as funded non-profit, private, grant-making organizations.

FOUNDATIONS' RESPONSIBILITY FOR THE EXPENDITURES OF GRANTEES

Recommends that foundations be required to exercise "reasonable" responsibility over the use of their grants by recipients.

GRANTS TO INDIVIDUALS

Maintains that requirement for a concrete result from grants to individuals implies government approval and encourages undesirable "publish or perish" syndrome.

DONATIONS OF APPRECIATED PROPERTY

Opposes limits upon deduction of gifts of appreciated property to colleges, universities, hospitals, churches, schools, and museums.

S. 2992

A bill to amend the Internal Revenue Code of 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Tax Relief Act of 1969."

SEC. 2. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 42, and by inserting after section 39 the following new sections 40 and 41:

"MEDICAL EXPENSES

"SEC. 40. (a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, 25 percent of the amount of expenses paid by him during such taxable year for medical care of the taxpayer, his spouse and dependents (as defined in section 152) and not compensated for by insurance or otherwise.

"(b) LIMITATIONS—

"(1) DOLLAR LIMIT.—The credit under subsection (a) shall not exceed $500 for any taxable year. Such $500 limit shall, however, be increased (to an amount not above $800)

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by $100 for each dependent of the taxpayer other than his spouse during such year.

"(2) Schedule of maximum creditable charges: regulations.—The Secretary or his delegate shall prescribe regulations setting forth a schedule of maximum charges eligible for credit under subsection (a) in such defined categories of expenses for medical care as may be necessary to assure credit only of reasonable expenses pursuant to this section. The secretary or his delegate shall also prescribe such additional regulations as may be necessary to carry out the provisions of this section.

"(3) Reduction of credit.—The credit under subsection (a) as limited by paragraphs (1) and (2) of this subsection shall be reduced by an amount equal to 1 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $25,000.

"(c) Definitions.—For purposes of this section—

"(1) The term "expenses" for "medical care" means amounts paid—

"(A) for the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body,

"(B) for transportation primarily for and essential to medical care referred to in subparagraph (A), or

"(C) for insurance (including amounts paid as premiums under part B of title XVIII of the Social Security Act, relating to supplementary medical insurance for the aged) covering medical care referred to in subparagraphs (A) and (B).

"(2) In the case of an insurance contract under which amounts are payable for other than medical care referred to in subparagraphs (A) and (B) of paragraph (1)—

"(A) no amount shall be treated as paid for insurance to which paragraph (1)(C) applies unless the charge for such insurance is either separately stated in the contract, or furnished to the policyholder by the insurance company in a separate statement,

"(B) the amount taken into account as the amount paid for such insurance shall not exceed such charge, and

"(C) no amount shall be treated as paid for such insurance if the amount specified in the contract (or furnished to the policyholder by the insurance company in a separate statement) as the charge for such insurance is unreasonably large in relation to the total charges under the contract.

"(3) Subject to the limitations of paragraph (2), premiums paid during the taxable year by a taxpayer before he attains the age of 65 for insurance covering medical care (within the meaning of subparagraphs (A) and (B) of paragraph (1)) for the taxpayer, his spouse, or a dependent after the taxpayer attains the age of 65 shall be treated as expenses paid during the taxable year for insurance which constitutes medical care if premiums for such insurance are payable (on a level payment basis) under the contract for a period of 10 years or more or until the year in which the taxpayer attains the age of 65 (but in no case for a period of less than 5 years).

"(4) The determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 6013(d) (relating to determination of status as husband and wife).

"(d) Special Rules—

"(1) Treatment of expenses paid after death.—For purposes of subsection (a), expenses for the medical care of the taxpayer which are paid out of his estate during the 1-year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time incurred. The preceding sentence shall not apply if the amount paid is allowable under section 2053 as a deduction in computing the taxable estate of the decedent, but this paragraph shall not apply if (within the time and in the manner and form prescribed by the Secretary or his delegate) there is filed—

"(A) a statement that such amount has not been allowed as a deduction under section 2053, and

"(B) a waiver of the right to have such amount allowed at any time as a deduction under section 2053.

"(2) Application with other credits.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of the credits allowable under this subpart (other than under this section and sections 37, 39 and 41).

"(e) Disallowance of Expenses as Deduction.—No deduction shall be allowed under section 213 (relating to medical, dental, etc., expenses) or section 214 (relating to expenses for care of certain dependents) for any expense of medical care which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to expenses of medical care paid by any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"EXPENSES OF HIGHER EDUCATION

"Sec. 41. (a) General Rule.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount, determined under subsection (b), of the expenses of higher education paid by him during the taxable year to one or more institutions of higher education in providing an education above the twelfth grade for any family member.

"(b) Limitations—

"(1) Amount per family member.—The credit under subsection (a) for expenses of higher education of any family member paid during the taxable year shall be an amount equal to the sum of—

"(A) 75 percent of so much of such expenses as does not exceed $200,

"(B) 25 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 10 percent of so much of such expenses as exceeds $500 but does not exceed $1,500.

"(2) Reduction of credit.—The credit under subsection (a) for expenses of higher education of any family member paid during the taxable year as determined under paragraph (1) of this subsection shall be reduced by an amount equal to 1 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $25,000.

"(C) Definitions.—For purposes of this section—

"(1) Expenses of higher education.—The term 'expenses of higher education' means—

"(A) tuition and fees required for the enrollment or attendance of a student at a level above the twelfth grade at an institution of higher education, and

"(B) fees, books, supplies, and equipment required for courses of instruction above the twelfth grade at an institution of higher education.

Such term does not include any amount paid, directly or indirectly, for meals, lodging, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Institution of higher education.—The term 'institution of higher education' means—

"(A) an educational institution (as defined in section 151(e)(4))—

"(i) which regularly offers education at a level above the twelfth grade; and

"(ii) contributions to or for the use of which constitute charitable contributions within the meaning of section 170 (c); or

"(B) a business or trade school, or technical institution or other technical or vocational school in any State, which (i) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; and (ii) is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education; and (iii) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subparagraph.

"(3) State.—The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(4) Family member.—The term 'family member' means the taxpayer, his spouse or any of his dependents (as defined in section 152).

"(d) Special Rules—

"(1) Adjustment for certain scholarships and veterans' benefits.—The amounts otherwise taken into account under subsection (a) as expenses of higher education of any individual during any period shall be reduced (before the application of subsection (b)) by any amounts received by such individual during such period as—

"(A) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includible in gross income, and

"(B) educational assistance allowance under chapter 34 or 35 of title 38 of the United States Code.

"(2) Noncredit and recreational, etc., courses.—Amounts paid for expenses of higher education of any individual shall be taken into account under subsection (a)—

"(A) in the case of an individual who is a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction for which credit is allowed toward a baccalaureate or higher degree, and

"(B) in the case of an individual who is not a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction necessary to fulfill requirements for the attainment of a predetermined and identified education, professional, or vocational objective.

"(3) Application with other credits.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter reduced by the sum of the credits allowable under this subpart (other than under this section and sections 37 and 39).

"(e) Disallowance of Expenses as Deduction.—No deduction shall be allowed under section 162 (relating to trade or business expenses) for any expense of higher education which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to the expenses of higher education of any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"(f) Carryover of Excess Credit—Any amount by which the credit otherwise allowable under this section for the expenses of higher education of the taxpayer paid during the taxable year exceeds the tax which would be imposed on the taxpayer for such taxable year by this chapter in the absence of this section reduced by the amount of credit allowed for expenses of higher education of any other family member paid during such taxable year shall be allowed as a credit for expenses of higher education of the taxpayer deemed to be paid during the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, or tenth succeeding taxable years, in that order and to the extent such expenses were not deemed paid in a prior taxable year, in the amount by which the tax which would be imposed on the taxpayer for such succeeding taxable year by this chapter in the absence of this section reduced by the amount of credit allowed for expenses of higher education of any other family member paid during such succeeding taxable year exceeds the amount of credit allowable under this section for the expenses of higher education of the taxpayer paid during such succeeding taxable year plus the amount of credit allowable under this section for such expenses paid during any taxable year earlier than the current taxable year but deemed to have been paid during such succeeding taxable year, subject, however, to all limitations imposed by this section on the amount of credit allowable for such succeeding taxable year.

"(g) Regulations—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

Sec. 3. The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Medical Expenses.
"Sec. 41. Expenses of Higher Education.
"Sec. 42. Overpayments of Tax."

Sec. 4. The amendments made by section 2 and 3 of this Act shall apply to taxable years beginning after December 31, 1971.

PRESIDENT NIXON STEADFASTLY SUPPORTS HAYNSWORTH NOMINATION

Mr. HRUSKA. Mr. President, at the request of the minority leader, with whom I have discussed the matter, I wish to have inserted in the Congressional Record a letter which he, Chairman Eastland of the Judiciary Committee, and I have received from President Nixon this afternoon.

The letter deals with the President's nomination of Judge Haynsworth to be an Associate Justice of the Supreme Court and it states flatly and unequivocally the President's steadfast support of the nomination.

In view of the false and completely unfounded rumors concerning Mr. Nixon's position in this matter, I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, October 2, 1969.

Hon. Hugh Scott,
Minority Leader,
U.S. Senate,
Washington, D.C.

Dear Hugh: I have noted speculations as to my intentions respecting the nomination of Judge Haynsworth to the Supreme Court. In order that there be no misunderstanding on the part of anyone, I send this letter to confirm that I steadfastly support this nomination and earnestly hope and trust that the Senate Judiciary Committee and the Senate will proceed with dispatch to approve the nomination.

I am conversant with the various allegations that have attended this nomination. I have most carefully examined the record. There is nothing whatsoever that impeaches the integrity of Judge Haynsworth. There is no question as to his competence as a Judge. There is no proper faulting of his posture vis-a-vis Civil Rights or Labor.

It would be very wrong to allow unfounded allegations to deny this country of the distinguished service of Judge Haynsworth on the Supreme Court. I intend to do all that I can to secure his confirmation.

I hope you will make the contents of this letter known to your colleagues. I have sent a copy to Chairman Eastland and to Senator Hruska, ranking Republican member of the Committee, where this nomination is presently lodged.

Sincerely,

Richard M. Nixon.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, OCTOBER 6, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time not to be taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

CIVIL SERVICE RETIREMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2754) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time not to be taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Is the Senate now operating on limited time?

The PRESIDING OFFICER. The Senator from Montana is correct. The Senate is operating on limited time of 30 minutes, with 15 minutes to a side.

Mr. HOLLAND. The pending business is S. 2754 and the pending question is the point of order on section 207 of the bill, the point of order having been raised by the Senator from Delaware (Mr. Williams) in which he stated that the matter is a revenue measure and should therefore originate in the House.

Mr. McGEE. May the Senator from Wyoming state that it was his understanding, when that ruling was requested last evening, the Presiding Officer ruled, on advice of the Parliamentarian, that there would be no ruling on that matter, that it was a constitutional question, not a jurisdictional question.

The PRESIDING OFFICER. The Chair ruled, when the point of order was raised, that it was a constitutional question and the Chair would refer it to the Senate. That is the matter now before the Senate.

Mr. McGEE. That is the pending matter, not the jurisdictional question whether the bill belongs in committee, but——

The PRESIDING OFFICER. The point of order is the question. The Chair has no authority to rule on a constitutional question.

Mr. McGEE. So the decision now is on the constitutional issue of whether this is a tax measure not originating in the House. Is that the thrust of the constitutional question?

The PRESIDING OFFICER. The Senator is exactly correct.

Mr. McGEE. I thank the Presiding Officer.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLAND. Mr. President, will the Senator yield to me for 1 minute in order to address a parliamentary inquiry to the Chair?

Mr. McGEE. I yield.

The PRESIDING OFFICER. The Senator from Florida will state the inquiry.

Mr. HOLLAND. It is my understanding that this is a point of order based on the constitutional question, and as such has to be submitted to the Senate as a whole for a ruling.

The PRESIDING OFFICER. The Senator is correct.

XUM

Mr. HOLLAND. It is a point of order based on the constitutional question.

The PRESIDING OFFICER. The Senator from Florida is correct.

Mr. HOLLAND. I thank the Presiding Officer.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 3 minutes.

Mr. WILLIAMS of Delaware. Mr. President, when the Senate adjourned last night, the question before us was whether S. 2754 was subject to a point of order on the ground that it included a tax amendment originating in the Senate.

In my judgment there is no question about it. The bill excludes the first $3,000 of civil service pension from Federal income tax calculation for every individual retired under the civil service program. They would pay a lower tax because of the committee amendment and the Federal revenues would be reduced because of it. To my way of thinking that is a revenue measure pure and simple.

The existing tax law contains provisions designed to relieve the tax burden on retired persons. The principal provision is the retirement income credit. It applies to everyone living on retirement income whether it consists of a civil service pension, a teacher's, policemen's, or firemen's pension, or a pension received under a private pension plan. It treats all retirees alike. It gives them the equivalent of tax exemption on $1,524 of retirement income if they are single, and $2,276 if they are married and the spouse is also age 65. These figures are equivalent to the maximum social security benefit which was payable in 1964. It was calculated roughly to equate the tax treatment of those living on taxable retirement benefits with the tax treatment of those receiving tax-free social security payments.

Under present law a married couple living off a civil service pension could receive $6,047 per year—more than $500 per month—and be absolutely tax free under the retirement income credit. That is present law. If they have dividend income of $200 they could be wholly tax exempt on $6,247. The House bill, now pending before the Senate Finance Committee, would make the existing law even more attractive to them. Under it a married couple over age 65 would be tax exempt on retirement income of $6,732.50 plus another $200 of dividend income, if they have it, for tax exemption for a gross amount of $6,932.50.

S. 2754, under section 207, would create a third instance of special tax treatment for a single group of retired persons. It would complicate the law and create new discriminations. It added another $3,000 tax exemption, Mr. President, to bring it up close to the $10,000 exemption for one group of retired people only, not all employees, but only those fortunate enough to have been employees of the U.S. Government.

The Senate Finance Committee is now engaged in consideration of the Tax Reform Act of 1962. Yesterday we took testimony from representatives of the Retired Civil Employees. Among the suggestions we received was one to increase the amount of income eligible for the retirement income credit. This thought was expressed by Mr. Ernest Giddings speaking for the American Association of Retired Persons and the National Retired Teachers Association. An amendment to the tax reform bill reflecting this suggestion is already pending before the Committee on Finance.

The proper way to go about changing the tax treatment of retired persons is to let that matter be considered by the committee which has jurisdiction over the tax system. That committee is the Committee on Finance, not the Committee on Post Office and Civil Service.

Section 207 of S. 2754 is a tax provision originating in the Senate. In my opinion the point of order against it must be sustained. By all means, whatever tax consideration we give to those living on pensions should be extended to all American citizens, regardless of the source from which their pensions are derived. They should be given equal treatment.

Mr. President, I yield 5 minutes to the Senator from Louisiana.

Mr. LONG. Mr. President, there is no doubt in the mind of the Senator from Louisiana that this proposal is an effort to originate a revenue bill in the Senate of the United States, and as such, is clearly unconstitutional. There is a question of committee jurisdiction, but that does not concern the Senator from Louisiana in view of the fact that the Constitution provides that all revenue bills must originate in the House. That means it must be a revenue bill when it originated there. It cannot be made into a revenue bill in the Senate. Therefore, the House should, and I am confident would, insist that this provision of the bill violates the Constitution and send it back to us. But the Senate should not put itself in the position of sending such a bill to the House.

As the Senator from Delaware has pointed out, if this provision were enacted, it would discriminate against other retired persons, such as schoolteachers, policemen, firemen, and others retired on private plans.

We are trying to work out an arrangement in the Finance Committee whereby all retired people are treated the same. In that way we will not have to have other groups come before us saying that we must provide the same benefits for them as we have provided Government employees, because we have discriminated in favor of ourselves and Government employees.

By approaching this problem in the way the Finance Committee is approaching it—and we are conducting hearings—we would hope to reduce taxes for all retired people and achieve justice for all of them.

There is legislation before us, the Tax Reform Act of 1969, which we hope would contain equitable and just tax treatment for all retired persons, and would not select one particular group.

No one who would be supporting the measure that has come from the Post Office and Civil Service Committee could hope to know what the cost would be, because he is in a position to know only what the cost would be for one class; namely, Federal employees. It should be our concern to know what the cost would be when applied to all retired persons, whether they worked for a State government or the Federal Government, or were retired under private pension plans.

That being the case, I think the Senator from Delaware is right. The Senate would be doing a futile thing in originating revenue legislation. I do not think the House would go along with it, and I think we would be wise to strike that section from the bill.

Mr. COOPER. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. If the amendment should be constitutional—and I do not believe it is; I agree with the Senator—and it should be enacted, would Members of the Senate have the privilege of deducting an additional $3,000 as a tax exemption?

Mr. WILLIAMS of Delaware. Yes, if the bill is enacted as it is at present. Any Member of the U.S. Senate as well as other Government employees would be entitled to another $3,000 tax exemption, which would not apply to other retired persons.

Mr. COOPER. Municipal and State and private pensioners would not have the same privilege?

Mr. WILLIAMS of Delaware. That is right. The argument I have made is that to the extent that we can afford to liberalize retirement tax credit, it should be done for all American citizens and not for any one group.

Mr. COOPER. I agree with the Senator on the merits and on the constitutional issue. The section should be defeated.

Mr. WILLIAMS of Delaware. I think the merits overshadow the constitutional question. Yet they are both involved. But to get to the issue, we are raising it on the constitutional question.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, has the Senator from Delaware given up the floor?

Mr. WILLIAMS of Delaware. Yes.

Mr. McGEE. Mr. President, I would like to make two observations in regard to the comments which have been made. It has been suggested that this is discriminatory legislation inasmuch as it favors Government employees and leaves out schoolteachers, State employees, and other retired people. I think that argument needs to be compared to another discrimination. In the social security program and in the railroad retirement program the retirees already have the benefit of such a tax exemption, because it already exists. Federal employees have been discriminated against and "selected out" for this special consideration.

This provision is submitted in this particular piece of legislation simply as a matter of long overdue, equitable treatment, in light of the record that has already been written.

But there are basically two fundamental issues here. One is the constitutional one—whether this is a revenue bill in the terms of the Constitution. I have been advised that, as one examines the pertinent section of the Constitution, he

finds that there shall be no bills for the raising of revenue except those originating in the House. This bill does not raise any revenue. And in a decision in 1897, in the case of Twin City Bank against Nebeker, that point was sustained. There fore, it is at least open to controversy whether there is a constitutional basis for objection.

But objection has been raised on a second ground as well, and that is the point in regard to the legitimate jurisdiction of the committee over this bill—whether it belongs in the Committee on Post Office and Civil Service or whether it properly belongs in the Committee on Finance.

On this point, an identical bill was introduced by me earlier this year. That bill was referred by the parliamentarian to the Committee on Post Office and Civil Service. So this is not a onesided case.

We have been waiting now for 100 years for some action on this matter. We have had no action coming. Our responsibility in the Committee on Post Office and Civil Service is to see to the welfare of those in the civil service, to try to achieve some kind of equity, if it is reasonable. We believe this proposal is reasonable. It is our responsibility. It has been "bucked" back to us several times. So I would raise serious question about the onesidedness of the issue at stake here.

I would only say that the time is long past when the benefit of this kind of legislation properly ought to be given to all of the Federal Civil Service retirees in this country.

I have been in consultation with the parliamentarian and with some constitutional lawyers. I realize the controversy in the case, but I wanted to make sure the record was clear that the controversy is not an open-and-shut case, as it has been represented as being by the raising of the point of order.

In the interest of moving ahead on this matter, I would like to ask, if I may, the chairman of the Finance Committee if he could recommend to us any way in which we could move with dispatch in behalf of the Federal civil service annuitants in this regard.

Mr. COTTON. Mr. President, before that, will the Senator yield for a quick question, for information?

Mr. McGEE. Yes.

Mr. COTTON. I have been reading the report. I want to make sure that this $3,000 exemption comes after, that it does not take the place of, the exemption we already have for the money that has been paid in.

Mr. McGEE. That is right. It comes after the exemption already existing. This provision is not intended to benefit the Senate or Senators or any others who happen to be well off in the retirement system. It is addressed to the 900,000 Federal retirees who are trying to exist on $3,000, $4,000, or $5,000.

Mr. COTTON. Was any consideration given in committee to leaving out Members of Congress from this provision in view of the fact that we recently voted ourselves what seemed to be quite an adequate increase?

Mr. McGEE. Yes, there was serious consideration given to that, and it was thought that we would then open up another can of worms. It was felt that the complications outweighed the advantages of that selecting out process.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. Mr. President, the Senator asked me a question, if he will yield to me to respond.

Mr. McGEE. Yes.

Mr. LONG. I was merely going to say that we intended to have legislation on this subject in the Tax Reform Act of 1969, H.R. 12370, and when that bill is before us in December, the Senator could quite appropriately move to do exactly what he is seeking to do here; and, for all I know, we might decide to do what the Senator is recommending when we get into executive session on that measure.

As I say, the committee has taken testimony on it, and the Senator would have no problem, at that point, about revenue measures originating in the House of Representatives, because the Tax Reform Act, of course, is a revenue bill that did originate in the House of Representatives. Thus the Senator's amendment, of course, would be appropriate to it, and it could be considered at that time.

Mr. McGEE. As the chairman of the Committee on Finance has stated, he and I have discussed this matter privately. We have no intention of trying to invade someone else's territory, and I should like at this point to pose a question to the Senator from Delaware: If we were to agree to withdraw the provision, because of the various judgments that have been rendered and our further study of it overnight, is he willing to withdraw his point of order on this particular section?

Mr. WILLIAMS of Delaware. If the Senator himself wishes to move to strike that provision, section 207, from his bill I would withdraw the point of order so that he could do it.

But, Mr. President, I do wish to make just this point in relation to the question asked by the Senator from New Hampshire: I believe the Senator from Wyoming said that his principal concern was for those hundreds of thousands of civil service retired employees in the $3,000, $4,000, and $5,000 brackets. I call his attention to the remarks I made earlier, pointing out that under existing law a civil service retired employee drawing a pension of around $500 per month, or $6,000 per year, is not paying any income tax at all and is not affected one iota by this provision of the bill. It is only those who are above that bracket who would gain some benefit.

So, as we talk about this bill let us be sure we know what we are talking about. We are not talking about tax relief for those who are drawing pensions below $500 per month or even, under the House bill as it is reported, those drawing pensions as high as $7,200 a year, or $600 a month, for they are already exempted from tax under H.R. 13270 as it came from the House of Representatives. This is a $3,000 exemption over and beyond that, for only those who are on the Government payroll, including Members of Congress.

On what basis did the members of the Senate Civil Service Committee think that Members of Congress are entitled to a $3,000 tax exemption on their pensions above that allowed private citizens?

That is the reason I say that even on its merits this should not be done, and that if Congress is going to establish any such exemption as that, by all means it should be afforded to all retired employees alike.

I think it should be pointed out clearly that we are not dealing just with those in the lower-income groups, because they are not affected one iota. Under existing law, even without the House bill, married couples are not paying any tax at all if they are drawing pensions of $5,000 to $6,000. So let us keep the record straight.

Mr. McGEE. I thank the Senator from Delaware for his comments. I yield now to the Senator from Hawaii.

Mr. FONG. Mr. President, before the distinguished Senator from Wyoming asks to withdraw this provision from the bill, I should like to ask him a few questions.

Is it not true that all payments under social security, to recipients of social security pensions, are exempt from the income tax?

Mr. McGEE. That is correct.

Mr. FONG. And the maximum amount that could be paid to a recipient would be $218, under the new law?

Mr. McGEE. That is correct.

Mr. FONG. If a recipient receives social security payments, and if his wife should be of a certain age, she would also receive a certain amount, which would be about $105?

Mr. McGEE. $105, that is correct.

Mr. FONG. So when we combine the two, $218 and $105, the couple would receive $323 from the Federal Government as a payment under social security, which would be entirely exempt from income tax?

Mr. McGEE. That is correct.

The PRESIDING OFFICER. All time of the Senator from Wyoming under the unanimous-consent agreement has expired.

Mr. McGEE. Mr. President, may I ask my colleague from Delaware if he will yield me 2 minutes, so that the Senator from Hawaii may finish his statement? I yielded to him on my time.

Mr. WILLIAMS of Delaware. Yes, if I have it.

Mr. FONG. I ask the Senator from Wyoming if it is not true that, instead of giving preferential treatment to the Federal retiree, we are trying to put him on an equal basis with retirees under social security.

Mr. McGEE. That is the purpose of this legislation.

Mr. FONG. The person who works for the Federal Government does not have social security. Is that correct?

Mr. McGEE. That is correct.

Mr. FONG. All others who work for private enterprise do receive social security benefits?

Mr. McGEE. That is correct.

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Mr. FONG. So when they retire, they are paid under social security, and the amount they receive will be exempted from taxation?

Mr. McGEE. That is correct.

Mr. FONG. So what we are trying to do now is put them on an equitable basis with that of the social security retirees?

Mr. McGEE. That is correct.

Mr. FONG. I thank the Senator.

Mr. McGEE. I thank my friend for his contribution and his exercise of wisdom in helping to guide this matter through our days of hearings.

I should just like to stress, in the little time left, that we have been genuinely trying to achieve equity for a group that has been left out.

Mr. President, I send to the desk an amendment that would withdraw section 207 from the bill, in accordance with the dialog we have just had.

The PRESIDING OFFICER. The Chair advises the Senator from Wyoming that prior to the consideration of this amendment, it will be necessary for the Senator from Delaware to withdraw his point of order.

Mr. WILLIAMS of Delaware. Mr. President, I withdraw the point of order in order that the Senator may offer his amendment.

The PRESIDING OFFICER. Without objection, the point of order is withdrawn, and the clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed, beginning on page 13, line 8, strike out all of section 207, and renumber succeeding sections.

(The language proposed to be stricken is as follows:)

SEC. 207. Section 8345 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) An amount, not to exceed $3,000 each year, which is received by an annuitant or a survivor annuitant under this subchapter and, except for this subsection, which would be included as gross income for purposes of the Federal income tax laws, shall not be included as gross income under such laws."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

Mr. WILLIAMS of Delaware. Mr. President, I certainly support the deletion of this section. I simply wish to make one comment in answer to a point that was raised; namely, that all section 207 proposed to do was extend to civil service employees the same benefits that have been extended to recipients of social security pensions. I call to the attention of the Senate that that is not quite the situation.

Social security pensions are tax exempt, that is true; but there is an additional clause in the social security law which says the man drawing social security must pass an earnings test. He cannot freely supplement his income on the outside beyond, I believe it is $1,680, except as his pension is reduced accordingly, and if he goes beyond a certain amount he loses his social security benefits entirely.

There is no such restriction in connection with civil service pensions. A member of the executive branch or a Member of Congress can go out of here today with a $20,000 pension if he has served long enough, get a job in private industry, and draw his pension at the same time he is working.

There are advantages and disadvantages under each, but let us not try to point out that this is simply to correct an inequity under existing law. If anything, the inequity is directed toward the beneficiaries of social security, who are even more handicapped than beneficiaries of the Civil Service Retirement Act.

I shall not debate the matter further. I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of Delaware. Mr. President, there are one or two more points that I think should be called to the attention of the Senate in connection with this bill.

Earlier this year, not as a part of this bill, Congress raised the salaries for Members of Congress around 40 percent. I opposed that action, but that raising of our salaries automatically had the indirect effect of raising the pensions also. There are provisions in title 2 of the pending bill which increase the pension benefits of all Government employees, including our own, by approximately another 10 percent. I question whether or not that can be justified in the light of the existing circumstances involving the solvency of the civil service retirement fund.

As far as title I of the pending bill is concerned, I support that provision. It provides a new method of restoring some degree of financial responsibility. Title II of the pending bill, however, provides for these increased pensions.

First: It provides that instead of computing our pensions based upon the highest 5 years we compute them upon the highest 3 years. This is the mathematical equivalent of an approximate 10-percent increase in the retirement benefits of many Government employees who will be retiring in the next 2 years.

Second: another provision adds 1 percent to the cost-of-living-increase formula now in the law for annuitants. Under the existing law as the cost of living increases those annuitants who have retired under existing law receive by Executive order an automatic increase in their pensions to offset the increase in cost of living. For example, if the cost of living increases 3 percentage points for 3 consecutive months during the year the pensions of Government employees is increased proportionately.

As a result we have had, I think, three 3.9 percent increases that have been approved or are about to be approved up to this point. I think the previous increases averaged about 3.9 percent.

Under the pending bill, in addition to this escalator clause which would guarantee Government retirees protection against any of the ravages of inflation, the bill would add an additional 1 percent each time this 3-percent increase occurs. Mathematically this means that if the cost of living from now on increases 3 percent a year the pensions will be increased by 4 percent. If we were to have three more consecutive increases in the next 3 years it would mean that instead of raising the pensions 9 percent to offset the increase in the cost of living over the 3 years we would be raising them by 12 percent.

In other words, retired Government employees would get an additional 25 percent above the normal increase in the cost of living.

Under this bill we would be guaranteeing to ourselves in Congress, along with all of the Government employees, that from now on, not only would we, through our own pensions be guaranteed against the ravages of inflation but also we would be making a 25-percent profit in our retirement pay as the result of future increased cost of living.

It does not make any sense to me that we in Government, who to a large extent are responsible for the inflation, would consider a bill where we actually make money on inflation. Other retirees under private, State, teachers, and firemen pension funds are not guaranteed that protection against inflation. Certainly in social security they have no such guarantee. However, under this bill it is proposed that we guarantee not only that we will receive a perpetual escalator clause against the ravages of inflation but also that we will make 25 percent more than the increase in the cost of living itself. That means, as far as we are concerned, that if we can create a little more inflation we will collect a premium on it.

This is an outrageous proposal. I do not think it can be justified. Certainly that if we are going to put in an escalator clause the first place to consider putting it would be on social security, for the benefit of those with lower pensions.

I think that all of the so-called increases intended for the benefit only of those of us who are fortunate enough to have been working for the Government should be deleted and that we should confine the pending bill solely to the purpose for which it was intended; and that is, to restore some degree of financial responsibility to the retirement fund.

The fund already has an actuarial deficit in excess of $50 billion, and title I of the pending bill proposes to reduce that deficit somewhat by starting out with approximately a $275 million appropriation from general revenue, not this fiscal year but next fiscal year, then with graduating increases for about 10 years when, as I understand it, it will approach an annual appropriation of $2 billion that will be restored to the fund.

We are dealing with a program here that will cost a great deal of money anyway, and I think that we ought at least not make it a necessary part of the pending bill that we have to extend additional benefits to ourselves. I think they should be separated in their entirety and that we should let title I of the bill go to the President.

I do not think Congress can justify these increases.

Mr. President, for that reason, I move to strike from the bill beginning on page 8 that part of title II beginning with line 5 down to and including line 14 on page 14.

(The language proposed to be stricken is as follows:)

TITLE II—CIVIL SERVICE RETIREMENT BENEFITS

SEC. 201. Paragraph (4)(A) of section 8331 of title 5, United States Code, is amended to read as follows:

"(A) over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e)(1) of section 8341 of this title based on service of less than 3 years, over the period of service; or".

SEC. 202. Subsection (g) of section 8334 of title 5, United States Code, is amended—

(1) by striking out the word "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding the following new paragraph immediately below paragraph (4):

"(5) days of unused sick leave credited under section 8339(m) of this title.".

SEC. 203. Section 8339 of title 5, United States Code, is amended—

(1) by striking out of subsection (b) the words "so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years" and inserting in lieu thereof "his service as a Congressional employee, his military service not exceeding 5 years,";

(2) by amending subsection (c)(2) to read as follows:

"(2) his Congressional employee service;";

(3) by striking out the last full sentence of subsection (f);

(4) by striking out "(excluding any increase because of retirement under section 8337 of this title)" in subsection (i); and

(5) by adding at the end thereof the following new subsection:

"(m) In computing any annuity under subsections (a)-(d) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by subsection (e) of this section, the daya of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchaper.".

SEC. 204. (a) Subsection (b) of section 8340 of title 5, United States Code, is amended by inserting "1 percent plus" immediately after the word "by."

(b) Subsection (c)(2) of such section is amended to read as follows:

"(2) For the purpose of computing the annuity of a child under section 8341(e) of this title that commences on or after the first day of the first month that begins on or after the date of enactment of the Civil Service Retirement Amendments of 1969, the items $900, $1,080, $2,700, and $3,240 appearing in section 8341(e) of this title shall be increased by the total percent increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 percent and 75 percent appearing in section 8341(e) of this title shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day."

SEC. 205. The provisions of subsections (b)(1), (d)(3), and (g) of section 8341 of title 5, United States Code, also shall apply in the case of any widow or widower—

(1) of an employee who died, retired, or was otherwise finally separated before July 18, 1966;

(2) who shall have remarried on or after such date; and

(3) who, immediately before such remarriage, was receiving annuity from the Civil Service Retirement and Disability Fund;

except that no annuity shall be paid by reason of this section for any period prior to the enactment of this section. No annuity shall be terminated solely by reason of the enactment of this section. Notwithstanding the prohibition contained in the first sentence of this section on the payment of annuity for any period prior to the enactment of this section, in any case in which the Civil Service Commission determines that—

(1) the remarriage of any widow or widower described in such sentence was entered into by the widow or widower in good faith and in reliance on erroneous information provided by Government authority prior to that remarriage that the then existing survivor annuity of the widow or widower would not be terminated because of the remarriage; and

(2) such annuity was terminated by law because of that remarriage;

then payment of annuity may be made by reason of this section in such case, beginning as of the effective date of the termination because of the remarriage.

SEC. 206. (a) The first sentence of subsection (d) of section 8341 of title 5, United States Code, is amended to read as follows: "If an employee or Member dies after completing at least 18 consecutive months of civilian service, the widow or dependent widower of the employee or Member is entitled to an annuity equal to 55 percent of an annuity computed under section 8339 (a)-(e) and (h) of this title as may apply with respect to the employee or Member, except that in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of (i) 40 percent of his average pay, or (ii) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age."

(b) Subsection (e)(1) of such section is amended to read as follows:

"(e)(1) If an employee or Member dies after completing at least 18 consecutive months of civilian service, or an employee or Member dies after retiring under this subchapter, and is survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(A) 60 percent of the average pay of the employee or Member divided by the number of children;

"(B) $900; or

"(C) $2,700 divided by the number of children; subject to section 8340 of this title. If the employee or Member is not survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(i) 75 percent of the average pay of the employee or Member divided by the number of children;

"(ii) $1,080; or

"(iii) $3,240 divided by the number of children; subject to section 8340 of this title."

SEC. 207. Section 8345 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) An amount, not to exceed $3,000 each year, which is received by an annuitant or a survivor annuitant under this subchapter and, except for this subsection, which would be included as gross income for purposes of the Federal income tax laws, shall not be included as gross income under such laws."

SEC. 208. (a) The amendments made by sections 201, 202, 203, and 206(a) of this Act shall not apply in the cases of persons retired or otherwise separated prior to the date of enactment of this Act, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been enacted.

(b) The amendments made by section 204 (a) of this Act to section 8340 of title 5, United States Code, shall apply only to annuity increases which become effective under such section 8340 after the date of enactment of this Act.

(c)(1) The amendment made by section 206(b) of this Act shall become effective on the first day of this first month which begins on or after the date of enactment of this Act.

(2) The annuity of each surviving child receiving an annuity under section 8341(e) of title 5, United States Code, or comparable provision of a prior law, immediately prior to the effective date of such amendment shall be recomputed, effective on such date, in accordance with such amendment. No increase allowed and in force prior to such date under section 8340 of such title shall be included in the recomputation of any such annuity, and this paragraph shall not operate to reduce any annuity.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. Mr. President, if I correctly understand what the Senator from Delaware has just said, his chief objection is to changing the 5-year period to 3 years in the calculation of the pension.

Mr. WILLIAMS of Delaware. And I also object to the 1-percent escalation clause.

Mr. COTTON. Referring to the first subject first, I might have a good deal of sympathy with the Senator's opposition as far as Members of the Senate and House of Representatives are concerned. However, there are others to be considered.

I think one of the tragedies of our situation here is the fact that when a Member of Congress dies, retires, or is defeated for reelection and his service suddenly terminates, the impact falls on his staff and employees.

We have all seen that while many of the staff members and employees readily find new employment with other Members, there have been many instances of hardship worked through the years on our faithful staff members who find themselves out of employment and unable to make new arrangements. At least, they are not able to make them without a lapse of time between their periods of employment. That seriously affects the continuity of their service and their retirement benefits.

It would seem to me that there is certainly a big distinction between the three-year period—and that is all I am addressing myself to here—for members as against staff and other employees who are subject to the hazards of a sudden severance from their jobs by reason of the death, retirement, or other ending of the service of the Member whom they are serving.

I cannot see my way clear to supporting the Senator's motion for that main reason. If the Senator's motion affected only Members of Congress, I might have sympathy with it and I might be able to support it. However, I think we owe something to those faithful people who have served us through the years.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from New Hampshire makes a point, and I appreciate his position. He is correct. There is insecurity involved for the staff members of Members of Congress; however, on the the other hand, that is somewhat offset by virtue of the fact that employees of Congress traditionally draw higher salaries for comparable jobs than is the

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case in other branches of the Government civil service or in private industry.

That is necessary if we are to get competent help. When the employees come here they know there is no security involved in their jobs.

Mr. COTTON. And they work much longer hours than the people downtown. I think they earn what they get.

Mr. WILLIAMS of Delaware. I am not questioning that. I agree fully. As one who has been very fortunate in having as competent a staff as any other Member of the Senate I certainly join the Senator in paying tribute to our staffs. However, on the other hand, we are dealing with a bill that not only affects staff members and Members of Congress but also affects the executive branch as well. I think we should handle it all in one related term.

I would have no objection if we could stop on page 10, line 3, and leave in the bill all the modifications they made on the survivorship benefits.

But so far as the first part of it, dealing with the 3-year formula, which raises pensions by nearly 10 percent, and the escalating clause where retirees would actually make money on inflation, I think that certainly should be deleted. I would want to make it clear to the Senator from New Hampshire that this change still would not correct the point that he raised, because the point dealing with legislative employees, which he raised, would be in the part I would still be deleting.

Mr. President, in order to condense this issue to just these two major increases I am going to change my motion to strike out beginning on page 8, line 5, down to and including line 17 on page 10.

The ACTING PRESIDENT pro tempore. The clerk will state the proposed amendment.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Delaware proposes to strike the language beginning at page 8, line 5, down through line 17, on page 10.

The language proposed to be stricken is as follows:

TITLE II—CIVIL SERVICE RETIREMENT BENEFITS

SEC. 201. Paragraph (4)(A) of section 8331 of title 5, United States Code, is amended to read as follows:

"(A) over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e)(1) of section 8341 of this title based on service of less than 3 years, over the period of service; or".

SEC. 202. Subsection (g) of section 8334 of title 5, United States Code, is amended—

(1) by striking out the word "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding the following new paragraph immediately below paragraph (4):

"(5) days of unused sick leave credited under section 8339(m) of this title.".

SEC. 203. Section 8339 of title 5, United States Code, is amended—

(1) by striking out of subsection (b) the words "so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years" and inserting in lieu thereof "his service as a Congressional employee, his military service not exceeding 5 years,";

(2) by amending subsection (c)(2) to read as follows:

"(2) his Congressional employee service;";

(3) by striking out the last full sentence of subsection (f);

(4) by striking out "(excluding any increase because of retirement under section 8337 of this title)" in subsection (i); and

(5) by adding at the end thereof the following new subsection:

"(m) In computing any annuity under subsections (a)–(d) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by subsection (e) of this section, the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter.".

SEC. 204. (a) Subsection (b) of section 8340 of title 5, United States Code, is amended by inserting "1 percent plus" immediately after the word "by".

(b) Subsection (c)(2) of such section is amended to read as follows:

"(2) For the purpose of computing the annuity of a child under section 8341(e) of this title that commences on or after the first day of the first month that begins on or after the date of enactment of the Civil Service Reirement Amendments of 1969, the items $900, $1,080, $2,700, and $3,240 appearing in section 8341(e) of this title shall be increased by the total percent increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 percent and 75 percent appearing in section 8341(e) of this title shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day."

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. In looking at this amendment, it seems to me that it cuts two provisions which I think are quite sound, and I want to ask the distinguished Senator if this is not true.

First, it cuts the provision that allows credit for days of unused sick leave. Am I correct?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. HOLLAND. What is the justification for cutting that out?

Mr. WILLIAMS of Delaware. I just said that the main purpose of this bill, as I see it, was to restore some semblance of fiscal responsibility to the retirement fund. Title I does that. I have eliminated those changes dealing with proposed pension increases in sections 205 and 206, and of course we have already stricken 207. Perhaps each one of these could be debated, but I think we should not consider the liberalization of these pensions as proposed in this bill.

I understand that the increased benefits under this section which we are dealing with here involve approximately a billion-dollar difference in the actuarial deficiency of the retirement fund. I do not think this is the time to approve a billion-dollar increase in retirement benefits. Congress this year has already enacted salary increases for top executives and Members of Congress, ranging from 40 to 60 percent. That was wrong; but now why increase pensions as proposed in this bill?

That is my personal position, and I will ask, Mr. President, at the appropriate time for a record vote.

I respect the views of the various Members. As I pointed out to the Senator from New Hampshire, I do not want to leave this misunderstood. The points he raised are not taken care of in this modification of my amendment.

Mr. COTTON. I thank the Senator.

Mr. HOLLAND. I notice that included in the parts to be stricken is one part that is not a liberalization. It begins on line 1, page 9, and goes down through line 6. It has to do with how much of the military service an employee or a member shall be allowed in the computation. As I understand the provision, it proposes to reduce the number of years of military service allowed—from 15 to 5 years. That certainly is not a liberalization. Quite the contrary, it is an economy measure.

May I ask whether the Senator has considered the fact that his amendment also covers that particular feature?

Mr. WILLIAMS of Delaware. I have. As I pointed out in answer to the question with respect to the unused leave, I do not think we should deal with any of those factors so far as this bill is concerned. I intentionally included the ones which the Senator refers to, and I realize that he is correct in his analysis of that, too.

Mr. HOLLAND. I thank the Senator for his frankness. It seems to me that his amendment goes a good deal further than his intention, and I could not vote for it in the form that it is presented.

Mr. WILLIAMS of Delaware. I appreciate it. It is not further than I intended. Perhaps it does go further than some would think it should. But the basic 90 percent, or more than 90 percent, of what is involved in this motion, in dollar volume, is all in the change in the formula with respect to the computation of the annuities or the escalating clauses as a result of inflation.

My feeling is that at a time when we are dealing with the problem of inflation, it is not a time when we can afford to liberalize pensions. Unless we take prompt action the entire fund itself will be insolvent in a matter of a few years.

I support the provisions of title I. On the other hand, I do not think these large increases in pensions for Members of Congress and others can be justified. For that reason, I hope this amendment will be agreed to.

Mr. McGEE. Mr. President, I hope the Senate will not accept the pending amendment, and I would like to suggest why I feel that way.

The Committee on Post Office and Civil Service was also very conscious of the cost factor and was even hesitant about the cost of putting the fund on a sound financial basis. But we believe you have to start being honest sometime with the established fund for civil service retirement and that the time to begin is now. It was not an easy decision; it was not a happy decision; but we would like to think it was a little bit statesmanlike.

We likewise believe that in that process, as we make that fund solvent, we also ought to assist the annuitants themselves in remaining solvent, and that this, too, is a good reason for that program. Our very modest adjustments and modifications and changes in policy in regard

to civil service retirees fall into that category.

I would say to my friend the Senator from Delaware that in arriving at this decision, the committee raised the contributions in each category to more than pay for the accruing benefits. It comes out to a 14-percent increase in the contribution and 13.9-plus percent of new funds that are required under the benefits that were added in the bill. We were very conscious of this point.

So I think we would do well to weigh very carefully the elements in title II that the Senator is proposing to strike, the high three; the sick leave allowance toward retirement; the annuities for children that we are proposing to raise from $61 to $75 a month, so that they can live it up in great affluence; and the 1 percent that we add to the 3 percent cost-of-living adjustment—that is already the law—which is only aimed at atoning for the remaining inequity there. That remaining inequity is that by the time the annuitant gets the 3 percent, it is already 5 or 6 months later, after the reading was taken. It was felt that it was only fair and just to add that 1 percent, so that by the time he got it, in the direction that things are now moving, he would almost be catching up with the cost of living.

I say it is unusual language for the Senate to suggest that we want to ignore the needs of the one group that suffers first and most from inflationary forces. Here is the group which has no other recourse except for the endeavors in this body. They have no other place to turn. They cannot receive a salary increase or a salary adjustment without us. We are trying to make it possible for them to survive these rising costs. In an extremely modest way, this is what we have tried to do with this 1 percent.

With regard to Members of Congress, it becomes picayunish when we single out Members of Congress every time one of these measures comes up. We are Federal employees and the moment one group is selected over another group the stage is being set for the next group, the next, and the next. It is far more simple in terms of total money, it was far more equitable, and more fundamental to quit trying to nitpick with respect to groups. We explored this possibility and decided that was not wise legislation.

I do not want the Senator from Delaware to leave the impression here that the committee did not worry about these matters at all. In our collective judgment, which was unanimous, we felt this was the most reasonable balance we could achieve, and it is a good balance, and still stay within the confines of our determination to be responsible about it in terms of fiscal responsibility.

I hope this body will reject the pending amendment of the Senator from Delaware.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. Is it not true that if we adopt the amendment of the distinguished Senator from Delaware we would be forcing the employee to add one-half percent to his retirement without giving him any more benefits?

Mr. McGEE. Indeed, the Senator is correct. That would be the net effect. They would get nothing for that increase.

Mr. FONG. And for congressional employees, we are raising them 1 percent, from 6.5 to 7.5 percent, and they would not get anything.

Mr. McGEE. The Senator is correct.

Mr. FONG. Members of Congress would be increased to 8 percent. Is that correct?

Mr. McGEE. This measure proposes to raise Members of Congress to 8 percent.

Mr. FONG. The reason for raising these percentages is to cover a sufficient amount of money so we can give them the added benefits the Senator from Delaware would knock out. Is that correct?

Mr. McGEE. The Senator is correct.

Mr. FONG. And even with these increases we are 0.02 percent below the total amount that will be contributed by the employee and the employer.

Mr. McGEE. That is correct. This is right to the point on the issue raised by the Senator from Delaware, who has an understandable and legitimate concern about fiscal responsibility in our country, and rising costs. That is why the committee did what it did.

Mr. FONG. The committee also raised the contribution and that is why we raised it.

Mr. McGEE. We raised the contribution to just a bit more than to cover benefits.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. HOLLAND. Assuming that when we raised the level of pay for employees of the Government we did so because of increased living costs, is it not practical to base the amount upon which the retirement is figured upon the greatest 3 years, which would be the last 3 years, rather than on 5 years, which takes the period back to a time of much lower living costs?

Mr. McGEE. That is correct.

Mr. HOLLAND. In other words, putting it on a 3-year basis, retirement is figured more nearly on the current living costs. Is that correct?

Mr. McGEE. The Senator is correct.

Mr. HOLLAND. It is more nearly up with present living costs than on a 5-year base?

Mr. McGEE. The Senator is correct.

Mr. HOLLAND. I congratulate the Senator and the committee for recognizing that fact which to me seems entirely practical and just.

Mr. McGEE. I thank the Senator for his comments. I yield the floor.

Mr. President, I am ready to vote.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I am willing to proceed to a vote in just a moment.

The Senator from Wyoming pointed out that raising the one-half percent contribution by employees finances the increased benefits under the pending bill. The Senator is correct to that extent. Title I of the bill does raise the cost of the retirement system to those who are now civil service employees by, I would guess, approximately the amount of the benefits.

However, the point I make is that this increase in the deductions from the payroll checks of the employees for the retirement system was intended to offset some of the benefits Congress has been passing in years heretofore. For years Congress has been liberalizing the retirement benefits without providing methods of financing. I have raised this point many times when we were acting on such legislation in the past. Let us not forget, pensions have already had one increase as the result of the salary increases earlier this year.

Congress has enacted several increases in the benefits in the retirement system which were not financed over the years. That is the reason the retirement fund is not solvent. The deficiency is around $50 billion to $55 billion.

Let no one be disillusioned. The deficiency created in the liberalizations enacted by previous Congresses is at the expense of the American taxpayers.

Under title I of this bill, beginning next year, we start with $275 million, and that graduates up to a couple billion dollars that will be paid into the fund annually. These will be appropriated funds that will be paid by taxpayers, so we are not dealing with increased pensions which will be financed by employees themselves. It will not be financed on the formula which was recognized first where the employees' contribution would be 6.5 percent and the Government, as the employer, would match it with 6.5 percent. This bill goes far beyond the matching provision, and the ultimate end is that taxpayers will be financing the appropriations—about $2 billion from general revenue.

Financing Government pensions from general revenue is a drastic change from what was intended when this retirement system was first established.

I question whether we have any right at this time to saddle the American taxpayers with this extra $2 billion annual cost to finance a retirement system which will extend to Government employees and Government employees alone a guarantee that once they retire not only will their pensions be guaranteed against any ravages of future inflation, but also they will actually make a 25-percent profit on all inflation that develops after retirement. I do not think such a provision can be justified any more than we can justify the other section of the bill which grants a 10-percent increase in retirement benefits.

For that reason I hope the section is deleted from the bill.

Mr. SPONG. Mr. President, the findings and conclusions of the Committee on Post Office and Civil Service with respect to the $3,000 income tax exemption are basically logical and fair. Neither social security nor railroad retirement is subject to the Federal income tax, and since many of those annuitants are among those 65 years old and older and already

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are receiving a double exemption, it seems clearly equitable to exempt a reasonable portion of the civil service retirement annuities from Federal taxation.

It is my hope that such an exemption will be brought before the Senate in an acceptable form as soon as possible.

Mr. President, I have shared the concern of many Federal employees with respect to the financing of the civil service retirement fund. It has been my feeling that Congress should face up to this problem and take no further actions to deplete the fund until some method has been devised to stabilize it.

I commend the members of the Post Office and Civil Service Committee for their efforts to provide a solution to the problems which have resulted from increased retirement benefits and other actions in the past that have created an unfunded liability without any method of payment into the fund for these liabilities.

The provisions of title I, which provide for annual payments to the fund and for increased contributions, should be helpful in our efforts to stabilize the fund.

The older citizens of our country have a difficult time making ends meet. As a group, those over 65 have a higher poverty rate than any other age group. Low income is a major concern to them, and their savings, pensions, and similar assets are eroded swiftly by inflation and the rising cost of living. Retired employees of the Federal Government are not exempt from these acute economic problems that affect the elderly, and I think the Government has a responsibility to its employees who have labored long and faithfully in its service.

I am glad to support the bill.

Mr. COOK. Mr. President, there was a provision of the bill which puzzled me—one adding 1 percent to the 3 percent cost-of-living increases—although I supported the benefits and cost-of-living increases.

I heartily support the bill and announce that I shall vote "yea."

Mr. WILLIAMS of Delaware. Mr. President, I am ready to vote.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Delaware (Mr. Williams). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Hawaii (Mr. Inouye), the Senator from North Carolina (Mr. Jordan), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I also announce that the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Magnuson), and the Senator from Washington (Mr. Jackson) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from California (Mr. Cranston), the Senator from Maryland (Mr. Tydings), the Senator from Texas (Mr. Yarborough), the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from West Virginia (Mr. Randolph), the Senator from Nevada (Mr. Cannon), and the Senator from Iowa (Mr. Hughes) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Fannin), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith), the Senator from Alaska (Mr. Stevens), the Senator from Ohio (Mr. Saxbe), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Texas (Mr. Tower) is detained on official business.

If present and voting, the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Fannin), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Murphy), the Senator from Alaska (Mr. Stevens), the Senator from Ohio (Mr. Saxbe), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 8, nays 56, as follows:

[No. 111 Leg.]

YEAS—8

Aiken
Baker
Cook
Curtis
Hansen
Packwood
Williams, Del.
Young, Ohio

NAYS—56

Allen
Allott
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Case
Church
Cooper
Cotton
Dodd
Dole
Eagleton
Eastland
Ellender
Fong
Fulbright
Goldwater
Goodell
Griffin
Gurney
Hartke
Holland
Hollings
Hruska
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McGee
McGovern
Metcalf
Miller
Mondale
Mundt
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Williams, N.J.
Young, N. Dak.

NOT VOTING—36

Anderson
Bayh
Bellmon
Bennett
Burdick
Cannon
Cranston
Dominick
Ervin
Fannin
Gore
Gravel
Harris
Hart
Hatfield
Hughes
Inouye
Jackson
Jordan, N.C.
Magnuson
McCarthy
McClellan
McIntyre
Montoya
Moss
Murphy
Muskie
Randolph
Russell
Saxbe
Smith, Ill.
Stevens
Thurmond
Tower
Tydings
Yarborough

So the amendment of Mr. Williams of Delaware was rejected.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

If there be no further amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The bill was read the third time.

Mr. McGEE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 334, H.R. 9825.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (H.R. 9825) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McGEE. Mr. President, I move to strike out all after the enacting clause and insert in lieu thereof the text of S. 2754, as amended.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I shall vote against the bill. As I stated earlier, I think title I, restoring some degree of solvency to the retirement fund, was necessary, and I would like to support it; however, I do not think that we should at this time increase retirement benefits for all Government employees an average of about 10 percent, as is done under the bill as a result of the change in the formula.

The second point is that under the bill it is guaranteed to all retired Government employees that, from this day forward, not only will their pensions be protected against the ravages of inflation but also that Government employees will actually make 25 percent on the inflation that develops from the day they retire. That is, as the cost of living goes up 3 percent, the retirement benefits will increase 3 percent plus 1 percent, which means the benefits will increase 4 percent for every 3-percent increase in the cost of living. It is an escalation clause which means that from now on Government employees—including ourselves and those in the executive department who are responsible for inflation—will actually make money. The more inflation we have the more retirement benefits we will get because the bill guarantees that never again, as we retire from this day forward, will we have to worry about the ravages of inflation.

Government employees, alone of all the American people, will now be guaranteed that their pensions will never be

adversely affected by inflation. Not only that, they will make 25 percent on inflation because the pensions of Government employees will increase 25 percent faster than the cost of living.

I think it is an outrage that the Congress would adopt such a provision and ask it be supported, as it does, by the American taxpayer to the tune of $2 billion a year from general revenue. That will be the cost to the taxpayers.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 9825) was read the third time.

Mr. GOLDWATER. Mr. President, I would like to ask the Senator from Delaware a question. If it is in the hearings, the Senator can tell me, and I will look it up, but I have not found it.

It was my understanding a few years ago that the civil service retirement fund was not in good shape.

Mr. WILLIAMS of Delaware. That is correct. There is an actuarial deficiency in excess of $50 billion.

Mr. GOLDWATER. $50 billion?

Mr. WILLIAMS of Delaware. Yes; and that is due to the fact that over the years since Congress established the rate of deductions from the employees, back about 20 years ago, Congress has liberalized the benefits for civil service retirees without increasing the deductions or the payments into the fund

A part of the deficiency has also resulted from the fact that for a number of years the Government itself did not put into the fund the matching money against the deductions of the employees, and to that extent the deficiency is, in my opinion, an obligation of the U.S. Government.

But on a matching basis of 6.5 percent from the employees and 6.5 percent from the Government as the employer, that 13 percent will pay only about one-half of the benefits that are now provided under the civil service retirement system, which means that this bill, recognizing that fact, provides for direct appropriations from general revenue in addition to the deductions beginning with $278 million a year next year, and the figure will escalate until it reaches an annual total of $2 billion a year. From then on it remains at approximately that figure of direct taxes paid into the fund under the provisions of this bill. It could even grow somewhat higher so that each year the taxpayers will be called upon to pay taxes to the extent of about $2 billion a year to support benefits under the civil service retirement system which are not being paid for by the employees and the Government on a matching basis.

I do not think that was right. I support the sections of title I which would provide the method of financing this fund by increased deductions. I think that was a long overdue recognition of the situation that exists, but I do not agree that at the same time we should increase the benefits further. According to the estimate that was given to me, the increased benefits that the committee would provide under this bill will add another $1 billion to the actuarial deficiency.

The Senator from Wyoming very properly pointed out that the increased benefits under this measure, for the first time under a civil service retirement bill, are being financed by increased deductions from the payroll checks of the employees. But the point I made was that these new increases in deductions should be used, not to pay new benefits such as are before the Senate today, but to cover the cost of benefits which have been approved by preceding Congresses in the past 15 years and which were not properly financed at the time.

Now we are starting all over again to create another deficiency in the civil service retirement fund.

Mr. GOLDWATER. In view of that statement, I should like to ask the Senator another question. If we follow the procedures outlined or suggested in this bill, we offset the attempt to bring the retirement fund into actuarial soundness and continue the same problem; am I correct in that?

Mr. WILLIAMS of Delaware. That is correct, except that they propose to correct that problem in this manner: by tapping the Federal Treasury to the extent of $2 billion a year. I just do not think that we have a right at this time to call on the American taxpayers, who are having enough to do to pay their taxes and to provide for their own retirement, to pay another $2 billion per year to support the retirement benefits of Government employees.

I believe in a sound retirement system. I was on the committee the first few years after I came here and had something to do with writing the present retirement system. We are proud of it. I remember the then Senator from Maryland, Mr. O'Conor, took a very active part at that time, and we worked out and finally reported a bill which was reasonably actuarially solvent in that the contributions of the employees when matched by those of the Government would keep it on a solvent basis.

Unfortunately over the years, year by year. Congress has liberalized the benefits without increasing the employee contributions, with the result that we have built up this tremendous deficiency in the retirement fund, such that if no action were taken at all it is estimated that within about 10 or 12 years the fund would be bankrupt.

Certainly we cannot allow that. But I felt that the provisions that would provide for increasing the contributions to make the fund solvent should have been kept and used for that purpose, rather than to start this same "escalation clause" of increasing our benefits all over again. I do not think we can justify by any means here today raising the retirement benefits for Government employees by about 10 percent by changing the formula from the 5-year to the 3-year formula. Nor can we justify adding another section to guarantee that, in perpetuity, a retired Government official will never again have to worry about the ravages of inflation by actually getting a 25-percent increase over the degree of inflation as it goes along. In other words, we would collect a 25-percent premium on inflation. I think it is outrageous that Congress would ever propose such a measure. It was for that reason I tried to delete those provisions from the bill. I was unsuccessful, and I shall vote against the bill.

Mr. GOLDWATER. One further question, and then the Senator will have satisfied my lack of knowledge.

The Senator says the fund is now $50 billion in the red, and that, if we had not provided in section 1 means to offset that, it would have meant bankruptcy of the fund, probably, in 10 years.

My question is, in view of the fact that the increases in benefits offset some of the other increases, have we absolutely guaranteed that there will never be a time when the fund is bankrupt?

Mr. WILLIAMS of Delaware. To a large extent this bill does that in this manner; the bill provides unlimited authority to tap the Federal Treasury and let the taxpayers keep it solvent.

Mr. GOLDWATER. I thank the Senator.

Mr. WILLIAMS of Delaware. The committee frankly admits in its estimate that such contributions from the Treasury will be at the rate of $2 billion a year when it becomes fully operative.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. I should like to state that the junior Senator from Nebraska is of the opinion that there are probably many individual cases where the record is such that they merit and deserve the provisions of this bill. There is another matter that disturbs me, however, and that is the total impact of the bill, and the total cost of it is, at a time when our budget, as far as general funds are concerned, is at a deficit, and it appears that it will be that way for some time.

I am also mindful of the restraints placed upon the people who are not associated with the Federal Government. They are asked to hold the line. I do not believe that private pensioners, in the main, have the liberality that we extend to Government pensioners. I believe that the social security program has fallen behind the overall benefits of the civil service.

Would the Senator agree that while many provisions in the bill may be desirous, or many provisions that certain individuals or groups merit and deserve, now is a bad time to make a sizable financial commitment that will run for all time and from which there can be no retreat?

Mr. WILLIAMS of Delaware. I certainly would. I think that to take this step now is poorly advised. That is why I cannot support the bill in its present form. I want the Record to show that I do not support this provision. It was for that reason that I tried to delete these liberalization provisions from the bill, but that amendment was overwhelmingly defeated.

XUM

Mr. COOPER. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. The Senator stated that in the future the liberalized benefits would be paid by increased deductions from the compensation of employees. Is that correct?

Mr. WILLIAMS of Delaware. There are increased deductions from the employees provided for in this bill which would about offset the liberalized features of the bill; that is true. But I take the position that the increased contributions should have been directed toward correcting some of the present insolvency of the retirement fund rather than unloading that burden on the taxpayers. That is the point I make. To call upon the taxpayers to shoulder this burden cannot be justified.

Mr. COOPER. The Senator spoke about an automatic cost-of-living increase. Would that be provided by increased deductions from employees' pay?

Mr. WILLIAMS of Delaware. No; future increases would be financed automatically out of the Federal Treasury. The bill provides that as the increases become effective the obligations of the Federal Treasury will be increased in proportion. So to that extent it could be said that future increases will be financed by the taxpayers.

Mr. COOPER. The Senator said, as I understood him, that the actuarial deficit would reach about $50 billion in 10 years.

Mr. WILLIAMS of Delaware. That is the deficit now.

Mr. COOPER. As I remember, in previous years the Senator from Delaware urged that the deficit should be corrected. What would happen with respect to the thousands of employees who have retired and whose deductions were of the amounts required of them during their service? I think it is obvious that they could not live on those amounts now. Am I correct?

Mr. WILLIAMS of Delaware. The Senator is correct. I would support title I of the pending bill under which that deficiency is corrected and a guarantee extended to those who have retired that the pension fund will be solvent for the remainder of their lives.

I think the committee should be commended on that point. It is a long overdue recognition of the insolvency of this retirement fund. Sooner or later Congress will have to face up to the fact that the fund is approaching the day of insolvency.

I support the committee's action under title I wherein it raises the contribution rates for both employees and the Federal Government as the employer.

Mr. COOPER. Mr. President, will the Senator state whether from this time forward, if the bill should be enacted into law, the deductions would be sufficient—and no one can tell, but I mean from an estimate standpoint—to pay the benefits that must be paid. Assuming that there had been do deficit in the past and looking at the matter as if we were starting on it now, would the fund be solvent without the help of the taxpayers funds?

Mr. WILLIAMS of Delaware. It would not under this pending bill. Assuming that the 6.5 percent contributed by the employee is matched by the employer, for a total of 13 percent, that 13 percent would not be sufficient to pay the benefits from this time forward. It would require an additional contribution of around $2 billion per year from general revenue. There would be a deficiency of about 9 percent of the Federal payroll. In other words, the Government would have to put in about $2 billion per year.

Mr. McGEE. Mr. President, would it not be to the point of the Senator's question to say that the pending bill does address itself to staying ahead, so that the fund will be solvent when our due date is arrived at? We have provided in the bill for keeping the fund solvent.

Mr. WILLIAMS of Delaware. The Senator is correct. As I pointed out, it does it in this manner.

There are automatic clauses that could trigger an increased Government contribution out of general revenue in order to keep it solvent.

Under that escalator clause the committee estimated the cost to the taxpayers would be about $2 billion a year 10 years from now. And if in the future other benefits are approved and the new financing is not provided for by increased deductions then the $2 billion figure would rise proportionately.

Mr. McGEE. The committee did provide for an increase in the deductions to pay for these particular benefits. However, the important point is that the deficiency is not due to the failure of the employees to contribute, but to the failure of the U.S. Government to set aside its proportionate share each year. This is the matter that we are seeking to correct.

Mr. WILLIAMS of Delaware. The statement is partly correct. There was a period of years when the Government did not put in the matching contribution. Those matching contributions of the Federal Government plus interest would amount to about $5 billion or $6 billion and would take care of about one-tenth of the present actuarial deficiency. That arises from the fact that even though the Government was on an equal matching basis, if the Government had made all its payments plus interest there would still be $40 billion deficiency remaining which would have to be taken care of either by increased contributions or by tapping the Federal Treasury, as the committee decided to do.

This deficiency in the funds is the result of past Congresses voting increased retirement benefits without making provisions to raise the money to pay them.

So while it is partly true to say that some of the deficiency results from the failure of the Government to have matched the contributions of the employees that is only about 10 percent of the deficiency.

Mr. COOPER. Mr. President, as I understand it, the chief portion of the actuarial deficit results from the fact that Congress did not first require sufficient deductions from the employees.

Mr. WILLIAMS of Delaware. At first it did require deductions in a sufficient amount when the Federal Government matched them. However, Congress over the years has been liberalizing the pension funds, but it did not at the same time increase the deductions to provide for a method of financing.

One of the points that the former Senator from Maryland, Senator O'Conor, and I made 20 years ago when we dealt with the matter was that we should incorporate a requirement in the law to the effect that every time Congress raised the benefits it would have to raise the deductions on the part of both the employees and the Government at the same time.

Had we been successful then we would not be here today with a $50 billion deficit. Over the last 15 years Congress has been raising retirement benefits practically every year for the employees and at the same time making no provisions at all for the financing of these benefits. It has been the same old story. Members of Congress scramble for a chance to spend money, but they are very bashful when it comes to imposing the tax to pay for the programs.

Even here today, while the committee authorizes that the Federal Treasury can be tapped for an extra $2 billion annually to pay for the cost of these retirements increases, they defer the date of this new tax until after next year's election.

The committee had to provide financing in the pending bill to pay for the benefit increases that had been granted for the past 15 years, but why start this parade all over again by authorizing a new round of increases? If the money provided under title I were intended to pay for the past benefits that have been voted my contention is that we should have kept it to that point and not started another round of escalation.

Mr. COOPER. Does one-half of the deficit, or a great part of the deficit, result from the fact that in the past Congress did not appropriate sufficient funds to pay the Government's share, the employer's share, of the fund?

Mr. WILLIAMS of Delaware. That would only account for about 10 percent of the deficiency. The other 90 percent is accounted for by the fact that Congress in the past approved benefits that were not matched by the increased contributions on the part of the employees and the Government.

Mr. COOPER. Mr. President, it is not likely that we could levy upon the employees who have already retired increased deductions to make up for the past deficit.

Mr. WILLIAMS of Delaware. No, that could not be done. I would not support such a move, and I do not think it could be done.

As these employees retire it is a contract they have with the Government, and I do not think you can go back and rescind it.

I have always taken the position that what the retired employees of the Government want most, No. 1, is the assurance that, no matter how long they live, this fund will be solvent and their payments will continue. They do not want to figure that they have to die by a certain date or they will not have anything on which to live. They want assurance that the pension will be paid as long as they

live, and that is one point we have to be sure to protect. I think we should consider that point as No. 1.

The second point is, to what extent can it be liberalized? That is equally important to them.

But the major point is that once an employee retires and is dependent upon the pension he wants the assurance that he does not have to die early in life in order to keep from going to the poorhouse. I think we in Congress have been negligent in giving him that assurance.

Mr. COOPER. The social security trust fund is not actuarially solvent, is it?

Mr. WILLIAMS of Delaware. Not from the standpoint of insurance. But it is actuarially solvent—or was—on the premise the workers under the law have to come under it; therefore, the Government is assured of continued contributors and policyholders for life.

For years it has been a policy accepted and recognized by the Ways and Means Commitee and the Finance Committee that they would consider no increased benefits in social security if there were not in the same bill provisions for an increased contribution or tax to pay for it. That has been the policy, and we have mentioned it on the floor of the Senate when various Members have proposed increased social security benefits. Members were told there was no use in approving increased benefits unless there were a tax in the same bill to provide the financing.

Had that rule been in effect in the Civil Service Retirement Act 20 years ago we would not be in this dilemma today, and I wish it were a part of this bill. Then we would have the situation that Members of Congress as they vote for increased benefits, which is always popular, would also vote to raise the contributing rates for the employees.

The unfortunate point is that after next year Congress will be required to raise the taxes of the American taxpayers to the extent of $2 billion a year to pay for the benefits that are being approved under this bill today.

Mr. COOPER. If the social security trust fund should be threatened, its real solvency rests upon the credit of the United States and the taxes and appropriations to keep it solvent.

Mr. WILLIAMS of Delaware. Morally, yes; that is the answer. Legally the social security pension fund is not anchored to the Federal Treasury. The civil service retirement fund will be anchored to the Federal Treasury under this bill.

Government employees under this bill are being placed in a special class with benefits that are not available to any other type of citizens and these benefits are being financed directly out of general revenue. I trust that those who have voted for this bill here today will explain this to their taxpaying constituents.

Mr. COOPER. I am glad to have the explanation of the Senator from Delaware. I think it a mistake to add the 1 percent to the cost of living increase, and am sorry that is in the bill. But, on the whole, I think this bill does move toward protecting the trust fund and protecting the retirees.

Mr. DOLE. Mr. President, I support S. 2754. Upon reading the report, I was impressed by the committee's approach taken to resolve problems presently confronting our civil service retirement and disability system. The committee has recommended an extension of benefits and also a realistic concern about financing the benefits.

I have long been sympathetic to the needs of our retired citizens who must live on a fixed income. During periods of inflation, as now, senior citizens bear an unfair share of the problems caused by the decreasing purchasing power of our dollar. Many who gave years of dedicated service find themselves unable to exist on the retirement pay they had anticipated would allow them to live comfortably in their later years.

Several provisions in S. 2754 are particularly noteworthy. Section 204(a) will provide for an additional 1-percent adjustment with each cost-of-living increase. Existing law provides for an adjustment whenever the Consumer Price Index shows a 3-percent increase for each of 3 consecutive months. The 1-percent increase will allow our retired civil servants to live more realistically with an inflation rate that has been averaging 6.4 percent.

Section 201 of S. 2754 will more fully reward the civil service employee by use of his highest 3 years of earnings as a base period for computing annuities rather than the highest 5 under existing law.

There are other provisions, including those for financing the civil service retirement and disability system, extension of credit for military service and improvements in the survivor benefits for employees who die with little Federal service, for employees who die after retiring upon a disability annuity, and for surviving children of Federal employees. All are needed additions to our civil service retirement and disability system.

I urge the Senate to pass S. 2754 as a reasonable approach to the problems of those retired from Federal services.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 9825) was passed.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

Mr. FONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that, in the engrossment of the Senate amendment to H.R. 9825, the Secretary of the Senate be authorized to make the necessary clerical and technical adjustments in the language of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. McGee, Mr. Yarborough, Mr. Randolph, Mr. Hartke, Mr. Fong, Mr. Boggs, and Mr. Fannin conferees on the part of the Senate.

Mr. McGEE. Mr. President, I ask unanimous consent that S. 2754 be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that in the engrossment of the Senate amendment to H.R. 9825 the Secretary of the Senate be authorized to eliminate the last four lines of the amendment since it refers back to section 207 of the amendment which was stricken out and therefore no longer has an significance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate's thorough, expeditious, and overwhelming acceptance of the civil service retirment measure is due primarily to its expert handling by the distinguished chairman of the Senate Post Office and Civil Service Committee, the Senator from Wyoming (Mr. McGee). Senator McGee, along with the members of his committee, worked diligently to report out a bill that means so much to those who serve the Government and one that is designed to stabilize the retirement fund. The Senate appreciates his knowledge of this area and the strong advocacy with which he presented its features.

We are also indebted to the senior Senator from Delaware (Mr. Williams) for his thought-provoking contributions to the discussion and appreciate very much the cooperation he exhibited.

The Senate as a whole is to be complimented for the efficient disposition of this measure today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that Mr. Mailliard had been appointed as a conferee in the conference on the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, vice Mr. Pelly of Washington, excused.

PEACE CORPS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the motion of the Senator from New York (Mr. Javits) of September 19, 1969, to reconsider the passage of H.R. 11039.

The PRESIDING OFFICER (Mr. McGovern in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the action of the Senate in appointing conferees on H.R. 11039 be reconsidered.

XUM

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider the votes by which H.R. 11039 was read the third time and passed.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 11039) to amend the Peace Corps Act (75 Stat. 612) as amended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

> On page 1, line 7, delete "$92,800,000" and insert in lieu thereof the following: "$95,800,000".

Mr. JAVITS. Mr. President, the Senate, in the Committee on Foreign Relations, cut $10 million from this appropriation. At the time I indicated I thought it was cutting too deeply. There are very strong reasons why the Senate took this position, not individous to the Peace Corps, but based on a certain depth of judgment Senators had about other provisions in the bill. The bill will go to conference.

Mr. President, I felt the cut was too steep. When the bill went through on the Consent Calendar I asked the distinguished majority leader if he would be kind enough to allow me to try to restore some of the cut. He did. I have come to an agreement with the Senator from Arkansas (Mr. Fulbright), the Senator from Vermont (Mr. Aiken), and the Senator from Kentucky (Mr. Cooper), because they are the principal Senators interested, that the cut should be reduced to $7 million.

I believe the matter can be properly concluded in the Senate in that way. I wish to express gratitude to the chairman of the committee (Mr. Fulbright) who has strong feelings about this matter and who has made a signal contribution to the Peace Corps.

There is nothing further for me to say except to express my deep appreciation that this kind of statesmanship is present in the Senate, regardless of the parliamentary situation.

Mr. FULBRIGHT. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. The Senator has correctly stated the situation. It is my understanding that the principal sponsors of the amendment in the committee, the Senator from Delaware and the Senator from Kentucky, are agreeable to the change. I certainly have no objection. I shall offer no objection to the Senator's amendment.

Mr. JAVITS. I thank my colleague. I meant to include the Senator from Kentucky.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JAVITS. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD and Mr. FULBRIGHT moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed Mr. Fulbright, Mr. Sparkman, Mr. Gore, Mr. Aiken, and Mr. Mundt as conferees on the part of the Senate.

THE JOHN F. KENNEDY CENTER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 316, H.R. 11249. I do this so that the bill will become the pending business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 11249) to amend the John F. Kennedy Center Act, to authorize additional funds for such Center.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I had not intended to take the lead in speaking in behalf of the measure now pending, but because of a set of circumstances which arose, it seems that I have been delegated to do so.

Mr. President, the Senate is considering H.R. 11249 as reported from the Committee on Public Works.

The purpose of this bill is to amend section 8 of the John F. Kennedy Center Act by striking out $15,500,000 and inserting in lieu thereof $23,000,000, thus increasing the authorization for appropriation by $7,500,000, and to amend section 9 of the act by striking out $15,400,000 and inserting in lieu thereof $20,400,000, thus increasing the authority to borrow from the U.S. Treasury by $5,000,000.

The John F. Kennedy Center Act authorized the appropriation of $15,500,000 to be used for the matching of gifts for the construction of the Center and further authorized the Board of Trustees of the Center to issue bonds for the purpose of borrowing from the U.S. Treasury $15,400,000 for the construction of the parking facilities. At the time this act was passed, it was estimated that the total cost of the building, with parking facilities, would be approximately $46,400,000. However, since that time, due to inaccurate estimating, changes in design, strikes, and the increased cost of construction, the estimated cost of completing the facility has risen to $66,200,000, and there are insufficient funds available from private contributions to complete the work.

The Center is approximately 50 percent completed, and without an additional appropriation of funds to match private gifts, and without additional borrowing authority to obtain funds for the parking facility, the work cannot be completed. The Chairman of the Board of Trustees of the John F. Kennedy Center has stated that, in his opinion, it would be impossible to raise all of the additional funds required for the completion of the Center at this time, and if it becomes necessary to interrupt the work and delay completion for any length of time, it would probably cost an additional $10 million to complete construction at a later date.

To interrupt construction of the facility at this time would jeopardize the $15,500,000 which the Federal Government has already invested in the project and would deny the use of this long desired cultural center to the many people who visit and live in the Nation's Capital. At the rate that construction costs are rising, there is little doubt that this facility will cost at least an additional $10 million to complete at a later date if construction is interrupted at this time.

Mr. President, the House passed H.R. 11249 on July 8, 1969, and the Committee on Public Works of the Senate recommends its passage.

Mr. President, I ask unanimous consent to have printed in the Record certain excerpts from the report of the Committee on Public Works in relation to H.R. 11249.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

SUMMARY OF THE BILL

H.R. 11249 would amend section 8 of the John F. Kennedy Center Act (Public Law 88–260), by striking out $15,500,000 and inserting in lieu thereof $23 million, thus increasing the authorization for appropriation by $7,500,000. It would also amend section 9 of the John F. Kennedy Center Act by striking out $15,400,000 and inserting in lieu thereof $20,400,000, thus increasing the authority to borrow from the U.S. Treasury by $5 million.

THE NEED

The John F. Kennedy Center Act authorized the appropriation of $15,500,000 to be used for the matching of gifts for the construction of the Center and further authorized the Board of Trustees of the Center to issue bonds for the purpose of borrowing from the U.S. Treasury $15,400,000 for the construction of the parking facilities. At the time this act was passed it was estimated that the total cost of the building, with parking facilities, would be approximately $46,400,000. However, since that time, due to inaccurate estimating, changes in design, strikes, and the increased cost of construction, the estimated cost of completing the facility has risen to $66,200,000 and there are insufficient funds available from private contributions to complete the work.

The Center is approximately 50 percent completed, and without an additional appropriation of funds to match private gifts, and without additional borrowing authority to obtain funds for the parking facility, the work cannot be completed. The Chairman of

the Board of Trustees of the John F. Kennedy Center has stated that, in his opinion, it would be impossible to raise all of the additional funds required for the completion of the Center at this time, and if it becomes necessary to interrupt the work and delay completion for any length of time, it would probably cost an additional $10 million to complete construction at a later date.

GENERAL STATEMENT

In September 1958, President Eisenhower signed into law Public Law 85–784 authorizing the construction of a National Cultural Center in the Nation's Capital. The tragic death of President Kennedy resulted in early action by the Congress to reconsider the status of the Center and to adopt it as the principal memorial to the late President in the Greater Washington area. Senate Joint Resolution 136 was enacted and signed as Public Law 88–260 on January 23, 1964, naming the Center the John F. Kennedy Center for the Performing Arts.

Public Law 874, 85th Congress, authorized the establishment in the Smithsonian Institution of a Board of Trustees of the National Cultural Center, composed of 15 specified Federal officials, members ex officio, and 15 general trustees appointed by the President, to cause to be constructed for the Institution, with funds raised by voluntary contributions, a building to be designated as the National Cultural Center on a site in the District of Columbia bounded by Rock Creek Parkway, New Hampshire Avenue, the proposed Inner Loop Freeway, and the approaches to the Theodore Roosevelt Bridge.

The Board would maintain and administer the National Cultural Center and site thereof, present programs of the performing arts, lectures, and other programs, and provide facilities for other civic activities. There would also be established an Advisory Committee on the Arts, designated by the President, to advise and consult with the Board and make recommendations regarding cultural activities to be carried on in the Center. The lands for the National Cultural Center and related activities would be acquired by the National Capital Planning Commission, with plans and specifications for the building approved by the Commission of Fine Arts.

The act provided that it would expire if, within 5 years after the date of its approval, in the opinion of the Board of Regents of the Smithsonian Institution, sufficient funds to construct the National Cultural Center had not been received by the Trustees. Any funds and property (real and personal) received by the Trustees during this period, and income therefrom, in event of the termination of the offices of such Trustees, would vest in the Board of Regents of the Smithsonian Institution and be used by the Board to carry out the purposes of Public Law 357, approved March 28, 1958, which provides for the transfer of the Civil Service Commission Building in the District of Columbia, to the Smithsonian Institution to house certain art collections, and for the acquisition of works of art to be housed in such building, except that such funds or property may be vested in an organization designated by the donor at the time of making the donation, if a contribution to such organization is tax deductible under the internal revenue laws.

Public Law 100, 88th Congress (77 Stat. 128), approved August 19, 1963, authorized an increase in the number of general Trustees appointed by the President from 15 to 30, to hold office as a member of the Board for a term of 10 years. The terms of any members appointed prior to the date of approval of the act would expire as designated by the President at the time of appointment; and the terms of the first 15 members appointed under the provisions of the act would expire at staggered intervals, three on each of the dates September 1, 1964, 1966, 1968, 1970, and 1972. The act also increased the membership of the Board constituting a quorum required for the transaction of business from 8 to 12. The authorized period for the Trustees to solicit funds for construction of the National Cultural Center was extended for a period of 3 years, until September 2, 1966, in order to give the Trustees additional time in which to complete their fund-raising campaign.

Public Law 88–260 renamed the National Cultural Center as the John F. Kennedy Center for the Performing Arts, in honor of the late President of the United States, John Fitzgerald Kennedy; directed the Board to provide within such Center a suitable memorial in his honor; authorized appropriations in an aggregate amount equal to the gifts, bequests, and devises held by the Board of Trustees, but not in excess of $15,500,000; provided borrowing authority by issuance of revenue bonds in an amount not to exceed $15,400,000 to the Secretary of the Treasury to finance necessary parking facilities for the Center; authorized the Secretary of the Treasury to accept on behalf of the United States any gift in honor of or in the memory of the late President; and provided that the John F. Kennedy Center for the Performing Arts designated by this act shall be the sole national memorial to the late John Fitzgerald Kennedy within the city of Washington and its environs.

When the 88th Congress enacted Public Law 88–260 it intended that this memorial to the late John F. Kennedy would be built in the city of Washington for a total cost of $46.4 million. Based upon this $46.4 million estimate, the Board of Regents of the Smithsonian Institution, at its meeting on January 27, 1966, found that sufficient funds to construct the Center had been received by the Trustees of the John F. Kennedy Center for the Performing Arts and construction was initiated.

PRESENT PHYSICAL CONDITION OF KENNEDY CENTER

The overall construction of the Kennedy Center is more than 50 percent complete. The exterior marble panels have been erected on the three exterior walls of the concert hall, completely enclosing the southernmost third of the building. The exterior marble has also been erected on the river side of the opera. It is planned to complete the exterior marble panels for the entire building by the fall of this year.

Concrete work has been completed in the concert hall area, in practically all of the garage area, and is well underway in the opera. Unfortunately, a carpenters' strike commenced on the first day of May, and this stopped all further work of pouring concrete. About 30 percent of the total concrete remains to be put in place.

A large amount of masonry, plumbing, air conditioning, elevator, and electrical work has been accomplished. The concert hall, the hall of nations, the grand foyer, the river terrace, and the entrance plaza are all taking shape and their ultimate appearance, insofar as form is concerned, can be readily visualized.

Major work still to be contracted includes tile, terrazzo, wood floors, interior glass, approaches, landscaping, interior painting, and the finishing of administrative and rehearsal spaces. A program for procurement of all furnishings, furniture, landscaping, and sound equipment will have to be initiated in the immediate future in order to be coordinated with the completion of the building.

FINANCING PROBLEMS INVOLVED WITH CONSTRUCTION

The Board of Trustees of the John F. Kennedy Center arranged with General Services Administration to act as design and construction agents for the Center and this responsibility presently rests with the Public Buildings Service of the General Services Administration.

The architect was first retained by the Trustees in June 1959 for preliminary site investigation. Throughout 1959, 1960, and 1961 he was periodically asked to do design studies, planning studies, and investigation work which led, by September 1962, to outline plans which established the seating capacities of the auditoriums at approximately their current size, 2,759 in the symphony hall, 2,317 in the opera, and 1,142 in the Eisenhower theater, and 505 in the film theater.

The contacts and consultation with GSA beginning in 1963 led to their involvement in 1963–64 in discussions with the architect on design matters and on details of a definitive professional services contract. Two important documents were executed in July–August 1964; (*a*) an agreement between the Trustees and GSA under which the latter would become agent for the Trustees in supervising design and construction and (*b*) a professional services design contract with the architect.

The milestone dates in development of the drawings and specifications are as follows: Program development, 1962–63; preliminary drawings, November 1963; tentative drawings, October 1964; intermediate drawings, February 1965; final drawings, November 1965; program review and changes, February 1966; revised finals, July 1966; and completed working drawings, September 1966.

Although it is usual practice of GSA to award construction contracts on a lump-sum basis after open competitive bidding, and it was earlier intended to so award the Kennedy Center contract, there are projects where exceptions are necessary and allowable under procurement regulations and the Federal Property and Administrative Services Act of 1949. The Kennedy Center is such a project. Among its distinctive features is the fact that it has received approximately $3 million in gifts of equipment, materials, and fittings; many have been rceived since construction started; others may still be received. It is easier to allow for such gifts in a cost-plus-fixed-fee contract with competition as to the fee amount.

The reasons for the almost inexorable growth of the project cost and the resultant need for additional funding are not clean cut and unanimously agreed upon. Some of the increase is due to error on the part of the General Services Administration and on the part of the architect. Some is due to changes in the program of requirements after work had started. Some is due to inefficient sequencing of subcontract awards. Some is due to strikes and other acts beyond anyone's control. And some—a sizable amount—is due to the meteoric rise in construction costs.

Between the month of January 1964, when the Congress accepted an estimate of $46.4 million, and January 1969, the cost of building construction increased almost 30 percent. Thus, up to $14 million of the increase could be charged to cost escalation. However, since some of the work was accomplished before this total increase was experienced, it is estimated conservatively that about $9 million of the increase is due solely to escalation.

Careful control of the timing of subcontract awards to avoid overcommitment of funds has probably added about $1.5 million to the cost of the work. Not all awards could be made when prudent construction practice dictated.

There has been $1.2 million added to the cost of work by approved change orders. Most of these were due to job conditions, though about one-third of the amount is due to changes made by the trustees and about $200,000 by design corrections.

Acts such as a strike of longshoremen which prevented timely receipt of marble from Italy and the advent of jet aircraft at Washington National Airport added to the

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cost. The latter increased costs of glazing and insulation of the Center so as to insure jet noise attenuation. These sorts of problems added $0.6 million.

The remainder of the $15.8 million increase in cost since January 1964 is due to underestimating. This has principally involved structural steel and concrete form work. The tonnage of structural steel was underestimated by about one-third. The cost of concrete form work, although still not final, apparently will run about 20 percent over the original budget estimate. There have been, of course, other minor budget adjustments, some up, some down, but the total effect of estimating inaccuracies amounts to about $3.5 million, or about 5½ percent of the budget cost; $2.7 million of this is due to structural steel alone.

The General Services Administration now estimates that the total cost of the building and parking facility will be approximately $66,200,000.

COMMITTEE VIEWS

In reporting H.R. 11249 the committee recognizes the need for completing the construction of the John F. Kennedy Center at the earliest possible date. To interrupt construction of the facility at this time would jeopardize the $15,500,000 which the Federal Government has already invested in the project, would deny the use of this long desired cultural center to the many people who visit and live in the Nation's Capital, and would probably cost an additional $10 million to complete at a later date. However, the committee wants it clearly understood that the Center must be completed within the proposed cost of $66,400,000 and if, by any chance, this figure has been underestimated any additional funds required must be raised by the Board of Trustees through private subscription. The need to complete the Center is urgent and the committee recommends the enactment of H.R. 11249.

COST

This legislation authorizes the appropriation of an additional $7,500,000 for construction of the Center and authorizes borrowing authority from the U.S. Treasury for an additional $5 million for the parking facility.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ELLENDER. Mr. President, as I recall, this building is to be constructed on a 50–50 basis; that is, the Government would put up 50 percent and the public would put up 50 percent. Is that correct?

Mr. MANSFIELD. The Senator is correct.

Mr. ELLENDER. Will the additional amount the Senator now refers to be covered by subscription?

Mr. MANSFIELD. Yes.

Mr. ELLENDER. The subscriptions would come from the public?

Mr. MANSFIELD. Yes. The Senator is correct.

Mr. ELLENDER. What about the loan to which the Senator referred? I notice there is a clause that refers to borrowing.

Mr. MANSFIELD. Yes. The reason, as I understand it, is that they have to dip into other funds and pay an extremely high rate of interest; and even on that basis they will not be able to continue for too long. Therefore, they are asking for help of this nature at this time so that the work can continue.

Mr. ELLENDER. I notice that quite a lot of money is being spent for space to park cars. Is that extra money, or was it included in the original program?

Mr. MANSFIELD. It was included in the original program; this aspect is supposed to be self-liquidating.

Mr. ELLENDER. I further understood that this entire program would be self-liquidating. Is that the contention of the Senator from Montana?

Mr. MANSFIELD. No. As I understand it only the parking facilities would be self-liquidating.

Mr. ELLENDER. How about the management of the building after it is completed. Have we any evidence to show that it will be self-sustaining in that respect?

Mr. MANSFIELD. It is anticipated that that will be the case. I wish there were someone from the committee present in the Chamber to supply more detail to the distinguished Senator.

Mr. ELLENDER. We have a similar situation with the RFK Stadium.

Mr. MANSFIELD. I have an idea that the cultural center, which incidentally was started under the Eisenhower administration, will be built in a much more solvent manner than the stadium.

Mr. ELLENDER. I presume so; and also in its maintenance and operation. When we furnished money to build the stadium, we were told it would be self-sustaining, but up to now I understand they have not earned enough to pay the interest on the bonds which were issued against the backing of the U.S. Treasury. We are forced to appropriate almost $1 million annually so that the District of Columbia can meet the interest payments.

Mr. MANSFIELD. As I understand the proposal, only the parking facilities will be self-liquidating and the other facilities will have to be taken care of in some other manner. I assume a proposal will be made to bring in some revenue to help alleviate that problem, at least to some extent, if necessary.

Mr. ELLENDER. I had gathered the impression that it would be self-liquidating. I hope it works out that way. The bonds issued to finance the construction of RFK Memorial Stadium fall due in 1980. As it looks now, the Treasury will be forced to make good their redemption.

Mr. MANSFIELD. I hope so, too.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of Virginia. Mr. President, I was impressed with the comments made by the distinguished senior Senator from Louisiana (Mr. Ellender) in regard to the possible cost of this cultural center.

I want to say that I favor a national cultural center located in the city of Washington. I have been a supporter of this project and I want this Capital City of our country to have a national cultural center.

I am concerned in regard to the cost of this new center. The distinguished majority leader pointed out that it is not possible today for members of the committee handling this matter to be in the Chamber at this time.

I think there are many facts that must be brought out so that the Senate can fully understand just what the ultimate cost will be. I wish to say to the Senator from Montana that since it is impossible for members of the committee to be here at this time——

Mr. MANSFIELD. There are members here, but they are engaged in official business.

Mr. BYRD of Virginia. They are engaged in official business. The Senator is correct. We have so many matters going on in connection with the Senate that it is not possible for them to be in the Chamber at this time. It is also the middle of Friday afternoon. I wonder if the distinguished majority leader would be willing to make this legislation the first order of business when the Senate convenes on Monday.

Mr. MANSFIELD. I think that is a reasonable request. I think it can be worked out if the Senator from Virginia will trust the Senator from Montana to make arrangements along that line. The position is well taken and it would give the Senator and others more time in connection with the matter.

Mr. BYRD of Virginia. I thank the Senator.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. Mr. President, do I understand by that that the majority leader will seek a unanimous-consent agreement to vote at a certain time on Monday?

Mr. MANSFIELD. That is the Senator's intention and I shall do so if there is no objection.

Mr. FULBRIGHT. I do not object. I will be pleased to agree to such a request.

AMENDMENT NO. 223

Mrs. SMITH of Maine. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Arizona (Mr. Goldwater), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Bill Clerk. The Senator from Maine (Mrs. Smith) proposes an amendment, at the end of the bill insert the following new section:

> Sec. 2. (a) No part of the increased amount of funds authorized to be appropriated by subsection (a) of the first section may be expended, and no part of the increase in the authority to borrow from the Treasury under subsection (b) of such section may be used, until after the Comptroller General of the United States (1) has completed a comprehensive investigation of the past and projected costs of constructing the John F. Kennedy Center for the Performing Arts and its parking facilities, and (2) has submitted a report, together with his recommendations, of such investigation to the Congress,
>
> (b) The Comptroller General shall submit his report to the Congress not later than sixty days after the date of enactment of this Act.

Mrs. SMITH of Maine. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. SMITH of Maine. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SMITH of Maine. Mr. President, I ask for the yeas and nays on my amendment.

Mr. ALLEN. Mr. President, will the able and gracious Senator from Maine yield to me for just a moment?

Mrs. SMITH of Maine. I yield.

Mr. ALLEN. If the Senator will withhold asking for the yeas an nays on her amendment for a moment, I should like, in all likelihood, to ask the distinguished senior Senator from Maine if she will accept a modification of her amendment on Monday. As I understand the parliamentary procedure, if the yeas and nays are ordered, I would not be able to make that request.

Mr. WILLIAMS of Delaware. That can be done by unanimous consent.

The PRESIDING OFFICER. That is correct; only through unanimous consent.

Mrs. SMITH of Maine. If the modification is in order, I would be glad to accept it. I should like to read it first. Will the Senator offer it now?

Mr. ALLEN. I am ready to do that now, yes; and then the Senator can ask for the yeas and nays.

Mr. President, I send to the desk a modification of the amendment offered by the Senator from Maine, and I ask that it be stated.

The PRESIDING OFFICER. The modification will be stated.

The Bill Clerk. The Senator from Alabama proposes a modification to amendment No. 204, by deleting the period at the end of section 2(a) and adding a comma in lieu thereof and by adding thereafter the following: "and (3) such report states that the Center and parking facilities can be completed as provided by the plans and specifications with the funds made available by this Act together with other funds or materials in the possession of the trustees."

Mrs. SMITH of Maine. Mr. President, I am pleased to accept the modification.

I now ask for the yeas and nays on my amendment as modified.

The PRESIDING OFFICER. The amendment of the Senator from Maine is modified as requested.

Is there a sufficient second for the yeas and nays?

The yeas and nays were ordered.

Mrs. SMITH of Maine. Mr. President, I want to call the attention of the Members of the Senate and the attention of the American people—especially the American taxpayers—to the scandalous record in this case, in which it was originally promised that no request for Government funds would be made for this project.

In 1963, when Congress was considering the John F. Kennedy Center Act, the total estimated cost of the project was $46,400,000. According to the Senate Public Works Committee Report No. 91–327, the current "proposed" cost is $66,400,000 or 43.1 percent higher than the 1963 estimate—$20 million higher.

The reasons for this huge growth, the report states, "are not clean cut or unanimously agreed upon." Error is attributed to the General Services Administration and the architect. Other factors cited are increased building costs of about $9 million, change orders of $1.2 million, a strike of longshoremen preventing timely receipt of marble from Italy, and something euphemistically described as "underestimating" to the amount of $15.8 million.

For example, the amount of structural steel needed was underestimated by one-third for an added cost of $2.7 million. When compared to the proposed 1963 cost of $46,400,000, underestimating alone amounts to 34.05 percent.

On August 19, 1963, President Kennedy signed into law a 3-year extension of the National Cultural Center Act to give the trustees more time to raise funds. In a memorandum to heads of executive departments at that time, President Kennedy remarked:

> To secure the necessary funds to build the center, which will be a $30 million structure of theater and concert halls, a nationwide fund-raising program was authorized through which the American people are given an opportunity to demonstrate their voluntary support for the creation of this type of national institution.

Taking President Kennedy's cost figure of $30 million, the current proposed cost of $66,400,000 is $36.4 million higher or a shocking 121.3 percent higher. Similarly, underestimating in the amount of $15.8 million alone amounts to 52.66 percent of President Kennedy's cost figure.

Another aspect of this matter might be termed cost overrun to the American taxpayer. When President Kennedy signed the 3-year extension, all of the proposed $30 million construction cost was to have been borne by private subscription.

The John F. Kennedy Center Act of 1963 authorized to be appropriated $15,500,000 in tax money for construction on the condition that this sum would be matched by private donations. This year, H.R. 11249 increases the construction authorization to $23 million. Here the increase amounts to $7.5 million, resulting in what might be termed a cost overrun to the American taxpayer of 48.3 percent.

The form and purpose of the amendment I have proposed is similar to amendments offered to the defense procurement bill that the Senate recently debated at length for 2 months.

However, it does differ in one important respect in that it does not propose to have the Comptroller General and the Government Accounting Office become a substitute evaluator on a subject on which they are without appropriate knowledge and experience.

Like the revised Mondale-Case amendment on the nuclear carrier—the revised version that scaled down the original 14 proposed points of evaluation by the Comptroller General on the nuclear carrier down to only two points of evaluation, and those two points being limited to cost determinations—this amendment is limited to cost determinations.

This amendment proposes that the Comptroller General make an investigation and report on costs of the John F. Kennedy Center for the Performing Arts. It does not propose that he make any evaluation in the field of the performing arts.

It is similar in purpose to amendment No. 108, offered by Senator Proxmire to the defense procurement bill and which related to the cost overruns on the C–5A aircraft.

This amendment is concerned with the cost overruns on the Kennedy Center and the mounting cost to the taxpayers on a project Congress was originally promised would be financed by private contributions and funding and at no cost to the Federal Government and the taxpayers.

The expenditures on the Kennedy Center of taxpayers' funds represents percentagewise on cost overruns one of the greatest fiscal disasters in the history of Federal expenditures. The purpose of my amendment is to make the best of a bad situation, to suspend pouring good money after bad, to permit an investigation of past and projected costs.

There is some semblance of the past referred-to-concept of the ' buy in" in that original legislation on this subject began with the very firm representations and promises that no Federal financing at taxpayers' expense would be entailed. Those promises have been broken.

It is a situation in which the target cost has been greatly exceeded.

It is a situation in which the original promises have been broken.

It is a situation in which the current proposed cost of $66,400,000 is $36,400,000 higher or 121.3 percent higher than the cost figure set by the late President Kennedy in a statement he made on August 19, 1963, when he said the Center would obtain funds through a nationwide fund-raising program through which the American people would be given an opportunity to demonstrate their voluntary support.

The Federal Government investment in this matter continues to grow despite the original promise that there would be no Federal Government investment in it and that it would not be be at cost to the taxpayers.

It is a situation in which there appears to be a "reverse incentive" in view of the tolerance of indicated excessive costs and inefficiencies.

It is a situation in which there is already disturbing delay.

It is a situation in which there have been grave errors and gaps on specifications.

What all this adds up to, in my judgment, is that the Congress must call a halt to these shenanigans on this Center. The Kennedy Center case symbolizes some of the worst aspects of procurement management that has utterly failed to do a good job. From reading the hearings I think that we can expect the Center people to come back at a later date and ask for even more money for the Center.

The American people deserve a better accounting of their tax money with respect to the Kennedy Center for the Performing Arts than we can now give. My amendment will at least place the Congress in a position of knowing what the real requirements for the Kennedy Center are and the justification for them and for spending more taxpayer dollars on this project on which it was origi-

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nally represented that no taxpayer dollars would be spent. The amendment asks the General Accounting Office for an investigation of the facts and to submit its findings with recommendations to the Congress within 60 days.

Clearly it is not unreasonable to refuse to authorize any additional Kennedy Center funds until we know more about this program. I believe we ought to know what the projected costs are as well as the past costs so that we can anticipate repeated requests in each year for more funds from the Kennedy Center people. I therefore urge the adoption of the amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. GOLDWATER. I am very happy the Senator from Maine has spoken as she has. It is typical of her, with her honesty and her dedication to the duties of this body. I am very happy to have joined in the amendment that has been offered to this particular piece of legislation.

I can recall during the extended debate on the military authorization bill that we heard a lot about overruns. If I remember correctly, the Senate at one time debated an amendment that would send a particular weapon—I think it was the tank—back to the GAO for study. I remarked at the time that the GAO was not equipped to study deployment or strategy or tactics. Now we have an excellent opportunity to test the principle of referring the matter to the GAO, because this is entirely within their field.

Does the Senator agree?

Mrs. SMITH of Maine. The Senator is correct.

Mr. GOLDWATER. I know the cost of building is going up. I know it is going up faster than any other cost. I know they have been beset by a carpenters' strike, by poor design, and, I am convinced, poor bidding and poor planning; but now we are asked to give $23 million instead of $15.5 million and to strike out $15.4 million and substitute in lieu thereof $20.4 million, to increase the authority to borrow from the U.S. Treasury. This is another $5 million.

But the thing that concerns me is that in the very short time that the bill has been under consideration, the cost has gone from $46.4 million to $66.2 million. I think the Senator used these figures when she presented the amendment. But am I correct in remembering that this is an overrun of about 43.1 percent?

Mrs. SMITH of Maine. The Senator is correct.

Mr. GOLDWATER. If I remember correctly, the overrun on the C–5A amounted to 40 percent.

Mrs. SMITH of Maine. As I recall.

Mr. GOLDWATER. I see no reason in the world, Mr. President, why this amendment should not be adopted before we further consider this bill. I do not want to be put in the position of a person who wants to stop the development of the Kennedy Center. I think the community is badly in need of such a center. But I think before we bite off any more, we had better know how big the bite is. The way it has been increasing, we could very easily wind up with a $100 million bill. I am not sure we need it that badly.

I think the amendment offered by the Senator from Maine, which I cosponsored, to which I understand there has been a subsequent modification and to which the Senator from Maine has agreed—and to which I certainly would agree—that we have a GAO study of this project made in depth, is reasonable and proper. That is not a difficult thing to do. Business goes through this sort of process day after day, in view of increasing costs. For example, we are in the process of building a new building in Arizona. The estimated cost has already gone up, and we have not even put together all of the money. I can understand that. But we turned the problem over to accountants, to tell us where we can save money, and what we can expect in the future if we do not go ahead with it now, or what we might do to put it off and eventually save money.

I think the Senator from Maine is eminently correct in asking that the passage of this bill be held back until we all have time to understand it. This is not in opposition to the John F. Kennedy Center for the Cultural Arts. That is just one item. I think we ought to have a study of everything that involves cost overruns. If it was such a good idea for military authorization—and I have to agree that it certainly made sense in some instances, though not all the time—we ought to have it on every bill that goes through here.

I again compliment my distinguished colleague, the Senator from Maine, for doing a very fine job.

Mrs. SMITH of Maine. Mr. President, I express my appreciation to the Senator from Arizona. I am sure that, with his legislative and military experience and his recent experience with overruns, few Senators could speak more authoritatively.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. WILLIAMS of Delaware. I join the Senator from Arizona in paying respects to the Senator from Maine. I agree that a study by the General Accounting Office, particularly in this case, is fully justified.

I am sure one point which could be closely examined by the General Accounting Office is the matter of underestimating the requirements for structural steel in the amount of about $2.7 million. This accounts for some of the overrun. I can understand the escalation in the costs as a result of inflation. Perhaps they were unable to take all that item fully into consideration, but I am at a loss to understand how any architect or designer can underestimate the tonnage amount of steel that will be required for a building of certain specifications by any such amount as that.

I am particularly disturbed in that, as I understand, there has been no change in personnel, but the same group of supervisors are involved on this proposal. A question has been raised as to whether or not someone could be held liable for such a gross error in underestimating the tonnage of structural steel.

Surely this is a point the Comptroller General should report back to Congress on, showing not only the reasons for the overrun but also what has happened in the past. Let us fix some responsibility on those who made this indefensible error in the original estimate.

I again compliment the Senator from Maine. I hope her amendment will be overwhelmingly agreed to.

Mrs. SMITH of Maine. Mr. President, I express my appreciation and thanks to the distinguished Senator from Delaware for being so helpful, as he always is in matters involving costs and expenditures.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I concur in the amendment offered by the distinguished senior Senator from Maine. It seems to me it is a very appropriate amendment. It merely seeks information as to what will be the contemplated ultimate cost of this new Cultural Center.

The Senator from Maine pointed out that in 1963 it was estimated that it would cost $30 million, and that all of those funds would be obtained from private sources. Since that time, the cost has increased to $66 million, according to my recollection, and a great amount of that will have been from public funds, assuming this proposal for additional funds is approved.

I think it is very appropriate that the amendment offered by the distinguished Senator from Maine be approved. The Senator from Arizona mentioned cost overruns in the military field. I was one of the Senators who were very critical of the cost overruns on the C–5A. By the same token, I want to examine very carefully the cost overruns in other phases of Government. This National Cultural Center is one project where there have been very substantial increases in costs, and before the Government proceeds further, it seems to me we should have more information as to how much, in the end, this new Cultural Center will cost the taxpayers of the United States.

I speak as one who favors a national cultural center, located here in the city of Washington. I want to see a cultural center built here, and I want to see it completed. But I do want to know, insofar as the use of tax money is concerned, what it will cost the taxpayers.

I think we must bear in mind also that this request for additional funds comes at a time when we are heavily involved in a steadily increasing inflationary spiral, which is hitting very hard the wage earners and the taxpayers throughout our Nation.

So when the roll is called on the amendment offered by the distinguished Senator from Maine, I shall vote in the affirmative.

Mrs. SMITH of Maine. I thank my distinguished colleague, the Senator from Virginia, and I am grateful for his support.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. ALLOTT. I join my colleagues in thanking the Senator from Maine for bringing this matter to the attention of the Senate.

I do not know why it seems to be true that in private business, people can enter into contracts for the construction of buildings and get performance without cost overruns, when the Government cannot. I am reminded of the cost overruns, for example, on the building of the New Senate Office Building, and the shameful cost overruns on the building of the Rayburn House Office Building. I am reminded also that for some 5 years, I called to the attention of the Senate the fantastic escalation in the cost of Project Mohole, which started out as a $15 million to $20 million research project, and when finally Congress awoke to the situation and called a halt to it, it had already reached the sum of $127 million and was jumping month by month.

Fortunately, we got that project closed out, and it cost the Government only $35 million for the foolishness of the people involved in it.

I do not accept the proposition that, because the people are dealing with a board here, or a government, these building and construction projects cannot be completed upon a contract basis. There is not a corporation or a good businessman in this country who would not, in making a contract, see that the contract was enforceable, and that it would be completed by a certain time.

I am not opposed to the cultural center as such, either. But it is, in its present condition, an eyesore of the worst possible kind. In fact, the situation that exists down there is a shame for this city and for the entire country.

What the Senator from Maine has here so valuably brought to the attention of the Senate is directly in line with the work that Congress created the General Accounting Office to do. It is directly in their line to go into the accounting for costs, and the waste or the shortcomings in contracts that permit such a shameful situation to exist.

I support the Senator's amendment, of course, and I hope that not only will it help straighten out this matter, but, most important, that the Senators' amendment will at least result in bringing some of the Government officials to the place that they can write a contract and get performance on that contract when we construct public buildings because the overrun on some of these—and I have referred only to two, three, or four that have occurred to me—are, I think, frightful and unconscionable as far as we are concerned as custodians and guardians of the taxpayers' money.

The Senator from Maine has done a very wonderful thing here. I hope this effort continues so that in future construction, not by a board, but by the Government, we will look at the matter as hard as we can and see that the contracts are firm.

As I understood the statement of the Senator, this was originally to have been built at no expense to the Government.

Mrs. SMITH of Maine. The Senator is correct, except that the land was to be provided.

Mr. ALLOTT. As the Senator so well points out—and I am sure, having watched these things myself—$66 million will probably not be the limit of the expenditure for this purpose at all. I think we would be providing, if Congress were to vote for this measure, for a stopgap.

Perhaps if the Comptroller General gets into the matter, we will at least provide a limit on the amount that will be spent on this matter.

I thank the Senator.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. GOLDWATER. On the question of the building being constructed with private contributions, I remind the Senate that in 1963 then President Kennedy expressed his desire that the Center be paid for entirely out of private donations and moneys. He was aware at that time this would be a meaningful expression of the heartfelt sentiments of people across the land.

In a memorandum to the heads of the executive departments and agencies, he said:

> To secure the necessary funds to build the center, which will be a $30 million structure of theater and concert halls, a nationwide fund-raising program was authorized through which the American people are given an opportunity to demonstrate their voluntary support for the creation of this type of national institution.

Mr. ALLOTT. I thank the Senator very much. That was my information.

Mrs. SMITH of Maine. Mr. President, I thank the distinguished and able senior Senator from Colorado (Mr. ALLOTT) for his very generous and worthwhile contribution to the discussion. I also thank the able and distinguished Senator from Arizona (Mr. GOLDWATER) for joining me in proposing the amendment.

Mr. COOPER. Mr. President, I am not the chairman of the Public Works Committee, and I am not the Senator in charge of the bill. Both are unavoidably absent on business of the Senate. However, I am a member of the Committee on Public Works. I desire to make a statement concerning the action of the committee in considering and reporting the bill.

In doing so, I point out to the distinguished Senator from Maine that, as she knows, I have the highest respect for her. I cannot contradict any of the facts she has given.

I will review briefly the history of the cultural center.

The facts have been correctly stated by the Senator from Maine and by the Senator from Arizona. In 1958 President Eisenhower signed the act creating the National Cultural Center. That was to be its name. It is correct that it was to be paid for by private contributions.

The act authorized a board of trustees of 30 members to administer the funds and develop the Center.

After the untimely and tragic death of President Kennedy, resolutions were introduced in the Congress proposing that the name of the center be the John F. Kennedy Center for the Performing Arts.

We remember the sadness of the people of our country and the desire to create an appropriate memorial for President Kennedy. It was thought by many that the construction of the center would be an appropriate memorial, considering his interest in this city and in the arts.

I was present as the ranking minority member of the Senate Committee on Public Works at a joint hearing of the Senate and House Committees on Public Works. It was decided to name the center for President John F. Kennedy.

It was then agreed that the construction be financed in this manner: Congress would appropriate $15,500,000 to be matched by gifts to be received by the Board of Trustees. The total would amount to $31 million.

Congress also authorized the trustees to borrow $15,400,000. Appropriation by the Congress, gifts and loans provided $46,400,000 which it was estimated at that time, would cover the total construction of the center.

As I recall the measure was passed unanimously by both Houses, and signed by President Johnson.

The Board of Trustees constituted the General Services Administration its agent for the construction of the building. The General Services Administration and I assume, with the agreement of the Board, secured as the architect for the center Edward Durell Stone, a very distinguished architect. Gifts were received, and work was commenced.

During this session the Board of Trustees came to the Public Works Committee and reported that the estimated cost had increased from $46,400,000 to $66,400,000. They asked Congress to authorize increased appropriations of $7,500,000, to be matched by gifts, and an additional borrowing authorization of $5 million.

If this is done, the breakdown of the $66.4 million would be as follows. $23 million appropriated by Congress, matched by $23 million in gifts, and loan authority of $20.4 million. These three categories would total $66.4 million.

We asked for an explanation of the cause of the overruns. The report indicates the answers we received from the General Services Administration and the trustees.

I must say that they were quite frank in their answers, these statements correspond with the statements of the Senator from Maine and the Senator from Arizona, and the Senator from Colorado, Senator ALLOTT.

The evidence admitted a cost overrun of at least—I forget the exact percentage, but as I recall—30 percent. It could be larger.

Mrs. SMITH of Maine. Forty-three percent.

Mr. COOPER. The Senator is correct. The overruns were explained, as shown in the report. Thirty percent was charged to inflation, a $14 million increase; $1.5 million was charged to the fact that with the lack of assurance of enough money available to let one contract or large contracts at one time, they were required to let contracts for particular work over a period of time, causing the estimates to increase by $1.5 million.

An additional cost of $1.2 million was chargeable to changes in design.

A cost of $600,000 attributed to a

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strike. Unable to secure the materials, the contractors could not proceed with construction.

It was admitted, without hesitation, that the remainder of the $15.8 million increased cost was a result of underestimating. This was attributed to certain prices and amounts of steel and concrete upon which errors were made, and as I have noted the fact that, being unable to let a contract for the center or substantial parts, they were forced to let a number of contracts.

That was the situation the committee faced. We considered the situation in this way: First, the building is 50 percent constructed, according to the evidence. Second, the completion of the building rests not alone upon the appropriations by Congress, but also upon matching gifts, and if the construction is halted, the ability to secure gifts diminishes. Third—and this could be said about any contract, so I do not argue it particularly—the cost will be increased if it is delayed. We made the decision that it was proper to authorize an additional $7.5 million in appropriations, to be matched, and borrowing authority of $5 million.

So far as I am concerned, I have no objection to the General Accounting Office being instructed to report to the Congress, but the GSA is the agent; and it will continue, I assume, with the construction of this project.

It is upon these grounds that we decided to authorize funds and that there should be no halt in construction. Also—I will be perfectly frank—the center is a memorial to the late President Kennedy and that has bearing, without question.

After President John F. Kennedy's death, the American people were moved to designate memorials to him throughout the United States, as people did throughout the world. Knowing him as many of us did who served with him, I am certain that he would not have been happy that all the memorials should be named for him. He was a confident but modest man, a man of great humor, who laughed at himself. But the center was chosen to be a national institution appropriate for his memorial. In addition to the other reasons I have given this afternoon, we were moved by the desire to see this memorial to John F. Kennedy completed as quickly as possible. I appreciate the statement of the Senator from Maine. I do not object to the GAO study, but the bill should be passed now and construction go forward.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. ALLOTT. Mr. President, I agree with many things the Senator has said. It is a memorial to our late President now. Of course, at the time it was started it was not a memorial; it was a national cultural center. I am sure that if President Kennedy were here, he would be as chagrined at the situation as any of the rest of us.

But I think we are particularly indebted to, and I want to express my thanks to, the distinguished Senator from Kentucky for the discourse upon this matter for being the one member of the Committee on Public Works on the floor to explain it to us, and we are very grateful to him. I also think we are indebted to the Senator from Maine for her brilliant speech.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. FULBRIGHT. Mr. President, I wish to join the Senator from Kentucky in saying a few words about this matter. He has correctly stated—I will not repeat all the basic facts—that this matter did begin back in the administration of President Eisenhower. As a matter of fact, I introduced the original bill which authorized the dedication of certain lands belonging to the Government for this purpose—that is, the purpose of a Center for the Performing Arts.

At that time, as a result of a number of hearings in the Committee on Foreign Relations and elsewhere, it became quite evident that Washington was the only capital of any nation of any consequence without adequate facilities for the performing arts. When the foreign operas or ballets came to Washington, they had nothing but movie houses in which to perform, and, of course, those buildings were utterly inadequate for the purpose; and there was general interest in the establishment of a center that was adequate for the performing arts.

I do not want to leave the impression that the bill I introduced was the first one. Actually, prior to that time, under the leadership, I believe, of Mrs. Agnes Meyer, who was and still is the principal owner—she and her family—of the Washington Post and other properties, an effort was made to get the land which was at that time covered by a brewery which is near the present site; and an effort had been made to interest the Government and other people in trying to find a way to provide a reasonably adequate building for the performing arts. I have forgotten the details as to why, in any case this effort was abandoned. The thought then arose that if the Government would provide the land, which it already owned—most of it, at least—perhaps private people could put up some of the money for the building.

As the Senator from Maine has correctly said, that was the original concept. There was no idea at that time of how large the project would be. I do not recall that any estimates were made. It was simply to try to get underway some movement to provide some kind of facilities for this purpose.

A Mr. Strong, who was a very prominent local man, with substantial means, became the angel of it in the beginning and virtually kept the movement alive with his private funds. I forget the amount, but he donated several hundred thousand dollars to getting the organization and getting personnel and getting estimates and laying the plans for this. There were substantial amounts of funds, but not nearly enough to build a building.

Between that time and the assassination of President Kennedy, something in the neighborhood of $5 to $7 million had been raised or pledged. Mr. Strong, who was a prominent citizen, had been the largest donor of those funds.

Then, President Kennedy was assassinated. Incidentlly, he had taken a very special interest in this activity. He and his wife were both inclined to an interest in this type of activity. There were many other people also. I do not think they were alone. They had given it a boost and they talked about it. There were plans during that period for mounting a nationwide campaign to raise funds for this particular project.

I am reminded that in a country like Australia a somewhat similar project has been underway for 10 years. They have a beautiful opera house underway on the bay at the city of Sydney. They had a worldwide competition for design. It is near completion. They started out with an estimated cost for the opera house of $10 million. I think they have already spent $57 million and it still is not quite completed. It was financed to a great extent by a special lottery and also, I think, through private gifts. Construction has proceeded from year to year; it has been suspended from time to time; and the building is now much more expensive than it had been estimated.

I do not wish to excuse the fact that there were some overestimates in this connection. I only wish to point out that the trustees, after enactment of the legislation already discussed—and I shall not repeat it—did employ the General Services Administration, which is the agency of Government charged with supervision of all Government buildings. That is the agency which supervises the letting of contracts and so forth. They supervise these great office buildings with which we are all familiar up and down the mall. The General Services Administration, and not the General Accounting Office, was employed to be the agent. In other words, they were the agent for the trustees in seeing that contracts were properly let and supervised and the money properly spent. I do not know how much more carefully one would expect the trustees to be because that would be the normal thing to do. If they had not done that and proceeded without the General Services Administration, they would be subject to criticism. They followed the procedure the Government follows in these large projects in this city and throughout the country in connection with post offices, and Federal buildings of all kinds.

The one substantial criticism, it seems to me, is the underestimate for steel. I do not understand that myself. I never have understood why a mistake of $2.7 million in structural steel occurred. All the other items that make up the deficiency it seems to me are more or less common at the present time.

To make comparisons between this so-called overrun of some $15 million with the $2 billion overrun on the C–5A seems to me to be without any real merit. The amounts involved in the C–5A are not comparable with this amount. This is an overrun attributable to the unprecedented inflation, to a great extent as a result of the war, which has happened to all kinds of construction at this time. It is not unique with regard to this project.

I think in all fairness the facts set

forth in the report of the Committee on Public Works makes it very clear that outside of that one item of $2.7 million, which I do not understand and for which there is no explanation other than that it was simply a mistake in the estimate of the amount of steel to be used, this is a technical matter that only the General Services Administration and/or the architect can explain. My guess is that it is simply a mistake in the estimate which will occur on matters of this kind.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Mr. President, I simply wish to compliment the distinguished Senator from Arkansas for the argument he is making in behalf of the bill.

A few months ago, it was my pleasure to visit Ottawa, where I traveled as a delegate to the parliamentary conference between the United States and Canada. The first evening of our visit we were the guests of the Canadian Parliamentarians at the new Center for Cultural Arts that has been constructed in the Canadian national capital. I must say that this is a perfectly beautiful center. It has greatly enriched the life of the city even as the Kennedy Center would add a whole new dimension to the life of the Capital.

I think we would make a grave mistake if we were not to continue the work on the Kennedy Center which is now so well advanced. I know the Senator shares those feelings and I want to express my full support for the position he has taken this afternoon in speaking up for the pending bill.

Mr. FULBRIGHT. I thank the Senator.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Alabama (Mr. SPARKMAN) without losing my right to the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

VISIT TO THE SENATE BY A MEMBER OF THE CEYLON HOUSE OF REPRESENTATIVES

Mr. SPARKMAN. Mr. President, we have the pleasure of having a distinguished visitor with us today, a parliamentarian of high standing in his own country. I refer to the Finance Minister of Ceylon, the Honorable Ukku Banda Wanninayake. We are glad to have him here. He has been attending the World Bank and the International Monetary Fund. We are very pleased that he has come to Capitol Hill to visit with us briefly. I hope Senators may find time while the debate continues to go to the rear of the Chamber to greet our visitor. [Applause, Senators rising.]

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a brief biographical note on our distinguished visitor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HONORABLE UKKU BANDA WANNINAYAKE, M.P.

Mr. Wanninayake is a Member of the Ceylon House of Representatives and has been a Cabinet Minister in charge of the portfolio of Finance since 1965. He was Chairman of the Board of Governors of the International Bank for Reconstruction and Development and the International Monetary Fund in 1968.

THE JOHN F. KENNEDY CENTER

The Senate resumed the consideration of the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield to the Senator from Rhode Island (Mr. PELL) without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I was fortunate enough to hear the words of the Senator from Kentucky and the Senator from Arkansas and rise to support them in their encouragement of the ongoing work of the John F. Kennedy Center.

Speaking on behalf of this work, I would not want it to be thought that there is any conflict of interest because my daughter worked there for several weeks this summer, but my interest in and support of the John F. Kennedy Center has been extant for some years, and I hope it will go on.

I regret as much as anyone the mistakes which have been made in the estimates in regard to the figures and the overruns. Living somewhat in the same neighborhood of the jet airplane noise, I know that that will increase expenses, as well as the other unpredictable events which have occurred.

To a great extent, I am sure we all agree that it would be a most inefficient Government if errors of this kind were not checked. But in this particular case, where we are going ahead with unknown quantities, I would think that the best procedure would be to move ahead.

I recognize that the thought to have another study made has merit, but being one of those who, in the past, have supported such proposals, I have found that when one usually supports them, and when someone is against the basic project, and in this case being for the project, I find myself opposing the amendment.

It seems to me that a city such as Washington is in real need of a center of this kind for the performing arts, one not like a retired movie theater or the DAR hall, so that we should move ahead at this time and complete the center.

I recognize that even when it is built, there can be some doubt whether performances will take place every day on each of its stages. There may be criticism that it is not fulfilling its original intent. But the time will come, not too long after its completion, when these stages will be filled and when there will be competition from the various troupes around the country to come to Washington and appear here.

Thus, in supporting the bill and opposing the amendment, I do so in the full knowledge that in the period immediately after the opening of the John F. Kennedy Center, there may be a bleak period when it will not be used to capacity. But, over the long haul, I am sure that it will be used to more than capacity, and that our successors in this Chamber and throughout the city of Washington will be very glad and very grateful to us in the years to come that we moved ahead at this time.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield to me for a question?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. I am wondering whether the distinguished majority leader can give us assurance on Monday next that there will be some members of the Committee on Public Works in the Chamber. I do not say this facetiously. I have a suggestion to make which I feel cannot be made without some members of the Committee on Public Works being in the Chamber on Monday in order to give me an answer.

Can the Senator from Montana fairly well guarantee attendance in the Chamber of members of that committee on Monday next?

Mr. MANSFIELD. Pretty well. If not 100 percent, very close to it.

Mr. GOLDWATER. I thank the Senator from Montana.

The suggestion I want to make is that we allow the GAO to review this and then give us an estimate of what the entire cost will be, so that we can change the appropriation to that amount so that we can assure the contractors that their currrent bids will be met.

Perhaps the Senator from Montana can mull that over and then on Monday I will ask that question of members of the Public Works Committee.

Mr. MANSFIELD. I shall be delighted to do that.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, after consultation with the interested parties, including the acting minority leader, I should like to make the following unanimous-consent request:

I ask unanimous consent that at the conclusion of morning business on Monday next, 2 hours of debate be allowed on the pending Smith amendment, the time to be equally divided between the distinguished Senator from Maine (Mrs. SMITH) and the distinguished Senator from North Carolina (Mr. JORDAN), who will manage the bill; that on all other amendments, there be a 1-hour limitation, the time to be equally divided between the Senator in charge of the bill and the sponsor of the amendment; and that 1 hour be allowed on the bill as a whole.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it goes without saying that if extra time is needed, it will be forthcoming.

The unanimous-consent agreement reduced to writing is as follows:

Ordered, That, effective on Monday, October 6, 1969, at the conclusion of routine morning business, during the further consideration of the bill H.R. 11249, John F. Kennedy Center bill, debated on any amendment except the pending amendment, as

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modified, offered by the Senator from Maine (Mrs. Smith) on which debate shall be limited to 2 hours, to be equally divided and controlled by the Senator from Maine and the Senator from North Carolina (Mr. Jordan), shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from North Carolina (Mr. Jordan).

Ordered further, That on the question of the final passage of the said bill debate shall be llimted to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: Provided, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, may I address a question to the distinguished majority leader who, I understand, is handling this bill?

Mr. MANSFIELD. Temporarily, yes. I yield.

Mr. HOLLAND. Would the 60-day delay, while this study is being made by the GAO and its report, delay or cause any stoppage in construction, or otherwise handicap completion of the building?

I think that every Senator wants to see the building completed. We are certainly committed to it. The Nation is also committed to it. The real question we will want answered is: Will this amendment cause any delay, in order to get a clearer picture of what the situation is, in construction of the building?

Mr. MANSFIELD. In my judgment, without question, it would delay construction. It would increase costs. It would make a difficult financial situation that much more difficult.

Mr. FULBRIGHT. Mr. President, could I comment on that same subject? I attended a meeting of the trustees, on Tuesday last. This question, of course, was brought up. I believe that I can say I am authorized to speak for them——

Mr. HOLLAND. Is the distinguished Senator one of the trustees?

Mr. FULBRIGHT. That is correct.

Mr. HOLLAND. Then he can certainly report on this question.

Mr. FULBRIGHT. That is correct.

The GSA, as I have already stated, is serving as agent for, as they say, the project by agreement with the trustees. The last time I heard, they have been paid some $500,000 or $600,000 for their services in overseeing the project. They are thoroughly familiar with it.

Unless a Senator has no confidence in the GSA, I do not know why it would be advantageous to bring the GAO in. They are both reputable organizations. The GSA is the special agency charged with supervision of Government buildings. They are already in here. They have estimated, I think it is fair to say, that if we stop construction of the building, meaning cancellation of existing contracts which would have to be suspended for 90 days, we could not have the employees, that is the carpenters, and so forth, lying around for 90 days.

Let me read from a memorandum—this was prepared, I may say, based upon the meeting on Tuesday:

> When it became apparent to the Trustees that additional funds would be needed to complete the building, the alternative of stopping construction was investigated. The Center and the GSA were advised by the prime contractor and major subcontractors that adoption of these alternatives would add at least $10 million to the cost of the building, not including construction price rises in the interim. Adoption of the amendment, therefore, far from effecting any saving, would have the direct opposite result of adding to the cost.

That is the conclusion of the GSA. That was made this week.

The GSA, for better or worse, is the agency which is charged with supervision of it, from a business and architectural point of view. It is already engaged in the subject. It is the one that made the estimate which is contained in the report of the Public Works Committee as to the explanation of why this cost is above the estimate in 1964.

To me, it all makes perfect sense, except I do not understand the one item of why they were off on the structural steel—the amount of structural steel, not just the price. This is a puzzle to me. At the meeting I inquired why that was true. I confess I did not get a very good explanation. It was just a mistake, they said.

The other items are understandable and afflict all public buildings under construction nearly everywhere in the United States.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. May I reinforce what the distinguished Senator from Arkansas has just said? The chairman of the Board of Trustees for the Kennedy Center, Roger L. Stevens, says he has only enough money to continue construction into the early part of October. If additional funds do not become available, it will be necessary to stop construction, which will be very costly.

Construction costs are going up at the rate of 10 percent a year.

Mr. FULBRIGHT. May I point out to the Senator from Florida one or two other aspects of this matter? I have in my hand a statement showing funds available for construction of the Kennedy Center as of September 15, 1969. It shows the total amount of private funds anticipated and available for construction to be $24 million-plus. Of that amount over $2,230,000 has been given by foreign governments. Furniture from Denmark, $155,000. Doors from Germany, $250,000. Marble from Italy, $1,132,000. Curtains from Japan, $140,000. Chandeliers from Norway, $180,000. Chandeliers from Ireland, $35,000. Chandeliers from Sweden, $120,000. An organ—it is not clear where from—$136,000.

Imagine the embarrassment to this country if we abandon the project and let it sit there for an indeterminate time pending this kind of reexamination. Then we will still have the problem of getting the money sometime, as was done on the construction of the Washington Monument, although I do not recall that foreign governments were requested to contribute, nor did they contribute, money for the construction of the Washington Monument. But it would seem to me a very unseemly thing, in view of the private contributions both by American citizens and foreign governments, to say we cannot proceed.

After all, $66 million is a large amount, but how much of that is a grant of Federal funds? $23 million. The appropriated funds are $23 million. It is not an unseemly sum for a country as large as this, when we consider there is absolutely nothing in this city that is usable for the purposes for which this Center is being constructed. It is the only country, as I have said, with a capital city that does not have some form of center for the performing arts. One of the most famous is in Moscow. They are also found in Paris and London and Italy.

It is true, perhaps, that we do not have to emphasize the arts as much as they do, but, surely, we ought to give some attention, as a community, to the performing arts; and I think $23 million of appropriated funds is not too much. The balance is provided by contributions both foreign and domestic.

I do not think we have to try to compare it with the C–5A or the ABM, for the latter of which we will have voted billions, or any number of other items. We have fought that out. I am not trying to reopen it on the merits, but all I am citing is that it is a relative matter. It is not too much for a country of 200 million people to devote $23 million to the only national center for the performing arts.

For the information of the Senate, I think I should put that whole statement in the RECORD. I thought people did not seem to be too interested in it. I am glad they are.

I ask unanimous consent to place in the RECORD a statement showing the funds available for the project.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS FUNDS AVAILABLE FOR CONSTRUCTION AS OF SEPT. 15, 1969

(Preliminary not audited)

Current assets:	
Cash in banks and investment items	$11,497,614
Accounts receivable	29,387
Accrued interest receivable as of Aug. 31, 1969	272,820
Bonds—canteen corporation	250,000
Bonds and other property	30,302
Miscellaneous funds	2,350
Building materials:	
Aluminum	73,500
Cement	50,050
Capitalized construction costs	4,072,815
Total current assets	16,278,838

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS FUNDS AVAILABLE FOR CONSTRUCTION AS OF SEPT. 15, 1969—Continued

(Preliminary not audited)

Pledges receivable	$718,708
Other tangible property:	
Furniture, Denmark	155,000
Doors, Germany	250,000
Marble, Italy	1,132,000
Curtain, Japan	140,000
Chandeliers, Norway	180,000
Chandeliers, Ireland	35,000
Chandeliers, Sweden	210,000
Organ	136,094
Total other tangible property	2,238,094
Assets not recorded as of Sept. 15, 1969:	
Canteen corporation—construction costs ($495,000 less $250,000 received in bonds above)[1]	245,000
Canteen corporation—restaurant furniture and equipment[1]	755,000
APCOA-Washington, Inc., advance under concession agreement[1]	3,500,000
Anticipated interest income to June 30, 1970	650,000
Less estimated operating expenses to June 30, 1970	370,000
	280,000
Total private funds anticipated and available for construction	24,015,640
Appropriated funds	15,500,000
Borrowing authority	15,400,000
Total funds available for construction	54,915,640

[1] Assets available in accordance with the terms and conditions of concession agreements.

Mr. HOLLAND. Mr. President, I want to make my position completely clear. I was a Member of the Senate at the time the original program for the construction of a cultural center was approved, and I supported it. I supported the effort to name the project and slightly change it for the late President Kennedy. I think I have supported every project in connection with it, and I stand ready to support making available sufficient funds to complete the project.

The reason for my question is that I want to know, and I want the RECORD, by Monday, to be completely clear on the question of whether or not the failure to pass this bill promptly, without a delay of 90 days or 60 days—and I understand now the amendment has been modified to call for a 60-day delay—will enable the project to be continued without any delay.

Are there provisions in the measure under which, without awaiting an appropriation, funds can be made available from the Treasury so as to immediately go ahead with the construction and have no hiatus?

Mr. FULBRIGHT. At the meeting on Tuesday I asked Mr. Stevens if he had any objection to the GSA doing this if the Congress wishes to have it do so. He said, "Absolutely not." The question here is solely one of having funds available so that the existing contracts can proceed without loss.

Mr. HOLLAND. That is exactly the question I am trying to raise.

Mr. FULBRIGHT. If the distinguished Senator from Maine would accept an amendment which would, in effect, allow for a continuing resolution, so that all work in being and all contracts that are contemplated can proceed while this audit is being made, I would accept it, and I think Mr. Stevens would. I asked him that. He said:

> We have no objection to any further audit, but it would be an unacceptable financial loss to us to shut down the building that is proceeding.

We went down there and the trustees were all asked to look at the building. I think there are 150 carpenters at work on the building. It is a very busy place at the moment, if anyone wishes to go there to see it. It is proceeding at full tilt. I am sure the Senator from Florida will agree that it would be a great waste to interrupt its construction. If the amendment could be changed to provide the funds necessary to continue construction on the regular basis at which it is anticipated it would proceed, I do not think there would be any objection.

Mrs. SMITH of Maine. Mr. President, will the Senator from Florida yield, so that I may answer his question concerning the delay?

Mr. HOLLAND. If the Senator from Maine would permit me to finish my statement, then I should be happy to have her answer, for that is what I want.

It seems to me that if there were to be a shutdown, as the Senator from Arkansas has indicated, it would cause a rather tragic blow to our prestige and national pride. The building is named for our late associate who sat in this Chamber where the distinguished Senator from West Virginia (Mr. BYRD) is now sitting. He served here for several years, was later elected our President, and was so serving when he came to his tragic death. The project bears his name and reflects accurately his own interests in culture, education, the arts, and the like. Aside from the question of financial loss, which I am certain is an important question, it is important to the Senator from Florida.

But I think the other question is of equal importance. I would not want to see a stoppage of work and have that great half-completed building stand idle as a monument to the fact that we did not know how to complete a memorial to our late President.

Now I am very glad to yield to the Senator from Maine.

Mrs. SMITH of Maine. Mr. President, in response to the question asked by the distinguished Senator from Florida, there is no provision in the Department of the Interior appropriation bill, now in conference, for this $7.5 million proposal. Consequently, there is no holdup of funds for the current construction of the project in my amendment.

If the Kennedy Center authorization bill is passed next week and sent to the President, it will probably be signed into law by the President within a very short time.

The money the bill would authorize cannot possibly be realized until appropriations are made for it. Since no appropriations for it are provided in the current Department of the Interior appropriation bill now in conference, it will be necessary to have future appropriation legislation enacted before the $7.5 million proposed to be authorized in this bill could be available.

Such an appropriation would have to come in a supplemental appropriation bill. At the rate of progress of the legislative schedule thus far this year, and on the basis of time schedules on supplemental appropriations in the past, it is most unlikely that a supplemental appropriation of $7.5 million would be passed by Congress prior to the end of this year or before January or February of next year; and surely the Comptroller General and the General Accounting Office could complete the study and make the report proposed by the amendment before that time, which in no way would interfere with the construction schedule of the Kennedy Center or result in any costly delays, as the junior Senator from Arkansas fears.

I assure the Senate that I am not trying to hold this project up. I am for a cultural center, as my votes have indicated in the past. But I do believe we should take time at this time, before we go any farther, and find out just where we are going.

I cannot see, I would say to the Senator from Florida, how this 60 days would be detrimental because he, as a prominent member of the Appropriations Committee, knows very well the time that it takes to get a supplemental bill through.

Mr. HOLLAND. Mr. President, I certainly appreciate the statement of our distinguished colleague from Maine. I hope that before the Senate meets on Monday, those who are handling this bill may explore the possibility as to whether or not a joint resolution permitting this particular agency to go to the Treasury for an advance against an appropriation should be added to this bill, so as to avoid any prospect of a holdup.

I completely agree with the Senator from Maine that the procuring of a supplemental appropriation bill is no small task. We have both struggled through that task a good many times. But I do recall some instances when resolutions have been passed permitting a credit at the Treasury for immediate advances that might solve a situation, a credit as against an appropriation to be made later.

Mr. FULBRIGHT. I would certainly go along with the Senator's suggestion.

Mr. HOLLAND. I suggest this matter be gone into carefully and reported to the Senate on Monday, because I believe every Senator will be deeply concerned over this question.

Mr. FULBRIGHT. I certainly think we should look into that, and that may be the best way to solve it.

Mr. ALLEN. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. ALLEN. I should like to ask the

distinguished Senator from Arkansas why the urgency and why the haste, when the financial report that he has inserted in the Record, as of September 15, 1969, shows that the center has on hand as of that date cash in banks and invested items totaling $11,497,000, and further, that it has on hand accrued interest receivable as of August 31, 1969, of $272,000, and bonds in the Canteen Corp. of $250,000, making it a total of $12 million on hand for the center. Why the urgency in pushing through this appropriation?

Mr. FULBRIGHT. The best explanation that I can think of is that these funds are not free to be used for payrolls and current operations as the building proceeds. For this building, contracts are made and funds are set aside for them. Although moneys are still in the bank, they are not available for use in carrying forward the immediate construction and meeting the payrolls.

What is most critical here, even more than the appropriation, is the borrowing authority of $5 million. That could meet the immediate emergency, if the bill is passed. I think they might get by if the borrowing authority became immediate, which would not, I assume, require appropriated funds. That I shall look into in response to the question of the Senator from Florida.

I might say I did not anticipate that I would be so prominent in the debate on this matter, because the Public Works Committee had the bill. I only volunteered these comments because I had, for a long time, been interested in the project, and I did attend the meeting last Tuesday.

But I think the explanation of what the Senator asks about is that those funds, while they are invested and in the bank, are allocated as a reserve against contracts which are let.

This is a very complicated building. There is nothing quite like it anywhere else in the world, with three different houses in one—that is, an opera house, a concert hall, and a theater. As they proceed, there are contracts let for various aspects of it, and then there are also the daily payrolls of the workers who are engaged in different parts of the construction.

All I can tell the Senator is that Mr. Stevens, on Tuesday, said that if they did not have available funds which they could commit, they would have to begin to adjust their program, which meant a shutdown of the operation, within a few days. That is what he told me.

Mr. ALLEN. I should like to ask the distinguished Senator a further question. This table is headed "Funds Available for Construction as of September 15, 1969," and it shows the appropriated funds as $15,500,000, apparently untouched.

Mr. FULBRIGHT. Oh, no, they have not been untouched. This is a résumé of all that has been made available, including that which has been spent.

Mr. ALLEN. It does not show what has been spent.

Mr. FULBRIGHT. This is simply a table to show all of the money, and its origin, for the total period. This is the item which the Senator read, I thought, which was assets. But I do not think he will find this is available for application on the current accounts.

Mr. ALLEN. This, then, would be what the Center has received, and not what it has spent; is that correct?

Mr. FULBRIGHT. Yes, that is correct. This is the total of funds which have been made available—or some of it is pledges—from private sources. It is not all yet due. But this is what I reported a while ago.

Mr. PERCY. Mr. President, will the Senator yield for one comment on that point?

Mr. ALLEN. I have one further question to ask first. The Senator from Illinois can perhaps answer this question. I wonder if by next Monday the Senator could bring in a statement showing how much of the $54,915,000 has been expended. I believe that the Senate would like to know that.

Mr. FULBRIGHT. That is expended and committed. Much of it is allocated to contracts which have been made.

Mr. ALLEN. From the statement of the Senator, the Center has received $54 million up to this time.

Mr. FULBRIGHT. It is the difference between that amount and the $66 million that we have been talking about.

Mr. ALLEN. No showing is made as to how much has been spent. However, the Senator will be able to furnish that by Monday.

Mr. FULBRIGHT. The Senator is correct.

Mr. PERCY. Mr. President, about half of the total amount of the public funds available for construction has been expended. The Center is down to a few thousand dollars.

This is what caused the GSA to notify the contractor on behalf of the Center to notify the Center that they would be required to cut down on some contracts and cancel some contracts unless additional funds were made available.

The distinguished Senator from Maine mentioned the funds as being authorized, but did not mention the request of $5 million for additional borrowing.

It is my understanding that the authorized funds would have to be acted on by the Appropriations Committee and that with the authorized borrowings the Treasury would be able to go ahead and pledge these funds against the contracts already placed and not require that they be renegotiated.

I have one further point that may be of interest to the Senator from Florida. I feel quite confident that if we, by our action, delay the carrying on of this work, some of the contractors would not want to be held bound to prices established in 1964. We are now at a level where building costs are increasing 1 percent a month. There has been a 12-percent increase in building costs in the last 12 months.

Many of the contractors would like to have those contracts renegotiated after they have been terminated by us and not by them and established at new prices.

We are talking about millions of dollars of additional cost unless we are able to proceed next week with due diligence.

Mr. ALLEN. Mr. President, either the Senator from Illinois or the Senator from Arkansas will then bring in a statement by Monday of the expenditures to date.

Mr. FULBRIGHT. The Senator is correct.

Mr. President, I ask unanimous consent to have printed in the Record a little more than a paragraph from page 6 of the report. This is an explanation relative to the question raised by the Senator from Florida.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> To interrupt construction of the facility at this time would jeopardize the $15,500,000 which the Federal Government has already invested in the project, would deny the use of this long desired cultural center to the many people who visit and live in the Nation's Capital, and would probably cost an additional $10 million to complete at a later date. However, the committee wants it clearly understood that the Center must be completed within the proposed cost of $66,400,000 and if, by any chance, this figure has been underestimated any additional funds required must be raised by the Board of Trustees through private subscription. The need to complete the Center is urgent and the committee recommends the enactment of H.R. 11249.
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> COST
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> This legislation authorizes the appropriation of an additional $7,500,000 for construction of the Center and authorizes borrowing authority from the U.S. Treasury for an additional $5 million for the parking facility.

Mrs. SMITH of Maine. Mr. President, in line with the last discussion, the House passed the bill in July. The Senator from Delaware (Mr. Williams), first put a hold on the bill back in July until it could be taken up for a record vote. He did this long before I intervened on the bill.

It is hard for me to understand the sudden urgency of this bill and why action was not sought on it until 2 weeks ago.

So if there is a fear of delay in the minds of some, I do not understand why it should be blamed on the amendment I offer when the bill was not brought up until 2 months after it came to the Senate floor for consideration for action.

THE 91ST CONGRESS TO DATE

Mr. MANSFIELD. Mr. President, more than one-half of the first session of the 91st Congress has passed. If any one word can characterize our record so far—and I speak for the Senate—it is that of "initiative." For what has been done, by and large has been done by the Congress—proceeding on its own, working on its own, succeeding on its own.

Of course, there were the usual matters that face any new Congress in its opening session. And there was a change of administration. What is clear is that this Congress has asserted a responsibility and an initiative as an independent coequal branch of our Government to a greater extent perhaps than ever before. Asserting ourselves in such a manner at this particular time, I think, is not only necessary but has been welcomed, I am sure, by the American people.

Going back, the 91st Congress opened its doors on January 3 to the internal organization matters that customarily occupy a new Congress. The Senate leadership was elected and the composition of committees decided. Thereafter, as has also become customary for new Congresses in recent years—the Senate debated rule 22 and that debate lasted through January 28.

This year marked of course the advent of a new administration; an administration as new to the procedures and ways of the Congress as was the Congress to the administration. An item of early business concerned even a challenge to the electoral college and to the way we elect a President—a challenge which the Congress undertook to consider and resolve.

To be sure, adjustments were made at the outset; adjustments that provided for the consideration of the legislative views of both an outgoing President and a new President of a different party.

In this connection, it will be recalled, that on January 14 President Johnson delivered a farewell state of the Union address presenting a legislative program to which he thought we should give priority. After the inauguration of President Nixon on January 20, the Congress in turn gave the new administration an opportunity to examine and review the Johnson program and to present any new legislative proposals it so desired.

In time, President Nixon decided not to appear before Congress with a state of the Union message proposing a comprehensive legislative program of his own. Instead, he decided to deal with legislative items as they arose. The Johnson administration budget estimates were reviewed and revisions were suggested. Regrettably, the time consumed by the new administration in reviewing the budget so delayed the appropriations process of the Congress that it is just now beginning to catch up.

In any event, the legislative record of this Congress is taking shape. It is a record that demonstrates clearly our initiative and our willingness to work and cooperate with a President of a different party.

Indeed, to enable this administration to lay the groundwork for structuring the Government to meet its tasks in the years ahead, the Senate with early dispatch, cooperated favorably with the President and gave him the authority to submit plans to the Congress proposing executive reorganizations.

Next the Senate undertook, after searching debate, to give its advice and consent to the ratification of the Nuclear Nonproliferation Treaty, which, though it had been signed and sent to Congress by the prior administration, was endorsed by President Nixon.

The Senate then took a major step in foreign affairs; a step that clearly emphasizes our initiative and the responsibility we have assumed. I refer, of course, to the resolution on national commitments which we adopted overwhelmingly to reassert our constitutional role in deciding the use of this Nation's resources abroad.

Going on, our legislative achievement to date in this first session of the 91st has been significant. The Senate asserted itself in the economic field, completing action on measures that provided for a permanent and temporary debt limit suggested by the administration; that moved in the direction of mutual fund reforms; that revised and extended the Appalachian Regional Development Act.

Of note in the education and health fields has been the Senate's action authorizing an emergency insured student loan program; establishing a National Center on Educational Media and Materials for the Handicapped; formulating a National Commission on Libraries and Information Sciences to develop and carry out a national policy; recognizing the important role of the National Science Foundation by providing additional funds to bring its total authorization for fiscal 1970 over $500 million; banning hazardous toys from the marketplace; and promulgating health and safety standards in the construction industry.

The Senate has faced up as well to the problems that exist in the all-important areas of conservation and environment.

We extended the funds for Clean Air Act research at the current spending level of $90 million;

We proposed an independent high-level Board of Environmental Quality Advisers to aid the Nation's social, economic, health and conservation goals;

We set out a national mining and minerals policy; and

Initiated a pilot Youth Conservation Corps for summer work and educational pursuits in our national parks, and acted to expand the scope of our Nation's wilderness areas.

Of note in the direction of further efforts toward crime control has been the Senate's action to reorganize the District of Columbia courts and reform the District of Columbia Bail Agency to require more supervision of defendants released under the act.

Of note, too, is legislation to prohibit political patronage in the appointment of postmasters—a reform the Senate also recommended last year.

The Senate also authorized up to $1.1 billion as the Federal contribution for a rapid transit system toward solving the transportation problem in the District of Columbia and nearby areas.

Our new initiative was exhibited again in the area of national defense with the Senate's painstaking examination of the $20 billion military procurement authorization for fiscal year 1970. The lengthy, careful and thorough debate on the measure that included the decision to deploy the Safeguard anti-ballistic-missile system program was one of the most thoughtful and constructive dialogs that has ever occurred in the Senate. The Senate demanded an independent determination of the facts—prior to making its decision. It signaled the end of an era when the Executive would be the only source of data in the field of national defense and security.

Moreover, the Senate has passed a number of measures to assist our veterans such as increasing Government insurance for servicemen and extending its coverage to Vietnam-era veterans.

And, after completing its consideration of the military procurement bill, the Senate endorsed a continuation of our space program through assent to a $3.7 billion authorization.

Last week, the Senate completed action on an omnibus Housing Act and an expansion of the food stamp program, the Maritime authorization and the Interior Appropriations measure. We completed action on the Recognition of Foreign Governments Resolution and yesterday passed the far-reaching Mine Safety Act.

Today's accomplishments include the Civil Service Retirement Act; hopefully, the John F. Kennedy Center authorization and the revenue measure for the District of Columbia will be ready for the President's signature within the near future. The Water Pollution Control Act will soon be taken up and we may look to many more legislative achievements through the remainder of this month and the rest of the first session.

I should say that in some cases, efforts to expedite the legislative matters have been obstructed beyond the leadership's control. In this respect, reconsideration motions, special requests to put off debate because of inconvenience and slowdown tactics do not help expedite the business in the Senate. There is no question that although legislative achievement may be a bipartisan benefit, legislative obstructionism is a bipartisan liability.

On the whole, though, I fail to see the cause for any label—other than a label of initiative and responsibility—to be pinned on the actions of the Senate this year. We have reflected, we have accomplished much, and we have responded, and we will continue to respond, to our own assessment of the Nation's needs and to the assessment by the present administration.

The leadership had a luncheon meeting last week with committee chairmen; we discussed the remaining months of this first session of the 91st Congress and coordinated our efforts to expedite the legislation and appropriations bills that remain to be completed.

The Senate has thus far acted upon three appropriations bills with 10 remaining to be acted upon. As I have already stated, we are only now beginning to catch up after the delay occasioned by the budget revisions earlier this year. Four of the remaining 10 appropriations bills have passed the House—of those four, the Senate committee has completed its hearings on two. I am certain also that the late start of the appropriations process will not occur in the second session of this Congress.

During the remainder of the session we must dispose of these funding measures, the foreign aid authorization and tax reform and hopefully the increase in social security benefits and the draft legislation. On this latter bill, the Senate committee will await the initial action of the House.

The final judgment of the 91st Congress cannot be arrived at statistically or quantitatively; this Congress I hope will distinguish itself by the quality of its work. Much initiative has been assumed by the Congress on the major proposals enacted to date. The impact of

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this shift in initiative and emphasis may mark the long term significance of the 91st Congress. It is being interpreted that way already I might say and the assessment is correct in my judgment. Last Sunday's Washington Post carried a report by Richard Lyons to this effect, and I ask unanimous consent that this perceptive analysis of the 91st Congress to date appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RESTLESS CONGRESS TAKES THE INITIATIVE

(By Richard L. Lyons)

Talk of a "do-nothing" Congress has begun, but in fact a restless, impatient Congress has grabbed the initiative from the President all along the line.

It is true that as the year moves into the last quarter much of the legislative work remains to be done. The appropriation bills are caught in the worst logjam in memory and the government is operating under an unsatisfactory stopgap continuing resolution based on last year's spending levels.

But the delay has been due in good part to the Senate's exhaustive scrutiny of military policy and spending—the first searching challenge of the military since it became a massive institution in World War Two. The delay has been caused also by the unusual slowness with which the administration got its program to Congress.

Who would have thought that the House Ways and Means Committee, carefully shaped over the years by Sam Rayburn to protect the oil depletion allowance, would write the most comprehensive tax reform bill in history and cut the oil men's tax saving by 25 percent?

If this Congress did nothing more than mark an end to accepting military budgets on faith and produce a more equitable tax structure it would earn a place in history and the slow pace on relatively routine appropriation bills would be soon forgotten.

Consider some other recent events:

While President Nixon vacillated on electoral reform, Republican and Democratic leaders combined to push a constitutional amendment for direct election of the President through the House. If it gets by the Senate and state legislatures, still questionable, this would be the most basic change ever made in the process of electing the President.

The Senate last week converted a routine housing bill extending programs into a $6 billion measure containing new ideas, including a plan offered by Sen. Edward W. Brooke (R-Mass.) to help more poor people get into public housing.

After pressuring the administration to come up with a major food stamp program last spring, a bipartisan group of senators expanded it even further on the Senate floor last week. The revolt was led by Sens. George McGovern (D-S.D.) and Jacob K. Javits (R-N.Y.) who made hunger a national issue with their special investigating committee.

The undefeated civil rights team of Reps. Emanuel Celler (D-N.Y.) and William M. McCulloch (R-Ohio) gave short shrift to the administration's voting rights bill and pushed through the House Judiciary Committee a simple extension of the existing law to help southern Negroes register. It is expected to pass the House next month.

The administration had little to offer in the way of tax reform proposals last spring so the House Ways and Means Committee wrote its own bill. It sailed through the House and is now in the Senate. The administration seems to have at least two positions on the oil depletion allowance. It was Reps. Wilbur D. Mills (D-Ark.) and Hale Boggs (D-La.), the top two Democrats on the Ways and Means Committee and both from oil and gas states, who insisted that a reduction in the allowance must be part of the reform bill.

After talking earlier of a 7 per cent increase in Social Security benefits, the President upped it last week to 10 per cent effective next April 1. House leaders of both parties fell over each other to up the ante. They also agreed it should be made effective by the first of January at the latest. Rep. William C. Cramer (R-Fla.), a junior member of the House GOP leadership and a candidate for the Senate from a state full of pensioners, wants a 15 per cent increase retroactive to last Jan. 1.

House Democrats, tired of seeing the big education programs they had authorized only half funded, added $1 billion to the education appropriation bill and were scolded by the President for inflationary budget-busting.

The House may give the President another billion-dollar headache when the public works appropriation bill hits the floor soon. A drive to appropriate the full $1 billion authorized to fight water pollution, instead of $214 million requested by the administration, claims to have 219 firm votes including about 45 Republicans. This is a clear majority of the House.

Not all of these bills will pass both houses this year and some may not make it next year. The food stamp program faces delay in the House and voting rights in the Senate. Congress is dragging its feet on the President's plan to reform the military draft and postal reform. Neither house is expected to act this year on his most innovative proposal, welfare reform.

But this Democratic Congress, which has lost the cohesive, prodding White House leadership exercised for the last eight years and operating under loose congressional leadership, is showing an unexpected amount of self-starting energy. And this initiative has come more through bipartisan efforts at the Capitol than by teamwork between Congress and the White House.

WASHINGTON WINDOW

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a transcript of a radio interview with the United Press International Network in which the participants were George Marder and Steve Gerstel, both reporters for UPI. William Greenwood of UPI Audio Network was in charge of the program.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

WASHINGTON WINDOW

Guest: Sen. Mike Mansfield, Democrat of Mont., Senate Majority Leader and ranking member of the Senate Foreign Relations Committee.

Panel: George Marder, Steve Gerstel.

Q. Senator, the new Senate Republican leader Hugh Scott has asked for a sixty day moratorium on criticism of President Nixon's conduct of the war. How do you react to this?

A. I don't think that a moratorium of a lesser or greater amount of time would have any effect, as a matter of fact it might well be counterproductive. The question of criticism is one which is guaranteed to all Americans under the constitution. Certainly it is one of the inherent rights of a Senator to express his views as he sees fit on questions which effect the welfare, the security of the country. So I don't think too much of that particular proposal because I don't see what could be accomplished within sixty days.

Q. Do you think there should be some kind of coordination between members of the congress and the people sponsoring the moratorium day on October 15th?

A. No, I do not. We have our responsibilities; we should face up to being Senators, attend to the Senate's business, and, what we have to say, say on the floor, and say on the basis of our own right but not as the result of tieing up with some other group.

Q. Then you would oppose the suggestion that has been put forth that Congress recess for that day.

A. I would. The business of the Senate will be conducted as usual on that day.

Q. But how do you feel about the demonstrations themselves?

A. People have the right to demonstrate, to criticize, to oppose, to make their views known. As I've said earlier, that is one of the rights guaranteed under the constitution. I would only hope it would be constructive and worthwhile.

Q. Do you intend to participate in these protest demonstrations in any way? Sympathize with them? Encourage them?

A. I do not.

Q. I wonder Senator what you meant by counterproductive—that if Senators exercise restraint now in criticizing the war it might be counterproductive? What did you have in mind in that?

A. That there's no objective in mind as to what could be achieved within sixty days. By making such proposals, I think you create more opposition rather than more unity.

Q. How do you feel about these resolutions that are going to be introduced on October 8th by Republican and Democratic Senators calling for withdrawal of troops from Vietnam?

A. That is their prerogative, their right; they have that privilege, any time they see fit. I'm sure that any resolutions of that nature will be given the appropriate consideration by the appropriate committees.

Q. Are you joining in any of these resolutions?

A. No, I am not.

Q. Are you joining in any of the criticism of the President's conduct of the war?

A. Well, I'm trying to understand the President's position because I ask myself what would I do if I were in his shoes. And it's kind of hard to answer because he has the final responsibility. I think we ought to recognize that point and be aware of the fact that if anything is to be done in Vietnam, it's going to be done by him because of his Constitutional authority and responsibility. I think he's been moving in the right direction through a reduction in troops, though not fast enough, through advocating a change in the draft, and in other ways. I do not think that he has too much more time to arrive at a decision concerning Vietnam because this is the burning question, the vital question, and it's tied to everything, directly or indirectly, which is occurring in this country today.

Q. When you say not too much more time, could you spell that out in terms of months and what you feel might happen at the end of this time period?

A. No, not in terms of months. But his time began to run out on the day that he took office. And the longer that time ran out on him, the fewer options and alternatives he had open to him. In other words, he could have done a great deal more in the first days of his Administration than he can do now and, in a sense, get away with it.

Q. Word has come through Republican leaders that one of the reasons he wants this moratorium is because of the new leadership in Hanoi . . . that there is a need for some time to appraise this new leadership and what their reactions might be.

A. Well, it's a reasonable, logical argument, but it appears as of now that the joint leadership which replaced Ho Chi Minh has no designs for changing the course of the war. I would point out though that since March there has been a decidely strong decrease in infiltration on the part of the North Vietnamese into South Vietnam. I look upon that as a hopeful sign. I would suggest, as long as you're leading with your questions to this particular point, that what we ought to consider seriously is a cease fire and stand fast. In other words, fall back into the Gavin enclave theory and do what we can by actions as well as by words to try and bring this dreadful and tragic war to a conclusion.

Q. The action you are talking about is that we announce to the world and to Hanoi particularly that we cease-fire and we will not fire again unless fired upon?

A. That's right. If we're fired on we will, of course, fire in return. But we can try and see if we can't put into effect some sort of a de facto termination of hostilities on that basis.

Q. And that we do it unilaterally . . . we do it ourselves?

A. That's right. Furthermore I would hope that we would fall away from the dependence on the South Vietnamese government which is becoming more apparent every day. President Thieu seems to be the tail always wagging the American body. I would like to see in South Vietnam a coalition government based on elections which could take place within weeks or months rather than after the end of hostilities, to the end that a government representing all South Vietnamese, the Viet Cong, Cao Dai, the Hua Hoa, the neutralists and all the others be established.

Q. Is it your feeling that there cannot be a negotiated settlement to the war unless there is shared control of the government by all the elements?

A. That is the main thesis, I think, on both sides. Insofar as Hanoi is concerned, they have said they would not treat with the present government. As far as we are concerned, we have stated that the one point we would not back down on was the right of the South Vietnamese to decide themselves what their own future will be.

Q. What can the United States do to force the Saigon regime into holding these kinds of elections so there is a government with total representation?

A. Speed up the withdrawals.

Q. You mean scare them into doing it?

A. Not scare them, just make them face the facts of life instead of kowtowing to them, think of our own people for a change instead of the South Vietnamese government.

Q. You feel that they would do that if we started withdrawing more troops?

A. They'd do it, or they'd fall.

Q. Senator, have you seen a similar deescalation of the level of activity in Laos, or the level of our involvement in Laos as . . .

A. Quite the contrary.

Q. We have been increasing our involvement there.

A. That's right. I know of no combat troops on the ground, but the sorties into Laos number in the hundreds every day, and that is a matter of public knowledge.

Q. And you oppose these, do you not?

A. I do not oppose them, but I do think that it ought to be brought home to the American people in that there is a possibility of another Vietnam being created in Laos because of our re-involvement. Now, I must in all candor say that on the basis of the Geneva accords of 1962 by means of which all foreign troops were supposed to leave Laos that we did so at that time. The North Vietnamese did not. As a matter of fact, they had increased their personnel capacity so that today it numbers somewhere in the neighborhood of 50 thousand. But there's no question about the stepped-up air activity in Laos and it is my understanding that more bombs are being dropped there than were being dropped on North Vietnam prior to the conclusion of the bombing strafing up there.

Q. How do we counter this military activity by the other side in violation of the Geneva convention if we don't do it through areal military activity? How do we oppose them? How do we stop them?

A. That's a hard question to answer. I don't know the answer, but I do not think the answer is stepped up activity on our part in support of the Royal Loatian troops and the Meo and other tribesmen in the northern part of Laos itself. We ought to do our best I would think to try and bring about a coordination between the various groups in Laos to the end that the neutralist agreement achieved in 1962 could be put into effect. It is still technically in being but it is not in fact.

Q. Does the Senate Foreign Relations Committee intend to hold some hearings that delve into this, to bring it out to the public, so that the American public will know what is going on there?

A. Yes. The Symington Subcommittee intends to do that later this month around the 13th or the 14th of October. Although I think the press has carried a pretty good coverage on Laos over the past three or four years and most especially in the past two or three weeks.

Q. Senator, on a different subject, as the session of the Congress is starting to come to a close, there are accusations from Republicans that this is a do-nothing Congress and they are blaming it on the Democrats.

A. Well, the Republicans are part of the Congress too, and if they want to reconsider legislation and debate at length on various bills, they'll have to bear their share of the burden. Personally, I think that we should not be judged on the basis of the quantity of legislation we pass but on the quality of the legislation and the type of debate which we conduct. We spent two months on the military authorization bill. I think it was an exercise conducted in good faith; that it was educational in nature, and that it will be conducive to better results from the Department of Defense, the Administration, and the Senate and the appropriate committees and also that it will continue to mean that more scrutiny will be placed on these requests which take up so much of our budget by the Department of Defense.

Q. Nevertheless, Senator, to the layman who sees Congress acting these days, the Senate is busy. You have great difficulty making an appointment with a Senator to see him and talk to him. He's always going from one committee to another. And the wheels are turning and turning, but nothing seems to be coming out. Is this something like a Rube Goldberg machine is just turning?

A. No. There's plenty coming out. There you get back again to the question of quantity. I'm not interested in quantity. I'm interested in quality. And the record of the Senate has been pretty good to date. We have a lot of appropriation bills but the great majority of them cannot be acted upon until they pass the House. The calendar is pretty clean. And I'm not at all adverse to the way the Senate has been operating. As a matter of fact, I'm in favor of it.

Q. About the appropriation bills, could any business, any firm in the United States operate the way Congress operates that you are now some four months into a new fiscal year and the departments still don't know what money they've got to spend for the current year?

A. No, I don't think they could, would, or should, and I think the Congress ought to reform itself in that respect. I've advocated that we ought to have two sessions within each session. The first part for legislative matters and the second part for appropriation matters. It's been the mode for far too long to sandwich appropriation bills in between other legislation and do not give them the necessary consideration. I would also like to see the fiscal year done away with and the calendar year substituted.

Q. What are the chances of either of those coming about?

A. In the immediate future, dim. In the long run, I would hope good.

Q. Is it a fact of life now that Congress will always stay in session year round . . . the old days when Congress adjourned early in the fall or late in the summer are they over now?

A. Yes, and it has been a fact of life for at least a decade, probably longer and it will be the way we proceed in the future.

Q. What would you say are the chances of the tax reform bill passing this year?

A. I anticipate that the Finance Committee will report out a tax reform and tax relief measure by October 31st and it is my intention to call it up and to try and get action on it this year.

Q. And if it doesn't pass this year, will the surtax bill be taken up in the Senate?

A. No.

Q. Nor, the investment tax credit?

A. No.

Q. What about this argument . . . Senator Allott made it last week . . . that you really haven't given the Finance Committee enough time to write a good bill . . . that if they have to report it at the end of October, as you've asked or suggested, that means that a good bit of the bill will have to be written on the floor which will mean a long and extended debate.

A. It would be anyway. You could give them years to write a bill and it would still have to be debated, and changed, and considered, on the floor, so I see no validity to that argument.

Q. Senator, could I go back to the Vietnam issue for just a moment? The Democrats held a meeting on this called by Sen. Harris, I believe a few days ago. There's been some criticism from the Administration particularly that the Democrats are seeking political advantage now because of the way the war is going. How do you react to that?

A. I think that's the worst thing we could do. This is not a partisan matter. As Democrats we cannot forgo our share of the blame in the Vietnamese War. After all, the President inherited this. He will get more and more blame unfortunately, as time goes on because the final responsibilities, as I have indicated earlier, rest with him. But as far as it becoming a partisan political issue is concerned, I think that is the worst thing that could happen. This is not a partisan or political issue. This is an all American issue.

Q. Well, do you see it as a tactical error, then, for the Democrats to have met alone and for Senator Harris to come out and make some remarks about it that we ought to take off the gloves now on the Vietnam war, or should've this in the beginning been a bipartisan meeting and bringing some of the Republican doves like Hatfield, and Case and Cooper?

A. I can't speak for the meeting because I know nothing about it. I did, of course, read the reports in the newspaper, but I can only say that matters of this kind transcend partisan politics and should be considered by both parties on a non-partisan basis because it's the welfare and security of the nation, internally and outside, which is of prime importance.

Q. What is your personal opinion of the bill that Sen. Goodell introduced which would, in effect, bar funds to maintain troops in Vietnam after December of 1970?

A. I do not look upon it with too much favor, though I am not at all adverse to the bill being introduced because I would like to see us get out before the end of 1970. And

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I was pleased to note that the President in response to a question concerning Sen. Goodell's measure, indicated that he would like to get out before the end of 1970, but he figures that setting a timetable . . . a time limit . . . would hamstring him, so to speak, in achieving that objective.

Q. But by saying that he'd like to get out before that date, isn't he setting a timetable himself?

A. Yes, but it's an indefinite timetable rather than a put down, hard and fast time table as Sen. Goodell has indicated.

Q. Wasn't more of a hope that he expressed such as he did express when former Defense Secretary Clark Clifford suggested getting 100,000 out by the end of this year?

A. That is correct, but then when President's hope, it's usually taken for something more substantive.

Q. I gather that you believe there should be a timetable set for total withdrawal?

A. No, I'd like to see that timetable which is now, of course, open knowledge beaten by getting our people out before that time if at all possible.

Q. Wouldn't an announced time table put the pressure on the Saigon government that you were talking about before so that they would reform?

A. An unannounced timetable with substantial withdrawals would put the pressure on just as much.

Q. I'm sorry, I didn't quite follow you when you said public knowledge of a withdrawal. There has been some talk from Saigon from Vice President Ky mentioning a withdrawal of up to possibly 200,000 by the end of the year. Now this has been denied by the White House. What figure did you have in mind that is public knowledge?

A. I was referring to Goodell's date.

Q. Oh, I see. Senator, when the Vietnamese debate renewed recently, one of the immediate administration pleas was the fact that they said the Democrats had six years to handle the war. We've had eight or nine months. Give us more time. As a Democrat, how do you feel about that argument?

A. Well, as I said earlier, that has some validity because it was a war which started under Democratic Administrations. It's true that the present administration has had only eight months and that President Nixon is trying to move in the right direction . . . not fast enough to suit many of us . . . but at least making moves which indicate that he is just as desirous as anyone to bring this war to a conclusion.

Q. You oppose a moratorium on criticism but actually . . .

A. Anybody can speak as they see fit on this and I think that'a part of our responsibility.

Q. That's what I meant . . . you're not in favor of a moratorium on criticism.

A. No.

Q. But for general purposes, the criticism so far of President Nixon has been fairly mild. Now there are indications that it's becoming a little harsher. Do you favor an escalation of the criticism at this point? Or it goes back to this theory of how much time you give a new president before you criticize.

A. No, I don't favor an escalation of criticism any more than I favor an escalation of the war. What each individual Senator does is his own responsibility. All I would hope is that the criticism would be constructive; that wherever possible alternatives would come forth which would be of assistance to the President, in speeding up the withdrawal of troops and ending this tragic war.

Q. How about the alternative that has been suggested that we resume the bombing if we don't hear from or get some concession from Hanoi?

A. I think that'a insanity.

Q. Sir, that was made by a Senate colleague. We'll pass over to another question.

A. I don't think the American people would stand for it. I don't think the Administration would stand for it and what it calls for is escalation of the war instead of withdrawal . . . the input of tens if not hundreds of thousands of additional American troops. That argument goes in the wrong direction.

Q. Senator, the President has said that he would pay no heed to the Vietnam dissent on the campus. I wonder what your reaction to that is?

A. Well, I admire his candor but question his judgment.

Q. You feel the dissent does have an effect on the President's conduct of the war?

A. Yes. I think it has a decided effect because it's spreading far beyond its former confines and taking in all aspects of the population. And I think that it played a part in the withdrawal of President Johnson from seeking re-election last year.

Q. Some people have said that if Mr. Nixon can't end the war, substantially reduce our troops in Vietnam by the end of his first term, he won't have a second. Do you feel this is perhaps a reason for his withdrawals and intense concern over the way things are going?

A. No, I don't think he's considering the political consequences. I think that he is fed up to here on the war too and he's doing everything in his power which he can do responsibly, to bring this way to a conclusion.

Q. Senator, are there any other major pieces of legislation beyond the tax reform bill that you see passing through Congress this year?

A. Well, there's an education bill of consequence . . .

Q. Isn't that stymied in the house?

A. No, it passed the House. It's in the Senate Labor Committee. And then, of course, we have air and water pollution bills and other measures such as foreign aid . . . a tax bill . . . all these are bits of legislation which are of tremendous significance.

Q. Some Republicans have been asking that President Nixon withdraw the nomination of Justice Haynsworth to the Supreme Court? How do you feel about that?

A. I haven't read the record. I have read the press accounts. I would like to see just what the record of the hearings of the committee shows. Then I will make my own judgment. There are some questions which raise questions and therefore I want to find some answers.

Q. Do you feel that this is an excellent appointment?

A. I will still have to read the record.

Q. Would you call up the nomination as soon as the Committee reports it in light of the fact that court begins its term next week?

A. Not on that basis. I would call it up if it's reported out by the committee at the first appropriate time because there's other legislation we have to consider as well as individual nominations and I would look for a time when there could be extended debate because from what I read in the paper so far and heard from my colleagues, it does appear that there may be some days of talking ahead.

Q. Senator, some people say there might be as many as 30 or 40 votes against Judge Haynsworth if the nomination reaches the floor. Doesn't this . . . Isn't this really almost like sending a justice to the court with one arm tied?

A. Not necessarily. Those matters have happened before and on many occasions the justices turn out to be a pleasant surprise. I'm not saying this in the case of Haynsworth but on the question of previous justices against whom there waa a great deal of opposition.

Q. Will there be a Democratic party meeting in the Senate on the Haynsworth nomination? Will there be a Democratic party position on it too?

A. No, there will not. Each Senator will have to make up his own mind.

Q. Will it be taken up at the policy committee?

A. It will not.

Q. Speaking of policy committee, George, let me mention the policy council also which the Democratic party has just formed. With the Presidency lost for the time being, and the Democrats not able to use that as a forum, Sen. Mansfield, do you see this policy council as emerging as a viable force for directing Democrats in this country?

A. Yes, I think it could be helpful to the Democratic National Committee and to the Democratic Party nationally because we do have a platform from which we can operate. We can consider measures of transcendent importance and establish a party position and I think it's a step in the right direction in making the policy committee a policy committee at long last.

Q. There's been some concern over the representation on the policy council. Some democrats have been noticeably omitted, such as yourself, I believe.

A. Are we talking about the policy committee in the Senate or the . . .

Q. No, sir, we're talking about the policy council.

A. Oh, I was talking about the policy committee in the Senate. As far as the policy committee in the council is concerned, I think it's a good thing and frankly, I could have been on that council, had I desired. I didn't desire to be on it. I think that the Democratic policy committee in the Senate can work with the council. Together we can do a great deal of good in establishing Democratic party positions.

Q. Why did you prefer to stay off?

A. Because I have enough to do up here in the Senate and besides, the policy committee is, as I have indicated, trying to set Democratic policy.

Q. Senator, would you like to say what the chances of a tax reform bill passing this session are?

A. I would say good. As far as I am concerned personally, I intend to keep my word to the Senate and do everything I possibly can to pass a tax reform and tax relief bill.

OPPOSITION TO ADDING BENNETT AMMUNITION AMENDMENT TO THE INTEREST EQUALIZATION TAX BILL

Mr. JAVITS. Mr. President, the Senate will soon consider the interest equalization tax bill, H.R. 12829. An amendment to that Finance Committee bill would propose important changes in the Gun Control Act of 1968.

In my judgment these changes, if enacted, would weaken, rather than strengthen, the control of guns.

I can appreciate the concerns of the sportsmen of our country. However, gun control legislation is certainly reasonable. The Gun Control Act is a reasonable effort to meet the grave problems of violent urban crime.

Mr. President, I think it is important that we record ourselves on this issue. I shall oppose the provision, attached as a rider on a bill from the Finance Committee, which would exempt long-arm ammunition from present gun control provisions.

Passage of this provision would be most unwise. We would be moving in the wrong direction at the wrong time. Greater gun controls are demanded, not less. The provisions of the Gun Control Act of 1968 should be strengthened, not weakened. I have joined other Senators in sponsoring bills for registering and licensing, and with Senator Brooke, I have introduced a bill which would condition law-enforcement assistance grants to States on their establishment of information systems at that level.

Present Federal gun-control legislation is inadequate to meet a growing problem of urban violent crime—a trend which has turned many of our cities at night into prisons of fear. Guns and ammunition are easily available, and the past few years have witnessed a tremendous increase in the presence of firearms in our midst. As the National Commission on the Causes and Prevention of Violence reported, the "urban arms buildup" has not eliminated crime and violence nor has it checked the rising wave of urban fear. In fact, the increased availability of firearms and firearms ammunition has brought in its wake a tremendous increase in violent crime.

As the Senator form Connecticut (Mr. Dodd) indicated, with 90 million firearms already in private hands in the United States, ammunition control is the only way in which the Gun Control Act can affect those firearms. The provisions of the Gun Control Act which relate to ammunition are not rigorous and they do not interfere with legitimate sportsmen—but they are of assistance in the prevention and investigation of violent crime.

Unquestionably, handguns are the most serious element in violent urban crime, and, technically, according to its sponsor, this provision would not deal with handgun ammunition. However, the amendment does remove .22-caliber rimfire ammunition from the provisions of the Gun Control Act, and this ammunition can be and is used in handguns as well as rifles. It has already been noted—but it must be emphasized—that 30 percent of all murders committed by handguns in this country involve the use of .22-caliber ammunition. Some 60 percent of murders committed by rifle use .22-caliber ammunition. Thirty-seven percent of all gun murders involve .22-caliber ammunition. And this amendment would exempt this ammunition from control.

Mr. President, this is not the time to deal this devastating blow to gun control legislation and to the cause of meaningful law enforcement. I urge the Senate to reject the amendment contained in this bill.

DISTRICT OF COLUMBIA REVENUE ACT OF 1969

Mr. MANSFIELD. Mr. President, in view of the fact we have reached an agreement as to the debate on the pending Kennedy Center measure, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 427, H.R. 12982.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The bill will be stated by title.

The **Legislative Clerk.** A bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "District of Columbia Revenue Act of 1969".

TITLE I—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

Sec. 101. Subsection (a) of section 114 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 14(a)) is amended as follows:

(1) Paragraph (5) of that subsection is amended by striking out the period at the end thereof and inserting a comma in lieu thereof, and the following: "and regardless of whether the owner of such real property is otherwise exempt from the taxes imposed by this title, except that in the case of any such exempt owner, materials furnished pursuant to a bona fide written contract entered into prior to the effective date of the amendments made by title IV of the District of Columbia Revenue Act of 1969, which contract provides for the furnishing of materials to be used in the construction, repair, or alteration of real property, which materials, upon completion of such construction, alteration, or repair, become real property, shall not be subject to the taxes imposed by this title."

(2) That subsection is amended by adding at the end thereof the following new paragraphs:

"(8) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that auch sale of or charge for admission made by a semipublic institution holding a Certificate of Exemption issued by the Commissioner shall not be considered a retail sale or sale at retail.

"(9) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such services.

"(10) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

"(11) The sale of or charges for the service of washing, polishing, or waxing motor vehicles.

"(12) The sale of or charges for the service of laundering, dry cleaning, or pressing of any kind of tangible personal property, except when such service is performed by means of self-service, coin-operated equipment."

Sec. 102. Subsection (b) of section 114 is amended—

(1) by striking out paragraph (1),

(2) by redesignating paragraph (2) as paragraph (1),

(3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: "except as otherwise provided in subsection (a) of this section", and

(4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Sec. 103. Subsection (b)(3) of section 116 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 16(b)(3)) is amended to read as follows:

"(3) The amount separately charged for labor or services rendered in installing or applying the property sold except as provided in section 114(a) of this title."

Sec. 104. Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602) is amended to read as follows:

"Sec. 125. A tax is imposed upon all vendors for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as 'retail sale' and 'sale at retail' in this title). The rate of tax shall be as follows:

"(1) 1 per centum of the gross receipts from sales of food for human consumption off the premises where such food is sold.

"(2) 5 per centum of the gross receipts from sales of or charges for any room or rooms, lodgings, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients.

"(3) 5 per centum of the gross receipts from sales of or charges for spiritous or malt liquors, beer, and wines, and food for human consumption other than off the premises where such food is sold.

"(4) 4 per centum of the gross receipts from sales of tangible personal property and from sales of and charges for services, except as otherwise provided in this section."

Sec. 105. (a) Paragraph (a) of section 127 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2604(a)) is amended to read as follows:

"(a) On each sale or charge, other than sales of food for human consumption off the premises where such food is sold, such amounts as may be prescribed by the District of Columbia Council to carry out the purposes of this section."

(b) Paragraph (c) of such section 127 is repealed.

Sec. 106. (a) Subsection (a) of section 147 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2624 (a)) is amended to read as follows:

"Sec. 147. (a) Any person who fails to file a return, who files a false or incorrect return or who fails to pay the tax to the District within the time required by this title shall be subject to a penalty of 5 per centum of the amount of tax due if the failure is for not more than one month, with an additional 5 per centum for each addtional month or fraction thereof during which such failure continues, not to exceed 25 per centum in the aggregate; plus interest at the rate of 1 per centum of such tax for each month or fraction thereof during which such failure continues; but the Commissioner may, if he is satisfied that the delay was excusable, waive all or any part of the penalty. Unpaid penalties and interest may be collected in the same manner as the tax imposed by this title. The penalty and interest provided for in this section shall be applicable to any tax determined as a deficiency."

(b) Subsection (b) of such section is amended by striking out "The certificate of the Collector or Assessor, as the case may be," and inserting in lieu thereof "The certificate of the Commissioner".

Sec. 108. Subsection (a) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2701(a)) is amended as follows:

(1) Paragraph (3) of that subsection is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and regardless of whether the owner of such real property is otherwise exempt from the taxes imposed by this title, except that in the case of any such exempt owner, materials furnished pursuant to a bona fide written contract entered into prior to the effective date of the amendments made by title IV of the District of Columbia Revenue Act of 1969, which contract provides for the furnishing of materials to be used in

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the construction, repair, or alteration of real property, which materials upon completion of such construction, alteration, or repair, become real property, shall not be subject to the taxes imposed by this title."

(2) That subsection is amended by adding at the end thereof the following new paragraphs:

"(6) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that such sale of or charge for admission made by a semipublic institution holding a certificate of exemption issued by the Commissioner shall not be considered a retail sale or sale at retail.

"(7) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

"(8) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

"(9) The sale of or charges for the service of washing, polishing, or waxing motor vehicles.

"(10) The sale of or charges for the service of laundering, dry cleaning, or pressing of any kind of tangible personal property, except when such service is performed by means of self-service, coin-operated equipment."

SEC. 109. Subsection (b) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701(1)(b)) is amended—

(1) by striking out paragraph (1),

(2) by redesignating paragraph (2) as paragraph (1),

(3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: "except as otherwise provided in subsection (a) of this section", and

(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

SEC. 110. Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702) is amended by striking out the last sentence and inserting in lieu thereof the following: "The rate of tax imposed by this section shall be 4 per centum of the sales price of the tangible personal property or services rendered or sold, except that (1) the rate of tax with respect to sales of spiritous or malt liquors, beer, and wines, and sales of food for human consumption, other than off the premises where such food is sold, shall be 5 per centum of the sales price of such sales, and (2) the rate of tax with respect to sales of food for human consumption off the premises where such food is sold shall be 1 per centum of the sales price of such sales."

SEC. 111. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE II—MOTOR VEHICLE EXCISE TAX

SEC. 201. Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(j)), is amended by striking out "3 per centum" and inserting in lieu thereof "4 per centum".

SEC. 202. The amendment made by this title ahall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE III—AMENDMENTS TO DISTRICT OF COLUMBIA CIGARETTE TAX ACT

SEC. 301. Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2802(a)) is amended by striking out "3 cents" and inserting in lieu thereof "6 cents".

SEC. 302. (a) Except as otherwise provided the amendment made by section 301 shall apply with respect to cigarette tax atamps purchased on or after the effective date of this title, which ahall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

(b) In the case of cigarette tax stamps which have been purchased prior to the effective date of thia title and which on auch date are held (affixed to a cigarette package or otherwise) by a wholesaler, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of this title.

(c) Within twenty days after the effective date of this title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2810).

TITLE IV—FEES FOR MOTOR VEHICLE REGISTRATION AND INSPECTION AND FOR MOTOR VEHICLE OPERATORS' PERMITS

SEC. 401. Seotion 2 of title IV of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 40-102) is amended—

(1) by striking out "$1" and "50 cents" in paragraph (3) of subsection (b) (relating to fees for duplicate registration certificates and identification tags) and inserting in lieu thereof "$2" and "$1", respectively;

(2) by striking out "$1" in paragraph (4) of subsection (b) (relating to fees for special use certificates and identification tags) and inserting in lieu thereof "$3";

(3) by striking out "ten days" in such paragraph (4) and inserting in lieu thereof "twenty days";

(4) by inserting immediately after "Commissioners" in such paragraph (4) the following: ", except that in the event such certificate and tags are necessary for use in complying with vehicle inspection regulations made pursuant to the authority contained in section 7 of the Act approved February 18, 1938 (D.C. Code, sec. 40-207), prior to completion of the registration of such vehicle or trailer, the fee shall be $2"; and

(5) by striking out "$1" each place it appeara in subsection (d) (relating to fee for transfer of registration) and inserting in lieu thereof in each such place "$2".

SEC. 402. Section 3 of title IV of auch Act (D.C. Code, sec. 40-103) is amended—

(1) by inserting immediately before the period at the end of subsection (a) (relating to registration fees) the following: ", and in the event the markings on any such tag are specially ordered by the person to whom the tag is to be issued and such markings are other than those in a regular series, a reservation fee of $25 and an annual fee of $10, in addition to all other fees which may be required, shall be charged for such specially ordered tag";

(2) by striking out "three thousand five hundred" in the paragraph designated "Class A" of subsection (b) (relating to registration fees for passenger motor vehicles) each place it appears and inserting in lieu thereof in each such place "three thousand four hundred", and by striking out "$22" and "$32" and inserting in lieu thereof "$30" and "$50", respectively;

(3) by striking out, in the paragraph designated "Class B" of subsection (b) (relating to registration fees for trucks, tractors, and certain commercial automobiles) "$40", "$44", "$52", "$60", "$68", "$74", "$84", "$96", "$122", "$142", "$172", and "$202", and inserting in lieu thereof "$53", "$59", "$69", "$80", "$91", "$99", "$112", "$128", "$163", "$191", "$229", and "$269", respectively;

(4) by striking out, in the paragraph designated "Class C" of subsection (b) (relating to registration fees for trailers), "$8", "$12", "$20", "$32", "$46", "$60", "$74", "$92", "$122", "$152", and "$182", and inserting in lieu thereof "$11", "$16", "$27", "$43", "$61", "$80", "$99", "$123", "$163", "$203", and "$243", respectively; and

(5) by striking out in subsection (d) (relating to division of registration fees between Highway Fund and General Fund) "sixty-four" and "seventy-four" and inserting in lieu thereof "forty-two" and "forty-seven", respectively.

SEC. 403. The first section of the Act entitled "An Act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938 (D.C. Code, sec. 40-201), is amended by striking out "$1" and inserting in lieu thereof "$3".

SEC. 404. Section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603), is amended (1) by striking out "$5" in subsection (a) (relating to fee for restoration of suspended or revoked permits and privileges) and inserting in lieu "$10", and (2) by striking out "$1" in subsection (d) (relating to fees for titling and retitling) and inserting in lieu thereof "$5".

SEC. 405. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-301(a)), is amended (1) by striking out "$3" in paragraph (1) (relating to fee for operator's permit) and inserting in lieu thereof "$12", and by striking out in such paragraph "three years" and inserting in lieu thereof "four yeara"; and (2) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) In the event an operator's permit or a learner's permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason other than through error or other act of the Commissioners not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement permit upon payment of a fee of $2."

SEC. 406. Section 3 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40-419) is amended by inserting immediately before the period at the end of subsection (a) the following:

", including rules and regulations assessing reasonable fees to reimburse the District of Columbia for the cost of reinstating licensea and registrations suspended under the authority of this Act, such fees not to exceed the amount of $10 for the reinstatement of a license or registration, or both a license and registration".

SEC. 407. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE V—AMENDMENTS TO THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

SEC. 501. (a) Clause (1) of section 23(a) of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-124(a)) is amended by striking out "15" and inserting in lieu thereof "20".

(b) Clause (2) of section 23(a) of such Act (D.C. Code, sec. 25-124 (a)) is amended by striking out "33" and inserting in lieu thereof "45".

(c) Clause (3) of section 23(a) of such Act (D.C. Code, sec. 25-124(a)) is amended by striking out "45" and inserting in lieu thereof "60".

(d) Clauses (4) and (5) of section 23(a) of such Act (D.C. Code, sec. 25-124(a)) are each amended by striking out "$1.75" and inserting in lieu thereof "$2.00".

(e) Section 23(c)(1) of such Act (D.C. Code, sec. 25-124(c)(1)) is amended by striking out the word "tenth" and inserting in lieu thereof the word "fifteenth."

(f) Section 40(a) of such Act (D.C. Code, sec. 25-138(a)) is amended by striking out "$2.00" and inserting in lieu thereof "$2.24."

(g) Section 40(a)(1) of such Act (D.C. Code sec. 25-138(a)(1)) is amended by striking the word "tenth" and inserting in lieu thereof the word "fifteenth".

SEC. 502. (a) Except as otherwise provided in this title, the amendments made by section 501 shall apply with respect to—

(1) wines, alcohol, and spirits imported or brought into the District of Columbia or manufactured, and

(2) beer sold or purchased for resale, on and after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

(b) In the case of alcohol, spirits, wines, and beer which have been purchased prior to the effective date of this title and which on such date are held by a holder of a retailer's license, issued under the District of Columbia Alcoholic Beverage Control Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax imposed by such Act immediately prior to the effective date of this title on the amount of alcohol, spirits, wines, and beer so held by him, and the amount of tax which would be imposed by the District of Columbia Alcoholic Beverage Control Act on such effective date on an equivalent amount of alcohol, spirits, wines, and beer.

(c) Within twenty days after the effective date of thia title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the quantity of alcohol, spirita, wines, and beer held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, alcohol, spirits, wines, and beer shall be considered as held by a holder of a retailer's license if title thereto has passed to such holder (whether or not delivery to him has been made) and if title has not at any time been transferred to any person other than such holder.

(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 33 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-132).

TITLE VI—AMENDMENTS TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

SEC. 601. Section 4 of title I of article I of the District of Columbia Income and Franchise Tax Act of 1947, as amended (61 Stat. 328, ch. 258; D.C. Code, sec. 47-1551c), is amended as follows:

(a) Paragraph (1) of said section is amended to read as follows:

"(1)(1) The words 'capital assets' mean property defined as a 'capital asset' under the Internal Revenue Code of 1954.

"(2) For the purpose of determining gain or loss from the sale or exchange of a capital asset all of the terms, definitions, rules, requirements, and limitations contained in the Internal Revenue Code of 1954 relating or applicable to the determination for any taxable year of a capital gain or capital loss for Federal income tax purposes shall be applicable for the purpose of computing for the same taxable year the tax imposed under this article."

(b) Paragraph (m) of said section is amended by striking the colon immediately preceding the first proviao of said paragraph, by inserting a comma in lieu thereof, and by adding after said comma the following: "except that in the case of any such distribution any part of which for purposes of the income tax imposed under the Internal Revenue Code of 1954 is deemed to constitute a capital gain, such part shall be deemed to constitute a capital gain for purposes of the tax imposed by this article."

(c) Paragraph (aa) of said section is hereby repealed.

(d) Said section is further amended by adding at the end thereof the following new paragraph:

"(a) The words 'Internal Revenue Code of 1954' mean the Internal Revenue Code of 1954, as amended, or as hereafter amended or revised."

SEC. 602. Title III of article I of the District of Columbia Income and Franchise Tax Act of 1947 is amended as follows:

(a) Section 2 of said title is amended as follows:

(A) Subsection (a) of said section (D.C. Code, sec. 47-1557a(a)) is amended by striking the words "other than capital assets as defined in this article", and inserting in lieu thereof the words "including capital assets as defined in this article".

(B) Subsection (b) of said section is amended as follows:

Paragraph (5) of said subsection is amended to read as followa:

"(5) COMPENSATION FOR INJURIES OR SICKNESS.—To the extent not otherwise specifically excluded from gross income under this title, amounts excluded from gross income under sections 104 and 105 of the Internal Revenue Code of 1954."

(C) Paragraph (11) is repealed.

(D) Paragraphs numbered (12), (13), (14), (15), (16), and (17), respectively, are renumbered as paragraphs (11), (12), (13), (14), (15), and (16), respectively.

(b) Section 3 of said title is amended as follows:

(A) Subparagraph (C) of paragraph (4) of subsection (a) of said section (D.C. Code, sec. 47-1557b(a)(4)(C)) is amended by striking the clause reading "That this subsection shall not be construed to permit the deduction of a loss of any capital asset as defined in this article.", and by inserting in lieu thereof the following:

"That, in the case of an individual, a loss described in this subsection shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds $100. For purposes of the $100 limitation, a husband and wife making a joint return for the taxable year in which the loss is allowed as a deduction shall be treated as one individual."

(B) Paragraph (6) of subsection (b) of said section (D.C. Code, sec. 47-1557b(b)(6)) is repealed.

SEC. 603. Section 2 of title VII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1571a) is amended by adding at the end thereof the following new sentence: "The minimum tax payable shall be $25.00."

SEC. 604. Section 3 of title VIII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1574b) is amended by adding at the end thereof the following new sentence: "The minimum tax payable shall be $25.00."

SEC. 605. Title XI of article I of the District of Columbia Income and Franchise Tax Act of 1947 is amended as follows:

(a) Section 1 of said title is amended to read as follows:

"SECTION 1. BASIS FOR DETERMINING GAIN OR LOSS.—The basis for determining the gain or loss from the sale or exchange or other disposition of property shall be the same basis as that provided for determining gain or loss under the Internal Revenue Code of 1954, except that where property having a proper higher or lower adjusted basis for District income or franchise tax purposes than for Federal income tax purposes prior to January 1, 1969, is sold or exchanged after January 1, 1969, the gain or loss from the sale or exchange of such property shall be computed on the basis of such higher or lower adjusted basis, increased or decreased by adjustments to basis properly allowable on and after January 1, 1969."

(b) Section 2 of said title is amended to read as follows:

"SEC. 2. COMPUTATION OF GAIN OR LOSS.—The gain or loss, as the case may be, from the sale or other disposition of property shall be determined in the same manner provided for the determination of gain or loss for Federal income tax purposes under the Internal Revenue Code of 1954, including the recognition of gain or loss."

(c) Section 3 of said title is repealed.

(d) Section 4 of said title is renumbered as section 3.

(e) Section 5 of said title is repealed.

(f) Section 6 of said title is renumbered as section 5, and as renumbered is amended to read as followa:

"SEC. 5. DEPRECIATION.—The basis used in determining the amount allowable as a deduction from gross income under the provisions of section 3(a)(7) of title III of this article shall be the same basis as that provided for determining the gain from the sale or other disposition of property for Federal income tax purposes under the Internal Revenue Code of 1954, except that this section shall not be construed to permit a deduction from gross income for taxable years commencing on and after January 1, 1969, of any amounts which, when added to amounts deducted or deductible (whether or not deducted) as depreciation for taxable years prior to January 1, 1969, would exceed the total amount which could be deducted from the basis of the property for Federal income tax purposes."

SEC. 606. (a) Title XII of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1586—47-1586n) is amended (1) by redesignating sections 14 and 15 as sections 15 and 16, respectively, and (2) by inserting after section 13 the following new section:

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"SEC. 14. DECLARATIONS OF ESTIMATED TAX BY CORPORATIONS AND UNINCORPORATED BUSINESSES.—(a) DECLARATION OF ESTIMATED TAX.—Every corporation and unincorporated business required to make and file a tax return under this article shall make and file a declaration of estimated tax at such time or times and under such conditions, and shall make payments of such tax during its taxable year in such amounts and under such conditions, as the District of Columbia Council shall by regulation prescribe.

"(b) FAILURE BY CORPORATION OR UNINCORPORATED BUSINESS TO PAY ESTIMATED TAX.—(1) ADDITION TO THE TAX.—In case of any underpayment of estimated tax by a corporation or an unincorprated business, there shall be added to the tax for the taxable year an amount determined at the rate of 6 per centum per annum upon the amount of the underpayment (determined under paragraph (2) for the period of the underpayment (determined under paragraph (3))).

"(2) AMOUNT OF UNDERPAYMENT.—For purposes of paragraph (1), the amount of the underpayment shall be the excess of—

"(A) the amount of the installment which would be required to be paid if the estimated tax were equal to 80 per centum of the tax shown on the return for the taxable year or, if no return was filed, 80 per centum of the tax for such year, over

"(B) the amount, if any, of the installment paid on or before the last date prescribed for payment.

"(3) PERIOD OF UNDERPAYMENT.—The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

"(A) the 15th day of the fourth month following the close of the taxable year; or

"(B) with respect to any portion of the underpayment, the date on which such portion is paid.

For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under paragraph (2) (A) for such installment date.

"(c) OVERPAYMENT; CREDIT OF TAX.—Overpayment resulting from the payment of estimated tax for a taxable year in excess of the amount determined to be due upon the filing of a tax return for such taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year. No refund shall be made of any estimated tax paid unless a complete return is filed."

(b) That part of the table of contents of such article relating to title XII is amended—

(1) by inserting after the item relating to section 13 the following:

"SEC. 14. Declarations of estimated tax by corporations and unincorporated businesses.

"(a) Declaration of estimated tax.

"(b) Failure by corporation or unincorporated business to pay estimated tax.

"(1) Addition to the tax.

"(2) Amount of the underpayment.

"(3) Period of underpayment.

"(c) Overpayment; credit of tax.";

(2) by striking out "SEC. 14" and inserting in lieu thereof "SEC. 15"; and

(3) by striking out "SEC. 15" and inserting in lieu thereof "SEC. 16".

SEC. 607. Title XIV of said Act is amended as follows:

(a) Section 1 of said title is amended by repealing subsection (a) in its entirety, and by striking designation "(b)" in the following subsection.

(b) Section 7 of said title is amended to read as follows:

"SEC. 7. PENALTY FOR FAILURE TO OBTAIN LICENSE.—Any person engaged in or conducting a trade, business, or profession in the District of Columbia within the meaning of section 1 of this title without having obtained a license so to do, within the time prescribed by said section 1, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $300 for each and every failure, refusal, or violation, and each and every day that such failure, refusal, or violation continues shall constitute a separate and distinct offense. All prosecutions under this section shall be brought in the District of Columbia Court of General Sessions on information by the Corporation Counsel or any of his assistants in the name of the District."

SEC. 608. The amendments made by sections 601, 602, 603, 604, and 605 of this title shall apply with respect to all taxable years beginning after December 31, 1968. The amendments made by section 606 of this title shall be effective with respect to taxable years beginning after December 31, 1969. The amendments made by section 607 of this title shall apply with respect to calendar years beginning after December 31, 1969.

SEC. 609. Nothing contained in this title shall be construed to have the effect—

(1) of increasing or decreasing the amount of District of Columbia income or franchise tax determined for any taxable year prior to January 1, 1969, or

(2) authorizing or requiring in the determination of District of Columbia income or franchise tax for any taxable year subsequent to January 1, 1969, the inclusion in gross income of any gain, or the deduction from gross income of any loss, from the sale or exchange prior to January 1, 1969, of any capital asset as defined in the District of Columbia Income and Franchise Tax Act of 1947 prior to the amendments made by this title.

TITLE VII—FEDERAL PAYMENT AUTHORIZATION

SEC. 701. Article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47-2501a and 47-2501b) is amended to read as follows:

"ARTICLE VI—FEDERAL PAYMENT

"SECTION 1. A regular annual payment (hereafter in this article referred to as the 'Federal payment') is authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the government of the District of Columbia. The Federal payment, when appropriated, shall be paid into the General Fund. Subject to any adjustments required under section 3 for overpayments or underpayments, the Federal payment authorized by this article for each of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, and June 30, 1974, shall be an amount equal to 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues which the Commissioner estimates will be credited to the General Fund during such fiscal year and which is approved under section 2; except that for fiscal year 1970 such payment shall not exceed $120,000,000. Subject to any adjustments required under section 3 for overpayments or underpayments, the Federal payment authorized by this article for the fiscal year ending June 30, 1975, and each fiscal year thereafter shall be an amount equal to 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues credited to the General Fund during the fiscal year ending June 30, 1974.

"SEC. 2. For each of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, and June 30, 1974, the Commissioner shall estimate the amount of District of Columbia fees, miscellaneous receipts, and tax revenues that will be credited to the General Fund during such fiscal year. He shall submit such amount to the Bureau of the Budget with the regular budget of the District of Columbia for such fiscal years. The amount of such revenues and fees which is approved by the Director of the Bureau of the Budget shall be submitted to the Congress.

"SEC. 3. If the amount of the Federal payment appropriated in any of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, or June 30, 1974, does not equal 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues credited to the General Fund during such fiscal year, increased or decreased as may be necessary to reflect the amount of the adjustment made under this section to the Federal payment authorization for such fiscal year, the amount of the Federal payment authorization for the second fiscal year beginning after such fiscal year shall—

"(1) if such Federal payment appropriation exceeded 30 per centum of such fees, miscellaneous receipts, and tax revenues (so increased or decreased), be reduced by the amount of such excess; or

"(2) if such Federal payment appropriation was less than 30 per centum of such fees, miscellaneous receipts, and tax revenues (so increased or decreased), be increased by the amount by which such appropriation was lower.

"SEC. 4. For purposes of this article—

"(1) The term 'Commissioner' means the Commissioner of the District of Columbia.

"(2) The term 'General Fund' means the General Fund of the District of Columbia in the Treasury of the United States.

"(3) The term 'miscellaneous receipts' does not include any amounts derived from grants or loans from the Federal Government to the District of Columbia."

SEC. 702. This title may be cited as the "District of Columbia Federal Payment Authorization Act of 1969".

SEC. 703. For the purpose of reimbursing the District of Columbia for revenues lost by it during that part of fiscal year 1970 preceding the date of the enactment of this Act, there is authorized to be appropriated, in addition to any other amounts authorized by this title for such fiscal year, to the District of Columbia government the sum of $8,500,000 which shall be credited to the general fund of the District of Columbia. The payment authorized by this section shall not be considered for purposes of determining the amount of the Federal payment for such fiscal year authorized by article VI of the District of Columbia Revenue Act of 1947.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47-2051a—47-2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

SEC. 802. Section 401(2) of the District of Columbia Revenue Act of 1968 (D.C. Code, sec. 31-1118) is amended (1) by striking out "and (B)" and inserting in lieu thereof ", (B)", and (2) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and (C) any individual who, as part of a program approved by an educational agency having jurisdiction over an elementary or secondary school located outside the District of Columbia, is voluntarily enrolled in such school.".

SEC. 803. Except as otherwise provided in this title, nothing in this Act, or any amendments made by this Act, shall be construed to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Counci by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or by the Council, as the case may be, in accordance with the provisions of such Plan.

SEC. 805. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, or any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended law shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) All offenses committed, and all penalties incurred, under any provision of law repealed or amended by this Act, may be prosecuted and punished in the same manner and with the same effect as if this Act had not been enacted.

Mr. EAGLETON. Mr. President, the bill before the Senate today would provide an estimated $61.6 million in additional revenue for the District of Columbia Government to help finance increased costs and workloads of existing programs and enable the District to develop urgently needed new services. More than half of the total—$32.5 million—would be derived from expanded local taxes and fees. The bill also calls for a $30 million increase in the Federal payment to the District to help defray costs associated with the Federal presence in the District.

Like all major cities in this country, the District is caught in a squeeze between rising costs and expanding needs. About 75 percent of what is recommended in this bill is required to maintain existing levels of Government service. That leaves only a small fraction to apply against the enormous demands for new programs which must be met if we are to have any hope of rejuvenating the city.

The Nation's Capital occupies a special place among American cities not only because it is the political center of the Nation, but also because it is the showcase of our determination to begin doing something about the urban crisis. If we are unwilling or unable to meet the challenge here, then it may be fairly asked what hope is there for the rest of the Nation.

The Senate District of Columbia Committee recognizes the need to economize and to eliminate inefficiencies and waste in the District government. We cannot afford to squander our resources when the task before us is so great and so urgent. But, by the same token, the committee believes it would be a tragic mistake to spend millions of dollars for a war on crime and fail to support the city in its efforts to eliminate the conditions which breed crime and unrest. An anticrime program which puts more policemen on the streets but which does little to improve the court and correctional systems to provide drug prevention and treatment facilities, or to make available new educational opportunities, is unlikely to have more than temporary results.

It is the committee's purpose in this bill to provide the District of Columbia Government with revenue sources adequate to finance the kind of broad-range approach to these problems that is so clearly called for.

The committee's report contains a comparative summary of District of Columbia requests and House and Senate bills. Briefly, however, the Senate has reduced District of Columbia requests by some 10 percent or $6.4 million, but it substantially increases the House-passed figure—by more than $22 million.

Other major differences between House and Senate bills include the following:

First. As it has many times in the past, the committee is recommending that the Federal payment authorization be fixed at 30 percent of local tax revenues which is credited to the District general fund. It is the committee's view that a normal payment of this kind would provide a more equitable Federal contribution to the District than is now the case. It would allow the payment to grow proportionately with local tax revenues and enable the District Government to plan its programs in a more reasonable and orderly fashion. This does not mean, however, that the District would receive an automatic Federal payment each year. The payment would still have to be acted upon by the appropriations committees of the House and Senate and approved by Congress.

Second. In addition to this annual payment, the committee is recommending a special payment of $8.5 million to avoid an unintended reduction of District revenues because the District will not be able to collect the taxes authorized in the bill on an annual basis. A figure of $8.5 million represents what will be lost in local revenues plus what would be lost in the Federal payment based on a 30 percent summary, assuming the bill passed by September 30, this of course, was not the case, so the figure in this bill was roughly $2 million lower than it should be.

Third. The committee has deleted from the House-passed bill a restriction which would have held employment to June 30, 1969 levels and allowed the District Government to fill only 3 out of 4 future vacancies. The committee notes that a similar restriction on Federal employment was rescinded by Congress this year on grounds that it would not achieve its purpose and that it led to administrative confusion. The same would appear to be true of this personnel freeze. It is the committee's view that the proper and most effective way of limiting employment is through the appropriations process. Without appropriation funds to pay additional personnel, they cannot be hired.

Fourth. In accepting unchanged the House-passed freeze on the Federal payment until the District of Columbia has committed itself to full compliance with the Federal-Aid Highway Act of 1968, the committee believes that it has taken every reasonable step to remove obstacles to the release of authorized subway funds.

Section 801 of title VII would withhold the appropriation of any part of the authorized Federal payment to the District until the President has reported to Congress that the city has committed itself irrevocably to full compliance with the provisions of section 23(b) of the Federal-Aid Highway Act of 1968. This section directs the District to construct four elements of the Federal Interstate Highway System: First, the Three Sisters Bridge, part of Interstate 66; second, Potomac River Freeway, part of Interstate 66; third, the center leg of the inner loop, part of Interstate 95; and fourth, the east leg of the inner loop, part of Interstate 295. The District government is also required by the act to conduct a study of the proposed North Central Freeway.

The provision makes clear, however, that the Federal payment shall not be withheld if the District is prevented from carrying out its commitment solely because of a court injunction resulting from a suit filed by persons other than the District of Columbia or Federal Government. The committee feels strongly that governmental policy should not be hamstrung by the actions of persons who, for reasons of their own, may choose to file suit to block construction of highways or subways. Transportation policy in the Nation's Capital is too vital a matter to be left to such chance and possibly irresponsible actions.

The committee believes that enactment of this provision, will make it possible to begin construction this year of the long-delayed rapid rail transit system. We believe that both highways and subways will be required to meet the transportation needs of the Washington area and that construction of both should proceed as rapidly as possible.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. BIBLE. Mr. President, I rise to compliment the Senator from Missouri for the excellent and painstaking work he has done on this revenue bill.

At one time, some years ago, I had the honor of being the chairman of the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia, and I am familiar with the work and problems it entails. It is not an easy matter to work out the taxes. No one likes taxes, and they are all for them so long as their own bailiwick is not being taxed. In coming out with a bill which it seems to me comes closer to meeting the actual requirements of the District of Columbia than the House bill is a real task in itself.

I know there were long extended hearings. I know that the Senator from Missouri was very fair. His subcommittee heard all sides—those who were opposed, those who wanted to increase, and those who wanted to decrease various revenue features.

I commend him for the fine report he has brought in. I am in full accord with it. I believe the bill is reported unanimously by the Committee on the District of Columbia. Am I correct?

Mr. EAGLETON. The Senator is correct.

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Mr. BIBLE. It is a real tribute to have a revenue bill, which is a tax bill, unanimously reported.

I thoroughly concur in the recommendation that the Senator from Missouri has made insofar as it concerns the long struggle between the highways, freeways, and subways. I think he has come up with the only practical conclusion that could be made in this field. In that area I likewise wish to compliment the chairman of the full committee, the Senator from Maryland (Mr. Tydings) who gave his strong influence and strong voice in bringing these particular parties together in the hope that we can get something done and get on with the transit system. I feel sure this measure will get us started.

Mr. President, I compliment the Senator from Missouri.

Mr. EAGLETON. I appreciate the kind comments of the Senator from Nevada (Mr. Bible) who perhaps is more knowledgeable and more concerned with the problems of the District of Columbia than anyone else in this body and who has labored at great length in trying to alleviate the problems of the city. I appreciate his comments.

Mr. TYDINGS. Mr. President (Mr. Allen in the chair), will the Senator yield?

Mr. EAGLETON. I yield.

Mr. TYDINGS. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from Nevada. I might say it is a great consolation for those of us on the Committee on the District of Columbia that the Senator from Nevada still consents to serve on that committee, because his experience and wisdom are a great asset when we take up matters of such importance as the Revenue Act of the District of Columbia.

This particular legislation—which I believe is the second major piece of legislation the distinguished senior Senator from Missouri has managed on the floor of the Senate in the last 2 weeks—is a major achievement for the Senator from Missouri. He had a number of difficult areas to tackle in connection with the bill. This is one of the most comprehensive pieces of revenue legislation which has been presented to Congress by any committee. As the Senator from Nevada stated, it will come closer to dealing with the problems of the District than any other piece of District of Columbia revenue legislation on which I have been called upon to vote.

The Senator from Missouri has taken a very difficult, and I might say highly volatile issue, working out the disagreements between those who are willing to sacrifice the subway if they can stop roads and those who, for one reason or another, have almost intractable positions on the issue of roads and subway. I think he has worked out a piece of legislation which will move construction of the Washington metropolitan area subway system forward and insure continuation of a balanced transportation system for the Washington metropolitan region.

Of course, I think this is the vital move if we do not wish the District of Columbia, our National Capital, to become another Los Angeles.

I would like to join with the Senator from Nevada in commending the Senator from Missouri on the splendid job he did as chairman of the Subcommittee on Finance of the District of Columbia in holding the hearings, listening to the witnesses, resolving the problems and the differences, and reporting what I think is a very fine revenue bill.

Mr. EAGLETON. Mr. President, I thank the Senator.

I have had a great deal to say on this matter. I am pleased now to yield to the Senator from Kentucky. I think he has an observation to make.

Mr. COOPER. Mr. President, I am not so familiar with the problems and operations of the District of Columbia, certainly, as are the members of the Senate Committee on the District of Columbia. From what I have heard here today I commend the Senator from Missouri (Mr. Eagleton), the Senator from Maryland (Mr. Tydings), and, of course, the Senator from Nevada (Mr. Bible). They have worked with these matters for a long time.

I had intended to offer an amendment to strike section 801 from the bill now before the Senate, H.R. 12982, the District of Columbia Revenue Act of 1969. I will not do so, because the Senate committee has approved the provision and I think it would probably be useless at this time, late on a Friday afternoon, to attempt to strike out section 801. And I will not do so, frankly, because such concern has been expressed that striking section 801 might cause difficulties with the House of Representatives in the conference, which conceivably could affect the decision that has been made to release funds for the rapid transit system. As I said, I do not have detailed information about the needs of this great capital, the District of Columbia, but I am sure that it does need a rapid transit system.

However, I would not be honest with myself, or with other Senators who feel as I do, if I did not question section 801. That section was placed in the bill, as I understand, by the House of Representatives; it was not the work of the Senate District Committee. Although it will be approved by the Senate as a part of this bill, we should question its effect and the precedent which it could establish.

My interest in this question grew out of our consideration of the Federal-Aid Highway Act of 1968. That was a very broad and comprehensive measure, containing the biennial highway authorizations for every State in the Nation. It was developed in chief by the Committee on Public Works, under the leadership of the distinguished Senator from West Virginia (Mr. Randolph). It included also a number of new provisions, such as the "topics" program to improve traffic flow and safety within cities, a section for relocation payments and assistance, and other provisions that will be helpful within cities and throughout our country.

We then went to conference with the House Committee on Public Works, and to our amazement found a section in the House bill in which the House of Representatives, and the Committee on Public Works of that body, arrogated to themselves the position of engineers and asserted an authority to take over the functions of the Bureau of Public Roads and of the local government of the city of Washington.

There has been a great deal of discussion and controversy about the highway system in the District of Columbia. I am not familiar with all the details or all the merits of these highway proposals. But under our system, the States and the local communities plan and lay out a system of roads, following public hearings; then the Federal Bureau of Public Roads examines that plan and system to determine if it meets the Federal law and regulations. But initially, the determination must be made by the local government, whether it be a State or the District of Columbia. That is the law. Title 23 of the United States Code, dealing with Federal aid to highways, makes that clear. It is also the law of the District of Columbia.

For the first time, in the House bill last year, we had Congress arrogating to itself the authority to determine where roads and streets should be laid down by a local government. If that had been proposed for the State of Kentucky, the State of Montana, or the State of Missouri, of course, the Congress would not accept it.

All that is past now, and as we know the appropriate authorities evidently decided that this highway system must be commenced before funds would be released for the transit system. One is my good friend and colleague from Kentucky, Representative Natcher. Although we are on opposite sides politically, I have found him throughout my experience to be an honorable man and an able man. I have no criticism to make of him, because I am sure that he was working, the best way he could, the will of the House of Representatives.

That has passed. As I understand, an agreement has been reached that the subway funds will be released. The highway construction is going forward. There may be court proceedings, but the political decision has been made.

Mr. President, I now turn to the pending bill and I note, under title VIII—general provisions, section 801 beginning on page 55 at line 16. The section provides:

> No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2051a—47–2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

I do not think it necessary for me to describe those projects listed in section 23(b) of the Federal-Aid Highway Act

of 1968, but it does refer to the Three Sisters Bridge, the Potomac River Freeway, and the center and east legs of the inner loop.

Mr. President, what I object to is this second act of coercion on the part of the House. Last year, after having usurped in section 23 the authority of local government—as they can do, if they want to do it that way, because of the nature of the Highway Act embracing all the Federal-aid highway projects in the United States—they imposed their will upon the conference, and upon the Senate and the House, by force, in effect, laying down the assertion that the Congress can impose highways upon a local body.

Then having been successful in that venture, and having been able to secure commencement of the highway projects by withholding the rapid transit funds, now the House comes again to the Senate and says, "We will appropriate no Federal payment to the District of Columbia until the President of the United States certifies that these roads are begun and will be completed."

I think that is going too far. It is coercion. I understand the difficult circumstances under which the Senate committee has had to labor, but I want to register my opposition, as I did last year, to one body or both bodies coercing a local government in a direct way, as it evidently did in the bill last year, or in an indirect way, as is attempted here, by threat of withholding the Federal payment to the District of Columbia.

It is improper. I have stated my views about it—last year, last Friday in a colloquy with the Senator from Wisconsin (Mr. Proxmire), on Monday when I introduced the amendment to strike section 801 from this bill, and on other occasions. I will not belabor the point now.

I would hope that the committee would consider accepting a small amendment. As I said in the Senate on September 29, I think it demeaning to the District of Columbia government and offensive to the ideal of home rule to require the President of the United States to become a party to this threat.

Mr. President, I send to the desk an amendment, which reads, "On page 55, line 19, strike out the words 'President of the United States' and insert in lieu thereof 'Secretary of Transportation.'"

The PRESIDING OFFICER. The amendment will be stated by title.

The Legislative Clerk. The Senator from Kentucky proposes an amendment, on page 55, line 19, strike out the words "President of the United States" and insert in lieu thereof, "Secretary of Transportation."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

Mr. EAGLETON. Mr. President, if I may respond briefly to the Senator from Kentucky, first of all, let me say that in his usual and customary way, the senior Senator from Kentucky is a man of complete fairness and complete candor. He has a sympathetic feel for problems and issues that go far beyond the State he represents. I think that the District of Columbia should be proud that the senior Senator from Kentucky (Mr. Cooper) has interested himself in the vital affairs of this community.

Mr. MANSFIELD. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. MANSFIELD. Mr. President, I want to say that I am in full accord with what the distinguished senior Senator from Kentucky has just said. Like him, I am hopeful that no move will be undertaken this afternoon by way of not realizing the reality and practicality of the situation. It appears that the net result would be to make a difficult situation worse. That is one thing which we do not want to do.

I want the Record to show that I am in wholehearted accord with what the distinguished senior Senator from Kentucky has said this afternoon. I wish to emphasize the fact that had methods been used against our respective States which have been used against the District of Columbia, the roof of the Capitol would probably blow off and we would find a great many Senators working hand in glove with their colleagues to make sure that the rights of their States were protected, and that the Federal Government is not dictating to us. That is all I have to say.

Mr. TYDINGS. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. TYDINGS. Mr. President, although I do not agree in every particular with the distinguished senior Senator from Kentucky on this matter, I should like to take this occasion to commend him for his interest, his vigilance, and his diligence in matters which, as the Senator from Missouri just indicated, extend far beyond the great State of Kentucky.

I appreciate his patience and cooperation in understanding the problems of the District of Columbia Committee, and assure him of my high esteem, which I have stated many times before.

Mr. EAGLETON. Mr. President, I was in the process of responding to the Senator from Kentucky. Now I wish to complete that response.

I also make reference to what the majority leader said. I think that both these fine Senators express their interest in matters which are of concern not only to them but also to the seven Senators who are on the District of Columbia Committee.

Had this bill originated in the Senate, perhaps the methodology, the phraseology, and the manner of approaching this matter of transit and transportation in the District of Columbia might not have been approached in somewhat this manner. But that was not the case. The bill was before our committee and is now before the Senate as it came over from the House. Regardless of the phraseology, regardless of the end result, at present it appears that we are going ahead with both the transit system and the accelerated highway program.

To me, as one who is not an expert on District of Columbia affairs, but as one who has spent his entire life in an urban center comparable to the District of Columbia, comparable in location as far as suburbia is concerned, and so on—namely, the city of St. Louis—it seems to me we will need both an adequate and safe highway system and a functional and meaningful transit system as well. That is apparently going to be the end result. Thus, looking to that result and passing over the method by which it was achieved and the lines in a particular bill, to me it is the result that counts in this instance, and I am glad of that result.

Now speaking directly to the amendment offered by the Senator from Kentucky, the President of the United States has been and continues to be part of this matter. I have before me, and I shall insert in the Record by unanimous consent, if I may, a letter dated August 12, 1969, from the White House, which is addressed to the chairman of the District of Columbia Subcommittee of the House Appropriations Committee, in which the President points out his awareness of this problem, and indeed his support of the concept of building both the transit system and the highway system and, in essence, his support for the language the Senator from Kentucky referred to in section 801.

So I would say to the Senator from Kentucky that, since the President has already played a role in this matter, since he has already been directly consulted, since he has already, both orally and in writing, expressed his sentiment with respect thereto, I deem that it would come as no shock to him, nor would it be demeaning to him, that he lend some further approving assistance, which is all that the section calls upon him to do.

Mr. President, reluctantly, but respectfully, I oppose the amendment offered by the Senator from Kentucky.

I ask unanimous consent that the letter to which I have referred be incorporated in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, August 12, 1969.

Dear Bill: Your diligent efforts through the years to ensure that the District of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned—central city dwellers, suburbanites, shoppers, employees and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.

The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Department of Highways to implement immediately the requirements of the Act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria

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which you set forth in your statement of August 11, 1969.

The District of Columbia Government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia Government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the Act.

A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your Subcommittee will be in a position to approve the $18,737,000 deleted from the Supplemental Appropriation bill together with the $21,586,000 in the Regular Appropriation bill for the District of Columbia for Fiscal Year 1970.

With cordial regards.

Sincerely,

RICHARD NIXON.

Mr. COOPER. Mr. President, I shall not press the amendment, nor shall I call for a vote on it.

I do not wish to appear to be meddling in this situation. My interest in it grew from a very legitimate responsibility. I serve on the Public Works Committee. I am the ranking Republican member of that Senate committee. I help develop the Federal-Aid Highway Acts, which have been passed every 2 years. I resented very much, and I opposed very strongly, the proposition that in the case of the District of Columbia, the established procedures and uniform application of law could be bypassed.

The Federal-aid highway law provides, with respect to every State, that it shall lay out and determine its road system in accordance with local comprehensive planning, following public hearings. In my State, and I assume in every other State, there is a State highway department. The State highway department lays out a proposed road system. It holds hearings before which the people appear. It consults with local people. Then it submits for approval a road system. The function of the Bureau of Public Roads is to see that these roads meet Federal standards.

What I objected to last year, and the reason I voted against the conference report on the Federal-Aid Highway Act of 1968, and spoke against it in the Senate, was that the regular procedures required by Federal law and the procedures required under District of Columbia law were being completely ignored. This city had not approved that road system. The then Secretary of Transportation, Mr. Alan S. Boyd, said before our committee that he opposed it. He pointed out the evils that would result if the system were completed. That was the judgment of the people and officials of the District of Columbia.

But then, the House and the Congress, as can be seen from reading the statement of the managers on the part of the House in the conference report, thrust this highway system down the throats of the people of the city of Washington.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COOPER. Let me finish first. Then I will yield.

That result seemed to have considerable support. The great metropolitan newspapers here did not oppose that action. So it was accepted, and now we are faced with the consequences.

I am not now trying to reopen what is past. I simply say it is a specter which could haunt us in the future. It upsets every ideal of the home rule concept—a concept upon which the Senate acted only yesterday. It upsets every concept of responsible local government, whether in the District of Columbia or throughout the Nation.

After the issue has been apparently settled, we now have this second offensive provision, which says, "If you do not go ahead with this road system, we will withhold all Federal funds from the District of Columbia, not only in this bill but hereafter." It is coercion. It is a club over the heads of the government of this city.

I certainly would not want such a thing to happen in my State. As I have said, I am a member of the Public Works Committee. I do not want to see such a provision in any bill that comes before us. That is the reason I have spoken.

I do not press my amendment. I think Senators understand the situation. I thank the Senator.

Mr. EAGLETON. I thank the Senator from Kentucky.

Mr. COOPER. Mr. President, I ask unanimous consent that the remarks I made in the Senate on this subject last year, on July 29, which include the letters from Secretary Boyd and Mayor Washington, be placed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[Excerpt from debate on Senate passage of conference report: S. 3418, Federal-Aid Highway Act of 1968, CONGRESSIONAL RECORD, volume 114, part 18, pages 24033 through 24036.]

Mr. President, my final objection to the action of the conference is to that section which deals with the District of Columbia highway system.

In effect, the section directs the District of Columbia government and the Department of Transportation to construct within the District of Columbia certain projects on the Interstate Highway System.

We must get this matter clear. These are projects on the Interstate and Defense Highway System. They are multilane freeways within this city, massive and wide, with interchanges and access and exit ramps, and of limited access—which means they must be elevated or have overpasses to accommodate intersecting streets.

The first project is the Three Sisters Bridge across the Potomac River. Second, is the Potomac River Freeway, which I understand would be the leg from the Three Sisters Bridge, driving down into Georgetown and along the Georgetown waterfront. Third, is the east leg which, as I recall, continues the Southeast Freeway—already completed from the 14th Street Bridge eastward to a point south of the Capitol—east to and along the Anacostia River up to the East Capitol Street Bridge at the District of Columbia Stadium.

The conference directs that one east leg shall be constructed to the East Capitol Street Bridge, then beyond it past the Benning Road Bridge to Bladensburg Road. It also provides for what is known as the center leg in front of the Capitol, which shall be completed to New York Avenue.

First, on the merits, this section of the House bill is opposed by Mr. Boyd, the Secretary of Transportation. In response to my inquiry, I have a copy of his letter, addressed to the chairman of the committee which opposes construction of this system with the exception of the center leg to New York Avenue and of the east leg as far as the East Capitol Street Bridge. He particularly cites reasons against the construction of the Three Sisters Bridge.

In his testimony before the House committee, Secretary Boyd pointed out the fact that construction of the Three Sisters Bridge and the Potomac Freeway leads to nowhere, and if the tunnel should be built under the Lincoln Memorial, the Mall and the Tidal Basin it would be like a cannon shooting traffic into the Southwest Expressway, which is already trafficbound.

Mr. President, I ask unanimous consent that the letter from Secretary Boyd be included in the RECORD at this point. I ask also that a copy of the letter from the government of the District of Columbia, dated July 6, 1968, be included in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

"OFFICE OF THE SECRETARY
OF TRANSPORTATION,
"Washington, D.C., July 19, 1968.

"Hon. JENNINGS RANDOLPH,
"Chairman, Senate Public Works Committee,
U.S. Senate, Washington, D.C.

"DEAR MR. CHAIRMAN: Senator John Sherman Cooper called me early this week and asked me for information and my views upon the Interstate Highway System within the District of Columbia proposed to be constructed in the House version of the Federal Aid Highway Act of 1968.

"I testified on this subject before the House Roads Subcommittee and as I am answering Senator Cooper, I feel it is my responsibility to give you, as Chairman of the Senate Committee, my views.

"Senator Cooper asked me particularly for my views as to whether or not major problems would be encountered in the construction of the East Leg and the Center Leg.

"As regards the East Leg it is my understanding that no major problems would be encountered in its construction northward as far as the East Capitol Street Bridge.

"With respect to the Center Leg, there are important reasons why construction, cannot, at this time, proceed beyond New York Avenue. It is true that completion of the highway to Brentwood Road, N.E. would provide a usable road segment extending from the Southwest Expressway to Brentwood Road which would not prejudice future decisions to construct either a North Central Expressway or an expressway along New York Avenue. At some point along the Center Leg, however, an interchange will be required with the proposed North Leg. I have been advised by the District of Columbia Government that, because of the interchange problem, until a decision is made as to the location and design of the North Leg, construction of the Center Leg north of New York Avenue is not feasible. Accordingly, the District Government believes, and I concur in its position, that it would not be desirable, at this time, to legislate construction of the Center Leg beyond New York Avenue.

"With respect to the remaining elements of the Interstate System in the District, I do not think I should comment in detail on each project. In fact, during our investigation into the District highway program it has become obvious to us in the Department that it is not possible to make useful summary judgments about any of the projects individually. They must be viewed as parts of a system, the entirety of which—and not its individual components—must be designed so as to best meet the requirements of the

city and the region. My position on two of the more controversial proposed projects illustrates, I think, the difficulties of viewing each project in isolation.

"The proposed South Leg tunnel is a case in point. As you know, this facility would funnel its traffic onto the Southwest Expressway, which is already overcrowded at peak hours and which was not designed with a South leg in mind. Because of this, and in view of the complexity of the interchanges would require in the Fourteenth Street area, I continue to believe that the South Leg is inordinately expensive relative to the benefits that would be realized from it. Attempting to graft it into the system would create more problems than it would solve, and I do not think it is a wise use of Federal funds.

"It appears to me that on no issue is the record more misinterpreted than in the case of the Three Sisters Bridge. There is no doubt that the construction of that facility poses serious questions with respect to its impact upon the environment. Leaving that aside, however, I think too little attention has been paid to its role as a link in the highway network of the metropolitan area. As I have said before, to construct the Three Sisters Bridge without at the same time making provisions for a North Leg, and an adequate downtown distribution system is to transfer a traffic jam from one side of the Potomac to the other. Construction of the Three Sisters Bridge as an isolated project will serve little purpose. It is for this reason that I maintain that the District Government must be allowed the flexibility to design and construct, as a package, a system for movement across the Potomac and along the waterfront and for both through movement and circulation in the downtown business district. I do not, therefore, think it would be desirable to require by statute construction of the Three Sisters Bridge.

"Finally, Senator Cooper asked about the assumptions made with respect to Potomac River crossings in the planning for Dulles Airport. I am enclosing a summary report on the assumptions that were made with respect to access from the District of Columbia to the airport. This summary is the result of a thorough investigation of the record of the public hearings held in 1958 on the airport and other relevant documents prepared during the planning process. It indicates conclusively that location of Dulles Airport at its present site was in no way based upon an assumption the Three Sisters Bridge would be constructed.

"If there is any further information that I can supply, please let me know.

"Sincerely,

"ALAN S. BOYD.

"Enclosure.

"GOVERNMENT OF THE DISTRICT OF
COLUMBIA, EXECUTIVE OFFICE,
"Washington, D.C., July 6, 1968.

"Hon. JENNINGS RANDOLPH,
"Chairman, Senate Public Works Committee,
U.S. Senate, Washington, D.C.

"DEAR MR. CHAIRMAN: It was a great disappointment to the Mayor-Commissioner and the members of the City Council to learn that the House of Representatives, on July 3, passed H.R. 17134, including a section which requires the District of Columbia to build a freeway system in accordance with a predetermined master plan. It is our feeling that the transportation system within an urban community, especially the Nation's Capital, should be decided by the local government after an expression by the citizens of the community.

"The Mayor-Commissioner and City Council submitted, as the official position of the District Government, a provision which would have permitted the City Council, with the approval of the Mayor-Commissioner, to determine the highway pattern within our city. The language in the submittal of April 18 to the Honorable George H. Fallon, Chairman of the House Committee on Public Works, in part, provided:

"The Government of the District of Columbia believes that any legislation designed to overcome the effects of the court decision referred to above should include provisions to assure more meaningful citizen participation in the planning of Federal aid highways. Such citizen participation can best be assured if the final authority to determine the highway system to be built within the city rests with the District of Columbia Council as the body most responsive to the wishes and needs of the community. The deliberations and actions of the Council must, of course, adequately consider the views of the people who live in the city, as well as the professional expertise of the highway planners, and the recommendations of the National Capital Planning Commission. Accordingly, the Government of the District of Columbia believes that the final responsibility for the plan and general design of the city's highways should rest with the Council.

"In order to be free to exercise such responsibility the District Government must recommend against the enactment of H.R. 1600. Rather, we believe, the Council should be able to adopt a plan for the location, character, and extent of the District's highway system as well as approve individual highway project plans concerning alignment and design. Since much work has already been completed concerning alternative designs for various highway projects, the Council should be able, if it chooses, to consider various individual project designs at the same time it adopts an overall plan. Such simultaneous consideration on portions of the system could, in fact, facilitate more meaningful citizen participation and provide an effective solution to the city's transportation problems.

"The action of the House of Representatives would remove self-determination from our city government's authority. It is also regrettable that Congress would direct that a specific freeway system be built in *any* of the urban centers of our country.

"We respectfully urge that the House of Representatives and the Senate review this provision in conference and *remove* the mandate for a specific system in the District of Columbia.

"An identical letter has been sent to The Honorable George H. Fallon, Chairman, House Public Works Committee.

"Sincerely yours,

"WALTER E. WASHINGTON,
"Mayor-Commissioner.

"JOHN W. HECHINGER,
"Chairman, D.C. City Council."

Mr. COOPER. On the merits, the Department of Transportation and the Bureau of Public Roads opposed the construction of these legs.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. RANDOLPH. Mr. President, I wish to correct my friend. The Bureau of Public Roads does not oppose it. That was the Secretary of Transportation.

Mr. COOPER. I must disagree with my distinguished friend, because in the hearings there was testimony given against the construction of these legs from the Bureau of Public Roads. In fact, Secretary Boyd stated that Mr. Turner, the Director of the Bureau of Public Roads, used the expression, referring to the proposed south leg tunnel expressway, that it would "literally fire three lanes of traffic at three lanes which are already on the expressway."

Mr. RANDOLPH. That statement was in reference to the south leg, I believe, which is not in this conference report.

Mr. COOPER. That is correct. But they are all connected. If the Three Sisters Bridge and the Potomac Freeway are built, they must lead to some place. When they are built, it must be considered whether to tunnel under the Lincoln Memorial or in that area, and under the Mall and the Tidal Basin. The location of the proposed north leg, or the proposed K Street tunnel, must also be considered. Secretary Boyd's point was that all of this had to be considered as a whole. To construct the Three Sisters Bridge or several legs, without knowing what the total system should be, would be an improper way to proceed with the job. It could be very wasteful, and possibly not accomplish even the traffic objectives.

The city of Washington, through its Mayor-Commissioner and the Chairman of the District of Columbia City Council, in a letter dated July 6, 1968, given to the committee, opposes this program. The opposition is on the merits.

I do not believe the Committee on Public Works in the House, or the Committee on Public Works in the Senate—and I have great regard for the membership—has the technical or engineering expertise to lay out a system of roads in the District of Columbia. However, that is exactly what has been done. If one reads the report of the managers on the House side, it sounds as if it is an order given by a great construction firm as to the way these roads should be built.

My second reason for opposing this section is that I think it a bad precedent. Congress would be attempting to tell a local government how to plan its highway system. Briefly, it would direct the State highway department or, in the case of the District of Columbia, its Department of Highways, how to lay out projects and additions to its system.

The proper procedure, and one established procedure, is that public hearings are held to secure the advice of the people of the city or State, and then the decisions are made by the State and those decisions are submitted to the Bureau of Public Roads and the Department of Transportation. Usually without exception, the function of the Department of Transportation is to see that the highway system laid out meets Federal standards. There is more flexibility in the Department with respect to the Interstate System, because it is intended to have a national purpose and because 90 percent of the funds are paid by the Federal Government.

I oppose the section on District of Columbia freeways for one other reason. The people of the community should have the opportunity to voice their judgments as to the economic, social, and environmental impacts of the system, under a democratic process.

In this case, the U.S. Court of Appeals for the District of Columbia gave its judgment that the procedures provided by Congress with respect to the additions to the Interstate System within the District of Columbia had not been followed, and they enjoined any action under that proposal. The court said hearings should be held to give the people of the District of Columbia an opportunity to be heard.

The language which was proposed by the House simply states, in effect, that notwithstanding any law, and notwithstanding the decision of any court, "We direct you, Secretary of the Department of Transportation and the city government, to go ahead and build these roads as we want them built—no matter whether it be dangerous to the character of the city; no matter whether this is what the people want, the poor as well as the rich—go ahead and build them, as a few people sitting in Congress want them built."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MANSFIELD. What special qualifications do the members of the Committee on Public

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Works in the House have to entitle them to lay down dictum of that nature?

Mr. Cooper. There may be an engineer among them, but they do not have the expertise. They had hearings, and they heard testimony of a great many people opposing the system as well as those supporting the system, but still I do not think they have the expertise, nor do we. That is the reason Congress provided that the States lay out their State highway systems, and provided a way for the District of Columbia to make additions to its system. That procedure has not been followed on these highways.

Mr. Mansfield. On the basis of this precedent, if approved, does that mean that what has been directed toward the District of Columbia to accomplish could, by the same token, by appropriate committees of the House and Senate—in this instance, the House—be directed against the States as well?

Mr. Cooper. Certainly, because it is a precedent. I doubt whether they would. Perhaps, but I doubt they would tamper with the States. But the Federal Aid Highway Act provides that the District of Columbia shall be defined as a State, and therefore it comes under the same provision as any State.

Mr. Mansfield. Then the precedent would hold.

Mr. Cooper. It would.

Mr. Mansfield. If this committee wanted to say to the District of Columbia that the parkway given by the Glover-Archbold families is to be used for the purposes of getting through a line of concrete, would they have that authority?

Mr. Cooper. Yes; because there is the inherent power of Congress to override.

Mr. Mansfield. Then, as my distinguished colleague from Montana stated, what is the use of a private group such as the Glover-Archbold families, as an illustration, bequeathing to the District of Columbia, for use in perpetuity, a certain amount of acreage for recreational and other purposes? Is there no guarantee?

Mr. Cooper. No, there is no guarantee except Congress——

Mr. Randolph. Let me interject there to say that the Glover-Archbold Park is deeded to the District of Columbia for a specific purpose. If it were not used for that specific purpose, we would lose it.

Mr. Mansfield. But it is being used for that specific purpose.

Mr. Randolph. Nor would that use be violated by the recommendation of the conference report.

Mr. Mansfield. It is used as a recreational area, as I understand it, as it was intended. That use was not to be disturbed.

Mr. Randolph. It will not be disturbed.

Mr. Mansfield. It was to be given to the people of the District of Columbia in perpetuity. Some groups in this city, and in the Government, seem interested in building a freeway through that park.

Mr. Randolph. The Senator is correct. They were interested. We are not allowing it.

Mr. Mansfield. I am delighted again to have that assurance from the chairman.

Mr. Metcalf. Will my colleague yield to me?

Mr. Mansfield. I do not have the floor.

Mr. Cooper. I yield.

Mr. Metcalf. If the Senator will pardon the expression, it is just like a rider, the Glover-Archbold Park.

Mr. Randolph. Let me read the language. I have read it once before. I shall read it again:

"Immediately upon completion of construction of the bridge, the District of Columbia shall relinquish to the National Park Service the right-of-way through Glover-Archibold Park that it presently holds. The design of the bridge does not require intrusion on the park and the Congress directs that no intrusion of the park take place."

Mr. Cooper. Let me say, with knowledge and in frankness, that is why I am against the conference report, and shall vote against the conference report. In that section, we are saying—the Congress is saying—notwithstanding any other provisions of law, or notwithstanding any court decision or administrative action, we direct them to do this. We have the power to do it now, against the decision of the court, and against our own statutes.

Then, of course, in the future, Congress could direct them to run the highway through this park, or any other. I am saying that this part of the language is not law.

Mr. Mansfield. This is a dictum laid down by the House committee. Is this also the intent of the Senate?

Mr. Randolph. No, it is not. I have explained that on many occasions. We have an agreement on this matter.

Mr. Mansfield. We have this written report by the Senate. What we are quoting from is the House report.

Mr. Cooper. We will both agree that it was told to us, so far as it says now, as to laying down the proposal.

Mr. Randolph. What is proposed to be laid down will not go through the park.

Mr. Cooper. What I am saying is——

Mr. Randolph. It will be carried out in accordance with the application of the provisions of title XXIII of the United States Code.

Mr. Cooper. These actions are dangerous because they create precedents.

Mr. President, I am going to close by saying that not only does this section 23 prescribe certain directions with respect to the legs I mentioned, but it also goes ahead in the next paragraph, and directs the District of Columbia and the Department of Transportation to formulate plans regarding other segments of the road system spelled out in House Document 199 in the District of Columbia, and to report to Congress within 18 months. If they do not come back in 18 months, Congress will do with the remaining portions of the road system in the District of Columbia, contained in the document, what it does with the four segments designated in this act.

I do not pretend to know about the merits of these legs. If the proper procedure is followed, the bodies concerned might come up with the same project, even though the Department of Transportation has indicated to the contrary at this point. But I oppose the idea of Congress abrogating to itself the wisdom or the authority to attempt to lay down a road system in the District of Columbia, in any other State, or in any other city in the United States. I think it is a local matter.

In the Senate-House conference, I submitted an amendment, in which I was joined by Senator Jordan of Idaho, as a substitute for the language of the House bill. My amendment would have required that the Secretary of Transportation and the government of the District of Columbia designate necessary additions and modifications of the Interstate and Defense Highways System within the District of Columbia and proceed with their construction as soon as possible—but in accordance with the provisions of the Federal-Aid Highway Act, and of title 7 of the District of Columbia Code. But the House conferees insisted upon their own position, which resulted in the language now contained in the conference report.

I would say again to the Senate that the distinguished Senator from West Virginia, with the responsibility of being the chairman, worked to produce a bill which represented the best that could be done. I have said that many sections of the bill are innovative and valuable, and come before the country and the people for the first time. It is a matter of regret to me, that other provisions—one to add 1,500 miles, and particularly the imposition of a system on the District of Columbia—require that I oppose the conference report. Also, I do not like this attitude—and I speak with respect for the House—of attempting to amend basic acts dealing with conservation and beauty by bringing them to a conference, where the Senate conferees are not able to consult or seek the judgment of other members of the Public Works Committee, and where other Members of Senate have no opportunity to work their will.

I do not like the attitude that, because there is so much embodied in the bill, there might be an opportunity to thrust down our throats amendments which, had we surrendered wholly, would have repealed two great legislative conservation acts.

So, for these reasons, Mr. President, I reluctantly—and yet I am not reluctant about it, either, because I opposed these matters in conference—I shall vote against the conference report.

In closing, I do wish to speak again of the leadership of our chairman, Senator Randolph, in sustaining the Senate provisions wherever possible and in many important areas, and of the strong support I received and we both received Senator Jordan of Idaho, and Senator Fong, my Republican colleague, and all the Senate conferees.

Mr. Randolph. Mr. President, will the Senator from Kentucky yield to me, because that is the only way I can have the floor?

Mr. Cooper. I yield.

Mr. Randolph. I shall speak for only 1 or 2 minutes, Mr. President, I do not want to pass judgment. The Senator from Kentucky or the Senator from West Virginia may disagree on the solution of the conference report. I have high respect for my colleague, even though we disagree in this instance. It is a privilege to serve with him. I have been helped many times by his legal mind and his guidance in these matters.

I think the Senator knows that this was not an easy conference.

Mr. Cooper. No, it was not.

Mr. Randolph. I believe it was the most difficult one on which I have as yet served——

Mr. Cooper. I agree with the Senator.

Mr. Randolph. It was the most difficult one I have ever served in, and I have served in the Capitol for 24 years, 14 years in the House, with House conferees, and 10 years in the Senate, with Senate conferees. We brought out a bill which certainly the Senator from Kentucky did not want. I am sorry he will vote against the conference report. I did not want all aspects of it, either. But we will have lost much in these necessary programs if we do not vote this conference report favorably.

The PRESIDING OFFICER. Does the Senator withdraw his amendment?

Mr. COOPER. Yes; I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn, and the committee amendment is open to further amendment.

Mr. EAGLETON. Mr. President, I have an amendment, which I sent to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri will be stated.

The Legislative Clerk. It is proposed, on page 55, lines 8 and 9, to strike the figure "$8,500,000" and insert in lieu thereof "$10,500,000".

Mr. EAGLETON. Mr. President, this is in the nature of a perfecting or housekeeping amendment. Pursuant to my original remarks, I pointed out that this delayed payment item was computed,

based on the anticipated, but unrealized, goal that this bill would be decided and resolved and finally acted upon by September 30, 1969.

Having already passed that date, realizing that perhaps some days are ahead in conference and other legislative chores, we are anticipating now by this amendment that the bill will not become operative until October 30, 1969, a month longer than originally planned.

That being the case, based on the formula previously enunciated, to comply therewith the figure should be $10,500,000. That is the purpose of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, first I wish to congratulate from the heart the distinguished Senator from Maryland (Mr. Tydings), who is chairman of the Committee on the District of Columbia, which brought this bill to the floor of the Senate, and the distinguished Senator from Missouri (Mr. Eagleton), who is chairman of the subcommittee and is handling the bill on the floor, for an excellent job and a very fine report.

Mr. President, one of the things that happen in this body is that usually new and young Senators are put on the District of Columbia Committee. I think that is a real favor to the District of Columbia, as exemplified here in the excellent ability and understanding of these two Senators. They have done a splendid job, and I think it should be recognized.

For some reason, the Committee on the District of Columbia is not considered to be exactly the most cherished committee of the Senate, but I think, because we have young Senators and new Senators on it, and those young and new Senators are men of extraordinary ability, the District is very well served, indeed. Certainly I congratulate both the Senator from Maryland and the Senator from Missouri on several things in the bill, but one which I would like especially to single out is the fact that the cigarette tax has been increased. The House of Representatives increased it from 3 to 4 cents, and, as I understand, the Senate Committee on the District of Columbia has doubled it from 3 to 6 cents.

I think this is good from the standpoint of public health as well as from the standpoint of increased revenues. As I understand, this tax will bring in an additional $2.5 million, whereas the House bill would bring in only a little more than $1 million. This is certainly a useful contribution.

The District of Columbia is about to embark on what may be the largest public works program any community in the United States has ever built. It proposes to do this at a time when inflationary pressures are extremely strong. It proposes to do this in the clear knowledge that the proposed subway and highway programs will bid up the price of skilled labor, of building materials, and of construction costs.

The proposed subway will cost at least $2.5 billion. Few people realize how much is involved and the enormity of that sum. Almost half of those funds, or 46 percent, are to be provided by the Federal Government. In San Francisco, the Federal proportion, by contrast, was only 8 percent.

It is now proposed that there be a first-year obligational authority here of about $240 million, or double what was originally contemplated. How inflationary an increase this represents can best be understood when it is recognized that this year's amount obligated for the subway is $14 million. So we are asked to explode our subway spending seventeenfold this coming year.

The subway is a good project. It is needed. But no one should fail to realize the tremendous costs involved. This is a public works project which will generate $3 to $4 of new spending for each $1 actually spent. Its impact comes when the orders are placed. Then contracts are let. Companies order new machinery and make new investments. Workers are hired. Concrete is poured, and the added funds work their way through the economy.

The subway, as badly as it is needed and as meritorious as it is, will nonetheless have an enormous inflationary impact.

This will come at the very time the President has directed all agencies of the Federal Government to effect a 75-percent reduction in new contracts for Government construction.

It comes at a time when the President has strongly urged State and local governments to follow the example of the Federal Government by cutting back temporarily on their own construction funds. Just this morning the Wall Street Journal reported that cities throughout the country expect to be hit and hit hard by the Federal cutback.

But here, in the District of Columbia, it is now proposed that both the first and second year funds for the subway be obligated in the first year. It is proposed that we obligate not $120 million, but $240 million.

But this is not all. We are now told by the distinguished Senator from Maryland and his committee, as we are told by the other body, by some of the city fathers, and by the local establishment, that we should also and simultaneously build a gigantic network of highway and freeway and bridge projects which have repeatedly been turned down by the citizens of this community and by the courts of the land.

We are told by the supporters of the praiseworthy subway system, the huge expenditures for which are very difficult to justify at this time, that we must add at least $370 million more in highway and bridge projects to the total. And the estimates for those funds are, in fact, low. For example, in the estimate the funds for the Three Sisters Bridge are given as $10.8 million. But as long ago as 1964, the estimated cost of that bridge project, including the land acquisition and the approaches on both sides of the river, were $60 million. The cost must now be at least $100 to $120 million for that project alone.

In addition, the building of these projects will generate even more road and highways in the District of Columbia. The Florida Avenue-U Street spur will be next, or there could be a fantastically expensive tunnel under K Street.

When these projected costs are added up, and when contingencies, rights-of-way costs, relocation costs, and other items are added to them, there are at least another half a billion in highway programs involved.

It is possible to justify the expenditures of $2.5 billion for the Metro. It is impossible to justify another half billion or more for unneeded and unwanted highway projects.

All of this directly contradicts the President's message. But, even more, it makes the Congress and the community both selfish and hypocritical. While we urge others to cut back, and indeed do cut back funds for projects elsewhere, funds for this community are vastly enlarged. We are talking about public works spending which will increase by 10 to 15 fold. We are not talking about a 5- or 10-percent increase. We are talking, for Metro, about increases of 17 times what has recently been spent.

Congress and this community are now justifying what may be the biggest and most grandiose public works projects ever built in any city in this country at the same time other communities are cut back. Congress and the community justify this for themselves, their friends, and their employees who live here, and yet expect the rest of the country to postpone their projects.

Such a double standard has seldom been seen before.

However, let me give a warning. This Senator serves notice that he will not take part in such a hypocritical undertaking.

To the degree that my subcommittee, the Subcommittee of the Appropriations Committee on the District of Columbia, can do so, it will be my intention to urge my colleagues to slow down and stretch out the subway program. I favor getting it started and off the ground. But I shall do everything in my power to help dampen down its inflationary effects. And the way to do that is to slow down the rate of spending.

In addition, to the degree that it is possible to do so, I intend to slow down the spending for those highway programs which are wasteful and which may well destroy the fabric of the Capital city of the United States. As Russell Baker wrote in the New York Times, on September 21:

> Great progress has been made on the long-range project for eventually covering (the) entire city with asphalt. A grotesque freeway of ineffable ugliness is being rapidly constructed right across Capitol Hill, and yet another bridge to carry yet another freeway into the heart of the city is about to be thrown across the Potomac.

At this time I call upon the District of Columbia Highway Department, as I have called upon the officers of the Metro, to come in with specific plans to cut back on the tremendous highway obligations in accordance with the spirit of the President's message. The Nation's Capital must do its part.

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Let me turn to one other item. This is the second occasion when Congress has attempted to direct the building of certain freeways and bridges. I think the attempt in this bill is no more binding than those of the past. The fact is that these freeways and bridges cannot be built until certain specific requirements of the law are complied with. And those requirements are to be found in the court order of early 1968, in title 7 of the District of Columbia Code, and in title 23 of the National Highway Act itself.

The highway projects in this bill were the subject of a court decision. Essentially the court said that procedures which were required by the District of Columbia Code had not been followed. The court stopped the projects.

Later, last year, the 1968 Federal Aid Highway Act was passed. The bill contained a rider which directed the District of Columbia to commence work on the four highway projects also mentioned in this bill, within 30 days.

When the President signed the bill he pointed out that these roads should "be constructed in accordance with proper planning and engineering concepts and with minimum disruption of the lives of the District citizens."

He called the provision added by the House, "the most objectionable feature" in the bill. But, the President pointed out:

> Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal Highway law.

The President further wrote:

> If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill as an infringement of basic principles of good government and Executive responsibility.

And he further went on that he had been advised that under the Federal highway law the Secretary of Transportation is required to approve construction only when certain conditions were met. Among these was the proviso that "These projects are shown to be appropriate links in a comprehensive transportation plan for the District."

Of course, that showing had never been made. As my hearings brought out only this week, no comprehensive plan for the District highways had ever included these four projects.

As a result the President directed the Secretary of Transportation and others to develop a comprehensive plan for a D.C. highway system. This was a condition of the President and which the law required.

A plan was developed. It was developed in December of 1968. But it excluded the Three Sisters Bridge. It excluded the North Central Freeway. And it considerably modified the two other projects.

As a consequence, the roads this bill mentions cannot be built until the clear requirements of the law have been met.

They certainly have not been met to date.

When further funds for these projects are requested—and sufficient funds have not yet been appropriated to carry them out—I intend to insist that all the provisions of the law and procedures be carried out before additional funds are appropriated.

Mr. President, I also find these sections an affront to the judicial system of the United States. Because of their inexact language, I doubt if they can have the effect of overcoming a judicial decree. But it is indeed ironic that many of those who have been calling for law and order are supporting the provision in this bill which attempts to tell the District of Columbia that it should disregard a proper judicial decree. In my judgment it fails in that purpose for an enormous number of legal and procedural reasons. But the rider in this bill, to say the least, is an affront to the judicial system, a travesty on proper planning concepts, and a hypocritical act by Congress.

Let me make one final point.

Today the District of Columbia proposed to raise the rent on 7,000 public housing units here by $10 per month or $120 per year. That act would raise $840,000 from the weakest, the poorest, and the least prosperous of all groups in the community.

This community needs 102,000 new housing units just to meet the terrible deficiencies which exist.

D.C. General Hospital is without proper facilities, adequate personnel, or buildings, investment or equipment. The Mayor's Economic Development Committee states that the city needs 1,500 additional hospital beds. It needs to add 7,900 persons to the hospital staffs. Major health centers and neighborhood clinics are desperately needed.

The Mayor's committee stated that 5,100 classrooms should be constructed.

Mr. President, all of these needs could be met for a fraction of the money in the Metro and highway program. Under section 235 of the Housing Act, a needy family can be housed for about $600 per year. For $60 million, or one quarter of the first year funds for the Metro, 100,000 needy families in the District of Columbia could be housed for an entire year. Yet, we have been providing new housing at the rate of only 3,000 units a year.

For a little more than half the first year funds of the Metro, or for the additional funds we are asked to give in the first year, all the classrooms needed in the community could be built.

The Mayor said yesterday that the horrible conditions at D.C. General Hospital could be remedied in the short run for about $4 to $6 million. Yet, it is questionable whether even those small amounts will be made available.

I say it is a travesty on our system of values and priorities to spend $240 million on the subway system this year and also insist that hundreds of millions of additional funds be spent on unneeded highways and bridges, while the much smaller needs for housing and schools and hospital beds go unmet.

This Senator, for one, will not be a party to such a flagrant act of misplaced values.

As the old saying goes—I believe Sam Goldwyn said it—"Include me out."

I yield the floor.

Mr. TYDINGS. Mr. President, we have now in Congress, because of our actions, delayed the beginning of the subway for almost 3 years. Every day we delay the beginning of the construction costs $250,000. Every year that we delay in going forward costs roughly $90 million.

Tens of thousands of the people who live in the District of Columbia and travel to work do not own automobiles. It is estimated that the first year the subway is in operation locally, at least one out of five of the District of Columbia job holders will use the subway to get to jobs in the suburbs alone.

Particularly in view of the increasing decentralization of the local economy, there is no more single important factor on improving the employment opportunities of persons who live in the inner city of Washington than a good regional mass transportation system.

A subway is indispensable. Regrettably some of the antihighway lobbyists in the last few years have been so zealous and sometimes unreasonable in their attacks upon any road program that they are and would be willing to scuttle perhaps the most vital single link in the transportation system, the Metro rapid transit system in order to stop a highway project they do not agree with.

My purpose is not to discuss the 25 miles of roads for the Washington, D.C., city area. It happens that these roads have been agreed upon by the City Council and by the National Capital Planning Commission. They will be financed by gasoline user taxes. It would not make any difference what the Appropriations Committee did so far as gasoline taxes are concerned. They are mandated to be used in this direction. However, what the Appropriations Committee does in the field of subway is vital.

If the Metro system does not begin this year, within a very few months in my judgment the mass transit system will collapse under its present financing plans because of inflation.

All of the essential referendums which have been approved by the local subdivisions in the area will have gone for naught. I remind the Senate that last year in cities all across the country, the local electorate turned down referendums for mass transit systems.

If the Metro financial plan collapses, all the Federal legislation and authorizations and the work of almost 10 years will have gone for naught.

I do not think we can rum the risk of delaying this vital part of the Washington area transportation system.

All one has to do is to spend a little time in Los Angeles County—and I do not wish to make any derogatory comments about the great State of California or city of Los Angeles—to see what happens when government delays and delays and never goes ahead with a rapid transit system. Finally, the authorities find themselves with concrete on all sides and with massive parts of the city in concrete.

We have an opportunity now to go ahead with the rapid transit system for the Capital of the United States.

In respect to the financing proposal, the two-thirds local and one-third Federal formula, for financing the metropolitan rapid transit system for the Washington, D.C. area is the same formula for the National Mass Transportation Act.

The only difference is that the National Metro Act has not been adequately funded. As a matter of fact, the one involved here has not been funded either. However, we hope that will change this year.

Congress itself has caused the delay. Meanwhile the built-in factor in the Metro financial plan to account for inflation, will be, I think severely eroded by this year end.

I think it would be tragically penny wise, but dollar foolish not to go ahead with the transit system now.

With reference to the highway program it is interesting to note that in the two opinion polls taken this year, one by the chairman of the City Council, who opposes the Three Sisters Bridge, and one by the Oliver Quayle organization, the residents of the District of Columbia voted 3 to 2 in support of the Three Sisters Bridge.

But, without regard to that, my concern is not with the road program. My concern is with the building of a balanced transportation system. And the vital, integral unit in it is the subway system.

Mr. President, section 801 of H.R. 12982, the pending District of Columbia revenue bill, was agreed to by unanimous vote of the entire Senate District of Columbia Committee. The committee believes that retention of section 801 is essential to save the Metro mass transit system. We believe inclusion of section 801 by the Senate in this bill is an indispensable prerequisite to agreement by the House of Representatives to appropriate funds to construct the Metro transit system.

It has been my privilege to be associated with the Metro mass transit system for as long as I have been in the Senate. I chaired the hearings in 1966 on the interstate compact which created Metro and in 1969 on the separate legislation to authorize the Federal share of Metro's cost. I sponsored and floor managed both bills.

The Metro system is the well-planned, hard-won, critically important end product of effort begun in the Senate a decade ago by Senator ALAN BIBLE. Four times, in four separate laws, Congress has expressly endorsed the concept of the Metro system.

Now, the fate of the entire Metro mass transit plan hangs by a slender thread. Within a very few months, inflation will collapse the financial plan under which Congress and all the local jurisdictions have consented to the Metro system. All the years of planning, all the essential referenda in surrounding jurisdictions, and all the State, local, and Federal legislation to authorize and finance it will be invalidated.

A new financial plan will have to be drawn and agreed to by all the jurisdictions.

New referenda with uncertain results will have to be held in almost every suburban jurisdiction in order to approve more bonds to meet the new cost estimates.

The Federal financial assistance authorized by the Senate this year will have to be rewritten, reheard, and reenacted.

Many years will pass.

Meanwhile, the pressures for more and more highways will build inexorably. The Washington area's population will increase up to 30 percent by 1975, 60 percent by 1980, and more than 230 percent by 1990. If Metro construction starts today, the Metro service area's population will be as high as 4.4 million people by 1980, the year of Metro's completion, compared to 2.8 million today.

For every month Metro is delayed, thousands more area residents will jam existing highways and demand new ones.

If we lose the Metro, we will be condemned to total, choking reliance on the private auto. The question then will be not whether a bridge should be built, but how many.

The Three Sisters Bridge, of course, has been the primary sticking point which has blocked starting Metro construction. The House of Representatives has refused to appropriate Metro construction funds until that bridge and certain other highway projects are undertaken.

The House commitment to construction of the bridge is evidenced in the 3-year delay in the Metro start. It is also clear in the specific language of section 23(b) of the 1968 Federal-Aid Highway Act, which mandates the District of Columbia government to construct the bridge, to construct some relatively noncontroversial highway projects, and to study a portion of the proposed District of Columbia highway system known as the North Central Freeway.

Most recently, in the District of Columbia revenue bill, the House reaffirmed its intention to mandate bridge construction when it provided that no Federal payment can be made to the city until the bridge is undertaken.

So, the House refuses to fund the Metro until the Three Sisters Bridge is begun. And the Metro plan will be crushed by inflation within months.

If the Senate blocks the bridge, the Metro will be destroyed.

The committee faced this choice 2 weeks ago. We had to decide what to do about a provision in the House-passed version of the District of Columbia revenue bill. That provision, known as the Adams-Broyhill rider, requires execution of the District of Columbia highway plans contained in the 1968 Highway Act.

The Adams-Broyhill rider was inserted to assure proponents of the 1968 Highway Act in the House that the Metro money need no longer be held up to insure construction of the bridge or fulfillment of the remainder of the District of Columbia highway plan.

I can assure the Senate that members of the Senate District of Columbia Committee grappled with this particular provision and all its ramifications. At length, the committee voted unanimously to retain this provision of the House bill and so reported it to the Senate. Speaking for myself, I made my decision as chairman of the committee on these principal factors:

First, my own extensive conversations with the administration, with officials of the District of Columbia Government, and with Members of the House of Representatives convinced me that the House is prepared to insist on the highway plans even if it means losing the Metro.

Second, if we lose the Metro, or if it is delayed, we face an enormously greater demand for highways than anyone presently contemplates. Taking into account the geometrically increasing Washington area population, loss or delay of the Metro means more roads, more bridges, more displacement and infinitely more highway costs.

Third, public opinion polls indicate a substantial majority of District of Columbia residents will accept the bridge and the highway plan in order to get the Metro. These surveys include one taken by the Chairman of the District of Columbia City Council, who is himself a critic of the Three Sisters Bridge, and the North Central Freeway.

In fact, one of those polls, taken by the Oliver Quayle organization, indicates that a majority of District of Columbia residents favor the highway plan mandated by the 1968 Federal-Aid Highway Act and the Broyhill-Adams rider.

Fourth, the city government is complying with the Adams-Broyhill rider and moving ahead at full speed to construct the Three Sisters Bridge and to carry out the other provisions of the 1968 Highway Act.

Fifth, the Adams-Broyhill rider provides a continuing assurance to concerned Members of Congress that the city will pursue the 1968 Highway Act in good faith. Thus, the Metro funds, which were heretofore embargoed by the House to assure bridge and highway construction, could be released.

Sixth, the committee was assured by the District of Columbia government that the bridge will not intrude on Glover-Archbold Park or produce an added traffic burden in Georgetown.

I ask unanimous consent that a copy of the letter from the District of Columbia Department of Highways and Traffic containing these assurances be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. TYDINGS. Seventh, the committee recognized that the strongly held and frequently affirmed views of the House of Representatives assured a continued deadlock over the Metro unless the bridge is built and the north central freeway studied, as required by the 1968 Highway Act. The committee received indications from several sources that release of the Metro funds would follow our agreement to the Adams-Broyhill rider. The committee further believed that any other course, including proposed substitute amendments, would in the present circumstances destroy the Metro.

The Senate Committee voted to accept the Adams-Broyhill rider and to report the bill on Thursday, September 18. The committee report was filed in the Senate on Tuesday, September 23. On September 24, the chairman of the House District of Columbia Appropriations Subcommittee announced he would recommend release of the Metro funds.

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Eighth, while individual members of the committee may have serious reservations about certain of the projects mandated by the 1968 Highway Act, all the members recognized the reality that the other House has strong feelings of its own on this issue which had to be taken into account. The committee believes that the vote for the Adams-Broyhill rider is an indispensable vote for the Metro system, a vote without which the Metro system will collapse.

Mr. President, the Metro system is incomparably important to the Washington area. The inner city resident will not be able to get a job without it, or the commuter will be condemned to costly traffic jams if it is not built. Downtown Washington will decay and the economic and social development of this area will be severely constricted if the Metro plan collapses.

Mr. President, on the basis of my 5 years' experience with the Metro, I must say that in my view, delay or loss of the Metro would be a tragedy without equal in the history of Washington, a disaster from which this entire urban area might never recover.

EXHIBIT 1

TEXT OF D.C. DEPARTMENT OF HIGHWAYS AND TRAFFIC LETTER

DEAR SENATOR TYDINGS: This is in response to your letter of September 23, 1969, requesting confirmation that construction of the Three Sisters Bridge will "not result in any direct inflow of traffic into the Georgetown area or in any incursion on Glover Archbold Park."

We confirm this statement. A description of the D.C. approaches and access points to the bridge is contained in the Conference Report accompanying the 1968 Federal-Aid Highway Act.

It is reproduced as follows:

"The westbound roadway will proceed as an elevated structure from 31st Street along the present Whitehurst Freeway to a point just west of Key Bridge where it will proceed under the existing C. & O. Canal to an alinement between the present Canal Road and Georgetown University. It will then proceed past the vicinity of the intersection of Foxhall Road and MacArthur Boulevard to join the westbound lane of the Three Sisters Bridge.

"The eastbound roadway shall proceed from the terminus of the existing completed elevated section of the Potomac River Freeway at 31st Street dropping as soon as possible, consistent with interstate standards, into a tunnel section under the Georgetown waterfront and proceeding westward under the C. & O. Canal to an alinement immediately parallel to the westbound roadway between the existing Canal Road and Georgetown University. The alinement will then proceed westerly to the eastbound roadway of the Three Sisters Bridge.

"In the vicinity of the Three Sisters Bridge there will be provided ramp connections to the proposed Palisadea Parkway which is the extension of the already completed section of the George Washington Memorial Parkway. Provision shall be made for connections from the Palisades Parkway to the intersection of Foxhall Road and MacArthur Boulevard.

You will note that the above description makes no provision for connections between the bridge or freeway facilities and the streets of Georgetown.

"Canal Road which presently follows directly adjacent to the C. & O. Canal shall be relocated from Key Bridge to the intersection of Foxhall Road and MacArthur Boulevard by placing it between the Potomac River Freeway and Georgetown University on a high level which will overlook the beauty and splendor of the C. & O. Canal and this reach of the Potomac River."

The Canal Road alinement as described above generally follows the existing alinement of the D.C. transit car tracks now out of service. The car tracks are outside of the limits of Glover Archbold Park.

This project is now under design and the consultant will prepare plans and specification in strict accordance with this description.

Sincerely yours,

T. F. AIRIS,
Director.

Mr. PROXMIRE. Mr. President, once again I want to make it clear that I am not opposed to the subway. I am for the subway. But I think we have to recognize our obligation, just as every State and every city in America should, and we should recognize our obligation first.

The President has asked that public works construction be cut back 75 percent. This was a Presidential request. And it is effective in a number of cities. It is going to be more effective as time goes on.

Does the District of Columbia belong to the United States of America or does it not? This is one place where we really can determine whether or not construction expenditures and construction obligations are cut back.

My argument is that we should not start the biggest public works program in the history of the country, start it here, start it now, start it in such a whole-hog way that we take all the 1969 appropriations and all the 1970 appropriations and spend them now on a project in an area where there is a tight employment situation, where it is clear that this kind of expenditure is bound to result in bidding up prices of labor and prices of material. Much more important is the example that this gives the rest of the country.

How can we expect the Governor of Wisconsin or the mayor of the city of Milwaukee or of any other city in the country to take this Government seriously, that it means business about cutting back expenditures, when we go ahead with the biggest public works project ever and are unwilling even to slow it down?

I am not saying that we cannot have the subway program. I agree that we should start it this year. We should make it clear that we are going ahead. We should start construction expenditures this year, but I think it is a matter of degree and a matter of recognizing our own responsibility. If we do that, I think there can be a meeting of minds on this kind of action. But certainly it is not responsible, it is not fair, it is not honest, and it is hypocritical for us to say that we need this subway here—to say that we are going to use it, our employees and friends are going to use it, all the newspapers support it overwhelmingly, and so we are for it.

There is no logic behind that kind of argument when we recognize that inflation is our No. 1 economic problem.

First, of course, it is going to cost more if it is postponed indefinitely. I am not proposing to do that.

Second, every city council in America can make exactly the same argument: They should not postpone, because if they do, construction costs will go up 5 percent a year or 7 percent a year; it is going to cost more next year.

So if we mean anything about combating inflation by slowing down Federal spending, and that Federal spending is within our control, my argument is that we should slow it down on this particular kind of project.

Mr. TYDINGS. Mr. President, I might add that the President of the United States twice this year has put this item in his budget and it has been endorsed by the Bureau of the Budget since the President's anti-inflation message of September 4. The President has exempted the Metro from his 75-percent construction cutback request.

I might point out that we are merely trying to catch up and to provide the funding which Congress has not appropriated for the past 2 years.

This is not just another city. This is the Capital of the United States. Upward of 11 million citizens of the United States come here every year to visit Congress and to visit their Capital of the United States. So far as I know, with possibly two exceptions, this is the only national capital in the western world that does not have a rapid transit system.

I would hope that the Appropriations Committee would follow the recommendations of the President of the United States in this matter.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 12982) was passed.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. TYDINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TYDINGS. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. TYDINGS, Mr. BIBLE, Mr. SPONG, Mr. EAGLETON, Mr. PROUTY, Mr. GOODELL, and Mr. MATHIAS conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Missouri (Mr. EAGLETON), managed the District of Columbia revenue measure with the skill and ability of a Senator well seasoned in the legislative processes of the Congress. His articulate presentation and persuasive advocacy assured the passage of the measure with great efficiency and dispatch even in the face of some question concerning certain features of the proposal. Senator EAGLETON deserves our highest commendation.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Allen in the chair). On behalf of the Vice President, the Chair, under the provisions of Public Law 84–689, appoints the Senator from Illinois (Mr. PERCY) to attend the North Atlantic Assembly, to be held at Brussels, Belgium, on October 16–21, 1969.

The Chair also appoints the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Ohio (Mr. YOUNG), vice the Senator from West Virginia (Mr. BYRD) and the Senator from New Hampshire (Mr. McINTYRE), to the North Atlantic Assembly.

ADJOURNMENT TO MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 7 minutes p.m.) the Senate adjourned until Monday, October 6, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 3, 1969:

FEDERAL TRADE COMMISSION

Casper W. Weinberger, of California, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1969, vice James M. Nicholson, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 3, 1969:

DEPARTMENT OF JUSTICE

Harry D. Steward, of California, to be U.S. attorney for the southern district of California for the term of 4 years.

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas for the term of 4 years.

FEDERAL MARITIME COMMISSION

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1970.

CIVIL AERONAUTICS BOARD

Secor D. Browne, of Massachusetts, to be a member of the Civil Aeronautics Board for the term expiring December 31, 1974.

NATIONAL TRANSPORTATION SAFETY BOARD

Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board for the term expiring December 31, 1974.

HOUSE OF REPRESENTATIVES—*Friday, October 4, 1969*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is love and he who abides in love abides in God, and God abides in him.—I John 4: 16.

O God, our Father, we, the Representatives of the people of this Nation, bow before Thee seeking strength for this day and guidance for these hours. Make this moment of prayer a moment when we are aware of Thy presence, a moment when we hear Thy voice calling us to lead our people in the ways of justice, peace, and good will.

Give to us a higher faith and a greater courage to seek to lift the lowly, to strengthen the weak, to encourage the discouraged, and to make this Nation a nation in which men are concerned about their fellow men.

God bless this America of ours and help us to live together with respect for each other and with love in our hearts: through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

LIMITATION OF DEBATE

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, I rise here at this time to express a reaction to the debate on yesterday and to express a hope that in the debate today it will be possible for an individual to be permitted at least a 1-minute extension in order to answer questions. In this connection I wish to praise the gentleman from Michigan in withdrawing an objection that he made yesterday that I suppose was directed as a rebuke to the efforts to stop such debate. If debate on this floor is to be effective, it is going to be necessary to permit a dialog as well as an intermittent monolog. It seems to me as though the rules of the House do permit a man in the position of the gentleman from Michigan to make the objection he made, just as clearly as they permitted the other gentleman to frustrate debate and dialog by objecting to all extensions of time to permit questions and answers. Unless there is some restraint by the Member in exercising his power to object to the fullest extent, effective debate on this floor is frustrated, and this may be done at the will of a single Member of this House.

INCREASE IN AIR FARES

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, after a 3-percent increase in air fares earlier this year and a 6½-percent increase in air fares effective several days ago, I was appalled to learn that Secor D. Browne, President Nixon's nominee for the Civil Aeronautics Board Chairman, thinks that higher passenger fare boosts may be in order.

Mr. Browne said the Civil Aeronautics Board needs to help the airlines industry portray a "healthy picture" to the investment community to attract funds to pay for major equipment purchases.

This statement of Mr. Browne puts him squarely on the side of the investors rather than the air passengers he is supposed to represent.

The 3-percent increase earlier this year, the 6½-percent rate increase effective October 1, and the proposed 3-percent increase in the commercial air travel tax, coupled with the additional air travel increases suggested by Mr. Browne, will soon reverse the trend toward increased air travel.

Mr. Browne may achieve the distinction of being the first Civil Aeronautics Board Chairman to encourage the return to surface transportation. The appointment of Mr. Browne certainly does not appear to be in the best public interest. He has compromised his position as an impartial Chairman by clearly indicating his support of rate increases even before having assumed office.

I plan to protest Mr. Browne's nomination before the Senate Commerce Committee.

SWEDISH SUPPORT OF HANOI

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, the many fine American military personnel of Swedish descent serving valiantly in Vietnam must be tragically disappointed by the ungrateful and morale-defeating attitude of the mother country to which they bear close ethnic and emotional ties in her harsh snub to the United States. Sweden, the European haven for American deserters and draft dodgers, has just announced plans to support Hanoi to the tune of $40 million in loans and grants over a 3-year period. State Department information indicates that these are scheduled to begin next July 1. In other words "Sweden will roll the spit balls while Hanoi throws them."

Before Sweden can give these millions to an avowed enemy of the United States we should insist this "professionally neutral" country repay the balance of the $79.1 million borrowed from the Export-Import Bank which is wholly American supported. Even though amendments to the Export-Import Bank legislation demand a complete credit cutoff to any country aiding North Vietnam, those provisions do not go into effect before the fact, and Sweden could continue to borrow hard-earned American dollars until next July. Furthermore, Swedish Foreign Minister Torsten Nilson said that after North Vietnam Sweden would greatly increase its aid to Cuba.

The United States has always considered Sweden a friend worth aiding both financially and with favorable trade agreements, but it is the height of folly for this country to support those who give aid and cash comfort to our enemies.

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Apparently this friendship is a one-way street.

A FREE-TALKING NONVOTING SENATOR FOR THE DISTRICT OF COLUMBIA

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, while en route home last night I had the radio of my car on. I heard from a newscaster that the other body had on the day before taken the very unusual and presumptious step of passing a bill to enlarge the House of Representatives. If any Member of the other body consulted with Members of this body about the enlargement of the House then I know nothing about it. On inquiry made of several this morning I found that they knew nothing about such a move.

In any event, on reaching the office this morning I checked the RECORD and found that, just as the radio man said, ~~a~~ bill ~~had~~ passed the other body to place a free-talking, nonvoting delegate in the House of Representatives for and on behalf of the District of Columbia.

I also noticed that Members of the other body were so impressed with this measure that they passed it without any debate or any discussion whatsoever. It was merely called up, read a third time, and passed; and that was that.

A delegate for the District might be a good thing. On the contrary such might be a nuisance, as many over this way feel. If, however, the District is to have a delegate in the Congress, I am sure our friends in the other body would want the District to have the very best. This gentleman would represent approximately 850,000 people, a number equal to more than the population of several States of the Union which have two Senators.

The other end of the Capitol has so much more to offer a free-talking, nonvoting delegate. Office space over there is considerably more commodious. Their office staffs are much larger. I went over and took a fresh look at their Chamber this morning. They have a considerable amount of space that is not being utilized. They have excellent floor desks, while we have only simple seats in this Chamber. A free-talking, nonvoting delegate would fit so nicely into that vacant space and one of those fine desks. Furthermore the opportunity to talk over there is greater than the opportunity for such in the House. Debate is not limited and once the delegate gets the floor he can talk, and talk, and talk. It is also to be noted that the acoustics over there are much better than in the House. Thus, in that body the delegate would have a much better opportunity of being heard. It is also worthy of note that committee meetings are frequently televised. This would offer the delegate a greater opportunity for publicity.

If a District delegate were authorized for the other body he would have a 6-year term, whereas in the House he would have to run every other year, which I think would be a bit degrading for one who represents such a large and enlightened constituency as the District of Columbia.

So in order that the District of Columbia may have the best, I am introducing a bill this morning to place a free-talking, nonvoting delegate in the other body, who shall take his seat over there for a 6-year term on being so elected by the citizens of the District of Columbia.

But before this measure is considered by the Members of the House of Representatives, I would recommend that Members of the other body be accorded an opportunity to express their views thereon in appropriate hearings before the House District Committee. And I would certainly recommend that the bill not be called up and considered in the House until the other body had first passed such a measure.

AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, 1970, AND RESERVE STRENGTH

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14000, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, it had agreed that title II of the bill would be considered as read and open to amendment at any point.

Mr. LEGGETT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 197]

Alexander
Annunzio
Ashbrook
Aspinall
Barrett
Belcher
Bell, Calif.
Berry
Bolling
Brock
Brooks
Brown, Calif.
Bush
Cahill
Casey
Celler
Clark
Clawson, Del
Clay
Colmer
Cowger
Cramer
Daddario
Davis, Ga.
Davis, Wis.
Dawson
Delaney
Dent
Dingell
Dulski
Edwards, La.
Erlenborn
Fallon
Flowers
Ford, William D.
Fuqua
Gallagher
Gibbons
Gray
Green, Oreg.
Hagan
Harvey
Hathaway
Hays
Henderson
Holifield
Hull
Jacobs
Kirwan
Kyros
Lipscomb
McClure
Marsh
Martin
Mathias
Mills
Mink
Minshall
Morse
Morton
Mosher
Murphy, N.Y.
Obey
Pelly
Pepper
Pickle
Pollock
Powell
Quillen
Reid, N.Y.
Rhodes
St. Onge
Saylor
Snyder
Staggers
Sullivan
Talcott
Teague, Tex.
Tunney
Whitten
Winn
Young

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14000, and finding itself without a quorum, he had directed the roll to be called, when 348 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. KING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to pay tribute to the distinguished chairman of the Armed Services Committee, the Honorable L. MENDEL RIVERS, of South Carolina.

During my service on this committee, I have spent literally hundreds of hours in committee sessions, thus giving me an opportunity to closely examine his stewardship. Fairness has always prevailed. Every member, without exception, has been allocated time not only to question witnesses but to express his basic personal philosophy in regard to the various elements of national defense. As one who sits on the minority side, I am pleased to say that in the committee there is never an element of partisanship. He works under the assumption that national defense transcends politics. It has been my pleasure to serve on the committee during both Republican and Democratic administrations, and to watch the response of the chairman to the requests from both administrations. Under his leadership, the committee has challenged basic premises forwarded to us by both administrations. Contrary to the expressed statements of some, this committee is not and has never been a rubberstamp for the Pentagon. The only thing that we try to insure is the best security posture available for our national defense.

To achieve this nonpartisan spirit is due in large part to the leadership of our chairman, whom I consider one of the hardest working and most dedicated men in Congress.

During these last few days, we have seen his immense knowledge of national defense matters. This is based upon his many years of specialization while a member and, later, chairman of the Armed Services Committee. Not only does he understand the past and the current situations but he also has an insight into the national defense required for the future.

This bill that we are considering reflects his view as well as the view of the majority of our committee as to the defense needs in the middle and late 1970's.

I, for one, commend his leadership and publicly acclaim that I am happy to be a part of a committee of which he is the chairman.

Mr. LANDRUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is a great pleasure to join the distinguished Member from New York, a member of the Armed Services Committee, in paying tribute to the fine leadership MENDEL RIVERS provides for the Armed Services Committee of this House.

Down through the years of its life the Armed Services Committee has enjoyed distinguished, effective and forceful leadership. The illustrious predecessor of the present occupant of the chairmanship of the Committee on Armed Services was a Georgian who served in this House longer than any other man, 50 years.

Carl Vinson, still alive, active, keenly alert to all of the problems of the day, and everyday thinking in terms of what his beloved Armed Services Committee is doing, is basking in the sunlight of the success of its distinguished chairman, for MENDEL RIVERS was one of Carl Vinson's most beloved associates and one of his really effective Members.

I am glad to see this committee, at this critical time in our history, continue to have the constructive leadership it has had over the years of its history. I am glad to join the gentleman from New York in publicly acclaiming my respect for his achievements as chairman, for the candor with which he presents the facts to this House, and for the effectiveness which he continues to bring to this important committee.

If I might add, in a facetious way, perhaps, the one thing I see lacking in the present chairman's leadership of the committee is his not taking advantage of the lesson he should have learned from his predecessor, Mr. Vinson. It was said that Mr. Vinson often had trouble with some of his Members, and that when he did he just issued a travel authorization and put them in orbit around to various points over the globe. The story is told that one day, up in the Rules Committee, when the distinguished former Member, Howard Smith, its chairman, said, "Now, Mr. Vinson, I understand you rule your committee with an iron hand," he replied, "No. No. I do not do any such thing." "But," said Judge Smith, "Mr. Vinson, I understand that when one of your committee members gets a little out of line, a little obstreperous, you just send him around the world some place and get him out of the way." And Vinson replied, "That is right. That is right. I have got three in the air right now."

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at times in debate it is only natural that we should become irritated and say things that we should not. There have been things said on this floor in this debate that should never have been said. There have been Members who in debate have made remarks alleging that they were unfairly treated in the Armed Services Committee. Their statements should never have been made for these statements are not factual. I want to say that I have been on that committee for about 17 years, and I have served under three chairmen, each of whom were great and dedicated Americans. I further want to say also I have never seen a member treated unfairly on that committee. As for this legislation, if anyone wants to look over the hearings, they will see that the members who are alleging unfair treatment, as to the lack of time they were given, the record will describe that these members actually took up more of the committee time than anyone else did on that committee. I do not want to be critical of them. They are fine gentlemen and friends of mine. But I believe in all fairness to themselves, to the Armed Services Committee and to this body, that they should admit the error before this debate finishes. I have not always agreed with the chairman of this committee, the gentleman from South Carolina (Mr. RIVERS), but I want to say that at times I have disagreed with him but I have always been treated fairly. I am proud to be a member of that committee and I am deeply proud to serve under his leadership. He is a great American and a capable, fair dedicated leader. Further than that I want to say—and perhaps all of you are not aware of this—that there is no such thing as minority and majority counsel on the Armed Services Committee and there never has been. When we go into that committee we try to set aside partisan politics. We may have made mistakes, but I assure you it has not been mistakes from the heart. I thought maybe it would be a good idea to pour a little oil on the troubled waters before any unfair remarks are made in this body about a committee which I am deeply proud to serve on and I am deeply proud to serve under those three chairmen.

Mr. SATTERFIELD. Mr. Chairman, near the close of business yesterday there was an interesting colloquy between the gentleman from Washington and the gentleman from New York. Since it raised a question as to the justification for the F–14 it indirectly raised a question as to the need for our naval attack carrier forces.

I have listened to this debate and I have read during the past several months the arguments of those who seek to prevent or to delay the construction of two nuclear aircraft carriers of the *Nimitz* class.

It seems to me that these arguments, by and large, reflect a failure to comprehend or to appreciate the task and the effectiveness of our attack carrier forces. Moreover, they seem to reflect a natural reaction of those who are land oriented with the result there is a fatal failure to properly consider the strategy required to protect our national interest in our world, the area of which is 75 percent water. These arguments seem to ignore the fact that our Nation is in essence an island in these seas. They seem to ignore the fact that unlike the Soviet Union, mainland China, or Germany in World Wars I and II, we have no contiguous land mass over which we can move to protect our national interest and over which we can transport our supplies.

The incontrovertible fact is that the United States is forced to rely upon a free use of the seas for the importation of vital resources and the implementation of its international policies. Our current experience in Vietnam offers a sterling example of this latter fact where, despite our tremendous technological developments in airlift capabilities, 98 percent of all of the men and material delivered to that area have been transported there by sea.

This Nation, if it is to be strong, has no choice but to keep world sea lanes free and open to its use. I fail to see where there is any realistic argument to the fact that the primary means of providing the offensive and defensive power essential to achieving and maintaining that use is the naval attack carrier force.

I am frankly amazed at some of the arguments we have heard during this debate which reflect a complete lack of understanding of the operations of an attack carrier force and its flexibility. One example of this occurred yesterday during discussion of the F–14 aircraft for the fleet. At one point a serious inquiry was made, obviously questioning the need for an up-to-date fighter plane for the fleet, as to what potential carrier threats do we face and what potential enemy fleet is there against which we would use a new fighter aircraft. Obviously this question deals with but a small part of the issue. It ignores completely the multiuses to which a carrier based fighter aircraft can be put. They are fighter planes, yes, because they possess the capability to engage enemy aircraft in aerial combat, but they are also available for air and sea search and reconnaissance, for defense of the fleet whether attacked by sea or air, as delivery vehicles for bomb, rocket, and strafing attacks as well as a vehicle for the close air support of ground forces.

Furthermore, it should be clearly understood that preparation for engagement with an enemy fleet is only part of the task of our attack carrier forces. They must be able to successfully engage and dominate land based aircraft of a potential enemy not only to properly defend itself but to establish air superiority in hostile areas when needed so as to permit amphibious operations, debarkation of troops and material on foreign soil and to permit the development of land based airfields for use by the Air Force.

I do not intend to depreciate the need for or the effectiveness of submarines, the Air Force, the Army or the Marines or our amphibious forces. If we are to remain strong we need them all. What I do say, however, is that unless we insure the use of the seas and unless we maintain an effective attack carrier force necessary to that objective, the full effectiveness and deployment of all the rest of our Armed Forces will be dangerously crippled.

Isolated as we are by oceans and seas, we have no realistic alternative to the attack carrier forces in terms of mobility and flexibility. It is a fact that aircraft based aboard an attack carrier force can reach those areas on our globe which are inhabitated by 95 percent of the earth's population and which include 85 percent of the areas included in our contingency plans. There is no alternative force which can perform a similar task.

Our attack carrier forces afford this Nation with a full range of options running from the mere establishment of

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presence or show of force to engagement in conventional warfare and to participation in nuclear holocaust. There is no alternative force or system which will afford a similar range of options.

The attack carrier force is free to move without the necessity of international agreement or contention with local political threats. No other force or system has this capability.

The nuclear attack carrier force has the ability to move to any area of the world to carry out national policy while maintaining the capability to defend itself by its mobility, its weapons systems and its aircraft. No other force or system possesses the same capability.

Construction of CVAN–69 and CVAN–70 is vital to our future ability to utilize the sea because each of them is scheduled to replace smaller aircraft carriers which primarily due to their advanced age are less effective than their replacements will be. Indeed the deficiencies that flow from the aging of our current attack carrier force is more than evident in the fact that of the 15 carriers now assigned to that service, seven are of World War II vintage and five will be unable to utilize the aircraft needed in the 1970's to assure us superiority of our potential enemies.

We cannot afford to permit our attack carrier force to continue to age without replacement nor should we refuse to employ new technology which will modernize that force commensurate with modern military requirements.

The best assurance we have against war, particularly general war, lies in maintaining that high degree of strength which will deter our potential enemies from attacking us. If we fail to maintain, as an integral part of that strength, an effective modern attack carrier force then all of our other efforts in this direction will no longer be credible.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Leggett: On page 4, line 5, after the words "Air Force," strike "$3,241,200,000" and insert "$3,218,200,000".

Mr. LEGGETT. Mr. Chairman, I do not think I am going to take 5 minutes to explain this amendment. I think this debate is almost all over but the shouting. In this last research and development title we have only amendments amounting to less than $100 million left in the $21.5 billion bill. My effort in this amendment is to strike $23 million for the AMSA research and development aircraft. I am not against an advanced manned supersonic attack aircraft. I think we should have a bomber capability and a good bomber capability into the indefinite future. I support a manned capability to complement our ICBM system and similar other capabilities. However, the $23 million for this program was added as an afterthought by the DOD. The original budget item in the beginning of the year was $77 million. I think that the House should understand that we are sowing the seeds in this amendment here and in this particular provision for a rather phenomenal expenditure in the foreseeable future.

The advanced manned supersonic bomber really is urged, I guess, or the acceleration is urged by a lot of people who are disappointed that we abandoned the B–70 bomber some years ago. It seems very sensible to me. The fact is that on the B–70, unfortunately, we missed the true concept, and we spent $3 billion on the airplane. We built three of them, one crashed, and one is in a museum. But this was a big airplane. It was valueless because it could not go supersonic at a very low altitude, and we felt it would be a sitting duck in the middle 1970's or 1980's when we needed this kind of capability.

So now we are moving ahead again, trying to rectify that error, and I think we should. But when we move too fast, as we did, I believe, with the C–5A aircraft—and you look at the majority report and at their explanation on why we spent $1.5 billion overrun on the C–5A development, and they say it is because of the fact that we moved too fast; we moved too fast in the development program, and we did not wait for all of the tests.

I would say that if you accept my amendment we are still left with $77 million to develop the AMSA aircraft.

I am not making the same amendments that have been made in the Senate against any manned bombers in the seventies. But I think we to go slow, because when you build a 400,000-pound aircraft and you try to make it go supersonic on the deck—I would anticipate that the total cost for this airplane, which is going to be at least five times the size of the $15 million F–111 bomber, that we now have coming into inventory, we are going to run up a cost of between $50 to $80 million a unit. We need 250 of these, if we need any, so we are talking about an expenditure in the next 5 or 6 years around the order of $15 to $20 billion. I do not believe we should rush headlong into this expenditure, because it is going to hypothecate the taxes of our children for a very long period in the future.

I believe also if anybody on this floor is interested in economy, this is the place to economize.

I know it has been said that the Soviets have miscellaneous types of bombers, and the doctor—Dr. Hall— is quite right in talking about the things that they have, but they are all one-way bombers, if they want to bomb the United States, and I do not think they are going to do that, they do not have the 6,000-mile-range bombers we have at the present time.

I think we need it, but I do not think we need it quite as fast as some think we do.

Mr. CONYERS. Mr. Chairman, will the gentleman yield for a question?

Mr. LEGGETT. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, can the gentleman advise the Members if the Russians are going ahead with any modern strategic bombers? Does the gentleman have any information on that?

Mr. LEGGETT. I understand the Soviets do not have long-range strategic bombers at the present time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIVERS. Mr. Chairman, we oppose the amendment. I said before the Committee on Rules that the Russians do have a bomber.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment close at this time.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CHARLES H. WILSON. Mr. Chairman, I want to commend our chairman for the inclusion of authorization for development of a modern, inexpensive free world fighter. For many years we have supplied fighter aircraft to a number of free world countries under the military assistance program. Many of these aircraft were older U.S. types which are not obsolete and which would be no match for the Russian Mig in an air-to-air encounter.

It is estimated that there are now over 3,000 Mig fighters of various models in the hands of Communist countries, including Southeast Asia. Any Mig over its home grounds, under ground intercept control, is a formidable defensive fighter. It has given a good account of itself against our first-line fighters in Southeast Asia. On the other hand we do not consider the Mig's to be offensive aircraft since they don't carry much of a bomb load very far.

It is now necessary to modernize the free world forces so they may execute their defense responsibilities in the interest of their own national security.

It is also in our national interest and in support of our national policy, as part of the modernization of the free world forces, that a tactical fighter aircraft be provided to them that is capable of doing the job against the Mig. It must also be easy to maintain and be within the overall means of all of our allies to own and to operate. It must be an aircraft whose very presence is a deterrent and should this deterrent fail posses capabilities sufficient to handle any intruder. It must be a competitor to foreign-developed aircraft which are now being sold to those allied countries who can pay for their own defense requirements. But many free world nations, now equipped with old and operationally deficient tactical fighter aircraft are facing Communist bloc air forces equipped with significantly greater numbers of modern Soviet aircraft.

While there has been some modernization of friendly air forces, the Soviet bloc is already far ahead in this area. Over 500 MIG's were in North Korea at the time of the *Pueblo* incident. Moreover, the Russians have followed a continuing policy of increasing the quality and quantity of the tactical aircraft provided to the nations they support. They have done this because they recognize that it is far more effective and cheaper than deploying their regular air force units to their satellite countries. This is clear evidence of a worldwide plan to use fighter aircraft to support their political objectives.

In 1952 the Congress voted $6 billion for military assistance. The fiscal year 1970 budget request is for $375 million, for which only $98 million is for air force. Many of us are gravely concerned by this drastic curtailment in our military assistance funding. For us to diminish our presence in Asia without concern for the ability of the free nations of Asia to defend themselves is unthinkable. This is especially true now at this important point in history when a relatively small investment by us in assistance to them to strengthen themselves can yield so much.

A fighter intended for home air defense can be fairly small and simple. It does not need complex radar aboard, for it can depend on instructions from ground-based radar—GCI—to direct it toward the intruding aircraft. An offensive fighter, on the other hand, must be capable of operating deep into enemy territory outside the range of its ground radar control; to do this at night or in foul weather, requiring it to have complex avionics on board. It must also have a large fuel capacity for long range, thus making it a heavy and more expensive aircraft. I do not propose this type of fighter for South Vietnam.

The Department of Defense has informed me of the need to procure a new fighter suitable for the tasks I have described. It is the Department of Defense estimate that such a fighter could be available for service operations within 2½ to 3 years given early authorization to proceed.

To expedite this program the committee proposes in the bill before you $48 million for R.D.T. & E. and $4 million long lead procurement for a new free world fighter. This will lead to availability of a fighter that will have excellent performance and economy of operation and maintenance. If we do not produce an inexpensive fighter for the tasks mentioned above, we will find it necessary to furnish very expensive, sophisticated aircraft such as F–4 or F–15 types to the free world countries needing assistance.

The ultimate quantity to be needed is considered sufficient to assure relatively low unit cost, on the order of half of what the United States is now paying for its sophisticated air-to-air fighters. If we do not have a modern but relatively inexpensive fighter available for sale to our allies who can afford to upgrade their own air defense capabilities they will turn to aircraft designed in other countries.

I strongly urge the approval of this authorization for a new free world fighter. Our allies have some modern aircraft but it must be recognized that the bulk of their tactical aircraft inventory is made up of aircraft which cannot operate in an active Mig environment. There is a need now to provide our allies with a tactical aircraft inventory capable of neutralizing the Mig–21. Our aim and theirs should be to increase their capability, individually and collectively, to contain their own local threats and to make permanent deployment and involvement of U.S. Air Force unnecessary. If we in the future are able to reduce the expensive deployment of our own air forces around the world, it will only be because we equip those nations showing a will to defend themselves with tactical equipment having performance adequate to the need and within the resources available them.

If we are to achieve this objective of reducing deployment of U.S. military forces in Asia it is essential that the provisions of this bill be passed. And that the proposed amendment be defeated.

Mr. FRASER. Mr. Chairman, I demand a division.

PARLIAMENTARY INQUIRY

Mr. LEGGETT. Mr. Chairman, a parliamentary inquiry. Is the Chair counting Members now who are opposed to or in favor of the amendment?

The CHAIRMAN. The Chair is counting Members who are in favor of the motion of the gentleman from South Carolina that debate now close on the amendment.

The question was taken; and on a division (demanded by Mr. Fraser), there were—ayes 53, noes 21.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Leggett).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Leggett: On page 4, line 5, after the words "Air Force," strike "$3,241,200,000" and insert "$3,189,000,000".

Mr. LEGGETT. Mr. Chairman, this is the Freedom Fighter amendment which would cut out $52,000,000 apportioned for the alleged world Freedom Fighter.

(Mr. SIKES asked and was given permission to extend his remarks at this point.)

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment. The addition of $52 million by the Armed Services Committee is for the development of an inexpensive aircraft that we can furnish our allies around the world through sales and the military assistance program. This is, in my judgment, a wise move, and one which should be applauded—not criticized.

The committee can see the handwriting on the wall just as we all should see it. If we do not develop a free world fighter that can be economically produced, economically maintained, and yet will give the defense necessary to our allies, we will have to furnish them with the very expensive, very sophisticated types such as the F–4, or the new F–15. This would not be sound economy even if we and our allies could afford it.

Recently, the United States has lost foreign sales to competition from France, Sweden, and Russia. The development program supported by the committee's add-on will improve our ability to compete favorably with aircraft produced abroad. For example, the French Mirage has been sold to several countries in South America. Russian Migs have been made available to nations which once looked to us for weapons.

The Deputy Secretary of Defense wrote Chairman Rivers on September 24 setting forth the need for the development of this type of aircraft. Secretary Packard said:

> We believe this is an important program and we hope your Committee will approve this program in connection with its action on the bill.

The Air Force has been assigned the responsibility for the development of this free world fighter. It is necessary that this committee add-on be approved so that they—Air Force—can proceed expeditiously with the program. They cannot be expected to take the development money "out of their hide." It just is not to be found in today's tight budget.

By the development of a modern, high-performance aircraft with a reasonable price tag, the United States will have the opportunity of reclaiming, or at least competing for, a substantial portion of the foreign military sales market which recently has decreased considerably. Not only will this have a favorable impact on the balance-of-payments problem, it would hasten the modernization of the free world air forces, particularly those countries to which we have a heavy commitment such as Korea, Taiwan, and South Vietnam. We will help to keep nations on our side. The authorization proposed by the Armed Services Committee does not call for any particular aircraft or aircraft manufacturer to be considered. It does not give prior approval to any aircraft design, but would leave the Air Force completely free to develop competition for this badly needed fighter.

Modernization of U.S. and allied forces is the great need of the hour. This is a step toward that modernization.

Mr. RYAN. Mr. Chairman, the amendment offered by the able gentleman from California (Mr. Leggett) to delete funds for the so-called Freedom Fighter deserves the support of every Member of this body who is concerned about the overreaching power of the military-industrial complex. The $52 million included by the committee at the last minute for a plane, which the Air Force does not plan to use, is a blatant example of that power. It is an outright subsidy to a defense contractor—Northrup Aviation—to build a modified F–5 fighter plane for sale abroad.

The Defense Department did not request any funds for this plane in its budget. However, when DOD decided not to seek a fifth squadron of C–5A's, $52 million became available. After a telephone conversation between Secretary Packard and the chairman, the Armed Services Committee transferred the C–5A moneys to the F–5 Freedom Fighter. Although Secretary of Defense Packard backed this conversation up with a letter to the chairman in which he said in order to develop this plane between $40 and $60 million would be needed "depending upon when appropriations are available to us," but only "$4 million for long-leadtime items for fiscal year 1970."

Thus, $52 million have been added to the bill for the F–5–21. However, the commitee has been given no written explanation of costs for the plane.

In March the committee supported a similar subsidy to Northrop Aviation. At

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that time, the committee added $14 million in the supplemental military procurement authorization bill for fiscal year 1969. The Department of Defense has neither requested the funds in the budget nor asked the committee for them. Since the Senate did not act on that proposal, it is before us again in a larger sum.

In the hearings on the fiscal year 1969 supplemental procurement authorization at page 535, Gen. Durward Crow, the director of the budget for the Air Force, said concerning this plane:

> We are not asking for authorization, sir.

At that time the impetus for the request for the additional $14 million authorization apparently came primarily from the chairman of the Armed Services Committee.

The money in that supplemental was to be used, in Chief Counsel Blandford's words, as an "initial increment for the retooling of the Northrup Aviation plant to go from the production of F–5's to the production of F–5–21" which entails, among other things, a new engine, better radar coverage, and the installation of two machineguns.

The Department of the Air Force, according to the testimony of General Crow, has no plans for utilizing this plane in our own aircraft inventories. In response to a question from our colleague, Congressman Pike, as to whether the Air Force intended to acquire this plane itself, General Crow replied:

> We do not have an approved program for this aircraft in our inventory.

The gentleman from New York (Mr. Pike) went on:

> So the purpose of this expenditure is to build a plane which we can sell to other countries, under our military-assistance program.

General Crow affirmed that "that is the primary purpose"—hearings, page 535.

Mr. Chairman, the Air Force will never use this plane. Why should it subsidize a plane which it is not going to use?

I raised some questions on March 27 about the F–5–21 which are still pertinent today:

Has the Armed Services Committee taken over the authority for the military assistance program from the Foreign Affairs Committee?

Is this authorization in conflict with the provisions of the Conte-Long amendment designed to discourage the sale of sophisticated weaponry to underdeveloped countries?

And, most important, is this not another example of our tragic imbalance in spending priorities?

Our cities are rotting, our air is polluted, children are starving, millions suffer from inadequate educational and economic opportunities, and others live in inadequate housing. But do we allocate sufficient resources to alleviate these problems? No. Instead, we use our money to subsidize an already successful aircraft corporation. It is inexcusable to ask the American taxpayers to finance foreign military sales by defense contractors.

This $52 million should be turned to the desperate domestic needs of this country.

I include at this point in the Record the very-well-reasoned and pertinent supplemental views on the Freedom Fighter submitted by our colleague the gentleman from California (Mr. Leggett) who is to be commended for the leadership he has shown throughout this debate:

SUPPLEMENTAL VIEWS OF REPRESENTATIVE ROBERT L. LEGGETT, DEMOCRAT OF CALIFORNIA ON THE FREEDOM FIGHTER AIRCRAFT

In committee I moved to strike $36 million from a $52 million item not in the committee print, the budget or in any formal Air Force communication for an alleged World Freedom Fighter Aircraft. The $52 million surplus arose the day of our committee mark-up as a result of DOD determination not to go ahead with a 5th C–5A squadron. The funds were for long leadtime procurement.

It was stated at the time this item was voted on that the World Freedom Fighter plane was not necessarily the F–5–21 Freedom Fighter Aircraft of Northrop Aviation, but could be any airplane of any company. This has got to be the most bizarre $52 million authorization to ever come out of a congressional committee.

If the United States needs a cheap jet airplane to sell only to foreign governments, let's ask the foreign governments to foot the bill. We've never paid Air Force money in the past to develop a new airplane the Air Force could not use!

Moreover, the project has escalated fourfold since it was last presented to this House.

If you will refer to the Record of March 27, last, at page 7896, you will see that the cost of the more definitive F–5–21 . Freedom Fighter only cost $14 million at that time to modify the F–5A's and F–5B's now selling like hotcakes worldwide. *Neither the Air Force nor the Department of Defense has ever asked for these development funds.* My chairman stated last March as follows:

"You will notice in the report that the committee added $14 million to the authorization bill for modifying the F–5 Freedom Fighters—aircraft into an improved version which will be called the F–5–21. By taking advantage of the several improvements that have been funded by Canada, Norway, and the Netherlands, at a cost of more than $50 million, and by installing the increased thrust J85–21 engines, a significant increase in military effectiveness will be attained while retaining the desirable low-cost, high-utilization rates and excellent maneuverable qualities of the F–5 aircraft."

As Representative Arends stated on page 7897:

"First. Why should the United States invest $14 million at this time in an aircraft not in the U.S. inventory? * * * *By minor United States investment* we can take advantage of these and other advances now available to modify the F–5 into an improved production version."

The September *Air Force Space Digest* describes the F–5 as follows:

"F–5A, B FREEDOM FIGHTER

"Lightweight supersonic all-purpose fighter, being furnished U.S. allies under military assistance program, including South Vietnamese AF, and more than a dozen others. Canadair is producing improved versions, 115 for RCAF and 105 for Royal Netherlands Air Force. None is operational in U.S. Air Force, except in training foreign pilots at Williams AFB, Ariz. F–5A is single-seater; F–5B accommodates 2-man crew for training or combat missions. It carries up to 6,200 pounds external stores—armament or fuel—and can take off or land from sod field. Freedom Fighter evolved from USAF T–38 Talon jet trainer. Contractor: Northrop Corp., Norair Div. Powerplant: 2 General Electric J85–13 turbojets, 4,080-pound thrust with afterburner. Later version, including Canada's CF–5, employs J85–15 engine with 4,300 pound thrust. Dimensions: span 26 feet, 5 inches, length 45 feet, 11 inches, height 13 feet. Speed: 1,000 miles per hour. Ceiling: over 50,000 feet. Range: combat, 400 miles; ferry, 2,100 miles with external tanks. Armaments, 2 M39 20-millimeter cannons in nose. Can carry Sidewinder missiles or 2,000-pound bomb, or rockets in combination. Crew: F–5A, one; F–5B, two. Maximum gross takeoff weight: over 20,000 pounds. Primary using commands: U.S. allies.

I say there's no need for the United States to spend this $52 million at all.

The Air Force is strangely silent on the airplane. Under date of June 6, I sent the following letter to Air Force Secretary Robert C. Seamans, Jr.:

June 6, 1969.

Hon. Robert C. Seamans, Jr.,
Secretary of the Air Force,
Department of the Air Force,
Washington, D.C.

Dear Mr. Secretary: There was presented before my House Armed Services Committee an amendment to the supplemental authorization bill to provide funds for the construction of F521 arcraft.

At your earliest convenience, I would appreciate having a complete analysis of this subject—past costs of F5 aircraft for foreign nations sales that have been made; original funding which was used; history of the proposed new funding; location where the aircraft will be constructed; proposed customers for the new aircraft; and position of the Department of the Air Force on this proposed contract and justification therefor.

Your many courtesies are appreciated.

Very sincerely,

Robert L. Leggett,
Member of Congress.

To date, I am still waiting for a reply.

As I understand the current state of the record, the Air Force has orally requested $52 million for development of a World Freedom Fighter aircraft, which may or may not be the Northrop Freedom Fighter and moreover, the Air Force to this date has presented no written justification or the method whereby they will spend $52 million of our American tax dollars.

Mr. COUGHLIN. Mr. Chairman, I would like to associate myself with the remarks of my distinguished colleague from California in support of this amendment.

The F–5 procurement authorization is truly an amazing item.

It is for a program that was never requested. It is for a plane that is not for our Armed Forces. Not a penny will go for our defense.

This is a foreign aid plane for us to sell to other countries—or to give away.

It is bad enough when we willy-nilly sell and give away our obsolete weaponry. Now we are going to make a special weapon to sell or give away.

It is indicated that we need 325 of these planes for Korea, Taiwan, South Vietnam, and other nations.

May I point out that South Vietnam already has 15 freedom fighters, South Korea has 54, and Taiwan has 70.

May I suggest that the most likely candidates for the other planes are Peru, Brazil, Argentina, Chile, and Venezuela.

Let me tell you about the last time we sold F–5 Freedom Fighters abroad.

In 1966, Libya suddenly became rich with the discovery of oil. Between 1966

and 1969, the United States and Britain pumped $500 million worth of weaponry into the country—nearly 36 times its entire defense budget for 1966. This included F–5's.

Only a few weeks ago, these very weapons were used against our own interests. A puffed-up military junta which is becoming increasingly unfriendly toward the West overthrew with our weapons a progressive regime that was friendly to the West.

We need less, not more, international trade in arms and certainly do not need a special plane for sale to foreign powers. We are developing plenty of obsolete equipment.

Those who made the sale of F–5's to Libya never asked: Where is the war? Where is Libya's enemy? Where is the threat? Just sell them all the arms you can, take the money, and then show surprise when a group of radical Libyan Air Force officers, puffed up by the very weapons we sold them, overthrows a pro-West government.

If the situation were not so serious, it would be ludicrous. Was there ever any question that this was inevitable, and that it will happen again and again unless we put a stop to this kind of thing?

Secretary Packard notes on page 58 of the report of H.R. 14000 that "other countries" will need these planes. The most likely candidates for these planes are Peru, Brazil, Argentina, Chile, and Venezuela.

In October 1967 our Government promised to supply these and other nations in Latin America with F–5's if they were prepared to wait 20 months for delivery. Coincidentally, the 20 months were up last spring. It also occurs to me that the first three of these countries—Peru, Brazil, and Argentina—are run by military dictatorships, and the last two—Chile and Venezuela—are democracies currently going through difficult times, one trying to stave off a Communist bid for power and the other seeking to appease its restless military. Is it in our interests to encourage these nations to seek such advanced and expensive equipment as the F–5 Freedom Fighter, or any other plane of this caliber?

Because we have no agreement with our allies or the Communist bloc countries to limit the sale of advanced weaponry in Latin America—or, for that fact, anywhere else in the world—we are pushing the sale of the F–5 in order to beat the competition to the punch. Our rationale, never expressed in writing but still just as real, has been to get in there first with an arms sale before the business goes to Britain, France, the Soviet Union, Italy, Sweden or any of two dozen other arms producing countries that sell arms abroad.

Yet, as in Libya, these arms may well end up being used against our best interests.

The continued promotion of a policy that encourages the sale abroad of equipment like the F–5 is sheer madness, particularly in the absence of any arms control agreements at all. This is why I oppose the spending of $52 million on the F–5 program, and why I support this amendment.

Mr. LEGGETT. Mr. Chairman, I move that all debate on this amendment do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from California (Mr. Leggett).

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Leggett).

The amendment was rejected.

Mr. FRASER. Mr. Chairman, I move to strike out the last word.

Mr. FRASER. Mr. Chairman, I take this time to again express my concern that the chairman of the Armed Services Committee apparently did not want any debate to take place on the advanced manned strategic bomber. I am sorry we only had one Member who was permitted to discuss that important question.

I am sure the chairman of the committee is a very learned man whose guidance we all seek. But I assume perhaps that like some of the rest of us he does not consider his judgment infallible. I know that within the defense community itself, among those who have professionally had responsibility for defense planning in the United States, there are serious questions about whether the United States ought to go ahead with this kind of bomber.

Now is it that we do not want to hear what kind of questions have been raised on this issue? For example, the chairman tells us that there is some kind of threat of the Soviet Union, I gather by some new strategic bomber force. To my knowledge this was not developed before his committee. But I may be wrong. But this is a matter of grave importance. Is it true that the Soviets today have a very limited bomber force and that the number of their planes is one-fourth our number, and that none of them has any real capability to mount a sustained attack on the United States? Is that the case, and do we have any knowledge that they are planning to build a new strategic bomber force? To the best of my knowledge, they are not.

Why is it, then, that the United States believes it ought to spend billions and billions and billions of dollars for a new, more sophisticated supersonic bomber when the Soviet Union is not making any move in that direction itself? The fact of the matter is that if the SALT talks should make any progress—and I pray that they will—we will have adequate deterrent force that would render the AMSA bomber totally unnecessary.

But my point in getting up is not so much to argue the merits of AMSA. It is to argue the desirability of having some floor discussion on a matter of this importance.

If it is the case that the House will say, "We do not care, the Armed Services Committee has come out with a report and we are tired of talking about these issues," then I think the voters will truly be justified in responding appropriately at the polls in 1970.

But I happen to think that these matters are too important, too important to the people in our cities, too important to the world, and too important for our future to be run roughshod over in the manner we just saw when the chairman moved to cut off debate after just one speaker, and when we had a commitment from the chairman that he was not going to do that. But I guess that commitment did not last very long.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the chairman.

Mr. RIVERS. We did not have any such commitment.

Mr. FRASER. I am sorry, Mr. Chairman, I misunderstood you.

Mr. RIVERS. You should apologize, because the Chairman said he had a commitment on the ABM. That is as far as he committed himself. I will not discuss the AMSA. I will not discuss with you what the Russians have. On my own responsibility I tell you the Russians are building a bomber. You can take it or leave it. I defy anybody in the United States, including the gentleman from Minnesota, to prove that statement false. And this goes for anyone in the United States.

Our responsibility is clear. For 5 years we have been trying to build an AMSA. McNamara tried to build an AMSA. We need an AMSA whether the Russians have it or not. It just so happens that they are well on the way, and I shall not discuss it further.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CONYERS. Mr. Chairman, I rise to move to strike the last word.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Minnesota.

Mr. FRASER. I just want to say to the chairman, since he would not let me finish my statement, that I misunderstood his remarks about the debate on amendments to this bill. I am sorry. If he reserved the right to cut off debate without any discussion, I am sorry I misunderstood him. It is apparent that I did misunderstand him, because he did move to cut off debate. So I apologize for my misstatement or misunderstanding of what the gentleman said.

If I may say just one more thing, I am surprised that nobody else on your committee seems to be aware of the knowledge that you have about the bomber threat of the Soviets. Maybe they do. I have asked one or two members and they do not seem to have heard about it.

Mr. Chairman, I think we can all agree that manned bombers are considerably less important to our deterrent posture than are land-based and sea-based ballistic missiles. But it is startling to realize just how marginal the utility of the manned bomber has become. Consider that every one of the following conditions would have to be satisfied before the manned bomber would become essential to our deterrent.

First, the coming strategic arms limitation talks must fail to limit MIRV, for if there is no MIRV our ICBM's will not be in jeopardy.

Second, the Safeguard ABM must fail to safeguard our ICBM's. It is striking to note that many of those who a few hours ago were expressing great confidence in Safeguard are now expressing no confidence in it by supporting AMSA.

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Third, the Soviet Union must find some means of detecting, tracking, and destroying our missile submarines. While anything is possible, at this time no one has the remotest idea of how this could be done. We have every expectation that a large majority of our SSBN fleet will remain undetectible for many decades to come.

Fourth, this attack on our missile submarines would have to occur at exactly the same time as the attack on our ICBM's.

Fifth, our ICBM's would not be launched on warning of attack.

Sixth, the Soviet planners must have absolute confidence in their ability to destroy our SSBN's and ICBM's. They would know that any miscalculation on their part, any significant mechanical or electronic failure, would result in the total destruction of their society. And they would have to have this absolute confidence that their offense would work the first time it was used.

Seventh, it must be assumed that, even though they will have been able to solve these fantastic technical problems, the Soviets will not have been able to build an effective air defense.

And in order to rationalize the construction of AMSA, an eighth condition would have to be met: While the Soviets would have to be unable to build an air defense that could stop AMSA, they would have to be able to build one that could stop the B–52 and the FB–111.

It does not seem to me that we have $12 billion worth of probability that these conditions will be met.

There are other arguments that can be made in favor of AMSA regarding its secondary missions—reconnaissance, utility in conventional warfare, and so forth. Here, as with the primary mission, the question is not whether AMSA would work better than existing equipment. I do not doubt that it would, assuming it turns out to be reliable. The question is whether the improvement is worth $12 billion and up. To my mind, it is not.

I do not think the program should be continued, and I am certain it should not be accelerated. No one has yet explained why we must have this plane by 1977 rather than 1978.

For these reasons, I shall vote to support the Leggett amendment.

Mr. CONYERS. Mr. Chairman, I join in the observations about procedure made by our colleague in the well. I do not pretend to be an expert in this matter under discussion. The information, as one Member of this body, that has come to me about the advanced manned strategic aircraft was that, to our knowledge, there was no informed opinion about Soviet development in this area.

As the gentleman from Minnesota indicated, we might be wrong. But I do not think that all 434 Members should have to proceed in this debate on the good faith or opinion of the chairman of any one committee. I thought that we were going to develop the arguments before the Nation so that everyone could appreciate why we are or are not supporting these amendments.

ADVANCED MANNED STRATEGIC AIRCRAFT

It is universally acknowledged that land-based and undersea-based ballistic missiles constitute a far more effective nuclear deterrent than do manned bombers.

All the argument for ABM notwithstanding, it is impossible to defend against a heavy missile attack, but there is considerable possibility of defense against a manned bomber, no matter how sophisticated.

A bomber requires perhaps 5 hours to reach a target deep in the Soviet Union. A missile requires at most 30 minutes.

A bomber is fragile, and easy to destroy on the ground in a sneak attack from the sea or from orbit. A land-based ICBM in a hardened silo cannot be destroyed by anything less than a direct hit or very near miss by a thermonuclear warhead. A submarine-based missile is even more invulnerable because it is virtually undetectable. Moreover, submarine-based missiles have achieved a degree of reliability far above that of any other strategic system.

Yet we are asked to authorize funds for a new manned bomber. We are asked to authorize $100 million for the coming fiscal year; ultimately the AMSA will cost billions. This is something we need to examine very carefully.

As I understand it, the basic theory upon which we have based our retention of manned bombers holds that the United States is best protected when we are able to destroy a potential enemy in three different ways: With bombers, with ICBM's, and the SLBM's. It is argued that each system complements the others by assuring that it will be available as a full deterrent or strike force if the other systems fail or are degraded by defensive developments on the other side.

But if SLBM's and ICBM's are preferred, it seems to me that we must have at least some indication that they will be inadequate before we invest billions in a third force. Obviously, deterrence will work with just one force—large, visible, and effective enough to convince the Soviet Union that we could retaliate with a society-destroying blow if they should attack. Surely they will not be the less deterred if we cannot destroy them three ways or even two. If we have a system that will work, why is it necessary to convince a potential aggressor that we can kill him three different times with three different weapons systems?

Why have the Russians not built a modern strategic bomber? Why is their only heavy bomber an obsolete propeller-driven type? And why did they build only 150 of those?

Mr. Chairman, I for one feel that we do not need a new manned bomber when we have the enormous destructive power of 1,050 ICBM's and 656 SLBM's, any one of which is capable of destroying a major city. I feel that three deterrents are more than enough, that we probably do not need a manned bomber at all, and that we certainly do not need a new bomber at upward of $30 million per copy. We need this money for our people.

A very unusual thing happened yesterday to me. I was called off the floor.

It so happened that there were approximately 300 students from Eastern High School in the District of Columbia who were petitioning to talk to any Member of Congress. They were on the steps of the Capitol, and they were asking if any Member would come out to speak to them, come and visit their schools and see that they do not have the textbooks, and see that the schools are in a very serious state of disrepair.

The question I bring to this body at this time is this: Is there any relationship between the crying needs of the poor and the left out in this country and in this Capital and our reluctance to vote out the kinds of moneys we need at this time for the domestic programs in the areas of neglect; is there any connection between that and the way we proceed to disburse approximately $21 billion for our military necessities?

I am not saying we should eliminate this authorization, but I do say that there is some connection, in my judgment, between the way we cannot even inquire or deliberate and consider democratically this measure before us and the fact that there are black youngsters begging the Congress of the United States for some schoolbooks.

Mr. RIVERS. Mr. Chairman, I move to strike the last word. Mr. Chairman, when one makes a motion to cut off debate, it has to be voted on by the House. Any time the House wants to debate, the House can.

I just do not think we should get out here at this time and discuss AMSA. For years we have been trying to get it. For years Mr. McNamara denied it. As the gentleman from Louisiana (Mr. HÉBERT) who was for years the head of a special subcommittee. Now we wake up and see that we have not even started it. We have not even started.

If we are going to fashion our defense on what Russia has or does not have may God save America. We need this and we need a great many other things.

We had better get on with the business of approving this bill. Are we going to discuss the dotting of every "i" and the crossing of every "t"?

Mr. PIRNIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to call attention to something we should remember in this House; namely, that on many occasions we have expressed our conviction that progress in providing this advanced manned strategic bomber was required in the interests of this country. The amount of money we have authorized for this development has been predicated on the state of the art. The addition to which reference has been made by this amendment was brought about by the reexamination of the current Secretary of Defense when he came into office. This recommendation is for the purpose of doing the requisite engineering in order to advance this study, so that we can reach a decision in a timely manner on production of this advanced bomber.

I am sure if the examination is made into the detail of this request, it will be determined that it is not a waste of money, that it is an effort to provide this bomber by the time we will need it.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to add briefly to what the gentleman from New York has said. I believe

everyone in this Chamber has at one time flown in commercial aircraft, no doubt across the country.

They must surely realize that the enjoyable flights you all make across this country are due to the advanced state of the art and the technological capacity of the aircraft manufacturers and the aeronautical engineers in this Nation. So I believe what the gentleman from New York has said relates to this particular amendment. Certainly it is cogent.

I believe the same remark is going to be made and should be considered as we move toward ultimate development of the SST.

One of these days people are going to have to realize the technological capability and development for the military and defense units of this country certainly serve, ultimately the civilian purpose in the aviation field, and it is true not only in this field of transportation but also in the field of satellite communication.

The bulk of our progress, in the aerospace and aviation fields of this Nation, has come as a result of technological data developed through defense research, development, and deployment.

Many of the utensils and household appliances that are serving to lighten the load of housewives in the kitchens of America, are the direct result of technological data developed in the aerospace industry.

For a number of years, particularly during the Kennedy, Johnson, Secretary of Defense McNamara administration era, I believe the United States placed far too much emphasis on the type of defense strategy, that put intercontinental ballistic missiles and overkill through nuclear weapons as our major defense.

As a result we have lost a great deal of time and flexibility in developing the kind of deterrent system that I personally feel would be more effective than total dependence on a nuclear land-based missile system.

This is not to say that we should defer safeguarding this nuclear deterrent system.

However, I believe strongly that a more flexible response system, coordinating the naval Polaris and/or Poseidon system with strategic aircraft will serve our defense purposes much more effectively.

The mobility and flexibility factors involved certainly lend themselves toward a more effective defense strategy as we move toward strengthening our alliances with free world nations.

Certainly the aeronautical expertise we develop will serve both our defense and civil aviation objectives. The competency in the U.S. aeronautical engineering field is being challenged more and more with each passing day. The Soviet Union, France, and England are highly competitive in advanced aeronautical engineering. In addition to defense requirements, our future security will, in my judgment, require economic, diplomatic, psychological, and technological offensives as we move toward economic and political integration with our free world friends.

The knowledge, competence, and expertise we develop in the aerospace-aviation technological field will ultimately determine our strength as a nation. We cannot relinquish our lead in the aviation field. If we are to avoid getting bogged down in future Vietnams, I admonish America and this Congress to stay first in both civil and military aviation. They are totally interdependent and will serve to benefit future American generations and the peoples of developing free nations looking to us for hope and leadership.

Mr. PIRNIE. I thank the gentleman from California. He is one of the most knowledgeable Members of the House in this field of aviation. I know his interest in this subject is deep and sincere.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from Colorado (Mr. EVANS), a former member of the committee.

Mr. EVANS of Colorado. I appreciate the gentleman's yielding.

I should like to say, along with the comments of my colleague, the gentleman from Minnesota (Mr. FRASER), that it was also my understanding that this bill would be discussed without time limitations.

I am not going to blame our chairman entirely, although I would certainly place a good deal of the blame on his shoulders. We are in the process of discussing the expenditure of $21 billion, and if we can discuss the C–5A and all the intricacies of these other programs, and if we can read in the newspapers and periodicals and military magazines more about the AMSA than has been allowed to be discussed on this floor now, then in addition to blaming the chairman, and I do, for closing off debate, we must blame those who vote to close off debate.

Mr. HICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to go on record as saying that I get a number of letters from my constituents stirred up by certain columnists, or who were stirred up by certain columnists. These letters complain about the seniority system and complain about the chairman of the Armed Services Committee in particular.

If we did not have the seniority system, knowing what I know after having served on this committee for four and a half years. If I were asked to cast my vote I would vote for the present chairman of the Armed Services Committee.

That does not mean I do not disagree with him from time to time. I disagree with him on this matter of cutting off debate.

Certainly the House rules. Certainly the House does act. If it wants to continue the debate it can. But it follows the gentleman from South Carolina's leadership in this particular instance, and I do believe the gentleman should let the debate continue a little further.

So far as this whole procurement program is concerned, many of my liberal friends have been talking about cut, cut, cut. Well, if we are going to cut our military expenditures, the best way to cut them is to reduce personnel. The finest way I know of to safely cut personnel is to give our military the best weapons possible. We do not have to replace the weapons we have now with the new systems we are talking about on a 1-to-1 basis. If we bring new systems into the inventory we are going to be able in the future to reduce the amount of manpower needed to operate those systems.

It takes a lot of years to develop a weapons system. We do not do it overnight, and we do not do it in 1 or 2 years. All Members know that. Consequently, when there is an attack on research and development when Members successfully reduce these needed funds, all that results is delay, and it is going to put the acquisition of new weapons systems a long way down the road.

We can train men in a year or two. We know that. We have done it time and again. We can save from $8,500 to $15,000 a year per man, depending upon whose figure we want to take, when we reduce personnel.

We do have a cut in personnel in this bill. We could cut it further. So far as I am concerned, if any Member wants to offer such an amendment I will support it.

But I do not believe we should be cutting back on new weapons systems which the men we do have left will operate in the years ahead. We have not cut this bill as we have gone along. I believe this House has been very wise in its action taken in this regard.

At the same time, I want to commend the people who have brought forth amendments, because I believe it is healthy for this country to continue to discuss these programs. If a program is a good one, it is a good one after we talk about it 2 or 3 days in this body. We do not have to depend on all the discussion coming from the other body.

Mr. PATTEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to direct my remarks to the gentleman from Michigan (Mr. CONYERS).

I am on the District of Columbia Appropriations Committee, and the schoolchildren of the District never had a better friend than ED PATTEN. I have attended every meeting. We started in January and continued through February and March. The school budget should have been passed by April or May, but it was not even brought to the floor. We held special hearings in the caucus room of the Cannon Building and have invited all of the organizations and people of the District of Columbia to attend. I have been in contact with them ever since then. I have had many appointments with the chairmen of these various local committees. However, I am sick and tired of reading in the papers that the Congress is doing nothing. I am going to ask the chairman of the full committee to take me off the District of Columbia Committee on Appropriations because I do not like the publicity that the Congress receives.

I want to be specific about textbooks. As a general statement, I will tell you that the per capita cost of high school students in the District of Columbia schools is the highest in the United States.

Now, Mr. Chairman, what administration problems they have about text-

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books, I do not know, but speaking for one Member, I have given the District of Columbia schools every dime that I could give them under the law and I would like to give them more. I would not want word to go out that our District of Columbia Appropriations Committee was not a friend of the local schools. We want them to be the best schools in the country. We are with the students. And I tell you that I for one do not think that the little remarks here about no textbooks is a very correct impression. Our District of Columbia schools are wonderful and they are going to become better with my help as long as I am on the committee.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. PATTEN. I yield to the gentleman.

Mr. CONYERS. I thank the gentleman for yielding.

I reported the incident because to me I am beginning to wonder, after being in this body for 5 years, whether or not we are really attuned to the problems that are really affecting the District of Columbia. I hope that the gentleman, if he proclaims himself to be a friend of the citizens and the students of the District of Columbia, does not get off that committee. I hope he will join me in one request that these students made to me—and I am merely relaying it to you and to the body—let us take a visit to Eastern High School. That was the challenge put to me. They said not one Member of Congress had ever been out there really to see about the shortages that exist there.

What I want to say to the gentleman is, maybe he is right. I would sure like to take those arguments back to those gentlemen. But join me, if you will, in paying a much overdue visit to that high school.

Mr. PATTEN. We would have been glad to talk to the 300 students. We would have enjoyed it.

Mr. CONYERS. Thank you. But what about the trip?

Mr. PATTEN. For the 4 years I have been on the committee I want to tell you I have been in Eastern, and looked at other school buildings. I think other members of the committee have done the same thing.

Mr. CONYERS. Then I will make a trip there and report back to you.

Mr. PATTEN. Don Fraser is on the authorization committee, and he can give a good account of himself, and so can others. The gentleman from Michigan (Mr. Riegle) is on the committee and is very close to the matter. Bob Giaimo, the gentleman from Connecticut, is on it, also. They have been in many schools and talked with the principals and the teachers.

We have a good system in the District of Columbia, and we will make it better. They are not so poor that they cannot have adequate textbooks.

Mr. HÉBERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had not intended to take the well on this subject. The question of the AMSA, as usual, has wound up in a mass of distortion, ignorance, misrepresentation, and lack of knowledge. I think I know as much about the AMSA situation as anybody in this Congress. This is not an immodest statement. Under the direction of our chairman, the gentleman from South Carolina, I headed a committee which had as its charter the investigation of the advanced manned bomber.

Now, this did not start today. This started years ago. We held extensive hearings on the subject matter, and I am just wondering if those gentlemen who want to know all about the AMSA have looked at one page of those hearings and read them, and examined the full discussion? If they have, I would be delighted to see them raise their hands so I know I could discuss this with somebody who knows at least what they have read.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I am not yielding. I am merely asking them to raise their hands—anybody who has read that.

Has the gentleman read all the hearings on the AMSA? The gentleman nods assent. And the gentleman wants more discussion after reading all those pages, and everything was brought out?

Mr. SCHEUER. Mr. Chairman, will my colleague yield?

Mr. HÉBERT. I refuse to yield.

Let me get down to what we are talking about: to the nuts and bolts.

If we do not have an AMSA this country does not have a follow-on bomber to the B–52. I care not what Russia has. I care what America should have.

What we are talking about here is a definition contract.

From the time that Curtis LeMay was Chief of Staff of the Air Force, the military and the Joint Chiefs of Staff—General McConnell, who was Chief of Staff of the Air Force after LeMay—all have strongly recommended the development of a follow-on bomber.

On the day that this bomber is put on the production line, it will take from 5 to 6 years before it is put in the inventory. That is what we are talking about. We are talking about that the B–52's will be repaired and re-repaired and re-re-repaired after 1973 and 1974, and that is the most optimistic date that we could replace the B–52 bombers, and that would be when the last B–52 bomber off the production line is 14 years old.

An attempt was made by the former Secretary of Defense to block this despite the advice of the military. And, I may parenthetically state, blame the military. Yes, blame them. When the civilian leadership makes the decision a good military man, the soldier, follows that civilian leadership.

Mr. McNamara defied the Congress He resorted to every trick in the book to circumvent our intentions.

And let me say this, let me just pause here to say to this Congress that when the chairman of the Committee on Armed Services tells you that the Russians have a bomber, he is telling you the truth, and he knows what he is talking about, and I share his remarks.

You would not want us to come here and discuss all of our military strategy and give away all our secrets and sensitive knowledge that we have—what a day that would be in this country. We do not intend to do it, and never have intended to do it. We have executive meetings, and we receive knowledge that we cannot possibly discuss publicly.

At a matter of fact, in recent years, too much has leaked out of the Committee on Armed Services which never prevailed heretofore. It has almost become a fact to see and to read it in the news columns, things that we treated in confidence, and never intended to be public.

If you tell me that we do not need the follow-on bombers to keep our inventory up, then I will say that we have lost our sense of priority, and our sense of judgment.

This is vital to America's future. This is the successor to the B–52. The F–111, the ill-fated TFX was never even advanced by Mr. McNamara as being a bomber to replace the B–52. So please do not let us get confused with a lot of semantics and irrelevant talk.

MOTION OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are now on title II of the bill. We have three remaining titles of the bill after title II.

We have had an interesting discussion on the school problem in the District of Columbia.

Mr. Chairman, I move that all debate on title II and, all amendments thereto, close at 1:15 p.m. with the last 5 minutes to be reserved for the chairman of the committee.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York (Mr. Stratton) that all debate on title II and all amendments thereto close at 1:15 p.m.

The question was taken; and on a division (demanded by Mr. Reuss); there were—ayes 65, noes 47.

Mr. REUSS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Stratton and Mr. Reuss.

The Committee again divided, and the tellers reported that there were—ayes 84, noes 57.

So the motion was agreed to.

PARLIAMENTARY INQUIRIES

Mr. REUSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REUSS. How many amendments to title II are pending, and what will be the division of time?

The CHAIRMAN. The Clerk has two amendments at the desk.

Mr. REUSS. What will be the division of time between them under the motion?

The CHAIRMAN. The Chair will state that each Member will be allocated 45 seconds.

Mr. VANIK. Mr. Chairman, I yield back the time allotted to me.

Mr. GUBSER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUBSER. Will all amendments to title II pending at the desk be read and considered at the same time?

The CHAIRMAN. The Chair does not know whether either amendment will be offered.

The Chair recognizes the gentleman from Wisconsin (Mr. Reuss).

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Reuss: On page 4, line 5, strike out "$3,241,200,000" and insert "$3,200,200,000"; on line 9, strike out "$18,500,000" and insert "not more than $2,500,000"; and on lines 13 and 14, strike out "$40,000,000" and insert "not more than $15,000,000".

PARLIAMENTARY INQUIRY

Mr. RIVERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIVERS. Do I have 5 minutes?

The CHAIRMAN. No, the gentleman will have 45 seconds.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that my time be allocated to the gentleman from Wisconsin.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. HALL. I object.

The CHAIRMAN. Objection is heard.

Mr. REUSS. Mr. Chairman, I ask unanimous consent that the 45 seconds deliberation hitherto allotted to the gentleman from Texas (Mr. Eckhardt), the gentleman from California (Mr. Leggett), the gentleman from Michigan (Mr. Nedzi), and the gentleman from New York (Mr. Ottinger), by agreement with those gentlemen, be made available to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin, Mr. Reuss?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The gentleman from Wisconsin is recognized for 45 seconds.

Mr. REUSS. Mr. Chairman, doing the best I can with an amendment that affects many billions of dollars, this amendment would cut back to the level authorized by the Senate the programs for the AWACS and the CONUS air defense interceptor. The provisions in question are designed against a Soviet bomber threat in the late 1970's.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Chair recognizes the gentleman from New York (Mr. Ottinger).

Mr. OTTINGER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, the distinguished Senator from Mississippi, Senator Stennis, has said.

> It looks to me as if the Soviet bomber threat is getting thinner and thinner every year.

A high level Pentagon briefing I have just received entirely bears out the judgment of Senator Stennis.

I know the distinguished chairman of the Armed Services Committee, the gentleman from South Carolina (Mr. Rivers), has said that the Soviets have under way an Advanced Strategic Bomber. If that is so, I think the Pentagon is entitled to know it, and the Members of this House are entitled to know it.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, as a sort of afterthought, the argument is made that AWACS would be useful in a tactical way in a major war in Europe or in brushfire wars around the world. This collides with the decision of the Defense Department to make a 1-year review of the Soviet bomber threat. If that review is made and it is decided that the Soviet bomber threat which is now based on the 1955 Bear bombers is not an immediate threat, then this money is much better spent in more fruitful ways.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Chair recognizes the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Wisconsin.

Mr. GROSS. Mr. Chairman, a point of order. A Member cannot strike the last word under the limitation of time.

The CHAIRMAN. The gentleman from California was recognized. The gentleman from California yields to the gentleman from Wisconsin?

Mr. LEGGETT. I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, I thank the gentleman from California for yielding.

I would say the pitiful little 45-second driblets being allotted to this vital question are simply not orderly debate. The members of this Committee deserve better than that. I have information which I think Members would have liked to have heard on the exact nature of the Soviet bomber threat against which it is proposed to divert billions and billions of dollars that might have been better elsewhere, including in the defense program. It is vitally important that this body act responsibly.

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Michigan (Mr. Nedzi).

Mr. NEDZI. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, I thank the gentleman from Michigan.

Mr. Chairman, the first of my two amendments would reduce the CONUS interceptor program from $18.2 to $2.5 million.

The trouble with the CONUS interceptor program is that the Air Force has not yet selected an interceptor plane for this radar and missile system. Until the Air Force does make its selection, going ahead full steam means that we will be developing the radar and missile system, but lacking a plane to carry it, and there will be very costly overruns while we redevelop the radar and missile system to fit the plane the Air Force has finally selected.

The amendment which was approved by the Senate should be passed.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Chair recognizes the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman from Michigan for yielding.

The AWACS amendment would reduce the $40 million to $15 million, as the Senate did.

AWACS is an airborne radar and control system likewise designed to detect low-flying Soviet bombers. The reduction would allow the Air Force to continue its research. All it would do is to slow down for 1 year the actual loading of the system into a jet cargo plane for a dry run. Three-fourths of these AWACS units are apparently destined for use against Soviet bombers over the United States, a threat which is infinitely less immediate than the Soviet missile threat.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Chair recognizes the gentleman from New York (Mr. Ryan).

Mr. RYAN. Mr. Chairman, I yield my 45 seconds to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman from New York.

A number of changes are likely to be considered in the AWACS system after the Secretary of Defense has completed his 1-year review of the Soviet bomber threat. If, for example, the Secretary of Defense sticks to his intelligence estimate and does not accept the intelligence estimate of the gentleman from South Carolina (Mr. Rivers), it may well be that there is a firmer and more sensible use of these funds than to build up the continental air defense against a threat of very minor proportions.

The AWACS, for example, could be put in a different airplane.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Chairman, without agreeing with the gentleman in the well, I yield my time to him to let him complete his statement.

Mr. REUSS. I appreciate that statement by the gentleman from Missouri.

The present Soviet bomber threat, according to the best intelligence estimates we can get, is much less than formidable. The main portion of their force is made up of 100 or so propeller-driven Bear bombers dating back to the mid-1950's. Former Defense Secretary Clark Clifford earlier this year in his testimony characterized them as "distinctly inferior" to our own B–52's.

These programs can be diminished. They can be postponed. The Senate decided to do so. We should do so also.

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The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Chair recognizes the gentleman from New York (Mr. Scheuer).

Mr. SCHEUER. Mr. Chairman, I want to yield to my colleague from Wisconsin, but first I will ask him this: In view of the statement of the chairman of the committee that the AMSA is not postulated on any intelligence estimate of what offensive capability the Russians are developing, and he prayed we never postulate our defense program on an intelligence estimate or knowledge of what they are doing, of Soviet development intentions—or the actual military threat they present—whom are we arming against? Are we arming against Switzerland or Uruguay or Nicaraugua?

Mr. REUSS. I wish the chairman of the committee would share his intelligence with the intelligence gathering forces of the Pentagon, who tell me, in a document handed me 10 minutes ago, there is not an augmented Soviet bomber threat, that indeed the information which I have given is the correct information. If that is so, we should not waste our money on this.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Minnesota (Mr. Fraser).

Mr. FRASER. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman from Minnesota.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. REUSS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Is the amount of the reduction the gentleman is recommending in his amendment the precise action that was taken in the other body on this request?

Mr. REUSS. It is the precise action that was taken in the other body. It maintains funds in the authorization for both the AWACS and the CONUS interceptor program. It simply asks that they be settled down for a year until the Secretary of Defense, Mr. Laird, can come in and give us the considered judgment of the intelligence-gathering systems of the United States as to whether the Soviet bomber threat is something new.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Foley).

Mr. FOLEY. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. I thank the gentleman from Washington for yielding to me.

I should point out that an AWAC designed solely for tactical use over the battlefields of Europe or in those brushfire wars which President Nixon at Guam told us we were going to avoid in the future would be a good deal different from one which has to deal with Soviet bombers attacking the United States. The DOD may well decide after its 1-year review of the Soviet bomber threat that we should not go ahead with the AWAC for bomber defense in the United States. If that is true, we will need to change it.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. Hungate).

Mr. HUNGATE. Mr. Chairman, I would like to thank the gentleman from Wisconsin, the gentleman in the well, as well as the gentleman from Minnesota (Mr. Fraser), for framing these questions and issues on a system about which we have to make a decision here. I regret the shortness of the debate, but I do hope that they can find some consolation in the words of the Apostle Paul,

> It is better to speak five words that are understood than 10,000 that are in an unknown tongue.

I now yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, I thank the gentleman for yielding to me.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Chair now recognizes the gentleman from Missouri (Mr. Ichord).

Mr. ICHORD. Mr. Chairman, I, too, regret that we do not have sufficient time to discuss this amendment, not because I intended to participate in the debate but I think that it should be discussed, and I did vote against the motion to limit debate.

My good friend, the gentleman from Wisconsin, could not have chosen a poorer project in the bill where he could save money by reducing the authorization. As a matter of fact, the amendment of the distinguished gentleman would probably cost the Government more money in the long run. This is true because the committee has already reduced the program to an amount which would provide for putting the brassboard of the AWACS system on board either the DC–8 or the Boeing 707 which will be the vehicle to carry the system. The amendment of the gentleman from Wisconsin would just serve to keep the contractors interested and would not give us the brassboard which we need to have in order to make an assessment as to whether we really want to adopt the system. The amendment insofar as AWACS is concerned would merely delay the system and would result in the inefficient expenditure of money.

As has been previously pointed out, the Committee on Armed Services approved funds for the AWACS development in the amount of $40 million. This is $20 million less than the Department of Defense requested. This is a 33⅓ percent reduction on this one item. The committee also approved the full amount, $18.5 million, for the continental air defense interceptor. The Senate reduced this amount by $16 million leaving in their authorization bill $2.5 million to be used to complete studies aimed at identifying the specific airframe to be used for the mission.

The rationale for the reduction in AWAC funds to $15 million was that there were additional carryover funds of $40 million in the fiscal year 1969 appropriation. This is not true. In fact, all of the fiscal year 1969 funds were obligated prior to July 31, 1969. The largest portion, $27 million, went to contractors for system engineering proposals; $9.5 million was used to develop radar components, and $3.3 million for engineering support. In fact, over $5 million of of the fiscal year 1970 funds will have to be used to complete work started in prior years. This leaves $10 million of the $15 million authorized by the Senate. This amount is not sufficient to continue this program.

The $10 million can only be used to maintain the best possible holding position to keep key contractors on the program in anticipation of a more substantial portion in fiscal year 1971. The minimum funds required for the radar development is $40 million; $15.7 million will be required to complete efforts contracted during fiscal year 1969 and $24.3 million will be required for radar program permitting a test flight of one radar within a 24- to 30-month period following initiation of the program.

A reduction of these funds to the Senate level will almost destroy the AWACS program. If these funds, as recommended by the Armed Services Committee, are not approved, both the Air Force and industry will have to sharply reduce their current level of effort at a time when normal program progress would call for an increased level of effort. This will increase both direct and indirect costs. Time phasing with respect to the airframe contractors' facilities may result in very substantial increases in airframe cost.

The initial operational capability for both TAC and ADC will be delayed for more than 1 year. This not only delays improvement in operational capability but also indirectly increases costs since certain tactical and air defense systems will have to be retained that otherwise would have been phased out. The delay in availability of an effective demonstrated radar for TAC may result in the procurement of yet another interim system for TAC with a radar of marginal performance.

The $2.5 million contained in the Senate authorization bill provides for no funds to develop the most important element of the improved manned interceptor; that is, the look-down radar and shoot-down missile. This work must be completed regardless of whether an airframe has been selected for the future interceptor. There are several airframes which have been considered in the past and are presently under consideration, all of which, with some modification, can be utilized with the fire control and missile system planned for development.

The minimum requirement to insure a modernized interceptor and an initial operational capability in the mid-1970's requires the entire $18.5 million recommended by the Armed Services Committee. This contains $2.5 million for interceptor design studies and analysis—and $16 million is dedicated to the long lead effort in the fire control system development and missile development which can be pursued at this time without regard to the choice of an interceptor.

The committee thoroughly reviewed the request submitted by the Department of Defense and is convinced that the funds contained in the bill for AWACS and CONUS air defense interceptor are the minimum necessary to pursue this program without seriously endangering the AWAC concept.

Personally, I am skeptical as to whether the AWACS will do everything the military says it will do in regard to air

defense, but I can forsee a use in the tactical field of great and practically inestimable value. I strongly urge the defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Chairman, I listened intently to the remarks offered by the gentleman from Wisconsin. With all due deference to him, I must say his argument is premised on a mistake. He has assumed that the AWAC is designed only as a defense against a bomber threat. That is absolutely false. It is designed as an airborne warning and control system for the purpose of controlling any kind of an air battle. It is an airborne command system.

Just a few months ago, our pilots were flying over North Vietnam. Today 840 of them are either dead or are in North Vietnamese prisons because of air action over North Vietnam.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from New Jersey (Mr. Hunt).

Mr. HUNT. Mr. Chairman, I yield my time to my colleague from California.

Mr. GUBSER. I thank the gentleman for yielding.

This system is also for the kind of air battle fought over Vietnam. It is not just a matter of a bomber threat. It is to provide command control of air battles like those which were fought over North Vietnam, to warn of SAM and fighter attacks against our pilots. I say hundreds of pilots today would not be imprisoned in North Vietnam and would not be dead if we had had such a system.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Chairman, I yield to the gentleman from California.

Mr. GUBSER. I thank the gentleman for yielding.

When you vote on this amendment do not forget that American pilots now dead or in the prisons of North Vietnam would be alive today if we had had an AWACS. I swear to God it is the truth.

Point No. 2: This system will either go into a DC–8 or a Boeing 707 aircraft. Those two production lines, at Boeing and at Long Beach, are going out of existence next year. If you cut this money out for the AWAC, you will upset the timing of the whole operation. To start up a production line once it is stopped is prohibitively expensive.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Watson).

Mr. WATSON. I yield to the gentleman from California.

Mr. GUBSER. I thank the gentleman for yielding.

Mr. Chairman, if you pass this amendment you will not have an off-the-shelf aircraft available. If you want to scuttle the chance to effectively control an air battle from an airborne command system, then vote for the amendment offered by the gentleman from Wisconsin (Mr. Reuss).

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I would ask the gentleman if it is not true it also gives a standoff capability of air control?

Mr. GUBSER. Absolutely. I am glad the gentleman reminded me of that. This is not just the answer to a manned bomber threat; this is required for every facet of air warfare, and we must have it.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Chairman, I yield to the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Chairman, I thank the gentleman for yielding. I shall recap my arguments and also discuss the CONUS air defense interceptor.

The AWACS will combine an airborne surveillance capability along with associated command, control, and communications equipment in a commercially available jet airframe. The radar on the AWACS will permit it to detect and track aircraft operating at either high altitude or low altitude over land. Thus, it will provide an integral part of any modernized air defense system.

However, I would like to emphasize that AWACS for strategic defense is not the only use for the equipment—and I fear that our evaluation of the program may be largely overlooking some equally important applications. In fact, I would judge that these other uses might form an even stronger justification for the program, particularly in the international environment envisioned for the future. I refer to the considerable flexibilities of AWACS in what is called the tactical application. The AWACS aircraft will function the same way—that is, it will act as a surveillance station and command post. The differences lie only in the situation being watched and the uses made of the data collected. The Air Force is understandably thinking primarily of AWACS capabilities in conflicts in which our forces participate directly. An airborne command post that was able to track enemy aircraft and direct our own fighters in combat during the Korean war would have had tremendous favorable payoff. A graphic example of the benefits of "seeing eye" air combat control comes from North Vietnam. There our aircraft suffered unnecessary losses by operating without the visibility an AWACS would have provided. Our best airborne control in Southeast Asia has been the specially equipped EC–121 aircraft which is the old Lockheed Constellation. It can identify our fighters, and this has been useful, but hardly adequate for the multiple demands of controlling close air support, airlift, and air rescue aircraft.

These are examples of tactical air battle uses. I am at least equally intrigued by possible AWACS uses which are a bit further removed from the battlefield; namely, in an informational, or even a peace-keeping role. Consider for instance the diplomatic advantages of keeping tabs—from an AWACS vantage point—on air traffic like the operations into Czechoslovakia before and during the recent Soviet intervention. There may be value also in on-the-spot monitoring of the air actions such as those during the 6-day Arab-Israeli war. I am sure we all hope, and are confident, that all-out strategic war can be avoided; but most of us see the future as patches of peace, political tensions, small and not-so-small conflicts among our earthly neighbors. In such a future, instant surveillance and instant communication can provide invaluable defusing opportunities before hostilities start. AWACS can even provide an instant source of air traffic control for mercy missions in case of natural disasters such as earthquakes, floods, and famine. These potential uses cannot be overlooked or played down in our judgment of the AWACS program.

Mr. Chairman, I think it would be worthwhile to briefly discuss the funding situation of the program. Some discussions of the AWACS program have led to the belief that the funds authorized and appropriated during fiscal year 1969, are available to support the fiscal year 1970 program. I have been assured by the Air Force that this is not the case. This misconception grew from an analysis of the program's fiscal year 1970 funding needs based on the financial situation as of March 1969.

The Air Force has also assured me that all of the fiscal year 1969 funds for AWACS were placed on contract before the end of the last fiscal year. Due to the continuing resolution, there are some fiscal year 1970 funds available. However, these will only support the AWACS effort through December of this year.

Personally, I will not support a position that either kills or maims AWACS. I think it should be built, and we can demand that it be built effectively and economically. The Defense Department has done a good job of bringing along the basic technology, and there appears to be small risk of program failure. AWACS is a good investment for the type of international future we'll be up against, and I believe it is worthy of our support.

The Soviet Union bomber forces have capitalized on the deficiencies in our present ground based radar and interceptor radars by adopting the tactic of approaching targets at very low altitude. This hides the bomber radar return in the clutter of radar returns from the ground near it. Bombers penetrating at low altitudes are thus hidden and cannot be observed. The radar in the airborne warning and control system will solve this problem by eliminating ground clutter.

Any new interceptor that we select must have a similar capability if the interceptor's radar is to detect and track incoming bombers. A radar capable of the necessary clutter rejection has been developed, produced and flown, and has successfully demonstrated the capability to detect, track, and launch armament against incoming targets at very low altitude over land.

Continued development is necessary now to refine this developmental system into a production design. We also need to work on the various components to improve their reliability, reduce the cost of manufacture and maintenance, and

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blend the radar and the missile into an integrated armament system suitable for an advanced interceptor.

Oddly enough, the longest leadtime work in achieving this new interceptor is not involved with the engine or the airframe. These represent relatively straightforward developmental efforts in which we have a great deal of experience. The technological challenge is in the complex electronics of the radar and the missile fire control systems. This is where urgent effort must begin at once if we are to hope for an initial operating capability by fiscal year 1975. Hopefully, the remaining elements of a modernized air defense system will be ready at that time.

The principles and techniques to produce the missile fire control system are well in hand. Funds are needed for the development and testing required to insure an economical, reliable and effective kill capability that will function in an advanced interceptor. The Air Force is studying a number of candidates prior to selecting the interceptor. However, it must proceed with the development of the armament system if the airplane and its radar/missile components are to be wedded at the proper time in the future.

The Air Force has requested $18.5 million for this effort. A major portion of these funds will be used for the fire control system development—chiefly a new, powerful radar transmitter, electronic counter-countermeasure circuits, and digital data processing equpiment. Another large portion is earmarked for work on the missile. Specifically, it will do the following: First, the development of folding wings and a control system which will permit internal stowage of greater numbers of missiles in each interceptor; second, improvement of current state of the art components to capitalize on recent developments in the receiver; and third, improvement of the fusing to increase the missile's kill probability.

The Air Force intends to use some of these funds for designs and analyses to lead toward the selection of the appropriate interceptor. Another portion of the $18.5 million will insure that all radar and fire control system developments which grow out of other development programs are incorporated into the design and development of the interceptor armament system.

These are sensible development efforts and will help us obtain a badly needed modern air defense interceptor for the mid-1970's.

I strongly urge that this body favorably consider funds requested for these programs, and reject the amendment now under consideration.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I do not want to be heard on this particular amendment. I do have, however, an amendment of my own at the desk, and I wonder if we could vote on this amendment first?

The CHAIRMAN. Does any other Member desire to speak on the amendment offered by the gentleman from Wisconsin (Mr. REUSS)?

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Chairman, if the gentleman from New York has an amendment at the desk it must either be an amendment to the amendment, or a substitute for the amendment.

The CHAIRMAN. The Chair will state that the pending amendment will be disposed of in the time allotted.

The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, in 45 seconds I have time only to say that, embodied in title II we have authorizations for the Army, Navy, and Air Force, of $7,421,400,000, and to restrict the Members of this body, which is supposed to be the greatest deliberative body in the world, to 45 seconds on an amendment of this importance I consider outrageous.

This is nothing but gag rule.

My constituents in Illinois are going to have to pay their share, and fair share, of the $21,367,000,000 represented in this bill, and I want to hear a discussion of this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, 4½ years ago when I came to this body some on my own side cut off debate on the social programs that were before this body. I voted against it, and I voted against it just now.

The role of a majority, in a democracy, is to make a decision; not to silence the minority in debating what that decision should be. A civilized society does not silence opposition, it answers opposition.

For shame. For shame.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, even though it now appears improbable that an attack will be made on the new attack carrier, I would like to make some remarks on this carrier. The proposed Moorhead amendment would delete the funds in this procurement authorization bill for the CVAN–69, the second *Nimitz* class nuclear powered attack carrier.

The Navy needs this carrier, and it is needed now, and in any reasonable carrier force level. It is required to maintain the modernity and capability of our attack carrier force. When the CVAN–69 joins the fleet in 1974, it is scheduled to replace one of the aging World War II *Essex* class carriers still in the active attack carrier inventory. These *Essex* class ships are obsolescent today. They have been extensively modified over the years since they first joined the fleet during the Second World War, fitted with angled decks and steam catapults, but they have now simply run out of potential for future growth. Today, because of limited flight deck size and catapult capacity, the *Essex* class attack carriers cannot operate the most advanced fighters, attack planes, reconnaissance or radar aircraft now being delivered to fleet squadrons. It is not feasible to further modernize these older ships. As a consequence, they must be equipped with second line aircraft. In the mid-seventies, these obsolescent aircraft will not be able to survive in the environment of advanced Soviet weapons technology. It is not only in a war with the U.S.S.R. that our military forces will face Soviet arms. The Russians have not been reluctant to provide their satellites with modern, first line weapons. We can expect, and we must be prepared to encounter advanced Soviet weapons technology at all levels of military confrontation.

The Navy's attack carrier force must be kept modern. It is the backbone of our surface fleet. The attack carrier is the principal ship through which the United States is assured continued free use of the seas. Our carrier force is the measure of difference which makes our Navy superior to that of the U.S.S.R.

Carriers provide air power at sea, and World War II conclusively demonstrated that no naval force can survive without local air superiority. The mission of the attack carrier is to provide air superiority for control of the seas and of the airlanes over the high seas, and then to exploit this control of the seas by projecting tactical air power over land to the extent of the range of the carrier's aircraft.

The U.S. Navy developed its carrier forces during World War II. They were essential to our victory in the Pacific. The turning point in the war with the Japanese occurred at the Battle of Midway when the bulk of the Japanese carrier fleet was destroyed by our own carrier-based planes. From this point on, the American Navy was able to maintain local air superiority, and provide the protective cover under which the flow of troops and war material crossed the Pacific to the ultimate defeat of Japan.

By the end of the Second World War, the U.S. Navy had more than 100 carriers of all kinds. The value of the carrier had been proven, its need within our national strategy had been established. An examination of events since World War II will clearly demonstrate the continued requirement for a strong carrier force.

In July 1950, when the North Korean armies crossed the DMZ to invade South Korea, our carrier fleet had been permitted to dwindle to a force of only seven attack carriers. In the first few days of that war, the Communists overran and captured every tactical airfield in South Korea. All of the effective air support for our hard-pressed ground forces had to come from carriers. The lesson having been learned, attack carrier force levels were increased to 17 by the end of the Korean war, and the first post World War II carrier construction program was started. Beginning in 1952 the Congress authorized the construction of one new attack carrier every year, culminating with our first and only nuclear powered attack carrier, the U.S.S. *Enterprise* in 1958.

The parallel of today's carrier construction program is strikingly similar. From 1958 until 1967, only two attack carriers were authorized, both of them conventionally powered. Then with our increasing involvement in Southeast Asia, the pressing requirement for carriers was again demonstrated. The first strikes against North Vietnam were flown from attack carriers in the Gulf of Tonkin in August of 1964. With the commitment of U.S. troops to Vietnam came the need for tactical air power for their support. While air bases were being constructed in Thailand and South Vietnam, carrier-based air support filled the gap. By 1965, there were five attack carriers in the 7th Fleet conducting combat air operations in Vietnam.

In 1966 the Secretary of Defense informed the Congress of Department of Defense's plans to construct three nuclear-powered attack carriers, the first of which would be the CVAN–68, the *Nimitz*, in the fiscal year 1967 shipbuilding program. Although this plan was approved only after extensive analytical studies which had established the need for attack carriers on a cost effectiveness basis, the demonstrated usefulness of carriers in the Vietnam war had been the deciding factor in the Secretary of Defense's decision. Subsequent history continues to support the validity of the carrier concept. At the time of the cessation of bombing into the North, carrier-based aircraft had flown about half of all of the combat sorties into North Vietnam. In spite of the buildup of air base facilities on land in Southeast Asia, four attack carriers still remain in the 7th Fleet off Vietnam for no other reason but that their tactical air power is needed for support of the troops ashore. It is more effective and vastly less expensive to use these carriers than to attempt to build the additional fields, supply dumps, roads, fuel pipelines, and other logistical facilities required to support the land-based squadrons which would be needed to replace the carriers. Aside from the expense and the feasibility of such a replacement program, it is our objective to take our people out of Vietnam, not put more in.

A fact sheet has been prepared and circulated to support the Moorhead carrier amendment. A line by line examination of this sheet will reveal that it is not particularly factual, and that its conclusions are not supported by any sort of logic or rational reasoning.

The fact sheet starts out by proving U.S. superiority in attack carriers is 15 to zero over the Communist nations. But in the supporting paragraph, only the first sentence is a fact. The rest of the paragraph is simply unsupportable conjecture and illogical reasoning. I quote:

> The Soviet Union does not now have a single attack carrier in their entire fleet. In their modernization program there is no indication that they intend to construct anything but light helicopter carriers. This is not the result of an oversight on the part of their military planners, nor is it, as has been charged, the result of their contiguous land mass. Their sphere of influence extends to a number of countries not adjacent to their home land. They appear to recognize what this country apparently does not—large attack carriers are becoming increasingly obsolete.

As to the reasons why the Soviets do not today have a single attack carrier, I must subscribe to the rationale advanced by the Chief of Naval Operations, the individual who by law is the principal naval adviser to the President of the United States. In his view, it is a case of relative priorities within two different national strategies. The national strategy of the United States is overseas oriented. We have only two international borders. More than 99 percent of our overseas commerce travels by ship. Our military strategy depends upon overseas alliances. Witness the fact that 43 of the 45 nations with which we have treaties are overseas. The bulk of material support for these allies must still travel on the seas. Despite spectacular advances in air travel in recent years, 98 percent of all of the support for Vietnam has gone by ship. It is clearly evident that both our commerce and our security depend upon the continued free use of the seas. Thus our Navy is structured around the aircraft carrier, for air supremacy is essential to control of the seas.

The U.S.S.R., on the other hand, centered in the Eurasian land mass, is surrounded by her allies. In fact Russia has military treaties with only two nations not sharing a common border with her. Russia's naval strategy therefore is primarily designed to interdict the vital overseas lifelines of the Western Powers, the links between the United States and the rest of NATO. Although previous Soviet Navy commanders in chief have stated that the Soviet Union intended to construct a carrier fleet, the first priority has gone to the construction of a massive force of submarines and guided-missile ships, the stated mission of which is to oppose the U.S. Navy's attack carrier fleet. From this fact alone, it should be an obvious and logical deduction that the men in the Kremlin do not consider the attack carriers of the U.S. Navy an obsolescent force.

The fact remains that the Russians are building carriers, relatively small but very modern. At the time of the Cuban missile crisis they learned the need for sea-based air. Without air cover, their fleet and their supply lines were completely vulnerable. Now they are learning the technology of carriers. Large attack carriers are extremely complex. There is only one shipyard in the world today which can construct a nuclear-powered attack carrier. The Russians are becoming knowledgeable in carrier operation and are developing their industrial capacity for carrier construction.

The carrier amendment paper points out:

> Surface vessels are becoming increasingly vulnerable to attacks by submarines and the various missiles that already have been developed. The sinking of the Israeli ship *Elath* by an Egyptian-fired Soviet Styx missile clearly demonstrated this.

It is true that with the advent of the anti-ship-missile and the nuclear powered submarine, surface ships are becoming more vulnerable. The most vulnerable of our vessels are those of the merchant marine which carry our overseas commerce, and the troopships, ammunition ships, and tankers upon which our own overseas forces and those of our allies must completely rely. We cannot abandon our foreign trade or our foreign policy just because ships are vulnerable. Quite the contrary, we must make them less vulnerable by providing the protection a strong, carrier-oriented Navy will afford. Of all the surface ships, the carrier is the least vulnerable. It is a powerful warship designed to survive in a combat environment. More importantly, the carrier's aircraft are the most effective counter to the anti-ship-missile threat, whether ship, submarine, or air launched. The range of the most advanced Soviet anti-ship-missile is about 400 miles. This vastly outranges the guns on our cruisers and destroyers. But the carrier's aircraft, with a combat radius of more than 600 miles, can attack the hostile missile launcher before it can come within range of the carrier. Bombers can sink the guided missile ships. Fighters can destroy the missile-carrying aircraft. Even after the anti-ship-missiles are launched, the carrier's fighters can shoot them down in flight.

The paper goes on to say:

> With more and more nations becoming advanced to the point of having similar missiles within their defensive capabilities, there are fewer and fewer nations against which the carrier becomes part of an effective tactical weapon system.

It is true that the Soviets have provided the Styx missile to the Egyptians. It should be remembered, however, that the missiles which sank the *Elath* were not launched in an attack conducted upon the high seas, but were fired from PT boats hidden inside Port Said.

It is certainly possible that similar missiles could be furnished to the North Vietnamese. Such a possibility has been of concern to our naval commanders in the Gulf of Tonkin. It is of utmost significance to realize, however, that the carriers in the Gulf of Tonkin have operated beyond the range of land-based Styx missiles, and no potential North Vietnamese anti-ship-missile launching platform such as a PT boat or jet aircraft has ever penetrated the U.S. naval defenses in the Gulf of Tonkin to within effective missile range of our carriers. Whenever North Vietnamese PT boats have sortied from their bases into the Gulf of Tonkin, they have been taken under attack, destroyed, or driven back by the combined offensive actions of our carrier planes and surface ships. The point I am making here is that for a nation merely to have the Styx missile is not enough. It must also have a naval or air force capable of gaining local tactical superiority in order to permit the missile launching vehicles to penetrate to within striking range of their seagoing targets.

At this point the paper draws the following conclusion:

> In effect, the carrier serves at the pleasure of any potential enemies who have or are likely to have modern defensive capabilities (i.e. submarines and/or missiles). Under war time conditions, it is highly likely that any carriers that pose a threat to enemies such as these would be quickly destroyed or incapacitated.
>
> The carrier's role, then, is rapidly being limited to:
>
> (a) Tactical air support in wars against nations with unsophisticated defenses.

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> (b) Tactical air support in wars of counter-insurgency (when the insurgents are not adequately armed).
>
> (c) A deterrent "presence" in times of near war.

I have pointed out that of the Communist nations which have an anti-ship-missile, the Egyptians were able to sink a small Israeli destroyer when this ship ventured into range of Egyptian PT boats hidden in inland waters. The Egyptians have significantly enough been unable to duplicate this feat on the open seas.

Some nations such as Albania, Egypt, North Korea, and China do have Soviet-supplied submarines in their navies, but, except in the case of China, these are generally training vessels, without any realistic combat potential against a first-line naval force. The greatest underwater threat to navies today is the nuclear-powered submarine and the submarine-launched antiship guided missile. The Chinese Communists have neither of these.

The real truths are these: No attack carrier built during World War II or subsequently has ever been lost to enemy action. Yet many of these carriers, including some in our active fleet today, have been subjected to the most intensive attacks by guided missiles that history has known. In World War II, the Japanese launched 2,314 aircraft in Kamikaze attacks against the U.S. fleet, with the carriers as the principal target. Despite the fact that the Kamikaze was a guided missile with the most sophisticated guidance system possible, not a single attack carrier was lost to them.

Since World War II, not a single carrier has even been damaged by enemy action, despite their active participation in two major conflicts since that time. In contrast, all of the tactical airbases in South Korea were overrun by enemy ground forces in the Korean war. In South Vietnam, over 300 helicopters and fixed-wing aircraft have been destroyed and over 3,000 more damaged on the ground by enemy attacks.

The paper goes on to state that the carrier's role is rapidly being limited to first:

> Tactical air support in wars against nations with unsophisticated defenses.

In comment, let me initially say that this is the only kind of war I would hope we will fight. Nobody wants wars, but if we must fight to preserve our national security, let us fight to win at the lowest level of intensity. Let us successfully conclude the small wars before they become big ones. Let us demonstrate by our resolve and strength that we are willing to protect ourselves by force of arms. Then we will avoid the big war against a sophisticated enemy such as Russia, China, or the Warsaw Pact.

But I would like to further point out a lack of validity to this fact-sheet statement. The carriers provided about half of all the combat sorties flown into North Vietnam, against defenses so sophisticated that the North Vietnam airspace was effectively denied to a major segment of our airpower—our B–52's. Has it been forgotten that the B–52's never intentionally flew into North Vietnam? It has been estimated that the surface-to-air missiles, radar-directed guns, and modern fighters which constituted the air defense of North Vietnam would have caused losses of 50 percent or more of the B–52's in a single raid.

The second point made in the fact sheet is that the carrier's role is rapidly being limited to tactical air support in wars of counterinsurgency—when the insurgents are not adequately armed. This statement is redundant. The sense of this allegation has already been made in the previous sentence. It would seem as if the intent here is to give the appearance of providing additional arguments, but in reality only repeating the same faulty conclusions.

The final point in this paragraph is that the carrier's role is rapidly being limited to "a deterrent presence in times of near war."

Right here, the authors of this fact paper have scored a major point in favor of the carrier. Any weapon system which would deter war would be worth every penny we could spend on it. Deterrence of war is, after all, the first object of our military posture. To be a "credible deterrent" a force must have the capability to prevail. No enemy will start a war he knows he will lose. The attack carrier is a deterrent because its power is known. It is being demonstrated daily in Vietnam. But more importantly, the carrier is a mobile deterrent, ready on arrival. What other credible deterrent could have been used in place of the carrier providing U.S. presence at the time of the Cyprus crisis? Certainly we could not have landed troops or overflown the island without inflaming, rather than easing the tension. When President Chamoun asked for the presence of U.S. forces in Lebanon to deter a civil strife fomented by other Arab nations, who was the first on the scene: the Marines crossing the beach under cover of carrier aircraft.

The fact sheet then says:

> It has not been demonstrated how many carriers are needed to fulfill this somewhat limited role, now, or how much less this role will be ten years from now.

My response to this statement must be that it is simply untrue. The need for a certain number of attack carriers has not been demonstrated perhaps to Congressman MOORHEAD's satisfaction, but the justification for attack carrier force levels is a detailed and complex analysis which is accomplished on an annual basis. These force levels are determined by the Department of Defense, based upon the requirements of our overall national strategy and in consideration of the capabilities of all the services.

As far as their role being a limited one, facts prove just the reverse. The Chief of Naval Operations has pointed out in a recent memorandum to the Secretary of the Navy:

> There is no valid plan for overseas military operations of the Army, Air Force, or amphibious forces with embarked Marines which does not depend upon our free use of the seas.

Surface forces cannot survive in the face of a strong air threat without air superiority. The carrier must guarantee this air superiority. The requirements for numbers of carriers is generated by the joint strategic objectives plan which summarizes the forces which the unified commanders require to carry out the contingency plans designed to implement our national strategy. Although this plan cannot attempt to accurately forecast future history, it is a painstaking effort on the part of those charged with the security of this country to provide the best estimate of the forces necessary to afford this protection. The attack carrier remains a major force in this plan to the limit of its future projection.

The fact sheet goes on to say:

> Without this information, the Congress is being asked to approve another carrier, the CVAN–69, without knowing whether we may have too many already.

The information is available to those Members of Congress who are willing to study the joint strategic objectives plan. Because this document is top secret, it obviously cannot be publicly distributed. On the other hand, the Congress has been willing to accept studies and justifications for other programs, welfare or urban renewal for example, prepared by people with no demonstrable expertise in this field in comparison to the credentials of our professional military planners in the Joint Chiefs of Staff.

I fully recognize that it now seems to be in style to criticize the military. I also fully agree that penetrating analysis and detailed review of all of our programs is a necessary function of government, but only when it is used to attain constructive ends.

To discredit the military on the basis of dissent on the war in Southeast Asia, is not only unsound, it is highly unfair. We all are aware of the stringent civilian and political constraints under which the military has had to operate. In Southeast Asia our country is attempting to achieve a political solution by military means. Too often I have heard the phrase "wars are too important to be left to the generals," to permit me to accept the thesis that professional military men should be scapegoats of the Vietnamese war. They did not request the war; nor have they urged that they not be allowed to win the war. The politics of the situation are not in the area of their determination.

Then the paper alleges that:

> Attack carriers are an expensive way to provide air support even in limited situations.
>
> Considering the limited role to which the carrier is being relegated by advances in weaponry, it is a fantastically expensive weapon. Each carrier travels with an escort of four destroyers. Together, these ships cost $1.4 billion—not including airplane costs and operating costs.

First, I think I have made it clear that the carrier's role is not limited. Second, the carrier force is not fantastically expensive in view of the fact that the alternative to carriers is an inability to defend our shores without recourse to nuclear weapons. At the time of the Cuban missile crisis, there were plans to invade Cuba in order to destroy the Soviet missile bases posing a threat to our national survival. These plans included the use of three attack carriers. There

were not enough air bases in the United States within range of Cuban targets to provide the level of tactical air required to support our ground forces in the assault phase of this operation. Furthermore, the figures provided in the fact sheet are not accurate. It is not true that each carrier travels with an escort of four destroyers. Carrier task forces are constituted of a mix of ships, operating together to afford mutual support. The number of destroyers included vary with the task and the threat. Also the mission of the destroyers is protective only in the sense that the destruction of hostile ships, planes, and submarines can be considered protective. When enemy naval forces have been eliminated and local control of the seas assured, the destroyers go on to other tasks. In Vietnam, only one or two destroyers have accompanied the carriers, as other destroyers provided gunfire support for our troops and interdicted the enemy's supply lines ashore.

Finally the fact paper states:

> In addition to the air support provided from the existing 15 carriers, tactical air support can be provided, and more economically, by land-based aircraft. There are 685 airfields outside the United States with runways longer than 8,000 feet. There are an additional 1,036 airfields whose runways are between 5,000 and 8,000 feet. If none of these 1,700 land airbases are adequate, the Air Force can quickly build one at a cost of $50 to $60 million, instead of shipping in a $1.4 billion mobile airbase.

This argument is completely unrealistic and has no factual basis.

The area of the world covered by our overseas land base system is constantly shrinking. For example, at the end of the Korean war, this country had 551 overseas bases. Today we have fewer than 173. Operational U.S. overseas land airbases have declined in number from 105 in 1957 to 35.

Land bases can be used effectively only when they are within range of the trouble spot. An extensive network of overseas bases would be required to cover the potential crisis areas of the world covered by the contingency plans of our military strategy. Who could decide where we should construct these bases. It is impossible to conceive of where the enemy might strike next. One thing is sure, since the Communists are the aggressors, the time and place will be of their own choosing. They will certainly try to avoid an area in which we are already installed in strength. Even if we could construct enough bases to cover the world, the cost would be astronomical in dollars and in people.

Clearly such an approach is not realistic. Even if we could afford it, there would be no guarantee that we could use these bases when the need arose. Land bases on foreign soil are vulnerable to political action. Regardless of pacts or base agreements, one nation can, and has been demonstrated repeatedly in recent years, unilaterally cancel a treaty, and our bases in that nation are lost to us. This has occurred in Morocco and France. The case of France is particularly disappointing. Throughout the history of the United States, France has been our stanchest ally. Not many people realize that the French suffered more casualties at Yorktown than did our own troops in the Continental Army. If our longtime friends must abrogate base rights because of temporal political considerations we must consider our entire overseas basing system tenuous indeed.

Even when our bases are not taken from us outright, their use can be temporarily denied to us for political reasons. This occurred during the Lebanon incident in 1958, when the Greek Government denied landing and even overflight permission to our land based tactical air forces deploying to the Near East.

Carrier aircraft, on the other hand, with a radius of action of more than 600 nautical miles can reach 85 percent of the earth's land mass covered by our contingency planning.

The conversion of existing airstrips into military bases is not a simple task. To establish one tactical air wing—the approximate equivalent of one carrier air wing—on a bare airstrip involves the movement of over 6,000 people, 7,000 tons of cargo, and 1,500 vehicles in its initial lift. It must be maintained in combat by a daily logistic flow of 3,200 tons of consumables. This daily resupply, if provided by airlift, would require more than 100 C–5A transport aircraft. Since this is obviously impractical, overseas land bases are dependent on keeping the sealanes open for logistic support. Ninety-eight percent of supplies, material, and equipment to Vietnam have been sent by sealift. In many areas adequate air defense of our sealanes, and airlanes over the sea, can only be provided by carrier aircraft.

Nor does the plan to construct bases after the crisis develops eliminate the requirement for carriers. Carriers were required in Korea, Lebanon, and Vietnam to provide the initial tactical air cover while land bases were being established and readied for operations. Today in Southeast Asia, land-based construction has not progressed to the point where the carriers are no longer needed. Four attack carriers are still assigned to support tactical air requirements in Vietnam:

In its final paragraph, the fact sheet summarizes the effects of the amendment to say:

> 1. This amendment would delete only funds for the CVAN–69, the second of the nuclear attack carriers.
>
> 2. This amendment does not curtail construction of the first *Nimitz* class nuclear attack carrier—the CVAN–68.

With these statements I am forced to agree. But with the rest of these conclusions which state:

> 3. Including the *Nimitz*, this country will have 13 attack carriers which have the capability of handling the most modern naval tactical aircraft. In view of the diminution of the role of the attack carrier in the future, the Department of Defense and the Navy, as yet, have not adequately justified the necessity for another attack carrier.
>
> 4. Without the need for this additional carrier being justified by the Department of Defense, the expenditure of public funds for its acquisition must be considered a wasteful extravagance.

I am forced to disagree in most emphatic terms. Without the CVAN–69, the 13 attack carriers in 1974 (when the CVAN–69 is scheduled to join the fleet) will include only two nuclear powered ships. The average age of the carrier force will be more than 15 years. The oldest ship will be 29. Three of the carriers will be World War II designs, with a combat effectiveness of only one-third to one-fourth the *Nimitz* capability. As long as we have a Navy, it must be a strong and capable one. Geography will not change. We will always be essentially an island nation, depending upon the sea and the airspace over the seas for the bulk of our international commerce, and in our foreign relations. The professional judgment upon which we have placed the responsibility for our national security, sees no diminution in the role of the attack carrier in our military posture for the immediate future.

Without carriers, our defense establishment would have a void which would have to be filled by more expensive, less effective, and more provocative systems.

Rather than consider the appropriation of funds for the CVAN–69 as a wasteful extravagance, I consider that the authorization for the funds to complete the construction of this ship, an obligation to the future generation of Americans in the preservation of security of this Nation.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I believe the gentleman from California (Mr. GUBSER), made the point clearly that what we need and what this bill provides is an airborne early warning and command and control system. We have a great installation out in Colorado, the North American Air Defense System. Surely if we do not provide this air defense system, which we have created to protect our country not only from air attacks but also missile attacks from abroad, if we do not provide them with modern interceptor aircraft, which are contained in this title and with the modern airborne command and control center the gentleman's amendment would strike out, if we are not willing to keep our air defenses up to date we might as well tell them to close up shop at Cheyenne Mountain in Colorado.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, I regret that we do not have more time to discuss this amendment. We have a need for a beefing up in our Air Force, and we have a need for the AWAC's, and we do not have one. Our forces cannot see beyond the horizon. If you want to defend our country, then we need this kind of capability, and this kind of control mechanism so that we can preserve the freedom of the skies.

That is all I have to say.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The question was taken; and on a division (demanded by Mr. REUSS), there were—ayes 41, noes 42.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to title II?

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Mr. PIKE. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will report the amendment.

Mr. PIKE. Mr. Chairman, I ask for the Clerk not to report the amendment, considering the length of time I would have to explain it.

The CHAIRMAN. All time for debate on title II has expired. Is the gentleman from New York addressing himself to title II?

Mr. PIKE. I was addressing myself to title II, Mr. Chairman. I thought I had some time left which I had reserved.

The CHAIRMAN. The Chair had recognized the gentleman.

Mr. PIKE. I thought I had 45 seconds to explain my amendment.

The CHAIRMAN. The Chair recognized the gentleman for 45 seconds and at that time the gentleman did not care to take the time.

All time has expired.

The Clerk will read.

The Clerk read as follows:

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 393,298.

(2) The Army Reserve, 255,591.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,624.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. Section 264 of title 10, United States Code, is amended by deleting subsection (b) and substituting the following in lieu thereof:

"(b) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Selected Reserve of the Reserve components under this jurisdiction to satisfy the mobilization readiness requirements established for those units and Reserves in the contingency and war plans approved by the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy. He shall, when a unit in the Selected Reserve is established and designated, expeditiously procure, issue, and maintain supplies and equipment of combat standard quality in amounts required for the training of each unit and shall store and maintain such additional supplies and equipment of that quality that are required by those units upon mobilization. However, if the Secretary concerned determines that compliance with the preceding provisions of this subsection will jeopardize the national security interests of the United States, he may temporarily waive compliance with these requirements after he has notified Congress in writing, setting forth the specific facts and circumstances upon which he made such a determination. Unless specifically authorized by law enacted after the effective date of this section, funds authorized for personnel, supplies, equipment and facilities for a Reserve component may not be transferred or expended for any other purpose."

SEC. 304. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

In the last line of the last sentence of subsection (c) after the word "within", change the figures "60" to "90".

Mr. LEGGETT (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAGGONNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, a situation has developed here which is really not conducive to the consideration of legislation of this magnitude.

A number of people are upset. I suppose it depends on which foot the shoe is on, and which piece of legislation you might be considering or whose ox is being gored.

Mr. Chairman, it would indeed be better if we could give a little more consideration to some of these amendments. But I want to say, Mr. Chairman, that it is a little inconsistent on the part of some who talk about a gag rule on legislation of this sort when you will recall just a few weeks ago, before the August recess, we had 2 days of debate under a closed rule on a piece of tax reform legislation that is more far-reaching than any tax legislation that we have ever had since the imposition of the graduated income tax itself. The Committee on Rules sent to this House under a closed rule that tax proposal wherein those of us who had some opposition did not even have a chance to offer an amendment, with even 45 seconds to discuss the amendment. We had to vote for or against the entire 368-page package.

So the thing you have to remember and consider is that eventually every road turns and you will be faced with that situation yourself. If you are not willing to face it when the time comes, do not invite it in the first place. You are faced with it now. Too often, and remember this, when you dig a grave for someone else you wind up in it yourself.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman.

Mr. MOORHEAD. I think this is water over the dam now. We have this. But I would hope that we would learn from this and that in the future we would program bills of this magnitude early in the week so we would not have this pressure late on a Friday, when Members want to close up.

Mr. WAGGONNER. The gentleman is engaging in wishful thinking, because, since we have a Tuesday-to-Thursday operation, this cannot be done.

Mr. MOORHEAD. Maybe next year similar legislation will be programed differently. I would hope it would be programed for the beginning of the week so we would not have this pressure on us to finish up in haste late Friday afternoon.

Mr. WAGGONNER. It is pressure when you have serious legislation, whether it is scheduled for Monday or Friday. It does not make any difference.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words.

This has been in large part a very enlightening and a very enlightened debate for these past 3 days. Honest dissent there has been. It has been vigorous. It has involved fundamental assumptions and basic matters of policy. This has been proper and useful. I earnestly hope that what dissent has arisen will not be misinterpreted as discordant dissension. I for one am willing to remain for the rest of the day, tomorrow, or however long it is necessary that there may be ample discussion of any amendment seriously offered.

But I earnestly hope—and this is the reason I take this time—that argument and even acrimony shall not obscure the larger meaning of what we are doing here, as a part of the larger debate that is going on in this Nation.

Even though some Members of the Congress in both Houses—yes, and in both parties—are publicly unwilling to embrace a moratorium on criticism of the President in his conduct of foreign affairs, still what is happening here shows that a majority in both Houses and in both parties is fully willing to give the President the backing and support that he requires if he is to supply leadership to the country. And that is the profound and basic meaning of what we are doing.

May none, therefore, misread what is happening in America. May it be clear to the leaders in Hanoi that although some Americans do delight in criticism, and a vocal minority in its eagerness to abandon the fight may even be willing to abandon President Nixon's insistence on the right of peaceful self-determination for the people of South Vietnam, those people do not represent a majority. They do not speak for America.

Let the leaders of North Vietnam not draw the erroneous conclusion that if they will simply persist long enough in unyielding obstinacy, America will fall to pieces, so dismembered by the bitterness of internal disaffection as to lose its will, and let them have their way entirely.

Mr. Nixon has made overtures to peace. He has declared his willingness to consider any reasonable overture from the other side, and none has come.

President Nixon has stated clearly, and I think forcefully, that we as a nation have only one nonnegotiable purpose, and this is that the future of South Vietnam be determined by ballots rather than by bullets. Most Americans support that purpose. Clearly it is time for some movement from the other side. It is time for some concessions from Hanoi, some suggestion of a basis for settlement, some evidence or indication that the North Vietnam Government is willing to negotiate.

May there be no misunderstanding in Moscow. Let those in the Kremlin see in our actions here that we truly do want peace, that we are anxious to negotiate with them a general reduction in armaments, and toward that end are willing to authorize public moneys for implements which we would greatly prefer to reduce whenever they are willing to join us in that course.

Walter Lippmann, who celebrated his 80th birthday last week, wrote some words in 1914 that have a meaning today. These lines appeared on November 7, 1914, in the first issue of the New Republic magazine. Mr. Lippmann said at that time:

> It is not enough to hate war and waste, to launch one unanalyzed passion against another, to make the world a vast debating ground in which tremendous accusations are directed against the Kaiser and the financiers, the diplomatists and the great manufacturers. The guilt is wider and deeper than that. It comes home finally to all those who live carelessly, too lazy to think, to preoccupied to care, afraid to move, afraid to change, eager for a false peace, unwilling to pay the daily costs of sanity.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. EDMONDSON. Mr. Chairman, I move to strike the requisite number of words and yield to the gentleman from Texas so he may complete what I think is a very timely and very useful message on behalf of a very thoughtful and conscientious Member of this House.

Mr. WRIGHT. Mr. Chairman, I thank the gentleman from Oklahoma both for his thoughtfulness in yielding and for his comment.

I simply want all of us on both sides of the aisle and on both sides of these discussions to ponder, as I said, the words of Mr. Lippmann, which he wrote many years ago when he was a very young man. I will repeat in part:

> The guilt . . . comes home finally to all those who live carelessly, too lazy to think, too preoccupied to care, afraid to move, afraid to change, eager for a false peace, unwilling to pay the daily costs of sanity.

It seems to me what all of us on both sides of the aisle need to make clear in these debates underway here today, so that it may be understood by all, is that just as we do ardently desire peace and actively pursue it, we are not so eager for a "false peace" as to be unwilling to pay "the daily costs of sanity."

Mr. EDMONDSON. Mr. Chairman, if the gentleman will yield the remainder of the time back to me, I commend the gentleman from Texas for his remarks and commend him for sounding, in the midst of what undoubtedly is being recorded as a divisive debate on many issues, a note of unity and purpose among the American people. It seems to me even though many of us may have disagreements as to the level of activity that should be followed in certain categories of our Armed Forces, even though those disagreements are strongly felt among many of us, this debate and the votes that have been taken have demonstrated very, very decisively the will of the overwhelming majority of this body, that this Nation continue to negotiate from strength and that it continue to prepare adequately for all eventualities that might threaten the security and safety of our country. It has been demonstrated conclusively thus far that this is a majority sentiment felt on both sides of the aisle of this House.

I thank the gentleman for his remarks which put in perspective the sense of unity that does pervade these halls at this time on the major issue of the survival and security of our country—an issue which is directly affected by our actions on this important bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first let me say I come to the well to join my colleague, the gentleman from Oklahoma (Mr. Edmondson) in praising the gentleman from Texas (Mr. Wright) for the statement he has just made. It was eloquent. It was thoughtful. It was the kind of statement I think does demonstrate, despite some of the statements that are made, that there is a greater degree of unity in this country than the Communist world sometimes realizes.

Frankly, some of us were deeply disturbed several days ago when the senior Senator from Oklahoma, acting in his capacity as chairman of the Democratic National Committee, said that the time had come to take the gloves off on the issue of Vietnam, and he seemed to be bringing that issue into the partisan arena, in the attempt to make this a Republican war. I have never said it was a Democratic war, nor will I ever make that charge, and it certainly is not a Republican war; it is an American war. I think the gentleman from Texas speaks the sentiments of many of us on both sides of the aisle in counseling the kind of moderation he does.

Mr. Chairman, the statement I quoted earlier seemed to indicate that Senator Harris somehow views the Vietnam war as nothing more than an arena for a political sparring match that should not be turned into a street brawl. To my mind, Mr. Chairman, this is both a reckless and irresponsible statement. This is no time to play partisan politics with an issue as grave and as delicate as the Vietnam war. I have always favored responsible dissent and open debate on the war, but I will always oppose any attempts to make a political football out of that issue. We have traditionally observed a nonpartisan approach to the Vietnam debate, and I would hate to see that debate deteriorate into partisanship at this crucial juncture in the war and in the negotiations.

And I am not alone in my concern and my belief that Senator Harris is trying to make political hay out of the Vietnam war issue. Senator Frank Church, who is both a Democrat and a war critic, had this to say after his meeting with Senator Harris and other Democrats:

> I want no part in any strategem to convert the Vietnam war into a political club for Democrats to use against Republicans.

Senator Church, in remarks before that other body on Monday of this week, went on to make the following statement:

> I object also because it is plainly too soon for Democrats to use Vietnam as a legitimate issue against the Republican Administration. After all, Democrats in the White House led this country into Vietnam. If President Nixon fails to lead us out, it may become his war. But it is not Nixon's war yet. For 8 years, we Democrats bore the responsibility. Now we must wear the hair short longer than 8 months. Quite apart from what our personal positions may have been, we are not yet entitled as a party to hold the Republicans to account.

Mr. Chairman, I commend Senator Church on his statesmanlike remarks. This is neither a Democratic war nor a Republican war; it is an American war. And the President of the American people has pledged himself to achieving an honorable settlement of that war. And the President has already taken a number of positive steps in that direction.

It therefore baffles me that Mr. Harris should suggest that the President has "no plan" for ending the war and that he is taking no constructive measures to insure a peaceful and honorable settlement of that war. This criticism is especially baffling in light of remarks made earlier this year by Senator Harris. Speaking before the National Press Club here in Washington on April 16 of this year, Mr. Harris said the Democratic Party will not make partisan capital out of the solemn cause of Vietnam. On April 29, in a Philadelphia speech, Mr. Harris said, and I quote:

> We've got to begin a step-by-step de-Americanization of the war. We've got to bring some boys home, even if it's only a symbolic number.

And on May 25 of this year, in Burlington, Vt., Mr. Harris said, and I again quote:

> The level of violence should be reduced by bringing home at least 50,000 American boys in 1969.

Mr. Chairman, I would like to point out that President Nixon is more than following the Harris plan for the de-Americanization of the Vietnam war; that he has pledged to bring home not 50,000 but 60,000 American troops by the end of this year. It is therefore difficult for me to understand how Mr. Harris can attack this administration for having no plan, when, in fact, the administration is doing more than Senator Harris indicated should be done.

One can only conclude that these irresponsible attacks are based on partisan considerations rather than on rational and responsible alternatives to our current Vietnam policy. We have, in Senator Harris' words, begun "a step-by-step de-Americanization of the war," and we are withdrawing more than his suggested "symbolic number" of troops.

Mr. Chairman, I am convinced that this administration is on the right course with regard to Vietnam. I support the

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President in his efforts to both increase the capabilities of the South Vietnamese to fend for themselves and to arrive at a negotiated settlement of the war in Paris. This administration deserves our support in its efforts to achieve these honorable objectives.

I also take the well to answer the implication—and I think there was an implied rebuke in what my friend, and he is my friend, the gentleman from Louisiana (Mr. WAGGONNER) said a moment ago—when he spoke of the wrath of some of us in describing the procedure this afternoon as embracing a gag rule.

If I betrayed anger in my voice, I apologize. I am not angry at anyone in this Chamber, I can assure the Members. I have a great deal of difficulty with the closed rule, although I have supported such a rule on bills coming from the Ways and Means Committee. Maybe as a result of what the gentleman said, I will not be as quick the next time to vote, at the suggestion and even urging of the distinguished chairman of that committee, the gentleman from Arkansas (Mr. MILLS) to grant that kind of rule on a tax bill.

But I do not believe I have ever stood in this well, nor have I stood to support a motion, to shut off debate under the 5-minute rule. That is what I have objected to here this afternoon, because I believe this is the one valuable means of debate we have when we are in the Committee of the Whole House in the House of Representatives; to use the 5-minute rule not to filibuster but to bring out some of the important points which ought to be brought out in this debate.

I do not believe the gentleman from California (Mr. GUBSER) should have literally had to spit out his words to try to explain his argument that we ought to support the authorization for the airborne defense system. I do not believe that is conducive to the level of debate we have come to expect in this Chamber.

I do not believe it is irrelevant for those who are not members of the Armed Services Committee to ask whether or not we have a right to challenge some of the underlying strategic assumptions, some of which have gone unchallenged pretty much since World War II. Is the threat today the same as it was immediately after World War II, or has it changed?

I believe we can make a contribution in this chamber in the kind of debate and the kind of examination we make of that question.

I read in the article I referred to when I spoke on the bill the other day, an article by Juan Cameron on "The Case for Cutting Defense Spending," this statement:

> The Nixon Administration has already initiated what promises to be the most profound and basic reappraisal ever undertaken of the political-military threat facing the United States and of the defense structure needed to cope with it. The first results of this review, being carried on jointly by a National Security Council staff under Lawrence Lynn and the Department of Defense under Deputy Secretary of Defense David Packard, should be reflected in next year's defense budget.

If those in the executive branch find it necessary to make that kind of basic and profound review and reappraisal of the whole nature of the political-military threat, then I believe we have a duty to make some contribution in this branch of Government to that analysis and to that reexamination.

I certainly hope that we do not come to the point in the history of this Chamber where we regard as in the context of irrelevancies the comments which are made by those who are not on the Committee on Armed Services. I respect their expertise. I have not read the AMSA hearings in full. I wish I had.

And now I speak to the gentleman from Louisiana (Mr. HÉBERT). I would be very interested to know how much of those hearings is devoted to the purely technological and how much is devoted to the underlying basic rational for the employment of AMSA in a strategic capacity.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from South Carolina is recognized for 5 minutes.

Mr. RIVERS. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. I appreciate the courtesy of the chairman of the committee in yielding to me.

Mr. RIVERS. Let me ask the gentleman one question.

Mr. ANDERSON of Illinois. Surely. I yield to the gentleman from South Carolina.

Mr. RIVERS. The fact that the gentleman is now talking indicates that people who have anything to say have not been cut off. We have spent over 2 hours on the last title. So far as I am concerned, we can spend another 2 hours on this.

The fact is the gentleman is talking. He makes an eloquent speech, and I am delighted to yield to him.

Mr. ANDERSON of Illinois. I thank the gentleman.

Mr. RIVERS. The gentleman will remember that before the Rules Committee I said:

> I will take whatever time you give me. If you want me to have four hours give it to me. If you want me to have ten hours and you think I deserve ten hours and need ten hours, give it to me.

Am I right or wrong?

Mr. ANDERSON of Illinois. The gentleman is eminently correct. He did not ask the Rules Committee to grant only 4 hours.

As I believe I told the House the other day, I was in favor of granting more time under general debate.

I would take this opportunity, Mr. Chairman, to express the hope that as additional amendments are offered to this bill we will listen patiently and carefully to the arguments that are advanced on both sides so that those of us who are not on the committee, who desperately are seeking further information and knowledge that we need, can at least go home on the weekend and feel that we have been exposed to as much information and material here on the floor as we could be.

Now, if I may, in the brief time I have remaining, I want to point out something else that I think is relevant to the theme that I was trying to develop. This goes back to a statement I read or heard made by the former Director of Defense Research and Engineering, Dr. Herbert York. In an article I believe he wrote in Scientific American a couple of months ago he said that if we want to see an end to the rising crescendo of costs and uncertainties in this whole developing arms race which has gripped the world, we will have to rely not just on technological decisions but on political decisions.

Mr. Chairman, that is why I think it is important, to have full debate on all decisions to bring new weapons systems into our national inventory. Yesterday we had under consideration the F-14. I supported the position of your committee, Mr. Chairman, and I voted against the amendment that would have struck $275 million from this bill, because I listened to the arguments you advanced. We were told here that the Soviets have been developing a new model or a variant of a plane in this category every 2 years since 1961. So I went along with the committee. But I left that debate and went home and wrote down some of these thoughts last night because I wished I had a little more of the basic underlying rationale on why these planes are necessary.

Mr. Chairman, I heard the press conference of the President in Guam where he said that our policy in Asia is taking a new direction, and the clear indication was that we were not going to play the same kind of interventionist role that we have played ever since the post-World War II period. I believe the President when he said that there is a change and I believe that he will make the kind of basic review of our whole politico-military position vis-a-vis the Soviets that can contribute to a more rational defense posture. I think it will be reflected in the budget that is sent to Capitol Hill in January of next year. In the meantime I hope we will be listening to those who have taken the time to study this program—AMSA—or this whole question of strategic arms, not just from the technological standpoint but from the other underlying bases I have mentioned as to whether or not we are really responding to the threat that is surely there.

I have heard and I believe that the Soviet is testing new missiles and week by week they are seeking to increase their offensive strength. However, I want to be sure we are responding to that threat and particularly because of the long leadtimes necessary on many of these programs that we are making a prudent use of our resources. The gentleman from Louisiana (Mr. HÉBERT) told us on the AMSA that it would be 8 years before we could put that plane into our inventory to replace the B-52. I want to be sure before we install this new weapons system as a part of our defense that we are responding to the kind of situation in the world that we will be facing in the 1970's.

The ultimate cost of the program carries various estimates ranging from $8 to $23 billion. The rationale by the Pentagon is that we need a mix of bombers,

land-based, and sea-based missiles. However, since we are not planning a first-strike capability and desire only to maintain our assured destruction, or second-strike capability, are not strategic missiles more advantageous from a cost standpoint?

It is difficult to see that a new bomber is really needed to maintain the credibility of our nuclear deterrent. I know of no realistic claim that it would be employed in the context of a conventional war. Therefore, what are the strategic exigencies that necessitate this project during the decade of the 1970's? In essence, what we seem to be arguing in opting for this particular weapons system is that we are planning for future unknown eventualities.

Again there seems to be a developing vacuum between the policy decisions which are essentially political in nature and military planning decisions. I wonder if there are adequate coordinating mechanisms between the policy planners in the executive branch, primarily in the Department of State, and the Defense planners, who project future force structures and force levels. Somehow we have failed, I believe, to mesh these two elements of overall government planning in such a way as to give us a balanced military force, which is related to the goals which we seek to achieve and maintain as a world power. Until we bridge that gap, defense will continue to extract more of our annual gross national product than is necessary.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the pro forma amendment. I had wanted to yield my time to the gentleman from Illinois (Mr. ANDERSON) if he desired additional time to complete his statement. If not, let me just add this additional comment on the point raised by the gentleman from South Carolina as well as by the gentleman from Illinois. I had thought we were meeting here this afternoon to consider amendments to this important legislation. I have nowhere to go tonight or tomorrow and I can stay here as long as anybody else, but there are Members who would like to try to get this bill considered and debated and amended, if possible, and then vote it either up or down. The reason I suggested that we bring debate on title II to an end within some reasonable fixed time was that we were having no amendments offered to it. We were discussing the condition of schoolchildren in the District of Columbia. As the gentleman from South Carolina (Mr. RIVERS) pointed out a moment ago, we have had no amendments offered so far to this title, although we have already been debating for a half hour. I think in fairness to Members who may have commitments, we should get on with whatever amendments are to be offered and consider them in whatever time is necessary and then vote them up or down. It is already well into the second hour past noontime.

Mr. PIKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from Illinois (Mr. ANDERSON) for his magnificent and eloquent speech here today. I would like to associate myself with it as closely as I can cuddle up to it.

I think that it is an absolute travesty that a member of the committee could not get 10 seconds to explain that he was not asking that his amendment to title II be read, simply because it would have been a travesty to try to explain the amendment in 45 seconds. And I was going to withdraw my amendment simply because I did not do very well yesterday trying to explain amendments in 5 minutes, and I know very well it would have made no sense to try to explain my amendment to title II in 45 seconds.

But, Mr. Chairman, I do think that we demean the operation of this House when we pretend it is adequate to devote 2 hours to title II. That happens to come down to $3,700,-and-some-odd millions per hour, and I do not believe that that is an adequate way to debate title II.

We have seen this situation arise again and again and again, and I believe that we hurt ourselves. I believe we hurt our committee. I think we hurt our Congress. I believe we demean our Nation. I think it is a very sad day.

Mr. Chairman, I yield back the balance of my time.

Mr. ARENDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just to be certain, I stopped by the doctor's office this morning and had him take my blood pressure. I am pleased it is normal. So I am not going to get excited like others are doing. I am not mad at anyone, and I do not propose to be.

But I wonder how the Members of this House can forget so quickly—so very quickly—what has happened and transpired over past years?

I was in this House one day when 12 amendments were on that desk—Republican amendments were on that desk—and we were overwhelmingly denied the opportunity to even read any one of them, leave alone speaking on them.

So let us today attempt to be fair. Let us be honorable and just about all of this business, and our remarks as to one another.

What is happening here today, has been happening over the years, and it is going to continue to happen, because in this House we have 435 prima donnas, and you cannot do anything about that—and neither can I.

I, on occasion, go home at night pretty mad about the day's happenings on this floor, but I get over it. So will you.

Those on our side of the aisle have been repeatedly overwhelmed, slugged, tramped on, and almost demolished time and time again with the overwhelming majority you have had on that side of the aisle. That is the way you wanted it. So we have just taken it. Yet I am still not mad at anyone on that side of the aisle, and never have been, and do not plan to be.

So please look at things the way they are when they happen, and repeatedly happen, because you must know they will continue to happen so long as you and I are here.

So let us make the best of the situation, forget the little innuendos and the little digs, and all the little things that go with it. My colleagues, we cannot have everything we want all the time. This is a give-and-take business.

Mr. REUSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in this Committee of the Whole House on the State of the Union, where the king's men cannot penetrate, let us look at what has just happened.

I am glad that the blood pressure of the distinguished gentleman from Illinois (Mr. ARENDS) is OK. So is mine. And my cholesterol count is fine, too.

But my sense of fairplay is outraged. It is outraged because we have just completed a span of 20 minutes, with 45 seconds allotted to Members who had a message to tell on a vitally important amendment, and we did it without getting the facts on the table.

Three days ago I put on the Clerk's desk, and on the desk of the majority and minority of the Armed Services Committee, my amendment. They knew what it was. It was also quite clear to those who brought forward the motion to restrict Members to 45 seconds that I had that amendment and wished to press it.

It is a source of great sadness to me, because I respect the leading members of the Committee on Armed Services on both sides of the aisle and our great Speaker, that they saw fit to restrict Members to 45 seconds.

So I ask, Mr. Chairman, is this a just and fair way to conduct the affairs of this deliberative body? Does it keep faith with the American people who sent us here to use our best and most honest efforts so that truth might prevail?

Mr. DENNIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, speaking from this side of the aisle, I merely want to say very briefly that I would like to associate myself with the remarks of the gentleman fom Illinois (Mr. ANDERSON) on the subject of the limitation of debate. I will add also with the remarks of my colleague, the gentleman from Wisconsin (Mr. REUSS).

In fact, these two gentlemen have stated it so eloquently that there is really nothing for me to add on that subject. But I would just like to say this. I consider myself a conservative, and I am in favor of a strong national defense. I have sat here for 2 days voting with the committee and against the amendments. I will probably continue to do so. But I do not want it to be said that only these flaming liberals over here are in favor of free speech and debate because I am, too.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the pending amendment to the naval, Army, aircraft procurement bill is a continuation of series of amendments offered yesterday, and no doubt a considerable number of amendments will be offered to this bill today. I gathered from some of the speeches made on the floor of the House yesterday that the proponents of some of the amendments were not convinced that the Defense Department needed certain items but they had some concern

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about our middle and lower bracket taxpayers. As a one-time member of the Naval Affairs Committee, and my observation over the last 20-odd years pertaining to the military budgets, I am fully convinced that the military brass hats, more than any branch of our Government, are not the least bit backward about budgeting in the military by billions for projects, and do not possess too much concern as to the difficulties the Congress has in getting money to finance these $100 billion annual budgets.

It is remarkable that during the dark days of World War II our military budget was around $10 to $15 billion annually, which was during a highly involved international war. During the Korean war, our military budget was around $9 to $10 billion. A few years later it kept going up and up until about 10 years ago it approximated $50 billion and today we find the stupendous figure for the 1969 military budget approaching $80 billion.

Older Members of this House remember a distinguished Pennsylvania colleague, Congressman Bob Rich, who daily would cry out, "Where are you going to get the money?"

I want it strictly understood that I have supported and will continue to support necessary funds for the best defense that our Nation can afford to buy for the money available.

But the picture I would like to place on the minds of my colleagues that it was only in the first part of August of this year when we debated the tax reform bill that we heard from very few of the leaders on both sides of the House, and certainly not from the well of the House, recommendations that all segments of our taxpaying public be required to finance these annual budgets of over $100 billion, of which approximately three-fourths is for the Defense Department.

Ample funds to finance education and schools in the urban areas of America are nonexistent. In my industrial area of the Calumet region thousands of children are jammed in crowded schools and school boards are renting warehouses and garages to accommodate the overflow of children. The same situation exists in New York, Pittsburgh, Los Angeles, and all congested areas of the United States.

We have word from the White House that the education budget must be reduced for next year. In yesterday's paper, which I hold in my hand, headlines state, "Model Cities Fund Slash Amounts to 42 Percent." It was only 2 weeks ago that the White House sent out word that the $1 billion for funds necessary for the purification of water in our urban areas must be slashed from $1 billion to $214 million. This budget reduction will jeopardize the health of millions of our citizens in the urban areas.

The administration recommended the federally impacted area funds be cut from $521 million to $202 million for 1970.

The administration also recommended that the library funds budget for the elementary and secondary education be cut from $405 million down to $70 million.

Also that equipment and minor remodeling for our schools be reduced by $40 million.

Word from the White House is that the poverty program for the unemployed and needy in our ghettos must be reduced by almost one-third.

I can continue other items of reduction which will be cut from millions of Americans who need help and need Government assistance in this exploding population which is now over 200 million.

During the tax reform bill which was debated on this floor over 2 months ago, the Members of this body had the opportunity to close a great number of fabulous, and in most cases fraudulent, loopholes of mammoth corporations making fabulous profits, but our Federal Treasury will profit very little from the so-called tax reform bill. Most Members paid little attention to the fact that over $12 billion could have been brought into the Federal Treasury for 1970 on our tax reform bill if only they could have resisted some of the powerful lobbyists that infested Washington like bees in a honey patch, to protect their tax-free profits. Do most of the Members realize that this stupendous amount is $21 billion and the rest of the defense budget will total, in all, about $80 billion; two thirds will be paid by salaried and wage earners of America.

I hold in my hand a breakdown estimated by the U.S. Treasury that there was a 1968 revenue loss as a result of major tax loopholes, which I will ask unanimous consent to incorporate with my remarks. This includes oil depletion, intangible drilling deductions, travel and entertainment deductions, capital gains not reported on tax returns, capital gains that escape tax at death and unreported dividends and interest. These are just some of the major loopholes that escaped the Congress 2 months ago.

1968 revenue loss as a result of major tax loopholes (estimated by U.S. Treasury)

	Millions
Nontaxed interests on tax-free bonds	$1,800
Depletion deductions (corporations included)	1,500
Intangible drilling deductions (oil and gas)	750
Travel and entertainment deductions (estimated excesses)	400
The 50 percent of capital gains not reported on tax returns	5,000
Capital gains that escape tax at death	2,000
Unreported dividends and interest	1,000
Total loophole revenue loss in 1968	12,450

Also I wish to give you a couple of examples of how big oil escaped defense taxes, along with other necessary taxes to keep our Government operating.

From 1962 through 1966 the Atlantic-Richfield Oil Co. had profits of $411,621,000. But after deducting its 27½-percent oil depletion allowance, "intangible drilling costs" and other items it came up with a whole string of goose eggs. Its total income tax obligation for those 5 years was zero.

In 1962 the Marathon Oil Co. had a net profit of $36 million. After deducting its depletion allowance and other items, Marathon not only paid no income tax but received a tax credit of $2.2 million.

Let us consider the tax "bonanza" enjoyed by the 27½-percent exemptions under the oil depletion allowance. In this case you determine your income from a producing well and deduct 27½ percent of that amount before beginning to calculate your income tax. You do the same next year, and the year after that, and every year as long as that well produces. You don't stop when you have retrieved your investment; in fact, the average well is "depleted" 12 times over. If your drilling cost was $50,000, your total income tax deductions on its production might be $600,000. This bill reduces the depletion loophole 7½ percent and most Members feel that it should be repealed entirely.

Mr. JONAS. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, it has repeatedly been charged during the course of the debate that we are neglecting certain social programs and falling over and playing dead when the Defense Department asks for funds. I think it would be helpful before the debate ends if some facts on this subject should be placed in the Record.

In 1961, the administrative budget of the United States was $81 billion. Of that sum national defense came in for $47 billion, or 58 percent. Housing, health and education had only $5.5 billion in that budget, or 6.7 percent.

In 1969, let me show you how the percentage of the funds in the administrative budget for national defense has gone down and the percentage of funds for the social programs has gone up. The record shows that in 1969 the administrative budget was $148.6 billion, of which national defense accounted for $80 billion, or only 54 percent, as contrasted with 58 percent in 1961, whereas that part of the budget for housing, health and education had gone up to $20 billion, or an increase from 6.7 percent to 13.6 percent.

May I say also that since 1956 while the budget for national defense was going up 100 percent, the budget for the social welfare programs has gone up 700 percent. So I do not think the argument can be sustained that we are increasing funds for national defense and decreasing funds for social programs. However, there will not be any social programs to support if we fail in the national defense of our country.

The funds devoted to national defense are provided to protect the security of the people of the United States.

May I make one other statement which has not been emphasized during the course of the debate. We are not spending any money here today when we vote. When we vote on this bill we are not spending one dime. I have heard it said repeatedly during the course of the debate that a vote for this bill is a vote to spend so many billions of dollars for this program and so many billions of dollars for that. Those who have made these statements would not, I am sure, deliberately mislead those who read the Record, but unless the Record is corrected many will be misled. The fact is, as all Members know, this is not an appropriation bill but merely an authorization one. Another committee of the House will have to review what is authorized here today and decide on a spending level to be recommended to the House, and you will have another chance, another day, to decide what sums will be appropriated. What the Defense Department will have to spend will depend upon what we later appropriate and not what we authorize today.

All we are doing in this bill is providing a ceiling about which the Committee on Appropriations cannot go.

Now some may say the Appropriations Committee just goes along and rubber-stamps what the Defense Department asks. That is not the case. Let me remind Members that last year in the Defense Department Appropriation Act the House Committee on Appropriations reduced the budget by $4.8 billion in the Military Construction Appropriation Act the budget for military construction was reduced from $2,031,500,000 to $1,765,019,000 or by $266,481,000.

So we are not deciding today how much will be spent on these programs. What we are doing is fixing as I have said, a ceiling beyond which the Committee on Appropriations cannot go in recommending future appropriations.

I yield now to my friend the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

I certainly appreciate the comments made by the gentleman from North Carolina. I think it puts this in the proper frame of reference and context.

Apropos of what the last gentleman in the well, before the gentleman from North Carolina, said, is it not true the executive branch of this government in this fiscal year is operating under a continuing resolution?

Mr. JONAS. The gentleman is quite correct.

Mr. HALL. Secondly, is it not furthermore true that when the Congress exceeds the budget request by, say, $2.3 billion on the Department of Labor-HEW Appropriations Act, there is nothing left under the function of a continuing resolution for the Chief Executive to do than to put on embargoes such as have been pointed out, until all appropriation bills are completed, so the President can best expend and pro-rate the funds appropriated by the duly elected Congress according to proper priorities?

Mr. JONAS. The gentleman is correct, and the President started off that program by announcing through the Secretary of Defense that projected spending by the Defense Department would be cut by $3 billion.

Mr. Chairman, I am for economy in the Defense Department, as much as any other Member of this Congress, but I am also for protecting the security of the United States.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—GENERAL PROVISIONS

Sec. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

Sec. 402. After January 1, 1970, no contract or grant for Research and Development projects shall be awarded by the Department of Defense or any of the Armed Forces to any school, college or university or to any affiliated organization of such school, college or university, or to an individual in the employment of such school, college or university or its affiliated organization until sixty days after a full disclosure of the purposes, cost, and duration of such contract together with a statement setting forth in detail the number of research and development projects already awarded to that institution but not yet completed; the dollar amount of each said contract; the purpose of each of the contracts previously awarded; and for the contract or grant for which the notice is being given, a description of the facilities required to perform the research project, the cost of such facilities, a statement of whether such facilities are in existence and if so, a description of the ownership of such facilities, is made to the President of the Senate and Speaker of the House of Representatives. In addition, such notification will include a statement summarizing the record of the school, college or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus.

Sec. 403. Title 10, United States Code, is amended as follows:

(1) Section 3015(c) is amended to read as follows:

"(c) The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time and may not hold that office after he becomes sixty-four years of age. He is eligible to succeed himself. An officer now or hereafter serving as Chief of the National Guard Bureau shall be appointed as a Reserve in his armed force in the grade of lieutenant general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as the Chief of the National Guard Bureau. The position of Chief of the National Guard Bureau is in addition to the number of lieutenant general positions authorized by section 3066, 3202, 8066, or 8202 of this title, or any other provision of law."

(2) Section 3692 is amended by adding the following new subsection:

"(d) Upon retirement or being granted retired pay, a reserve commissioned officer of the Army who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade."

(3) Section 8962 is amended by adding the following new subsection:

"(c) Upon retirement or being granted retired pay, a reserve commissioned officer of the Air Force who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade."

(4) The catchlines of sections 3962 and 8962 are each amended by deleting ": regular commissioned officers."

(5) The analysis of chapter 369 is amended by striking out "regular commissioned officers" in item 3962.

(6) The analysis of chapter 869 is amended by striking out "regular commissioned officers" in item 8962.

Sec. 404. (a) Section 136 of title 10, United States Code, is amended—

(1) by inserting after the first sentence in subsection (b) the following new sentences: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Defense.", and

(2) by adding at the end thereof the following new subsection:

"(g) Within the Office of the Assistant Secretary of Defense for Health Affairs there shall be a Deputy Assistant Secretary of Defense for Dental Affairs who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. Subject to the supervision and control of the Assistant Secretary of Defense for Health Affairs, the Deputy Assistant Secretary shall be responsible for all matters relating to dental affairs within the Office of the Assistant Secretary of Defense for Health Affairs."

(b) Until otherwise provided by operation of law, the individual holding office as the Deputy Assistant Secretary of Defense (Health and Medical) on the effective date of this section shall perform the duties of the Office of the Assistant Secretary of Defense for Health Affairs established by this section.

Sec. 405. Section 412(b) of Public Law 86–149, as amended, is amended to read as follows:

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other vehicles, weapons, and munitions, unless the appropriation of such funds has been authorized by legislation enacted after such dates."

Sec. 406. (1) Chapter 7 of title 37, United States Code is amended as follows:

(a) The following new section is inserted after section 427:

"§ 428. Travel and transportation allowances: dependents at permanent station outside United States

"Under regulations prescribed by the Secretaries concerned, which shall be, as far as practicable, uniform for all of the uniformed services, a member of a uniformed service who is on duty outside the United States at a permanent station, and when such benefits are not made available in kind by the United States, is entitled to a travel and transportation allowance, to assist in providing transportation for his dependents who are authorized to accompany him, as follows:

"(1) A travel and transportation allowance is authorized to meet the travel expenses of the dependents of a member to and from a school in the United States to obtain an undergraduate college education, not to exceed one round trip each school year for each dependent for the purpose of obtaining such type of education. All or any portion of the travel for which a transportation allowance is authorized by this section will be performed wherever possible by the Military Airlift Command on a space-required basis. Notwithstanding the area limitations in this section, a travel and transportation allowance for the purpose of obtaining undergraduate college education may be authorized under this clause for dependents of members stationed in the Canal Zone.

"(2) The term 'United States' shall, for

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the purpose of this section, mean the several States, the District of Columbia, Puerto Rico, and the Canal Zone.

"(3) The words 'permanent station' shall, for the purpose of this section, include the home yard or home port of a vessel to which a member of a uniformed service may be assigned.

"(4) Notwithstanding section 401(2)(A) of this title, 'dependent' in this section may include an unmarried child over twenty-one years of age who is in fact dependent and is obtaining an undergraduate college education."

(b) The analysis is amended by inserting the following item:

"Sec. 428. Travel and transportation allowances: dependents at permanent station outside the United States."

(2) Section 912 of title 26, United States Code, is amended by adding the following new paragraph at the end thereof:

"(4) Education Transportation Allowance.—In case of a member of a uniformed service, amounts received under section 428 of title 37, United States Code."

Sec. 407. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"Sec. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

Sec. 408. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of such funds exceeds $45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

Sec. 409. Notwithstanding any other provision of law, an officer of an armed force who—

(1) served as Chairman of the Joint Chiefs of Staff;

(2) after he was retired, but before October 1, 1963, was ordered to active duty; and

(3) was released from that active duty after July 31, 1969;

shall, effective as of the date he was released from that active duty, be entitled to retired pay computed under the formula set forth in the table in section 1402(a) of title 10, United States Code, but using the monthly basic pay prescribed at the time of his release from that active duty for an officer serving in pay grade O–10. The provisions of this paragraph do not affect or modify any prior commitment made by such officer in regard to participation in the Retired Serviceman's Family Protection Plan.

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that this title IV be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Nedzi: On page 16, after line 8, insert a new section, as follows:

"CHEMICAL AND BIOLOGICAL AGENTS

"Sec. 410 (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the purposes of and the amounts spent during the preceding six-month period for research, development, test, evaluation, and procurement of lethal and nonlethal chemical and biological agents. The Secretary shall include in such reports an explanation of such expenditures including the necessity therefor.

"(b) None of the funds authorized to be appropriated by this or any other Act may be used for the procurement of delivery systems specifically designed to disseminate lethal chemical agents or any biological agents or for the procurement of any part or component of such delivery system.

"(c) None of the funds authorized to be appropriated by this or any other Act may be used for deployment and/or storage, initiated after the effective date of this Act, of lethal chemical agents or any biological agents at any place outside the United States, or for the deployment, initiated after the effective date of this Act, at any place outside the United States of delivery systems specifically designed to disseminate any such agents unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the Senate, and the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the House of Representatives. As used in this section, the term "United States" means the several States and the District of Columbia.

"(d)(1) None of the funds authorized to be appropriated by this Act or any other Act shall be used for the transportation of any lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions, except upon a determination by the Secretary of Defense after consideration of the advice of the Secretary of Health, Education, and Welfare as to the hazards to the public health involved and the measures reasonably necessary to be taken to protect the public health in the light thereof, that such transportation is necessary for the national security. Nothing in this subsection shall be construed so as to affect in any way the applicability of the provisions of 18 U.S.C. 831–835 and 48 U.S.C. 170.

"(d)(2) The Secretary of Defense shall provide written notification to the Congress, to the Secretary of Transportation, to the Secretary of Health, Education, and Welfare and to the Interstate Commerce Commission at least thirty days in advance of any operation involving the transportation of lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions. The Secretary of Defense shall provide appropriate notification to the Governor of any State through which such agents will be transported.

"(d)(3) The Department of Defense shall detoxify all lethal chemical or biological agents before their transportation for disposal as provided in subsections (d)(1) and (d)(2) of this section whenever it is practical to do so.

"(e) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal, initiated after the effective date of this Act, of any lethal chemical agents or any biological agents outside of the continental limits of the United States if the Secretary of State determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of Defense shall notify the Secretary of State prior to any such testing, development, transportation, storage, or disposal and the Secretary of State shall report all his determinations with respect to such activities to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement.

"(f) None of the funds authorized to be appropriated by this or any other Act shall be used for the open air testing of lethal chemical agents or disease-producing biological agents except upon a determination by the Secretary of Defense, under guideline provided by the President of the United States, that an open air test is necessary for the national security, and then only after consideration of the advice of the Secretary of Health, Education, and Welfare as to the hazards to the public health involved and the measures reasonably necessary to be taken to protect the public health in the light thereof. The Secretary of Defense shall report his determination and the advice of the Secretary of Health, Education, and Welfare, to the Committee on Armed Services, the Committee on Labor and Public Welfare, and the Committee on Appropriations of the Senate and to the Committee on Armed Services, the Committee on Interstate and Foreign Commerce, and the Committee on Appropriations of the House of Representatives at least thirty days prior to any actual test. The Secretary of Defense shall set forth in his report the name of the agents to be tested, the time and place of any test, and the reasons therefor.

"(g) The provisions of this section shall not apply during a war declared by Congress or the President, after the effective date of this Act. As used in this section, the terms "chemical agents" and "biological agents" mean agents designed specifically for the conduct of warfare and nothing contained in this section dealing with chemical and biological agents shall be deemed to preclude, limit or restrict in any way the research, development, test, evaluation, procurement, transportation, storage or use of any chemical or biological agent or material for the purpose of medical diagnoses, evaluation, research or treatment of any illness, disease, injury or other physical or mental condition or for purposes of public health disease control."

Mr. NEDZI (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. NEDZI. Mr. Chairman, unlike the previous amendments which we have

offered for the consideration of Members here in the Committee of the Whole, this amendment does not cost any money. It is an amendment that in essence was passed by the Senate 91-to-0. It is an amendment that has the approval of the Department of Defense. I am at a total loss to find a rational explanation as to why the Committee on Armed Services failed to approve this amendment, and I am prsenting it to Members at this time. Let me try to summarize as briefly as I can what the amendment is and what the essentials of it are.

In the first place, the Secretary of Defense shall submit semiannual reports to Congress setting forth the purposes and the amounts spent on chemical and biological warfare in the preceding six months for research and development, testing, evaluation, and procurement. This is to provide Congress an opportunity of knowing that precisly what is taking place in this very controversial area which so little has been known about until our colleague, the gentleman from New York (Mr. McCarthy) brought to the attention of the country some of the problems that exist.

In the second place, no funds authorized by this Act may be used for delivery systems specifically designed for dissemination of chemical and biological agents.

It has to be emphasized that this is for delivery systems specifically designed for this purpose.

Third, no funds authorized by this act may be used for deployment or storage of chemical and biological agents outside of the United States or for deployment of delivery systems abroad without prior notice to the country in question. In the case of any place outside of the United States but under U.S. control proper notice is to be given to the appropriate congressional committees by the Defense Department.

Fourth, no funds authorized by this act shall be used for the transportation of chemical and biological agents to and from military installations in the United States or its territories except upon a determination by the Secretary of Defense, after consideration of the advice of the Secretary of Health, Education, and Welfare as to the hazards to public health and the protective measures taken, that such transportation is necessary for the national security.

Fifth, the amendment provides for written notification by the Secretary of Defense to Congress, the Secretary of Transportation, the Secretary of Health, Education, and Welfare, and to the Interstate Commerce Commission at least 30 days in advance of transportation of lethal chemical and biological agents. Appropriate notification to the governors of the States to be transversed is also required.

Sixth, detoxification of all chemical and biological agents before their transportation for disposal is required whenever practical.

Seventh, testing outside the continental limits of the United States is barred if the Secretary of State determines that such testing, development, transportation or disposal violates international law.

Finally, open-air testing of chemical and biological agents may take place only when "necessary for the national security" and "after consideration of the advice of the Secretary of Health, Education, and Welfare as to the hazards."

Now, since the passage of the amendment by the Senate certain changes were suggested by the Department of Defense which would make this amendment more acceptable.

The changes, in my judgment, Mr. Chairman, are minor and are acceptable.

Very briefly they are as follows:

The Secretary of Health, Education, and Welfare is substituted for the Surgeon General, not to make a positive finding of no hazards but to be consulted in the matter.

The Secretary of State is no longer required to make a positive finding that international law will not be violated; instead, he is to be notified, and should he determine the violation of international law will occur, CBW activities will not be permitted outside the continental limits of the United States.

Finally, chemical and biological agents are defined so as to exempt any agents which are not designed for use in the conduct of war.

We have been very fortunate that no major disaster has befallen us in the development of our CBW capability, and it is time to enact further safeguards and to tighten up, and for Congress to be assigned a necessary role in the entire process.

We regard ourselves, justifiably, as a humane nation. We want to survive as a nation without doing damage to our ideals, traditions, and well-being. This amendment is framed with these ideas in mind. I move its adoption.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WAGGONNER. Mr. Chairman, I move to strike the last word, and before the gentleman from Michigan leaves the well I should like to ask a question.

I should like to ask the gentleman from Michigan this: In offering this amendment, is it his intention, in requiring reports on moneys expended for chemical and biological warfare research and procurement, that those reports include classified information with regard to, for example, the details of formulas and that sort of thing?

Mr. NEDZI. I would assume that classified information would be submitted to the appropriate committees by the Secretary of Defense if it would be essential to describe precisely what we are doing in the area of CBW.

Mr. WAGGONNER. Would it be correct to interpret it to the gentleman's intent that classified information ever be released as provided in these reports to the general public?

Mr. NEDZI. Certainly not.

Mr. WAGGONNER. I thank the gentleman for those answers, Mr. Chairman.

Mr. PHILBIN. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. The gentleman from Louisiana has the time.

Mr. WAGGONNER. I now yield to the gentleman from New Jersey (Mr. Howard).

Mr. HOWARD. Mr. Chairman, I thank the gentleman from Louisiana for yielding to me.

I support the amendment and congratulate the gentleman from Michigan for his amendment and the gentleman from New York for his efforts in this area.

Mr. Chairman, I rise in support of the amendment offered by Representative Nedzi to establish a semi-annual reporting procedures on expenditures and programs for chemical and biological warfare, and to prohibit development of delivery vehicles for lethal agents.

As the Members of this House know, a slightly more restrictive amendment has already been approved by the Senate on a 91-to-0 vote, and I feel that we, too, should overwhelmingly approve this important amendment.

Mr. Chairman, 1 ounce of botullinus toxin, effectively spread, could kill all of the people in the United States and Canada. We have that toxin on hand now. We have now available enough chemicals, if evenly distributed, to kill everyone in the world.

Knowing the terrible possibilities of this material; knowing that shipping, testing, storage, and research programs in this field have repeatedly proved unsafe in recent years, I do not see how this Congress can reject this amendment, which would provide some measure of protection for all our citizens. This amendment, while not cutting funds from the program, would add a responsible approach to the entire question of chemical-biological warfare.

This amendment would require a semiannual report to the Congress on expenditures and programs for CBW. The Congress needs to have this information, as it affects every one of the citizens we are here to represent. This amendment would also prohibit secrecy in foreign and domestic shipping and storage of materials, thereby improving U.S. compliance with international treaty commitments. It would put a ceiling on stockpiles of CBW agents as of June 30, 1970. I think, Mr. Chairman, that having enough of this material to kill everyone in the world should constitute a sufficient stockpile—we need not kill them all twice or three times.

The Department of Defense has conducted these development programs in such secrecy that neither the Congress nor the electorate can review or even be aware of the costs and dangers involved. I think both the Congress and the electorate should be aware of matters which affect them so deeply. I think these programs should be thoroughly reviewed in order to insure the safety of our citizens from mass contamination. Secretary of Defense Laird has agreed that this would be consistent with national security, as well as public safety.

Mr. Chairman, I would be remiss if I failed to again pay tribute to the gentleman from New York (Mr. McCarthy) for the outstanding contribution he has made to the people of this country by calling attention to just how involved we are in chemical warfare research and development. And I would urge all of my colleagues to support this amendment, in order that we may continue to be aware of the activities of our country in this field.

Mr. WAGGONNER. I yield to the gentleman from Massachusetts (Mr. Philbin).

Mr. PHILBIN. Can the distinguished gentleman in the well advise me as to whether or not there is in his amendment a provision that would provide that none of the funds authorized to be appropriated by this or any other act may be used for procurement of delivery systems of chemically related biological and lethal, warfare agents to be used in any delivery system?

Mr. NEDZI. Mr. Chairman, in response to the gentleman, that is subsection (b) of my amendment, but I might say to the gentleman that this is language that has the approval of the DOD.

Mr. PHILBIN. Has the DOD approved this amendment?

Mr. NEDZI. Yes. The DOD approved this language.

Mr. PHILBIN. Otherwise, generally the gentleman's amendment is similar to that adopted by the Senate?

Mr. NEDZI. In substance it is identical. As a matter of fact, in my judgment, it is somewhat milder than the Senate amendment. This was because the DOD suggested certain language changes which I have introduced today.

Mr. PHILBIN. As I understand it, they require reports from various officials of the Government, and certain agencies, to the DOD concerning the feasibility of procedures required under the bill.

Mr. NEDZI. The Surgeon General is no longer involved in the DOD amendment. There was some concern on the part of the DOD that it would forbid experimentation with certain biological agents for medical purposes. Consequently a definition has been included to prevent this from happening.

Mr. PHILBIN. Otherwise, with the exception of the amendment that I have referred to, and which the gentleman says was approved, by DOD, this amendment is largely the Senate amendment. Is that correct?

Mr. NEDZI. It is virtually identical.

Mr. WAGGONNER. Mr. Chairman, I yield to the gentleman from California (Mr. Gubser).

Mr. GUBSER. I thank the gentleman from Louisiana for yielding to me, and through him I would like to ask the gentleman from Michigan for a recapitulation of paragraphs (d) and (e) of his amendment. In a nutshell, could you give us the essence of them? Does the fourth proposal actually prevent the shipment of chemical and biological warfare materials within the United States?

Mr. NEDZI. The question is whether my amendment would forbid the transportation of chemical and biological agents. It would not forbid it. It would require consultation with the Secretary of Health, Education, and Welfare to determine the extent of the hazards involved and then, if it is determined that it is in the interests of national security to transport or deploy them—it would be done.

Mr. GUBSER. The gentleman is aware of the fact that that is currently the case, is he not?

Mr. NEDZI. To some extent. Notice is not required.

Mr. GUBSER. I think it is 100 percent.

Mr. NEDZI. Notice is not required to the Secretary of Health, Education, and Welfare. There are other agencies.

Mr. WAGGONNER. Mr. Chairman, while I still have the time, let me say that I object very strenuously to turning any authority of the Department of Defense over to the Secretary of Health, Education, and Welfare.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

Would the author of this amendment give me his attention? As the bill now stands there are no funds for the procurement of biological lethal chemical agents. I believe that is correct. And this would not change it in any way. Is that correct?

Mr. NEDZI. As I understand, there is no such money in the bill.

Mr. BRAY. I wanted to clarify this. I wish I had a copy of your amendment. I know generally what is in it, but I do want to ask certain questions.

There is $88 million in the bill for research, but only one-seventh of that refers to any lethal program. Six-sevenths is the authorization for warning devices and defense equipment.

There is in your part no contemplation of eliminating the warning devices of defensive equipment in any way; is that correct?

Mr. NEDZI. That is correct.

Mr. BRAY. Mr. Chairman, the reason I am asking this is that I do know that in World War II the enemy did not resort to chemical warfare; that is, no chemical agents were used by the enemy against American troops. I understand that the Japanese did use some against the Chinese troops. The Germans and the Japanese, however, did not use any chemical and biological agents against the American Army.

The reason that the Japanese or the Germans did not use chemical agents against the American troops was because they knew we were ready to respond in kind if they did. I am certain that the gentleman does not want to cripple America in matters of meeting enemy aggression in this field if it is necessary for this country to do so.

Mr. NEDZI. That is absolutely correct. That is not the purpose of this amendment.

Mr. BRAY. I have discussed this with the gentleman earlier, and I certainly am a little more than casually familiar with the subject because, during part of World War II I was located near a large storage of poisonous gas which our country had in the Pacific. I would not want the amendment the gentleman has offered—and I know he does not want it, either—to cripple our defensive capacity and injure our ability to protect ourselves in the future. Is that correct?

Mr. NEDZI. That is correct.

Mr. McCARTHY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, thus far virtually all the amendments we have considered have dealt with hardware. This amendment deals with human beings. Its main thrust is to protect American citizens and, indeed, the citizens of allied countries.

Now, this whole program—of recent years—at any rate—has been marred and marked with a series of mishaps and accidents which this amendment is designed to correct. Let me cite a few instances:

A few years ago at the Rocky Mountain Arsenal they dumped their waste into ponds of the arsenal property. This found its way out, and killed off 6 square miles of sugar beets and some livestock.

The Army then spent half a million dollars to disprove that they killed the sugar beets. Then they felt that they had better get a better spot, so some fellow came up with the idea, and they dug a deep well and they pumped it all down there. They set off 1,500 earthquakes in the Denver area.

Now, of late the surplus material has been stored near the end of the Denver runway in the path of airplanes, or near the path, with the threat of an airplane accident, or even a lightning bolt which could send this lethal material—one-fiftieth of a drop of which will kill you in a matter of minutes—out into possibly the Denver atmosphere.

Then they decided to get rid of that out near the airport, and they said we will put it in 800 railroad cars and send it clear across the United States through Indianapolis, Dayton, Elizabeth, and Philadelphia, and we will put it into four Liberty ships and sink them out at sea.

The National Academy of Sciences reviewed that plan. They said that is extremely hazardous. A railroad accident—and they have doubled in the last 7 years—could create a disastrous situation in any metropolitan area through which this train would pass.

They further noted that if this material were dumped into the Atlantic Ocean and it exploded, as previous of these operations had done, it could kill all marine life in 600 cubic miles of the Atlantic Ocean.

Then of course there was the famous incident in Utah where an Air Force jet was testing this deadly nerve gas. It came in over the target, sprayed out the nerve gas, and the pilot turned off the jets that were spraying out the nerve gas, but they did not turn off; they continued to pour out of this airplane.

The wind picked it up and carried it almost 50 miles away killing in the process 6,400 sheep. Some human beings said that they were affected.

Fortunately, it snowed that night and most people were inside. But Salt Lake City was only 80 miles away and this nerve gas was carried for 50 miles.

Then we had an incident that was revealed on an Air Force map. The Army tested a deadly disease known as anthrax in the atmosphere over Utah and had so contaminated an area that will probably remain that way for 100 years because the anthrax spores live for a century.

Then there was the revelation that Venezuelan equine encephalitis had been tested there and has escaped outside the arsenal. Tests on wildlife disclosed signs that animals outside the Dugway Proving Ground had been exposed to this disease.

This amendment passed by a vote of 91 to 0 in the other body with the endorsement of our former colleague, the gentleman from Wisconsin, now Secretary Laird.

Since then, as the gentleman from Michigan pointed out, the Pentagon has rewritten certain sections of the amendment.

I do not know how we can explain to the people of Denver and Salt Lake City and Indianapolis and Dayton and Elizabeth and Philadelphia how we happen to turn this amendment down.

The distinguished chairman of the Committee on Armed Services has prevailed on every amendment thus far. Those amendments dealt with hardware. This amendment deals with software; that is, human beings principally, American citizens.

Mr. Chairman, I think this is a good amendment. As I said, it passed the other body unanimously. I think we should prevail at least on this amendment that deals with the safety of American citizens rather than with military hardware.

The amendment concerning chemical and biological warfare introduced by the gentleman from Michigan (Mr. Nedzi) is a limited amendment. It does not deal with the fundamental policy questions concerning CBW. Rather, it directs itself to the questions of information, some limitations on further procurement, and public safety in transportation and testing operations. As a number of you are aware, President Nixon ordered a full-scale executive branch review of our policies governing chemical and biological warfare last June. This review is still underway and will not be completed until the middle of October at the earliest. It would be premature, therefore, to introduce an amendment to the fiscal year 1970 military procurement bill that deals with the basic policy questions. Amendments to basic policy should more appropriately be introduced following President Nixon's recommendations on CBW policy that will follow the executive branch review and subsequent congressional consideration of his recommendations.

Mr. Nedzi's amendment on chemical and biological warfare deals with the questions that have been of concern to the public this year. These questions are:

Are the elected Members of Congress informed about the chemical and biological warfare activities of the Department of Defense? Is there an unnecessary cloak of secrecy around CBW activities that keeps even Members of Congress uninformed about the nature of this activity?

Are CBW agents tested with sufficient safety precautions to insure that the public is protected against an accident?

Are CBW agents transported in a manner that insure that there will be no significant danger to the public?

Are the appropriate congressional committees and executive branch agencies informed when CBW agents are to be taken outside the United States?

The information on these aspects of our CBW activities that has become available this year indicates that the public is legitimately concerned and that it would be useful for the Congress to express its views on these areas of concern.

The amendment to the fiscal year 1970 military procurement authorization bill is divided into seven sections; they are designated section 402.

Section 402(a): This section requires that the Secretary of Defense submit a semiannual report to Congress on research, development, test, evaluation, and procurement of chemical and biological agents during the previous 6 months, including an explanation of the reasons for procurement.

Comment: This section of the amendment meets the needs of Members of Congress for information about the CBW activities of the Department of Defense. During the course of my review of CBW this year, I learned from the distinguished Member of the House of Representatives, Claude Pepper, that in his service in the Congress during the past 30 years he had never been informed about our CBW activities. He attended the briefing held by the U.S. Army at my request on March 4, 1969, and learned for the first time some of the facts about our activities in this field.

Senator Allen J. Ellender, a member of the Senate Defense Appropriations Subcommittee for 20 years, said on July 26, 1969, that in the period of his service he had never come across a line item for the production of nerve gas, the principal lethal chemical agent in our CBW arsenal.

Section 402(b): This section states that none of the funds authorized by this bill may be used for the procurement of offensive lethal chemical or biological warfare agents. It is designed to temporarily stop further procurement of weapons for offensive use until the outline of our policy governing the use of CBW weapons has been developed by President Nixon and approved by Congress.

Comment: It has become clear this year that the Department of Defense has a sufficient stockpile of CBW weapons to meet current planning needs. The disposal of the nerve gas GB indicates that we have sufficient stocks of weapons in the chemical and biological warfare category on hand. In as much as Dr. John Foster, Director of Defense Research and Engineering, indicated in his letter on CBW policy of April 15, 1969, that nerve gas was not considered a strategic weapon, it would not seem necessary to use funds for procurement of further weapons in this category until we know what our policy will be.

Section 402(c): This section requires that we notify other countries when we place lethal chemical and biological warfare weapons within their territory. It also requires that the appropriate congressional committees will be informed when such weapons are placed in territory outside of the United States yet under our control.

Comment: This section of the amendment will prevent a repetition of the very embarrassing incident that occurred this summer when the Japanese Government learned for the first time that the United States was storing nerve gas on its territory, Okinawa. Information available on that incident also revealed that President Nixon and Secretary of State Rogers were apparently unaware that we had these weapons on Okinawa and in West Germany. The amendment would also insure that the appropriate congressional committees are aware of storage of such weapons in areas outside the United States, such as the Trust Territory of the Pacific, where we have certain international obligations concerning the use of these territories.

Section 402(d): This section requires that the Secretary of Defense and the Secretary of Health, Education, and Welfare insure that any transportation of chemical and biological agents by the Department of Defense is conducted with adequate safety precautions.

Comment: This section of the amendment is designed to insure that the shipment of chemical and biological agents by the Department of Defense is done in such a manner that it will not result in danger to the public. It would prevent a repetition of the planned movement of large quantities of deadly gas by train last spring. That plan was found by the National Academy of Science committee headed by President Eisenhower's Science Adviser, Dr. Kistiakowsky, to have a potential for disaster. As a result, the committee recommended that the Army's surplus gas be disposed of at the arsenals where it is stored. We also learned that the ships of the type in which the gas was to be placed for subsequent sinking had been involved in previous accidents where one had blown up only 5 minutes after sinking and another had broken loose from its tugs and had bounced around on the high seas for 6 hours. We also found that the Department of Defense has no safety regulations for the transportation of hazardous materials other than those imposed by the Interstate Commerce Commission which are admitted by the Department of Transportation to be weak.

Section 402(d)2: This section of the amendment requires that the Secretary of Defense notify the Secretary of Health, Education, and Welfare and the Governors of the appropriate States at least 30 days in advance of the movement of chemical and biological warfare agents.

Comment: This section is basic to the protection of public safety in the movement of CBW agents or weapons. Although the Secretary of Health, Education, and Welfare already has responsibility for civil defense procedures that might be used if there were an accident involving the transportation of gas or biological agents, he currently does not have information on the movements of CBW agents or weapons.

As a result, the Department of Health, Education, and Welfare could not promptly respond to a request for help from a State or community. Similarly, the Governors of the States have not been provided with the necessary information to allow them to protect the safety of the residents of their States when dangerous poisonous gases are moved through their States. Both Governors Ray of Iowa and Hughes of New Jersey made it clear this year that they needed this information if they were to meet their responsibilities and stated that they would raise legal obstacles to the shipment of such materials through

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their States if adequate information was not available.

The remarks of Mr. James Burke, civil defense director of Webster, Mass., regarding what could be done in the event of an accident involving poison gas are illustrative of the problem that we face in not notifying appropriate State officials of movements of dangerous CBW agents.

In answer to those who say that notification of gas or biological agents will reveal our intentions to an enemy even to American dissidents who might wish to sabotage shipments of this type, it should be pointed out that the Atomic Energy Commission and its contractors are currently required to notify a number of local authorities before they move nuclear materials through tunnels, over bridges, or long turnpikes. The Department of Transportation's regulations found in 49 CFR 170 through 190—Code of Federal Regulations—applies to the shipments of these potentially dangerous materials. These materials must be packed in a certain way, must not be mixed with certain types of cargo, and must have placards posted on the outside of the truck or train showing exactly what is inside the carrier. Current regulations thus insure that the public will know what is in a carrier when they see it—the exception being when the carrier has been in an accident and the placards have been burned off as occurred in the Dunreith, Ind., train wreck. Local authorities also require notification. The Port of New York Authority requires notification and permits only the use of certain bridges in the city. Explosives are not permitted in its tunnels. The Massachusetts Turnpike and other turnpikes require prior notification before these materials can be moved and in some cases they provide an escort with the State patrol for the shipment. In asking the AEC about these requirements, Mr. Barker of the AEC stated that notification and the use of escorts actually provided more protection against possible sabotage of shipments than was available without notification because the required placards made it clear what was in the trucks.

Section 402(d)3: This amendment requires the Department of Defense to render harmless deadly gases or biological agents before their disposal insofar as it is practical.

Comment: This section insures that adequate plans are made for the disposal of CBW agents before we are faced with the problem of getting rid of vast quantities of material that may do serious damage to our environment or have the potential for disaster in transportation. The National Academy of Science committee recommended that the Department of Defense take into consideration adequate disposal facilities and plans in the future. The committee also pointed out the dangers that disposal of mustard gas in the ocean posed. This amendment would insure that CBW agents do not become a disposal problem after they have been manufactured.

Section 402(e): This section requires that any testing, development, transportation, storage or disposal of CBW agents outside of the United States shall be done in conformation with the requirements of international law. It requires that the Secretary of State determine that the provisions of international law have been met and it requires that he so inform the appropriate committees of the Congress.

Comment: This section would correct the situation now existing where the Secretary of State first learned of our plans to dispose of chemical agents in international waters after a number of such operations had taken place and just before the massive dumping operation was to take place in spring. It would also prevent a repetition of the incident that occurred on Okinawa where the Department of State apparently did not know that we stored nerve gas there. It would also correct the current situation where a number of agreements have been reached by members of our Armed Forces with members of the armed forces of other nations to store CBW agents in their countries without notifying our policy level civilian officials outside of the Department of Defense.

Section 402(f): This section of the amendment requires that the utmost care be taken in the open air testing of chemical and biological warfare agents. The Secretary of Defense is required to determine that such tests are needed and are to be conducted with sufficient safety, under guidelines established by the President and with the advice of the Secretary of Health, Education, and Welfare. It also requires that the appropriate committees of the Congress be informed of such tests.

Comment: This section is designed to prevent a repetition of the Skull Valley sheep-kill that occurred in March 1968, as the result of an Army nerve gas test at the Dugway Proving Grounds. It is also designed to insure that we do not suddenly find ourselves faced with an epidemic caused by one of the diseases that the Department of Defense is testing. It cannot be left up to the Department of Defense to solely determine whether these tests are needed and whether adequate safety precautions have been taken. The potential for disaster is too great. The nerve gas cloud from Dugway might well have dropped on Salt Lake City, Utah.

Although I personally believe the dangers of testing disease in the open air are too great to warrant their continuation, this amendment would at least insure that better safety precautions are taken.

Section 402(h): This section of the amendment states that the amendment will not apply during time of war or national emergency.

Comment: It is presumed that this section would only be used when necessary during the time of war or national emergency. It is assumed that the provisions of the amendment would have been in force throughout the Vietnamese conflict.

In summary, this amendment was endorsed by Secretary of Defense Melvin Laird just before it was brought up for Senate action. The Senate passed this amendment by a unanimous vote of 91 to 0 on August 11, 1969. The amendment as introduced today contains some further modifications recommended by the Department of Defense so we are discussing an amendment that is fully accepted by our military leaders. I urge that you vote for this amendment.

Regarding Civil Defense Director Burke, I cite the following article:

[From the Worcester (Mass.) Sunday Telegram, Aug. 31, 1969]

POISON GAS ON RAILS: WHAT PROTECTION?

(NOTE.—The Bureau of Safety of the Federal Railroad Administration reports that 4,470 trains were derailed in the nation in 1967. In Western Massachusetts, 24 Boston & Maine and 12 Penn Central trains have gone off the tracks in the last few months. Mrs. Katherine E. Baumeister, Telegram correspondent in Dudley, asked officials in neighboring Webster what would happen in that town if a train carrying poison gas went off the tracks there. Here is the answer.)

WEBSTER.—This question was put to James Burke, Webster civil defense director: "If a train carrying phosgene or other lethal gases were wrecked passing through town, releasing the deadly gas into the air, what emergency measures would civil defense take to protect the population?"

Burke at first was silent. Then he said, "It's incredible, but I have to say I just don't know. We're prepared here for just about any other kind of disaster you can think of, including atomic war; but I've never even heard of any chemical or biological warfare disaster training."

NOT A THING

Some days later, Burke called back. "I have the answer for you," he said. "In the event of such a disaster, we couldn't do a darn thing. What's more, neither could anyone else. I've asked everyone, police, board of health, National Guard. No one knows anything about it. No one has been given any information about it."

There are many other gases whose effects differ. In any case, experts are needed to identify the lethal agent and treat the victim. In the event of accidental release of lethal gases into the community, the job of neutralizing areas where the persistent blister gases or vesicants have spattered, is beyond the power of the ordinary person. This requires the services of specially trained and equipped decontaminating squads, according to the U.S. Office of Civil Defense and the Chemical Warfare Service, U.S. Army.

Emergency preparedness functions were assigned to HEW by presidential executive order 11001 on Feb. 16, 1962. This preparedness includes "development of medical means for the prevention and care of casualties, (including those from . . . biological and chemical warfare.)

"Emergency plans and programs, and emergency organization structure required thereby shall be developed as an integral part of the continuing activities of the Department (HEW) on the basis that it will have the responsibility for carrying out such emergency. . . ."

"But there is no emergency organization structure that I know of for this aspect of defense" Burke said. "It's puzzling that HEW doesn't have information channeled down to the local level telling us who, what, when and where. I've been in rescue work too long to discount the possibility of such an accident. And, how would we know if that gas were being shipped through here? What I want to know is, what do we do if such an accident occurs? Who do we turn to?"

Mr. SIKES. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I would hope that we could talk about the amendment and its effects because that is what we have to consider now; not horror stories.

I have some serious misgivings about the amendment. First, it would place a

very serious administrative burden on the Department of Defense and on the services in coordinating and reporting chemical and biological defense activities. It would require more paperwork and redtape than any amendment that has been considered by the House of Representatives in a long, long time.

This amendment would bring into the picture in addition to the Department of Defense, the Department of Health, Education, and Welfare, the Department of Transportation, the Interstate Commerce Commission, and a very large number of the committees of Congress. It would require voluminous, frequent, and regular reporting.

It is obvious that it would place a major administrative burden on the Department of Defense and the Services in coordinating and reporting chemical and biological defense activities. Possibly these administrative reporting requirements can be met, but the total administrative impact is not yet assessed, nor do we know the costs involved. We do know the operational details to be imposed would be enormous in scope and apparently totally unnecessary.

Mr. Chairman, I am quite concerned about the prohibition of procurement of delivery systems, specifically designed for delivery of chemical lethal weapons. We have had a trying experience in this field in very recent years.

When we undertook the use of chemical weapons—tear gas and defoliants—in Vietnam—we found that all of our delivery systems were outdated and could not be used on present-day aircraft. Our forces were subjected to long delays, which limited the effectiveness of the weapons, while new delivery systems were developed.

This prohibition could be a major problem in future years. Probably it would not be serious in fiscal year 1970, but it certainly could be a problem in future years.

I do not think it is clear just what this would do to our future ability for procurement.

Certainly an area of major impact is the prohibition of procurement of delivery systems specifically designed to disseminate chemical lethal agents. This could be a major problem in future years. Without procurement, our current chemical deterrent capability will erode and the stockpile will be neither adequate to deter enemy use of chemical weapons nor to retaliate if an enemy uses these weapons against U.S. forces. Development and future procurement are required if we are to modernize our deterrent capability and defense preparedness by introducing the munitions which are designed for improved protection and safety in handling, transport and storage.

Please remember—and this has never been disputed—the Russians have eight to 10 times our capability in chemical and biological weapons, and there is no agitation to restrict their capability to develop and procure these weapons. Development and future programing are required if we are going to stay modern and to retain a capability in this field.

The distinguished sponsor of the amendment has said—and I know he does so in good faith—that his amendment is addressed to defense only. But the language of the amendment leaves a serious question in my mind. I do not think the amendment does clearly distinguish, and I am afraid that it does preclude research, development, test and evaluation in use of chemical or biological agents or materials for medical diagnosis, evaluation, research, treatment of disease, illness, injury, of any physical or mental condition for the purpose of public health and disease control.

Our defense activities in biological research have cooperated for many years with public and private medical research programs and have contributed significantly to National, State, and local public health and medical research institutions. I do not think we ought to risk unduly restricting those valuable contributions to health. But I am afraid we would in this amendment. I think it is very important that this point be clarified, and I do not think it can be clarified at this time. But I am afraid the adoption of the amendment would limit continuation of medical research now done in this area.

There has been intense adverse reaction to the Defense transportation of chemical material, but I beg the Committee to remember that this is similar, in large respect, to thousands of commercial shipments of chlorine, phosgene, and similar materials that are used in industry.

I raise this question: Do you propose by this amendment to stop those commercial chemicals from being transported? These may offer a more serious threat than anything now being done in the military program. But what is the possible effect of the amendment on transportation of commercial chemicals? Should they not have the same safeguards as defense shipments?

Some of those who are opposed to the use of chemical and biological defense activities apparently are willing to limit and even to prevent the present-day use of chemical weapons in Vietnam. Before the House goes overboard in the scramble to prohibit the use of chemical and biological weapons, let me point to the fact that every U.S. field commander has enthusiastically approved the use of tear gas and defoliants in Vietnam. These are the only chemicals used there, but their use could definitely be limited or even prohibited by amendments of this type. These weapons in Vietnam have saved American lives and the lives of Vietnamese nationals time and again. They have made it possible to seize enemy strongholds which could not be taken through the use of other conventional weapons. They have forced the surrender of enemy troops without the danger to allied forces which would have come from attempts to overrun these strong points or to overcome them by rifle and artillery fire or bombardment. They have helped to avoid needless killing and maiming of civilians who were held as hostages by Communist forces. These mercy aspects are totally ignored by some who simply want to do away with all chemical and biological weapons. It is strange reasoning.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I rise in support of these amendments to restrict the large-scale production and distribution of lethal chemical or biological items of warfare.

It is shocking that this Nation in recent decades has deliberately and secretly constructed an awesome arsenal of offensive, as well as defensive, chemical and biological agents. Recent accidents in Utah and Okinawa, diplomatic incidents in Japan and Germany, controversies over transporting toxic materials across land, and revelations about testing in Maryland and Alabama have deeply disturbed many Americans.

A complete investigation of our Government's program of testing, developing, producing, and stockpiling of all forms of chemical and biological items should be undertaken as an urgent priority. Searching questions must be posed about the role of these weapons in our strategic military and foreign policies and concerning our international legal obligations. Public confidence and scrutiny must be restored. Congressional responsibility must be reasserted.

Certain facts emerge out of the present situation with regard to this complex problem:

First. Public information has been absent while the Government, according to the General Accounting Office, has spent over $1.7 billion since 1963 on research, development, and procurement of chemical biological warfare weapons.

Second. Large-scale back-door expenditures are reported to be involved, as well as substantial maintenance costs.

Third. Procurement of these weapons has increased dramatically with our involvement in Vietnam.

Fourth. Recent events call into question the safety regulations applicable to all phases of chemical biological warfare, from testing to stockpiling to disposal, and suggest that the very existence of these weapons constitutes an alarming public health hazard.

Fifth. The consequences of employing these unreliable weapons are potentially disastrous to all sides in a conflict.

Sixth. The Government acknowledges that there is no effective protection or even detection for civilian populations.

Seventh. Strategic reliance on the deterrent capability of chemical and biological warfare weapons is unsound and unethical: nuclear weapons provide this country with the best deterrent to any kind of attack.

Although it is in the interest of the United States to secure the necessary means to protect this country from all forms of aggression, we must rigidly control the accumulation of offensive lethal chemical agents, disease-producing biological organisms or biological toxins.

The paramount interest of America, and of all civilized nations, is to achieve the eradication of existing arsenals of chemical and germ-warfare capabilities.

The United States is founded on principles which affirm the dignity, freedom and decency of man. This country has declared, though it never ratified the

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Geneva protocol of 1925, that it would never be the first to use these instruments of doom. America must put its emphasis on the preservation of life and life-preserving environment.

The President has ordered a National Security Council study of our whole program. Its results will be welcomed as a major contribution to the review I recommend. I am a cosponsor of a resolution in this chamber urging the President to resubmit the Geneva protocol to the Senate for ratification. The Secretary General of the United Nations has recently released a comprehensive report on all aspects of chemical biological warfare, compiled with worldwide assistance, which calls for dramatic steps to curb these systems. Currently, the 18-Nation Geneva Disarmament Conference is considering a draft convention with a prohibition of all development, testing, and production of biological agents.

The amendments adopted by the Senate mandate periodic reports setting forth the purposes and the amounts spent ~~during~~ every 6-month period for ~~research,~~ development, tests, evaluation and procurement of lethal and nonlethal chemical and biological agents. The Senate amendments restricting deployment and storage are a step in the right direction.

The House of Representatives has a chance to act rationally and decisively today on the issue of chemical and biological warfare.

The preservation of life and the life-sustaining environment should be the paramount goals of American policy, foreign, domestic and military. Democracy and the preservation of life are synonymous. We should invoke every reasonable restraint we can devise on offensive biological and chemical warfare. Our good judgment in such policy might become a contagious thing.

Mr. STRATTON. Mr. Chairman, this is a subject, the subject of chemical warfare, on which I think we have seen already too much demagoguery in this past year, and I think that before we begin to incorporate an amendment on this subject, we get away from some of this demagoguery and headline-hunting we have been seeing and talk a little hard sense about the defense of our country.

I do not imagine that anybody likes chemical warfare or biological warfare. But I do not think anybody likes the other kind of warfare either. And I do not think it is worse to be killed by a chemical agent than it is to be killed by a bit of shrapnel or by a bomb.

The fact of the matter is we do have a chemical and bacteriological warfare capability for exactly the same reason that we have long-range missiles. We have them because we hope that capacity will deter the enemy from using his capability, and that we will never have to use them. We have so far succeeded very largely in that regard both with respect to our long-range missiles and with respect to our chemical and biological warfare. Obviously we cannot have a deterrent effect unless these weapons are available where they are likely to be needed and in the theaters of warfare where they may be needed to deter possible enemy action. I think most of us are aware of the fact—and some of these incidents may be classified—that the Germans had this capability in World War II and on two specific occasions would have used it except that they understood that we also had a capability in that field and that we were ready and well equipped to retaliate.

Before we are too overwhelmed by what has happened at the other end of the Capitol with respect to the action of the Senate, let me just point out that, first of all, there were no hearings on the subject of CBW in the Senate or in the committee.

Second, this amendment, according to my understanding, was really the result of a shotgun marriage.

There was a great deal of uncertainty in the other body, you will recall, when the defense authorization bill was up, as to whether they were going to be able to pass that bill, whether the ABM was going to remain in it, and whether some of these other items that were under attack there were going to be eliminated.

In order to win the votes of some of the wavering Senators, according to my information, it was agreed in the cloakrooms to accept this particular CBW amendment. There was no deliberation on the part of the Department of Defense, and our distinguished former colleague who is now the Secretary of Defense, as I understand, tried to get the best of a very bad bargain. But that should be no excuse for us today to accept this amendment adopted in haste in the other body.

Let me point out just what is in this amendment. I think the gentleman from Florida has already indicated that if we pass this amendment, we are not just putting in a few restrictions on the testing of stuff in Utah, to prevent the killing of a few sheep, as the gentleman from New York (Mr. McCarthy) has suggested. We are not just trying to prevent the dispatch of a few dangerous chemicals to Lockport, N.Y.

First of all, section B says that none of these funds shall be used for the procurement of delivery systems. In other words, if this passes, we are not going to stay in this CBW business at all. If you cannot deliver it, you have no capability. This is a unilateral disarmament amendment in the field of chemical and biological warfare. If that is what the Members want, then vote for it.

The second section has another strange provision, that none of the funds shall be used for future deployment to any foreign country unless somebody advises the Committee on Armed Services, the Interior and Insular Affairs Committee, the Foreign Relations Committee, the Appropriations Committee, and the Interior, and Insular Affairs Committee of the Senate.

Maybe this information will be classified when it is sent, but I do not believe if we are going to transport some of our critical weapons we ought to advertise it to all these committees and to their staffs and then to the world. We do not do it with other weapons. Why should we write this into the law, that we must advise the world any time we want to move these weapons?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RIVERS. Mr. Chairman, I rise in opposition to the amendment, and I will yield to the gentleman from New York, but before I do I will say I am a realist. I see the purpose of this amendment. I am positive the other body did not go into it. If the gentleman will give us the opportunity, we will positively try to work out something in this field. The way we can do it is when we will be in conference with the Senate. This is all we can do. This reporting could be a very dangerous thing.

It took us forever to find out what came from the Senate.

Members can vote in this amendment if they want to, but I think it is very dangerous. If the Members will give us the opportunity, we will try very hard to work out something in the conference, because we will have people in the conference who will be knowledgeable.

I cannot help the mistakes the U.S. Army made. They woke up in the morning and found out what sort of foolish mistake had happened in the day. I do not want sugar beets killed. I do not want sheep killed, but I cannot help those things. We cannot judge total needs on the basis of one or two incidents.

Mr. Chairman, I ask Members to defeat the amendment and give us a chance to work on it in conference.

Mr. Chairman, I yield now to the gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Chairman, I thank the chairman for yielding.

I want to point out that we do not have copies of this amendment available, but it is a modification of the Senate language. The next section provides that when it comes to transportation within the United States, these notifications have to go to the Secretary of Transportation, the Secretary of Health, Education, and Welfare, and the Interstate Commerce Commission. We might as well publish these things in the Washington Post and the New York Times. If we announce that these items are going to pass the Lockport Bridge at 12 o'clock, for example, that amounts to notification to any possible saboteur to be there at that time to blow it up.

Not only that, but let me point out still another item, that when we send these weapons abroad, under this amendment the Secretary of State would be required to inform not only the Foreign Affairs Committee of the House of Representatives, but also the appropriate international organizations. So we are going to have to tell the U.N. where all of our chemical agents are stored and where they are transported. I think this is ridiculous in this kind of legislation.

As the chairman said, let us reject this amendment. Let us take it over to the conference committee instead. If there is anything in it to prevent the kinds of tragedies which have happened in the past, let us act to eliminate those. But let us not conduct unilateral disarmament here today on the floor of this House.

Mr. RIVERS. Mr. Chairman, I yield back the remainder of my time.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from South Carolina.

Mr. RIVERS. We do not even have a copy of this amendment; all I have is a yellow sheet.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from Michigan.

Mr. NEDZI. This is the same amendment which was offered in the committee. This is the same amendment which I discussed with one of the staff people who is employed by the chairman. This is precisely the language that we concluded to be acceptable to the Department of Defense.

I think it is unfair and I think it is disgraceful we do not have an objective exchange of views on the subject.

The gentleman from New York talks about demagoguery, and gets in the well and refuses to yield so that we can point out the fallacies and misconceptions he has created with respect to this amendment.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from South Carolina.

Mr. RIVERS. This amendment was taken up in the committee. Why were we not given a copy of it here? The amendment was taken up in the committee and was badly defeated. It was defeated by a record vote, if my memory serves me correctly.

Mr. GUBSER. Mr. Chairman, I believe it is important to point out that neither the philosophy nor the morality of chemical and biological weapons is at issue in the consideration of this amendment, because this is only a limitation on the shipment and the control of these weapons. The weapons will continue to exist. So I do not believe anyone who rises in opposition to this amendment is inhumane, and he should not be charged as being inhumane.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I cannot yield further. I have given up most of my time already. I am sorry.

I was inclined to be for the gentleman's amendment. I believe it is well intentioned. I commend him for the spirit in which he has offered it. But I do believe he has raised some questions which are administratively impossible to handle.

I am concerned about the restrictions in part (d) regarding transportation. He is going to bring in the Foreign Relations Committee, to bring in the Foreign Affairs Committee, to bring in the Secretary of HEW, and to bring in the Secretary of Transportation, and the Secretary of Defense, on a decision regarding the shipment of biological weapons. One might as well have a Chautauqua-type convention, to make that kind of decision. It is administratively impossible.

May I point out that in the year 1967 private industry, not the Defense Department, shipped three million tons of ammonia, a poisonous gas; shipped four million tons of chlorine, a poisonous gas used in warfare; shipped 6,200 tons of phosgene, a poisonous gas used in warfare; and shipped 13,000 tons of hydrogen cyanide, also used in warfare.

At that time the ratio of civilian shipments of toxic gases and lethal chemicals to Army shipments was 1,000 to 1. Private industry shipped 1,000 times more than the military.

Of course, that is a moot question today because the Army has now agreed, through regulation, to submit to controls of the Department of Transportation and the Secretary of HEW. Containerization requirements must be met, and all types of shipping requirements of the Department of Transportation and the Interstate Commerce Commission imposed on private industry must also be met by the services.

So, Mr. Chairman, I point out that though this is a well-intentioned amendment we should go to conference and try to work out a reasonable restriction which is administratively sensible. I am afraid this amendment, well-intentioned though it may be, will create an administrative jungle that will cause more trouble than it will do good.

Mr. PIKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply like to say that I find it very difficult to believe that the DOD would endorse a proposal that they felt was administratively impossible. I find it equally difficult to believe that the Members of the other body, no matter what we think of them, simply passed this amendment unanimously as a part of some machinations to get votes on some other subject.

I am now happy to yield to the gentleman from Michigan (Mr. Nedzi) and congratulate him for offering this amendment.

Mr. NEDZI. I thank the gentleman from New York for yielding to me.

I will try, in the brief time I have here, to set the record straight with respect to some of the allegations that have been made with respect to this amendment.

The chairman or the opponents of this amendment suggested that sufficient deliberation did not take place with respect to this amendment. Let me point out that on August 9 of this year Secretary Laird issued a press release in which he stated the following:

> Members of my staff, principally Dr. John S. Foster, the Director of Research and Engineering, have been working with Senator Thomas McIntyre, of New Hampshire, and other members of the Senate Armed Services Committee on a revised amendment to the pending Defense authorization bill. I am in agreement with the goals of the new amendment which the Senate is scheduled to consider on Monday, August 11. I believe this revised amendment will allow us to maintain our chemical warfare deterrent and our biological research program, both of which are essential to national security.

Since that time the Department of Defense has had this matter under review up until last week when they suggested minor changes in language which I described to the committee in making my initial presentation.

Now, let me make clear that there is nothing in this amendment which forbids the production or the research or the test and evaluation of chemical warfare weapons. It is strictly a reporting amendment that would require the DOD to make reports to the interested agencies in his regard.

I echo the sentiments of the gentleman from New York when he said that he doubts the DOD would approve any amendment which was impossible to administer. They have had this amendment under consideration for over 2 months, and it still meets with their approval. Consequently I am at a total loss to understand why the members of the House Committee on Armed Services by and large refuse to support this amendment.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I am happy to yield to the gentleman.

Mr. McCARTHY. I think it is relevant to point out here that the text of the Presidential Order No. 11001, on February 1962, requires the Secretary of Health, Education, and Welfare to develop plans for contingencies where biological and chemical warfare agents created a disaster in a community. The director of civil defense in Webster, Mass., was asked what he would do if one had occurred in his community. He said, We would not do "a darn thing," because we do not know what to do. HEW has not advised us. What the amendment would require is that the Secretary of Health, Education, and Welfare would be advised so that his Department could prepare disaster plans and assist communities like Webster.

The gentleman from New York makes a big point about sobatage. But you could have a half blind Russian spy and he could still spot a sign like this which says in bold, red letters: "Poison Gas" and which are now posted on rail cars carrying chemical agents. But the Governor of Iowa did not know it was coming through his State or the Governor of New Jersey. I quoted what the civil defense director, Mr. Burke, of Webster, Mass., said. Mr. Burke says it would be "incredible." To paraphrase him: "If that happened, we would not do a darn thing, because we would not know what to do."

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would like to congratulate the gentleman from Michigan on his excellent amendment, and particularly my colleague from New York, for the very wonderful job he has done in developing information for this Congress with regard to the dangers in the shipment and storage of these chemical agents.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I want to associate myself with the amendment offered by the gentleman from Michigan (Mr. Nedzi) and I also particularly want to thank our colleague from New York (Mr. McCarthy) for having alerted the country to this problem.

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I think we are all in his debt.

Mr. Chairman, I would like to give my reasons for my supporting the amendment on chemical and biological warfare introduced by Mr. Nedzi. This amendment is designed to provide protection of the public from the dangers associated with the transportation and testing of CBW material. It is also designed to provide Members of Congress with the basic information on all CBW activities.

The information that has been revealed in hearings held by both the Senate and House of Representatives this year shows that inadequate consideration has been given to the protection of our citizens. It also shows that there is a lack of information on CBW at this policy level in both the executive branch and in Congress. This has been perhaps as much the fault of Congress as it has of the executive branch, because Congress has not required that knowledge of the basic CBW operations be made available to its Members. This amendment will correct those faults.

The protest of a number of Governors, including Governor Ray of Iowa and Governor Hughes of New Jersey, shows that local authorities have not been given sufficient warning when extremely hazardous CBW materials are moved through the States. I believe that it is a basic responsibility of the Federal Government to make information on transportation of CBW materials available to the Governors of the appropriate States. We already do this for a number of local authorities in the case of nuclear materials; certainly we should do the same for CBW materials.

However, although I support this amendment it does not deal with many of the broader public policy questions of concern to Congress and the public. The question of whether the United States should ratify the Geneva Protocol of 1925, banning of first use of chemical and biological materials is not covered in this amendment. The highly important question of whether we should use anticrop and antifoliage weapons in war is also not covered. These are the policy questions that are currently being debated by the executive branch and must be debated by Congress.

In introducing House Joint Resolution 691 calling for an international study of the effect of defoliants, I pointed out that we do not know what we are doing to the environment of Vietnam when we engage in widespread application of herbicides and defoliants. We may be permanently altering the ecology of that nation. One of the questions then, that must be asked in any basic review of CBW policy is whether all nations should join together in a ban on defoliants. Although further information is needed before a final conclusion can be reached on this question, it is clear that there can be no delay in obtaining that information and there can be no delay in considering that question.

I urge that my colleagues vote in favor of Mr. Nedzi's amendment relating to chemical and biological warfare. This is a limited but useful first step toward better protection of the public and points toward a more rational CBW policy.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, I rise today in support of the amendment offered by my distinguished colleague from Michigan to require certain safeguards in the Pentagon chemical and biological warfare program and a policy of open and honest reporting of this program.

In the last 6 months we all have witnessed the lengths to which the Defense Department has gone to conceal these activities, showing what I must consider a too casual disregard for both the risks to our population and our environment.

Because of the serious interest of Members of this body, it was learned in late spring that the Army planned to ship lethal gases from Rocky Mountain Arsenal in Denver across country and similar gases from the Edgewood Arsenal north of Baltimore through Philadelphia. The eventual destination of these gases was a depot on the northern New Jersey coast from which the gases were to be taken to sea and dumped. The Army argued that this was the most economical means of disposal. Members of Congress, myself included, questioned the feasibility of this plan, contending that rail shipments were unsafe and represented a needless hazard to millions of Americans, including the 6 million residents of the Philadelphia metropolitan area. We also contended that dumping the gas in the ocean raised the specter of potentially catastrophic pollution of the ocean environment. The National Academy of Sciences was asked to study the problem and its report agreed essentially with the objections raised in Congress. It recommended that the gases be disposed on site.

Early in the summer, congressional vigilance disclosed that the Army was testing lethal gases in the open air at Edgewood, Md., a location squarely in the middle of the crowded eastern metropolitan corridor. Despite the Army's announcement that the testing was done close to ground level, unlike the high altitude tests conducted at Dugway some years ago in the West, it nevertheless, under congressional pressure, agreed to suspend the open air testing. More recently, it was disclosed that a collision had occurred in Buffalo, N.Y., involving a train carrying phosgene gas sold by the Army to a private firm. We all have seen the reports of the gas train accident in Mississippi, which routed Senator Eastland from his home.

The events of the last 6 months have made one thing perfectly clear: the Defense Department and the Army, if they could, would prefer to conduct the testing and transportation of poisonous gas secretly and without public oversight. While I dispute the military's contention that a poisonous gas program is necessary in the nuclear age because potential enemies will develop the same capacity, that is not the question here today.

The question this amendment raises, gentlemen, is simply: What are the rights of the American people living in an open society when confronted by hazards to their life and environment over which they seemingly have no control?

Should the public know that chemical and biological warfare agents are being stored near their homes?

I think American people have the right to know this.

Should the public know when hazardous and lethal gases are being shipped by train through their communities?

Considering that the Transportation Safety Board reported more than 5,000 derailments in the United States in 1968, I think the people should have this information.

Should the public know that germ and gas weapons are being tested in the open atmosphere?

In a time when we are increasingly aware of the poison spilling into the air we breathe everyday, I think the public has the right to know this.

And finally, is it unreasonable to ask that the Defense Department report twice yearly what chemical and biological warfare programs are underway and what these programs are costing?

I think the public has the right to know how its money is being spent and on what programs and, since the Defense Department has demonstrated a sedulous reluctance to openly report its activities in this area, I believe that Congress has the responsibility to require the open and full disclosure of this activity. Therefore, I applaud the wisdom of my colleague from Michigan in offering this amendment and I urge all Members of this body to support it.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Michigan (Mr. Nedzi) and I want to add my words of commendation to our colleague, the gentleman from New York (Mr. McCarthy), for the public attention he has drawn to this very vital issue.

Mr. Chairman, this amendment is an amendment which would do no harm to our national security, and I suggest that the charge of demagoguery is quite out of place in this debate.

This amendment with minor changes recommended by the Department of Defense is similar to the amendment which passed the Senate unanimously. It would create guidelines and controls over the procurement, storage, transportation, disposal, maintenance, and testing of chemical and biological warfare agents.

Not until March of 1968 did the CBW program come to the surface. At that time, accidental release of nerve gas at a Utah proving grounds occurred, killing 6,000 sheep.

Since the Utah incident, other accidents and injuries caused by the chemical and biological warfare program have come to light. In addition, public concern has been increasing steadily about the transportation of lethal gas across the country, and the possibility that the release of these substances could cause public contamination.

The CBW program has been going on with little notice for many years. It has used $300 to $350 million a year scattered throughout the Defense budget.

The nature and the extent of the CBW program has been deliberately hidden from most Members of Congress. Several years ago I called for a full investigation of this program which the Department of Defense has been allowed to carry on for too long without proper scrutiny and supervision.

The amendment calls for a full and complete semiannual report by the Secretary of Defense to the Congress setting forth in detail the total CBW research, development, test evaluation, and procurement program.

This would provide Congress with the kind of detailed information Congress and the public need in order to understand the programs and to determine future direction.

It provides for a full range of reports to the interested congressional committees, and will also insure consultation with foreign nations before CBW agents are deployed on their soil.

It requires advance notice to the Congress and executive agencies of rail shipments of lethal CBW agents.

Chemical and biological warfare is alien to our concepts of the conduct of war, and the amendment makes clear that CBW agents should not be used as offensive weapons and prohibits expenditure of funds for any device designed to deliver these agents.

Finally, the amendment would eliminate open air testing except in those instances when the Secretary of Defense, under the direction of the President of the United States, declares that our national security requires such testing, and the Secretary of Health, Education, and Welfare would give his advice as to the hazards presented.

Furthermore, the appropriate committees of the Congress would be informed of all proposed open air tests at least 30 days in advance.

Mr. Chairman, to dismiss as demagoguery serious questions relating to the CBW program and the potential effects of testing, storing, and transporting CBW agents upon our environment and our population does a disservice to the principle of open debate and is an attempt to foreclose further public discussion of a matter of major public importance which can no longer be ignored.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I am in support of this amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RANDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time with the idea of seeking, or trying to seek some information. I tried to take notes during the discussion of the amendment. It has been agreed that copies of the amendment were not distributed. I did not even receive the buff-colored sheet distributed by the DSG. I can find no answers to some questions I would like to have answered. So I am taking this time to try to find out some answers from the gentleman from Michigan.

One of my questions is about reporting. I am wondering to whom is the reporting to be made? Then I thought I heard the gentleman say his amendment required suspension of further evaluation of CB weapons? I could not tell whether his amendment covered both testing and evaluation. I thought I heard the gentleman say that testing outside of the United States is barred, if the Secretary of State believes such is contrary to international law. I certainly would be for such a provision.

Then I listened and I thought I heard the gentleman from New York (Mr. Stratton) say he believed the amendment might require the revelation of some of our classified information. If this is true of course there is reason to be disturbed about the amendment, if it is proposed we reveal classified material.

So, Mr. Chairman, I want to ask the sponsor of the amendment to respond to some inquiries. First, can he tell us to whom these reports are to be made? Then how often? Then whether the reports will include classified information?

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Michigan.

Mr. NEDZI. Mr. Chairman, I thank the gentleman for yielding.

> The first section of my amendment provides the following: The Secretary of Defense shall transmit semiannual reports to the Congress on or before January 31st, and on or before July 31st of each year, setting forth the purposes of and the amount spent during the preceding six-month period for research and development, test, evaluation and procurement of lethal and non-lethal chemical and biological agents. The Secretary shall include in such reports an explanation of such expenditures, including the necessity therefor.

This is language that the Defense Department did not see fit to amend in any wise, and it is the identical provision that passed the Senate 91 to nothing.

Mr. STRATTON. Mr. Chairman, would the gentleman read the section after that?

Mr. RANDALL. Mr. Chairman, I have control of the time.

Mr. NEDZI. If the gentleman will yield further, I might add that there is nothing in this amendment which provides for the suspension of any kind of tests of research and development. The problem is—and if I may here try to answer the gentleman from New York on his question—in section (b) it says that none of the funds appropriated may be used for the procurement of delivery systems specifically designed to disseminate lethal chemical agents or any biological agents.

Now, when we talk about delivery systems specifically designed, we are narrowing this amendment down to almost nothing, in my judgment, because obviously an airplane is not specifically designed to disseminate lethal agents, nor is an artillery shell, nor is a mortar, nor many others delivery systems.

Mr. RANDALL. I would like to ask the gentleman a question.

I am grateful to find out the Secretary of Defense must make semiannual reports. Now I am still wondering to whom are these reports to be directed and delivered.

Mr. NEDZI. The reports are directed to the Congress, as are other departmental reports.

Mr. RANDALL. To the Speaker and to the President of the Senate?

Mr. NEDZI. That is correct.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman.

Mr. STRATTON. Does the gentleman from Michigan, since he has not had the courtesy to supply us with copies of his amendment, maintain that section 3(e) of the Senate bill, which is almost identical with the gentleman's amendment, is not in his amendment, which section 3(e) says:

> (e) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any chemical or biological weapon outside of the continental limits of the United States unless the Secretary of State determines that such testing, development, transportation, storage, or disposal will not violate international law and reports such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement.

Mr. RANDALL. I am grateful to both gentlemen for their answers. I am sure the answers have been beneficial to all Members.

Mr. GUDE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by Mr. Nedzi. It differs from the Senate amendment and it therefore must be considered in conference. It would certainly be better that when going to that conference this House go as being in favor of some measure of control and logic in the testing, storing, and shipping of these chemical and biological warfare agents.

There has been talk that measures which could save lives might involve paperwork. When you consider the toxicity of some of these agents and what is involved, I do not believe we want to oppose some lifesaving paperwork. I want you to bear in mind that we are not just discussing agents like ammonia gas which are relatively mild, but agents like the nerve gas GB. One ounce of GB nerve gas has the potential, gentlemen, when inhaled, to kill 14,000 people.

The VX nerve gas which was tested at Dugway, Utah, and which was responsible for the 6,000 sheep killed on ranges outside of Dugway grounds, is also fantastically toxic and far more persistent than GB.

Biological and chemical warfare agents are not only being tested in the so-called open spaces where sheep seem to be the only victims. We have Fort Detrick in Frederick, Md., and Aberdeen Proving Grounds in Harford County, Md., where chemical and biological agents are being tested—some in open air tests.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

XUM

Mr. GUDE. I yield to the gentleman.

Mr. McCARTHY. I thank the gentleman. I think what the gentleman is saying is quite relevant.

The gentleman from Florida (Mr. SIKES) said that the Soviets have the capability of carrying on chemical and biological warfare. I believe he said it was seven to eight times that of the United States. I believe that is false and I would quote from the hearings the statement of General Stone, head of CBR and nuclear operations with the Army:

> There is no clear evidence that any foreign country is presently testing biological weapons, in the sense that an operational delivery means is being used to disseminate either live microorganisms or stimulants.

I was intrigued by a report in the New York Times recently that the United States has no hard evidence of any Soviet capability in offensive biological warfare. I must say nothing I have encountered would dispute that statement.

I do not believe the United States has any hard evidence of any Soviet biological offensive capability. They have plenty of defensive capability, but there is no hard evidence of any Soviet capability—much less capability seven or eight times that of the United States.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman.

Mr. RIVERS. We have positive intelligence that they are carrying on a very intensive R. & D. program. We have estimates that their stockpiles are not seven times ours but approximately 10 or 12 times what we have.

Mr. GUDE. We have a tremendous potential in the United States, too—enough to kill the population of the entire earth and then some.

I would like to give you an idea of why we should have HEW, Interior, and other agencies involved. In regard to the sheep kill in Utah, at first the Army denied that there had been any testing of the agent which was suspect in the sheep kill. Then when they finally did agree that they had released the VX nervegas, a Utah veterinarian was assured by an Army doctor that VX nervegas would be rendered harmless in 4 days of open-air exposure. The subsequent investigation which had to be carried on by the Department of Agriculture showed that VX retained its lethal toxicity in the open air for 3 weeks, and the harmful effects continued for 3 months.

And this is one of the reasons that I rise in support of this amendment which would provide guidelines and regulations for military work with chemical and biological warfare agents.

As in the case of this amendment and others offered, dealing with the C–5A, ABM, advanced manned strategic aircraft, the short-range attack missile, the Cobra, and the continental air defense, it is a serious mistake to categorize them as pacificistic or designed to destroy adequate national security for our citizens.

These amendments and the debate of the last 3 days strike to the very heart of the question as to whether the taxpayer is getting his tax dollars worth in military preparedness. There is also the important question whether the programs which are established by the appropriation bill correspond to the foreign policy of the Executive. For example, the Manila policy recently set forth by the President, to me, calls for a careful scrutiny of our Military Establishment in the Orient and whether it corresponds to our foreign policy posture.

In the above context the program for chemical and biological warfare needs to be scrutinized by the Congress and by the Executive.

This spring the Conservation and Natural Resources Subcommittee of the Government Operations Committeee, of which I am a member, conducted extensive hearings on the environmental dangers of open-air testing of lethal chemicals.

As you well know open air tests of VX nerve gas at Dugway, Utah, caused death and injury to more than 6,000 sheep and contaminated thousands of acres of rangeland outside the proving grounds for months.

Testimony offered at our hearings gave me the strict impression that lack of knowledge of the agents utilized and the conditions of open air testing can lead to catastrophies involving the lives of American citizens as well as prolonged or even permanent contamination of segments of our environment.

As I stated these agents have a fantastic toxicity and the Army evidently is not cognizant of some of the crucial qualities of some of the material being tested in the open air.

Testimony, in part by Surgeon General Stewart, has brought me to the conclusion that open-air testing is not only fraught with dangers but can be a real waste of the taxpayers' money. To the extent that we should continue our military work with chemical and biological agents, closed laboratory testing would not only yield reliable data from which scientists could draw sound conclusions, but would eliminate deadly dangers to American citizens and to polluting segments of our environment.

Testimony also demonstrated that harmless stimulants could well be used in place of lethal materials for open-air testing purposes.

Further testimony at our hearings demonstrated that Army scientists did not adequately consider the many atmospheric variables at Dugway. It raised the question whether the open-air testing conducted was really befitting of the term "scientific research."

In the above context our amendment to establish guidelines for control of chemical and biological warfare are modest.

They would in no way jeopardize our national security but would guarantee our citizens some measure of safety and economy in just one area of our military operations.

Mr. ANDERSON of California. Mr. Chairman, I move to strike the last word.

I rise in support of Mr. NEDZI's amendment, which I believe to be reasonable, moderate, and responsible.

No longer can we tolerate the lack of attention which has been the case with our Nation's chemical and biological warfare program. We must tighten procedures in this extremely sensitive and hazardous area and, in doing so, not endanger our national security.

We are fortunate that no major disaster has occurred, although there have been incidents and causes for alarm with our CBW program. Therefore, it is time that the Congress spell out, tighten up, and enact real safeguards. We owe this to ourselves as a nation, and I see no reason why this cannot be done, with both the Nation's health and the Nation's security fully in mind.

We also need this in the interest of our posture with other nations of the world.

I wish to compliment the gentleman from Michigan for bringing this amendment before us at this time.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from New York.

Mr. BINGHAM. I would like to associate myself with the remarks of the gentleman in the well and to commend the proponent of the amendment particularly, my colleague from New York (Mr. McCARTHY) for his great work in alerting the Nation to the dangers involved.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Michigan.

Mr. NEDZI. I thank the gentleman for yielding very much, because I want to clarify the record and apologize to the House and to the gentleman from New York if I have misled him. We had an exchange earlier in the debate with respect to sending notice to appropriate international organizations. That requirement is still in the amendment. However, the qualifying language is as follows: "whenever required by treaty or other international agreements."

I, as a lawyer, believe that to mean that all the amendment asks is that the Secretary of State abide by international law.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman from Michigan acknowledging that he gave the House inaccurate information. This is one of the problems of this amendment. It is a very sweeping amendment. The gentleman himself apparently is not entirely familiar with all that is included in it, and since it does contain a reporting requirement to the U.N. or other international organizations, it will take a Philadelphia lawyer to decide whether it should not go, and I do not think this is the place where classified information should be disseminated.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from New York.

Mr. McCARTHY. I think it is important in answering my distinguished friend from New York to point out that so far as notification is concerned, the Atomic Energy Commission and its contractors are required to notify a number of local authorities before they move nuclear weapons or nuclear materials through bridges, tunnels, and what have you. Right where we are sitting, in the District of Columbia, there are restrictions. They cannot move nuclear materials during peak hours. They have to have escorts. The State of Maryland has a similar restriction. The Port of New York has, also. You cannot move any nuclear materials through tunnels. They must be notified.

The Massachusetts Turnpike Authority: Mr. Burger of the AEC told my office that notification and escorts actually provided more protection against sabotage than if they were not notified.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. Our recent experience in the State of Hawaii on this issue prompts me to express my deep and firm conviction that this Congress must set policy guidelines to assure Members of Congress and the American people full and complete information on all testing of chemical and biological warfare agents in this country.

In 1966, the Army entered into a 5-year lease with the State of Hawaii for 1,145 acres of land on the big island of Hawaii. The lease provided that the purpose was for "meteorological" and related tests.

Early in 1969, I received information that the deadly nerve gas GB had been tested on the big island. Inquiries began, with no success. In July 1969, Seymour M. Hersh in an article in the Washington Post stated that these tests did take place in Hawaii. Inquiries again were made with a flat denial from the Army.

On July 19, I wrote to the Secretary of the Army asking for a complete list of all test sites used in the last 20 years for testing of all CBW substances, offensive and defensive.

On August 4, I sent a series of questions to Secretary Laird for reply. One of these questions was "Has the Army ever tested either chemical or biological warfare weapons or agents in Hawaii?"

The reply dated August 11 to this question was "No. The Army has not tested either chemical or biological munitions in Hawaii. The Army has conducted limited chemical tests under strict safety precautions to obtain defensive information."

On September 11, I received another letter from the Army responding to my earlier inquiry of July 19. The letter said:

> The Secretary of the Army has asked me to reply to your inquiry concerning the nerve gas testing in Hawaii. To the best of our knowledge, the Army has not denied that nerve agent tests have been conducted in the past in Hawaii. For reasons of national security, the Army cannot release lists of all test sites used in the past. Limited small-scale testing of chemical nerve agent and incapacitating agent has been conducted in Hawaii. This was done with the concurrence and knowledge of State officials.
>
> Four chemical tests were conducted on the Island of Hawaii at an Army jungle environment test site in the Waiakea forest reserve. Three of the tests involved the non-persistent nerve agent GB and were conducted during April–June 1966, March–April 1967, and April–May 1967. One test involved the non-persistent chemical incapacitating agent BZ and was conducted during May–June 1966. All of the testing was open-air and was conducted in a 1.5 square mile area.
>
> There has been no testing of biological research agents in the State of Hawaii in the past nor are there any plans to do so.

I wrote to the Secretary of the Army again on September 16 requesting information on who in the State was informed and concurred. I challenge his statement that there had been no denials.

On September 20, the Secretary replied: First, yes; the Army had lied and that the denials of these tests when they in fact did take place was regretted; second, that the statement that the Army is not conducting tests of munitions is also unfortunately inaccurate; third, that chemical munitions were in fact exploded; fourth, that due to an administrative error Members of Congress had been supplied misleading information; fifth, that it was a lie that the State knew about the tests and concurred—the Governor of Hawaii was not informed of the mission of this test facility; and sixth, it was not true that biological research had not been done in the past because in fact biological and chemical simulants in addition had also been tested on Oahu as well as on the big island of Hawaii.

The credibility of the Army has been irrevocably damaged as a result of this incredible series of letters. Passage of the pending amendment will prevent a repeat of this kind of deception which could just as easily have occurred in any one of your districts. I urge your support of this amendment, for the protection of the public safety, for the sake of a free society, and for the sake of humanity.

Mr. COHELAN. Mr. Chairman, I rise in support of this amendment. This amendment is a very small addition to this procurement bill, but its consequences are far reaching. Although this amendment provides no reduction in funds, it requires the Department of Defense to alter its reporting and handling of chemical and biological weapons.

This amendment is necessary as the incidents of the last year have demonstrated. The Dugway episode in which numerous sheep were accidentally killed by a shift in the wind carrying nerve gas, incredible decisions to ship dangerous gases all over the country and finally "dump" them off shore, and reported inadequate safety provisions in the shipment of dangerous gases suggest the need for continual Congressional supervision. This is what the amendment does. It requires the Department of Defense to provide, semiannually, more and complete information on the expenditures and programs of Chemical Biological Weapons. It also stipulates that there will be adequate notice of open air testing so that the Dugway experience will not be repeated with more disastrous consequences.

Another feature of the amendment would prohibit secrecy in domestic and foreign shipment and storage of CBW agents. This provision has important implications. First it enables the American public and more important local authorities to be aware of these shipments so that adequate safety measures can be instituted. It also has foreign policy implications because this provision will bring U.S. behavior more in compliance with international treaty commitments.

It is incredible, Mr. Chairman, that most Members of Congress were not informed of the extent of our CBW effort. It has been through the untiring efforts of some of my colleagues that the extent of this program and its implications have reached the public arena. By passing this amendment we can assist in the efforts to keep the problems of CBW before the Congress. By insisting on full and complete reports, Congress can oversee an area that is necessary for national security, but is potentially dangerous to those same citizens it is designed to protect.

I urge support of the amendment.

Mr. LLOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, much has been said here today about the chemical tests out in Utah, which is in my congressional district, where approximately 6,000 sheep were killed as a result of one of these tests.

My purpose here today is not to defend the Army or the military, because I believe many mistakes were made. However, I believe it is very important in a debate such as this pertaining to the Nation's preparedness and national security for the facts to be kept straight.

One of the things which has disturbed me about the report throughout the country concerning the sheep deaths has been the fact that there have been exaggerations approaching distortion. For example, the Washington Post and Newsweek issued reports of allegations that as a result of the Utah tests, in addition to the deaths of the sheep, there were also destroyed, 1,700 head of cattle; further, that 100 square miles of pastureland were contaminated outside of the proving ground for 2 to 3 years.

The thing which disturbed me was that it was definitely disproved: there were no cattle deaths. And it was definitely disproved: no 100-square-mile area had been contaminated permanently as a result of these chemical tests. But the media did not see fit to correct this misinformation which had been distributed throughout the country.

I have been a little disturbed today also to hear one of the sponsors of the amendment state that this information which would be reported to the various congressional committees and their staffs would be officially designated as classified; in other words, the information would not be distributed to the general public. But there are so many committees and so many staff members who would receive this information it would seem to me to be extremely difficult for this to remain in a classified state.

I should like to say also, not so much in defense of the military but again to report what actually happened in Utah, a year ago last March when this test was made, the military was first asked, "Has there been a test for biologicals here?"

XUM

The answer was "no." Of course, that is not full disclosure. I say they should have said there had been chemical tests, but they did not.

The claim was made there was a denial of chemical tests. I went out there a few days later, as soon as I could leave my responsibilities here in the House. I found no effort on the part of the military to hide anything. As a matter of fact, the land company, owners of the sheep, employed attorneys to present its case, and they asked me if I could persuade the military to allow their attorney to go out to participate in the investigation. I did ask the military. I expected to be denied this, but they said, "Surely, come on."

It seems to me there is a proper legal distinction between denying something and a failure to admit. It is true the Army failed to admit. They refused to admit. It seems to me, however, in a sensitive area involving national security they very properly refused to admit something they could not then prove was the direct result of the chemical test at Dugway, Utah.

I saw nothing particularly immoral about the position that they took. I did find great reassurance in the fact that they did say to me, "Yes, the lawyer representing the owner of the dead sheep may come out and participate in our examination."

The chemical tests in Utah have been going on since 1952. In all that time there has never been a single case of a proved fatality or casualty to a human being.

This does not mean it cannot happen.

My own great criticism of this program has been there has not been sufficient disclosure. I believe the military has been remiss in not having that full disclosure. But I do consider it essential that when we here debate matters of sensitive national security, we keep the facts straight and not surrender to excessive alarm not warranted by fact.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. LLOYD. I yield to the gentleman from New York.

Mr. McCARTHY. I thank the gentleman from Utah.

The gentleman from Utah is aware of the fact that there have been fatalities from germ testing right out here at Fort Detrick. There were at least three cases of death in recent years, and one other case where a lifeguard caught the plague.

Mr. LLOYD. I say to the gentleman, that may well be so. I am here to speak of my own district, where so much of this national publicity and advertising has taken place. There has never been a fatality or a case of a human casualty in all that time of testing since 1952.

I believe that we must be very careful that we do not allow exaggerations to discolor the evenhanded attitude which we should take in the consideration of this issue.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. ARENDS. Mr. Chairman, will the gentleman from Missouri yield?

Mr. HALL. I am glad to yield to the gentleman from Illinois.

Mr. ARENDS. I just take this time to inform the House that I am going to object to any request to come in early tomorrow.

Mr. HALL. Mr. Chairman, I would hope that we could wind up the debate on this particular subject and that we might reduce it to the context in which I presume it was presented, to the essentials that should be considered by this House.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HALL. I am glad to yield to the distinguished chairman.

Mr. RIVERS. This is very poorly worded. Listen to this:

> The provisions of this section shall not apply during a war declared by the Congress or the President after the date of this Act.

When can the President declare war?

Mr..HALL. Mr. Chairman, I think the distinguished chairman of the Committee on Armed Services has made a very good point. I know this is a popular discussion topic due to mishaps that have occurred. I have had one such mishap in the district that I am privileged to represent, not from CBR products being moved under MTMSA—the Management and Traffic Agency of the Department of Defense of the United States—but from dehydrated alfalfa being transported, along with basics for explosives.

Mr. Chairman, I am happy to say that we have made some improvement in our means of transportation, including undercoating and the proper shodding of our brakes, as well as other means of correcting transportation difficulties. I believe more of that can be done. I do not think because we have over 50,000 people killed per year in our highway accidents that we are going to do away with our highway system or do away with automobiles. We try hard to improve them, as we have indeed done in this House.

Mr. Chairman, at this time I rise because I have had probably as much or more experience with chemical and biological and radiological warfare agents than anyone in this room. I had experience with them during World War II. In fact, I staffed the teams that investigated the biological warfare attacks on the United States, especially in the Great Northwest. I supplied the medical personnel in my capacity during World War II to Fort Detrick and Edgewood Arsenal and other testing stations in Maryland. I am basically a scientist and physician as you know.

I am concerned about this amendment and oppose it with all of the vigor that I have, because it affects our ability to act in case of a contingency and removes our deterrent. It has a bad effect on our further development of delivery systems. We recognize it is a motherhood amendment, but I plead with you because movements are controlled and are being improved by MTMSA, including the Central District, which happens to be headquartered in St. Louis, Mo., for the entire United States, including these weapons of deterrent warfare as well as explosives, and all barge traffic; because it affects storage and transportation and because it affects the use of medically active radioisotopes, if you please—I plead that we should vote it down, because we need hearings to work out language on a bill like this. I believe it should be voted down overwhelmingly. Finally, I think we must have the current capability in our stockpile, as we did, to my personal knowledge, in World War II, and as the United Arab Republic did in Yemen in 1967, and as the Italians did in Ethiopia when they attacked with "mustard" and other gases. Believe me, noxious gases are many times worse now in their reactions. We do not want to be hobbled by an amendment that was not considered and on which hearings were not held, and on which the details have not been worked out. I recommend for all of these reasons and even in the interests of humanity, based on the concept that gas warfare may be immobilizing rather than maiming or wounding or killing, that we support our Nation's capability to deter. I wonder how many know of our protoplasmic tests, reactions, and studies under the various nuclear reactors and accelerators, in an effort to prepare humanity in the sad event of nuclear attack by the aggressor.

I repeat and beseech, Mr. Chairman, that we allow this amendment to go to conference, work out what we may, but better still, to hold hearings so that the Committee on Armed Services, which has the benefit of information that is distilled into intelligence and presented regularly, can be properly utilized.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in favor of the amendment. However, I believe it reprehensible that a few minutes ago, the gentleman from New York (Mr. STRATTON) labeled anyone who is concerned about nerve gas in this country, about the transportation of nerve gas and the behavior of the Department of Defense in connection with the distribution and movement of nerve gas, as indulging in demogoguery, and in headline hunting.

I do not believe that is a fact, and I feel very badly that the gentleman from New York made that statement.

It was not very long ago—that anyone who asked anything of the Committee on Armed Services or the Defense Department, or the Department of State, or had any question about what they were doing, were labeled "Communist." A little while later anyone who had any objections or any differences were called "un-American." And the day before yesterday, when some Members felt that we needed more than 4 hours of debate to handle a bill of this magnitude, the chairman of the Committee on Armed Services was talking about "bleeding hearts" in this Chamber.

I might remind the Chamber that most bleeding hearts and bleeding heads, and arms, and legs, are not in this Chamber, but they are over in Vietnam in the front lines, and they are bleeding American blood.

As to this amendment, and the demagoguery that may be involved, I believe when the Department of Defense determines that it will move 27,000 tons of poison gas across the country through places like Elizabeth, N.J., where a train wreck sent seven railroad cars into Newark Bay a few years back, just think what might have happened if those 7 railroad cars had contained nerve gas; or in Woodbridge, N.J., where a tremendous train wreck occurred a few years back, with many, many deaths; to a Member's congressional district where they want to take these old train cars full of poison gas and put them in World War II ships to be hauled out through the harbor a short way off the shore and dumped in the ocean—without having the faintest idea of what they are going to do to the fish and wildlife, or the people who live on that shore, I think that if the Member is concerned it is not demagoguery. I think also——

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I will yield in a minute.

I believe also that when the Governor of the State of New Jersey, a State of 7 million people, is not informed about this operation until he reads about it in the paper, and when he sends a telegram to Secretary of Defense Laird, and 6 days later, when the committee is going to hold hearings, the Governor of New Jersey has not even had an acknowledgment of receipt of his request for information, much less an explanation—then I think the people who are concerned at that time are representing their districts. And if the gentleman from New York wishes to call them demagogs, he may, but I think they ought to continue what they are doing, and concern themselves with what happens in their congressional areas because they are the only representatives that the half million people in those districts have.

I hope this amendment is agreed to.

Now, I will be happy to yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, putting aside the question of demagoguery from what we are talking about, is it not true that the Army has been conducting this testing and this production and storage for certainly 20 or 25 years?

We have had this transportation going on for that length of time.

As the gentleman from Utah quite properly pointed out, and made a very down-to-earth statement, there have been no fatalities in his area.

Who was protecting the country before the gentleman from New York happened to look at the television? I think we are exaggerating the problem because there happens to be an antimilitary hysteria sweeping the country, and this kind of thing suddenly is front-page news.

Mr. HOWARD. Mr. Chairman, this dumping has been done. It has been going on for quite some time. There have been two dumpings off the New Jersey coast and until those dumpings occurred, we never had a case of red tide. It is very serious and the scientists could not tell whether this poison gas was or was not the cause and the Department of Defense did not even talk to the Department of the Interior about it beforehand.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman.

Mr. RIVERS. Sometime ago the gentleman came to me with a problem concerning Monmouth, N.J.

Mr. HOWARD. I hope the chairman will not hold that against me.

Mr. RIVERS. Did I call the gentleman a Communist, or did I help the gentleman?

Mr. HOWARD. You helped the people who work at Fort Monmouth because they had a justifiable claim. I am certain the Chairman would not want to give favors to favored people. The gentleman was very helpful and I am grateful that he was fair in this instance.

SUBSTITUTE AMENDMENT OFFERED BY MR. PHILBIN

Mr. PHILBIN. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. PHILBIN as a substitute for the amendment offered by Mr. NEDZI: On page 16, after line 8, insert a new section 410 as follows:

"(a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six month period for Research, Development, Test and Evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

"(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for (1) the transportation of any lethal chemical or biological warfare agent to or from any military installation in the United States, or (2) the open air testing of any such agent within the United States, unless—

"(A) the Secretary of Defense (hereafter referred to in this section as the 'Secretary') considers that the transportation or testing proposed to be made is necessary in the interests of national security;

"(B) the Secretary advises the Secretary of Health, Education, and Welfare of the particulars regarding the proposed transportation or testing.

"(C) the Secretary of Health, Education, and Welfare reviews such particulars with respect to any hazards to health and safety which such transportation or testing may pose, and reports his findings, together with any precautionary measures that he recommends be taken to avoid or minimize such hazards, to the Secretary;

"(D) the Secretary considers the findings and recommendations made by the Secretary of Health, Education, and Welfare under paragraph (C) and takes such action consonant therewith as he deems appropriate (including, where practical, the detaxification of any such agent, if such agent is to be transported to or from a military installation for disposal); and

"(E) the Secretary provides notification that such transportation or testing will be made to the Armed Services Committees of the Senate and House of Representatives at least ten days before the date on which such transportation or testing will be commenced.

"(c)(1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the deployment, or storage, or both, at any place outside of the United States of——

"(A) any lethal chemical or biological warfare agent, or

"(B) any delivery system specifically designed to disseminate any such lethal agent, unless the Secretary gives prior notice of such deployment or storage to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

"(2) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any lethal chemical or biological warfare agent outside the United States if the Secretary of State, after being notified by the Secretary that such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives, and to all appropriate international organizations, or organs thereof, whenever so required by treaty or other international agreement.

"(d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of the United States.

"(e) After the effective date of this bill, the operation of this section, or any portion thereof, may be suspended during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President."

Mr. PHILBIN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. ECKHARDT. Mr. Chairman, I object.

The Clerk continued the reading of the amendment.

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD, and that the gentleman from Massachusetts be given an opportunity to explain it. It is possible that we might get some kind of substitute on which we can get our teeth into, and we can arrive at some language which we can vote on affirmatively. I am not infallible. If you do not know that, get in touch with me and I will tell you later. I will try to work out something.

Mr. NEDZI. Reserving the right to object, Mr. Chairman, may I have a copy of the amendment?

Mr. PHILBIN. The gentleman will be provided with a copy of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts will be recognized in support of his amendment.

Mr. PHILBIN. Mr. Chairman, this amendment would in essence be very similar to the provisions on chemical

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warfare in the bill passed by the other body. However, I think it includes some language not in the bill of the other body, and also some excisions of amendments or language of the other body.

It may be very helpful in trying to resolve this question, not only here before this House, but also in the conference which we are looking forward to with the Senate on this very important bill. Moreover, I think we all are agreed that the ruthless destruction of life by the deadly and lethal substances involved in possible chemical and biological warfare is revolting and abhorrent to all of us.

I do not think there is any disagreement in the House on that question. We all have a built-in aversion and detestation of chemical and biological and lethal warfare, and I doubt very much that we would ever use them.

It is true that other nations do not entirely share our humane feelings, or our unyielding opposition to the use of these destructive agents, the use of which would be violative of the Geneva protocol covering chemical and biological warfare. These nations are known—and I say that advisedly—they are known to be vigorously and ably conducting research programs in both lethal and nonlethal areas in this field.

They have active, and operational, military capabilities and large stockpiles. Make no mistake about that.

Under the circumstances it would be foolhardy for us to ignore or overlook these facts. Obviously, we must keep abreast of the developments of weaponry and the lethal substances and their accessories that are in the hands of potential enemies, who in some conceivable situations may not have the same hesitancy and unwillingness that we would have about using these horrible, awesome agents of destruction.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. PHILBIN. I yield to the very able, distinguished gentleman from New York, who has made such a great contribution to the study and public exposure of this subject in its profound and widespread ramifications.

Mr. McCARTHY. I thank my dear friend from Massachusetts. I wonder if you could give us briefly an idea of how your amendment varies from the Nedzi amendment.

Mr. PHILBIN. Briefly, it removes the reference to delivery systems and cuts down somewhat the extensive reporting requirements of the Senate bill. In my colloquy with my good friend and valued colleague, the gentleman from Michigan (Mr. Nedzi), I pointed out that my amendment takes out a number of the provisions requiring agency reports and notifications which are contained in the language of the other body.

Mr. McCARTHY. What report would you leave in?

Mr. PHILBIN. We would leave in those that we think are helpful. We would include those which would refer to advising the concerned Government agencies. Our own Government agencies are involved. The revelant committees of Congress also would be advised. HEW will be advised.

Mr. McCARTHY. HEW would be kept advised?

Mr. PHILBIN. Yes, and the Surgeon General. There is very little difference between my amendment and the gentleman's from Michigan except that mine cuts down the rather extensive reporting requirements of the Senate bill and also takes out the reference made to the delivery systems, which would be academic at this time for lack of funds available.

Mr. McCARTHY. Does the gentleman's amendment require that Governors be notified?

Mr. PHILBIN. That provision is retained in my amendment.

Mr. McCARTHY. How about Civil Defense? Would they be covered under the gentleman's amendment? Would they be notified through the executive branch?

Mr. PHILBIN. Yes; they would be. They are on our list of those officials and agencies.

Mr. McCARTHY. They would?

Mr. PHILBIN. Yes; they would be.

Now, unfortunately, until the time comes that we have clear, definite assurance that other nations will not use these terrible agents to destroy life we cannot allow ourselves to fall behind. I want to stress that very much. We cannot allow ourselves to be at the mercy of ruthless, reckless, irresponsible leaders of any nation.

I have the greatest respect for the distinguished gentleman who offered this amendment. He is a very able and distinguished colleague, and a very useful member of our committee. The gentleman has made a great contribution to our work, and in a sense, I am sorry indeed that I feel constrained at this time to oppose the gentleman's proposal and substitute my own.

But I do feel that the amendment I present would be probably more helpful, a more viable vehicle in enabling us to hurdle the obstacles that remain and also give us a better opportunity and more favorable prospects of a successful, economical and beneficial conference with the other body.

I ask most respectfully that the House very carefully consider and approve the constructive substitute amendment that I have offered and is pending before you now.

Mr. ARENDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the interest of time I am not going to use my 5 minutes. I have been listening as attentively as I could to the substitute offered by the gentleman from Massachusetts. Since it is in agreement with what probably the Department of Defense would be willing to live with, I would suggest we accept the substitute amendment offered by the gentleman, which will give us the opportunity of going into the conference committee and working out some language which I think will be acceptable to everyone in this House. I trust that would be the case.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from New York.

Mr. McCARTHY. Mr. Chairman, I discussed this in general with the gentleman from Massachusetts. I must say the substitute is not as strong as the Nedzi amendment, but then the Nedzi amendment was not as strong as I wanted. Facing the realities of the situation, I support the substitute amendment offered by the very distinguished gentleman from Massachusetts.

Mr. Chairman, the amendments concerning chemical and biological warfare offered today to the 1970 military authorization bill have now been considered. The Members of the House of Representatives have had a chance to indicate their position on these proposals to provide basic information on our chemical and biological warfare activities to Congress, to insure that weapons and materials of this type are tested and transported in safety.

I supported the first amendment, similar to that passed by the Senate, today because I believed it to be a useful first step in reestablishing a sound U.S. policy concerning chemical and biological warfare. This amendment recognizes the responsibility of the Department of Defense to insure that its activities do not endanger the public. Also, it recognizes the right of the elected representatives of the public to information about the activities in this area.

Action on this first amendment may be more symbolic of the concern of many Members of Congress about the problems in this area than specific in supplying remedies unless the Department of Defense interprets this amendment in the spirit in which it was offered. My colleagues have shared the concern of the public about the dangers involved in storage, transportation and testing of gas and biological agents whether they be the deadly nerve gas, GB, or whether they be the mindshattering LSD-like hallucinatory gas, BZ, or whether they be the sometimes deadly but usually incapacitating diseases like Venezuelan equine encephalitis. The requirements for reporting, safety in transportation and testing, and the ban on procurement of offensive weapons should apply to the complete range of chemical and biological weapons and agents with the exception of the tear gases CN and CS and flame, smoke and pyrotechnic munitions. Members of Congress are as much concerned about 155-mm. shells or 4.2-inch mortar shells to be filled with gas or bacteria as they are with specialized spray tanks. And they are as much concerned about the testing of tularemia in the open air as they are with the testing of incapacitating or deadly toxins. If we find that the greater part of the chemical and biological warfare activities of the Department of Defense are not covered by this amendment when carried out, then Congress probably will demand that the requirements be made more specific. I trust that any limitations in wording or any changes in the Military Procurement Act when it is finally passed will be remedied by the Department of Defense in its administration of this act.

I welcomed the passage of this first CBW amendment by the Senate on August 11, 1969. The unanimous vote of 91 to 0 was an encouragement to those who

have sought a policy of reason in this field. The support of many Members of the House of Representatives is a reflection of their concern.

The first amendment, however, did not deal with the basic public policy questions concerning the use of or nonuse of chemical and biological weapons. In one sense an amendment relating to these questions should not be offered now because our basic policies concerning chemical and biological warfare are being reviewed by the executive branch. Public interest and the requests of Members of Congress led to the first such comprehensive review in more than a decade. The positions of the various executive departments will be discussed in a National Security Council meeting that will occur either at the end of this month or early in November. Following that meeting the executive branch should adopt a policy for chemical and biological warfare that can be considered by Congress. At that time, I believe that Congress should carefully consider the recommended policies and incorporate any changes in the appropriate military and foreign policy measures that come before the Congress at that time.

At this point, I should summarize the fundamental policy issues that underlie a rational national position on chemical and biological warfare. The executive branch and Congress must decide whether:

We should ratify the Geneva Protocol of 1925 that bans the first-use of chemical and biological weapons;

We should stockpile chemical and biological weapons in our arsenal and in what quantities;

We should ban the use of tear gas for other than humanitarian purposes;

We should use antifood and antifoliage chemicals on a massive scale, especially when we do not know what the effects of this use will be;

We should or should not use disease as a weapon of war.

These are some of the questions that every thoughtful American should consider at this time. They should be considered because, in my opinion, the United States has drifted far off the correct course in the practices that we employ in Vietnam and in the policies gradually creeping into our military guidelines and training manuals.

It takes no great genius to see that our traditional policies in the areas of chemical and biological warfare have been gradually eroded. We have changed from the nation that introduced and signed the ban on chemical warfare at the Geneva Convention of 1925, from the nation whose Presidents spoke out in the name of humanity against the use of these weapons, to a nation that uses gas—even though it is tear gas—as an aid in killing the enemy. We are breaking down the traditional barriers against the use of chemical warfare rather than upholding one of the few international agreements that have limited man's inhumanity to man. There have been only a few minor uses of gas in the world following the signing of the Geneva Protocol. Yet we have added to that list with our massive use of an advanced form of tear gas, CS–2, as an aid in killing in Vietnam.

The use of tear gas in Vietnam always opens the path to further escalation. If we use tear gas, might not the enemy use mustard gas? It was in this fashion that gas was first used in World War I. Both the Germans and the French used tear gas in the early stages of the war. It was only one short step from the use of tear gas to the use of deadly chlorine, phosgene and mustard gas. By the end of that war more than 1 million casualties had been caused by gas. It was the horror and revulsion to these casualties that were responsible for the Geneva protocol. Yet we appear to be willing to risk the same escalation in Vietnam or in future conflicts.

We also have abandoned our traditional policy of no first-use of these weapons—a policy that led us to decide not to use blight against the rice crop of the Japanese during World War II —to a policy that employs antifood and antifoliage chemicals on a massive scale in Vietnam. Our planes in Vietnam spray herbicides on the rice and vegetable crops of the Vietnamese in an antifood campaign. We do this despite the knowledge that this type of campaign hits the old and the young, the sick and the feeble, hardest. Dr. Jean Mayer, President Nixon's nutrition adviser, studied the effects of starvation on Biafrans and Nigerians as well as information on other occasions on which a people have been deprived of food. He found that the men in military service were the last to feel the effects of a food shortage. Yet we continue to destroy rice and vegetables with chemicals sprayed from our aircraft.

We also have engaged in a vast antifoliage campaign using defoliants on thousands of acres of Vietnamese countryside. A number of these defoliants are long lasting and do not decay readily. Just what the effects of repeated spraying of these chemicals will be on the Vietnamese ecology is hard to tell. Even the Department of Agriculture's expert on defoliation, Dr. Fred Tchirley, admits that we do not know what the effect of this massive chemical warfare operation will be. Although defoliants and herbicides are not specifically banned by the Geneva Protocol of 1925, I believe that we should know considerably more about their use. And I do not believe that we should use antifood chemicals at all.

In an even more disturbing erosion of our traditional policy in this area, I understand that the United States seriously considered using disease as a weapon against Cuba during the missile crisis. Although I have been unable to confirm this information from official sources, I do know that a number of military advocates of CBW believe that we should use both deadly and the so-called incapacitating diseases as weapons of war. Gen. William Stone, in testifying before the House Armed Services Committee, expressed reservations about the use of a deadly plague that might spread from man to man. But he expressed no such reservations about the use of a disease that might not spread or the use of the so-called incapacitating diseases that are supposed to only make a person sick.

I find a policy that would use disease as a weapon abhorrent. I did not learn in the American history textbooks that I studied that the United States found it necessary to rely on a weapon of such repugnance. Rather, I learned of Clara Barton and the Red Cross bringing aid to the sick and wounded on the battlefield. I learned of Dr. Walter Reed, an Army doctor who found the cure for yellow fever. I learned about the invention of wonder drugs to cure diseases. How far from this tradition have we moved?

Aside from the question of ethical principle, it has been made clear by both a number of highly competent biologists and biological warfare experts who prepared the U.N. report on the subject that disease as a weapon is too uncertain a weapon to have a place in our arsenal. In using such a weapon a country would risk starting an epidemic that might spread around the world—what Nobel Laureate Dr. Joshua Lederberg calls a pandemic. Also, in using such a weapon, a country might find that the disease that it used traveled around the world and came back to its own citizens in a form that could not be cured. We have enough difficulty controlling such common diseases as the Asian flu. Each year we must prepare a new vaccine against the latest version of this virus. Yet we claim that we would use disease as a deterrent.

The recent report on chemical and biological warfare released by Secretary General U Thant pointed out that a country using disease against one nation might find that because of meteorological conditions that it had infected a neighboring country. We also learn that if we were attacked with biological weapons that we probably wouldn't know which country had done so. Toxins or bacteria released by covert agents would not be traceable to any one country. We also know that at present there is no way of detecting whether we have been attacked until people become ill and it is too late to take effective countermeasures. Disease also strikes with varying speed so that if a nation suddenly found many of its people becoming ill, it might launch its nuclear weapons in fear that the crews manning those weapons might become ill. Unplanned chaos of this type is not wanted by any military strategist. Knowing these limitations on this weapon, I do not think that disease is either a credible or a practical deterrent.

In 1943, during the height of World War II when we had more than 12 million men under arms, President Roosevelt said that we would under no circumstances be the first to use either chemical or biological weapons. Our military leaders, such as Admiral Leahy, Admiral Nimitz and General MacArthur also believed that we should refrain from using these weapons. If during a time of trial we find that we do not need to use these weapons, why do we need to adopt them now? I believe that the United States should back up its announced support of the Geneva protocol of 1925 by ratifying it. I have urged President Nixon to re-

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submit the protocol to the Senate for ratification and almost 100 Members of the House have joined me in sponsoring a resolution for this purpose. More than 20 Members of the Senate have joined Senator VANCE HARTKE in sponsoring a similar resolution in the Senate. Let our actions speak as loud as our words. Let us adopt the protocol that we introduced.

Going beyond the Geneva protocol of 1925, I believe that the United States should support the resolution that has been introduced in this session of the Geneva Disarmament Conference that would ban the development, production, stockpiling or use of biological weapons. This resolution would go into effect when the 12 or so nations that have a significant capability in this field agreed to it. It would not require stringent inspection or verification because the weapons it bans are not as effective as either our conventional or nuclear ones. I was informed by the White House staff that we support this resolution in principle. I urge that we go beyond this and agree to wording toward which we can actively work.

A number of compromises to the principal CBW amendment were accepted on the floor of the House of Representatives today. In the interests of passing the amendment I supported these changes. I do believe however, that the Senate version more accurately meets our needs for safety and information. It is my belief that the Senate version should be adopted in conference.

The House has expressed its concern about the problems of chemical and biological warfare today. I know that this concern will also extend to the executive branch review and subsequent consideration by Congress. During the review by Congress I believe that we can reassert a basic policy of humanity. Nothing less is acceptable in the light of America's highest principles and tenets.

Mr. RIVERS. Mr. Chairman, in an effort to try to get something done in this area, certainly I will say the efforts of the gentleman from New York cannot go unrecognized and I think he should be applauded.

I will be very glad to accept the substitute amendment offered by the gentleman from Massachusetts. The gentleman has rendered us a great service and has gotten us to this point. As far as I am concerned, we will accept the amendment as amended.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Massachusetts (Mr. PHILBIN) for the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The substitute amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Michigan, as amended by the substitute amendment offered by the gentleman from Massachusetts.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN: Add a new section to title IV:

"SEC. 410. (a) After January 1, 1970, the Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the acquisition of any weapons system or other need of the United States.

"(b) The Secretary of Defense shall cause a review to be made of each major acquisition program as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each program as to—

"(1) the estimates at the time of the original plan as to the total cost of the program, with separate estimates for (a) research, development, testing and engineering, and for (b) production;

"(2) the department's subsequent estimates of cost for completion of the program up to the time of review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the department intends to exercise such options, and the expected cost of exercising such options:

"(5) significant milestone events associated with the acquisition and operational deployment of the weapon system or item as contained in the plan initially approved by the Secretary of Defense, actual or estimated dates for accomplishment of such milestones, and the reasons for any significant variances therein;

"(6) the estimates of the department as to performance capabilities of the subject matter of the program, and the reasons for any significant actual or estimated variances therein compared to the performance capabilities called for under the original plan and as currently approved; and

"(7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the program.

"(c) The Secretary of Defense after consultation with the Comptroller General and with the chairman of the Committee on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major acquisition programs under subsection (a).

"(d) The Secretary of Defense shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each program review.

"(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred or to be incurred, the delivery schedules, and the effectiveness of performance achieved or anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his duties. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after the final payment under the contract or subcontract as the case may be, by subpoena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officers or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry this section into effect."

Mr. WHALEN (during the reading). Mr. Chairman, I ask unanimous consent that this amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RIVERS. Mr. Chairman, I make a point of order that the amendment is not germane to title IV and therefore it is out of order.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. WHALEN. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Ohio on the point of order.

Mr. WHALEN. Mr. Chairman, first I should like to make a very general observation. This is, of course, an authorization bill. It authorizes funds for military procurement. Certainly the Congress of the United States has the authority to prescribe certain procurement procedures.

I should like to make three specific observations with respect to the point of order made by the gentleman from South Carolina.

First, as I suggested previously, this bill deals with military procurement. The proposed amendment likewise deals with military procurement.

Second, the committee in drafting and approving this bill and bringing it to the House floor provided title IV, general provisions. Since the amendment does not deal with specific dollar authorizations it certainly is in order to come within the general provisions area, title IV.

Third and most important: section 402 of the bill provides certain contracting limitations. It also provides for certain contract reporting. This new section, now 411, would provide the same thing. There are certain restrictions imposed. It does also call for reporting on contracts.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Ohio (Mr. WHALEN) has offered an amendment inserting a new section in title IV of the bill. The amendment would require the Secretary of Defense, in cooperation with the Comptroller General, to develop a reporting system for major acquisition programs managed by the Department of Defense. The Secretary of Defense would be required to submit quarterly reports to the Congress, including his findings with respect to estimated program costs, cost overruns, program performance, and other information pertinent to the evaluation of costs incurred and expected with respect to any weapons program. The amendment would give the Comptroller General authority to make independent audits of the reporting system developed by the Secretary, as well as authority to obtain records from the defense contractors involved.

Nothing in this title involves the General Accounting Office or the Comptroller General.

The Chair has reviewed several precedents in connection with this amendment. In the 75th Congress, an almost identical situation was presented. There the Committee of the Whole had under consideration the naval authorization bill, which contained a provision relating to the allocation of contracts for construction of the vessels herein authorized, as well as for the procurement and construction of airplanes. An amendment was offered by Mr. Dirksen, of Illinois, which provided in essence that the Comptroller General of the United States was authorized and directed to make an investigation of the accounting system employed by the Navy Department and requiring him to report his findings to the Congress. The Chairman of the Committee of the Whole on that occasion, Mr. O'Conner, of New York, ruled that the amendment introduced into the bill another branch of Government other than the Navy Department, and directed that agency to perform certain duties. He held the amendment not germane.

The Chair feels this precedent is decisive in the pending situation. The amendment is not germane to this title and The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SIKES: On Page 10, after line 18, add a new section 403B as follows:

"Section 3019, Title 10, United States Code is amended to read as follows:

"'(c) The Chief, Office of Army Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Army Reserve, shall be appointed in the grade of lieutenant general for service in the Army Reserve while serving as the Chief, Office of Army Reserve. The position of Chief, Office of Army Reserve is in addition to the number of lieutenant general positions authorized by section 3066 or 3202 of this title, or any other provision of law.'

"Section 8019, Title 10, United States Code is amended to read as follows:

"'(c) The Chief, Office of Air Force Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Air Force Reserve, shall be appointed in the grade of lieutenant general for service in the Air Force Reserve while serving as the Chief, Office of Air Force Reserve. The position of Chief, Office of Air Force Reserve is in addition to the number of lieutenant general positions authorized by section 8066 or 8202 of this title, or any other provision of law.'"

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES) in support of his amendment.

Mr. SIKES. Mr. Chairman, I would hope this is an amendment on which there is no disagreement and which will be accepted by the committee. I propose to keep on an equal basis the leadership of the Army Reserve, the Air Force Reserve, and the Chief of the National Guard Bureau. I believe the membership of this body will recognize the desirability of the proposal, plus the implications of justice, fairplay, and merit which it embodies.

I endorse the legislative proposal of the committee to improve the statutory position and authority of the Chief of the National Guard Bureau. The Chief of the Bureau, at the present time, for the first time in the history of the Bureau, is an Air Force officer and commands both the Army National Guard and the Air National Guard of the United States.

Now let me get down to the simple facts in the case. The Army National Guard has a strength authorized in the pending bill of 393,298, and the Air National Guard 86,624. The officer responsible for the fitness and readiness of these large organizations should have three-star rank. The Army Reserve in this bill is provided a paid drill strength of 255,591. However, there is in addition in the Army Reserve, subject to callup for Federal duty at the will of the President, a total of 1½ million reservists. To maintain this entire organization in a state of fitness and readiness is the responsibility of the Chief of the Army Reserve, along with the Secretary of the service to whom he is responsible. The maintenance of an Army Reserve is specified by law which we passed last year. It is as permanent as the National Guard, or for that matter, the Regular Army. There is no prospect in the foreseeable future that it will be abolished, or even reduced. For a fact, there is every indication that our national policy must be to increase the strength, support, and hence the importance of the Reserves in the future, and thus to place upon the Army Reserve Chief a far greater responsibility than even today taxes the incumbent in that office.

The Chief of the Air Force Reserve, also a statutory position, is under present law, responsible to his Chief of Staff and the Secretary of the Air Force for the total complement in his service. The bill before us provides a paid drill strength of the Air Force Reserve at 50,775. However, the total strength of officers and enlisted men in the Air Force Reserve, the vast majority of whom train without pay and yet are subject to callup for service, number nearly one-half million. The fact that most of them do serve without pay and yet must be encouraged to maintain a state of readiness and efficiency imposes an even greater leadership responsibility on the Chief of the Air Force Reserve. The service given by the Air Force Reserves during the Vietnamese conflict has been outstanding, and readiness for this contribution, too, is a part of the responsibility of the Chief of the Air Force Reserve.

Now let me call to your attention the fact that there are dozens of lieutenant generals in the service; the Army has 46, and the Air Force 42. None of these exercise a command responsibility over numbers that even remotely approach the number in the Army Reserve or the Air Reserve. These are major commands of great responsibility and importance to America's defense.

I do not believe it necessary to belabor the issue. I think the picture is very clear.

Most of the Members of this body were here during the critical days from 1962 to 1968 when we participated in a national debate about what to do about the Reserve Forces, including the National Guard and Reserves. You remember, that after going tediously, laboriously, and meticulously into every aspect of the issues raised, the Congress by an almost unanimous vote—in both bodies of the Congress—reached the conclusion that for the safety of this country both the National Guard and the Reserves, comprising the Reserve components of the Army and Air Force, and the Reserves of the Navy, Marine Corps, and Coast Guard, must be maintained as separate entities; that they must be given better management and support; and that the chiefs of these components should occupy positions created by law and filled by appointment by the President of the United States and confirmed by the Senate. All of us are familiar with the legislative history of Public Law 90–168. I do not recall any law ever considered and enacted which had more deliberate, careful and statesmanlike handling. The chairman of the Committee on Armed Services, Mr. RIVERS, and the chairman of the subcommittee which actually drafted this bill, Mr. HÉBERT, received and merited in this body the respect and acclamation of every Member for the hundreds of hours they spent in objective and selfless dedication to the problem—this issue involving the current and long-range legal status of the Reserves.

Their work and that of the members of the great Committee on Armed Services has been splendid and inspired. We honor them for it. The amendment which I offer is fully in consonance with the philosophy and the actions which have contributed to the security and safety this Nation enjoys today.

Mr. Chairman, I would not consider it appropriate at this time to ask the House to consider the relative standing, competence, and leadership qualifications of the three officers involved and who would be affected at this time.

Each of them is outstanding in his field and are recognized for their sterling gifts in leadership and management. I believe that the military services and the Presi-

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dent of the United States were honored by their choices in filling these positions. I believe it is fair to say that they are considered to occupy relative or comparable military positions and to share relative or comparable responsibility.

This is completely aside from the personalities involved, because what we are talking about are three military positions, which will be filled in the years to come by others. Each position will be filled, under law, by appointment by the President of the United States. Each officer selected will have tremendous responsibility, not only to the President who will appoint him and the Congress who must confirm him and who will review his performance as it is required of us to do by law, but to the people of the United States.

In any war or national emergency the safety of this country rests upon its citizens. In all of our history the ranks of our military forces have been drawn in a large part from our civilian population. The citizens of this country, from all walks of life, must continue to protect this Nation, to keep it safe and secure.

They are our reserves. They are entitled to the best leadership we can provide them. My amendment will recognize the importance of this leadership. It will insure that for the future that we can attract outstanding leaders to these positions.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am happy to yield to the distinguished gentleman from Louisiana who has been very helpful to me in developing this amendment.

Mr. WAGGONNER. Mr. Chairman, I want to thank the gentleman from Florida for yielding to me. He is a great man to work with. He is a great Member of this Congress.

I wish to associate myself with his remarks and the position he has taken in this matter. I do support fully what the bill provides for the Chief of the Guard Bureau. I do believe, as he does, that it is a matter of equity to provide this same language and thereby the same rank for the Chiefs of the Air Force Reserve and the Army Reserve.

I am happy to support this amendment. We have been working on it together.

Mr. SIKES. Now let me say to the distinguished chairman of the great Committee on Armed Services, if you are on my side, as I think you are, I want to yield to you.

Mr. RIVERS. If the gentleman will yield, I did not know that there was anything but your side. Of course, the gentleman is so persuasive I do not know of anything to do but accept his amendment. I do think, though, we will have to work out something in conference to take care of the other Reserve components, such as the Navy and the Marines.

I do want the gentleman to know that as far as I can I certainly am persuaded by his excellent argument, and as far as I am concerned I will accept his amendment.

Mr. SIKES. I am most grateful to the distinguished chairman for his comments.

I recall very well the gentleman's great contributions to the development of the comprehensive and effective reserve legislation that we now have in the statutes.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Texas. He has always shown a commendable interest in the Reserves.

Mr. CABELL. Mr. Chairman, I thank the gentleman for yielding, and I wish to commend the distinguished gentleman from Florida for bringing this inequity to the attention of the committee, and I rise to associate myself with the remarks made by the gentleman from Florida.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. SIKES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendement.

The Clerk read as follows:

> Amendment offered by Mr. MIKVA: On page 15, line 2, insert immediately after the period and before the quotation mark the following: "In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after December 31, 1969, this limitation of 3,285,000 shall within 180 days thereafter be reduced by a like number. Nothing in this section shall be construed as requiring the reduction of the permanent active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law."

Mr. MIKVA. Mr. Chairman, I must confess that I am one of those "instant experts" about whom you have been hearing so much sneering. I must confess that until I came to the Congress not too long ago, I was not aware that we had the largest standing Armed Forces in thew orld. That figure is true numberwise, percentagewise, dollarwise, everywise.

Nor was I aware that Congress had in all effect abdicated its responsibility for setting the overall size of our Armed Forces in terms of manpower.

Until this year, Congress had at regular intervals completely suspended the statutory ceilings on the size of our Armed Forces to the extent that the Department of Defense had a blank check for 5 million men. The bill that has been reported out by the committee removes those blank check aspects to the extent that it reduces authorized personnel to the number that actually were in uniform at the close of last fiscal year. Indeed, it reduces it by 176,000 below that figure. This is commendable action and I would like to think that it has something to do with the spotlight of attention that has been focused on the world's largest Armed Forces.

Let me say one other thing. The amendment that the Clerk has read, if adopted, cannot have any of the afterbirth that has been used as a basis for attacking the other amendments. Your constituents can only cheer if this amendment is adopted and is effective, because the commodity involved is the children of your constituency. What this amendment would do is to require that the authorized active duty military strength of the United States be reduced by one man for every man withdrawn from South Vietnam after the end of this year. The committee has set the strength of the Armed Forces at 3,285,000 as of July 1, 1979. The amendment would reduce that overall ceiling on active duty strength on a one-for-one basis as men are withdrawn from South Vietnam after December 31, 1969. The cosponsors of the amendment believe that it is a responsible and conservative solution to the problem of what should happen to the extra men who were brought to duty for the war in Vietnam. I would like to make four points very quickly in support of the amendment.

First, it does not in any way involve a timetable for U.S. withdrawal from Vietnam. For this reason I believe that it can be supported by hawks and doves, and falcons, and even pigeons—by those who advocate slower withdrawal and those who advocate faster withdrawal. In short, the amendment deals with what happens only after withdrawal of troops from Vietnam. It does nothing to force the President's hand on the war. The committee report says at page 115 that the 176,000-man reduction which the committee has written into the bill "will not adversely affect our military combat capability in Vietnam." Since this is true, and since the amendment under consideration here concerns only what happens after withdrawal of troops from Vietnam, the question of withdrawal timetables or quotas is simply not involved.

Let me also state that the reduction required by the amendment that I have offered in no way overlaps the reduction made by the committee. This amendment would apply to troops withdrawn after December 31, 1969. Any withdrawal of troops prior to that point that may, in fact, have been included in the 176,000 reduction proposed by the committee would not require any reductions in authorized strength under this amendment.

Second, some Members who favor faster withdrawal of American forces from Vietnam fear that linking troop withdrawals to reduction in overall strength ceilings will have an adverse effect on the pace of American disengagement. They believe that if troop withdrawals will lead to automatic reductions in overall strength, then military leaders will have strong arguments against such withdrawals, since they will require proportionate reductions in overall U.S. military manpower. Thus the generals can argue, it is said, that troops could not be withdrawn from Vietnam and stationed nearby for use if needed in Vietnam, because once withdrawn they would have to be deactivated. I would suggest three answers to this contention.

In the first place, it is sheer speculation. Of course the generals might argue this way to the President. But there is no way to know this now. It appears from the last few days as if U.S. troop withdrawal will be well enough discussed and debated that there will be plenty of other, more important considerations for the President to take into account. He will not have to worry about the generals' arguments about the effect that with-

drawals will have on overall troop strength.

Some Members are dubious about how many more men will be withdrawn from Vietnam in the next year. Others are very optimistic. This amendment will not aid or abet either side of that dispute. But it will much such a withdrawal a meaningful event to our entire posture as a nation, moving us away from our militaristic expenses and adventures. This amendment will neither hurt nor help to find a solution to the quagmire of Vietnam. But it can help to prevent further Vietnams.

An equally plausible scenario, I think, is that the President may decide to withdraw troops for strategic reasons or for the purpose of spurring the Paris talks. He has already stated, in his Manila press conference, that he foresees and desires a decreasing U.S. military presence in Asia. Thus when the President withdraws troops for reasons of strategy or the peace talks, he will want to remove them from the area. We may very well be giving the President a very effective argument against keeping the Vietnam troops elsewhere in Asia. The President can simply respond, if we pass this amendment, "No, the Congress has spoken. As soon as troops are withdrawn, troop strength must be decreased. These troops cannot be stationed elsewhere in Asia." Thus we may be strengthening the President's hand against the generals with this amendment.

An amendment almost identical to this amendment was approved by the other body by a vote of 71 to 10. The debate and approval of that amendment are at pages 25802 to 25808 of the September 17 CONGRESSIONAL RECORD. The chairman of the Senate Armed Services Committee, Senator STENNIS, supported the amendment. More important, the Department of Defense accepted the amendment. One has to have a very cynical view of the Machiavellian nature of the Department of Defense if we are to believe that the formula involved in this amendment could be used as a ploy to persuade the President not to cut our troop presence in Vietnam.

We added an additional 800,000 men to the size of our Armed Forces because of Vietnam. Of that number, only 475,000 will be left in Vietnam after the announced withdrawals are completed; only these forces would be affected by this amendment. Parkinson's law applies to military forces just as it does to every other kind of personnel. This amendment would see to it that once the purpose for which the extra manpower was added to our Armed Forces; namely Vietnam, becomes moot, most of the ill effects of Parkinson's law would be averted and the manpower would not be diverted to other purposes. Put another way, our Military Establishment would be given a Parkinson's law dividend of 300,000 men rather than 800,000 men. What a modest first step indeed for Congress to again claim its constitutional prerogative to decide the size of the Armed Forces that it is supposed to raise and support.

Only by such an amendment as this will the American people get the full economic benefit of troop withdrawals from Vietnam. If troops are withdrawn from Vietnam and stationed next door in Thailand, or in Okinawa, or elsewhere in Asia, they will cost the American taxpayer almost as much as they do now. We may have withdrawn the troops from Vietnam, but still be paying for them. Thus, in order to get the full economic benefit of the Vietnam disengagement—which will be far more than the $2 billion saved by the committee's cuts—we must provide deactivation of troops proportionate to the Vietnam withdrawals. This amendment would do just that.

To illustrate this last point, I refer to page 3757 of the hearings on this bill. In discussing the first 25,000-man withdrawal of troops from Vietnam, General Westmoreland said that of the 15,000 Army personnel included in the withdrawal, 7,000 were going to Hawaii and only 8,000 were being deactivated. The taxpayers will still be supporting these 7,000 men who were theoretically brought to service only for the Vietnam war. We will be supporting them next year, the year after that, and who knows how long after that. This is exactly what happened after the Korean war. We had a statutory ceiling of 2.3 million men. We have not been close to that ceiling since the buildup for Korea began. In order for the American taxpayer to get the full benefit of our troop withdrawals from Vietnam, we must have a formula for proportionately reducing overall manpower—such as contained in this amendment.

Finally, the reason that this amendment would have no adverse effect on the withdrawal schedule is that the President, in the last analysis, has the discretion to inform Congress that the ceilings imposed by this amendment—and by the committee—will jeopardize national security interests. When the President does this and state the basis for his determination, the ceilings will no longer apply. Thus, if the President wants to withdraw troops and not have a proportionate reduction in overall active duty troop strength, he need only make the required finding and inform Congress of the basis for it.

Third, I believe that we should adopt this amendment because it is the quickest and simplest way to reduce the enormous size of the defense budget. Complex weapons systems take years of leadtime and R. & D. money. Once the investment is made, we are naturally loath to abandon our investment. But there is no such restriction on troop strength. We can cut overall troop strength now—as I believe the American people would like us to do—and if it is necessary to increase it later, we can increase it. This can be done on a fiscal-year-by-fiscal-year basis. Short-term cuts can be immediately translated into cuts in the defense budget and savings to the taxpayers. There is really no other area of the defense budget which is so directly amenable to congressional control.

And yet important as manpower ceilings are as a means of congressional control of the Armed Forces and the defense budget, there is almost nothing in the hearings about overall manpower levels. Aside from my own statement to the committee, there is no discussion in the hearings of reducing military strength levels—no discussion even of the 176,000-man cut which the Armed Services Committee made. The general debate yesterday did not even touch this important area. I believe it is time for Congress to begin thinking about military manpower levels, and doing something about them. This is where the real savings lie. This is the subject which goes to the very heart of issues like our overseas commitments, the size of the defense budget, and national priorities.

In economic terms, moreover, cuts in troop strength inevitably mean cuts in operations and maintenance—savings which are almost impossible to estimate in advance. They will probably be much greater than the estimates which we and the committee are using. How much greater we will not know until we try. Over 15 years ago the House Armed Services Committee said we could save $10,000 for every man taken out of uniform. The committee's report indicates a saving of about $11,400 per man. I believe that $15,000 per man would be a conservative minimum when we include related costs of operations and maintenance, family housing, and so on, which would all be reduced.

Finally, and I believe most important for this body and this Nation, the heart of this amendment is that it puts Congress back in the role which the Founders intended that we should play—raiser, supporter and limiter of the size of the Armed Forces. Mr. Chairman, it is difficult to think of any responsibility of the Congress which is more clearly defined in the Constitution than its duty to set the size of the Armed Forces. And yet for almost 20 years, ever since the statutory ceilings were first suspended before the Korean war, Congress has not set any meaningful ceiling on the Armed Forces. The committee's amendment this year is the first attempt in 18 years to lower that ceiling to something close to what our real security interests require.

But even the committee cut only reflects decisions already made by military planners at the Pentagon. The committee report says on page 114: "Thus, the committee amendment would reduce the temporary strength ceiling to reflect the proposed end strengths planned by the Department of Defense." The committee's cut is not a cut made by Congress, it is a cut which was made, and has already been announced, by the Secretary of Defense. The real issue on this amendment is whether Congress will begin to take back the authority to set military manpower levels—its constitutional authority—from the Pentagon which has exercised it for almost 20 years. I believe that the American people want and expect Congress to begin to exercise its powers over U.S. troop strength. I believe that this is an opportunity, a rare opportunity, for Congress to retrieve some of its prerogatives from the executive branch. I hope that my colleagues will seize that opportunity and assert that prerogative by voting for this amendment.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment.

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In my view this amendment is shortsighted. Reference was made to the acceptance of an amendment by the Department of Defense. But, of course, that is not the amendment suggested by the gentleman here today, but an amendment which came out of the other body. That was quite a different amendment, because it had a different base of the numbers of people involved.

The Department of Defense has, in fact, said what they could live with, and the amendment offered by the gentleman from Illinois cuts it very much underneath that figure.

Under the proposed amendment, the authorized strength ceiling for military personnel on active duty would be reduced by the total number of persons withdrawn from Vietnam on or December 1, 1969. However, these reductions in the numbers of personnel withdrawn from Vietnam would further reduce the end strength proposed by the committee language of 3,285,000.

Stated another way, despite the fact that the Department of Defense has already included possible personnel reductions from Vietnam in its overall strength reduction of 176,000, to be effected within fiscal year 1970, the proponents of this amendment would conveniently ignore this fact and require further reductions in the personnel ceiling.

Let me point out that the strength ceiling of 3,285,000 is an end-strength to be achieved by the Department by the end of fiscal year 1970, or July 1 of calendar year 1970.

The language of the proposed amendment would, for practical purposes, make this end strength ceiling of 3,285,000 become effective on December 1, 1969. This result obtains since all reductions in the number of persons serving on active duty in Vietnam which occur on or after December 1, 1969, would further reduce the strength limitation of 3,285,000. This is so because the Department of Defense has found 3,285,000 to be the minimum safe level reachable by July 1, 1970; and therefore, for the first 6 months of calendar year 1970 any reduction in Vietnam would reduce our worldwide minimum below the minimum safety level set by our defense authorities.

The effect of this amendment therefore is to push the President, as Commander in Chief of our Armed Forces, into the position of being required to cut military manpower below the level which, in his judgment, and those of responsible officials in Government, is absolutely required to meet our national security requirements.

Now the proponents of this amendment would reply that the President could, under the language in the committee bill, avoid this result by making a finding that the national security interests of the United States require a larger manpower force and so informs the Congress "of the basis for such determination."

Obviously, the President of the United States, for practical and apparent reasons, would be most reluctant to take this step. Consequently, the end result of this amendment would be to deter the President of the United States from making any further troop withdrawals from Vietnam—a result which I am sure the proponents of this amendment never contemplated.

The long and short of this question is that we are playing politics with the national security.

The language of this amendment offered by the gentleman from Illinois is identical to that included in section 407 of S. 2546, the Senate bill on this subject. However, the reduction-in-strength ceilings on personnel withdrawn from Vietnam in the Senate bill apply to a figure of 3,461,000, which was the estimated end strength of our Armed Forces on June 30, 1969.

Thus, the amendment offered here today, since it applies against an end strength of 3,285,000, goes much further in cutting authorized military personnel ceilings than either the Senate bill or the House bill as reported out of committee.

I think it important to point out that the temporary manpower strength ceiling in existing law is 5 million. The committee bill will reduce this to 3,285,000. The action taken by the committee reflects long-range planning in the Department of Defense and incorporates the personnel reductions announced by the Department as proposed to be effected during fiscal year 1970.

It is also significant that this strength ceiling is far lower than that which would be imposed by the Senate bill.

The Senate bill establishes a manpower ceiling of 3,461,000 to be achieved by the end of fiscal year 1970 with a proviso that this number would be further reduced by future reductions in our Vietnam forces.

To place this matter in better perspective, under the Senate language 176,000 men would have to be returned from Vietnam by June 30, 1970, in order to achieve the same strength ceilings provided in the House committee bill.

The action taken by your House Committee on Armed Services represents, in our collective judgment, the deepest cut that we can make in authorized military strengths without creating greater difficulties for our Commander in Chief in meeting our national security requirements.

The action proposed by this amendment is therefore, in my view, capricious and arbitrary. It conveniently ignores the facts.

Finally, let me point out that the placing of this proposed additional reduction on our manpower ceilings as offered in this amendment could only be construed by the North Vietnamese and the so-called peace negotiators in Paris as proof positive that we have given up our intention to reach an honorable conclusion to the Vietnam war.

I, therefore, trust that this amendment will be resoundingly rejected by the Members of this body.

Mr. Chairman, I would like to make one further observation. It was I in the committee who tried by amendment not to reduce to the 3,285,000 figure. I believe that the President of the United States, when he is Commander in Chief of the Armed Forces and when we are at war as we are today, should have the right and power in that capacity to defend our country as best he can with the end strength we have given him before, which is 5 million, not 3 million. Therefore, I opposed the reduction in the committee, and many of the members of the committee backed me. In fact, the vote in the committee was the largest vote cast for any amendment. I sought not to set a 3,285,000 figure at all, but to allow the flexibility to the President that we have under the existing statute.

So as I come here today, I am not speaking for myself personally in support of the 3,285,000 figure, because I think this figure should be more than that. It is dangerous indeed to cut it below what the Department and the Joint Chiefs of Staff have said is the absolute minimum they can live with, under the circumstances. It is dangerous both in Paris and Vietnam. It is a negative approach to the whole matter.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Illinois.

Mr. MIKVA. Did I understand the gentleman to say that the troop strength approved by the committee involved some of the cuts already made in Vietnam? Was that what the gentleman said?

Mr. BENNETT. I said the figure that you apply your formula to was a figure much smaller than the figure in the Senate bill. Therefore, your amendment would make an end figure much lower than the figure the Department of Defense says is safe.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words and oppose the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. GERALD R. FORD. Mr. Chairman, I applaud the action of the President in withdrawing, by the end of the year, over 60,000 U.S. military personnel from South Vietnam and applaud the action of the Secretary of Defense in making meaningful reductions in our overall manpower active duty strength. But I think there are some things about this amendment that, if approved, would be harmful in case of any subsequent emergency that might develop.

First, let me say that I firmly believe that the Congress of the United States has the right as well as the obligation to set manpower ceilings or limits or strengths. That is part of our responsibility under the Constitution. On the other hand, I do not think we should tie the hands of the President and the Secretary of Defense arbitrarily in the event some critical emergency might arise.

Let me present to the gentleman from Illinois a hypothetical contingency that might happen. I trust it will not. But supposing the President is able, as I hope he will be, to make further manpower withdrawals from Vietnam. Then under his amendment there would be an arbitrary reduction in the active-duty military personnel. Supposing in the process or in this time frame there should be some critical development; for example, in Europe or in the Middle East where it might be essential for immediate action. If the requirements of the

gentleman's amendment were law, the hands of the Secretary of Defense and the President could be tied in such an emergency.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Illinois.

Mr. MIKVA. I am glad the gentleman asked that question, because I call his attention to page 14, line 21 of the bill, which I have not changed by the amendment. That language states: "except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

Then the ceiling is off. I think that would be in answer to the point made by the gentleman from Michigan that we would tie the President's hands in the case of an emergency.

This is merely to begin to restore that prerogative of which he spoke so highly, and that is, the Congress ought to set troop ceilings.

Mr. GERALD R. FORD. Mr. Chairman, let me add, if the gentleman's observation is accurate, I see little or no need for the amendment offered by the gentleman from Illinois. May I add this observation? If the Defense Department approved the amendment in the other body, which to a degree is somewhat similar to the amendment suggested by the gentleman from Illinois, I do not see why the gentleman from Illinois did not subscribe wholeheartedly to the amendment of the other body. Then there would have been no problem. But apparently there is a distinct and serious difference between the amendment in the other body and the amendment the gentleman from Illinois is offering.

If that is the case, the gentleman's amendment is arbitrary and inflexible. On the other hand, if the proviso remains in the bill which the gentleman has cited, it is really meaningless and altogether unnecessary.

Mr. FRASER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will take a minute to say, first of all, that I commend the committee for its action in reducing the manpower ceiling by 185,000, I think it was. As the gentleman from Washington (Mr. Hicks) made clear, if we are really going to save any money in the defense budget, it has to come in the manpower area. I think that is eminently true. That is why I appreciate what the committee has done. I do think reducing the authorized ceiling as we withdraw troops from Vietnam makes sense. This is why I support the amendment.

Mr. Chairman, I would like to direct the House's attention to page 4298 of the hearings which the Armed Services Committee held on this bill. On that page and the pages following, there is a report on military manpower. Forty-eight Senators and Representatives, listed on page 4228 of the hearings, endorsed this report. I recommend it to all Representatives, for this report illustrates how 1,200,000 troops could be returned to civilian life after the Vietnam war is over, at an estimated saving of $12 billion.

It is the last section of this report, which starts on page 4304, to which I would like to address my remarks at this point. That section discusses the possibilities for more efficiency and economy in military manpower management. These efficiencies could take place without diminishing the combat strength of U.S. forces in any way, but with a considerable saving in money and in the number of troops required to do essential military jobs. The annual savings possible have been estimated in the billions of dollars. I would like to mention some of the possible management improvements and urge that they be studied and adopted so that the money now wasted for inefficient defense manpower can be diverted to our domestic problems.

Congressman Mikva has already mentioned the dizzying pace of reassignments and the lack of specialization which lower the quality of management in the armed services and result in such things as major procurement programs being managed by officers who lack the necessary skills to safeguard the Public Treasury. He has also described how the military bureaucracy, and low salaries, make military careers less attractive to qualified men, resulting in the massive "brain-drain" of the most talented men out of the services—including a large percentage of the graduates of military academies.

I will discuss three additional subjects. First, the way the Defense Department plans for manpower needs; second, the way the Department keeps track of its millions of men; and third, the way it budgets for all this manpower. Major reforms are necessary in each area, reforms which could save billions of dollars from the defense budget.

First, the way the Defense Department plans for its manpower needs. For years, the services have maintained total strengths which have rarely changed except in time of war, these total strengths are largely unrelated to the amount of military force required; they are just arbitrary quotas which the service department headquarters divided up and apportioned among their combat and support commands. In the last few years, the Secretary of Defense has made some progress toward relating total strength to the combat forces planned to be on duty—the programed forces. Congress should require that troop strengths be clearly relatable to the programed forces, and require the Defense Department to explain the relationships between the forces and the huge domestic military establishment, the vast overseas support commands. Congress should look into the opportunities to deactivate support and troop units which have no clear relation to the combat forces deployed. I am told that at the present time the planning procedures used for manpower are so confused that when Secretary Packard tells the services that they must cut their support establishments by a few thousand men each, it is impossible to prove whether these cuts have been made or not, because such small cuts get lost in all the paperwork of the planning procedures.

This brings up my second point—that the way the military services keep information on their personnel are inefficient. Most Members have heard stories of hundreds of court-martial cases being thrown out of court because the morning reports were hopelessly wrong, of statements of troop strength in Vietnam being wrong by thousands of men, of Ph. D's put in warehouses and laborers assigned to technical units, and of the story that five men have to be put on orders to Vietnam in order to get four there. Most of us have probably assumed that such things were inevitable in a large bureaucracy. This is not as inevitable as it might seem. Fifteen years ago, the same stories were told about supplies—but those stories are not as common any more. The reason for the improvement is that Secretary McNamara took a look at all the different forms, systems, and procedures for handling supplies, and combined them into modern, standardized, streamlined systems—almost 10 years ago. I feel that we should have the same things for personnel now—we should have standardized, automated "information systems" for personnel in all the services. All this means is consolidating the proliferation of archaic regulations and paper forms into a modern, simpler system. This reform is 10 years overdue.

Finally there is the matter of budgeting for personnel. I am not talking about budgeting at the Defense Department level—I am talking about economizing on personnel out in the military installations around the world, except in combat units. We do it for supplies—why can we not do it for personnel? The average installation or base commander around the world has a fixed budget for supplies, and within that budget he must run an efficient operation. But personnel are free, for all practical purposes. Even small bases often have hundreds of extra men assigned to them, troops that are not needed for anything. If a commander had a fixed budget for personnel, related to his missions, then extra manpower would eat into his budget, and there would be healthy pressure for those men to be reassigned to another base where they were needed and where the missions had resulted in a budget which provided for the extra men.

This proposal has been made time and time again, but there is no determination on the part of the Secretary of Defense to implement the plan. The name of this proposal is Project Prime. This proposal has been languishing for several years now. Project Prime is a new accounting system which focuses on the possibilities of middle-level management in the Defense Establishment to operate more efficiently. It could save millions of dollars.

When it was first introduced, it might have been premature; but now, its implementation would be salutary. It would be symbolic of Secretary Laird's intent to reduce Defense waste.

I hope these proposals are not too detailed to interest the Congress. Congress was instrumental in spotlighting possible improvements in the Defense Establishment in the last 1950's; if Secretary McNamara's changes really did save as much money as we are told, then Congress should get much of the credit for

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these reforms. Similar reforms are possible in manpower management now, and I recommend the subject to the distinguished Committee on Armed Services.

Mr. ESCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will not take my full time, but with due respect to my distinguished minority leader, the point is that this House has the responsibility to give direction to the Department of Defense. That is the purpose of this amendment: to indicate to the Pentagon that we wish to reduce the size of military personnel in direct proportion to which troops are withdrawn from Vietnam. Now it has been made very explicit the Commander in Chief, if another emergency occurs, will have the opportunity to increase the size of our forces, so that is not the issue here.

If we believe that this body has the responsibility to determine the size of the military, and if we believe that we do not want young men who are withdrawn from Vietnam to be sent elsewhere, then we will vote for this amendment.

Let us make it clear, then, if we vote for this amendment we are in no way tying the hands of the Commander in Chief.

Let us make it clear if we vote for this amendment we will be attempting to decrease the size of the military in direct proportion to which the President is going to withdraw troops from Vietnam.

Let us make it clear we are not in any way attempting to tell the President when and how he will withdraw troops from Vietnam.

What we will do by this amendment is simply this: cut responsibly this military budget and maintain the size of the military personnel at a pre-Vietnam level.

Mr. Chairman, that is why I ask the Members to support the amendment offered by the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I support the gentleman. It has been alleged that the amendment which the gentleman is offering differs substantially from the amendment offered in the other body, which was accepted by a vote apparently of 72 to 11. I wonder whether the gentleman who is the author of the amendment can enlighten us on that particular point, as to what extent this amendment does differ from the Senate amendment.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Illinois, (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, in answer to the gentleman from Illinois (Mr. ANDERSON), I will say the only difference between the amendment that was adopted in the Senate and the amendment I offer is that a portion of the Senate amendment was adopted by the committee; namely, to reduce the authorized strength down to the number of men who were in service as of July 1, 1969; so this amendment builds on the action of the committee. In other respects it is exactly identical to what was done in the Senate.

Mr. HICKS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I shall not take 5 minutes, but I rise in support of the amendment. As I stated earlier, the only justification I can see for the military hardware bill that we have supported, and that I support wholeheartedly with the exception of the anti-ballistic-missile system, is the fact that we are going to provide our men with the very best weapons and we do not need as many men to run them.

The way to start, so far as I am concerned, is to start reducing personnel. This is a good way to start.

As has been pointed out very adequately, there will not be any time limit on the President's hands. There will be no timetable to say when the troops shall be withdrawn, but as they are withdrawn the total strength of the Armed Forces shall be reduced.

Members all remember when we were debating the C–5A, the value of a remote presence was discussed. One of those values is the speed in which we can get troops around the world. When we can do that we do not need as many men. For that reason I suggest the gentleman's amendment should be adopted, though I have no illusions it will be.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from California.

Mr. HOSMER. This proposed amendment seems to assume some kind of symmetry between the number of people withdrawn from Vietnam and the general overall need for forces in the U.S. military services. As I understand the amendment, if the President wanted to reduce and had reason to reduce the total Armed Forces at a higher rate than he withdraws people from Vietnam he would be prohibited by the amendment from doing so. Therefore, I cannot see any reason or rhyme in such a proposal.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from Texas.

Mr. ECKHARDT. I support the amendment.

Mr. RYAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I wish to commend our colleague, the gentleman from Illinois (Mr. MIKVA), for his efforts in the area of military manpower. This amendment strikes at the very crux of the alienation and unrest which pervades our Nation today.

Military manpower represents almost half—$35 billion to be exact—of the almost $80 billion military budget. The sum of $21 billion of that $35 billion is allocated for salaries and allowances, and the remaining $14 billion is earmarked for manpower operation and maintenance costs. If substantial money is to be saved in the military budget, certainly, the manpower area is a place to start.

The United States spends more maintaining its Armed Forces than it does providing for the health, education, and welfare of its citizens.

Although our gross national product is the highest in the world, the United States spends a greater percentage of our gross national product on military pursuits than does any other country in the world today, including those nations who are actually fighting for their very existence.

The United States maintains the largest standing Armed Forces in the world today—larger than all the Warsaw Pact nations, including the Soviet Union.

As of July 1, 1969, there were 3.46 million persons serving in the armed services. This does not include the Coast Guard, the Reserves on active duty, the military academies, or the ROTC.

The statutory ceiling limiting force size is set at 2.3 million. Therefore, there are 1.1 million persons over that ceiling.

Thirty-three percent of all our active duty forces are permanently stationed on foreign soil. We have 750,000 serving in Asia—three-quarters of a million men—with some 511,500 in Vietnam and 45,000 in Thailand alone. We have 23,000 stationed in Latin America, 10,000 in North America—Canada, Greenland, and Iceland—10,000 in North Africa and the Middle East, and a total of 320,000 men stationed in Western Europe. There are 1,113,000 men permanently stationed outside the United States, and on foreign soil.

At the present time we are committed by treaties and agreements to defend 42 nations. In addition, there are another 30 nations with which we have some type of agreement involving their defense or military installations.

It is time that we analyzed our commitments. It is time that we analyzed our manpower requirements in relation to those commitments.

As of 6 months ago we were maintaining 395 major overseas bases. We were also maintaining 2,809 minor overseas bases. That makes a total of 3,204 overseas bases being maintained by the United States.

Article I, section 8, of the Constitution gives Congress the full responsibility for raising and supporting an army. To my knowledge there has been no recent congressional review of our manpower commitment.

The last study was conducted in the 86th Congress—1960–61—by a special Subcommittee on the Use of Military Manpower. One would think that, due to the vast deployment of our troops, and the continuing extension of the statutory ceiling limiting force size, there would have been a thorough review of the military manpower situation.

Somewhere Congress lost control over the military—controls delegated to Congress.

Vietnam, Thailand, Laos—commitments made, 40,000 American lives sacrificed, billions of dollars spent. Has the right to make agreements, the right to set policy, and the right to spend money on new weapons systems been usurped by the Department of Defense?

If our "excessive military presence abroad" has raised serious questions about our international position, I am sure I do not have to remind you of the catastrophic consequences at home. One in every 16 males—ages 19 to 65—are presently serving in the Armed Forces.

The pressures of our overseas commitments have thrust them into the Armed

Forces. Many young Americans have conscientiously refused to serve in a war deemed immoral. It should give us pause to realize that Americans, who have traditionally been ready to fight for the cause of freedom, whether it be here or abroad, are electing to go to prison or into exile rather than serve in the Armed Forces. Many have accepted the lifetime stigma of a dishonorable discharge rather than be sent to Vietnam, as recently happened at Camp Pendleton in California.

In June we considered appropriations for the Department of Housing and Urban Development and then in late July we deliberated upon the Health, Education, and Welfare budgets. At those times, the tone in this Chamber was one of economy. These budgets were to provide decent homes and adequate educational and health facilities for our citizens.

Today we are considering the Department of Defense procurement authorization bill, and the committee from which this bill emanated not only met the Department's requests nearly line item for line item, but it also in several instances gave the Department more than it had actually requested. This is no tone of economy.

The military budget must be brought into line and under the control of the Congress, for until such time as it is in line, there is little hope to correct our domestic ills.

There has to be a more efficient method of manpower management established. For example, there should be an integrated manpower management program created, thereby relieving the inefficient method of manpower management by the separate services.

There should be a 5-year plan as the basis of detailed plans for manpower requirements. Training, recruiting, inductions, and promotions should all be programed on this basis.

Manpower costs should be charged to a fixed operating budget of the unit to which they are assigned. Idle troops would then cut into budget allocations and efficient deployment would be encouraged.

These are but a few of the many avenues open to the military in bringing about more efficient management of manpower.

This amendment leads to a slow but sure deescalation of the military controlled economy and the release of members of the Armed Forces in numbers equivalent to withdrawals from Vietnam.

It has been argued that this amendment would tie the hands of the President. This is simply not so. The President would be permitted to exceed the ceiling if he determines it is in the interest of national security and so informs Congress.

This amendment is only a modest step, reducing the overall military manpower ceiling to the extent that members of the armed services are withdrawn from Vietnam. What it will do is signal to the country that we are prepared to recognize the necessity for a reassessment of our use of military power in international politics and a reappraisal of the foreign policy assumptions which led us into the quagmire in Vietnam in the first place.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to my colleague from New York.

Mr. SCHEUER. Mr. Chairman, there has been much talk this year about saving money through manpower cuts. I think that once the Vietnam war ends, we should cut our forces by a million men; Senator STENNIS has called for such a reduction.

But troop cuts can only go so far, and I question whether Congress should try to determine exactly how many troops we should have, other than to impose ceilings.

There is, however, one aspect to the problem well within the concern of the Congress: I refer to economy and efficiency in the use of defense manpower.

Most Members have served in the Armed Forces and have seen the military's tremendous waste of human talent. In an effort to make every officer a jack-of-all-trades, the Pentagon reassigns officers so often that these officers spend almost half of their career either adjusting to a new organization, adjusting to a new job, or both. Enlisted men specialize somewhat more, but rotate just as often. The Pentagon estimates the transportation and shipping costs alone at $2 billion per year. It is legendary that high-ranking military officers are given responsibilities for operations about which they know comparatively little. This is especially true right here in Washington; it is particularly true in the administrative, managerial, and procurement activities of the Department of Defense—the very operations that have had the huge cost overruns and long delays. A military man spends the first half of each tour learning his new job, and the second half getting ready for his next one. In effect, the services deprive most of their junior officers of the challenge really to become an expert in a field or to make a significant impact on an organization. The Military Establishment is full of men who, instead of being leaders, are mere followers of regulations. This was brought out with frightening clarity in the investigations of the *Pueblo* and EC–121 incidents.

The military bureaucracy is overcentralized, faceless, and unresponsive. Longer tours for military personnel, and end to rotation between career fields, and some creative thinking about decentralization in the Military Establishment, would go a long way to make more effective use of our military manpower.

With less rotation, more specialization, and the resultant higher quality of personnel, commanders, and managers, the possible annual savings can be counted in the billions.

These reforms alone would not do the job. Although important strides have been made in military salaries, not enough has been done to equate the salaries of military jobs with comparable civilian jobs. The direct result is the "brain-drain" from the military into civilian life. All too often the less-talented men remain in the services and become available for promotion to high rank.

Of course, our military leaders do not serve for salaries alone; but if specific jobs earned specific salaries—so as to be competitive with private industry—the military would be better able to retain more of the young men lost each year to well paying industry positions.

Though some of the money saved by modern manpower management would go to these higher military salaries, the country would still be getting more for its military manpower dollar. The Pentagon spent hundreds of thousands of dollars on a similar proposal last year, called the Hubbell Report. Despite the Nixon administration's apparent indifference to this study, the Hubbell Report should be a beginning. It should be promptly implemented.

These proposals by no means exhaust the list of improvements the Pentagon could make in manpower management. Other possibilities are:

First. The 5-year defense program should be made the basis for detailed plans for manpower requirements. Recruiting, draft calls, training, promotions, rotation, and mustering-out should all be based on the 5-year program.

Second. Standardized personnel and manpower information systems—including cost information—should be developed. Present systems are archaic, error-prone, and frequently inconsistent and in conflict with each other. Such improved systems were adopted for inventory and supplies almost a decade ago.

Third. Manpower costs should be charged to a fixed operating budget of the organization which uses the manpower. Idle troops would then be assigned to live item budget programs, thus encouraging efficiency.

Fourth. New, more efficient forms of organization should be developed, both for combat and noncombat units.

Present obsolete manpower policies waste billions of dollars of the taxpayers' money annually. But more important than dollars are the wasted careers in the bureaucracy and wasted years of young men's lives. The Congress should conduct a detailed investigation of the possible savings of manpower and tax dollars.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to my colleague from New York.

Mr. BIAGGI. Mr. Chairman, I commend the Congressman from Illinois for his amendment which would guarantee that troops withdrawn from Vietnam will not be redeployed elsewhere but will be deactivated and permitted to rejoin their families. Since the bill reported by the committee endorses troop cuts only to the approximate figure already announced by the administration, it is logical to ask the question, What is planned for additional Vietnam troops which are withdrawn exceeding the 175,000 troop cut?

This amendment to the bill warrants the full support of every Member of the Congress in behalf of our American boys who are fighting in Vietnam. This is not a question of national security since the President still retains his prerogative in the event of a national emergency. It does not prescribe a schedule for the Defense Department to follow in the case of troop

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withdrawals, and it would not prevent any one of the military services from operating at less than its present statutory ceiling. This amendment, in fact, reasserts the constitutional authority granted to the Congress.

There is no question that if the Defense Department can operate under the terms of this amendment why would anyone persist in objecting to it?

I urge passage of this amendment. Yet, I would like to make it clear that this in no way reflects a decrease to support our boys who continue to fight the battle in Vietnam.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to my colleague from New York.

Mr. LOWENSTEIN. Mr. Chairman, I thank the distinguished gentleman from New York for yielding, and join my colleagues in supporting the amendment proposed by the gentleman from Illinois.

The other day I suggested that each of these proposed amendments be weighed on its merits, not judged by rote.

I wonder if it can be said that that is what is occurring, when proposals adopted overwhelmingly, and even unanimously, by the Senate, are rejected here, sometimes after what might gently be called rather limited discussion.

Have large numbers of Senators suddenly turned indifferent to national security? Do members of the House committee have access to important data denied to Senators—and in some instances, apparently, to the Department of Defense and the President as well?

We are always indebted to the gentleman from Illinois (Mr. MIKVA) for the great energy with which he applies his remarkable intelligence to the affairs of this body, but never more so than now. I wish the Members of the House would listen carefully to his proposal, and to his argument in support of that proposal. If they did so, I cannot believe it would carry here by any less lopsided a majority than it did in the Senate.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I rise in strong support of this amendment, which would reduce the overall manpower in the military—now set in the bill at 3,285,000—as our involvement in Vietnam decreases in direct relation thereto.

The gentleman from Illinois (Mr. MIKVA) has already spoken at length on several points, and I concur with his arguments. I would like to add just a few others.

First of all, as we all know, on June 25 the Senate voted 70 to 16 to adopt the national commitments resolution, on the grounds that our military commitments overseas were excessive. According to the State Department, we are definitely committed to defend 42 nations; Pentagon figures reveal that we have a total of 3,204 military bases overseas, with the total cost of retaining this force level estimated at $35 billion annually. They enable us, in short, to plunge into local conflicts on a moment's notice.

I think it is more than time to reevaluate this aspect of our foreign policy which with some accuracy was noted as the 20th century equivalent of the Roman Legions—in the excellent August 1 article in Fortune magazine. I think, for instance, that Vietnam has proven to us that straight military force is a weak weapon to effect political change and that if a country lacks the will to reform or to permit free elections it is not likely to meet the future.

This amendment in itself would not force the President's hand in reducing our troops overseas; as we know, the President and the Secretary of Defense have already begun to question the value of a large standing Army for our needs today. I applaud their decision to reduce the troop level at present by approximately 175,000 men, and I applaud the Committee for incorporating this. It is a good first step, both for the economy of our Nation and for the conduct of our foreign policy. When estimates for the cost for one man in the military service per year range from $6,000—which counts only salary and allowances—to between $13,000 and $14,000—which includes operations and maintenance—I think we should attempt to reduce the number in that service.

Finally, I think it important that the House of Representatives consider their role in the making of foreign policy. The power to raise and support armies is specifically attributed to the Congress in the Constitution, and yet we have as a body abdicated these responsibilities for at least the last 20 years. In 1947 statutory ceilings were set for each branch of the service, which totaled 2.3 million men. The ceilings were suspended shortly thereafter, and in the early 1950's an overall ceiling on the Armed Forces was set at 5 million. These have not been challenged; we have offered our constitutional powers to the Pentagon, and I believe we should reassert them.

The Cook-Bayh amendment in the Senate, similar in principle though not in exact detail, was passed by that body by a vote of 71 to 10, with the support of both the chairman and the ranking minority member of the Senate Armed Services Committee. Furthermore, the Department of Defense indicated no objection to the principles involved.

Mr. Chairman, I think the debate is clear, and I strongly urge my colleagues to accept this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

If the President is correct, he wants a new direction in Asia and does not want to follow the follies of some of the past administrations. We should help him to burn those bridges and as we bring back the kids from Vietnam we should discharge them properly.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina to close debate.

Mr. RIVERS. Mr. Chairman, I oppose the amendment, and I ask that we vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. MIKVA) there were—ayes 38, noes 85.

So the amendment was rejected.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise just for the purpose of asking a question of the chairman of the committee on one section of the bill; namely, section 402, in which it is required that before any contract goes to a university certain information must be filed with the Congress about the nature of the contract and the competence of the university to perform the contract and so on. At the end of that section there is included in the required information the following requirement: "a statement summarizing the record of the school, college, or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus."

M. Chairman, I have only one question to ask the gentleman from South Carolina (Mr. RIVERS). Is it your idea that in the awarding of contracts to universities and colleges for research on the Nation's defense that the granting or withholding of those contracts should be influenced by the decisions that the colleges or universities may have made on ROTC training and military recruiting?

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the distinguished chairman.

Mr. RIVERS. I would not think we would go out and reward a college who had the same sort of facilities another college had for not supporting our military. If I were our Secretary of Defense, I would not do that. We just want the report on it. We will cross the other bridge when we get to it.

Mr. FRASER. I thank the chairman.

I would only call attention, as I will when I extend my remarks in the RECORD, that there is a relation between the policy of the university with the ROTC being rewarded or granted a contract or the withholding of a contract.

I might add for your information, Mr. Chairman, that I got into the Navy through the Naval ROTC program, so I myself do not have the problem that some universities have with them. But I strongly disagree with the implication that if the university in its own judgment thinks it is not wise to have an ROTC program that they will, therefore, be penalized from receiving some of the flow of funds which pours forth for research for the Department of Defense.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield further, I would not reflect on the service record of the gentleman. I know he has a distinguished

record. But I am sure the gentleman would not want me or anybody else to, if we had two colleges, one that permitted the Marines to be painted like I saw them up at a certain place the other day by somebody, to give them $100 million in contracts, or whatever they have, and give another college nothing. I know the gentleman would not want anything like that done.

This is just to get the information, then we will be better able to make whatever recommendations are necessary when we present the bill next year to the committee.

Mr. FRASER. Mr. Chairman, I appreciate the gentleman's statement. I think it reflects our difference in philosophies.

I am going to vote against this bill finally for several reasons, but the mere existence of this provision would be enough, because it is one of the most unwarranted invasions by the Congress on the academic freedom of universities in the United States that I have ever seen come out in a bill from the Committee on Armed Services.

Finally, Mr. Chairman, if I may have the attention of the Chamber, we are told that there will be a motion to recommit likely offered by the gentleman from Wisconsin (Mr. O'KONSKI). The motion to recommit will be to strike the ABM, not just procurement, but research and development as well. I know of no one who holds that position in the House, and it appears clear that this kind of a motion to recommit is aimed at avoiding a clear vote on the issue.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. If the gentleman will be relating to that subject, then I will be glad to yield to the gentleman, if he can enlighten us.

Mr. GUBSER. Mr. Chairman, I shall endeavor to enlighten the gentleman on this, but I would first like to ask a question: If a person is for research and development of the antiballistic missile system, is this not a fair assumption of his position, that he is for deployment when it is proven that it will work?

Mr. FRASER. Oh, I think that is quite a different matter. I am in favor, as a matter of fact, of a number of research and development programs, but I recognize that once you get to that stage it is an entirely different question whether to actually deploy the weapon. That will depend on the effectiveness of the weapon, the projected cost of deploying it and the changed world scene since research funds were authorized.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the first congressional sponsor of a resolution calling on the President to halt further flight testing of multiple independently-targetable reentry vehicles—MIRV's—so long as the Soviet Union does likewise, I wish to comment on the funds for MIRV development and procurement contained in the legislation currently before the House—the fiscal year 1970 military procurement authorization.

I have prepared an amendment to this legislation which would prevent funds in this bill from being used for further MIRV flight tests so long as, from date of passage of this act, the Soviets refrain from flight testing their MIRV's. However, after careful consideration, I have decided that it would serve no good purpose for me to offer this amendment.

My concern has been that testing be halted prior to the projected SALT talks so that such testing would not subvert the talks entirely or reduce the chances of reaching agreement with the Soviets on a mutual moratorium on MIRV's. This would require, and I have proposed, that testing be stopped immediately. Funds for the present testing program, however, are apparently already available from previous authorizations and appropriations. To restrict the use of the funds for MIRV flight tests in the fiscal year 1970 military procurement authorization would presumably not affect testing soon enough to achieve the intended effect on the climate for SALT talks.

In addition, soundings indicated that the vote for such an amendment would not fairly reflect House sentiment in opposition to MIRV testing.

Hearings were conducted on my resolution, and similar resolutions offered by other members, by the Subcommittee on National Security Policy and Scientific Affairs. Those hearings were most enlightening and useful, and the chairman of that subcommittee, the gentleman from Wisconsin (Mr. ZABLOCKI) and the members of the subcommittee should be congratulated for their penetrating examination of the important issue at stake here.

I am hopeful that the subcommittee and the full Foreign Affairs Committee wil report out a resolution for floor action. Whether or not they do, the very fact that hearings were conducted has achieved many of the purposes of the resolution. One of the significant facts that emerged from the hearings, for example, is that there is uncertainty and disagreement over the extent of our intelligence capacity to distinguish MRV and MIRV tests conducted by the Soviet Union. I was interested to read, therefore, in yesterday's New York Times, an article by William Beecher announcing a White House level review of all our intelligence capabilities "to determine what types of accords that Nation can live with if on-site inspection cannot be negotiated" in the upcoming strategic arms limitation talks. I certainly welcome that review, and hope that the White House will report at least the essence of its findings to the appropriate committees and officers of the Congress. I have no doubt that the hearings on MIRV testing conducted in the House helped illustrate the pressing need for this review.

In addition, several of President Nixon's recent statements on the SALT talks indicate acute awareness on his part of the significance of MIRV development as an escalating influence on the arms race, and his intention to place that issue high on the agenda of the arms limitation talks if and when they get underway. I believe that several congressional resolutions on MIRV signed by over 130 Members and the hearings on them, were helpful in bringing the full nature of this matter to the prominent attention of the President.

Let there be no mistake about it, I am disappointed that the President has failed to act to halt testing, so long as the Soviets refrain from testing, as a means of improving the climate for the SALT talks and avoiding the possibility of a misunderstanding about our MIRV capability that might make it impossible for the Soviets to enter into a permanent MIRV moratorium. In failing to take such action, I feel that the President has needlessly and callously risked the success of the SALT talks before they are even started, with no reason or benefit for the United States or U.S. security. With no realistic means of forcing a halt to U.S. testing within the time frame that is crucial to the SALT talks, I can only renew my call upon the President to go beyond his commendable review of our intelligence capabilities and recognition of the importance of the MIRV issue as an item for the SALT agenda. I again urge him to halt U.S. testing now, so long as the Soviets do likewise. To fail to do so may well mean that our intelligence capabilities as they relate to arms control agreements may become irrelevant because there will be no SALT talks and no agreements.

As I said yesterday, we must ponder the failure of the Soviets to set a date for the SALT talks to begin. It may well be that, as their own press has suggested, the Soviets are nervous about the United States going ahead with a combined ABM-MIRV program. If this is so, for the United States to hold back on deployment of ABM and on testing of MIRV's would greatly improve the atmosphere and increase the likelihood of successful SALT talks.

Turning to the motion to recommit which I understand will be offered, to strike not only the funds for deployment of ABM but also the funds for continuing research and development, I consider the decision of the minority leader that this should be the form of the motion an outrageous example of the use of arbitrary power. The position stated in the motion to recommit is not a position that has been advocated by any Member of the House during the course of debate. To word the motion to recommit in this way represents a crude effort to reduce the number of votes on record against the Safeguard system.

I will vote against the "previous question" motion I understand will be offered on the recommital to register my opposition to the form in which the recommital has been put and my opposition to deployment of the ABM system. Should the "previous question" fail to pass, I would welcome the chance to vote for the 10-percent across-the-board cut in this authorization several Members hope to offer as an alternative recommital motion. Should the "previous question" motion pass, I will still vote for the recommital motion, but I want it clearly understood that I am not and never have been against continuing research and de-

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velopment for antiballistic missiles. Finally, I shall vote against the bill as a whole for a number of reasons, including the fact that it authorizes deployment of the ABM and continued testing and deployment of MIRV's, the fact that it contains dangerous provisions interfering with academic freedom, the fact that almost a billion dollars was added to the bill for the naval shipbuilding program, and that overall it represents a continuation of luxury spending for military purposes at a time when we are not doing the necessary minimum to meet our homefront needs.

Mr. BOLLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time only to ask the chairman of the Committee on Armed Services a couple of questions about two sections that have not yet been read, and I take this time now so that I will have the opportunity to have 5 minutes, rather than having my time cut off.

The two sections are section 502 in the next title, and section 503.

Section 502 reads:

> SEC. 502. The Committees on Armed Services are authorized to utilize the services, information, facilities and personnel of any Government agency.

I really would like to know what that means.

I have not been here, and I have not participated in this debate before, and that seems to me to be remarkable language. If we have not been doing that before, why not?

What additional duties does this place on any Government agency that it does not now have?

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the gentleman from Illinois.

Mr. PRICE of Illinois. That language was taken from the Atomic Energy Act. It is already in the existing law. However, our committee decided, because of the concern on the part of many of our colleagues, that we would ask that it be deleted. By taking this currently and fully informed provision out of the Atomic Energy Act, we took all of the provisions that were included in the act in connection with it.

Mr. BOLLING. Section 503 says:

> The Committees on Armed Services may classify information originating within the committees in accordance with standards used generally by the executive branch for classifying defense information or restricted data.

Did I understand the gentleman from Illinois to indicate that this language was going to be stricken out by the committee?

Mr. PRICE of Illinois. That particular language was in the committee amendment. I do not know whether it will be now, but probably there will be an amendment to delete that language from the bill.

Mr. RIVERS. Mr. Chairman, will the gentleman yield so that I may answer the gentleman's question?

Mr. BOLLING. I am delighted to yield to the gentleman so that I may get an answer.

Mr. RIVERS. We found later that it conflicted with the jurisdiction of the committee chaired by the gentleman from Maryland (Mr. FRIEDEL) and no one—but no one—wants to take on Mr. FRIEDEL and we are still going to knock out that language if we can.

Mr. BOLLING. I would still like to repeat my question. What is the purpose? You are going to vote to strike this out—that is fine. What was the purpose of putting it in in the first place?

Mr. RIVERS. Because the gentleman from Maryland (Mr. FRIEDEL) says, "You can do that by coming to our committee anyway." We thought we could copy the AEC Act and the Joint Atomic Energy Act and so wipe out the conflict of jurisdiction. So far as I am concerned, we will strike it out.

Mr. BOLLING. Mr. Chairman, I do not want to be the least bit difficult, but I just want to know why the committee put it in in the first place? What has happened in this year, 1969, to make the committee decide that it needed this law when it has not had it before? What was the thinking of the committee?

Mr. PRICE of Illinois. If the gentleman will yield, I can tell the gentleman why the individual paragraph or provisions were put in there.

We have been concerned for a long time. Sometimes we are advised of things after they happen. We think we should be currently and fully informed just as the Joint Committee on Atomic Energy is. When the Atomic Energy Commission has a desire for anything, they usually come up and advise the Congress beforehand. In other words, under the present situation, sometimes we get advance information, but a great many times we get it after the fact.

Mr. BOLLING. All I can say is that I consider this a most extraordinary situation.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like at this time to make an observation about the implications of the action this body may decide to take. I refer, of course, to the discussion by the gentleman from Minnesota (Mr. FRASER) about what might very well happen on the motion to recommit. I certainly hope that what he warned us to beware of will not be the case and will not come back to haunt us.

I want, however, to go back to what the gentleman from Minnesota said at the outset of his statement. He indicated that the gentleman from Wisconsin (Mr. O'KONSKI) will offer the motion to recommit and that this motion will contain instructions to delete all money for the ABM. And by all money, I mean both money for deployment and money for research and development.

I want to make it clear to this Committee and to the people of the United States that this motion, deleting all funds for the ABM, will not—I repeat—will not be a test vote of the question we have been debating. This motion was defeated in the Senate by a vote of 89 to 11.

Now, as my colleagues very well know, we have been debating the question of whether to deploy the ABM, not the question of whether to continue research and development on it. No one in this body has addressed himself to or spoken against research and development on the ABM.

The issue, as I have already said, is whether to deploy the ABM. This specific question was defeated by a very close vote of 50 to 50 in the Senate. And it is that specific question to which we must now direct our attention.

Since that is the real issue—and I doubt that anyone would disagree with me that it is—we must have it presented to this body and to the people in a clear and precise way. The people have every right to know just what the sentiment of the House is on deploying the ABM.

For this reason, the motion to recommit should contain instructions to merely stop the deployment of the ABM. It should not—I repeat—it should and must not contain instructions to stop research and development on the ABM because this is not the question and because this would give a highly inaccurate and unfair picture of what we in this body sincerely feel.

It is pretty obvious to me why this is being done. Some of my colleagues, I regret to say, want a massive vote in favor of the ABM. But this is the wrong way to do it. As I have said, it is not only an inaccurate barometer of House sentiment, but it is also unfair. And we will be highly criticized for it for all the reasons I have stated.

As if this were not bad enough, I also understand that the gentleman who will offer the motion on the ABM, the gentleman from Wisconsin (Mr. O'KONSKI), which motion will cover both research and development and deployment of the system, voted for the bill by proxy. In other words, he voted for the ABM, but he is now introducing a motion against the ABM. This is one of the clearest cases of inconsistency that I have ever seen. I want the record to be clear on this and I want the people of this country to understand what is being done.

Now the only one present on the minority side, the gentleman from Ohio (Mr. WHALEN), voted against the bill in committee. Therefore, and this seems clear to me, he should be the one offering the motion with his instructions attached to it.

I would, at this time, like to make it crystal clear to all of my colleagues how, under the rules of the House, we can face the real issue—deployment of the ABM—and face it squarely.

The only way the motion to recommit can be amended is when the previous question is ordered, defeat it. Therefore, on that motion, I will ask for a rollcall vote on the previous question. The previous question, as I have just said, must be defeated. This defeat will then open up the motion to recommit to amendment. I would hope that in these new amendments, after the previous question is out of the picture, we could face deployment of the ABM squarely for all the people to see.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. COHELAN. Mr. Chairman, I thank the gentleman for yielding. I congratulate the gentleman for the courage he has shown in making this statement. I am proud to associate myself with his remarks.

Mr. CONTE. Mr. Chairman, I thank the gentleman from California.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I thank the gentleman for yielding. I commend my able colleague, the gentleman from Massachusetts (Mr. CONTE), for the point he has made. I think it is highly unfortunate that in this House the debate on the ABM was curtailed to something under 4 hours, when it went on for a number of months in the Senate. I think cutting off the debate further characterizes this Congress as not being responsive and relevant to the public will.

I would hope, as the gentleman in the well hopes, that this motion to recommit would not be offered, because it would not represent a fair rollcall vote. If we are to vote on the ABM, it should be on the question of deployment and not on the question of research, which most Members, I believe, want to continue.

So I hope the gentleman's point will register, and, if there is a motion to recommit, that it will fairly represent the thinking the American people are entitled to and be a fair vote for or against ABM deployment.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I share the sentiment of the gentleman in the well. I hope whoever offers the motion to recommit will so phrase the question as to fairly reflect the issues involved. That is, whether we should deploy an ABM system or simply provide funds for research and development for such a system. I hope the motion to recommit will permit us fairly to express our sentiment on that. My sentiment is that because of the cost, the questionable effectiveness and because of our national domestic needs, that we should limit our authorization to funds for research and development.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Ohio.

Mr. WHALEN. Mr. Chairman, I thank the gentleman from Massachusetts for yielding.

Mr. Chairman, I have been somewhat embarrassed by the fact that on my side of the aisle Members have come to me, recognizing I was the only one on the minority side to vote against this bill, and saying to me they understand I am going to be offering a recommittal motion which will strike all funds for research and development and deployment of the ABM.

Mr. Chairman, if I am recognized to offer the motion to recommit, I intend to submit this motion:

> Mr. WHALEN moves to recommit the bill H.R. 14000 to the Committee on Armed Services with instructions to report the bill back forthwith to the House with the following amendment: On page 16, after line 8, insert the following new section:
>
> "SEC. 410. Notwithstanding the respective separate authorizations of appropriations contained in the preceding provisions of this Act, the total amount appropriated pursuant to all such authorizations shall not exceed $19,988,886,000."

Mr. Chairman, this would do two things. This would reduce the authorization in the bill by $1.34 billion, and the decision as to how this reduction would be made would be determined by the Defense Department.

Mr. CONTE. Mr. Chairman, is the gentleman asking for a 10-percent reduction?

Mr. WHALEN. No, this is a dollar reduction of $1.34 billion.

Second, it would make the House version of this procurement bill exactly the same in terms of dollars as that approved on the Senate floor.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, R. & D. expenditure has been $4 billion on the ABM. In this bill we cut around $801 million on R. & D. generally. We have spent a ton of money on R. & D. They have laid very few eggs. I would think if we are going to continue to put money into the till and never get any eggs, God help R. & D.

Mr. GUBSER. Mr. Chairman, I refer to the statement made in the well by the gentleman from Massachusetts (Mr. CONTE). I would remind the gentleman this Congress is a continuing body and it will be in session next year.

If, after 1 year of experience, after saving 1 year of the precious commodity, time, it is determined that the ABM should not go forward we could stop it then.

To ask for a separation of R. & D. and deployment at this point in time is to ask for a haven and ask for a point of retreat. If one is for it, vote for it, and if against it vote against the whole thing. If you vote for research and development you are in effect saying, "I am for deployment of an ABM when it is proved that it will work."

We can do that next year. In the meantime, we will have saved 1 year. So let us not be "chicken". If you are for it, vote for it. If you are against it, vote against the whole thing.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at a later time I had planned to announce what the motion to recommit would be, but in light of the observations of the gentleman from Minnesota (Mr. FRASER) and the comment by the gentleman from Ohio (Mr. WHALEN), I believe it is appropriate I do it now.

First let me say the motion to recommit will be to strike all of the ABM authorizations, $746.4 million. It will not be the amendment offered by the gentleman from California (Mr. CHARLES H. WILSON) which was defeated yesterday by a vote of 219 to 105.

Let me speak, if I may, to the gentleman from Ohio. About last Tuesday, I went over to the gentleman from Ohio and said we wanted a vote on the ABM on the motion to recommit. I offered to him the motion to recommit on the ABM. I said he had 24 hours to discuss it, to think about it, but I would appreciate within 24 hours his answer. The next day the gentleman from Ohio came back and said that he did not want the motion to recommit on those terms, he wanted to offer a motion to cut dollars out of the authorization bill.

Am I correct or incorrect?

Mr. WHALEN. The gentleman is exactly correct. I would hasten to add one other comment he made. The gentleman indicated to me—and I am sure I am correct on this—if I did not offer this recommital motion he would get someone who would.

Mr. GERALD R. FORD. That is perfectly true. That is my responsibility, and I intend to carry it out, and we are going to carry it out this way, subject, of course, to the will of the House.

Now, may I proceed.

The defeat yesterday by a vote of 219 to 105 I believe laid to rest the denial of the deployment of the ABM. A rollcall on that issue in motion to recommit at this time would be totally repetitious. Therefore, I believe the time has come that we actually have a vote on the basic issue, which is whether or not we are going to have an ABM system.

We have been appropriating money for research, development, test, and engineering for some 15 to 16 years, and now the time has come to lay the matter to rest, to fish or cut bait.

So far as I am concerned, the vote today will be on that basis.

Under the parliamentary situation, of course, Members can try to get a vote on the previous question, open it up, and then we will see what happens, but from my point of view a 1-year delay in the authorization will bring about the dire result the committee points out.

Let me read that. On page 23 of the committee report it is stated:

> A 1-year delay in authorization would mean at least a 2-year delay in deployment because of requirements to reopen development production lines, reassemble the technical teams, recommence site acquisition and on-site engineering, and retrain necessary personnel.

Let me say right here and now that the time has come where the issue ought to be settled fundamentally. I believe I exercised good sense and good judgment in offering to the gentleman from Ohio (Mr. WHALEN) an opportunity. He did not accept it. We have made other plans, and I hope that the House as a whole backs up this decision to make the basic decision one way or the other on the ABM.

May I add one other thing. I point out, as has been said many times here in the last 3 days, bear in mind that the Soviet Union is proceeding not with a first generation, not with a second generation, but a third generation anti-ballistic-missile system, and I do not think we should fiddle under these circumstances.

Further let me state that we know very well the Soviet Union is proceeding

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with more advanced offensive capability testing. If we have one grain of sense here today, we ought to take the affirmative position and do what we can to make sure that the United States is prepared defensively to meet that challenge.

Mr. RIVERS. Mr. Chairman, I wonder if we cannot now come to the point where we can at least dispose of title IV and get on to another title.

The CHAIRMAN. Are there any further amendments to title IV?

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on title IV come to a close at this point.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The CHAIRMAN. The Clerk will read title V.

The Clerk read as follows:

TITLE V—COMMITTEES OF CONGRESS

SEC. 501. The Department of Defense shall keep the Committees on Armed Services of the Senate and of the House of Representatives fully and currently informed with respect to all of the Department's activities. Any Government agency shall furnish any information requested by either Committee on Armed Services with respect to the activities or responsibilities of that agency in the field of national security.

Mr. STRATTON (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read and printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FRASER. Mr. Chairman, reserving the right to object, I would like to ask whether or not there will be opportunity to pursue some of the issues that have been developed before we entertain a motion to close debate.

Mr. RIVERS. We are not going to cut off debate.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to dispense with the further reading of title V?

Mr. THOMPSON of New Jersey. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will continue to read title V.

The Clerk read as follows:

SEC. 502. The Committees on Armed Services are authorized to utilize the services, information, facilities and personnel of any Government agency.

SEC. 503. The Committees on Armed Services may classify information originating within the committees in accordance with standards used generally by the executive branch for classifying defense information or restricted data.

SEC. 504. As used in this Act—

(a) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States, or any board, bureau, division, service, office, officer, authority, administration or other establishment in the executive branch of the Government.

(b) "Defense information" means any information in any category determined by any Government agency authorized to classify information, as being information respecting, relating to or affecting the national defense.

(c) "Restricted data" means data classified as "Restricted data," in accordance with the provisions of the Atomic Energy Act of 1954, as amended.

MOTION OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. STRATTON: On page 16, line 9, strike all of Title V.

Mr. STRATTON. Mr. Chairman, this is the amendment that was referred to earlier by the gentleman from Illinois (Mr. PRICE) and by the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. RIVERS) in the colloquy with the gentleman from Missouri (Mr. BOLLING) and the gentleman from New Jersey (Mr. THOMPSON).

Because of the problem of the overlap with the Committee on House Administration that is involved in section 502, and because of the controversy arising also with respect to section 503, the committee has felt that it would be better to delete the title in its entirety.

I therefore urge the adoption of the amendment. This will eliminate the disputes that are involved with these sections.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from New York (Mr. STRATTON) is proposing to strike the entire title V. However, I understood in the explanation offered previously in response to the question propounded by the gentleman from Missouri (Mr. BOLLING) that his objections related to sections 502 and 503. What could possibly be objectionable in section 501 wherein it provides that the Department of Defense shall keep the Committees on Armed Services of the Senate and of the House fully and currently informed? I would think this would be very excellent language to keep in this bill. I would suppose that the purpose of striking title V is really to prevent the offering of amendments to that title. I frankly had planned to offer an amendment to add a new section to this title, to provide for a program reporting system to formalize to the system that the Secretary of Defense has already set up.

Mr. STRATTON. In view of the lateness of the hour and the controversy that has arisen over sections of this title, it was our feeling that in the interest of time and speed it would be simpler to strike the entire title.

Mr. ANDERSON of Illinois. Is our interest in saving time so great that it outweighs the interest that the committee formerly had in making sure that they were kept fully informed?

Mr. STRATTON. I am delighted that the gentleman from Illinois is so enamored with some of the language that we have put in the bill.

Mr. ANDERSON of Illinois. I like it very much.

Mr. STRATTON. It seems to me there is indeed something to be said for that particular section, but we have in fact been kept well informed, and I think perhaps even without this particular section we will continue to be kept informed. I believe that I speak for the entire committee, that it was our feeling that it would be better to delete the entire title, and that is the amendment I have offered.

Mr. RYAN. Mr. Chairman, would the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I share the concern of the gentleman from Illinois about striking section 501. This requires the Department of Defense to keep the Committees on Armed Services of the Senate and the House fully and currently informed with respect to all Department activities.

For many years this kind of clause did not appear in the National Aeronautics and Space Administration authorization bills, and I know from experience the great difficulty we had in receiving specific information from that agency. We finally wrote into the authorization bill, over the strenuous objections of the agency, language similar to the language which is now in the bill that has been brought to the floor.

I would hope that the chairman of the Committee on Armed Services would insist that this language be retained so that all Members of this House can then ask and find out from the chairman what information the committee has obtained on a particular issue from the Department of Defense.

Mr. STRATTON. I believe the members of our committee certainly appreciate the gentleman's concern, and we will take the gentleman's comments into consideration. However, my amendment still stands.

AMENDMENT TO TITLE V OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment to title V.

The Clerk read as follows:

Amendment offered by Mr. JACOBS to title V: On page 17, immediately after line 13 insert the following:

"SEC. 505. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970. The Comptroller General is further authorized, upon request of the Committee on Armed Services of the Senate for the Committee on Armed Services of the House of Representatives, to conduct a study and review regarding the amount of profit which has been or may be realized under any contract referred to in the first sentence of this subsection. The Comptroller General shall submit to the committee which requested such study and review a written report of the results of such study and review as soon as practicable.

"(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

"(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of cost basis or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

"(d)(1) The Comptroller General, or any officer or employee designated by him for such purpose, may sign and issue subpenas requiring the production of such books, accounts or other records as may be material to the study and review carried out by the Comptroller General under this section.

"(2) Within five days after the service upon any person of any subpena issued under this subsection relating to any contract or subcontract, such person may file in the district court of the United States for the judicial district in which such person transacts or has transacted business relating to that contract or subcontract, and serve upon the Comptroller General, a petition for an order of such court modifying or setting aside that subpena or demand. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any constitutional or other legal right or privilege of such person. Such court shall have jurisdiction to hear and determine any matter presented by such petition and to enter thereon such order or orders as it shall determine to be just and proper.

"(e) In case of disobedience to a subpena, the Comptroller General or his designee may invoke the aid of any district court of the United States in requiring the production of books, accounts, or other records. Any district court of the United States within the jurisdiction in which the contractor or subcontractor is found or resides or in which the contractor or subcontractor transacts business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the contractor or subcontractor to produce books, accounts, and other records; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

"(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

"(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor."

Mr. JACOBS (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. RIVERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIVERS. Mr. Chairman, is this an amendment to the amendment or is this another amendment?

The CHAIRMAN. The Chair will state that this is an amendment offered by the gentleman from Indiana to title V.

Mr. RIVERS. Mr. Chairman, I submit that this amendment is not germane because the amendment before embodied is to strike the section. How can you have an amendment to a section that is to be stricken?

So, Mr Chairman, I make the point of order that the amendment is not in order and is not germane to the section.

The CHAIRMAN. The Chair is ready to rule.

The Chair has gone through the precedents and has found that where the Committee of the Whole has agreed that the further reading of a title of a bill is dispensed with and open to amendment at any point, a perfecting amendment adding a new section may be offered notwithstanding the fact that an amendment proposing to strike out the title is pending. Perfecting amendments to a title in a bill may be offered while there is pending a motion to strike out such title.

This is a ruling of Chairman Harris of Arkansas on March 31, 1950.

With regard to section 502, the part acting amendment would be germane to the bill. Therefore, the Chair overrules the point of order.

Mr. SKUBITZ. Mr. Chairman, I make a point of order.

I make the point of order that the pending amendment offered by the gentleman from New York (Mr. STRATTON) is before the House and that the gentleman from Indiana should be offering an amendment to the Stratton amendment, and that this amendment just offered is not germane to that amendment.

The CHAIRMAN. The Stratton motion was to strike out. The Chair has just read the precedent rendered by Mr. Harris on March 31, 1950 and ruled on the point of order.

The Clerk will continue the reading of the amendment offered by the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. RIVERS. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIVERS. Mr. Chairman, is the Chair ruling irrespective of the pending motion that the amendment automatically is regarded as a perfecting amendment?

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Indiana is to title V; a perfecting amendment, and it is in order to offer perfecting amendments when a motion to strike is pending.

Mr. EVANS of Colorado. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EVANS of Colorado. Mr. Chairman, if the amendment of the gentleman from Indiana passes, and thereafter the motion of the gentleman from New York passes, what is the status of the amendment of the gentleman from Indiana?

The CHAIRMAN. If the amendment offered by the gentleman from Indiana is agreed to and the motion offered by the gentleman from New York to strike the whole title is agreed to, then the amendment will be stricken.

Mr. RIVERS. Mr. Chairman, may I ask a hypothetical parliamentary inquiry? If I had gotten the floor and moved the previous question, I would have had a better chance; is that correct?

The CHAIRMAN. In the Committee of the Whole the previous question is not in order.

Mr. STRATTON. Mr. Chairman, a point of order. My recollection is that on a previous amendment, the Chair ruled it out of order because it brought in another agency.

The CHAIRMAN. That was because the Whalen amendment was not germane to that title or section of the bill.

Mr. STRATTON. Does not that same point lie against this amendment?

The CHAIRMAN. The Chair has ruled that the Jacobs amendment is germane to title V.

Is there objection to the request of the gentleman from Indiana (Mr. JACOBS) to dispense with further reading of his amendment?

There was no objection.

Mr. JACOBS. Mr. Chairman, my, my, my. How badly, how badly, how badly some do not want to talk about studying the profits of defense contractors. I never heard so many points of order and parliamentary inquiries made since I have been a Member of this body. I wonder why some do not want to talk about studying the profits of defense contractors.

Let me explain briefly what this amendment does. It does not provide for a study of the profits of all defense contractors. It provides for a study of only those who are given the monopoly of the negotiated contract, not the competitive-bid contract. I am not going to demagog and say that every contract in the Defense Department should be a competitive-bid contract. I know better than that. There are some things that only one fellow sells, just as when you

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need a telephone. You have your choice between going to the telephone company or using a Dixie cup and a thread. So I know that there must be certain kinds of monopolistic relationships in this area, just as there are in the utility area.

But in the public utility area, once we grant that kind of monopoly, we give Government agencies, quite rightly, the power to determine whether the price is right in lieu of competitive bidding.

That, my dear friends, is all in God's world this amendment does.

Everyone here has played chess. You are familiar with the concept of the checkmate. We have all heard about not being able to have your cake and eat it, too. I can predict with absolute certainty that my amendment will either be defeated or, if passed, struck dead in its cradle by the motion to strike. But I am going to stand before my colleagues and take credit for the first success in this entire debate in getting something changed around that this committee has brought to the floor, because this committee had no intention of striking any of the provisions of the bill until my amendment showed up, and it was clearly germane to title V. Then suddenly they were faced with the choice of "having your cake and eating it, too." They know if they keep title V, my amendment comes with it. And they really, really do not want this amendment.

Now, I do not know how much cake the defense contractors have. Secretary McNamara said that they do not have enough. He said that profits are not sufficient. Others have said that they are unconscionable. This Member of this body does not know, and this Member of this body is old fashioned. He would like to know the facts before he makes a judgment of that kind one way or the other. If the facts show that the defense contractors merit more profits, I would cheerfully support more profits. And if the facts would show that the defense contractor merits less profits by his privately negotiated contract, I would call upon all fairminded Americans and their Representatives in this body cheerfully to oppose unconscionable profits. So there is where the matter stands.

I ask my colleagues not to judge this amendment by its author. And for those who cannot even judge it by its merits, I ask you to judge this amendment by its support in the other body. Senator STENNIS supported this amendment. Senator THURMOND supported this amendment. Senator JACKSON supported this amendment. Senator GOLDWATER supported this amendment. Let not history tell, "but not the House of Representatives."

I yield back the balance of my time.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

I take this time to comment briefly on the motion to recommit. There has been some colloquy on the floor as to what diabolical course of events may occur here very shortly, and there seems to be some concern on behalf of some of those that are very strongly committed for the deployment that we not proceed just with research and development for the antiballistic-missile program.

I say that the $4 billion we have spent for research and development for the ABM is peanuts compared to the possible $400 billion that this bill is possibly going to commit us for. I do not think it is inconsistent at all to be for research and development, but not to be for deployment. Former Secretary McNamara has testified if we had spent the money for the Nike-Zeus system we would have wasted $5 billion or $10 billion or even $15 billion in that deployment.

I say if the rules of this House are dumb enough to allow somebody to come to the floor of this House who has voted against the bill in committee and then presents himself to the House as now being against the bill and we are aware all the utterances made by that individual are in favor of the ABM system, and now he comes forward and says he is against an ABM system, and if a vote is taken then on that course of events and state of the record, and if the President of the United States is dumb enough to make anything out of this dumb vote, I say God save the United States.

I intend to vote "present" if this is the state of events and the record.

It is too bad we cannot have an honest vote on recommittal and at least have some kind of fair showing or display of the sentiment of this House on some of the important things that are before this Congress and the Nation.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, since amendment after amendment designed to reduce the military procurement authorization have been defeated and since I am unable under the proposed restrictive recommittal motion that gives me no opportunity to exercise my right to vote against deployment of the ABM I shall vote present to indicate my disapproval of this motion and I am convinced of an obligation to vote against this authorization so that it can be full reconsidered in committee and returned with its many flaws corrected.

The legislation, I consider, an excessive authorization that unjustifiably invokes our national security as the reason to give the go-ahead for many unnecessary projects.

Certainly our national security must be preeminent in our minds. Only yesterday, when speaking here on a different matter, I pointed out that "without that security our national ideals and goals are immediately in danger."

But the simple fact is that we are being asked to authorize many programs and expenditures that will not enhance our national security. We are being asked to spend unnecessary billions at a time of great economic stress and when inflation threatens our entire economy. We are being asked to authorize excessive sums for projects unrelated to our security when there are vital priorities for which we are told money is unavailable.

Thus, I am prepared to vote against this authorization, not because of an invalid, blind objection to military spending, but because I believe strongly that at a time when America's economy is overheated and her peoples' needs unmet, we cannot indulge ourselves with wasteful programs.

The reasons that I oppose this bill include, but are not limited to, the following:

Permission to go ahead with the deployment of the Safeguard antiballistic system that substantial scientific evidence indicates will not work. Authorization of this system could well open the door for the expenditure in future years of up to $100 billion without any appreciable benefit to our security. I would encourage further research and development on antiballistic systems, but strongly feel that deployment should be postponed until a workable system can be devised.

Authorization for the Navy to go ahead in purchasing a billion dollars' worth of ships not requested by the Department of Defense. I feel certain that the Secretary of Defense and President would have requested these funds if they were essential to our security, for that is the constitutional responsibility of the executive branch. In a time of great economic stress and severe inflation that plays havoc with our economy this unnecessary excess expenditure of a billion dollars in the current fiscal year would be clearly contrary to our national interests.

Purchase of a fourth squadron of the C–5A aircraft. Inclusion of almost half a billion dollars for this project in this year's budget is sheer folly since the currently authorized purchases are 6 months behind schedules and serious structural flaws have been discovered in aircraft already built. Since these planes could not be delivered this year the authorization could be postponed without any impact on our defense strength.

Other programs authorized above original requests from the Department of Defense and at levels higher than those approved by the Senate. I do not take exception to necessary research and development of advanced weapons systems that could some day improve our defensive posture, but I do take serious exception to the procurement of systems whose effectiveness has not been demonstrated and on which the cost has not been established. I also take exception to the authorization of funds not requested by the civilian authorities whose responsibility it is to oversee our Military Establishment.

I wish to reiterate, lest I be misunderstood, that I have always and shall continue to support sufficient military appropriations to insure that our defenses are adequate for our security.

But we are in a period of great economic stress and our "security" has become the guise for further inflationary spending that will continue to erode the savings of millions of Americans. This is not the way to save our country; it is certain invitation to greater fiscal havoc and excessive taxation.

Moreover to permit the unnecessary expenditure of billions of dollars is unacceptable when there are necessary programs starved of funds. Even a cursory list of our domestic problems dramatizes our needs: education, housing, environmental pollution, urban and rural poverty, hunger, deteriorating cities, and so forth.

What we have here, then, is a confrontation with the much discussed question of priorities. There are priorities of a civilian nature that preclude, on humanitarian, practical, and fiscal bases, the authorization of military projects not associated with our security.

To summarize my position: I believe we have a clear responsibility to authorize military systems associated with our security and I see as clear a responsibility to oppose military systems not associated with our security that will, by wasting billions, creating greater inflation, and diverting our resources, prevent us from addressing ourselves to the legitimate needs of the American people.

I do not regard lightly my vote in opposition to this authorization; but then I do not regard lightly my responsibility to my constituents and all Americans to do what my conscience and mind tell me is best for the people of this Nation.

Mr. FISHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is quite stylish these days to criticize the defense contractors and to insist upon more accurate reporting, and of course, everyone is interested in more accurate reporting being accomplished. But let us just see what kind of reporting and what kind of policing is required to be carried out in this respect.

The Defense Contract Audit Agency has more than 3,500 resident auditors assigned to defense contractors' plants now. The Defense Contract Administrative Services Office has 24,000 contract administrators and inspectors assigned to defense contractors' plants now. These 27,500 auditors and inspectors are in addition to the large GAO staff of auditors assigned to defense contract auditing, a force sufficient to accomplish all the auditing that may be necessary.

On August 1 the GAO wrote to the chairman of the Armed Services Committee as follows:

> Before legislation of this type is enacted it would be our recommendation that the most careful consideration be given to it by the Congress.

Mr. Chairman, this refers particularly to the Schweiker amendment, which also involves GAO.

> The type of reviews made by this office and the needs of the interested committees of Congress need further development and exploration . . . For these reasons we believe legislation describing a particular form of reporting at this time would be unwise. In general we believe the basic authority of the GAO is adequate to carry out the program which we have outlined.

This amendment is somewhat comparable to the so-called Schweiker amendment which was adopted by a one-vote margin in the Senate. The author of that amendment admitted during debate it would require 200 additional employees to be added to the staff of the GAO at a cost of $4 million per year. I understand this is not the Schweiker amendment, but it does involve the GAO, and it does involve a further recruitment of auditors that would undertake this massive procedure that would be required if this amendment were adopted.

This amendment is unnecessary. The Comptroller General can now make independent audits of negotiated defense contracts under authority provided by 10 United States Code, section 2313, and Congress can presently obtain all necessary cost information and progress reports on contracts upon request to the Department of Defense.

Mr. JACOBS. Mr. Chairman, will the gentleman yield for a correction?

Mr. FISHER. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, as a matter of fact, this is the so-called Proxmire amendment, which passed the Senate by a vote unopposed by anyone. It passed unanimously.

Mr. FISHER. I understand, but it invokes the services of the GAO. This amendment would be an invitation to confusion and harassment of contractors. Its adoption would not be in the public interest.

Mr. FULTON of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment to the military procurement authorization offered by the gentleman from Indiana to authorize the Comptroller General to make a select study of defense contractor profits will have no effect on the authorization we vote today but may save the Government and taxpayers billions of dollars in the future.

It will, at the same time, give the Congress and the public a clearer view of the scandalous picture of the extravagant waste in Defense procurement, this picture has been painted nowhere more clearly than by the Joint Economic Committee's Subcommittee on Economy in Government in its report of May 1969, "The Economics of Military Procurement."

The report documents on a case-by-case and item-by-item basis the fact that there is extravagant waste in the Defense Department, there is shocking mismanagement and lack of concern for tax dollars by certain contracting officers, and that there is no guaranteed procedure available to the Department of Defense or the Congress to require Defense contractors to reveal, explain or justify their costs and profits.

The report asserts:

> The extensive and pervasive economic inefficiency and waste that occurs in the military procurement program has been well documented by the investigations of this subcommittee, by other committees of the House and Senate, and by the General Accounting Office. The absence of effective inventory controls and effective management practices over Government-owned property is well known. In the past, literally billions of dollars have been wasted on weapons systems that have had to be canceled because they did not work. Other systems have performed far below contract specifications.
>
> Actual costs of expensive programs frequently overrun estimated costs by several hundred percent. Assistant Secretary of the Air Force Robert H. Charles testified that "The procurement of our major weapons systems has in the past been characterized by enormous cost overruns—several hundred percent—and by technical performance that did not come up to promise."

The report was particularly sharp in its criticisms of cost overrun in new weapons systems. This is of particular significance, therefore, to this bill because in this authorization we are being asked to approve $345.5 million for procurement of the President's Safeguard anti-ballistic-missile system, a new weapons system.

Inherent in the authorization of this new system are all the potential dangers and evils which the report has revealed in connection with other new weapons systems: a system of exorbitant cost overrun potential, a system whose need is still questionable, a system of doubtful performance capability, and a system for which there is no guaranteed oversight procedure.

The Safeguard ABM system, without meaningful oversight guarantee, is as tempting a morsel of potential abuse as an apple in the Garden of Eden.

This amendment would provide the guarantee against abuse by granting subpena power to the General Accounting Office.

The need for this power was clearly demonstrated in the report, "The Economics of Military Procurement." The report illustrated that obtaining from Defense contractors information on costs and accounting is difficult at best. According to the report, in some instances contractors will simply refuse to sell to the Government if this information is required, adopting a "take-it-or-leave-it" attitude. In a free market competition could overcome this problem. But in Defense procurement we do not find a free market situation. We find a situation of low competition and high concentration coupled with an insensitivity by certain contract officers to cost overrun. This leads not only to waste but, too often, inferior product.

Giving the General Accounting Office the power to subpena will provide incentive to the Defense Department, its contracting officers and its contractors to more conservatively estimate and accurately judge costs and profits.

Finally, the information which would be supplied the Congress through the adoption of this amendment is vital to its Members. Today, more than ever before, the cost of our Defense Establishment and concern that our defense investment is made efficiently, economically and prudently, is a growing concern to our people, our taxpayers and the Congress. We cannot know too much about the quality of product from Defense spending when that spending is costing the taxpayers $80 billion a year.

Mr. Speaker, this amendment will not effect one cent of the funding requested in this bill. It will not weaken our defense posture or potential. It will provide us with information which we need today and will need in the future to form judgments and make decisions as we determine how we should most wisely spend in providing for the defense of this Nation.

I urge adoption of the amendment.

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Mr. FULTON of Tennessee. Mr. Chairman, I yield to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, with reference to the point made by the gentleman from the Armed Services Committee, there is a letter in the CONGRESSIONAL RECORD from the Comptroller General of the United States under date of September 15 which avers that the study contemplated in this amendment, which unanimously passed the Senate, can be carried forward by the GAO without adding any personnel whatsoever.

I might add that the Logistics Management Institute in the Department of Defense has conducted a study of this nature, but it was a study based on voluntary information, and 42 percent of the contractors asked did not volunteer, even on request, would not give the information.

Also, the Renegotiation Board has only 200 employees today whereas during the Korean war it had 700 employees, and the Board in its own report has cautioned against any other than generalized conclusions from its reports.

So I repeat, Mr. Chairman, obviously this is a unique amendment. Obviously, it is a more effective way to study the defense profits, also we would not have had all these points of order and all these attempts to keep me from saying anything in the first place about it.

It is a little bit like what used to be said of the Russian foreign trade policy; they exported the things they needed and they imported the things they needed worse.

The Armed Services Committee thought they needed section 502 and 503 under title V, but they decided they needed worse not to have this amendment in the bill whereby this objective study of profits would take place. Therefore, they are exporting sections 502 and 503 in order to erect a huge tariff wall and not import this impartial study of defense profits in negotiated contracts.

I thank the gentleman for yielding.

The **CHAIRMAN.** For what purpose does the gentleman from South Carolina (Mr. RIVERS) rise?

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at some time to vote on this perfecting amendment? We will be here until one day next Tuesday.

I wonder if we could close debate on this in 10 minutes?

I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The **CHAIRMAN.** Is there objection to the request of the gentleman from South Carolina?

Mr. GUBSER. Mr. Chairman, reserving the right to object—Mr. Chairman, I withdraw my reservation.

Mr. ANDERSON of Illinois. Mr. Chairman, reserving the right to object, I have an inquiry of the chairman of the committee. I had intended, to offer an amendment in the nature of a substitute for the amendment offered by the gentleman from New York (Mr. STRATTON).

Mr. RIVERS. Mr. Chairman, I withdraw my request.

PARLIAMENTARY INQUIRY

Mr. KEITH. Mr. Chairman, a parliamentary inquiry.

The **CHAIRMAN.** The gentleman will state it.

Mr. KEITH. Mr. Chairman, it is my understanding, if we should act favorably on this amendment to the amendment now pending, we would still have before us the entire section.

The **CHAIRMAN.** The Chair will clarify the position.

First, there is no amendment to an amendment pending. There is a motion to strike the title, and there is an amendment pending to perfect the language.

Mr. KEITH. My parliamentary inquiry, then, is should we act favorably on the motion that is now being discussed or debated, then the pending amendment would be on the amendment offered by the gentleman from New York and would still have within it sections 502 and 503 to which reference has been made earlier.

The **CHAIRMAN.** The Chair will state that sections 502 and 503 will be stricken out of the bill if the motion to strike is agreed to.

Mr. KEITH. Yes. If the motion to strike is agreed to.

The **CHAIRMAN.** That is correct.

Mr. KEITH. So you are going to throw out the baby with the bath if we do not at some point entertain a motion to amend the amendment to strike the entire section so that it only pertains to the objectionable part, sections 502 and 503.

The **CHAIRMAN.** An amendment to a motion to strike is not in order. The pending amendment is to perfect title V.

Mr. GUBSER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hope that the House will not look upon this amendment as an endorsement of motherhood or a renouncement of sin. I hope you will look deeply into it, because I honestly believe there is much more to it than meets the eye. I hope we will not say that because the Senate, during the course of a debate which it was anxious to conclude and when it was probably in the same frame of mind as each of us are at the moment, passed what appeared to be an endorsement of motherhood by an overwhelming vote. This is a matter that concerns a very important item that affects the industrial segment of our Nation.

It was brought up on the floor of the Senate and brought up here, and in both instances discussed rather hurriedly. Not one single witness from our industrial community had the opportunity to come before a committee of the Congress and state his views. I can assure you, had that opportunity, to which they should be entitled in a democracy, you would have found that there are serious objections to this amendment.

When the gentleman from Indiana sent around his little brochure he had one question and answer which excited my attention. The question was "Would not the General Accounting Office also study profits in private and commercial business conducted by a defense contractor." The answer was that the General Accounting Office will necessarily have to study the private commercial aspects of the defense contractor in order to make an honest differentiation between commercial and defense work. However, the amendment prohibits the Comptroller General from disclosing this as business information.

I am not going to talk about Lockheed and General Dynamics, and Boeing, Ling-Temco-Vought, and big companies like that. This will not hurt them. They will just hire 50 more accountants to comply with the amendment, and the cost will be allowed and added to the price of the hardware we buy. They will not be harmed. But for the moment let us consider the little businessman in this country who has a mix of commercial and defense business, who sells a standard catalog item to customers in the trade and also sells it to the U.S. Government. This company in a private enterprise system has a right to corporate privacy. It is essential to its existence in the competition of modern industry. To safeguard corporation confidential information, is a long-established tradition in this country.

In a purely commercial or private transaction I do not think the GAO should have a right to subpena records. There are many businesses which intermingle commercial with defense production, and it is impossible to separate out the nondefense business transactions. Thus, despite allegations to the contrary, it is inevitable that cost data of commercial businesses will be disclosed, and it is my experience that such disclosure inevitably results in price fixing, which can only work to the disadvantage of the Government in the long run.

Mr. Chairman, this legislation is not necessary. We have Public Law 87–653, with the strengthening amendments passed in the last Congress. Every negotiated contract between the Defense Department and private industry requires that full disclosure on costs or pricing data must be made. The General Accounting Office has every device that it needs in order to investigate these transactions and determine whether the Government is getting a fair deal.

On top of that, we have the Renegotiation Act and the Renegotiation Board, which is admittedly understaffed, and behind in its work. But if you want to attack the question of unreasonable defense profits, there is the way to attack it; you should not add another harassment and burdensome requirement to business when it already has too much. These harassments are contributing to the trend whereby small businesses is getting out of the defense business and making the determination to concentrate future growth on commercial business instead of defense work. If this trend continues all you will have left will be a few General Dynamics, and Ling-Temco-Vought's. You will have only a few big corporate structures that will do all of the business with the Defense Department in this country. A sound defense industry cannot be based on a cartel system of the Middle Ages. It must be broadly based to include small as well as big business.

If you want our national defense and our national safety to be broadly based and to employ a broad spectrum of our national expertise, then vote "No" on this amendment.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the RECORD should be put straight on the motivation for striking title V. I must assume some responsibility for conferring with the chairman of the Committee on Armed Services because of language in section 503.

The gentleman from Maryland also discussed the matter with him because of other language, and we were treated graciously in the matter. I think it had no bearing upon the amendment pending before this body at this time.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield, as a matter of fact, if the gentleman will recall, it has been something like that, that we have done in the past. And we have had no trouble getting information and could always through a public hearing get anything we could not get otherwise. Is that correct?

Mr. MOSS. That is quite correct.

Mr. RIVERS. I thank the gentleman for yielding.

Mr. MOSS. Now, Mr. Chairman, I want to speak very briefly about the motion to recommit. I was amazed to learn that the motion to recommit is not a matter of right under the rules of the House, but rather a matter of grace from the minority leader. This to me was a shocking thing, because I, during my 17 years here was so naive as to believe that the rules spelled out the method of arriving at who would have the right to offer a motion to recommit.

Now, the strategy is to fashion a bomb here, at least, that is the prayerful hope; you are going to strike out all of the antiballistic missile money. I do not believe anyone spoke on the floor yesterday or the day before urging to strike the research and development money. But to the distinguished minority leader I say I am willing and ready to fish and cut bait. And I believe I qualify as having a grain of sense, and I know when I am being blackmailed, and I am perfectly willing to vote precisely for the motion to recommit because I know that in conference the research and development, at least, would be put back.

And it gives me the opportunity to carry out fully a commitment that I made during the course of my campaign for election to this House of Representatives last fall.

I think it would have been wiser and a greater reinforcement to the President, if that is what is sought, to offer a motion reflective of the will of the House. But then judgments are made by people on the basis of their own convictions and their own experience. The gentleman certainly qualifies as an experienced and able Member of this body—of course, I do not challenge that. But I say in this instance in my judgment he outfoxed himself.

So I would strongly urge no one to be cowed by this marriage which was never proposed on the floor and which only will appear in the motion to recommit.

Vote on the major issue. Give the public some feeling of the response of this House and fear not—the research and development money will be there before the House adjourns the first session of the 91st Congress.

Mr. COHELAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, first of all I want to comemnd my colleague from Indiana (Mr. JACOBS). I warmly support his amendment.

I want to express my own regret that the Committee cannot see fit to accept this amendment which is so obviously needed.

It is something, however, that may well come back in any event in the conference as similar language is contained in the Senate bill.

Now I want to say something about the motion to recommit. I want to plead with the minority leadership, if I may, from the floor of this House. I think when you reflect on the problems that we are having in this country with student unrest, the attitudes and legitimate concerns of our young people, the doubts they have about their political institutions, it seems to me we are setting a poor example. In fact, today we find a priceless illustration of some of their complaints. The proposed parliamentary maneuver is a transparent piece of political gamemanship where we find a Member capturing the motion to recommit with the clear purpose of confusing the issue in respect to voting on a proposition that greatly concerns millions of citizens in this country as well as the rest of the world. It will indeed be hard for some of us who come from university communities to explain it to them.

I want to announce, with the gentleman from California (Mr. MOSS), that I am going to vote for the motion to recommit. I am going to do it unashamedly because I am on record on this issue. There has not been a time since I had the honor to serve on the great Committee on Armed Services until this very moment that people have not understood where I stand on this issue, especially on R. & D. and deployment.

May I say that all of the authorities, whether they are for or against the ABM, say that we should continue research and development in this area.

I am one who feels that we should exploit and understand our technology. Whether or not we can control our destiny is a separate question. I therefore plead with the minority side, controlling the motion to recommit, to give the country an opportunity to maintain full confidence in its institutions. I think you have the votes—what is wrong with that? Why can we not get a clear cut vote on it?

I invite Members on both sides of the aisle who oppose deployment of ABM and want to take a position on this, to vote for the motion to recommit. I personally consider this move by the minority leadership to be a bit of political gamesmanship and I submit that this is a poor time in our national history not to provide an opportunity to express the clear will of the House.

If you are in the majority, and indeed I believe you are, it would seem to me that this would constitute a clear cut disposition of the issue. You are then going to have your mandate and whatever is going to happen so far as the ABM is concerned is going to be decided by the Executive.

So in conclusion I urge the distinguished minority leader from Michigan, to reconsider and give the House the opportunity to have a clear-cut vote on this issue.

Mr. RIVERS. Mr. Chairman, I would like to find out how many Members wish to speak on title V. Then I think we can get to the other subject later on. Can we determine how many Members wish to speak on title V and dispose of that title, and then we can get to the motion which is coming up? Is there anyway that we can make that determination?

The **CHAIRMAN.** The Chair observes 16 Members standing.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on title V and all amendments thereto close in 15 minutes.

The **CHAIRMAN.** The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The **CHAIRMAN.** The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I will simply say that I support my Democratic colleague from Indiana. This is one amendment I am going to vote for. I cannot see any reason why we should not study profits. That is all this asks us to do. We are not accusing anybody of anything. We are studying profits, by the use of a governmental organization to conduct that study, and I think the people we represent, who pay the taxes, are for that, and I am for it.

SUBSTITUTE AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS FOR THE AMENDMENT TO TITLE V OFFERED BY MR. JACOBS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer a perfecting amendment to title V.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: On page 16, line 13, after the period, strike out the balance of the language of title V which appears on pages 16 down to the period on line 24, and add a new section 502 which reads as follows:

"SEC. 502 (a) The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the acquisition of any weapons system or other need of the United States.

"(b) The Secretary of Defense shall cause a review to be made of each major acquisition program as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each program as to—

"(1) the estimates at the time of the original plan as to the total cost of the program, with separate estimates for (a) research, development, testing and engineering, and for (b) production;

"(2) the department's subsequent estimates of cost for completion of the program up to the time of review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the department intends to exercise such options, and the expected cost of exercising such options;

"(5) significant milestone events associated with the acquisition and operational deployment of the weapon system or item as con-

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tained in the plan initially approved by the Secretary of Defense, actual or estimated dates for accomplishment of such milestones, and the reasons for any significant variances therein.

"(6) the estimates of the department as to performance capabilities of the subject matter of the program, and the reasons for any significant actual or estimated variances therein compared to the performance capabilities called for under the original plan and as currently approved; and

"(7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the program.

"(c) The Secretary of Defense after consultation with the Comptroller General and with the chairmen of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major acquisition programs under subsection (a).

"(d) The Secretary of Defense shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each program review.

"(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred or to be incurred, the delivery schedules, and the effectiveness of performance achieved or anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after the final payment under the contract or subcontract as the case may be, by subpoena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractors, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary of appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry this section into effect."

PARLIAMENTARY INQUIRY

Mr. COLLIER (during the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLIER. Mr. Chairman, I would like to know whether the reading of this amendment is charged against the limited time allotment.

The CHAIRMAN. It is not charged against the limited time.

Does the gentleman from Illinois offer this amendment as a substitute for the amendment offered by the gentleman from Indiana (Mr. Jacobs)?

Mr. ANDERSON of Illinois. Yes.

The Clerk proceeded to read the amendment.

Mr. OTTINGER (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment offered by the gentleman from Illinois (Mr. Anderson) be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Chairman, what this amendment does is take section 501, which I indicated is a good section, and says the Defense Department shall keep the committees currently and fully informed, and it deletes the language on lines 13 through 17, and eliminates the offending sections 502 and 503, and adds a new subsection which is substantially the Schweiker amendment adopted in the other body, with certain improvements. Instead of referring to contracts, it refers to major new programs. It says the reports will be made on a program rather than on a contract basis.

If I had the time, I would refer to this correspondence I have had with the Secretary of Defense and the Comptroller General in which they indicate their approval of this changed language. I am not suggesting they have endorsed the amendment per se, but they do feel this is a better amendment than the one passed by the Senate. I take my stand alongside such stalwart conservatives as the senior Senator from Mississippi and the junior Senator from Arizona.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Chair recognizes the gentleman from New York.

(By unanimous consent, Mr. Ottinger yielded his time to Mr. Anderson of Illinois.)

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the chairman of the committee.

Mr. RIVERS. Mr. Chairman, is this the Schweiker amendment?

Mr. ANDERSON of Illinois. Yes, this is the Schweiker amendment with the exception that we have changed the language to provide these program status quarterly reports—that are to be worked out by the Secretary of Defense in cooperation with the Comptroller General and made available to the House Committee and the committee on the other side of the Capitol as well as to Members of Congress—will be made on the basis not of contracts, but on the basis of major programs.

Let me quote very briefly from the letter I received from the Comptroller General:

> We visualize no problems arising from your proposed changes in the Schweiker amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LEGGETT. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Mr. Chairman, I yield to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

I continue:

> We especially favor your proposed change from "major contract" to a broader concept. In this connection we note that under the amendment intended to be proposed to H.R. 14000 by Congressman Whalen, the term "major acquisition program" is used, which we favor in lieu of "major contracts."

That is the language. It refers to a quarterly report on major acquisition programs. I do not believe it will impose any impossible burden on the General Accounting Office.

I believe it will give your committee, Mr. Chairman, and the Members of the House the kind of information we need.

I would point out that the Director of Research and Engineering himself, Dr. Foster, said recently in a speech——

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Maryland (Mr. Friedel).

Mr. FRIEDEL. Mr. Chairman, I yield to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Dr. Foster, in a speech he made before the Armed Forces Management Association Conference, put it this way:

> The hard truth is this: Our past and present methods of acquiring weapons have lost us the confidence of the public and are threatening our country's future security.

This amendment is offered in the hope we can restore public confidence.

Mr. FRIEDEL. Mr. Chairman, I now yield to the gentleman from South Carolina (Mr. Rivers).

The CHAIRMAN. The gentleman from Maryland declines to yield further to the gentleman from Illinois. The gentleman from Maryland now yields to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I hope the gentleman is correctly stating the information. According to what I have received, the Comptroller General is opposed to the Schweiker amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I am glad to yield.

Mr. ANDERSON of Illinois. I have in my file a letter which was a reply to the letter I sent to the Comptroller General. I can assure the gentleman he is not in violent opposition. He believes the language is substantially improved.

I support this amendment because I think it will help to restore the confidence of the American people in their Government. And let there be no mistake about it, that confidence has been badly shaken by reports of waste and inefficiency in Government spending.

The Defense Department's Director of Research and Engineering, Dr. John Foster, Jr., in a speech before the Armed Forces Management Association Conference, put it this way, and I quote:

> The hard truth is this: Our past and present methods of acquiring weapons have lost us the confidence of the public and are threatening our country's future security. Unless we change our practices drastically, our future ability to deter war and to fight can be seriously jeopardized.

Mr. Chairman, I am as concerned as Dr. Foster that we regain the public confidence and that we do not jeopardize our future ability to deter war. The amendment that is being offered today would help to insure the changes in procurement practices which Dr. Foster feels we so drastically need.

There is really little that is new in this amendment. The program status reports system and GAO audits called for in this amendment are already operational. This system was established earlier this year at the request of the Senate Armed Services Preparedness Subcommittee, and the quarterly reports on some 34 major acquisition programs are being made to the House and Senate committees concerned with defense. This amendment would simply require as a matter of law that this reporting system be conducted on a continuing basis and that the reports be made available to all Members of Congress. In addition, it gives the Comptroller General the subpena power, something which he has personally pleaded for and something which the Congress has already granted to 40 some executive agencies.

Mr. Chairman, I do not think it will be necessary for me to deal at length on the need for the reporting system envisaged in this amendment; that need has been amply attested to by the fact that the system has already been established at the request of Senator Stennis, the distinguished chairman of the Senate Armed Services Committee. It was recognized, after the disclosures of huge cost overruns in certain major weapons programs, that the Congress is not adequately equipped to exercise proper control over the programs it has authorized. We had no systematic means of identifying contract abuses at an early stage. We consequently learned of cost overruns and other abuses, too late to correct them.

The program status reporting system goes to the heart of the problem by requiring quarterly reports from the Secretary of Defense, on the status of major acquisition programs. These reports will alert the Congress as to any changes from the original plan in terms of cost, performance, or schedule. And the General Accounting Office, as an arm of the Congress, will conduct its own audits on both the reporting system, and on those programs which do begin to deviate from the original plan.

Mr. Chairman, I think it is significant to note that the improvements which have been made in this amendment over its counterpart in the other body have the endorsement of both the Comptroller General and the Secretary of Defense. In a letter dated September 27, from Deputy Defense Secretary David Packard, on behalf of himself and Secretary Laird, the following comment is made:

> Secretary Laird and I believe the proposed changes, particularly the notion of reports to Congress on a program rather than a contract basis, which you are considering to the Schweiker amendment, are clearly beneficial and improve that amendment substantially.

And Comptroller General Elmer Staats has also endorsed these changes in a letter to me dated September 30, and I quote:

> "We visualize no problems arising from your proposed changes in the Schweiker amendment. We especially favor your proposed change from "major contract" to a broader concept. In this connection we note that under the amendment intended to be proposed to H.R. 14000 by Congressman Whalen, the term "major acquisition program" is used, which we favor in lieu of "major contracts".

Mr. Chairman, the improvements which have been made in the language of this amendment bring it more into line with the existing reporting system and makes it more suited to the needs and requirements of the committees, the GAO, and the Department of Defense.

The only concern expressed by the Comptroller General and the Secretary of Defense in their letters, is that legislation at this time might prohibit the flexibility that is needed to improve upon the reporting system and make it fully responsive to the needs of the Congress.

Mr. Chairman, let me allay that concern by pointing to the fact that flexibility is a built-in feature of this amendment. This amendment will in no way interfere with attempts to improve the reporting system.

The fact of the matter is, this amendment both encourages and requires an ongoing review of the reporting system with a view to improving it. This amendment in no way prescribes in detail the form and content of the reporting system other than to require the inclusion of current information on cost, performance and schedule. You will note that section 505(a) leaves it to the Secretary of Defense, in cooperation with the Comptroller General to develop the reporting system. Section 505(e) requires that the Comptroller General conduct an audit on the reporting system and report to the Congress at least once a year as to its adequacy and make recommendations for its improvement.

Another flexible feature of this amendment is that it does not prescribe criteria for which major acquisition programs shall be reported on. Instead, this is left to the Secretary of Defense in consultation with the Comptroller General and the chairmen of the Armed Services Committees and Defense Appropriations Subcommittees of the House and Senate. This provision is contained in section 505(c) of the amendment and thus insures that the reporting system will always be fully responsive to the needs of the committees.

The passage of this amendment will therefore in no way hinder the Secretary of Defense, the Comptroller General, or the respective committees in their attempts to arrive at a responsive and responsible reporting system. Quite to the contrary, it will, by the force of law, insure the perpetuation of a systematic and flexible reporting system for the benefit of the entire Congress and the American people.

Mr. Chairman, I urge adoption of this amendment because I think it offers the only fiscally sound approach to dealing with the problems of procurement which we have encountered. We owe this both to ourselves and the American taxpayer who deserves a dollar's worth of defense for every tax dollar allocated to defense.

Mr. OTTINGER. Mr. Chairman, I am very pleased to be joining with our distinguished colleague from Illinois (Mr. Anderson) and others, in amending the fiscal year 1970 military procurement bill, to provide for a standard auditing and congressional reporting system on major defense contracts.

Defense spending accounts for 41 percent, or about $80 billion, of our national budget and military expenditures have increased $37 billion over the past 10 years. Yet, there is a very disturbing lack of accurate and current military procurement information which is available to us in the Congress.

There has been considerable discussion and, I believe, misunderstanding over the provision of this amendment which grants the Comptroller General with subpena power. Some claim that the present "examination of records" clause contained in all negotiated contracts, as required by the Armed Services Procurement Act, is sufficient. However, the simple fact of the matter is that this often involves time consuming litigation. As the Comptroller General himself stated only a little over 2 weeks ago in testimony before the Senate Government Operations Subcommittee on Executive Reorganization:

> Experience indicates that several years' loss of time and much effort on our part and on the part of the Department of Justice were required to settle a dispute of this kind in the courts.

If the audits of the Comptroller General are to have any effect in correcting contract abuses before they get out of hand, then time is an essential factor.

I am aware of the September 12, 1969, letter from Comptroller General Elmer Staats to Chairman Rivers but I believe he fully clarified the GAO's position in testifying before the Senate subcommittee 4 days later:

> We could avoid the loss of much time if the Congress were to grant to the Comptroller General the authority to compel by judicially enforceable subpoena the production of those books, accounts and other contractor records covered under the examination of records.

In addition, Mr. Chairman, by granting the GAO subpena power, the hand of Defense Department contracting and procurement officials would be strengthened. The prospective contractor would be on notice that his records would be susceptible to the scrutiny of the Comptroller General and the Congress, without his being able to employ delaying

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tactics. The mere fact of the existence of subpena power will, without its exercise, have a salutary effect on contractor practices.

We must also realize, Mr. Chairman, that the Congress has granted the power of subpena—the power to secure records—to over 40 executive agencies, including the Civil Aeronautics Board, the Federal Communications Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Securities and Exchange Commission, the Small Business Administration, the Departments of Defense, Agriculture, and Labor, the Federal Deposit Insurance Corporation, the National Labor Relations Board, and the Internal Revenue Service. Nevertheless, we deny this basic investigative tool to the one major arm of the Congress—the one agency totally independent of the executive branch. By denying the subpena to the GAO, we are certainly limiting its effectiveness.

I believe the outstanding performance of our present and past Comptrollers General should allay any fears that the subpena powers will be abused. In discussing the matter before the Senate committee last month, Mr. Staats noted:

> I would not even imply that we would have to use it a great deal, but instead of having a controversy with respect to records being so long and go on for literally months, I feel that having this authority available to us would make it easier to come into agreement with the contractors on what records should be made available to us.

It seems perfectly clear to me, Mr. Chairman, that the GAO must have the power of subpena in order to effectively fulfill its duties. The Congress has given the GAO a mandate to account for defense spending and we must also provide it with the authority—the muscle if you will—to back it up.

Mr. FRIEDEL. Mr. Chairman, I am glad to note the amendment to H.R. 14000, title V, section 502 eliminating the authority for the Committee on Armed Services to utilize personnel on a loan basis from any Government agency. Under the Rules of the House of Representatives and present law, approval for the loan of personnel from any Government agency is vested in the Committee on House Administration.

In the rules of the House, rule XI, paragraph 29(e), page 370, it is stated:

> No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

In connection with the jurisdiction of the House Administration Committee over committee personnel, rule XI, paragraph 9(c), page 339, gives jurisdiction to the House Administration Committee by stating: "Employment of persons by the House, including clerks for Members and committees."

Title 2, United States Code, section 72 (f) states:

> No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, as the case may be.

The basic purpose in vesting authority for the approval of loan personnel from Government agencies in the Committee on House Administration is to recognize officially for recordkeeping and financial purposes an appropriate connection between the person on loan and the committee utilizing his services. Should the person on loan incur any expenses in carrying out his duties with the committee, he would be eligible for reimbursement of such expenses only if employed officially by the committee. When the Committee on House Administration approves loan personnel, all affected House departments are notified.

I wish to emphasize that the House Administration Committee has approved requests from committees for the loan of personnel with a minimum of delay. I cannot recall a single instance where a request has been delayed. This policy of expeditious approval is expected to continue.

The CHAIRMAN. Do any of the Members whose names the Chair has read care to speak to the substitute amendment offered by the gentleman from Illinois (Mr. Anderson)?

Mr. TAFT. Mr. Chairman, I wish to speak to the substitute and to the original amendment offered by the gentleman from Indiana.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Taft).

Mr. TAFT. Mr. Chairman, it was said earlier today that none of the major defense contractors opposes these provisions.

I have a telegram from one of the most important and responsible defense contractors, which I should like to read in part. It states:

> I respectfully request that during the House consideration of the Defense authorization bill you consider rejecting the Proxmire and Schweiker floor amendment to the Senate Defense authorization bill. * * * In view of their complexity, it would be preferable that they be handled by the Government Procurement Commission just recently authorized by H.R. 474. The burdensome reporting requirements * * * are unnecessary in view of present reports and restrictions. Competition in bids and proposals and growth in technology will be stifled by the arbitrary limitations of money for such purposes contained in this amendment.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Chair would again inquire as to whether any Member would like to speak on the substitute amendment offered by the gentleman from Illinois (Mr. Anderson)?

The Chair recognizes the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. I thank the Chairman.

Mr. Chairman, I yield to my colleague from Ohio (Mr. Taft).

Mr. TAFT. I thank the gentleman for yielding.

The telegram goes on to say:

> The studies called for unduly emphasize one aspect of the contract without consideration of others. In light of the present powers of audit and supervision, the sections are unnecessary.

I go on to point out that obviously it would be a futile exercise if we passed the amendment of the gentleman from Indiana (Mr. Jacobs) and the amendment of the gentleman from Illinois (Mr. Anderson). It is going to conference, anyway. I hope they can come out of the conference with a workable provision.

Members should vote against both these amendments, and the Senate provision will go to conference and, hopefully, we will get a reasonable substitute that will work and provide any needed protection.

The CHAIRMAN. Does any other Member desire to speak on the substitute amendment offered by the gentleman from Illinois (Mr. Anderson).

The Chair recognizes the gentleman from Pennsylvania (Mr. Coughlin).

Mr. COUGHLIN. Mr. Chairman, I heartily support the substitute amendment offered by the gentleman from Illinois (Mr. Anderson). It is a good amendment.

If there is any idea whose time has come, it is to provide responsibility to the taxpayers for our defense expenditures. Certainly I, as one Congressman, would like to know how 40 percent of our entire national budget is being spent.

Mr. Chairman, as a new Member of this body and a nonmember of the committee, I rise with some temerity, but the amendment proposed by the distinguished Member from Illinois is a good amendment.

Different from other amendments proposed so far in this debate, it is a "responsibility to the taxpayers" amendment and was passed by the other body under the sponsorship of my predecessor and your former colleague and member of the Armed Services Committee, Dick Schweiker.

It does not strike at programs proposed by the committee. Rather, it is a matter of giving us in Congress the tools to exercise our prerogative of oversight of defense programs. This is demanded by the taxpayer.

In recent months it has become increasingly clear not only that billions of extra dollars are being wasted in defense procurement, but also that Congress learns of this after the fact and does not have the tools to exercise its oversight to assure the American taxpayer that his dollar is well spent.

We have witnessed estimated overruns of $2 billion for the C–5A transport plane, $4 billion in the Minuteman contract, and many others. It is appalling with how little information we make key spending decisions.

Under the provisions of this amendment, the Department of Defense would be required to provide the Congress with quarterly reports on the cost, performance and schedule for major acquisition programs. The Comptroller General would be given the necessary authority to audit the reporting system established by the Secretary of Defense and would report his findings annually to the Congress.

We are told that the proposed reporting and auditing system is unnecessary because the Department of Defense is already providing this kind of information and the distinguished chairman has received a letter from the Comptroller General indicating his current ability to perform this function. There are, however, three significant differences between the amendment and the proposal made to the distinguished chairman by the Comptroller General.

First, by enacting the amendment we can assure continuation of the review and auditing of major acquisition programs. Under the existing informal arrangement, nothing assures us that this will not be discontinued once the current tumult and shouting dies.

Second, the amendment calls for a reporting program by the Secretary of Defense in cooperation with the Comptroller General. The present informal arrangement leaves the matter entirely up to the Secretary of Defense and Congress' own agent, the Comptroller General, has no real authority.

Third, the amendment provides that information on major acquisition programs be provided not just to committees, but to all Congressmen. Should we not require this by statute on what amounts to 40 percent of our entire national budget?

We also hear that the Comptroller General should not be given the power of subpena to audit defense contracts effectively. If that is the case, why have a General Accounting Office? The GAO was established for this very purpose—to enable the Congress to fulfill its responsibilities as fiscal watchdog over the executive departments and agencies. We give the subpena power to almost every other agency, why not to our own agent, the GAO?

Mr. Chairman, if ever there was an idea whose time has come, it is this proposal to establish a reporting and auditing system which would enforce fiscal responsibility in defense procurement. With the evidence of recent events, is there anyone who doubts the need for immediate action?

The Secretary of Defense has recognized the need in the terms of reference established for the so-called blue ribbon commission inquiry into the Defense Department. And we in the Congress are taking steps to establish a commission for the purpose of looking into the whole question of Government procurement.

But we cannot wait upon the reports of these commissions. Where the need for action is so clear and present, as in the case of defense procurement, we must act without further delay.

We are all concerned with providing the essential requirements for national security. By adopting this amendment, we can serve this end by insuring that the moneys authorized and appropriated for defense purposes are utilized in the most efficient manner possible.

The reporting and auditing system required by this amendment can go far to enforce better management in the development and procurement of major weapons systems. Through better management, substantial cost reductions can be achieved, thus freeing resources for other essential purposes.

The amendment provides that cost, performance and scheduling information on major acquisition programs be provided not just to committees, but to all Congressmen. I, for one, would like the right to know how 40 percent of our entire national budget is being spent.

Mr. KEITH. Mr. Chairman, I rise in support of the Anderson of Illinois substitute.

Mr. MELCHER. Mr. Chairman, I have voted on the teller vote, Mr. Chairman, with the minority which wished to limit expenditures on anti-ballistic-missile weaponry to research, development and procurement, eliminating funds for use of this terrible weapon at this time.

I believe that we must do research and development work on any system of weapons which potential enemies are developing; we must always match or exceed them in knowledge about weapons systems, even though we forgo immediate deployment for use in the interests of encouraging disarmament, or a termination of the arms race. We cannot at anytime forgo the acquisition of the knowledge necessary to match any weapons system which might be turned upon us.

In the Senate, where this matter was thoroughly and extensively debated, a proposal to terminate all activity in relation to the ABM—research, development, procurement and deployment—was defeated by a one-sided vote of 89 to 11.

An amendment to limit work on the ABM to research, development and procurement, without deployment, was defeated by a very close vote of just 51 to 49. Many Senators took the position which I support: the development of necessary knowledge and know-how must go on. Actual deployment for use should not proceed at this time.

If the motion to recommit this bill to committee takes the form of a motion to eliminate all work on ABM—research and development included, then I shall have to vote against it, Mr. Chairman.

This Nation cannot forgo the acquisition of the knowledge necessary to match any opponent's weapons. To do so would undermine the basic concepts of a sound defense policy.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois (Mr. Anderson) for the amendment offered by the gentleman from Indiana (Mr. Jacobs).

The question was taken; and on a division (demanded by Mr. Anderson of Illinois) there were—ayes 70, noes 77.

Mr. ANDERSON of Illinois. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Anderson of Illinois, and Mr. Rivers.

The Committee again divided, and the tellers reported that there were ayes 97, noes 100.

So the substitute amendment was rejected.

The CHAIRMAN. The Chair recognizes, to continue the debate on the amendment offered by the gentleman from Indiana (Mr. Jacobs), the gentleman from California (Mr. Smith).

Mr. SMITH of California. Mr. Chairman, I simply want to call to the attention of the Members of the House one sentence in title V commencing on line 13:

> Any Government agency shall furnish any information requested by either Committee on Armed Services with respect to the activities or responsibilities of that agency in the field of national security.

Mr. Chairman, I think the House would be very foolish to leave that sentence in, and I am simply mentioning it because someplace along the line I want to get that sentence out because our national security has to do with the CIA, with the FBI, espionage, sabotage, and all national security. We would not want to make that information available.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Eokhardt).

Mr. ECKHARDT. Mr. Chairman, I am for the amendment offered by the gentleman from Indiana (Mr. Jacobs).

I should like also to say that I have voted for every military authorization of this type that has come up in my time in the Congress. But I am forced to vote against this one and one of the reasons for that is the procedure that has been adopted here.

When I first came to the Congress, one of the first things I heard was the Speaker asking a person who was moving to recommit a bill to the committee with instructions: Are you against the bill? The gentleman said, "I am against it."

I have thought when a man said he was against a bill he was expected to tell the truth.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. Mr. Chairman, I suspect the Committee is going to rule today that the "proper study of mankind" is not defense profits.

But I urge you, since this matter will go to conference, at least to vote for this amendment. Of course, the motion to strike will probably carry but at least vote for this amendment so that when this matter does go to conference we can tell the United States of America whom we represent that when it comes to Government business, everybody's business is everybody's business rather than the assumption so callously made by so many people in this land that everybody's businsss is nobody's business.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana (Mr. Jacobs).

Mr. Chairman, I want the closest possible scrutiny of defense contracts. I have not forgotten the TFX aircraft scandal. I have not forgotten that the Comptroller General testified under oath before the Senate investigating committee that he could not obtain the information from Secretary of Defense McNamara that might have saved the taxpayers of this country hundreds of millions of dollars.

Mr. Chairman, I rise in support of the amendment and against the motion to strike title V.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Rivers).

Mr. RIVERS. Mr. Chairman, you have heard a lot of misinformation on this amendment.

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If you want to have a ton of trouble, go ahead and vote for it. I never heard anybody so wrong as my dear friend, the gentleman from Iowa.

The General Accounting Office does not want this thing.

We have many who want to dip into the defense contractors. We tried to strike out this section because we do not want to get in something that we could not be sure of.

We will try to work out something in conference. But irrespective of the fact that the other body had a vote on this of 85 to 0, you will not see me standing up and voting for something that I fear will bring everlasting consternation and confusion to the Government.

Mr. RYAN. Mr. Chairman, I support the amendment to authorize the General Accounting Office to make a study of profits made by contractors on Army, Navy, Air Force, and Coast Guard contracts. It would also include profits made on NASA and AEC contracts which fall under Department of Defense requirements.

The results of the study would be presented to the Congress at the soonest possible date, but it could not be submitted any later than December 31, 1970.

The amendment would provide the General Accounting Office with subpena power. This study would be conducted on a selective basis in an attempt to get a representative group of companies that do business with the Defense Department.

There is a great need for an objective and comprehensive study of the profits made by defense contractors. In the past there have been studies, but they have come up with differing figures. One study, supported by the Defense Department, indicated that the profits are low. Another study, however, made by the recently appointed Assistant Secretary of the Treasury, has indicated that profits were at an industry average of 155 percent.

This amendment has been widely supported. It has been given the endorsement of the Comptroller General.

In addition, a similar amendment, which was introduced by Senator Proxmire, was given the support of Senate Armed Services Committee Chairman John Stennis. It passed the Senate by an 85 to 0 vote.

Mr. Chairman, I am a sponsor of H.R. 11762, which would provide for annual reports to the Congress by the Comptroller General on each Government contract in which the price was increased by 10 percent in excess of the original estimate or which was delayed in completion by more than 6 months beyond the estimated completion date.

It is time for Congress to assert its authority over military contracts in order to attempt to reduce costly overruns and slippages in schedules.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. Jacobs).

Mr. FRASER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Jacobs and Mr. Rivers.

The Committee divided, and the tellers reported that there were—ayes 89, noes 109.

So the amendment was rejected.

PERFECTING AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ryan: On page 16, after the period on line 13, strike out the remainder of line 13 and lines 14 through 25, and on page 17, strike out lines 1 through 13.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. RYAN. Mr. Chairman, I find it most strange and curious that the committee has advocated deleting that part of section 501 which requires the Department of Defense to keep the Senate and House Committees on Armed Services fully and currently informed with respect to the Department's activities. What my amendment does is to restore that language. The committee must have had a reason for including it. There must have been a necessity or it would not have been here. I know from experience the lengths that some executive agencies will go to avoid responding to congressional committees. To strike out the language which makes it clear that the Department of Defense must be responsive to Congress is to deny Congress a means to exercise its responsibility and to require the disclosure of information which might otherwise be withheld. It is a very strange position, it seems to me, for the sponsor of the amendment to take. I am sure there will be rejoicing in the Pentagon if his amendment to strike section 501 is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Ryan).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to title V?

The question is on the motion to strike offered by the gentlemen from New York (Mr. Stratton).

The motion was agreed to.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> On page 17, immediately after line 13 insert the following:
>
> "TITLE V.
>
> "LIMITATION ON APPROPRIATIONS
>
> "Sec. 501. Notwithstanding any other provision of this Act, the aggregate amount which may be appropriated under this Act may not exceed $19,213,074,000."

Mr. OTTINGER. Mr. Chairman, we are coming to the end of this debate. I am pleased to be the anchorman for those who think the authorization in this bill should be cut.

Those of us who feel very strongly as a matter of national priorities that some thing has to be cut in this bill to appropriate funds for the military procurement have tried to do it in the way the experts have told us would be the wise way—to become informed upon the individual items of this bill and to try to strike them one by one or to cut from them. We have experienced that we have not been able to cut one penny from the bill that way—from the ABM, or the shipbuilding that was added by the Armed Services Committee, or the C–5A, or the Cobra, or the AWAC, or the SRAM or the advanced manned strategic bomber, or the manpower limitations under this bill. We even incredibly failed to get a better system of accounting so that we could better avoid waste within the Defense Department.

But this still leaves us at the bottom line with that gnawing question of priorities, as to whether we should really be spending about $80 billion on the Defense Department, some 41 percent of our budget, some 60 percent of the free funds within our budget.

Defense appropriations now amount to 250 times what we spend to alleviate hunger within the United States. They amount to almost five times what we spend in its entirety on health and education and welfare within this country.

We are told we have to authorize all this money for defense as a matter of national security. There are many of us who believe that the national security is more threatened by internal explosion within this country than it is from any external invasion.

We are told that if we do not give the military everything it wants, there are not going to be any cities left for us to rebuild and there are not going to be any children left for us to educate. I believe that statement can just as well be turned around to say that if we do not do something for the cities of this country and if we do not do something for the impoverished who suffer amidst plenty in this country, there are not going to be any cities left for the military to defend. How quickly we forget the lessons of Watts and Newark and Detroit and the other cities that were devastated last year.

We have just experienced in these past weeks severe cuts in the model cities program, in the neighborhood development program, in health research, in education, in libraries, and in the Job Corps and other poverty and employment programs.

This very morning we read that the internationally acclaimed heart attack study in Framingham, Mass., which could save the life of any one of us here is having to be discontinued because of lack of funds.

This amendment would cut 10 percent from the funds authorized by the committee. It seeks to restore at least some sanity to the overall budget priorities.

Congressional Quarterly estimated, after a thorough examination of our defense expenditures, that $10.8 billion could be cut from our defense budget without impairing our defense.

The Brookings Institute, after similar thorough research and study, concluded even more could be cut, down to $50 billion or $60 billion.

This amendment would cut a mere $2.1 billion from our budget. We have spent since World War II $19 billion on missiles that were never put into place because they were either obsolete or did not work by the time they were to be deployed.

You will never convince me we cannot save 10 percent on this budget, $2.1 billion, and still have an adequate defense.

In the past Congress there were many motions offered by the gentlemen on the other side of the aisle to cut 10 percent from various budgets in the Congress. I was privileged to support some of them in areas where I thought the expenditure was wasteful and inflated. Some succeeded.

I submit, in the name of economy, to fight inflation, to permit sensible priorities, you should support this amendment.

There is no place within the budget where more waste has been disclosed than in the defense budget, from the C–5A to the B–70 bomber and 100 different places. The history of military procurement is replete with examples of huge cost overruns, payment of exaggerated prices and profits, and procurement of unused and unusable equipment. The $2.1 billion could probably be squeezed out of waste alone.

But there is another reason to support this amendment—to fight inflation. The greatest single cause of inflation is exaggerated Federal spending, and the greatest bulge in Federal spending is in the military.

Indeed, if the President delivers on his promises to end the Vietnam war this year, this cut may not be nearly deep enough. The savings on the $25 to $30 billion a year we are spending in Vietnam would surely produce more than this $2.1 billion cut.

I urge support of the amendment.

Mr. RIVERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is always easy to say that the military is wasteful. They cannot talk back. Hit them with a meat ax. We do not need them until the bands begin to play.

As Churchill liked to quote:

God and the soldier we adore,
In time of crisis, not before;
Crisis past and all things righted,
God is forgotten and the soldier slighted.

Mr. Chairman, this amendment should be defeated.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, I think we have had enough debate on the amendment offered by the gentleman from New York (Mr. Ottinger). We have now been engaged on this bill for 3 days. There has been extended debate on all of these items. The House has worked its will on the numerical figures, and I do not believe we can really attempt to try to do now what we did not do earlier, and I ask for an immediate vote on the pending amendment.

Mr. ARENDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. Ottinger).

I shall not take much time, due to the lateness of the hour, but I have something on my heart which I think I must say at this particular time.

Mr. Chairman, most of us who serve in the Congress, and I think the vast majority of the American people, are very much distressed that there are those in high places on both sides of the political aisle who would seek to advance their own political ambitions at the expense of our country's international status.

I am sure that most of us deplore the unjustified criticism being made of our President's efforts to bring the Vietnam war to an honorable settlement. Last week former Secretary of State Dean Acheson, a distinguished Democrat, in a speech here in Washington before the Women's Democratic Club lamented the growing criticism of our President's efforts and our apparent decline in unity. He urged support for the President and not criticism for every step he is taking to end this unfortunate conflict. In saying what he did, Secretary Acheson proved himself a true patriot who places country above party.

Surely we are not unmindful that under our Constitution the President of the United States has primary responsibility for the conduct of foreign relations. In the Truman administration the then Republican Senator from Michigan and chairman of the Foreign Relations Committee in the 80th Congress, Senator Vandenburg, established the principle followed by the Congress that "politics ended at the water's edge." This should continue to be our policy.

President Nixon is the President of all the people. He, no less than anyone else, strives for an end to the Vietnam war. The surest and quickest way to achieve an honorable settlement of this unfortunate war is to unite behind him in his efforts. Those who criticize his efforts, be they Democrats or be they Republicans are merely obstructing the realization of a final settlement. Those who advocate a fixed date for the complete withdrawal of our troops are actually advocating a surrender date. They advocate "cut and run," bug out, or call it what you will.

We daily look for some sign or signal from Hanoi to show the way for a settlement. To even the most anemic signs or signals we have affirmatively responded, but without a comparable response from Hanoi.

Those who persist in criticizing our President's efforts and who persist in a specific plan for our withdrawal are simply saying, unwittingly or not, to Hanoi that there is no need to negotiate—in due course the United States will capitulate. This we must never do. At no time in our history has this great country of ours, set upon an honorable course, hauled down its flag and surrendered.

Gentlemen—stop, look, and listen. Your country's future is at stake.

Mr. BOB WILSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during this worthwhile and enlightening debate, we have heard numerous references to the importance of maintaining a strong industrial base, both for military security and to insure our Nation's continued prosperity. We have heard references to the necessity of taking advantage of modern technology in today's building programs. In this body, we are aware of the great technological strides being made by science and industry in the fields of propulsion, not only in space but on land and sea. Some of the technology which made it possible for man to explore the moon can be used by man on the earth. Some of the industrial planning for space achievement can be applied to one of the most difficult and practical problems facing the Nation: How to revitalize and rebuild our merchant marine. It is quite obvious if military craft, capable of skimming the earth's surface at 100 knots, can be built and utilized, those same craft will have commercial application.

I am told that the technology now exists to build air cushion vehicles capable of speeds up to 100 knots. Air cushion ships of comparatively short range are now in use commercially in Europe. I am told these ships could go great distances across the oceans and that they would have vast commercial, as well as military potential.

In this connection, I was most interested in Resolution 370, which was passed by the Veterans of Foreign Wars of the United States at their 70th national convention.

The resolution states:

Moon Technology for a New Age of Clipper Ships

Whereas, the Veterans of Foreign Wars is deeply concerned with the dwindling strength of the American Merchant Marine; and

Whereas, this fleet is a vital component of the nation's defense force, as well as a vital factor in America's trade and balance of payments position; and

Whereas, efforts to rebuild the Merchant Marine in recent years have been plagued by mounting costs, foreign competition and limited federal subsidies; now, therefore,

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that we take the lead in urging radical steps to apply the new technology of the Moon Age to a new fleet of clipper ships that can recapture the eminence on the sea that was the mark of this nation's rise to global leadership; and

Be it further resolved, that United States Navy and private shipbuilding interests be encouraged and directed to explore the feasibility of air-cushion ships and other radical designs that can move vessels at speeds up to 100 miles an hour, and engage in intensified research into nuclear power and other revolutionary forms of propulsion for both ships of war and merchantmen. A point in history is that when the war ships and merchantmen that won World War II have reached obsolescence the time has come to encourage new ideas.

I commend the VFW and their leadership for looking beyond today's horizons; both for our military security and our economic prosperity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Ottinger).

The amendment was rejected.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

I am merely going to take a moment or two to make clear what will happen to the motion to recommit. It appears that our fears were well founded. The minority leader has found someone who,

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though having voted for the bill, will make the motion to recommit and that will be, as we understand it, as we have been told, to strike all the procurement money and all the research and development money for the ABM.

I just want to say this: When the motion is made to order the previous question, I hope that those who do not think that this is the right procedure will vote "no" as well as those who would like to have an opportunity to vote on the question of whether or not there should be a reduction in the overall authorization.

If the previous question is voted down, then there will be a motion made to amend by way of a substitute to provide, instead, for a recommit with instructions to reduce the total authorization by 10 percent.

So I urge this body to consider carefully what has happened with respect to this motion to recommit, and I urge this body to make clear that the procedure that is being followed in this regard is not really in accord with the spirit of the rules. The recommit motion is not being formulated by a person who has expressed his opposition to the bill by his vote in the committee but, instead, by the minority leader by his own admission. This is the position of the minority leader, who favors the bill and favors the ABM while he has gone around carrying in his hand the recommit motion. So the choice would be between a sham in the sense that the ABM position put forward is not really anybody's point of view, and we can either go for that, or we can go for a realistic, honest chance to express our views on the question of whether there should not be a modest reduction of 10 percent in the total authorization in order to help fight inflation, to effect some economy, and to try to get some of our national priorities reordered.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words. As long as the gentleman from Minnesota took the well at this time and imposed upon the time of the body at this late hour, I think it is apropos that I allude to a statement that he made earlier today, which I believe demands a response. Earlier he bemoaned the transgression upon academic freedom because of a provision in this bill which is discretionary as it deals with the award of our R. & D. contracts to colleges and universities.

As is so often the case, it was again a matter of interpreting academic freedom on a one-way street basis. As I recall the gentleman's words, he said that provision was the most flagrant attack upon academic freedom included in any bill that has come before this House in the time he has been here.

But I would remind the gentleman from Minnesota, that where any college or university by an arbitrary action of a board, frequently prompted by coercion, deprives any young man of the right to benefit from the Reserve officer training program, it constitutes an attack upon his academic freedom. The ROTC program over the years has been successful and we should be thankful we had it before the last two wars. Since it is a voluntary program, authorized by Federal law, depriving any young man of his choice to avail himself of the benefits of it, is an arbitrary denial of his academic freedom. And I repeat that academic freedom is meaningful only if it is a two-way street.

Mr. WAGGONNER. Mr. Chairman, I move to strike the last word.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I think one thing should be explained to this House. A moment ago the gentleman from Minnesota, if I understood him correctly, stated the individual who would make the motion to recommit voted for the bill out of committee.

May I simply inform the House he did no such thing. I happened to have his proxy. Without his instructing me one way or the other, I voted his proxy, because like many other dedicated Members of the House, I thought the bill should come to the House for consideration.

That ought to set the record straight.

Mr. WAGGONNER. Mr. Chairman, we are at the close of this debate, and I want to urge the Members to vote "aye" on the previous question.

Mr. Chairman, during the course of these 3 days we have had amendment after amendment offered to strike and to take from this procurement bill money for every weapon that the Department of Defense has in every branch of our military service. There might be some argument for reducing the number of weapons we have in our Defense Department, but is there a logical excuse for denying the people of this country a defense weapon such as the ABM system?

First, they wanted to strike procurement money, and now they want to strike ABM, purely defense money. I personally think the motion to recommit is a logical motion, because, as the distinguished minority leader has said, once and for all we will have the opportunity to make a decision whether or not the U.S. Congress favors or opposes an ABM system; not whether we favor research money, not whether we favor deployment money, but whether we can have our cake and eat it too. So we are going to get the chance to vote for or against, in a clear-cut way, on the question of the ABM system. I am going to vote against the motion to recommit, because I am for that ABM system.

Mr. LOWENSTEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many of us have sat through this debate in increasing sadness and disbelief.

We are dealing with huge sums of money, with the security of the country, with the future of the planet. All of us were elected to deal with these matters by similar numbers of citizens, in procedures designed to give an effective voice to the voters and to gain respect for representative government as the way that a free people should conduct their business.

I am sorry the debate has been punctuated by explosions of personal animus among Members, for I am one of those who has come to have great respect and affection for all the Members involved, including the chairman of the Armed Services Committee, who has always treated me with consideration and fairness.

It is my view that what has been wrong during these past few days is what is wrong generally with the way the House operates, and that is not something that can be blamed on individuals or cured by expressions of personal hostility. The fault is in the way we view ourselves, the way we take our responsibilities. This ought to be a place of high debate. There ought to be a clear record of how elected representatives voted on great issues. The proceedings ought to be relevant to the pulse of the Nation, ought to reflect some of the mood and concern of the world around us. Sometimes these things happen here, but more often they do not. I love this place. To be elected to it is as high an honor as I expect to attain. But we demean this place—and ourselves—when we allow procedural tricks to throttle debate on the greatest issues facing the country and to prevent our votes being recorded on these questions. I think it is fair to say that for many Members the last few days have reinforced the determination to begin soon to correct the rules that produce situations like the one we are in now.

Can anyone justify rules that make it impossible for us to have a record vote now on whether or not the ABM should be deployed? Does anyone think it adds to the prestige or effectiveness of the House of Representatives when we are literally not permitted to vote on proposals that are supported by half the Members of the United States Senate? Does it add to our prestige or effectiveness when men elected to represent millions of Americans are not allowed to speak at all, or are told to confine their remarks to 45 seconds?

What it does do when these things occur is to deny the House the opportunity to hear the views of millions of Americans in even remote proportion to their strength outside this House. So the House deludes itself that it reflects the feelings of the public, and increasing numbers of citizens doubt that representative democracy is functioning in this country. This does little to weaken the efforts of those who prefer government by decree, or government by confrontation, for government by democratic legislative process.

We have heard speech after speech today supporting the national policy in Vietnam. But to conclude from these speeches that the American people are united behind this policy, one would have to be oblivious of what is going on in the country. I do not rise at this moment to discuss whether there should be unity behind this policy. I simply want to observe that we fool no one but ourselves when we allow this sort of discussion to create that sort of illusion.

Similarly it is not primarily the merits of deploying the ABM that are in question in this situation. What is in question is a procedure that says we cannot vote on deploying the ABM so the people who elected us will know where we stood on this issue. Can anyone suggest that doing business this way will increase faith in, or respect for, either this House or the concept of representative democracy?

What, in fact, is wrong with letting the American people know where we stand? The ABM was an issue in many of our campaigns. We have a new Member from Massachusetts, just elected, and his opposition to deploying the ABM was a part of what he won. Can it be that the people who favor deploying the ABM are afraid of a rollcall, or because they are afraid of being on record for deployment when they come up for reelection? And in any case should their fears—whatever they may be—be determinative of our procedures?

Surely we can find ways to protect the public from this kind of transgression of democratic process, even if we do not respect ourselves enough to protect ourselves from it.

Too much that happens here simply reminds everyone that we are not conducting ourselves as we should, that we are not conducting the necessary business as this decade, this period of trauma for the American people, requires us to do. We have greater obligations than we have met by our behavior today, or during this session generally, for that matter. Everything in our rules and traditions that impedes the efficient operation of democratic process—everything in committees and on the floor, everything from minority rights and seniority to how we determine if a quorum is present and how we record what occurs—all these things ought to be reexamined and overhauled soon.

The House of Representatives need not continue in its present condition. It dare not. I hope that if nothing else constructive comes of all the frustration and irritation of the past few days, a greater incentive—and resolve—to revise our procedures will survive. That would be an important gain, much more useful than acrimonious personal attacks.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from Kentucky.

Mr. CARTER. I would say at this time, with charity for all and malice toward none, now is the time for us to proceed with the business of the day and to have no more of the recrimination which we have had.

We have a great body here of distinguished people. Let us get down to our business. After all, we have work to do.

Mr. LOWENSTEIN. With all deference to the gentleman, I will conclude by saying I believe that was what I was trying to do.

I hope there will be a sense not of recrimination but of reexamination of procedures and tactics, so we can say to the country that those things democracy requires of an elected body are in fact possible here. Sometimes as one watches these procedures one wonders if they have been concocted primarily to shatter the illusions of those who study civics in school or to minimize the relevance of those who are elected to serve here.

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. I want to concur in the remarks of the gentleman from New York. In the last 2 days we heard the minority leader and we heard the minority whip quote Dean Acheson and ask us to keep the war out of politics.

We will be having a vote in a minute. Let us keep the vote out of politics. Let us have an opportunity to really vote on the real issue—not the issue of research and development but on the issue of the ABM. That is the issue. Let us take politics out of it. In the Senate the motion as proposed to us was defeated 87 to 12 but on the true issue, deployment of ABM, the vote was 51 to 49. This is the issue we should be voting on. The people are entitled to a vote on this matter.

Mr. DANIEL of Virginia. Mr. Chairman, section 402 relates to programs of the Department of Defense and the Armed Forces and the university community. It ties together the attitudes of colleges and universities and their record of cooperation with the Department of Defense and the Armed Forces in the areas of the Reserve Officer Training Corps and the military recruiting on the campus with contract and grants for research and development to the school and to individuals on the faculty and staff of that school. While it does not preclude a contract or grant, it requires a 60-day notice to the Congress before such an award can be made. In the report to the Congress, a full disclosure of the purposes, cost, and duration of such a contract or grant is required together with a summarization of the record of the school, college, or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus.

Included in the research and development request is approximately $291 million for research projects at universities. While the committee strongly believes that national security depends critically upon first rank science and technology, and, further, that certain skills both in basic and applied research is often found only at our Nation's universities, we also believe that when the scientific efforts are believed to be equal at several institutions, such research projects should be placed in universities which are cooperating fully with the Department of Defense in the national defense efforts.

The second major reason for including this reporting provision is to allow the Congress to ascertain the validity of such contracts and grants.

The amount authorized and funded for such research has been given on a lump-sum basis and Congress was never apprised until after the fact how such funds were spent. By the prior reporting, the Congress will be able to enter a more complete partnership arrangement concerning the direction and utilization of such funds for research and development purposes.

The committee is concerned about an overconcentration of research projects at any one school, college, or university. By requiring this type of report, it believes that it will pinpoint this issue, thus requiring Department of Defense personnel to face the problem of overconcentration. It will also furnish to the Congress sufficient information so that, if diversification is not achieved voluntarily by the military, Congress will possess sufficient information to consider legislation to achieve that goal.

There are 5,000 separate research and development contracts involving 260 universities and colleges. For practical purposes, the Congress knows nothing about them. The Congress is responsible for the funds for these contracts. This section requires that a greater amount of information be made available to the Congress before any additional contracts can be awarded.

Mr. BOLAND. Mr. Chairman, I voted yesterday for the amendment to strike the $345.5 million sought in this fiscal 1970 military authorization bill for President Nixon's Safeguard anti-ballistic-missile system.

The amendment, as you know, was defeated—defeated soundly in a vote that threatens national security rather than strengthens it. By rejecting yesterday's amendment the House has voted to make a downpayment on a $11 billion military weapons system whose workability is in doubt and whose escalatory impact in the arms race will be staggering. Even if the system will work—and mounting evidence indicates it will not—the Safeguard ABM would not provide meaningful protection for our land-based, fixed-site Minuteman ICBM silos. Studies have demonstrated that the Soviet Union could easily neutralize Safeguard ABM and overwhelm it—merely through the use of simple penetration aids. Nor would ABM protect us from a full scale Chinese missile attack.

The Safeguard ABM system is primarily intended to shield the U.S. land-based missile force against a Soviet attack. Yet there is no hard evidence from the White House—nor from the Pentagon, for that matter—that the Soviets would be able to challenge, destroy or seriously damage our diverse and dispersed nuclear retaliatory forces of Minuteman, Titan, and Polaris missiles and manned bombers in the next decade.

I am not opposed to continuing research and development on an anti-ballistic-missile system. The Pentagon will have a half billion dollars in fiscal year 1970 for the continuation of research, development, testing, and evaluation of the whole variety of defenses against a future missile attack on this country.

The $11 billion in taxpayers money we would save on the deployment of the Safeguard ABM system could be diverted to urgently needed domestic programs—programs for the poor, for the aged, for the burgeoning student population, for education, for our urban rebuilding and transportation programs, for water and air pollution abatement, for the health of our citizens and for a measure of relief for our overburdened middle-income taxpayers.

Mr. Chairman, I also support the amendments to delete $36 million in research and development funds for the

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F-5 Freedom Fighter plane; to cut $86 million sought for Cobra helicopter procurement; to cut $17 million for research and development and $60.4 million for procurement in the SRAM air-ground strategic nuclear missile program—a program that lags 2 years behind schedule, that shows a cost overrun of 194 percent over the original estimate, and that has yet to produce a successful series of flight tests.

I support, moreover, the amendments to defer the $481 million requested for procurement of the fourth C-5A giant transport aircraft squadron; to defer $483 million earmarked for two more nuclear aircraft carriers; to delete $45 million for the new AWACS airborne radar system, $16 million for an improved CONUS interceptor, and $75 million for the new SAM-D missile.

Only through the diligent and persistent investigations by Members of Congress in the past year did the Nation become aware of the startling—indeed scandalous—Pentagon mismanagement, of lack of management, in defense procurement programs—mismanagement that led to staggering cost-overruns for hardware and exorbitant profits by contractors.

I support the amendment that would require the Department of Defense to submit quarterly reports on major weapons systems and projects in research and development—or in production—the reports would be audited by the General Accounting Office and transmitted to the Congress. The GAO would be empowered to conduct independent audits of the projects and to subpena books which defense contractors have in the past refused to supply.

I support, still further, the amendment to require the General Accounting Office to provide the House and Senate Armed Services Committees by December 31, 1970, with a study of the profits made by contractors and subcontractors on negotiated contracts with the Department of Defense. This amendment also provides GAO with subpena power to obtain needed information.

And I support the very critical amendment seeking to establish a semiannual reporting procedure on expenditures and programs for chemical and biological warfare, and to prohibit development of delivery vehicles for lethal agents. This amendment would also prohibit secrecy in foreign and domestic shipping and storage of CBW material, thereby improving U.S. compliance with international treaty commitments; insure notice of open-air testing, and put a ceiling on stockpiles as of June 30, 1970.

Mr. HALPERN. Mr. Chairman, life in America is beset by problems today—rich and poor, it does not matter who or where you are. Crime, inflation, taxes, and pollution affect everyone. Indeed, there is a feeling Americans are being cheated despite our material affluence.

For what has happened is that while national wealth has increased, the lion's share of it has gone into fueling America's military machine, a staggering monolith that has come to have its own life—free of public approval or congressional review.

What this means is that we have allowed our tax dollar to be wasted on costly weapons systems that do not really increase America's defense, while our domestic needs wallow in perpetual fiscal crisis.

And if we have been guilty of procuring useless new weapons, the Military Establishment is also guilty of violating our trust—indulging in wasteful practices costing billions and allowing contractors to earn excessive profits.

Indeed, although the threat to our national security has not increased in recent years, and we continue to have the world's most powerful military machine, defense spending continues to escalate, while our real national priorities are ignored.

The latest Harris survey indicates that over half of the American people place defense expenditures on the bottom of their list of spending priorities. What Americans want is more money for job training, the fight to curb crime, medical care, improved schools and better housing, and the battle against pollution.

The facts are that, in fiscal 1970, health, education, and welfare spending totals only $3.2 billion, while the swollen defense budget is peaking $82 billion.

Social spending will equal about 1½ percent of the Federal budget. Defense, combined with the $16.5 billion interest for postwar debts, will account for over 60 percent of the budget.

So when Americans complain they are not getting their fair share of America's wealth, they need only look to the defense budget. For Congress recognized its commitment to help create a decent life at home, but we have allowed ourselves to be bled for wasteful armaments.

The gap between amounts Congress authorized and what was actually appropriated for domestic social programs this year totals some $6 billion. And it is estimated that over $30 billion would be needed to meet the full cost of domestic programs within the next 3 years.

However, the funds for combating crime, aiding education, and improving the environment have been absorbed by the military machine, with procurement rising $37 billion in a decade, to say nothing about the multibillion-dollar cost of fighting in Vietnam.

But let me make it very clear: criticizing military spending does not mean the United States should compromise its defenses. The fact is, our military superiority over the Soviet Union has reached the stage of overkill, and alleged stories of Russian buildups are pure fantasy, which if believed, could only lead us to escalating the arms race to doomsday proportions.

The U.S. Polaris nuclear submarine fleet is unmatched; we have three times as many ships as the Russians do; we have the only intercontinental bomber force, as well as numerous advanced strategic armament systems unknown to Communist Russia, and we have the world's largest Army, 3.5 million soldiers.

Is there any chance of our defenses being depleted or our security slackened? Obviously not, but there's an awful lot of waste, inefficiency and false assumptions in that defense budget that should be eliminated.

The review of defense spending should start with H.R. 14000, the $21.4 billion military research and development and procurement authorization before us.

What is involved is our efforts to assure more efficient and economical allocation of funds for defense programs that are essential to the national security. Probably about $10 billion is at stake.

We are also concerned about the post-Vietnam division of the $30 billion being spent on the war. The needs of the poor, the environment, and the oppressed taxpayer must be met. Yet defense industries are pressing for new weapons to avoid problems of economic conversion such as lower corporate earnings.

But behind the public debate at issue over defense spending is the nature of our future defense postures. From an isolationist fortress America to a global pax Americana—the administration is hard at work designing post-Vietnam foreign policies and assigning defense dollar costs to each, which could create defense budgets ranging from $35 to $115 billion for the 1970's.

If many of the dubious strategic systems incorporated into this hastily, ill-conceived procurement authorization before us are approved, ultimately they will cost the Nation billions and threaten to accelerate the nuclear arms race.

Mr. Chairman, I lend my support to prudent efforts to curtail the senseless escalation of America's military machine and the dangerous staging of global confrontations inherent in these unilateral, defense buildups.

Simply stated, the Defense Department has not presented Congress with sufficient rational explanations for why we should siphon off billions needed to meet the aspirations of Americans at home. The Safeguard ABM, the C-5A transport, the legally questionable chemical and biological warfare program; the reliability of the advance manned strategic aircraft; the credibility of the short-range attack missiles and the necessity of new naval buildups—all of them are vulnerable to the reasoning of sane men, suggesting that for too long, Congress has given the Pentagon carte blanche to do as it pleases.

If the problems plaguing us are going to be solved, then, I believe we better justify every tax dollar allocated for defense spending to the American taxpayer if we want to restore trust in the Defense Department, and more importantly, in the belief that we have the resources to secure the promise of America.

Mr. PREYER of North Carolina. Mr. Chairman, if there is one lesson we have learned well in this country, it is that the leaders of the Soviet Union respect military power and understand resolve. The Cuban missile crisis is the most recent example. We must keep our country strong, at whatever cost.

It also seems probable—even if it is not absolutely clear—that the Soviets are determined to destroy our American deterrent power. All signs indicate that this is why they are continuing the development of the SS-9 missile—to take out our ICBM's even in their hardened sites—their attack submarines—to take out our Polaris subs—their nuclear Polaris-type submarines—to catch air

manned bombers on the ground. Thus, they could destroy the delivery systems of our three deterent systems—the ICBM, the Polaris submarine, and the B-52 bombers and we would be helpless, no matter how many nuclear bombs and missiles we might have. This frightening possibility—even probability—must be met. And this is why I am in favor of the deployment of the ABM system. It would serve to protect two of our three weapons systems—the ICBM and the B-52 bomber.

Thus, the immediate reason for the ABM—to make sure our deterrent power is invulnerable.

But there is a long range benefit that accrues from emphasizing the ABM: this is because of the role that purely defensive systems can play in a cutback in offensive nuclear weapon systems. Undefended offensive weapons invite a "hair-trigger" posture and lead to dangerous talk of "launch on warning" and "preemptive strikes." Defensive weapon systems on the contrary are a stabilizing influence; they do not constitute a threat of immediate destruction and so improve the chances for a negotiated arms agreement with the Soviet Union.

Finally, defensive weapons systems are in the humane American tradition. Their purpose is to save lives, not destroy lives. An emphasis on defense, rather than solely on offensive weapons, can help destroy the false image of America, as an aggressive "imperialistic" nation and make clear the true America that seeks peace—to all the world and to ourselves.

Mr. CONYERS. Mr. Chairman, I voted for every one of the amendments to reduce the 1970 military procurement authorization bill. I did not do so on a reflex basis, nor out of paranoid feeling toward the military-industrial complex. Rather, I did so because I found upon careful examination that each amendment could have been accepted without impairing our national security. Furthermore, I am convinced that some of the amendments, such as that offered by the gentleman from California (Mr. LEGGETT) to delay deployment of the Safeguard ABM, would have increased national security.

It is time to examine our long-held assumption that the road to safety and prosperity is paved with ever-increasing military appropriations. It is time to face up to the fact that our obsessions with communism and with the arms race have caused us grieviously to neglect our own people. It is time to acknowledge, and I say this with no personal rancor toward the chairmen of the military committees, that what is good for Charleston, S.C., for the State of Georgia, or for the State of Mississippi may be very bad for the country.

If I were to make a general criticism of the amendments offered to this bill, I would say they do not go nearly far enough. The state of our Nation requires that broader and deeper cuts be made in our military spending. In my view the bulk of our military establishment does not contribute to national security. Much of it exists to serve outmoded and discredited concepts of foreign policy. Much of the rest exists to serve nothing but itself.

If we were to examine our defense budget with the same zero-base attitude we attempt to apply to other Government programs, the results would be startling.

Why do we spend billions to prepare for further Vietnam-type wars, when the events of the past decade conclusively demonstrate that our national interest requires us not to win these wars but to steer clear of them? Why do we spend billions to prepare for naval warfare with the Soviet Union, when we know any such conflict would quickly escalate to global nuclear war and the fate of our fleet would be of no importance? Why do we spend billions to prepare for a major land war in Europe, when we know we will not risk nuclear conflict with the Soviet Union for anything less than a direct attack on our own soil? Why do we spend billions on deployment of air defense and missile defense, when at the present state of technological development we know these efforts to be futile?

We cannot go on this way. We must preserve national security, but we cannot afford military make-work projects. We cannot afford to rush mindlessly into a new strategic arms race that will increase international tension and with it the probability of nuclear war. And we cannot afford to continue to neglect the needs of our own society.

Let there be no doubt that these needs are urgent. Health, housing, education, employment—every one of these is a national disgrace.

The United States ranks first in military strength, but we are not even in the top 10 in life expectancy or infant survival. This is not because good food and medicine are not available; it is because many Americans simply cannot afford to pay for them. Infant mortality in the black ghettos is twice the national average. Life expectancy on the Indian reservations is 42. Twenty-five million Americans are presently unable to afford adequate diets.

Similarly, American education is fine—for those who can afford it. But a child born in an urban ghetto has only a 30-percent chance of graduating from high school, and if he graduates he will have only a 50-percent chance of having received what is normally considered an eighth grade education.

Unemployment in our ghettos, Indian reservations, and depressed rural areas now exceeds the national average sustained during the Great Depression, and it is going up. The Russians never tire of telling us how there is no unemployment in their country. There should not be any in ours either.

These problems can be cured, but not without the infusion of large amounts of money. This money is not available. It is being spent on such Edsels as the F-14A fleet defense plane, which is designed to launch a missile that probably would not work in an attempt to defend an aircraft carrier we do not need against a supersonic bomber threat that does not exist in a war in which none but the most incompetent foreign policy would ever involve us.

It is said that America has the resources to maintain an inflated military budget and to deal with its domestic programs at the same time. This may be true in theory, but the practical political fact is that we have an either-or situation. As our shining supersonic war machines roar over our stinking cockroach-infested ghettos, let there be no doubt that the former are prime contributors to the condition of the latter.

The advanced manned strategic aircraft program will cost at least $12 billion and the F-14 will cost even more, yet the need for either is most dubious. How many teachers could we train with this money? How many doctors could we send into the ghettos? How many children could we save from the irreversible mental retardation that results from early protein deprivation? For the cost of the advanced manned strategic aircraft, we could build more than 1,200 public schools, each capable of educating 1,000 people per year for 30 years. It staggers the imagination. In order to finance these unnecessary weapons systems, the President is actually cutting back on such essential programs as job training, aid to medical research, and aid to education.

This is madness. We must choose between the needs of our people and the needs of the military-industrial complex, and we must choose the former.

Before closing, Mr. Chairman, I must comment on the debate that accompanied this bill. I for one feel that the conduct of this debate has called into question the very adequacy of our traditional procedures. Except in the case of the ABM amendment, we were forced to operate under gag-rule conditions so severe as to be almost comical. The author of the amendment to reduce the air defense authorization was forced to spit out his case in 45-second segments. Proponents of the amendment to reduce the new manned bomber authorization were limited to a single 5-minute speech because the committee chairman felt the matter just should not be discussed; one wonders how the other body was able to discuss it for the better part of 3 days without giving away vital national secrets. In a crowning act of high-handedness, the leadership denied us the opportunity for a record vote on even a single one of the amendments we supported.

Mr. Chairman, the days of the sacred military budget are over. It will not be easy to cut such a powerful and resourceful bureaucracy as the military-industrial complex down to size, but it must be done. The danger of nuclear war and the needs of our people demand that it be done. Some of us have made a small start this year. There is little doubt in my mind that our numbers will grow steadily, and that eventually we will succeed. I hope we will be in time.

In my view, the bill before us represents a distorted sense of priorities and wastes a great deal of money. It provides authority for weapons that would not work, weapons we do not need, and weapons we are better off without. It contributes significantly to locking millions of Americans into the vicious cycle of poverty. And it has been railroaded through the House by procedures which do no credit to this body. For these rea-

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sons, I shall vote against it on final passage.

Mr. CLAY. Mr. Chairman, I rise to support the amendment which relates not just to military money—but to military manpower. If peace in Vietnam is a real and sincere commitment of this Nation, then steps should be taken to reduce our military manpower to a peacetime level.

The Pentagon has taken the same liberties with congressional responsibilities for determining the size of U.S. military forces—as they have with congressional responsibilities for appropriating the money for military activities. Their requests are based on their assumption of our benevolence in the name of security and on our inability to question military-made policies. I am the first to concede that the Congress and the public are in the dark so far as military analysis of policy is concerned. We are not given to understand their true reasoning—due to past negligence in congressional scrutiny of military policy—we have lost touch with the military view of its responsibility for policy.

We are maintaining a force of 3.5 million men in our armed services. At least 800,000 of those men were added as a direct result of the war in Vietnam. Our President has stated his intent to withdraw certain troops from Vietnam and should, therefore, not object to the deactivation of these troops as they are withdrawn.

The present strength of our military manpower is determined by a scale little known to the American public. A study group at Columbia University, under the direction of Prof. Seymour Melman, notes that present force levels assume we must be prepared to fight three wars simultaneously—a major nuclear war in Europe, a major conventional war in the China area, and a small war elsewhere. Only recently I learned the acknowledged fact that we are maintaining military forces in accordance with what military minds believe would be necessary should we fight a land war in China.

I daresay the American people would find little security in these calculations on which military manpower is based.

It is this sort of view of our defense responsibilities which has given the State Department its long third arm for making foreign policy. We have military installations all over the world—including 429 major and 2,972 minor overseas military bases staffed by over a million men. Our very presence in these large numbers in these faraway countries leaves the crucial determination of our commitments to the discretion and interests of the State Department and to the foreign powers affected. The State Department freely relies upon and influences military placement of our forces as a main determinant of foreign policy agreements and relations—which are clearly beyond the reach of the Senate. When it becomes clear that we have been committed to certain questionable policies and activities, the American public and, indeed, the Congress—is left to wonder why or how it all came about.

We are left to wonder or to speculate why we maintain such numbers of men all over the world. We are left to speculate why there are 1,400,000 American soldiers on foreign soil—and 500,000 tax-supported dependents. Secretary Laird told us recently that he would cut back 100,000 troops, but he did not tell us that in West Germany alone, we maintain 228,000 men and their dependents—not for defense, but to boost the German domestic economy which buys support and instigation of American policy.

At present, not the Congress nor the American public has any working knowledge or control over the determination of the strength of our Armed forces. It is determined by the generals who flout their trumped up notions of security and war over the heads of the public interest and welfare. With the present military establishment to protect us, we do not need foreign enemies. They will, given the authority they presently wield, protect us right into holocaust.

It is, therefore, with deep and sincere concern that I give my support to the Mikva amendment to this military procurement authorization before us—that we must deactivate troops withdrawn from Vietnam rather than reassign them and in this way, reduce the numbers of men to a level more consistent with a peacetime level.

Hopefully, the Congress will, in the near future, be given an opportunity to determine exactly what basis should determine that peacetime level. By adopting this amendment, we can reduce U.S. troop strength from its present 3.5 million to about 2.8 million. It is a step and a start for reinstigating congressional authority over military manpower policy.

I rise, also, to make the point that the excessive money outlay for this proposed research and new weaponry to wage war and to flex our military muscle—does not fall within my interpretation of this Government's responsibility for the defense and security of this Nation.

It is not in the interest of this country that defense has become our No. 1 industry. It is not in the interest of this country that almost 50 percent of all Federal Government outlays goes to defense. It is not in the interest of American people that we lay victim to Pentagon powers and their ability to wield their militaristic views upon American commitments. We cannot tolerate much longer the domination of our welfare by the warfare notions of Pentagon elite and profit-driven industries.

Mr. BRASCO. Mr. Chairman, I have listened intently to the debate on the military procurement bill for the past three days. I had hoped that my own research, embellished by debate here in the House Chamber, would answer many questions, not only on my mind, but on the minds of millions of Americans.

I was deeply distressed when debate was severely limited, and the national question of "How much should we spend on defense programs?" was just superficially touched. Like the majority of Members of the House, and the overwhelming majority of Americans, I believe that America must be strong militarily; and, to that end, we must expend the necessary funds.

However, I believe that a strong America also needs well-educated, well-fed, well-clothed, well-housed, and medically attended people with a real opportunity to grow with their country. We must show our countrymen that we are willing to spend some small portion of our national budget on them, as well as billions for the military, when the question of need in the latter category is in doubt, and while questions as to whether or not some of these programs are just excess fat given to the defense industry go unanswered.

My own conscience is deeply moved when the Armed Services Committee rejects an amendment to delete $1 billion from this bill that was not requested by the Defense Department or the Chief Executive, and which they gratuitously added to the budget of the Department of the Navy.

Overall expenditures in this bill exceed $21 billion. I cannot believe that we cannot prudently trim this and use the excess to begin to fight our domestic problems.

Mr. Chairman, not too long ago, the House was locked in a bitter fight to increase our education budget by $900 million. The argument then was that we could not afford it. I find that totally inconsistent with what is going on in this Chamber today. I could cite case after case in which our reasoning followed along the same lines—shortchanging the taxpayer, as well as those in need. The balance we seek to strike here today is one that I personally find I am unable to agree with. Therefore, I have no alternative but to vote against this bill.

Mr. DOWNING. Mr. Chairman, yesterday, some of my friends were chiding me saying that my opposition to the Pike amendment was due to the fact that the Newport News shipyard was in my constituency. It is, of course, but in that particular case the amendment did not materially affect the carriers abuilding there. Today, I was prepared to oppose a proposed amendment which would have deleted the construction funds for the CVAN–69, the second *Nimitz*-type carrier. My opposition to these drastic proposals was not entirely parochial. Regardless of where these ships were to be built, I would have felt the same way. My opposition is sincere.

I am most pleased that a decision has been made by the proponents not to offer the amendment which would have cut out one of our carriers. Had it carried it would have, in my opinion, been detrimental to the best interest of this Nation.

Mr. Chairman, aircraft carriers—particularly nuclear carriers—are the very backbone of our naval seapower. Naval experts have told us that we need a minimum of 15 such carriers to provide for our national defense.

They are used to provide bases for tactical aircraft operations on short notice in places where land bases cannot be used. They also give this Nation an "extra out" when land bases in foreign countries are denied us.

These floating bases are, fast, maneuverable, and difficult to pinpoint on any enemy's target. But in truth, attack carriers are relatively the least vulnerable

of our major weapons systems. They cannot be pretargeted because of their mobility. Unlike land bases, the carrier cannot be preplanned for a ballistic missile attack. A fleet of 15 such carriers places 95 percent of the world's population within range of the aircraft she carries.

Admiral Rickover says:

> We no longer have friendly oceans to protect us. The Atlantic and Pacific, once our shield and our protection, are now broad highways for launching attacks against us on, above and beneath the surface of the seas. From our island position, the only way by which we can project our national power beyond the range of our land bases is through the Navy. For this, other than by all out nuclear war, we must depend primarily on our attack carriers.

There is no question in my mind that this country has to have, at all times in the foreseeable future, an adequate fleet of up-to-date aircraft carriers.

The big question is time. To build and equip a modern aircraft carrier takes 5 years. If we do not have enough of them when war erupts, it will be too late—no matter what effort and money, we may then be willing to expend.

The Navy has presented us with a package program giving expert consideration to the mix of the various type of vessel needed.

The CVAN–69 is the second nuclear-powered attack carrier of the *Nimitz* class. This ship and a third planned in fiscal year 1971 will be procured on a multiyear contract from a single shipbuilder in order to acquire them at the least cost.

This ship is authorized in order to maintain our carrier force capabilty. She is scheduled to replace the *Bon Homme Richard* which will be 30 years old on her replacement date in 1974.

The third carrier CVAN–70 is scheduled for delivery in 1976 replacing the *Oriskany* which at that time will be 30 years old.

Secretaries McNamara, Clifford, and Laird have confirmed the need for this program.

I understand the gentleman's amendment would have deleted the funds for the CVAN–69, the second of the nuclear carriers in this program. We have already contracted $133 million in lead-time items. Delay in completing the funding of this vessel would only have increased its cost. But all of this is academic because we have to have it now.

For the sake of the adequate defense of this Nation, I am pleased the amendment was not offered.

Mr. HANLEY. Mr. Chairman, for the past 3 days, the House of Representatives has been debating one of the most important and indeed costliest bills ever presented to it for consideration. The military procurement bill for fiscal 1970 is unique in that it is the first one truly dissected by this body. For the first time, at least since I have been a Member of the House, the military procurement bill has been subjected to fine-toothed scrutiny. In this connection, I feel I have had two principal responsibilities during this consideration. The first involves supporting an adequate defense posture, as I have always done. The second involves examining in detail the variety of expenditures in this bill to establish to the best of my judgment and conscience where responsible cuts and deferrals could be made without impairing our national security. I feel I am meeting this latter responsibility by my votes on the individual amendments which we are presently considering and which have been considered. I feel I shall meet the former responsibility by voting for the passage of the final version of this bill.

Like my colleagues, Mr. Chairman, I have spent a good deal of time studying the issues at hand. I have followed the hearings before both the House and Senate Armed Services Committees and I have paid particular attention to the debate on the bill in the Senate. It was my considered, conscientious opinion that the Senate version contained a number of provisions which are not essential to an adequate defense posture, either present or in the near future, that are of questioned and questionable value to that pasture, and whose deferral or cutback would not upset the balance of our national security. After lengthy consideration, I reached the decision that we did not need the entire complement of the controversial C–5A being sought by the Air Force, a project which in my estimation has been grossly inflated and horribly mismanaged, and so I supported that cutback. After lengthy consideration and study, I reached the conclusion that more research and development were needed on the Safeguard ABM system and so supported the amendment to continue funding for R. & D. but to defer actual deployment at this time. I also supported the amendment to require the Defense Department to submit quarterly reports to the General Accounting Office on all major systems and research and development projects. A rash of reports on cost overruns of these programs prompted me to the belief that this sort of requirement was long overdue. I also supported the CBW amendment, which I felt was a needed improvement in the committee passed bill.

There is another element in this measure, however, Mr. Chairman, which deserves a comment also. We have a responsibility to provide for the national security of our country; we have also a responsibility to establish priorities which will afford us both adequate security on the international scene and proper progress on the domestic front. Just yesterday there were ominous rumors making the rounds about a cutback in model cities funds. We are already far behind in our battle against water and air pollution, and unless adequate funding is provided soon our educational system will be in shambles within a few years.

I shall support the bill on final passage, but I want the record to show that I felt it could and should have included cuts which would not have impaired our national security and which would have allowed us to move forward with our badly needed domestic programs.

Mr. KARTH. Mr. Chairman, I have listened to nearly every aspect of this debate. In fact, I am impressed that so many Members of the House have done likewise. As I expected, everyone desiring to speak has had an opportunity to do so. They have been afforded that opportunity during general debate or during the past 2 days under the 5-minute rule. The debate has been healthy. A record has been made that can be studied in the libraries and the schools of our land; the pros and cons of each amendment have been set forth so they can be read and a judgment formed by those who are desirous of doing so. Let us hope the public will.

My personal study of this bill prior to the debate led me to certain conclusions. After listening to the debate, I must say my judgment has not changed.

I have often said and I say again: there is nothing that can contribute to a weakening of our national security more quickly and more completely than wasteful duplication, unnecessary and unwise expenditures of funds, and the demand to go beyond an intelligent appraisal of our need. Whether the need is for the military or civilian sectors of our Nation is not the question; the question is going beyond that need. The question is, Is there waste? Is there duplication and redundancy? Will certain actions on our part further accelerate the arms and armaments race between nations?

I am one who disagrees strongly with those who insist that our Nation is the lone culprit; that, if our country refrained from providing for a national defense, all other nations would do likewise; that our leaders are the rascals and the Hos and the Maos, and others, are nice guys. Please be assured, that is hogwash, pure and simple.

However, as I have studied each of the questions I have raised—and I have studied them often and long—I have come to the same conclusion.

We have gone beyond an intelligent appraisal of our need.

We have indulged in unnecessary duplication.

We are guilty, I think, of unnecessary, costly, and unwanted redundancy. In other words, our defense expenditures are too large.

Yes, I believe strongly that we must maintain a viable national defense posture.

But any time we spend unjustifiably—in or out of defense—we weaken, not strengthen, our national security.

For these reasons I have voted for amendments to reduce this authorizing request. I hope a reasonable figure can finally be arrived at.

Mr. HOSMER. Mr. Chairman, those who have disparaged U.S. naval aircraft carriers during this debate seem to base their case primarily on two highly tenuous claims: First, that surface ships are overly vulnerable to enemy attack in the missile age; and second, that they are too expensive in comparison to overseas tactical air bases.

Neither of these arguments makes much sense to me. The carrier today is less vulnerable and less expensive by a considerable factor than the available alternatives. Indeed, the carrier is one of this Nation's most valuable weapons. Without it, I am afraid that our Navy would be less than superior to the Soviet Navy.

I would like to address myself to these two points—vulnerability and cost—which seem to be the issues at hand.

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For decades, the Congress has heard charges that the carrier is too vulnerable—sitting there high on the water like a duck. I would point out that these arguments were heard in this Chamber long before the advent of tactical air missiles and even before this Nation built its first carrier. And despite the lessons of the past 30 years, we are now suddenly asked to start taking this canard seriously.

Why, for example, should we believe that a high-speed, unlimited endurance, nuclear-powered, attack carrier, operating without restriction over 70 percent of the earth's surface, is more vulnerable than an unmoving tactical airstrip planted on foreign soil? If surface vessels are becoming increasingly vulnerable to attacks by submarines and missiles, then I would point out that this is doubly or triply so for land-located overseas airbases.

A carrier, because of its mobility and toughness, is at least as survivable in a general war as a foreign land base, which is a fixed point, easily targetable by missiles as well as aircraft. On the other hand, the carrier is less vulnerable in other limited kinds of wars, since it is neither subject to ground attack, as in Vietnam where hundreds of land-based planes have been destroyed or damaged by mortars, nor capture as in Korea.

Vulnerability is often cited as a general criticism of the carrier without consideration of the alternatives. All military forces are vulnerable in time of war. Our job is to provide the least vulnerable forces we can afford.

Which brings me to the subject of cost. Carriers are not more expensive than overseas land bases, even if we had sufficient overseas airbases, which we do not. In 1953, the United States had rights to over 551 bases abroad, 120 of which were air bases. Today, the total is down to 173, including only 35 airbases, the use of some of which is highly restricted by agreements with the host countries. And I think it is safe to assume that our already shrinking number of overseas bases will continue to diminish, either through our own decisions to cut back forces or political eviction.

It is imperative that this Nation maintain a strong forward posture in the strategic areas of the world. If we cannot do this by land bases and carriers, then we must do it by carriers alone. And if we are to maintain our control of the seas and the air over the seas; if we are to cover our own and friendly warships and merchant ships; if we are to maintain our sealines of communication; and if we are to cover and support ground forces and amphibious operations, then we must have an assured base structure on which to deploy our aircraft.

We have recently been evicted from our extensive, carefully constructed, and very expensive base network in France. This resulted in further crowding of base and support facilities in Germany and England. Our presence in Spain, Libya, Japan, Okinawa, the Philippines, and Thailand, is tenuous at best. When the Vietnam war is concluded, we will abandon most, if not all, of our airbases there.

In the 1970's, we would be reduced to an assured foreign-base structure in Europe with sufficient capacity to support about five tactical air wings at the most, and in the Far East about three air wings. My point is that, short of an actual combat situation, the maximum assured buildup capacity of available land bases would total only seven to eight air wings.

As a further complication, other nations are becoming increasingly unwilling to permit flights of military aircraft over their sovereign territories. Only on the oceans does freedom of overflight parallel the freedom of the seas.

I think, therefore, we could make a case for continued construction of aircraft carriers even if they were more expensive than overseas land bases. However, on a weapons system basis, carriers are not more expensive.

The kind of quick-response tactical air deployment capability the Air Force needs for just one air wing would cost about three to four times as much as buying and sending an aircraft carrier with its air wing to the same crisis area. And this is just the mobility costs, not the costs of ferrying the land-based aircraft to the scene, not the costs for base rights nor for many other things. The higher costs for land bases are due to the fact that such a quick-response would require assigned airlift which must be charged to that response capability.

If we look at these costs from the standpoint of mobility readiness for 10 years to respond to just that one crisis—that one crisis where prompt action might deter aggression or stop it in its tracks—the cost of a *Nimitz*-class carrier and its 10-year operating expenses would be over $900 million. Similar mobility costs just for the new airlift aircraft necessary to deliver all of the required operation and maintenance supplies to the same place would be over $3 billion.

Carriers are expensive, but it is absurb to compare the cost of a carrier with the cost of paving an airstrip in some foreign country. We must compare all the costs.

Each land-based tactical air wing and its basing system costs about the same as a carrier air wing and its basing system. This year, the cost is about $500 million per wing in average overall procurement, operation, maintenance, direct and indirect support costs. Thus, when we apply a unit cost of production formula, we can avoid the tunnel-vision errors of comparing only one piece of equipment with another.

But cost and vulnerability aside, the carrier has and will always have one major advantage over land-based aircraft, and that is flexibility. There is no way we could deploy land-based aircraft to some remote trouble spot in a hurry unless we already had a base there.

A carrier can be deployed with a crisis, shifting as the situation develops. And if this applies generally to all carriers, it is especially true of nuclear-powered carriers. I am fully confident that just as nuclear power meant a quantum jump in the effectiveness of submarines, the same applies to carriers.

A nuclear-powered carrier like the *Enterprise* and the *Nimitz* now under construction can steam at full speed for unlimited duration without refueling. And since they do not have to carry propulsion fuel like fossil-fueled carriers, there is greater capacity in these vessels for aviation fuel and other consumable combat supplies. In my opinion, the advent of nuclear power makes the case for continued construction of carriers even more compelling.

And it is this kind of speed and flexibility which is necessary if we are to keep ourselves out of future Vietnam-type entanglements. Carrier task forces successfully prevented aggression in the Quemoy-Matsu crisis, and again during the Lebanon crisis. The United States was able to move quickly to the trouble spot, firmly declare its attention and prevent the outbreak of a major conflict.

It could be argued that the United States might have cooled the Vietnam situation many years ago with the deployment of 10 to 12 carriers along the Vietnam coast, with a Marine expeditionary force aboard. This awesome sight might well have dissuaded Ho Chi Minh from invading South Vietnam.

It also could be credibly argued that carriers may be our most useful future weapon for preventing future Vietnams. Swift deployment is the most effective way to change an aggressor's mind.

Carrier task forces, therefore, are one of the most useful, flexible, and effective instruments of our national power. They are mobile airbases, moving as necessary to meet the current threat, and they operate without political restriction on 70 percent of the earth's surface. This gives us airfields anywhere we need them, on any ocean, and along any coast on a few days' notice.

And we should not be lulled into thinking that we could do away with escort ships and destroyers if we did not have carriers. Those ships would still be necessary. The sea control, antiaircraft defense, assault bombardment and fire support which they provide is still vital today as a part of our overall deterrent posture.

Mr. Chairman, too many times in the past this Nation has neglected its carriers, and this has proved disastrous. I would hope that we have learned from the lessons of World War II and Korea that a strong carrier force is vital to preserving the peace. And I think we should forget the old wives' tales about their expense and vulnerability once and for all.

Mr. CASEY. Mr. Chairman, I want to commend the gentleman from South Carolina (Mr. RIVERS) the chairman, and my distinguished colleagues on the Armed Services Committee for the diligence of their work in bringing this most important bill H.R. 14000 before us.

It is, certainly, a great amount of money we are being asked to authorize for defense procurement. But I doubt if any Member of this body would have the temerity to attempt to put a price tag upon the liberty and freedom of just one of his constituents—let alone the Nation, the Western World, or perhaps

even the very survival of civilization. And make no mistake about it, this is what we are talking about here today.

I can readily understand and even sympathize with those of my colleagues here, and some of our people across the Nation, who question certain of the programs contained in this bill. The very strength of our country is that we can have such soul-searching inquiries into the advisability of proposed expenditures for the public welfare and common defense, such as the Safeguard ABM system or the C–5A aircraft procurement. But I tell you, as I have told my own constituents who questioned the advisability of this program: If we err—I would rather have it be an error of safety in having a more than adequate defense, than to wake up and find we have too little, too late. And again I say, make no mistake about it—for that is a distinct possibility we face.

Mr. Chairman, I have listened with deep interest to the debate on this measure, and I have carefully examined the provisions contained in this bill. They have my full support. I think the time is long overdue when we should begin to rebuild our aging Navy, and replace the floating relics of another era with a modern fleet armed and equipped to meet the contingencies of the dangerous years ahead.

I think it is time we arm and equip our men in all our services with the finest arms and materiel available. I also think it is long past the time when we should give them the "go-ahead" to use it to bring the bitter struggle in Vietnam to a successful conclusion—but unfortunately, that is not within the scope of the legislation before us today.

Surely all of us here yearn as deeply for that golden age of peace on earth as anyone else within our country. But fortunately for our Nation, the Western World, and all civilization, the majority of us here are not blinded to the hard practicalities of 20th century international politics and the inherent dangers which face us. And until these dangers are resolved, and that great golden age dawns for all mankind when armaments are no longer needed, I am confident that this body will continue to see that our Armed Forces are provided with the best "big stick" available to preserve our freedom and liberty from encroachment by those whose stated goal is to destroy us.

Mr. HELSTOSKI. Mr. Chairman, as we debate the military procurement authorization bill, I find many areas of the bill which are objectionable to me, and I shall support any amendment which will lessen or remove the features to which I have objection.

First of all, the total authorization is excessive. It is only $47.1 million below the revised Laird budget of $21,394,960,000. Further, it is $1.346 billion greater than the Senate-approved version.

I cannot overlook the fact that one of the most menacing dangers to the country at this time is runaway inflation. This bill could contribute to that menace, and we can ill afford the continued rise in our spending policies.

I have consistently urged that we reevaluate our priorities in spending. We urgently need to reassess the need of our people here at home and the continuing erosion of the dollar makes it imperative that this Congress reduce spending wherever we can.

I would not object to the spending of over $21 billion if it were for peaceful purposes and for curing the ills of this Nation. If this money was used to rebuild our cities, fight crime, help our aged, educate our children, promote health programs, fight poverty, permit lower taxes for the average wage earners, I could see a valid reason for accepting such a bill. But to use this inflationary amount for military purposes, some of which have not yet been thoroughly proven, is something I cannot support. I do not wish to diminish the necessity of security of the Nation, but in President Nixon's own words uttered during his campaign for the Presidency, he pointed out the necessity of a complete reappraisal of the Federal budget.

President, then candidate, Nixon said:

> It requires a reappraisal of America's commitments abroad in all areas, foreign aid, military, and in other areas. It requires also an examination of the American military establishment at home, because the military shouldn't be a sacred cow.

Second, there are several items in this authorization bill which are unnecessary to the security of our Nation. Their need, according to several members of the Armed Forces Committee, has not been proved by the Department of Defense.

Mr. Chairman, I shall support any amendment which would delete funds for the C–5A aircraft. The history of this aircraft has been one of waste and inefficiency that can hardly be matched by any other defense program of the past decade. There have been cost overruns and the craft continues to be plagued with technical problems.

I shall support the deletion of funds for the procurement of the ABM. There is a great difference of opinion among the experts as to whether the ABM Safeguard system can be made to work. Deployment of this system could compel a Soviet response that could escalate the arms race without added security. Proponents of the ABM system claim this military component to be a deterrent to Soviet attack, but none of them wish the system to be deployed in their own backyard.

Mr. Chairman, there has been much controversy generated over the proposed MIRV—multiple independently targetable reentry vehicles—system. The Defense Department explains that the American MIRV is being developed for a specific purpose, namely that of being able to penetrate a heavy Soviet defense of cities and thus maintain the credibility of the American deterrent threat. If the need disappears then the MIRV could become the subject of proper negotiations.

Mr. Chairman, if we are to develop the MIRV system just for the sake of having something that we can negotiate from, this is altogether spending too much money for just plain talks. While the committee recommends the approval of the authority sought in this bill for the continuance of the MIRV system, I contend that the expenditures involved should be completely removed.

Looking at the overall picture of the budget for all defense or military allied projects, we have set a figure totaling $105.2 billion. This, Mr. Chairman, is 70 percent of the total administrative income of $152 billion for fiscal 1970.

My calculations say that this is too much for military emphasis. Military expenditures have increased $37 billion over the past decade. Today, virtually all income taxes paid by individuals are swallowed by the military. It is high time that we reallocate our efforts toward forces of construction rather than pursue forces of destruction.

Mr. Chairman, I rise in support of the pending amendment on the subject of chemical and biological warfare.

For a long time I have been gravely concerned about the indiscriminate testing, transportation, and the development of chemical and biological weapons, commonly known as CBW.

It was not so long ago that our attention was directed to the secret world of the CBW which the Congress routinely financed as part of the military budget. In Dugway, Utah, some 6,400 sheep died when the wind shift carried a nerve gas away from the test range. Can you imagine what would have happened if the wind had blown this deadly gas toward Salt Lake City or any other nearby community?

To be sure, the Government reimbursed the farmers for the loss of their sheep, but what value of reimbursement could we have placed upon human life if it had been needlessly taken?

It has also been revealed that testing of CBW agents was being performed at Fort Detrick, the Army Biological Warfare Research Center in Maryland. This is just a short distance from the Nation's Capital.

CBW components have no such defense as that against conventional weapons, missiles, or nuclear weapons. Chemical and biological warfare is not a respecter of an enemy force against which it is directed. It does irreparable damage to all human and animal life exposed to this danger.

In a moral sense, I do not believe that the people of this Nation would ever sanction the use of deadly lethal gases and disease germs on defenseless civilian populations.

When we consider chemical and biological warfare, no release of this warfare agent is a minor one. A small particle of such a release could travel hundreds of miles and could start a devastating epidemic.

Clearly we should consider the fact that these agents can backfire and infect the forces using them.

Mr. Chairman, this amendment would let us know what is being done in the field of CBW. For too long, the Defense Department has been developing, testing, transporting, and disposing of these deadly agents without consulting Congress. We are responsible to our constituents and we want to know what the Defense Department is doing in this area. This amendment would furnish us with

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the information we desire to have on this problem.

We are considering today a highly complex and unpopular part of our defense structure and we are making an effort to deal with it in such a way as to achieve some congressional control and national understanding which we feel is needed.

The amendment we are presently considering is a modest step in the right direction. It strips away some of the unnecessary secrecy which surrounds our CBW program. Providing Congress with basic information on the scope of our CBW program will make any other restrictions easier to enforce and will prevent a public fear which could turn into a mass emotional issue.

Mr. Chairman, we have heard many voices recently questioning the need for chemical warfare and biological research programs as part of this country's defense. We cannot obtain this information to give the American people because of the Army's obsession with secrecy. To give the American people the facts on this type of warfare we should adopt this amendment so that a public report which would include as much information as possible can be made.

Americans have a right to expect their Government to use great caution in maintaining such an awesome set of weapons. They have a right to expect their Government to take all diligent care in eliminating any danger which could be caused by careless handling of these weapons. This amendment will enable us to meet this responsibility to our people.

Mr. **ANNUNZIO**. Mr. Chairman, I propose to vote in favor of H.R. 14000, as reported by the House Armed Services Committee. In the normal course of events, I would consider that vote a sufficient recording of my strong support for an adequate defense posture for this country, generally, and for the specific recommendations of the committee. But these are not normal times, and I feel impelled to voice my unqualified endorsement of the committee's report and to commend the membership and staff of the committee for their diligent and penetrating examination of the crucial issues involved.

I want particularly to record my concurrence in the committee's judgment with respect to the proposed Safeguard anti-ballistic-missile system. Little purpose would be served at this juncture by a further recital of the pros and cons of this proposal. But I would ask those who oppose even this modest initial step in deploying a ballistic missile defense system to ask themselves certain fundamental questions:

First. What if, as a consequence of our failure to initiate an ABM deployment at this time, we reach a point where the balance of strategic forces between the United States and the Soviet Union is altered in ways which produce a nuclear war which might otherwise have been averted?

Second. Or what if we lack a capacity to ward off a missile attack on some of our cities by the Chinese Communists? One need not answer the question whether the Chinese are likely to launch such an attack to welcome the kind of protection that the Safeguard system, if fully deployed, would provide. Because such a defense is feasible, we need not rest our security on assumed rationality.

Third. What if the absence of an ABM defense should so impair the credibility of our diplomacy that over the long run we find the balance of power in the world has shifted in ways which imperil our vital security interests? Then, if war should come, it might be a war risking the very survival of the Nation. Our whole purpose must be to avert such a possibility.

In sum, Mr. Chairman, the issue is not so much whether it can be demonstrably proven that a ballistic missile defense system will contribute meaningfully to our defense in the event of nuclear attack. Rather, the question is whether the absence of any defense might so alter perceptions of the strategic balance as to trigger an attack which otherwise might not have occurred, or so weaken our diplomatic posture in the world as to invite aggressions, damaging to our vital security interests, which might otherwise have been deterred.

While I know of no way to demonstrate that a failure to initiate deployment of the Safeguard missile defense system at this time would inescapably produce these consequences, the chance that they might argue conclusively for me that this is a chance we simply cannot take. Two successive Presidents—for all the differences in the specific systems proposed—have arrived at this same judgment. Considering the consequences of a misjudgment on this matter, I, for one, do not propose to withhold my support for any defensive measure that might conceivably represent the difference between the success or failure of deterrence.

Again I wish to congratulate the members of the committee for its penetrating analysis of this and other issues involved in the defense authorization bill. They deserve our unstinting gratitude, not only for their handling of the substantive questions involved but for demonstrating anew how the committee system, by which this body is able to perform its manifold tasks in a statesmanlike manner, and upon which we depend in performing our legislative duties, is still the best means of assuring that these major issues of public policy will receive the exhaustive consideration they merit.

In World War II we had enough time to arm and to defend ourselves against our enemies. Our time has run out, for today with sophisticated weapons we no longer have the opportunity to arm and to strike back. We must be in a position of retaliating now.

REVIEW OF THE TOW MISSILE

Mr. **HANNA**. Mr. Chairman, I would like to call the attention of my colleagues to page 44 of the committee report on H.R. 14000. On page 44, under the title of "Tow Missile," we are treated in five short paragraphs to the committee explanation for doing away with one of the Army's most important weapon systems.

It seems rather remarkable to me that while our colleagues in the Senate, after 2½ months of careful debate and consideration included the authorization for the Tow missile system in their bill that our good friends on the House Armed Services Committee dismiss this rather vital system in five paragraphs.

Obviously the explanation in the committee report is unsatisfactory. And after a careful examination of the facts, I am convinced the decision of the committee in not authorizing the Tow system is incorrect.

At this point it would be helpful if I outlined the features of the Tow system and discuss some of the arguments offered in the committee report.

WHAT IS THE TOW MISSILE SYSTEM?

The Tow missile was developed for use by the infantry and air cavalry. It is designed as an antitank defense missile that can be easily, quickly, and efficiently launched from almost anywhere on the field, or from a helicopter, jeep, or other light ground vehicles.

WHAT ARE ITS ADVANTAGES?

Its main features are that it is lightweight, portable, capable of withstanding exposure to the elements, and requires little maintenance—more than 100 missiles can be launched without even a battery charge. It is wire guided and therefore will not expose the launching position, since no energy is radiated from its guidance system.

The actual Tow launcher costs one-fifth that of a General Sheridan tank, which serves as the launcher for the Shillelagh. The Army also estimates that in future procurement the actual cost of the Tow missile will be less expensive than Shillelagh.

Let us take up, one by one, the arguments against Tow. First, the committee report suggests Shillelagh can be "repackaged with lightweight guidance and control elements" making it as easily portable for field use or use by helicopter as Tow now is.

This argument is nothing more than wishful thinking. Shillelagh was developed for, and has only been used in conjunction with, the General Sheridan tank. Exhaustive Army studies have clearly demonstrated that to repackage Shillelagh in order to make it the all-purpose missile would take 3 years at a cost exceeding $50 million. Even after this, the Army expects that procurement unit costs for Shillelagh would be more than they are for Tow, while Shillelagh would still retain many undesirable features that could not be worked out.

Argument two tells us that the present unit cost for Tow is more than twice the cost of Shillelagh.

The facts suggest something entirely different. The Tow missile has just gone into production and the costs referred to in the committee report include the development costs. The Army reports that once production is fully underway the unit cost of the Tow missile will actually be less than the unit cost of the Shillelagh.

The committee report is certainly misleading in its comparison of the unit costs of Shillelagh and Tow. It compares a missile that has been in production since 1966 to one that is just getting into production. A much better basis of comparison would have been putting the two systems initial production costs side by side. Only then would we have a fair basis on which to judge the actual unit missile costs.

One other point needs to be made at this time. The committee in considering unit costs fails to take into account the life cycle cost of each unit. By this I mean the cost of the unit, not only in production, but also once it gets into operation. In this area the Tow missile is, by far, the more economically efficient.

Tow requires almost no maintenance in the field. On the other hand the Shillelagh requires periodic maintenance. The Tow missile is almost completely immune to environmental damage. The Shillelagh missile is particularly vulnerable to damage from the battlefield environment. Once out of the protective environment of the General Sheridan the Shillelagh easily falls victim to mud, sand, water, and fungus. This vulnerability also makes it prone to damage during shipment and field handling. Tow, because of its carefully developed container, has in repeated tests shown itself resistant to damage.

If we are to be careful managers of the taxpayers' money, we most certainly have the obligation to review the entire cost analysis of a weapons system. When we put the Tow system in this perspective, its economy becomes rather evident.

In argument three the committee report alleges that the Tow missile launcher costs "nearly half the cost of a General Sheridan."

Once again we are not given any indication as to what basis was used in arriving at this statistic. Are we once again talking about a development cost versus a production cost? Most probably we are, and if we are, the committee statistic is grossly misleading.

In fact, the best information available, both from the Army and the company producing the launcher shows that the unit cost of production is less than one-fifth of the General Sheridan.

The fourth and final argument offered in the committee report suggests the Army can manage on one missile, and offers us the "sage" advice that this could undoubtedly be done by a reasonable effort to develop the indicated alternatives for Shillelagh.

It seems to me we have heard this "all-purpose system" discussed before. As a matter of fact, the last fellow who suggested an all-purpose weapon found himself engaged in the most embarrassing controversy of his prominent career. Obviously I am talking about former Secretary McNamara and the "all-purpose" TFX.

The point is the Army cannot, nor should it be required to develop one "all-purpose" missile that would not perform any function with efficiency.

Granted there are similarities between the Tow and the Shillelagh. Certainly in terms of range, accuracies, and lethalities the missile systems are comparable. But there the comparison ends. The Tow missile system, contrary to what the committee report terms a "redundency," is in fact a different concept from Shillelagh.

Tow is a mobile, lightweight, recoilless, nondetectable, and easily maneuverable missile system. Shillelagh is exactly the opposite. Tow is designed to be used by the infantry; Shillelagh must be mounted on a tank.

In terms of performance the Tow is designed as an antitank defense or attack missile which can be launched from almost anywhere. The Tow missile launcher can be placed in situations for firing that would be impossible for any other comparable system. And because its guidance mechanism radiates no energy it is virtually undetectable to the enemy.

As I previously stated, to make the Shillelagh perform the functions for which the Tow was designed would be virtually impossible. Not only would costs skyrocket well beyond present outlays, the delay in producing the "repackaged" system would be most harmful to our national interest.

Just as one example, the Departments of State and Defense have already, because of the success of Tow, brought the system to the attention of NATO and arrangements for testing Tow in allied countries is in the negotiating stages.

The U.S. Government has offered Tow as a direct sale or as a coproduction program with one or more NATO countries to counter the Russian tank threat. Several countries have shown sincere interest and are currently negotiating with the Department of Defense for service tests in Europe.

The adoption of Tow as a standard antitank weapon for NATO will satisfy important military requirements, to say nothing of the economic benefits which will accrue to the United States.

For each missile produced under the terms of this coproduction program, the foreign nation would pay the U.S. Government over $350. This would help pay a pro rata share of development and nonrecurring costs of the weapon. There are few if any U.S. military weapons that can claim a cost-sharing provision and yet meet a critical military threat to the NATO Alliance.

To delay the Tow concept, just when it is beginning to go into production, would be false economy. Especially is this true in light of the pessimistic expert opinion of our ability to "repackage" the Shillelagh.

I urge the House to restore at least the $142 million for Tow authorized by the Senate.

If the explanations offered in the committee report are the only reasons for discontinuing this system then I suggest we are proceeding on the flimsiest tissues of argument.

It is neither economically sound nor militarily wise to discontinue production of Tow missiles. If we want to demonstrate responsibility on this important matter our only course is to restore the authorization.

Mr. **PODELL**. Mr. Chairman, this year has marked a watershed in how the Congress treats, considers, and debates adoption of military budgets.

In past years, constantly increasing sums of money representing taxes of millions upon millions of citizens, has been appropriated for military purposes with little, if any, debate.

Closed rules have been the rule, and sums exceeding $70 billion have passed this body with a minimum of discussion or questioning.

I do not call into doubt the sincerity or devotion to our country of those gentlemen among us, past and present, who have acted in such a manner.

Yet it has become increasingly and damningly obvious that many of these funds have been abused by contractors, small segments of our Armed Forces, and employees of Government charged with enforcement of these same contracts.

These evils and abuses have shaken the entire Nation, eroding confidence of millions of citizens who are paying the bill.

The list of failures, partial disasters, incomplete successes, and cost overruns is as sad as it is long.

They are all there: Planes which do not fly. Rifles which do not fire. Vehicles which are death traps. Outrageously expensive or never delivered systems. Our list is almost endless.

The abortions of the past are just as bad as the revealed failures of today.

We must prevent further disasters which will cost the Nation prohibitive sums.

Further, we must assert congressional control over spending of such massive sums.

This House possesses power of the purse, and it must not only carefully scrutinize expenditures when they are requested, but must also ascertain how money is being spent on an ongoing basis.

By doing so, we would ensure fiscal responsibility, tighten essential civilian control over the military, ensuring that dangerous as well as unsound projects are prevented or limited.

In such a manner we can begin to control what is obviously an entire secret world replete with poison gas, bacteriological warfare, and the deployment of such horrors abroad.

Only inattention, ineptitude, and irresponsibility has allowed us to arrive at our present pass. Now we stand aghast at what we have allowed to be created and perpetrated.

Our danger is immediate. Our duty is clear, control must be exercised.

But how?

The executive branch of Government has grown constantly in power at expense of the legislative branch.

Although this has been a recurrent phenomenon throughout American history, the imbalance existing today is too severe and fraught with permanent menace to the balance of our basic institutions.

The executive branch possesses a tool for scrutinizing and criticizing government fiscal matters.

This is the Bureau of the Budget.

It cannot serve two masters.

Rather than have Congress seek influence within this arm of Government, we must seek to make another branch serve the same purpose, securing and guaranteeing fiscal responsibility.

Such a branch of Government now exists ready for the hand of Congress. I refer to the General Accounting Office, headed by the Comptroller General of the United States. In effect, he is the chief accountant of Government.

When commanded to do so by Congress, GAO has audited and brought to account any given Government contract.

Written into each such contract is a reserved right for GAO to do exactly this.

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It is well known that GAO, through no fault of its own, is somewhat underutilized for the function it is so admirably fitted to perform.

We have it in our power to rectify this situation, ensuring fiscal responsibility, without creating a new Government agency.

Any added cost Government would incur through expansion of GAO, pales before massive sums already wasted on weapons projects already revealed to Congress and public.

I sponsored a measure which would have automatically commanded GAO to audit all Government contracts of any kind involving overruns exceeding original contract cost by more than 10 percent.

One hundred eighty-four of my colleagues from both parties joined me in sponsoring that measure.

I thank them for their cooperation and efforts. A direct spinoff and slight modification of my measure was introduced and passed in the Senate.

This is the so-called Schweiker amendment, applying the GAO auditing principle to major weapons systems instead of all prime Government contracts.

This brings us to today and the amendment being offered by my distinguished colleague from Ohio (Mr. WHALEN).

His amendment would require that the Secretary of Defense submit to Congress quarterly status reports on major acquisition programs. It would also empower the Comptroller General of the General Accounting Office to audit this reporting system and make independent audits on major programs which deviate from the original plan in terms of cost, performance or schedules.

It would also give the Comptroller General power of subpena.

Although this amendment is a departure from my original measure and applies only to major military acquisition programs, I have decided to support Mr. WHALEN's amendment wholeheartedly.

For it admirably fits all requirements recent events have shown must be institutionalized.

Fiscal responsibility would be a built-in guarantee on major acquisitions. An existing arm of Government immediately responsible to Congress would handle the task.

Constant scrutiny would be guaranteed.

Service personnel, contractors, and civil servants are put on immediate notice that nonperformance, nonenforcement of contracts, or deliberate evasion will be revealed almost instantly, and punished accordingly.

Above all, it is a full disclosure measure. Those who function effectively will aid the Nation's total defense effort. Those who do not, will be mercilessly exposed by the Secretary's report and the Comptroller General's auditors.

Finally, we shall, by creation of such a new check and balance, again rebalance what has become a potentially disastrous imbalance in respective powers of various branches of Government.

The legislative branch of Government shall cease to become a mere group of elected officials docilely appropriating whatever our military demands.

It shall be a body able to judge past performance before it once more becomes an appropriating instrument. With such reports sitting before us, we shall know whether or not a contract deserves further funding.

It is only elementary fiscal commonsense.

The executive branch of Government cannot do other than hold this body in far more respect than it has in the past.

If we do not guard our constitutionally guaranteed prerogatives jealously, we shall deserve to see them further eroded. The American people lose their prerogatives along with us. Therefore, enactment of the Whalen amendment to this bill rectifies constitutional imbalance, enforces fiscal responsibility, ensures full disclosure and guarantees the American taxpayer something more for his military dollar.

Mr. MORSE. Mr. Chairman, I had intended to offer an amendment to the military procurement bill similar to that passed by the Senate on the matter of social science and other research. This amendment was proposed by the junior Senator from Arkansas and was adopted in the other body by a vote of 49 to 44 on August 12.

I share a great deal of the concern Senator FULBRIGHT expressed about the direction and effect of military-sponsored research. The diversity of research projects presently funded by the Department of Defense, and the enormous complexity of these programs has not been clearly understood by the Congress or, I suspect, by the Defense Department.

The House Armed Services Committee did adopt the second part of the research amendment passed by the Senate, and the identical language may be found in section 203 of the House bill. This language specifically prohibits the funding of research projects unless they have a direct and apparent relationship to military requirements. Since part of the Fulbright amendment is included in the bill before the House, I have decided not to offer further changes. I will instead take a few minutes to share with the House a few points which my study of the amendment has revealed.

The Defense Department has been involved in programs which are clearly beyond their own direct research needs. There has been a serious lack of control over the military relatedness of these programs in the past. Recently too, defense involvement in research has become an issue in itself at the universities. It has caused problems for some dedicated and highly talented scientists who have been working under defense research contracts.

Because of the need to control military science research programs, I would strongly urge the Defense Department to follow the reduction guidelines offered by the Senate amendment. Its purpose is to make a modest cutback in funding of Federal contract research centers, other social and behavioral science research, and research in foreign institutions. More precise control must be asserted by the Department over social science studies related to foreign policy, the conduct of overseas research for Project Agile, and for basic research programs for universities participating in Project Themis. Congress is increasingly concerned about the scope of these programs, and a responsible effort to better define their direction and reduce unnecessary expenditures must be made.

The House Armed Services Committee indicated its concern over the course of the research and development program in approving section 402 of the bill which requires a full disclosure of the purposes, cost, and duration of a contract or grant made to a college or university. In a succinct statement about the lack of knowledge surrounding research and development contracts the House committee said on page 111 of its report, "for practical purposes, the Congress knows nothing about them." I fully agree with the reasoning of the committee that the requirement for prior reporting will provide the Congress with the information it needs to develop a better understanding of the utilization of research and development funds.

At the same time I am disturbed with other language at the end of this same section, 402, which indicates that such research projects should be placed in universities which are cooperating fully with the Department of Defense in national defense efforts. Support of research at a particular university and that university's position with respect to the ROTC and military recruiting are separate issues and must be dealt with separately. To link them will only exacerbate existing problems.

The Department of Defense should provide the Congress with a readable report on its current and projected research and development activities for military science research. My own study indicates that the Congress needs to continue its examination of these programs. For example, I am concerned that research directly relating to foreign policy issues may be self-serving, of dubious quality and of low utility. The report should describe in clear detail the reasons for Department of Defense supported foreign policy research at present levels, the costs and benefits of such research, an explanation as to why such research is not being sponsored primarily by the Department of State, and case studies of a substantial number of specific projects.

I would also suggest that scientists and professionals concerned with basic and social science research throughout the Government increase their efforts to broaden research undertaken by other departments. There is increasing national concern over all priorities, including research, and I feel that perhaps the Office of Science and Technology in the Executive offices could serve as the capping agency for discussion of research objectives in the Federal Government.

In relative terms the $400 million in the research, development, test, and evaluation budget is very small. It is the equivalent of one-half of 1 percent of the total defense research and development budget of $7 billion. Within that $400 million, something under $50 million is earmarked for social and behavioral

science research. However, the impact and importance of this $50 million is demonstrably greater than its monetary relation to the remainder of the research and development budget. It is precisely because of the interaction between our defense posture and policies and our research efforts that these military research programs play such an important role.

Thus, by continuing to absorb a disproportionate share of the research funds, the Department of Defense may influence the order of priorities in a manner which is not consistent with the overall national welfare. I continue to be concerned with the important and compelling need to fund research in other segments of our society for the enormous problems of housing, transportation, and pollution, to name but a few. It is my hope that the importance of imaginative, carefully considered requests for research funding by other agencies and professionals will be recognized, and that this effort to examine the military research programs will spark new interest and concern for the other areas that desperately need attention.

Mr. ROBISON. Mr. Chairman, the voting situation we will apparently face as debate on this, the 1970 military procurement authorization bill, draws to an end, has taken a sudden, unexpected—and, to my mind, unfortunate—turn.

In what is an ill-advised effort to fuzz up the only true issue involved in the longstanding national debate over our need, now, of an ABM system, I understand that the recommittal motion will be one striking out all ABM moneys as now contained in the bill—I repeat, all moneys, including not only those provided for advance deployment of the Safeguard system, but also the $400.9 million provided for further research and development into the Safeguard system or, hopefully, a better follow-on system against the day when there is clearer evidence than now of our need for the same.

My opposition to the deployment of the Safeguard system, now—or for deployment now, for that matter, of any ABM system—is a matter of longstanding record.

That opposition represents a position I have consistently held to since 1967. It is honest opposition, based on conviction and such commonsense as I can muster in the midst of all the ambiguities that have always surrounded this difficult question. And my reasons for such opposition to deploying any such system now were again fully set forth by me on yesterday, and are a part of the record on this measure.

However, I have never been opposed to further research and development in this field—and have never voted, specifically, against research and development moneys. As a matter of fact, I know of no one in this House who is opposed to research and development in this field, as against the day when, in this rapidly changing world, we might wish and need to shift to a defensive weapons system of this nature.

Accordingly, I cannot—and will not—vote for the anticipated motion to recommit.

But I believe it is crystal clear that the vote on the recommittal motion is not one on the only true issue involved in the ABM debate—which is not research and development, but deployment now of an unneeded, unreliable, counterproductive weapons system that, as I said on yesterday, will not buy us one dollar's worth more security than we now have.

If the recommittal motion fails—as it seems bound to do—under the circumstances thus forced upon me I shall have to vote against this bill on final passage.

Perhaps I would have anyway, since it contains far too much money—being $1.346 billion greater than the amount approved finally by the other body in the companion measure to which it gave such careful and detailed attention—but now, having lost all opportunity to cast a record vote against ABM's deployment, I do not believe I have any other alternative.

Mr. STOKES. Mr. Chairman, much has been said within the past few months about the military-industrial complex which stokes the flames of chauvinism and aggression in this country. Certainly there is substantial basis for this view. Nevertheless, as I examined the bill now pending before the House, I was reminded of the comment recently made by Tom Wicker of the New York Times that the actual source of the abortive spending policies currently being pursued by our Nation was not a military-industrial complex, but rather a military-congressional complex. If this measure is passed in its present form, that comment will have become—or continued to be—a reality.

Some of the authorizations contained in the bill are necessary. Many others, however, are of marginal rationality—and a few defy credibility. Taken as a whole, the policy inherent in the proposal is that if the United States has several times as many troops, bombers, aircraft carriers, attack fighters, interceptor fighters, offensive missiles, defensive missiles, destroyers, tankers, radar installations, helicopters, and assorted other weapons as any possible enemy, we have a sound deterrent force and can sleep in the refreshing peace of security.

The easiest and most accurate answer to this mentality is, of course, that such buildups merely trigger similar responses by our potential enemies; thereby only exacerbating the weapons race and providing less, not more, security. Hopefully, the world will someday understand this principle. I recognize, however, that such a day is not yet upon us. In the interim, therefore, the answer to those who would protect us via potential overkill must be that while a meaningful deterrent force is necessary, multiple deterrents are neither necessary nor desirable.

Federal spending is obviously not unlimited. This fiscal year we will spend something very close to $193 billion. This means that every cent we waste on an inflated military budget means another American without adequate food, clothing, or housing.

I am not alone in these thoughts. Several of my colleagues, a majority of them from the Armed Services Committee, offered amendments today which would have removed much of the "water" from this bill. This measure as it stands now is often overly generous to the point of immorality.

Why, for example, does the committee feel we need a new nuclear attack carrier, when we already hold a 15 to 0 superiority in attack carriers over either the Soviet Union or Communist China?

What possessed them to add $1.024 billion to the Department of Defense's request for other naval vessels?

How can we rationally spend $275 million for procurement of the F-14 fighter-bomber without adequate research and demonstration to assure us that we are not making the identical mistake we made with the F-111B?

Why should we authorize a fourth squadron of the infamous C-5A's in light of evidence showing that the 59 already in the air fleet are an adequate number, that there are many less expensive alternatives to the C-5A—such as the vast number of C-141 currently being used for the same purposes—and that this would mean adding congressional blessing to Lockheed's egregious $2 billion overrun on the C-5A contract?

Finally, and most importantly, how can we blithely launch President Nixon's $8 to $20 billion Safeguard anti-ballistic-missile system when an overwhelming majority of the scientific community questions its reliability and an equal percentage of our most respected foreign affairs advisers have grave doubts about the wisdom of adding the weapon to our nuclear arsenal? The amendment which was offered would in no way halt testing and development of the ABM. It would have, however, prevented immediate deployment.

This action was imperative. The scientific evidence against Safeguard is enough in itself to dictate extreme caution. The probability of failure of any given Spartan or Sprint missile is 34 to 59 percent. There is a 72-percent chance that one or more of the vital radar installations will be out of service at any particular time. Just yesterday, we all received a letter signed by over 400 members of the computer profession stating that the ABM's computer subsystem is not technically sound. And scientist after scientist has already stated that the Soviet Union could easily overwhelm the system with offensive missiles even if it were deployed at this very minute.

Nor does it appear that we will need the ABM to preserve a second-strike capability during the next decade. Our bomber deterrent, 40 percent of which is always on ground alert and thus invulnerable to missile attack, far outstrips that of the Soviets. Our extremely mobile Polaris—soon to be Poseidon—forces also is far greater than the almost nonexistent Soviet capability. Moreover, even assuming Soviet superiority in all weapons classes—a virtual impossibility—we would still have a second strike force which would destroy 70 percent of the industry and 30 percent of the population of the U.S.S.R. Surely that remains a deterrent by anyone's definition.

Very critical issues face the House today. Despite the desperate internal problems besetting our country, we continue to spend 70 percent of the U.S. adminis-

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trative income for military and military-related items. 42 percent or $82 billion of the national budget goes directly for arms, manpower, and support. These expenditures have increased $37 billion over the past 10 years. Almost every dollar of individual income tax feeds this burgeoning appetite. Our per capita defense expenditure is 2½ times that of the Soviet Union, and 40 times that of Communist China.

The above statistics are not something to be proud of.

Yesterday afternoon I was called out of this Chamber to meet with a group of students from Eastern High School in Washington, D.C., who were protesting on the steps of the Capitol. These young people who are dependent upon Congress for school appropriations told us that they are attending school without books and paper because this Congress has not seen fit to release current funds appropriated for their school. It seems to me that we are going to be hard put to explain the necessity of this kind of expenditure in light of our desire to save the lives of the same children whom we do not see the necessity of properly educating.

A man recently stated, "America has become a militaristic and aggressive society." This man was not a "hippie," a "peacenik," a "one-worlder," a Black Panther, or even a "pointy-headed liberal." He was Gen. David M. Shoup, a hero of the battle of Tarawa, and former Commandant of the Marine Corps. He has perceived what we all must, that senseless spending for military might, and the congressionally sanctioned, chauvinistic thinking which nurtures it has to be curtailed. If not, we must then recognize that there is a great possibility that future generations of Americans will face the prospect of having less and less worth defending with their heritage of armaments.

Mr. SKUBITZ. Mr. Chairman, the vote on the authorization of $21.3 billion for military procurement is one of the most important authorizations to be before this Congress. I do not pretend to be a military expert. I have no desire to be a Monday morning armchair general.

I have spent many hours listening to the debate on the floor of the House. I have paid particular attention to those members of the House Armed Services Committee that have had a chance to question witnesses to review classified material. I have followed the Senate debate and read volumes of material from magazines, books, and newspapers discussing the merits and demerits of the various provisions of the measure.

After reviewing all the facts and reading all the material I have come to one conclusion. I shall support the authorization as reported out by the Armed Services Committee.

I would fervently hope that we would never have a need for these weapons. But my obligation to my country is to be sure that if in the event these weapons are ever needed that as a responsible Congressman I provided our Defense Establishment with what was needed.

I would like to commend Chairman RIVERS and the majority of the Armed Services Committee for placing the interest of America first when the Nation's safety is involved. How easy it would have been to play politics with this measure. I commend the majority of the members for the support they have given in behalf of America.

This bill proposes to authorize appropriations totaling $21,347,860,000. Of this total $13,926,460,000 is for the procurement of aircraft missiles, naval vessels, and tracked combat vehicles; $7,421,400,000 is for research, development, and testing. It is only a part of the $77.5 billion which the Department of Defense has requested in new obligational authority for fiscal year 1970. Mr. Chairman, $77 billion is beyond the comprehension of any Member of this body. However, when one realizes that the Johnson budget, which was presented to this body in January, totaled $80.6 billion, that in April the new administration had revised this budget downward to $77.5 billion, and that Secretary of Defense Laird since April 15, 1969, has reduced this amount by another $3 billion to $74.5 billion, it must be admitted by all that the $6 billion reduction by this administration is evidence of its determination to remove the fat and the nonessential requests that were included in the Johnson budget.

The very fact that some of the additional reductions which Secretary Laird announced since April were taken from items other than those included in this authorization should cause each of us to stop and ponder before we rush forward and apply any further cuts.

Mr. Chairman, this bill authorizes $277.9 million less than was authorized for fiscal year 1969. I need not add that because of inflation, this in fact represents a cut of $300 million. I think the administration and the Democratic-controlled Armed Services Committee has done a good job.

Where savings can be made in the military budget, they should be made. But let us not gamble with the defense of this Nation. Let us cut where cuts can be justified—but if we err, let it be on the side of safety.

As Congressmen we would be derelict in our duties if we stood idly by, leaving undone those things that could easily be done, while a potentially hostile power acquired the future capability of destroying our Nation in one stroke.

Mr. Chairman, as I review the situation the two greatest problems facing this Congress are first: How do we keep this Nation safe from a military aggressor; and second, how do we keep our country economically sound. If our solution to either of these problems is wrong—you need not worry about the problems of better housing, hospitals, roads, cities, water and air pollution.

And of these two problems, national defense must always be given top priority. We can go through depressions and still survive—but God help us should this Nation ever become dominated by another force.

I have been a Member of this body since 1963. During that time we have spent billions upon billions of dollars for national defense—and why? Defense against the spread of international communism. If we have been in error—what a waste of the taxpayers money. I do not think we were wrong.

Many of us here have seen communism come into being, grow to maturity and now threaten the whole free world. Can any of us say that world conditions today justify a relaxation of our defense posture? The answer is no. Look at the takeover of Cuba or Czechoslovakia. Trouble in South America—Southeast Asia? Where are the countries that we can really count on to stand up and be counted?

Some speak of the cost—yet, while we spend $24 billion to place the first man on the moon, the Russians develop an orbital bombardment system which can orbit the earth and drop a bomb on any chosen target. We have no such comparable system. The Soviets have expanded their nuclear fleet—58 percent of the Soviet vessels are less than 10 years old while 58 percent of our vessels are more than 20 years old. The U.S.S.R. now has 350 submarines—including 65 nuclear subs while we have 140. We have 41 Polaris missile subs with no more being constructed at the present time. It is estimated that the Soviets will surpass us in this category by 1975. The Soviets have developed an ABM system while we have those who argue that our ABM system would cause an arms race, and others say it will not work. I do not know whether it will or not. There are plenty of experts that say it will. It seems to me that the question is not whether we should or should not act, but whether we can afford to stand still?

From President Eisenhower to the present date our defense strategy has been based on the development of a nuclear force that would deter any nation from making a surprise attack. We have relied on the development of a system that would provide us with a "second strike" capable of destroying any nation which dared attack us first. The ABM is a continuation of that strategy.

The Soviets acted first to deploy an ABM system. They have been testing that system ever since. Today there are over 60 ABM's deployed on Soviet launch pads.

The Soviets acted first to develop and test a 60-megaton bomb, and they are the only nation to possess anything like that size bomb.

The Soviets acted first to develop and deploy a fractional orbital bombardment system—FOBS—a first-strike oriented weapon, and they are the only nation to have developed such a system.

The Soviets are developing another terrifying weapon—the SS–9. The SS–9 has an advanced, very precise guidance system. For a city-buster, a missile of 1 megaton can virtually destroy the largest city in the world. Yet the SS–9 can boost up to 25 megatons. The only apparent purpose for the Soviet SS–9 therefore, would seem to be to destroy our Minutemen in their silos—in other words, a first strike weapon.

I have a responsibility as a congressman to vote for those programs which in the final analysis I believe are necessary to defend this Nation. If an ABM

system is built and it deters any nation from attacking us—it is worth every cent we spend on it. If we build a system and we are attacked and it does not work—we have lost everything anyway: money, property, and lives—but at least we tried. But if we dc nothing in order to save money and by our failure to act, are attacked and are destroyed. Then we have failed those who relied upon our wisdom and judgment.

And finally, Mr. Chairman, ask yourself this question. Is $1 billion too much for a defense? Compare this expense with the $24 billion we spend to put a man on the moon: an average of $4 billion for each year of foreign aid ever since its inception.

Mr. UDALL. Mr. Chairman, I regret that the motion to recommit is framed to prevent any clear or undistorted registration of my position on ABM. I have publicly opposed deployment of a full or limited ABM system, but have publicly favored continued research and development of system components.

I intend to vote for the motion to recommit and make this statement so that my position will not be misunderstood.

When the military appropriation comes before us I shall vote, if given an opportunity, to appropriate research and development funds for ABM, but against funds for procurement.

Mr. VANIK. Mr. Chairman, the debate on the $21 billion military procurement bill which took place over the past 3 days was one of the most useful and constructive discussions of this Congress. For the first time in several decades, Congress is meeting a greater share of its responsibility to review defense spending and effect economies without impairing the national security.

The days of a blank check for defense are over—and that is to the credit of this Congress.

During the consideration of amendments to this bill, I supported amendments to strike out funds for the deployment of the ABM.

I also opposed the addition of over $1 billion for the construction of an additional carrier and cruiser. These funds were not requested by the President. The extra spending authorization is a wasteful and unnecessary extension of commitment unrelated to need.

It was also my hope that the House would defer the $481 million request for the procurement of the fourth C–5A Air Force squadron. Delay would provide an opportunity for improvement in the aircraft and a more accurate determination of the need for the additional squadron.

It was also my hope that this body would take appropriate action to control the growing arsenal of lethal chemical and biological agents and weapons.

Mr. Chairman, Members of the House would do well to recall today that article I, section 8 of the Constitution says that Congress shall have power to "provide for the common defense and general welfare of the United States." It is more than symbolic that these two ideas were joined in the basic law of our land.

The war in Vietnam and the need to realize unfulfilled social goals have stimulated a spirited debate over defense spending and national priorities. As we consider the $21.3 billion military procurement bill, we should ask some fundamental questions:

What is the real nature of the external threat to this Nation?

What is and should be the extent of our commitments to intervene militarily around the world?

What are the urgent social tasks that we must accomplish?

How can the American people better contribute to informed decisions on this vital problem of national security?

Mr. Chairman, these are complex issues, but we must not shirk our constitutional obligation.

Turning to this bill, we are being asked to pass judgment on an incredibly complicated authorization in a few hours, when the other body examined it for 2 months.

We have the chance today to usher in a new era of legislative authority in the field of defense spending. I wish that we were willing to conduct an independent and searching analysis of these heretofore rubberstamped multimillion and multibillion dollar programs. I am confident that we are eminently capable of acting with wisdom in this area.

Mr. Chairman, I have made the effort to study this bill thoroughly, with a fair but critical attitude.

This bill, you will note, is $1.28 billion more than the version that passed the Senate.

Many of the programs for procurement and research and development contained in this bill deserve our earnest support.

Others raise serious questions of need, cost, duplication, waste, and inefficiency. Many of these questions can be resolved only in the context of an explicit review of the underlying strategic and foreign policy assumptions of the United States in the 1970's.

Some programs, however, are outrageously ill-conceived and should be rejected outright.

A number of amendments are being offered by my distinguished colleagues who share my concern that some of these programs ought to be cut or abandoned or continued only in the research and development stage before initiating production.

I call your attention to a few of the programs, the efforts to limit or eliminate which, I support: First, Safeguard anti-ballistic-missile system—delete $345.5 million for procurement, while continuing with research and development; second, C–5A—defer $481 million for fourth squadron; third, nuclear aircraft carrier—defer funds for fourth attack carrier; fourth, chemical and biological warfare—impose limitations on these weapons in all phases of use.

ABM: There is no authoritative evidence of a Soviet capability or intention for a first strike on our land-based missiles. Experts cannot agree that this revised system would even work. As I said in my March 1969 statement, "a modified missile system suggests an impossible compromise." No less an authority than Senator SYMINGTON, former Air Force Secretary, has estimated that the program could cost hundreds of billions of dollars. The Soviets have stopped deploying their Golash ABM, and the United States would force a Soviet response, thus speeding the arms race. The Safeguard ABM may be the beginning of a provocative thick system. In its presently conceived form it poses a hazard to the areas where it will be deployed.

Safeguard threatens to impair hope for progress at the upcoming strategic arms limitation talks, already long overdue, which offer our best hope for curbing the mad momentum of the arms race.

This amendment leaves intact $400.9 million for research and development. We should study this system and alternatives, while allowing meaningful negotiations with the Soviets for the limitation of all systems, offensive and defensive, to go forward.

C–5A: The C–5A cargo airplane is perhaps the biggest boondoggle in history, having cost the taxpayers almost $2 billion more than estimated. It typifies all the worst features of military procurement: Contractor withholding of overruns from the General Accounting Office; Air Force secrecy on costs from the Pentagon; Official protection of private company stock values; withholding of information from Congress.

On top of this phenomenal scandal, the plane has been beset by technical problems.

Cost aside, this plane is part of a strategic mobility plan that needs to be reconsidered in light of security needs and the policy of intreventionism in the 1970's.

This bill asks for funds for a fourth squadron of C–5A's—the Air Force already has contracted for 58 of the planes. There is no demonstrated need for these additional aircraft. Even if a giant transport plane is necessary, the Jumbo jets can supply this performance at a much lower cost.

In any event, there is no reason to act on the Air Force request at this moment. Because the program is already 6 months behind schedule—the 58th plane will not be delivered for almost 2 years—the Congress can decide later on additional authorization.

CVAN–70: The Navy already has two nuclear attack aircraft carriers. The United States is the only nation with a large carrier fleet. Carriers are becoming increasingly vulnerable to missiles and submarines, and they are at best a substitute, and a far more expensive one, for land bases, of which we have a tremendous number. Carriers cost $5 billion per year just to operate.

The need for a fleet of modern carriers must be patiently reexamined as part of the whole forward strategy which they help sustain. The carrier is the symbol of "America, the world policeman."

This bill adds over $1 billion for ship construction, not even requested by the Navy, to the $2.56 billion request already in the authorization. I am in favor of modernizing our Navy, but this unsolicited addition could upset the present Navy conversion and shipbuilding program, which does not require this money now.

Including funds for CVAN–69, the second *Nimitz*-type carrier, the bill authorizes $100 million—not requested—for

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CVAN–70. This funding should be deferred, pending a study by the Foreign Affairs and Armed Services Committees of the role and importance of the aircraft carrier in the future.

Chemical and biological warfare: It is shocking that this Nation in recent decades has deliberately and secretly constructed an awesome arsenal of offensive, as well as defensive, chemical and biological agents and weapons. A complete investigation of our Government's program of testing, developing, producing, and stockpiling of all forms of CBW items should be undertaken as an urgent priority.

The United States has declared, though it never ratified the Geneva Protocol of 1925, that it would never be the first to use these instruments of doom. America must put its emphasis on the preservation of life and life-preserving environment.

This country has spent at least $1.7 billion since 1963 on CBW. These weapons are extremely hazardous and unreliable. Recent accidents and incidents involving transporting toxic materials have alarmed many Americans. Serious moral questions are raised by our involvement in CBW.

I support efforts to require periodic reports to the Congress, to halt the production of delivery vehicles, to limit the secret shipment and storage of these agents, and to limit open-air testing of lethal weapons.

These are reasonable steps that we can take, in anticipation of a full review of our policy regarding CBW.

Study amendments: I would also like to suggest two nonmoney amendments that merit our endorsement.

One requires that the Department of Defense submit quarterly reports, audited by the General Accounting Office, to Congress on major systems and projects.

The second directs the General Accounting Office to provide the Armed Services Committees by the end of 1970 with a study of defense contractors' profits.

Both measures are important in asserting Congressional oversight in this area.

Mr. Chairman, these are some of the major programs which we must deliberate in order to provide adequately and responsibly for our perceived security needs.

It is apparent that we must review our policy of worldwide intervention in order to gain a perspective on those security requirements.

We must insist that the Defense Department adopt the same critical attitude toward spending required of the average citizen, who must budget his income wisely and eliminate waste and inefficiency if he and his family are to survive.

Since World War II we have spent about $1 trillion for defense. We must stop offering blank checks to the military, for they have shown little inclination to go sparingly on the taxpayers' money.

Mr. Chairman, it is regrettable that in a bill of this magnitude we were denied an opportunity to deliberate and have a record vote on at least several of the items on which there was considerable difference of opinion.

In the course of these deliberations, I have placed my positions in the Record. When the Defense appropriation bill is submitted to the House, I expect to oppose those items which I consider wasteful and unnecessary to the proper defense of the Nation.

Mr. COHELAN. Mr. Chairman, I am voting against H.R. 14000, the authorizing bill for military procurement and other purposes for fiscal year 1970. To say that this bill is inflated is, in my judgment, a gross understatement. I consider it to be obscenely fat and far out of line with national priorities. Practically all of the amendments that were offered and which were designed to cut some of the wasteful, dangerous, and unnecessarily expensive programs failed to pass although it must be noted that the margin of failure was not so great as it was last year.

I cannot recall voting against an authorization bill before. In voting "No" I am protesting what I consider to be overfunding of the authorization bill. As I pointed out in the ABM debate earlier, our cities are decaying and our recreation areas disappearing, education is in dire need of funds, and yet we have blithely voted to authorize enormous sums for arms that, in my opinion, are not consistent with the real needs of our national security.

As this bill goes to a House-Senate conference I fully expect it to be trimmed and brought into line with some kind of economic balance. When the bill returns from conference I hope that I will be able to support it. I also fully expect that when the Defense appropriation bill finally comes to the floor the funding for the military will be far less than this authorization. I have good reason to doubt that there will be much excess fat in the appropriation bill this year. In any case, in the days ahead I know I will have ample opportunity to record my support for a defense program sufficient to the needs of our national security.

Mr. CARTER. Mr. Chairman, I have a great respect for the Armed Services Committee, particularly for its chairman, Hon. L. Mendel Rivers, and for these members who have worked diligently to see that our Nation directs its military research and development so as to protect and defend our country now and in the future.

Some of us know the distinguished chairman as a great lover of the poetry of Bobby Burns, who spoke so musically of the common man.

> I would some power the gift to gi us
> To see oursils as ithers see us—

And so forth. Mr. Chairman, it has been forcibly brought to my attention that we should develop more missile frigates and destroyers.

Many of our servicemen in the Mediterranean, who are in close contact with Russian vessels, are cognizant of the fact that Russia has 154 ships of the *Komar* and *Osa* classes. All are armed with Styx missiles.

This missile has a maximum trajectory of 22 miles. The optimum effective trajectory is between 12 and 4.5 miles. At a distance of 4.5 nautical miles from one of these ships, a Styx missile can be delivered on target in 30 seconds. The average reaction time of an unalerted American combat ship is 4 to 5 minutes. To shoot down or deflect such a missile, improved detection and deflection devices must be developed.

It takes many years to do this. Informed sources say that the reason for our deficiency in this area is a lack of funding. Most funds, I am told, have been diverted to carry on the war in Vietnam.

Since our Navy is deployed around the world and has a heavy concentration in the Mediterranean, it is imperative that funds be appropriated for a sufficient number of missile frigates and destroyers, equipped with detection devices and with missiles capable of shooting down the Styx.

A sudden confrontation with *Komar*- and *Osa*-type vessels would not only be hazardous, but possibly disastrous.

Further, Mr. Chairman, reports from many scientists, including Dr. Sternglass of the school of medicine at the University of Pittsburgh, indicated that large nuclear explosions are followed by an increased number of abortions, prenatal deaths and an increased death rate of younger children in proportion to the number and magnitude of preceding nuclear explosions.

In short, the conclusion reached by Dr. Ernest J. Sternglass and other scientists is that a large number of nuclear explosions may result in deaths of unborn children, with the result that in the future we may have a world devoid of life.

Mr. Chairman, I support all methods necessary for the protection of our country. However, all nuclear powers should be called together immediately to discuss and ban the use of nuclear devices. Otherwise, there will be no future for you or me, our children, or our children's children.

Mr. PETTIS. Mr. Chairman, section 408 of H.R. 14000 proposes to prohibit payment under contracts with Federal contract research centers if the annual compensation paid any officer or employee out of such funds exceeds $45,000, except with the approval of the Secretary of Defense under regulations prescribed by the President.

The corresponding section of the accompanying report—House Report 91–522—observes that the Federal contract research centers—FCRC's—are nonprofit organizations, that most if not all of their income is from their contracts with the Department of Defense, that they do not carry the business risk of normal private corporations, that their efforts are more similar to those performed within the Department of Defense, that their history indicates a fairly low risk with respect to their business activity, and that their salary levels should be more closely alined to that of the Government rather than that of private industry.

Mr. Chairman, partly from my work with the Committee on Science and Astronautics and partly because the largest of the FCRC's has a major facility in the district I have the honor to represent, I have had an opportunity over the years that others may not have had to inform myself about these organizations and their work. I would like therefore to comment on certain of the observations in the report of the Committee on Armed Services.

That the FCRC's are nonprofit organizations is no accident. It has been a prime consideration in their establishment and utilization by the Department of Defense, intended to avoid the possibility that the profit motive might interfere with the complete objectivity demanded by their special roles for defense.

That most of their income is from contracts with the Department of Defense is likewise intentional. In the case of the Aerospace Corp., located in my district, this fact derives from the deliberate policy decision of the corporation's governing board of trustees to avoid the possibility that the lure of other business might detract from its dedication to the needs of the Department of Defense. Aerospace has declined numerous opportunities to work for others.

With respect to salary policies and procedures, let me comment concerning the FCRC I know best, the Aerospace Corp. Established salary approval mechanisms exist. In the first place, all salary structures and individual salaries above a certain level are established and approved only after careful study of responsibility, comparability, and qualification, by the governing boards of trustees. I have personally met the members of the Aerospace board of trustees. Among their more widely known members are Frederick R. Kappel, former chairman and chief executive of A.T. & T.; Cyrus R. Vance, former Deputy Secretary of Defense and Presidential troubleshooter; Dr. T. Keith Glennan, first Administrator of NASA, former AEC Commissioner, and new chairman of the Aerospace board, and former Air Force Gens. Earle E. Partridge and Edwin W. Rawlings, the latter more recently chairman and chief executive of General Mills, Inc. Just this month, S. E. Skinner, former executive vice president of General Motors, and Gen. Jimmy Doolittle retired from the board after long and dedicated service as board chairman and vice chairman respectively; both, incidentally, received the Air Force's highest civilian award for their work with Aerospace. The trustees, whose integrity and dedication to the public interest is beyond question, have assured me personally that the basic premise for approval of compensation at Aerospace has been and will continue to be that of reasonableness—namely, no higher than necessary to get the job done.

Moreover, all salaries to be reimbursed by the Government are submitted as required by the armed services procurement regulation—ASPR—to the procuring agency for review of their reasonableness and their allocability to the work called for by the contract. Higher salaries are given increasingly detailed and searching review, with the highest salaries reviewed individually both by the Air Force and by the Director of Defense Research and Engineering, next in rank to the Secretary and Deputy Secretary of Defense. Only those portions of such salaries considered by the Department of Defense to be both reasonable and allocable may then be charged to Government contracts whether the source of the funds is in the Department of Defense or elsewhere.

Federal contract research centers come in a variety of forms. Some do work very much like that done in universities. Some do work very much like that done in the Government. Others, like the Aerospace Corp., perform work very much like that done by industry. In fact, the work which TRW does for the Air Force in the Minuteman or which Lockheed does for the Navy in the Polaris/Poseidon programs or which Boeing does for NASA in the Apollo program is no different that the work which Aerospace does in such programs as the Titan III booster system and a great variety of military satellite systems. If there is any distinction, it lies not in the work performed by the Aerospace Corp., but rather in its nonprofit status which was deemed essential to provide for objectivity over the broad range of related programs. In fact, the Aerospace Corp. must compete with these same companies and with others such as Northrop, Hughes Aircraft, and General Dynamics for its technical manpower and management. Aerospace has on its payroll some 1,600 scientists and engineers of whom 304 were hired directly from TRW, 94 hired from Hughes Aircraft, 143 from North American, 90 from General Dynamics, and so forth. Substantially all of the employees of the corporation have come from industry; and of those that leave, nearly all are hired by industry.

I should like to comment also on the observation that the operation of the Federal contract research centers "do not carry all the business risks of a normal private corporation," and "the history of their operations indicates a fairly low risk with respect to their business activities." The term "business risk" of a normal private corporation presumably applies to a return on investment—namely, the return to its stockholders. Since nonprofits are by nature a public trust, this argument has in itself little meaning. If, on the other hand, it applies to the individual employees of the corporation, then the statement is not true. The people at the Aerospace Corp. have all the personal, professional job-related risk that any professional employee of a defense contractor has. The company's history demonstrates a series of contract cutbacks of major magnitude which have resulted in major reductions in force—involuntary terminations of personnel. The most recent example is the cancellation of the manned orbiting laboratory program—which caused a drastic realinement and cutback of hundreds of employees.

The personal risk is magnified too by the forefront position of the Aerospace systems personnel. An Aerospace project manager is right out in front, in the spotlight. A program such as Titan III involves hundreds of millions of dollars annually in engineering and development work. On the one hand, he must provide for the overall systems engineering and coordination of the associate contractors mostly operating on price-incentive or fixed-price contracts. On the other hand, he is responsible to the Air Force and to the Government that the program will succeed on schedule and within prescribed costs. The Aerospace system manager must walk a tightrope; and his personal professional success is entirely contingent on the success of the program for which he is responsible. When difficulties arise anywhere in a program, he becomes the prime target for criticism from both the associate contractors and from the Air Force.

The Federal contract research centers were created to meet major national needs. Without exception, they are today making major contributions to our defense effort. Some, like the Aerospace Corp., are involved in the most critical programs of the country.

I hope, therefore, Mr. Chairman, that these comments will serve to illuminate some of the reasons behind the observations made in House Report No. 91–552, at least in the case of one of the so-called FCRC's.

Mr. RANDALL. Mr. Chairman, tonight we come to the end of 3 long days of debate. Now the question is whether we support H.R. 14000. There was some complaint voiced that the allotted time was not adequate and loose language was used that the Senate spent "many months" on the military procurement bill. As a matter of fact the other body debated the bill only 29 days. Several days will show the debate on the procurement bill covered only one page of the Congressional Record. During the course of many of those days the debate in the other body extended into subjects for afield from the pending business.

On our side of the Congress there will probably be over 200 pages in the Congressional Record of debate on this measure. We have stayed strictly to the subject and I feel all of the important provisions of this bill have been thoroughly debated.

Most of the sponsors of amendments have been urged adoption of their particular changes in the bill in the name of economy. It is true the bill does authorize an appropriation of $21 billion. That would seem to be an enormous amount of money to buy aircraft, missiles, vessels, combat vehicles, and all the research, development, testing, and evaluation. However, this serves to tell the world that from our resources we are willing to spend what we believe to be necessary to defend our people and to retaliate to those who would try to destroy us. The price is high. I hate to have to authorize this much money. I wish we did not have to spend it. I am deeply concerned that world conditions require we divert so much of our resources to the purposes of H.R. 14000. But the information gained in months of hearings and briefings in executive session—to be more specific about 8 months—add up to the almost inescapable conclusion that our country needs procurement provided in this bill.

I will point out that the figure of $21.3 billion is $1.8 billion less than the authorization request of January 14, 1969, or that of Secretary Clifford. It is $615.8

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million under the revised authorization request submitted on April 15 by Secretary Laird.

It is true the bill is more than that passed by the Senate. The difference is almost entirely to update our badly out of date seapower. As I pointed out in the debate yesterday the C–5A was an economy and would permit reduction of our overseas troop strength. The money in this bill to increase our seapower is in my opinion also economy. The reason is it will cost much less to modernize our Navy this year than next year. If we wait beyond next year to start to modernize our Navy it is possible it could not be accomplished at any price.

During much of the debate we have spoken of things that seem to have to do with war, missiles, fighter planes, assault vehicles, and all other categories of military hardware. I submit in all of this debate we have spoken really of peace. Yesterday I pointed out that I was convinced that if my fellow townsman, Mr. Truman had followed some of his advisers and refused to deploy the H-bomb we might today be a satellite of Russia. Worse, if we had not surrendered before now, we could find ourselves in the same occupied status as Czechoslovakia today. This kind of happening could take place in the future if we do not continue to prepare for our own defense.

The argument about priorities touches a responsive chord. The argument we should solve our problems at home and not worry about the problems of the world is appealing. The proposal to reduce military expenditures is most acceptable to our overburdened taxpayers. It would be easy for many Members to buy popularity by going along with these arguments. But in my opinion it would be disastrous for our Nation or I should say the future of our Nation.

The aggressors of this world are not going to give a period of grace in which to put our domestic house in order. I know many worthwhile domestic programs that need funding. I supported the Joelson amendment for education and I will support full funding for our water pollution program. But I think we should focus our attention upon the fact if we successfully solve all of our domestic problems all will be meaningless if we are not around to enjoy them.

A decision to vote for this bill must be made on the hard realities of the offensive capabilities of our adversaries and not on the fervent hope of their intentions. I have no choice in this decision but to vote on the side of security. To do otherwise would be to let our country fall behind in maintaining defenses necessary for the strength of this Nation.

Mr. HATHAWAY. Mr. Chairman, I am concerned, with the provision on this bill which calls for a three-way division of the proposed DD963 contract. It is my fear that this provision, if passed, will seriously jeopardize the long-term benefits which can be realized if the program is allowed to go ahead according to the present plan, calling for the award of as many as 30 destroyers to a single contractor with construction occurring between now and 1978.

A three-way division would certainly increase the costs to the Navy conceivably by as much as $200 million over the total program. I believe this is an unreasonable burden to impose upon the American taxpayers if it can be avoided.

Equally as important to the Navy is the fact that failure to maintain a single prime contractor could seriously impair the stated objective of standardizing ships within a class. It is my understanding that the referenced provision to the bill would still permit a prime contractor to lead the program but quite obviously as more builders participate in the program, it becomes more difficult to maintain a standardized ship.

Any act which alters the Navy's present plan could also delay the program from months to possibly a year. We simply cannot permit any delay in the construction of these ships, which are desperately needed to replace the World War II destroyer fleet. A three-way division could create contractual problems which might delay construction of the DD963 destroyers.

A major byproduct of the DD963 program is the possibility that a new and badly needed shipyard can result from the competition, if sufficient quantities of ships are awarded to one contractor. Our shipbuilding industry badly needs such modernization if the United States is to continue as a world leader in the shipbuilding business and compete on a worldwide basis. By dividing the contract, the distinct possibility arises that no single company will develop a sufficient backlog to justify substantial modernization of its facilities and the country then stands to lose a needed national asset.

As a member of the Merchant Marine and Fisheries Committee, I am well aware of the urgent requirement to modernize our merchant fleet. New vessels in large quantities will undoubtedly be constructed over the next few years and should provide a substantial workload for many shipbuilders. It will be most unfortunate if the DD963 program is altered to the extent that significant benefits are lost, ostensibly to maintain a broad base of shipbuilding capability, only to find that other programs such as that currently proposed by Marad accomplish this goal. Marad's requests for proposals dated September 2, 1969, calling for the construction of 10, 20, and 30 ships anually is just an example of the types of procurement which will achieve the objectives of those calling for a three-way division of the DD963 program.

Lastly, the question of fairness to those companies who have competed for the award of a large number of ships cannot be easily disregarded. The competitors have invested large sums on the assumption that the contract would be awarded to a single shipbuilder. Both the competing companies and the Navy have structured the program to permit such an award to the winner. A change at this time would be most unfair to the companies who have survived the competition and made such substantial investments. It is not fair to change the ground rules after competition has advanced so far.

It appears to me, Mr. Chairman, that the best approach to this program would be to continue the present procurement concept.

Mr. OTTINGER. Mr. Chairman, I am opposing H.R. 14000, the fiscal year 1970 military procurement bill—as I opposed the second supplemental appropriation bill in May—because it carries forward what I believe to be utterly distorted priorities.

Since the end of the Second World War, we have spent $1,400,000,000,000 for defense. We are today spending at the rate of $1,000 per taxpayer per year and Government money poured into defense is greater than the profits of all American private enterprise put together.

Meanwhile, our cities are rat infested and in a state of decay, our youth are alienated by an unpopular war and the inequities they observe within our society, thousands are suffering from malnutrition, our air and rivers are polluted, inflation is rising, crime is rampant, and racial tensions are increasingly strained as we fail to fulfill our promises of equal opportunity to our minority citizens.

In 1968 the Pentagon's figures show that $72 billion was being spent for defense. However, if you include defense-related expenditures, this figure soars to almost $100 billion. At the same time, less than $500 million was appropriated for programs to feed our own undernourished children through food stamps, school lunches, and the special milk program, combined. All federally assisted housing programs in this same period, including the model cities program, received only $2 billion. Job Corps centers were closed in order to save $100 million. We are, in essence, spending more on defense than is allotted to all of the civilian programs—health, education, welfare, housing, agriculture, conservation, labor, commerce, foreign aid, law enforcement, and so on. This simple fact is bad enough alone but it becomes worse—almost criminal—when we realize that such a great proportion of the military budget is clearly wasted on defective weapons systems development—the Nike-Zeus system, the B–70 bomber and the Skybolt air-to-surface missile being just a few sterling examples.

The largest single item in the military budget is procurement—purchasing, renting, or leasing supplies and services. It is reported that the Defense Department signs agreements with some 22,000 prime contractors annually, which also involves more than 100,000 subcontractors. Since the end of the Second World War an entirely new subculture has developed in America—the military-industrial complex.

The imbalance in our budgetary allocations virtually defies description or belief and it seems clear that the priorities currently being pursued have little, if any, relation to reality. The fact that the bill before us today perpetuates these misdirected priorities, while at the same time feeding the military-industrial complex, is equally clear when we consider the procurement programs being included in it—the highly doubtful utility of additional C–5A aircraft, especially in the absence of further cost studies; the Cobra helicopter which very likely would soon be an obsolete weapon for which there would be no requirement; the construction of a $483 million aircraft carrier for which there is no strategic military requirement; and a highly inflated overall authorization—over $1 billion more than approved by the other body.

For too many years, Mr. Chairman, the military budget has been considered sacrosanct. Anyone who challenged it was accused of being soft and fuzzy headed in the face of the great military dangers we faced. We must end this tendency. Military proposals, especially those involving basic policy decisions and billions in spending, deserve the most careful and thorough scrutiny from both the House and Senate. In this regard, I am greatly encouraged by the bipartisan efforts we have witnessed this week, and earlier in the Senate, to bring the military procurement program into line with reality.

No one disputes the need to finance the legitimate defense requirements of our Nation. I, nevertheless, remain deeply troubled by the magnitude of the military budget—the largest procurement or authorization bill ever to come before the Congress presently being considered—the relationship of this budget to the budget for urgent civilian needs and the imbalance in national priorities which it represents. We must question whether or not the crucial and urgent domestic needs of our Nation will continue to play a subservient role to that of the military, whether or not we will continue to pour billions of dollars into the tragic and unfortunate war in Vietnam or use these limited resources to combat poverty, disease, illiteracy, unemployment, urban blight and pollution. When we authorize billions for weapons research, development and deployment, we initiate an irreversible chain reaction which results in heightened world tensions, an accelerated arms race and a perpetuation of discredited policies.

If there is no more convincing argument that legislation such as is before us today continues and fosters our distorted priorities, simply consider the fact that last year two-thirds of all Federal tax receipts were spent for military and war-related costs. Add to this the amounts spent on the space program and interest on the national debt and one really begins to wonder how it was possible to eke out even the very little which was allotted to domestic programs. Is our inflated military budget simply a convenient, readymade excuse to avoid facing our failure to achieve justice and equality for all our citizens and working toward the resolution of our domestic ills?

Mr. Chairman, defense expenditures are so dominant that the total economy can hardly function normally without taking its direction from the Pentagon. The very structure and fiber of our society is involved and our national budget increasingly reflects a growing militarism. I feel strongly that this trend must be curtailed and that the bill before us should be defeated as distorting further our already horrendously distorted national priorities.

Mr. TAFT. Mr. Chairman, as we approach the final votes on this bill, I hope we will all pause to reflect for a moment on the debate, on the bill's provisions, and on the amendments proposed and defeated.

There is little choice for most of us other than to accept the bill as amended, but in doing so, we should recognize that we are exercising one of the most difficult responsibilities of this session, relating as it does to the entire present international stance and the future security of the Nation.

It relates indirectly as well to the other national priorities we set such as education, opportunity, and human welfare.

It is unfortunate then that we legislate inevitably in the shadow of the Vietnam war and the feelings of Members about the decisions and course of action that led us to our present predicament there. The emotions evoked here and throughout the Nation on the subjects before us have frequently shown this. Good examples would be the amendment proposed by the gentleman from Illinois (Mr. MIKVA) to reduce authorized military personnel, on the one hand, and the language of the bill attempting to penalize non-ROTC institutions on the other, both being equally unwise.

Thus, the emotions evoked by the present Vietnam problem, whether we have approved or disapproved of those decisions, do not necessarily point toward a responsible course on the votes upcoming. The scope of the latter is far broader and I would urge the Members so to consider them.

Mr. SCHWENGEL. Mr. Chairman, I rise today to speak on the question of defense and the implications of the legislation brought before this body by the House Committee on Armed Services.

In my presentation, I will present the case in defense, of the apprehensions I have about the Department of Defense and bring to the House some observations and suggestions that I think need pondering on as we look to the future and as we plan both for defense and for the preservation, the extension and influence of the American ideal of freedom in the family of nations.

On the question of defense, permit me to say it is my conviction that we must have a system of defense; that it must be both military and spiritual and moral. We, of all nations, need to have an adequate defense. The principal reason for this admonition is that we have more to defend than any other nation in all history. First of all, we have a system of freedom to defend. We, more than any other people, have, understand, and benefit more from the basic freedoms than any other nation. Those basic freedoms are freedom from fear, freedom from want, freedom of religion, freedom of expression, and freedom of movement.

The embracing, cultivating, and extending of these freedoms within the United States has done more to bring the Biblical promise of a more abundant life to a people within a country than any other system has done for any other country, society and system.

Servan-Schriber, a writer and political scientist, in his book, "The American Challenge," written principally for Europeans, points out the material results that have come for our Nation by embracing the basic freedoms. I will point to only some highlights mentioned by him. They include the fact that all by ourselves, Americans consume one-third of the total world's production of energy and we have one-third of the world's highways. He reminds us one-half of the passenger miles flown each year are by American airlines. Two trucks out of every five on the road are American-made and American-based. Americans own three out of every five automobiles in the world, and in most instances, they are bigger and more luxurious than any others.

These few highlights point out the productive capacity of America—a nation representing only 6 percent of the world's population, making the kind of production and prosperity referred to above. All of this is made possible because, among other things, under our system of freedom, we promote and encourage education. Schriber refers to it as a grand partnership of business, government, and education.

Again, I reflect on two pertinent facts with regard to education. He points out one-third of all students in the world pursuing higher education are American students. He continues to remind us the number of students compared to total population is double that of any other country. The reading of Servan-Schriber's book, The American Challenge, will bring out more evidences of progress and prosperity that prevail in our country. So long as we support and maintain institutions that give us that prosperity, we will be the envy of the world and right now the great challenge is a system and way of life called communism.

The point I want to make and stress and have remembered is the fact that we have so much to preserve and defend. This makes what we are doing here today very important, but it is my hope that we will not put our entire reliance for the defense of the system on the military and without other supports. The other support deals with the attitude and spirit of our people. Without a feeling of purpose, a sense and feeling for the moral aspects of our position and policy, we will fail. The Army or the entire Defense Establishment with all its modern equipment and sophistication will be just another maginot line that is pregnable. Recent events in the Vietnam area where we have spent $100 billion of the taxpayer's money, where we have sacrificed the lives of over 40,000 young men have proven that the gun alone will not win the battle.

The great philosophers and political leaders in history, our own included, have reminded us in various ways that the military or material strength is not enough. England at one time would have gone under except for an indomitable spirit that would not admit defeat, a spirit led by Churchill, and the bastion of England held against the fury and power of Hitler. Lincoln spoke of it when he asked:

> What constitutes the bulwark of our own liberty and independence?

And he observed:

> It is not our frowning battlements, our bristling seacoasts, the guns of our war steamers or the strength of our gallant and disciplined army. These are not our reliance against a resumption of tyranny in our fair

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> land. All of them may be turned against our liberties without making us stronger or weaker for the struggle. Our reliance is in the love of liberty which God has planted in our bosoms. Our defense is in the preservation of the spirit which prizes liberty as the heritage of *all men, in all lands everywhere.* Destroy this spirit and you have planted the seeds of despotism around your own doors.

There is another reason that moves me. It is the revelation of the past several years of the great waste, great mistakes, the evidence of poor judgment on the part of the Pentagon. These could be detailed. Time will not permit, but the press, political writers, and others have called attention to this repeatedly over the past months and years. Poor judgment on the part of military leaders is a real thing and should be studied, investigated, and reported on.

Mr. Chairman, I have supported a number of the amendments that were presented not because I want to handicap the military for I, too, want to keep it strong. So long as the people of the world have not found ways to get along, so long as there is poverty and ignorance, lack of good judgment, lack of moral base in many parts of the world, we must have an army to defend ourselves and it must be as modern and sophisticated and as adequately manned as is possible. To assure these things I mentioned requires study, research, and then evaluation of the great goals and objectives outlined for short-range and long-range defense. What we want and need requires that we debate the question including some of the military decisions of the recent past that have proven to be wrong, wasteful, and inadequate. It is worthy to note also, that our forefathers were right in declaring and providing in the Constitution that the civilians should be and remain in charge of the military. History confirms their judgment and recent evidence on the national scene and international scene reveals military mismanagement, waste, and poor judgment. "We, the People," must regain and again assert our authority, which must be based on reason and good judgment on our part.

In my opinion, the ABM calls for more long-range judgments and more adequate basic research of what are long-range goals should be attained before we adopt an inefficient system; namely, because it affects the defense system rather than the concentration of people.

Another amendment dealing with cutting back the committee's recommendation on the cost for Navy replacement is in the public interest and national defense interest. The administration is asking for almost $1 billion less than the committee report asks for. Adoption of this amendment will balance our economy and do a better job of replacement and building of the Navy and that is important. The proposition to have the Bureau of the Budget make more careful inspection of expenditures is consistent with good government practice and should also prevail in the management of national defense.

The purpose of having the Bureau of the Budget make their judgments is consistent with practice now in all aspects of Government expenditures and that could be very helpful to the Defense Department and in the process save billions of dollars of the taxpayer's money.

In addition, Mr. Chairman, it is my conviction and evidence is clear again that the Congress ought to more adequately equip itself with the acquisition of talent and ability to make studies in depth before action is taken by the committees. In this case, while I have great personal confidence in the members of the House Committee on Armed Services, I am worried about what seems to be a precedent of taking the Defense Department's word about scrutiny, without evaluation, and without clear evidence that they are also using their better judgments.

Had this committee through the years had the kind of talent and technical ability that is available to them and made the studies and evaluations that should and could have been done, billions of dollars could have been saved in waste, in detecting the carelessness and finding other and better ways to accomplish goals. So, I make this point, Mr. Chairman, in this bill as is so often the case when we deal with defense matters, we are doing it with less-than-adequate information, studies, and research.

The evidence is quite clear that those of us that are taking this position may not prevail in every instance though we have had and will have suggestions and it is my belief we are serving the national interest in calling attention to what I believe have been mistakes and of a kind that could and should be corrected.

Finally, I want to make what I believe to be a very pertinent observation philosophically. It is one that has been spoken of throughout history and recently has been noted by some important leaders. History is full of human folly. Surely one of the most foolish features that man all through history is his incurable insistence on spending more energy and wealth on waging war than in preventing it. History reveals that most of our expenditures militarily through the years have not proved to be a bargain.

In paraphrasing and in part quoting something Servan-Schriber said in the conclusion of his book entitled "The American Challenge" earlier referred to, with men as with societies there can be no growth without challenge. Progress for mankind will always remain a battle just like life for people is a struggle. We must never forget this truth.

Because of war, human history has been nearly the same as military history, today the nations in the world most advanced industrially, the United States, Soviet Union, Europe and Japan, are bringing that era to a close. To some, this is a hope. To many, it is a belief and conviction.

Military confrontation between these powers can only be hypothetical or hypernuclear and it cannot exclude the possibility of annihilation. Hopefully, we are intelligent enough to recognize the awfulness of the kind of war in prospect with thermonuclear energy. So, I contend that the point of departure for thought and action must be a plan for atomic peace. So, let the war we face be an industrial one. President Nixon referred to this in his debate when he challenged the Russians to a contest of industrial production for people.

Schriber makes the observation and I quote:

> The conflict in Vietnam, that absurd and barbarous residue of the Crusades, will inevitably come to an end. We are now beginning to discover what was concealed by 20 years of colonial wars, wars that dominated our thoughts and our behavior: the confrontation of civilizations will henceforth take place in the battlefield of technology, science and management.

It is my conviction that the American Army will leave Vietnam. It is my hope we will leave soon for there is nothing more to gain, everything to lose and we have lost too much already.

Let us then face the industrial challenge where we can both lead and win and we can make contributions while we prosper. The desire to build a more intelligent and bountiful postindustrial society is great. Let us join hands then in developing a program for everywhere that will hasten the day when "spears will be bent into pruning hooks and swords into plow shares" or in modern technology let us find peaceful uses for all our energy including atomic and thermonuclear powers. The world could be better and more peaceful if America will apply more of the intelligence in promoting peace than in promoting war.

Mr. KOCH. Mr. Chairman, we have debated this defense authorization bill for 2 long and tiring days. Sixteen amendments were offered by those of us who believe that the bill is loaded with wasteful projects. We sought in effect to reduce this monstrous defense authorization bill of $21½ billion by $2½ billion or about 10 percent. The proposed reductions were modest and only affect projects for which there was more than credible evidence indicating that they were not only unnecessary for our defense but were wasteful. Every attempt to reduce the huge budget was defeated. What is worse is that those in the majority refused even to hear the arguments of that small minority who wished to discuss these dubious projects. Almost every proposed amendment was one that had been passed by the other body when it debated the same defense authorization bill. However, rather than permit meaningful discussion, those in authority in this House shut off debate and imposed a gag rule which at times limited Members wishing to speak to a mere 45 seconds, barely enough time to cry out, "This is a hoax and not a debate." By proceeding this way we denigrate the democratic process and this House.

The Republican minority leader made it clear that he would not even permit a motion to recommit to be presented in a way which would reflect the opinion of the real minority—those who are trying to bring our military budget within reasonable bounds but instead would employ language in that motion to recommit which would make it difficult if not impossible for some Members to vote for it. The intent here is to intimidate—to prevent by threat, sometimes subtle and sometimes overt—those of us who

oppose the twisted national priorities of the Nixon administration and this Congress. I have sat in this House and seen those twisted priorities enacted into legislation; student loans have been cut; housing appropriations have been reduced by more than half; funds are made available for the SST; and mass transit takes a back seat; we shuttle to the moon and our cities strangle in traffic; we provide protection for silos and reduce our model city program by 42 percent and permit our cities to decay; we reward those of our States that do the least in terms of social welfare for its citizens and ignore those others who make the effort to provide a modest minimum income.

We are prepared to engage in 2½ wars on three fronts at the same time and to spend billions on destruction when our cities seethe with unrest because basic human needs are not being met.

I will not be cowed and intimidated; I will vote for the motion to recommit, as poor a motion as it is, and when that is defeated as we know it will be, I will vote nay on the defense authorization bill. Those of us who vote nay wish to protect this country and would vote for every item of defense required to do that but we will not be browbeaten into voting billions to appease the voracious appetite of the military-industrial complex.

Mr. DONOHUE. Mr. Chairman, an unhappy and unfortunate circumstance is apparently being projected here affecting the situation of many of us who have consistently favored the funding of research and development, in the missile weaponry area, but who have just as consistently opposed the funding of the ABM deployment system as I did again yesterday in supporting the Wilson amendment.

It was anticipated and hoped, of course, that the Members of the House would be privileged and permitted to exercise their final separate voting judgment on these two different items.

In my conscientious judgment, a continuation of missile research and development is imperative to the national security interests of the American people. Until and unless the Communist powers enter an iron clad agreement with us to abandon all projected missile research and development, it would be the height of practical foolishness for us to do so unilaterally. So long as they will not make such an agreement and continue their research testing, it is obvious that we must continue to do so.

On the other hand, it is my conscientious judgment that the deployment of the ABM missile system, on the evidence thus far developed and presented, would not insure any realistic safeguard shielding of our land-based missile stations and might well be the tragically unfortunate step to influence our enemies to further reaction and expansion of their own missile systems and thereby prolong the competitive arms race that must be stopped if there is to be any hope of attaining peace in this generation.

Under these circumstances, I intend to vote against any recommittal motion that will eliminate continuation of missile research and development essential to our national safety while we seek and hope for a further opportunity to eliminate funding for the ABM deployment system.

Mr. FARBSTEIN. Mr. Chairman, to those of us who deplore the war in Vietnam, perhaps the most exciting development this year has been the growing public and congressional concern by both hawks and doves over the level and impact of defense expenditures.

Where once the word of the Chiefs of Staff was unquestionable, and defense needs were considered to be outside the sphere of the "nonexpert," we see an increasing desire by the public and its Representatives in Congress to examine the Defense budget and study strategic premises.

This questioning so far has uncovered the fact that the generals and admirals are not infallible. This year alone we have been made aware of a $3 billion cost overrun on the C–5A, that a system of manned orbiting laboratories has been developed for which there is apparently no utility, and that the M–551 tank which is destined for use in Vietnam has been improperly tested and may have to be abandoned entirely.

Begun as a skirmish over the most efficient and economic allocation of funds for programs conceded by both Congress and the DOD to be essential to the national security, this probing has escalated into a fundamental questioning of current and proposed weapons systems themselves.

For the first time in a long time Congress has insisted on answers to questions like: First, how likely or unlikely is the contingency against which the system is directed; second, how likely is it that the system will be capable of performing according to specifications; third, are there less costly means of achieving the same end; and fourth, how effective would the system be, given its cost.

The military procurement bill, H.R. 14000, before us today, unfortunately, is a throwback to the days of unquestioning acceptance of the Pentagon's word, and also of the premise that the more money we spend on defense, the safer we are.

The major justification given in the committee report for the level of expenditures contemplated by this bill is, essentially, "The committee believes that the least we can afford is that level of national defense that we cannot afford to be without."

This is hardly what I would call sufficient reason for allowing the completely free hand in defense spending that this bill permits.

The committee's handling of the bill reflects an attitude toward the Pentagon of "ask and ye shall receive." Maybe it is time we in Congress took a tip from that proverb and adopted an attitude of "seek and ye shall find" instead of standing at the doors of the Treasury and telling the Defense Department "knock and it shall be opened to you."

I am informed that members of the committee were not able to secure copies of the bill they were to vote on until 5 p.m. the night before they were to vote.

The remaining Members of the House have received the same treatment. The bill was reported out of committee on Friday, only became available on the following Monday, with the report on Tuesday and the hearings on Wednesday. Debate was set to begin on Wednesday. Thus, anyone wanting to read the hearings of the committee has had to do so on the floor or else put it off until after the bill is passed.

This country is being torn apart by a clash of opinions over the war in Vietnam and the possibility of U.S. involvement in future Vietnams. No one in Congress would question the right of this country to maintain its national security—nor begrudge it the money for doing so. The question which rises up to plague us right now is "Does more money always buy more security?" Not just more hardware and armaments, but does it actually contribute to a significant extent to our basic security?

The French spent millions on the maginot line after World War I in the firm belief that it made them secure. It took the Nazis no time at all in the next war to collapse that "security" like a dropped souffle.

We have heard the anti-ballistic-missile system touted as "the answer of answers" to the protection of American shores from nuclear attack. Brushed aside is the question that the fallout from these defensive missiles might possibly do more damage than the incoming enemy missiles themselves. And there has been testimony to the effect that this weapons system may not work altogether. Senator STENNIS, in justifying the system to the Senate, admitted this fact. His justification for supporting it? The President wanted it.

Another "system for security" is our attack aircraft carrier fleet. The justification for maintaining this fleet is that the carrier has great flexibility and has the advantage of being a moving rather than a stationary target in battle. Forgotten, or ignored, are other qualities which the carrier possess like its vulnerability to destruction by enemy PT boats 5 minutes after the start of any declared war and the open temptation its presence presents for U.S. intervention in another "small war" such as followed the Bay of Tonkin incident. If the United States is going to get involved in other Vietnams, the decision should be up to Congress and not come about because a carrier happened to be there to intervene.

If an aircraft carrier is capable of precipitating U.S. involvement in a small war, the development of MIRV can only be a temptation to major nuclear war. This country already sits on a stockpile of weapons sufficient to blow us all off the earth. Added to the materiel at the command of our fellow nuclear powers, we could manage very easily between us to blast ourselves into but a cosmic memory.

The chief justification for MIRV is that a single missile can destroy a large number of targets and such a system can insure the United States the ability to penetrate Russian missile defenses. But all that is going to do is encourage the Russians to follow suit. At the very least we will be escalating the arms race to an even higher level and really adding little to our national security.

Even more disastrous, though, is the

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fact that the greater accuracy of MIRV will increase the possibility that one side or the other will be tempted to try a premature first strike.

I cannot see where these three systems: the ABM, the attack aircraft carriers, and MIRV will result in greater security. Authority and funding for these systems should be stricken from the bill.

The underlying implications for much of this debate is, however, not a clash of opinions over the defense needs of our country, but a clash of massive public constituencies over the post-Vietnam division of the national economic pie. On one side the poor, the environment, and the oppressed taxpayer plead for attention. On the other side, defense industries press for new weapons to avoid problems that economic conversion will cause whether they be unemployment or lower corporate earnings.

H.R. 14000 contains authorization for over $1 billion in new ships above that requested by the Department of Defense; a bonanza indeed for the shipbuilding industry.

The bill contains authorization for a fourth squad of C–5A's despite the $3 billion costovers which we have had, the availability of alternative systems to perform the same tasks, and the absence of any way of calculating what the ultimate cost of this additional squadron will be.

The military procurement bill contains authorization as well for a doubling of research and development funds for long obsolete—but if ever built, extremely lucrative—manned bombers.

At the same time the bill dropped the Senate requirements for first quarterly reports by the GAO on Defense contracts, and second, a study of excess profits derived by manufacturers of weapons systems. Particularly in view of the financial problems already cited, this is an outrageous slap at the public which has a right to know where its money is going.

There is something wrong with the priorities of a society which can spend so little to meet the domestic problems which are tearing this country apart internally at the same time it is appropriating huge amounts of money for weapons systems which will make us less secure externally.

It is time for a thorough reevaluation of our entire strategic and defense thinking. We need to go beyond the one-by-one muckraking exposure of excessive costs and flagrant abuses in procurement and contracting, beyond even the examination of the effectiveness and utility of individual weapons systems. We need to reexamine the fundamental premises upon which our defense policy is based: to look at the weapons systems we propose in their world context.

Such a review in 1961 behind closed doors produced the so-called 2½ war concept upon which American defense policy theoretically has been based since. The rethinking that takes place should be done more openly—involving Congress—and Congress should be brought into the original decisionmaking process to a much greater degree. It is difficult to assess the value or need for weapons when it is virtually impossible to find out the total cost of the weapons or even what it will cost to operate for the next 5 years.

Mr. GILBERT. Mr. Chairman, I am voting today against the military procurement authorization, but let those who favor this measure not argue that they are for a strong America and we are for a weak one.

I strongly favor making our country strong, not only to defend itself against aggression but to deter any potential aggressor from contemplating attack. But I believe we must have balance in our national expenditures and I am convinced that the authorization before us is far too large, and substantially in excess of what our national security requires.

I am a cosponsor of legislation to create a Joint Congressional Committee on National Priorities and to establish a Temporary National Security Commission, precisely to bring new perspective to the question of national priorities and to reassert congressional control over the Nation's military-industrial establishment. I feel that the Vietnam war, which I have long opposed, has provided the opening for a military budget which is no longer related to our military needs. I suspect that the Pentagon has, to put it in simple terms, acquired the bad habit of wanting to buy whatever suits its whimsy. We cannot afford such luxury, and I believe that a major study, by a commission such as I propose, will confirm this judgment.

Mr. Chairman, we are suffering at home from inflation. We are also suffering from a civilian sector of our national budget which I consider seriously deprived. We need more help for schools, for housing, for the fight against pollution, for transit and for our cities. We cannot accept the premise that our national security depends only upon the military expenditures we make. We need more understanding of what we, as a nation, are buying for our money. Therefore, I vote against this bill, in the interest of a more rational national budget—and as a warning that the military does not have the solution to our most pressing national problems.

Mr. MIKVA. Mr. Chairman, no one can be sanguine about voting "no" on an authorization bill designed to provision our Armed Forces for the next 2 years. Unfortunately, the world is not yet ready to beat its sword into plowshares and no one can deny that there are external dangers to this country's security. I am opposed to the bill in its final form because it represents a painful distortion of our real national security requirements and robs us of the capacity to treat with equally frightening and urgent domestic problems.

The presence in this authorization bill of over $746 million for procurement and deployment on the safeguard anti-ballistic-missile system—the ABM—alone is enough to convince me to vote against it. The need for the ABM has not been demonstrated, there has been no convincing evidence that it will actually work, and it is outrageously expensive even if it does. It is, as someone has said, "too much to pay for a system we do not know will work against a threat we are not sure exists." Perhaps most important, the further fueling of the nuclear arms race is an inescapable consequence of the deployment of the ABM. We go back to the armaments bar for one more round when both we and our adversary instead should be seeking ways to sober up from the wildest arms binge in world history.

Another compelling reason for voting against this bill is its failure to limit sufficiently the bloated size of our armed forces by imposing meaningful ceilings on military manpower. For almost 20 years Congress has abdicated its clear constitutional responsibility to determine the size of the Armed Forces. Statutory limits on the armed services have been continuously suspended since 1950, leaving the Pentagon virtually free rein in setting the size of our military forces. The committee action lowers those ceilings only to reflect the manpower cuts which have already been decided upon and announced by the Department of Defense. This is no assertion of congressional prerogative or fulfillment of Congressional responsibility; most important it does nothing to prod the Department of Defense to worry about Parkinson's law and its effects on swelling the manpower in our Armed Forces.

During consideration of the bill I offered an amendment which would have lowered the committee's 3.285-million-man ceiling on military manpower by one man for every man withdrawn from Vietnam after the end of this year. This amendment would have brought the overall strength of the Armed Forces down to a level of 2.8 million by the time Vietnam withdrawals were completed. This itself is half a million more men than prescribed by the permanent statutory ceilings, which have been suspended since the Korean war. Without some meaningful assertion of congressional control over the size of the Armed Forces, this bill constitutes a continuing blankcheck to the Pentagon to set manpower levels far in excess of our real national security needs. I cannot endorse such a blankcheck.

Finally, I cannot vote for this bill because it represents—perhaps more clearly than any other piece of legislation which will come before this session of Congress—the ghastly distortion in our national priorities. The gentleman from California, Congressman ROBERT LEGGETT, a member of the Armed Services Committee, put the problem in perspective. He noted that defense expenditures now account for about 70 percent of the administrative budget of the Federal Government. When the $7.8 billion for Veterans' benefits and $16½ billion interest on previous war debts are added to the $82 billion defense budget, we are spending over $100 billion a year on defense and defense-related subjects. This is more in 1 year than we have spent on Federal aid to education or protection of our environment in all the years those programs have been in existence.

Somewhere this madness must stop. Somewhere we must begin to change our image of ourselves from that of worldwide warrior to that of teacher, healer and builder here at home. For me, the place to begin is in voting against a bill which commits us to another $21.3 billion for military procurement in fiscal year 1970.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on the bill and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the selected reserve of each Reserve component of the Armed Forces, and for other purposes, pursuant to House Resolution 561, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2917. An act to improve the health and safety conditions of persons working in the coal mining industry of the United States.

SWEARING IN OF MEMBER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts, Mr. MICHAEL J. HARRINGTON, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HARRINGTON appeared at the bar of the House and took the oath of office.

AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, 1970, AND RESERVE STRENGTH

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. In its present form, emphatically yes.

Mr. PIKE. Mr. Speaker, a point of order.

POINT OF ORDER

The SPEAKER. The gentleman will state his point of order.

Mr. PIKE. Mr. Speaker, Cannon's Precedents of the House of Representatives, volume 8, section 2731, says:

> Recognition to move recommitment is governed by the attitude of the Member toward the bill, and a Member opposed to the bill as a whole is entitled to prior recognition over a Member opposed to a portion of the bill.

Mr. Speaker, I submit that there were two gentlemen on their feet on the other side, one of whom has voted against the bill as a whole, both seeking recognition for the privilege of offering the motion to recommit. I would submit that under that rule of the House the gentleman who stated that he was opposed to it only in its present form should yield to the gentleman who has voted against the entire bill.

The SPEAKER. The Chair will state that the gentleman from Wisconsin (Mr. O'KONSKI) has stated he is opposed to the bill in its present form, and the only bill in its present form before the House is the bill H.R. 14000, as amended, and therefore the gentleman qualifies.

Therefore the point of order is overruled.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. O'KONSKI moves to recommit the bill H.R. 14000 to the Committee on Armed Services with instructions to report it back forthwith with the following amendments:
>
> On page 2, line 6, delete the figure "$780,460,000" and substitute "$434,960,000";
>
> On page 3, line 7, delete the figure "$1,664,500,000" and substitute "$1,263,600,000".

Mr. RIVERS. Mr. Speaker, on that I move the previous question.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The Chair will state to the gentleman from Massachusetts that he should wait to demand the yeas and nays until the Chair puts the question.

The gentleman from South Carolina moves the previous question on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. FRASER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Minnesota will state his parliamentary inquiry.

Mr. FRASER. Mr. Speaker, in order to be able to amend the pending motion to recommit, is it necessary that the previous question be voted down?

The SPEAKER. The Chair will state the answer to the question is "yes."

The question is on ordering the previous question, and on that the gentleman from Massachusetts demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 223, nays 141, not voting 67, as follows:

[Roll No. 198]

YEAS—223

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ayres
Baring
Beall, Md.
Belcher
Bennett
Betts
Bevill
Blackburn
Blanton
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
de la Garza
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evins, Tenn.
Fascell
Fisher
Flood
Flynt
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Galifianakis
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Gray
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hébert
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Lujan
Lukens
McClory
McCulloch
McEwen
McFall
McKneally
McMillan
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
May
Mayne
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minshall
Mize
Mizell
Mollohan
Montgomery
Morgan
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Passman
Patman
Perkins
Pettis
Philbin
Pirnie
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Randall
Rarick
Reid, Ill.
Reifel
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rostenkowski
Roth
Roudebush
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Taft
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Utt
Waggonner
Wampler
Watkins
Watson
Watts
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wright
Wyatt
Wylie
Wyman
Zablocki
Zion
Zwach

NAYS—141

Adams
Addabbo
Anderson, Calif.
Ashley
Barrett
Biaggi
Biester
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Brown, Mich.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Cahill
Carey
Chisholm
Clay
Cohelan
Conte
Conyers
Corbett
Corman
Coughlin
Culver
Daniels, N.J.
Dellenback
Diggs
Dingell
Donohue
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Farbstein
Feighan
Findley
Fish
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gaydos
Giaimo
Gilbert
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Jacobs
Johnson, Calif.

XUM

Karth
Kastenmeier
Koch
Kyros
Leggett
Long, Md.
Lowenstein
McCarthy
McCloskey
McDade
McDonald, Mich.
Macdonald, Mass.
Madden
Matsunaga
Meeds
Melcher
Mikva
Minish
Mink
Monagan
Moorhead
Morse
Moss
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pepper
Pike
Podell
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan
St Germain
St. Onge
Scheuer
Schneebeli
Schwengel
Smith, Iowa
Stafford
Stokes
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Weicker
Whalen
Wolff
Wydler
Yates
Yatron

NOT VOTING—67

Annunzio
Ashbrook
Aspinall
Bell, Calif.
Berry
Boggs
Brock
Brooks
Brown, Calif.
Burton, Utah
Bush
Casey
Clark
Clawson, Del
Colmer
Conable
Cowger
Daddario
Davis, Wis.
Dawson
Delaney
Dent
Erlenborn
Fallon
Flowers
Fuqua
Gallagher
Gibbons
Green, Oreg.
Griffiths
Harvey
Hastings
Hays
Henderson
Holifield
Hull
Hungate
Jones, Tenn.
Kirwan
Lipscomb
McClure
Mathias
Mills
Mosher
Pelly
Pickle
Poage
Pollock
Powell
Preyer, N.C.
Pucinski
Purcell
Quillen
Rhodes
Saylor
Sebelius
Smith, N.Y.
Snyder
Staggers
Stephens
Sullivan
Talcott
Teague, Tex.
Tunney
Whitten
Winn
Young

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Hays with Mr. Rhodes.
Mr. Annunzio with Mr. Mosher.
Mr. Dent with Mr. Lipscomb.
Mr. Delaney with Mr. Conable.
Mr. Teague of Texas with Mr. Ashbrook.
Mr. Holifield with Mr. Bell of California.
Mr. Aspinall with Mr. Berry.
Mr. Casey with Mr. Hastings.
Mr. Whitten with Mr. Davis of Wisconsin.
Mr. Staggers with Mr. Brock.
Mr. Fuqua with Mr. Harvey.
Mr. Fallon with Mr. Cowger.
Mr. Pickle with Mr. Bush.
Mr. Preyer of North Carolina with Mr. McClure.
Mr. Hungate with Mr. Burton of Utah.
Mr. Boggs with Mr. Del Clawson.
Mr. Pucinski with Mr. Erlenborn.
Mrs. Sullivan with Mr. Mathias.
Mr. Daddario with Mr. Pelly.
Mr. Hull with Mr. Winn.
Mr. Mills with Mr. Pollock.
Mr. Flowers with Mr. Sebelius.
Mr. Henderson with Mr. Quillen.
Mr. Purcell with Mr. Snyder.
Mr. Kirwan with Mr. Saylor.
Mr. Tunney with Mr. Talcott.
Mr. Gallagher with Mr. Smith of New York.
Mr. Brown of California with Mr. Dawson.
Mrs. Green of Oregon with Mr. Gibbons.
Mrs. Griffiths with Mr. Stephens.
Mr. Brooks with Mr. Colmer.
Mr. Clark with Mr. Powell.
Mr. Jones of Tennessee with Mr. Young.

Mr. **CELLER** and Mr. **ABERNETHY** changed their votes from "nay" to "yea."

Mr. **DELLENBACK** changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The **SPEAKER**. The question is on the motion to recommit.

Mr. **GERALD R. FORD**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 271, answered "present" 2, not voting 66, as follows:

[Roll No. 199]

YEAS—92

Adams
Addabbo
Anderson, Calif.
Ashley
Barrett
Bingham
Blatnik
Boland
Brademas
Brasco
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Carey
Chisholm
Clay
Cohelan
Conte
Conyers
Corman
Coughlin
Culver
Daniels, N.J.
Diggs
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Farbstein
Fascell
Ford, William D.
Fraser
Gaydos
Gilbert
Green, Pa.
Gude
Halpern
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Kastenmeier
Koch
Lowenstein
McCarthy
McCloskey
Macdonald, Mass.
Madden
Matsunaga
Meeds
Mikva
Minish
Mink
Moorhead
Morse
Moss
Nix
Obey
O'Konski
O'Neill, Mass.
Ottinger
Podell
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Rooney, Pa.
Rosenthal
Roybal
Ryan
St Germain
St. Onge
Scheuer
Stokes
Thompson, N.J.
Tiernan
Udall
Vanik
Waldie
Weicker
Whalen
Yates
Yatron

NAYS—271

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ayres
Baring
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Bolling
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, Utah
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins
Corbett
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Feighan
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Hébert
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
May
Mayne
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rivers
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Symington
Taft
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Ullman
Utt
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Zablocki
Zion
Zwach

ANSWERED "PRESENT"—2

Leggett
Wolff

NOT VOTING—66

Annunzio
Ashbrook
Aspinall
Bell, Calif.
Berry
Boggs
Brock
Brooks
Brown, Calif.
Bush
Casey
Clark
Clawson, Del
Colmer
Conable
Cowger
Daddario
Davis, Wis.
Dawson
Delaney
Dent
Erlenborn
Fallon
Flowers
Fuqua
Gallagher
Gibbons
Green, Oreg.
Griffiths
Harvey
Hastings
Hays
Henderson
Holifield
Hull
Hungate
Jones, Tenn.
Kirwan
Lipscomb
McClure
Mathias
Mills
Mosher
Pelly
Pickle
Poage
Pollock
Powell
Preyer, N.C.
Pucinski
Purcell
Quillen
Rhodes
Saylor
Sebelius
Smith, N.Y.
Snyder
Staggers
Stephens
Sullivan
Talcott
Teague, Tex.
Tunney
Whitten
Winn
Young

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Mosher for, with Mr. Erlenborn against.

Until further notice:

Mr. Hays with Mr. Ashbrook.
Mr. Annunzio with Mr. Pelly.
Mr. Dent with Mr. Harvey.
Mr. Delaney with Mr. Conable.
Mr. Teague of Texas with Mr. Saylor.
Mr. Holifield with Mr. Lipscomb.
Mr. Aspinall with Mr. Rhodes.
Mr. Casey with Mr. Talcott.
Mr. Whitten with Mr. Quillen.
Mr. Staggers with Mr. Pollock.
Mr. Fuqua with Mr. Snyder.
Mr. Pickle with Mr. McClure.
Mr. Preyer of North Carolina with Mr. Brock.
Mr. Hungate with Mr. Sebelius.
Mr. Boggs with Mr. Del Clawson.
Mr. Pucinski with Mr. Bell of California.
Mrs. Sullivan with Mr. Berry.
Mr. Daddario with Mr. Hastings.
Mr. Hull with Mr. Winn.
Mr. Mills with Mr. Mathias.
Mr. Fallon with Mr. Smith of New York.
Mr. Henderson with Mr. Cowger.
Mr Purcell with Mr. Davis of Wisconsin.
Mr. Kirwan with Mr. Bush.
Mr. Brown of California with Mr. Stephens.
Mrs. Green of Oregon with Mr. Young.
Mr. Flowers with Mr. Tunney.
Mr. Gallagher with Mr. Powell.
Mr. Jones of Tennessee with Mrs. Griffiths.
Mr. Brooks with Mr. Gibbons.
Mr. Clark with Mr. Colmer.

Mr. **DAVIS** of Georgia and Mr. **SCHWENGEL** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **RIVERS**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 311, nays 44, answered "present" 1, not voting 75, as follows:

[Roll No. 200]

YEAS—311

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boland
Bow
Brademas
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carey
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins
Conte
Corbett
Corman
Coughlin
Cramer
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hathaway
Hébert
Heckler, Mass.
Hicks
Hogan
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Kee
Keith
King
Kleppe
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Obey
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Perkins
Pettis
Philbin
Pirnie
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Riegle
Rivers
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Symington
Taft
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Zablocki
Zion
Zwach

NAYS—44

Bingham
Bolling
Brasco
Burton, Calif.
Chisholm
Clay
Cohelan
Conyers
Diggs
Dingell
Eckhardt
Edwards, Calif.
Farbstein
Fraser
Gilbert
Green, Pa.
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Kastenmeier
Koch
Lowenstein
Nedzi
Nix
O'Hara
O'Konski
Ottinger
Pike
Podell
Rees
Reid, N.Y.
Reuss
Robison
Rosenthal
Roybal
Ryan
Scheuer
Schneebeli
Stokes
Thompson, N.J.
Whalen
Wolff
Yates

ANSWERED "PRESENT"—1

Mikva

NOT VOTING—75

Anderson, Tenn.
Annunzio
Ashbrook
Aspinall
Bell, Calif.
Berry
Boggs
Brock
Brooks
Brown, Calif.
Bush
Casey
Clark
Clawson, Del
Colmer
Conable
Cowger
Cunningham
Daddario
Davis, Wis.
Dawson
Delaney
Dent
Erlenborn
Fallon
Flowers
Fuqua
Gallagher
Gibbons
Green, Oreg.
Griffiths
Harvey
Hastings
Hays
Henderson
Holifield
Hull
Hungate
Jones, Tenn.
Kirwan
Kluczynski
Kuykendall
Landrum
Lipscomb
McClure
Mathias
Mills
Mosher
Moss
Pelly
Pepper
Pickle
Poage
Pollock
Powell
Preyer, N.C.
Pucinski
Purcell
Quillen
Rhodes
Saylor
Sebelius
Smith, N.Y.
Snyder
Staggers
Stephens
Stuckey
Sullivan
Talcott
Teague, Tex.
Tunney
Vander Jagt
Whitten
Winn
Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Pucinski for, with Mr. Mikva against.
Mr. Delaney for, with Mr. Brown of California against.
Mr. Rhodes for, with Mr. Mosher against.

Until further notice:

Mr. Hays with Mr. Ashbrook.
Mr. Annunzio with Mr. Erlenborn.
Mr. Dent with Mr. Saylor.
Mr. Boggs with Mr. Conable.
Mr. Teague of Texas with Mr. Del Clawson.
Mr. Holifield with Mr. Mathias.
Mr. Aspinall with Mr. Berry.
Mr. Casey with Mr. Sebelius.
Mr. Whitten with Mr. Snyder.
Mr. Staggers with Mr. Bell of California.
Mr. Fuqua with Mr. Talcott.
Mr. Fallon with Mr. Harvey.
Mr. Pickle with Mr. Cowger.
Mr. Preyer of North Carolina with Mr. Vander Jagt.
Mr. Hungate with Mr. Brock.
Mr. Mills with Mr. Lipscomb.
Mr. Brooks with Mr. Kuykendall.
Mr. Kirwan with Mr. Cunningham.
Mr. Hull with Mr. McClure.
Mr. Henderson with Mr. Quillen.
Mr. Kluczynski with Mr. Winn.
Mr. Clark with Mr. Pollock.
Mr. Daddario with Mr. Hastings.
Mr. Gallagher with Mr. Powell.
Mrs. Sullivan with Mr. Davis of Wisconsin.
Mr. Purcell with Mr. Bush.
Mrs. Griffiths with Mr. Smith of New York.
Mr. Moss with Mr. Pelly.
Mr. Tunney with Mr. Pepper.
Mr. Jones of Tennessee with Mr. Flowers.
Mr. Colmer with Mr. Anderson of Tennessee.
Mrs. Green of Oregon with Mr. Stephens.
Mr. Landrum with Mr. Young.
Mr. Gibbons with Mr. Stuckey.

Mr. **MIKVA**. Mr. Speaker, I have a live pair with the gentleman from Illinois, Mr. PUCINSKI. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. **RIVERS**. Mr. Speaker, pursuant to the provisions of House Resolution 561, I call up from the Speaker's table for immediate consideration the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 2546

An act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $484,400,000; for the Navy and the Marine Corps, $2,287,200,000; for the Air Force, $3,965,700,000 of which $400,400,000 is authorized only for procurement of F-4 aircraft: *Provided*, That none of the funds herein authorized shall be used for the procurement of A-7 aircraft.

MISSILES

For missiles: for the Army, $922,500,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,466,000,000.

NAVAL VESSELS

For naval vessels: for the Navy, $2,568,200,000.

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TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $276,900,000; for the Marine Corps, $37,700,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test and evaluation, as authorized by law, in amounts as follows:

for the Army, $1,626,707,000;

for the Navy (including the Marine Corps), $1,911,343,000;

for the Air Force, $3,041,211,000; and

for the Defense Agencies, $454,625,000.

Sec. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test and evaluation or procurement or production related thereto, $75,000,000.

Sec. 203. Construction of research, development, and test facilities at the Kwajalein Missile Range is authorized in the amount of $12,700,000, and funds are hereby authorized to be appropriated for this purpose.

Sec. 204. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments under a contract or agreement with any Federal Contract Research Center if the annual compensation of any officer or employee of such center exceeds $45,000, except with the approval of the President of the United States.

(b) The President shall notify the Committees on Armed Services of the Senate and the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

Sec. 205. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

TITLE III—RESERVE FORCES

Sec. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programmed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 395,291.

(2) The Army Reserve, 256,264.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,999.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

Sec. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are ordered to active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are ordered to active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes (1) to support Vietnamese and other free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited, except where protection of United States personnel is directly concerned, to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under Presidential regulations as the Secretary of Defense may determine."

CHEMICAL AND BIOLOGICAL WARFARE

Sec. 402. (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the purposes of and the amounts spent during the preceding six-month period for research, development, test, evaluation, and procurement of lethal and nonlethal chemical and biological agents. The Secretary shall include in such reports an explanation of such expenditures including the necessary therefor.

(b) None of the funds authorized to be appropriated by this or any other Act may be used for the procurement of delivery systems specifically designed to disseminate lethal chemical agents, or any disease-producing biological micro-organisms or biological toxins, or for the procurement of any part or component of such delivery system.

(c) None of the funds authorized to be appropriated by this or any other Act may be used for future deployment and storage of any lethal chemical agent or any disease-producing biological micro-organisms or any biological toxin at any place outside the United States, or for the deployment at any place outside the United States of delivery systems designed to disseminate any such agent or micro-organism or toxin unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the Senate, and the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the House of Representatives. As used in this section, the term "United States" means the several States and the District of Columbia.

(d)(1) None of the funds authorized to be appropriated by this Act or any other Act shall be used for the transportation of any lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions, unless the Surgeon General of the Public Health Service has determined that such transportation will not present a hazard to the public health.

(2) The Secretary of Defense, except during a war declared by Congress or during a national emergency declared by Congress or the President after the enactment of this legislation, shall provide written notification to the Congress, to the Secretary of Transportation, to the Secretary of Health, Education, and Welfare, and to the Interstate Commerce Commission at least thirty days in advance of any operation involving the transportation of lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions. The Secretary of Defense shall provide appropriate notification to the Governor of any State through which such agents will be transported.

(3) The Department of Defense shall detoxify all lethal chemical or biological agents before their transportation for disposal as provided for in subsections (d)(1) and (d)(2) of this section whenever it is practical to do so.

(e) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any chemical or biological weapon outside of the continental limits of the United States unless the Secretary of State determines that such testing, development, transportation, storage, or disposal will not violate international law and reports such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement.

(f) None of the funds authorized to be appropriated by this or any other Act shall be used for the open air testing of lethal chemical agents, or any disease-producing biological micro-organisms, or biological toxins except upon a determination by the Secretary of Defense, under guidelines provided by the President of the United States, that an open air test is necessary for the national security, and then only after a separate determination by the Surgeon General of the Public Health Service, within thirty days of the determination of the Secretary of Defense, that the test proposed will not present a hazard to the public health. The Secretary of Defense shall report his determination and that of the Surgeon General, to the Committee on Armed Services, the Committee on Labor and Public Welfare, and the Committee on Appropriations of the Senate and to the Committee on Armed Services, the Committee on Interstate and Foreign Commerce, and the Committee on Appropriations of the House of Representatives at least thirty days prior to any actual test. The Secretary of Defense shall set forth in his report the name of the agents, micro-organisms, or toxins to be tested, the time and place of any test, and the reasons therefor.

(g)(1) Except as provided in subsection (g)(2) of this section, no funds authorized to be appropriated by this, or any other latter enacted Act may be expended for research, development, test, evaluation, or procurement of any chemical or biological weapon, including any such weapon used for incapacitation, defoliation, or other military operations.

(g)(2) The prohibition contained in subsection (g)(1) of this section shall not apply with respect to funds authorized to be appropriated by this Act.

Sec. 403. (a) As used in this section—

(1) The term "former military officer" means a former or retired commissioned officer of the Armed Forces of the United States who—

(A) served on active duty for any period of time as a member of a regular component of the Armed Forces in the grade of colonel (or equivalent) or above.

(B) served on active duty for a period of ten years or more and, at any time during the five-year period immediately preceding his last discharge or release from active duty, was directly engaged in the procurement of any weapon system or directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any weapon system, or

(C) served, for any period of time during

the five-year period immediately preceding his last discharge or release from active duty, as a representative of the Department of Defense at the factory or plant of a defense contractor in connection with work being performed by such contractor on any weapon system.

(2) The term "former civilian employee" means any former civilian officer or employee of the Department of Defense—

(A) whose annual salary at any time during the five-year period immediately preceding the termination of his last employment with the Department of Defense was equal to or greater than the minimum annual salary rate at such time for positions in GS–15,

(B) who was directly engaged, at any time during the five-year period immediately preceding the termination of his last employment with the Department of Defense, in the procurement of any weapon system or directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any weapon system, or

(C) who served, for any period of time during the five-year period immediately preceding the termination of his last employment with the Department of Defense as a representative of the Department of Defense at the factory or plant of a defense contractor in connection with work being performed by such contractor or any weapon system.

(3) The term "defense contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the Department of Defense in connection with any weapon system.

(4) The term "services and materials" means either services or materials or services and materials which are provided as a part of or in connection with any weapon system.

(5) The term "weapon system" means any aircraft, vessel, tracked combat vehicle, or missile, or any part or component thereof.

(6) The term "Department of Defense" includes any military department thereof.

(b) Any former military officer or former civilian employee who—

(1) was employed for any period of time during any calendar year by a defense contractor,

(2) represented any defense contractor during any calendar year at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the United States by such contractor, or

(3) represented any such contractor in any transaction with the Department of Defense involving services or materials provided or to be provided by such contractor to the Department of Defense,

shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The name and address of the defense contractor by whom he was employed or whom he represented.

(3) The title of the position held by him with the defense contractor.

(4) A brief description of his duties with the defense contractor.

(5) His military grade while on active duty or his gross annual salary while employed by the Department of Defense, as the case may be.

(6) A brief description of his military duties while on active duty or while employed by the Department of Defense during the three-year period immediately preceding his release from active duty or the termination of his civilian employment, as the case may be.

(7) A description of any work performed by him in connection with any weapon system while serving on active duty or while employed by the Department of Defense, as the case may be, if the defense contractor by whom he is employed is providing substantial services or materials for such weapon system, or is negotiating or bidding to provide substantial services or materials for such weapon system.

(8) The date on which he was released from active duty or the termination of his civilian employment with the Department of Defense, as the case may be, and the date on which his employment with the defense contractor began and, if no longer employed by such defense contractor, the date on which his employment with such defense contractor terminated.

(9) Such other pertinent information as the Secretary of Defense may require.

(c) Any employee of the Department of Defense who was previously employed by a defense contractor in any calendar year and—

(1) whose annual salary in the Department of Defense is equal to or greater than the minimum annual salary rate for positions in GS–15,

(2) who is directly engaged in the procurement of any weapon system or is directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any weapon system, or

(3) who is serving or has served as a representative of the Department of Defense at the factory or plant of a defense contractor in connection with work being performed by such contractor on any weapon system, shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The title of his position with the Department of Defense.

(3) A brief description of his duties with the Department of Defense.

(4) The name and address of the defense contractors by whom he was employed.

(5) The title of his position with such defense contractor.

(6) A brief description of his duties at the time he was employed by such defense contractor.

(7) A description of any work performed by him in connection with any weapon system while he was employed by the defense contractor or while performing any legal services for such contractor, if such contractor is providing substantial services or materials for such weapon system or is negotiating or bidding to provide substantial services or materials for such weapon system.

(8) The date on which his employment with such contractor terminated and the date on which his employment with the Department of Defense began thereafter.

(9) Such other pertinent information as the Secretary of Defense may require.

(d)(1) No former military officer or former civilian employee shall be required to file a report under this section for any year in which he was employed by a defense contractor if the total cost to the United States of services and materials provided the United States by such contractor during such year was less than $10,000,000; and no employee of the Department of Defense shall be required to file a report under this section if the total cost to the United States of services and materials provided the United States by the defense contractor by whom such employee was employed was less than $10,000,000 in each of the applicable calendar years that he was employed by such contractor.

(2) No former or retired military officer or former civilian employee shall be required to file a report under this section for any calendar year on account of active duty performed or employment with the Department of Defense if such active duty or employment was terminated three years or more prior to the beginning of such calendar year; and no employee of the Department of Defense shall be required to file a report under this section for any calendar year on account of employment with or services performed for a defense contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such calendar year.

(e) The Secretary of Defense shall, not later than May 1 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding calendar year pursuant to subsections (b) and (c) of this section. The Secretary shall include after each name so much information as he deems appropriate, and shall list the names of such persons under the defense contractor for whom they worked or for whom they performed services.

(f) Any former military officer or former civilian employee whose employment with a defense contractor terminated during any calendar year shall be required to file a report pursuant to subsection (b) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with the Department of Defense terminated during any calendar year shall be required to file a report pursuant to subsection (c) of this section for such year if he would otherwise be required to file under such subsection.

(g) The Secretary shall maintain a file containing the information filed with him pursuant to subsections (b) and (c) of this section and such file shall be open for public inspection at all times during the regular workday.

(h) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than $1,000, or both.

(i) No person shall be required to file a report pursuant to this section for any year prior to the calendar year 1970.

Sec. 404. (a) Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The results of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN–70.

(b) The committee shall call on all Government agencies and such outside consultants as the committee may deem necessary.

Sec. 405. Funds authorized for appropriations under the provisions of this Act shall not be available for payment of independent research and development, bid and proposal, and other technical effort costs in a total amount in excess of $468,000,000. The foregoing limitation shall not apply in the case of formally advertised contracts or to other firmly fixed price contracts competitively awarded.

Sec. 406. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force,

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the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970. The Comptroller General is further authorized, upon request of the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives, to conduct a study and review regarding the amount of profit which has been or may be realized under any contract referred to in the first sentence of this subsection. The Comptroller General shall submit to the committee which requested such study and review a written report of the results of such study and review as soon as practicable.

(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of cost basis or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

(d)(1) The Comptroller General, or any officer or employee designated by him for such purpose, may sign and issue subpenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

(2) Within five days after the service upon any person of any subpena issued under this subsection relating to any contract or subcontract, such person may file in the district court of the United States for the judicial district in which such person transacts or has transacted business relating to that contract or subcontract, and serve upon the Comptroller General, a petition for an order of such court modifying or setting aside that subpena or demand. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any constitutional or other legal right or privilege of such person. Such court shall have jurisdiction to hear and determine any matter presented by such petition and to enter thereon such order or orders as it shall determine to be just and proper.

(e) In case of disobedience to subpena, the Comptroller General or his designee may invoke the aid of any district court of the United States in requiring the production of books, acounts, or other records. Any district court of the United States within the jurisdiction in which the contractor or subcontractor is found or resides or in which the contractor or subcontractor transact business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the contractor or subcontractor to produce books, accounts, and other records: and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor.

SEC. 407. Notwithstanding the provisions of the Act entitled "An Act to suspend restrictions on the authorized personnel strength of the Armed Forces, and for other purposes", approved August 3, 1950 (64 Stat. 408), or any other provision of law, the total actual active duty personnel strength of the Armed Forces of the United States exclusive of personnel of the Coast Guard, personnel of reserve components on active duty for training purposes only and personnel of the Armed Forces employed in the Selective Service System shall not exceed 3,461,000 on the last day of the fiscal year 1970. In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after July 1, 1969, this limitation of 3,461,000 shall be reduced by a like number. Nothing in this section shall be construed as requiring the reduction of the active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law. The foregoing provisions of this section shall not apply during any national emergency declared by the President or the Congress after the date of enactment of this section.

TITLE V—QUARTERLY CONTRACT REPORTING AND GAO AUDITS

SEC. 501. (a) The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major contracts entered into by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

(b) The Secretary of Defense shall cause a review to be made of each major contract as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

(1) the estimates at the time the contract was entered into of the contractor and the procuring agency as to the cost of the contract, with separate estimates for (a) research, development, testing, and engineering, and for (b) production;

(2) the contractor's and agency's subsequent estimates of cost for completion of the contract up to the time of the review;

(3) the reasons for any significant rise or decline from prior cost estimates;

(4) the options available for additional procurement, whether the agency intends to exercise such options, and the expected cost of exercising such options;

(5) the estimates of the contractor and the procuring agency, at the time the contract was entered into, of the time for completion of the contract, any subsequent estimates of both as to the time for completion, and the reasons for any significant increases therein;

(6) the estimates of the contractor and procuring agency as to performance capabilities of the subject matter of the contract, and the reasons for any significant actual or estimated shortcomings therein compared to the performance capabilities called for under the original contract or subsequent estimates; and

(7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the contract.

(c) The Secretary of Defense after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major contracts under subsection (a).

(d) The Secretary of Defense shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each contract review.

(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

(f) The Comptroller General shall make independent audits of major contracts where in his opinion the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract, as the case may be, by subpena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to

permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such courts as a contempt thereof.

(i) There are hereby authorized to be approriated such sums as may be required to carry this section into effect.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RIVERS moves to strike out all after the enacting clause of S. 2546 and to insert in lieu thereof the provisions contained in H.R. 14000, as passed, as follows:

"TITLE I—PROCUREMENT

"SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

"AIRCRAFT

"For aircraft: for the Army, $570,400,000; for the Navy and the Marine Corps, $2,391,200,000; for the Air Force, $4,002,200,000.

"MISSILES

"For missiles: for the Army, $760,460,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,486,400,000.

"NAVAL VESSELS

"For naval vessels: for the Navy, $3,591,500,000: *Provided*, That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended after January 1, 1970, for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least three different United States shipbuilders.

"TRACKED COMBAT VEHICLES

"For tracked combat vehicles: for the Army, $195,200,000; for the Marine Corps, $37,700,000: *Provided*, That none of the funds authorized herein shall be utilized for the procurement of Sheridan assault vehicles (M–551) under any new or additional contract.

"TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

"For the Army, $1,664,500,000, of which (a) $10,000,000 is authorized to be appropriated only for the development of the Heavy Lift Helicopter and (b) $75,000,000 is authorized to be appropriated only for the development of the SAM–D system: *Provided*, That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the Cheyenne helicopter;

"For the Navy (including the Marine Corps), $1,990,500,000, of which (a) $66,091,000 is authorized to be appropriated only for the development of the E–2C aircraft, (b) $165,400,000 is authorized to be appropriated only for the development of the S–3A aircraft, (c) $20,000,000 is authorized to be appropriated only for the development of the Undersea-Long-range Missile System, (d) $67,900,000 is authorized to be appropriated only for the development of the Advanced Surface Missile System, and (e) $517,300,000 is authorized to be appropriated only for the research and development of Anti-Submarine Warfare Systems;

"For the Air Force, $3,241,200,000, of which (a) $15,000,000 is authorized to be appropriated only for the development of the RF–111D aircraft, (b) $1,000,000 is authorized to be appropriated only for the development of the Light Intratheater Transport aircraft, (c) $18,500,000 is authorized to be appropriated only for the development of the CONUS Air Defense Interceptor, (d) $84,700,000 is authorized to be appropriated only for the development of the Short Range Attack Missile (SRAM), and (e) $40,000,000 is authorized to be appropriated only for the development of the Airborne Warning and Control System (AWACS): *Provided*, That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the A–X aircraft; and

"For the Defense Agencies, $450,200,000.

"SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation of procurement or production related thereto, $75,000,000.

"SEC. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

TITLE III—RESERVE FORCES

"SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

"(1) The Army National Guard of the United States, 393,298.

"(2) The Army Reserve, 255,591.

"(3) The Naval Reserve, 129,000.

"(4) The Marine Corps Reserve, 49,489.

"(5) The Air National Guard of the United States, 86,624.

"(6) The Air Force Reserve, 50,775.

"(7) The Coast Guard Reserve, 17,500.

"SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units by the total number of such individual members.

"SEC. 303. Section 264 of title 10, United States Code, is amended by deleting subsection (b) and substituting the following in lieu thereof:

"'(b) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Selected Reserve of the Reserve components under this jurisdiction to satisfy the mobilization readiness requirements established for those units and Reserves in the contingency and war plans approved by the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy. He shall, when a unit in the Selected Reserve is established and designated, expeditiously procure, issue, and maintain supplies and equipment of combat standard quality in amounts required for the training of each unit and shall store and maintain such additional supplies and equipment of that quality that are required by those units upon mobilization. However, if the Secretary concerned determines that compliance with the preceding provisions of this subsection will jeopardize the national security interests of the United States, he may temporarily waive compliance with these requirements after he has notified Congress in writing, setting forth the specific facts and circumstances upon which he made such a determination. Unless specifically authorized by law enacted after the effective date of this section, funds authorized for personnel, supplies, equipment and facilities for a Reserve component may not be transferred or expended for any other purpose.'

"SEC. 304. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

"In the last line of the last sentence of subsection (c) after the word 'within', change the figures '60' to '90'.

"TITLE IV—GENERAL PROVISIONS

"SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

"'Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine.'

"SEC. 402. After January 1, 1970, no contract or grant for Research and Development projects shall be awarded by the Department of Defense or any of the Armed Forces to any school, college or university or to any affiliated organization of such school, college or university, or to an individual in the employment of such school, college or university or its affiliated organization until sixty days after a full disclosure of the purposes, cost, and duration of such contract together with a statement setting forth in detail the number of research and development projects already awarded to that institution but not yet completed; the dollar amount of each said contract; the purpose of each of the contracts previously awarded; and for the contract or grant for which the notice is being given, a description of the facilities required to perform the research project, the cost of such facilities, a statement of whether such facilities are in existence and if so, a description of the ownership of such facilities, is made to the President of the Senate and Speaker of the House of Representatives. In addition, such notification will include a statement summarizing the record of the school, college or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus.

"SEC. 403. Title 10, United States Code, is amended as follows:

"(1) Section 3015(c) is amended to read as follows:

"'(c) The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time and may not hold that office after he becomes sixty-four years of age. He is eligible to succeed himself. An officer now or hereafter serving as Chief of the National Guard Bureau shall be appointed as a Reserve in his armed force in the grade of lieutenant general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as the Chief of the National Guard

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Bureau. The position of Chief of the National Guard Bureau is in addition to the number of lieutenant general positions authorized by section 3066, 3202, 8066, or 8202 of this title, or any other provision of law.'

"(2) Section 3962 is amended by adding the following new subsection:

"'(d) Upon retirment or being granted retired pay, a reserve commissioned officer of the Army who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade.'

"(3) Section 8962 is amended by adding the following new subsection:

"'(c) Upon retirement or being granted retired pay, a reserve commissioned officer of the Air Force who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade.'

"(4) The catchlines of sections 3962 and 8962 are each amended by deleting ': regular commissioned officers.'

"(5) The analysis of chapter 369 is amended by striking out 'regular commissioned officers' in item 3962.

"(6) The analysis of chapter 869 is amended by striking out 'regular commissioned officers' in item 8962.

"Section 3019, title 10, United States Code is amended to read as follows:

"'(c) The Chief, Office of Army Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Army Reserve, shall be appointed in the grade of lieutenant general for service in the Army Reserve while serving as the Chief, Office of Army Reserve. The position of Chief, Office of Army Reserve is in addition to the number of lieutenant general positions authorized by section 3066 or 3202 of this title, or any other provision of law.'

"Section 8019, title 10, United States Code is amended to read as follows:

"'(c) The Chief, Office of Air Force Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Air Force Reserve, shall be appointed in the grade of lieutenant general for service in the Air Force Reserve while serving as the Chief, Office of Air Force Reserve. The position of Chief, Office of Air Force Reserve is in addition to the number of lieutenant general positions authorized by section 8066 or 8202 of this title, or any other provision of law.'

"SEC. 404. (a) Section 136 of title 10, United States Code, is amended—

"(1) by inserting after the first sentence in subsection (b) the following new sentences: 'One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Defense.', and

"(2) by adding at the end thereof the following new subsection:

"'(g) Within the Office of the Assistant Secretary of Defense for Health Affairs there shall be a Deputy Assistant Secretary of Defense for Dental Affairs who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. Subject to the supervision and control of the Assistant Secretary of Defense for Health Affairs, the Deputy Assistant Secretary shall be responsible for all matters relating to dental affairs within the Office of the Assistant Secretary of Defense for Health Affairs.'

"(b) Until otherwise provided by operation of law, the individual holding office as the Deputy Assistant Secretary of Defense (Health and Medical) on the effective date of this section shall perform the duties of the Office of the Assistant Secretary of Defense for Health Affairs established by this section.

"SEC. 405. Section 412(b) of Public Law 86–149, as amended, is amended to read as follows:

"'(b) No funds may be appropriated afer December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other vehicles, weapons, and munitions, unless the appropriation of such funds has been authorized by legislation enacted after such dates.'

"SEC. 406. (1) Chapter 7 of title 37, United States Code is amended as follows:

"(a) The following new section is inserted after section 427:

"'§ 428. Travel and transportation allowances: dependents at permanent station outside United States

"'Under regulations prescribed by the Secretaries concerned, which shall be, as far as practicable, uniform for all of the uniformed services, a member of a uniformed service who is on duty outside the United States at a permanent station, and when such benefits are not made available in kind by the United States, is entitled to a travel and transportation allowance, to assist in providing transportation for his dependents who are authorized to accompany him, as follows:

"'(1) A travel and transportation allowance is authorized to meet the travel expenses of the dependents of a member to and from a school in the United States to obtain an undergraduate college education, not to exceed one round trip each school year for each dependent for the purpose of obtaining such type of education. All or any portion of the travel for which a transportation allowance is authorized by this section will be performed wherever possible by the Military Airlift Command on a space-required basis. Notwithstanding the area limitations in this section, a travel and transportation allowance for the purpose of obtaining undergraduate college education may be authorized under this clause for dependents of members stationed in the Canal Zone.

"'(2) The term "United States" shall, for the purpose of this section, mean the several States, the District of Columbia, Puerto Rico, and the Canal Zone.

"'(3) The words "permanent station" shall, for the purpose of this section, include home yard or home port of a vessel to which a member of a uniformed service may be assigned.

"'(4) Notwithstanding section 401(2)(A) of this title, "dependent" in this section may include an unmarried child over twenty-one years of age who is in fact dependent and is obtaining an undergraduate college education.'

"(b) The analysis is amended by inserting the following item:

"'Sec. 428. Travel and transportation allowances: dependents at permanent station outside the United States.'

"(2) Section 912 of title 26, United States Code, is amended by adding the following new paragraph at the end thereof:

"'(4) EDUCATION TRANSPORTATION ALLOWANCE.—In case of a member of a uniformed service, amounts received under section 428 of title 37, United States Code.'

"SEC. 407. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"'SEC. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis of such determination.'

"SEC. 408. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of such funds exceeds $45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

"(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

"SEC. 409. Notwithstanding any other provision of law, an officer of an armed force who—

"(1) served as Chairman of the Joint Chiefs of Staff;

"(2) after he was retired, but before October 1, 1963, was ordered to active duty; and

"(3) was released from that active duty after July 31, 1969;

shall, effective as of the date he was released from that active duty, be entitled to retired pay computed under the formula set forth in the table in section 1402(a) of title 10, United States Code, but using the monthly basic pay prescribed at the time of his release from that active duty for an officer serving in pay grade O–10. The provisions of this paragraph do not affect or modify any prior commitment made by such officer in regard to participation in the Retired Serviceman's Family Protection Plan.

"(a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six month period for Research, Development, Test and Evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

"(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for (1) the transportation of any lethal chemical or biological warfare agent to or from any military installation in the United States, or (2) the open air testing of any such agent within the United States, unless—

"(A) the Secretary of Defense (hereafter referred to in this section as the 'Secretary') considers that the transportation or testing proposed to be made is necessary in the interests of national security;

"(B) the Secretary advises the Secretary of Health, Education and Welfare of the particulars regarding the proposed transportation or testing.

"(C) the Secretary of Health, Education, and Welfare reviews such particulars with respect to any hazards to health and safety which such transportation or testing may pose, and reports his findings, together with any precautionary measures that he

recommends be taken to avoid or minimize such hazards, to the Secretary;

"(D) the Secretary considers the findings and recommendations made by the Secretary of Health, Education, and Welfare under paragraph (C) and takes such action consenant therewith as he deems appropriate (including, where practical, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal); and

"(E) The Secretary provides notification that such transportation or testing will be made to the Armed Services Committees of the Senate and House of Representatives at least ten days before the date on which such transportation or testing will be commenced.

"(c)(1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the deployment, or storage, or both, at any place outside of the United States of—

"(A) any lethal chemical or biological warfare agent, or

"(B) any delivery system specifically designed to disseminate any such lethal agent, unless the Secretary gives prior notice of such deployment or storage to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. As used in this paragraph, the term 'United States' means the several States and the District of Columbia.

"(2) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any lethal chemical or biological warfare agent outside the United States if the Secretary of State, after being notified by the Secretary that such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives, and to all appropriate international organizations, or organs thereof, whenever so required by treaty or other international agreement.

"(d) Unless otherwise indicated, as used in this section the term 'United States' means the several States, the District of Columbia, and the territories and possessions of the United States.

"(e) After the effective date of this bill, the operation of this section, or any portion thereof, may be suspended during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President."

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 14000) was laid on the table.

GENERAL LEAVE

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER pro tempore (Mr. GRAY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. RIVERS. Mr. Speaker, a little while ago I referred to the gentleman from California (Mr. LEGGETT) in my remarks on the floor. I am removing all reference from the temporary and permanent RECORD to Mr. LEGGETT. I ask unanimous consent to do so.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERSONAL ANNOUNCEMENT

(Mr. LANDRUM asked and was given permission to address the house for 1 minute.)

Mr. LANDRUM. Mr. Speaker, at the time my name was called to vote on the motion to recommit, I voted. I thought there would be sufficient time to go to my office and attend to a matter that needed to be attended to before I go home. So I went to my office and came back here at the time the call for final passage was being made. It was faster than I could travel so I was not recorded on the vote for final passage.

Mr. Speaker, had I been here I would have voted for final passage unquestionably as my record in the debate on the bill under consideration today for military procurement would have shown.

I make this statement, Mr. Speaker, so the RECORD will show this.

The SPEAKER pro tempore. The time of the gentleman has expired.

PERSONAL ANNOUNCEMENT

(Mr. PEPPER asked and was given permission to address the House for 1 minute.)

Mr. PEPPER. Mr. Speaker, except for the first quorum call today, I was on the floor all of today voting on all of the amendments including the teller votes and as well as being on record as voting on the motion to recommit.

But I had some matters pressing in my office just before the final rollcall began and I thought I could get back before the rollcall was concluded. The announcement of the vote was being made as I rushed through the door. Unfortunately, the announcement had been made when I actually got on the floor and, therefore, I could not be recorded as voting.

Mr. Speaker, had I been here, of course, I would have voted "yea".

Mr. Speaker, I ask unanimous consent that my statement will appear in the RECORD immediately following the announcement of the vote.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

(Mr. STUCKEY asked and was given permission to address the House for 1 minute.)

Mr. STUCKEY. Mr. Speaker, I would like to associate my remarks with the dean of our delegation, the gentleman from Georgia (Mr. LANDRUM).

We were both in his office at the time on a pressing matter.

Mr. Speaker, I would like the RECORD to show that I did vote on the recommital and that I was in favor of the passage of the bill. I would like the permanent RECORD to show that if I had been present, I would have voted for it.

PERSONAL ANNOUNCEMENT

(Mr. VANDER JAGT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANDER JAGT. Mr. Speaker, I would like to associate my remarks with the remarks that have gone on earlier.

Mr. Speaker, I too missed the vote on final passage of the military procurement bill. I voted on all of the matters earlier in the day. Had I been present, I would have voted "yea" and I would like the RECORD to so indicate.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time to inquire of the distinguished majority leader the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the distinguished majority leader.

Mr. ALBERT. The program for next week is as follows:

Monday is Consent Calendar day, and there are seven suspensions, as follows:

H.R. 14127, to carry out the recommendations of the Joint Commission on the Coinage;

H.R. 13304, Gifted and Talented Children Educational Assistance Act;

H.R. 13310, to provide for special programs for children with special learning disabilities;

H.R. 13576, to increase the rates of dependency and indemnity compensation to widows of veterans;

H.R. 372, amendments to the non-service-connected pension program for veterans;

S. 1836, to amend the Federal Seed Act; and

H.R. 9857, to amend the Perishable Agricultural Commodities Act.

Tuesday is Private Calendar day.

XUM

There is also scheduled for consideration H.R. 10878, to authorize appropriations for activities of the National Science Foundation under an open rule with 1 hour of debate.

For Wednesday and the balance of the week:

Calendar Wednesday:

H.R. 14159, public works for water, pollution control, and power development, and Atomic Energy Commission Appropriation Act, 1970;

H.R. 8449, Hours of Service Act amendments under an open rule, with 1 hour of debate; and

H.R. 7737, Educational Television and Radio Amendments of 1969 under an open rule with 1 hour of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program will be announced later.

Mr. Speaker, it may well be we will have additions to the program before the end of next week and, if so, we will announce them at the time.

ADJOURNMENT TO MONDAY, OCTOBER 6

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, on the assumption that we will be here Thanksgiving and Christmas in Washington, would I be safe at this time in putting in an order for a turkey and a Christmas tree?

Mr. ALBERT. Mr. Speaker, I think the gentleman might take that up with the body across the Capitol.

Mr. GROSS. Which body? Oh, the gentleman means the other body?

Mr. ALBERT. The gentleman is right.

Mr. GROSS. I see. I thank the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. UDALL. Mr. Speaker, reserving the right to object, I have never objected to the leadership's request of this kind, and I take the floor tonight with considerable reluctance. But for the last month the bill H.R. 13000, dealing with the paying of benefits and compensation of nearly 2 million Federal employees, has been languishing in the Committee on Rules.

I have believed that it was languishing there because of the backlog left over from our August recess and other business. I now discover, and I am led to believe, that the bill is being held there in part through efforts of those in the administration, and those who are anxious to hold it in ransom for the so-called postal corporation bill.

It is kind of ironic, because I am the principal sponsor of the proposal for the postal service corporation bill, and have been trying in the last several weeks with the administration to see if we can move this proposal along this year.

But if this is the way the game is to be played, and if I am to keep the commitments I have made in our committee, and that I have made to the Federal employees that we would give them some answers to the serious questions they have raised, and with the possibility of strikes, and that we would have disruptions if they do not receive some action on the Federal pay bills this year, then I can no longer sit back and wait.

Calendar Wednesday is one of the few devices by which a committee can get consideration of legislation that it has approved. This legislation is supported by a vast majority of the Members of the House, so I am constrained tonight, Mr. Speaker, to object, but if I do object—and I think I shall—I would ask the leadership to renew the request on Monday, and maybe we can get a little better indication as to the reasons that are holding this up.

So, Mr. Speaker, under the circumstances I do object.

The SPEAKER pro tempore. Objection is heard.

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, had I been present, I would have joined the gentleman from Arizona (Mr. UDALL) in objecting to the waiver of Calendar Wednesday.

I ask unanimous consent that I may have my remarks follow those of the gentleman from Arizona (Mr. UDALL) when he made that objection.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO HAVE UNTIL MIDNIGHT SATURDAY, OCTOBER 4, TO FILE REPORT ON H.R. 14127

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the House Committee on Banking and Currency have until midnight Saturday, October 4, to file its report on H.R. 14127, to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire if the committee has met, and if the action has been channeled in both the subcommittee and the full committee, and if the report has been completed, and is ready for filing?

Mr. PATMAN. I would say to the gentleman from Missouri that it will be filed by tomorrow night. That is the request that I have made.

The vote was unanimous. It is a bill on coinage, and it includes a dollar for the late General Eisenhower.

Mr. HALL. I am not sure that he would be honored with what you are going to put in it. But I want to be sure that this is not another one of those star chamber proceedings that have been reported in the various news media on the gentleman's committee.

Mr. PATMAN. We had 35 members there, and they all voted, and voted for it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Is it proposed to file a report on this bill on tomorrow night, and then to take it up under suspension on Monday?

Mr. PATMAN. That is correct.

Mr. GROSS. When are we supposed to get some information or be able to get some information on the bill?

Mr. PATMAN. You will have it Monday noon.

There again, President Nixon wrote the Speaker of the House and wrote to me, and to others, indicating that President Eisenhower's birthday is October 14, and that it would be very nice if this bill were to be passed before that time so that the President could make certain announcements that would be important.

Mr. HALL. Mr. Speaker, I would say I have no particular objection to this, although I may reserve the right to vote against the coinage if it does not have any of the metal of the realm in it.

Be that as it may, perhaps we should have had the bill out on time, and ready to have been examined by the Members, instead of filing it over the weekend, if we had not had these star chamber proceedings going on.

Mr. PATMAN. May I say to the gentleman, there have been no star chamber proceedings at all.

Mr. HALL. The gentleman does not deny but what they have been going on, or that the reports as printed on the editorial page of the Wall Street Journal being an exact transcript, does he?

Mr. PATMAN. No; it was not an exact transcript and it was out of context and not all of it was correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)?

There was no objection.

TIME FOR A VICTORY IN VIETNAM DAY

(Mr. HALEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, when I visited my congressional district during the brief recess of the Congress, many of my constituents discussed with me the

war in Vietnam. Each expressed the desire that it soon be ended, although many had different theories about how this should be accomplished.

On September 30, 1969, one of my hometown newspapers, the Sarasota Journal, expressed an idea that deserves wide audience, when it published an editorial entitled, "Time for 'VV' Day." I hope all readers of the RECORD will consider the editorial writer's thoughts. It is time that we chart a specific course to lead us to an early "Victory in Vietnam Day." The editorial follows:

> ### Time for "VV" Day
>
> President Nixon says the time has come to end the Vietnam war. We agree. The nation agrees. So, let's end it.
>
> Let's don't get hung upon details. Just proclaim VV Day (Victory in Vietnam) and bring our troops home.
>
> The President, in such a proclamation, could point out that we have achieved all our stated objectives in South Vietnam. We have defeated and turned back invaders from the North. We have, at a high cost in American lives, bought time for the South Vietnamese to establish a viable government.
>
> The proclamation need not go into the question of how that time has been used. But it should affirm that the United States has no desire to hold any Vietnamese territory, that we have never wanted to impose our will upon another people, that all we ever intended was to repeal aggression, to give the people of South Vietnam a chance to determine their own future, and that this we have done.
>
> The proclamation should express the nation's gratitude to the million or more men who have followed the colors into America's least-understood and most unpopular war. It should accord special honor to the 40,000 who gave their last full measure of devotion because they were told that the cause was just.
>
> VV Day should be declared, not a day for unrestrained rejoicing, but a day for prayer and reflection and for re-dedication to freedom and justice for all men and all nations.
>
> Naturally, a Presidential proclamation would need a lot of "Whereases" and "Therefores" and more flourish and styles than we can put in these few word. But we have touched upon the essentials of the instrument.
>
> There would remain the matter of picking a date for VV Day. We suggest only that it should be soon. Very soon.

FRESHMAN ECONOMICS LESSON NO. 6

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, the Nixon administration is riding piggyback on an economic buzz saw which it created and accelerated the pace of. This is inevitably resulting in the rupture of our hard-won prosperity in the name of ending inflation. Already the economy is careening wildly, yawing right and left under the influence of a commander and officers who do not know where we have been, have no idea of where we are, and are completely in the dark as to where we are heading. All we do know is that matters are worsening, people are losing their jobs, buying power decreases, and interest rates and prices are high and going higher. Further instruction in freshman elementary economics is therefore in order. Let us commence.

First there is the elementary choice facing the administration. Shall they halt corporate price hikes or destroy the average person's buying power? Obviously they have opted for the latter. As buying power is ordered, the various corporations which have raised prices blithely continue mass production on items workers can no longer afford or will now hesitate to purchase. Inventories pyramid, as recent news has informed us is the case. Disaster stands poised in the wings, delighted at the prospect of repeating its 1929 triumph.

If the President seeks to reduce the cause of inflation, I am more than happy to offer him a case in point which is the inflationary cycle in microcosm. For the second time in 3 weeks, the Maxwell House Division of General Foods Corp. is raising wholesale coffee prices. They are immediately going up 3 cents a pound, a 3.8-percent increase. On September 11, it announced increases of 5 percent.

General Electric's Hotpoint appliance prices are going up 3 percent. Standard Oil of New Jersey raises prices for polyethylene film. Riegle Paper Corp. announces a 4-percent increase in glassine and grease-proof products. International Paper Sales Co. raises newsprint prices $5 per ton. Pratt and Whitney Aircraft increases jet engine prices by 5 to 10 percent, and the administration cannot understand why there is inflation.

The auto industry is another case in point. We left these heroes of the corporate world after Ford had followed the General Motors price hike with one of its own. Chrysler followed with a price hike of $107 per car. Now that is what I call competition. Sugar prices then hit their highest point since 1964. In both cases, the Government maintained a bleak silence. Bowater Paper Corp., one of the majors, increased its newsprint prices to $152 per ton. If other companies follow their lead, it will be the third general rise in newsprint cost in 2 years. The other day General Motors added insult to injury by raising prices on auto accessories for cars and trucks. So when you and I need a battery or one of those thousand and one items which a car or truck requires, we shall pay more; 3.9 percent is the amount of the increase. Toyota and Nissan, the two major auto companies in Japan which sell significant numbers of cars in the United States, are contemplating a price hike. Sure. Why not get on the bandwagon.

Meanwhile, we must lift up our eyes to see what is transpiring in the background, where the massive forces of the economy are realining themselves as a result of these economic policies of the Government and the accompanying actions of various corporations.

In August there was no increase in savings, a month when there is usually a large inflow. Last year, savings gained $366 million in August. The Federal Home Loan Bank Board also reported that interest rates on conventional mortgages rose again in August to an average of 7.99 percent for new homes, compared with 7.91 percent in July. This simply means that the average prospective home purchaser will have to pay more for his mortgaged home. No problem to the average corporation president, but a major one to the average worker. Lending volume is plummeting, and the decline is accelerating. Industrial output in August declined for the first time in a year as the Federal Reserve Board production index showed a 0.2-percent drop. Housing construction declined in August for the seventh consecutive month. Corporate profits meanwhile, hit an alltime high. Durable goods orders declined $700 million, or 2.4 percent in August. Orders for machinery and equipment decreased by $200 million.

All over the Nation unemployment is spreading like a pox, as thousands and now tens of thousands of American workers are being laid off or released outright. Unemployment lines are beginning to lengthen and real deprivation is making its appearance in places where it had been merely a spectre of the bad old days. Cheer up folks, you have the President and his advisers to thank for all this largesse. How generous of them to bring us a recession, and perhaps a recession, all in the name of halting inflation.

Our leaders live in the clouds, navigating a balloon made of an immense and empty bologna skin. Down below we mere mortals groan in increasing economic agony. Recently it was announced that the President may use sweet reason, moral suasion, and an eloquent plea for price and wage restraint. Emptying out the ocean with a thimble makes more sense. Double doses of ipecac and field artilllery will have to be employed on the Nation's major corporations to end their power and profit mad price-raising spree. The President must act rather than talk. This is not the campaign and oratory will fail. This is the crunch. This is what he was elected for. Now is when we shall find out whether there is granite and hard bone in his spine or whipped cream.

THE HOMETOWN ANGLE

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, I recently had the privilege of reading an article entitled "The Hometown Angle," which appeared in the publication Television Age, by Mr. Robert F. Foster, Washington news bureau chief for WGN Continental Broadcasting Co., located at 2501 W. Bradley Place in Chicago, Ill.

In this critique, Mr. Foster highlights his observations regarding the role of WGN in reporting the days' events. I found his remarks to be not only concisive, but of great personal interest because this report underscores the distinguished service that WGN has provided to the residents of my congressional district, the city of Chicago, and the entire Midwest.

I feel confident that this article will also be of great interest to my colleagues as well, and I am, therefore, enclosing a copy of the article, as follows:

XUM

THE HOMETOWN ANGLE

Finding the local angle to a Washington story is not as hard as it sounds. Perhaps one of the best examples of localizing Congressional news is the obvious one—the House and Senate Appropriations Committees. Defense spending will affect military installations throughout the country. And the public works appropriations bill touches on every state in the Union.

Another example: The President's Office of Emergency Preparedness recently gave our news bureau a chance to localize the tragedy of hurricane "Camille."

We set up an interview with the director, Brig. Gen. George A. Lincoln (ret.), who was in charge of coordinating federal and state evacuation and clean-up operations following the hurricane's assault on the Mississippi and Louisiana coasts.

Localizing the story for Chicago was relatively simple, as the plane-loads of medicines, clothing and shelter supplies were being sent from Illinois to the disaster sites. A two-minute interview wrapped up the Illinois and Chicago participation in a nutshell.

Localizing the story for KWGN–TV Denver, we thought, might pose a more difficult problem. But we learned the general had married a woman from Denver, has a ranch near there and has children in Colorado colleges. Our "localized" interview was complete when the general told us he was in the Denver area when he first learned of Camille's devastation and was called to mobilize his disaster units.

Ordinarily, in interviewing a Congressman, some kind of reaction is sought. What does a given Congressman think of a certain Congressional development? What does he think should have been done, and what does he propose should be done in the future regarding the topic?

The Midwest is fortunate in having five of the top Congressional leaders from its area. In the Senate, there was, until recently, Illinois' Everett Dirksen, minority leader. In the House, the Midwest has minority leader Gerald Ford of Michigan, minority whip Leslie Arends of Illinois, the Chairman of the House Republican Conference, John Anderson of Illinois and Daniel Rostenkowski, Chairman of the House Democratic Caucus. The Denver area has its leadership representative in Sen. Gordon Allott, Senate Republican policy chairman. And Duluth-Superior has national recognition in such members as Minnesota Sen. Eugene McCarthy and Wisconsin Sen. William Proxmire.

The first thing one has to understand when covering the Capitol is the committee assignment of members. For instance, if there is a dispute between this country and France one doesn't go to a member who, although from your regional area, serves on the House Post Office and Civil Service Committee. He looks for a member from the House Foreign Affairs Committee. With the Chicago area, it is not difficult to find members on all committees of both Houses.

Congressmen as a group are no different than lawyers, doctors or bricklayers. Each member is an individual and each has his own traits.

Some members are more than willing to be interviewed—some, in fact, are over-eager to be seen by the constituency back home.

Others are willing, but there is difficulty in setting up the time because of their heavy committee work. This is especially true of members with high seniority on committees. They certainly want to cooperate, but you have to do your share of cooperating, too.

For some members, it's a matter of their disposition on a given day. Congressmen have difficulties with their wives, for instance, just as much as men in other fields. You'll find a member one day throwing out his hand in greeting, and the next day he'll walk right by you with his mind miles away.

There is a group of members who want to talk only if the topic is relatively non-controversial. The example which always comes to mind on this subject, was the release of the Warren Report.

We asked one member if he would comment on it, immediately after its release. "Let's skip this one, Bob," he replied. "It's a little sticky." Granted, time proved him correct with the disputes that eventually came up on the Warren Report, but there was certainly nothing controversial at the time of its publication, nor any indication whatsoever that there would be.

And then there is a small group which under no circumstances wants to do an interview. One can only summarize this very, very small group as coming from the school that believes that if you don't say anything, you'll never have to regret saying the wrong thing.

But the great majority of members and those holding other high governmental positions are willing to talk if they have the time. If they don't want to be interviewed they will almost always tell you off the record why they want to pass it up. You will find in Washington, as in other cities, that it is one thing to have a person talk for newsmen from the wire services or newspapers, and it is another thing to have them talk for radio or television.

As a rule members are easy to contact, either directly or through their press aides. Committee work of the members makes it necessary to go through the press aides quite often. Senators have more committee assignments than do members of the House and as a result it is often more difficult to set a time for an interview with a member of the Senate.

The stations in Chicago, Denver and Duluth leave the day-to-day assignments to the Washington News Bureau—with exceptions, of course.

They certainly alert us if a mayor or governor is due in the Capitol or they will point out if there is high interest locally in an upcoming committee hearing.

TELEVISION COVERAGE

Speaking of committees, the Houses are divided on the subject of coverage by television. The Senate leaves the matter up to the individual committee chairman, and the subcommittee chairman, as to whether sound-on-film (SOF) shooting will be allowed during testimony and discussion. In most cases, where no SOF filming is allowed, the committee chairman will allow some silent footage until the gavel is brought into use.

The House, on the other hand, allows no SOF shooting of committee sessions. In these instances, silent film is shot prior to the committee going into session. However, in the event committee work is not shot SOF, permission is almost always granted to set-up in the hallway outside of the committee chamber for interviews with the parties interested in the proceedings, including, of course, those who testified.

If a member has a speech impediment, he is naturally going to be hesitant about doing an interview. If, in the rare event his grammar is bad, this usually will not stop him from doing an interview. Why? Because he's been talking that way for a long time and sees nothing wrong with his delivery.

If someone is camera-shy, or is afraid of becoming panic stricken or speechless, a little bit of encouragement will usually work. The best line I have heard in a case like this, and I have used it, is to explain that it's as if we were sitting in a living room at home and just casually talking. He has to be convinced that a camera has never bitten anyone and there is no reason why it will happen today. But realizing that a person is following the line of public life and politics makes you understand that there is a degree—no matter how small—of extrovert in that person.

If you are particularly concerned that an interview will go on too long—based upon experience—it doesn't hurt to say you've only got 100 feet left in the magazine, you are fighting a deadline, and the subject has to be wrapped up rather quickly.

There is no more a set formula for questioning people in Washington as there is elsewhere. The first reaction question is usually. "Why?" Somewhere along the line, another question is bound to be, "What do you think will happen next?"

Occasionally, you have to call a member off the floor to ask about a subject he is unaware of. An example of this would be to approach a member of the House Armed Services Committee, and inform him about a story which has just broken on fighting in South Viet Nam. You obviously have to fill him in on the report before he can analyze or comment.

The House of Representatives provides the best facilities for filming. In the House Radio-TV Gallery, located almost directly above the chamber, three studios are available for cameras. Two are small, but the third is quite large, and as many as twelve cameras were in use on at least one occasion for a news conference in this studio. While the small studios provide for only a curtain or wall background, at least five backgrounds can be used in the big studio, including a desk with books behind it, a large colored map of the world, and large doors. There is also a large, attractive studio available in the Sam Rayburn House Office Building.

The Senate Radio-TV Gallery, on the other hand, is very small, although efforts have been underway for some time to increase the size of this facility. If necessary, more than six crews can be jammed into this small space; but it's a very, very tight squeeze. Two backgrounds are available.

SHOOTING AT WHITE HOUSE

Cameras crews at the White House find things more confining, with one asphalt-paved center outside the West Wing set aside for interviews and "stand-up" work. The East Room and the Fish Room are used for Presidential news conferences. However, since almost all stations have network or UPI Films affiliations, the Presidential news conferences almost always are left to these organizations.

On occasion, there will be addresses by the President to groups in the Rose Garden, and ceremonies on the South Lawn. Here, of course, the space is not limited, and a good deal of silent coverage is given by regional bureaus.

Most Federal agencies are not equipped for film coverage of news conferences, but there are exceptions.

One executive agency geared for filming interviews is the Department of Defense. Pentagon coverage, usually, for obvious reasons, is confined to one area, and the subject involved in the news briefings is brought to the reporters. The Pentagon studio is large enough to accommodate a dozen cameras, and some 100 people. It is adequate now, but with the sudden influx of independent bureaus, it may be outmoded in the near future. Set-ups are permitted for feature interviews.

WGN-Continental, like the other regional bureaus, prefers to use the facilities of the House of Representatives. When in session, the House almost always convenes at Noon. As a consequence, it is more convenient for the members to be interivewed either just prior to the session, during the session—especially during a quorum call—immediately after an important vote is tallied, or when the House adjourns. With few exceptions, members of the Senate understand the reasons for our preferring to set-up in the House, and are willing to come over to the other side of the Capitol for an interview.

A regional bureau just doesn't have the staff to do investigative work, so the emphasis, after top priorities are given to Congress and the Executive branch, is directed at features.

Our list of photographic equipment is

short. For silent film coverage we use the Bell & Howell 70–DR 16 mm camera equipped with 10 mm, 25 mm and 50 mm lenses.

Our sound work is done with the Auricon pro-600, equipped with the Angenieux 12–120 zoom lens. We use both 400-foot and 1200-foot Auricon magazines, with either core or 100-foot reel takeups. Sound is handled by the standard Auricon amplifier, and magnetic sound heads.

Our film stock is Kodak-EF-B Ektachrome color film, with magnetic stripping. All film shot by the bureau is shot raw and processed in Chicago, Denver and Duluth.

One problem you don't have with a Washington News Bureau is makeup. With one, or possibly two, exceptions over a five and a half year period, no member of either House has requested to use makeup.

The ever-present problem of the regional bureau is shipment of film. You are forever at the mercy of the weather, as the regional bureau must rely on air shipment to the station. Film must be at the airport well ahead of flight time, and then there is a delay at the destination until the film has been taken to and sorted out by air express.

The following on how Washington coverage looks from the local station point of view was written by Robert D. Manewith, director of news of WGN–TV–AM *Chicago.*

There are many fast breaking local stories where we need comment from Washington authorities. Frequently Mayor Daley and Governor Ogilvie take newsmaking trips to Washington. We always tip off the Washington Bureau, and a WGN Bureau man is usually the first to greet these officials at the airport.

The Bureau also gets local requests from Wayne Vriesman of KWGN–TV Denver and Bill Krueger of KDAL–TV Duluth.

THE TIME ELEMENT

The basic problem for our home office, in dealing with its own Washington material, is getting the material to Chicago in a timely manner. We are at the mercy of traffic jams around two of the five most congested airport areas in the country. We are also at the mercy of the airline schedules, which in their turn, are at the mercy of the air congestion around these two airports, and the weather.

A courier must *get* from Capitol Hill to National Airport and place our package in the hands of an Air Express agent before lockout, one hour prior to flight time. Another courier must be waiting at the Air-Ex office in Chicago when the plane lands, at which time an agent, hopefully cajoled or rewarded, will actually go to the plane for our package, rather than forcing us to wait for routine unloading. Then, the courier has to get away from O'Hara Field and get into the city with the film.

The distance between the two cities is almost insignificant, in comparison with the time it takes for the couriers and express agents to complete their tasks.

Oh, for the days of the picture-phone and the miniature TV, when we can get *sound* and picture from Washington as easily as we do sound alone for WGN Radio. With a combined news operation, our Washington Bureau covers for radio as well as television, phone-feeding its tape. And, therein lies a story.

It was a rainy day in Washington. Bob Foster had walked out of the office and crossed the street, to cut through the lobby of the Mayflower Hotel, a rainy-day, sheltered route to the cab stand and a taxi to Capitol Hill. Like many another reporter, Bob got his start in sports. He worked with the WGN–TV crew handling White Sox games when Paul Richards was with our South Side heroes in the early '50s.

Now, it's maybe 15 years later. Bob Foster has left sports reporting, spent a few years covering Springfield, the state capital, for WGN, and has been assigned to open and operate our Washington Bureau.

A BASEBALL SCOOP

Paul Richards is long gone from the White Sox. In fact, he was just gone from Baltimore Orioles. Foster spotted Richards as he came out of a phone booth in the lobby. Old friends . . . a chance meeting. "Sorry to hear you're out of work, Paul," Bob says. "Got anything in mind yet?" Just so happens Richards was talking to Judge Roy Hofheinz down Houston way, and had just agreed to take over the Astros. Foster reached down for the switch on his tape recorder. "Could you tell me that again, Paul? Your friends and fans in Chicago would be interested."

A rainy day, a short-cut to keep dry, and a chance meeting in a hotel lobby. Perhaps it wasn't the sports story of the year, but it was a scoop—and for a Washington correspondent. That is, a "Washington reporter" who was a reporter first, merely assigned to cover Washington instead of Waukegan or the World Series . . . always a reporter.

CHIEF OF THE BUREAU FAHY RETIRES: LONG LIVE KING SONENSHEIN

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, a few weeks ago, it was my pleasure to be present in the Main Navy Building here in Washington when Adm. I. J. Pete Galantin presided over the change of command of the Chief of Navy Ship Systems.

My good friend, Adm. Ed Fahy, retired after serving the past 3 years with outstanding distinction as the first Chief of the new Department of Naval Ship Systems Command. He perhaps had been Chief of the Bureau of Ships—the predecessor organization—shorter than any officer in history.

Ed and his successor, Adm. Nathen Sonenshein, were both properly eulogized at the ceremony and the admirals made appropriate remarks. I include at this point in the RECORD a portion of a copy of the transcript of the change of command. I wish them both success in their further efforts to redevelop the U.S. Navy:

Adm. I. J. GALANTIN, Chief of Naval Material. Those of us who take part in these Change of Command Ceremonies at sea, of course, are used to quite a bit of pomp and circumstance. We realize the significance when one man hauls down his flag and another breaks his. And although that event generally attracts more attention, this one is no less significant. In many ways this is more significant because here we are seeing and taking part in the culmination of a highly successful career of one distinguished officer and helping push on to his next step another distinguished officer.

But really the significance is deeper than just personal. It is a very significant event for the Navy because the work that Admiral Fahy has done, and which Admiral Sonenshein will do, supported by the many people I see here and the people you represent, is of very great importance to me. It is of tremendous importance to our nation. We know we are trying to revitalize our sea power, shipbuilding in general, and although the work of those in this business is often undramatic it goes without question that I think we are influencing the Navy of the future more than we could in equivalent positions elsewhere. . . .

Admiral Fahy's career has been marked by leadership. I think from his earliest days up in New York City in high school he marked himself as a man who would take charge. . . . But really, to indicate what I say about his leadership, he was the Regimental Commander at the Naval Academy. Those of us who came through that school know what that means.

After graduation he went to sea and served on the Cruiser *Tuscaloosa*. A few years later he went to Submarine School. . . . He commanded the *Plunger* with great distinction and then found that this bent of his of being distinguished in academies as well as in leadership could be applied to the Navy's benefit in another field. He transferred to the restricted line, the Engineering Duty Officer community. He took post-graduate training in electronics both at the Naval Academy and at M.I.T.

So, with that background, it was only natural that in 1965 when I was looking for leadership of the 1400 community, Engineer Duty Officers, it was completely natural that I should turn to Admiral Fahy.

. . . Let me run down some of the accomplishments and some of the problems that Eddy has faced with us. We all know that the affair in Southeast Asia has put tremendous burdens on the Navy, particularly in its shipbuilding effort and ship repair effort. He took that as well in stride as we all did. There were numerous emergencies at sea that we had to respond to, and again very largely in the shipbuilding area. We have only to remind ourselves that wars are difficult and dangerous and that intense operations at sea lead to problems. We can tick those off, all of which had an impact on us: the *Oriskany*, the *Forrestal*, the *Enterprise*, the *Scorpion*, the *Frank Knox*, the *Bache*. A number of these resulted in unplanned, unbudgeted efforts, and Eddy Fahy had the job of directing his resources and personnel to take those aboard as well as the routine work.

This routine work itself amounted to about a $10 billion effort during his four years, made up of new construction and conversion of some $6½ billion; over a billion dollars went into the alteration of ships; the overhaul of the ships ran about $1½ billion; restricted availabilities another $700 million. So, in anybody's language, this is truly big business.

He pioneered certain other efforts which will long be remembered after many of us are forgotten. Among them are such things as the Shipbuilding Industry Advisory Committee. This was a new effort which Eddy initiated to get better understanding between the civilian shipbuilding community and the Navy. They have contributed good ideas. They have gotten better understanding of our problems. We understand theirs better. Each knows what we can expect from the other. This was a fruitful bit of innovation that is just beginning to pay dividends. . . .

Many of his accomplishments have been unpublicized. I am aware of them. I think others will be increasingly as time goes on.

We should also, of course, mention the improvement in the planning and accomplishment of complex ship overhauls, typified by *Saratoga*—and what a successful job that has been. Later, the *FDR* under Rear Admiral "Moose" Brown was even more successful by building on that concept, and the PERA concept, the Planning for Engineering Repairs and Alterations, which Eddy has instituted in our shipyards. These will pay continuing dividends as time goes on. . . .

To wrap this up I can simply say that Eddy's contribution is going to outlast every one of us. There is recognition that as time marches on the Navy is increasingly dependent on advanced technology. The only way you can cope with that in the Navy is recruit good people, hold good people, train good people, use good people. Knowing that, he has succeeded in selling the need for more engineering duty officers and more top civil-

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ians. . . . This is, in my judgment, the very great contribution that Admiral Fahy has made, and I know that it will be a lasting contribution.

CLEAN WATER NOW

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, debate on the funding of the Clean Water Restoration Act is scheduled to begin next Tuesday. It is imperative that we appropriate the full $1 billion for pollution control as authorized by the Clean Water Restoration Act of 1966. We can no longer afford to compromise as the condition of our Nation's waterways continues to deteriorate.

The following editorial which appeared in the Cleveland Plain Dealer of September 30, 1969, echoes the sentiment of concerned citizens throughout our country:

CLEAN WATER MONEY

There is good news from Washington in the fight against water pollution.

A majority of Congressmen—219 so far—have pledged to fight for an appropriation of $1 billion in fiscal 1970 to help cities and states build wastewater treatment plants.

The pledges were lined up by Rep. John D. Dingell, D.-Mich., Rep. Michael A. Feighan, D.-Ohio, of Cleveland and five colleagues in the House who formed an ad hoc committee to attain a higher priority for the long-neglected battle for pollution control.

Like other domestic programs, the cleanup effort initiated by the Clean Water Act of 1966 was pushed into the background because of spending on the Vietnam war. From the beginning, appropriations fell short of the authorizations. Both the Johnson and Nixon administrations, for example, budgeted only $214 million for sewage plant grants in fiscal 1970, although Congress had authorized $1 billion.

Now Congress is saying that regardless of the war and in spite of a general desire to reduce federal spending, water pollution must be attacked. The battle can be put off no longer.

We like that sentiment. We have argued for it a good many months. We believe Congress should appropriate the full $1 billion. It will be the best $1 billion ever spent, helping hundreds of communities across the country to build treatment plants that simply must be built to protect a precious resource from ruin.

FAMILY ASSISTANCE ACT OF 1969

(Mr. BYRNES of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BYRNES of Wisconsin. Mr. Speaker, I have today introduced H.R. 14173—the Family Assistance Act of 1969—which incorporates the administration's recommendations for comprehensive reform of our welfare laws. I will include at the end of my remarks an analysis of the bill.

Our present welfare system is a failure—marked by inequities and abuses, encouraging family breakups, and perpetuating dependence on welfare payments. The President's proposal constitutes the first major attempt to overhaul our Federal-State welfare system during the 30-year history of the program. The need to find workable solutions to the problems we face in this field must be given a high priority.

The growing costs of this welfare system to our society—both human and financial—require that new initiatives be developed to insure that all citizens have both the opportunity and responsibility to participate in our economy. The President's proposal provides new initiatives that are intended to break the cyclical heritage of poverty and dependency that has become an all too prevalent characteristic of our Federal-State-local welfare system.

The new approach incorporated in this bill is deserving of the most careful consideration by the Ways and Means Committee in connection with the hearings on welfare that will begin in the latter part of October.

The analysis of the bill follows:

SUMMARY OF FAMILY ASSISTANCE ACT OF 1969; TITLE I—FAMILY ASSISTANCE PLAN

ESTABLISHMENT OF PLAN

Section 101 of the bill adds new parts D, E, and F to title IV of the Social Security Act, establishing a new Family Assistance Plan providing for payment of family assistance benefits by the Secretary of Health, Education, and Welfare and supplementary payments by the States.

Eligibility and amount

The new part D of title IV of the Social Security Act authorizes benefits to families with children payable at the rate of $500 per year for each of the first two members of a family plus $300 for each additional member.

The family assistance benefit would be reduced by non-excluded income, so that families with more non-excludable income than these benefits ($1600 for a family of four) would not be eligible for any benefits.

A family with more than $1500 in resources, other than the home, household goods, personal effects, and other property essential to the family's capacity for self-support, would also not be eligible.

Countable income would include both earned income (remuneration for employment and net earnings from self-employment) and unearned income.

In determining income the following would be excluded (subject, in some cases, to limitations by the Secretary):

(1) All income of a student;

(2) Inconsequential or infrequent or irregular income;

(3) Income needed to offset necessary child care costs while in training or working;

(4) Earned income of the family at the rate of $720 per year plus ½ the remainder;

(5) Food stamps and other public assistance or private charity;

(6) Special training incentives and allowances;

(7) The tuition portion of scholarships and fellowships;

(8) Home produced and consumed produce;

(9) One half of other unearned income.

Veterans pensions, farm price supports, and soil bank payments would not be excludable income to any extent and would, therefore, result in reduction of benefits on a dollar for dollar basis.

Eligibility for and amount of benefits would be determined quarterly on the basis of estimates of income for the quarter, made in the light of the preceding period's income as modified in the light of changes in circumstances and conditions.

Definition of family and child

To qualify for Family Assistance Plan benefits a family must consist of two or more related individuals living in their own home and residing in the United States and one must be an unmarried child (i.e., under the age of 18, or under the age of 21 and regularly attending school).

Payment of benefits

Payment may be made to any one or more members of the qualified family. The Secretary would prescribe regulations regarding the filing of applications and supplying of data to determine eligibility of a family and the amounts for which the family is eligible. Beneficiaries would be required to report events or changes of circumstances affecting eligibility or the amount of benefits.

When reports by beneficiaries are delayed too long or are too inaccurate, part or all of the resulting benefit payments could be treated as recoverable overpayments.

Registration for work and referral for training

Eligible adult family members would be required to register with public employment officers for manpower services and training or employment unless they belong to specified excepted groups. However, a person in an excepted group may register if he wishes.

The exceptions are: (1) ill, incapacitated, or aged persons; (2) the caretaker relative (usually the mother) of a child under 6; (3) the mother or other female caretaker of the child if an adult male (usually the father) who have to register is there; (4) the caretaker for an ill household member; and (5) full-time workers.

Where the individual is disabled, referral for rehabilitation services would be made. Provision is also made for child care services to the extent the Secretary finds necessary in case of participation in manpower services, training, or employment.

Denial of benefits

Family Assistance benefits would be denied with respect to any member of a family who refuses without good cause to register or to participate in suitable manpower services, training, or employment. If the member is the only adult, he would be included as a family member but only for purposes of determining eligibility of the family. Also, in appropriate cases, the remaining portion of the Family Assistance benefit would be paid to an interested person outside the family.

On-the-job training

The Secretary would transfer to the Department of Labor funds which would otherwise be paid to families participating in employer-compensated on-the-job training if they were not participating. These funds would be available to pay the training costs involved.

STATE SUPPLEMENTATION OF FAMILY ASSISTANCE BENEFITS

Required supplementation

The individual States would have to agree to supplement the family assistance benefits under a new part E of title IV of the Social Security Act wherever the family assistance benefit level is below the previously existing Aid to Families With Dependent Children (AFDC) payment level. This supplementation is a condition which the State must meet in order to continue to receive Federal payments with respect to maternal and child health and crippled children's services (title V) and with respect to their State plans for aid to the aged, blind, and disabled (title XVI), medical assistance (title XIX), and services to needy families with children (part A of title IV). Such "supplementation" would be required to families eligible for family assistance benefits other than families where parents are present, neither is incapacitated, or the father is not unemployed. The States would thus be required to supplement in the case of individuals eligible under the old AFDC and AFDC–UF provisions; they would not have to supplement in case of the working poor.

Amount of supplementation

Except as indicated below and, except for use of the State standard of need and payment maximums, eligibility for and amount of supplementary payments would be determined by use of the rules applicable for Family Assistance Benefits.

In applying the family assistance rules to the disregarding of income under the supplementary payment program—

(1) In the case of earned income of the family, the State would first disregard income at the rate of $720 per year, and would then be permitted to reduce its supplementary payment by 16⅔ cents for every dollar of earnings over the range of earnings between $720 per year and the cutoff point for family assistance (i.e., $3920 for a family of four), and could further reduce its supplementary payments by an amount equal to not more than 80 cents for every dollar of earnings beyond that family assistance cutoff point.

(2) In the case of unearned income, these same percentage reductions would apply, although the initial $720 exclusion would not apply.

Requirements for agreements

Some of the State plan requirements now applicable in the case of Aid and Services to Needy Families with Children would be made applicable to the agreement. These include the requirements relating to:

(1) Statewideness;

(2) Administration by a single State agency;

(3) Fair hearing to dissatisfied claimants;

(4) Methods of administration needed for proper and efficient operation, including personnel standards, training, and effective use of subprofessional staff;

(5) Reporting to Secretary as required;

(6) Confidentiality of information relating to applicants and recipients;

(7) Opportunity to apply for and prompt furnishing of supplementary payments.

Payments to States

A State agreeing to make the supplementary payments would be guaranteed that its expenditures for the first five full fiscal years after enactment would be no more than 90 per cent of the amount they would have been if the Family Assistance Plan amendments not been enacted. This would be accompanied by Federal payment to each State, for each year, of the excess of—

(1) The total of its supplementary payments for the year plus the State share of its expenditures called for under its existing State plan approved under title XVI plus the additional expenditures required by the new title XVI, over

(2) Ninety percent of the State share of what its expenditures would have been in the form of maintenance payments for such year if the State's approved plans under titles I, IV(A), X, XIV, and XVI had continued in effect (assuming in the case of the part A of title IV plan, payments for dependent children of unemployed fathers).

On the other hand, any State spending less than 50 per cent of the State share, referred to in clause (2) above, for supplementary payments and its title XVI plan would be required to pay the amount of the deficiency to the Federal treasury.

A State would also receive ½ of its cost of administration under its agreement.

ADMINISTRATION

Agreements with States

Sufficient latitude is provided to deal with the individual administrative characteristics of the States. Provision is made under which the Secretary can agree to administer and disburse the supplementary payments on behalf of the States. Similarly the States can agree to administer portions of the family assistance plan on behalf of the Secretary, with respect to all or specified families in the States.

Evaluation, research, training

The Secretary would make an annual report to Congress on the new Family Assistance Plan, including an evaluation of its operation. He would also have authority to make periodic evaluations of its operation and to use part of the program funds for this purpose.

Research into and demonstrations of better ways of carrying out the purposes of the new Plan, as well as technical assistance to the States and training of their personnel who are involved in making supplementary payments, would also be authorized.

Special provisions for Puerto Rico, the Virgin Islands, and Guam

There are special provisions for these areas under which the amount of family assistance benefits, the $720 of earned income to be disregarded, and several other amounts under the Family Assistance Plan and the new title XVI of the Social Security Act (aid to the aged, blind, and disabled) would be reduced to the extent that the per capita income of these areas is below that of that one of the 50 States which had the lowest per capita income.

TRAINING, EMPLOYMENT, AND DAY CARE PROGRAMS

Section 102 of the Administration bill would replace part C of title IV of the Social Security Act in its entirety.

Purpose

The purpose of the revised part C is to provide manpower services, training, and employment, and child care and related services for individuals eligible for the new Family Assistance Plan benefits (new part D) or State supplementary payments (new part E) to help them secure or retain employment or advancement in employment. The intent is to do this in a manner which will restore families with dependent children to self-supporting, independent, and useful roles in the community.

Operation

The Secretary of Labor is required to develop an employability plan for each individual required to register under the new part D or receiving supplementary payments pursuant to the new part E. The plan would describe the manpower services, training, and employment to be provided and needed to enable the individual to become self-supporting or attain advancement in employment.

Allowances

The Secretary of Labor would pay an incentive training allowance of $30 per month to each member of a family participating in manpower training. Where training allowances for a family under another program would be larger than their benefits under the Family Assistance Plan and supplementary State payments, the incentive allowances for the family would be equal to the difference, or $30 per member, whichever is larger.

Allowances for transportation and other expenses would also be authorized.

These incentive and other allowances would be in lieu of allowances under other manpower training programs.

Allowances would not be payable to individuals praticipating in employer compensated on-the-job training.

Denial of allowances

Allowances would not be payable to an individual who refuses to accept manpower training without good cause. The individual would receive reasonable notice and have an opportunity for a hearing if dissatisfied with the denial.

Utilization of other programs

In order to avoid the creation of duplicative programs, maximum use of authorities under other acts would be made by the Secretary of Labor in providing the manpower training and related services under the revised part C, but subject to all duties and responsibilities under such other programs. Part C appropriations could be used to pay the cost of services provided by other programs and to reimburse other public agencies for services they provided to persons under part C. The emphasis is on an integrated and comprehensive manpower training program involving all sectors of the economy and all levels of government to make maximum use of existing manpower and manpower related programs.

Appropriations and administration

Appropriations to the Secretary of Labor would be authorized for carrying out the revised part C, including payment of up to 90 percent of the cost of training and employment services provided individuals registered under the Family Assistance Plan. The Secretary would seek to achieve equitable geographical distribution of these funds.

In developing policies and programs for manpower services, training and employment for individuals registered under the Family Assistance Plan, the Secretary of Labor would have to first obtain the concurrence of the Secretary of Health, Education, and Welfare with regard to all programs under the usual and traditional authority of the Department of Health, Education, and Welfare.

Child care and support services

Appropriations to the Secretary of Health, Education, and Welfare would be authorized for grants and contracts for up to 90 per cent of the cost of projects for child care and related services for persons registered under the Family Assistance Plan and in manpower training or employment. The grants would go to any public or non-profit private agency or organization, and the contracts could be with any public or private agency or organization. The cost of these services could include alteration, remodeling, and renovation of facilities, but no provision is made for wholly new construction. The Secretary of Health, Education, and Welfare could allow the non-federal share of the cost to be provided in the form of services or facilities.

These provisions (unlike other provisions of the bill) would become effective on enactment of the bill.

Advance funding

To afford adequate notice of available funds, appropriations for one year to pay the cost of the program during the next year would be authorized.

Evaluation and research

A continuing evaluation of the program under part C and research for improving it are authorized.

Annual report and advisory council

The Secretary of Labor is required to report annually to Congress on the manpower training and related services.

ELIMINATION OF PRESENT PROVISIONS ON CASH ASSISTANCE FOR FAMILIES WITH DEPENDENT CHILDREN

Section 103 of the bill revises part A of title IV of the Social Security Act which relates to cash assistance and services for needy families with children. The new part A is called Services to Needy Families with Children, reflecting the elimination of the provisions on cash assistance. The cash assistance part is no longer necessary because of the Family Assistance Plan in the new part D of title IV.

The revised part A provides for continuation of the present program of services for these families. Foster care for children and emergency assistance, as included under existing law, are also continued.

Requirements for State plans

Section 402 of the Social Security Act which sets forth the requirements to be met

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by State plans before they are approved and qualify the State for federal financial participation in expenditures, would be revised as appropriate in the light of the elimination of the cash assistance provisions.

Payments to States

The provisions on payments to States for expenditures under approved State plans remain the same as existing law with respect to services, emergency assistance, and foster care. The matching formulas continue to vary, as in existing law, according to the kinds of services involved.

Definitions

The definitions of "family services" and "emergency assistance to needy families with children" have not been substantially changed.

The definitions of "dependent child," "aid to families with dependent children," and "relative with whom any dependent child is living" have been replaced (as no longer applicable) by definitions of

(1) "child"—which refers to the definition in the new part D, establishing the Family Assistance Plan; this in effect substitutes a requirement that the child be a member of a "family" (as defined in the new part D) instead of having to live with particularly designated relatives;

(2) "needy families with children" (and "assistance to such families")—this being defined as families receiving family assistance benefits under the new part D, if they are also receiving supplementary State payments pursuant to the new part E or would have been eligible for aid under the existing State plan for aid to needy families with children if it had continued in effect.

Foster care and emergency assistance

The provisions on payments for foster care of children and emergency assistance remain virtually the same as under existing law.

Assistance by Internal Revenue Service in locating parents

The provision on this subject remains the same and allows use of the master files of the Internal Revenue Service to locate missing parents in certain cases.

TITLE II—AID TO THE AGED, BLIND, AND DISABLED

This title revises the current title XVI of the Social Security Act and sets forth the revised title XVI in its entirety. One of the major changes is the removal of the provisions relating to medical assistance for the aged which, under existing law, would terminate at the end of calendar 1969. All medical assistance for which the Federal government shares costs will now be provided under approved title XIX State plans.

Requirements for State plans

Few changes are made in this section (sec. 1602), aside from deleting the provisions relating to medical assistance for the aged. The section retains, without substantial change, the requirements relating to:

(1) Administration by a single State agency (except where a separate agency is permitted for the blind as under existing law);

(2) Financial participation by the State;

(3) Statewideness;

(4) Opportunity for fair hearing;

(5) Methods of administration, including personnel standards, training, and effective use of subprofessional staff;

(6) Reporting to the Secretary as required;

(7) Confidentiality of information relating to recipients;

(8) Opportunity for application and furnishing of assistance with reasonable promptness;

(9) Establishment and maintenance by the State of standards for institutions in which there are individuals receiving aid;

(10) Description of services provided for self-support or self-care; and

(11) Determination of blindness by an ophthalmologist or an optometrist.

The present prohibition against payment to persons in receipt of assistance under title I, IV, X, or XIV would be applicable instead to cases of receipt of family security benefits under the new part D of title IV.

The provision on inclusion of reasonable standards for determining eligibility and amount of aid would be replaced by one requiring a minimum benefit of $90 per month, less any other income, and by another requiring that the standard of need not be lower than the standard applied under the State plan approved under the existing title XVI or (in case the State had not had such a plan) the appropriate one of the standards of need applied under the plans approved under titles I, X, and XIV.

While the requirement relating to the determination of need and disregarding of certain income in connection therewith has been continued (although without the authorization to disregard $7.50 per month of any income, in addition to other income which may or must be disregarded), it has been expanded in a manner parallel to family assistance benefits to include disregarding as resources the home, household goods, personal effects, other property which might help to increase the family's ability for self-support, and, finally, any other personal or real property the total value of which does not exceed $1500. There would also be a new requirement for not considering the financial responsibility of any other individual for the applicant or recipient unless the applicant is the individual's spouse or child under the age of 21 or blind or severely disabled, and a prohibition against imposition of liens on account of benefits correctly paid to recipients.

Other new requirements relate to provision for the training and effective use of social service personnel, provision of technical assistance to State agencies and local subdivisions furnishing assistance or services, and provision for the development, through research or demonstrations, of new or improved methods of furnishing assistance or services. Also added is a requirement for use of a simplified statement for establishing eligibility and for adequate and effective methods of verification thereof. Finally, there are new requirements for periodic evaluation of the State plan at least annually, with reports thereof being submitted to the Secretary together with any necessary modifications of the State plan; for establishment of advisory committees, including recipients as members; and for observing priorities and performance standards set by the Secretary in the administration of the State plan and in providing services thereunder.

The present prohibitions against any age requirement of more than 65 years and against any citizenship requirement excluding U.S. citizens would be continued.

In place of the present provision on residency, there is a new one which prohibits any residency requirement excluding any resident of the State. Also there would be new prohibitions against any disability or age requirement which excludes a severely disabled individual aged 18 or older, and any blindness or age requirement which excludes any person who is blind (determined under criteria by the Secretary).

PAYMENTS

In place of the present provision on the Federal share of expenditures under the approved State plan there is a new formula which provides for payment as follows with respect to expenditures under State plans for aid to the aged, blind, and disabled approved under the net title XVI:

With respect to cash assistance, the Federal Government will pay (1) 100 per cent of the first $50 per recipient, plus (2) 50 per cent of the next $15 per recipient, plus (3) 25 per cent of the balance of the payment per recipient which does not exceed the maximum permissible level of assistance per person by the Secretary (which may be lower in the case of Puerto Rico, the Virgin Islands, and Guam than for other jurisdictions).

With respect to services for which expenditures are made under the approved State plan, the Federal Government would pay the same percentages as are provided under existing law, that is, 75 per cent in the case of certain specified services and training of personnel and 50 per cent in the case of the remainder of the cost of administration of the State plan.

Payment by Federal Government to individuals

The revised title XVI includes authority for the Secretary to enter into agreements with any State under which the Secretary will make the payments of aid to the aged, blind, and disabled directly to individuals in the State who are eligible therefor. In that case, the State would reimburse the Federal Government for the State's share of those payments and for ½ the additional cost to the Secretary of carrying out the agreement, other than the cost of making the payments themselves.

Definition

The new title XVI defines aid to the aged, blind, and disabled as money payments to needy individuals who are 65 or older or are blind or are severely disabled.

Transitional and related provisions

Titles I, X, and XIV of the Social Security Act would be repealed.

Provision is made for making adjustments under the new title XVI on account of overpayments and underpayments under the existing public assistance titles.

Provision is also made for according States a grace period during which they can be eligible to participate in the new title XVI without changing their tests of disability or blindness. The grace period would end for any State with the June 30 following the close of the first regular session of its State legislature beginning after enactment of the bill.

Conforming amendments

The bill also contains a number of conforming amendments in other provisions of the Social Security Act in order to take account of the substantive changes made by the bill. Thus, the changes in the medicaid program (title XIX of the Social Security Act) would require the States to cover individuals eligible for supplementary State payments pursuant to the new part E of title IV or who would be eligible for cash assistance under an existing State plan for aid to families with dependent children if it continued in effect and included dependent children of unemployed fathers.

Effective date

The amendments made by the bill would become effective on the first January 1 following the fiscal year in which the bill is enacted. However, if a State is prevented by statute from making the supplementary payments provided for under the new part E of title IV of the Social Security Act, the amendments would not apply to individuals in that State until the first July 1 which follows the end of the State's first regular session of its legislature beginning after the enactment of the bill—unless the State certified before this date that it is no longer prevented by State statute from making the payments. In the latter case the amendments would become effective at the beginning of the first calendar quarter following the certification.

Also, in the case of a State which is prevented by statute from meeting the requirements in the revised section 1602 of the Social Security Act, the amendments made in that title would not apply until the first July 1 following the close of the State's first regular session of its legislature beginning

after the enactment of the bill—unless the State submitted before this date a State plan meeting these requirements. In the latter case the amendments would become effective on the date of submission of the plan.

Another exception to this effective date provision is made in the case of the new authorization, in the revised part C of title IV of the Social Security Act, for provision of child care services for persons undergoing training or employment—which would be effective on enactment of the bill.

JAPANESE TEXTILE DELEGATION FRAUD

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, the recent Japanese textile delegation's "factfinding" visit to the United States was a fraud and a humbug. I was shocked and amazed that this delegation refused to even see and talk to those who are best acquainted with the textile situation.

It is incredible that the Japanese Government would permit such an arrogant and insulting approach to a very real threat to the American textile industry, an unfavorable trade balance with Japan, and our entire future relationship with the second largest industrial power in the free world.

Since 1961, the House of Representatives has had an informal textile committee which has dealt exclusively with the growing threat of foreign low-wage textile imports. This Japanese delegation boycotted the Members of Congress on this committee and refused to visit those plants and areas affected by textile imports. It made no attempt to visit the American mills closed. It made no attempt to visit those mills that have been curtailed with only partial employment. It made no attempt to inform itself of the real problem.

The Members of Congress have been extremely patient in their hope that Japan would enter into a discussion which would lead to voluntary controls of imports. We urge the Japanese Government to show good faith and enter into negotiations in earnest. Time is running out. Prime Minister Eisaku Sato and Foreign Minister Kiichi Aichi will soon visit the United States. They should bring with them assurance that negotiations will begin for voluntary controls of textile imports. If not, we will definitely proceed with legislation and will have even more support than before.

Mr. Speaker, I include in my remarks the following story from the Daily News Record:

[From the Daily News Record, Sept. 29, 1969]

STANS SAYS JAPAN TALKS "INADEQUATE"

WASHINGTON.—The United States will ask Japan for another meeting soon on the wool and synthetic textile import problem, if the Japanese delay their response "to any significant extent."

That word comes from Commerce Secretary Maurice Stans who considers the recent meeting between United States and Japanese representatives on the subject "generally inadequate."

Stans, who submitted to an interview with Tokyo reporters, said the Japanese on their recent mission "refused to discuss our ideas for a solution of this problem at this time." The Commerce Department released a transcript of the interview.

Stans also said the Japanese refused to give American textile industry an opportunity for a full-scale presentation of the problem from its point of view.

In addition, Stans said the Japanese refused to give United States labor organizations in the textile industry an opportunity for a full-scale discussion of the subject.

The Japanese also refused to meet with more than one representative of Congress.

Stans said that if the Japanese think the United States presentation was "unreasonable," as some reports have it, "it is regrettable."

Such a conclusion, Stans said, "can only be based upon a preconceived conclusion before the analysis was made, or an utterly inadequate evaluation of the evidence that was presented."

Stans estimated that the imbalance in United States textile trade with Japan this year would be $1.1 billion, a $300 million increase over 1968.

"It is utterly inconceivable that anyone would come to the conclusion that this rate of growth could not do harm to American industry and to American labor, or that this evidence is not a reasonable basis for negotiations for some kind of voluntary adjustment," Stans said.

He said it is not the Nixon Administration's intention at this time to seek restraints for any other commodity than textiles.

A DAY OF PRAYER

The SPEAKER pro tempore (Mr. GRAY). Under previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 30 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, every day several columns of the front pages of our daily papers are filled with news from Vietnam. Every day our radio and television broadcasts spend many minutes with reports of the war's progress. Every day on the floor of this Chamber some Member rises to speak about the war or a related topic. And every day the news is what I call bad news, because more American boys have been killed or wounded.

This topic, which is on everybody's lips regardless of what they do, has buried itself deep in the minds and hearts of the people of this country. Whether it is at the lunch counter or from the minister's podium or on the placard of the peace demonstrator, the subject is the same: How do we best find peace in Vietnam?

But it does nobody any good—not Members of Congress, not the President, nor the American people—to continually berate each other about what should and should not be done about the war.

But, what should we do? Say nothing and wait to see what happens? Or should we take to the streets and march on the White House? These seem to be two alternatives toward which the people are gravitating. But are they the only alternatives? I think not. There is a more rational approach to our present predicament—an approach that will help bring together the entire American people and unite them behind the President in the face of a common foe. Yet, it will not stifle dissent or discussion.

All people—both protestor and military general alike—want to bring the war to a swift conclusion. All of us want to see the Vietnamese people free to determine their own proper form of government.

All of us want to see our boys returned home and to put an end to the death and the destruction. But if you read the papers or watch television, we appear to be a country divided and the appearance of this division is feeding the morale of the enemy. There seems to be those among us who hold the view that they want peace more than anyone else; that those in authority are not really interested in an early peace; that the President is dragging his feet in trying to find peace. Their easy answer is to just walk away from the war. That is it—just pick up and leave and somehow this is supposed to bring instant peace.

On October 15, students across the country have been called upon to join in a moratorium to demonstrate their desire for an end to the war. They are to stop their normal routine of attending classes to dramatize their collective hopes for peace. Why will a great number of people join in? Because they genuinely want peace. But the leaders of this movement have not called for this demonstration in support of our President and our national effort to find a just peace. Rather, as is the case with many protests of this type, the effort will end up giving more support to Hanoi than to Washington. Somehow it just seems easier for them to cast all the blame on our own people rather than on the enemy.

Unfortunately, many who crave peace just as much as we do will join in and lend support to the peace-at-any-cost boys and swell their ranks to the point that the world will misunderstand what is being said. Even in the high schools and junior high schools pamphlets are being passed around urging the younger people to leave school on October 15 to demonstrate for peace. My God, who does not want peace? But short of just picking up our troops and walking away—a solution which is completely unacceptable—the only answer is to rally behind the first President who has really done something about trying to get our boys home.

Individual Americans may have different opinions—and thank God that we are able to vocally express these differences—but we simply must stand united behind our President in the national goal of peace. There is not one American who wants war at any cost, just as there should not be one American who wants peace at any cost. An unjust peace is just as bad as—if not worse than—an unjust war.

Yes, our young people in the colleges and universities—and even in the junior and senior high schools—want an outlet to express their sincere desires for an end to the Vietnamese war and for a continued and lasting peace in the world. Let us give them a proper outlet. Let us join with them in this search for peace. Let us declare October 15 a National Day of Prayer for Peace. A day to rededicate ourselves in support of the President in his effort to find an honor-

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able peace so that our boys can come home. Let us not leave them in the hands of the peaceniks. Let us show them that the entire Nation wants peace—a lasting peace.

I urge the President to call for such a National Day of Prayer and I urge the people of this Nation to support it. We need a day where the true American spirit can be made manifest to the world. Everyone of us—students, politicians, and President—can let the world know that the American people want an end to war in Vietnam; that the American people are ready to stop the continued battles and loss of lives. These things the President has so often said in his own statements and through the American peace negotiators in Paris. We all share this singular desire and unity of purpose. Let us get the message through to the rest of the world that America wants peace. America is and has been ready to negotiate a settlement. Let us make this one thing clear to the leaders of North Vietnam: No amount of waiting for America to become divided will give them victory. This just will not happen. The enemy has misread the healthy discussion of differing viewpoints as being a sign of division.

Let us set aside the day of October 15 with special services in our houses of prayer. Let the civic leaders join with their people in a demonstration of American solidarity for peace in the world. Let the national leaders here in Washington stage their own demonstration—a demonstration to the whole world that the American people want a just and speedy peace in Vietnam.

All Americans on October 15 should let the world know that they are behind their President 100 percent in the common quest for peace. Let us have a National Day of Prayer and quit following these false prophets.

THE DISTRICT OF COLUMBIA COURTS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, the President in his message on January 31, 1969, on crime in the District of Columbia once again exhibited those qualities of statesmanship and leadership which are characteristic of him. In that message he outlined for us some of the basic problems which plague the Nation's Capital and hinder effective law enforcement. He sketched in broad terms the approach he planned to take in solving these problems.

The Attorney General of the United States submitted for our consideration various legislative proposals which will have the effect of converting the President's overall approach into a concrete and coordinated plan of action. The Attorney General and his assistants are to be commended for their conscientious effort in this matter. These bills, which I was pleased to cosponsor, comprise a carefully thought out and effective legislative attack on the District of Columbia's crime problem and deserve our wholehearted support. There is probably no one in this Chamber who does not agree that crime in Washington is an appalling problem.

These bills, which were introduced July 15, 1969, are now the subject of hearings before Subcommittee No. 1, under the chairmanship of our distinguished colleague, the gentleman from Mississippi (Mr. ABERNETHY), on which I am privileged to serve. I am hopeful that they will be promptly approved by the subcommittee, full committee, and the House.

Certainly one of the most complicated problems facing our legal system today in the District of Columbia is the problem presented by the multiplicity of courts with overlapping jurisdictions. This results in considerable case backlogs and frequent collisions in the judicial process. To many people, the roles played by the various Federal and District of Columbia courts are vague and unclear at best. The Federal courts are forced to deal with many cases of a strictly local nature—cases which normally do not come within the cognizance of a Federal court but rather are handled in the several States by local courts. At the same time, the local courts here in the District—the court of general sessions and the District of Columbia Court of Appeals—are unnaturally limited in the types of cases they can deal with, limited in a manner not true of their sister courts in the various States. The decisions reached in these courts also lack the finality which is characteristic of State court decisions, because of the appellate role played here by the U.S. Court of Appeals.

H.R. 12854 would eliminate the present jurisdictional problems and other difficulties which frequently make the courts in the District of Columbia the object of misunderstanding and distrust, and would ensure greater fairness in the handling of each case. The importance of this measure cannot be stressed too greatly.

H.R. 10083, which I introduced on April 15, would provide some much needed strengthening in the area of bail and pretrial release. It complements the constructive provisions set forth in the Bail Reform Act of 1966 by permitting the courts to take cognizance of a particular individual's dangerousness to the community before releasing him on bail, by refusing to allow bail at all in certain cases, and by providing sanctions in the event that bail conditions are violated. These new provisions will be extremely valuable in dealing with the increasingly more serious problem presented by those who commit crimes while on bail, while preserving the beneficial purposes behind the original Bail Reform Act. This proposal should be supported strongly by all of us who are concerned about crime in Washington.

At the same time, H.R. 12855 recognizes the need to provide for accurate analysis of bail applicants and effective supervision of persons on bail. By providing more funds for adequate salaries for personnel and by giving the bail agency more complete authority to recommend in all cases and achieve more thorough control of the bail system, we can enable the system to operate much more efficiently.

Another aspect of Washington crime demands attention: Legal defense of the accused. It is clear that a more effective system for assisting in the defense of those accused of crimes must be provided. This need is met in the administration's proposal, H.R. 12856. There is no question that the Legal Aid Agency, together with many private attorneys, have rendered outstanding service in the past. However, the Agency has been prevented from doing the best job it can because of financial and organizational limitations. H.R. 12856 will convert the Agency into a full-fledged public defender service, allowing it to handle a great many more cases more effectively. This will ease the burden on the private bar brought about by the dramatic rise in the number of criminal cases in recent years, and will provide capable, specialized help to many more accused persons than has been possible previously. This proposal also deserves our wholehearted support.

Now today, Mr. Speaker, a number of us are introducing another bill related to those I have just discussed. It is the President's proposal for a new code of juvenile procedure for the District of Columbia. I am very pleased to enthusiastically sponsor this bill with my esteemed colleague, the gentleman from Minnesota (Mr. NELSEN), and others.

This bill is another part of the President's program to reorganize and modernize the court system in the District of Columbia. It is an important step toward the goal, shared by all of us, to make the administration of justice in the District of Columbia a model for the rest of the Nation and to curtail our staggering crime problem.

In recent years, juveniles have been committing a substantial number of serious and violent crimes. Available statistics on juvenile crime in the District of Columbia indicate frightening increases. For example, in the last 6 years, the number of juveniles referred to juvenile court for rape has increased from seven in fiscal 1963 to 37 in fiscal 1969, and the number of juveniles referred to juvenile court for armed robbery has increased from 18 in fiscal 1963 to 261 in fiscal 1969. Thus, there were 298 juveniles referred to juvenile court for rape and armed robbery in fiscal 1969; of these 298 juveniles, 209 were 16- and 17-year-olds.

In my view, these alarming increases in juvenile crime can in substantial part be explained by the attitude of our modern, sophisticated juvenile that, if he commits a crime, nothing will happen to him because he is under 18 years of age. This attitude has been encouraged by the ineffectiveness of the present District of Columbia juvenile court system, and the restrictions placed on the juvenile court by the U.S. Court of Appeals for the District of Columbia Circuit. Only 10 juveniles were transferred for adult prosecution in the District of Columbia in fiscal 1969.

Something must be done to make it clear to the sophisticated 16- and 17-

year-olds in the District of Columbia that they will not be permitted to pick up a pistol to rob a liquor store or participate in a gang rape of an innocent woman walking home from work. The proposed new juvenile code for the District would remove from the juvenile court system 16- and 17-year-olds who commit serious and violent crimes such as murder, rape, robbery, burglary, and kidnapping. These individuals would be treated as adult offenders, thus, removing from the juvenile system the most hardened youths who frequently interfere with the potential rehabilitation of other, less mature juveniles. However, if convicted in adult court, these individuals may receive, in the discretion of the sentencing judge, the treatment and supervision afforded by the Federal Youth Corrections Act, including the potential expungement of the record of conviction.

The proposed new juvenile code for the District of Columbia would replace outdated and incomplete methods for processing juvenile cases with modern and detailed procedures. These provisions will substantially enhance the juvenile court's ability to provide the District with expeditious and efficient handling of juvenile cases. The legislation provides for a factfinding hearing in delinquent cases, after prompt and clear notice. The District of Columbia Corporation Counsel will be the representative of the community at these hearings and will be required to establish the case by clear and convincing evidence to the court. Jury trials will be eliminated; thus, materially aiding the reduction of the present overwhelming backlog in the juvenile court.

At the same time, the proposed new juvenile code provides numerous safeguards for the child. The right to counsel is provided for at all critical stages of the proceedings. All children taken into custody receive a prompt detention hearing not later than the close of business of the next day. And prior to an adjudication at a factfinding hearing, a consent decree may be ordered which would provide the child with a method of avoiding an adjudication of involvement yet allow him to receive necessary supervision. In addition, necessary safeguards are provided for to protect the identity of the child.

The drafting of this legislation by the administration represents an expert effort to provide the District with a juvenile system that can effectively deal with the problems of the city's children. I support the enactment of the administration's code of juvenile procedure for the District of Columbia as an important part of an overall plan to improve the administration of justice in the District.

I was pleased to cosponsor with the gentleman from Maryland (Mr. GUDE) and the gentleman from Virginia (Mr. BROYHILL), a bill, H.R. 8868, which authorizes the District of Columbia to enter into the interstate compact on juveniles. The promptness with which the House passed this bill is indeed gratifying and I hope the other anticrime bills I have discussed today will also receive expeditious attention.

These proposals which I have discussed today, taken together, will greatly streamline the legal system in the District of Columbia and will permit the great number of cases passing through our courts to be handled more quickly, easily, and most important, more competently and fairly. They also represent a tangible, positive way for the House of Representatives to express its concern over the mounting crime problem in our Nation's Capital.

I hope the House will move to bring these laudable proposals into law.

WATSON DEFENDS JUDGE HAYNSWORTH IN SPEECH ON HOUSE FLOOR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from South Carolina (Mr. WATSON) is recognized for 10 minutes.

Mr. WATSON. Mr. Speaker, a number of people were all aglow yesterday when rumors began to dance about like Daphnis and Chloe in the forest to the effect that Judge Clement Haynsworth had requested the President to withdraw his nomination to the U.S. Supreme Court. Of course, subsequent events proved these deliberately planted rumors to be absolutely false much to the annoyance of those who delighted in perpetrating them.

But, Mr. Speaker, these malicious and totally unfounded rumors served to point up the shocking depths that some people will go to malign the character of an extremely able, conscientious, dedicated, patriotic and honest American, who happens to espouse a philosophy of government consistent with the most noble principles our democracy can offer.

Let us make no mistake about this whole sordid business. I will not mince words, not in my remarks here or later. The opposition to Judge Haynsworth is the most vitriolic, the most obstreperous, the most ill intentioned, and the most diabolic that I have ever encountered in my career of public service.

The chief perpetrators of this smear campaign are the same liberals and other assortment of malefactors who got caught with their pants down in the Fortas affair. There is no doubt in my mind that they will stop at nothing to assassinate the character of an honorable jurist to compensate for the terrible embarrassment that Fortas cost them. Let us bring it out in the open—the fact that Judge Haynsworth happens to be a southerner makes him the ideal scapegoat for their revenge. With the able assistance of a generally hostile press, they seem to be succeeding. A case in point is the infamous Huntley-Brinkley report last evening. These disciples of the innuendo and half truth as usual gave only one side of the story. They pointed out the so-called mounting opposition to Judge Haynsworth as well as all the rumors, but was there just one interview, just one comment from those outstanding Americans who support the President's nomination? Why, of course not. Huntley and Brinkley would not present both sides of a matter if they were teaching a course in equity.

Mr. Speaker, Judge Haynsworth has the unequivocal support of the American Bar Association's Judiciary Committee. He is enthusiastically patronized by prominent judges and attorneys throughout the country. He is one of the greatest legal minds in this Nation, a man who will take his rightful place beside names like Marshall, Holmes, Brandeis, Hughes, and Frankfurter. He is a man of the highest moral character and integrity.

Mr. Speaker, I sympathize deeply with Judge Haynsworth and his family as they undergo this trying ordeal, but additionally, I am concerned for the American people, the great silent majority, who want a change in the Supreme Court and who support this eminently qualified jurist. I hope they are not going to be dissuaded by some of the hostile and cynical press and a handful of revengeful fringe groups and politicians. Either in or out of the courtroom, he is eminently qualified to serve as a Justice of the Supreme Court.

Finally, I do not support him because we are both South Carolinians, although of that I am profoundly proud, but I speak out for him because he is the man for the job.

DEATH OF JOHN P. WHITE, DEPUTY ASSISTANT SECRETARY OF STATE FOR CONGRESSIONAL RELATIONS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 15 minutes.

Mr. BOLAND. Mr. Speaker, I was stunned and saddened to learn of the sudden death of my dear and long-time friend, John P. White, Deputy Assistant Secretary of State for Congressional Relations.

"Skip" White, as he was affectionately known by his many friends in Massachusetts and in Washington, was an affable, astute, knowledgeable, and practical practitioner of government at all levels, whose integrity was beyond question and whose word was his bond.

I first met him in the statehouse on Beacon Hill, Boston, after my election to the Massachusetts General Court in 1934. "Skip" White was then serving as legislative attaché in the Massachusetts house to the majority leader, and late Speaker, Christian A. Herter. He graduated from the New Preparatory School, Cambridge, in 1934, and continued his education at Boston College through 1940 while working in the legislature.

A World War II veteran, he served for 5 years in the Army, enlisting as a private in the field artillery in 1940, going on to pilot training and was discharged as a captain from the Army Air Corps in 1945.

Returning to the Massachusetts Legislature after wartime service, "Skip" White served as legislative counsel until 1953, when he was named legislative secretary to the newly-elected Governor of Massachusetts, Christian A. Herter. He remained in this key post as liaison man with the Massachusetts Legislature during Governor Herter's two terms as chief executive, from 1953 to 1957, and then came to Washington and the State Department as Special Assistant for Congressional Relations when

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Governor Herter was appointed Under Secretary of State by President Eisenhower in 1957.

He continued his State Department service with Mr. Herter as Secretary of State following the death of Secretary John Foster Dulles; with Secretary Dean Rusk under our late beloved President, John Fitzgerald Kennedy, and President Lyndon B. Johnson; and with Secretary William P. Rogers under President Richard Nixon.

Mr. White had been named to the position of Deputy Assistant Secretary of State for Congressional Relations in 1964.

He was liked and admired and respected by the Members of Congress and Government officials throughout Washington, and in the American Embassies and missions throughout the world, for his loyalty and dedication and zest in the performance of his job. He has rendered a lifetime of useful and meaningful service to his State, his Nation and his fellow man.

Mr. Speaker, I know I speak for other Members of this House when I say that the warm personality and smiling countenance of "Skip" White will long be missed in the corridors of this Capitol. I wish to join with my colleagues in expressing my sincere condolences to his wife, Elaine, and his son, Scott, now a student at Princeton University, on this sad occasion.

WILLY BRANDT—ANOTHER ILLEGITIMATE GERMAN CHANCELLOR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, yesterday I pointed out to our colleagues the ludicrous posture of those who loudly bewailed the so-called constitutional crisis created by the effective candidacy of George Wallace in the United States, but can see only a commendable change in the impending Willy Brandt minority government of free Germany.

In Germany, the Christian Democrats who placed first in the election are forced out of the Government by a coalition between the second-place Social Democrats and the party who suffered the biggest loss in the election, the splinter Free Democrats.

Mr. Speaker, I include the editorial comments in today's Evening Star at this point in my remarks:

> ### German Election
>
> Americans would be ill-advised to take too lofty a view of the brief chaos that followed the recent national election in West Germany. Our own system of electing a President has built into it a potential for confusion and danger that would make the German result seem like a model of orderly succession by comparison. We had better defuse our own electoral bomb before pointing with too much derision at the German firecracker.
>
> Still and all, the outcome of Sunday's election was remarkable. The only immediate result was the eclipse of the ultra-right-wing National Democratic Party, which failed to muster the 5 percent of the vote needed to qualify for seats in the Bundestag and is out, for the moment at least, on its neo-Nazi ear.
>
> The positive results were harder to pin down. The big loser in the popular vote, the Free Democratic Party, emerged as the big winner in the world of realpolitik. Winning only 5.7 percent of the vote, the FDP found itself in the role of chancellor-maker. Neither of the major parties—Willy Brandt's Social Democrats or Kurt Kiesinger's Christian Democrats—won a majority. But either party, in coalition with the Free Democrats, could make the grade.
>
> Now, after a brief but intense courtship by the two powerful suitors, Free Democrat leader Walter Scheel has apparently made his choice. He has said yes to Brandt. As of October 19—barring an estrangement during the engagement period—Chancellor Kiesinger, whose party received a clear plurality of the votes, will be out of a job.
>
> So West Germany is in for a change. There will be a shift to the left as the Socialist-FDP coalition takes over. But there is no reason to suppose that the shift will be marked by an abrupt change or internal or external policy. Brandt is, after all, no wild-eyed newcomer to the scene. His years of service as mayor of West Berlin have made him keenly aware of the threat posed by the sullenly aggressive leadership of East Germany. During his present service as foreign minister, Brandt has demonstrated no inclination to alter any of Germany's postwar alliances.
>
> The makeup of the new government is still a matter of speculation. The probability is, however, that Scheel, as leader of the mini-opposition, will be rewarded with the foreign ministry in return for the 12-vote majority he can offer. This, too, should not result in any major change. The liberal leader is a pragmatist. And he will be operating under the watchful eye of the man who has held that post for the past three years.
>
> The massive effort of the German national election has, then, counted for almost nothing. The new Chancellor has been named not by the voters but by Walter Scheel. And the result, it seems, will be a new alliance, a new government and no major change of policy.
>
> ### Floating the Mark
>
> The Kiesinger government's last major decision, which permits the mark to float upward from its fixed exchange rate of four to the dollar, was a good one. For one thing, this upward adjustment was clearly needed as a way of reducing Germany's large surplus of exports over imports that has been such a destabilizing factor in the world money markets. The pound and then the franc were devalued to give Britain and France a competitive edge in international trade; the German move completes that picture.
>
> Also, the method of adjustment employed—permitting the mark to seek its natural level rather than upvaluing it straightway—represents a useful, tentative step in the direction of building more flexibility into the fixed exchange rate system. Presumably, the mark will shortly be revalued upward by the new German government. But its interim fluctuations should tell us much about the major currencies' real values. Should this modest experiment with a floating exchange rate prove successful, the central banking fraternity would be well-advised to consider seriously the adoption of such abstruse formulas for greater exchange-rate flexibility as the "wider band" and "crawling peg."

Further reference to the Star editorial calls to our attention the editor's conclusion that—

> Brandt is, after all, no wild-eyed newcomer to the scene. His years of service as mayor of West Berlin have made him keenly aware of the threat posed by the sullenly aggressive leadership of East Germany. During his present service as foreign minister, Brandt has demonstrated no inclination to alter any of Germany's postwar alliances.

On the front page of the same paper, however, is the plain report from his foreign correspondent in Bonn, stating:

> The coalition members favor overtures to normalize West Germany's relations with the Communist world in general and East Germany and Poland in particular. However, no formal recognition of East Germany is expected.

It is appropriate, Mr. Speaker, to suggest a fruitful line of inquiry for those who wish to ascertain what is really going on in Europe, and particularly in Germany, and the developing shifts important to us as Americans.

How did Herbert Karl Frahm, the illegitimate son of a shopgirl in the Baltic German Port of Lubeck, a member of the Red falcons and functionary of the far left Socialist Workers' Party, said by an old acquaintance to be "as close to Red as you can get without actually being Red" become in less than 5 years Willy Brandt, a "correspondent" with the Communist forces in the Spanish Civil War, under a forged Norwegian passport?

How did Willy Brandt, a German hiding out the war in Sweden, become a naturalized Norwegian while the government of Norway was in exile in London?

How did Brandt next surface as a Norwegian reporter at the Nuremburg trials "acting as go-between and translator for half of the foreign press corps?"

How did Brandt next appear at Allied headquarters in Berlin, not as a German, but as a Norwegian major in 1946?

Who were the "Norwegian relatives" to whom Herbert Frahm fled to become Willy Brandt, and what part does Trygve Lie play in the Norwegian, Spanish, Swedish episode?

Finally, who, and more importantly what, is Herbert Wehner?

The peace of the world may depend on early and accurate answers to these questions.

Mr. Speaker, a local news article follows:

> [From the Evening Star, Oct. 3, 1969]
>
> ### Bonn Liberals Back Brandt in Coalition
>
> (By Andrew Borowiec)
>
> BONN.—Foreign Minister Willy Brandt today stood on the threshold of power after a coalition agreement between his Socialist Democrats and the liberal Free Democratic party (FDP).
>
> A tense post-midnight announcement ended four days of intense talks between Brandt's party (SPD) and the FDP, headed by Walter Scheel.
>
> "We have agreed on the basic lines of a joint government policy," spokesmen for the two parties said.
>
> #### NEW ERA BOWS
>
> The announcement virtually ushered a new era in Germany's post war history, dominated by the conservative Christian Democratic Union (CDU) and the spirit of the late Konrad Adenauer.
>
> It dealt a crushing blow to the stubborn hope of Chancellor Kurt Georg Kiesinger of the outgoing government to swing the FDP into forming a coalition with the Christian Democrats after Sunday's elections that gave no clear-cut majority to any of the major parties.
>
> The SPD-FDP coalition today received the stamp of approval from parliament members of both parties.
>
> The Social Democratic deputies voted unanimously for the new coalition; a Free Democratic party spokesman said there were no opposing votes in its caucus, but two abstentions among the 30 deputies.
>
> Following approval the two party heads were to report to President Gustav Heinemann to announce formal intention of forming the country's next government.
>
> #### FEWER MINISTERS LIKELY
>
> According to information available at this stage, the new government with Brandt as chancellor would cut the number of ministers by four to 15. Scheel would be foreign minister and presumably vice chancellor. The bulk of ministerial posts would go to the SPD.
>
> The two parties have agreed on the need to lower the voting age from 21 to 18 years. The plan reflects concern about increasing their support, which lies mainly among West Germany's postwar generation.
>
> The coalition members favor overtures to normalize West Germany's relations with the Communist world in general and East Germany and Poland in particular. However, no formal recognition of East Germany is expected.
>
> There were reports of compromise on the part of the SPD on the issue of workers' "codetermination" in industrial enterprises. The liberal party, which is backed by a number of industrialists, opposes any drastic changes in this field.
>
> There was a broad agreement on a tax reform that would favor the lower and middle income groups.
>
> The present government remains in power until Oct. 20.
>
> The SPD–FDP coalition has a 12-seat edge in the Bundestag (parliament) over the CDU, which will represent a formidable opposition force with 242 seats among the 496 voting members.
>
> A number of observers believe that Brandt's task will be extremely difficult. There are some fears that West Germany's postwar political stability may be seriously threatened.
>
> For the time being, however, Brandt's Social Democrats were jubilant. They promised to lead the country along a new path marked by imaginative ideas and the search for new formulas.
>
> But the new government is not likely to introduce immediately any sweeping changes.
>
> Its first concern is the fate of the West German mark which, freed from government controls on Monday, has shot up 6 percent since.
>
> The measure permitting the mark to float amounted to a de facto revaluation and caused a number of problems for West Germany's partners in the European Common Market.
>
> The West German bankers now are generally agreed that formal revaluation is a necessity. The SPD favors it too. The revaluation will most likely be equal to the amount at which the deutschemark will stabilize the days to come on the free market.
>
> The promised reforms in internal matters are not likely to be worked out before spring at the earliest. And Brandt's planned initiatives toward the Communist world are not about to bear immediate fruit, being limited by the nature of Soviet response.
>
> The new regime will be marked, above all, by participation of younger, generally more dynamic and progressive elements. But no radical changes are expected in staid, prosperous West Germany.

NIXON DISEMBOWELS MODEL CITIES

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, it has been an ill-concealed secret that the Nixon administration has no understanding of or sympathy for the cities of our land. Particularly is this true of the cities of the Northeast, Midwest, and Middle Atlantic States. At last the mask has been completely dropped, for yesterday the President signaled a slowdown and stretchout for the entire model cities program of urban aid. He did it by cutting $215 million from planned expenditures this year. This is a 42-percent reduction in spending estimates for the fiscal year ending next June 30, and it signals utter disaster for the very segments of our urban areas requiring the most help the fastest.

In 45 States, the District of Columbia, and Puerto Rico, 150 cities are now participating in this program, originated and passed during the last administration. They are told that Presidential required budget cuts and slow starts are responsible. Forty-one of these communities have already signed contracts moving their model cities programs from planning to implementation. As the Nixon administration sinks this particular fiscal knife to the hilt in the stomachs of these cities, it smilingly insists none of them will lose any of their promised money. Logical? Believable? When you can drive nails in a snowbank and steam shovels fly like butterflies.

Mr. Speaker, this program has moved along rapidly until President Nixon laid heavy hands on it. This was the first year for implementing plans to attack all causes of poverty and blight within a slum through one integrated plan. The concept is to funnel all the renewal Federal-local money can buy into target slum neighborhoods. It was our brightest urban renewal concept about to reach fruition. It had roused many bright hopes. Now all has been destroyed by a heartless administration with no compassion for the weak, no desire to help the downtrodden, and no understanding of the malaise and ills gripping America.

All plans left by the preceding administration, which called for funding model cities programs of 65 cities, have been canceled by the Republicans. The slowdown is expected to have its heaviest impact on the 34 first-round model cities locales that have yet to sign grant contracts, and on 75 second-round choices still in the planning phase.

Yesterday the reaction of every big-city mayor was universally negative and complete with condemnation of the President's action. Yet the worst reaction is yet to come.

What has been done in the past pales before the accumulated negative actions of this Government. President Nixon is using his executive power to wipe out almost all gains we have so painfully made in solving our urban problems. The Office of Economic Opportunity has been ruined. Job Corps, VISTA, and the Peace Corps have been effectively stifled or altered. Efforts by Government to fight water and air pollution have been muted or derailed by the President. Consumerism on the part of Government is now a delusion. Medical research has been crippled and research centers are already beginning to close. Now model cities joins cuts made in education and aid to libraries. It is more than disgusting, saddening, and depressing. It is self-defeating, and no phrase better describes the policy now being followed by the Nixon administration.

If we shortchange our children, allow pollution to continue unhindered, adjourn all efforts to end poverty, or aid the consumer, cripple medical research and conservation efforts and anihilate the average worker's buying power through disastrous economic polices, what will happen to our Nation? After Nixon, we shall be left with a hamstrung economy, devastating unemployment, and a series of social problems which will be worse and far more severe because they have been ignored. Cancers do not wither when unattended. They grow larger and more dangerous.

Mr. Speaker, I am very much saddened and apprehensive over these actions. Especially because they are the death knell for the hopes of so many poorer, humble people—citizens who were counting on this help. Now the dream of millions has vanished at the hands of a leader who spoke of compassion and who now exercises the cruelest of national options. Let us remember this well.

There has not been a single compassionate act or word from this administration. Everything is harsh, with edges and surrounded by "No." It is somehow reminiscent of Herbert Hoover, who stood stolidly while America crashed in ruins around him and people starved, mouthing the economic catchwords of another era. Somehow, they did not replace food or work to the American people. The President ought to look at yesterday's Massachusetts election if he wants to find out how well he is fooling the people of this country.

TROUBLED LAOS NEEDS FRIENDS NOW

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, not long ago I visited much of Southeast Asia. There, much more is at stake than the struggle in South Vietnam which has so preoccupied the American people during the past 4 years. And regardless of the importance of that struggle, we cannot ignore other troubled areas of Southeast Asia. For instance, the American people are not as well aware, nor was I, until my recent trip, that another Southeast Asian nation is seriously threatened by Hanoi's invading troops. This nation is the small Kingdom of Laos which lies alongside of North and South Vietnam to the west.

Laos is truly ancient among the nations of the modern world. Its written history dates back, long before ours, to the mid-14th century. Yet in another sense, Laos is a young nation, having regained its independence in 1953 after several generations of French colonial rule.

Today, the freedom of Laos is menaced by a new and much harsher form of colonialism. This time the threat comes from neighboring North Vietnam, which for many years has sought to impose its domination over Laos by a clandestine

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campaign of military aggression. Lao Prime Minister Prince Souvanna Phouma has often called this conflict "the forgotten war" in his appeals for international support for his embattled nation. But Laos should not be forgotten. Its security is vitally important to a lasting settlement of the war in Vietnam and to the broader question of freedom and stability in Southeast Asia.

To understand the extent of North Vietnamese interference in Laos, we must go back to 1950, when a Lao Communist front group, the Pathet Lao, was formed in the mountains of Northeast Laos under North Vietnamese auspices. The ostensible leader of the Pathet Lao was, and remains Prince Souphanouvong, the half brother of Lao Prime Minister Souvanna Phouma. From the very beginning, Hanoi has controlled the Pathet Lao with an iron hand, using it as a faithful servant in its quest for hegemony in Laos. But in spite of generous North Vietnamese training, advice and supplies, the Pathet Lao have never succeeded in arousing a broad following among the Lao people. Indeed, as a tool of a hostile foreign power, they are anathema to genuine Lao nationalists. Thus, Hanoi learned, at an early date, that it would have to do much of its own dirty work in Laos to fulfill its ambitions for control there.

This meant the introduction of regular North Vietnamese troops to fight in Laos. They came for the first time in 1953 and 1954, during the first Indochinese war. And at the Geneva Conference in 1954, they used the presence of their troops in Laos to assure Pathet Lao control of two northern Lao provinces. In this way they established a military and political base in Laos from which they could launch later campaigns on Lao soil.

For the next 5 years, Hanoi postponed its efforts in Laos while it rebuilt at home. But in 1959, it was ready again to commit major forces in Laos and new North Vietnamese battalions swept into Laos that year. The Communists made major gains, and a crisis of international dimensions devloped as the United States rushed to support the Lao Government with material and advisors, while the Soviet Union did the same for the North Vietnamese and the Pathet Lao.

By 1961, it became clear to the United States and the Russians that only a neutral status for Laos would permit it to survive as a nation and help insure stability in Southeast Asia. Many other nations agreed and the result was the 1962 Geneva Conference and the 1962 Geneva accords in which 14 nations, including the United States, Red China, the Soviet Union, and North Vietnam, pledged themselves to the independence and neutrality of Laos, and its freedom from all foreign military interference. A neutral coalition government was then formed under Prime Minister Souvanna Phouma in which all Laos factions, including the Pathet Lao, were represented.

The 1962 Geneva accords neutralizing Laos appeared to be a workable solution for Laos at that time. And indeed, they would have been, if the North Vietnamese had not betrayed their signature of the agreements. Instead of withdrawing their legions from Laos, as they solemnly promised to do, they withdrew only a token force of 40 men. Cynically violating their international commitment, the North Vietnamese kept an estimated 10,000 troops in north Laos. There they waited to resume their military campaign against the Lao Government when the time was ripe.

With North Vietnamese battalions backing them up, but with little domestic political support, the Pathet Lao were afraid of open competition in the Lao political arena. In 1963 they abandoned their seats in the coalition government and returned to open rebellion against the government, with heightened North Vietnamese assistance.

The escalation of the war in Vietnam then brought new North Vietnamese depredations in Laos. In order to wage war in South Vietnam, Hanoi needed a safe transport route to carry men and material southward. So it built the Ho Chi Minh trail, a vast complex of roads and trails that winds through the mountains and jungles of south Laos toward South Vietnam.

With ever-increasing momentum, North Vietnamese troops have continued to flow into Laos both in the Ho Chi Minh trail area in the south and in the north. Despite North Vietnam's involvement in the fighting with South Vietnam, it has been estimated that by 1968 there were as many as 40,000 North Vietnamese troops committed to the Laotian conflict. Today, it is known that there has been a substantial increase in this troop strength and with the introduction of these new troops, Hanoi has stepped up its timetable for aggression in Laos. During the past 2 years, its invading armies have hurled offensives against Lao Government positions and pushed deeper and deeper into Lao territory.

Interestingly, the North Vietnamese have been scarcely aided at all, during recent campaigns, by the Pathet Lao whose ranks have grown progressively weaker and ineffectual. The conflict in Laos has thus become, quite clearly, a war between the Royal Lao Government and the forces of North Vietnam. One cannot help but be appalled by the inequality of this conflict, even though North Vietnam is heavily committed in the war in South Vietnam. Laos has a population of less than 3 million, and probably 1 million of these live in Communist-occupied and controlled areas. Yet with few people and little in the way of supplies and weapons, the Laotians maintain an army of 100,000. This is the equivalent to forces of 10 million in the United States.

Hanoi's goal in this cruel war of aggression has remained constant: to destroy the neutral, independent Government of Laos and to replace it with a puppet regime of Pathet Lao Communists, reinforced, of course, with North Vietnamese military might and political cadres.

The cost of the war to the Lao people has been truly staggering. Tens of thousands of Lao have been killed or wounded. Hundreds of thousands have fled their homes as refugees from the brutal yoke of North Vietnamese and Pathet Lao control. The war has devastated the Lao economy and frustrated the Government's hopes for economic and social development. Already a poor and underdeveloped nation, Laos has been forced to devote a vast portion of its meager resources and able-bodied manpower to defend its very existence.

The fact that Laos continues to resist North Vietnam's campaign of aggression is a tribute to the courage of this small nation and the leadership of its leader, Prime Minister Souvanna Phouma. Holding steadfast to the principle of neutrality under the 1962 Geneva Accords, Prime Minister Souvanna has never asked for foreign troops to defend his nation against Hanoi's invading troops. The Royal Lao Army and loyal irregular forces have given valiant account of themselves and the enemy has had to pay dearly for his aggression. The Royal Lao Air Force is truly one of the wonders of the modern military world. Its young pilots regularly fly three sorities a day and have been doing so day in and day out for years, some for as many as 1,000 missions. The propeller-driven aircraft—T–28's—they fly, which were provided under U.S. military assistance, are ideally suited to conditions in Laos. The enemy fears them justifiably, for without them, it is doubtful whether the loyalist forces could have successfully continued their resistance to the North Vietnamese aggressions.

Souvanna has, however, called repeatedly for diplomatic and financial support from the signatories of the 1962 Geneva Accords who are pledged to protect the sovereignty and neutrality of Laos.

I am proud to say that the United States as a signatory of the 1962 Geneva Accords, has responded to these appeals with economic aid, military supplies, and strong diplomatic support. Presidents and Secretaries of State of three successive American administrations have spoken out strongly in favor of a sovereign and neutral Laos and have condemned Hanoi's predatory war of war against the Lao people.

Our delegation at the Paris talks has emphasized time and again that a peaceful settlement in Vietnam must include new guarantees for the inviolability of Laos and the removal of all North Vietnamese troops there. One needs only to glance at a map to realize that a withdrawal of North Vietnam troops from South Vietnam would be meaningless, if they are allowed to lurk nearby in neighboring Laos, waiting to strike once again into South Vietnam.

In the larger context of Southeast Asia, it is clear that no country there will be safe if little Laos is swallowed up by an imperialist North Vietnam, nor will the cause of international law and justice be strengthened, if this small nation is abandoned to its lawless neighbor.

Let us then take notice that there is indeed a war in Laos, which is a very serious matter to the United States and to the world. And let us serve notice on the new leaders in Hanoi, whoever they may be, that the world does not intend to forget the brave people of Laos as the victims of just another "forgotten war."

CHANGE OF HOUSE RULES REGARDING APPROPRIATIONS LEGISLATION

(Mr. CEDERBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, earlier this week I supported my good friend and colleague from New Hampshire (Mr. WYMAN) by cosponsoring a resolution—House Resolution 558—calling for a change in the rules of the House regarding appropriations legislation. While I believe that this is a good first step toward a resolution of our present difficulties in the area of funding legislation, it is only a first step.

In order to promote a more realistic approach to the problem of appropriations for the future, I introduced a bill yesterday which would change the fiscal year to conform to the calendar year. I believe that this is the only sure way to provide for a continuing solution to our problem. Each year we find that the Congress is in session later and later, and the appropriations bills are acted upon last. The legislation which I am introducing will greatly reduce the uncertainty which presently plagues Government agencies and will allow for a more adequate review of spending policies and needs.

It is time that we recognize that we cannot expect our Government to operate efficiently or effectively when moneys for programs are not accurately programed in advance. We are faced this year with the necessity of passing continuing resolutions in nearly all areas. This places a great burden on the various Government agencies which must plan their expenditures. We here in the Congress have complained bitterly about waste in Government and yet we do not provide one of the most necessary vehicles for the elimination of much of the waste which occurs.

A number of my colleagues have introduced legislation similar to mine. I feel that the bill which I have submitted recognizes several problems which are overlooked in other proposals. Section 2 of my bill would provide a vehicle for the orderly transition from the present system to the new one by directing that the Director of the Bureau of the Budget, in consultation with the Comptroller General, make provisions for the change so as not to adversely affect either the agencies of the Government or the collection of revenues.

Further, the bill reflects the need for conforming legislation in areas where reports and estimates are required from instrumentalities of the Government. This would bring accounting procedures into line with the new fiscal year.

I sincerely hope that the experiences of the last few years have not been lost on my colleagues and that we will be able to take some action on my proposal in the near future. It is my honest belief that the smooth functioning of government programs on both the Federal and local level is at stake.

SCHENECTADY GAZETTE CELEBRATES ITS 75TH ANNIVERSARY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, one of the leading newspapers in upstate New York, the Schenectady Gazette of Schenectady, N.Y., celebrated its 75th anniversary on Wednesday, October 1. I have been acquainted with the Gazette since I was a boy. It has made a great contribution to effective journalism in Schenectady and the surrounding areas.

I am proud on this occasion to join in saluting Mr. John E. N. Hume, Jr., the editor of the Gazette, its fine staff, and its Washington correspondent, Alan S. Emory, for the great job they have done, and to wish them many more years of continued community service in the years ahead.

Under leave to extend my remarks I include a letter from President Nixon and an anniversary editorial, both of which appeared on the front page of the anniversary edition on October 1:

FROM THE PRESIDENT

THE WHITE HOUSE,
Washington, September 17, 1969.

MR. JOHN HUME,
Editor, Schenectady Gazette,
Schenectady, N.Y.

DEAR MR. HUME: My warmest congratulations go out to The Schenectady Gazette on its 75th anniversary.

Your publication has been a vital factor in the progress and growth of your community. You have enriched a tradition that is among the most cherished possessions of our democracy: the freedom of the press.

As I salute your past accomplishments, I look forward with you, your staff and readers to continued success in the years ahead.

With my best wishes,

Sincerely,

RICHARD NIXON.

AN EDITORIAL

The Schenectady Gazette takes pride in announcing its 75th anniversary as a daily newspaper.

In the Daily Gazette of Oct. 1, 1894, the proprietors greeted the public as follows, in part:

"We today present to the people of our city the first issue of the Daily Gazette. We do not claim for it perfection but simply present it as the first evidence of an earnest desire on our part to give the City of Schenectady a newspaper that will seek to gather and print all the news while it is news and that it will be representative of the progressive and enterprising spirit which has so rapidly developed here . . .

"We appreciate the fact that to attain success we must deserve it. It shall be our labor to deserve it and in our efforts to that end we bespeak the hearty cooperation and kindly support of the people, whom we come to serve . . ."

The intentions of the Gazette thus were clearly outlined, and we are appreciative of the support from readers and advertisers alike that has made it possible for us to keep the faith that we expressed 75 years ago today.

The Gazette, as its first editorial in 1894 pointed out, was not launched as an "organ" and it has not been such. Its aim was to present the news from day to day as fairly and completely as it could. Our belief that it has done so is strengthened by the fact that in spite of the handicaps of various kinds faced by newspapers during the past 75 years the Gazette has risen to a position of prominence in the state. It is the only daily newspaper published in Schenectady.

Basically a news story or an advertisement is the same as it was three quarters of a century ago, but the difference between today's Gazette and the paper of 1894 is that of day and night. The four-page issues of the Gazette in the early days contained some 435 column-inches of news and roughly 110 column-inches of advertising. These days our editions carry 10 to 20 times as much. Not only the volume of news but the diversity of material has increased by leaps and bounds. Such fields as sports, women's activities, financial affairs, stage and screen, science, music, church and lodge affairs are covered far more efficiently than in former years and in addition the Gazette regularly carries a wide variety of columns of comment, analysis and instruction along with many other features of interest to young and old.

The Gazette is proud to have been in the front in the matter of physical improvements. In its early decades the Gazette was the first paper in the city to have the rotary press that made the flatbed press obsolete, the first to install linotypes that replaced most of the hand typesetting, the first to obtain stereotyping equipment, the first in the city to have the teletype machine by which the news is received from throughout the nation and the world. With each new advance, such as enlargement of our plant to include a separate building for the presses, the use of color in printing, improved picture reproduction processes, improved typography and makeup, the Gazette has been enabled to provide a more satisfying paper. Each improvement has reflected a confidence on the part of the Gazette not only in itself but in the community and the area. Time has shown that confidence to be justified.

The Gazette has endeavored not only to present the news but to offer what it believes are intelligent channels for thought on the part of the readers. It has encouraged and cooperated with organizations whose programs appear conducive to the public's welfare and advancement. We believe we have contributed significantly to the growth and advancement of Schenectady and the steadily widening area which this newspaper serves.

Twenty-five years ago today we said, on our 50th anniversary:

"We have no more idea than the next person what the next 50 years will bring, either to the Gazette, our community or the world. But on looking back over our half-century of service as a daily newspaper we cannot escape the conclusion that despite discouragements, handicaps, differences of opinion, depressions, wars, catastrophes and all the other heartbreaking events that have taken place, many forward steps have been achieved . . ."

We can say the same thing today, well aware of the fact that this area, like other parts of the nation, faces many problems, some of which did not exist 50 or 75 years ago.

We welcome the continuing challenge. We are determined to serve the people of this area to even greater degree as we head for our next big milestone, the 100-year mark.

CARROLL A. "PINK" GARDNER, A GREAT ATHLETE AND A GREAT PUBLIC SERVANT IN SCHENECTADY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last Sunday very suddenly one of the really great citizens of my former home city passed away, in the midst of a long and very brilliant career of public service,

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Carroll A. "Pink" Gardner, Schenectady County clerk since 1936.

Although we ran against each other in a primary election in 1958 which preceded my election to the House for the first time, we had been friends for a long time before that, and he remained my friend and counsellor. I knew him when I was just a boy and he was the new world's light-heavyweight wrestling champion, in the days before wrestling became more of an entertainment than a sport. He helped me get into political life for the first time in Schenectady and I have always tried to emulate his courage, his independence, and his consistent ability to put service to the community ahead of mere partisianship.

"Pink" Gardner was the greatest vote getter on either party in Schenectady. It is typical of this great and generous and energetic individual that at the time of his death he was, at the age of 75, running vigorously for reelection to his 12th consecutive term as county clerk. He did not believe in retirement; he was still young and vigorous at 75.

Carroll Gardner was the son-in-law of a former Member of this House, the late Congressman George R. Lunn, of Schenectady, and was himself three times a candidate for Congress. He would have been a credit and a great addition to this House.

Schenectady and the people of the New York State have lost a devoted and dedicated public servant whose match will not be seen for many a year to come. And I have lost a friend.

Under leave to extend by remarks, I include an article on Carroll Gardner from the Schenectady Gazette of September 29, and an editorial from the same paper of the following day:

"Pink" Gardner Dies at Fall Outing at 75

Carroll A. "Pink" Gardner, 75, running for his 12th consecutive term as Schenectady County Clerk, collapsed and died about 5 p.m. yesterday at his summer home, Fieldstone Lodge, Newfane, Vt.

Mr. Gardner and his wife, the former Eleanor Lunn, were hosting the annual fall outing of the Schenectady Old Time Football Players Inc. when he was stricken.

He reportedly entered the kitchen of the summer home and in the words of one guest, "just toppled over." A physician was summoned and pronounced the long-time county officer dead.

A medical examiner's report will be issued later, it was reported.

Survivors include his wife, and three children, Carroll A. Gardner, Jr., Ann Arbor, Mich.; George R. L. Gardner, Titusville, Fla.; and Mrs. James H. Jewell, Sinking Springs, Pa.

When Mr. Gardner, a one-time champion professional wrestler, announced his candidacy earlier this year, the Schenectady GOP was getting some bad news since the Democratic county clerk had proved the most successful vote-getter in local elections in the past three decades.

There had been speculation prior to his announcement that he would not run, but after consultations with Democratic officials, his candidacy was announced.

George V. Palmer, County Democratic chairman, called Mr. Gardner yesterday "a man of exceptional capability in many fields of endeavor. He will be deeply missed by the community as a whole and by the Democratic Party, both of which held him in such high esteem."

Mr. Gardner's first political office was attained in 1931 when he became the first Democratic sheriff in 20 years in what was described as an easy victory.

He took office as county clerk in November of 1936 (his first year was by gubernatorial appointment) and some of the staff who came with him then are still in their posts today.

Born in Poughkeepsie, he came here with his family in March, 1908, at he age of 13. His father, the late Charles N. Gardner, established a monument business which he later took over.

He went through the Schenectady Public Schools and began wrestling here as an amateur in 1911 for the Schenectady YMCA.

His amateur career led to the professional ranks two years later and he won the middleweight wrestling crown in 1922 at Boston, Mass., and the lightweight title in 1932 at Camden, N.J.

The son-in-law of the late Lt. Gov. George R. Lunn, who was also a Schenectady mayor and congressman, Mr. Gardner at times even had the support of the Republicans when he ran for the post, due to his virtual "shoo-in" vote getting.

Mr. Gardner ran unsuccessfully for Congress in 1934 and although losing in the predominantly Republican district in which he ran, managed to take the county.

He made two more unsuccessful Congressional bids, running in 1946 when he again took Schenectady County. In 1958, he was the organization nominee but lost in the primary to Representative Samuel S. Stratton.

Considered by many "the great neutral" in the local Democratic Party he had been given credit on numerous occasions for holding the party's many factions together.

Despite outstanding loyalty to the party organization, his independence had been displayed on occasion, most obviously in 1950 when he opened fire on the city Democratic administration for failure to crack down on gambling.

His statement led to a grand jury investigation, police department shakeup and collapse of the administration in the 1951 campaign.

Mr. Gardner was a difficult target for his political opponents to attack, since his office duties were so efficiently handled that the department was once chosen as a model for training of state motor vehicle district supervisors.

Besides his former career of operating the family monument business, he also operated the Gardner School of Physical Education and did public relations management for a brewery.

He unveiled his own grave mounment in 1951, which included two beaches and a reproduction of a 300 B.C. statue, "The Wrestlers."

Arrangements for funeral services for Mr. Gardner, who was active in a variety of civic, professional and political organizations, are incomplete.

"Pink" Gardner

Schenectady County probably will never have another public office holder like Carroll A. "Pink" Gardner, county clerk who died Sunday at the age of 75 at his summer home at Newfane, Vt.

Every time Mr. Gardner ran for re-election some people said "he may have gone to the well once too often," but his popularity did not wane and he had little demolishing his Republican opponents one by one regardless of what the rest of the respective tickets accomplished.

As with any public office with which the voter-taxpayer has direct contact there were complaints about the operation of the motor vehicle bureau, which is part of the county clerk's responsibilities, yet Mr. Gardner's bureau was once chosen as a model for training of state motor vehicle district supervisors. In most cases the camplaints came from people who waited too long before applying for licenses.

Mr. Gardner was remarkable not only for his longevity in office but because of his ability to take an independent, or neutral, stance while remaining Democrat. He was, in a sense, a one-man third party, so popular that if the Democrats had wanted to reject him because of his independent attitude they would not have dared. Usually his Republican opponent was running largely to get his name before the public, knowing he had little chance of beating "Pink."

"Pink" Gardner was widely known in his younger days not as a politician but athlete. He held wrestling championships in the days before wrestling became a trumped-up show. On the side, he was a successful businessman with a monument company and a physical education school.

"Pink" Gardner continued to "go to the well" because he knew most of the voters were still with him. He died, undefeated as county clerk, after a full life, with many friends and many satisfactions.

PERSONAL ANNOUNCEMENT

(Mr. KAZEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KAZEN. Mr. Speaker, my colleague, the gentleman from Texas (Mr. Pickle) has asked that I tell the House today of the reason for his absence. Due to a commitment made a number of months ago, he is home in his district today to attend a special ceremony in which the University of Texas at Austin is honoring the Clerk of the House, the Honorable Pat Jennings, and the gentleman from Texas (Mr. Pickle).

FAVORABLE COMMENTS ON PRESIDENT'S RECENT PRESS CONFERENCE

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, the President's recent press conference drew much favorable comment—as well it might have. Typical is the following editoral from the New York Daily News of September 27:

Nixon Lays It on the Line

President Richard M. Nixon—calmly, candidly and we think brilliantly—covered a lot of important ground in his televised White House news conference yesterday.

We particularly admired his booting into the middle of next week the current dove demands that a definite date be set for a complete U.S. troop pullout from Vietnam.

That, said the President with obvious truth, would only encourage the enemy to hang on until the stated day. He called such talk defeatist, and observed acidly that with less of such dove prattle in this country we could get on faster toward winding up the war.

He again refused to consider selling the South Vietnamese out to any government unwanted by them.

In the war against inflation, Mr. Nixon pointed out that the federal government now is tightening its own belt. It is not merely trying to jawbone industry and labor into keeping prices and wages down while government spending goes on unchecked. If industry and labor will cooperate, we'll get inflation under control that much sooner.

These were the highlights of the conference.

Our reaction: With every news conference, this President looks greater and greater. Let's be thankful for that.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. Green of Oregon, for Friday, October 3, 1969, on account of illness.

Mr. Fallon (at the request of Mr. Garmatz), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Dellenback), to revise and extend their remarks, and to include extraneous matter:)

Mr. Edwards of Alabama, for 30 minutes, today.

Mr. Bush, for 15 minutes, on October 6.

Mr. Hogan, for 30 minutes, today.

Mr. Watson, for 10 minutes, today.

(The following Members (at the request of Mr. Mikva), to revise and extend their remarks, and to include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Boland, for 15 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Gonzalez, for 30 minutes, on October 6.

Mr. Conyers, for 30 minutes, on October 6.

Mr. Conyers, for 30 minutes, on October 7.

Mr. Mikva, for 60 minutes, on October 14.

Mr. Olsen, for 1 hour, on October 14.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Albert, to include with his remarks a copy of the report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era.

Mr. Coughlin, to follow the remarks of Mr. Ryan on the Leggett amendment.

Mr. Stubblefield, to revise and extend his remarks immediately following those of Mr. Bray this morning.

Mr. Podell, to revise and extend his remarks.

Mr. Ryan, to revise and extend his remarks prior to the vote on the Jacobs amendment.

Mr. Charles H. Wilson, to extend his remarks in Committee of the Whole following the introduction of an amendment by the gentleman from California (Mr. Leggett) on the freedom fighter.

(The following Members (at the request of Mr. Dellenback), to revise and extend their remarks and to include extraneous matter:)

Mr. Roudebush.
Mr. Gude in two instances.
Mr. Scherle.
Mr. Kyl.
Mr. Steiger of Wisconsin.
Mr. Pettis.
Mr. Wyman in two instances.
Mr. Cunningham in five instances.
Mr. Fulton of Pennsylvania in five instances.
Mr. Foreman in two instances.
Mr. Lukens in two instances.
Mr. Derwinski.
Mr. Hammerschmidt.
Mr. Nelsen.
Mr. Hosmer in two instances.
Mr. Keith.
Mr. Broyhill of Virginia.
Mr. Ruth in five instances.
Mr. Collins in five instances.
Mr. Carter.
Mr. Schwengel.

(The following Members (at the request of Mr. Mikva), and to include extraneous matter:)

Mr. O'Hara.
Mr. Matsunaga in three instances.
Mrs. Griffiths.
Mr. Helstoski in four instances.
Mr. Edwards of California.
Mr. Diggs.
Mr. Annunzio in two instances.
Mr. Gonzalez in two instances.
Mr. Rooney of New York.
Mr. Howard.
Mr. Kluczynski.
Mr. Downing.
Mr. Rarick in three instances.
Mr. Vigorito.
Mr. Conyers in five instances.
Mr. Powell in two instances.
Mr. Charles H. Wilson.
Mr. Burke of Massachusetts.
Mr. Moorhead in two instances.
Mr. Boland.
Mr. Vanik in two instances.
Mr. Patten in two instances.
Mr. Clay in six instances.
Mr. Thompson of New Jersey in two instances.
Mr. Price of Illinois in two instances.
Mr. Hagan in three instances.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, October 6, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1213. A letter from the Assistant Secretary of the Interior, transmitting documents classifying the St. Croix River, establishing boundaries, and setting forth development plans, pursuant to the provisions of Public Law 90–542, the Wild and Scenic Rivers Act (H. Doc. No. 91–165); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1214. A letter from the Assistant Secretary of the Interior, transmitting documents classifying the Wolf River, establishing boundaries, and setting forth development plans, pursuant to the provisions of Public Law 90–542, the Wild and Scenic Rivers Act (H. Doc. No. 91–166); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1215. A letter from the Chief, Forest Service, Department of Agriculture, transmitting documents for the classification, boundaries, and development of the Eleven Point River, Mo., pursuant to the Wild and Scenic Rivers Act (H. Doc. No. 91–167); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1216. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been concluded with respect to Docket No. 171, William L. Paul, Sr., on the relation of *Tee-Hit-Ton Indians, a tribe, band or group, petitioner*, v. *The United States of America*, defendant, pursuant to the provisions of section 21 of the Indian Claims Commission Act, as amended (60 Stat. 1055; 25 U.S.C. 70t); to the Committee on Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNES of Wisconsin (for himself, Mr. Gerald R. Ford, Mr. Arends, Mr. Anderson of Illinois, Mr. Cramer, Mr. Poff, Mr. Rhodes, Mr. Taft, Mr. Bob Wilson, Mr. Smith of California, Mr. Utt, Mr. Schneebeli, Mr. Broyhill of Virginia, Mr. Bush, Mr. Morton, and Mr. Chamberlain):

H.R. 14173. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. GERALD R. FORD (for himself, Mr. Beall of Maryland, Mr. Biester, Mr. Bow, Mr. Brown of Ohio, Mr. Brown of Michigan, Mr. Carter, Mr. Don H. Clausen, Mr. Coughlin, Mr. Cowger, Mr. Cunningham, Mr. Esch, Mr. Eshleman, Mr. Fish, Mr. Frelinghuysen, Mr. Grover, Mr. Gubser, Mr. Halpern, Mr. Hansen of Idaho, Mr. Horton, Mr. Kuykendall, Mr. Lujan, Mr. McClory, Mr. McCloskey, and Mr. McKneally):

H.R. 14174. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. GERALD R. FORD (for himself, Mrs. May, Mr. Meskill, Mr. Morse, Mr. Mosher, Mr. Railsback, Mr. Robison, Mr. Ruppe, Mr. Schadeberg, Mr. Scott, Mr. Steiger of Wisconsin, Mr. Weicker, Mr. Whalley, Mr. Whitehurst, Mr. Widnall, Mr. Wydler, Mr. Wylie, Mr. Zwach, Mr. Hosmer, and Mr. Brock):

H.R. 14175. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERNETHY:

H.R. 14176. A bill to provide for a Delegate from the District of Columbia to the Senate; to the Committee on the District of Columbia.

By Mr. BINGHAM:

H.R. 14177. A bill, The Trade Quality and Consumer Information Act of 1969; to the Committee on Interstate and Foreign Commerce.

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By Mr. BURKE of Massachusetts (for himself and Mr. Wyman):

H.R. 14178. A bill to establish an orderly trade in textiles and in leather footwear; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. Moss):

H.R. 14179. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. FRASER (for himself, Mr. Karth, Mr. Rosenthal, Mr. Brown of California, and Mr. Conyers):

H.R. 14180. A bill to prohibit hiring professional strikebreakers in interstate labor disputes; to the Committee on Education and Labor.

By Mr. GROSS:

H.R. 14181. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 14182. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

H.R. 14183. A bill to provide for special programs for children with specific learning disabilities; to the Committee on Education and Labor.

H.R. 14184. A bill to designate the third Sunday in October of each year, as "Foster Parents Day," and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 14185. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. KEITH:

H.R. 14186. A bill to provide for the licensing of personnel on certain vessels; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 14187. A bill to amend the act of March 29, 1956, chapter 107, 70 Stat. 62 (25 U.S.C. 483a) entitled "An act to authorize the execution of mortgages and deeds of trust on individual Indian trust or restricted land"; to the Committee on Interior and Insular Affairs.

By Mr. MILLS:

H.R. 14188. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

By Mr. NELSEN (for himself, Mr. Gerald R. Ford, Mr. Springer, Mr. O'Konski, Mr. Harsha, Mr. Broyhill of Virginia, Mr. Winn, Mr. Steiger of Arizona, Mrs. May, Mr. Hogan, Mr. Cramer, Mr. Poff, and Mr. McClory):

H.R. 14189. A bill to amend chapter 23 of title 16 of the District of Columbia Code to revise proceedings regarding juvenile delinquency and related matters, and for other purposes; to the Committee on the District of Columbia.

By Mr. O'KONSKI:

H.R. 14190. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

H.R. 14191. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. RUPPE:

H.R. 14192. A bill to amend the act of August 1, 1958, to authorize restrictions and prohibitions on the use of insecticides, herbicides, fungicides, and pesticides which pollute the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST:

H.R. 14193. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. WYLIE:

H.R. 14194. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. ABBITT:

H.R. 14195. A bill to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. MICHEL:

H.J. Res. 921. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Senator Everett McKinley Dirksen; to the Committee on Post Office and Civil Service.

By Mr. PEPPER (for himself, Mrs. Griffiths, Mr. Nix, Mr. Waldie, Mr. Watson, Mr. Wiggins, and Mr. Denney):

H. Con. Res. 397. Concurrent resolution expressing the sense of the Congress with respect to the Surgeon General conducting a study of the social, behavioral, medical, and pharmacological questions relating to the use of marihuana; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEITH:

H.R. 14196. A bill for the relief of Carlota Gujmares; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 14197. A bill for the relief of Mrs. Aprus Eshoo; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 14198. A bill for the relief of Ali Samimi; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

HOUSE PASSAGE OF H.R. 14000

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BIAGGI. Mr. Speaker, H.R. 14000, the fiscal year 1970 military procurement authorization bill, has been passed by the House. I felt compelled, out of concern for national defenses and the national interest, to support final passage, despite the fact there are many expenditures in the bill I opposed and expressed my opposition by voting on a number of amendments offered. It grieves me, and my colleagues who feel as I do, that the bill appeared in this final form. Notwithstanding the objectionable portions, my position was motivated by a sense of responsibility and concern for my country and for the hundreds of thousands of American boys who are currently serving in the military services, who require continued support until the end of the war when they can once again return to their homes.

Nonetheless, Mr. Speaker, it is incumbent upon me to etch into history a brief but vitally important footnote relating to the manner in which this bill was considered by the House of Representatives.

As reported out of the Committee on Armed Services H.R. 14000 authorized appropriations totaling $21,347,860,000. This report—No. 91–522—ran to 176 pages, and was dated September 26, 1969. The report followed extensive hearings on military procurement authorization which total thousands of pages of testimony. Yet the bill was first taken up on the House floor on October 1, 1969, which hardly gave time for due consideration of either the hearings or the report, and was passed shortly thereafter.

When all is said and done, probably the key vote in House consideration of H.R. 14000 was on House Resolution 561, by which only 4 hours of general debate were to be devoted to evaluation of the bill. This resolution passed in a rollcall vote on October 1, by 342–61. I joined 60 of my colleagues in voting "nay."

This particular vote, Mr. Speaker, raises grave questions about the propriety of the approach to basic national defense issues that this body has taken. As my colleague, Representative John E. Moss of California stated on the floor just before passage of House Resolution 561:

> We ought to know what we are doing. We ought to have adequate time to engage in meaningful debate and not be forced to compact it all into four hours. I know what is going to happen. We are going to try to get the four hours out of the way probably today and then under the pressure of avoiding a Friday session try to limit debate tomorrow. If we debated this thing for a week we would be giving it inadequate attention.

I believe that sufficient time be provided to consider every aspect of this authorization bill—to weigh all of the varied viewpoints that could well have provided substantial savings in military expenditures without endangering national security. These savings could have been designated to promote a healthier domestic economy and society. Further, such savings would assist in removing some of the inflationary pressures which are presently threatening the economy and affecting the wage-earner by reducing the value of his earnings. As a practical man, I believe it is logical to assume that it would be in the best interest of all concerned if spending more time resulted in spending less money in the area of military priorities.

What is done is done, Mr. Speaker. What is important is what will be done in the future. Never again, I submit to

this House and to both sides of the aisle, should a measure of this importance be permitted to escape the careful and detailed scrutiny that can only be made by the House of Representatives assembled in general debate. We have witnessed Members of this body being limited to a mere 45 seconds in which they could make known their views. This, Mr. Speaker, is unfair, unwise, and violates the principle of free speech.

I despair over the state of legislative affairs that I have just outlined, Mr. Speaker. But at least I have spoken out in what I hope will be a trenchant footnote to history that precedes later and more responsible episodes of congressional national defense decisionmaking.

I will continue to speak out in this vein, and I hope many other voices will joint mine in crying out "billions for defense, when necessary, but not 1 cent through hasty national defense decisionmaking."

JOUSTING—MARYLAND'S STATE SPORT

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Friday, October 3, 1969

Mr. MATHIAS. Mr. President, I wish to call public attention to an interesting and colorful sporting event, the annual Maryland State jousting tournament, which is scheduled to be held tomorrow, October 4, near Baltimore.

Jousting is a medieval contest which has become Maryland's "official" State sport, and is in the midst of a real revival in Maryland and surrounding States. It is a sport demanding real skill and horsemanship, and tournaments usually include pageantry reminiscent of the elaborate rites which accompanied jousting tournaments among medieval princes.

The Maryland State Jousting Tournament Association has sponsored an annual State tournament every year since 1950. This year many local tournaments have also been held around the State. The second annual national tournament will be held on Sunday, October 12, on the Washington Monument grounds in the Nation's Capital.

These competitions have attracted many skilled riders. Among those competing tomorrow will be Leon Enfield, of Frederick County, last year's national champion; and Phillip Clarke, the defending State champion.

I invite the public to attend the State tournament on October 4 and the national tournament on October 12. I ask unanimous consent to have printed in the Record an article on jousting written by Earl Arnett, and published in the Baltimore Sun of October 3.

There being no objection, the article was ordered to be printed in the Record, as follows:

MEDIEVAL PAGEANTRY, HORSEMANSHIP TO COLOR STATE JOUSTING TOURNAMENT

(By Earl Arnett)

Remnants of medieval pageantry and colorful horsemanship will mark the Maryland State Jousting Tournament scheduled to begin 11 A.M. tomorrow at the athletic field adjacent to the Carling Brewing Company.

Jousting, Maryland's "official" sport, dates to the earliest days of English history in the New World, when Leonard Calvert founded St. Marys City in 1634. The sport of jousting at suspended rings had evolved from older, medieval tournaments when men jousted against each other in competition for kingdoms, women and wealth.

"Jousting became a sport with the discovery of gunpowder," Miss Mary Lou Bartram said recently. Miss Bartram has won the Maryland championship three times and one day hopes to write a book on the history of the sport.

"After the Civil War, jousting flourished in this country," she continued, "particularly in the South. Tournaments were held to raise money for monuments to the war dead. Jousting flourished particularly in the South because of the interest in horses. The sport combined skill, sportsmanship and horsemanship."

The sport seems to be in the midst of a modern revival in Maryland and surrounding states. The Maryland Jousting Tournament Association was formed in 1950 and has sponsored an annual tournament in the state since that date. Miss Bartram added that since June there has been at least one jousting tournament a week in scattered sections of the state.

IN WASHINGTON

Last year, she said, the first national jousting tournament was held in Washington. The second annual tournament will be held Sunday, October 12, on the grounds of the Washington Monument in Washington.

This weekend's tournament will probably attract about 100 riders, although only 12 to 14 will be eligible to compete for the championship. In the championship event, each rider will attempt to spear rings measuring one-half-inch in diameter while atop a galloping horse.

Every contestant is permitted a total of three charges down a straight 80-yard course beneath three arches from which the rings are suspended. The rider has 9 seconds in which to complete the course and spear the three rings with his lance.

The lances are generally 6 to 7 feet long and weigh 6 to 10 pounds. There are no age or sex limits for the competitors; only skill determines the classification in which they compete. Novices aim for rings one and three-quarter inches in diameter, amateurs at one and a half inches, semi-professional at one and a quarter inches, and professionals at one inch.

Those competing for the championship must have placed in the top three in the professional class at least twice during this year's tournament season. The winner will receive a nominal prize of $35 and a challenge trophy.

All the riders compete under a title. Phillip Clarke, for example, who won last year's state championship, calls himself "The Knight of Little Red Wagon." One of his chief competitors this year is Leon Enfield, a Frederick county dairy farmer who won the national tournament last year as "The Knight of Little Woods."

FORT M'HENRY

Prior to the five-event tournament, the riders will parade around the field behind the Marine Drum and Bugle Corps which conducts summer ceremonies at Fort McHenry.

In accordance with the medieval tradition, the winner of the state championship will crown "Queen of Love and Beauty" in concluding ceremonies on the field.

The Carling Brewing Company is located just north of Exit Nine off the Baltimore Beltway. There is no admission charge; refreshments are available on the grounds; and the public has been encouraged to attend.

JAPANESE-AMERICAN PARTNERSHIP FOR PEACE IN ASIA

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. MOSS. Mr. Speaker, a bitter crisis may be in the offing between the United States and Japan over the island of Okinawa. For 25 years, Okinawa has served as a major American base in the Far Pacific and has been under complete American control even though we have acknowledged that it rightfully belongs to Japan. Over the years, political pressures have been building up within Japan demanding a return of the island to Japanese sovereignty. Now these pressures threaten to undermine popular confidence in the Sato government unless the United States takes positive steps to set forth a detailed plan for the ultimate return of Okinawa to Japan.

Some critics seem to feel that within the American Government, short-range considerations of military bases appear to be taking precedence over long-range considerations of peace and stability in Asia. They say if a shortsighted approach is taken and a determination of Japan's sovereignty over Okinawa is delayed, then a bitter crisis may develop. Not only could the Sato government fall but the long-range interest of the United States in Asia could be severely jeopardized. From my experience as chairman of the Foreign Operations and Government Information Subcommittee of the Government Operations Committee I know what a serious problem this is.

That is why I am delighted that my California colleague, Congressman John Tunney, has spoken out on this issue and offered a detailed proposal for resolving the Okinawa question within a "Japanese-American Partnership for Peace in Asia."

Congressman Tunney should be congratulated for coming to grips with this problem and presenting a proposal for our consideration. I think it deserves serious study. His statement and a news article follow:

A NEW JAPANESE-AMERICAN PARTNERSHIP FOR THE PACIFIC

(Statement by Congressman John V. Tunney, prepared for the American Assembly Conference, Shimoda, Japan, September 2 to 4, 1969)

As the new decade of the 1970's begins, we mark the passage of a quarter-century in which the United States has carried the major burden for maintaining the peace in the Pacific. Despite the tragic wars in Korea and Viet Nam, this era has, thankfully, been free of any general conflict spreading throughout Asia and involving the major nations of the region.

During these past twenty-five years, most Asian nations have been free to focus their energies on internal renewal, strengthening the fabric of their societies and developing their economies. With only a few notable exceptions—like China, Korea, Viet Nam, and Indonesia for a few years—the nations of the region have felt secure enough to have small military establishments and low defense budgets. National resources have, therefore, generally been available for the task of building strong, self-sustaining societies.

Although peace has been maintained, it

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has required the counterbalancing of some serious sources of tension. They have arisen primarily from the unfortunate political divisions between the Koreans, Chinese, and Vietnamese divisions which have caused persisting conflict between each of these peoples to unify themselves as a nation. China, of course, has been the source of other tensions caused by a determination to develop its latent power into a force of worldwide significance—a determination manifested by its acquisition of nuclear weapons. Yet, despite China's apparent commitment to expand its nuclear arsenal and to build intercontinental missiles, its efforts have encountered difficulties making it unlikely that such a striking power will be developed before the mid-1970's, if not later. Whatever China's future intentions, its continuing spirit of isolation toward the nations of Asia will remain a major source of tension as well as a major reason for efforts aimed at diplomatic reconciliation.

In spite of these tensions, the peace of Asia perhaps could have been, with the exception of Viet Nam, maintained over the past quarter-century without the counterbalancing power of the United States. Lacking the American presence, most Asian nations would probably have had to devote substantially more of their resources for defense purposes, slowing their rates of economic growth and risking strains within their societies. Such circumstances would have been contrary to American interests. Promoting the growth of strong societies and prosperous economies has been the major goal of American policy in Asia and the principal justification for the presence of our military forces stationed in the Pacific. Clearly, the United States has intended that its burden of maintaining the peace should result in precisely the kind of growth of resilient societies that has in fact occurred.

Even before the war in Viet Nam, the United States had as large a force in the Pacific as it maintained for the defense of Western Europe. And even if all of the forces committed to the Southeast Asian mainland as a consequence of the Viet Nam war were withdrawn and deactivated, the United States would still have over a third of a million men deployed in the Pacific. If there were such a return to the pre-Viet Nam posture, then the major components of American power in the Pacific would again be air and naval units concentrated in northern Asia and intended primarily for deterring aggression, especially against insular areas. Though the costs of these North Asian forces have never been of the same magnitude of the approximately $120 billion expended in Viet Nam, they have been costly, particularly during the years of the Korean War.

These costs of maintaining a generally peaceful Asia are often the source of controversy in the United States. But one of the strongest arguments in their favor has been the successful results from the policies of the American presence in northern Asia. Not only has the peace been kept but the nations of the area have grown in economic strength at an unprecedented rate. Taiwan, for example, has had an economic growth rate among the very highest of the world, averaging around nine percent for the past two years. This past year, Korea's national product rose by 12 per cent and is expected to average a 10 per cent annual increase at least up to 1971. But overshadowing these accomplishments has been the breathtaking achievement of Japan, which this past year had an astounding growth rate of 14.3 per cent even after adjustments for price increases. Alongside Japan, America's growth rate is almost puny by comparison. Japan's economy is growing about three times faster than that of the United States.

Japan's spectacular achievements have caused such rapid and historic changes in the ranking of economic power in the world that many people have been slow to understand their effects. Since the speed at which Japan has been growing is not only the fastest in the world but also unprecedented for an industrialized country, this lack of understanding is not surprising. Books written about Japan in 1967 are already hopelessly out of date. In 1966, Japan ranked sixth among the world's industrial nations, yet in one year she was able to leap ahead of both Britain and France to reach fourth place as of 1967. Even though earlier projections of Japan's economy had taken account of the fantastic growth rate, it had not been expected that she would surpass West Germany and become the world's third ranking economic power until 1985. Defying conventional assessments, Japan made this astonishing jump to third place in 1968 when her national product reached $147.4 billion! Now only the Soviet Union and the United States stand ahead of her.

Having attained the position of the world's third ranking power with such startling speed, Japan now commands profound respect for its vigorous leadership in the world's economic affairs. Because of this new position of power and respect, it is natural that Japan should want to review its relationships with other nations, especially the United States. Due to America's willingness to carry the burden of maintaining the peace of Asia, Japan has never had to allocate more than 1.5 per cent of her gross national product for defense, as compared with American defense expenditures of between 9 and 10 per cent of GNP. The major question confronting Japan as the 1970's begin, therefore, is what level of defense effort she should make to insure the safety of her people, and what kind of new defense strategy should be arranged with the United States. There is no question about the need for a new relationship between Japan and America; the question is rather what this new relationship should be.

In seeking a new basis for cooperation in maintaining the peace in Asia, I believe that Japan and the United States should emphasize the obvious complementality of the power between them. Both nations have distinctively different national characteristics and forms of power and both have distinctive contributions to make in Asia. Both nations should, therefore, seek to derive maximum benefit from their complementality in order to give greater force to maintaining the peace. To establish the basis for such an effort I believe that Japan and the United States should be guided by the following principles:

First, the two nations should declare a partnership for peace in the Pacific. This partnership should be based on the complementality of power that has developed between Japan and the United States over the past quarter-century. Its purpose would be to realize the new opportunities for strengthening the prospects for peace that this complementality has created. The United States would signify its understanding of this new partnership by announcing its intention to return Okinawa to Japanese sovereignty on a schedule which would minimize the strains on the island's economy as well as on Japan's capacity to absorb the burdens of the island's public expenditures. For its part, Japan would signify an understanding of the new partnership by announcing its intention to contribute to the maintenance of peace in Asia by making available its techniques and resources for economic growth on a scale commensurate with its position as the world's third largest power.

Second, the United States would continue to carry the primary burden for maintaining peace in Asia as well as for the defense of Japan through the presence of its military forces in the Western Pacific. One of the most important aspects of this burden would continue to be the deterrent against nuclear attacks on Japan. In maintaining this deterrence, both Japan and the United States should carefully review the requirements for bases to support deterrent forces, especially on the island of Okinawa. Both countries should proclaim their interest in the continuation of the existing Treaty of Mutual Defense and their intention to effect the transfer of Okinawa to Japanese sovereignty within the general framework of the treaty. The question of the right of the United States to retain "free use" of its military bases on Okinawa would be the subject of separate diplomatic initiatives. A time table would be devised which both nations could live with, particularly in light of the United States' present efforts in Viet Nam.

Third, both nations would recognize that the peace of Asia depends not only on the short-run needs for military force, but also—and more importantly—on the long-range reconciliation of underlying tensions. While economic growth cannot by itself reduce frictions, it is the most promising task that a world power can support within an underdeveloped country. In its new partnership with the United States, Japan would take the lead in promoting economic growth in underdeveloped countries in Asia on a scale which the United States had never attained because of the use of its resources for the short-run, military requirements of keeping the peace. By undertaking to stimulate the economic growth of Asia on a scale as unprecedented as its own internal growth, Japan would be establishing a new distinctiveness for itself as a world power.

In fulfilling the promise of this new partnership in Asia, Japan would have an opportunity virtually unique in the history of world powers. By devoting the same level of resources for stimulating the economic growth of Asia which nations of comparable power now spend on armaments, Japan would gain a reputation for peace unmatched among the leading nations of the world. The moral influence in world affairs resulting from such a reputation would be certain to be of substantially greater impact than that derived by nations of comparable power from their expenditures on armaments. This influence would not only be manifested by less developed countries in seeking the techniques and products of Japan, but also by recognition of Japan's new leadership for peace through requests for her mediation and reconciliation role in international disputes. Japan's permanent membership in the Security Council of the United Nations would be an obvious example of one of the first results which could flow from Japan's new role in the leadership for peace.

In recent years an expenditure of about 4 to 5 per cent of GNP for defense has been typical of most West European countries. Japan, however, spent less than 0.8 per cent of her GNP on defense, or about $1.17 billion, a figure which reflects dramatically the benefits to Japan of her mutual Defense Treaty with the United States. Yet the savings to Japan from these low defense expenditures have not been reflected in contributions to the economies of less developed countries. In 1967, Japan ranked sixth in the world in contributions to economic developments in terms of per cent of GNP with an amazingly low 0.54 per cent. Japan's development in terms of per cent of GNP million, over half of which was in the form of private investment and private loans. In terms of absolute levels of assistance, Japan's contribution was even surpassed by Britain's $980 million, not to mention France's $1.3 billion. Clearly, these comparisons indicate that Japan continues to be more concerned about its own growth than in assuming the role and responsibilities of a world power.

Such a priority is entirely understandable. Although Japan ranks third in the world according to total size of her economy, she is still significantly behind most Western European countries in per capita income. In 1967, Japan ranked 19th in the world—behind Italy and ahead of Ireland—with a per capita income of $921. Besides the obvious

desire of Japanese to increase their personal incomes, there are also requirements for badly needed public services, such as schools, roads and housing, which have been slighted in Japan's impressive effort to rebuild her economy over the past quarter-century.

But despite these understandable domestic priorities, Japan is aware of both the changes in world power, of which her growth is a dramatic part, and of the responsibilities which confront her as a front-ranked nation of the world. Several months ago, in fact, foreign Minister Aichi acknowledged that in the aftermath of a settlement of the Viet Nam War, Japan would face increased demands to act in accordance with her status as the great economic power of Asia. He left no doubt about how he felt Japan should respond to this challenge. "We must," he said, "make a peaceful contribution to the stability of Asia by contributing as much of our economic power as we possible can." But how much of a contribution will this actually turn out to be?

If Japan's defense budget stays around 1 or 1½ percent of GNP due to the protection she receives from her Mutual Defense Treaty with the United States, then shouldn't it be possible for her contributions to Asian development at least to match this level of expenditure? In other words, during the next three years, isn't it reasonable to expect that Japan could contribute about $5 billion to the peaceful development of Asia? A total contribution, therefore, of about 3 percent of GNP for both self-defense and Asian development should be within the range of Japanese capabilities even though there is an understandable eagerness to boost per capita income to West European levels. It should be noted, however, that Japan now enjoys a balance-of-payment surplus of $1.1 billion in her trade with the United States. This alone would enable Japan to begin to underwrite peace in Asia.

A true Japanese-American partnership in Asia will, of course, depend more on an understanding of common goals than of any specific level of initial expenditures. If Japan does not see her interests served by emphasizing the complimentality of power with the United States, then suggestions that she increase her contributions to Asian development will simply be welcome gestures rather than the foundation of a long-range policy. The advantages of such a partnership should, however, make it a compelling goal not only for Japan and the United States, but also—and especially—to the nations of Asia. If they could have the opportunity for sustained growth in a climate of security—like the opportunity Japan has had over the past quarter-century—then their contributions to a peaceful Asia would be the real fulfillment of a Japanese-American partnership in the Pacific.

[From the San Francisco Examiner, Sept. 7, 1969]

BOOMING JAPAN'S EAST ASIAN ROLE

A weary United States wants to lay down some of the heavy economic burden it has carried in East Asia since World War II. But the Pacific basin's other economic giant, Japan, has for understandable reasons shown no eagerness to do the responsible thing and pick it up.

Protected by the American military shield, and thus freed of the enormous expense of defending itself, Japan has become the fastest growing of the big industrial powers. Last year it passed West Germany to become the third ranking economic power, behind only the U.S. and Soviet Russia.

Japan's growth is a testimonial to the capacity for hard work and enterprise of a remarkable people, as well as evidence of the great strides a free society can make when relieved of the need to commit resources to a military establishment. Very much the same can be said for the West Germans, our other major foe of those yesteryears when Soviet Russia was our formal ally, our nominal friend and our covert enemy.

The Japanese boom is further helped along by the fact that the Japanese are not helping less fortunate countries as much as they could. Rep. John V. Tunney (D-Calif.), a member of the House Foreign Affairs Committee, pointedly told the Japanese in a speech in Japan last week that the help they were giving others was an "amazingly low" portion (0.54) of their gross national product. Even hard-pressed England and France give more. Moreover, most of the Japanese aid is private loans and investments.

Tunney proposed a new Japanese-American partnership for peace in the Pacific. Under its terms Japan would contribute $5 billion in aid over the next three years to help stabilize other East Asian nations. The U.S. would continue its protective umbrella over Japan and keep its big Okinawa bases but return sovereignty over Okinawa to Japan.

Japan has a good thing going, and it is not human nature to give up a good thing. Besides, Japan has much internal catching up to do. The per capita income of its people—$921 in 1967—is still lower than that of Western Europe. It has serious problems with radical youth. Many older Japanese, remembering the disaster brought upon them by the country's pre-World War II expansionism, fear that economic aid to neighboring countries would be looked upon suspiciously as Japanese domination in a new economic form.

But the East Asian world is changing rapidly as the U.S. seeks to wind up the war in Vietnam, reduce its commitments to East Asia generally, and direct more of its resources to domestic needs. The pressure on Japan to come out of its countinghouse and assume a bigger East Asian role, as the only democratic nation capable of doing so, is growing steadily.

These changes and pressures form a backdrop to the big Japan Week celebration now in progress in San Francisco. They will be very much in the minds of the diplomats, economists, bankers and industrialists who, as a part of Japan Week, will gather here Wednesday for a seminar on U.S.-Japan political and economic relations.

NIXON ADMINISTRATION WILL NOT TOLERATE ANY SCANDALS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. SCHERLE. Mr. Speaker, it appears that there is a scandal of major proportions brewing in the Defense Department, involving the operations of officers and noncommissioned officers clubs, a scandal that dates back at least several years and one about which the Pentagon, under the leadership of Robert McNamara, apparently did nothing.

The scandal is only now just beginning to surface, thanks to the work of the Investigations Subcommittee of the Senate Government Operations Committee.

Unfortunately, it appears that it will involve some members and some former members of the Armed Forces.

Two of those mentioned who, at the least, will be called to testify, are retired Gen. Carl C. Turner and the Army's first sergeant major, William O. Wooldridge.

May I say, without imputing any guilt to either of these men, that I note with pleasure the alacrity with which the Nixon administration has acted, first in requesting and getting the resignation of General Turner as chief U.S. marshal, and second in reviewing the honors it has bestowed on Sergeant Wooldridge.

The Nixon administration is determined that it will not tolerate any scandals in this administration and it will meet head on any left over from the prior administration.

Mr. Speaker, to be effective any administration must have two things: integrity in its own ranks and the confidence of the people. I am pleased to see that the President is determined to maintain both.

NEGRO AIDES FIND GAIN UNDER NIXON

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, too often we hear criticism of the President's approach to improving the opportunities of our minorities from people who do not know what they are talking about, because they have not taken the time or effort to find out.

The critics will be surprised to find, I am sure, that in a quiet, unobtrusive way, the administration is making progress in the area of civil rights.

James M. Naughton, in a recent article in the New York Times of September 29, makes that plain:

NEGRO AIDES FIND GAIN UNDER NIXON—NINE HIGH OFFICIALS EMPHASIZE PRAGMATIC APPROACH THAT FOCUSES ON GETTING JOBS

(By James M. Naughton)

WASHINGTON, September 28.—When President Nixon pledged at his inauguration to "bring us together," many Americans took a quick look at his Cabinet, noted the absence of black faces and reacted with skepticism.

The skeptics still abound. Yet Mr. Nixon has quietly installed 10 Negroes in important sub-Cabinet posts of his Administration. They expressed, as one of them stated it, a common theme:

"Civil rights is not on the back burner in this Administration. We may be quiet, but we intend to get results."

In separate interviews with nine of the 10—seven off the record at their insistence—this picture of the Nixon Administration approach to civil rights emerged:

It is, above all, quiet. A staff memorandum at the White House titled "Efforts of Administration in Civil Rights and Minorities Areas" makes the telling point in its first paragraph of noting "an excellent example of the quiet way to get things done." A political stance based on a so-called Southern strategy would not be easily compatible with an open, avowed civil rights crusade.

It is focused on economics. A rising tide lifts all boats. The emphasis is on seeking to float more black and brown individuals into the American economic mainstream by helping them find job opportunities.

It is pragmatic. After two decades of idealistic oratory, after scores of socially oriented laws, after a year in which physical confrontations reached new heights and racial despair new depths, the Administration appears resolved to "defuse" the tension and buy time for more subtle efforts—in courtrooms and conference rooms—to achieve results.

XUM

WILLINGNESS TO TRY

Even among Negroes in Government posts there are those who fear quiet pragmatism will not work. They are willing to give it a try, though.

"This Administration or any Administration is doing to make progress only when it delivers," said a Democratic black Assistant Secretary. "I want to see this Administration deliver. If I didn't feel it was going to, I wouldn't be here. I have a long time left to live with myself."

Few people seem aware that Mr. Nixon's Administration includes any top-level Negroes other than James Farmer, Assistant Secretary of Health, Education, and Welfare. That is itself a testimonial to the President's quiet method.

The nine other Negroes holding sub-Cabinet posts with broad power are Robert J. Brown, special assistant to the President; Samuel C. Jackson and Samuel J. Simmons, Assistant Secretaries of Housing and Urban Development; Arthur A. Fletcher, Assistant Secretary of Labor; Ronald B. Lee, Assistant Postmaster General.

Also James A. Washington Jr., general counsel of the Department of Transportation; James E. Johnson, vice chairman of the United States Civil Service Commission; William Brown, chairman of the Equal Employment Opportunities Commission, and Ben Holman, director of the Justice Department's Community Relations Service.

LITTLE VERBAL ABUSE

All but Mr. Jackson, who is in Europe, were interviewed within the last two weeks. Most contend they have suffered little verbal abuse by virtue of being in the Administration, but at least one has been booed at a meeting of a Negro group and one of them conceded "some uptightness in our ranks."

The majority expressed the belief that they are playing an essential role.

"Why did I, as a Democrat, accept the job?" asked one. "Well, I was at a cocktail party with a lot of other liberal expatriates of the Johnson Administration and it dawned on me how unfortunate it was everybody with a commitment to civil rights was quitting the Government. Somebody had to stay inside to make the case."

Several Negroes in the Administration have expressed amazement there has been no attempt to capitalize on their presence with a flood of press releases.

"If it weren't for reporters seeking me out, nobody would know I'm here," said a liberal black. "If the White House is 'using' me they're not getting much out of it."

"There are two ways you can look at it," he added. "You can say, 'Gee, that's great,' or you can say, 'Maybe they don't give a damn—they didn't get the black vote and don't want it.'"

NEGRO IMPACT DOUBTED

Mr. Fletcher, who was the Republican nominee for Lieutenant Governor of Washington in 1968, believes Mr. Nixon cannot win over the Negro majority.

"Negroes are as emotionally, politically prejudiced against Republicans as Wallaceites are against Negroes," he said.

But the point, he added, is that what another Negro in the Administration calls an "automatic, knee-jerk reaction" among blacks to Mr. Nixon's proposals will work to the disadvantage of minority groups.

"This is where the Negro community has got to develop some sophistication," said Mr. Fletcher. "They should be presenting their agenda to the White House and pressing for action just as they did under (Presidents) Kennedy and Johnson.

"The occupant of the White House changed twice after President Kennedy said we should put a man on the moon," he noted. "But NASA didn't give up. It continued to make its case to the White House for meeting the commitment. It is a tragic mistake for the black community to fail to do the same thing. Needs of black people are not going to wait four or eight years for a change of Administration."

Not all the Negroes in the Administration are flaming liberals. There is a particular mood of defensiveness among them when they are asked to explain the Administration's attitude toward school desegregation in the South.

NIXON SHIFTED APPROACH

When Mr. Nixon shifted the approach from administrative action—cutting off Federal funds of school districts that failed to integrate—to a courtroom attack on segregated schools, liberals said, the pace surely would slow.

The Administration's request for more time for 30 Mississippi school districts to devise integration plans met with outrage and a palace revolt in the Justice Department's civil rights section.

Attacks on the Nixon Administration for allegedly slowing school desegregation are not entirely honest, said Mr. Farmer. "A lot of people seem to think the impression we were going full speed ahead until January of this year," he stated. "There have been changes in "[desegregation] deadlines consistently over the years."

Mr. Fletcher believes the Nixon Administration "is developing its own unique thrust" toward school desegregation, which may be slower to work but surer to get results. "This Administration is not going out promising more than it can deliver," he said.

Another Negro in a high echelon position said Mr. Nixon's school desegregation approach is pragmatic.

"Let's be realistic," he argued. "If we ask the courts to delay until September, 1970, in September, 1970, those schools had better be integrated. It's that simple.

"In the meantime," he added, "we'll give them all the time and help they need instead of drawing up a plan in Washington and forcing it on them. I'm from the South and I'm black, but I know that people, black or white, rebel against others arbitrarily sending them orders. You've got to work with people. That's the only way we're going to get real meaningful desegregation."

POINT OF AGREEMENT

If there is one point on which all the Negroes working in Mr. Nixon's hierarchy appear to agree, it is that the time is right to shift the civil rights focus to the equal employment opportunity arena.

"This Administration is not going to spread itself thin over the whole range of civil rights activities," said Mr. Fletcher. "It's going to concentrate on economic opportunities. We got so hung up on the idea that civil rights was a social problem that we failed to see the connecting links. We've got to talk economics."

One Administration figure who works directly in this area stated the same point this way:

"Originally we felt that if minority people were educated it would change things. But studies show the average Negro college graduate earns $1,040 a year less than the typical white high school dropout.

"People have to be given the opportunity of a good job. If they are, some of the other problems will be less severe: they'll be able to demand better housing, to demand better health facilities, to demand better schools, because they too will be contributing members of society."

There is a common belief as well that Mr. Nixon can deliver more in the economic arena that might a Democratic President.

"Mr. Nixon has the confidence of businessmen of the country," said a Negro who is a former businessman. "These are the people who have to be involved."

There is little doubt among the black administrators that Mr. Nixon is deeply committed to equal employment opportunity. They cite his Aug. 8 executive order to Federal agencies as one example. One Negro who helped draft the order said he was amazed to find that "it wasn't watered down."

Furthermore, the word has been passed to agency heads that they will be reprimanded if they fail to give the executive order more than lip service.

Another policy adopted quietly inside the Government spells out a new rule of the General Services Administration: building sites or leased space for Government offices must be situated within "reasonable proximity" to low- and moderate-cost housing.

One department has become so conscious of developing opportunities to funnel Federal funds to minority groups that it requires "affirmative action to hire black consultants" for its projects. "In fact," said an official of the department, "we're required to justify if we don't hire black consultants."

The "Philadelphia Plan" requiring bidders on federally financed projects in that city to strive toward minority hiring goals in six skilled construction crafts went into effect last week with appropriate fanfare.

Unreported, however, are quiet plans to extend the plan to nine other cities. And the Labor Department, using the "Philadelphia Plan" as a potential threat to reluctant contractors, is quietly bargaining with company presidents across the country for voluntary programs to hire minority craftsmen.

The Justice Department has filed lawsuits charging both employers and unions with discrimination in Maryland, New Jersey, California and Kansas.

"When people say this Administration hasn't done anything, I don't understand what they're talking about," said a black Republican. "Maybe we haven't released statements with a flair and announced programs every other week that we know aren't going to work. But I don't think people want a whole lot of lallygagging about what we're going to do in 1973. They want results."

REPUBLIC OF GUINEA, OCTOBER 2, 1958

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. POWELL. Mr. Speaker, the Republic of Guinea has been, during its long history, one of the most independent minded of the African countries. Her independent attitude was generated over long centuries by struggles against foreign domination. Oppressed in earlier times—from the 10th to 15th centuries—by kingdoms spilling over from neighboring areas, Guinea was fiercely hostile to invasion during the next three centuries. She finally succumbed to French hegemony in 1898.

But the years under French tutelage proved beneficial. For a relatively quiet period of 40 years, the French constructed roads and hospitals, schools and businesses, and paved the way for modernization.

After World War II, reforms were gradually instituted which transferred the responsibilities of government to the Guineans. From this period onward, the traditional fires of independence were rekindled and culminated finally in complete freedom on October 2, 1958. Guinea voted for full independence, extricating herself from the French community entirely. She was the only former French colony to do so.

The foreign economic and political policies of Guinea have been consistent with her stanchly independent attitudes. Since 1958, she has pursued close economic ties with the Soviet Union, has contracted a loan agreement and technical assistance with Communist China, and negotiated investment guarantee agreements with the United States, West Germany, and Switzerland.

Under the able and experienced leadership of President Sékou Touré, the Republic of Guinea can look forward to a productive and exciting future. We wish the people of Guinea, on their day of independence, our heartiest congratulations and best wishes.

VFW SETS PRIORITIES ON NATIONAL SECURITY AND FOREIGN AFFAIRS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. ROUDEBUSH. Mr. Speaker, during the past weekend, the national security and foreign affairs committee of the Veterans of Foreign Wars met here in Washington to establish priorities for the coming year.

As a former commander in chief of this dedicated group of veterans, I am impressed with the scope and substance of this year's goals on national security and foreign affairs. It seems to me that the vitality and vision of this organization continues to grow as does the membership, and, as does the sensitivity of VFW's leadership to the true national interests of the United States. The VFW concentrates on the heart of each issue.

The VFW's new commander in chief, Ray Gallagher, of Redfield, S. Dak., was present for the meeting this past weekend and personally participated with the committee in establishing priorities for the period of his stewardship. Mr. Gallagher represents an imaginative, enthusiastic, and determined voice of the veteran. I wish to commend him and the committee for the excellent job they are doing and include the VFW's national security and foreign affairs goals for the coming year in the RECORD:

VFW NATIONAL SECURITY AND FOREIGN AFFAIRS GOALS, 1969–70

PREAMBLE

Nothing is more important to the United States than national security. The primary threat to U.S. security is the communist doctrine of expansionism and aggression. The communist doctrine represents a total concept for conquest and control. So-called "wars of national liberation" are, in fact, wars to achieve communist conquest. The war now being fought on the soil of South Vietnam has been aided and abetted by the Soviet government and Red China. The Soviet government provides military assistance, supports subversive elements, and exploits weaknesses and frictions within nations and among nations, both in Southeast Asia and around the world. The Soviet government still wants to achieve world dominion. In addition to starting and fighting wars by proxy, the Soviet government continues to increase its military strength in such weapons systems as nuclear-tipped ICBM's, missile-launching submarines and combatant air and surface fleets. Soviet styled strong-arm tactics in Czechoslovakia are blantant and self-evident. They typify the raw power of communism.

The Veterans of Foreign Wars of the United States respects the principles of independence and self-determination for all people. We encourage and support all those nations and peoples who oppose communist aggression.

NATIONAL DEFENSE

1. Maintain a strong and modern national defense posture capable of deterring Soviet expansion anywhere in the world.
2. Support strong Reserve and National Guard forces organized and equipped to meet the requirements of modern warfare.
3. Support strong and meaningful military services—Army, Navy, Air Force and Marine Corps—under their respective Secretaries.
4. Using the moon-landing technology, urge the development of a new age of 100-knot air-cushion, clipper ships as a giant step toward modernizing the U.S. Merchant Marine.
5. Support the Safeguard program as a deterrent and defense to ballistic missile attacks against the United States.
6. Support a modernization program for aircraft carriers for the continued deployment of mobile tactical air forces.
7. Endorse the world-wide deployment of U.S. armed forces to deter aggression and encourage stability in areas of tension.
8. Support the principle of military-industry-labor teamwork to maintain the most modern armed forces in the world.
9. Support the continuation of adequate research and development budgets to include such programs as manned bombers, fighters, close-air support aircraft, missiles, tanks, helicopters and surface ships, so that the United States will remain second-to-none during the 70s as a military power.
10. Urge the United States to take a new look at the rules of engagement in limited warfare to preclude self-imposed limits which could encourage aggression.

SOUTHEAST ASIA

1. Guarantee freedom to the people of South Vietnam and the rest of Southeast Asia as an essential to the credibility of United States commitments and the security of the free world.
2. Unless peace discussions show significant progress, within 90 days from a date to be set by the President of the United States, support new and expanded conventional military efforts to encourage such progress.

MILITARY MANPOWER

1. Demand that American prisoners of war being held by North Vietnam be identified, given relief and treated in accordance with the Geneva Convention.
2. Support all measures to enhance the prestige and dignity of servicemen and their families.
3. Strongly support modernization of the military pay system and adequate housing for all armed services personnel. Provide all possible assistance to retired military personnel.
4. Recommend the government provide air transportation for U.S. servicemen on emergency leave, overseas duty and convalescent leave.
5. Give all support to ROTC, Reserve and National Guard programs.
6. Support the adoption of universal training program and retention of the Selective Service system.
7. Urge prosecution and punishment of military deserters and of those obstructing military recruiting and induction activities.

FOREIGN AFFAIRS

1. Support a strong U.S. policy to deter Soviet colonial expansion anywhere in the world.
2. Urge an aggressive U.S. foreign policy designed to aid, assist and encourage friendly nations, and a policy which anticipates and thwarts the ambitions of those who would destroy the United States.
3. Support the President of the United States as the leader of this country and encourage him to take such actions as are necessary to "preserve and defend the United States from all its enemies whomsoever."
4. Support and strengthen NATO.
5. Retain full U.S. control of Okinawa, the cornerstone of U.S. defenses in the Western Hemisphere.
6. Oppose any and all forms of economic assistance to Red China and oppose the admittance of Red China to the United Nations.
7. Permit only those U.S. citizens who are authorized by the government of the United States, and loyal to U.S. policies, to represent the United States on all official matters dealing with hostile nations.
8. Advocate strict enforcement of the Monroe Doctrine and retain control of Guantanamo Bay and the Panama Canal.

THE MEASURE OF TRAGEDY

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. KYL. Mr. Speaker, the difficult situation in South Vietnam is one to which there are no easy solutions. Too many people lately have been offering oversimplified answers which sound almost plausible, and seem to offer welcome relief to a nation weary of this faraway war.

These answers neglect to consider fully the bitter consequences which would result, should they be adopted, and the problems—even more difficult than the ones we now face——which would follow.

I commend to the attention of my colleagues an editorial from the Wall Street Journal, discussing the Vietnam war and refuting the too easy solutions with which we are being tempted:

THE MEASURE OF TRAGEDY

Emotionally all Americans recognize the Vietnamese war as a tragedy, but intellectually they have trouble grasping the concept. They cling to the typically American belief that if they find the right combination of levers there will be an easy way to end the agony.

In this respect Senator Charles E. Goodell's resolution calling for the withdrawal of all U.S. forces by December 1970 is better than most. The policy it would mandate is absolutely cogent: Wash our hands of the affair and hang the consequences. We think the Senator vastly underestimates those consequences, but the starkness of his proposal is an important contribution to intelligent debate. At least he proposes an alternative that does exist.

We're not at all sure the same thing can be said for more "moderate" proposals for ending the war. Some apparently serious people seem to believe, for example, that it can be ended by offering to give the Vietcong a "fair share" of political power in the South, which we imagine would be somewhere around 20%. Some people even profess to think that once this is done free and honest elections can follow.

XUM

This is, among other things, an insulting underestimation of our antagonist. He is not a bandit who can be bought off with a few cabinet posts. He is a zealot who religiously believes that the majesty of history entitles him to rule Indochina. From his standpoint, the only honorable thing to do with partial power will be to use it as a stepping-stone in his drive for total power, and he will continue that drive by all means including shooting and killing whenever he deems the moment ripe.

To end an encounter with that kind of foe through an honest compromise simply does not fit the tragic themes the script has followed so far. Our role and our honor, of course, call for continuing to strive for such a compromise. But we need not delude ourselves; it is likely to prove a mirage.

To Senator Goodell's credit, he recognizes as much. Also to his credit, he is responding to the gut question: If no compromise settlement is forthcoming, what do we do then? Further, his answer of complete and unilateral withdrawal would end the American casualties in this particular war. But we very much doubt it would provide a happy ending.

The Communists would take over South Vietnam by military force, which would be a cheap enough price if the international effects stopped there. But just as the American debacle at the Bay of Pigs helped prompt the Soviet initiatives leading to the Cuban missile crisis, so we expect American defeat in Vietnam would encourage the adventurists throughout the Communist world. We do not know whether the next crisis would break out in Thailand, Berlin, South America or elsewhere, but we do feel that over the long run a show of American irresolution is likely to result in worse crises, not easier ones.

A Communist take-over in Saigon also would be likely to make American domestic discord worse—not better as is so often and so glibly suggested. Judging by what happened subsequent to Communist victory in North Vietnam and during Communist occupation of Hue during 1968, we can assume their victory in the South would lead to the massacre of several hundred thousand South Vietnamese whose crime was putting their trust in the United States of America. Those who talk about whether continued war is "politically acceptable" might also ponder whether the American people will reelect a President who presides over such a spectacle.

Reelection of any particular President, to be sure, is only symptomatic of the broader political-social costs at issue. Yet precisely in these broad terms, we see little in world history to suggest that military defeat is good for a nation's domestic problems, and little in the bitter aftermath of the Korean War stalemate to suggest that this nation is one of the exceptions. Some generals are already saying they could have won the war if unleashed. And as is being more widely recognized, white-working-class America is already seething with discontent against the prevailing establishment. For our part, we have no desire to see what, say, George Wallace could do with a stab-in-the-back theme.

If these are the likely costs of traumatic withdrawal, it's easy to understand why the Nixon Administration is withdrawing only gradually and carefully. If negotiations continue to yield no result, it seems likely the Administration will continue to pare down U.S. combat forces—looking less to complete withdrawal than to maintaining a smaller and less burdensome force, but still one large enough to help the South Vietnamese prevent a Communist victory.

This course too has obvious risks. For one thing, as Joseph Alsop has been pointing out recently, the Communists might again send full divisions across borders to fall on the smaller U.S. forces. At worst, there could be an outright military defeat. At best, careful withdrawal guarantees no quick end to the war, only a reduction in the U.S. participation.

The Administration's evident course obviously is no happy one, but it looks a little better when you also look clearly at the alternatives. It makes more sense if you understand there is no magic combination of levers, that there is no easy way out, that this war is indeed a tragedy in the full sense of that word.

NATIONAL ACCLAIM FOR HON. PETER W. RODINO, JR.

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HOWARD. Mr. Speaker, Representative PETER W. RODINO, JR., the distinguished dean of the New Jersey congressional delegation, has won national acclaim for the outstanding role he played in having the eight Green Berets, who were charged with killing a Vietnamese double agent, freed.

PETE RODINO has represented the people of the 10th Congressional District with such excellence that each election he is overwhelmingly reelected to office by his appreciative constituents.

On September 30, 1969, Leo Standora, in a page 1 story in the Newark Star-Ledger, wrote a moving piece on the response by the House and by one of the Green Berets to Mr. RODINO's efforts.

Mr. Speaker, I respectfully urge all of my colleagues to take a few moments of their time and read this very moving story:

THE HOUSE RISES TO HONOR RODINO

(By Leo Standora)

The House of Representatives yesterday gave Rep. Peter W. Rodino Jr. (D-10th) a standing ovation for leading a successful fight to free eight Green Berets accused of killing a Vietnamese double agent.

As Rodino stood quietly at the speaker's podium on the floor of the House, his colleagues shouted, cheered and applauded in tribute.

Later he said "I have never had an experience like this before in all my years in Washington."

The outburst came after Rodino delivered a speech congratulating the Army's decision to drop all charges against the Berets.

As he stepped from the podium with applause still echoing through the chamber, Rodino was surrounded by about 20 congressmen who pressed close to pat him on the back or shake his hand. It was a full quarter hour before the House quieted down to a point where business could be resumed.

"The reaction, I think, shows vividly how the members of the House felt about this issue," Rodino said.

"I am proud that I and other members of New Jersey's delegation were able to play a part in its outcome."

In his speech to the House Rodino said:

"I am deeply gratified that the Secretary of the Army has finally addressed himself personally to all the issues in this case . . . and has taken a just and fair position.

"These dedicated servicemen have finally been released. However, nothing can undo the suffering experienced by them and their families.

"I pledge to these men and their families that I, for one, shall continue to do everything in my power to undo the damage that has been done and to ensure that never again will servicemen be exposed to the abuses and miscarriages of justice that have characterized this case."

After his speech and the tribute, Rodino went to his office to thank his eight-member staff for "working very, very hard" in doing research on the case.

TAKES CALL

While there he received a call from Capt. Robert F. Marasco in Long Binh, Vietnam.

Marasco said, "I have no words to express the deep appreciation for your efforts and those of the other congressmen who stood by us all the way."

Rodino said he plans to join Marasco's family to "welcome the soldier home" when he returns to the U.S.

Rodino later called Marasco's parents in Bloomfield whom he said were "simply jubilant.

"Mrs. Marasco said her only disappointment was that she wasn't in Washington to give me a thank-you kiss," said Rodino with a laugh.

"But the job is not over yet," he said. "Tomorrow we begin working to completely clear the names of these men. They deserve no less."

Rep. Joseph G. Minish (D-11th) another Jersey lawmaker who spoke out in behalf of the Berets welcomed the Army's decision but added:

"It is evident that the Army has bungled in the matter. It is extremely demoralizing, both to our servicemen and to our citizenry, to fear prosecution by the Army in cases where the evidence is as slight as it was in this case. I hope the Army will have learned something . . ."

Rep. Cornelius Gallagher (D-13th) called the decision "morally wise and politically imperative from a standpoint of national interest.

"But the government must now go further, indeed overcompensate for the sake of the six men involved," he said.

"These brave Americans stood resolutely in the face of grave charges, accepting the decisions of their country as soldiers, as patriots and as men. For this they deserve our admiration; for the sake of their careers, they deserve far more."

COMPUTER PROFESSIONALS AGAINST ABM

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HELSTOSKI. Mr. Speaker, I believe that every Member of Congress received a memorandum from the Computer Professionals Against ABM, expressing their opposition to the Safeguard anti-ballistic-missile system.

In the decision we are making today on this subject, we should recognize the fact that the signers are among the best known and most highly qualified leaders in the computing profession. They speak as experts on computers.

Mr. Speaker, because of the interest of the American public on the feasibility of this system, I insert into the RECORD the statement made by these experts on the list of signatories subscribing to the concept of great doubt that the computer system of the ABM will work.

Many of these same computer experts oppose the deployment of the Safeguard system on other grounds as well, but in this statement they argue that the system is of dubious technical feasibility.

The statement follows:

STATEMENT OF COMPUTER PROFESSIONALS AGAINST ABM

We, the undersigned members of the computing profession, wish to record our professional judgment that there are grave doubts as to the technical feasibility of the computer portion of the Safeguard Antiballistic Missile system. These doubts range from a profound skepticism that the computing system could be made to work, to a conviction that it could not.

Although no project of precisely this nature has ever been attempted before, the difficulty may be understood in terms of a close analogy. Suppose the task were to design and implement the computer portion of a national air traffic control system, and that it were part of the design requirement that at some unspecified instant the control of the air traffic of the entire nation would be transferred to the computer, without any period of parallel operation, testing under actual operating conditions, or evolutionary development. This, by analogy, is what Safeguard would require. Our experience with large-scale computer systems convinces us that such a pattern of development is highly unlikely to lead to a successful computer system.

Another analogy that may be instructive is the use of computers in predicting and reporting election results. These have been used in presidential elections since 1956 and in many local contests, allowing steady evolutionary development. The task is well defined. Realistic testing is possible and is done. It is known in advance exactly when the system will be required to act.

Despite these favorable factors the election systems often fail. In 1968 the data-gathering computer malfunctioned, delaying results by hours. One computer, because of a programming error, reported a total vote exceeding 100%.

If such systems can produce blunders, we must conclude that the Safeguard computer probably could not be made to work at all, since the conditions for it are much less favorable:

1. The computing task is much more complex than those of the examples cited.

2. The precise nature of the computing task cannot be defined. It cannot be known what kinds of electronic and other countermeasures would be used, for example, or what evasive maneuvers the attacker might employ. The offense has more strategic options than the defense in any case, and the defensive reactions have to be programmed and tested well in advance of an attack.

3. Realistic testing is impossible since it would require nuclear explosions in the atmosphere. Only artificial test data could be used.

4. Evolutionary development is out of the question. The computer systems for elections are used every four years or oftener and are improved on the basis of experience. The Safeguard computer would never get a second chance.

It is important to realize that the computer would have virtually all of the decision-making power, because the warning time in a nuclear attack would be so short—minutes at most—that presidential or senior military review would be almost impossible. Our experience with the failures of large computers (not to mention those that send out department store bills) makes us extremely reluctant to place so much life-and-death power in the control of a complex and untested machine.

Worse, the ABM system could by itself initiate a firing sequence without any attack taking place. This could happen through misinterpretation or radar signals from harmless objects, or because of machine malfunction or programming error. Since the defensive missiles themselves would carry nuclear weapons, destruction of American cities might result, or the action might be misinterpreted by other nations as hostile.

Our grave doubts as to the technical feasibility of the Safeguard computer system, coupled with our recognition of the possible consequences of system failure, lead us to the view that the project is a dangerous mistake. Whatever other arguments may be brought to bear, for or against Safeguard, our conviction is that on technical grounds alone the project does not deserve the support of the Congress.

COMPUTER PROFESSIONALS AGAINST ABM

(Sampling, as of September 23, 1969, of the over 400 signatories of the June 14, 1969, statement. Organizations, where shown, are for identification only. Such listing should not be construed to mean that the statement is supported by the organization.)

James M. Adams, Larchmont, N.Y.; Philip N. Armstrong, Santa Ana, Calif.; Philip R. Bagley, Bala Cynwyd, Penn., Information Engineering.

Frank K. Bamberger, Chicago, Ill., University of Chicago; Frederick B. Banan, Phoenix, Ariz., General Electric; Jerry Berkman, San Francisco, Calif., Burroughs Corporation.

Carter Brouse, Somerville, Mass., MITRE Corporation; Gail A. Cazier, Skelly, Idaho; Ned Chapin, Menlo Park, Calif.

Leon Davidson, White Plains, N.Y.; Charles DeCarlo, Bronxville, N.Y., Sarah Lawrence College; Myron W. Curtis, Bowdoin College, Maine.

Thomas A. Dewey, Juneau, Alaska, Lockheed Missiles & Space; L. A. Donohoe, Detroit, Michigan, Auto Club of Michigan; Stuart E. Dreyfus, Berkeley, Calif., Univ. of California.

Sheldon Ellish, San Francisco, Calif., Honeywell; Richard V. Feldman, Bethesda, Md., National Institutes of Health; Robert W. Floyd, Menlo Park, Calif., Stanford University.

Marilyn Fontanetta, New York, N.Y., Joseph E. Seagram's, Inc.

N. A. Forte, Newport, Ky., American Computer Service; Kurt Fuchel, Bayside, N.Y., Brookhaven National Lab.;

Thomas M. Gallie, Durham, N.C., Duke University.

Umberto Garbassi, New York, N.Y., Esso Math. and Systems; Saul I. Gass, Potomac, Md., World Systems, Inc.

Charles W. Gear, Urbana, Ill., University of Ilinois.

Mark B. Gladstone, Bethesda, Md., Control Data Corp.; Robert B. Godwin, Lowndale, Calif., Litton Systems.

Barry Gordon, New York, N.Y.; William D. Grants, San Francisco, Calif., Safeway Stores, Inc.; Herbert Greenberg, Denver, Colorado; University of Denver.

James H. Griesmer, Ossining, N.Y., IBM Corporation; Fred Gruenberger, Woodland Hills, Calif., San Fernardo Valley State College; Jessica Helwig, New York, N.Y., Columbia University.

John G. Herriot, Stanford University, Rosanne Hesse, Plainfield, N.J., Bell Telephone Labs; Lance Hoffman, Stanford University;

D. Hogg Claudia, San Bernardino, Calif., Univ. Calif. Riverside; P. Z. Ingerman, Cherry Hill, N.J., RCA Corporation; Sanford M. Isaacs, Weston, Mass., State Street Bank & Trust.

Carl A. Kalinowski, Everett, Mass., NASA; Thomas A. Keenan, Potomac, Md.; William D. Kelly, Skillman, N.Y., Kepner, Tregoe, Inc.

Melvin Klerer, White Plains, N.Y., New York University; Daniel F. Langenwalter, Phoenix, Ariz., General Electric; Randall M. Lee, Palos Hills, Ill., University of Chicago.

M. L. Lesser, Armonk, N.Y.; Sidney L. Lida, Prairie Valley, Kansas; C. Denison Makepeace, Plainfield, Vt., University of Vermont.

William E. Massey, Fairfax, Va., General Electric; Jack Minker, College Park, Md., University of Maryland; Daniel O'Connell, Albuquerque, N.M., Missouri/New Mexico Computer Systems.

George O'Toole, New York, N.Y., Computer Methods Corp.; Marvin C. Paull, Princeton, N.J.; RCA Laboratories; Robert H. Penny, Bethesda, Md., General Electric.

Harold Peskin, Elizabeth, N.J., American Can Co.; Rick Pierce, Tiburon, Calif., Honeywell; Walter A. Ramshaw, Stony Creek, Conn.

Roger A. Ratcliff, Hermosa Beach, Calif., Litton Industries; Naomi Replansky, New York, N.Y., Rockefeller University.

Robert F. Rosin, Amherst, N.Y., State University of N.Y.

J. Paul Roth, Ossining, N.Y.; Norman B. Saunders, Weston, Mass., Circuit Engineering; Allan H. Schmidt, Cambridge, Mass., Harvard University.

Marvin Shapiro, Bethesda, Md., National Institutes of Health; Robert Shapiro, New York, N.Y., Meta Information Appl.; Donald L. Shell, Schenectady, N.Y., General Electric Co.

Bernard Shlasko, New York, N.Y., Hunter College; Jerome Sitner, New York, N.Y., American Express Co.; L. Wheaton Smith, Palo Alto, Calif.

Chitoor Srinivasian, Princeton, N.J., RCA Laboratories; Donald N. Street, Katonah, N.Y., IBM Corporation; Steven D. Swatek, District Heights, Md., U.S. Bureau of Labor Statistics.

Charles J. Swift, Los Angeles, Calif., Computer Sciences Corp.; James W. Thatcher, Peekskill, N.Y., IBM Coporation; Leonard Uhr, Madison, Wisconsin, University of Wisconsin.

Stephen H. Unger, New York, N.Y., Columbia University; Donald E. Walker, West Concord, Mass., MITRE Corp.; Clark Weissman, Granada Hills, Calif., System Development Corp.

Robert W. Winder, Princeton, N.J.; RCA Laboratories; Barbara F. Young, Melbourne, Fla., Pan American World Airways; Richard L. Young, Albuquerque, N.M., Sandia Corporation.

ABOUT THE COMMITTEE

Daniel D. McCracken is a consultant and writer, with ten books on computer programming in print. He worked for General Electric from 1951 to 1958 in a variety of assignments in computer programming and training, at Hanford, Cincinnati, Phoenix, and New York. He has been a national lecturer for the Association for Computing Machinery.

Paul Armer entered computing in 1947 at the Rand Corporation. After serving there as associate head of the computer sciences department until 1968, he moved to his present position, director of the computation center at Stanford University. He is president of the American Federation of Information Processing Societies (AFIPS). He was a consultant to the Presidential Commission on Technology, Automation and Economic Progress, and has testified before various Congressional committees. In 1959 he was a member of the team of U.S. scientists who toured the U.S.S.R. to assess Soviet computer capabilities.

Joseph Weizenbaum is Professor of Electrical Engineering and Political Science at MIT. He is the inventor of several languages for communicating with computers. He was a charter member of Project MAC, the first major computer time-sharing project in the world. He was responsible for software development and software-hardware interface for the General Electric-Bank of America project that pioneered bank deposit accounting automation. He helped design and build two of the earliest computers, in the early fifties.

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Gregory P. Williams has also been in computing since the early fifties, beginning with the Army Ordnance Corps. Since 1954 he has been with a major manufacturing concern, in computing assignments ranging from operations research and design automation, to automating university libraries and installing commercial computers.

The sponsors are without exception men who have pioneered the development and application of computers and now hold responsible positions in the field. It is doubtful whether another list of Americans with such fundamental and long-standing contributions to the field could be compiled. Some accomplishments:

Development of Fortran, by far the most widely used computer language: Backus.

Membership in committees that developed Algol and Cobol, two other widely used languages: Backus, Bemer, Bromberg.

Development of special-purpose languages that greatly expanded the horizons of computer usage possibilities: McCarthy, Minsky, Newell, Weizenbaum.

Leadership, both in early years and today, in the use of computers in education: W. Dorn, Forsythe, Scott.

Foundational work in artificial intelligence: Feigenbaum, McCarthy, Minsky, Newell.

Some of the earliest studies, the first implementation, and current leadership in computer time-sharing, a technique on which much of the Safeguard computer system would be based: Corbato, Fano, Licklider, McCarthy, Minsky, Weizenbaum.

Leadership positions in major professional organizations in computing: Armer, P. Dorn, and Ralston currently, but almost everyone listed has held such positions at some time. Forsythe and Huskey are past presidents of the Association for Computer Machinery, and Hoffman is a past treasurer.

Fundamental publications on the mathematical theory of computation: Knuth, McCarthy.

Leadership in the application of computers to the solution of practical problems in industry: P. Dorn, Weiss, Williams, others.

The founding of a major computer manufacturing company: Palevsky.

Major studies in linear and dynamic programming, basic techniques of operations research: Bellman.

It would be futile to try to list even a sampling of the publications of these men, who as a group have produced literally dozens of books and hundreds of papers on the design, programming, applications, and implications of computers. A complete program of computer education, from high school introductions to post-doctoral studies, could easily be based on the writings of this group.

GREEN BERETS

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. VIGORITO. Mr. Speaker, I share with my colleagues the sense of pride and gratification that the charges against the eight members of the Green Berets were dismissed.

Through the efforts of our distinguished colleague from New Jersey, Congressman Rodino, the public was provided with the opportunity to view the facts regarding the case and the Army was able to right the injustice that was done.

This shows that Congress and the American people do not want miscarriages of justice to prevail. To use the old phrase, "eternal vigilance is the price of liberty."

THE PRESIDENT AND "THE EXTREMISTS"

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

THE PRESIDENT AND "THE EXTREMISTS"

Sometimes we think that President Nixon missed his calling. He should have been an editorial writer. Mr. Nixon seems to know all our professional secrets; he slips with ease into each and every one of those dreadful locutions that are as highminded as they are off the mark and which (we try to think) we only use when the hour is late, the typewriter stuck, and the issue layered in fog, mud, and glue. You know the crowd we mean—men of good will and their fellow amorphs, who can be called upon without fear or favor, to cease the bootless acrimony. Well, they—men of good will—have some blackguard cousins of whom we have all become too fond over the years; but it has been left to Mr. Nixon to exploit them to such a degree that we have begun to fear for their safety. We are thinking of our old friends, extremists on both sides.

Consider Mr. Nixon's recent press conference remarks:

"Well, on this very difficult problem I would say first that we've had a lot of criticism from the South insofar as our integration and desegregation policies are concerned, as well as from the groups [many civil rights groups] to which you refer. It seems to me that there are two extreme groups. There are those who want instant integration and those who want segregation forever. I believe that we need to have a middle course between those two extremes. That's the course on which we're embarked. I think it is correct . . . We are for it [desegregated education], but we are going to avoid extremes."

Now, Mr. Nixon said a lot of other peculiar things that day about his administration's desegregation policy. For instance he took credit for "progress" on this front that had in fact been made by the Johnson administration and—if anything—retarded by his own. And he defended his retreat on desegregation in Mississippi by declaring the preferability of his action to a cutoff of funds, even though a cutoff was not at issue in Mississippi. Still, it was the President's remarks about those ideological bookends that captured our attention and continues to engage it.

The "extremist" formulation has built-in dangers—especially if you are trying to run a country, not just trying to tell someone else how to do it in a few hundred well-chosen words every morning. Habitually placing oneself at a midpoint between extremes (real or imagined) lets the extremes define the middle: it is a sliding position, no position. Then again, there is the matter of "both" sides. Both? Most issues have around a hundred and ninety-two sides—unless they are complicated, in which case they, of course, have more. So there is also the danger of getting to think about things in a highly oversimplified way. But finally there is the overriding danger, with which we are not unfamiliar, that someone somewhere will start wondering just who these extremists are. If we were of a mind to, we might point out that the "extremists" to whom Mr. Nixon referred must necessarily be taken to include Father Hesburgh and the Civil Rights Commission, the majority of attorneys working in the Civil Rights Division of Attorney General Mitchell's Justice Department, the Senate Republican Minority Leader, Hugh Scott, and the U.S. Commissioner of Education whom Mr. Nixon appointed and whose office worked out the plan his administration junked. But we are not of a mind to do a thing like that. We just would like to urge that Mr. Nixon—out of compassion, if nothing else—give our overworked friends a rest.

DEMOCRATIC VICTORIES IN THIS YEAR'S SPECIAL ELECTIONS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BOLAND. Mr. Speaker, the victory of Democrat Michael J. Harrington in the special election in the Sixth Congressional District of Massachusetts marked the third Democratic victory in four special elections held this year. This is particularly significant when it is noted that the three victories came in districts that had been represented by Members from the Republican Party. Further, the Republicans who held these seats—in Massachusetts, Wisconsin, and Montana, had been elected by substantial margins.

An editorial in today's New York Times comments on the above. I am including it with my remarks in the Record:

POLITICAL FEVER CHART

American Presidential campaigns usually begin the day after Election Day, and 1972 is no exception. Every poll, every endorsement, and especially every local and state election is mulled over in much the way soothsayers once plied their comparable trade by studying the entrails of a pigeon. To any supporters of President Nixon who may be given to this arcane activity the special Congressional elections held since the fall of 1968 must seem full of foreboding.

On Tuesday of this week in the Sixth District of Massachusetts, a liberal Democrat, Michael J. Harrington, defeated William L. Saltonstall, whose very name in that area should have assured him the election. Mr. Harrington emphatically favored a withdrawal of American forces from Vietnam by the end of 1970 and political reforms at home; his opponent favored the Nixon policies, foreign and domestic. Yet Mr. Harrington carried the district, which is so traditionally Republican that no Democrat had won it since 1875.

The first inkling the President may have had that the electorate that had chosen him was not necessarily to be counted permanently on his side came last March. In Wisconsin's Seventh Congressional District, voters who had returned Melvin Laird to the House in November by over 64 per cent of the vote had to fill the vacancy left by his elevation to the Cabinet. With a campaign assist from Hubert Humphrey, David R. Obey, a Democrat, defeated a self-styled "Laird Republican" who had clearly been expected to win. In a rash moment the Republican had proclaimed the election a "referendum on the Nixon Administration." Mr. Obey is now the district's first Democratic Representative in the twentieth century.

The second of these special elections, less dramatic but probably no less disturbing to the new President, took place in Montana's Second Congressional District in June. Here Democrat John Melcher defeated a Republican by training his fire on the Administration's budget and tax programs. If he did not win by much, the wonder is that he won at all, considering that a Republican had carried the district just seven months before by 67.8 per cent of the vote, only to resign shortly afterward to go on the Federal bench.

To these overturns might be added the last Gallup poll, showing Nixon's popular standing to be respectively 14, 13 and 13 per cent below those of Presidents Johnson, Kennedy and Eisenhower at comparable points in their Presidential terms. The results may well persuade Mr. Nixon, present Republican theories to the contrary, that he will have to broaden, not narrow, his political base if he is to have hopes for 1972.

CONGRESS NOW A FOOD TARGET

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, may I bring to the attention of the Members of the House a news item that appeared in the Washington Star today. This story carries a message for us that should not be ignored. Our esteemed colleague from Illinois, Mr. Kluczynski, with his solid background of experience with foods is unusually well qualified to deal with the perplexing problem being discussed. The news item follows:

TYPICAL OF BAD DIETS: CONGRESS NOW A FOOD TARGET

A White House nutrition expert has singled out Congress as the No. 1 target for a program to educate the nation on the proper foods to eat.

The average middle-aged overweight, underexercised congressman, Dr. Jean Mayer said yesterday, is typical of the American male most vulnerable to the ills of improper diet.

Mayer, special consultant to President Nixon on nutrition and health, gave his views to a committee headed by Rep. John C. Kluczynski, D-Ill., who at 5-feet-6 and 240 pounds occupies the bullseye in Dr. Mayer's target group.

Kluczynski's committee is charged with doing something to make the House restaurant fare more palatable and its operation less costly. A committee of congressmen's wives also wants the restaurant to become more aware of calories and cholesterol, and it was at their prompting the hearing was held.

Kluczynski, who has operated a restaurant in Chicago for 50 years, quickly made it apparent the ladies' concern is not his.

"I've always thought there was nothing better than a good meal," he said as he opened the hearing. "Wherever I go I say, 'What do you have that's fattening?' I never worry about that and I feel good."

Smoking a cigar and sipping coffee, Kluczynski nodded approval as Mayer listed the perils that shorten the lives of most American men: Overeating, lack of exercise, improper diet, heavy smoking and heavy coffee drinking.

Mayer noted that American women have a longer life expectancy than American men, and he said this is not a biological factor as commonly believed. "This is an American phenomenon," he said.

Mayer said Washington "is an extremely difficult city in which to be healthy."

It is hard to get any exercise, he said. The city is poorly organized for walking, the restaurants run to extremes of good and bad, with little in between, and the nature of their jobs puts many men in government under heavy work and travel pressures.

"If you defined a group that most needed to be reached by a nutrition and health program," he said, "it would be the members of Congress."

INTERN POSITION PAPERS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. GUDE. Mr. Speaker, for a 3-week period starting July 7, I sponsored an intern program for outstanding seniors from each public and private high school in the Eighth District of Maryland. Forty-seven students came to the hill every day for an intensive orientation on the operation of Government. In addition to their attendance at seminars with leaders from all branches of Government, they investigated in groups certain issues pending before Congress, according to their own interests. Their findings were documented in position papers presented to me. I submit two outstanding papers as a valuable contribution to the 91st Congress. The first-place paper is "Pesticides—Their Ecological Effects and Legislation"; and the second-place paper is "Inflation, Interest Rates and the Metropolitan Area."

The papers follow:

PESTICIDES—THEIR ECOLOGICAL EFFECTS AND LEGISLATION

(By Ita Killeen and James C. Doster)

PESTICIDES AND OUR ECOLOGY

Background

In this modern day, most of us realize that such discoveries as the "miracle drugs" are beneficial to the human race, and that such ideas as the H-bomb can destroy us in a matter of minutes. But what about insecticides? Are they beneficial, or are they also small H-bombs of our ecology?

The development of insecticides began after World War II when it was found that certain chemicals that had been developed to exterminate men were also highly effective in destroying insects. The result: a seemingly never ending stream of synthetic insecticides.[1]

The insecticides of today fall into one of two large groups. One represented by DDT is known as the chlorinated hydrocarbons. The other represented by parathion is known as the organic phosphorus insecticides.[2]

I. The Chlorinated Hydrocarbons

Dichloro-diphenyl-trichloro-ethane, DDT for short was first synthesized in 1874, but its properties as an insecticide were fortunately not discovered until 1939. Throughout the world DDT is thought to be harmless, perhaps because of its use as a delousing agent during wartime. DDT is fairly harmless in its powdered form since unlike other hydrocarbons, DDT in its powdered form is not readily absorbed through the skin. But! ! ! Add a little oil, is it absorbed into the body and stored in the fatty areas of the body waiting to be released in times of stress.[3]

Chlordane, another chlorinated hydrocarbon, makes use of all portals of the body to get into the body. It is readily absorbed through the skin, is breathed as a vapor, and even digested. Chlordane, as is with most of the other chlorinated hydrocarbons, is also stored in the body. A diet of 2.5 parts per million (ppm) can lead to a storage of 75.0 ppm. This stored chlordane (or any other insecticide of the chlorinated hydrocarbon type) could be released months, even years later in an obscure disorder that is virtually impossible to trace to its origins. On the other hand merely the handling of chlordane can result in death. One victim accidentally spilled a 25 percent solution of chlordane on his skin and died within 40 minutes.[4]

Heptachlor, another of these "elixers of death," has a high capacity for storage in fat. If a diet contains as little as 1/10 of 1.0 ppm. of heptachlor, there will in time be measurable amounts of the chemical in the body. Another curious but deadly feature of heptachlor, is that it undergoes a chemical change that transforms it into a distinct substance known as heptachlor epoxide. This epoxide is four times as toxic as the chemical it was derived from, which in turn is four times as toxic as chlordane.[5]

In the middle 1930's a special group of the chlorinated hydrocarbons, the chlorinated naphthalenes, were found to cause hepatitis, and a rare, fatal liver disease in persons subject to their exposure. These have led to the deaths and illness of people in the agricultural industries as well as cattle and workers in the electrical industries. These are the most poisonous of the chlorinated hydrocarbons. They are dieldrin, aldrin, and endrin.

Dieldrin, which was named for a German chemist, is about 5 times as toxic as DDT when swallowed, but about 40 times as toxic when it is absorbed through the skin. The effects of dieldrin are notorious for striking quickly, sending the victim into convulsions. Its effects as an insecticide as well as its residual duration make this contaminent one of the most widely used.

Aldrin is another extremely toxic insecticide. A quantity the size of an aspirin is enough to kill 400 quail. Imagine what a hundred pounds could do. A side effect of this chemical is sterility. The offspring of pheasants, rats and dogs fed small quantities of aldrin died within a few days. The effects of aldrin that occur in man are not yet known, yet we still allow this pesticide to be sprayed by airplanes over our crops.[6]

Endrin, with its little twist in chemical makeup, makes DDT seem almost harmless. It is 15 times as poisonous to mammals as DDT, 30 times to fish, and about 300 times to birds. This agent of death has killed cattle, wandered into orchards, poisoned wells, and even when carefully used and all precautions taken to ensure the safety of individuals, endrin has killed and crippled. This also is being sprayed on our lands.[7]

A very sinister feature of DDT and its related compounds is the way it is passed along in food chains. An example: an alfalfa field is dusted with DDT, and is then prepared as a meal for hens; the hens lay eggs containing DDT—or the alfalfa is fed to cattle and the DDT will turn up in amounts ranging from 3 to 65 ppm.[8]

The undesirable qualities of the chlorinated hydrocarbons are two in number. One is that they are termed "persistent pesticides," or that they last a long time in the environment without breaking down. Though they are broken down eventually, these pesticides may remain in the environment for more than ten years, and still bring about animal and fish kills. The second feature of these pesticides is that they are volatile and can be carried far from the point of application. Residues of DDT have been found in seals and penguins in Antarctica.[9]

II. The Organic Phosphates

Some organic esters of phosphoric acid were known for years. In the 1930's Gerhard Schrader, a German chemist, discovered their insecticidal effects. The German government immediately recognized their probable use in

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Footnotes at end of article.

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wartime and seized the opportunity of Schrader's discovery. They were developed into deadly nerve gases. Others, closely related became insecticides.[10] These poisons act on any animal which has a nervous system, because this is their target. They have a peculiar ability to destroy enzymes, especially those which are vital to life.

In the body, acetycholine is known as a "transmitting enzyme." It helps the brain transmit electrical impulses through the neurons. When its job is done it must be destroyed or it will build up and send the person or animal into tremors, convulsions, and eventually leads to death. Cholinesterase is an enzyme produced by the body to regulate the amount of acetycholine in the body. This enzyme is the target of the organic phosphates. If this enzyme is destroyed, acetycholine quickly builds up and death results.[11]

Parathion, one of the most widely used of the organic phosphates is so toxic that a curious chemist was killed by merely swallowing what amounted to about 0.00425 ounce. He was killed so quickly that he did not have a chance to use the antidotes he had prepared. In the early 1960's the State of California reported an average of 200 deaths a year resulting from parathion.[12] According to one expert, the amount of parathion sprayed on California alone is enough to "provide a lethal dose for 5 to 10 times the world's population."[13]

Malathion is another of the organic phosphates. It is widely used as a garden spray to control mosquitos and other insects. Malathion, one of the least toxic of the insecticides is readily assumed safe and harmless by consumers. Malathion is safe to the human only because the mammalian liver renders it relatively harmless through the actions of enzymes. But if something should happen to those enzymes.[14]

Many people may wonder why the human race is still alive if parathion and its related chemicals are so toxic. The answer is that we are saved from extinction only because the organic phosphates are shortlived in comparison to the chlorinated hydrocarbons. Even though they are easily broken down they do last long enough to cause considerable harm. In Riverside, California, 11 out of 30 men picking oranges became violently ill and had to be hospitalized. Their symptoms were those of parathion poisoning. The orange grove had been sprayed with parathion just two and one-half weeks earlier. This isn't the only example of parathion persistence, similar situations occurred in groves sprayed a month earlier, and orange peels have been found to contain residues of parathion six months after spraying.[15]

The unwanted effects

All the insecticides just described are excellent killers of insects. As they do their work on the insects they also do the same to birds, fish, mammals and man.

Would anyone like to live in a land where the songs of birds are unknown. The normal answer would be no, of course, yet we allow tons of poisons to be spread over our lands each year, most of which is consumed by birds, fish and even man.

Take for an example the University of Michigan which is located in East Lansing, Michigan. In 1954 the city began spraying with DDT in a futile attempt to control the spread of the Dutch Elm disease. Their target was the bark beetle. Later, additional spraying followed to control the gypsy moth and the mosquito. The first year of the spraying everything seemed to go as planned. The following spring, the migrating robins seen in great numbers each year began to return. Then something went wrong. Dead and dying robins were found all over the campus. Few nests were built and few young appeared.[16] In June of 1957, when at least 370 adult birds, the normal number in the years before the spraying, only one young robin was found.[17] Few would think that this bird massacre was caused by the seemingly safe DDT. That is until Dr. Roy Barker of the Illinois Natural History Survey at Urbana, linked the sprayed trees with the dead birds. It seems that the leaves were coated with an unwashable film of DDT. In the fall when the leaves fell they were decayed. The earthworms, feeding on the humus accumulated the DDT residues in their bodies. The next spring the migrating robins ate the contaminated worms.[18]

In Whitefish Bay, Wisconsin, before 1958, a thousand myrtle warblers could be seen in migration each year. In 1958, the year of the spraying for Dutch Elm disease, only two were found.[19]

In the Tule Lake-Klamath drainage area of Oregon and California, more than 1,000 fish-eating birds were killed in the years between 1960 and 1963, apparently by toxaphene (another of the chlorinated hydrocarbons) in the drainage and irrigation waters of a closed system.[20]

Soon we may have to begin looking for another national bird. Along the east coast from Maine to Florida, the Bald Eagle has almost stopped breeding. Two Bald Eagles, one from Florida and the other from Connecticut, examined by the Patuxent Wildlife Research Center, in Laurel, Maryland, were found to contain 7.0 ppm. of dieldrin residue and 34.7 ppm. of DDT and DDD in the brain, respectively. Both apparently died from these insecticide residues.[21]

What would millions of Americans do if there would be no fish to be caught in our fresh and salt-water areas. Since whole businesses, as well as lives depend on the fishing industry, both sport and commercial, it would be a senseless waste to allow insecticides to contaminate our rivers, streams, lakes, bays, and oceans.

In the spring and fall of 1953, massive salmon kills were recorded in the Miramichi River of New Brunswick. It seems that in the spring of 1953, accelerated programs of DDT spraying to control the Budworm were undertaken. Brook trout were also among the victims.[22]

In one area treated with dieldrin at 4.7 pounds per acre, runoff killed minnows even when the runoff water was diluted 3 to 1 with clean water. Runoff from cottonfields treated with insecticides produced large fish kills in 15 Northern Alabama streams. In some of the streams, apparently all life was eradicated from them.[23]

In 1961, massive kills of fish were reported in the Colorado River below Austin, Texas. The kills began on January 15 in a town lake below Austin. On January 16, large kills were reported 50 miles downstream. By January 28, more of the same was reported some 200 miles below Austin. Odors from the river suggested chlordane and toxaphene poisoning. An investigation resulted and the odors were linked to a chemical plant producing DDT, benzene, chlordane, and toxaphene. The manager of the plant admitted that large quantities of insecticides were washed into the Colorado when a drain was flushed out.[24]

Fish and other aquatic animals examined in the Green Bay and Lake Michigan area of Michigan were found to contain large levels of DDT. Mud samples contained 1/100 ppm. of DDT related chemicals. Small aquatic animals of the mud were found to contain 30 times as much. Fish of the waters contained 10 times more than the small animals.[25]

Other effects of insecticide poisoning are also available, but they are too numerous to mention in any detail, but a list of some of them follows:

1. DDT residues have been associated with the declining reproduction in the Bermuda Petrel, already a nearly extinct bird.[26]
2. DDT associated with the decline in the numbers of the Bald Eagle, the Brown Pelican, the Osprey, and the Peragin Falcon.
3. An antimalarial program carried out by the World Health Organization killed so many cats in Java that the price of a cat nearly doubled.
4. Insecticides may be man-made carcinogens.[27]

Though the examples that have been given thus far in the paper are small in number, they are representative of the harm that insecticides cause. They are truly "elixirs of death."

THE LEGISLATIVE ASPECTS OF PESTICIDES

The threat of serious pesticide contamination of the nation's wildlife is fast becoming a reality. With it grows the concern for the danger of poisoning to humans. Already twelve states have reported pesticide residues in fish well above the Government's recommended 5 ppm. "Widespread, long-term contamination is a matter of great public concern."[28] The need for legislation is great. A study recently conducted by the US Bureau of Sport Fisheries and Wildlife confirms Rachel Carson's statement that "there will be an environmental disaster unless this is quickly brought under control." The "importance of a continuing program of research, education, surveillance, and legislation to prevent unhealthful contamination of food or injury to humans" cannot be overemphasized.[29]

Several laws enacted when pesticides first came into use have been: the Insect Pest Act (1902); The Plant Quarantine Act (1912); the Pink Bollworm Act (1930); Federal Food, Drug and Cosmetic Act (1938); Department of Agriculture Organic Act (1944); and the Federal Insecticide, Fungicide, and Rodenticide Act (1947). Today the more important and effective of these are the Federal Food, Drug and Cosmetic Act, and the Federal Insecticide, Fungicide, and Rodenticide Act.

The Food, Drug and Cosmetic Act of 1938 gave to the Food and Drug Administration in the Department of Health, Education and Welfare, the authority and procedures to establish safe limits for pesticide residues on foodstuffs. The FDA, however, could not strongly enforce their laws until in 1954, the Miller Act amended the Food, Drug and Cosmetic Act, providing the machinery necessary for regulation of the quantities of pesticides allowed to remain in agricultural products. In 1966 the Federal Government tightened control over pesticides by requiring manufacturers to prove that a pesticide will not be harmful to humans when applied to food products. 375 chemicals are affected by this law, including DDT, aldrin, dieldrin, and heptachlor. Prior to this law, a pesticide had to be proven harmful in order to halt its use.

The Federal Insecticide, Fungicide, and Rodenticide Act of 1947 is a law dealing with registration of pesticides and is enforced by the Pesticide Regulation Division of the Department of Agriculture. A major requirement for registration is that the manufacturer show that his pesticide will be effective in controlling certain pests and safe for the user and for other people and animals in the area when used as directed. When shipped, the package must have on it a registration number and ingredient statement identical in substance, to the statement submitted in registration. This law has been updated in 1959, 1961, and in 1964.[30]

More recently various bills have been introduced to further Government regulation of pesticides and in some, to even ban the interstate selling and distribution of certain pesticides. John D. Dingell, a Democratic congressman from Michigan has repeatedly, since 1964, introduced legislation to amend an act of August 1, 1958, in order to minimize or prevent injury to fish and wildlife through pesticides. Since 1965, Congressman Dingell has also introduced bills to provide for advance consultation with Fish and Wildlife Service and with state wildlife agencies before beginning any Federal program making use of pesticides. A bill submitted to the House of Representatives by Mr. Dingell proposes an amendment to the Federal Food, Drug, and Cosmetic Act which would set standards of decomposability for pesticides wherever public health is endangered because of a pesticide's failure to decompose. In 1965, Mrs. Neuberger proposed to amend the act of August 1, 1958, by increasing the Secretary of the Interior's authorization for pesticide research. The Federal Pesticide Control Act of 1967 was placed before Congress by Ribicoff. This bill called for every manufacturer or processor of pesticides to register with the Secretary of Agriculture. It also provided for the inspection of places of manufacturing and required manufacturing methods to conform with good manufacturing practices. Under this bill, the Department of Agriculture's enforcement of pesticide regulations would be strengthened by adding civil remedies to existing criminal sanctions and allowing Federal courts to issue injunctions to stop violations.

Footnotes at end of article.

In April of 1969 Democratic Congressman Bertram L. Podell of New York presented a bill to establish an American Committee on Chemicals. This committee of eleven would study, investigate and make recommendations on the use of chemicals. A report would be presented to the President and Congressman by July 1, 1970.

More rigid legislation has been aimed at fostering the use of pesticides which break down quickly in the soil rather than more persistent pesticides. The State Legislatures of Michigan and Arizona have banned DDT, following the example of Sweden, which recently banned the use of DDT, aldrin, dieldrin, and dindane, and Denmark which will ban DDT this fall.

In April of 1969, Congressman Podell proposed a bill prohibiting the interstate sale and shipment of DDT. Since 1966, Senator Gaylord Nelson, a Democrat from Wisconsin, has proposed bills which would prohibit the sale and shipment of DDT for use in the United States. This year Senator Nelson has also proposed the establishment of a permanent National Commission on Pesticides to evaluate the environmental dangers of pesticides. The Commission would examine present pesticide use and current labeling requirements. It would also monitor pesticide residues in the environment, conduct research on pesticide breakdown, and develop less persistent pesticides. Yearly recommendations would be made to the President and Congressmen on improving the restrictions of pesticide use would be required.

Numerous programs and committees have been established by the Federal Government to report on the pesticide problem. The President's Science Advisory Committee issued a report, "Use of Pesticides," in 1963 which recommends that the levels of pesticides in man and his environment be determined. Also, the Committee report urged that the set toleration levels of pesticide residues be reviewed and safer, more specific control of pests be developed. The Committee also suggested a National Pesticide Monitoring Program, which was established. The objectives of this program would be "nationwide assessment of general levels of pesticide residues in the environment and location of possible problem areas wthin specific segments of the environment."[29] The results of the programs studies were inconclusive because of the great variations of amounts of residue in fish throughout the country. Further studies were urged by Federal and state agencies, universities, industries, and conservation groups. The program was established by the Federal Committee on Pest Control. The Committee, formed by the Departments of Agriculture, Defense, the Interior, and Health, Education, and Welfare, monitors pesticide residues in foodstuffs inadequately, checking only one percent of foodstuffs involved in interstate commerce. Stepping up its research program in 1966, the FCPC spent nearly 18 million dollars on chemical research, and 45 million dollars on non-chemical pesticide research.[31]

One non-government program designed to give legal and scientific support to local groups struggling against pesticide pollution is the Environmental Defense Fund. The EDF was founded in 1967 by a young lawyer, Victor J. Yannacone, and his scientist friends. One suit, filed by the EDF against the U.S. Department of Agriculture, attempted to prevent the USDA from using dieldrin in Berrien County and recommended DDT as a cure for the Dutch Elm Disease. In Wisconsin, the EDF supported a petition by the citizens to ban DDT. In the Michigan Court of Appeals, the EDF tried to prevent the state's Department of Agriculture from dumping 3 tons of DDT on Berrien Co. This project was aimed at an "infestation of Japanese Beetles," actually numbering from 300 to 1,000 bugs. Soon after this case, DDT was banned in Michigan.[32]

THE PROS AND CONS

Since there are two types of pesticides, we naturally have groups in favor of the increased use of each. Some agriculturalists and many industrialists favor the use of the persistent pesticides. The conservationists and other groups favor the use of the non-persistent pesticides.

The defenders of the persistent pesticides point to their low cost and their effectiveness in the three decades that they have been at work. They also point out that there is no documented proof that the persistent pesticides have caused a human death. They also bring out that the persistent pesticides are not really persistent, but are slowly destroyed in the soil.

The defenders of the non-persistent pesticides point out that the chlorinated hydrocarbons are volatile and can be carried far from the point of application.

Though each group would like to see stricter control on the use of pesticides, neither would like to see them banned altogether. Through the use of pesticides millions of lives have been saved through increased crop production. The quality of crops has improved, and in some cases the quantity has doubled. If there were a complete ban on pesticides, prices would rise, and an inadequacy of some foodstuffs would result.

RECOMMENDATIONS FOR PESTICIDE LEGISLATION

As a group we have studied the problems concerning the use of pesticides as well as the legislation that has been proposed concerning pesticides. In a number of discussions we considered both the pros and cons of pesticide use, and have made the following unanimous recommendations that we feel would be for the good of the people. These recommendations are as follows:

1. A nationwide ban on the interstate sale and shipment of the persistent pesticides.
2. Strict control on the manufacture and use of the non-persistent pesticides.
3. The application of the non-persistent pesticides should be done only by licensed and fully trained individuals. The training required could be administered by state high schools or colleges. The licensing of the individual would be done by the state.
4. The banning of all aerial application of pesticides. Aerial application does not insure safe application as 50% of the pesticide never reaches the target it is intended for.
5. Greater research in the fields that would develop safer pesticides, but of pesticides that would do the job.
6. Greater efforts to discover natural ways to eliminate unwanted insect pests.
7. Greater efforts to develop better methods of application.

FOOTNOTES

[1] Rachel Carson, *Silent Spring*, p. 16.

[2] Ibid. p. 18.

[3] Ibid. p. 21.

[4] Ibid. p. 24.

[5] Idem.

[6] Ibid. p. 25.

[7] Ibid. pp. 26–27.

[8] Ibid. pp. 22–23.

[9] Philip H. Abelson, *Persistent Pesticides, Science*, May 9, 1969, p. 164.

[10] Op. cit. p. 28.

[11] Idem.

[12] Ibid. p. 29.

[13] Ibid. p. 30.

[14] Ibid. p. 31.

[15] Ibid. p. 30.

[16] Ibid. p. 106.

[17] Ibid. p. 108.

[18] Ibid. p. 107.

[19] Ibid. p. 111.

[20] Lucille F. Stickel, *Organochlorine Pesticides in the Environment*, p. 2.

[21] W. L. Reichel, T. G. Lamont, E. Cromartie, and L. N. Locke, *Residues in two bald eagles suspected of pesticide poisoning*, (summary).

[22] Rachel Carson, *Silent Spring*, p. 131.

[23] Lucille F. Stickel, *Organochlorine Pesticides in the Environment*, p. 2.

[24] Ibid.

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[27] Rachel Carson, *Silent Spring*.

[28] "Pesticide Pollution Control," H. Page Nicholson, *Science*, Nov. 17, 1967.

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INFLATION, INTEREST RATES AND THE METROPOLITAN AREA

(By Jim Bever, Frank Burnett, Carol Curtis, Steve Holliday, Mike McCord, Alan Shaffer, Belinda Shostak, Lyn Utrecht)

INTRODUCTION

According to Treasury Secretary Kennedy, "Interest in the price paid by a borrower for the advantage of using a fixed sum of money at one time and repaying the same fixed sum at a future date."

In many sectors of the country, the feeling is that the steep upward climb of interest rates is a result of inflation. Interest rates have been found to be closely proportional to inflation. Therefore, an examination of inflation is necessary to provide an understanding of interest rates.

INFLATION IN THE 1960'S

In the early 1960's, President Kennedy encouraged citizens to start spending because the nation was pulling out of a recession and a "shot in the arm" was needed in the economy. During the period 1960–64, the U.S. experienced an era of 1–1½% rise in the cost of living, and interest rates on loans wavered between 4–4½%. This shows that the supply of goods and services was almost able to keep up with the demand, due to moderate price and wage controls by big business and big labor. In 1965 the U.S. entered full-swing into the Vietnam War.

By 1966 the economy of the nation could be reflected by an article in the March 14, 1966 issue of U.S. News & World Report: "Prices will be under upward pressure. Runaway inflation is not to be expected. Productive capacity of this country is great and expanding . . . The boom is business now goes into its sixth year, and still shows no sign of running out of steam anytime soon. No previous boom in peacetime has ever lasted so long, or produced such an upsurge in business activity and general prosperity." However, with the increased government spending for war production and defense, and with continued expansion of domestic production, came near-full employment and therefore near-full production. The demand for goods and services has continued to grow, despite the maximum production of American business. Since the supply of goods has not been able to meet the demand, prices for goods and services have continued to rise to the present 6% annual inflation of prices, in which interest rates have shot from 4½% to 6% in 1967 to 8½% in July 1969.

INFLATION RAISES INTEREST RATES

As a result of expected continued inflation, the trend in business has been to invest rather than to save. Since 1966 financial institutions like Banks and Savings and Loans corporations have noticed a slack in savings due to better returns for investors from stocks and from tax-free government bonds. Some patrons of these financial institutions have reduced their deposits for savings and instead have raised the demand for loans for investment purposes.

Low reserves from reduced savings and high demand for loans has caused banks to restrict credit and to attempt to improve their income on loans by raising their interest rates. Other factors contributing to high interest rates are:

1. The Federal Reserve Board's "tight credit" monetary policy on member banks to fight inflation by raising the required ratio of reserves to liabilities. This action reduces the amount of money that the member banks may loan, and with the high demand for credit, interest rates rise. Thus, money is harder for borrowers to obtain, and the supply of money is reduced, a significant factor in reducing inflation.

2. The prime lending rate offered the best patrons of the U.S.'s leading banks has recently increased from 7½% to 8½%. This rate must increase with the large banks' efforts to compete with the dividends offered depositors by government securities and commercial paper, and the cost of reserves borrowed from other banks or Europe. The prime rate is a base from which all other rates on loans for less "influential" patrons climb higher.

3. Efforts of the financial institution to maintain a constant margin of profit in light of real or imagined inflation, which reduces the value of assets. According to Treasury Secretary Kennedy, "When there is an expectation of stable prices, the interest rate reflects a normal return on capital and a risk adjustment based on the borrower's credit-worthiness. But when the expectation of unabated inflation is widespread the unprotected lender must charge—and the borrower is willing to pay—a premium to compensate for the decline in purchasing power of the funds to be repaid."

GENERAL EFFECTS OF HIGH INTEREST RATES ON THE ECONOMY

Interest rates play a large part in the cost of living. All business firms borrow to conduct their operations—some more than others. These include firms at every stage of production. The high interest rates have led to a protracted increase of $11 billion (from $36 to $47 billion) of nonfinancial business borrowing in credit markets for 1969, according to the Federal Reserve Board flow of funds data. This increased price of borrowing by business means higher costs of final product, which the consumer must pay, or output cannot be sustained. Thus, interest rates can contribute to inflation, or can contribute to recession.

Now that the Government is restricting money and credit, and interest rates get higher, firms find loans more difficult to obtain and production declines. Further, when production falls, firms which produce machinery or build factories find their orders slumping and lay off workers while cutting their own orders for goods. The economy pays for high interest in terms of incomes not earned and in output not produced. However, according to the Full Employment Act of 1946, underemployment should not exceed 4%, which is characteristic of recession unemployment.

With reduced investment, business is not able to take advantage of new efficient equipment and industry slows down the total output capacity of the country's factories. Thus production suffers and the rate of growth of output slackens when high interest prevails.

SPECIFIC EFFECTS OF HIGH INTEREST RATES ON DISTRICT OF COLUMBIA AND MARYLAND

According to Wright Patman, chairman of the House Committee on Banking and Currency, in the *Congressional Record—Extension of Remarks*, July 15, 1969,[1] ". . . the small businessman, the farmer, the student and the housewife, not the big businessman . . . must bear the brunt of the Federal Reserve Board's Chairman William McChesney Martin's 'pain and suffering' because of current high level of interest rates."

None of the 50 states or D.C. is autonomous. They are all affected by policies of big banks in New York, the Federal Reserve Board and the situation of the national economy. All must compete with surrounding states for economic development and income. Certainly this entails competition for investment, business expansion and consumer business, which are all affected by the various interest rates on loans, which can be seen in the present ceiling rates for Maryland, D.C., and Virginia.

District of Columbia

Six percent—This is the general rate of interest in the absence of an express written contract. If there is a written agreement lender may charge up to 8%. Corporate borrowings are not subject to the usury statutes.

Statute cite: Dist. of Col. Code (1961) 28–3301, 3302, 3303, 3304, 3305, 29–904(h).

Maryland

Six percent—This is the general rate of interest; however, if there is an agreement in writing and the agreement sets forth the annual rate charge stated as a percentage and is contained in a separate instrument from the contract of indebtedness, 8% is permitted. In addition a borrower may be charged 12% interest on unsecured installment loans. The usury statute does not apply to business loans over $5000.

Statute cite: Ann. Code of Md. (1957) Art. 47–1, 2, 3, 4, 6, 7, 8, Art. 23–125.

Virginia

Six percent—This is the general rate of interest; however, a borrower or a lender may contract for up to 8% interest. Corporate borrowers are not subject to the usury statutes.

Statute cite: Code of Va. (1950) 6.1–318, 319, 326, 327.

Enclosed also is a list of annual interest rates derived from a small sampling of metropolitan financial institutions. The comparative rates in this table help to explain the reasoning behind the specific effects of inflation and high rates on D.C., Md., and Va.

Two observations should be specifically mentioned:

1. Loan companies offering personal signature loans for D.C. are nonexistent because they must comply with low D.C. usury statutes.

2. Virginia Savings and Loans institutions have highest mortgage loans because of additional fees. This encourages some sparse lending for housing, which is more than any other financial institution in the metropolitan area is able to do.

Mortgage loans

D.C. banks—8% simple (present decline in loans).

Md. banks—8% simple (no more loans available).

Va. banks—8% simple (no more loans available).

D.C. Savings & Loans—8% (no more loans available).

Md. Savings & Loans—7¾%–8% (few loans available).

Va. Savings & Loans—8% and 1% fee (June sales up $500,000).

Personal signature loans ($1000 for 2 mths)

D.C. banks—8% simple.

Md. banks—12% simple.

Va. banks—12% simple and suggested 2% insurance.

D.C. Loan comp.—nonexistent.

Md. Loan comp.—15.75% excluding fees and insurance.

Va. Loan comp.—23.67%—includes cost of fees, etc.

Auto loans on new cars

D.C. banks—10% simple.

Md. banks—9½% simple.

Va. banks—9% and 2% insurance.

Charge accounts

D.C. institutions—18% simple.

Md. institutions—18% simple.

Va. institutions—18% simple.

As can be seen from these figures, the general consumer and small business interest rates in the metropolitan areas are all identically high. However, it should be considered that the majority of consumer activity is where most of the more affluent population is in the suburbs. Census Bureau figures indicated that all of the 12% gain in retail sales for January to May 1969 was registered in the suburbs, while the department store sales for D.C. went down 1% for the same period. High rates of interest in D.C., coupled with declining sales, have resulted in 22 business failures in D.C. in the period January–June 1969, which is quite an increase compared with the same period last year, which registered 5 business failures.

It seems, however, that most retail stores have been able to hold their own with continued inflation, because the Washington Metropolitan Area has such a high per capita income. The Bureau of Labor Statistics consumer price index indicated a .3% rise for June 1969 in cost of clothing, yet out of seven clothing stores contacted in D.C. and seven in Md., the general feeling is that sales are up in both locations. The same is true for appliance stores in D.C. and Md., although there seems to be an increase in the use of lay-away plans for larger appliances like freezers, ovens, etc. Furniture stores in both D.C. and Md. claim that high interest rates on loans for furniture has had no marked effect on their volume of sales. This applies to both the local D.C. furniture company and the larger Metropolitan branches.

New car sales by Ford, GM, and Chrysler have declined by 36,527 units over the nation during mid-July as compared with the same period a year ago. This is partly due to restricted expansion of factories and less output (i.e.—a new factory being built for Chrysler outside of Pittsburgh, recently halted construction due to Chrysler's difficulty to borrow funds to finish the plant.) Truck sales by GM were also down, partly because of the tendency of companies to make better use of older equipment. Despite these national conditions, three auto companies in D.C. and three in Md. say that high interest rates on auto loans have not affected sales. The auto companies felt that there were enough credit-worthy customers receiving loans to keep sales up. The Bureau of Labor Statistics said that food prices in the Washington area rose 0.6% in June to 129.1% of the 1957–59 average. Small private groceries in D.C. reported that this has caused no marked change in the volume of sales. This could be attributed to the feeling that food prices in D.C. are abnormally high anyway and purchasing power is low. But in the suburbs food stores complained about lower sales on meat, fish, and poultry, especially due to higher prices. The high price of food is caused by higher cost for farm machinery and a .5% rise in the cost of transportation of freight, both of which are results of high interest rates.

The one market that seems to be in the most dire of situations is real estate and housing. Federal Housing Administration and Veterans Administration reserves are empty and the banks in D.C. and Md. have restricted new mortgages because investments in government securities and commercial paper are better and more secure.

High interest rates on mortgage loans by savings and loan associations are caused by the lack of investors due to the better and safer dividends on government securities. This, as has been mentioned before, results in lower reserves and higher interest rates. Many of the ten real estate agents contacted in Md. and the eight contacted in D.C. have stopped sales completely. One agent was forced to close down his business office and work out of his home in order to keep out of the red. Only some real estate agencies in Virginia have been able to maintain sales. Due to a liberal interest rate ceiling in WVa. more money is kept in the state because it is attractive to the lender. Thus, the financial institutions are able to lend more money for real estate and housing.

FEDERAL ACTION TO CONTROL INFLATION

Where will inflation end? As Treasury Secretary Kennedy says "Any backing away now from our policy of restraint—any reduction in tax rates while prices are climbing at a rate of 6% per year—is simply an invitation to more and more inflation, and, ultimately, a severe and painful economic adjustment."

D.C., Md., and Va. as has been mentioned before, are not autonomous units. Thus a slowdown in the national economy to reduce inflation will also reduce inflation in the Metropolitan area.

1. Monetary policy—includes Federal Reserve Board's attempts to reduce credit availability or money supply for borrowers. Banks' reserves are limited then and the amounts of loans are decreased. This also includes rationing of credit by large banks. At the July 7, 1969 meeting between big banks and Treasury Secretary Kennedy, Kennedy said that he stressed the importance, at a time when there is not enough credit to go around, of making sure that there was some credit availability for residential construction, state and local governments, and smaller borrowers. Some of the banks reported that they were leaving the smaller loans to the lending officers and requiring top-level review only on larger loans.

2. Fiscal policy—this would reduce the demand by consumers for credit and would force banks to lower high interest rates created by "tight credit" monetary policy. To accomplish this the first step is to continue the surcharge. The 10% surtax not only reduces the amount of money in circulation, but also helps to reduce the government's national debt. The second step is to decrease government spending, which also decreases money in circulation. Both, in turn, help to reduce the need for government borrowing. This allows more consumers to deposit in such institutions as savings and loan associations. In this case, with more reserves, Savings and Loan Associations can afford to make more loans, which also helps the real estate and housing market.

Both the present monetary policy and the proposed fiscal policy should reduce our inflation from 6% to 3% or 4% by the end of 1969, according to the Council of Economic Advisors.

Suggested reforms

1. Make Social Security payments equal to Welfare payments until interest rates and inflation drop. This would be but a drop in the bucket of government spending and would make life much more comfortable for elderly citizens who are the hardest hit by inflation.

2. Administration should wage a vigorous campaign to encourage consumers to save in private financial institutions instead of investing, and simultaneously encourage lending institutions to ration and restrict credit by reducing lending. This could be done by increasing the ratio of deposits to loans. One way to encourage savings in private financial institutions is to reduce dividends on government bonds. Banks would not have to offer such high deposit dividends in order to compete and could maintain good income on increased amounts of loans without raising interest rates, and still maintain boundaries of the ratio. Careful supervision would be necessary to avoid violation of anti-trust laws.

3. Follow Federal Action to control inflation as previously mentioned, such as a surcharge.

4. Last, but not least, defense spending should be cut. Withdraw from the Vietnam conflict gradually and create markets and expansion of industry for returning men.

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Bert Cox, Council of Economic Advisors.

Governor Maisel, Federal Reserve Board.

Undersecretary of Commerce Rocco Siciliano.

Edgar Smith, Assistant Vice-President, American National Bank.

John Stone, Dept. of Chief of Consumer Credit.

J. T. Watson, Deputy Comptroller of Currency.

Assistant Secretary Wheatonbaum, Treasury Dept.

COMMISSION ON CAMPAIGN COSTS IN THE ELECTRONIC ERA

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. ALBERT. Mr. Speaker, on Tuesday, September 30, the Twentieth Century Fund's Commission on Campaign Costs in the Electronic Era issued its report suggesting an entirely new form of nationwide television and radio broadcasts for presidential candidates. I feel it important that all Members have the opportunity to read this report and include, under the unanimous-consent request, a news release relating to the report, biographical sketches of the members of the Commission on Campaign Costs in the Electronic Era and the report of the Commission:

COMMISSION ON CAMPAIGN COSTS IN THE ELECTRONIC ERA

The Twentieth Century Fund's independent Commission on Campaign Costs in the Electronic Era today called on the federal government to create an entirely new form of nationwide television and radio campaign broadcasts for presidential candidates.

These programs, to be called "Voters' Time," would be available to presidential candidates and would be presented in prime evening time simultaneously over every broadcast and community antenna facility in the United States during the 35 days before the election.

Unlike present political broadcasts, which are paid for by candidates, "Voters' Time" would be purchased by the federal government at half rates and thus, according to the Commission, would belong to the public.

In a unanimous report entitled "Voters' Time," the Commission presented a series of other urgent recommendations designed to help relieve the financial pressures of campaigning, to promote more rational political discussion and to stimulate greater public interest and participation in politics. The Commission stated that "access of voters to a candidate should not depend exclusively on his ability to raise campaign funds."

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[1] Pg. 3, Primer on Money, Subcommittee on Domestic Finance, Committee on Banking and Finance, House of Representatives, 88th Congress, 2nd Session.

XUM

The Commission, a wholly independent bipartisan body established by the Fund in May 1968, had five members: Newton N. Minow (Commission chairman), former chairman of the Federal Communications Commission and now a Chicago lawyer; Dean Burch, President Nixon's nominee for FCC chairman and former chairman of the Republican National Committee; Thomas G. Corcoran, a member of Franklin D. Roosevelt's "Brain Trust" and now a Washington lawyer; Alexander Heard, chancellor of Vanderbilt University and an acknowledged authority on campaign financing; and Robert Price, former deputy mayor of New York in the Lindsay administration and now an investment banker. Director of the Commission's staff was Richard D. Heffner, communications consultant and University Professor of Communications and Public Policy at Rutgers—the State University of New Jersey.

M. J. Rossant, the Fund's director, said that the Fund created the Commission "because skyrocketing costs of broadcasting pose serious problems for political candidates and for the democratic process." He noted that total broadcasting charges for presidential and vice presidential candidates in general elections had risen from $4.6 million in 1956 to $11 million in 1964 and $20.4 million last year, with increased use of television the major factor in this escalation.

The Commission report urged adoption of proposed "Voters' Time" programs as a way of guaranteeing basic access to the broadcast media. The programs may also reduce campaign costs, thus easing the burden on presidential candidates who may lack personal wealth or access to sizable sources of financial support.

In seeking to guarantee access to presidential candidates, the Commission distinguished between major and minor parties.

Six 30-minute broadcasts would be allotted to candidates of major parties which had placed first or second in two of the three preceding elections, according to the Commission proposal.

Candidates of parties on the ballot in three quarters of the states accounting for a majority of electoral votes, which had won one eighth of the votes in the preceding election, would receive two 30-minute program slots. And the candidate of a party meeting the three-quarters rule but not having obtained sufficient votes previously would be allowed one broadcast.

The Commission believes that these proposed allocations of broadcast time would promote and preserve the two-party system, although not necessarily the present two parties. The proposal, in effect, would allow for reform of the present political system without completely transforming it, because it would allow for the development of a new major party.

All programs on "Voters' Time" would be broadcast in the final 35 days of the campaign, but could not be bunched together. The Commission report says that by concentrating the broadcasts in this period, a new impetus to shorter presidential campaigns would be provided.

A key feature of the Commission's plan is that "Voters' Time" programs would be viewed and heard simultaneously, which would mean that every station would have to carry them.

The report acknowledges that some might feel that simultaneous transmission would be an infringement on freedom of choice and speech, but the Commission holds that "the overriding importance" of choosing a president far outweighs these considerations.

The Commission sets down conditions for the "Voters' Time" programs, suggesting that they "utilize formats that substantially involve the live appearance of the candidates for President and Vice President and are designed to promote rational political discussion for the purpose of clarifying major campaign issues or developing insight into the abilities and personal qualities of the candidates."

The adoption of the Commission's proposals would require the amendment of the equal time provisions of the 1934 Communications Act. The Commission asks that they be suspended initially for the 1972 presidential elections, as they were in 1960. It believes that these steps would encourage debates between the leading candidates and, along with "Voters' Time," provide for a much more informed electorate.

The federal government would pay for "Voters' Time," according to the Commission proposal, but would be charged by broadcasters only half the normal rate. The Commission holds that the voters—through the federal government—should pay, but that the broadcasters should receive less than their usual income to insure that they do not make a profit from the broadcasts.

The estimated cost of a single half-hour broadcast is $265,000. The Commission calculated that the total cost, based on charges prevailing during the 1968 presidential election, would be about $4 million or less than $1 million at an annual rate.

Candidates for the House of Representatives and Senate should also pay only half the normal rate for their own telecasts and broadcasts, the report says. The Commission suggests that broadcasters be allowed a deduction on their federal taxes for the amount of the discounts to Congressional candidates.

The Commission believes that by allocating free or subsidized time to candidates for federal office, those seeking public office will have less recourse to high-cost programs sponsored by their parties. It expects that, following the adoption of its proposals, these paid political broadcasts would decrease, thus reducing total campaign costs. This shift would benefit candidates not having significant resources at their disposal.

As a further method of reducing the high cost of political campaigning and in order to encourage voter participation, the Commission also proposes that taxpayers receive a federal income tax relief for their campaign contributions. They could take either a credit up to $25 ($50 on a joint return) equal to one half the amount of their contributions to legally qualified candidates in general elections for federal office or a deduction from their total taxable income for their contributions up to $100.

The Commission proposes that the Comptroller General of the United States be responsible for administration of the "Voters' Time" programs. The Comptroller is appointed for a 15-year term and is responsible to Congress, not the executive branch. As a result, the Commission believes that he would be an effective and independent administrator of the arrangements.

The Commission's report is available from the Twentieth Century Fund, 41 East 70 Street, New York, N.Y. 10021, at $1 a copy.

TWENTIETH CENTURY FUND, COMMISSION ON CAMPAIGN COSTS IN THE ELECTRONIC ERA

BIOGRAPHICAL SKETCH

Newton N. Minow—was Chairman of the Federal Communications Commission from 1961 to 1963. A graduate of the Northwestern University Law School, he was law clerk to Chief Justice Fred Vinson, was Administrative Assistant to Governor Adlai E. Stevenson of Illinois in 1952–53 and a partner in his law firm from 1955 to 1961. Mr. Minow assisted Mr. Stevenson in the presidential campaigns of 1952 and 1956. He was also active in the campaigns of John F. Kennedy and Hubert H. Humphrey.

While head of the FCC, Mr. Minow became known as a severe critic of the programming practices of the television networks, which he characterized as a "wasteland." He has written a book, *Equal Time: The Private Broadcaster and The Public Interest* (1964), and contributed to another, *As We Knew Adlai* (1966). He is now a senior partner in the law firm of Leibman, Williams, Bennett, Baird & Minow in Chicago and is Chairman of WTTW, Chicago's educational television station, and a Director of National Educational Television. He is 43 years old and lives in Glencoe, Illinois.

Dean Burch—is President Nixon's nominee as Chairman of the Federal Communications Commission. Former chairman (1964–65) of the Republican National Committee, he was active in Senator Barry Goldwater's bid for the presidency in 1964. In that role he helped devise a fund-raising strategy that drew millions of dollars in small contributions, avoiding the reliance on a few large contributors, a situation criticized in the current Commission's report. In 1968 he managed Mr. Goldwater's successful campaign for the U.S. Senate.

A native of Enid, Oklahoma, Mr. Burch received his law degree from the University of Arizona in 1953. After two years as assistant attorney general in Arizona he joined Senator Goldwater's staff, leaving in 1959 for the law firm of Dunseath, Stubbs & Burch in Tucson. Mr. Burch is 41 years old and lives in Tucson.

Thomas Gardiner Corcoran—a key aide of Franklin D. Roosevelt in New Deal days, he is an experienced political adviser through service in many campaigns. Mr. Corcoran was a student of Felix Frankfurter's at Harvard Law School and joined the staff of the Reconstruction Finance Corporation in the administration of Herbert Hoover. Under President Roosevelt he was entrusted, along with Benjamin V. Cohen, with the task of drafting key legislation, including the Securities Exchange Act of 1934, and pushing it through Congress.

After John F. Kennedy won the Democratic nomination for President in 1960, Mr. Corcoran played a key role in persuading then Senator Lyndon Johnson and his fellow Texan, House Speaker Sam Rayburn who advised him, to accept the nomination as Vice President. When Mr. Johnson assumed the Presidency Mr. Corcoran was known as an informal adviser to the President.

Mr. Corcoran is 68 years old and continues his law practice in the Washington firm of Corcoran, Foley, Youngman & Rowe.

Alexander Heard—Chancellor of Vanderbilt University in Nashville, where he earned his Ph.D. in political science in 1951. He has long been known as one of the leading academic authorities on problems of campaign finance, and his book *The Costs of Democracy* (1960) was a primary source of data for the present Commission's report.

Dr. Heard joined the Vanderbilt faculty in 1950. In 1956 and 1957 he was a consultant to the Senate Subcommittee on Privileges and Elections, and in 1961 President Kennedy named him Chairman of the President's Commission on Campaign Costs. Its report, *Financing Presidential Campaigns*, was published the next year. Dr. Heard was also coauthor of *Southern Primaries and Elections*, 1950: *A Two-Party South?*, 1952 and has written numerous articles. He is 52 years old.

Robert Price—was Deputy Mayor under John V. Lindsay, the youngest man in the history of New York to hold the office. He was manager of the Lindsay mayoralty campaign and of his earlier Congressional campaigns. A lecturer on political strategy for the Republican National Committee, Mr. Price also has participated in numerous campaigns across the nation and managed Governor Nelson A. Rockefeller's successful primary campaign for Oregon's delegates to the Republican National Convention in 1964. He was delegate to the Republican Convention 1962–66.

A 1958 graduate of Columbia University Law School, Mr. Price served as an assistant United States district attorney before forming a law firm in 1960 with Theodore R. Kupferman.

In 1966 Mr. Price returned to private life, subsequently becoming Executive Vice President of the Dreyfus Corporation (manager of the Dreyfus Mutual Fund). He is now an investment adviser and President of the Price Capital Corporation, a closed end investment trust. He has owned several radio stations, including WTSA, Brattleboro, Vermont; WLOB, Portland, Maine; and WNVY, Pensacola, Florida. He is 37 years old and lives in New York.

VOTERS' TIME—REPORT OF THE TWENTIETH CENTURY FUND COMMISSION ON CAMPAIGN COSTS IN THE ELECTRONIC ERA

1. PERSPECTIVE

The sharply rising use of television and radio broadcasting by presidential candidates in the United States poses serious problems that affect politicians, the parties, the voters, and the very fabric of our democratic process.

This Commission has examined these problems from many viewpoints. But our major concern has been to determine whether the American voter is well served by the present arrangements for political campaigning. We have concluded that there is a need for change, mainly because of the changes that have been—and are being—brought about by evolving technology. The airwaves, especially those used for television, now play a dominant role in campaigning. They are a public resource, and the public is entitled to get the best from them. It is our contention that the public has not always gotten the best in political campaign broadcasting.

There is no single cause for this unsatisfactory state of affairs. Rather, it is attributable to a series of interrelated problems involving politics, money, and the nature of the broadcasting industry.

One basic question concerns the impact and effectiveness of the broadcast media, particularly television. Despite considerable research by academicians, commercial specialists, and the Commission's own staff, we have no accurate measure of the effect of broadcasting on society in general or of the impact of political broadcasting on voters. Yet most informed people believe that the impact is profound, and there is no question that political strategists and political candidates increasingly mold their campaigns around the use of television.

But campaign broadcasting is very expensive. Its costs may not seem high compared to the enormous sums spent by producers of cigarettes, soap, or automobiles. But to the candidates and the parties they are very high. And they are increasing.

Thus the problem of campaign costs has to be examined. After nearly two decades of only gradual rise in the cost per vote cast, the amount of money spent per voter has climbed steeply in the last three presidential elections. Greater use of the media, particularly television, has been the largest single factor in this increase.

Higher costs have thrust a heavier burden on political fund raisers. With few exceptions, modern campaigns have relied heavily on rich contributors. This reliance on relatively large contributions from a relatively small number of donors has inevitably raised questions concerning the obligations a presidential candidate may incur toward his sources of financial support. This question is also pertinent for candidates for the House of Representatives and the Senate, whose financial sources are even narrower.

The problem, clearly, is not so much that costs are getting out of hand—although they are rising steeply—as that the means of funding them are so limited and so suspect.

The questions do not stop there. Even if adequate financing is available, this Commission has sought to determine whether the public interest is well served by the way in which candidates spend their funds on broadcasting.

Specifically, does a series of short "spot" announcements contribute as much to the voters' knowledge of the issues and of the candidates as longer programs where issues are discussed and candidates are exposed to view? The answer is almost certainly no. Yet the ratio of "spots" to longer programs is increasing, partly because campaign managers have found that short messages usually reach more viewers at less cost, partly because they are convinced that "spots" are more compelling.

This Commission believes that the importance of television and radio in our society and their significance for presidential campaigns must be recognized. We believe that the electorate should have the opportunity to see and hear all significant candidates so that it can better judge their positions and their personal qualities. We believe that this access of voters to a candidate should not depend exclusively on his ability to raise campaign funds.

The Commission therefore proposes that *each significant presidential candidate and his running mate be given broadcast time simultaneously on all television and radio stations in the United States*. We call this provision *Voters' Time*. The stations would be compensated by the federal government, though not at full commercial rates. Candidates of major parties would receive more time than those of minor parties. Provision would be made for the rise of important new political forces, but minor parties would have to demonstrate meaningful support to qualify for Voters' Time.

The only requirements for the use of Voters' Time would be that *the programs promote rational political discussion and substantially involve live appearance by the candidates*. Candidates would remain free to buy additional broadcasts, but we expect—and hope—that the volume of such purchases would not be great. Voters' Time should bring a marked improvement in the quality of campaigning—and a check to the sharp increase in presidential campaign expenses.

Enactment of Voters' Time by Congress would require a change in the equal-time provision of the Communications Act of 1934. The Commission further recommends that the *equal time provision be suspended entirely for the presidential election campaign of 1972*.

To widen popular participation in the financing of campaigns, we propose that *taxpayers receive either a tax credit or an income deduction for campaign contributions to legally qualified candidates for federal office on their federal income tax returns*. We hope that this option would reduce the heavy dependence on a few large contributors. It should also encourage a broader sense of participation in the electoral process and help to diminish public cynicism about the integrity of candidates and their parties.

Ultimately, we would also like to see candidates for the United States Senate and House of Representatives provided with Voters' Time; immediately, we propose that *candidates for national legislative offices be encouraged to use the electronic media by requiring broadcasters to give them a major discount and allowing the broadcasters to deduct the dollar volume of such discounts from their taxable income on their federal tax returns*.

We believe that these reforms are urgent and necessary to strengthen our democratic process. Discontent with the way in which we elect our political leaders is not new; there have been many periods in the past when contempt and cynicism about our political leaders and parties were more prevalent—and had more basis—than they do now.

Nevertheless, our examination has led us to conclude that it is vital to raise the level of political discourse and broaden the base of political participation at a time when rapidly evolving technological change seems to have produced the opposite effects.

2. THE PROBLEM

Every four years American citizens make a momentous choice: Who is to be President of the United States? Perhaps no more important public act occurs in this nation than the motion of the hand that marks the X on a presidential ballot or pulls the lever on a voting machine. For on the decision of the American electorate hangs the fate of millions at home and abroad. That decision, indeed, may answer the very question of war or peace, of human survival.

What influences the voter in making his choice? [1]

Many things. Party loyalty. Family tradition. A candidate's record. The record of the incumbent administration—national prosperity or depression. Outside events in mid-campaign—the sudden outbreak of war (or peace), the fall of a foreign government. The opinion of others—his union shop steward, his closest friend, his fellow commuter. Columnists and commentators, political reporters and editorial writers. Precinct captains, volunteer workers. Billboards. Newspaper advertising. And campaign broadcasting.

No one knows just how important television and radio are in determining the outcome of an election.[2] A voting decision is the result of so many influences that it is all but impossible to isolate one, such as electronic campaigning, from the others.

The use of television in presidential campaigns is only seventeen years old. It may be many more years before we know what it is doing to politics, or to society. We may never know.

Nevertheless, the power of political broadcasting is assumed by large number of politicians and broadcasters alike. According to some political scientists and sociologists, a sizable number of people felt that the 1960 television-radio debates between John F. Kennedy and Richard M. Nixon helped them to make up their minds. And certainly at the time there was widespread public sentiment, reflected in the studies, that Kennedy "won" these confrontations by showing that he was a match for his older, more experienced opponent. These facts taken together have led many people to suspect that the debates gave Kennedy his slim margin of victory.[3]

Other researchers, including some studying the same evidence, have held that broadcasting has only a reinforcement effect on many people already committed to one candidate or the other. Others have adopted the term "cumulative effect" to suggest that people are influenced by the images they receive from the broadcast media, especially television, over long periods of time. They contend that the impressions that enter into a voting decision are gradually built up through the years and that broadcasting plays a large part in shaping this political imagery.[4]

All agree that the media that take a candidate's voice and individual traits into a voter's home make his message powerfully personal and are bound to have an effect at the ballot box.

The broadcast media

Since its development in the late 1940's television has become the most accepted medium of mass communications in the United States. Ninety-five per cent of all American homes have television sets—more than have bathtubs or telephones. In 1969, television sets are expected to outnumber passenger cars.

Footnotes at end of article.

XUM

The average American home has a television set turned on for more than five and a half hours each day, and American adults spend more time watching television than they do in any other single activity except working and sleeping.[5]

The British critic Malcolm Muggeridge asserts that "of all the so-called wonders of our time, television may well be the most momentous. Nothing since the invention of printing has so drastically affected the way human beings live, think and generally react to their circumstances."[6]

And the political consequences may be as great as the cultural and commercial consequences. For a decade, Roper Research Associates have periodically asked people to identify their major source of news about national candidates for public office (Table 1). Of those surveyed in the 1968 poll, 65 per cent named television, but only 24 per cent named newspapers, 4 per cent radio, and 5 per cent magazines. In 1963, television had replaced newspapers as the chief source of all news; by 1968, 59 per cent of the people surveyed claimed to get most of their general news from television. When asked which source they were most likely to believe, more than twice as many people mentioned television as newspapers in 1968. And according to a 1969 Harris poll, nine out of ten Americans regularly watch television news programs.

Radio, too, is a major news medium, estimated to reach 98 per cent of all American homes. According to the Roper surveys for the last ten years, between a fourth and a third of the population have gotten most of their general news from radio. Although only 4 to 8 per cent of those surveyed in 1968 rated it as a major source of political news, radio is certainly the most mobile and ubiquitous of our modern communications media. It reaches more than 75 per cent of Americans 12 years of age and over every day. In the last decade it has become a prime communications medium for young people.[7]

Broadcasting and politics

These facts about broadcast media had enormous significance for a candidate in the 1968 presidential campaign because, almost alone among aspirants for high political office throughout the world, he could "buy" time on the air.[8]

With a single message lasting one minute, presented within one program, on one television network, he could reach as many as 23 million viewers of voting age—a number equal to almost a third of the votes cast in the 1968 election.[9] With the most intensive old-fashioned whistle-stop campaign, a candidate could have reached only a small fraction of that audience.

Politicians believe, even without scientific proof, that the broadcast media provide the best way in certain campaigns to get their messages to the people.[10] Consequently, broadcasting has had an enormous influence on our political affairs. Television, particularly, makes political life more fluid and more volatile. It affects the tempo of campaigning. Adroit candidates—or their staffs—plan morning events that will gain free coverage in the evening newscasts. In fact, campaign strategists devote a great deal of effort and ingenuity to getting free television coverage for their candidates. It has put a stronger emphasis on the personality and appearance of candidates. It has helped to nationalize political life. The sum is a revolution in political campaigning.

A telling measure of the importance of both television and radio for many candidates is the rise in political broadcasting expenditures since the 1956 presidential campaign, when a basis for comparison became available (Tables 2 and 3). In 1956, total broadcasting charges for presidential and vice presidential candidates in general election campaigns were $4.6 million. They were $11 million in 1964 and rose to $20.4 million in 1968. Thus they quadrupled in twelve years.

When professional politicians say, as many do, that broadcast campaigning is decisive in a presidential race, they mean it. Some would go so far as to predict that before long presidential campaigning will be done almost entirely by television and radio. This Commission does not go so far; there may be less here than meets the eye. But the fact that many politicians believe that broadcasting is of major importance tends to make it so. Certainly it has resulted in an impressive increase in the use of the broadcast media by presidential candidates and their running mates. And this in turn has led to an impressive increase in the total cost of presidential campaigning—which is one of our concerns.

Costs of campaigning

The Citizens' Research Foundation estimates that in 1968 total political spending by all candidates and committees at all levels in the United States reached $300 million. This was 50 per cent higher than the total of $200 million estimated for 1964.

These figures can be considered only rough approximations of total spending.[11] Difficulties in determining campaign costs are formidable. Disclosure of contributions and expenditures as required by federal and many state laws fails to bring together all direct or indirect receipts or expenditures at local, state, and national levels.

By far most political spending occurs below the national level. But analysis of state and local campaign expenditures is hampered by the combination of inadequate statistics and diverse conditions.

It is somewhat easier to estimate general election expenditures of campaigns at the national level since federal law requires that interstate committees file receipt and expenditure reports with the Clerk of the House of Representatives. But even these figures are incomplete, since the law exempts reporting of campaign spending by any group whose operations are confined to a single state. And these groups are legion.[12] In addition, the national-level party committee figures comprise mostly presidential campaign expenditures but also contain some spending by parties before the presidential candidates are chosen and some for congressional candidates.

Yet, despite this contamination of data and the glaring omissions, the combined national-level party and campaign committee figures give us a reasonable basis for comparison. They are the figures that have been used over the years in studies of presidential campaign spending.

The estimated direct spending of national-level party and campaign committees (Table 4) was $11.6 million in 1952 and rose to $12.9 million in 1956, to $19.9 million in 1960, and to $24.8 million in 1964. In 1968 it reached $44.2 million, a rise of 78 per cent. About a third of this increase at the national level, however, was spent by the campaign of George C. Wallace.[13]

Television costs

Television has contributed greatly to the growth in presidential campaign expenditures.

Television is ideally suited to reaching a national constituency, and presidential candidates have regularly accounted for a high percentage of total political spending on television in general election campaigns. Furthermore, the growth in campaign television spending has shown little sign of abating, as some once expected. In 1968, half of all political television costs in the general election period were charged to candidates for the Presidency and Vice Presidency (Tables 2 and 3).

Further evidence that television has driven up costs of presidential campaigning can be found in the growth of national-level expenditures since 1952, a growth that has gone far beyond past historical patterns.

When television first became a serious tool in political campaigning, it was expected to displace some of the money formerly spent on radio (just as radio has displaced some of the money spent on newspapers) rather than increase costs. But after 1952, when television emerged as a dominant form of communications in presidential campaigns, the estimated cost per vote took a sharp upward turn. From 19 cents in 1952, the cost per vote rose to 29 cents in 1960 and to 35 cents in 1964. In 1968 it jumped to 60 cents.[14]

Many factors contributed to the big 1968 rise. Wallace's campaign alone added about 10 cents per voter. The consumer price index rose 12 per cent between 1964 and 1968. And parties made more use of costly new tools, such as computer technology and jet travel, in 1968. But no single one of these factors seems to have had television's explosive effect on the cost of each vote.

Candidates for public office use broadcasting because it offers unprecedented opportunities to reach the electorate—an electorate that is growing rapidly, growing beyond the power of candidates to reach by other means. Broadcasting requires candidates to raise large sums of money for buying time on the airwaves and for the production of programs using that time.

Problems of financing

Raising money for political campaigns in America has never been easy. Television has exacerbated the problem, for now that the candidate can reach almost all of the people, he wants to do so over and over again. And to do that he must spend heavily.

In the early years of this century, money seemed to be the key to winning elections. In 1904 and 1908 the Republicans spent 75 per cent and 72 per cent of all direct expenditures made by the national committees of both parties, and the Republicans won; in 1912 and 1916 the Democrats outspent them with 51 per cent and 53 per cent, and the Democrats won. Then through the 1920's the Republicans consistently outspent the Democrats, with 75 per cent in 1920 and 1924 and 56 per cent in 1926, and they won consistently. The correlation was very strong, the case seemed proved.

But the correlation was less marked and the case collapsed in the 1930's and 1940's. In 1932 the Democrats spent 49 per cent of the total reported by both national committees, yet won. In 1936 they spent 41 per cent; in 1940, 35 per cent; in 1944, 42 per cent; and in 1948, only 39 per cent—yet they won every time.[15] Money, it appeared, might talk without winning. It is doubtful that Herbert Hoover could have been reelected in 1932 had he spent many times what Franklin D. Roosevelt did. No more would Adlai E. Stevenson have been likely to win in 1952 even if he had commanded far greater resources.

Since 1952, however, big television has meant big money. And while even big television would probably not have turned the tide for Hoover or Stevenson, in a close election in a reasonably prosperous period television may be decisive.

Money may not win elections today, but candidates lacking access to large amounts of money cannot buy broadcasting time and are thus denied full access to the major means of communication in this era. This fact has reinforced the notion that "politics is a rich man's game." True, in 1968 neither Nixon nor Humphrey was a rich man. But their personal finances made no difference. Their parties raised large sums for them, the Republicans much more than the Democrats; and they spent large sums on broadcasting for them, the Republicans much more than the Democrats: $11.5 million and $5.5 million respectively.[16] Without such broadcast expenditures, the campaign managers of both parties thought that their candidates had little chance to capture the full attention of the American voter.

To be sure, there are those who are not alarmed by the rise in presidential campaign expenditures, pointing out that even now they are only a small fraction of the sums regularly spent on advertising autos, cigarettes, or soap. But they ignore the possibly degrading effect on candidates of the need to wheedle large contributions from individuals. They also ignore the possibility that a presidential candidate will feel obligated to his campaign's financial benefactors. And they forget that any suspicion that money buys elections and that contributors buy candidates undermines the credibility of our political system.

The popular suspicion that "politics is a rich man's game" adds to public synicism about politics itself. Its prevalence is suggested by such research as a poll conducted by the Louis Harris organization in 1967. More than 60 per cent of those interviewed in the poll expressed the belief that politicians take graft and that very few of them are dedicated public servants.[17] However unfair this judgment may be, it is abetted by the loopholes and violations of the reporting laws and occasional scandals.

Even if an average citizen would like to support his favorite candidate's campaign, the amounts of money required may lead him to conclude that only big business or big labor can foot the bill—a conclusion with its own dividend in cynicism. Possibly as a result, many people tend to avoid financial participation in politics. The percentage of people who give to any campaign is low. It has ranged from 6 to 12 per cent of the adult population since 1956.[18]

Ordinarily, once a candidate is nominated by one of the two major parties he can expect to raise money, somehow. But there are exceptions. Humphrey, in fact, was one. He had great problems in raising money in September 1968, not because he was poor but because, among other things, so many potential contributors judged—along with the polls—that he was a sure loser following the Democratic convention in riot-torn Chicago that was so fully covered on television. The problem is worse for a third-party candidate who is relatively unknown and has no established power base. Thus the forces of politics and the private guesses of contributors often determine whether the American voter has an opportunity to watch all of the presidential candidates on television.

Problem of reform

Nearly everybody believes these inequities should be corrected. Some, confronted with the intricacies of the problem, have simply proposed that all candidates be prohibited by law from purchasing television time. The Commission not only feels that this proposal may be unconstitutional but also considers it unacceptable to most broadcasters, politicians, and elected officials. Television is a fact of life, and one way or another it will continue to influence elections. In our view, it ought to be transformed into a positive influence.

The problem of money and politics has been with us almost since our beginnings as a republic. But it has taken on a new dimension and heightened urgency with the emergence of television and its high—and rising—costs.

John F. Kennedy expressed concern about the problem of money and political television in 1959. He was quite clear on the decisive role played by the medium and on the possible impact of the large contributions that now make campaign broadcasting possible. As he put it:

> If all candidates and parties are to have equal access to this essential and decisive campaign medium, without becoming deeply obligated to big financial contributors from the world of business, labor or other major lobbies, then the time has come when a solution must be found for this problem of TV costs.[19]

Concern about the influence of money on politics has led to a variety of legislative restrictions to limit campaign expenditures and contributions.

The federal Corrupt Practices Act of 1925 requires political committees operating in two or more states to file reports of their receipts and expenditures. It also sets campaign expenditure limits of $25,000 for candidates for the Senate and $5,000 for candidates for the House of Representatives.

The Hatch Act of 1939 places a limit of $3 million on the expenditures of any committee operating in two or more states. It limits to $5,000 the amount of money that an individual may contribute to any candidate or political committee.

Most states require public reporting of campaign disbursements and thirty-three have spending ceilings, but only seven limit individual contributions.[20]

All too often these attempts at regulation are voided or simply ignored. Their weaknesses were suggested by one authority on campaign financing, Louise Overacker, when she wrote:

> The Hatch Act limitations were included in an act which purported to "Prohibit Pernicious Political Practices." One might almost parody it to read: "An Act to *Promote* Pernicious Political Activities." It defeats its own purpose by encouraging decentralization, evasion and concealment. Worst of all it makes difficult if not impossible that publicity which is essential to full understanding of who pays our political bills—and why.[21]

Undoubtedly the weaknesses in our legislation are a main reason for the cynicism about money in politics. As President Dwight D. Eisenhower once observed:

> It does mean, in effect, that we have put a dollar sign on public service, and today many capable men who would like to run for office simply can't afford to do so. Many believe that politics in our country is already a game exclusively for the affluent. This is not strictly true; yet the fact that we may be approaching that state of affairs is a sad reflection on our elective system.[22]

The trends in the use of paid broadcast time may not serve as much as they should to allay public cynicism. When television began to be widely used by political candidates, some observers suggested that its extraordinary intimacy would improve the quality of campaigns. Television, it was thought, would give voters a sharper personal impression of the candidates and a deeper understanding of the issues. The voter, watching and meditating before his set, would arrive at a more informed and intelligent choice than he would by attending a political rally, where he might be swayed by partisan hysteria. But the degree to which television has met this ideal is questionable.[23]

Use of television

Two main kinds of paid political broadcasts are widely used today. One is the "spot," similar to a commercial, lasting for a minute or less (a related variety is the short message lasting up to five minutes). The other is the program lasting a half-hour or an hour (it sometimes stretches over several hours, as in "telethons"). Candidates have shown increasing preference for "spots."

The tremendous growth in the popularity of "spots" has occurred for two major reasons: they enable a candidate to reach a large number of viewers at a relatively low cost per viewer; and they allow him to address people he could not reach by any other means.

In October 1968 a presidential candidate might have bought a one-minute network 'spot" in "Gunsmoke" at almost $50,000 (not including the cost of producing the "spot"). It would have entered an estimated 13 million homes and been seen by approximately 19 million people of voting age. A thirty-minute network program scheduled at a similar time woud have cost more than $80,000 in time charges (plus a sizable expenditure for production) and could have been expected to reach an audience of 6 to 8 million homes.[24] Thus the longer program would have been a far more expensive purchase in relation to the number of homes—or viewers—reached.

Some campaign strategists, however, believe that the longer programs are decidedly useful. Although the viewers who remain might consist largely of the candidate's partisans, whose minds are already made up, they cite the reinforcement effect already mentioned—the motivation to work harder for the party's candidate.

Even so, a political "spot" in a high-rated program can attract the attention of many viewers who would not watch a half-hour political program. Its audience is a much better cross-section of the voting—and non-voting—public, since it can be assumed to contain a much higher proportion of uncommitted voters. And in a year such as 1968, when the margin of victory was narrow (about a million votes—1.5 per cent of those cast), these uncommitted voters can hold the balance.

Political candidates in general election campaigns during 1968 chose to spend more than three-quarters of their total television budget on "spots," and they spent nearly twice as much for this purpose as the candidates in 1964. But expenditures for all other television time in the 1968 general election campaign changed hardly at all from the 1964 level. This shift toward the one-minute spot narrowed the viewer's opportunity to hear a serious discussion of issues or to observe the candidate himself for a length of time that would permit him to judge his personal qualities.

Candidates are under increasing pressure to get maximum return for their money. And broadcasters prefer to sell campaign time in small segments, since they are more profitable than longer programs and less disruptive of schedules.[25] In the absence of counterpressures, the proportion of short messages can be expected to increase.

THE PUBLIC INTEREST

The Commission does not question whether television is the appropriate instrument for informing the electorate. But it does believe that ultimately the voter has much to lose from present arrangements. For the democratic process requires open forums for political ideas and the widest possible dissemination of information. Letting ability to pay determine access to the great audience and fostering the development of commercial-like campaign spots rather than rational political discussions may in time subvert the democratic process.

The first and most essential aim of this Commission, therefore, is to make recommendations for changes in public policy relating to campaign broadcasting that will primarily assist and benefit the American voter, not the broadcaster or the candidate. To accomplish that aim the Commission has identified these specific goals:

1. To guarantee that there is basic access to the broadcast media for all significant candidates for President and Vice President.

2. To help relieve the financial pressures of broadcast campaigning on presidential and vice presidential candidates.

3. To promote rational political discussion in presidential campaigns, thus exposing as many voters as possible to candidates and issues within a rational context.

4. To stimulate effective citizen participation in the processes of democratic govern-

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ment by encouraging small contributions to political campaigns.

We also wish to take a significant step toward relieving candidates for the House of Representatives and the Senate of the United States of some of the burden of their costs for campaign broadcasting.

The Commission believes that these goals can be achieved. In our view, they must be achieved if the public interest is to be protected.

3. PROPOSALS

Basic access to all candidates: Voters' time

The needs and interests of the American voting public have dominated the deliberations of this Commission. It is our conviction that the strength of a democracy depends on a well-informed electorate. While we frame our recommendations in terms of providing presidential and vice presidential candidates with basic access to the broadcast media, our main concern has been to bring to the potential voter who watches television and listens to radio the information he needs about the candidates. If the voter is to choose wisely, he needs some guarantee of a basic access through the electronic media to all significant candidates for our highest political offices.

To this end, we propose that each presidential and vice presidential candidate who meets criteria of seriousness and significance be offered broadcast time on all American television and radio stations at the expense of the federal government. We have termed this concept "Voters' Time." The time would be available both to major and to minor candidates, although the amount would vary according to the electorate's past response to a candidate's party.

What a candidate does with his Voters' Time, to impress himself upon the electorate, is largely up to him. We would not prohibit candidates from buying time of their own; they would be free to buy whatever other broadcast time their resources—and the public's tolerance for political campaigning—would permit.

Some critics of political broadcasting suggest that nothing short of equal time on the air for all presidential and vice presidential candidates will solve our problem. They argue that even if guaranteed a basic amount of campaign time on television and radio, a heavily backed candidate will quickly swamp an opponent who lacks strong financial support. They hold that whatever financial advantages a party enjoys momentarily or has gathered over the years must be discarded when its candidate appears on the air—the government must enforce absolute equality.

The Commission disagrees. The competitive marketplace of American politics has served us well, not ill, over the past two centuries. Now is the time for reform, not repudiation. Our recommendations are designed to strengthen, not to destroy, our traditional political patterns.

Differences in financial resources do indeed exist among rival parties and candidates. These reflect differences in popular support as well as in the personal wealth of a candidate or his friends. We do not ignore such differences; but we make no attempt to eliminate them. Instead, we affirm our belief in the benefits of a competitive political system.

Standards of eligibility

Who would be eligible for Voters' Time? This has been one of the most important questions before the Commission. We believe that all presidential and vice presidential candidates whose parties command significant support from the electorate should be eligible for some basic amount of campaign broadcast time. But what is the measure of significance?

We favor the two-party system. Not necessarily *this* two-party system, in which Republicans and Democrats are clearly dominant—for over the sweep of history once-powerful parties such as the Federalists and the Whigs have lost the support of the electorate and disappeared—but, rather, the two-party system as such.

But to provide Voters' Time to all legally qualified candidates might encourage the rise of irresponsible and disruptive candidates. It might fractionalize and factionalize the American political system. It would inevitably encourage the proliferation of splinter groups, provide publicity-seekers with an invaluable opportunity to attract nationwide attention on television and radio, and swamp the airwaves with a suffocating confusion of voices.[26]

Since the Commission does not wish to encourage such proliferation, we have established what we think are reasonable requirements that candidates must meet to qualify as significant.

At the same time, the Commission believes that the dissenting voices of candidates who disagree with the views of the major parties and who can marshal a substantial number of voters for their own support should be heard.

In our relatively short history as a nation, ideas brought forth on the fringes of our political life have often become, in time, doctrine for the dominant center. Thus railroad regulation, the encouragement of cooperatives and labor unions, high standards for civil service, and many other ideas first advanced by the Populists and Progressives have gained general acceptance. Indeed, some minor parties quite legitimately regard proselytizing, rather than vote-getting, as their principal objective, and they participate in the electoral process as a means to that end.

We have considered the argument that new parties that have not yet demonstrated near-majority support need not share in basic access to the broadcast media—that they can continue to use the more traditional communications media, such as the press, by which historically they have made their contribution to our political life. We believe, however, that the voter should be able to see and hear the candidates of minor parties on the electronic media as he sees and hears the candidates of major parties.

The Commission believes, then, that we must recognize dual needs: the preservation of a two-party system on the one hand, and an opportunity for dissent and flexibility on the other. What we do seek is the interplay of ideas—a healthy chance for the upward movement of new parties and candidates and the possible decline of the old, as well as the stability provided by a strong two-party system.

The Commission is convinced that these objectives are best met by a three-category standard of eligibility for Voters' Time that guarantees significant minor party candidates a basic amount of television and radio exposure, although less than the amount guaranteed to major party candidates.

Category I would include only candidates of parties that had placed first or second in two of the three preceding presidential elections. Thus it would normally admit only the candidates of the two major parties, although on rare occasions three parties might qualify.

Category II would consist of candidates of parties that had received a truly sizable vote in the preceding presidential election. We would define this as one-eighth of the votes cast. Such party successes have occurred only rarely in our history (one such success occurred in 1968), but the Commission believes them to have been of such importance as to deserve a separate category in the standards of eligibility.

Category III would comprise candidates of all parties that show evidence of a fair degree of potential voter support but not necessarily a past electoral record of significance. This category makes room for the new party that arises from new or unique circumstances inadequately dealt with by the older, major parties.

All three categories would have to meet one common eligibility requirement: Any party wishing to qualify for Voters' Time in any category would have to appear on the ballot in at least three-quarters of the states—with the District of Columbia considered a state for this purpose—and these states would have to represent enough electoral votes to constitute a majority in the Electoral College.*

The Commission believes that this three-quarters requirement guarantees a significant national candidacy. The legal and practical obstacles to getting on the ballot in that proportion of states can be overcome only by the expenditure of considerable time, money, and organizational effort; it is no mean achievement.

In the past, only a few parties would ever have qualified under the three-quarters standard that is our requirement for eligibility in Category III (though who can say what might happen in the future if politicians are offered Voters' Time?). Those parties whose candidates appeared on the ballot in three-quarters of the states were all of some substance in their day.

For example, Henry A. Wallace's Progressives would have qualified for Category III in 1948, as would have Robert M. La Follette's Progressives in 1924 and Theodore Roosevelt's Bull Moose Party in 1912.

With more than one-eighth of the popular vote for President in those years, La Follette's Progressives and Roosevelt's Bull Moosers would have moved up to Category II in the following presidential campaigns. But Henry Wallace's Progressives, with only 2.38 per cent of the 1948 popular vote, would not have done so.

The Socialist Party of Eugene V. Debs and Norman Thomas might have qualified for Category III seven times. But it never achieved the one-eighth share of the popular vote needed to move up to Category II.

Clearly, a candidate who appears on the ballot in three-quarters of the states has considerable, broad-based national support and organization behind him. To decrease the number could too easily allow many insubstantial candidates to qualify for Voters' Time. And increasing the number of states could subject a candidate to undue pressure from state-level political interests and machines. To take the extreme case, the number could hardly be set at 51 (including the District of Columbia) because political maneuvering could force a legitimate national candidate off at least one state's ballot. In such a case, indeed, even an incumbent President could become ineligible for Voters' Time.

The Commission's choice of ballot qualification as the basic entry requirement, rather than a percentage of the vote cast at the preceding election or a number of petition signatures—criteria recommended in many of the quite ingenious proposals made in the past for campaign assistance—deserves explanation.

Quite simply, we rejected the requirement of a prior election record because we believe that it is important not to close the door to new parties whose perspective on new circumstances may be of great value to the people.

We also believe that merely gathering a number of petition signatures, even from a specified number of states, is not as true a proof of serious national purpose as is actually qualifying to appear on state ballots. The process of gathering signatures by itself perhaps provides too much invitation to improper manipulation. It also poses massive administrative problems with regard to federal verification of signatures gathered from voters registered under state jurisdiction.

Footnotes at end of article.

We felt it important to make the qualifications for eligibility simple, fair, and understandable.

Eligibility for Category I has deliberately been made dependent on a party's performance in the three most recent elections—rather than on some more distant occasion—in order to allow for change.

It is possible under our proposal for three parties to place first or second in two of the three preceding elections and thus qualify for time in category I. Thus the emergence of a new party is provided for.

From 1900 through 1968, however, only the Republican and Democratic parties met this requirement.

Theodore Roosevelt's Bull Moose Party ran second in 1912—ahead of the Republicans with William Howard Taft (the only time in the twentieth century that a major party has been dropped to third place)—but ranked a poor fifth in 1916, when Roosevelt declined the Progressive Party's nomination. If Roosevelt or some other very popular figure had chosen to run on the Progressive ticket in 1916, and if he had won or had repeated the party's second place showing of 1912, then in 1920 the Progressive Party would have qualified for Category I.

Eligibility for Category II would depend on performance in a single election, the most recent presidential election. A party that showed impressive voter support at one election would thus be able to use Voters' Time at the next election to demonstrate that its appeal transcends the issues or personalities of a single campaign.

Only three parties in the twentieth century would have qualified for Category II in this way. Roosevelt's Bull Moose Party, which polled 27.4 per cent of the vote in 1912, would have been eligible in 1916; La Follette's Progressive Party, which polled 16.6 per cent of the vote in 1924, would have been eligible in 1928; and George C. Wallace's American Independent Party would be eligible in 1972, having polled 13.5 per cent of the vote in 1968.

One further stipulation. It is possible that a candidate may be the nominee of more than one party. For instance, the Populist Party, which garnered twenty-two electoral votes for James B. Weaver in 1892, endorsed a Democrat, William Jennings Bryan, in 1896 and 1900. Hence *we provide that a candidate can only use Voters' Time offered in the highest category for which he qualified.*

Amount and apportionment of voters' time

The Commission would provide enough Voters' Time to give viewers and listeners a chance to assess all significant candidates for President and Vice President. We would provide enough Voters' Time for each such candidate to state his case—to present himself and his views fully. But we would not provide the same amount of time for each candidate.

Again, the Commission's purpose is not to equalize broadcast time for all significant candidates. Rather we seek to guarantee all significant candidates basic access to the great audience. No such candidate should be denied this basic access because he lacks the financial resources.

After considering many suggestions for providing access, we have agreed on the following as a fair and workable formula:

Category I candidates, those of the major parties, would each be given six prime-time half-hours; Category II candidates, two such half-hours; and Category III candidates, one such half-hour program.

Some will feel that we are too generous to splinter candidates; others, that we are too restrictive. Consistent with our purpose of maintaining a balance between stability and flexibility, we seek to give a hearing to new parties but not to encourage their proliferation unduly. Our aim is not to impose mathematical precision upon the American political structure, but to assume a measure of fairness and justice.

Often the opinion is expressed that people's attention span for political matter is limited—that the lengthy political broadcast, such as the half-hour program, is too quickly tuned out. Increasingly the politician feels that he must get his message across briefly if he is to get any message across at all.

Without disputing the view that short political announcements, or "spots," can transmit some kinds of information efficiently and well, the Commission contends that they can and often do stultify meaningful political discourse. We select the half-hour format as a more appropriate vehicle for candidates to address themselves fully and conscientiously to the issues.

If in a particular presidential campaign two parties should qualify in Category I, one in Category II, and two in Category III, total Voters' Time would amount to eight hours. In our view, eight hours every four years is not too much television and radio time to ask broadcasters and the American people to make available for so important a decision as the choice of President and Vice President of the United States.

The Commission has proposed two additional requirements for the scheduling of Voters' Time. Candidates in Category I would have to broadcast at least one program in any seven-day period, while candidates in Category II could broadcast no more than one of their two programs in any seven-day period; and for all eligible candidates, these programs are limited to the last 35 days preceding the Monday before Election Day.

Requiring the candidates of the major parties to broadcast at least once in any seven-day period clearly prevents a last-minute "blitz" campaign with all of a candidate's Voters Time bunched together. It prevents any candidate from swamping his opponents and the broadcast audience.

We limit Voters' Time to the last 35 days preceding the Monday before Election Day, because, in our judgment based on considerable practical experience, presidential campaigns are too long.

Campaigning for the Presidency is, of course, not limited to the months immediately preceding the election. It goes on between elections and intensifies during each election year. But specific campaign activities—the rallies, the speechmaking, the trips, and the hoopla—begin soon after the national conventions, pick up speed after Labor Day, and continue virtually nonstop until Election Day.

Nine or ten weeks of campaigning may have been necessary at one time. They are not now. In the age of the jet plane and the handy television or radio set, the candidate can reach the voters in a shorter time than ever before. He can spend more time thinking and less time traveling and talking. We wish to help him. If long hectic campaigns cannot be proved to be boring to the voters, we do know that they are debilitating to the candidates. It is no wonder that after an election both winner and loser often retire to recuperate.

There are many other questions about Voters' Time, of course. But the Commission believes that specific programming details are best left to be worked out among candidates and broadcasters. It has to be recognized that broadcasters do have commitments that prohibit frequent pre-emptions except at very great financial penalties. Thus, broadcasters must be given some leeway in arranging the programming of Voters' Time. Many combinations are possible. Our concern is only that these important aspects be worked out in accordance with the principles we have expressed.

The issue of cost

It is sometimes held that broadcasters should provide political time free. In this view, free time is a service the stations owe to the nation in return for the franchise granted them to use public airwaves for commercial purposes. There is much to be said for this argument. Its supporters are fond of citing the analogy of charging cattlemen a fee for the privilege of grazing stock on public lands, but broadcasters and many others feel that the analogy to a grazing fee is not exact.

They point out that airlines, which use the public skies, and newspapers, which receive government subsidy through mailing privileges, are not expected to provide free services in the presidential campaign process. Why, broadcasters ask, should they be singled out to bear a large part of the campaign financial burden?

Since we believe that Voters' Time is public time, serving all the people, we hold that the public should pay for it.

Furthermore, the Commission strongly believes that whoever pays for time is likely to influence its use. Since one of our primary objectives is to elevate the quality of political television, to direct it more to the issues and the candidates and less toward commercials and extravaganzas, we deem it unwise to leave the use of Voters' Time exclusively to the broadcaster or, for that matter, to the politician.

Some who require broadcasters to provide free time suggest that they be given tax deductions or credits as partial compensation. While this would tend to reduce the burden imposed on broadcasters, it leaves untouched our objective of raising the level of campaign broadcasting. This can best be achieved if the public pays for Voters' Time and requires that it be used in the public interest.

We have considered proposals that broadcasters be required to devote a certain percentage of their broadcast schedules to political broadcasts each year, in an out of the presidential election season. Although arousing the understandable opposition of many people, this is a matter for further consideration. The British, for instance, incorporate regularly scheduled political broadcasts into their programming, both during and between election time campaigns, at no cost to the parties.

It has been suggested, too, that politicians continue to pay for their campaign time, as they do now—but that, in order to limit campaign costs, the federal government restrict the amount of time they may buy.

Such a solution would, of course, leave control of almost all political programs exclusively in the hands of the politicians, where it is now, to be used as they see fit, not necessarily to inform the electorate. And it would do nothing to help the candidate who cannot afford to buy any time at all. In addition restricting the purchase of time might be considered an unconstitutional infringement on the candidate's right of free speech.

There have also been proposals for matching contributions to candidates with federal money under one or another formula to purchase campaign broadcast time. Some such scheme might preserve the private character of campaigning and, at the same time, shift some of the financial burden to the public, but many think the machinery needed to administer it would probably be too cumbersome.

Still another approach involves a direct federal subsidy for broadcasting alone or for *all* communications—or, indeed, for *all* campaign expenditures. Many types of subsidies are possible, such as payment in advance, reimbursement for expenditures, or the federal assumption of certain campaign debts.

One subsidy plan, the Presidential Campaign Fund Act of 1966—the now inoperative Long Act—allowed the taxpayer to allocate one dollar from his federal income tax payment to a general campaign financing fund, disbursements from which would be made to national party committees in amounts deter-

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mined by each party's share of the popular vote at the preceding presidential election.

A number of objections were raised to this plan. It was feared that it would cause undesirable changes in traditional relationships between the different levels of party organization, that it would prevent the taxpayer from exercising his choice between the parties benefiting from his tax dollar, that it would result in too great a loss of revenue to the federal government, and that it made insufficient provision for significant new parties without an election record.

The Commission recognized another problem closely related to the question of who pays—that of displacement.

If the public provides time without cost to the candidate might he not simply accept this time as a bonus, raise the same amount of money he would have raised anyway, and divert it into other uses, such as campaign literature and precinct organizations, or, more to the point, spend some of it on political broadcast programs or "spot" announcements?

Quite possibly. And so, rather than free time, some have proposed an absolute ceiling on broadcast expenditures. The Commission has studied this possibility carefully and has concluded that a ceiling would be as unenforceable as most limitations on campaign expenditures are today. We are also concerned that setting a ceiling on political communications in this manner might violate traditional American concepts of unhindered political competition. It might well increase the advantage already enjoyed by the incumbent, who is better known to the public and who can go on the air free in his capacity as President while his opponent must depend largely on paid political broadcasting to catch up with him.

The Commission did not attempt to deal exhaustively with the intricate question of the proper role of the federal government in campaign financing. Many proposals advanced in the past have merit and deserve further study. For the present, however, we believe that the wisest course is to pursue the concept of Voters' Time, asking the public itself to buy the time with federal funds. In this way Voters' Time will belong to all the people. It will not be the broadcasters' time; it will not be the politicians' time; it will truly be the voters' time.

Just as we believe that a candidate for President or Vice President has a public obligation to use Voters' Time within the guidelines for responsible campaign programming that we suggest, so do we believe that the broadcaster has a public responsibility. Unlike other media operators, broadcast licensees are charged with operating in the service of the public interest, convenience, and necessity.

The election of a President and Vice President should not be the occasion for financial profit, regardless of who pays the bills. Therefore *we propose that broadcasters sell Voters' Time at a discount from their regular rates.*

Arriving at a fair rate of compensation to broadcasters for their cooperation is a difficult task because of the very nature of their industry. Like other businesses, commercial broadcasters are concerned with generating profits; they are faced with varying operating costs, depreciation and appreciation of resources, and the vagaries of supply and demand. Like some other businesses broadcasters' costs and revenue vary considerably from one geographic location to another. It is obviously inappropriate to compensate a large metropolitan television broadcaster with the same amount of dollars disbursed to a small-town radio station. His costs and potential revenue are far greater. Adequate compensation for Voters' Time should reflect the varying earning potentials of individual stations.

One way to do this, the Commission feels, is to compensate stations for transmitting Voters' Time programs at no more than 50 per cent of the commercial rate card each broadcaster charges for such time, or at the lowest rate charged to any commercial advertiser, whichever is lower.

The precedent for a 50 per cent discount already exists. One network voluntarily offered such a discount on a limited basis to candidates in 1968. The industry's pricing structure poses difficulties and no formula that more fairly and readily takes into account the different economic situations of the networks and of the approximately 7,000 commercial television and radio stations in the United States has presented itself to us.

We believe that compensation at a 50 per cent discount from a station's established rates is fair. But the Treasury should not be obliged to pay this rate if any commercial advertiser is charged a lower rate. *So we recommend payment at 50 per cent of the applicable rate charged by broadcaster's lowest rate to any commercial advertiser, whichever is lower.*

Estimates based on the best available data suggest that less than $250,000 would have been required in the 1968 election campaign to compensate *all* commercial television and radio stations and networks for each half-hour Voters' Time.

The Commission considers it essential that non-commercial or educational television and radio stations also broadcast Voters' Time programs. Their number and importance is increasing. Their participation befits their avowed objectives of public service. They are eager to participate.

By definition, these noncommercial stations do not operate for profit. Neither they nor commercial broadcasters should benefit financially from carrying Voters' Time programs.

Noncommercial stations must, however, meet their operating costs. Therefore, *we recommend that noncommercial stations be compensated for their operating and network interconnection costs.*

Estimates suggest that approximately $15,000 would have been required to compensate all noncommercial television and radio stations for each such half-hour program in the 1968 election.

Thus we estimate that approximately $265,000 would have been required to compensate all commercial and noncommercial television and radio stations for each half-hour of Voters' Time. Hypothetically, then, total disbursements from the Treasury for the amounts of Voters' Time we have suggested would have totaled about $4 million if there were two major party candidates in Category I with six half-hour programs, one Category II candidate with two half-hour programs, and two Category III candidates with one half-hour program each.

This is a considerable sum of money. But it is a very small item in the federal budget. In fiscal 1969, the Atlantic-Pacific Interoceanic Canal Study Commission is estimated to have spent $5.6 million and the Foreign Claims Settlement Commission had a budget of $1.3 million. We are proposing the expenditure of about $4 million (at current rates) every four years, or roughly the amount it would have cost to send a nickel postal card to everyone who voted in the 1968 election. We are aware that our society faces pressing needs and conflicting priorities. We feel that $4 million—or $1 million a year—is a very small price to pay to reform presidential campaigning.

Simultaneity

The Commission feels strongly that each Voters' Time program must be broadcast simultaneously over every television and radio facility in the United States, including network outlets, independent and noncommercial stations, and community antenna systems.* Simultaneity is the cornerstone of our recommendations.

Footnotes at end of article.

During Voters' Time, any television and radio set turned on anywhere in a given time zone would bring a potential President or Vice President to his constituency. Americans could sit down together to watch, listen, and make judgments about the men who would lead them.

Voters' Time is a wholly new approach to the use of broadcasting facilities for presidential election politics. Simultaneity is an integral part of the concept of Voters' Time. To place Voters' Time in the position of competing with standard programing, to identify it with the conventional would be to lose sight of its unique importance. It would compromise the seriousness of the presidential race.

In recent years the suspicion has arisen among some of the hard-headed politicians who buy campaign television time that when Democratic candidates appear on the screen, Democratic voters watch, while Republicans switch to an entertainment program on another channel; and that the Democrats switch when the Republicans are on screen. They suspect, too, that many voters—Democrat, Republican, and independent—perhaps bored with the quality of political television, switch to another channel when *any* candidate appears. (As we have noted, longer programs also have their advocates.)

The Commission believes that all voters should see and hear all significant candidates. Only simultaneity can come close to accomplishing this.

It may be too much to hope that all voters would watch or listen to all Voters' Time programs; but they could not take the easy way out and turn to another channel. In 1960, when Kennedy and Nixon debated on all three networks and many independent stations simultaneously, the average audience was estimated at 71 million.

Viewers or listeners could, of course, simply turn the set off. But broadcasting experience indicates that not many are likely to do so. The British employ simultaneity for their election-time party broadcasts, and their sets in use do not drastically decrease.

We would hope that as the institution of Voters' Time developed, this direct and regular confrontation with the candidates would give voters a sense of direct participation in presidential politics heretofore unknown. And we think they would welcome it.

There will, of course, be those who object that simultaneous transmission is an improper infringement on the viewer's and listener's freedom of choice and the broadcaster's freedom of speech. Some may see this provision as a step toward the Big Brother control of political thought portrayed in George Orwell's novel *1984*.

Although we have considered this argument at length, we find it without real merit. Just as candidates are under no compulsion to appear on Voters' Time programs, viewers are under no compulsion to watch or listen to them. Those who may see in Voters' Time the specter of government control of broadcast programming would, we believe, be misinterpreting its nature. Voters' Time would be a cooperative venture in which the efforts of candidates, broadcasters, and the public combine to create an extraordinary new vehicle for political enlightenment. It is true that all broadcasters would have to carry Voters' Time programs. But they would be compensated for their time, and it has seemed to us that the overriding importance of choosing a President and Vice President far outweighs any temporary inconvenience to broadcasters who do not wish to participate.

Technically, simultaneous broadcasts should not be difficult to arrange. Television and radio stations can connect, via existing lines or microwave links, with a central source of programming. Network-affiliated stations daily make use of such links on a large scale. Television stations without network affiliations could connect via "loops" with the nearest network outlet. And those

radio stations unable to link with a network affiliate could take the programs off the air from a neighboring station and retransmit them.

Simultaneous transmission of Voters' Time programs would increase the impact of candidates' messages. It would also impress on the American people the importance of the presidential campaign process. Finally, it would stimulate candidates to reserve their best efforts for this great confrontation with millions.

No candidate today can buy simultaneity on all stations. Given it, he would devote his best efforts to it. Several experienced political managers have told us that if their candidates were offered time on all stations in the nation simultaneously, they as strategists would spend most of their time deciding how best to use it. Six chances to reach every television and radio home in America simultaneously and exclusively— this is an opportunity that no politician would take lightly. Voters' Time programs could well become the focal point of a candidate's campaign.

The use of voters' time

Voters' Time is uniquely public time, endowed with the public interest and bought with public funds. We believe that candidates should use Voters' Time in ways that clearly serve the public interest. If candidates are given something they cannot buy—simultaneous access to every television and radio home in America—it seems reasonable to require them to use it sensibly and responsibly.

But here we step onto difficult ground. To what extent should the federal government restrict the right of politicians to be foolish? They should not fritter away Voters' Time. But how much government influence is too much?

The Commission carefully considered this matter. Indeed, no other question received more consideration. At one extreme, Voters' Time could simply be turned over to the candidates to use at their own discretion. At the other, a single rigid format for Voters' Time could be established.

Neither choice seems satisfactory.

Giving the candidates totally free rein might well defeat one of the Commission's objectives: to elevate the quality of political discourse.

Establishing a single rigid format might mean forcing some candidates to use formulas ill suited to them. All candidates should not be forced into the same inflexible pattern.

We considered requiring candidates to take their choice from only a limited variety of formats: Submitting to questioning by nonpartisan or bipartisan panels; speaking directly and without adornment to the audience on a single substantive issue; debating their opponents.

All these seem too coercive. *We decided only to suggest certain simple requirements for the use of Voters' Time programs:* (*a*) *that they substantially involve the live appearances of candidates for President or Vice President of the United States;* and (*b*) *that they utilize formats intended to promote rational political discussion, to illuminate campaign issues, and to give the audience insight into the abilities and personal qualities of the candidates.*

All too often, we believe, political broadcasting makes use of advertising techniques more properly suited to the sale of a commercial product. Such political advertising has been marked by appeals to the emotions of the viewers or listeners rather than to their intellect; it succeeds often through the skillful editing of film or tape or through special lighting and sound effects.

Advances in broadcasting technology have made it possible to present a candidate in the best possible light, with all inept answers to hard questions edited out of the tape, with false starts and all uncertainties and human failings eliminated, all warts and blemishes removed, a single smooth image alone remaining. It is no criticism of television or radio to say that some day it may be possible to offer a wholly plausible and wholly false impression of a candidate. Broadcasting would become an impenetrable shield for a candidate, would not open a window on him through which the public could see him clearly. Thus would its technology defeat itself. As in other fields, technology in broadcasting needs to be restrained from controlling its creators. By requiring candidates to appear in person on Voters' Time programs and appear for at least a substantial part of the program—not merely to poke their heads into the studio door, then beat a hasty retreat while the comics and dancing girls take over—we seek to help them appear before the public as most of them would wish: as they are.

Live appearances by candidates do not preclude dramatic or emotional appeals, of course. But they do help ensure that the audience will not be imposed upon by manipulative techniques.

We are aware that candidates often are able to present some of their messages more effectively by using film or tape. Such techniques, for instance, allow a candidate to document—with pictures or other voices—a presentation of his or his party's past accomplishments.

The public interest, we feel, is frequently well served on such occasions. The reasonable use of audio or visual devices is legitimate and even desirable. Hence our recommendation that formats utilize "substantial" live appearances, rather than a complete ban on film and other audiovisual techniques.

The Commission hopes that the formats devised by the candidates along the guidelines suggested will supply that element most sadly lacking from presidential campaign rhetoric and most sorely needed by voters: the substantive discussion of issues. It would help if rival candidates chose to present their Voters' Time programs back-to-back so that voters could compare directly those who seek their support. Debates, probably the most illuminating format, could result.

We recognize, too, the value of programs that provide insight into a prospective President's or Vice President's personality, ability, and character. Not only are a man's views on the issues important; so is the man. How the public feels about a man may vitally affect his ability to exercise leadership. Therefore, to discussion of the issues we have added insight into the abilities and personal qualities of candidates as a legitimate aim of Voters' Time programs. If a candidate chooses to devote a program to sober discussion of an issue, the voter will take that into account. If he chooses to preside over a collection of slogans, celebrities, and film clips, that says something about him too, and the voter will note it. As can readily be seen, we are relying here on the good sense of the American people. And we are relying, too, on the pressure that the mere existence of Voters' Time would put on the candidates to do their best.

It should be made clear that no candidate would be required to make use of Voters' Time. A candidate who thought he was not at his best on television might hesitate—in which case, however, his opponent would almost surely plunge in, and by taunts drag the reluctant one in too.

This is a serious objection. It is at least conceivable that a man might make an excellent President or Vice President yet make a poor appearance on television. Such a candidate, if left to his own devices, might choose to buy television time for his supporters or for carefully manufactured films while he himself avoided live exposure and devoted his energies to issuing position papers, conferring with leaders of his political organization, and making speeches to selected groups. Under our plan, of course, he could not have this choice. But we live in a television age; no candidate, and no President, can escape television's pitiless, ubiquitous eye. And since the Commission would give candidates considerable latitude in format on Voters' Time, each candidate could design his own personal appearance to his best advantage.

It has been proposed by some that candidates be forbidden to purchase additional broadcast time of their own. In this view, Voters' Time would simply increase the amount of political broadcasting—to permit candidates to buy further time would simply swamp the airwaves without cutting campaign costs. More particularly, it has been proposed that candidates be forbidden to purchase television or radio "spots." Many people believe that "spots" simplify complex issues, distort issues, sell candidates like soap, and debase politics.

The Commission would not disagree, at least in some instances. Certainly the Democratic "spot" of 1968 showing people erupting in laughter at the mention of the name "Spiro Agnew" clarified nothing. Nor did the Republican "spot" of 1968 showing the Democratic candidate laughing and also showing scenes of dead babies in Vietnam contribute much to the public's knowledge of the Vietnam issue.

While such tactics are questionable if not disgraceful, the Commission doubts the wisdom and legality of forbidding "spots" or of prohibiting candidates from buying other broadcast time. As to "spots," the Commission hopes their impact will fade as the impact of Voters' Time increases. As to forbidding candidates from purchasing other time, we have limited Voters' Time substantially to live appearances by the candidates. If a candidate also wishes to present a serious film recounting the history of his party, we can hardly object. And if he wishes to present a half-hour of nonsense, we must rely again on the good sense of the people.

If our proposals are accepted, we doubt that candidates would buy much more time. For one thing, they might have trouble raising money for it. Political contributors could say, "Why do you need my money? You've got the government's." More substantially, candidates might well think that too much radio and television would be self-defeating, that it would irritate or bore voters—who would tend to feel that in eight hours they had seen and heard enough.

EQUAL TIME

If the Commission's recommendations are to be implemented, Voters' Time programs must specifically be included in the various exemptions to the equal time provisions of Section 315(a) of the Communications Act of 1934. *We also recommend that in 1972 the equal time provision be totally suspended for the presidential race.*

Section 315(a) requires a broadcaster to sell or give equal time to all legally qualified candidates for the same elective office. If he sells or gives time to one candidate, he must sell or give equal time to all candidates for the same office. Thus, regardless of how remote his chance of success at the polling booth, however minimal his claim may be upon the attention of the constituency, Section 315(a) elevates each candidate to the level of every other. Cranks and serious contenders for public attention are lumped together; all must be treated impartially.

The iron rule pinched when, in 1959, Mayor Richard Daley, a candidate for re-election, was shown briefly on television newscasts greeting the President of Argentina and opening a March of Dimes drive. Promptly a minor party candidate, a man who had for years run unsuccessfully in Chicago for all sorts of offices from Mayor to President, usually wearing a Uncle Sam costume, demanded equal time. The Federal Communications Commission had no choice but to grant it.

XUM

Almost as promptly, broadcasters asked Congress to exempt news and interview programs from Section 315(a). Congress did so.

Then in 1960 Congress suspended Section 315(a) temporarily, for presidential and vice presidential candidates, to make possible the historic Kennedy-Nixon debates. Without that suspension at least a dozen legally qualified presidential candidates other than Kennedy and Nixon would have claimed equal time.[27] There would have been no debate. In the spring of 1968, when the withdrawal of President Johnson and other dramatic developments created political confusion, eliminating leading candidates and bringing forward new ones, one broadcaster declared that now, as never before, the people needed all the help that broadcasting could give them in sorting out the candidates and participating in the choice of a President. Despite the pleas of the broadcasters—and of one or another of the political parties—Section 315 (a) has not been suspended since 1960.

The Commission recognizes the force of the arguments that led Congress to adopt the equal time provision in the first place. But we must agree with those who feel that untrammeled debate lies at the heart of democracy. We therefore recommend that Congress again permit such debate for the presidential election of 1972. Suspension of the equal time provision would permit the significant candidates for President and Vice President—if they choose—to debate face to face, live. If to Voters' Time could be added such direct debate, the American people in 1972 would benefit enormously. So would the political process.

Administration

The Commission believes that Voters' Time programs possess the potential of becoming the most important broadcasting events of our presidential campaigns.

Their administration must be the responsibility of those whose impartiality is beyond reasonable question and in whom trust is widely reposed. We recommend, therefore, that the Office of the Comptroller General of the United States assume this responsibility.

Accountable not to the executive branch but to Congress, the Comptroller General is the only federal official who serves a fifteen-year term. Both his removal from the political arena and the high level of public—and official—confidence he has traditionally enjoyed should enable him to resolve without taint of partisanship the differences that are bound to arise under our recommendations. (It is worth noting that Congress chose the Comptroller General to administer the provisions of the Long Act that it passed in 1966.)

It should be made clear that we have deliberately left open many questions of administration and direction. Voters' Time is a new concept. Only by trial and error can a significant and workable pattern of relationships be developed among broadcasters, candidates, government officials, and the electorate. We have attempted to explain our own views. But we have not attempted to devise and impose an inflexible structure upon a political system whose very genius is its capacity for adaptation and change. Instead, we have established only general guidelines for the future, leaving many aspects of administration both to the realities of political experience and to the integrity and wisdom of the men who can make this departure in political broadcasting work.

Unquestionably in many instances the Comptroller General would have to take the initiative in bringing the broadcasters and the parties together. He would need restraint, patience, and impartiality in reconciling differing interpretations of how Voters' Time would work out in practice. The ultimate fate of our proposals, if adopted, will depend on precedents that must grow out of experience. What is needed in the administration of Voters' Time is strength and the capacity to moderate and reconcile varying points of view—always with an eye to a single criterion: the public interest.

Small campaign contributions

Campaign contributions, too often fraught with objectionable practices, have been a source of public cynicism and criticism for decades. As the late Senator Robert F. Kennedy said:

"The mounting cost of elections is rapidly becoming intolerable for a democratic society, where the right to vote—and to be a candidate—is the ultimate political protection. For we are in danger of creating a situation in which our candidates must be chosen only from among the rich, the famous, or those willing to be beholden to others who will pay the bills. Heavy dependence on the relatively few who can meet these enormous costs is not only demeaning and degrading to the candidate, it also engenders cynicism about the political process itself."

Many people feel that the way to solve the problem is to broaden the base of candidates' support by encouraging small contributions from a large number of individuals. Leonard Hall, former chairman of the Republican National Committee, spoke for many when he observed:

"All of us engaged in political activity agree that every effort should be made to interest more and more individuals in political campaigns, and, in particular, to increase the number who provide financial support through their contributions. Every political leader is desirous of broadening the base of financial support . . . in designing any new legislation, you should be certain that it makes it easier for Americans in every walk of life to participate both as active workers and as financial contributors, no matter how small."

Dependence on large contributors demoralizes candidates. It puts them under obligations, to some extent corrupting the body politic. Worse, since candidates often accept contributions in dubious circumstances and in excess of the legal limits, people tend to assume that candidates are under even heavier obligations than they actually are; and this feeds the cynicism that could destory democracy.

It would be far healthier if a larger number of individual contributors gave small sums. Small contributors in greater number would not only reduce a candidate's reliance on a few big givers but also help improve the political climate by increasing direct citizen partcipation in politics.

Unfortunately, figures on presidential campaign contributions, required by law to be filed with the Clerk of the House of Representatives, are incomplete and are often filed in disorderly form, thus limiting our knowledge of what is really contributed and spent. But they are indicative.

With two notable exceptions, individual contributions of $500 or more accounted for well over 50 per cent of the total individual contributions to national-level committees of the two major parties in presidential campaigns between 1952 and 1964 (Table 5). The Democrats had an exceptional year in 1956, when the percentage their national-level committees raised in large sums was down to 44 per cent. In 1964, the percentage for the Republicans was down to only 28 per cent, but this sharp drop was not due to any failure in large contributions (they were down only slightly from the 1960 level) but to a huge increase in total contributions from individuals, in response to special efforts to obtain support from small contributors. Only preliminary estimates are available for 1968, but they suggest that contributions of $500 or more comprised more than three-quarters of total individual contributions raised by the Democrats. For the Republicans the proportion is estimated to have risen to nearly half.

Between 1960 and 1964, the number of people who contributed $500 or more to national-level committees increased from about 4,000 to about 6,700, and total receipts of both parties from this source increased from $5.6 million to $8.3 million. At least 95 people made contributions of $10,000 or more in 1960 and at least 130 in 1964.[28]

Unfortunately, public cynicism generated by this overwhelming preponderance of large contributions in presidential campaigns, coupled with ineffectual techniques for encouraging and collecting funds, has kept the number of small contributions extremely low.

The Survey Research Center of the University of Michigan has made studies on the numbers of contributors in presidental election years. In 1952, only 4 per cent of the population is estimated to have made a contribution to any committee or candidate. In 1956, 1960, and 1964, the percentage stabilized at between 10 and 12 per cent, although the absolute numbers involved increased each year with the rise in population. In 1968, an estimated 6 per cent of the population made some monetary contribution to a political cause.[29]

If we are to broaden significantly the base of candidates' support, we must deal with this widespread public indifference or resistance.

Political campaign financing is in a vicious cycle. Some people see no point in contributing because they believe politicians and candidates are corrupt. Yet corruption is fostered by reliance on a few large contributors.

From time to time, nationwide, statewide, and local efforts, both partisan and nonpartisan, have been made to break this cycle. Almost all have met with failure. The political parties have so rarely met with any degree of success that they have preferred to fall back on large contributors rather than undertake sustained, costly efforts to encourage small contributors.

There have been two particularly notable exceptions in recent years. In 1964, according to the Citizens' Research Foundation, national-level committees committed to Goldwater raised approximately $6 million, or 70 per cent of his presidential campaign fund, in sums of less than $500, obtaining about 650,000 contributions of less than $100 apiece. These small contributions included the year's returns from the Republican Sustaining Fund appeal, which had been established in 1962 in an effort to attract a wide membership at $10 a year. People gave to the campaign in great numbers after mail solicitations and television appeals. These methods were expensive, however; the cost of direct mail alone was more than $1 million.[30] Wallace's campaign in 1968 also gathered many small contributions, from about 750,000 persons.

Senator Goldwater and Governor Wallace proved that the big money necessary for a nationwide campaign can be raised in small sums, if people feel strongly about the candidate and if they are asked and encouraged to give. Moreover, in Gallup polls since 1953 about 30 to 40 per cent of Americans have expressed the willingness to make a political contribution if asked. Part of the blame, then, must rest with our political parties for not making the necessary—but expensive—continuing efforts.

The Commission feels that voters would be more willing to give if they knew their contributions would help their candidates defray the production and other costs of Voters' Time programs. We recommend that as an additional incentive *small contributors be permitted a limited deduction from income or from tax liability on their federal income tax returns. This deduction would apply to contributions in behalf of candidates in the*

Footnotes at end of article.

presidential campaign and in campaigns for membership in the United States Senate or House of Representatives.

We propose that $25 ($50 on a joint return) be the limit for this incentive if the tax-credit method is used, or $100 if the incentive is a deduction from total taxable income.

We believe that such a permanent, national tax incentive would produce large numbers of small contributions. It would encourage the parties to wage more aggressive campaigns for small contributions. It would increase the number of participants in the structure of political finance. It would broaden the base of candidates' support. And it would tend to break the vicious cycle of public distrust and unwillingness to contribute.

We know of no better or more direct way of accomplishing these results.

Congressional and senatorial candidates

In taking our first steps toward dealing with the problem of campaign broadcasting, we have outlined a plan for presidential and vice presidential candidates alone. We wish this were not so.

Our plan is not immediately or directly applicable to the vitally important races for the House of Representatives and the Senate of the United States. We wish it were.

The complexities of electronic frequency assignments and the range of individual stations' signals, together with the location and wide variation in size and shape of congressional constituencies, do not permit a direct and immediate extension of presidential Voters' Time in all its details.

Yet the concept of Voters' Time could and probably should be extended to candidates for the House and the Senate. Its underlying approach seems to us as appropriate for the men who seek election to national legislative offices as for our candidates for Chief Executive. So we urge that others pick up where we have left off.

But the problem of financing political broadcasting on the congressional level is too pressing not to be dealt with in some meaningful fashion now. Money is hard to raise for these candidates, too, and campaign costs have risen sharply over the past two decades.

In some urban congressional districts it costs more than $150,000 to run. In some of the more populous states, running for the United States Senate means raising a campaign fund of well over $1 million.

This is an area of particular concern to us for several reasons. First, these elected federal officials are closest to the people. They are their direct representatives. They must not be overwhelmed by the new financial burdens of running for office in the electronic era. Second, House and Senate seats are among our highest offices. No man should be kept from running because he cannot raise sufficient funds.

Third, a large contribution could carry more weight in a race that has a fairly small budget than in a big-budget national race.

Finally, broadcasting costs may already have reached such heights as to make them prohibitively expensive for all but a few campaigns for Congress. We believe that the public can only gain from seeing more of their candidates for Congress and from hearing more from them about the issues on the media on which they rely for so much of their information about the world.

Many congressional constituencies, though small in comparison with a television or radio station's audience, are so large today that a candidate cannot reach each voter adequtely merely by going to shopping centers and rallies. The electronic media provide a new way of communicating with all voters.

Senatorial constituencies, which correspond more closely (although certainly not perfectly) to the patterns of broadcasting station coverage, are enormously expensive to reach by radio and television. Candidates must therefore use broadcasting sparingly, if they can afford it at all.

We believe that the costs of political broadcasting should be lowered for Senate and House candidates. As the most direct way of doing this we recommend that *all commercial broadcasters be required to charge all legally qualified general election candidates for the House and the Senate for political campaign time at no more than 50 per cent of the lowest charge made to any commercial advertiser.*

This would place radio and television within the reach of many more candidates. It would also help cut costs for those candidates who already use the broadcast media, and would thereby reduce the need for raising large sums.

We do not think that the broadcaster should be forced to bear the burden of providing this assistance to the candidate and his constituents. Therefore *we propose that broadcasters be allowed, for federal income tax purposes, to deduct from their total taxable income amounts equal to the dollar value of such discounts to candidates for the House and the Senate.*

We believe that the recommended course of action could create a union of candidate, broadcaster, government, and the public that would move us closer to our goal of assisting candidates for the House and Senate.

The electronic future

What of the electronic future? The Commission believes its recommendations, if adopted, would result in satisfactory reform of political broadcasting as it now exists. But technical innovations that could change broadcasting greatly are now in development. Among these are the growth of cable (or community antenna) television systems, the introduction of domestic space satellite communications, the establishment of home information centers with the ability to request and receive masses of programming and information, pay television, home video recorders and playback machines, and the spread of ultra-high-frequency television stations.

Nobody knows what the electronic future holds. It seems inevitable that the demand for improved forms of political communication will continue and that evolving technology will meet that demand. It is the task of policy-makers to ensure that technology itself does not alter our fundamental political principles, that men remain the masters of technology and not the other way around.

SYNOPSIS OF PROPOSALS

The Commission recommends—

Title I—The basic proposal

A. That the federal government provide significant candidates in general election campaigns for President and Vice President of the United States with basic campaign broadcasting access to the American voting public (Voters' Time), within the context of programs that will promote rational political discussion and that will be presented in prime evening time simultaneously over every broadcast and cable television facility in the United States.

Which candidates?

B. That eligibility for Voters' Time be extended to candidates for President and Vice President who are in any one of the following three categories:

Category I. Nominees of parties that (a) support the same candidates for President and Vice President in at least three-quarters of the states* and qualify electors for those candidates on the ballot in that proportion of states, provided that the electoral votes of these states are sufficient to elect a President and Vice President; *and* (b) ranked first or second in the popular vote in two of the three previous presidential elections.

Category II. Nominees of parties that (a) support the same candidates for President and Vice President in at least three-quarters of the states and qualify electors for those candidates on the ballot in that proportion of states, provided that the electoral votes of these states are sufficient to elect a President and Vice President; *and* (b) received at least one-eighth of the popular vote in the preceding presidential election.

Category III. Nominees of parties that support the same candidates for President and Vice President in at least three-quarters of the states and qualify electors for those candidates on the ballot in that proportion of states, provided that the electoral votes of these states are sufficient to elect a President and Vice President.

How much time?

C. That Voters' Time be offered to candidates for President and Vice President in amounts and under conditions applying to the highest of the above categories for which they qualify, these amounts and conditions being as follows:

Category I: Six prime-time thirty-minute programs within the 35 days preceding the Monday before Election Day, provided that at least one program be broadcast in each seven-day period.

Category II: Two prime-time thirty-minute programs within the 35 days preceding the Monday before Election Day, provided that no more than one program be broadcast in any seven-day period.

Category III: One prime-time thirty-minute program within the 35 days preceding the Monday before Election Day.

Rational Political Discussion

D. That Voters' Time programs utilize formats that substantially involve the live appearance of the candidates for President and Vice President and are designed to promote rational political discussion for the purpose of clarifying major campaign issues or developing insight into the abilities and personal qualities of the candidates.

Simultaneity

E. That each program be presented simultaneously over every broadcast and cable television facility in the United States in prime evening time.

Who pays?

F. That this time be paid for by the federal government at no more than 50 per cent of the commercial rate card charge for such time, or at the lowest charge made to any commercial advertiser for such time, whichever is lower; or in the case of noncommercial broadcast facilities, that costs incurred in presenting political programs during Voters' Time be reimbursed by the federal government.

Equal time

G. That Voters' Time offered to candidates for President and Vice President pursuant to these recommendations be included in the various exemptions to the equal time provision of Section 315(a) of the Communications Act of 1934, as amended; and that, in addition, Section 315(a) be suspended for the presidential election campaign of 1972.

Administration

H. That the Comptroller General of the United States be responsible for the administration of the foregoing recommendations.

The Commission further recommends—

Title II—Other Candidates on the Air

That commercial broadcasters be required to charge all legally qualified candidates for the House of Representatives and the Senate of the United States for such political time as they buy in general election campaigns at no more than 50 per cent of the lowest charge made to any commercial advertiser for such time, provided that broadcasters may then, for federal income tax purposes, deduct amounts equal to the dollar value of such discounts to candidates from their total taxable income.

Footnotes at end of article.

And, finally, the Commission recommends—

Title III—Small Contributions

That individual taxpayers be permitted to receive federal income tax credit equal to one-half the dollar amount of their annual contributions to all legally qualified candidates in general election campaigns for federal office up to $25 ($50 on a joint return) or to deduct their contributions up to $100 from their total taxable income.

FOOTNOTES

• The Commission has for the most part concentrated on "paid" political campaigning, rather than on "free" time or political broadcasts on networks and stations during political campaigns.

• The last provision is added because it is possible to carry the popular vote in three-quarters of the states, the least populous thirty-nine, and still have only 257 electoral votes, less than a simple majority in the Electoral College. The Commission deems it inappropriate to extend the privilege of Voters' Time to a candidate who does not have a mathematical chance of winning the election in normal circumstances.

• By "simultaneously" we mean simultaneously by time zone as practiced by the networks. Ideally, a program originating and available on the East Coast at 8:00 p.m. would be broadcast an hour later in the Central Zone, two hours in the Rocky Mountain states, three hours later on the Pacific Coast, and five hours later in Alaska and Hawaii, so that the program would be available to everyone at his own 8:00 o'clock.

•The term "states" includes the District of Columbia.

[1] The voting behavior of the American public and the factors that influence decision-making at the polls have received considerable scholarly scrutiny. The following by no means represents a full bibliography on the subject, but it will serve as a reading guide for anyone interested. In addition to the titles listed, the reader is encouraged to examine the *Public Opinion Quarterly* and the *American Political Science Review.*

One of the earliest studies of voter behavior, and certainly a classic, is *The People's Choice: How the Voter Makes Up His Mind in a Presidential Campaign,* by Paul F. Lazarsfeld, Bernard Berelson, and Hazel Gaudet (New York: Columbia University Press, 1948). It examines the effects of the 1940 election campaign on 600 voters in Erie County, Ohio.

A second study, similar in orientation but somewhat more complex in scope, investigates the reactions and decisions of 760 voters in Elmira, N.Y., during the presidential campaign of 1948. This is *Voting: A Study of Opinion Formation in a Presidential Campaign,* by Bernard Berelson, Paul F. Lazarsfeld, and William N. McPhee (Chicago: University of Chicago Press, 1954).

Other basic research on voting behavior is the work of Angus Campbell, Philip E. Converse, Warren E. Miller, and Donald E. Stokes. Their volume *The American Voter* (New York: Wiley, 1960) analyzes the behavior of those voters who participated in the presidential elections of 1948, 1952, and 1956. Another book by the same authors, *Elections and the Political Order* (New York: Wiley, 1966), is concerned less with the behavior of the individual voter than with the behavior of voters as a group and the collective decisions made by the electorate. It includes data on the 1960 election.

Among the works of the late V. O. Key, Jr., a major analyst of how and why people vote as they do, are *Public Opinion and American Democracy* (New York: Knopf, 1961) and *Politics, Parties and Pressure Groups* (5th ed., New York: Crowell, 1967).

Two works by the political scientist Robert E. Lane help trace the personal relationship of the individual to the political structure and ideology within which he functions: *Political Life: Why and How People Get Involved in Politics* and *Political Ideology: Why the American Common Man Believes What He Does* (New York: Free Press, 1959 and 1962 respectively). The analysis in Lane's *Political Life* is carried forward by Lester W. Milbrath in *Political Participation: How and Why Do People Get Involved in Politics?* (Chicago: Rand McNally, 1965), and by Jerry Warden Friedhein in *Where Are the Voters* (Washington, D.C.: National Press, 1968). Friedhein's book contains an introduction by Richard Scammon.

John F. Kennedy's 1960 presidential campaign provided the basis for a research project by Ithiel de Sola Pool and his associates at the Massachusetts Institute of Technology in which the specific factors affecting voter choice were programmed into a computer in order to evaluate the predictability of voter behavior. They were interested in the extent to which a voter's behavior at the polls could be predicted from knowledge of his background. See *Candidates, Issues, and Strategies,* by Pool, Robert P. Abelson, and Samuel L. Popkin (Cambridge: MIT Press, 1964).

Influencing Voters: A Study of Campaign Rationality (New York, St. Martin's, 1967), by Richard Rose, examines political campaign behavior in England, using the 1959 and 1964 general elections as case studies. Chapter 11 compares British and American campaign techniques.

The Survey Research Center, a division of the Institute for Social Research at the University of Michigan, Ann Arbor, has been studying and publishing reports since 1946 on American political behavior. The Center's inquiries cover the broad fields of voting and elections, political representation, and public reactions to public policy. Its data on voter performance at presidential elections go back to 1948. Among the authors cited above, Campbell, Converse, Miller, and Stokes are associated with the Survey Research Center.

[2] Psychologists, sociologists, political scientists, public opinion analysts, and the research departments of advertising agencies have examined the influence of the mass media on voters' decisions at the polls. There is no useful way to sum up this research; the conclusions reached are often hypothetical and contradictory. But the following are offered as representative studies.

For the uninitiated, Joseph T. Klapper's *The Effects of Mass Communication* (Glencoe, Ill.; Free Press, 1960) provides a good survey of the mass media not limited to their impact on politics.

Probably the fullest data on the effect of radio on voting decisions are to be found in Lazarsfeld, Berelson, and Gaudet's *The People's Choice.* Examining the relative impact of personal influence, radio, and print on the voter during the 1940 presidential campaign and ranking them according to their persuasive power, this study placed personal influence first followed by radio and print in descending order. Data on the impact of radio alone are very difficult to obtain after the 1952 election, the beginning of major television coverage of presidential campaigns.

Samplings of inquiries into broadcasting in general and politics are reprinted in *American Voting Behavior,* edited by Eugene Burdick and Arthur J. Brodbeck (Glencoe, Ill.: Free Press, 1959). Selections include a chapter by Ithiel de Sola Pool on television and the 1952 election and a chapter by Kurt and Gladys Lang on the influence of the mass media on voting.

The Langs have done considerable research on the effects of broadcasting on politics. Their relevant studies include *Politics and Television* and *Voting and Non-Voting,* both published in Chicago by Quadrangle Books in 1968. *Politics and Television* presents case studies on the political impact of television—starting with its coverage of General MacArthur's homecoming in 1951. *Voting and Non-Voting* deals specifically with the ramifications of broadcasting early election returns from the eastern states before the polls are closed in the West. Another important study in this field is by Herbert Simon and Frederick Stern, "The Effect of Television upon Voting Behavior in Iowa in the 1952 Presidential Election," *American Political Science Review,* Vol. 44, No. 2, June 1955, pp. 470–77.

A wider study, *The Influence of Television on the Election of 1952,* was made by members of the Department of Marketing at Miami University in Ohio and published by Oxford Research Associates, Inc., Oxford, Ohio, in December 1954.

The 1960 radio-television debates of John F. Kennedy and Richard M. Nixon provided an unprecedented opportunity in political broadcast campaigning. The background, the issues, the event, and the aftermath have all been examined by communications experts and political scientists. A collection of the material was gathered by Sidney Kraus in *The Great Debates: Background, Perspective, Effects,* a 1962 publication of Indiana University Press, Bloomington.

Bernard Rubin, in *Political Television* (Belmont, Calif.: Wadsworth, 1967), provides a general survey of the uses and influences of television within the American political process from 1959 through 1964.

For a comparison of British and American experience, see *The Half-Shut Eye: Television and Politics in Britain and America,* by John Whale (New York: St. Martin's, 1969).

Two studies from England, though not dealing with the American electorate, provide some of the most precise data on the correlation between watching candidates on television and choosing among them at the polls. One, a study of the 1959 British election, is *Television and the Political Image,* by Joseph Trenamen and Denis McQuail (London: Methuen, 1961). The other, on the 1964 election, is *Television in Politics,* by Jay G. Blumler and Denis McQuail (London: Faber & Faber, 1968).

The 1959 study indicated that television provided voters with increased information about candidates and issues. But it appeared unlikely that political broadcasting had changed voters' attitudes. The second study verified one aspect of the first; again political television undoubtedly contributed to the electorate's knowledge of campaign issues and personalities. But the authors concluded that during the 1964 campaign an increasingly favorable public attitude toward the Liberal Party was a direct result of exposure to election television. This study also provides a provocative analysis of the varying uses the voter makes of political broadcasts—from seeking direct guidance to obtaining subtle reinforcement of voting decisions.

An example of commercial research is a study by a New York advertising agency, Cunningham & Walsh, of the role of television in the 1958 New York gubernatorial campaign. It pays special attention to the impression the voter received from television of the two major candidates, W. Averell Harriman and Nelson A. Rockefeller. The manuscript, dated March 1959, is titled "Television and the Political Candidate."

[3] Elihu Katz and Jacob J. Feldman review and tabulate the results of 31 independent research studies on the public reaction to the debates in a chapter titled "The Debates in the Light of Research: A Survey of Surveys" in Kraus' *The Great Debates* (Chapter 11, pp. 173–223).

[4] Klapper has found that the mass media may reinforce opinions already held rather than convert viewers or listeners. At least in part, this is because the influence of the media is supported by other factors and conditions, such as group membership, ego, opinion leaders, and the like. For more on this, see *The Effects of Mass Communication,* cited in note 2.

Similarly the Langs have found a "crystallizing effect" upon voting intentions—movement away from being undecided, or even ready not to vote at all, to having a clear-cut preference. They discuss this effect and the "cumulative effect" in *Politics and Television* (note 2).

[5] Several organizations gather data on the pervasiveness of television. The Media Research Division of A.C. Nielson Co. has compiled many of the relevant statistics from its surveys made for the broadcasting industry in *Television '69* and in *U.S. Television Ownership Estimates* (1968).

Two research firms, the Television Information Office and the Television Bureau of Advertising, conduct surveys or sponsor studies on and for the industry.

[6] From "Is Anyone Really Listening?" in Muggeridge's *The Eye and I* (London: Triangle, 1966).

[7] The basic facts of radio growth and effect have been compiled by the Radio Advertising Bureau. Many of the surveys have been made by Trendex, Inc., R.L. Polk, and the U.S. Department of Commerce. These are reported in *Radio Facts Pocket Piece,* published by the Bureau, which has offices in New York, Chicago, Los Angeles, and Detroit. According to this source, Brand Rating Index surveys in 1967 showed that 47 per cent of young men aged 18–24 are exposed to more than 120 minutes of radio in a normal day. For young women 18–24 years of age, 39.2 per cent are exposed to more than 135 minutes of radio per day.

[8] Basically a commercial system, coexisting with a smaller educational network, broadcasting in the United States presents a pattern far different from that of other countries.

Despite variations in broadcast structure from country to country, broadcasting in Western Europe either is completely noncommercial, with air time not for sale to anyone, or it integrates a limited form of commercial broadcasting, in which restricted portions of the broadcast day are available for commercial use. All countries in Western Europe that do permit the sale of air time prohibit broadcasters from selling time for political purposes. In the Communist countries of Eastern Europe no candidate buys political broadcast time. The broadcast structures of both England and Japan function on a dual basis—an older noncommercial system and a newer commercial enterprise. In the European pattern, both countries prohibit the commercial broadcaster from selling time to a political party or candidate.

Although these countries all prohibit the sale of time for political purposes, the democracies also supply limited amounts of broadcast time to the political candidates at no cost to him or his party. And since no additional time can be purchased, political broadcasting in Western Europe, England and Japan does not represent the potential financial burden to the candidate that it does in the United States.

Two excellent general surveys of political broadcasting in other countries are *National and International Systems of Broadcasting. Their History, Operation and Control,* by Walter B. Emory, East Lansing: Michigan State University Press, 1969), and *Radio and Television Broadcasting on the European Continent,* by Burton Paulu (Minneapolis: University of Minnesota Press, 1967). Wilson P. Dizard's *Television: A World View* (Syracuse, N.Y.: Syracuse University Press, 1966) focuses on the rising influence and uses of television around the world. For an account of the English broadcasting experience, see two books by Burton Paulu, *British Broadcasting: Radio and Television in the United Kingdom* and *British Broadcasting in Transition* (Minneapolis: University of Minnesota Press, 1956 and 1961 respectively).

[9] National audience levels for network television programs are measured by the A.C. Nielson Co. and the American Research Bureau (Arbitron). From the published results it is possible to derive the number of viewers aged 21 and over who watched a given program. The 21 and over audience during an October 1968 "Rowan and Martin's Laugh-in" show was estimated at 23 milion. Slightly more than 73 million voted for President in 1968.

[10] Following is a partial list of sources for observations by candidates and those close to them on the importance of campaign television: Theodore H. White, *The Making of the President, 1968* (New York: Atheneum, 1968) and prior volumes; Penn Kimball, *Bobby Kennedy and the New Politics* (Englewood Cliffs, N.J.: Prentice-Hall, 1968); Robert MacNeil, *The People Machine: The Influence of Television on American Politics* (New York: Harper & Row, 1968); James M. Perry, *The New Politics: The New Technology of Political Manipulation* (New York: Potter, 1968); and Gene Wyckoff, *The Image Candidates: American Politics in the Age of Television* (New York: Macmillan, 1968). See also Walter Troy Spencer, "The Agency Knack of Political Packaging," *Television Magazine,* August 1968; "Why Not Ban Paid Political Broadcasting?" *New Republic,* June 15, 1968; Thomas J. Fleming, "Selling the Product Named Hubert Humphrey," *New York Times Magazine,* October 13, 1968; *Broadcasting,* September 30, 1968 and June 2, 1969; *New York Post,* October 15, 1968; *Wall Street Journal,* October 4, 1968.

[11] The role of money in politics has not received extensive attention from scholars, but over the years several distinguished political scientists have specialized in this field, adding considerably to our knowledge of campaign financing.

In 1926, James K. Pollock's *Party Campaign Funds* (New York, Knopf) marked an important first step into such research. Concentrating on the presidential elections of 1900 through 1924 and using public files as well as party statements to which he was given access, Pollock studied campaign receipts and expenditures without attempting an exhaustive compilation of statistics. He also examined changes in federal statutes in this field.

The works of Louise Overacker of Wellesley are the major sources on campaign receipts and spending on the national level for the first forty years of this century. Her *Money in Elections* (New York: Macmillan, 1932) was a comprehensive study of campaign funds in the presidential elections of 1904 to 1928, focused mainly on national-level spending—where money was collected and where it was spent, who contributed and why. The study also summarized federal and state campaign financing legislation.

Miss Overacker supplemented *Money in Elections* with articles in the *American Political Science Review* about the elections of 1932 to 1944. The figures compiled in these works are interpreted in *Presidential Campaign Funds* (Boston: Boston University Press, 1946), a collection of her lectures on party finance and political campaigning.

Alexander Heard is also a major scholar in this field. His 1960 book *The Costs of Democracy* (Chapel Hill: University of North Carolina Press) is the most exhaustive work to date on the complexities of modern campaign financing. It concentrates on the presidential elections of 1952 and 1956, covering the whole range of pertinent questions: Does money win elections? How is money raised? Who gives, and why? What is the role of labor and of business in politics? What have the electronic media, particularly television, done to the costs of campaigning?

The Citizens' Research Foundation in Princeton, N.J., regularly conducts research on election finance. Herbert E. Alexander, director of the foundation, has written extensively on the finances of presidential campaigns, in many articles and his books ***Financing the 1960 Election*** and ***Financing the 1964 Election.***

From time to time, Senate and House committees have studied the financing of elections, especially at the presidential level. The most comprehensive report was made by the Gore Committee—the Subcommittee on Privileges and Elections—on the election of 1956 (*1956 General Election Campaigns,* Report to the Senate Committee on Rules and Administration, 85th Cong., 1st sess. Washington: Government Printing Office, 1957).

In *The Costs of Democracy* (pp. 7–8), Heard estimated that total political costs at all levels were $140 million in 1952 and rose about 11 per cent to $155 million in 1956. The Citizens' Research Foundation has estimated that in 1960 there was an increase of $20 million, about 13 per cent, and that in 1964 the total for all levels grew to $200 million, or by about 14 per cent (Alexander, works cited above).

[12] Under the terms of the federal Corrupt Practices Act of 1925, as amended, only associations, organizations, or committees that operate in two or more states or that are branches or subsidiaries of national organizations are required to file reports on receipts and expenditures with the Clerk of the House of Representatives. These reports must include the name and address of each person making a contribution of $100 or more, with date and amount, as well as a list of all expenditures exceeding $10, with purpose of payment.

Various state political committees, county party committees, local clubs, independent committees, and associations also work, at least in part, for the election of the national ticket. Systematic figures on their receipts and expenditures are impossible to obtain. Their expenditures need not be reported to the Clerk of the House because they do not operate in more than one state and they usually represent themselves as independent of national organizations. Forty-three states have reporting laws, but the specific requirements vary from state to state.

Heard has observed (*The Costs of Democracy,* pp. 354–55) that the federal reporting laws have had a decentralizing effect on party organization, increasing the importance of local committees. Since each committee's outlays are limited, numerous committees are created during campaigns to reach the desired level of spending.

The federal statutes applying to campaign finance reporting are given in Senate Committee on Rules and Administration, *Federal Corrupt Practices and Political Activities: Federal Corrupt Practices Act; Hatch Political Activities Act* (Washington: Government Printing Office, 1968.)

[13] Alexander, "Financing Parties and Campaigns in 1968: A Preliminary Report," a paper prepared for presentation to the annual meeting of the American Political Science Association, New York, 1969. According to the reports filed with the Clerk of the House, the Wallace campaign receipts were $6,975,000 and expenditures were $7,243,000.

[14] Cost per vote figures were first computed by Overacker on the basis of total votes cast and total direct expenditures by national campaign organizations associated with the parties, as recorded in official sources (*Money in Elections,* pp. 79–81). Heard continued to use her categories in *The Costs of Democracy* (pp. 376–77), and Alexander has followed the practice in his quadrennial Citizens' Research Foundation publications on presidential campaign financing. Although figures on contributions by labor and by miscellaneous other committees were available to the latter two scholars, they disregarded such figures in order to keep recent computations as consistent as possible with earlier ones. For a few of the middle years, Heard's figures do not include expenditures by congressional campaign committees, so

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that increases between the earlier and later years are somewhat exaggerated.

The figures given in the text differ slightly from cost per vote figures used by Heard and Alexander, because of definitional variations in the expenditure series used.

[15] Heard, *The Costs of Democracy*, pp. 17–18, citing Overacker, *Money in Elections*, p. 73, and her various articles in the *American Political Science Review*.

[16] Alexander, "Financing Parties and Campaigns in 1968: A Preliminary Report," pp. 55, 66–67.

[17] Responses to questions asked in this unpublished poll are given in Kimball's *Bobby Kennedy and the New Politics*, pp. 178–79. Sixty-three per cent felt that most politicians take graft. Asked whether men in politics are dedicated public servants, 64 per cent replied that only a few are.

[18] Both the Survey Research Center at the University of Michigan and George H. Gallup's American Institute of Public Opinion have asked people through the years if they have contributed to a political party or candidate. The Survey Research Center found that 4 per cent reported contributing in 1952, 10 per cent in 1956, 12 per cent in 1960, and 11 per cent in 1964 (Robinson, Rusk, and Head, *Measures of Political Attitudes*, p. 603), and it estimates that 6 per cent of the population made a political contribution in 1968. Gallup's results are similar. Except for 1968, both sets of findings are presented in Alexander's *Financing the 1964 Election* (p. 69).

[19] Kennedy, "A Force That Has Changed the Political Scene," *TV Guide*, November 14, 1959.

In 1961, Kennedy created the President's Commission on Campaign Costs, under the direction of Alexander Heard, to study the problems of presidential campaign financing. Its report was published in 1962 under the title *Financing Presidential Campaigns* (Washington: Government Printing Office).

[20] See Herbert E. Alexander, *Regulating Political Finance* (Princeton and Berkeley: Citizens' Research Foundation and Institute of Governmental Studies, University of California, 1966). See also note 12 for further discussion of financial reporting.

[21] *Presidential Campaign Funds*, p. 45.

[22] From Eisenhower's "The Ticklish Problem of Political Fund Raising—and Spending," *Reader's Digest*, January 1968.

[23] The issue continues to be debated by candidates and their managers, broadcasters, editorial columnists, and others concerned with political television.

Representative expressions of opinion can be found in the following: Harriet van Horne, "See How They Run," *New York Post*, August 19, 1967; G. D. Wiebe, "A New Dimension in Journalism," *Journalism Quarterly*, Autumn 1964; Jack Gould, "Candidates on TV—The Ideal and Others," *New York Times Magazine*, October 28, 1962; editorial, *New York Times*, April 21, 1966; Elmer Lower, network official, NBC News press release, June 6, 1960; William Paley, speech before the Poor Richard Club, Philadelphia, January 1953; Carmine DeSapio, *New York News* interview, May 28, 1950; *TV and Politics: A Forum*, Academy of Television Arts and Sciences, 1960, panel discussion on June 8, 1960, with Paul Butler, Senator Thruston B. Morton, former Governor W. Averell Harriman, Senator Jacob Javits, William McAndrew, and Elmo Roper. For an early skeptic's view of the role of television in campaigning, see "TV and the Voter," by Gilbert Seldes in the *Saturday Review*, December 6, 1952.

[24] Figures derived from data compiled by A. C. Nielson Co. and Leading National Advertisers. Al Gardner, an advertising agency representative who worked on a presidential candidate's unsuccessful primary bid in 1966, observed that "almost the worst prime-time 20-second spot got more audience than the best half-hour program." *Television Magazine*, August 1968.

[25] In 1968, for example, the networks especially created five-minute time slots for presidential political advertisers by having regularly scheduled programs edited down. These five-minute broadcasts had been available to political buyers since 1956, but never before had so many been offered ayatematically. The CBS television network sold the bulk of them, although the other two networks sold some. These slots were priced at a sixth of the cost of the half-hour rate for the time period. Thia was only about half as much as a one-minute "participation" (spot announcement) within a regular prime-time program because spot prices are based on the commercial value of the program in which they appear while the five-minute charge was only for time. The NBC television network accommodated candidates' demands for time by halving its prices to political buyers for whatever one-minute participations remained unsold in the network schedule and for a group of additional one-minute participations created expressly for political buyers by reducing program time in sixty- and ninety-minute evening programs. A few chains and stations offered discounts to political candidates for all time bought.

[26] Major and minor parties qualified at least twelve presidential candidates for appearance on state ballots in 1960: Democratic Party, John F. Kennedy; Republican Party, Richard M. Nixon; Socialist Labor Party, Eric Hass; Prohibition Party, Rutherford L. Decker; National States Rights. Orval Faubus; Socialist Workers Party, Farrell Dobbs; Constitutional Party, Charles Loten Sullivan; Conservative Party of New Jersey, Joseph Bracken Lee; Virginia Conservative Party, C. Benton Coiner; Tax Cut Party, Lar Daly; Independent Afro-American Party, Clennon King; Constitution Party, Merrit B. Curtis. In two states, parties qualified to appear on the ballot without naming presidential candidates: States Rights Party of Louisiana; Independent American Party (in Michigan).

In addition, the following were the 1960 presidential candidates of their parties, although their names appeared on no state ballots: American Vegetarian Party, Symon Gould; American Third Party, Henry Krajewski; Greenback Party, Whitney Harp Slocum; American Beat Consensus, William Lloyd Smith. There may have been othera.

In 1964, at least eight major and minor parties qualified presidential candidates for appearance on State ballots: Democratic Party, Lyndon B. Johnson; Republican Party, Barry M. Goldwater; Socialist Labor Party, Eric Hass; Socialist Workers Party, Clifton DeBerry; Prohibition Party, E. Harold Munn; National States Rights Party, John Kasper; Constitution Party, Joseph B. Lightburn; Universal Party, James Hensley. Mra. Yetta Bronstein, a Bronx housewife, campaigned with the slogan "Things'll get betta with Yetta" and called her organization the Best Party. She was an announced candidate though her name did not appear on any state ballots.

In 1968, at least nine major and minor parties qualified presidential candidatea for appearance on state ballots: Democratic Party, Hubert H. Humphrey; Republican Party, Richard M. Nixon; American Independent Party, George C. Wallace; Prohibition Party, E. Harold Munn; Peace and Freedom Party, Eldridge Cleaver; Socialist Labor Party, Henning Blomen; Socialist Workers Party, Fred Halstead; New Party, Dick Gregory; Communist Party, Charlene Mitchell. Also, electors for Senator Eugene McCarthy appeared on the ballots of a few states.

[27] In 1968, for example, there were nine candidates (not all on state ballots) in addition to Nixon, Humphrey, and Wallace who would probably have been considered by the FCC to be legally qualified under Section 315(a). The list included Reverend Hensley of the Universal Party, Eric Sabastian of the National Hamiltonian Party, Eldridge Cleaver of the Peace and Freedom Party, Dick Gregory of the New Party, and Biahop Tomlinson of the Theocratic Party.

[28] Alexander, *Financing the 1960 Election*, pp. 57, 59; *Financing the 1964 Election*, pp. 59, 86.

[29] See note 18.

[30] Alexander, *Financing the 1964 Election*, pp. 70, 85.

TABLE 1.—MASS MEDIA AS SOURCES OF NEWS (ROPER POLLS)

[Percent]

A. SOURCE OF MOST NEWS

	1959	1961	1963	1964	1967	1968
Television	51	52	55	58	64	59
Newspapers	57	57	53	56	55	49
Radio	34	34	29	26	28	25
Magazines	8	9	6	8	7	7
People	4	5	4	5	4	5
Don't know; no answer	1	3	3	3	2	3

B. MOST BELIEVABLE

	1959	1961	1963	1964	1967	1968
Television	29	39	36	41	41	44
Newspapers	32	24	24	23	24	21
Magazines	10	10	10	10	8	11
Radio	12	12	12	8	7	8
Don't know; no answer	17	17	18	18	20	16

C. MAJOR SOURCE OF NEWS ABOUT CANDIDATES

	State offices		Local offices		National offices	
	1964	1968	1964	1968	1964	1968
Television	43	42	27	26	64	65
Newspapers	41	37	42	40	36	24
Radio	10	6	10	6	9	4
People	8	9	18	23	4	4
Magazines	1	1	1	1	6	5
Other	4	4	7	4	3	2

D. SOURCE GIVING CLEAREST UNDERSTANDING OF NATIONAL ISSUES AND CANDIDATES

	1964	1968
Television	51	57
Newspapers	26	23
Magazines	10	10
Radio	6	4

Source: "Burns W. Roper," A 10-Year View of Public Attitudes Toward Television and Other Mass Media, 1959–68, "A Report by Roper Research Associates, Television Information Office, New York," 1969.

Note: Since multiple answers were accepted, some of the columns total more than 100 percent. The source does not explain why some columns total less than 100 percent.

TABLE 2.—CHARGES [1] FOR BROADCASTS, GENERAL ELECTION CAMPAIGNS, BY PARTY 1956-68

[In thousands of dollars]

	1956	1960	1964	1968
A. TELEVISION				
Networks:				
Republicans	1,733	1,820	1,912	4,189
Democrats	1,197	1,107	1,895	2,501
Other				672
Total	2,931	2,927	3,807	7,362
Stations.				
Republicans	2,004	3,611	7,519	10,994
Democrats	1,549	3,308	5,820	7,923
Other	152	206	350	808
Total	3,705	7,125	13,689	19,725

Footnotes at end of table.

TABLE 2.—CHARGES [1] FOR BROADCASTS, GENERAL ELECTION CAMPAIGNS, BY PARTY 1956–68—Continued

[In thousands of dollars]

	1956	1960	1964	1968
A. TELEVISION—Con.				
Television, total:				
Republicans	3,737	5,431	9,431	15,183
Democrats	2,746	4,415	7,715	10,424
Other	152	206	350	1,480
Total	6,636	10,052	17,496	27,087
B. RADIO				
Networks:				
Republicans	145	45	89	469
Democrats	176	34	31	178
Other				16
Total	321	79	119	663
Stations:				
Republicans	1,500	2,083	3,513	6,853
Democrats	1,198	1,756	3,267	4,846
Other	164	225	209	954
Total	2,861	4,064	6.988	12,654
Radio, total:				
Republicans	1,645	2,128	3,602	7,322
Democrats	1,374	1,790	3,298	5,024
Other	164	225	209	970
Total	3,182	4,143	7,108	13,316
C. TOTAL BROADCASTING				
Republicans	5,382	7,559	13,033	22,505
Democrats	4,121	6,205	11,013	15,448
Other	316	431	559	2,450
Total	9,818	14,195	24,604	40,403

[1] Before discounts but after commissions.

Source: 1956, "1956 General Election Campaigns," 85th Cong., 1st session, 1960, 1964, and 1968, FCC, Survey of Political Broadcasting.

TABLE 3.—CHARGES [1] FOR BROADCASTS, TO PRESIDENTIAL AND VICE PRESIDENTIAL ASPIRANTS, PRIMARIES AND GENERAL ELECTION CAMPAIGNS, 1964 AND 1968

[In thousands of dollars]

	1964	1968
A. Television:		
Networks:		
Primaries:		
Republicans	257	1,008
Democrats		511
Other		
Subtotal	257	1,519
General campaigns:		
Republicans	1,912	4,189
Democrats	1,895	2,501
Other		672
Subtotal	3,807	7,362
Networks, total:		
Republicans	2,168	5,197
Democrats	1,895	3,012
Other		672
Subtotal	4,064	8,881
Stations:		
Primaries:		
Republicans	637	1,514
Democrats	245	2,887
Other	64	267
Subtotal	946	4,668
General campaigns:		
Republicans	3,205	4,818
Democrats	1,870	1,974
Other	13	484
Subtotal	5,089	7,276
Stations, total:		
Republicans	3,842	6,332
Democrats	2,115	4,861
Other	78	751
Subtotal	6,035	11,944

TABLE 3.—CHARGES FOR BROADCASTS, TO PRESIDENTIAL AND VICE PRESIDENTIAL ASPIRANTS, PRIMARIES AND GENERAL ELECTION CAMPAIGNS, 1964 AND 1968—Con.

[In thousands of dollars]

	1964	1968
A. Television—Continued		
Television, total:		
Republicans	6,010	11,529
Democrats	4,010	7,873
Other	78	1,423
Total	10,099	20,825
B. Radio:		
Networks:		
Primaries:		
Republicans	2	29
Democrats		
Other		
Subtotal	2	29
General campaigns:		
Republicans	89	469
Democrats	31	178
Other		16
Subtotal	119	663
Networks, total:		
Republicans	91	498
Democrats	31	178
Other		16
Subtotal	122	692
Stations:		
Primaries:		
Republicans	355	436
Democrats	166	1,392
Other	22	73
Subtotal	543	1,901
General campaigns:		
Republicans	1,164	3,122
Democrats	878	1,491
Other	25	463
Subtotal	2,067	5,076
Stations, total:		
Republicans	1,519	3,558
Democrats	1,043	2,883
Other	48	536
Subtotal	2,610	6,977
Radio, total:		
Republicans	1,610	4,056
Democrats	1,074	3,061
Other	48	552
Total	2,732	7,669
C. Total, broadcasting:		
Republicans	7,620	15,585
Democrats	5,084	10,934
Other	126	1,975
Total	12,830	28,494

[1] Before discounts but after commissions.

Source: FCC, Survey of Political Broadcasting.

TABLE 4.—DIRECT CAMPAIGN EXPENDITURES BY NATIONAL-LEVEL COMMITTEES, 1912–68 [1]

[In millions of dollars]

Year	Amount
1912	2.9
1916	4.7
1920	6.9
1924	6.4
1928	11.6
1932	5.1
1936	14.1
1940	7.8
1944	7.7
1948	7.8
1952	11.6
1956	12.9
1960	19.9
1964	24.8
1968	44.2

[1] Direct expenditures exclude transfers to candidates and committees. Expenditures by national-level committees are primarily for presidential and vice-presential candidates; they do not, however, include expenditures at State and local levels in behalf of national candidates.

Source: Citizens' Research Foundation.

TABLE 5.—CONTRIBUTIONS BY INDIVIDUALS TO NATIONAL-LEVEL COMMITTEES AND PERCENT FROM LARGE CONTRIBUTORS, DEMOCRATIC AND REPUBLICAN PARTIES, 1952–68 [1]

[In thousands of dollars]

	Total	$500 or more	
		Amount	Percent
1952:			
Republicans	$4,329	$2,944	68
Democrats	3,466	2,184	63
Total	7,795	5,128	66
1956:			
Republicans	3,837	2,839	74
Democrats	3,508	1,104	44
Total	6,345	3,943	62
1960:			
Republicans	6,214	3,603	58
Democrats	3,376	1,992	59
Total	9,590	5,595	58
1964:			
Republicans	12,610	3,475	28
Democrats	7,034	4,859	69
Total	19,644	8,335	42
1968:			
Republicans	22,885	10,662	47
Democrats	11,237	8,911	79
Total	34,121	19,573	57

[1] The number of committees involved in these computations varies from year to year.

Sources: 1952 and 1956 derived from Alexander Heard, "The Costs of Democracy" (Chapel Hill: University of North Carolina Press, 1960), pp. 48, 51. 1960 from Herbert E. Alexander, "Financing the 1960 Election" (Citizens' Research Foundation, Princeton, N.J.), p. 58. 1964 from Alexander, "Financing the 1964 Election," p. 85. 1968 estimated on the basis of preliminary data.

THE UNHOLY ALLIANCE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. CUNNINGHAM. Mr. Speaker, the following editorial appeared in the Omaha World-Herald on September 29, 1969, and I thought it would be of interest to the Members:

THE UNHOLY ALLIANCE

President Nixon asked for increased public support for his efforts to settle the Vietnamese war, and immediately got a response.

But it wasn't the response he asked for, and it certainly wasn't the kind of response that will help wind the war down to an honorable conclusion.

Immediately after the President's news conference on Friday, a group of 24 congressional Democrats embarked on a campaign to "escalate the pressure" for what amounts in truth to an unblushing bug-out.

Led by Sen. Fred R. Harris of Oklahoma, the Democratic national chairman, the legislators announced that they have agreed in general to ally themselves with some of the more vociferous antiwar demonstrators.

The senators and representatives will take an active part, in Congress and out of it, in the Vietnam "moratorium" and other antiwar experiences planned for October.

Thus the lawmakers are allying themselves formally with the street people, the groups and individuals responsible for so much of the violence and disruption that has threatened to tear the nation apart.

It is an act of political irresponsibility unworthy of the high offices these men hold. Perhaps some of the violent insanities that will be perpetrated during the October dem-

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onstrations will further educate the moderate majority of Americans on the dangers inherent in the unholy alliance of violent extremists and demagogic "peace" politicians.

BEN JENSEN, POLITICAL WARHORSE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. CUNNINGHAM. Mr. Speaker, we all remember with affection our former colleague, Congressman Ben Jensen, of Iowa. I thought the Members of the House might be interested in reading this piece about him which appeared in the Omaha World-Herald on Sunday, September 28, 1969:

BEN JENSEN, POLITICAL WARHORSE WON'T BE PASTURED

(By Art Johnson)

EXIRA, IOWA—It's difficult to put Benjamin Franklin Jensen into one story.

For instance, the 76-year-old veteran of World War I, business man, congressman for 26 years, who insists he "will never retire," has:

Written two books he hopes to have published.

Expanded his home museum to devote separate rooms to George Washington and Abraham Lincoln.

Maintained a keen interest in the Audubon County Museum on Exira's main street, which he helped organize.

Kept up and added to his large home, which has an ex-congressman's study, vegetable garden and decorative handmade deer.

Invented a golf-type game for senior citizens.

But for Ben F. Jensen politics is never hidden or forgotten.

The theme which helped him win election as Seventh District Republican congressman the first time, in 1938, seems stronger than ever to him as he insists that the United States should "avoid foreign entanglements" mentioned by George Washington, and "reaffirm the Monroe Doctrine" to limit our war efforts to the defense of the Western Hemisphere.

VIETNAM DISGRACE

Also, his strong conservatism pours out in opposition to heavy federal spending as he says:

"The history of the world tells us that any nation which spends more than 35 percent of its total income in federal, state and local taxes is doomed. We're now on the ragged edge of runaway inflation."

In answer to a suggestion that the Monroe Doctrine may be outdated, Jensen said:

"Recent developments have made no difference. It is more apropos today than ever before." He emphasized that the doctrine kept the United States at peace from 1823 until 1917, with the exception of the Spanish-American War.

As for Vietnam, "the money we spend there is a disgraceful thing," he said. "The day after they end the war the Chinese Commies will begin building forces to strike again—maybe in Chili and Peru where they have lots of followers, or Bolivia, which is controlled by Commies. That's all the more reason for reaffirming the Monroe Doctrine."

An opponent of foreign aid while in Congress, Jensen today maintains the same attitude. In his book, "Get Out and Stay Out," Jensen writes:

"The irony of it all is that today Uncle Sam has less friends abroad than he had in 1948. . . . At least 95 percent of the nations to whom these billions have been given are giving us no help in money or men in the Vietnam war; many of these nations are selling the Communists shiploads of commodities of most every nature, including materials of war."

IKE WAS BEST

Of the five presidents he served under, Jensen labeled Franklin D. Roosevelt and Lyndon Johnson as "men who would not listen to advice;" Truman was a "real nice guy," and John Kennedy a hard worker. His ideal was Dwight Eisenhower, whom he considered a great president and general.

"I loved Ike, but I only voted with him on budgets 64 percent of the time," Jensen said.

In his "Get Out" book, he criticizes the courtpacking practices of FDR, asserting that "two of our three branches of government, the legislative and judicial, have been so weakened by degrees . . . leaving in the hands of the presidents since 1933 dictatorial powers never intended by our founding fathers."

He added that after World War I "the destroyers of peace and freedom began their well-planned schemes to change our system of government which brought about this entangled mess in which we find ourselves today.

"It was planned that way by the worldwide Communist conspiracy, in cooperation with socialistic planners here as willing tools to front for them."

The longtime foe of federal spending said that the late Senator Everett Dirksen was "one reason I became a conservative. He was a conservative-plus."

Jensen recalled that he served with Dirksen on the Appropriations Committee when both were House members. "When Dirksen went to the Senate he became a midle-of-the roader," Jensen added.

Jensen's other book, an autobiography, is entitled "A Ditchdigger's Son Goes to Congress." In it he tells of his own ditchdigging experiences as a youth.

"IN MEMORY OF HAMBURGER HILL"—BY PFC. ALBERT COLLETTO

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. MOORHEAD. Mr. Speaker, every one of us in this Chamber has received letters from parents of boys killed in Vietnam. But few here have received more tragic messages than the one I received recently from Mrs. Albert Colletto, Jr., the mother of Albert Colletto, one of those brave young men who will not be coming home.

In addition to the letter, I also received a prayer card from Albert Colletto's aunt. On the back of the card was a poem that Albert Colletto wrote after he fought in the battle of Hamburger Hill and shortly before he was killed somewhere in the jungles of Vietnam.

Private First Class Colletto's poem, "In Memory of Hamburger Hill," captures the anguish and despair of men at war.

Mr. Speaker, I would like to introduce Albert Colletto's poem into the RECORD now for the edification of my colleagues:

IN MEMORY OF HAMBURGER HILL

(By Pfc. Albert V. Colletto, Jr., U.S. 52-859-565, 101 A. B. Inf.—Co. C 1/506—Died 1969)

As I lie here among the trees,
the smell of the dying is in the breeze.
A Soldier cried out, Come to me please,
there was no need, he ceased to breathe.

The wounded laid dying, and the dead already gone,
a Sergeant yelled, get up, drive on.
With the lead flying in from every way,
I didn't expect to last the day.

We fought hard trying to win,
but at last we stopped, as night set in.
Dig in deep was the word,
to those who were left it didn't seem absurd

They called our assault Hamburger Hill,
a name well put, but will you remember it,
as always I will.

Ask the lame,
they can tell you it wasn't a game.
You can ask the dead,
but remember their aim.

Peace is golden and may be achieved,
if men would learn to love,
the burden of war would be relieved.
This is a true story, it is no lie,
give credit to the dead, because of the hill
they died.

ELKS FOR LAW AND ORDER

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. RUTH. Mr. Speaker, the American people are tired of crime, riots, violence, and disorders of many kinds. They no longer wish to sit back and deplore the chaos that grows out of disrespect for the rights of others. The people are now speaking out and demanding action against those who defy our laws and disrupt the peace of their communities.

I was impressed by a recent resolution adopted in convention assembled in Dallas by the Benevolent and Protective Order of Elks of the United States of America. It sums up the concern not only of their organization but also of the great majority of Americans.

The resolution follows:

Whereas, the members of the Benevolent and Protective Order of Elks, numbering a million and a half American gentlemen who believe in God and revere our country's flag and realize the necessity to preserve the Constitution of the United States of America and the Bill of Rights, which have served to establish the finest system of government in the world, and

Whereas, we deplore the presence of crime in our streets, violence and disorder on our campuses, and lack of respect by a minority of our people for our Country's flag and the rights of others, and

Whereas, we abhor the anarchy and chaos in our schools and communities with a continuance of riots, demonstrations, and disorders which bring about malicious destruction of property and danger to the personal safety of our people, and

Whereas, we and all other loyal Americans, having displayed much patience and forbearance, are angered, dismayed and disgusted with the illegal acts of radicals, extremists, trained agitators and militants, and

Whereas, we desire to express our concern for the future of our society and particularly our youth, the majority of whom are decent and law-abiding.

Be it hereby resolved, that we stand for discipline of those who defy our laws, with the knowledge that public order is essential to achieve a solution to our domestic problems;

That we call for the full support of our membership for our law enforcement agencies and courts, and full cooperation in the enforcement of their duties in the prosecution of those who have caused, instigated or aided violations of our laws and disorder in our schools and communities;

That we favor intelligent dissent, properly used and presented, but not as an excuse for violence or destruction;

That we demand the arrest and prosecution of those dissidents, radicals and militants who engage in criminal acts of riot, disorder and rebellion against the laws of our Country;

That we demand the expulsion from school of those participating in violent demonstrations, riots or the disruption of classes and the operation of schools, colleges or universities, public or private, whether on or near the school premises, and we demand the revocation of scholarships, grants or other monetary aids of a public nature extended to those participating in such acts.

Be it further resolved, that this resolution be distributed to all Lodges of our Order where it is to be read on the floor of the Lodge at an appropriate session, posted in a prominent place in the Lodge quarters, reproduced in the Lodge bulletin and given publicity through the local news media so that not only the members of our Order but also all the citizens of our Country will know that the Benevolent and Protective Order of Elks of the United States of America respects the laws of our land and supports those charged with their enforcement.

Adopted by the Grand Lodge of the Benevolent and Protective Order of Elks in Convention assembled in Dallas, Texas on July 14, 1969.

EDWARD W. MCCABE,
Grand Exalted Ruler.
FRANKLIN J. FITZPATRICK,
Grand Secretary.

MAHATMA GANDHI

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. FULTON of Pennslvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Washington Post, Oct. 3, 1969]

MAHATMA (MAHA: GREAT; ATMAN: SOUL)

(By Colman McCarthy)

One hundred years ago yesterday, in a small house in the small state of Porbandar overlooking the Arabian Sea in western India, Mohandas Karamchand Gandhi was born, the fourth and last child of his father's fourth and last marriage. Before he was to walk into a New Delhi prayer ground 77 years later and be assassinated by a Hindu madman who bowed in reverence to the Mahatma before firing three bullets, Ghandi was to lead a realized life of prayer, political action, non-violence, self-control, compassion, simplicity and wisdom. The Indian poet Tagore called his friend Gandhi, "the Great Soul in beggar's, garb," but for himself Gandhi preferred to unite his life with the self-claimed term, *satyagraha,* literally, "holding onto the truth."

Although the effectiveness of his politics was perhaps the major reason for Gandhi's world prominence, the strength of his political victories has been gradually weakened in the 21 years since his death; freedom for India has not meant freedom *in* India. Not since independence in 1947 has there been as much death and blood in India as in recent weeks, much of it in Gujurat, the saint's home state.

Gandhi understood the lack of vision and spine in not only the British politicians from whom he helped liberate India, but also as it appeared in the Indian government. "Our statesmen," he wrote angrily, "have for over two generations declaimed against the heavy expenditure on armaments under the British regime, but now that freedom from political serfdom has come, our military expenditure has increased and still threatens to increase, and of this we are proud. There is not a voice raised against it in our legislative chambers."

For Gandhi, this joining of the arms race, even 21 years ago, was "a death dance" that sickened him; morally, Gandhi called it "a mad imitation of the tinsel of the West."

Although Gandhi had a childhood, he had no boyhood. At 13, he was married in a parentally arranged union to another 13-year-old, a girl in Porbandar who was a stranger to him. "Oh, that first night," Gandhi humorously wrote years later about his wedding. "Two innocent children all unwittingly hurled themselves into the ocean of life. My brother's wife had thoroughly coached me about my behavior on the first night." But the child newlyweds apparently believed they had lived before in an earlier incarnation, and thus were not nervous. "No coaching is really necessary in such matters," said Gandhi. "The impressions of the former birth are potent enough to make all coaching superfluous." To be sure. The marriage lasted 62 years.

At 18, Gandhi went to England to pursue a law degree, but not until after taking three vows: to avoid women, wine and meat. The solemnity he gave to the vows and their observance indicates that already Gandhi took seriously the Hindu asceticisms of self-control and self-renunciation. He was to take many other vows later in life, including *brahmacharya* (celibacy), even though he continued to live with his wife. Gandhi's style of self-discipline was not the spiritual push-ups that the professionally pious sweat through to keep their souls in shape. Instead, it was a life force by which action was sanctified because the person acting was undergoing sanctification.

In the preface to the New Directions paperback, "Gandhi on Non-Violence," Thomas Merton wrote that the spirit behind Gandhi's vows is "fundamentally necessary if man is to recover his right mind." A mind that is right for Gandhi personally meant one that is in accord with the *Bhagavad Gita*, the sacred Hindu poem that stresses self-realization and union with God through action. Gandhi did not wish to become the realized self of the Vedanta way, which is meditative and withdrawn, but to do so through service to the poor and selfless action without regard for its fruits. When Gandhi established his famous *ashram* (religious community) at Sabarmati, it was intentional that a leper lived in the hut next to the Mahatma's. It was through action—whether cleaning the wounds of a leper or rousing the conscience of a nation—that Gandhi sought to become fully realized.

Gandhi's social protest began in South Africa where he had gone at 23 to practice law and was an immediate victim of anti-Indian racism. In an incident similar to the 1956 Montgomery, Ala., bus boycott, Gandhi was touched off by being denied a first class seat on a South African train. Soon after, he gathered a group of his countrymen "to present them a picture of their condition." His anger with the South African government then is similar to the anger of many American blacks with the United States government now: "for feeding the prejudice by legalizing it." Gandhi, who came to South Africa for a few months, stayed 20 years, fighting for Indians' civil rights.

As he went further along in politics, Gandhi went further into religion. Knowing that a basic need of spiritual men is community, he gathered a few followers and founded "a sort of cooperative commonwealth" on a small scale where civil resisters, pacifists and their families "would be trained to live a new and simple life in harmony with one another."

Gandhi called his commune The Tolstoy Farm, after the Russian novelist and mystic with whom he had corresponded. On 1,100 acres 21 miles outside of Johannesburg, the Mahatma and his community of about 40 raised their own crops, baked their bread, built their homes and taught their children about God and the world.

By this time in his life, his mid-40s, when he was to return to India to fight the injustices of British rule, Gandhi was confirmed in the way of *ahimsa*, non-violence. "I claim to be a passionate seeker after the truth, which is but another name for God. In the course of that search the discovery of non-violence came to me. Its spread is my life mission. I have no interest in living except for . . . that mission."

Knowing that throwing himself into politics would mean being thrown into jails, Gandhi combined sanctity and patriotism as few ever did. "The real road to happiness lies in going to jail and undergoing sufferings and privations there in the interest of one's country and religion."

It is not accidental that in the present antiwar and civil rights movements in the United States, Gandhi is often the patron saint of those imprisoned for civil disobedience. Dorothy Day, Martin Luther King, Cesar Chavez, Daniel and Philip Berrigan and countless pacifists hauled off to places like the Lewisburg, Pa., prison have put their lives on the same line Gandhi put his. "It is the law of love that rules mankind," he wrote. "Had violence, i.e., hate ruled us, we should have become extinct long ago. And yet the tragedy of it is that the so-called civilized men and nations conduct themselves as if the basis of society was violence."

It is awkward to assess Gandhi's place in history. The pictures of the small, round-headed old man, wearing granny glasses and with stubble hair on his chest like tufts of worn brillo radiate quaintness more than power. So does his autobiography; it is filled with touching accounts about his vegetarianism, how he learned to cut his own hair, his love of the *Gita*, his hatred of brute force, his thoughts on educating children.

Perhaps Gandhi has no place in history, which is dead and abstract, because he has taken his place in the hearts and minds of living men. His power was in what he yearned. More than that. His power is alive today because yearning is alive today, among men who seek peace, realization and, like Gandhi, seek each other.

LT. ANDREW F. O'SULLIVAN, U.S. MARINE, CORPS AWARDED SILVER STAR

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. ROONEY of New York. Mr. Speaker, I have just received word of the gallant actions in combat of Marine Lt.

XUM

Andrew F. O'Sullivan, the son of my good friends of long standing, Mr. and Mrs. Denis O'Sullivan. Lieutenant O'Sullivan was awarded the Silver Star for what the Marine Corps terms his "superb leadership and indominable fighting spirit." He was seriously wounded in action in Landing Zone Argonne in Vietnam but I am happy to report that he is now fully recovered and will be on his way home shortly. Having known the O'Sullivan family for many years I do not find it surprising that Lieutenant O'Sullivan thought first not of himself but of his men and fellow officers even though he himself was wounded. We should all thank God that we have young men like Andrew O'Sullivan—and parents such as he has.

Under the permission heretofore granted me by unanimous consent I include an article from the Brooklyn Heights Press describing the action for which Lieutenant O'Sullivan was awarded the Silver Star:

COBBLE HILL MARINE LIEUTENANT AWARDED SILVER STAR

Marine Lieutenant Andrew F. O'Sullivan of Cobble Hill, wounded in heavy fighting in Vietnam in March, has been awarded the Silver Star, one of the highest honors in the armed forces, for remaining at his post despite his wounds.

Now completely recovered from his wounds, Lt. O'Sullivan, 25, was in the first wave of assault helicopters to hit Landing Zone Argonne. His unit immediately came under heavy fire from entrenched North Vietnamese equipped with rocket grenades and automatic weapons.

He quickly set up an artillery coordinating center and then ran across the bullet-swept terrain to forward points where he could direct the artillerymen better. His directions brought direct fire on the enemy posts and soon allowed medical evacuation copters to remove wounded.

Lt. O'Sullivan kept his position through the night and into the morning when the North Vietnamese began hitting the Marine position with mortar fire. Moving out of his covered position, Lt. O'Sullivan took over an open mortar when one of his platoon commanders was wounded. Although inexperienced with mortars, he fired round after round at the enemy while shouting artillery directions to his radio operator.

Midway through the morning battle, he was wounded but kept going while also taking over direction of a recoilless rifle crew.

When his turn came for helicopter evacuation, he refused because other key officers had been wounded and were out of action. He remained throughout the battle and agreed to evacuation only after the landing zone was secure.

The citation for his Silver Star reads: "His superb leadership and indominable fighting spirit inspired all who observed him and contributed significantly to securing of the vital landing zone."

Lt. O'Sullivan's roots are solidly in Cobble Hill. He was born at Long Island College Hospital where his parents, Mr. and Mrs. Denis O'Sullivan of Amity St. met 32 years ago and still work.

He attended St. Charles Borromeo Elementary School, St. Francis Prep, and then St. Francis College, where he received a Bachelor of Arts degree in industrial management in 1967.

Soon after graduating from St. Francis he joined the Marines and entered Officer Candidate School, emerging as an artillery lieutenant.

While in the Marines, Lt. O'Sullivan married the former Marie Habib, who also grew up in Cobble Hill.

He was assigned to Vietnam in October 1968 and is due back in early November.

Mrs. O'Sullivan, his wife, said "We're very, very proud but we wish he didn't have to go through it just to get it."

TIME TO TELL DIVERSIFIED METALS—WHAT REALLY IS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. CLAY. Mr. Speaker, many of our contemporaries are of the opinion that the primary reason for high unemployment is the lack of initiative on the part of the unemployed and his unwillingness to work.

Recently, the Diversified Metals Corp., a company in St. Louis, Mo., ran full page advertisements in local papers emphasizing their inability to get employees and accusing the unemployed of being lazy. Even more distasteful was their attempt to blame the Government for what Diversified called the handout program.

I am submitting to my colleagues an article written by Harold Antoine, deputy general manager of the St. Louis Human Development Corp. His comments adequately refute the laments of an apparent labor exploiter:

GENTLEMEN: Diversified Metals Corporation, in the press and in their advertisements, has recently blamed their employment difficulties on the "laziness" of the unemployed who, they say, are not willing to work as long as they can get government handouts. They further say that they have received little help from the public employment agencies. In all these complaints, they say they are "telling it like it is."

They are not telling it like it is, and they are certainly not telling all of it. As the representative of one of the public agencies they refer to, the Human Development Corporation, let me outline our experience with this company.

One of our employment programs, the Comprehensive Manpower Program, has referred over two hundred job applicant's to Diversified Metals during the past year. One hundred of these were hired. Other agencies, too, such as Missouri State Employment Service, have also referred many clients.

Virtually all of these jobs have been entry-level factory laboring jobs, paying, until recently, a good deal less that a hundred dollars a week. The turnover rate has been very high, and our counselors and job developers have thoroughly investigated the situation to find out why.

This is what we found. The entry-level factory jobs are, as Diversified admits, hard, hot, and heavy, involving the sorting, carrying, and feeding of scrap metal into various reclamation processes. In addition, there is high pressure from production supervisors, including a good deal of racist insult. The attitude of management is hostile, as evidenced by spy cameras and other practices. General working conditions are poor and there is no adequate provision for food service. On some jobs, lunch breaks and rest periods are not regular, but depend on machine shutdown.

Willingness aside, not many people are physically and mentally able to do this kind of work, under these conditions. Those who are can work at a regular foundry or steel company, and make far more money than Diversified offers, in better conditions.

There are other minor difficulties. Night shifts are not possible without private transportation, since there is no night bus service between the city and Diversified's location north of the airport. Police records, which Diversified says they will accept in some cases, must be provided by the applicant himself prior to employment. This poses a great difficulty for many.

Diversified's reputation has now spread throughout the community. As a result, most of the city's unemployed are indeed not willing to work—at Diversified Metals.

We appreciate the company's problem. Scrap salvage is a low-value product, and to make it economically feasible costs must be kept low. Technological improvement is one way to accomplish this; exploitive labor practice is another. Evidently Diversified has chosen the latter.

Since this is 1969, not 1869, exploitation of cheap labor is self-limiting. They have worn it out, and now choose to blame others for their difficulty.

WATER POLLUTION CONTROL

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. O'HARA. Mr. Speaker, next week the House of Representatives will vote on appropriations for water pollution control.

I am proud to be one of the signers of the pledge circulated by my distinguished colleague from Michigan, Mr. DINGELL, and the distinguished Representative from Pennsylvania, Mr. SAYLOR, with whom I have the honor to serve on the House Committee on Interior and Insular Affairs.

This pledge commits its signers to vote the full $1 billion authorized by the Public Works Committee for the construction of waste water treatment facilities.

In my weekly column, written for newspapers in my congressional district, I discussed the importance of full funding for water pollution control. I include the column in the RECORD at this point:

NEWS RELEASE FOR THE WEEK OF OCTOBER 6–11, 1969

(By James G. O'Hara)

In a number of cities across the nation, drinking water drawn from the tap has high levels of bacteria, says the U.S. Environmental Health Service. The cities are taking polluted water out of lakes and rivers and pumping it through inadequate purification treatment facilities.

In Cleveland, a river polluted with oily sludge was jokingly referred to as "the only body of water that's a fire hazard." Then flames seared the water's surface.

On the bank of the Potomac River below Washington's beautiful Mount Vernon there is a sign warning against swimming because of pollution.

True, all our rivers have not yet reached the pollution point of Cleveland's Cuyahoga ("If you fall in," Clevelanders say grimly, "you won't drown—you'll decay.") And few lakes are in the condition of Lake Erie, which some call a huge cesspool (65 percent of the wastes in the lake come from Detroit).

And by and large the water we drink is safe, although guaranteeing a safe drinking supply is becoming more expensive.

But few would deny that the water we depend on for life and recreation is deteriorating in quality.

This week the House of Representatives will vote on money for water pollution control. That vote will determine whether we will make headway in the fight against water pollution or try to tread water and inevitably slip downstream in the muck.

At this writing, prospects are excellent that the House will approve enough money to make some gains in cleaning up our water.

It won't be cheap: we're fighting for a $1 billion appropriation.

But then, pollution isn't cheap either.

The city of Chicago found that it had to dump about one-third more chlorine into its drinking water supply in order to make it potable. That raised the cost of processing drinking water from 73 cents per million gallons to $1.18 per million and the consumer pays for it.

Or consider the costs of building swimming pools when a lake or river is too dirty to swim in.

But the greatest costs are impossible to calculate. How do you assess the financial loss to the people of a river, once beautiful—and useable—turned into a stinking eyesore?

Someone aptly called ours the effluent society. We are pouring sewage and the liquid wastes of industry into our rivers, streams and lakes in ever great amounts.

At the same time we are not building nearly enough sewage treatment plants to capture and cleanse at least a part of this waste before it goes into our water.

Thus man fouls the water faster than he cleans it up.

That's the reason for the current drive for the $1 billion clean water appropriation. The funds will be used to help cities build waste water treatment facilities.

Supported by conservation groups and such organizations as the National Leagues of Cities, some 222 members of the House at last count have pledged to vote for the full water pollution control funding.

The Administration asked only $214 million for water pollution control, less than one-quarter of the amount authorized by the Congress. The House Appropriations Committee has approved spending $600 million.

But with more than half the members of the House in favor of the full appropriation, we are hopeful that the vote will be solidly in favor of a Congressional commitment to provide the funds to really begin cleaning up our water.

A victory in the House this week will be good news to everyone who drinks, swims in, sails on, or merely looks at, water.

Everyone else can afford to be neutral.

A GROUP OF BLACK MILITANTS VISIT CHURCH

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a few weeks ago a group of black militants, members of the so-called Black United Front of Washington, joined a much smaller group of militants in Arlington, Va., to visit my church, disrupt services there, and demand "reparations" from the congregation for wrongs they claim have been done them by white men.

While I was not in church on the occasion, I received literally hundreds of letters from outraged constituents who protested the attempt of this group to use the fact of my membership in a particular congregation as an excuse to interrupt services there and threaten the members.

Undoubtedly the most effective summarization of the problem we are faced with this militancy is contained in a letter I received from Dr. V. W. Sears, pastor of the First Baptist Church in Annandale, Va. As I believe all who read this RECORD should have benefit of Dr. Sears' observations, I am inserting his letter in full at this point in the RECORD:

FIRST BAPTIST CHURCH,
Annandale, Va., September 11, 1969.

Representative JOEL T. BROYHILL,
House Office Building,
Washington, D.C.

DEAR SIR: I've been thinking I ought to write you for some time but health circumstances have interfered somewhat.

I just wanted to pass on a word of encouragement for the excellent job I feel you are doing for us. I admire your conviction and courage in these very tumultuous times we're experiencing. Then when this group tried to get at you through your church last Sunday I was greatly disturbed. I was in the hospital at the time but determined to write you at the first opportunity.

I have been a pastor, primarily in the South, for thirty-two years and I strongly feel that today many of our churches and pastors have gotten off the track of their main purpose and reason for existence.

The church should be ministering to the spiritual needs of our country, which in turn, will inspire and strengthen their members to live the Christian life out in the everyday give and take of the market place. All of society will benefit from any person governing his actions as a citizen by Christian principles. This will be slow and will take longer than some of our impatient friends want, but it will build solidly a society that will stand in any adversity.

Messrs. Williams, Cox and Brown and all such like-minded have a right to work with all their might to solve our social ills. But when they barge in on a worship service (with plenty of reporters and television people around), I think they are trying to make the church an instrument of their social, political, and economic ideas but actually result in prostituting the church from its God-given basic purpose. It seems that many of our news media hold nothing sacred, even the worship of God. I feel they are wrong, and if our churches get much further away from their God-given task, which is the same in every age and in all sorts of conditions, God help us.

It looks as though the whole world has forgotten there is such a thing as personal and individual moral responsibility. I would to God that somebody with some influence in high circles would begin to proclaim it far and wide, that personal responsibility starts for every man first with himself. People differ in capabilities and we do have problems, but most of them would lessen remarkably, and some would disappear, if we could somehow get this principle of individual responsibility popularized so that every man would put his own shoulder under the load of making our nation better. I realize there are exceptions, but if these were all we had to take care of, it would be as nothing.

We have many individuals, groups, and even movements today who have their own subjective ideas about how to straighten out the world. They have finally come around to accusing the churches of being responsible for their assumed ills and have decided to tap the till and make the churches pay the bill. It almost sickens me that so many "church" leaders acquiesce to this. It results, I feel, from a misconception of the churches' responsibility. The church is on the spot. It always has been. It has a responsibility to the landlord and the tenant and strangely enough it is the same to both—to help them become Christians and then act like it.

We have many self-styled moralists, self-appointed managers of society who know all about how the country and world ought to be run. And now they have begun to hawk their wares in our churches.

We have our work cut out for us, but I hope you will keep on with your courageous work in the political area as a Christian statesman. I'll do what I can in my small place to try to help my people get the spiritual food, strength and courage they need in today's world.

With every good wish and prayer, I am
Sincerely,
V. W. SEARS.

RALPH NADER VIEWS ON PROPOSED ANTITRUST SUIT CONSENT DECREE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BROWN of California. Mr. Speaker, Author-Attorney Ralph Nader, who has done more for the American consumer in the past few years than any private citizen in history, has submitted his views to the court regarding the Justice Department's proposal that a consent decree be issued in the antitrust suit filed against the major automobile manufacturers and the Automobile Manufacturers Association.

I urge my colleagues to read Mr. Nader's statement, which incisively points out why an open trial related to the conspiracy—involving agreements to restrain the development of smog control devices on automobiles—should be carried out. The statement follows:

RALPH NADER, SUBMISSION OF VIEWS REGARDING PROPOSED CONSENT DECREE, UNITED STATES AGAINST AUTOMOBILE MANUFACTURERS ASSOCIATION, INC., ET AL., CIVIL ACTION NO. 69–75–JWC

What the domestic auto companies conspired over a period of at least 16 years to do—restrain the development and marketing of auto exhaust control systems—is a crime under the Sherman Act. Collusive, anti-competitive agreements which result in seriously jeopardizing the capacity of citizens to breathe air without carcinogenic and other lethal and violent pollutants would, under the most normal of expectations, be prosecuted by the Division as a crime. That course of enforcement was indeed initiated by Mr. McLaren's predecessors in the Antitrust Division, Donald Turner and Edward Zimmerman, in mid-1966. Grand Jury proceedings for 18 months resulted in the Division's trial attorney's request to Mr. Turner for permission to ask the Grand Jury to return an indictment. The Grand Jury was even willing to return an indictment regardless of what instructions were forwarded from Washington—so convinced was it of the criminality of the behavior detailed during these 18 months. Mr. Turner dropped the criminal case, without any public explanation, and had the Grand Jury discharged. One year later, in January 1969, a civil complaint was filed. Nine months after that, the civil complaint was in effect dropped in favor of a porous, proposed consent decree, stripped to the minimum of what the legitimate impact of the law should have been.

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Is this where five years of Antitrust Division involvement and expenditure of numerous man-years is to end? I should like to detail some reasons why the answer to this question must be "no."

Over the years, a large proportion of the civil actions brought by the Antitrust Division have been terminated by consent decrees. The criteria employed have rarely been made clear. However, it is known that scarce manpower and judicial delay are important factors. Year after year, those who have led and supervised the Antitrust Division have undermined or weakened antitrust enforcement by simply referring to those two conditions. At the same time, there has been no sustained effort to obtain more funds for the Division or to develop procedures (with the exception of the CID development earlier in this decade) which will accelerate any judicial recourse or at least improve the bargaining power of the government that more expeditious trial reflects.

It seems to be relevant to suggest a number of questions which should be asked in the automobile smog case before a consent judgment is considered or approved:

1. Are there important and unresolved issues of law which merit judicial determination?

2. Are there important rights of public and private institutions and citizens which can be eroded or erased by a consent judgment as proposed?

3. Does the seriousness of the antitrust violation in this case argue for the greater deterrent and public educational purposes achieved by a civil trial or the resumption of the Division's criminal action?

4. Does the proposed consent decree achieve the announced objective of Attorney General John N. Mitchell who described it last week as representing "strong federal action to encourage widespread competitive research and marketing of more effective auto antipollution devices?"

Matters of fact and law point to clearly affirmative responses to questions (1) (2) & (3) and a negative response to question (4).

The present case offers an excellent opportunity for the Antitrust Division to establish judicially two important principles which would have enormous replicative value over the behavior of modern industry striving to restrain the rate of innovation to the detriment of competition and human welfare. The Department's complaint of January 10, 1969 requested that the defendants be restrained from making joint responses to government regulatory agencies concerned with air pollution control. For years the Automobile Manufacturers Association has been the instrument of precise collusion by the auto companies to develop common positions on questions of pollution and safety and to head off or suppress any potential diversity of response. Even after the Department commenced its investigation into this conspiracy, the AMA was developing and using a stock speech on air pollution—a speech which was given, for example, both by Dr. Fred W. Bowditch, Chief Engineer for General Motors and Mr. Donald A. Jensen, Ford's executive engineer in charge of vehicle emissions. (*Detroit News,* December 1, 1968). Collusive trade associations activity continues to be a prime anti-competitive practice in this country. Such activity is long overdue for authoritative judicial resolution and the emergence of judge-made law that would give pause to other trade associations which exert similar, if not greater control, over their members and enforce the dominant firm(s)' policy over smaller industry firms. The proposed consent decree loses this opportunity.

The second principle requiring case law development relates to "product fixing." The automobile industry has restrained competition among manufacturers in the area of product quality. The consumer movement can produce numerous instances of such lowest common denominator quality throughout an industry. The auto companies' activities in the motor vehicle emissions field are in this sense symptomatic of a disease which affects wide areas of the economy. By not moving against this sort of collusion, the Division has relinquished an opportunity to formulate a crucial, new precedent that is rooted in old antitrust doctrine. The instant case is ripe for this determination and the Division has the benefit of five years of investigation as well.

Because the antitrust laws recognize the rights of persons or groups to initiate private antitrust actions, the Division is in a trusteeship position thereto. Any decision made must take into some account how the final resolution will affect the rights of private and public parties under the antitrust laws. In this case, municipal and other public bodies have displayed a strong interest in antitrust enforcement vs. the auto conspiracy as well as recovering in separate actions damages which they have incurred as a result of auto pollution. The possibility that local governmental bodies, business firms and individual citizens may wish to adjudicate their rights is severely limited by the proposed consent decree. Section 5 of the Clayton Act provides that consent judgments, unlike other final judgments in cases brought by the United States, shall not be considered prima facie evidence against the defendant in a treble-damage suit. The practical effect of this provision is that potential treble-damage plaintiffs would have to duplicate the investigative process which took the Department several years and several hundreds of thousands of dollars even with its extraordinary discovery powers. Los Angeles County already has filed a one hundred million dollar suit against the automobile manufacturers, seeking to recoup some of the loss to the County resulting from this corporate conspiracy to hold back on pollution controls. Further, the California Attorney General, acting on behalf of the State, has been denied access to the Justice Department's information about the auto pollution case. The evidence of the conspiracy exists in the Justice Department's possession and the Department seems determined not to have any of it surface in a public trial. In a critical treatment of the Department's consent decree program ten years ago, the House Antitrust Subcommittee described precisely this effect:

"The almost inevitable consequence of the acceptance of a consent decree by the Department of Justice . . . is to deprive suitors, who have been injured by the unlawful conduct, of their statutory remedies under the antitrust laws."[1]

The Department's complaint charges the auto industry with collusive behavior having devastating consequences for the peoples' health in this country. At least 50% of the nation's air pollution comes from the motor vehicles' internal combustion engines. Medical and other epidemiological studies have linked these pollutants with diseases ranging from cancer to emphysema. Property damage from corrosive pollutants is estimated at $13 billion annually by federal officials. Half of this amount is a very substantial cost inflicted on this nation by the auto industry's intransigent refusal to innovate over the past generation. Can anyone deny the need and benefit for the public to learn about the nature and depth of this colossal corporate crime? The citizens of this country, who are the customers of this industry, have a right to know the extent which the auto companies are deliberately responsible for the enormous health, economic and aesthetic damages caused by the internal combustion engine. One of the purposes of a public trial is deterrence; the Division has chosen to lose a grand opportunity to bring these companies and their harmful practices into the public arena of a courtroom. This aspect of the Division's case alone would have a greater deterrent effect than the tightest of consent judgments. Since it is not any longer the practice of antitrust enforcement to pierce the corporate veil and hold the culpable officials responsible, a public trial would at the least have shown that such corporate officials are holding far greater power over citizens in this country than they can exercise responsibly or even legally.

What of the proposed consent decree? The proposal can hardly be stronger than the complaint which itself is the result of a process of enforcement erosion which began with an intended criminal prosecution and ended with a meek request for injunctive relief. The complaint did not even contain a request for the imposition of civil damages pursuant to the antitrust laws. (Like the drug cases, the federal government has incurred damage to its property and personnel from this conspiracy). The process of secret, ex parte type negotiations with representatives of corporate defendants discourages confidence in antitrust enforcement and facilitates sloppy or political decisionmaking. When decisions can be made without prior citizen access or without criteria publicly displayed on which such decisions are rendered or without adequate explanation, abuses, distortions and laceration of the public interest can occur with greater frequency than would be the case otherwise.

The following weaknesses can be cited in the proposed consent decree:

1. There is no provision requiring the keeping of records by the defendants. For example, the Department has no assurance that minutes or transcripts will be kept of AMA committee meetings on pollution matters or that there will be records kept of informal discussions between executives and representatives of various auto companies. The section of the proposed decree requires written reports concerning any matters contained in the decree, but only "upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division . . ." If the Department is serious about its surveillance responsibilities over the consent judgment, why doesn't the proposed decree place an affirmative responsibility on the companies to make periodic reports concerning the matters covered by the decree? Why, for instance, are not the companies required to report the terms of all licenses granted and purchased? Why are there no reports on the status of research relating to motor vehicle emissions?

Why is there no ban on the destruction of corporate or AMA documents relating to the conspiracy? The task of surveillance, effective surveillance, is so formidable that it raises a question whether the Division is even less equipped to monitor compliance with the decree than it is to engage in complicated litigation which would permit other parties to have the information on which to base their vigilance against antitrust violations by the auto industry. Certainly the terms of the decree proposed last week do not facilitate surveillance. Neither does the fact that the Divisions Judgment Section is composed of only 12 professional personnel with no more than half that number having the burden of trying to see that the many hundreds of consent decrees are being complied with. Judged on any basis—cost-benefit, importance of the case etc., the resources which the Division can devote to litigation are greater than those devoted to compliance.

2. Section VI(A) (3) of the proposed decree requires defendant AMA to make available for copying or for examination by any person the technical reports in its possession or control prepared or exchanged by defendants pursuant to said cross-license within two years prior to the entry of this Final Judgment. Why only *two years* when the Department alleges the conspiracy to have begun at least in 1953 and when the Department alleges specific conspiracies to delay installations in 1961, 1962–63 and 1964? There is also an onerous additional proviso that any person who requests such information agrees to offer each signatory party to the AMA cross-licensing agreement of July 1, 1955, as amended, and any subsidiary thereof, nonexclusive license rights with respect to any patents or patent applications based upon information obtained from AMA or its members who are defendants in this case. This proviso can vitiate the purpose of the aforementioned section VI(A) (3) since it requires firms or individuals to become entangled in a serious risk of harassing litigation where the richest firm wins. What small firm is going to take the risk? Consequently, the purpose of this section to encourage proliferation of information collusively obtained or possessed so as to promote competition fails.

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[1] (House Antitrust Subcommittee, *Department of Justice Consent Decree Program,* 1959).

3. Two provisions which the Department emphasized in its September 11, 1969 press release were the restraint against exchanging confidential information (IV A 2 a) and the restraint against filing joint statements (IV A 2 g) to regulatory agencies on matters pertaining to pollution or automotive safety are scheduled to expire quietly in ten years under Section IX of the proposed decree unless the Department applies for a continuation after nine years. Why, if these two practices are considered anticompetitive—and indeed they go to the base of the conspiracy—will they be any less anticompetitive in ten years?

In the case of the proposed restraint on joint statements, the qualifications make the restraint mere paper in impact. These exemptions to the ban on joint statements via the AMA are: statements relating to (i) the authority of the agency involved; (ii) the draftsmanship of or the scientific need for standards or regulations, (iii) test procedures or test data relevant to standards or regulations, or (iv) the general engineering requirements of standards or regulations based upon publicly available information. In addition, the proposed decree (IV (A) (1) (g)) permits joint filing on the critical point of ability to comply with a particular standard or regulation if there is a written agency authorization for such a joint statement. What kind of naivete or incompetence does this draftsmanship reveal on the part of the public's representatives in the Division? Defendants have probably already drafted a formal request to the various agencies on behalf of the AMA to take advantage of just that blatant loophole, and will approach the agencies at the appropriate time.

4. Equally as disturbing is the effect of the four exceptions noted above on section IV (A) (2) (a)—the section restraining defendants from exchanging restricted information. Under the four exemptions, defendants are permitted to file joint statements relating to the draftsmanship of or the scientific needs for standards or regulations (ii) or the test procedures or test data relevant to standards or regulations (iii). The defendants have no doubt already prepared the legal memoranda explaining how these two exceptions permit the exchange of confidential information when that exchange is directed toward the filing of joint statements before regulatory bodies.

Both the process of negotiating this decree without public input and scrutiny as well as the weak provisions of the decree itself indicate that the Department has abnegated its obligation to enhance the deterrent spirit of the treble damage provisions of Section 4 of the Clayton Act. In at least two cases, the Department has itself acknowledged its responsibilities to treble damage litigants. in *United States v. Standard Ultramarine and Color Co.,* 137 F. Supp. 167 (1955) and *United States v. American Radiator and Standard Sanitary Corp.,* 288 F. Supp. 696 (1968), the Department resisted proposed nolo contendre pleas by the defendants on the ground that it had a duty to third party litigants whose task would be made more difficult because of the application of Section 5(a) of the Clayton Act.

In his consideration of this issue in the *Standard Ultramarine* case, Judge Weinfeld discussed the legislative history and purpose of Section 4 of the Clayton Act (137 F. Supp. 167, at 171–72, footnotes omitted, emphasis added):

"Congress, to secure effective enforcement of the antitrust laws, provided both criminal and civil sanctions through governmental agencies. But it was not content to rely solely upon official action. It sought to encourage individuals to aid in the policing. And to help achieve the broad objectives of the Act the treble damage action was authorized in favor of those who had been injured by the condemned conduct. Its purpose was not only the redress of private wrong but also the protection of the public interest. And 'Congress intended to use private self-interest as a means of enforcement * * * when it gave to any injured party a private cause of action * * *.' Another purpose in permitting an injured party to recover threefold his actual damage was that substantial verdicts against the wrongdoer would constitute punitive sanctions—to act as a deterrent against a repetition of the offense and to serve as a warning to potential violators.

"But even this auxiliary policing method did not altogether fulfill its purpose. The years that followed the enactment of the treble damage provision revealed that few private litigants had the resources or staying power to conduct a protracted and difficult antitrust case. And those who were able and willing to assume the staggering cost of litigation were frequently worn out by their opponents by sheer attrition. The disparate situation between victim and violator was sharply pointed out by President Wilson when he urged Congress; to enact what ultimately became § 5 of the Clayton Act. A reading of the interesting debates which followed shows that the unmistakable purpose of the Congress in enacting § 5 in response to the Presidential message was 'to minimize the burdens of litigation for injured private suitors by making available to them all matters previously established by the Government in antitrust actions.' *The defendants urge that there is no obligation upon the Government to assist or encourage litigants. But a fair reading of the debates and the Committee Reports indicates that such was the very purpose of the clause. It was fashioned as a powerful weapon to aid private litigants in their suits against antitrust violators by reducing the almost prohibitive costs and staggering burdens of such litigation in making available to him the results of the Government's successful action, whether an equity suit or a criminal prosecution.* And the hoped for byproduct of the benefit to a plaintiff was increased law enforcement."

There are basically three ways in which the Justice Department may dispose of the case in a manner consistent with its obligation to protect the rights of third parties. The first and best way is through an open trial. A full public trial of the issues involved would provide the basis for follow up treble-damage suits by establishing a public record containing all the evidence collected by the Justice Department. In addition, it would put one of the most public relations conscious industries in the United States on notice that it could not engage in anti-social conspiracies without running the risk of adverse public reaction stemming from full disclosure. The House Subcommittee report of 1959 recognized the salutory effect of such disclosures: "consent settlement procedures," said the subcommittee, "also diminish the deterrent effect of the antitrust laws because they permit defendants to avoid much of the unfavorable publicity that usually attends antitrust litigation." (See also *Standard Ultramarine, Supra,* at 169).

The Department has justified its agreement to the proposed consent decree on the ground that it has achieved all that was requested in the complaint and that the expenditure involved in litigation has been avoided. But, in view of the major weaknesses of the proposed decree outlined above, in view of the major expenditure already incurred by the Department in its long investigation, and in view of the earlier decision of the Department to initially seek a criminal indictment, the Court's treatment of this argument in *Standard Ultramarine, supra,* at 171, is apposite here (Footnotes omitted):

"We need not tarry long on the issue of the elimination of expense to the Government. It has already been put to great expense in the investigation and preparation of the matter to date. The fact that it was presented to a grand jury suggests the violations charged were deemed by the Attorney General to be of a 'flagrant' nature. The suggestion that the Government forgo its right, and indeed its duty, to uphold the integrity of our laws because the heavy cost of prosecution falls of its own weight. Cost of enforcement in terms of manpower and money is of little consequence when necessary to assure decent respect for, and compliance with, our laws."

After a consideration by the Court of the infirmities of the proposed consent decree and an examination of the process of negotiation which caused the Department to move from an initial stance of presenting the case to a Grand Jury for a criminal indictment to the position of agreeing to a meek consent decree, it is respectfully suggested that the ends of Justice would be best served by requiring the Defendants to answer the charges against them in open court.

A second, although somewhat less desirable alternative is that the Justice Department demand inclusion in the decree of a provision popularly called the "asphalt clause." Under such a provision, which was included in the consent decrees in the 1960 Asphalt Cases, injured governmental bodies suing to recoup their damages would have the benefit of *prima facie* evidence of the antitrust violation just as they would have following trials won by the United States pursuant to Section 5–A of the Clayton Act. A typical provision taken from one of the consent decrees in those cases reads as follows: (*United States* v. *Allied Chemical Corp.* (D.C. Mass. 1960) 1961 CCH Trade Cas. Pat. 69, 923):

That on the basis of said limited admission the defendants signatory hereto have engaged in an unlawful combination and conspiracy in violation of Section 1 of the Sherman Act as charged in said complaint, this adjudication being for the sole purpose of establishing the *prima facie* effect of this Final Judgement, in the suits specified below and for no other purpose;

Each defendant is enjoined and restrained from denying that this Final Judgement has such *prima facie* effect in any such suit; provided, however, that this section shall not be deemed to prohibit any such defendant from rebutting such *prima facie* evidence or from asserting any defense with respect to damages or other defenses available to it.

The third possibility is that the Depart-

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ment agree to a provision in the consent decree requiring that the evidence collected by it shall be available to private litigants. The Department recently resisted such a provision in the 1967 Library Book Cases. In those cases, publishers had been charged with conspiring to fix the prices of library books. The case was settled by consent decree. The applicants for intervention in the case—municipalities, states, and local school boards—sought preservation and custody of the documents collected by the Department. Although they did not prevail—there was no such order in the final judgment—there was a separate order of the court which provided that the evidence be impounded in the custody of the Chicago office of the Department's antitrust division. The applicants then subsequently applied for access to the documents and were permitted by the court to examine these records. This access facilitated a number of successful treble damage suits on behalf of these public bodies.

BOLIVIAN TRIBUTE TO PEACE CORPS VOLUNTEER, SANDRA SMITH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. FASCELL. Mr. Speaker, we all know how appreciative those of us in the United States are of the brave work of the Peace Corps volunteer, but, unfortunately, very infrequently do we see evidence that our foreign friends also applaud the efforts of our Peace Corps workers. A truly moving experience to be shared with all Members occurred recently in a Bolivian village on the outskirts of the capital, La Paz. Sandra Smith, a talented and industrious young woman, was 22 years of age when she first arrived in Bolivia. Her efforts for the Indians with whom she worked illustrated well her untiring devotion to the people to whom she would devote her brief life. I commend to the attention of my colleagues the following article that appeared in the September 16 issue of the Miami News:

"ANGEL" SANDRA GAVE PEASANTS HOPE OF ESCAPE

(By Ian Glass)

Sandra Smith, whose most obvious physical attributes were flowing blonde hair and a winning smile, was just one of 200 Peace Corps workers assigned to Bolivia.

For 13 months, she ran a one-room school in the El Alto slum on the outskirts of the mountaintop capital of La Paz. She taught Indians how to read and write.

When Sandra died last month at the age of 23 of a brain hemorrhage, the ragged and normally unemotional Indians with whom she lived wept.

"She was an angel," said Juan Mamani, who sent his child to Sandra's school.

In a letter to Sandra's parents—Mr. and Mrs. Preston L. Taplin, who live at 13725 NW 1st Ave., Miami—a pastor wrote:

"The sight of her flowing hair thrilled and excited the young, dark-haired youngsters with whom she worked."

Robert Hill, pastor of the La Paz Community Church, added, "She was a flame on El Alto. She has touched lives that will never forget her. Because of her, some lives will have been changed for the better."

Even Bolivian newspapermen were touched by the passing of Sandra.

"Dear little gringo," wrote a columnist in La Paz's El Diario, "You had an ideal in your heart, you lived by it, and you died for it."

Sandra grew up in Clarence, N.Y. At the University of Rochester, she met and married Frederick Smith, a graduate in chemistry, who is also 23.

Last year, they were assigned to Bolivia. On the way, they stopped with a couple of dozen other Peace Corps volunteers—to visit her parents in Miami, who had moved here from Clarence the year before. Her father has a radio business.

In La Paz, while Fred taught masonry at a nearby trade school, Sandra coached 27 Indian children in reading and writing in a 12-foot-by-26-foot room. She also gave their mothers advice on cooking and elementary sanitation.

"She scrounged things for them they had never seen before, like crayons and paper," Mrs. Taplin said.

The death rate among Peace Corps workers is comparatively high, mostly because they work in remote, uncivilized areas, far from medical attention.

Sandra died on her second wedding anniversary. Her parents do not yet know what was the cause. "It could have been encephalitis or a brain tumor; we just don't know," Mrs. Taplin said.

When her coffin was flown out of La Paz for burial in Clarence, Indians trudged to the airport with small gifts for her husband, an unsual tribute from people who are generally taciturn and withdrawn.

"She was constantly thinking of the school and how to improve it," said Rosa Pelaez, Sandra's 24-year-old assistant. Barely literate herself, she is now trying to run the school alone while waiting for the Peace Corps to decide whether a new volunteer will be sent into the project.

Meanwhile, the residents of El Alto have petitioned to have the little school, whose furniture consists of lumber and bricks, named after Sandra Smith.

"You were truly working for the liberation of the Indian peasant," one editorial in a La Paz newspaper said, "because you taught him to read, and that is where the true redemption will come from."

CONGRESSMAN JOHN D. DINGELL

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mrs. GRIFFITHS. Mr. Speaker, it is a pleasure for me to share with my colleagues two recent articles concerning Michigan Congressman, JOHN D. DINGELL. Congressman DINGELL entered Congress 15 years ago as the then youngest Congressman. It was always a slight shock to show off this "baby" who was more than 6 feet tall. He was a brash, impetuous "infant." As the senior Member from Michigan, I am happy to point out that his ability and enthusiasm have been used for all of the people and to have you note with me his acclaim by the press:

[From the New York Times, Sept. 28, 1969]

NATIONAL HEALTH INSURANCE MOVING INTO SPOTLIGHT

(By Richard D. Lyons)

WASHINGTON, Sept. 27—In every Congress for the last quarter of a century a Michigan Representative named Dingell has introduced a bill calling for sweeping changes in the nation's medical care system.

Initially running to several hundred pages, the bill over the years has shrunk drastically as the programs that were originally labeled "visionary," "socialistic," "utopian" and worse have become law, such as:

Federal support for medical research, grants for hospital construction, support of maternal and child health programs, aid to the disabled, money for rural health plans, and financial help for student doctors and nurses.

H.R. 24, the current Dingell bill, now contains only one proposal: the establishment of a national health insurance program.

Universal health insurance plans such as the Dingell one and others that would extend a Medicare type of program to Americans of all ages have suddenly and unexpectedly gained the serious attention of members of the Nixon Administration, Congressmen of both parties, and most of the nation's Governors.

It is more than possible that even Mr. Nixon, who opposed the national health insurance concept during last year's Presidential campaign, may have had second thoughts recently.

UNION'S INTEREST RISES

In addition, the interest of labor unions and health lobbies, which over the last generation have given lackluster support to the national medical insurance programs that they knew never stood a chance of enactment, has perked up and their dreams of social change have brightened.

Even the American Medical Association, an arch foe of Medicare for two decades, has endorsed a nationwide health insurance program, an idea the doctors supported half a century ago, then abruptly turned against.

"The association's proposal embodied in bills now before both houses of Congress, calls for inducing Americans to take out health insurance policies through tax credits, and the payment with Federal funds of premiums on such insurance for those persons unable to afford them. Money for the program would come from employers, employes and the Federal Government under other proposals such as the Dingell bill.

"There is nothing as powerful as an idea whose hour has come," said Representative John D. Dingell, a Dearborn Democrat, during an interview recently.

BACKED BY MANY GROUPS

During this month alone developments on the national insurance idea included: Over whelming endorsement of the concept by the National Governors Conference in Colorado Springs; the start of a study of various proposals by the powerful American Hospital Association, which represents 7,000 inhabitants; a directive by Robert H. Finch, the Secretary of Health, Education and Welfare, that a Federal panel surveying health care look into national insurance ideas, and an announcement by aides of Senator Jacob K. Javits, Republican of New York, that he would introduce a "benchmark" health insurance bill in a month or two.

Wilbur J. Cohen, former Secretary of Health, Education and Welfare who is the architect of Medicare, is helping to write the Javits bill, which is said to be far more detailed and definitive than the original Dingell bill, which Mr. Cohen also helped to draft.

The first Dingell bill was put before Congress in 1943 by the late John D. Dingell Sr., the father of the present Congressman, who at that time was a page in the House.

The elder Representative Dingell continued to introduce the bill until his death in 1955, when his son ran for and won his father's seat. The younger Mr. Dingell has over the years continued to introduce a bill he knew stood no chance of success through, as he said, "respect for the principles of my father."

NO MONEY FOR ANTITOXIN

"Dad's fierce interest in health legislation stemmed from the death of a sister when he was a small boy," the lanky legislator said. "My father's family was extremely poor and one of his sisters died because there wasn't enough money in the house to buy the diphtheria antitoxin needed to save her life."

"My father knew what it was to be both sick and poor," Mr. Dingell continued. "When he was a young man he was sent West to a union sanitarium in Colorado because he had been considered so incurably ill that he would almost certainly die."

During the elder Mr. Dingell's 12 terms in Congress he gained a national reputation for his unsuccessful fight for national health insurance during which, as his son recounted, "my father continued to point out that the United States is the only major industrial nation that does not have such a program."

The first compulsory national health insurance law with comprehensive benefits was enacted in Prussia in 1854 and was extended throughout the German nation in 1883 after it was unified by Otto van Bismarck. The idea spread to the neighboring Austro-Hungarian Empire at the turn of the century and gained international attention after its incorporation in the British national health insurance program in 1911.

PROGRESSIVE PARTY PLANK

In the United States the following year the idea became a plank in the platform of the Progressive party, which nominated Theodore Roosevelt for President.

A campaign for national insurance led by a private reform group, the American Association for Labor Legislation, had by 1917 attained widespread support, including that of a social insurance committee of the American Medical Association. But attention waned with the start of World War I, then rose again when peace came. Again it flickered out as labor lobbies concentrated their attention on unemployment and old age insurance, rather than protection against health costs.

During the Depression, national health insurance again attracted interest and the idea almost became part of the Social Security Act in 1935. In 1943, after President Franklin D. Roosevelt called for social insurance "from the cradle to the grave," Senators Robert F. Wagner, Democrat of New York, and James E. Murray, Democrat of Montana, together with Mr. Dingell, introduced the health insurance bill.

In more recent years interest in health insurance, however halfhearted, has been kept going mainly by labor unions. National health insurance has long been a goal of the American Federation of Labor and Congress of Industrial Organizations, which has made it part of union policy.

BACKED BY AUTO WORKERS

The United Automobile Workers union also supports the idea and its president, Walter P. Reuther, is chairman of the Committee for National Health Insurance, which was founded last year. The vice chairman of the committee, which has almost 100 members in business, labor, government and Medicare, are Dr. Michael E. DeBakey, the heart surgeon; Mrs. Albert D. Lasker, who is influential in health affairs, and Whitney M. Young, Jr., director of the National Urban League.

"A tremendous amount of money is paying for a variety of programs, public and private, which should be gathered under one umbrella," said Max Fine, the committee's director, during an interview in its expanded new offices here. "We think a national program could do a better job, and do it cheaper."

Mr. Fine said some private health insurers, but not the Blue Cross, Blue Shield and other mass plans, return less than half the premium money collected as benefits. His contention is supported by statistics on file with the Senate Subcommittee on Antitrust and Monopoly.

"Why not take the millions of dollars that are going to insurance companies as profits and expenses and put them back in the health care system where they belong?" he asked.

According to Mr. Fine, a national health insurance plan to which employers and employees would contribute, while Federal funds paid the premiums of the poor, would cost about the same amount as the Federal, state and local governments now are spending on Medicare, Medicaid and other medical and health care programs.

AMA ENDORSES BILLS

Bills supported by the American Medical Association that have been introduced in Congress by Senator Paul J. Fannin, Republican of Arizona, and Representative Richard Fulton, Democrat of Tennessee, would give tax credits on up to $400 worth of health insurance preminums. For those families paying less than $400 in Federal taxes yearly, the Federal Government would pay the premiums. Even families with incomes of more than $10,000 a year would receive a tax credit of $100.

To Mr. Cohen, the financing question is much more complicated.

"We're trying to find an equitable way to share it between those covered, their employers and the Federal Government," he said in an interview.

Mr. Cohen advocates caution in drawing up such insurance legislation so that its effect on the standards of care and the whole welfare structure may be examined.

One of his ideas, which may be introduced by Senator Javits, would be to convert the major insurers such as Blue Cross into "public utilities that are oriented toward the consumer, rather than doctors and hospitals."

[From the Detroit (Mich.) News, Sept. 26, 1969]

A CONGRESSMAN WHO CONTINUES TO GROW

(By Will Muller)

In times when cynicism becomes the hallmark of statesmanship, it's good to encounter Rep. John D. Dingell.

If anyone has had exposure to disillusionment in representative government, it's Dingell. His father served the old 15th District in Detroit from 1933 until his death in 1955. The present John Dingell took up from there and is in his eighth term, currently representing the revised 16th District comprising Detroit and a long list of down river communities.

His enthusiasm is unjaded, his industry uncurbed and his interest undiminished. The multiplicity of his congressional projects grows with the years and his record shows no mean yield of accomplishments.

"This is the greatest job ever," Dingell effervesces to any who listen, "and 1969 is the best year I've had in Congress."

He was just splashing down in Detroit from a 17,000 mile orbit about Alaska and a study of development projects there which could peril the environment.

He was en route back to Congress where he is recruiting support for a $1 billion clean water appropriation in which Detroit and the rest of Michigan have heavy stakes. He and six colleague have pledged more than 200 House members to support that amount to fund the 1966 Clean Water Restoration Act.

The act provides federal aid for improvements to water treatment facilities by local governments. It affects an estimated 4,600 local projects.

"The biggest problem of mankind in this generation is the preservation of man's natural environment from pollution, spoilage, exploitation and destruction," runs Dingell's dialog.

"It's going to take patience, a little compromise, tough legislation, an awakening of federal departments and everlasting persistence. We've got to win or life will become impossible or, at the very least, not worth living."

Dingell talks like a lawmaker impatient with his days only because they have too few hours. He's tall, angular, physically energetic and puts a sort of body English behind his sentences. He spurts statistics like a computer and ranges over congressional issues with a catholicity of information that belies his national recognition only as the House's most active conservationist.

He's an initiator of a proposal for a commission on the study of natural environment which now has widespread endorsement among senators and representatives. It would alert conservationists in advance of the infringement of federally projected airports, dams, highways and nuclear testing in national refuges, parks and wilderness areas.

Though conservation is forte, Dingell's impact on government is effective on other areas. He is chairman of a House small business committee turning the spotlight on advertising lotteries and giveaways. A member of the House Commerce Committee and likely some day to be its chairman, he heads a committee trying to reduce the complexities of the Federal Communications Commission.

He is fighting the unsolicited mailing of credit cards. He is a foe of paid television, He never forgets his home district. Recently he was urging that the new Transportation Department set up its auto testing facilities in Dearborn.

In all of this, the faculty of Dingell that shines through more than anything else is his absolute conviction that all of his colleagues are right-minded men and that Congress is a going concern that in due time will get around to adjusting most of our major troubles.

From a man who has lived with Congress through two generations, such conviction is reassuring at a time the country is told from other quarters the only solution is revolution.

DEPARTMENT OF PEACE URGED BY A. A. SMYSER, SPEAKING AT SITE OF AMERICA'S FALLEN HEROES

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. MATSUNAGA. Mr. Speaker, the proposal to establish a new Federal Department of Peace is gaining considerable support within as well as outside the Halls of Congress. It was my great privilege, coming as I do from a State whose citizens have borne more than their share of the burdens and the sorrow of the armed conflicts in which this Nation has been engaged, to introduce this legislation on the opening day of the 91st Congress.

Recently, this quest for peace was given added impetus by the editor of the Honolulu Star-Bulletin, A. A. Smyser, who spoke at the 100th Infantry Battalion memorial services at the National Memorial Cemetery of the Pacific in Honolulu, Hawaii. The services honored the World War II dead of the highly decorated unit, which was made up almost in its entirety of Hawaii citizens of Japanese ancestry. The services are held every year at the cemetery in Punchbowl or Puowaina, which, literally translated, means "Hill of Sacrifice." Finally, the services mark the day, September 29,

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1943, when the first member of the 100th Infantry Battalion—Sgt. Shigeo Joseph Takata—was killed in combat in Europe.

In his deeply moving speech, Mr. Smyser noted:

> We simply cannot let the world go on escalating into greater conflicts. We need to know all we can about when and why conflicts occur in the hope that this knowledge can lead to prevention.

Mr. Speaker, in order that others may have the opportunity to ponder the ideas set forth in the Smyser speech, I would like to submit it for inclusion in the CONGRESSIONAL RECORD, as well as a newspaper report of the 1969 Punchbowl services and an editorial entitled "Quest for Peace" from the Honolulu Star-Bulletin of September 29, 1969:

Memorial Service—100th Infantry Battalion, Punchbowl Crater, September 28, 1969

Honored Guests: Here inside this crater—no matter how often we may visit—we find ourselves thinking long and sober thoughts.

Nature built this crater in a violent volcanic steam eruption thousands of years ago.

The ancient Hawaiians used it as a hill of sacrifice.

The heiau of Kanelaau lay outside the crater, makai, and was the temple of Punchbowl. At Kewalo near the site of McKinley high school is believed to have been the residence of the heiau's priests.

When a human sacrifice was required, the priests drowned the victim in the waters of Kewalo by their home.

That the sacrifice might be unblemished, he was urged not to struggle, lest he injure himself and a member of the family be required to take his place.

"E moe malie i ka wai o ko alii."—'Lie quietly in the waters of your chief!" was the command.

Following a ceremony at the heiau, a band of white-robed priests, without pausing to rest, bore the body of the unfortunate one up the hill, and placed it on the altar.

Clad all in white, their heads bound with white bands of tapa, the priests made a ghostly procession.

Though some reports have suggested that the sacrifices and though there were tabu fires, burning human sacrifices was not the usual Hawaiian custom.

Rather, it is believed that those brought here in the morning remained until sunset on the alter, after which relatives could claim their bones for preservation.

Those brought in the afternoon could not be removed until about midnight or early morning of the following day.

In the last century, Kings Kamehameha I and III installed gun batteries up here to command the harbor. In 1875, acting personally and more peacefully, King Kalakaua personally planted trees here with the idea of making Punchbowl a tourist and scenic attraction.

In 1926, 2,000 students from McKinley High School followed an ancient Hawaiian custom used in heiau building to erect a modern memorial on this hill of sacrifice.

They formed a human chain a mile long to pass stones from the McKinley campus up to the crest of this crater and there built a memorial marker on the lookout point still used today.

In 66 minutes 100 rocks were passed hand-to-hand from McKinley to the lookout. It is interesting to note that the Army, which controlled this site in 1926, required that the marker be no more than 30 inches high so it would not be a landmark in case of enemy attack.

After World War II, Punchbowl became what it is today—the National Memorial Cemetery of the Pacific.

Brought back from Avellino, Italy, for reburial in plot D–142 were the remains of the man who died 26 years ago tomorrow—Sgt. Shigeo Joseph Takata, the first Hawaii Nisei soldier to die in combat.

It is Sgt. Takata and his comrades-in-arms, many of whom lie with him here in this beautiful cemetery, that we honor here today. With them in death is the great American combat correspondent of World War II, Ernie Pyle.

After seeing many men in action, Pyle wrote that if he died in war he wanted to be buried among the Nisei, whom he had come to admire so greatly. (He survived Europe but fell victim to a sniper on Ie Shima island in the battle for Okinawa and now rests in grave D–109, not far from Sgt. Takata.

Men buried in this crater served in every war since the Spanish American. Twenty of them won the Congressional Medal of Honor. The names of 2,919 of them are known only to God.

Some of these for sure are among the 26,280 missing—men whose bodies were never recovered—whose names are memorialized on the marble tablets flanking these steps.

Not far from us, at Pearl Harbor, the Arizona Memorial carries a giant plaque bearing 1177 names of men buried inside that hull.

These are large numbers.

One of the long thoughts I think is of the night 25 years after the Pearl Harbor attack when the attack leader, Capt. Mitsuo Fuchida, came to my house to dinner and we had a long and friendly discussion. He is a sensitive and talented man.

Another of my thoughts at this site is of even longer lists of names elsewhere.

Just two weeks ago I was in Hiroshima. In the cenotaph at Peace Park, directly under the spot where the atomic bomb burst on Aug. 6, 1945, are the names of 62,000 known dead from that one explosion, but the true death figure is believed to be over 200,000.

Before going to Hiroshima, I had been in Naha, Okinawa. In 1945 that city ceased to exist as completely as Hiroshima even though only conventional weapons were used against it.

I also was in Tokyo, where more people died from fire bombings than died at Hiroshima.

And then I went to Panmunjon, Korea, where fighting officially stopped 16 years ago—but where 151 miles of chain fence, barbed wire and stakes still divide a country in two—and where men still fight and die, though in smaller numbers.

Two years ago I was in Vietnam. There the fighting still rages and tens of thousands of humans are dying every year it goes on.

These indeed are the occasions and places to inspire long thoughts.

Our students have thought about them perhaps more fully than we—and with a new perspective.

The voice of the student protest movement that we hear around the world is not, I am convinced, primarily the voice of cowardice.

Rather it is the voice that Prof. George Wald of Harvard University described in a memorable speech this year as the voice of "a generation that is by no means sure that it has a future."

This young generation owes much to Sgt. Takata and his comrades-in-arms. It owes much to the men now fighting in Vietnam, for they are fighting for order in the world and for a stable society just as much as any predecessor in battle.

But if the young generation owes much to the past, the older generations certainly owe the young one a right to a future.

To ask that there be a future is not to ask too much—yet this is by no means assured in an age when nuclear fall-out can poison the world and all upon its face. We owe it to honesty to recognize that the doubts of young people are honest doubts—well-founded in the light of Pearl Harbor, Okinawa, Tokyo, Hiroshima, Korea, Vietnam, the Middle East.

We owe it to honesty, too, to admit that we have not done much that can be said to have changed the pattern of acceleration into ever more cataclysmic confrontations.

It should be a source of pride then that in the Congress of the United States there is a member who is looking at this problem in a positive way and that he is an ex-comrade-in-arms of Sgt. Takata—Congressman Spark M. Matsunaga of the 100th Infantry Battalion.

Congressman Matsunaga is the sponsor of a bill to create a Peace Department with a place in the President's Cabinet and to establish an International Peace Institute.

Candor forces acknowledgment that the bill so far has not gone anywhere or gained much support.

There are some compelling objections to the proposal for a Peace Department. A principal one is that peace is indeed the proper goal of the State Department and that to create a separate department would be improper.

I find this persuasive, though there does appear to be an opportunity for better coordination of such peace-related agencies as the Disarmament Agency, the Peace Corps and the Agency for International Development.

The most provocative part of Congressman Matsunaga's bill is the proposal to charter and finance an International Peace Institute. This would do for research directed toward achieving a more peaceful world what other great foundations now do for cancer and other health research, what the so-called "think tanks" like RAND corporation now do for military projects and planning.

The case against such a foundation seems to be little more than a feeling that the budget is tight and this is no time to start new projects with no certainty of pay-off.

Yet the case for such a foundation is so strong it should override most other priorities.

We spend billions of dollars each year on weapons research and on defense.

Yet the investigation of national behavior patterns that lead to conflict gets only two or three million nationwide.

To pursue such investigations is neither a leftist gimmick nor pie in the sky.

We simply can't let the world go on escalating into greater and greater conflicts. We need to know all we can about when and why conflicts occur in the hope that this knowledge can lead to prevention. If it is urgent to mobilize to conquer cancer it is many times more urgent to mobilize to conquer war.

And this should not be an exercise left entirely to the politicians and the generals. They may move from the best of intentions and yet still get into situations where war becomes their only reasonable alternative.

Good men can get into circumstances where they do terrible things. Captain Fuchida, who led the attack on Pearl Harbor, was intelligent, gentle, sensitive and a patriot.

I don't happen to know the men who dropped nuclear bombs on Hiroshima and Nagasaki but I am sure we would like and respect them if we did know them.

How do we keep good men out of such bad situations?

Another point of pride for us here today is that one of the very largest U.S. peace research projects is already in progress at the University of Hawaii, and I am glad to report it is funded with a Defense Department grant.

But less than two dozen people are involved and its director, Prof. R. J. Rummel, estimates that less than 3,000 people are involved in peace research worldwide.

Their work is under-funded and ill-coordinated.

It is not too far-fetched to think of national behavior as we might personal behavior, and to think of international relations as we might think of relationships between people.

We can look at our own selves and our own families to see the fighting instinct in every youngster—to recognize how powerful emotion is in our actions as compared to reason—to acknowledge the important role of training—to recognize the impact of love, fear, hate, pride, courage, jealousy, selfishness and infinite combinations of these and other factors.

Nations have these same problems and perhaps with greater complexity.

The peace studies at the University of Hawaii are directed toward analyzing with the aid of computers the background patterns within and between nations that lead them to conflict. This is one major area of peace research. The other is to study alternatives to war. Both need to be pursued more vigorously.

The International Peace Institute proposed by Congressman Matsunaga would make this possible. It would provide coordination, funding, and a basis for long-term planning of such research, all elements that are deficient now.

Since we can no longer afford war, either financially or in its human toll, we obviously need to learn to avoid situations where such decisions are forced upon national leaders.

We must learn to structure international conduct so that the rational answer to a problem or conflict is never war.

This is the ultimate goal of peace research—in perhaps the same way that control of the weather is the ultimate goal of meteorology or control of volcanoes is the ultimate goal of volcanology.

Whether control of war is as remote as control of the weather or of volcanoes is something we can't know now. The science is a new and tiny one. But it needs to be pursued with all the vigor of weapons research or cancer research.

Mayor Setsuo Yamada of our sister city of Hiroshima is an internationalist. It may be that this is the direction in which peace research will lead us.

His predecessor, the late Mayor Hamai, once told me: "World War II started in your city and ended in ours. Let us work together for peace." Mayor Yamada sees mankind as a unity, one and inseparable. He sees the Apollo 11 moon landing as more than a triumph of knowledge. He sees it as a triumph of intelligence and asks that such intelligence be directed toward peace.

It is time now to make the fullest possible commitment toward addressing our intelligence toward the conquest of war just as we address it to the conquest of cancer. Here indeed is a field to challenge our dissident young.

It has been said the war is too important to be left to the generals. Perhaps by the same token peace is too important to be left to the politicians.

Peace study programs today—the serious academic kind as opposed to the propagandistic kind—draw an investment of only a few million a year while armaments get world-wide spending on the order of $200 billion—that's billions as opposed to millions.

Congressman Matsunaga's proposal to bring order to this kind of research and elevate it to the status of a national research foundation is on the right track.

By following the direction he points we will be doing great honor to Sergeant Takata and his fallen comrades and potentially great service to the generation that is by no means sure that it has a future.

[From the Honolulu Star-Bulletin, Sept. 29, 1969]

Editor Proposes More Emphasis on Peace Studies

The nation and the world badly need more organized scientific and academic peace research, a World War II memorial gathering was told yesterday.

Speaking in Punchbowl crater at Club 100's annual memorial to its war dead, A. A. Smyser, editor of the Star-Bulletin, gave strong endorsement to a bill now before Congress to create an International Peace Institute.

Smyser said it is an honor to the war dead of the 100th Infantry Battalion that the bill's sponsor is one of their comrades-in-arms, Rep. Spark M. Matsunaga, D-Hawaii.

The editor contrasted the few millions now spent on peace research (including a project at the University of Hawaii) with the billions invested in weapons research and armaments.

He said that such research is neither pie-in-the-sky nor a leftist gimmick but can investigate international behavior much as we now investigate the weather or volcanic activity.

He equated international behavior with human behavior but suggested the former is even more complex.

He said that despite aggressive drives, almost all families have learned to settle internal disputes without resort to murder and said the same must become true in the family of nations.

Decrying the present small investment in peace research, Smyser suggested the conquest of war is more important to humanity than the conquest of cancer.

The Matsunaga-proposed International Peace Institute, he said, would be a Federally sponsored and chartered activity that could provide coordination, funding and a basis for long-term planning in a field that is deficient in all these areas despite its importance.

Smyser said peace research falls into two principal areas—investigation of background characteristics and behavior in nations that lead to conflict, and a study of the alternatives to war. A University of Hawaii project headed by Prof. R. J. Rummel is focusing on the background studies.

The annual Club 100 services mark the day, Sept. 29, 1943, when the first member of the 100th Infantry Battalion was killed in combat in Europe. About 300 people attended the Sunday services in the National Memorial Cemetery of the Pacific.

[From the Honolulu Star-Bulletin, Sept. 29, 1969]

Quest for Peace

"It's the first time, so I'm going first," Sgt. Shigeo (Joe) Takata told his comrades-in-arms of the 100th Infantry Battalion 26 years ago today.

Takata then moved out against a German position that was harassing a road and the 100th's northward advance in Italy.

Shrapnel hit him in the head and he died—the first Hawaii Nisei soldier killed in World War II.

Men and families of the 100th gathered, according to their annual custom, at the National Memorial Cemetery of the Pacific yesterday to pay tribute to Sergeant Takata and those who followed him in death.

It was an occasion for many thoughts—not all concerning the 100th.

The crater of Punchbowl contains dead of wars from the Spanish-American through Vietnam. It is the grave site for 20 Congressional Medal of Honor winners. The cemetery's Garden of the Missing bears the names of 26,280 war dead whose bodies have never been identified.

Great as these numbers are, there are even longer lists of dead elsewhere.

In Hiroshima, Japan, one of Honolulu's sister cities, the cenotaph erected under the center of the Aug. 6, 1945, bomb explosion bears 62,000 names of known dead from that blast. Official figures set the toll at 200,000.

(Cenotaph, by definition, "is a tomb or a monument erected in honor of a person whose body is elsewhere.")

Naha, Okinawa, was obliterated as completely as Hiroshima, although by conventional weapons. Tokyo suffered more dead.

Vietnam's total dead are in the hundreds of thousands as were Korea's.

In this light, a bill offered in Congress by one of Sergeant Takata's comrades-in-arms is significant.

Rep. Spark M. Matsunaga is proposing the creation of an International Peace Institute.

It would be federally chartered to research national backgrounds and national behavior to learn how international conflicts come about and thus avoid them.

We have tended to think that peace is the responsibility of the diplomats and the statesmen. But circumstances have overwhelmed them too often and led them into situations that appeared to have no recourse but to build more awesome weapons and sooner or later to put them to use.

The aim of serious peace research is neither leftist nor foolish. It is to determine scientifically what can be learned of the background patterns that lead nations to conflict and to study alternatives to war as a means of solving international disputes.

A look at our own conflicting drives, training, pride, love, hate, fear, suspicion, jealousy—and many other pressures that drive all of us—can suggest that an analysis of national motivations could be useful.

Most human families solve their disputes, however bitter, without resorting to murder? Could a family of nations?

One of the places where questions such as these are being examined systematically and scientifically is the University of Hawaii. A peace research project there is one of the largest in the nation, although it involves less than two dozen people.

Professor Rudolph J. Rummel, in charge of the University research, estimates that less than 3,000 people worldwide are engaged in similar work. This represents an investment of a few millions of dollars, compared to the billions poured into weapons research and military spending.

Even health research commands far greater investment, yet the conquest of war is far more important to the world than the conquest of cancer and heart disease.

The Matsunaga bill deserves much more attention than it is getting in Congress.

A federally chartered and financed institute to study peace could do wonders.

It could provide leadership, coordination, financing and long-term program planning. Present programs are deficient in all these areas.

Professor Rummel likens his studies to the science of meteorology: Studying peace is like studying the weather—and control of storms may be as remote in peace research as it is in meteorology.

Yet such a limited achievement as better prediction of national behavior would be immensely helpful. And the value of avoiding or controlling conflict is so self-evident as to need no elaboration.

The cause is one that should be attractive to today's dissident youth, the leaders of a generation unsure of its future.

Congressman Matsunaga's bill should be moved into the active category. It is a fitting memorial to Sergeant Takata, his comrades-in-arms and all the victims of all wars everywhere.

The world can no longer afford either the money cost or the human cost of war. Given our research-mindedness, the wonder is that we have delayed so long in putting more emphasis on peace research.

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AMCHITKA TEST EFFECTS BELIE FEARS OF OBJECTORS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HOSMER. Mr. Speaker, by now the whole world knows that the Atomic Energy Commission yesterday afternoon conducted a nuclear weapon test underground at Amchitka Island in the Aleutians. In light of the widespread scare stories which were circulated before the test, predicting massive earthquakes, tidal waves and other disasters, I think it is important to report what actually happened.

And what happened is precisely what the Atomic Energy Commission scientists said would happen.

The test registered 6.5 on the Richter scale, which is exactly what the AEC forecast of September 24 predicted. There were no damaging earthquakes. In fact, the aftershock activity was less than expected. AEC scientists had to turn up to gain on their seismic detection instruments in order to be able to read the aftershock activity.

Temporary buildings at ground zero show some external damage, but they are still standing. No radioactivity escaped, either to the atmosphere or to the sea. No unusual wave activity was reported at any tide station.

As far as ecological effects go, preliminary observations made within 0.6 miles from ground zero have failed to disclose any. The sea otters penned in an experimental group at a distance of 4,500 feet from ground zero are alive and healthy.

Technical personnel and newsmen returned to the island within 3 hours after the shot, called Milrow, was detonated.

The AEC points out that all data from this test will be extensively analyzed and the knowledge gained from these analyses will be carefully studied before any determination is made regarding further testing on the island.

Recently, I compiled a document comparing the preshot horror stories about the Project Rulison underground test in Colorado with the actual results. Rulison was part of the AEC's Plowshare program, designed to develop peaceful uses of nuclear explosives.

Opponents of the project charged all sorts of evil would befall Colorado and the entire Rocky Mountain region if this test were permitted. After a legal battle which reached all the way to an appeal court, the device was fired without incident.

My survey showing the preshot allegations and the actual results in the Rulison project appears on the accompanying table. It is too early to produce a similar detailed table for the Amchitka shot.

PRINCIPAL ALLEGATIONS MADE RELATING TO THE EFFECTS OF PROJECT RULISON

PRINCIPAL ALLEGATIONS	AEC PREDICTIONS	OBSERVED EFFECTS
1. That prompt venting of radioactive material through a fracture caused by the blast might occur, possibly causing contamination of the atmosphere, surface water, plants and milk. This charge was made by a number of individuals at various public meetings concerning Project Rulison and was reported in a number of clippings.	The depth of burial for this device is six times that which has been utilized successfully at the NTS to contain underground nuclear detonations. The geologic structure in the vicinity of the detonation has been studied and no major displacements or traces of surface faulting were found, therefore, the probability of release of radioactivity to the atmosphere by fissures is small.	As of Sptember 16, 1969, no radiation levels above background have been detected. Nine Eberline Instrument Corporation radiation telemetry units were emplaced for this event. One of the units was emplaced near Surface Ground Zero (SGZ) with the remaining eight units located on an approximate circle of radius 300 to 328 feet centered on SGZ.
2. That ground water might be contaminated as a result of the experiment. This allegation was made by The Colorado Committee for Environmental Information and appeared in the complaint for temporary injunction and permanent injunction filed against Dr. Glenn T. Seaborg in U.S. District Court, Colorado, on August 22, 1969. It also was made at a number of public meetings on Project Rulison.	Hydrologic tests made in the exploratory hole (R–EX) indicated that there was little or no fluid entry from the Mesaverde formation to the bore hole (therefore, little or no fluid movement through the formation). Ion exchange and radioactivity half-life calculations of possible ground water contamination (based on conservative but reasonable assumptions) indicate that even if mobile water were present the probability of transmission of levels of radioactivity in excess of established guides to any known use point is extremely remote.	Springs and wells in the vicinity of the Rulison site were sampled by the U.S. Geological Survey before the event. Corresponding postshot samples have not yet shown radioactivity.
3. That ground motion caused by the experiment might have adverse effects, including causing earthquakes and rockfalls, the failure of dams and activating volcanoes. This allegation was made at several of the Rulison meetings.	No significant damage is expected from ground motion outside the Rulison site area. However, some hazard from rockfalls exists along roadways and canyon walls. Surface motion from Rulison will be measured at various locations on and off the site by the U.S. Coast & Geodetic Survey which will set up seismometers and recording equipment around the Rulison site. In addition, mines out to a radius of about 40 miles have been located. Seismic predictions indicate only a low probability of rockfall in the nearest mines will be caused by the Rulison detonation. The condition of gas wells and pipelines within a radius of a few miles of Rulison surface ground zero will be surveyed both before and after the detonation. Damage to existing wells and related facilities surrounding the site appears to be unlikely in view of past experience.	Seismic measurements indicate that effects from the detonation were generally as anticipated. Motions measured at the observation point were approximately 5.5 centimeters per second and 0.15 "G" and at Collbran about 4 centimeters per second. No reports of mine damage have been encountered. No significant rockfalls or damage were reported on highways in the area. A total of 172 property damage complaints have been received as of September 19. All property damage reported to date have been of minor nature such as cracked walls and ceiling plaster, cracked and broken brick chimneys, broken windows, knick-knacks, and lamps.
4. That the release of radioactive materials incident to deliberate flaring of gas from the chimney would have adverse effects upon the health of the population downwind of the flaring operations. This allegation figured prominently in the complaint for temporary injunction and permanent injunction filed against Dr. Glenn T. Seaborg in U.S. District Court, Colorado, on August 22, 1969. It was also made by the Citizens Concerned About Rulison and by the Colorado Committee for Environmental Information.	It is expected that a few hundred million standard cubic feet of gas will be produced over an 8 to 10 month time period from the chimney and virgin reservoir formation. All gas tested will be disposed of under safe conditions observing applicable radiation protection guides. The testing is not scheduled to commence until at least 6 months after the explosion by which time short half-life radioactivity will have disappeared.	No gas has been released from the cavity.

AP AND UPI REPORT POSSIBILITY OF NEW ADMINISTRATION MARIJUANA APPROACH

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the United Press International and the Associated Press services yesterday reported that the Nixon administration is preparing more flexible laws dealing with marijuana users—perhaps aimed at treating them more as a medical problem than a criminal one. An aide in the Department of Health, Education, and Welfare was quoted as stating:

> We want to provide penalties for marijuana use and possession more in line with the dangers of the drug.

He also revealed that Dr. Roger O. Egeberg, the Government's top health officer and an advocate of less stringent marijuana laws, has been meeting with Justice Department officials, including Attorney General John N. Mitchell to hammer out a new approach.

One possible new law, the aide said, was lesser penalties for use of the drug, along with rehabilitation and treatment of some offenders. This is along the line of my bill presently before the House Interstate and Foreign Commerce Committee entitled the "Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act of 1969." Present Federal law for marijuana possession provides for 2 to 10 years imprisonment for a first offense, 5 to 20 years for a second offense, and 10 to 40 years for further offenses.

The administration approach to the problem to date could be classified as being a law-enforcement, get-tough policy. I have opposed the increased penalties aspect of proposed bills in this area. Rather, I have recommended increased research and educational activities as well as construction of treatment facilities, training of personnel and better coordination between State, local, Federal and private organizations. Division within the administration, exemplified by the fight between Department of Justice officials and Department of Health, Education, and Welfare aides, must be resolved. With recent National Institute of Mental Health surveys indicating that between 5 and 10 million Americans have experimented with marijuana and that, according to an NIMH poll, at least one in five college students admitted marijuana use, the AP and UPI stories regarding a possible change in the administration's rigid and I feel unrealistic handling of the issue was most welcome. Let us hope that we see the adoption of the recommendations that were made by two Presidential Commissions on Narcotic Addiction and Drug Abuse—in 1963 and 1967—to the extent that the Secretary of Health, Education, and Welfare is given primary responsibility for providing answers to the problem with the Justice Department coordinating efforts with him. Time means lives in this sector and I urge the expeditious achievement of a coordinated, informed and enlightened attack on the drug problem in the United States.

WHO STABBED OUR SOLDIERS IN THE BACK?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. RARICK. Mr. Speaker, the Green Beret debacle, having served the purpose of those who would weaken the fabric of our Armed Forces, should not be allowed to go quietly to rest.

I do not have reference to the individuals who were involved. The incident has had its effect on them, whether for good or bad, and cannot be undone. I speak of the responsibility of the President, as Commander in Chief of our Armed Forces, and of the Congress, as the source of laws governing their operation.

The reasons for which we should make appropriate inquiry, and the course of action which we should take, are succinctly set forth by Mr. William Loeb in one of his incisive editorials in the Manchester Union Leader, which I incorporate as part of my remarks, together with a pertinent news clipping:

[From the Manchester (N.H.) Union Leader, Oct. 1, 1969]

GREEN BERET MYSTERY

(By William Loch)

Thank heaven that at last someone in the Nixon administration had the decency and common sense to drop the alleged "case" against the Green Berets.

What needs investigation in the Green Beret case is not the Green Berets but who is responsible and how this assault against the Green Berets started originally. There is a very strange, sinister smell about this whole business.

First of all, killing is unfortunately the essence of war. From time immemorial spies have been shot and killed, frequently without trials.

The question, therefore, arises as to why, suddenly, the death of an alleged double-agent in wartime is made into a terrific case and the Green Berets and certain officers are smeared in the process.

You will want to remember several things. Our enemy—and when we say "our enemy" we are not talking solely about the Communists abroad; we are talking about the Communists, Marxists and other sympathizers inside this nation—have as one of their objectives the destruction of any pride in the armed services, especially in such elite branches of the service as the Green Berets or the Marines. That is why the John Wayne movie which had such a success all over the United States, and which depicted the Green Berets in heroic fashion, was viciously attacked by left-wing news magazine and newspaper reviewers.

Obviously one objective of the proposed Green Beret trial was to try to injure the Green Berets and their favorable image in the U.S. public's mind.

But, in the estimation of this newspaper, the plot did not stop there.

The Communists gained a great point at the end of the World War II by bringing about the vindictive conduct of the Nuremberg trials which imprisoned or ordered the execution of certain high members of the Nazi German government. The late Senator Taft, along with this newspaper, objected to that procedure, not because this newspaper did not want to see the Nazis killed or eliminated, but because it was very easy, for those who looked ahead, to see what the Communists were up to. They wanted to create a precedent by which the leaders of all defeated nations could be tried as war criminals—whether or not they were war criminals or simply had lost a war.

Likewise, much of the Communist propaganda in this country is directed towards attempting to make the U.S. forces in Vietnam appears as war criminals in the eyes of public opinion at home and throughout the world.

Into this drive to try to make our people look like war criminals, the attack on the Green Berets fitted so neatly as to affirm the conviction in the minds of the editors of this newspaper that behind the attack on the Green Berets you will find, if you look far enough, the Communist apparatus in this country.

The Communists may possibly have taken advantage of service jealousies. They may have induced perfectly honest generals and authorities into taking this action and to have done it so subtly that their stooges didn't even know what they were being goaded into.

So serious has been the damage done to the image of the U.S. armed forces by this absolutely irresponsible, ridiculous performance in connection with the charges against the Green Berets that the matter should NOT be dropped here. A complete investigation should be made to find out who was at the bottom of this vicious and uncalled for attack on the Green Berets—an attack that has caused this nation so much damage.

Furthermore, even though the charges have been dropped, the men involved in the Green Beret case are still under a cloud.

They should be cleared completely. The best way to clear them completely is to reveal the evil basis of their persecution and who was responsible for it.

[From the Evening Star, Sept. 28, 1969]

BERET DEFENSE SET "TO LITIGATE WAR"

SAIGON.—The Green Beret slaying case will provide the forum for searching questions into the entire American involvement in the Vietnam war.

Attorneys for six Special Forces officers, accused of murdering a Vietnamese interpreter, plan, in effect, to put the military command here on trial for the manner in which American forces have been fighting in Vietnam for the past five years.

"We will litigate the war," said Army Capt. John S. Berry, one of the military defense attorneys. "We intend for everything to come out."

"Everything," Berry repeated when asked whether he meant attorneys would call witnesses to testify on the killing, accidental or not, of Vietnamese civilians by American troops in hundreds of incidents throughout the war.

"There is nothing that will be immune," Berry continued, declaring that he and other attorneys planned to question not only the conduct of this war but "the entire historical concept of war and the customs of warfare."

Unless the trials are postponed, Berry will begin to raise these issues in a few weeks when a court-martial convenes to consider testimony against three of the officers, Leland J. Brumley, Robert F. Marasco and Budge E. Williams, all captains and all 27 years old.

Berry will defend Brumley whom the Army has accused of both helping to carry the alleged victim, Thai Khac Chuyen, to a boat and then knocking him out with an injection of morphine.

The Army has charged that Marasco actually killed Chuyen by shooting him with a pistol.

In messages to his wife and parents in New Jersey yesterday, Marasco said the charges "do not constitute the truth."

"I am not a criminal," he wrote, "and anything I have done was done with the most

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patriotic and purest of motives. And anything I have done was done with the approval of my superiors. I am not trying to lose faith in these principles for which I am devoting my life."

DEATH DATE SET AS JUNE 20

All six officers were assigned to the Special Forces headquarters at Nha Trang, where the Army claims Chuyen was murdered on June 20.

Among the accused is Col. Robert B. Rheault (pronounced Roe), who commanded all Special Forces in Vietnam until the day after his arrest on July 20.

Capt. Berry discussed plans for the case in a hotel suite reserved by the defense as an office for all of them. The suite's main occupant, until his departure yesterday, was Henry Rothblatt, a prominent New York attorney hired as co-counsel in the defense of three of the officers, including Brumley.

Rothblatt, author of several books on criminal law, filed seven different motions during the past week, including one addressed to President Nixon demanding dismissal of the case or at least a new preliminary investigation.

The military attorneys, most of them recent law school graduates, listened respectfully while Rothblatt summarized the basic defense.

QUESTIONS ON CONDUCT

"How does the government expect soldiers in battle to wage war?" asked Rothblatt. "How are men supposed to do their duty? Who passes on it? Can you classify patriotic soldiers as criminals because they intend to try to do their jobs? When you volunteer to fight a war, what is your responsibility?"

Before getting into such questions as these, however, Rothblatt made clear he would go through every conceivable motion in an attempt to keep the Army from court-martialing the officers.

Rothblatt indicated he would file several more motions to delay or dismiss the case before finally attempting to get the trial moved to the United States, from Long Binh, the Army base 20 miles northeast of here.

The Army has turned down Rothblatt's motion demanding the right of the accused officers to talk to newsmen and has also rejected his request to return CWO Edward M. Boyle to the United States since his one-year tour in Vietnam has ended.

BOYLE OFFERED IMMUNITY

Boyle, one of Rothblatt's three clients, has not been ordered to stand trial with the others. The Army hopes that Boyle, accused of having helped Brumley in carrying Chuyen to the boat, will testify against the other officers in exchange for immunity.

The case, besides raising serious issues about the war, also may turn into a trial of the entire process of military justice.

"We will question basic concepts of military law," said Capt. Berry. "Eventually it will become a matter for federal as well as military courts."

"Basically," said Berry, "we're asking, 'What's going on here?' That's what we want to know. We will hit them on two things: Military law and the entire war. As long as the Army insists on trying these men, it will have to face severe questions on both these issues."

COLUMNIST DREADING EULOGIES TO HO

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. ROGERS of Florida. Mr. Speaker, the failure of North Vietnam to permit the International Red Cross, or any other neutral body, to visit prisoners of war and exchange information concerning their welfare, is inexcusable. It condemns Ho Chi Minh and his successors more than any other act in the war, with the exception of their atrocities against civilian populations.

It was with great interest, then, that I read an item from London concerning the eulogies for Ho Chi Minh. I concur with the thoughts that were expressed, and include the article at this point in the RECORD:

[From the Tampa Tribune, Sept. 5, 1969]

COLUMNIST DREADING EULOGIES TO HO

LONDON.—Columnist Bernard Levin wrote in the Daily Mail yesterday that he dreaded the outpouring of eulogies for North Vietnamese President Ho Chi Minh.

"The plain truth," he wrote, "is that Ho Chi Minh was a ruthless and bloody tyrant. His first action on completing the conquest of North Vietnam was to slaughter in cold blood some 50,000 men and women who might have opposed his rule.

"When his campaign to take over South Vietnam began it was waged with a policy of deliberate atrocity, as an instrument of terror, the like of which had not been seen in the modern world.

"From the cases of children literally chopped to pieces before their parents' eyes, in villages temporarily seized by the Viet Cong, to the hundreds of men, women and children who had been clubbed to death and whose bodies were discovered after the Tet offensive, the story was the same—the grossest atrocities, committed not in the heat of battle or the blood-lust of revenge, but as a calculated and important part of gentle, witty Uncle Ho's policies."

POSTAL REFORM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. DERWINSKI. Mr. Speaker, as a supporter of the "postal reform" legislative proposals recommended by the President which must be passed so that Postmaster General Blount would be able to cope with the growing problems in the postal department, I was impressed with a press release issued by the Citizens Committee for Postal Reform.

Since I have no way of knowing whether this press release received the coverage which I believe it merits, I am inserting it into the RECORD.

The public interest clearly requires action by the Congress on legitimate postal reform which should include the proposal for a Government Postal Corporation to replace the present Post Office Department. The best interest of the public, all mail users, and all Post Office employees is at stake as we struggle for the long overdue reform of the postal department.

The press release follows:

NEWS FROM CITIZENS COMMITTEE FOR POSTAL REFORM

The Citizens Committee for Postal Reform demanded today that a full, public apology be made to its co-chairmen, former Postmaster General Lawrence F. O'Brien and former Senator Thruston B. Morton, following an allegation that they had "hoodwinked" high public officials into becoming directors of the non-profit organization.

"This fallacious and irresponsible accusation against the integrity of two of the most dedicated and respected public servants in the nation will not be tolerated," the statement which was issued by James J. Marshall, the Committee's Public Affairs Director, declared.

The statement recalled that Mr. O'Brien had served as "the trusted friend and adviser of Presidents Kennedy and Johnson" and that Senator Morton, as former chairman of the Republican National Committee, had received that honor in the light of "18 years of congressional service to his country, his party, and Presidents Eisenhower and Nixon."

"Nothing less than an unqualified public apology can amend this atrocious demonstration of recklessness," it affirmed.

The statement was issued in reply to a charge made by Patrick J. Nilan, legislative director of the United Federation of Postal Clerks, who said yesterday that the two Committee leaders had "hoodwinked" "scores of mayors and governors" into joining the bipartisan Committee and supporting President Nixon's Postal Service Act of 1969.

The Act, which is now being debated by the House Post Office and Civil Service Committee, would transform the nation's debt-riddled Post Office Department into a self-supporting Postal Corporation free from all outside pressures.

In refuting Nilan's charge, the Committee observed that the Corporation concept was strongly advocated more than a year ago by the Kappel Commission, the unbiased blue-ribbon panel appointed by President Johnson to investigate the country's postal problems and make in-depth recommendations.

The statement also noted that the Corporation plan was endorsed by the former President in his final State of the Union message in January and is the major feature of the bill (H.R. 11750) that President Nixon sent to Congress on May 26.

"In addition to being completely false and highly insulting, therefore," the Committee stated, "Mr. Nilan's assertion is also patently ridiculous—when you consider the time factor. Our invitation to the governors and mayors to join ranks with us wasn't issued until June 18. This was long after the Corporation plan had become public knowledge in every state in the Union.

"That's why it is so incredible that Mr. O'Brien and Senator Morton should be accused now of deceiving anyone—much less, highly knowledgeable and responsible public officials."

In discussing the accusation, Mr. Marshall asserted that Nilan owes an additional apology to the more than 20 governors, more than 60 mayors, six former Cabinet officials, and hundreds upon hundreds of taxpayers who make up the Committee's membership roster.

"When you sit down and think about this preposterous charge," he said, "you realize that it's actually calling many of our most distinguished public figures and vitally concerned private citizens uninformed on a matter that's been well-publicized in the papers, on TV, and on radio for well over a year."

He said that, in view of the misrepresentations being made to public officials by people like Nilan, it is "nothing less than astounding that we are continuing to add new members every day."

In addition, Mr. Marshall stated, a public apology is also due to "three quarters of a million loyal and hard-working postal employees" who have been rendered "a distinct disservice" by the allegation.

He explained that, if because of the charge, Congress fails to enact total postal reform as envisioned in H.R. 11750, workers will be denied the opportunity for real collective bargaining discussions with management and career opportunities based on individual merit alone.

"This is a serious matter," he said. "It will gravely damage the personal future of 750,000 men and women, and every member of their families."

He then went on to express disbelief concerning some of the other "curious thoughts" contained in the Nilan statement. He referred specifically to a Nilan description of Governor Kenneth M. Curtis of Maine as "a Republican."

Governor Curtis, in fact, was elected to his State's highest elective office in 1966—as a Democrat.

"I suppose I shouldn't really be too surprised by a ludicrous gaffe like this," he said. "Lord knows it's right on target as far as squaring with all the other misinformation contained in his so-called press release."

GREECE: THE CARAMANLIS STATEMENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. EDWARDS of California. Mr. Speaker, this week there was a significant new development in the Greek political situation. I refer to the statement of Constantine Caramanlis, the former Prime Minister who served his nation and the free world during the 1950's and early 1960's.

The New York Times editorial has called him "the most respected and effective leader of post-war Greece." He has been long known as one of the most pro-American statesmen in Europe. Mr. Caramanlis is still vigorous and relatively young, only 62, and he is perhaps the only man who would be suitable to serve in the interim period after the end of the Greek dictatorship.

While the critical question remains as to who will bell the cat, there is now a clearer, democratic alternative, the so called "Caramanlis solution." This solution has the support of the leadership of the two biggest parties in Greece which accounted for nearly 90% of the vote in the 1964 election.

Under leave to extend my remarks in the RECORD I submit an editorial from the New York Times of October 1, 1969; a London dispatch from Alvin Shuster; and an important article from the October 3 Monitor, for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the New York Times, Oct. 1, 1969]

CARAMANLIS FIGHTS THE JUNTA

At long last the most respected and effective leader of postwar Greece has plunged wholeheartedly into the expanding effort to rid his country of a brutal and incompetent military dictatorship. Constantine Caramanlis waited a long time from his self-imposed exile in Paris to commit his enormous prestige to the fight against the colonels, but his savage, detailed indictment of them yesterday removes all doubts about where he stands.

Mr. Caramanlis goes beyond appeals to Greece's armed forces to throw out Colonel Papadoupoulos and his henchmen; he offers, in effect, to lead an interim Government that would prepare the way for Greece's return to constitutional democracy. This is exactly what nearly every Greek democratic leader of stature, at home or in exile, has hoped and worked for.

It is exactly the formula agreed on in July—and made public abroad at considerable risk—by the leaders inside Greece of the two biggest parties, Panayotis Canellopoulos of Mr. Caramanlis's National Radical Union and George Mavros of the late George Papandreou's Center Union. Even before this agreement, Greek democratic forces had been prepared to bury old differences and unite behind the leadership of Mr. Caramanlis to oust the colonels.

The junta will doubtless pull out all stops in a desperate effort to discredit Mr. Caramanlis. On the only other occasion when he spoke out—to brand the colonels "putschists" and "imbeciles" in December 1967—the junta tried clumsily to link his stand with that of Communists.

But the Greek people know Mr. Caramanlis as an impeccable conservative, who gave their country its greatest period of stability and economic growth of the postwar period. They also know, despite the barrage of junta propaganda, that he has spoken the truth in charging the colonels with isolating Greece politically, and morally, demoralizing the armed forces, undermining the economy and creating a highly explosive climate in the country.

The Caramanlis statement presents the Nixon Administration with its moment of truth about Greece. The State Department must face the fact that its policy for Greece—of trying to flatter and nudge the colonels along the road to constitutional Government and elections—is bankrupt. Not one political leader of stature has been willing to join forces with the colonels even temporarily.

United States influence at this critical juncture could be decisive. That influence must be exercised to uphold the principles of democracy and freedom for which this country involved itself with Greece under the Truman Doctrine twenty-two years ago.

CARAMANLIS URGES OVERTHROW OF GREEK REGIME—FORMER PREMIER, IN EXILE IN PARIS, ENDS LONG SILENCE—APPEALS TO MILITARY TO OUST THE FORMER COLONELS

(By Alvin Shuster)

LONDON, September 30.—Constantine Caramanlis, the former Premier of Greece now in self-imposed exile, ended nearly two years of silence today and appealed to his country's military forces to help overthrow the army-backed regime. He offered, in effect, to lead a new government.

Denouncing the present Government as a tyrannical failure, the 62-year-old founder of the right-wing National Radical Union said arbitrary rule had now become entrenched and the despair of Greeks had reached new depths.

He accused the regime of deception in pledging to restore democracy and said it intended to remain in power indefinitely by terrorizing the people and hoodwinking international public opinion.

If the present Government headed by Premier George Papadopoulos fails to retire voluntarily, he said, it is up to those officers who joined it in good faith to bring about a change.

SUPPORT HAS INCREASED

"But, beyond them, the whole of the country's armed forces must undertake the task," he continued. "It is they who, having their origins among the mass of the people, bear the grave responsibility, on behalf of the nation, of protecting its freedom, security and independence."

Since the army seized power in Greece on April 21, 1967, support for Mr. Caramanlis as an alternative has increased within the country. At present, he is generally regarded by opponents within Greece as perhaps the only man able to rally the nation behind him in any new government.

In a 1,000-word statement, Mr. Caramanlis charged that the former colonels heading the regime had disrupted the armed forces by dismissing hundreds of high-ranking and battle-experienced officers, had undermined the economic future of the country, and had isolated Greece politically and morally from the family of free nations.

AN EXPLOSIVE SITUATION

"Finally, by their tyrannical rule, their idle boasting and their hit-or-miss methods, they have created an explosive situation in Greece and deprived Greece of international repute," he said.

Mr. Caramanlis, whose statement was made available in London and Paris, led Greece from 1955 to 1963, achieving the longest period of stability in Greece's turbulent postwar politics. After his defeat six years ago by the Center Union, headed by the late George Papandreou, he moved to Paris where he lives on the top floor of a luxury apartment house.

Unlike the left-of-center Andreas Papandreou, the son of the former Premier, who has often been outspoken in trying to mobilize opposition to the regime from his exile in Sweden, Mr. Caramanlis had remained quiet.

Accordingly, Mr. Caramanlis's followers had become increasingly concerned about his silence, fearing his support would begin to dwindle unless he took a strong new stand against the regime. They felt that time was running out on efforts to push the regime from power, and that opposition elements, wondering about his views, needed a unifying focus.

Friends attributed his long silence to a feeling by Mr. Caramanlis that he did not want to speak unless he felt a statement would have some impact in bringing about a change in government.

The former Premier had kept his silence since Nov. 28, 1967, when in an interview published by the Paris newspaper Le Monde he called for the quick departure of the "putschist" rulers. The interview was Mr. Caramanlis's first outright condemnation of the regime—he had previously deplored "tragic" developments in his country at the time of the coup.

EFFECT IS UNCERTAIN

What effect his statement today will have remains to be seen. The Greek Government leaders seem to have a firm grip on the country, although there are indications of certain unhappy elements within the army.

Mr. Caramanlis said his statement—which will reach Greece in the foreign press and on Greek-language and foreign-language broadcasts—was issued to mark the first anniversary of the approval of the Constitution drafted by the regime. Many of its provisions on basic rights remain in suspension because of martial law imposed when the army took power.

The statement, however, was viewed as part of an effort by Mr. Caramanlis to give the impression, particularly to the United States, that chaos and anarchy would not follow the demise of the present Government and to encourage new pressures on the former colonels.

CALLS FOR REFORMS

Mr. Caramanlis, for example, alluded to the "demagogic policies" of the regime's predecessors and said that basic reforms were needed in Greek politics to prevent a return to the political turmoil that prompted the military takeover.

"It is time," he said, "that the military men in power realized that the geopolitical position of Greece and the character of our people do not lend themselves to dictatorship of any kind; and it is time that the political forces of Greece realized that a return to the habits and political formations of the past would not be a restoration of normality, but only another kind of abnormality."

A TRANSITORY GOVERNMENT

Mr. Caramanlis, who tried and failed to bring about constitutional and political reforms when in power, apparently sees his role as the leader of a strong transitory gov-

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ernment that would take immediate control, initiate major constitutional changes and organize free elections. He himself would undoubtedly then be a candidate.

Although Mr. Caramanlis has had differences with the monarchy and believes its political powers should be curbed, it is understood he has been in touch with King Constantine, who fled to Rome in December of 1967 after attempting a countercoup against the present Government.

By offering himself as the alternative to the present regime, Mr. Caramanlis was also trying to calm those fearful that a left-wing government would follow the colonels. In short, he was saying that a right-wing dictatorship would be replaced by a right-wing democratic government.

"I must take this opportunity also," he said, "of assuring those who are anxious about the future that I would not have broken silence if I did not believe that the country can be restored without danger to conditions of normalcy, and if I were not prepared to make my personal contribution, if need be, towards that end."

[From the Christian Science Monitor, Oct. 3, 1969]

Caramanlis: Remarks Impress Greeks

Athens.—Former Premier Constantine Caramanlis's indictment of Greece's present rulers and his appeal to them to step down apparently made a tremendous impression on those Greeks who heard it first over foreign radio stations.

But it will be some time before the full impact of the statement can be assessed.

Although the appeal was moderate in tone the former Premier urged the country's armed forces to take appropriate action should the present government refuse to bow out peacefully.

"It is their responsibility and mission," he said, "to protect the people's liberty, security, and independence."

He indicated that he himself would be ready to participate in a new transitional government which would have the task of restoring the country to normalcy.

Mr. Caramanlis, a moderate conservative, is one of the few Greek politicians with high prestige and untarnished image.

He has been living in voluntary exile in Paris since 1963. His statement was issued in Paris and London.

The Greek Government at first refused to allow its publication here. But two Athens dailies suspended publication for a day rather than print only the government's answer to Mr. Caramanlis without also carrying the former Premier's statement.

The newspapers won the day when the government finally consented to publication of the full caramanlis text.

TWO PATHS TO DEMOCRACY

Mr. Caramanlis's last published statement was made on Nov. 29, 1967, during the Greek-Turkish crisis, when he urged the quick departure of the leaders of the Greek coup of April that year.

Taking the position that he can no longer remain silent since the military insists on perpetuating itself in power. Mr. Caramanlis now argues that democracy can be restored in Greece through one of two ways: either through voluntary withdrawal of the present government, or through its toppling by force.

Conceding that the first alternative could be safe and also constructive, Mr. Caramanlis warned that the second alternative might be provoked by uncontrolled powers which could put the country through trials.

This was interpreted as meaning that the Communists would eventually take an active part in the toppling of the military regime when it suited them.

In other parts of his statement Mr. Caramanlis accused the military government protagonists of "lacking the courage to directly admit that they aim at perpetuating themselves in power."

Instead, he continued, "they have created a contradictory and tyrannical regime without any ideological orientation which has committed many mistakes."

Mr. Caramanlis then specifically blamed the regime for disintegration of the armed forces through "sovietization" and cashiering or retirement of battle-tested high-ranking officers, for a poor economic policy which had dangerously increased the balance-of-payments deficit, and for the moral and political isolation of the country.

Mr. Caramanlis maintained that the regime in power could not cover up its shortcomings through "theocratic ideas" reminiscent of the Dark Ages or such slogans as "Greece of Greek Christians," not, at any rate, when the regime's methods had not been very Christian.

Many here interpreted this as an indirect attack on the military rulers for their arbitrary arrests, and persecutions and tortures alleged to have occurred.

UNSUITABLE FOR DICTATORSHIP

Mr. Caramanlis alluded to a previous recommendation of his for the transfer of power to a government, generally accepted and vested with extraordinary powers, which could in due time prepare the country for a safe return to normality.

Lest he be misunderstood, he served notice to both the military in power and the politicians.

He told the military that Greece, by virtue of its geographical position and the idiosyncrasy of its people, was not suitable for any form of dictatorship. He warned the politicians that "a return to the schemes and the habits of the past would not mean a return to normality but only a different form of anomaly."

In closing Mr. Caramanlis assured all that he would not speak out unless he felt the country could safely return to normality. He expressed his willingness personally to contribute toward that end, if need be.

Mr. Caramanlis cannot easily be discredited by the regime in view of his prestige and untarnished record.

As Premier from 1955 to 1963, he was one of the main architects of Greece's postwar recovery and development.

Mr. Caramanlis also has established himself as a moderate statesman. He chose to go into self-exile rather than openly attack the crown as an institution when a crisis erupted between him and Queen Frederika in 1963.

He tacitly admits that the country's political situation was chaotic before the 1967 coup and he wants to look toward the future and not the past.

The military rulers, therefore, will have to be careful in what they say about him. As a veteran politician put it, "Caramanlis's statement is so self-evidently true."

Some think that leading politicians and other elements now will come out in favor of Mr. Caramanlis.

Already former Premier Panayiotis Kanellopoulos has told foreign correspondents that he is in full agreement with the Caramanlis statement.

It is reported that George Mavros of the Center Union and Demitrios Papaspyrou, President of the last Parliament, will make similar statements shortly.

WE HATE WAR

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. LUKENS. Mr. Speaker, recently I received a letter from Mr. T. Harding Jones, who is currently at Princeton University. He is one of many fine young Americans who is trying in his own way to combat the disproportionate publicity which some media give to the radical student movement.

The majority of American youth cannot afford college education. Yet, a minority of radical students who are fortunate enough to either have scholarships or afford the tuition are disrupting the education of the majority of students who go to college and universities to learn rather than "teach" elders.

Harding Jones is not one of these individuals. He and a group of students are coordinating a movement on their campus to combat the upcoming October 15 Moratorium on Vietnam. They are not swept in by the rhetoric of these radicals who claim that the only way to peace is to immediately and unilaterally withdraw from Vietnam, ignoring both the issue of who the aggressor is, as well as the consequences of such irresponsible action.

Harding Jones and his associates are examples of fine upstanding men with a real cause to support. Thank goodness for these students. They are refreshing in a day when it appears that many of our students are irresponsible publicity seekers.

Mr. Speaker, I include the statement in the Record at this time, so that others may benefit from this gentleman's timely and pertinent remarks:

We Hate War

We want the war in Vietnam to end.

We believe our government leaders are in the best position to find an end to the war. They have the knowledge, the experience and the intelligence reports needed to make the decisions which will bring peace.

We believe all students must attend classes on October 15th to support the United States because:

Demonstrations such as the militants plan on October 15 will lengthen the war—not shorten it.

A call by youth to "pull out" only tells Hanoi: "Hang on baby, you might win it all."

Hanoi has not relented its position since peace talks began and will not as long as dissension in America is so widely publicized.

Our Government has shown its determination to find peace as early as possible by:

a. Initiating orderly troop withdrawals.

b. Eliminating November and December draft calls.

c. By demobilizing 60,000 men, from various military units.

The precious "right to protest" was preserved by our fathers who fought Naziism in Europe and hard line Communism in Asia. No one can contend that Hanoi symbolizes freedom of expression or freedom to protest.

An academic society calls for thought and analysis. We therefore challenge the Moratorium Committee to debate the issues at 8:00 PM, Tuesday, October 14th.

A JUBILANT WELCOME HOME FOR MARASCO

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. PATTEN. Mr. Speaker, on Monday, September 29, the charges against the Green Berets were dropped largely because of the unfaltering efforts of the dean of the New Jersey delegation, Peter

Rodino, to obtain justice for these men. I want to express my appreciation and admiration for his able leadership. And, I wish to bring to the attention of my colleagues two articles which appeared in the Star-Ledger on October 2, 1969:

A Jubilant Welcome Home for Marasco

(By Gordon Bishop)

A taut but grateful smile on his lean face, Special Forces Capt. Robert F. Marasco of Bloomfield stepped off a jet at Newark Airport yesterday to an applauding crowd that stared at him as if he were a mysterious celebrity.

It was the same Marasco who had been charged by the Army in the alleged slaying of a Vietnamese double-agent.

He told the throng of greeters swarming around him:

"I never worried about ultimately getting here. It was just a question of when. The beautiful people of the United States have written to me, expressing their support."

He summed up his Army career this way: "I want to get a release from active duty as soon as possible. It's obvious why."

Asked if he would like to have a trial to prove his innocence once and for all, he said, his head lowered humbly:

"I don't want to go through a trial. I don't want to put my family through a trial. It's a nasty business."

His family stood proudly beside him, his father and mother beaming happily as tears raced down their cheeks.

His sister Anita, 24, also was there. But his wife, Denise, wasn't. She wasn't at the Marasco home Monday night either when the family learned that the captain had been cleared of all charges.

A relative said that the ordeal had left Mrs. Marasco "completely exhausted."

In answer to the accusation that he was the Green Beret who pulled the trigger on the spy, Marasco shot out curtly: "That's ridiculous!"

Hugging her son, Mrs. Marasco cried out joyously, "He's a hero, this man!"

She embraced and kissed her son several times, saying "He looks terrific . . . He looks as handsome as ever."

Joining the jubilant reunion were Rep. Peter W. Rodino Jr. (D-10th), who led the successful fight to free the eight Green Berets involved in the case, and Robert A. McKinley of Newark, the captain's attorney.

While waiting for their son's arrival, the Marascos sat in the airport's Newarker Restaurant, sipping cocktails, unable to eat, chatting with Rodino and hoping that everything would turn out all right for all concerned.

Marasco's tour of duty in Vietnam was to have ended July 28, but the case altered his life.

Rodino now wants to know why the Green Berets were kept in confinement for a month in violation of the military code.

"The whole case was kept a secret for over a month, I want to know why?" Rodino said angrily. "If this could happen, what are we coming to?"

The congressman said his office received some 500 letters expressing outrage over what had happened to the Green Berets. Only two letters, he added, did not support the officers' case.

Rodino said he had heard the incident happened because someone "was out to get Col. Rheault and to discredit the Green Berets."

Col. Robert B. Rheault was commander of all Green Berets in Vietnam before the case broke.

Marasco saw a year-and-a-half of combat in Vietnam and was decorated with three Bronze Stars for displaying bravery and courage in action. His four-year hitch would have been over in about six months, but he feels he'll be released before then.

There was no big brass band or banners to welcome "Bob" home. His mother said he was "too conservative" for that kind of fanfare.

When the American Airlines plane touched down at Newark Airport at 3:50 p.m., the crowd had come to catch a glimpse of a soldier caught in the middle of a messy intrigue.

LAST PERSON

Marasco was the last person to step out of the plane and onto the ramp. He wore his familiar Green Beret, his khaki short-sleeved shirt displaying many decorations. His eyes were shielded with rust-colored sunglasses.

With his mother and father beside him, he braved a barrage of questions during a brief but furious interview, then headed for a car which took him home to Bloomfield.

When he got there, his mother showed him the more than 350 letters and 50 telegrams the family had received in the last couple of weeks. Mrs. Marasco said that singer Connie Francis, formerly of Bloomfield, and now of nearby Essex Fells, had telephoned Wednesday morning to express her congratulations that the men were freed. It was one of hundreds of phone calls since the good news Monday.

The Marascos broke open bottles of champagne for the scores who showed up to celebrate the captain's homecoming.

After his release, Marasco plans to resume his career in the insurance business.

Before enlisting, he was a salesman for John Hancock Mutual Life Insurance Co.

Marasco and his wife will be living in an apartment in Rutherford.

Too Tired for Own Party

Green Beret Capt. Robert F. Marasco missed his "Welcome Home" party at his parents' Bloomfield home last night as a result of a battering at the hands of TV newsmen on his arrival earlier at Newark Airport.

Frank Marasco, father of the 27-year-old captain, said his son was so overcome with exhaustion that "his head almost dropped onto the table during dinner and he told us, 'Its too much, I've had it, I have to sleep.'"

The elder Marasco said his son hadn't slept for 56 hours and had been "very upset" by questions from TV newsmen at the airport who tried to pin down if the captain actually was the triggerman in the Green Beret murder case, as alleged.

"We will let him sleep until he wakes up," the father said. "If it's two days, we're not going to bother him."

The party, with some 50 friends and relatives jamming the Marasco's small two-story brick home at 25 Mountain Ave., quickly turned into a celebration for Rep. Peter W. Rodino Jr. when he arrived.

Mrs. Marasco, nearly overcome with emotion, stepped outside the house to greet the congressman. She repeatedly hugged Rodino, who was given a standing ovation by guests in the house and the crowd outside.

Rodino led the congressional fight against the Army's handling of the case that led to the release of Capt. Marasco and seven other accused Green Berets.

"The whole thing is just beyond belief," said the elder Marasco. "I don't think it could have happened without Congressman Rodino."

LET THE SELLER BEWARE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BINGHAM. Mr. Speaker, in the field of consumer protection there have been, in recent years, a number of sound proposals that have been limited to narrow objectives. The drive to have the Government release information on products that it has tested is an example of this kind of proposal. The recent move to include electrical, mechanical, and thermal hazards in the Child Protection Act is another important step toward protection of the unwary consumer. My chief regret about these proposals, and about so much of our consumer legislation is that they are not broad enough in scope. The whole history of our efforts in this field has been characterized by ad hoc efforts often prompted by some particular outrage or series of outrages. There has been little comprehensive legislation, only piecemeal bills and administrative actions.

Today, I am introducing the Trade Quality and Consumer Information Act of 1969, which I believe represents a comprehensive approach. I consider this proposal, which is based on the British Trade Descriptions Act, 1968, to be sufficiently sweeping to change the old maxim "Let the buyer beware," to "Let the seller beware." If this be "consumerism" which Secretary Stans deplored the other day, then so be it. I plead guilty to the charge of being more concerned with the consumer than I am with business, because the consumer is less able to protect himself.

This bill which I am introducing will not only tend to protect the consumer's physical safety, but also his pocketbook.

My bill would provide, for the first time in this country, except in the field of food, drugs, and cosmetics, for criminal prosecution for substantial misdescription of goods and services, whether in advertising, labeling, or in verbal statements made during the course of sale. The bill would extend, for example, to information about previous ownership and treatment of used cars, the relative newness and source of second-hand goods, the actual contents of any relative newness and source of second-hand goods, the actual contents of any product, and to any statements about services, such as those provided by travel agents and service stations.

Let me outline the main points of the bill:

First, there would be Federal criminal penalties for using any false trade description, whether in advertising, labeling, or in the course of sale, or for any false statement about goods or services in interstate commerce. The penalties would apply only to the concern that is responsible for the misinformation.

The first offense would be a misdemeanor. Subsequent offenses would be punishable by up to 3 years in prison. It is my belief that this provision would be a substantial deterrent to unscrupulous businesses who, at present, know that, no matter how falsely they tout their products, the most that can happen is that they are told to cease and desist by the FTC.

Enforcement would be by the Department of Justice, through the U.S. attorneys. A special section should be set up for this purpose.

Second, the appropriate regulatory agency—either the Federal Trade Com-

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mission or the Department of Health, Education, and Welfare, depending on the product or service—will be given certain powers:

First, to assign definite meanings, that must be adhered to, to business expressions and terms. For example, a term like "reconditioned" when applied to an electric appliance could be assigned a definite meaning.

Second, the regulatory agency could require that the manufacturer or seller provide any information that it thought necessary to enable the consumer to make informed choices in the marketplace. This provision would enable the agency to require such information as the ignition point of a fabric or the performance and safety data of mechanical products—including, for example, automobiles, without the strain that the Federal Highway Administration has gone through recently in requiring certain safety information to be made available.

Third, the regulatory agency would be empowered to require that a manufacturer or seller verify any trade description, and could undertake tests to verify the trade description. Under this provision, a detergent manufacturer could be required to produce actual test data showing that their detergent did not, say, redden hands. If the agency were not satisfied with the manufacturer's data, then it could conduct its own tests.

This section of the bill would also empower the relevant agency to disseminate information about the tests. The agency would also be required to make its findings available for possible criminal prosecutions under the first section of the bill.

CONGRESSMAN VANIK CONTINUES BATTLE FOR TAX REFORM

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. PRICE. Mr. Speaker, during this year's consideration of tax reform in the House, our distinguished colleague, the Honorable Charles A. Vanik, of Ohio, has consistently stood up for tax relief for average American taxpayers, while fighting to close those tax loopholes which have enabled many to escape their fair share of taxes. I am pleased to note that Congressman Vanik's constructive role in the development of the House-passed bill has been recognized by so many of the Nation's news media.

Today, Congressman Vanik testified before the Senate Finance Committee, which is now considering the tax reform bill. I would like to enter in the Record at this point Congressman Vanik's statement. He is to be commended for his continuing struggle to bring tax justice to America.

The statement is as follows:

Statement of Congressman Charles A. Vanik

Mr. Chairman, after six trying months of effort on the Tax Reform proposal, I can fully appreciate the difficult problem which confronts your Committee. The work of the House Ways and Means Committee and the House of Representatives is not perfect, but I believe you will agree that our deliberations were extensive, exhaustive, and well-intentioned. Most of our decisions in Committee were arrived at after extensive discission. Section by section, we approved most of the language by almost unanimous vote. As you can determine by the Report on the Bill, there was, overall, very little dissension on major provisions of the Bill.

With this in mind, I endorse the principal provisions of the House Bill. Our decisions were made calmly and deliberately and in substantial response to the overwhelming mandate which each of us has clearly received from our constituencies. To my knowledge, that pressure has not diminished one iota.

Neither the House of Representatives nor the Ways and Means Committee initiated the drive for tax reform. We were pushed into it by angry taxpayers. The disclosure of abuses of the tax code ignited the bonfire. Taxpayer indignation at the escape from taxation of the super-rich, added fuel to the fire. The alternative to tax reform is open tax revolt.

There are some who would prefer to keep reform in suspension as a political issue—I would rather see a fair and reasonable proposal written into law. This reform proposal is in many instances only a soft touch on tax privilege instead of the heavy hand that I would like to see. It deals with no citizen unfairly. It is a step we must take toward tax justice.

Those who criticize our efforts to impose a minimum tax on the wealthy must find some other way of accomplishing this necessary goal. But that goal must be reached. The American public demands it.

Much has been said about our treatment of the oil depletion allowance. Considering what could have happened, the small reduction in the depletion allowance enacted by the House was the minimum the taxpayer would accept. There can be no Tax Reform Bill without some reduction of oil-tax privileges. Nothing was done about intangible drilling costs, accounting procedures, and several other devices to spare oil taxation. The oil industry should be able to assume this taxation without threats to increase consumer prices. Blackmail will not work on the Congress or the consumer.

Domestic oil prices are artificially controlled by two state commissions working in unison toward price stability through production controls. Foreign oil import controls further prop up domestic oil prices at a consumer cost of billions of dollars. The authenticity of reports of depleted reserves must be questioned, in light of the advantages inherent in suppressing reported reserves in an effort to shelter these reserves from taxation.

In one afternoon before the Ways and Means Committee, I dispelled the myth of natural gas shortages and the threat of a natural gas crisis. That information is in the House record.

Although the Administration has finally agreed to accept the Ways and Means Committee and the House recommendations for a reduction in the oil depletion allowance to 20 per cent, they favor retaining the foreign oil depletion allowance which was completely eliminated by the House.

There is no rational legislative reason for extending the privilege of the depletion allowance to foreign produced oil. The combination of the depletion allowance and the foreign tax credit have made most of these profits tax free.

These tax-free profits of American investment in foreign oil have corrupted and misdirected American foreign policy in many oil-rich countries. This has resulted in American policies of costly military assistance in support of temporary rulers who will undoubtedly be removed when their people find out what is going on. There is no reason for the American taxpayer to subsidize these activities.

In some of the provisions of the Reform Bill, there may be room for improvement, particularly with respect to the language on charitable giving. I also hope that your Committee will consider providing taxpayer relief by way of increased exemptions. From projections of tax receipts which I have seen, it would seem very feasible to increase exemptions at the rate of $100 per year, per dependent for the next four years until the dependency allowance reaches $1,000 per dependent. Every taxpayer relates the dependency exemption to the actual present day costs of support. To the taxpayer, his is far more meaningful than increased standard deductions which disregards family size.

In considering a taxpayer's fair share of taxation, it is important to know how a taxpayer must divide his available income among his dependents. This is hardly a boon to a wealthy taxpayer whose expense in supporting dependents escalates with his station in life. Poverty and large families are synoymous. Increased exemptions are the only method to relate the need for tax relief to family size.

One major objective of tax reform in the House which was not achieved is the critical need for simplification of tax returns and payment procedures. For the individual taxpayer, there is need for a simplified appeal procedure. As it stands now, the Tax Court procedure is a court for the rich. Less than one per cent of all challenged cases reach the Appellate Division of the Internal Revenue Service. Some lawyers argue that it is not feasible to take up a tax dispute unless the tax claim is upwards of $10,000.

What would be wrong with a system of small tax claims referees who could establish essential facts in small tax claims and provide a necessary and humane service for the average taxpayer.

In these days of high interest, it appears that the Internal Revenue Service is used as a bank by tax delinquents who pay 6 per cent interest on taxes owed the Federal government, using tax money for other purposes.

According to the latest Internal Revenue Service figures provided to my office, interest on delinquent taxes owed to the United States Treasury by individuals and corporations in Fiscal Year 1969 amounted to over $567 million. This amount of interest would indicate a $9.5 billion tax delinquency in Fiscal Year 1969! At this rate, the tax delinquency will increase in Fiscal Year 1970 by 12 per cent—over $11 billion.

There is no joy to the Treasury collection of this interest at a 6 per cent rate. Who can get money cheaper than that? The delinquent taxpayer can invest these funds in absolute security at 8 per cent or 12 per cent. The delinquent taxpayer can profit by arbitrage at the expense of all other taxpayers who pay their bills.

It is incredible—but the delinquent taxpayer has another useful gimmick. He can get a tax write-off against his current taxes for the interest he pays the Internal Revenue Service on his delinquent tax bill. This reward for delinquency adds a cruel insult to the average eaxpayer who has to pay his tax bill before it is due.

It seems to me that the Tax Reform proposal should be amended to raise the interest rate for delinquency and to eliminate the deduction for interest paid on delinquent taxes.

I know that your Committee is critically pressed for time in your deliberations. But there is a sense of urgency about tax reform which should prompt us to make difficult and responsible decisions this year.

PARKINSON'S DISEASE BREAKTHROUGH AT THE ATOMIC ENERGY COMMISSION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HOSMER. Mr. Speaker, one of the lesser known but most important activities of the Atomic Energy Commission is medical research. The Commission along with the National Institutes of Health are probably this Nation's most valuable Federal resources in this area.

For the past several years, the Congress has been funding the biology and medicine program at the Commission at a level of about $90 million per year.

One of the most striking evidences that this money is well spent is the development at the AEC's Brookhaven National Laboratory of a new drug which is making dramatic progress in the control of Parkinson's disease.

The drug is called L-Dopa. Its discovery evolved from a research program in which Dr. George C. Cotzias and Dr. Paul S. Papavasiliou and others at Brookhaven were using radioisotopes to study the role of trace elements in the body and their relationship to neurological based diseases.

In its October 6 issue, Newsweek magazine compares the development of L-Dopa with the development of penicillin in the 1940's, and tranquilizers in the 1950's. This fine article details the progress being made in the treatment of Parkinson's disease with L-Dopa and what lies ahead.

The article follows:

Progress With L-Dopa

"Miracle" drugs that really work are almost once-in-a-decade developments: penicillin in the 1940s, the tranquilizers of the 1950s, and for the 1960s—just possibly—a new drug called L-Dopa. According to preliminary reports two years ago, L-Dopa seemed to be the most effective drug ever found for controlling the disabling tremors and muscular rigidity of Parkinson's disease, which afflicts up to 1.5 million Americans. But further careful testing of the drug was required to confirm the initial impression. At the World Congress of Neurological Sciences in New York last week, researchers conducting these trials agreed that L-Dopa had more than lived up to its promise.

The discovery of L-Dopa as a treatment for Parkinson's disease came from basic research in 1960. The disorder was known to involve the basal ganglia, small nerve structures that are located deep within the brain. And at the time, surgery to destroy parts of the basal ganglia was the most effective—though hazardous—way of relieving Parkinson's symptoms. Then Drs. H. Ehringer and O. Hornykiewicz of Vienna found the basal ganglia of patients suffering from the disease lacked a neural chemical called dopamine. They began testing ways of raising the dopamine level in the brain as a means of treating the disease. In 1967, Dr. George C. Cotzias of the Atomic Energy Commission's Brookhaven National Laboratory in Upton, N.Y., discovered that high doses of L-Dopa, an amino acid that is converted by the body into dopamine, had brought about improvement in his small group of patients. At last week's meeting, researchers were able to report similarly dramatic results on hundreds of additional patients.

HELP

One study—involving some 400 Parkinson's-disease sufferers—was done by the Neurological Institute of New York's Columbia-Presbyterian Hospital. In several patients, the Parkinson's-disease symptoms disappeared entirely. The same kind of findings were reported by Dr. Fletcher McDowell of New York Hospital-Cornell Medical Center. McDowell cited in particular the case of a 68-year-old pianist who had become so disabled that she was unable to turn in bed without assistance. After eight weeks on L-Dopa, she was able to dress herself, walk briskly and even play the piano.

In the two years since Cotzias' report, the use of L-Dopa has been refined. At first, recalled Columbia's Dr. Melvin Yahr, the drug seemed to overcome rigidity, but didn't seem to help with the uncontrollable trembling of the arms, legs, hands and fingers. Now, neurologists report that the tremor is stilled if the drug is given long enough.

The drug must also be given at high doses to be effective. To give the patient time to adjust, the dosage starts low and is gradually increased to as much as 6 grams every day over a period of three to four weeks. In the beginning, patients often experience nausea and even vomiting, but these side effects disappear, especially if the drug is taken with meals. The most serious side effects are disturbances in the heart rhythm, nervous tension and sudden drops in blood pressure, often severe enough to cause fainting. These problems, the doctors at the meeting agreed, can usually be eliminated by decreasing the dosage.

BOOSTER

In many cases, the meeting was told, L-Dopa has replaced surgery for treating Parkinson's disease. While an operation on the basal ganglia can ease symptoms, it will not arrest the progress of the disease. Eventually, additional surgery may be required. In the opinion of Dr. Robert S. Schwab of Boston's Massachusetts General Hospital, approximately 10 per cent of Parkinson's patients will still benefit from surgery, particularly those who are 90 per cent disabled, whose disease largely affects one side of the body and who are under 65. But even these patients, he said, would need drug therapy to eliminate symptoms as the disease progresses.

The drug has not yet been approved for marketing by the U.S. Food and Drug Administration—pending proof of safety. This has limited the availability of L-Dopa. At present, Hoffman-La Roche, Inc., of Nutley, N.J., is supplying the drug free of charge for trials at major medical centers. Private physicians can obtain the drug—at a cost of about $2.50 for an average daily dose—from the three other U.S. suppliers of L-Dopa after obtaining permission from the FDA to conduct clinical trials. At the same time, neurologists are looking for ways to improve the drug. For example, they are now trying "booster" drugs which, when administered simulaneously, increase the amount of L-Dopa that reaches the brain.

THE VIETNAMESE "MIDDLE GROUND"

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. ROSENTHAL. Mr. Speaker, a recent witness to political developments in South Vietnam, Richard A. Berliner, has written a provocative article about the approaches needed in that country to develop a new political consensus.

His article "The Vietnamese 'Middle Ground'," gives important insights into the thesis, which I support, that a new government, responsive to the political actualities, is needed before we can expect peace in Vietnam.

The article, published in a recent issue of the Ripon Forum, follows:

Key to Postwar Politics: The Vietnamese "Middle Ground"

(By Richard A. Berliner)

(Note.—Richard A. Berliner served six months in Vietnam with the Committee of Responsibility from March, 1968. Prior to this position, he served from September, 1966 with the International Voluntary Service, working with youth and student groups in development problems and refugee assistance near Saigon. He is currently a student of Southeast Asian Affairs at American University.)

One of the most important and little realized facts about the internal politics of South Vietnam is that despite the years of physical and political struggle the country has seen, there exists a sizeable "middle ground" whose "heart" has been won by neither side. This swing segment remains as disaffected and unmoved as ever by the rhetoric of the Saigon regime and the National Liberation Front.

Because the military stalemate has led to increasing emphasis on the need for a negotiated settlement in Vietnam, the "middle ground" has become progressively more important. In fact, it seems clear that any settlement which pretends to be permanent will have to take this element of the population into account.

The political difficulties this imposes are immense because of the make-up of the "middle ground" itself. Fragmented among religious, political and class groupings, the one cohesive force that binds this element is a desire for PEACE, *i.e.* an end to the massive destruction with anticipation of continued "in-fighting" among the Vietnamese forces.

An important element within the "middle ground" are the youth, students in the high schools and universities as well as non-students under thirty. If there is one failure that can be attributed to the Ky and then Thieu regimes, it has been their inability to attract the support of Vietnam's young people. Thieu has not mistakenly tried to organize his own youth movement like Ky's Anti-Fraud League (which had to be disbanded because of corruption over use of government money and the purchasing of draft deferments), but neither has he gotten any of the youth organizations (and there are a considerable number) to give him more than token support.

Instead he has enlarged the disaffection felt by the youth by cracking down swiftly and subtly—not with riot troops as Ky was forced to use in 1966, but with the secret police, the jails and military courts.

A Christmas concert of anti-war songs was broken up with over eighty arrested. Youth idol, Trinh Cong Son's music was banned for its advocacy of peace and a united Vietnam. New petitions for peace have been presented to the government, and new groupings have occurred to push the peace issue. Probably the most prominent of these is the "Genuine Nationalists," reportedly formed around General Duong van (Big) Minh—a popular figure who returned from exile in Thailand last fall.

Less overt in their disagreement with the Thieu regime are a growing number of Catholics (Thieu is a Catholic), both Northern and Southern. Essentially made up of intellectuals, professionals, and priests, this group has a strong conviction for the need for peace and a realization that Thieu is not focusing on this question. A feeling is developing that it may be easier to work with

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the National Liberation Front and in fact necessary if peace is going to happen. This is a strong voice in face of the common belief that the "communists" would disallow the freedom to practice religion, especially for Catholics. Priests in the South know, however, that this has not been the case in the North, through communication with relatives via Paris.

One of the bright young voices among the Catholic dissidents, Father Nguyen Ngoc Lan, has been imprisoned since December.

EMINENT "HO U. ALUMNI"

What Thieu has perhaps failed to understand is the politicalization that takes place in Vietnamese jails. Writes Saigon free-lance correspondent, Don Luce (whose nine years in Vietnam give him a unique perspective). "For decades political prisoners have been sent to Con Son (a prison island). In the time of the French it became known as the University of Ho Chi Minh because so many of its 'graduates' joined the Viet Minh after imprisonment there. Today, some of Vietnam's most respected leaders including Phan Khac Suu, the Cao Dai political leader, and Dr. Phan Quang Dan, Suu's running mate in the third-place ticket in the September 1967 presidential elections, proudly list their stays at Con Son among their political assets. Conspicuously missing from this list, however, is the present Saigon government leadership."

Just how many more than official American estimates of $20,000 political prisoners sit in Vietnam's jails is difficult to say. Some estimates run into the hundreds of thousands. Very few have the luxury of being brought to trial. If more were, it could be seen clearly that not only disaffected students but also prominent religious leaders, reserve military officers and labor union organizers line the jails. The Thieu regime is very egalitarian in its attempt to silence the dissident forces.

The existence of a middle ground is not very significant unless this force is able to exercise influence over the polar contestants. President Thieu has chosen to use repressive means to silence the "middle ground." The arrest of Thich Thien Minh and Father Lan and the ban of anti-war folk singer, Trinh Cong Son, indicates that he feels threatened by Buddhists, Catholics and youth they represent. At the same time by eliminating any possibility of support from these groups, he is placing his survival in the hands of military might. This for the most part still rests with the United States.

HETEROGENEOUS BUT URBAN

Just as the GVN and the NLF can claim representation from Buddhists, Catholics and the less prominent Hoa Hao and Cao Dai sects, the "middle ground" has all of these—perhaps a majority of the devout Buddhists (which is basically a pacifistic religion) and a surprising number of Catholics. As a group it is more urban than rural based, and less likely to occupy high positions in the military or work directly with or for Americans.

It would be wrong to describe it as a "third force," however. Although Buddhists played a prominent role in overthrowing President Diem in 1963, hopes for a third force," as an independent movement died for many in the Spring of 1966, when Premier Ky decided to take care of the Buddhist "problem" with tanks and rifles in Hue and Danang. Led at the time by Thich Quang (labeled a militant Buddhist, despite adherance to essentially non-violent tactics), the Buddhists remained dormant for over a year—until the eve of the 1967 presidential elections.

While students protested against the unethical tactics employed during the presidential election, Tri Quang and adherents of the An Quang Pagoda staged a sit-in in front of Thieu's Independence Palace protesting the revocation of the Buddhist charter. The question has never been settled.

The 1968 Tet offensive further confused and scattered the Buddhists and proponents of a "third force," while bringing several of its leaders together under imprisonment "for their own protection" according to Thieu. Tri Quang, Au Truong Thanh (former Minister of Economics under Ky) and Truong Dinh Dzu (runner-up in the 1967 presidential elections) were cloistered together with several others of similar status. Each one, although non-communist, was considered a threat by the government.

A few petitions were presented, the wives of the imprisoned staged a one-day demonstration and other similar weak responses were made to protest the imprisonment. Their release came eventually, in April, 1968. Today Dzu is back in jail, apparently for the duration of the regime. Au Trung Thanh is in self-exile in Paris. And Thich Tri Quang remains more or less under house arrest.

More recently, however, there has been a new round of activism by "middle ground" elements. A ten-mile procession, advocating "peace" occurred in late December led by monks of the An Quang Pagoda. It was capped with the releasing of about 20 white doves from the Pagoda roof, as well as clusters of balloons carrying paper doves. The gathering at the end of the peaceful procession was disrupted by Saigon combat police when youths began agitating for expanding the demonstration.

CENSURE 'EM, ARREST 'EM

The censure of Thich Thien Minh, one of the most prominent of the "middle ground" monks, through a warning not to advocate "peace" in his sermons, was Thieu's response to this activity.

Thien Minh has since been arrested along with approximately fifty of his followers in the wake of the most recent Communist attacks at the end of February. He was arrested under the pretext of having NLF propaganda as well as correspondence with Ho Chi Minh in his quarters at a Buddhist dormitory as well as for harboring draft dodgers.

Although it is difficult to know if this indictment is in fact true, its public pronouncement by Thieu can only further complicate his problems. If true, it means one important element of the "middle ground" has shifted much closer to the NLF than ever before. If false, it will further alienate many Vietnamese for attempting to discredit a popular figure.

Thirty-four of the students have been released, but Thien Minh was sentenced by a military court to ten years hard labor. The An Quang Pagoda issued a statement calling the sentencing, "brutal to a degree of nonsense," and "a serious provocation against the church." Dzu, the last prominent leader to be brought before a military court, was sentenced to five years hard labor at Con Son Island after testimony and deliberation of less than two hours.

Recently, the Thieu–Ky government announced the formation of a moderate party to attract the middle ground elements, but they have done little to implement their words or lay the groundwork for any genuine political movement.

CONCILIATORY NLF STRATEGY

The National Liberation Front, on the other hand, seems to have placed more importance on the role of the "middle ground" in a peace settlement. Nor does it feel essentially threatened by it. The best example of this was the surfacing of the Alliance for National Democratic and Peace Forces, officially announced over the National Liberation Front radio late in April 1968.

Although the communique said the Alliance was consummated during a two-day meeting April 21 and 22, 1968, near Saigon, it is believed that its origins go back much further. Earlier a regional committee was set up in Hue during the 1968 Tet offensive, with the venerable Thich Don Hau named as vice-president. Don Hau was also named vice-president of the national body composed of ten leaders. All are well known in Saigon as lawyers, doctors, and professors. Only one, a woman doctor, Duong Quynh Hoa, has been suspected of having previous Communist connections.

A May 9, 1969 New York *Times* report cites a captured prisoner as dating the formation of the plan to set up an alliance as far back as mid-1967. The article also cites a United States Mission Study that dates the concept for an alliance back to 1966 (that "would broaden the appeal of the NLF among various classes in Saigon who found it difficult to cooperate clandestinely with the Viet Cong.")

Whether the alliance has been successful or not, it is difficult to discern at this point. What is important is that the NLF is making an effort to attract the middle ground and therefore recognized its political potential. The Saigon government, by repressing the middle ground is further alienating itself from the population and making its own survival almost a matter of conjecture.

BIG-TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Daytona Beach, Fla., Journal; the West Palm Beach, Fla., Palm Beach Times; the Tampa, Fla., Times; the Sarasota, Fla., Journal; and the Cocoa, Fla., Today. The editorials follow:

[From the Daytona Beach (Fla.) Journal, July 30, 1969]

THIS MENACE DIES HARD

The bill died in a committee of the Florida Legislature but it has had a rebirth in a committee of the U.S. House. Its purpose is to spawn a new breed of monsters on the nation's highways.

The bill, to permit heavier, wider and longer trucks on the nation's highways, died in a House committee last year because of public outcry against it. But quietly it is being pushed again this year through the persistence of the trucking industry.

A companion proposal, permitting wider buses that could lead to wider trucks, was lobbied by former Gov. Haydon Burns before a Florida Senate committee during this year's legislative session, but was scrapped also because of public outcry against it.

The new House bill is supposed to have some sweeteners in it, but its opponents on the committee are not impressed.

It is called a "permissive" bill, allowing the states to adopt the larger limits on interstate highways it would authorize. But state legislative history indicates that the states are quick to go along with the trucking lobbyists—the Florida committee, in fact, bowed to Burns and approved the bill he presented. The public's alarm forced it to reconsider.

Also, the bill purports to set a limit of 70 feet, but Rep. Fred Schwengel, R-Iowa, has discovered a grandfather clause in it that makes the length limit meaningless and would permit the use of triple trailer trucks 105 feet long in some states. Even if the limitation of 70 feet held up, that is longer than the length permitted in 48 states; indeed Florida's limit is now 55 feet.

And a nonsensical "sweetener" is that the bigger trucks would be limited to the interstates. But trucks do not begin or end on interstate highways; they have to reach those from city streets and linking two lane roads.

Motorists would be subjected to far greater chances of dying in accidents involving trucks than they are now, and that already is bad enough. Accident studies presented in opposition to the bill show that accidents involving cars and small pickup trucks accounted for three tenths of one percent of the fatalities per 100 persons involved. But the death rate mounts to 13.3 per 100 in car-big truck accidents, with 98 percent of the victims for the most part the car drivers or passengers.

The American Automobile Assn. calls for thorough research into the safety effects of permitting the longer lengths, widths and greater poundage of trucks before the bill is considered further.

"The lives and property of over 100 million drivers are involved in such a decision," said AAA. "Congress should not ask them to be guinea pigs by increasing the sizes and weights and then research the effects. The research should be done first."

Finally, there is the economic factor aside from the property damage and wasteful loss of life. The Bureau of Public Roads has predicted that an estimated 300,000 bigger trucks on our costly highways would require an additional $8.5 billion in repair and construction costs to the interstate system in the first 10 years.

Rep. Richard D. McCarthy, D-N.Y., another opponent of the bill, said: "8.5 billion to benefit one third of one percent of the nation's vehicles is a steal. I wouldn't believe it if I weren't here."

[From the West Palm Beach (Fla.) Palm Beach Times, July 24, 1969]

SAFETY FIRST

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's roads, has lately come up with a new argument to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead an axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

All the advantages claimed for the public will do little for those killed or maimed when forced off the road by a rubber-tired boxcar.

[From the Tampa (Fla.) Times, July 23, 1969]

BIG-TRUCK ISSUE RISES AGAIN

Do you as a motorist want longer, wider and heavier trucks on the nation's highways?

If you are opposed to that, or should you desire more information before reaching a decision, you'll be wise to take serious note of legislation pending in Congress. A bill designed to ease federal restrictions on commercial vehicles is being considered by the roads subcommittee of the House Public Works Committee.

This measure would permit widening of trucks and buses from eight to eight and one-half feet and to increase the gross weight from the present limit of 73,000 pounds to as much as 108,900 pounds on a nine-axle truck. It is practically identical with the big-truck bill which died in the last congressional session. The new bill would impose a 70-foot length limit, which is higher than allowed, except under special permit, in 48 of the 50 states. Florida's length limit, for instance, is 55 feet.

Representatives of a number of fine organizations, including the American Automobile Association, the American Association of State Highway Officials and the General Federation of Women's Clubs, have testified against the measure. George F. Kachlein Jr., AAA executive vice president, quite properly called it an "anti-safety bill," warning of the increased peril the longer and wider trucks would present for ordinary motorists.

Others pointed to the incalculable sums that would be needed to strengthen existing bridges to sustain such truckloads and to rebuild roads worn out prematurely.

Although the bill as it now stands would apply only to the interstate highway system, we should keep in mind that truck trips do not begin or end on interstate highways. They must enter or leave on roads of inferior design and construction and, if anything, more congested. Thus, once Congress opens the way for more enormous truck-trailers on interstate roads, the pressure will mount on legislatures to establish similar maximum limits on state highways, thereby increasing driving risks.

Mr. Kachlein did well to emphasize that far more basic research into the accident hazards posed by larger and wider trucks is an absolute necessity. As he pointed out, "The lives and property of over 100 million drivers are involved in such a decision and we cannot ask them to be guinea pigs by increasing the sizes and weights and then researching the effects. The research should be done first."

He is so right, and we join the Florida Conference of AAA Motor Clubs in urging Florida motorists to write their congressmen to put the House bill to one side for further research and study.

[From the Sarasota (Fla.) Journal, July 23, 1969]

THE TRUCK BATTLE

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There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

[From the Cocoa (Fla.) Today, July 22, 1969]

WARNING BY AAA

The Florida branch of AAA believes two bills pending before Congress are a danger to Florida motorists and highways.

One, the AAA says, would permit wider buses to use federal highways. The other would allow longer and taller trucks on the Interstate system.

The AAA says such federal rules usually turn into state laws because few trucks and buses can complete their trips without leaving the superhighways.

JUVENILE CRIME IN NATION'S CAPITAL

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. NELSEN. Mr. Speaker, for some time now there has been general concern on the part of the administration, many of the Members of Congress, representatives of the District government, representatives of various community organizations, and citizens of the community itself with the rapidly increasing serious and violent crime being committed by juveniles in the Nation's Capital. For instance, I note that recent statistics show that in the last 6 years, robbery by 16- and 17-year-olds has increased 258 percent. At the same time, Mr. Speaker, I have been concerned with the recognized deficiencies in existing legislation for protecting the due process rights of arrested juveniles.

The Department of Justice, in consultation with expert representatives of the Department of Health, Education, and Welfare and the District government, has undertaken an extensive revision of the Code of Juvenile Procedure for the District of Columbia. The administration's proposed Code of Juvenile Procedure for the District of Columbia, which is contained in this bill, is held to be a balanced and comprehensive approach to the problem of juvenile crime in the District of Columbia. It supplements the provisions of H.R. 12854, which I introduced on July 15, 1969, and which was subsequently referred to the District of Columbia Committee. H.R. 12854 provides for a comprehensive reorganization of the current court system and the judicial environment in which family problems would be handled in the District of Columbia. The restructured court of general jurisdiction, the superior court, would have a family division in which would be vested all of the jurisdiction of the now existing juvenile court of the District of Columbia and the domestic relations branch of the court of general session of the District of Columbia. It is intended that all family-related problems, such as delinquency, parent-child problems, and so forth, would come within the jurisdiction of the family division of the superior court.

In its proposed legislation, the administration has provided that those 16- and 17-year-olds who commit specified crimes of violence most dangerous to the peace of the community, such as murder, rape,

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and robbery, will be ineligible for treatment as juveniles. Instead they will be prosecuted as adults with the whole panoply of correctional services available, including supervision and treatment pursuant to the Federal Youth Corrections Act. Retention within the juvenile system of these matured, sophisticated, and experienced 16- and 17-year-olds who commit such violent crimes would appear in many instances to only undermine the rehabilitative potential of other juveniles. Together with its proposed waiver provisions in H.R. 12854 and H.R. 13689, the administration has chosen to limit the benefits of juvenile treatment to those youngsters with the requisite rehabilitative potential and to exclude those who lack such potential and might adversely affect the rehabilitation of others.

The administration's proposed Code of Juvenile Procedure also incorporates and thereby codifies the requirements of due process outlined by the Supreme Court in its recent decisions. Clear notice of the charge made, provision for counsel at all critical stages, and hearings to determine probable cause for detained juveniles are among the numerous procedural protections accorded juveniles in the proposed code. In addition, the administration has carefully and wisely established different procedures for handling delinquent children, neglected children, and children in need of supervision. Mental examinations of juveniles are specifically provided for in the bill, and other procedures relating to the juvenile mentally ill are provided for in the proposed code.

By providing a fair and well delineated balance between the rights of juveniles and the protection of the public, Mr. Speaker, it is submitted that the administration has recommended a Code of Juvenile Procedure for the District of Columbia which merits prompt consideration as a measure to stem the increasing tide of serious and violent crime being committed by juveniles in the Nation's Capital.

A REPORT ON THE NIXON ADMINISTRATION

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. FOREMAN. Mr. Speaker, because of questions and comments concerning the new national administration, I welcome the opportunity to discuss a few of many notable accomplishments.

Thanks to the action of President Nixon and his capable administrative management team, for the first time in 10 long years we ended fiscal year 1969 with a budget surplus of $3 billion. That accomplishment is even more noteworthy in view of the fact that L. B. J. had a deficit of $25 billion last year.

The President recently announced a cutback in all foreign service personnel and a reduction in the number of AID advisers abroad to effect an approximate saving of $75 million per year.

President Nixon has established an effective, capable Department of Justice that is letting the hopheads, thieves, crooks, and criminals understand that crime does not pay like it previously did.

As a result of President Nixon's appointments, for the first time in 13 years the Supreme Court will become independent of the activist, liberal coalition which has ruled it. This development is highly significant for the American people, long overdue, and certainly welcome. It should mark the beginning of a new era in judicial responsibility, with the Supreme Court adhering to the Constitution while exercising proper judicial restraint in carrying out its duties.

VIETNAM

Whether we wholeheartedly agree with it or not, there is a new direction in the war in Vietnam. Consider carefully the facts:

In 1960, at the end of the Eisenhower-Nixon administration, there were only 793 Americans in South Vietnam, and in an advisory capacity only.

In 1963, when Johnson took over from the Kennedy administration, there were over 25,000 Americans in Vietnam, driving tanks, flying planes, and actively engaged in the conduct of the war.

In January 1969—8 long years later—when the Nixon administration assumed the reins of government, there were 549,500 Americans doing the fighting in the mud and swamps and jungles of Vietnam.

Now, after less than 9 months in office, Nixon has initiated a program of turning this war over to the South Vietnamese themselves—helping them to help themselves, to defend their own country, and fight their own battles—and the American troop level has been reduced to approximately 511,000, is reducing every day, and should be down to 484,000 by December 15.

Basically, there are three primary options in Vietnam:

First, continue the endless, winless, vacillating conflict as during the previous 8 years;

Second, utilize our air and other military superiority to win this war promptly; or

Third, turn the war over to the South Vietnamese to do their own fighting and proceed with an orderly withdrawal of our troops as rapidly as possible.

While the second alternative has been my first choice and recommendation, I will support any honest effort to end this costly, deathly, destructive conflict, and I will continue to work with the Nixon administration toward such a goal.

RESPECTABLE LEADERSHIP

Admittedly, as a responsible economic thinker, as a supporter of individual initiative and responsibility, and as one dedicated to the preservation of our basic constitutional principles, President Nixon will continue to be attacked, ridiculed, and maligned by some of the mass communication media and radical leftists—but I believe that there are millions of concerned, independent, hard-working, taxpaying, law-abiding citizens throughout this great country who do appreciate his dedicated, tireless efforts, and the difficult job he is trying to do.

Perhaps one of the greatest achievements of the new administration has been an intangible one—that of restoring public respect for the Presidency. The Nixon White House is emerging as clearly a place where standards are high; where excellence is the norm; where decency and dignity are the rule.

THE $50 BILLION POVERTY RACKET

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. RARICK. Mr. Speaker, we have heard much of economy of late, both by the left-wing press and controlled news media, and by a vocal minority of politicians, bureaucrats, and other profiteers of our shameful system of subsidizing the parasites and drones of our society at the expense of the honest, hard-working, law-abiding American.

Cutting to the core of the problem, that Federal handouts in the name of welfare benefit certain professional demagogs as well as the professional poor, Mr. Dan Smoot points out that we can save, simply by returning to constitutional government in this area, $50 billion per year.

I include his well-reasoned argument and pertinent news clippings as part of my remarks:

[From the Dan Smoot Report, Sept. 22, 1969]

THE WELFARE QUAGMIRE

About six million Americans were on welfare in 1958; more than nine million in 1968—a 50% increase.[1] These statistics do not include more than a million people employed in tax-financed, make-work projects of the poverty war program; more than a million drawing unemployment compensation; more than 20 million drawing social security benefits.[2] During this period when national welfare rolls increased 50%, federal spending on welfare increased 210%; but the total population increased only 10%.

The most dangerous increase is in AFDC reliefers. AFDC means Aid to Families with Dependent Children, a program created by the Social Security Act of 1935. It is financed by federal and state governments on a "matching-fund" basis—the federal government putting up, on an average, about $1.8 of tax money for every $1.5 put up by state (and/or local) governments. In 1958, 2.8 million people were receiving tax money in the AFDC program; 6.1 million in 1968—a 111% increase. About 46% of all AFDC recipients are Negroes, though Negroes constitute only 12% of the total population.[1]

These enormous increases in relief rolls occurred in a period when employment opportunities were unusually abundant.

President Nixon says the federal government alone has spent more than a quarter of a trillion dollars (more than $250 billion) on social programs—just in the past five years.[3] *The Statistical Abstract of the United States: 1968* (published by the U.S. Bureau of the Census) indicates that *federal* "social welfare expenditures" totaled about $270 billion in the past five years, and that state and local government spending on social welfare totaled about $240 billion.

Some 510 billion (more than half a trillion) tax dollars have been spent on social welfare in five years.

How much good has been done by this pillaging of taxpayers? None at all! In fact, it has done more harm than good, as President Nixon says:

Footnotes at end of article.

"Yet far from solving our problems, these expenditures . . . reaped a harvest of dissatisfaction, frustration and bitter division.

"Never in human history has so much been spent by so many for such a negative result."

Here are other Nixon comments about our welfare system:[3]

"We have been on a road for a long time that is leading us to disaster."

"Millions of families . . . [are] locked into a welfare system for generations."

"A welfare system is a failure when it takes care of those who can take care of themselves . . . when it breaks up families, when it perpetuates a vicious cycle of dependency. . . .

"America's welfare system is a failure that grows worse every day. . . .

"Since 1960, welfare costs have doubled."

"[Yet] the poor have generally become poorer. . . ."

"The . . . welfare system has added to social unrest. . . .

"The situation has become intolerable."

"Whether measured by the anguish of the poor themselves, or by the drastically mounting burden on the taxpayer, the present welfare system has to be judged a colossal failure.

"Our states and cities find themselves sinking in a welfare quagmire, as caseloads increase, as costs escalate, and as the welfare system stagnates enterprise and perpetuates dependency.

"What began on a small scale in the depression 30s has become a monster in the prosperous 60s. The tragedy is not only that it is bringing states and cities to the brink of financial disaster, but also that it is failing to meet the elementary human, social, and financial needs of the poor.

"It breaks up homes. It often penalizes work. . . . And it grows."

"The most glaring inequity in the . . . welfare system is . . . [that] families headed by a non-worker often receive more from welfare than families headed by a husband working full-time."

"[We must stop] our dangerous decline into welfarism. We cannot produce productive people with the antiquated wheezing, overloaded machine we now call the welfare system. . . .

"If we merely try to patch up the system here and there, we will only be pouring good money after bad in ever-increasing amounts."

"The cost of continuing the present [welfare] system in financial as well as human terms, is staggering.

"We cannot legislate our way out of poverty; but this nation can work its way out of poverty. What America needs now is not more welfare but more workfare."

"I propose that we abolish the present welfare system and adopt in its place a new family assistance system."

All quite true—yet, President Nixon's proposals would magnify and multiply the deplorable conditions he mentioned.

Nixon's Family Assistance Program would triple or quadruple the relief rolls; and the rolls would grow faster in the future under FAP than they have been growing under AFDC.

Under Nixon's plan, "working poor" families would be put on welfare, in addition to all nonworking reliefers already on it. Nixon says there are more than 2 million "working poor" families. That is a guess. It is impossible to know the number—or size—of such families.

Government would classify a family of ten, with one or more members employed and with a total annual income of $5000, as working poor—but would not so classify a family of three with the same income. Thus, many are working poor, not because of modest income, but because they have families too large to live well on a modest income. Hence, many—if not most—families added to relief rolls as working poor will be large families. A family of six which may not be classified as working poor this year, may become a family of seven and qualify for relief next year.

Nixon (alarmed by growing relief rolls) would instantly increase the relief rolls from 9 million to perhaps 30 million. The numbers of reliefers would grow as family-size and government-caused inflation grew. One of the continuing causes of inflation would be the continuing growth of government welfare spending.

Nixon says:

"The costs of welfare benefits for families with dependent children have been rising alarmingly the past several years, increasing from $1 billion in 1960 to an estimated $3.3 billion in 1969, of which $1.8 billion is paid by the federal government. . . .

"The proposals I am making . . . will increase federal costs during the first year by an estimated $4 billion."

Nixon would decrease welfare costs by multiplying them!

The President says his plan would cost more immediately, but less in the future, because it would move people off welfare and on to workfare.

The slogan is deceptive.

The intent of the present AFDC program is to deny welfare to able-bodied adults who refuse to accept available employment.

The AFDC section in the social security law prohibits a family from getting welfare if the father lives with his family—the principle being that a man living with his family ought to work and support it. Nixon would abolish this prohibition, because it encourages fathers to desert their families. Nixon says the welfare family should be given a guaranteed annual income, but the head of the family will be denied *his portion* if he refuses "to accept . . . work or training, provided suitable jobs are available either locally or if transportation is provided." How could the government prohibit a man, who is living with his family, from sharing his family's welfare benefits?

Note, moreover, that Nixon says jobs must be suitable and conveniently located. What is a suitable job? Nixon says he means not "just any job," but a "good job." Under Nixon's scheme, a reliefer who prefers welfare to work need merely assert that no good, suitable, convenient job was offered him.

If every person, who cannot get a job he considers desirable, gets a guaranteed annual income (as Nixon plans), who will do undesirable work that *someone* must do in every society? Everyone cannot start at the top.

In a free society, the young, inexperienced, and unskilled hold less desirable jobs—which provide training (financed by employers, not taxpayers). Those with ability and willingness to work, graduate to better jobs, leaving their old ones to newcomers, who, in their time and by their own efforts, move up.

Under the present AFDC system, there is a vast army of social workers who investigate to determine whether welfare applicants are entitled to welfare—to find out how much income they have, what their needs are, whether they are refusing available work. Much of the tax money spent on welfare does not go to the poor, but to pay the costs of the welfare bureaucracy. President Nixon says that, under the present system, about 40 per cent of the welfare payroll (in one state, at least—Ohio) goes "for the purpose of filling out the federally required forms."

Such a system is, of course, monstrous and costly. But the Nixon system would be infinitely worse. Nixon would do away with investigations of welfare-applicants and reliefers. He says such investigations are "demeaning." Under his Family Assistance Program, a person could go on welfare by merely filing a certification of income. If a later spotcheck revealed that he had lied, he could be removed from welfare and prosecuted.

With some 30 million (or more) reliefers on welfare, relatively few certifications could be spotchecked.

The spotchecking itself; preliminary investigations of certifications that seemed to be fraudulent; full investigations of those which proved to be fraudulent; and prosecutions that would follow—all of this would cost taxpayers more than it would cost to leave on the welfare rolls the relatively few who would thus be exposed and removed.

We cannot even begin to get out of the welfare quagmire (as President Nixon accurately calls it, while proposing to make the morass worse), without first getting the federal government completely out of the welfare business.

The Constitution grants the federal government no power to dispense welfare, to help states pay for welfare, to regulate state and local welfare operations, or otherwise to engage in welfare activities. The first sentence of the first article of the Constitution makes it quite clear that the federal governmen has no valid powers except those specifically granted in the Constitution. And the last article of the Bill of Rights (the Tenth Amendment) says that all powers not specifically granted to the federal government are reserved to the states or to the people thereof.

Clearly, all federal activities in the welfare field are unconstitutional—illegal.

Even if we ignore the illegality of it, federal welfare makes no economic sense. The federal government has no money except what it takes away from the people. Confiscate money from the people, haul it to Washington, take a heavy percentage for extravagantly clumsy and wasteful federal administration, and send a portion back as aid?

The constitutional way to solve the welfare problem is to leave the money with the people who earned it—which would mean reducing federal taxes by the amount the federal government now spends on social programs (more than $50 billion a year, according to President Nixon).

The people who earn that $50 billion a year could then use it to take care of themselves, and have enough left over for private help to neighbors in distress, and for payment of local and state taxes to finance such public welfare programs as the people decide should be handled by local and state governments.

FOOTNOTES

[1] *Congressional Quarterly Weekly Report*, Aug. 15, 1969, p. 1485.

[2] *U.S. News & World Report*, July 17, 1967, pp. 44–47.

[3] All Nixon comments on welfare, quoted or referred to herein, are taken from his August 8, 1969, TV speech on welfare reform; his August 11 Welfare Reform Message to Congress; and/or his September 1 speech to the 1969 National Governors Conference.

[From the Dan Smoot Report, Sept. 29, 1969]

NIXON'S INCREDIBLE MISHMASH

President Nixon's proposal for getting the nation out of what he correctly calls the "welfare quagmire" are outlined in four documents: (1) his August 8, 1969, TV speech to the nation on converting welfare into workfare; (2) his August 11 Welfare Reform Message to Congress; (3) his August 12 Manpower Training Message to Congress; and (4) his September 1 speech to the 1969 National Conference of Governors.

In these four documents, Nixon dissects and denounces federal social programs initiated in the 1930s. He says these programs, amplified for a third of a century (in number, volume, extent, cost, and ineffectiveness), are destroying our nation. He proposes

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what he calls sweeping and fundamental reforms, to reverse direction and stop our rapid descent into the morass of welfare-statism. Nixon calls his proposals the New Federalism.

But New Federalism would continue *all* and expand *most* of the social problems (which, Nixon says, are already "frozen in failure and frustration") of the New Deal, the Fair Deal, Modern Republicanism, the New Frontier, and the Great Society—and would add new and costlier programs of the same general kind.

Is President Nixon cynically trying to deceive the people, or is he deceiving himself? Maybe, both.

As a consequence of the federal government's multi-trillion-dollar social-welfare spending since the 1930s, some 40 million Americans now receive (directly) benefits, aid, or welfare from the *federal* government.

Many of these millions are totally dependent on the dole from Washington. Many are partially dependent on it. Few, if any, want to give it up. On most issues, these 40 millions of Americans have various attitudes; but on one issue (keeping their federal benefits and getting more, if possible), they are in almost unanimous agreement. On this issue, 40 million Americans tend to give bloc-support for the politican who, they think, can and will give them the most out of the federal treasury.

On the other hand, many of these same 40 millions (plus millions of others) are upset about soaring living costs, violence in the streets and on campuses, irrational and tyrannical federal guidelines and controls with regard to the operation of schools, businesses, hospitals, state and local governments.

It is apparent that many who are upset about these conditions do not realize the conditions are caused, in large part, by the federal government's "social programs." Many Americans want the social programs, but deplore the consequences of them, unaware there is any connection. They vote for a politician because he condemns federal controls, and also because he promises federal aid—never perceiving that the illegal aid produces the illegal controls. They vote for a politician because he promises federal spending on antipoverty programs, and also because he condemns riotous mob violence—not realizing that antipoverty spending has helped organize, incite, encourage, and finance a great deal of the mob violence.

President Nixon is said to be a canny politician, in the sense that he knows what to tell and promise people in order to get their votes. Perhaps, therefore, he is appealing to the millions who want federal welfare spending endlessly increased, and also to those who resent the conditions that welfare spending has produced. The President may also have been duped by his own rhetoric.

Both, it seems to me, are evident in the President's four messages on his New Federalism: with cold calculation, he tries to disguise the fact that he is proposing to multiply and magnify the very evils he condemns; but, at the same time, he seems so carried away by his own slogans and purple patches, that he almost believes he is being consistent and making sense.

The cold calculation predominates, however, President Nixon has produced a vote-buying scheme that is the envy of experts at buying votes with taxpayers' money. Speaking of Nixon's welfare plan, a man who was one of Lyndon Johnson's economic advisers said to Walter Trohan of the *Chicago Tribune:*

"I wish we had thought of it. It's a marvelous vote catcher." [1]

Whatever the motives behind them, President Nixon's four messages on the New Federalism—taken together or separately—contain an incredible mishmash of contradictions.

Footnotes at end of article.

President Nixon says:

"A guaranteed minimum income for everyone . . . would . . . wipe out the basic economic motivation for work and place an enormous strain on the industrious to pay for the leisure of the lazy."

"During the presidential campaign last year, I opposed such a plan. I oppose it now, and will continue to oppose it. A guaranteed income would undermine the incentive to work. . . .

"There is no reason why one person should be taxed so that another can choose to live idly."

In the same New-Federalism messages where he makes the foregoing remarks, President Nixon (without even adding a *however*) says:

"We have proposed . . . a new system that for the first time would insure a minimum income for every family with dependent children."

"We propose a plan in which . . . we would assure an income foundation throughout every section of America for all parents who cannot adequately support themselves and their children. For a family of four with less than $1000 income, this payment would be $1600 a year; for a family of four with $2000 income, this payment would supplement that income by $960 a year. . . .

"In 30 states, the federal basic payment will be less than the present levels of combined federal and state payments. These states will be required to maintain the current level of benefits, but in no case will a state be required to spend more than 90 per cent of its present welfare cost. . . .

"In 20 states, the new [federal] payment would exceed the present average benefit payments . . . [and] will raise benefits levels substantially. For five years . . . [these states] will be required to continue to spend at least half of what they are now spending on welfare, to supplement the federal base.

"This national floor under incomes for working or dependent families is not a guaranteed income."

Why is President Nixon's guaranteed income not a guaranteed income? Because, the President says, *everyone* will not get it! He specifically excludes from the guaranteed income "the single adult who is not handicapped or aged" and "the married couple without children."

Thus, President Nixon (who, on other occasions, expresses deep concern about overpopulation and approves the expenditure of tax money to disseminate birth-control information and pills) would pay married couples bonuses for having babies. Have a baby, and you may get a government-guaranteed annual income, but you must not call it that.

In his New-Federalism message, President Nixon said:

"A third of a century of centralizing power and responsibility in Washington has produced a bureaucratic monstrosity, cumbersome, unresponsive, and ineffective."

"Overcentralized, overbureaucraticized, the Federal Government became unresponsive as well as inefficient.

"In their struggle to keep up, states and localities found the going increasingly difficult.

"In the space of only 10 years, state and local expenditures rose by two and a half times—from 44 billions in 1958 to 108 billions in 1968.

"States alone have had to seek more than 200 tax increases in the past eight years."

"After a third of a century of power flowing from the people and the states to Washington, it is time for a new federalism in which power, funds, and responsibility will flow from Washington to . . . the people . . . [and] to those governments that are closest to the people.

"The essence of the 'New Federalism' is to help regain control of our national destiny by returning a greater share of control to state and local governments and to the people."

Having said as much, President Nixon—virtually in the same breath—proposed increased centralization of power and responsibility in Washington.

Under the present system, state and local governments administer the distribution of tax money from Washington for welfare. Under Nixon's system, state and local governments would play no role at all—have no control or responsibility. Under Nixon's Family Assistance Program, the federal Social Security Administration would mail monthly guaranteed-income checks directly to some 30 million people classified by federal bureaucrats as qualified.

At present, state and local governments generally make some effort to investigate the eligibility of a reliefer before giving him tax money for welfare. Nixon would stop such "welfare snooping," because, he says, it is degrading to reliefers. Under Nixon's plan, anyone could get welfare by merely filing a "certification of income," asserting his eligibility.

On August 12, 1969 (the day Nixon delivered one of his New-Federalism messages about restoring states rights by letting power and responsibility return to the states), a White House official told a group of editors in Chicago the Nixon administration would, if necessary, withhold federal welfare funds "to blackjack the states" into accepting federal welfare standards.[1]

Nixon would federalize the welfare system by taking away from states such power as they now have to limit and regulate the system—leaving with the states, however, the necessity of raising part of the tax money. The basic difference (in principle) between this and the Nelson Rockefeller proposal (endorsed by the 1969 National Governors Conference) is that the Rockefeller scheme would *totally* nationalize welfare: states would have neither power to regulate welfare, nor responsibility to raise money for it; the federal government would handle it entirely.

In his New-Federalism messages, President Nixon denounced the present welfare system because it creates an incentive not to work—provides more money for idlers than many workers earn in wages. Nixon was indignant about this. He said:

"It is morally wrong for a family that is working to try to make ends meet to receive less than the family across the street on welfare. . . .

"Any system which makes it more profitable for a man not to work than to work . . . is wrong and indefensible."

He is right about all that, of course; but, under his scheme, a non-working welfare family of four in New York City would receive $5350 a year—$3750 in state and local welfare assistance, $1600 in guaranteed income from the federal government.[2] This is more than many a working man makes.

The non-working, welfare family would continue to get many fringe benefits, in addition to the $5350-a-year: federal food stamps, free medical care in the best hospitals, subsidized transportation, subsidized day-care for children, special remedial education—and so on. And it would also get, under the Nixon plan, a special $30-a-month bonus for accepting job training. Compare the situation of this non-working family, under Nixon's welfare plan, with the plight of an elderly couple, retired on social security after having worked for 30 years, both having continuously paid social security taxes and federal income taxes. After 30 years of working and paying taxes, they get a maximum of $2970 a year in social security benefits—$2480 a year less than the income of the New York City family of reliefers who never worked, never paid direct taxes, and never will.[2]

Nixon says, "We can meet individual human needs without encroaching on personal freedom." He may not encroach on the freedom of the millions to whom he proposes to give welfare, but how about the millions whose money he will confiscate to pay for the welfare? Their "personal freedom" to keep and use the fruits of their own labor is quite eliminated by the pillaging of government.

Nixon says:

"The concept of voluntary action . . . of people banding together in a spirit of neighborliness to do those things which they see must be done is deeply rooted in America's character and tradition.

"As we have swept power and responsibility to Washington, we have undercut this tradition. Yet, when it comes to helping one another, Washington can never bring the heart that neighbors can. Washington can never bring the sensitivity to local conditions or the new sense of self-importance that a person feels when he finds that some one person cares enough to help him individually."

If Nixon believes that, why does he not act upon it? He need only to get Washington out of the welfare business; eliminate the $50 billion a year he says the federal government wastes on social programs; and let the people keep the money, so that they, "banding together in a spirit of neighborliness," can "do those things which they see must be done"—through private effort, or through such public programs as *the people* decide should be handled by their state and local governments.

FOOTNOTES

[1] *The Republican Battle Line,* Aug. 1969.

[2] Press release, U.S. Representative Jim Collins, *Dallas Times Herald,* Aug. 22, 1969, p. A26.

[From the Washington Post, Sept. 4, 1969]

FIVE LIVING ABROAD LOSE WELFARE PAY

SANTA BARBARA, CALIF.—Santa Barbara County supervisors voted yesterday to end welfare payments to five persons on relief who live abroad.

"They are perpetrating an abuse in the minds of every citizen paying welfare bills," Supervisor Curtis Tunnell said before the vote yesterday. Three of the recipients live in England, one in Canada and one in the Philippines. The five draw a total of $1,000 a month.

[From the New York Times, Aug. 17, 1969]

MAJORITY ON RELIEF ARE WHITE ON LONG ISLAND AND IN WESTCHESTER

(By Agis Salpukas)

More than half the people receiving welfare money in Nassau, Suffolk and Westchester Counties are white, many of them ironic victims of a search for a better life in the suburbs.

"It's a myth that welfare recipients in the suburbs are mostly black, living in ghettos," said Joseph Barbaro, the Commissioner of Social Services of Nassau County, in a recent interview.

The myth has been sustained, he added, because white welfare recipients generally try to hide their circumstances. They avoid protest demonstrations, surplus food centers and, in many cases, continue to live in the middle-class houses that started their financial difficulties.

Their mortgage payments are often taken care of by welfare grants—because, according to welfare officials, most of the time it is cheaper than trying to relocate a family.

Instead of trying to "keep up with the Joneses" many now struggle to keep up minimal appearances out of fear that their immediate neighbors will discover that they are on welfare.

Some white families on welfare continue to share the racial prejudices of their neighbors against the welfare system. Miss Martha Goodwin, a caseworker in the Yorktown Heights area in Westchester County, said: "They tell me, 'If I were black I would get more.' "

The white welfare problem has been illuminated in Nassau and Suffolk as a result of a nationwide Federal Government request that those applying for welfare since last Jan. 1, be broken down statistically by race.

In Nassau, during the first six months of this year, 3,789 out of 5,786 welfare applicants were white people. Mr. Barbaro noted that a survey last year indicated that 52 per cent of 37,000 persons on welfare in the county were white.

In Suffolk, during the first three months of the year, 2,017 out of the 2,650 applicants were white. Donald McKenzie, an assistant director at the county's welfare department, said that this supported a 1968 survey that indicated 70 per cent of Suffolk's welfare recipients were white.

MORE WHITE RESIDENTS

Westchester County has not yet compiled the racial composition of its welfare applicants this year.

However, the County's Welfare Commissioner, Louis P. Curtis, said he was convinced it would show no major change from the last survey taken by his department, in 1964. This indicated that 52 per cent of Westchester's welfare recipients were white.

Welfare officials note that there are, of course, many more white residents than Negro and Puerto Rican in all three counties. The latter group's population of Nassau and Suffolk is 5.2 per cent of the total; in Westchester, it is 9 per cent.

According to studies made in 1967, Negroes and Puerto Ricans constitute 29.3 per cent of New York City's total population and account for 90 per cent of its million welfare recipients.

Welfare officials in the three suburban counties said in interviews that many families who were able to meet their expenses in the city found the financial pressure too great after they moved to the suburbs.

Many were unprepared for the added expenses of maintaining a home, rising property taxes and commuting, the officials added. Most families also used up their savings in making a down payment on a home and to cover initial expenses in moving from the city. Therefore, they had no reserves to meet such emergencies as illness or job layoffs.

Mrs. Beulah Allman, an assistant director of the Department of Social Services in Suffolk, said in an interview:

"They buy a house without being aware of the cost of home ownership. They don't consider that when an appliance breaks down they have to pay to fix it. They're still used to knocking on the pipe and waiting for the 'super' to put the heat on."

Mrs. Allman, a Negro who has been a caseworker in both white and black communities, said that most white families were ashamed to seek welfare. She said that they would try to hold out as long as possible on unemployment insurance and by borrowing from neighbors, turning to welfare only when they were faced with eviction.

"By the time a white family applies it's an emergency," Mrs. Allman declared. "They are deeply in debt, the family is breaking up or the husband has already deserted."

A CASE IN POINT

According to welfare officials, the desertion of families by white husbands who suddenly find themselves heavily in debt is one of the main reasons why there are families on welfare in such well-off communities as Baldwin in Nassau, West Islip in Suffolk and Yorktown Heights in Westchester.

Mrs. Pierina Vitale, who recently applied for welfare, sat in the kitchen of her split-level home in West Islip in Suffolk the other day and explained how her husband had deserted her last March.

They had moved from Astoria, Queens, six years ago and bought a new house in a development for $17,200. Their savings were used to make a down payment on the house and to furnish it with attractive walnut furniture topped with marble.

Carpets cover the floors of the six-room house. There is a bar in the wood-paneled basement and a backyard portable swimming pool for her two children, aged 9 and 5.

She said that her husband had tried to work at two jobs to keep up with the bills but that they continued to run more deeply into debt.

"One day he just left," she said. "The police are still looking for him."

Mrs. Vitale held out for several months by selling some of her furniture and by borrowing from neighbors to pay for such essentials as food. She sought assistance from the Welfare Department only when she ran several months behind on her mortgage payments and was in danger of losing her home.

"I can face anything," she said," but I don't want to lose this house."

The Welfare Department has decided to let her stay in her home since her caseworker estimated that it would be cheaper to take over her $170-a-month mortgage payments than to relocate her to an apartment.

Apartments are scarce in all three counties and the new ones being built are usually luxury apartments with rents higher than what the welfare departments are allowed to pay under state guidelines.

The result has been that most white families that have applied for welfare in the suburbs have been allowed to remain in such middle-income communities as Levittown, which has 1,350 welfare recipients, and Baldwin, which has 500.

Although many white recipients continue to enjoy the comforts of their home and avoid the shock of having to suddenly relocate, they face other pressures in communities they can no longer afford.

Miss Goodwin, who works as caseworker in the northern part of Westchester County, including such communities as Yorktown Heights, Pleasantville and Mount Kisco, said that most "try desperately to hide the fact that they are on welfare."

CHILDREN IN DARK

Families living in $25,000 homes in Yorktown Heights ask her to park her gray county car streets away when she calls on them. Some mothers, she said, did not even tell their children that they were on welfare.

Miss Goodwin explained that white welfare recipients feared they would be ostracized by their neighbors, many of whom blame the welfare system for high property taxes.

Other officials said that in some areas neighbors had tried to force welfare families to move away by harassing them.

Fear of being discovered, these officials add, keeps many white welfare recipients from taking advantage of the distribution of surplus food and from protesting against the cuts made by the Legislature in the welfare budget this year.

The elimination of special grants for such items as telephones and clothes has hit white recipients particularly hard because of their concern with keeping up a middle-class image.

Hugh Wilson, the field director of the Nassau Welfare Tenants Coordinating Committee, which is a combination of county welfare rights groups, said in an interview that whites had called up for information on how the cuts affected them, "but they don't join the picket line."

"This only reinforces the stereotype that only black people are on welfare," he said.

Because of the docility of white recipients, most day-care centers have been set up in areas with concentrations of poor blacks and few of the communities with a large number of white welfare recipients are targets of antipoverty programs.

White welfare recipients, therefore, often

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have less of a chance of taking advantage of programs that could help them get off welfare rolls.

There is also a great reluctance to participate in programs that are available. Mrs. Allman recalled that in Suffolk County last year Upward Bound, a program designed to help disadvantaged youths to attend college, attracted very few white applicants.

"Instead of hiding their identity, she said, "whites ought to use what's here for them to help themselves. They perpetuate their condition by denying their children a chance for higher education."

Mrs. Eileen Fico of Hicksville, who has been on welfare for a year, said in an interview that the lack of nearby day-care facilities had made it uneconomical for her to work.

She said that she had worked for a while as a waitress and earned $55 a week but she had to pay $30 a week to baby sitters to take care of her three daughters.

Her job earnings were not a sufficient supplement to the alimony she received from her husband. Welfare is continuing to make up the difference between her income and her living expenses.

Mrs. Fico has also had to turn down several better paying jobs because she does not own a car. The lack of mass transportation adds to the difficulties of welfare recipients in all three counties.

The migration into the suburban counties from the city has also put pressure on long-time residents. Rents and home prices have soared and the need for larger and new schools has increased taxes on homes.

Mrs. Joseph Cacciola, who applied for welfare last month, said that she and her husband had lived in Westchester County for 17 years. Three and one-half years ago they had to seek more room for their children, but they could not find an apartment for under $200.

They borrowed from relatives and bought a house in Mt. Kisco for $21,500. To meet his financial obligations, Mr. Cacciola had to work at two jobs.

"He was killing himself for us," his wife said in an interview in her home. "He would go to work at 11 at night, come home for breakfast, leave for his day job at 10:30. It's not that he didn't try."

She said that her husband could not take the pace. He quit one job and they slipped into debt. "Our family was on the verge of breaking up," she added.

Her caseworker, Mrs. Belle Ryders, said that the Welfare Department would make up the difference between what Mr. Cacciola earns and their living expenses to keep the family together.

Mrs. Cacciola said that she used to be bitterly opposed to the welfare system.

"I thought they were getting everything for free," she added. "I feel different now. You can reach a point where you can't get out by yourself."

[From the Washington Evening Star, Sept. 6, 1969]

DETROIT WELFARE OFFICES CLOSE IN "HARASSMENT"

DETROIT.—Welfare operations have been shut down "indefinitely" in sprawling Wayne County, which includes Detroit, by officials fed up with "harassment" by welfare mothers demanding more money to clothe their children.

Closing of the Department of Social Services headquarters in Detroit and its 17 branch offices has put 1,800 employes out of work and suspended service to thousands of families in the Detroit area.

Among the services halted is the distribution of food stamps to 14,000 households in the county. However, relief checks to 45,000 persons on welfare rolls will still be mailed from Lansing, where they are issued by the Michigan Department of Social Services.

The order to close the welfare centers came Friday in the midst of the fourth straight day of noisy demonstrations by mothers on welfare.

They are demanding a $75-per-year clothing allowance instead of the $22 per child authorized this year by the state. Sixty-three adults have been arrested during the demonstrations, and 34 juveniles were seized and later released.

Robert H. Harkness, a member of the three-man Wayne County Board of Social Services, ordered the shutdown after about 40 mothers marched through offices in the eight-story headquarters building singing and clapping. Later, they blocked the front entrance.

"Until there is a reasonable guarantee and assurance that we can operate without any further harassment, physical or verbal, to the employes or persons in the building, the social services system in Wayne County will remain closed," Harkness said.

[From the Washington Evening Star, Sept. 10, 1969]

WELFARE PARENTS PROTEST IN NEW YORK

NEW YORK.—Crowds seeking $100 clothing payments and free lunches for children on welfare roamed the Lower East Side tossing bottles and garbage throughout the day yesterday and a mob briefly stormed a police station.

The disorders resulted in two police riot calls and the arrest of at least seven demonstrators. Charges against two, identified as Naomi Nelson and Rafael Rivera, were reduced after demonstrators broke into a station house.

More than 300 protesting welfare mothers have been arrested in the city since demonstrations began this summer.

The welfare allotment of $100 a child for school clothing was cut this year by the state. The parents claim they cannot buy adequate school clothing for their children under the present welfare allotment of $24 a year.

[From the Chicago Tribune, Nov. 22, 1968]

THE "WELFARE" CONSPIRACY PROGRESS

We have already pointed out that New Yorks' "welfare rights" movement, which is now taking the form of a rent strike, is a fraudulent scheme perpetrated on the theory that by overthrowing the present welfare structure the poor will somehow come out better off than they are now. Just how they can find security in chaos, or how they will be protected from cleverer and greedier marauders, is never explained.

But the broader and more frightening aspect of the welfare rights movement is that it has been deliberately planned by a handful of "socialist scholars" as part of a national rebellion manifested also in peace marches, race riots, campus demonstrations, and attacks on "bourgeois morality."

Alice Widener, columnist and publisher of U.S.A. Magazine, has traced the welfare rights movement to a "Conference of Socialist Scholars" held in 1966 and attended by such luminaries as Herbert Aptheker, the communist theoretician whose daughter was a leader of the Berkeley disorders, and Herbert Marcuse, the theoretician of the new left. They and other speakers reveled in their advocacy of a victory for the Viet Cong, the sexual rebellion of youth, the abolition of the family, and revolutionary guerrilla warfare in the United States.

Among this strange but congenial assemblage were two members of the faculty of the Columbia school of social work, Prof. Richard A. Cloward and Dr. Frances Piven. They offered a joint paper on "organizing the poor." The poor, they said, are mere "supplicants" of the welfare state and can be freed from this condition of servitude only by "a major upheaval in our society." They proposed to bring about this major upheaval by putting such pressure on the welfare system that the whole structure would collapse.

So, while their colleagues were doing their respective things by leading peace marches, campus demonstrations, love-ins, and civil rights marches, Dr. Cloward and Mrs. Piven helped organize the Citywide Coordinating Committee of Welfare Groups in New York. They set about persuading people on relief to make every conceivable demand on the city welfare agencies, especially for additional "special grants."

In a recent issue of the Nation magazine, which is usually receptive to socialist schemes, these two architects of chaos contemplated their achievement. The welfare rights movement had pushed the cost of special grants up from 20 million dollars in 1965 to nearly 100 million now. The city reacted by shutting off all special grants and substituting flat grants of $100 a year. The welfare committee responded, in turn, by seizing welfare offices and by calling the rent strike, during which relief clients will use their rent money to buy what they would like to have bought with special grants.

Prof. Cloward and Dr. Piven noted with apparent disappointment that if the city hadn't intervened to stop the special grants, "the movement might have driven costs to the 200 million dollar mark within another year." Every step toward bankruptcy, in their view, is a step forward.

But they are not without further plans. "Recipients who have now learned to organize and fight the welfare system," they wrote in the Nation, "may not submit any longer to the preachments of case workers. Indeed, the movement may soon demand that welfare workers stay out of the ghettos and barrios, thus putting a halt to the routine invasion of recipients' homes."

Thus a uniform pattern emerges. The welfare militants, like the campus militants and the black militants, are calling, in effect, for secession. They are trying to pull the social structure apart, group by group, until it collapses in chaos—which won't help the blacks or the poor or the students but is just what the radical leaders thrive on.

FARMLAND FOR GARDENING

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HAGAN. Mr. Speaker, Wednesday I brought to the attention of my colleagues the letter and article received from my friend, Mr. W. Clyde Greenway, relative to an idea for solving certain social problems in our country today by the use of farmland for gardening by persons on welfare and others.

Following up the so-called Greenway plan, I thought the suggestions for implementation of his initial ideas offered by Dr. John O. Eidson, president of Georgia Southern College, Statesboro, Ga., also merits my colleagues' interest. I therefore call your attention to Dr. Eidson's letter which, I believe, may stimulate similar programs within your own districts:

GEORGIA SOUTHERN COLLEGE,
Statesboro, Ga., September 25, 1969.

Hon. G. ELLIOTT HAGAN,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HAGAN: Your letter of July 29 has been circulated among our administrative officials here at Georgia Southern College. Dr. Hilton T. Bonniwell, our Director of Continuing Education, is particularly interested in this. Members of our staff have talked with the Cooperative Extension Service and have sought suggestions concerning the program proposed by Mr. Clyde Greenway of the Georgia Agribusiness Council. He suggests a unique manner of using farmland for gardening by persons on welfare and by persons of the general population who live in urban areas and would enjoy and benefit from gardening.

Mr. Greenway enclosed in his letter to you an article concerning idle land that a Mr. Edenfield in Tallahassee, Florida, offered to city and public officials if they would have persons use the land for garden plots. We have checked the present regulations of the Crops Stabilization Service and also of the Soil Bank Program. The implementation of such a program as is described by the program in Tallahassee on a national level would require changing regulations to allow persons who have land in these various programs to grant the use of their land for a garden plot. Of course, this raises the question as to who would administer such [illegible] program.

In our own area we have found persons who are willing to grant the use of their idle land for young couples and families at the college who desire to raise vegetables for their own consumption; and for retired couples in the area who would enjoy raising a garden for pleasure. We are going to offer a short course in gardening this coming spring and will utilize the plots we have been offered at that time. We think the idea is an excellent one.

I will be glad to let you know how our course in gardening (for adults) turns out. Also, if members of your staff should get further information in programs such as this, I would be glad to know of it. In particular, it would be good to know whether any regulations concerning the administration of idle lands through federal programs would have to be changed to make such programs possible.

Thank you for your letter and for the information about what Mr. Greenway is doing. This is an interesting project.

Sincerely yours,

JOHN O. EIDSON.

DAN RYAN RAPID TRANSIT EXTENSION

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. KLUCZYNSKI. Mr. Speaker, on Friday last the city of Chicago demonstrated once again its leadership in the development of public programs to serve its people, when we dedicated the opening of the new Dan Ryan rapid transit line. This was a significant occasion, not only for Chicago but for the entire Nation, because the Dan Ryan line is the first operating proof that we can, if we will, develop both transit and highway transportation to complement one another, and in the same heavy traffic corridor.

We were honored to have with us, as the guest of Mayor Daley and the city, the Honorable John Volpe, Secretary of Transportation. His comments, both at the dedication ceremony itself and at the luncheon that followed, highlight what we are all seeking to achieve for our cities, and I am confident my colleagues will want to read them:

REMARKS PREPARED FOR DELIVERY BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE, AT THE DEDICATION OF THE DAN RYAN RAPID TRANSIT EXTENSION—95TH STREET STATION, CHICAGO, ILL., FRIDAY, SEPTEMBER 26, 1969, 10:30 A.M.

This is a great day for the people of Chicago. Everybody talks a lot about urban crisis and challenge, but the leadership of this city has mobilized a response that is equal to it.

The Dan Ryan line will carry about 95,000 passengers per day. One-third of them will come from older and less adequate transit lines. About 50,000 users will pour in from the bus feeder lines that have been spotted strategically along the route. And most important of all, this line will bring in 16,000 new riders who would never have dreamed of taking a train before. They would have driven downtown and jammed the streets of the Loop.

Chicago has shown that it believes in the future and can read the handwriting on the wall. That handwriting is in bold black letters. It says that massive and uncontrolled and unrelieved automotive traffic in our cities will cause paralysis. This nation has already lost 235 transit companies in 15 years. This trend must be reversed at once to prevent the collapse of vital public transportation in this country.

I can appreciate an effort like this because I was a builder myself. I can imagine the 131,000 cubic yards of concrete, the millions of pounds of steel, the cables and conduits required to complete this project. I know of the engineering skill necessary to bring it on-line in a matter of only three years. And as Secretary of Transportation I can tell you I see its significance in the larger scheme of things.

The Dan Ryan line is a breakthrough in transportation planning. It means a big step forward in making use of transportation corridors in which all modes will have a role. It means that transportation can make sense instead of flying off in all directions.

The people of Chicago will benefit immediately from this project. It will mean quicker access to jobs, schooling, job training and hospitals. It will help invigorate the downtown by relieving traffic congestion in the Loop. It will cut air pollution. It will help keep Chicago an enjoyable place to live in.

This project represents outstanding cooperation among all levels of government. It is imaginative. It is a tribute to the leadership of a city on the move toward tomorrow. And I am pleased to commend all those who participated.

REMARKS PREPARED FOR DELIVERY BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE AT THE DAN RYAN RAPID TRANSIT DEDICATION CIVIC LUNCHEON, CRYSTAL BALLROOM, SHERATON-BLACKSTONE HOTEL, CHICAGO, ILLINOIS, SEPTEMBER 26, 1969, 12:15 P.M.

They say Chicago is one of those places where the shortest distance between two points is always under construction. But that's good because if ever a nation needed to replace its outworn facilities this one does. The people of Chicago are to be congratulated for the leadership which produced an integrated transportation corridor of such scope and imagination.

I think we can all be proud of the exceptional cooperation among all levels of government which has made this project a success.

You are setting an example for the nation, and such examples are sorely needed. We see about us everywhere the consequences of failure to plan balanced transportation for our expanding cities. The job is tough and some people—apparently—would rather not think about it. But we must re-think our old fashioned attitudes and above all *act* if the urban centers of America—the centers of productivity and creativity—are to be saved from traffic paralysis, pollution, ugliness and decay.

With this project you have put your money on the same table with your beliefs. And we in Washington have followed through on our own commitments in good faith.

The Dan Ryan Rapid Transit Extension is the largest passenger-carrying, federally-financed rapid transit project to go into service thus far in the United States. The Department of Transportation has invested $52 million in the Dan Ryan rapid transit line alone, and $79 million for transit throughout the Chicago area. And while we're citing figures, the entire federal commitment for transit in Chicago, including DOT and HUD funds, is $118 million. That's substantial for even a city of this size. Then, of course, you added $45 million from your own resources.

For that kind of money you have every right to expect results, and the projections say you'll be getting results. The Dan Ryan line will attract 95,000 passengers per day. About 29,000 will be lured away from other rapid transit lines, and 50,000 will come in by bus feeder lines. But 16,000 will be brand new riders—and at 1.6 persons per automobile, think of how much traffic that will lift off crowded streets in the Loop!

It would be easy at a moment like this to think of this progress in conventional terms, and for the average commuter who travels on these new lines the big advantage will seem to be a few previous minutes saved off his schedule morning and night. But that is only the obvious part of the payoff. The rapid transit line we opened this morning means much more than a fast trip into town. It symbolizes the importance of using public transportation to reshape today's cities and build the better cities that we must have tomorrow.

You all know that we have submitted a Public Transportation Assistance Act to Congress which could help us to do nation-wide what you have achieved here in Chicago.

The President and I have asked for $10 billion over a 12-year period to give this nation the mobility we must have if we are to maintain our productivity and assure a decent life for all Americans.

We have gone part of the way by building a magnificent Interstate Highway System. But highways alone are not enough. Highways can't always handle the traffic they generate. Highways *must* be supplemented by public transportation at the crucial points of overload and breakdown.

The states and cities do not have the resources for such expensive programs. They need the federal help that the new bill would provide. Our request for "contract authority"—a wholly legitimate financing device—will assure them of the continuity that they need and that has guaranteed the success of the Interstate System.

The Public Transportation Act of 1969 should get the solid support of the movers and doers in every community, large and small, because it will help every one of those communities, regardless of size. We are working steadily with mayors, congressmen, senators and governors. Support is building up. I'm confident we'll get the bill we asked for.

The time is ripe. People sense that transportation is not just either rails or rubber tires. Good transportation is the key to integrating and making effective all of our programs in education, housing, welfare, and employment. After all, what good are junior colleges and job training if you can't get to class? What good is housing that is inaccessible to jobs and shopping centers? The best opportunities in the world aren't much help if you can't get to where they're located. I'm particularly delighted that you have arranged for buses to feed into the Dan Ryan stations all along the way, thus serving patrons from lateral neighborhoods all over the South Side.

As I stood on that platform this morning I could see all about me the modes we need—

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cars and trucks to one side, rails on the other. And overhead the third dimension of air travel.

I have no doubt that these modes are compatible. Over the next few years we are going to see many more examples of transportation corridors like this one. I'll go so far as to say that the intermodal corridor will become the wave of the Seventies. There just isn't any other way to achieve efficient mobility. We can't keep slicing our cities up with separate lanes for rails and highways and the newer modes that will be coming on line, like the air-cushion train and the personnel conveyor.

The ultimate reason why we must combine our corridors is that there just isn't enough land to go around. Joint planning and joint development along the rights-of-way is much cheaper than a lot of uncoordinated programs. The time will come when we shall routinely design and place apartments, schools, shopping centers and offices right alongside our transportation corridors.

Chicago leadership has taken us a step closer to that goal. The Dan Ryan line is the coming way to go.

DRAFT REFORM

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, the question of draft reform is of paramount importance to the people of the United States. Following is testimony which I gave before the Subcommittee on the Draft.

Thirty-seven of my colleagues, whose names are attached, have joined me in the statement.

Also attached, Mr. Speaker, is a section-by-section analysis of the bill H.R. 7784. It was prepared by Mr. Albert Stillson, analyst in national defense, of the Library of Congress. I am indebted to Mr. Stillson and also to a number of student interns who worked all summer on the project.

My statement and the analysis of H.R. 7784 will, I hope, demonstrate the great need for comprehensive draft reform by the Congress, whose duty it is to control military service.

The following Members associate themselves with the statement of Representative FRANK THOMPSON, of New Jersey, of October 3, 1969, before the Special Subcommittee on the Draft:

BROCK ADAMS, THOMAS L. ASHLEY, EDWARD P. BOLAND, RICHARD BOLLING, JOHN BRADEMAS, GEORGE E. BROWN, JR., PHILLIP BURTON, HUGH L. CAREY, SHIRLEY CHISHOLM, SILVIO O. CONTE, EMILIO Q. DADDARIO, JOHN H. DENT, DON EDWARDS.

WILLIAM D. FORD, CORNELIUS E. GALLAGHER, JACOB H. GILBERT, HENRY B. GONZALEZ, SEYMOUR HALPERN, WILLIAM D. HATHAWAY, AUGUSTUS F. HAWKINS, KEN HECHLER, HENRY HELSTOSKI, JAMES J. HOWARD, ABNER J. MIKVA, WILLIAM S. MOORHEAD, ROBERT N. C. NIX.

RICHARD L. OTTINGER, RICHARDSON PREYER, OGDEN R. REID, HENRY S. REUSS, BENJAMIN S. ROSENTHAL, CHARLES W. SANDMAN, JR., JAMES H. SCHEUER, LOUIS STOKES, ROBERT O. TIERNAN, JOHN V. TUNNEY, MORRIS K. UDALL.

The material above referred to, follows:

REMARKS OF REPRESENTATIVE FRANK THOMPSON, JR. BEFORE THE SPECIAL SUBCOMMITTEE ON THE DRAFT, HOUSE ARMED SERVICES COMMITTEE, OCTOBER 3, 1969

Mr. Chairman, I want to thank you for this opportunity to testify in support of H.R. 14001 and H.R. 14015, bills that would strike from the Selective Service Act language which now forecloses a random selection of registranta for selection by the Armed Services.

As we know, the Administration has called upon the Congress for such action in the belief that it would add a new and more equitable dimension to the Selective Service System.

I endorse this principle of random selection. It is incorporated in H.R. 7784, a bill which pends before this Committee. I am mindful that questions have been raised as to how a "lottery" would work. While I do not presume to be an expert in the administration of the Selective Service System, I venture to think that a random selection system might work as follows.

A young man would register with the Selective Service System immediately upon his eighteenth birthday, according to rules and regulations prescribed by the President; (or upon entry into the country for a male alien admitted into this country in the status of a permanent alien). As soon as practical after registration, each and *every* registrant would be examined physically and mentally in order to determine his suitability for induction for training and service in the Armed Forces. As soon as practical after this examination, the Selective Service System would classify him. After classification, the registrant would not be immediately available for induction until he has reached the age of nineteen.

At age nineteen, the registrant would enter the prime age group for a period of time not to exceed twelve months. His name would be placed in a pool of equally eligible registrants. The President could determine whether he wanted these pools created on a monthly basis, a semi-annual basis, an annual basis, or any other period of time. For example, on a monthly basis: The order of actual induction from among this prime selection group would be determined by random selection. The Director of Selective Service would publish each month a list of numbers corresponding to the days in that month. Thus, there would appear on the list the numbers 1 to 31 for January, 1 to 28 (or 29) for February, and so on. But these numbers would be arranged in a random sequence determined by a computer or some other means. The numbers for January, in this example, might read 11, 22, 7, 18, and so on until all the numbers from 1 to 31 are listed. H.R. 7784 gives the President the discretion to determine whether the monthly prime selection group should be a national, regional, area, or some other group. For the sake of illustration, let us consider regional pools.

If a regional office under this proposal had a quota of 1,000 men for January, it might have 7,000 men eligible for induction. To choose the 1,000 it would refer to the list published by the Selective Service Director for January. Under this example, the first number was 11, the second 22, the third 7, and so forth until the quota of 1,000 men had been reached. These 1,000 would then be inducted. The remaining 6,000 men would not be called, but would of course, continue to remain liable in the event of a national emergency. But they would not be called until the pool of men in the following month had been exhausted. Thus, once the selection for a given month had been made, those not selected could be reasonably certain of their status and make their plans accordingly.

A regional office might face the difficulty of choosing between different men born on the same day. This choice could be made by arranging the letters of the alphabet in a random sequence for each month and then choosing on the basis of the first letter of the last name. This list would also be published by the Selective Service System.

Under the example illustrated above, the effective eligibility of a registrant would be for one year, not the seven years that it now is. Defense Department manpower quotas are sent out on a monthly basis, and a monthly "lottery" would be perfectly capable of supplying the military the number of men they need. If the manpower pool of any one month was exhausted by an exceptionally high call, those who had not been selected the previous month would be the first to be chosen according to the rank they had received that month during their initial period of eligibility. If those not chosen the previous month were still insufficient to meet the quota, those not chosen two months earlier would be chosen according to the rank they had originally received. Under this lottery, as the registrant grows older, he becomes less likely to be drafted, and is better able to plan his future with certainty.

As was stated earlier, H.R. 7784 does not require the President to adopt a monthly lottery. If the President so chooses, he could adopt a yearly lottery. One of the criticisms of the selection system credited to the Clark Panel was that it made no provision for the monthly fluctuations in draft calls. Thomas D. Morris, former Assistant Secretary of Defense for Manpower, was questioned on this point during his testimony before the House Armed Services Committee in 1967. He was discussing the military manpower needs in a post-Vietnam period: "We assume that for the purpose of the illustration we have used that the Vietnam war was over, and we had a stable force of 2.65 million. We obtained the age distribution of young men in the country for the next calendar year. And on this basis, the flow of our draft calls, as predicted, and the flow of the men coming to age 20 each month, as projected, ranges from a low of 9 percent inducted in January, to a high of 20 percent inducted in November and December." This means that under the system proposed by the Clark Panel and under a system proposed with monthly lotteries, a person born in November or December would be twice as likely to be called. Under a yearly lottery, these seasonal fluctuations would be ironed out and a person would be equally liable to serve no matter when he was born within that year.

There is a difference between these seasonal fluctuations and the yearly fluctuations that would make a yearly lottery inequitable for different years. The yearly fluctuations are almost entirely caused by unforeseen changes in our military defense posture due to unpredictable events in world politics. The seasonal variations are largely predictable and are due to the fact that Americans have babies more often in some months than in others.

The actual physical workings of a yearly lottery would be basically similar to that described earlier for the monthly lottery. A whole calendar year would be scrambled at once and the people born within that year would be ranked accordingly. A person might then be able to make an educated guess as to when he might be called up or if he would be called up at all. Draft calls would still be made on a monthly basis because of the Defense Department need for a continuous supply of men and because of the difficulty of predicting needs too distantly into the future.

Mr. Chairman, the question has been raised—Why a lottery? How does it improve upon the present selection of registrants by eldest first?

This all sounds very confusing, and perhaps an example will clarify the procedure. Joe Smith was born on April 21. When he reaches 19, he is initially inserted into the draft pool. His birthdate, the 21st, is the 13th date on the random list of dates for April. Joe is not called up during April, May, or June. During July, his family has a serious accident and he becomes the sole support for his parents and younger brothers and sisters. He asks for and receives a hardship deferment.

Two years later in February, his parents are able to support the family and his hardship deferment ends. His draft board then waits until July to place him back in the draft pool with those registrants born in April of that year. He is placed with those whose date of birth in April is the 13th date on the random list of days for April *for that year;* for example, it may be the 3rd of April. He will continue to remain eligible with that group until March of the following year when he will have served his twelve months of eligibility.

Mr. Chairman, I am mindful that when you extended your invitation for me to testify, you stipulated my testimony was to address itself solely to the provisions of H.R. 14001 and H.R. 14015 and to no other matters.

But I would say to you in all sincerity that I do not see how it is possible for a Member of the House to address himself to this legislation, dealing as it does with one narrow aspect of the Selective Service Act, and completely ignore the many other provisions of the Act which cry out for revision

Therefore, with your permission, I would like to address myself to other areas of the Act which I would hope that the Committee would take under consideration

In responding to my June 20 request for hearings, Chairman Rivers said he "would be delighted to receive . . . specific views on this subject."

"It is therefore requested," he continued, "that you provide the Committee on Armed Services with a detailed analysis of each of the specific provisions of your bill, the intent of the language as written, and the manner in which each of those provisions would be implemented so as to eliminate alleged deficiencies in existing law."

Thus, in compliance with Chairman Rivers' ambitious request, I trust you will accept this detailed response which necessarily goes beyond the immediate subject of H.R. 14001 and H.R. 14015.

Mr. Chairman, the existence of a broad national consensus favoring—even demanding—draft-law reform is undeniable. Only—and, of course, this is a big qualification—the breadth and depth of needed selective service law changes are in contention.

The Administration's bill for the institution of a lottery induction system—clearly not a wide-ranging reform—was introduced in the House in June 1969, and in the Senate in August. A sectional analysis of this measure appears on pages 23678–79 of the August 13, 1969 *Congressional Record*. This measure complements the President's message on Selective Service Reform that was delivered to the Congress on May 13, 1969.

On September 20, 1969, the *Washington Post* reported that the Administration had announced that due to the absence of Congressional action on its draft reform measure, it would request from Congress a simple repeal of that part of the Military Selective Service Act of 1967 which forbids the implementation of a lottery induction system by Presidential action. The next day, this same newspaper stated: "Chairman L. Mendel Rivers says his House Armed Services Committee will take up President Nixon's draft lottery plan by November, but indicates it will be hard to convince. 'We don't think he needs it,' Rep. Rivers said in an interview. 'But if he wants one, we'll consider it. He's my President, too. I'll try to accommodate him.' The Chairman's remarks appeared to squelch a widespread feeling that Congress would not even consider Mr. Nixon's lottery plan this year, but they left prospects for approval as doubtful as ever." One week later, on September 28, 1969, the *Washington Post* reported the scheduling of today's hearing.

While the Administration's impatience over Congressional inaction on the Selective Service reform measures outlined in the May 1969 Presidential message may be understandable, the fact that the first session of the 91st Congress has been weighted down mightily by the press of public business, a great share of which has involved fundamental national defense issues, also calls for understanding.

But, Mr. Chairman, such understanding cannot substitute for governmental action on draft law reform. A public issue as important as this reform should—and can only—be resolved not by the enactment of partial measures or by the application of administrative poultices, but by thoroughgoing legislative overhaul made by a Congress that is mindful of and accepts and exercises the full range of its Constitutional responsibilities to establish, maintain, and govern the national military establishment.

I hope, Mr. Chairman, that careful note is made of my call for "thoroughgoing legislative action," not, first and foremost, for draft reform legislation. While I and many of my fellow Members of Congress are convinced that such legislation is manifestly mandatory, it is equally clear to us that such legislation must be preceded by the hearings, debate, and concomitant public reaction and evaluation that develop to their fullest extent as part of Congressional, not Executive, decision-making.

I hope further, Mr. Chairman, that this Congressional action will commence with hearings that will include careful dissection and analysis not only of the one-sentence H.R. 14001 and H.R. 14015, but also of H.R. 7784, thus indicating to the American people in concrete terms that the whole matter of Selective Service reform will be resolved as wisely as possible by their representatives sitting in the 91st Congress.

H.R. 7784, the "Selective Service Act of 1969," was introduced by myself and 15 cosponsors on February 26, 1969 and referred to the Armed Services Committee. It is identical to S. 1145, which was introduced in the Senate on February 25, 1969, by Senator Edward M. Kennedy, for himself and 8 cosponsors. Speaking for myself primarily, H.R. 7784 does not purport to be the ultimate and final word on Selective Service reform. However, I do think that it is a good bill, particularly in the sense that it affords a fairly comprehensive framework through the use of which most of the recognized, essential, and potential areas of needed draft law reform can be dissected, evaluated, and decided upon.

Since this Committee has now taken up at least the Administration's draft lottery proposal, the importance of Congress making a solid start on broad-ranging Selective Service reform during this session cannot be overstressed. I realize that in doing this the Congress will be hard-pressed for time and will add to its legislative burdens significantly. However, the cost of not making this extra effort could well be the institution of Selective Service changes that would be less sweeping than perhaps they should be; that might rest overwhelmingly on Executive orders and not benefit from the kind of national consideration to which I referred earlier; that might be weak and ineffective poultices which abrade more than heal national sores; and that could stifle or even set back the cause of general Selective Service reform.

At my direction, Mr. Chairman, the Legislative Reference Service has prepared a summary of the changes in existing law that would be effected by the enactment of H.R. 7784, and I request permission to place this summary in this Committee's hearing record. As this summary indicates, H.R. 7784 is a major and lengthy bill, and consequently I would like to set forth the rationale that underpins some of the major purposes to be served by passage of the measure. I do so to lay down fundamental reasons why the Congress should proceed forthwith to the holding of hearings, at the very least, on fundamental draft law reform, and should not and indeed cannot confine itself simply to the passing of judgment on the Administration's draft lottery plan.

Therefore, and possibly at the cost of giving a somewhat distorted overview of H.R. 7784, I will now discuss key elements of the rationale that has been incorporated into the bill. I would like to note that although the institution of a random selection system is an integral element of H.R. 7784, and although Section 205 of this bill should play an important part in Congressional evaluation of the Administration's lottery proposals—inasmuch as the two bills on which this Committee is primarily focussing would simply repeal Section 5(a) (2) of the Military Selective Service Act of 1967—it seems to me to be of particular importance at this time to stress those aspects of draft law reform that are provided for in H.R. 7784.

Accordingly, the discussion that now follows focuses on those sections of H.R. 7784 pertaining to student deferments and casualty ratio; to the organization of the Selective Service System; to certain problems that have arisen from past experiences with the draft, and to the need for basic investigation into certain fundamental aspects of national military manpower policy.

1. STUDENT DEFERMENTS: CASUALTY RATIO

Section 314 of H.R. 7784 would expand student deferments to include junior college students and persons in vocational or technical training programs. Deferment would continue until registrants reach their twenty-fifth birthday or complete their course of study. Furthermore, when casualties in an armed conflict reach ten percent of the number of persons inducted during a three-month period, all student deferments would end automatically.

The Military Selective Service Act of 1967 permits the President to provide for the deferment "of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning." In practice, student deferments are granted automatically only to persons pursuing a full-time course of study leading to a baccalaureate degree. H.R. 7784 would expand the definition of "student" and would allow the granting of II-S deferments not only to college students, but also to junior and community college students, persons enrolled at a vocational school, apprentice training programs, or similar occupational instruction program. Present deferment policy discriminates against the poor and the Blacks who most often can neither afford nor qualify for higher education. The educational needs of these people do not end with high school however, and in fact technical or occupational training for people at this particular age is vital to bring them into the mainstream of American society. If the goal of equity in the Selective Service is to be achieved, student deferments should be granted not only to college or university students, but also to other young men who wish to continue their education in a vocational or occupational training program, as long as these deferments cannot become exemptions.

The Marshall Commission divided over whether student deferments should be continued at all. A majority felt that no further student deferments should be granted except to students enrolled in occupational training programs. An equitable Selective Service with a random system of selection can still be achieved, even if student deferments are continued as long as two conditions are met: (a) a student deferment should not be convertible into a permanent exemption, and (b) students should not be

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able to defer themselves into a "period of tranquility;" in other words, avoid a shooting war. H.R. 7784 meets both of these requirements.

First, when military casualties reach ten percent of those drafted in a given three month period, student deferments would end automatically under Section 314 (a)(1). Today, for example, the casualty ratio in Vietnam is about thirty percent of those inducted each month. If H.R. 7784 were in effect now, student deferments would not be granted to any persons 19 years of age or older. Second, assuming that other provisions of H.R. 7784 are put into effect, specifically, ending the graduate and occupational deferments, there would be no way for an able-bodied and presumably mentally qualified man to avoid a 1-A classification after he had completed his occupational course of instruction, or baccalaureate. Such a person's options at that time would be to enlist, apply for a commission as an officer, join a Reserve Unit, or accept a 1-A, allowing his name to be placed with the next prime age group to enter the lottery. In short, H.R. 7784 allows students to *postpone* their vulnerability to the draft for a period of two to three years. In no way would they be able to avoid a shooting war, under the ten percent clause, and no other kind of deferment would be available to a student after he completed his course of study that would not have been available when he was 18 or 19 years old. Thus, the requirements of equity and fairness are met, while at the same time allowing for the value placed by our society on education and acquiring vocational skills.

The granting of student deferments would pose no procedural or administrative problems to the operation of a youngest-first lottery system. Students entering the prime age group would not swell the number of persons being lotteried, and hence increasing the odds of a given person being selected since the number of students reverting to the lottery pool at the end of their II–S deferment would be roughly equal to the number of persons in the 19 year-old group being taken out of the pool under II–S deferments.

Finally, it is not likely that all students who qualify for II–S deferments under H.R. 7784 will request a II–S. Many would probably risk selection at 19, knowing that if selected, they would fulfill the military obligation before assuming added responsibilities, such as a wife, family, or job. If not selected, a relatively clear field would be open to them, and knowing that the chances of being called are relatively small, they could plan their lives and assume responsibilities, without the uncertainties they would face under the present draft system.

The student deferment provisions of H.R. 7784 allow the peacetime student a choice of when to serve the country in the armed forces, while in no way increasing the problems of manpower procurement for the military.

Because, Mr. Chairman, the Administration's draft reform proposals—or at least what we know of them—contain nothing analagous to the casualty ratio I have just outlined, and because it is very difficult to know at this juncture exactly those provisions governing student deferments that the President will lay down by Executive Order if H.R. 14001 and H.R. 14015 are enacted without substantial modification, I think it is incumbent on the Congress to take up immediate consideration of not only Section 314 of H.R. 7784, but also the several other salient features of this measure to which I shall now turn.

2. ORGANIZATION OF THE SELECTIVE SERVICE SYSTEM

In his May 13, 1969, message to Congress, the President observed that "it is also important that we encourage a consistent administration of draft procedures by the more than 4,000 local boards around the country. I am, therefore, requesting the National Security Council and the Director of Selective Service to conduct a thorough review of our guidelines, standards, and procedures for deferment and exemption, and to report their findings to me by December 1, 1969." Although it is to be hoped that these reports will be made available to Congress, there appears to be no question and no dearth of information testifying to the fact that probably the outstanding problem stemming from the organization and administration of the Selective Service System as it now exists is lack of uniformity. Registrants in identical situations are in fact treated differently depending on where they lived when they were first required to register. In some areas, for example, school teachers are deferred automatically, whereas in other localities they are not, unless they happen to be teaching close to the geographical location of the local board. Those teaching in city ghettos, quite simply, are not likely to be deferred under any circumstances. Taking another example, four students from different sections of the United States went to England not too long ago to attend school for one year as part of the English-Speaking Union Youth Fellowship Exchange Program. One was classified II–S automatically. One was classified I–S(H) even though he had already graduated from high school. One was classified I–A, which upon appeal to a State Director was changed after the passage of five months to II–S, but which was not accompanied by a clear delineation of the eligibility of the registrant for a deferment to complete his senior year of college. A fourth was classified I–A, a classification he retained during his entire year abroad despite his appeals for rectification of his status.

Possible examples of the interrelationship between inequity and the absence of uniformity in the Selective Service System are legion. We cannot be surprised over this state of affairs when we realize that there are local boards which have fewer than 1,000 registrants, while others have more than 50,000. There are appeal boards which handle some 3,000 cases a year, while others may be seized of less than 60—or even 12—per year. California's Senator Alan B. Cranston reported recently that a random sample of local boards in several cities in his state revealed that not one board was aware that the policy recommended by the Director of Selective Service with respect to the drafting of lawbreaking demonstrators has been ruled illegal by the U.S. Circuit Court of Appeals.

The most sensible way to attack this twin-headed problem of lack of uniformity and inequity is to enact, as is the intent of Section 201 of H.R. 7784, a restructured Selective Service System according to the 1967 recommendations of the National Advisory Commission on Selective Service—the "Marshall Commission."

As thus restructured area offices would be registration and classification centers. A civil service staff, applying regulations established by the National Selective Service Headquarters, would classify each registrant within the jurisdiction of each area office in a uniform and impartial manner. The staffs of the area offices would be drawn from the cadre of able clerks who now serve local boards throughout the country and who are familiar with Selective Service machinery.

Automatic data processing equipment, to handle the vast amounts of information involved, would facilitate the operation of the system nationally. With the control available through the use of this modern equipment, registrants who change their permanent residence would, under appropriate regulations, change their registration from one area office to another.

Since fairness can be achieved only when there are ways in which an individual's relationship with a system can be personalized, a major virtue of the proposed reorganization is that it would provide facilities and avenues for such personalization. Registrants confused or intimated by the Selective Service process could visit their area offices for a more individual treatment of their registration and classification.

It is well to remember that about 90 percent of the classifications now made by a local board are automatic—such as classifications involving over-age, high school and college deferments, and reclassifications for those inducted into or discharged from the Armed Forces. These classifications can be dealt with far more economically and efficiently in centralized area offices. Problems requiring large amounts of discretion, such as hardship deferments and conscientious objector classification, would also be made at the area level. However, any registrant who is unhappy about his individual treatment oould take his problem to an appeal board.

Appeal boards in the proposed structural reorganization of the Selective Service System reflect the fact that since most of the classifications that local boards now make are automatic, the time spent by local board members in presiding over each and every classification is largely wasted. But if local boards become appeal boards, as provided in H.R. 7784, the time and efforts of local board members will be much more prudently utilized, because it is in acting on appeals that their personal knowledge of registrants can be best devoted to the welfare of the individual and the nation.

More specifically, when a registrant appeals a classification given him by an area office, his appeal will be directed to the appropriate local board. As stated by the Marshall Commission on page 32 of its 1967 report: "Although the 'neighborly' character of local boards seems to exist more in theory than in fact, the prospect of a man's being able to take his case to a group of citizens divorced from the Federal system has great strength and merit. A local board composed, as are those today, of volunteer citizens, and conveniently located in the area office but independent of it, is the body to which registrants who wish to challenge their classification could do so within 30 days rather than the 10 days which are now allowed. These boards would become in effect the registrant's court of first appeal. They would have the authority to sustain or overturn classifications made in the area office." If the local board denies the registrant's request for reclassification, he would be able to appeal to a regional appeal board, which would be the second stage of the appeal process. They would be guided by the same criteria as used in the area offices. If the registrant is still dissatisfied, he could appeal to the National Appeal Board, as he is now abls to do.

While I believe, Mr. Chairman, that what I have said thus far about the restructuring of the organization of the Selective Service System, that would be accomplished by Section 201 of H.R. 7784, summarizes the major thrust of the legislative intent underlying this Section of the bill, two other provisions of Section 201 perhaps deserve particular comment: a) The term of office of the National Director of Selective Service would be limited to six years, because this post is one of great sensitivity, and the incumbent of (or nominee for) the position should formally come under the periodic scrutiny of the Congress. Thus, the post could not become the political instrumentality of any President, and Congressional overview of a national public office of great importance and delicacy and, potentially, of controversy would be reinforced. b) The maximum age of local board members would be reduced from 75 to 65, thus helping to limit the terms of such members and to insure that they are more representative of the communities they serve.

3. PROBLEM AREAS THAT HAVE ARISEN IN PAST EXPERIENCE WITH CONSCRIPTION

a. Right to counsel, appearance, and information

In provisions closely related to the problems I have just outlined, Sections 303 and 324(d) of H.R. 7784 are intended to guarantee to registrants that they will receive fair and equitable treatment from and through the Selective Service System, and that they will be fully informed of the rights and procedures available to them under law. The latter purpose is served by Section 324(d), which requires the Director of Selective Service to provide each registrant, in writing, at the time of his registration and subsequently on request, with information regarding all rights and procedures available to him that pertain to classification, deferment and exemption. The former purpose is served by Section 303, which guarantees to each registrant the right to appear in person before regional offices, area offices, and local boards, and to be represented by counsel, irrespective of his ability to pay for counsel, in order to present testimony or evidence relevant to his status. The right to counsel thus provided for is particularly important, because while the registrant classified I–A or ordered to report for induction is in no wise accused of a crime, the draft nevertheless threatens a basic change in his natural life for several years. Consequently, procedural safeguards must be established to guarantee that registrants will receive fair and equitable treatment under the Selective Service System, and that their interests will be adequately represented before the System.

b. Physical and mental standards

Section 304(f) of H.R. 7784 would insure that a person who volunteers for military service and who is rejected on mental or physical grounds cannot be later inducted into the Armed Forces unless there is some subsequent mental or physical change that would make him eligible for enlistment. Current military manpower medical procurement standards apply to both enlistees and inductees, and H.R. 7784 would not alter them. Due to the Medically Remedial Enlistment Program (MREP), physical standards for enlistment are, in effect, slightly lower than for induction. Mental standards for inductees are lower than those for enlistees, in that enlistees who score between the 10–15 percentiles in the Armed Forces Qualification Test (AFQT) are ineligible, whereas such inductees are. Manifestly, it is strange indeed that certain groups of people are not permitted the opportunity of serving their country in the Armed Forces when they request to do so, but later, when they probably have settled into a regular pattern of life, can be involuntarily placed in the Armed Forces. This state of affairs should be terminated.

c. Aliens

Section 302 of H.R. 7784, together with the amendment of the Immigration and Nationality Act that would be made by Section 326 in order to establish consistency with Section 302, would continue to provide for the selection of aliens who remain in the United States for over one year and who do not qualify otherwise for deferment or exemption. However, Section 302 would allow an alien who is ordered for induction to change his status to that of "nonimmigrant," thus becoming exempt from military service and at the same time permanently ineligible to become a U.S. citizen. This change is designed to grant to aliens who have no desire to reside permanently in the United States an exemption from military service. It is inherently and patently unfair to require persons who do not wish to become U.S. citizens to assume a basic duty and responsibility of American citizenship. The change that is offered would not allow aliens to "dodge" the draft, but simply present them with a choice between serving in the Armed Forces or changing their status to that of nonimmigrants, with the reduction in rights and privileges that accompany this change.

d. Exemption from training and service of certain veterans of allied countries

Section 310(b) of H.R. 7784 would simply reduce from 18 to 12 months the period of service in the armed forces of an ally that is requisite for exemption from training and service in the U.S. Armed Forces. The requirement for eighteen months of such foreign military service was established at a time when most NATO members had eighteen months of compulsory military service, and was designed primarily to protect aliens who had served in the armed forces of their native countries from being drafted into American military service. In recent years, most NATO countries have shortened their periods of required military service to sixteen months or less. Yet aliens from such countries of origin who have fulfilled their earlier military duty are still liable to induction into the U.S. military establishment for an additional two years of obligated service. This new provision of law would make U.S. Selective Service requirements consistent with those of our allies and end inequitable situations in which certain aliens are compelled to contribute twice to the cause of Western defenses.

e. Conscientious objectors

Section 315(a) of H.R. 7784 would add to existing law the statement that religious training and belief "does include a sincere and meaningful belief, which occupies a place in the life of its possessor parallel to that filled by an orthodox belief in God." The intent of this clause is to insert the Supreme Court's language (*U.S.* v. *Seeger;* 380 U.S. 163) into Selective Service law so as to eliminate confusion among local draft boards, and to make the guidelines for conscientious objection classifications clearer and more readily available to registrants.

In 1967, Congress decided to delete from Selective Service law the clause that defined religious training and belief "as an individual's belief in relation to a Supreme Being involving duties superior to those arising from any human relationship . . ." In its report on the Military Selective Service Act of 1967, the House Committee on Armed Services stated: "The provision of existing law relating to conscientious objectors has been the subject of considerable controversy within recent months. The controversy was primarily the result of a 1964 Supreme Court decision in *U.S.* v. *Seeger* . . . The Supreme Court decision resulted in a significant broadening of the basis on which claims for conscientious objection can be made. The Director of Selective Service advised the Committee on Armed Services that in his judgment this undue expansion of the provision of the law relating to conscientious objection could very easily result in a subatantial increase in the number of unjustified appeals for exemption from military service based upon this provision of law. This circumstance coupled with the Committee's awareness that the processing of conscientious objector appeals has resulted in delays exceeding two years, prompted the Committee to completely rewrite this provision of law."

On the other hand, it must be noted that the National Council of Churches has stated that "conscience is not a monopoly of Christians or of the religious traditions. Neither is there one kind of conscience that is 'religious' or another that is 'non-religious,' but only the *human* conscience, which Christians see as God's gift, whether or not every individual so understands it." Having taken this position, the National Council of Churches has defined "conscience" as a "compelling conviction which makes a person *unable to* perform the objectionable act, whatever the consequences may be." It is well to note, further, the opinion of Lawrence Speiser, Director of the Washington Office of the American Civil Liberties Union: "The individuals who should qualify as conscientious objectors are rather those who find their present participation in war to be so great a wrong that even government's command will not relieve them of responsibility for committing that wrong . . . If a man finds it wrong to yield his conscience to government's command, it is not relevant to ask whether he believes in God or whether his beliefs follow some formal religious theory."

The argument has been made, Mr. Chairman, that if too much discretion is left to the individual in the area of conscientious objection people will start to indulge in widespread civil disorder and to select the taxes which they wish to pay. This argument is invalid for three reasons. First, there is a distinct difference between asking a man to give his life for his country and asking a man to kill other men because the majority of the people in his country think that war is politically expedient or necessary at that time. Many sincere conscientious objectors are perfectly willing to risk their lives in hazardous activities such as fighting forest fires or helping the sick and wounded in Laos and Vietnam, but they are unwilling to take the life of a fellow man. Second, the number of conscientious objectors in the United States has always been very small, averaging in the 1966–69 period well below one percent of all registrants. The Department of Defense is not in desperate need of these men, and H.R. 7784 would not increase the number of conscientious objectors so as to have a significant effect on the Selective Service System. But this bill would save just a few people from going to jail because they were unaware of the Supreme Court's definition of "religious training and belief" as used in H.R. 7784. Third, conscientious objectors are in fact more likely to engage in civil disobedience under existing law, for not knowing their rights they will not find any provision of law consistent with their own beliefs and will be forced to go to jail to avoid the draft in any way possible.

The United States has an admirable record of exempting from military service those who have been conscientiously opposed to war, regardless of their religious beliefs. Over time, provisions for such exemption have been incorporated into the constitutions of several of the States—Illinois, 1818; Alabama, 1819; Pennsylvania, 1838; Iowa, 1846; Kentucky, 1850; Indiana, 1851; Kansas, 1855; and Texas, 1859. In World War I, Congress exempted those who were members of a traditionally pacifist church; those who objected for reasons of conscientious scruples, whether or not their objections were based on religious training and belief; and those who objected on religious grounds, no matter their church affiliation. Secretary of War Baker reaffirmed this decision on December 19, 1917, when he issued the following order: "The Secretary of War directs that until further instructions . . . personal scruples against war shall be considered as constituting conscientious objection, and such persons shall be treated in the same manner as other 'conscientious objectors' under the instructions contained in confidential letter from this office dated October 10, 1917."

Section 315(a) of H.R. 7784 will not open up the conscientious objector classification to those who object to a single or particular war, although many have advocated this. I believe that Congress should agree with the National Advisory Commission on Selective Service on this matter: "The majority (of the Commission) believes that the status of conscientious objection can be properly applied only to those who are opposed to all killing of human beings under any circumstances. . . . Political opposition to a particular war should be expressed through recognized democratic processes and should claim

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no right of exemption from democratic decisions."

It is my opinion and that of the co-sponsors of H.R. 7784, I believe, that this bill which incorporates the language of the Supreme Court, will not allow hundreds of "draft dodgers" to escape the law. It will only permit conscientious objectors who are not members of orthodox faiths the opportunity of serving their country in a useful and constructive manner rather than in jail.

In essence, I am suggesting that the Congress and the country be guided by the words of Justice Augustus Hand in *United States* v. *Kauten:* "It is unnecessary to attempt a definition of religion; the content of the term is found in the history of the human race and it is incapable of expression in a few words. . . . It is a belief finding expression in a conscience which categorically requires the believer to disregard elementary self-interest and to accept martyrdom in preference to transgressing its tenets." And I further suggest deep and sober reflection on the words of Judge Charles Edward Wyzanski Jr., Chief Judge of the U. S. District Court in Boston, Massachusetts: "The law cannot be adequately enforced by the courts alone, or by the courts supported merely by the police and the military. The true secret of legal might lies in the habits of conscientious men discipling themselves to obey the law they respect without the necessity of judicial and administrative orders. When the law treats a reasonable, conscientious act as a crime, it subverts its own power. It invites civil disobedience. It impairs the very habits which nourish and preserve the law."

Section 315(c) of H.R. 7784 complements Section 315(a) by restoring to Selective Service law the provision deleted by the Military Selective Service Act of 1967; namely, the requirement for a hearing by the Department of Justice when a local board decision denying conscientious objector status to a registrant is appealed. The purpose of this provision is to provide the appeal board with information, obtained by an impartial agency, concerning a claimant's sincerity and "religious training and belief."

Many local boards refuse to grant I–O classifications because they consider themselves insufficiently trained to make such a judgment especially if the registrant applies for conscientious objector classification after he registers initially. The local board members often feel that the appeal board is better qualified to handle these cases and has more experience with them. Indeed, conscientious objector claims are very delicate and highly individual. Instead of applying for a deferment where the question is whether the registrant will be liable for the draft now rather than at a later time, the conscientious objector is applying for exemption from military service at any time. Both critics and supporters of the present criteria for conscientious objection admit that these criteria are complex and a matter of individual judgment. Mere membership in a pacifistic church is not sufficient to obtain such a classification. The board ought to—and must—cross-examine the registrant to test his sincerity and the depth of his convictions. When the Selective Service System was first established, the board members were likely to know the registrant personally and could make their judgments on the basis of their own personal experience with the registrant. Today, some boards serve as many as 50,000 registrants and it is impossible for the members to know their registrants no matter how hard they try.

For these reasons, I feel that reinstitution of Department of Justice hearings in cases involving conscientious objector appeals is prudent and necessary. Most of the criticisms underlying the 1967 deletion of this provision stemmed from the "unusually long and unnnecessary delays" in processing these appeals which the Civilian Advisory Panel on Military Manpower Procurement—the "Clark Panel"—noted. Under other provisions of H.R. 7784, a registrant would spend no more and no less than 12 months in the prime age group. If his classification is delayed awaiting a Justice Department report, he will enter the prime age group later. His length of maximum exposure will not be shorter. On balance, the reinstitution of Justice Department review of these cases will make it easier for registrants who do qualify for conscientious objector classification to obtain it, and much harder for draft-dodgers to escape service through the route of conscientious objection.

4. BASIC INVESTIGATIONS THAT ARE REQUIRED

I think almost everyone will agree, Mr. Chairman, that basic draft reform legislation ought to be concerned not only with remedying inequities and problems that have arisen in the past, but with ploughing new ground in the area of national military manpower policy. Consequently, H.R. 7784 would institute four broad-ranging studies to facilitate needed groundbreaking.

a. Military youth opportunity schools

Section 401 of H.R. 7784 originated in the opinion of the cosponsors that many of the men presently declared unfit for service in the Armed Forces could, with a minimum of expense, be so trained as to meet both the mental and physical requirements for military service. Section 401 would generate a basic study to determine the feasibility of this idea and the realization of it through "military youth opportunity schools."

In October of 1966, the Defense Department established Project 100,000 and concomitantly lowered mental and physical standards for military service, with the result that over 100,000 men who would have been disqualified for military service were accepted in the Armed Forces. Fifty-three percent of these men were volunteers. Of the "new standards men", 95.4 percent have successfully completed basic training. About 60 percent have been given non-combat skills, most of which have direct or related counterparts in the civilian economy. Particularly gratifying is the fact that after 19–21 months of service, 52 percent of the "new mental standards men" were in grade E–4 and above, as compared to 59 percent of a "control group" consisting of men taken into service under the regular standards. Also most gratifying is the fact that the assignments of "medically remedial men" have not been significantly different from those of the control group, and the fact that while entrance standards were lowered, performance standards were not.

Over 40 percent of the "new standards men" had been unemployed at the time of their admission to military service. Only 42 percent were earning a weekly salary higher than $60. Yet, considering remedial reading programs alone, those who took advantage of these programs, with just 6 weeks of help, were raised in military rank by 1.7 to 2.0 grades.

The average cost of Project 100,000 has been about $180 per "new standards serviceman." This cost is in addition to the $3,390 that must be expended to put any recruit through basic training.

Therefore, those sponsoring H.R. 7784 feel that the possibility of lowering entrance standards even further deserves very close and careful scrutiny. By such lowering a number of important national benefits would be achieved: many men who desire to join the Armed Forces would be given an opportunity to serve that would not otherwise be theirs; many unemployed and perhaps unemployable men would be given the opportunity to learn skills, such as reading ability and vocational skills, which could be used later in civilian life; many men who are unemployed essentially because they lack confidence in themselves and are pressed down by their feelings of insecurity would achieve through military service practical and positive remedies for these personal and social blights; and many men would not have to be drafted involuntarily, because their places would be taken by others who have much to gain from—not give up for—military service.

b. Volunteer army study

Everyone is painfully aware, Mr. Chairman, of the criticism that has been directed at the Selective Service System, especially over the last few years. Many alternative means and methods for providing the Armed Forces with manpower have been advanced. Of these proposals, the concept of a volunteer military establishment has gained a wide measure of acceptance. For these reasons, Section 402 of H.R. 7784 would create a study, under Presidential supervision, to provide both the President and the Congress the most expert opinion possible on the subject of the desirability and feasibility of instituting an all-volunteer military establishment.

I am aware, Mr. Chairman, that on March 27, 1969, the President appointed an "Advisory Commission on an All-Volunteer Armed Force," with instructions to report to him on this subject by early November 1969. Section 402 could be overtaken by events, so to speak, but Congress, as well as the President, must be satisfied that this vital matter of national policy is weighed and evaluated as thoroughly as possible. The enactment of Section 402 would guarantee this.

c. National Service Corps study

Section 403 would provide for a comprehensive study of the feasibility and desirability of creating a National Service Corps, with the possibility of permitting some National Service Corps programs to be considered as alternatives to fulfilling one's obligation of service to the country through the military establishment.

It ought to be borne in mind, Mr. Chairman, that the United States would not be the first country to create a National Service Corps. Most of the programs in other nations were originally designed after the Peace Corps, but several have developed considerably beyond this concept. As Terrence Cullinan has pointed out in Donald J. Eberly, ed., *National Service, A Report of a Conference,* "France's obligatory 16 months National Service tour is satisfied by service in the Civilian Defense Service as a civil servant, policeman, engineer, health inspector, architect, technician, or civil defense specialist primarily in depressed regions. During war or emergencies, this Service staffs the Defense Corps and carries on tasks of civil defense for the whole population . . . The February, 1967, Italian national service law recognizes at least two consecutive years' service in a developing country outside Europe as equivalent to required military national service. Service is performed under bilateral agreement or a recognized international organization's program."

A number of other countries as well have found it both feasible and desirable to have a National Service Corps and to permit service in it to qualify as alternative service in lieu of military service. Therefore, it is clear that the whole of this extremely important issue deserves the attention and scrutiny of a Presidential study, as Section 403 of H.R. 7784 would provide.

d. Amnesty study

Section 404 of H.R. 7784 would require the President to conduct a study of the feasibility and desirability of allowing those who have fled the country and who are liable to prosecution under Selective Service law to return to the United States within five years, without being subject to criminal prosecution, if they accept their responsibilities under Selective Service law. Upon return, they would be exposed to the draft in the prime age group just like other registrants.

Today, such amnesty is a much talked about and controversial issue. Before any decision on amnesty is made, a thorough study of the subject should be undertaken. As a preface to such study, it should be remembered that amnesty does not involve a moral judgment. Rather, it is a humane act of clemency. The Government would not be placed in the position of condoning the actions of those who are presently in jail or in exile. But because amnesty would be an act of clemency, it could serve to reunite a divided country and be a testimonial to governmental strength, security, and humanity.

Nowhere, Mr. Chairman, is the gap between national fairness and justice, on the one hand, and the law, on the other, wider than in the area of Selective Service. At a time when this country is bitterly divided over a war thousands of miles away, reunification of America is made all the harder by the present Selective Service System. It might be a giant step toward closing this gap and healing these sores if amnesty were granted, thus saving many young citizens from a life of permanent and lonely exile. As George Washington stated in his proclamation of amnesty on July 10, 1795: "It appears to me no less consistent with the public good than it is with my personal feelings to mingle in the operations of Government every degree of moderation and tenderness which the national justice, dignity, and safety may permit."

H.R. 7784 (THE SELECTIVE SERVICE ACT OF 1969), 90TH CONGRESS, 1ST SESSION: SUMMARY OF CHANGES IN EXISTING LAW THAT WOULD BE EFFECTED BY ITS ENACTMENT

INTRODUCTION

H.R. 7784 was introduced in the House of Representatives on February 26, 1969, by Representative Frank Thompson of New Jersey, for himself and others, and referred to the Committee on Armed Services. It is identical to S. 1145, which was introduced in the Senate on February 25, 1969, by Senator Edward M. Kennedy of Massachusetts, for himself and others. The following summary of H.R. 7784 focuses on changes in existing law that would be effected by its enactment.

Title I—Purposes and definitions

Section 101. Short Title

Cites the Act as the "Selective Service Act of 1969," thus changing the title of the basic national selective service law from the "Military Selective Service Act of 1967" (identified herein as MSSA).

Section 102. Findings and Declaration of Purpose

As section 1 of the MSSA does, it finds that the maintenance of adequate armed force is essential to national security; and that so long as all eligible persons are not required to serve, those who must serve should be selected by a fair, just, and adequate system which meets effectively the needs of both national defense and the national economy. Would add to the provisions of section 1 of the MSSA by finding that national military manpower needs should be met as much as possible through voluntary service, through the use of civilian personnel in noncombat positions, and through encouragement of the utilization of women in the Armed Forces and in civilian positions that support the Armed Forces. To meet the foregoing objectives, states that the purpose of the Act is to set up procedures for the fair and equitable selection of qualified men to meet national military manpower requirements, thus focusing the purpose of the Act more sharply than the MSSA does.

Section 103. Definitions

Defines terms used in the Act such as "United States" and "duly ordained ministers of religion." The definitions made are the same those in section 16 of the MSSA, except that H.R. 7784 does not define "local board."

Section 104. Saving Provision

As section 19 of the MSSA does, states that nothing in the Act shall be deemed to amend any provision of the National Security Act of 1947.

Section 105. Effective Date

As section 20 of the MSSA does, provides that the title becomes effective immediately "except that unless the President, or the Congress by concurrent resolution, declares a national emergency after the date of enactment of this Act, no person shall be inducted or ordered into active service without his consent under this title within ninety days after the date of its enactment."

Title II—Selective service system

Section 201. Organization

As section 10 (a) of the MSSA does, establishes within the Executive Branch a Selective Service System headed by a Director of Selective Service. Stipulates that the Selective Service System is to be composed of a National Selective Service System Office in Washington, D.C., eight regional headquarters distributed throughout the United States, and such area offices, appeal boards, and other agencies as are hereafter provided. Section 10(a) of the MSSA, on the other hand, provides that in addition to the national headquarters, there should be at least one State headquarters in each State, Territory and possession of the United States, and in the District of Columbia. Provides that the Director is to be appointed by the President, with the advice and consent of the Senate, for a term of six years. The MSSA, in Section (10(a), sets no limit to the Director's term of office, and designates an annual salary for him, namely, $12,500 per year.

Would add to existing law by prescribing that to the maximum extent practicable automatic data processing equipment shall be used in carrying out the provisions of this title.

Continues in effect that part of Section 10(a) of the MSSA which pertains to the Office of Selective Service Records, the Director of this Office, the transfer of this Office and this position to the Selective Service System, and the reestablishment of both at such time as the title may expire.

As the MSSA does in Section 10(b), authorizes the President to prescribe the rule and regulations necessary to carry out the provisions of this title.

Authorizes the President to appoint directors of regional Selective Service headquarters, whereas under the MSSA—Section 10 (b)—State directors of Selective Service are appointed by the President upon the recommendations of governors, and they represent governors in taking immediate charge of State Selective Service headquarters.

Like Section 10(b) of the MSSA, authorizes the President to employ such civilians as are necessary for the administration of the Selective Service System.

Provides, in times of national emergency declared by the President, for the utilization of National Guard and other Armed Forces personnel in the operation of the Selective Service System in the same way that Section 10(b) of the MSSA does.

Authorizes the President to create and establish one or more area offices in each State with an area of jurisdiction to be established by the Director of Selective Service on a population basis. The director of each area office, a civilian assisted by civilian staff, shall have the power within the jurisdiction of his area, and in strict conformity with rules and regulations prescribed by the President and subject to a right of appeal to the local board and from the local board to the appeal boards herein authorized, to hear and determine all questions or claims with respect to inclusion for or exemption or deferment from training and service of all individuals within the area of jurisdiction. Also authorizes the President to create such civilian local boards and civilian agencies or appeal as may be necessary to carry out the functions of the Selective Service System. Each local board is to function in conjunction with an area office and shall consist of three or more members. Under rules and regulations prescribed by the President the local boards shall within the jurisdiction of appropriate area offices hear and determine appeals from decisions of area directors subject to the right of further appeal to appeal boards. At least one appeal board is to exist in each regional area. Appeal boards are to be composed of civilian citizens who are not members of the Armed Forces, and their decisions are to be final unless modified or changed by the President.

In contrast to the provisions summarized in the preceding paragraph, Section 10(b) of the MSSA requires the President to establish one or more local boards in each county or similar political subdivision, except that an intercounty local board covering not more than five counties or similar political subdivisions, with at least one board member from each subdivision serving on the intercounty board, may be set up by the President after he considers the public interest involved and upon the recommendation of a governor or comparable executive official. Each local board consists of three or more members appointed by the President from recommendations made by a governor or comparable executive official. Each local board member shall be a civilian citizen resident of the area in which the board exercises jurisdiction. The decisions of local boards with respect to inclusion for, or exemption or deferment from training and service are final, except where an appeal is authorized and taken in accordance with rules and regulations prescribed by the President. At least one appeal board, composed of civilians who are citizens of the United States and who are not members of the armed forces, shall be located in the area of each Federal judicial district in the United States and within each territory or possession of the United States. Decisions of appeal boards are final unless changed or modified by the President. The President, upon appeal or his own motion, has the power to determine all questions or claims with respect to inclusion for, or exemption or deferment from training and service, and such determinations shall be final.

H.R. 7784 states that no citizen shall be denied membership in any component of the Selective Service System on account of race, color, creed, or sex; that the membership of local and appeal boards shall, so far as practicable, represent all elements of the public the board serves; and that no citizen shall serve on any board for more than 25 years or after he attains the age of 65. Section 10(b) of the MSSA provides, on the other hand, that membership on local and appeal boards shall not be denied anyone on account of sex, and that no citizen shall serve on these boards for more than 25 years or after he attains the age of 75.

Retains the MSSA's proscription—in Section 10(b)—of the deferment or exemption of persons by reason of their status as officers, members, agents, or employees of the Selective Service System.

Retains the basic provisions of Section 10(b) of the MSSA pertaining to the authority of the President to compensate officers, agents, and employees of the Selective Service System; to utilize the services of departments and officers of the U.S. Government and of State governments; to purchase printing, binding, and bookwork; to prescribe regulations governing the parole for service in the Armed Forces of persons convicted of violation of this title; to procure and otherwise make available space deemed necessary

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for carrying out the provisions of this title; and—in Section 10(a)—to delegate authority vested in him by this title.

Retains the provisions of the MSSA pertaining to the acceptance of gifts—Section 10(d); the fiscal, disbursing, and accounting responsibilities assigned to the Chief of Finance, U.S. Army—Section 10(e); the settlement of claims—Section 10(f); and the making of reports to the Congress—Section 10(g).

Section 202. Emergency Medical Care

Retains the provisions of the MSSA—Section 11—governing the payment of medical and other emergency expenses of registrants acting under orders issued under this title, except that burial expenses shall not exceed an amount to be determined by the President, rather than being limited to $150 in any one case, as the MSSA provides.

Section 203. Penalties

Establishes penalties for persons who violate the act, and in so doing retains the language of Section 12 of the MSSA, except: a) in stating "precedence shall be given by courts to the trial of cases arising under this title, and such cases shall, *upon request of the Attorney General,* be advanced on the docket for hearing at the earliest practicable date," the words underlined would be added to existing law, and the word "immediate" that precedes the word "hearing" in existing law would be deleted: b) Section 12(c) of the MSSA, which reads "the Department of Justice shall proceed as expeditiously as possible with a prosecution under this section, or with an appeal, upon the request of the Director of Selective Service System or shall advise the House of Representatives and the Senate in writing the reasons for its failure to do so," is omitted.

Section 204. Nonapplicability of Certain Laws

Identical to Section 13 of the MSSA, which relieves uncompensated citizens serving on local and appeal boards from the provisions of the Hatch Act and conflict of interest statutes; removes the functions of the Selective Service System from certain requirements of the Administrative Procedure Act; and pertains to the lump-sum compensation of certain Air Force and Navy Reserve officers.

Section 205. Selection

(Note: Given section 102(e) of H.R. 7784—"it is, therefore, the purpose of this Act to establish procedures for the fair and equitable selection of qualified young men to meet the continuing military manpower needs of the Nation"—the following parts of section 205 are presented in toto, accompanied by the analysis of sections 5(a) and 5(b) of the MSSA that was presented in U.S. Congress, House of Representatives, Committee on Armed Services, *Military Selective Service Act of 1967, With Analysis* [No. 35] Dec. 1, 1967, p. 5629.)

a. H.R. 7784

"Sec. 205. (a) The selection of persons for training and service shall be made in a fair and impartial manner from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted.

"(b) The order of induction of registrants found qualified for induction shall be determined as follows:

"(1) Selection of persons for induction to meet the military manpower needs shall be made from persons in the prime selection group, after the selection of delinquents and volunteers.

"(2) The term 'prime selection groups' means persons who are liable for training and service under this title, and who at the time of selection are registered and classified and are—

"(A) nineteen years of age and not deferred or exempted;

"(B) between nineteen and thirty-five years of age and, on or after the effective date of the Selective Service Act of 1969, were in a deferred status but are no longer in such status; or

"(C) between twenty and twenty-six years of age on the effective date of the Selective Service Act of 1969 and are not deferred or exempted.

"(3) A person shall remain in the prime selection group for a period of twelve months, unless inducted into the Armed Forces during such period. Any person in a deferred status upon reaching the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for twelve months for induction as a registrant within the prime selection group irrespective of his actual age, unless he is otherwise deferred. Any person removed from the prime selection group because of a deferment shall again be placed in the prime selection group, if he otherwise qualifies, whenever such deferment is terminated. But no person shall remain in the prime selection group for any period or periods totaling more than twelve months.

"(4) On the effective date of the Selective Service Act of 1969, any person who comes within the provisions of Clause (B) or (C) of paragraph (3) of this subsection shall be placed in the prime selection group as follows:

"(A) A person who has attained the twenty-fourth anniversary of the date of his birth prior to such effective date shall be placed in the prime selection group during the first twelve-month period following such effective date.

"(B) A person between twenty-two and twenty-four years of age on such effective date shall be placed in the prime selection group during the second twelve-month period following such effective date

"(C) A person between twenty and twenty-two years of age on such effective date shall be placed in the prime selection group during the third twelve-month period following such effective date.

"(5) The order of call for induction from among those persons in the prime selection group shall be determined as follows:

"Under such rules and regulations as the President shall prescribe—

"(A) the Selective Service System shall from time to time publish, for each month in the year, a list of numbers randomly arranged, corresponding to the number of days in such month;

"(B) those persons first called from the prime selection group for the particular month will be those whose day of birth is the same as the first number on the list; those next called will be those whose day of birth is the second number on the list; and this procedure shall be followed until the particular month's quota is met;

"(C) the Selective Service System shall also from time to time publish a list of the letters of the alphabet randomly arranged. In the event that the procedure described in clause (B) just above does not serve to distinguish clearly an order of call as between two or more persons, then reference shall be made to the list of letters and the first letter of the last names of such persons to determine such an order of call; and

"(D) the determination of order of call may be made upon a national, regional, or local or other basis, as the President shall determine.

"(c) Nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from establishing a separate and distinct selection system for persons found by him to have special skills essential to the national defense.

"(d) There shall be no discrimination against any person on account of race, color, or creed in the selection of persons for training and service under this title or in the interpretation and execution of any provision of this title.

"(e) No order for induction shall be issued under this title to any person who has not attained the age of nineteen years unless the President finds that such action is in the national interest."

b. Military Selective Service Act of 1967, with analysis

"Section 5(a). Selection

"Section 5(a), in paragraph (1), deals with the selection of individuals for induction under the provisions of the Military Selective Service Act of 1967. This section, among other things, specifically authorizes the President to select and induct persons by age group or groups and to select and induct physicians and dentists. Pursuant to Presidential regulations prescribed under this provision, men who are in class I–A, available for service, are selected and inducted by category. There are at present six categories: first, delinquents; second, volunteers; third, men 19 to 26 who are not married, or who were married after August 26, 1965, and who are without children; fourth, men 19 to 26 married on or before August 26, 1965, and who are without children; fifth, men over 26 years of age; sixth, men between 18½ and 19 years of age. In filling calls, local boards select and induct I–A available men by category, beginning with the first category and proceeding through categories sufficient to fill their calls.

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"This paragraph affords the necessary flexibility to the President to change the order of selection to meet rapidly changing national and world conditions. It also permits the commissioning of alien doctors.

"The paragraph also provides that no person may be inducted under the age of 19 if there are individuals available for induction within the jurisdiction of the local board who have attained age 19.

"Paragraph (2) of section 5(a) insures that registrants shall continue to be called for induction in the order of their dates of birth in categories 3, 4, 5, and 6, or in other age categories which may be established by the President, unless a proposal to call by some other method is proposed in the form of legislation and approved by the Congress. The provision insures that the Congress shall have a voice in determining whether and what kind of a lottery may be substituted for the present system of calling by birth date.

"Section 5(b). Quotas

"Section 5(b) provides for quotas to be established for each State, territory, profession, and the District of Columbia, based upon the actual number of men in such States, territories, possessions, and subdivisions thereof who are classified as available for service. This section also establishes the credits to be given in the filling of such quotas for registrants for such subdivisions who are members of the Armed Forces."

Section 205 of H.R. 7784 also would add to existing law by providing that no person who is qualified in a needed medical, dental, or allied specialist category, and who is liable for induction, shall be held ineligible for appointment as a commissioned officer solely because he is not a citizen of the United States or has not made a declaration of intent to become a U.S. citizen; and that such persons who are appointed as commissioned officers may take an oath of service and obedience prescribed by the Secretary of Defense in lieu of the oath prescribed in 5 U.S.C. 1331.

Section 205 of H.R. 7784, finally, would add to existing law the definition that "a delinquent is a person who is required to be registered under this Act and who fails to perform or who violates any duty, with respect to his own status, required of him under the provisions of this Act and the regulations issued thereunder."

Section 206. Authority to Order Reserve Components to Active Federal Service

Identical to Section 21 of the MSSA. (*Military Selective Service Act of 1967, with Analysis,* cited above, states on p. 5637 that this section expired July 1, 1953, and is no longer in effect.)

Title III—The individual and the selective service system

Section 301. Registration

Requires every male citizen of the United States and every male alien admitted to the United States for permanent residence to register with the Selective Service System at age 18, whereas Section 3 of the MSSA establishes the same requirement, except as otherwise provided in the title, for all male persons in the United States.

Section 302. Classification, Training, and Service

Makes every person who is required to register and who is between 18½ and 26 liable to military service, whereas Section 3 of the MSSA requires all male persons in the United States to register and in Section 4 subjects to military service all male citizens, all male aliens admitted to permanent residence, and all male aliens in the United States in a status other than that of permanent resident, unless they apply for relief from such liability, in which case they are thereafter barred from becoming citizens of the United States.

Retains substantially unchanged the provisions of Section 4 of the MSSA that prescribe the immediate liability of registrants for classification and examination, including a physcal examination as soon as practicable after registration, and that affirm the continued liability of registrants who fail to report for physical and mental examination.

States that an alien admitted for permanent residence shall not be liable for training and service unless he has resided in the United States for a total of one year, thus extending to aliens in permanent residence the same one-year period of grace from liability that Section 4 of the MSSA now grants to male aliens who remain in the United States in a status other than that of permanent resident.

Retains and expands upon certain provisions of existing law concerning aliens, by providing that any alien relieved from liability for training and service under an existing treaty shall be permanently ineligible to become a citizen; that any alien who, prior to induction, has his status adjusted to that of a nonimmigrant shall be exempt from training and service, but in such case he shall be permanently ineligible for citizenship; that any alien whose status is adjusted to that of a permanent resident, or who is readmitted to the United States as a permanent resident within one year after departure shall have his liability extended as if he had been deferred; and that nothing in this section shall be construed as superseding the provisions of any existing treaty of the United States.

(NOTE: This last provision should be read against the background of the history of the status of "treaty aliens" under selective service law, which history has been summarized on p. 21–22 of the Director of the Selective Service System's *Legal Aspects of Selective Service, Revised Jan. 1, 1969:* "Under existing treaties, nationals of certain countries are relieved from liability for military service in the Armed Forces of the United States under certain circumstances. Treaties of this type, however, were suspended by the 1917 draft law and the 1940 law, since such laws specifically suspend all conflicting laws and the Congress has the same right to suspend or abrogate a treaty as any other law. The Selective Service Act of 1948 repealed conflicting laws, and had the effect of repealing inconsistent treaty provisions. However, the 1948 Act authorized The President to designate certain categories of aliens to be relieved from liability for training and service and under this authority treaty aliens were so designated. Later the 1951 amendments to the law limited The President's authority to exempt such categories of aliens by providing that aliens admitted for permanent residence shall not be so exempted. Subsequent to the 1951 amendments, the courts have held that the provisions of the treaty are in conflict with the law, that the law being later in time must prevail, and that a treaty alien admitted for permanent residence is not entitled to exemption from training and service based upon his alien status even though the Selective Service regulations provided for such exemption. The classification prior to the 1951 amendment of a treaty alien into a class exempt from training and service by reason of his treaty alien status did not give permanent exemption to the alien and his treaty right to such exemption ceased to exist when the 1951 amendment became law. After these decisions the Selective Service regulations were amended to exempt from liability for registration treaty aliens admitted for temporary residence, and to eliminate any exemption from training and service based upon a treaty where the alien was admitted to this country for permanent residence.")

Section 303. Right to counsel; right of appearance

Expands on the MSSA and the operation of the Selective Service System (and its regulations) under the MSSA by affording each registrant the right to appear before offices and agencies of the Selective Service System, and to be represented by counsel or to be provided with counsel, without charge, if he cannot afford to retain one himself, and so requests. No right to counsel is now provided for, and appearances are delimited, as by Section 1624.1 of the Selective Service Regulations, for example, which states "Every registrant after his classification is determined by the local board, except a classification which is determined upon an appearance before the local board under the provisions of this part [Part 1624—Appearance Before Local Board] shall have an opportunity to appear in person before the member or members of the local board . . ."

Section 304. Induction

Lays down several criteria governing the authority of the President to induct persons into the Armed Forces and the training given to such persons, including age limitations, the requirement that the training period shall not be less than four months, and the further specifications that no trainee shall be assigned to duty outside the United States, and its territories and possessions (including the Canal Zone). Corresponds to similar provisions of Section 4(a) of the MSSA. States that the mental and physical standards a person must satisfy to qualify for induction shall be no lower than those prescribed for voluntary enlistment in the Army of the United States, whereas the MSSA provides that minimum physical standards shall be no higher than those applied to persons inducted between the ages of 18 and 26 in January 1945, that the passing requirement for the Armed Forces Qualification Test shall be fixed at a percentile score of 10 points, and that except in time of war or national emergency declared by the Congress the last two aforementioned requirements may be modified by the President.

Section 305. Length of Service

Provides for 24 months consecutive service for persons inducted, unless released sooner, in the same manner as Section 4(b) of the MSSA. Provides that persons who serve less than 3 years on active duty shall be transferred to reserve components for 5 years of reserve service in the same manner as Section 4(d) of the MSSA.

Section 306. Enlistment

Retains substantially unchanged the provisions of section 4(c) of the MSSA pertaining to enlistment in the Regular Army or voluntary service in the Armed Forces by enlisted members of reserve components in lieu of the obligatory service provided for in selective service law.

Section 307. Pay and Allowances

Lays down provisions governing the pay and allowances of inductees that are the same as those provided for in sections 4(e) and (f) of the MSSA.

Section 308. Decrease in Period of Service

Retains the provisions of Section 4(k) of the MSSA that authorize the President, upon the recommendation of the Secretary of Defense, to decrease or eliminate periods of service required under this title

Section 309. Medical and Dental Officers

In the same way that Section 4 (1) and section 5(c) of the MSSA do, authorizes the President to order to active duty for not more than 24 months any member of a reserve component who is in a medical, dental, or allied medical specialist category, who is not 35 years old, and who has not performed at least one year of active duty, and provides that medical specialists in the armed forces shall hold grades or ranks commensurate with their professional education, experience, or ability, and that any person needed in such capacity who fails to qualify for, or does not accept a commission, or whose commission has been terminated, may be used in his professional capacity in an enlisted grade

Section 310. Exemptions from Registration, Training, and Service

Like Section 6 (a) of the MSSA establishes exemption from training and service for foreign diplomatic representatives and members of their families. Also like Section 6 (a) provides that persons who serve subsequent to June 24, 1948, on active duty in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President shall be exempt from service but not from registration, except that H.R. 7784 reduces the period of such foreign service from 18 to 12 months. Unlike Section 6 (a) it does not exempt members of the armed forces, and various kinds of military cadets from registration. Exempts from service, but, unlike Section 6(a) of the MSSA, not from registration, commissioned officers of the Public Health Service on certain active duty; such duty must consist of assignment to offies and bureaus of the Public Health Service, including the National Institutes of Health, or any endeavor which the President determines is necessary to the maintenance of the national health, safety, or interest, whereas Section 6 (a) limits Public Health Service assignments that carry exemption to "various offices and bureaus of the Public Health Service, including the National Institutes of Health, or assigned to the Coast Guard, the Bureau of Prisons, Department of Justice, or the Environmental Science Services Administration."

Section 311. Veterans' Exemptions

Except for nonsubstantive textual changes, is identical to Section 6 (b) of the MSSA.

Section 312. Reserve Component's Exemptions

Save for nonsubstantive textual changes, is identical to Section 6 (c) of the MSSA, except that Section 6 (c) exempts from registration members of reserve components on active duty.

Section 313. Officers' Training; Officials; Ministers of Religion

Save for nonsubstantive textual changes, establishes provisions identical to sections 6 (d, e, f, and g) of the MSSA governing the deferment of persons enrolled in officers'

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training programs, the deferment of officials, and the exemption from training and service of regular or duly ordained ministers of religion and students preparing for the ministry.

Section 314. Student and Apprentice Deferments; Casualty Ratio

(NOTE.—Given the importance of student and other deferments to consideration of selective service law in recent years, and in light of the several changes in existing law governing deferments that would be enacted by H.R. 7784, that part of the present summary which follows quotes in full Section 314 and the changes it would make in existing law; deletions from existing law are enclosed in brackets, new language is in italic, and provisions in existing law to be left unchanged are identified by normal typescript.)

[(h) Deferments for occupations, dependency, fitness; extended liability; criteria—(1)] *Section 314. (a)* Except as otherwise provided in this [paragraph] *subsection,* the President [shall] *is authorized,* under such rules and regulations as he may prescribe, *to* provide for the deferment from training and service in the Armed Forces of persons *requesting such deferment who are* satisfactorily pursuing a [full-time] course of instruction at a *bona fide* college, *junior college, community college,* university, or similar institution of learning, [and who request such deferment.] *or at a vocational school, or who are enrolled in and satisfactorily pursuing an apprentice training program or similar occupational program.* A deferment granted to any person under authority of [the preceding sentence] *this subsection* shall continue until such person completes the requirements for his baccalaureate degree, [fails to pursue satisfactorily a full-time course of instruction] or attains the [twenty-fourth] *twenty-fifth* anniversary of the date of his birth, whichever first occurs.

[Student] Deferments provided for under this paragraph [may] *shall* be [substantially] restricted or terminated by the President *(1) whenever he finds, with respect to persons who have been inducted into the Armed Forces under this title, that the number of such persons killed, wounded, or missing in action as the result of armed conflict during the three month period immediately preceding his finding exceeds a number equal to 10 per centum of the total number of persons so inducted during such three month period; or* (2) [only upon a finding by him] *whenever he determines* that the needs of the Armed Forces *and of national security* require such action. *Such restrictions or terminations shall be in effect for twelve calendar months next following the month in which the conditions set out in the preceding sentence are met. Whenever members of the Armed Forces of the United States are engaged in armed conflict in any area of the world, the President shall, for the purpose of clause (1) of the preceding sentence, make a finding not later than the tenth day of each calendar month respecting the number of persons killed, wounded, or missing in action in the three immediately preceding months.* No person who has received a [student] deferment under the provisions of this paragraph shall thereafter be granted a *further* deferment [under this subsection; nor shall any such person be granted a deferment under subsection (1) if he has been awarded a baccalaureate degree], except for extreme hardship to dependents (under regulations governing hardship deferments). [or for graduate study, occupation, or employment necessary to the maintenance of the national health, safety, or interest. Any person who is in a deferred status under the provisions of subsection (1) of this section after attaining the nineteenth anniversary of the date of his birth, or who requests and is granted a student deferment under this paragraph, shall, upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age, unless he is otherwise deferred under one of the exceptions specified in the preceding sentence.

[As used in this subsection, the term 'prime age group' means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers. (2) Except as otherwise provided in this subsection the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: Provided, that no person within any such ctaegory shall be deferred except upon the basis of his individual status: Provided further, that persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. This proviso shall not be construed to prevent the continued deferment of such persons if otherwise deferrable under any other provisions of this Act.]

(*b*) The President is [also] authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deeemd to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place [at the office of each local board] *in each area office* a list setting forth the names and classifications of those persons who have been classified by such [local board] *area office.*

[The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable; except that no local boards, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necesaary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government, or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government.] *Notwithstanding any other provisions of this title the President shall establish national standards and criteria for the classification and deferment of persons registered under this title. Such standards shall be administered uniformly and impartially throughout all levels of the Selective Service System.*

[(1) Deferment of Students—(1)](c)*(1)* Any person who is satisfactorily pursuing a [full-time] course of instruction at a high school or similar institution of learning shall, upon the facts being presented to the [local board] *area office,* be deferred (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversity of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest.

(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similiar institution is ordered to report for induction under this title, shall, upon the facts being presented to the local board, be deferred (A) until the end of such academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier: Provided, that any person who has heretofore had his induction postponed under the provisions of section 6 (i) (2) of the Selective Service Act of 1948; or any person who has heretofore been deferred as a student under section 6 (h) of such Act, or any person who hereafter is deferred under the provision of this subsection, shall not be further deferred by reason of pursuit of a course of instruction at a college, university, or similar institution of learning except as may be provided by regulations prescribed by the President pursuant to the provisions of [section 6 (h) of such Act:] *this section.* [or any person who hereafter is deferred under the provision of this subsection shall not be further deferred by reason of pursuit of a course of instruction at a college, university, or similar institution of learning except as may be provided by regulations prescribed by the President pursuant to the provisions of subsection (h) of this section.] Nothing in this paragraph shall be deemed to preclude the President from providing, by regulations prescribed [under subsection (h) of this section] *in this section,* for the deferment from training and service in the Armed Forces [or training in the National Security Training Corps] of any category or categories of students for such periods of time as he may deem appropriate.

Section 315. Conscientious Objectors

(Note.—Given the importance of provisions governing conscientious objection to consideration of selective service law in recent years, that part of the present summary which follows quotes in full the changes that

Section 315 would make in existing law, and does so using the same format followed for explaining the preceding section of H.R. 7784.)

[(j) Conscientious objectors.—] *Section 315. (a)* Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this section, the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code, *but it does include a sincere and meaningful belief, which occupies a place in the life of its possessor parallel to that filled by an orthodox belief in God.*

(*b*) Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the [local board] *Selective Service System* shall, if he is inducted into the Armed Forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by [his local board] *the Selective Service System,* subject to such regulations the President may prescribe, to perform for a period equal to the period prescribed in section [4 (b)] *305* such civilian work contributing to the maintenance of the national health, safety, or interest as the [local board] *Selective Service System* pursuant to Presidential regulations may deem appropriate. [and] Any such person who knowingly fails or neglects to obey any such order from [his local board] *the Selective Service System* shall be deemed, for the purposes of section [12] *203* of this title, to have knowingly failed or neglected to perform a duty required of him under this title.

(c) *Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the area office or local board, be entitled to an appeal to the regional appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearings. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. If after such hearings the Department of Justice finds—*

(1) that the objections are sustained, it shall make recommendations to the appeal board in accordance with the procedures of subsection (b) of this section; or

(2) that the objections are not sustained, it shall so recommend to the appeal board. The appeal board shall, in making its decision, give consideration to but not be bound to follow the recommendations of the Department of Justice, together with the record on appeal from the local board.

Section 316. Duration of Exemption or Deferment

Identical to section 6 (k) of the MSSA.

Section 317. Minority Discharges

Identical to section 6 (l) of the MSSA.

Section 318. Moral Standards

Identical to section 6 (m) of the MSSA.

Section 319. Sole Surviving Son

The same as section 6 (o) of the MSSA, except that section 319 would make provisions regarding the relief from induction of sole surviving sons effective "except during a war or national emergency declared by the Congress," whereas section 6 (o) qualifies such declarations by limiting them to ones made "after the date of the enactment of the 1964 amendment to this subsection."

Section 320. Bounties; Substitutes; Purchases of Release

Identical to section 8 of the MSSA.

Section 321. Reemployment

With minor textual changes, the same as section 9 of the MSSA, except for section 9(i), which has been included in H.R. 7784 as section 322.

Section 322. Right to Vote; Poll Tax

Identical to section 9(i) of the MSSA.

Section 323. Civil Relief

Identical to section 14 of the MSSA.

Section 324. Notice of Title; Voluntary Enlistments

The same as section 15 of the MSSA, except: a) the requirement that each registrant keep the Selective Service System informed as to his current address and change in status, having been included in section 301(b) of H.R. 7784, is deleted; b) there would be added to existing law a duty imposed on the Director of Selective Service to inform each registrant, in writing at the time of registration, of all rights and procedures available to him concerning classification, deferment, and exemption.

Section 325. Repeal of Conflicting Laws; Appropriations: Termination of Induction

Essentially the same as section 17 of the MSSA, except that part of section 17(b) pertaining to funds appropriated for administrative expenses of the National Security Training Corps is deleted.

Section 326. Aliens

Amends the Immigration and Nationality Act (8 U.S.C. 1101 (a) (15)) by adding a class (K) to the classes of nonimmigrant aliens not included under the term "Immigrant." An alien placed in class K would be defined as an alien who has requested and received an adjustment of status under section 247 (c) of the Immigration and Nationality Act and who is not a nonimmigrant within any of the classes of nonimmigrant aliens presently established by law; but any alien whose status is adjusted to class K would have to depart the United States within one year of such adjustment, and any such alien would not be eligible for any further adjustment of status. Section 247 (c), which would be added to the Immigration and Nationality Act (8 U.S.C. 1257) by section 326 of H.R. 7784, provides that the status of an alien lawfully admitted to permanent residence may be adjusted to that of a nonimmigrant in class K or to any other class of nonimmigrant for which he may be eligible, if such alien requests an adjustment in order to be exempt from the requirements of selective service law. (Note: Section 326 (b) of H.R. 7784 would add a new subsection "e" to section 247 of the Immigration and Nationality Act, but since this probably is a technical or typographical error—section 247 currently has only subsections "a" and "b"—the present analysis refers to section 247 (c), as does section 326 (a) of H.R. 7784.) Also would amend the Immigration and Nationality Act (8 U.S.C. 1258) so as to add aliens classified under K to those nonimmigrant aliens the change of whose nonimmigrant classification from one nonimmigrant classification to another is restricted in stated ways. Finally, amends the Immigration and Nationality Act (8 U.S.C. 1426) so as to add aliens granted an exemption under an existing treaty and aliens having their classification changed under section 247(c) to those aliens who are permanently ineligible to become U.S. citizens.

Title IV—Miscellaneous

Section 401. Military Youth Opportunity Schools

Would add to existing law by directing the Secretary of Defense, in cooperation with other appropriate federal agencies, to conduct a comprehensive investigation and study of military youth opportunity schools, which would give on a voluntary basis special educational and physical training to those who fail to meet the minimum physical and mental requirements for military service. Also directs the Secretary of Defense to report to the Congress the results of this study and investigation, together with his recommendations, within one year after the enactment of section 401; and to include in his report to Congress specific findings such as the average annual number of men who fail to meet induction standards but who could meet them after spending a maximum of one year in military youth opportunity schools, and the costs and benefits to the Department of Defense of operating military youth opportunity schools.

Section 402. Volunteer Army Study

Would add to existing law by requiring the President to conduct a study to determine the cost, feasibility, and desirability of replacing involuntary induction with a voluntary system of enlistments; and within six months after the enactment of section 402 to submit the results of such study to the Congress, along with those recommendations that he deems appropriate.

Section 403. National Service Corps Study

Would add to existing law by directing the President to conduct a study and investigation to determine the feasibility and desirability of a national service corps in which physically and mentally qualified U.S. citizens would perform nonmilitary service designed to combat disease, ignorance, and poverty at home and abroad; to submit a written report forwarding the results of this study and investigation to Congress not later than one year after the enactment of section 403; and, in the event the establishment of a national service corps is found feasible and desirable, include in such report such subjects as what the nature and scope of a national service corps should be and the relationship of a national service corps to the Selective Service System.

Section 404. Amnesty Study

Would add to existing law by directing the President to conduct a study to determine the appropriateness of granting amnesty in the near future to those registrants presently outside the United States who are liable to prosecution under selective service law, such study to include such considerations as the implications for Armed Services morale of and the historical precedents for granting such amnesty; and to report the results of this study, together with appropriate recommendations, to the Congress within six months of the enactment of section 404.

ROVING JOURNALIST JIM BECKER REDISCOVERS HONOLULU

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. MATSUNAGA. Mr. Speaker, the engaging reports from around the world by Hawaii's famed peripatetic journalist, Jim Becker, have long been favorite reading for residents of the island State.

Returning to the State he knows and loves so well, the noted Honolulu Star-Bulletin columnist has written a fascinating article, "Look What's Happened to Honolulu!" for the October issue of National Geographic.

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Jim Becker has deftly captured the mood of the Hawaii State capital in his article, and the illustrations by National Geographic photographer, Bates Littlehales, are superb.

Mr. Becker traces the tremendous growth Hawaii has experienced during its first epochal decade of statehood, noting that the population of Honolulu has grown at an annual rate of 3 percent, more than double the national rate. Honolulu, which means "sheltered haven," was visited by more than 1.2 million people last year.

Yet, within this growing metropolis there exists a delightful paradox between progress and serenity which made it possible to film most of the movie "Hawaii" in Honolulu. Within an hour's drive of city hall and the modern concrete towers of downtown and the crowds at the world-famous Waikiki Beach, the directors of the movie were able to find the placid lagoons, the sheltered cliffs—"palis"—that rise as high as 4,000 feet, and the lush green valleys and forests required to film the epic movie which depicted island life in the 19th century.

Although the distinct ring of piledrivers and the whirr of cement mixers testify to the quickening pace of island life, it is interesting to note that one of the few things unchanged in the island State by progress is the climate. Recorded temperature in downtown Honolulu does not exceed a high of 88 degrees, nor does it drop below 56 degrees. To quote from Jim Becker's article—

> The climate in this city, which I know well as a newspaper columnist and as an on-and-off resident for nearly 20 years, surely must have been designed for paradise.

I congratulate Jim Becker and the National Geographic for this penetrating and panoramic view of Honolulu and the Aloha State, and I commend the Becker Honolulu story for the reading pleasure of my colleagues in Congress and others.

STATEMENT OF CESAR CHAVEZ

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. LOWENSTEIN. Mr. Speaker, Mr. Cesar Chavez, one of America's greatest sons and the leader of the United Farm Workers organizing committee, testified Monday, September 29, before the Migratory Labor Subcommittee of the Senate Committee on Labor and Public Welfare, on the hazards from economic poisons endured by the workers of the grape fields of California. He told about specific incidents of death and injury that have resulted from virulent poisons sprayed upon grapes and vines where work crews performed their labors.

The plight of these grape workers has become a primary concern of all who are moved by poverty and injustice. In the words of former Secretary of Labor Wirtz:

> A thoughtful person sitting down to a large meal would turn away from it if he let himself think of the circumstances—at that hour—of some of those who had, in the fullest sense, worked to bring that meal to his table.

The California grape worker is poor. His work is exhausting, his income is low. His tenure is uncertain; his job and his rights unprotected, his conditions often incredibly degraded. Law, for him, both as written and enforced, is all too often the biased instrument of his subjugation. Order, the certain promise of endless repetition of suffering and decay. Above all, his right to organize, to participate in the decisions which control his life, still remains to be achieved.

It is that elemental right to organize which has been the focus of all the struggle—first in the fields, and then in the supermarkets—of the past 4 years.

What does the farmworker see when he surveys the questions of law, order, and Government responsiveness to his plight? He sees countless examples of governmental unconcern and arrogance and the institutional violence of which Robert Kennedy spoke, a violence which quietly and undramatically gouges out men's lives.

Most of the violence in the dispute has been directed against those who seek to organize. Strikers have been harassed; they have been physically attacked; they have been shot at, and kidnaped. They have been rammed by trucks. Their offices have been looted or destroyed. More often than protecting the rights of strikers, local police have condoned and even aided those who would destroy them. Officers of the law have looked on while pickets have been kicked, beaten, cursed, and spat upon. These same officers have proceeded personally to escort strikebreakers across the picket line.

Even the courts too often play a dismal and biased role in these affairs. Antipicketing injunctions have unfairly inhibited activities at the labor site.

When the Guimarra Vineyards, after a bitter struggle, was tried and convicted on nearly 40 violations of child labor and health laws, it was fined a total of $1,000 by the Kern County Superior Court—and the fine was suspended. This same Guimarra Vineyards has received hundreds of thousands of dollars in subsidies from the U.S. Department of Agriculture. And one of its best customers, perhaps the only one not subject to the grape boycott, is the U.S. Department of Defense.

With respect to other laws, the story is much the same. The laws governing working conditions, and particularly pesticides, are not adequate but the greater outrage is that even these inadequate laws are not enforced, so pesticides kill or make seriously ill an alarming number of farmworkers each year. Yet, when the union became concerned, the Kern County authorities refused to release the information they had about this situation.

A survey of 946 employers by the department of industrial welfare in California showed over 90 percent in violation of existing laws about drinking water and washing facilities. For field workers the open fields often provide the only available latrine, and often there are no facilities for washing. Then we eat the grapes grown and picked in such circumstances.

Discrimination problems in the fields are also considerable. Chicanos are often barred from the good jobs, blacks from any job at all. And once again, the law is applied unequally, depending on whose interests are involved.

The strike itself could not be resisted were there not a law permitting the importation of impoverished Mexicans who cross the border to provide union labor. Since one Federal law bars such laborers from areas in which labor disputes are certified to exist, strike centers often are not certified. Meanwhile, illegal immigration across the border continues in response to the demand for strikebreakers.

In this connection, the zeal of the Department of Immigration and Naturalization has been called into serious question. A lawsuit against the Department will be filed this week demanding that the Department enforce its regulations to detect and apprehend persons working illegally in strike areas.

And similar government inaction extends in all directions. When some growers substituted improper labels on containers of grapes to deceive the public, the responses of the Food and Drug Administration have been mere mild at best. Appeals for help against various other injustices have received halfhearted, reluctant, and sometimes perfunctory responses from the Departments of Labor and Justice.

On top of all this, the Department of Defense has increased its purchase of table grapes 40 percent since last year, and is now buying more table grapes than at any time in its history. All this in spite of the extensive violations of the law among those from whom the grapes are bought, in spite of the prohibition against dealings with firms practicing discrimination, and in spite of the low nutritional value of the grape. There is a standing order in the Defense Department that requires that the domestic implications of all policies be considered when decisions are made. But when a Department representative came before a Senate committee to testify on the procurement of grapes, not only did he affirm that the Department is not following this order; he was not even aware it existed.

So now our forces in Vietnam—disproportionately composed as they are of men from disadvantaged backgrounds—are being served almost 1½ times as many grapes as they were a year ago.

Farm laborers are excluded from minimum wage legislation and from unemployment insurance, and are at a disadvantage where social security is concerned. They are denied the collective bargaining rights guaranteed to nonfarmworkers, and are effectively cut off from every benefit of a negotiated contract. So the vast majority of California farmworkers have no contract, get no overtime, and may not even know their rate of pay.

They are often victims of deception and graft. They get no time off with pay, no health or pension plans, no regular rest periods. Speedups and abusive supervision are common. Workers may be laid off at any time and for any reason, as for objecting to being assaulted by an owner, or for displaying a Kennedy bumper sticker. Safety provisions are minimal. Exempted from almost every kind of effective protection, the farmworker sees his employers—usually large corporations—lavished with many of the tax-supported aids provided by the Agriculture Department, as well as Federal subsidies of hundreds of thousands, sometimes millions of dollars per farm.

All this has suggested to millions of concerned Americans that the weak cannot succeed through established institutions, and that government is only to protect the powerful, to subsidize the rich, to legitimize the iniquitous. Almost the whole weight of government, which should protect the rights of the disadvantaged, has gone to frustrate their simplest aspirations.

Mr. Speaker, this whole situation is a scandal. For the human beings involved, it is a catastrophe—and the human beings involved include all Americans. How much longer can we ask powerless and despairing people to keep the faith as their lives continue to be passed in a futility and decay for which they are not responsible and from which there is no escape? How can we encourage them to try to right wrongs through the established process of law when nearly every impact of these processes frustrates their hopes and adds to the blight of the conditions under which they must live? After decades of tolerating silent misery and creeping disaster, how long can we go on counseling moderation and patience, while indifference and immobilism mark the behavior of the Government?

Young people are now demanding relevance and concern. They are tired of pious rhetoric that conceals indifference and seeks to conceal inaction. But we go on recklessly, blindly, assuring not only the continued sufferings of those affected, but escalating alienation, despair, and hatred in the broader life of the Nation.

Many of our national problems are formidable, many of their solutions distant and difficult to bring about. Here, surely, is one about which everyone could agree. With a little comprehension and compassion we could set out to ease and then erase, this problem from the national scene. If we tried hard enough, we could achieve both social justice and harmony for the grapepickers rather quickly. Think how great an incentive would be provided by success in this relatively simple and most pressing field of human misery.

Mr. Speaker, I commend to the attention of my colleagues the testimony of Mr. Cesar Chavez before the Senate Subcommittee on Migratory Labor, as follows:

STATEMENT OF CESAR CHAVEZ

On August 1st, 1969, after testifying concerning the misuse of economic poisons by table grape growers, our general counsel, Jerry Cohen, submitted to the staff of the Senate Subcommittee on Migratory Labor a Laboratory test from C. W. England Laboratories in Washington, D.C. which indicated that table grapes which were purchased by Manuel Vasquez at a Safeway store in northeast Washington contained an Aldrin residue of 18 parts per million. Subsequent to that time Senator George Murphy abused his privilege of senatorial immunity by making false accusations regarding the testimony of the United Farm Workers Organizing Committee. The innuendo in Senator Murphy's remarks in the Congressional Record of August 12, 1969, is that the farm workers tampered with the grapes. I can assure you that this is false.

I am confident that our position will be vindicated in this hearing and that the reports which have been received concerning the fact that Safeway conducted its own independent tests which confirmed our tests and subsequently cancelled its contract with Bianco are accurate reports.

The real issue involved here is the issue of the health and safety not only of farm workers but of consumers and how the health and safety of consumers and farm workers are affected by the gross misuse of economic poisons.

The issue of the health and safety of farm workers in California and throughout the United States is the single most important issue facing the United Farm Workers Organizing Committee. In California the agricultural industry experiences the highest occupational disease rate. This rate is over 50% higher than the second place industry. It is also three times as high as the average rate of all industry in California. Growers consistently use the wrong kinds of economic poisons in the wrong amounts in the wrong places in reckless disregard of the health of their workers in order to maximize profits. Advancing technological changes in agriculture have left the industry far behind in dealing with the occupational hazards of workers which arise from the use of economic poisons. This problem is further compounded by the fact that commonplace needs such as clean drinking water and adequate toilet facilities are rarely available in the fields and are also deficient in many living quarters of farm workers, especially of those workers who live in labor camps provided by the employer.

In California an estimated 3,000 children receive medical attention annually after having injested pesticides. There are over 300 cases of serious nonfatal poisonings annually, most of which occur in agriculture. There are some fatal poisonings which occur annually in agriculture. In addition to this, literally thousands of workers experience daily symptoms of chemical poisoning which include dermatitis, rashes, eye irritation, nausea, vomiting, fatigue, excess sweating, headaches, double vision, dizziness, skin irritations, difficulty in breathing, loss of fingernails, nervousness, insomnia, bleeding noses, and diarrhea.

The misuse of pesticides is creating grave dangers not only to farmworkers but to their children as well. Dr. Lee Mizrahi at the Salud Clinic in Tulare County has recently conducted a study relating to nutrition, parasites and pesticide levels. Dr. Mizrahi chose his samples by inviting every fifth family who came to his clinic to participate in a free complete study of their children. Sixty families participated to date and 170 children have been tested. Dr. Mizrahi has reported to the United Farm Workers Organizing Committee that though the results of the test are not complete, based on the findings already received there are pesticide levels which can only be described as epidemic.

Thus far, on 29 children tested, 32 of the 84 reported values have fallen outside normal limits. Dr. Mizrahi has informed me that as a practicing physician he would be greatly worried if he found 10% of reportedly normal children outside normal limits. In this case he is frightened. These farm worker children are suffering from high levels of DDT in their blood and from low cholinesterase levels in their blood plasma.

Recently the state director of public health. Dr. Thomas Milby, said that there is ample evidence of many unreported poisonings in agriculture. Dr. Milby is currently conducting an investigation in an attempt to get an accurate picture of pesticide poisonings among the workers. The state of California is not releasing the data from this investigation. As an article in the Fresno Bee by Ron Taylor claims this study is headed by Mr. Henry Anderson who would not answer questions concerning the factual findings of the study to date because "the subject is too controversial." According to Mr. Taylor's article an undisclosed number of farm workers are reporting symptoms of pesticide poisoning. Many of these workers do not go to the doctors ordinarily but suffer in silence what they feel is an occupational hazard. The adverse effects of chemical poisons are so pervasive that they are considered by farm workers to be part of their way of life. They are accepted. One of the interviewers who is helping the state to conduct this investigation has informed the United Farm Workers Organizing Committee that of the 774 workers who filled out questionnaires which are now in the possession of the state, 469 of the workers had worked in the grapes and 295 had not worked in the grapes. Among the 774 farm workers, the following symptoms caused by pesticide poisonings were reported:

Eye irritation	548
Nausea or vomiting	141
Unusual fatigue	145
Unusual perspiration	159
Headaches	309
Dizziness	115
Skin irritation	249
Difficulty in breathing	188
Pain in the fingernails (some workers lost their fingernails)	52
Nervousness and/or insomnia	122
Itching in the ears	12
Nose bleeds	26
Burning and sorethroats	51
Swollen hands and feet	7
Loss of hair	4
Diarrhea	2

One hundred and fifty-four of the workers reported having one of the above symptoms, 144 reported two of the symptoms, 109 reported three, 83 reported four, and 163 reported five or more symptoms. Only 121 of the 774 workers studied reported none of the above symptoms. This study was limited to a relatively small county, Tulare, which is immediately north of Delano.

Dr. Irma West who works in the State Department of Public Health has written many articles concerning the occupational hazards of farm workers. Some of the examples of injuries are as follows:

On a large California ranch in the fall of 1965 a group of Mexican-American workers and their families were picking berries. None could understand or read English. A three-year-old girl and her four-year-old brother were playing around an unattended spray rig next to where their mother was working. The four-year-old apparently took the cap off a gallon can of 40% tetraethyl phyrophosphate (TEPP, a phosphate ester cholinesterase inhibitor) pesticide left on the rig. The three-year-old put her finger in it and sucked it. She vomited immediately, became unconscious, and was dead on arrival at the hospital where she was promptly taken. TEPP is the most hazardous of all pesticides in common use in agriculture in California. The estimated fatal dose of pure TEPP for an adult is one drop orally and one drop dermally. This child weighed about 30 pounds.

Because of engine trouble, an agricultural aircraft pilot attempted a forced landing in an unplanted field. The plane rolled into a fence and turned over. The hopper of the airplane contained a dust formula of TEPP, another of the phosphate ester pesticides.

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The estimated adult fatal dose for TEPP concentrate is one drop orally or dermally. The pilot was not injured but was covered with dust. He walked a distance of 50 feet to a field worker, stated he felt fine, and asked for a drink of water. After drinking the water, he began to vomit and almost immediately became unconscious. By the time the ambulance arrived, the pilot was dead and the ambulance driver, the pathologist, and the mortician became ill from handling the body.

During this past summer in the grapes alone and largely in the Delano area the following incidents have been brought to the attention of our legal department.

On May 16th, 1969, Mrs. Dolores Lorta was working for labor contractor Manuel Armendariz in a table grape vineyard owned by Agri-Business Investment Company. Without warning, an Agri-Business spray rig sprayed the row she was working on, and Mrs. Lorta was sprayed all over her body with an unknown mixture of chemicals. Shortly thereafter, she experienced difficulty in breathing. She told her forelady, who responded that the spraying had nothing to do with that; that she must have had that difficulty before.

The next day she felt quite sick and large red blotches had appeared on her skin. She went to work that day but was unable to continue, and hasn't been well enough to work since. She has suffered from continuing sores and rashes all over her body, headaches, dizziness, loss of weight, and her condition still continues. She has received no compensation from her employer as yet, and she has had to pay for her medical care herself.

Mr. and Mrs. Abelardo de Leon, and their teenage children, Juan and Maria, worked picking grapes for labor contractor Manuel Armendariz in vineyards owned by Agri-Business Investment Company during July and August of 1969. From the start of their work there, Mr. de Leon suffered rashes all over his body, which lasted until they quit. Mrs. de Leon began to suffer extremely irritated and swollen eyes as soon as they started working there and one eye is still somewhat swollen. The irritation ceased when she quit, and has not recurred though she has returned to work in a different crop since then. Both the de Leon children, along with their mother, suffered eye irritation while working for Armendariz, and often their eyes would water profusely throughout the working day. When this was brought to the attention of Armendariz, he laughed and called them cry babies. He did not suggest that medical help was available for the family under the workman's compensation program, and as a result they had to make do with drugs and home remedies. Though the de Leons were not sprayed on directly, there was a heavy white dust on the vines and grapes which they picked. They saw no signs warning of the ill effects of this chemical spray, nor did they receive any warning or advice about it whatsoever. The de Leon family eventually stopped working for Armendariz because of the ill effects they were suffering from the chemical poisons on the grapevines.

Mr. Gregorio Sisneros was engaged in spraying a vineyard in the Selma area in 1968. According to directions which came with it, he mixed one quart of economic poison with a large quantity of water. But his employer told him to add in another quart of poison, and so he did. After spraying this mixture for a short while he became ill and had to be taken to a doctor immediately. After receiving medical treatment he was confined to his home and unable to work for some days. Since then he has been sensitive to chemical spray and has become ill several times.

While working the vineyards of George A. Lucas & Sons this summer, Mrs. Beatrice Roman developed trouble breathing, sore throat, difficulty in speaking, and stomach pain. Each day her condition would improve as she left the vineyards, and it would worsen as she began work the following morning. There was a heavy white powder on the vines which she was working among. Mrs. Roman has worked in other crops without experiencing such illness. She has been informed by her physician that it is due to the spray residues on the vines. She stopped working for Lucas, because of the illness caused by the sprays, on August 4, 1969. She has been unable to work more than very little since then because of the continuing effects of the illness.

Mr. Mauro Roman (Beatrice's husband), along with his son, Jose, and a neighboring family all worked picking grapes in the vineyards of Lamanuzzi and Pantaleo in August 1969. All suffered severe skin rashes over their bodies, with cracked and peeling skin. All left this work after several weeks, and improved sharply as soon as they left. There was a very heavy white powder on the vines and grapes they were picking there.

After working in the vineyards of D. M. Steele for several days, Mr. Juan Q. Lopez developed trouble breathing, rashes on his neck and face, numbness in his left arm and upper left chest, headache and irritated eyes. There was a white powder on the vines. Mr. Lopez's condition began to improve when he stopped working in these fields.

While working picking grapes in a Caric vineyard about 10 days ago, Mr. Abelardo Hernandez ate some grapes from the vine. Shortly thereafter, he began to vomit and to bleed from the nose. His foreman refused to take him to a doctor until other workers finally convinced him to do so. The doctor who treated him said his illness was due to the grapes and the chemicals on them. He has suffered from this illness on and off since then.

During this season, Mrs. Dominga F. Medina has worked in vineyards near Richgrove. She has seen spray rigs spraying liquid preparations on the vineyards only a short distance from where she and the other members of her crew were working. She has suffered from bloody nose, eye irritation, and headache while working in these vineyards.

Aurelio de la Cruz worked with Giumarra Vineyards in the spring of 1969. On more than one occasion he saw spray rigs spraying right ahead of the crew he was working in; his crew was told to work in the sprayed areas shortly after the spraying was concluded. He suffered eye irritation and skin rashes on these occasions.

Mr. Claro Runtal suffered very severe rashes and dermatitis on his legs and neck while working in vineyards of Richard Bagdasarian from December 1968 to June 1969. Many of the other men in the crew suffered skin irritations during the same period from the chemical dusts which had been applied to the vines.

Juanita Chavera was working in the Elmco vineyards in the spring of 1969 when she developed, as a result of the spray residue on the vines, skin rash, eye irritation, and hands swollen so badly that her ring had to be cut off. Other women in the crew including Mrs. Chovera's sister, Linda Ortiz, suffered similar symptoms.

Maria Serna also working in the Elmco vineyards in May 1969, where she developed irritated eyes, headaches, and severe dizziness. Her daughter, Alicia Ramona, suffered rashes and eye irritation.

Frances Barajas also worked in the Elmco vineyards this spring. While she was working there, a tractor spraying a liquid economic poison came through the vineyard in which she was working. She ran out of the field because she did not want to get sprayed, but a foreman ordered her to go back in and get back to work. She later talked to the tractor driver, who said he had been ordered to spray there by one of the Elmco supervisors. While working there she developed skin rashes and eye irritations that led to a serious eye infection. She has been afraid to complain about the poisons for fear of being fired.

Rafaela Ayala woked in the Elmco vineyards in the same crew as Mrs. Barajas. When the tractor sprayed the field they were working in she immediately began to vomit and her eyes became very irritated; they are still sore. She stopped working for Elmco as a result.

Mrs. Celestina Pereales was working in the Elmco vineyards in May 1968 when a tractor spray rig approached the row her crew was working in. Her supervisor told them to hunch down under the vines while the spray rig sprayed them. Not knowing better at the time, she did so. Her eyes became red and watery right away, and became persistently irritated, and she has had eye trouble ever since.

Mrs. Josephine C. Moreno was working in a crew leafing vines in the Elmco vineyards this spring. A spray rig came through the vineyard one row away from where the crew was working, and she and other women got sprayed soaking wet, but were put back to work after five minutes.

Petra Sisneros was working in the Elmco vineyards, tipping grape bunches, in may 1969, when four tractor driven spray rigs came into the field. Without any warning, one of them came right over the spot she was working in, spraying her soaking wet and blinding her to the point that she almost fell under the spray rig. Other women workers dragged her away from the danger of the spray rig. Her supervisor did not take her to a doctor until she became visibly sick. Until then she had merely been told to sit in the shade under the vine. She was vomiting a great deal by this time. After she was taken to a doctor, who gave her an injection and bathed her eyes, she was returned to the vineyards where she had to wait for a ride home until her co-workers were finished for the day. She was extremely ill for the next 10 days with vomiting, nausea, trembling, dizziness, headache, difficulty in breathing, tightness of chest, and difficulty in sleeping. To date she has received no compensation from her employer. She is still suffering from the aftereffects of this illness. When she asked her supervisor and foreman what kind of chemical she had been sprayed with, they claimed they didn't know and said it was not their fault she had been sprayed.

Alfonso Pedraza was also sprayed by an Elmco spray rig while working in its vineyards in the summer of 1969. The spray hit him on his back. When he saw a doctor three days later, his back was very red and the skin was cracked. The rash spread all over his body, and he developed muscle stiffness and eye irritation as well.

The carelessness with which economic poisons are applied in this area is such that farm workers are endangered outside the fields as well as within. About a month ago, while Petra Ojeda was working in a Tulare County orchard, the grower's tractor driven spray rigs sprayed her car and the cars of other workers which were parked along the road nearby. Mrs. Ojeda's young child was in the car asleep, along with food for lunch for the entire family. The child was covered by a blanket, but her bottle was covered with spray. The entire car was white with the chemical spray.

The James Morning family didn't even have to leave their home in order to be sprayed with economic poisons. In May 1969, their country home was sprayed by an airplane which was applying poison to a nearby field. All six members of the family were hit with the spray, causing rashes, cracked skin and irritated eyes.

The United Farm Workers Organizing Committee is attempting to solve this pervasive problem by the collective bargaining process. We have recently attained what is

for farm workers an historic breakthrough in our negotiations with the Perelli-Minetti Company. We have completed negotiating a comprehensive health and safety clause which covers the subject of economic poisons. It includes the following protections:

HEALTH AND SAFETY

A. The Health and Safety Committee shall be formed consisting of equal numbers of workers' representatives selected by the bargaining unit and P-M representatives. The Health and Safety Committee shall be provided with notices on the use of pesticides, insecticides, or herbicides, as outlined in Section D 1, 2 and 3.

The Health and Safety Committee shall advise in the formulation of rules and practices relating to the health and safety of the workers, including, but not limited to, the use of pesticides, insecticides, and herbicides; the use of garments, materials, tools and equipment as they may affect the health and safety of the workers and sanitation conditions.

B. The following shall not be used: DDT, Aldrin, Dieldrin, and Endrin. Other chlorinated hydrocarbons shall not be applied without the necessary precautions.

C. The Health and Safety Committee shall recommend the proper and safe use of organic phosphates including, but not limited to parathion. The Company shall notify the Health and Safety Committee as soon as possible before the application of organic phosphate material. Said notice shall contain the information set forth in Section D below. The Health and Safety Committee shall recommend the length of time during which farm workers will not be permitted to enter the treated field following the application of organic phosphate pesticide. If P–M uses organic phosphates, it shall pay for the expense for all farm workers, applying the phosphates, of one baseline cholinesterase test and other additional such tests if recommended by a doctor. The results of all said tests shall be immediately given by P–M to the Health and Safety Committee.

D. P–M shall keep the following records and make them available to each member of the Health and Safety Committee:

(1) A plan showing the size and location of fields and a list of the crops or plants being grown.

(2) Pesticides, insecticides, and herbicides used, including brand names plus active ingredients, registration number on the label, and manufacturer's batch or lot number.

(a) Dates and time applied or to be applied.

(b) Location of crops or plants treated or to be treated.

(c) Amount of each application.

(d) Formulation.

(e) Method of application.

(f) Persons who applied the pesticide.

(3) Date of harvest.

SANITATION

A. There shall be adequate toilet facilities, separate for men and women, in the field, readily accessible to workers, that will be maintained in a clean and sanitary manner. These may be portable facilities and shall be maintained at the ratio of one for every 35 workers.

B. Each place where there is work being performed shall be provided with suitable, cool, potable drinking water convenient to workers. Individual paper drinking cups shall be provided.

C. Workers will have two (2) relief periods of fifteen (15) minutes which, insofar as practical, shall be in the middle of each work period.

TOOLS AND PROTECTIVE EQUIPMENT

Tools and equipment and protective garments necessary to perform the work and/or to safeguard the health of or to prevent injury to a worker's person shall be provided, maintained and paid for by P–M.

ARKANSAS RIVER TONNAGE SURPASSES ESTIMATES

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HAMMERSCHMIDT. Mr. Speaker, commercial navigation of the Arkansas River has advanced to Little Rock, and the next major leg will enable barge traffic between Fort Smith and the Mississippi River, traversing the entire State of Arkansas.

Because of the heavy investment of Federal funds, some of the early-use statistics may be of great interest to my colleagues of the Congress. In these early stages of development, they tend to more than justify the faith, efforts, and good judgment of those far-sighted men who almost three decades ago sponsored the legislation and fought for its approval—the late Senator Bob Kerr of Oklahoma, the esteemed senior Senator from Arkansas, JOHN L. MCCLELLAN, and countless other concerned and dedicated citizens of Arkansas and Oklahoma.

I commend to my colleagues the report by Stanley Mantrop in the October 2 issue of the Journal of Commerce. I include the article at this point in the RECORD:

ARKANSAS RIVER TONNAGE SURPASSES ESTIMATES

(By Stanley Mantrop)

LITTLE ROCK.—The Little Rock business community plans to set in motion soon the first phase of a massive multimodal transportation complex aimed at making this Arkansas River city the nation's next big warehousing and distribution area for the Midwest and South.

The financial leaders are so confident the area will succeed that they are willing to put up their own funds to get the first step, an airport complex built, rather than be held up waiting to raise the money in the bond market in this uncertain period.

A high-ranking business official told The Journal of Commerce they hope to turn the first sod soon. They'll also push for developments in other modes of transport.

ARKANSAS RIVER TRAFFIC

What has spurred along this kind of enthusiasm is the unanticipated heavy movement of cargo along the recently opened Arkansas River project which, by the end of the third quarter, had far surpassed the U.S. Army Corps of Engineers estimate for the full river opening to Tulsa of 1 million tons, by the close of 1971.

By the end of September the river, which opened to barge traffic in January of this year, had surpassed 1,000,000 tons in both directions.

The Corps district engineer, Col. Charles L. Steel, stressing the impact of river transportation on the Arkansas economy, credited the new waterway with bringing some $500 million worth of new industry into the state, while creating a cargo outlet capable of moving the raw materials in for the plants, and the manufactured goods out.

There is also a drive on here for a free port area. Backers of the multimodal transportation plan which would combine air, sea, and land transport into one massive center, have discussed their project with top officials in Washington and other sections of the country. They claim they have received enough encouragement from these talks to proceed ahead at full throttle.

PINE BLUFF CARGO

Colonel Steel said the Port of Little Rock had handled cargoes far beyond the estimates when it went into business on Jan. 1. Downstream, at Pine Bluff, this port was already 50 per cent over the projected cargo estimates for a full year, less than four months after its dedication earlier this year.

Significant for the area is the fact that of the total tonnage handled so far well over half was in outbound movements, meaning that many cargoes, previously landlocked, were now being moved.

The cargoes shipped out consist of a large variety of chemicals and minerals all of which has raised hopes that these commodities will lead to the setting up of waterside plants.

Encouraged by the heavy cargo movement, a Pine Bluff firm has set up the first barge rental agency, with two large mooring facilities planned, one of 5,000 feet, the other of 1,800 feet. A number of studies also are underway to mark out key areas for plant and port locations along the length of the waterway.

So far, Little Rock and Pine Bluff have the largest port complexes. However, several private ones, geared mainly to handling products of raw materials inbound, have been set up.

The next one of any size to go into operation will be Fort Smith, close to the Oklahoma border, which should be ready by the time the Corps of Engineers bring into being the next stage of the multimillion-dollar waterway project by New Year's eve.

"We are moving ahead on schedule," Colonel Steel said. "We see no indications of any delays."

From then on the river job moves into high gear with one of the biggest dock installations being set up at Catoosa, which will be the port at Tulsa.

Backers of the Arkansas River project believe their prospects are good for winning Washington recognition for its free port plans. They appear to have picked up some solid support for this move. There is also a feeling that since most of the products moved in by barge are in international commerce, meaning they either are sent abroad from Gulf port to their destination, or are unloaded inbound at the same ports for mill consumption inland, the area should be designated as an important international trade area and should receive the official benefits that sometimes go with such a setup.

NEW DIRECTIONS FOR AIR FORCE SYSTEMS MANAGEMENT

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. PRICE of Illinois. Mr. Speaker, in these days of supersensitivity regarding the management of our large defense budget, it behooves each of us in this body to remain as aware as possible of the methods employed by the Services in the administration and expenditure of these funds.

A major element of the Air Force, the Air Force Systems Command, has the responsibility for a significant portion of the overall budget. During the recent Air Force Association fall meeting, held here in Washington, D.C., Gen. James Ferguson, the commander of Air Force Systems Command, headed a panel of research and development management experts who made presentations before

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an audience of Government and industry aerospace officials.

The management concept outlined by General Ferguson in his presentation is indeed a refreshing approach for managing the development and procurement of our major aerospace systems. His remarks are worthy of your attention, for you will recognize, as I have, that the application of the principles embodied in his concept can lead to an increase in our national technological base while providing this Nation with markedly advanced aerospace weapons and support systems. Thus, I commend his speech to you and include it in the CONGRESSIONAL RECORD, as follows:

NEW DIRECTIONS FOR AIR FORCE SYSTEMS MANAGEMENT

My colleagues and I appreciate this opportunity to discuss "New Directions for Air Force Systems Management" with the knowledgeable membership of the Air Force Association. We know that, while we will be accorded a friendly hearing, we will also be exposed to objective and critical judgment.

Critical judgment—some objective and some anything but—is the reigning order of the day. I can't think of any AFA meeting in a good many years that was held in an atmosphere so thick with questioning, probing, and doubt. We should *all* be well accustomed by now to conducting business in a very transparent goldfish bowl. That, after all, is the "name of the game," and all of us throughout Government and industry knew it before we started. But it's hard to recall any time when it was such a popular sport for anyone and everyone to go spearfishing in that goldfish bowl—with or without a license.

In that context, then, the Air Force Systems Command panel will focus on one facet of the current controversy: the management of major defense system acquisitions. This is a target so large and so vulnerable, by virtue of its multibillion dollar scope, that even a novice spearfisher can easily draw blood.

So, for perspective, let's briefly review the way things used to be, and how we got to where we are today. Then, a look at what is being done about the current situation, from the highest level down—and particularly the role of Systems Command in this era of change. In the process, I think all of you from the defense industries should be able to assess the probable effects upon your own community—both from what we say here and from what you may extrapolate between the lines.

For my part, I will concentrate on an overview—the broad effects of the new management directions on AFSC. The other panel members will then bring to bear a finer focus on command and staff impacts; in the process, I would think, the impact on industry-defense relationships will become rather apparent.

By way of brief background, you undoubtedly recall that the 1950s saw the Air Force making pretty much its own development and deployment decisions. Program justification was based for the most part on Specific Operational Requirements approved by USAF. Thus, in 1955 and 1956, I can remember something like 19 SAC programs in the R&D mill, four interceptors, 11 applications of nuclear power to ground, aircraft and space systems, eight space projects, and all the so-called "L" systems for command, control, and communications. Systems were relatively less sophisticated, and therefore less costly. And, with the Air Force responsible for about 50% of the defense budget, there always seemed to be enough funding flexibility for new programs, as well as for modification and updating of older ones.

In those days, the Office of the Secretary of Defense was a small advisory body, with little direct involvement or detailed analysis at that level. Management authority was delegated to the field, so that quick decisions with minimum delay were characteristic of systems development. On the other hand, cost considerations were quite possibly not accorded the importance they deserved.

With the 1960s, the national strategy of massive retaliation was overhauled along the lines of flexible response and multiple options. At the same time, exploding technology offered a wealth of options for alternative weapon and support systems.

Given this great range of choice, and the tremendous costs of the numerous alternatives, the new Secretary of Defense sought tightened control from the top. The pendulum began a rapid swing in the reverse direction, as Mr. McNamara exercised various control systems and mechanisms. Most were admirable in conception—Contract Definition, for example. Or the attempt to quantify alternative choices through Systems Analysis and the Cost/Effectiveness Ratio. Or the Cost Reduction Program, with its emphasis on tighter contracting. Any one of us, I'm sure, could think of at least five more—with varying degrees of affection.

In seeking a cohesive allocation of finite resources according to broad roles and missions, these mechanisms and procedures were fundamentally sound. In practice, however, we moved too far toward the other extreme from the situation of the 50s. Procedures requiring detailed decisions at the OSD level generated a correspondingly massive requirement for detailed information, and for more and more technical people, at that level.

This very rapid growth in the Office of the Secretary of Defense caused a corresponding technical buildup of large proportions within the Air Staff. There was a mass exodus of many of our best project officers topside, and most of them, with some abetment from the field, took their jobs with them. That left Systems Command with a heavy mantle of responsibility, but, in reality, short-circuited out of the decision loop by this migration of detailed management to a higher level.

At a Washington meeting of the Armed Forces Management Assocation last month, Dr. John Foster, Director of Defense Research and Engineering, summed it up in these terms:

"For reasons which are now history," he said, "we find the Pentagon today with too much centralization of authority—but not responsibility—too much layering in the decisionmaking structure, too many reports to be written by people already too busy trying to manage."

I like the way General McConnell put it in one of his last appearances on the Hill, because my own experience bears it out. When you're running a flying outfit, as he said, and a squadron commander goofs, you fire him. But in the procurement and development areas, it is virtually impossible to *find* the right one to fire. Too many people at too many levels have too much to say about the program. And very few of them can say "Go"—while most are authorized to say "No," or, as is more often heard, "more data" or "restudy."

That is about where things stood until fairly recently. Meanwhile, national tension and unrest were compoundng, aggravated by a growing frustration over the war in Southeast Asia, and resulting in a general disenchantment with anything military. Against that kind of backdrop, any apparent miscue in defense management—in cost, schedule, or performance—has triggered an immediate avalanche of accusation, recrimination, and investigation. All of which tend to escalate as they are bounced around the walls of the Capitol, reflected in the face of the TV tube, and splashed around the news and editorial pages of the printed media.

But every little attention is directed to the fact that, basically, it is the divorce of the Service R&D elements from control of their own programs that gives birth to these misfires.

This is not to say, by any means, that any of us—in any of the Services—is wholly without fault. Speaking for the Air Force, we have recognized for some time that, on many occasions, after a Niagara of studies and restudies, we let ourselves be stampeded into Contract Definition just to get going. In frustration—which is understandable but no less excusable—we have accepted and participated in program decisions without actually having the requisite technology sufficiently well in hand to proceed.

What that sort of thing does to schedules, performance, and costs is too well known to require extension elaboration. A few examples, such as the SRAM, Mark II Avionics, and the Minuteman guidance system, are representative. They amply illustrate the need for a much more detailed look at—and control of—the balance among Cost, Performance, and Schedule. *Not* only at the very beginnings of the system acquisition cycle, but all the way through to the final operational configuration.

Our greatest shortcoming may well have been that, recognizing these results of overcentralized control, we didn't really start a critical self-examination until about a year ago.

But what is much more important now, the basic problem is recognized—and is being attacked—at the highest levels. President Nixon, with his strong emphasis on decentralization, has set the tone and furnished the policy framework. The Department of Defense, as strongly evidenced by Dr. Foster's remarks last month, is taking the necessary steps to get management back where it can truly manage. As witness this excerpt from his address:

"In the Office of the Secretary of Defense . . . you can see a shift toward added emphasis on *future defense planning* and *away from the management of a given program.* The senior civilians will require a detailed justification by the Services of a program, but once approved, the Services will run it. The Office of the Secretary of Defense will monitor the program but hold the Services responsible for the proper conduct of the approved program."

I'm happy to say that the Secretary of the Air Force and the Chief of Staff have expressed their agreement. Headquarters USAF and AFSC have been actively working with DOD, the Defense Science Board, *and the other Services* on the complex problems of managing huge programs. We have made detailed recommendations along the entire spectrum, and their acceptance in large part generated the new policy that detailed review and the decisions on approved programs will be delegated to the lowest possible level.

Within the Air Force, it would certainly seem to me that AFSC is the logical level. There *is* no higher level—in USAF or DOD—at which all the essential ingredients for detailed review and timely decisions come together. Systems Command *is* the organization charged with maintaining the technical and management capability to balance resources against thoroughly analyzed military requirements. At no other level of organization are all these ingredients constantly available for program decisions during the total system procurement cycle.

That premise clearly pinpoints responsibility where it belongs—and Systems Command is happy to meet the challenge.

So, from the top on down it is agreed that there will be a greater emphasis on future planning and Concept Formulation at the OSD and Air Staff levels. While General Rogers will discuss the AFSC role in this new environment in greater detail, I would like to point out several areas that I feel will be essential to our future success.

First, a very deep and penetrating look

into the operational capabilities required and the time frame for their intended use. These considerations are going to be essential in establishing priorities for future efforts in a climate of curtailed funds and manpower. And in this connection, let's be very clear about the tremendous need for judicious *selectivity* among the numerous choices technology makes available. The trend toward more elaborate frills and increasd "gold plating"—which too often turns out to be tarnished when it reaches the field—must be reversed.

Second, a more comprehensive understanding of the technology involved and the state-of-the-art available. We must have better estimates of technical risks versus performance requirements, costs, and delivery dates.

Third, a flexible scheme of contracting to cover the R&D phases of the program as well as production. We've got to recognize the fundamental differences between development and production, and tailor our contracting procedures accordingly.

Fourth, we're going to have to come up with far more definitive and realistic development schedules than we've done in the past. That means, for one thing, a more realistic use of analytical studies, prototype development, and advanced development of components in areas of high technical risk. *And* the establishment of *definitive decision milestones* at which we can assess the impact of problems in technology, costs, performance specifications, and time delays, on the comprehensive acquisition schedule.

What all this says, and I think it bears emphasis, is that all our problems must be visible and susceptible of solution before a final commitment to production. By placing greater emphasis at the highest level on program approval processes before we proceed to production, everyone—DOD, the Services, Congress, and the contractors—will have a full understanding of just what the base line is for what we are buying. Only with such a base line can we identify our problems and measure our progress against what we set out to do.

With this valid base line—knowing precisely what has really been approved—and with AFSC charged with the proper conduct of the program, we get back to the basic principles of management. Detailed management information rises only as high as the level at which it is needed and can be useful; spans of control become realistic; and authority is once again wedded to responsibility.

To put the theory into action, the Air Force is realigning certain functional responsibilities in the program management area. As of July, for example, the F–15 program came under the direct management control of Headquarters AFSC. The Office of the Assistant for F–15, reporting directly to me, has assumed the functions and responsibilities that were previously assigned to the Program Element Monitor on the Air Staff. Consequently, the appropriate PEM personnel from the Pentagon have been transferred to my headquarters at Andrews.

At the same time, the F–15 System Program Director, who formerly reported through the Commander of the Aeronautical Systems Division, now reports directly to me.

The same type of organizational structure and alignment of responsibilities is now being considered for the B–1A advanced bomber program. And we anticipate going the same route for selected major programs of the future, once they have been approved for development and acquisition.

Meanwhile, programs already underway—such as the C–5, Minuteman, and F–111—are also being considered for a closer tie-in to the Systems Command. This would entail a shift of many of the Air Staff program element monitoring functions to the appropriate AFSC staff agency as the focal point for detailed management information. And we may well consider following much of the same sort of process with regard to various advanced development programs.

I have discussed these changes in great detail with the System Program Directors who are directly affected, and charged them with surfacing problems and getting them to me as soon as they appear. The SPDs will thus be giving me detailed reports; emerging problems will be identified and resolved before they grow malignant and multiply out of control. And we will be paying very strict attention to cost, schedules, performances, and program decision requirements.

Now, all of this in no way means that we are trying to cut the higher levels out of the loop once a program has been approved. Rather, the purpose is to eliminate unnecessary briefing and reporting at all levels. We all realize that each level or organization must have the information necessary to fulfill its management responsibilities; but we must get rid of the study and re-study requirements from various staffs, offices, committees and other reviewing agencies that have neither the authority nor the responsibility for program decisions.

In conjunction with the other Services, we are developing a standardized format with which we, in turn, report to higher levels. In my own case, for example, I will be highlighting problems of our major programs for the Secretary of the Air Force, the Chief, and DOD in a quarterly review—without the need for these higher levels to constantly review and drown in a flood of complex detail.

At the same time, AFSC should become the Air Force focal point, in Washington, for comprehensive program management information. We will therefore be able to respond fully to the Secretary and the Chief, as well as DOD levels, and these higher levels, in turn, can be responsive to the Congress through the System Acquisition Reports.

We are going to be particularly resistant to Engineering Change Proposals for increased performance, whether they come from the contractor or the user. Any ECP is going to be looked at through a jaundiced eye, *first* to see if there is any real need for it at all, and *secondly,* if it passes that test, what it does to costs and schedules.

And, as I mentioned earlier, we are moving very definitely in the direction of hardware verification—or prototyping—as a complement to the present flood of paper studies in the Contract Definition phase. I think of this as competitive "initial development," or, in effect, a "contract definition in hardware." After all, brochures *always* perform beautifully, but I frankly prefer in most instances to see a piece of hardware proving *what* it can do, *when* it can be delivered, and *whether* it is worth the money it will cost. In this connection, we must use all available techniques, including exploratory and advanced development efforts, to validate system feasibility. We *must* insure that we have a viable program *before* we commit ourselves to the major costs of development and production.

Having heard now how we got where we were, and what steps are being taken to remedy the genuine deficiencies, you can probably deduce what the impact on defense contractors is likely to be. The controlling factor, obviously, is the real squeeze on money and manpower that we can expect for at least the next few years—and very probably beyond. The necessity for the Services to get a great deal more value from every R&D and production dollar cannot help but have a profound effect on the industry.

You can expect our look at past performance, as a factor in source selection, to be far deeper, far more penetrating and far more realistic.

"Realism," in fact, is going to be the operative environment. There will, in the future, be very scant likelihood of low-cost buy-ins, or of our accepting performance specifications beyond those in the original definition, at the price of disproportionate cost increases.

All in all, I would say, we can expect, for the foreseeable future, a trend to the very basic "necessities of life," at realistic and thoroughly justifiable price tags.

Summing up: AFSC analytical capability applied to Air Force mission requirements, added to the command's technical competence, together form a potential for producing the best and most advanced aerospace systems in the world. When you add, as is now being done, the management authority necessary to really control your programs, that potential is much more likely to translate into reality. With these three ingredients—analysis, technology and authority—working together, we will be able to produce viable weapon systems that meet the nation's needs as fully as they can be met, are no more complex than they need to be to fulfill their functions, and are priced as close to their true worth as human effort can manage.

Now let me read you something that applies directly to what has been said today:

"I strongly believe in the pyramid nature of decisionmaking and that, within that frame, decisionmaking should be pushed to the lowest level in the organization that has the ability and information available to apply approved policy."

That sounds very similar to what we have been saying here. Yet it was written by Robert McNamara in *1964,* and we can only believe that those words reflected what *he* believed. If the tools and instruments with which he attempted to build the framework overwhelmed or aborted the original intent, or delayed it overlong, it was nonetheless a heroic effort to cope with unbelievable complexity and magnitude. In the process, we all learned something of enduring value about analysis, the cold light of judgment, and the intricate matrix of conflicting choices.

It is up to each of us now, *not* to disclaim the past or seek a scapegoat for our mistakes, but to make use of what we have learned, and to apply our knowledge strenuously to this new era of defense acquisition management.

I would like to leave you, then, with the assurance that the Air Force is taking major constructive steps, along the lines I have described, to remedy deficiencies that we ourselves have recognized for at least the past year.

For our part, the Air Force Systems Command is definitely off and running, doing exactly what the highest levels of Government—and we ourselves—have all agreed should be done.

PATTERN FOR PEACE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. LUKENS. Mr. Speaker, it is a great amusement to me, tinged with some dismay, that I am reading of and hearing a great deal about the various programs to end the war in Vietnam immediately. It is usually from the same source—although others occasionally join in—who have been playing this tune for months, even years. For once, we have a President who is actually withdrawing troops and who has promised to withdraw more. He is the first President to take the first step toward a

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peace solution. Yet, we still have the crowds who shout for peace and protest as if they and only they have the price tag for the purchase of this illusioned target.

President Nixon has a very good grasp on foreign affairs and is a great President in this particular area. In addition to tons of information—all facts—as well as a multitude of experienced opinions on the war, he is in a situation where most of it is not available to these peace procurers. I have spent several years overseas in that area and converse in oriental tongue. I have visited Vietnam many times and still do not consider myself an expert on Vietnam.

Suddenly, all we have are Vietnam experts during such a critical time. We Americans have taken more official steps to achieve peace, and also more poignantly asked the committee to make a concomitant move on their part to show that they want peace. I seriously wonder if they do when I realize that the Communists in Hanoi show no indication to end the war. Each side has to give. We have abandoned every bargaining position and they have abandoned none. When the President was elected by the people of the United States, they knew he would be able to do his job. He is harangued, he is bothered, he is pestered with this bloc representing little more than their own provincial politics or immediate political expediency. Why do they not leave the President alone and let him try to run the Nation?

Each riot, each disturbance, is additional fuel for the enemy and makes it more difficult for the President to continue his pattern for peace. Mr. Speaker, I support this administration and I support our President now as I have supported past Presidents. Surely, the price of peace is not too high when all it requires is a little justice, courage, and even a little consideration from one American to another. I pray for my country, I pray for my President, and since he is my President, I will believe and trust in his capabilities to achieve this thing called peace. I must add in all candor, I do not believe that any real Communist wants peace now or ever; he wants prosperity and people. But surely some day the enemy will allow the people in free South Vietnam to live in peace and security and well-being. I will walk this way with Mr. Nixon and this administration as I believe he can bring real peace. He will have my most earnest prayers.

INFLATION AND THE BANKERS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HELSTOSKI. Mr. Speaker, we are currently faced with a serious economic crisis, and we do not have much time to steer a course toward economic stability.

The administration has been promising us, for a long time, that we will win this fight against inflation, but, despite these assurances, we are losing this fight.

Mr. Speaker, we all know that credit is the basis of our American economy. When a consumer borrows money to make a purchase, he pays interest on the amount borrowed. If he decides to make this purchase on credit, the store charges interest on the amount owed on the credit contract.

In the guise of fighting inflation, interest rates have been increased which contribute to rising living costs. Such price boosts, paid by the consumer, are built into living cost for years to come.

To raise the price of money is like raising cost of any other essential commodity—it does not dampen inflation—it contributes directly to it.

The beneficiaries of soaring interest rates are the banks and, in this connection, I would like to include an article on the activities of the bankers and their fight to curb inflation through raising interest rates. The article, written by Jack Anderson, follows:

THE BIG BANKERS ARE DOING WELL

(By Jack Anderson)

WASHINGTON.—As part of the fight against inflation now gripping the country the federal government months ago called on big business to do its part. The nation's bankers happily responded by raising their interest rates five times over the past nine months.

The cost of borrowing money is now at the highest point in history—8½ per cent for prime customers.

How this will curb inflation may be a little hard to understand for the salaried American, who must pay more for almost everything he buys on credit.

But the effect on the average American has been inflationary, not the other way around. His home costs more. His automobile costs more. His food, clothing and medical expenses have skyrocketed.

All the while the bankers rake in the greenbacks. They have tried to conceal their good fortune by crying the blues over shrinking profit margins. But bank earnings—the cold, hard cash left after expenses—are higher than ever.

Banking used to be a nice stable industry which tended to breed bespectacled, staid, old gentlemen who reeked of a musty money smell.

But today, bankers have caught the go-go fever. Yielding to the profit mania, they now compete with big business. They manipulate the money flow, playing little paper games which cause the rise and fall of great corporations.

They are aided in all their endeavors by the federal government, which diverts more of the taxpayers' money to benefit millionaire bankers more than ghetto children.

The Government, for example, has set up dozens of guaranteed loan programs, which are really nothing more than guaranteed profit programs for the bankers.

Here's how they work: the banks lend money to Government-qualified borrowers who pay back the loans with interest. Thus the banks make all the profit, but the taxpayers take all the risk. For if a borrower defaults on his loan, the Government must make good.

These unique benefits for banks have been made possible by a Congress which is widely populated by bankers. More than 100 members of Congress are linked by stockholdings or directorships to national banks. A great number of these serve on the Senate and House banking committees, which handle banking legislation.

Through these committees, the banking lobby gains favorable legislation in almost every session of Congress. In theory, the committees are set up to serve the public. In practice, they seem to work for the bankers.

Those who oppose the banking lobby find that the enormous resources of the nation's financial institutions are turned against them on election day. Those who play along sometimes find unexpected dividends.

A FARM WIFE PROTESTS

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. CUNNINGHAM. Mr. Speaker, for the benefit of the Members, or at least for their consideration of the situation involving farm prices, I am inserting the following article which makes a potent point and should be of interest to the Members of the House:

[From the Omaha World-Herald, Sept. 26, 1969]

A FARM WIFE PROTESTS

"Is it only meat that has gone up?" asks a Mitchell, Neb., contributor to the Public Pulse. Her query was written before the press dispatch from New York which reported that the supermarket meat boycotts generated by Mrs. Mickey DiLorenzo in the Long Island area were only "partially successful."

The Mitchell contributor, a "cattle feeder's wife," asks: Why complain about the high cost of one segment of the economy and not protest such things as a hair-do which once cost 75 cents and now costs $2.50, or the dress which once cost $25 and now is priced at $98?

Agricultural economists have repeatedly cited figures showing that the American housewife still has a bargain in her meat and other principal foodstuffs, and the Nebraska housewife quotes a University of Florida expert who says that "rather than condemn the farmer we should be thankful for the fact the U.S. consumer spends the least amount of his income for food of anyone in the world."

It is interesting to note that the breadwinners in the households of the wives mentioned in the boycotts have received pay increases many times in excess of what the farmer and cattle feeder have gained in this period of inflation.

THE AMERICAN FARMER—A FRIEND OF CONSUMERS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. MATSUNAGA. Mr. Speaker, because of our deep concern over the rising cost of food, we tend to forget that the American farmer is doing a phenomenal job for this Nation in producing mineral-rich foods in abundance at reasonable prices. Despite the fact that he is caught in a chronic cost-price squeeze, the American farmer continues to make it possible for the consumer to get a bargain on his groceries in this country.

In this regard, I call to the attention of my colleagues a recent news release of the National Limestone Institute which reports that in 1968, the American consumer spent 17.2 percent of personal income for food, in comparison with 25.7 percent in 1947.

It was also noted in the news release that a United Nations study of food price increases in 45 countries for the period 1963 through 1967 revealed that prices in the United States rose less than in most other countries.

As the very able president of the National Limestone Institute, Robert M. Koch, commented:

> Plagued by constantly rising costs for everything he buys, by very acute labor shortages, by excessive hours for both him and his family—and a reputation for getting excessive Government handouts which is certainly not true for the "average farmer"—the American farmer continues to provide the most abundant and inexpensive food supplies to his countrymen of any nation on the face of the earth.

Mr. Speaker, I submit the NLI news release for inclusion in the CONGRESSIONAL RECORD at this point for the further information of my colleagues:

FOOD COST

Many consumers in the United States gripe about the cost of food and price increases which have taken place in recent years. Many even remember prices when one could buy a "T" bone steak at 25 cents a pound and other prices were comparable. They minimize or even forget to take into account the increases in personal income and other changes in living standards during the same period. And, we tend to forget the numerous items that are now on grocery store shelves that a few years ago one could get only at the hardware or drug store that too many now think of as part of the food cost.

The consumer forgets the fact that the demand today is for prepackaged or frozen food items ready for cooking. These, of course, are a time-saving feature for the housewife in comparison with buying potatoes, apples, etc., by the bushel, flour by the sack, beef by the "side" and live fowl. But someone has to pay for these processing features—and it is the consumer. In spite of the increased costs, the consumer is still getting a bargain. In the U.S. in 1968, consumers spent 17.2% of personal income for food in comparison with 25.7% in 1947.

The United Nations made a study of food price increases in 45 countries for the period 1963 through 1967. As shown below, it revealed that prices in the United States rose less than in most other countries.

1967 Food Price Index

[1963=$1]

Index for Nation:	
United States	$1.10
Canada	1.12
Australia	1.17
Japan	1.23
Spain	1.32
India	1.64
Yugoslavia	2.01
Index for major city in:	
Venezuela	$1.06
Mexico	1.15
Philippines	1.36
Colombia	1.58
Chile	2.73
South Vietnam	3.63
Brazil	5.39

Instead of griping about food costs, we should extend a vote of thanks to the American farmers for producing mineral rich foods in abundance at such reasonable prices. The Federal government has contributed to this abundance by some of the USDA programs, including those that help preserve our National Heritage—the soil—for future generations. We cannot afford to cut back on Conservation Programs which help provide mineral-rich food at reasonable prices for all consumers.

PALME—A SCANDINAVIAN CASTRO?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. RARICK. Mr. Speaker, Olof Palme—Sweden's leading America-baiter and acknowledged "Crown Prince" of the Socialists—has now ascended to the command for which he was groomed.

Palme believes that Americans' desire for an end to the war is synonymous with American approval of his comradeship with Hanoi and Cuba. There were very few Americans who did not favor an early and victorious end to World War II, but if any Swedish cabinet ministers had marched with a Nazi diplomat in an anti-American demonstration in Stockholm, we could hardly say he agreed with the majority of American people at that time.

Palme, having picked the Soviet horse to win is clumsily trying to hedge his bet by limpid protestations of his love for America. It is hard to see how Palme's transparent remarks could disarm any Swedes because he certainly is not fooling anyone in America.

Palme's babbling that he is not anti-American is the joke of the century. His party has announced their gift of $40 million to the Communist dictatorship of North Vietnam, and Palme's latest announcement is that the hard-working taxpaying decent, Swedish men and women will be called on to bear the additional burden of increased aid to Communist Cuba.

If Palme visualizes his countrymen so affluent that they can underwrite Communist countries, there certainly would appear no reason for American business to feel any incentive to bolster the Swedish economy.

Perhaps Palme's strange position comes as a result of his limited associations—that he has only fraternized with Communists. Contrary to Palme's indifference to the free government of Vietnam, Senators Akerlund and Hubinette, ranking Members of the Upper Chamber of the Swedish Parliament, upon their recent visit to Saigon, were reported to have expressed surprise over the "positive direction that the Government of Vietnam has taken toward social and military progress."

Americans who have always had great affection for the people of Sweden watch with concern as Sweden's destiny falls into the hands of a potential Scandinavian Castro.

I insert several news articles at this point in the RECORD:

[From the Washington Post, Oct, 3, 1969]

NEW SWEDISH LEADER

STOCKHOLM.—Olof Palme, 42, an outspoken opponent of the U.S. war effort in Vietnam, was named head of Sweden's ruling Social Democratic party Wednesday, clearing the way for him to succeed Tage Erlander as premier on Oct. 14. Erlander resigned after 23 years as the chief architect of the Swedish welfare state.

Palme, a 1948 graduate of Kenyon College in Ohio, will be the youngest Swedish premier. As education minister he took part in an anti-American demonstration in Stockholm last year at the side of North Vietnam's ambassador to Moscow.

Swedish-American relations have grown steadily worse since then The Nixon administration has yet to appoint an ambassador to Stockholm. Palme told a news conference Wednesday that he foresaw no change in Swedish policy toward Washington. Swedish Foreign Minister Torsten Nilsson said that, after North Vietnam, Sweden would greatly increase its aid to Cuba.

[From the Evening Star, Oct. 3, 1969]

OLOF PALME, CRITIC OF U.S., IS NAMED SWEDISH PREMIER

STOCKHOLM.—Olof Palme, a critic of U.S. Vietnam policy, was named Wednesday by the ruling Social Democratic party to succeed Premier Tage Erlander who is retiring after 23 years in office.

Erlander and his cabinet will resign Oct. 9.

Palme, 42, was chosen to take over the premiership and party leadership from Erlander by acclamation of the delegates at the 24th party congress. He is a leader of the left-wing faction.

The only other candidate was Finance Minister Gunnar Straeng, 62, nominated by the right wing. But Straeng refused to oppose Palme, and urged the congress to elect the man Erlander had groomed as his successor.

TO CONTINUE NEUTRALITY

Palme, education minister in the Erlander cabinet, is expected to continue the policy of "active neutrality" which has placed a heavy strain on Washington-Stockholm relations. Palme has been a driving force behind Sweden's sharp criticism of U.S. foreign policy, particularly in Vietnam, although he disclaims being against the United States.

Recently Palme referred to an opinion poll indicating that Americans generally favored an end to the Vietnam war and told an interviewer: "How can you be anti-American if you agree with the majority of American people."

STUDIED IN THE UNITED STATES

Palme studied in the United States, and won a bachelor of arts degree in one year at Kenyon College in Ohio. He spent the next four months hitchhiking through the states before returning to Sweden to take his law degree.

Palme's rise to the top began in 1953 when he joined Erlander's staff as private secretary and executive assistant. He served the government as minister without portfolio, minister of communications and minister of education.

Palme and his cabinet are expected to be sworn in on Oct. 14. He is expected to retain all of the leading ministers in the present cabinet, including Foreign Minister Torsten Nilsson.

[From the Christian Science Monitor, Oct. 1, 1969]

NORTH VIETNAM-AID PLAN OUTLINED IN SWEDEN

(By the Associated Press, Stockholm)

Sweden plans to give North Vietnam more than $40 million in economic aid, Foreign Minister Torsten Nilsson announced at the Social Democratic Party Congress.

He said the aid will be distributed over a period of three years, adding he was convinced the government action "is backed by a very strong public opinion."

SWEDISH SENATORS HAIL VIET PROGRESS

(Vietnam Newsletter No. 28, Sept. 27, 1969)

SAIGON.—Two Swedish senators Monday night expressed surprise over the "positive

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direction that the Government of Vietnam has taken towards social and military progress."

Senators Henrik Akerlund and Gunnar Hubinette, ranking members of the Upper Chamber of the Swedish Parliament said, "Our general idea of Vietnam has been changed in favor of South Vietnam."

The two Swedish senators said Europeans generally have an incorrect concept of the situation here in South Vietnam. "As far as we are concerned, South Vietnam is doing better than what we believed before we came over."

Akerlund and Hubinette arrived here last September 17 for a one-week stay as guests of the government. The two Swedish lawmakers have been touring the country from north to south observing the social and military activities of the Republic of Vietnam.

"The world is becoming smaller every day in this jet age. Due to this, there should be an increased understanding now between Europeans and the peoples of Southeast Asia. This was the reason we decided to come over, to observe and be informed," the two senators added.

Akerlund and Hubinette also bared that Scandinavian countries; Finland, Norway, Denmark and Sweden—are now, "having a lot of discussions about extending economic aid to the Republic of Vietnam after the end of the war."

The two Swedish senators, who were interviewed by the PNS in their suites at the Caravelle Hotel in downtown Saigon, revealed that the Swedish Parliament, particularly—has been deliberating over this postwar economic aid to South Vietnam.

Hubinette and Akerlund, who are both members of the Swedish Moderate Party said though that the proposed postwar economic aid to South Vietnam would be a collective action of all the Scandinavian nations—and not based on individual help.

The two Swedish senators said at the present, their country's aid to South Vietnam is given through the Red Cross. It is for this reason that a visit to refugee centers has been included in their itinerary here.

SENATE—*Monday, October 6, 1969*

The Senate met at 12 o'clock noon and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for all the blessings with which Thou hast enriched life—for the gift of life itself, the wonder of thought, the privilege of service and the sacrament of love. Most of all we thank Thee that Thou didst enter our fleeting life to share our nature, bear our burdens, and show us how to live.

"O Master, let me walk with Thee
In lowly paths of service free;
Tell me Thy secret; help me bear
The strain of toil, the fret of care."

Draw us to Thyself that amid differences and difficulties we may be united in bonds of common devotion to the welfare of the Nation. Keep the United States under Thy sovereignty and protection and use her in works of compassion and love.

In Thy Holy Name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 3, 1969, be dispensed with.

The **VICE PRESIDENT.** Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The **VICE PRESIDENT.** Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The **VICE PRESIDENT.** Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 169; then going over and beginning with Calendar No. 433 and continuing with the succeeding measures in sequence.

The **VICE PRESIDENT.** Without objection, it is so ordered.

EMERGENCY CREDIT REVOLVING FUND

The Senate proceeded to consider the joint resolution (S.J. Res. 111) to authorize temporary advances by the Commodity Credit Corporation to the emergency credit revolving fund.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the consideration of Senate Joint Resolution 111 be postponed indefinitely.

The **VICE PRESIDENT.** Without objection, it is so ordered.

BARBARA ROGERSON MARMOR

The bill (S. 533) for the relief of Barbara Rogerson Marmor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Barbara Rogerson Marmor, the widow of the late Milton Marmor, a citizen of the United States, shall be held and considered to be an alien eligible for immediate relative status under the provisions of section 201(b) of such Act, and the provisions of section 204 of such Act, shall not be applicable in this case.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an exerpt from the report (No. 91–437), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of an immediate relative to Barbara Rogerson Marmor which is the status she would be entitled to were it not for the death of her husband, a citizen of the United States.

DR. GEORGE ALEXANDER KARADIMOS

The bill (S. 2096) for the relief of Dr. George Alexander Karadimos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Doctor George Alexander Karadimos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 28, 1961, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–438), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. IN BAE YOON

The bill (S. 2231) for the relief of Dr. In Bae Yoon was considered, ordered to

be engrossed for a third reading, read the third time, and passed, as follows:

S. 2231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor In Bae Yoon shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 26, 1964.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–439), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. SILVIO MEJIA MILLAN

The bill (S. 2443) for the relief of Dr. Silvio Mejia Millan was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Silvio Mejia Millan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 17, 1961, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of sections 316 and 319 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–440), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

MARTIN H. LOEFFLER

The bill (H.R. 3165) for the relief of Martin H. Loeffler was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–441), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Martin H. Loeffler to file a petition for naturalization notwithstanding the provisions of section 313 of the Immigration and Nationality Act relating to one who was formerly a member of a proscribed organization.

ARIE RUDOLF BUSCH

The bill (H.R. 3560) for the relief of Arie Rudolf Busch (also known as Harry Bush) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–422), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Arie Rudolf Busch (also known as Harry Bush) to file a petition for naturalization based on his residence and physical presence in the United States since his lawful admission for permanent residence in 1960.

DR. WAGIH MOHAMMED ABEL BARI

The Senate proceeded to consider the bill (S. 1797) for the relief of Dr. Wagih Mohammed Abel Bari which had been reported from the Committee on the Judiciary, with an amendment, in line 4, after the word "Act," strike out "Doctor Wagih Mohammed Abel Bari" and insert "Doctor Waguih Mohamed Abdel Bari"; and in line 7, after the word "of", strike out "September 20, 1960." and insert "September 15, 1960."; so as to make the bill read:

S. 1797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Waguih Mohamed Abdel Bari shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 15, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–443), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to correct the beneficiary's name and to reflect the proper date upon which he first entered the United States.

The title was amended, so as to read: "A bill for the relief of Doctor Waguih Mohamed Abdel Bari."

CORA S. VILLARUEL

The Senate proceeded to consider the bill (S. 1775) for the relief of Cora S. Villaruel, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, after the enacting clause, strike out "That, in the administration of the Immigration and Nationality Act, section 203(a)(2), the minor child, Cora Villaruel, is to be held and considered the natural born child of Mr. and Mrs. Tancredo S. Villaruel, lawful resident aliens of the United States"; and, in lieu thereof, insert "That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Cora S. Villaruel, shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Tancredo S. Villaruel, lawful resident aliens of the United States: Provided, That no natural parent or brothers or sisters of the beneficiary, by virtue of such relationship, shall be accorded any right, privilege, or status under the Immigration and Nationality Act."; so as to make the bill read:

S. 1775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Cora S. Villaruel, shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Tancredo S. Villaruel, lawful resident aliens of the United States: Provided, That no natural parent or brothers or sisters of the beneficiary, by virtue of such relationship, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–444), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to qualify for second-preference status as the unmarried daughter of lawful resident aliens of the United States. The bill has been amended in accordance with established precedents.

MRS. MARJORIE ZUCK

The Senate proceeded to consider the bill (S. 476) for the relief of Mrs. Marjorie Zuck, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 8, after the word "numbered", strike out "(487–42–4467)" and insert "(487–42–7467)"; so as to make the bill read:

S. 476

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That, for purposes of determining the entitlement of Mrs. Marjorie Zuck, Rural Route 1, Watson, Missouri, to benefits under title II of the Social Security Act for the months after October 1965, on the basis of the wages and self-employment income of Emory Zuck (social security account numbered (487–42–7467) if the said Mrs. Marjorie Zuck files application for such benefits within six months after the date of the enactment of this Act, the marriage entered into by the said Mrs. Marjorie Zuck and Emery Zuck on

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November 26, 1921, shall be held and considered to have been a valid marriage.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–445), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The purpose of the amendment is to conform the social security account number of Emery Zuck with information contained in the report of the Department of Health, Education, and Welfare, appended hereto.

PURPOSE

The purpose of this legislation, as amended, is to determine the entitlement of Mrs. Marjorie Zuck, Rural Route 1, Watson, Mo., to benefits under title II of the Social Security Act for the months after October 1965, on the basis of the wages and self-employment income of Emery Zuck (social security account numbered 487–42–7467). If the said Mrs. Marjorie Zuck files application for such benefits within 6 months after the date of the enactment of this act, the marriage entered into by the said Mrs. Marjorie Zuck and Emery Zuck on November 26, 1921, shall be held and considered to have been a valid marriage.

STATEMENT

The Department of Health, Education, and Welfare has no objection to enactment of this legislation.

In its report to the Committee on the Judiciary under date of May 1, 1968, the Department states:

The facts upon which this private relief bill is based are stated in the accompanying memorandum. In substance, Mrs. Marjorie Rose Zuck filed an application on September 8, 1965, for wife's insurance benefits on the social security account of Emery Zuck, who had previously filed an application for old-age insurance benefits. (Mr. Zuck's account number, 487–42–7476, is incorrectly shown as 487–42–4467 in S. 1142.) Mrs. Zuck's application was disallowed. She was not validly married to Mr. Emery Zuck because she and Mr. Zuck are first cousins of the halfblood—that is, their fathers were half brothers—and she is consequently not entitled to wife's benefits on his account. The disallowance and a subsequently reconsidered determination of the Social Security Administration have been reaffirmed by a hearing examiner of the Bureau of Hearings and Appeals of the Social Security Administration.

The bill would provide that the marriage entered into by Mr. and Mrs. Zuck would be held to be a valid marriage. As a result, Mrs. Zuck would be eligible for social security's wife's insurance benefits.

We believe that because of the very sympathetic circumstances in this case, special legislation is not undesirable. Moreover, while we have not yet been able to develop a satisfactory proposal for general legislation that would permit payment of benefits in such a case, we would favor enactment of such legislation. We would therefore have no objection to enactment of the bill.

The committee, after reviewing the facts of this case, concurs in the conclusions of the Department of Health, Education, and Welfare, and accordingly recommends that favorable consideration be given to S. 476, as amended.

COPYRIGHT PROTECTION EXTENSION

The joint resolution (S.J. Res. 143) extending the duration of copyright protection in certain cases was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 143

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, or by Public Law 90–416 (or by all or certain of said laws), would expire prior to December 31, 1970, such term is hereby continued until December 31, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–447), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to continue until December 31, 1970, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, or Public Law 90–416 (or by all or certain said laws) where such term would otherwise expire prior to December 31, 1970. The joint resolution would provide an interim extension of the renewal term of copyrights pending the enactment by the Congress of a general revision of the copyright laws, including a proposed increase in the length of the copyright term. This resolution would be the fifth such interim extension of copyright. The fourth extension (Public Law 90–416) will expire on December 31, 1969.

This legislation merely provides for the prolongation of the renewal term of copyright and does not involve creation of a new term of copyright.

STATEMENT

This legislation arises from a study of the U.S. copyright system authorized by the Congress in 1955. After extensive preparatory work, copyright revision bills were introduced in both Houses during the 88th Congress and again in the 89th and 90th Congresses. The House of Representatives on April 11, 1967, passed H.R. 2512 of the 90th Congress for the general revision of the copyright law. This committee's Subcommittee on Patents, Trademarks, and Copyrights held 17 days of hearings on copyright law revision, but no further action was taken by the Subcommittee. On January 26, 1969, the chairman of the Subcommittee on Patents, Trademarks, and Copyrights introduced S. 543 for the general revision of the copyright law. This bill is now being actively considered by the subcommittee. Both, S. 543 and the bill passed by the House of Representatives in the 90th Congress would increase the copyright term of new works from the present 28 years, renewable for a second period of 28 years, to a term for the life of the author and for 50 years thereafter. They also provide for a substantial extension of the term of subsisting copyrights.

While several major provisions of the copyright revision legislation are controversial, the provisions relating to cable television systems have been the principal, if not exclusive, factor delaying action on this legislation. Throughout 1969 the principal parties involved in the CATV question have been engaged in negotiations seeking to reach agreement on a joint recommendation to be made to the appropriate committees of the Congress. While these negotiations were being actively pursued, it has not been feasible for the subcommittee to undertake to act on this issue. The negotiations are still in progress, and it remains uncertain whether they will result in a compromise agreement. Meanwhile, the copyright legislation has been necessarily delayed and the archaic act of 1909 remains in effect.

Under these circumstances, the chairman of the subcommittee in introducing Senate Joint Resolution 143, suggested that the subcommittee may wish to consider the feasibility of separating the cable television question from the general revision bill, and consider the cable television question in separate legislation. No decision on this matter has yet been reached by the subcommittee. Regardless of what procedure is followed by the subcommittee, it is the hope of the committee that during this Congress legislation will be enacted providing for the general revision of the copyright law and the resolution of the cable television question.

Since the general revision bill has been unavoidably delayed, it seems desirable that the terms of expiring copyrights should be extended so that the copyright holders may enjoy the benefit of any increase in term that may be enacted by the Congress. It is the view of the committee that the same considerations that led to the enactment of the previous extensions warrant the approval of this joint resolution.

After a study of the joint resolution, the committee recommends that the legislation be favorably considered.

PROVIDING FOR THE HOLDING OF COURT IN PRINCE GEORGES COUNTY IN THE DISTRICT OF MARYLAND

The Senate proceeded to consider the bill (S. 981) to amend title 28 United States Code to provide that the U.S. District Court for the District of Maryland shall sit at one additional place, which had been reported from the Committee on the Judiciary, with an amendment, in line 8, after the word "and", strike out "Hyattsville.' "; insert a comma and "at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties.' "; so as to make the bill read:

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 100 of title 28, United States Code, is amended to read as follows:

"§ 100. MARYLAND

"Maryland constitutes one judicial district.

"Court shall be held at Baltimore, Cumberland, Denton, and at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–448), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The amendment provides needed flexibility for location of a court facility most suitable for the expanding population and potential future development of the area.

PURPOSE OF THE BILL

S. 981 amends section 100 of title 28, United States Code, to authorize the U.S. District Court for the District of Maryland to sit at a suitable site in Prince Georges County, as well as at Baltimore, Cumberland, and Denton, Md.

STATEMENT

At the present time the U.S. District Court for the District of Maryland sits only in Baltimore City, although it is also authorized to sit in Cumberland, located in the western part of the State, and Denton, located on the State's Eastern Shore.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

COMMITTEE MEETINGS DURING SENATE SESSIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate.

The VICE PRESIDENT. Without objection, it is ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

U.S. MARSHAL

The bill clerk read the nomination of Ollie L. Canion, of Louisiana, to be U.S. marshal for the eastern district of Louisiana.

The VICE PRESIDENT. Without objection, it is so ordered.

NATIONAL TRANSPORTATION SAFETY BOARD

The bill clerk read the nomination of Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1969.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed; and without objection the President will be immediately notified of the confirmation of the nominations today.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to legislative session.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I should like to inquire now as to the calendar for the remainder of the week.

Mr. MANSFIELD. Mr. President, in response to the question raised by my distinguished colleague, the minority leader, it is anticipated that the next order of business, after the disposal of the pending business, will be either the water pollution control bill, Calendar No. 346, S. 7, or the interest equalization bill, Calendar No. 424, H.R. 12829. It will depend on circumstances as to which of these two bills will follow the present measure.

Then we have two potato marketing bills which we hope will be adjudicated between the people who have different ideas—Calendar Nos. 412 and 414, S. 1181 and S. 2214.

Hopefully, later this week we will be able to get to the oil and gas compact, Calendar No. 189, Senate Joint Resolution 54. Consideration of this measure is long overdue.

Then there will be various health and veterans' bills.

If we finish all that this week, we will have performed very creditably.

Next week, we hope that the OEO authorization, which will be reported shortly, will be available for consideration, and also the legislative appropriation bill, which hopefully will be reported next week.

That is the best I can state at this time.

Mr. SCOTT. I thank the distinguished majority leader.

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AT THE BRINK

Mr. YOUNG of Ohio. Mr. President, since the end of World War II the United States has spent $1 trillion $500 billion on defense—$1 trillion is $1,000 billion. Each year the Federal Government spends more than 70 cents of every tax dollar for present and past wars and preparing for future wars. We devote more resources to national defense than the huge total spent by Federal, State, and local governments on health, education, old-age and retirement benefits, public assistance, unemployment and social security, housing and agriculture. Never have we devoted for such a long period of time such a large percentage of our gross national product on national defense.

No one questions the need for maintaining our armed strength in sufficient size and quality that the United States continues to be the strongest nation that ever existed under the bending sky of God. However, there has been a great deal of waste, inefficiency, and duplication in defense spending which has grown out of control. Our national security depends not only on military power but also on the strength of our economic system and on the wholesomeness of our social and political life.

A greater effort must be made to bring the mad armaments race under control and to curb the power of the military-industrial complex. It is high time that we reevaluate our national goal and establish priorities toward reaching them. Lord Bryce, in his commentary on our American Government stated:

> Events have repeatedly shown that while the American people may be dragged to the edge of a precipice, they have found a good sense to stop, even by a very narrow margin at the brink.

Let us hope that Almighty God will be with us in the future and continue to guide us in that manner.

TAX REFORM IN JEOPARDY?

Mr. YOUNG of Ohio. Mr. President, President Nixon in his recent press conference said he believed the 27½ percent oil depletion allowance should not be reduced. However, he did not go so far as to state he would veto a bill if the reduction provision passed in the House of Representatives is agreed to in the Senate, as I hope it will be. By reason of this 27½ percent oil and gas depletion allowance Atlantic Refining Co. paid no income tax whatever in 1967 from its huge net profits. Atlantic-Richfield Corp. paid but 6 percent of its lush net earnings in 1968 to our Government as taxes. Other oil producers also profited.

Secretary of the Treasury Kennedy, testifying before the Senate Committee on Finance, backed away from advocacy of real tax reform. His testimony proposed continuing present tax policy

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which favors huge corporations and ultrawealthy individuals and burdens middle- and low-income families with a very heavy income tax burden indeed. It is unfortunate that he and other administration leaders are advocating postponement of Senate consideration of real tax reform until next year.

Mr. President, we must have real tax reform, and we must levy taxes in this country according to ability to pay. That is the only sound principle of just taxation.

It appears certain that a much needed tax reform bill will be voted out of the Senate Committee on Finance for debate and vote in the Senate before November 1. Senate debate may be prolonged and very heated over this highly controversial proposal opposed by oil tycoons and the ultra-rich. However, Mr. President, we must pass needed tax reform legislation even though we remain in session right up to Christmas Eve. We must do it this year.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

REPUBLIC OF PHILIPPINES—100 PERCENT RECORD ON HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, in 1963, the General Assembly of the United Nations, with strong support from the United States, designated 1968 as the International Year for Human Rights. In 1965, the General Assembly called upon all members to ratify before 1968 the human rights conventions.

All of us know the record of the Senate. Of the five human rights conventions submitted to the Senate, only the Supplementary Slavery Convention has been approved.

By comparison with our own inaction, the record of the Republic of the Philippines is truly remarkable.

The Republic of the Philippines, only 22 years old, has ratified all nine of the human rights conventions.

The United States can certainly take a lesson from the young Philippines. The Senate can make a real start this year, by giving its advice and consent to the Convention on Forced Labor, Genocide, and Political Rights of Women.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON GILA RIVER PIMA-MARICOPA INDIAN COMMUNITY AGAINST THE UNITED STATES, BEFORE THE INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, an order dismissing docket No. 236–J, Gila River Pima-Maricopa Indian Community, etc., Plaintiff, v. The United States of America, Defendant, before the Indian Claims Commission (with accompanying papers); to the Committee on Appropriations.

REPORT ON THE PASCAGOULA, BILOXI, AND MOBILIAN CONSOLIDATED BAND OF INDIANS AGAINST THE UNITED STATES, BEFORE THE INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, an order dismissing docket No. 170, the Pascagoula, Biloxi and Mobilian Consolidated Band of Indians, Petitioners, v. The United States of America, Defendant, before the Indian Claims Commission (with accompanying papers); to the Committee on Appropriations.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT, JANUARY 1 TO JUNE 30, 1969

A letter from the Secretary of the Army, transmitting, pursuant to law, the semiannual report of Department of the Army contracts for military construction awarded without formal advertisement, January 1 through June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT ON APPLICATION FOR FEDERAL LOAN FOR CONSTRUCTION OF IRRIGATION DISTRIBUTION SYSTEM IMPROVEMENTS AND RELATED WORKS—LAKESIDE IRRIGATION WATER DISTRICT, KINGS COUNTY, CALIF.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Lakeside Irrigation Water District of Hanford, Calif., for a loan under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON CLAIMS SETTLED BY USIA

A letter from the Office of the Director, U.S. Information Agency, transmitting, pursuant to law, an annual report on claims settled under the Military Personnel and Civilian Employees' Claims Act of 1964 (Public Law 88–558), September 1, 1968, through August 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated.

By the VICE PRESIDENT:

A resolution adopted by the Macomb County, Mich., Board of Supervisors, praying that counties be included within the definition of "local governments" so as to participate in the Federal system; to the Committee on Finance.

A resolution by the City Commission of Jackson, Mich., remonstrating against proposed legislation to limit the tax-exempt feature of interest paid on public bonds issued by State or local governments; to the Committee on Finance.

A petition from several persons from the States of South Carolina and Alabama expressing concern over internal crises confronting the Nation; to the Committee on the Judiciary.

A resolution adopted by the city council of the city of Culver City, Calif, praying for enactment of legislation to repeal or amend Subtitle II of the Internal Security Act of 1950 (Emergency Detention Act); to the Committee on the Judiciary.

A resolution adopted by Banner Council No. 39, Junior Order United American Mechanics, praying for enactment of legislation providing for the display of the American flag in every public school classroom and appropriate exercises being held explaining the symbolism of the flag; to the Committee on the Judiciary.

Two resolutions adopted by the American Association of Workers for the Blind, Inc., at their 43d Convention, the first praying for the enactment of legislation to make possible full, effective, adequately funded and properly coordinated and integrated vocational rehabilitation and personal rehabilitation services to all blind and visually impaired individuals regardless of age or vocational potential with benefit of Federal matching funds; to the Committee on Labor and Public Welfare, and the second praying for the enactment of legislation extending the free mailing privileges for blind persons permitting the mailing of items which do not weigh more than 3½ ounces by first class mail; to the Committee on Post Office and Civil Service.

BILL AND JOINT RESOLUTION INTRODUCED

Bill and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CRANSTON:

S. 2993. A bill to amend title 38, United States Code, in order to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans' outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance; and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YARBOROUGH:

S.J. Res. 156. A joint resolution to establish an interagency commission to make necessary plans for the United Nations Conference on the Human Environment scheduled for 1972 and for other international conferences and meetings relating to the human environment; to the Committee on Foreign Relations.

(The remarks of Mr. YARBOROUGH when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 2993—INTRODUCTION OF VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

Mr. CRANSTON. Mr. President, on October 2, the Veterans' Affairs Subcommittee, which I am privileged to chair, of the Labor and Public Welfare Committee, took action on numerous bills, reporting them to the full committee. One of the reported bills consolidates virtually all of S. 2036, S. 2361, S. 2506, S. 2668, and S. 2700; a substantial portion of S. 1088; sections 2 (c) and (d), 3 (a) and (b), 4, 5, 6, and 7 of H.R. 6808; and section 3 of H.R. 11959.

To facilitate full committee consideration, which I expect will take place very shortly, I am today introducing, for appropriate reference, the Veterans Education and Training Assistance Amendments Act of 1969.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD in full at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2993), to amend title 38, United States Code, in order to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance, and for other purposes; introduced by Mr. CRANSTON, was read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Education and Training Assistance Amendments Act of 1969".

SEC. 2. Subsection (c) of section 1652 of title 38, United States Code, is amended to read as follows:

"(c) The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults."

SEC. 3. (a) Chapter 34 of title 38, United States Code, is amended by—

(1) striking out "section 1678 of this title" in section 1661(c) and inserting "subchapters V and VI of this chapter";

(2) striking out section 1678; and

(3) adding at the end of chapter 34 the following new subchapters:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"§ 1690. Purpose

"It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify and pursue courses of higher education, and (2) to encourage and assist institutions of higher education and other educational institutions in the development of programs which offer special instruction, counseling, tutorial, and other educational and supplementary assistance to such veterans and to encourage and assist such institutions in the development of special educational programs and projects for such veterans.

"§ 1691. Elementary and secondary education and preparatory educational assistance

"(a) In the case of any eligible veteran who—

"(1) has not received a secondary school diploma (or an equivalency certificate) at the time of his discharge or release from active duty, or

"(2) in order to pursue a program of education for which he would otherwise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution,

the Administrator may, without regard to so much of the provisions of section 1671 as prohibit the enrollment of an eligible veteran in a program of education in which he is already qualified, approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section an educational assistance allowance as provided in section 1681 and 1682 of this chapter; except that (1) no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined pursuant to section 1684 of this title; and (2) whenever enrollment in a special educational assistance program cannot feasibly be measured under section 1684, such a program shall be considered full-time training for purposes of this chapter when a minimum of twenty-five net clock hours per week of instruction or other supervised program work is required, and the Administrator shall prescribe the instruction or other work requirements for part-time training for any special educational assistance program.

"§ 1692. Special supplementary assistance

"In the case of any eligible veteran who is enrolled in and pursuing a course of education at an educational institution and who, because of a deficiency in his education or training, needs one or more refresher courses, counseling, tutorial, or remedial assistance, or some other form of special supplementary assistance in order to successfully pursue such course, the Administrator shall, on behalf of the veteran, reimburse the educational institution concerned the reasonable cost of providing such veteran with such special supplementary assistance. The amounts which shall be paid on behalf of an eligible veteran to any educational institution for special supplementary assistance provided him under this subchapter and the terms and conditions under which such assistance shall be provided shall be prescribed in regulations issued by the Administrator after consultation with the Commissioner of Education, but in no event shall the amounts exceed $100 per month on behalf of an eligible veteran.

"§ 1693. Grants and contracts

"(a) To carry out the purposes of this subchapter, the Administrator is authorized, in accordance with regulations issued by him after consultation with the Commissioner of Education, to make grants to and enter into contracts with institutions of higher education and other educational institutions to encourage and assist such institutions to—

"(1) plan and develop programs or projects in connection with the special educational and supplementary assistance programs authorized to be provided to eligible veterans by sections 1691 and 1692; and

"(2) plan, develop, strengthen, or conduct other special educational programs or projects for eligible veterans, including, but not limited to—

"(A) accelerated and concentrated educational programs;

"(B) educational programs extending beyond the usual period for completion of the course of study at an educational institution; and

"(C) encouraging and training such veterans to pursue public service occupations to meet community needs.

"(b) To carry out the purposes of this subchapter and those of subchapter IV of chapter 3 of this title, the Administrator is authorized, in accordance with regulations issued by him after consultation with appropriate departments and agencies of the Government referred to in section 242(6) of this title, to make grants to and enter into contracts with public and private non-profit organizations for the purpose of providing the outreach services specified in that subchapter to educationally disadvantaged eligible veterans.

"(c) There are authorized to be appropriated to carry out this section $15,000,000 for the fiscal year ending June 30, 1970, and $30,000,000 for the fiscal year ending June 30, 1971.

"§ 1694. Effect on other benefits and on approval requirements

"(a) The benefits received by or on behalf of any veteran under this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this chapter and shall in no way affect his eligibility or qualification for benefits under other provisions of this title or under other provisions of law.

"(b) The provisions of sections 1673(d) and 1675 of this title shall not apply in the case of programs provided under sections 1691(a)(2), 1692, and 1693 of this title.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"§ 1695. Purpose; definition

"(a) The purpose of this subchapter is to encourage and assist veterans in preparing for their future education, training, or vocation by providing them with an opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces. The program provided for under this subchapter shall be known as the Predischarge Education Program (PREP).

"(b) For the purposes of this subchapter, the term 'eligible person' means any person serving on active duty with the Armed Forces who (1) has served on active duty not less than twelve consecutive months, and (2) has twelve months or less active duty service remaining prior to the time he is expected to be discharged or released from active duty, as certified to the Administrator by the Secretary concerned.

"§ 1696. Payment of training and educational expenses

"(a) The Administrator shall, under such regulations as he shall prescribe jointly with the Secretary of Defense and the Commissioner of Education, pay the education and training expenses for any eligible person who enrolls in and pursues a course of education or training offered by an educational institution if such course of education or training is required for or preparatory to any program of education or training or any vocation such eligible person intends to pursue after his discharge or release from active duty with the Armed Forces.

"(b) The education and training expenses which the Administrator shall pay under this subchapter on behalf of any eligible person shall include the cost of determining suitability for enrollment, job placement, and career guidance, and books and supplies

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furnished to the eligible person by the institution. In no event shall the Administrator pay more than $150 per month for any course of education or training pursued by any eligible person.

"(c) The cost of any education or training course paid for by the Administrator under this subchapter shall be paid directly to the educational institution furnishing such course.

"(d) In no event shall education or training expenses be paid on behalf of any eligible person for any period in excess of twelve months.

"§ 1697. Approved education or training courses and institutions

"The Administrator shall pay the expenses of a course of education or training pursued by an eligible person under this subchapter only if such course and the educational institution providing such course have been approved, without regard to sections 1673(d) and 1675 of this title, by the Administrator in accordance with regulations issued jointly by the Administrator, the Secretary of Defense, and the Commissioner of Education.

"§ 1698. Educational and vocational guidance

"The Administrator shall be responsible for arranging for and coordinating educational and vocational guidance and job placement assistance to persons eligible for education and training under this subchapter.

"§ 1699. Effect on educational entitlement and benefits

"(a) Education and training expenses under this subchapter shall be paid without charge to any period of entitlement an eligible person may earn pursuant to section 1661(a) of this title.

"(b) No person shall be eligible to receive educational benefits under this subchapter for any period for which he is receiving an educational assistance allowance under subchapter IV of this chapter."

(b) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by striking out

"1678. Special training for the educationally disadvantaged.";

and by adding at the end thereof the following:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"1690. Purpose.
"1691. Elementary and secondary education and preparatory educational assistance.
"1692. Special supplementary assistance.
"1693. Grants and contracts.
"1694. Effect on other benefits and on approval requirements.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"1695. Purpose; definition.
"1696. Payment of training and education expenses.
"1697. Approved education or training courses and institutions.
"1698. Educational and vocational guidance.
"1699. Effect on educational entitlement and benefits."

(c) Section 1681(a) of such title is amended by inserting ", except subchapter VI," immediately after "this chapter".

Sec. 4. (a) Section 1684(a) of title 38, United States Code, is amended by—

(1) striking out "and" after the semicolon in clause (2); and

(2) striking out clause (3) and inserting in lieu thereof the following:

"(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course; and

"(4) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this paragraph, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year.

Notwithstanding the provisions of clause (3), a veteran shall be considered to be pursuing a full-time course at a junior college, college, or university if (A) he is carrying a number of semester hours, or the equivalent thereof, necessary to be considered a full-time course under clause (3), (B) credit is granted toward a standard college degree for not less than half the number of those hours, and (C) he is carrying one or more courses not paid for under section 1692 of this title and for which no credit is granted toward such a degree but which he is required to take because of a deficiency in his education."

(b) Section 1733(a)(3) of such title is amended to read as follows: "(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such a college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under clause (B) is less than twelve hours or the equivalent thereof, than twelve semester hours or the equivalent thereof shall be considered a full-time course."

Sec. 5. (a) Chapter 3 of title 38, United States Code, is amended by adding at the end thereof a new subchapter:

"SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

"§ 240. Purpose; definition

"(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of insuring that all veterans, especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration and other governmental programs, receive personalized educational, vocational, social services, and job placement assistance in order to aid them in applying for and obtaining such benefits and services, in achieving a rapid social and economic readjustment to civilian life, and in obtaining a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Veterans' Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such assistance through, to the maximum extent possible, one integrated Federal program which utilizes personnel who are able to communicate with and provide such assistance in the most effective and meaningful manner and which places maximum emphasis upon personal contact.

"(b) For the purpose of this subchapter, the term (1) 'other governmental programs' shall include all programs under State or local laws as well as all programs under Federal law other than those authorized by this title, and (2) the term 'eligible dependent' shall mean an 'eligible person' as defined in section 1701(a)(1) of this title.

"§ 241. Veterans assistance centers and outreach services

"(a) The Administrator shall establish and maintain veterans assistance centers at such places throughout the United States, its territories, Commonwealths, and possessions, as he determines to be necessary to carry out the purposes of this subchapter, with due regard for the geographic distribution of veterans recently discharged or released from active military, naval, or air service, the special needs of educationally disadvantaged veterans, and the necessity of providing appropriate outreach services in less populated areas.

"(b) Veterans assistance centers shall seek especially to provide the outreach services provided for in this subchapter to educationally disadvantaged veterans and shall, to the maximum practicable extent, be located in communities where large numbers of those veterans reside rather than in Federal or other business-district office buildings.

"(c) Special efforts shall be made to employ at veterans assistance centers veterans who themselves reside in the community served or in similar communities and, where possible, who themselves have received assistance from such centers. Personnel assigned to such centers shall be selected with major regard to their ability to communicate with and provide the outreach services authorized in this subchapter directly to educationally disadvantaged veterans in the most effective and meaningful manner.

"(d) Those outreach services that the Administrator shall provide to all eligible veterans and eligible dependents shall include, but shall not be limited to, the following:

"(1) The distribution of full information regarding all benefits and services to which they may be entitled under laws administered by the Veterans' Administration and to which they are entitled under other governmental programs, including training and manpower programs.

"(2) Arranging for and conducting, to the maximum extent possible, person-to-person interviews to explain and answer questions regarding the programs referred to in paragraph (1), and planning an individual program of education, training, or employment as may be best suited to the eligible veteran or eligible dependent concerned, and, in the case of an eligible veteran, an individual program which will also aid him in making a rapid social and economic readjustment to civilian life.

"(3) Providing job and other appropriate referrals and job placement assistance when appropriate, undertaking especially to match the particular qualifications of an eligible veterans or eligible dependent with an available job, on-the-job training opportunity, or

apprenticeship opportunity which is commensurate with his qualifications or vocational objectives, and, if every effort to locate such an opportunity in his home area reveals no such opportunity, furnishing him with a listing of such opportunities available in other parts of the Nation.

"(4) Providing social and other special services necessary to aid them in obtaining maximum assistance from the benefits and services to which they are entitled.

"(5) Providing aid and assistance in the preparation and presentation of claims under this title and in connection with any other governmental program.

"(6) Maintaining full records of the outreach services offered and conducting periodic followup checks to determine the success of individual assistance provided and the success of the program generally.

"(e)(1) The Administrator shall pay the reasonable travel expenses, including per diem for food and necessary lodging, of any eligible veteran or eligible dependent in connection with any interview of such veteran or dependent with an employer or training or apprenticeship director where such interview results from services provided through the outreach services program. The amount paid to any veteran or dependent under this paragraph as a per diem allowance and for travel expenses shall not exceed the amount authorized for such purposes under the Standardized Government Travel Regulations.

"(2) The Administrator shall pay a reasonable moving allowance to any eligible veteran or eligible dependent who obtains employment or is placed in a training or apprenticeship program as a result of services provided through the outreach services program, if (A) every effort made to locate suitable employment or placement in a training or apprenticeship program in the veteran's or dependent's home area has revealed no such opportunity, (B) a moving allowance or similar relocation assistance is not available under any other existing Federal program, and (C) a moving allowance is not provided as a matter of established policy by the employer or by the training or apprenticeship program in which the veteran or dependent is to participate. Such allowance may include reasonable travel expenses for the veteran or dependent and his immediate family; reasonable expenses for moving his personal effects and household goods; and reasonable expenses for lodging for not more than a two-week period while seeking housing in the new location. In no case may the amount paid for moving the personal effects and household goods of a veteran or dependent exceed the maximum amount authorized to be paid pursuant to regulations issued by the President under section 5724 of title 5, United States Code, in connection with the transfer of an employee of the Federal Government.

"(3) The Administrator shall, after consultation with the Secretary of Labor, prescribe regulations to carry out the provisions of this subsection.

"(f) To the maximum extent possible, the Administrator shall begin providing the outreach services authorized in this subchapter to members of the Armed Forces prior to their discharge or release from active duty. Such services shall be provided such members at Army, Navy, and Air Force installations, especially those in foreign countries, pursuant to the authority of section 231 of this title.

"§ 242. Coordination with Federal and other agencies

"In carrying out the purposes of this subchapter, the Administrator shall—

"(1) utilize the facilities and services of any other Federal department or agency pursuant to proper agreement with the Federal department or agency concerned;

"(2) cooperate with and use the services of any State or local governmental agency or recognized national or other organization;

"(3) where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization;

"(4) at his discretion, make payment to cover the cost of services either in advance or by way of reimbursement as may be provided by agreement with any such Federal department or agency, State or local governmental unit or other organization;

"(5) at his discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services under contract or agreement; and

"(6) conduct studies, in consultation and coordination with the Department of Health, Education, and Welfare, the Office of Economic Opportunity, the Department of Defense, the Department of Labor, the Department of Housing and Urban Development, and the Urban Affairs Council, to determine the most effective program design to carry out the purposes of this subchapter with respect to locating educationally disadvantaged veterans and assisting and motivating them to pursue education and training under this title.

"§ 243. Reports to Congress

"The Administrator shall submit to the Congress not later than September 1 and March 1 each year a report on the activities carried out under this subchapter, each report to include (1) an appraisal of the effectiveness of the programs authorized herein and the degree of cooperation from other Federal departments, agencies, other governmental programs, and service organization, with particular reference to sections 241(d)(6) and 242(6) of this title, and (2) recommendations for the improvement or more effective administration of such programs."

(b) The table of sections at the beginning of chapter 3 of such title is amended by inserting immediately after

"236. Administrative settlement of tort claims arising in foreign countries."

the following:

"SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

"240. Purpose; definition.
"241. Veterans assistance centers and outreach services.
"242. Coordination with Federal and other agencies.
"243. Reports to Congress."

Sec. 6. Section 1677(a)(1) of such title is amended by deleting "or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license,".

Sec. 7. Section 1681(d) of title 38, United States Code, is amended by inserting below clause (2) the following:

"Notwithstanding the foregoing, the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment."

Sec. 8. Section 1712 of title 38, United States Code, is amended by—

(1) deleting in subsection (a)(3) the words "first occurs" immediately preceding "(A)" and inserting in lieu thereof "last occurs"; and

(2) adding at the end thereof a new subsection as follows:

"(e) The term 'first finds' as used in this section means the effective date of the rating or date of notification to the veteran from whom eligibility is derived establishing a service-connected total disability permanent in nature, whichever is more advantageous to the eligible person."

Sec. 9. Chapter 36 of title 38, United States Code, is amended as follows:

(1) by inserting at the end of section 1772 thereof the following new subsection (c):

"(c) In the case of programs of apprenticeship where—

"(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

"(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a 'State approving agency' as such term is used in section 1683(a)(1) of this title and shall be responsible for the approval of all such programs."

(2) by deleting section 1781 of subchapter II in its entirety and inserting in lieu thereof the following:

"§ 1781. Limitations on educational assistance

"No educational allowance or special training allowance granted under chapter 34 or 35 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training.";

(3) by deleting in the table of sections at the beginning of such chapter the following:

"1781. Nonduplication of benefits."

and inserting in lieu thereof the following:

"1781. Limitations on educational assistance."

Sec. 10. (a) Section 504 of the Act of October 15, 1968, entitled "An Act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes" is hereby repealed.

(b) Section 506 of the Act of October 16, 1968, entitled "An Act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related Acts" is hereby repealed.

Sec. 11. The amendments made by this Act shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act.

SENATE JOINT RESOLUTION 156—INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING AN INTERAGENCY COMMISSION FOR THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. YARBOROUGH. Mr. President, it is written in the Book of Exodus:

> And all the waters that were in the river turned to blood. And the fish that were in the river died; and the river stank.

This rather ominous verse takes on modern perspective when we are reminded of the recent chemical pollution of the Rhine River, and the consequent fish kill and deutilization of the water. Such violent episodes of concentrated pollution are nothing new. In my home State of Texas, for example, those who live along the Houston ship channel can tell you of the repeated instances of massive fish kills there.

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Fortunately, the Congress and the American people are becoming increasingly concerned with the quality of our domestic environment. This concern is manifested by the vast number of bills pertaining to this subject now before the Congress, including some seven bills and resolutions pending in the Senate and 52 such bills and resolutions pending in the House.

Most of these bills are urgently needed and I support them. But, Mr. President, the problem of the pollution of the air we breathe and the water we drink knows no national, ethnic, geographical, or ideological boundaries. The more obvious threats to man's existence, such as an annihilative nuclear war, occupy our minds and efforts, and they should. But a more subtle threat to the well-being of our children and grandchildren deserves all the time and attention we can devote to it—in fact, the Draconian nature of the problem dictates that all nations must give it a crisis response. I am speaking of the creeping and relentless attack upon the hospitality of our environment.

It endangers a Russian as much as an American; a Jew as much as an Arab; a Communist as much as a capitalist; a black as much as a white; and the rich as much as the poor. It does so because our water and air are the property of no man, nation, or group, but belong to all men everywhere.

The conclusion that environmental jeopardy is universal is too self-evident to require a cataloging of the evidence. We read in the August 17, 1969, issue of the New York Times how the beaches in and near Tokyo, Yokohama, and other large Japanese cities have been unusable this summer because of pollution of the seawater. Though the coliform bacteria count per 100 millimeters must not exceed 50,000 for human immersion, the count at such beaches frequently reached 100,000 to 300,000 this summer. This pollution comes from wastes from chemical plants and homes that, discharged into rivers, ultimately find their way into open sea.

Then we read in the August 15, 1969, issue of Time magazine how, when Thor Heyerdahl sailed across half the Pacific, 22 years ago, he was "thrilled by the beauty and purity of the ocean," but how, when he attempted this year to sail from Africa to Central America in a boat made of papyrus reeds, his thrill was replaced with shock because "large surface areas in mid-ocean as well as nearer the continental shores on both sides were visibly polluted by human activity."

And we saw in the September 24, 1969, edition of the Dallas Times Herald how Iceland has found that the stock of fish in the North Atlantic is drastically diminishing because of pollution.

There have been too many other reported instances to record them all. Some important ones are reflected in the September 1968 issue of Bioscience, entitled "The Effects of Pesticides"; an article in the September 1969 issue of Environmental Science and Technology concerning the sea pollution created by a phosphorous plant in Newfoundland; an article in the New Scientists issue of December 12, 1968, entitled "The Menace of Mercury," which tells of dangerous amounts of methyl-mercury being found in fish as a result of water contamination by industrial effluents; and an article in the November-December 1960 issue of Oceanology International discussing our contaminated coastal waters. Mr. President, I ask unanimous consent that all the above mentioned magazine and newspaper articles be printed in the Record at the conclusion of my remarks.

We all know that a genuine debate is now raging about the future adequacy of oxygen in the air and water. With the world population due to increase from 3 to 7 billion by the end of the century, and with the ever-encreasing tendencies of this population to inject into the atmosphere and our waters oxygen absorbing industrial and human wastes, one can see why this debate, with its awesome implications, has taken on such serious proportions.

Walter Lippmann, one of the most influential political writers of our time, articulated so well what confronts us:

> The great question of our time is whether this mass democracy, these masses of people, are capable of the foresight to solve the environmental problem of the human race in this era. And that's a question which I'll never see the answer to, but that is the question which is grinding us from the inside.

Mr. President, at last the world is rising from the ostrich-sands of indifference. The world's foremost governmental organization, the United Nations, is planning an international conference in 1972 on the human environment. The United States, through its Ambassador to the U.N., has endorsed the proposal. Senate Resolution 179 has been introduced in the Senate by Senator Muskie, strongly supporting the conference and urging full U.S. participation. A companion resolution has been introduced in the House.

The Executive Office of the President has established a planning committee through its Federal Council for Science and Technology with State Department chairmanship. The response in the public press, in private organizations concerned with environmental affairs, and in the university community has been enthusiastic. For example, the Massachusetts Institute of Technology is organizing an interuniversity group to examine critically environmental problems and to provide objective information to U.S. policymakers who will attend the U.N. meeting.

The purpose of the 1972 conference is to make decisions looking to solving the global problems of environmental quality and productivity. It will not be another recitation of the many ways in which society is out of harmony with its natural surroundings—these are all too well known.

The time has come for action programs on a worldwide scale. Nothing less will do. The recent observations of the earth from outer space have taught people everywhere that our planet is a unique oasis of hospitality for the human race. Apollo experience has also taught us that the resources of "spacecraft earth" must be conserved, renewed, and recycled because, other than sunlight, they are finite and precious.

The scope of the conference is outlined in material which I ask unanimous consent to be printed in the Record at the conclusion of my remarks. The conference itself will involve some 1,200 participants, will run for 2 weeks and will cost about $2 million. Its objectives are to reach agreement on solutions to those problems of the human environment that can only best be solved through international cooperation and agreement. These objectives were more specifically described by the Secretary-General as follows:

> a. To focus the attention of governments and the public opinion on the importance and urgency of environmental problems so that increased attention thereto be given in policies and programmes of economic and social development, both in developed and developing countries.
>
> b. To provide a forum for exchange of views among governments on the ways and means of handling environmental problems, including machinery required for administrative and legislative action.
>
> c. To identify those aspects of such problems which can only, or best, be solved through international or regional cooperation and agreement;
>
> d. To consider methods to meet the need for intensified action at the national, regional and international level and in particular, how developing countries can through increased international cooperation, derive benefit from the mobilization of knowledge and experience about the problems of the human environment, enabling them, *inter alia*, to forestall the occurrence of many such problems;
>
> e. To focus attention on and encourage wider participation and support for present and future activities and programmes of United Nations' organizations and other international organizations related to the human environment and to give them a common outlook and direction.

Many conservation and restoration programs are coming into operation all over the world. We are not waiting for 1972 or any international meeting to begin ecological management. But international cooperation is vital in some areas and the historic difficulties of national and territorial agreement must be overcome to achieve the most important goals of environmental maintenance.

The United States has special responsibilities in these matters. We are the most industrialized and highly developed society in the world. Our science and technology are preeminent. The fundamental policies of this country have to do with an appreciation of nature and an understanding of its gifts. We should lead the way in international programs to manage the environment for the good of all mankind. This is one area where we need not be reticent for fear of accusations of imperialism. Our economic resources and know-how compel us to take the lead in the worldwide quest for an optimum relationship between population and environmental resources.

Mr. President, these imperatives suggest the need for vigorous activity by our Government in preparing for the 1972 United Nations Conference on the Human Environment. Unfortunately, however, I have found that our planning

so far is a shoestring operation which will not equip our delegation for a leadership position. Despite endorsement by State Department spokesmen, no well-staffed office has been established. The various agencies which would logically be involved are represented on a committee but there is no evidence of a program or the means to see it through. My office has been advised that at present only one staff man from the State Department and only one staff man from the President's Office of Science Technology are working on this country's preparations for the conference, and their efforts are part time.

I realize the budgetary constraints of the administration and, in this issue of environmental quality, the great pressure of problems close to home, but the present efforts to prepare for this conference fall tragically short.

To properly plan for this conference, I am advised that we must begin a crash effort to obtain through governmental staff work, through consulting arrangements and through contract programs with private scientific and educational institutions, an in-depth study of environmental problems and a series of alternative proposed solutions. The legislation I now propose will enable the administration to undertake such a crash effort.

The joint resolution I introduce would create a commission composed of an appropriate number of members appointed by the President from the Department of State and other appropriate Federal departments and agencies. The Commission would be given the specific authority to make necessary plans for U.S. participation in the 1972 United Nations Conference on the Human Enrivonment, and other international conferences and meetings relating to the environment. It would be given the authority to enter into contract work with Federal or State agencies, private firms and institutions, for the conduct of research or surveys, the preparation of reports, and other activities necessary to the proper planning for these conferences. This legislation would additionally authorize sufficient moneys to carry out the extensive planning work contemplated by it.

The Congress often has recognized that decisions in pollution abatement, resource allocation, land use planning, recreation and conservation could not be made solely on a national basis. For example, in July 1968, a joint House-Senate colloquium on a National Policy for the Environment concluded it is the policy of the United States that:

> Environmental quality and productivity shall be considered in a worldwide context, extending in time from the present to the long-term future.
>
> Purposeful, intelligent management to recognize and accommodate the conflicting uses of the environment shall be a national responsibility.
>
> Information required for systematic management shall be provided in a complete and timely manner.
>
> Education shall develop a basis of individual citizen understanding and appreciation of environmental relationships and participation in decision making on these issues.
>
> Science and technology shall provide management with increased options and capabilities for enhanced productivity and constructive use of the environment.

It becomes obvious that in the absence of some congressional action and impetus, adequate preparation will not be made for our participation in the 1972 conference.

Mr. President, time could be running out on our species unless we act promptly to deal with the encroachments upon our delicate life system. If we do not seize with all the force at our command upon the opportunity for action presented by the 1972 conference, we may have a lifetime to regret it.

The United Nations has been a disappointment in many ways, particularly in the area of peacekeeping. But when it comes to dealing with worldwide social problems, it has proven to be the best vehicle for multination action the world has ever known. Indeed, the United Nations is the only effective means the nations of the earth have of coping with the environmental crisis in an organized manner.

As with problems of health and hunger and education, when it comes to the problem of the choking pollution permeating the waters and air of this beautiful planet, the United Nations is truly our "last great hope."

T. S. Eliot says that the world will end not with a bang but with a whimper. I do no know precisely what he had in mind as the agent of ultimate destruction. But, I do know that his great poetry forces upon us all the recognition that man cannot take his existence for granted. For far too long, we have been indifferent to the disruption of our environment by pollution. It is time now to man an all-out assault.

That is why, Mr. President, I believe this legislation is vitally important to us, not just as Americans, but as members of the human race.

Mr. President, I ask unanimous consent that this joint resolution be printed in full at the conclusion of my remarks, immediately before the magazine and newspaper articles that I have requested be printed at the conclusion of these remarks.

The **PRESIDING OFFICER**. The joint resolution will be received and appropriately referred; and, without objection, the articles and text of the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 156), to establish an interagency commission to make necessary plans for the United Nations Conference on the Human Environment scheduled for 1972 and for other international conferences and meetings relating to the human environment, introduced by Mr. Yarborough, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S.J. Res. 156

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a commission to be known as the Interagency Commission on the Human Environment.

(b) It shall be the purpose of the Commission to make necessary plans for United States participation in (1) the United Nations Conference on the Human Environment scheduled for 1972, and (2) other international conferences and meetings relating to the human environment.

Sec. 2. (a) The Commission shall be composed of an appropriate number of members appointed by the President from the Department of State and other appropriate Federal departments and agencies. The President shall designate one member as chairman and one member as co-chairman.

(b) Members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

Sec. 3. The Commission shall appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this joint resolution. Such appointments shall be without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such compensation shall be fixed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United Statea Code.

Sec. 4. The Commission is authorized to request directly from any Federal department or agency any information it deems necessary to carry out the provisions of this joint resolution, and to utilize the services and facilities of such department or agency; and each Federal department or agency is authorized to furnish such information, services, and facilities to the Commission upon request of the chairman to the extent permitted by law and within the limits of available funds.

Sec. 5. The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

Sec. 6. There are authorized to be appropriated such amounts, not in excess of $500,000 for any fiscal year, as are necessary to carry out the provisions of this joint resolution.

The material furnished by Mr. Yarborough follows:

[From the New York (N.Y.) Times,
Aug. 17, 1969]

POLLUTION GROWS AT TOKYO BEACHES—EVEN MANY POOLS CANNOT MEET HEALTH STANDARDS

Tokyo, August 16.—When the mercury rises to 93 degrees in humid, smoggy Tokyo, as it did last Sunday, an obvious place to go would be a swimming pool or a beach.

But the easily reached Shonan resort area south of Yokohama, which includes central Japan's most popular beaches, had only half the attendances of previous years. Highways and trains were crowded with city dwellers going farther afield for weekend recreation.

The relatively low turnout at the long sweep of gray sand beaches along scenic Sagami Bay—where United States military forces were tentatively scheduled to make an invasion landing in 1945—was attributed largely to water pollution.

Japan's rapid industrialization has turned many of the best beaches into dumps of filth and harbors of germs. The low level of sanitation prompted the Health and Welfare Ministry to announce early in the summer that most beaches near Tokyo, Yokohama and other big cities were not suited for swimming.

POOLS ALSO CALLED UNCLEAN

Many company and hotel pools in Tokyo are also unsuitable. Tokyo's Public Health Bureau announced last week after a survey

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in which more than half of the 33 pools inspected failed to meet standards set by the Government. Tokyo, which swelters through a long humid summer, has a total of 1,665 public and private pools.

The Health Ministry warning in June described most of the 48 beaches in the Shonan area as filthy.

Government health officials have set three categories of sanitary standards. A count of up to 10,000 coliform bacteria per 100 milliliters (3.38 fluid ounces) is considered standard; from 10,000 to 50,000 tolerable; and anything more than 50,000 unsuitable for human immersion. At several of the popular nearby beaches, the count has frequently reached 100,000 to 300,000 this summer.

The Government of Kanagawa Prefecture, which includes most of the popular resorts, announced last week that the water now contained fewer germs—less than 10,000 per milliliter—as a result of disinfection measures. At the Enoshima beach, which the Health Department termed the most contaminated, the number of colitis germs was less than 5 per cent of the high level reported last year, the prefectural office said.

"GERM SCARE" WIDESPREAD

But apparently the announcement will make little difference. The "germ scare" already has affected many beachgoers. Beaches in the Shonan area have been less than two-thirds as crowded this year as in the past while other "clean" beaches—those farther to the south and those to the north of Tokyo Bay—have had record crowds despite an unusually rainy summer.

Officials say the pollution of sea water has been caused mainly by wastes from chemical plants and homes that, discharged into rivers, ultimately find their way to the open sea.

The Health and Welfare Ministry has instructed Tokyo, Kanagawa and other prefectures to take steps to remove the causes of pollution. Legislation giving the Government stronger power to deal with pollution problems was submitted to this year's session of Parliament but was shelved when the sitting ended last week amid sharp political clashes.

NEW YORK STANDARDS HIGHER

The New York City Health Department rates beaches as unsuitable for bathing if the coliform bacteria count rises above 2,400 per 100 milliliters. In accordance with this standard, Staten Island's South Beach was rated unacceptable with a count of 18,200. Typical ratings at acceptable beaches were 1,710 at Manhattan Beach and 1,140 at Ocean Parkway Beach.

[From Time magazine, Aug. 15, 1969]

SHOCK AT SEA

When the Norwegian author-explorer Thor Heyerdahl sailed across half the Pacific on a balsawood raft 22 years ago, he recalls, "We on *Kon Tiki* were thrilled by the beauty and purity of the ocean." During his recent attempt to sail from Africa to Central America in a boat made of papyrus reeds, which he was forced to abandon last month 600 miles from his goal, Heyerdahl's old thrill was replaced by shock. In Manhattan last week, he reported to the Norwegian Mission at the United Nations: "Large surface areas in mid-ocean as well as nearer the continental shores on both sides were visibly polluted by human activity."

Heyerdahl and his six-man crew were astonished and depressed by the quantity of jetsam bobbing hundreds of miles from land. Almost every day, plastic bottles, squeeze tubes and other signs of industrial civilization floated by the expedition's leaky boat. What most appalled Heyerdahl were sheets of "pelagic particles." At first he assumed that his craft was in the wake of an oil tanker that had just cleaned its tanks. But on five occasions he ran into the same substances covering the water so thickly, he told Time Researcher Nancy Williams, that "it was unpleasant to dip our toothbrushes into the sea. Once the water was too dirty to wash our dishes in."

The particles, some of which Heyerdahl collected for later analysis, are roughly the size of a pea. Oily and sometimes encrusted with tiny barnacles they smell like a combination of putrefying fish and raw sewage. Heyerdahl hopes that his experience will stir the U.N. to propose new international regulations to keep the oceans clean. "Modern man seems to believe that he can get everything he needs from the corner drugstore," says the explorer. "He doesn't understand that everything has a source in the land or sea, and that he must respect those sources. If the indiscriminate pollution continues, we will be sawing off the branch we are sitting on."

[From the Dallas (Tex.) Times-Herald, Sept. 24, 1969]

OCEAN POLLUTION WORRIES ICELAND

UNITED NATIONS.—Iceland has warned that stock of fish in the North Atlantic is diminishing because of pollution, mainly caused by oil leaks.

Iceland's foreign minister, Emil Johnson, told the General Assembly Tuesday the international community must "decide upon an effective and just regime for the suboceanic areas, whose resources must be harvested for the benefit of all mankind."

[From Bioscience, September 1968]

THE EFFECTS OF PESTICIDES

(By William A. Niering, professor of botany and director of the Connecticut Arboretum, Connecticut College)

The dramatic appearance of Rachel Carson's *Silent Spring* (1962) awakened a nation to the deleterious effects of pesticides. Our technology had surged ahead of us. We had lost our perspective on just how ruthlessly man can treat his environment and still survive. He was killing pesty insects by the trillions, but he was also poisoning natural ecosystems all around him. It was Miss Carson's mission to arrest this detrimental use of our technological achievements. As one might have expected, she was criticized by special vested industrial interests and, to some degree, by certain agricultural specialists concerned with only one aspect of our total environment. However, there was no criticism, only praise, from the nation's ecosystematically oriented biologists. For those who found *Silent Spring* too dramatic an approach to the problem, the gap was filled two years later by *Pesticides and the Living Landscape* (1964) in which Rudd further documented Miss Carson's thesis but in more academic style.

The aim of this chapter is to summarize some of the effects of two pesticides—insecticides and herbicides—on our total environment, and to point up research and other educational opportunities for students of environmental science. The insecticide review will be based on representative studies from the literature, whereas the herbicide review will represent primarily the results of the author's research and experience in the Connecticut Arboretum at Connecticut College. Although some consider this subject controversial, there is really no controversy in the mind of the author—the issue merely involves the sound ecological use of pesticides only where necessary and without drastically contaminating or upsetting the dynamic equilibrium of our natural ecosystems. I shall not consider the specific physiological effects of pesticides, but rather their effects on the total environment—plants, animals, soil, climate, man—the biotic and abiotic aspects.

Environmental science or ecosystematic thinking should attempt to coordinate and integrate all aspects of the environment. Although ecosystems may be managed, they must also remain in a relative balance or dynamic equilibrium, analogous to a spider's web, where each strand is intimately interrelated and interdependent upon every other strand.

THE IMPACT OF INSECTICIDES

Ecologists have long been aware that simplifying the environment to only a few species can precipitate a catastrophe. Our highly mechanized agricultural operations, dominated by extensive acreages of one crop, encourage large numbers of insect pests. As insurance against insect damage, vast quantities of insecticides are applied with little regard for what happens to the chemical once it is on the land. Prior to World War II, most of our insecticides were non-persistent organics found in the natural environment. For example, the pyrethrins were derived from dried chrysanthemum flowers, nicotine sulphate from tobacco, and rotenone from the tropical derris plants. However, research during World War II and thereafter resulted in a number of potent persistent chlorinated hydrocarbons (DDT, dieldrin, endrin, lindane, chlordane, heptachlor and others) to fight the ever-increasing hordes of insects, now some 3000 species plaguing man in North America.

In 1964, industries in the United States produced 783 million lbs. of pesticides, half insecticides and the other half herbicides, fungicides and rodenticides. The application of these chemicals on the nation's landscape[1] has now reached the point where one out of every ten acres is being sprayed with an average of 4 lbs. per acre (Anonymous, 1966).

POSITIVE EFFECTS ON TARGET ORGANISMS

That market yields and quality are increased by agricultural spraying appears to have been well documented. Data from the National Agricultural Chemical Association show net increased yields resulting in from $5.00 to $100.00 net gains per acre on such crops as barley, tomatoes, sugar beets, pea seed, and cotton seed. However, Rudd (1964) questions the validity of these figures, since there is no explanation just how they were derived. His personal observations on the rice crop affected by the rice leaf miner outbreak in California are especially pertinent. The insect damage was reported as ruining 10% to 20% of the crop. He found this to be correct for some fields, but most of the fields were not damaged at all. In this situation, the facts were incorrect concerning the pest damage. It appears that not infrequently repeated spraying applications are merely insurance sprays and in many cases actually unnecessary. Unfortunately, the farmer is being forced to this procedure in part by those demanding from agriculture completely insect-free produce. This has now reached ridiculous proportions. Influenced by advertising, the housewife now demands perfect specimens with no thought of or regard for how much environmental contamination has resulted to attain such perfection. If we could relax our standards to a moderate degree, pesticide contamination could be greatly reduced. Although it may be difficult to question that spraying increases yields and quality of the marketable products, there are few valid data available on how much spraying is actually necessary, how much it is adding to consumer costs, what further pests are aggravated by spraying, and what degree of resistance eventually develops.

NEGATIVE EFFECTS ON NONTARGET ORGANISMS

Although yields may be increased with greater margins of profit, according to available data, one must recognize that these chemicals may adversely affect a whole spectrum of nontarget organisms not only where applied but possibly thousands of miles from

the site of application. To the ecologist concerned with the total environment, these persistent pesticides pose some serious threats to our many natural ecosystems. Certain of these are pertinent to review.

1. Killing of nontarget organisms. In practically every spray operation, thousands of nontarget insects are killed, many of which may be predators on the very organisms one is attempting to control. But such losses extend far beyond the beneficial insects. In Florida, an estimated 1,117,000 fishes of at least 30 species (20 to 30 tons), were killed with dieldrin, when sand flies were really the target organism. Crustaceans were virtually exterminated—the fiddler crabs survived only in areas missed by the treatment (Harrington and Bidlingmayer, 1958).

In 1963, there was a "silent spring" in Hanover, New Hampshire. Seventy per cent of the robin population—350 to 400 robins—was eliminated in spraying for Dutch elm disease with 1.9 lb. per acre DDT (Wurster et al., 1965). Wallace (1960) and Hickey and Hunt (1960) have reported similar instances on the Michigan State University and University of Wisconsin campuses. Last summer, at Wesleyan University, my students observed dead and trembling birds following summer applications of DDT on the elms. At the University of Wisconsin campus (61 acres), the substitution of methoxychlor has resulted in a decreased bird mortality. The robin population has jumped from three to twenty-nine pairs following the change from DDT to methoxychlor. Chemical control of this disease is often overemphasized, with too little attention directed against the sources of elm bark beetle. Sanitation is really the most important measure in any sound Dutch elm disease control program (Matthysse, 1959).

One of the classic examples involving the widespread destruction of nontarget organisms was the fire ant eradication program in our southern states. In 1957, dieldrin and heptochlor were aerially spread over two and one-half million acres. Wide elimination of vertebrate populations resulted; and recovery of some populations is still uncertain (Rudd, 1964). In the interest of science, the Georgia Academy of Science appointed an ad hoc committee to evaluate this control-eradication program (Bellinger et al., 1965). It found that reported damage to crops, wildlife, fish, and humans had not been verified, and concluded, furthermore, that the ant is not really a significant economic pest but a mere nuisance. Here was an example where the facts did not justify the federal expenditure of $2.4 million in indiscriminate sprays. Fortunately, this approach has been abandoned, and local treatments are now employed with Mirex, a compound with fewer side effects. Had only a small percentage of this spray expenditure been directed toward basic research, we might be far ahead today in control of the fire ant.

2. Accumulation in the food chain. The persistent nature of certain of these insecticides permits the chemical to be carried from one organism to another in the food chain. As this occurs, there is a gradual increase in the biocide at each higher trophic level. Many such examples have been reported in the literature. One of the most striking comes from Clear Lake, California, where a 46,000-acre warm lake, north of San Francisco, was sprayed for pesty gnats in 1949, 1954, and 1957, with DDD, a chemical presumably less toxic than DDT. Analyses of the plankton revealed 250 times more of the chemical than originally applied, the frogs 2000 times more, sunfish 12,000, and the grebes up to an 80,000-fold increase (Cottam, 1965; Rudd, 1964). In 1954 death among the grebes was widespread. Prior to the spraying, a thousand of these birds nested on the lake. Then for 10 years no grebes hatched. Finally, in 1962, one nestling was observed, and the following year three. Clear Lake is popular for sports fishing, and the flesh of edible fish now caught reaches 7 ppm, which is above the maximum tolerance level set by the Food and Drug Administration.

In an estuarine ecosystem, a similar trend has been reported on the Long Island tidal marshes, where mosquito control spraying with DDT has been practiced for some 20 years (Woodwell et al., 1967). Here the food chain accumulation shows plankton 0.04 ppm, shrimp 0.16 ppm, minnows 1 to 2 ppm, and ring-billed gull 75.5 ppm. In general, the DDT concentrations in carnivorous birds were 10 to 100 times those in the fish they fed upon. Birds near the top of the food chain have DDT residues about a million times greater than concentration in the water. Pesticide levels are now so high that certain populations are being subtly eliminated by food chain accumulations reaching toxic levels.

3. Lowered reproductive potential. Considerable evidence is available to suggest a lowered reproductive potential, especially among birds, where the pesticide occurs in the eggs in sufficient quantities either to prevent hatching or to decrease vigor among the young birds hatched. Birds of prey, such as the bald eagle, osprey, hawks, and others, are in serious danger. Along the northeast Atlantic coast, ospreys normally average about 2.5 young per year. However, in Maryland and Connecticut, reproduction is far below this level. In Maryland, ospreys produce 1.1 young per year and their eggs contain 3 ppm DDT, while in Connecticut, 0.5 young ospreys hatch and their eggs contain up to 5.1 ppm DDT. These data indicate a direct correlation between the amount of DDT and the hatchability of eggs—the more DDT present in the eggs, the fewer young hatched (Ames, 1966). In Wisconsin, Keith (1964) reports 38% hatching failure in herring gulls. Early in the incubation period, gull eggs collected contained over 200 ppm DDT and its cogeners. Pheasant eggs from DDT-treated rice fields compared to those from unsprayed lands result in fewer healthy month-old chicks from eggs taken near sprayed fields. Although more conclusive data may still be needed to prove that pesticides such as DDT are the key factor, use of such compounds should be curtailed until it is proved that they are not the causal agents responsible for lowering reproductive potential.

4. Resistance to sprays. Insects have a remarkable ability to develop a resistance to insecticides. The third spray at Clear Lake was the least effective on the gnats, and here increased resistance was believed to be a factor involved. As early as 1951, resistance among agricultural insects appeared. Some of these include the codling moth on apples, and certain cotton, cabbage, and potato insects. Over 100 important insect pests now show a definite resistance to chemicals (Carson, 1962).

5. Synergistic effects. The interaction of two compounds may result in a third much more toxic than either one alone. For example, Malathion is relatively "safe" because detoxifying enzymes in the liver greatly reduce its toxic properties. However, if some compound destroys or interrupts this enzyme system, as certain organic phosphates may do, the toxicity of the new combination may be increased greatly. Pesticides represent one of many pollutants we are presently adding to our environment. These subtle synergistic effects have opened a whole new field of investigation. Here students of environmental science will find many challenging problems for future research.

6. Chemical migration. After two decades of intensive use, pesticides are now found throughout the world, even in places far from any actual spraying. Penguins and crab-eating seals in the Antarctic are contaminated, and fish far off the coasts of four continents now contain insecticides ranging from 1 to 300 ppm in their fatty tissues (Anonymous, 1966).

The major rivers of our nation are contaminated by DDT, endrin, and dieldrin, mostly in the parts per trillion range. Surveys since 1957 reveal that dieldrin has been the main pesticide present since 1958. Endrin reached its maximum, especially in the lower Mississippi River, in the fall of 1963 when an extensive fish kill occurred and has since that time decreased. DDT and its cogeners, consistently present since 1958, have been increasing slightly (Breidenbach et al., 1967).

7. Accumulation in the ecosystem. Since chlorinated hydrocarbons like DDT are not readily broken down by biological agents such as bacteria, they may not only be present but also accumulate within a given ecosystem. On Long Island, up to 32 lb. of DDT have been reported in the marsh mud, with an average of 13 lb. presumed to be correlated with the 20 years of mosquito control spraying (Woodwell et al., 1967). Present in these quantities, burrowing marine organisms and the detritus feeders can keep the residues in continuous circulation in the ecosystem. Many marine forms are extremely sensitive to minute amounts of insecticides. Fifty per cent of a shrimp population was killed with endrin 0.6 parts per billion (ppb). Even 1 ppb will kill blue crabs within a week. Oysters, typical filter feeders, have been reported to accumulate up to 70,000 ppm. (Loosanoff, 1965). In Green Bay along Lake Michigan, Hickey and Keith (1964) report up to 0.005 ppm wet weight of DDT, DDE, and DDD in the lake sediments. Here the accumulation has presumably been from leaching or run-off from surrounding agricultural lands in Door County, where it is reported that 70,000 pounds of DDT are used annually. Biological concentration in Green Bay is also occurring in food chain organisms, as reported at Clear Lake, California. Accumulation of biocides, especially in the food chain, and their availability for recycling pose a most serious ecological problem.

8. Delayed response. Because of the persistent nature and tendency of certain insecticides to accumulate at toxic levels in the food chain, there is often a delayed response in certain ecosystems subjected either directly or indirectly to pesticide treatment. This was the case at Clear Lake, where the mortality of nontarget organisms occurred several years after the last application. This is a particularly disturbing aspect, since man is often the consumer of those food chain organisms accumulating pesticide residues. In the general population, human tissues contain about 12 ppm DDT-derived materials. Those with meatless diets, and the Eskimos, store less; however, agricultural applicators and formulators of pesticides may store up to 600 ppm DDT or 1000 ppm DDT-derived components. Recent studies indicate that dieldrin and lindane are also stored in humans without occupational exposure (Durham, 1965). The possibility of synergistic effects involving DDT, dieldrin, lindane, and other pollutants to which man is being exposed may result in unpredictable hazards. In fact, it is now believed that pesticides may pose a genetic hazard. At the recent conference of the New York Academy of Science, Dr. Onsy G. Fahmy warned that certain chlorinated hydrocarbons, organophosphates and carbamates were capable of disrupting the DNA molecule. It was further noted that such mutations may not appear until as many as 40 generations later. Another scientist, Dr. M. Jacqueline Verrett, pointed out that certain fungicides (folpet and captan) thought to be nontoxic have chemical structures similar to thalidomide.

We are obviously dealing with many biological unknowns in our widespread use of presumably "safe" insecticides. We have no assurance that 12 ppm DDT in our human

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[1] Dr. George Woodwell estimates that there are 1 billion lbs. of DDT now circulating in the hemisphere.

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tissue, now above the permissible in marketable products for consumption, may not be resulting in deleterious effects in future generations. As Rudd warns (1964): ". . . it would be somewhat more than embarrassing for our 'experts' to learn that significant effects do occur in the long term. One hundred and eight million human guinea pigs would have paid a high price for their trust."

Of unpredicted delayed responses, we have an example in radiation contamination. In the Bravo tests on Bikini in 1954, the natives on Rongelap Atoll were exposed to radiation assumed to be safe. Now more than a decade later, tumors of the thyroid gland have been discovered in the children exposed to these presumably safe doses (Woodwell et al., 1966). Pesticides per se or synergisms resulting from their interaction could well plague man in now unforeseen or unpredictable ways in the future.

THE SOUND USE OF HERBICIDES

In contrast to insecticides, herbicides are chemical weed-killers used to control or kill unwanted plants. Following World War II, the chlorinated herbicide 2, 4-D began to be used widely on broadleaf weeds. Later, 2, 4, 5-T was added, which proved especially effective on woody species. Today, over 40 weed-killers are available. Although used extensively in agriculture, considerable quantities are used also in aquatic weed control and in forestry, wildlife, and right-of-way vegetation management. Currently, large quantities are being used as defoliators in Vietnam.

Although herbicides in general are much safer than insecticides in regard to killing nontarget organisms and in their residual effects, considerable caution must be exercised in their proper use. One of the greatest dangers in right-of-way vegetation management is their indiscriminate use, which results in habitat destruction. Drift of spray particles and volatility may also cause adverse effects on nontarget organisms, especially following indiscriminate applications. In the Connecticut Arboretum, shade trees have been seriously affected as a result of indiscriminate roadside sprays (Niering, 1959). During the spring of 1957, the town sprayed the marginal trees and shrubs along a roadside running through the Arboretum with 2, 4–D and 2, 4, 5-T (1 part chemical: 100 parts water). White oaks overarching the road up to 2 feet in diameter were most seriously affected. Most of the leaves turned brown. Foliage of scarlet and black oaks of similar size exhibited pronounced leaf curling. Trees were affected up to 300 feet back from the point of application within the natural area of the Arboretum. White oak twigs near the sprayed belt also developed a striking weeping habit as twig elongation occurred—a growth abnormality still conspicuous after 10 years.

The effectiveness of the spray operation in controlling undesirable woody growth indicated a high survival of unwanted tree sprouts. Black birch and certain desirable shrubs were particularly sensitive. Shrubs affected were highly ornamental forms often planted in roadside beautification programs. The resulting ineffectiveness of the spray operation was indicated by the need for cutting undesirable growth along the roadside the following year.

In the agricultural use of herbicides, drift effects have been reported over much greater distances. In California, drift from aerial sprays has been reported up to 30 miles from the point of application (Freed, 1965).

Although toxicity of herbicides to nontarget organisms is not generally a problem, it has been reported in aquatic environments. For example, the dimethylamine salt of 2, 4-D is relatively safe for bluegill at 150 ppm, but the butyl, ethyl, and isopropyl esters are toxic to fish at around 1 ppm (R. E. Johnson, personal communication). Studies of 16 aquatic herbicides on *Daphnia magna*, a microcrustracean, revealed that 2, 4-D (specific derivative not given) seemed completely innocuous but that several others (Dichlone, a quinone; Molinate, a thiolcarbamate; Propanil, an anilide; sodium arsenite and Dichlopenil, a nitrile) could present a real hazard to this lower food chain organism (Crosby and Tucker, 1966).

Effects on rights-of-way. The rights-of-way across our nation comprise an estimated 70,000,000 acres of land, much of which is now subjected to herbicide treatment (Niering, 1967). During the past few decades, indiscriminate foliar applications have been widespread in the control of undesirable vegetation, erroneously referred to as brush (Goodwin and Niering, 1962). Indiscriminate applications often fail to root-kill undesirable species, therefore necessitating repeated retreatment, which results in the destruction of many desirable forms. Indiscriminate sprays are also used for the control of certain broadleaf weeds along roadsides. In New Jersey, 19 treatments were applied during a period of 6 years in an attempt to control ragweed (Dill, 1963). This, of course, was ecologically unsound, when one considers that ragweed is an annual plant typical of bare soil and that repeated sprayings also eliminate the competing broadleaved perennial species that, under natural successional conditions, could tend to occupy the site and naturally eliminate the ragweed. Broadcast or indiscriminate spraying can also result in destruction of valuable wildlife habitat in addition to the needless destruction of our native flora—wildflowers and shrubs of high landscape value.

Nonselective spraying, especially along roadsides, also tends to produce a monotonous grassy cover free of colorful wildflowers and interesting shrubs. It is economically and aesthetically unsound to remove these valuable species naturally occurring on such sites. Where they do not occur, highway beautification programs plant many of these same shrubs and low-growing trees.

Recognizing this nation-wide problem in the improper use of herbicides, the Connecticut Arboretum established, over a decade ago, several right-of-way demonstration areas to serve as models in the sound use of herbicides (Niering, 1955; 1957; 1961). Along two utility rights-of-way and a roadside crossing the Arboretum, the vegetation has been managed following sound ecological principles, as shown in Figures 3 and 4 (Egler, 1954; Goodwin and Niering, 1959; Niering, 1958). Basic techniques include basal and stump treatments. The former involves soaking the base of the stem (root collar) and continuing up the stem for 12 inches; the stump technique involves soaking the stump immediately after cutting. Effective formulations include 2, 4, 5-T in a fuel oil carrier (1 part chemical: 20 parts oil). Locally, stem-foliage sprays may be necessary, but the previous two techniques form the basic approach in the selective use of weed-killers. They result in good root-kill and simultaneously preserve valuable wildlife habitat and aesthetically attractive native species, all at a minimum of cost to the agency involved when figured on a long-range basis. In addition to these gains, the presence of good shrub cover tends to impede tree invasion and to reduce future maintenance costs (Pound and Egler, 1953; Niering and Egler, 1955).

Another intriguing use of herbicides is in naturalistic landscaping. Dr. Frank Egler conceived this concept of creating picturesque natural settings in shrubby fields by selectively eliminating the less attractive species and accentuating the ornamental forms (Kenfield, 1966). At the Connecticut Arboretum we have landscaped several such areas (Niering and Goodwin, 1963). The one shown in Figure 5 was designed and created by students. This approach has unlimited application in arresting vegetation development and preserving landscapes that might disappear under normal successional or vegetational development processes.

Future Outlook

Innumerable critical moves have recently occurred that may alter the continued deterioration of our environment. Secretary Udall has banned the use of DDT, chlordane, dieldrin, and endrin on Department of the Interior lands. The use of DDT has been banned on state lands in New Hampshire and lake trout watersheds in New York State; in Connecticut, commercial applications are limited to dormant sprays. On Long Island, a temporary court injunction has been granted against the Suffolk County Mosquito Control Board's use of DDT in spraying tidal marshes. The Forest Service has terminated the use of DDT, and in the spring of 1966 the United States Department of Agriculture banned the use of endrin and dieldrin. Currently, the Forest Service has engaged a toplevel research team in the Pacific Southwest to find chemicals highly selective to individual forest insect pests and that will break down quickly into harmless components. The Ribicoff hearing, which has placed Congressional focus on the problem of environmental pollution and Gaylord Nelson's bill to ban the sale of DDT in the United States are all enlightened endeavors at the national level.

The United States Forest Service has a selective program for herbicides in the National Forests. The Wisconsin Natural Resources Committee has instituted a selective roadside right-of-way maintenance program for the State. In Connecticut, a selective approach is in practice in most roadsides and utility spraying.

Although we have considerable knowledge of the effects of biocides on the total environment, we must continue the emphasis on the holistic approach in studying the problem and interpreting the data. Continued observations of these occupationally exposed and of residents living near pesticide areas should reveal invaluable toxicological data. The study of migrant workers, of whom hundreds have been reported killed by pesticides, needs exacting investigation.

The development of more biological controls as well as chemical formulations that are specific to the target organism with a minimum of side effects needs continuous financial support by state and federal agencies and industry. Graduate opportunities are unlimited in this field.

As we look to the future, one of our major problems is the communication of sound ecological knowledge already available rather than pseudoscientific knowledge to increase the assets of special interest groups (Egler, 1964; 1965; 1966). The fire ant fiasco may be cited as a case in point. And as Egler (1966) has pointed out in his fourth most recent review of the pesticide problem: ". . . 95% of the problem is not in scientific knowledge of pesticides but in scientific knowledge of human behavior. . . . There are power plays . . . the eminent experts who deal with parts not ecological wholes."

One might ask, is it really good business to reduce the use of pesticides? Will biological control make as much money? Here the problem integrates political sciences, economics, sociology, and psychology. Anyone seriously interested in promoting the sound use of biocides must be fully cognizant of these counter forces in our society. They need serious study, analysis, and forthright reporting in the public interest. With all we know about the deleterious effects of biocides on our environment, the problem really challenging man is to get this scientific knowledge translated into action through the sociopolitical pathways available to us in a free society. If we fail to communicate

a rational approach, we may find that technology has become an invisible monster as Egler has succinctly stated (1966).

Pesticides are the greatest single tool for simplifying the habitat ever conceived by the simple mind of man, who may yet prove too simple to grasp the fact that he is but a blind strand of an ecosystem web, dependent not upon himself, but upon the total web, which nevertheless he has the power to destroy.

Here environmental science can involve the social scientist in communicating sound science to society and involve the political scientist in seeing that sound scientific knowledge is translated into reality. Our survival on this planet may well depend on how well we can make this translation.

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Pollution Shuts Down Phosphorus Plant, Cleanup of Polluted Waterway Proves Costly for Canadian Firm

In December, 1968, Electric Reduction of Canada, Ltd. (ERCO), started up the first of two furnaces at its new phosphorus plant beside Long Harbour in Newfoundland. The plant, which produces phosphorus by electric furnace roasting of phosphate rock (fluoroapatite) with silica and coke, was located in Newfoundland partly because of the availability of cheap electricity in the province, the result of several large hydroelectric projects in Canada's maritime provinces.

Although the eventual capacity of the plant was planned at 50,000 tons per year, the second furnace never came on stream. A series of events which had much of eastern Canada on its ear took place in quick succession. First, a spill occurred while a specially designed tanker was being loaded with phosphorus for delivery to Albright and Wilson, ERCO's parent company in England. The actual extent of this spill has not been revealed, but it was of sufficient magnitude to result in the company's installing hydrocyclones to remove phosphorus from the plant effluent, reportedly running into the sea at a rate of around 8000 g.p.m. Apparently, the spill made ERCO management wary of possible pollution, although installation of the hydrocyclones presumably would have no effect on a loading spill.

FISH KILL

Early in 1969, fishermen in Placentia Bay, the 40 mile wide body of salt water into which 2 mile wide Long Harbour empties, started to notice dead fish. Since the Newfoundland coast is a prime region for commercial fisheries—herring, cod, and lobster are the main commercial species—it was not long before the federal Ministry of Fisheries was called in to investigate. In May, ERCO voluntarily shut down the plant. The Canadian investigation team, headed by D. R. Idler of the federal Fisheries Research Board laboratory (Halifax, Nova Scotia) discovered that the fish had died from, among other things, rupture of the red blood cells. Phosphorus content in the fish was very low as, for that matter, was the phosphorus content of the harbor water.

However, phosphorus is extremely insoluble in water, and investigation revealed that the floor of the harbor near the plant outfall was covered with a layer of sludge high in phosphorus content. It has been suggested that bottom feeding fish such as herring might have stirred up and then ingested the phosphorus. The Fisheries team closed Placentia Bay to fishing (it has since been reopened partially) and worked closely with ERCO to find a solution to the problem.

This solution is proving to be very costly for the company. ERCO has agreed to treat all its wastes before any water is discharged. (An estimate of the pre-closure level of phosphorus discharge is $\frac{1}{2}$–1 ton per day). Toward this end, the company is further testing hydrocyclones. If these measures do not succeed, ERCO will have to lagoon all its liquid wastes. The company has undertaken dredging of the bottom of Long Harbour to remove the phosphorus impregnated sludge, reportedly spending $1 million on this phase alone. The procedure involves use of a special suction dredge and settling out of the sludge in settling ponds with a total volume of almost 4 million cubic feet.

LESSONS FROM THE DAMAGE

The cleanup work is still going on, but the damage, in terms both of destruction of fish and of ERCO's profits (to say nothing of the company's public image) has been done. Still, there are lessons to be learned from this unhappy tale:

The people of Newfoundland have discovered that new industry brings with it new problems as well as new jobs.

The Electric Reduction Co. has learned that it is more expensive to have to treat pollution problems after opening a plant than to do so before. Emergency operations, overtime rates of pay, and a hostile public are not conducive to healthy and prosperous business.

Perhaps, the most optimistic reflection on the whole incident is made by the Fisheries Research Board's Idler who says. "In the past two or three months we have learned more about the effect of phosphorus on marine life than exists in the entire literature."

[From New Scientist, Dec. 12, 1966]

The Menace of Mercury

(By Dr. A. Jernelov, head of the Swedish Air and Water Pollution Research Laboratory, Stockholm)

Methyl-mercury was prohibited as a seed-dressing in Sweden in 1966, after mercury poisoning had threatened the very existence of some species of birds. Since that time the mercury content of birds' feathers has been declining. But the situation is still serious with regard to fish, and birds which eat fish. Mercury compounds in factory effluents are being converted by aquatic microorganisms to methyl-mercury, which can build up to dangerous levels in fish.

The story began about 10 years ago in Japan, when a mysterious illness occurred among fishermen and their families around Minamata Bay. The first symptoms of the illness were numbness of the extremities and lips; tunnel-vision; and ataxia. In 1960 it was shown that "Minamata disease" was caused by methyl-mercury passed on from fish and shellfish caught in the bay. The source of the mercury eventually turned out to be the effluent of a factory producing acetaldehyde.

Most of the mercury in the effluent was in the form of metallic mercury and inorganic divalent mercury but there were also small amounts of methyl-mercury. These mercury compounds, especially methyl-mercury, were being concentrated in the tissues of the marine organisms and further enriched by accumulation in their natural predators, thus passing up the food chain. In this way, the concentration of mercury (chiefly as methyl-mercury) in the organisms used as human food reached 20–50 ppm on a fresh weight basis. Several persons suffered serious damage to the central nervous system after consuming heavy meals of fish with this concentration of methyl-mercury. Many of these cases were fatal and foetal damage occurred in pregnant women who themselves appeared to be unaffected.

In 1965, similar cases of methyl-mercury toxicity from fish and shellfish occurred at Agano River in Niigata. The source of mercury in this instance was also a factory making aceteldehyde, where again methylation of some of the mercury used as a catalyst occurred in the factory. Thanks to experience in Minamata, an early diagnosis was made; the source of mercury was detected and the effluent stopped. To avoid further occurrences, the Japanese authorities have temporarily prohibited fishing in two more rivers and they have started a careful investigation of 194 industries handling mercury.

XUM

In addition to the mercury in factory effluents, the intensive use of organo-mercury compounds in Japanese agriculture increased the amounts of mercury in food. Rice, the predominant food of the country, contained an average of 0.1 ppm mercury in 1967. After this time the agricultural use of organo-mercury compounds was banned in Japan.

In Sweden, methyl-mercury was introduced in the 40's as a seed dressing. By the late 50's, the number of reported cases of mercury toxicity in wildlife had increased dead specimens of mammals and birds were shown to contain high levels of mercury. By the early 60's the very existence of some seed-eating and predatory bird-species was claimed to be threatened by mercury poisoning.

Museum specimens of predatory birds at the end of a terrestrial food chain were analyzed for mercury. Early specimens, from the period 1820–1940, showed a relatively constant and comparatively low content of methyl-mercury in their feathers. From the late 50's, however, there was a sudden, rapid rise in the concentration of mercury. Today the decrease in the mercury content of the feathers of these birds, is almost certainly due to the fact that in 1966 the use of methyl-mercury in seed dressings was banned.

Birds at the end of aquatic food chains, however, show quite a different picture. Mercury levels started rising about 1890 and from that time on, they have been steadily increasing. These birds live on fish and it has been shown that fish in some areas contain high amounts of mercury almost entirely in the methyl form. This is of interest because the chief sources of mercury are chlorine factories and paper- and pulp-industries, where the effluents contain inorganic mercury and phenyl mercury respectively. These mercury compounds are now known to be converted to methyl-mercury by microorganisms in the bottom sediments of lakes, rivers and the sea. The methyl-mercury then accumulates in fish and other aquatic organisms. The highest mercury levels found in Swedish fish are about 10 ppm. Scientists now regard 0.2 ppm as a natural "background" level in freshwater fish.

To avoid cases of methyl-mercury poisoning from fish, the Swedish authorities have prohibited people selling or giving away fish from certain waters where the fish have been found to contain more than 1 ppm mercury. This limit is only provisional, pending further toxicological evaluation. In addition to this prohibition, the authorities have recommended that fish containing between 0.2 and 1 ppm mercury should not be eaten more than once a week.

It is known that methyl-mercury will pass the placental barrier in mammals and evidently can penetrate cell membranes. Thus, chromosomal abnormalities have been induced, by suppression of the mitotic spindle, for instance, giving rise to aneuploidy.

Are Sweden and Japan the only countries with high amounts of mercury in fish? It seems likely that the situation will be more or less similar in most other industrialized countries, judging by the many other possible industrial sources of mercury pollution.

[From the Conservation Foundation, Feb. 24, 1969]

A REPORT ON ENVIRONMENTAL ISSUES

U.N. VOTES TO HOLD CONFERENCE ON THE HUMAN ENVIRONMENT IN 1972

The United Nations General Assembly agreed unanimously December 3, 1968 to hold a UN Conference on the Human Environment in 1972. The exact time and place of the conference will be determined later.

Why such a UN conference? As the resolution introduced by Sweden and co-sponsored by 51 other nations declared:

Because of "the continuing and accelerating impairment of the quality of the human environment caused by . . . air and water pollution, erosion and other forms of soil deterioration, waste, noise and secondary effects of biocides, . . . accentuated by rapidly increasing population and accelerating urbanization."

Because of "the consequent effects on the condition of man, his physical, mental and social well-being, his dignity and his enjoyment of basic human rights, in developing as well as developed countries."

Because "increased attention to problems of the human environment is essential for sound economic and social development."

Because "intensified action at the national, regional and international level" is needed "to limit and, where possible, to eliminate the impairment of the human environment."

Because "a framework for comprehensive consideration within the United Nations of the problems of human environment" is needed "to focus the attention of governments and public opinion on the importance and urgency of this question" and "to identify those aspects . . . that can only, or best, be solved through international cooperation and agreement."

And because, as Sverker Astrom, Sweden's UN ambassador declared: "The risks inherent in the uncontrolled application of modern technology are very real and very frightening."

Or, quite simply and directly, as Rudolf D'Mello of India told the UN: "There is an environment crisis."

James Russell Wiggins, then U.S. ambassador to the UN, said the decision to hold the conference on the environment "will turn out to be the most momentous of all the decisions" made by the UN General Assembly in 1968. "It is historically important in itself, and in addition, it illuminates that continuing contribution which the United Nations is making to the betterment of mankind by its handling of the relatively non-controversial and non-political issues that have to do with the world's social and economic problems," he said.

Wiggins noted "we are dealing here with the life and death of the human family, and surely when the history of our age is written, and the records are studied a thousand years hence, the world will say of its decision of the General Assembly in 1968—it was about time."

Lord Caradon, the United Kingdom's ambassador to the UN, expressed a similar thought: "When we look back on the 23rd session of the Assembly in future years, we may remember it not for continued stalemate between east and west and north and south, but for a new initiative in which we came together from the four corners of the world to support an international initiative of incalculable consequence." He called the conference proposal "a question of world-wide importance on which there need be no deadlock unless we ourselves invent one."

WHAT NEXT?

Next step in the development of the conference will be a report by UN Secretary-General U Thant to the next session of the General Assembly, which opens the 2nd week in September in New York. To be routed through the UN's Economic and Social Council, which meets May–August, the report will cover:

A description of the nature, scope and progress of work presently being carried on "in the field of the human environment."

The "main problems facing developed and developing countries" in the environmental field which ought to be taken up at the 1972 conference, including possibilities for increased international cooperation.

Possible methods of preparing for the conference, a possible time and place for the conference, and the estimated cost of the conference.

The resolution also called on Secretary-General U Thant to consult with individual member nations of the UN, the UN's specialized agencies, intergovernmental agencies and non-governmental organizations in preparing his report. (CF's director of environmental studies, Raymond F. Dasmann, will work with the UN office of science and technology in preparation of this report.)

The 1969 session of the General Assembly would then presumably debate the report and decide on the time, place and content of the 1972 conference. While the decisions will not be made until the General Assembly session later this year, comments by various nations during consideration of the resolution indicate that the 1972 conference is likely to take this shape:

The conference on the human environment will probably last two or three weeks. It will not be a scientific meeting as such; instead, the conference will probably bring together governments, natural and social scientists, educators, businessmen, engineers, other opinion leaders to attempt to reach conclusions on the basis of available knowledge, make decisions and recommend action for a better environment. No new international agency or organization is contemplated. On the contrary, several nations made it abundantly clear that the conference will *not* result in the creation of any new body.

Environmental pollution problems will undoubtedly dominate the conference. Questions are likely to include what man, through his various institutions in the nations of the world and through the UN and other international organizations, can do about: air pollution; water pollution; long-lasting pesticides, fertilizers and other chemicals entering the environment; radioactive wastes; oil spills from tankers; the rising carbon dioxide content of the earth's atmosphere; noise pollution; disappearing plant and animal species; continuing crowding of the earth's human population into urban areas and the physical and psychological effects of uncontrolled urban growth.

Meanwhile, several speakers stressed that the decision to hold a conference in 1972 does not mean that nothing should take place in the meantime. On the contrary, several said the decision to hold the conference would and should stimulate and encourage work already underway in individual nations and by international bodies on environmental problems. "Indeed," said Wiggins, "let us all hope that governments will not wait for the conference of 1972 before taking energetic action to relieve and repair the wounds we have inflicted upon nature and upon ourselves. All in authority should surely act without delay to supply and apply the correctives that are already known. The period between now and 1972 should be one of ferment, not only of preparation for the conference but of practical action in every field; new scientific work, technical and administrative development, training of qualified manpower, public education and political decision."

What will come of all this? As expressed by many speakers, the hope is that the conference will focus man's attention on his impact on the environment and on the best and most economical ways of preventing further destruction of the environment. That it will stimulate efforts to regenerate environments already seriously damaged. And that it will help show developing nations how to prevent environmental degradation as they pursue industrial development.

As Lord Caradon put it so eloquently: The conference "must do no less than awaken the conscience of the world to the obligation to make our planet not only habitable but also congenial and even beautiful to future generations." The conference must be "an effective call to mankind to be a master and not a prisoner in his own planet."

SWEDEN'S RESOLUTION SUPPORTED BY 54 NATIONS

Sweden's resolution calling for a UN conference on the environment in 1972 attracted 51 co-sponsors. These nations were: Afghanistan, Algeria, Argentina, Australia, Austria, Canada, Colombia, Congo (Brazzaville), Denmark, El Salvador, Ethiopia, Finland, Guatemala, Iceland, India, Indonesia, Iran, Ireland, Italy, Ivory Coast, Jamaica, Kenya, Kuwait, Libya, Madagascar, Malta, Mexico, Morocco, Nepal, Nigeria, Norway, Pakistan, Panama, Philippines, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syria, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia and Zambia.

In addition, Cyprus, France and the USSR joined in the debate and supported the resolution. Zenon Rossides of Cyprus said his government would have cosponsored the resolution if it had provided for holding the conference at an earlier date. He urged 1971 because of the urgency of the problem but accepted 1972 when the Swedish ambassador explained that 1972 was the earliest year available for a UN conference and that "preparations for the conference will to a large extent serve the same purpose as the conference itself"—to draw attention to environmental problems and make nations and international organizations intensify and coordinate their work in these fields. France originally objected to the resolution, suggesting more preparation for such a "scientific conference."

However, said Edmond Wichelet of France, the importance of the problem and "the desire to ensure unanimity" led his government "to silence for the moment the procedural objections that it raised in the past." France therefore supported the resolution—but reserved its right "to return to this question, especially in the light of the estimates which will be submitted on the cost of the conference." (The UN estimated that implementation of the resolution would require an increase of $25,000 in its 1969 budget.)

The USSR kept its own counsel and did not announce its position until late in a speech by Lev Isaakovich Mendelevich. The Soviet representative then said his country supported the idea that the UN hold a conference on the problems of the human environment—but that adoption of the resolution "in no way should lead to the establihsment under any guise of international control over the development of science and technology."

Mendelevich also used the occasion to denounce "monopoly capital" for "rapaciously exploiting the resources of the earth." He added that "on the basis of international cooperation one can to a certain extent limit the destructive influence of the capitalist economy and the results of its exploitation of nature."

He claimed that "only socialism . . . can create propitious conditions for the solutions of problems of the utilization and the protection of natural resources of the vegetable and animal world on a strictly scientific basis." But he conceded that "even under socialism those problems are not easy to solve; they require work, resources and concentrated effort."

UNESCO CONFERENCE HELPED STIMULATE AWARENESS OF ENVIRONMENTAL CRISIS

The UN decision to hold a conference on the environment in 1972 was preceded and encouraged by a conference convened by the United Nations Educational Scientific and Cultural Organization (UNESCO) in Paris last September.

Some 320 experts from 63 nations and 23 international organizations met from September 4 through September 13. Participants were primarily middle level government officials—scientists, administrators, and educators.

The conference objective: to show how science can help develop rational methods for the use and conservation of the resources of the biosphere, defined as that part of the world in which life can exist.

In truth, many delegates found the conference disappointing. Many observed that some prepared speeches were dull or self-serving—or both—and that too much time was wasted with addresses which repeated what most participants already knew presumably, or they wouldn't have been there.

One delegate pleaded that the conference tell developing nations how to control and avoid environmental pollution—now—so that progress would not be synonomous with pollution as has happened in developed countries. No one realistically expected the conference to answer the plea—and it didn't. For while there are scientific and technical answers to many pollution control problems, the application of available science and technology depends on political and economic decisions. But political and economic decision makers were sparse at the UNESCO conference. (Hopefully, they will attend the 1972 UN conference in force.)

Similarly, the conference begged the question of the impact upon the environment of world-wide population growth. (Dr. F. Fraser Darling, CF's vice president, shocked some at the conference when he said out loud that "the biggest danger of all is our inability to control the explosive rate of growth of human population." He suggested that "a real clamping down of this would lessen the all too frequent policy of expediency, bolstered by technology divorced from the philosophy of science.")

But strange as it might appear from the previous comments and despite its shortcomings, the UNESCO conference was important, and to a large degree successful, simply because it was held. It was the first time that any arm of the United Nations had devoted an international conference to the subject of conservation and the environment. Despite hedging over wording, the UNESCO conference helped build support for the proposed UN conference on the environment. (Despite the games played on the formal expression of such support, incidentally. One early proposal called for outright support by the UNESCO conference of the then only proposed idea that the UN hold a conference on the environment. For a variety of reasons—including fear by some countries about the costs to them of such a conference, lack of prior instructions from their governments, and politics and/or protocol within the UN family—the final recommendation was softened. It merely asked that the UN General Assembly, during its deliberations of the UN conference proposal in December, "take into consideration the recommendations" of the UNESCO conference and "consider the advisability of a universal declaration on the protection and betterment of the human environment.")

And the conference was also significant because is provided an international forum in which scientists and administrators from many nations joined together and served notice that environmental degradation is indeed a worldwide problem. That "there is an environment crisis," as the delegate from India was to tell the UN three months later.

The UNESCO conference's concluding statement summed up in these words: "It is now abundantly clear that national policies are mandatory if environmental quality is to be restored and preserved and land use planning is to have a sound base. . . . Awareness, is leading to concern, to the recognition that to a large degree, man now has the capability and responsibility to determine and guide the future course of his environment, and to the beginnings of national and international corrective actions. . . . Earnest and bold departures from the past will have to be taken nationally and internationally if significant progress is to be made. No man, no people, can travel this road alone. This recognition of the necessity of cooperative action has given the conference a spirit of optimism in the face of unprecedented challenge to man's wisdom and his goodwill."

The UNESCO conference was convened and organized by UNESCO, with the participation of the UN, the Food and Agriculture Organization, and the World Health Organization, and with the cooperation of the International Union for the Conservation of Nature and Natural Resources and the International Biological Program.

UNESCO PLANNING INTERNATIONAL CONSERVATION PROGRAM

The 1968 UNESCO biosphere conference produced 20 recommendations covering research, education, and policies and structures. The major recommendation was that in 1969 and 1970, UNESCO develop a plan for an international program for rational use and conservation of the biosphere. The plan is to be ready for consideration when UNESCO prepares its budgets for 1971 and 1972 activities.

In addition the UNESCO conference recommended:

That pollutants be identified and monitored on a world-wide basis.

That environmental considerations be built into international development projects.

That comprehensive research programs be undertaken on man's social and physiological adaptability to environmental change, and on resource use in a variety of ecosystems.

That nations improve ecological education in schools, colleges and universities, with the assistance of international organizations.

That nations and international organizations standardize methods of ecosystem research, inventory, and monitoring.

That the establishment of national parks and wildlife refuges, and protection of endangered species, be accelerated throughout the world.

That all nations, UN agencies and other international organizations help developing countries increase and apply their environmental knowledge.

Full text of the recommendations of the 1968 biosphere conference (ask for document SC/MD/9) and full text of "Conservation and Rational Use of the Environment," the basic working paper prepared for the conference by Raymond F. Dasmann, CF's director of environmental studies, are available from UNESCO, Place de Fontenoy, Paris 7e, France.

WHAT THE ENVIRONMENTAL CRISIS IS ALL ABOUT

How real is the environmental crisis? Consider the words of James Russell Wiggins, former editor of the Washington Post and then U.S. ambassador to the United Nations, in an address to the General Assembly, December 3, 1968:

The evidence of mankind's gathering environmental crisis does not have to be sought in books or in scholarly documents. City dwellers on every continent of this crowded earth see it, hear it, smell it, absorb it and suffer from it.

It is in our air—filled with the noxious fumes of factories, furnaces, builders, wreckers, trains, trucks, buses, boats, aircraft and automobiles by the scores of millions.

It is in our lakes and rivers—suffocated by fertilizers that drain from our farmlands, and polluted by an ever-growing flood of industrial, agricultural, and chemical wastes.

It is in our land—more and more of which is buried under the encroaching megalopolis, or poisoned by pesticides, or wounded by strip mining and timber cutting, or strewn with the ugly rubbish of our fabulous productivity. Despite tardy efforts to relieve these

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conditions, they pose a rising threat to human well-being in every nation and community, at whatever stage of development.

In the last century, a mere tick or the celestial clock, we have loosed upon the earth such a mass of humanity and such a torrent of energy as to transform much of the earth beyond all recognition. For the first time, we are brought face to face with the stark facts that space upon this planet is finite, that the resources of this planet are exhaustible and are not easily renewed. We are made aware that by his sheer numbers and his heedless ingenuity, man can injure his environment so as to hasten his own extinction. We have not much time left in which to learn to proportion our population to available resources, and to become good enough trustees of our inherited wealth of air, water, earth, and forms of life so that our posterity may hope to survive in a condition better than bestial struggle.

And in words which might well serve as an agenda for action today as well as an agenda for the 1972 conference on the environment, Wiggins declared:

> What are we going to do about long-lasting pesticides such as DDT, which are sprayed on crops at a rate of more than 100 million pounds a year? Minute concentrations of DDT can be lethal to fish and birds and to ocean plankton which are a vital link in the chain of life. DDT has been detected in places as remote as Antarctica. How can we prevent a rising level of such pollutants throughout the world?
>
> What are we going to do about the rapidly rising quantities of inorganic nitrogen fertilizers, which drain from the farmlands of the world into lakes, rivers and estuaries and combine with urban sewage to rob those waters of their oxygen and their ability to support life? How can that pollution be curbed without hampering the world-wide effort to grow more food?
>
> What are we going to do to prevent contamination by radioactive wastes from the growing number of nuclear power stations throughout the world? In the present generation, for the first time since the world began, all of us have been exposed to man-made sources of radiation whose effects are still not fully known.
>
> What steps should we take to preserve the immense diversity of the earth's plant and animal species? It is that diversity which gives stability to the intricate balance of living nature in every environment. In the industrial century just past, over 70 species of mammals alone have been exterminated—more than in the previous 2,000 years of the world's history. Today some 1,000 other animal species face the same danger.
>
> What are we going to do about the accidental spilling of oil from tankers and other ships? Since the Torrey Canyon disaster of 1967 there has been some advance methods of combating that menace, but such accidents continue to occur, with the devastating effect; and with the giant tankers of yesterday being dwarfed by the 300,000-ton monsters now coming off the ways, the potential for future disasters is very great.
>
> And what are we going to do about the steadily rising burden of carbon dioxide in the earth's atmosphere? In the past hundred years, since fossil fuels began to be burned in huge quantities, atmospheric carbon dioxide has increased by close to 10%. That increase will probably total 25% by the year 2000, given the rapidly accelerating rate of fuel consumption. Will the resulting green-house effect cause a permanent warming of the earth's climate, and perhaps even a rise in the world sea level as the polar ice caps melt? No one is sure, though much of human destiny could depend on the answer.
>
> One could mention many other problems common to industrial nations which will surely be considered by the conference on the human environment, such as the safe and economical disposal of solid wastes, the preservation of forests and ground cover, whose loss has been a prime cause of catastrophic floods in many lands, the ever-rising clamor of noise that surrounds our cities, our factories, our highways and our airports—and, not least important, the education of our children to respect and defend their environment, for without the support of public opinion nothing enduring can be achieved.

Consider too the words of Dr. Abel Wolman, professor emeritus, Johns Hopkins University, in a paper presented to the UNESCO biosphere conference in 1968:

> Almost every country in the world has tried to meet the threats of water pollution by means of legislative actions. . . . The results, however, have been rather distressing throughout the world. It is by no means assumed that the legislative underpinning of administrative action is neither useful nor helpful, but reliance upon law alone is unrealistic. In some instances, in fact, rigid legislative requirements have sometimes served as opiates to administrative action. Unless decisions are accompanied by a strong climate of supporting public opinion, by adequate manpower for implementation and by financial resources, results are normally far from satisfying. . . .
>
> The history of national legislation is replete with declarations of high aspiration unmatched anywhere by equally high implementation. Abatement has not been at a standstill. On the contrary, a great deal has been done, but not enough and not fast enough . . . In almost all countries the block to progress is not in deficient technology, but in competent personnel and, of course, in money . . . Considerations of national economic advantage have transcended the desire for abatement . . .
>
> Human infestations with worms, transmitted mainly by polluted soil, in certain semi-tropical areas of the world are so massive that over half the food produced and consumed is metabolized by the parasitic worm population infesting man. Half the work of the sick peasantry therefore goes into the cultivation of food for the worms that make them sick. Soil pollution is not only the problem of the rural unsanitized areas of the world, but of the densely populated industrialized areas as well . . . It has been estimated that throughout the world hookworm still causes a daily blood loss equivalent to the total exsanguination of about 1.5 million people. While many feel that preventive medicine has proved successful in tropical areas in general, the success in the control of soil-transmitted helminths has lagged behind.

And finally, consider the comments of Dr. Rene Dubos of Rockefeller University in a paper prepared for the UNESCO conference in 1968:

> Man can achieve some form of tolerance to environmental pollution, excessive environmental stimuli, crowded and competitive social contacts, the estragement of life from the natural biological cycles, and other consequences of life in the urban and technological world. This tolerance enables him to overcome effects that are unpleasant or traumatic when first experienced. But in many cases, it is achieved through organic and mental processes which may result in the chronic and degenerative disorders that so commonly spoil adult life and old age, even in the most prosperous countries.
>
> Man can learn also to tolerate ugly surroundings, dirty skies, and polluted streams. He can survive even though he completely disregards the cosmic ordering of biological rhythms. He can live without the fragrance of flowers, the song of birds, the exhilration of natural scenery and other biological stimuli of the natural world. Loss of amenities and elimination of the stimuli under which he evolved as a biological and mental being may have no obvious detrimental effect on his physical appearance or his ability to perform as part of the economic or technologic machine. The ultimate result, however, can be and often is an impoverishment of life, a progressive loss of the qualities that we identify with humaneness and weakening of physical and mental sanity. . . .
>
> The pathetic weekend exodus to the country or beaches, the fireplaces in overheated city apartments, the sentimental attachment to animal pets or even to plants, testify to the persistence in many of biological and emotional hungers that developed during his evolutionary past and that he cannot outgrow. . . . Historical experience, especially during the 19th century, shows that urban populations are apt to develop ugly tempers when completely deprived of such contacts (with nature). Saving nature in both its wild and humanized aspects is thus an essential part of urban planning.

FOR FURTHER INFORMATION

A quick guide to some members of the U.N. family whose programs include and/or effect (to varying degrees) conservation-environmental activities and concerns:

International Atomic Energy Agency (IAEA), Karntnerring 11–13, Vienna 1, Austria.

International Labor Organization (ILO), CH–1211, Geneva 22, Switzerland.

Food and Agriculture Organization (FAO), Viale delle Terme di Carcalla, Rome, Italy.

United Nations Education, Scientific and Cultural Organization (UNESCO), Place de Fontenoy, Paris 7e, France.

World Health Organization (WHO), Palais des Nations, 1211 Geneva 10, Switzerland.

International Bank for Reconstruction and Development (World Bank or IBRD), 1818 "H" Street, N.W., Washington, D.C. 20433.

International Finance Corporation (IFC, an affiliate of the World Bank), 1818 "H" Street, N.W., Washington, D.C. 20433.

International Development Association (IDA, an affiliate of the World Bank), 1818 "H" Street, N.W., Washington, D.C. 20433.

World Meteorological Organization (WMO), 41, Avenue Giuseppe-Motta, Geneva, Switzerland.

Inter-Governmental Maritime Consultative Organization (IMCO), 22 Berners Street, London W. 1, England.

For information from the UN itself: Director for Science and Technology, United Nations, New York, N.Y. 10017.

And while not a UN organization, the International Union for the Conservation of Nature and Natural Resources (IUCN), an independent international organization, works closely with UN agencies, individual nations, and scientific, academic, and conservation groups. IUCN, 1110 Morges, Switzerland.

A necessary element

"Rapid economic development remains, of course, one of the primary goals of all governments . . . (However) it is not an end in itself. It should serve ultimately to satisfy fundamental human needs and to allow the people, in dignity and justice, to enjoy basic human rights . . . The quality of the human environment must enter as one necessary element into all econonic planing . . . An informed and alerted public opinion is essential for influencing governments, international organizations, private industry, etc. towards making rational planning for an improved physical and social environment an integral part of the planning for economic growth."—Sverker Astrom, Sweden's UN ambassador, December 3, 1968.

The unforeseen international ecologic boomerang

That's the title of a 32-page special supplement in a recent issue of Natural History Magazine. The supplement contains excerpts from papers prepared for the conference on the ecological impact of international development programs held in December 1968, by the Conservation Foundation and Washington University's Center for the Biology of Natural Systems. Conference papers and discussions are now being edited for publication

in book form next year by Natural History Press. Meanwhile, the supplement is available (supply limited) from Natural History Magazine, Central Park West at 79th Street, New York, N.Y. 10024. Price: 50 cents.

There need not be complete disaster

"Ecologists can scarcely afford to be optimists. But an absolute pessimist is a defeatist, and that is no good either . . . There need not be complete disaster and if our eyes were open wide enough, world wide, we could do much towards rehabilitation . . . The scientist as a social entity must eventually establish the necessity for the ecosystem approach to world problems as a safeguard against unbalanced technological action. We have yet to realize that political guidance and restraint is nothing like so operative on technology as on other major fields of human action."—CF Vice President F. Fraser Darling, in paper presented to UNESCO biosphere conference, 1968.

On salvation

"There is nothing wrong with the United Nations except the members. It is not the organization which has failed; it is the nation members which have not yet sufficiently grasped the truth that we are all members one of another. Our economic and political salvation will come not by everyone grabbing for himself and the devil take the hindmost; our salvation will come from international understanding and international cooperation."—Lord Caradon, United Kingdom ambassador to the UN, December 3, 1968.

From wilderness to dump heap

"Everywhere, societies seem willing to accept ugliness for the sake of increase in economic wealth. Whether natural or humanized, the landscape retains its beauty only in the areas that do not prove valuable for industrial and economic exploitation. The change from wilderness to dump heap symbolizes at present the course of technological civilization. Yet the material wealth we are creating will not be worth having if creation entails the raping of nature and the destruction of environmental charm."—Dr. Rene Dubos of Rockefeller University, in paper prepared for UNESCO biosphere conference, 1968.

Danger—Man at work

The United States "appears to be responsible for around one-third to one-half of many of the contaminants introduced into the atmosphere or oceans," according to Dr. Edward D. Goldberg of the Scrips Institution of Oceanography, La Jolla, Calif. In a paper presented to the recent meeting of the American Association for the Advancement of Science in Dallas, Texas, Goldberg also said that the levels of pesticides such as DDT in "such deep-living fish as the tuna are similar to those of terrestrial organisms, including man." He added that radioactivity "from the detonation of nuclear devices and emissions from nuclear reactors are found at all levels in all oceans."

Train leaves CF to become Interior Under Secretary; Howe acting director

Russell E. Train, CF president since August 1, 1965, resigned February 7 to become Under Secretary of the Interior. Sydney Howe, director of conservation services for CF since April 1965, was named acting director by the executive committee of the Foundation's board of trustees, pending selection of a new president to succeed Train.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 150

Mr. HRUSKA. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate Joint Resolution 150, to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 225

Mr. NELSON. Mr. President, last August I submitted an amendment to the Foreign Assistance Act under which the United States would contribute a maximum of $40 million over a 5-year period toward the construction of a desalination plant in Israel.

Senators Case, Eagleton, Goodell, Harris, Hart, Hartke, Hatfield, Javits, Kennedy, Magnuson, McGee, Mondale, Muskie, Pell, Ribicoff, Saxbe, Schweiker, Scott, Tydings, Williams of New Jersey, and Young of Ohio have cosponsored this proposal.

Recently, the House Foreign Affairs Committee considered a similar proposal and agreed to including it in the foreign aid bill for fiscal year 1970.

In order to facilitate the Senate Foreign Relations Committee considering this desalination bill as part of the foreign aid bill, I am submitting an amendment intended to be proposed by me to the bill (S. 2347) the foreign aid authorization pending before the committee.

The development of a prototype desalting plant in Israel can bring great technological benefits and can help solve the increasingly acute water shortage problem of the world.

Historically, there has been broad bipartisan support for this joint project and that is true today also.

It is my hope that the Senate Foreign Relations Committee will also act favorably on this measure.

I ask unanimous consent that amendment No. 225 to S. 2347 be printed in the Record.

The PRESIDING OFFICER. The amendment will be received, appropriately referred, printed, and printed in the Record.

The amendment (No. 225) was received, ordered to be printed, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

Amendment No. 225

On Page 19, between lines 4 and 5, insert the following section:

"Sec. 209. Development of Prototype Desalting Plant in Israel.—(a) In order to improve existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advance concepts which will contribute materially to low-cost desalination in all countries, including the United States, the Secretary of State is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and related facilities to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the Secretary deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of such plant and facilities.

"(b) Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the Secretary deems appropriate to insure, among other things, that—

"(1) the Secretary will be responsible for conducting the technical aspects of developing such plant and facilities;

"(2) all information, products, uses, processes, patents, and other developments obtained or utilized in the development of the plant and facilities will be available without further cost to the United States for the use and benefit of the United States throughout the world; and

"(3) the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving the science and technology in the field of desalination.

However, the provisions of this section shall not be construed to deprive the owner of a patent of any right under that patent or under a background patent.

"(c) In carrying out the provisions of this Act, the Secretary may—

"(1) enter into contracts with public or private agencies and with any person without regard to sections 3648 and 3709 of the Revised Statutes, and

"(2) utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency.

"(d) There is authorized to be appropriated (1) for administrative costs, such sums as may be necessary to carry out this section and (2) for the study, design, construction, and operation of such plant and facilities, an amount not to exceed either 50 per centum of the total capital costs of the plant and facilities and 50 per centum of the operation and maintenance costs for the demonstration period, or $40,000,000, whichever is less."

NOMINATION OF HON. CLEMENT F. HAYNSWORTH, JR., TO THE SUPREME COURT

Mr. INOUYE. Mr. President, when the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court was first presented, I was prepared to give his nomination my support despite the fact that we are poles apart in our political philosophy. I was prepared to support its confirmation because it was my feeling that if President Nixon wished to nominate someone of this political philosophy, he has a perfect right to do so providing that nominee met the other tests of fitness for this high office.

Today, I wish to announce that I no longer intend to vote in favor of confirming Judge Haynsworth's nomination. As a result of the evidence which has been brought forth in the course of the hearings before the Committee on the Judiciary. I have concluded that a pattern of insensitivity to the problems of conflict of interest, raised by Judge Haynsworth's many business ventures as they related to his activities as a judge in the Federal court, has been clearly demonstrated.

To support his nomination under these circumstances would cause a serious loss of faith on the part of the American people as to the impartiality and fairness of our Nation's highest court. To do so in view of the recent refusal of the Members of this body to support the elevation

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of an Associate Justice to Chief Justice for similar insensitivity would make a mockery of our standards and our concern for the canons of judicial conduct. It would make political philosophy rather than judicial fitness the determining criterion.

Mr. President, for this reason I announce my intention to vote against confirmation of this nomination.

THE TAX REFORM OF 1969

Mr. **GRIFFIN**. Mr. President, Prof. Raymond J. Saulnier of Barnard College, former chairman of the Council of Economic Advisors to President Eisenhower, has prepared a detailed analysis of the tax reform legislation which was passed by the House of Representatives (H.R. 13270).

I ask unanimous consent that his analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON H.R. 13270: THE TAX REFORM ACT OF 1969

This proposed legislation is so long (368 pages), so complex (26 major sections with 63 subsections) and so deeply affected by loophole emotionalism that there is a danger of it being enacted without an adequate evaluation of its potential overall effects. Yet it should be clear even to a casual reader of press summaries that, as it is found in H.R. 13270, the Tax Reform Act of 1969 would be seriously counterproductive.

The object of H.R. 13270 is to correct certain inequities in the federal tax code but, whatever it would do in that connection, it would have seriously adverse side effects on two other matters that must be coordinate in importance with equity in the design of our tax laws, namely, the nation's capability for achieving vigorous economic growth and the balance between private and public effort in our society.

Specifically, the bill would impair the nation's capability for achieving vigorous economic growth by a number of provisions that would reduce incentives to save and invest, including the proposed treatment of capital gains and the reduction of incentives to invest in real estate and in minerals resources. It would further inhibit growth by reducing—in some cases eliminating altogether—ways in which business concerns reward management achievement under present tax law. And the balance of its revenue effect, which would become increasingly negative between 1970 and 1972, would favor consumption at the expense of investment, thereby weakening government efforts to overcome inflation as well as impeding economic growth. The Treasury estimates that, under the bill as it stands, the net longterm shift in the tax burden would be to raise taxes on corporations by $4.9 billion while lowering taxes on individuals by $7.3 billion.

In addition, H.R. 13270 would have a number of unfortunate effects on the structure of American institutions. It would impair the ability of state and local governments to finance public facilities independently and, in so doing, weaken their position in our present governmental structure. It would seriously impair the ability of private nonprofit institutions—colleges and universities, museums, hospitals, *etc.*—to obtain the private gifts on which they rely heavily, in some cases entirely, for the extension and improvement of their activities. And as this memorandum will show, it would weaken the enterprise system—the means through which this country has achieved a standard of living unparalleled elsewhere in the world and through which America, from its beginnings, has offered opportunity for personal development and improvement unmatched anywhere.

In doing all this, and more, some of the bill's major provisions offend one's sensibility by:

Being in a number of instances seriously, unnecessarily and punitively retroactive;

Violating the long-respected distinction between capital and income in their treatment by the tax laws;

Deviating from the established principle of taxing income when it is actually received;

Deleting a whole series of still valid and justifiable incentives on the ground, apparently, that yesterday's incentive is today's loophole.

The justification for this wholesale rewriting of the tax code is that a small group of individuals in the $200,000-and-over income bracket—154 in number—had no federal tax liability in 1966. Whatever the merits of the case against these individuals, it must be recognized that they represent only one percent of the taxpayers in this income class. Yet in order to reach 154 individuals, H.R. 13270 would adversely affect the tax status of hundreds of thousands of taxpayers, corporate as well as individual, would affect every citizen through higher prices and rents, would imperil every nonprofit, gift-supported institution in the country. It is hard to imagine a bill from which the fallout threat would be greater.

As for the 154, how much federal tax they paid in other years is typically overlooked, as is the taxes they paid over the years to state and local governments. Typically, no account is taken of the income these individuals chose to forego in achieving tax exemption, nor the amount of capital or income they gave away, *etc., etc.* Nor is there an adequate evaluation in the public dialogue on these questions of what it will cost the nation in the impairment of its productive institutions to correct such genuine inequities as exist under present tax law by the methods proposed. There surely must be a better and fairer way to do it. One is impressed again and again that what we have here is a massive example of throwing the baby out with the bathwater—in this case a whole family of babies, with a few cups of bathwater.

Although H.R. 13270 has been described as a milestone in tax legislation by the Secretary of the Treasury, there are valid objectives of tax reform—long recognized inside and outside of government—that it does nothing to achieve. Notable among these are simplification of the tax code and revisions to promote growth. Value-added taxation, a major subject of tax discussion these past few years, is nowhere in this bill. Nor is fiscal responsibility a part of it. The fact that the bill would burden the finances of the federal government—in amounts estimated as high as $4.1 billion in 1972—by tax cuts that more than offset the increased revenue involved in tax reform and in repeal of the investment tax credit, has already been commented on. In short, H.R. 13270 deserve not a mere patching-up but a thorough overhaul. One thing is certain: if it is passed, even with the changes proposed by the Secretary of the Treasury (many of which go in the right direction but others, in the opinion of this writer, do not), no true tax reformer need fear he has been done out of a job. Actually, the tax reform problem would be rendered more difficult.

It would be impossible for any one individual—and certainly not in one brief memorandum—to present a full critique of this lengthy and complex bill. The fact that many provisions are not commented on here is not to be construed as meaning anything, one way or the other, *pro* or *con*, with respect to their specific merits. Limitations of space, time and energy have required concentration on only a few of the bill's major provisions. It is hoped, however, that the selection is of those most in need of critical comment.

Let us begin with certain of the bill's provisions that affect capital investment and thus the nation's potential for economic growth.

1. PERMANENT REPEAL OF THE INVESTMENT TAX CREDIT

Permanent repeal of the investment tax credit, as H.R. 13270 proposes, would remove an incentive to capital expansion and improvement that from its inception has been a constructive provision of the tax code. There may be abuses here and, if so, they should be corrected, but not by the wildest stretch of the imagination can the investment credit be regarded as a loophole in any meaningful sense. Its permanent repeal would have to be regarded as a blow at the ordinary, everyday business of improving the nation's productive plant. Certainly, if this provision is enacted the Congress should find some means—presumably through depreciation liberalization—to make the volume of investible funds generated internally by businesses more nearly consistent with what is required for capital investment. Otherwise, the productivity and international competitiveness of American industry will suffer a damaging setback.

Finally, although an on-again off-again handling of the investment credit deserves, in my opinion, no place in stabilization policy—planning for capital expansion and improvement needs and deserves a more stable framework of taxation—the anti-inflation purpose (for which there is a reasonable argument) would be better served by suspension than by permanent repeal, if that has to be the choice.

2. LIMITATION OF ACCELERATED DEPRECIATION PRIVILEGES IN REAL ESTATE INVESTMENT

Despite the well-known tendency for investment in new construction (notably, new residential construction) to lag behind other types of investment, and despite the widely-recognized and increasingly critical shortage of residential facilities, H.R. 13270 would reduce certain incentives which Congress on earlier occasions deliberately incorporated into the tax law to encourage construction and rehabilitation of real property. Under the House bill:

(a) accelerated depreciation—previously allowed on all new construction on the 200% declining balance and sum-of-the-years digits methods—would henceforth be restricted to the recovery of capital invested in new residential building;

(b) despite the fact that the incentive to invest in new construction depends heavily on an active market for used structures, straightline depreciation would be required on the latter (residential and nonresidential) in place of the 150% declining method presently allowed;

(c) although new nonresidential construction is crucial to the creation of a satisfactory total environment, it would be allowed a slower (150% declining balance) depreciation in place of the accelerated rate presently allowed;

(d) the excess of accelerated over straightline depreciation would be recaptured as ordinary income on the sale of real property of any type, with no amelioration of this effect (as provided in present law) depending on how long the property was held, thus aborting the initial effect of fast writeoff; and

(e) the right to depreciate rehabilitation expenditures on a straightline basis over 20 months would be restricted to projects where the additions or improvements have a useful life of 5 years or more, where they constitute low cost housing for nontransient use (declared eligible for such treatment by HUD) and where rehabilitation cost per unit is not less than $3,000 or more than $15,000.

These proposals—which treat accelerated depreciation as if it were a device for nonpayment of taxes rather than a deliberate, congressionally-designed arrangement for the deferral of taxes—are almost certainly destined to result in (i) a smaller increase in total housing supply than would be produced by wider availability of faster depreciation; (ii) a reduced availability of housing for low- and middle-income families; (iii) inadequate nonresidential facilities needed for a balanced total neighborhood environment; (iv) less rehabilitation of existing housing, further limiting total supply; and (v) increased rents. There must be a way to prevent the tax-shelter uses of real estate—by what must be a very llimted number of individuals—without these adverse and untimely effects on the whole construction and real estate industry.

3. HEAVIER TAXATION OF CAPITAL GAINS

It is a long established feature of tax law everywhere to tax capital gains less heavily than current income. In so doing, legislators have had in mind that if there is a gain from capital in terms of appreciation of principal value, it is (i) a gain from investment of income already taxed to the individual before it could be saved and invested; (ii) that it often reflects in whole or in part, the plowback of undistributed profits already taxed to the corporation; (iii) that the income from capital is also fully taxed as received; (iv) that capital gains are built up over time—frequently over a long time—and, with tax rates typically rising, an equitable and proper averaging process should put the capital gains tax at a lower level than the tax on current income; and (v) that a capital gains tax is levied, in any case, against an increase in principal value which, the world being what it is, is typically a result largely of inflation. No tax code can deal severely with investment gains without discouraging the investment process itself, either by lowering potential return or limiting liquidity, or both—and to discourage investment is to inhibit growth and everything that growth means for the creation of jobs and the enhancement of well-being for everyone. Yet H.R. 13270 would make present taxation of capital gains more severe by:

(a) extending the holding period required to distinguish between capital gain and income from ordinary transactions from six months to one year;

(b) eliminating the alternative tax rate for longterm capital gains, thus raising the upper limit of the effective tax on such gains for taxpayers with a marginal tax rate above 50% from the present 27½ (including surtax) to 38½ or by 40%;

(c) raising the alternative rate for corporate taxpayer to 33% including surtax) from the present 27½; and

(d) permitting only 50% of an individual's net longterm capital losses to be offset against ordinary income, up to the $1,000 limitation, in place of the full deductibility presently allowed.

In addition to making invested funds more illiquid and discouraging both saving and investment, H.R. 13270's proposed treatment of capital gains would be clearly retroactive in effect, constituting an unanticipated capital levy not just on the 154 but on many thousands of unsuspecting Americans.

4. REDUCTION OF DEPLETION ALLOWANCE AND OTHER PROPOSALS AFFECTING MINERALS INDUSTRIES

One of the most capital-intensive and risk-affected industries in the United States—oil, gas and other mineral resources—would be dealt with especially severely by H.R. 13270. Apart from the adverse effect on these industries from repeal of the investment tax credit and the heavier taxation of capital gains, the proposed legislation—in the case of oil and gas—would (i) reduce percentage depletion allowances from 27½ to 20% on domestic properties; (ii) eliminate depletion allowances altogether on overseas properties; and (iii) treat production payments as loans.

Among the likely effects of these proposals are the following:

(a) the cost to U.S. companies of oil development would be increased substantially and, if there is anything at all to the shifting of taxes (and there must be in this case, since the profitability of oil companies in 1968 was only about the same as that of manufacturing concerns generally), the cost of gasoline at the local gas pump would be increased;

(b) The cost to U.S. companies of oil development conducted overseas would be increased: (i) in all probability without increasing U.S. tax revenues; (ii) with predictably adverse effects on the strategical position of the United States in world affairs; and (iii) with adverse effects, certainly in any long term perspective, on the U.S. balance of international payments; and

(c) with a lower after-tax cash flow, oil producing companies would need to depend more heavily on external financing for oil development, a necessity that would be felt most severely by individual developers and small companies.

5. REDUCED OPPORTUNITIES TO REWARD MANAGEMENT ACHIEVEMENT

The opportunity to reward a business executive for making a success of a company's affairs cannot possibly be anything but constructive in promoting economic growth. In this respect, the proposed 50% upper limit on taxation of earned income moves in the right direction; on the other hand, those provisions of H.R. 13270 that would limit opportunities to provide rewards other than by current income would be an obstacle to growth. Specifically, this criticism applies to:

(a) the bill's treatment of deferred compensation payments, a type of forward income-averaging which, under these proposals, would be taxed not at the rate applicable to the taxpayer in the year the income was actually received but at a rate calculated, *ex post,* as what would have been applicable in the years in which the income was earned;

(b) allowing the deduction of interest only to the extent of investment income and longterm capital gain (plus $25,000) for the acquisition of stock (for example) under a stock option program, even though the interest is a cost incurred to make an investment, the income and capital gain from which (if there is any) will be taxable in due course;

(c) taxing as compensation the value of stock received in lieu of salary under restricted stock plans (except where the employee's interest is subject to substantial risk of forfeiture) despite the fact that in many instances the stock continues under restriction which prevents its sale to raise funds to pay the tax.

6. REDUCING TAX EXEMPTION OF INTEREST ON STATE AND LOCAL (MUNICIPAL) BONDS

H.R. 13270 would reduce the tax exemption accorded interest paid on state and local government securities (municipals), an exemption going back to the introduction in 1913 of the federal income tax and grounded in constitutional considerations, by:

(a) allowing an individual to count as tax preference income (in the limited tax preference—LTP—rule) an amount not to exceed 50% of total income (adjusted gross income plus tax preference income) regardless of the actual proportion of taxable to nontaxable income, thus treating some tax-exempt income as taxable;

(b) requiring that deductions be allocated to nontaxable income (in the allocation of deductions—ADR—rule) in the proportion of nontaxable income to total income, thus making some part of the deductions ineffective in the role for which they were originally granted.

Also, the bill would further restrict the availability and raise the cost of municipal debt financing by:

(c) making capital gains on debt securities held by financial institutions taxable at the income tax rate rather than (as now) at the capital gains rate.

Having thus taken away with one hand at least part of the tax exemption explicitly offered with the other, and having reduced the incentive for financial institutions to continue investing in municipals (commercial banks hold nearly 40% of the outstanding supply), the bill then says that if a state or local government chooses to finance on a taxable basis the federal treasury will provide a subsidy calculated to offset the higher cost of borrowing without benefit of tax exemption.

Quite apart from the constitutional questions raised by these proposals—which have to do with reciprocal tax immunity as a principle essential to desirable federal-state-local relations—there are a variety of important economic questions involved. Thus:

(a) again if there is anything at all to the shifting of taxes, this proposed erosion of tax exemption will raise the cost of financing to state and local governments and require an increase in tax rates at the state and local level; a measure of this effect can be judged from the fact that in recent markets tax-exempt securities sold at yields as much as 2 percentage points below those obtainable on taxable securities;

(b) to the extent that an erosion of the tax-exemption privilege induces state and local governments to elect the alternative of issuing taxable securities, the proposed legislation will require the federal government to undertake a new and conceivably large and growing function in administering interest rate subventions;

(c) the market for municipal securities is bound to be dislocated, indeed is already seriously dislocated, at a time when (most would agree) capital improvement programs at the local level are needed more urgently than ever before; already, the yield spread between taxable and nontaxable securities has narrowed by close to ⅓ of a percentage point.

Again, all this is done apparently to cut back on the use of tax-exempt municipal bond income to avoid tax liability, when the evidence indicates that this type of income is of major consequence to only a small minority of all high-income individuals.

7. TREATMENT OF CHARITABLE CONTRIBUTIONS

Finally, there are the provisions of H.R. 13270 that would significantly alter the balance of private *v.* government effort in various sectors of our society. It would do this by hampering the gift-raising capability of private nonprofit institutions on which every community in the nation, in one way or another, depends heavily for educational, cultural, medical and other facilities. It is especially serious that this would be done at a time when these institutions, with few exceptions, are operating under increasingly serious financial difficulties and when demands on them by the community are heavier than ever before.

The proposed increase from 30 to 50% in the general limitation on an individual's charitable contribution deduction would be a constructive and important change, but in a number of other provisions H.R. 13270 would be so technically complicated and so severe in its treatment of acts of charity and philanthropy that prospective donors would likely withdraw in bafflement if not in anguish as fund-raising personnel attempt to explain the tax implications of prospective gifts. Features of the proposed legislation that would make life more difficult for gift-supported institutions include:

(a) eliminating the unlimited charitable contribution deduction now available to donors, thus making it more difficult to obtain

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the large gifts that frequently are the events that make a success of ambitious fund-raising programs;

(b) treating as taxable the appreciation (unrealized, at that) of charitable contributions of appreciated property;

(c) placing what appear to be severe limitations on the deduction available to donors in charitable remainder trusts, and charitable income trusts the remainder of which goes to a beneficiary other than a charity;

(d) requiring that in so-called bargain-sales to charitable organizations costs be allocated between the portion sold and the portion given, rather than allowed in full as a charitable contribution deduction;

(e) eliminating the rule that made possible the so-called two-year charitable trust;

(f) eliminating the presently unlimited set-aside deduction available to nonexempt trusts and estates; and

(g) disallowing charitable deductions for gifts less than the donor's full interest in the property involved.

CONCLUSION

Without attempting to evaluate all the possible effects of H.R. 13270, the conclusion must be that, as it stands, it would:

Impair the nation's capability for achieving economic growth and improvement;

Reduce in particular the incentive to invest in new construction, in all probability doing little if anything to promote investment in new low-income housing;

Raise rents;

Raise the price of gasoline and mineral products generally;

Raise local taxes;

Create the need for a new federal program to help state and local governments finance public facilities;

Create the need for new federal programs to aid gift-supported institutions; and

Hamper the fight against inflation.

THE TREASURY'S SEPTEMBER 4, 1969 PROPOSALS

The maleffects of H.R. 13270 would be ameliorated in part but not entirely by proposals made September 4, 1969, by the Secretary of the Treasury, in particular by his proposals for:

Cutting the estimated 1979 revenue shortfall from $2.4 to $1.3 billion;

Reducing the corporate tax rate by one percentage point in 1971 and an additional point in 1972;

Retaining the six-month holding period for capital gains and, with some exceptions, retaining the maximum 25% rate on such gains;

Excluding charitable donations of appreciated property from LTP and ADR;

Reducing the proposed tax on foundations from 7½ to 2% of income;

Excluding tax-exempt municipal bond interest from LTP;

Eliminating that section of H.R. 13270 that puts a limit on the deductibility of interest on indebtedness incurred to purchase or carry investment assets; and

Deleting that provision of the bill (Section 331) relating to deferred compensation.

However, the Secretary's proposals would leave unchanged or make even more severe certain sections of the proposed bill which, in the judgment of this writer, would have a counterproductive economic effect. Specifically, the Treasury's proposals would, among other things:

Leave the treatment of real estate investment as in the House bill, except for the suggestion that commercial banks, mutual savings banks and savings and loan associations be allowed a special tax deduction of 5% against gross income from loans to finance residential construction (also for guaranteed loans to college students and loans guaranteed by the Small Business Administration);

Accept the reduction of percentage depletion for the minerals industries (though not a part of the administration's initial recommendations) and the inclusion of both depletion and intangible drilling costs in ADR (as initially suggested to the House) but would go beyond H.R. 13270 by proposing (as the administration did initially, but as the House did not) that both depletion and intangible drilling costs be included in LTP, though the latter not for taxpayers deriving 60% or more of their income from oil and gas operations;

Continue the limitation (as originally proposed by the administration) on restricted stock plans;

Accept the House proposals regarding charitable contributions, except the inclusion of donations of appreciated property in LTP and ADR;

Include tax-exempt interest in ADR (as does the House bill) but—with potentially damaging effect—without the ten-year phase-in which the bill provides;

Apparently employ an arrangement (to be disclosed later) such as an urban development bank in lieu of interest subsidies to state and local governments that elect to issue taxable securities;

Retain the retroactivity of any change in the taxation of capital gains.

Clearly, there is a great deal still to be done to make H.R. 13270 consistent with *all* the goals of constructive tax reform.

* * * * *

Nothing said above is meant to disparage in the least the importance of efforts to check genuine abuses of the present tax code. No one can make a case for retreating from that task. The point is we must be sure that in the cleaning-up process it is bathwater and not babies that is thrown out, and that there is no exchange of new inequities for old ones. We need a tax code that is fair and equitable. But we also need a code that bolsters incentive to work, to save, to invest, to take risks (and heavy risks at that) and a code that will have the kind of effect on the institutional structure of our country—the place of private enterprise in the production process, the balance of state and local *v.* federal power, and the role of private nonprofit, gift-supported institutions—that will strengthen not weaken the democratic qualities in American life.

NEED FOR REFORM IN DRUG TESTS

Mr. MONDALE. Mr. President, the time for reform has come in the field of drug testing.

Recent disclosures in the New York Times, the St. Louis Post Dispatch, and the Christian Science Monitor have made it clear that the present system of testing and approval for new prescription drugs leaves much to be desired.

Currently, tests on new drugs are made by medical researchers and laboratories hired by pharmaceutical manufacturers. Then, on the basis of this industry-sponsored research, the Food and Drug Administration makes its decision on whether or not drug should be marketed.

As the St. Louis Post Dispatch has pointed out:

> Both the purchaser and the performer of the tests have a financial interest in a favorable report—the latter to get further lucrative test contracts.

Dr. William O'Brien, associate professor of medicine at the University of Virginia, explored this situation in a recent article in the Bulletin of the Atomic Scientists:

> In case after case some (pharmaceutical) firms have been guilty of misrepresenting, distorting and even withholding information about the dangers of drugs, and injury and death have resulted.

He cited a 1960 report in the Canadian Medical Association Journal that only 5 percent of published tests "met even the crudest scientific standards" and added that "the trials I reviewed in 1967 were not any better."

The Senator from Wisconsin (Mr. NELSON) has introduced a bill that would establish a national center to contract research out to individuals, organizations, and institutions that have no relationship with the manufacturer of the drug at issue. It would remove the existing responsibility for drug testing from the manufacturer and entrust it to an independent testing and evaluation center.

This new drug-testing bill is one of the results of the more than 2 years of hearings that Senator NELSON has conducted on drug industry policies as chairman of the Senate Small Business Monopoly Subcommittee.

In two articles published recently in the Christian Science Monitor, Lucia Mouat explored many of the present policies in the drug industry ranging from pricing to promotion, with special emphasis on the issue of current testing and evaluation procedures.

I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PRICING POLICY MAY BRING DRUG-INDUSTRY LEGISLATION

(By Lucia Mouat)

WASHINGTON.—The average United States drug manufacturer has dozens of paper rivals, but, as a specializer, very little real competition. For him business never has been better. The $5 billion drug-manufacturing industry currently is this nation's top profitmaker.

Evidence is strong, however, that the consumer has been paying more than his fair share of the bill. He is charged vastly different sums for the same quantity of the same drug under different brand names.

The 22 companies, for instance, which manufacture prednisone vary in their rates per 100 tablets to pharmacists by more than $10. The druggist may pay anywhere from 59 cents to $10.80 for an item companies admit costs only 50 cents to produce. Similarly, the price to druggists per 1,000 tablets of reserpine ranges from 72 cents to $39.50.

Often the same company will charge one price to the pharmacist and a dramatically lower one to the government if it is making a bid for its business.

MAJOR CHANGES EXPECTED

The dollar story reads much the same for hundreds of the 7,000 drugs on the U.S. market.

Such facts unearthed in 2 years and 12 volumes worth of hearings on drug pricing and advertising by the subcommittee on monopoly of the Senate Select Committee on Small Business are expected to lead to some major changes in drug-industry legislation.

Already as a result of the widely publicized price variations in prednisone, two major companies have slashed their prices for the drug. (The Schering Corporation cut its price per 100 tablets from $17.90 to $10.80. Parke-Davis Company cut its price to pharmacists by more than 80 percent.)

Sen. Gaylord Nelson (D) of Wisconsin, chairman of the monopoly subcommittee, has legislation pending which calls for labeling drugs by their generic or official name in addition to the usual brand name.

He also has a bill which would establish a drug blue book, available to all physicians, which would describe drugs by content, generic name, uses, side effects, brand names, prices, and sources of supply. Most drug listings available to date are missing one or more of these.

BRAND NAMES SUCCESSFUL

Senator Nelson puts much of the blame for overpricing on drug-company use of catchy and highly promoted brand names. These drugs are usually the most expensive varieties. A full 90 percent of the prescriptions that come to the pharmacist call for brand-name products.

"This is the only business in the country which has been able to virtually eliminate competition by brand-name identification and advertising," Senator Nelson charged in an interview. "It's a very elaborate, very successful method of setting prices."

In all, the nation's 136 major drug manufacturers employ some 20,000 salesmen or detailmen whose job it is to call on physicians with free samples and free promotional advice. They have no compunctions about criticizing their opponents' products and are given bonuses in accord with their sales.

DEFENDERS CITE RESEARCH

Only an estimated 4 percent of the nation's physicians refuse to see the detailmen, and admit they rely heavily on them for drug information. In his "Handbook of Prescription Drugs," Dr. Richard Burack of the Harvard Medical School points out that pharmacology is not taught beyond the second year in most medical schools (and much of this information quickly becomes obsolete) and that the drug industry spends more than $600 million a year on advertising aimed directly at doctors.

In their defense, drug-industry spokesmen argue that prices are high because their business risks are high and that large sums are needed for research and development. They argue further that in general drug retail prices have been going down in recent years.

Senate committee spokesmen, however, say this is simply on drugs physicians are no longer prescribing. In their place new drugs are prescribed and the prices are high. A study by the Lilly Corporation, a drug firm, affirmed that the average cost of prescriptions went up 50 percent between 1954 and 1964.

IDENTICAL DRUGS ADMITTED

In testimony before the monopoly subcommittee, George S. Squibb, former vice-president and now a consultant to E. R. Squibb & Sons, called high drug prices the "Achilles heel of the pharmaceutical industry." He predicted government regulation for companies which refuse to settle for "ordinary profits" (he counts 12 percent adequate) rather than "windfalls." After taxes, drug companies now average 21.1 percent in net profits on invested capital.

Under intense questioning by Senator Nelson, drug-company spokesmen, while stalwartly defending the concept of a trade name and the company responsibility which must lie behind it, admitted they could point to no proven quality difference between their drug and others which would justify its much higher price.

Dr. James L. Goddard, former commissioner of the Food and Drug Administration, has labeled Senator Nelson the drug establishment's "lonely foe" and commented that one of his greatest problems is that he is "championing the cause of a public that doesn't really know how much it needs a champion."

The Senator from Wisconsin and his committee aides hope that a combination of publicity, education, and legislation will do the work of bringing drug prices down. They see it as crucial to melt some of the well-forged links between the physicians and the pharmaceutical industry.

In addition to the role of the detailman in the physician's choice of drugs, it is noteworthy that the American Medical Association's revenue from selling mailing lists of doctors' names is some $900,000 a year. Senator Nelson hopes that with a compendium available and a drug labeling change, doctors will have access to less-partial information and write prescriptions by drugs' general names, stipulating a "low cost" brand.

One weapon remaining, of course, is antitrust action where evidence of overcharging is clear. In a court case dating back to 1961, three large American firms (with two others named as coconspirators) were sued by 43 states on grounds of price-fixing on several widely used antibiotics. Plaintiffs charged that the price was about five times what it ought to "reasonably" be.

Preferring, as is often the case, to settle out of court, the companies in a unique move have set aside $120 million as refund money to states, hospitals, citizens, and pharmacists who purchased the drugs when the prices were high.

U.S. TESTING FACILITIES SOUGHT FOR STRICTER CHECK ON DRUGS

(By Lucia Mouat)

WASHINGTON.—Trying to keep the nation's drug industry honest is one of the many chores of the Food and Drug Administration (FDA).

The task is not an easy one for an agency with only six staff members assigned to police $800 million worth of industry advertising a year and only 1,600 workers to keep a wary eye on the 7,000 drugs already on the market, conduct all pertinent research, and review hundreds of applications for new drugs.

Testing facilities in this regulatory agency are extremely limited and the FDA relies almost wholly on evidence supplied by the drug company itself as to how safe and effective its product is.

Often reams of material are submitted—one FDA official has seen notebooks of evidence for one drug stacked six feet high—in hopes that quantity may make up for lack of quality. The process of approval of a new drug for the market may take anywhere from seven months to five years.

Winton B. Rankin, FDA deputy commissioner, admits such testing practices could stand improvement.

CLINICAL TESTS PROPOSED

"The situation has improved but it's really not satisfactory at all," he commended in an interview. "Companies have done the kind of testing they think will get their product on the market the fastest. Often they submit volumes of material but a limited number of valid experiments."

Mr. Rankin says the FDA needs a clinical testing facility of its own but as a supplement rather than as a full substitute for company efforts.

He counts as one answer to the problem a decision on the part of companies to limit their efforts to "sound testing" and to draw up and discuss their plans of action with FDA personnel.

But many argue that the burden of proof of a drug's acceptability for the market should be shifted completely to the government for a more objective evaluation.

Sen. Gaylord Nelson (D) of Wisconsin, whose Senate subcommittee on monopoly has been delving into drug pricing and advertising, recently proposed the establishment of an FDA drug-testing center either in the agency or by contract to university or hospital researchers with no financial link to the drug industry.

Another proposal gathering momentum would require that copies of any reports sent by an investigator to a drug company be sent also the FDA. In the past, most of the unfavorable findings have been quietly squelched by the companies.

CURBS ENACTED RECENTLY

Such federal restrictions as there are on the drug industry have come largely in recent years. Before 1938 anything could be marketed. After passage of the Food, Drug, and Cosmetic Act, safety was put as an essential criterion.

In 1962, former Sen. Estes Kefauver (D) of Tennessee put a further clamp on drug manufacturers (after extensive hearings by his Senate committee begun in 1959) by sponsoring legislation which required companies to prove that their drugs were effective for their claims as well as safe.

Unhappy, with that development, the drug industry unsuccessfully tried to get Congress to limit the regulations to new drugs.

Since its manpower was limited for the job of checking on the close to 4,000 drugs introduced on the market between 1938 and 1962, the FDA contracted with the National Academy of Sciences' National Research Council to do the review. Thirty panels of medical authorities were put on the job. Once again, the burden of proof of drug acceptability lay with the companies.

Last December and again in April the study group announced its intention to remove close to 100 antibiotic compounds from the market. So far, however, only three drugs have ben removed from pharmacists' shelves.

The group classified its results in terms of priorities and gave some companies as long as a year to come up with fresh substantiating evidence.

In others, such as the now famous Panalba case, the FDA has been involved in lengthy court proceedings in which the manufacturer has demanded a hearing before the drug is removed from the market It is regarded as an important test case of company vs. FDA power.

In the view of Rep. L. H. Fountain (D) of North Carolina, chairman of the House subcommittee on intergovernmental relations which keeps a close watch on FDA activities, the net effect of the Academy of Sciences study was to invite a fresh flood of information and put off the final judgment indefinitely.

Fraudulent advertising is a persistent problem. Professional and semiprofessional journals are filled with full-page color drug ads and the FDA is expected to keep an eye on all of them.

In fiscal 1968 staff members found 15 instances of violation of federal standards. Companies which have made sweeping claims for the effectiveness of their particular drug or perhaps not accurately warned the public of possibly dangerous side effects, are required to correct their advertisements and to send a letter to all the physicians who might prescribe it.

As an indication of how important regulation is—that company ethics are not always sufficient to do the job—consider an instance during the hearings of Senator Nelson's subcommittee in February, 1967:

INDUSTRY VIEWS CITED

A leading manufacturer of the drug chloromycetin was shown two ads, one in an American medical journal and another in a British medical journal. He was asked why only the American ad carried a 1,300 word warning about possible dangerous side effects of the drug. His answer: British law did not require the printed warning.

"I was shocked," Senator Nelson later related, "and I told them I didn't know how they could sleep nights taking that kind of an attitude."

Calling the drug establishment "a close

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knit, self-perpetuating power structure" which "functions with all the smoothness of an intricate Swiss watch," Dr. James L. Goddard, former FDA commissioner, said in a March article in Esquire magazine that "advertising is the establishment's shop window to the physician, and any attempt at 'tampering' is met with massive resistance."

In a broader indictment, the former medical director of a major drug company testified before the Nelson subcommittee this spring that one who works for the drug industry must learn "that anything that helps to sell a drug is valid, even if it is supported by the crudest testimonial, while anything that decreases sales must be suppressed, and rejected, because it is not absolutely conclusive proof."

Dr. A. Dale Console, who left his post at E. R. Squibb & Sons in 1957, added that the good employee must learn to word a warning statement so it will appear "an inducement" rather than a warning.

A stricter legislative crackdown on drugs may be coming. Much depends on how much influence such lone fighters as Senator Nelson, Representative Fountain, and Dr. Goddard have on Congress. In any event, there is little question but that the drug-manufacturing industry is undergoing the most thorough investigation it has been put through.

The Senate subcommittee hearings, for instance, are expected to last three or four more years, as congressional investigators probe the problems of government patent policy, government drug procurement, antitrust practices, and over-the-counter drugs.

ENVIRONMENTAL QUALITY: ECOLOGY AND ECOLOGISTS

Mr. TYDINGS. Mr. President, the deterioration of the quality of our environment is one of the major issues confronting this country and this Congress. Unless we are able to halt this deterioration, unless we put an end to the senseless pollution of our air, land, and water resources, the continued existence of our way of life and the survival of man on earth itself is called into question.

The science which gives us the information to insure that we remain is ecology. Ecology can be defined as the study of the relationship between living things and their environment. Men who seek this knowledge are termed ecologists and one of the finest is Dr. David M. Gates, director of the Missouri Botanical Garden in St. Louis.

Dr. Gates has spoken out forcefully in order to reverse the decline in environmental quality. He has warned that we need more information about man's ecological impact on earth and that we need it soon before it is too late.

Ask Dr. Gates.

> We have to learn about what kind of environment we're going to live in. The question is, will we learn in time?

In the lead article of the New York Times magazine for October 5, Robert W. Stock writes of Dr. Gates and his efforts to reverse the deterioration of our environment. Mr. Stock emphasizes the sensitivity of our environment to change, the need for additional ecologists and for more scientific knowledge, the Gates energy-exchange theory, and the serious threat to life from overall oxygen depletion.

It is an enlightening article, one that is well worth reading. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Oct. 5, 1969]

SAVING THE WORLD THE ECOLOGIST'S WAY

(By Robert W. Stock)

ST. LOUIS.—For two hours, David M. Gates, the director of the Missouri Botanical Garden here, had led me past lily ponds, among lush plantings of greenhouse orchids, along paths crimson with roses. "There's one thing more you should see," he said, and he strode through a grove of verdant trees to the foot of a pine. It was startling in its grotesque ugliness, its trunk rising to a tangle of charred and stunted branches. "This is our lone survivor of the days when they burned soft coal in St. Louis," he said. "Every other pine and evergreen was killed. We have others in the garden now, but they're all new."

Gates is an ecologist, a student of the relationship between life forms and their environment. He is also a leader among the band of scientific Cassandras who seek to alert the nation to impending doom. Our continuing rape of the natural environment, he has warned, can produce an earth populated by "half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water." I wondered whether Gates considered the blackened, long-lived pine a symbol of hope or despair. "You can take your pick," he said. "We can have it either way."

There is a tendency, today, to think of ecology as a new science, and its practitioners as men called into being by the environmental crisis, but the facts are otherwise. Ecology ("eco" derives from the Greek word for "home" or "habitat") had its beginnings around the turn of the century. It is a branch of biology, cutting across a multitude of disciplines, from zoology to botany. In Gates's words, "Ecology is the very epitome of science itself."

Wind and sun, carbon cycle and photosynthesis, strontium 90 and pesticides; every force and element that interacts with plant or animal is grist for the ecologist's mill. By studying this interaction, and its effects upon living things, he can help a farmer to improve his crop yield, or a city to clear its polluted air.

Traditionally, however, the ecologist has operated far from the urban scene. He has most often been a very private person, attuned to field and forest and the grooves of Academe, devoting his life to the careful observation and description of a handful of individual plants. But in the last decade or so, now ideas and technologies have transformed the discipline. The manifest threat to the earth environment has turned dozens of ecologists into social critics and has placed a premium on their abilities to devise and effect new programs. In many ways David Gates perfectly reflects these changes.

My visit with Gates began in his office on the grounds of the botanical garden, a 70-acre oasis in the center of St. Louis. A chandelier dripped crystals from the ceiling; rare orchids brightened his desk and the mantel above an ornate fireplace. More than a century ago, the room had been occupied by a transplanted Englishman named Henry Shaw, who had made a fortune in cutlery and real estate. It was he who established Shaw's Garden, as it is known locally, on the site.

Gates is 48 years old. His appearance is pleasant and undistinguished—5 feet 9 inches; a crewcut over a faint brush mustache; tweedy sports coats and baggy trousers. His voice is monotone, relieved by an occasional chuckle.

"I'll tell you what we worry about most," he began. "An irreversible catastrophe. A number of pesticide spills, for example, in those areas of the ocean where large colonies of marine organisms produce much of the world's oxygen. If you plot out the frequency of this kind of event, they're getting closer and closer."

The ecological state-of-the-art frightens him. "We're still in the Stone Age. This is pure speculation, but think about it: Influenza epidemics have followed very closely periods of great volcanic activity. Maybe the dust in the atmoshpere from that activity reduces the sunlight and triggers a virus or our susceptibility to it. So what happens if man loads the atmosphere with dust from combustion and construction projects and *then* there is major volcanic action. The worst flu epidemic in history? As I say, that's all speculative—but it's the kind of thing we should know, and we don't."

For a David Gates, the isolated incidents of man's inhumanity to nature—and hence to man—are part of a complex ecological pattern. The earth is a single vast system of interrelationships among plants and animals and climatic forces—an ecosystem.

Thus: If there were not enough oxygen in the atmosphere to filter out ultraviolet rays, the seeming benevolent sun would destroy life on earth. Plants produce that oxygen through photosynthesis; they also help keep the atmospheric balance by absorbing carbon dioxide from the air. Enter man. He burns ever-increasing quantities of oil and coal, filling the air with carbon dioxide. He cuts down and paves over huge tracts of forests and poisons ocean life with chemicals. Question: How long will it be before the earth's plants are unable to produce enough oxygen—or absorb enough carbon dioxide—to hold back the ultraviolet rays?

Or: If a stream is to be healthy, the algae must have nutrients in the form of nitrates and phosphates. Algae are consumed by fish, fish by animals, and the food web, as this ladder is known, thrives. Enter man. He spreads his farmlands with fertilizers, mainly nitrates and phosphates, which are washed off into the streams. The excess of nutrients spurs a sudden increase in algae growth. Some of the new algae are not part of the food web; their growth is not controlled by hungry fish. New, inedible algae displace the old, the fish gradually disappear from the stream, the food web is destroyed. Question: How long will it be before all of the streams of our farmlands are sick?

Spurred by his fear for the environment, and its human dependents, Gates has been crying havoc—in appearances before Congressional committees, in lectures to scientific and lay audiences, in magazine articles by the dozen. He is a confirmed egalitarian who wants to educate and arouse the public, but he concentrates his greatest effort on the nation's leadership so that action can be taken "almost by fiat."

First and foremost, he wants Federal support for a revolution in the ecological discipline itself. Speaking before a subcommittee of the House Committee on Science and Astronautics, he charged the ecology, as now constituted, is unable to answer the questions that must be answered: How will a particular kind of air pollution affect the population? What effects will a highway or a jetport have on a wildlife area? The traditional descriptive ecological data are often available, the details on specific plants and animals gathered by classical ecologists, but they don't suffice. The effects are too complex, too subtle. The data must be "pulled altogether into coherent models"—general laws and theories that can be applied to the particular case. Gates has asked Congress to establish a National Institute of Ecology to begin the task, and for Federal

programs to entice more students into the discipline. "There are only a few thousand ecologists in the country," he says, "and less than a half-dozen are theoretical ecologists."

When David Gates was named director of the garden in 1965, he said, "it shocked the botanical world"—and later talks I had with other ecologists indicated that, for some, the shock has not yet worn off. Gate's academic training had been in molecular physics, and his career had encompassed a host of pursuits far from any garden path. He had worked on antiaircraft proximity fuses, on upper atmospheric research with "sky hook" balloons, on the propagation of radio waves. He had been an administrator of military and government projects and has taught college physics. It was not until 1964 that he had an official position directly related to ecology—as Professor of Natural History at the University of Colorado.

"What people sometimes lose sight of," Gates said, "is my childhood." His father, Frank, was a pioneer ecologist at the Kansas State University in Manhattan, Kan., where he was raised, and father and son spent 17 summers at an ecological field station in northern Michigan. "I didn't have many friends up there. I spent my time collecting plant specimens and studying them under my dad's tutelage. I loved it. But one day I asked myself, Was it really enough just to find plants and describe them—the traditional ecological way, you see? I wanted to analyze, not just describe. When I discovered physics in high school, that was it—so intricate and beautiful and precise."

Over the years, Gates never lost his early interest in ecology, and at a meeting in 1959, sponsored by his alma mater, the University of Michigan (Ph. D., 1948), he propounded a theory that was to have a major impact on ecological studies.

The basic notion was simple enough. Every life process involves the expenditure of energy; thus, the relationship between an organism and its environment can be viewed as a problem in energy exchange. If there is a balance, an equilibrium, between the amount of energy a plant absorbs, and the amount it gives off, the plant will be healthy. If the balance is tipped one way or the other, the plant will become too hot or too cold, and will perish.

What was revolutionary about Gate's energy-exchange theory was its potential application. If he could pinpoint the major elements involved in this transfer of energy . . . if he could measure all their effects on a plant in terms of units of energy . . . then he would be able to produce a mathematical model of the relationship between plant and environment. Such a model would enable him to predict just how any given organism would actually function in any given environment. It would make ecology like physics—"beautiful and precise."

Gates pursued his theory with experiments at the University of Colorado ("I elected somewhat arbitrarily to work on plants first, because they don't bite and run around"), and he accepted the post in St. Louis with the understanding that ecological research would become a larger facet of the botanical garden's program. Now snakes, alligators and wolves are being tested to determine their energy credit and debits (Gates speaks of "energy budgets"), and he is training graduate students from around the nation in his new discipline called biophysical ecology. His research is supported by the Ford Foundation, the U.S. Public Health Service, the Office of Naval Research and the Atomic Energy Commission. One project suggested by the A.E.C.: A study of the energy budgets of aquatic animals as a means of understanding the effects of thermal pollution from nuclear reactors.

The air-conditioning in Gate's office had induced a state of blissful comfort; it was lost the moment we stepped out the door into a standard summer day in St. Louis—97 degrees and humid. Gates set a brisk pace and maintained it: "I run a mile and a half every morning in the garden or wherever I am." (His tennis shorts and sneakers produce some raised eyebrows when he trots out of Washington's Cosmos Club.)

The garden is a serene and lovely landscape of rolling hills and winding paths, dotted with cultivated areas and gazebos. We passed benches occupied by pipe-smoking elders, watched barefoot hippies rolling in the grass and small children chinning themselves on water fountains. Gates lectured in a calm, matter-of-fact manner.

"This pine here, one of the new ones. It has 450,000 needles. We know because we counted them." Energy exchange takes place at the surface of a plant—the flow of air over the surface, for example, helps keep a plant cool. Before Gates could begin to determine how much air flow the pine required to stay healthy, he had to find out its total surface area. That meant counting pine needles.

Wind speed is one of four major environmental factors ("independent variables") he measures. The others are radiation (as from the sun), air temperature and humidity. The surface temperature of the organism, and the rate at which it loses water, are two other factors, dependent upon the first. To find the energy budget of a leaf, he simply(!) fits these measurements into a formula, to wit:

$$Q_{abs}=\epsilon\sigma T_l^4+k\left(\frac{V}{D}\right)^{1/2}(T_l-T_a)+L\frac{{}_sd_l(T_l)-r.h.{}_sd_a(T_a)}{r_l+r_a}$$

As we walked on through the garden, Gates's enthusiasm for his plant charges emerged. He pointed to a redbud tree along the path. "You can see, as the day gets hotter, its leaves begin to hang vertically. That way they don't get so much of the direct rays of the sun. Trees have their own personalities, their own ways of adjusting. They're smart."

The Missouri garden has for 50 years been a world leader in breeding tropical waterlilies; in fact, the first to be patented was grown here—a delicate, yellow flower named "St. Louis." Some of the lilies in the garden ponds and greenhouses reach diameters of six feet. "*They're* smart, too," Gates commented during our tour of a greenhouse, lifting a lily's edge. The underside was covered with huge thorns—"to keep animals from eating them." He had fewer kind words for a neighboring water hyacinth. "A vicious plant. They clog waterways."

Outside the greenhouse Gates called to a short man in bluejeans, James Hampton, the garden's chief engineer. "I hear you did a great job the other night, Jim." The Junior League Ball had been in full swing at the garden when a storm hit; the cream of young St. Louis society, in gowns and tuxedos, had raced helplessly about as the heavens opened and the lights went out. Hampton had repaired the generators.

Keeping people—particularly upper-class people—happy is one of Gates' major duties. The garden is a private institution and is primarily dependent upon private benefactors for support.

The most dramatic display at the garden is the Climatron—a 70-foot-high, glassed-in geodesic dome, the interior of which has the exact climate of a tropical rain forest. We went inside to cool off. There were waterfalls and limpid jungle pools, palms and balsa trees rising above a thick canopy of banana trees. Gates nodded toward a bird of paradise plant: "That's particularly handsome." "Aren't all flowers handsome?" I asked. "Oh, like all people, I suppose. It depends upon your criteria."

And on we went, through the restored, century-old country home of founder Shaw and the rose garden with its 6-inch-diameter Mr. Lincoln roses and the dusty herbarium—least colorful of the garden's treasures but one of its most important. Two million botanical specimens are preserved here, including plants gathered by Charles Darwin during the voyage of the H.M.S. *Beagle*. Scientists from all over the world study these desiccated plant remains to understand the evolution of life on earth.

Finally, Gates led me into a dark and dingy building and through narrow passageways crowded with plants and scientific equipment. "Our research center," he commented grimly. "We're trying to raise money for a new one."

As we talked, I heard a faint cheeping in the background. Gates pointed toward a cylinder beside us. "It's a kind of wind tunnel, with a baby chick inside. We can control the temperature and humidity and air flow. We're trying to determine how much water the chick loses when we change one of those variables. It's part of working out the energy budget for a chick—figuring out the energy input and output."

Many of the center's projects involve Gates's energy-exchange theory, and he follows them closely. "It's important professionally that I keep my hand in research," he said. "Otherwise I'm dead in five years." Experimental observations like that derived from the chick test are put through a computer at Washington University. "We can now tell," Gates said, "whether a cardinal or a sheep will be able to live successfully in a particular location. We can predict it."

Cheek by jowl with the wind tunnel was a massive apparatus, a motor connected by plastic tubing to a glass tank, which in turn was surrounded by recording devices and surmounted by a bank of flood lamps. Within the tank rested a tiny lilac plant. "One of our air-pollution studies," Gates said, and introduced me to a tall, quiet scientist named Fred Lanphear, an associate professor of horticulture on leave from Purdue.

The motor, Lanphear explained, produces pollutants which are blown through the glass tank. "We're trying to find out what levels of pollution are critical," he said. "By controlling the temperature with the lamps and the humidity and air flow, we can pinpoint just what pollution does to different kinds of plants in different time periods."

Such studies will provide botanists with the data they need to develop pollution-resistant plants and will provide city planners with a guide in selecting plants that are best able to withstand pollutants. "I'm also interested in using plants as biological monitors,' Lanphear said. "They can be more sensitive pollution detectors than most of the equipment available. You just have to know the symptoms." Sulfur dioxide pollution, for example, produces irregular streaking on either side of the midvein of a blade of grass. Ozone, chief ingredient of Los Angeles's photochemical smog, marks broad leaf plants with white flecks or reddish-brown stipples.

Lanphear envisions a time when carefully selected plants will form green belts around factories, not only to monitor pollution but possibly to reduce it. "The fact that pollutants injure a plant indicates it is absorbing them. The question is, to what extent can plants serve as a pollution filter. I'm conducting experiments in the lab to test the premise, and I find that some plants—the Douglas fir, for example—can take in huge amounts of sulfur dioxide without too much damage if they're given enough time."

Another research project at the garden looks toward a day when plants may be used to absorb noise. Scientists place a sound generator on one side of a grove of evergreens, for instance, and a sound meter on the other side. Their observations indicate that plants are better at absorbing high frequency sound (which is more annoying to the human ear) than the low frequency variety.

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Members of the garden research staff are frequently away from their desks on field trips. Some have spent long periods of time in Panama—Gates has been a consultant for the Federal Government in determining the ecological consequences of building a sea-level canal through that nation. A former staff scientist has used his knowledge of the tropics to write survival manuals for G.I.'s in Vietnam.

Gates himself is constantly traveling, on field trips into his beloved northern Michigan (It's not what it was when I was a boy—nothing is, I guess—but it's still beautiful) and to professional meetings. He is a fellow of the American Association for the Advancement of Science and on seven of its committees. He serves on commissions and boards for organizations such as NASA and the Smithsonian. His home base is a two-story brick house on the garden grounds, which he shares with his wife Marian and their four children. Marian Gates is a small, bright, outspoken woman who was her husband's classmate back in Kansas. Murray, 21, is a college dropout, a long-haired artist who, like his father, is a former Eagle Scout. There are three daughters: Julie, 19; Heather, 12; Marilyn, 11.

Since it was first propounded, the Gates theory of energy exchange has earned universal acceptance in ecological circles, even though it was the brainchild of a molecular physicist, and other scientists are pursuing research in biophysical ecology. There are some doubters who believe that the "energy budgeteers" will never measure precisely all the environmental variables that work upon a plant or animal—biological rhythmns, for example. But Gates is supremely confident that he has found the key to unlock many of nature's mysteries, and to revitalize the ecological profession as well.

"We need a new breed of ecologist," he says. He believes that it was the development of theoretical physics a half-century ago that made possible the quantum leaps in that science, and that it is the lack of a strong theoretical foundation that has prevented ecology from making similar advances. "We're groping for answers," Gates says. "We try something, see if it works, then try something else. A body of theoretical knowledge will enable us to predict results, to know how organisms will react to changes in their environments. In a sense, this is what the modern environmental crisis is all about." As a teen-age naturalist, Gates had abandoned his father's science because it lacked this kind of analytical precision; now he hopes to bring it around.

All this, however, is in the realm of theory, and Gates is nothing if not a pragmatist. In his Congressional appearances he has frequently wandered from discussions of energy budgets and the ecological discipline to concrete proposals for what he calls "environmental management." Speaking before the House Committee on Merchant Marine and Fisheries, he called for the creation of "ecosystem analysis task forces," which would converge upon a particular geographical area and spend months studying it. "Take Long Island," he says. "I would send in not just ecologists but agronomists, recreational experts, sewage treatment people, sociologists, economists—it might easily be a team of 100 people. They would come up with options: This is what you can expect if things continue the way they're going; this is what can be done and what it would cost. Should this section of land be held out for food production? Is recreation the most important use of the upper end of the island? The task forces might be a Rand type of corporation or a Brookhaven National Laboratory which would report to the President's Environmental Quality Council."

Such studies, Gates feels, are immediately necessary to provide the nation with predictive models, enabling scientists to forecast the results of particular kinds of pollution, to anticipate environmental catastrophies. This type of crystal-ball-gazing is called operations research, and it is no accident that Gates should espouse it. He did the same kind of work during World War II, with antiaircraft weapons. "We'd be asked to figure out questions like this," he recalls. "If the Japanese sent so many suicide planes of such-and-such a speed against a carrier of such-and-such class, what were the probabilities that we could shoot them down?" What worked for suicide planes, Gates feels, would work for pesticide spills and sea-level canals.

Gates is an optimist, a doer, who gets his kicks from solving problems. He wants to believe that man can cope with the environmental crisis, and he does find some heartening developments. "Congress is becoming increasingly concerned," he says. "Scientific groups of all kinds are getting involved. Industry is beginning to cooperate." Public pressure, he feels, is making a difference: "People are beating on their representatives, on local industry."

Yet a touch of nostalgia, almost of despair, constantly intrudes upon his conversation. "It's so difficult to make people understand the seriousness of the threat," he says. "They don't realize how much we've lost already. They don't realize that we live in a closed system, that the air and water, the plants and animals, are being irreparably damaged and there are no replacements. And it's not just a matter of esthetics. When we lose a wildlife species or a plant, we lose a genetic stock that future generations might need desperately for food."

Just before we parted, I asked him if he thought the trend toward human oblivion would be halted. "I don't know," he replied. "It's very likely we won't be able to stem the momentum, but we have to try. We're definitely not going to make it if we persist in fighting major wars, throwing away our energies. Priorities—it always comes back to that. We have to learn to care about what kind of environment we're going to live in. The question is, Will we learn in time?"

As I left Gates's office, I stopped for a moment to take a last look around the garden. My eye rested on a magnificent ginkgo, a thick-trunked wide-branched tree that belongs to a species that is 200 million years old. Gates had told me that the tree was very resistant to insects—hence its longevity—but only fairly resistant to air pollution. Some effects were showing.

Two dozen school children had been sitting beneath the ginkgo earlier. Now, they were gone, and the base of the tree was littered with scraps of paper and discarded softdrink cartons. It was a small incident, and I reminded myself that one could read too much into such things. Yet it seemed a depressing omen.

WISCONSIN RAPIDS DAILY TRIBUNE CALLS FOR END OF DDT USE

Mr. NELSON. Mr. President, there is growing support for communities to stop using persistent pesticides, such as DDT, and instead rely on the alternative means of pest control that are now available.

According to the editorial published in the Wisconsin Rapids Daily Tribune, the village board of Port Edwards has decided to continue using DDT "only when necessary and in small amounts so long as State agencies do not ban the insecticide."

The newspaper takes issue with this decision and cites recent evidence that indicates the real threat of hard pesticides to wildlife and the environment.

The editorial sums up the situation in this manner:

> The Village Board's decision to use DDT infrequently and in smaller amounts misses what is the greatest danger in DDT. That is the insecticide's persistence, or long-lasting effect.
>
> There are insecticides other than DDT that are still dangerous to mosquitoes but less dangerous to Port Edwards village residents and to the domestic and wild animal population thereabouts.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wisconsin Rapids Daily Tribune, Sept. 15, 1969]

PORT EDWARDS BOARD SHOULD RECONSIDER USE OF DDT

The mosquito population is retiring from its combats with the people population until next spring so the Port Edwards Village Board has time to reconsider its decision to use DDT in the village mosquito control program.

As it now stands, the village policy is to continue use of DDT only when necessary and in small amounts as long as state agencies do not ban the insecticide.

This sounds reasonable until you look into some of the findings on effect and accumulation of DDT in our environment.

Last spring the Food and Drug Administration seized 28,000 pounds of pesticide-contaminated coho salmon taken from Lake Michigan. The concentration of DDT was as much as 19 parts per million and dieldrin, another insecticide, about 0.3 of a part per million.

Both levels are considered dangerous by the FDA and the World Health Organization.

Much of the DDT research so far has been done on fish. For example, a national pesticide study by the U.S. Bureau of Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the U.S. DDT residues ran up to 45 parts per million in the fish, nine times higher than the FDA guideline level.

But more than fish are involved in the pile-up of DDT and other manmade poisons in our environment.

Ecologists, who study the balance and interconnections of living things including man in our environment, are alarmed at the dangers some pesticides present to wildlife and to man. The long-lasting DDT is one of the foremost threats.

Biologists and ecologists are convinced that numerous bird species including the American bald eagle and the osprey in Wisconsin, are losing out along with fish to DDT.

The U.S. Public Health Service and the FDA are in a broad-range study of the effect of pesticides on man.

DDT has been beneficial worldwide in insect control for more than a generation. This has helped to control many insect-borne diseases, malaria for example. But scientists now fear that DDT is doing more harm than good to animals and people.

So far as the Port Edwards Village Board's reliance on state of Wisconsin agencies is concerned, the board doesn't have much to go on.

The Department of Natural Resources conducted a long public hearing on DDT late in 1968 and in the spring of 1969. Much pro and con testimony was heard but the department has not set forth a public policy on its use.

The Department of Natural Resources has banned use of DDT to fight insects in state forests and other public facilities, however, and that should tell the Village Board something.

The Wisconsin Department of Agriculture has its feet firmly on both sides of the fence, saying it "recognizes a need for use of certain chemicals for maintaining quality and quantity of food and fiber, but also takes note of the need for preservation of Wisconsin's natural resources."

The State Ag Department has ceased to recommend use of DDT for fighting Dutch elm disease, but doesn't recommend against it, either.

In the huge and less-coordinated federal government, the U.S. Department of Agriculture has replaced DDT, dieldrin and heptachlor, all persistent, with less long-lasting insecticides in several of its joint federal-state insect control programs.

The Village Board's decision to use DDT infrequently and in smaller amounts misses what is the greatest danger in DDT. That is the insecticide's persistence, or long-lasting effect. The DDT molecule evidently takes years to break down into harmless components. Thus, it continues to build up and keep its killing power even when used in small amounts.

Precise levels of DDT tolerance (safety) have not been determined for man. Warning flags are flying, however, and those who buy and use DDT, and dieldrin as well, should use caution even if they intend to use small amounts.

Gov. Knowles of Wisconsin and the governors of the other midwest Great Lakes states, Minnesota, Illinois, Michigan and Indiana, have asked for a phase out of DDT and similar pesticides and restricted use of them until susbtitutes can be found.

There are insecticides other than DDT that are still dangerous to mosquitoes but less dangerous to Port Edwards village residents and to the domestic and wild animal population thereabouts.

The board can switch insecticides, fight mosquitoes and it won't get a black eye from anybody.

LEGAL SERVICES PROGRAM

Mr. MONDALE. Mr. President, the chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Texas (Mr. Yarborough), delivered an excellent speech on the legal services program to the American Bar Association convention in Dallas, Tex., in August.

The speech sets out the value of legal services, what they have accomplished and what they can do. It describes the value of legal services both to the legal profession and to those in our country who are unable to afford the services of a lawyer.

I ask unanimous consent that the speech, entitled "There Are No Islands Any More," be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

THERE ARE NO ISLANDS ANY MORE

Chairman Smith, Chairman Raymond, distinguished Members of the Section of Legal Education and Admissions to the Bar and the National Conference of Bar Examiners, Distinguished members of the Bench and Bar, Ladies and Gentlemen:

Having served as a Bar Examiner, District Judge, practicing lawyer and recently a member of the Education Subcommittee of the Senate for the past 11½ years, I feel a genuine kinship to the purpose and work of both groups assembled here today.

I congratulate your efforts to maximize the quality of legal education in this country. Too few realize what an important role the Legal Education and Admission Section plays in assuring that the quality of education in our Law Schools and character of the students is such that law graduates can truly meet the challenge, pressure, and the demands of a modern society as they enter the arena of the adversary system. Through the efforts of your section, 142 law schools in this country have been approved by the American Bar Association. You have assisted in the installation and development of several badly needed new law schools, including, I am proud to say, the new law school at Texas Tech in Lubbock. We in Texas are proud of this new law school, now in its second year.

The National Conference of Bar Examiners has played a no less important role in the search for legal excellence, through your efforts to upgrade procedures for determining qualifications of applicants for admission to the bar and to provide a coordinated clearing house for bar examination questions. Your assistance in the formulation of the Code of Recommended Standards for Bar Examiners and Bar Examinations also has had significant impact upon the augmentation of quality improvement. It was my honor and privilege, while a member of the Texas State Board of Law Examiners, to serve as an official of this National Conference.

We must not fail to recognize the importance of continuing our efforts to improve the quality, as well as the quantity, of our lawyers. Though any practicing lawyer has the tendency to the view that there "are already too many lawyers", the truth is we are not graduating enough. The law schools of our nation graduated 14,700 in 1967 and increased that number to 16,075 in 1968, but the law school enrollment for this year was less than that of last year. And this has occurred in the face of demands we are familiar with": The large law firms need more lawyers; government needs more lawyers; the industries need more house counsel; and the need for more general practitioners in towns and smaller cities throughout the country is unremitting.

But the problems facing our law schools and legal training centers do not stop at numbers, or even at the quality of law graduates. They are broad in base, as so ably pointed out by Professor Joseph Sneed, of Stanford University Law School and past president of the Association of American Law Schools, when he said at the Senate hearings on the 1968 amendments to the Higher Education Act:

"Legal education in this country faces many difficult problems. Like American Society in general, it must come to grips with problems caused by technological change, high density population centers, the demands of racial minorities for full participation in the social economic and political life of the nation, and the ebbing faith in the utility of reasoned discourse."

His testimony and the testimony of many others, and the efforts of many, such as my good friend General Ted Dicker, were instrumental in the subsequent enactment of important improvements in the Higher Education Act and the Higher Education Facilities Act of 1963. These improvements were achieved through an omnibus bill which included the extension of, and improvements in, the Higher Education Facilities Act of 1963 in such a manner as to enhance the construction of badly needed law school facilities; the enactment of Title IV of the Act which provided for improvements in the important National Defense Student Loans, the Work Study Programs, and the Loan Insurance Program, upon which law students have relied heavily on in the past; and finally, the enactment of Title XI of the Act, which provided for an urgently needed new program, a program of grants by the Federal Government to law schools for clinical education.

Let me pause a moment to emphasize the importance of this latter innovation. This program provides for partial financing by the Federal Government of a course which would include closely supervised field experience on the part of third year law students acting as advocate for clients in both civil and criminal cases. When I first started trying lawsuits as a young lawyer, and suffered those first few humiliating setbacks in courtroom combat, and thereby realized that perhaps I did not know quite how to put the law in action, I would have given much for the clinical training afforded by Title XI. I believe this kind of training is as essential to the lawyer as internship and residency is to the doctor.

It is pleasing to note that the Federal Government and the law schools are not the only sponsors of clinical training. A privately endowed organization, the Council on Legal Education for Professional Responsibility, Inc., founded just last year, has as its stated mission "the encouragement of clinical experience as a regular part of law school education."

Clinical training is but one step up the ladder to the improvements necessary to make the law and lawyers relevant to our modern society. Law schools, the government and private foundations must forget their efforts into a commonweal in other areas. From a general perspective, the urgent need for a National Foundation of Law and Justice, substantially as proposed by Congressman Celler, cannot be disputed. The purpose of the Foundation, as Congressman Celler stated, is to "promote improvement in the Administration of justice and in legal education and research." I support the establishment of such a foundation because, analogously speaking, the law and the legal profession have as much need for the great coordinating and supporting services available through it, as the sciences have for the National Science Foundation and medicine has for the National Institutes of Health.

There is also the commendable work being done by the Council on Legal Opportunity. It is their laudatory goal to "recruit and facilitate the training of disadvantaged individuals, particularly the racially disadvantaged, for the legal profession."

And the valuable legal aid services promulgated under the Economic Opportunity Act, and implemented by the Office of Economic Opportunity, cannot be forgotten. As a result of its efforts, during 1967, almost 500,000 poor Americans received advice and representation from Legal Services attorneys in consumer, family juvenile, housing and welfare cases. An additional estimated 50,000 to 100,000 poor people were members of 800 tenant associations, farm worker groups and welfare mothers groups that used Legal Services programs to obtain their rights, set up credit unions and other self-help institutions and win their rightful share of public services. More than one million welfare and medical care recipients, farm workers, tenants and juveniles have been assisted by court decisions, won by Legal Services attorneys, that broadened and protected the rights of whole classes of people. Almost two million poor people who had long regarded the law as their enemy received preventive law education in their rights and responsibilities.

Last year Legal Services attorneys won seventy per cent of the more than 40,000 court trials in which they were involved and over sixty per cent of the more than 400 appellate cases in which they provided representation; averted or stayed eighty-six per cent of evictions sought against poor clients; and won seventy-nine per cent of cases involving local, state, and federal administrative agencies.

The OEO Legal Services Program is one of the more workable and successful poverty programs. It has enjoyed support from the American Bar Association, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers

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Association. It is also one of the few that is budgeted at a higher level this year than last. It operated with $42 million last year; this year it has been budgeted at $58 million.

It is because of the great contributions this program has made to the radication of the injustices suffered daily by the poor, that I have co-sponsored Senate Bill 1291, better known as "The Legal Services to the Poor Act." This bill would give some statutory protection to the whole legal services program to make sure that it is not curtailed in the future. It would authorize the program until 1974, and authorize $90 as recommended by the ABA.

I have purposely reviewed the many frontal efforts being made to provide the public with more and better lawyers, and to provide them in the areas where they are most desperately needed, because I fear we may have underestimated the severity of the challenges which confront the legal profession. It is beyond "my poor power" to adequately convey to you the depth and the breadth of the mighty convulsion which is sweeping the land. It is a burst of ideas, an eruption of change in attitude, an upheaval against the system. It has occurred primarily among the young and the racially disadvantaged. It has touched every facet of society, our economics, our morals, our politics, and especially our law. Its manifestations include the riots in our great cities, the campus take-overs, the anti-war demonstrations, and the poverty and civil rights marches. But they also include more subtle and deeper symptoms: dissatisfaction by the poor and the minorities with the courts, with some religious pretensions, and most alarmingly, with a great deal of our political system.

But the deflections from this revolution in thought and action are not all bad. The young of today are not the pliant conformists of the last generation; they are militantly dedicated to the causes in which they believe; they are extremely conscious of social and political problems and they want to do something about them now, instead of just appointing committees to study them for ten years; they have an understanding revulsion for the hypocrisy which permeates parts of American society and so much of the American political system, and they confound their elders with greater concern for their social and political causes than for the financial and material superiority by which we are so accustomed to measuring success.

The law students of this generation have provided a revelation of this in the expressed desire of the top-ranking graduates to work with legal aid centers and participate in the social services aspects of the law, rather than immediately accepting lucrative jobs with the Wall Street firms. And this reflected attitude is part of the challenge, as well as the inspiration, in planning now and into the future for the education of lawyers.

We, as lawyers, have a great opportunity to seize the initiative in our efforts to cope with the great displosion in thought and action, by working to slice out the ill-effects, by taking hold of the good effects, then harnessing these vibrant forces and propelling them in a constructive direction. In many respects, the law, in the broad sense, is our greatest hope. It is the common threat which is woven throughout the fabric of our entire civilization; it reflects our morals, it makes our government workable, and if democracy is to function, it should be the cohesive force of our response to the injustices in our society. DeTocqueville, one of the severest critics of American democracy, observed that "in a democracy social problems are translated into legal problems, if democracy coheres."

Frankly, it has taken our courts, our legal system, our legal educational institutions, our bar groups and the Congress far too long to respond to our cancerous social ills. But real hope emerges from the fact that we have begun to respond. The courts, in such decisions as *Gideon* v. *Wainwright* have assured the ignorant and the poor of the right to counsel. Through our law schools and Congress, the clinical experience programs and the Legal Aid Society have focused attention upon the individual and made representation available to him, no matter what his race, or his economic status, and no matter how seemingly insignificant his legal problem may be. We have begun to face up to the reality which underlies so much of our troubles in these turbulent times, a reality so simply stated by the late Robert F. Kennedy: "The poor man looks upon the law as an enemy; for him the law is always taking something away."

But we really are only scratching the proverbial surface. We need the intensified research and supporting services of the Legal Foundation. We need to expand and improve Legal Aid Services by passing the "Legal Services to the Poor Act."

And our interest in better legal education and services cannot be divorced from the broad spectrum of all the vexations confronting our government and our society, and, indeed, all of man. Legal education is just a part of education generally. Recently, the United States Commissioner of Education, Dr. James E. Allen, Jr. asserted that by 1980, public spending on education will need to total $100 billion annually, "with the Federal Government tripling its share of the cost for elementary and secondary schooling." This means we will need to increase Federal government spending on education from $4 billion annually to $25 billion within the decennium. But many educators disagreeing with Dr. Allen assert that local tax sources have dried up, and that the Federal government must be able to provide $50 billion annually for education by 1980.

My friends, we cannot do this, we cannot spend what we must on higher education, let alone elementary and secondary education, unless we reorient our priorities. As I have stated many times before and repeat: We must end the dreadful expenditures of lives and tax dollars on that wild adventure in the valleys and hills of Vietnam. Precious American lives are being sacrificed at the altar of prestige. The young who need to be educated, the old who need medical services, and the middle-aged who pay most of the taxes are being short changed by its burden.

The asserted need for unnecessary military expenditures of vast proportions are but symptomatic of our failure to think through our national priorities.

The only way this country can meet its rendezvous with destiny and come to grips with the urgent crisis in education, health, poverty, environmental control, and in law and order, is for people like you to realize the dire consequence of spending over $35 billion tax dollars in Vietnam per year and only $4 billion on education, and to become full time lobbyists with the representatives of your government, insisting that the priorities of this country be reordered, so that we can truly commence the crash programs in health, education and the general welfare that are so long overdue.

Edna St. Vincent Millay in one of her beautiful poems tells us:

> "This little life, from here to there—
> Who lives it safely anywhere? . . .
> The tidal wave devours the shore;
> There are no islands anymore."

None of us are safe from the dangers of living in this restless age; threatened by the chance of nuclear annihilation; plagued by the reality of hunger, illiteracy and premature death in nearly two-thirds of the people of the world; troubled by a pollution of our environment that could become irreparable; and fearful that a lasting peace can never be. Thus, we all must strive together, think together, work together, and care together, in a common effort to win the battle over these most ancient foes of man. We MUST do this, because no one of us is an island, anymore.

We must renew what Joe Sneed called "the ebbing faith in the utility of reasoned discourse." I have a faith, a belief, a confidence in the law as the fairest and most just of our institutions. Due to your great work the legal system is growing in its devotion to justice and fairness faster than any other of our institutions. The high standards of intellectual excellence, devotion to reason, and high standards of ethical conduct, increasingly inculcated by legal admission requirements and superior legal educational standards are bed rocks upon which a sounder legal and governmental order are being evolved. I salute you and your leadership in building this foundation for civilization.

THE BIG THICKET—A SAFE HAVEN FOR THE ENDANGERED RED-COCKADED WOODPECKER

Mr. YARBOROUGH. Mr. President, the Big Thicket area of southeast Texas is a refuge for several species of birds and animals which are facing the threat of extinction. One of these rare and endangered species which has found a haven in the Big Thicket is the red-cockaded woodpecker.

This beautiful bird is the smallest and least known of the southern woodpeckers. It nests and rears its young in the trunks of living pine trees. No other woodpecker requires a live tree nest. When the nest tree dies, the red-cockaded woodpecker will desert that tree and make a new nest in a living tree nearby.

At present, the red-cockaded woodpecker is in danger of becoming extinct because the pine trees it requires for nesting are fast being cut down by lumber companies. If we desire to save this beautiful bird it will be necessary that steps be taken to preserve the pine forests of the Big Thicket. This is another reason why my bill, S. 4, which would create a 100,000-acre Big Thicket National Park, should be passed by the 91st Congress. This park would save for future generations this beautiful area and with it the rare plants and wildlife found in it.

THE ELECTORAL COLLEGE SHOULD BE PRESERVED

Mr. McGEE. Mr. President, I noted with great interest in the Washington Post of October 5 an article written by Richard N. Goodwin upholding the basic good sense still present in the electoral college, despite the recent movement to put the election of our Chief Executive on a direct popular vote basis.

Mr. Goodwin and I have, on occasion, had reason to disagree. But in this case, we are agreed. With him, I share a reluctance to scrap the electoral college simply because it threatens to be unworkable. To use a tired cliche, we would be throwing the baby out with the bathwater, for it is the electoral system of counting votes for the Presidency which has, it seems to me, given our politics a fundamental steadiness through the years. We do not have a multitude of political parties because they lack hope of achieving

electoral votes. Thus, our two-party system survives.

Decidedly, the time has come to improve the system, to guard against faithless electors, and to insure against a small group of men, acting on their individual opinions and motives, being able to select the President. But we need not scrap the electoral principle itself in order to perfect it.

We in this body will, before long, be considering the proposal already adopted by the House which would shift the election of the President to a popular vote basis. To quote Mr. Goodwin:

> Before embarking on the irrevocable course of abolition, we should be sure that we understand and are willing to risk the possible results.

Mr. President, I ask unanimous consent that Mr. Goodwin's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELECTORAL COLLEGE FINDS A DEFENDER

(By Richard N. Goodwin)

(NOTE.—Mr. Goodwin was an adviser to Presidents Kennedy and Johnson.)

Nothing could be more startling or instructive than the unanimity with which the Establishment of politics and media is rushing to embrace a constitutional amendment which might unhinge the entire political structure. For there is good reason to believe that direct popular election of the President might end that two-party system which has helped make the United States the most stable and long-lasting democracy in the history of the world.

Coming, as it does, at a time of deepening national division and ideological strife, that result is even more likely. Yet this immense possibility—a likelihood in my judgment—has been barely mentioned in the curiously muted debate over a proposal to change a constitutional system which has worked well for two centuries.

To make this judgment, one must first separate out the very different issues whose casual blending has seriously obscured discussion. First is the electoral principle itself, in which all the votes allotted to a state go to the candidate with the most popular votes. Second is the legal right of an individual elector to defy the popular will and vote for the candidate of his personal choice. Third is the question of what happens if no candidate receives a majority of electoral votes.

The second and third issues raise a very different problem from the legitimacy of the electoral system itself. It is whether a small group of men, acting on their own individual opinions and motives, should ever be allowed to select the President. Moreover, this is not just an academic possibility. Electors have gone off on their own, and twice the House of Representatives has chosen as President a man who did not receive a plurality of popular votes. (Jackson and—in a rather sordid way—Tilden were deprived of the presidency by Congress despite popular pluralities.)

Certainly nearly everyone will agree that the modern presidency is too important an office to be filled by private maneuvering, deals and coalitions. Still, these abuses can be forestalled without touching the electoral system itself simply by automatically counting a state's electoral votes for the popular winner and providing that a plurality of electoral votes wins. There could also be a provision for a runoff if the leading candidate fell below a specified percentage.

THE 1888 EXCEPTION

None of this requires eliminating the electoral principle itself, which is an unrelated and far more serious matter. That principle is like many other elements of our constitutional structure. It no longer serves the purpose which the founders intended but has assumed other important and rarely articulated functions.

There is, one must admit, the theoretical possibility that a presidential candidate could receive the most popular votes while his opponent won the most electors. Yet in almost two centuries, this has only happened once—in 1888, when Grover Cleveland lost the election to Benjamin Harrison. Even then, Cleveland's popular edge was only 100,000 votes, hardly an overwhelming popular mandate.

If the system has been accurate for over 80 years, it is even more likely to work in the future. For television and other mass media operate to make an election more than ever an expression of a national mood rather than of differences based on state lines. Thus the direct election proposal violates the single most important rule of constitutional amendment: If something is working, don't change it.

We have never before amended the Constitution in anticipation of possible abuse or on the basis of abstract theory. Only after an abuse has manifested itself, and usually after considerable public pressure, have we acted, and even then with reluctance. Surely this is one of the reasons why the American Constitution has endured while more volatile republics rose and fell.

We must remember that no one really knows why this curious mixture of pure democracy, sectional power, protected interests and divided governments has lasted so long. That ignorance should give us pause before we begin to tinker with the mechanism of the Republic on the basis of abstract democratic theory.

THIRD PARTY POSSIBILITIES

One must equally admit that it is impossible to be certain of the consequences of the projected change to direct elections. Yet it is a fact that the only third parties which have lasted in this country have been those with a geographical base—those that could carry states. The most noteworthy modern example has been the Southern Party, from the Dixiecrats through Wallace.

The others have proved transient, or have never begun, in important part because they could not hope to carry any states and would thus receive no electoral votes. (In 1948 Strom Thurmond and Henry Wallace received approximately the same popular vote but Wallace got no electoral votes to Thurmond's 39. The Southern Party is still with us and the progressives passed away.)

Many of those who were tempted by third party movements—and I know this from personal experience in 1968—have been discouraged by the knowledge that their activities would only help swing a state's electoral votes to that candidate who was ideologically furthest from them. With only the popular vote at stake, however, regional roots become irrelevant. Groups united by general conviction or special interest might well think it in their interest to form a new party.

Such a party might bargain with one of the major parties in return for an endorsement or offer to withdraw in the course of a campaign in return for endorsement. It might also run candidates in the hope of forcing a runoff election in which its votes would be eagerly and profitably sought. Based on our historical experience, this could prove an extremely fruitful course.

Fifteen of our Presidents have been elected with less than a majority of the popular votes. Therefore, in almost half of our elections, a third party, at least theoretically, could have held the balance of power. And two of our last three elections have been virtual popular ties.

The experience of some of our largest states demonstrates that this is more than a theoretical possibility. We now have four parties in New York State, with both the Liberal and Conservative parties exercising influence far out of proportion to their strength. Nor is California a stranger to third party politics.

Had direct election been in effect last year, we probably would have had an anti-war party (and I would have joined). The possibilities for the future are limitless. Direct election might well bring us a farmers' party, a senior citizens' party, a black party and other groups coalescing around common interest and belief.

A TIME OF FRAGMENTATION

The possibility of multiparty activity is as much a matter of the psychology of presidential politics as of pure reason, which is probably why it is so little discussed, for relatively few of those involved have had direct experience in presidential campaigns. Yet I believe that our history combines with modern experience to demonstrate that the inability to receive any electoral votes has been a powerful deterrent to third and fourth and fifth party movements.

If this is so, then direct election could not come at a worse time—when the tendency to political fragmentation and ideological division is reaching new heights. This, to me, is the central issue of reform and deserves the most serious consideration. (It will always be possible, of course, for a new major party to emerge; that might well happen in 1972, for the first time since 1850s.)

Other objections to direct election have been rather fully discussed. No great principle is involved in the speculation that it might increase the importance of small states. Purely as a matter of interest, however, I believe that those who anticipate such a consequence would be seriously disappointed.

Most presidential campaigns are directed at a "swing vote" of about 10 to 20 per cent of the electorate. Any candidate in search of those votes must focus his money and efforts on the large states, for that is where the people are and where the most volatile vote is to be found.

In 1968, about half the total vote for the two major candidates came from just seven states. A change of less than 1½ per cent in those states would have canceled out Richard Nixon's entire Southern margin over Hubert Humphrey. No political strategist could wisely advise a candidate to take the slightest risk in the big states in order to pick up a few Southern or border states.

Thus if direct election is approved, the proponents of the "New Federalism" will preside over the dissolution of one of the few remaining levers which less populated sections have on national politics. This may be a healthy thing, but it always helps to be clear about what you are doing when you change the Constitution.

NO PURE DEMOCRACY

The electoral college has not only faithfully reflected the popular will; it has usually strengthened it by giving a candidate with a narrow popular margin a far larger electoral mandate. Against this historical experience is now set the argument that the electoral system offends the theoretical democratic principle of "one man, one vote."

This is certainly so, at least in abstract possibility. We must remember, however, that this is not the uniform principle of our government. The Supreme Court, with its power to overrule President and Congress, is responsible to no electorate. And its insulation from

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popular will has helped strengthen it to protect popular liberties.

A Senator elected by a few hundred thousand votes in Idaho has as much power over national affairs as a man selected by several million citizens of New York. Yet the Senate has often been a more liberal and principled body than the House. Men like the Secretary of Defense, whose power over our lives far exceeds that of most of our earlier Presidents, are appointed and removed by one man.

Our national government is not a pure democracy, nor does anyone suggest that it should be. None of our institutions of governments acts exactly as the Founding Fathers expected. Yet they have managed to evolve some kind of enduring and relatively fruitful harmony.

The system is not perfect, and I believe we need some fundamental changes. But when we are asked to change an institution as basic as the Electoral College, the only relevant questions are practical ones. How is it working? What are its functions? What wil be the consequences of change? To act on the basis of rhetoric about pure democracy may have threatening consequences for the future of our actual democracy, and would be in a spirit foreign to the Constitution itself.

For all the influence of mass media and fast planes, we are still a continent, sheltering diverse peoples with very different ways of living. The Electoral College has been one of the institutions tending to strengthen the curious, irrational and frustrating political system which has held us together. Before embarking on the irrevocable course of abolition, we should be sure that we understand and are willing to risk the possible results.

WHOSE LAW, WHOSE ORDER?

Mr. MONDALE. Mr. President, for an administration which rode into office on a wave of law and order rhetoric, the Nixon administration has been behaving very strangely. In practice, it has almost seemed to be a question of "whose law and whose order?"

The most recent example of administration inconsistency in its approach toward law enforcement was the statement of the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice. Incredible as it may seem, he stated that a Supreme Court decision requiring desegregation of all formerly dual school systems could not be enforced. It appears that this administration prefers to pick and choose the laws it will enforce.

The New York Times and the Washington Post summed up the sad state of affairs in this "law and order" administration in published editorials last week. For the benefit of Senators who may have missed the editorials, I ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Retreat From the Law

The warning by Jerris Leonard, chief of the Justice Department's Civil Rights Division, that a Supreme Court order to desegregate all Southern schools could not be enforced strikes at the foundation of government by law. It is astonishing at the declared stance of an Administration that, in its rhetoric, has so consistently vowed to uphold law and order.

With every new corkscrew turn of policy, the Nixon Administration demonstrates that its approach to school desegregation is more responsive to the prejudices of Southern politicians than to the legitimate demands to put an end to the illegally maintained dual school systems.

This is why the Justice Department's civil rights lawyers rebelled against the policies they were being asked to pursue. It is why the United States Commission on Civil Rights spoke out against the threat of a major retreat from desegregation. And it spurred the decision of the N.A.A.C.P. Legal Defense and Educational Fund to ask the Supreme Court to redefine "all deliberate speed" to keep that phrase from being perverted into a device for delay.

The plain fact is that the Court spoke fifteen years ago and Congress added in 1964 its mandate for the enforcement of administrative guidelines. For Mr. Leonard, at this late stage, to urge his lawyers to concentrate not on prompt enforcement but on organizing teachers' workshops to smooth the way for desegregation is comparable to asking the Internal Revenue Service to provide courses in ethics and accounting for income-tax evaders.

The Nixon Administration has asked Negroes to accept in good faith its pledges of economic and social justice, but the credibility of such pledges is undermined by the emergence of double standards. The President himself, in opposing "extremism" in school desegregation, equates those who insist on full law compliance with the most stubborn of foot-draggers.

Attorney General Mitchell promises the nation's police chiefs that the Administration will support law enforcement with "all its moral, political and economic power." And on the very same day Assistant Attorney General Leonard scoffs at the thought of enforcing a Supreme Court school desegregation order. Such contradictions can only reinforce Negro suspicions of separate justice for black and white, thus inviting resort to mass disruption as a substitute for the essential faith in justice under a government of law.

Running Off at the Mouth

As defensive case-making goes, we believe the nation may have witnessed a legal breakthrough the other day in the remarks of the Assistant Attorney General for Civil Rights, Jerris Leonard, on the subject of school desegregation. It is not for us to say in what direction the breakthrough was made or even which way it was going when last seen. We heard only the crash and tinkle of forensic glass and knew we were in the presence of innovation. "Take the Mississippi situation out," lawyer Leonard said, "and give me one example where we have not vigorously enforced the civil rights law." Take the Mississippi situation out—the mind leaps to Sherman Adams (take the Goldfine situation out . . .), to Abe Fortas (take the Wolfson situation out . . .), to Lyndon Johnson (take the Vietnam situation out . . .), and to all the others who lost a case because they didn't have the wit to retain Mr. Leonard.

Depending on whether you view the Assistant Attorney General's riposte as a new high or a new low in the technique of self-defense, you will be able to judge whether or not you would want him representing you. But the fact is that he is meant to represent the interests of citizens—mostly black—whose civil rights have been (and are being) tromped upon. How does he view this mission? It is interesting that in the same week in which Attorney General Mitchell was banging the pots and pans for law and order ("I believe the Department of Justice is a law-enforcement agency. I think that persons who break the law ought to be promptly arrested and tried . . ."), his lieutenant in the Civil Rights Division was setting up a wholly different kind of ruckus. When he was asked about the views of those who make and interpret the laws and who have found themselves at odds with administration policy, he replied: "I don't care if it's judges, lawyers, Legislators or whoever disagrees." He also made plain that these laws were not going to be enforced so long as numerous people found them inconvenient and resisted them. His reply to one reporter at a press conference gave a vivid outline of the limits of law enforcement as understood by Mr. Leonard:

> The only thing that changes is the resistance that you run into, and you can't predict that. There is no way of predicting that. There was no way, for instance, of our predicting that 2500 whites were going to storm a school board meeting—and you should have stayed down there with me, Carl, you would have really learned something about this whole process. I mean it. Twenty-five hundred yelling, raging white people standing there in a high school auditorium, one woman with a noose demanding that the school board close the schools. Now I'll tell you something, Mr. Stern, even you would have voted to close the schools under those circumstances.

So much for law enforcement—one wonders: does the principle apply to campus disorders and uprisings in the ghetto as well? The Assistant Attorney General maintained that this special permissiveness was owing to lack of enforcement funds and personnel, not to a lack of devotion. Well, we shall see. Mr. Leonard's remarks were made by way of responding to the publication of a protest by the lawyers in his division against the Department's preventing them from carrying out "clearly defined legal requirements." It had been a very decorous and restrained rebellion, just as the criticism of the administration on this score, made by the Civil Rights Commissioners among others, had been notable for its responsible, more-in-sorrow tone. To this—mention of the Civil Rights Commission's complaints—Mr. Leonard had a reply too: "I think you've got a lot of people who are frankly running off at the mouth who don't know what the facts are." We think someone is running off at the mouth too—but we don't think it's the Civil Rights Commission.

WATER POLLUTION

Mr. NELSON. Mr. President, the Lowell, Mass., Sun recently published a series of articles on water pollution that deserves the attention of the Senate. The series was written by Franz Scholz under the general title of "A Week on the Concord and Merrimack Rivers—With Apologies to Henry David Thoreau." The article describes in vivid and graphic language the terrible consequences of untreated sewage being dumped into rivers.

The first installment, entitled "A Close Look—or Smell—of Rivers," describes the actual condition of the rivers as seen from a boat. The second, entitled "Pollution Menaces Riverside Residents," describes the effects of the pollution on the fish living in the water and the people living along the banks. The third article, entitled "Pollution Costs $40 Million," scans the loss of potential income due to the state of the rivers.

Dr. Bela Fabuss, director of Lowell Tech's Environmental Pollution Research Division, wrote the last installment, entitled "Pollution of the Merrimack River," which outlines a pollution

abatement plan for the Merrimack River Basin.

Mr. President, it is encouraging to see members of the press taking this urgent crisis seriously by writing such well-written and exposing reports. I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Lowell (Mass.) Sun Sunday magazine, Aug. 31, 1969]

A Close Look—Or Smell—Of Rivers

(Editor's Note.—During the past weeks we journeyed up the Concord and Merrimack Rivers following the route tranversed by Henry David Thoreau in 1839. The purpose of our journey was to observe the changes in the rivers and their environment since the days of Thoreau. In this, the first article about our journey, we describe the pollution in the rivers.)

(By Franz Scholz)

Lowell.—In the past 130 years man has turned the Merrimack River from what Henry David Thoreau called a "silver cascade" into a dump for raw sewage and industrial waste.

Vacationing on the Merrimack and Concord Rivers in 1839, Thoreau, although even at that time weary of the pollution of the rivers, described the Merrimack as "a silver cascade which falls all the way from the White Mountains to the sea."

On a recent journey of the Merrimack River, we found a description of the river offered in 1966 by Sen. Edward Kennedy to be more apt of its present state: "Suitable only for the transportation of sewage and industrial waste."

Aided by several experts and concerned observers, this reporter and a photographer recently retracted the route Henry Thoreau traveled in 1839. With two boats lent us by the South Concord Boat House, we started out August 23 from behind the Concord Academy in Concord, Mass., and traveling on the Concord and Merrimack Rivers arrived in Concord, N.H., August 27. The next day we spent coming back down the Merrimack to Lowell and on August 29 spent an additional day traveling down the Nashua River.

Traveling with us for a day each were Cong. F. Bradford Morse, Dr. Bela Fabuss, director of the Research Division at Lowell Tech, and Arthur Rowse, national columnist and publisher of the Washington based bi-weekly newsletter U.S. Consumer.

The purpose of our trip was to observe the nature of the river, its pollution, the causes of pollution, the effects of pollution, and to learn why it is not cleaned up.

During his trip, Thoreau described the Merrimack as a "living stream." "Unlike the Concord, the Merrimack is not a dead but a living stream," he said, "though it has less life within its waters and on its banks."

We found the same description applies today.

Much larger than the Concord, sections of the Merrimack flow at an almost uncontrollable pace. Between Nashua and Manchester, N.H., the river's rapids are so strong they would not let our boats, powered with a four horse outboard motor, through.

At other points—just above the Pawtucket Falls in Lowell and above the falls in Manchester—the river is calm, allowing sludge and other particles floating on its water to sink to the bottom. Even at these points, however, a strong, often shifty current flows down the middle of the river.

The Concord, by comparison, is calm with a slow current until it reaches the old Talbot Mills, afterwhich it rushes to join the Merrimack.

In this rather still mill biological and aquatic life is more evident than on the swift Merrimack. Small sun turtles, with their bright orange bellies, were seen by the hundreds sunning themselves on stones, logs and branches along the Concord. Water weeds on the bottom of the Concord often got tangled in our paddles and on the wheel of our motor as we travelled close to its banks.

At several points we were reminded of Thoreau's description of boys fishing along the banks of the Concord. On the Saturday we traveled down the river boys were seen as Thoreau observed 130 years earlier fishing in Concord and Billerica along the banks of the river and in boats.

The only anglers seen on the Merrimack during our five days there were two men Tyngsboro, five boys fishing (for carp) over a sewer outfall in Nashua, two boys next to another sewer outfall in Nashua, three boys on the banks of the river in Manchester just below a point where a stream of blood from a slaughter house empties into the Merrimack.

Some small fish, believed to be sunfish or kivers were seen in a shallow portion of the river in Concord, N.H., and two fishermen were seen headed north of Concord in a motorized canoe.

Vegetables was also less in evidence on the Merrimack than the Concord River.

Water lilies and weeds abounded on the Concord, but were only seen in sections along the Merrimack.

Whereas in the Concord, we could scrape the river's bottom with an oar and bring it up tangled with water weeds, scraping the bottom of the Merrimack produced only a grayish substance which looked like wet coal ashes.

This gray sludge comprises a large part of the river's population.

It abounds at bends and turns in the river where the current is usually slow and thus allows particles in the river to sink to its bed.

These particles originally start out as raw sewage and industrial waste deposited in the river mainly in the larger cities along its banks.

Where the sewage spills into the river, the large pieces of human waste and other heavy solids sink to the bottom quickly. The smaller particles, such as paper, less dense wastes and floatable material such as contraceptive devices, are carried downstream by the river's current.

The current continually breaks up these pieces as it carries them along and the further they travel down the river, the more the river's water helps dilute them. Along their journey downstream, however, the current drops some of this waste on the bottom of the river, perhaps at a bend or along the banks where the current is not strong. It also breaks up the larger solids which settled to the bottom after spilling out of a sewer pipe and slowly moves them downriver. The result is the sewage is continually being moved downstream and deposited all along the river's bed.

Despite the sewage evidenced at every portion of the river, its most impressive feature is the water it holds.

At some points the river is as wide as a football field is long and the strength of its currents caused us to admire the strength of earlier men who carried out commerce on the river.

Another impressive feature was the white sand (Thoreau said the river had a "yellow pebbly bottom") which lined the river's banks and often forms what could be pleasant beaches.

The amount of water in the river and its swift current and perhaps also sandy shores saves the river from being even more polluted than it is.

The amount of water in the river serves to dilute the pollution. Dr. Fabuss' tests shows it dilutes the raw sewage poured into the river so the pollution count is roughly one 17th to one 31st of that of settled sewage.

The swift, challenging current moves the pollution down the river and although it spreads the pollutant material the length of the river, it also helps wash away the bottom where sewage has settled for the past hundred years or more.

As long as new pollution is poured into the river, however, pollution can be expected to pile up on the river's bottom.

On the bottom, the pollution material produces the same effects as a farmer's compost pile. It decomposes, robs the water of oxygen essential to aquatic and vegetation life and lets off gases. The gases appear on the surface in the form of bubbles, which were evidenced on all parts of the river, except at the rapid moving falls between Nashua and Manchester. The gases are also responsible for much of the odors coming from the river.

Thus, the expense of water in the river and its swift current dilutes the sewage and other waters, and carries it along the river. Although the largest sources of pollution were found mainly in the big cities—Lowell, Nashua, Manchester and Concord, N.H.—the current has carried it downstream polluting all parts of the river.

As more and more sewage is dumped hourly the sludge deposits on the bottom increase. After observing the river between Lowell and Nashua, Dr. Fabuss observed, "The river could take care of the pollution load on this stretch by self-purification, but added pollution upstream and downstream makes the conditions progressively worse and overloads the river." And, he added, "The quality of suspended solids in the river is so large that their disposition in river bends leads to accumulation of sludge deposits and to their decomposition. This decomposition goes on without sufficient oxygen, with formation of malodorous gases."

Rats, perhaps attracted by the pollution deposited on the bottom and banks of the river were observed daily—they were most numerous in Lowell behind the new post office building in the Northern Canal area.

Dumps all along the river also attract rats. On the Pawtucket Boulevard side of the river from Lowell to Tyngsboro we observed more than 15 areas people have used for dumping (we counted eight refrigerators thrown over the banks along that stretch). Old cars, bottles and cans, discarded cement pipes and other refuse is prevalent along nearly all sections of the river.

With Cong. Morse as our traveling companion on the second day out, we observed three rats together on a small sand barge surrounding some stagnant water and others scurrying off into the bushes behind the Northern Canal area. More rats were seen feeding around sewage outfalls in Nashua and Manchester. In Concord, where the river is considerably clearer, rats were replaced by large beaver and muskrats.

The polluters—sources of the waste which scars the river—number in the hundreds. They may be grouped in three categories—large public polluters, large industrial polluters and small public and private polluters.

The large public and industrial polluters are located in the large cities along our route—Lowell, Nashua, Manchester and Concord, N.H.

The small public and industrial polluters are located in the large communites as well as the smaller communities—Chelmsford, Dracut, and Bedford and Merrimack, N.H.

All of the four large cities listed, with the exception of Nashua, dump all their raw sewage into either the Merrimack or a tributary, such as the Nashua River, untreated. A portion of Nashua's sewage is given primary treatment, which means it is screened of the largest solids.

Lowell dumps its sewage into the river at approximately 28 different places. On our trip, we found only two—one at the mouth of the Concord and the other on the Pawtucket Boulevard side of the river approximately 300 yards upstream from the Bridge Street Bridge.

Untreated, it enters the river in pipes of from four to 10 feet in diameter looking like dirty water, but carrying identifiable particles of human waste, toilet paper and almost any other substances flushed down toilets, sinks, bathtubs, and clothes washers.

In Nashua we observed six such sewage out flows, all but one containing raw sewage. Two were just below the Hudson Bridge, one just above the bridge and two near the mouth of the Nashua River. The city engineer, however, says there are another 10 or 11 outfalls in Nashua.

The heavy solids in the sewage at one of the outfalls on the Nashua had built up a mound around the pipe carrying the waste into the river about three feet high for 20 feet from the pipe. So grotesque was the area, with new sewage flowing over it, I called it Nashua's Scab.

During the peak hours (early afternoon and early evening) sewage from this pipe left the water white and formed an unbroken stream of solids for a mile as it flowed down the Nashua into the Merrimack.

A sample of the water about 50 yards from this pipe by Dr. Fabuss corresponded to settled sewage diluted six times.

Manchester owned the laregst single sewage outfall observed on our trip. We spotted it just before we reached the long line of mills in the New Hampshire city. Its nucleus was a pipe 10 to 15 feet in diameter which spilled raw sewage over a manmade waterfall directly into the river.

Although the rapids prevented us from exploring further in Manchester, the city's engineer estimated that the city's sewage pours into the river from 20 points.

Concord, N.H. differed from Manchester only in the volume of sewage it deposited in the river. Like Manchester, it dumped its untreated sewage containing identifiable pieces of human waste, directly in to the river. While taking pictures of this identifiable waste, Photographer Richard B. Taffe Jr. had to spit continually to keep from vomiting.

Of the three New Hampshire towns, Manchester undoubtedly was the largest polluter, followed by Nashua and Concord in that order. According to a 1966 report of the Federal Water Pollution Control Administration, Lowell is a larger polluter than both Manchester and Nashua combined.

According to the same report, some of the large industrial polluters we saw along our route challenged and even surpassed the amount of solids and other pollutants the city of Lowell poured into the river.

A rat infested river of blood and other animal wastes, demanding more of the Merrimack's oxygen than the city of Nashua, flowed from a Manchester slaughter house directly into the river. The smell of the fresh blood, rats and solid material carried by the blood, again caused our photographer to gag to keep from vomiting. The owner of the slaughter house saw nothing wrong with the dumping of his wastes.

A Nashua based tanning company, bearing the same name as the Manchester slaughter house, poured about one-third as much solids into the river as did the city of Nashua. Its wastes, when released colored the river white and red.

Another tanning company in the city of Merrimack poured about the same amount of waste in the Souhegan River, at about 20 yards from where it enters the Merrimack. Other wastes on the Souhegan colored the river red and blue.

But, the largest polluter of all, in relation to the amount of suspended solids they dump into the river, were paper companies in Fitchburg, Mass., which we observed during our last day on the Nashua River.

Some of these paper companies run the river directly through their plants. As it enters the plant, the river appears greenish brown. When it comes out the other sides of the mills it is absolutely white and carries acids and other chemicals.

The largest of the three Fitchburg paper mills pours more solids into the river daily than do the cities of Lowell and Manchester combined. The other two each drop more wastes than the city of Lowell.

The three mills are three of the major reasons why the Nashua River is the dirtiest of the tributaries flowing into the Merrimack.

Smaller private public polluters make up the largest number of polluters, but do not cause the destruction of the larger polluters.

They range from private households along the river (one count set the number of such polluters in Tyngsboro alone at 27) to a chemical company in Nashua, a rendering company in Billerica, a silver company in Lowell, a Lowell textile company, a large defense contractor in Nashua, as well as the smaller townships of Dracut, Chelmsford and Hudson, Merrimack, Bedford, Derry, Salem and Milford, N.H.

Of the private households and small communities, raw sewage comprises the majority of the wastes they deposited in the river. The small industries dump dyes, acids, caustics, ammonia, animal wastes, wood and rag fragments, grease and practically every chemical imaginable into the river.

Some, such as warm blood, dyes, grease, ammonia, human waste, and animal parts are identifiable with the human senses. Chemicals are not. They must be examined in the laboratory.

[From the Lowell (Mass.) Sun, Sept. 3, 1969]

POLLUTION MENACES RIVERSIDE RESIDENTS

(EDITOR'S NOTE.—While traveling up the Merrimack and Concord Rivers, traversing the same route plied by Henry David Thoreau in 1839, he witnessed the devastation the polluted water of the rivers cause life both within and immediately surrounding the streams. This, the second article, about our journey describes the effects of pollution on fish living in the rivers and people residing along their banks.)

(By Franz Scholz)

LOWELL.—Prior to the 19th century, commerce in the Merrimack Valley depended largely on the Merrimack River.

Henry David Thoreau, traveling the river in 1839 reported seeing ferries, canal and fishing boats plying the river. The bricks from which the factories in the city of Lowell were made, he said, were transported from Manchester on the river.

As we journeyed up the Concord and Merrimack Rivers from Aug. 23 to Aug. 29, following Thoreau's route on the rivers, we saw no signs of commerce. The only boats seen during our seven day journey were pleasure boats on the Concord from the South Concord boat house to Billerica and on the Merrimack from Lowell to the Tyngsboro bridge. Later, above the falls in Manchester other pleasure boats, some equipped for water skiing or hauling fishermen, were seen.

PREDICTED DECLINE

Writing 130 years earlier, Thoreau predicted such a decline in boating on the river: "In a few years there will be an end to boating on this river," he said.

Commerce on the river declined shortly after the advent of the railroad and the construction of super highways alongside the vast bridges over the river.

Outside of the few pleasure boats seen and an occasional young boy fishing, the only other uses we saw being made of the Merrimack was a depository of sewage by the major cities and towns and wastes by the huge factories along its banks, as a source of power for the same cities and factories as a source of water used by farmers to irrigate their crops and as a public water supply for the City of Lowell.

Of these sources, the disposing of waste from both public and industrial sources was far away the most widely practiced.

Fishing and boating, as noted, were seen only occasionally and only on certain sections of the river—Concord, Lowell, Tyngsboro and Manchester. (So rare was boating in the river above Nashua that children who spotted us making our way up the river called their parents and neighborhood friends to witness the unusual sight, and in Manchester, a policeman, who forbade us to rest our boats on the banks of the river a few yards from highway 495, looked at us in disbelief when we told him we had come all the way from Concord, Mass.)

Use of the river for irrigation was also restricted. We saw only a dozen or so farmers and two golf courses using the river's water to irrigate their crops or golfing greens.

Lowell was the only city using the river as a source of public or drinking water. (Further down the river, Lawrence also uses the river for drinking purposes.)

SPILL SEWAGE INTO RIVERS

And, although several of the larger cities and industries were seen using the river's water to supply electric power, we more often observed large cement pipes through which the cities spill their raw sewage into the rivers—the larger cities each poured sewage at 20 or more points into the rivers. In addition, the industries, also located mainly in the larger cities along the rivers, poured their wastes (for the most part untreated) into the rivers at hundreds of points—some of the largest industries, as pointed out in a previous article in this series, spilled more waste solids into the river's water than did the public sewers in the cities of Lowell and Manchester combined.

This dumping of raw sewage and industrial wastes has gone on for hundreds of years. Thoreau witnessed in 1839: "The river," he said of the Merrimack, "was devoted from the first to the services of manufacturers."

The result, as we learned, was the rivers' waters were so polluted they corresponded to settled raw sewage diluted from 17 to 31 times.

Near the sewage outfalls, the rivers' waters even more nearly approximately raw sewage. A sample taken of the Nashua river, approximately one half mile from the point where it flows into the Merrimack, for example, showed it corresponds to settled raw sewage effluent diluted less than six times.

POLLUTION COUNT IMPROVED

Downstream, further away from the large cities, we found the pollution count somewhat improved as a result of the river's ability to purify itself. Near the Lowell water plant intake, for example, a sample of the water corresponded to settled raw sewage diluted nearly 21 times.

In a previous article we described the effects of this pollution on the water and on the bed of the Merrimack watershed. In this and the next article we will describe the effects of pollution on the environment both within and immediately surrounding the rivers.

Examined in the remainder of this article are the effects of pollution on aquatic life within the rivers and the potential enjoyment it steals from people living along the rivers.

Again, we will rely on Thoreau to provide us with a knowledge of the fish living in the rivers when he made his journey in 1837.

In the Concord, he observed anglers catching a variety of fish: sun-fish, bream, common perch, cousin trout, dace, shiners, pickerel, horned pout, suckers, common eel, and sometimes in the rapids lamprey eel were found. At one point, he described a "kingfisher sat upon a pine over the water and the bream and pickerel swam below."

Formerly, he wrote, salmon, shad and alewives were abundant in the Concord until the "dam and canal at Billerica and factories at Lowell put an end to their migration hitherward."

He reported essentially the same fish living in the Merrimack, where shad, alewives, salmon and bass were in greater abundance. "But," he observed, "locks and dams have proved more or less destructive to the fisheries."

THOREAU WARNED IN 1839

He also warned in 1839 of the destruction factors wastes wrought aquatic life, advising, "it concerns up to attend to the nature of fishes."

Nevertheless, he observed men and boys fishing all along the banks of the two rivers, some marketing their catches and depending on the money they brought for their livelihood.

Gradually, the shad, alewives, and salmon disappeared, partly, perhaps, because of the dams, but also because of the river's pollution.

SPECIES DISAPPEARED IN 1938

Earl Hoover, New Hampshire's state biologist reported the disappearance of these species in 1938. Surveying the possibilities of stocking the Merrimack, Hoover wrote, "the problem resolves itself into whether fisheries or pollution are of most significance."

Although the salmon, shad, alewives and finer fish Hoover found to be practically nonexistent in the river at that time, bass and pickerel, he said were found in abundance.

But, he recorded "they are seldom fished. This anomaly may be attributed to the anglers' dislike of fishing waters which are poluted, but not with pollutants which are toxic or in sufficient quantity to kill fish throughout the entire river.

In a 1966 report, the federal water pollution control administration offers a remarkably similar description of the effect of pollution on the aquatic life in the Merrimack watershed.

AVERSION TO USING FISH

"Parts of the Merrimack River in New Hampshire possess an outstanding fishery," it states. "However," it adds, "there is public aversion to using fish caught from the river for food because of the raw sewage emptied into the river."

Moreover, because of pollution, shellfish beds in the estuary of the river have been closed to harvest since 1926. Today, shellfish can be taken in only certain small sections, but must be treated in the shellfish depuration plant at Newburyport before marketing.

The fish contained in the Merrimack between Nashua and the state line according to the U.S. Fish and Wildlife Service in 1966 are yellow perch, red-breasted sunfish, pumpkinseed, large-mouthed bass, astern chain pickerel, northern yellow bullhead, northern common bullhead, eastern golden shiners, eastern common shiners, fallfish, long-nosed dace, eastern black-nosed dace and eastern common suckers.

In addition, some shad migrate into the river, but can not make it past the Pawtucket Falls in Lowell.

As for salmon. The Fish and Wildlife Service reports it hasn't seen a salmon in the Merrimack in almost 50 years. Their disappearance, it says, is attributed mainly to dams and pollution.

We saw fewer species of fish than reported by the Fish and Wildlife Service and considerably fewer fishermen than Thoreau observed.

In Concord, Mass. we saw boys catching horned pout and bass. Other fishermen reported having caught pickerel in the clearer waters of the Concord.

Suckers and carp also reportedly fed off the bottom of the river and occasionally, with the bright sun reflecting off the surface of the calm waters, we could see what appeared to be minnows jumping on the surface.

Turtles also abounded in the river. On one log laying in the water on the left bank of the Concord, we spotted about 20 little sun turtles basking in the sun. Along the shores, the shells of shellfish could also be found, apparently caught by beaver or muskrats, brought ashore, opened and eaten.

When we got into the much larger Merrimack, we observed fewer fish, especially when we passed through the larger cities of Lowell, Nashua and Manchester where the vast majority of sewage and other wastes polluting the water enters the river.

On the long, desolate stretches between the cities, however, more fish could be seen jumping in the water.

Carp and suckers and horned pout were the only fish we saw in the sewage infested water near the large cities. Residents of Lowell and Manchester, however, reported having caught bass and even some perch from the banks of the river in their cities.

Between the cities, the scavenger fish were joined by bass, pickerel, sun fish and minnows.

Some people on these long stretches reported having caught or seen trout in these waters, although most people agreed that trout were more plentiful in the clean brooks and streams which run into the Merrimack.

FISH PREFER STREAMS

Owen Flynn, sports editor of The Sun, who has fished the river for many years, supports the observations we made. Trout and some of the more delicate fish, he tells us, enter the Merrimack from the clean brooks and streams. Because of the pollution on the larger river, however, most, he says, prefer to stay in the clear streams.

Contrary to what we expected, more anglers were seen in one day along the banks of the smaller Concord than in six days along the Merrimack river. Anglers abounded along the banks and in boats along the Concord river from the Concord bridge, almost to the dam at the old Talbot mills.

In the Merrimack, we saw only six groups of fishers—one between Lowell and the Tyngsboro bridge, two other over sewer outfalls in Nashua, a group of boys at the mouth of a river of blood flowing from a slaughter house in Manchester into the Merrimack, another just above the dam in Manchester, and the last in a boat headed north in Concord, N.H.

Ironically, approximately one half of the anglers on the Concord River happened to be colored people—all adults—from what are predominately all white communities.

The remainder of the anglers were mixed between adults and young boys.

Their main catches consisted of horned pout, bass, perch and sun fish.

On the Merrimack, the staple catch was carp or suckers and horned pout, although further north some people were after bass, pickerel and perch.

Some of the fishermen seen were more lucky than others.

Two men fishing for bass and pickerel along the banks of the Merrimack in Tyngsboro had no luck at all on the Sunday we met them.

Just above the Tyngsboro Bridge on Monday, however, a resident of the area reported his son and a friend had fished 86 horned pout out of the river in a span of two hours the day before.

NOT MUCH LUCK

No one else had such luck, although lads fishing over sewer outfalls in Nashua and Manchester did manage to catch some carp. Fins of the huge carp and suckers could be seen as they fed on the raw sewage which poured out of pipes into the river in Nashua and Manchester.

Perched above the sewer pipes or standing on the banks alongside, youths baited hooks with either kernels of corn or worms and in minutes usually had a large carp on the end of their line. Occasionally, a horned pout nibbled at their baited hook, but their primary catch was carp and suckers.

They fished only for the sport and fun of wrestling with the huge large scaled fish on the end of their line. They either freed or left the fish they caught on the banks to die.

The other groups of fishermen seen—one just above the dam in Manchester and another in Concord, N.H. heading north—had exactly the same number of worms when we met them as they had when they started fishing. Both groups of fishermen were primarily after bass and pickerel.

From talking with people, we learned that many residents along the banks of the river above the Manchester dam fish the river for sport. On the days we traveled that stretch, however, we did not see any lines in the water.

Nights, after we docked our boats, or while resting during the days, we often spoke with residents about fishing in the river. Most of the more experienced fishermen we spoke with said they prefer to fish the long stretches between the huge cities where sewage is not so abundant than in or near the cities where the waters are more polluted.

We found only one person, however, who said he took his catches home for his wife to serve on a platter. The others echoed the words of New Hampshire's former biologist and the fish and wildlife service—"I won't eat those fish. They live on sewage."

The sewage dampens not only their appetite for the fish, but also their desire to go fishing. Most of the fishermen we spoke with told now they used to fish the river every chance they had, but now do not like to put their boats in the sewage infested water or expose their hands or other parts of their bodies to it.

We used to spend weekends fishing between Nashua and Manchester, said one man about 35 years old. Now we won't go near the water. I bought myself a trailer, and when I feel like going fishing I pack my gear in it and go up north or to upstate New York, he said.

In Nashua, we spoke one night with several residents who had come down to the river to survey the progress made on the new Hudson bridge being built on the river. After assessing the progress made, their attention turned to kids fishing over a sewage outfall several yards below the new bridge.

FILTH RUINS FISHING

Watching the young boys reminded them of the days they fished the river. It's probably not as bad (polluted) now as it was then," one said, observing that many of the factories along the river have closed down. Staring at the kids fishing over the sewer, he added, however, that the "dirt and filth the cities pour into the river takes all the enjoyment out of fishing."

"I don't fish any more," a Nashua barber, married with two children said, "at least not in the Merrimack."

Normally, one would believe that people living along a river such as the Merrimack would enjoy not only fishing, but boating, and swimming and other water sports as well. But, as already seen, because of the pollution few fish the river. So even fewer swim in it. Boating is more popular, but

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water skiing and other sports in which the human body comes into contact with the water is virtually non-existent.

The lone exception again is just above the dam in Manchester, where homes line both banks of the river—we saw one lady with her two dogs on the river and virtually all the residents swim and boat out on a paddle boat—and most water ski.

The only other sport along the river where boating seemed popular was between Lowell and Tyngsboro. We saw perhaps a dozen boats on the Sunday afternoon we plied that stretch of water. Most of the boats were docked at the Lowell Boat Club.

Smaller craft, mainly canoes and row boats were seen on the Concord River.

But, for the most part, residents along both rivers enjoyed few of the advantages expected from a water front home.

We found only one family outside of the people living just above the dam in Manchester, which swam in the Merrimack. "We probably shouldn't swim in the river," the man of the house said. "But we do anyway."

Others observe the "bathing prohibited" sign posted on the old Lowell Bath House on the Pawtucket Boulevard.

Many, perhaps most of the people living along the Merrimack, don't have boats of any kind. Moreover, a great majority do not even have steps or a path leading down to the river.

Most of the residents we spoke with along the river admitted they do not use the river—some even forget it is in their backyards, except on warm summer nights when it gives off gaseous odors.

The only advantage it gives me, one resident said, is a breath of cool air on warm days and a scenic view to look out over. On warm nights the smells from the river negates all these benefits, he added.

DON'T GO NEAR WATER

Of most interest to us, however, was that many of the residents do along the river, have no access to it. Some have built steps or worn paths to the river, but a surprisingly large number simply do not go near it. "What do I want to go down there for," said one resident, "I can't swim in it and I don't have a boat." He has two children and said that if he had steps or a path leading to the river, it would make it easier for the children to fall in or try to go swimming.

Another interesting aspect of life along the river, is that many of the homes (especially in Hudson, N.H.) are abandoned. Other homes are only summer residents. In Tyngsboro, one man said he saw his neighbor whose home is used only during the summer, one day in the past year.

Finally, the benefits pollution in the river steals from people living along the river is indicated by the fact that for the most part, the banks of the Merrimack are underdeveloped. Large stretches of land along the river (especially between Tyngsboro and Nashua, Nashua and Manchester, and Manchester and Concord) are desolate, at several points with no houses seen for miles.

In this respect, the river remains much the same as Thoreau saw it. "As one ascends the Merrimack," he wrote, "he rarely sees a village, but for the most part, alternate wood and pasture lands, and sometimes a field of corn or potatoes, of rye or oats or English grass, with a few straggling apple trees, and, at still longer intervals, a farmer's house."

Farms still take up much of the land along the river. In Hudson, N.H., we visited with two farmers, although other farms could be seen beyond the trees along the banks. Three golf courses also help make up the banks of the river.

For the most part, however, the river's banks are undeveloped.

[From the Lowell (Mass.) Sun Sunday magazine, Sept. 7, 1969]

POLLUTION COSTS $40 MILLION

(EDITOR'S NOTE.—While traveling up the Merrimack and Concord Rivers, traversing the same route plied by Henry David Thoreau in 1839, we witnessed the devastating effects of pollution on the recreation potential of the river and the land value of the land along its banks. This, the third article about our journey, describes these as well as other potential benefits lost because of pollution.)

(By Franz Scholz)

LOWELL.—The cost of pollution in the Merrimack staggers the imagination.

The loss of income due to pollution to the people of the cities and towns along the river's banks amounts to an estimated $40 million annually and is continually rising.

The cost of cleaning up the river is more than six times that figure.

In addition to dollar and cents costs of pollution, there are numerous immeasurable costs. Untold hours of pleasure derived from swimming, boating and fishing are lost because of the human and industrial waste infestering the water of the Merrimack, producing obnoxious odors. These wastes also pose as a potential threat to the health of communities using the river as a public water supply and farmers using it to irrigate their crops.

We base our estimated $40 million annual loss of revenue to pollution of the Merrimack on a 1968 Federal Water Pollution Control Administration (FWPCA) estimate. In 1966, the FWPCA set the estimated loss of revenue at $37,000,000. Using this estimate and applying a rate of three per cent increase per year during the period of 1966 to 1969, we arrived at our estimate.

Of its $37 million annual total, the FWPCA estimated that cities and towns along the Merrimack miss out on $21,300,000 annually in income which could be realized from the fishing, swimming and boating potential of the Merrimack if it were not polluted with human and industrial wastes.

Another $9,100,000 annually goes begging because of deflated value of the 1,830,600 feet of river bank footage available along the Merrimack and Nashua Rivers.

As a result of the pollution and deflated land values along the river, cities and towns on its banks lose out on an additional minimum of $5,500,000 in increased tax revenues.

Finally, the polluted state of the river deprives cities and towns bordering on its banks of an additional $1,100,000 in the loss of the commercial value of the rivers estuary and other miscellaneous benefits.

During our trip up the Merrimack last month in which we traversed the route plied by Henry David Thoreau in 1839, we found practically all the land along the banks of the Merrimack could easily be made into beautiful sandy beaches, shady picnic areas, sanctuaries for birds and other wildlife or could become peaceful spots for river front homes, hotels and resort dwellings.

Much of the land along the banks, especially on the long, largely uninhabited stretches between the large cities, reminded us of the banks Thoreau described on his journey up the Merrimack.

"Other roads do some violence to nature, and bring the traveler to stare at her," he wrote, "but the river steals into the scenery it traverses without intrusion, silently creating and adoring it, and is as free to come and go as the zephyr."

On our "retired and pleasant" route between Nashua and Manchester, we found little, other than the river "creating and adoring" the willow and pine trees which grace its white, sandy banks. Accompanied only by sea gulls, long-legged cranes and other birds, we left Nashua at seven in the morning on the fourth day of our journey and headed towards Manchester. By mid-morning we had passed some factories in Merrimack, N.H. and then did not come upon a home until mid-afternoon as we reached the Manchester city limits.

Other stretches were equally as pleasant.

On the second day of our trip, Cong. F. Bradford Morse joined us as we turned out of the Concord River into the Merrimack just below Bridge Street in Lowell.

The Lowell factories uglied the left side of the Merrimack as we headed in northerly direction. The Congressman, however, was taken in by the white sand, willow trees and pleasant surroundings on the opposite bank.

"Beautiful," he said, as he looked at the unmolested trees on the Pawtucket Boulevard side of the river in Lowell.

Wanting to see more, he urged us to transgress temporarily from our course and head downstream towards Lawrence. Obliging, we sailed under the Hunts Falls Bridge only to find the river banks grew more and more inviting.

Sea gulls perched on rocks in the falls and we saw our first long legged crane tempting us to go even further.

That afternoon, Arthur Rowse, a national columnist from Washington, accompanied us as we made our way up the river again in back of the Lowell factories and on to the Tyngsboro Bridge.

As we passed in back of the Lowell factories and Northern Canal area, he urged us to motor in for a closer look at the trash littered banks. Again, we obliged, although from a distance we could see only rats feeding on waste, old tires, cans, bottles, other rubbish and dead wood scarring the banks. As we got closer, however, we found the banks consisted of a fine sand. Removing some of the rubbish dumped there, we found even more sand.

"How nice this would be if the city only spent a little money to clean up this rubbish," Arthur said.

Equally potentially beautiful banks lay hidden beneath junk automobiles, refrigerators, cans, bottles and other areas used to dump rubbish along the banks of the river. When we removed the rubbish, the banks appeared much the same as Thoreau saw them in 1839: "The course of the Merrimack can be traced from the nearest mountain by its yellow sandbanks."

According to the FWPCA there are 173 miles of such beautiful bank footage available along the Merrimack and Nashua Rivers, most of which we found that except for dumping refuse, man rarely explores or makes use of. Ironically, the most pleasant banks we found where along sections in which we traveled for hours without seeing a home, factory or life other than sea gulls sitting on rocks in the middle of the river, an occasional fish jumping on the surface of the water or squirrel playing on the banks.

How easy it would be to turn these banks into beautiful beaches, picnic areas, boat landings, or choice river bank house lots. My traveling companion, Richard P. Taffe Jr. and I kept telling each other we envisioned an area as a boat landing or as a picnic area—after the bottles, cans and other debris were removed. Other spots at which the river had deposited large amounts of sand (up to 10 and 12 feet deep) along the banks, we envisioned as pleasant beaches.

On a stretch well over a mile long between Merrimack and Manchester, N.H. and abounding with shady pine and willow trees set in white sand, we pictured turning into both a picnic area and bathing beach. All one had to do, Dick observed, was put in picnic

tables, the river had provided the white beach-like sand along the banks and nature the trees.

But, the pollution infested waters of the river, beautiful by nature, but scarred with man's filth, attract few people to its unmolested banks.

More than 10 million people live within an easy day's ride of the Merrimack, and an additional 6.5 million are expected to reside in the area by the year 2000.

The potential recreational value of the river is further realized by the fact that 41 per cent of the population prefer water-based recreational, activities and they spend a minimum of $8.00 a day for food, lodging, transportation and miscellaneous items while doing so.

We found that few of the 10 million-plus population living within a day's drive of the Merrimack were spending their recreational time and money on the river. Instead, repelled by the polluted water, we found that people who live within walking distance of the Merrimack spend their vacation time fighting traffic to get to beaches on the North Shore, Cape Cod or to lakes in New Hampshire and Maine.

While we saw two or three groups of youngsters swimming in the Concord, we did not see a single person swimming in the Merrimack (one Tyngsboro family, however, said they swim in the river, and although we did not see any doing so, people along the river above the dam in Manchester also say they swim in the river).

Instead, we saw a "bathing prohibited" sign posted on the back of the old Lowell Bath House on Pawtucket Boulevard.

We passed only a few people boating or fishing in the Merrimack. On the Sunday we plied the river from Lowell to the Tyngsboro Bridge, we passed perhaps a dozen boats. We did not see any other boating until three days later when we got above the dam in Manchester at which point nearly every riverbank home had a boat docked in the water.

As noted in a previous article, we saw only six groups of fishermen (three of which were fishing over sewage outfalls) during our six days on the Merrimack. Yet, the FWPCA reports that "the main stem of the Merrimack River could support an additional 290,000 man-days of fishing per year." Furthermore, statistics reveal that fishermen in the United States spend $10.00 per fishing trip, and that their numbers will triple between 1960 and 2000.

The failure of people to make use of the bathing, picnicking, boating and fishing potential of the Merrimack is due solely to its pollution infested waters. Pollution prohibits bathing. Fishermen do not like to fish the water and most refuse to eat their catches because of the raw sewage it feeds on.

We found that people who live on the river banks dislike boating in the polluted water and since they won't go swimming, refuse to go water skiing on the river.

Thus, as a 1966 FWPCA report states, although "water-oriented activities have been increasing rapidly on a national scale, especially near centers of populaticn . . . a similar increase has not been possible in the Merrimack River basin because of its pollution condition."

The result is an estimated loss of more than $21 annually in potential recreational revenues on the river.

Pollution also deflates land values on the banks of the river. In 1966, the FWPCA estimated that if the river were cleaned up, the total increase in the value of land on the banks of the Merrimack and Nashua rivers would increase $91,400,000. It further estimated that developments constructed on the land would equal the increased land value, making the total increase value $182,800,000. This value was then pro-rated over a 20 year period so that each year would have a value of $9.100,000.

Some large land speculators, hoping to gain large profits if pollution in the river is abated, have already started buying large amounts of land along the banks of the river in New Hampshire. Local officials in New Hampshire, for example, reported that a large realtor, who also holds a position with the New Hampshire state government recently purchased large areas of land along the banks of the Merrimack between Nashua and Manchester, N.H.

A Billerica realtor also recognized the potential value of land along the Merrimack. He told us of his plans to build a 288-unit apartment building on a 30-acre site on the Pawtucket Boulevard side of the river in Lowell.

Asked why he decided to invest so substantially on the river, he felt the river would enhance the value of his apartments. Our site, he said, gives a "good unobstructed view of the river."

Asked if the pollution in the river would jeopardize his investment, he said his apartments would be far enough from the river so they would not receive any odors caused by the pollution. Moreover, he has faith and "feels there will be action taken to clean up the river."

Until that time comes, however, property values along the banks will remain low and cities and towns will continue to lose millions in tax revenues yearly. In 1966, the FWPCA, considering only property tax and using a basic tax rate of $30 per $1,000 per year or three per cent, estimated the loss of tax revenues on river bank property at $5,500,000.

The estimate, however, is obviously a minimum, considering that some tax rates are $100 per $1,000 and higher. (Lowell's tax rate is $132 per $1,000.)

The pollution infested water of the river accounts for other monetary losses to the people of the cities and towns along the river. Lowell and Lawrence, the two communities using the river as a public water supply, for example, could realize an estimated $6,300 yearly savings in chemicals used to treat their drinking water if the pollution count of the river were not so high.

Industries using the river's waters in their manufacturing processes also have to treat the water before using it. A paper company on the Nashua River spends more money on treating the water before it enters their plant than it does to treat the water when it comes out the other end as waste. If the river were not polluted, this and other companies could save the money expended to clean the river's water before they use it and spend their savings on facilities to clean the polluted water they pour back into the river.

Industries along the river would realize other advantages if the pollution in the river were abated. A clean river, offering bathing, boating and fishing opportunities, would make it easier for industries to attract employees to the area. People attracted to the area to take advantage of the recreational opportunities would also patronize local businesses.

In its present condition, however, the river offers industries only a convenient disposal for their wastes and, for some, a source of power.

Moreover, because of its pollution, the commercial value of the river's estuary is all but ruined. The FWPCA and Commonwealth of Massachusetts estimated in 1965 that approximately $300.000 worth of clams could be harvested annually in the river and that the total value could well exceed $500,000 and might approach $1,000,000 annually.

But, because of pollution, the shellfish beds in the estuary of the river were closed to harvest in 1926 and shellfish can be taken in only specified small sections. Thus, the commercial value of the soft shell clam harvest in 1964 was only $14,000.

The cost of cleaning up the river basin federal officials estimate to be about $250 million. (A pollution abatement plan advocated by Dr. Bela Fabuss, director of the Environmental Pollution Division of the research department at Lowell Tech, and described by him in the final article of this series, would cost the cities and towns along the river basin considerably less.)

The cost of the city of Lowell for one pollution control program carries a $15.3 million price tag. A waste treatment plant presently being constructed in Merrimack, N.H., one of the smaller towns on the river, will cost approximately $5 million.

Although the costs to the cities and towns for sewage treatment facilities are staggering, they could be offset by the income from the recreation, increased land values, property taxes, savings on costs of chemicals now needed to treat the river water for drinking purposes and other savings to industries located along the river.

Moreover, with a substantial pollution abatement program, the river would pose as less a hazard to public health than it does now.

Presently, the river between the Pawtucket Falls dam and the Tyngsboro Bridge, the stretch along which the intake for the Lowell water supply is located, has been given a Class B designation.

This does not mean, however, that the water in the river at that point meets its Class B designation. It means merely that the state desires that stretch to reach Class B quality and that polluters are forbidden to pour wastes in the river which would cause the water to fall below the desired quality standard.

Since designating that stretch as Class B, however, the state has set a "deadline" by which polluters in the area must meet the designated water quality standards. But, it has not yet initiated enforcement action against polluters violating those standards.

As a consequence, the actual quality of water in the river, according to 1967 figures, between the Pawtucket Falls and the Tyngsboro Bridge, corresponds to water meeting only Class D and E standards.

A Class D designated river is defined as suitable only for transportation of sewage and industrial wastes without nuisance, and for power, navigation and certain industrial uses.

Class E River is defined as totally "unsatisfactory."

A Class B designation would make the water acceptable for public water supply with filtration and disinfection—its actual Class D or E quality does not.

Although Lowell and Lawrence are the only communities presently using the river as a public water supply, the FWPCA estimates that "as populations rapidly increase in many of the cities and towns along the Merrimack River, additional municipalities may need to use ths convenient source of water supply."

In addition to being used as a public water supply, the river's water is used untreated by farmers to irrigate their crops.

As we plied the river between the state line and Manchester, we saw several irrigation pumps farmers had set up along the banks of the river.

Although the water in the river at these points has been designated as either Class B or C, the actual quality of the water again corresponds to Class D and E water.

The FWPCA designates only Class C water as suitable for irrigation of crops not used for consumption without cooking. The crops being irrigated by some of the farmers we met along our route, however, included tomatoes and other vegetables consumed without cooking. Some of these farmers were selling their crops irrigated with Merrimack River water at roadside stands.

In 1966, the FWPCA purchased some of the

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vegetables irrigated with Merrimack River water from farmers at the same roadside stands we visited. All were vegetables that ordinarily are eaten without cooking.

Laboratory tests revealed that a "significently greater number of fecal coliforms were present on vegetables grown on those farms that used Merrimack River water for irrigation than on vegetables which were not."

During our trip we also purchased some vegetables irrigated with Merrimack River water from a farmer at a roadside stand, but after carrying them with us in our boats for two days, learned that they would no longer allow for a reliable analysis of fecal coliform count in a laboratory.

Public officials are well aware of the costs pollution imposes on the cities and towns bordering the river as well as the potential health hazard the pollution poses to their communities, yet they do little about it.

While on our trip, for example, we met with a Lowell city councilor who was alarmed over the amount of ammonia being taken in at the Lowell city water plant intake. Less than a week later, however, the Lowell city council refused to vote authorization for the city to borrow $5.3 million to proceed with plans to control pollution on its portion of the Merrimack.

Like Lowell, most of the large cities we visited on the Merrimack have plans to treat their sewage before spilling it into the river, but they are not willing to spend the money to implement them.

From talks with officials in these cities and towns, we learned of three reasons why these plans rarely get off the drawing boards. They are the constant concern of local officials over the plight of large industrial polluters in their communities, their tendency to blame the pollution of the river on cities further upstream and not themselves, and their reluctance to show the taxpayers the bill to construct the needed facilities—especially at election time.

In some of the large cities on the river, industries pour nearly as much solid wastes into the river as do the public sewer lines of the cities themselves.

If the communities allow these large industrial polluters to tie into public city sewers and treatment plans, it would, in some cases, increase by 100 per cent the cost of constructing and maintaining the treatment facilities.

Three large paper mills on the Nashua River in Fitchburg, for example, have more than twenty times the solid waste contained in the public sewage to treat.

The cities often cannot and should not pay to treat the wastes of such large industrial polluters.

Fearing that the industries may move from the cities if they are forced to treat the wastes independently, the cities and their large industral polluters, as the case in Fitchburg, often arrive at a compromise whereby the city and large industrial polluters share the costs of constructing and maintaining treatment facilities.

Where the industrial polluters are not exceptionally large, some cities have agreed to let them tie in with the public sewer system at no additional expense.

In other instances, we found cities often ignore the large industrial polluters, allowing them to dump freely into the river.

Finally, in Manchester, we found that the city allows one of its larger polluters to call the waste it dumps into the river city sewage.

In this way, any attempt by state or federal officials to control the sewage being poured into the river by this polluter must be taken up with the city of Manchester and not the firm which is actually doing the polluting.

From talking with the owners of the pollution plant, we learned that they had no intentions of ever treating their wastes—composed largely of blood and other animal wastes, which they said made the fish in the river grow to monstrous proportions. (They agreed, however, that they would not like to swim in it.)

Moreover, they told us that eventually large mid-west slaughter houses will force them out of business. Thus, the city finds itself in the ridiculous position of protecting a polluter which sees no future for his business in the area.

Merrimack, N.H. is caught in a totally different situation. It is presently constructing a treatment plant (the only city on the river presently doing so) to attract a large brewery which promises a bright future for the city. (Actually, the Anheuser Busch Brewery agreed to locate in the city only if the community constructed a waste treatment plant to handle the city's as well as its own wastes.)

A "What good is it going to do us if other communities on the river don't treat their wastes" attitude also slows the pollution abatement process.

Little improvement in the water in the river above the Pawtucket Falls, for example, would be realized if Lowell constructed a facility to treat its wastes. Most of the pollution in the river at that point is caused by cities and towns further up the river. Thus, people in Lowell asked us, why should their city expend large sums for treatment facilities if Nashua and Manchester don't do likewise.

In every city we visited, people asked essentially the same question, always blaming the pollution in their waters on the cities further up the river. State and federal officials, it seems, must move with equal vigor to make all communities do their share or none of the cities will act to treat their sewage until their neighbors upstream do the same.

It is for this reason that the commonwealth's case against the city of Amesbury, a small city near the mouth of the Merrimack, is so important. Earlier this year, the state moved against Amesbury for not meeting the water quality standards set for it.

The case against Amesbury is a test of the state's authority to enforce its water quality standards. Should the state fail, other larger cities than Amesbury, unimpressed with the state's enforcement authority may be encouraged to continue violating the water quality standards in their areas.

We learned, however, that large polluters—both public and private—fear public criticism and are more apt to become concerned when it is directed towards them, than they are when the states threaten action. Most of the large industrial polluters we spoke with on the Nashua River, for example, feared the public criticism Mrs. Hugh Stoddard and the Nashua River Clean-Up-Committee could level against them than the yet unproved enforcement powers of the states. No such citizens committee exists on the Merrimack, thus freeing polluters of the river of such criticism.

The final and perhaps most pathetic reason why cities are so slow in acting to treat their sewage is city officials often feel that their communities cannot afford to pay for the facilities needed to treat their sewage "at this time."

As noted, there are very expensive items, and elected officials, especially during an election campaign, are often reluctant to approve such huge expenditures.

This, it appears, was the motivating behavior of Lowell city councilors, who last week, in the middle of an election campaign, delayed voting to authorize funds for sewage treatment facilities in the cities.

[From the Lowell (Mass.) Sun, Sept. 10, 1969]

POLLUTION OF THE MERRIMACK RIVER

(Bela M. Fabuss, Lowell Technological Institute Research Foundation)

Water and air are man's most fundamental resources. Our water crisis it at the present time more serious than the average American realizes and we must make everyone understand that this problem must become a high-priority matter on our agenda of unfinished business.

To insist upon clean water is meaningless until we decide how much cleanliness we want and are willing to pay for. Cleaning up is a program that will cost billions of dollars over the next ten years and each of us will pay his share of the expense—in additional city, state or federal taxes, higher water prices and higher prices for the products of industry.

Let us look first at the cost question. A recent report of the Federal Water Pollution Control Administration estimated that in the years 1969 to 1973, almost $15 billion must be spent on water treatment facilities or about $3 billion annually, which is more than 0.35 per cent of the gross national product. What do these figures mean in practical terms? In the year of this study (1968), the entire industry of the United States (from automobiles to meat products and from furniture to cigarettes) spent about 23 billion dollars for new plants and equipment. Compared to this figure, the water treatment industry will spend more than 13 per cent for building new facilities. To put it even into simpler form, we will spend more on water treatment than we will spend on all washing machines, dryers, air conditioners, dehumidifiers, fans, and air heaters.

These numbers clearly show that water treatment is a most important problem. We must talk and think in terms of a large scale water treatment industry rather than about a small treatment plant to be built at the end of our sewer line. The water treatment and supply industry will shortly represent more than ten per cent of the U.S. industrial capacity and must be discussed in these terms.

PRINCIPLES OF TREATMENT

With the development of urban areas, it became necessary to provide drainage or sewer systems to carry the wastes away. Normally, the wastes were disposed of in the nearest watercourse. It soon became apparent that rivers and other water bodies could handle only a limited amount of waste without turning into open sewers. This led to the development of purification or treatment facilities in which chemists, biologists, and engineers have played an important role.

Natural water bodies can oxidize organic matter without the development of nuisance conditions, but the organic loading must be kept within limits of the oxygen resources in the water. This means that certain levels of dissolved oxygen must be maintained at all times, not only to provide oxygen for the removal of organic waste but also to preserve aquatic life. The removal of excess organic matter, that cannot be disposed of safely in the water, is performed in the wastewater treatment plant.

Figure 1 shows the operating scheme of a wastewater treatment plant.

This plant operates using the "activated sludge process." It was found that a light, flocky sludge full of living bacteria develops when air is blown into a sewage tank. In the presence of air, the bacteria consume most of the organic material in the sewage as food. When the mixing and bubbling of air is stopped, the contents of the tank separate into purified water and settled sludge. To carry out this operation in a continuous manner and for fast removal of the organics from the sewage, plenty of bacteria must be present. Therefore, a part of the settled sludge containing these bacteria is returned to the tank and mixed with the fresh sewage. The products of this process are purified water and sludge.

The figure shows the process carried out in a continuous manner. As currently practiced, the sewage entering from the interceptor sewer is screened and then passes into

a large settling tank. This is called primary treatment, which removes 25 to 40% of the organic matter and 40 to 70% of the suspended solids. At the same time, primary treatment removes 25 to 75% of the bacteria from the sewage. The water purified by primary treatment is usually not clean enough and must be further treated. The water flows into the aeration basins together with the activated return sludge. These aeration basins are normally 10 to 40 feet wide and 100 to 400 feet long. Air is introduced into these basins and the aeration period is usually 4 to 8 hours. From the aeration basins, the material passes into a second settling tank in which the sludge settles. Part of the sludge is returned to the aeration basins, the excess is returned to the aeration basins, the excess is disposed. This part of the process is called secondary treatment, and can remove 95% of the organic matter, suspended solids, and bacteria. The final product water is usually chlorinated and discharged into a river.

Primary treatment of all waste waters is a must and in most parts of the country, secondary treatment must be carried out to reduce waste loads. Even further treatment techniques, so-called tertiary treatment, must be applied in some critical locations.

THE MERRIMACK RIVER

A very important challenge in water pollution control is to define the real nature of pollution. Frequently, when an industrial plant asked a governing body to state the stream standards, the plant was told to define its own waste water and then the governing body would tell the plant whether its waste water was acceptable for discharge into the stream. The reasons for thia game "if you don't tell me, I won't tell you" are that there are many unclear problems. For example, there is the question of the capacity of a stream to keep itself clean. The river can assimilate a limited amount of waste, but full use of this capacity would limit community and industry growth and prevent the improvement or further development of water recreation areas.

One of the best measures of river conditions is the dissolved oxygen content in the river. During the summer months, the river can dissolve about nine milligrams per liter oxygen. Five milligrams oxygen per liter are necessary for boating, fish habitat, and industrial water supply but are not enough for swimming or drinking. In the summers of 1964 and 1965, the dissolved oxygen was never over this value in the Merrimack on its entire length from New Hampshire to the ocean. The oxygen content was frequently less than two and even zero values were found on some occasions.

This all means that the Merrimack River is highly polluted and effective actions must be taken immediately.

CONCLUSIONS

Since we are considering the rapid development of one of the major industries in our country, we should apply all resources and know-how to reduce the cost and to increase the benefits.

Some 20 state, federal, and regional agencies are today dealing with water pollution and water resources, such as the Federal Water Pollution Control Administration, Army Corps of Engineers, Geological Survey, Federal Power Commission, Fish and Wildlife Service, and many others. They all have their tasks, viewpoints and plans. When will the Merrimack River be cleaned up?

Each city and town along the river is preparing its own plans for pollution abatement. A village of 500 people and a city of 100,000 are equally eligible for Federal and State funding. At the same time, the building cost is about $175 per capita in a community of 500 people and about $40 per capita in a city of 100,000 people. Which one to clean up first?

In the Rochester metropolitan area in New York State, there are 33 separate wastewater treatment plants serving 600,000 people. These plants are operated by villages, districts, and the city. The result is polluted waters, an impossible job for the regulatory agency, and a manpower nightmare in trying to operate and staff the facilities. The comprehensive plan just adopted calls for consolidation and coordination into three large facilities which can develop professional staffs and meet the objectives. Are we trying out the same round-about way?

When do we finally realize that carrying out such a tremendous task as cleaning up an entire river basin, which affects the lives and future of more than a million people in the Merrimack River area, calls for a modern systems approach utilizing all the techniques that have resulted in the high productivity, efficiency, and organization of our industrial complex.

FORMER SENATOR WAYNE MORSE STATES GUIDELINES FOR LATIN AMERICAN RELATIONS

Mr. CHURCH. Mr. President, my distinguished predecessor as chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations, former Senator Wayne Morse, has recently set forth some excellent guidelines for inter-American political and economic relations.

In an address to the Pacem in Terris Seminar conducted by the Center for the Study of Democratic Institutions in Mexico City on September 9, Senator Morse stressed the need for an end to U.S. political and economic interventionism in Latin America. He called for a renewal of our sometimes-forgotten commitment to self-determination and democracy. He said that our experience with the Alliance for Progress has proven that its objectives could be better accomplished if we terminated military aid and emphasized multilateral channels of assistance.

Senator Morse's statement is a major contribution to the search for new orientations to our hemisphere policy. I ask unanimous consent that the full text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PERSPECTIVES ON LATIN AMERICAN-UNITED STATES RELATIONS

(By Hon. Wayne Morse)

Justice Douglas, Dr. Raul Prebisch, Fellow Delegates to the Conference: To our Mexican hosts, I wish to say that it is a great pleasure for me to return to Mexico once again. During the years, I have been coming here, I have traveled extensively throughout Mexico and developed a love in my heart for your country and the Mexican people. I feel a sympathetic understanding of your goals and your struggle to achieve them. When I was chairman of the Subcommittee on Latin American Affairs of the United States Senate, I was privileged to be one of the representatives of my government at the inauguration of President Adolfo Lopez Mateos and President Gustavo Diaz Ordaz. These two great Mexican presidents, along with their immediate predecessor, President Miguel Aleman, have done much through their statesmanship to remove barriers of misunderstanding between Mexico and the United States. They also have worked in close cooperation with other democratically-oriented presidents of other Latin American countries in helping forge international agreements within the Western Hemisphere which have strengthened the cause of political and economic freedom for the people of the hemisphere. Such agreements as the Act of Bogota, Punta del Este, Rio de Janeiro, Washington and their historic predecessors have contributed immeasurably to the development and strengthening of the Organization of the American States. It has become the hemisphere's best hope for resolving differences and misunderstandings between member nations through the application of fo unilateral intervention by a stronger national commitments inherent in its charter. Its charter needs additional amendments in promoting the substitution of the rule of law for unilateral intervention by a stronger nation against a weaker nation committed unjustifiably in the name of an alleged violation of national sovereignty. Peace-keeping procedures of the charter need to be strengthened and changed providing for action without delay by member states, in removing the slightest doubt as to the violation of the non-intervention commitment of any signatories whenever they resort individually to military action without authorization from the Organization of American States.

Unilateral military intervention by any nation anywhere in the world, be it the United States, Russia, China, Australia, El Salvador, Cuba or any other country, constitutes a retreat into the jungle of military might. It is the road leading to more and more war. It seems the hope for attaining permanent peace through the substitution of the peace-keeping procedures of the United Nations Charter, the Charter of the Organization of American States, the Geneva Accords and other international treaties containing peace-keeping commitments.

In recent times, the non-intervention doctrine of the Charter of the Organization of American States was violated by my country's involvement in the ill-fated Bay of Pigs military intervention against Cuba. It was violated when American Marines were sent into the Dominican Republic without first calling upon the Organization of American States to take jurisdiction over that crisis. Fortunately, when some of us in the Congress, who were opposed to our country's unilateral military intervention in the Dominican Republic, pressed our government to submit the controversy to the jurisdiction of the Organization of American States, it belatedly did so.

Although the cause of freedom had been damaged irreparably by the unilateral military intervention of the United States, the Organization of American States did move into the situation, helped ameliorate it, restored order, and, as a by-product, saved face for the United States. However, the scars of that wrongdoing will always deface U.S. history in the accounts of its relations with Latin America.

Likewise, the recent military intervention by El Salvador into Honduras, irrespective of alleged provocations, can't be reconciled with peace-keeping commitments. The alibi argument which has been used by my country and others for these precipitous military interventions is that they are justified in the name of national sovereignty. It is but a black cloak of fallacy which conceals the dagger of death and surrenders a nation to a policy of military aggression. The highest manifestation of respect and regard for a nation's rights of national sovereignty is to keep faith with its peace-keeping commitments and call upon all other nations jointly committed to join in their mutual obligation to enforce the peace.

Irrespective of whatever its needs for improvements and strengthening may be, the fact is that the OAS Charter stands out in the world as a model regional pact of a group of nations pledged to mutual assistance in solving hemispheric problems. It seeks not

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only to maintain peace in the hemisphere, but through economic, educational and cultural aid programs such as the Alliance for Progress raise the standard of living of the underprivileged.

Internal security, economic stability and political freedom will always be threatened in any nation in which a substantial percentage of its people exist in poverty, disease, illiteracy, unemployment and hopelessness. The national boundaries of the countries of the Western Hemisphere must not serve as Berlin Walls shutting out mutual moral obligations to cooperate as a family of nations without the hemisphere. We have entered an era of civilization in which no longer can any action isolate itself from its moral obligations to join in multi-nation cooperation aimed at improving the welfare of underprivileged people. Its own national self-interest dictates such a humanitarian course of national policy.

There is much that my own government needs to do as a member of the family of nations in the Western Hemisphere to fulfill not only its moral obligations to the people of Latin America, but also to serve better the best interests of the people of the U.S.

Throughout the long and often tumultuous history of the relations of the United States with the American nations to the south, there has run one single, disastrous thread—"Uncle Sam as papa knows best."

From the Monroe Doctrine, to the Alliance for Progress, to the Rockefeller mission of last spring, the United States has exhibited in varying degrees a paternal attitude accompanied by remarkable insensitivity toward nations with cultural, religious, and political backgrounds far different from those of the United States.

Our paternal attitude probably is traceable to our size and power, though we are now finding there are limits to power!

Our insensitivity is, perhaps, understandable in the light of our puritan heritage. But it is inexcusable that this insensitivity still exists in a world linked together by modern systems of communication and transportation.

I view conferences such as this as opportunity for representatives of the states and people of Latin America to help the United States and its people to realize the limits to our power and to overcome some of our insensitive stereotypes about Latin America. Conferences such as this provide opportunity for you to help us understand some of the profound changes taking place in Latin America.

Symptomatic of American insensitivity, as well as of the profound changes taking place in Latin America are the Rockefeller debacle of last spring, and the developing Peruvian situation. These events are related in the sense that they are both symptoms of changes—and frustration as well, not only with the *status quo* in Latin America but also with the United States, which is pictured as the defender of the *status quo*.

Let us examine the profound change that is taking place in the *status quo* in Latin America.

The causes of this change are complex and—despite the voluminous literature on the subject—imperfectly understood. They are to be found in the impact of industrialization and technology, on the one hand, and of explosive population growth on the other.

The industrial revolution came late to Latin America. Although it is proceeding with what appears to many Latin Americans as agonizing slowness, its statistical pace has been a breathtaking 10 or 15 percent a year—or even more—in such countries as Brazil and Mexico. But a consequence of its late arrival is that it is accompanied by more advanced technology than would have been the case half a century earlier. This means, in turn, that it aggravates and accentuates both the economic and social strains in Latin America.

The industrial technology which Latin America is now importing was invented in the United States and Western Europe where capital is cheap relative to labor. It is, therefore, designed to save labor at the expense of greater investments in capital. It is a means, really, not of creating jobs, but of reducing jobs.

Now, the situation which prevails in Latin America is precisely the reverse. Labor is cheap relative to capital. Capital is scarce, and the foreign exchange with which to import machinery is even scarcer. On the other hand, labor is plentiful and becoming more so. There is an urgent need to create massive numbers of new jobs, the only alternative being mushrooming unemployment and underemployment.

This urgency arises from the population explosion, which is itself one of the results of technological progress—specifically, the development of insecticides and antibiotics. Death rates have dropped dramatically all over the hemisphere while birth rates have remained relatively constant everywhere except in Argentina and Uruguay.

This has brought about a disproportionate number of young people: approximately 50 percent of all Latin Americans are less than 20 years old. They are already entering the labor force in increasing numbers which will grow to a flood over the next decade.

Not only has the economic growth been unable to keep up with this flood, public services, particularly in education, have been literally swamped. Despite a dramatic expansion of public school facilities and of university enrollments in the last decade, there are today more schoolage Latin Americans not enrolled in school than there were in 1960.

The economic and social tensions resulting from this situation have been compounded by a variety of economic problems arising independently. These come from the fact that Latin America's exports—which are still mainly raw materials—have not kept pace with its needs to import and to service its rapidly growing foreign debt. A substantial proportion of the assistance extended to Latin America by the United States under the Alliance for Progress has been in the form of program loans and has been directed to bridging this gap between export earnings and import needs. This has, no doubt, been useful as a temporary palliative, but in the long run it is likely to prove to have been a disservice to Latin America.

In the first place, through providing a temporary palliative, it has made it easier to postpone facing the hard actions necessary to deal with them.

In the second place, as these program loan repayments begin to become due in the decade of the 1970's, they are going to pose an almost impossible burden on Latin America's balance of payments, so that the situation may well be worse than it was before.

It might also be noted in passing that these program loans have been an inevitable source of friction in the United States-Latin American relations. They have involved the United States in the most sensitive areas of Latin American sovereignty in such things as economic, fiscal and monetary policy.

It is not surprising that these things which I have been describing have brought about a process of profound change. We can see the social, economic and political results all about us.

It is much easier to describe these results than it is to understand them, or to predict where they might lead. This is particularly true of the political aspects of the change which is now taking place in Latin America.

The first of 12 stated goals of the Charter of Punta del Este is "to improve and strengthen democratic institutions through application of the principle of self-determination by the people."

It is passing strange that most measurements of the Alliance are in economic statistical terms—so many schools built, so many houses, so many hospitals, so many kilometers of road, etc. Yet, the first goal of the Alliance—the political goal—is ignored.

It is precisely toward this goal that the least progress has been made. It is with respect to the reasons for this that we have the least satisfactory explanations.

The typical model which North American political scientists have constructed of Latin America is of a pyramidal social structure with the triumvirate at the top—the Church, the landowners, and the Army. It is no longer news that the Church is changing—faster in some countries than in others, but inexorably moving to put more emphasis on its social responsibilities in line with the latest Papal encyclicals.

More recently, it has become apparent that the Army, too, is changing, at least in some countries. Nowhere is this more evident than in Peru. In the Land of the Incas, we now see—let us face it—an illegal military dictatorship which in economic and social terms is more radical, more reformist, than the moderate, freely-elected government which it overthrew a year ago.

We cannot yet clearly see where this new government is going. Under the temptations of power, it may degenerate into just another Latin American dictatorship. Or it may evolve along the model of a bloodless Mexican Revolution—which also expropriated with justification American oil companies and which later came to a highly satisfactory, mutual accommodation with the United States.

In any event, whether we are talking about Army officers, or parish priests, or restless youth, it is clear that Latin Americans in many areas, in general, want a different kind of social order and economic system than what they have. The great appeal of the Alliance for Progress lay in its promise to give them something different. Despite the Alliance's achievements in limited sectors, it has clearly failed to deliver on this basic promise.

So we come to the paradox of Latin America today: There is pervasive change, yet the change is occurring so slowly that there is also pervasive frustration.

As we saw in the debacle of the Rockefeller mission, this frustration in large part, is directed against the United States. We should not be surprised that this is so. The United States was the originator of the idea of the Alliance for Progress. Indeed, this idea germinated in the years 1958 to 1960 in what was then called the Subcommittee on American Republics Affairs of the United States Senate Foreign Relations Committee. I was chairman of that Subcommittee in those years, and one of our valued members was a Senator from Massachusetts named John F. Kennedy. I made the motion in the Committee and Senator Kennedy seconded it, which authorized contracts with universities, research institutes, and recognized authorities on U.S.-Latin American problems to conduct for the committee fact finding studies concluding with recommendations as to how best U.S. Latin American relations could be improved. It was the recommendations of those committee studies which President Kennedy subsequently used, for the most part, as the warp and woof of his Alliance for Progress Program.

It should be noted that the Alliance for Progress Program as designed by the Senate Subcommittee's recommendations and as enunciated by President Kennedy was basically an economic, educational, cultural, health assistance and technical assistance program. It encompassed helping finance various projects aimed at bringing direct benefits to the people in various communities who needed schools, health centers, irrigation facilities, market roads, housing, credit unions, cooperatives, farm machinery, seed, improved livestock and other projects of similar nature.

It was conceived as both a grant and a loan program with emphasis upon its loan aspects for all projects whose wealth producing features would make them self-liquidating. It definitely was not conceived as entailing any military aid features.

Its grants and loans to governments were to be related to those projects which would benefit the economic, cultural, health and technical assistance needs of the people of a given community to be served by the program.

The Alliance for Progress was a good idea. It still is. What went wrong?

Essentially what went wrong was that the United States recoiled from the implications of its policy.

The sensitivity with which the concept was jointly developed with Latin American nations was lost by the "papa knows best" attitude of too many of our policy practitioners and I might add, by our propensity to treat high policy positions as political plums.

While preaching social change, we have identified ourselves with the defenders of the *status quo* in too many countries of the hemisphere. It is quite true that at the same time, we have supported the forces of the democratic left—in Chile, Venezuela, and Colombia, among other places—but our actions elsewhere have drowned this out.

Above all, through program loans and through trying in one way or another to manipulate and control change in Latin America, the United States has acquired the image of the defender of the *status quo*. Nothing could—or ought to be—further from the truth.

So what do we do to get ourselves out of this mistaken course of action?

I suggest a number of things:

First—That both North Americans and Latin Americans take a new pledge to the doctrine of non-intervention, and this time, mean it. On both sides of the Rio Grande, we have given lip service to this doctrine for years. But what North Americans have meant is that, "It's all right if we can get away with intervening for something we consider good." And what Latin Americans have meant is that, "It's all right if you intervene on my side." I propose non-intervention, period—which means that Latin Americans will have to settle their internal political problems themselves.

Second—That the economic aid of the Alliance for Progress be increasingly channeled through the Inter-American Development Bank and the International Bank for Reconstruction and Development; that the United States Agency for International Development get out of the business of program loans; and that the Alliance for Progress concentrate on specific wealth producing projects in Latin America designed to produce more wealth for the benefit of the mass of the Latin American people rather than to provide temporarily more imports with resulting high profits for U.S. exporters.

Third—That the United States take other measures to reduce the degree of its involvement in the internal domestic affairs of Latin American countries. It means an end to the military assistance program, military training, and military sales.

As an aside, let me emphasize that I believe the providing of military assistance in terms of guns, tanks, planes, ships, and training is one of the most egregious types of interference that one country can visit upon another. What a country spends on its military forces, whom it seeks to defend itself from, and the means it devises for defense, are questions each nation must answer for itself. Nations accepting gifts of military assistance are asking for outside intervention in a most vital and sensitive area close to their own sovereignty.

Let me be clear. Within reasonable limits, I do not oppose nations having military establishments. But I do object to nations maintaining such establishments supplied *gratis* by some other nation. I do not see how any self-respecting nation can let foreigners dictate military requirements. If there is one part of a nation's budget that should be kept under domestic control, it is that part which is devoted to its defense forces.

Whatever assistance comes to Latin America from the United States should not be military, but rather economic in nature and, as I have indicated, preferably through multilateral institutions. If a recipient nation devotes an uneconomic portion of its national income to military expenditures, then that nation is a poor investment for funds devoted to development. Whether that be true in a specific situation is for the judgment of those providing funds for economic development—multilateral institutions, preferably.

Fourth—A fourth step for the United States would be to take whatever measures are appropriate to disabuse Latin Americans of the notion that we are trying to guide—or worse, inhibit—their development. It means neither encouraging nor discouraging private investment. It is for the Latin American governments and their business interests to determine their own investment policies and inducements for foreign capital investments.

Fifth—That the United States give further open-minded consideration to the problem of stabilization of commodity prices and to the problem of preferential treatment of Latin America's manufactured and semi-manufactured exports.

It is in this area that the U.S. government, the U.S. consumers and the U.S. importing business interests should be more understanding and cooperative in our trade relations with Latin America. Nevertheless, if we continue as purchasers of Latin American goods, in many instances, as a matter of policy to squeeze the exporter to accept prices close to or below the cost of production line, we will not serve our nation's long-term best economic interests. Latin America must receive fair prices for her exports if the purchasing power of her people is to be raised.

There is a basis for the long standing complaint against the U.S. that we too often have imposed a trade pattern in our dealings with Latin America of selling American goods at prices of high profits and then using our position of economic bargaining strength of offering to buy Latin American goods only at exploiting low prices.

It should be hoped that in the area of trade, the Organization of American States will pursue with diligence discussions and programs that will lead to a common market agreement to be participated in by most and, hopefully, all the nations of the Hemisphere including the United States.

I doubt very much that any of these things—or even all of them taken together—will lead Latin America into the promised land of the 21st Century. In this interdependent world of 1969, no nation is totally the master of its own destiny. The United States and Latin America could not totally disassociate themselves, even if they wanted to.

But I do not think the United States ought longer to be tarred with the sometimes unjust image of impeding change in Latin America.

I do think the Latin Americans ought to be clearly on notice that how they change is in a large measure a matter for them to determine.

At least for the next generation, Latin American politics are going to be turbulent. Latin America is more likely to come out of this turbulence with a set of viable democrat institutions if it is left alone to develop in its own way, than if outside forces seek to influence the course of its development.

Among the most volatile causes of misunderstandings between the United States and various Latin American governments from time to time involves the expropriation of U.S. property investments. How well I remember the storm of controversy that blew up in the United States following the expropriation of foreign-owned oil fields in Mexico including those of U.S. oil companies who owned the major holdings. The jingoistic cry that the American Flag should follow the American Dollar characterized many speeches in the Congress and across our land. Even some silly statements of intervention were made.

Gradually, reason came to prevail and our government settled down to diplomatic negotiations with the Mexican government over the only legal right in respect to which the foreign oil companies were entitled to be protected, namely, receiving a fair price for their properties. Mexico had the sovereign right to expropriate the oil properties. She offered what she considered was a fair financial adjustment and the Mexican Supreme Court on two occasions, decided that the offer of settlement was fair. Powerful oil lobby forces in the United States sought to keep the controversy alive but the Mexican government held firm to its position, as it had every right to do, and the payments were finally accepted.

Some years later, in 1949, I was sent to Mexico under White House instructions to survey the Mexico oil fields and oil facilities then under the management of Pemex, the Mexican government agency in charge of the government-operated oil industry. As I inspected the oil fields that had previously been operated by foreign oil companies, I came to wonder why the Mexican government had waited so long to expropriate them. In many an instance, the record of operation by foreign oil companies including those of the U.S. spelled exploitation. The extracting policy was too often one of moving into an extensive oil field area extracting the oil as rapidly as possible through unconscionable waste of natural gas and then moving on to another field.

One of the saddest aspects of the foreign oil companies' exploitations of the oil properties was their more shocking exploitations of the human resources of many of the oil field areas of Mexico. Their labor policies bore no relation to fair wage standards. They took unconscionable advantage of a surplus labor market with the low economic standards of living that go along with it. In oil field area after area, I found they built no schools, provided no decent housing, ignored sanitation and health needs of the people, failed to make available even the minimum public facilities essential to decent community living. They did leave behind an abundance of ill will toward the United States on the part of the Mexican people of whom they had taken advantage.

One of the instructions of my assignment was to evaluate a request of the Mexican government for a substantial loan from the U.S. government to be used by Pemex in developing its oil production facilities. My report recommended a line of credit loan to President Aleman's Administration to be used to help finance the needs of Mexican oil development. Although my report was favorably received at the White House, it was opposed by the oil lobby and by the State Department. The matter was resolved by the U.S. government making a loan of a similar amount to Mexico to defray the cost of other needs, thus in theory at least, freeing Mexican government funds for use in developing her oil facilities with her own financial resources. That was an interesting example of diplomatic legerdemain.

The pending expropriation controversy in Peru is but another example among others of the past in which a sovereign government

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of Latin America has exercised its sovereign right to repossess its natural resources by expropriation or taking over control of properties held by foreign investors. Misunderstandings and ill will are bound to result from such incidents. They do not strengthen U.S.-Latin American relations. When diplomatic negotiations fail to produce an amicable settlement-of the financial interests involved procedures should be available for reaching a money settlement of the property values that have been taken. Granted that any government has the sovereign right and power to expropriate; it also has the clear obligation to pay fair value for property seized.

Granted further that it has the sovereign right to hold foreign investors to the jurisdiction of its domestic courts along with its own citizens in the litigation of financial values, it might be wise for the Organization of American States to explore seeking agreements among its member States to submit such disputes to final and binding adjudication of tribunals appointed under the aegis of the O.A.S. Such a procedure commends itself to me as being preferable to such retaliatory measures as Hickenlooper amendments to Foreign Aid Bills.

One of the most delicate problems that ~~plagues~~ the nations of the Western Hemisphere ~~is~~ relations with Cuba. O.A.S. ostracism, economic boycotts, military containment have not cultivated any diplomatic soil in which seeds of foreign relations understanding can take root and grow. Only the government of Mexico within the O.A.S. has maintained diplomatic relations with Cuba. Interestingly enough, this conference was scheduled by its organizers to be held here in Mexico City so that a Cuban delegation could be invited to attend if it wished to do so.

My country maintains no direct diplomatic relations with Cuba but through an interesting hoary foreign policy fiction its interests are represented by Switzerland. We are grateful to Switzerland for the continuing debt we owe her. But does it make sense? We recognize some Communist governments and not others, thus showing that our opposition to their political ideology is not the controlling basis of our recognition policy. Is it but for ad hominem objections to their Heads of State that we refuse to maintain diplomatic relations with them?

Can iron curtains, bamboo curtains, yes, and sugar curtains of isolationism longer be justified diplomatically in a world plagued with such serious turmoil that most of mankind's survival cannot be guaranteed for a certainty, even in our time? As long as civilization lasts, and we trust it will be timeless, leaders of governments will come and go, governments themselves will evolve through many changes and through it all the masses of the people of an area called a country will continue to be the ultimate generating force of governments. Is it wise for us to continue to ignore the people of Cuba, China and other countries whose leaders we fear, or disapprove, or hope to dominate?

If we can sit with Cuba in the United Nations, maybe we should sit with her in the O.A.S. and with China in the United Nations. If Canada to the North of us can survive with an Ambassador in Havana maybe we should risk it if Cuba would agree to the reestablishment of diplomatic relations. At least she permits the return of our highjacked planes. It would seem that the time has come for the O.A.S. to give some thought to a reappraisal of its relations with Cuba.

In closing, I wish to say that I am convinced the people of the United States are anxious to improve their country's relations with Latin America. They are beginning to understand that there are limits to American power and influence. I wish I could be as generous in saying the same for our military and industrial complex leaders and some of our political leaders—but they are learning. Many of them seem to enjoy learning the hard way—the Rockefeller round trips and Petroleum case in Peru being recent examples—nevertheless, there is hope.

In the two Americas, from North to South, from East to West, we have the greatest collection of resources with manageable population and political problems that exist within comparable geographic boundaries anywhere in the world. With intelligence, understanding, compassion, and cooperation we have the opportunity to bring the greatest good to the greatest number of people in the shortest period of time.

This we must do.

THE PRESIDENT AND HIS CRITICS

Mr. FANNIN. Mr. President, Columnists Roscoe and Geoffrey Drummond have looked into the efforts of spokesmen for the Democratic National Committee to make the war in Vietnam a political affair.

They quote one as telling newsmen:

> We will hold Nixon responsible if he turns South Vietnam over to the Communists.

Mr. President, it is clear that Democratic leaders apparently intend to have their political cake and eat it, too, regardless of principle, decency, or the lives of American soldiers and South Vietnamese civilians.

Mr. President, it is beyond all bounds of decency and morality for one to call for immediate troop withdrawal from a war that President Nixon is in no way responsible for and then attempt to hold the President responsible for the results of the withdrawal.

The question occurs: Is political victory so dear that it must be won at the expense of our Nation and the lives of our Nation's young men?

I cannot believe that the national chairman's policy reflects the will of his party or that this questionable approach has the backing of responsible Democrats in Congress.

Mr. President, I ask unanimous consent that the column be printed in the RECORD, so that the Nation may judge this action for itself.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DYNAMITING THE PEACE

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—The leaders of the Democratic Party are playing with political dynamite in trying to force President Nixon to withdraw U.S. troops from Vietnam so rapidly as to throw away all prospect of negotiating a peace. They may be the ones who get blown out of the water. That's not important. What is more important is that the United States of America would be hurt—grievously hurt—by this shortsighted, reckless, perilous undermining of what the President is doing to end the war by seeking a fair peace.

No one is suggesting that those who want peace at any price, those who want to withdraw all American forces immediately, regardless of the consequences, should still their protests. All the President and others who are earnestly seeking disengagement *and* a decent peace are asking is that for a reasonable period congressional critics should stop telling Hanoi that it doesn't need to negotiate, that all it has to do is to wait and they—the congressional critics—will see that the U.S. government accepts a non-peace policy.

The Vietnamese war has never been a partisan issue, and attempting to bring it to an end with a fair peace is not a partisan issue. But leaders of the Democratic Party are now trying to make it so. Senator Fred R. Harris of Oklahoma, Chairman of the Democratic National Committee, disclosed this strategy in a candid remark to the press last week. "We will," he said, "hold Nixon responsible if he turns South Vietnam over to the Communists." But simultaneously Senator Harris and Democratic senators like Kennedy, McGovern, McCarthy, Fulbright are continuing to demand such a rapid pull-out of U.S. troops that the end result would be to give the Communists control of South Vietnam. Thus, the national chairman of the Democratic Party is not only acting to make Vietnam a pay-dirt partisan issue but is also seeking to put President Nixon in such a box that no matter what he does he's bound to lose. What he's up to is now in the open. He wants to give the Democratic Party all the dividends he can by joining in the pressure on Mr. Nixon to get American troops out of Vietnam fast. But Harris doesn't intend that the Democratic Party should take any responsibility for an imprudent speed-up of withdrawal. He proposes that if a President gives in to the demand for imprudent speed-up he—not the advocates of speed-up—should be held to blame. In other words, Senator Harris' neat formula is to make Mr. Nixon punishable by the voters if he doesn't yield to pressures to get out quick and also if evil consequences come from yielding to such pressures.

Senators and Congressmen have special responsibility. They know that the President has the constitutional duty to conduct foreign policy and that negotiating peace is the most difficult and delicate act of foreign policy. Heckling and harassing the President is delaying the peace, not hastening it. Have the Democrats forgotten so soon that Richard Nixon is acting to end a war which he inherited from his Democratic predecessor and which they helped to authorize? Harris and those Democrats he is rallying to put the voice of his party behind the peace-at-any-price student-faculty protests October 15 are playing with fire. It wouldn't matter, if they weren't also undermining the chances of negotiating a just peace.

PROTOTYPES AND THE DEFENSE DOLLAR

Mr. HART. Mr. President, on September 9, I urged the Department of Defense to adopt "a-fly-it-before-you-buy-it" procurement policy.

In brief, such a policy would end the present practices of competing for large Pentagon contracts on the basis of brochures and reinstitute selection of contractors based on competition between prototypes.

Business Week magazine for September 20 contains a report on this proposal. I ask unanimous consent that articles entitled "Prototype Shopping Comes Off the Shelf" and "No Insurance in Changing the Method" be printed in the RECORD.

As the latter piece reports, under either procurement system, projects will still fail, "but with prototype, the odds for ultimate success are, in effect, doubled"

Those are useful odds in seeking to reduce Pentagon costs while not affecting the national security.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PROTOTYPE SHOPPING COMES OFF THE SHELF

POWERFUL VOICES FAVOR ABANDONING THE POLICY OF BUYING NEW WEAPONS ON BASIS OF CONTRACTORS' PAPER CLAIMS

The days of paper promises at the Pentagon may be ending.

After almost a decade of depending on the promises of contractors in its weapons development programs, the Defense Dept. may be on the verge of reverting to the "fly-it-before-you-buy-it" policy it followed in the early 1950s.

The heat is on in the Senate for such a move on the ground that "brochure competition" is largely responsible for the huge cost overruns that now afflict such programs as Lockheed Aircraft Corp.'s C-5A cargo jet. Boeing Co.'s Minuteman II missile, and North American Rockwell Corp.'s Mark II avionics system.

Senator Philip A. Hart (D-Mich.), chairman of the antitrust subcommittee is particularly keen to return to the days when contractors built prototypes and tested them before the Defense Dept. ordered weapons in quantity. He proposed that the Air Force's fighter plane (the F-15) be bought on this basis. And he is backed up by a report, recently completed by the General Accounting Office (GAO), that suggests that the old system should be used with the new AX close-support aircraft, and the SCAD (for subsonic cruise armed decoy) missile as well.

Big investment. The F-15 (which will replace the aging F-4) will cost $1-billion in R&D and another $4-billion for the first 500 planes. That, says Hart, is a big enough investment to demand that the plane work as expected. McDonnell Douglas Corp., Fairchild Hiller Corp., and North American Rockwell are all in contention as the plane's prime contractor.

The Defense Dept. has not formally replied to either the GAO or Senator Hart, who made his pitch for prototype competition in the Senate last week. More study is needed, says the new Republican team at the Pentagon, before it can decide whether to return to the old method so far as weapons systems are concerned.

Aerospace companies, however, generally would applaud a quick return to "fly-before-buy" procurement. They have lived with both methods, but in recent years have suffered big reversals on brochures because paper studies are extremely costly and often prove wrong. "We may not make as much money with prototypes," says a spokesman for one of the industry's top companies, "but we won't lose as much either."

This sentiment is being relayed to President Nixon. And combined with the other advantages of prototype procurement, it could swing the balance.

The big switch. When Defense Secretary Robert S. McNamara ordered the shift away from competitive prototypes in the early 1960s, the case for his decision looked strong. Before making any commitment to buy a new weapons system, the Pentagon was paying two or more contractors to develop competing prototypes. Then it was testing—exhaustively—both versions before deciding which to order in quantity.

But McNamara concluded that this system was too wasteful—both in money and in lost time. He cited the case of the Atlas and Titan ICBMs, which cost $2-billion each to develop. Because both had proceeded to an advanced stage of development, the Pentagon decided to order them into production.

Other rivalries in parallel development in the 1950s became so enmeshed in service politics that they shook the Pentagon—Thor vs. Jupiter, Nike-Hercules vs. Bomarc, etc.

McNamara ordered a switch to competition, based on speculative engineering data. Through a highly documented systems-analysis approach, companies were forced to compete on the basis of promises of performance, price, and schedule. And McNamara tried to enforce those promises, with tougher contracts.

For a while, the plan seemed to work. Budgets for the development of new weapons systems were cut; the time between development and actual production was clipped. There was no longer the problem of choosing between prototypes that differed very little in performance and cost. And the Pentagon had avoided the sticky task of ditching a contractor with a big investment in a new weapon and political pressure to back him up.

But then other problems set in. Weapons system after weapons system started running into technical trouble, and the cost of new weapons still was exceeding original estimates.

What Hart and the GAO now are suggesting is to backtrack to prototypes—with a few new wrinkles.

Procedure. Under their plan, two or more contractors would be commissioned to build prototypes of a weapons system as in the old days. But they would be allowed to cut the amount of documentation dealing with such problems as maintenance, quality control, support, training and reprocurement.

The proponents contend this type of paperwork can safely be put off until development is finished, particularly since such efforts by the loser are wasted. They estimate the savings on paperwork would reduce development costs by 20%.

They also advocate sharply cutting government staffs in contractors' plants, and letting the builder proceed with minimum guidance. And they would not burden the contractor with detailed design specifications. GAO figures that this would reduce cost overruns because contractors would not have to figure their final manufacturing costs until they had solved most of their technological problems.

NO INSURANCE IN CHANGING THE METHOD

In purely gambling terms, there is no choice between competitive prototypes and paper studies. Planes still crash and missiles fail—regardless of which system is used. But with prototypes, the odds for ultimate success are, in effect, doubled.

Examples are not hard to find. The now-defunct Navy version of General Dynamics Corp's F-111 was the result of paper competition. When it was clear that the F-111B could not meet Navy specifications, there was no alternative to fall back on. The Navy had to crank up Grumman Corp's F-14 in a hurry, losing at least a year in getting a needed plane to the fleet.

Development of the F-4, a Mach 2 McDonnell Douglas fighter, was a different story. The Navy hedged its bets by having Chance Vought (now part of Ling-Temco-Vought, Inc.) build an improved version of its successful F-8U. Both planes turned out well, and when the Navy chose the F-4 it cost the Pentagon $136-million to buy off the Chance Vought contract. But the fleet got its fighter on time.

Republic Aircrafts F-105 Thunderchief fighter also came out of prototype competition. That time it cost the Air Force $85-million to dump its competition—North American's F-107.

Errors, still. But although the prototype system doubles the odds of success, it does not protect the military from errors of judgment. In 1953, the Air Force was way off base in the case of McDonnell's experimental XF-88 fighter and its rival, Lockheed's XF-90. Air Force officers were convinced the XF-90 was way out in front and plunged in and gave Lockheed a pre-production contract.

Then came the day of reckoning. At the flyoff, the McDonnell plane excelled in eight of 10 test categories. The Lockheed contract had to be canceled, and McDonnell got the go-ahead for what became the F-101.

In terms of preventing crashes, the prototype method is no insurance policy, either. In the first 5,000 hours of flight, there were 11 crashes of the F-101, eight of the F-105, and six of the F-4, although all planes eventually turned out well. By comparison, the F-111 had serious technical bugs. But in its first 5,000 hours, it crashed only three times.

TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

Mr. HRUSKA. Mr. President, any change in the exempt status of the interest on State and local bonds would be a great hardship on the people of this country. I was unable to be present on Friday when my distinguished and illustrious colleague from Nebraska (Mr. CURTIS) spoke on this and other matters. I wish to join him and other Senators, however, in urging that the Senate not take any action that would change the present Federal tax treatment of State and local bonds.

Senator CURTIS' judgment in these matters is buttressed by many years of distinguished service here in Congress, both as a member of the House Ways and Means Committee and as a member of the Senate Committee on Finance. He is an authority on taxes and financial matters. His judgment and the judgment and facts presented by the State and local officials must be given sound credence and should be followed.

Mr. President, our States and cities are in critical need of additional revenues to provide the services which our citizens require if they are to enjoy a safe, healthy, and decent way of life. Our cities are already in short supply of educational and health facilities, police protection, water sewers and disposal plants, and a host of other essentials.

We have been considering a variety of proposals here in Congress that would assist the State and local governments. In our tax reform efforts, however, we have dealt the States and municipalities a serious financial blow. The mere passage by the House of the proposals dealing with State and local bonds has had a serious effect on local governments and their citizens. Ultimate passage would be disastrous.

Because of the tax-exempt status of the interest which they pay on their bonds, State and local governments traditionally have been able to borrow needed funds at rates approximately 30 to 35 percent less than private industry and the Federal Government. In recent years this has resulted in savings of $2 billion a year to States and their political subdivisions. This saving has been passed on to the taxpayer in the form of lower taxes. If you change that status and the cost of local borrowing goes up, which it surely would, State and local taxpayers, already overburdened by their tax load, must be ready to bear the additional cost.

Early this year, Congress embarked on what is probably the most comprehensive revision of our tax laws in the Na-

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tion's history. It is right that we did. Reform is long overdue. Equity must be restored to the system; Federal taxes on the middle income and poor should be reduced. Measures must be enacted to insure that each person of substantial means pays his fair share of taxes.

However, in a misguided moment, the House proposed altering the exempt status of interest on State and local bonds. As many experts warned, the mere consideration of these proposals has already increased the cost of State and local borrowing. Since the first of this year, when Congress embarked on its tax reform efforts, the traditional cost gap between exempt and taxable bonds has closed to where State and local governments now are generally able to borrow at less than a 20 percent saving over corporate and Federal obligations. When the National Association of Counties testified before the Senate Finance Committee, it estimated that the mere consideration by Congress of proposals to change the exempt status of local bonds has already accounted for more than $300 million in additional costs that State and local units and their taxpayers will pay on the bonds issued in the past 4 to 5 months.

In addition, Mr. President, the House proposals concerning State and local bonds are a serious threat to the sovereignty and independence of the States and their political subdivisions. There is grave doubt whether the provisions would be constitutional, and I personally believe they are unconstitutional.

But even more important than the threat that these proposals pose to our federal system of government, is the adverse financial effect that the House proposals would have on local governments and their citizens.

The Treasury Department has estimated that the reform proposals, when fully effective after several years, would increase Federal revenues by $80 million annually. Consideration of the proposals has already increased the cost to State and local taxpayers by more than $300 million. If the proposals are passed, they will increase State and local taxes nationwide by more than $150 million in 1970, and more than $1 billion annually by 1980.

The States are faced with an assault on their sovereignty and their financial capacity.

If the House proposals should be passed and subsequently held to be unconstitutional, the State and local governments would be out the additional interest paid on the bonds issued during the period of litigation, and the Federal Government would not receive any revenue from the proposals. In other words, both the State and Federal Governments would lose.

In my own State of Nebraska, the effect of the House proposals would be disastrous.

On projected 1970 bond issues alone, it has been estimated that the proposals would increase Nebraska local taxes between $4.5 and $6.2 million annually and between a total of $58.5 and $124 million over the life of the bonds.

When the cumulative effect of the additional cost of the bonds issued each year in Nebraska is considered, by 1980 the House proposals could easily increase Nebraska taxes by more than $45 to $62 million a year.

These estimates, of course, assume that State and local units would be able to continue issuing the bonds they need. But, equally serious is the fact that the higher interest rates resulting from the House proposals would prevent some bonds from being issued for vitally needed services.

Mr. President, the increased cost of State and local borrowing would be passed to the local citizens primarily through increased property and sales taxes. These are the most regressive type of taxes hitting the middle and low income wage earner substantially harder than those with more substantial means.

It is clear that the increased cost to be paid by local taxpayers under these proposals would greatly exceed the additional revenue to be collected by the Federal Government. At a time when State and local taxpayers are already overburdened by their present tax load and the States are in critical need of additional funds, it would be a serious mistake for Congress to, in any way, tamper with the exempt status of State and local bonds.

In my judgment, the House proposals on State and local bonds would be a step backward, rather than a step forward.

THE HAIG

Mr. GRIFFIN. Mr. President, the golfing world has lost one of its greatest champions when death claimed the life of Walter Hagen early today.

He had become a legend in his own time for he had done more for golf than any person in the history of the game.

Five times he won the American PGA championship, twice the U.S. Open, and four times the British Open. He was a world champion in the truest sense of the word.

Greatness in golfing attainments will always be measured by the records set by "The Haig" as he was known to his millions of fans and admirers.

It was back in 1914 that a kid golfer named Walter Hagen set out from Rochester, N.Y., to take a crack at the U.S. Open. It was to be his first major victory.

When "The Haig" decided to put away his clubs, he retired to Traverse City, Mich. Two years ago, a testimonial dinner was held in his honor at the city's country club.

Letters of affection from friends around the world poured in for the occasion. These priceless gifts were put together in a bound volume and presented to Walter Hagen that night.

Although the praise came from persons in all walks of life, many came from stars in the golf world, such as Ben Hogan, who wrote:

> Without you, golf would not be what it is today. I give you my deep thanks.

Gen. Dwight Eisenhower said:

> Your achievements at home and in Great Britain have earned you both the PGA's Hall of Fame and an enduring place in the affections of all who esteem stout heart and great talent.

Edward, Duke of Windsor:

> I recall the great kick we all used to get out of watching you play and win on the great championship courses.

Bob Hope:

> Walter's the fellow who said, "After watching Bob's swing, you're not sure which rest room he uses."

Bobby Jones:

> I always enjoyed the many rounds of golf we played together, even when you were giving me a good beating.

Gene Sarazen:

> You always looked like a millionaire and have lived like one ever since.

Tommy Armour:

> To me you epitomized dignity and sportsmanship on the golf course. Yes Walter, when you were created, they broke the mold.

Byron Nelson:

> There is absolutely no way that we golf professionals can properly thank you for your great contribution to our profession.

Mr. President, all of us are a little richer for Walter Hagan having lived in our time.

As a great champion, he sets an outstanding example for the youth of our Nation. He was to golf what Ruth was to baseball—what Dempsey is to boxing.

His passing is viewed in the Nation's Capital—as it is throughout the world—with deep sorrow.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

THE JOHN F. KENNEDY CENTER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11249) to amend the John F. Kennedy Center Act, to authorize additional funds for such Center.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time on the pending amendment?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be not charged to either side.

The PRESIDING OFFICER. Without objection, it is ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. JORDAN of North Carolina. Mr. President, I yield myself such time to make my opening statement.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. JORDAN of North Carolina. Mr. President, the amendment to H.R. 11249, proposed by the senior Senator from Maine (Mrs. SMITH) would prevent the use of any funds authorized to be appropriated and any funds authorized to be borrowed from the Treasury for a period of 60 days.

We have been informed by both the Chairman of the Board of Trustees of the Kennedy Center and the General Services Administration that unless additional funds become available immediately to continue the construction of the Kennedy Center, it will be necessary by next week to start canceling a number of firm bid subcontracts, and that to do this would incur penalties for contract cancellation or delays, necessitate rebidding these contracts at a later date at a higher cost due to the present 1-percent per month escalation of construction costs, and would cost approximately $1 million per month for each month that the work is delayed.

Thus, this amendment, according to the Chairman of the Board of Trustees, would cost the Kennedy Center at least an additional $2 million.

The Committee on Public Works went into all of these matters very thoroughly when it considered H.R. 11249 and, while it was not happy with the fact that additional appropriated funds and borrowing authority are necessary, it felt that there was no alternative if the work was to continue uninterrupted and the center completed within the presently estimated cost of $66,400,000.

We are informed by the board of trustees that it has known for some time that it did not have sufficient funds to complete the Center but had hoped to be able to make up the difference from private contributions. However, after exerting every effort to obtain the contibutions, the Board came to the conclusion that the only way the Center could be completed was to request additional financial assistance from the Federal Government.

The committee, in reporting the bill, felt that this was the best solution that could be hoped for if the Center was not to remain a half-completed skeleton, which would, of course, jeopardize the vast amount of money which the Federal Government has already provided toward its completion. The committee has been assured by both the General Services Administration and the Chairman of the Board of Trustees that the present estimate of $66.4 million is a sound estimate for the completion of the building and that it can be completed within this amount if construction is not interrupted.

In order that there would be no misunderstanding about the committee's feelings on this matter, it stated in its report on page 6 under committee views the following:

> The Committee wants it clearly understood that the Center must be completed within the proposed cost of $66,400,000 and if, by any chance, this figure has been underestimated any additional funds required must be raised by the Board of Trustees through private subscription.

Mr. President, for these reasons I recommend that the amendment be rejected.

Mr. PERCY. Mr. President, will the Senator from North Carolina yield me some time?

Mr. JORDAN of North Carolina. I am glad to yield to the Senator from Illinois. We are under limited time. How much time does the Senator wish?

Mr. PERCY. Ten minutes would be adequate.

Mr. JORDAN of North Carolina. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. PERCY. Mr. President, I was appointed to serve as a representative of the Senate on the Board of the John F. Kennedy Center for the Performing Arts—upon the recommendation of my late colleague, Everett McKinley Dirksen—to succeed former Senator Leverett Saltonstall. I endorse the previous statement of the Senator from Arkansas. In view of the investment that has already been made, I do not feel we can abandon this cultural center. It represents too great a commitment by the Government, and by thousands of private donors to the arts, to the development of artistic talent in our Nation.

The Center represents a needed investment in the performing arts in this country. Let us not forget that this is a bipartisan enterprise, begun by President Eisenhower, developed under President Johnson, and hopefully to be completed during the administration of President Nixon.

President Nixon has, in fact, requested the $7.5 million in his fiscal 1970 budget recommendations to Congress. Mrs. Nixon serves with Mrs. Dwight Eisenhower, Mrs. Lyndon B. Johnson, and Mrs. Jacqueline Kennedy Onassis as the honorary chairmen of the Center. All three ladies support the legislation we are considering today.

The effort to secure these additional funds, then, is a truly bipartisan one. The benefit they will have will accrue to everyone, regardless of political views. The Center will serve as a showcase of the performing arts, a place where talent from every State can be presented, where we can demonstrate to citizens and visitors from abroad the finest in American art and culture.

For these reasons, I strongly support H.R. 11249 to provide the necessary $7.5 million, and commend the House in its passage and the Senate Committee on Public Works for unanimously approving this expenditure. For these reasons also, I oppose the pending amendment to this bill.

It has been made abundantly clear that a vote for this amendment with the delays it would entail is tantamount to a vote against the bill itself. If the amendment is adopted, a conference on the differing versions of H.R. 11249 will be necessary. Before any report of a conference committee could be acted upon by both Houses, the General Services Administration will have to suspend work on several vital construction contracts. Once work has been suspended, contracts will inevitably have to be terminated and renegotiated. Even within the sixty-day delay proposed under this amendment, we would see the termination of practically all contracts. This would necessitate new contracts, or renegotiation of suspended ones, and the costs of such new contracts could not be expected to be based on 1964 prices. Unfortunately, the unintentional but nevertheless very real effect of this proposed amendment would be to cause an additional cost overrun of sufficient magnitude to warrant yet another report from the GAO.

There is still another important question for the Senate to consider. That is, when the building is closed down and construction suspended, what is the effect upon public-spirited citizens who have contributed their money to the Center? And what is the effect on nations who have made gifts, some of them quite substantial ones, to the Center?

If the Senate says to them, the Center is not to be completed, will the Senate also offer to return their gifts, which now amount to nearly $21 million? I think we also have an obligation to the donors, who range from schoolchildren to foreign powers, to see that the Center is completed. This is why I sincerely hope that the Senate will reject the pending amendment and approve H.R. 11249 without change.

I support as quite reasonable the requests for the GAO, or the Senate Committee on Public Works, or any other appropriate body, to study this project and to report back to the Senate on its efficiency of administration and on any past action taken by the administration of the Center by its trustees. But it is absolutely essential that the work in progress and all contracts now contemplated be allowed to continue on schedule while the study is made.

Mr. President, a number of questions were raised in debate at the end of last week. With the help of members of the Center's administration and my fellow trustees, I should like now to present the most frequently asked questions with their answers.

I am asked how many Senators oppose the construction of the John F. Kennedy Center for the Performing Arts.

I certainly wish to clarify the record on that. To my knowledge, there is no U.S. Senator today who wishes to stop construction of the Center and see the building abandoned for some future time when it can be completed. No one wants the Center to fail, or have its costs escalate.

Those who are attacking the Center, however, by the effect of this amendment and its practical application, would be doing the very thing they themselves have assured the Senate and their fellow colleagues they do not want to do.

The second question is, "In view of the fact that this is the second time this has occurred, this is just another request

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from the Senate for funds. to be followed by another request for construction funds."

After talking with the directors of the Center and after the subsequent talks that they have had with the contractors, architects, and GSA, I feel quite confident they will not come back to the Congress again. In fact, I would have nothing to do with any request madeof the Congress for additional construction funds.

It is to be understood that they were not able to fully estimate the costs of the Center on preliminary plans and the estimates were made on preliminary plans. But now we have final, detailed plans. We are able to make firm contracts. In fact, most of the contracts have been placed and are now being executed. We are able to estimate accurately the cost of the project, if it continues.

So this is the last request for construction funds that will be brought to Congress, from everything I am able to determine.

The third question is, "Why, with some $10 or $11 million in investment funds in the portfolio of the Center, does not the Center use those funds rather than resort to public funds in order to continue the construction?"

It is true that within a few days there will be something less than $11 million in securities. However, all of that money has been committed to pay for contracts authorized by General Services Administration, and therefore this money is not available to be used for the payment of bills now coming due. In fact, GSA is holding up a vital contract in the amount of $500,000 because we do not have funds to commit at this time.

The fourth question is, "Why the large variation in costs?" The estimate of costs given to the Public Works Committees of the Congress late in 1963 were based on preliminary drawings and specifications, completed in November of the same year, for a very complicated building. The cost estimates were provided by one of the Nation's greatest architects, Edward Durell Stone, and his associated engineers, Severud-Elstad-Krueger Associates, Syska & Hennessy, Inc., and Construction Survey Corp., some of whom had just completed work on Lincoln Center in New York.

The testimony before the Senate's Subcommittee on Public Buildings and Grounds of the Public Works Committee by General Services Administration representative Robert B. Foster, Deputy Commissioner, shows the dates of the development of drawings and specifications. When the bidding documents were distributed to the prospective bidders, the trustees had every reason to believe them accurate, particularly since they had been prepared by such experienced and reliable firms.

The estimated cost by the experts right after the passage of the Kennedy Center bill, was approximately $47 million, without furnishings and equipment, or any of the material needed for the interior of the building. These were estimated to cost some $5 million, and the Trustees felt they could raise those additional funds. As a matter of fact, they have raised them. But one simply cannot compare the amount of $47 million with the present $66 million, which includes everything required to finish the building.

As a fifth question we might well ask, Have the Trustees been negligent? Has there been malfeasance?

I have been on the Board for some 2½ years. Someone could well say, "Here, you have been in business. You have built factories"—which I have—"all over the world. Have you ever had this kind of difference in costs?"

I can truthfully say, "Yes." Every business, every unit of government, has experienced escalating costs.

The trustees were not in a position at any time to place a firm contract for the completion of the building. They could not place a firm contract for the steel, for the construction, for the electrical work, for all the gear needed for that work. They did not know where all those funds were coming from. According to the agreement with Congress, half of the funds were to be raised from the public sector, from private sources, So, as funds were within sight, the trustees could authorize contracts to be placed.

But anyone can simply look at the escalation of costs which has taken place since 1963. If we look at the last 12 months——

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. FULBRIGHT. I was going to say that during the last 12 months we have had a relatively——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I ask to have 5 minutes.

Mr. JORDAN of North Carolina. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Just this last year costs have increased at an unprecedented level. Interest rates are higher now than they have been in our history, certainly since the Civil War.

The General Services Administration is the agency devoted exclusively to supervision of constructing Government buildings. It paid a tremendous fee—as I recall, $500,000—to supervise the letting of contracts. If there has been a serious mistake, that agency shares in it.

I do not think the trustees intended to let anyone presume they knew how much steel was going into a building of this kind. I certainly did not. There were some mistakes, but this building also has been changed, in view of the use of jet planes out of National Airport, which has caused a very serious noise problem which no one ever contemplated at the time the Center was authorized to be built. The noise of the old airplanes was relatively minor compared with the noise made by the present planes, as anyone who lives in this area or in Georgetown knows.

The soundproofing which was required to be put in the building, I am told, necessitated heavier steel. Nevertheless, I do not understand why there was such a big variation in the estimated cost of the steel and the actual cost.

All the other items fall into the category the Senator from Illinois mentioned. We had a nationwide carpenters' strike. We had a shipping strike. It cost a great deal of money in demurrage, or whatever else enters into the cost, as a result of the tie-up. Then, of course, there has been an escalation of the cost of wages. There has been a substantial increase in the cost of wages.

If the construction is delayed, all that we will be assuring—assuming that we finish the building—is a much greater cost. It looks like it will cost between $10 and $15 million to put it in "mothballs," wait 10 years, or whatever the time will be, and then start over again. Whenever that is done, there is a great loss. The General Services Administration estimates that it will cost $2 million to shut it down for 60 days. It seems to me that to shut it down for 60 days would be a most improvident thing to do.

I want to remind the Senate again that the $46 million is not what we have appropriated. After the bill is passed, we will have provided $23 million, plus a little over a $20 million loan to be paid out of the parking facilities. The balance comes from private sources. That is not any great contribution from the Federal Government, compared to the Lincoln Center or any other comparable facility.

I am reminded also that after World War II I think this Government gave $10 million to the Government of Austria to rebuild its opera house, which had been destroyed during the war. That was for a country of seven and a half or eight million people, which has a much more beautiful opera house than this country has, or that certainly Washington has. Certainly this is something which, in the field of fine arts or performing arts, the Federal Government should be willing to contribute to.

Mr. PERCY. I thank my colleague. I ask the Senator if he will confirm with me that the trustees of this Center have given unsparingly of their personal time. They have put considerable effort into it. Many of them have made very generous contributions to the Center. I ask anyone to put himself in the position of a trustee for a moment, one who has been asked by the President to serve, who has given of his time and energy. Now, if the amendment is approved, a special board meeting is called and we are notified that if we go ahead with the contracts, the trustees will be personally liable for the liabilities incurred. I ask anyone whether any trustee would wish to go ahead with the construction or would recommend a shutdown.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield for a question?

Mr. PERCY. I would be happy to yield, but my time has expired.

Mr. FULBRIGHT. Under whose time?

Mrs. SMITH of Maine. Mr. President, I yield the Senator from Delaware 5 minutes.

Mr. WILLIAMS of Delaware. I address this question to the Senator from Illinois. The amendment of the Senator from Maine merely proposes to hold this matter up for 60 days, so that we can get a report back from GAO. Certainly such a report is in order, particularly when we are told there has been an underestimate, on steel alone, of $2.7 million. Somebody is responsible for that, and I think we should have the information.

What I cannot understand is why there is such an emergency that we must act today, and why this 60-day delay would be so disastrous, when I note that the bill was reported out of committee on July 22, 10 weeks ago, and it has since been lying on the Senate Calendar with no action.

If there was an emergency, why was it not brought up and acted on at that time, rather than waiting 10 weeks, and now saying it must be passed today?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, I must take full responsibility for not taking up the bill earlier. I did not do so on the basis of circumstances I would not wish to divulge on the Senate floor. But it was my responsibility.

Mr. PERCY. Mr. President, if I may reply further to the question of the Senator from Delaware. As far as the trustees are concerned, we have been anxious to have the issue raised on the Senate floor. We have been fully understanding of the reasons that it has not been brought up until now, but we have also been fully aware that October 1 was our deadline. The House of Representatives was notified of this; and the Senate, through the Committee on Public Works, knew it.

It was a simple matter to figure out when we would run out of money. And as I have previously mentioned, we now have simply exhausted virtually all public funds; we are down to a few thousand dollars, and the only remaining funds are all pledged against contracts that have already been placed. So we have only one recourse. GSA has said they would have to shut us down.

Mr. WILLIAMS of Delaware. I am one Member of the Senate who knows of no reason for the delay. When the bill was reported last July I notified the leadership on our side that I wanted to be here to discuss this matter, to find out how much more need be raised; but I was ready to consider it at any time, and as far as I know, so were other Senators.

Mr. MANSFIELD. Mr. President, will the Senator yield there?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. What the Senator has said is absolutely true.

Mr. WILLIAMS of Delaware. But since it has been reported for one reason or another, it has remained on the calendar for 10 weeks, I do not think it is quite fair to put the Senate in a position of take it or leave it today, because I think we should have time to get a report from the Comptroller General particularly since we have been advised that at least a third, being asked for, is to cover up a mistake somebody made in underestimating the tonnage of steel required. That error I cannot understand.

I can understand that the degree of inflation may not have been taken into account, though some of it should have been estimated. But for the underestimation on the steel tonnage somebody should be accountable, and while I respect the organization which the Senator has named as having developed these plans, and I appreciate the remarks he has made about their responsibility, I am wondering just how responsible they really are if they can make that much of an error. I want to know who is responsible, and whether or not we can recover or hold someone responsible for making the error. As architects they are getting paid about 5 or 6 percent, or whatever the standard fee is. They will collect a sizable fee for making these estimates. I think the Comptroller General should fix the responsibility, if possible, and the matter should be turned over to the Department of Justice for collection.

Mr. PERCY. Mr. President, I could not agree more fully with the Senator from Delaware. The trustees are deeply concerned about the underestimate for steel. But I wish to assure the Senator from Delaware and the Senator from Maine that no time has been lost in making the investigation. In fact, as a result of the House hearing, it was understood with the minority leader of the House of Representatives that not only would the GAO undertake a study, but the matter would be referred to the Department of Justice with full concurrence and encouragement of the trustees to see if we have legal recourse against the contractors who underestimated. We probably have no legal recourse against a Government agency such as the GSA, but we certainly may have against private contractors; and if so, we intend to file suit for recovery.

Mr. WILLIAMS of Delaware. I am glad to hear that. If we have no recourse against the Government agency, we at least can replace the individuals who made such an error with competent personnel.

Mrs. SMITH of Maine. Mr. President, the point raised about new needs created by sounds and noise from jet aircraft only serves to point up and underscore the tragically poor planning on the Kennedy Center, and the dismal failure to look ahead. I do not think the American taxpayers should have to pay for such a mistake in planning on a project that was originally promised to be financed with private subscriptions, and without any money from the Government.

In the debate on Friday, Mr. President, the opposition to my amendment laid great emphasis on the cost of required sound insulation against the noise of jet planes, and stated that such additional requirements and costs could not have been anticipated.

Today, Mr. President, Mr. Walter C. Louchheim, a former member of the National Capital Planning Commission, as far back as 1962, informed me that the Planning Commission had raised questions about sound insulation from the noise from overflying planes, and had warned about such a problem, but that Mr. Stevens had dismissed such warnings and questions, and had assured the Planning Commission that there would be no such problem.

Mr. Louchheim informs me that such a warning was made even before the land site was acquired for the Center. Now it is contended that the problem of noise from planes flying overhead, and the resulting increase in costs for sound insulation, could not be anticipated and foreseen, when the fact is that Mr. Stevens was warned of this problem by the National Capital Planning Commission even before the site of the building was obtained, and reportedly Mr. Stevens dismissed this warning.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mrs. SMITH of Maine. I am glad to yield for a question, but not on my time.

Mr. PERCY. May I have 30 seconds?

Mr. JORDAN of North Carolina. I yield 30 seconds to the Senator from Illinois.

Mr. PERCY. Perhaps I misunderstood this distinguished Senator from Maine. Did not the Senator assure me that she had been notified that jet planes could not be used and would not be used at National Airport?

Mrs. SMITH of Maine. On my time, I think the Senator is referring to a hearing of the Appropriations Committee which I referred to in my conversation with him, in the middle 1950's, when it was said that National Airport was not suitable for jets. But that was before the jet age. Mr. Louchheim's warning was even before the site for the Center was finally selected.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Mr. President, reserving the remainder of my time, I yield the floor.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. How much time remains on both sides?

The PRESIDING OFFICER. Thirty-nine minutes to the Senator from North Carolina, and 45 minutes to the Senator from Maine.

Mr. MANSFIELD. Will the Senator from North Carolina yield me 4 minutes?

Mr. JORDAN of North Carolina. Mr. President, I yield 4 minutes to the majority leader.

Mr. MANSFIELD. Mr. President, I repeat that the sole responsibility for not bringing up the pending legislation before last week lies with the majority leader, the Senator from Montana. I had what I considered good and valid reasons for undertaking the procedure which I did.

It is true that the distinguished Senator from Delaware (Mr. WILLIAMS) did have a hold on this matter going back, I think, to the date that the bill was reported on the calendar. That, of course, was respected, and the Senator from Delaware (Mr. WILLIAMS) was notified when the bill was going to be brought up. He was the only one, at that time, whom I knew to have expressed a special interest in being notified.

When I attempted to bring the bill up about 2 weeks ago, I was informed by the distinguished senior Senator from Maine (Mrs. SMITH) that she had some ques-

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tions. And because of that, there was a delay of a week or so in bringing up the bill.

I make these remarks just to keep the record straight.

On September 8, I received a letter from Mr. Roger L. Stevens, Chairman of the Board of Trustees, about the Center. I read just one paragraph:

> Unfortunately, we have been forced to use $5 million of our private funds in order that construction might proceed as fast as possible, and we will lose a very substantial amount of interest on these funds. In addition, we have been unable to let contracts, which, with today's escalating prices, may penalize us further. If the Bill is delayed much longer, we will be forced to stop construction, which would be disastrously expensive. It is necessary, in our capacity as Trustees, to hold our remaining funds as reserve in order to close out construction and pay all the bills.

Then, I note a very pertinent editorial published in the Sunday Star of yesterday which, with the permission of the Senators, I read in part:

> Not that the critics don't have a point. The building, originally estimated to cost $46.4 million, has progressed through a series of escalating estimates until the figure now stands at $66.2 million—an overrun of approximately 43 percent.

I interpolate here that is a very sizable overrun. I continue to read:

> There was, certainly, some sloppy figuring—and just possibly a bit of intentional underestimating to sugar-coat the first pill that Congress was asked to swallow.
>
> But the real joker in the deck was neither carelessness nor budgetary sleight of hand. It was the devastating inflationary spiral, aided and abetted by a prolonged strike. No one can properly be held accountable for failing to anticipate the zooming costs of building construction.
>
> The House, after bitter debate, voted to provide the $12.1 million the center needs to complete the work.
>
> Congress does not need a GAO survey to inform itself on how building costs can get out of hand. There is no need to look further than the Rayburn Building for such instruction.
>
> The Kennedy Center already represents a multi-million dollar investment in private donations and in gifts by foreign governments. It is an obligation to which Congress is already fully committed.

I would say that this particular Center, this National Cultural Center, started under President Eisenhower. It was intended to be an asset to the Nation's Capital. Certainly it should be funded unless Congress is prepared to add on an additional $10 million when and if ever the final construction gets underway.

Mr. GOLDWATER. Mr. President, will the Senator yield me 5 minutes?

Mrs. SMITH of Maine. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, my support of the pending amendment does not indicate my opposition to the Center. However, I think the time has come, as was so well demonstrated during the consideration of the military procurement authorization bill, that we pay some attention to the moneys we appropriate for public buildings.

I think that the cost increases on the Rayburn Building were a national disgrace. And no effort was made by Congress to try to redeem itself or prepare itself and the Government for future building problems.

There is no question that inflation has hit us. And it has hit every building.

The biggest single factor involved in the cost of everything we buy in America—whether shoes, airplanes, boats, or anything else—has been inflation. Because of the 43-percent overrun, I would like to ask the chairman of the committee, or anyone else who feels he could answer the question, whether we have a hard estimate as to the final cost of the Center.

Mr. JORDAN of North Carolina. Mr. President, $66,200,000 is the proposed new cost.

Mr. GOLDWATER. Would that include the furnishings and everything needed in the final Center?

Mr. JORDAN of North Carolina. Mr. President, I refer that question to the Senator from Illinois (Mr. PERCY). He is a member of the Board of Trustees.

Mr. PERCY. Mr. President, it is my understanding that it does.

Mr. GOLDWATER. Mr. President, would the amount contained in the bill bring the total expenditure up to $66,200,000?

Mr. JORDAN of North Carolina. The appropriations, plus the borrowing power, would bring it up to that amount.

Mr. PERCY. There would also be the additional matching funds that must be privately raised.

This would be an undertaking that the Trustees have committed themselves to with respect to raising the amount. During the entire period when the project has been in jeopardy, the donations for expenses practically dried up. No one will contribute anything when they are wondering whether the building will be finished and whether the Government will come forward with its 50-percent share.

Mr. GOLDWATER. The Government has come forward with a lot more than originally contemplated. My concern is, What amount will be requested next year and the year after?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. GOLDWATER. Mr. President, I yield to the Senator on his time.

Mr. FULBRIGHT. I thought the Senator asked a question.

Mr. GOLDWATER. I did. I do think that the matter of time is too critical. The Senator can go ahead and answer it.

Mr. FULBRIGHT. Mr. President, Mr. Stevens, and, I think, the trustees—Senator PERCY and I and others—have stated that this is the last amount that will be requested of the Government.

Actually, it will amount to $20,400,000 of borrowed funds and $23,000,000 of appropriated funds, as the total Government contribution, if the bill is passed. The remaining amount is to be raised and has already been raised from private contributions and foreign governments, plus whatever amounts the trustees can raise to supplement the amount with respect to furnishings.

I do not think it is quite correct to say that $66.2 million is the total cost, including furnishings and all other costs. The matter of whether the furnishings will be better or worse will depend upon how much money we can get. In other words, the amount of money we have will determine whether we buy carpet worth $10 a yard or a higher price. That is still discretionary with the trustees.

The $66,200,000 is the best estimate. And the GSA has concurred in the matter. They have urged that they be as precise as they can.

That assumes that the amount is made available and they can let the contract. If we are going to delay the matter for 60 days and they have to pay penalties for cancellations of existing contracts and also pay the increase for the new contracts, any such estimate is out of order.

The estimate is based upon the availability of what is contained in the bill now. And that is the estimate of the total that would be required from the Federal Government. The matter of whether or not additional money would be raised from private sources is up to the Trustees, as is the question of how the money will be raised.

The program for private matching funds was initiated before the Center was named the Kennedy Center. Back in 1959, several millions of dollars were pledged and raised.

I do not think there is any doubt that this will be the last amount that the Federal Government will be called upon to advance, assuming there is no cancellation or delay. If we delay the matter and the country does not want to abandon the project, I am quite sure that we will be called upon to furnish an additional $10 or $15 million.

The Senator from Illinois did not mean to commit himself to the statement that there would be no further requests. He meant that there would be no further requests if the money is supplied at this time, and if there is no delay and no cancellations. I am sure that the Senator from Illinois meant that to be true based upon the fact that there would be the immediate availability of funds under the pending bill.

Mr. GOLDWATER. Mr. President, I certainly put all the faith I can muster in the words of the Senator from Arkansas who has just spoken and also in the words of my friend, the Senator from Illinois.

I recall that in, I believe, 1964, Mr. Stevens said:

> As far as I am concerned, sir, from whatever authority I have as chairman of the board, I will assure the committee that we will not be back to seek any more money.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The time of the Senator has expired.

Mrs. SMITH of Maine. I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. If there were some way we could make this absolutely certain, I think a lot of the opposition would be withdrawn.

My fear is that it is not going to be $64 million; it is going to be a lot more. The inflationary spiral in this country, while we think it is beginning to slow,

certainly has not slowed. We read in the paper that labor is going to demand more money for craft labor, and it is certainly going to be applied to this building.

I feel, Mr. President, that the amendment is a wise one, even if we have to wait 6 months, because we might save $10 million on this by finding out the mistakes that have been made by GSA and by others so that they will not be repeated in the future.

I cannot, for the life of me, understand how anyone, in the first place, would want to build a building under the approach or takeoff area of one of the Nation's major airports, but we now have it on what we call the Georgetown departure and Georgetown approach. The noise is going to be a problem, whether we feel it has been abated by acoustical lining or not. In fact, the Planning Commission warned about that, but it was ignored.

I am not finding fault with the trustees. There is fault someplace, and I think it would be proper to have the GAO take a good, hard look at this. I doubt that it would take 6 months. I think they could do this in a matter of a week. I am told by the sponsor of the amendment, who has undoubtedly talked with GAO about this, that it will take 2 months. This is their business. I opposed referral to GAO during the authorization bill because they have no business getting into strategy and deployment, but it is certainly their business to look into the dollars and cents we have spent.

Mr. President, I am very proud to be a cosponsor of this amendment. I would like to see the Center completed, but I do not like to see us going down a road that seemingly has no end, and we do not know how much it is going to cost in the long run.

I hope the Members of this body will agree to this amendment so that we can find out, in an intelligent way, just where we are headed.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am glad to yield for a question on the time of the Senator from Montana.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield to the Senator from Montana whatever time he requires.

Mr. MANSFIELD. Mr. President, what the Senator from Arizona has said has a good deal of validity. But I would point out that this is only the authorization bill. The Appropriations Committee, of which the distinguished Senator from Maine is the ranking minority member—and of which I happen to be a member—could give the most serious consideration and the most prompt consideration to the questions raised by the distinguished Senator from Arizona.

Mr. GOLDWATER. I think that is a very sound, logical argument for the adoption of this amendment, so that the Appropriations Committee can be guided by the expert knowledge that seems to be needed.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. I do not have any time.

Mr. JORDAN of North Carolina. I yield to the Senator from Arkansas as much time as he requires.

Mr. FULBRIGHT. So far as the appropriation of the $7½ million is concerned, we could ask, I could ask, anybody could ask, the chairman of the committee could ask the GAO to proceed forthwith to submit a report before that comes up. The $5 million borrowing authority is critical; and if that is not made available immediately, it will entail the delays and the cancellations and the cost.

I think it would be perfectly proper to proceed in that manner—to ask for a GAO report. We do not need a resolution or a bill to ask for a GAO report. I have asked for them. The Senator from North Carolina or the Appropriations Committee can ask for one tomorrow.

Mr. GOLDWATER. If special legislation is needed for borrowing, could it not be borrowed from a private institution?

Mr. FULBRIGHT. Borrow this money from a private institution?

Mr. GOLDWATER. Yes.

Mr. FULBRIGHT. No; I do not think so. I do not think it would be possible or appropriate. This is not a moneymaking undertaking.

Mr. GOLDWATER. It has to be, if the money is going to be paid back.

Mr. FULBRIGHT. This is for the garage. They have already borrowed. The purpose of that is simply to reimburse the Government for the borrowed fund, but it is not set up or intended to make a profit.

Mr. PERCY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield to the Senator from Illinois as much time as he requires.

Mr. PERCY. If the Trustees would then become responsible for all the work that is being done, I would be happy to yield my position on the Board, representing the Republicans, to the distinguished Senator from Arizona. He could then take the personal financial responsibility that would incur.

Mr. GOLDWATER. I am happy to learn of the great confidence the Senator from Illinois has in the Senator from Arizona, but I am already on the hook on several things, and I must decline.

Mrs. SMITH of Maine. Mr. President, I yield to the Senator from Alabama such time as he requires.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mrs. SMITH of Maine. How much time does the Senator desire?

Mr. ALLEN. Twelve minutes.

Mr. President, I support the amendment offered by the able and distinguished and charming Senator from Maine.

In 1958, President Eisenhower signed into law 85–784, authorizing construction of a National Cultural Center. The law authorized establishment of a board of trustees composed of 15 specified Federal officials, ex officio members, and 15 general trustees appointed by the President. This board was charged with the responsibility of building a National Cultural Center in the District of Columbia, with funds raised by voluntary contributions.

In the 88th Congress, the National Cultural Center Act was amended to authorize appropriations in an aggregate amount equal to gifts, bequests, and devises held by the board of trustees. Not to exceed $15.5 million. It further provided borrowing authority in the amount of $15.4 million in the form of revenue bonds to finance parking facilities for the Center.

At this stage the Center had been transformed from one financed entirely by contributions to one to be financed from public and private funds on a matching basis, and at the time Public Law 88–260 was enacted, it was intended that the Center would be built for a total cost of $46.4 million.

The Board of Regents of the Smithsonian Institution determined, in accordance with its duty imposed by the statute, that the board of trustees of the Center had sufficient funds from appropriations, from the bond issue, and from gifts and devises to construct the Center, and construction was thereupon initiated.

I might say at this point, parenthetically, that the Board of Regents of the Smithsonian Institution, in February 1966, used the January 1964 estimate of the costs of the Center, which certainly, with the escalating prices that we hear so much of, does not seem to indicate the best of business judgment.

The Center is now said to be approximately 50 percent completed, and current estimates indicate that the Center will cost, along with the parking facility, approximately $66.4 million; and Congress is called upon to authorize the Center to issue $20.4 million worth of revenue bonds to finance necessary parking facilities for the Center. This is an increase of $5 million over the previous authorization.

In addition, Congress is asked to increase appropriations authorized for construction purposes from $15.5 million to $23 million.

The Center has progressed from one to be paid for from contributions, to one paid for from contributions and matching funds, to one to be paid for by supplemental appropriations by Congress.

The reasons advanced for the new cost estimate of the facility are interesting, to say the least. The Senate report accompanying H.R. 11249, now under consideration, states:

> The reasons for the almost inexorable growth of the project cost and the . . . need for additional funding are not clean cut and unanimously agreed upon.

That is an interesting observation if for no other reason than its honesty. Some of the reasons and some of the factors mentioned in the report are:

The contract was not let on a competitive bids as originally intended.

Some is attributable to error on the part of the General Services Administration. The error is not specified.

Some is attributable to error on the part of the architect. These errors are not specified.

Other reasons include changes in the program requirements after work had started.

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Some to inefficient—that is their word—sequencing of subcontract awards.

Some to strikes—to underestimating concrete and steel tonnage requirements, to inflation, and finally to delays in receiving marble from Italy.

In the committee report and recommendation we read:

> The Committee wants it clearly understood that the Center must be completed within the proposed cost of $66.4 million and if, by any chance, this figure has been underestimated any additional funds required must be raised by the Board of Trustees through private subscription.

One reasonably could conclude that such was the intent of the original act authorizing construction of the Center from contributions. One could reasonably assume that such was the intention in authorizing the original appropriation for matching funds and for the issuance of revenue bonds.

I note, too, that the Secretary of the Smithsonian Institution, Mr. S. Dillon Ripley, in a letter dated May 23, 1969, which is in the committee report, stated:

> The Smithsonian Institution considers that its responsibility in this respect under the Act of January 23, 1964, was then discharged.

He was referring to their certification on January 27, 1966, that the Center had on hand sufficient funds to build the Center, using, of course, in 1966, the 1964 estimate.

The Senator from Illinois mentioned the fact that if this bill were not passed right away all work on the Center would have to stop. Yet, the Senator from Maine, on the last legislative day, made it abundantly clear that, this being merely an authorization bill, its passage would not make the money available and that it would be necessary for an appropriation bill to pass. The proponents of the additional appropriation—$7.5 million as an outright appropriation and $5 million in borrowed funds—say the Center can now be completed with the additional $12.5 million. All that the amendment offered by the distinguished Senator from Maine would do would be to accept them at their word and say that if on an examination of the receipts and disbursements of the board of trustees of the Center, and on estimate of future costs, it is found that the amount of money made available by this act, plus money on hand, is sufficient to complete the Center, then the authorization would become effective. It merely accepts their proposition. They say it can be completed. The amendment under consideration provides if that will build the building and facilities then the appropriation would be authorized and the appropriation bill could then follow.

Mr. President, I am interested—and I am sure that after I have made my remarks on the bill an answer will be given—in the $24 million that has come from the private sector. I notice from the statement filed in the RECORD by the Senator from Arkansas on the last legislative day that an item of $3.5 million is listed as a receipt, or as money available for the construction of the Center, coming from a concern known as APCOA—Washington, Inc. "advance under concession agreement." I do not know what APCOA is. I gather it is probably a parking lot company. But apparently they have put $3.5 million into the "pot," so to speak, and that is being counted as receipts from the private sector.

I notice also $755,000 is listed as a receipt from Canteen Corp. That is part of the private-sector money. I would like to have an explanation of that item and I believe the Senate would also be interested in hearing the explanation.

In connection with the revenue bonds that are authorized—and that will be authorized if the pending bill is passed—and, I will say, if the amendment is adopted and the bill is passed—the revenues from the parking facilities are to be pledged for the payment of the $20.4 million revenue bonds.

I would like to know to what extent this $3.5 million advanced by APCOA has diminished the Treasury's lien on the revenues of this facility.

I would also be interested in having the figures placed in the RECORD as promised by the Senator from Arkansas and the Senator from Illinois showing the disbursements by the Trustees up to this point. The statement filed by the Senator from Arkansas on the last legislative day, which is in the RECORD, was that the Center has received $54 million. I think it would be interesting to know, and those figures were promised, what has become of all that money.

I would like to know what agreement has been made with concessionaires that would diminish the lien of the Government on revenues of the Center.

Mr. **FULBRIGHT**. Does the Senator wish me to respond to that now?

Mr. **ALLEN**. No; I would rather have the Senator respond when I have completed my remarks.

Mr. **FULBRIGHT**. Very well.

Mr. **ALLEN**. Mr. President, in closing, I wish to say that the Bible contains a lot of information, advice, and instruction that is in a nature other than spiritual, moral, or ethical. It contains advice along matters of business or matters of judgment and prudence.

This language is found in Luke, chapter 14, starting at verse 28, which applies to this situation. Jesus had this to say:

> For which of you, intending to build a tower, sitteth not down first and counteth the cost, whether he have sufficient to finish it.
>
> Lest haply, after he hath laid the foundation, and is not able to finish it, all that behold it begin to mock him,
>
> Saying, this man began to build, and was not able to finish.

Mr. President, in no way does the amendment seek to deprive the Center of the funds authorized by this act. It merely seeks to guarantee that enough money is available; that if this money is appropriated that it will be sufficient to furnish the Center.

I believe it would be an exercise of good business judgment, of which the Senator from Illinois is so well noted, to agree to the amendment and provide for the money, provided it would finish the building.

The **PRESIDING OFFICER**. Who yields time?

Mr. **PERCY**. Mr. President, I would be very happy to answer some of the Senator's questions, if I can get the time.

Mr. **JORDAN** of North Carolina. How much time does the Senator require?

Mr. **PERCY**. Two minutes.

The **PRESIDING OFFICER**. The Chair would advise the Senator from North Carolina that he has 32 minutes remaining.

Mr. **JORDAN** of North Carolina. I yield 2 minutes to the Senator from Illinois.

The **PRESIDING OFFICER**. The Senator from Illinois is recognized for 2 minutes.

Mr. **PERCY**. Mr. President, I should like to give as businesslike an answer as I can to the very businesslike questions asked by the Senator from Alabama. They are good questions. They need to be answered and should be answered.

First of all, let me repeat that passage of this bill would, of course, not make available the $7½ million. These would be authorized but not appropriated until the Appropriations Committee acted. We have been advised that the borrowing authority of $5 million would be immediately available and would, thereby, enable the GSA to go ahead with the present contracts and not shut down the job.

Thus, passage of the bill is essential and crucial without the amendment of the distinguished Senator from Maine in order for us to have the borrowing power to go ahead. That borrowing power is for the parking facilities. I have been in the garage. It is now being built. Obviously, the foundations have already been built and to build the foundations they have to build the garage, because it is located below the Center proper. So that these funds would be used for whatever purposes would be required to finish that job. It is a total contract that we are dealing with.

The Senator from Alabama has asked a real question as to the $54 million reported as being available and what has happened to all those dollars.

I should like to tell the Senator where some of the items are, because they are not in dollars at all. Part of the $54,749,000 is in the form of gifts from foreign governments.

For instance, from Denmark, $155,000 for furniture; from Germany, $150,000 worth of doors; from Italy, marble worth $1,132,000; from Japan, curtains worth $140,000; from Norway, chandeliers worth $180,000; and so forth.

These are not dollars. They are goods, fixtures, and so forth, which have been donated by foreign governments.

Here is another little item of $3.5 million as an advance under the concession agreement, that is part of the $54 million. But, there is an asterisk on the balance sheet, and that asterisk defines the assets as being available in accordance with the terms and conditions of the concession agreement.

In one reads the fine print, that money is not available until we finish the garage.

Mr. **GOLDWATER**. Mr. President, will the Senator from Maine yield me 1 minute?

Mrs. **SMITH** of Maine. I yield 1 minute to the Senator from Arizona.

The **PRESIDING OFFICER**. The Senator from Arizona is recognized for 1 minute.

Mr. **GOLDWATER**. Can the Senator from Illinois tell me how many cars the garage will accommodate?

Mr. **PERCY**. I believe it is 2,200.

Mr. **FULBRIGHT**. It is 1,600.

Mr. **PERCY**. That is right 1,600 cars.

Mr. **GOLDWATER**. How many people will the Center accommodate?

Mr. **PERCY**. There will be three theaters. It depends whether all would be occupied simultaneously. It is our judgment that adequate parking facilities for all future scheduled needs will be provided for by this contract.

Mr. **JORDAN** of North Carolina. Mr. President, how much time remains?

The **PRESIDING OFFICER**. Twenty-nine minutes remain to the Senator from North Carolina, and 28 minutes to the Senator from Maine.

Mr. **JORDAN** of North Carolina. I thank the Chair. I yield the floor and reserve the remainder of my time.

The **PRESIDING OFFICER**. Who yields time?

Mrs. **SMITH** of Maine. Mr. President, the principal objection raised to the amendment offered by Senator GOLDWATER, Senator ALLEN, and myself in the debate Friday was that there was a time squeeze and critical urgency to get the funds by early this month.

The sudden urgency and the time squeeze mystify me. Surely it is not the fault of the supporters of the amendment before the Senate. If this is the case then it is the making of the managers of this bill.

For the House passed this bill on July 8, 1969, even thought 162 Members voted against it and even though 44 percent present voted against it.

That was 90 days ago. If there has been an urgency on this bill why has this bill been brought up so late?

Mr. President, I want to call the attention of the Senate to the fact that this bill was reported out to the Senate floor by the Public Works Committee on July 22, 1969. That was 77 days ago. If there is such great urgency on this bill, why the delay in bringing it up for full debate—especially after the very great opposition to the bill registered in the House?

Mr. President, to my knowledge, the first time that this bill was called up was on September 19, 1969. In other words, it was not called up for action until 60 days after it had been reported out by the Public Works Committee to the Senate floor for action. In other words, Mr. President, apparently there was no urgency on this bill for at least 60 days after it was reported to the Senate.

Now let me make abundantly clear what the situation was when this bill was finally called up on September 19, 1969. First, it was called up without prior notice to the membership of the Senate. Second, it was called up not only at the end of the day's session but as well at the end of the week—very pointedly at a time when many Senators had left for the weekend.

I objected to debating and voting on the bill at that time when so many Senators had left for the weekend and when there would be little opportunity for the membership to be informed on the bill and to debate on it.

Now when I objected 2 weeks ago, nothing was said about urgency on the bill.

The point of urgency was first raised last Friday. I simply cannot understand why the point of urgency would be raised and stressed so much after the bill was before the Senate for so long without having been called up—and without any expression about urgency having been made before.

Mr. President, I now yield 5 minutes to the distinguished Senator from Virginia (Mr. BYRD).

The **PRESIDING OFFICER**. The Senator from Virginia is recognized for 5 minutes.

Mr. **BYRD** of Virginia. Mr. President, I speak as a friend of the John F. Kennedy Center for the Performing Arts.

I favor a national cultural center in this great Capital, which is not only the Capital of the United States but also the capital of the world.

I speak also in support of the amendment offered by the distinguished senior Senator from Maine (Mrs. SMITH).

The purpose of the amendment is very simple; namely, to find out, first, how much more the proposed national cultural center will cost the taxpayers of the United States. It seems to me that is a reasonable request.

Others may disagree, but in my judgment the Congress of the United States has in recent years been very lax in handling funds taken out of the pockets of the taxpayers, the wage earners of our Nation.

Let us put this proposal in perspective. In 1958, and again in 1963, it was emphasized to the Congress—in both the House and the Senate—that the cultural center would be built by private funds; that the Government would not be called upon to take tax money to build it.

What do we find today? We find today that, if this legislation is enacted, the Government will have put up two-thirds of the estimated total cost of the building. The cost is now estimated to be $66 million. But no one knows—and that is why the distinguished Senator from Maine presented her amendment—just how much more will be required beyond the figure of $66 million.

If the legislation is enacted, already the Government will have been called to put up two-thirds of the amount, when we were told at the beginning—and it is clear from the record of the House of Representatives and the record of the Senate—that it would cost the taxpayers not one cent.

I say it is well past time for the Senate and for the Congress to delve more deeply and carefully into how the wage-earners' funds are scattered all over the United States.

I think it is significant to note—and I think this should be emphasized—that now the estimated cost of the building will be more than double the original cost. The original estimate was $31 million. It is now up to $66 million.

No Senator can stand on this floor today and say that will be the final amount the taxpayers will be called upon to pay.

Not only am I pleased to support the amendment offered by the Senator from Maine, but it seems to me if the Senate does not adopt the amendment, it continues its lax policy in handling tax funds.

I do not see how anyone can contend that the Congress and the Senate as a whole have not had a lax policy in handling tax funds.

This Nation is overwhelmingly in debt—$365 billion. This Nation owes in interest on that debt $17 billion a year. That $17 billion, incidentally, is substantially more than—50 percent more—then the Government will get from the 10-percent surtax in a whole year's period.

Mr. **FULBRIGHT**. Mr. President, will the Senator yield?

Mr. **BYRD** of Virginia. I yield to the Senator from Arkansas, on his time.

Mr. **FULBRIGHT**. I ask for 2 minutes.

The Senator made reference to the debt and the interest on it, and I agree with him; but is it not a fact that 80 or 90 percent of that debt is from military expenditures? The Senator is a distinguished member of the committee which provides for those expenditures. Everybody knows that the real extravagance of this Government is in the Defense Department.

Mr. **BYRD** of Virginia. I would say that extravagance of this Government is in every department.

Mr. **FULBRIGHT**. There is nothing comparable to the Defense Department. The Senator certainly does not deny that. We are spending some $80 billion for defense this year. So I say practically all of the debt—I would say 80 or 90 percent of it—is due to military expenditures.

If the Senator wants to make a point of it, I do not know why he picks on this building. It is practically the only fine arts building the Government is interested in. The Senator says the Government is paying two-thirds of the cost of it. Why should the Government not pay it? It owns it. The Government paid for all of the Rayburn Building. Here is a situation where private citizens, out of their own pockets, have contributed one-third of the cost. Why have they? This is a Government building. I contributed a small amount to it; yet I do not have any claim to it. But it is a public undertaking and a public building. I do not see why the Senator should say, as if it were a great crime, that the Government is paying two-thirds of it. In most of the other, if not every other, civilized governments of the world, the government pays all the costs for installations of this kind, not just two-thirds.

Mr. **BYRD** of Virginia. I must point out that the whole history of the legislation shows, when one reads the RECORD of the Congress——

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **BYRD** of Virginia. May I have 3 minutes?

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Mrs. SMITH of Maine. Mr. President, I yield another 2 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. When one reads the Congressional Record of 1963, when he reads President Kennedy's speech it is clear that the whole idea was that it was to be a citizens' proposition. The whole idea was that the citizens of this Nation would make voluntary contributions. That is fine. I am personally going to make a contribution to it. I want to see it completed. But before voting additional Government funds, I want to know how much it is going to cost.

That is all the amendment offered by Senator Smith would do; it would try to find out how much it is going to cost, so we will know how much it is going to cost the Federal Government. I think the taxpayers are entitled to know that, and are entitled to have the facts before we continue to plow more and more money into the project.

I voted to reduce the defense authorization by $3 billion. I am going to vote for other decreases in military expenditures. But I am also going to vote for decreases in other areas of Government, because I think the whole Government has gotten too big and too expensive.

Mr. FULBRIGHT. With that, I agree.

Mr. BYRD of Virginia. Mr. President, let me repeat that I shall make a personal contribution to the John F. Kennedy Center for the Performing Arts.

I am not willing to vote tax funds, however, for that purpose, until I have some assurance as to just how deeply the taxpayers will be involved.

Mr. President, we are in the midst of an inflationary spiral from which there is seemingly no escape. The Congress has just asked the taxpayers to tighten their belts again by approving an extension of the 10-percent surtax. The costly war in Vietnam continues with no end in sight.

The Congress took a significant step toward fiscal responsibility when it took a long careful look at this year's Defense Department budget requests.

The Senate debated for 9 weeks on the military procurement bill. In so doing, it gave careful analysis to military procurement contracts. If memory serves me correctly, the Congress discovered a 40-percent overrun in the C–5A contract.

The Senate put the Defense Department on notice that there would be no more blank checks. The spending of tax dollars, even for defense, must be justified.

I submit that it is inconsistent to cut the fat away from one part of the bone and let it increase in another. This body should not spend 9 weeks trimming the Defense budget without adopting the same policy—but not necessarily the same length of time—to the rest of the budget.

The history of what is now the Kennedy Center began in 1958. The Congress authorized the building of a national cultural center. This must have been a very happy Congress since all those involved believed this cultural center would be built through private donations and would not require any Federal appropriations.

President Kennedy himself envisioned that this project would be funded through voluntary contributions. In 1963, he stated:

> To secure the necessary funds to build the center, which will be a $30 million structure of theater and concert halls, a nationwide fund-raising program was authorized through which the American people are given an opportunity to demonstrate their voluntary support for the creation of this type of national institution.

There was a dream at the time to have a national cultural center in which all Americans, from schoolchildren to millionaires, could share through private, voluntary contributions. It seemed to be the thought at that time that a cultural center would have more meaning if Americans shared in its construction in this manner rather than have their tax dollars appropriated.

This original structure was estimated to cost $31 million. But it was only a dream that such a structure could be built without Federal appropriations.

In 1963, the rationale seemed to shift. At that time, it was decided to name the cultural center in honor of our late President, John F. Kennedy. It was thought then that this would be a fine "living" memorial to a beloved President.

In 1963, the Congress voted to authorize the appropriation of $15.5 million. This amount was to be matched by private donations on an equal basis and would have covered a $31 million price tag on the cultural center. In addition, there was borrowing authority of $15.4 million for construction of parking facilities.

There was promise after promise in the 1963 debate that no more Federal funds would be required. The Board of Trustees said they would not request any more money from the Congress.

Now, 6 years later, the Congress is being asked to increase that Federal appropriation by 48 percent to $23 million. We are also told that the original estimate of $31 million, which was increased to $46.4 million, if the borrowing authority were included, has now been increased to $66.2 million. This is a 43.5 percent increase in the estimated cost of reduction.

It is more than double the original estimate of $31 million—it is more than double the amount envisioned by President Kennedy.

We who represent our people in the Congress have a duty to those people. We have a duty to the taxpayers of this Nation to spend their money wisely—whether it is for defense or a cultural center.

Somehow, the National Cultural Center, which originally involved no Federal money, is now—if this legislation is approved—more than two-thirds federally funded. Of an estimated $66.2 million price tag, the Federal Government and the taxpayers are being asked to provide $43.4 million.

I do not quarrel with the need for a center for the performing arts. The city of Washington, and our Nation, need such a center. But, I do quarrel with legislative blank checks for contractors.

The history of Federal building contracts is not encouraging. One cannot avoid looking at the overruns on the New Senate Office Building and the Rayburn House Office Building.

The District of Columbia Stadium is a good example of the predicament which the Government finds itself in once it starts such a project. Somehow, self-liquidating projects always involve a yearly appropriation from the Congress. This year's budget for the District of Columbia includes over $500,000 to cover the obligations on the bonds for the District of Columbia Stadium.

This legislation would also increase the borrowing authority from $15.4 to $20.5 million—almost one-third. Is the Senate supposed to believe that this facility will be self-liquidating? I suggest that we prepare now for the annual request to keep this self-liquidating project solvent.

There was great and justified concern over the 40-percent cost overrun for the C–5A. Yet here we have a 48-percent increase in a project that was to involve no Federal funds.

I feel the amendment offered by the distinguished Senator from Maine (Mrs. Smith) is appropriate at this time. The Congress should not allow any further expenditure of tax dollars on this project until the cost increases have been studied.

The Government Accounting Office has the expertise to study contract awards and inaccurate cost estimates.

I speak as one who favors a national cultural center in the city of Washington.

But we should not proceed with this project until we know what the ultimate cost will be to the taxpayers.

Mr. President, I ask unanimous consent to have printed in the Record several pages taken from the Congressional Record of July 8, 1969, which contains statements going back to 1958, showing the clear intent of Congress when the legislation was enacted, that it should be handled by private contributions.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PROVIDING FOR CONSIDERATION OF H.R. 11249, JOHN F. KENNEDY CENTER ACT AMENDMENTS

Mr. O'Neill of Massachusetts. Mr. Speaker, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

"*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such Center. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit."

Mr. O'Neill of Massachusetts. Mr. Speaker, I yield myself such time as I may consume, at the conclusion of which I will yield 30 minutes to the gentleman from California (Mr. Smith).

Mr. Speaker, House Resolution 447 provides an open rule with 1 hour of general debate for consideration of H.R. 11249 to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

H.R. 11249 would amend section 8 of the John F. Kennedy Center Act by increasing the authority for direct appropriations from $15,500,000 to $23 million, an increase of $7.5 million, provided, as in the basic act, that this increase is matched by an equal amount of money, securities, and other property from other sources. In addition, the bill amends section 9 of the act by authorizing an increase in the amount of bonds authorized to be issued to pay for the cost of the underground parking facilities by $5 million—from the original $15,400,000 to $20,400,000.

The original authorization of $15.5 million has been matched by an equivalent amount of gifts as required by present law. Approximately $5.5 million worth of additional gifts has also been received by the Trustees and may be applied toward the additional appropriations authorized by this legislation.

The overall construction of the Center is more than 50 percent complete. The exterior marble panels have been erected on the three exterior walls of the concert hall, completely enclosing the southernmost third of the building. The exterior marble has also been erected on the river side of the opera. It is planned to complete the exterior marble panels for the entire building by the fall of this year.

Concrete work has been completed in the concert hall area, in practically all of the garage area, and is well under way in the opera. A carpenters' strike commenced on the first day of May, and this stopped all further work of pouring concrete. About 30 percent of the total concrete remains to be put in place.

A large amount of masonry, plumbing, air conditioning, elevator, and electrical work has been accomplished. The concert hall, the hall of nations, the grand foyer, the river terrace, and the entrance plaza are all taking shape and their ultimate appearance, insofar as form is concerned, can be readily visualized.

Major work still to be contracted includes tile, terrazzo, wood floors, interior glass, approaches, landscaping, interior painting, and the finishing of administrative and rehearsal spaces. A program for procurement of all furnishings, furniture, landscaping, and sound equipment will have to be initiated in the immediate future in order to be coordinated with the completion of the building.

Mr. Speaker, I urge the adoption of House Resolution 447 in order that H.R. 11249 may be considered.

I yield to the gentleman from California.

Mr. Smith of California. Mr. Speaker, as stated by the gentleman from Massachusetts, House Resolution 447 does provide an open rule with 1 hour of debate for consideration of H.R. 11249, the John F. Kennedy Center authorization.

The purpose of the bill is to authorize additional Federal funding for the John F. Kennedy Center in the amount of $7,500,000 on the condition that this increase be matched by private sources. The bill also authorizes an increase in the amount of bonds to be issued to pay the cost of underground parking by $5,000,000 to a new total of $20,400,000.

Original cost estimates set construction costs of the Center at $46,400,000. Current estimates now total $66,400,000. Construction is now more than 50 percent complete.

The committee recommends passage of the bill but clearly states that it will not in the future consider another funding request.

The gentleman from Kentucky (Mr. Snyder) and the gentleman from Indiana (Mr. Zion) oppose the legislation because of the fiscal condition of the country.

The gentleman from Wisconsin (Mr. Schadeberg) has filed additional minority views. He opposes the legislation and wants the bill returned to committee so that an alternative funding plan can be devised.

Letters supporting the bill are included in the report from the John F. Kennedy Center, the Smithsonian Institution, the Commission on Fine Arts, and the Bureau of the Budget.

Although the committee has stated that they are not going to come in and ask for additional money in the future, I remind the House that we cannot bind any future Congress, and it would not surprise me if the proponents of the Center come in later with a request for funds in order to complete the Center.

Mr. Speaker, I yield 10 minutes to the gentleman from Iowa (Mr. Gross).

(Mr. Gross asked and was given permission to revise and extend his remarks.)

Mr. Gross. Mr. Speaker, here we are again.

To the new Members of this body, may I say "welcome" to what has become the regularly scheduled fleecing of the American taxpayer by the promoters of that white elephant on the banks of the Potomac, the Kennedy Cultural Center.

While leafing through the hearing on this year's sheep-shearing operation, I notice the gentleman from Texas (Mr. Wright) reminded his committee colleagues that the House and the American people had been solemnly promised on a previous occasion that no more money from the U.S. Treasury would ever be sought for this boondoggle.

That promise, the gentleman reminded his colleagues, "is going to be read back to us when we go out on the floor with this bill."

I would not for the world disappoint the gentleman from Texas, but I am in a quandary as to just which promise he meant.

Was it the statement made in 1958 by our former colleague from Virginia, Mr. Smith, who told us, and I quote:

"It does not cost the Government any money. They are going to have a magnificent structure here. The money is going to be raised by voluntary contribution and they will have a magnificent building here for the performing arts . . . and we get it free."

I am certain the gentleman from Texas (Mr. Wright) remembers Mr. Smith's remarks because he jumped right in with this:

"I certainly concur in what my colleague, the gentleman from Virginia, has said."

Was that the promise of which the gentleman was reminding his committee colleagues during their abbreviated hearing a few weeks ago on this bill?

Or was it the one made by the gentleman from Pennsylvania (Mr. Fulton)? Here's the way he laid it out:

It has been said that this will not cost the Government money. No, it will not.

If that was not the promise to which the gentleman referred, perhaps he had reference to the exchange between Mr. Seely-Brown of Connecticut, a former Member of the House, and the gentleman from New Jersey (Mr. Thompson).

Mr. Seely-Brown asked this:

"Mr. Speaker, I want to make two points. First, this is not going to cost the taxpayers a cent; is that correct?"

The gentleman from New Jersey (Mr. Thompson) responded:

"Not one cent; that is correct."

Then I got into the act.

"Mr. Gross. Make no mistake about it, this is a legislative blank check. I do not think any Member of the House would want to stake his reputation on the statement here and now that all the money for the construction of this $25 to $50 million Cultural Center is going to be raised from philanthropic sources.

To which the gentleman from New Jersey (Mr. Thompson) replied:

"I would stake my reputation on it, for the record."

I wonder, Mr. Speaker, if those were the statements to which the gentleman from Texas referred in the hearing. But just in case they are not, let us take another trip to the floor of the House, this time on August 5, 1963, where we find the gentleman from Alabama (Mr. Jones), a member of the committee, seeking legislation to extend the time allowed to raise voluntary contributions for the Center.

This is part of what he said then, and I quote:

"Mr. Jones of Alabama. Mr. Speaker, this extension—this authorization—does not authorize the expenditure of one red penny.

"This is unique legislation. The funds for this building are being raised by voluntary contribution.

"I would like to point out once again that no additional Federal funds are involved in this legislation."

On January 8, 1964, the gentleman from Iowa (Mr. Schwengel), also a member of the Public Works Committee, had this to say:

"When the question of the National Cultural Center Commission was before this House and I took a strong position in its favor and, of course, in favor of the Center, it was made clear, as all of you will remember, that there would be no use of Federal funds for the project.

"With me, Mr. Chairman, this is a point of honor."

And the gentlewoman from Illinois (Mrs. Reid), speaking on March 17, 1964, concerning the extension of time in which to raise contributions for the Center, said this:

"It was the fear of some of my colleagues that this was a forecast of eventual requests for Federal funds for this project, but I was able to allay such fears since I was led to believe at that time, in my capacity as a congressional member of the Board of Trustees, that there was no intention of ever asking for Federal funds.

"If the Congress approves the appropriation of these initial Federal funds for this Center, will we be faced by continuous requests for more Federal money to take care of some unforeseen or unplanned emergency or expense in the future?"

Mr. Speaker, I suggest that the foregoing statement entitles the gentlewoman from Illinois for favorable consideration as the Jeane Dixon of Capitol Hill.

But the bogus promisers are still with us.

I seem to remember that one, Roger Stevens, who has presided over this monumental boondoggle, asserted some years ago that he would resign if he could not raise from private sources all the money necessary to build this pleasure palace.

If Members will turn to the hearing on this bill they will find the latest weasel-worded promise from Mr. Stevens in the following colloquy:

"Mr. Cramer. Do you give the Committee complete and full and unequivocal assurance that you will not come back for any additional money for the construction of this facility?

"Mr. Stevens. Well, I think it is the duty of the Trustees to complete the building with the funds if this bill goes through that are available to us, sir.

"Mr. Cramer. I want to ask this question again. It is going to be asked us on the floor. If we cannot give this assurance, I do not think the bill has a Chinaman's chance. Can you give this Committee the assurance that you will not come back for any additional money for the construction of this facility?

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"Mr. Stevens. As far as I am concerned, sir, whatever authority I have as Chairman of the Board, I will assure the Committee that we will not be back to seek any more money."

I submit that statement is meaningless. In the first place, Stevens could be gone tomorrow as Chairman of the Board, and in the second place the Board could easily vote to instruct him to go right on pilfering the treasury. The so-called assurance from Stevens is but one more of the utterly worthless assurances and promises that have been made both in and out of Congress in connection with this fiasco.

Mr. Speaker, the Federal debt is now at $365 billion and it will require the borrowing of an estimated $17.3 billion this year just to pay the interest on that debt.

Poverty, we are told, is still rampant. Hunger, we are told, is still widespread. The costly war in Vietnam goes on and on, and inflation goes up, up, and up. And here we are considering a measure to throw another $12½ million in this fiasco that started out to cost $30 million—at no expense to the taxpayers—and is going to top $66 million before the doors are ever opened.

In view of the financial situation that confronts the citizens of this country, and in view of the deception and broken promises that have marked this Treasury raiding, I submit that it takes an uncommon amount of gall for the Public Works Committee to even bring this proposal to the House floor. It ought to have been shelved in committee. Since it was not, the House ought to kill it here on the floor and thus serve notice that promises made in the promotion of legislation must be kept now and in the future.

Mr. Hall. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri (Mr. Hall).

Mr. Hall. I appreciate the gentleman yielding.

I thought we might bring in one more "trip to the floor," later on in the same year, 1964, during the appropriation bill debate on this floor, when the esteemed chairman of that subcommittee (Mr. Kirwan), said that, "they plan to collect about $20 million, and the Appropriations Committee gave them the full $15.5 million authorized." He then said, "We do not expect to report out any more."

Mr. Stephens. Mr. Speaker, will the gentleman yield for a question?

Mr. Gross. I yield to the gentleman.

Mr. Stephens. Would the gentleman please make it clear that the Mr. Stephens he is talking about is not me?

Mr. Gross. I will be glad to. It is not the gentleman from Georgia.

Mr. Wright. Mr. Speaker, will the gentleman yield to me?

Mr. Gross. Certainly I yield to the gentleman.

Mr. Wright. I thank the gentleman for yielding.

He used my name and quoted me accurately save for the fact that I did not characterize this bill as a boondoggle.

Mr. Gross. I would not expect the gentleman, who has been a party to raiding the Treasury for this purpose, to call it a boondoggle.

Mr. O'Neill of Massachusetts. Mr. Speaker, I hope that this rule will be adopted. After the gentleman from Iowa (Mr. Gross) has finished making his comment, I think that we ought to have a definite opportunity for the chairman of the subcommittee in charge of this bill to answer the objections and the doubts of the gentleman from Iowa.

I now yield to the gentleman from California (Mr. Smith).

Mr. Smith of California. Mr. Speaker, I yield 7 minutes to the gentleman from Ohio (Mr. Bow).

(Mr. Bow asked and was given permission to revise and extend his remarks.)

Mr. Bow. Mr. Speaker, I rise in opposition to this rule and in opposition to the bill.

I would hope that if the rule should pass the bill would be recommitted. It seems to me a great deal more study must be done on the matter of the financing of this Center. There has been a great deal of consideration in the past.

I would like to make one thing crystal clear. As a member of the Board of Regents of the Smithsonian Institution, under the original enactment of this law there was a provision that it would not be built until the Regents of the Smithsonian Institution certified that sufficient money was on hand to complete the building. Well, some few years ago we had a meeting of the Board of Regents, and the Trustees of this Center and their attorney and their accountants came in. They laid it right on the line to us that they had plenty of money to complete the building, and they urged the Regents of the Smithsonian Institution to so certify. And after looking over the books and records and giving the matter careful consideration the Director of the Regents of the Smithsonian did so certify.

So not only was I taken in originally on this legislation, but I was taken in as a Regent of the Smithsonian Institution, that there was enough money to build it, and the taxpayers were not going to be saddled with this great cost.

Mr. Speaker, I join with the gentleman from Iowa (Mr. Gross) in taking a trip back to the floor, back some time ago, and we heard then—and we remember what Mr. Smith, our beloved former colleague from Virginia, had to say.

You will also remember a very fine gentleman whom we had here from California who is now deceased, Mr. Baldwin, who was a member of the committee and Mr. Baldwin said:

"The most remarkable thing about this bill which came before the Public Works Committee is the fact that this group of people who are interested in providing a National Capital Cultural Center are willing to actually assume the burden of raising the funds to finance it. That is quite a distinctive approach to those of us in Congress who have been working on many projects involving the construction of buildings." . . .

And our friend, Ken Keating, who was with us at that time, and who is now Ambassador to India, said:

"It should be noted that the land to be occupied by this structure is not now being used for any significant purposes, that the center will not be subsidized by the Federal Government—"

And I think we can go back over the road and find item after item, Mr. Speaker, and statement after statement, that this Center was not going to be financed by the Government, but then we came along and we gave them some money.

Let me point out to you, my colleagues, that we have already contributed to this nonsubsidized, no-Federal-funds program, and we are already in for $33 million—$33,075,000, to be specific—for the project. And when you pass this bill today, a few days after we approve continuation of the surtax, you are going to have $45,575,000 in this Center. And all of that after all the promises that we were not going to tax the people of this country for the Center.

I say to you, my friends, that I have been taken. I voted for it originally, and now I come to the wailing wall and admit the error of my ways. I hope others will not be too proud to admit the error of their ways, and will vote against this rule and vote to recommit.

But, Mr. Speaker, I want to make one other statement here that I rather hesitate to make, but I believe I should: There was a request on this particular bill sent to the Regents of the Smithsonian Institution asking for the comments of the Smithsonian on this bill. We had a meeting of the Regents of the Smithsonian Institution some time around the 20th of May, and this matter came up. There was a discussion. We discussed the fact that we had already certified that there was enough money to build it. After some consideration the Regents of the Smithsonian decided we should do nothing; we would take no action at all on this bill. We rather felt that we had been taken in once, and we were not going to take any more action.

Much to my surprise, in this report I find here on the date of May 23, a few days after the meeting of the Regents—and the Regents are the controlling officers of the Smithsonian Institution—I find that S. Dillon Ripley, the Secretary, wrote a letter to the chairman of the committee and said this in part:

"It is our understanding that present estimates of cost and other justification in support of provisions of H.R. 11249 will be presented to the committee by the representatives of the John F. Kennedy Center for the Performing Arts and of the General Services Administration. In suppport of that justification, the Smithsonian Institution recommends favorable consideration of H.R. 11249."

Mr. Speaker, I say here unequivocally to you as a member of the Board of Regents, the Board of Regents never took any action supporting this legislation, but in fact made a decision not to support it, and I think this ought to be known by the Members here.

Mr. Gray. Mr. Speaker, will the gentleman yield?

Mr. Bow. I yield to the gentleman briefly.

Mr. Gray. The gentleman has made a very important statement. But he stated he voted to help create this Center. Is that an accurate statement?

Mr. Bow. That is right.

Mr. Gray. The gentleman knows—if he has been along the beautiful banks of the Potomac River——

Mr. Bow. Oh—what that thing has done to the banks of the Potomac River with the overhanging marquee of that building out along the parkway where you are not safe to drive and where you have had to go one way for about a year now. It looks like we will have more. Oh, but it has done a beautiful job to the beautiful Potomac. But you go ahead—do you still like it? Tell me honestly, my dear friend from Illinois—do you still like that marquee sticking out over there?

Mr. Gray. If the gentleman will listen as intently to my speech as I have to his, I am sure we can get along fine.

I want to ask the gentleman this. He admits he helped to create this Center. Would you like to see a national disgrace by an unfinished building on the banks of the Potomac. That is the real issue in this bill.

Mr. Bow. Mr. Speaker, I do not yield further to the gentleman.

Mr. Speaker, it seems to me the one great national disgrace that might come about is if this Congress gives its word that the taxpayers will not be called upon to pay a dime and then time after time we go down to the well and we violate that word—that is the national disgrace—when the Congress does not keep its word to the American people.

Mr. Smith of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Mrs. Reid).

Mrs. Reid of Illinois. Mr. Speaker, although I certainly do not profess to have the powers of Jeane Dixon, as the gentleman from Iowa indicated, I am afraid that I did know from past experience when I spoke on January 8, 1964, just what would happen.

On August 5, 1963, the House amended the original National Cultural Center Act to provide for an additional 3-year period in which funds could be raised through voluntary contributions for construction of such Center in Washington, D.C. It was the fear of some of my colleagues that this was a forecast of eventual requests for Federal funds for this project but I felt I was able

to allay such fears since I was led to believe sincerely at that time, in my capacity as a congressional member of the Board of Trustees, that there was no intention of ever asking for Federal funds—that the original concept of having a cultural center built through voluntary contributions would remain in effect.

However, on January 8, 1964, we were asked to authorize direct appropriations of $15.5 million for construction of the Center as well as the issuance of $15.4 million in bonds to pay for the cost of underground parking facilities. At the same time the Center was renamed the John F. Kennedy Center for the Performing Arts and it was made a memorial to our late President. I gave my full approval to renaming the Center and making it a memorial to the late President Kennedy. On the other hand, I stated unequivocally that I was opposed to the use of Federal funds for construction and expressed my strong feeling that the memorial would have much greater meaning and be more of a tribute to the late President Kennedy if it were built through voluntary, free-will contributions.

Today we are being asked to increase the direct appropriation to $23 million and the bond authorization to $20.4 million. Furthermore, there is no proof that this will be the last request for building funds or that yearly appropriations for the operation of the Center—once built—will not be requested.

The fact that a Center for the Performing Arts is vitally needed in our Nation's Capital for opera, ballet and other cultural activities is well known and I feel it is a fitting memorial to the late President Kennedy. However, I would strongly urge that this bill be sent back to the committee for further study of alternative means of financing other than through public tax subsidies. If this bill passes and the money is appropriated, about two-thirds of the present estimated cost will have been paid by the taxpayers.

It would certainly be a more fitting tribute to our late President if citizens paid for it through voluntary freewill contributions rather than having their tax money used for this purpose. The meaning would be so much greater. I realize that the building is already under construction and tax money has already been used so we cannot return entirely to the original concept of financing, but we could move in that direction by recommitting H.R. 11249. Also, why could it not be financed through the issuance of bonds which could be paid off through the charges for the performances? This is one other alternative which might be considered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Record, since the matter of foreign contributions has been brought up, certain sums of money which the United States has appropriated over a period of years to various foreign countries, those nations to which the largest amounts have been given.

There being no objection, the table was ordered to be printed in the Record, as follows:

Foreign aid

	Billion
Korea	$7.8
United Kingdom	7.7
India	7.5
France	7.0
South Vietnam	5.8
Italy	5.4
Turkey	5.4
Republic of China	5.0
Germany and Berlin	3.7
Greece	3.7
Japan	3.6
Pakistan	3.5
Brazil	2.8
Yugoslavia	$2.6
Iran	2.0
Netherlands	2.0
Spain	2.0
Philippines	1.8
Belgium-Luxembourg	1.7
Indochina	1.5
Chile	1.4
Austria	1.1
Norway	1.1
Thailand	1.1
Colombia	1.0

Mrs. SMITH of Maine. Mr. President, I yield myself 2 minutes.

In the debate Friday, it was observed that the cost overrun on the Kennedy Center could not be compared with the Safeguard ABM or the C–5A. Injection of the ABM into the debate was raised by the opposition to my amendment.

My response to that is to remind the opposition that I voted against authorization of any funds for the Safeguard ABM, including voting against over three-quarters of a billion dollars for development of the Safeguard ABM.

I did inject comparison with the C–5A for two reasons. First, a GAO amendment was offered on the C–5A authorization and my amendment on the Kennedy Center is modeled after that GAO amendment on the C–5A to the extent of cost determinations. Second, the cost overrun on the Kennedy Center percentagewise is even greater.

In defense of the cost overrun on the Kennedy Center, the opposition to my amendment placed great emphasis on the rise in costs from inflation. Yet, I cannot recall that they evidenced any such tolerance and consideration of inflation and rising costs with relation to cost overruns on the C–5A.

In further defense of the cost overrun on the Kennedy Center and in opposition to my amendment, the opposition argued that the Kennedy Center is a very complicated building. There is nothing quite like it anywhere else in the world.

My response to that is that the same observation can be made about the C–5A and that the C–5A is very complicated and that there is nothing like it anywhere else in the world.

The PRESIDING OFFICER. Who yields time?

Mr. YARBOROUGH. Mr. President, will the Senator from North Carolina yield 3 minutes to me?

Mr. JORDAN of North Carolina. I yield 3 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I must say at the outset that I am one of the newer members of the trustees of the Kennedy Center, appointed only this year. I had, years ago, made a small contribution to that Center, never dreaming that I would ever be a member of the Board of Trustees. It was a very small contribution, though it was considerable to me at the time; and I welcomed this honor of serving on the Board, and have endeavored to familiarize myself with the problems facing the Center. I am in agreement with the intent and language of H.R. 11249.

It has been a matter of some embarrassment, Mr. President, for some years, in visiting other countries of the world, to have to acknowledge that I came from the only great nation I knew of that had no national center for the performing arts.

I think the American people owe it to themselves to build a center for the performing arts. It is long overdue. The distinguished Senator from Arkansas mentioned that beautiful opera house in Vienna. We saw this wonderful edifice at the Inter-Parliamentary Meeting in April of this year. It was restored, as the Senator stated, with American money after its partial destruction in World War II.

This great Nation can no longer afford to delay building a center for the performing arts, that is worthy of a great people.

The distinguished Senator from Montana, the majority leader (Mr. Mansfield) read parts of an editorial from the Washington Sunday Star published yesterday, October 5. The editorial analyzes this controversy on both sides. I shall repeat only one sentence:

> The practical effect of that move—

That is, to block the authorization pending an investigation by the General Accounting Office—

> would be to bring work on the center to a complete halt probably within the next few days and add materially to the total cost of completion.

Mr. President, I ask unanimous consent to have printed in the Record the editorial entitled "Assault on the Center," published in the Washington Sunday Star of yesterday, October 5, 1969.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

ASSAULT ON THE CENTER

The half-fleshed skeleton on the Potomac known as the John F. Kennedy Center for the Performing Arts makes an inviting target for partisan political assault. But despite the temptations, the attack now being mounted by some Senate Republicans should be called off and the requested additional funds should be approved.

Not that the critics don't have a point. The building, originally estimated to cost $46.4 million, has progressed through a series of escalating estimates until the figure now stands at $66.2 million—an overrun of approximately 43 percent. There was, certainly, some sloppy figuring—and just possibly a bit of intentional underestimating to sugarcoat the first pill that Congress was asked to swallow.

But the real joker in the deck was neither carelessness nor budgetary sleight of hand. It was the devastating inflationary spiral, aided and abetted by a prolonged strike. No one can properly be held accountable for failing to anticipate the zooming costs of building construction.

The House, after bitter debate, voted to provide the $12.1 million the center needs to complete the work. There is a move now in the Senate to block the funds pending a thorough investigation by the General Accounting Office. The practical effect of that move would be to bring work on the center to a complete halt, probably within the next few days, and to add materially to the total cost of completion.

Congress does not need a GAO survey to inform itself on how building costs can get out of hand. There is no need to look further than the Rayburn Building for such instruction.

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> The Kennedy Center already represents a multi-million dollar investment in private donations and in gifts by foreign governments. It is an obligation to which Congress is already fully committed. The political noises should cease, and the work should continue without interruption.

Mr. YARBOROUGH. While there are many pertinent sentences in it, I think the most material sentence is that which I have just read about the effect of this amendment, if adopted, on construction progress. It would force work to come to a halt. The editorial points out the effects of spiraling inflation and the part inflation has played on the rapidly increasing costs of construction.

It has been pointed out, and it is not necessary for me to repeat, that with the passage of this authorization, the Appropriations Committee will still have to pass on the matter; and that if, in the meantime, the GAO investigation shows that there is any reason why the funds should be held up, the Appropriations Committee will have the power to do it.

Everyone in Congress knows that the Appropriations Committee looks with pretty much of a jaundiced eye upon money being appropriated for a purpose such as this. It is hard to get it from the committee. I have served on it, and I know. Only one of the regular appropriation bills has been signed into law this year, as shown on the fourth line of the back page of today's calendar of business. That is the Treasury and Post Office Department appropriation bill. The table does not show, but that bill was signed into law on the 29th day of September.

That is the only one of the general appropriation bills that has as yet been passed. So the Appropriations Committee is going very slow with appropriation bills this year, scanning them slowly item by item. There has been no year since 1950 when appropriation bills have been delayed this long. I think that alone shows there will be ample opportunity to survey this matter. Meanwhile, we need to furnish the authorization, so that the GAO and the Appropriations Committee can make any necessary scrutiny of the matter while deciding upon appropriations.

I believe we owe it to the Nation to have a Center for the Performing Arts worthy of the ideals of the American people; one that will be a showplace for our Nation, such as other nations have in their capitals. We should show the rest of the world that we have other things in mind besides the enhancement of our national power, and that we treasure other things besides might and power.

Mr. President, this Center will put this city on a par with the other great capitals of the world. We need it as a center for the vibrant part of our culture. We need this Center as the moving, throbbing, heart of culture in America.

The Nation's Capital is widely thought to be one of the most beautiful cities in America and perhaps in the entire world. The broad sweep of its avenues, the pleasantness and year-round beauty afforded by its many parks, and the majesty of the great river at its doorstep all contribute to its physical beauty. Moreover, the Federal Government has embellished the beauty of the Capital's plan and natural setting with many great buildings and public monuments. From the Capital building which crowns the city to the elegant simplicity of the White House and the symmetry and beauty of the Jefferson and Lincoln Memorials, the works of man matched with the works of nature and the vision of our forebearers have made the Capital a city of rare beauty.

Unfortunately, the Government has not equalled these efforts in the area of providing an adequate center for cultural activities. The John F. Kennedy Center will provide such a facility. It will contain stages for music and drama. It will house an opera company, a symphony orchestra, a ballet troupe, and a theater company.

What is being requested in this bill is a relatively minor item in the total national budget. It is insignificant beside the vast sums we spend yearly for weapons, for highways, and for the many other Federal programs.

Yet the benefits we gain from this small sum will be great. The work on the John F. Kennedy Center can be carried to completion. Our political capital can become a spiritual and cultural capital as well.

Mr. President, I fail to see why we should approve this amendment, the effect of which would be to stop work on the Kennedy Center. Let us pass this bill as the other body has done, so that work on this magnificant edifice may proceed to completion.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, will the Senator from Maine yield me 5 minutes to ask the Senator from Illinois one or two questions?

Mrs. SMITH of Maine. Mr. President, I have 15 minutes remaining. I yield 3 minutes to the Senator from Alabama.

Mr. ALLEN. I ask the Senator from Illinois referring to the $3.5 million item in the receipts statement I inquired about during my remarks the other day, if that is in the nature of an advance rental paid by the parking lot people to the Center.

Mr. PERCY. That is correct. Under the terms of the contract, the parking company agreed, on call, to advance $3.5 million of its anticipated revenues to the Center for parking. This agreement was made providing the parking facility was finished and ready to go, and the Center was completed to such extent that they knew there would be performances attracting customers.

Mr. ALLEN. Would that be in the nature of advance rentals?

Mr. PERCY. That is in the nature of advance rentals.

Mr. ALLEN. Then no consideration was given to the supposed lien that the Treasury has, under terms of the act, on the revenues of the parking facilities. We are overlooking the fact that the Treasury is going to have a stake of $20 million in this venture, secured by a lien on the parking facilities revenues. If you have already taken in $3.5 million of those revenues, have you not thereby diminished the lien of the Treasury on those revenues?

Mr. PERCY. As I pointed out before, not a penny of that money has been called for, is available, or can be obtained now, until the Center is completed, until the parking facility is ready to go, and until there are performances scheduled, so that we can absolutely assure and guarantee to the parking contractor that the building is going to be usable and is usable for the intended purpose.

Mr. ALLEN. In other words, the advance rental, then, would deprive the Treasury of its lien on $3.5 million of receipts?

Mr. PERCY. And that advance, of course, would be available for the trustees and the administration to be able to be used to retire and draw down those bonds.

Mr. ALLEN. Has that been cleared with the Treasury Department?

Mr. PERCY. Treasury approval is not required. Title to the Center land and building is held by the U.S. Government. The bonds have a first lien on income when they became due and payable.

Mr. ALLEN. In other words, the Treasury Department is going to take a second lien, then, instead of the first lien, on the receipts.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I ask for 3 minutes.

Mr. JORDAN of North Carolina. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I spoke on this matter last Friday. I did so because I am a member of the Committee on Public Works, and of course the bill came before our committee, and we bear responsibility as well as others who have been associated with this building.

I should like to say that the direct contribution of the United States, through appropriations, would be the $15.5 million which has been appropriated, and if $7.5 million more is appropriated as authorized by this bill, there would be a total appropriation of $23 million for the building.

There is also a contingent liability. There was $15.4 million borrowed under the existing authorization, and $5 million additional would be authorized by this bill. That is a total of $20.4 million; it is intended to be repaid from parking revenues. What would actually be appropriated and so contributed by the taxpayers to this great Center would be $23 million. The other $23 million would come through gifts.

I said the other day that I could not contradict the statements made by the distinguished Senator from Maine. There is no question about the overruns. The overruns were explained by those who appeared before us—the General Services Administration and others. Part of it is due solely to inflation, part is due to a strike, part is due to the fact that they were forced to let these contracts in smaller pieces because of the lack of certainty about the availability of funds. And the contracts were on a cost plus a fixed fee basis. They admitted

underestimates in some fields. They promised when they appeared before us they would not come back again. I cannot look into the future. However, I think they mean it.

Mr. President, one may ask why we would go ahead and authorize the additional money. It is clear from looking at the building that it is about half finished. Contracts are pending upon which funds will have to be paid. And they cannot be paid by the Board of Trustees unless the pending bill is passed.

If those funds are not made available, there will be a hiatus in the gift program. I would certainly say the matter of the overrun should be investigated. When it is investigated—and it can be done without holding up the funds—we should try to determine if the General Services Administration is the appropriate agent to undertake the contracts. The GSA is the agent for all Federal buildings. That is mostly what we would have to examine. I assume that we would have to go ahead in this manner if we want the building completed.

I make no argument against looking into the matter, but I think the country and Congress want the memorial finished.

In the committee, we considered this matter. We know that this is the principal national memorial to the late President John F. Kennedy. We believe it should be finished.

Let us look into the cost of the overrun. If we are going to finish it, we should appropriate the funds and let the building go forward.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from North Carolina has 16 minutes remaining.

Mrs. SMITH of Maine. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maine has 12 minutes remaining.

Mr. JORDAN of North Carolina. Mr. President, I suggest the absence of a quorum.

Mr. FULBRIGHT. Mr. President, is the time chargeable to both sides?

The PRESIDING OFFICER. That can be done only by unanimous consent.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, in view of the sparse attendance of Senators—the Senators who are now in the Chamber have already heard what I shall say, and I cannot add much to it—I can only emphasize the importance of not delaying the completion of the building, on the assumption that we wish to complete it. Every one of the sponsors of the amendment with whom I have spoken has said that he is not against the construction of the center. All that the sponsors wish to do is to have time to review past mistakes and avoid future mistakes, if they can. That is a highly laudable purpose; no one objects, nor do I, to having the General Accounting Office audit the accounts. I do not think a single thing will be turned up in addition to what the General Services Administration has already determined. The General Services Administration is an agency that is equipped to do that with respect to the construction of buildings.

I also notice rather a coincidence, in that during the recent controversy about the military program, almost all the Senators who are now asking that the General Accounting Office examine into the construction of the Center declined to have the GAO examine into the military program; they thought that the GAO was not suitable to do it; they had their own auditors. I think, without having checked the record, that most of those Senators opposed having the General Accounting Office examine into the cost of the C–5A.

But now they want the General Accounting Office to audit the funds, although the General Services Administration is the agency which has been created to supervise and audit the funds for the construction of all buildings of this character. The GSA is supervising the construction of all the vast array of Government office buildings and other buildings in Washington and elsewhere. So I do not see that much would be gained by having the GAO make an audit, although I do not oppose it. But what I do oppose as unacceptable, besides the business proposition and, I think, other considerations, such as dignity and good manners, is a delay in construction.

I have estimates of what additional costs may be, depending upon how long and under what circumstances the delay will be. As an extreme case, if the building is "put in mothballs," and construction competely suspended, the best figure I have obtained from the General Services Administration is that the loss will be approximately $14 million, assuming that the building is "put in mothballs" for from 1 to 5 years. But if the delay is only 60 days, and there are penalties to be paid, the cost may be only $1 million or $2 million, as I believe the Senator from Illinois (Mr. PERCY) said. That would be the price to pay for a 60-day delay, because the Center is out of money. It will have to begin to reduce costs. It will have to lay off personnel and will not be able to proceed with the contracts which are essential to the continuation of the work.

For example, today I spoke with Mr. Stevens. The contracts for the tile of the terrazzo flooring will have to be let and work started. Other work which is now going forward will be held up, work such as plastering, and the like. I shall not attempt to describe in detail how the building is constructed. But the information is at the Center, and anyone may look at it. A great many people are at work there today.

Mr. President, one last thing, the question of the Government's percentage of the cost of the building.

This is a Government building. It belongs to the Government. It is built on Government land. Normally, in most civilized countries which are interested in the fine arts, they build all their buildings and they pay all the cost—the great theaters in Paris or in Rome. I am sure that in Moscow they did not take up a public contribution to build the Bolshoi. It is a public building, belonging to the Government, just as this Capitol is. It is on Government land, and it belongs to the Government.

I think it is quite unusual for the private sector to contribute as much as they have. They all are taxpayers, in addition to making contributions. Rather than be criticized about it or have something funny raised about it or have it said that they should pay more, I think they should be congratulated.

Personally, I do not wish to apologize for anything about this building. Its history is well known. It should have been built years ago.

This is the only country in the world that devotes nearly all its funds to military affairs and almost nothing to fine arts or anything having to do with nonmilitary improvement of the quality of life. That is one of the reasons why there is such a revolt going on in this country among the young people—not because of this particular building, but because they sense that the direction of this great country is in the wrong direction; that we are becoming a country dominated by the military, and with very little interest in what is generally called the humanities or the fine arts.

Mr. President, for the information of Senators, I ask unanimous consent to have printed at this point in the RECORD a memorandum in connection with this matter and a letter dated October 6, 1969, addressed to me by Mr. Myers, contracting officer of the General Services Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Memorandum, October 6, 1969]

RESPONSE TO QUESTIONS RAISED CONCERNING APPROPRIATION AND BORROWING AUTHORITY NEEDS OF THE JOHN F. KENNEDY CENTER

ASSETS IN THE "FUNDS AVAILABLE FOR CONSTRUCTION" STATEMENT ARE ALREADY COMMITTED

Initially, the terminology, used in the caption of the financial statement "Funds Available for Construction" should be explained. In fact, all of the funds which are listed in the statement, while available for construction, have already been committed for construction contracts by the Contracting Officer, the Commission of Public Buildings, G.S.A.

This statement of assets reflects only a portion of the financial position of the Kennedy Center. There is also a liabilities statement, which, of course, under generally accepted accounting principles, is necessary to give a complete financial picture of the Center. In the Center's case, these liabilities are largely contractual commitments already entered into. The existing contractual commitment along with the already completed

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parts of the structure exhaust virtually all the $54,915,640 of assets which are listed in this statement.

As has been made clear to the Congress, it is essential that additional assets be made available forthwith, in the form of a $5 million borrowing authority, because as of today the Center has no uncommitted funds for new contracts. These contracts must be executed to avoid unnecessary delay in construction. The Contracting Officer has already indicated that he is holding up the awards of two contracts, totalling approximately $500,000, for lack of additional uncommitted funds. And delay in construction of the Center of course will result in previously unanticipated slowdown and start up expenses and in additional appreciation of costs.

Therefore, when construction of the building has been completed, every dime included in the statement "Funds Available for Construction" will have been spent. And, in fact, practically every dime listed in the statement has already been committed to specific contracts for construction.

CONDITIONAL CONTRACT ARRANGEMENTS WITH CONCESSIONAIRE

As set forth in the financial statement "Funds Available for Construction," the Kennedy Center can commit funds and sign contracts totaling approximately $55 million. Included in this total are "assets" of about $4.5 million represented by conditional contractual commitments from the food concessionaire, Canteen Corporation, and the parking concessionaire, Apcoa. As pointed out in the footnote of the financial statement, these funds will become usable assets only when the terms and conditions of the concession agreements have been fulfilled. These contracts provide that $4.5 million will become available only when certain stages of construction are reached. If these stages of construction are not reached in a timely fashion corresponding to the pre-established schedule for construction of the Center, some contracts and commitments already entered into will have to be curtailed. Therefore, it is essential that construction continue on schedule so that the conditions of the concession agreements will be met in a timely fashion.

IMPORTANCE OF RETAINING PRIVATE FUNDS ($11,497,614) INTACT

It should be noted that while all of the assets listed in the statement "Funds Available for Construction" have been committed to existing contracts for construction of the Center, the Center has been fortunate in having sufficient liquid assets (as of September 15, $11,497,614) over the past several years to enable the investment of funds to generate sufficient income to continue to meet the operating budget and preserve the organization. It also should be noted that it is fortunate that these are *private donated* funds, since appropriated funds and borrowed funds could not be invested.

In order to maintain for income-producing investment this reserve of private funds, already committed but not disbursed, $5 million in borrowing authority is urgently needed to commit additional contracts and to maintain the schedule for construction. If the schedule is not followed the Center would have to disburse these private funds for the stoppage and later start up costs. And as has already been explained, Congress could not make up for the loss of privately donated fund by simply replacing them in an equivalent amount, because the funds provided by Congress could not be invested to generate income.

It is now the goal of the Trustees of the Center to use the proceeds from a current, private fund-raising drive to replace the private income-generating fund as the existing $11 million is actually disbursed on the contracts already committed.

STOPPAGE AND STARTUP COSTS

Termination of contracts, which would result from the failure of the Congress to authorize $5 million in borrowing, will lead to a stoppage of construction. This would require that the partially completed structure be placed in mothballs by enclosing the exterior; it would require that partially performed contracts be terminated "for the convenience of the Government" and that contractors and subcontractors be paid for stopping work; it would require that most of the liquid funds of the Center ($11,497,614 as of September 15, 1969) be immediately expended for the work stoppage, placing the building in stand-by condition, protecting it during the dormant period, and mothballing the structure. It is estimated that because of this work stoppage approximately $4 million would be utterly wasted without even considering the fact that most of the $11 million of private funds would be depleted and that additional millions would be required to start up again.

The Center has been advised by the General Contractor and subcontractors that resuming construction of the building, once it has been terminated, would entail an additional cost of $10 million. At the Hearings before the Subcommittee on Public Works on May 26, 1969, Roger L. Stevens advised the subcommittee that he felt that "it would be very imprudent" to follow the course of suspending or terminating construction because of this enormous cost that such a course of action would entail.

CONCLUSION

The legislative history of the House passed bill authorizing $7.5 million in appropriated funds and $5 million in borrowing authority makes it abundantly clear that the Congress will not appropriate any additional funds nor authorize any additional borrowing for construction of the Center. With the funds now requested, the Center will have to complete construction of the facilities within the budget. If costs exceed the existing budget, private sources alone will have to remedy the problem. For the federal government, a ceiling has now been established.

If the Congress does authorize the appropriation of 7½ million, the authorization will still require subsequent review and approval by the Appropriations Committees of the House and Senate when the supplementals are presented. Meanwhile, the $5 million borrowing authority will enable the Contracting Officer of the Center to commit funds for essential contracts, while appropriate Congressional review takes place. It would be a tragedy to in any way delay the construction timetable; not only would the result of delay result in millions of dollars in additional costs, but more importantly, the mandate of Congress and of four administrations would be seriously impeded.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., October 6, 1969.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: The following is provided in response to your request for information on the amount of money committed or expended for construction of the John F. Kennedy Center for the Performing Arts.

As you are aware, the Board of Trustees has made $54,915,640 in assets available to the General Services Administration for the design and construction of this project. As of September 30, 1969, $54,315,000 had been committed to design and construction contracts. Furthermore, expenses under the general contract, on a day to day basis, are running about $200,000 per month. There can be no reduction in the commitment figure without a concomitant reduction in previously awarded subcontracts. It should be readily apparent, therefore, that additional resources are needed immediately. If additional funds are not made available now, not only will we be unable to award two critical pending subcontracts amounting to approximately $500,000 but will, in fact, have to begin cancellation of selected subcontracts during the month of October in order to provide reserves for mothballing the project. The only way in which this cessation of work can be avoided is the receipt of the $5 million which would be made available now under H.R. 11249.

So far as expenditures are concerned, these total approximately $35 million. However, the crucial figure of commitments is controlling; we must pay bills as they accrue.

Total costs will be increased substantially should it become necessary to slow down or stop work on this job. While the amount of increase cannot be accurately determined at this time, it is reasonable to expect that stoppage of work would cost approximately $1,000,000 per month.

Sincerely,

R. G. MYERS,
Contracting Officer.

Mrs. SMITH of Maine. I yield myself 2 minutes.

Mr. President, I am not offended by the attempt to characterize me as being inconsistent on so-called GAO-Comptroller amendments. That is an accepted part of debate and parliamentary dialog and tactic.

But it simply is not accurate to charge that I have opposed all such amendments.

I merely call attention to my vote on rollcall No. 77 of this year on September 17, 1969 when I voted for the Proxmire-GAO-Comptroller amendment. If anyone should have the slightest doubt about it, then I invite him to read the RECORD at page 25802.

I do not deny that I have voted against some GAO-Comptroller amendments but to charge that I have voted against all simply is a misrepresentation.

The GAO-Comptroller amendments that I have voted against have been those that proposed to vest in, and impose upon, the Comptroller General and the GAO evaluation of weapons systems. I voted against such proposals for the obvious reason that the Comptroller General and the GAO are clearly not qualified to make such evaluations.

I do not want to make the Comptroller General also the Chief of the Joint Chiefs of Staff and I do not want to make the Senate floor the new war gaming center.

The Comptroller General has made it abundantly clear that he does not feel that he and his office are qualified to evaluate the proper role of weapons systems.

This amendment of mine is far different from those I opposed. For this amendment of mine does not propose to have the Comptroller General and the GAO make any evaluation of the proper role and mission of the Kennedy Center.

This amendment only proposes that the Comptroller General and the GAO make determinations of past costs and projected costs on the Kennedy Center and they are certainly qualified to do that and the American taxpayers are certainly entitled to have such information.

Mr. President, to those who would try to cast those of us defending the interests of the American taxpayers here today on this amendment—try to cast us in the role of not being duly deferential to the late President Kennedy, I would quote Representative CHARLOTTE REID of Illinois who stated in House debate on July 8, 1969, page 18614:

> It would certainly be a more fitting tribute to our late President if citizens paid for it through voluntary freewill contributions rather than having their tax money used for this purpose. The meaning would be so much greater.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield to the Senator from West Virginia such time as he desires.

Mr. RANDOLPH. Mr. President, at the outset, I wish to state emphatically that the Senator now speaking, although he disagrees with the amendment offered by his distinguished colleague from Maine, would in no wise impugn nor even imply that that amendment to the pending bill is offered other than in good conscience. I would not attempt to think in terms of the offering of an amendment by any Member of this body except that it be offered in good conscience and in the belief that the amendment offered would be justified. My opposition to the amendment will be stated simply upon what I believe to be a more favorable solution that can be effected.

On October 3, the Senate addressed itself to this subject matter, at which time several Members debated it. Since that time, it has been of considerable concern to me, and I have tried to assess the problem to provide a solution.

As chairman of the Committee on Public Works, I have requested the Comptroller General to conduct a thorough study of the construction costs of the Kennedy Center and the anticipated costs of completion.

At this point in my remarks, I wish to read the letter I have sent to Comptroller General Elmer B. Staats:

> It is requested that the General Accounting Office make a study of the past costs and the estimated future costs of completing the John F. Kennedy Center for the Performing Arts. This study should be submitted to the Committee on Public Works, United States Senate, by December 3rd, 1969.
>
> In preparing your study, please answer those questions which were asked on the Floor of the Senate on October 3rd, 1969 (contained in pages 28374 through 28384, of the Congressional Record of that date.)

Mr. President, I have signed the letter as chairman of the Committee on Public Works.

This request, which I have made in an effort to arrive at a solution would fulfill the basic substance of the amendment proposed by the distinguished senior Senator from Maine. I think it could be done in this way, without imposing the burden of interrupting construction on this vital project, a project on which the Senate has committed itself.

I point out, Mr. President, that the General Services Administration has estimated that if the project construction program were interrupted it would add approximately $1 million per month—not per year but $1 million per month—to the already mounting costs of the construction of the Center. Since the Committee on Appropriations probably will not act on the additional funds authorized by H.R. 11249 until December of this year at the earliest, by which time the General Accounting Office will have completed the information and have complied with my request for this study, the commitment of these funds could be fully protected by the Committee on Appropriations in light of the General Accounting Office findings.

I think it is important during the interim that construction of the Kennedy Center go forward and that it proceed under the additional funds provided by the increased authority to borrow as authorized in H.R. 11249.

Mr. President, I, therefore, oppose the proposed amendment. I think that it is unnecessary. I think it would add significantly to the cost of completing the Kennedy Center; and it is my feeling that the effort that I am making in the way I have explained it may recommend itself to Members of the Senate.

Mr. President, I wish to conclude by saying what I said in other words at the beginning. I am sure that my colleague, the distinguished Senator from Maine (Mrs. SMITH) offers her amendment with the very best of intentions and with a full appreciation of her responsibility as a member of this body. So when we disagree it is only a disagreement upon that which is proposed. I accept it in good conscience and in good faith.

Mr. President, I am ready to trust the judgment of the Senate in this matter, and the response to the letter that I have addressed to the Comptroller General.

The PRESIDING OFFICER (Mr. DOLE in the chair). Who yields time?

Mrs. SMITH of Maine. Mr. President, will the Chair advise us as to the time remaining?

The PRESIDING OFFICER. The Senator from Maine has 9 minutes remaining and the Senator from North Carolina has 4 minutes remaining.

Mrs. SMITH of Maine. Mr. President, a strong credibility gap hovers over this project—already we have the repeated past assurances of Mr. Stevens of no more requests for funds would be made.

Now, I wish to call attention to another disturbing aspect in this matter.

On July 8, 1969, Representative Bow of Ohio, a Regent of the Smithsonian Institution, said—and I cite pages 18613 and 18614 of the RECORD:

> We had a meeting of the Regents of the Smithsonian Institution some time around the 20th of May, and this matter came up. There was a discussion. We discussed the fact that we had already certified that there was enough money to build it. After some consideration the Regents of the Smithsonian decided we should do nothing; we would take no action at all on this bill. We rather felt that we had been taken in once, and we were not going to take any more action.
>
> Much to my surprise, in this report I find here on the date of May 23, a few days after the meeting of the Regents—and the Regents are the controlling officers of the Smithsonian Institution—I find that S. Dillon Ripley, the secretary, wrote a letter to the chairman of the committee and said this in part:
>
> "It is our understanding that present estimates of cost and other justification in support of provisions of H.R. 11249 will be presented to the committee by the representatives of the John F. Kennedy Center for the Performing Arts and of the General Services Administration.
>
> "In support of that justification, the Smithsonian Institution recommends favorable consideration of H.R. 11249."
>
> Mr. Speaker, I say here unequivocally to you as a member of the board of regents, the board of regents never took any action supporting this legislation, but in fact made a decision not to support it, and I think this ought to be known by the Members here.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Mr. President, I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I oppose the amendment for two principal reasons. First, it is clear that the adoption of the amendment would add to the cost. We are talking about increased costs already. It is clear that cancellation of contracts and subcontracts, and the renewal of them on the present market, would cost more money.

The second reason I oppose the cancellation, is that we have assurances of the commission that upon this basis, if it is voted, this is the last time they will ask the Federal Government for money.

I wish to read this sentence from the report:

> However, the committee wants it clearly understood that the center must be completed within the proposed cost of $66.4 million and if, by any chance, this figure has been underestimated and the additional funds required must be raised by the Board of Trustees through private subscription.

Mr. President, in order that it may appear who is on the Board of Trustees I ask unanimous consent that the list of members of the Board be printed in the RECORD as it appears on page 8 of the committee hearings.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

BOARD OF TRUSTEES

Roger L. Stevens, Chairman.

Richard Adler, Floyd D. Akers, James E. Allen, Jr., Commissioner of Education, Robert O. Anderson, Ralph E. Becker, K. LeMoyne Billings, Edgar M. Bronfman, Mrs. George R. Brown, Robert W. Dowling, Ralph W. Ellison, Robert H. Finch, Secretary of Health, Education, and Welfare, Abe Fortas, Rep. Peter H. B. Frelinghuysen.

Senator J. William Fulbright, Mrs. George A. Garrett, Leonard H. Goldenson, Mrs. Rebeckah Harkness, George B. Hartzog, Jr., Director of the National Park Service, Senator Edward M. Kennedy, Thomas H. Kuchel, Mrs. Albert D. Lasker, Erich Leinsdorf, Sol Myron Linowitz, Mrs. Michael J. Mansfield, Harry C. McPherson, Jr., George Meany, Robert I. Millonzi.

L. Quincy Mumford, Librarian of Congress, Senator Charles H. Percy, S. Dillion Ripley II, Secretary of the Smithsonian Institutión, John Richardson, Jr., Assistant Secretary of State for Educational and Cultural Affairs. Richard Rogers, Arthur M. Schlesinger, Jr., Mrs. Jouett Shouse, Mrs. Stephen E. Smith.

William H. Thomas, Chairman of the District of Columbia Recreation Board, Representative Frank H. Thompson, Jr., Jack J. Valenti, William Walton, Chairman of the Commission of Fine Arts, Walter E. Washington, Mayor-Commissioner of the District of Columbia, Lew R. Wasserman, Edwin L. Weisl, Sr., Representative James C. Wright, Jr., Senator Ralph W. Yarborough.

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Mr. HOLLAND. Mr. President, Senators will note some of the most wealthy and best known philanthropists in the Nation are contained within the Board.

I am told by the committee that the chairman of the Board is the one who has given the assurance that if this bill is passed they will assure the raising of additional funds, if any are required, to build this building.

I call attention to the fact also that on this board of trustees the names of 4 of our able senatorial colleagues appear, in addition to the former Senator from California, Mr. Kuchel, who recently retired from this body. In addition, the names of several Members of the House of Representatives appear. I call attention to the fact that Mrs. Mansfield, the wife of our distinguished majority leader is also a member of the board.

I cannot believe that the chairman of such a Board would give an assurance of that kind to this committee unless he knew that we could depend upon it.

In closing, Mr. President, I want to repeat what I said the other day. We must recognize what we have done before. This has been an action of the Senate; this has been an action of the Congress. This building was named for our former colleague, a former President of the United States. If we should fail to go through with this matter and forget the fact that eight or nine other nations have given substantial gifts for this Center, I think we would be doing something to cause our Government and ourselves to be held up to ridicule. Certainly, as far as the Senator from Florida is concerned, he feels it would reflect hurtfully on the pride of this Nation and the Senate.

Mr. President, I ask unanimous consent that the list of other nations which have participated, as apppears on page 28383 of the RECORD, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Other tangible property:	
Furniture, Denmark	$155,000
Doors, Germany	250,000
Marble, Italy	1,132,000
Curtain, Japan	140,000
Chandeliers, Norway	180,000
Chandeliers, Ireland	35,000
Chandeliers, Sweden	210,000
Organ	136,094
Total other tangible property	2,238,094

Mrs. SMITH of Maine. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Chair informs the Senator from Maine that she has 3 minutes remaining.

Mrs. SMITH of Maine. Mr. President, resuming the discussion on the matter of costs, I should like to read to the Senate some even more current cost comparisons that are very disturbing.

In November 1965, GSA estimated the total cost of building the Kennedy Center as $41 million. Of this total, constructural steel was estimated as $5,040,000 and concrete as $6,200,000.

John McShain, Inc., Contractors, was awarded the general contract on August 1, 1966. Bethlehem Steel Corp. was awarded subcontract on structural steel on October 6, 1966, in the amount of $7.7 million. This figure was subsequently negotiated down to $7.5 million.

In January of 1967, independent cost estimates were made by M. F. Kenney, Inc., which placed the figure for steel at $7.7 million and concrete at $6.1 million. In June, GSA "reconciled" the Kenney steel estimates to $7.2 million.

Currently, the structural steel work is said to be 95 to 100 percent completed. Total cost: $7.7 million. However, there is an added steel cost of $200,000 in connection with onsite steel work, thereby raising the total to $7.9 million. This is said to have arisen because of technical disagreements as to what work was to have been done at the Bethlehem plant. Using the $7.7 million figure, this is a cost overrun of 52.7 percent when compared to the November 1965 GSA estimate of $5,040,000.

Using the $7.9 million figure, this represents a cost overrun of 56.7 percent when compared to the GSA November 1965 estimate of $5,040,000.

With the concrete work said to be 85 percent completed, the total cost is now $8.2 million or 32.2 percent higher than the GSA November 1965 estimate.

Mr. JORDAN of North Carolina. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute remains to the Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, I held hearings on this bill when it came before the Public Works Committee. At that time, Mr. Foster, the Deputy Commissioner for Public Buildings, testified that building costs in the District of Columbia were going up at the rate of 1 percent per month. That is a terrific escalation of costs for anything—12 percent per year.

As I understand it—and I think this is correct—there are a number of subcontracts which will have to be canceled, the point being that if this is done one could not go out today and get bids on firm contracts because he could not know what the costs would be.

We stand to lose a tremendous amount of money on these contracts, which also have penalty clauses provided they are canceled.

Mr. President, I ask the Senate to reject the amendment.

The PRESIDING OFFICER. All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Maine (Mrs. SMITH). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

I also announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) and the Senator from North Carolina (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. SAXBE) would each vote "nay."

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from Tennessee (Mr. BAKER). If present and voting, the Senator from Iowa would vote "yea" and the Senator from Tennessee would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from Texas would vote "yea" and the Senator from Maryland would vote "nay."

The result was announced—yeas 19, nays 53, as follows:

[No. 112 Leg.]

YEAS—19

Allen
Allott
Bellmon
Bennett
Byrd, Va.
Cotton
Curtis
Dole
Dominick
Fannin
Goldwater
Hansen
Hruska
Jordan, Idaho
Mundt
Proxmire
Smith, Maine
Thurmond
Williams, Del.

NAYS—53

Aiken
Bayh
Bible
Boggs
Burdick
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Eagleton
Ellender
Fong
Fulbright
Goodell
Griffin
Gurney
Harris
Hart
Hatfield
Holland
Hollings
Hughes
Inouye
Jordan, N.C.
Kennedy
Long
Mansfield
McGee
McIntyre
Metcalf
Mondale
Muskie
Nelson
Pastore
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—28

Anderson
Baker
Brooke
Cannon
Dodd
Eastland
Ervin
Gore
Gravel
Hartke
Jackson
Javits
Magnuson
Mathias
McCarthy
McClellan
McGovern
Miller
Montoya
Moss
Murphy
Packwood
Pearson
Russell
Saxbe
Sparkman
Tower
Young, N. Dak.

So the modified amendment of Mrs. SMITH of Maine was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

MILITARY PROCUREMENT AUTHORIZATION BILL, 1970

Mr. STENNIS. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on S. 2546.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for the procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; which was, strike out all after the enacting clause, and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army $570,400,000; for the Navy and the Marine Corps, $2,391,200,000; for the Air Force, $4,002,200,000.

MISSILES

For missiles: for the Army, $780,460,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,486,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,591,500,000: *Provided*, That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended after January 1, 1970, for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least three different United States shipbuilders.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $195,200,000; for the Marine Corps, $37,700,000: *Provided*, That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault vehicles (M-551) under any new or additional contract.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,664,500,000, of which (a) $10,000,000 is authorized to be appropriated only for the development of the Heavy Lift Helicopter and (b) $75,000,000 is authorized to be appropriated only for the development of the SAM-D system: Provided, That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the Cheyenne helicopter;

For the Navy (including the Marine Corps), $1,990,500,000, of which (a) $66,091,000 is authorized to be appropriated only for the development of the E-2C aircraft, (b) $165,400,000 is authorized to be appropriated only for the development of the S-3A aircraft, (c) $20,000,000 is authorized to be appropriated only for the development of the Undersea Long-range Missile System, (d) $67,900,000 is authorized to be appropriated only for the development of the Advanced Surface Missile System, and (e) $517,300,000 is authorized to be appropriated only for the research and development of Anti-Submarine Warfare Systems;

For the Air Force, $3,241,200,000, of which (a) $15,000,000 is authorized to be appropriated only for the development of the RF-111D aircraft, (b) $1,000,000 is authorized to be appropriated only for the development of the Light Intratheater Transport aircraft, (c) $18,500,000 is authorized to be appropriated only for the development of the CONUS Air Defense Interceptor, (d) $84,700,000 is authorized to be appropriated only for the development of the Short Range Attack Missile (SRAM), and (e) $40,000,000 is authorized to be appropriated only for the development of the Airborne Warning and Control System (AWACS): Provided, That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the A-X aircraft; and

For the Defense Agencies, $450,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $75,000,000.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 393,298.

(2) The Army Reserve, 255,591.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,624.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. Section 264 of title 10, United States Code, is amended by deleting subsection (b) and substituting the following in lieu thereof:

"(b) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Selected Reserve of the Reserve components under this jurisdiction to satisfy the mobilization readiness requirements established for those units and Reserves in the contingency and war plans approved by the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy. He shall, when a unit in the Selected Reserve is established and designated, expeditiously procure, issue, and maintain supplies and equipment of combat standard quality in amounts required for the training of each unit and shall store and maintain such additional supplies and equipment of that quality that are required by those units upon mobilization. However, if the Secretary concerned determines that compliance with the preceding provisions of this subsection will jeopardize the national security interests of the United States, he may temporarily waive compliance with these requirements after he has notified Congress in writing, setting forth the specific facts and circumstances upon which he made such a determination. Unless specifically authorized by law enacted after the effective date of this section, funds authorized for personnel, supplies, equipment and facilities for a Reserve component may not be transferred or expended for any other purpose."

SEC. 304. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

In the last line of the last sentence of subsection (c) after the word "within", change the figures "60" to "90".

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

SEC. 402. After January 1, 1970, no contract or grant for Research and Development projects shall be awarded by the Department of Defense or any of the Armed Forces to any school, college or university or to any affiliated organization of such school, college or university, or to an individual in the employment of such school, college or university or its affiliated organization until sixty days after a full disclosure of the purposes, cost, and duration of such contract together

XUM

with a statement setting forth in detail the number of research and development projects already awarded to that institution but not yet completed; the dollar amount of each said contract; the purpose of each of the contracts previously awarded; and for the contract or grant for which the notice is being given, a description of the facilities required to perform the research project, the cost of such facilities, a statement of whether such facilities are in existence and if so, a description of the ownership of such facilities, is made to the President of the Senate and Speaker of the House of Representatives. In addition, such notification will include a statement summarizing the record of the school, college or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus.

Sec. 403. Title 10, United States Code, is amended as follows:

(1) Section 3015(c) is amended to read as follows:

"(c) The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time and may not hold that office after he becomes sixty-four years of age. He is eligible to succeed himself. An officer now or hereafter serving as Chief of the National Guard Bureau shall be appointed as a Reserve in his armed force in the grade of lieutenant general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as the Chief of the National Guard Bureau. The position of Chief of the National Guard Bureau is in addition to the number of lieutenant general positions authorized by section 3066, 3202, 8066, or 8202 of this title, or any other provisions of law."

(2) Section 3962 is amended by adding the following new subsection:

"(d) Upon retirement or being granted retired pay, a reserve commissioned officer of the Army who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade."

(3) Section 8962 is amended by adding the following new subsection:

"(c) Upon retirement or being granted retired pay, a reserve commissioned officer of the Air Force who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade."

(4) The catchlines of section 3962 and 8962 are each amended by deleting ": regular commissioned officers."

(5) The analysis of chapter 369 is amended by striking out "regular commissioned officers" in item 3962.

(6) The analysis of chapter 869 is amended by striking out "regular commissioned officers" in item 8962.

Section 3019, Title 10, United States Code is amended to read as follows:

"(c) The Chief, Office of Army Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Army Reserve, shall be appointed in the grade of lieutenant general for service in the Army Reserve while serving as the Chief, Office of Army Reserve. The position of Chief, Office of Army Reserve is in addition to the number of lieutenant general positions authorized by section 3066 or 3202 of this title, or any other provision of law."

Section 8019, Title 10, United States Code is amended to read as follows:

"(c) The Chief, Office of Air Force Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Air Force Reserve, shall be appointed in the grade of lieutenant general for service in the Air Force Reserve while serving as the Chief, Office of Air Force Reserve. The position of Chief, Office of Air Force Reserve is in addition to the number of lieutenant general positions authorized by section 8066 or 8202 of this title, or any other provision of law."

Sec. 404. (a) Section 136 of title 10, United States Code, is amended—

(1) by inserting after the first sentence in subsection (b) the following new sentences: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Defense.", and

(2) by adding at the end thereof the following new subsection:

"(g) Within the Office of the Assistant Secretary of Defense for Health Affairs there shall be a Deputy Assistant Secretary of Defense for Dental Affairs who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. Subject to the supervision and control of the Assistant Secretary of Defense for Health Affairs, the Deputy Assistant Secretary shall be responsible for all matters relating to dental affairs within the Office of the Assistant Secretary of Defense for Health Affairs."

(b) Until otherwise provided by operation of law, the individual holding office as the Deputy Assistant Secretary of Defense (Health and Medical) on the effective date of this section shall perform the duties of the Office of the Assistant Secretary of Defense for Health Affairs established by this section.

Sec. 405. Section 412(b) of Public Law 86–149, as amended, is amended to read as follows:

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other vehicles, weapons, and munitions, unless the appropriation of such funds has been authorized by legislation enacted after such dates."

Sec. 406. (1) Chapter 7 of title 37, United States Code, is amended as follows:

(a) The following new section is inserted after section 427:

"§ 428. Travel and transportation allowances: dependents at permanent station outside United States

"Under regulations prescribed by the Secretaries concerned, which shall be, as far as practicable, uniform for all of the uniformed services, a member of a uniformed service who is on duty outside the United States at a permanent station, and when such benefits are not made available in kind by the United States, is entitled to a travel and transportation allowance, to assist in providing transportation for his dependents who are authorized to accompany him, as follows:

"(1) A travel and transportation allowance is authorized to meet the travel expenses of the dependents of a member to and from a school in the United States to obtain an undergraduate college education, not to exceed one round trip each school year for each dependent for the purpose of obtaining such type of education. All or any portion of the travel for which a transportation allowance is authorized by this section will be performed wherever possible by the Military Airlift Command on a space-required basis. Notwithstanding the area limitations in this section, a travel and transportation allowance for the purpose of obtaining undergraduate college education may be authorized under this clause for dependents of members stationed in the Canal Zone.

"(2) The term 'United States' shall, for the purpose of this section, mean the several States, the District of Columbia, Puerto Rico, and the Canal Zone.

"(3) The words 'permanent station' shall, for the purpose of this section, include the home yard or home port of a vessel to which a member of a uniformed service may be assigned.

"(4) Notwithstanding section 401(2)(A) of this title, 'dependent' in this section may include an unmarried child over twenty-one years of age who is in fact dependent and is obtaining an undergraduate college education."

(b) The analysis is amended by inserting the following item:

"Sec. 428. Travel and transportation allowances: dependents at permanent station outside the United States."

(2) Section 912 of title 26, United States Code, is amended by adding the following new paragraph at the end thereof:

"(4) Education Transportation Allowance.—In case of a member of a uniformed service, amounts received under section 428 of title 37, United States Code."

Sec. 407. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"Sec. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

Sec. 408. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of such funds exceeds $45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

Sec. 409. Notwithstanding any other provision of law, an officer of an armed force who—

(1) served as Chairman of the Joint Chiefs of Staff;

(2) after he was retired, but before October 1, 1963, was ordered to active duty; and

(3) was released from that active duty after July 31, 1969;

shall, effective as of the date he was released from that active duty, be entitled to retired pay computed under the formula set forth in the table in section 1402(a) of title 10, United States Code, but using the monthly

basic pay prescribed at the time of his release from that active duty for an officer serving in pay grade O–10. The provisions of this paragraph do not affect or modify any prior commitment made by such officer in regard to participation in the Retire Serviceman's Family Protection Plan.

(a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six month period for Research, Development, Test and Evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for (1) the transportation of any lethal chemical or biological warfare agent to or from any military installation in the United States, or (2) the open air testing of any such agent within the United States, unless—

(A) the Secretary of Defense (hereafter referred to in this section as the "Secretary") considers that the transportation or testing proposed to be made is necessary in the interests of national security;

(B) the Secretary advises the Secretary of Health, Education, and Welfare of the particulars regarding the proposed transportation or testing;

(C) the Secretary of Health, Education, and Welfare reviews such particulars with respect to any hazards to health and safety which such transportation or testing may pose, and reports his findings, together with any precautionary measures that he recommends be taken to avoid or minimize such hazards, to the Secretary;

(D) the Secretary considers the findings and recommendations made by the Secretary of Health, Education, and Welfare under paragraph (C) and takes such action consonant therewith as he deems appropriate (including, where practical, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal); and

(E) the Secretary provides notification that such transportation or testing will be made to the Armed Services Committees of the Senate and House of Representatives at least ten days before the date on which such transportation or testing will be commenced.

(c)(1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the deployment, or storage, or both, at any place outside of the United States of—

(A) any lethal chemical or biological warfare agent, or

(B) any delivery system specifically designed to disseminate any such lethal agent, unless the Secretary gives prior notice of such deployment or storage to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

(2) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any lethal chemical or biological warfare agent outside the United States if the Secretary of State, after being notified by the Secretary that such action is contemplated, determines that such testing, development, transportation, storage, or disposed will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives, and to all appropriate international organizations, or organs thereof, whenever so required by treaty or other international agreement.

(d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of he United States.

(e) After the effective date of this bill, the operation of this section, or any portion thereof, may be suspended during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.

And, amend the title so as to read: "An Act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes."

Mr. STENNIS. Mr. President, I move that the Senate disagree to the amendments of the House on S. 2546 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. Stennis, Mr. Russell, Mr. Symington, Mr. Jackson, Mr. Cannon, Mr. McIntyre, Mrs. Smith of Maine, Mr. Thurmond, Mr. Tower, and Mr. Dominick conferees on the part of the Senate.

THE JOHN F. KENNEDY CENTER

The Senate resumed the consideration of the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such center.

The PRESIDING OFFICER. The bill is open to amendment.

Mrs. SMITH of Maine. Mr. President, I send to the desk an amendment on behalf of myself, the Senator from Arizona (Mr. Goldwater), and the Senator from Alabama (Mr. Allen), and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of the bill, insert the following new section:
>
> "Sec. 2. No part of the increased amount of funds authorized to be appropriated by subsection (a) of the first section may be expended until after the Comptroller General of the United States (1) has completed a comprehensive investigation of the past and projected costs of constructing the John F. Kennedy Center for the Performing Arts and its parking facilities, and (2) has submitted a report, together with his recommendations, of such investigation to the Congress, and (3) such report states that the Center and parking facilities can be completed as provided by the plans and specifications with the funds made available by this Act together with other funds or materials in the possession of the Trustees.
>
> "(b) The Comptroller General shall submit his report to the Congress not later than sixty days after the date of enactment of this Act."

Mrs. SMITH of Maine. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Maine is recognized.

Mrs. SMITH of Maine. Mr. President, the principal opponents to this amendment, the Senate Trustees on the Kennedy Center, have both stated that the borrowing authority is the critical and crucial factor. That is the contention of both the Senator from Illinois (Mr. Percy) and the Senator from Arkansas (Mr. Fulbright).

As far as I can recall, no one has objected to an investigation by the Comptroller General, and everyone has acknowledged that the appropriations for the proposed $7.5 million contribution by the Federal Government will have to be provided later by a supplemental appropriation bill, which would not be passed before the end of the year or the early part of next year—and not before the Comptroller General could have made an investigation and report.

Thus, the only basic argument made against the Smith-Goldwater-Allen amendment is the claim that a restriction on the borrowing authority would cause delay. No contention is made with respect to the restriction placed on the proposed $7.5 million appropriation.

This being the case, I am offering this second amendment, which strikes from the first amendment the restriction with respect to the borrowing authority and specifically strikes that phrase which states:

> And no part of the increase in authority from the treasury under subsection (b) of such section may be used.

Thus, this amendment meets the objections raised to my first amendment and I simply cannot see why anyone would oppose this second amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, will the distinguished Senator from Maine yield me 3 minutes?

Mrs. SMITH of Maine. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. ALLOTT. Mr. President, I support the distinguished Senator from Maine on the pending amendment.

As has been pointed out during the course of the recent debate upon the military procurement bill, numerous amendments were offered to do the same thing and call for the GAO to make military judgments for which it has no qualifications.

The pending amendment is different from the first amendment offered by the distinguished Senator from Maine in that it leaves the borrowing authority in the bill and would not stop the construction. I am relying upon the statements made by the Senators in charge of the bill on the floor with respect to that.

Mr. President, I hope that we will remember in voting upon the pending amendment that the monument was intended to be a national cultural center and that, due to the great tragedy which struck our President, it was later named the John F. Kennedy Center.

I am sure that everyone here wishes that that tragedy had never happened. However, the subject under discussion should not be judged upon a partisan basis. No one should think of this in the sense that a vote in support of the pending amendment is made on a political basis.

I pointed out last week the numerous overruns that we have had on Government construction. This overrun by all accounts, judging from the testimony and the record in the Senate, is an atrocious, deplorable, and even a shameful record.

If the pending amendment will do nothing else than to straighten up the procedures of contracting authorities for our Government, it will be worth 10 times the amount of time spent on it. And it would be the greatest service anyone could render for our Government.

I would hope that with respect to the pending amendment—and, according to the sponsors of the bill, they cannot do without the loan authority, but they can temporarily do without the other—we would give them this loan authority and send this matter to the GAO. Hopefully, we would find some answers to the overruns and overcosts that have been afflicting Government construction.

I support the pending amendment offered by the distinguished Senator from Maine.

Mr. FULBRIGHT. Mr. President, will the Senator yield me 3 minutes?

Mr. JORDAN of North Carolina. Mr. President, I yield 3 minutes to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the purpose of the amendment offered by the distinguished Senator from Maine has already been served by the letter from the chairman of the Public Works Committee. The Senator from West Virginia (Mr. RANDOLPH) announced prior to the last vote that he had already addressed a letter to the Comptroller General, Mr. Staats, requesting that a study be made of this project and that he report back in 60 days.

It seems to me that the pending amendment is entirely superfluous and that in view of the letter from the chairman of the Public Works Committee there is not the slightest doubt that the study will be made.

I have never heard of the Comptroller General's taking no action to honor a request from the chairman of the Public Works Committee.

The purpose, as I stated in the previous debate, is a proper one. If the Senator feels that they are to be trusted and would like to have the GAO make a further study, it is all right with me. It is all right with Mr. Stevens and the other trustees.

The GSA has been spending substantial time in supervising the project. The GSA has analyzed the increases in costs, and that information has been reported.

There is no secret about it. There has been no stealing or malfeasance comparable to some of the other instances we have recently been reading about from the other services. It is a matter of misjudgment, inflation, strikes, and things of that kind.

One case of misjudgment involved in estimates concerned the amount of steel to be used in the building.

The purpose of the pending amendment is already served by the request of the chairman of the Public Works Committee. The effect of agreeing to the pending amendment would be to duplicate that request and cause further delay. A conference would have to be held. And we would have to spend another day or two on the matter. This is the second day we have spent in the Senate on the matter. Perhaps other Senators may not have anything to do at the moment, but I have other things I would rather do than spend another day on this matter when it has already been taken care of by the letter from the chairman of the Public Works Committee.

I hope that the amendment will be rejected.

Mr. GOLDWATER. Mr. President, will the Senator yield me 3 minutes.

Mrs. SMITH of Maine. Mr. President, I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 minutes.

Mr. GOLDWATER. Mr. President, during the course of the debate on the previous amendment, I gathered that the opponents had no objection to an amendment of this type. They recognize that the appropriations bill is not ready and that the delay they fear will come, regardless of what we do this afternoon now that the borrowing authority is guaranteed, will be time during which the appropriations bill will be considered. It seems that all that the proponents of the bill were asking for was the guarantee of the borrowing authority.

I see no reason why we cannot vote favorably on the pending amendment.

With all due deference to the chairman of the Public Works Committee and his letter, I remember the argument offered with respect to other letters from committee chairmen to the GAO that the letters were not sufficient and that there should be action taken on the floor of the Senate.

I do not think this action will slow down the request of the distinguished Senator from West Virginia. I think it will help it, because it will show the GAO that it has the force, if there be any force, of the Senate behind it.

I hope that the Senators who opposed the prior amendment because of the fear that they would not have borrowing authority, will vote for the pending amendment. The pending amendment provides the borrowing authority and provides that Federal funds cannot be spent until the GAO has furnished a report.

I do not think it would hurt to have the Senate express its opinion to the GAO that they get on with the project.

I intend to support the amendment of the Senator from Maine. I hope that a majority of the Senate will do likewise.

Mr. JORDAN of North Carolina. Mr. President, I agree with part of what the distinguished Senator from Maine had to say.

My chief objection to the amendment, which I will have to ask that the Senate reject, is that it would throw the bill into conference. That could take 2 or 3 weeks' time. Both the House and the Senate would have to pass the bill, and we would wind up with what we are afraid might happen with respect to the contracts.

I have to oppose the amendment.

Mrs. SMITH of Maine. Mr. President. I have great respect for the chairman of the Public Works Committee, the distinguished Senator from West Virginia, and for the able Senator from North Carolina who is handling the bill. I certainly appreciate the chairman's willingness to send a letter to the GAO requesting such information as I have been trying to obtain.

I can see no reason why we should not have such expressions made to the Senate and to the House of Representatives.

I ask the distinguished Senator from Arkansas what possible objection he could have to the report coming to the House of Representatives and to the Senate and have it considered by the Senate and the House rather than through a single committee.

Mr. FULBRIGHT. Mr. President, the question concerns whether the request by the chairman of the Public Works Committee is to make a report to the Senate?

Mrs. SMITH of Maine. What objection is there to asking for the report to be made to the Senate as a whole rather than to the committee alone?

Mr. FULBRIGHT. I have always regarded a committee of the Senate as an agent of the Senate, and a report to the committee is a report to the Senate. That is true in my own committee. The report that the chairman of the Committee on Public Works will receive, I am quite sure, will be available to the Senate.

As I said earlier, there is no objection to the GAO making this report. An amendment to the bill is not required to get that study. The chairman has already ordered it. The only effect of the Senator's amendment above the letter would be to cause a conference—I mean, the only objection is to cause us to have a conference with the House. That means getting together, as the Senator knows, with conferees, which sometimes can be done quickly, and sometimes it takes a long time to do. That would seem to me to be an unnecessary amount of effort and work.

I do not know why the Senator would not be satisfied with a report of Mr. Staats to the Committee on Public Works, which would be available to the entire Senate. That is not a private domain. It is a part of the Senate and is available to all Members of the Senate, as all records of my committee are available to the Senate, because the Committee on Foreign Relations is simply a creature of the Senate.

I do not see what purpose is served by putting it in the bill.

Mrs. SMITH of Maine. I would ask the distinguished Senator from Arkansas, Is it not possible for the House to accept this without going to conference, and does he not think that, with 162 votes over there, there might be just as much interest in the House in such a report as there is in the Senate?

Mr. FULBRIGHT. I do not know. I cannot speak for the House.

The Senator, I believe, is a member of the Appropriations Committee. In any case, I am quite certain that the report asked for by the chairman of the Committee on Public Works will be available to the Appropriations Committee, if the Appropriations Committee itself does not ask for it. But I am quite sure it will be available. If it is not, I will guarantee that it is available. There will certainly be no question about it being available. If there is any question about that, if the Senator thinks there is any need for it, I am sure other Senators will back up Senator RANDOLPH's request for the report.

I do not think there is the slightest doubt that the Senator from Maine can get the report from the GAO. That is what they are there for.

I do not have objection to the substance of it. I do think that we have spent so much time on this, it is rather a shame to go into conference and then come back to the Senate and the House for further votes on a matter that I think can be handled by the letter from the distinguished Senator from West Virginia.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Does the Senator from Maine yield back the remainder of her time?

Mrs. SMITH of Maine. Not at the moment.

Mr. JORDAN of North Carolina. I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. I should like to indicate, Mr. President, why I hope this amendment will be defeated.

I have now served for 2½ years on this Board. I have not been privy to all the decisions that were made previously, but I have seen the decision process that the Board goes through now. I have spent a great many hours trying to raise private funds—and have been successful in that endeavor—because I think we have an obligation, as trustees, to work everlastingly to fulfill our matching pledge. But in any kind of enterprise such as this, whenever there is an atmosphere of uncertainty and confusion, it detracts from the capability to go ahead to obtain private donations. I cannot go to private donors and say to them, "Will you contribute?" If there is 60-day or a 90-day or whatever period of time delay on the project.

I do not see how the music director can commit artists; I do not see how they can plan their schedules; I do not see how they can conscientiously make any commitments; if there is an uncertainty about this project.

I would simply like to put this question to the Senator from Maine: Assuming that there may be certain end results that come from this study, what would the Senator from Maine then have us do, as Trustees, in the light of those findings? What, for example, if, at the end of the 60 days, GAO has determined that everything has been revealed and told, that the facts are exactly as reported to the respective committees of the House and the Senate. What if they certify the exactness of those facts and that the deficiencies or the overages occurred because of the reasons stated in these reports? What then would we have accomplished by this 60-day delay?

Mrs. SMITH of Maine. I would have no objection to their coming back and giving us the exact information that we have had, if it was more thoroughly explained. I am not satisfied that we have had a complete clarification of the expenditures and the decisions that have been made. I think the distinguished Senator from Illinois would have a far better chance of getting contributions, if he could give the straight picture to his contributors, than he has today, with the suspicion that surrounds it.

I am for cleaning it up. I am not for stopping the building. I have been for a cultural center long before the Senator came to Washington, and I shall continue to be; but I want to know where the money is coming from, where it is going, and how much more money they are going to ask for; and I would have them not come back again and again, asking for more money, unless we know ahead of time what it is going to be for.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. PERCY. May I have 2 minutes?

Mrs. SMITH of Maine. I am glad to yield the 2 minutes I took.

Mr. PERCY. Once again, I think we have tried, as clearly as we can, to state that this is the last time that the Senate will be approached for construction funds. In fact, if the directors of the administration said they wanted us to come back and ask for funds, I, for one, would refuse. I feel that my colleague on the other side of the aisle might also refuse to be associated with that request.

We know what the funds are for. We have a detailed itemization of every expense. Even if the GAO came back and said there were mistakes, if they came back and said there was negligence, if they came back with a reiteration of what should have been done, with 20/20 vision in hindsight, I again ask, what would be accomplished by such revelations, other than to admonish those who have made mistakes? We cannot go back and undo those mistakes. We can benefit in the future. The very report that is asked for in this amendment is being initiated now. It was asked for in September by the House. That report has been requested not only of the Justice Department to determine the fault for the delays but also of the GAO to determine the certification required for every expenditure that has taken place and every proposal and plan that has been laid out.

Thus, I cannot really see what we are accomplishing by this delay, other than adding to confusion and uncertainty. And whenever we have those, we have added unnecessary cost.

We would like to finish this building, get it done with, and to remove every excuse that might exist for not keeping the program right on schedule.

Mrs. SMITH of Maine. Mr. President, would not the distinguished Senator agree with me that we would have accomplished a great deal if the future expenditures could benefit by the past mistakes?

Mr. PERCY. If I may reply, I would like to think that we have benefited a great deal as a result of the interrogation of our defense expenditures. But I have not the slightest doubt that we are going to have revealed time and time and time again waste and extravagance and duplication and inefficiency in military expenditures. It is different people; it is different circumstances; it is different projects; it is different contracts.

I commend the Senator for having this debate. I think it has been exceedingly valuable. I think it is very good, indeed, to bring the facts forward so we can see why we need more money than we originally thought we would need 4 or 5 years ago. I do not think this is the kind of appropriation that should be put through without debate, and I think the distinguished Senator has added greatly. But, having made the point, let us get the facts on the table. I now would hate to see us take a step that would cost us a great deal of money and a great deal of confusion and create a great deal of uncertainty, in order to accomplish something that I do not think will yield anything more than the debate to date has yielded.

Mrs. SMITH of Maine. Mr. President, I ask the Senator from Illinois if I correctly understood him to say that he is committing himself not to come back to Congress for any further appropriations.

Mr. PERCY. I am, without any equivocation or any qualifications, committing myself, as a Trustee to resign before I would come back to Congress for funds for construction purposes to finish this building, I would be strongly disappointed in the officers and directors who have presented these representations to us if these representations prove incorrect. In their testimony before this committee, the cognizant chief executive officer of the Center and his directors certified that they will not come back for any further construction funds. I think that is all I could say on this matter.

Mrs. SMITH of Maine. Does the Senator say he would oppose such a request?

Mr. PERCY. Without any hesitation I would oppose any attempt by the head of the Center to come back to Congress for construction funds to finish the building in accordance with the present design.

Mrs. SMITH of Maine. It is clear that the Senator is speaking for one Trustee. I would ask if other Trustees in the Senate would want to say anything on this subject. I would like to ask the Senator from Arkansas if he has anything to say for the other Trustees.

Mr. FULBRIGHT. I do not think it is very appropriate for me to be making private deals with the Senator from Maine. I have already made my position

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clear. The President might take it into his head to freeze this matter next week and then it might be 5 years before it was resumed; and then what would be the situation?

Can the Senator assure us that this is to proceed as planned; or that there will be no escalation of war; or that we will not resume bombing next week; or that prices will not double next week?

I do not feel like making such commitments on the floor of the Senate because I do not know what will happen. All I do know is that this project has been managed with good sense. We used the GSA, which is the agency designated for the supervision of public buildings. I do not think there has been any malfeasance or any stealing of money as is alleged to have happened in connection with noncommissioned officers' clubs in Germany or around the world. There is no such allegation in connection with this project. There may have been some misjudgment because they could not foresee the inflation we are experiencing.

Mrs. SMITH of Maine. This is a public debate in which we are discussing public questions. It is not a private deal in any respect.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield back the remainder of my time.

Mrs. SMITH of Maine. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maine. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. Russell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Washington (Mr. Jackson) and the Senator from Washington (Mr. Magnuson) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Washington (Mr. Jackson), the Senator from Washington (Mr. Magnuson), and the Senator from Alabama (Mr. Sparkman) would each vote "nay."

I also announce that, if present and voting, the Senator from North Carolina (Mr. Ervin) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senators from New York (Mr. Javits and Mr. Goodell, the Senator from Iowa (Mr. Miller), the Senator from California (Mr. Murphy), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Delaware (Mr. Boggs), the Senator from Kentucky (Mr. Cooper), the Senator from Nebraska (Mr. Curtis), and the Senator from North Dakota (Mr. Young), are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke), and the Senator from Kentucky (Mr. Cooper), would each vote "nay."

On this vote, the Senator from Iowa (Mr. Miller) is paired with the Senator from Tennessee (Mr. Baker). If present and voting, the Senator from Iowa would vote "yea," and the Senator from Tennessee would vote "nay."

On this vote, the Senator from Nebraska (Mr. Curtis) is paired with the Senator from Delaware (Mr. Boggs). If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Delaware would vote "nay."

On this vote, the Senator from Oregon (Mr. Packwood) is paired with the Senator from New York (Mr. Goodell). If present and voting, the Senator from Oregon would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Ohio (Mr. Saxbe). If present and voting, the Senator from Texas would vote "yea," and the Senator from Ohio would vote "nay."

The result was announced—yeas 21, nays 47, as follows:

[No. 113 Leg.]

YEAS—21

Aiken
Allen
Allott
Bellmon
Bennett
Byrd, Va.
Byrd, W. Va.
Cotton
Dole
Dominick
Fannin
Goldwater
Hansen
Hatfield
Hruska
Jordan, Idaho
Mundt
Proxmire
Smith, Maine
Thurmond
Williams, Del.

NAYS—47

Bayh
Bible
Burdick
Case
Church
Cook
Cranston
Eagleton
Ellender
Fong
Fulbright
Griffin
Gurney
Hart
Holland
Hollings
Hughes
Inouye
Jordan, N.C.
Kennedy
Long
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Muskie
Nelson
Pastore
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—32

Anderson
Baker
Boggs
Brooke
Cannon
Cooper
Curtis
Dodd
Eastland
Ervin
Goodell
Gore
Gravel
Harris
Hartke
Jackson
Javits
Magnuson
McCarthy
McClellan
McGovern
Miller
Montoya
Moss
Murphy
Packwood
Pearson
Russell
Saxbe
Sparkman
Tower
Young, N. Dak.

So the amendment of Mrs. Smith of Maine was rejected.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 11249) was ordered to a third reading, and was read the third time.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mr. Ellender), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. Russell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Washington (Mr. Jackson), and the Senator from Washington (Mr. Magnuson) are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mr. Ellender), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Jackson), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from Alabama (Mr. Sparkman) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senators from New York (Mr. Javits and Mr. Goodell), the Senator from Iowa (Mr. Miller), the Senator from California (Mr. Murphy), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Delaware (Mr. Boggs), the Senator from Kentucky (Mr. Cooper), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Vermont (Mr. Prouty), and the Senator from North Dakota (Mr. Young) are detained on official business.

If present and voting, the Senator from Tennesseee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cooper), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senators from New York (Mr. Javits and Mr. Goodell), the Senator from Iowa (Mr. Miller, the Senator from Oregon (Mr. Packwood), the Senator from Vermont (Mr. Prouty), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) will each vote "yea."

The result was announced—yeas 62, nays 3, as follows:

[No. 114 Leg.]

YEAS—62

Aiken
Allott
Bayh
Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cotton
Cranston
Dole
Dominick
Eagleton
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Mundt
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—3

Allen
Bellmon
Williams, Del.

NOT VOTING—35

Anderson
Baker
Boggs
Brooke
Cannon
Cooper
Curtis
Dodd
Eastland
Ellender
Ervin
Goldwater
Goodell
Gore
Gravel
Harris
Hartke
Jackson
Javits
Magnuson
McCarthy
McClellan
McGovern
Miller
Montoya
Moss
Murphy
Packwood
Pearson
Prouty
Russell
Saxbe
Sparkman
Tower
Young, N. Dak.

So the bill (H.R. 11249) was passed.

Mr. JORDAN of North Carolina. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the joint resolution (H.J. Res. 851) to request the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

CONVEYANCE TO THE CITY OF CHEYENNE, WYO., CERTAIN REAL PROPERTY OF THE UNITED STATES HERETOFORE DONATED TO THE UNITED STATES BY SUCH CITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 422, S. 1718. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The Bill Clerk. A bill (S. 1718) to provide the conveyance to the City of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with amendments on page 1, line 5, after the word "Wyoming," insert "for park and recreation purposes"; and, on page 3, after line 7, insert a new section, as follows:

Sec. 3. The conveyance authorized by this Act shall contain the express provision that in the event the property conveyed ceases to be used for park and recreation purposes, all right, title, and interest therein shall immediately revert to the United States.

So as to make the bill read:

S. 1718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall, without monetary consideration therefor, convey to the city of Cheyenne, Wyoming, for park and recreation purposes, all right, title, and interest of the United States in and to the real property described in section 2 of this Act, comprising a portion of a tract of land containing approximately six hundred acres heretofore donated to the United States by such city as a site for a Veterans' Administration hospital, which portion has been declared excess to the needs of the Veterans' Administration.

Sec. 2. The real property referred to in the first section of this Act is more particularly described as follows:

PARCEL "D"

Beginning at point which bears north 00 degrees 36 minutes west, a distance of 40 feet;

thence north 89 degrees 38 minutes east, a distance of 2,099.37 feet from the southwest corner of section 28, township 14 north, range 66 west, sixth principal meridian, Laramie County, Wyoming. Said point of beginning lying on the small north right-of-way boundary of Pershing Boulevard;

thence north 00 degrees 27 minutes west, a distance of 1,486.25 feet to a point;

thence north 45 degrees 46 minutes west, a distance of 282.24 feet to a point;

thence north 45 degree 40 minutes 30 seconds west, a distance of 42.20 feet to a point;

thence north 89 degrees 31 minutes east, a distance of 930 feet to a point;

thence south 00 degrees 14 minutes east, a distance of 1,715.75 feet to a point lying on the north right-of-way boundary of Pershing Boulevard;

thence south 89 degrees 36 minutes west along the northern boundary of Pershing Boulevard, a distance of 692.75 feet to the point of beginning; said parcel lying within the south half of section 28 and containing 28.01 acres, more or less.

Sec. 3. The conveyance authorized by this Act shall contain the express provision that in the event the property conveyed ceases to be used for park and recreation purposes, all right, title, and interest therein shall immediately revert to the United States.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise for the purpose of inquiring of the distinguished majority leader what will be on the calendar following the consideration of the bill just laid before the Senate.

Mr. MANSFIELD. Mr. President, it is not at all certain that we will get to the consideration of S. 1718, but on the off chance that the objections raised by the distinguished Senator from Wisconsin (Mr. Proxmire) can be resolved between him and the Senator from Wyoming, it is hoped that we will be able to accommodate ourselves to the passage of that bill; and the same would apply to Calendar No. 339, H.R. 9946, in which the distinguished Senator from North Carolina (Mr. Jordan) has an interest.

It is the intention of the leadership—and this has been decided on by the joint leadership—that tomorrow we will proceed to the consideration of Calendar No. 346, S. 7, a bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Following the disposition of the water pollution control bill, it is the intention of the joint leadership to call up Calendar No. 424, H.R. 12829, an act to provide an extension of the interest equalization tax, and for other purposes.

That, I think, is enough for the time being. We will get to other matters, including hopefully the Eisenhower dollar proposal, the OEO authorization bill, and other proposals in the not too distant future.

Mr. SCOTT. I thank the majority leader. I have a special interest in the Eisenhower dollar, since it is my amendment, and I should like to have one of the first ones.

Mr. MANSFIELD. I, too, have an interest, may I say. I should like to see at least 40-percent silver used in the dollar, and I would hope my distinguished colleage, the minority leader, would see things in that light also, so that we might have a sound dollar.

Mr. SCOTT. May I say that the distinguished majority leader may yet find that the minority leader has a heart of gold, especially where silver is concerned.

CBW AND DISARMAMENT

Mr. PELL. Mr. President, I believe now is a propitious time for the United States to take a new initiative to establish an international agreement for the control of chemical and biological weapons programs.

On September 19, Soviet Foreign Minister Andrei Gromyko outlined the proposal of the Soviet Union to prohibit the development, production and stockpiling of chemical and biological weapons.

Five weeks ago the Senate, by a vote of 91 to 0 in favor of amendments offered by myself and others for control of the American chemical and biological warfare—CBW—program, indicated its

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strong dissatisfaction with the way in which the executive branch has operated the CBW program.

Across the country and around the world there has been a common feeling of revulsion when the public has been confronted by the news media with the realities of chemical and biological weapons.

While I would agree that it is unfortunate that the Russians did not address the question of inspection in their proposal, I do not think that omission is sufficient reason for the United States not to at least begin discussion with Russia as to alternative means by which chemical and biological disarmament can be accomplished.

The importance of the United States taking the initiative at this time is underlined by an editorial in the Saturday Review by the perceptive and articulate Mr. Norman Cousins, who played an important role in obtaining an agreement with Russia on nuclear testing. I ask unanimous consent to have Mr. Cousins' article printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, Mr. Cousins describes the steps which usually lead to the point at which arms control agreements become impossible:

> First, the scientists declare a weapon is theoretically possible. Then there is alarm over reports that the Soviet Union is secretly planning to develop new weaponry.

And the Department of Defense declares that it cannot take the responsibility for the security for the United States "unless it is given complete authority to develop appropriate new counter weapons, whatever the costs, whatever the implications."

When an arms control agreement is proposed, "The statement is made that we must of course pursue the possibility of agreements but that such pursuit should not be allowed to interfere with the immediate and thoroughgoing development and manufacture of the new weapons. End of any possibility of arms control."

It is my sincere hope that the scenario of events following Russia's latest initiative will not fulfill the unfortunate sequence of events which Mr. Cousins believes is the usual pattern of American responses. However, the history of the United States' attitute toward chemical and biological weapons does not allow one much optimism.

Since 1899, when the United States failed to sign the Hague Declaration obliging countries to abstain from the use of asphyxiating or deleterious gases, the attitude of the United States toward chemical and biological weapons disarmament agreements has generally been to indicate support for the principles of disarmament while at the same time not becoming party to any effective specific agreements in this area.

At the Washington Conference on the Limitations of Armaments in 1922, the United States signed and ratified an agreement not to use asphyxiating, poisonous, or other gases in warfare. Unfortunately the treaty did not become effective because France did not ratify it.

In 1925, the United States signed the Geneva Protocol prohibiting the use in war of asphyxiating and poisonous gases and bacterial methods, but the Senate failed to ratify it.

Following World War II, the United States signed treaties with Italy, Bulgaria, Hungary, and Rumania in 1947, and with the Federal Republic of Germany in 1954, which contain restrictions on the development and storage of chemical and biological weapons. However, as of today the United States has agreements with numerous foreign countries including Germany and Italy for the exchange of data and information on chemical and biological weapons.

In 1962, the United States presented to the 18-Nation Committee on Disarmament at Geneva a proposal which called for the elimination of all stockpiles of chemical and biological weapons and for the cessation of production of all chemical and biological weapons of mass destruction, but to this date there has been no affirmative action on that proposal.

Last July, before the study established by President Nixon to form the basis for his position on CBW was completed, the Secretary of Defense, Melvin Laird, stated that the United States must maintain a chemical and biological weapons program in order to have a deterrent capability to respond in kind. The Secretary of Defense thus implied that the United States now not only considers chemical and biological weapons as tactical weapons but as strategic weapons, notwithstanding any Presidential review. I consider the Secretary of Defense's comments as an ominous symbol of the pattern of events Mr. Cousins believes we should avoid.

I would be less pessimistic about the future of the chemical and biological weapons disarmament effort if the United States would now take the initiative to establish an international agreement for the control of chemical and biological weapons programs encompassing the principles it has supported at Geneva in past years.

I would propose that the United States now demonstrate its willingness to limit the chemical and biological arms race by the announcement of a clear and unmistakable policy of restricting chemical and biological weapons stockpiles to present levels without further expansion. This action coupled with ratification of the 1925 Geneva Protocol, would serve as tangible evidence of our determination to push forward with the proposal put forth by the United States in 1962 at the 18-Nation Geneva Disarmament Conference. Moreover, I believe these actions would be an appropriate response to Mr. Gromyko's initiative.

The danger to the security and well-being of the people of the world is too great for the United States not to take immediate steps to restrict and control what Mr. Cousins describes as "Those Fiendish Vials."

EXHIBIT 1

[From the Saturday Review, Aug. 30, 1969]

THE FIENDISH VIALS

The Congress of the United States has been shocked by reports of shipments of poison gases, high-potency disease germs, and other chemical-biological weapons from one point to another within the United States, and has acted with indignation and unanimity to prevent further shipments within the country. Outside the country similar cries have gone up over the transport or storage of such weapons by the United States. It is possible that the Congress may feel that the concern of other nations in this matter warrants similar protective measures.

The Congress has identified the smallest part of the problem. The principal danger of these weapons is represented by their manufacture and possible use, and not by their deployment. The focus of Congressional attention should be on the existence of such devices and on what is required to abolish them altogether. For included in this arsenal and the arsenals of other nations, are aerosol sprays that cause the delicate nerve structure of the brain to deteriorate; a chemical subatance so powerful that a speck of it no larger than a pencil point, when it touches human skin, can produce a massive heat attack; and viruses and disease germs so virulent that no known antibiotic or other therapeutic agent can prevent them from precipitating plagues over wide areas. It is the bulging and expanding existence of these horrors, rather than the possibility that an accident may cause some spillage, that should inflame the public sense of outrage.

Anyone who has read the recent U.N. report on chemical and bacteriological warfare knows that the fiendish vials that now abound in such large quantities throughout the world must not merely be kept free of the hazards of transportation, but must be eliminated altogether.

How does it happen that the American government is spending hundreds of millions of dollars each year on ways of creating and spreading incurable diseases? It has happened the same way thermonuclear weapons and ICBMs and now ABMs have "happened." First, the scientists declare a weapon is theoretically possible. Then there is alarm over reports that the Soviet Union is secretly planning to develop the new weaponry. We are told that the Department of Defense cannot take the responsibility for the security of the United States unless it is given complete authority to develop appropriate new counter-weapons, and then to pursue superiority, whatever the cost, whatever the implications.

What about the possibility of agreements with the Soviet Union aimed at bringing under control the more monstrous aspects of the world arms race? This race is being conducted in the name of national security, but is actually producing mutual insecurity, disfiguration of human values, and disruption or destruction of programs designed to enhance life and the conditions of life. What happens when such arms-control agreements are proposed has by now become something of a pattern. The statement is made that we must of course pursue the possibility of agreements but that such pursuit should not be allowed to interfere with the immediate and thoroughgoing development and manufacture of the new weapons. End of any responsibility of arms control.

This is not a uniquely American situation. In 1963, I had an opportunity to see the same scientific-military reflexes at work in the Soviet Union. President John F. Kennedy had asked me to undertake informal and unofficial talks with Soviet Chairman Nikita S. Khrushchev in an attempt to unsnarl the negotiations for a limited ban on nuclear testing. During the discussions, Mr. Khrushchev said he had been under mounting pressure from his scientists and generals to proceed with a full nuclear weapons program, for which unrestricted testing was mandatory. He said these scientists and generals claimed to have secret information that the United

States had ways of circumventing any agreement, and that the proposed test-ban treaty was only a ploy to open up the Soviet Union to expanded American espionage. He said that if he had to depend on his military people for reducing tensions between the United States and the Soviet Union, he would have only torches and thorns to work with.

The limited nuclear test ban is regarded by many contemporary historians as the most significant achievement in an otherwise almost unbroken series of escalating moves in the world arms race. Let it be noted that this particular treaty was passed by the U.S. Senate over the opposition of most of our military leaders.

And now the same men who did their best to maintain unlimited nuclear testing are using the same arguments for unlimited development of bacteriological, chemical, and radiological weapons; and anti-ballistic missiles; and multiple independently targeted re-entry vehicles. It is not unnatural for them to apply such pressure, for, in a very real sense, this part of their job. But it is both unnatural and hazardous for the American people to be acquiescent or uncritical witnesses to this process. It is their clear historical right not to let their government get away from them.

The notion that peace is possible in an open-ended arms race has no basis in human experience. To this may be added a profound observation by Richard M. Nixon before he became President: he said the best time to bring weapons under control is before, not after, they get into the stage of manufacture and stockpiling.

By now, the complexities of the world arms race have reached a point where even the most painstaking, persistent, and genuine efforts may not yield dramatic or immediate results. But it would clear the air if the United States announced to the world that we would rather die ourselves than to loose chemical and bacteriological horrors on mankind—and that, accordingly, we were taking a first step in what we hoped would be a program to eliminate these weapons altogether. We would specify the nature and quantity of weapons to be destroyed in the first phase, and invite U.N. Secretary General U Thant to appoint personnel to observe and report. We would announce that, if other nations carried out similar phased reductions under U.N. certification, we would be prepared to continue this reciprocal process until the world's arsenals were fully purged. Most important, we could say we were prepared to extend this process to the reduction and elimination of nuclear weapons, so long as others will proceed with us.

At the same time, we could move mightily in the direction of strengthening the U.N. itself, broadening its authority in order to enable it to deal with world tensions and conflicts on a statutory rather than makeshift basis. For it will not be enough to bring the world arms race under control. Nations themselves must be brought under responsible control. The advocacy of such an approach to peace is where security begins.

THE NOMINATION OF JUDGE HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. HRUSKA. Mr. President, earlier today the Junior Senator from Kentucky (Mr. COOK) and I sent a letter and memorandum to each Senator dealing with the role of Judge Haynsworth in labor decisions during his tenure as a member of the Fourth Circuit Court of Appeals.

As members of the Judiciary Committee, the Senator from Kentucky and I felt it was desirable to make a broad dissemination of our analysis of the claims made by those who oppose the nomination of Judge Haynsworth to the Supreme Court. We also intend at a later time to discuss his civil rights decisions and the charges of improper conduct which have been made against him.

Mr. President, the political philosophy of a nominee to the Supreme Court is not a proper subject for examination by the U.S. Senate. The President of the United States, acting under the Constitution which gives him the power of appointment, makes the nomination. The Senate then reviews that nominee and his qualifications to determine whether he possesses the qualities of experience, judicial temperament, competence, and integrity which would qualify him for the post.

The Senate also in discharging its duty under advice and consent should determine whether he may have such a bias or such a prejudice against a particular litigant that such litigant may not receive a fair hearing in any litigation which arises before the Supreme Court at a time when the nominee would be sitting there. But for the U.S. Senate to get into the question of the philosophy or politics would be an invasion of the President's power of appointment.

When the Committee on the Judiciary and later the Senate consider the duty advising and consenting to the nomination of the Honorable Arthur Goldberg and later advising and consenting to the nomination of Justice Thurgood Marshall, the rule I just stated was followed. Certainly this Senator did not go into the matter of bias or the philosophy or the prejudices, which either of those nominees might possess.

All of us know of the tremendously broad practice which the Honorable Arthur Goldberg had in the field of labor law. All of us know the great extent to which Justice Marshall participated in the field of civil rights as a private lawyer and as a counsel for various civil rights groups. Yet, this Senator well recalls the question that was put to then Solicitor General Marshall during the hearings before the Committee on the Judiciary. He was asked whether notwithstanding his experience in this particular field of litigation, he could give anyone appearing from any section of the country a fair hearing in matters arising in that field.

His answer was in the affirmative. And that is the ultimate answer that the Senate must ask for in the pending case.

A review of the cases in which Judge Haynsworth participated during his tenure on the Circuit Court of Appeals of the Fourth Circuit clearly establishes that there is no such bias which would affect Judge Haynsworth's ability as a member of the United States Supreme Court. There would be no such bias as to prevent fair hearings and decisions in any cases which may come before the court in the future. A review of these cases establishes that each decision in which he participated is buttressed by case law and logic. Regardless of the resulting subsequent appeals, each decision is intellectually honest.

Perhaps the most important case in this regard, in which Judge Haynsworth participated, takes issue with the decision in the Geizelle Packing Co. case, which involved the use of an authorization card count to establish a union as a bargaining agent. In reversing that case, the Supreme Court stated:

> Despite our reversal of the Fourth Circuit below, the actual area of disagreement between our position here and that of the Fourth Circuit is not large, as a practical matter.

The case of Enterprise Wheel & Car Corp. saw the Supreme Court announce new rules regarding judicial review of arbitration cases. At the same time the Supreme Court reversed the fourth circuit, it reversed the sixth and the fifth circuits on the same point. The seventh and the 10th circuits had decided similar cases and were relied upon by the fourth circuit in the latter's decision in the matter. In the face of these concurring views in different circuits, it is impossible to find that Judge Haynsworth was wrong or that he was "antiunion."

I will not undertake to review all the cases discussed in our memorandum. The point is this: Judge Haynsworth participated in many labor decisions. He sometimes decided in favor of unions; he sometimes decided against them. In each case, when the merits are examined, it is clear that the decision was based upon a sound review of the law and the fair application of the law to the facts of the case.

Mr. President, the American Bar Association Committee on the Federal Judiciary is certainly considered a reliable source for analysis of a judge's record and experience in this connection. Currently, and during the evaluation of Judge Haynsworth's career as a member of the fourth circuit, that Committee on the Federal Judiciary is headed and chaired by Judge Walsh, at one time Deputy Attorney General of the United States, at one time a judge of the Federal court, and certainly one of the distinguished and eminent members of the American bar today. I quote from his testimony as follows:

> All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament, and his professional ability. A few regretted the appointment because of the differences with Judge Haynsworth's ideological point of view, preferring someone less conservative. None of these gentlemen, however, expressed any doubts as to Judge Haynsworth's intellectual integrity or his capability as a jurist.
>
> A survey of Judge Haynsworth's opinions confirmed the views expressed by those interviewed as to the professional quality of his work.

Mr. President, I ask unanimous consent that the letter of transmittal, from the Senator from Kentucky and myself to all Senators, as well as a brief extract from the memorandum be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., October 6, 1969.

Hon. ———— ————,
United States Senate,
Washington, D.C.

DEAR SENATOR: Some confusion has obviously arisen over the record of Judge Clement F. Haynsworth, Jr., the President's Supreme Court nominee, during his tenure of service on the U.S. Court of Appeals for the Fourth Circuit.

In the spirit of fairness, we ask that you read the entire record, both pro and con, before making your decision.

We are glad this nomination has received the scrutiny that has been given it. Justices of the Supreme Court from this day forward must be able to stand the test of complete and honest disclosure before Senate confirmation can be anticipated. Judge Haynsworth's record will stand this test.

As members of the Judiciary Committee, we have had the opportunity to attend the hearings and study the record. As fair-minded Americans, we regret the proliferation of insinuations about Judge Haynsworth which we feel are based either upon misinformation or little knowledge of the facts. The decision which the Constitution calls upon the Senate to make must be made fairly. We are enclosing an appraisal of the Judge's entire record in labor cases so that you will be correctly apprised of his position in this area. We will subsequently be forwarding to you objective appraisals of his civil rights decisions and a complete rebuttal of the conflict of interest charges which have been leveled against him.

With best wishes,

Sincerely yours,

ROMAN L. HRUSKA,
MARLOW W. COOK,
U.S. Senators.

SUMMARY: JUDGE HAYNSWORTH'S LABOR RECORD—A REBUTTAL TO THE AFL-CIO APPRAISAL

I. *The Ten Supreme Court Reversals:* No objective evaluation can conclude that Judge Haynsworth is "anti-labor" as compared with the Supreme Court. Three of the cases involved changes of Congressional and/or Supreme Court policy *subsequent* to the Fourth Circuit's opinion. Two further cases were not "labor-management" cases. In one of the cases the Supreme Court explicitly stated that its disagreement with the Fourth Circuit was "not large as a practical matter." In *none* of the reversals did the Supreme Court purport to reverse an "anti-labor" decision.

II. *The Divided Fourth Circuit Cases:* The AFL-CIO fails to mention one decision in which Judge Haynsworth dissented *in favor of the union.* The AFL-CIO *labels* as "anti-labor" three cases in which the Fourth Circuit substantially *enforced* NLRB orders in favor of the Union, and four additional cases which are neutral decisions of procedure and evidence issues.

III & IV. *Judge Haynsworth's Undisclosed Pro-Labor Record:* The AFL-CIO completely fails to examine a large body of pro-labor cases in which Judge Haynsworth participated. These include at least *eight* (8) pro-labor opinions *written* by Judge Haynsworth, and an *additional thirty-seven* (37) pro-labor opinions in which Judge Haynsworth *concurred* but did not write an opinion.

V. *The Fourth Circuit's Labor Record:* The suggestion that the Fourth Circuit, and Judge Haynsworth in particular, has consistently opposed the NLRB's efforts to secure worker's rights is demonstrably false.

The Fourth Circuit completely or substantially *enforced* 93% of the NLRB petitions before it in 1968–69, as compared with only 81% for all circuit courts during 1963–68.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAL MINE HEALTH AND SAFETY ACT OF 1969—AUTHORIZATION FOR PRINTING OF BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that S. 2917, the Coal Mine Health and Safety Act of 1969, be printed as it was passed by the Senate on Thursday, October 2, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, October 7, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 6, 1969:

WORLD HEALTH ORGANIZATION

Dr. S. Paul Ehrlich, Jr., of Virginia, to be representative of the United States of America on the Executive Board of the World Health Organization.

U.S. DISTRICT JUDGE

David L. Middlebrooks, Jr., of Florida to be U.S. district judge for the northern district of Florida vice George Harrold Carswell, elevated.

CONFIRMATIONS

Executive nominations received by the Senate October 6, 1969:

U.S. MARSHAL

Ollie L. Canion, of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years.

NATIONAL TRANSPORTATION SAFETY BOARD

Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1969.

HOUSE OF REPRESENTATIVES—*Monday, October 6, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God loveth righteousness and justice; the earth is full of the goodness of the Lord.—Psalm 33: 5.

O Spirit of the living God, who governs the world with righteousness and whose judgments are true and righteous altogether, grant that these representatives of our people may be of one mind and of one heart as they seek to provide justice, to produce good will, to protect freedom, and to promote the welfare of all the citizens of our beloved land.

Endue them with Thy spirit that with clear understanding, clean motives, and creative principles they may rise above all self-seeking and through self-discipline be primarily concerned about the good of our country and the brotherhood of man.

Bless all the courts of justice in our Nation and particularly our Supreme Court opening on this day. Grant unto all Justices the spirit of wisdom that they may decide wisely and uphold the law as it is without fear or favor.

May the Lord give strength to His people and bless them with peace of mind, purity of heart, and power of spirit to work together for the good of all men.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, October 3, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 851. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested bills of the House of the following titles:

H.R. 9825. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes;

H.R. 11039. An act to amend further the Peace Corps Act (75 Stat. 612), as amended; and

H.R. 12982. An act to provide additional revenue for the District of Columbia, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 9825) entitled "An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGEE, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. HARTKE, Mr. FONG, Mr. BOGGS, and Mr. FANNIN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11039) entitled "An act to amend further the Peace Corps Act (75 Stat. 612), as amended," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. GORE, Mr. AIKEN, and Mr. MUNDT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12982) entitled "An act to provide additional revenue for the District of Columbia, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TYDINGS, Mr. BIBLE, Mr. SPONG, Mr. EAGLETON, Mr. PROUTY, Mr. GOODELL, and Mr. MATHIAS to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to Public Law 84–689, appointed Mr. PERCY to attend the North Atlantic Treaty Organization Parliamentary Conference to be held in Brussels, Belgium, October 16 to 21, 1969.

The Vice President also appointed Mr. KENNEDY and Mr. YOUNG of Ohio, vice Mr. BYRD of West Virginia and Mr. McINTYRE, to attend the above Conference.

JUDGE HAYNSWORTH IS TAINTED: HIS NOMINATION SHOULD BE WITHDRAWN

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, respect for the judicial system of our country has recently suffered a major setback. Not long ago, we saw one member of our highest Court resign as the result of public outrage at the conduct of his financial affairs. His conduct at best showed a serious lack of judgment with respect to his handling of those fiscal affairs. Similar accusations have been made with respect to the pending nomination of Judge Clement F. Haynsworth. He, too, must be held to the same high standards.

While I disagree with the social philosophy of Judge Clement F. Haynsworth, I would not object to his nomination to the Supreme Court on that basis because I believe that the President has a right to place upon that bench men who reflect his philosophy. A conservative President will appoint men like Judge Haynsworth. But these appointees must not be tainted.

Those who sit upon the Supreme Court above all must be universally respected. Their judgments are normally enforced not by bayonets but by public opinion acknowledging that a rule of law requires an acceptance by the country as a whole of their decisions. That universal acceptance is always conditioned upon respect for the men wearing the robes of judicial office. It is clear that Judge Clement F. Haynsworth does not have such acceptance and I therefore urge the President to recall his nomination.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MEMORIAL BREAKFAST COMMEMORATING THE LATE HONORABLE WENDELL WILLKIE

(Mr. BRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRAY. Mr. Speaker, I am pleased to bring to the attention of my colleagues a memorial breakfast which is being held this week to commemorate the death of a great American and former presidential candidate of the Republican Party, Wendell Willkie, whose son and widow live in my congressional district.

I believe each of you received a notice of this breakfast last week, but I have been asked to extend the invitation on the floor. This is a bipartisan effort sponsored by the distinguished Senator from Pennsylvania, Senator SCOTT, and the distinguished Senator from Alabama, Senator SPARKMAN. It will be held in room S207 of the Capitol at 8:30 a.m. on Wednesday morning, October 8, and those wishing to attend should contact the office of Senator SCOTT.

THERE OUGHT TO BE A LAW

(Mr. WATSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATSON. Mr. Speaker, often we have heard the statement by our constituents, "There ought to be a law."

So we conducted a personal contest entitled "There Ought To Be a Law."

I believe it is interesting to note that there were more than 4,500 entries, which speaks well for the general interest of the people of our congressional district in the issues and problems confronting us on a national level.

Of those 4,500 entries some 70 percent had a thrust which dealt with the matter of law and order and particularly what we might do to strengthen the courts of our federal system.

Mr. G. Delbert Pryor, of West Columbia, S.C., was the winner of the contest. He is here in the Nation's Capital. His entry, the winning entry, dealt with the method of making Supreme Court and circuit court appointments.

Today I am introducing a bill embracing the provisions of his suggestion which would require that any man appointed to the U.S. Supreme Court must have had at least 5 years of judicial service either on the Federal bench or in the highest judicial court of the State. Also, a 3-year previous judicial experience requirement on a trial court would be required before appointment to the Federal circuit court.

I commend this winner, and commend all of the entrants for their interest in Government.

EMERGENCY STUDENT LOAN BILL

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, we are now entering the fourth week since the emergency student loan bill passed this body. The bill is still tied up in conference. We have met only three times.

This bill was passed under the illusionary promise of quick enactment. How many thousands of students are threatened with uncertainty by this irresponsible action.

What price have the innocent students paid so far as "pawns" because of the arbitrary actions of the chairman of the Education and Labor Committee in delaying this bill and refusing to allow the House to work its will. Normal procedure would have allowed this bill to become law months ago and make funds available to the students for educational purposes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I well recall that on August 12, just before the summer recess of Congress, the sponsors of this legislation were bleeding at every valve, trying to make the gentleman from Iowa, presently in the well of the House, responsible for the delay in the enactment of student loan legislation. The gentleman from Iowa (Mr. SCHERLE) is before the House again today, pointing out that 4 weeks have elapsed since the Congress reconvened after the summer recess and approved the bill, but there is still no final action taken in this matter. I wonder who is now responsible among the bleeding hearts for the failure to get this legislation enacted.

It is not the gentleman from Iowa.

Mr. SCHERLE. I thank the gentleman from Iowa for his statement.

Mr. Speaker, it is still my fervent hope that we will get something done quickly for the students of this country so that they can attend the college of their choice and obtain an education with much more certainty.

Mr. Speaker, I yield back the balance of my time.

GETTING OUT OF THE COMBAT JOB IN VIETNAM

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, the headline story in today's Washington Post concerns an interview with Vice Presi-

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dent Ky of South Vietnam. Vice President Ky is quoted as saying that he feels the United States can conclude combat operations in Vietnam by the end of next year and that the South Vietnamese can and should take over the combat responsibilities in that country.

I would think that Vice President Ky, who is a military man, ought to know about as well as anyone what the potential would be of the South Vietnamese military to assume the full combat responsibility of the war.

The fact that he has offered to do this and is suggesting that it ought to be done I think indicates that if we have an ounce of sense in this Congress, we will take him up on this offer and get out of the combat business in Vietnam by the end of next year.

This is the longest war in our history, an undeclared war, which has cost us some 40,000 lives and an expenditure of $110 billion. Surely the time has come to end this tragic war.

With a statement of this kind coming from the leadership of Vietnam that they are prepared to take on the combat burden next year, let us take them up on this offer. I hope that the President and we in the Congress will do so, because Vice President Ky is correct in his statement, and we ought to conclude American combat operations there no later than the end of next year.

STUDENT LOAN GUARANTEE PROGRAM

(Mr. PERKINS asked and was given permission to address the House for 1 minute.)

Mr. PERKINS. Mr. Speaker, in view of the statement made by the distinguished gentleman from Iowa (Mr. SCHERLE), I do not want anyone to feel that there has been any dereliction of duty on the part of the House conferees in their efforts to bring the student guarteed loan program bill out of conference. The gentleman never did tell the Chamber who he felt was at fault, but, through innuendo, perhaps, inferred that the chairman of the committee was not pursuing the conference with as much diligence as he possibly could. I do want to tell the Members of the House that we will go in for our fourth session this Wednesday. I regret that we have not already brought back a conference report, but we have scheduled conference meetings together at times when conferees could meet. I have done everything in my power to expedite the conference. I am at a loss to know how to assure the Congressman from Iowa that we are diligently pressing for a conference report but as yet are in disagreement.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. AYRES. Mr. Speaker, I would like to concur in what the gentleman from Kentucky, the chairman of the Education and Labor Committee, has said. I know that both the chairman of the committee and myself as well as most of the members on the committee of conference have attempted to get the conference off dead center and I am hopeful that we shall be able to do so.

Mr. PERKINS. I thank the gentleman and concur in what the gentleman has said. In further response to the gentleman from Iowa, in order to have brought back a conference report at this time the gentleman from Iowa would have had to capitulate to the Senate, himself.

PERSONAL ANNOUNCEMENT

(Mr. PREYER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PREYER of North Carolina. Mr. Speaker, I was absent on the final vote on the defense procurement bill. I make this statement so the record will show that had I been present, I would have voted against the motion to recommit and in favor of the final passage.

VIETNAM

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, October 15 appears to be a significant date.

In Washington, D.C., it is fixed as the date of a contrived mobilization to divide our people and encourage our enemies. In Red China, October 15 is reported to be a deadline for a mobilization to unite their people against a potential enemy.

Some apparently desire no solution in Vietnam—military or diplomatic. These same confused zealots feel that even the remotest possibility of a negotiated peace must be blocked; that the United States must be forced, under the appearance of massive public pressure, to withdraw from Vietnam, creating an illusion of public approval of national defeat for the first time in the history of our Republic.

The desperate mobilization for the October 15 moratorium emphasizes a growing hysteria to accomplish these immoral objectives. One might wonder if the United States is so close to a peace settlement that it imperils the pursuits of those who cry "peace" but work for a prolonged war.

This is not a time for provoking disunity and chancing encouragement of a reckless enemy to persist in interminable hostilities and unnecessary death. This is a time to unite in support of the President—elected by our people, entrusted with leadership and charged with the responsibility of achieving peace.

STUDENT LOAN BILL

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, the gentleman from Kentucky (Mr. PERKINS) complained that the gentleman from Iowa (Mr. SCHERLE) failed to explain why the student loan bill has not been enacted.

It makes no difference how thick or thin the gentleman from Kentucky slices it, the bill has been in conference for 4 weeks, this bill on which he apparently had a near heart attack on August 12, blaming Members for allegedly stalling the bill.

The gentleman from Kentucky knows that it is in conference for he is a member of the conference and that fact needs no further explanation.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. PERKINS. Is the gentleman inferring that the House conferees capitulate and buy the Senate proposals all the way? Is that what you are advocating? And the Members of the House should agree?

Mr. GROSS. No. I am just saying to you that you were bleeding at every pore——

Mr. PERKINS. Well, I am still bleeding.

Mr. GROSS. On August 12, and blaming everybody you could for failure to pass the bill, and yet you have been in conference on this matter for 4 long weeks.

Mr. PERKINS. Let me say to my distinguished colleague, I feel the same way today that I felt on August 12. I felt confident that we would bring the conference report in earlier, we have tried and failed, and further, the gentlewoman from Oregon (Mrs. GREEN), the sponsor of the bill, has been ill for a few days and we have had some problems getting the conferees together, very much to my regret. I, myself, have been available every day.

Mr. GROSS. To use a common expression, for 4 weeks "the monkey has been on your back," not on the backs of the rest of the Members of the House.

Mr. PERKINS. The monkey will soon be gotten off my back, if it is there, and we will get this bill enacted. I regret that we have not brought the bill back before this time, but it has been impossible. It has not been the fault of the chairman of the committee, as I believe the gentleman from Iowa knows.

THE HOUSE VOTE ON THE MILITARY PROCUREMENT AUTHORIZATION BILL

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, last Wednesday, Thursday, and Friday the House of Representatives considered the military procurement authorization bill. It was a heated but, I believe, constructive action by the House during that 3-day time period. During the consideration of that legislation in the Committee of the Whole, by a vote of 219 to 105 President Nixon's Safeguard ABM System was approved with the rejection of the amendment that would have deleted the procurement funds from the President's request.

Subsequently, on Friday, on a rollcall vote, by a vote of 270 to 93, the House of Representatives rejected the removal of any authorization for the anti-ballistic-missile system recommended by the President. In the one case by a vote of 2 to 1 the House approved the President's recommendation; in the second, by a vote of almost 3 to 1 the House told the administration to proceed with an anti-ballistic-missile system.

These were significant victories, not for a Republican President or a Democrat-dominated House of Representatives; these were significant victories for the American people, and should be a warning to any enemy that the House of Representatives is ready, willing, and able to stand fast with the President for negotiations from strength in our dealings with the Soviet Union in any disarmament talks.

But may I raise another point: For 9 weeks the press swamped the public and the Congress with how close the vote was going to be in the other body on this particular issue, and then when the final vote came, by the margin of 51 to 50 in favor of the President's Safeguard program, some elements of the press wrote as though that victory was a defeat. I never quite understood how winning a legislative vote could be a loss, but some in the press so interpreted it.

Now I find the following. After the overwhelming victory in the House of Representatives, which was not a Democratic or a Republican victory, I had to dig through the news stories, to look with great scrutiny to find any word whatsoever that this 2-to-1 margin in the one case and nearly 3-to-1 in the other was a victory for strength for America. I do not understand this double standard in news reporting.

ATOMIC EXPLOSION ON AMCHITKA ISLAND

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Speaker, I wish to make an announcement. Before I make the announcement, I want to say that if I had been here last week, I would have voted against the motion to recommit on the military construction bill and I would have voted for passage of the bill.

The purpose of my rising at this time is to inform the House that last week I attended the test on Amchitka Island of an atomic device which had been programed for the past 3 years.

I am pleased to report to the Members of the House that the event did not cause any ecological damage, that there was no venting of radiation from the event which took place 4,000 feet deep in the ground, and there was no tidal wave that would inundate Alaska, Hawaii, or California, or the west coast.

I was very happy about that, because there had been these dire predictions from the panic prophets and the alarmists who knew nothing about the scientific precautions that were taken. It was a great comfort to me to know that none of their dire predictions were fulfilled.

Mr. UTT. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from California (Mr. UTT).

Mr. UTT. Mr. Speaker, I want to ask the gentleman from California whether or not the Atomic Energy Commission had anything to do with the earthquake in Santa Rosa 24 hours ahead of the explosion.

Mr. HOLIFIELD. I doubt if the explosion which occurred later had anything to do with that, but maybe the shock of apprehension and fear and concern expressed by a few misinformed Members had something to do with it.

PRESS TREATMENT OF HAYNSWORTH CASE

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I thought I would take a minute myself to speak today about press treatment, since the minority leader was complaining about the press and its treatment of the vote on the ABM. I have been a little bit concerned about the press treatment of the Haynsworth case. When the Fortas case was up, there were giant front-page headlines every day about what a bad man Mr. Fortas was.

The only thing I can see different between the two cases is that Mr. Fortas gave the money back, and Mr. Haynsworth kept it, all $400,000 worth of it.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

CHANGING NAME OF PLEASANT VALLEY CANAL, CALIF., TO "COALINGA CANAL"

The Clerk called the joint resolution (H.J. Res. 224) to change the name of Pleasant Valley Canal, Calif., to "Coalinga Canal."

There being no objection, the Clerk read the joint resolution, as follows:

H.J. RES. 224

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Pleasant Valley Canal, California, be changed to "Coalinga Canal". Any law, regulation, document, or record of the United States in which such canal is designated or referred to shall be held to refer to such canal as "Coalinga Canal".

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, House Joint Resolution 224 will change the name of the Pleasant Valley Canal, a feature of the authorized Central Valley reclamation project to Coalinga Canal, after the city of Coalinga, Calif.

Normally, features of Federal water resource projects are selected by administrative act, and may be changed the same way unless the name has been given legal status by being specifically cited in authorizing legislation. This is the case with respect to the Pleasant Valley Canal, it having been set forth by name in the act of June 3, 1960, 74 Stat. 156.

The city of Coalinga, Calif., has had one of the most serious municipal water problems of any community in the United States. For a number of years it was necessary to import culinary water in railroad tank cars at an exorbitant cost. More recently, desalting techniques have been utilized for the production of some domestic water for human consumption. When the Pleasant Valley—Coalinga—Canal is completed, the city will have a long-term supply of high quality water at reasonable cost for the first time in its civic existence. The local people look upon this event as being most significant and support the name change to commemorate the occasion.

Because of this and following the recommendation of the administration, the joint resolution has been favorably recommended by unanimous action of the Committee on Interior and Insular Affairs. There is no cost to the Federal Government involved in the enactment of House Joint Resolution 224, and I am pleased to urge its passage at this time.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL CLAIMS SETTLEMENT ACT AMENDMENT

The Clerk called the bill (H.R. 11711) to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to interrogate one of the handlers of the bill, perhaps the gentleman from California.

Mr. Speaker, this is a very important bill. I am greatly in favor of the extension of the time for this Commission, but I would like to have some questions answered for the RECORD by reason of the fact that the report indicates there have been $3.3 billion worth of claims of American nationals filed against Cuba.

The first question is: Has Cuba paid anything to anybody on these claims?

Mr. MAILLIARD. Mr. Speaker, if the gentleman will yield, the answer to the first question is no. These claims have been adjudicated while the information is available with the hope that some day there may be some resources from which they can be paid.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: Are there any credits in the United States owned by the Government of Cuba that, once these claims have been adjudicated, we can use an offset whereby the claims of the United States can be applied against assets that have been seized by Cuba?

Mr. MAILLIARD. Mr. Speaker, if the

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gentleman will yield, I am not sure I know the precise answer to that question. I think there are no assets presently available to pay these claims. It would be hoped at some future date there would be compensation from which they could be paid. If there are any assets, they would be pretty meager at this point.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: Does the gentleman know whether Cuba is making any gestures or any attempts, or taking any steps toward paying American nationals for property seized in Cuba at this time?

Mr. MAILLIARD. If the gentleman will yield, not that the committee has any knowledge of.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: Does the gentleman know whether this Government has any plans, once the Commission has established the amount of claims of American nationals against Cuba, for payment? Does this Nation, the committee, or the Commission have any idea how we can receive payment from Cuba for the assets that have been expropriated?

Mr. MAILLIARD. If the gentleman will yield further, once again I know of no way under present conditions, but one would hope in the future conditions might be such that we could collect.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: Will there be any attempt to have the taxpayers of the United States reimburse American nationals for this loss?

Mr. MAILLIARD. There was no testimony before the committee which recommended any such course.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: In view of the gravity of the situation and the unconscionable way in which these assets have been expropriated by Cuba, will November 1, 1972, be long enough? Should not they have asked for a longer period of time?

Mr. MAILLIARD. If the gentleman will yield, the Commission felt they probably could adjudicate these claims by then. Of course, that does not mean they have to be paid by that date. It simply means the Commission will have heard testimony to establish what the claims in fact ought to be.

Mr. JOHNSON of Pennsylvania. One final question, Mr. Speaker: Once they have arrived at the total amount of the claims, the value of the expropriated property, will a bill be presented to the Cuban Government? Is that the next step, after the job of the Commission is completed?

Mr. MAILLIARD. If the gentleman will yield, I would think that submitting such a bill to the present Government of Cuba would be a futile gesture.

Mr. JOHNSON of Pennsylvania. Then, Mr. Speaker, actually, I suppose, adjudicating the claims is a futile gesture at this point; is it not?

Mr. MAILLIARD. If the gentleman will yield; "at this point," yes. On the other hand, if one waits to adjudicate these claims, as we have discovered in other similar situations, it is very difficult to get the facts to find out what the claims are. What we are doing is adjudicating them in the hope and the belief, so far as this Member is concerned, that our relations will become more normal in the future, and we would expect they would desire to pay compensation to those from whom property was taken.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 11711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the International Claims Settlement Act of 1949 (22 U.S.C. 1643i) is amended to read as follows:

"SEC. 510. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than July 6, 1972."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIMINATION OF CONSTRUCTION DETAILS ON PASSENGER VESSELS

The Clerk called the bill (H.R. 210) to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards.

There being no objection, the Clerk read the bill as follows:

H.R. 210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 4400 of the Revised Statutes, as amended (46 U.S.C. 362), is hereby further amended by adding at the end thereof the following sentence:

Provided, however, That the provisions of this subsection shall not apply to voyages by vessels meeting the safety standards prescribed in subsection (c) in this section."

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That section 4400 of the Revised Statutes, as amended (46 U.S.C. 362) is amended—

"(1) by inserting at the end of subsection (b) thereof the following new sentence: 'The provisions of this subsection shall not apply to voyages by vessels meeting the safety standards prescribed in subsection (c) of this section.', and

"(2) by adding at the end thereof the following new subsection:

"'(d) All promotional literature or advertising in or over any medium communication within the United States offering passage or soliciting passengers for ocean voyages anywhere in the world shall specify the registry of any vessel named in such promotional literature or advertising.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes."

A motion to reconsider was laid on the table.

AMENDING SECTION 613 OF THE MERCHANT MARINE ACT, 1936

The Clerk called the bill (H.R. 12605) to amend section 613 of the Merchant Marine Act, 1936, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone if this bill does in fact permit subsidized passenger vessels to engage in coastwise or intercoastal trade without loss of subsidy? If true, is this not inconsistent with the basic purpose of the operating differential subsidies under the 1936 Merchant Marine Act?

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from California.

Mr. MAILLIARD. The answer to the gentleman's question is, in both instances, yes. Of course, when the 1936 act was placed on the statute books a very substantial part of the American merchant marine was engaged in the coastal and intercoastal trade.

Today there is only one nonsubsidized passenger vessel under the American flag which is operating, and that is not in coastal or intercoastal waters but in the noncontiguous domestic trade. So the reason for the philosophy expressed in the act in the first place is now gone. In other words, there is no nonsubsidized service with the exception of one vessel operating between the west coast of the United States and Hawaii. This bill provides that subsidized lines cannot engage in carrying passengers between those points without the consent of the nonsubsidized carrier, so the one fellow who is left in the business is completely protected.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 12605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613 of the Merchant Marine Act, 1936, as amended (47 U.S.C. 1183), is amended by:

(a) Striking subsection (c) thereof and inserting a new subsection (c) to read as follows:

"(c) When a vessel is being operated on cruises—

"(1) it shall carry no mail unless required by law, or cargo except passengers' luggage, except between those ports between which it may carry mail and cargo on its regular service assigned by contract;

"(2) it may not carry one-way passengers between those ports served by another United States carrier on its regular service assigned by contract, without the consent of such carrier, except between those ports between which it may carry one-way passengers on its own regular service assigned by contract;

"(3) it shall stop at other domestic ports only for the same time and the same purpose as is permitted with respect to a foreign-flag vessel which is carrying passengers who embarked at a domestic port, except that a

cruise may end at a different port or coast from that where it began and may embark or disembark passengers at other domestic ports, either when not involving transportation in the domestic off-shore trade in competition with a United States-flag passenger vessel offering berth service therein, or, if involving such transportation, with the consent of such carrier: *Provided, however,* That nothing herein shall be construed to repeal or modify section 805 (a) of this Act."

"Section 605(c) of this Act shall not apply to cruises authorized under this section."

(b) Striking subsection (e).

With the following committee amendments:

On page 1, line 4, delete "47" and insert in lieu "46".

On page 2, line 12, delete "were" and insert in lieu "where".

On page 2, at end of line 19, delete quotation mark.

On page 2, delete lines 20 and 21, and insert in lieu the following:

"Section 605(c) of this Act shall not apply to cruises authorized under this section. Notwithstanding the applicable provisions of section 605(a) and section 506 of this Act requiring the reduction of operating differential subsidy and the partial payback of construction differential subsidy for operating in the domestic trades, such reduction of operating subsidy and partial payback of construction subsidy under such sections 605(a) and 506, respectively, shall not apply to cruises authorized under this section."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The Clerk called the bill (S. 2462) to amend the joint resolution establishing the American Revolution Bicentennial Commission.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know why only the representatives of the Thirteen Original States are included in a Bicentennial Commission study of how to celebrate the American Revolution?

I personally am from Missouri, which is not one of the Thirteen Original States, but I am very glad that we still do not have taxation without representation under King George. I think it is bad enough to have it with representation under us.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Speaker, the gentleman from Missouri must be laboring under some misapprehension in his understanding of the membership of this Commission, because on July 3 of 1969 the President announced who they were. I have the press release of that date. I may say that one is from the State of New York, one is from Illinois, one is from Pennsylvania, one from South Carolina, one from California, one from Alabama, another from New York; one from Virginia, another from Pennsylvania, another from New York, and Mr. Lewis of the Reader's Digest is from New York. Also Nebraska and California are represented in that group.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement, and I appreciate the fact that we have extended the life of this Commission almost every year. I am not sure when it is going to give a report, but I am certainly in favor of celebrating our bicentennial. However, the gentleman's own report says;

> On reviewing both the objectives of the Commission and its present membership, your committee has noted that, although the members represent a broad cross-section of the Nation, they do not include persons from each of the original 13 States of the Union. As a result, your committee recommends that whenever any future vacancies occur on the Commission they be filled in such a way as also to give representation to each of the original 13 States.

That is fine, provided that the Commission is big enough so that the Thirteen Original States—with all of the deference that we have for them—do not displace those who are now on the Commission. Is that the intent, or is it true in the committee it was put to a vote and voted down, to the effect that other States than the original 13 would be included on the Commission?

Mr. ROGERS of Colorado. Will the gentleman yield on that point?

Mr. HALL. I yield once more to the gentleman.

Mr. ROGERS of Colorado. It is true a motion was made in the committee, but this motion was withdrawn, the objective being, as we tried to spell out in the language that you have read, that the Original Thirteen Colonies at least should have some representation. And that if we had someone from the Thirteen Colonies they may have some knowledge or some historical information that would aid and assist the Commission in its operations. This is not a compulsory provision, nor do we amend the law. But we were trying to see if the Thirteen Original Colonies may have had some historical information that they could supply to the Commission.

Mr. HALL. I thank the gentleman, Mr. Speaker, but can the gentleman say categorically that it is not the intent of the committee having jurisdiction over the Commission to eventually limit it to the Thirteen Original Colony States?

Mr. ROGERS of Colorado. Mr. Speaker, if the gentleman will yield further, no. If we had, we would have brought it in as a positive piece of legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Colorado mentioned the members of this Commission, I believe?

Mr. ROGERS of Colorado. Mentioned what?

Mr. GROSS. The members of this the Commission.

Mr. ROGERS of Colorado. Yes.

Mr. GROSS. Is the gentleman able to say whether one member of the Commission—I believe the Chairman of the Commission—is a native-born Canadian?

Mr. ROGERS of Colorado. Well, I never looked into the ancestry of the members of the Commission.

Mr. GROSS. In this case——

Mr. ROGERS of Colorado. May I state to the gentleman that that is in part a responsibility of the President. If there is a responsibility from those who might appoint him they would know about that. However, the Speaker of this House has the right to appoint members of the Commission and we have on the Commission the gentleman from Massachusetts (Mr. DONOHUE) and the gentleman from Virginia (Mr. MARSH). If there happens to be one born in Canada, I have no knowledge of it.

Mr. GROSS. He is now a naturalized citizen as I understand it, but it seems incongruous to me that a native-born Canadian would head the American Revolution Bicentennial Commission and that some of the Original 13 States have no representation on the Commission.

Mr. ROGERS of Colorado. The public members are appointed by President Nixon.

Mr. GROSS. I do not care whom they are appointed by. That is not the point at all.

Mr. ROGERS of Colorado. I have no knowledge——

Mr. GROSS. Let me ask the gentleman this question: Why did the Commission not produce its report on July 4, 1969, as scheduled?

Mr. ROGERS of Colorado. Well, for the simple reason, as we set forth in the report, after we created the Commission on July 4, 1966, it took the President about a year in which to appoint the Commission.

Mr. GROSS. It took who?

Mr. ROGERS of Colorado. President Johnson. It took him a year to appoint the Commission. The Commission was appointed and met but it was not able to get the money with which to carry on its operations. So, the Commission made an application to Congress for authorization of money in connection with its work. Then it took the Congress about 18 months to get around to authorizing the money and the appropriation. When they finally got around to it, all of the original members, those largely appointed, at least the public members by the President, submitted their resignation to President Nixon and he in turn appointed the Commission on July 3, 1969. So, they did not have a chance——

Mr. GROSS. How much money has been appropriated for this Commission?

Mr. ROGERS of Colorado. The sum of $150,000 has been appropriated for fiscal 1969. This would authorize $450,000 for fiscal year 1970. However, the Interior Committee has an appropriation in that bill in the amount of $175,000 for fiscal year 1970.

Mr. GROSS. While they were playing politics with this Commission for 3 years, what happened to the money?

Mr. ROGERS of Colorado. I do not know of any politics being played with reference to it.

Mr. GROSS. Well, it seems to me they could have had a Commission established long before and in 3 years have produced a report on July 4, 1969.

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The gentleman from Colorado may have some explanation for this. I do not know. But it just seems incredible to me that a Commission would be in existence for 3 years and have spent a minimum of $150,000 and still has not submitted a report.

Mr. ROGERS of Colorado. I wonder if the gentleman understood me a moment ago when I stated that President Johnson took over a year to appoint the public members and that after that, they had a meeting?

Mr. GROSS. That is pretty good evidence that they played politics with it for a year.

Mr. ROGERS of Colorado. Pardon?

Mr. GROSS. I said that is pretty good evidence that they played politics with it for a year.

Mr. ROGERS of Colorado. The gentleman can evaluate it in any way he wants. I do not see any politics.

Mr. GROSS. All I am trying to get at is how much money has been spent during this 3-year period, or whatever portion of the time that was covered by the appropriation, and what results have we received for what has already been spent. I do not seem to be able to get very good answers.

Mr. ROGERS of Colorado. I tried to answer the gentleman a moment ago in saying that in 1969 there was $150,000 appropriated, and as for fiscal year 1970 there is $175,000.

Mr. HALL. Mr. Speaker, with the suggestion that the committee which exercises surveillance and oversight when we next extend this authorization insist that a person who was born in Canada, no matter how nobly he may have overcome this through the naturalization proceedings, no longer chair the Commission unless the Redcoats return again, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

S. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution To Establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended by the Act of December 12, 1967 (81 Stat. 567), is further amended—

(1) by striking out "July 4, 1969" in section 3(d), and inserting in lieu thereof "July 4, 1970"; and

(2) by striking out "fiscal year 1969" in section 7(a), and inserting in lieu thereof "fiscal year 1970".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964, WITH RESPECT TO CLAIMS AGAINST THE UNITED STATES FOR PERSONAL PROPERTY

The Clerk called the bill (H.R. 13696) to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service.

There being no objection, the Clerk read the bill, as follows:

H.R. 13696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b)(1) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767 as amended by 79 Stat. 789), is amended by striking out "$6,500" and inserting in place thereof "$10,000".

Sec. 2. Section 1 of this Act is effective August 31, 1964, for the purpose of reconsideration of settled claims as provided in this section. Notwithstanding section 4 of the Military Personnel and Civilian Employees' Claims Act of 1964, or any other provision of law, a claim heretofore settled in the amount of $6,500 solely by reason of the maximum limitation established by section 3(b) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, may, upon written request of the claimant made within one year from the date of enactment of this Act, be reconsidered and settled under the amendment contained in section 1 of this Act.

With the following committee amendment:

Pages 1 and 2, strike all of section 2.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEFINING THE TERM "CHILD" FOR PURPOSES OF TITLE 38, UNITED STATES CODE

The Clerk called the bill (H.R. 10106) to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree.

There being no objection, the Clerk read the bill, as follows:

H.R. 10106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assmbled, That subsection 101(4) of title 38, United States Code, is amended by adding at the end thereof the following sentence:

"A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded: *Provided,* That the child remains in the custody of the adopting parent or parents during the interlocutory period."

Mr. TEAGUE of Texas. Mr. Speaker, the current definition of a child in title 38, United States Code, in essence provides that an adopted child is only legally adopted when the decree of adoption has become final. The purpose of this bill is to amend the law to provide that the child shall be considered legally adopted at the time of the issuance of the interlocutory decree and shall continue to be so considered until such decree is rescinded. This would permit in cases where warranted the payment of compensation, pension, or education benefits prior to the issuance of the final decree of adoption.

This bill was submitted officially by the Veterans' Administration which states that the cost "would not be significant."

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 10106. If enacted into law, this measure will revise the definition of a "child" of a veteran to include therein an adopted child for whom an interlocutory decree of adoption has been issued.

Existing law and regulation generally recognizes, as the legally adopted child of a veteran, a child for whom a final decree of adoption has been issued. Despite the fact that the adoptive parent has assumed full parental responsibility for the child at the time an interlocutory decree of adoption is issued, the child is not recognized for purposes of veterans' benefits until the issuance of the final decree.

On the other hand, a stepchild accepted into a veteran's household is immediately recognized for veterans' benefits. It appears reasonable to assume that the parent-child relationship is at least as strong in the case of an adopted child for whom an interlocutory decree has been issued. I support the bill and urge that it be passed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECOUPMENT OF DISABILITY SEVERANCE PAY

The Clerk called the bill (H.R. 10912) to amend title 38, United States Code, to liberalize the conditions under which the administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans.

There being no objection, the Clerk read the bill as follows:

H.R. 10912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 11 of title 38, United States Code, is amended by adding the following new section at the end thereof:

"§ 361. Payment of disability compensation in disability severance cases

"The deduction of disability severance pay from disability compensation, as required by section 1212(c) of title 10, United States Code, shall be made at a monthly rate not in excess of the rate of compensation to which the former member would be entitled based on the degree of his disability as determined on the initial Veterans' Administration rating."

Mr. TEAGUE of Texas. Mr. Speaker, under existing law, members of one of the branches of the Armed Forces who become permanently disabled to such a degree as to make them unfit to perform their duties may be granted disability retirement pay from the branch of the service with which they served, if they have 8 or more years of service and if the degree of disability is 30 percent or more. If the period of service is less

than 8 years or the degree of disability is less than 30 percent, as determined under the Veterans' Administration's schedule for rating disabilities, then a lump-sum payment—disability severance pay—is made in lieu of the monthly disability retirement. The law provides that the amount of this lump-sum payment shall be deducted from any compensation for the same disability to which the veteran becomes entitled under laws administered by the Veterans' Administration.

Thereafter, the veteran may not receive the disability compensation to which he would otherwise be entitled until the disability severance pay has been completely repaid. This is true even if his disability becomes more disabling, for example, suppose the severance pay amounted to $5,000 and the disability was 20 percent—which now amounts to a monthly compensation payment of $43—and suppose the veteran's disability should increase to being totally disabling. While the veteran would be entitled to $400 a month based on total disability, he could not receive any of the increased benefits until and unless the $5,000 had been completely repaid representing recoupment of the disability severance pay.

This bill which was suggested by the Veterans' Administration and transmitted formally to the Congress, permits the Veterans' Administration, in the example indicated, to deduct the initial rate of compensation rather than the current amount to which he is eligible. In the example used, if this bill is enacted into law, the veteran would receive $400 a month based on his total disability. From that would be deducted each month $43, that being the current rate for 20-percent disability and this $43 deduction would be continued until the $5,000 disability severance pay was completely recouped.

The Veterans' Administration states:

> The number affected would be small and that any cost involved would not be significant.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 10912. This bill will revise the procedures under which disability severance pay is recouped from disability compensation payable.

Under existing law, a lump-sum payment called disability severance pay is made to servicemen separated with disabilities or length of service that do not meet the minimum criteria for disability retirement benefits. Should the former serviceman subsequently become eligible for monthly disability compensation, payment must be withheld until an amount equal to the disability severance pay has been recovered.

Should the degree of disability remain constant, no unusual hardship results from this procedure. Should the disability increase in severity, however, rendering the veteran unemployable and entitled to total disability benefits, such payments must be withheld in their entirety until recovery of the severance pay has been effected. Thus deprived of his only source of income, the veteran suffers financial hardship.

The bill before us will correct this unfortunate situation by requiring that recovery be in an amount that will not exceed the initial amount of disability compensation payable. I urge that this bill be passed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in the Record on this bill, H.R. 10912.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDING THE ACT PROVIDING FOR THE ESTABLISHMENT OF THE FREDERICK DOUGLASS HOME AS A PART OF THE PARK SYSTEM IN THE NATIONAL CAPITAL

The Clerk called the bill (H.R. 5968) to amend the Act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes," approved September 5, 1962.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, and I do so for the purpose of interrogating the gentleman from Colorado (Mr. Aspinall).

Mr. Speaker, I notice in the report that when this home was made a national shrine, or park, that it was contemplated that a drive would be made for donations among patriotic citizens in order to finance the rebuilding and reconstruction, and so forth, of the residence, and the area.

Does the gentleman know whether such a drive was ever had among interested parties in order to try to raise the money to resurrect this building rather than now asking an expenditure of upward of half a million dollars to do it?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, and Members of the House, in the first place, we want to keep in mind that the approximate 8 acres, together with the improvements, were donated or contributed in the first place for the purpose of creating a national historic site for this great American. In the second place, at the time it was being considered for authorization, the Department of the Interior, through its Bureau of the Park Service, understood the building to be in fairly good condition, and that there would be only about $25,000 needed to repair it.

It has been found since then that there is great deterioration in the building and it takes more money for needed rehabilitation.

There has been a desire on the part of those who donated and contributed in the first place to go ahead and get some of the money that the gentleman speaks about. But these moneys have not been forthcoming. It has been impossible to get the needed money.

Also, it has been impossible to get the title cleared up to an adjacent piece of property from which they thought there might be some funds secured.

So we find ourselves in the position at the present time of having a national historic site, but it is not usable. Its foundations have gone out from under it and a great many of the walls and the inside is deteriorating and so forth. In order to make it usable—and by the way it is now closed to the public—but in order to make it usable, we are endeavoring now to see to it that it is put into proper shape so that it will fit correctly in the national park system.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, I wish to say only this, that I was one of those who in 1962 asked some questions concerning the designation of the Douglass property as a national park. At that time we had every assurance that the money specified in that authorization would cover the costs.

Now I would like to ask the gentleman if we can have the assurance that the money proposed to be provided through this authorization will meet the needs for rehabilitating this structure and the grounds?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me so that I may answer the gentleman's question?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman.

Mr. ASPINALL. I remember very well my friend, the gentleman from Iowa, asking the questions to which he made reference. I was one of those who replied to his questions and I did so on the basis of the justification which was made by the National Park Service.

The Park Service, in my opinion, had not done its job well and had not examined the structures as it should have examined them in the first place.

I can assure the gentleman from Iowa now, with this present justification that has been made, that it is my opinion that this will take care of the rehabilitation of the buildings and will take care of the needed improvement of the grounds.

Let me be perfectly honest with my friend, the gentleman from Iowa, and state that a certain amount of operating expenses specified come out of the usual budget of the National Park Service, as my friend knows. This will continue to be carried on just as it would for any other National Park Service facility.

But so far as reconditioning the buildings and so far as putting them into proper condition, the money provided in this authorization will do the job.

Mr. GROSS. The gentleman from Iowa supported the bill in 1962 and I support this bill, but I just do not like to be misled. I am not saying it was de-

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liberate, but I do not like to be misled on these things. I accept and appreciate the explanation of the gentleman and the assurance that the gentleman from Colorado has now given to us as to this revised proposition.

Mr. ASPINALL. I thank the gentleman.

Mr. Speaker, H.R. 5968, as recommended by the Committee on Interior and Insular Affairs, seeks to increase the amount authorized to be appropriated for the restoration and development of the home of Frederick Douglass in the District of Columbia.

In 1962, our committee considered and recommended the enactment of the legislation which led to the donation and acceptance of this valuable property by the National Park Service. We were advised that it could be refurbished and repaired for some $25,000 and that, if funds in excess of that amount were needed, the remainder could be secured from voluntary donations. Unfortunately, a detailed examination of the house revealed extensive damage from storms and insects, making minor repairs inadequate. Furthermore, no donations were received to help underwrite the costs anticipated. The result has been that the property has been closed to the public.

If the dangerous condition of the house is to be corrected and its continued deterioration arrested, a substantial investment will be necessary. In reviewing this matter, the committee concluded that the objective of the original legislation remained valid: Frederick Douglass was an outstanding American who deserves recognition for the contributions which he made to our society. Looking at the objective, we concluded that the interpretive approach required a substantial revision if the property was to accomplish its purpose.

Unlike the legislation enacted in 1962, H.R. 5968 contemplates the complete restoration of the buildings and grounds at "Cedar Hill." In addition, the development plan calls for the construction of a visitor contact station, the installation of modern interpretive devices, and new heating and utility systems. These improvements were not included in the original authorization, but they are necessary if this facility is to be meaningful to those who will visit it.

Mr. Speaker, Frederick Douglass was an outstanding man. Born a slave, he became a talented, self-educated lecturer and author whose idealism was not shaken nor stymied because achievement required sacrifice and hard work. He struggled for his liberty and he used all of his skills and energy constructively to help his fellow man—and not just his race—achieve dignity and equality. We were told that Frederick Douglass worked through the "system" and not around it to achieve his goals. All Americans today should recognize, as Frederick Douglass did, that our system is adaptable to change when reasonable people seek it by utilizing their collective talents constructively.

In enacting H.R. 5968 and expanding the commitment at the home of Frederick Douglass, we are recognizing the contributions of a man who should be remembered.

Mr. Speaker, as chairman of the Committee on Interior and Insular Affairs, I recommended the favorable consideration of H.R. 5668, as amended.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman.

Mr. SAYLOR. Mr. Speaker, I want to say to my colleague, the gentleman from Pennsylvania, and to my friend, the gentleman from Iowa, that at the time this bill was considered in 1962, the foundation which was authorized by the Congress had every reason to believe that the arrangement they had entered into with regard to an adjoining piece of property would turn out to be a real moneymaker and that they would be able to supply additional sums of money for the rehabilitation and maintenance of this home.

Now, because of things that have taken place in the meantime, they find that their expectations were not realized—and for your benefit and for the benefit of all Members, I have asked the Department of Justice to investigate to determine whether or not this federally authorized organization has been taken advantage of and, if so, to prosecute those who had charge of it, because I think there has been a violation of a trust which the Congress gave to the foundation. I believe the assurance that has been given by the chairman of the committee and the assurance which we have been given by the Park Service will see to it that there is sufficient money now in this bill to take care of the rehabilitation.

Mr. Speaker, I rise in support of this legislation which authorizes an increase in appropriations for the restoration and development of the Frederick Douglass home. This home was established as a part of the National Capital park system of the Department of the Interior on September 5, 1962, as a memorial to an outstanding American—Frederick Douglass.

At the time the act was passed in 1962, the Department of the Interior and the National Park Service estimated the costs of restoration to be more than $25,000 and that the amount in excess of this appropriation would be raised through donations to the Frederick Douglass Memorial. Well, what was anticipated and expected did not come to pass and the work authorized by the act passed in 1962 has not been undertaken. The department, on further inspection, found the home to be structurally damaged and the expected donations were not forthcoming. The net result is that more money is needed to accomplish what was authorized by the act of September 5, 1962.

This legislation will authorize the appropriation of these additional funds to restore and develop Cedar Hill, the home of this outstanding American Negro. From humble beginnings Frederick Douglass went on to become a most successful individual and a true leader to our American Negro people. It is entirely proper then, that we should see to it that a suitable memorial is established in his honor.

But it is sad to note that part of the lands at Cedar Hill which were formerly owned by this great American are now and have been in legal controversy. I would solicit the Attorney General and the Department of Justice to lend its assistance to the Frederick Douglass Association in its efforts to uncover the fraudulent design of those who stalled the good work of the Frederick Douglass Association.

Mr. Speaker, I urge the passage of this legislation.

Mr. DIGGS. Mr. Speaker, I rise in support of H.R. 5968, introduced by myself, and eight companion bills by Representatives CHISHOLM (H.R. 9359 and H.R. 11928), DULSKI (H.R. 12293), ROYBAL (H.R. 12385), MCCLORY (H.R. 12480), ADAMS (H.R. 12830), CONYERS (H.R. 12872), and HORTON (H.R. 13009).

This legislation will authorize increased appropriations for the restoration and development of Cedar Hill, the home of the late Frederick Douglass, so a memorial to an outstanding American may be used and enjoyed by the general public.

It was in 1962, when authority was granted to the Secretary of the Interior to accept a donation of this property, 1411 W Street SE., Washington, D.C., for rehabilitation and administration as a unit of the National Capitol parks system. This involved deeding approximately 8 acres of land to the United States by the Frederick Douglass Memorial and Historical Association, which is federally chartered.

It was recognized however, at the time of authorization, that extensive repairs might be necessary, but Government funding for this purpose was limited to $25,000.

It was hoped that any additional cost would be met from donated private funds. Unfortunately, both premises upon which the modest authorization was founded proved erroneous.

First, after the Department of the Interior assumed control of the property in 1964, an extensive study revealed critical deterioration of the structure due to serious damage from termites and storm caused water.

Second, the anticipated donations never materialized nor did income the association expected from a contiguous piece of property.

As a result of these circumstances, Cedar Hill has been closed to the public, the furnishings and memorabilia have been removed to protect them from further destruction, and the house has been boarded up.

If enacted, H.R. 5968 will rectify the situation and enable the National Park Service to make it a fitting and useful facility.

In so doing, the honored place in history which Frederick Douglass maintains in the hearts and minds of million of Americans and the particular pride which his life has generated among black people everywhere will be better preserved.

Mr. Speaker, few in our society have overcome such formidable obstacles in rising above the circumstances of birthright. Frederick Douglass, the outstanding spokesman of black people during his generation, was born a slave in 1817. He educated himself despite abject poverty and the limitations imposed upon him because of his race.

He first came to national attention when the famous abolitionist, William Lloyd Garrison, called upon him to make an impromptu speech at an antislavery convention in New Bedford, Mass., while he was in his early twenties.

His oratorial persuasion was so impressive that he was employed as a lecturer for the Massachusetts Antislavery Society. He was later sent to Great Britain as a lecturer and writer and was held in high esteem by some of the most prominent citizens of that country. His growing reputation prompted them to raise funds to purchase his freedom, since he was still a fugitive slave, and for escalating his antislavery agitation upon returning to America in 1847.

His manifold interest included founding and editing the North Star, a Rochester, N.Y., newspaper, fighting for women's suffrage, temperance, the abolition of capital punishment and international peace.

All these activities naturally brought him into the political arena where among other things he became prominently involved in the campaign to elect Abraham Lincoln as President of the United States. During the Civil War he assisted in raising two regiments of black troops in Massachusetts, and afterwards worked assiduously for ratification of the 13th, 14th, and 15th amendments to the Constitution.

Subsequently, he served in various capacities with our Government as Minister to Haiti, Chargé D'Affairs for Santa Domingo, recorder of deeds in the District of Columbia and presidential elector from New York.

This then, Mr. Speaker, is one of the genuine heroes of American history and we are fortunate that Cedar Hill, which became his home in 1874, is located here in our Nation's Capital, where his memory can be further enshrined along with other great men who have contributed so much to the American dream.

The proper development of this property with visitors' facilities, modern interpretive devices and adequate parking space in the beautiful setting as Frederick Douglass knew it, would be instructive and inspirational to people of all ages and races, and would pay dividends far in excess of the additional $388,000 requested by H.R. 5968.

Mr. RYAN. Mr. Speaker, 7 years ago Congress passed legislation which designated the Anacostia homesite of Frederick Douglass as part of the National Capital park system. At that time the expenditure of $25,000 was authorized to restore and develop the buildings and grounds at Cedar Hill in order that this proposed memorial to an outstanding American could be enjoyed by the public. Unfortunately, the amount of money authorized will not be sufficient because of the extensive deterioration of the home.

Cedar Hill was the home of an American who stood head and shoulders above most of the men of his era. Few are aware of the contribution Frederick Douglass made to our Nation. For example, it is not widely known that he visited President Lincoln several times to discuss slavery or that he organized two Negro regiments in Massachusetts during the Civil War.

In all his achievements, and they were many, for he was an orator, writer, and editor of the North Star abolitionist newspaper, one must bear in mind that Frederick Douglass was born a slave. In his life he experienced the iniquities of our society—prejudice, degradation, ignorance, hunger, and poverty. In spite of these odds, he educated himself and went on to make a great contribution to our Nation.

Amid the tensions which are so prevalent in our society today, we would do well to remember his words:

> The man outraged is the man to make the outcry. Depend on it, men will not care much for a people who do not care for themselves.

Cedar Hill would be a meaningful symbol to all Americans—black and white. It would evidence our commitment to equality and justice.

Mr. Speaker, I can think of no more suitable location for such a memorial than in our Nation's Capital. I am particularly pleased to support this legislation so that Cedar Hill may be preserved as a recognition of the achievements of Frederick Douglass and the Afro-American contribution to our Nation's culture.

Mr. BURLISON of Missouri. Mr. Speaker, I take pleasure in supporting along with Representatives DIGGS, CONYERS, CHISHOLM, and others H.R. 5968 providing $413,000 for the restoration as a national memorial of the home of a great black American, Frederick Douglass.

In 1962, the Congress considered and enacted legislation authorizing the Secretary of the Interior to designate the former home of Frederick Douglass, known as Cedar Hill, for preservation as a part of the park system of the National Capital. Subsequently, on June 25, 1964, the house, located at 1411 W Street, SE., and approximately 8 acres of land were deeded, without cost, to the Federal Government by the Frederick Douglass Memorial and Historical Association.

At the time of the authorization, it was recognized that extensive repairs might be necessary. The committee report on the legislation stated that "Cedar Hill appears to be structually sound but it is badly in need of repairs"; however, the funds authorized to be appropriated to rehabilitate and refurbish it were limited to $25,000. It was anticipated that additional costs might very likely be incurred, but it was hoped that they could be absorbed from donated funds expected to be raised for this purpose. Unfortunately, both premises upon which the modest authorization was founded proved faulty. First, an intensive study revealed extensive deterioration of the structure due to damage caused by water and insects and second, the anticipated donations never materialized.

The result of these regrettable, but unforeseeable circumstances has been that Cedar Hill has been closed to the public, that it is continuing to deteriorate, and that the objective of the Congress in making it a part of the national park system has been thwarted. If enacted, H.R. 5968 will rectify the situation and enable the National Park Service to make it a meaningful and useful park facility.

No action which the Congress can take can make a place in history for any man. That, he must do for himself. But the Congress can, by legislative action such as this, recognize the significance of a man's contributions and, in so doing, it can help to make them meaningful examples for the guidance and inspirations of generations to follow. It is highly appropriate that the Congress should commemorate the memory of Frederick Douglass. He was the kind of man who should be remembered.

Frederick Douglass was born a slave; he struggled for his liberty. A Negro, he suffered all of the torments of the people of his race, but he converted his frustrations into constructive energy which was the driving force of his character. Raised in ignorance, he educated himself; reared in complete poverty, his industry brought him wealth and independence; lacking in social standing, he became one of the foremost orators and powerful writers of his age. Facing all of the prejudices against his race in his times, he became a champion in the political arena. All of this did not come without effort or hardship but it came because his ideals were unimpeachable and his methods of achieving them were compatible with the American system.

Cedar Hill is symbolic of the achievements of this 19th century leader. It sits on the crest of a hill in a residential neighborhood of the Anacostia section of the District of Columbia. With proper development of appropriate visitor facilities—including a visitor contact station, parking space, and the like—it could be a significant unit of the park system in the National Capital region. Through interpretive devices, this man and his contributions could assume their proper place in the historic panorama depicted by the various historic sites located throughout the Nation and visitors of all ages and races could benefit from the experience associated with a tour of the home.

Although the extensive restoration contemplated by H.R. 5968 was not the objective of the original act in 1962, it is apparent that minor repairs will not adequately improve the property to make it useful as an interpretive historic facility. It is now unsafe for visitors to enter the house, because of the deterioration of the structural members, and most of the furnishings and memorabilia associated with Frederick Douglass have been removed to protect them from destruction. If the site is to be useful, a new approach is essential; a smaller investment would be inadequate to accomplish the objective.

To provide a meaningful facility, it will be necessary to restore completely the buildings and grounds so that they reflect Cedar Hill as Frederick Douglass knew it. This will involve the reconstruction of the carriage approach to the house, the installation of new heating

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and utility systems, and the general restoration of the interior and exterior of the home. In addition, the plan for the site includes the construction of a visitor contact station and the installation of modern interpretive devices.

All of these undertakings require substantial sums of money. H.R. 5968, as recommended, increases the authorization for this purpose from the present $25,000 limitation to $431,000—an increase of $388,000. On the basis of current estimates, this should make the Frederick Douglass home a most attractive memorial to an outstanding American.

It is extremely unfortunate that at the present time we do not have a single shrine or memorial to black Americans. There have been many people who would qualify. The action which we are taking today is a good starting point.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 5968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962 (76 Stat. 435), is amended to read as follows:

"Sec. 4. There are authorized to be appropriated not more than $450,000 to carry out the purposes of this Act."

With the following committee amendment:

Page 1, beginning on line 8, strike out all of section 4 and insert in lieu thereof the following:

"Sec. 4. There are authorized to be appropriated such sums, but not more than $413,000, as may be needed for the restoration and development of buildings and grounds at Cedar Hill."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. **ASPINALL**. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the Record.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

AMENDING SECTION 19(e) OF THE SECURITIES EXCHANGE ACT OF 1934

The Clerk called the joint resolution (H.J. Res. 754) to amend section 19(e) of the Securities Exchange Act of 1934.

The **SPEAKER**. Is there objection to the present consideration of the joint resolution?

Mr. **JOHNSON** of Pennsylvania. Mr. Speaker, reserving the right to object, may I interrogate the gentleman from California (Mr. Moss), on this joint resolution? The question I wish to pose is with respect to institutionalized holdings of stock. In my district, as in a good many other districts, it seems to be a plan in this Nation for institutionalized holdings of large blocks of stock to get together and then make contact with a conglomerate, and for $10 a share more than the stock is selling for on the market, they sell the stock to the conglomerate, which then comes in and takes over the company. Will the study provided for by the joint resolution go into this very important situation which is prevailing in this country right now to the detriment of many fine companies?

Mr. **MOSS**. Mr. Speaker, will the gentleman yield?

Mr. **JOHNSON** of Pennsylvania. I yield to the gentleman from California.

Mr. **MOSS**. The study is intended to deal specifically with that problem and many others related to the increasing concentration of business in the hands of institutional investors.

Mr. **JOHNSON** of Pennsylvania. Another question. To what extent has the investigation by the SEC accomplished anything to date?

Mr. **MOSS**. They have not moved as rapidly as we would like to have seen them move along. But recognizing the fact that funds were not appropriated until the 31st of October last year, and it then took time to recruit the staff, I believe progress is within reasonable bounds, and the Commission should be able to file its report with Congress not later than September 1 of next year.

Mr. **GROSS**. Mr. Speaker, will the gentleman yield?

Mr. **JOHNSON** of Pennsylvania. I yield to the gentleman from Iowa.

Mr. **GROSS**. I thank the gentleman for yielding. I am interested in the fact that there are no departmental views. Were departmental views sought on this legislation not forthcoming? Were departmental views sought by the committee?

Mr. **MOSS**. I would like to say to the gentleman that the views of the Securities and Exchange Commission and the views of the Bureau of the Budget were sought. Whether or not they were formally transmitted to the committee for printing, I know that they supported the matter before the committee's hearings on the issue.

Mr. **GROSS**. Of course, as the gentleman well knows, the report contains no views from any department of the Government?

Mr. **MOSS**. We have had some difficulty in getting views in a timely fashion.

Mr. **HALL**. Mr. Speaker, will the gentleman yield?

Mr. **JOHNSON** of Pennsylvania. I yield to the gentleman from Missouri.

Mr. **HALL**. Mr. Speaker, I wonder why in the committee's opinion it is necessary that we enact this extension so quickly? I notice in the committee report it says it is important, but fails to list the reason for action either by unanimous consent or under suspension or quickly. Personally, I have no objection, but I wonder why the haste.

Mr. **MOSS**. We have had to extend the time for reporting to permit the commission sufficient time to program its studies. If we hold it to its own reporting date, which would be totally unrealistic, it would be impossible for the commission to complete its work.

Mr. **HALL**. Public Law 94–38, I believe requires the report on September 1, 1969.

Mr. **MOSS**. That is correct.

Mr. **HALL**. This resolution would extend it to September 1, 1970. If my watch calendar is correct, we are now a month and 6 days late with the report. If we are that late before we extend the reporting date for another 11 months, I repeat, why the haste?

Mr. **MOSS**. Mr. Speaker, we have been told, if the gentleman will yield, that the additional period of approximately 11 months that the period will be extended here will enable them to complete their work, but it is necessary for us to extend it, or the Commission would expire.

Mr. **HALL**. The fact is, that the reporting date has already expired and we are acting after the fact, by a month and 6 days, to legalize this report by extending the date.

Mr. **MOSS**. That is correct.

Mr. **KEITH**. Mr. Speaker, will the gentleman yield?

Mr. **JOHNSON** of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. **KEITH**. Mr. Speaker, in view of the point raised by the gentleman from Pennsylvania, and the urgency noted in the report before us, may I ask the chairman, is it not his intention to ask for an early interim report that might delve into the subject brought up by the gentleman from Pennsylvania?

Mr. **MOSS**. Mr. Speaker, will the gentleman yield?

Mr. **JOHNSON** of Pennsylvania. I yield to the gentleman from California.

Mr. **MOSS**. Mr. Speaker, responding to the very distinguished gentleman, the ranking minority member of this subcommittee, I would say it is our mutual intent to have interim reports and we alerted the Commission to the fact that we would expect them in their next appearance before the committee to give us far greater detail than they did in their appearance at the time of the hearing on this resolution.

Mr. **KEITH**. Mr. Speaker, I thank the gentleman.

The **SPEAKER**. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. Res. 754

Whereas additional time is required for the Securities and Exchange Commission to complete its institutional investors study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended—

(1) by striking out in paragraph (1) "September 1, 1969" and inserting in lieu thereof

With the following committee amendments:

On the first page, at the end of line 6, insert the following: "'September 1, 1970'; and".

"(2) by striking out in paragraph (4) '$875,000' and inserting in lieu thereof '$945,000'."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. **MOSS**. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from further consideration of a similar Senate joint resolution (S.J. Res. 112) to amend section 19(e) of the Securities Exchange Act of 1934 and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res 112

Whereas additional time is required for the Securities and Exchange Commission to complete its study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934; and

Whereas the actual amount to be expended by the Commission in making such study and report will not exceed the original authorization of $875,000; and

Whereas an increase of $70,000 in such authorization is required because of the sums heretofore appropriated pursuant to such authorization $70,000 will be returned unexpended to the Treasury as of June 30, 1969: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended—

(1) by striking out in paragraph (1) "September 1, 1969" and inserting in lieu thereof "September 1, 1970"; and

(2) by striking out in paragraph (4) "$875,000" and inserting in lieu thereof "$945.000".

MOTION OFFERED BY MR. MOSS

Mr. **MOSS**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Moss moves to strike out all after the resolving clause of Senate Joint Resolution 112 and insert the provisions of House Joint Resolution 754, as passed.

The motion was agreed to.

The preamble was amended so as to read:

Whereas additional time is required for the Securities and Exchange Commission to complete its institutional investors study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934: Now, therefore, be it

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 754) was laid on the table.

TRANSFER OF PEANUT ACREAGE ALLOTMENTS

The Clerk called the bill (H.R. 14030) to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **RYAN**. Mr. Speaker, reserving the right to object, may I ask the author of the bill, for how long under this bill (H.R. 14030) would the authority to transfer peanut acreage allotments be extended?

Mr. **O'NEAL** of Georgia. Mr. Speaker, if the gentleman will yield, I will say it is for 1 year. It is an extension of the bill the House passed on the Suspension Calendar 2 years ago, and this bill would extend it for 1 year.

Mr. **RYAN**. Is this the same program which was on the Suspension Calendar on August 21, 1967, and which failed on suspension on that day by a vote of 208 to 146?

Mr. **O'NEAL** of Georgia. Mr. Speaker, if the gentleman will yield further, I will say it was also on the Suspension Calendar later in the year and passed.

Mr. **RYAN**. On November 6, by a vote of 256 to 57?

Mr. **O'NEAL** of Georgia. I believe that is correct.

Mr. **RYAN**. Mr. Speaker, in view of the number of House Members who were opposed to the bill 2 years ago, I question whether this bill should be brought to the House on the Consent Calendar. There may be Members of the House who might wish to raise questions and debate the merits of the program.

The **SPEAKER**. Does the gentleman from New York object to the present consideration of the bill?

Mr. **RYAN**. Mr. Speaker, I object.

The **SPEAKER**. Objection is heard.

AMENDING THE FEDERAL SEED ACT

The Clerk called the bill (S. 1836) to amend the Federal Seed Act (53 Stat. 1275) as amended.

There being no objection, the Clerk read the bill, as follows:

S. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a)(25) of the Federal Seed Act is amended to read as follows:

"(25) The term 'seed certifying agency' means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed and which has standards and procedures approved by the Secretary (after due notice, hearings, and full consideration of the views of farmer users of certified seed and other interested parties) to assure the genetic purity and identity of the seed certified, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A)."

Sec. 2. Section 102 of such Act is amended to read as follows:

"Sec. 102. Any labeling, advertisement, or other representation subject to this Act which represents that any seed is certified seed or any class thereof shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed conformed to standards of genetic purity and identity as to kind or variety, and is in compliance with the rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency certifying that the seed it of a specified class and a specified kind or variety."

(Mr. **ABERNETHY** asked and was given permission to extend his remarks at this point in the Record.)

Mr. **ABERNETHY**. Mr. Speaker, nothing could be more fundamental to the future of the agricultural industry than the use of highest quality planting seed. Such is essential to securing better stands of vigorous growing plants, to securing higher yields, and to the production of quality products. Therefore, everything we do to bring about the best quality seed is not only in the interest of agriculture and to our farmers, but also to the consuming public.

Seed now sold on the market as certified seed is generally regarded as seed that is certified as to class and genetic purity by a seed-certifying agency that has made the field and other investigations necessary to determine the facts certified. But present law does not specifically require that the seed be certified as to national minimum standards of class, genetic purity, and other facts. Certification under the present law now means only that the seed was determined to be produced, processed, and packaged, and conformed to standards of purity as to kind or variety in compliance with rules and regulations of the seed-certifying agency in the area or State where produced. In other States or areas the rules, regulations, and standards might be, and usually are, entirely different.

This situation does not assure the purchaser that the seed meets any uniform minimum standards. The purpose of this bill is to assure that all seed sold in all States must meet certain minimum requirements, as established by the Department of Agriculture, if sold and represented to be certified seed. The bill before the House authorizes the Secretary of Agriculture to assemble and invoke minimum standards to assure genetic purity and identity of the seed certified.

I introduced this legislation (H.R. 10236) in the House of Representatives on April 17, 1969, at the request of the Mississippi Seed Improvement Association and the National Association of Official Seed Certifying Agencies. The measure was cosponsored by my colleague, the gentleman from Mississippi (Mr. Montgomery).

Committee hearings developed that the bill had national support, as well as the support of the Department of Agriculture.

To save time, it was agreed that the Committee on Agriculture would report the Senate bill, which is now before the House and which had already passed the Senate, rather than report the Abernethy-Montgomery bill.

Mr. Speaker, this is good legislation. It has strong nationwide support. It will be helpful to agriculture and also to the American consumer.

We commend it to your favorable consideration.

(Mr. **MONTGOMERY** asked and was given permission to extend his remarks at this point in the Record.)

Mr. **MONTGOMERY**. Mr. Speaker, I rise in support of Senate bill 1836 to

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amend the Federal Seed Act. One reason that I am so strongly in favor of this legislation is the fact that I was coauthor of an identical bill that was introduced in the House earlier this year. But even if I had not coauthored similar legislation, I would still voice strong approval of the pending bill. I firmly believe this bill is needed by the farmers of America in their efforts to increase acreage yield and to improve the quality of their harvested crops.

This bill would amend the Federal Seed Act to allow the Secretary of Agriculture to set minimum standards for the certification of seeds moving in interstate and international commerce in order for the consumer and producer to be assured of the genetic purity of seeds plus greater uniformity in certified seed in the United States.

I feel that this legislation would be of great benefit to both the producer and consumer of seeds. In all instances, persons would know that seeds they are purchasing adhere to basic minimum standards of certification as set by the Secretary. At the same time, this bill would allow States or certifying organizations that wish to do so to set their standards even higher.

I would point out to my colleagues that it is the intent of this legislation that the Secretary set the standards according to those presently subscribed to by the Association of Official Seed Certifying Agencies.

I would also like for my colleagues to know that this bill has the strong support of seed-certifying agencies across the country as well as that of farmers, farm organizations, and reputable commercial producers of seed.

Mr. Speaker, to my way of thinking, this piece of legislation should indirectly contribute to increased income for the farmer. Because, if the farmer knows that he is purchasing seeds of genetic purity, he will not have to spend a lot of time and money buying several different kinds of seeds just in order to find the one that will give him the best yield on his land. And the better the yield a farmer can produce will mean more money in his pocket.

I strongly urge adoption of Senate bill 1836.

The bill was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

LICENSE FEES AND EXEMPTIONS UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

The Clerk called the bill (H.R. 9857) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 9857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (6) of the first section of the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 499a(6)), is amended by striking out "$90,000" and inserting in lieu thereof "$100,000".

SEC. 2. Paragraph (7) of the first section of such Act (7 U.S.C. 499a(7)) is amended by striking out "$90,000" and inserting in lieu thereof "$100,000".

SEC. 3. The third sentence of section 3(b) of such Act (7 U.S.C. 499c(b)) is amended by striking out "$50" and inserting in lieu thereof "$100".

(Mrs. MAY asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. MAY. Mr. Speaker, the bill before us proposes to amend the Perishable Agricultural Commodities Act to raise the authorized ceiling on the annual license fee. The bill would also broaden the exemption from license now provided in the act for certain retailers and frozen food brokers.

The Perishable Agricultural Commodities Act prohibits unfair trading practices in the marketing of fresh and frozen fruits and vegetables in interstate and foreign commerce and provides a mechanism for the settlement of reparation complaints among those handling these commodities. A system of licenses is provided as a means of enforcement and all those commission merchants, brokers, and dealers, including certain retailers and processors operating subject to the act, are required to be licensed. The annual license fees are deposited in a special PACA fund and all costs of administration of the act, except the Office of General Counsel, are financed from these fees.

From 1930, when this law was enacted, until 1950, the annual license fee was $10. However, during this period the fees collected were deposited in the general receipts of the Treasury and administration of the act was financed from appropriations. In this 20-year period, aggregate fee collection exceeded appropriations by more than $600,000.

In 1950, Congress established the PACA fund with a working balance of $150,000, increased the license fee to $15 and provided that future administration of the act would be financed solely from the fees instead of appropriations.

By 1956, it was necessary for Congress to raise the authorized license fee to $25. In the 1962 amendments to the act, the authorization was raised to $50. Under this latest authorization, the fee was increased to $36 on January 1, 1963, to $42 on January 1, 1965, and to $50 on January 1, 1969.

The need to increase the fee again arises primarily from two factors: First, the number of firms subject to license is declining, and second, the cost of administering the act has increased substantially. The number of firms licensed reached an alltime peak of approximately 27,000 in 1956. Since that time, there has been a relatively steady decline, and at present the number is approximately 19,400. During the past 5 years the net decline in the number of firms licensed has ranged between 445 and 871 annually and has averaged over 670 per year. There is reason to believe that this trend will continue.

At the same time, costs of administration have been creeping higher each year. Salaries and fringe benefits account for over 80 percent of expenditures. In an effort to minimize expenditures, employment has been limited and at present is at the lowest level in over 10 years.

The PACA fund incurred a deficit of over $12,000 in fiscal year 1968. With the continuing decline in numbers of licensees, further deficits are anticipated in both 1970 and 1971.

Since $50 is the maximum fee now permitted under the act, it is necessary to raise the fee ceiling. The Department of Agriculture and your Agriculture Committee propose that the ceiling be raised to $100. The actual licensee fee would be set by the Secretary at a level to produce the necessary revenue, and the Department estimates that an increase of $10 will be required, raising the fee from $50 to $60.

This bill also proposes to broaden the exemption from license now provided in the act for certain retailers and frozen food brokers. Exempt at present are retailers whose purchases of perishable agricultural commodities amount to $90,000 or less per year and frozen food brokers who negotiate sales for frozen fruits and vegetables having an invoice value of $90,000 or less per year. This exemption, enacted in 1962, is intended to provide relief from the licensing provisions for the smaller retailers and frozen food brokers. In view of the inflation of values which has taken place since 1962, it is proposed that the exemption for these two groups be raised from $90,000 to $100,000.

Mr. Speaker, this is essentially an administrative housekeeping bill necessary to permit continued operation of the machinery of the U.S. Department of Agriculture in administering the Perishable Agricultural Commodities Act. Testimony before our Domestic Marketing and Consumer Relations Subcommittee was predominately favorable toward this legislation, both from the U.S. Department of Agriculture and from the affected industry. The industry needs and appreciates the services provided under the PACA Act, Mr. Speaker, and is willing to pay for them. I urge my colleagues to approve this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EVERGLADES NATIONAL PARK, FLA.

The Clerk called the bill (S. 2564) to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park.

There being no objection, the Clerk read the bill, as follows:

S. 2564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein and to provide for the transfer of certain land not included within said boundary, and for other purposes", is

amended by inserting "(a)" after "SEC. 8.", and by inserting at the end of such section a new subsection as follows:

"(b) In addition to the amount authorized in subsection (a) of this section there is authorized to be appropriated such amount, not in excess of $800,000, as is necessary for the acquisition, in accordance with the provisions of this Act, of the following described privately owned lands:

"Sections 3, 4, and 5; section 6, less the west half of the northwest quarter; sections 7, 8, 9, and 10; north half of section 15; and sections 17 and 18, all in township 59 south, range 37 east, Tallahassee meridian."

With the following committee amendments:

On page 1, line 7: Strike the second comma and insert (72 Stat. 280, 286; 16 U.S.C. 410 p),

On page 2, line 3: Strike out "$800,000," and insert in lieu thereof $700,200,

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, S. 2564, as recommended by the Committee on Interior and Insular Affairs, authorizes the appropriation of $700,200 for the acquisition of certain lands within the Everglades National Park.

At the present time, the National Park Service holds an option on 6,640 acres of land known as the Flagler tract, but it has expended all of the funds authorized to be appropriated and is not in position to complete the transaction without this additional authority.

The Flagler tract is a critical piece of private property within the Everglades National Park. It is located in the area where fresh water drains from the north through the glades and sloughs to Florida Bay. The elevation of this land is such that only a small effort would be necessary to make this land suitable for development which, if it occurs, would seriously impair the ecology of the region, jeopardize the wildlife that abounds in the area, and destroy the natural values for which the park was established by the Congress.

On the basis of the option, this land can be acquired for $105 per acre. The entire cost will be $697,200, plus $3,000 for closing costs. Originally the 85th Congress authorized $2 million for the acquisition of privately owned lands within the park boundaries, but all of that money has been appropriated and expended. Even after the acquisition contemplated by this legislation, nearly 68,000 acres of privately owned lands will remain unacquired. No funds are included in this legislation to make these acquisitions; consequently, further action by the Congress will be necessary if they are to be purchased.

In approving this legislation, the committee approved two amendments. The first is technical: it merely adds a citation for reference purposes. The other reduces the amount authorized to be appropriated from $800,000 to $700,200 In considering this amendment the committee concluded that the costs should be minimized by exercising the option before it expires and that in the interests of economy, the additional flexibility which would arise, given the higher figure, should be waived.

Mr. Speaker, the Department of the Interior recommends the enactment of this legislation and the Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program, but I cannot honestly assure the Members of this House that the necessary funds will be promptly forthcoming. The Bureau of the Budget, unfortunately, will not advise, in advance, whether or not it will approve funds to give this authorization life. In approving this legislation, we are meeting our responsibility, but it remains to be seen whether or not the Bureau of the Budget will do its duty. I urge the Members of the House to approve S. 2564, as amended.

Mr. SAYLOR. Mr. Speaker, I rise in support of S. 2564, as amended, and wish to commend the gentleman from Florida (Mr. HALEY) for his sponsorship and work on this legislation.

S. 2564, as amended, authorizes the appropriation of $700,200 for the acquisition of 6,640 acres of land now privately held within the boundaries of the Everglades National Park.

The importance of this legislation and acquisition of this land cannot be overstated. My colleagues will recall the controversy that has been nationwide over the possible destruction of the Everglades National Park through the plans of the Corps of Engineers and the proposal to build a jetport. The congressional mail has been full of pleas from the American people to save the Everglades National Park. S. 2564, as amended, will go a long way in forever preserving this magnificent piece of our American heritage.

The lands to be acquired through this authorization are the lifeline of water to the ecology, alligators, and wildlife that live in the natural environment of the Everglades National Park.

Mr. Speaker, I strongly urge the passage of this legislation as it truly preserves one of the few remaining natural areas of our American heritage.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may be permitted to extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

TRANSFER OF PEANUT ACREAGE ALLOTMENTS

Mr. RYAN. Mr. Speaker, in regard to H.R. 14030, to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments, I ask unanimous consent to withdraw my objection to consideration of the bill and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALL OF THE HOUSE

Mr. STEIGER of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ROSTENKOWSKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 201]

Abbitt
Adams
Albert
Anderson, Ill.
Anderson, Tenn.
Berry
Boggs
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burton, Utah
Cahill
Carey
Casey
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Colmer
Corman
Cowger
Cramer
Cunningham
Davis, Ga.
Delaney
Dennis
Dent
Diggs
Dorn
Downing
Dulski
Edmondson
Edwards, Ala.
Edwards, La.
Esch
Fascell
Fish
Flynt
Ford, William D.
Foreman
Frey
Gettys
Green, Pa.
Halpern
Hanna
Harrington
Hébert
Holifield
Howard
Jacobs
Karth
King
Kirwan
Kluczynski
Kuykendall
Landgrebe
Landrum
Leggett
Lipscomb
Lujan
McDonald, Mich.
Mann
Mathias
Michel
Mollohan
Moorhead
Morton
Mosher
Nelsen
Nix
Pelly
Powell
Rees
Reid, N.Y.
Rosenthal
Roudebush
St. Onge
Sandman
Scheuer
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Stephens
Taylor
Teague, Tex.
Tunney
Vigorito
Watkins
Weicker
Whalley
Wilson, Bob
Yatron
Young

The SPEAKER pro tempore (Mr. MOSS). On this rollcall 334 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COINAGE ACT AMENDMENTS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14127) to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes, as amended.

The Clerk read as follows:

H.R. 14127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended to read as follows:

"SEC. 101. The Secretary may coin and issue one dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of

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the entire coin, and which meets the following additional specifications:

"(1) The dollar shall have

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 22.68 grams.

"(2) The half dollar shall have

"(A) a diameter of 1.205 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 11.34 grams.

"(3) The quarter dollar shall have

"(A) a diameter of 0.955 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 5.67 grams.

"(4) The dime shall have

"(A) a diameter of 0.705 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 2.268 grams."

Sec. 2. Half dollars as authorized under section 101(a)(1) of the Coinage Act of 1965 as in effect prior to the enactment of this Act may, in the discretion of the Secretary of the Treasury, continue to be minted until January 1, 1971.

Sec. 3. (a) The Secretary of the Treasury is authorized to transfer, as an accountable advance and at their face value, the approximately three million silver dollars now held in the Treasury to the Administrator of General Services. The Administrator is authorized to offer these coins to the public in the manner recommended by the Joint Commission on the Coinage at its meeting on May 12, 1969. The Administrator shall repay the accountable advance in the amount of that face value out of the proceeds of and at the time of the public sale of the silver dollars. Any proceeds received as a result of the public sale in excess of the face value of these coins shall be covered into the Treasury as miscellaneous receipts.

(b) There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the purposes of this section.

Sec. 4. Section 4 of the Act of June 24, 1967 (Public Law 90–29; 31 U.S.C. 405a–1 note) is amended by adding at the end thereof the following new sentence: "Out of the proceeds of and at the time of any sale of silver transferred pursuant to this Act, the Treasury Department shall be paid $1.292929292 for each fine troy ounce."

Sec. 5. Section 3513 of the Revised Statutes (31 U.S.C. 316) is repealed.

The SPEAKER pro tempore. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, I am opposed to the bill and I demand a second.

The SPEAKER pro tempore. Is the gentleman from New Jersey opposed to the bill?

Mr. WIDNALL. Mr. Speaker, I am not opposed to the bill.

The SPEAKER pro tempore. By the rules of the House, the gentleman from Iowa, who is opposed to the bill, demands a second.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, H.R. 14127 would give the Secretary of the Treasury authority to mint a nonsilver cupronickel half dollar and a nonsilver cupronickel dollar coin bearing the portrait of President Eisenhower. The bill would also direct the transfer of the last 2.9 million rare silver dollars now held in the Treasury to the GSA for sale to the public in a fair and equitable manner. The prompt enactment of this bill would both contribute to a more effective coinage system and make it possible for us to honor a great American.

The authority in the bill to mint a nonsilver half dollar, I believe, is long overdue. Despite the fact that nearly 1¼ billion half dollars containing silver have been minted since 1963, this coin is rarely seen in circulation. For the past several years American business has been deprived of a half dollar in adequate circulation for trading needs. As quickly as these coins have been minted they have simply disappeared into private hoards. It is time that the Congress authorize the production of a half dollar that will actually circulate to meet the needs of American business. The enactment of H.R. 14127 will accomplish this purpose.

H.R. 14127 also authorizes the Secretary of the Treasury to mint a cupronickel dollar coin bearing the portrait of President Eisenhower. I think this would be a fitting tribute to a great American. Now, there are those who assert that placing the portrait of President Eisenhower on a coin minted of silver would be an even greater tribute. I would first point out that the composition of the coin neither adds nor detracts from the status of other Presidents on our American coins. But apart from this there are solid reasons why it would be most unwise to use all of our remaining surplus silver for minting a single coin. Let me list a few reasons why I believe a cupronickel coin rather than one made of silver is in the public interest.

First, a nonsilver dollar coin would mean a far greater monetary return to the Federal Government than a silver coin. The Treasury has estimated that the total seigniorage in revenue under the provisions of H.R. 14127 in the first year after enactment could exceed $500 million. This income would reduce the Government's borrowing needs by an equivalent amount.

Moreover, to use our remaining surplus silver for coinage instead of sale through open competitive bidding would mean depriving private industry of about 100 million ounces of silver in 1970. If the Treasury's remaining surplus is used for coinage rather than sold under competitive bids, American industry will have to greatly step up its imports to fill this gap. The resulting adverse effects on the balance of payments next year could be as much as $150 million.

A third disadvantage for using our surplus silver for dollar coins would be the almost certain higher prices for major consumer products that would result. The halting of Treasury silver sales would probably mean a sharp rise in the silver price. This would mean higher costs to millions of consumers of film and electrical products which are the principal industrial uses of silver. It should be realized that the ultimate use of silver includes virtually the entire American public.

And finally I would point out that the provisions of H.R. 14127 have been fully endorsed by the Joint Commission on the Coinage, a nonpartisan body established by law to advise the President and the Congress on silver and coinage matters.

In summary, the enactment of H.R. 14127 is strongly in the public interest because it would give the economy the coins it needs, honor a great American, help our balance of payments, reduce the Government's borrowing needs and the public debt, and contribute to the fight against inflation.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I favor the bill as reported to the House, including the amendment offered by the gentlewoman from New Jersey, Congresswoman Dwyer, in committee to direct that the $1 coin authorized for minting by this legislation bear the likeness of the late President Dwight D. Eisenhower. Mrs. Dwyer was among the first, if not the first, to propose in legislative form that the nonsilver dollar coin proposed by the Joint Commission on the Coinage be officially designated by Congress as one honoring the late President and General of the Armies.

There is nothing in the bill as reported to which I object. I had intended offering an amendment in committee to provide better machinery for the distribution of proof sets by the Treasury, so that the individual hobbyists can have a more equal opportunity to obtain at least one of these sets each year rather than continue the system which seems to permit dealers an inside track to these much-desired numismatic specimens. My amendment could not be offered in the committee and there is no way it can be offered now under the parliamentary situation in effect on the House floor. But I think this situation must be taken up and reformed. So it is my intention to offer separate legislation on this point. If we are to continue to have proof sets as numismatic specimen coins, then it was my thought also that the Secretary of the Treasury be given some leeway in determining the metals or combination of metals to be used in the proof sets.

Under this bill, the proof sets will have to be made of exactly the same materials as the circulating coins, and they are not as attractive as they would be and should be, if they contained perhaps a thin coating of silver or other bright metal—perhaps columbium.

Mr. Speaker, I am deeply disturbed over one decision made by the Joint Commission of the Coinage, at the urging of Secretary of the Treasury Kennedy, which is not reflected in this bill. It has to do with the ban which had been in effect from enactment of the Coinage Act of 1965 until last May—the ban on the melting or export of silver coins.

Under the chairmanship of the previous Secretary of the Treasury, the Joint Commission on the Coinage last December voted not only to continue this ban

on melting or export of silver coins, but to make it permanent by law so that it would be unlawful, ever, to melt or export silver coins. The bill originally introduced to carry out the recommendations of the Joint Commission contained language to make the ban statutory.

But when the Commission reconvened in May under the chairmanship of the new Secretary of the Treasury, it reversed itself on this point. And that same day, I believe, Secretary Kennedy lifted the ban and industry was then allowed to melt down or export our silver coins.

To me, this was a grievous mistake—rewarding by a windfall the very people most responsible for causing the coin shortage in 1964 and thereafter—the coin speculators and hoarders who amassed tons of silver coins for the purpose of melting them down and recovering silver worth far more than the face value of the coins.

As long as the ban on melting and export stayed in effect, these hoarders were unable legally to cash in on their hoards of silver coins. Perhaps there were some violations, and perhaps it was hard to enforce the ban. But, on the same theory, are we now going to repeal the laws on narcotics?

In our hearings in the Banking and Currency Committee on the legislation now before the House, I was unable to get any convincing explanation from the Treasury as to why the melting ban was lifted or what prompted the Joint Commission to change its mind on this issue merely as the result of the substitution of one chairman for another.

I think it is disgraceful that the people who hoarded silver coins when they were needed in commerce—hoarded them by the ton—are now reaping this reward of being able to melt them down for their silver content. It is a windfall to those who acted against public policy.

Mr. PATMAN. Mr. Speaker, I reserve the remainder of my time.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. Widnall).

Mr. WIDNALL. Mr. Speaker, this bill came out of the committee with one negative vote. On the minority side we fully supported the bill, feeling it is very much a program which is urgent at the present time. It results from recommendations by the Joint Commission on the Coinage, which has been meeting for several years. It is an attempt to finally have our coinage set up in an orderly fashion to meet the trials of our times.

It is really urgent that in our future coinage we have the cupro-nickel half dollar and save the 40 percent silver that is going into the present coinage.

We should also begin the coining of a new silver dollar as is proposed in this bill, this being made out of the same kind of metallic content as other coins.

We can save for the people of this country almost $300 million a year just out of the seigniorage on these coins. This is something that will be most helpful at a time of financial crisis.

It also means if we do this we are less dependent upon imports of silver. Our own manufacturers of silver cannot keep up with the industrial demands here. If we do not do it that will be a further adverse impact on our balance of payments to the extent of several hundred million dollars a year.

I know the silver producers are anxious to see that we continue a 40-percent content in coining silver dollars and a full content of silver in the silver dollar. The market is such today that the silver producers of our country are going to be able to put every ounce of their product on the markets here in the United States at an excellent price.

They have certainly been doing well within the last couple of years, and there is no reason, with the tremendous demand for silver, why they should not continue to do so.

There is also contained in this bill a provision for the disposal of almost $3 million in old silver dollars by an orderly procedure that will be profitable to the Government.

Mr. Speaker, I urge enactment of the bill.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New Jersey (Mrs. Dwyer).

Mrs. DWYER. Mr. Speaker, I am deeply pleased that the House is moving so expeditiously in its consideration of H.R. 14127, the Coinage Act of 1969, and I urge our colleagues to join the Committee on Banking and Currency in giving this legislation, as amended by the committee, their wholehearted approval.

The reason for early action relates to the fact that the bill, in carrying out the recommendations of the Joint Commission on the Coinage, authorizes the Treasury to mint a new $1 coin.

Since the minting of a new coin, Mr. Speaker, presents a rare opportunity for the country to honor one of its most distinguished and beloved citizens, I introduced on May 26 a bill, H.R. 11626, to implement the commission's recommendations and, in addition, to specify that the new $1 piece shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

During our committee's consideration of the proposed Coinage Act of 1969 last week, I offered this latter provision as an amendment to the committee bill and I was deeply gratified that the committee approved it.

On October 14, Mr. Speaker, the Nation will commemorate the birth of President Eisenhower, and a number of special events are being planned to honor this very great American on that day, including the issuance of a new commemorative postage stamp.

As President Nixon has pointed out, it would be most fitting if congressional action on the pending bill could be completed in time to be included in the events of that day.

In this regard, I believe it would be appropriate to recognize the special efforts which have been made by the distinguished chairman of the Banking and Currency Committee, Mr. Patman, and the distinguished ranking minority member, Mr. Widnall, to bring this bill to the floor. Without their exceptional cooperation, we could not hope to meet the timetable.

Mr. Speaker, I am confident that there is the widest possible agreement that President Eisenhower is most deserving of this special honor. Few Americans in the history of our country have earned the love and respect of their people as did our late President. His long lifetime was devoted almost in its entirety to the service of his country, and his influence for good was felt decisively at key periods of our history both in war and in peace.

A new $1 coin, therefore—for which there is a growing economic need—would be an especially fitting and timely memorial to this man who gave so much of himself to so many others. But such a coin would serve its purposes, both memorial and economic, only if it circulated and only if it was widely available in adequate quantities.

While I recognize and respect and, indeed, share the motives of those who contend that a silver-bearing coin would represent a more valuable tribute to President Eisenhower than the cupronickel coin authorized by the bill, I strongly suggest that a silver dollar would be self-defeating.

The evidence is clear that the Government does not possess adequate supplies of silver to meet the anticipated demand for an Eisenhower silver dollar. If such a coin were minted, therefore, it could be produced only in limited quantities and this supply could be expected to disappear from circulation almost immediately. The principal beneficiaries would be speculators. The Treasury's silver reserve would be depleted. And the price of silver would be increased.

An item which appeared last week in the financial pages of the New York Times described the situation quite candidly. I quote:

> Speculators have been hoping that Congress would vote to mint Eisenhower commemorative silver dollars, thus cutting down on the Government's reserves of silver and putting more pressure on prices.

I am sure, Mr. Speaker, that this House—and the people we represent—are serious about honoring President Eisenhower. The pending bill provides a most meaningful way of doing this, and I urge our colleagues to approve it.

Mr. PATMAN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Speaker, I would like at this time to make a few remarks on H.R. 14127. This is the bill that was introduced by the distinguished chairman of the Banking and Currency Committee, Mr. Patman, and by the distinguished ranking minority member of that committee, Mr. Widnall.

I had the pleasure of testifying in behalf of this bill before the Banking and Currency Committee on October 3. I am pleased that prompt action was taken on it and that we are considering it on the floor today.

It is also a pleasure to speak once again for this bill because I have been fighting for this measure for many, many years.

Section 2 of the bill would authorize the minting of a nonsilver half dollar and a nonsilver dollar. I have long advocated this. I would like at this time to explain why I support H.R. 14127.

On May 12 of this year, the Joint Commission on the Coinage held a very important meeting that was chaired by

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the Secretary of the Treasury David Kennedy. As you know, this bipartisan Commission has the responsibility of giving advice on silver and coinage problems to the President, the Secretary of the Treasury, and the Congress.

I am currently a member of it and have been since its inception several years ago. As a result of this position, I have studied the problems of silver and coinage very closely.

At this meeting, the Joint Commission on the Coinage recommended, among other things, that silver be taken out of the half dollar and that it be replaced by a nonsilver half dollar and a nonsilver one dollar coin. As a result of this recommendation, the Treasury Department urged prompt enactment of legislation to that effect.

I might add at this point, Mr. Speaker, that these recommendations were not arrived at overnight. They were the result of more than 2 years work, during which time the silver situation was studied with a fine-tooth comb. Every aspect of the problem was looked into. No table was left unturned.

The result is the bill before us today—H.R. 14127. It has the support of the Joint Commission on the Coinage and the Treasury Department. It embodies recommendations which were reached, as I have said, after long and careful study. And, in view of the silver crisis we are facing, it represents the only sensible and realistic approach to the minting of our coinage.

I think that Secretary Kennedy's statement to the Joint Coinage Commission explains the problem very well. He said:

> The first recommendation, for the minting of a nonsilver dollar, is consistent with the conclusions reached by the Commission at its meeting last December. I think the convincing argument here is that despite the minting of some 760 million 40 percent silver half dollars over the past three years, very few of these coins are actually circulating. Even if we were to continue pouring all of our remaining 150 million ounces of surplus silver into the silver half dollar, it is extremely doubtful whether the coin would circulate in any quantity. Moreover, this use of or remaining silver would require a halting of surplus silver sales which would very probably drive the price up excessively and further stimulate the hoarding of these coins. In short, the 40 percent half dollar in our past experience is simply a losing proposition.

That statement, I repeat, was made by the Secretary of the Treasury. You can readily see that it applies to the use of silver in any coin.

I might interject at this point, Mr. Speaker, something that was brought up last week at the banking and currency hearings. During my testimony, my distinguished colleague from Wisconsin (Mr. REUSS) asked me how much the Federal Government had lost by minting 40-percent silver half dollars rather than clad half dollars.

I think this is a very important thing to know, and I hope my colleagues will take careful note of it.

The fact is that since 1965, we have minted 790 million 40-percent half dollars. It costs 22 cents to mint this coin which means the Government comes out with a 28-cent profit on each one.

It only costs 3 cents to mint a clad coin, so we get a profit of 47 cents per coin.

This means that the Government would make 19 cents more per clad coin than it does on the 40-percent silver coin. Thus, we have lost over $150 million on the 790 million 40-percent silver half dollars minted since 1965. I repeat—over $150 million over a 4-year period.

In addition to that, this would have released enough silver to bring in a profit of $66 million to the Government. So we are talking about a total loss of some $215 million.

The point is—and I have said this over and over again both on and off the floor of the House—we are wasting our precious supplies of silver on a coin that does not even circulate, while our domestic industry desperately needs the metal.

I might also interject, Mr. Speaker, that on May 19 I introduced legislation in this area. My bill, H.R. 11404, provided for the minting of a nonsilver $1 coin bearing the likeness of our late President, Dwight David Eisenhower. This was 1 week after the Joint Coinage Commission meeting.

Several weeks later, my colleague from Idaho (Mr. MCCLURE) and 159 cosponsors, introduced legislation calling for an Eisenhower silver dollar. I opposed this measure then, and in a speech here on the floor on July 15, I explained why I did. I still oppose this measure, and for the same reasons. That is why I am speaking today in support of H.R. 14127.

As you will recall, it was Congress that originally authorized taking silver out of our currency. Under Public Law 89–81, which passed on July 23, 1965, silver was taken out of the dime and the quarter. Unfortunately, it was not taken completely out of the half dollar. The bill as finally enacted only reduced the silver content in the half dollar from 90 percent to 40 percent.

The reason for this action by Congress was clear, and I should know. I fought hard for it, including complete removal of silver from the half dollar, which we lost on. Congress recognized that silver was much too precious and its supplies much too limited to waste on currency.

The situation has not changed. In fact, if anything, it has gotten worse. Silver is even more precious and its supplies even more limited to waste on currency today.

A few figures should put what I am saying in the proper perspective.

For example, since 1964, 276 million ounces of silver have been used in the minting of more than 1 billion half dollars. This amount of silver alone would have been enough to fill the gap between domestic production and consumption for a period of more than 2½ years.

Or to put it another way, the United States used 60 percent more silver in minting the half dollar than the rest of the entire world consumed during 1968 for this purpose.

The fact that the coin would not circulate even at the annual production rate of 300 million coins should be proof that, so long as silver is used, it will not serve as a medium of exchange.

And the mint reduced the production of the 40-percent half dollar to 100 million a year last July. Even at this reduced rate—15 million ounces of silver per year—more silver is consumed in 1 year than is consumed by the domestic photographic industry in 4 months.

In addition, U.S. industry uses about four times the amount of silver produced in this country. Specifically, we produce about 38 million ounces annually and consume about 150 million ounces in the same period.

Thus, foreign silver must be purchased to fill the gap. At 1968–69 prices, this could mean a $155 to $256 million per year balance-of-payments deficit. You can well image the impact of this deficit upon an already unfavorable balance of payments.

Mr. Speaker, simply stated, a new silver coin would not serve the purpose for which it was intended. It just would not circulate. On the other hand, the clad coins called for by your bill would circulate and would work in our economy. But there are even more reasons that Congress should act favorably upon H.R. 14127.

For example, the Government would make more money on seigniorage by minting nonsilver coins. Seigniorage, as you know, is the difference between the face value and the intrinsic value of a coin. I have already shown how this would have worked out in the case of the half dollar. I would now like to clarify this point a little more because there may be some confusion over whether the nonsilver dollar is in fact more profitable than the silver dollar.

The proponents of a 40-percent silver dollar argue that its silver would be worth $3.16 an ounce. They arrive at this figure by saying that you would have to melt 3.16 dollars to get an ounce of silver because each coin would contain .316 ounces.

Now I have followed the silver situation a long time, and I have never computed the value of silver like this. For purposes of discussion, however, I will assume that we do in fact get $3.16 an ounce.

Thus, it is argued, more money can be made doing this.

This, however, is not the case because it ignores what it cost the Government to mint coins. For example, it would cost 48 cents to mint the 40-percent silver dollar. This means the Treasury would make 52 cents per coin or $52 million on 100 million coins.

On the other hand, it would cost 5 cents to mint a nonsilver clad dollar. This would give a seigniorage figure of 95 cents per coin or $95 million on 100 million coins. In addition to that, it would release silver for sale to industry. In fiscal 1968, the profit to the Government from the sale of 98 million ounces was $55 million.

This would give us a total profit of $150 million compared to only $52 million with a silver dollar. I think it is quite clear that the Federal Treasury comes out better with a nonsilver coin.

And, finally, we should not overlook the fact that there are only 100 million

ounces of silver left in the Treasury reserves.

On July 7, the Chicago Tribune editorialized about the Treasury recommendation embodied in H.R. 14127 as follows:

> Mr. Kennedy's plan is sensible and timely. * * * [It] would give us half dollars we can use, and the vending machines are starved for them. It might give us back the old cartwheel, * * * even minus its silver. It would increase the profit * * * which the mint makes on its coinage. And nobody can complain that he will be seriously hurt by the proposal * * *.

Even more interesting and somewhat ironical are the comments of the Denver Post. On May 15, the Post ran an editorial entitled "Wrong Time for Silver Oratory." Therein, they came out against the silver dollar because they felt it would not circulate. And I would remind you that Colorado is a great silver-mining State.

Before concluding, I think there is something else we should all keep in mind. The dollar coins in question would bear the likeness of our late President, Dwight David Eisenhower. I am sure that my colleagues would agree with me that this is a fitting tribute to one of our greatest leaders. It would indeed be unfortunate if we failed or even delayed to commemorate him in this manner.

In this regard, Mr. Speaker, I might mention the letter President Nixon sent to the distinguished chairman of the Banking and Currency Committee. In that letter, the President urged prompt congressional action on this bill. The late President's birthday would have been October 14 and President Nixon thought it would be fitting to have an Eisenhower dollar by that time.

I certainly support the President in his desire for prompt action on this bill.

Therefore, I would hope for and urge speedy action on H.R. 14127 not only because the silver situation is critical but also because it could provide an appropriate way to commemorate President Eisenhower.

Mr. Speaker, I hope that I have made my position and my support for H.R. 14127 clear. Thank you for the opportunity to make these remarks.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. MCCLURE).

Mr. McCLURE. Mr. Speaker, I thank the gentleman from Iowa for yielding this time to me for this is the first opportunity we have had to present our case. The opportunity before the Banking and Currency Committee last week at the rather hastily called hearing upon this matter was limited in this manner.

Mr. Speaker, the proponents of the legislation that would require the removal of silver from all our coinage and bring about the final debasement of our currency were granted over 2½ hours of time during which to present their case, while the opponents of this legislation, those who would like to see some silver retained in our coinage system, had the aggregate of 7 minutes to present their case before the committee. When an attempt was made to offer amendments before the committee to insert some silver in the coins, they were ruled out of order. This is the kind of procedure that was carried on in that committee. Of course, that is not news to this Chamber and it is not news to this country to see this committee operate in that fashion. So, I do not think any of us are surprised. But we come before the House not under a procedure whereby we might rectify that situation and where we might present our case to this body and the American people and have this body work its will. But we come to the floor of the House for the consideration of this legislation under a suspension of the rules procedure which prohibits the offering of amendments.

Mr. Speaker, what kind of gag rule are we talking about? I think I heard cries last week during the debate on the military procurement bill coming from the other side of the aisle about the gag rule from some of our friends who I hope will join me in our efforts today. They felt as Representatives of the people of their districts that they were not permitted the opportunity to present their case and to offer amendments. I, therefore, appeal to them to support us today in asking that this bill be defeated so it will be sent to the Committee on Rules. We will have an opportunity then to get it before this body under a procedure whereby we can offer amendments and where we can debate the merits of the measure, instead of having this gag rule imposed upon us.

Now, Mr. Speaker, to the merits of the bill. There are some people who will say, "Well, Mr. MCCLURE, is from Idaho and Idaho is a silver-producing State and therefore his interest is for this reason." Sure; I make no apology for the fact that men who work in those mines thousands of feet underground and where rock temperatures rise to 185 degrees and where you earn your money literally by the sweat of your brow and because silver prices have been kept low, their wages are much, much lower than other industrial workers in this country. I make no apology in standing before this body and saying that they are entitled to a better break than that. As everyone knows, we have been dumping Treasury silver in massive quantities thereby depressing the marketplace. A great many people have told us, "Well, we cannot afford not to mint a base-metal dollar. We make more money that way."

This is the same philosophical approach to the problem where you have a shortage of paper money. You just turn on the printing presses and turn out some dollar bills and make a big profit on that, too. So, if you believe in that philosophy, let us follow it right on down to the rest of our currency and solve all our budget problems. It is not that we do not have a special interest in the problem in our State, because indeed we do. The price of silver is going up. The fact has been alluded to that silver is in short supply.

There is no question but that silver is consumed in greater quantities than it is produced both domestically and internationally, but you do not close that supply-demand gap by dumping government silver on the market, and depressing the price.

The only ultimate solution to that is to get the price up to the point where silver producers will produce silver. If the price is allowed to meet the market, then we will have a greater production of silver.

If there is to be a reduction in the consumption of silver, why should it be the coinage of this country that is the first to reduce the amount of silver? What is the highest and best use? It has been said here today that silver is too precious to be used for coinage, but we are spending billions of dollars—and we authorized over $21 billion more in legislation last week—to defend this country in a military sense, so certainly we can afford to spend a few millions of dollars to defend the monetary system of this country. That is one of the basic issues.

Mr. BARING. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Nevada.

Mr. BARING. Mr. Speaker, I thank the gentleman for yielding, and I want to associate myself with the remarks made by the gentleman from Idaho.

The bill as it is presented today is not a good bill, and we should have the right to bring it out under a rule where we can offer amendments and consider the bill as it should be.

Again I wish to associate myself with the remarks of the gentleman from Idaho.

The SPEAKER pro tempore. The time of the gentleman from Idaho has expired.

Mr. GROSS. Mr. Speaker, I yield 2 additional minutes to the gentleman from Idaho.

Mr. McCLURE. Mr. Speaker, I thank the gentleman for the additional time that he has yielded to me.

Mr. Speaker, I want to proceed with a consideration of some of the hearings held on this matter—and incidentally, reference has been made to the fact that there are 160 sponsors, Members of this body, sponsoring this legislation, and therefore they have had no opportunity to present their views before the Committee on Banking and Currency, or an opportunity to present their views before the House. I speak, I believe, on behalf of many of these Members.

Here is a communication from a gracious lady in Pennsylvania in support of my bill which would call for the minting of an Eisenhower silver dollar:

> GETTYSBURG, PA.,
> *July 30, 1969.*
>
> Hon. JAMES A. MCCLURE,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN MCCLURE: Thank you for your letter and the copies of the bills introduced on the minting of a silver dollar bearing the likeness of my husband.
>
> I am particularly pleased that the members of Congress chose this way of commemorating my husband, as I recall he often used silver dollars as a little momento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer.
>
> With appreciation and best wishes,
> MAMIE DOUD EISENHOWER.

I think if we are going to honor the memory of this great American and this great President it ought to be with a

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coin of real value. I do not believe we want any pewter coins.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. The gentleman has control of the time, and I have not sufficient time to yield to the gentleman, for which I am very sorry.

Mr. Speaker, I would also like to read to the Members a letter I received from Senator MIKE MANSFIELD, the sponsor of a similar bill in the Senate, a bill which would call for the minting of a silver Eisenhower dollar.

He says:

> DEAR JIM: I am pleased to know that you are appearing before the House Committee on Banking and Currency this morning on behalf of your bill providing for the minting of a new Eisenhower silver dollar.
>
> Your proposal is a companion to the Dominick legislation here in the Senate. I wish to offer my endorsement of this plan but, because of a very heavy schedule here in the Senate, it isn't possible to come over to the House side for this hearing. I would, however, consider it a personal favor if you would present the attached letter to the Chairman when you appear during the hearings.
>
> With best personal wishes, I am
>
> Sincerely yours,
>
> MIKE MANSFIELD.

Mr. Speaker, I would also like to call attention to the separate views of the gentleman from Mississippi (Mr. GRIFFIN) in the report, in which it quotes from a letter addressed to the committee from Senator MANSFIELD, which letter I insert in the RECORD at this point. Also, I insert the text of my remarks prepared for presentation before the Banking and Currency Committee:

> U.S. SENATE,
> OFFICE OF THE MAJORITY LEADER,
> *Washington, D.C., October 2, 1969.*
>
> HON. WRIGHT PATMAN,
> *Chairman, Committee on Banking and Currency, House of Representatives.*
>
> DEAR MR. CHAIRMAN: The United States coinage system has undergone a certain amount of change in recent years in which we have permitted an increased use of alloy metals.
>
> During these years, perhaps the most unfortunate situation has been the disappearance of the silver dollar. The silver dollar has a special meaning to the people of Montana and the West. It was a very popular medium of exchange. Unfortunately, with the reduced minting of the silver dollar coin, dealers and promoters have been hoarding and charging exhorbitant prices for the cartwheels. I think it is time that the U.S. Treasury issued a silver dollar. I believe it would be a very popular move. I am pleased that your committee, the House Committee on Banking and Currency has scheduled these hearings on coinage recommendations. I am a cosponsor of the Dominick proposal in the Senate, which would provide for the minting of the new Eisenhower silver dollar. I am certain that we all agree that this would be an appropriate tribute to our late President, who was held in such high regard by the people of our Nation.
>
> While I have no quarrel as to the design of this new coin, I think it is very important that it contain at least a reasonably high silver content of appropoximately forty per cent. I recognize that the old silver dollar cannot be reproduced in large quantities, but I would not like to see a complete abandonment of the silver content. In the eyes of my constituents nothing could be worse than a large round coin made up of a variety of alloys. People of the West do not want a phony dollar. They want one with a proper amount of silver.
>
> My schedule prevents my making a personal appearance before your Committee, but I did want you to know that the people of Montana are extremely interested in this legislation, and I strongly recommend that the Treasury Department be given the authority to mint large quantities of silver dollars. To do otherwise would merely contribute to the hoarding of coins.
>
> Thank you for this opportunity to express my views.
>
> With best personal wishes, I am
>
> Sincerely,
>
> MIKE MANSFIELD.

TESTIMONY OF HON. JAMES A. McCLURE OF IDAHO, BEFORE THE HOUSE COMMITTEE ON BANKING AND CURRENCY, OCTOBER 2, 1969

Mr. Chairman, I am deeply honored by the opportunity to appear before your committee today and to offer my views on the coinage matters before you. As Mr. Eggers commented Wednesday, regardless of the decisions you arrive at, we are finally resolving once and for all, for good or for bad, the disposition of problems that have plagued us for many years.

I suppose that some will dismiss my testimony as biased in favor of silver producers merely because I am from Idaho. Well, Mr. Chairman, it is true that once the Government is out of the silver business, prices will go up, thereby benefiting the miners of Northern Idaho. We are not afraid of profits out there and will gladly accept any benefit which enhances the area economically and brings it up on a par with the other states. Regardless of what this Committee does, silver prices, inevitably, will go up.

However, our motives are not purely selfish ones. We are not so provincial that we put consideration of our mines ahead of the needs of silver users—one quite obviously depends on the other. Nor are we so greedy that we would sacrifice the well-being of the American economy for an extra dollar in our billfolds—what affects the nation as a whole will most certainly affect Idaho miners as well.

In any event, the transfer from a government-controlled silver market to one of supply-and-demand is at hand. It is the obligation of Congress to make certain that the shift is as painless as possible for all parties involved.

For me there are several compelling reasons why we should authorize a coin dollar containing metal of intrinsic value.

The first is my personal belief that our monetary system must bear some relationship to precious metal backing. Admittedly, this is not a view shared by many of you on this panel. Yet I must mention it, if only to explain why I feel so deeply about it. Mr. Eggers said the function of the Treasury is to provide coins for the market place. So long as the cost of producing those coins is less than the value of the coins themselves, the taxpayer is not being hurt. A 40% silver dollar monetizes at $3.16 per ounce. For the 50-cent piece, the figure is $3.38 an ounce. Is anybody in the Treasury willing to tell us that in the life of these coins the price will reach *those* levels?

We can—and should—buy silver at any price up to $3.16 for coinage purposes. The only possible argument against this is that you can make more money by turning out cheap coins. But this is precisely the same argument for printing press currency.

Another reason why I support the silver dollar is my belief that our country should have a prestige coin. I think most Americans agree that Dwight D. Eisenhower's record of unmatched service to his country deserves to be commemorated. And it is only natural that the new dollar serve as the vehicle for this tribute. Likewise, it follows that the coin honoring our late President should be as prestigious as the man himself. It should be of the highest quality—just as Congress in its wisdom chose a prestige coin to remember John F. Kennedy.

Mr. Eisenhower often said that he wanted to be remembered primarily for his efforts in behalf of world peace. So, I further suggest that the design for the obverse side be taken from the design authorized in 1921 in commemoration of peace, since known as the Peace Dollar.

And, as Secretary Fowler said in testimony before this Committee in 1965, there is a need for "maintaining at least one prestige coin as a part of our tradition."

But if you cannot accept the argument that our monetary system should relate to precious metal—and if you cannot accept the argument that we should mint a prestige coin, there is still a third reason that is the most persuasive of all. It concerns that much-abused word "seigniorage." If you can ignore the rest of my arguments, you simply cannot ignore the fact that you get a better return to the taxpayer by using the silver in coins.

The sale of our Treasury's silver asset in the best possible way should be of prime concern today. At the present rate of $1.88 per ounce, the profit to the government—if that rate were maintained—would be only $46 million if the remaining 100 million ounces were disposed of through the G.S.A. sales.

Used to mint the Eisenhower silver dollar, the profit would increase an *additional* $128 million. To those who claim that this is not a profit, I can only ask why it is that other governments—Mexico's for instance—make a profit from buying silver at market prices and selling it for $4 per ounce as they did last year?

The Treasury said Wednesday that more money is derived by minting cupro-nickel dollars. But, the profits obtained by using silver in coins is *additional* because it supplies an *additional* demand. And what is more, as the Treasury admitted Wednesday, the use of silver in coins is anti-inflationary. Since they will not circulate—at least to some extent—the silver dollar not only meets an additional demand, it also supplies an additional benefit as well. Don't be afraid of profits and don't be afraid of higher silver prices, for they are not in themselves inflationary. Silver prices, unhampered by government regulation will follow tried and tested economic laws and will bring supply and demand into balance. Treasury's selling silver into the market can only delay and obstruct a balance between supply and demand.

For those who say our economy is so strong that the monetary system need bear no relationship to gold and silver, what better way to show its strength than by minting our largest coin in such a fashion as to illustrate our abundance? To run to a cupronickel coin is a confession of weakness used by other nations only in a time of economic distress.

The bills (H.R. 12766 & 13214 & H.R. 12744–12749) to mint a *silver* dollar were cosponsored by 159 members of the House. Many other congressmen declined to ad their names for one reason or another, but nevertheless called to give me their personal assurance that the proposal had their support—a sufficient number, I might add, that the total in favor constitutes over half of this body. In the Senate, Senator Dominick's bill has a host of cosponsors which includes the majority leader, Senator Mansfield, and the late Senate minority leader, Senator Dirksen. In view of this I am at a loss to explain why some of those who oppose my bill insist that the cosponsors have been lured into adding their names. Are we to believe that so many responsible Members of Congress add their names, willy-nilly, to a bill without considering its consequences? Will not such charges come back to haunt them in the next election?

The truth is that the facts surrounding Treasury silver are so beclouded that it has grown increasingly difficult to separate fact from fiction. I would like to set the record straight at this time as best I can in this limited time.

It is fiction to say that there is a shortage of silver at the present time. The facts were well-stated by Handy and Harman in their year-end review last December. They said: "We have continually emphasized that there will be no shortage of silver for future industrial needs, and this has been confirmed by events."

Paradoxically, it is also fiction to say that today's surplus will continue indefinitely. The fact is that until the silver market is released from the artificial depression of government control, the mining industry will not find exploration for mines economically feasible.

It is fiction to say that the legislation I propose should not be adopted because it effects the balance of payments situation through prospective imports of silver. The fact is that the cupro-nickel dollar will have the same kind of results. In 1967, we imported 143,000 short tons of nickel and exported 31,537 tons. Thus, the net import figure for that year was 111,463 tons. In 1968, imports of copper exceeded exports by 315,564 short tons.

It is fiction to say that a prestige coin will not circulate. Under the proper circumstances and with sufficient support, it will. The Kennedy half was not given a fair chance, because it was not minted in sufficient numbers. The Treasury minted 300 million annually for two years and just as these coins were beginning to circulate, the authorization was reduced to 100 million to perpetuate the shortage. Mr. Tate admitted as much Wednesday when he said it would take 300 million annually to circulate the cupro-nickel halves they now propose. Furthermore, only 800 million 40% silver half dollars have been minted to replace the 1.2 billion 90% halves minted previously—and at a time of increasing demands in the marketplace.

It is fiction to tell us that the 100,000,000 limitation on half dollars was imposed by the Coinage Act of 1965. That decision is made annually by the Treasury Appropriations Subcommittee, on which the gentleman from Massachusetts (Mr. CONTE) is the ranking Republican.

It is likewise pure fiction for the Treasury to say that a cupro-nickel *half* is expected to circulate, while a cupro-nickel *dollar* will not. The fact is, as any reliable coin collector will tell you, any change in either the composition or facing of a coin will not circulate when issued in limited quantities. It makes no difference whether the coin is made of silver or glass beads, it will not circulate at first if only a limited number are minted.

It is fiction to say that all members of the Coinage Commission endorsed unanimously the proposals before you, as you were erroneously told Wednesday. I am now a member of the Commission and attended that meeting in May. Most assuredly the recommendations on the half and the dollar were *not* unanimous. I might add at this point that I *have*, however, supported the agreement on disposition of the Carson City dollars and have introduced legislation to implement the plan. (H.R. 13451)

It is also fiction to say that the Coinage Commission insisted on a cupro-nickel dollar. The fact is that no recommendation whatsoever was made as to the composition of the proposed dollar, that decision being left to Congress.

As you can see, the inescapable conclusion is that the Treasury came before this Committee to promote a point of view—not to respond to questions and supply facts upon which *you* could decide.

Mr. St Germain asked about a shortage of silver. Well, the silver users themselves have said repeatedly there is no shortage of silver.

Mr. Reuss elicited from the Treasury representatives that 300 million halves will need to be minted annually to meet the demands of the marketplace, and yet Treasury tried to pretend that the Kennedy half would not circulate even though a supposedly sufficient number had been coined. The implication was left that it was because it contains silver and the truth is that the coin was sabotaged.

Treasury would have us believe that turnout of 100 million coin dollars of relatively little value brings in a huge profit. Well, the homebuilders in this country are in Washington this week asking for $10 billion. Perhaps the solution to our problems is to just turn on the printing presses and turn out enough money that every proposal before Congress can be funded and still keep the budget in balance. Why is it that we will defend the peace with silver in the stockpile but we will not defend our monetary system with it?

Mr. Eggers said Wednesday that the demand for a coin dollar lies primarily in the West. I wish to assure him that in the West the demand is for a *silver* dollar.

The truth is that throughout the world people want prestige coins. How else can the Treasury explain the popularity of the Kennedy half? How else can you explain the fact that in the past decade more than 370 million such coins have been issued by 47 different countries. The actual figures are not available in all cases, so the total figure is considerably higher, and I ask that a table of these coins be printed at the conclusion of my testimony. The tables show that throughout the free world there is no more reluctance to issue a commemorative coin than there is to issue a commemorative stamp. Why should we be any different?

Since introducing my bills to mint an Eisenhower silver dollar, I have had countless letters from people in all walks of life and in every section of the country. All favor the proposal. Perhaps none of these letters illustrates this feeling more than one particular note which came from a gracious lady in Pennsylvania. I would like to share it with you. It reads:

"Thank you for your letter and the copies of the bills introduced on the minting of a silver dollar bearing the likeness of my husband.

"I am particularly pleased that the members of Congress chose this way of commemorating my husband, as I recall he often used silver dollars as a little memento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer."

That letter is signed, of course, Mamie Doud Eisenhower. It seems that even the man we propose to honor recognized the silver dollar as a symbol of the economic strength of this nation. We cannot escape the fact that the overwhelming majority everywhere feel the same as Mrs. Eisenhower.

If, in the judgment of this committee, it makes more sense to mint 300 million in one year rather than spreading it out over three years, that is acceptable to me. We cannot lose by placing silver in our coins. What the Treasury gains, the people gain. The people will buy the silver dollar gladly and pay $3.16 an ounce for it. We know that the Eisenhower silver dollar will be a keepsake because it is a quality coin. We have the silver and I can think of no finer use for the benefit of more people than in the dollar.

I urge the Committee to retain the silver in our coinage and to mint an Eisenhower Silver Dollar.

The **SPEAKER** pro tempore. The time of the gentleman from Idaho has again expired.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, has the gentleman from Iowa finished? I just have one more speaker.

Mr. GROSS. Go right ahead. Under the suspension of the rules the rotation is not required. The rules do not provide for it. Go right ahead.

Mr. PATMAN. I will yield 3 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Prior to doing so, Mr. Speaker, how much time do I have remaining?

The **SPEAKER** pro tempore. The gentleman from Texas has consumed 9 minutes, and the gentleman from Iowa has consumed 12 minutes.

The gentleman from Connecticut (Mr. GIAIMO) is recognized for 3 minutes.

Mr. GIAIMO. Mr. Speaker, I rise in support of this legislation.

As a member of the Joint Commission on the Coinage, I have attended meetings for 2 years on this matter trying to straighten out a great many problems that have to do with our coinage. I think it is eminently clear to almost everyone that we must get silver out of our coins. We made a start in this respect, several years ago in the House, when we reduced the silver content of the Kennedy half dollar from 90 percent to 40 percent. I think we have to go the balance of the way at this time and get all of the silver out of these coins. I think it is a good idea to have the nonsilver dollar in circulation with the likeness of former President Eisenhower on this coin.

I do not think it is a lack of respect to have a nonsilver coin honoring one of our former Presidents. The fact of the matter is, with respect to one of our greatest Presidents, we have Abraham Lincoln on the penny. The penny is not an intrinsically valuable coin, but it will show no lessening of respect for the former President because of the fact that they will be on nonprecious metals.

Silver is in very great demand and the demands are increasing. We do not produce enough silver in this country for all of our silver needs. We have to go out and purchase it. The fact that we purchase it offshore means it has an effect on our balance of payments.

The fact that we would be converting all of our coins to a nonsilver coinage system would mean also that the Government would benefit because of the rules of the seigniorage.

It has been said by the gentleman from Idaho who spoke just a few moments ago that the price of silver was depressed and that, therefore, the people mining silver were not able to obtain adequate compensation for the very difficult and arduous work which they perform. I do not question that their income undoubtedly is not what it should be. But the fact is that the Government has not depressed the price of silver.

When we stopped pegging the price at which they sold silver at $1.29, silver found its own value in the world market and the U.S. market and it went up from $1.29 to $2 an ounce. This was the beginning of the effort of the U.S. Government to get out of the silver business.

I recall just a few years ago when the Treasury had approximately 1 billion ounces of silver on hand, if my figures

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are correct—and we now are down to approximately 100 million ounces instead of the 1 billion ounces. So we are already late in getting silver out of our coins.

I think this legislation is necessary, and it should be passed.

Mr. GROSS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, make no mistake, I say to the Members of the House, this bill, if approved, will complete the debasement—the debasement of the currency of this Nation. And it will be accomplishment here today under the virtual gag procedure of suspension of the rules.

The first real debasement came 2 or 3 years ago when quarters and dimes were stripped of silver. In that same fiscal year this Government sold 44 million ounces of silver to foreign countries, yet there was not enough silver, according to the gentleman from Texas, to continue to put any amount of it into the currency of this country. Yes, this will complete the debasement and the debauchery of the currency of this country, if we adopt this bill here today.

I repeat that it is shameful to do this under suspension of the rules, where no amendments can be offered and where there is only 20 minutes of debate for and against.

Moreover, Mr. Speaker, the report on this bill was filed on Saturday night and therefore not available to the Members until this morning. I urge that the House turn this bill down and at least compel the Committee on Banking and Currency to get a rule and bring it in so we may have a full debate on this subject and the opportunity to offer amendments.

Members should understand that if legislation is approved there will be no intrinsic value left in the coins of common usage in our monetary system, and this probably for the first time in the history of the Republic. Only a few days ago, this Government officially joined with the international bankers in issuing "paper gold" because the mindless spendthrifts who have managed our monetary affairs have seen fit to dissipate and toss to the four winds our once great stock of gold metal.

What next will they debauch?

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Speaker, I rise in opposition to H.R. 14127 which, in my opinion, if enacted would just about complete the debasement of our coinage.

The recommendations of the Joint Commission on the Coinage are well meaning and undoubtedly were made with good intentions. Even if some of their recommendations are meritorious, the manner in which H.R. 14127 is brought before this House is, as one Member described it, a shameful thing to do. This matter should not be considered under suspension of the rules. We heard a lot last week about a gag rule when opponents of the military procurement bill thought they were not given enough time to talk. If conditions against which they complain constituted gag rule, then the situation today is much worse. Today each side of the issue has only 20 minutes. Worse still there is no opportunity to offer an amendment under suspension of the rules.

Mr. Speaker, before we vote on this measure, all Members should read the separate views of our colleague, the gentleman from Mississippi (Mr. Griffin). This distinguished Member does a service when he recalls that the markup session of their bill lasted less than 10 minutes.

The gentleman from Mississippi goes on to remind us that 150 Members of the House introduced the bill to authorize coinage of a prestige dollar bearing the likeness of David Dwight Eisenhower to contain at least 40-percent silver. This idea had been endorsed by Mrs. Eisenhower, who approved the idea of a commemorative silver dollar in memory of her late husband.

All of us were delighted to see the issuance of the Kennedy half dollar. It is now the only silver coin being minted. We did appropriate honor to that great President, John F. Kennedy. Why should we differentiate now? Why should we downgrade another great American by minting a memorial coin made of cupronickel? If this is not an outright insult to that distinguished American who was a great general and a great President, then it is certainly a kind of disrespect. It should not be done.

The senior Senator from Montana has referred to these cupro-nickel dollars as phony dollars. Out in the congressional district it is my privilege to represent I have heard such coinage called fake coins. Regardless of how we describe this coinage, the life and service of a great general and a great President deserves commendation by the issuance of a silver dollar and not a nickel dollar.

Under the procedure we are following today to consider this bill under the suspension of the rules I repeat, there is no opportunity to amend. This is a sneaky thing to do. This measure providing for further debasement of our country should at least exempt the memorial to a beloved President. The record will show there was no one appearing before the committee who indicated there was a current shortage of silver as a possible valid reason for further production of in my mind but that people want coins with a precious metal backing. That should be proved by the fact that the Kennedy half dollar, being the only silver coin now minted, would be in circulation if it were not greatly preferred to the coins without silver. The Kennedy half dollars are being hoarded. On the other hand if we continue to mint Kennedy half dollars and produce Eisenhower dollars with a silver content, such a course would reduce the special value of these coins and thereby cause them to be placed in circulation.

I have never been entirely certain of the content of these nonsilver coins. They have been called sandwich coins. They are sometimes called cupro coins. I suspect that, if the truth were known, they are made of scrap metal. It is almost unbelievable that we would issue a dollar of scrap metal to honor a former President. If we pass H.R. 14121, we do no favor to the memory of Mr. Eisenhower. By the issuance of one of these kinds of coin with no intrinsic value, we are cheapening the commemorative dollar intended to honor a great hero. For a man of the stature of Mr. Eisenhower, we should authorize the issuance of a prestige dollar—not a phony dollar.

Mr. PATMAN. Mr. Speaker, I yield myself 2 minutes.

In regard to the 50 cent piece commemorating President John F. Kennedy containing silver and the proposed dollar to honor President Eisenhower not having silver, may I suggest that this bill takes the silver out of the Kennedy coin so that it will be comparable, so far as that is concerned.

The gentleman from Idaho made an argument in favor of using our remaining silver to put in our coin. He also made an argument that the price of silver is bound to go up. We all know that. If we were to follow his advice and put our remaining silver, which is 200 million ounces, into this silver dollar, of course, there is nothing to keep the price from going out of the roof immediately. That is what would happen if we should take his advice. His advice was put it in the silver coin. I think this proposal is in the public interest. I believe President Eisenhower, if he were living, would agree to this. The former great president, Dwight D. Eisenhower, would agree that the public interest should come first.

If we were to put all our silver in the dollar, of course, there would be an immediate scarcity of silver. That is what Mr. McClure said. That would make the price go up quickly. I do not believe he could follow that line of argument and at the same time be in favor of the public interest instead of private interest.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield briefly to the gentleman from Idaho.

Mr. McCLURE. I thank the gentleman for yielding. Has anyone, anywhere, at any time predicted that the price of silver would exceed $3 an ounce at the outside?

Mr. PATMAN. I am not talking about the amount. The gentleman knows all about that. I am taking his word for it. He says the price of silver is bound to go up. I agree. If it is bound to go up, and you put all the Government silver in one coin, the price would shoot up quickly.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Speaker, I do want to state that I completely understand the position of the gentleman from Idaho (Mr. McClure). I also want to call attention to extenuating circumstances which occurred last week which prevented the Banking and Currency Committee from hearing more testimony on the part of the producers of silver. Those extenuating circumstances were that the House convened at 10 o'clock on Thursday morning last week, at which time the Banking and Currency Committee was supposed to be meeting, and that meeting had to be canceled. The House then came in at 11 o'clock Friday morning of last week, so we had to terminate our meeting on Friday of

last week at 11 a.m., and the committee meeting had started at 10 a.m.

However, before I voted for this bill out of committee, I did determine that even though the Government goes out of the silver business and stops putting silver into coins, the demand for silver will still exceed the supply of silver in this country.

I cannot quite understand how, any time supply does not meet the demand, we can have a decrease in price. If any time in the future it can be shown that the demand for silver in this country does not exceed the supply, then I am going to be happy to join with the gentleman from Idaho in putting the silver back into our coins.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Idaho (Mr. McClure).

Mr. McCLURE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the allegation has been made that there is an adverse impact on the balance of payments because if we use more silver, we will have to import more silver, and the alternative for that is to use a nickel and copper alloy to provide coinage.

Mr. Speaker, I remind Members of the House that nickel and copper are both in short supply, and we have to import both. We cannot shift the demand from one metal to the others without going overseas for our supplies.

Mr. Speaker, I would like to comment on the gentleman's remark that we have not depressed the price of silver. We consume in this country less than 160,000,000 ounces a year. Normally over the past few years it has been in that range. In the past year alone the Government dumped 178,000,000 ounces on the market.

We cannot dump that much silver, in the face of 160,000,000 ounces, the normal demand, without doing something to the price. That is just not possible. And it is not just the producers who lose. The citizens of this country who own the silver that is being dumped are losing. They have lost hundreds of millions of dollars already and stand to lose $128 million more—at current prices—under this insane policy.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. Foley).

Mr. FOLEY. Mr. Speaker, I join with my friend, the gentleman from Idaho (Mr. McClure), in urging Members of the House on both sides of the aisle to vote down this bill. One hundred and sixty Members of the House joined in a bill to authorize a 40-percent silver coin honoring the late President Eisenhower. The committee has chosen to bring out a bill for a nonsilver coin under conditions of suspension of rules, which does not permit amendments and does not permit full consideration of this legislation.

Mr. Speaker, this is a controversial matter. I will not belabor the arguments made by both sides. But we do point out that this matter should be handled under a rule with an opportunity for debate and with opportunity for both sides to offer amendments. One hundred and sixty Members are at least in partial opposition, and I will not agree to a procedure to bring out this legislation under a suspension of the rules without giving them an opportunity to present their views.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Alaska (Mr. Pollock).

Mr. POLLOCK. Mr. Speaker, I ask the gentleman from Idaho (Mr. McClure) a question concerning the profits of the Government from the sale of the Treasury silver if this coinage does not contain the silver: What is involved there?

Mr. McCLURE. Mr. Speaker, if the gentleman will yield, I thank the gentleman for asking the question. I think the point needs to be clarified that by putting the silver we now have in the Treasury into coins, we could get a minimum of $3.16 an ounce for the silver if we put it into the dollar, and $3.38 an ounce for it if we put it into the halves. We are now selling it at $1.88 an ounce or less. So every time an ounce of silver is sold, the taxpayers are losing, and they can only gain by putting the silver into the coinage. At $1.88 per ounce the profit to the Government and the taxpayer is only $46 million on the remaining silver. We would make an additional $128 million out of the remaining silver if we put it into the coinage. We cannot lose by placing silver in our coins. What the Treasury gains, the people gain.

Mr. PATMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in the hearings we gave careful consideration to keeping the public interest first. We could not justify doing something which would make it look as if we were making a deal to help any one group. The bill is not designed as a vehicle to help any private interest, silver dealers or otherwise.

If we were to have the silver in a dollar to commemorate the memory of any person, it would certainly take all the available silver we have. It is just an unrealistic approach. So in order to represent the public interest, we have to take the position we have in this bill.

The chairman of the Committee on Banking and Currency received a letter from President Nixon. A similar letter for the same purpose was written to the Speaker of the House (Mr. McCormack). I should like to read this letter. It says:

> I learned that you have scheduled hearings for October 1 and 2 on H.R. 13252, your bill to carry out the recommendations of the Joint Commission on the Coinage. I want to express my appreciation to you for initiating this action.
>
> Apart from the general merits of the bill, one section in which I have a particular interest would authorize the Treasury to coin and issue cupro-nickel one dollar coins. As you know, if this authority is granted, it is our intention that the new coin bear a portrait of President Dwight David Eisenhower. The birthdate of President Eisenhower is October 14, and various events are being planned to honor this very great American. I think it would be most fitting if congressional action could be completed in time to include an announcement of the new coin in the events of that day.
>
> I am aware of the difficulty in completing congressional action on H.R. 13252 in so short a time, but I would very much appreciate whatever you can do to expedite matters.
>
> Sincerely,
>
> R.N.

Therefore, the President is in favor of this bill. The administration is. The committee voted unanimously, minus one vote, after hearing arguments for and against, for the bill.

It occurs to me it certainly has pretty good support. I hope the Members of the House will unanimously pass the bill.

Mr. GROSS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, as others have said, it will be doing the memory of former President Eisenhower no credit to pass a bill to mint a dollar, perhaps made of scrap metal.

This is what is here proposed.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. PATMAN. Do you not think your statement could be construed as a reflection upon the President of the United States? He recommends passage.

Mr. GROSS. He made no recommendation——

Mr. PATMAN. Yes; he did.

Mr. GROSS (continuing). That the coin should not be minted out of silver, as far as I know.

If it is a reflection upon him, it is only a reflection born out of utter disagreement with him in this respect. It is incredible that the House would authorize minting a so-called dollar made perhaps of scrap metal to honor a President of the United States.

Mr. PATMAN. Mr. Speaker, I yield myself my remaining minute.

The gentlemen who appeared for the administration, for President Nixon and for Secretary Kennedy, said they did not want any silver in any coin, the Eisenhower coin or any other coin. They wanted to discontinue entirely the use of silver.

This bill will discontinue entirely the use of silver.

That was speaking for Mr. Nixon and speaking for the Secretary of the Treasury. Therefore, any opposition to the bill would be opposition to the President, of course, because he wants it passed just exactly like it is.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Do you do everything the President wants you to do? In this case I say the President is wrong.

Mr. PATMAN. That is between you and the President.

Mr. GROSS. Do you do everything the President asks you to do?

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. We are not trying to debase the coin. We are taking the silver out of the dollar.

Mr. OLSEN. Mr. Speaker, on several occasions I have taken the floor of this Chamber to discuss not only the dwindling supply of silver in this country, but

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the disappearing silver-mining industry. This situation has been contributed to by the Department of the Treasury which has espoused a policy of dumping our silver reserves on the market at cheap prices.

For a number of years I have strongly supported every effort to resume the production of silver dollars and to continue production of the Kennedy silver half dollar, but I believe we in the Congress should insist that the content of these coins be at least 40 percent silver. Some argue that we do not have enough silver to provide for minting purposes.

Today, because of the dumping policy of the Treasury Department, we probably only have enough silver on hand to sustain the use of this metal in coins for about a year. However, I feel certain that we would cause a resurgence of silver mining in this country if we voted to use silver in the minting of our coins once again. Such a resurgence is necessary if the United States is to have a continuing supply of silver for industry and national defense.

Mr. Speaker, the price of silver has risen some, but the dumping of our silver reserves has weakened that rise in the price of silver and has also forced many mining concerns to abandon important silver mining operations throughout the West. As a result, the mines themselves have deteriorated badly. I submit it is in the best interest of this Nation to provide our mining industry with the incentive and encouragement it needs to get these mines back into operation.

I believe we will authorize the minting of dollar and 50-cent coins, and I am hopeful the Members of this body will demonstrate their vision by insisting that these coins be at least 40 percent silver.

Mr. POLLOCK. Mr. Speaker, I rise in opposition to passage of H.R. 14127 under suspension of the rules. There is no man in Congress that wants an Eisenhower dollar coin more than I. Yet, I feel compelled to vote in the negative, as I will, because at some juncture the chairman of the House Committee on Banking and Currency must be brought to realize that it is imperative in the legislative process that views opposing those of the chairman must be voiced and deliberated so that the general will of the people may be honored and respected. The bill was brought to the floor under suspension of the rules. Therefore, no amendments can be made to the bill regardless of the merits. This is unfortunate.

If the bill is not agreed to by two-thirds of this body under suspension of the rules, and I venture to predict that it will not, then I hope the measure can be given an open rule and come to the floor under a procedure which allows for amendment.

I doubt if the will of this body is for creation of an Eisenhower silver dollar or simply an Eisenhower dollar coin of other minerals, but this body should have an opportunity to work its will under procedures which will enable proponents to offer appropriate amendments.

I, for one, want an Eisenhower dollar whether it contains silver or not, but there are compelling arguments in support of the silver coinage. It is my personal conviction that our monetary system should bear some relationship to precious metal backing. In addition, it should be pointed out that the U.S. Government and the taxpayer actually get a better return if silver is used in the coins. At the present rate $1.88 per ounce, the profit to the Government from sale of our Treasury's silver asset through the weekly GSA sales would amount to only $46 million, however, if 40 percent silver were used to mint the Eisenhower silver dollar, the profit would increase by an additional $128 million, for it would monetize at $3.16 per ounce rather than at $1.88 per ounce.

To the argument that there is an adequate supply of silver in the country for our commercial requirements and silver coinage would require importation of additional silver stocks, I respond by saying that we must also import the nickel and the copper and other minerals used in the minting of our coins.

If we remove all silver from the coins and authorize the Government to dispose of its silver assets in the Treasury, this dumping would exceed annual domestic production and would substantially damage an already depressed market price.

Finally, it should be mentioned that the dollar coin which commemorates Dwight David Eisenhower should be as prestigious as the coinage for previous outstanding men of American history. It should not be a nickel-clad demonetized coin without quality that bears some relationship to the previous metal some of us feel is important.

In the event H.R. 14127 fails passage under suspension of the rules, I want to urge my colleagues to exert every possible pressure to cause the bill to be presented by the Committee on Banking and Currency to the Rules Committee for an open rule, so that the measure can come before the House under procedures allowing for amendment, so that the Congress can truly work its will.

The SPEAKER. The time of the gentleman from Texas has expired.

The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 14127, as amended.

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 48, noes 54.

Mr. PATMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 206, nays 148, not voting 77, as follows:

[Roll No. 202]

YEAS—206

Addabbo
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Barrett
Beall, Md.
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Bingham
Blackburn
Blatnik
Boland
Bolling
Brademas
Brasco
Bray
Broomfield
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Button
Byrne, Pa.
Byrnes, Wis.
Carter
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Cohelan
Conable
Conte
Corbett
Corman
Coughlin
Culver
Daddario
Daniels, N.J.
Davis, Wis.
Dawson
de la Garza
Diggs
Dingell
Donohue
Dwyer
Eckhardt
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Flood
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Griffiths
Gubser
Gude
Hamilton
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Horton
Hosmer
Hungate
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jones, Ala.
Kastenmeier
Kazen
Kee
Keith
Koch
Kuykendall
Kyros
Latta
Long, Md.
Lowenstein
McCarthy
McDade
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Matsunaga
Mayne
Melcher
Meskill
Mikva
Miller, Calif.
Mills
Minish
Mink
Minshall
Mize
Monagan
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Obey
O'Hara
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pirnie
Poage
Podell
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Rees
Reid, Ill.
Reuss
Rivers
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Scheuer
Schneebeli
Schwengel
Shipley
Sikes
Slack
Smith, Iowa
Stafford
Staggers
Stanton
Steed
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Van Deerlin
Vander Jagt
Vanik
Watts
Whalen
Widnall
Wiggins
Williams
Wolff
Wright
Wyatt
Wydler
Yates
Zion

NAYS—148

Abernethy
Adair
Adams
Andrews, Ala.
Ashbrook
Aspinall
Ayres
Baring
Belcher
Blanton
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Burton, Calif.
Bush
Cabell
Caffery
Camp
Casey
Chisholm
Clausen, Don H.
Collier
Collins
Daniel, Va.
Davis, Ga.
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Dorn
Dowdy
Duncan
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Fisher
Flowers
Foley
Fountain
Fulton, Pa.
Garmatz
Gaydos
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hastings
Hays
Henderson
Hicks
Hogan
Hull
Ichord
Johnson, Calif.
Jonas
Jones, N.C.
Jones, Tenn.
Kleppe
Kyl
Langen
Lennon
Lloyd
Long, La.
Lukens
McClory
McCloskey
McClure
McCulloch
McEwen
McKneally
McMillan
Marsh
Martin
May
Meeds
Miller, Ohio
Mizell
Montgomery
Myers
Nix
O'Konski
Olsen
O'Neal, Ga.
Pettis
Pickle
Pike
Poff
Pollock
Preyer, N.C.
Price, Tex.
Purcell
Quie
Railsback
Randall
Rarick
Reifel
Rhodes
Riegle
Roberts
Rogers, Fla.
Roth
Ruth
Satterfield
Saylor
Schadeberg
Scherle
Scott
Sebelius
Shriver
Sisk
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Steiger, Ariz.
Steiger, Wis.
Stuckey
Talcott
Teague, Calif.
Udall

Ullman
Utt
Waggonner
Waldie
Wampler
Watson
White
Whitehurst
Whitten
Winn
Wold
Wylie
Wyman
Zablocki
Zwach

NOT VOTING—77

Abbitt
Albert
Anderson, Ill.
Anderson, Tenn.
Berry
Biester
Boggs
Bow
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burton, Utah
Cahill
Carey
Celler
Chappell
Clay
Colmer
Conyers
Cowger
Cramer
Cunningham
Delaney
Dennis
Downing
Dulski
Edwards, Ala.
Edwards, La.
Fascell
Flynt
Ford, William D.
Foreman
Frey
Green, Pa.
Halpern
Harrington
Hébert
Howard
Jacobs
Karth
King
Kirwan
Kluczynski
Landgrebe
Landrum
Leggett
Lipscomb
Lujan
McDonald, Mich.
Mann
Mathias
Michel
Mollohan
Moorhead
Morton
Mosher
Nelsen
Pelly
Powell
Reid, N.Y.
Rosenthal
Roudebush
St. Onge
Sandman
Skubitz
Stephens
Taylor
Tunney
Vigorito
Watkins
Weicker
Whalley
Wilson, Bob
Wilson, Charles H.
Yatron
Young

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Reid of New York and Mr. Morton for, with Mr. Berry against.

Until further notice:

Mr. Boggs with Mr. Anderson of Illinois.
Mr. Albert with Mr. Bow.
Mr. Celler with Mr. Lipscomb.
Mr. Delaney with Mr. King.
Mr. Taylor with Mr. Michel.
Mr. Brooks with Mr. Edwards of Alabama.
Mr. St. Onge with Mr. Mosher.
Mr. Skubitz with Mr. Nelsen.
Mr. Charles H. Wilson with Mr. Pelly.
Mr. Carey with Mr. Cahill.
Mr. Abbitt with Mr. Roudebush.
Mr. Chappell with Mr. Landgrebe.
Mr. Dulski with Mr. Sandman.
Mr. Fascell with Mr. Cowger.
Mr. Green of Pennsylvania with Mr. McDonald of Michigan.
Mr. Moorhead with Mr. Lujan.
Mr. Leggett with Mr. Powell.
Mr. Rosenthal with Mr. Biester.
Mr. Kluczynski with Mr. Mathias.
Mr. Tunney with Mr. Cramer.
Mr. Hébert with Mr. Watkins.
Mr. Howard with Mr. Cunningham.
Mr. Colmer with Mr. Burton of Utah.
Mr. Downing with Mr. Brock.
Mr. William D. Ford with Mr. Whalley.
Mr. Young with Mr. Foreman.
Mr. Kirwan with Mr. Weicker.
Mr. Anderson of Tennessee with Mr. Brown of Michigan.
Mr. Edwards of Louisiana with Mr. Bob Wilson.
Mr. Jacobs with Mr. Halpern.
Mr. Flynt with Mr. Frey.
Mr. Yatron with Mr. Conyers.
Mr. Brown of California with Mr. Clay.
Mr. Stephens with Mr. Dennis.
Mr. Mann with Mr. Mollohan.
Mr. Karth with Mr. Landrum.
Mr. Vigorito with Mr. Harrington.

Mrs. REID of Illinois and Mr. ESCH changed their votes from "nay" to "yea."

Mr. SMITH of California changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just considered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GIFTED AND TALENTED CHILDREN EDUCATIONAL ASSISTANCE ACT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13304) to provide for educational assistance for gifted and talented children.

The Clerk read as follows:

H.R. 13304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gifted and Talented Children Educational Assistance Act".

SEC. 2. (a) Section 503(11) of the Elementary and Secondary Education Act of 1965 (relating to grants to strengthen State departments of education) is amended by inserting after "handicapped" the following: "and gifted and talented children".

(b) Section 801 of such Act (relating to definitions) is amended by adding at the end thereof the following:

"(l) The term 'gifted and talented children' means children who have outstanding intellectual ability or creative talent."

SEC. 3. (a.) Section 521 of the Higher Education Act of 1965 (relating to fellowships for teachers) is amended by inserting in the last sentence thereof after the words "handicapped children" the following: "and for gifted and talented children".

(b) Section 1201 of such Act (relating to definitions) is amended by adding at the end thereof the following new paragraph:

"(k) The term 'gifted and talented children' means children who have outstanding intellectual ability or creative talent."

SEC. 4. (a) The Commissioner of Education shall:

(1) determine the extent to which special educational assistance programs are necessary or useful to meet the needs of gifted and talented children,

(2) show which existing Federal educational assistance programs are being used to meet the needs of gifted and talented children,

(3) evaluate how existing Federal educational assistance programs can be more effectively used to meet these needs, and

(4) recommend which new programs, if any, are needed to meet these needs.

(b) The Commissioner shall report his findings, together with his recommendations, to the Congress not later than one year after the enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. ERLENBORN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Kentucky (Mr. PERKINS) is recognized for 20 minutes.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 13304 broadens the authority now contained in title V of the Elementary and Secondary Education Act to authorize the Commissioner of Education to make grants to state education agencies to enable them to provide local education agencies with consultative services and technical assistance to provide educational programs for gifted and talented children. No additional authorizations are provided for the additional authority. Title V of the Elementary and Secondary Education Act was first enacted in 1965. It authorized grants to State departments of education in order to strengthen the role of such agencies in improving the quality of elementary and secondary education. Authorizations for fiscal years 1969–70 and 1971 are at the level of $80 million per annum. The sum of $29,750,000 was appropriated for the fiscal year 1969 and in the House passed appropriations bill for fiscal year 1970 the same amount is provided.

In addition the bill would amend the Education Professions Development Act to permit the granting of fellowships for teachers of gifted and talented children.

Finally, the bill would require the Commissioner of Education, first, to determine whether special programs are needed or useful for these children; second, to show which Federal programs are assisting them now; third, to evaluate how these programs can be made more useful; and, fourth, to recommend which new programs, if any, are needed.

Mr. Speaker, it has been said that the gifted or talented child operates in a regular school program under as much a handicap, if not more, as a physically or mentally handicapped child. While at the same time I think that all of us would wish that this problem would be one that would continue to grow. It is apparent that if we are to fully preserve our Nation's greatest resource, that is the intellectual capacity of the people, we must through our regular school program be capable of recognizing extraordinary talent and intellectual capacity and be capable of providing learning environment by which that intellectual capacity can mature and develop to its fullest. This legislation, I think, will make a tremendous impact on providing better programs in our States to better develop this intellectual resource. Indeed, it is essential that we afford the gifted the appropriate opportunities for learning that we provide other citizens with special needs with educational opportunities.

Mr. Speaker, I do not know of any objection to the legislation and I am hopeful that the bill will pass this body unanimously.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to join my colleagues in support of H.R. 13304. Our heritage is based upon freedom and equality, but we know that all of us were born with unequal abilities and potentials. Still we have held to the notion that there ought to be in our country equal access to all opportunity so that every child gets a chance to develop his unequal abilities to his fullest potential. It is to this purpose that this bill is addressed—to enable

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our gifted and talented children to develop their abilities to the fullest, for their own fulfillment and for the betterment of our Nation.

A most important aspect of this bill is section 4, which authorizes the Commissioner of Education to evaluate the manner in which existing Federal programs can be effectively utilized to meet the needs of gifted and talented children and the extent to which new programs are necessary to meet the needs of such children. We have all recognized portions of educational legislation which imply educational assistance to gifted and talented youth such as that found in the National Defense Education Act legislation of more than a decade ago. Some of the more current legislation makes it possible for school personnel to improve their programs by giving attention to gifted and talented youth, and the first sections of this bill are designed to make it more clear that Congress is concerned about these children. Yet I have not seen much evidence to suggest that the stimulation we have provided the States so far has caused significant changes in educational programing for the gifted child. Most references to the gifted in federally stimulated programs have been eye-catching tidbits instead of substantive components. The brainpower enrolled in our schools today is far too important to be allowed to drift along without the conscious attention and concern necessary to develop fully the potential which is abundant, but undeveloped, in every cultural group across the land.

In many respects the conservation of our intellectual resources has an interesting parallel to the conservation of physical resources in the Nation. As a great nation with an almost unparralled wealth of natural resources, we paid little attention initially to conservation on the grounds that so much was available that a little waste would not be harmful. The same casual approach is now noted in regard to our resources of intellect and talent.

In an equalitarian society it is not often popular to point out that some citizens have a potential for greater impact on society than others. What we do for them, or do not do for them, casts a long shadow influencing many persons besides the youths themselves. The sonata never composed, the medical discovery never made, a political breakthrough not accomplished, often do not impress the pennywise and pound foolish. How can one measure the value of a Thomas Jefferson, an Eli Whitney, a Samuel Morse, a George Washington Carver, or the heroes of our space program today, except to say that their values lies in their irreplaceability. But, as their contributions have been great, so our society has missed the contributions of many who did not achieve a level of educational competence to make the contribution for which they had the potential.

If we believe our educational system can make any impact on talented students, then our failure to provide the maximum opportunity, challenge, and stimulation should fill us with deep disappointment. Therefore, I look with great anticipation to the result of the study required in this bill, together with the recommendations which will enable us to provide the opportunity for developing this great natural resource for the solution of today's complex problems.

Mr. ESCH. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Michigan (Mr. Esch).

Mr. ESCH. Mr. Speaker, I thank the gentleman for yielding, and I would like to compliment the gentleman from Illinois (Mr. Erlenborn), for his outstanding leadership on this legislation, and on the concept that we need to aid directly the gifted and talented children in the country who will become the leaders of our communities and of our Nation in the future.

The Nation has a traditional, and commendable, concern for the underdog. Thus, we have numerous national and State programs to assist the mentally retarded, the handicapped, and the underprivileged. All of these programs are important, and many of them should be expanded.

However, in our concentration on the underdog, we have sometimes lost sight of the most valuable asset our Nation possesses—our gifted and talented young people. National estimates indicate that there are nearly 3 million young people now in our school systems who have extraordinary talents, abilities, and intellect. These are the young people who may become our "Einstein' of the future—or Edison, Salk, Steinbeck, Louis Armstrong, Marion Anderson, and so forth.

These young children with outstanding intellectual ability and creative talent require services and programs beyond those normally offered in school systems. For the intellectually gifted, regular programs frequently fail to offer sufficient challenge to retain the interest of the child and the boredom which sometimes results can lead to dislike of school and refusal to develop fully. The unusually creative child, if his talents are unnoticed, may never develop them to their full potential and thus rob the Nation of the rich cultural contribution he might make.

The bill we consider today makes a national commitment to improve our programs dealing with gifted children. This program requires no additional funds. Its purpose is to utilize funds presently being spent to assure that gifted children receive adequate attention. It will not take away from any programs which are presently underway, but would add a new consideration to the administration of them.

Our bill encourages the training of additional teachers to deal with the gifted child, assists State Departments of Education in establishing special programs within their States, and provides avenues for funding of special programs on a multischool or regional basis. The Federal Office of Education presently does not employ a single person whose responsibility it is to stimulate programs for the gifted nor is there a clearinghouse in the Office of Education which provides information to school systems on successful programs which have been conducted elsewhere.

I am pleased that my colleagues here in the House have shown such overwhelming support for this legislation. I have long considered it to be immensely important for the future of this Nation to assure the proper growth and development of the gifted child.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Ohio (Mr. Ayres).

Mr. AYRES. Mr. Speaker, the recent historic event of placing a man on the moon has stirred our feelings of national pride as we reflect on man's creative skill and our Nation's technical expertise. We have crossed the barrier of "earth boundness" and have stepped further into the galaxy. Our Nation is desparately in need of men and women with the capabilities to bring creative solutions to our present global problems and the future problems of man and his universe. The time has arrived when we can no longer verbalize about the need for the development of talent. We must begin systematic efforts at the National, State, and local levels to identify and cultivate the talents which exist in every sector of American life. Talented children can be found in the streets of our ghettos, the roads of our rural communities as well as the avenues of our growing suburbs. It is not caused by a certain economic or cultural level, but it is often hindered by these conditions. The bill before us today expresses the concern of the Congress about present conditions and urges the education community to undertake improvements for the future. Experience has shown us that the answer to our problems is not money alone, but that change will best occur through changes in attitudes and methods. I hope that our action here today will be the incentive for Federal, State, and local educational agencies as well as others interested in the well being of our Nation to heed the call for a dialog to help us look at people as individuals so their unique talents can be developed and their future contributions utilized in all sectors of our society.

Mr. Speaker, over a decade ago, under the pressure created by the Sputnik crisis, this Nation made a commitment to create special educational opportunities for its exceptionally gifted and talented students. In the intervening years we have witnessed a vast expansion of Federal educational assistance to many special categories of students: the disadvantaged, the handicapped, and those needing vocational training, to mention a few. Our initial commitment to the exceptionally gifted and talented student, however, has gone largely unfulfilled.

Dr. James J. Gallagher, former Associate Commissioner of Education for the Handicapped, accurately characterized the situation of the gifted and talented student when he said recently that the needs of these students do not create the kinds of "immediate crises and emergencies" which have required legislative attention in the recent past. The educational needs of this group of students are not less immediate, however, for lack of crises and emergencies.

We have no measure of the unfulfilled potential in the gifted and talented students of this country which exists as a result of inattention to their special educational needs. We do, however, have some indications that the current level of special educational attention to the gifted is at a very low and rudimentary level.

For example, only 17 of the 50 States officially acknowledge the existence of gifted and talented students as a special category in their education codes. A recent unpublished study by Messrs. William G. Vassar and Joseph S. Renzulli, specialists in the problems of educating the gifted from Connecticut, indicates that only 15 States report the assignment of one or more full-time staff people to the problem of educating the gifted. In addition, 22 States have no one at the State level with responsibility for this area and 13 States give only token attention.

Mr. Speaker, I would like to bring to the attention of the House H.R. 13304, a bill to amend existing Federal aid to education legislation to facilitate the development of special educational programs for the talented and gifted student at the State level. Briefly, the provisions of the bill are as follows:

First, to amend title V of the Elementary and Secondary Education Act of 1965 to encourage State education to allocate Federal funds for consultative and technical assistance to localities for the purpose of developing special educational services for gifted and talented students;

Second, to amend title VI of the Higher Education Act of 1965 to encourage State education agencies to allocate Federal funds for postgraduate training of teachers interested in the special educational problems of the gifted; and

Third, to authorize the Commissioner of Education to assess the need for additional educational assistance to programs for the gifted, to evaluate the adequacy of existing programs in this area, and to suggest new programs which might be needed.

These amendments are a modest acknowledgment of a national commitment to a group of students who have been all too frequently overlooked in the Federal aid legslation of the recent past. While existing legislation does not prohibit the use of Federal funds for this purpose at the present time, it is important to note that neither does it encourage such a use. Consequently, only three States, Connecticut, Colorado, and California have chosen to allocate funds from title V of ESEA to assist in the development of special education programs for the gifted.

It is also important to note in these times of severe fiscal stringency that this bill requires the authorization of no new expenditures. Its purpose is rather to encourage a modest readjustment of existing expenditures toward this area of emphasis.

These amendments constitute no additional infringement upon the authority of State and local education agencies. Indeed, by improving the capability of these agencies to deal with another area of special educational needs, H.R. 13304 is consistent with the original object of title V of ESEA, which was to assist in the strengthening of State education agencies.

The hearings on this issue before the General Subcommittee on Education reveal that we have made only the most rudimentary start toward the development of special educational programs for the gifted. We have no way of telling how much potential is wasted when a gifted student becomes a dropout, or when the talented are left unchallenged by the normal curriculum. Worse yet, however, is the fact that we have done so little to discover what is possible when special attention is given to the problems of the gifted.

We have made a praiseworthy start in helping to meet the special educational needs of such groups as the economically disadvantaged, the handicapped, and those with identifiable learning disabilities. It is only proper that we should take this modest step toward providing special assistance for the gifted and talented student.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. Mr. Speaker, I thank the gentleman for yielding.

For many years programs for the exceptionally gifted child were included in legislation for children with very special needs. This was as it should be, for oftentimes the "whiz kid," the exceptionally bright child, the potential genius, does have needs that can no more be met in the classroom program geared to that wide spectrum we call the average child than can the needs of those children with severe physical or mental handicaps. However, in recent years we have more and more concentrated our efforts on the latter to the exclusion of the exceptionally gifted. I hope that we can restore some balance to these programs, remembering that our goal is to give all children the opportunity to develop their full potential. Intellectually gifted children, which certainly oftentimes includes children with physical handicaps, require special challenges if they are to be productive rather than bored and unhappy with their classwork. Therefore, I hope we will no longer neglect the future leaders of our country. To continue such a policy could only be to the detriment of the country itself.

Mr. Speaker, I congratulate the gentleman from Illinois (Mr. Erlenborn) and the distinguished chairman of the subcommittee, the gentleman from Illinois (Mr. Pucinski), for having taken the leadership in bringing about this important, needed change.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Iowa (Mr. Scherle).

Mr. SCHERLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have joined with 21 Members of Congress in sponsoring this bill which provides for educational assistance for gifted and talented children. This bill would extend the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965 to include gifted and talented children. It would also direct the Commissioner of Education to determine the special needs of these children, show which present Federal programs are being used to meet their requirements, and recommend what new programs, if any, are necessary to meet their special educational needs. This proposed legislation can be a great stride forward in the best utilization of our country's most precious resource, our young people.

Up to now there have been no major programs for the "gifted" child—the student who is in the upper 25 percent of the IQ ratings. These students, except in those few schools where they approach a majority, need special challenges to keep them interested and in school. Currently some 80,000 of these gifted students leave school before graduation each year—not because they cannot learn, but because the schools do not provide for their special educational needs. No country can afford such a waste of man and brain power.

For the special educational needs of disadvantaged children, the companion bill considered today, H.R. 13310 which I also cosponsored, should be approved. There now exist programs ranging from social security and vocational training to special facilities for the mentally handicapped and mentally retarded, the blind, the deaf and the physically handicapped and to the training of teachers for the handicapped. H.R. 13310 would develop a program to assist in the education of those young people who fit none of these categories but are afflicted with special learning difficulties such as vision problems.

Before recessing the House approved, with my wholehearted support, an amendment to the HEW appropriation bill increasing the funds for disadvantaged children by $15 million, for a total of $100 million. Between 5 and 6 million young Americans are in one way or another, disadvantaged. Currently only 2 million about 36 percent of these children are being helped. While a great deal more money will be needed to enable these young people to become productive citizens, this is the amount Health, Education, and Welfare Secretary Finch felt his Department could effectively administer during the present fiscal year.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding, and I wish to commend the gentleman from Illinois for his insight into the need for this legislation so as to include gifted children within the definition. In the past exceptional children are generally considered to be gifted as well as handicapped. In present law we define handicapped but did not include gifted. I think this was a shortcoming of present law.

I again want to commend the gentleman from Illinois for his interest in gifted children who have been neglected, but will now be included. This will not take anything away from the disadvantaged or take anything away from the handicapped children, but rather will recognize the special needs that the gifted child has.

Mr. ERLENBORN. Mr. Speaker, I reserve the balance of my time.

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The SPEAKER. The gentleman from Illinois has consumed 7 minutes.

Mr. PERKINS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Illinois, the chairman of the subcommittee (Mr. Pucinski).

The SPEAKER. The gentleman from Illinois (Mr. Pucinski) is recognized for 6 minutes.

Mr. PUCINSKI. Mr. Speaker, as chairman of the subcommittee which rejected this bill to the full committee, I wish to thank the gentleman from Kentucky (Mr. Perkins) for bringing this bill to floor for action. It is a common error in our society which seeks to rank its priorities that only our handicapped children are in particular need of—or deserve—Federal assistance for education.

The bill before us, H.R. 13304, focuses on the problems of perhaps our greatest natural resource—our gifted and talented young people. It is not possible to establish a priority rating for the gifted youngster in our society. His potential for the future may be boundless, but we will not benefit from it unless our schools have a climate of genuine opportunity and intellectual challenge for the highly talented.

We are justly concerned with providing the teachers, the techniques, and the learning tools for all of our children. But the gifted child presents a unique problem.

Because he is able to live by his wits in many situations, very often he is not interested or challenged to learn more than he has to in an average classroom. Studies in several of our large city school systems have pointed to the alarming tendency of the above average and gifted student to drop out of school before graduating. Such a youngster believes he will find more to interest him away from school. All too often he is right.

Each year in America only about 2,800 highly gifted students graduate from college. Their number increases very little each year. These are children who were motivated to remain in school.

H.R. 13304 would strengthen grants to State departments of education for purposes of implementing or supplementing programs for gifted and talented children. This legislation would also amend section 521 of the Higher Education Act—the Education Professions Development Act—dealing with teacher fellowships, to specify that education for the gifted and talented is a field of education for which fellowships can be granted. A definition of gifted and talented children means children who have "outstanding intellectual ability or creative talent."

As anyone who has watched a classroom full of children knows, the gifted are not always that noticeable or detectable—even for the trained teacher.

The problem of being "different" creates similar problems for the gifted child as well as the retarded child. Educational programs have not been designed specifically for them, teachers have not been given very much experience or training in how to deal with their special needs, and as a result, these students often spend their years in school "getting by." They conform, rather than challenge. They mark time, rather than use it. Their talents are wasted and, to all intents and purposes, are lost and irredeemable.

H.R. 13304 provides that the Commissioner of Education shall—

First, determine the extent to which special educational assistance programs are necessary or useful to meet the needs of gifted and talented children;

Second, show which existing Federal educational assistance programs are being used to meet their needs;

Third, evaluate how existing Federal educational assistance program can be more effectively used to meet these needs; and

Fourth, recommend which new programs, if any, are needed to meet these needs.

The bill requests the Commissioner to report his findings after an intensive survey of this area of education and to make his recommendations to the Congress within one year after the enactment of this act.

I believe this legislation is essential if we are to have any sort of coherent philosophy for the future. Too many average or above average students drop out of school. Too many potentially gifted youngsters gradually have the doors and windows of their minds closed through years of sitting in classrooms where their questions are unanswered, their thoughts allowed to wander, and their brains become locked into habits of memorizing the "right" answers without thought.

We are in an era of renewed appreciation of resources—physical and spiritual. Unless we can do more to create a climate of legitimate inquiry and opportunity for the exceptional youngsters of our society the questions we will ask in future years will have no adequate answers.

This legislation seeks to amend an injustice to these gifted young people—the injustice of taking them for granted and not searching to keep all of them active in classrooms that appreciate their talents and encourage them.

In the vast majority of States—about 75 percent—little or no systematic attention is being paid to the problem of the gifted child by State departments of education.

Only 15 States have reported the assignment of one or more full-time staff member to the State's efforts to educate the gifted.

Twenty-two States have no one at the State level responsible for gifted children and programs to help them.

States assigning full-time members to program for the gifted had only 41.6 percent of the Nation's public school population, but served 75 percent of the gifted children. On the other hand, States having no staff members assigned to programs for the gifted had 30 percent of the Nation's school population, but served only 1 percent of the gifted.

There is another interesting sidelight to be reckoned with in considering the need to plan for the gifted.

Most gifted students do not exhibit striking symptoms of maladjustment, which contributes to the illusion that their needs are actually being met in the regular school program.

In most instances where gifted children have been identified, the traditional concept of "intelligence by IQ" has been rigidly employed. Consequently the creative abilities of children and their potential for leadership go undiscovered, as they are not incorporated into standard "IQ tests."

Teacher training is one of the most important components of the total package for gifted and talented students. They need people who will not resent their intelligence, but who on the contrary will seek to challenge it at every turn.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to my colleague, the gentleman from New York.

Mr. SCHEUER. Mr. Speaker, I would like to congratulate the distinguished chairman of the subcommittee and my colleague, the gentleman from Illinois, on the other side of the aisle for their leadership in presenting this bill to the floor. All of us are concerned about the problems of the education of the disadvantaged and we have expended a great deal of time and considerable funds in trying to meet that problem. But there are other problems of other children who have other special education needs. Certainly, the intellectually gifted children are a resource which we must not fail to nourish in our country.

In the City of New York in recent months we have had to cut intellectually enriching programs, foreign language programs, music and art appreciation programs and cultural programs of all kinds. This is hurting education for the talented children whether they be of the middle class or chilren from deprived homes.

I want to congratulate my colleague again on his imagination and leadership.

Mr. PUCINSKI. I thank the gentleman.

Mr. BURLISON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. BURLISON of Missouri. Mr. Speaker, the best interests of our Nation demand that we be concerned about the education of our gifted children, as well as the educationally handicapped. I therefore hope the House of Representatives will act favorably upon H.R. 13304. This legislation expresses the concern of Congress that schools are not adequately developing the talents of gifted children. In 1958 the National Defense Education Act recognized the inestimable importance to the Nation of the development of the abilities of gifted children. Special educational programs for that purpose were encouraged, yet with each passing year these programs have received less and less emphasis.

Congress should examine the Nation's efforts to develop these precious talents. Therefore this legislation would direct the Commissioner of Education to conduct a study of the desirability of special programs for the gifted and of the existence and effectiveness of Federal programs for the gifted. The Commissioner would also be directed to recommend which new programs, if any, are needed.

Gifted and talented children would be defined as children who have outstanding

intellectual ability or creative talent. IQ tests only measure certain types of achievement and consequently should not be used as the absolute standard for gaging talent. Other measures must also be used to discover giftedness, particularly among the poor and the less academically motivated.

In addition to requiring this study, the legislation would encourage State departments of education to increase their assistance for local programs for the gifted under title V of the Elementary and Secondary Education Act. Only two States are presently using title V funds to employ full-time staff to assist these programs.

Only 15 States assign one or more full-time staff persons to work in this area, and 22 States have not one person at the State level responsible for programs for such children. Yet nine out of 10 of these gifted now receiving services come from the States which provide leadership at the State departmental level.

This legislation would encourage the States to provide the direction which clearly fosters the development of local programs for the gifted.

This legislation would also encourage granting of fellowships for the training of teachers of the gifted under the Education Professions Development Act. At the present time only 26 colleges and universities offer programs for teachers of the gifted.

In testimony presented before the Committee on Education and Labor the Office of Education emphasized the value of these two amendments and the need for the study.

In summary, then, the purpose of this legislation is to encourage the States and the Federal Government to examine their efforts in developing the precious talents of gifted and talented children. I again join with the committee in support of this legislation, as above stressed by the committee.

Mr. TIERNAN. Mr. Speaker, America has been blessed with an abundance of talent and wealth in its population. It is up to us to develop this potential. H.R. 13304, the Gifted and Talented Children Educational Assistance Act will enable the Commissioner of Education to evaluate special educational assistance programs to determine if they are necessary or useful to meet the needs of these gifted children. In addition, this act seeks to find what Federal programs are worthwhile in this area and how they can be improved.

Since 1958, we have recognized the need for such programs, but have continued to drag our feet. This bill represents positive action and meaningful progress for these children.

Mr. DELLENBACK. Mr. Speaker, children who are exceptionally gifted need special programs in order that their unusual abilities will be challenged and developed to their fullest extent. All too often, however, these children do not receive special opportunities for learning at the rate or to the depth their abilities would make possible, and their outstanding abilities are, as a result, sometimes only partially developed and other times unnecessarily delayed in development. In these instances society loses.

H.R. 13304 would help to correct this situation by giving schools the option to use Federal funds to develop programs for their gifted and talented students. I commend my colleague, the gentleman from Illinois (Mr. Erlenborn) for his leadership in developing this needed legislation, and I urge the House to act favorably on the bill today.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 13304. We sometimes discuss the purpose of public education in this country as if we could not educate children both for the benefit of society and of the individual child. I believe we cannot do one without also accomplishing the other. Similarly, I believe that by seeking to elevate and maintain the quality of education for children with special learning needs, we benefit all children and society. H.R. 13340 is concerned with providing educational assistance for gifted and talented children. Their special learning needs are for programs that stimulate and challenge their unusual intellectual abilities, and provide them with opportunities to develop their creativity.

H.R. 13304 will encourage State departments of education to provide consultative and technical assistance related to academic subjects and other aspects of educating gifted and talented children. With the chief State educational agencies providing the direction, I believe local school systems will devote more attention to education of these children. This legislation will also encourage the granting of fellowships to teachers interested in working with the gifted. The Federal Government and the States will be encouraged to examine what is being done now and what needs to be done to assure appropriate education for children whose promise is so great.

Allowed to reach their fullest potential, gifted and talented children can become the leaders in education and all other fields who discover solutions and inspire the rest of the population to solve the problems that each new generation faces in ever greater abundance.

The gifted child of today who receives an education commensurate with his abilities, may well become the teacher of tomorrow who finds new and better ways of helping children with learning disabilities. The gifted and talented child who discovers the range of his talents and how to use them, through his own educational opportunities, is most likely to insist upon, and help create, suitable opportunities for those who follow him.

So great are the marvels of our national technology, that until recently we have tended to take for granted our national gifts of intellect and creativity. Now, however, with the press of population and environmental pollution threatening the quality of life, and life itself, we realize as never before how desperately we need trained intelligence and courageous creativity.

I urge you to join me in support of this bill which will help develop one of the most precious of our human resources—the gifts and talents of specially endowed children.

Mrs. SULLIVAN. Mr. Speaker, when citizens express disappointment over the length of time it often requires to enact long-needed changes or improvements in our laws, we try to explain that the legislative process is not usually a speedy one—that it takes patience and constant prodding to persuade Congress to act. The bill now before the House is a perfect example of how long it sometimes takes.

In August of 1957, in the first bill ever introduced to provide scholarships and fellowships for elementary and secondary schoolteachers to obtain advance training in the special skills needed for teaching of all categories of what are decribed as exceptional children, I included among the children who would have been benefited those who are usually gifted, as well as children with various types of physical disabilities.

That legislation had a rocky road until former Senator Lister Hill of Alabama incorporated most of its provisions—those dealing with handicapped children only—as title III of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, and this title was subsequently agreed to by the House Committee on Interstate and Foreign Commerce, and became law.

I am delighted now to join in support of the bill now before us from the Committee on Education and Labor to complete the scope of the proposal I made originally in 1957—that is, to provide scholarships and fellowships to teachers specializing in the training of gifted children. Since it has required a dozen years to bring this matter before the House, I hope this measure quickly becomes law and is fully implemented without delay.

Students of education legislation, particularly for exceptional children, may be interested in the background of my bill of 1957 which can be found in the Record for Wednesday, August 28, 1957, describing H.R. 9591 of the 86th Congress, which I introduced 2 days later, on August 30, 1957, as the Exceptional Children Educational Assistance Act.

The research material in the Record ran to nearly 20 pages. I submit one excerpt from that speech of 12 years ago, as follows:

Excerpt From Speech by Congresswoman Leonor K. Sullivan in the House of Representatives, Wednesday, August 28, 1957

COVERS ALL AREAS OF EXCEPTIONALITY

While there is nothing revolutionary or unprecedented in the approach my proposed bill would take, I am informed that the bill will be, when introduced, the first and only bill before Congress to establish in one single, broad, unified Federal grant program a plan to help train urgently needed teachers in every major category of exceptional children.

Most of the congressional activity in this respect up to now has been directed at the problems of educating the mentally retarded child. Thanks to the pioneering work in this field by the House Appropriations Subcommittee for the Department of Labor and the Department of Health, Education, and Welfare, the subcommittee headed by Congressman John E. Fogarty, of Rhode Island—one of our great humanitarians in the Congress—we now have under way through the Office of Education an extensive research program on teaching techniques for helping mentally retarded children.

In addition, both last year and this year the Senate has passed bills to establish a scholarship and fellowship program for

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training teachers in this same field of teaching the retarded. Furthermore, Mr. Fogarty's subcommittee this year has called for some new thinking by the Office of Education on the best methods of providing better educational opportunities for children with speech and hearing defects—another sizeable group of exceptional children; in fact, I think it is the largest single category of such children.

The bill which I plan to introduce in the next few days, on the other hand, will cover not only these groups but all other major categories of what the educators call exceptionality. It will provide a program of Federal scholarships and fellowships to individuals, and grants to colleges and universities to stimulate the training of some of the many thousands of specially equipped professional people needed in all of these fields, as teachers in the elementary and secondary schools, as supervisors of such teachers, and, at the college level, as teachers of advanced education courses and as researchers in the areas of exceptional children.

THE PROBLEM FACED BY THE EXCEPTIONAL CHILD IN SCHOOL

Mr. Speaker, while all of us are endowed with individual qualities and characteristics which distinguished us from each other, most of us are blessed with a kind of normal averageness, if that is the word, of physical appearance and mental capacity which enables us from childhood on to submerge comfortably in the group—in the crowd—if we so desire, and travel life's road at a comparatively easy pace. Most of the institutions with which we come in contact, the tools we must use, the clothes we wear, the homes in which we live, the specifications for most jobs, and the schools in which we learn, particularly the schools, are geared or tailored pretty much to the norm. I said we are blessed with this averageness because certainly as children we shrink at the idea of being visibly or demonstrably different.

But while most children seem to fit a comfortable pattern, others, a very select few, are touched by God with such great gifts of mind and perception as to stand out for their brilliance; and still others, millions of others, are chosen for reasons known only to God for the special testing and trial of another form of differentness, that is, in having to shoulder physical, mental, or emotional handicaps or disabilities.

To romanticize this situation, it is easy to think that the gifted child has everything in his favor with the world as his oyster, and the handicapped child inevitably has some inner fire and drive to enable him to overcome his physical limitations and achieve the greatness which has come to so many in similar circumstances, great poets, musicians, teachers, physicians, and so on, who were handicapped and who nevertheless achieved great things in spite of, if not because of, these physical handicaps.

But let us not forget that children do not suck knowledge out of their thumbs. They must be taught and often it is a painstakingly difficult—incredibly difficult—and skilled tasks to teach some unfortunate children anything, to teach others the minimum of those things they must learn and know in order to live useful lives, and to teach still others all they can learn profitably.

WASTAGE OF HUMAN RESOURCES

In this respect, the greatly gifted child and the handicapped child share some common and often serious problems in the education process and thus are placed together by educators under the heading of exceptional. For the procedures set up to teach the so-called normal or average child do not begin to reach the educational needs of the different child—the exceptional child—gifted of handicapped—is robbed of some of his educational birthright.

Some millions of children of school age are not in any school at all because of the existence of this problem. Some of these receive some help from the school system, but the problem is enormous, and the needs generally are not being met.

In addition, many others attend school but find it often a frustrating experience a place of confusion and torment, because they are just not geared for the classroom routine. They need classroom work specially planned for their abilities or handicaps. A capable youngster with a serious speech or hearing or visual defect can be made to feel dumb; an emotionally disturbed youngster can be a distracting influence on an entire class; a gifted youngster can sit and vegetate in pure boredom in a class which he tends to find a prison for his imagination or feel out of it in a class of older children who are nearer his mental capacity.

This is the problem faced by the exceptional child, and by his parents, and by all of us. Because the specialized equipment or the special techniques—or, most important, the specially trained teachers—are not available, the exceptional child suffers from unrealized educational opportunities, and his family is often caught in an agonizing situation. I think all of us know of such families and the problems they face. And lastly, we as a nation suffer in terms of a tragic wastage of human resources, of skills and abilities we cannot afford to waste.

I am not going to put this in terms of cold war or West versus East or the fact that the Soviet Union is outstripping us in the education of scientists and engineers and technicians. True, a gifted child whose talents are wasted because he is not stimulated to learn to his full capacity might otherwise become a great inventor or scientist whose discoveries could bolster our defenses, but that is not the point I wish to make. I should like to present this problem not in terms of national defense but in terms of what is right and fair to American children and to our society, which could be enriched by the contributions of all of these exceptional children if given the opportunity to learn and contribute to their full capabilities.

FOUR TO SIX MILLION SCHOOL-AGE CHILDREN

Who are these children? And how many are there?

They are, as I said, the mentally superior, on the one hand, and the mentally retarded, on the other. In addition, they include the crippled and deformed, including the cerebral palsied; the deaf and the hard-of-hearing; the blind and the partially seeing; the speech-defective; the undervitalized; those with special health problems, including the cardiopathic, epileptic, and tuberculous; the emotionally maladjusted, and the delinquent.

There is no exact count available on the number of children in each of these groups, but the estimates considered most reliable, based on spot studies by localities and national organizations, place the total somewhere between 4 and 6 million children in the school ages between 5 and 17.

In 1954, Romaine P. Mackie and Lloyd M. Dunn of the United States Office of Education reported—"with some reluctance," they said, because of the lack of exact information—that informed estimates showed the following incidence of exceptional children of school age for the year 1952:

Blind and partially seeing	63,000
Crippled	510,000
Special health problems	510,000
Deaf and hard of hearing	510,000
Speech handicapped	680,000
Socially maladjusted	680,000
Mentally retarded	680,000
Gifted	680,000

Mr. Speaker, I think there might well be some surprise at the size of those in the gifted category, those with I.Q.'s of above 125, for according to this tabulation, the intellectually superior equal in round numbers the number of mentally retarded children of school age.

Mr. MATSUNAGA. Mr. Speaker, as one who has supported the Elementary and Secondary Education Act since it was first under consideration by this body in March 1965, I rise in support of H.R. 13304, the Gifted and Talented Children Educational Assistance Act. As an amendment to the Elementary and Secondary Education Act of 1965, this bill recognizes that the special talents of the gifted child are no less important than the special problems of the handicapped child.

The act defines a "gifted and talented" child as one with "outstanding intellectual ability or creative talent" thus giving educators needed flexibility in helping the child from a lower income family. Reliance upon IQ tests as the method for discovering these children is discouraged, as they are known to be unreliable measures of giftedness. IQ tests also overlook differences in environmental development. In today's world we cannot afford the luxury of bypassing the child whose special talents and abilities are submerged beneath the labels "underachiever" or "poorly motivated." A child is no less gifted because he is poor.

An important goal of this act is to provide adequate assistance to teachers who wish special training in this area of education. H.R. 13304 will grant fellowships to teachers who qualify and they will in turn improve State departments of education in this inadequately developed area. It is appalling that only 15 States assign one or more full-time staff members to work in this area. Twenty-two States do not have a single person at the State level responsible for programs for the gifted child.

In my own State of Hawaii, the Elementary and Secondary Education Act has become an important part of our program of improving the education of elementary and secondary schoolchildren who live in recognized low-income areas. H.R. 13304 extends and strengthens the Elementary and Secondary Education Act in an area vital not only to Hawaii's Department of Education, but to every State's as well.

Mr. Speaker, I strongly urge a favorable vote for this legislation.

Mr. BOLAND. Mr. Speaker, in recent testimony before the House General Subcommittee on Education, James J. Gallagher of the Office of Education, reminded us of these words:

> Of all sad words of tongue and pen the saddest of these—it might have been.

Dr. Gallagher was referring to the plight of the many thousands of gifted children in America who are not receiving the kind of education best designed to help them develop their talents to the full. These children, while they constitute but a minority of our population, will cast a long shadow on the future growth and development of our entire Nation.

Human talent is one of the most precious resources of our civilization. The cost of its loss, whether it be through ignorance, neglect, or a misplaced sense

of egalitarianism, cannot be calculated in monetary terms. For who can measure the value of the scientific discoveries and works of art which have so enriched the cultural and intellectual life of mankind? We speak of striving toward equality of educational opportunity for all, but in our efforts to achieve it we have tended to focus concern exclusively on those children who are deprived in tangible ways from attaining their full potential. The gifted child who receives a mediocre education, however, suffers in the same degree as other children in the same circumstances. None of them are likely to achieve the excellent education to which we have committed ourselves as a nation. I do not suggest that we reduce our dedication to improving the schooling of all Americans, but rather that we recognize the special needs and potential of the gifted child as we have recognized the needs and potential of the disadvantaged, the handicapped, and the bilingual student.

H.R. 13304, the Gifted and Talented Children Educational Assistance Act, is a much-needed step in this direction. By amending title V of the Elementary and Secondary Education Act, this bill will encourage State departments of education to provide local educational agencies with the technical assistance and services needed for educational programs for the gifted. The Education Professions Development Act will also be amended to permit the granting of fellowships to train the teachers of gifted and talented children. The help of the Commissioner of Education will also be enlisted in order to assess the scope and nature of the existing problems, programs and needs of the gifted child. The 1-year study which this bill requires would determine the need or usefulness of special programs for the gifted, show which Federal programs assist them now, evaluate these programs, and make recommendations for the future. Such information is absolutely essential if we are to take meaningful action to remedy our inexcusable neglect of this forgotten, but infinitely precious, minority. I urge passage of this bill as a small but important step toward insuring the continuing development of the talents which we as a nation must both conserve and encourage if we are to make our full contribution to the progress of mankind.

Mr. MORSE. Mr. Speaker, I rise to give strong support to H.R. 13304, the Gifted and Talented Children Educational Assistance Act.

The Nation has a responsibility, and indeed, a vested interest in developing the precious talents of our gifted children. Every child should be afforded the opportunity to develop to his highest potential, an objective to which most of our schools are not adequately geared at present.

If our Federal programs are to provide effective aid in reaching this goal, a careful review of existing programs will be required, recommendations for new programs will be necessary, State and local efforts will have to be strengthened and encouraged, and the number of personnel skilled in this field of teaching increased.

H.R. 13304, the bill before us today, provides for such progress. It is a significant step in meeting our obligations, and it has my enthusiastic support.

Our children are our greatest asset and our most valuable resource. They are our hope for the future. They deserve every chance we can give them and all the support we can provide.

Mr. ERLENBORN. Mr. Speaker, I have no further requests for time.

Mr. PERKINS. Mr Speaker, we have no further requests for time on this side.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 13304.

The question was taken.

Mr. ERLENBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 353, nays 0, not voting 78, as follows:

[Roll No. 203]

YEAS—353

Abbitt
Abernethy
Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Bingham
Blackburn
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Duncan
Dwyer
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Morgan
Morse
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Waggonner
Waldie
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Watson
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White
Whitehurst
Whitten
Widnall
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Wold
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NAYS—0

NOT VOTING—78

Albert
Anderson, Ill.
Anderson, Tenn.
Barrett
Berry
Biester
Boggs
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Burton, Utah
Cahill
Carey
Celler
Chappell
Clay
Colmer
Cowger
Cramer
Cunningham
Delaney
Dennis
Downing
Dulski
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Fascell
Flynt
Foley
Ford, William D.
Foreman
Frey
Green, Pa.
Halpern
Hanna
Harrington
Hathaway
Hébert
Howard
Jacobs
King
Kirwan
Kluczynski
Landgrebe
Leggett
Lipscomb
Lujan
McDonald, Mich.
Mann
Mathias
Michel
Molloban
Moorhead
Mosher
Nelsen
Pelly
Powell
Reid, N.Y.
Riegle
Rivers
Rosenthal
Ruppe
St. Onge
Skubitz
Stephens
Taylor
Tunney
Vigorito
Watkins
Weicker
Whalley
Wilson, Bob
Wilson, Charles H.
Yatron
Young

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Anderson of Illinois.
Mr. Albert with Mr. Bob Wilson.
Mr. Hébert with Mr. Lipscomb.
Mr. St. Onge with Mr. Frey.
Mr. Celler with Mr. King.
Mr. Carey with Mr McDonald of Michigan.

Mr. Barrett with Mr. Broomfield.
Mr. Kluczynski with Mr. Michel.
Mr. Rosenthal with Mr. Weicker.
Mr. Green of Pennsylvania with Mr. Biester.
Mr. Delaney with Mr. Halpern.
Mr. Dulski with Mr. Mosher.
Mr. Fascell with Mr. Berry.
Mr. Rivers with Mr. Cahill.
Mr. Young with Mr. Foreman.
Mr. Charles H. Wilson with Mr. Reid of New York.
Mr. Vigorito with Mr. Brown of Michigan.
Mr. Kirwan with Mr. Watkins.
Mr. Brooks with Mr. Brock.
Mr. Tunney with Mr. Mathias.
Mr. Chappell with Mr. Burton of Utah.
Mr. Taylor with Mr. Cowger.
Mr. Howard with Mr. Nelsen.
Mr. Leggett with Mr. Landgrebe.
Mr. William D. Ford with Mr. Riegle.
Mr. Hathaway with Mr. Lujan.
Mr. Flynt with Mr. Cramer.
Mr. Edwards of Louisiana with Mr. Whalley.
Mr. Colmer with Mr. Edwards of Alabama.
Mr. Moorhead with Mr. Cunningham.
Mr. Jacobs with Mr. Pelly.
Mr. Downing with Mr. Skubitz.
Mr. Foley with Mr. Ruppe.
Mr. Stephens with Mr. Edwards of California.
Mr. Hanna with Mr. Clay.
Mr. Mann with Mr. Dennis.
Mr. Anderson of Tennessee with Mr. Brown of California.
Mr. Mollohan with Mr. Yatron.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 2546) entitled "An act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. RUSSELL, Mr. SYMINGTON, Mr. JACKSON, Mr. CANNON, Mr. MCINTYRE, Mrs. SMITH of Maine, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK to be the conferees on the part of the Senate.

CHILDREN WITH SPECIFIC LEARNING DISABILITIES ACT OF 1969

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13310) to provide for special programs for children with specific learning disabilities.

The Clerk read as follows:

H.R. 13310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Children With Specific Learning Disabilities Act of 1969".

SEC. 2. Title VI of the Elementary and Secondary Education Act of 1965 is amended—

(1) by redesignating part E of such title as part F and redesignating sections 611 through 615 as sections 612 through 616, respectively;

(2) by striking out "section 613" where it appears in section 604(j) and inserting "section 614"; and

(3) by inserting after part D of such title the following new part:

"PART E—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

"RESEARCH, TRAINING, AND MODEL CENTERS

"SEC. 611. (a) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that no grant shall be made other than to a nonprofit agency or organization) in order to carry out a program of—

"(1) research and related activities, surveys, and demonstrations relating to the education of children with specific learning disabilities;

"(2) professional or advanced training for educational personnel who are teaching, or preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or preparing to be, supervisors and teachers of such personnel; and

"(3) establishing and operating model centers for the improvement of education of children with specific learning disabilities, which centers shall (A) provide testing and educational evaluation to identify children with specific learning disabilities who have been referred to such centers, (B) develop and conduct model programs designed to meet the special education needs of such children, and (C) assist appropriate educational agencies, organizations, and institutions in making such model programs available to other children with specific learning disabilities.

In making grants and contracts under this section the Commissioner shall give special consideration to applications which propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, and those which emphasize the prevention and early identification of specific learning disabilities.

"(b) In making grants and contracts under this section, the Commissioner shall—

"(1) for the purposes of clause (2) of subsection (a), seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation;

"(2) require that to the extent consistent with the number and location of handicapped children enrolled in nonprofit private schools in the area to be served, whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such children; and

"(3) Federal funds made available under this section will not be commingled with State and local funds.

"(c) Payments pursuant to grants and contracts under this section shall be made in accordance with regulations promulgated by the Commissioner.

"(d) For the purpose of making grants and contracts under this section there are hereby authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1971, $12,000,000 for the fiscal year ending June 30, 1972, and $18,000,000 for the fiscal year ending June 3, 1973."

SEC. 3. (a) Section 615 of the Elementary and Secondary Education Act of 1965 (as so renumbered by section 2 of this Act) is amended (1) by inserting after "health impaired children" the following: ", and children with specific learning disabilities,", and (2) by adding at the end thereof the following new sentence: "For purposes of this title, the term 'children with specific learning disabilities' means children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, but such term does not include children who have learning problems which are primarily the result of visual, hearings, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage."

(b) The first section of the Act of September 6, 1958 (20 U.S.C. 611), is amended by inserting after "health impaired children" the following: ", and children with specific learning disabilities as defined in section 615 of the Education of the Handicapped Act,".

(c) Section 302(a) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (20 U.S.C. 618) is amended by inserting after "health impaired children" the following: ", and children with specific learning disabilities as defined in section 615 of the Education of the Handicapped Act,".

(d) Section 4 of the Handicapped Children's Early Education Assistance Act (Public Law 90–538) is amended by inserting after "health-impaired children" the following: ", and children with specific learning disabilities as defined in section 615 of the Education of the Handicapped Act,".

(e) Section 2(4) of the Act of September 2, 1958 (42 U.S.C. 2492), is amended by inserting after "persons" the following: ", and children with specific learning disabilities as defined in section 615 of the Education of the Handicapped Act".

(f) Section 103(a)(5) of the Elementary and Secondary Education Act (20 U.S.C. 241c) is amended by inserting after "health impaired children" the following: ", and children with specific learning disabilities as defined in section 615 of this Act,".

(g) Section 108(6) of the Vocational Education Act of 1963 (20 U.S.C. 1248) is amended by inserting after "health impaired persons" the following: ", and children with specific learning disabilities as defined in section 615 of the Education of the Handicapped Act,".

The SPEAKER pro tempore. Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. PODELL. Mr Speaker, will the gentleman yield?

Mr PERKINS. I yield to the distinguished gentleman from New York.

(Mr. PODELL asked and was given permission to proceed out of the regular order.)

Mr. PODELL. Mr. Speaker, for many

years the Empire State, New York State, has led the way for progress in America.

Once again, today—laughed at, and sometimes denigrated, the amazing New York Mets have won the National League pennant in the final game of the series with the Braves in a 7–to–5 clincher.

Mr. Speaker, very soon we are going to meet Baltimore and we are going to do the same to Baltimore—this time four in a row.

We extend our congratulations to Manager Gil Hodges and the entire team and staff.

It is a proud day for New York.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. GILBERT. I thank my distinguished colleague from Kentucky and my distinguished colleague, the gentleman from New York.

Mr. Speaker, may I say, representing New York, particularly the Bronx, the home of champions, although lately it has not been the home of champions—but I am delighted to join my colleague from Brooklyn, the gentleman from New York (Mr. PODELL), in congratulating the New York Mets on their overwhelming victory—three in a row.

This is the American story of Cinderella—the modern Cinderella story. Today it has reached its fruition by the New York Mets winning three games in a row.

I want to congratulate Gil Hodges, the management and the owners of the New York Mets, and all the players and all the fans who have contributed so greatly to this victory. I join with my colleague, the gentleman from New York (Mr. PODELL) particularly in saying, with no offense to my colleagues from Maryland or Baltimore, that we are going to sweep the series—four in a row.

Mr. PERKINS. I yield to the distinguished gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, even though in the heartland of my congressional district one can find the Yankee Stadium, I join with my colleague from Brooklyn in congratulating every member of the Mets family and assuring them of the joy and pride they have brought to all New Yorkers—Yank fans included.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, I congratulate the gentleman from New York and all of those who are Mets rooters.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, coming from Chicago, I point out that our Cubs were supposed to win this pennant. I want to join in congratulating our colleagues from New York for this spectacular victory. I am sure that the Cubs "Bleacher Bums" and all the other great fans in Chicago are good sports and would certainly join in this message of congratulations. We do not know quite what happened to the Cubs, but I must say, with all due respect to America's No. 1 baseball fan, the gentleman in the White House, things began going bad for us when he picked the Cubs several weeks ago to win the pennant. It was immediately after the President picked our Cubs that we started our downward plunge. Now, I am not by any stretch of the imagination blaming the President but in retrospect, I now wish that he had picked the Mets.

Mr. PERKINS. I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr Speaker, I join with my colleague, the gentleman from New York (Mr. PODELL). As a Representative from north Bronx, I would like to observe that it has been a long time since anything really good has happened in the city of New York, which has been "down in the dumps." It was necessary for baseball to produce an electric effect on the city. A wave of euphoria has swept the Mets' supporters, and the people of the city as a result of winning the National League championship. Hopefully they will forget their troubles for a little while, at least.

We owe the Mets a great deal for what they have accomplished.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, I join with my colleague from Brooklyn. I am privileged to represent the district including the county of Queens, from which the Mets fly. I was a little reluctant to take the floor because I know of the many requests for tickets that will be forthcoming. We hope we can supply them.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Speaker, I would like to observe that the star of the game, the pitcher of the Mets, was a country boy from Texas by the name of Nolon Ryan. Texas always wants to help New York.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I might add to the comments of the gentleman from Texas that a young man by the name of Ken Boswell is from Austin, Tex.; he played Little League and Babe Ruth ball with my stepson. Ken is one of the real heroes of these series. I am glad to say to my friends from New York, "You are right for a change," because a couple of Texans helped make it so. Congratulations.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding. In the spirit of the moment, I would like to congratulate the Mets. But I think that before you make any predictions about what will happen with Baltimore, I would like you to remember that Mr. FRIEDEL will have a bill out of his committee in a day or so and that will take care of the situation.

Mr. PERKINS. Mr. Speaker, I yield myself 3 additional minutes.

Mr. Speaker, H.R. 13310, which we bring to the floor today, is designed to cover a serious omission in those programs which the Congress has authorized with respect to the special education of handicapped children. The bill deals with a special class of children which experts in the field have labeled for want of a better term, "children with learning disabilities." The legislation authorizes a 3-year program of research, demonstration, advanced training for educational personnel and model centers with diagnostic capabilities, remedial programs, and supportive services to educational agencies in meeting the special educational needs of children with specific learning disabilities. Authorizations for the 3-year program are $6 million for the fiscal year 1971, $12 million for the fiscal year 1972, and $18 million for the fiscal year 1973.

Following the 3-year program it is contemplated that the research training and demonstration activities will be phased in with existing authorizations for program support for handicapped children. In this respect, the bill enlarges the definition of handicapped children now contained in the other acts, particularly title VI of the Elementary and Secondary Education Act, dealing with handicapped children.

When it was first proposed to me that our concept of the education of handicapped children needed further amplification to encompass children with learning disabilities, I was skeptical. Skeptical because a handicapped child was obviously handicapped and our definitions in title VI of the Elementary and Secondary Education Act, as well as other legislation dealing with their educational needs, was extremely broad—to my way of thinking—and encompassed every conceivable handicap which posed special teaching and learning problems. I think perhaps you can see the basis for my skepticism in the definition for handicapped children as now used in title VI. This definition is as follows:

> The term "handicapped children" includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children, and children with specific learning disabilities, who by reason thereof require special education and related services.

Under existing law, effective educational programs are being provided for the child with an obvious handicap, the crippled, blind, deaf, and mentally retarded. Appropriations last fiscal year for these programs amounted to $79,795,000 which was roughly a third of the authorization.

The legislation that we propose today would focus attention on the sizable number of children estimated conservatively at 1,500,000 children or roughly 3 percent of the school population who are perhaps as handicapped but whose handicaps do not manifest themselves in the usual manner. To the layman and to the untrained teacher, a child may be labeled "dumb" or "lazy" or extremely uncooperative or hostile and children with these characteristics were not thought to have any special handicap, but, nevertheless, the normal classroom through which the child progressed or marked time failed to provide the necessary learning experience for the educational growth and development of the child.

XUM

As in other disciplines, technology and knowledge in education has expanded and developed to the point where these characteristics in children which impair their ability to progress normally in school can be definitely associated with physiological cause and under trained teachers and specialists such children who are often times of normal or above normal intelligence can be taught to overcome their handicaps and can learn.

Thus, Dr. James J. Gallagher, Associate Commissioner, Bureau of Education for the Handicapped, U.S. Office of Education, in the course of our hearings on this legislation stated:

> While the term "specific learning disabilities" is relatively new, the problems it represents are not. When we knew little about medicine and pathology, a child was either sick or healthy. The more we learned, the more we subdivided "sick" into a multitude of specific diseases and disorders.
>
> Similarly, the more we learn about children who are educationally ill, the more we can identify specific problems. Thus, a child who in past times was labeled "dumb" or "lazy" now becomes identified as a child with specific needs requiring specific treatment.
>
> There is no question that the problems of children with learning disabilities are among the most severe problems we have faced in the field of education. It has been conservatively estimated that from 1 to 3 percent of our Nation's school population suffers from one or more specific learning disabilities serious enough to require special educational intervention. In round numbers this is a range of from 500,000 to almost 1,500,000 children.

During the course of the same hearings, Dr. Harold J. McGrady, Jr., director, program in learning disabilities, Northwestern University, stated:

> The learning disability child needs a program different from the disadvantaged.
>
> He is not deaf, blind, hard of hearing, or partially sighted. These are varying types of sensory deprivations. He is not emotionally disturbed as the etiology of his disorder. We have often overstressed the etiological base being an emotional disturbance in children having learning disabilities.
>
> He is not primarily crippled or with motor disorder. Again, children with severe motor disorders may also have accompanying learning disability.
>
> Diagnosis and identification of learning disabilities depend on the exclusion of these above factors. Because these other factors also cause problems of learning, they are also handicapping conditions. But they must be treated by a combination of special methods appropriate only to that particular disorder.
>
> Children with learning disabilities must be treated differently from these other combinations.
>
> Although some techniques used for the disorders mentioned may be applicable at some times, the management of learning disabilities children is unique, has its own principles separate from other handicapping conditions. The retarded child must be taught to live within his intellectual limits and is usually taught at a slower rate than normal.
>
> The disadvantaged primarily needs to be exposed to experiences of which he has been deprived.
>
> The emotionally disturbed needs counseling and/or psychiatric treatment rather than educational modifications per se.
>
> The sensorially deprived must learn to compensate for a lost channel of input of information and the crippled must relearn motor skills through various types of therapy and compensate for those motor activities which he will not be able to develop.
>
> But the learning disabilities child is different from all of these. He is a child with normal or above normal potential. It is the goal of education for learning disabilities children to return them to regular classes. The major goal is to teach them how to learn. They must learn how to learn. Most 'normal' children learn by almost any method of teaching.
>
> For example, most children will learn to read regardless of the method used to teach reading.
>
> Thus, they will perform adequately in school and society if they are exposed to the normal variations in curriculum and teaching methodology found in American schools.
>
> This is not true of the learning disabilities child. He will not learn properly, except by the particular combination of techniques which correspond to the nature of his learning system, for example, his psychoneurological makeup.
>
> These techniques are not a part of the training for regular teachers and it is very difficult for regular teachers to deal with these particular children.

Mr. Speaker, I believe that this legislation will enable us to deal effectively with learning difficulties of children which exist in almost every classroom in our Nation's schools. Learning difficulties which are now not even recognized properly by classroom personnel, but learning problems which are creating problems for society. We need to deepen our knowledge of the problems of learning disabilities and we need to disseminate our present knowledge to the teaching personnel in schools throughout the Nation. I believe that we can do this through the modest amount of funds authorized by this bill.

Mr. QUIE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today in support of H.R. 13310, the Children with Learning Disabilities Act of 1969. Though new to the law, children with learning disabilities are not a new phenomena. We have all been acquainted at one time or another with a child who apparently could not learn. We have all known the child who seems to have normal intellectual and physical capabilities, and yet, for some unknown reason, has failed to learn to read or write effectively. Often after months and years of testing, the parents are left with information that consists of little more than knowing "what their child is not." He is not mentally retarded. He is not physically handicapped. He is not emotionally disturbed. Such information may be comforting, but it tells little about what he is and what needs to be done.

The paradox is that after years of repeated failures in the educational system, these children often develop the very symptoms of "what they are not." They may act mentally retarded or emotionally disturbed and therefore are entitled to special education services. However, such services are not directed toward meeting these children's primary problems.

Mr. Speaker, we have an opportunity today to give our support to a group of children who are handicapped by what has been termed the "invisible handicap." These are children who are not blind, deaf, crippled, or mentally retarded as we generally perceive such disabilities. They are children with learning disabilities who because they lack visible handicaps have had limited special education services provided to them by their school districts, State education agencies, or the Federal Government. To date, all they have attained are rather nebulous labels such as brain-injured, aphasic, dyslexic, perceptually handicapped, and so forth. What these children need is special education assistance—an opportunity we open to them today.

Over the past months probably most of you have heard from many of your constituents who describe the problems of their own learning disabled child or the learning disabled child in their schools and communities. The mother and father awaken each morning to the sad fact that few, if any, provisions have been made to educate their children properly. A few private schools are scattered around the country, most costing between $7,000 and $10,000 a year for the child in residence. Only a handful of public schools in the United States include special classes for these children. In view of the fact that an estimated 1 to 3 percent of all children of school age in this country have learning disabilities, you can quickly see how many of our youth are being neglected.

We have heard in hearings descriptions of how these children's initial learning problems have, because of consistent failure, been compounded by additional disabilities. We have had information presented to us about the possible relationship of learning disabilities to potential juvenile delinquency. A 1965 survey of 277,649 juvenile arrests in California found approximately 20 percent possessed characteristics typical of the learning disabled child. It is apparent that a child, who through no fault of his own has not learned to read by the fourth or fifth grade and for whom the education system provides little hope, will become a disruptive element in the classroom and the school.

In 1966, after years of hearing the problems of the handicapped before its committees, the Congress created, over administration opposition, the Bureau of Education for the Handicapped. At that time we also established the National Advisory Committee on Handicapped Children to serve as an additional resource to us. These two bodies have greatly aided us in our efforts to make educational opportunities for all handicapped children a reality.

For years one of the major problems in developing legislation for the learning disabled has been the inability to develop a realistic definition to clearly identify it. The National Advisory Committee on Handicapped Children came to grips with this problem and presented a definition and a solution which was hailed and adopted by all. The definition and their recommendations are contained within the legislation before us.

In addition, since the creation of the Bureau of Education for the Handicapped, I have had an opportunity to observe through personal visitations, reactions from my constituents, and from testimony before our committee, significant progress in achieving our goal of improved education. Some of you may ask why there is a need for another piece of legislation for education of the handicapped. The need for such legislation in Congress and in State legislatures will exist until the executive branches of Government are willing to act in behalf of these children. If handicapped children are ever to receive equality of educational opportunity, then the leadership must continue to be exerted in the legislative halls.

The bill before us today authorized a temporary program of research, teacher training, and model centers for the education of these children. It is our intention that this separate temporary authorization serve as a means of initiating programs which would be funded only for 3 fiscal years. After fiscal year 1973, it is our intent that funding these programs should come from Federal sources and from State and local agencies without earmarking.

In addition, the bill amends the eight major Federal laws concerning the education of the handicapped to make children with specific learning disabilities eligible under the permanent programs. In adding the term "specific learning disabilities" to existing programs, however, we on the committee do not suggest a cutback of any programs for other handicapped children.

Today we have sufficient knowledge and understanding about the problems of the learning disabled, and yet tens of thousands of children fill long waiting lists for services which may be many years in getting to them. The key, I believe, to helping these children is the immediacy of diagnosing and educating them. Unlike the mentally retarded, with whom they are frequently placed, children with learning disabilities can, when given proper special education, return to their regular grade level in school, become assets to their community and to society.

The legislation before us today is a direct recommendation of the National Advisory Committee on Handicapped Children. We lend our support to the parents, educators, medical leaders, psychologists, and others who are joining forces to attack the problems of these children. I am convinced that this medical assistance will give hope to learning disabled children and their parents.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Speaker, I yield myself 3 additional minutes.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased today to have this opportunity to support the passage of H.R. 13310, the Children With Learning Disabilities Act of 1969. For the past decade the Congress has provided leadership to help improve educational opportunities for handicapped children. We have made a wide range of services available to children suffering varying mental, physical, and emotional disabilities. The legislation before us recognizes that there is now another handicapped child in need of special educational services—the child with specific learning disabilities. This child is not physically, mentally, or emotionally handicapped although he suffers from consistent failures in academic performance. He has traditionally been the child who has fallen through the cracks because he demonstrates no obvious abnormalities. While the child with specific learning disabilities may be new as a category of handicapping condition he has always existed as that slow, or even stubborn and uncooperative child. For years he was the bane of every classroom teacher. The thing that is most frustrating about this child is that while he may have difficulty reading or writing he exhibits average or above average intelligence. How frustrating it must be to the parents that know their child can achieve but continues to fail.

Over the past 10 years a growing body of information has been developed concerning the characteristics of the learning disabled child. However, the efforts to provide adequate services have been clouded by conflicts within the professions as to adequate definition. Those children have been denied adequate educational opportunity while we have attempted to define their problem, although I feel assured that most classroom teachers and parents could have identified many of these children.

As a result of these varied attempts to define the problem, States have used varying definitions. The child to whom we are addressing ourselves today may be brain injured in Pennsylvania, educationally handicapped in Colorado, perceptually handicapped in Illinois, and language handicapped in Texas. In seeking guidance as to how we can best come to grips with this definition problem, we relied heavily on the recommendations of the agency we in the Congress created to serve as our advisers, the National Advisory Committee on Handicapped Children. It is their broad, yet specific, definition which we have incorporated into the language of the legislation. The committee added the term "specific" to learning disabilities to make it clear that we are addressing ourselves to a unique group of children as opposed to any children who are not doing well in school—although they, too, need and deserve our attention. It is my belief that the provision of this definition and the recognition of learning disabilities as a legitimate handicap is one of the major highlights of this legislation and hopefully will provide direction to State and local education agencies in their efforts to come to grips with the problem.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the ranking minority member of our Commitee on Education and Labor.

Mr. AYRES. I thank the gentleman for yielding.

Mr. Speaker, today I urge you to join in the passage of H.R. 13310, the Children With Learning Disabilities Act of 1969. These handicapped children are not only seriously limited in our technological society, but are also a financial loss to our society when inappropriately educated. The child who has the potential to learn but who fails to learn to read, write or calculate because of specific learning deficits may well become delinquent, socially maladjusted, or at the least, underemployed. We cannot afford to let this negligent and destructive situation continue throughout another generation of youth. Appropriate total educational programs, based on thorough diagnostic evaluation, must be developed and implemented throughout the Nation's educational system.

Up to now the experiences of learning disabled children and their families have been devastating. Across the country two typical patterns have emerged. Many parents have been told initially that their child is just slow or immature and that he will grow out of it, Other parents contact public agencies which serve the mentally retarded, the emotionally disturbed, or the vision or hearing impaired and are rejected because the child does not fit these handicapped classifications. The school may assign the learning disabled child to a remedial program or a slow track, but all too often it must tell the parents that there is no program for their child. This forces the families to seek help from private sources and thus bear the costs themselves. Families seeking answers have often consulted many professional disciplines.

Various explanations and labels are offered to the parents, frequently with confusion and even worse, conflicting recommendations for treatment. I am not suggesting that adequate programs do not exist. It was clearly demonstrated in hearings before our committee that excellent programs in both the public and private sector do exist; however, there is a limited number of them and the population of children to be served is very large.

The bill before us provides for model centers to operate for 3 years and demonstrate evaluative and educational techniques in an operational setting. These centers will vary according to local educational needs throughout the Nation. While the basic problems of children with learning disabilities may be generally consistent, the delivery of services to them may vary greatly between urban and rural communities. The model center concept is not new to our efforts in education as past efforts of the Congress in behalf of the handicapped have shown. The precedents for giving preferential attention to specific handicapped groups are clear, and in providing new authorities today we seek to give this population an opportunity to develop some program expertise without immediately having to compete with other handicapped programs for funds. The intent of our actions here today should be clear, however, that this separate authority be temporary and not extend beyond the 3 fiscal years authorized by the bill.

The Children With Learning Disabilities Act of 1969 has been a long time in development. It represents the efforts of many people throughout the Nation who are concerned about the problems these children face. The bill has the support of parents, educators, and professionals in many fields related to the handicapped.

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For example, medical specialists have indicated that their efforts in identifying the problems of children and assisting their families are continually undermined when educational programs appropriate to the needs of the children are not available. Furthermore, general educators are greatly concerned about the number of children in their classrooms who are not benefitting from programs now provided. Special educators are understandably concerned that, although their research and knowledge have begun to provide answers to the dilemma, there is still little or no recourse for action. And, finally, parents who know their children have the ability to learn are continually frustrated by the fact that our eductional system cannot provide the resources to make specialized learning possible. The bill before us will not solve the problems of the learning disabled child, for this job will not be completed until these children receive the education to which they are entitled, a responsibility that lies with our State and local communities. However, we can begin today by providing them with the assistance they must have to tackle this task.

Mr. HALL. Mr. Speaker, will the gentleman yield.

Mr. QUIE. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding. I rise to ask for information.

Did the gentleman define dyslexia, as used in the bill?

Mr. QUIE. I cannot give a medical definition of dyslexia, but only as a layman. As I understand it, one of the symptoms of dyslexia is when a child does such things as seeing letters backward, a "D" and "B" backward. This causes confusion. It is a medical difficulty when he sees things backward from the way normal people do. This makes it impossible for him to learn to read. He really does not properly see the things his teacher is trying to teach him.

Mr. HALL. Is this a new term coined in connection with specific disabilities?

Mr. QUIE. It is not new this year. I have been reading about it now for about 4 years.

Mr. HALL. I am familiar with dyslalia and dyslogia and others, but I never heard this term. I am truly asking for information.

The word is not in the largest dictionary.

Mr. QUIE. That is interesting. Prior to 4 years ago I had never heard of it. Then I learned of it because of some children who are considered to be dyslexic at the Mayo Clinic.

Mr. HALL. I thank the gentleman.

The SPEAKER. The time of the gentleman from Minnesota has again expired.

Mr. QUIE. Mr. Speaker, I yield myself 1 additional minute, and I yield to the gentleman from Oregon (Mr. Dellenback).

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman from Minnesota for yielding to me. I want to join the gentleman in the well in support of this legislation.

Mr. Speaker, Congress has already demonstrated its concern for handicapped children by passing several laws to provide Federal assistance for their special educational needs. Unfortunately, at the present time, these laws do not extend to provide the assistance desperately needed for the education of children with specific learning disabilities.

Congress can help fill this void by passing H.R. 13310, the Children With Specific Learning Disabilities Act of 1969, which I am proud to cosponsor. It is essential that programs authorized by this act get off to as strong a beginning as possible. To achieve this end, the bill provides a separate authorization for children with specific learning disabilities for the first 3 years of operation. But the legislation also meets long-range goals of administrative consolidation by amending existing laws for the education of handicapped children to include children with specific learning disabilities.

These features of H.R. 13310 reflect the bipartisan efforts that produced the bill. I believe the chairman of the General Subcommittee on Education (Mr. Pucinski) merits special commendation for his leadership in this legislation. He recognized a need and introduced the original bill; and then worked hard with those of us on the subcommittee from both sides of the aisle to produce the bill that is before us today.

In my opinion, H.R. 13310 now deserves strong bipartisan support from the entire House. The funds authorized by this legislation seem a most reasonable price to pay for programs that can help make possible a productive future for hundreds of children afflicted with learning disabilities.

Mr. QUIE. Mr. Speaker, I now yield to the gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman from Minnesota yielding to me and wish to join with him in support of this legislation.

Mr. Speaker, Federal involvement in elementary and secondary education is just over 10 years old. You will recall the concern with which Congress entered into this activity, and while problems still exist, we recognize the success our efforts have had in improving the education of our children. Our promise, and indeed, our initial premise of excellence of public education for every child in America, should be sufficient justification for support of H.R. 13310, the Children With Learning Disabilities Act of 1969.

The bill is presented not as one more shot in the arm, but as a major link in the structure of enabling legislation for improving educational opportunity for handicapped children.

While we have gone on record in the support of special education for the blind and deaf, for the mentally retarded, and the emotionally disturbed, we have neglected to offer assistance to children whose primary handicap lies in the learning process. One result is that these children are excluded from the services of education; another is that they are often included where they do not belong. The net result is a weakening of the educational programs for all children, and a reduction in the maximum potential of children with specific learning disabilities.

The Children With Learning Disabilities Act brings new vision, new commitment, and new opportunity so that institutions, States, school systems, and individuals will be encouraged to move ahead forcefully to help learning handicapped children in every community in America.

First, the bill alters existing legislation in such a way that all children with learning handicaps are identified as important and of special concern to the Federal Government through the U.S. Office of Education's Bureau of Education for the Handicapped.

Literally thousands of children with specific learning disabilities have been unable to receive assistance from special education provisions or from services that only grow from a solid research and training foundation because their handicap has not been identified in Federal legislation. With terminology giving clear visibility to these children in Federal law, State, and local governmental bodies will be given greater encouragement to meet their obligations to these children.

Second, H.R. 13310 fulfills the promise of the Federal Government to lead the way in innovative, yet budget conscious, programing. By establishing a high priority for new efforts to assist young children with specific learning disabilities, the Congress may be able to save the inevitable burden of larger expenditures for rehabilitation, delinquency, unemployment, and reeducation. For it is increasingly clear, as the testimony has pointed out, that failing learners of good or superior ability are disproportionately represented among the jobless, the criminal, the institutionalized, and the occupational misfits. The child with learning disabilities has too often become the maladjusted young man on whom our tax dollars must be spent rather than the young man who produces his share in a competitive, democratic environment.

The assistance proposed is directed toward the most critical needs and is concerned especially with activities most appropriately assumed by the Federal Government: the stimulation of training programs in institutions of higher learning to disseminate knowledge and techniques already known; the support of research to generate new knowledge and procedures not yet validated; and the creation of model service programs to demonstrate the most appropriate and imaginative services in addition to securing continuing information regarding costs and benefits. Only a bill authorizing new funds can accomplish these money saving, preventive, leadership steps. Only a Federal bill can accomplish the objectives suggested while leaving to the States the major responsibility for utilizing and supporting the work highlighted by the Federal Government.

The Children With Learning Disabilities Act of 1969 may provide the turning point in the life of a child who is now misunderstood and considered unintelligent, unattentive, or unmotivated.

Through this legislation, more teachers can be trained, research developed, and services rendered which will recognize and nurture the unique abilities and disabilities that are often present in the same individual.

(Mr. REID of New York (at the request of Mr. Steiger of Wisconsin) was granted permission to extend his remarks at this point in the Record.)

Mr. REID of New York. Mr. Speaker, I am pleased to have this opportunity to support the passage of H.R. 13310, the Children With Learning Disabilities Act of 1969, of which I am a sponsor.

Over the years a growing body of information has been developed concerning the characteristics of the learning disabled child. However, the efforts to provide comprehensive services have been clouded by conflicts within the professions as to adequate definition. These children have been denied adequate educational opportunities while we have attempted to define their problem, and as a result of this uncertainty different States have used different terminology regarding learning disabilities. The child to whom we are addressing ourselves today may be brain injured in Pennsylvania, educationally handicapped in Colorado, perceptually handicapped in Illinois, and language handicapped in Texas.

In seeking guidance as to how we can best come to grips with this definition problem, we have relied heavily on the recommendations of the agency we in the Congress created to serve as our advisers, the National Advisory Committee on Handicapped Children. It is their broad, but at the same time specific, definition which we have incorporated into the language of the legislation. The committee, on hearing expert testimony, added the term "specific" to learning disabilities to make it clear that we are addressing ourselves to a unique group of children.

To permit the exclusion of these children from Federal programs for the education of the handicapped to continue for even 1 additional day would not only be unfair, it would be inhuman. We can right this wrong by broadening the definition of the handicapped to include children with specific learning disabilities. However, we must extend our efforts further if our error of the past is to be properly remedied.

The solution lies in the passage of H.R. 13310, which proposes additional programs to overcome this lag in services. The establishment of model centers will provide stimulation to State and local school systems to develop diagnostic and educational services. The provision of Federal moneys to support needed research will enable educators to examine more carefully the unique learning nature of children with specific learning disabilities and Federal support for the development of programs of study to train personnel in the techniques necessary to educate these children will help close the gap between services needed and manpower available.

Special educators have reached the point where they feel that to proceed any further without Federal support for their efforts in learning disabilities would be a shameful waste of their knowledge and skills. We must acknowledge the plight of learning disabled children in our society and offer to them the help they so desperately need. We can do this by supporting H.R. 13310, the Children With Learning Disabilities Act of 1969.

Mr. PERKINS. Mr. Speaker, I now yield 5 minutes to the distinguished gentleman from Illinois (Mr. Pucinski), who is the chairman of the subcommittee which considered this legislation and who has been very persevering in pursuing this matter.

Mr. BURLISON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the distinguished gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Speaker, the primary reason for this legislation—H.R. 13310—is that children with specific learning disabilities are not clearly included under the present Federal laws for the education of the handicapped. This legislation seeks to redress this inequity by clarifying the definition of handicapped children to encompass the learning disabled.

This inequity results from the recent recognition of these children as a separate category of handicapped children. For example, in 1965 when title VI of the Elementary and Secondary Education Act was written as the basic Federal program for the education of all handicapped children, these children were not specified because the best available educational opinions had not as yet defined this separate category.

Although children with specific learning disabilities are now recognized as possessing a particular type of handicap, there is a great need for additional educational and medical research. Since frequently the causes of these disorders are not even now medically determinable, new medical research is needed on causation.

In the meantime, however, these children, who have been conservatively estimated to be from 1 to 3 percent of our school population, cannot be ignored. Educational research and model programs must be initiated in order to discover the most effective means of assisting these children in school, since that is where their disabilities most obviously hamper them.

This legislation would amend the eight major Federal laws concerning the education of the handicapped to make children with specific learning disabilities eligible under the permanent programs. In adding the term "specific learning disabilities" to existing programs, however, it is not intended to cut back on any programs for other handicapped children which are now authorized. At the same time, we should not decrease Federal support for any learning disability projects now being funded under present law.

This legislation would also authorize a temporary program of research, teacher training, and model centers for the education of these children.

Since there is this great need for educational programs for the handicapped presently included under the permanent programs and little likelihood of greatly increased Federal appropriations for these programs, a separate, temporary authorization is needed to encourage the development of new programs for children with specific learning disabilities.

This legislation would authorize a teacher training program because specially trained teachers are essential if programs for the learning disabled are to be successful. Yet in 1968 only 20 colleges offered courses on the education of the learning disabled child. This legislation is intended to encourage many more colleges to begin training teachers for the learning disabled. This legislation would also authorize model programs which would demonstrate what is presently known about the special problems involved in teaching children with specific learning disabilities. I agree with the committee as above set out and strongly urge adoption of this legislation as encompassed in H.R. 13310.

Mr. PUCINSKI. Mr. Speaker, H.R. 13310—the Children With Learning Disabilities Act of 1969—corrects an inequity in existing legislation.

The bill before us permits children with specific learning disabilities that are not clearly included under present Federal laws for the education of the handicapped to be included with other handicapped children under title VI of the Elementary and Secondary Education Act of 1965.

At present there is no clear legislative language that makes provision for the recently defined area of specific learning disabilities.

In a definition written by a regional educational laboratory—

> A child who has an individual learning disability is one who, according to present measures of intelligence, should be capable of learning in a typical classroom situation. They are children of average or above intelligence who have problems in relating, mediating, or processing school-related instruction in order to produce appropriate school-related achievement.

H.R. 13310 defines children with specific learning disabilities as those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

Such disorders include conditions such as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and development aspasia.

Such terms do not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, or mental retardation, of emotional disturbance, or of environmental disadvantage.

During consideration of this legislation, our committee learned that although there are isolated demonstration projects in this field, there is a compelling, obvious, and substantial need for improving and expanding the present facilities for treatment of this educational phenomenon.

The National Advisory Committee on Handicapped Children has estimated that children with learning disabilities comprise about 1 to 3 percent of the elementary and secondary school population in America.

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Our committee heard from other organizations who work with the physiological and neurological handicaps in children who estimate that learning disabled children may comprise as much as 6 percent of our present school population.

The present difficulties in detecting, diagnosing, and treating the various forms of learning disabilities in children account for the variation in making reliable estimates as to their extent.

In their first annual report to the Senate Labor and Public Welfare Committee, the National Advisory Committee on Handicapped Children stressed that special learning disabilities are one of four issues that are current and crucial at this time. It is a field that needs greater attention and understanding if these children are to be helped.

Learning disabled children are usually characterized by a significant discrepancy of 2 or more years between the level where a child is expected to be functioning and the level where he is actually found to be functioning.

Learning disabilities fall into three main categories:

First, perceptual-motor problems;

Second, language and communication disorders; and

Third, academic subject disabilities, such as arithmetic computation and spelling.

These are for all practical purposes who appear to be perfectly normal youngsters and whose handicap often goes totally undetected through conventional means.

These problems may evidence themselves in such behavior as: an inability to transfer single letters into whole words; a reversal of letters and numbers; an impaired judgment of distances and space; poor spatial orientation; an inability to distinguish between a rectangular object or a round one, and so forth.

Other disabilities—singular or multiple—may occur in the processes of memory, thinking, attention, coordination, speech and sight, and an inability to express ideas verbally or with motor coordination.

At the present time, there are three general types of educational programs being used in isolated school districts across the country which are designed to help children with learning disabilities. These programs are:

First. Resource classrooms—which assign a single teacher to a group or groups of children for intensive work in subjects where the children have the greatest difficulties. For example, during a reading period the children who need special assistance would go to their resource classroom for specific work with language and reading disorders.

Second. Self-contained classrooms—which separate children who are physically handicapped and/or learning disabled into separate groups and keep them apart from children without handicapping conditions. These classes are usually for children with moderate and severe educational problems and have the disadvantage of removing children completely from association in school with their peers.

Third. Itinerant teachers are utilized largely by rural school districts. Instead of the children coming to the teacher, as in the resource classroom, the teacher travels from school to school to work with selected children during a specific period of time.

These programs do assist certain selected children in random school districts. But our committee learned that between 500,000 and 3 million children are not being helped through these—or any—programs.

This is the last of our bills dealing with handicapped children. The fiscal 1968 annual report of the Bureau of the Handicapped listed the numbers of physically handicapped children in our elementary and secondary schools. They amount to about 5 million children:

1. Mentally retarded	1,500,000
2. Hearing impaired or deaf	300,000
3. Speech impaired	2,100,000
4. Blind or visually impaired	75,000
5. Emotionally disturbed	800,000
6. Crippled	300,000

In addition to these children, there are approximately 90,000 other children with multiple handicaps, only 36 percent of whom are receiving assistance under federally funded programs.

Added to these children with severe physical or mental handicaps, the Department of Health, Education, and Welfare conservatively estimates a figure of 1.5 million children with learning disabilities in America's classrooms, bringing to more than 6.5 million the number of children who require special help out of a total school population of about 50 million.

In my own State of Illinois there are now 140,000 handicapped children in special education programs with 5,700 specially trained teachers working with them—at a cost to our State of $53 million. Illinois estimates, however, that an additional 120,000 children are not being served—including learning disabled children—because they are even more seriously handicapped and it would require an additional 13,000 teachers to help them, as well as $65 million in additional funds.

I wish at this point to stress that this legislation before us provides no grand or exorbitant expenditure of funds. The original bill we considered in committee provided for a 5-year program that authorized $12 million for the first year, $20 million for the second year, and $31 million for each of the remaining 3 years, for a total of $125 million over a 5-year span.

We cut this authorization substantially and reduced the program to a 3-year program providing for $6 million the first year, $12 million the second, and $18 million the third—a total of $36 million in all.

It is not enough merely to incorporate children with specific learning disabilities into the language of title VI. To be realistic, we must provide the additional funds their inclusion will require if the children who are presently being assisted are to continue to receive help through special programs.

This bill is designed to get model centers, teacher training, and demonstration programs underway in the field of learning disabilities. At the end of 3 years, all future funds would become part of the budget request for the Bureau of the Handicapped.

I should like to include with my remarks an excellent article on this entire subject which was published recently in the Washington Post. The article follows:

CHALLENGE IN TEACHING: WHEN THEY JUST DO NOT SEEM TO LEARN

"SPECIAL LEARNING DISABILITIES"—EVEN SOME BRIGHT KIDS SUFFER

(By Eric Wentworth)

"No, Richard, *this* is your *right* hand and *that* is your *left* hand . . . No, Melissa, "Sit" is spelled "S-I-T," not "T-I-S, . . . Look again, Jeffrey, *this* letter is a "p" and *that* letter is a "q" . . . Once more, Heather, here are *three* fingers and here are *three more* fingers, and that makes *how many* fingers? Can't you tell us Heather? . . . Peter, for the last time, stay in your own chair and mind your own business and *don't bother* the other children . . . Mary Jean, are you paying attention? What did I just say? Sometimes I think your mind's a thousand miles away! Mary Jean? . . . Steven, *not again*—that's the *third time* you've knocked over the paste pot this week . . ."

Through the words of harried teachers, you begin to know them. There's usually one in every class. There are thousands in the Washington area.

These children usually aren't mentally retarded—in fact, many are quite smart. They don't have obvious physical handicaps like partial deafness or poor vision or cerebral palsy. They don't suffer from some emotional ill like being schizoid.

"He's a seven-year-old," one desperate parent confides, "and he can discuss Shakespeare and gravity, but he can't read. It's as though he can't see the words and hear the words. The eye doctor says nothing's wrong. The ear specialist says nothing's wrong. The teacher says he's a willful child who's used to getting his own way in manipulating adults. And the children—they call him Dumb-Head . . ."

The Class Dunce, that's what he used to be in the Good Old Days when life seemed so much simpler. Teacher rapped his knuckles with a ruler or made him stand in a corner or kept him after school to write out words or do sums. Father, alerted by an ominous report card, came through with a stern lecture or took the birchrod to him.

There was nothing wrong with the child, or so people thought then, that "a little discipline" shouldn't cure. And when it didn't, well, you just had to recognize some kids weren't so bright or had a touch of the devil in them.

More and more educators today know better. They know many children once cavalierly branded as "slow learners" or "behavior problems" are actually afflicted with a whole array of critical little difficulties that by and large have nothing to do with discipline.

Being educators, they typically tangle themselves up with mind-boggling jargon. They say Richard—and Melissa and Jeffrey and all the others—suffer from "specific learning disabilities" or "minimal brain dysfunction" or "dyslexia" or "neurological impairments." One researcher has found a grand total of 38 frequently overlapping terms for these problems.

"Special learning disabilities" seems to be the term getting widest currency, and the National Advisory Committee on Handicapped Children has offered this definition:

"Children with special learning disabilities exhibit a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written languages. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling or arithmetic . . ."

Beyond definitions, the educators—with doctors, psychologists and other professionals—have begun a belated campaign to give these children the special breaks they need. Prodded by frantic parents, they are putting the case to local school boards, state legislatures and Congress for recognition of the "SLD" problem and for money to cope with it.

At the same time, they are delving further into the causes of "SLD," how you identify "SLD" children and what their individual disabilities are, and how best you help them overcome these disabilities.

For many afflicted children, the problem can be traced to minor brain damage before, during or after birth—a fact that can plunge mothers needlessly into maelstroms of guilt. Yet quite a number show one or another of the "SLD" symptoms without any hard medical evidence—such as suspicious patterns on an electroencephalogram—that something tangible is wrong.

These tell-tale "SLD" symptoms usually show up by first grade, often earlier. Take some learning difficulties with the word "sit." Melissa, with a "reversal" problem, may spell it "Tis." Another child may recognize the letters "S-I-T" on the blackboard but fail to see they hook together to form a word. Still another may recognize the word on the blackboard but not when it's spoken aloud by the teacher—or vice versa. Or be able to write it but not say it aloud himself. Or recognize it when it's by itself but not when it's in a list with other words.

Or be so jumpy or so dreamy that he isn't following the lesson in the first place. Or, when told to "sit," unable to judge the distance between him and his chair and so miss it entirely and fall clumsily to the floor.

In general, these symptoms reflect quirks in how the children see and hear things, how they put together what they see and hear, and how they apply it.

If your child shows one or more of the symptoms, don't leap to conclusions.

"Every disability we're talking about," says Dr. J. Gerald Minskoff in the Federal Government's Office of Education, "is normal at a certain stage of life."

Children develop at varying rates. Some outgrow learning problems on their own without special help. Others, of course, aren't so lucky.

On the other hand, according to director Sally L. Smith of the Kingsbury Center for Remedial Education's Lab School here, resourceful "SLD" children can sometimes fake their way through the first few grades of school—hiding their lack of one learning tool by relying heavily on others.

"They know the important thing in the classroom," she says, "is to get the right answer."

To catch the "SLD" child at an early age calls in the first place for alert, well-informed teachers, parents and family doctors. Beyond that, to confirm the child has a particular problem and diagnose its exact nature usually means turning to experts who use sophisticated tests with names like Bender-Gestalt, Frostig and the Illinois Test of Psycholinguistic Abilities.

In the Washington area, as elsewhere, school and medical authorities have far to go in spotting all the "SLD" children who need special care. Just how many there actually are remains fair game for those who speculate with statistics, but it's widely accepted that 1 to 3 per cent—at the very least—of the nation's children are afflicted. Some estimates run as high as 10 per cent.

For the District of Columbia itself, 1 per cent alone would mean more than 1,500 in the public schools. But as of last March, according to the D.C. school system's own figures, only 197 had been positively identified. The system, special education director Stanley Jackson explained, simply lacked the manpower to make a full survey and had to rely on sporadic referrals.

The Kingsbury Center, which offers diagnostic work as well as tutoring and other services, receives some 800 youngsters of all ages yearly.

Testing and diagnosis is available from a number of other sources locally, including specialists in the public school systems and public health departments. Children's Hospital, the D.C. Society for Crippled Children, and Georgetown, George Washington and Howard Universities also offer such services.

The Arlington County school system, with state and Federal aid, is sending two teams out into the community to spot pre-school children with "SLD" and other handicaps and thus permit an early start on corrective help.

A number of people concerned with the "SLD" problem contend the best approach to finding and diagnosing afflicted children involves teams of specialists. "Diagnosis," Mrs. Everard Munsey, founder and president of the Virginia Association for Brain-Injured Children, told a congressional panel recently, "has been the nightmare of parents of children with learning disabilities. For many parents it has been a bewildering, discouraging and expensive sequence of examination and referrals to other specialists. There is in in most cases no 'one-stop' service."

The basic thrust of programs for children found to have special learning disabilities, it's generally agreed, should be to keep the youngsters in the educational "mainstream" as much as possible or return them to it as soon as possible.

Some, usually the more serious cases, are placed where possible in special classes—though there's the risk they'll be labeled as "different."

For milder cases, though, a growing number of educators believe the better (and less costly) approach is to keep "SLD" children in their regular classrooms—pulling them out for short periods of special attention with a teacher who "floats" from one school to another, and giving their regular teachers advice on how they themselves can help.

By and large, the experts on how to aid "SLD" children concede they aren't really experts yet. They are feeling their way with a vast array of methods and materials, experimenting, seeking to tailor their work to each child's needs.

Mrs. Smith at the Lab School calls this "diagnostic teaching": going back to the child's basic learning skills, finding his strong and weak points, and using the strong ones to strengthen the weak ones. Unlike the mentally retarded, she says, the "SLD" children "learn very fast if you find the routes by which they learn."

Mrs. Smith—a dynamic blonde, author and psychologist as well as educator—believes in making school work dramatic. She has set up "clubs"—cavemen, Indians, mediaeval knights—in which the children who dress up and bedeck their classroom in the proper motif can also boost their vocabularies and learn some history and geography. Under sculptor Bert Schmutzhart, they embark on boat-building projects—and pick up some mathematics, science and better coordination as they construct their craft.

Public schools in the Washington area provide a growing—though in some cases grossly inadequate—number of special "SLD" classes. Tight budgets are usually the prime roadblock to swifter progress, but that's not the whole story. Skilled teachers are in short supply, and classroom space often at a premium. The quality of "SLD" teaching necessarily varies with the teacher, the cooperation he or she gets from other school officials and the number and screening of pupils in the class (children with other problems sometimes get included).

Montgomery County, a nationwide pioneer in this field more than a decade ago when Dr. William M. Cruickshank ran his classroom experiments there, offered 44 classes this past year for some 450 pupils. Prince George's County has some 138 classes for children with "special learning problems."

Across the river in Virginia, Fairfax County will have 8 to 10 such classes this coming year after finally separating its "SLD" children from those with emotional problems. Arlington will double its classes: from one to two.

The District of Columbia itself had 8 classes serving some 64 "SLD" children this past year—with a waiting list of 200 more—and was asking Congress for funds to hire 21 additional teachers. Stanley Jackson, D.C. special education director, said he would probably use some of the 21 to start new special classes and others as roving teachers. He conceded the District's unmet needs were immense but insisted, "You have to build gradually."

The D.C. School Board, under heavy parental pressure, has finally agreed to help pay tuition for "SLD" children to attend local private schools when public classes aren't available. But private facilities are also scarce.

The Lab School for example has an enrollment of 32 children in 4 classes. Mrs. Smith said she received some 158 inquiries and pared the waiting list to 10. "One mother," she reported recently, "has called every Tuesday at ten o'clock for the past five weeks asking if there was an opening in our 6-year-old group."

Tuition at the Lab School for those who can pay it is a formidable $2,500 yearly, though even this falls short of the cost, which Mrs. Smith reckons at $3,850. Thus, so far at least, the enrollment has come largely from middle-class homes.

Among other local private schools working with "SLD" children hereabouts are the Christ Child Center in Bethesda, St. Maurice School in Potomac, the Greig School in Sumner, the Leary School in Annandale, the St. John's Child Development Center in D.C., the Schefer School in Falls Church (branches in Alexandria and McLean), and the School for Contemporary Education in McLean. Methods, quality and costs necessarily vary.

Almost everyone concerned with "SLD" children stresses how vital it is to catch the problem and start the task of overcoming it at an early age. The further a child labors under such disabilities in the classroom, the more likely he is to become discouraged, frustrated and eventually hostile or withdrawn. The ranks of drop-outs and delinquents, those concerned suspect, are filled with "SLD" youngsters whose problems were never caught or coped with.

William C. Geer, executive secretary for the Council for Exceptional Children, recently told a Congressional subcommittee that a 1965 survey of 277,649 juvenile arrests in California showed some 55,000 youths with signs of learning disabilities.

On the positive side, many believe a heartening number of "SLD" children with proper attention can overcome or at least by-pass their problems, complete a normal education and become productive—even highly successful citizens.

Dr. Lloyd J. Thompson, writing in the North Carolina Medical Journal last November, listed several famous names of yesteryear who showed signs of having had "SDL" problems—inventor Thomas Edison, philosopher William James, General George S. Patton, former Harvard President Abbott Lawrence Lowell and U.S. President Woodrow Wilson.

Perhaps the best-publicized recent case of someone surmounting such a disability has been Luci Johnson Nugent, former President Johnson's younger daughter, who was successively treated for a visual perception problem by D.C. optometrist Dr. Robert A. Kraskin. She helped organize and is currently a director of Volunteers for Vision, a group interested in promoting use of visual tests for preschool youngsters.

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And perhaps the best evidence of mushrooming public interst in the "SLD" problem came when columnist Ann Landers referred her readers for more information to the National Advisory Committee on Dyslexia and Related Reading Disorders. The hapless panel was all but buried under an estimated 18,000 letters from Ann's fans.

Several groups of parents with children suffering special learning disabilities are active in the Washington area. Their memberships include interested professional people, and their activities aim in general at sharing information about the "SLD" problem and prodding public officials to provide better services. The roster includes:

Washington chapter, Association for Children With Learning Disabilities, President Robert A. Jackson, 291-5887;

Virginia Association for Brain-Injured Children, President Mrs. Everard Munsey, 524-4682;

Montgomery County Association for Children With Specific Learning Disabilities, President Mrs. Donald Straus, 871-7400;

Prince George's County Association for Children With Specific Learning Disabilities, President Michael Mehalic, 935-6642;

Concerned Citizens for Exceptional Children, President James McCord, 762-7678.

GLOSSARY OF TERMS RELATED TO LEARNING DISABILITIES

1. Receptive Aphasia—can understand words spoken to him and instructions given, but cannot express himself in language.
2. Expressive Aphasia—can express himself well, but cannot understand langauge and instruction given to him.
3. Minimal Brain Dysfunction—MBD, as it's called, means a slight irregularity in the brains ability to function. It is *not* a retarding condition.
4. Dyslexia—any or all forms of reading disorders, including seeing letters written backwards or upside down; an inability to put several letters together to form a recognizable word, etc.

Mr. QUIE. Mr. Speaker, I yield myself 1 minute in order that I may engage in a colloquy with the gentleman from Illinois (Mr. Pucinski).

We did not mention one thing which may cause concern pertaining to these children or the educators of the handicapped. There is nothing contained in the pending legislation that in any way will take any funds or activities away from the other groups of handicapped to be used for the learning disabled group. In other words, it sets aside an additional authorization. There should be no question about taking money away from these other programs and placing it into this program.

Mr. PUCINSKI. This is absolutely correct. As a matter of fact, right now some youngsters with learning disabilities are being trained under other programs because they have multiple disabilities. I certainly agree with the gentleman from Minnesota that funds appropriated now under existing legislation will not be diverted with the addition of this program.

Mr. QUIE. I thank the gentleman from Illinois.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. Pepper).

Mr. PEPPER. Mr. Speaker, the first bill I introduced in the other body when I came there in 1937 was a bill to provide Federal aid for the education of handicapped children. I felt as we all do that these pathetic young citizens of America are entitled to compassionate consideration by their Congress and their country.

I have rejoiced in the intervening years, particularly in the late years, to see the manner in which the program of Federal education has helped these handicapped children and the manner in which it has been expanded. But today only 28 percent of the 6 million handicapped children are receiving aid under the existing Federal programs and only 40 percent of the handicapped children are provided any assistance under Federal, State or local programs. This bill will meet this deficiency.

Mr. Speaker, this bill is intended not only to alleviate the personal tragedy of these handicapped children, but to make them more constructive citizens of this great land of ours.

So, Mr. Speaker, this is an important bill. It deals with very complex and sophisticated concepts; it is legislation to establish programs to free the potential of an estimated 1 million American children from specific learning disabilities. In the past, many of these children have been labeled underachievers or worse. Thanks to modern medical science, these children will no longer have to suffer such labels and indignities. Our medical scientists have discovered that often children suffer from defects or disorders in one or more of the basic psychological processes—important processes which involve understanding or using spoken or written language. These disorders have been detected by testing the child's ability or inability to listen, think, speak, read, write, spell, or do mathematical calculations. The disorders include perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and development aphasia. They have caused a great deal of suffering by the thousands of youngsters that have borne the heavy burden of being handicapped in a nonvisible way. Frequently the children who had such handicaps had other abilities equal or superior to those of other children. Parents and teachers would accuse such children of "just not trying." Now, relief and freedom from unjust criticism are just around the corner for these children. Dr. James Gallagher, former associate commissioner of the Bureau of Education for the Handicapped of the U.S. Office of Education, has stated that—

> Diagnostic tests and sharper observation . . . are now making the discrete learning problems identifiable to a much greater degree.

That is why this bill, H.R. 13310 is so important to children with specific learning disabilities. It would provide funds for training and research activities in this area; it would also provide a new program of model service centers. Children could be tested in their home areas at relatively little trouble or cost to parents; tests could be used to diagnose the extent of the learning disability, and treatments and therapy for such disabilities could be developed and given to such children in time to correct the specific learning disability. I tell you, Mr. Speaker, the time has come for America to begin to salvage and develop our greater natural resource—the natural gifts and talents of our Nation's children. We cannot afford to squander our children and waste their intellect and talents due to undetected hidden defects. We have at our command the necessary resources and knowledge to help children develop to the fullest extent of their inherent capabilities. We are certainly in need of their talents and intelligence if our country is to continue its steady progress and growth as a great nation.

I hope, therefore, that this bill will pass by an overwhelming majority.

Mr. QUIE. Mr. Speaker, I have no requests for time.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Speaker, I rise in support of this measure.

Mr. Speaker, there is no question that the problems of children with learning disabilities are among the most severe problems faced in the field of education. It is estimated that from 1 to 3 percent of our Nation's school population suffers from one or more specific learning disabilities serious enough to require special educational intervention. In round numbers we are speaking about half a million to one and a half million children.

H.R. 13310 comes at a time of rapid growth in the area of identifying and solving these educational problems. Many local, county, and State education administrations have attempted to provide in spirit a vehicle with which to establish classes for the learning disabled. The knowledge which the field of specific learning disabilities embodies has broadened significantly in the past 5 years. Many of our major colleges and universities have established programs for the preparation of teachers and other workers in the field. Yet the programs of the Federal Government have not been available to this field, because definitions did not include specific learning disabilities among the handicaps which could be attacked. H.R. 13310 seeks to remedy that problem by changing the language of all Federal legislation for the handicapped. I am sure that my colleagues recognize the need for this change. When we originally passed education laws for the handicapped in 1965, the problem of specific learning disabilities had not been identified. The ability to recognize the problem has been achieved only recently, and we must act on this knowledge in order to meet the problem.

H.R. 13310 also includes a new part E to title VI of the Elementary and Secondary Education Act for special programs for children with specific learning disabilities. This section would authorize a program of research, training, and model centers for the attack on specific learning disabilities. Research is needed to improve the diagnosis of exactly what problems are holding these children back. A program for training professional educational personnel to deal with children suffering from specific learning disabilities is a must if we are hopeful of saving the educational experience of these children who have previously been ignored or thrust away

from learning because of medical problems no one was able to recognize.

And most important, this bill would establish a program for the operation of model centers for the improvement of education for these children. They would serve as evaluation centers for children referred to them from the schools for diagnosis and treatment by experts. They would also serve to develop model programs designed to meet the special educational needs of these children, and to assist the schools to learn how to meet the problem of specific learning disabilities through dissemination of the results of model programs which would be applicable to the classrooms of the country. A Federal role is essential in the development of these educational programs for the learning disabled, since individual schools and districts lack the resources to concentrate on the needs of this specific population. This has been the philosophy behind all the assistance the House has passed for the education of the handicapped in the past. I urge all my colleagues to join with me in the support of this bill. The needs of children with specific learning disabilities require an expanded response in all areas of research, teacher training, and model development.

As Dr. James Gallagher, former head of the Bureau of Education for the Handicapped in the U.S. Office of Education, pointed out in testimony before the General Subcommittee on Education:

> There is a need for a great deal of additional research into the problems of identification, classification and treatment of these children. Methods of instruction must be explored, and teachers and related specialists trained. Pilot activities exploring a variety of treatment models, special classes, tutorial programs, individualized instruction, etc. should be developed across the Nation, so that the school systems will have a sound basis on which to build broader programs for children with specific learning disabilities.

Mr. ADDABBO. Mr. Speaker, I am pleased as a sponsor of legislation similar to H.R. 13310, which provides for special programs for children with specific learning disabilities, to have this bill before the House today and I hope for its speedy passage by the Congress.

This is an important bill because children with specific learning disabilities are not clearly included under the present Federal laws for the education of the handicapped. A conservative estimate, from 1 to 3 percent of our school population are included in the group of children with specific learning disabilities. Educational research and model programs must be initiated in order to find the most effective means of assisting these children.

This legislation would amend the eight major Federal laws concerning the education of the handicapped to make children with specific learning disabilities eligible under the permanent programs. However, it will not cut back on any programs for handicapped children which are now authorized.

We must make a greater effort to improve the techniques of educating these children who suffer from impairments in their ability to speak, read, listen, and write.

This bill is a step in the right direction for the improvement of our educational system for all children.

Mr. TIERNAN. Mr. Speaker, most of us are in agreement that title VI of the Elementary and Secondary Education Act of 1965 was a major and worthwhile step forward in assisting the handicapped. Today, we are moving to augment the provisions of that act to make sure that children with "specific learning disabilities" will be clearly included under the present Federal laws for the education of the handicapped.

H.R. 13310 clarifies the definition of handicapped children to encompass the learning disabled. The Children With Specific Learning Disabilities Act of 1969 will determine through research and model programs the most effective means of assisting these children in school since that is where their disabilities most obviously hamper them. This legislation would amend the eight major Federal laws concerning the education of the handicapped to more children with specific learning disabilities eligible under the permanent programs. Through model centers, training of teaching personnel and through the authorization of grants to higher institutions of education, we will be better able to meet the urgent needs of children who are plagued with specific learning disabilities. I rise in support of this legislation and urge my fellow Members of the House to join me in passing this vital legislation.

Mr. EILBERG. Mr. Speaker, the minds of children are amazingly flexible, and learning usually takes place in an almost imperceptible manner. The natural inquisitiveness of childhood leads to seemingly easy absorption of ideas and concepts, and the introduction of formal education provides direction for new discoveries.

But for some children the learning process remains a chore. Their problems may range from a general overactivity or forgetfulness, to a more specific learning block in spelling or reading. These children may be intelligent and healthy, yet they do not fit the mass production mold. Their educational disabilities reflect a need for added attention and special training. It is for this reason that the Children With Learning Disabilities Act of 1969 is a most urgently needed piece of legislation.

The central and most vital function of a child is learning, and when he is denied fulfillment of this function the repercussions are profound. When a child consistently falls short of his educational potential, valuable talent is going to waste. Moreover, his future livelihood may even be threatened, as shown by the close relationship between unemployment and lack of educational achievement.

In contemporary America, education has come to be considered the key to success, yet there are perhaps one and a half million schoolchildren in this country whose learning disabilities have gone uncorrected because of a scarcity of special educational services. We must increase the range and intensity of our efforts to reach these children with learning disabilities, and to broaden their education opportunities.

The legislation before you today provides specifically for the educationally handicapped child, for the child who appears normal but who somehow cannot fully grasp the learning process. Through this act, we will be able to provide a program of support for research and related activities in the area of education of children with learning disabilities. We can use this research as the basis for programs of professional advanced training for people who are preparing to teach these children. We will also be able to develop model centers for evaluation and education, which will in turn assist State and local educational agencies in making more programs available to children with learning disabilities.

Mr. Speaker, the failure of the schools to adequately develop these youngsters discriminates against all socioeconomic classes. We must reach toward educational justice for these children. The programs which will be supported by the Children With Learning Disabilities Act will aid the development of special teaching methods, techniques, and materials which will help these children work around or overcome their specific barriers to learning. It is for this reason that I urge the strong support of the Children With Learning Disabilities Act of 1969.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope this House will speedily and overwhelmingly approve this bill before us, H.R. 13310, which is concerned with helping children who have specific learning disabilities.

This legislation is needed because these handicapped children are, by an obvious inequity, not clearly included under existing Federal programs for the education of the handicapped.

Beyond making certain that these particular children are legally and formally eligible for assistance under existing Federal laws this measure would further authorize a temporary program of necessary research, teacher training, and model centers for their education.

Mr. Speaker, this proposed legislation will beneficially affect a conservatively estimated 1 to 3 percent of our school children with specific learning disabilities and initiate the additional medical and educational research and training that is essential to remedy their handicaps and encourage them to a more complete and satisfactory life for themselves, their families, and their communities.

Mr. Speaker, in summary, this bill is a matter of extending simple justice to a great many schoolchildren. It is a prudent investment in the national interest and I urge its unanimous adoption.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 13310. Equal educational opportunity for all children, a foremost principle of public education in the United States, presents us with a continuing challenge to identify the educational needs of all children, and to assure them of programs and instruction which match their needs. H.R. 13310 identifies and provides special programs for children with specific learning disabilities. These youngsters are handicapped, but are not clearly included under present Federal legislation for education of the handicapped. H.R. 13310 seeks to remedy this inequity, and to make sure that children with the particular handicap created by a specific learning disability are eligible for the permanent education programs created for handicapped children through Federal legislation and assistance.

H.R. 13310 also authorizes a separate temporary program of research, teacher training, and model centers for the education of children with specific learning disabilities. So great is the need of these children for special educational opportunities that special measures are necessary to initiate programs designed to meet their needs.

The children who will benefit from this legislation are those who for emotional, neurological, or other medical reasons cannot perform a particular function necessary to learning. Some of these youngsters cannot read while others cannot write. Some cannot understand mathematics. But although the disabilities differ, each child experiences difficulty in using language—the most basic element in learning.

A learning disability instructor at the Niu Valley Intermediate School in Honolulu, Mrs. Sue Morris, describes one young student in her class who cannot write, but can dictate his lessons almost perfectly without a rough draft. Interviewed by the Honolulu Star-Bulletin, Mrs. Morris explained that the child "has a terrific mind and has compensated verbally for what he cannot do in writing."

Mrs. Margaret Ohara, the counselor at Niu Valley Intermediate School, finds that children with learning disabilities need encouragement to overcome the effect of discouragement and shame brought about by their learning troubles. The child often works very hard, and with special teaching and counseling assistance can learn to live with and overcome their problem.

I urge you to join me in giving these children a chance for equal education by voting for H.R. 13310.

Mr. **FASCELL**. Mr. Speaker, the bill under consideration today to provide for special programs for children with specific learning disabilities has been long awaited. As you know, these young people are not clearly included under the present Federal law for the education of the handicapped, although they are definitely recognized as possessing a particular type of handicap.

Because this handicap has not been included in our programs, there is a great need for additional education and medical research, since the causes of learning disorders are often not even medically determinable. We must have programs of research to determine the causes of this handicap, and extensive research to determine the best and most effective means of assisting these children.

The National Advisory Committee on the Handicapped has identified children with specific learning disabilities as those who have a disorder in one or more of the basic psychological processes involved in understanding or in using language. Such a disorder may result in imperfect ability to listen, think, read, write, spell, or do mathematical calculations, and include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. I am most familiar with the problem of dyslexia. Children with dyslexia suffer from the inversion of letters and words making it difficult for them to read accurately or comprehend the meaning of what they read. They must have specially trained teachers and specially designed equipment. To date, Federal funds for assistance in training and providing this equipment has been minimal.

The bill under consideration today, H.R. 13310, would amend our present laws to make children with specific learning disabilities eligible under our permanent programs. In addition, it would also authorize a temporary program of research, teacher training, and model centers for the education of these children. This temporary program would last for 3 years.

The education of our youth is one of our greatest responsibilities in Congress and the country. We must make this special effort to assist those children with special problems, and I strongly urge enactment of this bill.

Mr. **BROYHILL** of Virginia. Mr. Speaker, I rise in support of H.R. 13310, to provide for special programs for children with specific learning difficulties.

We have long recognized the need for special training for children with those severe handicaps resulting from brain injury or damage, but those who have learning difficulties primarily as the result of visual, hearing, or motor handicaps, of mental retardation, emotional disturbance, or environmental disadvantage have not been included under the eight major Federal laws concerned with education of the handicapped. This legislation will permit their inclusion in these programs.

We have been assured, Mr. Speaker, that enactment of this legislation will not cut back any programs now underway for other children, nor will it decrease Federal support for any learning disability projects now funded under present law.

The legislation authorizes a badly needed temporary program of research, teacher training, and model centers for educating children with learning disabilities. It will serve as a means of initiating programs and will, at the same time, provide an opportunity for additional education and medical research into causes of these disorders and possible remedies.

Specific learning disabilities can be overcome only by specially trained teachers, Mr. Speaker, and this legislation authorizes a teacher training program for this purpose. Through its provisions model programs can be initiated which will demonstrate what is presently known about the special programs involved, and what can be done to improve teaching methods for children with such difficulties.

Mr. Speaker, this additional help we can give toward solving the educational problem facing up to 3 percent of our children is a need we cannot ignore. By acting now we can take a long step toward insuring that many youngsters who might otherwise falter along the way can be trained to become useful and productive citizens when they grow to maturity.

Mr. Speaker, I urge enactment of H.R. 13310.

Mr. **MATSUNAGA**. Mr. Speaker, I rise in support of H.R. 13310, the Children With Specific Learning Disabilities Act of 1969.

Based on the recommendations of the National Advisory Committee on the Handicapped, children with specific learning disabilities have been identified as those who have a disorder in one or more of the basic psychological processes involved in understanding or in using language—spoken or written—which disorder may manifest itself in an imperfect ability to listen, think, read, write, spell, or do mathematical calculations. These disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

It has been shown that more than 6 million handicapped children need special educational services, but only about 28 percent are receiving services under title VI–A, the basic Federal program for the education of the handicapped. The States report that all programs—Federal, State, and locally supported—serve only about 40 percent of the handicapped.

H.R. 13310 would amend the eight major Federal laws concerning the education of the handicapped to make children with specific learning disabilities, who presently are not clearly included under the present Federal laws for the education of the handicapped, eligible under the permanent programs. Funds would be authorized totaling $36 million to be used over a 3-year period for research, teacher training, and model educational centers related to disabled learners.

The Committee on Education and Labor is to be commended for its efforts to strengthen our present Federal laws by clarifying the definition of handicapped children to encompass those with learning disabilities.

This legislation provides not an added expense to the taxpayer but an investment in the future designed to provide the handicapped children of this Nation with the opportunity to reach his potential as a productive and fully participating citizen in our society.

I strongly urge a unanimous vote for H.R. 13310.

Mr. **BOLAND**. Mr. Speaker, for some time educators have struggled with the problems of children who cannot seem to grasp the basic processes required for mastery of spoken or written communication. These children may be able to listen, think, read, write, spell, and calculate—but in one or more of these areas their learning ability is imperfect. The child with such a handicap has often been misunderstood and much maligned. We knew him as the class dunce or at the

very least as a "disruptive influence" in the school. His handicap has been interpreted both as willful disobedience and as a sign of innate lack of intellectual ability. More recently, however, research has managed to identify the problems which these children share as a very real and special kind of disability. These disorders may include perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. Because the children who suffer from these conditions manifest similar problems, however, their disorders have been commonly termed "specific learning disabilities."

It is conservatively estimated that from 1 to 3 percent of all schoolchildren are handicapped in this way. Despite the considerable commitment which we in the Congress have made to the education of the handicapped, however, these children are not clearly included under existing law. When title VI of the Elementary and Secondary Education Act was passed, children with specific leaning disabilities had not yet been defined as a separate category and therefore were not specified in the definition of the handicapped children to be served.

H.R. 13310 seeks to redress this inequity by amending the eight major Federal laws concerning the education of the handicapped to include children with specific learning disabilities. Among these laws will be titles I and VI of the Elementary and Secondary Education Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act, the Handicapped Children's Early Education Assistance Act, and the Vocational Education Act.

Because specific learning disabilities have been but recently identified, they are but little understood. Continuing research, the training of teachers and other professional, and the development of model educational programs are essential if we are to supply the help these children need so desperately. Thus H.R. 13310 also includes a temporary authorization which would provide $6 million in fiscal 1971, $12 million in 1972, and $18 million in 1973 for a program of research, teacher training, and model centers which will greatly increase our knowledge of the best way to meet the needs of the child with specific learning disabilities.

The needs of these children must not go unmet as a result of a legislative oversight; we must pass this measure in a positive response to the advances in educational research that have uncovered the roots of the perplexing problems which have long beset our Nation's schools.

Mr. **MORSE**. Mr. Speaker, I rise to offer my strong support for H.R. 13310, the Children With Specific Learning Disabilities Act of 1969.

We have a responsibility to every child in this Nation to provide him the opportunity to develop to his highest potential. This means not only those children blessed with exceptional talent, but also those who are not so fortunate. It has been noted as a conservative estimate that some 3 percent of our school population suffers from specific learning disabilities involving the understanding and use of language. These youngsters are no less handicapped in their education than those children with physical, mental, or environmental disorders, yet they are not included under existing Federal laws for the education of the handicapped.

The need to close this gap in our efforts is urgent; it is long overdue. By expanding the definition of handicapped children to include the "learning disabled," H.R. 13310 corrects this failing in our obligation to provide proper education for every child in this Nation. I am pleased to note, in addition, that it safeguards existing programs for other handicapped children by authorizing additional funds for these new programs, and I urge full support for the progress this legislation portends.

Mr. **PERKINS**. Mr. Speaker, I have no further requests for time.

The **SPEAKER** pro tempore (Mr. Moss). The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 13310.

The question was taken.

Mr. **SCHERLE**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 352, nays 0, not voting 79, as follows:

[Roll No. 204]

YEAS—352

Abbitt
Abernethy
Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Conyers
Corbett
Coughlin
Cowger
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Duncan
Dwyer
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kleppe
Koch
Kuykendall
Kyl
Kyros
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Morgan
Morse
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—79

Albert
Anderson, Ill.
Anderson, Tenn.
Barrett
Berry
Boggs
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burton, Utah
Cahill
Carey
Cederberg
Celler
Chappell
Clay
Colmer
Corman
Cramer
Cunningham
Dawson
Delaney
Denney
Dennis
Downing
Dulski
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Fascell
Flynt
Ford, William D.
Foreman
Frey
Goldwater
Green, Pa.
Halpern
Harrington
Hastings
Hébert
Howard
Jacobs
Keith
Kirwan
Kluczynski
Landgrebe
Landrum
Leggett
Lipscomb
Lujan
McCloskey
Mann
Mathias
Michel
Mollohan
Moorhead
Mosher
Nelsen
Pelly
Powell
Reid, N.Y.
Rosenthal
St. Onge
Skubitz
Stephens
Taft
Taylor
Tunney
Vanik
Vigorito
Watkins
Weicker
Whalley
Wilson, Bob
Yatron
Young

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

XUM

The Clerk announced the following pairs:

Mr. Boggs with Mr. Anderson of Illinois.
Mr. Albert with Mr. Bob Wilson.
Mr. Hébert with Mr. Lipscomb.
Mr. St. Onge with Mr. Frey.
Mr. Celler with Mr. Cederberg.
Mr. Carey with Mr. Broomfield.
Mr. Kluczynski with Mr. Michel.
Mr. Rosenthal with Mr. Weicker.
Mr. Green of Pennsylvania with Mr. Keith.
Mr. Delaney with Mr. Halpern.
Mr. Dulski with Mr. Mosher.
Mr. Fascell with Mr. Berry.
Mr. Young with Mr. Foreman.
Mr. Barrett with Mr. Reid of New York.
Mr. Vigorito with Mr. Brown of Michigan.
Mr. Kirwan with Mr. Watkins.
Mr. Brooks with Mr. Brock.
Mr. Tunney with Mr. Mathias.
Mr. Chappell with Mr. Burton of Utah.
Mr. Taylor with Mr. Broyhill of North Carolina.
Mr. Howard with Mr. Nelsen.
Mr. Leggett with Mr. Landgrebe.
Mr. William D. Ford with Mr. McCloskey.
Mr. Flynt with Mr. Cramer.
Mr. Edwards of Louisiana with Mr. Whalley.
Mr. Colmer with Mr. Edwards of Alabama.
Mr. Moorhead with Mr. Cunningham.
Mr. Jacobs with Mr. Pelly.
Mr. Downing with Mr. Skubitz.
Mr. Stephens with Mr. Edwards of California.
Mr. Corman with Mr. Clay.
Mr. Mann with Mr. Dennis.
Mr. Anderson of Tennessee with Mr. Brown of California.
Mr. Vanik with Mr. Harrington.
Mr. Mollohan with Mr. Dawson.
Mr. Landrum with Mr. Goldwater.
Mr. Yatron with Mr. Taft.
Mr. Denney with Mr. Hastings.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill, H.R. 13310, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

INCREASING RATES OF DEPENDENCY AND INDEMNITY COMPENSATION

Mr. TEAGUE. of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13576) to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, as amended.

The Clerk read as follows:

H.R. 13576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402 of title 38, United States Code, is amended to read as follows:

"§ 402. Determination of pay grade

"(a) With respect to a veteran who died in the active military, naval, or air service, his pay grade shall be determined as of the date of this death.

"(b) With respect to a veteran who did not die in the active military, naval, or air service, his pay grade shall be determined as of—

(1) the time of his last discharge or release from active duty under conditions other than dishonorable; or

(2) the time of his discharge or release from any period of active duty for training or inactive duty training, if his death results from service-connected disability incurred during such period and if he was not thereafter discharged or released under conditions other than dishonorable from active duty.

"(c) The pay grade of any veteran described in section 106(b) of this title shall be that to which he would have been assigned upon final acceptance or entry upon active duty.

"(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a pay grade higher than that specified in subsection (a) or (b) and any subsequent discharge or release from active duty was under conditions other than dishonorable, the higher pay grade shall be used if it will result in greater monthly payments to his widow under this chapter. The determination as to whether an individual has served satisfactorily for the required period in a higher pay grade shall be made by the Secretary of the Department in which such higher pay grade was held.

"(e) The pay grade of any person not otherwise described in this section, but who had a compensable status on the date of his death under laws administered by the Veterans' Administration, shall be determined by the head of the department under which such person performed the services by which he obtained such status (taking into consideration his duties and responsibilities) and certified to the Administrator. For the purposes of this chapter, such person shall be deemed to have been on active duty while performing such services."

SEC. 2. Section 403 of title 38, United States Code, is amended by striking out the last sentence of the section.

SEC. 3. Section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

"Pay grade	Monthly rate
E–1	$167
E–2	172
E–3	177
E–4	187
E–5	193
E–6	197
E–7	206
E–8	218
E–9	[1] 228
W–1	211
W–2	219
W–3	226
W–4	238
O–1	211
O–2	218
O–3	234
O–4	247
O–5	272
O–6	306
O–7	332
O–8	363
O–9	390
O–10	[2] 426

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $245.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $457.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $20 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 4 Section 421 of title 38, United States Code is amended to read as follows:

"§ 421. Certifications with respect to pay grade

"The Secretary concerned shall, at the request of the Administrator, certify to him the pay grade of deceased persons with respect to whose deaths applications for benefits are filed under this chapter. The certification of the Secretary concerned shall be binding upon the Administrator."

SEC. 5 Section 401 of title 38, United States Code, is amended by striking out the text thereof beginning with "(1)" and continuing through "(2)".

SEC. 6. The table of sections at the beginning of chapter 13 of title 38, United States Code, is amended by (1) striking out

"402. Computation of basic pay."

and substituting in lieu thereof:

"402. Determination of pay grade.";

and (2) by striking out

"421. Certifications with respect to basic pay."

and substituting in lieu thereof:

"421. Certifications with respect to pay grade."

SEC. 7. Section 322 of title 38, United States Code, is amended by (1) inserting "(a)" immediately before "The"; and (2) adding at the end thereof the following new subsection:

"(b) The monthly rate of death compensation payable to a widow under subsection (a) of this section shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 8. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. TEAGUE of Texas asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. TEAGUE of Texas. Mr. Speaker, H.R. 13576 is to provide for equitable treatment of survivors. House Resolution 549, 83d Congress, and House Resolution 35 of the 84th Congress, created a select committee and authorized a full and complete investigation and study of the benefits provided under Federal law for the survivors of deceased members and former members of the Armed Forces where death is related to such service,

and authorized the committee, on the basis of such investigation and study, to make such recommendations as it deemed advisable, and to prepare such legislation as it considered appropriate to carry out such recommendations.

These investigations and studies conducted, in two Congresses, resulted in the passage of H.R. 7089 by the House of Representatives, and approval on August 1, 1956, of Public Law 881, 84th Congress, an act cited as the Servicemen's and Veterans' Survivior Benefits Act.

One of the act's complex and interlocking provisions established, in lieu of fixed death compensation rates unrelated to rank or grade, a program of dependency and indemnity compensation for widows based on a formula related to rank or grade; that is, $112 plus 12 percent of basic pay received by a serviceman whose rank and length of service are the same as her deceased spouse's.

Under this act, specific rates of dependency and indemnity compensation were made payable to children of a serviceman or veteran where there was no widow entitled to dependency and indemnity compensation—DIC—as well as supplemental rates of DIC to surviving children of servicemen and veterans under varying circumstances of helplessness, and because of dependency while attending a course of instruction at an educational institution approved by the Administrator of Veterans' Affairs in accordance with the requirements of 38 U.S.C. 104.

In devising the formula relating the widow's monthly DIC rate to her spouse's basic military pay, Congress intended that the monthly rates would rise as the servicemen's basic pay was increased, to provide incentives to make the Armed Forces a career, and to meet the rising costs of living.

Unfortunately, this has not been the case. Since enactment of Public Law 84–881, eight pay increases have been granted the Armed Forces. On analysis of these increases, although granted in the main to meet the rising costs of living, it is found that the percentages of increase in dependency and indemnity compensation have not been uniform. In addition, under the base rate plus 12 percent of basic pay formula, the widow's rate is increased by only 12 percent of the full cost-of-living increase granted members of the Armed Forces—for each $8.33 increase in basic pay, the widow's dependency and indemnity compensation goes up $1.

In 1963, the Congress enacted Public Law 88–134, this act revised the formula to set the base rate at $120 in lieu of the $112 rate. It was explained that this offset the cost-of-living increase which had occurred since 1956. Increases in the rates payable to children and dependent parents were authorized by Public Law 88–21, approved May 15, 1963, and Public Law 89–730, effective January 1, 1967.

This has resulted in dependency and indemnity compensation being paid today in a range from a minimum of $134 for an enlisted man in the first grade with less than 4 months of service, to $426 in the case of a widow of an officer in O–10 grade with over 30 years of service.

The table listed below shows that by far the greatest number of deaths occurring in Vietnam are in the lower enlisted grades:

VIETNAM DEATHS BY RANK, 1961–MARCH 1969

	Number of deaths	Percent of total
E–1, recruit	329	1
E–2, private	4,478	13
E–3, private 1st class	11,771	35
E–4, corporal	8,379	25
E–5, sergeant	3,394	10
Subtotal, first 5 pay grades	28,351	84
E–6, staff sergeant	1,494	4
E–7, to E–9	714	2
O–1, 2d lieutenant	600	2
O–2, 1st lieutenant	1,091	3
O–3, captain	866	3
Other officers and warrant officers	682	2
Total	33,798	100

While the formula provided in the basic law was intended to accomplish equity as much as possible, resulting increases have not been uniform and in the lower enlisted grades widows have not received in every instance increases which reflect the rise in the cost of living while in some of the higher grades the increase has exceeded the rise in the cost of living. The purpose of this bill is to provide increases in such amount so that for each grade there will be an increase at least equal to that which has occurred in the rise in cost of living. The basic results of this legislation are shown in the table which appears following:

Grade or rank	DIC rate Jan. 1, 1957 (1)	DIC rate July 1, 1969 (2)	Percent of increase due to military pay increases (3)	Percent of increase due to $8 increase in base since enactment P.L. 881, 84th C. (4)	Total percent increase from Jan. 1, 1957 (5)	Proposed DIC rate H.R. [1,2] 13576 (6)	Percent increase over Jan. 1, 1957 (7)
E–1	$124	$140	6.4	6.5	12.9	$167	34.7
E–2	125	142	7.2	6.4	13.6	172	37.6
E–3	128	150	11.0	6.2	17.2	177	38.3
E–4	133	159	13.5	6.0	19.5	187	40.6
E–5	140	171	16.4	5.7	22.1	193	37.9
E–6	145	180	18.6	5.5	24.1	197	35.9
E–7	153	201	26.2	5.2	31.4	206	34.6
E–8	[3] 180	210	16.6		16.6	218	[3] 21.0
E–9	[3] 188	221	17.6		17.6	228	[3] 21.0
W–1	153	195	22.3	5.2	27.5	211	37.9
W–2	159	207	25.2	5.0	30.2	219	37.7
W–3	166	220	27.7	4.8	32.5	226	36.1
W–4	$174	$238	32.2	4.6	36.8	$238	36.8
O–1	[4] 160	200	20.0	5.0	25.0	211	[4] 31.9
O–2	[4] 166	215	24.7	4.8	29.5	218	[4] 31.3
O–3	[4] 177	232	26.6	4.5	31.1	234	[4] 32.2
O–4	180	247	32.8	4.4	37.2	247	37.2
O–5	189	272	39.7	4.2	43.9	272	43.9
O–6	206	306	44.6	3.9	48.5	306	48.5
O–7	215	332	50.7	3.7	54.4	332	54.4
O–8	235	363	51.1	3.4	54.5	363	54.5
O–9	247	390	54.7	3.2	57.9	390	57.9
O–10	259	426	61.4	3.1	64.5	426	64.5

[1] Basic rate to be increased by $20 per month for each child of the deceased veteran below the age of 18.

[2] Basic rate to be increased by $50 per month in the case of a widow so disabled as to require the aid and attendance of another person or a patient in a nursing home. No comparable allowance in present law.

[3] Percentage rate established Oct. 1, 1963; CPI increase since Oct. 1, 1963, 20.2 percent.

[4] Percentage rate established June 1, 1958; CPI increase since June 1, 1958, 27.8 percent.

Note: Consumer Price Index increase since Jan. 1, 1957, 33.8 percent.

Generally, no dependency and indemnity compensation is paid to widows on account of the children of the veteran. There are two limited exceptions: First, where social security or railroad retirement to a widow with two or more children is below a certain amount; and second, where the dependency and indemnity compensation to a widow with children is less than the death pension which would be payable for a like number of children. The provisions of section 3 authorize $20 additional for a child under 18 unrelated to social security and railroad retirement payments, affecting an estimated 35,200 children with first year cost of $4,800,000. This figure would gradually decrease in 4 subsequent years to approximately 31,000 at a cost of $4,227,000.

Widows of veterans who died of non-service-connected causes are entitled to an extra $50 a month, in addition to the basic pension rate, when the widow is in such condition as to need the regular aid and attendance of another person or is a patient in a nursing home. Existing law does not provide coverage for service-connected deaths, thus the need for this legislation as provided in sections 3 and 7.

The Veterans' Administration estimate of the cost of the amended bill follows:

ESTIMATE OF COST—H.R. 13576, 91ST CONG., AS AMENDED

[Dollar amounts in thousands]

	1st year	2d year	3d year	4th year	5th year
Sec. 3 (38 U.S.C., 411):					
(a) Widows	168,200	172,400	177,400	183,400	188,400
Costs	$54,207	$55,565	$57,176	$59,110	$60,721
(b) Children	35,200	3,4000	33,000	32,000	31,000
Costs	$4,800	$4,636	$4,500	$4,364	$4,227
(c) Widows	4,200	4,400	4,500	4,600	4,800
Costs	$2,520	$2,640	$2,700	$2,760	$2,880
Subtotal costs	$61,527	$62,841	$64,376	$66,234	$67,828
Sec. 7:					
Widows	70	75	80	90	100
Costs	$38	$42	$47	$52	$57
Total costs	$61,565	$62,883	$64,423	$66,286	$67,885

The members of the Select Committee to conduct investigation and study of benefits for survivors of deceased members and former members of the Armed Forces, 84th Congress, were chairman, Porter Hardy, Jr., Representative from Virginia, Paul J. Kilday, Representative from Texas, Olin E. Teague, Representative from Texas, William H. Bates, Representative from Massachusetts, and Robert W. Kean, Representative from New Jersey.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. Adair), the ranking Republican member on the subcommittee.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 13576. This bill will authorize long-overdue increases in the rates of dependency and indemnity compensation payable monthly to widows and children of men who died in service or as the result of service-connected disability. Additionally, the bill will revise the method of computing such payments.

Under existing law, the widow of a man whose death is attributable to military service receives a monthly payment of $120 plus 12 percent of the basic pay received by a serviceman whose rank and length of service are the same as that of the deceased spouse. Thus, it follows that each time military pay is increased, the widow receives a nominal increase in monthly dependency and indemnity compensation. Unfortunately, the several increases in military pay that have occured since this survivors' benefit program was first established in 1957 have not been distributed evenly among all military ranks. Our efforts to make career military service more attractive—a most commendable objective—have resulted in greater increases for certain ranks than for others. As a result, monthly payments to service-connected widows have become disproportionate.

For example, the cost of living since January 1, 1957, has increased approximately 33.8 percent. During the same period the rate of dependency and indemnity compensation payable to the widow of an E–1 private has increased 12.9 percent. On the other hand, the rate of payment for the widow of an O–10 general has increased 64.5 percent during the same period.

The measure before us today will to a great extent correct this disparity. First of all, the bill eliminates the present method of computing payments to survivors and substitutes a definite schedule of payments for each military rank. Future increases in these payments would result from direct congressional action rather than action to increase military pay. Additionally, the bill provides increases to those widows whose monthly payments have lagged substantially behind the increase in the cost of living. In the example previously cited, the widow of an E–1 private would be increased from $140 monthly to $167 monthly, while the widow of an O–10 general would continue to receive the same payment of $426 monthly.

The bill also authorizes an additional payment of $20 a month for each minor child.

The bill further removes a disparity in existing law by authorizing a supplemental payment of $50 monthly to service-connected widows receiving survivor benefits if they are patients in nursing homes or are so helpless or blind as to require the regular aid and attendance of another person. Existing law authorizes this benefit for the widow of a veteran who died from causes unrelated to military service. It follows that the same benefit should be made available to the service-connected widow.

Mr. Speaker, I strongly support this bill and urge that it be passed.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, I would like for the House to know that I shall ask unanimous consent to substitute this bill for the Senate bill, S. 1471. The Senate bill gave each person a $10 a month increase which our committee felt was very unfair. That is the reason for the request which will be made to substitute the House bill for the Senate bill.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. Montgomery)..

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 13576. I am proud to be a member of the subcommittee that passed the bill to the full Veterans' Affairs Committee.

Even though this bill will cost some money, in my opinion and the opinion of our committee, it was felt that the widows and survivors of deceased veterans who lost their lives in the service of their country are entitled to this pension increase.

Since the last DIC raise there has been a 34 percent increase in the living cost of the people of this country. The raise we have submitted today would be a 34 percent raise for widows of those deceased servicemen who were of the lowest rank and the raises decrease as the ranks go higher.

This increase will help those widows whose husbands lost their lives in the Vietnam war, since 80 percent of those Americans killed in Vietnam were E–2, E–3, E–4, and E–5's and second lieutenants, first lieutenants, and captains. This bill mainly helps the survivors of the lower ranked servicemen.

Another important part of this legislation will provide $50 a month to widows of service-connected causes who are declared eligible for the need of aid and attendance. Widows of non-service-connected causes have for several years been drawing the $50 for aid and attendance. It was simply an oversight that widows of service-connected causes were not covered.

I urge your support for this needed legislation.

Mr. TIERNAN. Mr. Speaker, I rise in support of H.R. 13576, a bill to increase the rates of dependency and indemnity compensation to widows of Veterans.

Title 38 of the United States Code was originally formulated to insure that widows of veterans receive equity in compensation payments, but unfortunately, the increases in the cost of living have worked against this. It is only fair that we make sure widows receive increases which reflect the prices they are forced to pay for the goods and services that they need.

The purpose of this bill is to provide increases in the amount, so that for each grade, there will be an increase at least equal to that which has occurred in the rise in cost of living expenses. This bill would liberalize the dependency and indemnity compensation program so as to remedy the present inequitable situation.

My fellow Members will surely understand how important this bill is to those who are dependent on it.

Mr. DORN. Mr. Speaker, the Committee on Veterans' Affairs Subcommittee on Compensation and Pension, of which I am privileged to be chairman, conducted hearings and studied numerous proposals to provide a much deserved increase in dependency and indemnity compensation rates payable to widows of veterans whose deaths are due to service-incurred disabilities. A brief analysis of the present DIC rates and the structure of this program will clearly show that it has not provided for these widows what I sincerely believe to be the desire and intent of this Nation, and especially the Members of Congress.

Because of the present structure of the DIC program, the cost-of-living increases received by most widows, and especially those whose husbands were of the lower enlisted or officers ranks and I might add, Mr. Speaker, where the greater number of combat deaths have occurred, have fallen very short in keeping pace with the actual increase in the cost of living. Under the present DIC program, the monthly rate of benefit payable to an eligible widow is $120 plus 12 percent of the basic pay of the serviceman. This bill proposes to change this present formula by providing a specific rate of pay for each grade or rank, thus eliminating future inequities which have

occurred in the past. It increases the present minimum rate of approximately $134 a month to a minimum of $167 per month with appropriate increases for all other widows whose benefits have been increased very little if any in the past under the present payment formula. The bill further proposes to grant for the first time an additional $50 monthly aid-and-attendance allowance for any widow receiving DIC benefits who is suffering from disabilities of such severity to require the aid and attendance of another person or who is a patient in a nursing home. Whereas under the present DIC program widows receive additional benefits for children only in rare circumstances, this bill proposes to increase the widows' DIC payments by $20 per month for each child under the age of 18.

Mr. FEIGHAN. Mr. Speaker, I support H.R. 13576, which would increase the rates of dependency and indemnity compensation payable to widows of veterans. It is imperative that we provide adequately for the families of those members of our armed services who have so valiantly given of their lives in defense of our country.

Despite former rate increases, the monthly benefits have not kept pace with rises in the cost-of-living which so afflicts those citizens on a fixed income. This has especially affected widows of veterans in the lower enlisted ranks, but it is those ranks which contribute the greatest number of casualties in military conflicts. The proposed legislation would increase rates payed to survivors of veterans whose grade or rank at the time of a service-connected death was E–1, recruit, through W–3, warrant officer. The rates paid to survivors of higher grade officers will remain the same since these have kept race with, or exceeded, the rise in the cost of living.

Whatever compensatory rate we set, however, can in no way begin to compare with the tremendous loss these widows have suffered. Since we cannot presume to set a price on a life, we are obliged to do the best possible for them.

At a time when refusing or avoiding induction into the armed services has become increasingly prevalent, it is most important that we recognize and honor the great service performed for our country by those men who sacrifice their lives in our behalf. We are grossly indebted to them and to their survivors who deserve all we are able to offer so humbly in the way of compensation.

I urge united support of H.R. 13576 in behalf of the many thousands of widows whose husbands have died in defense of freedom.

Mr. DONOHUE. Mr. Speaker, I hope and urge that this bill before us, H.R. 13576, will be speedily and overwhelmingly approved as a matter of simple moral and economic justice to the widows and children of our war veterans.

In basic summary the bill is designed to equitably adjust, for those who need it most, rising costs of living allowances in dependency and indemnity compensation payable to veterans' widows; increase this compensation if the widow is helpless at home or a nursing home patient; and approve an additional $20 per month in the allowance for a child under 18 unrelated to social security and railroad retirement payments.

Mr. Speaker, I submit there could not be a more timely occasion for this just action in concern for our veterans' widows and children than this period of increasingly higher living costs and tragic uncertainty affecting individuals, and their families, now serving in our Armed Forces or who may be called to such service.

This measure is unquestionably in a national interest; it is prudent, and it is essentially needed by those affected. Let us, then, resoundingly approve it without delay.

Mr. SAYLOR. Mr. Speaker, I urge the passage of H.R. 13576. I support this bill, principally because it will increase monthly payments of dependency and indemnity compensation paid to widows and children of servicemen who gave their lives for our country or who died as the result of a service connected disability. This bill will revise the method of computing DIC payments, thus permitting Congress to increase payments in the future as the need arises rather than awaiting an increase in military pay. Under the current method, widows receive a slight increase in DIC payments each time military pay is increased. These increases, unfortunately, have not kept pace with the rising cost of living. I believe this bill offers a far better solution. Also, under this bill, widows will receive an additional payment of $20 monthly for each minor child.

Finally, Mr. Speaker, this bill will provide a monthly supplemental allowance of $50 for widows who require the regular aid and attendance of another person or who are patients in nursing homes. This payment is already provided in existing law for widows of non-service-connected veterans who meet this disability criteria. It is only fair that this benefit be included for the widows of service connected deceased veterans. The bill is a good bill and I recommend that it be passed.

Mr. TEAGUE of Texas. Mr. Speaker, I support H.R. 13576. This bill provides increased payments and revises the method of computation of dependency and indemnity compensation payments payable to the widows of deceased veterans or servicemen whose deaths are service connected. These survivor benefits payments are presently based on a formula related to rank or grade and length of service. This formula authorizes monthly payments of $120 plus 12 percent of the basic pay of a serviceman whose rank and length of service are the same as that of the deceased spouse of the widow. This formula has resulted in increases in payments which have not been uniform since the original enactment of the program in 1957. Some categories of widows have received increases that have not kept pace with the rising cost of living.

The bill before the House today will rectify this situation by deleting the complex formula of existing law and substituting a schedule of payments that pays the widow of a private $140 monthly with increased payments based upon the rank of the deceased veteran to a maximum of $426 for the four-star general.

In addition, the bill authorizes a payment of $20 monthly for each minor child.

Mr. Speaker, enactment of this legislation is long overdue and I urge that it be passed.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 13576, which would increase the rates of dependency and indemnity compensation payable to the widows of veterans.

The problem of providing for the survivors of deceased members and former members of the Armed Forces, in cases where death is related to such service, has been a matter of continuing concern for our Government. The Congress has long recognized the Nation's obligation to these survivors, and passed laws providing for their financial support.

The key to our program of providing dependency and indemnity compensation to widows is a formula based on a fixed amount plus 12 percent of the basic pay of the deceased serviceman husband. It was the intent of Congress, when the formula was first included in the Servicemen's and Veterans' Survivor Benefits Act of 1956, that a twofold purpose would be achieved: First, to enable the widow to meet the rising costs of living, and, second, to provide career incentives to our men in uniform. We are now informed that, despite the enactment of implementing legislation in recent years, this purpose has not been fully achieved.

Analysis of the eight pay increases granted the Armed Forces since the 1956 act shows that the percentages of increase in dependency and indemnity compensation have not been uniform. Moreover, in the actual application of the formula, it has been found that the widow's rate is increased by only 12 percent of the full cost-of-living increase granted members of the Armed Forces. As our Committee on Veterans' Affairs succinctly points out, for each $8.33 increase in basic pay, the widow's dependency and indemnity compensation goes up by only $1, thus failing to provide any significant assistance, especially to lower enlisted-grade widows.

The principal thrust of the bill before us is to accomplish the equity that was intended but not achieved in the basic 1956 law. It would provide greater proportional increases for widows of men in the lower enlisted grades, where the need is acute. It would correct the unintended result in some of the higher grades where the increase paid the widow has exceeded the rise in the cost of living. In every case there will be an increase at least equal to that which occurred in the rise in the cost of living.

Mr. Speaker, H.R. 13576 would bring the rates of dependency and indemnity compensation payable to widows of veterans in line with the original congressional intent. It is now the responsibility of this Congress to see that that intent is properly implemented in view of the post-legislative experience since 1956. I therefore urge a unanimous vote for H.R. 13576.

XUM

Mr. RANDALL. Mr. Speaker, I am delighted that there may be an opportunity for all Members to be on the record by a rollcall vote to indicate their support of H.R. 13576.

It is a measure designed to increase the rates of dependency and indemnity compensation payable to the widows of veterans. Not only does it provide for increased payments but revises the method of computation going to those widows of deceased veterans or those men whose deaths are service connected.

We should recall that the basic law for benefits to survivors of those whose death is related to a service is an enactment of the 84th Congress back in 1956 which is cited as the Serviceman's and Veterans' Survivors Benefit Act. That act had a complex and interlocking provision. In general it had a formula related to rank or grade, being $112 plus 12 percent of the basic pay received by the serviceman whose rank and length of service was the same as the deceased spouse.

Of course it has been argued that Congress intended then that the monthly rates of compensation would rise as the serviceman's basic pay was increased. Such raises would not only have served as an incentive to make the Armed Forces a career but would also have provided for the rising cost of living.

Unfortunately, since the enactment of this Survivor's Benefit Act, eight pay increases have been granted the Armed Forces. Finally in 1963, in the 88th Congress a bill was passed which set the basic rate at $120 in lieu of the old $112 rate. The result was that there were some needed adjustments or increases because of rise in cost of living but mostly in the higher enlisted grades and officer grades.

Statistics will show that most of the deaths in Vietnam are in the lower enlisted grades. The very worthy and worthwhile provisions of this bill are to provide increases in such a manner in each grade that there will be an increase at least equal to that which has occurred in the rise in the cost of living. The facts will show that the Consumer Price Index since January 1, 1957, has increased by 33.8 percent. The percent increase of the different grades or ranks appear to be in the range from 34 to 37 percent with some increases running as much as 50 percent.

These survivors of our deceased servicemen deserve this long overdue increase based upon the rise in the cost of living.

H.R. 13576 merits the support of every Member.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. Teague) that the House suspend the rules and pass the bill, H.R. 13576, as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes."

A motion to reconsider was laid on the table.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill (S. 1471) to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 411 of title 38, United States Code, is amended to read as follows:

"§ 411. Dependency and indemnity compensation to a widow

"(a) Dependency and indemnity compensation shall be paid to a widow at a monthly rate equal to $130 plus 12 per centum of the basic pay of her deceased husband or at a monthly rate of $170, whichever is greater.

"(b) If there is a widow and one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $20 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person and by an additional $25 if the death of her deceased husband resulted from an injury or disease received as a direct result of armed conflict or while engaged in extrahazardous service.

"(d) If the amount determined under subsection (a) involves a fraction of a dollar, the amount payable thereunder shall be increased by the Administrator to the next higher dollar.

Sec. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"§ 413. Dependency and indemnity compensation to children

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $88.

"(2) Two children, $127.

"(3) Three children, $164.

"(4) More than three children, $164, plus $32 for each child in excess of three."

Sec. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$29" and inserting in lieu thereof "$32".

(b) Subsection (b) of section 414 of such title is amended by striking out "$80" and inserting in lieu thereof "$88".

(c) Subsection (c) of section 414 of such title is amended by striking out "$41" and inserting in lieu thereof "$45".

Sec. 4. Section 322 of title 38, United States Code, is amended by (1) inserting "(a)" immediately before "The"; and (2) adding at the end thereof the following subsections:

"(b) The monthly rate of death compensation payable to a widow under subsection (a) of this section shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, and by an additional $25 if the death of the veteran resulted from an injury or disease received as a direct result of armed conflict or while engaged in extrahazardous service."

Sec. 5. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting "(1)" immediately after "unless", and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "or (2) the total amount payable to the widow, children, or parents of such veteran under any such policy has been paid and such amount when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final."

(b) The last sentence of section 417(a) of such title is amended by striking out "preceding sentence" and inserting in lieu thereof "first sentence".

(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any period prior to the effective date of this act.

Sec. 6. The amendments made by this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted.

AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Teague of Texas: Strike out all after the enacting clause of the bill S. 1471, and insert the language of the bill H.R. 13576, as passed by the House.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 13576) was laid on the table.

AMENDMENTS TO NON-SERVICE-CONNECTED PENSION PROGRAM

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 372) to modify the reporting requirement and establish additional income exclusions relating to pension for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement for hospitalization of veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 103 of title 38, United States Code, is amended by inserting "(1)"

immediately after "(d)" and by adding at the end of said subsection the following:

"(2) The remarriage of the widow of a veteran shall not bar the furnishing of benefits to her as the widow of the veteran if the remarriage has been terminated by death, or has been dissolved by a court with basic authority to render divorce decrees unless the Veterans' Administration determines that the divorce was secured through fraud by the widow or collusion.

"(3) If a widow ceases living with another man and holding herself out openly to the public as his wife, the bar to granting her benefits as the widow of the veteran shall not apply."

Sec. 2. (a) If a widow termintes a relationship or conduct which resulted in imposition of a prior restriction on payment of benefits, in the nature of inference or presumption of remarriage, or relating to open and notorious adulterous cohabitation or similar conduct, she shall not be denied any benefits by the Veterans' Administration, other than insurance, solely because of such prior relationship or conduct.

(b) The effective date of an award of benefits resulting from enactment of subsection (a) of this section shall not be earlier than the date of receipt of application therefor, filed after termination of the particular relationship or conduct and after December 31, 1969.

Sec. 3. Subsection (b) of section 3104 of title 38, United States Code, is amended by striking out "paragraph (2)" in paragraph 1 thereof and inserting in lieu thereof "paragraphs (2) and (3)" and by adding at the end thereof the following new paragraph:

"(3) Benefits other than insurance under laws administered by the Veterans' Administration may not be paid to any person by reason of the death of more than one person to whom he or she was married; however, the person may elect one or more times to receive benefits by reason of the death of any one spouse."

Sec. 4. Section 3010 of title 38, United States Code, is amended by adding at the end thereof the following new subsections:

"(l) The effective date of an award of benefits to a widow based upon termination of a remarriage by death or divorce shall be the date of death or the date the judicial decree of divorce becomes final, if an application therefor is received within one year from such termination.

"(m) The effective date of an award of benefits to a widow based upon termination of actions described in subsection 103 (d)(3) of this title shall not be earlier than the date of receipt of application therefor filed after termination of such actions and after December 31, 1969.".

Sec. 5. Section 506(a)(2) of title 38, United States Code, is amended by striking out the comma after "child" and inserting in lieu thereof "or a person who has attained seventy-two years of age and has been paid pension thereunder for two calendar years,".

Sec. 6. Section 503 of title 38, United States Code, is amended—

(a) by inserting before "United" in paragraph (4) thereof "servicemen's group life insurance,"; and

(b) by substituting a semicolon for the period at the end of said section and adding the following new paragraphs:

"(14) amounts equal to prepayments on an indebtedness secured by a mortgage, or similar type security instrument, on real property (which was prior to death the principal residence of a veteran and spouse) made by the veteran or his widow, after the death of the spouse, during the year of death and the succeeding year, if said indebtedness was in existence at the time of death;

"(15) amounts in joint accounts in banks and similar institutions acquired by reason of death of other joint owner;

"(16) payments received by a retired employee from his former employer as reimbursement for monthly premiums for supplementary medical insurance benefits for the aged provided by part B of title XVIII of the Social Security Act, as amended;

"(17) payments of annuities elected under chapter 73 of title 10."

Sec. 7. Section 415(g)(1) of title 38, United States Code, is amended (1) by inserting "and under the first sentence of section 9(b) of the Veterans' Pension Act of 1959" immediately before the semicolon at the end of subparagraph (C), (2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon, and (3) by adding at the end thereof the following new subparagraph:

"(M) payments of annuities elected under chapter 73 of title 10."

Sec. 8. Section 1441 of title 10, United States Code, is amended by striking out "except section 415(g) and chapter 15 of title 38".

Sec. 9. (a) Paragraph (11) of section 101 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately after "Spanish-American War,".

(b) Such section 101 is further amended by adding at the end thereof the following new paragraph:

"(30) The term 'Mexican border period' means the period beginning on May 9, 1916, and ending on April 5, 1917, in the case of a veteran who during such period served for 90 days or more in Mexico, on the borders thereof, or in the waters adjacent thereto."

(c)(1) Subsection (a) of section 521 of title 38, United States Code, and the heading of section 521, are each amended by inserting "the Mexican border period," immediately before "World War I".

(2) Paragraphs (1) and (2) of subsection (g) of such section 521 are each amended by inserting "the Mexican border period," immediately before "World War I".

(d)(1) Subsection (a) of section 541 of such title is amended by inserting "the Mexican border period," immediately before "World War I".

(2) Subsection (e)(1) of such section 541 is amended by inserting "Mexican border period or" immediately before "World War I".

(3) The heading of such section 541 and the catchline immediately before such heading are each amended by inserting "Mexican border period," and "MEXICAN BORDER PERIOD,", respectively, immediately before "World War I" and "WORLD WAR I."

(e)(1) Subsection (a) of section 542 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately before "World War I".

(2) The heading of section 542 of such title is amended by inserting "Mexican border period," immediately before "World War I".

(f) Subsection (h) of section 612 of title 38, United States Code, is amended by inserting "the Mexican border period,", immediately before "World War I,".

(g) Section 901 of title 38, United States Code, is amended—

(1) by deleting "of Mexican border service,"; and

(2) by revising subsection (c) thereof to read as follows:

"(c) For the purpose of this section, the term 'Mexican border period' as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1 1911, and ending on May 8, 1916.".

(h) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended—

(1) by inserting "the Mexican border period," immediately after "521. Veterans of";

(2) by striking out: "World War I, World War II, the Korean conflict, and the Vietnam era

"541. Widows of World War I, World War II, Korean conflict, or Vietnam era veterans.

"542. Children of World War I, World War II, Korean conflict, or Vietnam era veterans."

and inserting in lieu thereof: "Mexican border period, World War I, World War II, Korean conflict, and the Vietnam era

"541. Widows of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans.

"542. Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam veterans."

Sec. 10. The Secretary of the Treasury is authorized and directed to redeem at par the United States Treasury bonds numbered 32870D, 68196F, and 69197H in the aggregate face amount of $25,000, maturing June 15, 1983, if such bonds are presented to the Secretary of the Treasury for redemption by the United Spanish War Veterans within one year after the date of the enactment of this Act.

Sec. 11. This Act shall take effect on January 1, 1970.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the first four sections of this bill amend the existing remarriage requirements now contained in Veterans' Administration law. Generally speaking, these Veterans' Administration requirements bar the payment of compensation, pension, and education benefits upon remarriage and are considerably more restrictive than those found in some other federally administered programs such as social security and civil service retirement. This is shown by the table which follows:

EFFECT OF REMARRIAGE OF WIDOWS ON BENEFITS UNDER CERTAIN FEDERAL PROGRAMS

Federal program	Effect of remarriage	Effect of termination of remarriage
Veterans' Administration benefits	Terminates monthly payments permanently—unless remarriage is void, or has been annulled by a court with basic authority to render annulment decrees.	None.
Social security	1. Remarriage under age 60 terminates payments	1. Payments resumed at age 60 or older.
	2. Remarriage at age 60 or over, payments continue at reduced rate (reduced from 82½ percent of the primary insurance amount to 50 percent of such amount).	2. Full payments restored
Civil service retirement	1. Remarriage under age 60 terminates payments	1. Payments restored at any age.
	2. Remarriage at age 60 or over: none (i.e., full benefits continue).	2. None.
Railroad retirement	Terminates monthly payments permanently	None.
Federal employees compensation	Terminates monthly payments permanently—Lump-sum settlement equal to 24 monthly payments.	None.

XUM

The basic change of the first four sections is to permit a widow, who has remarried, to revert to her earlier eligibility when her second marriage is ended by death or divorce.

Section 5 would remove the current mandatory requirements for the annual reporting of income and corpus of estate for those persons on the non-service-connected pension rolls who are 72 years of age or older who have received pension for 2 or more years and who have had no change in income. There would be no change in the authority of the administrator to require clarification or proof of income and corpus of estate, when such action is indicated, by this group of individuals age 72 or more. There is reason to believe that this change would produce some administrative savings and would certainly make administration simpler.

Section 6 of the bill would add five exclusions from reportable income under the non-service-connected pension program. These are—

First. Servicemen's group life insurance program;

Second. Amounts equal to prepayments made on indebtedness secured by a mortgage on real property;

Third. Amounts in a joint bank account acquired by reason of death of the joint owner;

Fourth. Payments made by a former employer to retired employee as reimbursement for premiums paid by the retiree on supplemental health and medical insurance; and

Fifth. Proceeds from retired serviceman's family protection plan provided in 10 U.S.C. 73.

At its inception the plan mentioned in item (5) provided that annuities thereunder should not be considered income under any law administered by the Veterans' Administration.

Section 7 provides exclusion from income, for dependency and indemnity compensation purposes, of annuities of the retired serviceman's family protection plan—item 5 in section 6—and of pension under laws in existence prior to July 1, 1960, when Public Law 86–211 became operative.

Section 8 is a technical amendment to the mentioned family protection plan to conform to the provisions of sections 6 and 7 relating to that plan.

Section 9 includes as beneficiaries those individuals who served on the Mexican border in the period immediately preceding World War I. This section would in effect give pension and certain other benefits available for World War I service to those veterans and the widows and children of such veterans who served during this prescribed period of time immediately before the onset of World War I. The defined period is that which begins on May 9, 1916, and ending on April 5, 1917, the date of the beginning of World War I and service of at least 90 days or more is required in Mexico, on the borders of Mexico, or waters adjacent to Mexico.

Section 10 authorizes the Secretary of the Treasury to redeem three bonds held by the United Spanish War Veterans in the total amount of $25,000 which mature June 15, 1983. These bonds purchased in 1954 for $25,000 would, if sold on the open market today, result in the loss of several thousand dollars to the holder of the securities. Admittedly, it was a mistake for the organization to purchase these bonds. Equity would seem to dictate that this provision be enacted since the average age of the United Spanish War Veterans is 89 and that 14 years from now very few, if any, would be living to utilize the proceeds of these bonds.

The Veterans' Administration favors the enactment of sections 1 through 5, indicates that any cost as a result of section 6 would not be significant and would be opposed to that and the other sections of the bill, while deferring to the Treasury insofar as the section relating to the United Spanish War Veterans is involved. The Treasury is opposed to the proposal in section 10.

The cost of the first four sections of the bill is $8,538,000 the first year rising to $9,206,000 the fifth year. No cost involved in sections 5 and 10. Other sections are not costed by the Veterans' Administration.

Mr. Speaker, the bills which the House has considered today in the field of veterans' affairs all originated in the Subcommittee on Compensation and Pension where they were the subject of hearings on September 3 and 4. All the members of that subcommittee have been diligent in perfecting the legislation which has been presented to the House. The gentleman from South Carolina, the chairman of the subcommittee, Mr. Dorn, and his colleagues spent considerable time, particularly on the bill, H.R. 13576, because it is a difficult matter and one in which it is essential that we do equity.

I commend the subcommittee chairman and his colleagues for their activity on this subcommittee on the bills H.R. 372, 10106, 10912, and 13576.

The other members of the subcommittee are the Honorable Ray Roberts, the Honorable G. V. (Sonny) Montgomery, the Honorable E. Ross Adair, the Honorable John P. Saylor, and the Honorable William Lloyd Scott.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. Teague).

Mr. TEAGUE of California. Mr. Speaker, this bill, too, has my unqualified support. It was reported out of our committee unanimously.

Mr. Speaker, again I yield to the gentleman from Indiana (Mr. Adair), the ranking Republican member of the subcommittee that had jurisdiction of the bill, such time as he may consume.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 372. This bill, as amended, will: First, restore veterans survivor benefits to remarried widows upon the termination of their remarriage; second, eliminate the annual reporting of income for pension purposes to veterans who have reached the age of 72 years and have been paid pension for 2 calendar years; third, permit the exclusion of certain additional types of income from the computation of income for pension purposes; fourth, confer upon veterans of the Mexican border campaign benefits similar to that payable to wartime veterans; and fifth, authorize the Secretary of the Treasury to redeem at par within 1 year three bonds totaling $25,000 scheduled to mature in 1983 and held by the United Spanish War Veterans organization.

Under existing law, Mr. Speaker, survivor benefits payable to widows of veterans terminate permanently upon the remarriage of the widow. This measure will permit payments to resume upon the termination of the remarriage. Existing law, with respect to veterans' widows is more restrictive than similar provisions for widows in receipt of social security or civil service retirement payments. Enactment of this provision will make veterans' survivor benefits less restrictive and more comparable to other federally administered programs.

Existing law requires that veterans in receipt of pension report annually their income from other sources. This requirement creates a tremendous administrative workload in the Veterans' Administration at the end of each calendar year. From the point of view of the veteran pensioner, it creates confusion and misunderstanding of the types of income that must be reported. The experience of the Veterans' Administration indicates that the income has generally stabilized and become static by the time a veteran reaches the age of 72 years and has been on the pension rolls for 2 years. Accordingly, there is reason to believe that this change will produce some administrative savings and would reduce the possibility of error in completing the necessary report.

The third major provision of this bill relates to income exclusions. Existing law bases eligibility for pension upon the amount of income from other sources. Certain types of income are not counted as income for pension purposes. This section of the bill would permit the exclusion of: First, the proceeds from a serviceman's group life insurance policy, second, amounts equal to prepayments made on real estate mortgages, third, amounts in a joint bank account acquired by reason of the death of the joint owner, fourth, payments made by a former employer to a retired employee as reimbursement for supplemental medicare premiums and, fifth, proceeds from the retired serviceman's family protection plan. The Veterans' Administration has indicated that the costs of authorizing these additional income exclusions for pension purposes would not be significant.

I am certain that many Members have received correspondence over the years from the veterans who served on the Mexican border prior to the beginning dates of World War I. The service performed in many cases was more arduous than that of men who served in our Nation's later wars. Yet, this type of service does not qualify for wartime veterans benefits. The bill before us today confers wartime benefits upon those veterans who served for at least 90 days or more in Mexico, on the borders thereof, or in waters adjacent thereto. Between May 9,

1916, and April 5, 1917, the principal benefits authorized by this legislation is entitlement to non-service-connected pension. The average age of this group is in excess of 75 years and their numbers are few. I believe that this benefit should be authorized.

Finally, Mr. Speaker, this bill authorizes an early maturity of three Treasury bonds totaling $25,000 held by the United Spanish War Veterans. The bonds are scheduled to mature June 15, 1983. Since the average age of the members of this organization is 89 years and the bonds will not mature for 14 years, it is highly unlikely that the organization could capitalize upon this investment. Yet, if the bonds were sold today, the organization would stand a loss on their investment. Admittedly, this organization was ill-advised to purchase such bonds. In recognition of the sacrifice these men made for our Nation many years ago, however, I am in favor of this provision of the bill that would permit the early maturity of these bonds.

Mr. Speaker, this bill has merit and I urge that it be passed.

Mr. HORTON. Mr. Speaker, there are two bills before the House today to which I gave my full support. These two veterans bills, H.R. 13576 and H.R. 372, deserve immediate and a favorable vote, and I urge my colleagues not to delay a moment longer.

The amendments to the non-service-connected pension program for veterans are measures that are long overdue. This legislation is a first step in curing the inequities on income limitations for nonservice-connected pensions for veterans.

I am certain many of my colleagues have received letters from veterans—veterans who have served their country well—but who have been denied pensions, because they come just over the borderline on income limitation. These are sad letters from men in their older years who deserve to live out their remaining life in dignity and freedom from financial strain, but instead, they are struggling to exist.

H.R. 372 will alleviate to some extent these regrettable situations. In addition, the bill will put no income limitation on those who are 72 or older and who have received a pension for 2 years or more.

It also adds five exemptions from reportable income: First, servicemen's group life insurance; second, amounts equal to prepayments made on indebtedness secured by a mortgage on real property; third, amounts in a joint bank account acquired by reason of death of the joint owner; fourth, payments made by a former employer to a retiree as reimbursement for premiums paid on supplemental health and medical insurance; and fifth, proceeds from retired serviceman's family protection plan.

In addition, this legislation also permits a widow, who has remarried, to revert to her earlier eligibility when her second marriage is ended by death or divorce. This provision will lessen the requirement which is considerably more restrictive than that in other federally administered programs such as social security and civil service retirement.

Another group of veterans that this bill will help are those who served on the Mexican border between May 9, 1916 and April 5, 1917. This would in effect give the same pension and benefits available to World War I veterans and their widows and children to those who served before the onset of World War I.

The other bill, H.R. 13576 is to provide a just treatment of survivors of deceased members of the Armed Forces. As the law now stands, compensation to widows and children have not kept up with the rising cost of living.

In many instances, lower enlisted grade widows have not received increases reflecting the rise in the cost of living while some of the higher grade widows have received increases exceeding the rise in the cost of living.

This bill provides an increase at least equal to the rise in the cost of living for each grade. H.R. 13576 provides a $20 increase a month for each child below the age of 18 of a deceased veteran. It will increase the dependency, indemnity, and death compensation by $50 if the widow is a patient in a nursing home, or helpless or blind to the extent of requiring the regular attendance of another person.

Both of these measures need our immediate attention. They do not solve all the inequities of our present system but they are a step forward. In addition to the financial assistance, these measures illustrate, in small measure, our gratitude to the men and women who have so gallantly given so much for all Americans. I urge all our colleagues to support H.R. 372 and H.R. 13576.

Mr. DORN. Mr. Speaker, I am pleased to rise in support of H.R. 372 as it provides many long sought and worthwhile benefits for this Nation's needy and elderly veterans as well as their dependents. I am privileged to serve as chairman of the Subcommittee on Compensation and Pension of the Committee on Veterans' Affairs which originally considered and conducted hearings on this bill. I am very happy to state that this bill was strongly supported by every veterans' organization representative who appeared before the committee, and this is especially true of the veterans of World War I, inasmuch as this bill encompasses many of the legislative objectives of that organization. Benefits provided by this bill are not limited to the veterans of World War I, but because the average age of the World War I veteran is approximately 75, they will be the greater recipients of its benefits.

This bill proposes to restore eligibility to VA benefits to remarried widows of veterans whose remarriage has been terminated by death or proper legal action. This privilege is now provided for recipients of most other Government benefits such as social security and civil service retirement annuities.

It provides that a veteran 72 years of age or older and who has been on the pension rolls for 2 or more years shall not be required to complete the annual VA income questionnaire. This it is believed will represent an administrative savings to the VA and will relieve from the elderly, seriously disabled veteran whose income is generally static, an unneeded burden.

This bill provides additional income exclusions for the nonservice-connected pension program. Among these being the amounts in a joint bank account acquired by the reason of death of the joint owner.

This bill proposes to finally give non-service-connected pension benefits to a group of combat veterans who saw service along the Mexican border prior to World War I.

This bill warrants the favorable consideration of each Member of this House, Mr. Speaker, and I urge its adoption.

Mr. DONOHUE. Mr. Speaker, I support and most earnestly hope that this bill, H.R. 372, of immense concern to our war veterans, their widows, and families will be unanimously adopted.

I further most earnestly hope and urge that the provisions affecting the United Spanish War veterans and veterans who served on the Mexican border immediately before the onset of World War I will be accepted and retained within the bill, because they are obviously projections of merit and justice.

In basic summary this measure proposes to sensibly relax the remarriage regulations concerning the eligibility of veterans' widows for certain veterans' benefits; modify the income-reporting requirements in certain pension cases; expand the present exclusions in determining income for pension purposes, and liberalize the oath requirement for hospitalization of certain veterans.

In essence, Mr. Speaker, the measure is designed to equitably modernize certain regulations affecting veterans, their widows, and families and bring them into more realistic accord with the facts and exigencies of today's life and the living conditions surrounding us.

Mr. Speaker, this bill is clearly in the national interest and I urge its speedy adoption.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 372. This bill will permit widows of veterans to be restored to the pension and compensation rolls if they have remarried and their subsequent remarriage has terminated. I am confident that every Member has received correspondence from widows of veterans who were in receipt of survivor benefits which were terminated because of the remarriage of the widow. Despite the fact that the second marriage may have failed, the widow, unfortunately, has forfeited all future rights to veterans' survivor benefits. This bill will permit such widows to be restored to the pension or DIC rolls upon the termination of their remarriage.

Additionally, the bill eliminates the annual reporting of income for pensioners who have reached the age of 72 years and have been on the pension rolls for 2 years. The income of most veterans, Mr. Speaker, has become static by the time they reach the age of 72 years, particularly if they have been in receipt of pension for 2 years. To require the reporting of income annually creates an unnecessary administrative burden for

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the Veterans' Administration and an unwarranted headache for older veterans.

Another provision of this bill, Mr. Speaker, will extend wartime benefits to veterans of the Mexican border campaigns of 1916 and 1917. Again, I believe that Members have been continually contacted by this older group of veterans who are not entitled to veterans pension benefits, despite the fact that their service was hazardous. The extension of this benefit to this deserving group of veterans is long overdue and I believe it should be supported by all Members.

Mr. Speaker, this bill has considerable merit and I recommend that it be passed.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 372. Under existing law, the payment of compensation, pension, and educational benefits terminates to a widow upon her remarriage. This bill permits a widow who has remarried to revert to her earlier eligibility to benefits when her second marriage is terminated, either by death or divorce. The bill also eliminates the current requirements for annual reporting of income and corpus of estate for those persons on the non-service-connected pension rolls who are 72 years of age and who have received pension for 2 or more years.

The bill also permits the payment of pension to persons who served in the Armed Forces during the period beginning May 9, 1916, and ending April 6, 1917, when the person had 90 or more days of service during the stated period in Mexico, on the borders of Mexico, or the waters adjacent to Mexico.

Mr. Speaker, this is good legislation. With respect to the remarriage provisions of existing veterans' law, it should be pointed out that other Federal programs treat remarried widows more generously than they are treated under veterans' legislation. In most Federal benefit programs, the widow's right to benefits is restored upon termination of her remarriage. This bill attempts to do the same thing for veterans' widows.

Certainly, the World War I veteran, whose average age is approaching 75 years, has reached a stationary income level. The requirement that he continue to report, year after year, this same income, serves no purpose other than to increase the administrative cost and provide a source of irritation to the veteran who must report.

Certainly, the fact that veterans of the Mexican border campaigns of 1916 and 1917 performed difficult and frequently hazardous service cannot be disputed. Therefore, it follows that these men, whose average age is in excess of 75 years, should be entitled to the same benefits as wartime veterans.

Mr. Speaker, I urge the passage of this bill.

Mr. RANDALL. Mr. Speaker, I rise in enthusiastic support of H.R. 372, which provides for liberalization of non-service-connected pension and other veterans programs. This bill accomplishes several worthwhile provisions which should have been enacted into law long before now.

The first four sections of the bill liberalizes the law which relates to the marriage of widows. What Member cannot recall the plea of a widow who has remarried and then reverts to a single status to find that, in spite of these changed circumstances, she cannot qualify as a widow of a deceased serviceman? H.R. 372 quite wisely permits a widow who has remarried to revert to her earlier status of eligibility under the veterans benefits program, if and when her second marriage is terminated by death or divorce.

In our other Federal programs, such as civil service retirement and railroad retirement, there are certain provisions for remarriage and for full benefits to continue. The important difference between these other programs and Veterans' Administration benefits is that, even though some benefits terminate upon remarriage, they are restored at the termination of the remarriage. The same should apply to Veterans' Administration benefits.

Another section of this very meritorious bill would remove the current mandatory requirements for the annual report on all income and the corpus estate of those persons receiving the non-service-connected pensions for age 72 years or over. Here at long last we are extending a long overdue courtesy to those grand men who served in World War I. Not only are we doing justice to these who gave so much for their country in 1917 and 1918, but it is believed that this change will produce administrative savings. It will certainly make administration simpler.

Another section of the bill provides for additional exclusions of income under the non-service-connected pension program. Important in these inclusions is the amounts received in a joint bank account acquired by reason of the death of a joint owner. Another exclusion is the proceeds from servicemen's group life insurance.

Then, in one of the latter sections of the bill provision is made for the payment of pensions to persons who served in the armed services during the period beginning May 9, 1916, and ending April 6, 1917. This could more appropriately be described as the "Mexican border period." This section will provide for a pension of those persons who had 90 or more days of service during this period either in Mexico, on the borders of Mexico, or on the waters adjacent to Mexico.

Mr. Speaker, during several of the Congresses in which it has been my privilege to serve, I have introduced and then reintroduced again a bill providing for pensions for these Mexican border veterans. I had just about despaired of any action ever being taken. Our House Veterans' Affairs Committee deserves the commendation of all Members when they right a wrong that has so long existed. Certainly these Mexican border veterans faced danger as much as those that served in the wars that went before, such as the Spanish-American War. These Mexican border veterans served as valiantly and with as great courage as their comrades served a little later on in World War I. For some reason this group, not large in number, have been passed over again and again. They could be said to be the truly forgotten American veterans. That injustice will be corrected by the enactment of H.R. 372. It is a distinct pleasure to have the opportunity to support such a worthwhile measure as this bill which is before us today.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 372, as amended.

The question was taken.

Mr. ROUDEBUSH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 352, nays 0, not voting 79, as follows:

[Roll No. 205]

YEAS—352

Abbitt
Abernethy
Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Conyers
Corbett
Coughlin
Cowger
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh

Martin
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—79

Albert
Anderson, Ill.
Anderson, Tenn.
Barrett
Berry
Blatnik
Boggs
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Burton, Utah
Cahill
Carey
Cederberg
Celler
Chappell
Clay
Colmer
Corman
Cramer
Cunningham
Dawson
Delaney
Denney
Dennis
Downing
Dulski
Edwards, Calif.
Edwards, La.
Fascell
Flynt
Ford, William D.
Foreman
Frey
Green, Pa.
Hall
Halpern
Harrington
Hastings
Hébert
Howard
Jacobs
Jonas
Kirwan
Kluczynski
Landgrebe
Leggett
Lipscomb
Lujan
McDonald, Mich.
Mann
Mathias
Michel
Moorhead
Morton
Mosher
Murphy, N.Y.
Nelsen
Pelly
Powell
Reid, N.Y.
Rosenthal
St. Onge
Skubitz
Stephens
Taft
Taylor
Tunney
Vanik
Vigorito
Watkins
Weicker
Whalley
Whitten
Wilson, Bob
Yatron
Young

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Anderson of Illinois.

Mr. Albert with Mr. Bob Wilson.

Mr. Hébert with Mr. Lipscomb.

Mr. St. Onge with Mr. Frey.

Mr. Celler with Mr. Cederberg.

Mr. Carey with Mr. Broomfield.

Mr. Kluczynski with Mr. Michel.

Mr. Rosenthal with Mr. Weicker.

Mr. Green of Pennsylvania with Mr. Cahill.

Mr. Delaney with Mr. Halpern.

Mr. Dulski with Mr. Mosher.

Mr. Fascell with Mr. Berry.

Mr. Young with Mr. Foreman.

Mr. Barrett with Mr. Reid of New York.

Mr. Vigorito with Mr. Brown of Michigan.

Mr. Kirwan with Mr. Watkins.

Mr. Brooks with Mr. Brock.

Mr. Tunney with Mr. Mathias.

Mr. Chappell with Mr. Burton of Utah.

Mr. Taylor with Mr. Hall.

Mr. Howard with Mr. Nelsen.

Mr. Leggett with Mr. Landgrebe.

Mr. William D. Ford with Mr. McDonald of Michigan.

Mr. Flynt with Mr. Cramer.

Mr. Edwards of Louisiana with Mr. Whalley.

Mr. Colmer with Mr. Morton.

Mr. Moorhead with Mr. Cunningham.

Mr. Jacobs with Mr. Pelly.

Mr. Downing with Mr. Skubitz.

Mr. Stephens with Mr. Edwards of California.

Mr. Corman with Mr. Clay.

Mr. Mann with Mr. Dennis.

Mr. Anderson of Tennessee with Mr. Brown of California.

Mr. Vanik with Mr. Harrington.

Mr. Blatnik with Mr. Dawson.

Mr. Whitten with Mr. Jonas.

Mr. Yates with Mr. Taft.

Mr. Murphy of New York with Mr. Denney.

Mr. Hastings with Mr. Lujan.

The result of the vote was announced above recorded.

The doors were opened.

The title was amended so as to read: "A bill to modify the reporting requirement and establish additional income exclusions relating to non-service-connected pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on all of the veterans' bills considered by the House today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. HUNGATE. Mr. Speaker, I was attending to vital business in my district on Friday last and was not present on rollcalls Nos. 198, 199, and 200.

Had I been present on rollcall No. 198, I would have voted "no"; and on rollcall No. 199, the motion to recommit, I would have voted "no." On the passage of the military procurement bill, on rollcall No. 200, I would have voted "yea."

PERSONAL EXPLANATION

(Mr. FLOWERS asked and was given permission to address the House for 1 minute.)

Mr. FLOWERS. Mr. Speaker, on Friday, October 3, 1969, due to commitments of long standing in my congressional district, I was unavoidably absent and, therefore, did not vote on rollcalls Nos. 198, 199, and 200.

Had I been present, I would have voted "yea" on rollcall No. 198; "no" on rollcall No. 199; and "yea" on rollcall No. 200.

PERSONAL EXPLANATION

Mr. KEITH. Mr. Speaker, on the rollcall No. 204, I was detained in my office on business and reached here just after the conclusion of the rollcall. Had I been here, I would have voted "yea" on H.R. 13310 "to provide special programs for children with special learning disabilities."

PRESIDENT NIXON AND TAX REFORM

(Mr. HICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HICKS. Mr. Speaker, the President in his first tax message to Congress said:

> Reform of our Federal tax system is long overdue. Special preferences in the law permit far too many Americans to pay less than their fair share of taxes . . . The Administration working with Congress, is determined to bring equity to the Federal tax system.

It is barely 6 weeks since the House passed the most sweeping tax reform bill in U.S. history and already the President is beating a hasty retreat from his promise to the American people. The impact of the Nixon administration's remarkable statement before the Senate Finance Committee is best expressed in the titles of numerous magazine and newspaper articles which afterward appeared across the country. Among them, the Washington Post declared:

> The President's retreat on tax reform dashes hopes for a bill this year.

One title of a Wall Street Journal article called the Nixon proposal a "blunder," while another read:

> GOP Seeks To Delay Tax Revision Until 1970 in Hopes of Weakening House Bill.

Almost simultaneously with the bombshell President Nixon dropped in the Senate Finance Committee, news came that the President is about to name a "task force" to study ways in which present Federal taxes might be placing too great a burden on corporations and business in general. The task force is to be headed by Mr. John Alexander, an attorney in Mr. Nixon's former law firm, and, as one leading magazine put it:

> Virtually all the study-group members are conservatives who are on record as viewing current corporate-tax levels as too high.

During the 1968 campaign, the President made repeated reference to the "forgotten American"—the middle-income person who pays the lion's share of America's tax bill. After all this lip service to the average American wage earner, the net effect of President Nixon's tax package would reduce by one-half the tax relief contained in the House-passed tax reform bill for middle-income taxpayers in the $5,000 to $15,000 tax bracket, while cutting income tax rates for corporations by 2 percent and

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allowing the wealthy to continue enjoying tax "loopholes."

As has been aptly said by many Members of this House, by the looks of the President's tax program, either he has forgotten the "forgotten American," or else believes the forgotten American to be the corporation president.

Concerned Members of Congress, Republicans and Democrats alike, are outraged by the sudden surrender on tax reform by the President. Newsweek magazine this month wrote that President Nixon's proposal to shift tax relief from the low- and middle-income taxpayer to corporations would be "more palatable to complaining private interest groups." I concur with the statement, the President has once more shown that he is far more interested in Wall Street than Main Street, more concerned with the company's president than the company's employee.

RESOLUTION ON VIETNAM

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, today identical resolutions listing as cosponsors 109 Members of this body and dealing with the fundamental question of ground combat force withdrawals from Vietnam have been introduced.

Here is the text of the resolution:

Resolved, That it is the sense of the House of Representatives that the substantial reductions in United States ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

Its chief sponsors are Representatives VERNON W. THOMSON, of Wisconsin, WILLIAM L. HUNGATE, of Missouri, THOMAS P. O'NEILL, JR., of Massachusetts, and myself.

Sixty-four of the cosponsors are Republicans, 45 are Democrats. In all, they represent 34 States.

This is the most specific statement on Vietnam policy by a large group of Congressmen since the Gulf of Tonkin resolution in 1964.

Over one-fourth of the membership of our Government's most representative branch—by introducing this resolution—today is taking this means to demonstrate its support of President Nixon's troop reduction policies in Vietnam.

These Congressmen may well differ on many aspects of the war—how we became involved, the military or political advisability of that involvement, or the manner in which the war has been conducted in the past. Our views of these questions may vary widely.

However, all of us agree on two vital points of current policy.

First, we believe that the substantial reductions in U.S. ground combat forces in Vietnam—reductions which will shortly total 60,000—are very clearly in the national interest. President Nixon acted wisely and properly in directing these reductions.

Second, we believe that President Nixon should be supported in the determination he himself has expressed, under which all remaining ground combat forces will be withdrawn from Vietnam at the earliest practicable date.

The President has reached the conclusion that military and other considerations no longer necessitate the same degree of American ground force presence in Vietnam as in the past. Our involvement in Vietnam has been costly, and in our views the President's conclusion was a wise one.

Congressional approval of this decision should be expressed in clear and unmistakable terms. The President should not be forced to speculate upon whether the Congress is following his lead in Vietnam at the same time he must speculate upon the intentions of Hanoi and the Vietcong.

A list of cosponors follows:

ARIZONA

Morris K. Udall, D.

CALIFORNIA

Don H. Clausen, R.
Jeffery Cohelan, D.
Harold T. Johnson, D.
Paul N. McCloskey, Jr., R.
Thomas M. Rees, D.
Lionel Van Deerlin, D.
Charles H. Wilson, D.

COLORADO

Donald G. Brotzman, R.
Byron G. Rogers, D.

CONNECTICUT

Thomas J. Meskill, R.
John S. Monagan, D.

GEORGIA

John J. Flynt, Jr., D.

HAWAII

Spark M. Matsunaga, D.

IDAHO

Orval Hansen, R.

ILLINOIS

Harold R. Collier, R.
Paul Findley, R.
Robert McClory, R.
Robert H. Michel, R.
Abner J. Mikva, D.

IOWA

John C. Culver, D.
Fred, Schwengel, R.

KANSAS

Chester L. Mize, R.
Garner E. Shriver, R.
Larry Winn, Jr., R.

KENTUCKY

Tim Lee Carter, R.
William O. Cowger, R.
Carl D. Perkins, D.
M. G. (Gene) Snyder, R.

MAINE

William D. Hathaway, D.

MARYLAND

J. Glenn Beall, Jr., R.
Samuel N. Friedel, D.
Gilbert Gude, R.
Lawrence J. Hogan, R.

MASSACHUSETTS

Edward P. Boland, D.
Silvio Conte, R.
Harold D. Donohue, D.
Torbert H. Macdonald, D.
F. Bradford Morse, R.
Thomas P. O'Neill, Jr., D.

MICHIGAN

William S. Broomfield, R.
John Conyers, Jr., D.
Charles C. Diggs, Jr., D.
Martha W. Griffiths, D.
Edward Hutchinson, R.

MINNESOTA

Odin Langen, R.
Clark MacGregor, R.
Ancher Nelsen, R.
Albert Quie, R.
John M. Zwach, R.

MISSOURI

William L. Hungate, D.
James W. Symington, D.

MONTANA

John D. Melcher, D.
Arnold Olsen, D.

NEBRASKA

Glenn Cunningham, R.
Dave Martin, R.

NEW JERSEY

Florence P. Dwyer, R.
Cornelius E. Gallagher, D.
Joseph G. Minish, D.
Frank Thompson, Jr., D.

NEW MEXICO

Manuel Lujan, Jr., R.

NEW YORK

Joseph P. Addabbo, D.
Frank J. Brasco, D.
Daniel E. Button, R.
Barber B. Conable, Jr., R.
Hamilton Fish, Jr., R.
Seymour Halpern, R.
James F. Hastings, R.
Frank Horton, R.
Allard K. Lowenstein, D.
Bertram L. Podell, D.
Ogden R. Reid, R.
Howard W. Robison, R.
Henry P. Smith, III, R.
John W. Wydler, R.

NORTH CAROLINA

Charles Raper Jonas, R.
Richardson Preyer, D.

NORTH DAKOTA

Mark Andrews, R.
Thomas S. Kleppe, R.

OHIO

Thomas L. Ashley, D.
Delbert L. Latta, R.
Charles A. Mosher, R.
J. William Stanton, R.
Robert Taft, Jr., R.
Charles W. Whalen, Jr., R.
Clarence J. Brown, R.

OREGON

John R. Dellenback, R.
Al Ullman, D.
Edith Green, D.

PENNSYLVANIA

Joshua Eilberg, D.
Edwin D. Eshelman, R.
Joseph M. McDade, R.
Herman T. Schneebeli, R.
Frank M. Clark, D.
Gus Yatron, D.

TENNESSEE

John J. Duncan, R.

TEXAS

George Bush, R.

VERMONT

Robert T. Stafford, R.

WASHINGTON

Julia Butler Hansen, D.
Thomas S. Foley, D.
Floyd V. Hicks, D.
Thomas M. Pelly, R.
Brock Adams, D.

WEST VIRGINIA

Ken Hechler, D.

WISCONSIN

John W. Byrnes, R.
Henry C. Schadeberg, R.
William A. Steiger, R.
Vernon W. Thomson, R.

WYOMING

John Wold, R.

At a news conference this morning, several Members of this body attended, and the following news releases were distributed:

[Press release of Hon. THOMAS P. O'NEILL, JR., Eighth District of Massachusetts, Oct. 6, 1969]

Vietnam and Troop Withdrawals

Since August of 1967 I have been opposed to our conduct of the war in Vietnam and our policies there. At that time, I urged the President to enter negotiations with North Vietnam and all factions in South Vietnam, to support free and open elections, and to withdraw American troops to strategic enclaves. I called for the cessation of the bombing of North Vietnam because I believed this would lead to negotiations. More than a year later, most of this policy was adopted.

On March 4, 1968, I joined with 17 other Congressmen in urging the President to seek international guarantees and supervision of free and open elections in South Vietnam with the partcipation of all parties. We called for a cease-fire during such elections. We also urged the Administration to follow such elections with the withdrawal of all foreign troops from South Vietnam on an agreed-upon, gradual, phased basis. This still has not occurred.

In the year following that, in public statements and personal conversations, I urged Administration leaders and my colleagues in the Congress to support those measures which I believed would help bring a negotiated peace and an end to hostilities.

More recently, on June 8, 1969, in a television interview, I called for the unilateral phased withdrawal of all American troops from South Vietnam so that South Vietnamese troops could take on the burden of the war.

When I first called for a change in our policy in August, 1967, 12,000 American men had been killed in Vietnam. Two years later, the total of American men killed in action has risen to 39,000. In August of 1967, 75,000 men had been injured in that tragic and costly war. By today's date, the total has risen to more than a quarter of a million.

Almost 300,000 Americans, young men in the prime of life, have been killed or wounded in a war that has lasted too long, that has devoured our resources and divided our Nation. We can not tolerate the loss of our youth in a morass of never-ending conflict.

I believe that the military situation in Vietnam does not necessitate the presence of so many American troops. I also think that the Government troops of South Vietnam must begin to shoulder their share of the military effort and replace Americans in the field. We must encourage the Government of South Vietnam to institute democratic reforms and to hold free elections, open to all groups and all the people of South Vietnam. And we must do this now.

The Government of South Vietnam must realize that it will have to stand on its own policies of democratic participation in the governmental process. We must refuse to support a Government whose policies are non-democratic and who refuses to bring about the changes that will make our presence unnecessary.

I am hopeful that the President will stand by his promise to improve on former Secretary Clark Clifford's timetable for troop withdrawals. Our Nation needs its young men; and it desperately needs the resources that are being spent on the war in order to end the ills of our Nation. We need to provide nutrition, housing, education, health care and a high-quality environment for everyone in this great Nation.

The war in Vietnam is diverting our energies and our manpower. Each additional day that this war continues brings harm to our country and to our people.

Press Release of Congressman William L. Hungate, of Missouri's Ninth District

WASHINGTON.—Congressmen Bill Hungate (Democrat, Missouri), Thomas P. O'Neill, Jr. (Democrat, Massachusetts), Paul Findley (Republican, Illinois), and Vernon W. Thomson (Republican, Wisconsin), today will introduce a resolution in support of President Nixon's withdrawal of troops from Vietnam. Over 100 Congressmen from both parties and 33 states co-sponsored this resolution which reads as follows:

"*Resolved,* That it is the sense of the House of Representatives that the substantial reductions in United States ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest possible date."

At a press conference held earlier in the day, Mr. Hungate stated, "I would like to emphasize that this is a bi-partisan effort. I recall an article from the July, 1969 issue of *Foreign Affairs* magazine in which the **former Democratic Secretary of Defense,** Clark Clifford, suggested that 'A first step would be to inform the South Vietnamese Government that we will withdraw about 100,000 troops before the end of this year. We should also make it clear that this is not an isolated action, but the beginning of a process under which all U.S. ground combat forces will have been withdrawn from Viet Nam by the end of 1970.'

"In the same week this article was released (week of June 15, 1969), President Nixon stated in a television news conference that he hoped to better Mr. Clifford's timetable and stated, 'We have started toward the withdrawal that Mr. Clifford advocated,' and 'we will not be in Vietnam as long as he suggests we will have to be there.'

"In that same news conference the President insisted that he was not 'locked in' to a fixed policy on Vietnam, and that he would 'not be frozen in.' Our resolution is intended to support him in that regard also.

"Contrary to those who would dictate to the President a specific date on which he should complete withdrawal of our troops from Vietnam, I would think that to destroy the President's flexibility in this area would be to destroy his effectiveness," Mr. Hungate added.

"Congressmen—men in public life—should be particularly aware of the importance of indicating their support for real major changes in policy. The President's job is a difficult and lonely one at best. Whenever possible, Congress should offer its encouragement and support; and, this resolution does that," Mr. Hungate concluded.

[Press release of HENRY C. SCHADEBERG, U.S. Representative, First District, Wisconsin]

Statement on the Vietnam Resolution, October 6, 1969

The war in Vietnam continues. This conflict, to which American commitment increased from 600 to 550,000 under the past two Democratic Administrations, is in the process of being resolved by the present Republican Administration. Yet, the supporters of the past Administrations, and others, are suggesting that Congress legislate the manner by which the current Administration is to disengage the United States from the war. By this tactic, they hope to label the Vietnam War "Nixon's War" and thereby discredit the Administration which was brought to power with a mandate to resolve the conflict in a manner consistent with American security.

I would like to take this opportunity to address the many once silent voices, now grown loud and demanding, and to tell the American people that the only way that the war will be brought to an honorable end, and the troops brought home at the earliest possible date, is to support the President.

President Nixon was elected to his position as leader of this Nation by the people. The people of the United States have placed their faith in a new approach to the Vietnam War to replace the political, diplomatic, and military failures brought about by the past two Administrations' failures. Having inherited a hastily-extemporized undeclared land war, President Nixon has declared that troops will be withdrawn, that an end to the war will be brought about, that the South Vietnamese will be induced into assuming full responsibility for their self-determinism, and that an honorable peace will be established. He has been, and continues to be, successful in these endeavors I support his efforts and express my confidence that his efforts are in the best interests of the United States and the free world.

It is with this in mind that I have joined with many of my Republican colleagues in co-sponsoring the following resolution:

"*Resolved,* that it is the sense of the House of Representatives that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date."

For Congress to take any other approach would be to undermine the position of the President of the United States in his capacity as the Commander in Chief of the Armed Forces, to diminish the bargaining power of the United States in reaching an honorable solution to the war, and to impose the Congressional will in such a way as to disrupt the foreign policy of this Administration.

It is not necessary to go into length in an explanation of the history of American involvement in the war in Vietnam. The point of the matter is that we are there and that the President is disengaging our involvement. There are few persons who have not felt the effects of the war. Most have experienced the loss of or the injury to a dear one. Press and television and radio coverage of the battles of the war have brought into our living rooms the faces and lives of the men who have been chosen to fight. Rampaging inflation, due in part to the vast amounts of money and services which have been poured into Southeast Asia, has touched every American. Yet, our Nation has managed to survive these effects and the disunity that has been brought about by open discussions of war policies. We have agonized with the personal, political, and economic repercussions because there has been a valid reason for our being there. It is simple to forget, in the face of mounting pressures, that our involvement in Vietnam was deemed to be in the best interests of the United States and the free world. Congress, as the body with the power to raise and support armies, has in the past allowed troop strength to grow to its present size. It must not now arbitrarily determine what the troop strength should be by a certain date or express how fast disengagement should take place. To do so would be to forsake the best interests of this Country and to walk out

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on a situation which was created for a valid reason.

As I read the political climate in the United States, and interpret the various anti-war movements, such as is planned to take place in Washington on October 15, I do not read them as a call for pull out at any cost. Granted, there are those who never believed that the United State's involvement was correct who are now calling for the immediate cessation of American involvement, and there are those who would make troop withdrawal a partisan issue, but the vast majority of the people and of Congress merely want assurances that more will be done. We can ill afford any more years of misinformation, deceit, and credibility gaps on the part of the leadership. The Republican Administration and President Nixon are cognizant of the wishes of the American people, and of the need to resolve the conflict. Given the support he needs, the President will succeed.

There are many reasons why the President must be supported in his already successful efforts to resolve the many problems posed by our involvement in Vietnam. The primary one is that he alone is aware of all the commitments that have been made of the American military strength and those which can be met in the future. To require withdrawal by a particular date would be to tie his hands from being able to meet any unexpected situation which may arise.

Secondly, if the President is given a specific mandate, the hopes of a suffering North Vietnam, struggling under new leadership, would be further nurtured and the leaders led to believe that if they can hold out for a certain time, U.S. involvement in any capacity would be impossible.

Thirdly, disengagement must be coordinated with the efforts by the South Vietnamese to undertake their own defense. I support the President because I do not want to be responsible for our disengagement without adequate defenses having been prepared to protect against any future North Vietnamese aggression, the very reason that the United States became involved in the first place. To withdraw without any assurances, will be to throw away the justifications for our being there and to put in jeopardy the lives of the remaining vestiges of American forces and Vietnamese who have fought actively against the enemy.

In concluding, I wish to state that the Republican Party is not founded on shallow promises. The Nixon Administration was brought to office on a platform of concentrating on the security of Southeast Asia, of a de-Americanization of the war, and of bringing about an honorable peace. It will be done only if the President is given the support he needs. In all our history as a free Nation, none have fought harder and more bravely in any war than our soldiers who have postponed their education and careers and often times sacrificed their lives in Vietnam. They deserve the support they are entitled to receive. They shall receive it with the passage of this resolution.

PRESS RELEASE OF REPRESENTATIVE HAMILTON FISH, JR., OF NEW YORK, ON VIETNAM RESOLUTION

WASHINGTON, D.C., October 6, 1969.—Representative Hamilton Fish, Jr., today joined with 89 Republican Members of Congress in backing President Nixon's Vietnam policy of disengagement and troop withdrawal.

The text of the resolution offered on Monday, October 6, stated: "That it is the sense of the House of Representatives that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the National interest, and that the President be supported in his expressed determination to withdraw our remaining forces at the earliest practicable date."

The resolution which is in opposition to those wishing to impose a timetable for troop withdrawal on the Administration would leave the President freedom for negotiation, while solidly endorsing his policy of de-escalation and troop withdrawal.

"I am happy to be one of the co-sponsors of this resolution backing President Nixon in his bid to end the Vietnam war," Congressman Fish, who had been a persistent critic of the Johnson policies which led America into Vietnam, said. "After eight years of futile escalation, I believe President Nixon deserves our support in his declared determination to search for peace in that troubled area of the world."

Mr. DON H. CLAUSEN. Mr. Speaker, I am pleased to join in cosponsoring the resolution being introduced today by more than 90 Members of the House, representing 33 States of the Union.

This resolution expresses the sense of the House of Representatives that the substantial reductions in U.S. ground forces in Vietnam that have been made and those planned for the remainder of this year are truly in the best national interest and that President Nixon be encouraged and supported in his expressed determination to withdraw, in stages, as many remaining personnel as possible at the earliest practicable date, consistent with basic security strategy, that will turn over a well-trained security organization made up of South Vietnamese units.

The war in Vietnam continues to be the most serious problem facing the President, the Congress, and the American people. The Paris peace talks, now in their second year, have thus far proven little, except to serve as a sounding board for both sides. Some people say we should go all out in Vietnam in the belief that the enemy is becoming steadily weaker. Frankly, I believe we should continue our present course because the South Vietnamese are getting much stronger. Others believe we have fulfilled our commitment to South Vietnam and should now withdraw our forces, leaving the fighting to the Vietnamese. Some say we should do this immediately or at some specified date in the future; others, however, believe we should do this in stages over an extended period of time that will permit the South Vietnamese to take over the conduct of the war in a more orderly and organized way.

Recently, a national market research referendum was held in 17 States involving 12,233 men and women and one of the key issues expressed dealt with future U.S. policy in Vietnam. Here is how this sampling responded on this question:

	Number	Percent
Continue our present policy	474	4
Increase our involvement for a quick military victory	2,408	20
Immediate withdrawal and leave the fighting to South Vietnam	2,648	22
Withdrawal in stages, gradually turning over the fighting to South Vietnam	6,405	52
Not answering	298	2

It has long been my contention that, a carefully conceived "phasing-in" of South Vietnamese troops and a gradual "phasing-out" of U.S. fighting men, would ultimately be the concept most acceptable to the American people. In my judgment, the results of this and numerous other public opinion samplings, certainly substantiates that contention.

This is the course President Nixon is following and, as such, it represents a radical departure from the Vietnam policy of the past 5 years. It is a course of action that is supported by many Members of this body and by a majority of the American people—regardless of political parties or past positions on the war in Vietnam.

Therefore, I am pleased to join in cosponsoring this resolution today in support of President Nixon's handling of the situation in Vietnam and urging him to follow through on the withdrawal of American troops at the earliest possible date.

The materials referred to above follow:

PANGENERIX COMMUNICATIONS, INC.
Omaha, Nebr., October 1, 1969.

The Honorable DON H. CLAUSEN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE CLAUSEN: As part of a national market research project, 12,233 men and women in 17 states voted in a referendum on three key issues: the war in Vietnam, the draft, and the personal income tax exemption.

The participants returned their ballots by mail the last week of July and the first week of August. The referendum was conducted in Alabama, Colorado, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Minnesota, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Utah, and Virginia.

Although the referendum was designed to afford people an opportunity to express their views on critical national issues, the results do not constitute a scientific poll of public opinion. The responses may be particularly interesting to you, however, because they are accompanied by a complete demographic description of those casting ballots.

As you will note from the attached summary of the results, a serious effort was made to frame the questions as objectively as possible and to permit a reasonable range of responses. Pangenerix Communications Incorporated takes no position on any political issue and conducted this phase of its research only as a public service at its own expense.

In addition to preparing the attached report, we made a complete demographic analysis of those taking each position on each issue. Data from this in-depth research is available to you on request.

I would appreciate knowing any reaction you may have to receiving this kind of information and whether you would be interested in reviewing, at no cost or obligation to you, additional reports as they are developed.

Sincerely,

MICHAEL C. FIELDS,
President.

PANGENERIX COMMUNICATIONS INC.: RESULTS OF REFERENDUM PHASE OF NATIONAL MARKET RESEARCH PROJECT, JULY–AUGUST 1969

The three issues used in the referendum are stated below exactly and completely as they were presented to those asked to vote. They were instructed to choose only one position on each issue. Voters supplied demographic data about themselves on the back of the ballot. The categories used are generally the same as those to be used in the 1970 census.

Issue 1: The Vietnam War continues to be the most serious problem facing the American people. The Paris peace talks are now

in their second year. Some people say we should continue our present policy in the belief that the North Vietnamese and the Viet Cong will steadily become weaker. Others believe we have fulfilled our commitment in South Vietnam, and, as a result, we should now withdraw our forces, leaving the war to be settled entirely by the Vietnamese. Some say we should do this immediately; others say we should do this in stages over an extended period of time; and others believe we should increase our military involvement and seek a quick military victory. (Vote for one:)

	Number	Percent
Continue our present policy	474	4
Withdrawal in stages, graudually turning over the fighting to the South Vietnamese	6,405	52
Immediate withdrawal and leave the fighting to the Vietnamese	2,648	22
Increase our involvement for a quick military victory	2,408	20
Total	11,935	98
Not answering	298	2
Total	12,233	100

Issue 2: Some people think the present draft system should be continued exactly as is. Others believe the draft should be on a lottery basis to eliminate inequalities. Still others say all our armed forces should be manned by volunteers only, without a draft. (Vote for one:)

	Number	Percent
Continue the draft as is	3,653	32
Replace the draft with voluntary enlistments	4,439	36
Change the draft to a lottery	3,536	29
Total	11,828	97
Not answering	405	3
Total	12,233	100

Issue 3: Under the present Federal income tax law, taxpayers are entitled to personal exemptions of $600 for themselves and for each family dependent. It is proposed that personal exemptions be raised to $1000. Those in favor of the $1000 exemptions say it will assist middle and lower income families to meet part of the high cost of living. Opponents say that the $1000 exemptions will create more inflation. (Vote for one:)

	Number	Percent
Keep $600 exemption for each dependent	967	8
Raise exemption to $1,000 for each dependent	11,006	90
Not answering	260	2
Total	12,233	100

Those who took part in the referendum were asked whether they had voted in the 1968 Presidential election. This was their response:

	Male	Female	Total	Percent
Voted in 1968 presidential election	5,066	5,206	10,272	84
Did not vote in 1968 presidential election	524	612	1,136	9
Total	5,590	5,818	11,408	93
Did not answer question	336	489	825	7
Total	5,926	6,307	12,233	100

Voters were asked whether they considered themselves a Democrat, a Republican, in another political party, or an independent. This was their response:

	Male	Female	Total	Percent
Democrat	1,907	2,156	4,063	33
Republican	1,900	2,105	4,005	33
Other	31	29	60	....
Independent	1,818	1,684	3,502	29
Total	5,656	5,974	11,630	95
Not answering	270	333	603	5
Total	5,926	6,307	11,233	100

Voters were asked whether they were registered to vote. This was their response:

	Male	Female	Total	Percent
Yes	5,008	5,147	10,155	83
No	345	436	781	6
Subtotal	5,353	5,853	10,936	89
Not answering	573	724	1,297	11
Total	5,936	6,307	12,233	100

DEMOGRAPHIC CHARACTERISTICS OF VOTERS IN NATIONAL ISSUE REFERENDUM

Those who took part in the referendum were assured that their ballots were secret and were not coded in any way to identify their sources. These voters were then asked specific demographic information about themselves. This is a summary of their responses:

	Male	Female	Total	Percent
Age:				
Under 25	490	730	1,220	10
26 to 35	1,396	1,397	2,793	24
36 to 45	1,249	1,298	2,547	22
46 to 55	1,275	1,347	2,622	22
56 to 65	818	828	1,646	14
Over 65	466	415	881	8
	5,694	6,015	11,709	100
Not answering	232	292	524	....
Total	5,926	6,307	12,233	....
Marital status:				
Single	491	960	1,451	13
Married	5,040	4,903	9,943	87
	5,531	5,863	11,394	100
Not answering	395	444	839	....
Total	5,926	6,307	12,233	....
Family size:				
1	421	410	831	14
2	1,022	641	1,483	24
3	766	292	1,058	18
4	905	254	1,159	19
5	612	169	781	13
6	317	104	421	7
7	133	41	174	3
More than 7	93	32	125	2
Subtotal	4,269	1,763	6,032	100
Not answering	1,657	4,544	6,201	....
Total	5,926	6,307	12,233	....
Income:				
Under $5,000	715	2,145	2,860	30
$5,000 to $6,999	793	758	1,551	16
$7,000 to $9,999	1,777	680	2,457	25
$10,000 to $14,999	1,486	336	1,822	19
$15,000 and over	756	221	977	10
Subtotal	5,527	4,140	9,667	100
Not answering	399	2,167	2,566	....
Total	5,926	6,307	12,233	....
Education:				
Grade school	608	503	1,111	10
Some high school	427	500	927	8
High school graduate	1,701	2,519	4,220	37
Some college	1,226	1,289	2,515	22
College graduate	826	693	1,519	13
Post graduate	800	373	1,173	10
Subtotal	5,588	5,877	11,465	100
Not answering	338	430	768	....
Total	15,926	6,307	12,233	....
Occupation:				
Professional, technical	1,923	932	2,855	25
Manager, official, owner	765	161	926	8
Clerical	208	888	1,096	9
Sales	417	138	555	5
Service worker	270	109	379	3
Craftsman, foreman	593	10	603	5
Factory worker, machine operator	525	191	716	6
Nonfarm laborer	94	10	104	1
Farmer, farm worker	132	10	142	1
Housewife		3,142	3,142	27
Retired	518	258	776	7
Unemployed	24	45	69	1
Student over 18	141	59	200	2
Total	5,610	5,953	11,563	100
Not Answering	316	354	670	....
Grand total	5,926	6,307	12,233	....

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 3, 1969.

DEAR COLLEAGUE: On Monday, October 6, we plan to introduce the resolution on Vietnam (see below) which now has more than 89 co-sponsors, representing 33 states.

That morning we plan to hold a press conference at which we will release to the press the names of those who have indicated that they wish to co-sponsor. If you are in that group, we hope you will be able to attend this press conference, and if you cannot, you may wish to send a statement for distribution to the press. In either case, we would appreciate it if you could notify us if you will attend or send a statement. Many thanks.

Sincerely yours,

THOMAS P. O'NEILL (5111),
WILLIAM L. HUNGATE (2956),
PAUL FINDLEY (5271),
VERNON W. THOMSON (5506).

PRESS CONFERENCE

Date: October 6, 1969.
Time: 10:00 a.m.
Place: 2200 Rayburn Building.
Subject: Introduction of following resolution:

H. RES. ———

Resolved, That it is the sense of the House of Representatives that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

SDS AND NORTH VIETNAMESE DELEGATIONS MEET IN CUBA TO PLAN DEFEAT OF U.S. FORCES

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, I believe it is important that all Members of the Congress and the public be informed of a recent meeting held in Cuba between delegations of the Students for a Democratic Society—SDS—and representatives of the Government of North Vietnam, whose armed forces are daily wounding and killing American servicemen in South Vietnam.

Bernardine Dohrn, national officer of the SDS, recently described in the radical

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press how she, along with a delegation of SDS members, held a series of meetings in Cuba with North Vietnamese representatives during this past July. Dohrn declared that U.S. forces are being defeated in Vietnam and pledged "to do everything we can to speed up that defeat." As part of the plan to speed up the complete defeat of U.S. forces, Dohrn indicated that the SDS plans "to open another front in the United States" designed to get U.S. forces out of Vietnam. She pointed out that the initial SDS action in this regard is planned for October 8–11, 1969, in Chicago, where demonstrations in support of North Vietnamese forces will be held. On September 18, 1969, I reported to the House the plans of the SDS to launch massive demonstrations in Chicago during the period of October 8–11, 1969. Dohrn also called for slogans in support of the North Vietnamese forces to be placed "in every subway, everywhere" and she warned that "all institutions which in any way support the war will be subject to attack." In concluding, Dohrn called on local SDS chapters "to increase their propaganda attack demanding immediate withdrawal of U.S. forces from Vietnam.

There are those who may scoff at the significance of this meeting, but let us make no mistakes: The SDS does not consider it insignificant. The intentions of the SDS are abundantly clear. We have already seen the effects of some of their stepped-up activities—property damage totaling millions has resulted; Federal troops, National Guard units, and police forces across the Nation have been pressed into action to meet SDS planned and sponsored student disorders; numerous arrests have occurred; and distressing and disgusting behavior and incidents related thereto have served to undermine the public's confidence in its country and its goals. In its current plan to assist the North Vietnamese by opening another front in the United States, the SDS is relying on collegiate dissidents and militants to bolster and accelerate this drive. It would be foolhardy for anyone to ignore or dismiss lightly the revolutionary terrorism of which SDS is capable. It is a serious threat to both the academic community and a lawful and orderly society.

ADVISORY COUNCIL FOR MINORITY ENTERPRISE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, on September 17, the White House issued a statement in which the President announced the names of 63 leaders of our Nation who will serve on a new Advisory Council for Minority Enterprise.

For 5 years I have urged the Members of the Congress of the United States to provide for an inner city, ghetto insurance program. In 1965, I introduced a bill authorizing an appropriation of $280,000 in order that the Small Business Administration could conduct a study to determine the insurance needs of the small businessmen in our ghetto areas.

On September 8 of this year, I introduced H.R. 13666 which provides for an insurance program to help property owners and small business establishments in the inner cities of America. Over 50 of my colleagues in the House have joined me in cosponsoring this legislation. I have been assured by my distinguished colleague from Pennsylvania, the Honorable **WILLIAM BARRETT**, chairman of the Housing Subcommittee, that the subcommittee will conduct hearings on my bill in the latter part of October. I want to take this opportunity to inform my colleagues, who cosponsored this legislation and are as sincerely interested in the problem as I am, that they be alerted to the fact that hearings will be held on this legislation shortly. I know that each of the cosponsors of this legislation will want to present a prepared statement to the subcommittee so that its Members will have the full knowledge of the insurance problems that are facing both the homeowners and small businessmen in the inner cities of America.

Mr. Speaker, I take this opportunity to call to the attention of my colleagues that the President of the United States, in his recommendations to his new Advisory Council for Minority Enterprise, recognizes the insurance problems that face the people of our inner cities and ghettos. In outlining his recommendations to the Advisory Council he stated, and I quote:

> Both Secretary Stans and I look to this distinguished group for proposal of feasible methods to speed the flow of capital, ease credit facilities, obtain insurance—I repeat, Mr. Speaker, to obtain insurance—and to provide needed technical assistance, and thereby help eliminate many of the frustrations which have blocked so many minority Americans in their efforts to become a constructive part of our national economic life.

Mr. Speaker, I feel that with the additional support of the President of the United States and the Secretary of Commerce, much impetus has been added to the need for legislation such as I have proposed in H.R. 13666.

ALASKA STATE CHAMBER OF COMMERCE CONVENTION

(Mr. POLLOCK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. POLLOCK. Mr. Speaker, it was my privilege to attend the annual convention of the Alaska State Chamber of Commerce in Ketchikan, Alaska, on October 3, 1969. It was an excellent meeting, with many outstanding speakers participating. Each speaker had something to say and said it well.

John Borbridge, Jr., president and general manager of the Central Council of Tlingit and Haida Indians of Alaska and first vice president of the Alaska Federation of Natives, was one of the outstanding speakers. I was deeply impressed with his eloquent presentation of the basis and substance of the aboriginal native land claims which have been filed and cover virtually all of Alaska. Because the matter is before the Congress for resolution, and because the position of the natives is not generally known or understood, I ask unanimous consent to place the address of Mr. Borbridge in the CONGRESSIONAL RECORD in full, in order that my colleagues in Congress and others may have the privilege of reading this very excellent statement. I am sure it will give a better and more basic understanding to the members of the Interior and Insular Affairs Committee of the reasons the Alaskan natives are asserting their rights to lands used, occupied, and claimed by them and their ancestors.

Mr. Borbridge demonstrates the quality of leadership which has emerged among the Alaskan natives. He is intelligent, well educated, an excellent speaker, a prodigious worker, and a dedicated native, determined to assert the legal and moral principles upon which the claims of the Alaskan natives are based—and he does it well indeed.

Mr. Speaker, the outstanding address of Mr. Borbridge follows:

ALASKA NATIVE LAND RIGHTS

(By John Borbridge, Jr.)

The Alaska Natives are asserting their rights to lands, used, occupied, and claimed by them and their ancestors since time immemorial. Despite explicit guarantees which purported to preserve the definition of these land rights for later congressional action, the Indians, Eskimos and Aleuts of Alaska have seen their resources exploited and their lands taken. Many of them have been forced to live without the assurance of formal title to lands from which they wrested a living—as did their ancestors before them. They have observed laws so administered so as to cause them to lose their lands in ways that they did not understand, since they assumed that the laws were for their protection too. But they had confidence and they believed, and they waited.

The Excitement of statehood came to Alaska and everyone joined in making it possible for our great land to join the union of states. "Wait", we were counselled. "Let us attain statehood first; otherwise the resolution of this complex issue may delay and possibly indefinitely postpone this necessary event." The Alaska Natives believed and they waited. The Statehood Act passed, and under its provisions, the State began to select land. Indian Land, Eskimo Land, Aleut Land. Trustfully, the Alaska Natives looked to the disclaimer Clause which promised to preserve the status quo for a final disposition by the Congress; and yet, as of March 1, 1969, the disposition of the State selected lands was as follows:

Patented (title granted)	5,467,694
Tentatively approved	8,640,251
Selected, but not approved	11,579,575
Total	25,687,520

The time for a just and equitable settlement is *now:* The issue can no longer be deferred and the natives will not be ignored. The Alaska Natives seek justice and not charity. They do not ask to be given lands, but they ask for the right to retain a portion of that which belongs to them. They do not ask to be *given* money or compensation; but they ask, as a matter of justice, that compensation be paid to them in return for their agreement to extinguish their aboriginal claims to vast portions of this State.

In seeking a 2% overriding royalty provision, the Natives seek to participate in the return from the fruits of the land. Also, through this mechanism, they seek to forestall the need for ever returning through the Courts on the basis of an unconscionable settlement—for they too, seek a final settlement.

In addition to a just and equitable settlement, the Natives of Alaska seek the opportunity for maximum self-determination. They will not accept stifling paternalism. They seek the opportunity to realize their own vast unrealized potential for self-development.

You are businessmen, the entrepreneurs, the "doers." You have had to ride and fall on your business judgment and you want the facts. Your judgment as to your position on this issue will be measured in terms of its consequences long after we are gone.

Let it be clearly understood that I do not appear before you as spokesman for the Native people who advocates the cause of land rights, or seeks your support because of existing disparities in levels of health, education, employment and housing. Nor do I seek your support because I am a Native and you must help the needy Native people. I am here to articulate the firm basis of legal principles enunciated in a series of Supreme Court decisions, and our commitment to the development of national policy, which underlies the Alaska Native Land Rights, which we as Native people are asserting. This issue is of vital concern to all Alaskans.

The Alaska Native seeks a congressional resolution of this long pending issue. Our fellow citizens in Alaska and the South 48 are asked to formulate judgments on the land claims, while handicapped by a relative lack of relevant information, and a limited understanding of the complex principles involved. You have a responsibility for becoming informed, just as the Natives bear the responsibility for telling their story to Alaska and the Nation.

The fact is you cannot understand the Alaska Native Land Rights without understanding us as a people. A truly comprehensive analysis of the Alaska Native land rights must necessarily encompass concepts of Indian Law and an appreciation of the broad sweep and development of pertinent national policy; a respect for the heritage of the people who assert these rights; an awareness, of the potential economic impact on the State of Alaska, and, finally, the national conscience which must now respond to the explicit congressional guarantees given to the Alaska Natives 85 long years ago.

The policy of honoring tribal occupancy rights and purchasing Indian land antedated the Constitution of the United States and was further evidenced in the more than 300 treaties between the United States and the various Indian Tribes. It is pertinent to note that over two million square miles were purchased from the American Indians. It is this area which presently comprises the bulk of the present public domain lands. The United States paid France fifteen million dollars for the acquisition of political sovereignty over the historic Louisiana Purchase area. Over 300 million more dollars was paid to the Indian owners of the land for the extinguishment of their title rights. Someday, all history books will accurately chronicle the role of our Indian and Native Peoples relative to the growth of our country.

Thus, as a matter of national policy, the Congress has come to recognize the just principle of voluntary purchase and sale for a negotiated price in its dealing with the Indian Tribes. Nor have Indian rights lacked for a legal definition.

In addition to a just and equitable settlement, the Natives of Alaska seek the opportunity for maximum self-determination. They seek the opportunity to realize their own vast unrealized potential for self-development.

The Supreme Court of the United States has repeatedly held that aboriginal Indian Title to lands embraces the *complete beneficial ownership based on the right of perpetual and exclusive use and occupancy.* Such title also *carries* with it the *right* of the tribe or native group *to be protected fully by the United States in such exclusive occupancy against any interference or conflicting use or taking by all others, including protection against the state governments.* In short, as declared by the Supreme Court, aboriginal Indian ownership is as sacred as the white man's ownership.

The established law is that *only* the United States may extinguish aboriginal Indian ownership. Thus, Indian land claims cases in the South 48 arise out of circumstances in which the land was taken at some point in the past. Thus, for example, the Court held that the California Indians lost their lands in 1853 and a fair market value, as of the date of taking, was established in order to fix the amount of compensation. But Alaska is the sole remaining part of the United States which includes extensive areas *still used and claimed* by the aboriginal inhabitants based on rights of aboriginal occupancy. Thus, we assert that our Indian or Native Title has not been extinguished. We are not dealing with historic fact. This is a "here and now" situation.

With the exception of various portions of land, the Indian or Native Title to vast areas claimed by the Natives has not been extinguished. To quote from the Court of Claims in the case of the Tlingit and Haida Indians v. United States, Docket 47900, decided on January 1968, "This court has held that equitable and just compensation for land held by Indian Title is measured by the *date of taking fair market value* of the uncompensated for property rights. . . . The *value* of land held by Indian title is the same *as they held in fee simple* and not the value to its primitive occupants relying upon it for subsistence . . ." (emphasis added) Thus, the Court confirmed its previous theory of value and, at the same time, expressly rejected the notion that natives should be paid on the basis of values consistent with subsistence use. The implications for the statewide land claims are obvious.

Conservatively estimated, the value of lands now held by aboriginal title is, at least, in the tens of billions of dollars. This great value was recently illustrated by the more than $900 million which was paid on September 10, 1969 for the right to explore for oil on 400,000 acres of land used and occupied by North Slope Eskimos since "time immemorial."

Notwithstanding their knowledge as to the almost astronomical worth of lands that they are asked to give up, the fact is, the Alaska Natives do *not* seek the *full value* of any lands which may be taken as a result of a legislative settlement. They do this, knowing that previously established legal principles fixed valuations for Indian title lands as of the date-of-taking.

The Alaska Federation of Natives developed, as its first proposed solution to the native land claims, S. 2020. The proposal would have amended the jurisdiction of the Court of Claims and would have allowed the Natives to sue the United States in the Court of Claims. This solution still has its adherents. Furthermore, the prestigious Federal Field Committee, after extensive analysis, concluded, "The Alaska Natives have a substantial claim upon all the lands of Alaska by virtue of their aboriginal occupancy." Former Secretary of Interior, Stewart Udall, in testifying before the Senate Interior and Insular Affairs Committee on July 12, 1968, on the Alaska Native Land Claims stated, "Based on the standards adopted by the Court of Claims in the Tlingit-Haida case, the Natives could possibly establish aboriginal title to practically all of the State of Alaska. No one knows, in fact, I think it would be wise not to litigate that issue, probably."

Nevertheless, the Alaska Federation of Natives, reflecting the will of its constituents and demonstrating the responsible, unselfish character of the Native people, agreed that a complete and final legislative settlement is far more preferable than years of complex litigation.

To achieve such a settlement, the Natives are willing to accept much less than the value of what is being given up. The Alaska Federation of Natives' proposal which has been drafted into legislative bill form, seeks:

(a) Confirmation of title to land in the native villages which has been used and occupied by the native people from time immemorial. AFN proposes that said confirmation of lands should be in the amount of forty million acres.

(b) A payment of $500,000,000 and an overriding royalty of 2% of the revenue derived from the lands as compensation for lands previously taken, and as compensation for the extinguishment of any and all claims against the United States, based upon aboriginal right, title, use and occupancy of lands in Alaska by any native or native group.

(c) Recognition of a statewide Native corporation, and not more than twelve regional corporations as the management group for the land and funds.

(d) Creation of an Alaska Native Commission to assist in the administration of the Settlement Act.

Each of these concepts (confirmation of title to a specific amount of land, payment of compensation and provisions for the administration of the settlement) have been included in prior bills introduced in Congress.

The Alaska Federation of Natives' proposal considers the following factors:

(a) The Natives' desire to present a proposal which is politically realistic and which will help to advance a full and final legislative settlement by Congress;

(b) The immense value of the lands being given up;

(c) The ecology of Alaska and the need for adequate lands for subsistence purposes;

(d) The Natives' attachment to and dependence upon the lands which they have used and occupied for thousands of years; and

(e) The desire of the Natives to have sufficient funds to enable them to solve their own social problems and to be participants in (rather than outside observers of) development of Alaska.

The land is of paramount importance to the Alaska Indians, Eskimos, and Aleuts. Thus, the Alaska Natives are requesting that they . . .

"The Alaska Natives are requesting that they be permitted to retain 40 million acres for both subsistence and investment purposes."

Many Natives wish to continue a rural way of life. In a nation where individual freedom and self-reliance are highly valued, this preference should be given great weight in determining the amount of acreage to be retained.

Moreover, no matter what weight may be given to this preference or what the ultimate settlement may be, the fact is that the majority of Natives will be in the villages for very many years. Many Natives—particularly the elderly and those with very little education—would be destitute and miserable if, because of insufficient land, they were forced to move from their homes.

Thus, the alternatives to adequate lands for subsistence are (a) endangering the food supply and aggravating the poverty of Natives who remain in the villages, and (b) forcing many Natives into ghettos (either in cities or on reservations).

On the other hand, if adequate lands are

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retained, the Natives will be able to make a meaningful choice between village life and urban life. Those who voluntarily choose urban life (primarily the young and more educated) will do so without bitterness or desperation, and should be able to make a satisfactory transition. They will view their move as a positive choice, and not as an expulsion from their land by the white men.

To the extent that any land is used for investment purposes the proceeds should (a) help Natives who have left their villages adjust to urban life, and (b) help all Natives adapt to the drastic social, economic and ecological changes which will occur because of the oil discoveries and Alaska's growth and industrialization. Moreover, through owning lands for investment purposes, the Natives will be able to develop managerial talents and increase the contribution which they can make to their state and nation."

There will be a land claims settlement. The push is on for a Bill before the end of this Congress. The continuation of the land freeze; the pressures to continue with the orderly development of our state, the oil discoveries, the high priority assigned to this matter by Senator Henry Jackson, Chairman of the Senate Interior Affairs Committee, and Congressman Wayne Aspinall, Chairman of the House Interior and Insular Affairs Committee, and finally—the determination of the Natives of Alaska to see justice done—are all helping to build up the pressures for congressional action.

Despite the focus on the scope and extent of the Alaska Native Land Rights question, I must observe that the Alaska business community *has not* demonstrated its usual perceptiveness and vision relative to the impending change that will affect the Alaska Natives.

Over 50,000 buyers, sellers, investors, entrepreneurs, hunters, fishermen—our native people—will receive the economic means to participate meaningfully in the growth of our state. They will join the policy makers in a more significant way as they receive the means to plan and to change their way of life and that of their children and grandchildren.

Native organizations will make wise selections of experts and technicians, including engineers, geologists, foresters, managers, investment advisors, accountants, economists and lawyers, to assist them in making their resources and lands productive. They will have an impact upon the State and Federal governments that will far exceed present efforts. Future discussions as to economic, business and related opportunities in Alaska will be meaningless without the Native peoples—because you will *need* us and because it will simply be good business. Your trade missions and exhibits and other means of selling opportunities in Alaska will include us because you will need us.

It is not just the self-image of the natives that must change. You, too, must see us in the light of the fast-moving events that are the result of our fight for our land rights and our more sophisticated political awareness. You, too, will need to change your image of us as a people.

The Central Council of Tlingit and Haida Indians of Alaska, which was established by an Act of Congress in developing plans for the disposition of $7 million received in satisfaction of the successful culmination of part of its land claims. The Tlingit and Haida Indians are using this sum in the aggregate as the most effective means of bringing optimum benefits to their people. The six plans developed by the Central Council include:

1. Scholarship Grants and Assistance for Education and Professional and Vocational Training.
2. Plans for Services for the "Special" (that is, the Elderly) Tlingit and Haida People.
3. Housing Guaranty and Loan Fund.
4. Community Development Fund.
5. Industrial and Commercial Development Fund.
6. Revolving Fund for Loans or Organization of a T–H Bank.

As the Tyoneks demonstrated vision and responsibility in the wise use of their resources, so the Central Council, as the first regional Native organization with significant cash assets, will assure all of you as to our competency and our vision. Profit-making and investment opportunities will also be carefully investigated. We intend to be active in individual Tlingit & Haida communities, the Southeast Alaska community and the State.

Your support for the Native land claims should be forthcoming because you want justice to be done.

Your support for the Native land claims should be forthcoming because Alaska Natives will never leave our State to retire elsewhere—and we will use our monies here.

Your support for the Native land claims should be forthcoming because we come before the Congress by right and because it is not only the claims issue that is on trial—but the willingness of the institutions which will be called on to do justice will also be tried. For, not to do justice would cost all of us, eventually.

We must maintain our good faith and trust in one another. Justice for all will securely bind us together just as surely as injustice and indifference would disrupt our relations. This occasion should mark the meaningful beginning of a dialogue between the business community and the Alaska Natives. We are all Alaskans. We share the same aspirations, goals and ambitions—a better Alaska. We invite you to join us in our struggle for justice. Let us resolve to avoid the temptation to try to assign total responsibility to the federal government. Justice is our joint problem and the Alaska native land rights is a unique opportunity to meaningfully work together.

RECOMMENDATIONS FOR AN INCREASE IN SOCIAL SECURITY BENEFITS

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, a few weeks ago, the administration announced that the President would soon be sending to Congress recommendations for an increase in social security benefits. Those of us who have been calling for increases for some time were both pleased and disappointed by the announcement. We were pleased that the President had finally decided to move in the direction of badly needed and long overdue increments; we were disappointed that he proposed only a 10-percent increase to take effect next April. On September 26, the President formally submitted his recommendations to the Congress and they might have afforded a measure of hope were it not for the fact that they are too little and will be too late to save many millions of American senior citizens from the brink of financial disaster. My mail, and I feel safe in saying, the mail of every Member of the House and Senate is replete with correspondence from social security recipients who have their backs right up against the wall. Their meager incomes remain stable while their social security checks and their savings are eaten up by inflation. This situation would be unpardonable even if we did not have the funds to carry out an increase in the benefits, Mr. Speaker. But we have the funds and we do not have to increase taxes measurably to make them available. Because of this, any further delay in increases is unconscionable.

I propose, Mr. Speaker, that the Congress consider and enact immediately, legislation which will contain a twofold guarantee: An across-the-board increase in benefits of 15 percent and a $100 a month minimum benefit, effective upon enactment. I have talked and corresponded with hundreds of recipients in my congressional district, many of whom have been retired for 10, 15, or 20 years and who are trying to get by on $75 or $80 a month. They cannot wait until April of 1970 for an increase. They need it now. And they need it desperately. We can do no less.

But, Mr. Speaker, our moral and societal obligations to the elderly and the needy of this Nation go farther than merely a raise in social security benefits. They should and must include expanded benefits under the program. There are thousands, indeed maybe millions of senior citizens who are, thank God, not hospitalized, but who are nonetheless ailing and require special services and special drugs not now covered under social security. Our moral obligations do not end with the provision of a subsistence allowance only. How can we as a nation say that we are meeting our responsibility to the old when hundreds of thousands of them live on a mere pittance, when circumstances force them to spend a larger than normal share of their benefits on drugs and home care, and when the essentials of life, which are theirs as a right, are denied them because of the high cost of living.

I propose that benefits be not only increased but expanded to include prescription drugs for nonhospitalized but chronically ailing social security beneficiaries and that home-care costs be borne in part by the social security program. Because of the crowded hospital and nursing home situation today, many of our senior citizens are not receiving adequate and proper treatment. The present structure does not afford them proper drug and home care. There is no excuse for allowing this deplorable situation to continue. I endorse and support the proposal advanced by former Health, Education, and Welfare Secretary Wilbur Cohen whereby chronically ailing social security recipients would have to pay only the first dollar for each drug and the remainder would be paid for out of the OASDI funds. I endorse also an expanded program of home-care for ailing recipients who need special services but who are neither hospital bound nor bedridden. We must pursue these goals vigorously and at once if we are to afford these millions of Americans, who have already given so much to our society and its economy, an opportunity to live out their lives in decency.

Mr. Speaker, there is yet another side to the social security program which is extremely important, but which seems to receive all too little attention, either in the media or here in the Halls of Congress. We all know that retirement brings with it a reduction of earnings. That is the initial reason the social security fund was established over 30 years ago. What is not so apparent, however, but what is equally as significant, is the fact that thousands of retirees who could continue to make important part-time contributions to our society are denied that right by the ridiculous limits placed on outside income by the present social security retirement test.

Last January, our colleague from the other body, Senator Ted Moss, of Utah, brought the Special Committee on the Aging to Syracuse, N.Y., in my district, for the purpose of holding public hearings. During the course of those hearings he noted that:

> I think the greatest problem of all in age is not the slowing down of the physical mechanism so much as just coming to that sort of dead end where you feel there is no longer any contribution you are making.

Mr. Speaker, I think Senator Moss hit the nail right on the head. We all know that a part-time job can be not only financially rewarding for an older person, but that it can be therapeutically and psychologically invigorating as well. There is nothing so justifiably proud as a man or woman who is accomplishing something and who feels needed. There is nothing as proud as an individual who can stand on his own two feet. Yet the shameful lag on the part of Congress in not correcting and updating the retirement test denies that sense of accomplishment and that sense of contribution to thousands of our senior citizens.

Under the present system, a recipient may earn up to $1,680, plus $1,200, a year without losing any benefits. I propose that this be raised immediately to $2,000 so that those who can and those who want to supplement their incomes may do so without suffering unduly. And collaterally, I propose that the formula which would require a $1 deduction from benefits for every dollar earned over the new level of $3,200 be restructured to require a $1 deduction for every $3 earned. The administration has suggested a $1,800 cutoff and a $1 loss for every $2 earned over $3,000, but I do not feel this is adequate.

We are literally throwing away an incalculable asset in the talent and wisdom of millions of our senior citizens who have chosen to withdraw from the scene rather than lose their hard-earned benefits. This, likewise, is an intolerable situation which demands immediate attention.

These are not unreasonable goals; nor are they unattainable. We who are reaping the fruits of a prosperous and dynamic America owe them in large measure to the tireless dedication of the generation that preceded us.

We can neither ignore their plight nor shirk our responsibility.

THE PARADOX OF OUR PROSPERITY

(Mr. BURKE of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Florida. Mr. Speaker, although inflation is raging and the cost of living is reaching the boiling point, many Americans are not only able to keep their heads above water, but are relishing a time of unequaled prosperity.

Due to increased wages, their economic conditions are often quite livable.

I find it somewhat ironic, however, and tragic, that this is not the case with those who, by their very labors, inventiveness, and foresight, have enabled so many of us to enjoy the fruits of our prosperity, while they are in the midst of a period of unequaled austerity.

I am referring to those older persons receiving social security benefits who, after working all of their lives, have now retired in the hope of living decently on their retirement funds and incomes. The truth of the matter is that they could not foresee the time when the dollars of their life savings would be worth only a fraction of their original value.

To me, this represents a gross inequity in our society—a situation which is a paradox of our prosperity.

There are certain responsibilities which we must meet to those whose need is all too real. There is a need to eliminate this cruel condition which has already robbed millions of their hopes for a brighter economic future.

It is urgent that we address ourselves to this problem and effect an across-the-board increase in social security benefits of not less than 15 percent, which I feel is needed to meet the increase in the cost of living. The minimum should be no less than $100 per month.

I further feel that this increase should begin on January 1 instead of the proposed April date or on passage of such legislation, whichever is the soonest.

Sometime ago I introduced legislation to insure that social security recipients receive equitable benefits in the future based on increases in the cost of living, which is actually the only way to assist them in meeting the skyrocketing cost of living.

Our obligation is clear. We have no choice but to erase this paradox of our prosperity, for no price can be placed on the fulfillment of genuine human need nor on the acquisition of human dignity.

PRESIDENT NIXON'S SCHEDULE

(Mr. LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKENS. Mr. Speaker, the other day my well-traveled colleague from Ohio, Wayne Hays, took it upon himself to make public the announced schedule of the President, apparently implying that this is all the President does.

Undoubtedly the honorable and well-traveled Congressman was judging by his own schedule, which is not especially known for its business.

It is obvious also that he has not been close enough to any President of either party to know that there is a public schedule of appointments as well as a private schedule, and that, even though this may not be the case with the honorable gentleman, Presidents have other duties than just to meet with people.

It may be that my friend, the honorable and well-traveled Congressman has been himself turned down in an effort to meet with the President. He should be more understanding of the demands on the time of the President. The President has many more important things to do than meet with his detractors.

For the edification of others who may, with more reason, have the same misunderstanding, let me go over, without mentioning names, the President's full schedule for last Thursday, which I have taken the trouble to obtain.

At 8:30 a.m. the President held a staff meeting.

From 9 until 10:15, he met with a group of Senators on matters of importance to our Nation.

From 10:15 until 11, he met with his national security advisers. From 11 until noon, he received new diplomatic representatives from five different nations.

At noon he met for 20 minutes with his chief of protocol, Ambassador Emil Mosbacher.

At 12:20 and again at 12:25 he did meet with old friends—briefly.

In the afternoon he met with one more Senator, Dr. Arthur Burns, White House Counsel John Ehrlichman, Dr. Kissinger, and Peter Flanigan.

Mr. Speaker, in itself this was a pretty busy day. It does not take in the papers that needed to be seen or signed, phone calls made and received, or just plain thinking time.

There are those among us who prefer to talk rather than think, who prefer to belittle others rather than earn respect for themselves. Fortunately, the President of the United States is not one of those.

STATE DEPARTMENT'S FAILURE TO SEEK U.N. HELP FOR RELEASE OF ISRAELI CITIZENS STILL HELD BY SYRIA FROM THE TWA AIRLINE HIJACKED TO DAMASCUS IS INDEFENSIBLE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, 1 month ago I wrote to the State Department and asked that the State Department summon a meeting of the U.N. Security Council as soon as possible to demand the release of two Israeli prisoners—two passengers taken from an American airplane when it was hijacked to Syria—who are still being held in Damascus. Other Members of Congress have written a similar request to the State Department. Also, today I learned that 13 nations have asked that the U.N. intervene in attempting to halt the rising incident of airplane hijackings.

I have been advised by the State Department that it cannot take this action. In response to my request, the State Department has stated:

> In our view, the interest of the detained passengers and international civil aviation in general are best served for the time being by the quiet, persistent efforts we have been

making, rather than by a public approach that could worsen their plight and interfere with other efforts being made. There are hopeful indications that the Syrians will release the passengers if the psychological climate is right and, therefore, we wish to avoid any action that would provide the Syrians cause to continue holding the two men.

Mr. Speaker, this answer and this statement on behalf of the State Department is indefensible. These two passengers have been held prisoners illegally for almost 2 months. Without any question, they were passengers on an American carrier that was hijacked and taken to Syria. These two passengers were removed from this American carrier and with no provocation are now being held prisoners by the Syrians. This is an outrageous violation of every standard of conduct among nations.

Mr. Speaker, this scandalous conduct by Syria jeopardizes the whole structure of American international travel. We as a nation have a duty and responsibility to protect passengers on American carriers. I was astounded and appalled that the State Department would take such a wishy-washy position on this matter. I believe the State Department should reconsider its position and demand the U.N. Security Council insist on release of these two prisoners forthwith.

Mr. Speaker, if the average American corporation had as many failures in the conduct of its business as the State Department has had in conducting our international affairs, we would all be bankrupt.

I call to the attention of my colleagues my original letter to the State Department and the Department's reply. The two letters follow:

SEPTEMBER 8, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Ten days have now elapsed since the Trans World airliner was hijacked by Arab terrorists and taken to Damascus. You will recall that all but two of the passengers on this international carrier flying an American flag have been released. I am deeply concerned about the remaining two passengers over whom, I believe, the United States has considerable responsibility, if for no other reason than because they were legal passengers on an American-owned commercial aircraft.

I hereby request that you take appropriate steps as soon as possible to summon a meeting of the Security Council at the United Nations and demand an immediate release of these two passengers.

The only crime that these two Israelis still being detained by the Government of Syria have committed is that they were innocent passengers on an American international air carrier. So far as I can ascertain, this is the first time in modern history that a nation has deliberately detained passengers from an aircraft as hostages for terrorists who hijacked the aircraft.

I am astounded that our country has not taken more forceful action already. I have read with interest your own very strong statement denouncing this international piracy at the time the hijacking occurred. I commend you for this statement, but the statement alone is not enough.

Nor am I at all persuaded by arguments of those who urge no action at this time because of the "delicate" negotiations for the release of these two Israeli citizens.

I believe the most effective means of securing the immediate release of these two passengers on an American aircraft is for the Security Council to serve notice on the Government of Syria that any harm to these two people will bring the strongest retaliation by the combined membership of the United Nations.

It is unconscionable that the free world has remained silent on this issue for so long. Secretary General U Thant has tried to persuade the International Federation of Pilots Association against the worldwide strike of airline pilots in protest against this hijacking, and even more against the illegal detention of these two Israeli passengers. Mr. U Thant would better serve the cause of justice if he addressed his energy toward a meeting of the Security Council for immediate action.

It is my honest judgment that a continuing failure by the United States and the other major powers to deal effectively with Syria's cruel detention of these two innocent passengers will only beget more actions of terrorism against the United States. We have seen already one example in Brazil and we are now witnessing a tragic story unfold in North Korea.

I urge you to instruct your aides for an immediate petition to the Security Council for an emergency meeting to demand the release of these two passengers. For the United States to delay in providing maximum protection for these two passengers will seriously shake confidence in the integrity of the entire American international carrier fleet and in my judgment will have not only serious moral consequences, but even some economic setbacks.

Your cooperation in this matter will be greatly appreciated.

Sincerely yours,
ROMAN C. PUCINSKI,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., September 17, 1969.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: The Secretary has asked me to reply to your letter of September 8 requesting that the United States Government summon a meeting of the UN Security Council as soon as possible to demand the immediate release of the two Israeli citizens still held by Syria from the TWA airliner hijacked to Damascus.

Since the hijacking, which the Secretary in his statement of August 30 strongly condemned as an act of international piracy, we have been in continuous and close touch with the Government of Italy which represents U.S. interests in Syria and which has approached the Syrian Government on our behalf. We are also in touch with numerous other governments having relations with Syria as well as with international organizations concerned with air travel to enlist their support for our efforts to secure the immediate release of the detained passengers. I can assure you that we are continuing intensive efforts through all available channels on behalf of the remaining passengers of this United States flag aircraft.

Although I understand very well your strong feelings on the subject, we do not see at this stage of our efforts to gain the release of the detained Israelis that a Security Council discussion of the matter would be useful. The main reason for our preference not to raise the issue in the UN at this time is that it is doubtful, in view of the current emotion-charged atmosphere in the area, that we could keep a Security Council debate on the hijacking issue from becoming embroiled in the complexities of the overall Arab-Israel issue. Moreover, there is little prospect, in our view, that the ensuing debate would produce any action that would help the two detained passengers. On the contrary, it could very likely have just the opposite effect at this juncture causing the Syrian position to harden and failing to obtain the release of the two detained passengers.

In our view, the interests of the detained passengers and international civil aviation in general are best served for the time being by the quiet, persistent efforts we have been making, rather than by a public approach that could worsen their plight and interfere with other efforts being made. There are hopeful indications that the Syrians will release the passengers if the psychological climate is right and, therefore, we wish to avoid any action that would provide the Syrians cause to continue holding the two men.

I agree with you that the U.S. Government at all levels must do everything possible to uphold the integrity of American flag carriers. All our airlines, as well as the USG, feel an obligation for the welfare of foreigners who choose to fly with a U.S. flag carrier. The U.S. expressed strong concern several years ago when Guinean passengers were removed from a Pan American aircraft at Accra and we would feel equally strong should, for instance, Latin Americans be detained from a U.S. aircraft diverted to Cuba.

You can be assured that we are following this situation very closely and will take whatever steps, including recourse to the UN Security Council, that we consider useful in the light of future developments.

I hope the foregoing information will be helpful to you.

Sincerely,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

POLLUTION COSTS

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MORSE. Mr. Speaker, last week I inserted in the RECORD for the attention of my colleagues, two of a series of articles by Lowell Sun reporter, Franz Scholz on the pollution problem of the Merrimack River Basin: the first dealt with the visual and olefactory effects of the river's pollution; the second, with its effects on aquatic life in the river and on human existence along the banks.

The following is the third article by Mr. Scholz, who canoed up the Merrimack and Concord Rivers, traversing the same route plied by Henry David Thoreau in 1839. As one of the "crew" during a day of this journey, I was witness to the devastating effects of pollution on the recreational potential of the river and the value of the land along its banks described in this installment.

Franz Scholz begins with the comment that "the cost of pollution in the Merrimack staggers the imagination." I am indeed hopeful that through his efforts to bring these facts before the citizens of the Merrimack River Basin, he will stir their imagination, and encourage the public commitment to clean it up. We cannot afford not to. And indeed, a clean river may well pay for itself:

POLLUTION COSTS

(By Franz Scholz)

LOWELL.—The cost of pollution in the Merrimack staggers the imagination.

The loss of income due to pollution to the people of the cities and towns along the river's banks amounts to an estimated $40 million annually and is continually rising.

The cost of cleaning up the river is more than six times that figure.

In addition to dollar and cents costs of pollution, there are numerous immeasurable costs. Untold hours of pleasure derived from swimming, boating and fishing are lost because of the human and industrial waste infesting the water of the Merrimack, producing obnoxious odors. These wastes also pose as a potential threat to the health of communities using the river as a public water supply and farmers using it to irrigate their crops.

We base our estimated $40 million annual loss of revenue to pollution of the Merrimack on a 1966 Federal Water Pollution Control Administration (FWPCA) estimate. In 1966, the FWPCA set the estimated loss of revenue at $37,000,000. Using this estimate and applying a rate of three per cent increase per year during the period of 1966 to 1969, we arrived at our estimate.

Of its $37 million annual total, the FWPCA estimated that cities and towns along the Merrimack miss out on $21,300,000 annually in income which could be realized from the fishing, swimming and boating potential of the Merrimack if it were not polluted with human and industrial wastes.

Another $9,100,000 annually goes begging because of deflated value of the 1,830,600 feet of river bank footage available along the Merrimack and Nashua Rivers.

As a result of the pollution and deflated land values along the river, cities and towns on its banks lose out on an additional minimum of $5,500,000 in increased tax revenues.

Finally, the polluted state of the river deprives cities and towns bordering on its banks of an additional $1,100,000 in the loss of the commercial value of the rivers estuary and other miscellaneous benefits.

During our trip up the Merrimack last month in which we traversed the route plied by Henry David Thoreau in 1839, we found practically all the land along the banks of the Merrimack could easily be made into beautiful sandy beaches, shady picnic areas, sancturaries for birds and other wildlife or could become peaceful spots for river front homes, hotels and resort dwellings.

Much of the land along the banks, especially on the long, largely uninhabited stretches between the large cities, reminded us of the banks Thoreau described on his journey up the Merrimack.

"Other roads do some violence to nature, and bring the traveler to stare at her," he wrote, "but the river steals into the scenery it traverses without intrusion, silently creating and adding to it, and is as free to come and go as the zephyr."

On our "retired and pleasant" route between Nashua and Manchester, we found little, other than the river "creating and adoring" the willow and pine trees which grace its white, sandy banks. Accompanied only by sea gulls, long-legged cranes and other birds, we left Nashua at seven in the morning on the fourth day of our journey and headed towards Manchester. By mid-morning we had passed some factories in Merrimack, N.H. and then did not come upon a home until mid-afternoon as we reached the Manchester city limits.

Other stretches were equally as pleasant.

On the second day of our trip, Cong. F. Bradford Morse joined us as we turned out of the Concord River into the Merrimack just below Bridge Street in Lowell.

The Lowell factories uglied the left side of the Merrimack as we headed in northerly direction. The Congressman, however, was taken in by the white sand, willow trees and pleasant surroundings on the opposite bank.

"Beautiful," he said, as he looked at the unmolested trees on the Pawtucket Boulevard side of the river in Lowell.

Wanting to see more, he urged us to transgress temporarily from our course and head downstream towards Lawrence. Obliging, we sailed under the Hunts Falls Bridge only to find the river banks grew more and more inviting.

Sea gulls perched on rocks in the falls and we saw our first long legged crane tempting us to go even further.

That afternoon, Arthur Rowse, a national columnist from Washington, accompanied us as we made our way up the river, again in back of the Lowell factories and on to the Tyngsboro Bridge.

As we passed in back of the Lowell factories and Northern Canal area, he urged us to motor in for a closer look at the trash littered banks. Again, we obliged, although from a distance we could see only rats feeding on waste, old tires, cans, bottles, other rubbish and dead wood scarring the banks. As we got closer, however, we found the banks consisted of a fine sand. Removing some of the rubbish dumped there, we found even more sand.

"How nice this would be if the city only spent a little money to clean up this rubbish," Arthur said.

Equally potentially beautiful banks lay hidden beneath junk automobiles, refrigerators, cans, bottles and other areas used to dump rubbish along the banks of the river. When we removed the rubbish, the banks appeared much the same as Thoreau saw them in 1839: "The course of the Merrimack can be traced from the nearest mountain by its yellow sandbanks."

According to the FWPCA there are 173 miles of such beautiful bank footage available along the Merrimack and Nashua Rivers, most of which we found that except for dumping refuse, man rarely explores or makes use of. Ironically, the most pleasant banks we found where along sections in which we traveled for hours without seeing a home, factory or life other than sea gulls sitting on rocks in the middle of the river, an occasional fish jumping on the surface of the water or squirrel playing on the banks.

How easy it would be to turn these banks into beautiful beaches, picnic areas, boat landings, or choice river bank house lots. My traveling companion, Richard P. Taffe Jr. and I kept telling each other we envisioned an area as a boat landing or as a picnic area—after the bottles, cans and other debris were removed. Other spots at which the river had deposited large amounts of sand (up to 10 and 12 feet deep) along the banks, we envisioned as pleasant beaches.

On a stretch well over a mile long between Merrimack and Manchester, N.H. and abounding with shady pine and willow trees set in white sand, we pictured turning into both a picnic area and bathing beach. All one had to do, Dick observed, was put in picnic tables, the river had provided the white beach-like sand along the banks and nature the trees.

But, the pollution infested waters of the river, beautiful by nature, but scarred with man's filth, attract few people to its unmolested banks.

More than 10 million people live within an easy day's ride of the Merrimack, and an additional 6.5 million are expected to reside in the area by the year 2000.

The potential recreational value of the river is further realized by the fact that 41 per cent of the population prefer water-based recreational, activities and they spend a minimum of $8.00 a day for food, lodging, transportation and miscellaneous items while doing so.

We found that few of the 10 million-plus population living within a day's drive of the Merrimack were spending their recreational time and money on the river. Instead, repelled by the polluted water, we found that people who live within walking distance of the Merrimack spend their vacation time fighting traffic to get to beaches on the North Shore, Cape Cod or to lakes in New Hampshire and Maine.

While we saw two or three groups of youngsters swimming in the Concord, we did not see a single person swimming in the Merrimack (one Tyngsboro family, however, said they swim in the river, and although we did not see any doing so, people along the river above the dam in Manchester also say they swim in the river).

Instead, we saw a "bathing prohibited" sign posted on the back of the old Lowell Bath House on Pawtucket Boulevard.

We passed only a few people boating or fishing in the Merrimack. On the Sunday we plied the river from Lowell to the Tyngsboro Bridge, we passed perhaps a dozen boats. We did not see any other boating until three days later when we got above the dam in Manchester at which point nearly every riverbank home had a boat docked in the water.

As noted in a previous article, we saw only six groups of fishermen (three of which were fishing over sewage outfalls) during our six days on the Merrimack. Yet, the FWPCA reports that "the main stem of the Merrimack River could support an additional 290,000 man-days of fishing per year." Furthermore, statistics reveal that fishermen in the United States spend $10.00 per fishing trip, and that their numbers will triple between 1960 and 2000.

The failure of people to make use of the bathing, picnicing, boating and fishing potential of the Merrimack is due solely to its pollution infested waters. Pollution prohibits bathing. Fishermen do not like to fish the water and most refuse to eat their catches because of the raw sewage it feeds on.

We found that people who live on the river banks dislike boating in the polluted water and since they won't go swimming, refuse to go water skiing on the river.

Thus, as a 1966 FWPCA report states, although "water-oriented activities has been increasing rapidly on a national scale, especially near centers of population . . . a similar increase has not been possible in the Merrimack River basin because of its pollution condition."

The result is an estimated loss of more than $21 annually in potential recreational revenues on the river.

Pollution also deflates land values on the banks of the river. In 1966, the FWPCA estimated that if the river were cleaned up, the total increase in the value of land on the banks of the Merrimack and Nashua rivers would increase $91,400,000. It further estimated that developments constructed on the land would equal the increased land value, making the total increase value $182,800,000. This value was then pro-rated over a 20 year period so that each year would have a value of $9,100,000.

Some large land speculators, hoping to gain large profits if pollution in the river is abated, have already started buying large amounts of land along the banks of the river in New Hampshire. Local officials in New Hampshire, for example, reported that a large realtor, who also holds a position with the New Hampshire state government recently purchased large areas of land along the banks of the Merrimack between Nashua and Manchester, N.H.

A Billerica realtor also recognized the potential value of land along the Merrimack. He told us of his plans to build a 288-unit apartment building on a 30-acre site on the Pawtucket Boulevard side of the river in Lowell.

Asked why he decided to invest so substantially on the river, he felt the river would enhance the value of his apartments Our site, he said, gives a "good unobstructed view of the river."

Asked if the pollution in the river would jeopardize his investment, he said his apartments would be far enough from the river so they would not receive any odors caused by the pollution. Moreover, he has faith and "feels there will be action taken to clean up the river."

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Until that time comes, however, property values along the banks will remain low and cities and towns will continue to lose millions in tax revenues yearly. In 1966, the FWPCA, considering only property tax and using a basic tax rate of $30 per $1,000 per year or three per cent, estimated the loss of tax revenues on river banks property at $5,500,000.

The estimate, however, is obviously a minimum, considering that some tax rates are $100 per $1,000, and higher. (Lowell's tax rate is $132 per $1,000.)

The pollution infested water of the river accounts for other monetary losses to the people of the cities and towns along the river. Lowell and Lawrence, the two communities using the river as a public water supply, for example, could realize as estimated $8,300 yearly savings in chemicals used to treat their drinking water if the pollution count of the river were not so high.

Industries using the river's waters in their manufacturing processes also have to treat the water before using it. A paper company on the Nashua River spends more money on treating the water before it enters their plant than it does to treat the water when it comes out the other end as waste. If the river were not polluted, this and other companies could save the money expended to clean the river's water before they use it and spend their savings on facilities to clean the polluted water they pour back into the river.

Industries along the river would realize other advantages if the pollution in the river were abated. A clean river, offering bathing, boating and fishing opportunities, would make it easier for industries to attract employees to the area. People attracted to the area to take advantage of the recreational opportunities would also patronage local businesses.

In its present condition, however, the river offers industries only a convenient disposal for their wastes and, for some, a source of power.

Moreover, because of its pollution, the commercial value of the river's estuary is all but ruined. The FWPCA and Commonwealth of Massachusetts estimated in 1965 that approximately $300,000 worth of clams could be-harvested annually in the river and that the total value could well exceed $500,000 and might approach $1,000,000 annually.

But, because of pollution the shellfish beds in the estuary of the river were closed to harvest in 1926 and shellfish can be taken in only specified small sections. Thus, the commercial value of the soft shell clam harvest in 1964 was only $14,000.

The cost of cleaning up the river basin federal officials estimate to be about $250 million. (A pollution abatement plan advocated by Dr. Bela Fabuss, director of the Environmental Pollution Division of the research department at Lowell Tech, and described by him in the final article of this series, would cost the cities and towns along the river basin considerably less.)

The cost to the city of Lowell for one pollution control program carries a $15.3 million price tag. A waste treatment plant presently being constructed in Merrimack, N.H., one of the smaller towns on the river, will cost approximately $5 million.

Although the costs to the cities and towns for sewage treatment facilities are staggering, they could be offset by the income from recreation, increased land values, property taxes, savings on costs of chemicals now needed to treat the river water for drinking purposes and other savings to industries located along the river.

Moreover, with a substantial pollution abatement program, the river would pose as less a hazard to public health than it does now.

Presently, the river between the Pawtucket Falls dam and the Tyngsboro Bridge, the stretch along which the intake for the Lowell water supply is located, has been given a **Class B designation.**

This does not mean, however, that the water in the river at that point meets its Class B designation. It means merely that the state desires that stretch to reach Class B quality and that polluters are forbidden to pour wastes in the river which would cause the water to fall below the desired quality standard.

Since designating that stretch as Class B, however, the state has set a "deadline" by which polluters in the area must meet the designated water quality standards. But, it has not yet initiated enforcement action against polluters violating those standards.

As a consequence, the actual quality of water in the river, according to 1967 figures, between the Pawtucket Falls and the Tyngsboro Bridge, corresponds to water meeting only Class D and E standards.

A Class D designated river is defined as suitable only for transportation of sewage and industrial wastes without nuisance and for power, navigation and certain industrial uses.

Class E River is defined as totally "unsatisfactory."

A Class B designation would make the water acceptable for public water supply with filtration and disinfection—its actual Class D or E quality does not.

Although Lowell and Lawrence are the only communities presently using the river as a public water supply, the FWPCA estimates that "as populations rapidly increase in many of the cities and towns along the Merrimack River, additional municipalities may need to use this convenient source of water supply."

In addition to being used as a public water supply, the river's water is used untreated by farmers to irrigate their crops.

As we plied the river between the state line and Manchester, we saw several irrigation pumps farmers had set up along the banks of the river.

Although the water in the river at these points has been designated as either Class B or C, the actual quality of the water again corresponds to Class D and E water.

The FWPCA designates only Class C water as suitable for irrigation of crops not used for consumption without cooking. The crops being irrigated by some of the farmers we met along our route, however, included tomatoes and other vegetables consumed without cooking. Some of these farmers were selling their crops irrigated with Merrimack River water at roadside stands.

In 1966, the FWPCA purchased some of the vegetables irrigated with Merrimack River water from farmers at the same roadside stands we visited. All were vegetables that ordinarily are eaten without cooking.

Laboratory tests revealed that a "significantly greater number of fecal colliforms were present on vegetables grown on those farms that used Merrimack River water for irrigation than on vegetables which were not."

(During our trip we also purchased some vegetables irrigated with Merrimack River water from a farmer at a roadside stand, but after carrying them with us in our boats for two days, learned that they would no longer allow for a reliable analysis of fecal coliform count in a laboratory.)

Public officials are well aware of the costs pollution imposes on the cities and towns bordering the river as well as the potential heatlh hazard the pollution poses to their communities, yet they do little about it.

While on our trip, for example, we met with a Lowell city councilor who was alarmed over the amount of ammonia being taken in at the Lowell city water plant intake. Less than a week later, however, the Lowell city council refused to vote authorization for the city to borrow $5.3 million to proceed with plans to control pollution on its portion of the Merrimack.

Like Lowell, most of the large cities we visited on the Merrimack have plans to treat their sewage before spilling it into the river, but they are not willing to spend the money to implement them.

From talks with officials in these cities and towns, we learned of three reasons why these plans rarely get off the drawing boards. They are the constant concern of local officials over the plight of large industrial polluters in their communities, their tendency to blame the pollution of the river on cities further upstream and not themselves, and their reluctance to show the taxpayers the bill to construct the needed facilities—especially at election time.

In some of the large cities on the river, industries pour nearly as much solid wastes into the river as do the public sewer lines of the cities themselves.

If the communities allow these large industrial polluters to tie into public city sewers and treatment plants it would, in some cases, increase by 100 percent the cost of constructing and maintaining the treatment facilities.

Three large paper mills on the Nashua River in Fitchburg, for example, have more than twenty times the solid waste contained in the public sewage to treat.

The cities often cannot and should not pay to treat the wastes of such large industrial polluters.

Fearing that the industries may move from the cities if they are forced to treat the wastes independently, the cities and their large industrial polluters, as the case in Fitchburg, often arrive at a compromise whereby the city and large industrial polluters share the costs of constructing and maintaining treatment facilities.

Where the industrial polluters are not exceptionally large, some cities have agreed to let them tie in with the public sewer system at no additional expense.

In other instances, we found cities often ignore the large industrial polluters, allowing them to dump freely into the river.

Finally, in Manchester, we found that the city allows one of its larger polluters to call the waste it dumps into the river city sewage.

In this way, any attempt by state or federal officials to control the sewage being poured into the river by this polluter must be taken up with the city of Manchester and not the firm which is actually doing the polluting.

From talking with the owners of the pollution plant, we learned that they had no intentions of ever treating their wastes—composed largely of blood and other animal wastes, which they said made the fish in the river grow to monstrous proportions. (They agreed, however, that they would not like to swim in it.)

Moreover, they told us that eventually large mid-west slaughter houses will force them out of business. Thus, the city finds itself in the ridiculous position of protecting a polluter which sees no future for his business in the area.

Merrimack, N.H., is caught in a totally different situation. It is presently constructing a treatment plant (the only city on the river presently doing so) to attract a large brewery which promises a bright future for the city. (Actually, the Anheuser Busch Brewery agreed to locate in the city only if the community constructed a waste treatment plant to handle the city's as well as its own wastes.)

A "What good is it going to do us if other communities on the river don't treat their wastes" attitude also slows the pollution abatement process.

Little improvement in the water in the river above the Pawtucket Falls, for example, would be realized if Lowell constructed a facility to treat its wastes. Most of the pollution in the river at that point is caused by cities and towns further up the river. Thus, people in Lowell asked us, why should their city expend large sums for treatment facilities if Nashua and Manchester don't do likewise.

In every city we visited, people asked essentially the same question, always blaming the pollution in their waters on the cities further up the river. State and federal officials, it seems, must move with equal vigor to make all communities do their share or none of the cities will act to treat their sewage until their neighbors upstream do the same.

It is for this reason that the commonwealth's case against the city of Amesbury, a small city near the mouth of the Merrimack, is so important. Earlier this year, the state moved against Amesbury for not meeting the water quality standards set for it.

The case against Amesbury is a test of the state's authority to enforce its water quality standards. Should the state fail, other larger cities than Amesbury, unimpressed with the state's enforcement authority may be encouraged to continue violating the water quality standards in their areas.

We learned, however, that large polluters—both public and private—fear public criticism and are more apt to become concerned when it is directed towards them, than they are when the states threaten action. Most of the large industrial polluters we spoke with on the Nashua River, for example, feared the public criticism Mrs. Hugh Stoddard and the Nashua River Clean-Up-Committee could level against them than the yet unproved enforcement powers of the states. No such citizens committee exists on the Merrimack, thus freeing polluters of the river of such criticism.

The final and perhaps most pathetic reason why cities are so slow in acting to treat their sewage is city officials often feel that their communities cannot afford to pay for the facilities needed to treat their sewage "at this time."

As noted, there are very expensive items, and elected officials, especially during an election campaign, are often reluctant to approve such huge expenditures.

This, it appears, was the motivating behavior of Lowell city councilors, who last week, in the middle of an election campaign, delayed voting to authorize funds for sewage treatment facilities in the cities.

HEMISFAIR '68—FINAL REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, 1 year ago today, HemisFair '68 closed its gates for the last time, marking the end of the celebration that served as a birthday fiesta for San Antonio's 250th year. The United States, 23 foreign governments, the State of Texas, and various commercial exhibitors helped attract 6,384,482 persons to HemisFair—the first international exposition ever held in the Southwest. Today, a year after the closing of the fair, enough time has passed to allow us a sense of perspective about the exposition, what it did, and what its legacy to San Antonio may be.

HemisFair was an unprecedented undertaking for San Antonio. The magnitude of conceiving, planning, financing, and executing a world's fair required the city to invest vast amounts of time, talent, and resources in a venture that everyone knew could either end in disaster or help launch San Antonio into a period of unprecedented growth and prosperity. I believe that the record shows that HemisFair was an enormous, glittering success—success far beyond what anyone ever dreamed possible in the beginning, success that confounded doomsayers and optimists alike. The end of HemisFair marked the beginning of a new and hopeful era for San Antonio.

BACKGROUND

No one can say for certain when the first idea of staging a world exposition in San Antonio was mentioned. However, the origin of HemisFair was in January 1962, when I arranged a meeting with the then Secretary of Commerce Luther Hodges to discuss with him my idea for a trade fair in San Antonio. I had in mind a permanent, international trade mart, which would be a place where people from all over the Western Hemisphere could come and trade their goods, and exchange ideas and skills, to the mutual betterment of the whole hemisphere. Secretary Hodges warmly received the idea, but warned that it could never work unless the whole community gave its support to the project.

I was encouraged enough by Secretary Hodges' attitude to broach the idea publicly. I asked a distinguished San Antonio businessman to set up a meeting of business leaders in San Antonio, for the purpose of discussing world trade in general, and a trade fair in particular. A world trade seminar in June, 1962, developed a spark of interest, and Mr. William R. Sinkin helped form a steering committee to study the possibilities in earnest. I give great credit to Mr. Simkin, and to his fellow committee members—their faith, and the faith they inspired in others—made it possible to examine the possibilities carefully, and to develop an actual operating group to test out ideas and develop detailed proposals. A little more than a year after my meeting with the Secretary of Commerce, there was a corporation—San Antonio Fair, Inc., which had some financing in the form of a $100,000 bank loan, and there was a solid economic feasibility study underway. By now the idea had grown into a fullfledged world's fair, and many people in San Antonio were, like myself, convinced that the right idea had come along at the right time and in the right place. In April, 1963, San Antonio Fair, Inc. examined its feasibility studies, took a deep breath, and voted to commit itself to carrying out an international exposition.

The first order of business was to obtain financing to cover the preopening costs of the fair corporation. Next the core staff had to be assembled, and then planning operations started in earnest. Finally, 5 years later, the gates would open—it was hoped—on the first international exposition staged in the Southwest.

Once the idea of HemisFair got around, people responded to it with an enthusiasm that was unheard of in San Antonio. The city had for years been torn by factional disputes, and for 30 years had been a state of economic stagnation. Few people believed that the city had very much of a future, or could stage a big and complex event. All of this changed when people heard of HemisFair. Here was a project to fill the imagination, an idea that people could respond to, and an invitation for everyone to help. HemisFair, if it was to succeed, needed everyone, and everyone proved willing to do his share. Suddenly, San Antonio was united as it had never been before. A $30 million bond issue to finance improvements that would be necessary for the fair passed by an overwhelming margin—not a single precinct reported a negative vote. To obtain bank loans, the fair corporation asked local businessmen to underwrite the obligations of the corporation. The response was overwhelming—individuals and businesses alike agree to underwrite the loans needed for interim operations. A loan of $4.5 million was needed, and pledges reached $5.543 million by September 1963. HemisFair had a staff, had money, and was ready to begin operations in earnest.

The first big decision was to go ahead with the fair, but the second was, where to hold the show, and how? The staff recommended a downtown site, and the decision then was taken to have the fair on a 92.6 acre site to be acquired and cleared by urban renewal. So it began, and the first visible operation was a $12.5 million urban renewal project, which would rebuild downtown San Antonio.

Next, the site had to be planned, and governments, both our own and others, invited to participate. This involved an enormous selling task, but when it was all over, the United States, 23 other countries, and a number of other exhibitors opened a show that revolved around the theme, "Confluence of Civilizations in the Americas." HemisFair depicted how men from many other countries came to the Western hemisphere and developed many new countries, and civilizations which mingled into what we hope will be a mighty confluence of mankind, much as men from many lands came to San Antonio to live together and form a great and growing city.

HEMISFAIR

HemisFair 1968 occupied a site 92.6 acres just south of the central business district of San Antonio. The structures associated with the fair cost $156 million, and included the U.S. pavilion, a very large and handsome one, and the Texas pavilion, also very large and distinguished. Industrial and foreign exhibits were housed in standard modular structures. A new, $13 million convention center offered exhibit space, a theater for performing arts, an arena, and other facilities. A 622 foot concrete tower, the Tower of the Americas, dominated the scene, offering views from the tallest observation platform in the hemisphere. Sprinkled in among the new buildings were 27 restored buildings, all of which had been preserved because of their historical significance to San Antonio. People could easily walk from one part of the fair to another by wide thoroughfares that could best be described as "people expressways" or they could ride either on a mini-monorail or a skyride. Others traveled to and through the grounds by means of boats, which cruised a lagoon and waterway system created from the San Antonio River.

At HemisFair, people could see exhibits ranging from a priceless collection of

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Spanish art masterpieces to a show of paper products. People could see the finest collection of folk art in the hemisphere in the Girard collection, which was fully exhibited for the first time at HemisFair, or could see the KinoAutomat show, or Les Poupees de Paris, or they could simply take on the rides and games of the midway. They could eat anything from French cuisine to hotdogs, and could find entertainment ranging from a wax museum to beer gardens. There were serious exhibits, such as those of the United States and the State of Texas, and lighthearted shows such as the Coca-Cola pavilion offered. IBM and RCA demonstrated the versatility of computers, while the Gulf Oil Co. demonstrated safe driving on a simulated road, using tiny cars. It was a show such as had never been seen in the Southwest before, and people came away enthusiastic and happy. Many visitors came back as often as they could. Originally, the 1963 prediction was that 6.5 million people would come to the fair: in the end, 6,384,482 actually visited the grounds.

World expositions seldom make money, and HemisFair was no exception. All told, the San Antonio Fair corporation spent $25,570,591.67, while taking in $18,137,981.50, for a deficit of $7,432,610.17. But that investment produced an enormous legacy for San Antonio—$156 million in new structures alone, and $134 million in expenditures by visitors to the fair. For the future, it produced a sense of accomplishment for the citizens of San Antonio, and a knowledge of what the city can accomplish in the future, given determination and effort. For the Southwest, HemisFair provided a new focus on its place in the world, and a new sense of unity with the rest of the hemisphere. For all of us, it opened a new time of hope, a new promise for the future and a sense of pride in ourselves.

FEDERAL PARTICIPATION

The heart of a world exposition is the participation of the host government. It is possible to have a world's fair only when the host country participates, and agrees to ask others to join it. HemisFair enjoyed U.S. participation, and a kind of participation that marks the best of what this country can offer.

Congress agreed to recognize HemisFair by passage of Public Law 89–284, approved October 22, 1965. This bill affirmed the desire of Congress to study the feasibility of U.S. participation in HemisFair, and to consider how and to what extent any such participation might be carried out. An appropriation of $125,000 financed the study, which was the responsibility of the Department of Commerce.

The U.S. expositions staff, under the able leadership of Mr. John Orchard, undertook the study. The recommendation of the Secretary of Commerce, transmitted by President Johnson on May 13, 1966, was that the United States should participate in HemisFair, and asked that $10 million be appropriated for that purpose.

Congress, by passage of Public Law 89–264, approved on October 27, 1966, authorized participation in HemisFair, and later appropriated $6.75 million to provide for construction of a pavilion and the creation of exhibits. This agreed participation, plus the endorsement of HemisFair as a special category exposition by the Bureau of International Expositions—which is the official sanctioning body for world expositions—assured that HemisFair would have an international scope.

The Department of Commerce, through its expositions staff, decided on a U.S. exhibit that would center around the theme "Confluence, U.S.A." The idea was to show how people from all over the world settled the United States, forming a mighty confluence that became a Nation truly united; this was our legacy. The exhibit also intended to convey the harvest, showing how we enjoy the fruits of our great legacy. Finally, the exhibit ended by addressing itself to the promise of the future—what could be, if we stand true to our legacy.

This story was told in a two-building complex—one filled with exhibits, the other a 1,200 seat theater where the film "U.S." played to visitors.

From appropriation to opening day was 52 weeks, yet in that time the great building complex went up, the exhibits were designed and mounted, the film produced, the equipment installed, and everything tested and made to work on opening day. The pavilion emerged a thing of beauty, an object viewed with pride by virtually all who saw it. Two and a half million people visited the pavilion, and most of them saw the 23-minute Francis Thompson film "U.S." which critics described as "brave" and "dazzling." It was a frank look at ourselves and our future. Most visitors felt a sense of pride that the exhibit aimed to tell the truth, to ask hard questions, and to provoke honest and thoughtful responses to the problems of our land and our times.

The character of the exhibit and its exterior beauty were not the only things unique about the U.S. pavilion. It was the first pavilion erected from the beginning with the idea of permanence—not simply to be destroyed at the close of the fair. Today, the General Services Administration is deciding whether to convert the pavilion into a new Federal courts building, or to cede it to a local government unit such as the University of Texas, which proposes to use it as a medical education center or an administrative facility for the new University of Texas at San Antonio. Other possibilities are present, as well, but whichever is selected, the U.S. pavilion will be the best of all possible things—a useful thing of beauty.

I can report to the House that the Commerce Department discharged its responsibilities efficiently and effectively. The pavilion was mounted from start to finish in 58 weeks. Complex equipment, including a multiple-projector film unit and enormously complex screens and mechanical arrangements, worked to perfection for 99 percent of all scheduled shows. All of this the Commerce Department produced well within the budget allowed by Congress. It was and is a tribute to the effectiveness of the U.S. expositions staff, for which HemisFair was their first major test. It is this staff which will be responsible for developing and mounting the U.S. exhibit at our bicentenniel in 1976, and I think that based on the past performance of the group and its present director, J. William Nelson, we can be confident of an excellent show in 1976.

HEMISFAIR'S FUTURE

HemisFair is closed, but its future lies ahead. The grounds are now open in the form of an entertainment facility called Fiestaland. The tower of the Americas, with its revolving restaurant and observation platform, remains open and continues to draw crowds.

The Institute of Texan Cultures remains open, and is an institution offering lessons in living history. The Convention Center with its magnificent facilities, is attracting major conventions and offers an outstanding place to hold shows and functions of all kinds. Other buildings remain open as restaurants and shops. while planning goes on to determine the specific, most productive uses for all the grounds and facilities created and left by the fair. HemisFair began as a promise, and it remains as a promise. Having fulfilled the original dreams of its sponsors and more, it has opened new dreams for the future. To those who share these hopes for the future, the operating deficit of San Antonio Fair, Inc. is nothing; underwriters have gladly paid their pledges, and are looking toward tomorrow. They believe, and I think most of the people of San Antonio share that belief, that HemisFair marked more than the birthday of a gracious old city, but the beginning of a bright new era. To these, and to me, the closing of the gate a year ago marked the opening of a new and hopeful future.

On behalf of the people of the 20th Congressional District of Texas, Mr. Speaker, I thank the House and the Congress for having shared the promises of HemisFair, for participating in it, and for making possible the fulfillment of the best hopes of the people of San Antonio. They will not soon forget, nor can I, the response of the Congress to HemisFair.

REPORT ON THE EFFECT OF UNDERGROUND ATOMIC DEVICE TEST ON ISLAND OF AMCHITKA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, I have requested special order time today to make a report on the effect of the underground atomic device test on the island of Amchitka in the Aleutian chain, 1,400 miles east of Anchorage, Alaska, at 12:06 p.m., Thursday, October 2, 1969.

First, let me state that the test was successful in every phase.

The predictions as to the explosion's register on the Richter scale was exactly as predicted by the expert seismologists who were hired by the AEC to estimate the event.

There was no—I repeat, no—release of fission products to the atmosphere from the atomic device which was detonated 4,000 feet below the earth's surface.

There was no deleterious effect upon the ecology that could be traced to that event. The bird and animal life on the

island is very sparse and no damage of any kind was observed. No dead fish were found in the waters which surround the island. Some of the sea otters had been removed to the coasts of Alaska and Washington State. A substantial number of free otters remained. About 20 of the sea otters had been confined in an enclosure in the adjacent ocean water for scientific observation and investigation purposes. The unusual shock caused frenzied activity in the observation pen and one otter was killed. A thorough autopsy was performed and no internal damage traceable to the shock disturbance was found.

I was at the control point about 27 miles away from ground zero at the time of the shot. We felt a tremor a few seconds after zero time, but that was all. The shock did not even disturb a pyramid of paper cups set up on a table there at the control point.

I toured the area of ground zero in a helicopter shortly afterward and the only damage we could see were a few panels loosened from a building directly over the shot hole, some damage to a trailer structure close by and a few small cracks in the roads leading to the shot hole. The next day I went to view the sea otters which had been penned not very far from ground zero and they were frisking around apparently none the worse for the experience. The attendants at the pen told me that their appetite and activity was normal.

A source of opposition has been the conservationists who oppose any changes to the environment. One article I saw in the paper referred to Amchitka as a "little Eden." I question the use of that term with respect to the island. We arrived 2 days before the shot on a cold, windy, wet, foggy day—with frequent rain squalls. The next day was no different. Fortunately the day scheduled for the shot turned out to be sunny and clear. I understand such weather is the rare exception. The following day, the day of our departure, was again a miserable, rainy, sleety day.

Besides the people who were involved in the conduct of the test and the sea otters the only other life I saw were a few small birds. The only trees I saw on the island were three small spruce about knee high which I understand were planted during World War II and have not grown in 25 years. These three trees are jokingly called the Amchitka Forest. Far from being a little Eden, Amchitka is a cold and forbidding place. As for returning it to its natural state, there are hundreds of quonset huts half buried in the ground left by our forces in World War II which would have to be removed at great expense to the taxpayers.

Fear had been expressed that the impact of the underground explosion would cause a tidal wave that would damage the coasts of Alaska, Washington, Oregon, and California. Also there was concern expressed by the elected officials from Hawaii. No such tidal wave occurred. The elected officials of these Western States in public statements before a Senate committee and in letters to the joint committee expressed their concern as was their privilege. In my opinion their statements were not based on the scientific data which was available and offered to them by the AEC and by me, as Chairman of the Joint Committee on Atomic Energy.

The statements made because of the panic type predictions did cause a great deal of fear and apprehension among the people of the various States. Their statements were based mainly on ambiguous and fear inspiring statements advanced by Dr. Kenneth Pitzer and possibly one or two other scientists. The amazing fact is that a great number of scientists and ecological and seismological experts took completely opposite views to Dr. Pitzer and his few fellow dissenters and doubters. No credit was given to the scientists who approved the test. No attention was given to the fact that there have been a number of earthquakes originating in the region of Amchitka whose Richter magnitude was as large or larger than those of nuclear devices in the megaton yield range. There was no significant effect outside of the immediate vicinity.

Many statements were made casting derogatory inference on the Atomic Energy Commission. Most of these statements were emotional diatribes inferring that the AEC had moved without adequate consultation with outside experts. The statements completely ignored the fact that the AEC has developed over the past 23 years the greatest team of experts in the world on all matters pertaining to the construction and testing of atomic-hydrogen weapons and devices.

The statements also ignore the fact that the AEC contracted for special services and advice from the U.S. Coast and Geodetic Survey, ground motion and seismic studies; the U.S. Geologic Survey, ground motion and geology; the U.S. Public Health Services, offsite radiological safety; the U.S. Bureau of Fisheries and Wildlife, bioenvironmental; the Bureau of Commercial Fisheries, bioenvironmental; the State of Alaska, bioenvironmental; ESSA Air Resources, weather; the Battelle Laboratories of Ohio, ecological studies; and J. A. Blume, structural response, among others.

Mr. Speaker, I include with my remarks a list of contractors drawn from the industry who also participated in the construction, operations, and support services and a statement on review procedure.

Mr. Speaker, the Atomic Energy Commission's team of scientists and operational test engineers are the most knowledgeable in the world. They have conducted 477 announced tests of atomic weapons and atomic devices. All have been conducted efficiently and with safety.

Of these announced tests 287 have been underground; 175 have been atmospheric; 10 have been at high altitude; and five have been underwater.

It is because of this experience based on an increasing fund of laboratory and nonlaboratory experiments and tests which have demonstrated an unparalleled record of safety that the members of the Joint Committee express their confidence in their operations.

The particular test on Amchitka Island has been watched closely by the Joint Committee since it was proposed some 3 years ago. We have been aware of every state of its development. We have approved the program as being essential to the national security.

At the time of the hearings on the Limited Test Ban Treaty, the Congress agreed to that treaty provided certain safeguards were followed. One of those safeguards is the conduct of a vigorous underground nuclear testing program. The test of Amchitka was an event in furtherance of the maintenance of this safeguard.

Mr. Speaker, almost every atomic energy test that has been announced has brought forth the voice of protest. Recent tests held in New Mexico—Gasbuggy—and Colorado—Rulison—to liberate gas from gas and oil rock formations were opposed, in most instances, by professional dissenters, sign carriers, and so forth. All of their irresponsible statements of earth shock to nearby communities or the release of radiation gases were discredited by the accurately predicted effects of the scientists, biologists, ecologists, and test engineers.

It is apparent that there are individuals who wish to create doubt in the minds of our people about the way our Government is conducted, individuals who wish to inspire fear and dissension, and individuals who, for personal reasons, are more interested in having their own timid views prevail rather than to see our Nation move forward in the continuing spirit of challenge and pioneering under which it was founded.

Mr. Speaker, the panic prophecies and irresponsible statements which were made also ignored the fact that there does exist a Joint Committee of 18 U.S. Representatives and Senators which was established by both the House and the Senate in 1946. They are charged with the responsibility of scrutinizing continuously every program and expenditure of the Atomic Energy Commission whose five members are outstanding scientists, engineers, lawyers, and administrators appointed by the President and confirmed by the Senate.

As a member of the Joint Committee since its inception some 23 years ago, I can state without reservation that every Member of the House and Senate who have served on that committee have been men of dedication to the public safety and to the continuous development, not only of military devices, but of peacetime application. Due to the strong mandate of the Atomic Energy Act, the Commission and the Defense Department must "keep the committee fully and currently informed" as to all of their actions regarding the use or development of atomic weapons or devices.

The Joint Committee takes its great responsibility very seriously. We realize the grave commitment we have made to the Congress and the people of the United States. We have produced over the years hundreds of volumes of hearings and reports which stand as reference textbooks in practically every university in the United States and many foreign countries.

It has been our constant endeavor to declassify classified information so that a maximum amount of atomic technology in peacetime application could be

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available throughout the world. Over 1,100 peacetime applications have been developed including the important use of atomic energy for electrical generation. It is only in the field of weapon construction, inventory, distribution, and military use that classification is required for the obvious reasons of national security.

The record of the Atomic Energy Commission and the Joint Committee stands as an outstanding example of executive and legislative cooperation. In my humble opinion it needs little in the way of apology. Its members believe that based on the record, we have earned the respect of our colleagues and the people of our country. We will continue to watch every program carefully so as to discharge our responsibility to the best of our ability to our colleagues and to the Nation.

The material referred to follows:

ATOMIC ENERGY COMMISSION REVIEWS TO INSURE SAFETY OF NUCLEAR OPERATION

The Atomic Energy Commission is responsible for public safety for all U.S. nuclear detonations. Within the continental United States, the Commission implements this responsibility through its Nevada Operations Office, which in turn is directly supported by the weapons laboratories, associated government agencies, specialized contractors and independent consultants.

The Nevada Operations Office conducts those studies and reviews which are necessary to predict reliably the effects of nuclear detonations which may affect the safety of people and property. We do not consider ourselves infallible in defining safety problems or arriving at credible and practical solutions to these problems. For this reason, recognized experts in the pertinent scientific disciplines are consulted. These disciplines include, but are not limited to: health physics, biology, meteorology, seismology, hydrology, geology, ecology, structural response to ground motion, and rock mechanics.

MORE THAN 477 TESTS

This continuing effort on the part of NVOO, its contractors, and consultants has permitted the execution of 477 announced nuclear weapons tests with minimal property damage and only two cases of minor personal injury to persons not related to the program. In 1953 an elderly Nevada resident reportedly sprained his shoulder as a result of falling when startled by the air shock from a nuclear explosion. Although corroborative evidence was lacking, the coincidence of the atmospheric test with his fall and in consideration of the fact that an injury was sustained, that portion of his claim relating directly to medical treatment was allowed by the Commission. In another case, a person was injured by a falling brick during an underground nuclear test in Mississippi. Medical expenses incurred as a result of this accident were paid by the Commission.

Preparation for the safe conduct of an event is based upon prediction of the effects of the maximum credible accident which could accompany that event. Precautionary measures are taken to ensure that public safety will be protected, should an accident materialize. NVOO measures and documents the actual effects of the test in order to take emergency action to protect life and property, if necessary, and to improve the accuracy of the predictive effort for future tests. Effects measurements also provide a basis for settlement of valid damage claims and for protection against invalid claims. A strong effort is made to ensure that effects data are properly interpreted and made accessible to the public and interested organizations.

Prior to any nuclear detonation there are a series of reviews to ensure that the detonations are conducted safety and within the constraints of the Limited Test Ban Treaty. All nuclear tests do not necessarily involve all of the individual steps; however, unusual tests may receive reviews from the entire system. Enclosure I shows a listing of various safety review organizations; enclosure II provides the organizational structure.

SAFETY PROCEDURES REVIEWED

The sponsoring laboratory performs safety evaluations related to nuclear systems safety, that is, procedures associated with assembly of the device, transportation, and emplacement, as well as the detonation system. These nuclear safety procedures are later independently reviewed by a group of knowledgeable persons (nuclear safety survey group or nuclear safety study group) and when appropriate, recommendations are made to assure safe assembly, transportation, etc.

The laboratories evaluate and assess those man-made and natural conditions which influence containment of the explosion. Each event is then reviewed by a Test Evaluation Panel composed of individuals with considerable experience in nuclear testing. Most events are reviewed several times. The organizations furnishing Panel members are the Los Alamos Scientific Laboratory, Lawrence Radiation Laboratory, Sandia Laboratory, Department of Defense, Air Resources Laboratory-Las Vegas, U.S. Public Health Service, AEC, and independent consultants. Every aspect of the event which might affect containment is reviewed by this Panel as preparations for the event are made. A detailed study of the geological features around the shot point is made by the U.S. Geological Survey and presented by the Panel. If there are indications of possible faults or other geologic anomalies which may affect containment, new shot points are recommended by the Panel. A careful study is made of the drilling, casing, and grouting history of each of the emplacement and satellite holes to ensure that there will be no man-made path to the surface. The proposed stemming plan (that is, the method to be used for filling the emplacement and instrument holes) is approved by the Test Evaluation Panel. The same type of reviews are made to assure containment of a test to be made in a tunnel instead of a drilled hole.

For selected tests, normally those involving a new medium or an off-NTS location, or in the yield range that will be readily perceptible offsite or may possibly damage critical onsite structures, or for cratering and industry-related Plowshare tests, or for other unusual situations, an Effects Evaluation Report is prepared. This report is reviewed by experts within the test organization and by independent panels of experts. A general review is made by a panel which is composed of experts in the disciplines of special concern. For some effects, such as earthquake phenomena and ground motion effects upon structures, a special panel may be established.

EFFECTS EVALUATION REPORT

The Effects Evaluation Report is based upon the output of six Scientific Management Centers which provide technical coordination of NVOO contractors assigned to study special effects, e.g., Sandia Laboratory is the Scientific Management Center for ground motion and structural response supported by the Environmental Research Corporation and the John A. Blume organization. These contractors provide predictions of ground motion and the response of structures to this phenomena. The Lawrence Radiation Laboratory, the Scientific Management Center for seismicity, is supported by participating government agencies and contractors such as the U.S. Geological Survey's Office of Earthquake Research and Crustal Studies, ESSA's Earthquake Mechanism Laboratory, U.S. Coast and Geodetic Survey, and by special arrangements with the California Institute of Technology, University of Nevada at Reno, University of California at Los Angeles, and others. The Centers and support are summarized in Enclosures IIIA through IIIG.

For selected events, an Effects Evaluation Scientist is appointed from one of the Centers and a NVOO professional from the Effects Evaluation Division is assigned. This team prepares a comprehensive effects evaluation prediction based upon output from each of the Centers. This report is then reviewed by (1) the Centers, for accuracy and completeness; (2) NTS/STS Planning Board, particularly by its Ground Shock Subcommittee; (3) NVOO Panel of Safety Consultants; (4) the Test Management's Staff; (5) a special panel of experts if unusual effects are involved, e.g., seismicity or tsunami; and (6) the Manager, NVOO, and Scientific Advisors comprised of senior scientists from the three (weapons) laboratories. For industry-sponsored events, e.g., Project Rulison, another review is made by the NVOO Plowshare Advisory Group composed of laboratory, industry, and Department of the Interior representatives.

AEC Headquarters staff, and finally the Commission, review the safety of each event, and if they are satisfied, grant authority for its execution.

Even though these reviews are made and every possible precaution has been taken to ensure that no radioactivity will reach the surface, preparations for detonation of the device assume that the maximum credible release of radioactivity will occur. Plans are made for the prompt evacuation of populated areas on or off the site in the unlikely event a release of radioactivity occurs with unacceptable levels of radiation. When predicted levels of ground motion or other effects indicate it to be prudent, evacuation of the affected populace is accomplished prior to detonation of the nuclear device.

PUBLIC HEALTH SERVICE MONITORS

The U.S. Public Health Service places offsite radiation monitors in the downwind direction in order that full information may be obtained for corrective action if there is an accidental release.

The Test Manager has established an Advisory Panel made up of specialists in meteorology, radiation, and medicine to advise him as to the hazards to be expected from each event. Other disciplines are added to the Panel as conditions warrant. The Panel chairman is a scientist who is familiar with the nuclear device, timing, and firing systems, and program objectives.

Although the Test Manager's Advisory Panel may meet several times, months in advance, to discuss specific problems on difficult or unusual shots, the Panel always meets the day before the detonation to hold a readiness briefing in which the control plans are reviewed. A weather prediction for shot time meterological conditions is provided and a review is made of the preparation for onsite and offsite safety and population control. The Advisory Panel meets continuously in the period immediately prior to firing to insure that the acceptable conditions have been established. If it is determined that, with the maximum credible accident, the test can be safely carried out, a recommendation is made to the Test Manager that the detonation may proceed.

The Test Manager's Advisory Panel also reviews the last-minute preparation to ensure that requirements of operational and safety plans have been implemented.

Radiation monitoring instruments are installed and operated on each event to record the existence or absence of radiation. At shot time, at least two airplanes—one equipped with monitoring instruments, the other with sampling equipment—are airborne. Samples are immediately brought back to the

Southwestern Radiological Health Laboratory for analysis.

EIGHTEEN YEARS OF TESTS

Testing has been carried out at the Nevada Test Site for 18 years; underground detonations for about 12 years. Three or more camp sites are operated constantly. The largest of these is at Mercury. There are also camps in the forward area. The population at these camps may vary from 500 to 2,500 people. The total NTS working population varies from 8,500 to 10,500 people. Although this relatively large number of people live and work within a few miles of ground zero of even the largest yield tests, there has never been an injury among them as a direct result of a detonation. These people are provided drinking water from wells located at the active test area; continuous monitoring confirms freedom from contamination of this water.

We are constantly striving to improve the accuracy of our prediction capabilities in all areas, and have made much progress. This progress in prediction capabilities and containment techniques was necessitated by the increased complexity of experiments. All those involved in the test program recognize the potential hazards involved in it, but rely with confidence on a proven system based upon taking those actions necessary to protect against the effects of the maximum credible accident.

NVO EFFECTS EVALUATION PROGRAM

SCIENTIFIC MANAGEMENT RELATIONSHIPS

For the conduct of the NVO Effects Evaluation Program, the following organizations, principal members and alternates have been assigned as scientific managers for the disciplinary areas indicated:

Over-all Management: AEC Nevada Operations Office, Effects Evaluation Division; Dr. Elwood M. Douthett.

Ground Motion, Air Blast, Structural Response: Sandia Corporation, Albuquerque, New Mexico; Dr. Byron F. Murphey, Dr. John R. Banister.

Geology, Hydrology: U.S. Geological Survey, Denver Federal Center, Denver, Colorado; Dr. William S. Twenhofel.

Aftershock Seismicity, Product Contamination; Lawrence Radiation Laboratory, Livermore, California; Dr. Harry L. Reynolds, Dr. James W. Hadley.

Tsunami, Eyeburn: Los Alamos Scientific Laboratory, Los Alamos, New Mexico; Dr. William E. Ogle, Dr. Charles I. Brown.

Atmospheric Transport, Fallout, Climatology: ESSA/Air Resources Laboratory, Las Vegas, Nevada; Mr. Philip W. Allen.

Ecology: Battelle Memorial Institute, Columbus, Ohio; Dr. R. S. Davidson.

SANDIA LABORATORIES MANAGEMENT AREA

For the conduct of the NVO Effects Evaluation program, the following functional relationships have been assigned between Sandia Laboratories and the NVO Contractor/Agreement Agencies for the scientific management of the Ground Shock, Air Blast, and Structural Response Programs:

Scientific Management: Sandia Laboratories, Albuquerque, New Mexico; Dr. Byron F. Murphey, Dr. John R. Bannister.

Ground Motion Measurements: ESSA/U.S. Coast and Geodetic Survey, Special Projects Party, Las Vegas, Nevada; Mr. Kenneth W. King.

Ground Motion Evaluation: Environmental Research Corporation, Alexandria, Virginia; Mr. O. Allen Israelson.

Structural Dynamic Effects: John A. Blume & Associates, San Francisco, California; Dr. John A. Blume.

Mine and Well Studies: U.S. Bureau of Mines, Denver Mining Research Center, Denver, Colorado; Dr. Paul L. Russell.

U.S. Geological Survey management area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between the U.S. Geological Survey and the NVO contractors for the scientific management of the Geology and Hydrology Programs:

Scientific Management: U.S. Geological Survey, Denver, Colorado; Dr. William S. Twenhofel.

Internal Geological Studies: U.S. Geological Survey, Denver, Colorado; Dr. William S. Twenhofel.

Hydrological Studies: U.S. Geological Survey, Denver, Colorado; Mr. Samuel West.

Ground Water Contamination: Isotopes, Inc., Palo Alto, California; Dr. Paul R. Fenske.

Central Nevada Studies: University of Nevada, Desert Research Institute, Las Vegas, Nevada; Mr. Alan E. Peckham.

Lawrence Radiation Laboratory Area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between the Lawrence Radiation Laboratory and the NVO Contractor/Agreement Agencies for the scientific management of the Aftershock Seismicity Program:

Scientific Management: Lawrence Radiation Laboratory, Livermore, California; Dr. Harry L. Reynolds, Dr. James W. Hadley.

Seismic Measurements: ESSA/U.S. Coast and Geodetic Survey, Special Projects Party, Las Vegas, Nevada; Mr. Kenneth W. King. ESSA/Earthquake Mechanisms Laboratory, San Francisco, California; Dr. Donald Tocher, Colorado School of Mines, Boulder, Colorado; Dr. Maurice W. Major.

University of Nevada, MacKay School of Mines, Seismological Laboratory, Reno, Nevada; Dr. Alan S. Ryall.

U.S. Geological Survey, Denver, Colorado; Mr. Frank A. McKeown, USGS Earthquake Laboratory, Menlo Park, California; Dr. John H. Healy.

California Institute of Technology, Pasadena, California, Dr. Stewart Smith.

University of California, Los Angeles, California, Dr. Leon Knopoff.

Sandia Laboratories, Albuquerque, New Mexico, Mr. William Perret.

Los Alamos Scientific Laboratory Management Area

For the conduct of the NVO Tamarin Program, the following functional relationships have been assigned between the Los Alamos Scientific Laboratory and the NVO contractors for the Scientific Management of the Water Wave Program:

Scientific Management—Los Alamos Scientific Laboratory, Los Alamos, New Mexico; Dr. William E. Ogle, Dr. Charles W. Browne.

Tsunami: Tamarin Committee, Dr. Kenneth H. Olsen, LASL, Chairman. A. C. Electronics/Defense Research Laboratory, Mr. J. E. McNeil, Santa Barbara, Calif.; Tetra Tech, Dr. B. LeMehaute, Pasadena, California; University of Hawaii, Dr. William M. Adams, Honolulu, Hawaii.

Environmental Science Services Administration Management Area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between the U.S. Environmental Science Services Administration and the NVO contractors for the scientific management of the Fallout Program:

Scientific Management: U.S. Environmental Science Services Administration, Las Vegas, Nevada; Mr. Philip W. Allen.

Fallout Models, Atmospheric and Cratering Events: ESSA Air Resources Laboratory, Silver Spring, Maryland, Dr. Lester Machta.

Radiation Models, Underground and Plowshare Events, Weather and Trajectory Prediction Studies: ESSA Air Resources Laboratory-Las Vegas, Las Vegas, Nevada; Mr. Philip W. Allen.

Long Range Diffusion Study: Meteorology Research, Inc., Altadena, California; Dr. Paul MacCready.

Battelle Laboratories management area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between Battelle-Columbus Laboratories and the NVO Contractor/Agreement Agencies for the scientific management of Ecology Management Programs:

Scientific Management: Battelle Laboratories, Columbus, Ohio; Dr. Richard S. Davidson, Dr. James B. Kirkwood.

Vegetation and Soil Response to Underground Detonations: The University of Nevada at Reno, College of Agriculture, Reno, Nevada; Dr. Paul T. Tueller.

Ecology Research: Battelle Laboratories, Columbus, Ohio; Dr. Richard S. Davidson.

Marine Ecology and Oceanography: U.S. Bureau of Commercial Fisheries, Seattle, Washington; Dr. Bruce McAlister.

Marine Ecology and Oceanography: University of Washington, Seattle, Washington; Fisheries Research Institute, Dr. R. L. Burgner.

Freshwater Ecology: Utah State University, Dr. J. N. Neuhold; The Ohio State University, Institute of Polar Studies, Dr. D. D. Koob.

Geomorphology: The Ohio State University, Institute of Polar Studies, Dr. K. R. Everett.

Plant Ecology: University of Tennessee, Dr. E. E. C. Clebsch.

Avian Ecology: John Hopkins University, Dr. Francis S. L. Williamson.

Radiometric and Elemental Analysis: University of Washington, Seattle, Washington, Dr. A. H. Seymour.

Mr. PRICE of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I am happy to yield to my colleague on the Joint Committee, one of the charter members. There are only three charter members left. The gentleman and I went on the Atomic Energy Committee when it was first established in 1946. I am proud to yield to him.

Mr. PRICE of Illinois. I thank the gentleman.

I want to commend the gentleman from California who is the chairman of the Joint Committee on Atomic Energy, and who, as he just stated, is a charter member of the committee, having been appointed to that committee in August of 1946.

As the gentleman stated in his remarks, this test was not something that arose suddenly with which a proper committee of the Congress was not well acquainted. We have been briefed for a long time on the Amchitka test. The Commission was as careful and as cautious in this test as it has been in all the tests that have been conducted since the beginning of this program.

I believe the Congress is indebted to the gentleman for taking so much of his important time to travel to Amchitka to view the tests and find out the plans and operations, to check the prelude to the tests, and to come back here and make before the Congress such a detailed report.

I hope, if the test still has any critics, they will avail themselves of an opportunity to read this first-hand report which the gentleman has brought back.

Mr. HOLIFIELD. I thank the gentleman for his remarks. I should like to call the attention of the House to a picture which was printed in the Anchorage Daily News of October 4, on Saturday. It is entitled, "What the Blast Did."

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It shows a small crack in the ground right near the test hole, within a few yards of the test hole. To prove the objectivity of the report, they have a quarter lying on the ground, and the quarter is wider than the crack in the earth that occurred. This crack was a very shallow crack; it did not go anywhere near 50 feet in depth. This is an objective way of reporting an event.

I have already placed in the Extensions of Remarks in the RECORD, one of the editorials from this paper which is entitled "Chicken Little's Old Tale." We all remember the alarmist that went through the barnyard saying that the sky was going to fall on all the animals. This reminds me of some of the scare phraseology that was used by some of the people who were not informed as to the degree of experience which the Atomic Energy Commission has in this field and the degree of consultation they made with outside experts in all the fields of geology, ecology, radiation, and all the other fields which might pertain to the effect of a weapons test or a device test.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I am glad to yield to the distinguished chairman of the Committee on Aeronautics and Space Sciences, who has tremendous dealings with scientists and who recognizes all the detailed precautions which are frequently taken in the launching of missiles into outer space and the devices that are contained in the missiles.

Mr. MILLER of California. I want to join my colleague in congratulating the gentleman on a very fine report, one on which he has worked hard and one which he was not required to make at this time.

I want to congratulate the Atomic Energy Commission on the very fine work it has done not only here but also since its organization. Our paths have crossed somewhat. I am not an authority on it, but I am not entirely unfamiliar with the work of the Commission or the objectives of the Commission.

The objectives of the Commission, just like those in space, are serving the people of this country and the world to the best of our ability.

Somehow we have to pull back the screen or the curtain with which nature hides some of her secrets if we are going to capture for the people of the future the benefits that she has so carefully hidden.

Mr. HOLIFIELD. Mr. Speaker, I thank the gentleman for his kind remarks and certainly concur with him that our two committees on many occasions in the past, as we will continue in the future, have taken a great interest in these events. Both committees are working very hard, and their members are dedicated. They want to bring to the American people and the people of the world the tremendous advances in sciences for both programs which they have brought about.

I have often thought if the people who carried placards and marched in waves of protest against everything that is a part of the present establishment or part of our future world and the problems that we are trying to solve which are some of the basic problems which face not only our own generation but future generations—if these people could put in one one-hundredth of the time that the members of the two committees, the Joint Committee on Atomic Energy and the Committee on Astronautics and Space did in studying these programs, they might very well burn their placards and signs and save their shoe leather in their protests.

In the recent two tests in trying to unlock the tremendous gas and oil deposits from the almost inexhaustible supply of oil rock and oil shale which exists in States like New Mexico and Colorado we were faced with marchers and protesters against the tests. They said that the bluffs of the Colorado mountains would fall on the city of Denver and made all kinds of fantastic and irresponsible statements. There was nothing that happened either at the Gas Buggy test in New Mexico or at the Rulison shot in Colorado which was not predicted beforehand. One of the real demonstrations of the expertise of the people who were conducting these tests is that they predicted this test at Amchitka would register 6.5 on the Richter scale. That is exactly what it registered—6.5. This is an amazing fact.

I might say that I never thought I would be glad that an earthquake had occurred, and I am not glad that the earthquake did occur at San Jose, Calif., which did a great deal of damage, some 24 hours before the test at Amchitka. However, I am very thankful that the timing was not so that the earthquake occurred after the test, because it would have been ascribed to the test at Amchitka, which would have been completely wrong.

Of course, I know the detractors and dissenters will continue their irresponsible opposition to these programs and if any earthquake occurs anywhere on the west coast or in the islands of the Aleutian chain, be it in 1 year or 10 years from now, it will undoubtedly be ascribed to this test, although from time immemorial these earthquakes have been occurring. As I said in my prepared remarks, as a matter of fact, some of them have been much stronger than the test of the atomic device which was done in the interests of national security.

Mr. HANSEN of Idaho. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I shall be happy to yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. I thank the distinguished gentleman from California for yielding and I would like to commend and pay tribute to the distinguished chairman of the Joint Committee on Atomic Energy for this very informative and reassuring report.

It is my privilege to represent the Second Congressional District of Idaho where the National Reactor Testing Station is located and as one of the beneficiaries of the leadership of the effective work done by the distinguished chairman, I should like to acknowledge the contributions that the distinguished gentleman has made in the past, the chairman of that committee, as well as the contributions which have been made by the other members of the committee in advancing in an orderly and constructive manner the atomic energy industry in this country.

Mr. POLLOCK. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I shall be glad to yield to the gentleman from Alaska.

Mr. POLLOCK. Mr. Speaker, I thank the distinguished chairman for yielding and I wish to add my congratulations to those which have been extended by others to the gentleman upon a very fine report and to indicate firsthand the fact that many of my constituents in Alaska were delighted that you were there and had the pleasure of meeting you and becoming acquainted with you at Amchitka as well as at Anchorage when you left Amchitka.

Mr. Speaker, I want to emphasize a point that you made and that was that the Atomic Energy Commission did a very exemplary job and they knew precisely the strength of the detonation that took place. Every precaution was taken in this test on which they had been working for some 2 years. It was very interesting that there was virtually no protest of any kind with reference to this test until the last 2 weeks before the blast. Everything went exactly on schedule. As has been indicated, insofar as I know there was absolutely no venting, no leakage, and no problems of any kind.

I am delighted with the results and I know that the chairman of the joint committee is equally delighted.

Further, Mr. Speaker, I want to emphasize another point with reference to this matter about the earthquake in California. While it is most regrettable that it had to happen in California, it did take place before the test at Amchitka and not the day after.

I thank the distinguished chairman for his contribution in carrying out this test.

Mr. HOLIFIELD. I thank the gentleman from Alaska and compliment him upon his soberness of judgment which did not cause him to contribute to the fear of consternation which many people who were uninformed had issued statements that were made which were emotional and in my judgment irresponsible.

I had the pleasure of traveling with the gentleman's district representative out to the island of Amchitka. He was there as I was in the control station which was only about 27 miles from the point of detonation. I found him to be well informed as to what was taking place and I found that he had no apprehension in regard to this matter. He had curiosity, of course, and probably it was the first time he had ever attended one of these tests. He, of course, did not have the background of knowledge as the older Members of the Congress have and certainly those on the Joint Committee with reference to previous tests. However, he, nevertheless, showed his confidence in the national program by appearing there and showed that he was not afraid for his own private safety in doing so.

Mr. POLLOCK. Mr. Speaker, if the gentleman will yield further, I would like to tell the chairman of the committee that I wish very much that I personally could have been there. However, I had a previous commitment and could not be present. However, my district representative went there in my stead. The gentleman from California is absolutely right. He was very confident that it would work out as it did and he was delighted to be with you.

Mr. HOLIFIELD. Thank you very much. I think the Atomic Energy Commission did a very good job. They established at the Anchorage Westward a large room in which they had different charts and different information available for the people in the way of the effects and there were pamphlets and so forth available for their use. I conducted a press conference there at their request and the request of local papers and over radio and television. I must state to the gentleman from Alaska that the people of Anchorage greeted me very well.

As the gentleman knows, I have a brother who served in the Air Corps during World War II in Alaska. He liked it so well up there that he went back to his home in Oregon, married his high school sweetheart, and went back up to Alaska. He has since served in the Alaska Territorial Police, and in the State police, and is now serving in the U.S. Customs Office at Anchorage.

He was there during the earthquake of 1964, and I received both from him and his wife a flavor of that experience. It must have been a traumatic experience for the people of Anchorage. As I said in my press conference, I could well understand their concern, particularly when it was augmented by fear statements of different kinds. But I am sure that they rest easier today, and they did the day after, as a result of the fact that there was no tidal wave sweeping over Alaska, there was no earthquake in Alaska, there was no radiation cloud over Alaska. In fact, if they had not heard about it on the radio and the television, they would never have known that the test was taking place.

Mr. POLLOCK. Mr. Speaker, if the gentleman will yield further, I would like to say that the gentleman's brother is well known in Alaska. He served with distinction in the Territorial police and wtih the State police forces which were established at the time I was in the Alaskan Territorial Legislature. He and many others like him make us very proud of the statements that have been made concerning Alaska in this body.

Mr. HOLIFIELD. I think the Alaskans are grand people, and they certainly treated the members of the Atomic Energy Commission and their employees and also me with the greatest of courtesy.

Mr. POLLOCK. We thank the gentleman very much for his kind statement.

Mr. HOLIFIELD. Mr. Speaker, I yield back the balance of my time.

TWENTY-FIVE MEMBERS OF CONGRESS INTERVENE IN FEDERAL AIR POLLUTION ANTITRUST SUIT AGAINST MAJOR AUTOMOBILE COMPANIES

The SPEAKER pro tempore (Mr. PATTEN). Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, last Friday, I lead a group of 25 Members of Congress in asking for a 60-day delay in the signing of the court decree in the Federal air pollution antitrust suit against the major auto companies in order to permit a congressional investigation.

At issue is a proposed consent decree announced by the Justice Department on September 11, which would terminate the proceedings against the auto companies on charges of collusion to delay the development and manufacture of air pollution control devices for automobiles. Strong opposition to the decree has come from municipalities, national organizations, and over 60 Members of Congress.

The public interest in the case led the presiding judge to take the extraordinary step of inviting the views "of all interested persons and public bodies."

Responding to this invitation, we submitted a petition to the judge asking that the court delay its decision in order that further information on the case can be made available.

The Justice Department's action in this case is a glaring blunder. They are willing to throw 2 years of work gathering evidence down the drain—this after spending a million dollars, employing eight full-time staff members, conducting an 18-month grand jury probe and subpenaing scores of witnesses from across the country. We are asking the court to administer justice where the Justice Department is apparently willing to let it slide.

The public and more importantly for this case, the court should be fully apprised of how acceptance of this decree will increase the probability of choking to death on dirty air. We believe that a congressional investigation can bring out these facts.

We have also sent a request to Attorney General John Mitchell asking him to "exercise his option" under the proposed consent decree to delay the decision.

A list of the cosigners of the requests follows:

Leonard Farbstein (N.Y.).
Brock Adams (Wash.).
George Brown, Jr. (Calif.).
Joseph Addabbo (N.Y.).
Mario Biaggi (N.Y.).
Phillip Burton (Calif.).
James Corman (Calif.).
Harold Donohue (Mass.).
Seymour Halpern (N.Y.).
Henry Helstoski (N.J.).
James Howard (N.J.).
Edward I. Koch (N.Y.).
Abner J. Mikva (Ill.).
Thomas P. O'Neill (Mass.).
Richard Ottinger (N.Y.).
Bertram Podell (N.Y.).
Adam C. Powell (N.Y.).
Peter Rodino (N.J.).
Fred Rooney (Pa.).
Thomas Rees (Calif.).
Benjamin S. Rosenthal (N.Y.).
Edward Roybal (Calif.).
William F. Ryan (N.Y.).
James Scheuer (N.Y.).
John V. Tunney (Calif.).

THE CITY OF NEW YORK ALSO INTERVENES AGAINST THE AUTOMOBILE INDUSTRY

A few weeks ago, a bipartisan group of 16 members of the New York City congressional delegation wrote Mayor John V. Lindsay and City Council President Francis X. Smith urging the city to intervene in the Justice Department suit in opposition to the proposed consent decree.

This letter brought the city's intervention last Friday. In its petition to the court, the city asked the judge to reject the consent decree and thus permit an open trial and presentation of the Justice Department's evidence to take place. If the judge decided to accept the decree, it asked for the inclusion in the decree of a clause which would assist State and local governments in any treble-damage actions they may bring. The city also asked the court to order the Department to retain custody and control of all of the documentary evidence assembled for the grand jury which first considered the conspiracy and to make copies available to all State and local governments which file treble-damage actions.

Early last week, I received a communication from our very able city council president, Francis X. Smith, indicating that as a result of our request, the city had decided to intervene in the Justice Department suit. His letter came as the city's consumer affairs commissioner was writing the Attorney General to urge him to withdraw the proposed consent decree.

I am pleased that the city, just as individual Members of Congress, has joined in fighting the Justice Department's proposed consent decree. It is the responsibility of all public officials to protect the rights of the residents of our large cities who suffer from a daily bombardment of noxious emissions from automobile engines.

The legal process can be a valuable weapon in protecting these rights. This particular case, which is far from over, has suggested certain legislative reforms which can make it an even more valuable weapon. I hope to introduce legislation to achieve this objective in the near future.

Our congressional letter to the city of New York, the consumer affairs commissioner's letter to the Attorney General, and Mayor Lindsay's letter to me follow:

September 17, 1969.

Hon. John V. Lindsay,
Mayor,
Hon. Francis X. Smith,
President, City Council,
City of New York,
New York, N.Y.

Gentlemen: On September 11th, the U.S. Department of Justice announced its agreement to a consent decree in its air pollution anti-trust suit against the four major automobile manufacturers. This action effectively compromises rights of the 8½ million residents of the City of New York who suffer from a daily bombardment of noxious emissions from automobile engines.

New York has the dubious distinction, according to the National Center for Air Pollution Control, of having the highest concentration of pollution of any American city—higher even than smog-ridden Los Angeles—more than two-thirds of which is due to the 2½ million automobiles which use the City's streets each day.

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Medical research has linked air pollution to the cause and aggravation of many serious diseases including lung cancer, emphysema, chronic bronchitis, asthma and other respiratory allergies, heart disease, genetic mutation and the common cold. The City is forced to spend large amounts of its annual medical care budget in treating victims of respiratory and pulmonary ailments.

High concentrations of pollution have already triggered several major city-wide catastrophies; the most recent, the inversion of Thanksgiving Day 1966, has been linked directly to the deaths of nearly 100 persons, and is presumed to be responsible for many more.

In 1966, the Mayor's Task Force on Air Pollution estimated that City residents were paying nearly one-half billion dollars per year in added expenses for the cleaning and upkeep of clothes and property and for the repair and protection of possessions against deterioration.

Air pollution and its attendant costa and problems has been a major contribution to large-scale residential and business exodus from the central city, from Manhattan in particular, with a resultant tax loss to the City.

The City's air pollution control program, on which more than 18 million dollars has been spent since 1953, has been thwarted in large part by the failure of automobile manufacturers to develop effective pollution control devices.

The Justice Department, in bringing suit against the major automobile companies charged that the manufacturers agreed to pursue research, development, manufacture and installation of pollution control devices on a non-competitive basis, that they agreed to seek joint appraisal of patents submitted by any persons not a party to the cross-licensing agreement, and that they agreed on at least three occasions—in 1961, 1962 and 1964—to *attempt to delay installation* of motor vehicle air pollution control equipment.

If the September 11th consent decree is permitted to go into effect at the end of the 30 day grace period, these allegations will never be tested in open court—and the evidence compiled over a two-year period by the Justice Department will be inaccessible to municipalities or private citizens interested in follow-up suits.

The City, which has purchased nearly 10,000 cars and trucks since 1953—the year the collusion alleged by the Justice Department began—has a responsibility to its citizens to see that their rights to a pollution-free city are not thwarted.

We therefore call upon the City of New York to intervene immediately in the Justice Department suit on behalf of its 8½ million citizens, requesting that the consent decree be rejected so that a free and open trial can be held. The city's intervention in this suit would express to the court the concern of the Nation's largest municipality in protecting the rights of its residents to be free from air pollution and stress the importance of this case to the attainment of that objective. This action would also give the City the opportunity, should the consent decree be accepted, to request that it be amended to allow evidence compiled by the Justice Department before bringing suit to be made available to the public and to speak out for the correction of other loopholes in the decree.

Los Angeles County has already intervened in the Justice Department suit. New York City, with a graver pouultion problem, has at least an equal responsibility to take similar action.

We also call upon the City of New York to initiate separate suit, or join in existing suits, in the automotive air pollution area to make clear that New York is not willing to allow the basic issues of this case to drop, even though the Justice Department is willing to.

In recent anti-trust action against Charles Pfeiffer & Co. and several other drug companies, a settlement of $120 million dollars was made in favor of municipalities, the Federal Government and private individuals.

The people of the City of New York are entitled to breathe air that is free from harmful pollutants, particularly those emitted from automobile engines, and we feel that the City has the opportunity to strike a blow for this freedom by taking immediate action.

Leonard Farbstein, Joseph P. Addabbo, Mario Biaggi, Jonathan B. Bingham, Frank J. Brasco, Shirley Chisholm, James J. Delaney, Jacob H. Gilbert, Seymour Halpern, Edward I. Koch, John M. Murphy, Bertram L. Podell, Adam Clayton Powell, Benjamin S. Rosenthal, William F. Ryan, James H. Scheuer, Members of Congress.

SEPTEMBER 19, 1969.

Hon. JOHN MITCHELL,
Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I am writing to urge the Department of Justice to withdraw immediately its consent to the Stipulated Entry of Consent Judgment in the action brought in the Central District of California (Civil Action No. 69–75–JWC) by the United States of America against the Automobile Manufacturing Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; American Motors Corporation; in which a fifteen-year conspiracy to repress the development and deployment of anti-pollution devices was alleged.

I would also like to inform you that in the event the proposed Consent Judgment is not withdrawn, the City will have to consider taking legal action by intervening in the suit.

The City of New York, as you well know, has been making strenuous efforts in its fight against the causes and effects of atmospheric pollution. In fact, during the term of Mayor John V. Lindsay the budget devoted to the anti-air pollution problem has been increased by 300%. In addition, oil-burning facilities have been upgraded and an Alert Warning System and an Air Monitoring Network were created; and Con Edison has been ordered to use low sulphur fuel and to install pollution control devices. Yet, recently because of pollution from automobiles the problem has proved to be immense and the alleged conspiracy has undermined this City's efforts.

It has been estimated that at least 50% of air pollution results from internal combustion engines of motor vehicles and medical studies have linked this source of pollution to a range of diseases including cancer and emphysema. The total misery, disease, property damage, and expenses which the conspiracy may have caused our City during the past fifteen years can hardly be redeemed by the proposed Stipulation. One expert has stated that breathing New York City's air for one day is like smoking two packs of cigarettes.

The original charges brought by the Department allege a fifteen-year conspiracy not to compete in the development and deployment of new anti-air pollution devices, to suppress possible new advances in air pollution technology and to delay the introduction of devices actually developed. Your Administration has now elected to terminate this landmark action.

Your proposed decree does little to allay public suspicion that the original charges were valid—yet it does even less to insure that the companies will cease their joint offense against the public welfare, and it does absolutely nothing to insure that the public will be compensated by the conspirators. Not only is the Department denying individuals and municipalities the value of a prior conviction for their use in court actions to recover damages; in addition, the decree makes no provision for the release of evidence gathered by Department officials, and it does not even forbid destruction of documents in the possession of automobile manufacturers which could constitute evidence of the conspiracy.

It is almost inconceivable to me that the Department of Justice sees fit to capitulate to industry pressures in a case of such magnitude. I can assure you that the City of New York will not acquiesce if you persist in your decision. If you do not protect the eight million people of New York City, we shall not fail to do so.

Respectfully yours,
BESS MYERSON GRANT.

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., October 3, 1969.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: This is in response to your letter of September 17, 1969, with respect to antitrust litigation attacking the conspiracy by automotive manufacturers to restrict development of pollution controls.

Your suggestion that the City of New York intervene in the pending suit by the Federal Government is well founded. The City's Corporation Counsel, J. Lee Rankin, and Commissioner of Air Resources, Austin N. Heller, were following this litigation closely, even before the Justice Department announced on September 11, 1969 that it had negotiated and filed a proposed consent decree. Study of the proposed terms convinced Mr. Rankin that the decree, at least in its present form and on the basis of the limited information revealed by the Department, does not adequately serve the public interest. Accordingly he decided (1) to intervene in the Government suit, for the purpose of objecting to the decree, and (2) unless further study should reveal some legal obstacle, to file an independent treble-damage suit against the defendants.

Today the City filed its motion for leave to intervene and a supporting memorandum with Federal District Judge Jesse W. Curtis in Los Angeles. In its moving papers, the City asks the Court to require the Government to produce a detailed statement and analysis of the evidence it has gathered and to demonstrate, if it can, that the proposed decree is indeed in the public interest. Alternatively, it asks the Court to require renegotiation of the decree to include admissions which will assist state and local governments in any treble-damage actions they may bring. The City is also asking the Court to order the Department of Justice to retain custody and control of all of the documentary evidence assembled for the grand jury which first considered the conspiracy and to make copies available to all state and local governments which file treble-damage actions.

This automotive pollution case illustrates some major weaknesses of the antitrust laws and the need for assistance from you and your colleagues in Congress. Because of your interest, I will outline below the gist of recent experience by this and other state and local governments.

New York City has been vigorously prosecuting treble-damage antitrust actions during my administration. The City's Corporation Counsel has successfully concluded seven such suits since early in 1966. These provide for refunds totaling more than $9,000,000 from companies which have conspired to overcharge the City and public authorities operating here. Seven other cases are in various stages of pretrial discovery

and settlement discussions, and several more are in preparation. As far as we know, the special antitrust unit which we set up in the City's Law Department in 1967 is the only such unit in any municipality.

The Supreme Court has on numerous occasions stressed the importance of treble-damage litigation in carrying out the Congressional policy underlying the antitrust laws. To that end, it has said, "Congress meant to assist private litigants in utilizing any benefits they might cull from government antitrust actions." (*Emich Motors Corp* v. *General Motors Corp.*) The theory is that the most meaningful deterrent to monopolitsic practices is a threat to the offender's pocketbook.

Unfortunately, other considerations have led the Government to subordinate this purpose and to accept consent decrees which deny injured persons, including state and local governments, important benefits potentially available from Goverment cases. Such consent decrees, like the proposed automatic decree, typically omit any admission of wrongdoing. Under the Clayton Act, as now worded, state and local governments can then recover damages only by building their own cases *de novo*. Moreover, the Government does not make available the evidence it has gathered by interviews, FBI investigation, grand jury subpoenas, civil investigative demands and expert analysis. State and local governments are therefore forced to rely on laborious and time-consuming discovery procedures.

The admissions the City is seeking to have incorporated in the automotive decree as alternative relief are patterned on provisions the Department of Justice did insist on for a short period of time in the early 1960's. This type of provision is popularly known as the "asphalt clause." See *United States* v. *Lake Asphalt & Petroleum Co. of Mass., United States* v. *Bituminous Concrete Assn.*, and *United States* v. *Allied Chemical Corp.* The effect of the asphalt clause would be to give treble-damage plaintiffs a *prima facie* case on the key issue of whether there had been a violation of the antitrust laws.

Decisions in the more recent *children's books* and *maple flooring* cases are precedents for the impounding and copying of documents obtained in the course of a Government investigation. In *children's books*, a consent decree much like the automotive decree was proposed in the Northern District of Illinois in 1967. New York City and others sought unsuccessfully to intervene and to secure an asphalt clause. On appeal, the Supreme Court upheld a denial of intevention and therefore did not reach issues relating to the proper relief. However, in the trial court and by subsequent motions in separate trebel-damage actions, the City and its associated plaintiffs did ultimately succeed in obtaining documents which had been presented to the grand jury. But a great deal of time, effort and persistence was required. In *maple flooring*, the City was unsuccessful in opposing the acceptance of *nolo contendere* pleas, which have the same legal effect in criminal cases as consent decrees do in Government civil cases, but was allowed to inspect and copy all grand jury documents.

You may wish to consider several legislative remedies which have been suggested from time to time.

Senate No. 2157, now pending, would make *nolo contendere* pleas in criminal cases *prima facie* evidence in private treble-damage suits. The Antitrust Division went on record last year as favoring such an amendment.

In the 85th Congress, the House Antitrust Subcommittee conducted an intensive investigation into the antitrust consent decree program of the Department of Justice and reported:

"During the waiting period, private parties, who may be affected by the terms of the decree, *should be given an opportunity to intervene in the Government's case* in order to present their objections to the court for its consideration." (Italic added). As indicated by the *children's books* case, an injured state or local government presently faces serious difficulties in attempting to intervene in a Government case. That means, of course, that if the District Court does not heed its requests for modification or rejection of a consent decree, no further redress is open.

Another very useful legislative step would be clarification or confirmation of a state or local government's right to have prompt access (without the necessity of an adversary proceeding) to documentary and other evidence assembled by the Department of Justice—once the federal government's case is concluded. Protracted discovery and the opportunity for dilatory maneuvers by defendants in treble-damage actions would thereby be appreciably curtailed.

Mr. Rankin and I will be happy to place at your disposal any additional background material which may be requested in pursuing our joint interest in effective antitrust enforcement.

I am sending copies of this letter to your colleagues whose names appeared in your letter under your signature.

Sincerely,
JOHN V. LINDSAY,
Mayor.

WHAT TO DO WHEN THE CHEST PAINS START

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the administration has struck again at major health research across the Nation, forcing closing of a major study program of the National Heart Institute, which for the past 20 years has developed significant new data on blood pressure, smoking, obesity, and cholesterol as risk factors in heart disease.

Located in Framingham, Mass., this internationally known center has been collecting data since 1949 on 5,000 men and women of that area in their 30's, 40's and 50's. It is a unique study, allowing doctors to determine what the odds are for certain patients to suffer such attacks. Under the menace of the budget cuts, $400,000 in all, the entire study is due to be phased out by June 1970. Future thorough data will be unobtainable as has been the case in the past. Twenty staff people will be let go, and the chances of Americans avoiding such heart seizures will be appreciably diminished; 200,000 died last year, and this is the major cause of death in the Nation. Such are the new directions President Nixon is taking. Yet this is but the tip of the iceberg.

Across the land, cutbacks in training programs and research are menacing the futures of thousands of young graduate students. Not even the most famous institutions are being spared. News of the most melancholy sort is widespread. Johns Hopkins Medical School has been forced to discharge technicians and support personnel. Albert Einstein Medical College has been forced to ask staff doctors to work for nothing. The University of California Medical Center in San Francisco must obtain loans for entering dental students from student union funds. No other source of money is available.

These many small setbacks are exerting a cumulative effect. Future collapses on our overall research effort are guaranteed. Budget cuts at the expense of the National Institutes of Health are mainly at fault. NIH is the source of major support for almost every medical school and major biological research institution in the Nation. The Federal Government provides about 65 percent of all health research moneys, most from the Institutes. About 48 percent of all medical school faculty members have some of their salary paid through Government funds; 16 percent receive all their salary from them; 11 percent receive half their salaries from this source.

The Federal budget for the current fiscal year will have less money than the preceding year for medical research and medical training. Many research grants formerly assured of approval will go without Federal support. NIH awarded no new research grants in September, an unheard-of step. Major research people continue to work while their staffs melt away, the effectiveness of their research diminishes, and their impact on student education lessens. Momentum is lost and the full penalty will be paid years from now. We shall all pay it.

Research teams are disbanded. Research facilities are closed. Important programs cease. Morale plummets. Such effects are felt all through the structure of a medical school. Grants and fellowships are being curtailed, drying up future medical teacher supplies. Who will teach the vastly increased numbers of doctors President Nixon has called for? Our health care system is collapsing, adding to social turmoil, and now the administration, acting with malice, directs the Bureau of the Budget to eviscerate the foundations of our entire medical research program. Where is the voice of the AMA. Speak, O great champions of medicine.

But there is money for Vietnam, is there not, Mr. President? And there is plenty of cash for the SST, is there not, Mr. President? And oodles of folding money for massive new defense expenditures, is there not, Mr. President?

But where does it come from, Mr. President? Why, from education, libraries, hospitals, model cities, VISTA, Job Corps, clean water funds, national park acquisition moneys, civil rights enforcement funds, conservation, consumer programs, and other such nonessential enterprises. These are new directions, all right. Back, back, back to the darkness of yesterday. Snuff out all the lights. Shut all the doors. Destroy all the records. Fire all the trained staff personnel. Demoralize the entire structure of 20 years. Why? Because we must fight wars—build weapons—nominate Judge Haynsworth—build a new majority composed of the forgotten Americans. Or do not they have heart attacks? Perhaps the President would care to publish a new pamphlet entitled, "What To Do When the Chest Pains Start."

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NIXON PROSPERITY—UNEMPLOYMENT HITS 4.0 PERCENT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the economic news this morning is very bad. At the end of August 1969, 2.9 million Americans were unemployed. This was a 3.5-percent unemployment rate. The statistics of unemployment released this morning reveal that in September 3,232,000 Americans were unemployed. This is a 4.0-percent rate of unemployment. That means 332,000 American citizens lost their jobs in just 30 days, and the worst is yet to come.

This is a direct result of the disastrous and callous destruction of our once-prosperous economy by the Nixon administration. This is their economic policy, and every American who lost a job can blame it on the White House and its benighted economic policies which destroy consumer prosperity at the expense of the rich.

Mr. Speaker, we are already in a recession. The only question to be resolved now, is how bad it will be. Mr. Nixon does nothing to lower interest rates or halt price hikes. The economy is collapsing around his ears, and he does nothing while workers lose their jobs. All the evasion in the world cannot excuse away or make disappear lengthening unemployment lines in our country. They are the political death knell of the Republican Party's newfound political power. We shall remind every person in this country of who has done what to them.

LABOR GROUP SPEAKS OUT AGAINST HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the demand for action on interest rates continues to grow across the Nation.

In an editorial in the International Potter for September, Mr. L. H. Null, Sr., spells out the workingman's concern over high interest rates. Mr. Null, who is president of the International Brotherhood of Operative Potters of the United States and Canada states:

> The young person who finishes his formal schooling and embarks on his life work of making a living, buying a home and providing the necessities of life for his family is today facing seemingly insurmountable obstacles. One of the tallest hurdles he must clear are the almost ridiculous interest rates charged by banks for loans to provide housing for his family and for consumer credit.

Mr. Speaker, I place this editorial in the RECORD.

BANKING REFORMS ARE NEEDED!

(By L. H. Null, Sr.)

The young person who finishes his formal schooling and embarks on his life work of making a living, buying a home and providing the necessities of life for his family is today facing seemingly insurmountable obstacles. One of the tallest hurdles he must clear are the almost ridiculous interest rates charged by banks for loans to provide housing for his family and for consumer credit.

The AFL–CIO and many other organizations interested in the welfare of people have protested these boosts in the price of loans. Since last November, U.S. banks have boosted their interest rates 40 percent. And they have not boosted dividends paid on deposits accordingly.

Congressman Wright Patman is chairman of the House Banking and Currency Committee. Recently he made a speech in which he stated: "The United States has the worst bank regulation and the most outlandish monetary policy of any nation in the free world . . . bar none."

Rep. Patman went on to tell his audience that the people of the United States don't know what is happening to their money supply. It is the exclusive monopoly property of the big bankers. He warned that "This neo-Nazi style economy . . . should it become a reality . . . would destroy this nation."

Look at a dollar bill. Across the top it says "Federal Reserve Note" and in small letters it states: "This note is legal tender for all debts, public and private." In a small circle on the left is imprinted the name of the Federal Reserve Bank which issued it. It is issued only after someone, somewhere, has taken a contract with a member bank to repay a loan. There is no gold nor silver to back it up . . . only the record, somewhere, of a debt owed to a member bank of the Federal Reserve System. In other words, our money is based on debt.

The Federal Reserve System, our central banking authority, was established by Congress in 1913. Congress delegated the issuance and control of the nation's currency to the Federal Reserve System; operated and rigidly controlled by the member banks . . . all privately-owned corporations.

The FRS is, theoretically, responsible to the Congress. But it takes the proverbial "Act of Congress" to achieve any control. And Rep. Patman said, "The banking lobby is the single most potent lobby that operates year-around in Washington, D.C."

The bankers who issue our money are a monopoly, but are not subject to monopoly controls. Everyone agrees the price of money (interest rate) is too high. Yet when Cong. Patman asked Secretary of the Treasury David Kennedy (a banker) if he had done anything to stop the increases in interest rates, Kennedy replied: "Why should I?"

Perhaps Congress should act to restore to the United States government the power to issue money (and control interest rates) which it gave away to the bankers in 1913 when it chartered the Federal Reserve System. The banking fraternity has spurned the social needs of the nation for easily-available money for the wage earner, for social needs such as schools and hospitals, and for the small businessman who constitutes the fiscal backbone of the nation. The bankers have seized and rigidly controlled the nation's financial bloodstream, fattened on high interest rates and branched out into non-related businesses through bank conglomerates.

With leadership from such a distinguished and informed legislator as Congressman Patman, the invincible political strength of the common people will, if aroused, force badly-needed reforms on our monetary policies.

You can bank on it!

THE BANKING LOBBY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, last week, the Banking and Currency Committee, in an executive session, voted 19 to 13 to effectively block an investigation of the Nation's banking lobby.

Mr. Speaker, I deeply regret this action and I am convinced that the members of the committee who voted in this manner made a serious mistake which must be corrected at some future date.

The Washintgon Post of Thursday, September 25, carried a news story by Jan Nugent outlining the committee action. So that the Members of the House may be properly informed, I place this article in the RECORD:

LOBBY PROBE QUASHED

(By Jan Nugent)

The House Banking Committee voted yesterday to quash an investigation of the bank lobby previously announced by its Chairman, Rep. Wright Patman (D-Tex.).

In this latest revolt against its leader, the panel contended it was not the proper forum for the probe, and suggested Patman take the matter up with the Rules Committee.

Patman promptly labeled the committee's action "a back-door means of killing the investigation . . . a complete dodge."

He said later he was "considering his next step," but vowed "not to give up on this."

HALPERN'S SUPPORT

Seven Democrats and 12 Republicans opposed Patman. The lone Republican vote favoring the Chairman was Rep. Seymour Halpern (R-N.Y.), whose financial indebtedness to several banks has been widely reported.

Before the vote, Patman ticked off his charges against the bank lobby. He claimed its members have filed incomplete lobbying reports and solicited bank funds for political candidates.

Patman said he received correspondence indicating banks have raised political-lobbying funds through payroll deductions and apparent coercion of their employees.

Five lobbyists registered for the American Bankers Association listed only $190 in expenditures for the first six months of 1969 "during a period of extremely heavy run of banking legislation," Patman reported. "Surely we are not expected to take this figure at face value," he said.

PATMAN "VENDETTA"

The committee's minority members contend the chairman is conducting a "vendetta" against banks and is incapable of conducting any fair-minded probe of the issue.

The chairman and his supporters argue that full disclosure of the banking lobby's operations would serve a necesssary legislative function and improve the committee's public image.

However, Patman also stood firm yesterday in his resolve not to turn the hot glare of publicity on interests held by about one-third of the committee members in various financial institutions.

He conceded he had been charged with "myopia" and "ducking the issue" in this regard, but refused to "become embroiled in a controversy about members' private financial holdings." This would be a matter of the House Ethics Committee, he indicated.

Mr. Speaker, I called for this investigation in August after much public concern about the banking lobby had been expressed in the Nation's press. Many newspapers around the country have published editorials in recent months expressing varying degrees of concern about the activities of the banks and their well-heeled lobbying apparatus. Mr. Speaker, I am firmly convinced that the Congress should respond to this public demand for an investigation and it is

obvious that there is ample need and precedent for such inquiry.

Mr. Speaker, I outlined some of the reasons for calling the investigation in a statement to the Banking and Currency Committee last week. I place a copy of this statement in the RECORD:

STATEMENT OF WRIGHT PATMAN, SEPTEMBER 24, 1969

Twenty-five of you have called for this meeting and I want to give you every opportunity to present your case here this morning.

First, let me state that the investigation of the banking lobby has been called within the Rules of the Committee and has been referred to the Domestic Finance Subcommittee under these rules. It is clearly within the jurisdiction of the Committee.

Secondly, the investigation is not an unusual undertaking for a Committee of Congress. Numerous Committees of both the House and Senate have conducted various lobbying investigations. I have attached to my statement a partial list of some of these investigations.

Most of these investigations have been highly beneficial and many of them have led to major reforms of lasting value to the American public. They have been conducted on the premise that the public and the Congress can only benefit from a full and open disclosure of lobbying activities which involve the public's business.

Since receipt of your letter of August 12, I have studied and restudied the issues involved here. I have been unable to discover any manner in which the public interest—and the best interests of the Congress—could be harmed by a study and a public disclosure of the banking lobby. I cannot believe that any Member seriously questions the public's right—and the Congress' right—to this information.

The public disclosure of what constitutes the banking lobby and its activities is particularly pertinent and, in my opinion, long overdue. The banking industry today represents about $700 billion in assets which is multiplied by its vast powers to control the nation's credit. Regardless of one's feelings about this industry, its potential to influence public opinion and public decisions is obvious.

In Washington this industry is represented by one of Capitol Hill's fastest growing lobbying apparatus. In fact, a quick rundown of the filings at the Clerk's office reveals that this lobby has increased four to five times in the past three years. Today, not only are lobbyists registered for the American Bankers Association, but for many of the nation's largest banks and for an endless variety of special banking Committees.

The official filings are misleading since the Washington offices spread their opinions out across the country through a complex network of so-called "contact" bankers. These opinions are then fed back to the Congress and the national media as "grass roots" reaction—reaction that began on the mimeograph presses in the Washington ABA office.

No one—I am sure—questions that the banking lobby is a big-time lobby. A banking publication a few months ago wrote that the Washington ABA office had been "transformed from a mini-lobby into a well-staffed, well-heeled, activist political apparatus." The article said that the ABA had been brought from "the bottom of the league right up there to title contention." And an ABA staff member was quoted as saying:

"In the old days, I don't remember seeing in the newspapers that anyone feared the American Bankers Association lobby. Now this seems to be injected into almost every debate on the Hill."

Completely aside from the obvious facts of its size and power, the banking lobby raises many basic questions in its day to day operations.

A few years ago, I discovered that the ABA had not even bothered to file reports for some of its key lobbyists with the Clerk of the House of Representatives. The reports that are filed seem designed to be as misleading as possible and reveal only the most limited information.

For the first six months of this year, the five lobbyists registered for the American Bankers Association listed only $190 in expenditures. And this during a period of an extremely heavy run of banking legislation in the Congress. Surely we are not expected to take this $190 figure at face value.

These are some of the areas that the Subcommittee should look into during its investigation. How much money does the ABA raise? How much is spent on legislative matters? How is it reported?

These are basic questions which the Congress has a right to explore.

What is the relationship between the ABA lobbyists and the lobbyists for the big banks and the various ad hoc committees that spring up on banking legislation? Are these shadow committees, that come and go, designed to fool the Congress and make it more difficult to follow the lobbying activities and to hide expenditures of funds?

These, too, are legitimate questions for an inquiry.

Who are these so-called "contact" bankers used by the ABA? I have been furnished copies of communications to these "contact" bankers but I think this Committee should be curious as to how these "contacts" are chosen and used in the various Congressional Districts. Who finances the "contact" banker operations and are these activities properly reported under the Federal lobbying acts?

This elaborate lobbying system is undoubtedly making use of the special private files that are being gathered on Members of the Congress. Through a banker—who personally disapproves of the methods—I have been furnished a copy of one of the questionnaires distributed by a banking organization and designed to gather the most intimate details of a Congressman's private life.

The questionnaire seeks information on the Congressman's drinking habits. It inquires as to whether he is a "customer" of a "bank" and about other possible relationships with financial institutions. It asks questions about his family.

Why would a lobbying organization need this information on a Member of Congress? To what legitimate use could such information be put?

I regard this questionnaire as highly improper, unethical and a gross violation of the privacy of Members of Congress. Our investigation should discover how widely these questionnaires have been used and how they have been used.

This Committee should also be concerned about what appears to be a growing pattern of political lobbying slush funds being raised by banks across the country. I have received copies of inter-office bank memorandums and other correspondence which indicates these funds are being raised through payroll deductions based on a certain percentage of the bank employee's salary.

In one case a bank employee wrote me:

"To many of us, we feel that such coercion contradicts our rights. Why can't we contribute to the candidates we feel best express our desires. Please give this some thought. Anything you can do to discourage such out and out blackmail will be greatly appreciated."

The purpose of these funds is obvious from the correspondence that I have been furnished. For example, a bank in California states:

"The value of these contributions has been demonstrated very specifically to us in connection with recent unsound and unfavorable legislation which has been successfully defeated."

An office memorandum from a bank in Ohio lays it on the line in this manner:

"If you have been making political contributions directly to others, it will be greatly appreciated if you will hereafter do it through the bank so that the bank will get credit for it on the goals assigned to us."

I also have copies of correspondence from the Bankers Association of a midwestern state soliciting bank contributions for political candidates. Political contributions, of course, are a fact of life. But the question here is whether corporate funds—in possible violation of Federal law—are being used for these purposes. In some cases, these funds appear to be purely political; and in other cases a combination of political and lobbying. The Committee should determine what these funds are and assure itself that they are being collected and distributed within the law.

There are many other areas. I have just mentioned these to indicate some of the scope of such an investigation.

There is also the question of the ABA's manipulation of public opinion to affect legislative decisions. There is evidence that the bank lobbyists have hired organizations to send out "canned editorials" favorable to the banks. These editorials then apparently find their way back to Washington as an evidence of public opinion for or against certain measures. In addition the bankers spent about $350 million annually on advertising and this Committee should be interested to learn what portion of this fund is used to mold opinion on legislation.

There is also the question of the banks' pressure on customers to "lobby" in their behalf and of pressure on other organizations to gain public support for the banks' position. Many Members of this Committee recall the bank lawyers attempt to distort the position of the American Bar Association on bank antitrust matters a few years ago. In other words, I think it is essential that this Committee determine just how "free and independent" the testimony of various organizations might be when they appear before this Committee on banking matters.

Obviously, today's meeting is not the forum to go into all of these issues in detail. The investigation and the evaluation of this material should be carried out under normal investigative procedures by the Domestic Finance Subcommittee. By this time, I had hoped that the staff would have gathered preliminary data and determined what witnesses might be available for the inquiry. The letter of August 12, of course, brought this to a halt and has placed the investigation many weeks behind schedule.

Some Members have expressed disagreement with the decision to refer this to the Domestic Finance Subcommittee. It was referred to the Subcommittee to facilitate the investigation since it is difficult to carry on an inquiry of this nature before a full Committee composed of thirty-five Members. An investigation by the full Committee would be highly time-consuming.

Some Members have expressed displeasure with the fact that I discussed the investigation in an appearance before the National Press Club on July 31. By that time, of course, the national press had already carried stories about the possibility of an investigation and my statements at the Press Club did not come as a surprise to anyone. But I regret it if anyone was offended by the Press Club appearance.

All of you are aware of the August 6 memorandum, my statement in the Congressional Record, and my various letters to you concerning this investigation. I see no need to review these this morning.

The issue before us is clear. I feel that there

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is ample cause for an investigation of the banking lobby and I urge that this inquiry proceed without delay and that it not be hindered in any manner. The investigation is clearly in the public interest.

Several Members of the Committee have questioned whether there is any public demand for such an investigation. While I do not feel that the Congress should wait until the public is clamoring at the door, it is obvious that there is indeed great public demand for such an investigation. Numerous editorials from newspapers of all political persuasions have been printed in support of such an investigation. In addition, I have received a number of letters urging such an investigation. One of these letters comes from a former U.S. Senator and Governor, Frank Lausche of Ohio. Mr. Lausche raises some very serious questions and urges in very strong terms that this investigation go forward.

Also, some Members of the Committee have indicated that Wright Patman has created the innuendoes and the charges that have appeared in public print. This is simply untrue. Unfortunately, I have been attacked and embarrassed by some of these editorials charging inaction on my part. These attacks were made on me by various newspapers after it was revealed that some Members of the Committee had stock in various financial institutions.

The Chicago Tribune of May 28 said I had a "severe case of myopia" and that I was "ducking the issue." There were other similar editorial comments. Despite this, I have refused to become embroiled in a controversy about the Members' private financial holdings.

There have been other press reports concerning this Committee and the banks. Many of these reports, as you know, occurred before my speech to the National Press Club on July 31. The simple fact is that the Committee has received an extremely bad press. And this fact will not go away by charging that the Chairman has created it by calling for a bank lobbying investigation.

In as strong terms as possible, I want to emphasize that the investigation is not of Members of Congress. The Committee does not have jurisdiction over the conduct of Members and such matters obviously would reside with the House Ethics Committee.

This is an investigation of the banking lobby. Full disclosure of what this lobby is—how it is financed—how it spends—how it operates—would be highly beneficial to this Committee, the Congress, and the American public. A vigorous and full investigation of this nature will do much to improve the public image of the Committee as well as providing a necessary legislative function.

If any Member knows of any reason why such disclosure would not serve the public interest, I hope that he will state these reasons here this morning.

But at the end of all this talk, we will be required to make a decision. Any of the 18 Members of this Committee can say that the banking lobby is immune from public inspection and that is the end of the investigation insofar as this Committee is concerned. The decision is up to you.

HUD'S NEW COMMITMENT TO RURAL AMERICA

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Department of Housing and Urban Development reports it is about to embark on a large-scale effort to help meet what it has come to describe as the "massive" housing problems of rural America.

Projects in this overall effort include: Inducing private mortgage lenders to extend their activities to small communities; encourage metropolitan banks to develop loan correspondency relations with small town lending institutions; conduct extensive education programs with State officials concerning available HUD programs; and help organize local public housing programs.

Mr. Speaker, these and other proposals are contained in a report issued by a task force formed by the Secretaries of Housing and Urban Development and Agriculture to conduct a joint examination of rural housing problems. Their study follows an examination of rural housing conditions and needs made over the past several months by my office during which I pointed out that on a proportionate basis the housing problems of rural America are more severe than those of urban centers because two-thirds of the Nation's substandard housing is located in rural areas which have only one-third of the Nation's population. Coupled with this is the fact that nearly half the poverty stricken in the Nation live in rural America.

Of necessity, the task force effort was abbreviated in order to produce recommendations for 1969 housing legislation, hearings for which were about to begin. As a consequence, the States of North Carolina and Georgia were chosen for study on the grounds that conditions there were likely to typify those in the rural areas of most other States.

Mr. Speaker, what follows are letters written by me to the Secretaries of Housing and Urban Development and Agriculture in response to the task force report, the report itself and my remarks on this subject made on the floor during August.

OCTOBER 2, 1969.

Hon. CLIFFORD M. HARDIN,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR SECRETARY HARDIN: This is in reply to the findings and recommendations stemming from the joint HUD–USDA Task Force study of rural housing problems, using North Carolina and Georgia as states that more or less typify conditions throughout rural America.

The report is gratifying because it reflects an awareness on the part of HUD that rural housing problems are, in the words of the report, "massive", and because it sets forth a series of positive recommendations that go to the heart of the matter.

As you undoubtedly know, all but a few of the legislative recommendations made by both HUD and USDA are part of pending housing bills. I expect that most of the expanded authority your departments sought to improve your ability to serve rural America will be enacted into law before November 1.

But, with or without the legislation, it seems to me that the overriding challenge confronting HUD in terms of meeting its responsibility to rural America is and has been on the administrative level. Most of HUD's recommendations reflect recognition of this. I sincerely hope there is no hesitation in implementing all the suggestions in this category as quickly as possible, certainly no later than the end of the year. By the same token, it is my expectation that a significant part of HUD's report next year on the nation's housing needs and what is being done about them will center on the initial result of the recommendations.

There are two points that I wish to make before closing this letter—

Some critics of HUD maintain that rural America has always been pigeonholed in a second-class position in the Department's scale of priorities. The proposal to give the Office of Small Town Services increased capacity to coordinate efforts to improve delivery of housing and community development programs to rural areas, while at the same time keeping the operation under the Office of Metropolitan Development, hardly dispels this impression. I would think that executing the long and very good list of recommendations developed by HUD would, of necessity, require that the Office of Small Town Services be raised to division level in the Department and given the budget and staff it must have if the nation is to overcome our "massive" rural housing problems.

The second point deals with the implication in the Task Force report that, although I proposed creation of a Rural Housing Administration within HUD, I later agreed that such a step was not justifiable. I made no such agreement. I did agree to delay action to establish such an office in HUD while alternative proposals were developed as they were by the Task Force. As I said, I think the recommendations are very good. I congratulate both of you and the members of your departments that worked on the project. I look forward to enumeration of significant achievements in rural housing when HUD makes its annual report to the President and Congress early next year.

Sincerely,

WRIGHT PATMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., July 1, 1969.

Hon. GEORGE W. ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: Rural America—30 percent of the nation's population and 90 percent of its landmass—is in a vacuum as far as the housing needs of low and moderate income families are concerned. Sixteen percent of all occupied units in the nation are substandard, but 25 percent of all units in rural America fall into this category.

Non-metropolitan areas of the country, with 37 percent of the population, have received less than 20 percent of the home mortgages insured by the Federal Housing Administration. Only 15 percent of Housing and Urban Development units for the elderly have gone to rural America where 43 percent of all the nation's elderly live. Less than 10 percent of HUD's low income public housing rental units have been built or are under construction in rural areas. Thirty percent of all rural families are without bathrooms and less than half of all rural homes have central heating.

These conditions not only exist, they are worsening, despite the promises made in the 1949 Housing Act and an extensive and continuously growing library of housing legislation.

Mr. Secretary, I know that you are aware of some of these conditions in rural America, and that you will become aware of more of them as the months go on. In pointing them out, I do not mean to be critical of your administration. On the contrary, I think that you have clearly demonstrated in your decisions to launch a crash program to rebuild riot damaged ghettos and to develop mass production techniques to provide housing for low and moderate income families that you want to move the programs of your Department forward as rapidly as possible in the areas of greatest need as you see them.

My purpose in writing this letter to you is to point out the essence of what I view as a housing tragedy for the people of rural America and to propose what I think is a real solution to this problem.

As you know, efforts to meet the desperate housing needs of rural America are being made by the Farmers Home Administration of the Department of Agriculture. Farmers Home staff members, while saying that theirs

is the only agency providing housing of any consequence for low and moderate income families, at the same time admit that these accomplishments not only fall far short of meeting the need, but if continued at the present level, will not even check the problem, let alone eliminate it. As an example, throughout the entire history of Farmers Home Administration, it has been able to provide only 22,000 units of low income housing in communities of 10,000 population or less, outside of Standard Metropolitan Statistical Areas. The dimensions of the problem become apparent when this figure is compared with the nearly 5 million substandard housing units in rural America today—nearly two-thirds of the nation's total—despite the fact that rural America has only 30 percent of the nation's population. Even if Farmers Home is successful in tripling the volume of its insured home loan program, as is proposed in its 1970 budget, it will still only scratch the surface.

None of these things are said in criticism of Farmers Home, which I think has done a remarkable job despite extreme limitations, but these limitations nevertheless make it impossible to expect this agency to meet the urgent housing needs of low and moderate income families in rural America. Chief among the restrictions imposed on Farmers Home is that it has been characteristically viewed by Agriculture Department policy makers as a minor section of an otherwise farm industry oriented program. From its very beginning, of course, this is what it was designed to be. However, only 30 percent of all rural families now have direct farm connected incomes and so the Department, over the years, is affecting the lives of fewer and fewer people in rural America and this is especially true in the field of housing.

Mr. Secretary, it hardly needs to be said that HUD is after all the national Government's housing department, responsible for providing housing assistance for low and moderate income families, not only in urban but in rural America as well. It is well on its way to becoming one of the largest and, I hope, one of the most effective in Government.

Therefore, I intend to propose, during the coming hearings on the extension of the Federal Housing Administration program, scheduled for the week of July 14, that the Housing Act of 1968 be amended to provide for the establishment of a Rural Housing Administration, which would be administered by an Assistant Secretary, within the Department of Housing and Urban Development. In my view, this is the best approach that can be taken to meet the housing needs of rural areas as quickly and effectively as possible. I know that you will agree that HUD has the staff, the expertise, the funds and the avenues of credit that can form a solid base for the operation of such an administration.

At the same time, I think that it should be clearly understood that the Rural Housing Administration is to be responsible for all HUD programs in rural America. This will require a new definition of what is rural and what is urban because the present boundaries of areas having a population of 2,500, used by the Census Bureau, or of 5,500, the standard employed by Farmers Home, fail to describe the real boundaries of rural areas. Communities of 25,000 or less outside of Standard Metropolitan Statistical areas would, in my view, be much closer to an accurate definition of rural America.

I sincerely hope you will join me in viewing this proposal as a way of placing the programs of the Department of Housing and Urban Development in proper balance. I sincerely hope you will join me in viewing this as a way of injecting a dynamic new element into HUD and broadening your mandate to meet the housing needs of the nation's people.

I look forward to discussing this subject with you at the upcoming hearings on housing, if not sooner.

Sincerely,

WRIGHT PATMAN,
Chairman.

TASK FORCE REPORT

INTRODUCTION

Congressman Wright Patman (D-Tex) has vividly portrayed the conditions existing in non-metropolitan areas of this country both in correspondence to Secretary Romney and to the House of Representatives. (Attachments A and B)

In both instances Congressman Patman, Chairman of the House Banking, and Currency Committee, called for the creation of a Rural Housing Administration within HUD to focus on the housing and development problems in non-metropolitan communities with populations ranging from 5,500 to 25,000. Several meetings were held involving Congressman Patman, Senator John Sparkman (D-Ala) Chairman of the Senate Banking and Currency Committee, members of their staffs, and officials of HUD and USDA. It was agreed that creation of a Rural Housing Administration within HUD's organizational framework was not justifiable because of its functional structure, but that the conditions of concern could be approached by a redirection and possible refinement of agency resources.

An Interagency Task Force was established to ascertain areas of greatest need and difficulties in meeting needs, and to suggest alternate HUD, USDA and joint HUD-USDA actions to focus on the situation.

DIMENSIONS OF PROBLEM

In the time frame allotted, the Task Force could not identify housing problems based on a national sample. It thus focused on North Carolina and in some instances Georgia, as being reflective.

The data (Attachments C, D, E, F) show that the Farmers Home Administration serves a substantially larger number of families in rural America than the HUD and Veterans Administration housing programs combined. On the other hand, due to legislative restrictions which prevent FMHA from operating in places of more than 5,500 population, the HUD and VA programs are concentrated in the larger non-metropolitan communities of up to 25,000.

Selected population and housing data used was for 1960. Undoubtedly many changes have occurred since then in the population, number of households—especially substandard units, incomes, etc. The data do not lend themselves to a quantitative analysis of housing needs or subsidy requirements, other than to indicate that housing needs of rural America are massive.

Other data gathered deals with the mortgagee situation in rural areas which reflects on the use of FHA mortgage insurance programs. From this data the Task Force has identified eight basic problems involved in meeting housing needs of families in the open country and cities up to 25,000 population.

1. *Delivery of Housing Credit*—The inadequate flow of housing credit to non-metropolitan areas and the terms by which such credit is available have been major reasons why families living on farms and in small rural towns and villages have not been able to improve their housing. (a) Rural areas generally have access to few sources of long-term home mortgage financing. (b) The amount and terms of housing credit are less favorable in rural areas than in larger towns and cities and (c) Facilities in rural areas for tapping the credit sources of larger institutions in urban places are inadequate.

Private sources of credit in rural areas have been largely commercial banks, savings and loan associations, and individuals. All these represent local funds. Only relatively small amounts of outside capital have flowed to rural areas either directly or through mortgage companies, correspondent banks, or other sources. As a result of this situation, a housing credit gap of major proportions exists in rural areas.

2. *Development of New Housing Units*—Developers in and around urban areas have taken the initiative in building new housing units. In rural areas, however, families who want new housing have been primarily the initiators of the action. A more effective system for delivering new homes to those who need them in smaller communities is a major problem area.

3. *Utilization and Rehabilitation of Existing Units*—In rural areas about three million existing substandard homes could be rehabilitated but existing sources of credit are primarily in newer homes. More attention should be given to the upgrading of existing housing.

4. *Availability of Building Sites*—Suitable residential building sites in small communities that have public water and sewer facilities are becoming scarce. Also, not enough attention has been given to the systematic development of good residential communities in non-metropolitan areas.

5. *Coordinated Area Planning*—Coordinated areawide planning has been fragmentary in non-metropolitan areas.

6. *Low Incomes of Many Rural Families*—Almost a third of the rural population have incomes of less than $3,000. Nearly half of these families live in homes that need to be repaired or replaced. How to provide adequate housing for these families is a difficult problem because few have the ability to pay for a home or to pay market rent. The problem is delivery of Federal housing programs to provide rental units for low-income families coincidental with the development of economic opportunities to provide a basis for supporting better communities.

7. *Information on Sources of Credit*—Communications between those in need of housing and those who can provide and finance it are inadequate in non-metropolitan areas.

8. *Special Problems of Communities of Minority Groups, Farmworkers, Indians, and Others in Rural Areas*—Public attention has been focused largely on the problems in large cities. Similar but less conspicuous housing problems associated with ethnic and occupational groups exist in small towns and in open country. Often the families involved are in the low-income group whose needs are far more extensive than adequate housing.

GENERAL COMMENT

Based on this data and problem identification, the Task Force is in agreement that there has been both a breakdown in the delivery system of certain HUD programs to smaller population areas and certain restrictions limiting the effectiveness of Farmers Home Administration programs.

A series of proposals to begin correcting these conditions have been developed and are submitted for implementation or for further study, when appropriate.

In submitting our proposals we feel the Congress should recognize we have done so in the absence of an overall urban land use policy. To scatter housing and community facilities in a helter skelter manner across the countryside in response to unplanned demand is not in the best interest of our Nation. Coordinated Federal, State and local considerations geared to provide not only attractive alternatives of where and how to live, but of directing the effective expenditure of scarce governmental resources, should be a factor along with our proposals.

ALTERNATE RESOURCES AVAILABLE TO HUD

Proposal to stimulate Federal Housing Administration lending in smaller towns

In non-metropolitan areas of over 5,500 and under 25,000 population the private

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institutions exist or can be developed to assure a flow of FHA-insured mortgages for home purchase and construction. Many such areas are now served adequately by this type of lending. However, it is desirable to provide special incentive for private lending institutions to serve all of such areas adequately.

This can be done by giving GNMA authority to purchase FHA and VA guaranteed mortgages at par in those non-metropolitan areas (under 25,000) where the Secretary determines that the supply of private mortgage funds is inadequate (based on such standards as he may determine). GNMA could hold or resell mortgages to various financial institutions.

This incentive, combined with affirmative actions by HUD (e.g., Proposal to Educate Lending Institutions) to induce private mortgage lenders to extend their services and lending activities to smaller communities in concert with homebuilders, should go a long way to make mortgage lending for home purchase and home building uniformly available in towns of 25,000 and under.

Proposal to educate small supervised lending institutions regarding mortgage market programs

Lenders in many small communities seldom ~~see~~ an FHA representative. They are ~~unaware~~ of the recent red tape cutting and streamlining which has taken place in application processing. It is possible to conduct a concentrated education program with State and Federal financial groups (Independent Bankers Association, etc.) thus expanding FHA's capacity with small town financial institutions and encouraging large metropoltian banks to develop loan correspondency relationships with the smaller institutions.

Proposal to support farmers home lending program

The Farmers Home Administration has a very effective program for originating mortgage loans in small rural nonfarm places (5,500 population and under) where typically, private lending institutions are lacking to originate and service loans insured by the Federal Housing Administration or VA. Making use of a revolving fund the Farmers Home Administration, through its county representatives, works with borrowers and home producers to help meet the housing needs of the borrowers and, in the course of this dialogue, originates a mortgage loan using funds from its revolving fund.

After a number of such loans have been made, the Farmers Home Administration then sells to private mortgage lenders notes against the mortgages it holds. These notes are fully guaranteed by the Farmers Home Administration and there is full recourse. They are frequently short term notes. In periods of tight money, Farmers Home often has trouble reselling in the private mortgage market the notes it has issued against mortgages. This limits the total volume of mortgage financing Farmers Home can provide to rural nonfarm families in small places.

To support and sustain the maximum use of Farmers Home lending authorities, the Federal National Mortgage Association could consider the purchase of Farmers Home mortgages on a regular basis ($100 million worth every quarter).

Proposal to increase emphasis on creation and support of non-metropolitan districts

Many non-metropolitan areas centered around a community of under 25,000 population are not prepared or motivated as larger population areas to begin massive housing undertaking due to (1) lack of planning, (2) lack of expertise and capital, (3) lack of initiative, and (4) lack of aggressive builders.

To help overcome the determents, HUD's Comprehensive Planning Assistance Program now encourages and assists neighboring units of general-purpose government and other public and private organizations to join together to plan for the most beneficial use of their human and physical resources on an area-wide basis.

This non-metropolitan district planning program will be increased considerably over its initial effort (FY 1969—$750,000—28 districts).

Proposal relating to Operation Breakthrough

Many non-metropolitan areas have excellent transportation and communications networks linking them with urban areas. In such situations firms participating in Operation Breakthrough (and other producers of manufactured homes) should be encouraged to be responsive to the needs of non-metropolitan areas located within a reasonable logiatical distance.

Proposal to assist small communities in budgeting, financing, planning and construction of community facilities

The focus of the Public Facility Loan Program is on small communities with priority given to localities under 10,000 in population. Section 207 of this program authorizes the Secretary of Housing and Urban Development to "establish technical advisory services to assist municipalities and other political subdivisions and instrumentalities, and Indian tribes, in the budgeting, financing, planning, and construction of community facilities."

It is recommended that HUD seek appropriations to activate this effort.

Proposal to strengthen HUD's Office of Small Town Services

The Department of Housing and Urban Development has a large number of activities underway which assist non-metropolitan areas. These and other activities being proposed in this Memorandum requires a central coordinating point.

It is recommended that the Office of Small Town Services within the Office of Metropolitan Development be given the increased capacity to coordinate HUD internal and interagency efforts focusing on the improved delivery of housing and community development programs to small towns in non-metropolitan areas.

Proposal to encourage home construction in and around small towns

The development of new communities, outside of congested urban centers and tied to existing smaller communities, will not only provide additional housing but tend to stabilize the economy of the area.

In beginning to administer the New Communities Act of 1968, HUD will give consideration to assisting non-metropolitan new communities.

Proposal to assist States in efforts with small towns

Many states have an official housing agency or office. Those which do not can be assisted in establishing one through the Comprehensive Planning Assistance Program. It is recommended that HUD Regional Offices conduct an extensive educational program with these Offices on all housing programs. Also adequate up-to-date materials will be provided to enable the State housing officials to enable all localities within the State to determine their ability to participate in HUD programs.

Since each state of a Region has its peculiar enabling legislation, it is recommended that each Regional Office prepare specific "Steps of Procedure" for organizing local public housing authorities and developing housing for that specific State or Region—not only the broad general lines of Department Brochures but also containing detailed pertinent information needed by the States within each Region.

The Production Representative who works closest with the community, if not now trained, should be trained in the mechanics of organizing an authority in his particular state, and assisting in the actual preparation of an application.

Proposals to minimize problems relating to economic and demographic feasibility

HUD's Housing Assistance Administration now has enough experience in programming for small authorities to be more generous in the allocation of public housing units. HUD recognizes the possibility of accepting a few vacancies among the smaller authorities which could possibly follow, and is considering this approach.

Where the demand of a town and the surrounding area is too low to support a minimum (generally 20 unit) public housing program; a lesser number of units could be programmed with additional subsidies guaranteed in the Annual Contributions Contract, or the Cooperation Agreement could be amended to permit the city to provide management services at no charge or waive payment in lieu of taxes. Proposed legislation, if passed, will be of assistance in this regard.

Encourage flexibility in management practice to cut costs. For example, do not require local managers, and permit mailing in of rent or payment to local bank or other designated collection agency.

Proposal to direct regional offices to become more concerned

In the case of the Housing Assistance Office, they have traditionally followed the directives of the Central Office as to priority for public housing. It is recommended that a strong statement relative to the importance of the small rural community, similar to that put out to FHA Insuring Offices (Attachment G), should serve to focus attention to this aspect of the program.

Proposal to permit special subsidy for small size program

Public Housing Authorities operating less than 20 units could be guaranteed in the Annual Contributions Contract, a $10.00 per unit per month subsidy to cover the added expense of managing the program. Legislation authorizing this increase is needed and recommended. This increase will be reflected in the executive directors salary, the non-routine accounting fee, higher maintenance equipment costs per unit, utilities expense, etc.

With such a subsidy, inquiries and applications from smaller population areas would be able to receive more serious consideration and not be simply passed over. The fact must be faced that such potential small programs do require additional time and effort all along the line. For instance, villages located in the vicinity of the requesting town will undoubtedly need to be studied to determine the maximum safe number of units feasible for the area.

Proposal to consolidate management

The possibility should be explored of placing a number of less than 20-unit housing projects under a single private management firm. To obtain a sufficient number of units to make the plan worthwhile, a considerable area could be included. It is assumed each local housing authority (LHA) would function individually, rents mailed into a central cashier, and projects visited periodically (perhaps once per quarter). The State housing office or non-metropolitan planning district, discussed earlier, may play a role here.

Proposal concerning 20 percent gap requirement

The 20 percent requirement in small towns and rural areas has long outlived its usefulness if indeed it was ever necessary in these locations. No standard rental housing has usually been built in years. In fact in some localities no standard housing has been built for either sale or rent. To meet the gap requirement the local authority has been forced to an elaborate exercise based on present day building costs and then translating these costs by means of a rental factor and ending up with a gross rental figure which appears ridiculous to the housing authority board,

the governing body and local citizens in general.

It is recommended that HUD seek legislation eliminating the 20 percent gap requirement.

Proposals to make workable program more flexible

The criteria for approval of a Workable Program is two-fold, some established by Congress, and some by Administrative decision, interpretations and traditions. An analysis of the workable program requirement for small communities (Attachment H) indicates the benefits of the program but suggesting certain modifications. A directive from the Central Office to the Region instructing the reviewers to examine the Workable Program in the light of statutory requirements and suggesting greater flexibility as suggested is recommended.

The Low-Rent Housing Manual (Section 201.1 5a) states that a Workable Program for a central city also covers adjacent bedroom towns. This seems to be ignored in most Regional Offices, and the individual locality is required to have its own Workable Program. A clarification of this point and a uniform interpretation policy including its application to a non-metropolitan district could place many localities in the low-rent public housing market who will not now participate. Such a clarification is recommended.

Needed long-term research

The preceding proposals have been devoted, in part, to a discussion of actions that can be taken now (or accomplished in a relatively short time) to improve the ability of the HUD's housing programs to serve non-metropolitan America. We are certain additional improvements can be made. Below is a brief description of topics requiring more extensive study before final recommendations can be prepared:

1. Analysis of State enabling legislation for public housing and suggested changes to better serve rural communities.
2. Review of all administrative requirements and standards to determine changes helpful to rural areas.
3. Detailed study of the time and effort required to initiate a public housing program in a small town as opposed to a program in a larger city.
4. Analysis of the Department's programming experience in small towns to determine whether we are underprogramming.
5. A study of the problems and potentials involved in the use of manufactured and mobile homes to meet the housing needs of rural areas.
6. How to effectively deal with the problems of the unincorporated, minority community which lies adjacent to, but is not an annexed portion of many small communities in the South and Southwest. These areas receive no sevices yet are, in effect, providing labor, purchasing power, etc., to the town.
7. Develop a method of accessing housing needs in rural, nonfarm areas relative to type of unit. To attain economies of scale in the construction of fewer units, would non-metropolitan dwellers choose to reside in multi-unit construction as opposed to detached, single family homes, if it meant reduced payments?
8. There is a need to know more about the deteriorization factor in non-metropolitan areas. This relates to rehabilitation programs of HUD and USDA.

PROPOSALS TO BROADEN FARMERS HOME ADMINISTRATION AUTHORIZATION IN RURAL AREAS

Make advance agreements with builders to encourage a larger volume of dwelling construction

At the present time, rural housing loans are made to eligible applicants to build a house for their own use. Present authorities authorize the Farmers Home Administration to obligate funds only after the loan is approved. The contractor starts construction only after the loan is closed. This method of operation is not conducive to volume home production.

To meet the demand for housing in rural areas, a way should be developed to encourage builders or developers to construct, where a definite market exists, several houses at the same time. Legislative authority should be granted to enable the Farmers Home Administration to obligate funds for a home and agree with builders that a loan will be made to buy the house if:

1. An eligible applicant requests a loan to buy the completed dwelling;
2. Construction is in accordance with the approved plans and specifications;
3. The sale price does not exceed the appraised value and other specified limitations; and
4. The builder understands that the house is his responsibility until all of the above conditions have been met and a sale has been completed.

This would permit and encourage builders, in certain areas, to construct several houses at one time. More houses could be built, the cost of the houses could possibly be reduced through large scale buying and building, and the need for housing could, therefore, be satisfied sooner.

Finance building site acquisition and development

Desirable building sites are becoming scarce in rural areas.

To help alleviate this problem, loans should be authorized to private or public nonprofit organizations to buy and develop building sites to be sold to families, nonprofit organizations, or cooperative eligible under section 235 or 236 of the National Housing Act or section 521 of the Housing Act of 1949. The Housing Act of 1968 provided similar authority for use in connection with mutual self-help projects.

Such broader authority would encourage the development of suitable building sites for rural families and would be particularly helpful in connection with housing for minority groups. The systematic and planned development of building sites would provide an opportunity for building communities of homes that include the facilities essential to a good living environment.

Make needed changes to facilitate the delivery of housing credit to rural families through the rural housing insurance fund

Rural housing loans are made from a revolving fund known as the Rural Housing Insurance Fund (RHIF). After the loans are made, the notes are sold out of the RHIF to investors on an insured basis.

At the present time rural housing loans are being applied for at a faster rate than the RHIF can sell insured notes. This is the result of both the volume of loans applied for and fluctuations in the money market. The fund cannot obligate and hold new loans in excess of the $100 million statutory limit. The result is periodic cessations of loan processing and approval. With the increasing number of loans projected for the future, larger volumes of loan paper will be passing through the fund.

To correct this situation, the following legislation is needed:

1. Raise the ceiling on the amount of new loans that can be held in the RHIF at any one time from $100 million to $350 million; and
2. Clarify the authority for the sale of insured notes out of the RHIF in blocks and authorize such transactions to be treated as a sale of assets for purposes of the Budget and Accounting Act, 1921.

Such legislation would greatly facilitate the sale of rural housing insured loan paper. It is essential to continue operation of the insured housing program.

Require FNMA or GNMA to buy insured rural housing

Fluctuations in the money market at times present an orderly sale of insured notes from the Rural Housing Insurance Fund (RHIF).

To facilitate the sale of insured notes from this fund, steps should be taken to encourage FNMA to use their present authorities to purchase notes and legislative steps taken to require GNMA, at the request of the USDA, to buy notes when private investors are not available.

Increase cooperation and coordination between HUD/USDA

Many of the above proposals naturally require and depend upon effective communication between the two departments. Joint action should be initiated in an outreach capacity, as follows.

A series of regional/state meetings involving HUD/USDA officials should be instituted to:

Advise and inform USDA officials of all HUD programs.

Train USDA officials to help create HUD institutions such as local housing authorities.

Encourage USDA employees to help HUD fill up housing projects in non-metropolitan areas. One technique to use would be to encourage delegations from nearby towns to visit projects having vacancy problems.

Explain and implement recommendations of this Memorandum.

Stimulate greater use of HUD Section 235 and 236 in smaller communities.

Federal housing programs in small towns and rural America

A summary of all Federal housing programs serving families in rural areas and places of less than 5,500 and 5,500 to 25,000 in Georgia and North Carolina is presented in Table 1.

The data do not permit an evaluation, in terms of improvement in housing condition in the rural areas and small towns, of the several Federal housing programs. We do not know how much housing is provided under other financing in which the Federal Government has no part. Suffice it to say that in view of the magnitude of the housing needs in the rural areas and small town, both in terms of physical condition of the housing stock and the inability of households to afford improved housing (see table 2) the housing needs of rural America are large and Federal programs presently help to meet only a small part of that need.

The data show that the Farmers Home Administration serves a substantially large number of families in rural America than the HUD and VA housing programs combined. On the other hand, due to legislative restrictions which prevent the Farmers Home Administration from operating in places of more than 5,500 population, the HUD and V.A. housing programs, as may be expected, are concentrated in the larger communities of up to 25,000.

In 1968 an estimated 7,494 units were started, insured or improved under Federal programs in North Carolina in areas served by the Farmers Home Administration and in places of 5,500 to 25,000 population outside of SMSA's. Of this total of 7,494 units, 2,627 units equal 35.0 percent were initiated under HUD programs, 3,303 or 44.1 percent were started under the Farmers Home Administration programs and 1,564 units or 20.9 percent were placed under construction through V.A. programs.

In rural areas and small towns served by the several housing agencies in Georgia, some 2,104 or 41.0 percent of the units were started in 1968 under Farmers Home Administration programs. HUD and the VA in turn accounted for 39.8 percent and 19.2 percent of housing starts and rehabilitations respectively.

In North Carolina some 3,303 units were

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started under the Farmers Home Administration in the area served by its programs. Under, HUD, by comparison, only 772 units were started within the same area.

In places of 5,500 to 25,000 population outside of SMSA the situation was reversed. Under HUD and V.A. programs 1,855 and 1,564 units respectively were started. The Farmers Home Administration, due to its legislative limitations, did not develop any housing under its programs in places of more than 5,500 population.

The situation in Georgia with respect to the number of units started under the several Federal housing programs was similar to that in North Carolina.

Table 1 presents a detailed summary of Federal housing programs in areas served by the Farmers Home Administration and places with population of 5,500 to 25,000 outside of SMSA's. It should be noted that the data in Table 1 were adjusted in order that the operating statistics of the several housing agencies could be compared. These adjustments are described in a Technical note on Housing Program Estimates attached to this paper.

TABLE 1.—SUMMARY OF FEDERAL HOUSING PROGRAMS IN FARMERS HOME ADMINISTRATION AREA AND PLACES WITH POPULATION OF 5,500 TO 25,000 OUTSIDE OF SMSA'S, NORTH CAROLINA AND GEORGIA, 1968

Housing program	North Carolina			Georgia		
	Total	Farmers Home area	Places of 5,500 to 25,000 population outside SMSA's	Total	Farmers Home area	Places of 5,500 to 25,000 population outside SMSA's
Total, Federal housing programs	7,494	[4] 4,075	3,419	5,128	2,632	2,490
HUD-administered housing programs	2,627	[1] 772	1,855	2,039	528	1,511
FHA—single-family starts and existing units insured	362	[1] 72	290	841	[1] 215	626
FHA—multifamily units started	144	0	144	123	7	116
Low-rent public housing [2]	1,104	380	724	900	254	646
Improvement loans and grants [3]	1,017	[1] 320	697	175	[1] 52	123
Farmers Home Administration programs	3,303	3,303	0	2,104	2,104	0
Single-family homes [4]	3,242	3,242	0	2,042	2,042	0
Rental housing	61	61	0	62	62	0
Veterans' Administration	[5] 1,564	(6)	[5] 1,564	[5] 985	(6)	985
GI loans	1,471	(6)	1,471	901	(6)	901
Direct loans	93	(6)	93	84	(6)	84

[1] Estimated.

[2] Low-rent public housing units started and leased.

[3] FHA improvement loans and sec. 115 grants and sec. 312 loans.

[4] Farmers Home Administration sec. 502 and 504 housing loans.

[5] VA activity outside of SMSA's and places with excess of 30,000 population.

[6] Not available.

TECHNICAL NOTE ON HOUSING PROGRAM ESTIMATES

The operating statistics of HUD, the USDA and V.A. are not directly comparable because of differences in, (1) the geographic area served by the Farmers Home Administration on the one hand and HUD and the V.A. on the other hand; (2) the type and scope of the statistics maintained by each of the housing agencies, and (3) the period covered by the housing statistics (i.e. calendar year versus Fiscal Year).

The Farmers Home Administration is limited by law to serving families residing in rural areas and places of less than 5,500 population. HUD and the V.A. are not bound by any legislative restrictions.

The operating statistics of each of the housing agencies reflect the geographic area served. The Farmers Home Administration operating statistics are available for the entire area served by its programs in each state. Thus, the USDA statistics provide data for all rural areas and places less than 5,500.

HUD statistics, with exception of the multifamily programs and Section 115 and 312 rehabilitation Grants and loans, are only available on the county basis. The operating statistics in table 1 for the HUD home ownership and improvement loans and grants program were estimated for rural areas and places of less than 5,500 population and 5,500 to 25,000 population outside SMSA's from individual county data. The programs in rural areas and places of less than 5,500 population, inside SMSA's in turn were estimated by multiplying the county data by the proportional difference in the number of households in the non SMSA counties and the larger area served by the Farmers Home Administration. (For example, the area served by the Farmers Home Administration in North Carolina contains 14.5 percent more households than the SMSA counties.) It was assumed that the HUD programs in the rural areas and places of less than 5,500 in the SMSA counties were proportional to the number of households in the non SMSA counties.

The VA statistics did not lend themselves to similar adjustment. Therefore, the V.A. statistics reflect only activity outside SMSA's and places with excess of 30,000 population. Thus, the V.A. data do not include rural areas and places up to 5,500 population, inside SMSA's.

The data in table 1 are presented in terms of housing starts, commencements of house improvement, and in the case of leased low rent public housing, the initial leasing period. The Federal Housing Administration operating statistics are usually presented in terms of "mortgages insured" and the V.A. data reflect "loans". It is recognized that there is some lag between the start of a new unit and its financing. This lag differs with each program. However, it was assumed for the sake of comparability that starts occurred during the same 12 month period during the unit was financed or an improvement or rehabilitation loan or grant was provided.

The Farmers Home Administration operating statistics are tabulated on a Fiscal Year basis, whereas the HUD and V.A. statistics are available on a calendar year basis. Since the number of units financed with Farmers Home Administration Assistance do not vary substantially from year to year, it was assumed that the Fiscal Year data were representative of the calendar year and accordingly were included without further adjustment.

POPULATION AND HOUSING DATA FOR RURAL AREAS AND PLACES OF LESS THAN 25,000 POPULATION OUTSIDE SMSA'S

Selected population and housing data for 1960 are presented in table 2 for rural areas and places of less than 25,000 population outside of SMSA's in North Carolina and Georgia.

Changes have occurred since 1960 in the population, the number of households and the quality of the housing. The number of substandard housing units shown in Table 2, in particular, have changed substantially since 1960. Some of the occupied units found substandard in the rural areas in 1960 have been abandoned, others may have been improved. In many urban areas, on the other hand, there has been improvement in the quality of housing. Neither the reduction in the number of occupied substandard units in the rural areas or the improvement in urban housing is reflected in the summary provided in Table 2. Thus, no quantitative estimates of housing needs can be derived from the data in Table 2.

It is estimated that in North Carolina and Georgia 41 percent and 45 percent of home owners respectively in rural areas and small towns had incomes in 1960 below $3,000. In both states the proportion of renters with incomes below the "poverty line" was greater than the proportion of home owners with similar incomes. In turn, the proportion of low income households was greater in rural areas and places of less than 5,500 population.

Lack of detailed statistics on income by tenure and size of locality made it necessary to estimate the 1960 incomes shown in table 2. Undoubtedly incomes have increased since 1960 in both North Carolina and Georgia. The magnitude of the increase, however, is unknown.

As stated above, the data do not lend themselves to a quantitative analysis of housing needs or subsidy requirements, other than to indicate that the housing needs of rural America are massive.

TABLE 2.—SELECTED POPULATION DATA FOR RURAL AREAS AND PLACES OF LESS THAN 25,000 POPULATION OUTSIDE OF SMSA'S—1960

	Total	Less than 5,500	5,500 to 24,999
NORTH CAROLINA			
1960 character:			
Population	3,150,931	2,641,032	509,899
Number households	807,057	659,287	147,770
Number substandard units	395,538	337,315	38,223
Household income:			
Homeowners (percent): Total	100	100	100
Under $3,000	41	44	29
Over $3,000	59	56	71
Renters (percent): Total	100	100	100
Under $3,000	55	57	44
Over $3,000	45	43	56
GEORGIA			
Population	2,034,814	1,641,991	392,823
Number of households	536,995	426,420	110,575
Number of substandard units	297,870	260,446	37,424
Household income:			
Homeowners (percent): Total	100	100	100
Under $3,000	45	48	32
Over $3,000	55	52	68
Renters (percent): Total	100	100	100
Under $3,000	56	60	45
Over $3,000	44	40	55

MORTGAGEES IN RURAL AREAS IN NORTH CAROLINA

Of North Carolina's 4,556,155 population in 1960 nearly two-thirds were living in counties which presently do not have a city with a population of as much as 50,000 persons. These counties, 87 in number, may therefore be considered to be predominantly rural, as opposed to 13 other counties which contain one or more cities of 50,000 and have a combined population of one-third of the state's total.

In 1967 the 87 predominantly rural counties were being served by 154 savings and loan associations with 185 separate offices out of a total for the entire state of 197 associations with 267 offices. With 78 percent of associations and 69 percent of offices, these 87 counties therefore had more than their proportionate share for their 69 percent of the population. These offices were located in all but 21 of the most sparsely populated counties.

At the end of 1967 out of 28 Federal Savings and Loan Associations that were FHA-approved mortgagees, 19 were in the 87 predominantly rural counties. In addition FHA had approved 44 state-chartered building and loan associations, of which 30 were in the 87 predominantly rural counties. In percentage terms, these counties had 68 percent of both the state's Federal and the state chartered associations.

Considering all FHA-approved mortgagees, in particular commercial banks and mortgage companies, in addition to savings and loan associations, we find that of 186 approved mortgagees, 114 of 61 percent were located in the 87 predominantly rural counties. It should be pointed out, however, that commercial banks provide a relatively small proportion of FHA-insured home mortgages.

County	Commercial banks [1]		Savings and loan associations [2]	
	Number of banks	Number of banking offices	Number of associations	Number of association offices
Alamance	7	18	4	5
Alexander	2	4	1	1
Alleghany	1	1		
Anson	2	6	1	1
Ashe	2	3	1	1
Avery	2	2		
Beaufort	2	7	2	2
Bertie	5	5	1	1
Bladen	4	5	2	2
Brunswick [3]	1	5	1	2
Buncombe [3]	6	25	3	4
Burke	3	10	3	4
Cabarrus	6	13	3	5
Caldwell	3	8	3	3
Carteret	3	8	1	1
Caswell	2	2		
Catawba	4	22	4	9
Chatham	3	6	3	3
Cherokee	1	2		
Chowan	2	4	1	1
Clay	1	1		
Cleveland	4	10	5	5
Columbus	3	16	2	3
Craven	4	12	2	2
Cumberland [3]	5	30	3	7
Currituck	2	2		
Dare	1	3		
Davidson	6	12	5	6
Davie	2	44	1	1
Duplin	4	11	2	2
Durham [3]	6	28	4	7
Edgecombe	6	9	2	2
Forsyth [3]	6	40	4	9
Franklin	3	5	2	2
Gaston	7	21	6	7
Gates	3	3		
Graham	1	1		
Granville	3	4	2	3
Greene	2	3	1	1
Guilford [3]	8	51	6	14
Halifax	4	14	6	6
Harnett	5	11	2	3
Haywood	3	9	3	3
Henderson	3	9	2	4
Hertford	5	8		
Hoke	2	3	1	1
Hyde	1	2		
Iredell	6	18	4	4
Jackson	2	4	1	1
Johnston	7	13	4	6
Jones	3	3		
Lee	2	7	2	3
Lenoir	4	13	2	3
Lincoln	2	5	2	2
Macon	2	3	1	1
Madison	2	4		
Martin	3	6	1	1
McDowell	3	5	2	2
Mecklenburg [3]	14	77	6	9
Mitchell	1	2	1	1
Montgomery	4	6	4	4
Moore	4	9	5	5
Nash	5	21	4	5
New Hanover [3]	4	17	4	6
Northampton	5	6		
Onslow	2	15	2	2
Orange [3]	3	9	3	3
Pamlico	1	1		
Pasquotank	3	4	1	1
Pender	2	3		
Perquimans	1	1	1	1
Person	2	4	2	2
Pitt	9	18	3	5
Polk	2	3	1	1
Randolph [3]	4	10	4	5
Richmond	3	9	2	3
Robeson	4	18	4	5
Rockingham	8	18	5	6
Rowan	6	15	2	3
Rutherford	3	11	3	3
Sampson	2	8	1	1
Scotland	3	9	1	1
Stanley	4	9	2	4
Stokes	1	4	1	1
Surry	4	12	3	5
Swain	2	2		
Transylvania	2	3	1	1
Tyrrell	1	1		
Union [3]	4	12	2	2
Vance	3	7	2	2
Wake [3]	10	50	4	13
Warren	2	3		
Washington	3	5	2	2
Watauga	2	4	1	1
Wayne	6	17	3	3
Wilkes	2	7	1	1
Wilson	4	15	3	3
Yadkin [3]	3	4	1	1
Yancey	1	1		
State total	335	1,009	197	267
Non-SMSA	272	651	159	185
SMSA total	63	358	43	82
Asheville (Buncombe)	6	25	3	4
Charlotte (Mecklenburg, Union)	16	89	7	11
Durham (Durham, Orange)	6	37	6	10
Fayetteville (Cumberland)	5	30	3	7
Greensboro-Winston—Salem—High Point (Forsyth, Guilford, Randolph, Yadkin)	15	105	15	29
Raleigh (Wake)	10	50	4	13
Wilmington (Brunswich, New Hanover)	5	22	5	8

[1] June 29, 1968.

[2] Sept. 30, 1967.

[3] County included in an SMSA.

Note: Number of banks and number of savings and loan associations are the number of individual institutions in a county. The same institution will be listed for each county in which it maintains an office.

FEDERAL HOUSING ADMINISTRATION,
July 27, 1965.

To: Insuring office directors.
Subject: Variations from minimum property standards to meet local market conditions.

This letter will further implement the policies emphasized in Commissioner Letters No. 28 and 29. The interim instructions set forth in Underwriting Letter No. 1992 are now confirmed and expanded as discussed herein.

The modified underwriting procedures detailed below are effective immediately and will provide a more flexible approach to the analysis of home mortgage applications for proposed construction. They are applicable under all existing small homes programs where the Minimum Property Standards for One and Two Living Units, FHA No. 300, or the Minimum Property Standards for Low Cost Housing, FHA No. 18, apply.

PURPOSE

Where local market practices are considered sound and of established acceptance, variations from a literal application of the MPS may be accepted in the various field office jurisdictions where it is deemed appropriate and necessary to conform.

In other words, while the scope and complexity of FHA's programs requires development of uniform operating procedures, these processing instructions cannot cover all situations. Underwriting personnel are expected to exercise initiative and imagination as well as careful judgment in the analysis of proposals. The MPS are basic guides to such judgment for the achievement of sound construction. They are not intended as a handy barrier which may be thrown up to justify an arbitrary decision.

APPLICATION OF MINIMUM PROPERTY STANDARDS

The purpose of this letter is not to be construed in any way as a lowering of the level of quality of FHA construction standards. The objectives are to expand the principles expressed in Letter 1753 which are particularly applicable to small communities but equally available in any local market where conditions warrant variations from the national standards.

As one example, the typical builder operating in one or more small towns builds relatively few houses a year and has many different problems as compared to the large volume urban builder. His potential market is smaller, thus he is more service orientated to the purchaser and usually responds readily to personal needs and desires. He may be less inclined to the use of new techniques and materials, relying more on traditional patterns in the community, some of which may vary from current urban standards. Working outside the pressures of volume construction, many of these builders are craftsmen who take pride in their work and handle complaints and latent defects promptly. It is essential that architectural personnel adopt an attitude of helpfulness and understanding in their relations with such builders and avoid the implication of acting as though they were "enforcers" or some sort of federal policemen.

Similarly, purchasers in small communities or segments of larger urban markets may express individual desires and preferences which require an application of judgment and reasonableness on the part of FHA personnel. The size of the family kitchen may be more important than privacy considerations. Or, a location near friends or relatives may exert more influence than the proximity of land uses which might adversely affect value in other market areas.

Wherever justifiable, planning or construction variations from the MPS should receive a fair and understanding analysis on the part of processing personnel. These variations, however, are obviously not intended as a device whereby properties will be insured which are deficient in structural soundness and durability, have features which will require costly maintenance, or express design or planning concepts so unusual that values and future market acceptance will be endangered. There shall be no compromise with prescribed standards of health and safety.

ARCHITECTURAL PROCESSING AND INSPECTION PROCEDURES

Under instructions stated in underwriting letter 1753, an insuring office is permitted to accept deviations from an explicit MPS requirement, as a "specific case variation" provided "the stated objectives are attained by alternate means." The subject letter extends this concept.

When market analysis indicates that *current practice or local custom* supports certain variations from the MPS, "guide" tables shall be prepared. These guide tables will be henceforth known as *"local acceptance variations."* The local acceptable variations will be established by the Chief Architect and used as a reference by processors and inspectors.

When local market conditions warrant processing of a case under LAV procedure, this will be noted by writing LAV on Form 2800–3 under item 13 in the space provided for the builders name and address. It will be the responsibility of the Chief Architect to designate such cases.

The case processor writes LAV under item 27 of Form 2800–3 and notes each item of deviation corresponding to similar numbered items appearing on the LAV guide, which has been prepared by each office. This information is necessary for the guidance of the compliance inspector.

The compliance inspector will follow customary procedure except for noting items shown on the LAV guide.

In brief, architectural and inspection procedure will follow outstanding instructions except for those instances where market factors require MPS–LAV modification.

The processor amends the exhibits when necessary, but only to the extent of obtaining compliance with the MPS as amended by the LAV guide. When appropriate, the processor and inspector work with the builder or architect for guidance in FHA requirements and suggest modifications which will improve design and construction.

To implement the concept expressed above, it will be necessary for the Chief Architect to take immediate steps to prepare a LAV guide.

Some indication of those items considered appropriate for inclusion in a LAV guide are suggested by the following examples:

1. For areas not subject to extremely high winds or earthquakes, if it is usual practice for builders to install corner braces by cutting 2 x 4's diagonally between the studs, this might be deemed an acceptable variation.

2. Where corners have been braced and it is customary to install fiberboard sheathing with nails and spacing which differs from MPS requirements, this may be included as an acceptable variation.

3. Where termite protection is not required, or the soil has been treated for infestation it may be appropriate to permit the omission of sill flashing which extends into the brick veneer.

4. Where normal good design practice has been followed, the MPS specified clearances for cabinets and kitchen equipment may be modified provided there is no compromise with safety and convenience.

The LAV Guide is reviewed by the Chief Architect and Chief Underwriter. It should be emphasized that there is no substitute for good judgment or sound construction experience. Good processing and inspections never result from a blind reliance upon stated criteria and excellence in design and construction is not achieved by the routine checking of a series of boxes.

The LAV Guide should be kept current through periodic revisions when needed to reflect changing market preference and local practice.

Training sessions shall be started as soon as practicable so that field personnel may become familiar with the LAV Guide and procedures.

Two copies of the LAV Guide shall be forwarded to central office as a matter of record.

SUBDIVISION ANALYSIS

Subdivision analysis will be performed in accordance with existing criteria. It is expected, however, that field office personnel will require only those exhibits required for the needs of the market to be served. Also, Subdivision Reports will be limited to those conditions and requirements necessary to assure that the land will be developed to meet the standards of the local community and FHA objectives.

MORTGAGE CREDIT ANALYSIS

The analysis of the mortgage credit risk will coincide with the technique now in use. In small communities, the availability of background information on the mortgagor may require a departure from prescribed credit report requirements. If the local market has the services of a qualified reporting agency, the usual credit report will be obtained. If such services are not readily available, credit background information will be acceptable from local banks, mercantile or general stores, or other responsible sources. Usually, such information would not be acceptable from sources having an interest in the sale of the mortgage security.

In evaluating the mortgage credit risk consideration should be given to the lower living costs which frequently exist in the small communities. The mortgage credit Examiners should also be alert to other characteristics of the small communities which may affect the credit risk. This may be represented by stronger and more lasting motives for home ownership, greater stability of employment, more respect for financial obligations, etc. Proper recognition of these community characteristics in our analysis should not be considered as an assumption of an increased credit risk.

TRAINING

The Chief Underwriter and underwriting section chiefs will conduct necessary training to assure that all staff and fee personnel are fully aware of the FHA's changed philosophy regarding proposed construction processing of home mortgage proposals.

Directors and Chief Underwriters through Circular Letters and industry meetings have the responsibility to familiarize lenders, builders, and the public with the foregoing procedural changes.

Upon completion of the LAV Guide, field offices will coordinate with the appropriate local Veterans Administration office to promote uniform interpretation of the MPS.

FEDERAL HOUSING ADMINISTRATION,
February 8, 1965.

To Insuring office directors.
Subject: FHA mortgage insurance programs in small communities.

The purpose of this letter is to tell you of the extraordinary response from parts of the nation to my recent letters concerning mortgage insurance operations in small communities. The many letters and telephone calls received from financial institutions, builders and real estate brokers in small communities convince me that there is a great and unsatisfied demand for insured mortgage financing. The challenge facing each of us is to meet this demand by showing industry how it can be done quickly and profitably and on a continuing basis. To induce a lender to "try" a single FHA loan as a personal favor is not enough, insured mortgage financing should be so advantageous in its procedures and results that repetitive business will be generated.

Typical of many letters is the following received from a country banker in a southern state:

"DEAR SIR: We have received a copy of the above letter in which you point out your Office would be of assistance in educational efforts. Our bank is very much interested in setting up a meeting for the builders and real estate people in our area. We would appreciate your advising us how and who we should contact to set up a meeting of this type.

"Very truly yours,

——— ———."

The president of a large mortgage company wrote me (in part) as follows:

"Please be advised that we are willing to make any loan that FHA will insure in the State of ———, regardless of where the security property is located.

"We are pleased to learn that FHA recognizes that there are good loans in and near small communities which may be secured by properties that, in many cases, may not meet the minimum property standards of metropolitan areas.

"We are ready, willing and able to cooperate with the director of our local FHA insuring office, local VA loan guaranty office, builders, realtors and mortgage lenders, in stimulating the availability of FHA insured mortgage financing and VA guaranteed mortgage financing in small communities of this state.

The cashier of a small state bank in a rural community in a mid-western state sent me the following letter:

"DEAR MR. BROWNSTEIN: Just a line to let you know that we certainly appreciated the viewpoint expressed in your Commissioner Letter No. 28 of January 13th just received. We have felt that the need and opportunity for FHA program in smaller communities has been present for some time, and I think this is a very forward step you are taking.

"We shall continue to try to fulfill mortgage credit needs for our community, and this should be most helpful.

"Very truly yours,

"——— ———."

A few of the letters were not so pleasant and assuring as those I have quoted. The writers claimed an inability to do business with their local insuring offices; they cited unusual processing delays, arbitrary decisions and attitudes and a failure to recognize that the small town market and the metropolitan market have different standards, preferences and desires. I sincerely hope that

these criticisms are out of the past and not a reflection of current attitudes and current processing.

The benefits of the National Housing Act must be available to more of our citizens—big city or small town.

PHILIP N. BROWNSTEIN,
Commissioner.

FEDERAL HOUSING ADMINISTRATION,
January 13, 1965.

To: Insuring office directors.
Subject: FHA mortgage insurance programs in small communities.

The purpose of this letter is to emphasize the positive actions and the present policies which can broaden the utilization of Federal Housing Administration mortgages in small communities and outlying areas.

It is an inherent principle of our form of government that governmental services and facilities must be available to all citizens without regard to remoteness or to the cost of extending service. It is our continuing responsibility to make FHA insured mortgage financing available to all eligible borrowers wherever they may reside. No community in the United States should be considered too remote or too isolated for FHA to serve in a prompt manner.

FHA has the programs and the procedures to serve all areas. However, constant attention by the insuring office director and his staff is needed if the objective of service to all is to be met. Service to the public has first priority at all times; it is never set aside to take care of duties and functions of lesser importance.

During recent years FHA has made many positive changes in its outlook and in its procedures to meet the objective of prompt service to all.

THE SMALL TOWN MARKET

FHA recognizes that the small town may have its own standards which differ greatly from the standards required in metropolitan areas. All features of the physical property and its environment must be judged in the light of local acceptance and preference.

In many instances the small town has sufficient stability and market depth to warrant use of Section 203(b). Merchants and professional persons have the financial capacity and the desire to own properties in the higher value ranges. In addition, demand is increased by improved highways and motor vehicles which permit commuting to places of employment in distant urban areas. These conditions widen the market for small town properties to such a degree that there should be no hesitancy to use Section 203(b).

Relaxed standards for Section 203(i) and Section 221(d)(2) operations permit acceptance of many properties located in areas where it is not practicable to obtain conformity with many of the requirements essential to the insurance of mortgages on housing in built-up urban areas. There must be a constant awareness of the differences between the small town market and the urban market.

PROCEDURAL CHANGES TO ASSURE PROMPT SERVICE

In order to reduce the time needed to process an application, FHA introduced major procedural changes, all of which have been highly successful:

1. The conversion commitment procedures now enable the offices to process about 95 per cent of the conversion requests in 3 days or less. A companion procedure for the issuance of conditional commitments is being tried in selected offices.

2. The new compliance inspection procedure permits the builder to continue construction without the delays associated with waiting for the FHA inspector.

3. Dual appraiser-inspector positions are established in communities remote from the insuring office whenever the workload warrants. Also, fee appraisal assignments are available to a greater degree than in the recent past.

The foregoing reliefs have had a salutary effect in increasing our total productivity and in developing applications from lenders and areas not heretofore reached by FHA. We expect to develop additional timesaving techniques.

THE AVAILABILITY OF FINANCING

A serious problem in meeting the objective of service to all qualified borrowers is the general non-availability of mortgage money in many small towns. The problem is not insurmountable if each insuring office director will use his good offices to encourage additional sources of mortgage money.

We have the assurances of the Federal National Mortgage Association and of the Mortgage Bankers Association of America of their full cooperation in extending secondary market facilities to small town lenders originating insured mortgages. Insuring office directors have the opportunity to be the catalyst to bring the mortgage originator and the secondary outlet together.

To fulfill this essential catalytic function, directors and their key staff must meet with approved mortgagees, real estate brokers, builders and others in the small towns to familiarize them with current FHA procedures and the benefits that are available to particpants in our programs. These educational efforts should extend to detailed assistance in the preparation and submission of applications, the training of mortgagee and builder personnel in FHA requirements and rendering assistance to brokers, builders and other who generate mortgage business.

The State Directors and County Supervisors of the Farmers Home Administration have a good deal of information relating to rural housing, financing needs and availability of mortgage credit. Directors or their designees should meet with the Farmers Home Administration officials to obtain such information and to acquaint them with Federal Housing Administration requirements and processing procedures. Where arrangements are made with approved mortgagees for Federal Housing Administration loans in given areas, the County Supervisors should be notified so that they may refer prospective applicants to the mortgagees. On the back of this letter is a list of the Farmers Home Administration State Directors from whom the names and addresses of the County Supervisors may be obtained.

It must be realized that all our efforts will be to no avail unless we can stimulate lender interest. To accomplish this should be a goal for 1965.

PHILIP N. BROWNSTEIN,
Commissioner.

PROBLEM

Small communities contend that they have difficulty in taking advantage of HUD housing assistance programs because of the Workable Program requirements. This paper will consider some major obstacles which small communities face in developing a certified Workable Program and the possibility of administrative changes which would eliminate or alleviate these difficulties.

PARTICIPATION BY SMALL COMMUNITIES

Whatever may be the difficulties faced by the small community in complying with the Workable Program requirement, it is clear that a large number of small communities have been able to overcome such obstacles. Table 1 indicates the estimated breakdown of localities by population size with certified Workable Programs as of September 30, 1967. The number of communities in the smallest population category (those with populations less than 5,000) was by far the largest, accounting for 36.1 of the total number of localities. It would appear, therefore, that there are no overwhelming obstacles to a small community developing an acceptable Workable Program.

It seems possible, however, that there are a number of difficulties in obtaining Workable Program certification which are likely to be particularly acute for small communities. There are expenses involved in preparing documents for submission and in complying with the ongoing enforcement requirements which a poor relatively unsophisticated small community might find prohibitive. There are also political and institutional problems involved in passing the codes and ordinances which are required in the Workable Program.

PREPARATION EXPENSES

One of the major objections which small communities have to the Workable Program is the expense of undertaking the studies and preparing the documents required by the program. Such communities are unlikely to have a full time planning staff. Much of the information required in the Workable Program has to be prepared by non-professionals or outside consultants. Although many small communities have been able to prepare an acceptable Workable Program, there are some communities which are unable to bear the expense and are therefore precluded from taking advantage of HUD housing assistance programs. However, there are a number of actions which HUD can take to alleviate the financial burden of preparation for such communities which are sincere in their desire to comply with the Workable Program requirements.

The major thrust should be to increase the amount of relevant technical assistance which small communities receive in preparing their Workable Program. One means would be to provide such assistance through the Regional Offices. Groups of specialists (code specialists, planners, relocation experts, etc.) could be organized which would be able to come to a community and provide considerable assistance in a relatively short period of time. In addition, there are two existing assistance programs (Title IX and 701) which could be expanded and made more relevant to the needs of small communities.

With adequate funding, the Title IX program (State Field Assistance to Localities on the Workable Program) could be a very effective means of providing adequate assistance to all communities within each State. The State of Missouri's very fine Title IX program might be used as a model for the type of program which is helpful to small communities and which should be encouraged by the Federal government. The 701 planning grant program could also be modified to aid small communities in Workable Program certification. The 701 program has recently been amended to provide grants for non-metropolitan districts composed of contiguous small towns and rural counties. In this way, the small community could meet the planning requirement of the Workable Program through a combined effort with a number of similar communities. It would also be desirable to increase the coordination between the Workable Program requirements and the type of planning which can be funded under 701. The recent addition of a housing component to the 701 program is a big step in this direction.

COMPLIANCE EXPENSES

Small communities also face considerable expense in the enforcement of the codes required by the Workable Program. Such enforcement requires the establishment of administrative agencies which has a long-range impact on the municipal budget. Some poor small communities might find the prospect of these additional expenses so burdensome that they would elect to forgo Federal housing assistance programs rather than incur such long term expenses.

It is more difficult for the Federal government to ease the burden of compliance ex-

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penses than that of preparation costs. There are no existing Federal programs which provide a Federal subsidy for the establishment or the operation of code enforcement agencies. The Federal government can, however, be administratively sensitive to the problems which small communities face in financing an adequate enforcement scheme. This might take the form of allowing more time for housing code enforcement procedures to be established, not requiring a complex building code enforcement scheme where new construction is very small, etc. Such changes, however, should not allow Federal interests embodied in the requirements to be subverted.

POLITICAL PROBLEMS

Small communities might also have difficulty in passing the codes and ordinances which are required by the Workable Program. The local residents of such communities are likely to resist changes which they view as unnecessary or potentially disruptive. The major obstacle to compliance for many communities is the requirement that the community have a housing code and code enforcement procedures which have been in effect for at least six months prior to certification. Communities are likely to experience political difficulties in passing a housing code and enforcement procedures which affect the privacy (through inspections) and incomes (through costs of bringing homes up to code standards) of a large part of the city. This political problem is likely to be more acute in a small community where there was no prior experience with a housing code and where housing code enforcement techniques are not as impersonal as they would be in a large city.

The housing code and other code requirements in the Workable Program represent important Federal interests which should not be sacrificed because some communities find the requirement difficult to comply with. However, the code and enforcement requirements might be administered with greater flexibility in order to create an atmosphere of acceptance among the local residents and prevent undue hardship in a community where compliance would be very difficult.

CONCLUSION

The Workable Program requirement should be retained with the administrative modifications suggested above. These modifications, particularly those designed to provide greater technical assistance to small communities, should enable small communities to obtain Workable Program certification without undue financial hardship. Such certification would allow these communities to take advantage of Federal housing programs, while at the same time assuring that Federal interests embodied in the Workable Program are furthered.

POSSIBLE EXCEPTION

There are some Federal housing programs (such as the 221 (d)3 program) which may be applied for by a non-government, nonprofit agency. A problem arises when a nonprofit agency wants to sponsor a Federally assisted housing program which the local government is opposed to. Workable Program certification requires the cooperation of the local government. A local non-profit corporation which could otherwise take advantage of a HUD program is therefore precluded from operating the program because of the Workable Program requirement and the local government's refusal to obtain certification. HUD should investigate the possibility of waiving the Workable Program requirement in such a situation.

TABLE 1.—ESTIMATED NUMBER AND PERCENT OF LOCALITIES WITH WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT AS OF SEPT. 30, 1967 [1]

Population category (1)	Total: Number (2)	Total: Percent (3)	Total active (4)	Total inactive (5)	Sample rate (6)
0 to 5,000	1,193	36.1	632	561	1-30
5,000 to 9,999	517	15.7	264	253	1-14
10,000 to 24,999	616	18.6	326	290	1-20
25,000 to 49,999	423	12.9	224	199	1-15
50,000 to 99,999	236	7.2	126	110	1-10
100,000 to 249,999	177	5.4	95	82	1-7
250,000 to 499,999	93	2.8	49	44	1-4
500,000 to 999,999	31	.9	16	15	1-2
1,000,000 and up	14	.4	7	7	1-1
Total	3,300	100.00	1,739	1,561	

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[1] The latest analysis of WP communities by population size categories was based upon the 2,600 communities reporting as of Dec. 31, 1965. To estimate the number and percentage by population size categories (cols. 2 and 3); 3,300 WP communities reported as of Sept. 30, 1967, arbitrary factor of 26.7 percent (representing the percentage increase in all communities reported) has been applied to each population size category.

FHA-APPROVED MORTGAGEES IN GEORGIA, ACTIVE AS OF DEC. 31, 1967

County	Population	Total	Approved mortgagees — Type of institution: Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
Appling	13,246	1	1							
Bacon	8,359	1			1					
Baldwin	34,064	2			2					
Barrow	14,485	2	1		1					
Bartow	28,267	2			1	1				
Ben Hill	13,633	2	1			1				
Berrien	12,038	1			1					
Bibb	141,249	7	2			1		4		
Bleckley	9,642	1			1					
Brooks	15,292	1				1				
Bulloch	24,263	3	1		2					
Burke	20,596	2			1	1				
Butts	8,976	1				1				
Calhoun	7,341	1			1					
Carroll	36,451	4	1		2	1				
Chatham	188,299	12	2		3	1	1	3		2
Chattooga	19,954	1			1					
Cherokee	23,001	2			2					
Clarke	45,363	3	1					2		
Clay	4,551	1			1					
Clayton	46,365	2	1		1					
Cobb	114,174	8	1		4	1		2		
Coffee	21,953	2	1		1					
Colquitt	34,048	2	1			1				
Cook	11,822	2			2					
Coweta	28,893	2			1	1				
Crisp	17,768	1			1					
Decatur	25,203	3	1		1	1				
De Kalb	256,782	5	1		1	1		2		
Dooly	11,474	1			1					
Dougherty	75,680	7	2		3			2		
Douglas	16,741	1			1					
Elbert	17,835	3	1		1	1				
Emanuel	17,815	3	1		2					
Floyd	69,130	7	2		1	2		2		
Franklin	13,274	1			1					
Fulton	556,326	55	7		5	4	1	27	5	6
Gilmer	8,922	1			1					
Glynn	41,954	6	2		1	2		1		
Gordon	19,228	1	1							
Grady	18,015	2			2					
Greene	11,193	3			3					
Gwinnett	43,541	1			1	1				
Habersham	18,116	2	1		1					
Hall	49,739	4	2		1	1				
Hancock	9,979	1			1					
Hart	15,229	1			1					
Heard	5,333	1			1					
Henry	17,619	1				1				
Jackson	18,499	1			1					
Jasper	6,135	1				1				
Jeff Davis	8,914	1			1					
Jefferson	17,468	2				1				
Lamar	10,240	1				1				
Lanier	5,097	1			1					

FHA-APPROVED MORTGAGEES IN GEORGIA, ACTIVE AS OF DEC. 31, 1967—Continued

County	Population	Total	Approved mortgagees — Type of institution: Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
Laurens	32,313	2	1					1		
Lowndes	49,270	4	2		1					
McDuffie	12,627	2			1			1		
Macon	13,170	1				1				
Marion	5,477	1			1					
Meriwether	19,756	1			1					
Miller	6,908	1			1					
Mitchell	19,652	3	1		2					
Monroe	10,495	1			1					
Montgomery	6,284	1			1					
Morgan	10,280	1			1					
Murray	10,447	2			1	1				
Muscogee	158,623	9	2		1	1		5		
Newton	20,999	1	1							
Paulding	13,101	1				1				
Peach	13,846	1			1					
Pickens	8,903	1			1					
Polk	28,015	3			1	2				
Randolph	11,078	1	1							
Richmond	135,601	7	2		1	1		2	1	
Rockdale	10,572	3			1					2
Seminole	6,802	1	1							
Spaulding	35,404	4	2		1					1
Stephens	18,391	1			1					
Stewart	7,371	1			1					
Sumter	24,652	1	1							
Talbot	7,127	3	1		2					
Taylor	8,311	1			1					
Terrell	12,742	2			2					
Thomas	34,319	3	1		2					
Tift	23,487	3	1		2					
Toombs	16,837	4	1		2	1				
Treutlen	5,874	1			1					
Troup	47,189	3	1		1	1				
Twiggs	7,935	1			1					
Upson	23,800	1			1					
Walker	45,264	1	1							
Walton	20,481	2			1		1			
Ware	34,219	1				1				
Wayne	17,921	1	1							
Whitfield	42,109	3	1		1	1				
Wilkes	10,961	1			1					
Worth	16,682	1			1					

SUMMARY

Population	Number of counties	Type of institution and approved mortgagees: Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
Under 25,000	69	18	0	66	13	1	1	0	2
25,000 to 99,999	22	22	0	21	17	0	8	0	1
100,000 or more	7	17	0	15	10	2	45	6	8

FHA-APPROVED MORTGAGEES IN NORTH CAROLINA ACTIVE AS OF DEC. 31, 1967

County	Population	Total	Approved mortgagees — Type of institution: Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
Alamance	85,674	4	2	1	1					
Anson	24,962	2			1	1				
Beaufort	36,014	2			1		1			
Bertie	24,350	1			1					
Buncombe	130,074	6	2		1	1		1	1	
Cabarrus	68,137	1				1				
Caldwell	49,552	2			1	1				
Catawba	73,191	3				1	2			
Chatham	26,785	1				1				
Cherokee	16,335	1			1					
Chowan	11,729	1					1			
Cleveland	66,048	8	1		1	2	4			
Columbus	48,973	1			1					
Cumberland	148,418	5	1	1				3		
Davidson	79,493	2			1	1				
Davie	16,728	1			1					
Durham	111,995	10	1		2	1	3	1	2	
Edgecombe	54,226	8	2		1		4		1	
Forsyth	189,428	7	1			1	1	3	1	
Gaston	127,074	6	1		1	2	2			
Gates	9,254	1			1					
Granville	33,100	2				1	1			
Guilford	246,520	12	1			1	3	5	1	1
Halifax	58,956	3	1		1		1			
Harnett	48,236	1	1							
Haywood	39,711	3				2	1			
Henderson	36,163	3	1		1	1				
Iredell	62,526	4	1		1	2				

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FHA-APPROVED MORTGAGEES IN GEORGIA, ACTIVE AS OF DEC. 31, 1967—Continued

County	Population	Approved mortgagees								
			Type of institution							
		Total	Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
ackson	17,780	1				1				
ohnston	62,936	1			1					
Lenoir	55,276	2	1				1			
Lincoln	28,814	3	1			1	1			
McDowell	26,742	1				1				
Madison	17,217	2			2					
Martin	27,139	1					1			
Mecklenburg	272,111	14	2		1	2	2	6	1	
Montgomery	18,408	3			3					
Moore	36,733	1			1					
New Hanover	71,742	2					2			
Northampton	26,811	2			2					
Onslow	82,706	1				1				
Pasquotank	25,630	1				1				
Parquimans	9,178	1			1					
Person	26,394	2			1		1			
Pitt	69,942	3	1				2			
Polk	11,395	1	1							
Randolph	61,497	4				1	3			
Richmond	39,202	1			1					
Robeson	89,102	1					1			
Rockingham	69,629	5	1		3		1			
Rowan	82,817	3			2		1			
Rutherford	45,091	2	2							
Scotland	25,183	3			2		1			
Stanly	40,873	1				1				
Scurry	48,205	3	1		1	1				
Swain	8,387	2	1			1				
Union	44,670	2			2					
Wake	169,082	9	1					5	2	1
Watauga	17,529	1					1			
Wayne	82,059	2				1	1			
Wilkes	45,269	2			1		1			
Wilson	57,716	2	2		1	1				

SUMMARY

Population	Type of institution and approved mortgagees								
	Number of counties	Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
Under 25,000	13	2	0	11	3	2	0	0	0
25,000 to 99,999	41	16	1	28	22	31	0	1	0
100,000 or more	8	10	1	5	8	11	24	8	2

ENDING THE RURAL HOUSING VACUUM

The SPEAKER. Under previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, rural America—30 percent of the Nation's population and 99 percent of its land mass—is in a vacuum as far as the housing needs of low- and moderate-income families are concerned. This condition exists and is worsening despite the fact that rural America has nearly half of all the Nation's poverty stricken people and two-thirds of its substandard housing. It exists despite a mountain of testimony and reports on housing—despite an extensive and continuously growing library of housing legislation—despite frequently repeated 20-year-old promises that everyone in the land is entitled to adequate housing and a suitable living environment.

That promise was made in 1949 and, if there is hope of its fulfillment, that hope exists largely, if not solely, in our cities where almost all of the resources marshalled to provide adequate housing are being invested. The token efforts made in rural areas during the past 20 years have done little to slow the pace of continuing housing deterioration which now is measured by the more than 4 million substandard dwellings that now exist there. The facts of the matter are the rural housing programs are not even sufficient to maintain a status quo situation, as sad as that is.

As an example, 16 percent of all occupied units in the Nation are substandard, but 25 percent of all occupied units in rural America fall into this category. And this is but one set of figures that are part of a picture that shows the struggle to achieve a decent life in rural America is far greater than in the cities. Nonmetropolitan areas of the country with 37 percent of the population have received less than 20 percent of the home mortgages insured by the Federal Housing Administration. Only 15 percent of Housing and Urban Development Department units for the elderly have gone to rural America where 43 percent of all the Nation's elderly live. Less than 10 percent of HUD's low income public housing rental units have been built or are under construction in rural areas. Thirty percent of all rural families are without bathrooms and less than half of all rural homes have central heating. To this sad list of statistics showing that rural America is desperately disadvantaged should be added the fact that the median income for nonmetropolitan areas of the Nation is 22 percent less than in urban America.

RURAL AREAS—THE FORGOTTEN AMERICA

Mr. Speaker, these conditions have existed for decades in rural America because of the indifference, or lack of knowledge, or both, on the part of the Government and most of our urbanized population. How else can you explain antipoverty and housing programs which virtually ignore nearly half of the Nation's poor and most of its substandard housing? How else can you explain the creation of the Urban Affairs Council, a title that clearly implies that its concerns are concentrated almost completely on the city?

The pronouncements of the Council, so far at least, have utterly failed to recognize there is a rural America, to say nothing of the inescapable conclusion that its problems are even worse than those of the city. My description of housing and income in rural areas are but two aspects of this situation. Proportionately, rural America has far fewer doctors, nurses, dentists, educational facilities, and needed social services of all kinds. More than 30,000 rural communities lack water systems and more than 40,000 lack sewage systems.

Efforts to meet the desperate housing needs of rural America are being made by the Farmers Home Administration of the Department of Agriculture. Farmers Home Administration staff members have said theirs is the only agency providing housing of any consequence for low- and moderate-income families in rural areas. At the same time, they will readily admit that their accomplishments not only fall far short of meeting the need but, if continued at the present level, may not even check the problem, let alone eliminate it. In the 4 years ending in fiscal 1960, the agency received only $104 million for its water and sewer facilities grant program, less than half the amount it estimates is needed. Throughout its entire history, Farmers Home has been able to provide only 22,000 units of low-income housing. Even if Farmers Home is successful in tripling the volume of its insured home loan program, as is proposed in its 1970 budget, it will still only scratch the surface of the rural housing problem. If its budget is tripled it would theoretically be able to make 150,000 insured home loans next year and that is all to the good. But it cannot be considered a serious response to the prevailing circumstances when there are more than 4 million substandard homes in rural America and the need for federally assisted housing there amounts to 300,000 new or rehabilitated units a year, according to testimony given by Farmers Home Administrator James Smith himself when he appeared at the housing goals hearings of the House Banking and Currency Committee.

FARMERS HOME CANNOT DO THE JOB ALONE

The possibilities of realizing even this inadequate expansion of activities have diminished considerably. The House, in a burst of misguided generosity, has voted to increase the Farmers Home insured home-loan fund about 2¼ times, but it has drastically cut funds proposed to increase the agency's staff so that it can administer the loan applications that will be applied against this increased capacity. If the situation is not corrected, Farmers Home will end up with just about the same number of employees that it had when the Federal expenditures Control Act went into effect last year and, in the name of false economy, forced Farmers Home to leave 596 authorized permanent positions vacant at a time when the agency was headed toward a record backlog of more than 70,000 insured home loan applications.

None of these things are said in criticism of Farmers Home, which I think has done a remarkable job despite extreme limitations. This has been particularly true so far as Farmers Home's operation in east Texas are concerned. The staff of the program in this area, in my view, is the most dedicated of any in Government. Nevertheless, these limitations do exist in the program and make it impossible to meet the urgent housing needs of low- and moderate-income families in rural America. Chief among the restrictions imposed on Farmers Home is that it has been characteristically viewed by Agriculture Department policymakers as a minor section of an otherwise farm industry dominated program. From the day it was established, the Department has focused its attention almost solely on the problems of our farm economy and the development of methods designed to assist in food production and pricing. There was a time in the Nation's history when the Department's programs and expenditures affected the lives of far more people living in rural America than is now the case. Today, only 30 percent of all rural families have direct farm connected incomes. An indication of the Department's treatment of Farmers Home is exemplified by orders issued by its leaders over the years to the agency to cut back its budget proposals despite studies conducted by the Department itself that showed rural housing conditions were rapidly deteriorating. There still is no indication that Farmers Home will ever be elevated to the position it should occupy in the Department.

Other restrictions on Farmers Home include the law limiting the services it can provide to rural communities of 5,500 or less which, in my view, ignores a large part of rural America.

TWO HOUSING PROGRAMS FOR THE NATION

Mr. Speaker, in essence, I have described two housing programs for the Nation. One is operated by the Department of Housing and Urban Development and is directed almost entirely to the needs of our cities. The other, in some respects resembling an unwanted off-spring of the Department of Agriculture, is prevented from even dealing adequately with the housing needs of only a part of rural America.

Under present circumstances, it is my opinion that the housing needs of our cities stand a far better chance of being met than those of the rural areas. The deplorable slums of our cities, with their congestion, squalor, the lack of opportunity for the people and their despair and anger cannot be hidden from the Nation—indeed from the world. The demand for change and for a chance to contribute to and share the wealth of the Nation is concentrated here and it cannot and will not be denied.

The new Secretary of the Department of Housing and Urban Development, Mr. George Romney is obviously acutely aware of these conditions and of his responsibility to help lead the way toward their elimination. He has clearly demonstrated, in his decisions to launch a crash program to rebuild riot damaged ghettos and to develop mass production techniques to provide housing for low- and moderate-income families, that he wants to move the programs of his Department forward as rapidly as possible in the areas of greatest need as he sees them.

It is understandable, since there is little in his political or business background that has related directly to the economic problems of rural America, that he has failed to recognize that the problems of cities are magnified in rural areas. The great migration of rural people to the cities—a migration which continues at a rate of over one-half million people a year—is one of the most dramatic examples of this. By the same token, it is a national tragedy that awareness of rural problems is occurring only after the victims of these conditions are forced to leave their homes in what more often than not is a futile attempt to escape from poverty. The poverty of rural America, the substandard housing, the wretchedness of life where families must live in rotting houses, jammed into one or two rooms and made to pay appallingly high rent, is frequently hidden from public view along the backroads of the countryside. But the poverty stricken are there, comprising a scattered, anonymous army of despair.

HUD MUST BE BROADENED

Mr. Speaker, the Government of our Nation must not be permitted to meet the housing needs of only the urban half of the country. It is clear to me, as I hope it will be to all who profess concern for low- and moderate-income families, that the programs of the Department of Housing and Urban Development must be broadened so that they extend equally to urban and rural America. HUD is, after all, the national Government's housing department, primarily responsible for providing housing assistance for low- and moderate-income families in both urban and rural areas. Although it is the youngest of all Federal departments, it is well on its way to becoming one of the largest and hopefully one of the most effective in Government.

Mr. Speaker, I, therefore, am proposing that the Housing Act of 1968 be amended to provide for establishment of the office of Assistant Secretary for Rural Housing within the Department of Housing and Urban Development. In my view, this is one of the first steps that should be taken in the effort to meet the housing needs of our rural areas as quickly as possible.

HUD has the staff, the expertise and the funds and the avenues of credit that can form a solid base for an expanded effort to deal with rural housing problems. An Assistant Secretary for Rural Housing, as the title implies, should be responsible for administering HUD housing and community facility programs in rural America.

In this connection, the boundary lines for rural America itself should be redrafted. I am convinced the present descriptions—the 2,500 population criteria used by the Census Bureau and the 5,500 standard employed by Farmers Home—fail to describe the real boundaries of rural areas. Communities of 25,000 or less outside of standard metropolitan statistical areas would be much closer to an accurate description of rural America.

I want to make it clear that this amendment will place a part of the Department of Housing and Urban Development, both in Washington and in the field, under the administrative direction of the Assistant Secretary for Rural Housing. Of necessity, HUD, either through training or recruitment, or both, must in the future include on its staff people who are experts on the economy of rural areas, rural housing and rural mortgage credit requirements. Moreover, because of the very nature of our rural population, scattered and frequently isolated, HUD staff members working in rural areas must have direct contact with loan applicants to provide necesssary counseling in terms of credit, site and building arrangements. In addition, a mandate directing the HUD staff to seek out the people who need help must be placed over the entire operation. Only in this way can the program reach the maximum number of participants and provide maximum benefits.

HUD AND FARMERS HOME BOTH NEEDED

Nothing said here, Mr. Speaker, is meant to imply in any way that expanded efforts in HUD will result in diminishing the Farmers Home program. As I have stated, Farmers Home has done an excellent job despite the restrictions under which it labors. Nevertheless, these restrictions make it impossible for that agency to extend its housing services throughout rural America to say nothing of meeting the housing needs of rural communities of 5,500 population or less. As a matter of fact, James V. Smith, Farmers Home Administrator, testified before the House Banking and Currency Housing Subcommittee that he was not certain that his agency's budget, even though its proposed insured loan fund for home ownership is tripled, would be able to surpass the rate by which rural housing is falling into a substandard state. He told the subcommittee that he hoped his budget would manage to reverse the decline, but that he was not certain because the level of funding for personnel was inadequate.

It is obvious that the only feasible solution to this problem is to have the Nation's housing department reach out to the rural areas with the same effort that it has, until now, focused on the cities and suburbs. Adequate funding for HUD for this purpose and strong support for Farmers Home are both required if we are to realistically expect the critical housing problems of rural areas will be finally overcome.

POSTMASTERS VOTE AGAINST CORPORATION

(Mr. OLSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OLSEN. Mr. Speaker, there has been considerable talk that the management-level people in the Post Office back the conversion of the Department into a corporation.

I would like to call the attention of my colleagues to an article appearing in the Federal Times of October 8 which shows that one association of management people, the National League of Postmasters, adopted a resolution in convention assembled continuing its opposition to the Nixon administration's plan to convert the postal service into a corporation.

It is noteworthy also that a mail poll conducted among the members of the National League of Postmasters resulted in a vote of more than 5 to 1 against the corporation.

Though I do want to call attention to these facts in the article, I would also like to take this opportunity to congratulate my good friend, Jack Bailey, of Ore-

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gon, upon his election to the presidency of the National League of Postmasters.

The article from the Federal Times follows:

Postmasters Elect Bailey, Attack Corporation Scheme

(By Mike Conlan)

New Orleans.—Jack Bailey of Scio, Oreg., has been elected president of the National League of Postmasters at its 16th annual convention. Bailey defeated Thomas J. Hornor, Jr., of Julliston, N.J., the league's secretary-treasurer, by a vote of 153 to 40. Bailey was the league's executive vice president. Henry M. Heyl of Wooster, Ohio, the incumbent, did not seek another term.

Five vice presidents also were elected. The winners were: Frank Wilson, Nolensville, Tenn., Doris Beasley, Cherry Valley, Ark.; Eugene Dalton, Baldwin, Ga.; Oliver Corona, Tahoe City, Calif.; and Clair L. Hill, Burlington, Mich. All except Corona and Dalton were incumbents. Also running were: J. Wesley Melton, Bentley, Kans., an incumbent; James Lakin, Charleston, W.Va.; and Peter La-Monica, Pleasantville, N.Y.

Wanda Feldner of Michigan Town, Ind., won the secretary-treasurer's position. She beat David Lea of Massies Mill, Va., and Lee Dalton of Sturdivant, Mo.

Despite entreaties from Post Office Department officials, the league adopted a resolution continuing its opposition to the Nixon Administration's plan to convert the postal service into a government-owned corporation. A mail poll of the league's members ran more than five to one against the corporation.

After Watt H. McBrayer, deputy assistant general for industrial relations, made a pitch for the corporation, he asked delegates if they had any questions. From the tone of the questions, it soon became apparent that the postmasters were not buying the corporation idea.

McBrayer then said he had some information that could cut short the questioning period. He read a wire-service report that the House Post Office and Civil Service Committee had voted down, at least temporarily, the corporation plan. The delegates' cheere left no doubt about how they felt.

Earlier in the week-long convention, Sen. Ralph Yarborough, D.-Tex., soundly denounced the corporation plan. "You don't spell postal reform c-o-r-p-o-r-a-t-i-o-n. I'm against the corporation because it won't mean better service for the American people."

The senator went on to describe the corporation bill as a "money-grabbing profit-motive, gouge" plan.

Representatives Richard C. White, D.-Tex., and Lawrence J. Hogan, R.-Md., also discussed the corporation. White said he was opposed. Hogan did not make his position known.

Also addressing the convention were: Ludwig J. Andolsek, civil service commissioner; W. J. Cotter, chief postal inspector; William P. Gulledge, assistant chief of the Civil Service, Bureau of Retirement, Insurance and Occupaional Health; Rep. David N. Henderson, D.-N.C.; Edwin A. Riley of the Post Office Department's Bureau of Finance; and Richard W. Jones, a postal customer relations officer.

SCREWWORM ERADICATION

(Mr. de la GARZA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. de la GARZA. Mr. Speaker, it was my very happy privilege this morning to accompany a distinguished group of Mexican cattleman, leaders of their industry, and several of the leaders of the Southwest Animal Health Research Foundation for a visit with our Secretary of Agriculture, the Honorable Clifford M. Hardin.

At a time when there is some unrest on the border, we nonetheless continue with the tested programs of good will, understanding, and betterment of our peoples. Such is the case with the screwworm eradication program which has and is working—not only in the eradication of the pest—but in the manner in which our two countries have handled the program.

The purpose of the visit of our friends was to urge the Secretary—as they had already done with the Mexican Minister of Agriculture—to continue and expand this program, and to pledge their support, both moral and financial, within the limits of their resources. They are indeed to be commended for their excellent leadership and their spirit of self help and international cooperation.

Mr. Speaker, I attach herewith a copy of their declaration:

Be it known to all:

We, the members of the Board of Trustees of the National Livestock Producers' Confederation of Mexico and the executive offices of the Southwest Animal Health Research Foundation, have considered it advisable to meet and declare the following:

1. That we reaffirm with vigor the joint declaration adopted and ratified by the two organizations on June 11, 1965.

2. That the screwworm has been completely eradicated in the United States, and the population of this parasite in northern Mexico, where the fight against this pest is now being actively waged, has been substantially reduced.

3. That to prevent the reinfestations that have occurred in the free areas within the zone of operations, the program should be extended southwards.

4. That these reinfestations are a constant threat to livestock producers in northern Mexico and the U.S. Southeast and Southwest, and frustrate the hopes of livestock producers that total eradication of this parasite will be achieved, presenting the danger of loss of the investments and work done to date in this program.

5. That the governments of Mexico and the United States have repeatedly publicly enunciated their pleasure at the successes achieved in the screwworm eradiation program. Both the President of Mexico and the President of the United States reaffirmed at Punta del Este the desire of their governments to move forward in the elimination of this serious pest of animals and humans from this hemisphere.

We therefore declare:

1. That our two organizations consider that it is imperative to collaborate with our respective governments, in the immediate formation of a concrete program as soon as possible, based on the principles of mutual collaboration that were in effect during the campaign to eradicate foot-and-mouth disease in Mexico, and which are still in effect in the program for the prevention of this disease.

2. That, in addition to the imperative call for action that we are making to both governments, we have agreed to use funds of the Southwest Animal Health Research Foundation to finance the development of plans for a plant for the production of sterile flies in Mexico, thus accelerating our plans and looking to the final culmination of the goals we seek.

3. That our organizations feel that talks should begin as soon as possible to seek the mechanism by which the screwworm eradication program can operate as a part of the Mexican-American Commission for the Prevention of Foot-and-Mouth Disease, inasmuch as both governments have already established the authority for such action, and that this joint action by governments and livestock producers should include the necessary studies for the addition of programs for the eradication of other parasites, such as the fever tick.

In mutual respect, born of friendship, and in the hope that science can help find more effective means for nations to live and prosper together, we give our hands in fraternity in Mexico City, on the 9th day of April of the Year One Thousand Nine Hundred and Sixty-Nine.

Confederacion Nacional Ganadera,
Guilebaldo Flores Fuentes,
President.
Southwest Animal Health Research Foundation,
Dolph Briscoe, *President.*

WORLD BANK MANIFESTO—INTERNATIONAL SOCIALISTS' GOALS

(Mr. RARICK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, what Member of this body, to the knowledge of his constituents, would vote to:

First. Permit an international body to assess taxes on U.S. citizens?

Second. Place U.S. foreign aid under an international oversight committee?

Third. Deliberately further retard an already lagging U.S. economy?

Fourth. Turn over to an international body, control of all U.S. business engaged in world trade?

Fifth. Interject bankers into the field of human reproduction and fertility?

Sixth. Discard any consideration of balance of payments, with other countries?

Seventh. Eliminate all protective tariffs on imports?

Eighth. Render this body subservient to an international organization of world bankers?

Yet, if the same objectives and purposes are written in palatable language, thinly disguised and labeled as "progressive," and "mature," and "humanitarian" many will so vote.

The full program of international planning for foreign aid, trade, and investment was proclaimed to the people of the world last week by Robert McNamara, the baron of that financial-industrial complex known as the World Bank.

Mr. McNamara is perhaps best remembered from his preinternational days for his successes with the Edsel automobile, TFX, the war in Vietnam, and for his parting comment—that his greatest achievement as Secretary of Defense was forcibly integrating all military installations and off-base facilities.

Mr. McNamara's vision of a new egalitarian world by increasing taxes from productive peoples, by eliminating waste, mismanagement and corruption, and full implementation of international guidelines will not be reassuring to the American people.

He now complains that despite his efforts, the United States' economy continues to advance too rapidly, therefore his international superintellects must discover new devices to siphon off U.S. capital and investments. Accumulating and retaining profit in any country is regarded—like patriotism and nationalism—as international immorality in the eyes of the World Bank.

The World Bank has sent its 400-page program to the U.S. President and we can expect to be called upon to stamp approval on the world plan to equalize wealth and potential among nations.

Taxpayers in the United States are to be expected to double foreign aid—in the name of relieving world poverty. Tariffs to protect U.S. industry and agricultural products are not to be countenanced by the World Bank.

An intensive public relations program to repeal the Hickenlooper amendment can be anticipated and must be recognized as a power move by the international banker-investment cartel to fully internationalize industrial trade.

On every point of the World Bank recommendations, U.S. interests and sound economy must give way to programs geared only for world redistribution of wealth.

With the good, decent, hard-working, U.S. taxpayers, workers and farmers already reeling from the most severe Socialist retrogression ever thrust upon the American people, the World Bank faces a real challenge to make their destructive ambitions acceptable to the politician, who is answerable to his people at home. Already the American people stagger under the heaviest taxes ever borne by them; inflation continues and worsens; high interest rates and a near unavailability of investment capital already plague the private sector. The industrialist and the farmer, finding their domestic market saturated by cheap foreign imports, already appeal for relief by demanding protection of their livelihood through imposition of duties and tariffs.

Nevertheless, the internationalists with their power to confuse, persuade and maneuver should never be underestimated, and the American people should be watchful to see that their wishes—and not those of the world bankers—are enacted into law.

Mr. Speaker, I include several news reports as follows:

[From the Washington (D.C.) Post, Oct. 5, 1969]

A Challenge To Reverse Current U.S. Trends

(By A. D. Horne)

For the United States, the Pearson Commission report published last week poses an across-the-board challenge to reverse current trends in trade, investment and foreign aid policies.

The 400-page report, commissioned by World Bank President Robert S. McNamara in August 1968, will be the starting point for President Nixon's Task Force on International Development, headed by Bank of America president Rudolph A. Peterson, which is to present its recommendations for "a new U.S. approach to aid for the 1970s" to the White House next February.

The Pearson task force—nine businessmen, four academics, two lawyers and a cardinal—will have to address itself to the forces which have succeeded in trimming back the flow of American capital to the developing nations: the coalition of budget-cutters trade protectionists and balance-of-payments watchers. Because this the constituency which must be sold on any new policy, and because its own composition reflects this constituency, the task force appears unlikely to call for sweeping changes that will cost money.

Yet it is just such changes that the Pearson Commission has urged. Because most of its 68 formal recommendations flow from the mainstream of the last 10 years' international discussions, conferences and reports, the Commission has disappointed some specialists who had hoped for new ideas. Yet, while the Commission's report may seem conventional, its recommendations call for radical departures from present practices.

TRADE

"Trade is not a substitute for foreign aid," the Pearson report declares, yet "in the long run, only the evolution of their trade with other nations, together with a growing capacity to substitute production for imports, will enable the developing countries to grow without the help of concessional finance."

To expand the developing nations' export earnings—90 per cent of which are based on primary products, and more than 50 per cent of which are based on a single product in nearly half the countries—the Commission recommends:

Elimination of import levies by the developed nations on "products of special interest" to developing countries, and elimination of quotas now restricting at least 30 per cent of the imports of "manufactures and semi-manufactures" from the developing countries. "The developing countries have every reason to be concerned about the rebirth of protectionist sentiment in some of the major industrial countries."

Creation of the developed nations of "a generalized nonreciprocal scheme of preferences for manufactured and semi-manufactured products from developing countries, including processed goods, before the end of 1970."

FLOW OF RESOURCES TO DEVELOPING NATIONS

TOTAL NET FLOW OF RESOURCES TO DEVELOPING COUNTRIES AND MULTILATERAL AGENCIES

[In billions of dollars]

	Average 1950–55	1956	1961	1963	1967	1968
Official development	1.9	3.3	5.2	5.9	6.6	6.4
Assistance—						
Grants	1.2	1.9	4.5	4.4	4.4	4.1
Loans	.5	.5	.6	1.5	2.3	2.4
Private flows	1.6	2.9	3.1	2.5	4.2	5.8
Total	3.5	6.2	9.2	8.6	11.2	12.8

Source: OECD, DAC, unpublished preliminary data for 1968 and earlier annual reviews.

(This goal of trade preferences for the poorer nations has been discussed and endorsed at the United Nations Conference on Trade and Development, or UNCTAD, in 1964 and 1968.)

Use of foreign aid to create buffer stocks of commodities as protection against sharp price drops. (The Commission warns, however, that any effort to raise long-term commodity prices by restricting production would only encourage wider use of synthetic substitutes.)

International agreements among the developing nations to reduce multilaterally by the end of 1970 their own tariff barriers against each others' products.

PRIVATE INVESTMENT

The Commission rejects the view, most recently stated by the Latin American nations in the "Consensus of Vina del Mar," that foreign investment takes more out of developing nations than it puts in. "In our judgment," the Commission concludes, "available facts do suggest that direct foreign investment has added substantially to the real national income of developing countries."

While governmental aid remained static through the 1960s, private foreign investment in the developing countries doubled, from $2.9 billion in 1958 to $5.8 billion last year. The Commission, seeking ways to promote even higher capital flows to the developing countries suggests:

Foreign investment agreements "involving politically sensitive activities, such as mining and public utilities," should provide for renegotiation after a minimum term.

"Developed countries should, as far as possible, keep aid policy and disputes concerning foreign investment separate." Although not a formal recommendation, this sentence in a paragraph decrying "interventions by the large industrial powers on behalf of their investors," is a polite call for repeal of the U.S. Hickenlooper Amendment.

"Tax concessions to attract foreign companies" should be used sparingly, but developing countries should "strengthen their investment incentive schemes" and "structure their tax systems to encourage profit reinvestment by foreign companies."

Balance-of-payments restrictions hindering bond issues of the developing nations should be eliminated by the developed countries. "We recognize the very great weight of balance-of-payments considerations," the Commission declares, "but . . . we do not consider it acceptable that efforts to help developing countries should be the first casualty . . ."

Private export credits to the developing countries, which reached a level of $1.3 billion in 1966–68, have "created serious balance-of-payments problems for developing countries" and have been "a major reason" for several debt crises. The danger of export credit finance the Commission warns, is that "it provides a temporarily painless way of financing projects conceived by over-optimistic civil servants, by politicians more concerned with immediate political advantage than with political future economic problems, and by unscrupulous salesmen for the manufacturers of capital equipment in developed countries."

AID GOALS AND TECHNIQUES

The Commission endorses the UNCTAD goal of pegging total flows of public and private capital to the developing world at 1 per cent of the developed nations' gross national products by no later than 1975—an estimated target of $23 billion compared to last year's total of $12.8 billion, which represented 0.77 per cent of a combined GNP of roughly $1700 billion.

"So far this target has had little operational significance" in the main aid-giving countries, the Commission concedes. In part, it suggests, this is because the target makes no distinction between public aid and commercial transactions. It therefore proposes an additional target for official development assistance only—0.7 per cent billion (0.39 per cent of GNP) to $16.2 of GNP by 1975, to be monitored by the 16 major nonCommunist aid-giving nation's Development Assistance Committee (DAC).

This new target would raise total development aid from last year's $6.4 billion, and the U.S. share from last year's $3.3 billion (0.38 per cent) to $8.2 billion.

(In fact, by 1971 U.S. official aid will have dropped to $2.8 billion on the basis of decisions already made.)

"The primary purpose of the additional development aid which we are recommending for the 1970s," the Commission says, "should be to help bring as many less developed countries as possible to a level of growth of at least 6 per cent per year" that "would transform the economic outlook in a developing country." (Although GNP statistics in many countries are unreliable, the World Bank credits the developing countries with an

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average GNP gain of 5 per cent during the 1969s.)

A further goal is to make this 6 per cent growth rate "self-sustaining"—that is to gradually end aid as each country becomes able to maintain its growth without it. "By the year 2000, aid would largely have disappeared."

While finding no support for charges of large-scale "waste, mismanagement or corruption" of aid funds, the Commission concedes that much has been given for the wrong reasons and without "any consistent economic criteria." It outlines a strategy for relating increased aid to economic performance:

Creation of "new multilateral groupings," supported by the World Bank, to "provide for annual reviews of the development performance of recipients and the discharge of aid and related commitments by donors."

Aid-giving nations should try to put appropriations on "at least a 3-year basis," should shift emphasis from individual projects to program aid and should act jointly to end the self protective "tying" aid to purchase in the donor country.

A minimum of 20 per cent of official aid, roughly double the current ratio, should be channeled through multilateral institutions such as the World Bank group and the special country consortia by 1975.

The World Bank's soft-loan affiliate, the International Development Association (IDA), should be expanded to a $1.5-billion-a-year level by 1975. (It is currently receiving $400 million a year.) The flow of contributions to IDA should be regularized, possibly by allocating to it part of the developed nations quotas of the new Special Drawing Right ("paper gold"), or by linking to it interest repayments on past aid loans.

DEVELOPMENT DEBTS

The developing nations now owe the developed nations roughly $50 billion, and paid debt service charges totaling $4.7 billion in 1967. If the scope and terms of new loans remains unchanged, the Commission warns, "by 1977 debt service would considerably exceed new lending" in most parts of the developing world.

A factor in this debt crisis is the current hardening of aid terms by donors, both in higher interest rates and in reduced ratios of grants to loans. The Commission hopes for maintenance of the present grant ratio but also backs soft loans for creating "greater awareness of efficiency and development criteria."

It proposes to limit future aid loans to 2 per cent interest (the 1963 U.S. rate, now raised to 3.5 per cent), with 25-40 year maturity and a 7-10 year grace period.

POPULATION, EDUCATION

"No other phenomenon casts a darker shadow over the prospects for international development than the staggering growth of population," the Commission declares. Its main proposal is for the World Bank and World Health Organization to "launch immediately a wide-ranging international program for the direction, coordination and financing of research in the field of human reproduction and fertility control."

In education and research, the Commission recommends:

More aid for new techniques rather than classical methods, and more scholarships for use in the developing countries to halt the "brain drain" that has been accelerated by "indiscriminate scholarship awards for study in advanced countries."

Aid-giving countries outside the United States should earmark 5 per cent of their public research budgets to the problem of developing countries; the U.S., with higher R & D spending, should match the total of the other donors.

THE FUTURE

The Commission calls for several international conferences, including a DAC meeting of "major aid donors and recipients" next year to work out improved aid procedures, and a World Bank conference also in 1970 to "discuss the creation of improved machinery for coordination" of aid, trade and other international economic policy.

Besides the U.S. Peterson task force, a U.N. study headed by Prof. Jan Tinbergen is already in progress, and an international development conference has been convened for next February at Columbia University. While the Pearson Commission has been dissolved, chairman Pearson is likely to find himself busy as the international debate which his report was intended to stimulate begins to take shape.

THE COMMISSION

The eight members of the Commission on International Development were chosen both for personal prestige and for geographical reasons.

Its chairman, former Prime Minister Lester B. Pearson of Canada, was selected by President Robert S. McNamara of the World Bank, which financed but did not otherwise control the Commission. Pearson, in turn, then chose the seven other Commission members—five from the five leading aid-giving nations and two to represent the developing world, a deliberate imbalance to forestall dismissal of the Report as just another in a series of pleas from the poor nations to the rich.

Members from the developed nations are: Sir Edward Boyle of Great Britain, a Conservative member of Parliament and former minister of education; C. Douglas Dillon of the United States, former under secretary of state and treasury secretary; Wilfried Guth of Germany, former German executive director of the International Monetary Fund; Robert Mariolin of France, former vice president of the European Economic Community; and Saburo Okita of Japan, president of the Japan Economic Center.

Members from the developing nations are: Roberto Campos of Brazil, former ambassador to the U.S. and planning minister, and Sir Arthur Lewis of the West Indies, professor of political economy at Princeton University. None of the Commission members speak for their nations.

[From the Washington Post, Oct. 5, 1969]

The Pearson Report: The End of Aid

A year ago, upon taking office as president of the World Bank, Robert McNamara looked around the world and perceived a crisis of vast dimensions. The rich countries, particularly the United States, seemed to be getting fed up with helping the poor countries, and in turn the poor were becoming increasingly resentful of their inadequate growth and were blaming the lag on the stinginess, if not the malice, of the rich. To Mr. McNamara these trends portended a calamitous combination of economic distress and political tension, and he resolved to act.

Essentially, his hope was to clear the air, that is, to provide the basis of a fresh consensus of rich and poor alike, in order to narrow the economic and political gaps between them. And so he picked up a proposal originally made by his predecessor, George Woods, for a "grand assize" of world development. To carry it out, he turned to former Canadian Prime Minister Lester Pearson, who worked up a commission and began picking the best development brains available. The Pearson Commission report came out last Wednesday.

The Pearson Report is 400 pages long, including appendices. It reads like . . . well, like a long report; no one is apt to confuse it with *Portnoy's Complaint*. Its purpose is to build confidence in international cooperation to bring about effective evolutionary change. Its basic economic premise is that, in a world of alarming discrepancies in economic capacity, no country's poverty can be eased by its own efforts alone. Its political premise is that, in a world shrunk to "village" size, no country's affluence can be safeguarded for long if its neighbors are in distress. This is the new post-imperialist internationalism; it cannot be denied.

As befits a propect with a hortatory purpose, the Pearson Report is positive and upbeat (and therefore controversial) both in its assessment of past achievements in development and its forecast of future possibilities. Since it was written not to be admired or even much argued about but to be acted on, its tone is such to stimulate governments, planners and investors, not to offend or discourage them. Hence, in one conspicuous instance of misemphasis, it does not give population control the urgent priority it requires. The report is an establishment pronouncement, not a maverick critique. It pursues economic development, bypassing questions of the desirability or unavoidability of radical political and social change.

Development is not the moon; the Pearson Report brings back no hitherto unknown "lunar rocks" in its recommendations. Of these recommendations there are hundreds, not very selectively arrayed. The thrust of all of them is to bring most poor countries to a point where, by the end of the century, they will no longer need aid. Their growth will be "self-sustaining." To accomplish this, the report insists that their growth rate be raised to an average 6 per cent a year, which is a lot. This will require aid donors to give more; the United States Government, relatively a laggard now, will have to double its effort. Recipients will have to perform more efficiently, and to be judged on their performance. Poor countries will have to improve conditions for private investment. Rich countries will have to let the poor sell them more of their goods. The multilateral sources and administrators of aid, like the World Bank and the aid-India club, must be strengthened—to spare rich countries like the United States, and the poor countries they help, the harshest of the political frictions inherent in any face-to-face dealing of patron and client.

For a report like this, its excellence is incidental; implementation is crucial. Like a bee that stings once and dies, the Pearson Commission expires with its report. Implementation falls to others, to governments and to outfits like the World Bank. That means, principally, deciding which of the Pearson recommendations require priority application and organizing an appropriate onslaught. Common humanity and narrow self-interest demand that the job be done. The Pearson Report, clearly and comprehensively, shows how the job can be done. It points a passable way toward the reduction of world poverty and the end of aid.

Foreign Aid Falls to a Low Estate

The widening gap between the developed and developing countries has become a central issue of our time. The effort to reduce it has inspired the nations left behind by the technological revolution to mobilize their resources for economic growth.

It has also produced a transfer of resources on an unprecedented scale from richer to poorer countries. International cooperation for development over the last twenty years has been of a nature and on a scale new to history.

The transfer of resources that gave substance to this international cooperative effort began after the war and increased rapidly in the late 1950s. By 1961, almost $8 billion, or nearly 1 per cent of the gross national product (GNP) of the high-income, noncommu-

nist nations, was flowing into low-income nations. There were also additional transfers from the Soviet Union and other Communist countries.

Though after 1961, the total flow failed to grow as rapidly as the economies of the wealthy nations, the absolute level did steadily increase until by 1968 it had reached a total of $12.8 billion in public and private resources from the noncommunist countries alone.

The experience which we have gained in the last two decades bears out the premise—and the promise—of the effort that has been made. Economic growth in many of the developing countries has proceeded at faster rates than the industrialized countries ever enjoyed at a similar stage in their own history.

The fears that economically underdeveloped parts of the world were incapable of growth, or that their political problems would be so great as to preclude any economic advance, have proved to be unfounded. Many of the developing countries have shown themselves capable of a major development effort.

A SPIRIT OF DISENCHANTMENT

However, international support for development is now flagging. In some of the rich countries, its feasibility, even its very purpose, is in question. The climate surrounding foreign aid programs is heavy with disillusion and distrust. This is not true everywhere. Indeed, there are countries in which the opposite is true. Nevertheless, we have reached a point of crisis.

The question which now arises is whether the rich and developed nations will continue their efforts to assist the developing countries or whether they will allow the structure built up for development cooperation to deteriorate and fall apart. The signs are not propitious.

In the last years of this decade, the volume of foreign official aid has been stagnant. At no time during this period has it kept pace with the growth of national product in the wealthy nations. In fact, the commitments by the United States, which has been much the largest provider of aid fund, are declining. There, and in some other developed countries, we have encountered a spirit of disenchantment.

Some of this is due to the fact that attitudes in donor countries often have been affected by misconceptions and unrealistic expectations of "instant development" when we should have known that development was a long-term process. There has also been strong criticism of waste in the use of aid in the developing countries and complaints that aid activities lead inevitably to entanglement in political conflict and military hostilities in which recipient countries may become engaged.

COMMITMENTS AT HOME

A good deal of bilateral aid has indeed been dispensed in order to achieve short-term political favors, gain strategic advantages or promote exports from the donor. Much foreign aid was granted in the 1950s to enable some countries to maintain large armed forces rather than to promote economic growth. In none of these cases was the promotion of long-term development a dominant objective of the aid given.

It is hardly surprising, therefore, that hopes of satisfactory development progress were disappointed or that aid given as "defense support" has on occasion led to greater involvement in a deteriorating security situation affecting the recipient country. Nor is it surprising, either, that there should often have been criticism because of misconceptions of what this kind of aid was meant to achieve.

There has also been a lessening of support for genuine development aid, in part at least due to the increasing complexity and seriousness of domestic problems—the deepening commitments to abolish poverty and deal with such questions as civil rights, economic discrimination and urban and environmental problems.

It is not only among the developed countries that the climate has deteriorated. On the developing side, too, there are signs of frustration and impatience. In much of the developing world there is a sense of disillusion about the very nature of the aid relationship.

Our travels and studies have convinced us that we have come to a turning point. On all sides we sense a weariness and a search for new directions.

The period of development cooperation began with a number of presuppositions on both sides. Some—as we have seen—were unrealistic and unfortunate. Development was often seen in new nations as the economic continuation of the political struggle for independence; as an important means of creating a new national identity or of breaking old and restrictive ties. The elimination of alien rule was thought by many to open the way to early and easy prosperity.

The nature of the obstacles which stood in the way of quick results, or the decisions which had to be taken to achieve any results at all, were not always understood. The need for export growth was underestimated, agricultural development was usually neglected. Development was also too often only seen as a consequence of decision-making at the top. The vital need to bring about mass participation in development was at times sacrificed to the enrichment of special groups or individuals.

Donors and recipients alike tended to view the modernization and development of low-income countries as an attempt to repeat the Industrial Revolution in quick time. They focused inordinate attention on individual investment projects and relatively little on the causes and results of stagnation.

Recipients as well as donors also tended to expect too much too soon from aid supplementing the national development effort. A dramatic change in the lives of hundreds of millions of people was expected from a relatively modest flow of resources, much of which was offset by unfavorable trends in the terms of international trade.

WORKING FROM WITHIN

The understanding of these problems, however, has grown. Past approaches have been modified and coordinated and better results are being secured. The developing countries have more and more come to recognize that their economic policies must look outward and strive for competitive strength; that agricultural growth is indispensable in order to raise levels of living for the large majorities of their populations and to provide markets for their growing industries.

The most cumbersome controls have been relaxed, and much more attention is paid to the mobilization and allocation of resources through incentives to individual effort. Above all, it is realized that development must come from within, and that no foreign help will suffice where there is no national will to make the fundamental changes which are needed.

It has become very clear that the impact made by the contribution of resources from outside depends on the efficiency with which the recipient uses his own resources and on his overall economic and social policy. Both sides have learned that cooperation for development means more than a simple transfer of funds. It means a set of new relationships which must be founded on mutual understanding and self-respect.

Good development relations also require the acceptance of a continuing review of performance on both sides, not dominated by either the donor's or the recipient's immediate political or economic interests or pressures. Aid, to be effective, requires less uncertainty and more continuity that is often the case today. It cannot be disrupted or cut off without harmful results to the recipient's capacity to plan for the future.

Wealth does not entitle a rich and powerful country to dominate another country's national life as a consequence of the aid it may have given. On the other hand, it is impossible for any country to transfer public funds abroad without being able to satisfy its citizens that these funds are being effectively used to reach acceptable development goals and that the receiving countries are making strong efforts of their own to improve their situations. The "development relationship," which it at the heart of efficient aid policy, must be based on a clear division of responsibilities which meets the needs of both partners.

In recent years, the volume of aid has stagnated, the terms have hardened and the conditions have become more restrictive. This is happening at a time when the success of many developing countries has greatly increased their capacity to utilize additional resources effectively. To overcome the obstacles and take advantage of the opportunities for further growth will require that aid, trade and investment policies are integrated in a single strategy which rests firmly upon the performance of the developing countries themselves and the sustained commitment of the richer countries.

[From the Washington Star, Oct. 4, 1969]

South Africa Pressing the United States for Compromise on Gold Issue

(By Lee M. Cohn)

South Africa is stepping up pressure on the United States to compromise on the role of gold in International Monetary Reserves.

Negotiations between the two countries here this week made little apparent progress, but Nicolaas Diederichs, South Africa's finance minister, told a news conference yesterday that there is "a greater willingless, a greater desire on the part of the Americans to come to some agreement."

U.S. officials concurred that they want to strike a bargain. They scoffed, however, at the idea that South African maneuvers have pushed the United States into a defensive position.

Gold talks took place privately during this week's joint meeting of the International Monetary Fund and the World Bank, which ended yesterday with formal approval for creation of a new kind of monetary reserves called Special Drawing Rights (SDRs).

South Africa abstained from the nearly unanimous vote for SDRs, which have been nicknamed paper gold.

The gold issue was sharpened when the United States and other leading countries last year established a two-price system, with monetary gold pegged at $35 an ounce and the price of gold for industrial and artistic use allowed to fluctuate freely on the market.

A key part of the system is the understanding that almost all newly mined gold is to be sold on the markets not to central banks or the IMF to expand monetary reserves. By compelling sales on the market, the United States hopes to hold the market price down close to $35.

Creation of SDRs supposedly will make purchases of real gold for reserves unnecessary. The importance of gold as a reserve would diminish gradually as SDRs accumulated.

But South Africa, the world's biggest producer of gold, is resisting and demanding the right to sell some of its gold to central banks and the IMF as a means of holding the market price up.

Diederichs reiterated that South Africa has sold gold to central banks despite the U.S. position that they should not buy.

Besides direct sales, Diederichs confirmed that South Africa has used IMF transactions to channel gold to central banks of some countries.

XUM

Members borrowing South African rands from the IMF, along with other currencies have converted the rands into gold on some occasions. This process helps South Africa unload gold without the risk that additional supplies may depress the market price.

Britain and France reportedly have been among the countries acquiring gold in this manner. U.S. officials played down the size and significance of these transactions, maintaining that they do not imperil the two-price gold system, but they conceded that a clear agreement on South African gold sales would help overcome "suspicions" that the two-price system might be undermined.

Diederichs indicated he believes the ability of South Africa to sell gold to central banks strengthens his bargaining position.

"I see no reason why we cannot carry on in that way," he said.

Negotiations are expected to continue through correspondence and later perhaps in meetings between U.S. and South African officials.

Treasury Secretary David M. Kennedy told a news conference the United States wants to settle the issue but is determined to protect the two-price gold system.

On another question, Kennedy predicted that the next movement of interest rates will be downward but indicated he does not expect a sharp rate decline soon.

Pierre-Paul Schweitzer, the IMF's managing director, told a news conference the two-price system has proved to be workable, and added that South Africa has had no problem in disposing of its gold.

Gold will remain "for quite a while the basic stander of the monetary system," he said.

Schweitzer indicated he has no objection to conversion of rands borrowed from the IMF into gold.

On the forthcoming increase in IMF quotas, Schweitzer said the present $21 billion total probably will be expanded by about $7 billion or $8 billion.

He said he is confident that West Germany will resume supporting the mark within 1 percent of a fixed par value as soon as possible, after temporarily letting the rate float freely in the markets.

Germany's action letting the rate float may take some of the steam out of proposals for making the currency system more flexible, he said.

AN UNEASY GERMANY AWAITS NEW DIRECTION

(By Andrew Borowiec)

BONN.—In October, the leaden sky hangs low over the federal capital. The Rhine is often shrouded by mist and the foghorns of river barges wail long and mournfully.

Outside the white-walled official residence of the federal chancellor, elite guards pace the wet grounds.

Barring an unexpected parliamentary hitch, after Oct. 20 the residence will be inhabited by Willy Brandt, the stocky, red-faced leader of the Social Democratic Party (SPD) which has formed a coalition with the small liberal Free Democratic Party (FDP) to govern West Germany.

The SPD won 224 seats of the 496 seat Bundestag (parliament) or 18 seats less than the CDU.

What put it in power was a coalition with 30 deputies of the shifty, small FDP headed by witty, debonair Walter Scheel.

After four days of bargaining, the two parties worked out an agreement to lead West Germany on a path of reform in the first left-of-the-center government of the post-war era.

Thus the so-called progressive forces triumphed in West Germany, generally supported by the younger age group tired of the quiet and on the whole unimaginative CDU leadership.

Europe, stirring everywhere and looking for new formulas to adopt its antiquated structures to the speed of the atomic age, is generally looking to the left. West Germany is no exception.

REVALUATION OF MARK

One is revaluation of the deutschemark, Europe's strongest currency. The SPD is officially pledged to a revaluation now considered a certainty.

Earlier this week, the West German government allowed the mark to fluctuate freely on world markets, stopping its intervention to support the fixed ratio to the dollar. Within the next three days, the mark shot up 6 percent in a de facto revaluation.

The situation caused difficulties for the Common Market's agricultural policy based on a complicated price support system. It provoked criticism from many quarters, including West German farmers who saw their exports threatened.

Brandt also will face problems with his ambitious promise of a more open-minded policy toward the Communist East. The aim eventually is to establish some sort of formula that would govern West Germany's coexistence with Communist East Germany and Poland, which holds former German territory east of the Oder-Neisse line.

The post-war generation wholeheartedly supports Brandt on this issue. The young Germans feel that the memories of World War II should be buried and a new page turned, particularly on Germany's Eastern policy.

But Germany is still basically fixed between pressures and counterpressures that complicate any effective increase of its influence in the East. The Brandt government can only go as far as Russia will allow.

Yet, internally, the situation is one of great promise. And, if mishandled, it can stir up a lot of dust in West Germany's relations with its Western allies, particularly with the United States.

Basically, Brandt's policy is strongly in favor of continuing the Western alliance. West Germany has to rely on the American nuclear umbrella and the presence of U.S. troops on German soil is regarded as a vital necessity.

[From the Washington Post, Oct. 5, 1969]

CLEVER GERMAN MANEUVER AIDS FLEXIBILITY DRIVE

Let's not even mention the Brazilian cruzeiro. But in the 23 months since November, 1967, the British pound and the French franc have been devalued, and now the German mark has been allowed to "float" pending an upward revaluation once a new Government takes over in Bonn. In fact, as Chancellor of the Exchequer Roy Jenkins observed, there have been 60 devaluations and three revaluations in the past 25 years since Bretton Woods.

That hardly sounds like "fixed" exchange rates, the vaunted centerpiece of the international monetary system set up at Bretton Woods in 1944.

In fact, the crisis atmosphere surrounding the recent changes in value of the pound, the franc, and the D-mark underscores the case for modernization of the existing rules, so that necessary adjustments in currency values can be made smoothly.

Moreover, the West German government, in order to let the D-mark "float"—that is, find its own level in the market—violated the rules of the International Monetary Fund which call for support of a nation's currency within 1 per cent either side of the fixed rate.

The IMF had no choice but to wink at the German violation on explicit assurances given by Bundesbank director Otmar Emminger in secret meetings last Saturday (Sept. 27) with IMF Managing Director Pierre-Paul Schweitzer that there would be a return to a stable rate for the D-mark within weeks. Karl Blessing, Bundesbank head, spoke of a revaluation between 6.5 and 8 per cent.

What all this points up, as Schweitzer is fond of saying, is that the fixed-rate system of currency parities was not intended to be rigid. True, the grand design of the monetary geniuses of 25 years ago was that it would be undesirable to change rates frequently or unnecessarily.

But no one planned that a country should stick to a rate no longer justified by its international economic balance sheet—as Germany had persisted in doing for months.

Yet, until recently, there was a tendency to defend the system as an end in itself, smoothing over each crisis with dramatic rescue operations measured in the billions. Only the much-criticized academics pointed to underlying weaknesses in the system.

What is now evident in the aftermath of the IMF and World Bank meetings here is that talk of change is suddenly respectable. It has, as French Finance Minister Valery Giscard d'Estaing put it, "a modish allure." And it has been accentuated, rather than diminished, by the clever German maneuver.

To a considerable degree, new attitudes have been stimulated by the Nixon administration's realistic approach on this matter. A speech in Bonn on April 16 by Economic Council member Hendrik Houthakker sketched out the Nixon policy, and was an important step in the subsequent dialogue that developed on "crawling pegs" and other ways of introducing flexibility into the system.

What Houthakker demonstrated, and what the speeches of many Governors here last week acknowledged, is that some flexibility is necessary to recognize actual changes in the relative strength of currencies. These differences come about because productivity growth is not the same everywhere, nor is inflation (and governmental attitudes toward inflation). And imports and exports, and the balance between them, vary from country to country.

Thus, as Houthakker pointed out in his Bonn speech, any pattern of exchange rates is bound to be rendered obsolete by the passage of time.

Common techniques to which countries resort to adjust these differences include border taxes and rebates. This creates a kind of jerry-built multiple exchange rate system, designed to protect internal industry.

"It must be feared," said Houthakker, "that a proposal to introduce border taxes as a permanent adjustment device would be a field day for various special interests . . ."

What is clear about the U.S. position calling for a study of new techniques for "limited flexibility" (even though it was not made explicit at the IMF-Bank meetings) is that it goes far beyond the particular problem of the German mark.

A minor adjustment or "crawl" of the mark was not the goal of those experts who saw a wide and growing disparity between the declining value of the franc and the growing real value of the mark. "Crawling," as one astute observer said, "is no way to catch up."

The picture is now much brighter: Once the Germans establish a new, higher and fixed rate for the mark, the probability is that the IMF will move slowly in the direction of limited rate flexibility—probably in the area of wider bands of permissible fluctuation, rather than in the better advertised "crawling pegs."

Hopefully, the major nations will "crawl" toward some solutions before being overtaken by the next big monetary crisis.

MARK ACTION YIELDS NEW HOPES FOR FUTURE

Free world financial leaders are finding a few things to cheer about, and it has been a long time since that was true.

No one is shouting very loudly as yet but there are cautious hopes that the wild, speculative currency surges of the past two years are at an end and that calmer days are ahead.

The new mood took hold last Monday, when West Germany belatedly decided to let its disruptively powerful D-mark float to a higher value against the dollar, franc, pound and other currencies. The free world's top financial officials were gathered here for the annual meeting of the World Bank and the International Monetary Fund. Their spirits brightened steadily as the week wore on.

The German move was a climactic action. It capped a tumultuous 22-month span that had seen devaluations of the British pound and the French franc, the explosive 1968 gold panic, and four shattering monetary crises during the past year alone.

Further currency changes may be ahead. Two or three of the smaller European countries may be forced to move in the wake of the German decision and there will be mounting pressure for an increase in the price of Japan's startlingly strong yen.

But the big, worrisome changes are out of the way. There is a conviction that speculators and investors will believe in the new British, French and German rates and that the free world has the base that it needs to achieve steadily rising trade and growing prosperity.

The dollar, the D-mark, the pound and the franc could get out of line again but the hopes are that they won't and that is the main reason that the future looks better than the past.

Most of the trouble has come because the United States, Britain, and France self-indulgently have been inflating their prices and have been spending beyond their means while the Germans have kept their prices and spending under firm disciplined control.

But the United States now is showing heartening signs of ending its damaging four-year inflation. The Nixon administration and the Federal Reserve Board are saying they will hold to their tough fiscal and monetary policies until the boom is halted.

Britain at long and wonderful last appears to have turned the corner and once again is beginning to earn its way in the world. Exports are rising strongly. Imports are being curbed. A balance of payments surplus is being chalked up and Chancellor of the Exchequer Roy Jenkins this week told the financiers in Washington and the Labor Party conference at Brighton that the government will not relax its harshly restrictive program "on the threshhold of success."

France is a bigger question mark. The unions are demanding larger pay boosts than the employers can afford and there are doubts that President Pompidou's anti-inflation program is harsh enough to do the job. But Pompidou is expected to get tougher.

Germany is moving in the other direction. Prices are beginning to climb more rapidly. Workers are winning very big, very un-Germanic 10-to-14 per cent wage boosts. Price inflation is taking hold.

Inflation is not expected to go far in the Federal Republic, though. The Germans' currency has been destroyed by inflation twice during the past 50 years and the Germans hate inflation the way other people hate unemployment.

But no one has been asking the Germans to risk runaway inflation. All that anyone wants is a somewhat faster price rise in Germany and a markedly slower price rise in the U.S., Britain and France; and it is beginning to look as though it could happen that way.

[From the Washington (D.C.) Star, Oct. 2, 1969]

IMF FORMALLY MOVING TO CREATE "PAPER GOLD"

(By Lee M. Cohn)

The International Monetary Fund acts today to create a new kind of money to make the financial system work more smoothly and to diminish the role of gold gradually.

Called special drawing rights (SDRs), the new money will supplement gold, dollars and other currencies in monetary reserves used to settle international accounts among central banks.

The finance ministers and central bankers from 113 countries who are attending the annual joint meeting of the IMF and the World Bank started voting yesterday on creation of SDRs. Although announcement of the result was deferred until today, it was known that the resolution carried.

The IMF will issue $3.5 billion of SDRs, nicknamed paper gold, Jan. 1, an additional $3 billion one year later and another $3 billion two years later. The United States will receive nearly one-fourth of each allocation.

SUBORDINATING GOLD

As more SDRs are issued they are expected gradually to become the biggest element in monetary reserves—pushing gold into a subordinate role. Almost all new gold is expected to go into industrial and artistic uses, not into monetary reserves.

Also scheduled for today's concluding session of the meeting was approval of a resolution directing the IMF to propose a formula for increasing its quotas of gold and currencies, which create a pool for IMF loans to countries with balance-of-payments problems:

An increase of $6 billion or $7 billion in IMF's present $21 billion quota total is expected and may go into effect about one year from now.

Nicolaas Diederichs, South Africa's finance minister, was a lonely dissenter from the broad approval of the SDR move.

Although South Africa is participating, Diederichs emphasized in a speech yesterday that he does not have "any great enthusiasm for the SDR scheme at this time."

"An increase in the official price of gold would, on balance, be preferable to an activation of special drawing rights," he said.

South Africa, the world's biggest gold producer, has been pressing without success for an increase in the $35-an-ounce monetary price of gold. Creation of SDRs is expected to minimize pressure for a gold price boost.

"NOT A SUBSTITUTE"

Disputing the prevalent anaylsis, Diederichs said creation of SDRs "does not mean that gold is being phased out," and warned that it would be "a mistake to think of SDRs as a substitute for gold."

When the leading nations established a two-price system for gold last year, they said further increases in monetary gold reserves no longer were needed.

The United States, particularly, has tried to block purchases of gold by central banks and the IMF. The objective is to compel the sale of new gold on the market, to hold its price down close to $35 an ounce.

Diederichs has been negotiating with the United States for a compromise that would permit some purchases of gold by central banks and the IMF to help support the price.

DISCUSSION ON MARK

A major topic of discussion at the meeting has been West Germany's action in temporarily letting the mark's rate "float" freely, instead of intervening in exchange markets to keep it within one percent of its 25-cent par value.

Most experts expect Germany to raise the par value after a new government is established about Oct. 20.

Karl Blessing, president of the German Central Bank, noted in a speech yesterday that the mark has traded this week at about 5 percent above par, but he offered no hints about the likely new par value.

Without saying so explicitly, Blessing implied at a news conference that an upward revaluation of the mark is a foregone conclusion.

The new par value cannot be settled, he said, until a new government works out broad economic policies on the balance of payments, border taxes and other questions.

In his speech, he indicated that revaluation of the mark may be delayed beyond Oct. 20.

PEARSON PANEL'S PROPOSALS

The highlight of Wednesday's session was the presentation of a report on the future of economic aid by a commission headed by Lester B. Pearson, former prime minister of Canada.

Acknowledging "weariness, disillusion and even rejection of economic aid, Pearson said it will be "tragic" if the aid effort is not expanded sharply in the years ahead.

The eight-man commission said economic aid by governments should increase from about four-tenths of 1 percent of the gross national product of donor countries to seven-tenths of 1 percent by 1975.

Major recommendations by the commission included proposals to: Stop linking economic aid to political considerations and alliances; remove trade barriers that restrict exports by underdeveloped countries; shift more aid to a multi-lateral basis through such agencies as the International Development Association.

Others were to: Increase contributions to the IDA from $400 million a year now to $1.5 billion by 1975; lower interest rates charged by the World Bank through a subsidy system (a portion of interest paid on bilateral aid loans would finance the subsidies); push harder through research and other programs to control the population boom in underdeveloped countries.

[From the Washington Post, Oct. 3, 1969]

DOUBLING OF AID IS PROPOSED FOR POORER NATIONS

(By A. D. Horne)

A high-powered international commission headed by former Canadian Prime Minister Lester B. Pearson has urged a virtual doubling of foreign aid to the underdeveloped nations, with the goal of stimulating their economies to a growth rate of 6 percent a year.

This average increase—1 per cent above the level attained by 70 developing nations during the 1960s—"would transform the economic outlook" in these countries, the Commission on International Development declared in a 400-page report presented Wednesday at the annual meeting of the World Bank.

If world aid levels can be brought to 0.70 percent of the industrialized nations' gross national products by 1975—to an estimated total of $16.2 billion, compared to $6.4 billion at last year's level of 0.39 per cent—most developing nations could achieve "self-sustaining growth" without further aid by the year 2000, the Commission predicted.

The commission's aid target would require a 180-degree turn for the United States, which provided development aid of $3.3 billion, or 0.38 per cent of GNP, last year including Food for Peace. By 1975, the commission estimated, U.S. official aid should be $8.2 billion, a vast expansion over President Nixon's $2.2 billion request now being cut by Congress.

The commission acknowledged widespread frustration over foreign aid has "reached a point of crisis." But it said the record of the past two decades proved the effort worthwhile. And it urged that trade and investment policies be integrated into a single "strategy for the strengthening of international cooperation for development."

Among its 68 formal recommendations and many additional suggestions, the commission called for:

Elimination of tariffs and quotas in the rich nations on imports of products on which developing nations depend for export earnings.

Removal of balance-of-payments restrictions that keep international capital out of developing nations.

Establishment of "new multilateral group-

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ings" to join aid donors and recipients in annual reviews of each other's development performance.

A return to softer loan terms, with a 2 per cent interest ceiling, 25-to-40-year maturity and 7-to-10-year grace periods.

A multilateral effort to scrap regulations which have tied some 85 per cent of aid to purchases in the donor countries.

Doubling, to 20 per cent, the share of aid channeled through multinational agencies.

Expansion of the soft-loan International Development Association to a $1.5-billion-a-year level by 1975.

Commitment of at least one-half of the industrialized nations' incoming interest payments on past development loans to a new fund that would subsidize World Bank loan rates (now at 7 per cent).

UPSTATE NEW YORK REACTS TO GOODELL BUG-OUT RESOLUTION

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I took issue with the junior Senator from New York (Mr. Goodell) when he proposed that Congress legislate that all American troops be out of Vietnam by December 1970. Not only did I take issue with the wisdom of his proposal, but I said I was certain it did not represent the thinking of a majority of the people of New York State.

To support that contention I include here a sampling of editorials from upstate New York newspapers, the Binghamton Press of September 30, the Oneonta Star of October 1, and Amsterdam Evening Recorder of October 1.

The editorials follow:

[From the Binghamton (N.Y.) Press, Sept. 30, 1969]

Goodell's "Easy Way"

New York Senator Charles Goodell's prescription for getting the U.S. out of Vietnam is cheap political quackery.

It is the proposal of either a fool or an opportunist. Since the senator is a bright man, he stands tagged as a demagogue.

The senator proposes to legislate the nation out of Vietnam. His bill would require all American troops to be withdrawn by Dec. 1, 1970.

President Nixon said that the senator's idea was well meant, but not very smart.

We would put it the other way around. It was a very smart move, from a political point of view, for a senator whose name has not exactly become a household word since he was named last year to fill the vacancy created by the death of Robert Kennedy.

As for being well meant, that depends on how one looks at it. The senator meant to boost his chances for election next year, and it is possible that he did so, by the simple expedient of taking a position that presumably would have a wide public appeal.

The senator makes it sound so easy: Follow his advice and the war would be over, in 14 months yet, and to blazes with the consequences.

If there were any genuine merit to the Goodell plan to put a time limit on Vietnam, one wonders why the 14-month delay? Why not make Dec. 1, 1969 the cutoff date, if the logistics are feasible?

If we are going to quit, in other words, then let's quit, right away. There is no point in prolonging the agony. Never mind the 38,728 dead and the 252,059 wounded.

Never mind what might happen to the millions of South Vietnamese who chose for one reason or another to ally themselves with us. Never mind whether the United States would ever be believed again.

These are only some of the tough questions that Senator Goodell would ignore with his easy way out.

The circle would be complete at that. It was by ignoring tough questions, after all, that we blundered into Vietnam, and those who insist on trying to get out the same way are only making a bad matter worse.

There is no easy way out of Vietnam. President Nixon has chosen the least damaging course, but even that is beyond reach so long as Hanoi refuses to negotiate seriously.

The North Vietnamese are not so foolish as to negotiate a compromise so long as there seems a chance that public pressure on the President could force him to withdraw all U.S. forces.

Senator Goodell may have served himself well with his play to the gallery, but he has served his country ill.

[From the Oneonta (N.Y.) Star, Oct. 1, 1969]

Goodell's Plea Unrealistic Now

Sen. Charles Goodell's call for complete withdrawal of American troops from Vietnam by 1970 should please hawk and dove alike.

Almost every American—except some high-ranking military brass—wants the United States out of this unpopular war which can't be won.

But is Sen. Goodell realistic? If America were to arbitrarily set 1970 as the date for complete withdrawal, what would be the use of any talks in Paris? The Viet Cong and North Vietnamese would realize that there is no hope of ending the war any sooner so they would mount all out military drives. This is not the path to peace. Without a definite date set, there can still be meaningful negotiations in Paris. What's the use of playing poker when you not only have a losing hand but a no-bluff hand too?

While Sen. Goodell's motives may be the best, we question his statements at this time.

Don't forget, Mr. Goodell was considered a conservative congressman until he was appointed to Sen. Kennedy's Senate seat. Almost overnight he became a liberal and he realizes that his short term in office and his campaign for election next year lack luster.

The best way to inject luster into any campaign is through headlines. And last week Sen. Goodell showed he was adept at this. He grabbed headlines when he called for complete withdrawal by 1970. And his statements were given extra press coverage when they drew rebuttals by President Nixon and by Gov. Rockefeller.

As one columnist put it this week: Goodell has learned the fine arts of press agentry.

But the question remains: why stymie our negotiators in Paris, our state department and our military by telegraphing to the enemy what we are going to do by what time?

[From the Amsterdam (N.Y.) Evening Recorder, Oct. 1, 1969]

Encouraging the Enemy

There is something to be said for Senator Charles E. Goodell's proposal to require that all American troops be withdrawn from Vietnam by the end of 1970. That some such plan is needed is beyond dispute. There is strong demand for an end to this conflict and it calls for more than a mere response to events.

The question is whether setting a fixed withdrawal deadline as recommended by Goodell would be the wisest course. The doubts promptly expressed by President Nixon, Secretary of Defense Laird and others ought to be weighed with great care.

Opponents of the Goodell plan fear that congressional enactment of such legislation would be interpreted as reflecting lack of support for the President—or at any rate lack of confidence that Administration efforts are bringing the war to an end as rapidly as possible. They fear that it would encourage Hanoi to simply wait out our scheduled troop withdrawal, meanwhile dragging its heels at the Paris peace talks.

Goodell argues that in the absence of a definite plan "the assumption under which the military is now operating will probably keep us fighting for years." That may be so, but a flat troop-withdrawal deadline is not the only alternative. Whatever plan is adopted, it should not be so inflexible as to permit the enemy to call all the shots.

WITHDRAW FROM VIETNAM NOW

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I want to make it clear that in cosponsoring a resolution to support the President's withdrawal of U.S. troops from Vietnam, I do not endorse the current speed with which American troops are being brought back home. I feel that such a resolution is useful in indicating approval of the fact that some troops have been brought back, but I still feel that immediate and total withdrawal of all American forces is an urgent priority.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Carey of New York (at the request of Mr. Hanley), for the week of October 6, 1969, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Holifield, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Bush (at the request of Mr. Hansen of Idaho), for 15 minutes, on October 13; to revise and extend his remarks and include extraneous matter.

Mr. Farbstein (at the request of Mr. Stokes), for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden in two instances and to include extraneous material.

Mr. Randall to revise and extend his remarks prior to the vote on H.R. 13576 and H.R. 372.

Mr. Don H. Clausen to revise and extend his remarks in the body of the Record during the presentation of the resolution by Mr. Findley and other Members.

Mr. Holifield and to include an editorial from the Anchorage Daily Times of October 3.

Mr. Olsen immediately preceding the vote on H.R. 14127, today.

(The following Members (at the request of Mr. Hansen of Idaho) and to include extraneous matter:)

Mr. Conte.

Mr. Ashbrook.

Mr. Hall.

Mr. Quie.

Mr. Utt.

Mr. Schwengel.

Mr. Gubser in two instances.

Mr. McClory.

Mr. Wyman in two instances.

Mr. Rhodes in five instances.

Mr. Derwinski in two instances.

Mr. Fulton of Pennsylvania in five instances.

Mr. Talcott in two instances.

Mr. Dellenback in two instances.

Mr. Coughlin.

Mr. Gude.

Mr. Broyhill of Virginia.

Mr. Saylor in two instances.

Mr. Goldwater.

(The following Members (at the request of Mr. Stokes) and to include extraneous matter:)

Mr. Corman.

Mr. O'Hara in two instances.

Mr. Dingell in three instances.

Mr. Kluczynski.

Mr. Gonzalez in two instances.

Mr. Ottinger.

Mr. Rarick in three instances.

Mr. Rooney of New York.

Mr. Evins of Tennessee.

Mr. Anderson of California in two instances.

Mr. Brown of California in two instances.

Mr. Rooney of Pennsylvania in four instances.

Mr. Vanik in two instances.

Mr. Teague of Texas in eight instances.

Mr. Eilberg.

Mr. Fraser in four instances.

Mr. Minish in two instances.

Mr. Tiernan.

Mr. Wolff.

Mr. Hathaway in three instances.

Mr. Pickle.

Mrs. Hansen of Washington in three instances.

Mr. Charles H. Wilson.

Mr. Ashley.

Mrs. Sullivan in two instances.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 851. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 7, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1217. A letter from the Chief, Forest Service, Department of Agriculture, transmitting a copy of the river plan for the middle fork of the Clearwater River, including the Lochsa and Selway Rivers in Idaho, pursuant to the provisions of subsection 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906–918) (H. Doc. No. 91–169); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1218. A letter from the Chief, Forest Service, Department of Agriculture, transmitting a copy of the river plan for a segment of the Rogue River in Oregon, pursuant to the provisions of subsection 3(c) of the Wild and Scenic Rivers Act (82 Stat. 906–918) (H. Doc. No. 91–170); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1219. A letter from the Chief, Forest Service, Department of Agriculture, transmitting a copy of the river plan of the middle fork of the Salmon River, pursuant to the provisions of subsection 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906–918) (H. Doc. No. 91–171); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1220. A letter from the Secretary of the Army, transmitting the semiannual report of Department of the Army contracts for military construction awarded without formal advertisement, for the period January 1 through June 30, 1969, pursuant to the provisions of section 804 of Public Law 90–408; to the Committee on Armed Services.

1221. A letter from the Comptroller General of the United States, transmitting a report on the need to improve and relocate internal audit activities in the Veterans' Administration; to the Committee on Government Operations.

1222. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Lakeside irrigation water district, Hanford, Calif., for a loan under the Small Reclamation Projects Act (70 Stat. 1044, as amended, 71 Stat. 48), pursuant to the provisions of section 4(c) of the act; to the Committee on Interior and Insular Affairs.

1223. A letter from the Chairman, Indian Claims Commission, transmitting a report that an order dismissing case was entered by the Commission with respect to Docket No. 170, *The Pascagoula, Biloxi and Mobilian Consolidated Band of Indians, petitioners,* v. *The United States of America, defendant,* pursuant to the provisions of 60 Stat. 1055; 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1224. A letter from the Chairman, Indian Claims Commission, transmitting a report that an order dismissing petition was entered by the Commission with respect to Docket No. 236–J, *Gila River Pima-Maricopa Indian Community, etc., plaintiff* v. *The United States of America, defendant*, pursuant to the provisions of 60 Stat. 1055; 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1225. A letter from the Assistant Secretary of Commerce, transmitting a report on claims of employees for damage to or loss of personal property sustained by them incident to their service settled during fiscal year 1969, pursuant to the provisions of 31 U.S.C. 240–243; to the Committee on the Judiciary.

1226. A letter from the Director, U.S. Information Agency, transmitting a report of claims settled under the authority of section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 for the period September 1, 1968, through August 31, 1969, pursuant to the provisions of the act; to the Committee on the Judiciary.

1227. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1228. A letter from the treasurer, American Historical Association, transmitting the organization's audit for fiscal year 1969, pursuant to the provisions of section 3 of Public Law 88–504; to the Committee on the Judiciary.

1229. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting various plans for works of improvement under the Watershed Protection and Flood Control Act, as amended (16 U.S.C. 1005), none of which involves a structure which provides more than 4,000 acre feet of total capacity; to the Committee on Agriculture.

1230. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting various plans for works of improvement under the Watershed Protection and Flood Control Act, as amended (16 U.S.C. 1005), each of which involves a structure which provides more than 4,000 acre feet of total capacity; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(*Pursuant to the order of the House on October 3, 1969, the following bill was reported on October 4, 1969.*)

Mr. PATMAN: Committee on Banking and Currency. H.R. 14127. A bill to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes (Rept. No. 91–549). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRAY:

H.R. 14199. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 14200. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 14201. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. ERLENBORN (for himself, Mr. Adair, Mr. Hungate, Mr. Myers, and Mr. Price of Texas):

H.R. 14202. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIAIMO:

H.R. 14203. A bill to prohibit the use of channels of interstate or foreign commerce, including the mails, for the distribution of certain material which is harmful to minors; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 14204. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 14205. A bill to amend title 38, United States Code, in order to increase the rate of educational assistance allowances to vet-

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erans who are simultaneously participating in certain teaching assistance programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PURCELL (for himself and Mr. Culver):

H.R. 14206. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 14207. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 14208. A bill to amend section 4005 of title 39, United States Code, to restore to such section the provisions requiring proof of intent to deceive in connection with the use of the mails to obtain money or property by false pretenses, representations, or promises; to the Committee on Post Office and Civil Service.

By Mr. VANDER JAGT:

H.R. 14209. A bill to amend chapter 44 of title 18, United States Code, to provide that such chapter shall not apply with respect to the sale or delivery of certain ammunition for rifles or shotguns; to the Committee on the Judiciary.

By Mr. WATSON:

H.R. 14210. A bill to amend title 28, United States Code, to establish certain qualifications for persons appointed as judges or justices of the United States; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 14211. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 14212. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 14213. A bill to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. DEVINE:

H.J. Res. 922. Joint resolution to designate Route 70 of the National System of Interstate and Defense Highways as the Eisenhower Memorial Highway; to the Committee on Public Works.

By Mr. BROTZMAN (for himself, Mr. Denney, Mr. Friedel, Mr. Cowger, Mr. Weicker, Mr. Diggs, Mr. Wold, Mr. Nelsen, Mr. Carter, and Mr. Lowenstein):

H.J. Res. 923. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

By Mr. BOLAND:

H. Con. Res. 398. Concurrent resolution expressing the sense of the Congress relating to the withdrawal of U.S. Forces from South Vietnam; to the Committee on Foreign Affairs.

By Mr. FINDLEY (for himself, Mr. Adams, Mr. Addabbo, Mr. Andrews of North Dakota, Mr. Ashley, Mr. Beall of Maryland, Mr. Boland, Mr. Brasco, Mr. Broomfield, Mr. Brotzman, Mr. Brown of Ohio, Mr. Bush, Mr. Button, Mr. Byrnes of Wisconsin, Mr. Carter, Mr. Don H. Clausen, Mr. Cohelan, Mr. Collier, Mr. Conable, Mr. Conte, Mr. Conyers, Mr. Cowger, Mr. Culver, Mr. Cunningham, and Mr. Dellenback):

H. Res. 564. Resolution concerning withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. FINDLEY (for himself, Mr. Van Deerlin, Mr. Whalen, Mr. Charles H. Wilson, Mr. Winn, Mr. Wold, Mr. Wydler, Mr. Yatron, Mr. Zwach, Mr. Clark, and Mrs. Hansen of Washington):

H. Res. 565. Resolution concerning withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. THOMSON of Wisconsin (for himself, Mr. Olsen, Mr. Pelly, Mr. Perkins, Mr. Podell, Mr. Preyer of North Carolina, Mr. Quie, Mr. Rees, Mr. Reid of New York, Mr. Robison, Mr. Rogers of Colorado, Mr. Schadeberg, Mr. Schneebeli, Mr. Schwengel, Mr. Shriver, Mr. Smith of New York, Mr. Snyder, Mr. Stafford, Mr. Stanton, Mr. Steiger of Wisconsin, Mr. Symington, Mr. Taft, Mr. Thompson of New Jersey, Mr. Udall, and Mr. Ullman):

H. Res. 566. Resolution concerning withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself, Mr. Diggs, Mr. Donohue, Mr. Duncan, Mrs. Dwyer, Mr. Eilberg, Mr. Eshleman, Mr. Fish, Mr. Flynt, Mr. Foley, Mr. Friedel, Mr. Gallagher, Mrs. Green of Oregon, Mrs. Griffiths, Mr. Gude, Mr. Halpern, Mr. Hansen of Idaho, Mr. Hastings, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Hogan, Mr. Horton, and Mr. Hutchinson):

H. Res. 567. Resolution concerning withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. O'NEILL of Massachusetts (for himself, Mr. Johnson of California, Mr. Jonas, Mr. Kleppe, Mr. Langen, Mr. Latta, Mr. Lowenstein, Mr. Lujan, Mr. McClory, Mr. McCloskey, Mr. McDade, Mr. Macdonald of Massachusetts, Mr. MacGregor, Mr. Martin, Mr. Matsunaga, Mr. Melcher, Mr. Meskill, Mr. Michel, Mr. Mikva, Mr. Minish, Mr. Mize, Mr. Monagan, Mr. Morse, Mr. Mosher, and Mr. Nelsen):

H. Res. 568. Resolution concerning withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. BROWN of California:

H. Res. 569. Resolution relative to the antitrust case brought against the automobile manufacturers; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

273. By the SPEAKER: Petition of R. F. Nichols, Los Angeles, Calif., and others, relative to $100 monthly pensions for veterans of World War I; to the Committee on Veterans' Affairs.

274. Also, petition of the board of supervisors, Sutter County, Calif., relative to funding for the Army Corps of Engineers flood control program for fiscal year 1970–71; to the Committee on Appropriations.

275. Also, petition of the board of supervisors, Yuba County, Calif., relative to funding for the Army Corps of Engineers flood control program for fiscal year 1970–71; to the Committee on Appropriations.

276. Also, petition of the American Association of Workers for the Blind, Inc., Washington, D.C., relative to vocational and personal rehabilitation services to the blind and visually impaired; to the Committee on Education and Labor.

277. Also, petition of Henry Stoner, York, Pa., relative to a memorial to the late Honorable Thaddeus Stevens; to the Committee on House Administration.

278. Also, petition of the Congress of Micronesia, Trust Territory of the Pacific Islands; relative to the use of Eniwetok Atoll; to the Committee on Interior and Insular Affairs.

279. Also, petition of Banner Council No. 39, Junior Order United American Mechanics, Louisville, Ky., relative to display of the American flag in public school classrooms; to the Committee on the Judiciary.

280. Also, petition of the Imperial Valley Grocers Alliance, El Centro, Calif.; relative to "Operation Intercept"; to the Committee on Ways and Means.

281. Also, petition of the city council, Worcester, Mass., relative to Federal revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

ONE THOUSAND SLOVAK PILGRIMS VISIT ROME

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. MADDEN. Mr. Speaker, during the week of September 13 of this year Slovaks from many countries throughout the world visited Rome in a united group. They also visited Pope Paul VI at his summer palace, Castel Gandolfo in observance of the 1,100th anniversary of the blessed death of St. Cyril. The memory of St. Cyril was eulogized in the U.S. Senate by Senator J. William Fulbright, chairman of the Foreign Affairs Committee, on June 5, 1969.

Pope Paul, in addressing the gathering, welcomed the Slovak pilgrims in their native tongue and exhorted them to be faithful to the Christian tradition.

Constantine the Philosopher, the Slovak educator, was the creator of the Slavic script and was generally known after his adopted name of Cyril, which is a contraction of Cyrilica.

Mr. Speaker, I include a newsstory of the pilgrimage which was submitted to me by John C. Sciranka, associate editor of Good Shepherd, the official organ of the Catholic Slovak Federation of America.

Bishop Andrew G. Grutka, of Gary, Ind., and Bishop Michael Rusnak, of Toronto, Canada, spoke at the mass gathering honoring Pope Paul VI at his summer home.

The newsstory follows:

Pope Paul VI Exhorts Slovak Pilgrims in Rome To Be Faithful to Their Christian Traditions

On September 13, 1969 Pope Paul VI received over 1,000 Slovak pilgrims at his Summer residence, Castel Gandolfo, who came to the Eternal City to pay tribute to St. Cyril on the 1,100 anniversary of his blessed death. The Holy Father exhorted the pilgrims to be faithful to their tradition, fearless in their convictions and united in their acts of charity.

"This is the exhortation I want to leave with you," he told more than 1,000 pilgrims, their bishops, and priests from the diocese of Kosice in Eastern Slovakia who visited him at his Summer residence in Castel Gandolfo.

Also present were hundreds of American and Canadian pilgrims of Slovak descent, including Bishop Andrew G. Grutka of Gary, Indiana, and Bishop Michael Rusnak of Toronto, Canada.

Also present were Bishop Paul Hnilica, S.J., exiled Slovak bishop now living in Rome; and Cardinals John Wright and Confalonieri.

"Be faithful as you have been throughout your history, even in the midst of trials and oppositions, faithful to your authentic Christian and Catholic faiths," he said.

"Be fearless, because by not compromising with the anti-evangelistic mentality which all too often permeates today's world you may profess your convictions."

He also asked them to be united in prayer and charity "in order to give to the world that testimony which is expected of the true Christian: not words but acts; not hesitations by examples; not doubts and contestations but coherence and fusion of mind and of heart." he said.

He said the Slovaks give tangible proof of their charity by their exceptional spirit of generosity.

The Holy Father, Pope Paul VI welcomed the pilgrims in Slovak "Vitame Vás, Mili Slováci" (We Welcome You, Beloved Slovaks).

Rt. Rev. Msgr. Joseph S. Altany, Supreme President of the Slovak Catholic Federation of America presented an award to His Eminence John J. Cardinal Wright, former Bishop of Pittsburgh diocese for his many services to the Slovak people.

Bishop Grutka presented an award to Mr. John Sabol, Supreme Secretary of the First Slovak Catholic Union of U.S.A. and Canada for his outstanding work. And Mr. Sabol presented the Slovak Institution a check for a thousand dollars from his son, a Medical Doctor, who returned from U.S. Naval service.

The First Catholic Slovak Ladies Association was represented by Mrs. Elizabeth Lipovsky, Supreme President and Mrs. Susan Matuscak, Supreme Secretary, who also visited Slovakia and traveled to Europe on the SS. France with Bishop Grutka. Rev. John S. Maro, Supreme Chaplain of the Ladies Association joined them in Rome, where the Rt. Rev. Msgr. M. K. Mlynarovic, honorary President of the Federation stopped on his way from Slovakia.

His Eminence Cardinal Confalonieri welcomed the Slovak pilgrims in the basilica of Santa Maria Maggiore, where on February 2, 868 A.D. Pope Hadrian II, of blessed memory, blessed the Slovak Liturgical books, brought to the Eternal City by SS. Cyril and Methodius and approved the Liturgy in the vernacular.

Over 500 pilgrims came from Slovakia with their priests and Msgr. Pán Postenyi, president of the St. Vojtech Society. The pilgrimmage was given wide publicity.

EXPORT MARKET FOR COTTON

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. FANNIN. Mr. President, for many years the cotton industry has been working diligently to expand the quantity of cotton exported. Aside from its beneficial effects to the cotton farmers and others in the industry, it is important to the entire Nation since any increase in our exports of cotton and other commodities helps our balance of payments.

Just recently I received from a constituent news that greatly disturbed me. I am told that the Ford Foundation is considering an allocation of funds for the purpose of expanding the production of cotton in Pakistan. The Ford Foundation, which under our laws is not required to pay taxes on its income, is accorded special preferential tax treatment. Accordingly, I think that the Government of the United States and the citizens of this country have an interest in the manner in which the foundation spends its funds. If these moneys are to be spent on projects which have a harmful effect on the U.S. economy generally, specifically on a particular segment thereof, then I am strongly persuaded that Congress should take another look at the Internal Revenue Statute which exempts the income of the foundation from Federal income taxes.

Congress has long recognized the importance of a strong, expanding export market for cotton. It has many times reiterated the need that the United States regain and maintain its fair share of the world markets for cotton and that the exports of 5 to 6 million bales annually be considered the United States fair share.

A special program was instituted aimed at achieving that objective. For several years we did export an average of around 5 to 6 million bales. But then exports have fallen off and for the last marketing season which ended July 31, only about 2¾ million bales were shipped out of this country. In view of this expanded world market for cotton, our share today would not be 5 to 6 million bales as it was in 1956, but a much larger amount. So we are far below the congressional goal. Any increase in the production of cotton abroad, such as the Ford Foundation project is designed to accomplish, would result in reducing exports of U.S. cotton. For many years the United States has been the residual supplier of cotton in the world market. Thus, any increased production in foreign countries means less opportunity to export cotton from the United States.

In addition to the plans of the foundation to attempt to encourage expanded cotton production abroad there have been instances in which the U.S. Government itself has done this. Mr. President, I am opposed to the use of tax dollars to encourage technical and other assistance to foreign countries to produce food and fiber crops for their own consumption, a business that would compete with our U.S. taxpaying farmers. Furthermore, I am also very much opposed to a non-tax-paying foundation operating under the shelter of our Internal Revenue Code, using its funds to establish or expand competitive enterprises abroad which would be inimical to the interest of the United States as well as to the cotton industry.

Mr. President, at the appropriate time I propose to present this matter to the Committee on Finance, of which I am a member, and ask that it be looked into by its staff. If the facts which develop are in accord with the information I have, I plan to propose an appropriate change in our tax laws which will, to say the least, discourage our great tax-free foundations from using their funds in a manner contrary to the best interest of our citizens.

THE SUPERSONIC "GO"

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. HALL. Mr. Speaker, President Nixon's decision to move ahead with the construction and flight testing of a supersonic transport, has, and will continue to generate much discussion and debate.

In order to help throw as much "light" on the subject as possible, I offer an editorial from the magazine Aviation Week and Space Technology.

The article to which I refer, presents a learned and interesting discussion of the merits of the so-called SST.

The editorial follows:

The Supersonic "Go"

The United States will build a Mach 2.7, titanium 300-passenger supersonic transport to compete in the international airline market of the next two decades. This is the import of President Richard Nixon's loud and clear "go" signal to the supersonic transport program last week. The President's decision to proceed with construction and flight testing of two prototypes was firm, his support enthusiastic, and his reasoning explained precisely why he regards the supersonic transport program as a major national goal.

INTERNATIONAL COMPETITION

The British, French and Russians are already flying first generation SST prototypes. Airlines of the world are committed to operate them in the mid-1970s. If the United States fails to compete for this market it would sacrifice 50 years of world leadership in this field and pay a fearsome economic penalty.

BETTER COMMUNICATIONS

Mr. Nixon grasps the vital role of any communications technology that shrinks global distances and knits the world closer together. He noted that the U.S. SST will put Buenos Aires as close to New York as London now is with subsonic jets. The vast expanses of the Pacific will be reduced to the time span of the current transatlantic traffic in the same manner that the U.S.-built subsonic jets shrank the Atlantic from an ocean to a river.

BALANCE OF PAYMENTS

Without a successful U.S. supersonic transport program, this country faces a gross debit of about $18 billion in the critical balance of payments during the 1970–80 period. This includes about $5.5 billion U.S. airlines would have to spend on Concordes and the loss of an estimated $12.4 billion in SST sales to foreign airlines.

SPEARHEAD TECHNOLOGY

Without new, vital projects pushing the state of the art, U.S. technology cannot maintain its dynamic pace that modernizes and enhances the national economy. The SST program, like Apollo, will have a national industrial and economic fall-out far beyond the confines of the specific program.

Mr. Nixon's support for the supersonic transport program is far more enthusiastic, lucid and buttressed with more reasoned

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judgment than that of his two predecessors. The late President John F. Kennedy hastily counterattacked Pan American World Airways' decision to buy the Anglo-French Concorde by creating the U.S. supersonic transport program overnight in a few paragraphs inserted into an Air Force Academy speech. Former President Lyndon B. Johnson believed in the program and supported it in a subrosa fashion. But he never saw fit to publicize his convictions or explain the need for it to the taxpayers.

Perhaps Mr. Nixon's unequivocal "go" for the supersonic transport is partially a fallout from the Apollo program. He has been in the company of the Apollo astronauts a great deal recently. Their firm convictions, expressed so eloquently, privately, and publicly, that this country can and must do whatever needs to be done could easily be contagious.

But a major factor was certainly finance. Ironically, the practical bankers who have studied the supersonic transport program have been among its firmest backers while the theoretical economists have been its most virulent critics.

We think Mr. Nixon's decision represents a triumph of the practical over the theoretical in the field of international finance.

Aerospace exports are a key item in keeping the precarious balance of foreign payments. About 85% of the jet transports flying on the world's airlines today were manufactured in this country. They have brought in about $4 billion in foreign exchange, with an equal amount on future order books. If this country voluntarily surrendered this enviable position of technical leadership in the air transport world, it would be disastrous financially.

There will be some massive flows of money back and forth across the Atlantic during the 1970s for jet transports. This tide is flowing strongly into this country now for Boeing 747s and McDonnell Douglas and Lockheed airbuses. In another year or so, it will ebb toward Britain and France for Concorde purchases. If the U.S. supersonic transport program is successful, the flow will reverse again in the late 1970s for the Boeing aircraft. If it is not, the tide will continue to flow to Europe for more second-generation Concordes.

These are the hard-nosed facts that loomed large in the President's decision making. These were also a factor in the timing and tenor of his announcement last week.

Any further delay in a firm U.S. commitment to prototype construction and testing would signal to the airlines of the world that the U.S. would enter the market too late to counter the Concorde and the Tu–144. This would certainly mean another substantial round of Concorde orders and probably stimulate the Anglo-French partnership to begin design of a large, faster, longer-ranged and more economically viable second-generation Concorde.

As it now stands, unless severe technical problems develop, the airlines will make money from their Concordes for a four-five year period when they will rule exclusively over the blue-ribbon routes of the world. Traditional airline economic yardsticks will prove obsolete in the face of the high load factors and high fares that Concorde can command in this period of exclusivity. Even after the larger, faster, longer-ranged and more economical U.S. supersonic transport pushes it off the main traffic arteries in the 1978–80 period, Concorde will continue to ply a profitable trade on lesser routes. By then it will already have paid for itself and probably turned a neat profit for its owners, too.

This is why the U.S. program has to move into prototype construction now. This program faces no easy road ahead, either technically or politically. Technically, the building and flight testing of two prototypes before commitment to a production program should overcome the normal development problems inevitable in a major state-of-the-art advance. Politically, the biggest problem is convincing the taxpayers and their representatives in Congress that the supersonic transport funding represents an investment on which they will eventually get their money back, not just another government rathole down which their hard-earned tax dollars will disappear.

Historically, we would not be surprised if Mr. Nixon's firm decision committing this nation to build a supersonic transport eventually ranks with the later President Kennedy's decision to send Americans to the moon.

ROY LEE HARMON, POET LAUREATE OF WEST VIRGINIA, REVIEWS LIFE IN BEAUTIFUL POEM

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. RANDOLPH. Mr. President, occasionally it is our privilege to know a person with the rare capacity for capturing the spirit of the place where he lives.

Such a person is Roy Lee Harmon, poet laureate of West Virginia, who knows our rolling and rugged hills, and writes movingly of the people who love our State.

For many years Roy Lee Harmon has described our State and its people in perceptive verse. His love of the outdoors has brought him into a lifetime of close contact with the mountains. His affection for the good people of West Virginia has given him the insight to interpret their lives.

Mr. President, Roy Lee Harmon's most recent poem is a sensitive summation of a lifetime, a work of reminiscence but also one of joy and faith.

I ask unanimous consent that this poem, "I Shall Remember," published in the August 1966 edition of Outdoor West Virginia magazine, be printed in the Record.

There being no objection, the poem was ordered to be printed in the Record, as follows:

I SHALL REMEMBER

(By Roy Lee Harmon)

I shall remember when the twilight comes . . .
That last twilight . . . remember and be glad
For memories which total valued sums
As I recall the outdoor joys I've had.

I never really lost that day in June
Some fifty years ago when a big bass struck
in Little Coal . . . with all the world in tune;
I was a ragged lad . . . with lots of luck.

I shall recall a frosty autumn night
A coon hunt where the virgin timber grew,
The faithful hounds . . . the mountain stars so bright
And home-made happiness . . . when life was new.

I shall remember silver April rains
And chestnut groves in long-gone autumn days,
The dreams and hopes . . . the failures and the gains . . .
The hills wrapped in an Indian Summer haze.

I shall remember many treasured friends
Including some who crossed the Great Divide . . .
I shall remember hope spring magic blends
And silver dogwoods on the mountainside.

The good things live . . . at least in memory;
To be a hillman is a blessing rare.
I know the God of all was good to me
To let me live within a land so fair.

I shall recall that dim gray years have sped
But still the joy of living never died.
I can look back in joy although ahead
The darker twilight shadows will abide.

My cash is low . . . my race is almost run
(but that is not a strange untimely switch.)
Within these hills I've had my share of fun
and I have memories . . . which make me rich.

THE DICKEY-LINCOLN PROJECT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. HATHAWAY. Mr. Speaker, the need and the feasibility of the Dickey-Lincoln School hydroelectric power project, which was authorized for construction 4 years ago this month by the 89th Congress, has been the subject of intense study by both the executive and legislative branches of this Government. Indeed, there is good reason to doubt that any other multipurpose hydroelectric project authorized by this Congress has received as much close scrutiny.

The project has been approved by all of the Federal agencies concerned with power development—the Interior Department, the Army Corps of Engineers, the Federal Power Commission, the Atomic Energy Commission, and the Bureau of the Budget. It has additionally been justified by the findings of an in-depth study performed by the House Appropriations Committee. And it meets all the criteria for economic feasibility and multipurpose resource development required by the Congress and enunciated in the Senate document entitled "Policies, Standards and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources."

The Dickey-Lincoln project, Mr. Speaker, will consist of two earth-filled dams, located on the St. John River in Maine, above the confluence of the St. John and the Allagash River. It would impound a total of 8,096,000 acre-feet of water for power and flood control, and would become an integral part of the comprehensive development and conservation of the water and power resources of the St. John River. It would, moreover, preserve the wild characteristics of the Allagash Waterway, which is one of the few remaining free-flowing streams in the eastern half of the United States.

The Dickey project is the first Federal multipurpose water resource project authorized by Congress for construction in New England. Its generation of 1.2 billion kilowatt hours of power annually from facilities having an installed capacity of 830 megawatts would provide low-cost, nonpolluting power for all of New England. And it would provide this power at a lower cost than any other

means of generation, including the conventional methods, as well as nuclear thermal plants or pumped storage hydro plants. Once constructed, it would save electric power consumers of the Northeast an estimated $9 million a year.

Every electric system, Mr. Speaker, requires the production of firm power by conventional and/or nuclear thermal plants. A really balanced and efficient system, however, requires more. It requires that the firm power sources be complemented by a source of low-cost "peaking" power. Such is the primary end of the Dickey-Lincoln project—to adequately fill the needs of electric power consumers during the few hours of the day when electric use is at its highest point.

Conventional generating plants can be expanded to meet this need, it is true. But, because fixed charges would then run for 24 hours on plants actually used for only a few "peak" hours, they could do so only at considerable consumer expense. So, too, with high-efficiency thermal units. As for pumped storage projects, which require electricity generated by the operation of thermal plants, high fuel costs would be involved. Not so with Dickey—hydroelectric dams do not burn fuel to provide peaking power.

Studies made by the staff of the House Appropriations Committee have shown that 650,000 kilowatts of peaking power from Dickey could be sold in Boston for about $17.50 per kilowatt year. A privately built pumped storage plant, on the other hand, would sell power for about $23.50 per kilowatt year. Some 100,000 kilowatts of firm power from Dickey-Lincoln could be sold in the State of Maine for a little more than $28, while nuclear facilities would sell the same private conventional plants and private amount for about $37 and $33.50, respectively.

And another asset of the Dickey project—in the event of a power failure, such as the blackout of November 1965, up to 24 hours of uninterrupted power would be available at the flip of a switch. Thermal plants need hours to get "warmed up," and the power of pumped storage facilities, with their small reservoirs, can be made available for only a few hours.

The Dickey-Lincoln project will cost an estimated $229 million—a price viewed as reasonable and "sound" by spokesmen for both the Corps of Engineers and the Federal Power Commission. Its benefit-to-cost ratio in the last year has risen from 1.9-to-1 to 2.0-to-1—which means, of course, that the project will return to the Federal Treasury $2 for every dollar spent for its planning and construction. Some observers have even predicted that the entire cost, including interest, will be paid for in close to 50 years.

Surely, the life of this valuable asset to both New England and the Nation will far exceed 50 years, and as it does—as it continues to provide revenue even after its cost is recovered—it cannot help but produce power at an even lower cost.

Construction of the Dickey project will itself have a significant economic impact on New England. More than 11,000 man-years of labor and wages totaling in excess of $12¼ million will be generated. Close to 2,000 employees will be put to work for 6 years. Nearly 600,000 tons of concrete will be required; 25,000 tons of reinforced steel. The powerplant alone will require $60 million in electrical equipment.

Beyond its construction, Mr. Speaker, Dickey's economic impact on the great Northeast will be staggering; its positive effects on the people, the businesses, and the industries of the region, incalculable. For the first time New England will realize the benefits that Federal water and power resource development can bring. For the first time New England will have the same yardstick of competition by comparison, which has brought low-power costs and high-power use to the Tennessee Valley, the Missouri and Columbia River Basins, the Central Valley in California, and all the many other areas of the country which are served by public power from Federal dams.

At the present time nearly all of New England's power is generated by private concerns. There is virtually no competition. As a result, New Englanders—homeowners, businesses, and industries alike—pay the Nation's highest electric bills. The yardstick provided by the Dickey-Lincoln project would bring the needed competition, Mr. Speaker, and would succeed, as public power sources across the country have repeatedly succeeded, in moving consumer rates into an equitable range.

The mere authorization of the project 4 years ago caused the private power monopoly to reduce its prices somewhat. Think what the actual construction of Dickey would do.

If, as Maine's distiguished senior Sentor suggested not long ago, the merit of the Dickey-Lincoln School project is in proportion to the intensity and ferocity of the opposition to it, then the worth of the project can know no limits. There is no question that the arguments of its detractors have been intense—and increasingly so with the passage of time, with a proportionate diminution of logic, realism, and a genuine concern for the public interest. Nor can there be any question, it seems to me, concerning the merit of the Dickey project. That was established even before the project was authorized in 1965 and has since been renforced time and again.

It is time, Mr. Speaker, that this House gets on with the building of a source of real equity for the people of New England. Toward this goal I respectfully urge that, when floor consideration of Dickey begins later this week, my colleagues accord the project's $807,000 appropriation their support and final approval.

THE AMISTAD DAM: A GREAT INTERNATIONAL ACHIEVEMENT: THE DEDICATION BY PRESIDENTS RICHARD NIXON AND DIAZ ORDAZ

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. YARBOROUGH. Mr. President, on September 8, 1969, I had the honor to be invited by the proper national officials to be a part of the official party at the dedication of the great Amistad Dam on the Rio Grande next to Del Rio along the border between Texas and Mexico. I attended the official functions there, including the great luncheon and entertainment tendered President Nixon by President Diaz Ordaz on the Mexican side of the border, after the impressive dedication. The formal dedication took place on the middle of the dam, half in the United States and half in Mexico, before a great throng of people.

The dam is a monument to what can be achieved through international cooperation.

I commend President Richard Nixon and President Diaz Ordaz on the excellent speeches they made on this historic occasion. With the opening of the Amistad Dam, I believe the spirit of cooperation and friendship between the United States and Mexico was strengthened.

Mr. President, I ask unanimous consent that the dedication program and the speeches of President Nixon and President Diaz Ordaz be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the Record, as follows:

DEDICATION OF THE INTERNATIONAL AMISTAD DAM AND RESERVOIR, SEPTEMBER 8, 1969

PROGRAM

His Excellency Gustavo Dias Ordaz, President of the United Mexican States, and Mrs. Diaz Ordaz, and the Honorable Richard Nixon, President of the United States of America, and Mrs. Nixon, meet at the international boundary on Amistad Dam at 1:35 p.m., Central Daylight Time (12:35 o'clock, Mexico Time).

The national anthem of Mexico will be played, accompanied by a 21-gun salute.

The national anthem of the United States will be played.

President Nixon will make an address.

President Diaz Ordaz will make an address.

The Presidents will unveil a plaque commemorating the dedication of the international Amistad Dam and Reservoir.

The national anthems of the United States and Mexico will be played.

President Nixon and Mrs. Nixon will cross into Mexico, where they will be guests at a luncheon given by President Diaz Ordaz and Mrs. Diaz Ordaz in their honor at El Mirador.

The huge proportions of Amistad Dam are a measure of the vision and determination held by statesmen and civic leaders of the United States and Mexico over more than two decades. Persevering in their objectives and overcoming every obstacle, they have brought for many people of both countries security from the terror and havoc of flood; they have placed the lower Rio Grande under man's control for man's use; and they offer for his moments of relaxation the beauty and inspiration of a magnificent lake.

Authorized by the Water Treaty of 1944, together with Public Law 86–605 approved July 7, 1960, the International Boundary and Water Commission began construction of the dam in 1963. The private contractors poured the first concrete on July 31, 1965. On May 31, 1968, Amistad Dam first stored water. The dam, six miles long, rises 254 feet above the riverbed. Its concrete spillway supports 16 gates, each 50 feet wide by 54 feet high. The reservoir capable of containing 5,586,000 acre-feet, is the eleventh largest man-made lake situated all or partially in the United States.

It will extend 86 miles up the Rio Grande and reach 7 miles in width. Its maximum surface of about 138 square miles would

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have a shoreline exceeding a thousand miles. The highway over the dam opens a new international crossing between the two countries. The total cost of the dam alone is approximately $78 million. This cost was shared between the two countries in the percentages of 56.2 by the United States and 43.8 by Mexico, this being the same proportion in which they share the conservation pool in the reservoir.

Amistad Dam is an enduring expression in steel and concrete of international collaboration between neighbors in the spirit of mutual good will.

REMARKS OF THE PRESIDENT (RICHARD M. NIXON) AT THE DEDICATION OF THE AMISTAD DAM

Mr. President, Senor Diaz Ordaz, Your Excellencies and our friends from Mexico and the United States:

As I stand here today on this historic site, I think back to another day. In 1953, the first year of his Administration, President Eisenhower traveled to the Mexican-American border to meet with President Ruiz Cortines to dedicate the new Falcon Dam on the Rio Grande River. That structure, he said at that time, was a living testimony to the understanding and cooperation binding our two peeples.

Now, in 1969, in the first year of my Administration, I, too, come to Mexico. I come to talk to President Diaz Ordaz and to dedicate another new dam along that same river; a compliment to the Falcon Dam, and one which was built as a direct result of an agreement President Eisenhower signed in 1960, his last full year in office.

Like the Falcon Dam, the Amistad Dam also testifies to the spirit of understanding and cooperation which binds our two countries. In fact, its very name describes better than any other single word the special spirit of our relationship.

How that name came about is an interesting story. In October, 1959, President Eisenhower in Camp David met with President Lopez Mateos. The dam then was to be known as the Diablo Dam. President Eisenhower thought that was a rather ominous name and President Lopez suggested that the name be changed to Amistad.

So today we have a name which to millions of my countrymen who speak Spanish means "friendship" and friendship for my countrymen is a word which carries a special meaning and a special warmth. As we dedicate this dam today, we also rededicate ourselves to the furtherance of an ideal friendship.

Mr. President, we meet today on an international border. It is a beautiful place where we gather, beautiful for natural reasons and beautiful, too, because we see here what two great countries can accomplish when they work together.

This dam is an impressive achievement. First of all, it is an impressive physical achievement. It will contribute to the conservation and regulation of water supplies and will provide a fine recreational resource for both of our people.

It is also an impressive diplomatic accomplishment, the result of complex and determined efforts which have stretched over a period of many years.

Finally, this achievement is impressive in human terms, impressive because of what it says about the special relationship which has grown up between the people of Mexico and the people of the United States.

It is a relationship based on a full understanding, for each of our countries knows the other way. It is a relationship based on mutual trust, for each of our countries has confidence in the other's good will And it is a relationship based on mutual respect. Each of us recognizes the sovereignty and independence of the other and the right of each to reach different conclusions in matters of mutual interest without impairing our basic friendship.

Mr. President, while our visit today is a brief one, this great dam which we dedicate will continue to bear witness to our relationship day in and day out, year in and year out. It stands as a persuasive example to all the people of the world of the advantages which can come from peaceful cooperation between nations. And it will remain always a tangible monument to the spirit of friendship and partnership between our two peoples and our two nations.

REMARKS OF GUSTAVO DIAZ ORDAZ, PRESIDENT OF THE REPUBLIC OF MEXICO, AT THE DEDICATION OF THE AMISTAD DAM

Mr. President, Mrs. Nixon, Ladies and Gentlemen:

It is very satisfactory to have this first contact with you, Mr. President, and it is especially satisfactory to have it under the name of this dam—Amistad, friendship.

I certainly hope that this first contact between us will help to establish and continue the friendship between us. It is a good thing President Lopez Mateos and President Eisenhower gave this name to this dam. Can you imagine what might have happened if we had remained with the old name?

We are two countries with a long frontier between us and consequently, with many problems between us. Fortunately, none of these problems are important enough, are serious enough, so that it cannot be solved by mutual comprehension and within the law, and none of them can or will become a barrier between us.

This frontier is not just a frontier between two different countries, but between two different worlds, two different languages, two different cultures, two different forms of life.

In this line is where Latin America ends. Because of this we have two special tasks. One is to be faithful to ourselves as Mexicans and the other is to be faithful to ourselves as Latin Americans.

Taking into account the great complexity of the relations between our two countries, our relations are the best that we have ever had in our history and I believe that with your cooperation we two together can make them even better.

How is it possible that with so many obstacles our peoples have managed to establish friendship, to maintain it and to make it ever closer? It is only as you, yourself, have just said, Mr. President, with comprehension, with friendship and within the law. Whatever unites two that do not respect each other can be called anything except friendship.

We have made efforts through the years to understand and accept that we have two different nations that have different forms of expression and each one of which has its own sovereignty. All the peoples of the world have the right to choose their own road, to construct their own way of life which will lead them to liberty and the prosperity of their inhabitants. We have made every effort to remain within the rule of law.

It took us 100 years to achieve an agreement on the Chamizal. On the other hand, the Bank Los Indios, which the river took from one side to the border in 1967, has been already returned to us and we have already made the canals necessary to clear from salt the flow of water into this river.

You and I, Mr. President, are not only officers of our countries, we are also lawyers. And we know that the application of law is what brings about justice. That is why we both know that any problems that may arise in the future must be resolved within a spirit of comprehension, with mutual respect and within the rule of law that you mentioned a few moments ago.

We are united here by a very special ceremony. We are about to inaugurate this dam which is important in itself by the economic effort it implies and also by the capacity of our technicians and our workers.

But it is even more important because of its significance. One is the one that lies in its name and the other which you yourself have just mentioned is the demonstration of what two friendly countries can do together.

Thus, this dam is only one more part of the road that we have walked together and we will walk further together in order to respect ourselves and to maintain our friendship.

This dam is not only to hold back the waters of the Rio Bravo or to show that nature can be held back, but it is also a bridge, one more bridge constructed between our two peoples.

I am very glad to invite you and Mrs. Nixon to inaugurate, together with me, this new dam and bridge. You are awaited by the land of the State of Coahuila, the fountain of our revolution that saw the birth of Francisco I. Madero and Venustiano Carranza, one who initiated our social revolution and the other who consolidated it in our present constitution in 1917.

Mr. President, to you and your party, we open our arms, the arms of cordiality. You are very welcome to our homeland, to Mexico.

TRIBUTE TO FEDERAL HIGHWAY ADMINISTRATOR FRANCIS J. TURNER

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. KLUCZYNSKI. Mr. Speaker, as chairman of the Subcommittee on Roads, it gives me particular pleasure to pay tribute to the Federal Highway Administrator, Francis J. Turner, who this month is to receive the International Road Federation's Man-of-the-Year Award at ceremonies at Addis Ababa, Ethiopia.

The International Road Federation award is one of the most honored international awards in the engineering field, and the United States has good cause to be proud of Frank Turner as he accepts this honor.

Frank is an old and valued friend, so there is a good deal of personal pleasure in the knowledge that the more than 90 nations who regularly participate in the federation hold him in high regard. But Frank Turner has also been, for 40 years, one of the outstanding highway engineers of this or any other country, and the award is a recognition long and well deserved.

We take our highways so much for granted that we tend to overlook their tremendous contribution to social and economic development. The fact is, the United States would not be the Nation it is today without our vast highway transportation system, for which Frank Turner is in many respects largely responsible.

It is especially appropriate that he receives the award at this year's meeting, which is directed toward achieving productive highway systems in developing countries. The exchange of information among countries at the International Road Federation meetings has been genuinely valuable to every participating nation, and there is probably no man in the United States whose abilities and

achievements have had more to offer highway progress, not only in his own beloved United States, but throughout the world as well.

There is no way in which the people of this country could adequately express our debt to Frank Turner for his 40 years of dedicated and talented service in highway development; we are, therefore, grateful as well as honored that the International Road Federation has in some measure expressed it for us.

SMITHSONIAN INSTITUTION COLOR TELEVISION EXHIBIT

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. SCHWEIKER. Mr. President, a notable achievement in medical and scientific history, in which several distinguished citizens and institutions of the Commonwealth of Pennsylvania played important roles, is receiving well-deserved recognition at the Smithsonian Institution's National Museum of History and Technology.

This milestone achievement was the development of color television as a major tool in medical education.

The camera used in history's first nonexperimental color television program—a broadcast of an appendectomy at an American Medical Association convention 20 years ago—has been presented to the Smithsonian by Smith Kline & French Laboratories of Philadelphia.

Officials of the Smithsonian plan to use the camera and associated equipment to broadcast for museum visitors a special film, also presented by S.K. & F., which traces the history of medical television from its black-and-white beginnings in 1947 to color in 1949, to transcontinental broadcasts in the early 1950's, and on into widespread use at hospital and medical centers all over the country.

The broadcast will show a 1951 open-heart operation that corrected a constriction of the aorta for a 20-year-old patient. He was operated on at the Los Angeles County Hospital. Physicians and surgeons watched at an AMA meeting in Los Angeles, at the University of Chicago Medical Center, and at the Columbia Broadcasting System in New York, in the first transcontinental use of this teaching technique.

Leading figures in this drama of medicine and science, Mr. President, were Mr. G. Frederick Roll, then director of public relations and now in charge of S.K. & E. government and industry affairs, Dr. Isidor S. Ravdin, then chairman of the Department of Surgery, University of Pennsylvania School of Medicine and now vice president emeritus of the university; and Dr. Peter Goldmark, president of CBS Laboratories and inventor of the CBS field-sequential color television system. This was the system used in the early years of S.K. & F.'s medical color television program.

Dubbed "Claribel," the historic camera is a small, remote-control unit that was placed directly over the operating table to get an unobstructed, far-larger-than-life view of the surgical procedure.

A space-age "descendant" of "Claribel," also utilizing the spinning color disk of the CBS field-sequential system, went to the moon with the Apollo 10 and Apollo 11 astronauts, and was used to send color television pictures back to earth from lunar orbit.

During 20 years of support of this color TV educational activity by S.K. & F. Laboratories, 955,978 physicians and surgeons saw 305 telecasts in 49 cities. They witnessed 1,289 surgical procedures and 2,038 clinical demonstrations.

With the medium and techniques now in use on a routine daily basis, Smith Kline & French Laboratories has discontinued its program.

As the American College of Surgeons put it in its July–August 1969 Bulletin:

> The American College of Surgeons is deeply cognizant of the significance of the medical telecast concept, and the part it has played in the over-all advancement of surgical knowledge and professionalism. Its success speaks for itself. In furthering the postgraduate education of countless young surgeons, Smith Kline & French have contributed not only to the profession of surgery per se, but to the entire scientific and medical world. Our working relationship has been a harmonious one, and the college acknowledges with appreciation the enthusiasm and sustained co-operative spirit evidenced by SK&F throughout the past two decades.
>
> Smith Kline & French, we salute you!

I join in that salute, Mr. President, and I ask unanimous consent that the American College of Surgeons Bulletin item and a report on the Smithsonian presentation by the Philadelphia Inquirer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the American College of Surgeons Bulletin, July–August, 1969]

SMITH KLINE & FRENCH DISCONTINUE COLOR TELEVISION

Smith Kline & French Laboratories, sponsor of Clinical Congress color telecasts of surgical procedures for the American College of Surgeons since 1949, have discontinued their color television operations effective June 1, 1969. With the medium and techniques of medical television today so firmly established that all large teaching hospitals and most medical schools use television for instruction on a daily basis, Smith Kline & French have decided to direct their color television expenditures into other marketing activities.

Accordingly, as reported in the June issue of the College *Newsletter*, the sponsorship of the 1969 Clinical Congress live telecasts will be shared jointly by Ethicon, Inc., Johnson & Johnson, and Codman & Shurtleff, Inc.

It was 20 years ago, at the June, 1949 meeting of the American Medical Association, that Smith Kline & French first pioneered the use of color television as an educational service to the medical profession. At hundreds of medical meetings since then, the firm's color television facility has been employed in expanding and exploring the techniques of the medium, thereby bolstering and furthering the postgraduate educational aims of most of the professional medical associations of this country, and various organizations abroad as well. Foremost among these, it is fitting to point out, is the American College of Surgeons, for which Smith Kline & French have been providing color telecasts these past 19 years. The first such presentation took place at the Clinical Congress in Chicago, in October, 1949.

The full story of Smith Kline & French's role in the growth and development of so history-making an achievement is an exciting one.

Actually, it goes back to early 1947 when—following the first effective experiments in televising surgery (in black-and-white) at Johns Hopkins Hospital, Baltimore—SK&F, recognizing the inherent potential, quickly entered the closed-circuit television field. In October, 1948, they sponsored a demonstration of surgery over closed-circuit black-and-white TV at the Pennsylvania State Medical Society meeting in Philadelphia, with the School of Medicine of the University of Pennsylvania as a co-sponsor.

Agreeing to co-operate with SK&F at another demonstration, to be held in conjunction with a forthcoming A.M.A. Convention in Atlantic City, the University wondered if something couldn't be done about color. In the autumn of 1948, accordingly, SK&F asked the Columbia Broadcasting System to design portable television equipment which could be used in operating room and clinic for demonstrating surgical and medical procedures at medical meeting. Owned by SK&F, the equipment would be operated by CBS personnel at SK&F expense.

Working closely together, three men provided the motivational force behind the undertaking, becoming, in the course of it all, fast friends. They were: I. S. Ravdin, then head of the Department of Surgery, University of Pennsylvania; Peter Goldmark, CBS Research Laboratories physicist, and G. Frederick Roll, public relations director for SK&F at the time.

By May of 1949, the requested equipment was ready—a small, remote-control color camera which could be placed directly over the operating table to get an unobstructed, far-larger-than-life view of the surgical procedure. On June 6, 1949, at the A.M.A. meeting in Atlantic City, the first nonexperimental color television program became a reality. On 20 specially built receivers placed in two different areas of the meeting hall, as many as 1,000 doctors at a time witnessed what, up to then, only the operating surgeon and his assistants had seen—a surgeon's view of an in-progress appendectomy in full color.

Eventually, the SK&F Medical Color Television program grew to the point where it serviced the medical, osteopathic, and veterinary professions at an average of 20 to 25 scientific meetings each year. SK&F continued its close association with CBS into the early 1950s. In 1952, however, it began assembling its own production staff; and, by the middle of the decade, the firm's color television crew, equipment, and techniques were as sophisticated as any employed by the nation's TV stations.

It has been estimated that in their two decades of operation, the SK&F medical telecasts were seen by some 955,978 doctors at 305 different programs in 49 cities. The doctors witnessed some 1,289 surgical demonstrations and some 2,038 clinical demonstrations.

The American College of Surgeons is deeply cognizant of the significance of the medical telecast concept, and the part it has played in the over-all advancement of surgical knowledge and professionalism. Its success speaks for itself. In furthering the postgraduate education of countless young surgeons, Smith Kline & French have contributed not only to the profession of surgery per se, but to the entire scientific and medical world. Our working relationship has been a harmonious one, and the College acknowledges with appreciation and enthusiasm and sustained co-operative spirit evidenced by SK&F throughout the past two decades.

Smith Kline & French, we salute you!

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[From the Philadelphia Inquirer, Aug. 3, 1969]

MUSEUM GIVEN CAMERA USED FOR AMA'S FIRST COLOR TV

A camera that caused dozens of the Nation's leading doctors to faint in Atlantic City in 1949 has been donated to the Smithsonian Institution by a Philadelphia pharmaceutical firm.

The camera was used for the first nonexperimental color television program in the U.S., a closed-circuit broadcast of an appendectomy at the American Medical Association convention on June 6, 1949.

A world-renowned physicist, monitoring the broadcast to hundreds of doctors assembled in Atlantic City's Convention Hall, recalls that "people were fainting all over the place."

COULDN'T STAND BLOOD

"There must have been dozens of doctors there who hadn't seen an operation in years, because they just couldn't stand the sight of blood."

The physicist, Dr. Peter Goldmark of CBS, was a member of the unique association which developed the use of color television as a revolutionary method of medical teaching.

This association among Smith Kline and French Laboratories, CBS and leading members of the American medical profession, led to what Dr. Goldmark has termed "the greatest contribution to medical teaching in medical history."

LONG PLAYING RECORD

In 1948, while Dr. Goldmark, the inventor of the long-playing record, was trying to develop color TV at CBS, SKF had entered the field of closed circuit black and white TV; and in October of that year they sponsored a demonstration of surgery over television during the Pennsylvania State Medical Society meeting in Philadelphia.

Co-sponsoring the demonstration with them was the University of Pennsylvania School of Medicine, under the direction of Dr. I. S. Ravdin, an internationally respected surgeon.

SERIOUS LIMITATIONS

SKF's then public relations director, Frederick Roll, recently recalled that at that meeting "Dr. Ravdin told me that black and white television had serious limitations for depicting surgery.

"The coloring of tissue and organs was vital to the procedure and this, of course, could not be shown. "When I asked him if the medical school would cooperate with us at another demonstration, at the AMA convention in Atlantic City, he said he would. But he wondered if we couldn't do something about color.

"He told me that he had witnessed a demonstration of color TV that summer at CBS' research laboratories that had impressed him," Roll continued. "I told him we'd contact CBS and see what could be arranged."

After visiting Goldmark, Roll had arranged for SKF to finance the development of portable color television equipment for demonstrating surgical and medical procedure at medical meetings.

Dr. Ravdin and a colleague at the Medical School helped in designing the equipment especially for use in operating rooms and clinics.

CHRISTENED "CLARIBEL"

Thus the unique association was complete and by May, 1949 Dr. Goldmark, Dr. Ravdin, Roll and their colleagues had delivered their new camera, christened "Claribel", to the University of Pennsylvania Hospital.

Here the first Cesarean section televised in color was performed on May 31 and Claribel was then transferred to Atlantic City where 15,000 doctors were to witness for the first time what up to then only the operating surgeon and his assistants had seen—a live operation in color.

Dr. David Allman, chief of surgery at Atlantic City Hospital and later president of the AMA, performed the appendectomy.

"The entire demonstration was successful and the reaction on the part of the audience nothing short of amazing, Dr. Goldmark recalled.

"Atlantic City was hectic. It seems like thousands of persons were jammed into two rooms, watching the operation on 12-inch screens. I was in one room, bringing in the telecast, checking the quality of the picture. A CBS colleague was doing the same thing in the other room.

"Soon people were fainting all over the place. My colleague and I were running around with smelling salts, counting the number of people who fainted. We were in competition, telling each other the people were fainting because of the quality of the pictures they were seeing.

"When the telecast was over," Dr. Goldmark laughted, "I said 'I've won, more of my people fainted. I had the best picture.'"

In 1956, when Claribel's parts became too difficult to replace, she was retired in favor of RCA cameras. But she had made her mark.

And on June 1, having realized that the medium and techniques which were new and pioneering have become established and widespread, Smith Kline and French discontinued its medical color television program a few days shy of the 20th anniversary of its Atlantic City debut.

And the star of that debut, a camera named Claribel, now awaits curious tourists and doctors at the Smithsonian's Division of Electricity.

SOME ELIGIBILITY RULES NEEDED FOR MEDICAID

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. EVINS of Tennessee. Mr. Speaker, a recent impasse in Tennessee over administration of the medicaid program has been resolved in time for the program to go into effect as scheduled in Tennessee.

Difficulties developed because of differences in requirements by the State and Federal Governments and, like others who urged the Department of Health, Education, and Welfare to resolve the matter with State authorities, I am pleased that the medicaid program can proceed.

In this connection I am placing in the RECORD herewith an editorial from the Nashville Banner, because of the interest of my colleagues and the American people in this most important matter.

The editorial follows:

THE GOVERNOR IS RIGHT: SOME ELIGIBILITY RULES NEEDED FOR MEDICAID

Taxpayers of Tennessee will share Gov. Buford Ellington's expressed satisfaction that state and federal officials have resolved, in time to prevent an impending crisis, their differences over administration of the Medicaid program which became effective Wednesday for recipients of public welfare assistance. They especially will applaud the governor's criticism of the policy adopted by the U.S. Department of Health, Education and Welfare which threatened to delay indefinitely needed health services for the 185,000 persons now on the welfare rolls and 75,000 others who are expected to qualify for Medicaid benefits.

Governor Ellington attacked the HEW policy because it would, if enforced, prohibit Tennessee and other states from checking on the eligibility of recipients, either before or after they have been paid public funds. The same puzzling federal directive, which held up HEW approval of Tennessee's program until the 11th hour, bars the states—which are charged with the responsibility of administering Medicaid and other welfare services—from conducting investigations of any nature to determine whether applicants are entitled to receive benefits.

As a "compromise" solution to avoid another postponement in launching the $50-million-a-year plan, state officials reluctantly agreed to test the HEW system in two small experimental study projects over the next few months. But Governor Ellington and others in his administration were on solid ground in their insistence that tax dollars continue to be disbursed under responsible fiscal policies in welfare just as they are supposed to be for highways, education and other governmental services.

The Governor denounced, and properly so, the HEW rule as opening the door not only to the eventual removal of all regulation from public welfare but, even worse, as an invitation to the type of scandalous abuse which has rocked the Medicaid program already in several other states.

As the Chief Executive noted, Tennessee state law forbids, as it should, the expenditure or distribution of any public monies until a welfare applicant's eligibility has been verified. The state law was enacted for the valid purpose of protecting the public treasury from fraudulent claims, assuring that sufficient funds would be there for those who should receive this assistance.

Although HEW officials suggested that Tennessee remove that safeguard from its statutes, and accept at face value every welfare request from whatever source and under all circumstances, the governor emphasized he has no intention of asking the General Assembly to repeal the law.

The governor believes, and this newspaper agrees, that it is ridiculous to propose spending public tax dollars for any purpose without knowing whether the outlay is justified. Intensifying the concern over the problem is that the HEW regulation, if followed, would involve not only Medicaid funds but the nearly $100 million a year which goes to all welfare programs in Tennessee.

It is bureaucratic folly for Washington, which conducts no investigation of its own to confirm the need for its share of the skyrocketing welfare program, to direct from afar that States, too, must follow the same reckless method. Fortunately, Tennessee is not alone in insisting through its state law, and through its elected public officials, that eligibility be proven before the checks are written.

The Banner hopes that those responsible for the ill-advised federal regulation soon will realize it must be discarded. Those who drafted it, and are seeking to impose it throughout the land, should stop and consider just whose dollars they are spending.

RADICAL THINK TANK

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. FANNIN. Mr. President, many of us who have been on the supportive side of such issues as the ABM, dealing with the national security, have been perplexed and perhaps a little startled at the seeming depth and diversity of attacks on the so-called military-industrial complex.

Previously in speeches in the Senate, I have questioned the wisdom of such totally committed opposition. I believe we had a touch of the same operation last week in connection with the underground nuclear testing in Alaska. That apparently proved to be another cry of "Wolf, wolf." The significant point is that once we have agreed to stop nuclear testing in the atmosphere it is but a short time until almost any other reason is proposed for halting underground testing.

These attacks and criticisms may sometimes be needed. Indeed, it is the hallmark of our free society that critics are free to be unrestrained. But as has often been noted, freedom is necessarily restrained by the responsibilities incumbent upon those who wish to continue to exercise that freedom.

I ask unanimous consent that an article published in the October 6 issue of Barron's, concerning the Institute for Policy Studies and its related activities and personnel as they relate particularly to a policy of unilateral disarmament, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE INSTITUTE FOR POLICY STUDIES AIMS TO DISARM THE UNITED STATES

("By giving a tax exemption to an organization like the Institute for Policy Studies, our government is allowing tax exemption to support revolution." *Senator Strom Thurmond (R., S.C.), Congressional Record, December 4, 1967.*)

(By Shirley Scheibla)

WASHINGTON.—The vicious attack, in and outside of Congress, on the so-called military-industrial complex has enlisted the support of an ally as powerful in and around the nation's capital as it is unknown to the U.S. at large, an organization called the Institute for Policy Studies (IPS).

For example, IPS is represented on the staff of the Joint Economic Committee, which, under the leadership of Senator William W. Proxmire (D., Wis.), has spearheaded the assault on the Pentagon's proposed budget. An economists with the committee, Richard Kaufman, is in charge of his staff work; Mr. Kaufman also happens to be an associate fellow of IPS. IPS defines associate fellows as "part-time faculty who have led seminars, participated in social inventions, or have engaged in individual research projects supported by the Institute." It says associate fellows sometimes, but not always, receive honorariums for their work. Mr. Kaufman told Barron's he did not care to comment on whether he has received pay for his work for IPS.

Until 1967, when Mr. Kaufman went to work for the committee, it had left the military budget to the Armed Services and Appropriations Committees. Now the staff economist, undismayed by Senator Proxmire's recent failure to win major Senate cutbacks on military spending, including a halt to purchases of the C5A aircraft, says he is planning a five-year campaign against military spending.

OFF-THE-RECORD BRIEFINGS

Mr. Kaufman wears his two hats with careless ease. Earlier this year, in his official capacity, he invited 27 Congressional assistants to off-the-record briefings on military spending under the auspices—and at the expense—of the Institute. They lasted several hours each, included dinner, and were held once a week for several months at the Congressional Hotel.

The Institute has arranged similar conferences for other interested groups, including the National Conference on Military Priorities; IPS officials also have worked with the Council for a Livable World (which now ranks as the third-biggest spender among U.S. lobbyists), the members of Congress for Peace Through Law, and the New National Mobilization Committee to End the War in Vietnam.

What is the Institute, and why is it so concerned with the military-industrial complex? It characterizes itself as a "think tank"; calls most of its officials "fellows," and enjoys tax exemption as an educational institution. It is supported by tax-exempt contributions from foundations, universities, colleges and individuals. And, as will be seen, it is directed by leaders of the New Left, a movement which J. Edgar Hoover, in testimony before the House Subcommittee on Appropriations, recently called "clearly subversive . . . an ever-increasing danger to our national welfare and security."

Organized six years ago, the Institute has an annual budget which currently runs to $400,000 a year. Financing has come from the Ford Foundation, Edgar Stern Family Fund, Samuel Rubin Foundation, Irving Lauck, the Institute for International Order, Milbank Foundation, "The Fontaney Corp., through the generosity of James P. Warburg," Society for the Psychological Study of Social Issues, National Board of Missions of the Presbyterian Church, Field Foundation, Cudahy Fund, Edwin Janss Foundation, Jennifer Cafritz, Walter E. Meyer and Michel Gellert.

ACTIVE FELLOWS

Support for the Institute also comes from publishers, who, according to IPS Co-Director Marcus Raskin, have printed about two dozen books and several thousand articles by its personnel. Mr. Raskin explained to Barron's that IPS furnishes an office and a salary for the fellows who perform such work, and fees and royalties go directly to them. Moreover, IPS principals serve on a number of university faculties, including those at Harvard, Duke, the University of Maryland and the University of Chicago.

IPS had its genesis in the Peace Research Institute, which began operations in Washington on April 5, 1961, with an announcement that it would serve as a private agency to undertake and stimulate research in all fields relevant to peace, security, disarmament and international order. Shortly afterward it obtained a $20,000 contract for a study for the Arms Control and Disarmament Agency.

Signed by Arthur I. Waskow, now the senior fellow of IPS, the document called for an international police force to keep world peace and see that nations disarmed. The author also suggested that disputes in a disarmed world could "be settled by reference to the International Court of Justice, to various mediation services, to various organs of the United Nations, etc." A relative unknown at the time, he had come to IPS from his job as legislative assistant to Representative Robert Kastenmeier (D., Wis.); Mr. Waskow now has become a public figure because of his active role in demonstrations, including those at the Pentagon and the Democratic National Convention in Chicago.

JOINING FORCES

Late in 1963, the Peace Research Institute merged with the Institute for Policy Studies, which had just been founded by Marcus Raskin and Richard Barnet, who once served as deputy director of political research for the U.S. Arms Control and Disarmament Agency (Barron's, April 29, 1968). Mr. Waskow then went to work for IPS as its senior fellow.

In August of 1965, Mr. Waskow represented IPS at a meeting in Santa Barbara, Calif., at the Center for the Study of Democratic Institutions, which produced a "Call for a New Politics," a hope for a united Left in the U.S. A year later, a National Conference for a New Politics (NCNP) was held in Chicago.

Over the Labor Day weekend in 1967, Mr. Waskow attended the first NCNP convention in Chicago; subsequently he was identified on the floor of the U.S. House of Representatives as "one of the founders and leaders of the NCNP."

Mr. Raskin's Washington career began in 1960, when he served as clerk and free lance writer to several Congressmen, including Representatives Kastenmeier, Herman Toll (D., Pa.), James Roosevelt (D., Calif.) and William S. Moorhead (D., Pa.). Mr. Raskin soon co-authored a report with Mr. Waskow for Representative Kastenmeier. Copyrighted in 1961, it was titled "Deterrence and Reality," and, so far as can be determined, constituted the first advocacy of U.S. unilateral disarmament on Capitol Hill. Mr. Waskow subsequently expanded the report into a book, The Limits of Defense.

THE LIBERAL PAPERS

According to a press release by Representative Kastenmeier, Mr. Raskin also served as group secretary for the Liberal Papers, a collection of essays written by more than a dozen professors for a number of Democratic Congressmen, made public early in 1962. Among other things, the essays urged the U.S. to allow Russia to plug in to this country's warning defense system (DEW); recognize and admit to the United Nations Communist East Germany, Red China, North Korea and North Vietnam; unilaterally abandon nuclear tests; break up NATO; abandon Berlin and neutralize central Europe under terms proposed by Communist Poland.

With the advent of the New Frontier, Mr. Raskin was called to the White House to join the special staff of the National Security Council as an aide to McGeorge Bundy, who now heads the Ford Foundation. Mr. Raskin also served as a member of the American delegation to the 18-nation disarmament conference at Geneva.

Mr. Raskin subsequently became chairman of the Committee for the Formation of a New Party. On August 1, 1968, the Committee issued a statement by the chairman in which he said the New Party "will stand for the dismantling of an obsolete, dangerous military establishment that is over-extended and over-reaching. It will insist that there be an arms control and disarmament law in the U.S. applicable to citizen and police as well. . . . It will insist that revolution in other nations or insurgencies therein should not cause interventions and suppressions by the American military."

IN THE HEADLINES

Last January, the New Party announced it had elected Dick Gregory and James P. Dixon, president of Antioch College, as co-chairmen to succeed Mr. Raskin. Mr. Dixon is an IPS trustee, and Antioch is one of the colleges associated with the Institute. Nevertheless, Mr. Raskin remains in the headlines, primarily because of his indictment (and subsequent acquittal) on a charge of conspiring to advise draft evasion, along with Dr. Benjamin Spock and the Reverend William Sloan Coffin, Jr.

Since its inception, the Institute has fought military defense through "seminars," chiefly for members of Congress and their assistants. In 1967–68 (it operates on a school year), IPS held a series of conferences for Congressional assistants on "The Impact of the War on American Society." Besides Co-

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Director Barnet, one of the speakers was Michael Tigar, whose subject was "The War and the Draft."

Mr. Tigar is well known as a student leader of the 1964 disturbances at the University of California at Berkeley. He is a former member of the executive board of the National Capital Area Civil Liberties Union and served as attorney for members of the Students for a Democratic Society charged with seizing and occupying George Washington University's Sino-Soviet Institute in April. Last month he was jailed in Chicago on a charge of contempt of court in connection with his defense of "the Chicago eight," charged with conspiring to incite a riot during the 1968 Democratic National Convention. (The charge against Mr. Tigar has been dropped.)

STUDY ASSIGNMENTS

IPS' 1968–69 schedule for "seminars" describes the aforementioned Mr. Kaufman's assignment as "a work study project to analyze the war machine as a public-private corporate structure. Topics covered will include cost, benefits, public relations and distribution of profits." The project assignment for Mr. Kaufman in the IPS 1969–70 budget is "Defense Procurement."

Senator Proxmire told Barron's he had heard that Mr. Kaufman is associated with the Institute, but that he is not familiar with it. However, Proxmire's Committee has published two essays by Milton Kotler, who the Committee itself has identified as a "Resident Fellow, Institute for Policy Studies, Washington, D.C." Senator Proxmire said further that he considers what Mr. Kaufman does with his time after working hours is his own business.

IPS principals seem to be very busy men. Co-Director Barnet and Trustee Hans Morgenthau, professor of history, government and international relations at the University of Chicago, are advisers to the Council for a Livable World. IPS Fellows Waskow and Leonard Rodberg, former bureau chief with the Arms Control and Disarmament Agency, have done work for it.

A Senate report has described the Council's goals as unilateral disarmament and "turning this country into a fourth-rate power at the mercy of the international wolfpack." The Council is the third highest spender of the lobbying organizations which filed reports for 1968. With outlays of $154,022 (up from $77,470 for 1967), it topped even such famous lobbying groups as the American Legion and the American Medical Association, and was outranked only by the United Federation of Postal Clerks (AFL–CIO) and the AFL–CIO.

LEADING PEACENIK

According to the same Senate document, the Council takes credit for assuring the original election victory of one of the Senate's leading peaceniks, George McGovern (D., S.D.), by having its membership put $22,000 into his campaign, enough to win a close contest in a sparsely populated state.

Senator McGovern, in turn, is vice-chairman of a group called Members of Congress for Peace Through Law. Its chairman is Representative Bradford Morse (R., Mass.), and its members include Representatives Rosenthal and Kastenmeier (Mr. Waskow's former employer), all three of whom have attended "seminars" at IPS headquarters.

Last July that group issued a report, labeled "personal and confidential," which said that the recommendations of the Joint Economic Committee can serve as guidelines for positive reform in military procurement. Among other things, the report called for moratoria on the construction of aircraft carriers, F–14A planes, advanced manned bombers and chemical and biological warfare centers. It also urged drastic curtailment in Sentinel-Safeguard deployment and the ABM research and development program.

RHODESIA: BOOMING DESPITE SANCTIONS

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. UTT. Mr. Speaker, under unanimous consent to extend my remarks in the RECORD, I wish to include two columns by Mr. Ray Vicker, appearing in the Wall Street Journal recently.

Mr. Vicker spent considerable time in Rhodesia, and emerged with the same belief as the Honorable Dean Acheson, former Secretary of State, tagging the United Nations interference in Rhodesia's internal affairs an "act of barefaced aggression, unprovoked, and unjustified by a single legal or moral principle."

I must again refer to the arbitrary, capricious, and stupid position of our State Department in permitting this aggression to continue. I am more than disappointed that, after many requests, I cannot even get a hearing on my resolution to abandon these foolish sanctions and renew trade with a good and friendly country.

The materials follow:

RHODESIA: BOOMING DESPITE SANCTIONS

(By Ray Vicker)

SALISBURY, RHODESIA.—What happens when the United Nations leads a world-wide economic boycott of a little country with only 4.8 million people?

If the country is Rhodesia, it has the biggest boom in its history, with a net inflow of new settlers, an economic revolution that launches dozens of new industries, sets off a boisterous stock market advance, and strengthens wills all around. That's the picture that emerges after talks with dozens of government figures, businessmen, bankers, farmers and ordinary citizens in this ruggedly individualistic land.

Prime Minister Ian Smith, in an interview, underscores the picture of a country on the go. After estimating that the country's gross domestic product will rise 10% this year over last he adds, "This is happening despite the fact that we sometimes must discount prices of our products to sell them on world markets, while paying premium prices for the goods we buy."

That 10% figure comes after deducting a 2½% inflationary factor from an estimated upsurge of nearly 13% this year. Moreover, the estimate is backed by solid figures of exports, interviews with numerous company officials here and first-hand observation.

All this expansion makes for a growth rate matched by few countries on earth, none in black Africa. It's enough to give Rhodesia a GNP of $1.2 billion this year, well above the $986 million level of 1965, the year of Rhodesia's unilateral declaration of independence, or UDI as it is known here.

The Rhodesian leader sits in his parliament building office beneath a drawing of Cecil Rhodes, pioneer empire-builder of Africa. He also voices a racial theme akin to that of Rhodes: "Equal opportunity for all civilized men." He emphasizes that Negroes are getting and will continue to get the vote as they measure up to earnings and educational standards. And he hopes the vote will be expressed in a multiracial society. "Apartheid along South African lines is a practical impossibility here," he says.

In jaunty mood he also outlines developments in this California-sized country. The economic sanctions are being circumvented. African nationalist guerrillas pose no problem, though evidence indicates they are getting strong Communist backing. A new constitution is being prepared that will allow further gradual expansion of the African vote. The country is to become a republic when that constitution is introduced "probably next March, April or May," depending on the mechanics of implementation. Several nations are expected to recognize Rhodesia then, and the sanctions will probably fade away. Indeed many of them seem to have faded already.

LONDON AGAINST SALISBURY

The UN sanctions were initiated at British instigation after UDI. Britain refused to certify the independence of its colony, contending that more political rights must be accorded the nation's 4.5 million blacks by its 228,000 whites. Prime Minister Smith led Rhodesians in insisting that the pace of Negro political development would be set here, not in London.

The sanctions program, which began with all the elements of a spy novel, may be degenerating into gumshoe comedy. Initially, British secret agents poured into Beira and Lourenco Marques, key Mozambique ports through which Rhodesian goods had moved. Agents snooped into cargo manifests, investigated ship loadings, warned the UN about suspicious ships with Rhodesian cargoes. The British foreign office applied pressure on governments suspected of allowing their citizens to trade with Rhodesia.

But Rhodesians are evading the boycott. In Addis Ababa, Diallo Telli, secretary-general of the Organization of African Unity, complains that "the UN sanctions policy against Rhoedsia is an utter failure." Instead of looking like a besieged city, Salisbury is prosperous. It is an antiseptic city of broad walks, green parks and high-rise buildings. Its outer circle contains an array of ranch-type homes set on spacious lawns, most with swimming pools.

The O. K. Bazaar, like other of the city's department stores, teems with shoppers. Appliance stores display Grundig and Zenith radios, Sony and Akai tape recorders and various other electronic gadgets from major nations of the world. New French-made Citroen and Peugeot automobiles vie with German made BMW cars. There are so many automobiles on streets that parking is a problem. A gasoline station attendant scoffs at suggestions of fuel rationing. "Bring a tank and I'll give you 100 gallons if you can pay for it," he says. Meikles Hotel, one of the best in town, offers French wines on its ample menu in the chic La Fontaine Room. American films such as "The Prime of Miss Jean Brodie" and "MacKenna's Gold" are featured at theaters.

Jan Brinker, a long-legged and elegant blonde from San Francisco, packs them in nightly at "La Boheme" nightclub where she is the singing attraction. Also on the program is Nadjia, "The Nymph of the Nile," a stripper. Her special 5:30 p.m. show catches numerous tired businessmen on their way home. None seems to be thinking about sanctions when Nadjia reaches the climax of her act.

D&M Williams travel agency is advertising 34-day Caribbean cruises at fares of from $1,236 to $1,736. Yerman quality footwear is plugging a new shipment of ladies' shoes from Italy, while the Salisbury Jaycees are holding stock exchange investment courses aimed at explaining market operations to potential investors.

The Salisbury stock exchange reflects the boom. Early this month the industrial shares index kept by L. Waugh & Co., a Salisbury stock brokerage, stood at 356.9 (January 1963 equals 100). In October, 1965, just before UDI, it was 171.3. Moreover, the current level is down from the peak attained May 9, 1969 of 434.2.

Rhodesia's diversified economy is a big reason for the country's success in surmounting sanctions. "If we had a single-crop economy, things might have been awkward," says Prime Minister Smith. "But we make hundreds of different things and it is difficult to enforce sanctions in such a situation."

Rhodesian tobacco production, 132 million pounds annually, now is just about in balance with the country's ability to sell the crop. Of course that total is only half the 260 million pounds produced in the UDI year of 1965. Farmers have shifted to production of cotton, corn, wheat and other crops, which helps conserve foreign exchange.

In manufacturing, too, Rhodesia is becoming self-sufficient in scores of fields, becoming an exporter in others. "We've gone into the manufacture of simple farm tools such as disc plows, harrows, graders and peanut shellers," says John D. Cameron, managing director Bain & Co., Rhodesia Pty Ltd., Salisbury. This farm implement dealership has a volume of around $2.5 million annually and has the International Harvester agency in Rhodesia. Proudly Mr. Cameron says: "We can produce and sell the items we're now making 10% cheaper than the imports."

Rhodesians now are even manufacturing Dumbartin brand "Scotch" whisky, using sugar alcohol as a base. "The first two drinks are bloody awful. Then it goes down all right for your throat is numb," says one booster of this local Scotch. Rhodesian manufacturing ingenuity is found in scores of other areas from quality textiles to electronics equipment.

Tourism has rallied, too, after falling immediately after UDI. A record 266,421 visitors entered Rhodesia last year, and the total so far this year is 6% higher. The Victoria Falls Hotel had a full house on a recent weekend. The nearby casino does a brisk business at tables. On Lake Kariba a yachting regatta attracts a crowd, while the Zimbabwe ruins draws busloads of tourists. Earnings from tourism will amount to more than $20 million this year.

Mine production is booming. Union Carbide Corp. operates the world's largest chrome mine, under government aegis. This and another big mine account for about 5,800 tons of ferro-chrome alloys annually. Nickel production is being expanded sharply by the Anglo-American group of South Africa and the RTZ group of Britain. Estimates are that both groups together will be producing at a rate of 28 million pounds of nickel annually next year. This would be equivalent to $84 million at today's prices says one mining source—a substantial addition to Rhodesia's foreign exchange earnings.

Rhodesia is a gold producer too, and this is a valuable product, with the free market offering more than $40 an ounce. Like many other things, the rate of output is secret. Evidence indicates, however, that about 455,000 ounces will be produced this year, about $15.8 million at $35 an ounce, or about $18.2 million at $40 an ounce. The latter price is the likelier for Rhodesian sales.

ALMOST A FIASCO

The sanctions are also failing because few nations support them vigorously. South Africa and Portugal rejected the sanctions outright. Both nations have solid reasons: If sanctions worked against Rhodesia, the UN might well apply them next to these two nations, under pressure from black Africa. So many Rhodesian products can be exported or imported through South Africa or Mozambique that the sanctions have become almost a fiasco. Rhodesian citrus fruits reach markets under a South Africa label.

Many other countries are winking at the sanctions. Officially, black-ruled Zambia is waging an economic war with white-ruled Rhodesia. Nevertheless, a Zambian National Tourist Bureau bus carries travelers from Livingstone airport in Zambia to the Victoria Falls Hotel in Rhodesia. The bus crosses the Zambezi on the joint road-rail bridge just below the mighty falls discovered by David Livingstone. A Rhodesian Railways freight train trundles northward on the single track, toting about two dozen carloads of South African products plus a half dozen cars of Rhodesian coal for Zambia.

Like Rhodesia, Malawi and Zambia export tobacco. So Rhodesian bills of lading can sometimes be doctored to make it appear as if the tobacco originated in neighboring countries. Rhodesia is paying its farmers about 29 cents a pound for top grade tobacco, though comparable tobaccos sell at 55 to 58 cents a pound on world markets. This gives the government plenty of leeway for discounting. Discounts attract buyers from Continental Europe or elsewhere.

Britain, of course, is supposed to be leading the sanctions drive, and British Overseas Airways Corp. is a government-owned company. Still, the Rhodesian Herald here contains a quarter-page BOAC ad offering to fly Rhodesians to Paris, London, Rome and elsewhere.

BOAC planes no longer land here, but South African Airways does, and BOAC has a cooperative arrangement. After passengers have been whisked away from Salisbury on SAA, they can switch to BOAC at the closest transfer point. To expedite this business, BOAC still maintains an office in Salisbury.

U.S. SUPPORT OF BOYCOTT

The U.S. enthusiastically cooperates in the boycott. "America is one of the worst in trying to make sanctions hurt us," says Prime Minister Smith. The U.S. is even forcing American chrome buyers to deal with Communist Russia at prices 50% higher than Rhodesian chrome.

Still, says the prime minister, "Sanctions have drawn our people closer together. Overnight we have developed into a young nation." He cites that fact that 72% of the voting population voted for the new constitution, while 81% favored creation of a republic. That voting population is primarily white, it is true. Mr. Smith points out, though, that nearly a quarter of the members of parliament are black, a fact often overlooked in discussions of white domination here.

Foot on desk, he leans back in his swivel chair to add: "As far as sanctions are concerned, we expect that they will gradually erode away." He shakes his head as he adds, "Unfortunately, it is the African who is suffering most because of sanctions. We employ the same number of Africans now as at UDI. But the African population is increasing and we should be increasing the total number employed. Sanctions keep us from doing that."

Then he expresses puzzlement about the American position in Africa. "Why is America persecuting us?" he asks. "The United States is one of the most active countries in enforcing sanctions against us. Yet we are holding the line here against Communist encroachment in Africa through Zambia and Tanzania."

Shaking his head again, he says, "We've fought alongside Americans in World War II. Now we've found the same weapons on Communist armed guerrillas here as are killing American boys in Vietnam. We aren't asking for a single dollar or a single American life or a single gun to help us. All we ask is that you leave us alone."

IN AFRICA, A SHIFT IN POLITICAL WINDS

(By Ray Vicker)

VICTORIA FALLS, RHODESIA.—In London, representatives on an African guerrilla organization had contended that this part of the Zambezi River Valley formed Africa's newest battleground between blacks and whites in Southern Africa. Now, as the rented Datsun follows the curves of the river road, nothing stirs.

On the far Zambia side of the island-studded Zambezi, a cluster of Tonga huts squats on the bank, inhabitants either elsewhere or enjoying a siesta. A crocodile suns itself on a glittering, white sand bar, while somewhere an unseen hippo snorts like an annoyed pig. Softball sized elephant droppings stud the winding road. The elusive elephants are nowhere in sight. Neither are any African Guerrillas.

In fact, a 50 mile drive from Victoria Falls to Kazungula fails to produce anymore action than a few Rhodesian fishermen and picknickers along the river. And at Kazungula, where South Africa's Caprivi Strip, Zambia, Rhodesia and Botswana rub shoulders uneasily, a South African border guard contemptuously says: "African guerrillas? They're all up in Dar-Es-Salaam driving their Mercedes sedans, occupying their seaside villas, and printing statements about imaginary battles along the Zambezi."

Indeed, along the Zambezi and elsewhere in Africa's "guerrilla country" it soon is evident that African nationalism is making little progress against entrenched white Africa. Moreover, the political winds of change may no longer favor the nationalists..

After March, 1957, when Ghana won its independence, it had seemed as if the forces of change were irresistible. One colonial regime after another was swept away, to be followed by independent African rule. An atmosphere of romance and radicalism hung over African nationalist leaders. They attracted liberal support from around the globe.

It became popular to predict that the wind of change would blow white Africans from control pedestals everywhere, leaving Rousseauesque black African states behind. It was also popular to claim that "South Africa is living on a volcano," about to explode, that "Portugal is too poor to hold African territories for long," and more recently that "Rhodesia can't maintain independence" in the face of United Nations sanctions.

MYTH AND FACT

Today, there are 42 independent nations on the African continent, including Rhodesia. And those statements about the white-controlled nations sound more and more like the wild claims of African nationalists regarding mythical guerrilla victories in Southern Africa.

Only a handful of Africa's peoples have won independence since Rhodesia declared its Unilateral Declaration of Independence in November, 1965. Botswana and Lesotho, two geographical appendages of South Africa, obtained independence from British rule in 1966. Swaziland, another such state, followed in 1968, along with Equatorial Guinea and Mauritius. (The Mauritius might more rightly be classified as an Indian Ocean state. But it is looking to Africa for economic ties.)

Meanwhile, South Africa, Rhodesia and the Portuguese territories of Portuguese Guinea, Mozambique and Angola remain under white rule. And only the most fervent optimist believes the situation will change at any time in the foreseeable future.

"African nationalism has reached the Zambezi river. It will come no further," says Balthazar Johannes (John) Vorster, South Africa's Prime Minister.

Charles E. Bedaux, an American management consultant with offices in Johannesburg, says: "When companies interested in locating here ask me how long this country can go on before the racial explosion occurs, I tell them: 'Whites will be in control here for at least another fifty years. What happens after that doesn't matter, now.'"

That's only an opinion, of course. Nevertheless, it now is evident here that African nationalists have woefully misjudged two factors on this continent: The strength of Southern white Africa; and the strength of tribalism in all Africa.

African nationalism never was a widespread yearning for liberty from black Afri-

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ca's 230 million people. Rather it was the creation of Africa's thin stratum of Western educated intellectuals, a group never more than a tiny fraction of the total population.

Admittedly, in the right climate, this nationalism can stimulate a following. Britain, Belgium and France, and to a lesser extent Spain, provided such climate in the post World War II period. They decided to decolonize, come what may, making it relatively easy for the nationalist intellectuals to lead their nations to independence. But these bloodless separations created a false picture of nationalist strength. Only two nations of black Africa—Kenya and Madagascar—actually fought for independence. Other murderous upheavals in black Africa came after independence was achieved, whether in the Congo, in Burundi, Rwanda, the Sudan, Zanzibar (now part of Tranzania) or Nigeria.

Only in white Southern Africa did the nationalists meet real resistance.

There, they turned to violence. Russian and Red Chinese training and weapons have helped to forge guerrilla armies which seek to wage war against Angola, Portuguese Guinea, Mozambique, Rhodesia and South Africa.

But after eight years of trying, Angola still is as Portuguese as it was in 1961. Only a small part of Northern Mozambique is affected by the five-year-old war there.

Guinea, a hot, swampy country of throbbing drums and drenching rain is wedged between two African nationalist nations which provide support for guerrillas. But even with that help, guerrillas are stalemated after seven years of war.

South Africa is virtually unaffected. Rhodesia proves far stronger than nationalists figured. In Salisbury, one Rhodesian government official grimly relates the story of a guerrilla attack in force across the Zambezi about 18 months ago: "Our forces cut them to pieces," says this official.

Then he explains that about a year ago, another buildup of guerrillas was noted on the Zambian side. Rhodesian helicopters hovered over the river while loud speakers carried taped messages which said in effect: "Come on across the river. We're waiting for you." Guerrillas faded into the bush, and haven't been seen here since.

Today it is doubtful that any of the various guerrilla groups in the field can mount more than a few hundred men at any one time. Moreover, units suffer from the fact that "everybody wants to be chief," as one Rhodesian phrases it. So groups splinter, then splinter some more as victory seems further and further away.

Meanwhile, tribal splits have become evident all through Africa. The splits suggest that there is no black-white confrontation in Africa, simply because there is no black front in Africa. An African in South Africa regards himself as a Zulu, or Xhosa or Basuto, or something else, not as a member of a black race where everybody shares common grievances. In Rhodesia the African sees himself as a Matebele or Mashona. In Zambia there are the Bemba, the Lozi, the Tonga and scores of other tribes.

There is no more political unity among most of these tribes than there is between white Swedes, Italians, Poles and Englishmen. There also is a good deal less cultural unity.

Tribal conflict is most evident in the current attempt of the Ibo tribe to carve the new nation of Biafra from Nigeria. It has been a factor in black versus black wars which have cost the lives of 3.5 million Africans since nationalism became a factor in African politics, according to one North Atlantic Treaty Organization source.

ALIEN TRIBES

Often a guerrilla group can wield a sizeable force from one tribe as is the case with Frelimo, the nationalist movement in Mozambique. It has sizeable support in the Makonde tribe which straddles the Tanzania-Mozambique border. But when the Makonde guerrillas move into another tribal area, they are viewed as the alien enemy. Local Africans betray them to the Portuguese.

This is true in many other places in Africa, too. Rhodesia, for instance, has only two main tribes, the Mashona and the Matabele. "They get along now because whites still are in control," says C. G. Tracey, a Salisbury businessman who was born and raised in Rhodesia. "If we weren't in control, these two tribes would be at each others' throats, as they were when the first settlers came to this country."

This is not a pleasant picture, of course, for the African nationalists. But too often they have substituted wishful thinking for ingenuity in facing problems. For example, they like to aver that history and sheer numbers alone will decide issues in this part of the world.

"This ignores the fact that 40,000 Romans were able to keep a million and a half Britons in subjection for 400 years," says another Rhodesian businessman. And that was before modern technology added a new dimension to the power of industrialized peoples.

Rhodesia, Portugal and South Africa have jet air forces. Portugal has some of the best weaponry NATO can provide, as African nationalists like to emphasize from time to time. South Africa is advanced enough to build its own missiles, and perhaps atomic bombs, too, were they considered necessary. Rhodesia and South Africa have developed economies which produce everything from complex electronic equipment to automobiles. And all three countries have manpower capable of handling the intricate gadgets and weaponry which provide heavy firepower to a comparative few.

If numbers alone decided political fates, little Israel and its two million people would have been beaten long ago by the 100 million Arabs from Morocco to the Persian Gulf. Those 50 to one odds, of course, are longer than the 20 to one odds faced here by 228,000 Rhodesians if all the blacks in the country had one united opposition voice, which they do not.

This is one reason why a visitor can drive along the Zambezi river by himself without much chance of encountering any African guerrillas. That situation could always change if pressure from southern Africa continues and starts to accelerate. But there's nothing right now which indicates that, even with massive Communist help, much progress is being made.

MAGAZINE REVIEWS PROSPECTS FOR HYPERSONIC FLIGHT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. RANDOLPH. Mr. President, the jet age of commercial air travel has been with us for just over a decade. The world is accepting the speed with which people can go from one place to another through jet travel.

We are now debating another giant step in the transportation technology, the supersonic transport, which will further shrink the world by making still further reductions in travel times.

Even before the supersonic transport is in service, however, we should be aware that people are at work on even more revolutionary forms of travel. Engineers and scientists already are making plans for the hypersonic transport, an aircraft that would fly at speeds of 7,500 miles an hour, compared with about 1,800 miles an hour for the proposed American supersonic.

This is, of course, long-range planning, but it is a very definite prospect for reality before the end of this century.

The September issue of Government Executive contains a comprehensive report on the possibilities of hypersonic flight by the magazine's senior editor, Leon Schloss.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered printed in the RECORD, as follows:

BEYOND THE SUPERSONIC TRANSPORTS ROME TO NEW YORK IN MINUS 4 HOURS

(By Leon Shloss)

While the U.S. Supersonic transport project sputters along, a pioneer of supersonic flight states unequivocably that the technology and the materials needed to begin development of a Mach 12 (12 times the speed of sound) hypersonic airliner are in hand.

John Stack, who won the coveted Collier Trophy in 1948 for pioneering supersonic flight in manned aircraft, told *Government Executive* in an exclusive interview:

"The economic justification of the supersonic transport (SST) was proved out 15 years ago. The economics of hypersonic transport (HST) are just as sure a thing today. If we press on with the SST it can become operational in 1975. If we start on the HST it can become operational in 1990."

Stack scoffs at the detractors of high-speed flight who say, in effect: Who needs it?

"Some years ago," Stack recalled, "many great contributors to the aeronautics art said we would never have a commercial jet because it would cost too much. What they failed to foresee is how the jet transport, by the very reason of its speed, could so change the environment in which we live as to make it not only profitable but essential to man's progress.

"For instance," he continued, "consider man's effort to aid the underdeveloped countries of the world. There are men of talent who could accomplish this, but they are in such short supply that their services are spread very thin. If we could cut the travel time of these men by 90 percent—and the hypersonic transport could do this—the amount of time they could stay and work in an underdeveloped country would be radically increased.

BENEFITS OF HST

"Here's another potential benefit of hypersonic flight," Stack said. "Every day billions of dollars in bank paper travels around the world. Consider the savings in interest if the transactions could be completed in one day.

"Again, consider the savings, if, for instance, a defense production troubleshooter—or for that matter any troubleshooter—could get from Washington to the West Coast, do his job and get back within a day and a half, instead of three or four days."

In the hypersonic transport design, which Stack and his small band of colleagues have completed, New York to Rome would take less than an hour.

"Rome to New York, traveling through the time zones, would get you to your destination four hours before you left Italy," he pointed out.

Stack, now engineering vice president for the Fairchild Hiller Corp., began his hypersonic studies while he was still with the National Advisory Committee for Aeronautics (NACA), which became the National Aeronautics and Space Administration (NASA), which he left to become engineering VP for Republic Aviation Corp., which later became the Republic Division of Fairchild Hiller, Republic, a company rich in scientific talent,

had for some time been working on hypersonic flight. This talent was married to Stack's and the work continued.

Another outstanding proponent of hypersonic flight was four-star Air Force Gen. Bernard Schriever. Schriever, who retired from USAF some two years ago, pushed the project when he headed the Air Force Systems Command, He espoused the cause at Air Force Logistics Command headquarters at Wright-Patterson AFB in Dayton, Ohio.

The combined efforts of the proponents kept interest alive in hypersonic flight at NASA, but apparently it was not a consuming interest because the project tailed off with the final flights of the supersonic F-15 research aircraft, which was to have been followed by a hypersonic flight test vehicle.

Now Stack, in concert with B. H. Goethert, director of the University of Tennessee Space Institute at Tullahoma, Tenn., has recently held a symposium there to renew interest in hypersonic flight.

"To renew interest," says Stack, "and see what we can do about it." Fairchild Hiller sponsored the symposium.

USE OWN TIME AND MONEY

Also located at Tullahoma is the Air Force's Arnold Engineering Development Center. It was there that Stack attended a meeting of the engineering vice presidents of companies which maintain offices at the Center. All expressed interest in hypersonic flight and said, in effect: Give us some funds and we'll get on with it.

It is reported that Stack, who didn't win his laurels by reason of outstanding restraint, told the VPs they were not getting the message, that their companies should invest some of their own time and money to build a case for HST before they could go to Government for funding.

Fairchild Hiller has completed a feasibility study of passenger flight at a speed of Mach 12. Two aircraft have been profiled. One would accommodate 100 passengers, the other 328 passengers. Both would cruise at an altitude of 140,000 feet. The most economical, of course, would be the 328-passenger version. This version would be 246 feet long with gross weight of 615,000 pounds. On a short (5,000 nautical miles) trip, the cost of operations would be 2.5 cents per seat mile. At full range (10,000 nautical miles), the seat mile cost would be lower. Flying time for the 10,000 miles—New York to New Delhi, for example—would be one hour and 35 minutes.

In the 100-passenger version, seat mile cost for 5,000 miles would be 5.5 cents, for 10,000 miles four cents per seat mile.

All costs are based on the cost of liquid hydrogen, the fuel to be used. At the time the study was being made, liquid hydrogen was selling for 25 cents a pound. It is now down to 17 cents a pound, so the cost figures would be comparably lower.

At 7,500 miles, the operating cost rates of the SST and the HST would cross, with HST cost (328-passenger version) dipping below that of the SST.

"Make no mistake," said Stack, "you will pay a premium for hypersonic speed, as you will for supersonic speed. The forthcoming jumbo jets will cost a lot less to operate but their top speed will only be Mach 0.9. But in many cases the traveler will not really be paying a premium fare because speed is and has been for four decades the dominant factor in growth and preferences in world air transportation."

SONIC BOOM PROBLEM

The sonic boom problem facing the SST also faces the HST. To help overcome it, the HST will climb out after takeoff at an extremely steep angle. During this 2,000-mile climb-out, 70 percent of total fuel will be consumed, leaving enough for 6,000 miles of cruise. Descent, also at a sharp angle, will cover the remaining 2,000 miles of the total 10,000-mile range.

The Mach 12 top speed was selected for the study because that appears to be the limit for integrity of presently available materials, on which, Stack points out, there is still some development work to be done.

Acceleration to sonic speed will be accomplished by turbojet power at which point a scramjet (supersonic combustion ramjet) will take over. The scramjet is one key to the operation, because it gets its oxygen for combustion from the ambient air whereas a rocket engine would have to carry its oxidant with it (six parts oxidant to one part fuel). Thus a scramjet-powered vehicle can haul five to six times the payload of a rocket-propelled ship.

"For example," Stack explained, "the 1,200,000-pound *Saturn* 1-B rocket can put a 30,000-pound payload into a 300-mile earth orbit, while a scramjet-powered vehicle of the same gross weight can put a 120,000-pound payload into the same orbit.

"The name of the game," he continued, "is to obtain the highest specific impulse. (Specific impulse is measured in pounds of thrust per pounds of fuel per second.) The turbojet will deliver specific impulse of 4,000 up to Mach 4. Then it falls off. The scramjet, needing no compressor, improves the reading up to Mach 6 or 7. Then it falls off, but even at Mach 20 to 25 it delivers 1,000 in specific impulse reading, and that is far more than rockets can deliver."

A major problem has been that of slowing down the rush of air through the scramjet enough to allow it to be heated sufficiently to provide satisfactory thrust. Stack feels this has been solved by a retractable feature in the engine design which slows the onrushing air to Mach 5.5 in the combustion section while the overall aircraft continues to fly at Mach 12. Otherwise, the engine would have to be so enlarged in size as to make the project unmanageable.

"EASY STEP" METHOD

Stack disagrees with the "easy step" school of thinking which would develop first a Mach 6 vehicle. He says:

"You would have the powerplant problems at Mach 6 that you have at Mach 12 plus the fact that the faster you go the more miles per pound of fuel you get.

"From the materials standpoint you would have the same problems at Mach 7 that you have at Mach 12, again plus the fact that the higher the Mach number the greater your altitude becomes, resulting in less heat absorption and more heat radiation, simply because the greater the altitude the thinner the air."

As a substantial plus for hypersonic aircraft flight, Stack offers this premise: Take the aircraft slightly above 140,000 feet at a speed a little bit over Mach 25. By use of a small auxiliary rocket power source, the vehicle is injected into earth orbit. From earth orbit, a payload could be launched into space and the launching aircraft brought back to earth. In this way the launching aircraft could be used to put payloads into space two or three times a week. With rockets, payloads only one-fifth as large can be sent spaceward, and the rocket is not reusable.

FIRST BLACK MARINE TO WIN MEDAL OF HONOR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ANDERSON of California. Mr. Speaker, recently I participated in a ceremony honoring Pfc. James Anderson, Jr., of Los Angeles, Calif. Private Anderson was awarded the Medal of Honor, posthumously, in conjunction with his actions in Vietnam for conspicuous gallantry, extraordinary valor, and inspirational self-sacrifice. He was the first black American in the history of the U.S. Marine Corps to win the Nation's highest decoration.

On February 18, 1967, Company F was advancing in dense jungle northwest of Cam Lo in an effort to extract a heavily beseiged reconnaissance patrol. Private First Class Anderson's platoon was the lead element and had advanced only about 200 meters when they were brought under extremely intense enemy small arms and automatic weapons fire. The platoon reacted swiftly, getting on line as best they could in the thick terrain, and began returning fire. Private First Class Anderson found himself tightly bunched together with the other members of the platoon only 20 meters from the enemy positions. As the fire fight continued, several of the man were wounded by the deadly enemy assault. Suddenly, an enemy grenade landed in the midst of the marines and rolled alongside Private First Class Anderson's head. Unhesitatingly, and with complete disregard for his own personal safety, he reached out, grasped the grenade, pulled it to his chest, and curled around it as it went off. Although several marines received shrapnel from the grenade, his body absorbed the major force of the explosion. In this singularly heroic act, Private First Class Anderson saved his comrades from serious injury and possible death.

Private Anderson valorously gave his life for his country; and in recognition of that fact, I participated in the dedication of a street in Compton, Calif.—Anderson Avenue—named in his memory. That street remains as a reminder of Private Anderson's exemplary conduct above and beyond the call of duty.

WHAT WAS THE ARMY REALLY HIDING IN FOUR "TOP SECRET" DOCUMENTS?

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. GUBSER. Mr. Speaker, Mr. Julius Epstein, research associate at the Hoover Institution on War, Revolution, and Peace at Stanford University, has been an indefatigable investigator of the forcible repatriation of over a million Russians after World War II. His fight to force the Secretary of the Army, Stanley Resor, to release classified documents recently resulted in release of a top-secret dossier entitled "Operation Keelhaul."

This is such a fascinating story that I thought the Members of Congress would be interested in reading the article released by the North American Newspaper Alliance:

WHAT WAS THE ARMY REALLY HIDING IN 4 "TOP SECRET" DOCUMENTS?

STANFORD, CALIF., September 12 (NANA).—After a battle of more than fifteen years, including a lawsuit against the Secretary of the Army, Stanley Resor, now pending in the Ninth Circuit Court of San Francisco,

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the Secretary has just unclassified and released to me four documents from the top secret dossier "Operation Keelhaul."

"Operation Keelhaul" is the Army's code name for the collection of documents concerning the forcible repatriation of between one and two million anti-Communists to Stalin during and after World War II.

Top secret classification of military records is regulated by President Eisenhower's executive order 10501. It reads as follows:

"The use of the classification top secret shall be authorized by appropriate authority, only for defense information or material which requires the highest degree of protection. The top secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which would result in exceptionally grave damage to the nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its Allies, a war, or the compromise of military defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

Now, let us consider the four released documents in the light of executive order 10501.

SIMPLE REQUEST

The first "Operation Keelhaul" document, released to me on August 22, 1969, originated on August 3, 1946, exactly twenty-three years ago. It was then classified top secret and this classification has been maintained on the basis of executive order 10501. It is a request for more Russian speaking interpreters. Its main paragraph reads:

"Alcom is unable to furnish interpreters at separation points or any person who will be able to identify individuals wanted. Imperative that individuals qualified to perform the above-mentioned duties be furnished that headquarters in order that mission may be accomplished."

The mission to "be accomplished" was, of course, the forcible repatriation of the anti-Stalinist and anti-Communist prisoners of war to the Soviets where the leaders were hanged and the rest went to siberian slave labor camps.

Why this simple request for more Russian-speaking interpreters was considered for 23 years as so explosive its disclosure "could result in exceptionally grave damage to the nation as leading to a definite break in diplomatic relations affecting the defense of the United States," will always remain a mystery.

The final release of this 23-year-old document, a part of the "Operation Keelhaul" file, documents beyond the shadow of any doubt the over-classification scandal in the Pentagon, as few de-classified documents have ever done before.

BATTLE STARTED IN 1954

I started asking the Pentagon about "Operation Keelhaul" early in 1954. As my correspondence with the Pentagon throughout those shows, "Operation Keelhaul" was "reviewed" many times. These "reviews" included, of course the document just quoted. The answer from the Pentagon was always the same: classification must be maintained in the interest of foreign policy and national security.

Why was it proper to release this particular document on August 22, 1969, but not in any of the many preceding years? Would a "definite break in the diplomatic relations" have occurred if this document had been released before August 22, 1969?

Of more importance to the historian is the second "Operation Keelhaul" document released to me by the Secretary of the Army through the offices of the Adjutant General, General Kenneth G. Wickham. It shows the date of December 4, 1946, as was "only" classified as "secret." Its first paragraph reads:

"Subject is repatriation of Soviet citizens who are subject to forcible repatriation under the Yalta Agreement."

UNANSWERED QUESTIONS

The document raises several questions: To which Yalta Agreement does the document refer? The only Yalta Agreement on Repatriation, known to the public, is the agreement, signed on February 11, 1945, which was itself top secret until March 8, 1946, does not refer with a single word to the use of force. Therefore, forced repatriation cannot be based upon the Yalta Agreement as published by the U.S. Government, much less can it be justified by reference to this agreement.

Was there a supplementary and still secret Yalta Agreement on repatriation which provided for the use of force? Or, was the Yalta Agreement of February 11, 1945, just arbitrarily interpreted by the Joint Chiefs of Staff as in favor of using force?

On the basis of my own research, I tend to believe that was the case. However, unless the remaining documents of "Operation Keelhaul," probably several hundred of them, are finally released, we cannot be sure there was not a secret agreement, possibly only an oral one which "allowed" forcible repatriation in violation of international law and in violation of many public statements by Truman, Eisenhower, General Marshall, Dean Acheson, etc., all emphatically rejecting the faintest idea of forcing anti-Communist prisoners of war and displaced persons back to Stalin's gallows and slave labor camps.

The third document released to me, dated December 31, 1946, deals with the U.N.'s "consistently upheld principle of not giving names of prospective immigrants to countries of origin (non-Soviet citizens) prior to authorizing immigration."

ANOTHER PUZZLE

The last paragraph of this document reads: "All proposals to submit names of prospective immigrants (made by the USSR) to countries of origin have been defeated." Since this document is very much to the credit of the UN and the United States, it is all the more a puzzle why it was classified secret and not released long ago.

The last of the four documents now declassified refers to the subject: "Certificate for Ex-Keelhaul Personnel." It states:

"Individuals released from 'Keelhaul' as non-Soviets revert to displaced person status will be issued a certificate of four paragraphs, etc."

It was issued "By Command of Lieutenant General Ike" (CQ) and signed by "U. G. Petterman, Asst. Adjutant General."

These are the four documents now "declassified" and released to me aften fifteen years of hard labor to get a look at "Operation Keelhaul." They show that not a single one—if released years ago—could have endangered our foreign policy or national security, the only valid reasons under the law, for maintenance of classification.

The documents should be of interest to the Foreign Operations and Government Information Subcommittee of the Committee on Government Operations whose chairman is Congressman John E. Moss of California, the principal sponsor of the Freedom of Information Act.

KEY ISSUES AND TRENDS AFFECTING COMMUNITY COLLEGES

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. DELLENBACK. Mr. Speaker, today there are more freshmen entering junior or community colleges than entering 4-year institutions. The significance of the community college cannot be overemphasized.

Accordingly, the House Republican task force on education and training is examining the community college as an educational institution especially geared to meeting the pressing demands for a skilled national work force.

Last Friday, October 3, the Secretary of Health, Education, and Welfare, Robert Finch, spoke to a national workshop of the American Association of Junior Colleges.

At that time, Secretary Finch defined the key issues and trends affecting community colleges and the Federal response to these developments as he envisions it. His speech, which should be of great interest to anyone concerned with community colleges, follows:

AMERICAN ASSOCIATION OF JUNIOR COLLEGES

I appreciate very much the opportunity to address your workshop today, and I welcome the chance to continue our efforts together.

When I was first designated Secretary of Health, Education, and Welfare, I articulated the importance of the community college mechanism. At a recent Governors Conference, I advocated the necessity for long range State planning for the initiation and growth of these institutions. But my California experience with community colleges also injected a note of caution: California made mistakes which should not be repeated. And so today, I want to explore—just as in our HEW initiatives we are carefully exploring—some of the problems and prospects of this high potential institution.

We are confronted at the outset with the explosive growth of the community college—a truly unique American educational effort. It is a development as revolutionary for this era as was the land grant college concept for the nineteenth century.

Community colleges now number a thousand—almost double the 1960 count. The Carnegie Commission on Higher Education has urged the establishment of an additional 500 by 1976.

Enrollment has been growing even more rapidly. Today, 2-year colleges serve about two million students—three times the 1960 count. This year, for the first time, more freshmen entered junior colleges then entered four year institutions.

The mushrooming growth of the community college promises to be the chief means of approaching universal higher education in the United States. It is already of critical importance to poor and otherwise disadvantaged students, notably blacks.

For black Americans, the public community college has the potential for becoming the most promising single avenue of higher education. The reasons are obvious: these are the accessible institutions—geographically, financially, academically. A quarter of all black American collegians are concentrated in public 2-year colleges in New York, Chicago, and Los Angeles. In virtually every large American city, more blacks study at public community colleges than all nearby institutions combined.

The dynamic nature of today's community college involves problems, I hasten to add, with which you are all too familiar. We have a very uneven template. Prestige is often low. The community college suffers, in some quarters, the same unfortunate stigma as the vocational school—wrongly regarded as dead-end education.

At the same time, to the extent that it goes outside the vocational sphere, it is regarded in some circles merely as a watered down version of the senior college. And in some instances, let's be candid to admit, it is.

There are dismal statistics behind these impressions. According to one study, a little over 50 percent of all students in 2-year colleges require remedial or compensatory programs. The drop-out rate is over 50 percent for all enrollees, and is especially high among the disadvantaged—maybe as many as eight out of ten. Faculties are often staffed by instructors trained for purposes other than community college teaching.

Community colleges also are handicapped by confused lines of authority and responsibility in their dealings with State and Federal officials. The natural difficulties of institution-building are complicated still further by uncertainties—uncertainties about the community college role in relation to secondary and higher education . . . uncertainties as to research and experimentation, faculty status and community service activities.

Nonetheless, for all the problems it confronts, the community college represents literally one of the most exciting possibilities for educational opportunity in history. I hope, as we proceed, that the dimensions of this possibility will emerge.

Another set of trends that particularly concerns me lies in the imbalance of the labor market. Ironically, unemployment is not the biggest single factor contributing to poverty in this Nation. The majority of those millions classified as poor live in households in which the father or mother both work—and one of them works full time. We thus face major problems with the discouraged worker who is expected to work full time . . . at low wages . . . with little or no chance of advancement.

On the other hand, in nearly all the professions, there are severe and probably growing manpower shortages in jobs which would lead to challenging and fruitful careers.

As important as job training is—to provide equal opportunity, to reduce unemployment, and to end the vicious cycle of dependence—a job is simply not enough. Least of all, let me add, a job that holds out no hope for advancement.

We must be concerned with career education for the young and continuing education for those presently employed. There is no other way to break the cycle of underemployment. There is no other way to prepare our Nation and ourselves for the rapid pace of social and technological change.

The distinction between a job and a career . . . and the importance of maximizing the life-style options at all stages of life . . . can be seen in the frustration today of the middle American—the "forgotten American"—the group of people characterized by one recent article as "The Burnt-Out and the Bored."

Both ends of the contemporary, rigidly-programmed life-cycle press upon this group. It is they who must support the education of the young and the retirement of the old. They have the heaviest responsibilities—emotionally and financially—and the fewest opportunities to escape. These Americans should have opportunities for a new life style. A new career and a new chance for learning . . . quite as much as their sons and daughters.

The Federal response must address both these developments—a burgeoning community college movement still in search of a role . . . and a growing demand for skilled manpower in rewarding careers.

We turn, as seemingly we always turn, to our educational institutions for this dual response. We are now developing—the name is a real jawbreaker—a "Comprehensive Community College Career Education Act of 1970." It will propose that the community college become the capstone institution for a career policy for all Americans.

To insure the commitment of this Administration to deliver career education, the Commissioner of Education is organizing a new office of Community College and Career Education Programs. We plan to give this office the greatest visibility and maximum authority to work not only within the Office of Education, but with other elements of government—the Department of Labor, OEO, HUD, the Veterans Administration, and the Departments of Defense and Commerce.

In these areas lie sources of funding for the disadvantaged and the underutilized. These sources currently lack the effective delivery vehicles which the community college mechanism can become.

The Commissioner will establish priorities under such existing programs as the Education Professions Development Act, the Vocational Education Act of 1968, the Higher Education Act, and the Elementary and Secondary Education Act. He will also be under mandate to develop new legislation for career education, if it is called for. His search will be for new lines of communication . . . and cross-fertilization . . . among all our educational institutions.

We are out to renew American public education from early childhood through graduate school. We believe that the community college is a key vehicle in such renewal. I include under this general rubric community colleges, junior colleges, technical institutes, university extension centers, and satellite campuses—public and private institutions both, which offer from one to three years of post-secondary education. Federal planning should not constrict the variety of potential institutional models.

Let me hasten now to add some caveats. The mold is not fixed. We do not seek the establishment of a nationally directed and controlled community college system. In pointing to some major tasks that community colleges should undertake, I do not mean to denigrate the healthy pluralism fostered by each community's own definition of how its college should serve it.

For that reason, as our own legislation takes form, we want your opinions in regional conferences we intend to hold, and we would welcome now your letters of advice directed to the Commissioner of Education. We intend to consult closely with Senators Prouty and Williams and with all the other legislators who have greeted the community college concept so warmly.

A second caveat is dictated by severe budgetary limitations—a sheer fact of life within which we are now forced to operate. This must fuel our efforts to obtain support from the private sector—business, churches, unions, and the foundations. And it must fuel our efforts at intergovernmental cooperation—at maximum utilization of the Federal dollar, and maximum coordination of governmental efforts at all levels.

The exact templates are not fixed—nor should they be in so young an idea. Most community colleges are public—but not all. Most are vocationally-oriented—but they also serve the "late bloomer" who seeks remedial training in the basic academic skills. Most of their students are enrolled in terminal curricula, to acquire a specific skill—but many are engaged in the traditional disciplines and may use community colleges as "feeders" into regular four-year institutions of higher learning. Most of their students are young people—yet nearly all community colleges offer adult extension courses, and stress mid-career re-training . . . a chance for a new life-style.

The physical properties of the community college do—and should—vary greatly. Sometimes they are strikingly beautiful traditional campuses . . . sometimes central-city complexes . . . sometimes middle-aged office buildings deep within the ghetto—and this is the variety of innovative community service that should be explored and enhanced.

No, the mold is by no means fixed. The precise contour of the community college movement is still in evolution—and I, for one, hope that this remains the case.

In preparing a comprehensive national initiative we are dealing with fifty different State systems, fifty different concepts of maximum effective service to the total community, and fifty different patterns of financing.

In some States, community colleges are developed and operated by independent government boards . . . in some, as a division of the elementary-secondary school system . . . in some, as a subcommittee of the board of higher education. New State plans are on the drawing boards. And, for a balanced national perspective, we need to know a great deal more about what consensus, if any, the State planners are reaching.

This is why we are searching for an assistance formula that will accommodate itself to this infinite variety and this need for maximum flexibility.

Essential to this planning is an overall educational strategy that evaluates . . . in both geographic and curricular terms . . . how the community college can best relate to the total educational process—not to replace or destroy, but to enhance our outreach over the entire spectrum.

Running all through the community college phenomenon, there are certain recurring themes—the marks of their distinctive life-style. They are also, I think, the criteria by which your own evaluations should proceed.

They are career centers for young Americans of every class, and every race . . . and for older citizens as well who seek mid-career retraining. They are, today, a largely untapped resource for the returning veterans . . . most of whom are not yet taking advantage of their educational benefits under the G.I. Bill.

They are oriented to the new technology . . . to the practical sciences . . . and increasingly to the development of paraprofessional disciplines—in health, in computer science, in social services, in teaching itself.

In other words, they are in tune with the vocational skill needs of an evolving technological era . . . whose "useful trades" are all the arts and sciences that must be harnessed to preserving a decent human environment and developing humane social institutions.

The community college must work—as indeed they are working—in close partnerships . . . partnerships of necessity . . . with all the public and private and independent institutions of the social matrix.

As the land-grant institutions were at work on the frontiers of the New American Nation of their day . . . so, too, is the community college a frontier institution—the frontiers, now, of a new technology and a new ecology of human relationships.

I think that you have a right to a grand vision of what your institutions can become—of the educational outreach they can provide. Indeed, I trust you never will aspire to less.

I think back to Aristotle's admonition that "only the educated are free"—and to the measured words of the great architect of democracy, Thomas Jefferson:

"By far the most important bill in our whole code is that for the diffusion of knowledge among the people."

H. G. Wells, with his apocalyptic gift of prohpesy, once wrote that "Human history becomes more and more a race between education and catastrophe."

And that, my friends, literally defines the dimensions of our mutual endeavor . . . and the ultimate test of our success.

XUM

WILLIAM ANDERS, EXECUTIVE SECRETARY OF THE NATIONAL SPACE COUNCIL ADDRESSES THE YOUNG PRESIDENT'S CONFERENCE IN PHOENIX, ARIZ.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the new Executive Secretary of the President's Space Council, Mr. William Anders delivered an address to the Western Conference of the Young Presidents' Organization on "Space and the Communications Revolution." Under leave to extend my remarks in the RECORD, I am including Mr. Anders' address:

SPACE AND THE COMMUNICATIONS REVOLUTION

(By William A. Anders)

I am pleased to be in Phoenix with the Young Presidents' Organization this morning and share with you some thoughts that I have on how the revolutionary changes brought about by communications will affect your future. The Western tradition of pioneering vitality based on individual effort and worth has always appealed to me. I feel a special admiration for people such as yourselves who have risen to corporate leadership positions while still in your thirties.

As executives responsible for effective decision-making, you already know that communications are the life of any organization. The same operative principle that influences every successful businessman—communicate or perish—controls what we do in space. Possibly my discussion of space communications will open up some new dimensions and provide some new insights into your business problems.

Electronics forms the basic lifeline between man and equipment on Earth and our vehicles in space. Without communications one could not even build a satellite, let alone operate it. It is pointless to send a payload anyplace if you lose touch with it. A satellite which can't communicate is a dead bird.

Space communications has come a long way since the launch of Sputnik I on October 4, 1957, just 12 years ago today. When the "beep-beep" from space was heard around the world on the amateur radio band, the psychological effect at the time was overwhelming. Compared to what we have today, this first step was barely out of the Stone Age. During the Apollo 8 mission, in which I took part, we were able to transmit back to Earth the close-up TV pictures from the face of the Moon. The recent Mariner VI and VII pictures of Mars dramatically extended this capability.

Telemetry is a word taken from the Greek. It means to measure from afar. While here on Earth it's a major effort to get a doctor to make a house call—through telemetry and communications, space doctors were observing my heart rate from a distance of a quarter of a million miles. Sophisticated telemetry ties the distant spacecraft to its watchful sponsors here on Earth. This has great future application in remotely controlled processing of earthly goods.

Today, when you dial a phone, send a telegram, or teletype a message across the Atlantic or the Pacific, the chances are three to one that you are communicating by satellite. Computers linked to automatic switchgear make the decisions as to where the fastest circuitry is available, through cable or satellite. And, of course, at home when you sit before a TV set and watch the Olympic Games or major State ceremonies overseas, you are witnessing an example of the availability of satellite circuits which can now provide across any ocean the equivalent of 1200 voice channels or 10 full-time color television channels.

Such oceanic television is but a forerunner of instantaneous worldwide communication. The integration of high-speed computer systems with satellites promises important new uses, such as automated libraries, world-wide management of complex inventories, and world-wide banking systems.

In fact, your executives will, in the not too distant future, be able to deal face-to-face over private television circuits with your business colleagues in Buenos Aires, Tokyo, or Melbourne. By using a split-screen, sight and sound conference calls on a global basis will become a standard business practice. In a real sense, we will "communicate to work" across oceans and continents.

If you are an investor, you will have at your fingertips a system which will bring onto a desk screen the latest readings of the principal stock and commodity markets, whether it be Wall Street, the Paris Bourse, or the London Stock Exchange. Decisions can be registered and transmitted over the same system directly to central computers.

If you are an exporter, you will have at instant call, the information you need on your overseas markets, the latest economic and financial developments, purchasing trends and the status of your own inventory in terms of anticipated demand.

During my lunar flight, as in all manned space operations, controllers in the Mission Control Center in Houston studied spacecraft data received from telemetry, sorted by computers and presented on television tubes. This provided vital information of spacecraft systems performance and navigational values. The computers would flag data that was out of allowed limits, and the controllers could send commands to spacecraft components to change their mode of operation. Think how remote display and control capability can revolutionize many industrial operations here on Earth where the situation is too dangerous for men, or the reaction time will not permit a man to give attention to vast numbers of control parameters. For example, in mining a hostile environment such as the depths of the ocean, computer-controlled operations could have a special attraction.

The result will be a new flexibility for you in making investment decisions and better control over your economic destinies—all as a result of improved communications, much of it stemming from the space program.

Incidentally, our space equipment was not always so highly developed. In the early days when space exploration was confined to rocketing small payloads vertically for atmospheric and stratospheric soundings, communications were often quite casual.

Once during a series of sounding rocket firings at Fort Churchill near Hudson Bay in Canada, the nose cone of a rocket ejected just prior to lift-off. The payload, the size of a bowling ball, fell off and was rolling along the ground as the rocket lifted off in fine shape. One of the launch crew saw the sphere, picked it up, and walked to the blockhouse. As he opened the door and entered, a signal monitor who until then had been staring intently into his console display announced happily: "Telemetry is now coming in strong."

Fortunately we have moved a long way since that time.

THE APOLLO COMMUNICATIONS SYSTEM

Today the greatest communications capability that the world has ever witnessed is embodied in what we call the manned space flight system using the Unified S-Band Equipment.

It grew out of the special demands of manned space flight which require transmission of huge volumes of data, television, voice, and electronic command at lunar distances.

Because the ground network was limited by the curvature of the Earth and cable linkages were not available in certain areas, it was evident that only satellites could provide the necessary reliability and capacity for such a communications task. Hence, NASA entered into an early contract with Intelsat for such services. It is an interesting sidelight to history to note that with the contract in hand, the Intelstat Consortium, for which the U.S. Comsat Corporation acts as manager, accelerated its original plans and placed commercial communications satellites into full-time service in both the Atlantic and Pacific, approximately two years earlier than originally planned. *This not only has provided the business community with an increasingly significant resource in terms of day-to-day operations, but provided the whole world with a cockpit seat to witness our Apollo 8 flight last December. The drama of the Apollo 11 landing would have been essentially lost without the high visibility given this event.*

INTERNATIONAL EFFECTS

One of the most striking impacts of the Communications Revolution is its effect on marketing patterns—especially through the mass market created by television. There are now nearly 250 million television sets in more than 100 countries. Each month the count increases by another million sets. Though sometimes I am a bit disenchanted with the media based on the quality of some of the programs my children watch, I must admit it has great potential (and I stress that word "potential") in education.

In more than 70 countries, television is supported by commercial sponsorship and everywhere, even when commercial support is lacking, this communications medium is effecting a transformation of ideas, tastes, and desires which help create a global common market.

All of these communications will lead the executive of the future to operate on an intercontinental, rather than a national level.

It will happen because high-speed and highly reliable communications, spawned by the rigorous demands of the space program, have made it possible to send massive quantities of data from computer to computer. *Just as the computers in the Apollo flights told us where we were at any given time, and gave us the information for course corrections based on calculations running into the millionfold, so computer-based, satellite-reinforced communications systems will accelerate the information process for you. Your statistics will then be current rather than historical.*

COMMERCIAL UTILIZATION

There is another dimension of Space and the Communications Revolution which will affect your future as business-oriented executives. I refer to the utilization of space for commercial processes made possible because of our advancing communications skills.

From the standpoint of industrial use, space offers unique advantages—vacuum and weightlessness. The first cannot be duplicated on Earth except at very high cost, and the second is only available in space.

The almost pure vacuum of space offers unique super-clean conditions, compared to which the so-called "white rooms" on Earth seem highly contaminated.

Many drugs must be manufactured under precisely controlled super-clean conditions—an environment which is readily available in space. Microelectronic devices involving tiny chips of material for integrated circuits require similar conditions for their manufacture. In both these cases, the quality of the final product is so directly related to the environment that manufacture in space itself appears to promise unique advantages.

There is a real possibility that in a weightless environment, hollow metal ball bearings may be manufactured in space to tolerances absolutely beyond the capability of Earth-bound technology. Optical lenses free of flaws and distortion may be cast in the zero-gravity of space. In fact, metal forms using such material as stainless steel, could be made to any specific gravity, so that they can float on water if that is what you order.

These examples, I hope, will encourage you to stimulate your research people to investigate the space domain in terms of putting it to work for your own industrial needs of the future.

EARTH RESOURCES SURVEYS

Through the use of orbiting sensors, we are able to detect energy reflected from the Earth's surface across the entire electromagnetic spectrum. This means that we are able to detect what the Earth is trying to communicate to us in the way of nature's secrets. We are able to appraise this message and communicate its meaning to appropriate users.

The National Academy of Sciences has estimated that in the United States alone we lose $13 billion each year in agricultural production from insects, disease, and fire. Consider what an enormous loss this must be when extended to all countries of the world.

Thanks to the Communications Revolution we can use these satellite sensors:

To make improved surveys of agricultural and forest resources and classify them as disease-damaged or healthy;

To help prospecting for new mineral and petroleum resources;

To obtain a better inventory of our planet's water resources;

To detect both natural and man-made changes to our geography;

To sense the ocean currents and temperatures as an aid to the fishing industry; and

To improve the routing of commercial shipping.

The possibilities here are fantastic in my opinion.

At present, large areas of the Earth are inadequately mapped in support of their economic development. This is a major shortcoming in the underdeveloped countries. Certain remote areas such as Antarctica are largely unsurveyed. The potential value of using orbital photographs for this purpose has already been demonstrated by the Gemini and Apollo flights, where new geological structures, usually associated with mineral resources were found in areas where their existence was unsuspected.

Satellites can also be used to study the effects of environmental and water pollution to pinpoint its sources, and track the drift of the pollutants to forecast toxic conditions. When you look at the Earth from space, as I have, you can see that the atmosphere is just a very thin film around the globe like the skin on an apple. This atmosphere is very limited and we had better learn to take care of it, for there is no replacement in sight. I have been appalled at the increase in smoke and smog all across our Nation during the 15 years that I have been an aviator. What about the next 15 years? If this keeps up, we'll all need gas masks.

Weather satellites have reached new heights of usefulness to the United States and many nations around the world. I was particularly intrigued in going to and from the Moon with watching the large weather patterns meshing with each other over the seas and continents. Cloud cover photographs taken by cameras on unmanned orbiting spacecraft, equipped with automatic picture-transmission systems, are widely used by weather forecasters. The National Weather Services of 53 countries receive such photographs daily on their ground station equipment at 500 locations.

Our Applications Technology Satellites, placed at synchronous altitudes, are able to maintain a continuous view of the Earth and its weather from a distance of 24,000 miles. This will give weather scientists invaluable clues to the origin of destructive storms. We have been able to obtain on an experimental basis motion pictures of tornadoes during their formative periods. By 1971, we expect to have such a capability for continuous operational use.

The savings in property and lives each year as a result of advance warnings of severe storms run into the billions of dollars. The savings of lives can hardly be measured in dollars—they are indeed priceless. All such benefits in the last analysis stem from our increased capacity to communicate and collate huge amounts of data on a real-time basis.

COMMUNICATING ABOUT COSTS

There is another aspect of space communications which I would like to call to your attention. I refer to the communicating of facts about the comparative costs of the space program. I would like to put these into some perspective so that as members of the Young Presidents' Organization you can communicate them to your friends and colleagues.

We hear a lot of talk of how much the space program has cost in comparison with other Government expenditures. For Fiscal Year 1970 the total national space budget request for NASA and DOD was approximately $6 billion. In terms of our current $938 billion Gross National Product, the national space program amounts to two-thirds of one percent. While NASA's expenditures for space were averaging about $4½ billion a year, our fellow citizens were spending:

Nearly $4 billion for non-durable toys and throw-away sport supplies.

$4.7 billion for foreign travel.

Over $6½ billion in amusements.

Actually, NASA's program costs are about equal to our alcohol tax revenue. Now as I try to put these cost figures into perspective, please don't get the impression that Bill Anders is telling you to drink twice as many Martinis so that we can pay for our space program.

I do say, however, that a sober comparison of our investment in space should be related to the value of a global weather watch, a global communications network, a global school house that can accommodate an unlimited number of students, a system that can constantly observe and monitor the use of this planet's resources, a scientific tool that can probe the most distant planets, and a gravity-free experimental laboratory and industrial facility. Without the space program, none of these could be bought at any price. The taxpayer has a real bargain here!

We spend four to six billion dollars a year on space, and we spend 40 to 100 billion dollars a year on aid to the poor and social welfare programs. While "people problems" are certainly regrettable and must be faced up to, we have to remember that there would be more unemployment and more poverty if the space program were severely curtailed. This is not only because the program provides jobs for many highly skilled people but because the resulting technological stagnation would retard our economy and reduce the number of jobs available across the board. Everyone should try to keep space costs in proper perspective. I am convinced that these facts, when known, speak for themselves.

CONCLUSION

In conclusion, let me remind you that we travel through space on a small planet. The Earth looked so tiny in the heavens that there were times during the Apollo 8 mission when I had trouble finding it. If you can imagine yourself in a darkened room with only one clearly visible object, a small blue-green sphere about the size of a Christmas tree ornament, then you can begin to grasp what the Earth looks like from space. I think all of us subconsciously think the Earth is flat or at least almost infinite. Let me assure you that rather than a massive giant, it should be thought of more as the fragile Christmas tree ball which we should handle with considerable care.

It occupied a special place in the heavens for us when we observed it from the vicinity of the Moon. It was the one place in the Universe where we could return. To me, the lesson was plain. The Earth is our common spacecraft—it is home for all of us. We must learn to live in harmony with it and with ourselves.

President Nixon, in commenting upon the Apollo 8 flight, expressed this feeling most eloquently when he said:

"In that moment of surpassing technological triumph, men turned their thoughts towards home and humanity . . . seeing in that far perspective that man's destiny on Earth is not divisible: telling us that however far we reach into the cosmos, our destiny lies not in the stars but on Earth itself, in our own hands, in our own hearts."

From space, the Earth is indivisible. There are no flags, no national boundaries. Let us on Earth then use the Communications Revolution to break down the barriers which separate us, so that all of Earth's people will be truly brothers.

REGISTRATION OF TV SETS—THE ANALOGY IS CLEAR

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. SAYLOR. Mr. Speaker, it is difficult to find humor in the actions of Congress directed toward confiscation of all guns in the United States. The silliness of the gun controller argument which holds that gun ownership is the cause of violence in America is made apparent by the recent statement of the President's Violence Commission concerning "violence and television."

Mr. Jim Fiebig, writing for the Oil City, Pa., Derrick observed the parallel between violence and gun or TV ownership and brilliantly disposes of the argument. The vision of TV registration would be absurd in any normal context, however, I fear there are some in Congress who may take Mr. Fiebig's suggestion seriously. If you think the public is outraged over the "Anti-Assassination Act of 1968," wait until the "ban the tube bill of 1969" is introduced.

The article from the Oil City Derrick of October 1, 1969, follows:

REGISTER ALL TV SETS

(By Jim Fiebig)

That hangover from the Johnson Administration—The National Commission on Violence—said last week that television is definitely "a contributing factor" to violence in America.

It is clear, then, government must insure TVs are kept out of the hands of the wrong people. And the only way to do that is to require all citizens to register their sets. Otherwise, criminals, alcoholics and the mentally unbalanced will go right on watching television whenever they please.

Naturally, if the law is to be effective, all sets must be registered. From the harmless-looking little 17-inch black and white, to the high-powered, more dangerous 23-inch color model.

XUM

I realize this proposal will face stiff opposition from the NRA (National Relaxation Assn.). Their lobbyists will argue that bad people will always find a way to see a TV if they really want to. But if we are to legislate against violence in America, the living room is the place to begin.

Besides, if the TV registration law is defeated—as was gun registration—we'll just follow the example of the antifirearms legislators: Anyone who buya new tubes will be forced to give his name and address.

That way, when TV registration becomes law, the feds will know just what doors to knock on.

GUN CONTROL ACT OF 1968 SHOULD NOT BE ERODED

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. CORMAN. Mr. Speaker, the Gun Control Act of 1968, which was passed only after lengthy hearings and careful consideration by the respective committees in both Houses of Congress, and after full and deliberate debate on the floor of each House, is now in serious danger of having one of its most important provisions eroded by capricious action of the Senate Finance Committee. On September 24, the Senate reported out the House-passed Interest Equalization Tax Extension Act of 1969, with a nongermane amendment that would dismantle the ammunition control provisions of the gun control law.

It is undeniable that the Gun Control Act was sorely needed as an effective law enforcement tool which would go a long way in assisting local law enforcement authorities in coping with crime problems in their own localities. Crime conditions in the country today have certainly not lessened the need for this law. Just 2 months ago, an Assistant Secretary of the Treasury, in testimony before the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee, stated that in the Treasury Department's view:

> The Gun Control Act of 1968 is working reasonably well and is providing the needed support for state and local controls for which it was designed.

He further suggested to the subcommittee that—

> the controls be given a full opportunity to prove their worth.

Yet, not a single day of public hearings was held in the Senate committee on the unrelated amendment to the bill.

It would seem that in a matter of such seriousness—one that would deny the enforcement of the band on ammunition sales to minors, convicted criminals, dope addicts, alcoholics, the mentally ill and other such categories—the committee would have at least opened the amendment to hearings.

In a recent editorial, the Los Angeles Times frankly appraises the Senate committee action. I share the Times' viewpoint, and ask unanimous consent that the editorial be printed at this point in the RECORD. I commend it to the attention of my colleagues.

SENATE SHOULD NOT SPIKE GUN LAWS

(Issue: Will the Senate agree to further weakening of the already inadequate federal gun control legislation enacted last year?)

The gun lobby has opened fire on Capitol Hill in an effort to shoot more holes in the federal firearms law passed by Congress in 1968.

Current target is the requirement that purchasers of rifle and shotgun ammunition give their name, age and address and show some sort of identification.

Without such a rule there could be no enforcement of the ban on ammunition sales to convicted felons, minors, dope addicts and other restricted categories included in this legislation.

But to Sen. Wallace Bennett (R-Utah), these are simply "burdensome" questions that sportsmen should not have to answer. Such inquiries, said Bennett, also amount to gun registration, since the ammunition purchased would indicate the kind of firearms owned by the buyer.

This ridiculous contention got nowhere in the House nor in the Senate Judiciary Committee. Sen. Bennett thereupon persuaded the Senate Finance Committee to eliminate the ammunition curbs by means of an amendment tacked on—of all bills—the Interest Equalization Act of 1969.

The basic bill, of course, has nothing to do at all with firearms control. It would increase the cost of domestic borrowing to correspond to the expense of making loans abroad. In the case of Sen. Bennett's amendment, it is simply a convenient legislative vehicle.

But surely the Senate will reject this effort to weaken already inadequate firearms regulations, despite gun lobby pressures. As experts have pointed out, ammunition exempted by the Bennett amendment could be used in .22-caliber handguns, one of the principal weapons in U.S. crime.

The Times urges Congress to strengthen, not soften, the restrictions upon firearms and ammunition. Only criminals and those unfit to possess firearms would find such regulation "burdensome."

PHILADELPHIA PULASKI DAY OBSERVANCE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. EILBERG. Mr. Speaker, it was my privilege yesterday to attend and participate in the Pulaski Day observance of the city of Philadelphia sponsored by the eastern Pennsylvania district of the Polish American Congress. As I stood on the reviewing stand watching the parade, my eyes gazed across the street to historic Independence Hall and my mind wandered to thoughts of the great contributions which Polish citizens have made to our American heritage.

This year marks the 190th anniversary of the death of Brig. Gen. Casimir Pulaski—one of the great heroes of our fight for independence. General Pulaski died of wounds received at the Battle of Savannah and his devotion to the principles of freedom has served as a rallying point and source of pride for all Americans not only those 10 million citizens of Polish descent but freedom-loving people everywhere.

On Pulaski Day we honor the heroes of the Warsaw uprising and the successful soldiers who fought at Monte Casino 25 years ago. Perhaps the most important thought which I had as I watched the parade, and one which I am sure was shared by all in attendance and Americans throughout the city and the Nation, was one of support and good will for the people of Poland who remain oppressed but have never lost the dream of freedom.

Judging from the turnout at the parade and the spirit of the participants, I am confident that the people of Poland will know that they are not alone in their desire for a free Poland and I hope that their determination will be reinforced through our expressions of sympathy and support.

WHITE HOUSE WORSHIP SERVICE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. CONTE. Mr. Speaker, on Sunday, September 21, President Nixon's worship service at the White House was dedicated to the fine men and women now serving in the Peace Corps.

All the directors of the Peace Corps were in attendance, along with the ambassadors from all the countries in which members of the Corps are active. The service was a fitting tribute to the fine men and women who have made the Corps perhaps the greatest export in the history of this country.

An occasion such as this, illustrating international love and cooperation, demanded a sermon above the ordinary, and it received just that in the stirring remarks delivered by Dr. Charles H. Malik, professor at the American University of Beirut, Lebanon, and a former president of the United Nations. The Madrigal Singers of Walt Whitman High School added immeasurably to the beauty of the service.

It was an honor for me to attend this service and a great pleasure to hear Dr. Malik, with whom I have had a close friendship for many years.

Mr. Speaker, I believe the message in Dr. Malik's sermon is as important to each of us in this body as it was to the Peace Corps participants to whom it was directed.

And the solemnity of the occasion was greatly enhanced by the invocation and benediction delivered by the gentleman from Michigan (Mr. VANDER JAGT).

At this time I include both the sermon by Dr. Malik and the prayers by Mr. VANDER JAGT in today's RECORD:

THE SPIRIT MATTERS FIRST

(By Charles H. Malik)

I am honored indeed to be asked to take part in this service in the East Room of the White House. The symbolism of the East Room is profound, for where would the West be without the East? Never was it more necessary, or indeed more healthy, for the West to remember that *ex Oriente lux* than today. But neither can the East prosper and develop without the active assistance of all those, whether in the East or in the West, who can afford to give from their bounty. Such is the state of interdependence and interaction between East and West and North and South today that we have all become members one

of another. The promotion of this organic membership in the world community is the ultimate calling of peace.

The practice which you, Mr. President, have initiated of pausing now and then for a few minutes, precisely in this center of world power, to consider the eternal verities is most praiseworthy. For time and its exigencies can only be understood in the light and peace of eternity. The momentous decisions which are constantly arrived at under this awesome roof affect not only the destiny of America but the destiny of the whole world. Before this sobering fact I humbly pray Almighty God to grant to this House and its master the necessary lucidity, detachment and strength to fulfill what is eternally expected from America in the service of truth and justice for all men; and, further, to bestow upon him that divine sense of humor without which statecraft can hardly be practiced by mortal man, let alone endured for long.

In history it is always a matter of war and peace, but the crucial question is whether it is war for the sake of peace or peace for the sake of war. This is the deepest distinction which divides men and cultures, namely, whether peace or war is the ultimate nature of things. If peace, then man cannot rest in war, but only in peace, and war must sooner or later be transcended. If war, then man cannot rest in peace, but only in war, and peace must sooner or later be overturned.

The deepest springs from which America has drunk proclaim the rest of peace as the sabbath of the soul.

Where men and cultures differ on this point, it is humanly impossible to reconcile them. When what is in question is the question itself, then it is humanly impossible to agree. The real challenge facing the highest statesmanship today is not so much how to defend hearth and home, nor indeed how to contain and deter external material dangers, as how to make people believe in peace and rest rather than in turbulence and war, how to compose the essentially troubled soul.

I am not thinking of this or that particular situation, nor of specific measures required by the flux of events; I have in mind only the essential character of peace and war in relation to the human soul.

Peace is the perpetual struggle for the preservation and enhancement of the deepest values. Therefore it is always a matter of faith in these values, for where there are no values which man is not prepared to part with, there is no difference between peace and war: man then is like a jellyfish adjusting to and fro to every wind and wave. It is also a question of depth, for to say "deepest" is simply to admit of a scale, so that one can afford to let the deep go, but certainly not the deepest.

The deepest values to preserve and enhance, the values which constitute the very essence of peace, are five: that there is objective, reliable truth open to all men; that there is a power or disposition in man, called reason, which can grasp and assent to this truth; that man can seek and know the truth and therefore be happy only under conditions of freedom; that man is the end, and not nature, nor the machine, nor the state, nor society, nor any institution, nor any compulsive force; and that peace and not war, harmony and not discord, rest and not motion, is the ultimate nature of things.

A moment's reflection will reveal that where there is despair of truth, where reason is derided, where the original freedom of man is denied, where man himself is viewed only as a means, and where the very essence of things is conceived as perpetual change, peace is impossible. In fact life than is not human life at all, and you would want to do something to restore to man his basic humanity.

Nor is it difficult to see that, entirely apart from any external menace, within the Western world itself philosopies have been fermenting for two hundred years or more which preach precisely these false doctrines. It is the maturing of these philosophies in the highest intellectual circles that has, more than anything else, been at the base of the tribulations wihch have so tragically afflicted the university in recent years. What is at stake is not so much war and peace themselves as the deepest spirit and attitude of the West in relation to war and peace.

Peace, most certainly—but the question is, how in peace, how under conditions of peace, how with the blessings of peace, how *just then not to have* your deepest values of truth, reason, freedom, man and peace themselves decay and erode. That civilization is strong and sure of itself in which these values flourish and deepen precisely under conditions of peace. And I am absolutely persuaded that there are in America mighty reserves of spirit and mind and care which will in time stem the tide of the rampant philosophies.

Oh come, let us reason together, let us arrive at some fixed point, let us respect one another in dignity, equality and freedom, let us love one another because we are all men, and let us set our heart on peace and not on contradiction and war—Ah this should be blazed today as the living motto of all those in whose hands Providence has placed the fate of nations and men.

The spirit matters first. Therefore, give me the right spirit, the spirit of truth and trust and cooperation and love, no matter how difficult and impossible the conditions, and I give you peace.

The spirit matters first. Therefore, if you are confronted with the wrong spirit, the spirit of contradiction and nihilism and hatred, then, no matter how wonderful the conditions, whether economic or social or political, peace is impossible.

A man has an over-all spirit about him—that is his character, that is his name. So has a culture, so has a philosophy, so has a total epoch. What matters first is that spirit. If it is the spirit of peace and truth, then all problems will be ironed out. If it is the spirit of radical rebellion, then peace is ephemeral indeed. Make sure first of the spirit.

And the spirit is always unitary and original. How to induce the spirit of truth and trust, especially where there is rebellion against it, how to call it forth by patience and example, how to be responsive to its demands, how to plan everything in its service and for its sake; and how to exorcise the spirit of rebellion and darkness—this is the authentic task of statesmanship. And one must have faith that even in the teeth of absolute negation, because the spirit matters first, the spirit of trust and love will ultimately prevail. It is always, always, therefore, a question of faith.

And yet not for one moment may one be caught napping. The ancient dictum, "watch and pray," is of the utmost importance. For nothing is easier than to be tempted into laxity and ease when one should be absolutely on the alert. And the watching and praying should be meant, and should be unmistakably understood as being meant, only for the sake of peace.

In the end of ends one must always be humble before the will of God, for all talk about peace is sheer human rationalization. The peace of God is truly beyond our ken. Again and again in history the peace that supervened could never have been planned or predicted in detail in advance. And again and again the flimsy peace of man broke down because it did not correspond to the inscrutable peace of God.

Perhaps the greatest Anglo-Saxon philosopher of this century, Alfred North Whitehead, who was my honored teacher, said of peace: "Amid the passing of so much beauty, so much herioism, so much daring, Peace is then the intuition of permanence. It keeps vivid the sensitiveness to the tragedy; and it sees the tragedy as a living agent persuading the world to aim at fineness beyond the faded level of surrounding fact." (*Adventures of Ideas,* New York, Macmillan, 1933, p. 369.)

Therefore, there is no peace without the sacrifice of much beauty, much heroism and much daring, and those who crave for peace without facing the possibility of making this sacrifice are craving the impossible. There is no peace where there is noting permanent to justify the sacrifice. And there is no peace without sensitiveness to tragedy—the tragedy, according to the philosopher, which "persuades the world to aim at fineness beyond the faded level of surrounding fact."

Gentlemen of the Peace Corps:

I know you know that you cannot meet all the needs of the world. Nor can you impose your own scale of values. You become relevant precisely where your range of possibilities meets others' range of needs. It is there that you can throw in your two mites worth.

I beg you to throw it in selflessly, from the bounty of your heart, with complete respect for the values of others, steering wholly clear from all politics, and accepting the price of possible misunderstanding and attack.

Let it only be said that you came in when asked for and did the best you could and asked for nothing in return.

Let it be said that a mighty nation looking after its own interests in other ways could still afford to be helpful in complete detachment from its interests. For greatness consists precisely in being so sure of yourself as to have the time and the margin to forget about yourself.

Surely this is the spirit of the Peace Corps—the joy of serving and giving in complete detachment from politics.

And if you find yourselves receiving, in terms of wisdom and experience, perhaps just as much as you are giving, do not let that disturb you, for you can never tell when or how the mustard seed will grow into a mighty tree.

We learn from each other in order to teach one another, and we receive in order one day to give. And so the unity of man across the vastness of space and time is deepened and affirmed.

And to you, Gentlemen, who represent the countries which cooperate in this undertaking, permit me to say one word:

You are heirs of great cultures and traditions; hold on to your deepest values; and know with certainty that you are as much giving as receiving—giving, by permitting others to give; giving, by having given so much yourselves in the past; giving, by enabling others now to learn.

And whether rulers or ruled, whether great or humble, whether strong or feeble, whether givers or receivers, it behooves us all in conclusion to listen to the words of a great prophet:

"Thus saith the Lord, Let not the wise man glory in his wisdom, neither let the mighty man glory in his might, let not the rich man glory in his riches: but let him that glorieth glory in this, that he understandeth and knoweth me, that I am the Lord which exercise loving kindness, judgment, and righteousness, in the earth: for in these things I delight, saith the Lord." (Jeremiah 9:23–24.)

INVOCATION

Thou God of all nature and all people everywhere, we know that Thou hast promised that where two or three are gathered together in worship there wilt Thou be also. In these moments of worship together wilt Thou still our racing minds and restless hearts so that we may be still and know that Thou art God. From a sense of Thy presence here with us this morning may we renew our dedication to the dream and fact that all men are brothers intended by

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Thee to live together in peace and friendship. Fill us with love—love for one another and love for Thee, the source of all love and understanding and peace. Amen.

BENEDICTION

May the peace of the God of East and West, North and South, rich and poor, young and old, be with each of us, both now and forever so that God will be able to say of our efforts to build peace, each in our own individual way, "Well done thou good and faithful servant."

AID FINANCED SUPPORT OF CONSTRUCTION ACTIVITIES

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mrs. HANSEN of Washington. Mr. Speaker, the incumbent administration has announced a 75-percent cutback in some domestic public works programs.

In this light, it is interesting to compare the public works budget of $4.2 billion for domestic programs with the AID request of $2.4 million for foreign programs. On Wednesday, the full House will consider the public works bill, including construction programs in all parts of the country.

For comparison, I asked AID to outline construction activities planned in its budget. I submit the reply for inclusion in the Record:

AID FINANCED SUPPORT OF CONSTRUCTION ACTIVITIES

The proposed FY 1970 A.I.D. program of $2,443 million provides funds necessary to sustain long term development programs. These programs for the most part continue the supply of U.S. goods and services to support ongoing activities in agriculture production, family planning, industrial modernization and growth, malaria eradication, and technical services and training.

The requested program will support activities in the following ways:

Development loans totalling $1,246 million, or 51 percent of the total program, to provide funds for the import of goods and services from the United States;

Technical Assistance grants totalling $485 million for advisory services, training and limited demonstration commodities for bilateral assistance efforts and voluntary contributions to the United Nations and its related agencies;

Supporting Assistance funds totalling $577 million concentrated in Vietnam and other East Asian neighbors for commodity import programs and technical assistance activities; and

Funds for Administrative Expenses, Contingency Fund and other contributions and activities totalling $83 million.

The majority of these requests provide funds for continuing activities—activities which are directed toward achievement of long term development objectives tied to important self-help activities, such as import liberalization or economic stabilization, which require continued availability of raw materials, machine tools, spare parts and agricultural inputs such as fertilizer, pesticides, pumps, tractors and harvesting equipment.

Funds are also required to support ongoing Technical Assistance activities in university development, family planning, technical skills training or expansion of host country agriculture extension services. Each of these may require a number of years to build an adequate human resource base to be independent of external assistance.

Under the FY 1970 Technical Assistance program of $485 million a total of $110 thousand would provide funds for construction of facilities supporting agriculture and family planning activities in Latin America.

The Vietnam program, which is financed from the Supporting Assistance request, is excluded from consideration in accordance with the President's recent instruction on construction cutback.

Of the $1,246 million requested for the development loan program, $763.5 million is needed for the major development efforts under way in Korea, Indonesia, India, Pakistan, Turkey and parts of Africa. The Alliance for Progress needs $482.5 million in Development Loans to continue the present level of activity under way in Latin America. The major portion of this category of aid—$1,005 million—is allocated for program and sector loans to import goods from the United States.

Only a limited amount of Development Loan and Alliance Development Loan Funds—$242 million—provides funds for new project lending activity. Of this amount, *only $84 million, or less than 4 percent of the overall program request*, will provide development loan funds for new construction activities. On the basis of past experience less than 1 percent—or $8.4 million—will be spent in the first year after the loan is authorized.

The following table indicates the break between construction and non-construction project loans by region:

PROPOSED FISCAL YEAR 1970 PROJECT LENDING BY REGION

[In millions of dollars]

	Construction	Non-construction
Near East and South Asia	15.0	5.0
East Asia	25.0	35.0
Africa	22.0	35.7
Latin America	19.4	85.0
Total	81.4	160.7

MEDICAL PROFESSION IN MARYLAND ON TEMPORARY DOWNGRADE

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. TIERNAN. Mr. Speaker, on July 24 last summer, an incident occurred in Maryland which served to temporarily downgrade the medical profession. On that date Dr. Herbert Klingelhofer, a dentist in Montgomery County, refused to treat a student from Maryland State College who had made an appointment to see him over the phone. The reason is simple—the girl, Linda Marlene Jones, is black.

While the Southern Maryland Dental Society refused to take any action against Dr. Klingelhofer, a strong statement was issued by Dr. Hubert McGuirl, president of the American Dental Association. Dr. McGuirl rightly pointed out that:

> There is no alternative for the professional man in that he must place first his service to the public.

The Southern Maryland Dental Society pointed out that there are no laws on the books regarding the right of dentists to choose their patients for whatever reason. Mr. Speaker, it is a sad commentary on our society that statements such as this are made, for they reflect the imperfection of human justice, the inadequacy of human compassion.

I am pleased to report that while Dr. Klingelhofer had no action taken against him, the Maryland State Dental Association last week voted to add a provision condemning discrimination to its code of ethics. I believe that such a step would never have been taken had it not been for the forthright statement issued by Dr. McGuirl. As fellow Americans, we owe him our appreciation and our thanks.

BROWN RESOLUTION CALLS FOR STRONGER ACTION IN SMOG CONSPIRACY CASE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. BROWN of California. Mr. Speaker, despite the enormous cascade of public outcry against the Justice Department's ploy to settle the smog antitrust suit brought against major car manufacturers by closed-door negotiations, the Nixon administration so far has shown no signs that any of the criticisms of this move are being heard and weighed. The time is drawing near to the day when the court must rule on accepting the proposed consent decree, and if that decree is granted, the struggle to keep this Nation's air safe and healthy will have suffered a major setback.

Since the administration is deaf on this issue, I believe that Congress must take immediate and positive action in regards to the proposed consent judgment.

Today I am introducing a resolution, House Resolution 569 which puts the House of Representatives on record against the Justice Department's proposed decree.

My resolution contains four parts.

The first part would express the sense of the House that consent should be withdrawn by the Government from the proposed consent judgment.

The second part would urge a full, public trial of the case.

The third part, offered as a second-choice alternative to a full, public trial, would call for a stronger, better, negotiated consent judgment. Specifically, it would ask for an "asphalt clause"; that is, a provision requiring the defendants not to contest liability in private damage cases filed, on the basis of this judgment, by States and municipalities; a provision requiring the defendant manufacturing companies to install, at their own expense, emission-control devices on all automobiles made by them and registered currently in California, which do not already contain such devices on a

par with those currently required on new cars sold in the State; a requirement that the defendants prepare written records of all their future activities in the area of emission control; that they maintain such records for 10 years after preparation, make them available to inspection by the Government's attorneys, and submit annual summaries to the Government; and that the defendant Automobile Manufacturers Association make available for public inspection and copying all documents prepared and exchanged by the defendants, pursuant to their joint activities on pollution-control devices, for the past 10 years—the present proposed judgment would release such documents to the public only for the past 2 years.

The fourth part of my resolution would express the sense of the House that the full transcript of the 1966–67 grand jury investigation of this conspiracy, including subpenaed documents, should be made a part of the public record in this action, if it is settled by negotiation and without trial. It is within the power and discretion of the judge to release the grand jury transcript, under rule 6(e) of the Federal Rules of Criminal Procedure.

Mr. Speaker, the content of my resolution contains some drastic steps, but we must remember how crucial the fight for clean air is. Motor vehicles are the main contaminant of our atmosphere, and the costs—in terms of poor health, wasted resources, and remedial programs—resulting from the failures of automobile manufacturers to fully assail the emission problem cannot be termed anything but staggering.

Daily, the list grows of public bodies and other organizations and individuals who wish to intervene in this overall case. Last week, two major southern California counties—Santa Barbara and Orange—voted to seek such intervention; so has New York City, and so has a host of other towns and cities from across the country.

Prompt congressional action on my proposed resolution can be a significant step in reversing the administration's sell-out stance on this issue. I am writing to Chairman CELLER urging that he schedule immediate hearings on this resolution, and I advise my colleagues to do all they can to insure that the right to clean and healthy air will not be compromised.

Mr. Speaker, I insert the text of my resolution and the text of rule 6(e) of the Federal Rules of Criminal Procedure in the Record at this point:

H. RES. 569

Whereas, on January 10, 1969, in the complaint filed in *United States of America, v. Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, Defendants,* Civil Action No. 69–75–JWC, in the United States District Court for the Central District of California, the plaintiff charged that the defendants had combined and conspired over a period of fifteen years or longer to retard and impede the development, introduction, and installation of exhaust pollution control devices for motor vehicles; and

Whereas, motor vehicles powered by internal combustion engines account for not less than fifty per centum of the more than one-half million tons of pollutants and poisons emitted into the ambient air of the United States of America every day; and

Whereas, the plaintiff and defendants in the said civil action, on September 11, 1969, filed in the said court a stipulation providing for the entry of a consent judgment on or after 30 days after the date of such filing, unless the plaintiff sooner withdrew its consent; and

Whereas, a negotiated settlement of the said action, without trial and without admission of wrongdoing by the defendants, would gravely disserve the interests of present and prospective private civil litigants, the public interest in full knowledge of the truth or falsity of and the circumstances surrounding the conspiracy alleged in the complaint, and the public interest in the strongest possible incentives to the defendants and others to terminate speedily the contamination of the atmosphere: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) The plaintiff, the United States of America, should withdraw its consent to the entry of a Final Judgment as proposed by and appended to a Stipulation for Entry of Consent Judgment filed on September 11, 1969, in *United States of America* v. *Automobile Manufacturers Association, Inc.,* et al., Civil Action No. 69–75–JWC, in the United States District Court for the Central District of California;

(2) The plaintiff should insist upon and press forward with a full, open, and public trial of all and each of the allegations of the complaint in the said action;

(3) In the alternative, the plaintiff should, if it be determined to end the case without trial, negotiate a substantially stronger and better consent judgment, containing at least the following provisions in addition to or in lieu of the provisions of the consent judgment presently pending:

(a) an "asphalt clause," which is to say, a provision for the admission of liability by the defendants in civil treble-damage suits filed by State governments and municipal subdivisions thereof, founded upon the conspiracy alleged in the complaint, which provision would be similar to but broader than the provision to a like effect, for the benefit of one State and its municipalities, in the judgement entered in *United States of America* v. *Lake Asphalt & Petroleum Co.*, Civil No. 59–766–M, in the United States District Court for the District of Massachusetts (1959);

(b) a provision requiring each of the defendant manufacturing companies to take immediate, affirmative steps, at its own expense, to alleviate the effects of the combination and conspiracy alleged in the complaint, by installing an exhaust pollution control device on each motor vehicle currently registered in the State of California, manufactured by it and containing no such device at present, such devices to be in compliance with standards of emission presently required by California for new vehicles sold in that State;

(c) a provision that each of the defendants shall keep full, written records of its activities in the subject matter of the complaint, shall maintain such records among the records to be available for plaintiff's inspection for a ten-year period after the preparation thereof, and shall file annually with the plaintiff's Department of Justice, Antitrust Division, summary reports of such activities; and

(d) a provision similar to but stronger than section VI(A)(3) of the consent judgment filed on September 11, 1969; such amended provision to require the defendant association to make available for inspection and copying by all interested members of the public all technical reports prepared and exchanged by the defendants during a period of ten (instead of two) years prior to the entry of final judgment; such amended provision also to omit the proviso contained in section VI(A)(3) of the final judgment presently pending;

(4) If the said action be terminated by negotiation and without trial, whether on the basis of the present pending Final Judgment or another and later substitute Final Judgment entered by consent, the plaintiff should, prior to entry of any such consent judgment, move the court to exercise its discretion and power, under Rule 6(e) of the Federal Rules of Criminal Procedure, to enter into and make a part of the public record of the said action the full transcript of proceedings before, and all documents subpoenaed by, a grand jury which conducted an investigation of the subject matter alleged in the complaint in this action during 1966 and 1967.

FEDERAL RULES OF CRIMINAL PROCEDURE

Rule 6. The Grand Jury

* * * * *

(e) Secrecy of Proceedings and Disclosure. Disclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror may be made to the attorneys for the government for use in the performance of their duties. Otherwise *a* juror, attorney, interpreter, *stenographer*, operator of a recording device, or any typist who transcribes recorded testimony *may disclose matters occurring before the grand jury* only *when so directed by the court* preliminarily to or *in connection with a judicial proceeding* or when permitted by the court at the request of the defendant upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury. *No obligation of secrecy may be imposed upon any person except in accordance with this rule.* The court may direct that an indictment shall be kept secret until the defendant is in custory or has given bail, and in that event the clerk shall seal the indictment and no person shall disclose the finding of the indictment except when necessary for the issuance and execution of a warrant or summons. [Emphasis supplied.]

CERTAIN DAYS SET ASIDE TO REMEMBER OUR PAST

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ROGERS of Florida. Mr. Speaker, America is said to be a melting pot of various nationalities which have come together here to make a great and harmonious nation. For many years we took note of certain days set aside to remember our past, but for some years it was out of fashion.

It is encouraging to note that once again, Americans can look at their diverse past with pride, while not diminishing for a moment their unity today.

Radio Station WXVI of West Palm Beach has undertaken a project of recognizing nationality days with special music and editorial comment. St. Patrick's Day, Columbus Day, and others, have been selected for this special programing; with the Fourth of July and similar American holidays taking note of the united people which has emerged from these different backgrounds.

I think this is a pattern which could well be developed further, by other news

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media and by civic and patriotic groups. We are after all one people of many different backgrounds, and our past has played an important role in the development of our unique American institutions. This can be done without any backsliding or division. It should cover the widest possible territory, not just the Irish or Italian or English or Scandinavian or German, but the African, Spanish, and all other immigrant groups which have come together here in America as one people.

I congratulate WXVI for their initiative, and hope that their idea will spread.

IT JUST GROWS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. DERWINSKI. Mr. Speaker, as we continue the frustrating struggle to establish some semblance of control over the huge Federal bureaucracy, it is essential that we remember the taxpayers who bear the burden of the Federal colossus and who sincerely wish it would stop growing.

An editorial carried in the Wednesday, October 1 edition of the Southwest Graphic, a weekly publication of Tri-County Publishing Co., Lemont, Ill., effectively tells the story of the heavy burden of big Government:

IT JUST GROWS

Everyone kicks about big government, but no one seems to be able to do anything about it. Government, like Topsy, just grows. And, as government grows, freedom diminishes. However, the near maxim that the trend toward bigger and bigger government is inevitable and irreversible could possibly turn out to be a fallacy.

The largest farm organization in the country, the American Farm Bureau Federation, representing well over a million U.S. farm families, who have endured more than 30 years of government subsidies and controls, now supports federal legislation aimed at gradually unshackling agriculture from governmental domination.

Businesses, professions and other groups that have been following the path of agriculture toward big government domination may one day look upon the present action of the Farm Bureau as both a turning point and a guide in the endless struggle to preserve independence. The Agricultural Adjustment Act of 1969, which is strongly supported by the Farm Bureau, is a carefully thought-out program that will gradually restore free market principles to agricultural operation. Under it, as Charles B. Shuman, president of the Farm Bureau, points out: "the transition to the market system would be gradual. Substantial payments would be made during the transition period to help farmers make needed adjustments . . . At the end of the proposed phase-out of acreage allotments, marketing quotas, base acreages, certificates and government payments . . . each producer would be free to . . . make the best uses of his resources in the light of the market outlook. Thus, the way would be clear for farmers to earn and get higher incomes in the marketplace.

With this kind of citizen leadership, it may prove possible to live with relatively "big government" and preserve our liberties at the same time.

KOCH NEWSLETTER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. KOCH. Mr. Speaker, this week I am issuing my third newsletter. One hundred and sixty-five thousand copies of this report are being mailed to residents of the 17th Congressional District in New York.

My report outlines some of my congressional efforts during the past 3 months, both here in Washington and in New York City: Tax reform; my bill to establish a Presidential Commission on Marihuana, and the conference I held in New York City in conjunction with this legislation; and an outline of New York City's rent law—which law I proposed when a member of the city council and the passage of which I urged upon the mayor while a Member of the Congress because of the great housing shortage in New York City. It is my position that until sufficient housing units are available to meet the need, something that cannot happen until there is adequate Federal funding, the existing units must be rent controlled to protect against rent gouging.

Commencing with an essay on race relations, the newsletter read as follows:

RACE RELATIONS

Dear Constituent and Fellow New Yorker:

This summer our Nation was spared a major racial riot. Yet minor disturbances in our cities continue and overall I think it is accurate to say that race relations in America are deteriorating. This erosion of good will, this deepening of suspicion between the races is the most difficult and vexing problem facing us as a people.

I think it is necessary for those of us who are identified as liberals to give fresh attention to this problem. In doing so I think it is important that we avoid becoming captives of the rhetoric and solutions of the past—when they reveal themselves to be wrong or inadequate or simply no longer relevant.

It is a sad fact about the human condition that community strife appears to be the rule rather than the exception. The unrest caused by tension between French and English speaking communities in Canada, between Catholics and Protestants in Northern Ireland, between Ibos and other tribal groups in Nigeria, between Greeks and Turks in Cyprus, between Chinese and Malays in Malaysia—these and many other examples demonstrate how rare is true harmony among different groups living in close proximity.

A great deal has been done in the past two decades to assist the black community and to give it a new place in the national community. We have changed old ideas about the Constitution, enacted major new laws, created new voting patterns and elected black officials in significant numbers.

No doubt a lot more must be done in all of these areas. Laws must be enforced. Funds must be appropriated and responsibly spent to give substance to the legislation of the past eight years.

Nonetheless no one should ignore or belittle the fairly widespread reaction of whites, in particular the working and middle classes who live in and around our cities. These are families who have children in school, who budget their money carefully and who know how much they pay in taxes.

I believe these people at first sympathized with blacks and supported their goals. Voting irregularities, discrimination in public facilities, inferior education, difficulties in getting a job—all of these are abhorrent to the sense of fairness with which most Americans are endowed.

But with the growth of militancy and the spread of racial violence, the good will of much of white America has disappeared.

Parents are worried about our schools. My conversation with constituents—black and white, conservatives, liberals and radicals—have reinforced my opinion that parents will not sacrifice the education of their children no matter what the cost and no matter how sincere their dedication to the goal of integration.

People are bitter about the taxes they pay. They are particularly angry that a portion of their hard-earned wages are used to support able-bodied men on welfare. We know that most welfare recipients are not able to work. Yet there are able-bodied men presently getting welfare checks—approximately 30,000 in New York City alone—who can work but do not.

There are thousands of jobs in New York City—many requiring no skills—that go begging because of a lack of applicants. I have heard it said by those in charge of our welfare system that welfare recipients will not accept these "dead end" jobs. Yet most of our blue-collar workers took such jobs and worked their way up. They met discrimination and hardship, and overcame them. And now they, wrongly or not, fail to understand why others do not do the same.

There are some obvious answers to some of the racial problems in our great cities. One of course is money. Funds for housing, education, health and other needed programs lag at every level—local, state, and federal. But the hard fact is that even if we had the funds we need, race relations would still be a major concern.

The question which faces legislators and all of us is this—what, realistically, do reasonable men of good will do now? It is easy to advocate a program that is designed to promote the interests of one racial or economic group. But our society is complex, and it requires real statesmanship to speak honestly to and for all communities.

As a liberal, I believe I have a special responsibility to come to grips with this issue. I think that those who have accepted or tolerated violence in pursuit of noble ends and have ignored the decline of neighborhoods, the deterioration of schools, and the problem of law enforcement are doing a great disservice to the cause of economic and social justice.

These are some of my present thoughts. I do not pretend to have the answers; I am soliciting your help in finding them. On this issue, your opinion and recommendations are most important to a public official. Please write.

TAXES

A plea to those interested in lower taxes. The tax bill which passed the House on August 7 lowers taxes for those apartment house dwellers who take the standard deduction by increasing the deduction from the existing 10% to 15% by 1972. The House bill also gives tax relief to single people over 35 maintaining their own households.

Now the Nixon Administration has proposed to the Senate Finance Committee that the standard deduction be reduced to 12% and that the tax relief to single people be cut by one-third.

I urge you to write immediately to Senators Javits and Goodell and request that they support the tax relief provided in the House passed bill.

NEW YORK CITY RENT LAW

Since passage of the new Rent Stabilization Law of 1969 ("RSL"), my New York Office has tried to resolve much of the confusion which tenants have experienced. Here is an outline of the basic provisions set forth under the new law and established guidelines, which though necessarily brief, will hopefully answer many of your questions.

APPLICABILITY

(1) All tenants in privately owned buildings not under rent control which contain 6 or more units.

(2) All tenants in residential hotels paying $350 or less per month as of May 31, 1968.

ALLOWABLE INCREASES

(1) For renewal leases

(a) 10% for 1 year lease (a tenant must be given an option to extend lease for 1 more year without any additional increase).

(b) 10% for 2 year lease

(c) 15% for 3 year lease

A landlord may not refuse a tenant the right to renew his lease except when the apartment is to be legally withdrawn from the rental market, or when the tenant has violated the terms of the lease.

(2) For new occupants

(a) 15% for 1 year lease (a tenant must be given an option to extend lease for 1 more year without any additional increase).

(b) 15% for 2 year lease

(c) 25% for 3 year lease

For new occupants a landlord is required to attach a rider stating the name of the previous tenant and the amount of rent he or she paid.

OTHER INCREASES

In certain cases, a landlord may apply to the Conciliation and Appeals Board established under the RSL for the approval of increases over and above those allowed under provisions of the RSL. The Board also has the power to arbitrate all disputes that may arise.

The allowable rate of rental increases is to be reviewed annually beginning July 1, 1970.

REFUNDS

The law applies to leases signed since May 31, 1968. To be eligible for a refund, a tenant must have been in occupancy on or after January 1, 1969.

All monies charged since January 1, 1969 in excess of the allowable rent under RSL must be refunded.

IF THE LANDLORD DOES NOT COMPLY

If the landlord is not a member in good standing with an association registered with the Housing Development Administration or willfully violates the RSL, his property may be placed under rent control.

JUNE 18 QUESTIONNAIRE RESULTS

All responses received from the last questionnaire were tabulated and they produced the following results:

Over 29% of the respondents indicated that the most important tax reform measure the Congress could pass was one closing the loopholes and redistributing the tax burden. This was followed by 17% giving top priority to an increase in the personal exemption to $1200. Tax relief for single persons and a cut in the oil depletion allowance followed.

90.6% of the respondents favored making "substantial cuts in the military budget"; leaving 9.4% opposing such cuts. And in response to question number three of whether "the federal government should withhold federal funds in cases of campus disorders," 25% said yes and 75%, no.

The final question inquired, "what national problems do you think most urgently require action by Congress this year?" The overwhelming choice was Vietnam followed by taxes and urban problems. Other items mentioned were pollution, inflation and a reduction in the military budget.

52% of the respondents were women and 48% men.

MARIHUANA

Last May I introduced a bill which would establish a Presidential Commission to study the medical, social, and legal questions pertaining to the use of marihuana.

I think that our existing method of punishing all marihuana users as criminals only exacerbates the problem. Current criminal penalties have failed to solve the problem of increased marihuana use because young people have not been persuaded they do themselves or others any harm.

My bill does not suggest in any way that marihuana be legalized, nor does it prescribe the nature of penalties for its use; those questions should properly be left to the Commission to decide. In light of the ignorance, confusion and controversy about marihuana, we urgently need an authoritative study that sweeps away old myths and shibboleths and establishes in their place intelligent up-to-date conclusions and recommendations.

The bill has also been introduced by Senator Moss and is now the subject of hearings before the Senate Judiciary Committee. Attorney General Mitchell recently voiced his support for the idea of a Commission on Marihuana.

The bill received editorial support from the *New York Times* on September 15 and the following statement from the *Times* encourages me in the forthcoming legislative effort to be made when the House Judiciary Committee holds hearings on the bill.

"There has been nothing in the United States comparable to the investigation proposed by Mr. Koch, either in scope or in the stature of the investigators. It is time the American people had the hard facts on a possible soft drug."

In addition, I included a reprint from the CONGRESSIONAL RECORD of September 17, reflecting two opposing congressional views on Vietnam: those of the distinguished gentleman from Ohio (WAYNE L. HAYS) and mine.

VIETNAM: TWO OPPOSING CONGRESSIONAL VIEWS

Mr. KOCH. Mr. Speaker, yesterday President Nixon announced another token withdrawal of American troops from Vietnam. Though any withdrawal deserves support, it will still leave 484,000 American troops in that war-torn country.

The President has said that our troop withdrawals will be predicated on three conditions: First, the level of enemy-initiated combat; second, the rate of progress in the Paris peace talks; and third, the increased capacity of the South Vietnamese forces to assume a greater share of the combat burden. And yet, the fighting continues, the peace talks stall, and the Saigon regime remains unwilling or incapable of assuming the full combat burden of their own war.

Almost every week that passes, more than 150 Americans are being killed in Vietnam. If withdrawals remain predicated on the conditions outlined by the President, thousands more American lives will be lost.

It is clear, without assessing blame, there appears to be no prospect of a cease-fire taking place in Vietnam. I believe that the American public will no longer accept a slow, tactical withdrawal if the price for such delay is the continuing loss of our finest young men on the battlefield.

Let the President announce that total American withdrawal is to commence immediately. Let our policy be committed to saving lives rather than saving face. Every American life lost until our troops are finally withdrawn is an unnecessary tragedy and one which no family should be required to bear.

REPRESENTATIVE WAYNE L. HAYS, DEMOCRAT, OF OHIO

Mr. HAYS. Mr. Speaker, I find myself in general agreement with the minority leader and the gentleman from New York (Mr. STRATTON) on the proposed withdrawal of troops in Vietnam. And if I understood the minority leader correctly I am glad to know that the President has made a decision not to surrender and not to allow the South Vietnamese to be taken over willy-nilly by the communistic regime of North Vietnam.

The first speaker of the day, the gentleman from New York (Mr. KOCH), if I understand him and his numerous speeches on this subject, is for a quick Communist victory. I would advise the gentleman that the American public opinion, however he may view it, is extremely mercurial and, while American public opinion is for ending the war in Vietnam, it is for ending it honorably. If the gentleman had his way and we surrendered to the Communists and allowed them to murder—which they would do—a few hundred thousand people in South Vietnam who disagreed with them, I believe the gentleman's constituents who sent him here might find his philosophy unacceptable. At least, I hope they would.

(I would like to hear from you. Am I representing your point of view? Or is Rep. Hays correct in his evaluation?)

The newsletter also contained two photographs, one of me in my office with two paintings on loan from the Guggenheim Museum in New York City. The caption read as follows:

CAPITAL TOASTS THE KOCH GALLERY OF ART

Some of the major art museums in the 17th C. D., including the Guggenheim, the Whitney, and the Museum of Modern Art, have lent my Washington office eight original paintings. I wanted my office to reflect the district—the modern art center of the world. In the photograph above, Cameron Booth's "Moment's Insight" is at the left and Paul Jenkins' "Phenomena Blue Carrier" is at the right. My "gallery" opened on July 29th.

The other photograph was of the seven panelists who participated in my June 20, 1969, Conference on Marihuana. Its caption read as follows:

In conjunction with the legislation I have introduced, I held a conference on June 20th on the topic of marihuana at Mt. Sinai Hospital in New York City. The seriousness of this problem and the community interest were underlined by the fact that over 100 individuals and civic organizations joined in sponsoring the conference in which seven experts participated.

HIGH INTEREST RATES—HOUSING CRISIS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ANDERSON of California. Mr. Speaker, today we have approximately 50 million housing units in the United States. By 1980 we will need approximately 75 million units. This is an increase of 25 million units in the next 10 years. If this goal is not reached, many will not have adequate housing. Thus, I was most disturbed to see reported that Mr. Romney, Secretary of Housing and Urban Development, forecasts that housing construction could fall below 1 million units for this year. Secretary Romney placed the blame for the dearth of housing construction on the high cost of borrowed money and soaring wage rates in the building trades. To date, I fail to see where the President has made any attempt to stop inflation by curbing the soaring interest rates. Since last December the Nixon administration has presided over a 37.5-percent increase in

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interest rates—the highest rate of interest in American history. Unless some action is taken, there appears to be no end in sight to the rising interest rates.

I totally agree with Secretary Romney that the housing shortage rests with the high cost of borrowed money. Secretary Romney apparently recognizes the problem, but he needs the support of the President if the Nation is going to meet its housing needs.

The President can take measures to curb the cost of money such as was Government policy following World War II when interest rates were held stable. Apparently, the President considers housing of a lower priority than enriching the banking and other lending institutions. Unless the President realizes the implications of an excessively high interest rate, I fear a housing shortage of crisis proportions in the next decade.

WEST FALMOUTH, MASS., BEACHES SPOILED BY OIL SPILL

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. KEITH. Mr. Speaker, recently an oil barge, loaded with diesel fuel bound for Boston, ran aground in West Falmouth, Mass., and spilled 134,000 gallons of its cargo onto the waters and beaches of this resort community.

The damage was extensive, and it hit the community in several ways. The scientists in Woods Hole, for example, who had long used the area for gathering specimens, have been deprived of their most fruitful collection spots. The beaches—on which so much of the town's economy is dependent—were spoiled for several miles, and although attempts were made to clean up the mess, much of the coastline still shows and smells of oil.

Not the least of those hit by this tragedy were those who made their living by harvesting the abundant sealife of the area. Shellfish and lobsters, both formerly plentiful in those waters, now are either dead or condemned by health authorities. For years to come this once-bountiful coast may be barren of the clams and quohogs that formerly attracted hundreds of residents and dozens of commercial diggers.

One of those hardest hit by this accident is Mr. John Sampson of Buzzards Bay. He has written me a most moving story, and I think it is worthy of the attention of the Congress and the Nation. It follows:

BUZZARDS BAY, MASS.,
September 21, 1969.

DEAR CONGRESSMAN HASTINGS KEITH: In regard to the recent oil spill in Falmouth, Mass., waters, I thought it would be in interest to all to know while tending to my lobster traps on Friday, September 19, 1969, in the area of Falmouth, Mass. I discovered over half of the lobsters were dead and many were very weak. I don't believe they will live.

Because of this situation, the loss to my income will amount to several thousand dollars a year. The loss in this area will amount to great damage for at least seven to eight years to come.

I have been a commercial lobster fisherman for 18 years and have never seen such a sickening looking mess in all of my years.

Today, September 22, 1969, I tended to the same traps in the area of the oil spill and found no life in the waters.

The whole area is a complete, total, disaster to marine life.

Sincerely yours,

JOHN SAMPSON.

HUGE INCREASE IN GRAPE SHIPMENTS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. O'HARA. Mr. Speaker, in fiscal 1969 the Department of Defense purchased 2.5 million pounds of table grapes for our servicemen in Vietnam.

This was a rather substantial—to say the least—increase in grape shipments to Vietnam. The 2.5 million pounds shipped to Vietnam in fiscal 1969 amounted to a 350 percent increase in grape shipments over the previous year.

The development of a voracious appetite for grapes on the part of our fighting men was of considerable interest to some of us in Congress.

As you know, a labor dispute is swirling through the California vineyards. The United Farm Workers Organizing Committee has struck many of the grape growers in California's rich agriculture valleys. It has also instituted a nationwide—indeed, worldwide—boycott of California table grapes.

In the past year this boycott has been remarkably effective and the sales of California table grapes has dropped sharply.

Meanwhile, the Pentagon began increasing its orders—sharply.

Some of us questioned the coincidental increase in Pentagon purchases at a time when private sales of grapes were decreasing.

In fact, we advocated then—and still do—a position of neutrality in this labor dispute by all Federal agencies. We suggested that a substantial increase in purchases of grapes did not reflect a neutral position, but in fact tended to help the grape growers during a very difficult time in the labor dispute.

Early this year the special subcommittee on labor questioned the Department of Defense about its grape purchases.

The Pentagon admitted that it had purchased a lot of grapes during fiscal year 1969. But it said it did so because:

> In July of FY 69 a shortage of export quality oranges was predicted for the September–November period. All requisitioners in the Far East were advised of this and asked to consider grapes as a substitute.

Happily, there will be no shortages of oranges this year. I recently came across newspaper reports which indicate that the Florida orange growers are anticipating a record crop and expect to harvest 145 million boxes of oranges.

Knowing that the Department of Defense would be interested in this news, I wrote the Defense Secretary, Melvin Laird, and enclosed a copy of the newspaper report.

I also suggested that he pass the word along to his requisitioners.

A copy of my letter to Secretary Laird and the news report referred to therein follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 1, 1969.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a copy of a news article which I think will be of great interest to those in the Department of Defense responsible for requisitioning food supplies for our military men.

The crux of the news article is this: Mr. O. J. Huff, Jr., Chairman of the Florida Citrus Commisson, reports that Florida anticipates a record crop of oranges this year. He estimates that growers in his state will harvest 145 million boxes of oranges. Further, according to Mr. Huff, these oranges will be "vintage fruit," meaning that they will have higher solids and more juice than usual.

As you know, other Members of Congress and I have been highly critical of the past tremendous increase in the purchase of table grapes by the Department of Defense, in the light of the labor dispute now in existence between the California grape growers and the United Farm Workers Organizing Committee.

This year, a reported shortage of oranges of export quality was one of the reasons given by the Department of Defense for increasing its purchase of table grapes during fiscal 1969.

I quote from a Department of Defense reply to questions submitted by the House Special Subcommittee on Labor: "In July of FY 1969 a shortage of export quality oranges was predicted for the September-November period. All requisitioners in the Far East were advised of this and asked to consider grapes as a substitute." For your reference, a copy of the question and the complete DOD answer is attached.

I was pleased—as I know you will be—that the Department of Defense will no longer be forced to resort to the purchase of these grapes in the absence of oranges.

This, I believe, will permit the Department of Defense to return to the status of the true neutral in the grower-UFWOC labor dispute.

Permit me to say, too, that I think Mr. Huff's report will be welcomed by our men in Vietnam who are "fed up to here" with 2.5 million pounds of grapes.

I hope that you will distribute this report promptly to all the DOD purchasing agents and service requisitioners so they can begin ordering the Florida oranges that will be so abundant soon.

I would appreciate a report on your plans for purchasing more oranges for our servicemen in light of this most happy development. And will you please keep me informed of monthly grape purchases by the services.

Very truly yours,

JAMES G. O'HARA,
Member of Congress.

[From the Washington Post, Sept. 29, 1969]

NEW CITRUS PRODUCTS

(By Elinor Lee)

CHICAGO.—This year's crop of oranges and grapefruit will be a record one, said O. J. Huff, Jr., chairman of the Florida Citrus Commission at today's opening brunch of the Newspapers Food Editors Conference.

Huff predicted the Florida harvest will be 145 million boxes of oranges and 45 million boxes of grapefruit.

Both oranges and grapefruits will be vintage fruit—higher solids and more juice—

better than in past years. "The first of the season grapefruit now being shipped to market is better than those we got last January," he said.

When asked about prices of this year's frozen orange juice, Huff said that although there's low inventory, carryover prices will continue at about the same levels for the frozen concentrate and fresh because of increased production. In the extreme southern part of Florida there's been a big acreage increase in citrus groves over the last few years.

About 85% of the total orange crop in Florida is processed, about 67% into frozen orange juice concentrate.

Tad Jeffery, marketing director of the Commission, previewed new products developed by the Commission's research department headed by Dr. John Attaway.

One of the most interesting sampled was an isotonic beverage made almost entirely of pure orange and grapefruit juice. This quick energy drink, with the addition of salts to replace various minerals lost during heavy activities, is now being field tested by two football teams in Florida. Jeffery predicted it will be a likely competitor to all the highly touted synthetic "energy" drinks now on the market.

Another newcomer—quick orange juice crystals (these have been used by the armed services for the last few years)—will soon be on the consumer market.

"This will be the first real instant orange juice," Jeffery added.

Other new convenience foods recently developed by Florida Citrus Commission scientists, working with the United States Drug Association at the research headquarters at Lake Alfred, Fla., are fresh grapefruit halves sealed with a thin layer of fruit gel that keeps them fresh for two weeks. This product was developed for hospitals and institutions but may soon be available to consumers.

Loose-packaged orange and grapefruit sections, quick frozen with liquid freon; chilled orange slices; jelled citrus sections, and a jelled orange sauce similar to cranberry sauce were other new products sampled. All these are on their way to retail markets.

But, the speaker pointed out, the Commission is empowered to develop new products only as outlets for the growing citrus industry; the manufacturing, processing and marketing of the products is then the job of private industry.

At today's opening brunch for 136 food editors from 37 states and five Canadian provinces, the menu included grapefruit and crabmeat appetizer, rock cornish hen with orange glaze, rolls and rice (without orange), baked squash with grapefruit sections, and for desert meringue shells with orange Bavarian cream topped with fresh orange sections.

DR. FREDERICK J. HUNTER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. PICKLE. Mr. Speaker, Dr. Frederick J. Hunter, University of Texas drama professor and curator of the Hoblitzelle Theater Arts Library, is one of only three American scholars invited to present a paper at the International Federation for Theater Research. This sixth world congress convenes in New York from October 6–11.

Additionally, about 30 pieces from the university's Norman Bel Geddes collection will be on display in a special exhibit of stage and theater design being held in conjunction with the theater meeting.

This congress convenes once every 4 years in some cultural capital of the world. Delegates from more than 20 countries are expected to attend. Professor Hunter will present a paper entitled "Norman Bel Geddes: The Renaissance Man of the American Theater." In the realm of theater research, the Bel Geddes collection is considered one of the most important in the world.

Mr. Speaker, this is but another of many examples of the educational leadership role of the University of Texas, an emerging colossus of American higher education.

USES FOR SAWDUST FIBERS

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mrs. HANSEN of Washington. Mr. Speaker, America needs to build 24 million new housing units during the next decade—which will take a great deal of timber.

The Nation's forest managers, meanwhile, are facing this challenge with inventive skills and rigorous conservation techniques.

An example of full utilization of our timber cut is taking place at Simpson Timber Co.'s insulating board plant in Shelton, Wash., and is described in this article from the Simpson Diamond which follows:

EVERYTHING BUT THE SQUEAL: INSULATING BOARD PLANT NOW USES SAWDUST FIBERS

Today it is recognized everything but the squeal is used from each little pig that goes to market. Simpson's version of that record is being established with full use of barked logs down to the fibers from the smallest bits of planer shavings and sawdust.

Our "full use" project is underway at Simpson's Shelton Insulating Board Plant which is phasing in a process for softboard production which eventually will use 110 tons daily of fir and hemlock sawdust fibers. Annually, that means IBP now uses an additional 130,800,000 board feet of logs formerly burned. Orville W. Shelton, general manager of insulating board production in Seattle, announces Simpson has invested over $500,000 in equipment which makes it possible to combine wood fibers from sawdust and wood chips.

Simpson has pioneered many wood conversion developments. In 1936 the Company eliminated its Shelton mill waste burners by converting sawdust and other leftovers into steam and electric power. Eleven years later Simpson built the IBP as part of its utilization commitment in signing the nation's only cooperative sustained yield forest contract with the U.S. Forest Service.

"Through wood conservation, we are providing 170 jobs and an annual payroll of one million dollars without cutting a single extra tree," explains Woodrow Johnson, IBP production manager. In 22 years IBP has manufactured one billion, 752 million square feet of softboard products from raw materials formerly burned. Each day IBP consumes 150 tons of sawdust, wood chips and shavings from our adjoining sawmills and lumber remanufacturing plant to produce an average of 300,000 square feet of fiberboard.

No softboard is made entirely from sawdust fibers; generally it is two-thirds sawdust and planer shaving fibers to one-third wood chip fibers for building products. Accoustical tile requires loosely compacted fibers for maximum sound absorption.

Simpson Power Plant is buying more electrical power to replace sawdust lost to IBP.

TOLEDO CITY COUNCIL ASKS NEW NATIONAL PRIORITIES

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ASHLEY. Mr. Speaker, as the administration continues high-level funding for defense and space, while cutting back domestic programs, people all around the country are beginning to question the Nixon system of priorities.

Last week, while we were still spending billions of dollars on the unwanted Vietnam war and the largest-ever defense procurement authorization was being railroaded through the House of Representatives, the President stated flatly that nearly $100 million would be spent this year for the SST, the unproven supersonic transport that will cost the American taxpayers at least $1.2 billion by 1972 when the first prototypes are scheduled for testing.

But where is the money coming from? Funds for this, as well as for the bloated defense and space programs, are coming from badly needed domestic programs. Thus, medical research programs, low-cost housing programs, pollution abatement programs, education and poverty programs are all going begging for money. It is hardly surprising that people everywhere are questioning the President's choice of the SST as a high-priority program.

In Toledo, the SST was the straw that broke the camel's back. Appalled by the untimeless of this program, the Toledo City Council passed an emergency resolution—emergency because it "is necessary for the preservation of the public health and welfare"—on September 29 calling on the Congress to relegate the SST to its appropriate order of priority and to use the available funds for more pressing domestic projects, such as pollution control and improved community transportation.

In short, this measure calls for the reordering of our national priorities which will allow us to make expenditures in those areas which are most critical and to defer expenditures in those areas where there can be a temporary postponement of Federal activity.

Today it is the SST that brings into the question the administration's sense of priorities. Tomorrow it will be something else. This is not the first such resolution and I am sure that it will not be the last so long as the administration pursues its present course.

Mr. Speaker, the resolution passed by the Toledo City Council follows:

RESOLUTION No. 267–69

Resolution requesting and urging the support and assistance of the Congress of the United States in subordinating the supersonic transport aircraft program to other domestic requirements of greater importance; and declaring an emergency

Whereas, the President of the United States has expressed the intention of seeking the

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authority of Congress to expend $662,000,000 in the next five years to develop supersonic aircraft; and

Whereas, President Nixon contends that this matter is of extreme urgency and required to maintain the leadership of the United States in the world aircraft industry; and

Whereas, rising budget concern, intensified by astronomical monetary requirements of the Vietnam conflict, the space program, and funds required to fulfill existing domestic needs and government operations, deprives the American people of many essential federal programs and activities; and

Whereas, government spending, born of crisis or otherwise, which appends additional burdens to the already overwhelming tax load of all our citizenry must be regulated by a careful consideration of priorities; and

Whereas, there are existing domestic priorities which include, among others: the urgent need for federal monetary assistance implementing the project of averting man's apparent unbridled intent to exterminate life on this planet by the pollution of our air and water; the imperativeness of obtaining a financing program to resolve transportation problems concerning the rapid conveying of the American people from one part of a community to another, rather than from one country to another; the making available of funds required to cope with an ever-growing, and as yet unresolved waste disposal problem; and the dire need to provide for adequate sewage systems and water treatment facilities; and

Whereas, by the failure of our federal government to fulfill critical domestic needs, America's role of world leadership may, in the future, experience irreparable setbacks far more severe in nature than the prospect of not being the first in the development of the SST; and

Whereas, the proposed program encompassing the development of supersonic air transportation ignores present requirements for financial assistance in fulfilling immediate national needs, thus neglecting the welfare of all Americans, impeding domestic progress, and endangering our very future existence; all of which unquestionably create threatening facets to the world image and leadership role of the United States of America; and

Whereas, in view of the foregoing, it becomes imperative for Toledo, by and through its legislative body representing the people of this community, to explicitly convey its position on President Nixon's proposed program; Now, therefore,

Be it resolved by the Council of the City of Toledo:

Section 1. That the Congress of the United States be requested and its aid enlisted to firmly support the premise that the President's proposal to immediately seek funds for the development of supersonic transport aircraft be relegated to its appropriate order of priority and that available funds be made accessible for numerous domestic projects, including pollution control, community transportation, sewage and water facilities and other far more critical local and national needs.

Section 2. That intensive measures be immediately instituted to elicit the support of all Americans and of state and local legislative bodies throughout our country and that they be induced to communicate their concurrence with the concept set forth in Section 1 of this resolution to the appropriate federal government authorities.

Section 3. That the Clerk of Council be and he hereby is directed to forward a copy of this resolution to the Congress of the United States and to furnish a copy thereof to each of the two United States Senators from Ohio and to each of the Representatives to Congress from the State of Ohio.

Section 4. That this resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that this resolution is necessary for the preservation of the public health and welfare.

Adopted: September 29, 1969, as an emergency measure.

WILLIAM J. ENSIGN,
Mayor.

Attest:
ROBERT F. REBENSAL, *Clerk of Council.*

SLOVENIAN SOCIETY HOME CELEBRATES 50TH ANNIVERSARY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. VANIK. Mr. Speaker, on Sunday, October 5, 1969, it was my privilege to attend the golden anniversary celebration of the Slovenian Society Home located at 20713 Recher Avenue, Euclid, Ohio, in the congressional district which I represent. The home, also called the American Yugoslav Center, has served for 50 years as a meetingplace for Americans and their children who immigrated to this country from Slovenia and Yugoslavia and who wished to remember and promote the traditions and culture of their homeland and the homeland of their ancestors. For a half a century the home has been a center for fraternal orders and cultural clubs, which, by their activities, have added immeasurably to the cultural variety and life of the Greater Cleveland community.

I would like to commend all the members of the home and its associated lodges and fraternities for their contribution to the Cleveland community and its culture.

The present members of the board of directors are: Joseph Trebec, president; Edward Leskovec, vice president; Stanley Pockar, secretary; William Frank, treasurer; Mary Kobal, recording secretary; Louis Sajovic, chairman, auditing committee; John Hrovat and Joseph Brodnik, auditors. Members of the house committee are: Stephen Kasunic, president; Ray Bradac and John Troha; other board members: John Evatz, John Adams, Albert Pestotnik, and Joseph Petric, Jr.

There are still four of the original founders among the living: Matija Nemec, Miha Dolnik, Ignac Klopovic, and John Bolden.

The following men were selected as "Men of the Year" to represent the Slovenian Society Home: Frank Zagar, 1964; John Barkovich, 1965; Joseph Trebec, 1966; John Troha, 1967; Edward Leskovec, 1968; and, in 1969, Mary Kobal was selected as "Woman of the Year."

The occasion of this golden jubilee is an opportunity for the entire community to pay special tribute to the men and women and their families who, coming to this new and strange land, contributed so much to its growth through their distinctive cultural and civic spirit.

GOVERNOR REAGAN ISSUES DRUG STATEMENT

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, California's Gov. Ronald Reagan recently issued a press release that highlights the startling increase in drug abuse and narcotic addiction with which we are now faced. He stated, as I have been saying for some time, that it is almost as easy in many places for kids to buy pills and pot as it is for them to buy soda pop. Addiction, the Governor pointed out, is no longer restricted to high school students but that drug abuse has spread not only to junior high schools but even to elementary schools. To shed more light on the issue and present a variety of views, I present for your information the Governor's statement of support for Operation Intercept and rationale for the accompanying economic hardships and personal inconvenience that it has brought about.

The Governor's release follows:

I want to talk with you today about an epidemic—an epidemic that has infected Californians in every walk of life and has reached into nearly every community from Siskiyou County in the north to San Diego in the south.

The epidemic of narcotics addiction and drug abuse . . . and if you think I'm being overly dramatic, listen to these facts:

In the past eight years, marijuana, narcotics and dangerous drug arrests have increased 300 percent among adults, and more than 2,000 percent among juveniles.

Drugs can be bought easily at high schools in the cities, in the suburbs and even in the smallest of towns.

The facts are that it is almost as easy in many places for kids to buy pills and pot as it is for them to buy soda pop. This is no longer a problem restricted to high school students. Addiction and drug abuse has spread to the junior high schools and even the elementary schools.

Last month in San Diego alone, six deaths were attributed to drug overdose. Los Angeles officially records around 100 deaths a year from drug overdose. Unofficially, we are told that the mortality rate from drug overdose in Los Angeles is closer to 400 . . . more than one death per day.

The Department of Justice reports that while marijuana remains the favorite of users, the use of more dangerous drugs is increasing at an alarming rate.

Over the years many different methods have been tried to stem the flow of narcotics and dangerous drugs into the United States. But the flow hasn't been stopped. It has increased to a flood.

Most officials estimate that as much as 80 percent of the narcotics and dangerous drugs that flow into this country are smuggled across the Mexican border.

The federal government through Operation Intercept is attempting to bring it to a halt.

I fully support President Nixon in this operation and pledged to the federal government our complete cooperation and offered any assistance necessary.

For some time now, Lt. Governor Ed Reinecke and his task force on the border problems have been meeting with federal and state narcotics officials and will continue to do so.

There is no question that this project

has caused more inconvenience to tourists and workers who cross the border regularly. Some are obviously experiencing a measure of economic hardship.

But if this were an epidemic disease that crippled and took the lives of our youth, the economic hardships and the inconvenience to travelers would be considered inconsequential by all thinking Californians.

Narcotics addiction and the use of dangerous drugs is as damaging to this nation and its future generations as any disease spread by a germ.

The economic hardship to some and the inconvenience to travelers can not be balanced on the same scale with shattered lives, heartbroken families and astronomical cost of courts, judges, juvenile facilities, law enforcement agencies and the rehabilitation and treatment costs required to treat the addicted.

There is only one way to stop an epidemic. And that is to isolate the virus that causes it and destroy it. Operation Intercept is trying to do just that.

UNITY OR DISSENT?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Felix R. McKnight, editor of the Dallas Times Herald wrote a very provocative editorial in his paper on Wednesday, October 1, following President Nixon's appeal for unity in this Nation. I believe Mr. McKnight's article should be read by everyone who wonders what is happening to this country. It is one of the finest I have read in some time.

The editorial follows:

PRESIDENT'S WAR OR THE DISSENTERS?

(By Felix R. McKnight)

On last Friday, President Nixon asked this nation to unite as of old in support of his urgent quest for peace.

He urged on national television that the sideline generals stop proposing an absolute deadline for American troop withdrawals from Vietnam. It could destroy and undercut his peace effort, he said.

"If we can stay on our course," he said, "and have some more support in this nation . . . then the enemy will have some incentive to negotiate, recognizing that it is not going to win its objective by waiting us out. Then the enemy will negotiate and we will win this war before the end of 1970. . ."

But the reply to a President's plea for unity has been negative and wrapped in the tinsel of politics.

Twelve U.S. Senators and 12 members of the House agreed, in general terms, to support a nationwide "student boycott" of classes to protest the war on Oct. 15. It figures that one of the leaders of the "student" demonstrations is a former campaign aide of Sen. Eugene McCarthy.

On the Friday that President Nixon called for this country to pull together, Sen. Fred R. Harris of Oklahoma, the left-leaning Democratic national chairman, gathered congressional dissenters together to plan their own war-withdrawal strategy.

On Oct. 8 they will propose a congressional resolution seeking U.S. withdrawal from Vietnam. The usual group—Sens. George McGovern of South Dakota, Frank Church of Idaho and and Reps. John Brademas of Indiana and Morris K. Udall of Arizona—will draft the proposal.

On President Nixon's side of the political fence, Sen. Mark Hatfield of Oregon and Sen. Charles Goodell of New York, both Republicans, indicated they would team with Harris' Democrats to do precisely what President Nixon asked them not to do—tinker with Vietnam strategy.

It is a strange, almost unbelievable atmosphere that clouds the national scene. In this nation's history, holding right through the Korean War and the classic Truman guts of the Berlin airlift crisis, there was maximum unity and the certain respect for a President's burden.

Opposition was of the loyal mold.

Bi-partisan statesmanship, particularly in World War II, was the order of the day. Sen. Arthur Vandenberg, Republican leader, epitomized this short of unity with his intelligent support of Presidents Roosevelt and Truman in the American struggle for survival, victory and peace. He was the strong man of the American delegation's first United Nations team.

Sen. Lyndon B. Johnson, majority leader, carried President Eisenhower's national defense programs through the critical post-war years—just as he had performed for President Truman.

No shallow party bleatings came from either house of the Congress.

But, today, and in the last years of President Johnson's term, a new breed of pure politician has come on to belittle the defense effort and our posture in the unpopular Vietnam war. It isn't treason; it is just damned disrupting and disappointing.

No one likes the static futility of the Vietnam mess and the obvious hypocrisy and further futility of the bogged Paris "peace" talks. But it's "the only game in town" for a lonely man who is President of these United States.

It does little good to back up and review the chain of action that got us into it—the first rather innocent commitments by President John F. Kennedy and then escalations through circumstance and deeper commitments by two more presidents to honor a pledge to the free world.

But it would do a lot of good to put some statesmanship into the President's hopes for ending a bad war—rather than supporting student boycotts that could send campuses into more turmoil and further divide a country that cries for bi-partisan leadership.

PARTY PREFERENCE, AGES IN COUGHLIN POLL

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. COUGHLIN. Mr. Speaker, because of the wide interest in public opinion polls, I introduced in the CONGRESSIONAL RECORD of October 1, 1969, the results of answers to questionnaires mailed throughout the 13th Congressional District of Pennsylvania.

Through an error in typesetting, the results on party preference and ages of those responding were combined together in a single column. I am taking the opportunity to set the RECORD straight:

Party preference of those responding:	*Percent*
Republican	71
Democrat	25
Nonpartisan	3
Other	1

Ages of those responding:	
18 to 21	2
21 to 35	27
35 to 50	37
50 to 65	25
65 and over	9

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Thomasville, Ga., Times-Enterprise in the State of Georgia. The editorial follows:

TRUCK DRIVERS GETTING GRABBY; RESURRECTED BILL SHOULD BE INTERRED

(By James J. Kilpatrick)

WASHINGTON.—At one time or another, every motorist has known the miserable experience—sometimes the terrifying experience—of trying to pass a tractor-trailer truck in foul weather conditions. The box-car profile blocks the road ahead.

One gropes through rain and flying spume, hands gripping the wheel. Just a couple of feet to the side, 35 tons of steel are rolling along at 60 miles an hour. At last you get around; and behold: Another truck ahead.

A House subcommittee resumes hearings this week on a bill that brings these recollections vividly to mind. The bill would set new permissible maximum width, weight, and length limits for the interstate highway system. Truck and bus companies are ardently supporting the bill; the American Automobile Association, representing passenger car drivers, is just as dead set against it. For my own part, I wish there were some way to find a compromise down a middle lane.

Proponents of the bill make an excellent case—up to a point. The present interstate width and load limits were fixed 13 years ago, according to standards laid down in 1946. Since then, the interstate highways have come into being. It is a plausible contention that these magnificent freeways are capable of handling wider and heavier loads than the old primary highways could take.

The bill would permit the States to authorize an increase in single-axle loads from 18,000 to 20,000 pounds; an increase in tandem axle loads from 32,000 to 34,000 pounds; and an increase in the gross load limit from 73,280 pounds to a higher figure obtained from a length and axle formula. The maximum permissible width would be increased from 96 to 102 inches.

These changes are recommended by the U.S. Bureau of Public Roads. They are not opposed by the American Association of State Highway Officials (AASHO). The point is made that roughly half the States already permit these higher load limits, under a grandfather clause inserted in the basic Federal act of 1956.

The proposed increase in maximum width would make it possible for trucks to carry cargoes (such as plyboard) that come in multiples of eight feet; the extra six inches, it is said, also would contribute to greater stability and to greater safety.

So far, so good. The ordinary motorist may wince at the greater width, but it is hard to object to the proposed new limits on weight. At about this point in the debate, however, the proponents run out of gas; the remainder of their case is much less impressive.

The bill proposes a Federal length limit of 70 feet. It's too much. Oregon now allows up to 75 feet on designated highways, and Nevada has a 70-foot limit, but 27 States hold to 65 feet, Iowa limits length to 60 feet, and 20 States have a 55-foot limit. Both the Bureau of Public Roads and AASHO recommend 65 feet. In asking for this added length, the truckers are getting grabby.

Proponents of the bill emphasize that the bill is "only permissive"—no State would have to approve the higher limits; and they point out that the new dimensions would apply to the interstate highways only. The

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answer to this is, unh-hunh, or who's kidding whom? Once the higher limits were authorized, the truckers' lobby would roll into high gear; few legislatures would resist.

And as spokesmen for counties and cities have observed, the new behemoth trucks would have to get on and come off the interstate system by way of old highways and bridges not meant for the mastodon size.

The truckers say that larger trucks will produce economies in freight expenses, which economies in turn will be passed along to consumers. It seems doubtful. Consumers have not seen many such economies lately. The truth is that this bill would benefit truck and bus companies. Okay, but let's leave it at that.

Substantially this same bill passed the Senate last year, but died in the House when the 90th Congress ran out of time. On balance, the better arguments still lie against the bill. Unless a reasonable compromise can be found, the resurrected measure ought to be interred again.

TWO MEMBERS OF CONGRESS TOUR McGOGNEY SCHOOL

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. DELLENBACK. Mr. Speaker, one of the most widespread trends in urban education in this country today is toward the decentralization of school administration and increasing community participation and control over the educational process at the neighborhood and community levels.

The House Republican task force on education and training has been trying to learn more about this trend at first hand by visiting community schools to meet with school and union officials, teachers, parents and community representatives.

The following article, from the September 30 Evening Star, describes our recent visit to the Anacostia community schools project:

TWO MEMBERS OF CONGRESS TOUR MCGOGNEY SCHOOL

Members of a House Republican task force on education and training today toured a Southeast Washington school that is part of the Anacostia Community Schools project—one of the city's two major experiments in school decentralization.

Representatives John R. Dellenback of Oregon and Margaret M. Heckler of Massachusetts looked in on classrooms at McGogney Elementary School at 6th Street and Mississippi Avenue SE, one of eight elementary schools involved in the year-old project.

The tour was part of a study by the task force of the effectiveness of school decentralization projects throughout the country.

Before the tour, Dellenback, Mrs. Heckler, and Rep. Earl F. Landgrebe of Indiana, another member of the task force, held a 2-hour discussion on the project with city school officials.

William Simons, president of the Washington Teachers Union, told the Congressmen that he felt the project could already be termed a success. But the Rev. James Coates, District school board president, said it was "too soon" to make an "objective evaluation" of the project.

"We don't want to try to justify it now on such a short-term basis."

The principal of McGogney, Robert Webb, said the success of the project could not really be measured until the children at the school now reached adulthood.

"We have 800 kids here whose families are on welfare," Webb said, "and if we can impart worth and dignity on them and make them desire to go into the world and achieve something, then the project will succeed."

Julian West, director of the special project division of the District school system, said the project's success also would be measured in increased awareness by the community of school, housing, health, and other social problems,

The project, which was funded under a $1 million federal grant last year, is designed to provide community control in the policy making, administration, staffing, and curriculum development.

RETIRED SERVICEMEN'S WIDOWS NEED MORE SECURITY

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. GUBSER. Mr. Speaker, early this year I was privileged to introduce a Fleet Reserve Association proposal to provide widow's equity for servicemen on the same basis as such equity is now provided for civil service workers. In my opinion, failure to do this is one of the greatest injustices ever inflicted against our servicemen and their wives and, if we correct this situation, we will be doing a great deal toward eventually promoting an all-career military service.

Recently, an article appeared in the Tacoma News Tribune by Mr. Frank Macomber, military-aerospace writer for the Copley News Service. This article succinctly points out the problem I am attempting to correct with my legislation, which the Fleet Reserve Association has pioneered. I commend this article to the attention of my colleagues. The article follows:

RETIRED SERVICEMEN'S WIDOWS NEED MORE SECURITY THAN CURRENTLY PROVIDED, SOLONS TOLD

(By Frank Macomber)

For years the U.S. Congress has engaged in a sort of brinkmanship. It has attempted to give the survivors of retired military personnel increased financial security but never quite satisfied the serviceman or his widow.

This year Congress is following the same pattern, though with seemingly less enthusiasm in the Senate for a law to bring military retirees' survivors' benefits up to a par with those of families who live on after the deaths of career federal Civil Service employes.

The Fleet Reserve Association, which over the years has represented all the armed services before Congress during its consideration of measures affecting the serviceman, concedes that legislators have not been blind to the need for equalizing military retirees' annuity benefits.

Robert W. Nolan, the FRA's national executive secretary, recalls that in 1953 Congress created the Uniformed Services Contingency Option Act to give retired career military personnel a chance to participate in an annuity plan for survivors. It was amended and considerably reinforced in 1961 and renamed the Retired Serviceman's Family Protection Plan (RSFPP).

"FUTILE ATTEMPTS"

Since then there has been a succession of amendments to provide greater survivor benefits. Nolan calls these seven amendments "well-meaning but futile attempts to provide servicemen with the protection their families need."

Still another proposed revision of the RSFPP is scheduled soon as part of a military pay study being prepared by the Defense Department and due to be submitted to House and Senate Armed Services committees this fall.

Nolan says chief objections to the RSFPP are its excessive cost to participants compared to what Civil Service retirees contribute for more benefits; the plan's complex formulas which many retirees fail to comprehend, and the rigid rules governing participation.

"DISMAL FAILURE"

The fact is, according to Nolan, "testimony before the Armed Services Committees by even those taking the most cautious approach to solving the problem acknowledged that the plan has been a dismal failure and . . . should be scrapped in favor of an entirely new program."

Brig. Gen. William W. Berg, USAF, when he was deputy assistant secretary of defense for manpower (Military Personnel Policy), testified:

"While we are pleased with the existence of a survivor annunity plan, officials of the Defense Department have been greatly concerned over the fact that the Retired Serviceman's Family Protection Plan does not attract more participants.

"Of all retired personnel eligible to participate, less than 17 per cent has chosen to do so."

Estimated participation in the plan in the fiscal year ended June 30 was 104,540 retirees of all services. Total number of retirees the same date was 699,502. Of the participants, 54,815 were commissioned officers and 48,561 enlisted personnel.

Officer participation is 22 per cent and enlisted participation is 10.7 per cent.

ENLISTED MEN OUT

"Clearly," says Nolan, "RSFPP is not meeting the needs of those who have the greatest need for an equitable survivor annuity program—the enlisted retiree."

The "entirely new program" to which Nolan refers is embodied in a bill introduced in the House by Rep. Charles S. Gubser, R-Calif. and others.

All follow the Fleet Reserve Association proposal based on the formula already used in the federal Civil Service survivor annuity program. The formula works like this:

A 2½ per cent reduction in the retiring serviceman's retired pay of any amount up to $3,600 he specifies as a base for the survivor benefit; plus 10 per cent of any amount up to the limit of his own full retired pay above $3,600 a year. The survivor benefit would be 55 per cent of whatever amount of his retired pay the retiring serviceman specifies—all or just a portion.

PERCENTAGE OF COVERAGE

Here's an example:

If the retiree specifies $3,600 as the base for his survivor's annuity, he will have his own annuity reduced by $90 a year, or 2½ per cent of the $3,600. His survivor then would receive $1,980 a year, or 55 per cent of the $3,600.

If he wanted to provide his survivor with a $2,000 annuity, he would specifiy $3,636.36 as the base. He could do this if his own retirement annuity amounted to this much or more. This would cost him $93.63 a year, or 4.7 cents per dollar of coverage—the same as that charged federal Civil Service employes. It would be computed like this: 2½ per cent of the first $3,600, or $90; plus 10 per cent of the $36.36 over $3,600, or an additional $3.63—a total of $93.63.

This is what the Fleet Reserve Association wants for its thousands of enlisted career men in the Navy and Marine Corps and for career personnel in the other services. But the organization has sought the formula

or one very much like it for years and today it still is further away than just around the corner. These are some of the reasons:

STILL IN COMMITTEE

The Gubser bill was referred by the House Armed Services Committee to the Defense Department last Feb. 7, with a request for a report on the legislation.

It is still on the Pentagon's "pending" list, with no assurance when a report will reach Capitol Hill.

Nolan says he has been advised that the House group will not consider the Gubser measure or others like it until the new Pentagon military pay study is submitted for review. Defense Secretary Melvin Laird says he hopes to complete the study and send it to Congress sometime this fall.

That means neither the Pentagon's military pay raise recommendations nor the Gubser survivors' annuity measure will get congressional action earlier than next spring.

Chairman L. Mendel Rivers of the House Armed Services Committee, while he supports what is commonly called an improved "widows' equity" bill, may introduce his own version of the measure. That would delay action again, for the Defense Department would have to look at it before the committee would act.

The Senate Armed Services Committee, meanwhile, has received no such legislation this year. Thus it will have to await House action on the bill even to consider it, unless one or more senators meanwhile should introduce a companion or similar measure.

THE GREEN BERETS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. MINISH. Mr. Speaker, I think my colleagues will agree that the job done by Congressman RODINO in the case of the accused Green Berets was an outstanding one. Although the Army permitted little information concerning these men to come to light, Mr. RODINO recognized that they were not allowed the rights generally accorded an accused man. His vision was never clouded in spite of the smokescreen that was thrown around the case. I know that it was PETER RODINO's untiring efforts to bring the matter to the attention of the Nation that helped convince the Army and the administration that prosecuting the Special Forces men would be very hurtful to the United States. The dean of the New Jersey delegation never flagged in his belief that the case merited more consideration than it was given, and that the accused men were being used as tools in an internecine struggle. He persevered until justice was done.

Now that the Secretary of the Army has decided to drop the charges against the Green Berets, we in the House must be mindful that these men are not tainted by earlier accusations against them. We must be absolutely certain that they are completely absolved of any suspicion of wrongdoing.

I know that due to Mr. RODINO's efforts, the Army will more carefully investigate similar incidents in the future. I hope that the Army has learned something from Mr. RODINO. I hope also that the lesson sticks.

SDS PLANS RAIDS ON CITY HIGH SCHOOLS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ASHBROOK. Mr. Speaker, while one usually associates the Students for a Democratic Society—SDS—with college campus disruptions, this radical element has not overlooked the high schools as targets for their destructive philosophy and programs. Today's Chicago Tribune carries an excellent example of the lawlessness which SDS seeks to encourage and incite among sensitive and immature youth, our country's high school students. Entitled "SDS Plans Raids on City High Schools," the "Trib" article comes from the efforts of Reporter Ronald Koziol, whose informative accounts of leftist subversive activities have appeared regularly in that paper.

According to the latest Koziol article:

> Hit-and-run guerrilla tactics, confrontations with police, and disruption of the Federal building and high schools are among the plans being made by radicals in an attempt to cause havoc in the city (Chicago) beginning Wednesday. . . .

More specifically, the article states that:

> On Thursday, a "jailbreak" theme will be used to gain support for the demonstrations from high schools students. Plans are to surround a high school, break into classes, and fight teachers, police, and students. This is a much more violent departure from announced plans to run thru the halls of schools yelling "Jailbreak," and asking for a student boycott of classes.

Whether the SDS carries out its proposed schedule as listed in the article remains to be seen. However, activities such as those planned by these malcontents should serve to wrench back to reality even the most idealistic of school administrators who sought by various concessions to appeal to the better natures of violent dissenters.

I insert the article "SDS Plans Raids on City High Schools," by Ron Koziol of the Chicago Tribune, at this point in the RECORD:

S.D.S. PLANS RAIDS ON CITY HIGH SCHOOLS—PART OF PROGRAM TO CREATE HAVOC

(By Ronald Koziol)

Hit-and-run guerrilla tactics, confrontations with police, and disruption of the Federal building and high schools are among the plans being made by radicals in an attempt to cause havoc in the city beginning Wednesday, The Tribune has learned.

Details of strategy being set by the radical Students for a Democratic Society (S.D.S.) for Wednesday thru Saturday have been obtained by The Tribune.

PLANS ARE DISCUSSED

The plans were discussed by William Ayres, educational secretary of the S.D.S. and other national leaders, at a recent meeting of 350 activists in the East Cleveland Congregational church in Cleveland.

In attendance were S.D.S. members of the so-called Weatherman faction from Chicago, New York, Detroit, and parts of Ohio, authorities said. This is the faction that split from the S.D.S. but retained the national offices in Chicago after a heated convention here in June. Its members are among the most militant of the new left.

Altho there have been several published accounts of plans for the Oct. 8 to 11 demonstrations, S.D.S. leaders have been careful to avoid spelling out too many details.

On Wednesday, a rally under the guise of a 2d anniversary tribute for Che Guevara, Cuban revolutionary, will be held in Lincoln park. The radicals believe that whatever happens on Wednesday will be an indication of how police will react during the entire four days.

Park district officials last week turned down a request by the S.D.S. to sleep in the park during the four days. However, S.D.S. leaders have already publicly stated that they will continue with their plans, with or without permits from the park district or the city.

PLANNED DURING TRIAL

On Thursday, a "jailbreak" theme will be used to gain support for the demonstrations from high school students. Plans are to surround a high school, break into classes, and fight teachers, police, and students. This is a much more violent departure from announced plans to run thru the halls of schools yelling "Jailbreak," and asking for a student boycott of classes.

Friday's action will "try to shut down the conspiracy trial." This is the trial of eight radical leaders charged with conspiring to incite a riot during the Democratic national convention last year. It is being held in the Federal building.

Ayres reportedly made it clear at the Cleveland meeting that the demonstrators would not reach the courtroom, but efforts would be made to disrupt the normal functions of the building.

Saturday's activity will consist of a march thru the downtown area of the city. Ayres told the meeting that it is planned to be a militant march and not peaceful or non-violent, authorities said.

PERMIT IS GRANTED

City officials have granted a parade permit to the S. D. S. for this march, which will begin from Haymarket square at Randolph and Halsted streets, and proceed thru the Loop to the Gen. Logan statue in Grant park near the Conrad Hilton hotel. The statue was the scene of a police confrontation with demonstrators during the Democratic convention.

Discussion also centered on the actions of Detroit S.D.S. members who told of taking over a college classroom, barricading the doors, and beating up two persons who attempted to leave. The Detroit group also told of practicing karate and learning the vital areas of the body that are susceptible to blows.

GUERRILLA GROUPS FORMED

Undercover agents reported that one member of the Detroit S. D. S. said that "when we come to Chicago, we will all be able to defend ourselves and free anyone who may be taken into police custody."

This theme was continually stressed and was emphasized by Ayres when he told of the creation of so-called "affinity" or guerrilla groups, composed of between five and 15 persons who will defend each other and stop police from making arrests.

This tactic already was employed here after S. D. S. members battled police on Sept. 24 in front of the Federal building. When police attempted to arrest known S.D.S. leaders at State and Van Buren streets, several demonstrators stepped in and managed to free one youth from a police van. It was learned that at least two "affinity" groups took part in this action.

Other purposes of the groups are to provide tactical leadership in the street, to utilize hit-and-run tactics, and to serve as lookouts while other demonstrators break windows or cause damage.

COLLEGES IN SESSION

Much of the success of this week's disruptive plans rests on the number of radicals that the S. D. S. can bring to Chicago. As late

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as Friday, authorities determined that reservations on buses and trains from out-of-town S. D. S. members totaled less than 500.

These included contingents from Denver, Ohio, Michigan, and New York. Response from California and New York City reportedly has been weak. The fact that most colleges are now in full session may also be a factor in keeping down the number of demonstrators.

Leaders of the S. D. S. in Chicago have been speaking at high schools and on college campuses the last two weeks in an effort to drum up support for the demonstrations.

Already committed to aiding the S. D. S.-Weatherman faction are the Youth International party [Yippies], and certain members of the Black Panther party.

Other factions of the S. D. S. have openly denounced the demonstrations and have withheld support. The same is true of scores of anti-war and new left groups.

MORE ACTION PLANNED

Still another S. D. S. faction that will hold demonstrations this week is Revolutionary Youth Movement II [R. Y. M. II].

This group, much smaller and less militant than the Weatherman faction, plans demonstrations at draft boards and tax offices on Wednesday.

TWO HUNDRED AND TWENTY-TWO MEMBERS SUPPORT FULL FUNDING FOR CLEAN WATER ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. DINGELL. Mr. Speaker, it is indeed gratifying to be able to report that 222 Members of the House of Representatives have agreed to support a bipartisan effort to secure full funding of $1 billion for construction grants authorized by the Clean Water Restoration Act of 1966.

This bipartisan effort has received the strong support of the League of Women Voters. In connection therewith I have received a most persuasive letter from Mrs. Bruce Benson, the league's president, which I would like to share with my colleagues. Therefore, I include the text of Mrs. Benson's letter, along with the text of a press statement released by the league on October 3, 1969, at this point in the CONGRESSIONAL RECORD:

LEAGUE OF WOMEN VOTERS,
Washington, D.C., October 3, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: Letters and telephone calls to the League's national office say League members want the full $1 billion appropriated in fiscal 1970 for construction of sewage treatment plants and interceptor sewers. The public is tired of rhetoric about cleanup; they want action.

The League of Women Voters thinks $1 billion in federal help is needed and can be used. We have considered the arguments advanced to show that a smaller appropriation would be adequate for the job that needs doing. These arguments we find unconvincing.

Year in and year out, League members work to help pass local and state bond issues for water. Wherever they live, they find that assurance of federal aid is necessary to win public support. If treatment plants are to be built or improved to the extent necessary to control water pollution, the states must be able to plan firmly on their allocations from $1 billion in 1970. Unless we can move positively toward facilities with the capacity and degree of treatment needed, the effort that went into setting state water quality standards will be wasted.

The great variety of organizations taking part in the Citizens Crusade for Clean Water demonstrates how widespread is the feeling that more tax dollars should be spent on cleaning up our streams and coastal waters. I am sure that members of all the organizations in the Crusade join with the League of Women Voters in congratulating you and Representatives Saylor, Blatnik, Feighan, McClosky, Reuss, and Wright for spearheading the expression of congressional support for appropriation of $1 billion for the federal share of sewage facility construction.

All our Leagues have been delighted to see the roll of supporters increase. We congratulate each of the Congressmen who has pledged his support for full funding for clean water! We will be pleased to see them joined by many others when the vote is taken. Passage of the $1 billion appropriation will be a signal to the people that our elected representatives are responding seriously to public determination to control water pollution.

Sincerely yours,

MRS. BRUCE B. BENSON,
President.

NEWS RELEASE FROM THE LEAGUE OF WOMEN VOTERS

WASHINGTON, D.C., OCTOBER 3, 1969.—The League of Women Voters today took a hard line stance in the long-simmering struggle to get significant increases in Federal expenditures for water pollution control.

"The fact that the House Appropriations Committee has increased the Administration's request for clean water funds to $600 million is commendable but it just isn't enough. We're not ready for compromise," declared Mrs. Bruce Benson, League President.

The League is working closely as part of the Citizens Crusade for Clean Water with a bipartisan group of Congressmen in the fight for full $1 billion implementation of the Clean Waters Restoration Act in 1970. "We've come a long way from the Administration's request for $214 million and we're not going to stop now," stated Mrs. Benson.

"At last count, 222 Representatives have pledged their support for the full $1 billion and League members have worked long hours in getting the message to the Hill that citizens are concerned and angry about the water pollution mess."

The League statement was issued in anticipation of the water appropriation bill coming to the House for action on Tuesday, October 7. Supporters of the $1 billion appropriation point out that the Federal government has reneged on its promises to states and localities by passing laws requiring water control quality standards and then failing to back up their regulations with needed matching funds.

As a result the Appropriations Committee report notes there is more than $840 million in Federal funds requested in applications now pending in state and Federal agencies dealing with water pollution and an estimated $1.5 billion dollars in applications currently being prepared by states and municipalities.

IS CHEMISTRY ABOVE THE LAW?

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mrs. SULLIVAN. Mr. Speaker, it was my privilege Friday night to speak at the annual general membership meeting of the St. Louis Section, American Chemical Society. The subject of my talk was "Is Chemistry Above the Law?"

Because of the widespread interest among Members of Congress in all aspects of consumer legislation and consumer problems, I submit for inclusion in the CONGRESSIONAL RECORD the following copy of my remarks Friday night:

IS CHEMISTRY ABOVE THE LAW?

(Address by Congresswoman LEONOR K. SULLIVAN at the annual meeting of the St. Louis Section, American Chemical Society, Busch Memorial Center, St. Louis University, St. Louis, Mo., October 3, 1969)

There is so much reading matter coming across the desk of a Member of Congress each day that it is impossible to read more than a fraction of it. Some of it is absolutely *must-reading*, however, for any conscientious Member of Congress—the mail from his or her own Congressional district. There are stacks of those letters every day, and I read every one. Generally, I try to read all the rest of the mail personally addressed to me, too—letters from around the country based on my known interest in consumer issues, or in housing legislation, or inland waterway safety, or Panama Canal affairs, or in any of the many other issues which come before the two House Committees on which I hold senior membership—Banking and Currency, and Merchant Marine and Fisheries.

My assignments as chairman of two standing subcommittees of those committees also bring me heavy mail from colleagues in the Congress; that mail, too, is *must-reading*, for Members of Congress expect the same attention from me on matters pertaining to their bills pending before my subcommittees as I expect from them on bills of mine pending before their subcommittees. And, then there are the reports from government agencies on these same issues; the necessity of at least skimming the Congressional Record; the messages to Congress from the President which are important for us to become familiar with; and then there are the newspapers—the two dailies from St. Louis, some of the weeklies, and then the Washington papers, too. These are all essential to my work.

Under those circumstances, it is impossible to find the time or energy to wade through the tons of unsolicited reading matter pouring into each Congressional office from literally hundreds of lobbying organizations, from civic, fraternal, political, and professional organizations, and from the nonprofit groups which deluge us with books, magazines, brochures, reports, and assorted other information, usually espousing a point of view on pending legislation. If we tried to read it all, we'd have no time to do a single other thing, and we'd go blind from the attempt.

SOME GEMS OF KNOWLEDGE IN MAIL DELUGE

Nevertheless, I do try to winnow through a lot of this material, and frequently find gems of knowledge. Last month, after I had accepted an invitation to speak here tonight, and was thus more than usually conscious of the importance of the role of chemistry in our society—and conscious of my need to be prepared to *talk* about that subject—I saw a book just issued by the American Chemical Society entitled "Cleaning Our Environment—the Chemical Basis for Action." It consisted of a report by the Subcommittee on Environmental Improvement of the American Chemical Society's Committee on Chemistry and Public Affairs. Since it is priced at $2.75, I was, of course, glad that I was getting it free. More than that, I was glad that it arrived when it did, for it provided me with a ready example to use here tonight, from within your own organization, of one of the ways—a good and useful way, but not necessarily the best way—informed professionals in any field can exert a powerful influence on the process of self-government in this country.

My reason for accepting your flattering invitation to speak at your annual general meeting had been—and is—to enlist the members of this organization as volunteer assistants to me in my job of representing the people of the 3rd Congressional District of Missouri in the Congress of the United States, and in helping me take greater advantage of the many opportunities available to Members of Congress—particularly one with seniority—to change the course of daily life for the better. We have those opportunities before us in the Congress every day, in a multitude of ways—limited only by our own limitations of wisdom or knowledge, or of our ability to convey our views persuasively enough to our colleagues to convince a majority of them to follow a proposed course of action.

WE NEED TECHNICAL INFORMATION AND GUIDANCE

A wise course of action for any Member of Congress seeking to write a law, or change or repeal one already in effect, is to learn enough about the facts to be able to answer technical questions on the legislation—in other words, to do your homework. This requires technical guidance—from the people who know the facts.

Thus, I feel I need your help because many of the consumer issues in which I am deeply involved have a basis or foundation in chemistry. And I am not a chemist. I never pretended to be one, either—even in a debate on a technical provision of a bill involving a chemical aspect. Instead, I try to report what qualified chemists—or qualified experts in whatever field of knowledge the legislation deals with—have *told me*. And, usually, that is enough for me to have—authoritative information from experts, showing that I did not dream up the provision myself out of a superabundance of ignorance of the subject matter.

If it were otherwise, my views would carry no weight. For I even stumble in pronouncing chemical terms whose significance I do know something about—such as the terms Elixer of Sulfanilimide, or thalidomide. As many of you may know, they happen to be two of the most important drugs which ever existed, when you weigh them in terms of the impact they have had on the health and safety of the American people.

The first one was a prescription drug responsible for the passage of our most important consumer statute—the Food, Drug, and Cosmetic Act of 1938. It brought about the enactment of that law because the *elixer*, liquifying an otherwise safe powdered sulfa, killed about 100 trusting patients of conscientious doctors who had been given no warning of its lethal dangers. The second chemical I mentioned, thalidomide, has had more recent importance; it was a European drug which was responsible for enactment of the Drug Safety Act of 1962, because it *almost* went on sale in the United States at the very time it was causing monstrous birth deformities in thousands of infants born to trusting mothers whose doctors had been led to believe it was a useful and completely safe sleep-inducer for pregnant women.

Prior to the passage of the Food Additives Act of 1958, I had to become familiar with many aspects of chemical interaction—enough to know what the *law* should contain, not what chemicals should be used. On other issues and bills, my need remains constant to have the considered views and judgments of people with your knowledge. You know, far better than I, what the chemical hazards are which we confront in daily life. Once I know what they are, and how they work, I can try to do something about them. Each of you here has some specialized knowledge of this sort which I could use—effectively, I hope—if you shared it with me in the right way. And, I could use it in a way you cannot use it; I can use it politically.

SOLUTIONS FOR OLD PROBLEMS CREATE NEW PROBLEMS

I hope that word doesn't scare you. I am not asking the St. Louis Section of the American Chemical Society to give me partisan political ammunition to defeat Republicans and elect Democrats. I am asking you to give me information I can use in the legislative arena, or in dealing with government agencies, to enable each of us to live longer and better, safer and more secure—safer from the pollution in the air and water, from death or disability on the highways, from contamination in food, from the allergens in cosmetics, from the carncinogens in many things we buy and use, from botulism, jaundice, product injuries, and a hundred hazards we encounter each day—at home, on the way to work, in the office, at the swimming pool, even in church.

When I went to Congress 17 years ago, I had no more information about these issues than most housewives or office workers. Now I know a great deal about the problems. Mostly, it's the *solutions* which are the trouble—for the more we learn about ways to cope with one environmental or health problem, the more new ones we create which do not yet have solutions. So, whenever I have had a role in writing a far-reaching new law dealing with any of these problems of daily living, I have never felt that the task had been completed. Like the old style inner tube which we used to fix with an adhesive patch, you never knew when it would blow out the next time. And that's the consumer front today.

Let me put it in more specific terms. I mentioned the report I received—the book—from the American Chemical Society on cleaning our environment. Compiled by expert members of your national organization, it deals with air pollution, water pollution, solid waste disposal, and pesticides—four areas of monumental national concern. But as it states in a preface by Dr. Lloyd M. Cooke of Union Carbide, "it was not written in order to inform the experts—the men and women who must deal daily and directly with the challenging problems of managing the environment. If we refresh the expert, so much the better," Dr. Cooke wrote, "but we hope primarily to buttress the technical awareness of legislators, administrators, and others who must deal with environmental problems at one or more steps removed from direct involvement with the pertinent science and technology."

In other words, Dr. Cooke and his colleagues were writing this book not for you, but for us—the politicians. We write the laws on these issues; we provide the funds (or fail to provide enough, usually); we take the blame from the industrialists who complain that the restrictive laws we pass hurt their businesses; we also take the blame from the knowledgeable consumer who realizes that those laws are usually *comprises*, and that we probably haven't gone far enough.

THE HEAT IN THE POLITICAL KITCHEN

As politicians we should be willing to take the heat—Harry Truman used to say about politicians when he was President: "If you can't stand the heat, get out of the kitchen." But we don't always know what we're *cooking*. And sometimes, a law we whip up in that political kitchen is just froth and meringue—looking impressive, but with not too much substance. The 1966 Fair Packaging Act was such a law. I have never considered it Congress's finest hour. Those of you who work in the food or soap and detergent or other consumer packaged goods industries, however, may remember the bitter fight over this rather innocuous legislation three or four years ago. You'd think it involved a death struggle for the firm in which you are employed. The issue there was not chemistry—it was cardboard. It was not content—but *net* contents.

The report of the American Chemical Society on air and water pollution, on solid waste disposal problems, and on pesticides, provides us with an excellent summary of issues and the steps we are going to have to take—expensive ones, to be sure—in cleaning the environment of the contaminents and pollutants which befoul this once beautiful land. When you can't find any wildlife anymore without DDT in its tissues—from Antarctic penguins to Alaskan seals, we know that the food chain is contaminated to a deeply disturbing degree, even though the ACA report indicates it is not yet *provably* dangerous. But who needs DDT as a nutrient? Will we ever get it our of our systems?

POSSIBLITY OF REMOVING DDT FROM MILK

Recently, I was pleased to learn that some research into the use of a number of depressant drugs for certain types of diseases had led to the surprising discovery that the people who had been taking those drugs had a lower DDT body content than relatives and neighbors, indicating that the drugs themselves had been responsible for breaking down the DDT, I immediately asked the Public Health Service if this indicated the possibility of removing DDT from milk—a task which I had been told several years earlier could not be done. I knew we had found ways to take Strontium 90 out of milk, but the Surgeon General told me in February, 1966, that it could not be done for DDT residues in milk. As we all know, it is becoming increasingly difficult—and some say impossible—to produce milk without *some* trace of DDT. But now, suddenly, the possibility arises of taking out the DDT, and experiments are *now under way*, the Surgeon General informs me, in treating milk cows to counteract DDT before it gets into the milk. This is an exciting prospect. Let's hope they succeed.

But I have digressed from the American Chemical Society report. As I said, it is an excellent one—extremely useful to those of us who are not chemists who need to know the kind of information it gives us on air and water pollution, solid waste, and pesticides. The report will be accorded serious study, I am sure, by the Committees of Congress which have jurisdiction over legislation involving these issues, and it should receive—I hope—widespread attention in the press.

WHY DO WE NEED MORE LAWS?

But it is a book, and not every Member of Congress is going to read it, for the reason I outlined at the very start of my remarks. There isn't time to read everything, even all the important books.

However, as I stated earlier, we *do* read our *mail*, and particularly any letter from our own constituents or neighbors. I get most of my ideas for legislation from the letters which come in to me from the St. Louis area describing individual problems which appear insoluble without legislation—problems common to many people, most of whom, however, neglect to call them to our attention. When some one does call a problem to my attention, I frequently find, in looking into it, how common it really is—how widespread. And I discuss it with other Members of Congress and find that some of them have learned about it, too. Once enough of us know about it to know that some solution is needed, we can usually find one—and get it enacted into law.

We don't always succeed, and certainly not immediately. It takes time. It takes *data*, which is not always immediately available. I can remember introducing some bills which other Members actually laughed at. They suspected I was going to extreme lengths to try to convince some silly person in my district that his silly idea deserved being dignified in the form of a bill introduced in Congress. Those bills became law, however—be-

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cause research had established proof that they were really needed.

Why do we need so many new laws? Don't we already have more than enough laws? Well, as chemists, you are a very knowledgeable group of men and women but I'll bet most of you don't begin to suspect the extent of the gaps in our consumer laws, other than in the fields in which you actually work. If you are like most well-educated Americans, you tend to assume—when you don't know—that the government must be protecting you and your family from injurious cosmetics, contaminated foods, unsafe products, and so on. But if you work in the cosmetics industry, you know the government's teeth in this field are not very sharp—the plant managers and corporate executives don't spend many sleepless nights in fear of a crackdown by the Food and Drug Administration. They have never told FDA what is in their products, and of course they don't tell the customer either. If she—or, in increasingly more numerous instances, he—is allergic to some ingredient in that cosmetic product, she or he will find out only through painful trial and error. The big worry is that the competition will get some new product on the market before you do, and if preventing this means cutting some corners in the premarket testing of the product, the corporate consequences do not seem to be too serious. The worst that can happen is that the Government eventually learns the product is not safe to use, and—if it can prove that fact—it seizes the item and destroys it. But the sales in the meantime might have been well worth the modest cost. That's the history in the cosmetics industry.

SHOULD MANUFACTURER—OR YOU—TEST PRODUCTS FOR SAFETY?

What I would like you to do, if you will, is to alert me to practices or products *you know about* that *worry* you—that you feel diffident about having your own family use, based on your scientific knowledge. Do you believe it's probably all right to let your children brush their teeth with toothpastes containing chloroform as *flavoring* matter? No one can prove yet that it is dangerous. But is it *safe enough*, in your estimation, for your children?

For all 17 years of my service in Congress, I have been sponsoring legislation to require the *pre-testing* for safety of all cosmetics, including toothpastes, before they go on sale. For the past 9 years, this legislation has been part of an omnibus bill of mine to rewrite the Food, Drug, and Cosmetic Act of 1938. Except for a one-week hearing in 1962, there has never been a broad-scale, complete, overall look at this law, and at its many deficiencies, by any legislative committee of the House or Senate. Yet our 31-year-old Food, Drug, and Cosmetic law was full of loopholes when *it was written*. And all of you know what at least some of them are! Whatever field you are working in, the chances are you encounter the fact of the law's existence—and the evidence of its shortcomings as it relates to protection of the public.

What disturbs me is that the only time I hear from any St. Louis chemists on legislative issues is when a problem involves the *competition*. I think I had something to do with the removal of Lindane vaporizers from the market; and tightening of labeling instructions and cautions on the vapona strips, which used to be advertised as safe to use under circumstances in which the Federal authorities now say they should not be used. My information on these problems came from a manufacturer of a *competing* type of insecticide. I was glad to have the leads he furnished me, and to follow up on them. Some good came from that. But what happens when there is no competitive factor to smoke out the dangers in some of these products? If the experts don't tell, how do we find out?

THE RESPONSIBILITY OF THE INFORMED INDIVIDUAL

I feel that with the special knowledge you men and women possess in a field which *envelops* modern man—chemistry in industry and in daily living—you owe the rest of us some of your special talents to help protect our environment against the excesses—perhaps not deliberate ones, but serious ones nevertheless—the excesses of *your own industries*. We certainly are not seeking to destroy any legitimate business trying to serve the public honestly and carefully, and we won't act hastily or carelessly. But the people in industry almost always react automatically to any questioning of the safety of their product with the counterpunch that "some communists are out to destroy free enterprise." That has been the complaint against every good consumer bill—and it is nonsense.

A chemist working for the tobacco industry understandably would be concerned about the economic position of his firm in view of the cigaret issue. The tobacco firms, meanwhile, are all diversifying like mad. They will probably end up far bigger and stronger than ever. But are there any tobacco chemists still unconvinced of *any* connection between the product they make and sell, and the health of the American people? I doubt it.

Your skills and knowledge have given us a marvelous economy in a bountiful nation. Your profession has made life more pleasant, happier, healthier, in innumerable ways. You are *valuable* national assets.

But, depending upon the field in which you work, some of you may be poisoning our children with candied aspirin, hurting our eyes, fouling our lungs, lacerating our skin, destroying our hair, loosening our teeth, breaking off our fingernails, upsetting our stomachs, giving us hives, nausea, headaches, and perhaps making things which actually promote cancer. None of this is deliberate, I know. It is not you—the person. It is the science you serve, and the industries which sometimes utilize your science without adeqate safeguards—like the firms which used to put out x-ray machines for children's shoe stores. Technology is so fantastically dynamic that we never quite catch up with the dangers. We must continue to try to do so, however. And you can help me—as a consumer-oriented Member of Congress—to raise the right questions with the right authorities at the appropriate times about the dangerous products or circumstances or practices you have reason to think threaten the American people—all of us, including your own families.

USEFUL INFORMATION FROM THOSE WHO KNOW THE FACTS

When I learned, from the *butchers union*, what was happening in the poultry processing plants in this country more than a dozen years ago, and introduced the first compulsory poultry inspection bill, a Congressman from Georgia came to see me in dismay; the bill, he said, would destroy the poultry farmers and the poultry industry. That bill was enacted in 1957. Who would *think* today of buying processed poultry not produced under government inspection? Would you? As for the poultry industry, once we passed that law, and poultry was certified as wholesome by the United States Government, markets abroad previously closed to American poultry suddenly opened up.

Safe products do not necessarily mean poor business. We're too resourceful a technology for that to happen. But, as the American Chemical Society report on our polluted environment so clearly pointed out, individuals and corporations alone, no matter how public-spirited, cannot solve our environmental problems; the solutions must be industry-wide and nationwide, and, in some instances, international ones. We know, generally, what is going to *have* to be done; we are not at all sure, however, that we know *how* it can be done. If you *want* it done, as I'm sure you do, people with your talents must help politicians understand enough of the technical aspects to be able to legislate *intelligent* solutions.

Now, if you have wondered about the implications of the question which your program shows to be the title of my talk tonight—"Is Chemistry Above the Law?", I hope you figured out what I meant in posing that question. Chemistry is subject to many laws—some very stringent ones, some not so stringent. From that standpoint, it is not above the law. But *chemical knowledge* must be the foundation for many of our laws—what you know must come first, before the law—above the law. Then—and only then—when we *have the knowledge* only you can give us—we can write the proper laws.

OCTOBER AT THE SMITHSONIAN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the schedule of events for the month of October at the Smithsonian.

As always there is a variety of exhibits, programs and films which I am glad to call to the attention of my colleagues and the American people.

The schedule follows:

CALENDAR OF THE SMITHSONIAN INSTITUTION

Wednesday, October 1, 1969

The Hunters. 73-minute Film Theatre presentation. A documentary recording the lives of the African Bushmen in the Kalahari Desert, Southwest Africa. 2 p.m. in the auditorium of the National Museum of History and Technology; 8 p.m., National Museum of Natural History auditorium. Introduction by Dr. Gordon Gibson, Curator, Department of Anthropology.

Minerals and man. Adult class. By Prior Subscription only. For information call the Smithsonian Associates, 382–5159.

Eighteenth Century Snetzler Chamber Organ. Restored to playing condition. Hall of Musical Instruments, National Museum of History and Technology. Permanent Exhibit.

Thursday, October 2, 1969

The Hunters. Film Theatre repeat. Noon, auditorium of Museum of History and Technology.

The Creative Screen. *The Violinist*, A delicious spoof on the theory "to create great music, the artist must suffer." Award winning animation. Produced by Ernest Pintoff. Voices by Carl Reiner. *Paintings in a Low Voice*, produced by Clifford Evans, well-known journalist and recipient of the Golden Eagle Award for this documentary film on artist Moses Soyer. Films will be shown every half hour from noon until 3 p.m. Free admission at the National Collection of Fine Arts.

Chemistry and Our Solar System. Adult class. By prior registration only. For information call the Smithsonian Associates, 381–5159.

New Towns. Adult class. By prior registration only. For information call the Smithsonian Associates, 381–5159.

Friday, October 3, 1969

Objects: USA. Two hundred and ten American contemporary artist-craftsmen from 37

states will contribute 315 objects to this major survey of U.S. crafts. Works in metal, fiber ceramic, glass, wood, enameling, plastics, beads, mosaics, and leather are included. Objects will cover a wide range from jewelry and silverware to furniture and fabrics. From the Johnson Wax Company collection. Through November 16 at the National Collection of Fine Arts.

Filmmaking. Adult class. By prior registration only. For information call the Smithsonian Associates, 381–5159.

Sales Exhibition—Objects: USA. Selected craft work done by a group of the artisans included in the National Collection of Fine Arts show: Maurice Heaton, Stanley Lechtzin, Richard Marquis, and William Wyman. NCFA Museum Shop, through November 16.

Saturday, October 4, 1969

The Creative Screen. *The Violinist* and *Paintings in a Low Voice*, shown every half hour between noon and 3 p.m. at the National Collection of Fine Arts. Free admission. See October 2 for details.

Sunday, October 5, 1969

Plastic as Plastic. The first museum exhibition examining plastic's role as a unique man-made product widely adaptable for innovative design rather than as an imitator of wood, glass, and other material. Among the 246 objects to be exhibited—including a sprayed plastic foam "environment"—are furniture, jewelry, toys, industrial uses, sculpture, housewares, and appliances. Arts and Industries Building. Through January 19.

Tuesday, October 7, 1969

Japanese Porcelain and the Dutch Trade. Lecture by Dr. John A. Pope. This is the 17th in the Freer Gallery of Art's annual series of illustrated lectures. 8:30 p.m. in the Gallery Auditorium.

Wednesday, October 8, 1969

Flat-Woven Rugs of Greece, Turkey, and Iran. Sales exhibition of 30 brilliant, colorful examples selected from the last frontier of Oriental rug collecting. Woven by village and nomad women. Usually found only in the small bazaars of the Middle East. Museum Shop, Arts and Industries Building.

Kon-Tiki. 75-minute Film Theatre presentation. An historical record of the famous voyage from South America to Polynesia made by Thor Heyerdahl. 2 p.m. in the auditorium of the National Museum of History and Technology; 8 p.m. National Museum of Natural History auditorium, with introduction by Dr. F. Raymond Fosberg, Smithsonian Special Advisor on Tropical Biology.

Thursday, October 9, 1969

Kon-Tiki. Film Theatre repeat. Noon, auditorium of National Museum of History and Technology.

Monday, October 13, 1969

History of Broadcasting. Adult class. By prior registration only. For information call the Smithsonian Associates, 381–5159.

Tuesday, October 14, 1969

A New World From Plastics. Illustrated lecture by Douglas Allan Deeds, eminent industrial designer. Sponsored by the Smithsonian Associates for members and their guests, 8:30 p.m., Museum of Natural History auditorium. Doors will open at 8 p.m., and the public will be admitted at 8:25 as seats are available.

The Potomac—A Troubled River. The first in a monthly series of lectures/encounters presented by the Smithsonian Institution under the general theme, "Our Troubled World." The first session, in which the audience is asked to participate, will focus on a panel discussion of the Potomac, its past and hope for the future. Panel members are Theodore Samsell, Director of the Department of Natural Resources, West Virginia; Charles Thompson, Executive Director, American Landowners Association; James Smith, Assistant Secretary, Department of the Interior; and Frederick Zimmermann, Professor of Political Science, Hunter College. Introduction by S. Dillon Ripley, Secretary of the Smithsonian. 8:30 p.m., auditorium of the National Museum of History and Technology.

Wednesday, October 15, 1969

Landscapes and Seascapes by Whistler. An exhibition of James McNeill Whistler's landscapes and marine paintings revealing his forgotten role as an avant garde artist whose experimental paintings were a major force in the emergence of abstract art. Some 40 paintings will be displayed. At the Freer Gallery of Art for an indeterminate period of time.

Annapurna. 57-minute Film Theatre presentation. A photographic record of the 1950 French Himalayan expedition led by Maurice Herzog. 2 p.m. in the auditorium of the National Museum of History and Technology; 8 p.m. National Museum of Natural History auditorium with an introduction by Nicholas B. Clinch, President, American Alpine Club.

Thursday, October 16, 1969

The Bhahar River Tiger, believed to be the largest tiger ever taken in India. From tail to paw the stuffed animal is 11 feet long. It is being presented to the National Museum of Natural History through the generosity of David J. Hasinger of Philadelphia and will be placed on a platform on the Constitution Avenue main entrance to the Museum, seemingly poised as though in the act of springing upon a Chital deer. Permanent exhibit.

Annapurna. Film Theatre repeat. Noon, auditorium of Museum of History and Technology.

Concert by U.S. Air Force Band. Auditorium, National Museum of Natural History. 7:30–11:00 p.m.

The Creative Screen. *Analogies* by James Edward Davis—film-maker, painter, sculptor, and photographer. Dramatic differences are depicted between Nature's reflected forms and those invented by the artistic film-maker. *Two Times Too* by well-known French film-maker and fashion-photographer Jerome Ducrot. A brilliant color cocktail using multi-mirrored sets and electronic music. *A La Folie* also by Jerome Durcot. An expressionistic journey to a land where fantasies become realities. Continuous showings at the National Collection of Fine Arts every half hour from noon until 3 p.m. Free admission.

Friday, October 17, 1969

The Appalachian Trail. A color film sponsored by the National Parks Association, 8 p.m. Auditorium, National Museum of Natural History.

Saturday, October 18, 1969

The Creative Screen. *Analogies, Two Times Too* and *A La Folie*. Shown every half hour between noon and 3 p.m. at the National Collection of Fine Arts. Free admission. See October 16 for details.

Tuesday, October 21, 1969

Wildlife and Domestic Stock in Africa, illustrated lecture by world-famous naturalist Dr. Leslie Brown. Sponsored by the Smithsonian Associates for members and their guests. 8:30 p.m., National Museum of Natural History Auditorium. Doors will open at 8 p.m. Public will be admitted at 8:25 as seats are available.

Wednesday, October 22, 1969

Concert featuring music of Fantini, Frescobaldi, Viviani, Bach, Krebs, Purcells, Jeremiah Clarke. Edward Tarr, baroque trumpet and George Kent, organ. Hall of Musical Instruments, National Museum of History and Technology, 8:30 p.m.

Aku-Aku. 84-minute Film Theatre presentation. Another fascinating expedition led by Thor Heyerdahl; this time to uncover the mystery of the giant stone heads on Easter Island. 2 p.m. in the auditorium of National Museum of History and Technology; 8 p.m. National Museum of Natural History auditorium with introduction by Dr. Gordon Macgregor, Professor of Anthropology, American University.

Thursday, October 23, 1969

Music Workshop/Lecture by Edward Tarr and George Kent. Subject: *The So-Called "Bach Trumpet."* 2 p.m. Hall of Musical Instruments. National Museum of History and Technology.

Ensemble Workshop for Trumpeters and Trombonists. Discussion and performance for trumpet ensemble by Tarr and Kent. 8 p.m. Hall of Musical Instruments, National Museum of History and Technology.

Aku-Aku. Film Theatre repeat. Noon, auditorium of National Museum of History and Technology.

Friday, October 24, 1969

Survival Through Design, illustrated lecture by architect Richard Neutra. Sponsored by the Smithsonian Associates for members and their guests. 8:30 p.m., National Museum of Natural History Auditorium. Doors will open at 8 p.m. Public will be admitted at 8:25 as seats are available.

Wednesday, October 29, 1969

Iranian Paintings Today. The modern art scene in Iran will be surveyed in this showing of art sponsored by the Iranian Embassy in Washington. Arts and Industries Building through November 17.

Arctic Odyssey, 55-minute Film Treatre presentation. The David Humphreys Polar expedition to the world's northernmost coast, in Greenland. 2 p.m. in the auditorium of the National Museum of History and Technology; 8 p.m. National Museum of Natural History auditorium with an introduction by Dr. Louis Quam, Chief Scientist, Office of Antarctic Programs, National Science Foundation.

Thursday, October 30, 1969

Barbara Morgan: Women, Cameras, and Images IV. More than 50 photographs, including photomontages, by famed photographer, author, critic, and designer Barbara Morgan. The subjects of the pictures are varied, but special emphasis is placed on Mrs. Morgan's classic photographs of Martha Graham and other dancers. Hall of Photography, National Museum of History and Technology. Through January 26, 1970.

Arctic Odyssey. Film Theatre repeat. Noon, auditorium of National Museum of History and Technology.

Friday, October 31, 1969

Concert by U.S. Air Force Band. Auditorium, National Museum of History and Technology, 7:30-10:30 p.m.

CONTINUING EXHIBITIONS

British Designer Craftsmen. Arts and Industries Building. More than 200 objects represent a stimulating cross-section of ceramics, glass, woven fabrics, printed textiles, embroidery, tapestry, rugs, wall-hangings, religious fabrics, silversmithing, jewelry and metalwork, this exhibition organized for the Smithsonian Traveling Exhibition Service by the British Section of the World Crafts Council. Through October 20.

The Indomitable Major John Wesley Powell, Scientific Explorer of the American West. Foyer Gallery of the National Museum of Natural History. An exhibition tracing the remarkable career and accomplishments of Major Powell as explorer, geographer, geologist, anthropologist, linguist and prophet of public land policy. This exhibition represents the Smithsonian's major contribution to the celebration of the centennial of Powell's daring descent of the unknown Colorado River in 1869. Through October.

Josiah K. Lilly Collection of Gold Coins.

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More than 6,000 gold coins in a collection unequaled in historical and geographical scope typifying the endless number of gold coins circulated throughout the world over a period of about 26 centuries. National Museum of History and Technology. *Through December 30.*

Energy Conversion. Historical development of various methods for transforming an available energy source to a needed energy product, including batteries, fuel cells, solar cells and steam engines. In the Hall of Electricity, National Museum of History and Technology, through March.

Napoleon Bonaparte, Bicentennial of his birth, 1769. A medallic illustration of Napoleon's eventful life; the epic of his many battles which led him across Europe, from Spain to Russia and from the borders of the Elba to the waters of the Nile and into exile at St. Helena where he died, are illustrated by coins and medals that were produced by him and his adversaries. Hall of Numismatics, National Museum of History and Technology. Through February 1970.

Pharmacy in Prints. A collection of portraits, caricatures, broadsides and labels ranging from the satiric and political to the social and ethical, these prints show the doctor-pharmacist-patient relationship. Figures shown include Napoleon, Gladstone, and Presidents McKinley and Cleveland. Through February. National Museum of History and Technology.

Hurricane Fighter Plane. This plane commemorates the Battle of Britain and the participation of the American Eagle Squadron in that historic struggle. The Hurricane was one of the first and most numerous British fighter planes in World War II, but it is now an extremely rare type of aircraft. It is shown in the Arts and Industries Building.

Atomic Art. An exhibition of art by Alyce Simon of New York. Controlled bombardment of acrylic plastic sheets by a particle accelerator combined with flat areas of color produces a unique art form. Hall of Nuclear Energy, first floor of the Museum of History and Technology. Closing indefinite.

Art of Jannis Spyropoulos. Greece's best known contemporary painter, Jannis Spyropoulos, will be represented by 26 large abstract paintings in an exhibition under the patronage of the Greek Embassy. Spyropoulos has exhibited widely around the world and has won major prizes, including the UNESCO Prize at the 1960 Venice Biennale. At the National Collection of Fine Arts through October 19.

THE SMITHSONIAN ASSOCIATES

You are invited to participate directly in the Institution's far-reaching education and research activities by becoming a member of the Smithsonian Associates. Through numerous programs for members, the Associates provide infinitely varied opportunities to explore the arts, sciences, and humanities. Call 381–5157 for information on fees and programs.

RADIO SMITHSONIAN

You can listen to the Smithsonian every Sunday night from 7:30 to 8:00 p.m. on radio station WGMS (570 AM & 103.5 FM). The weekly *Radio Smithsonian* program presents music and conversation growing out of the Institution's exhibits, research, and other activities—from moonshine on the Mall to a discussion with the British Ambassador about his country in the last third of the Twentieth Century, from the coral reefs of the South Pacific to sweet melody from an antique violin. Fred Gray is producer, Cynthia Helms special correspondent in this presentation by the Smithsonian's Office of Public Affairs.

SMITHSONIAN RESIDENT PUPPET THEATRE

(Third Floor National Museum of History and Technology)

Bob Brown Marionettes through January 7, 1970: The Wizard of Oz.

Advance reservations for school groups on weekdays (special 50c rate in groups of 25 or more) call 381–5407. Performances last about one hour. Wednesday, Thursday, Friday: 10:30 and 12:30. Saturday, Sunday, Holidays: 10:30, 12:30 and 2:30. Admissions: Adults, 90c, Children, 60c.

MUSEUM TOURS

National collection of fine arts

Daily tours at 11 a.m. and 1 p.m. Weekend tours 2 p.m., Saturday and Sunday. For advance reservations and full information, call 381–5188 or 381–6100; messages 381–5180.

Smithsonian Museums are open to the public 7 days a week. Hours: 10 a.m. to 5:30 p.m. daily.

Cafeteria: Open 10:30 a.m. to 5:00 p.m. (Located in the National Museum of History and Technology, 12th Street and Constitution Ave. N.W.)

National zoo

Tours are available for groups on weekdays 10 a.m. to 12 noon. Arrangements may be made by calling—*two weeks in advance*—CO 5–1868 Extension 268.

Visitors may purchase animal artifacts and specially designed souvenirs and books at the KIOSK, which is operated by Friends of the Zoo volunteers as a public service and to raise funds for educational programs. Open daily 11 a.m. to 4 p.m.

Hours at National Zoo: Gates open 6 a.m., close 7 p.m.; buildings open 9 a.m., close 6 p.m.

MUSEUM SHOPS AND BOOK SHOPS

(Open to public during all regular hours)

Museum shops

1. National Museum of History and Technology—Rotunda.
2. Natural History Building—Constitution Avenue Entrance.
3. Arts and Industries Building—Mall Entrance.
4. Freer Gallery of Art—Mall Entrance.
5. National Museum of History and Technology—Mall Entrance.

Book shops

1. National Museum of History and Technology—Constitution Avenue Entrance.
2. Natural History Building—Mall Entrance.
3. National Collection of Fine Arts—Main Floor, 8th and G.
4. National Portrait Gallery—F Street Entrance.

For a Calendar of Events at the National Gallery of Art, which is separately administered, please write to the Office of Information, National Gallery of Art, ^th Street and Constitution Avenue, N.W., Washington, D.C. 20565, or call 737–4215.

Dial-A-Museum—737–8811 for daily announcements of new exhibits and special events.

Dial-A-Satellite—737–8855 for daily announcements of satellite passages and other astronomical data, prepared by Smithsonian Astrophysical Observatory, Cambridge, Mass.

(The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs, 381–5911. *Deadline for November Calendar: October 15.* Mailing list requests and changes of address should be sent to the Smithsonian Calendar, 131 Old Smithsonian Bldg., Washington, D.C. 20560.)

LAND CLAIMS OF ALASKAN NATIVES

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. POLLOCK. Mr. Speaker, today I introduce a bill to provide for the settlement of certain land claims of Alaskan natives. This bill is the third piece of legislation which I have introduced during this session of Congress to resolve the native land claims. The bill proposes the solution of the Alaskan Federation of Natives to the land claims question.

In order to present as complete a picture as possible of the divergent approaches to settlement of the aboriginal land claims issue, I am pleased to introduce this legislation. By providing us with a third alternative for resolving the land claims, the bill will contribute a great deal to the discussion which has already been engendered by the introduction of H.R. 10193 and H.R. 13142, the other two land claims bills. Each of these bills differs from the others in several important ways, thus insuring that a wide spectrum of thinking will be presented to this body for its consideration.

Mr. Speaker, at this stage in the history of the native land claims, the precise terms of the ultimate settlement are, perhaps, not as important as the fact of settlement itself. For 102 years—since Alaska was first purchased from Imperial Russia in 1867—Congress has reserved to itself the right to determine the nature and status of native ownership in land and the means of its disposition. Meanwhile, the claims of Alaska's Indians, Eskimos, and Aleuts have been held in abeyance. These claims have been recognized from time to time, but little or nothing has been done to resolve them. Thus, in 1884, it was stated in the Organic Act, which established Alaska's first civil territorial government, that:

> Indians and other persons shall not be disturbed in the possession of any lands in their use or occupancy or now claimed by them.

However, the exact terms under which Alaska's natives were to acquire title were reserved by Congress for its determination at a future time. Finally, after a century of congressional inaction, the Department of the Interior imposed a "super land freeze" on Alaska's selection of the 103 million acres of land which Congress agreed to give the fledgling State when, in 1958, statehood became a reality.

While the land freeze is necessary to protect the claims of Alaska's native citizens, it has seriously impaired the economic development of the State. Every time a road is planned, a power project is contemplated, or an airport runway extension is required, permission must be obtained from the Department of Interior which, in turn, seeks the advice of the appropriate congressional committees. This arduous procedure has resulted in the abandonment or delayed construction of many necessary and worthwhile public works projects in Alaska.

In addition to its undesirable economic consequences, the land freeze has other serious implications for Alaska. As of today, Alaska has selected only about 23 million acres of the 103 million acres of land which Congress promised the State in 1958, and time is running out. Following statehood, Congress set a time limit of 25 years for the selection of Federal lands by the State; only 15 years are left. To insure the orderly and prudent

selection of Federal lands, the land freeze must be lifted as quickly as possible.

Some hearings on the land claims question have already been held and more are planned for the immediate future. On August 4–6 and September 9, hearings were held in Washington at which time Government witnesses presented their views. Next week, in Fairbanks and Anchorage, Alaskan natives and nonnatives will be given the opportunity to express their opinions before the Subcommittee on Indian Affairs of the House Committee on Interior and Insular Affairs. The bill which I have introduced today will provide this subcommittee with an excellent reference point for its discussion of the Alaskan Federation of Native's solution to the land claims issue.

Mr. Speaker, the land claims of Alaska's natives pose serious legal, moral, and economic questions for all Americans. Some have said that our Indian policy has been a failure and a blight on our democratic traditions. A prompt and equitable settlement of the native claims will help to silence this criticism. Moreover, these claims must be settled if Alaska is to make its full contribution to the economic prosperity of the Nation. Recent developments, such as the north slope oil bidding, serve to illustrate the vast economic potential of my State. However, this potential will remain largely untapped until the land claims issue is settled.

My distinguished colleagues, we are confronted with a serious and complicated problem. The AFN proposal, which is embodied in the bill I have introduced today, presents a carefully considered solution to this problem. The problem and its resolution deserve our prompt attention.

I am hopeful the best provisions of each of the bills can be blended into a meaningful resolution of the land claims issue that everyone can accept, and I am hopeful also that history will record that the matter was finally laid to rest in the 91st Congress.

THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. TALCOTT. Mr. Speaker, the story of our POW's in North Vietnam has not been adequately told. Their plight is difficult to "cover." Reporters have been reluctant to tell the truth or expose the facts because they did not want to offend the Communists in Vietnam or the Communist sympathizers or assisters in this country.

But our citizens are entitled to know the facts. Our citizens are involved. Their families are affected. Our Nation is affected by the manner in which we tolerate the treatment of our POW's.

The POW's have been generally forgotten until recently. The MIA's—missing in action—and not yet reported as prisoners or deceased have been forgotten. Their families suffer untold anxiety and agony. Their suffering and sacrifices ought to be made known to every Member of the Congress, every U.S. citizen, and every inhabitant of this planet.

Mr. Louis R. Stockstill is one of the most knowledgeable writers and competent reporters on the subject of POW's.

I ask to insert here an article by Mr. Stockstill entitled "The Forgotten Americans of the Vietnam War." I hope every Member will read it:

PRISONERS OF WAR: THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

(On the following pages you will find one of the most important articles ever published in this magazine. Telling you this may seem redundant. If an article is unimportant, we should not be publishing it at all. At the same time, we have always acknowledged to ourselves that not all readers are interested in everything we print. Our job is to supply a balanced buffet table—not intravenous feeding.

(But the matter of our American servicemen who have sacrificed their freedom, their health, and the peace of mind of themselves and their families in behalf of freedom for others—this is a matter that concerns us all. By the hundreds, these men languish in North Vietnam prisons and in Viet Cong jungle camps—unprotected by the Geneva Conventions which are supposed to guard the rights and persons of all prisoners of war. That the bulk of these American prisoners are airmen brings their plight a little closer to us, perhaps. That others have lost life and limb in the same cause is even more saddening. But death and wounds are irretrievable, and all we can do is to make suitable provision for the wounded and the survivors of the dead. The prisoners, on the other hand, are alive and are retrievable. We can do something about them. We must.

(The author, who has done such a thorough and painstaking job, served for many years on the staff of the Journal of the Armed Forces, ultimately as its Editor. Lou Stockstill has devoted his professional life to the examination and explanation of the problems of the armed forces of the United States. He is now a free-lance writer in Washington. This article represents, in our judgment, the finest effort of his distinguished career. It explains the POW problem better, and in more detail, than anything published to date. It includes some concrete suggestions as to what you can do to help.

(Read it, and let your conscience be your guide.—THE EDITORS.)

(By Louis R. Stockstill)

Once a month, from her living room high up in an Arlington, Va., apartment building, removed from most brutalities of life except her own thoughts, Gloria Netherland walks a long hallway to the mail chute and deposits a letter.

She watches it drop from sight on the first leg of a journey into an unknown void halfway around the world. The letter begins "Dear Dutch." But whether Dutch will read it, or someone else will read it, or whether it will go unopened is impossible to say.

Gloria and Dutch have been married eighteen years, but she doesn't know—hasn't known for a long time now—if he is alive or dead. And if alive, she doesn't know where he is or how he is.

For more than two years she has written the monthly letters—limited to six lines each, according to current Communist rules. None are answered; none are returned.

But, in the pattern of "dreadful uncertainty" that characterizes her daily life, she never fails to write.

"I realize," she says, "there is just a fifty-fifty chance he is alive, but feel that I cannot afford to let anything go undone."

Capt. Roger M. Netherland, USN, who was shot down over North Vietnam in May 1967, is one of the senior U.S. pilots missing in the Vietnam War. Flyers reconnoitering the site where his burning plane plunged to the ground believe they heard his voice. But no word has come through since.

"When you are married to a flyer," Gloria Netherland says, "you learn to live with potential disaster. But you expect it to be black and white, not like this. I can't think of him as being gone, but it is very difficult for me to think of him as a prisoner."

She says, "The worst day for me was not the day they came to tell me he had been shot down. The worst day was the day his clothes and books and personal things came back. To have to unpack a man's life is not an easy experience.

"And if he is gone, I will have to do it all again. There will be another complete healing period to go through."

Gloria Netherland is but one of hundreds of wives and parents who live on an emotional roller coaster of grief, hope, faith, anxiety, and raw courage. For some, the waiting has lasted more than five years.

Their husbands and sons are the forgotten men of the Vietnam War—approximately 1,400 men captured by the enemy or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam, others by the Viet Cong in the jungles of the South. A few are interned in Laos and Red China. Files of 981 men have been stamped with the heart-wrenching legend "MIA"—missing in action.

Some 3,000 "next of kin"—wives, children, and parents—in every state now endure what one calls "this limbo of anguish."

The other side has revealed tragically little about these "casualties" of the war. North Vietnam and the Viet Cong, defying international agreements and basic codes of humanitarianism and decency, have consistently refused to discuss the whereabouts of the missing men. Similarly, they have dribbled out only limited and distorted information about selected prisoners in infrequent propaganda movies tailored to their own purposes, often peddling doctored film to foreign outlets. Many wives quite rightly believe that "our husbands are being sold for so much propaganda."

On the shoddy pretext that U.S. captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisoners. Yet such inspections are required under the Geneva Conventions, signed by North Vietnam in 1957 and by 119 other governments.

Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps, but has refused to:

Identify the prisoners it holds;

Release the sick and wounded;

Allow proper flow of letters and packages; or

Protect U.S. prisoners from public abuse.

The Viet Cong and Communist forces in Laos have followed Hanoi's lead by imposing an even more rigid blackout.

The curtain of secrecy the enemy has thrown around the prisoners and missing men has, until recently, been duplicated to some extent by the U.S. government. But this is now changing. A brighter spotlight has been turned on the problem. The change has been wrought by the Nixon Administration. The United States government has now opened up some of its previously closed files of information on the imprisoned and missing men. New initiatives and a tougher approach are the order of the day. Further steps may be in prospect.

NEW HOPE FOR POWS

For the first time, Administration officials are waging an open fight for the prisoners. The diplomatic maneuverings which shielded many aspects of the problem from public view during the Johnson Administration—

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although perhaps rightly so for that time—have been partially cast aside. The United States is speaking out.

Two of President Nixon's top Cabinet officers have embarked on a strong public offensive in which they stress concern for, as well as facts and figures about, the treatment of the U.S. prisoners and missing men.

"I don't understand how the North Vietnamese can be so lacking in humanity that they won't even give us the names of the prisoners they have," declares Secretary of State William P. Rogers. "All they have done is to be more intransigent, more unreasonable, and more inhumane."

Secretary of Defense Melvin R. Laird says there is "clear evidence that US prisoners are not being treated humanely," and that conditions in the prison camps are "shocking."

Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Their assistance could be crucial. Many citizens may never have asked themselves how, or if, they can help. Many still may not be aware of the full story of our forgotten men.

Here then are the sobering facts about the prisoners and the missing, the details of the obscure existence they live, the way they are used and abused by Hanoi. And here, too, is an account of what the US is doing to aid the men and their families, and suggestions as to how you might lend a hand:

Of the known prisoners—the 401 the armed forces have been able to positively identify as captured—192 are Air Force, 140 are Navy, forty-six are Army men, and twenty-three are Marine Corps personnel.

Nearly 1,000 others are missing in action and thought to be captives. The largest number missing from any single service is 516 from the Air Force. More than 260 are missing in the Army, more than 100 in the Navy and ninety-four in the Marine Corps.

The prisoners and missing men range in rank from private to colonel, or Navy captain. They include such men as Col. Robinson Risner, of Oklahoma City, one of the top AF pilots, and Navy Lt. Cmdr. J. S. McCain, III, son of the US Commander in Chief Pacific, Adm. J. S. McCain, Jr.

Several of the known prisoners have now been behind bars more than five years. More than 200 have been imprisoned or missing for more than three and one-half years, more than 500 for over two years.

Some military intelligence the United States has gleaned about these men must be kept secret or couched in guarded language to protect the prisoners.

Nevertheless, accounts of torture and inhumane treatment have emerged. The widely publicized story of the capture, escape, evasion, and rescue of Navy Lt. (j.g.) Dieter Dengler in 1966 presented stark examples. Captured by the Pathet Lao but eventually turned over to North Vietnamese soldiers, Dengler was spread-eagled by his captors and at night left to the mercy of jungle insects, tied to a tree for harassment target practice, repeatedly beaten with fists and sticks (once into unconsciousness) for refusing to sign a statement condemning the US, and tied behind a water buffalo and dragged through the bush. The once 180-pound flyer weighed ninety-eight pounds following his escape and rescue.

STORIES OF MALTREATMENT

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Viet Cong jungle camps.

Most recent evidence about those imprisoned in North Vietnam discloses that many have been tortured by being deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected scars, and burned with cigarettes. At least one had his fingernails ripped from his hands. The broken bones of another, set by Communist doctors and still in a cast, were rebroken by guards.

It is difficult to know how typical these examples may be. But, regardless of the continuing secrecy in certain areas, substantial information is available on some prisons and the basic treatment of some prisoners. Portions of the record are cloaked in "it is believed" language, some is official hard fact, and some has come from those foreign news sources Hanoi has permitted to peek into selected prison keyholes.

Prisoner treatment, of course, varies, and often the enemy attempts to camouflage the worst conditions. With that in mind, consider these details about three types of prisons—a jungle camp operated by the Communist Pathet Lao; a Viet Cong jungle camp; and a North Vietnamese institution known euphemistically as the "Hanoi Hilton."

The Pathet Lao camp is a bamboo stockade of primitive thatched huts. Prisoners are fed twice a day, mostly rice but with occasional supplemental foodstuffs. Many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed outside to empty toilet pails, prisoners are confined inside the huts, often locked in crude wooden foot blocks or handcuffs. Barbaric treatment, including beatings, is not unique. Prisoners are forced to listen to Radio Hanoi.

The Viet Cong prison or jungle camp houses fewer than a dozen men. The prisoners are fed three times a day, again mostly rice, supplemented by some meat, fish, or vegetables. They are supplied with soap and toothpaste, fifth-rate medical treatment, pills thought to be antimalarial, and even occasional vitamin injections for those in most obvious need. Between meals, prisoners are allowed to smoke, exercise, or just sit. About once a month, they are furnished news of the outside world. They have been told, for example, of the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy, of the release of the *Pueblo* crew and the election of President Nixon. They are allowed to write occasional letters, but have no way of knowing the effort is futile. No letters have ever arrived in the US from prisoners held by the VC. To maintain the pretense of a mail-exchange, however, at least one prisoner in this camp was permitted to receive two letters over a ten-month period.

DAILY ROUTINE IN HANOI

In the North Vietnam prison camp (in central Hanoi), daily routine is more formalized. Prisoners are awakened between 5:00 and 6:00 in the morning by a gong, followed by a thirty-minute Radio Hanoi (English language) broadcast piped into their cells. At mid-morning they are taken out to empty toilet buckets. About 11:00 a.m., seventeen to nineteen hours after they last ate, they are fed the first of two daily meals. Food consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice.

One former prisoner said, "The main diet is based around bread, and during the summer we got a squash soup and pig fat." Prisoners receive three daily cigarettes and sometimes, possibly for propaganda purposes, have been given sweets. (Propaganda films staged by Hanoi have shown tables laden with food, including mounds of fresh pineapple and bananas. But no one was eating.) After the morning meal—picked up on a wooden tray and eaten in their individual cells—prisoners are allowed to "nap" on their bareboard bunks until 2:00 in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4:00 and 6:00 p.m., they are fed the second and final meal of the day. The day ends around 9 p.m.

Each prisoner is provided with two sets of pajama-like clothing, two blankets, and toilet articles. Each is allowed to shave twice a week and wash his clothing once a week.

CONSTANT INDOCTRINATION

Brainwashing efforts do not follow the hard-line techniques employed during the Korean conflict, but prisoners are subjected to constant lower-key indoctrination. Not only does Radio Hanoi bombard their cells with slanted news and propaganda a full hour out of each day, but prisoners also are furnished with Communist propaganda periodicals and are lectured on the "history of Vietnam" and the provisions of the 1954 Geneva Accords as conveniently interpreted by their captors. Sometimes men reportedly are taken from the prison to visit state institutions where they can "learn" more about North Vietnam's "culture."

Attempts also are made to induce them to write or record statements expressing sympathy with the North Vietnamese cause and condemning US involvement in the war.

Within the confines of the prison, the captives generally are isolated from contact or communication with more than one or two other prisoners who may share the same cell. Many men are kept in solitary confinement. As they are moved around in the prison to pick up food, empty toilet buckets, wash, etc., they are carefully shepherded so that one prisoner or group of prisoners seldom encounters another.

At infrequent intervals, certain prisoners have been allowed to write to their families, although few letters ever reach home.

That the prisoners are allowed to write at all, and that they are accorded other elemental amenities, may likely be because the so-called "Hanoi Hilton" is anything but typical.

PROPAGANDA SHOWPLACE

US officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. While foreign newsmen have "seen" prisoners, who have been transported to a central location for that express purpose from at least eight other camps, the "Hilton" is the lone place outsiders have been allowed to enter. And it is the only prison from which US prisoners have ever been released. Obviously, the open-door policy at only one prison creates real doubt that the North Vietnamese can afford to let the world, and in particular the neutral nations, see the conditions that prevail elsewhere.

No prisoner has ever escaped from the prisons of North Vietnam. Those who have managed to struggle back to freedom from the VC jungle camps add up to fewer than two dozen (the specific number is classified). And the Communists have been extremely callous when it comes to returning American prisoners. To date only a handful has been set free. Sixteen have been released by the Viet Cong, nine by Hanoi.

Procedures followed by Hanoi in releasing prisoners are particularly meaningful since North Vietnam has been the bellwether in establishing what might be regarded as overall policy guidance in the treatment of prisoners elsewhere. And it is in North Vietnam that the greatest number of men are believed to be imprisoned. Of the more than 1,400 captured and missing, nearly 800 (mostly pilots) were downed over North Vietnam. The Defense Department believes "a substantial percentage of the missing" may be prisoners.

POW RELEASES FOLLOW PATTERN

All the prisoner releases by Hanoi—two last year and one this August—have followed a similarly disturbing pattern. First, they have been but token gestures, letting just three men out at a time. Second, they have been accompanied by blatant propaganda announcements in the guise of either "humanitarianism" or "good will," or coupled with some "special" day. Third, the names of the men to be freed are withheld for periods of more than a month, thus creating untold agony for thousands of hopeful next of kin. Fourth, releases are carried out through dissident US intermediaries instead of the International Committee of the Red Cross, the traditional go-between in matters affecting war prisoners.

As a condition of each of the three prisoner releases, Hanoi has insisted that US pacifist groups be sent to North Vietnam to take custody of the prisoners and accompany them out of the country.

After a protracted wait, the identities of the prisoners are presented to the world in a staged ceremony. Finally, they are allowed to depart for home with their pacifist countrymen, who are merely used by Hanoi in a grossly overt effort to foment further unrest among American citizens and abet militant critics abroad.

The first two prisoner releases took place last year. Three men were released in February, three more in July. All six were "short termers"—that is men who had been held prisoner for relatively brief periods of time.

The February 1968 group consisted of two Air Force officers, Lt. Col. Norris M. Overly and Capt. John D. Black, and twenty-three-year-old Navy Lt. (jg.) David P. Matheny. None had been in captivity as much as six months. Lieutenant Matheny had been captured only four months earlier.

The three prisoners relased in July 1968 were all Air Force officers: Maj. James F. Low and Capt. Joseph V. Carpenter, imprisoned for seven and six months, respectively, and Maj. Fred N. Thompson captured less than four months before.

The man designated by Hanoi as the principal go-between for the releases is a fifty-four-year-old pacifist named David Dellinger. Chairman of an organization known as the National Mobilization Committee to End the War in Vietnam, he has traveled frequently to Communist bloc nations and to North Vietnam. Currently, he is under indictment on charges of conspiring to incite a riot in Chicago during last year's Democratic Convention.

As the main contact in the prisoner releases, Dellinger, in turn, has named other US pacifists to act as "escorts" in bringing the prisoners out of Hanoi.

THREE RELEASED IN AUGUST

The most recent release—three men, again—came in August of this year and illustrates how completely Hanoi milks the prisoner situation for its own purposes. However, it marked a minor breakthrough of sorts. For the first time, North Vietnam released prisoners who had been held captive for fifteen to twenty-eight months.

The new policies of the Nixon Administration may have had something to do with the release of the longer-term prisoners. Publicity about two of the men had been widely aired by DoD several months earlier.

Like the two preceding releases, the third also was carried out under the banner of David Dellinger. On this occasion, he designated a somewhat ragtag escort group. The group was substantially larger than any previously dispatched. There were four escorts. They took along three cameramen.

Leader and spokesman was Rennard C. Davis, twenty-nine, National Coordinator of Dellinger's National Mobilization Committee. A member of Students for a Democratic Society, Davis is also under indictment on charges growing out of the Chicago riots. He had to obtain a court ruling in order to leave the country.

With Davis in the escort group were Linda Sue Evans, twenty-two, an SDS regional organizer; Grace Paley, forty-six, a member of antiwar and antidraft organizations; and James Johnson, twenty-three, Negro, former GI who served a stockade term for refusing to fight in Vietnam. The three cameramen, from an underground movie-making outfit, were identified as Robert Kramer, thirty-six, an SDS member during a stint at Columbia University; Normal Fruchter, thirty-two; and John B. Douglas, thirty-one.

TEAM FLEW TO HANOI

The seven-member team flew to Hanoi in mid-July, about two weeks after North Vietnam announced plans to release the prisoners. For the next couple of weeks they received Hanoi's "grand tour," were escorted on a 500-mile trip into the DMZ, met with the Prime Minister, and were ultimately entertained at a farewell party well-oiled with rice liquor and propaganda.

At the farewell ceremony, according to details churned out by the North Vietnam News Agency (VNA), the prisoners were "handed over . . . to the American antiwar delegation" with a Madame Bui Thi Cam denouncing the "monstrous crimes" perpetrated by the "US imperialists" who had destroyed towns and crops and massacred . . . women, children, and old folk."

She said US pilots "caught in the act of committing grave crimes" are not entitled to the protection of the Geneva Conventions, but are, nevertheless, treated "in accordance with the humanitarian policy of the government."

James Johnson, accepting the prisoners "on behalf of the American antiwar delegation," said, "We know, as these pilots must know, that all over the world the United States has been branded an outlaw nation." His statement, running some 500 words, might almost have been written by Hanoi.

The North Vietnam News Agency said, "The three released American military men then took turns in expressing, each in his own [way], their deep gratitude to the Vietnamese People, the DRVN government, and the Vietnam People's Army, for this humanitarian act as well as for the humane treatment all of them had received throughout the period of their detention."

The names of the prisoners were revealed. Two were Navy men: Lt. Robert F. Frishman, captured twenty-one months earlier, and Seaman Douglas B. Hegdahl, imprisoned for two years and four months. The third was Air Force Capt. Wesley L. Rumble, held for fifteen months.

The prisoners and their escorts left Hanoi on August 5. Arriving in Vietiane, Laos, that night, they were seen for the first time by US newsmen. They were described as "pale and gaunt," clad in "dungarees and sandals."

The press accounts noted that Frishman, acting as spokesman for the prisoners, selected his words "carefully." He said only that he was happy "to be returning home, to be back with my country and my wife."

There then followed a question-and-answer session. Here are revealing excerpts from Frishman's interrogation by the newsmen:

Question. How was the treatment you received. . .?

Answer. I received adequate food, clothing, and housing.

Question. Would you describe it as humane treatment?

Answer. Sir, I believe I have answered that question.

Question. Did they make any attempt to indoctrinate you or brainwash you in any way?

Answer. I have no comment.

Question. Was their treatment better at all when they decided you were going to be released?

Answer. As I say, my treatment has been adequate.

Question. Are you concerned that other prisoners might be harmed by something you might say here?

Answer. Yes. I in no way want to jeopardize any of the others who have been. . . .

The sentence trailed off.

When the prisoners arrived in Bangkok the following day, Frishman was quoted as saying. "It's great to be back." Nothing more. At some point during the return journey, Frishman had indicated the desire of all three men to be furnished with military clothing. "We left in uniform," he said. "We intend to return in uniform." The clothing was rushed to Frankfurt, last stop before New York.

ARRIVAL IN NEW YORK

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance on the hot, noisy flight line was deeply saddening.

When the general passengers and the pacifist escorts had disembarked, the families of the prisoners were allowed to board the plane for a brief reunion away from the eyes of the curious. Twenty minutes later, the men and their families began emerging.

There was no brass band, no flags, no clamoring throng to welcome them. Only a cluster of newsmen, cameras, government representatives, police, and a small crowd of onlookers.

Lieutenant Frishman, followed closely by Seaman Hegdahl, was first off the plane. Both wore their new uniforms, the Navy blue contrasting starkly with their drawn, pallid faces. Captain Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men and their families were led to a small platform, barren but for a gaggle of intertwined microphones. Uncertainly at first, and then with alert precision they returned the salute of Air Force Col. Milt Kegley standing nearby.

They were ashen in color. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. They smiled, but somehow their smiles seemed macabre; not forced, but not exactly real; joyful surely, but with an underlying tautness; perhaps nearer to tears than laughter.

Lieutenant Frishman once again spoke for all three men, repeating what by now had become his stock statement. They were happy to be home, they had received "adequate food, clothing, and housing" from their captors.

He, himself, had been "seriously wounded." The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said.

THE ARM WAS WASTED

It hung at his side, the loose sleeve of his jacket emphasizing that the arm was wasted, thin, far shorter than the other. When the suggestion had been made to him earlier that, "They'll fix it better at home," he replied, "Oh, no. They won't. It's impossible now."

Now, as he extolled the "adequate" treatment he and the others had received, and praised the North Vietnamese for saving his arm, Frishman voiced the "hope that there will be some more releases."

At his side, Douglas Hegdahl, once a robust heavyweight, continued to smile, his face almost skeletal. A reporter asked how much weight he had lost. He had "no comment."

But then Frishman addressed the microphones. "I lost forty-five pounds; Seaman Hegdahl lost sixty pounds," he said. It was the first detailed confirmation of their deprivations.

A newsman asked Frishman why the North Vietnamese had selected him for release in preference to some other prisoner.

"I am sure they released me for some reason . . . this reason I do not know," he said.

What about the welfare of other prisoners still held by Hanoi?

"No comment," Lieutenant Frishman said.

PRESS SESSION QUICKLY ENDED

The session with the press was over quickly, the final questions muffled in the roar of a nearby jet. The men were tired; they had been traveling for thirty-six hours.

"I want to be with my wife now," Lieutenant Frishman said. He placed his good arm around her. The prisoners and their families moved off the platform.

As Frishman turned, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung

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loosely about his neck. The lines of his nose, his cheeks, and his chin were sharply drawn, haggard. So were Hegdahl's.

If the two men had been well-treated, there was nothing in their appearance to verify it. The almost corpse-like pallor of their skin, tightly stretched, almost translucent, mutely testified to long seclusion from the sunlight.

The men and their families moved to waiting transportation for the short trip to the medical-evacuation plane and the final leg of their journey to military hospitals. I turned with the other newsmen to walk back into the International Arrivals building for the meeting with the pacifist escorts.

We waited for an hour in a small, stuffy room intensely illuminated by bright klieg lights.

Finally, the pacifists straggled in, having been delayed in customs. The four escorts and the three cameramen gathered on a platform at one end of the room. By any standards, they were unprepossessing in appearance.

The leader and spokesman, Rennie Davis, was the most presentable, dressed in neat trousers and shirt, hair slightly long but combed and parted.

Peering from time to time at notes clutched in his right hand. Davis began a recitation of what the seven-member team had seen and done in North Vietnam. His monologue had little to do with the prisoners. It mainly emphasized the "devastation" that US bombing forays had inflicted on a "determined" and "unbeatable" people now instilled with a "mood of victory." The North Vietnamese believe, he said, that they have President Nixon "trapped."

He introduced Grace Paley, a short frumpy woman in a cotton dress. She said North Vietnam considers US prisoners criminals, but releases them to "show good faith" and as a demonstration of their "humanitarian" treatment.

PRAISE OF HANOI'S TREATMENT

Next up was Linda Sue Evans, young, blond, wearing tightly fitting flared blue jeans. "We believe," she said, "that North Vietnam should win." She praised Hanoi's "humane" treatment of the prisoners.

The young Negro, Johnson, principal pacifist speaker at the Hanoi ceremony, was next. He said with obvious pleasure that the North Vietnamese "feel they have defeated the United States."

Davis opened the press conference to questions.

Are our prisoners being mistreated? he was asked.

He had seen no such evidence. The group had met a "total of twenty-five to thirty all told," and had been informed by the prisoners that they had been protected within the very villages they had bombed, been given immediate medical attention, and "better" food than is provided for their guards.

He said continuing concern is voiced about the treatment of US prisoners, but he is more concerned about the treatment of prisoners from the other side held in camps in South Vietnam.

Davis was asked to comment on a statement by Secretary of Defense Laird that Hanoi's treatment of prisoners is in "flagrant violation" of the Geneva Conventions.

Davis said he thinks North Vietnam "legally regards the United States as an outlaw nation." (An interesting comment. James Johnson had used the same "outlaw" phrase in his Hanoi remarks, but attributed it to the pacifists themselves.)

"You say our prisoners are being treated humanely," I asked Davis. "How many prison camps did you visit?"

Repeatedly, he sought to evade a direct answer, but I kept hammering "how many prisons" at him. Finally he admitted he had "no information at all" about any of the prison camps.

The press conference produced nothing of any kind about the status of U.S. prisoners held by North Vietnam. The pacifists had returned believing what they wanted to believe. They brought back no list of prisoners held by Hanoi, no hint that North Vietnam might consider changing its policy on prisoners.

Except for some fifty letters Hanoi had permitted them to carry home, they had returned only with an array of sugar-coated propaganda. They had swallowed whole as much as possible and stuffed the rest into their luggage.

The press conference could only raise serious doubts about the value of continuing to allow Hanoi the luxury of using such groups to bring back tiny numbers of prisoners. Some Administration officials, even some wives and families of prisoners and missing men, also are beginning to question the validity of this practice.

At the current exchange rate, it would take well over 400 years to get all the men home. And the current release procedures in the words of the Washington, D.C., *Evening Star*, are "a little like Oriental water torture—and just as humanitarian."

Twenty-five days after Frishman, Hegdahl, and Rumble reached New York, I went to Bethesda Naval Hospital in Maryland to hear the two Navy men tell about their prison life. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations where he was removed from the truck and stoned by the populace. When he reached the prison, he was refused medical treatment and told he "was going to die in four hours" unless he talked. He "finally passed out" and was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm but failed to remove missile fragments. It was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets . . . the scab would come off . . . the wound would drain again." One of his legs was left with "a seeping sore," still draining when he reached the U.S. almost two years later.

During much of his ordeal, Frishman was isolated in a tin-roofed cell, vented by "a few holes." In forty-five-degree winter weather, he froze. In summer, it was "like an oven." Sometimes, he was forced to sit on a stool in the stifling room—"just sit . . . and sit"—until he passed out.

Early this year when interviewed by *L'Europeo*, his captors wrote out what he was to say and then "practiced" it with him.

Did they try to "fatten" him in his final weeks of imprisonment, I asked?

"Yes, they did." On July 4 they took him before the camp commander who "had a real nice table with some fruit on it. . . . I knew then that I was going home."

SOLITARY CONFINEMENT

Hegdahl, too, had been subjected to solitary confinement—in all, for more than a year. The longest stretch lasted "seven months and ten days."

He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed also was plundered before it was handed to him.

For propaganda purposes, he was photographed "reading" a U.S. magazine which he was allowed to hold "just long enough for them to take the picture."

Frishman said he was threatened before his release. If he embarrassed North Vietnam, they would "have ways of getting even with me," he was told. He was cautioned "not to forget that they still have hundreds of my buddies."

But those still imprisoned want the facts out in the open, he said. One told him "not to worry about telling the truth," that if it means more torture, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

While North Vietnam's claims of "humane" treatment of the prisoners have failed to stand up to public scrutiny, it is equally apparent that Hanoi's policies and those of the Viet Cong have been cruelly lacking in compassion for the families of the prisoners and missing men.

Take Andrea Rander, whose husband, Army SSgt. Donald Rander, is held by the Viet Cong. He was first reported missing during the January Tet offensive last year. Four weeks later she was officially notified that he had been wounded and imprisoned. She has been waiting almost two years for a letter that has never come. She has great difficulty, she told me, in making decisions. "I keep putting everything off. I keep telling myself I will wait until Donald comes home. It's my way, I guess, of convincing myself that he will be back."

SPORADIC LETTERS

Billie Hiteshew, wife of AF Maj. James Hiteshew, who was captured by North Vietnam in March of 1967, has lived with the problem longer, but at least she has heard from her husband. She receives sporadic letters, including two this year. And she has seen photographs of her husband. Shortly after his capture, CBS purchased a film of Hiteshew—confined in a hospital with a broken leg and arm—being interviewed by Felix Greene, a British antiwar journalist. She watched her husband say he agreed with Senators who feel "we need to take another look at our foreign policy," a view she had never heard him express or even hint at before.

Evelyn Grubb's only knowledge of her husband came from a similar Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by AF Maj. Wilmer "Newk" Grubb, was shot down in January 1966 while a Christmas bombing halt was in effect. Hanoi gloatingly publicized his capture, conveniently obscuring the true nature of his mission. The day Mrs. Grubb heard of his capture, it was snowing, two of her three sons were ill, and she was three months pregnant. Each time she writes she tells him about their sons (there are now four; one he has never seen), and sends photographs of all of them stapled to the letter so he will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In four years, she has had no further official word of her husband.

Elizabeth Hill is another wife I talked with. Only twenty-three, she was married to AF Capt. Howard J. Hill (both are AF "brats") in August 1967. Two weeks later he returned to Southeast Asia, and just before Christmas was shot down. Nine months passed before she learned that his capture had been confirmed. As she told me this, she smiled. "I can't help smiling," she apologized. "After Howard was missing for so long, I just have to smile when I say he is a prisoner." She has written faithfully for almost two years, but there has never been an answer.

Although regular exchange of mail between prisoners and their families is guaranteed under the Geneva Conventions (even when two countries are not formally at war), the Communists have permitted only a trickle of letters to flow out of North Vietnam.

Efforts of the American Red Cross and the International Red Cross to improve the situation have been essentially futile in the face of Hanoi's obstinance.

NO INSPECTIONS PERMITTED

Not only has North Vietnam rejected Red Cross efforts to establish improved flow of mail and packages to and from U.S. prisoners, and to permit inspections of their prison camps, but they persistently have refused to even acknowledge the existence of, or accept mail from, their own men held as prisoners in South Vietnam. The latter camps are regularly inspected by the neutral International Committee of the Red Cross, and names of all captured North Vietnamese and Viet Cong soldiers are prepared for Hanoi and the VC, but are spurned.

Although the Red Cross has tackled the problem again and again through all potential channels (even seeking help from the USSR)—and keeps on trying "all the time," according to ARC Vice President Robert Lewis—most of the effort has fallen on deaf ears.

Mr. Lewis says the Red Cross also has made it clear that it is prepared to send representatives to Hanoi at any time to accept released prisoners, but the North Vietnamese prefer to stick to their practice of using dissident go-betweens.

MAIL FOR PRISONERS

Mail for all prisoners and missing men is sent through a variety of channels and addresses. Some is handled by the Red Cross, some is mailed direct to foreign post offices, but little is known to have reached the men to whom it is addressed.

Letters written by the prisoners themselves have fared somewhat better because of their propaganda value. But none ever has arrived in the States from prisoners held by the Viet Cong. And fewer than 100 men held by North Vietnam have been allowed to write over the past five years. The average for this small group has been less than two letters a year.

Currently the letters from prisoners are written on a prescribed form, about five by seven inches, which makes its own envelope when folded. Six lines are provided for the message. Instructions tell the prisoners to write "legibly and only on the lines" and "only about health and family." The form states that "Letters from families should also conform to this pro forma."

Not all wives and parents abide by the advice, but many, like Gloria Netherland, do. Forms are provided by the armed forces. All carry a mailing address in the Vietnamese language reading: "Camp of detention for US pilots captured in the Democratic Republic of Vietnam."

But for most families, whether they use the six-line form letter or a longer page, the return on their investment is slim at best.

For families of men listed as "missing," even the lack of mail might be bearable if Hanoi and the VC would release the names of all prisoners. But they have consistently refused. Some US Senators say Hanoi "could devise no subtler cruelty."

While no solution to either the mail problem or the list of missing is in sight, the US armed forces, meanwhile, do what they can to ease the plight of the next of kin.

It is not a simple job, nor has it always received top marks in every area, but as the list of prisoners and missing has grown and as the services have learned from past mistakes and found out more about what the families want and need, they have moved increasingly into programs that now garner well-deserved praise.

All of the wives I talked with feel that their husband's service, as one put it, "is doing everything humanely possible."

NOTIFYING NEXT OF KIN

In the early days when a man was captured or turned up missing, next of kin sometimes were advised by telegraph. This impersonal approach proved highly unsatisfactory and has long since been abandoned.

Today when catastrophe strikes, a service representative is sent to the home to call on the family, break the news in person, give whatever details are immediately available, and offer such solace and assistance as he can provide.

Either this representative or another is thereafter permanently assigned as an "assistance officer" for all future contacts. He makes sure the families are informed of breaking developments, if any, answers their questions, or refers the queries to someone who can; and ensures that they receive such legal, financial, or other aid as they may require.

The main Air Force effort is performed from the personnel center at Randolph AFB, Tex. Service is available twenty-four hours a day, seven days a week, and next of kin may make collect telephone calls any time day or night.

Families are told everything the services can tell them about the circumstances surrounding the capture or disappearance of the man. Any subsequent news is passed along as quickly as it is received.

On a broader front, all services have put together special informational programs for the next-of-kin to keep them informed about over-all prisoner developments. These most often take the form of newsletters. But the Army's Adjutant General, Maj. Gen. Kenneth G. Wickham, writes a personal, individually prepared letter to each Army family once a month.

The letters and newsletters are supplemented by personal meetings with individual family members or with groups. This practice was instituted early by the Navy, but has now been made uniform for all services, under expanded policies of the Nixon Administration.

Beginning this past spring, group meetings were instituted under the aegis of a joint Defense/State/military team, with families from several services attending at a central location for each given area. At the meetings, the next of kin receive a full briefing on the prisoner problem.

Much of what they can be told is not new, but it has demonstrated to the satisfaction of many, if not all, of those attending that the government is giving the prisoner problem priority consideration, and sincerely wants, and is trying, to help in every way possible.

MEETINGS WITH NEXT OF KIN

The meetings have been spread all across the country. Scheduled mostly at Air Force bases, they are generally held in Service or Officers Clubs, in an informal atmosphere, with local volunteer-wives serving coffee or punch to the families—normally about 100 wives and parents.

One meeting held at Bolling Air Force Base near Washington, D.C., was attended by Ambassador Henry Cabot Lodge (home to report to the President). He told the group what was happening at the Paris peace table. Another briefing session was conducted at the Pentagon itself. Defense Secretary Laird met and talked with the families.

One member of the briefing team, Deputy Assistant Secretary of Defense Richard G. Capen, Jr., said. "We are always frank about telling the families there have been no great breakthroughs. I review the over-all situation; Frank Sieverts [State Department representative] discusses the Paris talks and other State Department efforts conducted through diplomatic channels. Then we spend the remainder of the time, about an hour or an hour and a half, responding to questions."

Mr. Capen says reaction to the briefings has been excellent. Sometimes "wild suggestions" are offered or family members give vent to angry frustration. ("Some cannot understand why we learn so little about the men.") But the meetings, Capen feels, have been extremely useful and have helped to partially satisfy the yearning of many families for some closer contact with their government in Washington.

He has been through many heartrending conversations, but what remains most vividly in his mind is the meeting at which one wife stood up and declared, "I want my husband back, but I don't want to give my country away to do it."

Most of the families, he says, "have real understanding and appreciation of the problems. We want to assure them that when the men do come back, we will be in a position to say we did all we could." He thinks most of the families now feel, if they didn't before, that this is the case.

In addition to the programs designed for the next of kin, the armed forces also carry out certain procedures for the prisoners and missing men themselves.

All, for example, are considered for promotion at the time they normally would have been considered if not in captured or missing status. Their full pay and allowances are continued indefinitely, and they receive whatever general pay increases are authorized for others on active duty. Allotments the men provided for their families are increased as needs dictate.

New laws also have been enacted, and others are being sought, to protect rights of the men that might otherwise be jeopardized.

The military "savings deposit" program, for example, encouraged overseas servicemen to bank a portion of their pay in high-interest accounts as a means of cutting down on the U.S. gold-drain. But the law contained no provision for men who were captured or reported missing. This inequity was corrected only to have a second develop. The maximum that can accumulate in such accounts is $10,000. Anything above that amount draws no interest. With deposits of some men now approaching or exceeding the ceiling, the Defense Department recently asked Congress for authority to invest "excess" amounts in the purchase of U.S. savings bonds and notes.

Yet, despite these and other continuing efforts on behalf of the men and their families, it is all too apparent that the combined activities of the armed forces, the State and Defense Departments, the American and International Red Cross, and the efforts at the Paris talks have reunited few prisoners with their loved ones. Nor has there been any new hope for proper medical care of the sick and injured, neutral inspection of prison camps, full disclosure of the names of all captives, or proper flow of mail.

The new Nixon Administration initiatives are helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, are likely to produce desired action.

An occasional newspaper editorial is not enough. Limited news coverage of developing prisoner stories is not enough. An infrequent letter-to-the-editor is not enough. A statement inserted in the back pages of the Congressional Record is not enough. A business-as-usual attitude on the part of the American public can only make apparent to Hanoi that these men who have given so much to their country have indeed been forgotten by those for whom they made the sacrifice.

Some wives of the prisoners and missing men have reached the same conclusions. Some are taking steps to counter public apathy, and to arouse the Congress.

Mrs. James Bond Stockdale of Coronado, Calif., wife of a senior Naval officer held by North Vietnam, has encouraged other wives to send telegrams to the North Vietnamese delegation in Paris, and helped to organize prisoner families. Mrs. James Lindberg Hughes of Santa Fe, N.M., wife of a captured Air Force lieutenant colonel, and Mrs. Arthur S. Mearns of Los Angeles, wife of a missing Air Force major also have been urging the Congress and others to act.

Many of the wives are essentially satisfied that the services and the Administration are doing all they can. But some feel, as

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Evelyn Grubb says, that "there is a bargaining point for everything; we have to find it." The wives are convinced that more public pressure is essential.

Some have been particularly critical of the inaction by Congress. "Usually," Mrs. Stockdale has said, "they put something in the Congressional Record and then forget about it."

A check of the Record discloses that this practice was, until very recently, more or less standard. But there is hopeful evidence of a growing change—partly as a result of appeals by the wives, partly as a result of the more open discussion policy encouraged by the Administration.

In August, shortly before Congress went into brief summer recess, forty-two Senators banded together in a strong statement condemning North Vietnam for its "cruel" treatment of the prisoners and their families. Instigated by two opponents of our Vietnam policies, Charles Goodell (R–N.Y.) and Alan Cranston (D–Calif.), the declaration says if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure."

"Neither we in Congress, nor the Administration, nor the American people as a whole, nor indeed the families directly affected, will be swayed by this crude attempt."

Those signing the statement included both Democrats and Republicans representing thirty-three of the fifty states. Three names that might have added weight but were absent from the list of signatures were those of war critics J. William Fulbright (D-Ark.), George McGovern (D-S.D.), and Eugene McCarthy (D–Minn.).

The Senate statement ended with a specific plea to "the governments, the statesmen, and the ordinary men and women around the world" who spoke out in 1966 against Hanoi's proposed "war-crimes trials"—a plan that was abandoned by North Vietnam after a wave of world protest.

The Senators said those who protested in 1966 should "make their voices heard once more. Then, as now, the issue was not political but humanitarian—and Hanoi responded to the force of world public opinion. If that force can again be mobilized, this too may contribute to inducing from Hanoi greater respect for human decency and for the rule of law." On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and an attempt "to deceive public opinion."

In the House of Representatives, Congressman William L. Dickenson (R–Ala.) sent a letter to his colleagues asking that they join him, after the August recess, in making floor statements protesting the treatment of our war prisoners.

Whether these moves are one-shot efforts remains to be seen. What members of both houses seem to have overlooked is the potential force of a Joint Congressional Resolution condemning Hanoi's prisoner policies.

Whatever action Congress may take, what will count most significantly is the time and effort the American people are willing to expend in helping solve the problem.

In my numerous interviews with government officials, representatives of the Red Cross, members of the armed forces, and next of kin of the prisoners, I asked each person what he or she thought would be the most effective attack that could be launched.

They agreed that a four-pronged letter campaign could produce dramatic results. The letters shoud be directed to:

Representatives of foreign nations;

Newspapers and magaiznes in foreign nations;

Members of the US House and Senate; and

Xuan Thuy, chief North Vietnamese negotiator in Paris.

The letters to the foreign nations and the press in those nations should urge that pressure be brought to bear on Hanoi to live up to the spirit of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should demand the same points. And those individuals who are not necessarily in sympathy with the war should make it clear that proper treatment of the prisoners is nevertheless an overriding consideration. All should note that continued intransigence on the part of Hanoi will only stiffen the resolve of the American public, not weaken it.

Letters to members of Congress (addressed to the Representative from your own congressional district and to either or both of your US Senators) should call for a Joint Resolution demanding proper treatment for the prisoners and missing men, and stressing the solidarity of the nation in this aim.

HOW YOU CAN HELP

If you want to help, send a postcard to Air Force/Space Digest at 1750 Pennsylvania Ave., N.W., Washington, D.C. 20006, and you will be mailed a list of Washington, D.C., addresses of ambassadors of foreign nations whose assistance could be crucial, together with a list of selected foreign newspapers and publications.

Letters to Xuan Thuy can be addressed, in simplified form, as follows: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards," the position of North Vietnam is "totally inexcusable," Secretary of State William Rogers says. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men many Americans have forgotten, you can. Your letter could be the one that spells the difference.

THE POSTAL UNIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. DERWINSKI. Mr. Speaker, since so many of the Members return to their districts over the weekends, they might have missed the editorial broadcast of October 2 and 3 over WTOP radio and television.

Since the subject material involves legislation pending before the Post Office and Civil Service Committee and quite accurately describes the attitude of unions representing post office employees, I feel that the editorial deserves the attention of the Members who might have missed it and include it in the Record at this point:

THE POSTAL UNIONS

The postal unions are still doing their utmost to prop up a dilapidated postal service. The unions are badly misguided.

The U.S. Post Office is like a giant Rube Goldberg machine out of control. It's the most inefficient business in the nation. Unless major alterations are made soon, the Post Office will finally choke on its own mail some unhappy morning in the forseeable future. Those of us who have blind faith in the system are going to be horrified.

The Nixon administration has the makings of a solution. Congress is being urged to create a quasi-public postal corporation to take charge of the U.S. mail. It makes eminent good sense, for it would deliver businesslike management to a vast enterprise which is now quite literally unmanageable. It also would provide both security and opportunity for postal employees.

But the big postal unions have lobbied furiously for the defeat of the proposal. To avoid an entirely negative appearance, they're backing an alternative set of reforms, but these amount to first aid in a case requiring radical surgery.

The unions are most fearful of losing their longtime political liaison with Congress on matters concerning pay. The administration has made a major concession in this regard by agreeing to a binding arbitration plan between the unions and the proposed corporation. The unions still are balking.

The issue is much too large to turn on such a narrow, political point. Three consecutive Postmasters-General—appointees of both parties—have warned of impending chaos.

Congress has an obligation—not to the unions alone but to the whole nation—to rescue the U.S. mail.

This was a WTOP editorial . . . Norman Davis speaking for WTOP.

ANTISMOG LETTER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. BROWN of California. Mr. Speaker, as another component in the campaign for clean and healthy air, I have mailed copies of the following letter and notice to a large number of residents of Los Angeles County:

I NEED YOUR HELP!

The fight against smog has reached a critical stage.

We have only until Oct. 28 to show the United States Department of Justice that public concern is so overwhelming that the auto makers must be made to take positive action NOW to put an end of smog. (See reverse side for details.)

To cast your vote against smog, please sign, stamp, and mail the clip-out coupon below before Oct. 20.

Sincerely,

GEORGE E. BROWN, Jr.,
Member of Congress.

Yes, Congressman Brown, I believe that a public trial should be held, and the facts revealed.

Signature ----------------------------

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

An open letter to Los Angeles Residents:

For more than 15 years, during my entire service in public office, I have been working to try to prevent the continuous deterioration of the quality of our environment. In addition to my past efforts I have now introduced a bill in the Congress of the United States which probably is the toughest ever proposed.

I am writing to you today because of a new and far-reaching development and I am asking for your help.

The situation is this: As a result of a five year investigation including nine months of presenting testimony and other evidence to a Federal Grand Jury, the Justice Department may have gathered enough evidence to ask for a criminal indictment

against the auto industry for restraining the development and marketing of auto exhaust control syatems.

We now find that possible criminal charges have been set aside and a civil suit has been substituted. In addition to that, auto industry and the Justice Department. publicly announced at a press conference in Los Angeles that they were virtually dropping the matter by proposing a settlement negotiated behind closed doors between the auto industry and the Justice Department.

The date of October 28 has been set as the hearing date for a final decision.

I have been making a substantial effort at my own expense, to inform our citizens and ask for public support for an open trial. Without a trial the evidence gathered in this case can remain secret. I urge you to join me in this effort.

Sincerely,

GEORGE E. BROWN,
Member of Congress.

HUMANISM—A NEW RELIGION IN THE CHURCH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. RARICK. Mr. Speaker, last week I spoke of the desecration of the National Cathedral here in Washington.

According to today's news Soviet Embassy personnel are using the church to promote tourism in the Soviet Union; others to divide the Christian community.

It seems the Lord's property is to be exploited to fulfill a long-time Communist objective of replacing religion with humanism—substituting man for God.

Pertinent news items follow:

CHURCHES OFFER TALKS ON REBELLION AND RACE

Aspects of the rebellion and racial change of our times will be discussed at several religious-sponsored forums next week.

Dr. Robert E. Williams, professor of educational psychology at D.C. Teachers College, will talk about issues in the youth rebellion as part of a series, "Generations Out of Touch," at 7:30 p.m. Wednesday in Shiloh Baptist Church, 1500 9th St. NW.

Another District professor, Dr. Leopold Edwards of Howard University's Center for Community Studies, will speak on "The Psychology of Prejudice" at 8 p.m. Wednesday in DuVal High School, Glenn Dale and Telegraph Roads, Glenn Dale, Md. This is the second in a series on "Is Suburbia Prejudiced?" sponsored by Project Commitment of Lanham-Seabrook.

"The Need for Revolution" will be the topic of a lecture at 8 p.m. Monday in Lisner Auditorium, 21st and H Streets NW. The speaker will be Michael Novak, provost of the Disciplines College, State University of New York, Westbury, Long Island. An active opponent of the draft and the Vietnam War, Novak will open a workshop sponsored by the George Washington University Board of Chaplains on "Revolution and Human Values."

Novak also will speak at a Tuesday noon luncheon at Union Methodist Church, 814 20th St. NW. His topic will be "Politics, Realism and Institutions."

Edmondas Yushkis, second secretary of the Soviet Embassy, will talk about tourism in the Soviet Union at the 7:30 p.m. meeting tomorrow of the 1830 Club of National Presbyterian Church, Nebraska Avenue and Van Ness Street NW.

The Washington Ethical Society's leader, Edward Ericson, will address the Sunday Evening Club of National Presbyterian Church, meeting at 7 p.m. tomorrow. His subject will be "Ethical Humanism in Today's Religious Dialogue."

Mrs. Paul Johnstone will review the book "Eleanor of Aquitaine," by Regine Pernoud, at 11 a.m. Thursday in All Saints' Episcopal Church, Chevy Chase Circle.

RUSSIANS TO ATTEND PARLEY

ST. LOUIS.—Nine church delegates from the Soviet Union will be among persons attending a conference on "This Christian Concern for Arms Limitation" here beginning Friday. The conference is being sponsored jointly by the National Council of Churches and the United States Catholic Conference.

The Soviet delegation will be headed by Bishop Juvenaly, vice chairman of External Church Affairs for the Patriarchate of Moscow. Besides Russian Orthodox representatives, churchmen also will represent Lutheran and Baptist interests.

LT. GEN. LEONARD DUDLEY HEATON ENDS BRILLIANT MILITARY CAREER

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. MARSH. Mr. Speaker, the 30th of September marked the end of 43 years of military service by one of America's most distinguished physicians. I refer to Lt. Gen. Leonard D. Heaton, Surgeon General of the Army.

During his brilliant career, General Heaton made not only great contributions to military medicine, but to the entire field of public health. I thought it appropriate to bring to the attention of the Members the following article which appeared in the Service Stripe, which traces his unusual career of public service in the field of medicine:

[From Service Stripe, Sept. 25, 1969]

LT. GEN. LEONARD DUDLEY HEATON ENDS BRILLIANT MILITARY CAREER

The physician who has served as Army Surgeon General under four presidents will retire at the end of this month after 43 years of service, 10 as the Army's Surgeon General.

On the first of June in 1959, Major General Leonard Dudley Heaton was named the Surgeon General of the United States Army. Three months later he became the only Surgeon General ever to hold three star rank.

The former Walter Reed Army Medical Center commander was congratulated by his warm, personal friend, commander-in-chief and former patient, President Dwight D. Eisenhower, his peers and distinguished friends and associates. Also offering their congratulations at that time were four former Surgeon Generals who had watched him grow from a promising young junior medical officer to a gifted surgeon, outstanding soldier, and skilled administrator of world renown.

His appointment as Surgeon General climaxed a military-medical career which began in 1926 when the young physician, an honor graduate of both Denison University and the University of Louisville School of Medicine, was commissioned as first lieutenant in the Army Medical Corp.

He completed his internship at Letterman General Hospital, returning some years later as commander, and attended the Army Medical School and the Medical Field Service School. In 1947 he was graduated with distinction from the Army Command and General Staff College.

His surgical ability had been demonstrated early in his career while serving successively on the surgical staffs of William Beaumont General Hospital, Tripler General Hospital, the Station Hospital at Fort Sam Houston, and Fort Warren, Wyo., during the 1930's. During World War II he served in both the Pacific and European Theaters.

For his skillful handling of mass casualties resulting from the December 7, 1941, attack on Pearl Harbor, he was awarded the Legion of Merit. He was chief of the Surgical Services of the North Section General Hospital at Schofield Barracks, Hawaii, when the surprise attack occurred.

A tour as executive officer at Woodrow Wilson General Hospital in Staunton, Va., was followed by service in Europe as commander of the 160th General Hospital and commanding officer of the 802nd Hospital Center in Blandsford, England from 1944 to 1945.

In May 1948 he was named to command Letterman General Hospital and in 1953, then a major general, assumed command of Walter Reed General Hospital and Walter Reed Army Medical Center.

Despite the heavy burdens of office as commander of the medical center, and later as Surgeon General, he continued to employ his great surgeon's skill. Trustees of Brandeis University noted when awarding him an honorary degree, that he "cared for his country's heroes, the famous and the little-known."

The roster of his famous patients include names which live in history. He attended General Joseph W. Stillwell, hero of the Burma campaign in World War II. In 1956 he was sent by President Eisenhower to Nicaragua, where President Anastasio Samoza had been wounded by an assassin's bullet. Three years later General Heaton operated on Secretary of State John Foster Dulles and in 1963 was dispatched to Thailand to aid the ailing premier, Sarit Thanarat.

The world, already aware of his reputation as a surgeon, became even more cognizant of his talents as he cared for President Eisenhower, General of the Army George C. Marshall and General of the Army Douglas MacArthur.

A man who uses words sparingly, he is known as a dedicated teacher as well as a practicing surgeon, and one who gladly shares credit with others.

A gifted physician and surgeon, General Heaton continued to operate regularly at Walter Reed after being named Surgeon General. He instilled talented, young surgeons with his high standards of medical practice, and imbued them with his sense of dedication, winning their gratitude and devotion for his interest in their careers.

With his seemingly limitless drive and ability, he shared his vast knowledge of surgery and medical administration with a multitude through the publication of innumerable articles.

Honor upon honor was conferred upon the general during his tenure. The Nation honored him with the Legion of Merit with two Oak Leaf Clusters and the Distinguished Service Medal with two clusters. The Government of Thailand honored him with its two highest decorations, rarely accorded a foreigner.

He was awarded the Guthrie Medal in March 1968 by the Royal Army Medical College for his services to military surgery and unfailing cooperation with the medical services of the British Army. In April 1969 he was elected an Honorary Fellow of the Royal College of Surgeons.

The medical profession has recognized his talents with the diploma of the American Board of Surgery and fellowship in numerous medical organizations.

Honorary degrees have been conferred by

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Denison University, the University of Louisville, the University of West Virginia, Brandeis University, Seoul National University, and Gettysburg College.

In 1963 President John F. Kennedy accorded him the honor of being the first Surgeon General in 30 years whose tenure in that office was extended beyond the usual 4-year period.

President Johnson followed suit when he too shattered precedent by extending his assignment as Surgeon General again until May 1969.

The President said at the time, "Your leadership has been marked with a consistency of wisdom and compassion that is rare to any executive level. . . ."

General Heaton who had served so ably under three presidents, continued his tenure under a fourth, when President Nixon formally extended his term of Office until October 1, 1969.

The mission of the Army Medical Department has remained the same since its beginning—to maintain the health of the Army so as to conserve its fighting strength and to prepare in time of peace for service in time of war.

The only changes since the Revolutionary War have been in the scope of the task involved and in the conditions and circumstances under which the mission must be accomplished.

These changes have been monumental in the decade that General Heaton has served as Surgeon General. Not only has the scope of professional medical care steadily broadened, but the medical problems of military preparedness have increased in magnitude and intensity. Responsibility for the execution of this great mission is vested in The Surgeon General.

In contrast to the formal and official delineation of his responsibilities, General Heaton expressed his view of the scope of his duties when he became The Surgeon General in 1959.

"The responsibilities of The Surgeon General are numerous indeed, ranging from daily operational actions to the broadest of policy decisions; from signing routine correspondence to advising the Chief of Staff and the Secretary of the Army. However, there is one responsibility that looms above all others. One responsibility on which there can be no buck passing. The Surgeon General must direct the course of the Army Medical Service . . . the operating philosophy of the Army Medical Service, if you please. He and he alone is responsible for that . . ."

He considered it his duty, he stated, as he took his office as Surgeon General, "to see that the progress of the Army Medical Department is not only continued but accelerated during my period of office."

As a means of attaining increasing perfection to foster progress, he recommended adoption of the methods and techniques he had successfully employed throughout his career. He emphasized the importance of attention to details, the need for balance and proportion in planning as well as the simultaneous pursuit of improvement in all programs.

In addition to the reorganization of the Office of the Surgeon General for greater efficiency and effectiveness, General Heaton has nurtured and supported the development of medical commands overseas. The establishment of the U.S. Army Medical Command, Europe, and the U.S. Army Medical Command, Japan, which reflect his interest in keeping in step with major organizational trends in the Army, have also contributed significantly to the flexibility and efficiency of the Army Medical Department.

General Heaton's military-medical career comes to an end on October 1, but he will neither lay down his scalpel, nor put aside his interest in Army medicine. He will continue to advise in matters of military-medical importance.

GRAND PRAIRIE PLUMBER HAS GOOD ADVICE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. COLLINS. Mr. Speaker, Here is an interesting letter that I received this morning from my plumber who lives out in Grand Prairie, Tex.:

> DEAR CONGRESSMAN COLLINS: Recently as I made a plumbing call to your home I was telling you about my son going to Vietnam. You asked me to write his opinion of this country. When he saw this country, it made him realize what a great country we have. But he feels as others that the people of this country should do the fighting for their own country. Especially since there has been ample time to train their own soldiers. We should continue to help them financially and advise but not with our boys lives which is so precious to us.
>
> It seems to me since this is the type of war that it is some comforts could be provided for the boys that they may not have to sleep in the rain. Even to a foot of water.
>
> My greatest concern is we are letting these same type of outside forces destroy this wonderful government. I am enclosing this report from one who should know just in case you have missed this report. I would like to suggest a campaign be made to promote patriotism by leaders which is you and others. That the government owes no one a thing because if we did there would be ex-soldiers which sacrificed, the Indians, and others that contributed anything to society. This would make it impossible to repay every one.
>
> Yours truly,
>
> I. J. TAGGART.

He then enclosed an article by J. Edgar Hoover which he had clipped out of the July 23 Baptist Standard. The Baptist Standard had in turn reprinted it from the FBI Law Enforcement Bulletin. The article is headed "The New Left Danger," and the basic thought by J. Edgar Hoover is "Never before in this country has there been such a strong revolutionary Marxist movement of young people which is so eager to destroy established authority." It follows:

> It should be readily apparent that the students in the New Left revolutionary movement are not on college campuses to seek education. Rather, this conglomerate of malcontents is engineering a drive to destroy our educational system.
>
> More and more, the New Left is being controlled by the followers of Karl Marx through the Old Left organizations of the Communist Party, USA (pro-Moscow), the Progressive Labor Party (pro-Peking), and the Socialist Workers Party (Trotskyites).
>
> Not since the New Left came into being has the influence of Marxism-Leninism been so strong.
>
> The Students for a Democratic Society (SDS), largest of the New Left groups, is rapidly gaining a definite Marxist-Leninist coloration. At the SDS National Council meeting in Austin in March, one of the organization's top leaders was quoted as stating, "Our primary task is to build a Marxist-Leninist revolutionary movement."
>
> NEW LEFT ACTIVITIES
>
> While the New Left movement may or may not make the dean's list this year, it rates an A plus in revolutionary exploits. The SDS and its adherents have rocked campuses from coast to coast with violence, riots, and sabotage.
>
> At the SDS National Convention last summer a workshop on violence and explosives was held. Literature explaining how explosive devices can be manufactured and used against Selective Service installations, ROTC buildings, and university facilities has been distributed. The results are a disgrace to a society which owes its very existence to democratic processes under the rule of law.
>
> Many of the criminal acts of the New Left were, and are, committed as expressions of rights under the first amendment. Corruption of the first amendment would be a better term for such antics.
>
> Certainly, free speech and dissent are not synonymous with despotic obstruction and force. The wild and insatiable demands of the New Left for unlawful power and its blind determination to silence and destroy all who stand in its way are tyrannical acts of the first order.
>
> Under the first amendment, a person may hire a hall and speak on any subject to as many people as he can persuade to listen. However, he has no right to disrupt classes and assemblies and prevent other persons from hearing a speaker of their choice.
>
> RESTRICTION ADVOCATED
>
> Neither the New Left nor any other group should be allowed to plunder, riot, and terrorize our educational institutions and impose its will upon a majority of students who do not share its views. Crime under the ivy-covered arches of a college campus is no more excusable than crime in our city streets.
>
> SDS leaders know that if a revolution is to be brought about, they must inject more discipline and organization into the movement. The anti-discipline, freewheeling, individualistic, anarchistic mood of the New Left must be controlled and molded into a strong, centralized, Marxist-Leninist revolutionary force. The Old Left groups, of course, are working hard to capture at least a part of the movement.
>
> The Progressive Labor Party already has a strong beachhead inside the SDS. On some key issues the PLP comes close to having enough strength to swing votes in national meetings.
>
> While considerable factionalism now exists within SDS ranks on "how to bring about a revolution," the pro-Peking, the pro-Moscow, and the Trotskyites all agree that students alone cannot bring about a revolution. One well-known communist youth leader wrote,
>
> "We must view the worker-student alliance as a mutual necessity and do everything in our power to insure its growth and endurance." The PLP and the Trotskyites also supported similar linkage of the students and workers.
>
> Not all SDS members accept the Old Left organizations. Many feel that SDS can promote a viable revolutionary youth program free of parental tutelage from a foreign or internal Marxist party. Whether this is possible or not remains to be seen.
>
> BASIC FACT
>
> Meanwhile, a basic fact looms. Never before in this country has there been such a strong revolutionary Marxist movement of young people which is so eager to destroy established authority.
>
> The New Left movement has made it emphatically clear that mere change and revision are not its objectives. Armed with a long list of "non-negotiable" demands, its immediate goal is the complete overthrow and control of our educational system. We all know what its ultimate goal is.

> Concessions and appeasements will not satisfy those bent on anarchy and nihilism. America should take note before it is too late.

SLASH IN FEDERAL AID WOULD HAVE DISASTROUS CONSEQUENCES

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. MINISH. Mr. Speaker, private agencies, no less than public officials, are seriously concerned as to the impact of the urban renewal policies announced by the Department of Housing and Urban Development on our major cities with their massive, urgent problems.

I submit for the attention of the Congress and the administration a thoughtful letter from Mr. James W. Tindall, president, Council of Social Agencies of Essex and West Hudson, N.J., who is fully aware of the tremendous needs of our urban areas. What are the people in our decaying cities—with shameful housing and schools—to think of their Government's sense of proportion and of values? We abandon our cities with the excuse of lack of funds but money can be easily found for the SST that will make flying easier and swifter for the privileged few.

Mr. Tindall's letter, dated October 2, follows:

> COUNCIL OF SOCIAL AGENCIES,
> *Newark, N.J., October 2, 1969.*
>
> Hon. JOSEPH G. MINISH,
> *Member of Congress,*
> *Washington, D.C.*
>
> DEAR MR. MINISH: The threatened slash in federal aid to Newark's urgently needed urban renewal program, if effectuated, would have disastrous consequences for the city, with attendant serious repercussions nationally.
>
> The scars of Newark's 1967 riot are not only still clearly evident, but they have been aggravated by the resulting mass exodus and shutting down of retail establishments. Fires, the levelling of overage, dangerous and abandoned housing and the tearing down of uninhabitable buildings, have left large cleared areas awaiting redevelopment. The decreasing availability of housing in the city, has been forcing the continuing flow of poor, immigrant families into the remaining, already overcrowded and dilapidated old frame houses, which are representative of most of the city.
>
> The combination of Newark's critical social-economic problems, its serious housing shortage, and its battle-scarred appearance, contain all the elements that could translate that appearance into a grim reality. Policy decisions should not ignore such a smoldering threat, which it might be charged, could amount to colossal neglect and complete indifference to human values.
>
> Our organization and its 168 member agencies is deeply concerned about the inevitable consequences that would result from further pursuing the proposed course of action.
>
> We urgently request that you contact and lead those who can move toward a reconsideration of this whole matter and a reexamination of the critical factors involved.
>
> Sincerely,
>
> JAMES W. TINDALL,
> *President.*

SALUTE TO MARIE SUTHERS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. McCLORY. Mr. Speaker, my longtime friend, Marie H. Suthers, a member of the Chicago Board of Election Commissioners since 1952, is being honored at a testimonial dinner at the Furniture Club of America in Chicago on Tuesday, October 14, 1969.

This "Salute to Marie Suthers" sponsored by the Republican Business Women's Club of Chicago and other organizations will honor a woman who has brought honor and credit to her sex and has served in many important political and public offices in the course of her distinguished career.

Mr. Speaker, it was my privilege to serve with Marie Suthers in 1951 during the 67th session of the Illinois General Assembly. While this was the only term in the Illinois House which either of us served, it provided a splendid opportunity for a close and abiding friendship and enabled me to gain an appreciation of her political philosophy and to learn of her determination to contribute to the improvement of society in the State of Illinois and in the Nation.

Marie Suthers marched with other young women in the early days of her career to gain voting rights for women. This early activity was indicative of her latest service in behalf of equal justice for all Americans—particularly in the area of voting rights.

As a member of the Chicago Board of Election Commissioners, Marie Suthers pursued an unceasing campaign to reduce vote frauds and other voting inequities. During my service later in the Illinois State Senate, I was privileged to receive her frequent advice and suggestions in behalf of sound State legislation to protect the sanctity of the ballot box. This was the primary mission of Marie Suthers' work as an election commissioner.

Mr. Speaker, while Marie Suthers always supported the public welfare above partisan interests, she was a devout Republican worker during the entire period of her public career. Marie Suthers served as the first president of the Illinois Federation of Republican Women and later became president of the National Federation of Republican Women, a post which she held between 1942 and 1946. At the 1944 National Republican Convention, she introduced the then presidential candidate, Thomas E. Dewey.

Mr. Speaker, the activities and accomplishments of Marie Suthers are legion and I will not endeavor to recount them all here. But let me add that many other Members of this House, particularly my Republican colleagues from Illinois, join in this expression of felicitations to Marie Suthers. It is reported to me that our former colleague, Marguerite Stitt Church, who was my immediate predecessor in the Lake County portion of the 12th District of Illinois, and Mrs. Everett McKinley Dirksen as well as the Honorable Ray Page will be featured speakers at the dinner meeting honoring Marie Suthers.

Miss Gertrude Miller, president of the Republican Women's Club of Chicago, and Mrs. Alan—Virginia—Macdonald are dinner cochairmen.

Others who will attend are: Ray Page, State superintendent of public instruction; Joseph I. Woods, Cook County sheriff; William Fetridge, president of the United Republican Fund of Illinois; Robert H. Hanrahan, Cook County superintendent of schools; Patricia Hutar, public relations chairman of the National Federation of Republican Women; Mary Brooks, newly appointed Director of the Mint and former Illinois national committeewoman; Gladys O'Donnell, president of the National Federation of Republican Women; Hazel Watson, president of the Illinois Federation of Republican Women; Virginia Kenney, past president of Illinois Federation of Republican Women, and Mary M. McDonald, chairman of the women's division, Cook County Republican Central Committee.

It is with genuine regret that I find it impossible to attend personally. However, my thoughts and good wishes will be with Marie Suthers and with her devoted husband, W. Glenn Suthers, to both of whom I extend my congratulations and affection.

THE PULASKI DAY PARADE IN NEW YORK CITY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ROONEY of New York. Mr. Speaker, the Members of this body who were privileged to witness the Pulaski Parade move impressively up Fifth Avenue yesterday afternoon, viewed and sensed with intense appreciation and gratification the spirit of patriotism and loyalty manifested to this Nation of ours. All of us observed with great pleasure the thousands of children in their gay costumes. All of us took satisfaction in seeing their bright faces and watching their enthusiastic parading. All of these paraders were of Polish birth or lineage, but all of them were true blue Americans. For more than 30 years I have not missed these annual Pulaski Day parades. Since their inception in 1937, I have marveled at their growth in participants, in color, and in their deep significance. I have marveled, too, in the ever increasing crowds who line the famous Fifth Avenue to watch the parade and to applaud the groups from their own communities, their lodges or other fraternal societies.

This year the Pulaski Parade and the observance of the 190th anniversary of the tragic and untimely death of that gallant Revolutionary War Hero, Gen. Casimir Pulaski, have special meaning for me because of a visit I was privileged

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to make only a few weeks ago to Pulaski's homeland, Poland.

The thousands of words of tribute which are annually paid Pulaski for his bravery, for his dedication to freedom and independence, for his selflessness in the service to his fellow men and for his willingness to die for his adopted country take on new meaning since I was able to talk face to face with Polish men, women, and children.

As I visited the magnificent American Children's Research Hospital in Krakow, built by our American taxpayers, I was not only tremendously impressed with the dedication of the hospital staff, but I was interested in the spirit of the young patients and their parents. Our conversations convinced me that the same love of independence and freedom which characterized Casimir Pulaski is a dominant trait of the people of Poland today, particularly with respect to their children.

The expressions of gratitude for our help and of hope for firmer bonds of friendship made a marked impression upon me.

Pulaski Day this year has added significance for me for another reason. On August 15 last I had the pleasant opportunity of speaking to the assembled thousands gathered at Monte Cassino in Italy to mark the 25th anniversary of the successful defeat of the Nazi defenders of this famed monastery by the Free Polish Army under the leadership of Gen. Wladyslaw Anders.

Not only was it a distinct honor for me to be invited to address the gathering, but it was a most gratifying experience to be a part of the great throng of people mostly of Polish birth or descent who were commemorating the historic event and paying moving tribute to those who died on the blood drenched slopes of Monte Cassino or who survived the gory battle which raged for 8 hellish days.

It was thrilling indeed to witness the crowd pay tribute to these revered veterans, many wearing the tattered and long unused uniforms in which they were clad when they wrested control of the ancient abbey from the German defenders. But the high point of the ceremony was the emotional and heartfelt tribute which was paid to their heroic Polish general who had risen from a sickbed to join them.

I was struck with the great similarity of this modern-day hero with the hero of our own struggle for independence, General Pulaski. As I listened to General Anders and as I chatted with him and as I conversed with men who had fought with him, the likeness to Pulaski became more pronounced.

Both were Poles, possessed of intensive military training. Both possessed the same unquenchable thirst for liberty and freedom of mankind from any bond of servitude.

Both, upon being forced to absent themselves from their own beloved homeland, their families and their friends, joined with other nationals in the pursuit of liberty, offering their talents, their experience and their very lives in the cause of freedom.

Pulaski paid with his life on the battlefield of Savannah, the victim of a burst of grape-shot from the British guns. General Anders paid with his health and vitality in battles waged from Norway to Tobruck, but he lives today as a monumental symbol of the courage and dedication of Polish fighting men to the cause of universal freedom.

Mr. Speaker, this recent privilege of meeting with General Anders, whose feats of military strategy and whose daring exploits are still a vivid memory of our time, all intensify my own appreciation for the contribution which the thousands upon thousands of Polish fighting men have made to my country and to our gallant allies. These countless legions who bled at Bunker Hill, who froze at Valley Forge, who died at Bull Run, who stormed San Juan Hill and held back the Kaiser's onslaught at the Marne, who withstood the brutal beating inflicted in World War II and who later followed our flag through the hills of Korea and the jungles of Vietnam are all called to mind as we pay tribute to General Pulaski.

May the observance of this historic occasion whereupon we honor the glorious sacrifice of a great Polish general to his adopted and dearly beloved second homeland become more and more a day upon which we as Americans remember and acknowledge with gratitude the magnificent contribution which the unnumbered thousands of American heroes of Polish extraction have made over the years. In paying tribute to such heroes, we intensify the tribute we pay to Gen. Casimir Pulaski.

CHICKEN LITTLE'S OLD TALE

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. HOLIFIELD. Mr. Speaker, the dissenters who protested the atomic device test on Amchitka Island, 1,400 miles west of Anchorage, caused considerable fear to spread among the people of Alaska.

I was present on Amchitka when the test occurred and I am pleased to report that there was no tidal wave, no radiation release, and no harm done to the ecology of Amchitka or elsewhere.

I had occasion to read copies of the Anchorage Daily Times for several issues before and after the test date. I wish to compliment the Times on its balanced reporting, and its objective treatment of the atomic test program.

Under unanimous consent, I include an editorial from the October 3 issue of the Times, in the RECORD at this point:

[From the Anchorage (Alaska) Daily Times, Oct. 3, 1969]

CHICKEN LITTLE'S OLD TALE

Well, well, well.

The Sky didn't fall after all.

The Atomic Energy Commission's one-megaton underground blast at Amchitka Island Thursday afternoon went just about like the government scientists said it would.

The only real surprise was in the effect of the explosion as it was recorded here. The blast, equal to one million tons of TNT, socked the seismic instruments in Anchorage with a reading of only 5.8 on the Richter scale, compared with an 8.4 reading for the 1964 earthquake that smashed at South-central Alaska.

Elsewhere, the blast was recorded at 6.5 on the Richter scale, precisely on the button with the responsible forecasts made in the planning for the test.

Such seismic pounding is common out in the Aleutians, where nature stages quakes of that size with frequency and without terrible consequences.

The Ban-the-Bomb crowd, including Sens. Mike Gravel of Alaska and William Fulbright, had forecast the possibility of awful things happening in the wake of the blast, however. They managed to terrify thousands of housewives and children in the process, and lifted a goodly portion of the population of Anchorage to its tip-toes in trembling during the hours before the detonation.

The fact that nothing did happen to send tidal waves crashing across British Columbia, the West Coast, Hawaii, Alaska, Russia and Japan won't stop the campaign of fear, however.

The organizers of the protest marches and demonstrations care little about Amchitka Island. Their campaign is against the nation's commitment to the Anti-Ballistic Missile system and a posture of defensive armament in an unsettled world.

Their target is the nuclear device that will be the warhead of the ABM, and the probably correct assumption that the planned series of Aleutian tests involves that weaponry.

In stirring up their fear and flim-flam, these protesters dismissed as biased bureaucratic propaganda the assurances of the AEC scientists and engineers that they knew what was likely to happen on Amchitka.

They probably will do the same as the results of the Thursday test are analyzed and the findings put under study to see whether the series of underground shots can be safely continued with an even larger nuclear punch.

This time, however, people who had their wits rattled by the dire claims of the opponents may be able better to judge the situation. The next time, before they let their nerves get on edge, they might be better able to consider the source of the subtle campaign of fright.

We won't know for some weeks, probably, what the prospects are for the next detonation at Amchitka. But hopefully most of Alaska now will not make prejudgments, and will feel more confident about the words of the scientific advisors to the President, who bear the responsibility of saying yea or nay to a continuation of the tests.

THE SUPERSONIC IS SUPERFLUOUS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. KEITH. Mr. Speaker, the President's decision to proceed with Federal financing of a supersonic transport prototype has stirred up a great deal of controversy.

Proponents of the SST maintain that it is the next logical step in aircraft development. They further argue that if

the United States does not keep pace with French and Russian efforts in this area, we will face a severe technology gap and a possible deficit in the balance of trade.

However, Mr. Speaker, there are two sides to this question. The case against SST has been forcefully and persuasively stated in an editorial which appeared recently in the Cape Cod Standard-Times. In order to bring the dissenting views of the Standard-Times to the attention of my colleagues, I include the editorial at this point in the RECORD under unanimous consent.

THE SUPERSONIC IS SUPERFLUOUS

The SST's are on their way!

Hold on to your pocket books!

Comes now a flat statement by President Nixon: "The supersonic transport aircraft is going to be built. I want the United States to continue to lead the world in air transport.

Nixon then proceeds, without batting an eye, to say that he will ask for $662 million in the next five years to develop this airborne monster.

The president candidly notes that his decision to support the big bird was arrived at after a "spirited debate within the administration."

For spirited debates we recommend that the president pay close heed to the howling and growling which will emanate from the sacred halls of Congress when funding this project is debated.

Perhaps we may be accused of quaint 19th century thinking on this subject, but why in Heaven's name does this world need a passenger plane that will travel 1,800 miles an hour? Is time so precious, is life so fleeting, that we can't sit back and enjoy a few hours on the rather swift jets which have thus far been developed?

For instance, it now takes 6 hours and 45 minutes to fly from New York to London on a 707. A relatively short interlude of relaxation.

Hop on an SST for the same journey, however, and you scarcely will have time to adjust and get comfortable, with the trip being accomplished in 2 hours and 45 minutes.

A great cause for concern about this SST proposal is the deafening crack of the sonic boom which will extend out 75 miles from the plane when it breaks through the sound barrier.

A greater cause for concern, however, is the threatened escalation of the price tag. It has been estimated that the costs will skyrocket, with the government, once committed, pulled along to billions of dollars of appropriations, when the money could be put to so much better use helping to solve so many pressing human problems.

The President made a big point that the United States must get in the SST race with Russia and the English-French combine, both of which are working on SST's.

"We must continue to maintain leadership in this field," he said.

Why the deuce must we always spend, spend, spend to be first, first, first.

We agree wholeheartedly with Sen. William Fulbright who stated: "The administration talks about saving money and then decides to allocate huge sums for this plane. To make it a matter of prestige for this country represents the worst form of vanity."

If you feel as we do, we suggest that a strong communication to your representatives in Washington might do a world of good. They listen, you know.

We prefer to call the SST the Super superfluous Transport.

THE RIGHT TO READ

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. QUIE. Mr. Speaker, it is a tragic fact that about half of the unemployed youths of America—ages 16 to 21—are functional illiterates, that half of the students in large city school systems read below expectation, and that there are more than 3,000,000 adult illiterates in this country.

The ability to read and the desire to read are the cornerstones of success in life today. Without the skill to read, a man is stymied in the pursuit of almost any occupation. Reading can open the doorway to skills and knowledge necessary for meaningful participation in our society. If a person reads well, he can educate himself.

A concerted effort to improve reading skills and eliminate the causes for slow reading must be made. I commend Commissioner of Education James E. Allen, Jr., for making the right to read the goal for the 1970's. I commend his speech to the annual convention of the National Association of State Boards of Education held September 23 to my colleagues and urge active support of his recommendations:

THE RIGHT TO READ—TARGET FOR THE 70's

(Address by James E. Allen, Jr., Assistant Secretary for Education and U.S. Commissioner of Education)

Imagine, if you can, what your life would be like if you could not read, or if your reading skill were so meager as to limit you to the simplest of writings, and if for you the door to the whole world of knowledge and inspiration available through the printed word had never opened.

For more than a quarter of our population this is true. For them education, in a very important way, has been a failure, and they stand as a reproach to all of us who hold in our hands the shaping of the opportunity for education.

These individuals have been denied a right—a right as fundamental as the right to life, liberty and the pursuit of happiness—the right to read.

The suppression of the individual which for so long characterized the governance of nations rested on the ignorance of the many and the learning of the few. With the invention of movable type there was created a source of widespread learning that held hope for the eventual abolishment of ignorance and for removal of the barrier to the participation of the common man in the determination of his destiny.

The education for all, necessary as a foundation of a democratic society, became a possibility, making feasible the quest for the realization of this concept which honors the dignity and worth of the individual.

Thus, from the beginning of our Nation, the importance of education has been recognized. Education has come to mean many things and to encompass a wide range of information and experiences, but certainly it must still include, as it did in the beginning, the ability to read.

Those who do not gain this ability in the course of their early education lack a skill necessary to all other areas of learning and are being denied a fundamental educational right—the right to read.

It is true, of course, that the inability to read effectively is only one of the many vexing problems facing American education, just as heart disease and cancer represent only limited dimensions of our National health problems. Yet, we have seen the value of concentrating attention on such medical concerns.

The inability to read effectively, contaminating as it does every other dimension of education, is clearly one challenge deserving of our concentrated efforts. As we learn how to attack this deficiency cooperatively we will not only be getting at this foundation of learning, but will be gaining the strength and the skills to meet together many other educational problems.

From a variety of statistical information accumulated by the Office of Education regarding reading deficiencies throughout the country these shocking facts stand out:

One out of every four students nationwide has significant reading deficiencies.

In large city school systems up to half of the students read below expectation.

There are more than three million illiterates in our adult population.

About half of the unemployed youth, ages 16–21, are functionally illiterate.

Three-quarters of the juvenile offenders in New York City are two or more years retarded in reading.

In a recent U.S. Armed Forces program called Project 100,000, 68.2 percent of the young men fell below Grade Seven in reading and academic ability.

The tragedy of these statistics is that they represent a barrier to success that for many young adults produces the misery of a life marked by poverty, unemployment, alienation and, in many cases, crime.

It must be recognized also, however, that for the majority who do acquire the basic reading skills, there can also be a barrier which limits the fulfillment of their right to read. This barrier exists when the skill of reading is not accompanied by the desire to read. We fail, therefore, just as much in assuring the right to read when the desire is absent as when the skills are missing.

It is inexcusable that in this day when man has achieved such giant steps in the development of his potential, when many of his accomplishments approach the miraculous, there still should be those who cannot read.

While still in New York State, I had begun to develop plans for launching a Statewide, concentrated, attack on reading deficiencies. Now I have national responsibilities and my view of the educational scene from this level convinces me that there is no higher nationwide priority in the field of education than the provision of the right to read for all, and that the Office of Education and the Department of Health, Education, and Welfare can do no greater service for the cause of education than to spearhead a nationwide attack to eliminate this failure of our education efforts.

Therefore, as U.S. Commissioner of Education, I am herewith proclaiming my belief that we should immediately set for ourselves the goal of assuring that by the end of the 1970's the right to read shall be a reality for all—that no one shall be leaving our schools without the skill and the desire necessary to read to the full limits of his capability.

This is education's "moon"—the target for the decade ahead. With the same zeal, dedication, perseverence, and concentration that made possible man's giant step of last July 20, this moon too can be reached.

While it is obviously impossible to expect that our target could encompass the complete elimination of the reading deficiencies of the out-of-school population also, this

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decade devoted to the improvement of reading should include a new and intensive attack in this area of need bringing to bear the kind of widespread concentration of effort and resources that will be given to in-school youth.

I have chosen to set forth this target at the meeting of the National Association of State Boards of Education because you bear the responsibility for shaping basic educational policies for the primary and secondary schools of our Nation. The responsibility for the provision of educational opportunity, traditionally and legally, rests with the States. The public education system of our Nation has developed on the premise that education belongs to the people and its control shall be in the hands of lay boards. It is you, therefore, who have the original responsibility and authority, within the framework established by your respective legislatures, for the setting and enforcement of standards, and for the evaluation of performance. It is you also who must be accountable for your stewardship. You are at the center of any effort to raise the level of achievement in our educational system.

State boards are, of course, not alone in this responsibility, for its falls also upon all those who participate in the administration and operation of the educational enterprise. Therefore, in presenting the challenge of this target to you I am also presenting it to groups such as the Education Commission of the States, the Council of Chief State School Officers, State education departments, local school boards and their staffs, the National Education Association and the American Federation of Teachers and their State and local affiliates, the National Congress of Parents and Teachers, students and their organizations—indeed, to all individuals and organizations comprising the total educational endeavor of our Nation. Essential also, of course, will be the intensive participation of the colleges and universities and their schools of teacher education.

But to hit the target by the end of the 70's, to achieve a goal of such enormous dimensions, involvement will have to reach far beyond the courses of education.

Necessary will be committed participation and support of the Congress; State and local political leaders and legislative bodies; business, industry and labor; civic and community groups; publishers; advertising organizations; television, radio and the press; research and scientific organizations; foundations; the entertainment industry; the sports world; and, perhaps most essential of all, the understanding and support of an enlightened and enthusiastic public. In other words, I am calling for a total national commitment to and involvement in the achievement of the "right to read" goal.

This is a proper goal for our society because it will not only correct the injustice done to individuals by the denial of their right to read, but it will also, because of its widespread social and cultural effect, benefit and strengthen the entire fabric of our society.

I hope that by this point in these remarks I have succeeded in arousing your enthusiasm, but I suspect that certain doubts as to the practicability of the timing and scope of the goal have also crept into your thinking. Indeed I can already hear the excuses, the expressions of fear and reservation, the "yes, buts" with which many will greet this challenge. To accept these is to continue the rationalization, the justifications for failure that for too long have persisted, demoralizing our will and generating a defeatist attitude.

Of course this goal cannot be easily attained. It will be far more difficult than the landing on the moon. But the time is right, I believe, to try, for so much is at stake and there are so many favorable auguries for success.

This is a time when we have accumulated an enormous amount of research and expertise in the field of reading. Few other areas of learning have been so thoroughly and widely studied. May I add here parenthetically, however, that we must avoid the danger of allowing education's reading "moonshot" to become bogged down in debate over *methods* of the teaching of reading. It is the *goal* with which we must be concerned.

This is a time when science and technology have given us a whole new array of resources to apply to the solution of the reading problem.

This is a time when school boards and school administrators are less preoccupied than at any time since World War II with the pressing problems which have been created by ever-increasing student enrollment.

This is a time of growing understanding of the effects of environment and other factors on the ability to learn.

This is a time when preschool educational opportunities are being more generally incorporated into the public education system.

This is a time when new Federal legislation has provided increased funds for attacking problems such as that of the improvement of reading.

This is a time when there is a great latent readiness to support a program that holds promise for the improvement of reading. The concern of parents, public officials and the general citizenry about the effectiveness of the schools seems to find a focus in the problem of reading failures. The failure to teach everyone to read is a strong factor in the loss of full confidence in our schools that is finding expression in large numbers of defeated budgets and bond issues, in student and community unrest, and in the growing tendency to seek new instrumentalities for educational reform outside of the traditional system. This is in a sense a negative situation that needs only a believable expectation of success in solving the problem to transform it into a tremendous positive force. The relatively simple, universally understood objective, implicit in the "right to read" goal, standing out clearly amidst the confusions of the complexity of the educational endeavor of these days, can be the rallying point for the renewed confidence in our schools that will gather to them a new surge of enthusiastic public support.

The cumulative effect of the conjunction of so many positive factors at this particular time, can but serve to reduce doubts and to support that reasonable degree of assurance of success that mandates the attempt.

While the main task of carrying out the activities necessary to achieve the goal of right to read for all by the end of the 70's will fall upon the States and localities, the Federal Government has a vital supportive role to play. It is not the role of the Federal Government to make specific plans, nor to prescribe the programs and methods to be used. The diverse needs and conditions of the various States and their communities require the flexibility of approach that our decentralized system makes possible. The main contribution that can be made at the Federal level will be the coordination of the effort, the marshalling of forces and resources on a nationwide basis and the provision of the technical, administrative and financial assistance required, all done in a spirit of total and fervent commitment.

Once more then, I proclaim my belief that it is possible for the 70's to be the decade in which the right to read becomes a reality for all, with no one leaving our schools lacking the skill and the desire necessary to read to the full limits of his capability—and that it is our duty to set for ourselves this target.

The months immediately ahead should be a time of preparation in the hope that next summer will see the beginning of the countdown, with the launch scheduled for the opening of the 1970–71 school year.

I therefore call upon you to take upon yourselves the obligation of assuring that every child in your State will learn to read, and I request that you begin immediately in your own State to consider how this goal can be achieved, to assemble resources, to plan, and to report back to me what actions you have taken under State leadership so that the school year 1969–70 can be recorded as the year when together we set in motion the Nation-wide effort that will erase this intolerable deficit in American education.

The Office of Education has already begun this kind of activity, and we shall be consulting with you and all other educational forces, as well as with representatives of the total national community, as to procedures.

The decade of the 70's will see the 200th anniversary of our Nation. A most appropriate celebration of that event—a celebration that would honor the true spirit of the democratic concept, and recognize the fundamental importance ascribed to education from the beginning of our Nation, would be to secure for all of our citizens that right to read which so long ago made possible the feasibility of a democratic society and continues to undergird its strength.

Continuing toleration of the failure to give everyone the ability to read breaks faith with the commitment to equality of opportunity which is the foundation of our public education system. Having arrived at a time which holds forth the possibility of eliminating this failure we must, in all justice, seize the opportunity with the utmost vigor and determination.

Remarkable success has been achieved by our educational system, but so long as there is one boy or girl who leaves school unable to read to the full extent of his capability, we cannot escape the charge of failure in carrying out the responsibility entrusted to us.

ATTORNEY GENERAL MITCHELL ADDRESSES POLICE CHIEFS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. GOLDWATER. Mr. Speaker, Attorney General John N. Mitchell recently addressed the annual convention of the International Association of Chiefs of Police in Miami Beach, Fla., and in that talk "laid it on the line."

The Attorney General said unashamedly that his first and foremost task was to enforce the law. He said that persons who break the law ought to be properly arrested and tried today. Attorney General Mitchell said:

> While I sympathize with physical conditions and emotional problems which may cause persons to commit crimes. I cannot sympathize with those who seek only to excuse criminals.

Mr. Speaker, I find this attitude of the present Attorney General a refreshing change from the views of former Attorney General Ramsey Clark who, at times, seemed more concerned about the excesses of a few policemen than he did about the thousands of criminals murdering, robbing, and raping in this country every day.

Newsweek magazine recently featured Attorney General Mitchell on their cover and referred to him as "Mr. Law and Order" and I agree. With the crime rate being what it is in this country, Americans should be thankful that we have such a fine Attorney General as John Mitchell.

Attorney General Mitchell's speech follows:

ADDRESS BY ATTORNEY GENERAL JOHN M. MITCHELL

I. INTRODUCTION

1. It is a pleasure to address the annual convention of the International Association of Chiefs of Police.

I understand that I am a last minute substitute for President Nixon. Unfortunately the President is unable to be with you today. I know that he wanted to be here to assure you of his support of your efforts in the field of law enforcement.

During the past eight months, I have been in close communication with the IACP, especially with your most able Executive Director Quinn Tamm.

Several months ago, I participated in your working seminars held in Washington. A major portion of these discussions concerned student violence and civil disorders. What particularly impressed me was the awareness, by the participating police officials, of the necessity for preventive law enforcement. These seminars emphasized that law enforcement is not merely the application of force. Enlightened police officials recognize that careful pre-planning, communication and negotiation can frequently avoid serious confrontations.

I was pleased that the IACP stressed that law enforcement officials should be flexible in order to solve new law enforcement problems within the currently prevailing social and legal philosophies of the nation. The American law enforcement community would do well to look at your leadership.

Your high standards of professionalism, your openness to new ideas, and your desire to bridge the gap between law enforcement officials and certain alienated parts of our citizenry, have made you leaders in the administration of justice at the state and local level.

We, at the Justice Department, have called on you in the past for your help and advice. We will continue to call on you in the coming years.

We will continue to support this organization and its more than 7,000 members in every way possible, especially through the Law Enforcement Assistance Administration grant program. We hope that you will seek our counsel when you have problems to be solved.

I have come to Miami Beach today to speak to you about the single most pressing problem that I face as Attorney General and that you face as concerned and responsible police officials—crime in America.

The latest FBI Uniform Crime Reports show that in 1968 there were 4.5 million serious crimes committed in the United States, a 17 percent increase over 1967.

There was a 30 percent increase in armed robbery; a 15 percent increase in rape; a 13 percent increase in murder and an 11 percent increase in aggravated assault.

From 1960 to 1968, the volume of serious crime has risen 122 percent, while the population has increased only 11 percent. The citizen risk of becoming a victim of a crime has nearly doubled from 1960 to 1968.

In February 1967, the President's Crime Commission reported: "There is much crime in America, more than ever is reported, far more than ever is solved, far too much for the health of the nation. Every American knows that. Every American is, in a sense, a victim of crime . . . The most understandable mood into which many Americans have been plunged by crime is one of frustration and bewilderment."

Despite the Presidential report and the ever increasing crime rate, there has been a tendency in the past to shrug our shoulders and to hope that if we talk about crime it will eventually disappear.

There has been a tendency to ignore the law enforcement community in favor of the social scientists who can explain the motivations of the criminal, but who can do little to protect the innocent against the mugger or armed robber.

Let me tell you that, as Attorney General, I am first and foremost a law enforcement officer. I believe the Department of Justice is a law enforcement agency. I think that persons who break the law ought to be promptly arrested and tried *today*.

While I sympathize with physical conditions and emotional problems which may cause persons to commit crimes, I cannot sympathize with those who seek only to excuse criminals.

When this Administration took office eight months ago, we decided that the time had come to stop talking, to stop offering excuses and to start acting *now*. And we did act—we have put forward a carefully-planned, well-financed, and aggressive action program to combat crime *now*.

Of course, we recognize the need for and we strongly support research and development projects which may help us solve crime tomorrow—sometime in the future.

But tomorrow is too late for the ghetto housewife who is many times more likely to be mugged than the suburban housewife. Tomorrow is too late for the small store owner who is killed in a holdup by a narcotics addict.

Indeed, tomorrow may be too late for all of us. That is why we have launched a comprehensive anticrime campaign as a first priority in our domestic program.

As President Nixon has said: "The public climate with regard to law is a function of national leadership."

The leadership of this nation believes that any effective anticrime campaign must rely primarily on law enforcement officials. The police are the first line of defense, and they must be given every reasonable tool if they are to meet the challenge of crime in an increasingly complex society. For this reason, the Administration's executive, legislative and budgetary proposals to combat crime concentrate strongly on the law enforcement function.

I think that you will find that this Administration is sympathetic to law enforcement and that, in areas of doubt, we tend to put our faith in the good intentions of the police, rather than to rely on the bad intentions of criminals.

Let me give you some examples of how we have exercised our federal leadership—how we have resolved areas of doubt in favor of law enforcement.

The previous Administration refused to use Congressional authority—Title III of the Omnibus Crime Bill—to wiretap except in national security cases. We have reversed that policy. We have authorized wiretapping for organized crime and narcotics crimes on a highly selective basis. So far, we have found court-approved wiretapping to be extremely productive and a major aid to law enforcement.

The prior Administration failed to suggest any method for detaining criminal suspects prior to their trial even if these suspects showed a substantial likelihood of committing another crime. We have proposed a pretrial detention bill which would, on a rational basis, deny freedom to those who appear likely to commit another crime pending their trial.

The prior Administration declined to utilize Congressional authorization in Title II of the Omnibus Crime Bill for the admission of voluntary confessions which did not strictly adhere to the *Miranda* warning requirements. We have reversed that policy.

While we still require federal law enforcement officers to give the complete *Miranda* warning, we will not automatically concede if, by inadvertence, the complete warning has not been given in obtaining a voluntary confession.

We hope that these actions will aid our federal efforts against crime. We also hope that these actions will say to state and local law enforcement officers: "The Justice Department is with you. We want to help you whenever and wherever possible."

As further evidence of our commitment to law enforcement, I would like to outline for you briefly some highlights of the federal government's anticrime program in terms of Executive action, legislative proposals and fiscal appropriation requests.

II. WASHINGTON MODEL PROGRAM

By far the most serious aspect of crime we face as a nation is crime in the streets. I have told you of the latest FBI Uniform Crime Reports which show a 17 percent increase in serious crime.

What the FBI reports do not show is the increase in fear and national anxiety. For every law-abiding citizen who is the victim of a crime, there are dozens of friends, relatives, business associates and neighbors, who fear that they may be next.

Basically, the federal government has very limited jurisdiction over street crime. We can set the tone for leadership. We can initiate pilot projects. We can offer financial and technical assistance. But the primary responsibility is still with the state and local governments.

One place where the federal government does have substantial jurisdiction over street crime is in the District of Columbia. In the first six months of this year, the District of Columbia crime rate increase has exceeded the national average.

In many ways Washington is a microcosm of the national crime problem. It has had a major racial disorder. It has a high welfare and unemployment rate. Some of its downtown area suffers from ecenomic blight. Many of its citizens are afraid to walk alone in the evening.

Very early in his Administration, on January 31st, President Nixon launched an ambitious program to combat crime in the District of Columbia. It was generally designed to be a model for other cities.

As the President said: "By searching for new ways of applying the resources of the federal government in the war against crime here (in Washington), we may discover new ways of advancing the war against crime elsewhere."

A critical part of the model anticrime program for Washington is massive aids to law enforcement.

We believe that the well-trained beat patrolman is our most effective single weapon against the street criminal.

Therefore, we asked for the addition of 1,000 policemen to the authorized force and for more effective recruiting methods to fill the existing vacancies.

As a result, the Metropolitan Police Department is now recruiting about 115 officers per month as opposed to 16 per month in 1967. We have agreed with the Department of Defense to participate in a pilot project which would permit a six-month early release from military service of individuals who qualify and agree to become police officers.

Our plan so calls for improved management and manpower utilization. For example, we have asked for an increase in police cadet and civilian positions which will hopefully release professional policemen for patrol and law enforcement functions.

We have asked for an expansion of the police Legal Advisors who are available to advise police officers on the street about complex legal requirements which arise during investigations.

We have proposed or supported legislation which would aid the police in apprehending criminals—by authorizing police to wiretap under judicial supervision, by making it illegal to resist an unlawful arrest, by permitting police to stop and frisk criminal suspects and by eliminating the "no-knock" bar to searches where the evidence is in danger of being destroyed.

XUM

As part of the model District of Columbia plan, we have also placed great emphasis on criminal trial and court procedure. We have proposed a complete reorganization of the local court system where, unfortunately at present, the median time from indictment to disposition of a criminal case is now 10 months.

We have asked for more judges so that the guilty may be convicted quickly and the innocent may be cleared.

We have asked for more prosecutors in the United States Attorney's office. We have established a Major Crimes Unit which will handle serious criminal problems such as professional narcotics traffickers and organized gangsters. We have set up two and three-man Crime Teams who will be able to devote enough time to difficult and important prosecutions.

We have proposed legislation which would correct some of the technical barriers that now unnecessarily tie up criminal trials and exclude otherwise reliable evidence of guilt.

Justice must be evenhanded to be effective. Therefore, we have proposed legislation which would establish a full-fledged Public Defender Service, capable of offering free lawyers for about 60 percent of the indigent persons who appear in most criminal, juvenile and civil commitment proceedings.

We have also supported legislation which would increase payments to private lawyers who represent indigents and which would permit these payments in a wide variety of cases in Washington and in other federal jurisdictions.

We have proposed legislation which would expand the District of Columbia Bail Agency to permit more effective investigation of the background and personality of an arrested suspect in order to determine whether he should be released pending his trial.

We have made special provisions for the juvenile who now accounts for 38 percent of our crime index arrests.

We are asking for the establishment of a combined Juvenile-Family Court which can more sensibly handle many of the problems of juvenile offenders and intra-family offenses. We have asked for an expansion of a juvenile group rehabilitation project and for a well-staffed psychiatric-care residential facility for delinquents.

We have also requested major reforms in the local corrections system with new physical facilities, more use of halfway houses and expanded rehabilitation counseling. About 46 percent of arrested suspects have previously been in prison.

This is just a brief summary of our model anticrime package. The federal government and the District of Columbia government have implemented much of the Washington plan by Executive action.

But the Congress has not approved a single legislative proposal. Nor has the congress approved a single dollar of the $22 million in additional monies which was requested for fiscal 1970, which commenced on July 1, 1969. Without the money, the District of Columbia anticrime program will be paralyzed. Without court reorganization and the other legislation we have requested, our anticrime efforts may fail.

Crime continues to rise in the District of Columbia.

The citizens of Washington—and the people of this country who look to Congress for leadership—should not be forced to wait longer.

III. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The other major area where the federal government can lead the way to combat street crime is through the Law Enforcement Assistance Administration of the Department of Justice. The LEAA is the federal government's major commitment to help states and local communities improve their police and criminal justice systems.

In its first year of operation in 1968–1969, it expended most of its $63 million budget—$19 million in planning grants to states and local communities; $29 milion in action grants, including special funds for 11 major cities; $3 million for research and development into crime problems; and perhaps most promising was $6.5 milion to finance college studies for law enforcement personnel.

For the current fiscal year, we have asked for $296 million for the Law Enforcement Assistance Administration. If appropriated, $250 million of this is scheduled to go to the states for action programs.

The greatest single emphasis in the LEAA program has been the funding of police efforts to decrease street crime.

For example, one large midwestern state received $1.3 million last year. Of this amount, $236 thousand was awarded for police civilian disorder control; $120 thousand for the development of police training programs; $30 thousand for a study of how to use civilians in police departments; $48 thousand for a special program to train promising young police officers; $180 thousand for management studies of the efficiency of local police departments; and $60 thousand to etsablish model community relations units.

In other states, we have funded experiments in using helicopter patrols; in setting up new electronic alarm systems in high burglary rate areas; in establishing special teams to deal with youth gangs; and in funding statewide criminal teletype networks.

Our studies of plans submitted by all 50 states show a most promising and continued emphasis on law enforcement, with 77 percent of the funds going to the police and to anti-street crime programs. The larger breakdowns show 18 percent for police training, salary increases and career development; 22 percent for police civil disorder control programs, and 11 percent for detection and apprehension techniques.

Unfortunately, I must tell you that not only has the Congress failed to pass this $296 million appropriation request, but it appears to be headed toward a substantial decrease.

Law enforcement agencies all over the nation will suffer if the *full* appropriation is not passed promptly.

IV. NARCOTICS

Another area in which the federal government has substantial jurisdiction involving street crime is the battle against illegal narcotics and dangerous drugs. Between 1967 and 1968, there was a 64 percent increase in arrests for narcotics and marihuana. Half of those now being arrested for drug abuse are under 21 years of age.

The battle against narcotics is an integral part of the Administration's anti-street crime program. A narcotics addict may need $70 or $80 a day to satisfy his habit. Thus, he turns to robbery, mugging and burglary in order to obtain money. It was recently estimated that in New York City alone $2 billion a year is stolen by narcotics addicts and that about 11 percent of those arrested for violent crimes have a history of narcotics addiction.

Last July 14, President Nixon delivered a statement on the problem of drug abuse and promised that action would be taken by this Administration now. The President said: "A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy is needed at the federal level to begin to cope with this growing menace . . ."

One of the most significant parts of the program so far has been a landmark proposal called the Controlled Dangerous Substances Act of 1969. It would consolidate and reorganize all the existing drug laws—some of which date back to 1914. It would substantially expand federal law enforcement authority to control narcotics, barbiturates, amphetamines and marihuana.

For example, it would authorize agents of the Bureau of Narcotics and Dangerous Drugs to arrest persons for violations of any federal, law and not just for violations of the federal narcotics statute. It would permit agents to break into suspected premises without knocking and would also permit them to conduct administrative searches for illegal drugs and marihuana.

I know there is a great deal of controversy surrounding the use of marihuana. But marihuana is an illegal substance. Most medical authorities have states that it is at least a hallucinognic with no known medical purpose. If used excessively, it can be dangerous. Furthermore, current statistics indicate that many hard narcotics users started off on marihuana.

Under these circumstances, we decided to stop closing our eyes to the marihuana problem in this country. Two weeks ago, we launched the first major search and seizure border operation in history aimed at stopping the importation of illegal drugs from Mexico.

It is estimated that the Mexican border traffic accounts for 80 percent of the illegal marihuana in this country, 20 percent of the heroin and large amounts of barbiturates, amphetamines and other dangerous drugs.

By utilizing the resources of the Department of Justice, Bureau of Customs, the Department of Defense, and other agencies, we have started a coordinated and intensive land, sea and air operation against border smuggling.

We realize that the wide publicity given to this operation will probably deter many smugglers and may not result in large scale seizures. But if we can keep marihuana and other drugs out of the United States by whatever means possible, then I think we will have succeeded. Our goal is not the occasional user. It is the large scale professional trafficker who makes a living out of smuggling illegal narcotics.

The Bureau of Narcotics and Dangerous Drugs in the Department of Justice is our main agency concerned with the enforcement of federal drug laws. We have asked for an increase in its appropriation from $17 million in fiscal 1969 to $25 million in fiscal 1970, and an increase in its personnel from about 1300 to almost 1500.

These increased appropriations and manpower will permit the Bureau to step up its enforcement program in our cities, to implement its plan to train 22,000 state and local law enforcement officers and to expand its international operations.

Our goal is not long jail sentences for the average narcotics addict who must sell a bag or two of heroin in order to sustain himself. He should be the object of research and rehabilitation. I am interested in prosecuting those who make their living by dealing in substances which ruin men's mental and physical health, and which pose a danger to our general welfare.

V. ORGANIZED CRIME

Another aspect of crime where the federal government has broad jurisdiction is organized crime.

Relying on the hopelessness of ghetto residents, organized criminals sell heroin and cocaine; playing on insecure credit, they loanshark the honest working man; recognizing elector indifference, they corrupt labor unions and political leaders.

Here again, President Nixon proposed an aggressive program to combat this interstate network of criminal syndicates. He said that "the moral and legal subversion of our society is a life-long and lucrative profession" for the organized racketeer.

The core of the federal effort against organized crime has been to reorganize the Strike Forces. They are interagency teams designed to throw a whole net of federal law enforcement over an organized crime family in a particular city. We have expanded these teams from four to seven, and we plan to reach 20 by the end of fiscal 1971.

In addition, we have set up a federal-state racket squad in New York City. If this joint venture proves to be successful, we plan to organize others in an effort to cooperate with state and local authorities in our Strike Force assault.

The LEAA has also made several initial grants to states and cities to aid them in establishing organized crime units. If their appropriation is approved, we hope that more localities will apply for funds to combat organized crime.

We have also asked for additional legislation to help us in the battle against the organized gangster. Among the bills we have proposed or supported are a general witness immunity law which would have a broad scope for many potential witnesses against organized crime; an amendment to the Wagering Tax Act which would expand our current ability to prosecute gambling; and a law designed to make it a federal crime to corrupt local police and other public officials.

While we have had only limited experience with judicially approved wiretapping authorizations, this experience has proved to be very successful in combating organized racketeers, especially in the field of narcotics.

In New York City, 124 pounds of heroin was seized as a result of a wiretap. In Washington, 41 persons involved in an alleged narcotics trafficking ring were apprehended as the result of one wiretap. Some of them reportedly had organized crime connections. In Ohio, a wiretap led to the seizure of $100,000 in counterfeit bills and the arrest of seven persons; and in Buffalo, 23 persons were arrested on a charge of being involved in a United States-Canadian gambling organization.

In order to mount this broad attack on organized crime, the Administration has asked for a $25 million increase in funds for all government agencies involved in this effort—a 40 percent increase over the previous Administration request. About $16 million of this will go for more FBI and IRS personnel, to work with the Strike Forces. Almost $3 million will go to the Criminal Division of the Justice Department and the remainder of the money will be spread among the Secret Service, the Department of Labor, and other government agencies.

The result of our activities so far has been promising. In fiscal 1969, 44 indictments were returned against 59 suspected organized crime figures (38 more than in 1968) and 29 suspected organized crime figures were convicted. In total, 71 organized crime figures were either indicted or convicted in this fiscal year as compared with only 48 the previous year.

Furthermore, we have arrested a number of crime figures who are members of the ruling commission of the organized crime syndicate in Buffalo, in Newark, in New Orleans, in Rhode Island and in Chicago. We think that this new assault shows great hope of success against this difficult problem.

VI. CONCLUSION

A model program for the District of Columbia, direct federal grants to states and local communities, and aggressive new programs against narcotics crimes and organized crime—these are some of the highlights of this Administration's action plan to reverse the flood of crime now.

In each one of these programs, there has been special emphasis on law enforcement. I want criminals off the streets and there is no better way to get them off the streets then by relying upon you—the law enforcement community in this country.

You can be sure that this Administration will, to the best of its abilities, marshal all of its moral, political and economic power to support law enforcement officers in our battle to defeat crime.

We all know that with your help we will succeed and without your help we will only face a national disaster.

CONSERVATIVES SHOULD BE SUPPORTING CONSERVATION EFFORTS

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. SAYLOR. Mr. Speaker, no conservative in the Congress can feel very good these days after receiving the recent blast delivered by Mr. James J. Kilpatrick. He said in effect that conservatives have "lost their way," and proceeded to document his case. Coming from one of the leading columnists in the country, his remarks were sobering. That we have a "negative image" is well known and deplorable. That we have missed opportunities to present a different image is equally well known. That so far we have failed to change our ways, is also evident.

The touchstone for Mr. Kilpatrick's remarks dealt with an area in which I claim some knowledge: the preservation of our Nation's environment. I cannot fully explain the "why" of the conservative's disinclination to lead in the battle to conserve our natural heritage but I can make a guess or two. We have, as a group, become so dollar conscious with our continued and justified apprehension over inflated budgets, wild Federal spending, and impossible social experimentation, that we have lost sight of some of the deeper and more significant concerns of the Nation at large. We have been emphasizing the present when we should have been equally solicitous of the future. In fact, to be truly conservative, we should be protecting the environment now rather than waiting until a time in the future when the costs of having failed to act will be out of reach of our technological or financial ability to make environmental repairs.

I sincerely hope that Mr. Kilpatrick's remarks have been conscientiously studied by the Republican leadership; the hope of the party's future must be down the path of more affirmative policies. In my opinion, there is no better way to help change the conservative's image than by assuming leadership of the drive to preserve our natural and national heritage for the future.

Mr. Kilpatrick's article follows:

CALL FOR ACTION

(By James J. Kilpatrick)

WASHINGTON.—Several hundred leading conservatives gathered at the Sheraton-Park last weekend to take the waters and toast the Republic. The occasion was an awards dinner sponsored by American Conservative Union, Human Events, National Review, and Young Americans for Freedom, honoring Senator John Williams of Delaware and Congressman H. R. Gross of Iowa.

The sponsors of the clambake invited me to make a few remarks. I am not at all certain that this is what I said, but it is what I had in mind to say:

On the record, gentlemen, our cause goes well. In both the House and Senate, the number of conservatives gradually increases. The same modestly encouraging picture may be seen in statehouses across the land. Our peerless leader in the White House may not be a true-blue conservative—not as true-blue as Messrs. Williams and Gross—but he is far more congenial to our views than, say, Hubert Humphrey. He is as conservative a President as we had any hope of electing, and we are lucky to have him.

Yet the conservative cause, if it would continue to prosper, must in some fashion overcome its image as the negative party. Dammit, gentlemen, when will conservatives apply their talents to affirmative answers to American problems?

One of the most serious problems in American society goes to the quality of life in the world around us. Our rivers and lakes are dying of pollution. Our greatest cities stifle in smog. Our littered streets insult the eye. Concern mounts at the residual damage done to man's environment by such pesticides as DDT. Year by year, our loveliest countrysides are yielded up.

The problem essentially is a problem of conservation—of conserving some of the great values of America; and conservatives, of all people, ought to be in the vanguard of the fight. Yet if one were asked to name quickly the political figure most identified with pollution, it would be Muskie of Maine. If beautification of the highways is identified with a single person, it is identified with Ladybird Johnson. Think of pesticides, and one thinks of Nelson of Wisconsin. Where lies the leadership in preserving wild rivers, redwood forests, wilderness areas? Gentlemen it is not to be found on our side of the aisle.

Ours is the party most identified with commerce, business and industry. We defend their interests well. But isn't something more demanded in the name of an affirmative conservatism? Why do we let Ralph Nader monopolize the duties of right conscience? Do we not have an obligation to wage our own war upon fraud, shoddy merchandise, and exploitation of the poor?

One of the great principles of our philosophy goes to the right of privacy—to man's right to be left alone from the harassments of the state. Yes, we have done better here. Ervin of North Carolina, for one, has been in the forefront of an admirable effort to protect the privacy of federal workers. Yet conservatives, by and large, are not identified with this effort. Liberals have beaten us to it.

What are we doing—really doing—about our cities? Where are our leaders in relieving racial tensions? What effective answers have we offered for the housing of low-income families? Do conservatives have a program for elderly Americans, caught in the vise of inflation? We are bold and fearless, to be sure, in the cause of law and order. But where are our voices for penal reform?

It is a feeble response, my brothers, to insist that of course conservatives are "for" something: We are for the greatest personal freedom consistent with ordered liberty. We are for the proposition of limited government under a federal system. We are for balanced budgets, sound dollars, strong defense, and honest work. We are for the church, the home, the flag. We are keen on clean movies. Our strength is as the strength of ten, because our hearts are pure. Great! But if I had only one political wish, conservatively speaking, I would wish to see us translate broad conservative principles more frequently into specific, affirmative action.

XUM

AGAINST AMENDMENT TO PREVENT LIMITED DEPLOYMENT

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. KEITH. Mr. Speaker, when the House considered the military procurement bill last week, I voted to proceed with limited deployment of the Safeguard ABM, as recommended by the President.

Having closely followed the debate in Congress and in the press for the past year, I have been impressed with the logic and concern of these who oppose the anti-ballistic-missile system. At a time of inflation and serious domestic crisis, it would be unjustifiable for us to waste money on unnecessary weapons systems. And, at a time when limitations on the arms race appear possible, it would be a mistake to upset the balance of terror and perhaps trigger a new round of nuclear weapons buildup.

Nevertheless, Mr. Speaker, while charges of waste and destabilization may be made against other weapons, I do not believe they apply to the Safeguard ABM. The Soviet buildup in SS–9 supermissiles raises serious doubts about their intentions and about the continued integrity of our retaliatory force. Faced with uncertainty concerning the reliability of our second strike force in the 1970's, it is incumbent upon us to take protective measures. The Safeguard ABM is such a moderate protective measure. The carefully drawn plan for phase-by-phase deployment as, and if, the threat develops, insures review of the strategic situation before more funds are committed. The money we are authorizing is for phase I, a limited deployment of missiles and radar at two sites.

Essentially, this amounts to an expansion of research and development to include testing and evaluation. After we have reviewed the interaction of the radars at the two sites we will be in a better position next year to pass on the feasibility of an ABM defense. Next year, too, we will have a clearer idea of Soviet intentions and the possibilities for arms control. If things are brighter in these two areas, then clearly we should halt further deployment. At present, however, the threat which seems to be developing and the long leadtime necessary for deployment of protective measures make this first step toward a Safeguard ABM advisable.

Mr. Speaker, another serious charge made against the ABM is that it will undermine the possibility for arms control and will lead to an escalation of the arms race. In response to this I would point out that a limited deployment of antimissiles, having the capability of protecting only missile silos is not destabilizing; it is defensive.

And in this respect, we know that the Soviets have over 240 SS–9 missiles, each of which can carry three heads of 5 megatons apiece. Those warheads, Mr. Speaker, would only be used to strike at our Minuteman missile sites—not at our cities. This is clearly intended to be used for a first-strike capability. As far as our arsenal is concerned, our warheads are only 1 megaton in destructive power. They are designed to retaliate against Soviet cities if we were attacked first.

Our ABM's are designed to preserve this second-strike capability and are therefore purely defensive in purpose. If by the deployment of our ABM's, we can preserve some of our retaliatory ICBM's, the leaders of the Soviet Union will not be tempted to launch a first-strike against us.

Furthermore, the ABM can be a useful bargaining card for the President as he proceeds with the strategic arms limitation talks. It would be most unfortunate if Congress were to deprive him of this on the eve of negotiations with the Soviets.

Mr. Speaker, a year ago when this committee considered the more ambitious and less debated Sentinel ABM system, I raised a number of questions on the floor. With some reservations I voted then to proceed with deployment. Now a new administration has proposed a less extensive system—one less likely to upset the existing weapons balance. This system has been overwhelmingly approved by the members of the Armed Services Committees who obviously were privy to much secret data of a technological and intelligence nature. Furthermore it was supported by the leadership on both sides of the aisle. Even so, a number of doubts remain in my mind; a number of unanswered questions await clarification. Nevertheless, I believe, in the area of national security one must call the close ones in favor of preparedness and our Nation's defense. For this reason I voted against the amendment which would have prevented the limited deployment of the ABM.

SILVER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. RARICK. Mr. Speaker, is there a shortage of silver in the United States?

A letter from the president of the Idaho Mining Association, a report from the Silver Market Annual Review, and an article from the Wall Street Journal present an interesting discussion of the matter.

The material follows:

IDAHO MINING ASSOCIATION,
Boise, Idaho, October 2, 1969.

Thanks for your letter of September 26, enclosing copy of a letter received from Mary Brooks, Director of the Mint. In her letter, Mrs. Brooks states that the shortage of silver in the United States for industrial use has necessitated the request for legislation to remove the silver from our coinage. This has already been done with the exception of the small amount of silver used to mint the sandwich-type Kennedy half-dollar.

To mint 300 million Eisenhower sandwich-type dollars containing 40% silver would require 32 million ounces per year for a period of three years.

These dollars probably would not circulate any more than the silver Kennedy half-dollars. The silver used would be distributed to the people at a profit to the Treasury considerably more than they are realizing from the sales presently being made through GSA. If the use of silver is not justified in the Eisenhower silver dollar which people desire, how is it any more justified when used in silverware or jewelry by the same silver users who oppose a silver Eisenhower dollar?

There is no shortage of silver. To emphasize this point, may I quote Handy and Harman, the leading domestic supplier and dealer in silver metal, who in their 1968 Annual Review of the Silver Market said, "We have continually emphasized that there will be no shortage of silver for future industrial needs, and this has been confirmed by events." I have xeroxed pages 18 and 19 of this report and this copy is attached and appropriately marked for your attention. Note also attached, xerox copy of a Wall Street Journal article which quotes Mr. M. W. Townsend, Chairman and President of Handy and Harman, on July 25, 1969 as saying there is an estimated 400 million ounces of contract silver stored in vaults.

We submit that it is only a question of time until the U.S. Treasury must stop selling silver through GSA, and when such sales cease, the silver market will be subject to the natural forces of supply and demand. We believe the present market is artificially depressed and further argue that this is hurting not only the silver producers, but consumers as well. Ultimately, silver consumed by industry will have to come from the ground and if exploration for new deposits is to proceed vigorously, a higher price set in the give and take of the market place could provide the required stimulus.

I would also like to point out that the U.S. Treasury in selling its silver through GSA has done a remarkable job of obtaining the lowest possible price. How can the Treasury Department account to the taxpayers for such action? (Mexico bought $1.29 an ounce silver from the United States, minted it into 30 million 25-peso Olympic medals, and thereby made a $40 million profit!)

Sincerely,

W. H. LOVE,
President.

P.S.—Let's not put Ike on the first "cheap" non-silver dollar ever minted by the United States!

[From the Silver Market Annual Review]

THE SILVER MARKET IN 1968—53D ANNUAL REVIEW

(Compiled by Handy & Harman)

THE OUTLOOK

We have continually emphasized that there will be no shortage of silver for future industrial needs, and this has been confirmed by events. Over the past few years speculative or investment stocks have been accumulating at a very rapid rate throughout the world, and in 1968 alone some 170,000,000 ounces were added to these stocks. At year-end there were nearly 90,000,000 ounces of silver in New York Commodity Exchange warehouses alone, and perhaps another 80,000,000 ounces elsewhere within the United States. In addition, an estimated 200,000,000 ounces are stored in England and on the Continent. In total, speculative and investment stocks, worldwide, must be close to some 370,000,000 ounces. This is equivalent to about a full year's demand for world industrial and coinage needs combined.

These stocks are not the only source over and above new production from which silver will be obtained in the years to come. During 1968 some 60,000,000 ounces came out of India and Near Eastern countries, and silver is continuing to flow into the market from

that part of the world. Also demonetized coin accounted for some 40,000,000 ounces during 1968, mostly from Australian and Canadian coins. More and more countries are moving away from silver coinage, and this tends to have a two-fold effect. In the first place less silver is used, and secondly the old coins are a potential future source of silver.

The United States silver coins represent the largest such source, and it is estimated that theoretically some 2,000,000,000 ounces of silver are outstanding in these coins. Undoubtedly a substantial part of this silver will never be recovered, but even if only half ultimately finds its way into the market, it is a very significant potential supply. It is estimated that the United States Treasury has already withdrawn enough coins to account for some 300,000,000 ounces of silver, and that perhaps as much as 700,000,000 ounces of recoverable silver remain outstanding. Government stocks of silver in bullion and in unmelted coins at the end of 1968 amounted to about 240,000,000 ounces according to our estimates. At the present rate of sale of 2,000,000 ounces a week these stocks will last for over two years, even without allowing for future collections.

[From the Wall Street Journal, July 25, 1969]

HANDY & HARMAN SAYS 1ST HALF NET ROSE 10 PERCENT—COMPANY ALSO EXPECTS RESULTS FOR ALL OF 1969 TO REFLECT THE SAME RATE OF GROWTH

NEW YORK.—Handy & Harman estimates first half earnings increased "in the general magnitude of 10%" from a year earlier, M. W. Townsend, chairman and president, said in an interview.

He also expects the year's results to reflect the same rate of growth. In the first half of 1968, the company, a leading supplier and fabricator of precious and specialty metals, earner $1.7 million, or 85 cents a share, on sales of $100.2 million. In all 1968 Handy & Harman earned $4.1 million, or $2 a share, on sales of $200.7 million.

As a result of the acquisition of Attleboro Refining Co., Attleboro, Mass., last year, Mr. Townsend said, Handy & Harman is involved in its biggest capital expansion program, with $3.5 million earmarked for this year against $2.5 million for the three previous years. Much of the $3.5 million is being spent to develop a new plant for Attleboro Refining near its present site. The plant should be in operation shortly after Jan. 1.

Handy & Harman is hoping to achieve a product mix that will enable it to derive about half of its earnings from precious metals and the remainder from nonprecious metals. But the company still is in the position of a year earlier, deriving two-thirds of its earnings from precious metals and the rest from specialty metals.

"Last year we made four major acquisitions as a step toward this goal," Mr. Townsend said, "and yet the combination remained about the same. In fact it was rather like walking a treadmill just to maintain the balance we already have."

The company has made only one acquisition this year—a small company named American Clad Metal Inc.—"But we expect to do as well this year as last" with regard to new acquisitions, he said. He described the clad metal process as "one of the good growth opportunities in the next decade since you can get out of two metals things you can't get out of one." He expects the market for clad metals to grow tenfold within the next six to eight years.

Mr. Townsend said he expected the price of silver—currently about $1.65 an ounce—"to wander somewhat higher than it is today" during the next six months to a year, barring any international monetary crises. He said speculators in the metal have become "disillusioned as they discovered that the price could go down as well as up" and that "many people weren't choosing to wait until the price went up before selling."

Currently, he said, there is an estimated 400 million ounces of contract silver stored in vaults. "This has nothing to do with mining production," he said. "This is silver that is immediately available for sale, and its presence has been a depressing factor on the market." Another factor tending to hold the price down, he said, was the decision of the Federal Government to lift the ban on the private melting of silver coins. "However, present price levels haven't brought out any coins," he said. "To tap this source there'll have to be a higher price."

On the subject of gold, he said that—barring any international monetary crisis such as a precipitous change in U.S. monetary policy—"the price will continue to be where it is, like a Yo-Yo." Much of course depends on South Africa, the source of most of the Free World's gold. "If South Africa's gold were turned loose," he said, "the price could only go down and down."

HOUSE OF REPRESENTATIVES—*Tuesday, October 7, 1969*

The House met at 12 o'clock noon.

Rev. James E. Rogers, chaplain, Veterans' Administration hospital, Columbia, S.C., and national chaplain, Disabled American Veterans, offered the following prayer:

May the God of light, who hast set up candlesticks and kindled many lamps in man from the spark of love from Heaven, give you—

The light of faith to sustain you;
The light of courage to strengthen you;
The light of hope to embrace you;
The light of truth to guide you; and
The light of love to enfold you.

And may the endowments of the focused light bring a continuing beam of holy concern for justice, mercy, and compassion for all mankind.

O God, who went before preceding generations in a pillar of fire to light the way for night and day, burn brightly in our lives and those near and dear to our hearts. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3165. An act for the relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush); and

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 476. An act for the relief of Mrs. Marjorie Zuck;

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 981. An act to amend title 28 of the United States Code to provide that the U.S. District Court for the District of Maryland shall sit at one additional place;

S. 1775. An act for the relief of Cora S. Villaruel;

S. 1797. An act for the relief of Dr. Waguih Mohamed Abdel Bari;

S. 2096. An act for the relief of Dr. George Alexander Karadimos;

S. 2231. An act for the relief of Dr. In Bae Yoon;

S. 2443. An act for the relief of Dr. Silvio Mejia Millan; and

S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases.

REV. JAMES E. ROGERS

(Mr. DORN asked and was given permission to address the House for 1 minute.)

Mr. DORN. Mr. Speaker, and my colleagues, it is my great privilege this morning to welcome to the House of Representatives our Chaplain for this occasion, Rev. James E. Rogers, who is the national chaplain of the Disabled American Veterans. He was recently reelected at the national convention at Miami Beach as the national chaplain. He is chaplain of the South Carolina Disabled American Veterans, chaplain of the South Carolina Wing of the Civil Air Patrol, State chaplain of the Forty-and-Eight of the American Legion, and a distinguished American who served his country with honor and distinction during World War II as Army chaplain and as radio minister for the Armed Forces in the Pacific area. He is a Methodist. For the past 22 years Chaplain Rogers has been active in hospital ministry with the Veterans' Administration. He now serves the VA hospital in Columbia. He has won many honorary degrees and awards from various universities, colleges, and organizations. He has received the Distinguished Service Award from the Spanish-American War Veterans for long and faithful service; the Distinguished Service Award from the Veterans of Foreign Wars of America for long and unselfish service to the veterans of America; commendation from the General Commission on Protestant Chaplains for meritorious service to God and country during World War II as a chaplain in the U.S. Army, and received the honorary degree of doctor of laws from the John Marshall Law School of Atlanta, Ga.

He has received degrees from Atlantic Christian College and Duke University Divinity School. He also attended graduate school at Northwestern University, Concordia Lutheran Seminary, Garrett Theological Seminary, and the

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University of Chicago Theological School.

Chaplain Rogers married Mildred McKeithen of Florence, S.C., and they are the proud parents of four wonderful children.

He is a great patriotic American and dedicated Christian and I want to welcome him to the House this morning on behalf of the South Carolina delegation and my colleagues on both sides of the aisle. I hope you will meet this distinguished American, the national chaplain for the Disabled American Veterans.

THE LATE HONORABLE JOSEPH Y. RESNICK

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, it is with a heavy heart full of great sorrow that I announce the untimely death yesterday of our former colleague, Joseph Y. Resnick.

Joe Resnick was both a colleague in the Halls of Congress and a dear personal friend. I know my colleagues join me in mourning his passing.

Congressman Resnick was one of a large number of us who were first elected to the 89th Congress and came here in January 1965 with a spirit and commitment to active legislation that left the imprint of the 89th Congress freshmen on our history.

My association here in the Congress with Joe Resnick opened the door to a valued personal friendship that carried on despite his retirement from Congress this year. He was a man of great warmth and possessed a sincere interest in the public weal.

That Joe Resnick did not return to the 91st Congress meant the loss of a well-meaning, hard-working, and devoted Congressman. That he has died at such an early age means the tragic loss of a valued friend.

He will be sorely missed.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, to the thousands in the Hudson Valley who knew him as "Joe" Resnick, the death of our former colleague and my predecessor who served in the 89th and 90th Congresses, at such a young age, is a deep tragedy. I am personally saddened by the news.

In his brief 44 years, Congressman Resnick, the son of immigrants to this country became a millionaire. In his lifetime his tremendous energy and native ability led to a number of significant inventions, the creation of a business empire, and finally to the Halls of Congress. He was a rare individual and we who knew him and the country will be poorer by his death.

Mr. Speaker, Joe Resnick had a natural political sense. He will be remembered for his loyalty to his party, and to his ideals and convictions. I remember him as a worthy and courageous opponent.

In his 4 years in Congress, he brought a new dimension of work and service to the people of the Hudson Valley whom he represented. He set a high standard of concern for the people of his district for all who follow him.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. FARBSTEIN. Mr. Speaker, I want to join with the two gentlemen in the well, Congressman WOLFF and Congressman FISH, in their expressions of regret at the passing of a former colleague of this House, a very good friend of mine. Although I knew Joe Resnick for a comparatively short time, namely the period of his service in the House of Representatives, I got to know him and his family quite personally.

I am deeply saddened by the passing of this good friend and former colleague. Joe Resnick was known and liked by many Members of this House. While the death of a friend is always a shocking experience, it becomes more so when one dies in the prime of his life. A member in good standing in his community and a member of the Washington Hebrew Congregation, well thought of by its members, he was indeed an honorable man.

At 45, Joe Resnick was still a young man with a full life before him. The father of three sons and a daughter, he was indeed approaching the threshold of the good years.

In his relatively short life, however, Joe accomplished a great deal. Along with his brothers he managed to build his $7,000 electronics firm into a $45 million corporation.

But his greatest contribution was in the area of public service. Elected in 1964 to the House of Representatives he was the first Democrat to win a seat from his district in the Hudson Valley. During his tenure he served with great enthusiasm and vigor.

Representing a farming community he became a freshman on the Agriculture Committee. He spoke out against the American Farm Bureau Federation for what he thought to be a failure on its part to speak out in the best interests of the farmers. Always on the side of the disadvantaged he was a key figure in the case of Lt. Comdr. Marcus A. Arnheiter regarding his removal by the Navy from his command.

In the field of civil rights he was a vigorous champion, not fearing anyone or anything that he thought stood in the way of the cause. While running for the Democratic nomination for the Senate in 1968 he came in third; but his defeat did not dull his fighting spirit.

For personal integrity and honesty Joe Resnick was beyond reproach. In fact in his first term as a Congressman he advocated a code of ethics for the Members of the House.

Joseph Resnick will be sorely missed not only for the friendship he gave so freely but also for his keen intellectual mind.

To his charming and lovely wife and to his children and the rest of his family I extend my sincerest condolences and sympathies on the loss of so vital an individual.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, it is with profound sadness that I join my colleagues in this tribute to our former colleague, Joseph Resnick. I was shocked to learn this morning of his untimely passing. As I look back on his 4 years of service in this House, I recall the sincerity and the dedication which marked his efforts. Joe Resnick was outraged by injustice and sought to correct it, whether the victim was a black tenant farmer in the South or a high-ranking naval officer or a family denied to right to adopt a child because of discrimination. He would not hesitate to take on the establishment, as evidenced by his investigation of the powerful American Farm Bureau.

It was as a freshman Congressman that he joined me when I initiated the challenge to the Mississippi congressional delegation. He was very conscious of the risk to his career which was involved in opposing the House leadership at that time.

Although he and I disagreed quite sharply over the war in Vietnam, nevertheless we remained firm friends. I always admired and respected him for having the courage of his convictions which he expressed fearlessly.

I extend my deepest sympathy to Mrs. Resnick and to their children, Jeffrey, Debbie, Todd, and David.

Mrs. MINK. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentlewoman from Hawaii.

Mrs. MINK. I thank the gentleman for yielding. I wish to join with the distinguished gentleman in the well in expressing my profound shock and disbelief in learning of the passing of our former colleague. As one who came to the Congress with Joe, and as an officer of the 89th Democratic Congressional Club, I want to express for all of us the profound sorrow that not only his family and relatives must feel, but for all of his constituents whom he served so well. We certainly will remember his leadership, the vigor with which he represented his constituents, and his constant belief that we had an obligation and a responsibility to help solve the social ills of this country. I send Mrs. Resnick and his family my sincere and heartfelt condolences.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. GILBERT. I thank the gentleman for yielding. Mr. Speaker, I wish to join my colleagues in expressing my deep and profound shock at the untimely passing of our distinguished former colleague, Joseph Resnick.

During the period of time that Joe served in the House, he was an inspiration to all of us. Joe started from a humble background and worked his way up to become one of the true millionaires of our country, but, at the same time never forgetting his humble background.

He always had a feeling for the underprivileged and the poor. As we look back at his record and his philosophy, we find he projected this at every particular opportunity. Joe made his mark in business, Joe made his mark in the State of New York, and the Halls of Congress.

Mr. Speaker, I wish to extend to his family my most profound condolences.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Speaker, I knew Joe Resnick only as a public person, a man with whom or against whom I debated, a man whose intense concern for the public good plunged him into controversy and into public office. He was always a vigorous, committed, and intelligent advocate of his point of view. He worked hard to repay what he felt to be his deep personal debt to this country, which he loved dearly and which is a better place for his having lived in it.

All of us share the grief of the people of his community, and all of us wish there were some way we could lighten the burden and the grief now thrust onto his family.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, we mourn the tragic loss, in the prime of his life, of our distinguished former colleague, Joseph Y. Resnick, whose recent death has bereaved his family and his many friends.

During his 4 years in Congress Joe Resnick fought for those people who could not fight for themselves, who could not get help anywhere else.

In his work in Congress, Joe Resnick was dedicated and untiring on every issue. His words and his vote were always recorded on the side of humanity. His courageous spirit was undaunted in the face of opposition. He was a good friend and a stanch ally.

Indicative of his concern over the "average man" was his struggle to have Navy Lt. Comdr. Marcus A. Arnheiter reinstated in the naval service. Although unsuccessful in his efforts, his willingness to take the side of the underdog facing powerful influences once again proved his fearlessness.

Although much could be said for Mr. Resnick's friendliness, his wisdom, and his industry, what impressed me, more than any other of his many fine qualities, was his deep belief in justice. He knew that any steps that we might take toward world peace would have to be founded upon justice.

For this reason he firmly supported the Johnson administration's Vietnam policy. Some regard this stance as the major factor in his defeat in a senatorial primary. If this be so, it can go to prove that Joe Resnick valued principle above opportunity.

To his grief-stricken wife and children, I express the deepest sympathy for their loss of a devoted father and husband, a man who was a credit to them, to the Congress, and to the country.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Speaker, I am deeply saddened by the untimely death of our former colleague, Joe Resnick, former Congressman from the State of New York.

I had the privilege of serving for a short time with him, but had known him personally for a long time. Born into a modest home, he showed unrivaled ability to fulfill the American ideal of material success. Yet such economic well-being never changed him from the compassionate, concerned man I knew him to be.

His life reflected his concern for the dispossessed and downtrodden. No cry for justice left him unmoved. No request for involvement fell on his ears without a sincere response. His congressional career reflected this, and his work outside government set an example for all those who seek a guide to such behavior. Charity, kindness, and honesty always guided his motives and actions. His backbone was of steel and even in opposition, no one could question his sincerity.

Those who knew him well mourn him deeply. Those in need of a courageous public-spirited friend have lost significantly. He shall be missed. May God grant peace and repose to his soul.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I thank the gentleman from New York (Mr. WOLFF) for yielding.

Mr. Speaker, I, too, wish to pay tribute to our former colleague who has been so suddenly taken away from us and at such an early age. Joe Resnick certainly made his mark in this House, as so many other Members have already commented. He did this primarily by virtue of his tremendous energy and by his very great courage. I do not believe I ever knew a Member of the House who was more determined to fight for and to speak out for what he believed in, regardless of the consequences. Joe Resnick, regardless of what it might have done to his political fortunes, was a determined supporter of our policy in Vietnam, for example, and a very strong and outspoken supporter of President Johnson, even though that might not always have been popular in parts of New York State in the election year of 1968. Perhaps more than anyone else he put meaning into the newly adopted primarly law in New York in 1968 by waging a very determined campaign. The result did not reflect the energy and dedication Joe put into the campaign, but that was due in part at least to factors beyond his control. What is important is that he believed the people of New York should select their statewide candidates, not just the boys in the back room. And he put his own career where his mouth was.

Many of us did not always agree with everything Joe Resnick said, or did but all of us admired his courage and his determination. Virtually by means of those qualities he managed to turn around a congressional district in 1964 that had never before in its history elected a Democrat, and became a Member of this House by virtue of a tireless and very vigorous campaign. In his brief career here Joe Resnick brought something to this House which has been meaningful to all of us who knew him and had the privilege of serving with him. We will certainly miss him in the years to come, and we are all deeply saddened that such a remarkable and successful career, in business as well as in politics, should have been cut off so early.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. McCARTHY).

Mr. McCARTHY. Mr. Speaker, I join the sentiments expressed. Joe was a dear personal friend. I grieve over his passing. My wife Gail joins me in deepest condolences to his wife Ruth.

Joe was a fighter, a loyal man, a man of courage. One never doubted where he stood on any issue.

I might say to those who might have lost touch with him since he left the House, in recent months he has been implementing in the private enterprise sector many of the same principles he stood for here. He inaugurated a new enterprise to hire unskilled workers and train them. Right to his dying breath he fought for those principles that he stood for here in the House.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. I thank the gentleman for yielding.

Mr. Speaker, I join in an expression of profound regret with respect to the passing of our former colleague, my good friend Joe Resnick.

Joe Resnick made his mark first as a family man, then in the private sector, and subsequently in government. Certainly his service to our Nation as a Member of the 89th and 90th Congresses has earned the gratitude of every progressive thinking American.

I had hoped so much to one day see Joe Resnick reenter public life. Obviously God had another plan for him.

I take this opportunity, in behalf of Mrs. Hanley and myself, to express our sincere sympathy to Mrs. Resnick and the family.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. I thank the gentleman for yielding.

Mr. Speaker, I want to join with the gentleman in the well, the gentleman from New York (Mr. WOLFF), in this tribute to our former colleague Joe Resnick. I also want to associate myself with the remarks of the gentlewoman from Hawaii (Mrs. MINK). Those of us who were officers and close to Joe in the 89th Congressional Club, who came here with him in 1965, thought a great deal of Joe. We shall miss him very much.

We extend our deepest sympathy to his family. I know I speak for the other Members of the Congress who came here in 1965, when I say he was a man of courage who served in the finest traditions of this House.

Mr. OTTINGER. Mr. Speaker, I want to add my voice to those of my colleagues who have expressed regret upon the passing of our late colleague, Joe Resnick. It is a very shocking thing for all of us to have him go at such a very young age,

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and it is particularly sad for his very delightful family, his wife and children whom I know quite well and who are wonderful people.

Certainly, it is difficult for them to lose him as both father and husband during the prime of his life.

The political life of the State of New York will be the poorer, as well. Joe was a very colorful politician, a man of strong beliefs which were frequently expressed in the most vigorous terms. He was a man with whom, frankly, I found myself in disagreement at times, but I will miss him on the political scene in New York because he added to its life, to its vibrancy, and to its color, and I certainly join my colleagues in expressing our most sincere regret at his untimely death.

Mr. CORMAN. Mr. Speaker, I join my colleague, the gentleman from New York, in expressing my deep sorrow at the death this morning of our former colleague, Joseph Resnick.

It is difficult to accept the shocking news that this fine person, who we knew as an earnest, kind, and intelligent Member of this House, reached an untimely death at the age of 45.

Joe Resnick came here as one of the bright, enthusiastic young Members of the 89th Congress. He had, through his own efforts, reached remarkable success as a businessman engaged in electronics and plastic research and development.

Coming from the area of Hyde Park, N.Y., one of his earliest influences was the political philosophies of Franklin and Eleanor Roosevelt. As he grew to manhood, Eleanor Roosevelt was always an inspiration to him. Probably more than anything else in his life, the marvelous work of this great lady started him on the path to his political career. In 1964, on the event of his 40th birthday, on July 13, the Eleanor Roosevelt Memorial Foundation honored him for his philanthropic work with a dinner, at which Adlai Stevenson was the guest speaker. It was one of the greatest days in his life.

Joe Resnick brought with him to the House sound judgment, an intelligent and penetrating mind, and a deep commitment to good government. During his tenure here, he served his district, his State, and his Nation with undeniable distinction. I was privileged to be one of the many friends he made in the Congress, and I missed him when he resigned last year.

Joe's death will leave an everlasting void with all who knew him. Death at such a young age is always sad and untimely, but Joe Resnick leaves unfinished so very much good work which only someone with his capabilities, his interests, and his wonderful thoughtfulness toward his fellow man could complete.

Mrs. Corman and I are deeply grieved and extend to Mrs. Resnick and their children our deepest sympathy. Our thoughts and prayers are with them.

Mr. HELSTOSKI. Mr. Speaker, it is with profound sorrow that I learned of the untimely death of a former colleague of ours, Joseph Y. Resnick.

Born 45 years ago in Ellenville, N.Y., he served two terms in the House, representing the 28th District of New York.

Death is ever so tragic, but when it comes to a man of the age of 45—an age when men begin to show their hidden capabilities, it is doubly tragic.

I know of no man who had a wider friendship in this House of Representatives than Joe Resnick. He was recognized as a leader and a dedicated public servant. We who have admired his spirit will recall the single-handed fight he waged against the American Farm Bureau Federation charging that it abused its tax-exempt status and failed to speak in the best interest of its membership.

While a freshman in Congress, he pushed for a congressional code of ethics.

I have had the distinct pleasure of serving with Joe Resnick on the Veterans' Affairs Committee and I recall his concern for welfare of the servicemen and their survivors. Because of his service as a radio officer in the U.S. merchant marine during World War II he was an influential member of this committee and contributed much to its deliberations on important veteran legislation.

Joe Resnick will be missed by all those who knew him and worked with him.

In this time of great loss and sorrow, I extend to his wife, Ruth, his children, his brothers and his sister, my most heartfelt sympathy.

Mr. CELLER. Mr. Speaker, it is always sad to comment upon the demise of a colleague or former colleague. Joseph Resnick was a loyal friend of mine, a faithful public servant, a devoted and loving husband and father.

He made his mark on the history of this body by dint of hard labor, conscientious work, and truly dedicated service. He was of great courage, a valiant dissenter, unafraid to wipe away the cobwebs of longstanding, outmoded practices. He earned much unjustified criticism for that courage but he stood firm—firm as a rock—for the principles he believed in. Joe Resnick carried his banner high, at times impatient of apathy, returning to the attack again and again. This voice of vigor, this probing, prodding mind are at rest, but the legacy he left behind will continue to challenge the very best in us.

Our heartfelt sympathy goes to his dear wife and children.

Mr. PICKLE. Mr. Speaker, the vigorous voice of our former colleague, Joe Resnick, has been stilled. His untimely death yesterday at the young age of 45 is a great loss to all of us.

Each of us knew Joe Resnick as a fiery, enthusiastic combatant. We will remember his recent fight to get the farmer a stronger voice in Federal legislation—this came from a New York Congressman. Joe Resnick put himself into the forefront of that battle and he relished every minute of it.

When the news of his death reached us, I knew that each Member must have been reminded immediately of their favorite story involving Joe. I could fill pages with nostalgia in this respect.

However, the thing I will always remember Joe Resnick for was his great loyalty. Joe was a Democrat; he chose this party as a responsive voice for his people, for all people. Joe was faithful to the philosophies and programs of the Democratic Party. And he was especially loyal to President Lyndon B. Johnson. I know of few men who would pitch in so wholeheartedly for the policies and principles of President Johnson. Joe was a great friend in many a troubled time. Often, just through the force of his character and personality, Joe would sponsor and speak out on legislation in areas where many feared to tread—and Joe would move it along.

A colorful period has ended with the death of our friend, Joe Resnick.

GENERAL LEAVE

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks in the RECORD on the life, character, and service of the late Honorable Joseph Y. Resnick.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE PROGRAM AGAINST CRIME

(Mr. MEEDS asked and was given permission to address the House for 1 minute.)

Mr. MEEDS. Mr. Speaker, it is becoming increasingly frequent that we rise in the morning and pick up a newspaper and find some member of the administration blasting the Congress for feet-dragging or going slow with the legislative program.

I refer to this morning's article in the Washington Post in which the Attorney General has blasted the Congress for its failure and for stalling on the administration's crime program. I should like to report to the Attorney General that we are moving in this area.

If he were aware, he would know this morning the House Committee on Education and Labor reported out the Drug Abuse Education Act of 1969, which is being supported by over 80 Members of the House.

I would certainly agree with the Attorney General that in the area of crime the increase in the field of drugs and narcotics is probably the most alarming. As a matter of fact, the increase over the last 8-year period is more than twice that of any other area of crime. We have a 344-percent increase in the narcotic and drug abuse crime field in the last 8 years, which is more than twice that of any single other crime. Most importantly and most seriously in the same period of time the crimes committed in the field of narcotics and drug abuse by young people under 18 years of age increased by 1,860 percent.

I am suggesting that the education bill which we passed out of the committee this morning may do more than a host of the crime bills the administration proposed to this Congress in dealing with this problem. I would suggest that the Attorney General, instead of throwing harpoons at the Congress, come up here and testify and lend his prestige and support to this type of legislation, as has been done, I suggest, by over 30 Members on the other side of the aisle. I would welcome his support for this legislation which I think will do more than anything thus far proposed by him.

PERSONAL ANNOUNCEMENT

(Mr. FUQUA asked and was given permission to address the House for 1 minute.)

Mr. FUQUA. Mr. Speaker, on Friday, October 3, 1969, due to a longstanding previous commitment in my congressional district, I was unable to vote on rollcall Nos. 198, 199, and 200. Had I been present, I would have voted "yea" on rollcall No. 198, "nay" on rollcall No. 199, and "yea" on rollcall No. 200.

THE PRESIDENT'S SCHEDULE

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was made aware of some remarks made in the RECORD by my colleague from Ohio (Mr. LUKENS) about me and about the President's schedule, in which he said I made it public. Actually, I took it off the wire. The White House made it public. The gentleman keeps calling me the well-traveled Congressman from Ohio. I would like to say to him that I have not traveled as much in 20 years as the President he has been defending has traveled in 9 months. The gentleman from Ohio (Mr. LUKENS), if he has the courage he says he does and the guts to run for the Senate, which he has been saying he is going to, will become well-traveled, too. He will travel back to Ohio next year to stay.

THE FLIGHT OF A CUBAN PLANE TO FLORIDA

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am sure that all Members of the House have read about the incident of the Cuban plane being flown into Florida without being picked up on radar, except for the time when the pilot of the plane went up high enough to see where he was so he could get to Florida easier.

I think it is interesting to note that we do have some fairly important installations in south Florida and in the southeastern part of our country. I might further note that Air Force I, the President's plane, was at the airport where this defecting Cuban landed. Yet the Defense Department spends $80 billion for the defense of this Nation and we are not even protected from a plane from Cuba, only 90 miles away.

Now, I am going to suggest and urge in writing—and I hope other Members will join me—that the Armed Services Committee investigate this situation where the southeastern part of this country has no defense, in effect, when planes can come in at 30 or 40 feet and not even alert any of our aircraft to get out to meet them or do anything about it. The pilot of the defecting Cuban plane simply wiggled the wings of his plane and they let him come right in, not knowing whether he had a bomb or anything else in his plane. The President's plane was sitting right there at that airfield and the President himself was at Key Biscane. It is an absurd situation and something ought to be done. For $80 billion our defense system should alert and protect us from planes flying in from Cuba—particularly when our President is in Florida.

HOUSE ACTION ON THE ABM REPRESENTS NO GREAT VICTORY FOR THE ADMINISTRATION

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, yesterday the gentleman from Michigan, the distinguished minority leader, claimed that the teller vote Thursday and the recommittal motion Friday on the ABM question represented great victories for the administration and he chided the press for not describing them as great victories.

As far as the recommittal vote was concerned, it could just be that the press recognized that motion for what it was—a phony trick designed to confuse rather than enlighten the American people.

No less an authority than the gentleman who made that motion Friday described it in Sunday's Milwaukee Journal by saying:

> It was just a parliamentary gimmick.

I commend the gentleman from Wisconsin (Mr. O'KONSKI) for his candor on this matter, but I would respectfully suggest to the gentleman from Michigan that when he seeks to rely on such a transparent and artificially contrived motion to falsely inflate congressional support for ABM deployment, he is leaning on a mighty weak reed. He is revealing the growing weakness of his own position and is contributing little to public understanding of the issue at hand in this House. Far from being a victory for the Nixon administration or anyone else, that sleight-of-hand motion was really a defeat for the public's right to understand what is going on in the House.

PROPOSAL TO TAKE EXPORT-IMPORT BANK OUT OF FEDERAL BUDGET

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASSMAN. Mr. Speaker, I understand there is a proposal to take the operation of the Export-Import Bank out of the Federal budget and out from under the control of the Congress.

History is replete that the Banking and Currency Committee and the Committee on Appropriations of the House, and their counterparts in the Senate, have without exception given the Export-Import Bank all the authority they requested. It has been my privilege to chair the subcommittee that has handled this item for years, and without exception we have recommended approval of all authority for spending they ever requested.

It would appear that recently we may have acquired some thinskinned administrators in the Export-Import Bank who seem resentful of being asked questions.

This new proposal appears to be another effort to further fragmentize foreign aid and assistance. Only in this instance, the bureaucrats hope to completely bury this item, taking it out of the budget, away from the legislative committees, the Committees on Appropriations, and the Congress.

In other words, they want to operate carte blanche. I have spoken to 15 Members of this body about this proposal and not one of them could give any reason why the Export-Import Bank should be removed from control of the Congress.

Since this new approach is being proposed, I believe it is time to mention that the Export-Import Bank is becoming more loose in its operation. There is the regular window for the normal type of loans that have been approved for years. Window No. 2 provides for industrial loans up to 25 years. Window No. 3 lowers the credit criteria, and even makes provision to charge off weak credits.

Maybe our committee has been too lenient and it is time to reappraise the Export-Import Bank before they outsmart themselves and get into trouble.

PERMISSION FOR SPECIAL SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, COMMITTEE ON PUBLIC WORKS, TO SIT DURING GENERAL DEBATE TODAY

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Economic Development of the Committee on Public Works may be permitted to sit during general debate today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON MECHANICAL AND ELECTRICAL EQUIPMENT, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT DURING GENERAL DEBATE TODAY

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Mechanical and Electrical Equipment of the Committee on House Administration be allowed to sit during general debate this afternoon.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HOUSE MOVING LEGISLATION ON EVERY LEVEL

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANNA. Mr. Speaker, over a month ago I indicated in the well of this House that we would probably see quite a bit of publicity about the 91st being a "do nothing Congress." Already the charge is being leveled. In yesterday's paper we were accused of "dragging our feet."

I said before, and I say it again; this

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has been a very active Congress so far as the House of Representatives is concerned.

I do not know how you feel about it, but I am getting a little bit tender about being the target of these unfair brickbats. I find it irksome that the House is rarely given credit, despite the fact that the real legislative work is going on in this Chamber.

Whenever anyone is given credit for any great happening in Congress the source of that happening is always attributed to the other body.

I think there ought to be a little discrimination on the part of the pundits in the terms of who is doing what and where the foot dragging is, if it is anyplace.

You and I both know that we are extremely busy in our committees and we have very important legislation moving on every level. I would just hope that the press would take note that if there is going to be some discrimination in passing out the brickbats then let there also be some discrimination exercised as to who gets all the credit.

I have always said, if you want to be in the limelight, you ought to take the tomatoes as well as the applause. Let the other body take note and may the press mark well.

REREFERRAL OF H.R. 14186, LICENSING OF PERSONNEL ON CERTAIN VESSELS

Mr. BURKE of Massachusetts. Mr. Speaker, on behalf of the gentleman from Arkansas (Mr. Mills) I request unanimous consent that the bill H.R. 14186, to provide for the licensing of personnel on certain vessels, which was referred to the Committee on Ways and Means on October 3, 1969, be rereferred to the Committee on Merchant Marine and Fisheries.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ANTITRUST ENFORCEMENT, SELECT COMMITTEE ON BUSINESS, TO SIT DURING GENERAL DEBATE TODAY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Antitrust Enforcement of the Small Business Committee of the House of Representatives be permitted to sit today, tomorrow, and the following day for purposes of taking testimony during general debate in the House.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

Mr. HALL. Mr. Speaker, I will be constrained to object to scheduling committee meetings in advance of the schedule of the House. I have no objection to the committee sitting, at the request of my friend, the gentleman from Michigan, today. If he would amend his unanimous-consent request accordingly, I would not object.

Mr. DINGELL. Mr. Speaker, I respectfully defer to the gentleman's suggestion. I think it is a sound one. I ask unanimous consent that the Special Subcommittee on Antitrust Enforcement of the House Small Business Committee be permitted to sit this afternoon during general debate.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

UNEMPLOYMENT AND THE NIXON ADMINISTRATION

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, administration spokesmen appear today to be in a state of jubilation with the announcement that the rate of unemployment has increased to 4 percent, which is the most critical rise in 8 years. What kind of planning is that? How can the deliberate creation of misery for so many serve to reduce interest rates, the cost of consumer goods, and the impact of inflation?

FUNDING OF EDUCATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the gentleman from California (Mr. Cohelan) a few moments ago said that he asked a significant number of Members of this House to join in a resolution calling for amending the continuing resolution so as to provide for an expenditure in the Office of Education consistent with the level passed by the House when we considered the HEW appropriation bill, as against the level of last year's appropriation called for in the continuing resolution.

Our HEW subcommittee hearings ran from the latter part of January through the month of May, some 4 months. In the other body, I think it should be noted, somewhat in line with the remarks of the gentleman from California (Mr. Hanna) that body has not even begun hearings on the HEW appropriation. Here we are, nearly one-third of the way through the new fiscal year, and they have not even gotten around to holding hearings in the other body on some of these appropriation bills. As of this moment we have enacted only one of the 13 regular appropriation bills into law.

That is why I am introducing a bill today to make the fiscal year coincide with the calendar year, and I shall take a special order for this evening to speak on the subject of making this change.

LUXURIES CAN BE CUT FROM DEFENSE ESTABLISHMENT

(Mr. ZWACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZWACH. Mr. Speaker, while I voted in favor of the military procurement authorization bill, H.R. 14000, may the Record show that I supported amendments that would have cut over $2 billion from the military spending.

It is my belief, after long study and observation, that the Defense Establishment could absorb that much of a cut and still make enough improvements in operations so that our military effort would not be impeded.

Currently, I believe there are too many inefficiencies, that this is too much of a champagne-limousine operation. We can cut the luxuries without hurting our efforts in the field.

The people want and are entitled to lean, efficient operation in all areas of Government. Congress must assert itself and give the people this type of economy. We are untrue to our trust if we do any less.

PROFESSOR HUMPHREY'S "LECTURE IN ECONOMICS"

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, it seems former Vice President Hubert Humphrey is taking his role as a college professor seriously. For example, take note of his recent "Lecture in Economics" given to the boys at "AFL–CIO U."

Professor Humphrey has quite a bit to say as he tries to blame our Nation's problems on the Nixon administration. The current inflation and high interest rates, he says, are all the Nixon administration's fault. It is the present administration that is holding back the good guys at "AFL–CIO U," he charges. The evil administration is in cahoots with the fat cats in the corporation board rooms, he says, and also with those nasty Southern Republicans.

But as a professor, Mr. Humphrey has forgotten something that any first-year economics student can tell you—there is a timelag of around 18 months for economic policy to really set in. Had it not been for the expansionary money policies of the Johnson-Humphrey administration we would not be in the situation which is facing us today. Yes, professor, the fire was started 4 or 5 years ago and you helped hold the match. Fortunately, President Nixon is pursuing a course that will bring us back on the right track in the economy. Thank goodness we have a firefighter in the White House for a change.

So, Professor Humphrey, do not mislead the boys at "AFL–CIO U." Tell them the truth. The spend and tax and spend policies followed by your administration have brought on the present inflationary spiral. And I do not think the people are going to let you forget it.

SENATE MINORITY LEADER MAY WANT TO RECONSIDER HIS "TURN ON HEADLIGHTS" PROPOSAL FOR "MORATORIUM WEDNESDAY"

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, I notice that the minority leader of the other body has proposed that next Wednesday, on Moratorium Day, all those people who support this administration turn on their headlights as a symbol of support. It occurs to me he may want to reconsider that proposal, for up where I come from, we turn on our car headlights on during the day to identify a funeral cortege.

I would not want to believe that the minority leader wants to bury this administration quite so soon, even though it has not addressed itself to most of our problems of the day.

PRIVATE CALENDAR

The **SPEAKER**. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERENCE OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 86, referring the bill (H.R. 1691) to the chief commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CAPT. MELVIN A. KAYE

The Clerk called the bill (H.R. 1453) for the relief of Capt. Melvin A. Kaye.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ROBERT G. SMITH

The Clerk called the bill (H.R. 3723) for the relief of Robert G. Smith.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TO INCORPORATE THE PARALYZED VETERANS OF AMERICA

The Clerk called the bill (H.R. 1783) to incorporate the Paralyzed Veterans of America.

There being no objection, the Clerk read the bill, as follows:

H.R. 1783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, to wit: Burton Little, Chickasaw, Alabama; Tom Goggin, Phoenix, Arizona; Leonard Chrysler, Los Altos, California; Wayne L. Capson, Garden Grove, California; George Boschet, Silver Spring, Maryland; Robert Classon, New York, New York; Edward G. Maxwell, Miami, Florida; Claude C. Beckham, Irmo, South Carolina; Benny Tschetter, Sioux Falls, South Dakota; Frederick T. Gill, Valley Station, Kentucky; Lee M. Gresham, Wixom, Michigan; Conrad M. Standinger, Memphis, Tennessee; Curley Gullet, Denver, Colorado; Charles Swartz, Marblehead, Massachusetts; Bolivar Rivera, Rio Pedras, Puerto Rico; James Schwiem, Pasadena, Texas; Robert T. Kiggins, Pittsburgh, Pennsylvania; Glenn E. Mayer, Hines, Illinois; John Novak, Richmond, Virginia; and such other persons as are members of the Paralyzed Veterans of America, and their associates and successors, are hereby created and declared to be a body corporate by the name of Paralyzed Veterans of America (hereinafter referred to as the "corporation").

Sec. 2. The persons named in the first section of this Act, or their successors, are hereby authorized to complete the organization of the corporation by the selection of officers, the adoption of a constituion and bylaws, and the doing of such other acts as may be necessary for such purpose.

Sec. 3. The objects and purposes of the corporation shall be—

(a) to preserve the great and basic truths and enduring principles upon which this Nation was founded;

(b) to form a national association for the benefit of persons who have suffered injuries or diseases of the spinal cord;

(c) to acquaint the public with the needs and problems of paraplegics;

(d) to promote medical research in the several fields connected with injuries and diseases of the spinal cord, including research in neurosurgery and orthopedics and in genitourinary and orthopedic appliances; and

(e) to advocate and foster complete and effective reconditioning programs for paraplegics, including a thorough physical reconditioning program, physiotherapy, competent walking instructions, adequate guidance (both vocational and educational), academic and vocational education (both in hospitals and in educational institutions), psychological orientation and readjustment to family and friends, and occupational therapy (both functional and diversional).

Sec. 4. The corporation shall have perpetual succession and shall have power—

(a) to sue and be sued;

(b) to acquire, hold, and dispose of such real and personal property as may be necessary to carry out the corporate purposes;

(c) to make and enter into contracts;

(d) to accept gifts, legacies, and devices which will further the corporate purposes;

(e) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject in every case to all applicable provisions of Federal and State law;

(f) to adopt and alter a corporate seal;

(g) to establish, regulate, and discontinue subordinate State and regional organizations and local chapters or posts;

(h) to choose such officers, representatives, and agents as may be necessary to carry out the corporate purposes;

(i) to establish and maintain offices for the conduct of the affairs of the corporation;

(j) to adopt and alter a constitution and bylaws not inconsistent with law;

(k) to publish a newspaper, magazine, or other publications;

(l) to adopt and alter emblems and badges; and

(m) to do any and all acts and things necessary and proper to accomplish the objects and purposes of the corporation.

Sec. 5. The corporation shall have no power to issue capital stock or engage in business for pecuniary profit or gain.

Sec. 6. The corporation shall be nonpolitical and, as an organization, shall not furnish financial aid to, or otherwise promote the candidacy of, any person seeking public office.

Sec. 7. Any American citizen shall be eligible for membership in the corporation who was regularly enlisted, inducted, or commissioned, and who was accepted for, or was on, active duty in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or our allies. Service with the Armed Forces must have been terminated by discharge or separation from service under conditions other than dishonorable: *Pro-*

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vided, however, That persons otherwise eligible for membership who are on active duty or who must continue to serve after the cessation of hostilities are also eligible for membership: *And provided further*, That membership shall be limited to such persons as have suffered spinal cord injuries or diseases whether service connected or nonservice connected in origin.

Sec. 8. The headquarters and principal place of business of said corporation shall be located in the District of Columbia, but the activities of said organization, as set out herein, shall not be confined to said city, but shall be conducted throughout the several States and any territory or possession of the United States.

Sec. 9. In the event of a final dissolution or liquidation of such corporation, and after the discharge or satisfactory provisions for the discharge of all its liabilities, the remaining assets of the said corporation shall be transferred to the Veterans' Administration to be applied to the care and comfort of paralyzed veterans.

Sec. 10. The corporation and its State and regional organizations and local chapters or posts shall have the sole and exclusive right to have and use in carrying out its purposes the name "Paralyzed Veterans of America," and such seals, emblems, and badges as the corporation may lawfully adopt.

Sec. 11. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, executive committee, and committee, having any of the authority of the executive committee; and shall keep at its registered office or principal office a record giving the names and addresses of its members entitled to vote; and permit all books and records of the corporation to be inspected by any member or his agent or his attorney for any proper purpose at any reasonable time.

Sec. 12. As a condition precedent to the exercise of any power or privilege herein granted or conferred, the corporation shall file in the office of the Secretary of each State or of any territory or possession of the United States, in which organizations, chapters, or posts may be organized, the name and post office address of an authorized agent upon whom local process or demands against the corporation may be served.

Sec. 13. Such provisions, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are hereby granted and accrue to the Paralyzed Veterans of America.

Sec. 14. The right to alter, amend, or repeal this Act is hereby expressly reserved.

With the following committee amendments:

On page 7, after line 2, insert the following new sections:

"Sec. 14. (a) No part of the income or assets of the corporation shall inure to any member, director, officer, or employee of the corporation or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers and employees of the corporation or to prevent their reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

"(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

"Sec. 15. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

"Sec. 16. The provisions of sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103), entitled "An Act to provide for audit of accounts of private corporations established under Federal law" shall apply with respect to the corporation."

On page 7, line 3, strike out "Sec. 14" and insert in lieu thereof "Sec. 17".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. IRENE G. QUEJA

The Clerk called the bill (S. 564) for the relief of Mrs. Irene G. Queja.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DELILAH AURORA GAMATERO

The Clerk called the bill (H.R. 2817) for the relief of Delilah Aurora Gamatero.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM PATRICK MAGEE

The Clerk called the bill (H.R. 9001) for the relief of William Patrick Magee.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (S. 901) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri.

There was no objection.

MILOYE M. SOKITCH

The Clerk called the bill (H.R. 3571) for the relief of Miloye M. Sokitch.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERRING JURISDICTION ON CLAIM OF PHILIP J. FICHMAN

The Clerk called the bill (H.R. 10658) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LT. COL. SAMUEL J. COLE, U.S. ARMY, RETIRED

The Clerk called the bill (S. 267) for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired).

There being no objection, the Clerk read the bill as follows:

S. 267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lieutenant Colonel Samuel J. Cole, United States Army (retired), is hereby relived of all liability for repayment to the United States of the sum of $10,322.59, representing the amount

of overpayments of retired pay received by the said Lieutenant Colonel Samuel J. Cole, for the period from August 15, 1947, through September 30, 1964, as a result of administrative error in the computation of his creditable service for pay purposes less the amount due under the Act of April 14, 1966 (80 Stat. 120). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Lieutenant Colonel Samuel J. Cole, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

(b) No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, line 12, before "shall" insert "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table .

RICHARD VIGIL

The Clerk called the bill (S. 620) for the relief of Richard Vigil.

There being no objection, the Clerk read the bill as follows:

S. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Richard Vigil, of Denver, Colorado, in full satisfaction of all claims of the said Richard Vigil against the United States for personal injuries suffered by him, including the loss of his right arm, when he accidentally exploded a projectile, property of the United States, found near the boundary of Camp Hale, a United States Army base located in Leadville, Colorado, the said Richard Vigil having been eleven years of age at the time such accident occurred: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RAYMOND C. MELVIN

The Clerk called the bill (S. 632) for the relief of Raymond C. Melvin.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CAPT. WILLIAM O. HANLE

The Clerk called the bill (S. 882) for the relief of Capt. William O. Hanle.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REFERENCE OF CLAIMS OF BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called House Resolution 498, to refer the bill (H.R. 4498) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the chief commissioner of the court of claims pursuant to sections 1492 and 2509 of title 28, United States Code.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

COMDR. JOHN N. GREEN, U.S. NAVY

The Clerk called the bill (H.R. 2477) for the relief of Comdr. John N. Green, U.S. Navy.

There being no objection, the Clerk read the bill, as follows:

H.R. 2477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Commander John N. Green, United States Navy, of Santa Barbara, California, is hereby relieved of all liability to repay to the United States the sum of $8,079.55, representing overpayments of active duty compensation received by him for the period from June 1, 1951, through June 30, 1967, while he was serving as a member of the United States Navy, such overpayments having been made through administrative error in overcrediting service to Commander Green and the computation of his pay on the basis of the overcredited service.

Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Commander John N. Green, an amount equal to the aggregate of the amounts paid by him or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section.

Sec. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. BARBARA K. DIAMOND

The Clerk called the bill (H.R. 2963) for the relief of Mrs. Barbara K. Diamond.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PEDRO IRIZARRY GUIDO

The Clerk called the bill (H.R. 5000) for the relief of Pedro Irizarry Guido.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. CÓRDOVA. Mr. Speaker, I object and ask that this bill be now considered.

The SPEAKER. Objection is heard.

The Chair will state to the gentleman that it requires two objections.

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Two objections are heard and, under the rule, the bill is recommitted to the Committee on the Judiciary.

BERT N. ADAMS AND EMMA ADAMS

The Clerk called the bill (H.R. 7567) for the relief of Bert N. Adams and Emma Adams.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11500) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 12089) for the relief of Rose Minutillo.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MAJ. LOUIS A. DEERING, U.S. ARMY

The Clerk called the bill (H.R. 11968) for the relief of Maj. Louis A. Deering, U.S. Army.

There being no objection, the Clerk read the bill as follows:

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H.R. 11968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major Louis A. Deering, United States Army, the sum of $10,516.45, in full satisfaction of all claims of the said Major Louis A. Deering against the United States for reimbursement for the loss of household goods and personal effects which were destroyed by fire on August 31, 1966, while stored pursuant to official Army orders, the payment of such sum to be in addition to any amount paid to the said Major Louis A. Deering for such losses under the Act entitled "An Act to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes", approved August 31, 1964, as amended (31 U.S.C. 240–243): *Provided* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 6, strike "$10,516.45" and insert "$2,147.77".

On page 2, line 9, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

IRVING M. SOBIN CO., INC., AND/OR IRVING M. SOBIN CHEMICAL CO., INC.

The Clerk called the bill (H.R. 1782) for the relief of Irving M. Sobin Co., Inc., and/or Irving M. Sobin Chemical Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

OPPOSING THE GRANTING OF PERMANENT RESIDENCE IN THE UNITED STATES TO CERTAIN ALIENS

The Clerk called House Resolution 422, opposing the granting of permanent residence in the United States to certain aliens.

There being no objection, the Clerk read the resolution, as follows:

H. Res. 422

Resolved, That the House of Representatives does not approve the granting of permanent residence in the United States to the aliens hereinafter named in which cases the Attorney General has submitted reports to the Congress pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended:

A–10259610, Latkovic, Ivan.
A–11058037, Strucic, Vladimir.
A–12261443, Amooi, Mohammed Ali.
A–13688535, Amooi, Sedighe Hanhai.
A–11668123, Pecarina, Luka.
A–8227620, Clagnaz, Giorgio.
A–10036589, Roach, George; also known as Rock, George.
A–15419777, Moulagiannis, Dmitrios T.
A–11067196, Pavlovic, Marko.
A–10809814, Mavrovich, Miro.
A–11716558, Puentes-Rivera, Antonio.
A–11505560, Sovich, Stefano.
A–11769844, Yamada, Isao.
A–13550392, Yamada, Mitsu.
A–13550393, Yamada, Katsumi.
A–10867201, Pecksan, Tann.
A–11397361, Yee, Kwok Chew; also known as Yee, Tow.
A–17065005, Ching, Leung.
A–11551885, Ging, Leong Moy; also known as Ging Sze Chin.
A–10523525, Osorio-Rodriquez, Wilfrido.
A–15960509, Sciandrello, Nunzio.
A–11770429, Wong, Suzanne.

AMENDMENT OFFERED BY MR. FEIGHAN

Mr. FEIGHAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Feighan: On page 2, strike out all of line 14 and substitute in lieu thereof the language "A–17–065–000, de Cazares, Maria Petra Gutierrez."

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MR. AND MRS. WONG YUI

The Clerk called the bill (S. 92) for the relief of Mr. and Mrs. Wong Yui.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JOHN (GIOVANNI) DENARO

The Clerk called the bill (S. 265) for the relief of John (Giovanni) Denaro.

There being no objection, the Clerk read the bill as follows:

S. 265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, John (Giovanni) Denaro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 23, 1962.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. KONSTANTINOS NICHOLAOS BABALIAROS

The Clerk called the bill (S. 330) for the relief of Dr. Konstantinos Nicholaos Babaliaros.

There being no objection, the Clerk read the bill as follows:

S. 330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Dr. Konstantinos Nicholaos Babaliaros shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 27, 1962.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICKOLAS GEORGE POLIZOS

The Clerk called the bill (S. 1110) for the relief of Nickolas George Polizos.

There being no objection, the Clerk read the bill as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Nickolas George Polizos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 16, 1957.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUG FOO WONG

The Clerk called the bill (S. 2019) for the relief of Dug Foo Wong.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

OPPOSING THE GRANTING OF PERMANENT RESIDENCE IN THE UNITED STATES OF CERTAIN ALIENS

The Clerk called House Resolution 540, opposing the granting of permanent residence in the United States of certain aliens.

There being no objection, the Clerk read the resolution, as follows:

H. Res. 540

Resolved, That the House of Representatives does not approve the granting of permanent residence in the United States to the aliens hereinafter named in which cases the Attorney General has submitted reports to the Congress pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended:

A–14–682–298, Chin, Hoo, presently known as Howard H. Chin.
A–8–952–474, Ping, Lew Yim, now known as Mrs. Woo.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SA CHA BAE

The Clerk called the bill (H.R. 4560) for the relief of Sa Cha Bae.

There being no objection, the Clerk read the bill, as follows:

H.R. 4560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Sa Cha Bae shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROGELIO TABHAN

The Clerk called the bill (H.R. 5106) for the relief of Rogelio Tabhan.

There being no objection, the Clerk read the bill as follows:

H.R. 5106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Rogelio Tabhan may be considered to be the son of Mrs. Araceli T. Pixler and a petition filed by her in his behalf may be approved pursuant to section 204 of the Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Rogelio Tabhan may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition filed in his behalf by Mrs. Araceli T. Pixler may be approved pursuant to section 204 of the Act: *Provided,* That the natural parents, brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KONG WAN NOR

The Clerk called the bill (H.R. 5936) for the relief of Kong Wan Nor.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LIDIA MENDOLA

The Clerk called the bill (H.R. 10156) for the relief of Lidia Mendola.

There being no objection, the Clerk read the bill as follows:

H.R. 10156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lidia Mendola may be classified as a child within the meaning of section 101(b)(1)(E) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Giuseppa Mendola, pursuant to section 204 of the Act.

On page 1, at the end of line 7, strike out "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary, shall not, by virtue of such relationship, be accorded, any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PANAGIOTIS, GEORGIA, AND CONSTANTINA MALLIARAS

The Clerk called the bill (H.R. 6600) for the relief of Panagiotis, Georgia, and Constantina Malliaras.

There being no objection, the Clerk read the bill as follows:

H.R. 6600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Panagiotis, Georgia, and Constantina Malliaras shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct three numbers from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, line 10, after the words "the proper", strike out the remainder of the bill and insert in lieu thereof, the following: "officer to deduct three numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAYTON COUNTY JOURNAL AND WILBER HARRIS

The Clerk called the bill (H.R. 1703) for the relief of the Clayton County Journal and Wilber Harris.

There being no objection, the Clerk read the bill, as follows:

H.R. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clayton County Journal of Jonesboro, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $1,506.49, representing additional postage due on copies of such Journal mailed during the period from January 1967, through July 1967, as a result of the assessment of postage at incorrect rates by officials of the Post Office Department.

Sec. 2. Wilbert Harris, of Jonesboro, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $1,506,49, representing the amount of a postage deficiency charged his account as postmaster of Jonesboro, Georgia, for failure to collect the correct postage from the Clayton County Journal.

Sec. 3 (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Clayton County Journal and Wilber Harris the sum of any amounts received from them on account of the postage deficiency referred to in the first and second sections of this Act.

(b) No part of any amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TIMOTHY L. ANCRUM (ALSO KNOWN AS TIMMIE ROGERS)

The Clerk called the bill (H.R. 3590) for the relief of Timothy L. Ancrum (also known as Timmie Rogers).

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ELGIE L. TABOR

The Clerk called the bill (H.R. 9591) for the relief of Elgie L. Tabor.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

J. BURDETTE SHAFT AND JOHN S. AND BETTY GINGAS

The Clerk called the bill (H.R. 9906) for the relief of J. Burdette Shaft and John S. and Betty Gingas.

There being no objection, the Clerk read the bill, as follows:

H.R. 9906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That J. Burdette Shaft, postmaster, and John S. and Betty Gingas, copublishers of the Leslie Local-Republican, of Leslie, Michigan, are relieved of liability to the United States in the amount of $1,363.42, an amount claimed to be due by the Post Office Department for revenue deficiencies resulting from errors in

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postage on second-class material at the post office at Leslie, Michigan, in the period from March 10, 1966, to May 25, 1967.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Burdette Shaft an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John S. and Betty Gingas an amount equal to the aggregate of the amounts paid by them, or withheld from sums otherwise due them, with respect to the indebtedness to the United States specified in the first section of this Act.

(c) No part of the amount appropriated in subsections (a) or (b) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JIMMIE KAZU UYEMURA AND OTHERS

The Clerk called the bill (H.R. 13183) for the relief of Jimmie Kazu Uyemura and others.

There being no objection, the Clerk read the bill, as follows:

H.R. 13183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,511 to be equally divided among the following individuals:

(1) Jimmie Kazu Uyemura, Stockton, California.

(2) Jean Tomoye Isozaki, Stockton, California.

The payment of the pro rata share provided for in this Act to each individual in clause (1) or (2) shall be full settlement of all claims of the recipient against the United States arising out of the vesting by the United States (pursuant to vesting order number 17260, dated January 26, 1951, issued under the Trading With the Enemy Act) of the proceeds of life insurance policy numbered 392581 issued by the West Coast Life Insurance Company, San Francisco, California, on the life of the late Tadashige Uyemura. No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 4, after "treasury", insert "remaining in the War Claims Fund and".

Page 1, lines 5 through 10, strike "be equally divided among the following individuals: (1) Jimmie Kazu Uyemura, Stockton, California. (2) Jean Tomoye Isozaki, Stockton, California. The payment of the pro rata share provided for in this Act to each individual named in clause (1) or (2) shall be" and insert "the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife,".

Page 1, line 11, strike "of the recipient".

Page 2, line 8, strike "in excess of 10 percentum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife."

A motion to reconsider was laid on the table.

MR. AND MRS. JOSEPH E. BEGNOCHE

The Clerk called the bill (H.R. 13218) for the relief of Mr. and Mrs. Joseph E. Begnoche.

There being no objection, the Clerk read the bill, as follows:

H.R. 13218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the national service life insurance upon the life of the late Ernest H. Begnoche, who died on November 28, 1942, shall be held and considered to have been in effect in the amount of $10,000 at the time of his death. Any payments made by reason of the enactment of this Act shall be made out of the national service life insurance appropriation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REFERENCE OF CLAIM OF JOHN S. ATTINELLO

The Clerk called House Resolution 533, to refer the bill (H.R. 3722) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2059 of title 28, United States Code, as amended.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SANBORN LUMBER CO., INC.

The Clerk called the bill (H.R. 6402) for the relief of the Sanborn Lumber Co., Inc.

There being no objection, the Clerk read the bill, as follows:

H.R. 6402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of section 2680 of title 10, United States Code, the Secretary of the Army is authorized and directed to receive, consider, and act upon any claims of the Sanborn Lumber Company, Incorporated, of Chapman, Kansas, against the United States filed within one year after the date of enactment of this Act, for reimbursement of the amount of expenses and other losses and damages incurred in resettlement as a result of its displacement in connection with the acquisition of land (tracts numbered 1358 and 1359) due to the construction of Milford Dam and Reservoir, Kansas, as if such claims had been filed in the time and manner provided in such section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ROSTENKOWSKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 206]

Abbitt
Albert
Ashley
Berry
Bingham
Brasco
Brock
Brooks
Brown, Calif.
Burton, Utah
Cahill
Carey
Casey
Clark
Clay
Cunningham
Dawson
Denney
Diggs
Foreman
Goldwater
Green, Oreg.
Halpern
Harrington
Hastings
Hébert
Howard
Karth
Kirwan
Kluczynski
Landgrebe
Lipscomb
McClure
Mann
Meeds
Michel
Murphy, N.Y.
Pelly
Pepper
Perkins
Powell
Rees
Reuss
Rhodes
Rosenthal
St. Onge
Scheuer
Schneebeli
Smith, N.Y.
Stokes
Stuckey
Teague, Calif.
Teague, Tex.
Tunney
Whalley
Yatron

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON S. 2546, AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, 1970, AND RESERVE STRENGTH

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, with House

amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

The Chair hears none, and appoints the following conferees: Messrs. RIVERS, PHILBIN, HÉBERT, PRICE of Illinois, FISHER, BENNETT, STRATTON, ARENDS, O'KONSKI, BRAY, BOB WILSON, and GUBSER.

RESIGNATION FROM THE COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from a committee:

OCTOBER 7, 1969.

Hon. JOHN W. MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It has been an honor and a privilege to serve with the many fine men who are members of the District of Columbia Committee on which I have served since becoming a Member of Congress.

In addition, I have found the many problems coming before our Committee very challenging, particularly when viewed as a reflection of the problems of cities all over our country.

However, I wish to resign from the Committee on the District of Columbia effective today.

Sincerely,

SAM STEIGER.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON BANKING AND CURRENCY

The SPEAKER laid before the House the following resignation from a committee:

OCTOBER 7, 1969.

Hon. JOHN W. MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It has been a privilege and an honor for me to work with the many members of the Committee on Banking and Currency during the first nine months of the 91st Congress. My association with and participation in the deliberations of this group will always remain a pleasant and rewarding experience.

However, I wish to submit my resignation from the Committee on Banking and Currency, effective today.

Sincerely yours,

J. GLENN BEALL, Jr.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO STANDING COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 570) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 570

Resolved, That the following named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Armed Services: J. Glenn Beall, Jr., of Maryland.

Committee on District of Columbia: Vernon W. Thomson, of Wisconsin.

Committee on Government Operations: Sam Steiger, of Arizona.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 475 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 475

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10878) to authorize appropriations for activities of the National Science Foundation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL) for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may need, and at the conclusion of my remarks will yield to the gentleman from California (Mr. SMITH) 30 minutes.

DISPENSING WITH BUSINESS IN ORDER UNDER CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman.

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule tomorrow be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

Mr. O'NEILL of Massachusetts. Mr. Speaker, House Resolution 475 provides an open rule with 1 hour of general debate for consideration of H.R. 10878 to authorize appropriations for activities of the National Science Foundation, and for other purposes.

H.R. 10878 authorizes an appropriation for the National Science Foundation for fiscal year 1970 in the amount of $477,605,000 and provides that, when specified in an appropriation act, amounts appropriated may remain available without fiscal year limitation.

The bill allows the use of counterpart funds up to $3 million to be authorized for expenses incurred outside the United States, to be spent in foreign countries to support programs in the interest of improving international relations through scientific endeavor.

The bill requires that the Director of the National Science Foundation keep the House and Senate committees informed of all activities.

Mr. Speaker, I urge the adoption of House Resolution 475 in order that H.R. 10878 may be considered.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, as stated by the distinguished gentleman from Massachusetts, this resolution, House Resolution 475, does provide an open rule with 1 hour of debate for consideration of H.R. 10878, which is an authorization for the National Science Foundation.

The purpose of the bill is to authorize for fiscal 1970 appropriations totaling $477,605,000 for the National Science Foundation. Additionally, out of foreign currencies held by the Treasury which the Department determines to be in excess of the normal requirements of the Government, the Foundation is authorized to have appropriated $3 million for use in its operations outside the United States.

There are a number of separate broad National Science Foundation programs which will be funded from the authorization which are spelled out in great detail in the report. They include:

Support of scientific research	$249,300,000
Computing activities in education and research	22,000,000
Institutional support for science	74,000,000
Science education support	117,500,000
International cooperative scientific activities	2,000,000
Science information activities	13,000,000
Planning and policy studies	2,805,000
Program development and management	17,000,000

Each of the areas which the National Science Foundation either carries on itself or supports by grants and other assistance is part of the overall program, the goal of which is the general advancement of scientific knowledge in order to insure the continued scientific and technological strength of the United States. With such a broad program goal the Foundation necessarily covers an extremely broad field in its assistance and grant programs—$191 million is earmarked for the scientific research project support program which supports scientific research in a number of broad scientific areas including physics, chemistry, astronomy, oceanography, biology, engineering, and the social sciences.

Many of these grants go to universities to assist skilled research technicians to pursue individual research projects

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which have been approved by the National Science Foundation for their probable future value. In addition, the institutional support for science program and science education program are both oriented toward upgrading and improving university and college scientific research technology and facilities.

With respect to the $3 million authorized to be paid by the Treasury out of excess foreign currencies, most of this is used for the translation and publication of scientific information and literature which is considered to be of critical interest to the U.S. scientific community.

Several requests by the Foundation were either reduced or deferred by committee action. A $10 million request to initiate a new interdisciplinary research program was reduced to $6 million by the committee. A $3.3 million request to resurface the Arecibo telescope was deferred until next year as was a $2 million request for construction of a new oceanographic ship. The committee believes both of these expenditures can be deferred at least 1 year.

The total authorization contained is for $480,605,000, including the $3 million in excess foreign currencies. This is within the budget figures recommended by the President. The National Science Foundation and the Bureau of the Budget support the bill.

There are no minority views.

Mr. Speaker, actually the House has already acted on the independent offices appropriation bill which contained funds for the National Science Foundation. A total of $420 million was appropriated. This included $418 million for the programs, salaries, and expenses; and $2 million in foreign currency for translating of foreign documents. Thus we have appropriated about $60 million less than this bill will authorize. The other body has not acted as yet.

Mr. Speaker, I urge adoption of the rule.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DADDARIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10878) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Connecticut.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10878, with Mr. CHARLES H. WILSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Connecticut (Mr. DADDARIO) will be recognized for 30 minutes and the gentleman from California (Mr. BELL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, the Committee on Science and Astronautics, on May 14, 1969, unanimously voted the bill before us today, H.R. 10878, which would authorize appropriations to the National Science Foundation in the amount of $477,605,000. In addition, this bill authorizes the NSF to spend overseas $3 million in excess foreign currencies for the translation of important scientific documents into English. Therefore, the total amount which would be provided by this bill for the Foundation's activities in fiscal 1970 is $480,605,000.

There is also $10 million already authorized by Public Law 89–688 for the national sea grant program, thus bringing NSF's total authorization for fiscal year 1970 to $490,605,000. The committee action reflects a reduction of $9.395 million below that recommended by the Nixon administration, the reductions involving two actual cuts and two deferrals which we would recommend action on in the future years.

Before presenting the substantive authorization picture for the National Science Foundation for fiscal 1970, I wish to make an observation concerning existing conditions that ought to affect our view of the matter.

The administration request for NSF for fiscal 1970 is $490 million, not including the $10 million sea grant program which is provided for independently. The House has passed an appropriations bill making available $420 million, including the sea grant program, which is $80 million less than requested, or a reduction of 16 percent. Meanwhile, the Senate has passed an authorization bill, which is now at the Speaker's table, authorizing the program as requested by the administration, plus $150,000 additional for the State-local policy planning program.

What we are supporting in this authorization of appropriations for the National Science Foundation is threefold. It is the sincere attempt, first, to foster the development of new scientific and engineering knowledge in the country; second, to develop within this new knowledge the kind of scientific and technical manpower needed by our modern and science-oriented society; and third, to foster the development and growth of institutions which will provide the education and training for this manpower.

The National Science Foundation, it should be noted, is by no means the largest supporter of scientific research among Federal agencies, but it has a distinctly broader statutory responsibility than any other agency to develop and maintain American science. This is the responsibility that Congress originally envisioned for the Foundation.

Earlier this year, when we held hearings on the NSF authorization, we heard from Dr. Philip Handler, who is President of the National Academy of Sciences and also is serving as Chairman of the National Science Board. His testimony included one quote which I believe to be particularly significant and which I would like to call to the attention of this body:

> In one set of actions the Federal Government did overtly and deliberately recognize the contribution which science had already made to our national life and which it was expected to make in the future—actions which seemingly were intended to assure that that contribution will be of the magnitude and quality commensurate with its recognized potential. I speak of the creation in 1950 of the National Science Foundation and those legislative acts which, since, have strengthened its Charter.

And yet, the National Science Foundation has never received the kind of financial support necessary to effectively fulfill this congressional mandate. Over the past several years appropriations for the National Science Foundation have remained at somewhat the same level. The appropriation level for the Foundation was almost $480 million in both fiscal years 1966 and 1967. In fiscal 1968 it climbed $15 million to $495 million. However, last year in fiscal 1969, appropriations were abruptly cut back to $400 million. And this leveling off of support does not, of course, even take into account the rapid rate of inflation which has plagued us all in recent years.

If we are to recognize the increasing demands for scientific and technical manpower in this country and extrapolate them into the amounts of moneys we have and the effect of inflation, we will come to recognize that the Foundation has had to do with much less money than it really needs in order to do its job effectively.

Today, we find ourselves also in a new period of adjustment, in which new attitudes toward the support of science and technology are being evidenced. This is something we should contemplate most seriously.

Just this morning, at hearings held before my own Subcommittee on Science, Research and Development on the question of the administration and management of our national science resources, Dr. Emanuel R. Piori, who is vice president of the IBM Corp. and who also serves on the National Science Board, was testifying. He said something which I believe to be particularly significant and relevant to my point. He said:

> American science is in a transitional period. The problem, as I see it, is whether we are to continue to be strong in this area or whether we will become a less important factor in the world scientific community. If the latter, ultimately our economy, our standard of living and our ability to deal, for example, with our environmental problems and the health of our people will diminish.

I do believe it is important for us to recognize that there is an adjustment taking place. Questions are being asked, for example, about the way in which the Defense Department and other mission-oriented agencies are supporting scientific research.

The point has often been made about the growing tendency of these many mission-oriented agencies and departments of government to relinquish support for some very important research programs because of the general budget squeeze—

and do so with the strong recommendation that these programs be picked up and funded by the National Science Foundation. Such programs, it is contended, are well worthy of support and are expected to be of great utility to them at some point in the future but, because of the need for more stringent priority, they must be dropped.

A prime example of this occurred on August 11 and 12 in the Senate, which was then dealing with the research budget of the Department of Defense. At that time the Senate identified some 280 behavioral research projects which they felt might better be supported by NSF, about 212 of which represent ongoing obligations of about $10 million. An amendment to the military procurement bill was added which would force the armed services to drop virtually any research project which did not have an immediate and apparent relationship to a specific military function or operation.

Meanwhile, the Science Foundation has already assumed or is being asked to assume approximately $19 million worth of important research efforts which the mission-oriented agencies have dropped in the past 4 years.

I bring this up because it is necessary for us, as we reflect on this subject, to understand that this $19 million which had been for work and programs which have been going on in other agencies was transferred over to the National Science Foundation without any commensurate increase in funds or transfer of funds from those particular agencies. The work was taken on because it was of particular importance to the country.

There may be a philosophical argument over the extent to which these mission-oriented agencies should support academic research—but the fact is, they have. And now they are pulling out. I do not wish to imply that such shifts, per se, are bad. Indeed, the changes in emphasis can be both healthy and constructive, as long as they are handled in a well-coordinated, judicious manner. The abrupt termination of support for ongoing research projects can cause, and is causing, irreparable harm to the research efforts and capabilities of many of the Nation's areas of scientific excellence.

Moreover, while the Executive and the Congress generally recognize the worth of such programs and want them supported by the appropriate science support agency—the National Science Foundation—this can hardly be done when the Foundation is not only not provided with additional funding capability but is denied a very considerable portion of the minimum budget requested.

The lack of any comprehensive national research policy or coordinated long-range planning effort is also of special concern. It is a concern that has been registered by many of the Nation's top scientists and educators at a number of hearings our subcommittee has held recently on the issue of centralization of Federal science activities.

Mr. Chairman, the value of the contributions of science and technology to the Nation's health, security, and general welfare are widely known and accepted. But while accepting these values, we must not take them for granted. Indeed, this means that we must maintain our commitment or otherwise suffer an erosion of the scientific enterprise which has been developed so laboriously and with such great benefit to the Nation.

The National Science Foundation has played and will continue to play a critically important role in developing and strengthening American science and technology. It has sought to carry out a variety of programs to develop new knowledge, to educate the scientific and technical manpower needed by a modern science-oriented society, and to foster institutions required for both these functions. To accomplish this mission, the Foundation annually awards grants, contracts, and fellowships to colleges and universities, nonprofit scientific organizations, and individual scientists, teachers, and students throughout all 50 States and District of Columbia.

The Foundation plans to use the proposed fiscal year 1970 authorization of $480,605,000—excluding sea grant funds—as follows: $239,300,000 for support of scientific research; $112,500,000 for science education; $69,000,000 for institutional support of colleges and universities; $22,000,000 for extending the use of computers in research and education; $18,000,000 for science information and international science activities; $17,000,000 for program development and management; and $2,805,000 for planning and policy studies.

BACKGROUND

This authorization bill for the National Science Foundation is the first such legislation under the terms of Public Law 90–407, which, passed in July 1968, revised the Foundation's organic act of 1950. I should also add that our committee did not propose annual authorization for the Foundation. The House and Senate themselves incorporated this requirement—and we concur in the wisdom of this move.

The Committee on Science and Astronautics reached its unanimous decision to recommend this bill to the House only after very careful consideration of the public record developed by the Subcommittee on Science, Research, and Development.

This subcommittee in carrying out the wishes of Congress conducted a most thorough and detailed review of the Foundation budget request.

Last fall, as soon as Chairman MILLER assigned the NSF authorization func- ity continued until mid-March of this tion to our Science Subcommittee, we began extended planning, spadework, background study, and conferences with Foundation personnel. This staff activ- year, when we opened hearings on the NSF budget for fiscal 1970.

Those hearings ran for 9 days, from March 17 through April 1. We called over 32 witnesses, including Dr. Leland J. Haworth, Director of the National Science Foundation; Dr. Philip Handler, Chairman of the National Science Board; and then president-elect of the National Academy of Sciences, and all of the Foundation's major program and division directors. In addition, seven outside witnesses were heard, representing other Federal agencies and laboratories as well as industry.

These hearings were followed by executive sessions of the subcommittee and much staff work. The subcommittee prepared over 130 multipart questions on NSF's program and 1970 budget, to which the Foundation provided detailed and complete responses. The record of these hearings also includes statements from interested persons representing State governments, the scientific community, the universities, and industry. The public record of the proceedings of this authorization runs about 1,400 pages.

I emphasize these details only to demonstrate how seriously the subcommittee has taken its authorization responsibilities.

From our authorization process has come a revised and, I believe, sensible authorization bill—one based on the knowledge and perception that long concentration permits—plus a definitive report which explains what this program is about, where it is strong, where it is weak, and the extent to which it appears worthy of congressional support.

I would also emphasize the great importance that President Nixon and his administration attaches to the program and mission of the National Science Foundation. On April 18, 1969, after completing its own budgetary review, the Nixon administration recommended to the Congress that the Foundation's budget remain at the $490 million level recommended by the previous administration. This was done not only in recognition of the critical role that the Foundation plays in maintaining our national scientific strength and preeminence, but also with the President's awareness of the unusually difficult financial position the Foundation is in.

COMMITTEE ACTIONS

The $480,605,000 authorization recommended by the Committee on Science and Astronautics includes two reductions and two deferrals totaling $9,545,000 and one addition of $150,000 for a total net reduction of $9,395,000. These actions are detailed in the committee report and I would refer you to pages 67 to 70 of that report.

Nonetheless, despite this recommended authorization it does not even restore the Foundation's funding to its level of 2 years ago, when its appropriation was $495 million. However, even with this amount, the NSF will have much less money in fiscal 1970 to support its programs of scientific research and education than it had in 1968. There are at least four reasons for this:

First, the increased complexity of scientific research, the attendant requirements for more sophisticated and expensive instrumentation and facilities, and the escalating costs of scientific and technical education and training bring new pressures to an already limited budget;

Second, the inflationary spiral of the economy places new strains upon the dollar and its purchasing power;

Third, the assumption of new responsibilities by the Foundation for support of scientific research activities formerly

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sponsored by other Federal agencies, totaling over $19 million in fiscal 1970 not only provides an erroneous and inflated picture of NSF's actual growth, but places other burdens on NSF's needed budgetary flexibility; and

Fourth, the rapid and increasing growth of graduate research and education in science and engineering creates new demands that must be met if this Nation is to maintain its scientific and technological edge and cope with its unmet needs and social problems.

Two decades ago, the Congress created the National Science Foundation in its great perception and wisdom. It recognized the essential importance of the development of science and technology to the future of this Nation. It foresaw its potential contribution to the very fabric of our American life. And it recognized the need to maintain the capabilities to meet the challenges of the future.

And still, we have yet to support the Foundation in a manner commensurate with both its potential contribution to society and in an amount requisite to meet the problems that face this Nation. It is, therefore, critical that the Congress resolve itself to support strongly the Foundation in which basic research is done so that science and technology can have its most beneficial effect upon our environment, our society, and the peoples of the world.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

The appropriation bill, as I recall, has already been passed; is that correct?

Mr. DADDARIO. The gentleman is correct, Mr. Chairman.

Mr. GROSS. I do not know whether I am correct in this or not, but points of order were waived on the appropriation bill, were they not?

Mr. DADDARIO. The gentleman will recall, Mr. Chairman, that we had a discussion about that at that time and I showed some concern about the fact that that had been done. Yes, that is so.

Mr. GROSS. Yes. That is the reason why the appropriation was passed before the authorization bill, but how does this compare with the appropriation, that is, the money figure in this bill? Is it the same as the appropriation?

Mr. DADDARIO. It is not. I might say to the gentleman, as I am sure he very well knows, this is not comparable to the figure that was included in the appropriation bill. As I recall it, it was some $420 million and it included the sea grant program. The net overall sum was $80 million less than was requested by this administration, or a cut of 16 percent.

Mr. GROSS. I must confess I really did not remember the figure and had not taken the time to look it up. The gentleman says the appropriation bill as approved by the House is some 16 percent less?

Mr. DADDARIO. $80 million less.

Mr. GROSS. Sixteen percent less in the appropriation. Is it anticipated that the committee will seek a supplemental to make up the difference between the amount authorized in this bill and the amount actually appropriated?

Mr. DADDARIO. Mr. Chairman, I cannot answer the gentleman's question as to what will happen. The fact is that, as the gentleman from California stated during the discussion on the record, the appropriation action is not finished. It has not as yet been handled in the Senate, and I have no way of knowing at this time what the Senate action in that regard will in fact be. There has been action in the Senate on the authorization which supported the administration's position and added a figure of $150,000 for State and local policy planning. That is the situation in which we find ourselves, and I do not know where we will in fact be when the legislative process is terminated.

Mr. GROSS. In other words, the other body may restore the entire $80 million?

Mr. DADDARIO. Mr. Chairman, I would hope they would, but I would doubt they would.

Mr. GROSS. You would hope they would?

Mr. DADDARIO. Yes. I certainly would.

Mr. GROSS. Has this committee, the Science and Astronautics Committee, ever investigated the duplication of studies, and expenditures for research throughout the Federal Government?

Mr. DADDARIO. Mr. Chairman, I would answer that question in the affirmative. However, the gentleman and I might still have some conflict about what in fact he meant by whether or not there has been investigation or whether or not there is duplication. The fact is that in scientific activity there is no question but that there is a great deal of duplication, because that is in the very nature of scientific research. The problem is how do you keep the right number of people at the highest possible levels of the best types involved. I do think the way in which this is managed does in fact develop that kind of capability within the country in the best way possible. However, I did refer earlier, as I quoted from one witness who appeared before us this morning that we are, as we have been for some time, concerned about the way in which our scientific and technical resources are being managed. We are looking into that very seriously and will certainly make some recommendations about that as we have in the past. The committee over a course of time, I believe, looked very carefully into the situation, and I do think we have conducted our oversight responsibilities as responsibly as it is possible to do so.

Mr. GROSS. Will the gentleman yield further?

Mr. DADDARIO. I certainly do.

Mr. GROSS. Does this authorization provide for construction, in other words, for brick and mortar, as well as for research and other studies?

Mr. DADDARIO. There is some construction activity, Mr. Chairman. There is some construction going on in certain of our national research centers I might say, Mr. Chairman, in answer to the question of the gentleman from Iowa. For example, there is construction of buildings and research facilities in the amount of $360,000 at the Cerro-Tololo Inter-American Observatory in Chile.

Mr. GROSS. I thank the gentleman.

Mr. DADDARIO. Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I should like to associate myself with the remarks of the distinguished gentleman from Connecticut, the chairman of the Subcommittee on Science, Research, and Development of the Science and Astronautics Committee. His comments, in my view, have been particularly wise and perceptive.

The members of his subcommittee have worked with great diligence to bring this bill to the House and I commend their efforts. The bill to authorize appropriations for the continued work of the National Science Foundation comes at a most critical time. It is a time when pressing national problems and unmet needs are demanding new commitments and new approaches and are challenging our abilities to apply scientific and technological enterprise and expertise to their solution. It is a time in which inflationary pressures and financial pressures threaten the very foundations of our national economy. It is a time of social unrest and cultural upheaval.

It is also a time at which we can ill afford to renege on our commitment strongly to support and maintain the health of our scientific enterprise in research and education. The activities of the National Science Foundation in the fields of scientific research, education, science information, and international scientific activities are of critical importance to the future strength and success of the Nation.

Congressional approval of the NSF authorization bill is mandatory if the Foundation is to meet its responsibilities enacted by the Congress and to demonstrate a renewed commitment to the pursuit of science as an essential element of our present and future national welfare. Therefore, I strongly urge enactment of this bill to provide the Foundation with an adequate level of funding for fiscal year 1970.

Mr. BELL of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the National Science Foundation authorization bill, which is recommended to the House by the Subcommittee on Science, Research, and Development, provides for the support of a variety of programs of great importance to our Nation.

A major portion of the funds to be authorized is for the direct support of scientific research.

That we live in an age of science is daily exemplified.

Man has penetrated into the world of subatomic particles with his accelerators and extended his vision far into space with his radiotelescopes.

Even the hostile environment of the Antarctic has been subdued in the search for scientific knowledge.

While we deepen our scientific understanding of the world about us, we are also pushing forward the frontiers of the social sciences which relate the behavior of human beings to each other and to their environment.

Time does not allow me to dwell on the numerous benefits that we enjoy because of the contributions of science.

Instead, I will speak to what must be done to maintain our scientific capabilities.

In the United States today there are laboratories which are not working to their full capacity; there are young people who want and deserve an education in science; and there are scientific opportunities of incalculable value which are dormant.

These consequences of the leveling off in the Federal support of science are not dramatic, but they have long-range results which can only work to the detriment of our national welfare.

Because many Federal agencies support sceintific research, the NSF authorization bill will not, by itself, remedy the situation I have described.

The authorization involves less than one-eighth of the total Federal support for basic research, and only about one-sixth of the Federal funds for academic science.

And yet, the support of scientific research made possible through this authorization will have considerable impact because the programs of the NSF extend over the entire range of scientific disciplines and throughout the geographic regions of the country.

It is, therefore, vital that we provide for the maintenance of quality and continuity of American science by supporting NSF's research programs.

This includes support of research projects, science facilities and equipment, and national research centers.

By this action, Congress will strike an effective blow for the scientific structure which has been so carefully built and which has performed so admirably over the past 25 years.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Mosher).

Mr. MOSHER. Mr. Chairman, it seems to me of the utmost importance that we should today approve in full the recommendations of the committee, for authorization of $477,605,000 to be appropriated to the National Science Foundation for fiscal year 1970.

This year, for the first time, the Subcommittee on Science, Research, and development, under the very vigorous and thorough leadership of the gentleman from Connecticut (Mr. Daddario), held very extensive hearings, analyzing and probing the National Science Foundation's budget requests, requiring their justification.

I submit that those hearings clearly and forcefully demonstrated the Nation's need for a somewhat higher level of activity and funding for the NSF. Certainly justification was shown for the authorization levels recommended to us today by the committee.

Mr. Chairman, is it not crystal clear to all of us, that one of the most crucial requirements for this Nation to maintain its vigor, is that we must maintain and enhance our preeminence in the science? And is it not clearly demonstrated by several years of experience now, that the NSF plays a fundamental, vital, imperative role in nurturing the quality and growth of American science?

It is difficult for me to conceive of any investment of national funds we can make here that is more important and productive of good, than our investment in search of new and useful knowledge, and investment in the training of new and greater scientifically trained manpower—better equipped manpower—as so effectively accomplished by the NSF.

Therefore, I enthusiastically urge the fullest possible funding of the Foundation for fiscal year 1970, within the severe budget constraints that currently beset us.

Of course, I recognize that the authorization level we propose here today is somewhat higher than the amount of NSF funds that we will actually appropriate. That already has been decided, because of the peculiar order in which the House is considering these bills this year.

Nevertheless, I suggest it is extremely important that the House vote today to confirm the authorization of a level that more clearly recognizes the genuine need, the level recommended by the committee.

It is very important that in the final appropriations decisions, as the House and Senate adjust their differences, we must leave as much leeway, as much flexibility as possible. And also that we establish levels of appropriation for the following fiscal year that will be as realistic and possible.

The House should be aware that the Senate has already authorized for NSF some $9.5 million more than is called for in the bill before us today.

Mf. Chairman, I repeat the fact already pointed to by others, that our committee asks approval of an authorization which is some $9 million below the budget request presented by the administration. Recognizing the current budget constraints, we did cut or defer several items, in order to reduce the total.

I submit that the authorization provided in H.R. 10878 can be strongly defended by all of us.

In fact, it is significant to note that this authorization proposal had overwhelming, bipartisan support in both our subcommittee and in the full Science and Astronautics Committee.

I assure the House that the minority members of the committee did strongly support this bill.

I join our committee chairman in urging that H.R. 10878 be now approved.

Mr. BELL of California. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Pettis).

Mr. PETTIS. Mr. Chairman, I take this moment to associate myself with the remarks of the gentleman from Ohio (Mr. Mosher) and also to commend the distinguished chairman of the subcommittee on Science, Research and Development (Mr. Daddario) for his leadership and for the very careful manner in which we have gone into the various aspects of the subcommittee's activities.

And, I would like to assure the gentleman from Iowa (Mr. Gross), that we have been most diligent this year in scrutinizing all aspects of the National Science Foundation, whose budget today we authorize.

I had some apprehension myself when I was first associated with this subcommittee with reference to its expenditures. I have spent many, many hours in looking into the various research projects under the purview of the National Science Foundation, and as a result I have much more confidence in the program. I would like to assure all the Members of the Congress that the National Science Foundation in my thinking is doing an excellent job, and if we are to be paramount as a nation in the field of science we must keep the National Science Foundation strong.

Mr. Chairman, I think the legislation which we have before us today will do precisely that.

Mr. Chairman, I yield back the balance of my time.

Mr. DADDARIO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. Podell).

Mr. PODELL. Mr. Chairman, the measure before us authorizing appropriations to the National Science Foundation is well worth full support by this House. It would authorize appropriations of $477,605,000 for support of scientific research, education, institutional support for science, science information activities, international cooperative scientific activities, planning and program development.

Across the Nation, basic research is being done across the entire spectrum of the sciences under these programs. Their success and continued funding now will be our Nation's scientific lead tomorrow.

In this measure, there is support authorized for the areas of mathematics, physics, chemistry, biological sciences, astronomy, atmospheric sciences, oceanography, earth sciences, engineering, social sciences, and interdisciplinary research.

Sophisticated instrumentation is the key to advances in many areas, and continued advances in procurement of such equipment is insured by approval of this measure. The same is true of physics and biological work, as well as astronomy and the entire range of these disciplines. Antarctic research, weather, ocean sediment, and other specialized programs draw their financial lifeblood from Government support.

Computerization, graduate science work, science course content improvement, science teacher development, and translation of foreign scientific journals are also covered. Generally, this measure would insure that American science develops along a broad front from secondary school programs to post doctoral work encouragement and fellowships. It is work which must continue unmolested, especially in light of what we draw from it in terms of peaceful and national defense advances. I urge the passage of this measure without cuts.

I would like to congratulate the gentleman from Connecticut (Mr. Daddario) for his dedicated resolve in this work. His efforts have been tireless and unflagging. Our country owes him a debt of gratitude.

Mr. BELL of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Fulton).

Mr. FULTON of Pennsylvania. Mr. Chairman, I appreciate the gentleman yielding me this time. I want to compliment not only the members of the subcommittee on their excellent work during the hearings on the National Science Foundation authorization, but also the

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full committee on its acceptance of the challenges of scientific research and development in this day and generation.

The bill, by coming out this late, follows many weeks the independent offices appropriation bill which has already passed the House. I would hope that during the next session of the Congress, the authorization bill will get to the floor before the appropriation bill. Otherwise it would make the authorization purely a semantic debate if this sort of an event is repeated.

The action of the Appropriations Committee was to recommend to the House $438 million for the Foundation for fiscal year 1970. The implications of this action can be viewed in terms of both budget authority, which means new money, and obligational authority, which includes new money and carryover from previous years. Now, the Appropriations Committee approved budget authority for the Foundation of $400 million in fiscal year 1969, and a budget authority of $418 million in fiscal year 1970. Therefore, an increase of $18 million would seem to be apparent. However, because of the National Science Foundation decision not to obligate $15 million for its institutional development formula grants program in fiscal year 1969, this obligation will carry over into fiscal year 1970, thus reducing the increase of budget authority to $3 million, which is in effect the actual increase in budget authority.

The obligational authority for the Foundation in fiscal year 1969 was $435 million. In fiscal 1970, obligational authority will be $438 million, including $418 million in new money and $20 million in carryover funds. However, because of the delay in obligating the $15 million for formula grants, to fiscal year 1970, the obligational authority in fiscal year 1970 will be reduced to $423 million. Hence, there is an effective net decrease in obligational authority for the Foundation in fiscal year 1970 in the amount of $12 million.

We of the Committee on Science and Astronautics have the responsibility to supervise the various programs of the National Science Foundation. This is the first year that there is such an authorization bill to be acted on by this Congress. Although the sums have tripled in the National Science Foundation over the last decade, there has only been an appropriation subcommittee and the Committee on Appropriations acting on the money out of the cash box. Total funding has been the major premise for funding the agency rather than the balancing of the tremendous scientific programs, educational programs, and research programs.

It is necessary that the House have legislative committees working with programs involving the agencies of the Federal Government, the State agencies, as well as various scientists and research organizations in order to come up with a balanced set of priorities. The field of research and development is limitless. We in the Federal Government and the Congress who have the responsibility must be able to have the background, the knowledge and, yes, the hard work to make those decisions on priorities.

In my judgment, the bill now before us is a good decision on the priorities. I, therefore, strongly recommend that it be passed.

For fiscal year 1970, the National Science Foundation's budget request is $500 million. This includes $10 million for the national sea grant program which is authorized by the Committee on Merchant Marine and Fisheries, and consequently the committee considered authorization totaling $490 million. The committee reduced this amount by $9.395 million.

The Foundation's budget was reduced by the Appropriations Committee $100 million last year, and their request to the Bureau of the Budget this year was reduced $118 million. In effect then, the Foundation's request this year represents an effort to get back to the funding level of fiscal year 1968. In fact, even without the reductions, their budget request this year would still be $5 million below the funding level of fiscal year 1968.

Furthermore, the fiscal year 1970 request includes $19 million in projects taken over by the Foundation from other agencies, primarily the Department of Defense. These agencies are cutting back in their support of basic research in astronomy and nuclear and particle physics as not being directly relevant to their needs.

Heretofore, it has been the accepted policy that mission agencies should support basic research to improve the quality of their work and to provide a proper research base for long-term mission objectives. To say they are now supporting research most relevant to their missions implies a shift in this policy, and a tendency to concentrate support in the more applied areas. Consequently, this action has implications for the long-term support of basic research from a national point of view, and in particular upon the operations of the National Science Foundation.

There should be an understanding that the Foundation must be given the funds to support these projects. It cannot be expected to take on new work while continuing to operate at the funding level it had 2 or 3 years ago.

The Foundation is the only major research and development agency whose budget was not cut by the Nixon administration. This indicates that the President is aware of the difficult financial position the Foundation is in.

Under the research support program, the committee approved one reduction and two deferrals totaling $9.3 million.

In fiscal year 1970, the Foundation requested $10 million to initiate a new interdisciplinary research program.

The interdisciplinary research program is designed to bring scientists and engineers of various disciplines together to work in a coordinated way. Traditionally, the universities have been organized along discipline lines, and there has not been a wide exchange of ideas between departments, nor have the departments actively sought to work together on common problems. In recent years, however, some of these barriers have begun to break down, and terms such as biochemistry or bioengineering have come into common usage.

There is a need to further this kind of work in the other disciplines, and to support programs designed to take advantage of the research developments that have taken place over the course of time.

One of the difficulties in the past has been that when some group has wanted to study a multidisciplinary problem such as pollution as a total picture, the mission agencies have tended to support only those portions of the study directly relevant to their mission objectives, and as a result these groups have had to seek piecemeal funding from the different agencies involved.

In considering this program, the committee agreed that the program should proceed slowly and only the most promising proposals should be supported. Furthermore, although the Foundation intended to limit this program exclusively to universities a significant capability for multidisciplinary research exists in a number of our Federal laboratories. These laboratories should have an opportunity to participate in this and similar programs, both for the quality of their own work, and in order that they may serve as a model in helping universities shape their ideas in organizing and carrying out multidisciplinary research. Finally, in reducing this program by $4 million, the committee was convinced that since the program could not be initiated until the appropriation process has been completed, the Foundation could not effectively use more than $6 million in fiscal year 1970.

In fiscal year 1970, the Foundation is requesting $3.3 million to resurface the Arecibo reflector. The committee deferred that project.

Arecibo was built by the Advanced Research Projects Agency in 1963 for ionospheric studies and for radio and radar astronomy. When the Department of Defense decided to curtail its support of astronomy, the National Science Foundation agreed to support the radio astronomy work, and in fiscal year 1969 provided $900,000 of support for this purpose. In fiscal year 1970, the Foundation proposes to take over responsibility for the Arecibo facility, and its amount of support would increase about $300,000 to a level of $1.2 million. The Department of Defense would continue to support ionospheric studies in the amount of about $600,000, or approximately one-third of the operating costs of the facility.

The work being done at Arecibo is important to radio astronomy, and for this reason authorization of the funds necessary to continue operation of the facility was approved. However, in view of the additional funding requirements and the transfer of management responsibility to take place this year, the resurfacing should not be approved at this time, and that it be deferred until next year.

In his testimony on Science Research and Development, Dr. Philip Handler, the Chairman of the National Science Board, indicated that there are various proposals throughout the country for new facilities or telescopes in radio astronomy which together total about $100 million. The new director of the Foundation should be given the opportunity

to determine priorities in the whole field of astronomy, and should have the opportunity to examine the Arecibo facility within this context. Furthermore, while $3.3 million is proposed to resurface the Arecibo dish, to make use of the facility for radar astronomy purposes it would be necessary to purchase new receiving and transmitting equipment costing an estimated $2.5 million and it is understood that this will be proposed in the near future. Consequently, by deferring the resurfacing at this time, the new Director, Mr. McEllroy can examine the total requirements for Arecibo and establish priorities for future equipment needs within the entire fields of radio and radar astronomy.

Finally, this deferment will not impair the on-going work at Arecibo.

In fiscal year 1970, the Foundation proposed to construct an oceanographic research vessel costing $2 million.

At the present time, the National Science Foundation and the Office of Naval Research support an oceanographic fleet of 31 vessels assigned to 18 different institutions. The amount of support provided by the Foundation for these ships amounts to about $7 million per year, and the Office of Naval Research contributes about $4.5 million.

In fiscal year 1970, the Foundation proposed to begin construction on a new vessel costing about $2 million. This vessel would take about 5 years to construct and would be assigned to an institution like the other ships in the fleet. The committee deferred this project for the following reasons:

First, the Foundation should not begin construction of a new vessel at a time when it is not completely using the existing ships in the fleet. Because of the expenditure limitation in fiscal year 1969, the Foundation set an overall expenditure limitation on each of the universities, and the universities in turn had to decide which projects supported by the Foundation at the universities would have to be reduced to meet the expenditure limitation. As a result of this action, three ships were taken out of service, and the schedules of several others were reduced or markedly altered.

It is more prudent to make the best use of the ships already in service before the Foundation commits itself to the purchase of a new ship. Furthermore, the Foundation, in cooperation with ONR, should review its entire method of ship support with a view toward obtaining more efficient use of the fleet, and report to the committee prior to the beginning of the next authorization process. Of particular interest, the Foundation should look into the possibility of forming user groups for ships as an alternative to assigning ships to particular institutions.

Second, in its report of January 1969, the Commission on Marine Science, Engineering and Resources—the Stratton Commission—recommended the creation of a new National Oceanic and Atmospheric Agency. The recommendations of the Commission are now being studied by the Committee on Merchant Marine and Fisheries. The Congress should have the opportunity to determine priorities and the direction of the total oceanographic effort and not authorize the funding of a new ship by the Foundation this year.

For policy and planning studies in fiscal 1970, the Foundation requests $2.9 million. The committee reduced this amount by $95,000.

Under the policy and planning studies program, the Foundation proposes to spend $1.315 million for the National Register of Scientists and Engineers. The national register was begun during World War II for the purpose of locating scientific personnel by field of specialty in a time of national emergency. In 1953, the register activities were transferred to the Foundation, and the Foundation has updated the register biennially and has used the information developed to perform various manpower studies of scientific and engineering personnel. At the last registration in 1968, the register contained the names of approximately 50 percent of the scientists and 10 percent of the engineers in the United States.

In fiscal year 1970, the Foundation again plans to update the register and expand the coverage to include more engineers. We question if the emergency preparedness function of the register is still as urgent as it was during World War II, therefore, we deleted $245,000 attributable to expanded coverage of the register. Further, the Foundation should perform a study of the requirements for the register as a locator in emergency situations as well as in other than emergency conditions and report to the Committee on Science and Astronautics prior to the start of the next authorization process. If the locator function is no longer necessary, the Foundation should determine if the manpower studies function of the register could be performed on a selective sampling basis at a lower cost to the Federal Government.

Under the policy and planning studies program, the Foundation has a program called State and local intergovernmental science policy planning for which the Foundation is requesting $150,000 in fiscal year 1970. The committee added an additional $150,000 to this program.

The State science program is a pilot program to help States and local governments find ways to employ science and technology in solving local problems. Because of the importance of this program, and because of the need to involve more States in this effort, the program should be expanded. At the same time, many States are just beginning to get involved in this area, and the program should remain primarily a pilot program to develop innovative ways through which science and technology can better be employed by State and local governments.

Regarding the bill itself, the committee approved a section requiring the Foundation to keep the committee fully and currently informed, and this appears in the bill as section 5.

This provision is the same as that which the committee previously has adopted with respect to NASA. It clarifies the committee's right to information generally in view of its new oversight responsibilities over the Foundation.

While it is not possible to foresee all the circumstances in which the committee should be kept informed, and this will require the good faith and judgment of the Foundation, other matters would include, for example, substantial changes in programs as presented to the committee or major accidents and in particular those involving loss of life.

At this point, I want to insert in the RECORD a summary of the National Science Foundation budget which will make clear the committee's action:

BUDGET SUMMARY, NATIONAL SCIENCE FOUNDATION, FISCAL YEAR 1970

Program	Budget request	Action	Recommended authorization
Support of scientific research	$248.6	−$9.3	$239.3
Computing activities	22.0		22.0
Institutional support	69.0		69.0
Science education	112.5		112.5
Science information	[1]13.0		[1]13.0
International cooperative science activities	[2]2.0		[2]2.0
Policy and planning studies	2.9	−.095	2.805
Program development and management	17.0		17.0
Total	[3]487.0	−9.395	[3]477.605

[1] Plus $2,000,000 excess foreign currencies.

[2] Plus $1,000,000 excess foreign currencies.

[3] Plus $3,000,000 excess foreign currencies.

I have three amendments to this legislation which I will introduce when the general debate is finished.

The first amendment is generally to cut the authorization of funds from $477,605,000 for the fiscal year 1970 to $474,305,000. This is a $3,300,000 reduction. It is largely intended to take up the slack resulting from a carryover of funds from last fiscal year and which was not programed through previous authorizations. There is also deletion of funds for one airplane that I do not believe is needed. This plane is intended to replace a Beech Queen Air, which was unfortunately lost in a Lake Superior accident with its crew in 1968.

I believe there are adequate planes in other Government agencies that the National Science Foundation can utilize for research at the National Center for Atmospheric Research called NCAR, at Boulder, Colo., under lease or flight service arrangements.

I do not think the purchase of a new plane is necessary at this time.

The next amendment is an objection to a Senate provision passed in the authorization bill by the other body within the last 2 weeks. The Senate has approved the authorization of funds for a period of 4 years. These funds, even though the fiscal year in which they were authorized has expired, can be carried over by the agency for 3 additional years before they are canceled.

I believe it should be at most a 2- or 3-year period. In order that the House may then work its will, I have an amendment which will allow the authorization of the funds in this particular bill for this fiscal year, 1970, to be carried over for the fiscal year 1971, and canceling these funds or striking them from the authorization at the end of 2 years.

I believe that since this creates a disagreement between the two bodies we might be able to agree on the same sort of arrangement and authorization that now exists in the acts governing NASA. When NASA authorizations are not used either in the fiscal year for which they were originally authorized or in the two

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succeeding fiscal years, they are automatically canceled.

As a matter of fact, it was my amendment this year that did cancel $322,000,000 of NASA authorization funds which had been held over for longer than this 3-year period. The House adopted that amendment.

My last amendment generally is directed to institutions of higher learning with respect to students who are either refusing to obey lawful regulations and orders of the institution or are convicted of crimes such as trying to destroy the institution and causing riots. I believe such an amendment is necessary.

Part of my amendment on student unrest and disorder is already in the NSF appropriation bill which passed this House on June 24. However, it does not contain the full language that is part of the NASA authorization bill. I believe we should have some form of language that covers institutions of higher learning in every one of the authorization bills as well as in the appropriation bills.

Therefore, I have taken the present ~~language~~ that has been adopted by this ~~House~~ in the NASA authorization bill and have tailored it to fit into this particular legisiation.

I thank my colleagues, Mr. Chairman, and recommend that the bill do pass.

Mr. LUKENS. Mr. Chairman, I would like to point out to my colleagues that one of the important provisions of H.R. 10878 which authorizes appropriations for the National Science Foundation for fiscal year 1970, is to provide $5 million for support of the international biological program.

The international biological program represents the first large-scale ecological research activity on biological productivity and the biological basis of human welfare. The broad objective of the IBP is to provide insight and foresight about the changing relations between man and his environment. The focus of the program is upon establishing an ecological base for the management of our environment and for the prevention of the deterioration which is threatening our entire planet.

It was over a decade ago that faint voices of scientific concern were being raised about the pending deterioration of our planetary environment. Today these voices are loud and clear. Environmental quality has become a central issue of national and international concern.

First, it has also become amply clear that, despite these growing concerns and developing commitment to meet this challenge, the scientific data upon which to base valid judgments and effective actions are simply not available. Moreover, the manpower supply of highly skilled ecologists and environmental managers is still nowhere commensurate with the demands and size of the problems we are facing.

The IBP represents an organized and integrated approach to these two problems. It will contribute importantly to the store of knowledge about organic production and human adaptability. It will aid also in the training of new manpower resources for the problems we face today and will face tomorrow.

Second, I would like to point out that Joint Resolution 589, introduced by the gentlemen from California and Connecticut, is presently pending and will be coming up for floor action in the near future. This joint resolution expresses the support of the Congress, and urges the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the IBP. I would certainly hope that this resolution will be adopted by the House during this session.

Mr. COHELAN. Mr. Chairman, I rise in support of the bill H.R. 10878, the authorization for the National Science Foundation. This bill would authorize the expenditure of $477.6 million.

As a Member of Congress who has the privilege of representing a large academic community, I know, at first hand, the value of the National Science Foundation. For example, the University of California at Berkeley, which is located in my district, received almost $11 million for the last fiscal year and the beginning of fiscal year 1970, according to the latest NSF figures. The grants are given for a variety of purposes but all directly contribute to the upgrading of the quality of education and the pursuit of knowledge.

In supporting this authorization, I am not unmindful that the House has appropriated $420 million and the other Chamber has appropriated $502 million. In supporting this $477.6 million authorization bill, I am still of the opinion that this is an inadequate figure, but given the pressing demands on our budget, I feel that this figure represents the minimum that is needed.

Mr. Chairman, the range of the National Science Foundation grants illustrates their necessity. At the University of California at Berkeley there are grants for pure research. For example there are grants to investigate properties of laser beams, metamathematics, theoretical solid state physics, and so forth. There is also a study to determine the ability of various structural systems to withstand earthquakes. The results of this study may have significance for many of us who live in an area that is not unfamilar with the effects of earthquakes. Still another study sponsored through a grant from the National Science Foundation is the utilization of mathematics to assist in solving our transportation problems. As can be seen from these examples, the National Science Foundation research has pure and applied scientific value.

Mr. Chairman, I must point out that the National Science Foundation does not just limit itself to supporting programs in pure and applied research. At the University of California at Berkeley there were a number of grants to improve the quality of our secondary school systems. This was undertaken in two ways: By providing grants to improve the content of various curricula and by a series of institutes for teachers and supervisors. Still other grants were utilized to restructure undergraduate and graduate curricula and to assist in graduate student training.

Mr. Chairman, I think that these examples, drawn from an area that I have familiarity with, show the necessity for authorizing funds for the National Science Foundation. I want to compliment the gentleman from Connecticut (Mr. Daddario) for his handling of this bill. Mr. Daddario furnished the Members with an informative report. I have worked with him on numerous occasions in this area, and I have found him to be most helpful and sympathetic to the needs of scientific research. I went with Mr. Daddario's subcommittee and my colleague from California (Mr. Miller) to investigate the NSF projects at Berkeley and U.C.L.A. This investigation reinforced my conviction of the vital nature of the NSF research effort. In supporting this authorization, I am not unmindful of the many worthwhile projects that will be limited or eliminated. I wish that the current fiscal situation permitted a more extensive program, but unfortunately, this is not the case.

Mr. BELL of California. Mr. Chairman, I have no further requests for time.

Mr. DADDARIO. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 10878

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $477,605,000.
>
> Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.
>
> Sec. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.
>
> Sec. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.
>
> Sec. 5. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.
>
> Sec. 6. This Act may be cited as the "National Science Foundation Authorization Act, 1970."

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Fulton of Pennsylvania: On page 1, line 9, strike "$477,605,000" and insert in lieu thereof "$474,305,000"

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. DADDARIO. I have no objection to the amendment.

Mr. FULTON of Pennsylvania. I thank the gentleman very much.

Mr. Chairman, this amendment merely involves $3.3 million. It would cut funds on projects for which there has been no authorized programing by the Foundation. It will even leave a $2 million leeway if they use $15 million of the $20 million carryover authorization of funds from 1969 for institutional formula grants. There is also a cut of $300,000 in the purchase of an airplane, which I believe is unnecessary, because the NSF already is using three planes at the Boulder installation. The fourth plane, in the interest of economy, can be obtained on loan, or by request and payment through budgetary exchange from other Government agencies. We have plenty of planes of this type within the Government. I therefore think the new plane, the fourth one, should not be bought.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Fulton of Pennsylvania: On page 2, add new section 5:
>
> "Notwithstanding any other provision of law, the authorization of any appropriation to the National Science Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the first fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made."
>
> Renumber succeeding sections accordingly.

Mr. FULTON of Pennsylvania. Mr. Chairman, the reason for this amendment is that in the bill passed by the Senate on September 18, authorizing funds for the National Science Foundation, called the amendments of 1969, there is a section 3 which reads:

> Section 14 of the National Science Foundation Act of 1956, as amended by Public Law 90-407, 82 Stat. 360, is amended by adding to the end there the following new paragraph:
>
> 1. Notwithstanding any other provisions of law, the authorization of any appropriation of the Foundation shall expire unless an earlier expiration is specifically provided at the close of the third fiscal year following the fiscal year for which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

That means that for a 4-year period, authorizations which are made by the Congress for the National Science Foundation remain in power and force.

In my judgment the legislative committees of the Congress should follow these appropriations of such large amounts—approximating almost one-half billion dollars a year—much more closely than that. In order to have a uniform method, I have put in an amendment to have the authorization last for a 2-year period.

Since the Senate has made the authorization for 4 years, obviously a disagreement between the two Houses will exist. My hope is we will agree to adopt uniformly the same process governing authorization as now exists in NASA, an allied agency. That means, at the end of the second fiscal year after an authorization is passed, there is an automatic termination of those authorizations. This does two things: First, it keeps the Agency current; and second, it keeps the Agency on its toes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, if I understand the purpose of the gentleman's amendment, it is laudable in that it stops this 4-year business, but why 2 years?

Mr. FULTON of Pennsylvania. The answer to it is this: These are authorizations on programs that are continuing programs. For example, when we have education programs, such as graduate fellowship programs leading to a doctoral degree, they run for 3 years. So really, if we are going to have funding for a program, we have to have authorization for the term of the program. But we do not appropriate money except on a yearly basis.

Mr. GROSS. I can think of one program that seems to be perpetual around here on a 1-year basis, and that is the foreign handout bill. I would hope this would be the year when that would be washed out entirely, and we would dissipate and obliterate the idea that we have to give our billions away overseas every year. But I just do not understand and still do not understand why this Foundation, to the exclusion of many others, should be put upon a 2-year basis. I am for the gentleman's amendment, but I do think it goes far enough.

Mr. FULTON of Pennsylvania. Mr. Chairman, the gentleman should be complimented, because he has always tried to restrict the U.S. foreign aid programs, first in amount, and second, to an annual basis.

I am very glad to state that I have not felt the programs of U.S. foreign aid should be abandoned. But I have voted to reduce them and have also joined with the gentleman from Iowa in trying to work out annual authorizations for that program.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, I would like to ask a question. Is this the same amendment the gentleman from Pennsylvania added to the NASA authorization bill, except for that there was a 1-year provision rather than 2 years?

Mr. FULTON of Pennsylvania. The NASA authorization bill provides for termination at the end of the second fiscal year after the current fiscal year for which the authorization is made. This is 1 year shorter than that, obviously in order to try to make an arrangement with the other body and reduce their provision from 4 to 3 years, which is now the law for NASA.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield further?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, I would like to ask this for clarification. The amendment, as I understand it, adds a new section 5 on page 2. I presume other sections would be renumbered accordingly. Does that mean the present section 5 would become new section 6? The purpose of my question is to insure this is not in substitution of that present section 5.

Mr. FULTON of Pennsylvania. The gentleman from Connecticut has a very good point. Those sections should be renumbered as section 6, and section 7, and so on, renumbering accordingly.

Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Fulton).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Fulton of Pennsylvania: On page 2, after line 23, insert a new section as follows:
>
> "Sec. —. If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending or employed by such institution—
>
> "(a) that such individual has, after the date of the enactment of this act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or
>
> "(b) that such individual has been convicted in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned;
>
> then the institution shall deny any further payments to or for the benefit of such individual which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant, or otherwise) to such individual."

Mr. FULTON of Pennsylvania. Mr. Chairman, the point of this amendment is to put in this bill for the National Science Foundation the same amendment which passed this House in the National Aeronautics and Space Agency bill, H.R. 11271.

The difference between this amendment on student unrest and violence in institutions and the similar provision in the appropriation bill in that section (b) had been left out by the Appropriations Committee. I will read section (b):

> b. that such individual has been convicted in any Federal, State, or local court of competent jurisdiction of inciting, pro-

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moting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned;

One part of the section was left out by the Appropriations Committee. It states:

> Which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant, or otherwise) to such individual.

That last portion I read makes it very specific. There can be no payments as salary, loan, grant of any kind, or otherwise. It ties down the provisions very specifically.

The other portion that is left out means that when an individual has been convicted of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to the institution or injury to the persons of the institutions, and these laws are designed to protect the institution, the ~~property~~ and the persons concerned, that person shall not receive money under National Science Foundation grants, loans, salaries, or otherwise.

This amendment ties it down just as the House decided, after some little debate on the NASA authorization bill, which just passed the House a few weeks ago.

This means that we use the same form. We do not change it. Once the House has made up its mind and has authorized for scientific institutions a provision that is to apply to students' behavior, the House should readopt the same language for similar legislation. So this is my amendment, which merely takes a language from the bottom of page 8 over to page 9, line 10, of H.R. 11271. It passed the House by a tremendous majority, and is known as the National Aeronautics and Space Agency authorization bill.

Now, in concluding my statement, there are many people with other ideas. I simply put this on the basis of the House having acted this year on this particular point. Now, when this scientific institution, the National Science Foundation, comes up for authorization, the House should likewise apply the same rule and adopt the same language. It would be intolerable to have funds given out under NASA one way, and to have the National Science Foundation give funds out in another way. Both are under the purview and jurisdiction of the Committee on Science and Astronautics of the House, of which I am the ranking minority member.

I am glad to yield to my friend from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding.

To recapitulate, it is my understanding according to the explanation given by the gentleman from Pennsylvania that this language of the amendment you have just offered is identical to that which was in the NASA bill.

Mr. FULTON of Pennsylvania. That is correct. And you have the NASA bill and can take a look at it.

Mr. STEIGER of Wisconsin. Second, am I correct that this applies only to an individual who is either covered by (a) or (b) of this section?

Mr. FULTON of Pennsylvania. It applies to individuals in seriatim. It can be individuals one at a time. It is intended for the individual and his own actions, not to ban or blacklist a whole group.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. FULTON of Pennsylvania asked and was allowed to proceed for 2 additional minutes.)

Mr. STEIGER of Wisconsin. Will the gentleman yield further?

Mr. FULTON of Pennsylvania. I am glad to do so.

Mr. STEIGER of Wisconsin. It does not apply, then, to an institution?

Mr. FULTON of Pennsylvania. No. It does not apply either to an institution, a university, a college, or any type of school, foundation, or laboratory. It applies to the individual, regardless of how many may be involved in a riot or disorder.

Mr. STEIGER of Wisconsin. If the gentleman will yield once more, am I correct, also, in having quickly read the amendments passed by the House earlier, that the determination for the action to refuse to grant money in the form of a loan, grant, or salary is made by the institution of higher education?

Mr. FULTON of Pennsylvania. That is specifically the case. The amendment specifically says "if any institution of higher education determines after affording notice and opportunity for hearing to the individual attending or employed by such institution." So it is specifically as you stated it.

Mr. STEIGER of Wisconsin. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. It is apparently fortunate that this bill did not come out of the Committee on Education and Labor, or else it would be brought up under a suspension of the rules so that we could not put this kind of an amendment on it. I congratulate the gentleman for his amendment and say I am delighted that this bill did not come out of the Committee on Education and Labor.

Mr. FULTON of Pennsylvania. I thank the gentleman. His compliments are very few but well received.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take the full 5 minutes but simply want to say it is unfortunate, as I have said in the past in debate on this floor in Committee of the Whole, that action has not been taken on a single amendment to the Higher Education Act which might be applicable to all Federal programs as they relate to cutting off aid to an individual student convicted of substantively disrupting a university campus. I commend the gentleman from Pennsylvania for having offered an amendment that is identical to that in the NASA bill so that at the very least the institutions of higher education which work with NASA and the National Science Foundation will be operating on the same basis and will not become more confused by a proliferation of so-called student unrest amendments. I have said before it seems to me we have a legitimate reason, in operating the Federal Government, to cut off aid to individual students. This amendment, while I regret the necessity of having it even considered, does not go so far as some have suggested in cutting off aid to an institution.

I want to indicate my concern, however, over the provisions of the amendment, particularly the fact that no termination date is provided for the cutoff so that a student again would be eligible for assistance. Section 504 of the Higher Education Act, as the Committee knows, provides for 2 years.

In addition, Secretary Finch of HEW has correctly pointed out the difficulty with the "court of competent jurisdiction" language which makes for unequal treatment of students of the same age in Wisconsin and California, for example.

I would much prefer that this language not be included in this authorization but, because this amendment is identical with the NASA amendment, it seems to me appropriate for this body to consider it at this time.

When that NASA bill was before the House an effort to delete this kind of provision was rejected overwhelmingly. With so few Members on the floor at this moment, I expect the amendment offered by the gentleman from Pennsylvania (Mr. FULTON) will be adopted. I am saddened by that prospect, Mr. Chairman, and again reiterate my hope that one set of standards will be adopted that apply to all Federal programs so as to stop this procedure of adopting separate amendments to each and every bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The amendment was agreed to.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have followed this authorization "after the fact," with great interest. In fact, I want to compliment the committee, because I remember when it garnered power unto itself in order to make a line-item review of the authorization of all these different research areas, under the National Science Foundation.

I am one of those who have studied the reorganization of the Congress, served on the House-Senate joint commission, and one who thinks that all committees have a supervisory, surveillance, and review function over the executive branches of the Government, whether they be individual agencies or Cabinet or departmental branches. I believe we should analyze and authorize on an each-year—or at the minimum on each congressional—basis; by line item, their authorizations and then have the subsequent action of the operating committee to appropriate funds therefor.

Therefore, I compliment the committee and the subcommittee on this historical first authorization of the appropriations for the National Science Foundation.

I suppose, basically because I am a scientist, I am much concerned about the fact that we are controlling directly or indirectly more and more of the elements of parallel or vertical research that goes on by Government agencies. It is a known fact that those who produce technical breakthroughs based on research, development, testing and engineering do equally as well in the 18-percent private sector as they do in the 82-percent Government-controlled sector. Perhaps this is because we in Congress fear "sacred cows" and strangle the scientific agencies with directed research funds. This should concern us as a matter of national interest, in my opinion.

By the same token, I am sure one must be concerned by the possibility of duplication and overlapping. As the distinguished chairman of the subcommittee, our good friend (Mr. DADDARIO) said, the necessity of research must at times be duplicative in its concept and in its development. This is not always bad. Some of the greatest discoveries of mankind have been predicated on redoing basic, applied, technical, or developmental research. There is no question about that in any scientific mind. But I am a little bit concerned about the duplicative effect of the National Science Foundation working directly under the chief of the executive branch, as well as it may be overseen by a distinguished committee such as this, lest it become as the Department of Defense has, a many-headed monster overseeing and duplicating programs and additive programs to those which are constitutionally allocated to the functioning branches of the Capital.

Mr. Chairman, here we have a bill for practically one-half billion dollars of authorization where if we study the applied research and the technical research, we find there are some very questionable areas. I can think of a few right off the cuff.

There are many of these research and development funds authorized wherein they are duplicated in the various defense agencies, whether they be the Army, Navy, Air Force, or others.

Indeed, there are some of these items that have been set forth here by this committee in its first authorization report, and on which it therefore has no comparison with prior authorizations, that are duplicative in an extent somewhat even with the NASA authorizations themselves.

Certainly a specific example could be dredged up in some of the scientific research areas authorized here vis-a-vis the Department of HEW, which I believe, outside of the Department of Defense, is our biggest authorizing bill for research and development, and particularly involving the National Institutes of Health.

A simple reading of the committee's report will give some danger of duplication over and above the essential duplication of research if one reads it carefully.

Then, as an added example there is the example of the authorization here for the appropriation for oceanography. Now, we get at oceanography in many different ways in this Congress. Those of use who study it and look at it from a scientific point of view know that, for example, our Navy is authorized to invest——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. HALL was allowed to proceed for 2 additional minutes.)

Mr. HALL. Mr. Chairman, the Navy is authorized to invest and fund 76 percent of all oceanographic studies. There is a separate Institute on Oceanography, it is chaired by the Navy. Then we have the Oceanographic Institutes. I believe there is one in San Diego, and I think there is one additional one which we use as a laboratory, and which we fund in authorized appropriations for consultation to the Oceanographic Institute, and the intergovernmental oceanographic agencies.

To go on down the list here is perhaps useless. I think I have made my point, and I simply throw out a warning that in the blessed name of science and research, and in spite of the importance and need of garnering unto ourselves line item review of essential projects—and I compliment the committee for doing that—that we constantly be alert less we do invade the jurisdiction of other committees, but even more so that we double expenses from the taxpayers' pocket in research that redownds without producing benefit.

I believe that one cannot go further this time, although one can continue going through item by item as, indeed, I have in the report, and marked pluses or minuses on every one of the authorizations that are set out here, I think it serves no purpose except to alert and put on notice those who have garnered unto themselves that they must at all expenses avoid duplication, additive work, unnecessary research that overlaps, and, above all, read history to see if the needed knowledge is available before the research is authorized.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I would like to compliment the gentleman on making an excellent point. Our Committee on Science and Astronautics has tried to prevent overlap, particularly in the Department of Defense, and the National Institutes of Health, and some progress has been made by the new Secretary of the Air Force. We have been so much opposed toward putting a program under the DOD and the Air Force for a manned orbiting laboratory, and then a program of very similar nature under NASA for a manned orbiting workshop. That manned orbiting laboratory program has now been canceled. I believe we should go forward, as the gentleman said, and make sure on these line-by-line items that we will provide adequate research but no duplication.

Mr. HALL. Mr. Chairman, I thank the gentleman for his contribution. I would only add one sentence, and that is that the statement of the gentleman from Pennsylvania is true if, it is within the bounds of military security, which cannot be here discussed.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. CHARLES H. WILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10878) to authorize appropriations for activities of the National Science Foundation, and for other purposes, pursuant to House Resolution 475, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced the ayes appeared to have it.

Mr. FULTON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 384, nays 5, not voting 42, as follows:

[Roll No. 207]

YEAS—384

Abernethy
Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers

XUM

Foley
Ford, Gerald R.
Ford,
William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hammer-
schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory

McCloskey
McCulloch
McDade
McDonald,
Mich.
McEwen
McFall
McKneally
McMillan
Macdonald,
Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Riegle
Rivers
Roberts
Robison

Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson,
Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—5

Devine
Gross
Hall
O'Konski
Saylor

NOT VOTING—42

Abbitt
Albert
Anderson,
Tenn.
Berry
Bingham
Brasco
Brooks
Brown, Calif.
Burton, Utah
Cahill
Carey

Chisholm
Cunningham
Davis, Wis.
Dawson
Denney
Flynt
Foreman
Goldwater
Halpern
Harrington
Hastings
Hébert

Howard
Kee
Kirwan
Landgrebe
Lipscomb
McClure
Mann
Pelly
Powell
Rees
Rhodes
Rosenthal

St. Onge
Schneebeli
Stephens

Stuckey
Tunney
Whalley

Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr. Brasco with Mr. Halpern.
Mr. Albert with Mr. Berry.
Mr. Kirwan with Mr. Schneebeli.
Mr. Tunney with Mr. Pelly.
Mr. Corey with Mr. Cahill.
Mr. St. Onge with Mr. Burton of Utah.
Mr. Rosenthal with Mr. Whalley.
Mr. Howard with Mr. Cunningham.
Mr. Abbott with Mr. Landgrebe.
Mr. Anderson of Tennessee with Mr. Denney.
Mr. Brooks with Mr. Davis of Wisconsin.
Mr. Flynt with Mr. Foreman.
Mr. Brown of California with Mr. Hastings.
Mr. Mann with Mr. Goldwater.
Mr. Stuckey with Mr. Lipscomb.
Mr. Yatron with Mr. McClure
Mr. Rees with Mr. Powell.
Mr. Harrington with Mrs. Chisholm.
Mr Kee with Mr. Dawson.
Mr Bingham with Mr. Stephens.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. **DADDARIO**. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. 1857, to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended, a Senate bill similar to that just passed by the House.

The Clerk read the title of the Senate bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $487,150,000.

Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligations, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 3. Section 14 of the National Science Foundation Act of 1950, as amended by Public Law 90–407 (82 Stat. 360), is amended by adding to the end thereof the following new subsection:

"(i) Notwithstanding any other provision of law, the authorization of any appropriation to the Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year for which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made."

Sec. 4. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

Sec. 5. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Sec. 6. Nothwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

Sec. 7. This Act may be cited as the "National Science Foundation Act Amendments of 1969."

AMENDMENT OFFERED BY MR. DADDARIO

Mr. **DADDARIO**. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Daddario: Strike out all after the enacting clause of the bill S. 1857 and insert in lieu thereof the provisions of H.R. 10878, as passed, as follows:

"That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $474,305,000.

"Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

"Sec. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

"Sec. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

"Sec. 5. Notwithstanding any other provision of law, the authorization of any appropriation to the National Science Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the first fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

"Sec. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

"Sec. 7. If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending or employed by such institution—

"(a) that such individual has, after the date of the enactment of this act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or

"(b) that such individual has been convicted in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned;

then the institution shall deny any further payments to or for the benefit of such individual which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant, or otherwise) to such individual.

"Sec. 8. This Act may be cited as the "National Science Foundation Authorization Act, 1970."

Amend the title so as to read: "An Act to authorize appropriations for activities of the National Science Foundation, and for other purposes."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize appropriations for activities of the National Science Foundation, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 10878) was laid on the table.

GENERAL LEAVE

Mr. **DADDARIO**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ELECTION TO STANDING COMMITTEE

Mr. **GERALD R. FORD**. Mr. Speaker, I offer a privileged resolution (H. Res. 571) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 571

"*Resolved,* That Charlotte T. Reid, of Illinois, be and she is hereby elected a member of the standing committee of the House of Representatives on Standards of Official Conduct."

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING SUBCHAPTER III OF CHAPTER 83, TITLE 5, UNITED STATES CODE—CIVIL SERVICE RETIREMENT

Mr. **DANIELS** of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9825) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Civil Service Retirement Amendments of 1969".

TITLE I—CIVIL SERVICE RETIREMENT FINANCING

Sec. 101. Section 8331 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting a semicolon in lieu thereof; and

(3) by adding immediately below paragraph (16) the following new paragraphs:

"(17) 'normal cost' means the entry-age normal cost computed by the Civil Service Commission in accordance with generally accepted actuarial practice and expressed as a level percentage of aggregate basic pay;

"(18) 'Fund balance' means the sum of—

"(A) the investments of the Fund calculated at par value; and

"(B) the cash balance of the Fund on the books of the Treasury; and

"(19) 'unfunded liability' means the estimated excess of the present value of all benefits payable from the Fund to employees and Members and former employees and Members, subject to this subchapter, and to their survivors, over the sum of—

"(A) the present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this subchapter and of future agency contributions to be made in their behalf; plus

"(B) the present value of Government payments to the Fund under section 8348(f) of this title; plus

"(C) the Fund balance as of the date the unfunded liability is determined.".

Sec. 102. (a) Section 8334 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) (1) The employing agency shall deduct and withhold 7 percent of the basic pay of an employee, 7½ percent of the basic pay of a Congressional employee, and 8 percent of the basic pay of a Member. An equal amount shall be contributed from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment. When an employee in the legislative branch is paid by the Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee.

"(2) The amounts so deducted and withheld, together with the amounts so contributed, shall be deposited in the Treasury of the United States to the credit of the Fund under such procedures as the Comptroller General of the United States may prescribe. Deposits made by an employee or Member also shall be credited to the Fund."; and

(2) by amending subsection (c) to read as follows:

"(c) Each employee or Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to the following percentages of his basic pay received for that service:

"Percentage of basic pay:

Employee:	*Service period*
2½	August 1, 1920, to June 30, 1926.
3½	July 1, 1926, to June 30, 1942.
5	July 1, 1942, to June 30, 1948.
6	July 1, 1948, to October 31, 1956.
6½	November 1, 1956, to December 31, 1969.
7	After December 31, 1969.

Member or employee for congressional employee service:	
2½	August 1, 1920, to June 30, 1926.
3½	July 1, 1926, to June 30, 1942.
5	July 1, 1942, to June 30, 1948.
6	July 1, 1948, to October 31, 1956.
6½	November 1, 1956, to December 31, 1969.
7½	After December 31, 1969.

Member for Member service:	
2½	August 1, 1920, to June 30, 1926.
3½	July 1, 1926, to June 30, 1942.
5	July 1, 1942, to August 1, 1946.
6	August 2, 1946, to October 31, 1956.
7½	November 1, 1956, to December 31, 1969.
8	After December 31, 1969.

Notwithstanding the foregoing provisions of this subsection, the deposit with respect to a period of service referred to in section 8332(b)(6) of this title performed before January 1, 1969, shall be an amount equal to 55 percent of a deposit computed in accordance with such provisions.".

(b) The amendment made by subsection (a)(1) of this section shall become effective at the beginning of the first applicable pay period beginning after December 31, 1969.

Sec. 103. (a) Section 8348 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) There is a Civil Service Retirement and Disability Fund. The Fund—

"(1) is appropriated for the payment of—

"(A) benefits as provided by this subchapter; and

"(B) administrative expenses incurred by the Civil Service Commission in placing in effect each annuity adjustment granted under section 8340 of this title; and

"(2) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Commission in connection with the administration of this chapter and other retirement and annuity statutes."; and

(2) by striking out subsections (f) and (g) and inserting in lieu thereof:

"(f) Any statute which authorizes—

"(1) new or liberalized benefits payable from the Fund, including annuity increases other than under section 8340 of this title;

"(2) extension of the coverage of this subchapter to new groups of employees; or

"(3) increases in pay on which benefits are computed;

is deemed to authorize appropriations to the Fund to finance the unfunded liability created by that statute, in 30 equal annual installments with interest computed at the rate used in the then most recent valuation of the Civil Service Retirement System and with the first payment thereof due as of the end of the fiscal year in which each new or liberalized benefit, extension of coverage, or increase in pay is effective.

"(g) At the end of each fiscal year, the Commission shall notify the Secretary of the Treasury of the amount equivalent to (1) interest on the unfunded liability computed for that year at the interest rate used in the then must recent valuation of the System, and (2) that portion of disbursement for annuities for that year which the Commission estimates is attributable to credit allowed for military service. Before closing the accounts for each fiscal year, the Secretary shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the following percentages of such amounts: 10 percent for 1971; 20 percent for 1972; 30 percent for 1973; 40 percent for 1974; 50 percent for 1975; 60 percent for 1976; 70 percent for 1977; 80 percent for 1978; 90 percent for 1979; and 100 percent for 1980 and for each fiscal year thereafter. The Commis-

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sion shall report to the President and to the Congress the sums credited to the Fund under this subsection.".

(b)(1) The provisions of subsection (g) of section 8348 of title 5, United States Code, as contained in the amendment made by subsection (a)(2) of this section, shall become effective at the beginning of the fiscal year which ends on June 30, 1971.

(2) Paragraph (1) of this subsection shall not be held or considered to continue in effect after the enactment of this Act the provisions of section 8348(g) of title 5, United States Code, as in effect immediately prior to such enactment.

Sec. 104. Section 1308(c) of title 5, United States Code, is amended by striking out "on a normal cost plus interest basis".

Sec. 105. The proviso under the heading "Civil Service Commission" and under the subheading "Payment to Civil Service Retirement and Disability Fund" in title I of the Independent Offices Appropriation Act, 1962 (75 Stat. 345; Public Law 87-141), is repealed.

TITLE II—CIVIL SERVICE RETIREMENT BENEFITS

Sec. 201. (a) Paragraph (4)(A) of section 8331 of title 5, United States Code, is amended to read as follows:

"(A) over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e)(1) of section 8341 of this title based on service of less than 3 years, over the total service; or".

(b) Subsection (c) of section 8333 of title 5, United States Code, is amended to read as follows:

"(c) A Member or his survivor is eligible for an annuity under this subchapter only if the amounts named by section 8334 of title 5 have been deducted or deposited with respect to his last five years of civilian service, or, in the case of a survivor annuity under section 8341(d) or (e)(1) of this chapter, with respect to his total service."

Sec. 202. Subsection (g) of section 8334 of title 5, United States Code, is amended—

(1) by striking out the word "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding the following new paragraph immediately below paragraph (4):

"(5) days of unused sick leave credited under section 8339(m) of this title.".

Sec. 203. Section 8339 of title 5, United States Code, is amended—

(1) by striking out of subsection (b) the words "so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years" and inserting in lieu thereof "his service as a Congressional employee, his military service not exceeding 5 years,";

(2) by amending subsection (c)(2) to read as follows:

"(2) his Congressional employee service;";

(3) by striking out the last full sentence of subsection (f);

(4) by striking out "(excluding any increase because of retirement under section 8337 of this title)" in subsection (i); and

(5) by adding at the end thereof the following new subsection:

"(m) In computing any annuity under subsections (a)-(d) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by subsection (e) of this section, the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter.".

Sec. 204. (a) Subsection (b) of section 8340 of title 5, United States Code, is amended by inserting "1 percent plus" immediately after the word "by".

(b) Subsection (c)(2) of such section is amended to read as follows:

"(2) For the purpose of computing the annuity of a child under section 8341(e) of this title that commences on or after the first day of the first month that begins on or after the date of enactment of the Civil Service Retirement Amendments of 1969, the items $900, $1,080, $2,700, and $3,240 appearing in section 8341(e) of this title shall be increased by the total percent increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 percent and 75 percent appearing in section 8341(e) of this title shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day."

Sec. 205. The provisions of subsection (b)(1), (d)(3), and (g) of section 8341 of title 5, United States Code, also shall apply in the case of any widow or widower—

(1) of an employee who died, retired, or was otherwise finally separated before July 18, 1966;

(2) who shall have remarried on or after such date; and

(3) who, immediately before such remarriage, was receiving annuity from the Civil Service Retirement and Disability Fund;

except that no annuity shall be paid by reason of this section for any period prior to the enactment of this section. No annuity shall be terminated solely by reason of the enactment of this section. Notwithstanding the prohibition contained in the first sentence of this section on the payment of annuity for any period prior to the enactment of this section, in any case in which the Civil Service Commission determines that—

(1) the remarriage of any widow or widower described in such sentence was entered into by the widow or widower in good faith and in reliance on erroneous information provided by Government authority prior to that remarriage that the then existing survivor annuity of the widow or widower would not be terminated because of the remarriage; and

(2) such annuity was terminated by law because of that remarriage;

then payment of annuity may be made by reason of this section in such case, beginning as of the effective date of the termination because of the remarriage.

Sec. 206. (a) The first sentence of subsection (d) of section 8341 of title 5, United States Code, is amended to read as follows: "If an employee or Member dies after completing at least 18 months of civilian service, the widow or dependent widower of the employee or Member is entitled to an annuity equal to 55 percent of an annuity computed under section 8339 (a)-(e) and (h) of this title as may apply with respect to the employee or Member, except that in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of (i) 40 percent of his average pay, or (ii) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age."

(b) Subsection (e)(1) of such section is amended to read as follows:

"(e)(1) If an employee or Member dies after completing at least 18 months of civilian service, or an employee or Member dies after retiring under this subchapter, and is survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(A) 60 percent of the average pay of the employee or Member divided by the number of children;

"(B) $900; or

"(C) $2,700 divided by the number of children; subject to section 8340 of this title. If the employee or Member is not survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(i) 75 percent of the average pay of the employee or Member divided by the number of children;

"(ii) $1,080; or

"(iii) $3,240 divided by the number of children; subject to section 8340 of this title."

Sec. 207. (a) The amendments made by sections 201, 202, 203, and 206(a) of this Act shall not apply in the cases of persons retired or otherwise separated prior to the date of enactment of this Act, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been enacted.

(b) The amendments made by section 204(a) of this Act to section 8340 of title 5, United States Code, shall apply only to annuity increases which become effective under such section 8340 after the date of enactment of this Act.

(c)(1) The amendment made by section 206(b) of this Act shall become effective on the first day of the first month which begins on or after the date of enactment of this Act.

(2) The annuity of each surviving child who, immediately prior to the effective date of such amendment is receiving an annuity under section 8341(e) of title 5, United States Code, or under a comparable provision of any prior law, or who hereafter becomes entitled to receive annuity under the Act of May 29, 1930, as amended from and after February 28, 1948, shall be recomputed effective on such date, or computed from commencing date if later, in accordance with such amendment. No increase allowed and in force prior to such date shall be included in the computation or recomputation of any such annuity. This paragraph shall not operate to reduce any annuity.

Mr. DANIELS of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate amendment be dispensed with and that it be printed in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey (Mr. Daniels)?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I do so in order that we may have an explanation of the action of the other body with respect to this legislation and to ask a few questions of the gentleman from New Jersey.

Particularly, Mr. Speaker, I would like to know what additional benefits the other body put into this bill and whether the costs of the additional benefits are covered?

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. DANIELS of New Jersey. I shall be happy to explain.

The Senate amended the House bill, H.R. 9825, by striking all language following the enacting clause and inserting the language of S. 2754, as amended.

The Senate amendment retains all of the provisions of the House-passed bill, except minor technical and perfecting changes. Exclusive of the liberalized survivor provisions and additional funding mechanism added by the Senate amendment, the only substantive change in the House-passed version is with respect to the rate of contribution applicable to Members of Congress. The House version continues the Members' contribution rate at the present 7.5 percent whereas the Senate version raises it to 8 percent—no attempt being made in the Senate to retain the rate of 7.5 percent.

The Senate amendment made changes in other respects, as to costs of crediting military service, surviving spouses' benefits, and surviving children's benefits.

With respect to costs, the total contributions will amount to 14 percent, and under the Senate-passed amendments the normal costs will come to 13.98 percent, leaving a surplus of 0.02 percent.

Under the present cost operating system, normal costs come to 13.86 percent and, by virtue of the change made by the State, the normal cost will be reduced by 0.22 percent so that the new normal cost of present benefits comes to 13.64 percent.

However, the House provisions would add thirteen one-hundredths of 1 percent and, by virtue of the liberalized benefits added by the Senate, which amount to twenty-one one-hundredths of 1 percent, we arrive at a total new normal cost of 13.98 percent of payroll, which is 0.01 percent under the House-passed bill.

The Senate amendment to title I provides that the cost of crediting military service be financed by annual transfers from the Treasury, out of money not otherwise appropriated, to the retirement fund in the same manner as it is proposed to finance the interest on the existing unfunded liability. Ten percent of such costs would begin to be paid starting in 1971, increasing by an additional 10 percent each year until, in 1980 and thereafter, the total costs would be funded by direct transfer. These payments would begin at about $10 million, rise proportionately over the next 20 years, and peak at approximately $300 million. Thereafter, these costs will gradually decline to a relatively negligible amount since military service performed after 1956 will, generally, be creditable under the social security system. By so funding, the normal cost of the benefit structure of the civil service retirement system will be reduced by 0.22 percent of payroll, reducing present normal cost from 13.86 percent to 13.64 percent. It will also result in reducing the system's unfunded liability by $4.7 billion.

Under existing law an employee who retires on disability—after completing at least 5 years of service—is guaranteed a minimum benefit of the smaller of (A) 40 percent of the average salary or (B) the rate obtained under the general formula after increasing the actual service by the time remaining between the date of disability retirement and the attainment of age 60, if either (A) or (B) produces a greater rate than is earned by virtue of his actual service. However, the law stipulates that such guaranteed rate is payable only to the disabled employee, and is not applicable in determining his spouse's survivor rate. Her benefit is 55 percent of only his earned rate. The Senate amendment removes the latter restriction, and extends to the surviving spouse an annuity based upon the higher guaranteed minimum benefit, where applicable.

Under existing law the spouse and children of an employee have survivor protection only in the event of his death after completing at least 5 years' of service. The Senate amendment would provide such protection upon the employee's death occurring after a total of 18 months of service—similar to the minimum coverage requirement of the social security system.

The amendment extends to the surviving children of such short-term decedents the same dollar benefits provided to children of over-5-years employees. However, its greatest effect is with respect to the spouse's benefit. It grants to the eligible spouse the same computation formula extended to the spouse of a disability retiree; that is, her rate would be computed on the basis of 55 percent of a guaranteed minimum disability benefit, if it exceeds the basic earned annuity. In other words, the basic rate would be determined as though the employee had retired on disability as of the date of his death in active service.

Present law grants basic survivor annuity benefits to eligible children of the smallest of: First, $50 per month per child, second, $150 per month divided by the number of children, or third, 40 percent of the employee's average salary. Orphaned children's basic rates are, respectively: First, $60 per month per child, second, $180 per month divided by the number of children, or third, 50 percent of the average salary, whichever is smallest. These basic rates are subject to all automatic cost-of-living adjustments occurring since 1965. Generally, the current maximum monthly rates are $61 and $183 for children with one parent, and $72 and $216 for orphans.

The Senate amendment proposes a fresh start principle by increasing the respective children's basic amounts of $50, $150, and 40 percent to $75, $225, and 60 percent, and orphan's basic amounts of $60, $180, and 50 percent, respectively, to $90, $270, and 75 percent. In application the present actual average rates of $61 and $183 would be increased to $75 and $225; the present actual average rates of $72 and $216 would be increased to $90 and $270; and these new basic rates would be further increased by the percentage of all future cost-of-living increases.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation and say to Members of the House that I am still opposed to some provisions of this bill, but if I read the signs correctly—and I believe I do—there is no point in going to conference with it.

I accept the fate of having been defeated on this issue when the measure was originally before the House. I said then, as I now reiterate, that this legislation had the original worthy purpose of bringing order out of chaos in the funding of the Government employees retirement fund, but was then converted into a Christmas tree with goodies for almost everyone.

Let me repeat my belief that it would be futile to attempt to overturn in a conference the action of the House and Senate. However, I still strongly oppose enactment of this legislation in its present form.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. DERWINSKI. Mr. Speaker, reserving the right to object. The gentleman from New Jersey has made an explanation, but like my distinguished colleague, the gentleman from Iowa, I recognize the facts of life and feel that there is no further point in debating this bill except merely to clarify some things for the Members. Does the gentleman have any idea as to what cost will now be attributed to the high 3-year-service feature, calculated as to the impact on immediate retirement of many people in the service? Does the gentleman have any figures to show the possibilities in that area?

Mr. DANIELS of New Jersey. I understand a number of people will be retiring shortly after enactment of the bill, if that be the will of the President. I have received many, many inquiries from Members as to the status of this bill, both after the House passed it and while action was pending thereon in the Senate, and since last week when the Senate passed this bill. I believe there will be a considerable number who will retire. This bill will save, perhaps, the administration some embarrassment of firing people to cut back defense spending. Because by people retiring, it will also open the doors for many young people to come into the Government service, and for younger employees to move up the ladder.

Mr. DERWINSKI. It is not my purpose to go into unnecessary speculation about the acts of this administration unless we in Congress exercise some leadership in this bureaucracy in doing away with many of the programs we have started. But like the gentleman from Iowa, I feel that the Senate version is an improvement on the bill passed in the House. I think the gentleman from New Jersey is correct in recommending that we accept the Senate version.

Mr. Speaker, now that the Senate has worked its will on the civil service retirement bill, H.R. 9825, and it is obviously moving toward enactment, I would be delinquent if I did not make some observations which I feel are pertinent at this point.

I first want to commend our distinguished colleagues in the other body for improving in two instances a bill which I did not favor as it passed the House. One improvement is the increase from 7½ percent to 8 percent of the retirement deduction rate for Members of Congress. Fairness dictates that if we insist that all other Federal employees pay an additional one-half percent into the retirement fund that Members of Congress should do the same.

I also admire the Senate action in amending the bill so that costs attributable to the crediting of military service be financed annually by the same method

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as the financing of interest on the unfunded liability of the retirement fund. It was, after all, the idea of Congress to permit credit for military service and so the cost should not be charged to the fund as a whole, as it has in the past, but should be covered by annual payments by the Government.

I must, however, restate my strong disagreement with the provision remaining in the bill which permits retirement service credit for the calendar value of unused sick leave. This is a departure from the basic concept that has governed the use of sick leave since its inception in the Federal system. The basis for sick leave under our system is to insure against the loss of income during periods of illness. All employees have the same right to draw upon sick leave if necessary, but nothing is owed the employee who enjoys good health and does not have to draw upon his reserve. This sick leave provision, as it becomes law, will discriminate against the employee who happened to be burdened with illness.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MICHEL. Mr. Speaker, further reserving the right to object, did I correctly understand the gentleman to say that under the bill about to be accepted, if it is, that our contribution as Members of Congress to the retirement fund will be increased from 7½ percent to 8 percent?

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Your understanding is correct. Our contribution will be increased from 7½ percent to 8 percent, with the Government contributing a similar sum into the retirement fund.

Mr. MICHEL. Further reserving the right to object, I should like to make the observation that some of the newspapers at home carry front-page accounts about how we are raising our salary again, raising our annuities. I have been opposed, frankly, to liberalizing that 5-year high base to 3 years. Personally, I do not like to see the increase from 7½ percent to 8 percent. I am grateful for what I may get someday and I do not think it ought to be increased. The thought occurs to me that our late senior Senator, who died a few weeks ago, was a Member of this body and a Member of the other body since 1932, except for 2 years. Over that vast expanse of years he contributed to this retirement fund. In that particular kind of case, the Senator contributed into the fund for 37 years and died without realizing an annuity. Now his widow qualifies, as I understand the system, for a 55-percent survivorship of what the Senator earned, but if she is in the twilight of her years, she may never realize in benefits anywhere near the amount her husband had contributed to the fund. There is provision, I believe, for the balance of premiums paid in to go to one's estate, but that is it.

Certainly, it is not any real bonanza, when one considers the amount of the contributions over some 32 years.

Have there been any studies made of the number of senior Members of this body and the other body who die after contributing over a period of 20 or 30 or 40 years to this program and never fully realize what they paid for in their 7½ or now 8 percent of salary deductions?

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I agree with the gentleman from Illinois. There is no real bonanza for the Members of Congress.

Our subcommittee did not go into the particular subject matter the gentleman has discussed, but I understand another subcommittee did go into this matter in considering the retirement benefits for the civil employees of the Foreign Service. I am not familiar with what that study showed, but I fully agree with the gentleman, that there are no "bundles for Congress" in this bill, regardless of what the news media says.

Mr. MICHEL. Mr. Speaker, I am happy to hear the gentleman's response to that question.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I chaired the subcommittee that went into this matter. As I said before, during the debate on this bill earlier, this fund for Members of Congress, if it were separated out and stood alone, would show it has accumulated a bonanza for the Government, in spite of the fact that when it was passed everybody was blanketed in without any prior contributions or without having to go back and pay for prior years of service, and in spite of the fact that for about half the time or more of the time, the Government did not put its share of contributions in.

I do not recall the figure off the top of my head at this moment, but I think it was approximately $12 million or $16 million more which was paid in than has ever been paid out—and that in spite of the fact the Government did not make its contribution and in spite of the fact the people who were here in 1946, when it was passed, and who had been here for 20 or 30 or 40 years were blanketed in. So there has not been really any steal from the taxpayers at all.

Mr. MICHEL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HOGAN. Mr. Speaker, I am very pleased to have been a cosponsor of this legislation which will resolve the financial crisis facing the retirement fund today. At the same time we are fulfilling an obligation long overdue our civil servants by committing the Government to maintaining the integrity of the civil service retirement fund and insuring that there will always be enough money in the fund to permit payment of all benefits—in full and on time—to all past, present, and future Federal employees.

I urge the Members of this body to give our Government workers one more vote of confidence by unanimously accepting the Senate amendments to H.R. 9225, permitting prompt transmittal of this measure to the President for his signature into law, a moment long awaited by civil service employees of the Fifth District of Maryland.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 9825.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RESIGNATION AS MEMBER OF NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

The SPEAKER laid before the House the following communication, which was read:

OCTOBER 1, 1969.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
The Capitol.

DEAR MR. SPEAKER: It is with regret that that I respectfully submit my resignation as a member of the National Commission on Reform of Federal Criminal Laws. As you know, Mr. Speaker, I do not plan to run for reelection to Congress and I think it appropriate that I be replaced at this time by another Member of the House of Representatives.

I enjoyed my service on the National Commission on Reform of Federal Criminal Laws with its distinguished Chairman, The Honorable Edmund G. Brown.

Sincerely,

DON EDWARDS,
Member of Congress.

APPOINTMENT AS MEMBER OF NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 89-801, the Chair appoints as a member of the National Commission on Reform of Federal Criminal Laws the gentleman from Illinois, Mr. MIKVA, to fill the existing vacancy thereon.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I was absent from the House session on Monday, October 6, because of a death in our family in Buffalo, N.Y.

Had I been present and voting, I would have voted "yea" on rollcalls Nos. 203, 204, and 205. On rollcall 202, I would have voted "nay."

ANTI-INFLATION CAMPAIGN

(Mr. O'HARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'HARA. Mr. Speaker, on June 2, I read into the RECORD a newspaper article describing how the Advertising Council, an offshoot of the U.S. Chamber of Commerce, was hoping to launch an anti-inflation campaign to "condition the collective mind so that when something is done, they will know it to be in their best interests." The quote is from an official of the Advertising Council.

Well, this administration has been doing its best to fight inflation. And yesterday, the Bureau of Labor Statistics of the U.S. Department of Labor announced that unemployment had risen to its highest level in 2 years. The increase—equal to one-half of 1 percent of the entire labor force—was the biggest monthly increase since the last time the Republicans were in office.

We are told by the Washington Post:

> Some administration economists, most notably Assistant Treasury Secretary Murray L. Weidenbaum, viewed the increase in joblessness as evidence the Government's anti-inflation program is beginning to take hold.

Mr. Speaker, I do not think the people of this country have yet had their collective mind conditioned by the advertising council to the point where they are going to accept the administration's view that a little unemployment is good for you.

Prices continue to rise. The President opposes tax relief for the middle-income taxpayer, but supports more tax relief for those who already have most of the loopholes. The Federal Reserve Board continues with its policies of increasing the prices the banks can charge us to use our money.

Taken as a whole, Mr. Speaker, one can only agree with the Assistant Secretary of the Treasury. The administration's anti-inflation fight has indeed begun to "take hold."

It has begun to reduce full employment so that business can keep labor in line through fear of unemployment. It has begun to generate public pressure against domestic programs which might improve the position of those most in need. And it has done so without holding down prices and profits for the natural supporters of the Republican Party.

Mr. Speaker, I have a modest proposal. If increased unemployment is going to be sold to us as an anti-inflation measure, may I suggest that the unemployment start with the guy who thought up that argument?

RAILS, RULES, AND RUIN AT FORT ROBINSON

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, the problem of inadequate rail service for passengers was the subject of a special order last month and over 90 Members have joined with me in sponsoring a bill to authorize the Interstate Commerce Commission to require adequate standards of service on the Nation's passenger trains. This is a proposed solution to part of the whole problem of passenger train discontinuances, inadequate service, and the inability or unwillingness of the American railroad system to maintain passenger service.

One of the first Members to join with me on this bill was Representative GLENN C. CUNNINGHAM of Nebraska, and his experiences on the road to Fort Robinson on the Burlington Railroad should make interesting reading for all Members. I have obtained permission to include at the close of my remarks articles from the Wall Street Journal and the Washington Star which outlined what happened to Representative CUNNINGHAM when he tried to ride the train between Omaha, Nebr., and Billings, Mont.

Representative CUNNINGHAM was on his first vacation in 13 years. The train was stopped at Hemingford, Nebr., a community of 904 persons, 19 miles northeast of Alliance, the nearest bus connection. This was part of a prearranged plan by the railroad to discontinue this train before a further appeal could be taken by the passengers who were objecting to the stoppage of service.

I will leave it to Congressman CUNNINGHAM to explain his problems in greater detail when this bill comes before the Interstate and Foreign Commerce Committee of which he is a member. Congressman CUNNINGHAM has long been a strong supporter of the railroads of this country and I am certain that his remarks on this bill will have great weight with Members of the House.

The material referred to follows:

[From the Wall Street Journal, Aug. 21, 1969]

THE TRAIN DOESN'T STOP HERE ANY MORE

It isn't especially pleasant to be stranded in Fort Robinson, Nebraska (pop.: 904), even if you happen to be a Congressman from Nebraska. And the upshot may not be entirely pleasant for the Chicago, Burlington & Quincy Railroad which, unwittingly, marooned Rep. Glenn Cunningham in the isolated hamlet.

The Burlington, you see, had been trying for years to discontinue a pair of trains that shuttle between Billings, Mont., and Omaha, Neb. According to the railroad the trains attracted so few passengers that they were costing the Burlington the not inconsiderable sum of $1 million a year.

Well, a Federal court finally authorized discontinuation of the service and, almost faster than you could say Chicago, Burlington & Quincy, the trains stopped. Passengers who happened to be aboard at the time were loaded onto buses to complete their journeys. And Mr. Cunningham, waiting at Fort Robinson with return ticket in hand, got the word that the train to Omaha would not stop there any more.

It's possible to sympathize with the railroad. Interstate Commerce Commission and court procedures, which govern not only the extent of passenger and freight service but also what the lines can charge for it, are so protracted that a railroad can go bankrupt before it gets remedial action.

If anything is to be done about this messy situation, however, cooperation will be necessary among the railroads, Congress and other branches of Government. Lately there has been a growing realization in Washington of the sorry state of mass transportation and a feeling that—no matter whose fault it is—the Federal Government is going to have to help find a solution.

As a matter of fact a House Commerce subcommittee has been looking into ICC procedures for several months. One member of the Commerce Committee, as the Burlington by now must be painfully aware, is Rep. Glenn Cunningham.

HE IS ICC MONITOR, TOO: LAWMAKER STRANDED AS TRAIN ENDS RUN

(By Stephen M. Aug)

A move by the Burlington Railroad to take a train off the tracks before opposing lawyers could get to court to block it may have backfired. Without knowing it the railroad stranded—among others—a U.S. congressman in the middle of nowhere.

And the train was ordered right back on by the Supreme Court.

Among those stranded was Rep. Glenn C. Cunningham, R-Neb., a member of the House Interstate and Foreign Commerce Committee.

Coincidentally, the committee is the one which acts as watchdog over the Interstate Commerce Commission, whose ruling set in motion the events that permitted the Burlington to end train service.

Cunningham said it was his first vacation in 13 years—and he and his son, Glenn, Jr., 26, had gone fishing at Fort Robinson State Park near the Wyoming Border.

Reached at the fishing camp, Cunningham said "when I came in for lunch was the first time I knew they'd stopped the train. There's no buses, and unless somebody drives you down to Alliance, then you can take an airplane—but they have a lot of old-fashioned planes and I'm not going to ride on those darn things.

"I bought a round trip ticket and I want the satisfaction of coming up here and going back on the train," he said. Cunningham tried complaining to the ICC which had authorized to end the service last January.

The railroad, the full name of which is the Chicago, Burlington & Quincy, has been trying to discontinue for two years a pair of little known trains between Omaha, Neb., and Billings, Mont.—a sparsely settled area of the Midwest.

So when railroad lawyers learned a federal court in Cheyenne, Wyo., had authorized the end of the service they acted swiftly—stopped the train at a small western Nebraska community and unloaded 34 startled passengers, 200 sacks of mail and dozens of paychecks for railroad workers in Wyoming.

MAIL STRANDED, TOO

The passengers were loaded aboard buses for the rest of their trip—456 miles northwest to Billings—the mail was turned over to the Post Office at Alliance, Neb., and the paychecks were given to a railroad official to distribute.

A train that was to have headed east never left Billings, and railroad agents helped passengers aboard buses and planes.

As a result of the abrupt end of No. 41—and its eastbound counterpart, No. 42—dozens of prospective passengers, many holding return tickets, were left waiting at Burlington stations throughout Wyoming, Nebraska and Montana.

Cunningham said, he would seek some form of congressional action—but he wasn't certain what. "They're not going to get by with it," he said, adding, "this is such a shock to me I haven't figured out my maneuvers yet—but I'm going to do something."

A Commerce subcommittee has been looking into the Interstate Commerce Commission at least since last February.

The Burlington sought unsuccessfully last year to end the Omaha-Billings service—a daily round trip on which it says it loses $1 million a year because few passengers use the service.

Cunningham dispute this. "When we came out here that train was full. The pullman section from Omaha to Alliance was only about three-quarters full, but when we got off at Alliance and changed to a coach, that coach was jammed," he said.

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In first rejecting the Burlington's plea, the ICC criticized the railroad for providing shoddy service on the line. But last January it decided the train could go.

INDIANS ON LIMB, TOO

Several cities in the three states, the Crow Indian Tribe, a citizens group and two labor unions appealed to federal court in Cheyenne. The court ruled late Wednesday and mailed its opinion to the parties.

A. M. Rung, director of Burlington's public relations, said the railroad's lawyers "had issued instructions to the operating department that when the order was received to halt the train at the nearest station."

He explained it was felt that if the train was discontinued immediately after the first federal court authorization, it could not be ordered back into service.

At 8:19 a.m. No. 41 pulled into Hemingford, Neb., a community of 904 persons 19 miles northeast of Alliance. Dale Ettle, president of the Citizens Voting League for the Retention of Passenger Train Service, said "the passengers were told that the train would not go on."

RAPID MOVES

So fast did the Burlington move that a lawyer for the opposition had no time to obtain a restraining order to stop the action. Gordon P. MacDougall of Washington, who is handling the case here, wired the Burlington he intended to appeal, and 15 minutes later filed his suit with the Supreme Court.

Justice Hugo E. Black handed down an order requiring the railroad to continue operating the train for 10 days or until Justice Byron R. White—who handles matters in the 10th circuit—has a chance to rule in the matter. White was out of town.

But that was nearly four hours later, and by then the train service had been halted.

Later in the day, a spokesman for the Burlington reported that train service would be resumed, and added that the railroad had "acted in good faith."

TRAIN A LOSER

Rung earlier said of the discontinuance, "Of course, we'd prefer not to do these things, but you've got to be realistic. If we hadn't terminated the train, it could have dragged on another year. It's losing a million dollars a year and it's averaging 12 passengers a mile. We can't operate our business that way." It was the first time Burlington had acted to end service so swiftly, Rung said.

There was some reaction from Capitol Hill. Sen. Cliff Hansen said through an aide that the sudden discontinuance "would appear to reflect poor judgment on the part of someone, to say the least."

Robert T. Cubbage, Burlington general counsel, said the railroad would restore the service "out of deference to the court, even though it seems it's going to be tremendously expensive."

Cubbage said he had had no idea an appeal would be made. "We were following a pattern we understood was appropriate. It seemed the reasonable thing because of our own financial problems."

Said Cunningham: "My goodness, if you're going to stop a train at least give the people 10 days or two weeks to adjust."

FUNDS FOR CURRENT EDUCATION PROGRAMS ON A CONTINUING BASIS

(Mr. COHELAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHELAN. Mr. Speaker, today I am introducing a joint resolution which will make available funds for current education programs on a continuing basis in accordance with action taken by the House on the Labor-HEW appropriations bill:

The HEW-Labor appropriations bill for fiscal year 1970, which was passed by the House some 2 months ago, is stalled in the Senate. From all reports, it looks as though it may be months before any action is taken by the other body.

We are well into the academic year. Education programs were started this year in full anticipation of the Federal funds provided in House-passed H.R. 13111. Further delay in releasing these funds, approved by this body, will only precipitate another crisis in an already critical situation.

During considerations of H.R. 13111, we put ourselves on the line as to whether or not we really favored an adequate education budget. We had to make the decision as to whether or not we really wanted better schools, better colleges, better research facilities or were we going to be satisfied with decaying school systems, overcrowded colleges, and underfunded research. We made the decision at that time by adding over $900 million to the HEW appropriation.

Education programs are now funded on a continuing resolution only to the level prescribed in the administration's revised budget estimates of April or the 1969 appropriation level, whichever is lower. This means that there are no Federal funds available for operating library programs in elementary and secondary schools and higher education programs; there are no funds for the matching grant equipment programs of title III, NDEA, and title VI of the Higher Education Act; there are no funds for the guidance, counseling, and testing provisions of title V, NDEA; there are no funds for the impact aid legislation, section (b) of Public Law 874. Grants to local educational agencies under title I, ESEA, the program for disadvantaged students, are now forced to operate below the budget estimates for fiscal year 1970. Cutbacks in vocational education must be made at this time because the 1969 funding level does not permit implementation of the 1968 set-asides simultaneously with the continuation of ongoing programs. Several higher education programs are similarly retarded as a result of funding cutbacks.

This resolution will merely fund education programs at the level this body already overwhelmingly agreed to. The present continuing resolution expires on October 31. This resolution is designed to supplement the existing resolution and allow our schools to operate at the funding level that we felt necessary when we voted on H.R. 13111 last July 31, and will be in effect only until the Senate completes final passage and the fiscal 1970 authorization is finally signed into law.

Mr. Speaker, this resolution before us today has the bipartisan cosponsorship of 182 Members. This broad base of support in itself is an expression of the importance of this joint resolution.

TREATMENT OF OUR PRISONERS OF WAR

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I was honored to take part on September 17 in the discussion here in the House on the heartbreaking treatment of our POW's and those missing in action. I was pleased to see that the Armed Forces Journal in their issue of September 27 called attention to the attempt of the House to focus attention on this situation. The RECORD would not be complete without this report added to the colloquy and I include it in the RECORD today:

CONGRESS FOCUSES ON POW PROBLEM

The most celebrated personage on Capitol Hill, Wednesday, 17 September, was someone who was not physically present, the American Serviceman held by the North Vietnamese as a prisoner of war.

On that day, the Nixon Administration and the Democratic-controlled Congress joined in a bipartisan effort to galvanize American public opinion to remember its nearly 1400 so-called "forgotten men" who are POW's, and to bring world-wide pressure to bear on North Vietnam to live up its own ratification of the Geneva Convention provisions which prescribe civilized treatment of prisoners of war.

A concurrent resolution to this effect was introduced in both houses of Congress, and Defense Secretary Melvin R. Laird reiterated an earlier promise that the POW issue must be resolved prior to total U.S. pullout from Southeast Asia.

Although the POW issue has not been entirely dormant in Congress, only this year, apparently, have increasing numbers of House and Senate members spoken out against the barbaric and inhumane treatment being given American Servicemen languishing in North Vietnamese prisons.

The major manifestation of this feeling took place when the House, in a special order of business, devoted a major portion of its proceedings to hear member after member (some 150 in all) denounce the North Vietnamese violations.

Representative William L. Dickinson (R-Ala), a member of the Armed Services Committee (along with over 200 co-sponsors), introduced the resolution condemning the North Vietnamese for their uncivilized conduct and calling upon the President, the Department of State, DoD, other concerned agencies, the UN, and the peoples of the world to appeal to North Vietnam and the National Liberation Front to comply with requirements of the Geneva Convention.

North Vietnam and the Viet Cong are asked in the resolution to take the following immediate actions:

Identify the prisoners whom they hold.

Release the seriously sick and injured.

Permit impartial inspections of all POW facilities.

Permit the free exchange of mail.

Present in the House galleries during the long discussion of the POW resolution were approximately 350 wives and relatives of Servicemen listed by DoD as either prisoners of war (POW) or missing in action (MIA).

The obvious emotional impact on the legislators below was perhaps best measured by the fact that the House ban on gallery applause was repeatedly allowed to be breached as the wives clapped after each Representative's speech.

Representative Dickinson, however, while also noting the presence in the gallery of two of the three American POWs released by North Vietnam in July (Navy Lt Robert Frishman and Seaman Douglas Hegdahl) did not formally recognize them—in keeping with another parliamentary prohibition.

Later in the day the wives were honored at a reception attended by, among others, the Army and Air Force Chiefs of Staff, the Chief of Naval Operations, and General Lewis W. Walt, Assistant Commandant of the Marine Corps.

Despite the fact that Congress is now doing everything within its constitutional power to deal with the problem, all participants were careful not to raise false hopes. As Representative Dickinson pointed out: "There is little the Congress can do directly to recover our forgotten men."

Dickinson said he was personally going to send copies of the day's Congressional Record to the chief U.S. negotiator in Paris, Ambassador Henry Cabot Lodge, requesting that they be made available to Hanoi representatives.

"They can see for themselves what the Congress of the U.S. thinks of their claims of 'humane' treatment of Americans they hold captive," he commented. Congress also may—just to keep the heat of publicity on Hanoi—take other symbolic steps, two of which were suggested by other members of the Armed Services panel.

Representative William Whitehurst (R-Va) said he has suggested to the President that a national day of prayer be declared on behalf of the POWs.

And Representative Bob Wilson (R-Calif) urged his colleagues to support his request to the House Chaplain and Washington area ministers to sponsor a "pray-in" on the Capitol steps.

Wilson also requested the clergymen who lead the House in its opening daily prayer to consider a voluntary reference to American POWs.

The POW wives also got assurances of action from Defense Secretary Melvin R. Laird, who told a group of them that the U.S. will not abandon the men being held in North Vietnam, and that there will be no withdrawal of all U.S. troops from Southeast Asia until the prisoner of war matter is settled.

Laird assured the wives their husbands will not be "forgotten men."

DoD now has a team assigned to attempting to secure the release of the POWs and to continually reviewing information received regarding prisoner treatment. The team is headed by Assistant Secetary of Defense (International Security Affairs) Warren Nutter and Deputy Assistant Secretary of Defense (Public Affairs) Richard Capen.

DoD officials have personally met with nearly 1,400 wives, parents, and family members to assure flow of the high priority assigned the matter.

The latest Department Vietnam casualty statistics lists a total of 412 currently captured, and 929 as currently missing, for a total of 1341 missing and captured.

Some men have been in Communist prison camps for more than five years—longer than any U.S. Servicemen were held captive during WWII. Over 200 have been POWs longer than 3½ years.

Only nine (including Frishman and Hegdahl) have been released by the Communists, and all from the same prison camp.

The testimony of the two Navy men, according to Dickinson, "refutes in a graphic way the propaganda disseminated by North Vietnam that prisoners are treated humanely."

The claims of North Vietnam that the prisoners are "war criminals" and that it therefore is not bound by the Geneva Convention Treaty it ratified in 1957, according to Dickinson, is "a propaganda claim that will not stand close inspection."

The 21st International Conference of the Red Cross he pointed out—the highest governing body of that organization—has adopted a unanimous resolution completely rejecting North Vietnam's contentions and calling on all parties to abide by the obligations set forth in the convention.

The resolution clearly states that the Geneva Convention applies to each armed conflict between two or more parties without regard to how the conflict may be characterized.

"I suggest that the failure of North Vietnam and the Viet Cong to comply with the Geneva Convention," Dickinson declared, casts serious doubts on the validity of any agreement that might be reached at the Paris peace talks.

"Either the North Vietnamese will honor their formal commitments and keep their word, or else they are without honor and their word is no good."

THE PROPOSED MORATORIUM ON CRITICISM OF THE WAR IN VIETNAM

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, the war in Vietnam was a primary issue in the electing of a new President in 1968.

Who could best lead this Nation out of Vietnam? This was a principal question upon which the results of the election were to turn.

During the 1968 presidential campaign, candidate Richard M. Nixon told the American people that he had a plan for ending the war. While he did not detail or in general spell out his plan, he did indicate that it would bring the United States peace with honor.

It has been almost 9 months since President Nixon took office. While there has been some progress in the settlement of the war, no definite end is in sight or hinted.

The people of the Nation are growing more and more concerned that President Nixon's plan has not proceeded as hoped nor been as effective as desired.

Through these intervening months since Mr. Nixon's swearing-in, the Nation has adopted a wait-and-see attitude. While the wait has been long and there have been occasional encouraging signs, little progress is to be seen. As a result, the latent national discontent is growing more active.

President Nixon has indicated his concern that expression of opposition to the war in Vietnam indicates to the leaders in Hanoi a lack of resolve on our part to support present policies designed to end the fighting.

The President said on September 30:

> I think we're on the right course in Vietnam.

He also asserted:

> The war will end much sooner if we can have . . . a united front (in America) behind very reasonable proposals. If we have that united front, the enemy will then begin to talk.

In the wake of those statements the Senate minority leader, Mr. SCOTT, called for a 60-day moratorium on criticism of the war policies and peace efforts of the administration.

The implication here is, it seems to me, that such action would have a positive impact on Americans at Paris to move negotiations off dead center and toward a meaningful settlement of the war.

Mr. Speaker, after a great deal of thought I, for one, am willing to give the President the 60-day moratorium.

My initial reaction to the suggestion was negative. But on reflection it seems to me that 60 days is a reasonable time to ask if the administration feels it will help convince Hanoi that the time has come to negotiate an early end to the war.

Also, I feel very strongly that all criticism at all times should be bipartisan. Criticism of the war must not be used as a political club by any political party against this or any administration.

We have endured this war and suffered its consequences too long to turn down or consider a reasonable request. If the administration's spokesmen feel a 60-day moratorium will actually move us toward peace then this request is reasonable. I am willing to take the risk. At the same time I certainly reserve the right of every Member of Congress and every citizen to decide the issue according to the dictates of his own conscience.

SCLC PAYMENTS FOR RESURRECTION CITY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I was quite concerned, and even dismayed, last night when I heard over the news that the Federal Government had accepted a partial payment of only some $10,000 from the Southern Christian Leadership Conference as repayment for the mass destruction caused by the Poor People's March last year. This partial payment is only one-seventh of the amount of the bill presented to the SCLC and compares with over $325,000 in direct costs to the U.S. Government to repair the Mall and return it to its original state.

I am very thankful we passed a bill earlier this year to prohibit such unlawful activities as the camp-in on the Mall in the future. If it were not for that piece of legislation, I am afraid the Justice Department has set a very dangerous precedent of saying to protesters, "You have the right to destroy Government property and the Government will even pay for the destruction you cause." Of course, I am not convinced that the past administration even had the legal right to permit a camp-in on the Mall in the first place.

I would also point out that the over $325,000 in direct costs to the Government does not include over $1 million for additional police protection to protect the citizens of the Nation's Capital, nor millions of dollars in business lost by Washington merchants.

In making this settlement, the Justice Department stated that it was "in the best interest of the United States." I contend that it is not in the best interest of our Government to waive money legally owed the U.S. Treasury. I feel sure that if it had been you or I, or any individual taxpayer, owing this much money in back taxes, we would have been "hounded" to death by the Justice Department and would have a lien on every piece of property we owned.

Mr. Speaker, I regret very much that the Justice Department has set a double

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standard for collecting just debts due the Federal Government.

NATIONAL TRANSPORTATION SYSTEM

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, we have heard that the Department of Transportation, sometime by the end of the year, hopes to come forward with a comprehensive plan to coordinate more closely the separate aspects of our national transportation system. We urgently need a national transportation plan and policy.

I strongly endorse moves along this line, and hope we do see some firm recommendations on this, as well as prompt congressional consideration.

Historically, most all of the governmental regulatory agencies dealing with freight and transportation grew up in a time when our transportation needs were much simpler than they are today. When the Interstate Commerce Commission was established, there was no such thing as motorized freight or busing, and the kind of service offered by the railroads was on a simple point-to-point basis. Similar background surrounded the creation of the other regulatory agencies, including the Federal Maritime Commission, and the Civil Aeronautics Board.

Today, however, we do not, as a practical matter, see our transportation network merely as a series of separate pieces, each with their different rules or guidelines. Instead, we see freight systems in which containerized shipments may be handed from one carrier to another, from one mode to another. We see passenger transportation systems dependent on highway and high-speed rail transportation, and on the burgeoning aviation system.

In the field of commuter transportation, we still see cities struggling to develop their own program, frequently in areas divided by several jurisdictions. And recently, we have seen Government assistance in the form of urban mass transit grants, and the newly proposed program set out in the Public Transportation Assistance Act providing a tremendously expanded program for bus and rail transit.

At the same time, our commuter systems are generally based on highway networks which are expanding rapidly, but on the basis of projected needs which rarely account for alternative modes, or of how user patterns might shift if stronger emphasis were laid on other approaches.

In short, Mr. Speaker, we are seeking a tremendous growth in our transportation needs and capabilities, but, in my view, we are not providing adequate rational consideration to how we might improve our system through simplification and through technical and administrative developments.

I am convinced that a large part of the problem lies in the fact that our transportation programs are spread among so many government departments and agencies. As I mentioned earlier, the agencies include the ICC, CAB, and FMC, but the responsibility for coordinating these responsibilities is placed in DOT. At the same time, DOT administers all of the programs designed to promote commuter transit systems, and does all the planning and priority decisionmaking in connection with our highway system.

Mr. Speaker, I realize that these problems are generally caused by the fact that our system has simply grown piecemeal for the past 150 years, and that it would be impossible to change this pattern overnight. The creation of the Department of Transportation, in fact, was an important step in the direction of reform, but I still feel that more needs to be done.

In one important area dealing with freight shipments, I have sponsored legislation to facilitate and simplify the administrative problems which have developed. The Equipment Interchange Act, H.R. 8968, would provide a way to expedite containerized shipments which utilize more than one mode of transportation. The bill would permit carriers of different classes—rail, motor, water, and air—to obtain authority for agreements with a carrier or group of carriers in another class on the interchange of cargo containers, highway trailers, and related intermodal equipment. This would include establishment of procedures to determine per diem rates on such interchange equipment and the controlling regulations.

To assure that the agreements would not be subject to antitrust violation, the Equipment Interchange Act would grant immunity when such agreements were approved by a joint board composed of one member each from the ICC, FMC, and CAB.

I believe this approach would give us an important step in simplifying our administrative proceedings on those transactions which cut across the areas of more than one regulatory agency, and I would hope that we might see consideration given to something along these lines.

At the same time, I understand that the DOT, just within the next several days, is prepared to send Congress its own version of an expanded bill known in past Congresses as the Trade Simplification Act. According to earlier versions of this bill, it deals not only with the interchange of equipment, but also with the publication of joint rates, the issuance of single through bills of lading, and liability matters.

THE PACE OF THE NIXON RECESSION INCREASES

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, for several months I have been predicting a recession followed by a depression if the Federal Reserve tight-money, high-interest-rate policy continues and if the Nixon administration continues along its path of trying to curb inflation by running excessive budget surpluses, along with a severe tight-money, high-interest-rate policy.

There is no question, Mr. Speaker, that the objectives being sought by the administration—to plunge our economy into a severe recession—is well underway. Unemployment has increased to 4 percent—the highest rate of unemployment since the Republicans were last in power in 1960.

I am flabbergasted by some of the statements attributed to members of the Nixon administration. Apparently they have no compassion whatsoever for the man who has been thrown out of a job as a result of the administration's economic policies. One administration official, Assistant Secretary of the Treasury Murray Weidenbaum, expressed great pleasure at these economic indicators.

I guess there are some within the administration who, it would seem, believe that we are to shout with joy when people get thrown out of a job.

Mr. Speaker, I have no desire to make a partisan issue out of the plight of those who have been removed from productive employment. I know the President has a good memory and he should be the first to recall that the last time the monthly jobless rate rose as sharply as it did between August and September of this year was during the 1960 campaign. Mr. Speaker, the administration in power seems to want to assure that old biblical adage that "the poor shall always be with ye."

Mr. Speaker, the Democratic Party has always sought to create an economic situation whereby everyone in our society seeking employment could secure employment. This, to me, is one of the fundamental differences between the Democratic and Republican Parties.

I have no fear of the outcome of either the congressional elections of next year or the next presidential election. With policies of the Nixon administration, such as that which led to a 4-percent unemployment rate and which I predict will go higher, the Democratic Party has no problems. It is lamentable, indeed, however that as a result of his policy, millions of breadwinners will be thrown out of work and millions of families will suffer the plight of no paycheck to take care of their basic needs and desires.

IN SUPPORT OF THE PRESIDENT

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. WHITEHURST. Mr. Speaker, I was recently asked to write an article for the Young Republican newspaper at American University. Feeling as I do that President Nixon deserves firm support from all of us in his attempt to bring the Vietnam war to an honorable end and not be stampeded into surrender, I take the liberty of inserting my article in the Record in order that my colleagues may fully understand my position and my determination to support President Nixon:

IN SUPPORT OF THE PRESIDENT

(By William G. Whitehurst, Member of Congress)

I became a strong supporter of Richard Nixon in June, 1968, at the Candidates' Conference at the Marriott Motor Hotel. Prior to

that time, I leaned toward one of the other Republican candidates, but after hearing Nixon speak to us on his proposed foreign policy for the United States. I became convinced that he, of all the candidates, had the best grasp of foreign affairs and I determined to support him.

Nothing has happened since that time to change my opinion. Indeed, what the President has said and done since his inauguration has reinforced my conviction. The President spoke in general terms of a world partnership of America and her allies instead of the paternal relationship which has existed since the end of World War II. He was emphatic in stressing the need for Asian allies to assume the burden for their defense against internal enemies, offering our assistance in the supply of necessary arms and ultimate defense against massive aggression from without. It is the kind of policy that should have been initiated over a decade ago, with the additional move of encouraging Japan to take a more active political role in the Far East.

This policy is currently hamstrung by the Vietnam morass, which the President inherited from his predecessor. The large American commitment in Vietnam represents more than the presence of a sizable military force engaged in a static defense of South Vietnam. It underscores the ability of the United States to place its armed forces in strength anywhere in the world, and just as important, its *willingness* to do so. Our presence in Vietnam is proof of the credibility of America as an ally and it is this credibility which is the cement of an alliance.

The critics, both Democrats and Republicans, who demand an end to the war, either immediately, or by December, 1970, destroy or would at least diminish the President's chance to decrease our participation in the war while at the same time maintaining that credibility. For if we are stampeded by the dissenters at home into a precipitate withdrawal, no free world political leader in Asia would count upon us as a source of strength. The SEATO alliance would be meaningless and more important, the hope to build the kind of partnership that the President envisions will be dashed. We will suffer an isolationism imposed from without in Asia for it is difficult to see what credence will be placed in our word by our Asian friends.

I do not ask that the war be escalated or that the current level of troop strength be indefinitely maintained. I do believe, however, that the President should be allowed more time to carry through disengagement in an orderly way, keeping the pressure on Hanoi to negotiate on a mutual basis. The impatience of his critics is reflected in deadlines, which in themselves are hard to defend. If they would have us out of Vietnam at any price, why not let it be done in 90 days? This would at least spare the lives of those who will be killed between now and the end of next year.

We have a responsibility to support President Nixon in this most difficult of all our national problems. He has announced his path and he has taken the first few steps along it. But if we join the chorus of those who bleat "Withdraw, Withdraw," we will surely help pin the label upon our leader as the first American President to lose a war and worse, we will abort the birth of a new Asian policy which holds so much promise for the future.

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, today's edition of the Washington Post contains a most thoughtful and perceptive column by its national political correspondent, David S. Broder. He writes of the problem of Presidential leadership and the war in Vietnam.

Mr. Broder, as many of us know, is presently a fellow at the Institute for Political Studies at Harvard University. His column, written from Cambridge, Mass., brings a new and refreshing perspective to the debate on the Vietnam war.

Mr. Broder presents a most intelligent interpretation of recent events bearing on the Vietnam war, and real insight into the motives of those who have been most vocal in their criticism of the conduct of the war, as well as President Nixon's efforts toward a scaling-down of the fighting.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield briefly to the gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Speaker, I associate myself with the remarks of the gentleman from New Jersey (Mr. Frelinghuysen) in bringing to the attention of Members of this House this very good article. I hope Members of both bodies will take note of the importance at stake in this "Breaking of the President."

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Wisconsin.

Mr. Speaker, perhaps the most interesting—and the most disturbing—aspect of this article, Mr. Speaker, is a chilling description of what the future holds if those who have embarked on what Mr. Broder so aptly calls "The Breaking of the President" are successful.

Mr. Speaker, the column by Mr. Broder should be required reading for every Member of Congress. Indeed, Mr. Speaker, this should be required reading for every American.

The article follows:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

Cambridge, Mass.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

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> Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a president?
>
> And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

THE BREAKING OF THE PRESIDENT

(Mr. BRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRAY. Mr. Speaker, I commend the gentleman from New Jersey (Mr. FRELINGHUYSEN) for bringing this matter to the attention of the House and including the article on the "Breaking of the President" which was in the Washington Post this morning.

I think it is time that the American people become aware of those who—I regret to say some in high positions—are making a career out of attempting to destroy their own country.

A TIME FOR AMERICANS TO UNITE

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, I wish to associate myself with the remarks made by the gentleman from New Jersey (Mr. FRELINGHUYSEN) and commend him for his forthright statement. This is certainly a time in the history of our country for all Americans to unite behind our Chief Executive who is making a great effort to fulfill his responsibilities under the Constitution in the formulation and execution of our foreign policy.

President Nixon has shown courageous and intelligent leadership in trying to bring the tragic war in Vietnam to a close which will be consistent with the great traditions and national honor of this country. He should be given an opportunity to use his great knowledge and experience in the field of foreign affairs to achieve an early resolution of the conflict. He should be supported by the Congress when he refuses to hit the panic button and sue for peace at any price, a false peace which would betray our national interest and in the long run jeopardize our security.

I believe the people of this country will rally behind the President as he refuses to be stampeded by those who apparently will not be content with anything less than the total humiliation of our fighting troops in the field and the total repudiation of the sacrifices of brave Americans living and dead who have answered the call of duty in far-off Vietnam. They have not been defeated by the enemy and our policy should not be dictated by those who wish they had. Our fighting men and their Commander in Chief are entitled to a great deal more support and consideration than they are receiving from some quarters today.

NEW KIND OF PROTEST IS NECESSARY ON WAR

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WILLIAMS. Mr. Speaker, I have here a column all those in this Nation who support North Vietnam should read carefully.

It is written by Roscoe and Geoffrey Drummond, not known for their sensationalism.

Those who view the North Vietnamese with affection should read how that affection is returned. It just might change their minds.

This column is from the Philadelphia Inquirer of October 3, 1969, and it reads as follows:

> NEW KIND OF PROTEST IS NECESSARY ON WAR
>
> (By Roscoe and Geoffrey Drummond)
>
> WASHINGTON.—There ought to be another protest after students and professors devote Oct. 15 to contending that President Nixon is not getting the U.S. out of Vietnam fast enough to suit them.
>
> We need a different kind of protest.
>
> We propose that Congress and the country join in a massive protest to Hanoi against its continuing cruel, criminal and inhumane treatment of American prisoners of war.
>
> We propose that the House and Senate pass a joint resolution at the earliest date demanding that North Vietnam cease violating the Geneva Convention against the maltreatment of enemy prisoners to which Hanoi is solemnly bound. One such resolution with 200 cosponsors has already been introduced in the House.
>
> We propose that special means be taken—by letters to the President and Congress, by circulated petitions for signature, by newspaper advertisements and other means—to show to North Vietnam and the Vietcong that American public opinion is both united and revolted by their needless and heartless attitude toward the men who have fallen into their hands.
>
> Hanoi has shown itself very sensitive to the state of opinion in the U.S. It hopes to win a one-sided peace by playing on the disunity and impatience of the American people.
>
> It would be useful to let Hanoi see something of the unity and the impatience of the American people over the long-standing, proven mistreatment of U.S. men in North Vietnamese prison camps.
>
> It would be useful to let the whole world know more about these conditions.
>
> It might do more. It might help break the deadlock over serious political negotiations to begin serious prisoner-of-war negotiations as it did in the long deadlocked Korean negotiations at Panmunjom.
>
> There are 1332 U.S. servicemen listed as prisoners or missing in action and many missing in action may be in prison camps. More than 200 U.S. servicemen have been held more than three and one-half years—longer than any U.S. serviceman was held prisoner in World War II.
>
> Here are the minimum obligations of the Geneva Convention, which North Vietnam signed in 1957—and Hanoi's nonperformance:
>
> Identify prisoners whom they hold. Hanoi has refused to do so.
>
> Release the sick and injured. Hanoi has refused to do so; its medical care has often been deliberately inadequate.
>
> Permit impartial inspections of prisoner of war facilities. Hanoi has refused to do so.
>
> Permit free exchange of mail. Hanoi has refused to do so.
>
> Here is typical testimony of those who were released and returned to the U.S. (nine in five years): One told of "rebreaking bones in solitary confinement, of sitting on a hot stool in a hot room with no sleep. . . . In two days your feet swell up and then it creeps up your legs until they are numb. How long can you last before giving some kind of statement? Some have gone 150 hours. Others passed out from heat exhaustion in 48."
>
> Another told of a fellow prisoner "tied up with ropes to such a degree that he still has large scares on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed and put in solitary for 38 days."
>
> Many hundreds of American wives, children and parents today live in needless and tragic uncertainty because Hanoi barbarously flouts its plighted word in the Geneva Convention. Some distraught U.S. Army wives are going into debt to fly to Paris to visit the Vietcong headquarters on the uncertain promise that they may be told whether their husbands are dead or alive. What cruelty! What a travesty!
>
> Since Hanoi is concerned about American opinion on ending the war, it ought to be given an authoritative word through a unanimously passed Congressional resolution about the American state of mind on ending their brutal prisoner-of-war crimes.
>
> It could help end the war. It could help bring the peace.

HORSE PROTECTION ACT OF 1969

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, I am sure that most of my colleagues are aware of the brutal method of "soring," which results in the quick development of a Tennessee walking horse. Specifically, "soring" is the practice of using mechanical and chemical means to make a horse's feet tender so it will lift them high in the show ring.

Today, almost half of this country's 60,000 walkers are tortured into performing spectacularly. In order to help put an end to the widespread barbaric treatment of these horses, I am today introducing the Horse Protection Act of 1969. This legislation would prohibit the movement in commerce, for the purpose of showing or exhibition, any horse which is believed to be sored.

The Tennessee Walking Horses Trainers Association pleads that no legislation be enacted and that they be given "additional time in which to continue efforts to improve conditions." Had this association acted years ago to end this torture, then their request might be granted. But such was not the case, and as Mrs. Paul Twyne, president of the American Horse Protection Association, testified before a Senate committee:

> The magnitude of this problem is far beyond the control of the horse shows associations, the local humane societies and the legitimate, honest trainers, breeders and owners who are sincerely interested in the future of the Tennessee Walking Horse.

It is my firm belief that unless we can insure that all trainers will stop the inhumane practice of "soring", it is highly unlikely that anyone will initiate the action and go into the ring against other trainers whose horses have been "sored for the big lick."

Mr. Speaker, the Tennessee walking horse is advertised as the world's best pleasure horse. These horses should be treated as the champions that they are. I urge my colleagues to lend their active support to the Horse Protection Act of 1969.

EFFECT OF IMPORTS ON GLASS AND OTHER INDUSTRIES

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I feel compelled to again call for drastic action in regard to the trade policy followed by the United States. The American St. Gobain glass plant in Arnold, Pa., has just closed its doors because of the senseless and uneconomic trade policy which is slowly but surely eroding job opportunities in every major industry in our country. Even the farm and service professions have not been spared. The time for talking is past. For 12 years I have warned the Congress, the White House, and the people of the coming day of reckoning. That day is here for millions of U.S. workers, and most recently for the 750 families found wanting in Arnold.

To add insult to injury, the Tariff Commission is holding hearings—at which I plan to appear—on a further reduction in U.S. tariffs on flat glass. The audacity, the boldness, the greed of the importer lobby and fraternity in this country, coupled with the brazenness and profiteering of foreign exporters calls for the only kind of action left to the American worker, farmer, merchants, and above all taxpayers. Either we mount a protective buy-American program for competitive goods, or we bow to the foreign products. This, indeed, is drastic action; but when reason does not prevail, then revolutionary tactics are demanded.

This may lead to an open boycott of all foreign-made products whether produced by foreign-owned or U.S.-owned industries abroad. I doubt that one single American family can shop for 1 month without buying a foreign-made product.

Our own manufacturers are lowering quality while their foreign counterparts are doing the opposite. With international cartels setting the pace, prices are doubled and even tripled on foreign products in the U.S. marketplace.

The glass workers can be the spearhead of this drive by calling upon all workers to "buy American." The difference in price, if any, is more than offset by the extra taxes the employed people of our country would have to pay in the form of welfare for those who are out of work. Call it "buy American," call it boycott, call it protectionism, call it by any name; this is the only means left to prevent the United States from continuing to be used as a dumping ground for foreign imports. The only sound trade policy in today's technological world is one of buying what you need and selling what customers require. This Nation cannot survive in a free trade world, regardless of the pro forma arguments of the doctrinaire free trader.

The next move upward in the minimum wage and maximum hour law may well spell the death of the consumer goods industries as far as growth and job opportunities for future Americans is concerned. I will not sponsor a new bill unless protective criteria such as those contained in H.R. 478, 90th Congress, and H.R. 1044 of this Congress, are included therein. The provisions of H.R. 1044 would tie import impact to our mandated minimum wage which is higher than any other nation's minimum wage. This may not be enough, but it will help.

We have mistaken trade relations for foreign relations and have let the State Department create a Frankenstein in the world trade economy. We buy goods we produce in surplus. We sell goods subsidized by our Government. We put U.S. producers in business in foreign countries. We buy back the U.S. goods formerly produced in the United States to further pollute our U.S. marketplace without regard to their foreign origin. The disparagement between U.S. and foreign labor costs, based on our lowest wage level, is such as to bar competitive equality in any marketplace except when that market is in short supply.

The 750 workers permanently removed from their lifetime jobs in Arnold will cost our economy no less than 2,700 full-time wage and salary workers.

When an event takes place after being predicted beforehand, it behooves all of us to give heed to the future dangers. The trade policies of our Nation are based upon false and mistaken assumptions. We assume we can have a high-cost economy and prosper in a free trade world without regard to cost differentials and marketplace opportunities. We cannot. The Arnold plant's closing proves this, and dramatically calls attention to an acknowledged fact: we have the highest unemployment in the past 9 years.

It is now up to the people, the consumers of America. We buy American or we go broke. We cannot count on our Government since too many Government leaders are tied to foreign trade directly or indirectly. We just named Carl Gilbert of the Gillette Razor Co. as chief negotiator for U.S. trade. This same Gillette Co. is one of the largest and farest-reaching international operators. This same company pays its workers in one foreign country—in a plant I visited—less than 80 cents a day. Is this the kind of a trade expert we need to save American jobs?

The gravest danger facing this country is not Vietnam, and is not student unrest, but the stupidity of the people in control of our Government who do not see that the economics of this country cannot go anywhere but downward unless we change our outmoded and mistaken trade policies.

My Pennsylvania Dutch people would describe our present generation of leaders as "folks who got too soon old and too late smart."

SECRETARY OF DEFENSE LAIRD URGES UNIFIED ACTION FOR PEACE

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, the Secretary of Defense, the Honorable Melvin R. Laird, delivered a timely and significant address today at the national convention of the AFL–CIO at Atlantic City.

The theme of Secretary Laird's speech was the current program to Vietnamize the war in South Vietnam.

Secretary Laird emphasizes that the military forces in South Vietnam are being improved to take over a greater part of the fighting in that beleaguered land. He also emphasized the strengthening of the Vietnam economy and the emphasis on improved internal security.

Mr. Speaker, the significance of Secretary Laird's speech is quite obvious. President Nixon has launched a new peace offensive which has already resulted in the reduction of American manpower in South Vietnam and the lowest number of casualties in more than 2 years. The President deserves and should have the unified support of the people of our Nation in behalf of his program to bring the war in Vietnam to an early and honorable close.

Mr. Speaker, I was appalled to hear a group of television broadcasting commentators express surprise that the President had asked for national unity in his pursuit of peace in Vietnam.

Certainly, this request is quite obvious, as Secretary Laird declared:

> To carry out his policy, the President needs the support of a united people. The young Americans in Vietnam need that support. Hanoi's strategy is clear: the leaders in Hanoi expect to achieve victory by waiting for us to abandon the conflict as a result of anti-war protest in this country.

Mr. Speaker, it seems to me that the choice is clear. We can help the President in his great mission for restoring peace in Vietnam or we can undercut his efforts. As for me, I want to be counted as lining up solidly with the President and in full support of his new approach to restoring peace in Vietnam.

I commend the Secretary of Defense on his illuminating and inspiring address to the members of the AFL–CIO gathered in Atlantic City, N.J. I hope that all Americans will take heart in his words and that the valiant efforts of President Nixon will receive the overwhelming support of loyal Americans throughout the land.

TO PROVIDE THAT THE FISCAL YEAR OF THE UNITED STATES SHALL COINCIDE WITH THE CALENDAR YEAR

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 15 minutes.

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Mr. MICHEL. Mr. Speaker, I have today introduced a bill to provide that the fiscal year of the United States shall coincide with the calendar year. I believe this legislation would help the Congress in dealing more efficiently with problems connected with the appropriation process.

We have been in session for over 9 months now and only one appropriation bill for fiscal 1970 has been enacted into law—the one providing funds for the Treasury and Post Office Departments and the Executive Office. We are nearly a third of the year into the fiscal year and 12 other appropriation bills have yet to be sent to the President for signature. Still somewhere in the pipeline are the appropriation bills for the legislative branch; Departments of State, Justice, and Commerce, and the judiciary; Department of Defense; Department of the Interior; Department of Agriculture; Departments of Labor and Health, Education, and Welfare; Department of Housing and Urban Development and Independent Offices; Department of Transportation; military construction; Public Works and Atomic Energy; District of Columbia; and foreign assistance.

This situation is by no means unique. The following list shows, for the last three Congresses, as well as for the current session, how many regular appropriation bills had not become law before the beginning of the fiscal year to which they pertained:

1963	10 of 12
1964	12 of 12
1965	10 of 12
1966	10 of 12
1967	13 of 14
1968	13 of 14
1969	13 of 13

Obviously the situation is going from bad to worse and there seems little likelihood that it will improve unless we change the fiscal year so that it will coincide with the calendar year.

I am not at this time going to argue the merits and demerits of the many programs that are included in the appropriation bills that we pass annually nor am I going to argue whether they ought to have more money or less. Suffice it to say that it is mandatory that the appropriation bill be passed as early as possible if the programs are going to function properly.

Having served in this body since 1957 and having been closely associated with its operations since 1949, I have watched Federal outlays increase from less than $41,000,000,000 annually to more than $195,000,000,000 annually.

During these two decades, sessions of Congress have become longer and longer. The 1952 session adjourned sine die on July 7 and that of 1953 on August 3. In 1954, the House of Representatives adjourned sine die on August 20. In subsequent years, both Houses adjourned for good on August 2, 1955; July 27, 1956; August 30, 1957; and August 24, 1958. Since then final adjournments have been in September, October, and December, one session ending on the next to the last day of the year.

Some of these sessions were unduly prolonged because of delays in enacting appropriation bills. When such measures are being considered just before Christmas, I sometimes wonder whether we in the Congress are working for Uncle Sam or for Santa Claus.

Mr. Speaker, I do not intend in my remarks here this afternoon to lay the blame for this situation on anyone's doorstep, for it comes about because of a number of things.

First and foremost, we on the Appropriations Committee cannot appropriate for that which has not been authorized, and in this respect we are seriously handicapped on many occasions by the slowness of the legislative committees to move, when an ongoing program's expiration date is nigh at hand. In other words, if a program is to be extended pretty much intact we ought to know about it early enough to appropriate wisely for it, and lacking authorization we have to assume that it is a program about to be terminated.

Now our chairman, the gentleman from Texas (Mr. MAHON), has on any number of occasions urged the subcommittees conducting their hearings here on the House side to move along expeditiously, and we have. I should also say that it is a downright deplorable situation when we find the other body at this stage—nearly a third of the way through the current fiscal year—having not even begun its hearings on the Health, Education, and Welfare appropriations bill. We spent nearly 4 months of hearings on this bill before our HEW subcommittee, and while it is a well-known fact that the other body never takes as long a time, nor does as thorough a job as we do, they cannot possibly have a bill on the floor before December, and then when one considers that a conference has to be called and the differences ironed out, we could find ourselves into the new calendar year, 1970, and into the last half of the current fiscal year before getting some of these appropriations bills actually enacted into law.

It is just ridiculous to be operating this way. If we ever thought of doing the same in private enterprise or in our own businesses, we would be out of business before long. It is an egregious situation.

In defense of the other body, they are charged with the constitutional responsibility of ratifying treaties and confirming Presidential appointees, and that does take a considerable amount of time with which we in the House do not have to concern ourselves, but it seems to me that we have to find a better way of doing business.

That is why I am proposing here today, Mr. Speaker, that we at least try an alternative by making the fiscal year coincide with the calendar year.

It would appear on the surface that the use of the calendar year in preference to the present fiscal year would require a mere housekeeping change affecting only those of us in the legislative and executive branches who are directly concerned with appropriations.

To the contrary millions of Americans as individuals, groups, organizations and yes, above all, the 50 States would be far better off if they knew where they were sufficiently in advance to get the most return for each Federal dollar appropriated.

Under the existing setup, when it is almost impossible to send all the appropriation measures to the White House before July 1, many people throughout the land live in uncertainty for months. Officials of educational institutions at all levels do not know how much money will be available for construction of buildings, for popular ongoing programs, for scholarships, or for salaries. Hospital administrators are in the dark, not knowing what Federal funds will be forthcoming for hospital construction or for research. Badly needed housing cannot be built unless those responsible for construction know how much money they can expect. These are but a few examples.

With the switch from the existing fiscal year to the calendar year, we would have more time for hearings, more time for calm deliberation, more time for debate on the floor, and more time for oversight. We would not need to utilize all of the added 6 months.

Some bills could be sent to the Chief Executive soon after July 1, while work on the others could be completed on various dates long before December 31. Congress would not have to remain in session throughout the year just because of the change to the calendar year, but if it did continue sitting after all the appropriation measures had been passed in final form, the extra time could be used for purposes of review. Whether we retain the present fiscal year or shift to the calendar year arrangement, we will from time to time have to consider supplemental requests. The important thing, as I see it, is to give the various instrumentalities of government, including State and local as well as Federal, time to budget their funds properly, spend their money wisely, and make their dollars go further.

Mr. Speaker, the legislation which I have dropped into the hopper today ought to have strong support from both sides of the aisle and all shades of thinking in both parties. Last and by no means least—it ought to have enthusiastic support from the people who provide the money to appropriate, namely, the taxpayers.

H.R. 14225

A bill to provide that the fiscal year of the United States shall coincide with the calendar year

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Effective with the second calendar year which begins after the date of enactment of this Act, the fiscal year of all departments, agencies, and instrumentalities of the United States shall be the calendar year.

SEC. 2. The director of the Bureau of the Budget is authorized to make provision by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States

affected by section 1 of this Act from the use of the fiscal year in effect on the date of enactment of this Act to the use of the fiscal year prescribed by section 1 of this Act.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I would be happy to yield to my distinguished ranking minority member on the Committee on Appropriations.

Mr. BOW. Mr. Speaker, I am delighted that the gentleman has brought up this question and is introducing this bill. I understand the Committee on Rules is considering somewhat the same legislation which the gentleman from Illinois is introducing.

I wonder if the gentleman has anything in his bill which would require authorizations to be made promptly? Even though we go to the fiscal year plan, and have the entire year to consider appropriation bills, are we not still in the position of not having authorizations come October or November and still find ourselves in the same position we are in today if we were not able to get the authorizations bills through?

Mr. MICHEL. The point that the gentleman from Ohio makes is a very good one. The bill which I have introduced is very general in scope. But realizing that there are some of these other approaches and versions that have been introduced in bill form, I have not in my bill specifically earmarked or set a target date on which we must have authorizations before considering appropriation bills.

Mr. BOW. Mr. Speaker, if the gentleman will yield further, I can recall in the 82d Congress when the Appropriations Committee had all of its bills out by the end of May, all except the so-called foreign aid bill and that came out I think a month or two later—this was before we were held down by authorizations—and here we had one today, this late in the season, and I understand one of the other great committees of this House has not yet finished the markup on another bill that is going to require authorization before we can bring the appropriation bill to the floor of the House for consideration and passage.

It would seem to me that we have got to find some way to get the authorizations passed promptly.

I think the gentleman will agree with me that practically every subcommittee of the Appropriations Committee has concluded its hearings and we are now waiting for the final word that we will have authorizations for the consideration of the appropriation bills.

We could have had our bills on the floor here earlier.

The gentleman touched upon another question that is most serious, and that is in the other body.

We have now—I think this is correct—six bills over there now upon which no action has been taken. I know of one subcommittee that sent a bill over there in July and no final action has been taken upon it as yet. So, that is not going to be quite as easy to solve as it looks on the surface.

There is one other matter that is of concern with reference to going from the fiscal year to the calendar year. I may say to the gentleman that on this floor not long ago I urged this study to be made because I think there may be some merit to changing to the calendar year, but every 4 years you would really have a problem, for if you appropriate for the 4th year, the incoming President, whomever he might be, will be working for a full year on an appropriation passed by his predecessor. Of course, we all know they can send down amendments to the budget, but that is not very satisfactory.

Mr. MICHEL. In the current fiscal year we have been witness to how long it takes an administration to really get cranked up on its own and have its own imprint upon legislation, upon spending and the budget. I do not see how changing to a calendar year would in any way inhibit a new administration in making changes, for they would simply have a longer period in which to send up budget amendments.

Mr. BOW. Mr. Speaker, if the gentleman will yield further, there is one other observation I would like to make and one which concerns me, and that is the practice of continuing resolutions. We have to have them because of the situation which the gentleman has discussed. But, in many cases we are now carrying on under continuing resolutions and there are various departments which are hampered by not having their bills through and by not knowing what they are going to have. But, in many of those bills that are held up because they are not through conference, it would seem to me that where the House and the Senate are in agreement and where they are not subject to conference, we should amend our next continuing resolution in order to permit departments to go ahead with the expenditure of the amounts that have been agreed upon if they are not in conference.

It seems to me to be an injustice to the executive branch of the Government to have to be carrying on under a continuing resolution where nobody knows and nobody can plan on what is going to go on.

So, Mr. Speaker, I hope the gentleman will follow through so that we can have a study upon this matter. But we must find some way, because the executive branch is suffering and we are suffering from the stigma attached by not getting the bills through.

But I again want to point out on behalf of the Committee on Appropriations that we could have had our work finished if we had had the cooperation of the other body, and of the legislative committees, we could have been out of here.

I thank the gentleman for yielding.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I will yield to the gentleman from California in just a moment, but before I do that I would like to make, if I might, one other observation, since the gentleman from Ohio (Mr. Bow) mentioned the continuing resolutions.

Earlier today on the floor of this House there were several statements made with respect to that, and to amending the continuing resolution when it comes up again—a subject matter on which there is going to be a lot of discussion when it does come to the floor of the House.

If we continue to go the route of continuing resolutions, we are going to have all kinds of requests for exemptions by this and that pressure group in the future and that is bad. It practically destroys the orderly appropriating process. I think it is a bad way to do business, and that a change is needed. The handwriting is on the wall and I believe we ought to move to correct this bad situation.

Mr. BOW. Mr. Speaker, if the gentleman will yield further, I know the resolution that the gentleman is talking about, but that is not what I am saying. I am saying where the bill has passed the Senate, and passed the House, where they are not in disagreement and there are items that would not have to be in conference which we know are going to be approved, then I think we ought to permit them to go ahead.

Mr. MICHEL. I am heartily in agreement with the remarks of the gentleman from Ohio with regard to that kind of resolution.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, I want to compliment the gentleman on introducing this bill. I have been advocating the change from the fiscal year to the calendar year for a long time, and I have had discussions with many Members of my side of the aisle, and I feel that many of them will support this principle if and when it comes to fruition. I have done a number of things in connection with this, in fact, I have had some trial copies of a bill drawn by the legislative reference department, and by my staff, and I think that the gentleman is absolutely on sound ground.

The burden of work that faces both the authorizing committees and the Committee on Appropriations is so much greater than it was 27 years ago when I first came to the Congress when we could get the authorizations for the appropriations out in a few months, or a relatively few months. And I know that we have to have a change in the system.

Of course, there are a lot of problems involved on this, as the gentleman knows. For instance, we have the transitionary period which I assume would be an 18-month transitionary period, because we would have to take into consideration the additional 6 months in the calendar year change if we actually went to a calendar year. So there is that problem which I am sure will be brought out during the hearings. I hope to be allowed to testify on this bill because I think it is realistic. I think that we have been living in a fool's world when we expect the authorizing committees and the Committee

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on Appropriations to do their work in 6 months. We just cannot do that any more, and I think we might as well recognize this and bend to the inevitable to give ourselves the necessary time.

The SPEAKER. The time of the gentleman from Illinois has expired.

AIRLINES CAN STOP POLLUTING THE AIR—IF THEY WILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. ROGERS) is recognized for 15 minutes.

Mr. ROGERS of Florida. Mr. Speaker, I know that all of us here and Americans throughout the Nation have a keen interest in solving the problem of air pollution. In many areas we have been baffled in finding a solution which will guarantee clean air.

However, it has come to my attention that industry has developed the technology to prevent air pollution from airplanes. As you know, when jets take off and land, a stream of smoke follows in their wake, causing an unsightly plume which leaves tiny particles of carbon hanging in the air.

This is the result of unburned fuel. We have known this for a long time, but until recently there was no way to prevent it.

Pratt and Whitney has, however, developed a combustor which will render all future jets smokeless. What is more important, they have a process whereby their existing engines can be retrofitted with the same result—no smoke and no pollution.

Because of this breakthrough, a Government-industry meeting was held September 4. Mr. William H. Megonnell, Assistant Commissioner for Standards and Compliance of the National Air Pollution Control Administration conducted the meeting after inviting 43 airlines. The majority of airlines were represented by Mr. Clifton F. vonKann, vice president for operations and engineering of the Air Transport Association.

The crux of the meeting was that the Air Pollution Control Administration said the smokeless cans were soon to be available and urged their use. Note was made of the increase in cost to the airlines and estimates for this additional cost were put at between $13.5 and $15 million for retrofitting approximately 3,000 engines.

Pratt & Whitney said that it could tool up and by next spring could, if there was a need, turn out 200 of these smokeless cans per month for retrofit.

Mr. vonKann said that he figured the cost to be about $30 million and added that the industry felt it was doing a proper job. The airlines position then appeared to be that they would wait until new engines were needed before they acted.

Mr. Speaker, if the airlines voluntarily accept their responsibility to do their part in cleaning the air, the majority of engines now polluting our skies could be corrected by 1972. But the airlines want to wait until their existing engines completely wear out before starting a clean air campaign. This would mean that it would be the mid-1970's before we started to see smoke pollution from airlines disappear. I do not think that is soon enough.

There are three ways retrofitting could be accomplished. First, it could start as soon as possible, depending on the availability of the new cans; second, refit them as they come in for overhaul, or third, wait until they wear out and have new smokeless engines installed.

I favor the first—immediate action.

The point was made during the hearings that there is no law on the books requiring the airlines to adopt cleaner burning engines. I would hope that the airlines would reconsider their position and voluntarily start retrofitting their engines.

For I feel the Congress and the American people will press for legislation if it is necessary to make sure that we are doing all we can to halt air pollution from airplanes.

As a general rule, we accept that airplane smoke accounts for 1 percent of all air pollution by weight. But in the population corridors where planes land and take off, that percentage is higher.

The important thing, however, is that if we do have a solution for eliminating even 1 percent of the air pollution problem, we would be negligent if we did not take action to do so.

There are 78 million pounds of pollutants dropped from planes every year. Here in Washington, D.C., 1,200 pounds per day, or about 602,000 pounds per year, are dumped from airplanes. In New York, they figure about a ton and a half per day. And in Los Angeles, almost 1 ton of pollutants per day is dumped from airplanes.

This could be eliminated. Mr. Speaker, I hope that my colleagues will join with me in urging the airlines of this Nation to meet their responsibility and move as quickly as possible to have their existing engines fitted with these devices to prevent air pollution.

I, for one, can say that if they do not, there will be legislation coming. For we in the Congress also have a responsibility to see that the air we breathe is clean. And I think the Congress will meet that responsibility.

STATE DEMOS GEARING UP FOR 1970 RACES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, Mrs. W. N. Patman, wife of the distinguished State senator, Bill Patman, and the daughter-in-law of our beloved and respected dean of the Texas delegation, and chairman of the House Banking and Currency Committee, WRIGHT PATMAN, and in addition, the daughter of an illustrious State senator, Fred Mauritz, now deceased, has been named Texas National Committeewoman for the Democratic Party. It is indeed a fitting honor for this outstanding lady. Mrs. Patman comes to serve the party in Texas at a most decisive and critical time. She has been inured in the Texas tradition of unselfish public service.

I know that Chairman PATMAN is proud of her appointment and I share that pride.

Mr. Speaker, I take the liberty of calling the attention of my colleagues to news items relating to Mrs. Patman's selection:

[From the Houston (Tex.) Post, Sept. 30, 1969]

STATE DEMOS GEARING UP FOR '70 RACES

(By Felton West)

AUSTIN.—Amid warnings not to take past success at the polls for granted, the State Democratic Executive Committee started gearing up for the 1970 elections and chose a new national Democratic committeewoman for Texas at a meeting here today.

Mrs. Carrin Patman, wife of state Sen. William N. Patman of Ganado, was unanimously selected as national committeewoman, succeeding Mrs. Lloyd M. Bentson Jr. of Houston, who resigned about four months ago.

"We must convince Texas Democrats that they no longer can take success for granted," state Democratic Chairman Elmer Baum of Austin said.

Baum said he was "confident of future victories" but warned that the national Republican administration will name GOP "nose-counters" for the 1970 census and otherwise use patronage jobs in an effort to help the state GOP attain its announced goal of winning 35 seats in the Texas House of Representatives.

Gov. Preston Smith said, "Democrats should not be lulled by past victories into a false feeling of security." But he predicted the GOP will fail to win its goal of 35 legislative seats.

Baum announced he will soon establish a "future directions committee" as an advisory group for the SDEC "to seek new solutions to old problems, to chart new approaches to a brighter future." He suggested that, among other projects, it devote attention to bringing "senior citizens more deeply into Democratic Party activities," to giving county Democratic chairmen "opportunities for more service to the state organization," and to devising "a definite plan . . . to aid our Democratic nominees in their races against Republican opponents next fall."

Mrs. Patman is a vibrant 37-year-old longtime Democratic Party worker who served on the SDEC in 1966–67. She is the daughter of Fred Mauritz, a Ganado rancher and businessman who served in the Legislature from 1935 until his death in 1947. Her father-in-law is longtime congressman Wright Patman of Texarkana. She is a niece of prominent Houston Attorney Percy Foreman.

[From the Dallas (Tex.) Morning News, Oct. 1, 1969]

MRS. WILLIAM N. PATMAN CHOSEN COMMITTEEWOMAN

AUSTIN.—Mrs. William N. Patman, chosen to be national Democratic committeewoman from Texas, is an energetic South Texan with both a record and heritage in politics.

The former Carrin Mauritz of Ganado, she is the wife of a state senator and daughter-in-law of Wright Patman of Texarkana, senior U.S. congressman from Texas.

If the National Democratic Committee, as expected, follows the recommendation of the State Democratic Executive Committee, Mrs. Patman will succeed Mrs. Lloyd M. Bentsen Jr. of Houston, who resigned.

The new committeewoman is considered a liberal-moderate in politics. She is 37, wealthy, a veteran political campaigner for her husband and other Democratic candidates. A former State Democratic Executive Committee member, Mrs. Mauritz is helping to launch a new magazine for the party in Texas. She also is incoming president of the Texas Senate Ladies Club.

Sen. Charles Herring of Austin, SDEC member who urged Mrs. Patman's selection, described her as "ideally suited" to the post.

Gov. Preston Smith complimented the choice: "She has a unique political heritage . . . an abundance of ability and enormous capacity for hard work . . . I have always felt there is no substitute for hard work . . ."

Addressing an SDEC luncheon two hours after her selection, Mrs. Patman remarked "This is the first time any Patman election has ever been unanimous." She predicted "an exciting time" in Democratic politics in Texas.

The new committeewoman-designate also praised Gov. Smith as showing exceptional respect for the authority of his office and in practicing an "open door" policy as governor.

National Democratic Committeeman Robert Strauss of Dallas did not attend the meeting here but sent regrets. Both he and Mrs. Bentsen, the former national committeewoman, were choices of the administration of former Gov. John Connally.

SDEC adopted a resolution by William H. Clark III of Dallas commending Mrs. Bentsen's three years on the national committee including "the tumult at Chicago" (1968 national convention).

DRAFT CUTS, TOKEN PULLOUTS, AND OTHER FANTASIES AND ACTS OF MAGIC

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, as the war in Vietnam drags its gory way along, ever-growing numbers of Americans demand a constantly increasing pace of extrication on the part of our country from that civil war. In the process, they are also calling for reform of our draft system, which has not been proven to be a fair selection of young men for service.

As demands have grown from all corners of the land, the Nixon administration searched desperately for some well-gnawed bone to throw to critics who at last are breaking their silence in ever-increasing numbers. The result is one of the more cynical acts of political legerdemain of recent years. In terms of tangible performance it is a disaster. As far as fantasy is concerned, it is a masterpiece. Several years ago, it would have worked. Today, it turns into an edged boomerang, which strikes its perpetrators all the harder because of national emotions they have toyed with.

With trumpets, drums, and thumping nonsequiturs, the administration recently announced a reduction of draft calls for the remainder of the year, simultaneously issuing a call for draft reform. The validity of these draft reductions is called into serious question after a study and comparison of statistics. Contemplating the situation from an angle which does compare figures, the draft call reductions lose all significance and stand revealed as mere statistical sleight-of-hand.

The average monthly draft call last year was 24,667 as opposed to 29,040 this year. Four thousand more men monthly are being drafted this year. How apt then for the President to make the empty gesture of reducing draft calls for 2 months.

He has been drafting young Americans this year faster than President Johnson did last year. Draft calls under President Nixon have shot up more than 70 percent over last year since his June announcement of commencement of troop withdrawals from Vietnam. In October 1968, as an example, the call was for 13,800 as against 29,000 this October. From June to October of 1968, draft calls were for 79,300 men. For the same period in 1969, President Nixon drafted 135,700. In 10 months of 1969, Nixon is going to draft as many men as President Johnson did in 12 months of 1968. Figures are 290,400 for Nixon in 10 months against 296,000 for Johnson in 12 months.

So the draft call reduction stands revealed as a deliberate delusion offered to the public in order to blunt the cutting edge of dissent, which our leaders fear so much. Further, this is the second time such a cynical ploy has been used to fool the public. Earlier, the President announced troop cuts which were not cuts at all, knowing full well there had been a sharp increase in troop strength just before he made the announcement. The method used was the same as the draft cuts. Announce what is known to be a meaningless cutback with great fanfare and hoopla. The goal is the same in both cases. Stave off public criticism in order to continue to feed the guns.

The President announced a troop cut of 35,000 men by December 15, following the original 25,000-man reduction. Total withdrawals for 1969 then are 60,000. At this breathtaking rate we shall be out in a mere 8 years. At present casualty rates, even taking into account the lesser rate of recent hostilities, such a time schedule would cost America 600,000 more dead and wounded. For further evidence, let us examine casualty analysis figures emanating from the Armed Forces Journal.

American forces in Vietnam have suffered about 30 percent more combat deaths in the first 6 months of the Nixon administration than in the last 6 months of the Johnson regime. Under Nixon, combat deaths have jumped from 4,894 to 6,358. Wounded rose from 31,557 to 45,363. Even during the most recent "lull," American killed and wounded have been averaging about 1,500 weekly. This averages out to 75,000 annually, higher than the average for the last 3 years.

Here, then, is the stark reality of a callous effort by the administration to delude the public into thinking there is withdrawal and a winding down of our Vietnam participation, while such is not the case at all. An empty gesture is foisted upon the public as a grand and meaningful effort. The scarecrow dances and we are asked to believe it is a person performing. It is one of the crueler hoaxes of recent times, and the second of its kind. No one is fooled. Everyone is angered. Magic shows are supposed to be reserved for theaters and professional magicians, not for presidents and millions of people seeking policies and actions reflecting their wishes and demands. On October 15, a national day of protest, the American people will give President Nixon a demonstration of how much they want our Vietnam involvement to end. I endorse that protest and shall participate in it. It is my belief that millions upon millions of Americans will on that day show their disgust and contempt for the Vietnam policy now being followed. I believe the President has deluded himself into believing he could actually get away with these charades. It is my fervent hope that these protests will break through the wall of insularity around him, inducing a tangible, truthful process of withdrawal and extrication. If not, then demonstrations, peaceful and well within the law, will continue—and continue—and continue. If I may borrow a tragic phrase—they will escalate indefinitely.

APPLES AND BREADLINES, ANYBODY?

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the tree of economic disaster planted and assiduously cultivated by President Nixon is bearing its first full harvest of bitter fruit. Unemployment in September made its biggest leap since the final months of the Eisenhower administration 9 years ago. It rose to its highest rate in 2 years, according to official statistics released by the Labor Department.

Overall unemployment rose from 3.5 percent in August to 4 percent in September, largest increase since late 1960. We note that unemployment usually drops in this period as students return to school. Instead, unemployment rose 365,000, with two-fifths of the increase among workers in the 20- to 24-year-old group. Three hundred sixty-five thousand Americans lost their jobs in 30 days. In August, 150,000 lost their jobs. Five hundred fifteen thousand Americans, therefore, have joined the swelling ranks of the unemployed in the last 60 days of the Nixon administration. Quite an accomplishment, is not it? Not too many governments of this Nation can boast that their economic policies have wrought so much devastation in such a short period. And the worst is yet to come.

Our national jobless rate increased from 3.3 percent in the first quarter of this year to 3.6 percent in the second quarter. Then it jumped to 3.7 percent in the third quarter and now it skyrockets to 4 percent. Inexorably, prosperity is being annihilated under the merciless hand of the Government, which has destroyed prosperity painfully created over the past 9 years.

In September, the jobless rate for white workers rose from 3.2 to 3.6 percent, while nonwhite rates went from 6.5 to 6.8 percent. Unemployment among blue collar workers went from 3.8 to 4.4 percent. These are utterly damning statistics. Has inflation been stopped, or even halted? Not an iota. Have prices gone down or even held level? Not a fraction. Have taxes been adjusted or reform been approved? Not a cent's worth. Has consumer buying power been annihilated? In great measure. Have interest rates been lowered? Not a point.

Heartlessly, dispassionately, uncom-

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prehendingly, this administration pulverizes the working people of this country into powder under its fist. They talk peace and make war. They prattle of balanced budgets and cut essential programs. They bellow of prosperity and create an economic desert. They whine about jobs and create unemployment. They howl about work and the unemployment lines lengthen. Has there ever been such a gap between promise and performance? Never. We have the reincarnation of the Republican Party of the 1920's and 1930's in control. They are crippling the economy, and the worst has not yet arrived.

They will look at the unemployment lines and say, "Prosperity is just around the corner," or "Full employment will come as soon as minor adjustments are made." Watch and see. These are the exact words of Herbert Hoover. They will be the words of Richard Nixon. They are the bankrupt economic slogans of the Republican Party which, in its slavery to yesterday's ideas and contempt for the average working person, will allow repetition of the worst economic disasters of our past. Let them excuse these phenomena as they will. The figures are there, and like the raven perched beside them, they will not leave or be exorcised.

Look at the market. Look at the interest rates. Look at the inventories. Look at the declining sales. Look at the slowing consumption rates. We have reaped the first harvest of sorrow, and its fruits are bitter, indeed. Bare tables, empty pockets, barren futures, and blasted hopes are the blessings President Nixon has brought us. Let the country take note of this accumulating horror, for the storm's full force yet awaits us.

AIRLINE FARES TO SMALL CITIES

(Mr. STEED asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STEED. Mr. Speaker, I have long contended that the Federal Government should do more to promote the development and growth of our Nation's smaller cities and rural areas. To foster such development I have introduced legislation designed to stimulate business to locate in these smaller communities. Similarly, I have supported our airline subsidy program; favored legislation to give the local service airlines permanent operating status; and until recently, approved the CAB's policy of substituting local service carriers for trunklines.

I felt this latter policy, specifically, was another way of improving our national airline system more efficient and economical. I say until recently, because lately I have become increasingly disturbed over several developments flowing from this policy which are adversely affecting our smaller cities, in particular, the lack of through fares to most of these so-called off-line points.

Consider for a moment as examples our situation in Lawton and Duncan and a number of other smaller Oklahoma cities. At present, our lowest fare to many eastern and southeastern cities is greater than those from Amarillo and Lubbock, which lie several hundred miles beyond in west Texas.

More important, when the Board announced the airline fare increases last February, it said that the maximum increase would be $3 on short-haul service. And yet, when I examined these increases, I found the actual increases from Lawton to many distant points was at least $4, which would be a third more.

I am offered all sorts of explanation for these higher fares. I am told for example that this situation arises because two or more airlines must provide the service using different types of equipment or classes of service or other technical reasons. Then of course there is always the old cliché, the cost of service is greater.

I am naturally extremely grateful that in some selected cases there is now something called a "joint fare" for certain limited types of service between Lawton and a few major cities such as New York and Washington. Where these fares are available the burden of my constituents is lessened, and my district is more competitive with other surrounding communities enjoying one carrier service.

Unfortunately, however, these fares are available only in a limited number of cases, and there appears to be no rhyme or reason as to their application. Consequently I have found, as I am sure many of my colleagues have discovered, that I have been somewhat at a loss in advising my constituents on how to go about securing such favorable treatment since until recently I did not know what standard, if any, the airlines or the Board used in determining which points would receive this form of preferential treatment.

The problem has been succinctly outlined by Mohawk Airlines. Last May they applied to the Civil Aeronautics Board for permission to hold joint discussions with the other airlines concerning the establishment of joint fares. At that time they said, and I quote:

> At the present time, there is no uniform system within the industry for establishing or maintaining domestic joint fares in markets that are not served by a single carrier. Joint fares are established by ad hoc agreements between individual carriers. These agreements are generally of limited scope and effectiveness. The limited character of existing joint fares, and the requirement that fares be quoted in connection with a specific routing, has resulted in a tariff system that is unduly complicated and totally unintelligible to the traveling public. The present system penalizes the carrier by requiring an enormous amount of time and expense in computing and accounting for interline transactions. The process of training personnel to operate this system involves additional costs that might otherwise be unnecessary. The present system penalizes the traveling public by subjecting it to a rigid routing system and a variable price system, depending upon whether or not a joint fare is in effect. Mohawk believes that this system can be improved and simplified. It further believes that such action is required by the public interest and in the interest of promoting adequate, efficient and economical air transportation industry.

For my part, Mr. Speaker, I first brought this matter to the attention of the CAB last March. I am therefore delighted to report to you today that last May the Board did establish for the first time, at least to my knowledge, a minimum national standard for the establishment of such fares, to wit: one or more passengers a day.

In addition, the Board subsequently focused additional attention on this very important issue by approving last month Mohawk's application for joint airline discussions. In other words, Mr. Speaker, we have at last begun taking the first few halting steps on the long walk to the promised land of more equitable treatment for the citizens of our rural areas.

I feel, however, I must raise at least one objection. So far all of the plans advanced by either the airlines or the CAB propose to limit the applicability of those fares to those markets generating one or more passengers per day. But why should the availability of such fares be limited to some arbitrary traffic figure?

Why should they not be available to everyone?

Why this discrimination?

The telephone companies are not permitted to make such a distinction, and they literally serve thousands of markets. The Federal Communications Commission has established through rates for telephone calls and other services from Lawton to every point in the United States, even though three companies may be involved in completing the service—the Bell System, General, and independent—and the service may be used less than once a year.

I have been told part of the problem lies in the way the rates are published. If this is the case, then we have a technological bottleneck and need to come up with some new system for quoting or publishing rates. The price list should be designed around the needs of the public, and the public interest. In this day when man can go to and from the moon at his will almost, the public should not have to conform to some historical technique for quoting fares.

This is not a question of whether or not some rate is or is not lawful. There is no published rate. Instead, the issue is that a service is being offered the public by the airlines as a group pursuant their public franchise of convenience and necessity, and there is no fare being published for that service. Consequently, I hope that the airlines and the CAB will address themselves to this broader matter when they sit down to have their discussion about joint fares.

It the Nation is going to have different airlines for each kind of service, long and medium haul and local, then we apparently are going to have to come up with a different pricing system. If the technicians cannot devise one, then maybe we will have to reconsider changing that policy in one way or another.

The airlines are here to serve the needs of all the people, not the people to meet the needs of the airlines. Just because some people live in sparse, non-competitive markets does not mean they should be discriminated against. They should not be charged "what the traffic will

bear" because their market is not as dense and lucrative as the New York- Los Angeles market. These are the people who need the protection of the Board the most, and I hope the Board will be responsive to their need.

Mr. Speaker, as I previously noted, I have had a number of communications with the Board on this subject. I would like to insert these into the Record at this time for the benefit of our colleagues and the public in general.

March 14, 1969.

Hon. John R. Caooker,
Chairman, Civil Aeronautics Board,
Washington, D.C.

Dear Mr. Chairman: It has been my contention that the federal government should promote the growth of our smaller cities and rural areas. To foster such development I have introduced legislation proposing a 7% tax credit for business locating in these smaller communities, supported the airline subsidy program and backed legislation to give the local service airlines permanent operating status.

Similarly, I have supported the Board's policy of substituting local service carriers for trunklines as another way of improving service to these communities, while simultaneously making our national airline system more efficient and economical. Nevertheless, I have recently become interested in several developments flowing from this policy, particularly the lack of through fares to most of these so-called off-line points.

Consider our situation in Lawton, Duncan and a number of other small Oklahoma cities. Presently our lowest fare from many eastern and southeastern cities is greater than that to Amarillo or Lubbock which lie several hundred miles beyond in west Texas. Moreover, whereas the Board announced that the maximum increase it recently permitted would be $3 on short-haul services, I now find that the actual increase from Lawton to many distant points was at least $4, a third more.

I am told this situation arises because two or more airlines must provide the service using different types of equipment and classes of service; that the cost of the service is greater.

On the other hand, I am of course grateful that in some selected cases there are "joint fares" for certain limited types of service between Lawton and a few points such as New York and Washington. These fares do make us at least more competitive with other Texas points such as Wichita Falls. However, I must admit that in advising my constituents how to go about securing such through rates. I do not know what standards, other than simply the judgment of the carriers, the Board uses in determining which points or markets will receive this type of preferential treatment.

As a matter of fact, while I do not profess to be an expert in this area, the facts seem to indicate to me that undue preference is being given technical tariff matters to the prejudice of the statutory requirements of section 1002 of the Federal Aviation Act of 1958. The effect of rates upon the movement of traffic and the need in the public interest for airline service at the lowest cost in the sense of the lowest fares, are two Congressional mandates which must not be overlooked by the Board. It makes little sense to try and stimulate the development of the smaller communities with a 7% tax credit if transportation rates are not going to foster the promotion of these communities too.

I would appreciate your views on this matter.

Sincerely yours,

Tom Steed,
Member of Congress.

Civil Aeronautics Board,
Washington, D.C., April 1, 1969.

Hon. Tom Steed,
House of Representatives,
Washington, D.C.

Dear Congressman Steed: This is in reply to your letter of March 14, 1969 concerning the question of through joint air fares to our smaller communities.

In seeking to promote a sound and efficient air transport system to serve the nation as a whole, the Board is very much aware of the transportation needs of the smaller communities. In this regard, the Board has been engaged during the past several years in a rather extensive route strengthening program whereby the local carriers' route systems have been extended directly into a number of metropolitan areas. We believe these new authorizations will significantly improve the service provided by the local carriers to the smaller communities which they have long served, while at the same time reducing these carriers' dependence upon Federal subsidy. By the same token, this program makes available additional through service on the local carriers and has increased the availability of through joint fares on connecting local and trunkline services.

With respect to the general question of joint fares, over the years the Board has continuously encouraged the carriers to publish joint fares between all pairs of points where a feasible connecting service is provided. This policy was reassessed and reaffirmed by the staff in its over-all review of the domestic passenger fare structure issued in January 1968.

There are, however, certain limitations to the Board's ability to achieve substantially broadened availability of joint fares. The Board is empowered by statute to require a joint fare only upon a finding of public convenience and necessity after formal hearing, and the Board construes the Act to further require a finding that the existing fares are unlawful. As you are aware, the cost of serving the smaller communities is somewhat higher than average due primarily to the relatively short stage lengths involved. This fact makes it more difficult to reach a finding of unlawfulness, although this difficulty may be lessened to some extent by the route authorizations mentioned above.

For this reason, and because formal proceedings are lengthy undertakings, the Board has sought to achieve more widespread publication of joint fares through informal contact with the carriers, and the number published has been steadily on the increase. On the other hand, we do not believe that establishment of joint fares between all points receiving air service is necessarily indicated by the public interest. This would involve publication of a tremendous number of fares, many of which might or might not bear any significant relationship to established traffic flows.

We appreciate receiving your comments on this matter. You may be sure that the Board will continue to work toward improved air service to our smaller communities by means of all avenues available.

Sincerely,

John H. Crooker, Jr.
Chairman.

June 23, 1969.

Hon. John R. Crooker,
Chairman, Civil Aeronautics Board,
Washington, D.C.

Dear Mr. Chairman: This in regards to my letter of March 14, 1969, and your reply of April 1, 1960, regarding joint fares.

If I understand your letter correctly, your position is that there are a number of limitations to broadening the availability of joint fares to my constituents. Specifically because (1) it would necessitate the holding of a formal proceeding; (2) it would be difficult to find the present fares unlawful; and (3) it would raise technical problems regarding publication of these rates.

Considering these arguments in this sequence, I am well aware from my own committee hearings—Appropriations and Small Business—that formal proceedings are lengthy undertakings, so I can appreciate the Board's desire to achieve more widespread publication of joint fares through informal contact with the carriers. But that does not mean I approve or condone this policy. If I read my colleagues' complaint in the Matter of Trans World, United and Braniff Tariffs correctly, the Board has never held an overall investigation of this matter. My committees hold public hearings on matters within the ambit of their authority, and so therefore I don't think it is too much to ask any agency to which we, the Congress, have delegated one of our legislative powers to do likewise.

Second, you state that the Board would have to make a finding that the existing fares are unlawful. However, may I respectfully point out that that we are discussing through long-haul services involving no stop-over for which at present there is no published single factor fare. Consequently, I fail to see how the Board could ever find that a fare which does not in fact exist is unlawful. That is not the issue. The issue is there is no published rate for the service. What is unlawful is the fact that there is a through service being proffered by the air carriers, as manifested by the interline ticket, and there is no published fare for that service.

Third, you contend establishment of joint fares between all points receiving air service would involve publication of a tremendous number of fares, many of which or might not bear any significant relationship to established traffic flow. This observation leads to the speculation that the present method of publishing fares is a technological bottleneck. Perhaps you should consider some other technique such as the zone system used by the Post Office Department and U-haul trailer companies; or an area or group system as impliedly suggested by Dr. Ronald E. Miller in his book, Domestic Airline Efficiency, the M.I.T. Press, Cambridge, Mass. (1963) at page 133.

Oklahoma City fares, for example, might also apply to Lawton, Duncan, Enid, Ponca City and Stillwater, while the charge for travel within the group could be the same for all trips whether it was from Lawton to Duncan or Oklahoma City or Enid. A city located such as Lawton could conceivably be assigned to more than one area, like both Oklahoma City and Dallas. This could produce minor variations in some cases. I would suspect that fares from Oklahoma City and Dallas to Kansas City would be different, so that use of the Dallas gateway would be slightly more expensive. On the other hand, fares to New York and San Francisco could be the same from either city, so both routings would be available at the same fare. Over-all, such a fare structure would probably reduce rather than increase the number of published fares.

With regards to your comment about a fare having a significant relationship to established traffic flow, this might be an appropriate test for specific commodity rates or special promotional fares, but not general fares. The F.C.C. has established through rates for telephone calls and other services from Lawton to every point in the United States even though 3 or more companies may be involved (Bell, General, independent), and the service may be used only once a year or less frequently. We are discussing general rates and general discounts for which a specific traffic flow is not the appropriate test of reasonableness.

I would appreciate receiving your comments and answers concerning the foregoing.

Sincerely yours,

Tom Steed,
Member of Congress.

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UNEMPLOYMENT AND INTEREST RATES MOVING UP

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, after a morning of trying to determine from administration officials a reasonable explanation of their policies toward increasing interest rates, I was treated at lunch yesterday to further frustration from an announcement by the Bureau of Labor Statistics.

The unemployment rate, during the past month, has taken its sharpest rise in 9 years. Increasing by a half of a percent, the annual rate has risen from 3.5 to 4 percent. This represents the steepest increase since October of 1960.

Imagine the impact of this news after discussing interest rates all morning with Federal Reserve Chairman Martin. That my digestion during lunch yesterday was anything but good needs no further testimony. That the American public is getting tired of swallowing these indigestible statistics should be obvious.

A discouraging list of statistics were discussed at yesterday morning's meeting of the Banking and Currency Committee. Rising interest rates, although billed as the tool to control inflation, have in fact wasted billions of dollars.

The National Commission on Mortgage Interest Rates demonstrated that for each 1-percent rise in the interest rate the public pays $15 billion. Considering that in less than a year interest rates have climbed 2½ to 3 percent, actual cost to the public is somewhere between $37½ to $45 billion.

The rise in the interest rate has been in response to the inflationary situation within the economy. Anyone familiar with current conditions realizes that the high interest rates have done virtually nothing to cool the economy but have severely depressed a segment of the economy that could least afford, socially and financially, depression.

Today the homebuilding and home finance sector of our economy is rapidly drying up. And the cost to the American public to accomplish this rather deft feat of virtually destroying an industry while inflation continues to rise amounted to almost $45 billion.

This figure does not take into consideration the special impact interest rates have had on the cost of homebuilding. For each 1-percent rise in the cost of interest the cost for building a home increases by 7 percent. During this last year rates have risen by 3 percent with a corresponding rise of 21 percent in the cost of building a home.

The point of these discouraging statistics is that we are being told that it is necessary to raise interest rates in order to control inflation. Yet we've seen nothing yet to demonstrate that this is in fact the case. To the contrary—higher interest rates are generating billions in inflation without demonstrating any value.

And now we see the unemployment rate begin to move up rapidly. With disturbing frequency we are being told by administration economists that we must accept a small increase in unemployment in order to control inflation.

Well, the small increase in interest rates turned out to be almost 3 percent and cost almost $45 billion. The net result of the high-interest policy in terms of controlling inflation has been zero.

The small increase in unemployment has already turned out to be the highest percentage increase in 9 years. And if the high-interest-rate experience is any indication the unemployment rate has not peaked. In fact, I expect we may anticipate the rate exceeding 5 percent if the trend now established continues.

Yet we see no corresponding decrease in the rate of inflation; if, indeed, a case can be made at all for controlling inflation by sacrificing jobs and homes. I doubt seriously if a case can be made, and yet these are the segments of our economic society suffering from ill-conceived and ineffective policies.

I suggest that if the present policy continues without substantial change in direction and impact we will continue to witness rising interest rates, particularly in home finance, reduced housing starts, and increased unemployment.

Perhaps the next rate this body will have to concern itself with will be the inflammatory rate. With housing becoming critical and jobs disappearing, the heat within America's blighted urban ghettos, and faceless suburbs, will rise. This rate will be the most damaging and difficult one to deal with.

CLEAN WATER

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, the House this week will consider the fiscal year 1970 public works appropriations bill.

The Committee on Appropriations has recommended a total of $600 million, an increase of $386 million in the budget estimate, for construction grants for waste treatment works under the Clean Water Restoration Act.

While I commend the committee for its action in this regard, I sincerely do not feel that the House can do anything less than provide the full amount authorized for fiscal year 1970—that is, $1 billion—and still meet its obligations to the people of the United States.

The need to achieve more effective water pollution control is of overriding importance. To do anything less than what was authorized in 1966 will mean a further degradation of our already endangered environment.

The people have made it clear in bonding elections, public opinion polls, and in their mail to Members of this House that they want to spend more money to control and abate water pollution.

The country has the capacity—engineering capacity, the construction capacity, and the financial capacity—to put into place adequate waste treatment facilities.

By voting full funding of $1 billion for waste treatment facilities, the House will be stating that clean water is, in fact, a matter of the highest national priority.

Such action by the House will be acclaimed throughout the Nation as evidence of the vitality of the House. It will be an act of legislative leadership of which we all can be proud.

So that my colleagues may be aware of the nationwide support which the drive for full funding has achieved, I wish at this point to place in the CONGRESSIONAL RECORD the texts of some of the letters, telegrams, articles, and so forth, which have been sent to me by the Governors of the several States, national organizations, and interested citizens or which have appeared in various of our press media:

DALLAS, TEX.,
October 7, 1969.

Hon. JOHN D. DINGELL,
Washington, D.C.:

House will consider H.R. 14159 Wednesday recommending $600,000,000 grant funds for wastewater treatment facilities under terms Clean Water Restoration Act 1966. Water Pollution Control Federation urges your support in increasing this to $1,000,000,000 authorized. Flight on water pollution requires construction of local facilities. Delays compound problem making solution more costly for all Americans. Congress established national clean water goal in 1966. States adopted sound water quality standards and plans of implementation based on authorized Federal assistance. Failure to provide this assistance nullifies efforts of local and State governments.

PAUL D. HANEY,
President, Water Pollution Control Federation.

JEFFERSON CITY, MO.,
October 6, 1969.

Hon. JOHN D. DINGELL,
U.S. House of Representatives,
House Office Building,
Washington, D.C.:

$23,626,000 is needed in Federal grants for pollution abatement works in Missouri this fiscal year. This is based on 55% of the total cost of $50,928,000. The State has a 25% grant program which is fully financed for the current authorization.

JACK K. SMITH,
Executive Secretary, Missouri Water Pollution Board.

DALLAS, TEX.,
October 6, 1969.

Congressman JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.:

The Association of Metropolitan Sewerage Agencies solidly endorses your support or the full one billion dollar appropriation for construction grants under the Federal Water Pollution Control Act.

The association consists of the managers of those sewerage agencies which serve the following metropolition areas: Chicago, Cincinnati, Cleveland, Columbus, Dallas, Denver, Detroit, Houston, Kansas City, Mo., Los Angeles, Middlesex Co. of New Jersey, Milwaukee, New York City, Norfolk Orange Co. Cal., Philadelphia, Pittsburgh, San Diego, San Francisco, Seattle, St. Louis, Minneapolis, St. Paul, and Wash., D.C., Maryland suburbs.

The total population served by the above agencies is nearly 43 million people or 22% of the total national population. Information collected by our group has convinced us that the full one billion dollar appropriation can be utilized this fiscal year. A large percentage of the appropriation can be used by our member agencies who have suffered

under previous discriminatory features of the above Federal act.

The association in a meeting today in Dallas authorized me, as chairman, to convey our support of your goal to secure the one billion dollar appropriation for clean waters.

CHARLES V. GIBBS,
Executive Director, Municipality of Metropolitan Seattle, Seattle, Wash.

OCTOBER 4, 1969.

Attn: JOHN DINGELL (Mich.),
HOUSE OF REPRESENTATIVES,
Re: Clean water, $1 billion appropriation.

We support the position of the clean water group. The industry can handle construction and equipment requirements of that magnitude.

CHICAGO PUMP FMC CORP.

ST. LOUIS, MO.,
October 4, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR MR. DINGELL: We at the Metropolitan St. Louis Sewer District urgently request your support for the one billion dollar appropriation for fiscal 1970 to aid in the construction of water pollution abatement facilities.

The Metropolitan Sewer District has already qualified under the Federal Water Pollution Control Act for $3,500,000.00 in reimbursable funds and we are ready to start construction on pollution abatement project in 1970 which requires an additional $3,334,150 in Federal grants: therefore we urgently need Federal funds for fiscal 1970 in the total amount of $6,834,150.00.

Respectfully requested.

CHARLES D. KAISER, Jr.,
General Counsel.

CONSULTING ENGINEERS COUNCIL
OF THE UNITED STATES,
October 6, 1969.

The Honorable JOHN DINGELL,
U.S. House of Representatives, Room 2210 Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN DINGELL: Our Council, representing more than 2,200 U.S. engineers in private practice, has just completed a nationwide sampling of member firms which confirms beyond question that American consulting engineers can, if called upon, design in excess of $3 billion in waste treatment plant construction next year. This is a conservative estimate based upon a survey of 114 firms in 26 states. Our study covered firms ranging in size from over 500 employees to less than 50 employees.

Checking no more than ten firms in any one of twenty different states revealed an existing capacity (by just the contacted engineering firms) to handle design of $2.005 billion in waste treatment construction in the next twelve months. Projecting that figure to cover all private firms in those states would indicate sufficient capability to design in excess of $3 billion in sanitary facilities in that same period. Projecting these figures to the other states produces a figure approaching $5 billion. From this we are led to believe there is no question that there exists a capability of well over $3 billion in construction potential which could come off U.S. consulting engineer drawing boards in fiscal 1970, or the year following.

One firm alone—Black & Veatch Consulting Engineers of Kansas City—reported that it billed $182 million worth of waste treatment construction in the past twelve months and could easily handle $175 million in the next twelve months with no additional personnel. In fact, if no new work were to come in for the next seven months, Black & Veatch would be in serious trouble. A similar statement was made by Ken R. White Engineers of Denver, Colorado. Mr. White's firm normally handles eight to ten projects a year. Currently K.R.W. engineers are completing plans and specifications for one treatment plant and are looking for work in this field.

In Boston, Massachusetts, the firm of Camp, Dresser & McKee is currently handling 95 jobs totaling approximately $187 million of construction. This is approximately 25% below the firm's demonstrated capacity and the officers conservatively estimate they could handle another $40 million worth of projects with no change in personnel.

The 80-man firm of Nelson, Haley, Patterson and Quarth, of Denver, advises us that it has ten projects nearing completion with no new ones under contract. The sanitary engineering workload of the firm is extremely low. A similar situation exists with Hayes, Seay, Mattern and Mattern, of Roanoke, Virginia, which is currently handling only five projects, mostly for communities whose requests for FWPCA funds were postponed and they were forced to proceed without Federal aid. The Roanoke firm is looking for treatment plant work and could handle another $8, or $9 million with no increase in staff.

Twenty-nine firms from six states provided a breakdown of workload by number of projects in three classifications. These firms reported a total of 193 treatment plants designed last year. Of these, 53 are still in process awaiting Federal aid prior to completion. The firms were unanimous in claiming ability to undertake more projects dependent upon their size and location. Conservatively it was estimated that they could, if necessary, accept up to 419 projects in the coming year.

Virtually all respondents, large firms and small firms, indicated that the present demand for sanitary engineering services is decreasing. This was blamed on the failure of the Federal Government to "come through" with promised assistance, and upon the inability of many communities to fund projects in the light of high interest rates on municipal bonds. Typical of the reports was that received from Minnesota where the State Pollution Control Agency advised it had applications totaling $15,325,078 in grant requests to cover $46,733,902 of total construction. Minnesota, however, received only $3.92 million in Federal aid, or one-fifth of what it felt it needed.

An October 3 telegram from the Consulting Engineers Council of Texas reads: "a survey of ten member firms who perform services on PL660 projects revealed the number of projects per firm last year ranged from 2 to 14 covering all sizes. In every instance, members affirmed capacity to handle twice the number when and if the funds are made available. Construction cut-backs in other areas served to produce even greater engineering capacity for waste treatment plant design."

Even without the compelling compilation of evidence produced by this spot survey, there should be no question but what U.S. consulting engineers can easily assimilate up to $1 billion worth of waste treatment plant design if called upon to do so. Assuming the average engineering fee on projects from 500,000 to $2 million is 5%, this would mean a total of $50 million in engineering fees on $1 billion worth of work. Divided among the fifty states, that would be only one million dollars worth of engineering design per state. If the average consulting engineer employee is worth, at a minimum, $100 per day, and there are 200 working days per year, this figures out to services of only fifty men in a state is all the $1 billion would be purchasing.

Said another way, $1 billion divided among fifty states, leaves an average of only $20 million per state. There are few, if any, states with less than twenty engineering firms experienced and qalified in the sanitary field. This means that all that a $1 billion appropriation would do is require the handling of $1 million per firm. The average capacity of consulting sanitary engineers is, however, closer to $7 or $8 million, indicating that the consulting engineering profession can easily assimulate a $1 to $3 billion increase in waste treatment funds with relative ease.

If there is any additional question regarding the availability or capability of U.S. consulting engineers to assume greater responsibility in the waste treatment field, please advise and we will provide factual information regarding firms covered, or expand our survey to cover an even larger number of firms.

Yours sincerely,

LARRY N. SPILLER,
Assistant Director.

DEPARTMENT OF THE INTERIOR: FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

GRANTS FOR CONSTRUCTION OF WASTE TREATMENT WORKS

Estimate of potential Federal grant needs

As of May 31, 1969, it is reported that grant requests on pending applications are estimated to be over $2.2 billion. Included in this amount is $204.0 million being processed in FWPCA regional offices, $485.4 million in the State agencies and $1,526.7 million in preparation at the local level. In addition to the pending applications there is another $450.9 million in potential Federal grant needs for projects already approved in which Federal participation by State action. was for something less than the project was eligible for. Many States take this kind of action in anticipation that Federal funds will be available later to make up the difference. These two areas, as of May 31, 1969, represent a potential Federal grant need totalling nearly $2.7 billion. This amount reduced by nearly $100 million available from FY 1969 funds leaves a potential need of over $2.6 million. The amount of this potential need that could become a reality largely depends on the level of Federal funding available and administrative capability both at the State and Federal level to process these applications. It also depends on other considerations, particularly local ability and readiness to fund their share of cost.

Attached are the following schedules:

Schedule A—Potential Need.

Schedule B—Potential Need versus Selected Appropriation Levels for Fiscal Year 1970.

Effect of select appropriation levels for fiscal year 1970 on obligations and expenditures

Obligations

Based on past experience, 75 to 80 percent of the New Obligational Authority for this purpose for any fiscal year is obligated in the fiscal year for which appropriated with the balance being obligated in the subsequent fiscal year. Again, this is primarily because the allotments to each State are available for eighteen months, and therefore, some States pace themselves accordingly in utilizing their share.

Expenditures

In this program payments are made on an after-the-fact rather than before-the-fact basis. Grantees are permitted to request payments after a certain percentage of the facility has been constructed. Because of this, plus the various ramifications normally associated with a municipal construction program, the expenditure levels are low the first fiscal year for which funds are appropriated. Based on past experience, it takes about five years to liquidate an appropriation with the following percentage levels of expenditures as compared to NOA:

XUM

	Percent
1st year	5
2d year	20
3d year	30
4th year	40
5th year	5

EFFECT IN FISCAL YEAR 1970

[In millions]

New obligational authority	Estimated obligations	Estimated expenditures
$214	$171	$11
$600	480	30
$1,000	800	50

CAPITAL OUTLAYS NEEDED TO OBTAIN ADEQUATE MUNICIPAL WASTE TREATMENT FOR THE U.S. URBAN POPULATION, 1969–73

[Dollars in millions, current dollars]

	1968 estimate	1969 estimate
Alabama	137.0	137.0
Alaska	14.5	[1] 25.4
Arizona	90.0	90.0
Arkansas	48.5	48.5
California	732.2	732.2
Colorado	103.6	103.6
Connecticut	188.3	[1] 200.0
Delaware	31.5	31.5
District of Columbia	23.0	[1] 43.7
Florida	369.6	369.6
Georgia	223.1	[1] 223.1
Hawaii	40.1	90.0
Idaho	24.5	24.5
Illinois	399.4	[1] 556.5
Indiana	176.1	176.1
Iowa	36.0	36.0
Kansas	52.5	52.5
Kentucky	130.0	130.0
Louisiana	195.0	195.0
Maine	47.0	[2] 148.8
Maryland	136.1	136.1
Massachusetts	200.0	[1] 450.0
Michigan	592.6	592.6
Minnesota	186.0	186.0
Mississippi	57.0	57.0
Missouri	137.6	137.6
Montana	27.0	27.0
Nebraska	30.5	30.5
Nevada	19.5	19.5
New Hampshire	35.0	[2] 59.2
New Jersey	561.1	800.0
New Mexico	40.5	40.5
New York	1,070.2	[1] 2,065.0
North Carolina	101.5	101.5
North Dakota	13.0	13.0
Ohio	500.7	500.7
Oklahoma	60.5	[1] 78.8
Oregon	145.3	145.3
Pennsylvania	331.6	[2] 454.2
Rhode Island	41.5	41.5
South Carolina	100.0	100.0
South Dakota	14.0	[1] 18.0
Tennessee	154.6	154.6
Texas	342.5	342.5
Utah	136.0	[2] 10.6
Vermont	19.0	[2] 34.9
Virginia	206.6	260.6
Washington	173.3	173.3
West Virginia	55.0	55.0
Wisconsin	133.3	133.3
Wyoming	9.7	[2] 1.2
Total	8,693.1	10,580.0

Source: Basic source is the Federal Water Pollution Control Administration's publication, "The Cost of Clean Water (1968)," vol. 2, table I-3A, p. 13; [1] and [2] figures are corrected estimates supplied by 16 States. (2 of the States indicated that they believed FWPCA's 1968 estimate was high; 14 indicated that the estimate was low.)

[1] These figures were supplied by States in commenting explicitly on the estimates in the above 1968 FWPCA report. See letters from the States in FWPCA's "The Cost of Clean Water and Its Economic Impact (1969)," vol. 2 pp. 467–511.

[2] These figures were taken from table 30, pp. 125–27, "The Cost of Clean Water and Its Economic Impact (1969)," vol. 1, when a State's letter (above) did not explicitly correct the 1968 FWPCA estimate but indicated disagreement with that estimate. Table 30 includes State estimates in their own program plans of municipal waste handling investments over the 1969–73 period. The above report notes (p. 7) that "experience has indicated that State estimates are constrained by the amount of Federal funds anticipated to be available."

PENDING GRANT NEEDS VERSUS SELECTED APPROPRIATION LEVELS FOR FISCAL YEAR 1970 GRANTS FOR CONSTRUCTION OF WASTE TREATMENT WORKS

	Grant requests on pending applications May 31, 1969	Partial reimbursables as of May 31, 1969	Total partial reimbursables and pending	Tentative State allocation	Percent available funds to requirements	Tentative State allocation	Percent available funds to requirements	Tentative State allocation	Percent available funds to requirements
Total	$2,216,121,195	$450,922,401	$2,667,043,596	$214,000,000	8	$600,000,000	22	$1,000,000,000	37
Alabama	479,700	6,308,000	6,787,700	4,135,700	61	11,072,900	163	18,261,700	269
Alaska	709,800		709,800	906,100	128	1,386,300	195	1,883,900	256
Arizona	1,017,160		1,017,160	2,125,400	209	4,890,700	481	7,756,300	763
Arkansas	4,967,753		4,967,753	2,835,800	57	6,629,000	133	10,559,900	213
California	41,343,490		41,343,490	14,882,600	36	48,258,800	117	82,845,600	200
Colorado	2,367,822		2,367,822	2,414,900	102	6,139,500	259	9,999,100	422
Connecticut	9,714,750	37,249,369	46,964,119	2,942,200	6	8,325,700	18	13,904,600	30
Delaware	796,150	1,813,500	2,609,650	1,100,300	42	2,047,900	78	3,029,900	116
District of Columbia	36,795,000	2,917,510	39,712,510	1,315,300	3	2,937,600	7	4,618,900	12
Florida	9,722,808	368,250	10,091,058	5,386,400	53	15,901,500	158	26,797,900	266
Georgia	8,678,922	13,634,630	22,313,552	4,589,000	21	12,962,500	58	21,639,600	97
Hawaii	3,356,930		3,356,930	1,355,700	40	2,699,400	80	4,091,800	122
Idaho	261,000		261,000	1,589,400	609	3,005,900	1,152	4,474,000	1,714
Illinois	120,360,269		120,360,269	9,784,300	8	31,192,300	26	53,376,700	44
Indiana	28,515,100		28,515,100	5,008,400	18	14,909,400	52	25,169,300	88
Iowa	6,365,278		6,365,278	3,311,000	52	9,166,700	144	15,234,600	239
Kansas	3,426,746		3,426,746	2,812,700	82	7,439,000	217	12,233,000	357
Kentucky	3,363,433		3,363,433	3,827,100	114	10,278,700	306	16,964,300	504
Louisiana	8,012,926		8,012,926	4,009,800	50	10,926,000	116	18,093,300	226
Maine	16,618,604	643,200	17,261,804	1,853,100	11	3.911,300	23	6,044,100	35
Maryland	4,880,690	51,166,376	56,047,066	3,552,100	6	10,136,500	18	16,959,700	30
Massachusetts	20,503,995	9,208,180	29,712,175	5,382,800	18	16,315,900	59	27,645,500	93
Michigan	86,432,628		186,432,628	7,809,500	4	24,422,500	13	41,638,100	22
Minnesota	30,909,761		30,909,761	3,919,100	13	11,168,600	36	18,681,000	60
Mississippi	1,814,360		1,814,360	3,350,200	185	7,975,600	440	12,768,900	704
Missouri	15,924,832		15,924,832	4,760,400	30	13,933,700	87	23,439,700	147
Montana	260,440		260,440	1,535,700	590	2,968,500	1,140	4,453,300	1,710
Nebraska	1,679,905		1,679,905	2,115,500	126	5,112,400	304	8,218,000	489
Nevada	4,854,900		4,854,900	959,600	20	1,565,300	32	2,192,800	45
New Hampshire	12,071,200		12,071,200	1,409,300	12	2,698,100	22	4,033,700	33
New Jersey	57,850,610	6,837,316	64,687,926	6,176,800	10	19,059,900	29	32,410,300	50
New Mexico	1,400,463		1,400,463	2,058,000	147	4,077,600	291	6,170,400	441
New York	1,305,723,195	297,402,900	1,603,126,095	15,832,500	1	51,470,200	3	88,400,700	6
North Carolina	5,388,130	706,780	6,094,910	5,050,800	83	14,725,900	241	24,751,900	406
North Dakota	163,031		163,031	1,583,900	972	2,926,700	1,705	4,318,300	2,649
Ohio	33,703,631		33,730,631	9,555,500	28	30,167,500	89	51,527,100	153
Oklahoma	1,914,372		1,914,372	3,086,900	161	8,031,200	420	13,154,700	687
Oregon	13,893,780		13,893,780	2,429,000	17	6,184,800	45	10,076,800	73
Pennsylvania	22,320,490	17,476,000	39,796,490	11,029,600	28	35,066,600	88	59,975,400	151
Rhode Island	9,363,200	919,000	10,282,200	1,568,500	15	3,393,500	33	5,284,700	51
South Carolina	5,684,920	3,400,050	9,084,970	3,342,700	37	8,402,400	92	13,645,600	150
South Dakota	2,475,637		2,475,637	1,777,400	72	3,222,600	130	4,720,200	191
Tennessee	14,702,041	871,340	15,573,381	4,314,600	28	11,889,500	76	19,739,100	127
Texas	10,681,186		10,681,186	9,592,800	90	29,935,800	280	51,016,600	478
Utah	423,340		423,340	1,780,700	42	3,672,100	87	5,632,100	133
Vermont	3,274,270		3,274,270	1,282,200	39	2,110,200	64	2,968,200	91
Virginia	19,611,360		19,611,360	4,510,200	23	12,934,300	66	21,663,900	110
Washington	15,707,450		15,707,450	3,327,200	21	9,386,300	60	15,665,000	100
West Virginia	5,152,800		5,152,800	2,796,100	54	6,746,700	131	10,840,700	210
Wisconsin	97,660,090		97,660,090	4,388,100	4	12,779,700	13	21,475,700	22
Wyoming	303,847		303,847	1,172,700	386	1,873,700	617	2,600,100	856
Guam				1,445,500		1,588,000		1,735,500	
Puerto Rico	2,490,000		2,490,000	3,504,900	141	8,494,200	331	13,664,700	549
Virgin Islands				1,414,000		1,482,400		1,553,100	

[From an opinion poll in Newsweek, Oct. 6, 1969]

U.S. SPENDING: NEW PRIORITIES

On which problems do you think the Government should be spending more money—and on which should it be spending less money?

[In percent]

	More money	Less money
Job training for the unemployed	56	7
Air and water pollution	56	3
Fighting organized crime	55	3
Medical care for the old and needy	47	5
Fighting crime in the streets	44	4
Improving schools	44	7
Providing better housing for the poor—especially in the ghettos	39	13
Building highways	23	14
Defense expenditures	16	26
Space exploration	10	56
Foreign economic aid	6	57
Foreign military aid	1	66

CITIZENS CRUSADE FOR CLEAN WATER,
Washington, D.C.

DEAR MEMBER: I am enclosing for your information material describing the Citizens Crusade for Clean Water and the deep concern of our organizations over the lack of adequate water pollution control appropriations.

As you will note, the Crusade is unique in that many diverse, and often divergent, organizations have joined together for a common cause on which we all agree. We believe this unity demonstrates only in part public outrage over the deteriorating condition of our waters.

I trust you will find this material of interest.

Sincerely,

J. W. PENFOLD,
Coordinator.

WATER POLLUTION FACT SHEET

THE PEOPLE WANT CLEAN WATER

A national survey conducted in early 1969 by the Gallup Organization, Inc., shows:

51% of the people are "deeply concerned" about the effects of water pollution, air pollution, and soil erosion on the environment.

35% of the people are "somewhat concerned."

12% of the people are "not very concerned."

73% of the people are willing to pay additional taxes to improve the natural surroundings, including water pollution control.

9% of the people are not willing to pay additional taxes.

18% of the people "don't know."

36% of the people consider air pollution as the most pressing environmental problem.

32% of the people consider water pollution as the most pressing problem.

Since 1964, the voters of 9 states have voted in statewide elections on water pollution control bond issues. Of these 9, 7 were approved and the other two attracted majority voter support. Of 17,625,254 citizens who voted on the 9 proposals, 11,725,444 (66%) voted "yes."

THE FEDERAL GRANTS TO LOCAL GOVERNMENTS

Here is what Federal grants to local government for the construction of waste treatment plants have accomplished:

As of March 31, 1969, the Federal program aided in the construction of 9,251 waste treatment projects costing about $5.7 billion, of which the Federal share was $1.3 billion. These projects serve an estimated 73.8 million people and have improved the water in about 74,000 miles of streams.

THE FEDERAL "GMG" OR "GROWING MONEY GAP"

WASTE TREATMENT PLANT CONSTRUCTION GRANTS

[In millions]

	1965	1966	1967	1968	1969	1970	Total
Authorization	$100	$150	$150	$450	$700	$1,000	$2,550
Appropriation	93	141	173	203	214	214	1,038
The gap	7	9	−23	247	486	786	1,512

DIVISION OF STATE AND LOCAL PROGRAMS—CONSTRUCTION GRANTS AND ENGINEERING BRANCH—EVALUATION AND RESOURCE CONTROL PROGRAM

State	State entitlement in fiscal year 1970 under a $214,000,000 appropriation	Grant funds requested on pending applications for sewage treatment works, Mar. 31, 1969	National needs for sewage treatment facilities, fiscal years 1969–73
Total	$214,000,000	$2,224,863,142	$8,693,100,000
Alabama	4,135,700	523,200	137,000,000
Alaska	906,100	709,800	14,500,000
Arizona	2,125,400	836,160	90,000,000
Arkansas	2,835,800	5,069,703	48,500,000
California	14,882,600	44,828,530	732,200,000
Colorado	2,414,900	2,759,486	103,600,000
Connecticut	2,942,200	19,956,400	188,300,000
Delaware	1,100,300	796,150	31,500,000
District of Columbia	1,315,300	36,795,000	23,000,000
Florida	5,386,400	10,720,268	369,600,000
Georgia	4,589,000	8,604,122	223,100,000
Hawaii	1,355,700	3,331,560	40,100,000
Idaho	1,589,400	185,000	24,500,000
Illinois	9,784,300	135,673,261	399,400,000
Indiana	5,008,400	28,432,183	176,100,000
Iowa	3,311,000	7,050,716	36,000,000
Kansas	2,812,700	3,426,754	52,500,000
Kentucky	3,827,100	7,973,680	130,000,000
Louisiana	4,009,800	8,505,168	195,000,000
Maine	1,853,100	14,446,065	47,000,000
Maryland	3,552,100	3,723,380	136,100,000
Massachusetts	5,382,800	14,157,850	200,000,000
Michigan	7,809,500	186,743,938	592,600,000
Minnesota	3,919,100	33,067,776	186,000 000
Mississippi	3,350,200	1,234,560	57,000,000
Missouri	4,760,400	15,903,372	137,600,000
Montana	$1,535,700	$263,000	$27,000,000
Nebraska	2,115,500	1,855,230	30,500,000
Nevada	959,600	2,929,350	19,500,000
New Hampshire	1,409,300	8,894,200	35,000,000
New Jersey	6,716,800	56,886,530	561,100,000
New Mexico	2,058,000	1,278,165	40,500,000
New York	15,832,500	1,299,528,965	1,070,200,000
North Carolina	5,050,800	8,004,200	101,500,000
North Dakota	1,583,900	246,365	13,000,000
Ohio	9,555,500	37,387,161	500,700,000
Oklahoma	3,086,900	2,275,359	60,500,000
Oregon	2,429,000	13,847,430	145,300,000
Pennsylvania	11,092,600	24,133,070	331,600,000
Rhode Island	1,568,500	1,690,000	41,500,000
South Carolina	3,342,700	5,778,900	100,000,000
South Dakota	1,777,400	2,551,873	14,000,000
Tennessee	4,314,600	14,696,520	154,600,000
Texas	9,592,800	11,358,851	342,500,000
Utah	1,780,700	342,000	136,000,000
Vermont	1,282,200	540,050	19,000,000
Virginia	4,510,200	19,800,300	206,600,000
Washington	3,327,200	10,041,970	173,300,000
West Virginia	2,796,100	4,568,800	55,000,000
Wisconsin	4,388,100	97,719,238	133,300,000
Wyoming	1,172,700	301,533	9,700,000
Guam	1,445,500		
Puerto Rico	3,504,900	2,490,000	
Virgin Islands	1,414,000		

REMARKS BY LOUIS S. CLAPPER, NATIONAL WILDLIFE FEDERATION, BEFORE PRESS CONFERENCE CALLED BY THE "CITIZENS' CRUSADE FOR CLEAN WATER"

People interested in clean water and concerned about contamination of the environment were distressed at a report issued earlier this year by the Federal Water Pollution Control Administration on the cost of abatement and control.

This report indicates that, if costs continue to rise, the total bill is expected to amount to $26 to $29 billion in the next five years. Broken down, this is $8 billion for municipal works, $6.2 to $4.6 billion for industrial waste treatment, with another $1.8 billion for industrial cooling, and from $5.3 to $5.7 billion for municipal and industrial operating and maintenance costs.

There is a growing money gap between what the Congress has authorized and what is appropriated for Federal grants to local governments for the construction of waste treatment plants. For fiscal 1968, only $203 million of the $450 million authorized was appropriated. For fiscal 1969, the authorization was for $700 million, yet only $214 million was appropriated. Finally, this coalition was formed with the Nixon Administration joined the Johnson Administration in recommending only $214 million, or less than a quarter of the authorized $1 billion for fiscal 1970.

We view the Federal grants as being tremendously important. Unless the Federal Government helps, it is a poor position to require high standards of water quality from the States and local governments. And, unless the governments handle municipal pollution, they are in a poor position to point a finger at polluting industries. And, so the whole water pollution control program is in jeopardy.

We are confident that the people want clean water and are willing to pay for it—if given the chance.

A survey conducted by the Gallup Organization, Inc., for the National Wildlife Federation earlier this year revealed these statistics:

About half (51%) of all persons interviewed expressed the opinion that they are "deeply concerned" about the effect of air pollution, water pollution, soil erosion, and destruction of wildlife in our natural surroundings. An additional one-third (35%) are "somewhat concerned."

Nearly three-fourths of those interviewed

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were willing to pay something in additional taxes to improve our national surroundings.

Three of every four persons favor setting aside more public land for conservation purposes such as national parks, wildlife refuges, bird sanctuaries, etc.

The public is almost evenly divided on whether or not it will, at some time, be necessary to limit the human population if present living standards are to be maintained.

Summarizing this survey, we conclude that the American public *appreciates* quality in the environment, *deplores* what is happening to it, and *stands ready to support* corrective measures, even to the extent of paying for it—as they will, one way or another, in the end.

The Conservation Foundation, as a matter of fact, has compiled data which shows that voters have expressed themselves in this manner. Since 1964, the voters of nine states have had the opportunity to vote in statewide elections on water pollution control bond issues. Seven of the nine state bond proposals were approved and even the other two attracted majority voter support. Of 17,625,254 citizens who participated, 11,725,444 voted "yes", an average "yes" vote of 66 per cent.

I should like to report to you that the Federal Water Pollution Control Advisory Board, of which I am a member, has recommended that the Federal Government meet its obligations. The following was adopted in the December, 1968, meeting of the Board:

The Board recommends that continued efforts be made by the Secretary to ensure that the Federal Government lives up to the commitment made to the States under the municipal grants program administered by the Federal Water Pollution Control Administration. *A failure to press for adequate appropriations can be construed by the States as evidence that the Administration and the Congress were not sincere in their concern for the problem of water pollution control.*

TABLE 1.—RESULTS OF STATE ELECTIONS ON BOND ISSUES FOR WATER POLLUTION CONTROL, 1964-69[1]

Election date	State	Amount (in millions)	Vote		Pass/fail	Percent "yes" vote[2]
Nov. 3, 1964	Maine	$25	Yes No	222,242 81,469	Passed	73.2
Nov. 2, 1965	New York	1,000	Yes No	3,373,700 718,398	do	82.4
May 16, 1967	Pennsylvania[3]	250	Yes No	1,163,779 677,808	do	63.2
June 29, 1967	Rhode Island	12	Yes No	16,461 12,439	do	56.9
Nov. 5, 1968	Illinois[4]	400	Yes No	1,656,600 1,216,847	Failed	57.6
Do	Michigan	335	Yes No	1,906,385 796,079	Passed	70.5
Do	Ohio[5]	100	Yes No	1,732,512 1,550,759	do	52.7
Do	Washington	25	Yes No	845,372 276,161	do	75.4
Apr. 1, 1969	Wisconsin[6]	144	Yes No	808,393 569,850	do	58.9
Total		2,291	Yes	11,725,444		66.5
Less Illinois		−400	No	5,899,810		
Total passed		1,891		17,625,254		

[1] State water pollution control agencies, State election agencies, and the Federal Water Pollution Control Administration are sources for the information summarized here. The table may not be complete; although each of the 50 States has been contacted, all have not yet responded to our inquiry. All reported bond issue election defeats ,as well as approvals, are summarized here.

[2] The percent "yes" vote is the percentage of "yes" to total "yes" and "no" votes.

[3] Pennsylvania's 1967 bond issue totaled $500,000,000. Of this, $250,000,000 was for water pollution control ($100,000,000 for construction of sewage treatment plants, and $150,000,000 for acid mine drainage pollution control). In addition, $225,000,000 was for "elimination of land and water scars created by past coal mining practices" and closure of abandoned mines, and $25,000,000 for air pollution control.

[4] Illinois' 1968 proposal totaled $1,000,000,000, which was designated for open space-outdoor recreation land acquisition and air pollution control, as well as for water pollution control. Although no fixed amount was officially earmarked for water pollution control, there was general agreement that $400,000,000 would go for this purpose. Despite a majority of "yes" votes, the proposal was not approved due to an Illionis law which requires a "simple majority of votes cast for all State legislature candidates" to pass.

[5] Ohio's 1968 proposal totaled $120,000,000, which was divided into 2 parts: $100,000,000 for sewage and water treatment, and $20,000,000 for water management.

[6] Wisconsin's proposal totaled $200,000,000 and included $56,000,000 for open space-recreation land acquisition, This was an advisory referendum only; the legislature is to make the final decision.

Notes: In 1966 the Massachusetts Legislature authorized a $150,000,000 bond issue for an accelerated water pollution control program. Massachusetts has no law which requires either State or local bond issues to be referred to the voters for approval. In 1967 the Connecticut Legislature approved a $150,000,000 bond issue for water pollution control. The legislature took final action on this proposal; there was no referendum by the voters.

TABLE 2.—UPCOMING STATE ELECTIONS ON BOND ISSUES FOR WATER POLLUTION CONTROL

Election date	State	Amount (millions)	Vote	Pass/fail	Percent "yes" vote
November 1969	New Jersey[1]	$190.6			
Do	do[2]	222.0			
May 1970	Oregon[3]	50.0			
November 1970	Maine[4]	50.0			

[1] In January 1969 the New Jersey Legislature placed on the November 1969 State ballot a referendum on a proposed $190,000,000 bond issue for "expanding public sewage facilities to eliminate pollution of surface waters."

[2] In April 1969 the New Jersey Legislature placed on the November 1969 State ballot a 2d referendum on a proposed $222,000,000 bond issue for "controlling and eliminating pollution of tidal and surface waters."

[3] In April 1969 the Oregon Legislature voted to refer to the voters at the May 1970 primary election a proposed change in the State constitution to authorize the State to issue bonds to finance grants and loans to local governments for sewage works construction. Under the proposal the amount of bonds issued cannot exceed 1 percent of the value of all real property and the amount outstanding at any one time cannot exceed $50,000,000.

[4] In March 1969 the Maine Legislature placed on the November 1970 State ballot a referendum on a proposed $50,000,000 bond issue for construction of pollution abatement facilities.

JUNE 6, 1969.

HON. RICHARD M. NIXON,
President, the White House,
Washington, D.C.

Conservation, labor, and many other citizen-civic organizations representing millions of interested and concerned persons firmly believe water pollution is one of the most important domestic problems, involving serious health hazards and waste of beneficial uses of water.

State-approved applications for matching grant funds totaling $2¼ billion from States and local governments are now on file with the Federal Water Pollution Control Administration.

The proposed Federal budget for fiscal 1970 requests only $214 million to assist local governments in the construction of sewage treatment plants under the Federal Water Pollution Control Act. Our groups believe that your administration should seek for fiscal 1970 an appropriation of $1 billion for Federal grants to local governments to help them in the construction of these desperately-needed waste treatment plants. We consider it imperative that the $1 billion authorized be appropriated for the fiscal year beginning July 1, 1969.

CITIZENS CRUSADE FOR CLEAN WATER.

MEMBERS

American Association of University Women.
AFL–CIO.
American Fisheries Society.
American Institute of Architects.
Association of Interpretive Naturalists.
Citizens Committee on Natural Resources.
Consumers Federation of America.
Izaak Walton League of America.
National Association of Counties.
National Audubon Society.
National Fisheries Institute.
National Rifle Association.
National Wildlife Federation.
Sport Fishing Institute.
The American Forestry Association.
The American Institute of Planners.
The Conservation Foundation.
The League of Women Voters of the United States.
The National Association of Soil and Water Conservation Districts.
The Wilderness Society.
The Wildlife Society.
United Auto Workers.
United States Conference of City Health Officers.
United Steelworkers of America.
Wildlife Management Institute.

VOTERS AND WATER POLLUTION CONTROL

(By Joseph W. Penfold)

Most Americans not only want clean water but are willing to pay for it.

This is indicated by a summary of results of recent statewide elections on bond issues for water pollution control. The summary was released today by the Citizens Crusade for Clean Water, a coalition of some 30 organizations concerned about the lagging national water cleanup program.

"The record of the last five years shows that when voters are asked directly in state bond referendums whether they want clean water and are willing to tax themselves to help pay for it, two out of three say 'yes,'" Joseph W. Penfold, coordinator of the Clean Water Crusade, said.

The summary reports that:

Since 1964 the voters of nine states have had an opportunity to vote in statewide elections on proposed water pollution control bond issues.

Eight of the nine proposals were approved and the ninth also was supported by most of those who voted on it.

Of the total of 17,625,254 citizens who voted on the nine proposals, 11,725,444 voted "yes"—an average "yea" vote of 66 per cent.

(Most states have not held elections in this field; their legislatures make the final decisions to issue bonds or to finance pollution control through regular appropriations.)

The state elections involved were in Maine in 1964, New York in 1965, Pennsylvania and Rhode Island in 1967, Illinois, Michigan, Ohio and Washington, all in 1968, and Wisconsin in 1969.

(Of the nine proposals, all were officially approved except the one in Illinois. Although supported by 57 per cent of those who voted on it, the Illinois proposal failed because of a requirement of Illinois law that such proposals must be approved by a "majority of

votes cast for all state legislature candidates" in the same election.)

In commenting on the election summary, Penfold emphasized that "these state bond financing proposals were predicated on the assumption that the Federal government would keep its commitment, as declared by the Congress in the Clean Waters Restoration Act of 1966, to match the state money."

"If we are to turn the tide and begin to clean up our polluted rivers, streams and lakes, it is necessary for the Federal government to keep this commitment that the states and local communities have been relying on by putting the Federal money on the line in the form of grants at the level authorized by Congress," he said.

The Clean Water Crusade group is asking President Nixon and the Congress to provide $1 billion—the amount authorized by Congress—in matching grants for community sewage treatment plant construction during the 12 months beginning July 1. The Nixon Administration has asked the Congress for less than a quarter of that amount—$214 million.

Penfold said "the inadequacy of $214 million for this program at this time is put into perspective by the size of the backlog of grant applications from local and state governments already received by the Interior Department's Water Pollution Control Administration: $2¼ billion."

The official Federal-state estimate of state clean-up costs over the next five years is more than $10 billion.

Penfold noted that in many instances water pollution control bonding proposals passed comfortably at the same time that voters were rejecting bond proposals for other purposes. "In the November 1968 general elections, as Engineering News-Record magazine has reported, voters across the country continued to approve most pollution control bond issues even though they rejected 49 per cent of all bond proposals," he said.

Penfold is conservation director of the Izaak Walton League of America. Other organizations cooperating in the Citizens Crusade for Clean Water include the League of Women Voters of the United States, the American Institute of Architects, Consumer Federation of America, National Association of Counties, National League of Cities, U.S. Conference of Mayors, U.S. Conference of City Health Officers, National Audubon Society, AFL–CIO, United Auto Workers, National Wildlife Federation, Sierra Club, and American Fisheries Society.

The summary of state election results was prepared by the Conservation Foundation at the request of the Clean Water Crusade. Sources for the election results reported in the summary are state pollution control and election officials, and the Federal Water Pollution Control Administration.

CITIZENS CRUSADE FOR CLEAN WATER

(By Mrs. Donald Clusen)

The entire effort to clean up the nation's waters has been based from the beginning on federal promise to help finance sewage treatment plants. This program is now on the brink of financial disaster, and it is this crisis which has brought together the organizations which realize the need for money in an attempt to galvanize public demand and public support for funds before it is too late.

In a rare show of unanimity Congress, in 1966, passed the Clean Water Restoration Act. This Act authorized $1 billion for federal sewage treatment facility construction grants-in-aid in fiscal 1970. Thus far the new Administration has left unaltered the fiscal 1970 budget request of the former Administration which amounts to $214,000,000. This sum, the same amount appropriated for fiscal 1969, is inadequate to accelerate water cleanup. The nation will never achieve the water quality standards set by the states unless improved treatment plants and interceptor sewers are built. Construction will not be encouraged by $214,000,000 in federal help. The Citizens Crusade for Clean Water is asking the President to request and the Congress to appropriate the full $1 billion authorized for fiscal 1970.

The grant program is authorized in the Federal Water Pollution Control Act as amended. The total federal appropriation for this grant program is allotted among the states according to a formula set forth in the law. Each state then allocates its share among localities selected by the responsible state agency. Plans for construction and for funding the local share must meet state and federal requirements.

Congress has consistently failed to meet its commitments to the states and localities via the grant program. In fiscal 1969, Congress authorized $700,000,000 in treatment facility grants but appropriated $214,000,000. The Clean Water Restoration Act of 1966 raised expectations when it removed the dollar ceiling, offered a larger percent of federal aid, and increased the amount authorized for construction grants.

In reality these increases never materialized because federal appropriations have been so low. By 1966, 23 states, Puerto Rico and the Virgin Islands had passed legislation authorizing a state share of 25–30 percent, but in the same year the Congress appropriated only $203,000,000 instead of the $450,000,000 authorized. Thus the incentive offered by the Clean Water Restoration Act has been almost no incentive at all. Only states able to undertake prepayment of the federal share in expectation of reimbursement can get leverage out of the promise implicit in the percentages of the Act. State legislatures that met after the President's budget was sent to Congress in 1967 had scant reason to authorize appropriation of matching state funds.

Every year that we expend less money at the federal level on the grant program, the effect is felt all the way down the line. These are incentive grants and they represent seed money to encourage local and state investment. In the last 11 years, the Federal Water Pollution Administration reports, investment of $1,200,000,000 has stimulated construction of more than $5 billion of waste treatment facilities in local communities.

The Citizens Crusade for Clean Water today issues a call to every American who objects to water pollution. Instead of hand-wringing and lamenting about how dirty the river or lake is, every interested citizen should write his Representative and Senator and the President. The message is simple—a much bigger share of our tax money spent to clean up the water. The public has been told on innumerable occasions that what is required for cleanup is a public opinion that is angry and vocal. Members of organizations cooperating in the Citizens Crusade for Clean Water will put this theory to the supreme test and let the Executive and Legislative branches of our government know that pollution abatement has more than citizen support, it has citizen demand.

CITY OF KANSAS CITY, MO.,
October 3, 1969.

The Honorable JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: We have heard that the House Appropriation Committee will recommend $600 million as the current year appropriation for grants to municipalities for the construction of Pollution Abatement Works. While any increase above past appropriations will be helpful, we are extremely disappointed that the recommendation is not the full billion dollars, as authorized by the Congress.

A considerable backlog of "ready to go" projects has developed over the past few years, because Federal Aid did not become available as anticipated. Kansas City alone has in excess of $15,000,000 in construction that can be placed under contract during the fiscal year if grants are made available. I know that many many municipalities are in the same position.

In addition to the above, Kansas City has already awarded contracts for construction work costing more than $5 million for projects for which a grant offer could not be made because of insufficient grant funds, but for which we expect to receive grants from future appropriations under the reimbursement provisions of the Federal Act. A tremendous backlog of construction in this category exists throughout the country, particularly in states as New York. We do not believe that projects before the Congress for use of grant funds includes adequate provision for construction projects in this category.

Missouri is one of an increasing number of states that have established their own grant programs to ensure their communities a bonus that increases the total Federal grant from 30 per cent to 50 per cent, or even 55 per cent. We seriously question that the accumulative effect of this program has been adequately considered in evaluating the ability of the national program to consume grant funds this year.

We are confident that one billion dollars in grant funds will not be adequate to cover the actual needs of the nation for the current fiscal year, even if funds allocated to but not needed by states of minimum need are reallocated to states having unmet needs.

We urge that the Congress appropriate the full billion dollars and give the municipal officials on the firing line an opportunity to demonstrate their ability to utilize funds of the magnitude authorized by Congress as the base for a national program.

Your interest and assistance in this program is very much appreciated.

Yours very truly,
GLEN J. HOPKINS,
Director.

STATE OF MICHIGAN,
Lansing, Mich., June 18, 1969.

HON. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The following is the text of a telegram I sent today to President Nixon on the federal Clean Water Restoration Act:

"Having just signed into law Michigan's $285 million municipal sewage treatment grant program, I would take this occasion to urge your recommendation to Congress of the full funding of the 1970 authorization of the Clean Water Restoration Act. Michigan's program, like those of the other states moving ahead in the fight against water pollution, is geared to the federal commitment. Without the full participation of all levels of government in protecting the natural environment much precious time will be lost."

I hope you join me in supporting full funding of this important legislation. Kind personal regards.

Sincerely,
BILL MILLIKEN,
Governor.

AUSTIN, TEX.,
September 10, 1969.

The Honorable JOHN D. DINGELL,
House Office Building,
Washington, D.C.

SIR: I wish to thank you for all that you have done in the cause of conservation. I have frequently written letters in support of your bills.

Recently I sent a telegram to President Nixon asking for $1 billion for water pollution control. I was appalled by the answer I received from the Bureau of the Budget. They said it would cause inflation! What

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about the billions that have been spent on war, space, and defense? I am willing to pay more taxes for pollution control and all other conservation programs.

I am interested in getting the states to adopt agricultural zoning legislation, as Hawaii has done. It is ridiculous to pave good farm and grazing land. I hope that you will promote this in Michigan.

Sincerely,

Mrs. John H. Hicks.

Winnetka, Ill., *September 22, 1969.*

Congratulations on your support of "Clean-Water" amendment.

What can we do to help support your efforts?

K. M. Chakires.

Industrial Union Department,
AFL–CIO,
September 17, 1969.

Dear Mr. Congressman: At a time when water pollution is increasingly a matter of national concern, we are dismayed to find the federal government plans to spend relatively little on the imperative job of providing this nation with clean water.

The gap between what is authorized for waste treatment plant construction and what is finally appropriated continues to grow. In fiscal 1965, that gap was $7 million. In the budget request for fiscal 1970, the gap has widened to $786 million. This is the difference between the budget recommendation of $214 million and the authorization figure of $1 billion.

The Industrial Union Department, AFL–CIO, believes the program to combat water pollution is a matter of the highest national priority. We strongly support the efforts of the bipartisan group of congressmen who seek to raise the level of funding for waste treatment. We urge you to join with this group and when the Public Works Appropriations Bill is taken up, to vote for the appropriation of $1 billion for waste treatment plant construction.

Time is running out on us. We must either massively and quickly get at the dangers to our water supply or ultimately be overwhelmed by our own pollution.

Sincerely,

Jacob Clayman,
Administrative Director.

Lake Oswego Corporation,
Lake Oswego, Oreg., September 9, 1969.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Sir: I hear that your bill for funding the Clean Water Restoration Act is continuing to build support in the Congress.

You certainly have the support of residents in the City of Lake Oswego area, which surrounds a beautiful five-mile lake that is the center of one of the Portland metropolitan major surburban communities. The lake is fed by the Tualatin river, which traverses one of the nation's most beautiful surburban valleys—and has become among the most polluted because of urban sprawl and its related effluent disposal problems.

Hopefully the Tualatin river will be one of those included in the project that ultimately will be covered by your bill. Representative Wendall Wyatt, in whose district the Tualatin river is located, is very familiar with this problem and can supply you with any necessary data—if he has not done so already. The Federal Water Pollution Authority, whose regional office is in Portland, Oregon, also is very familiar with this problem.

For your information, the Lake Oswego Corporation owns the lake and its stockholders are residents of the lake area. Directors of the corporation are unpaid local residents representing all property owners with lake privileges.

If we may be of assistance, please feel free to call on me at any time. My residence address is 17643 Kelok Road, Lake Oswego, Oreg. 97304, phone (503) 636–1320. During office hours, I may be reached at Georgia-Pacific Corporation, phone (503) 222-5561. My business address is P.O. Box 311, Portland, Oregon 97207.

Sincerely,

L. E. Newkirk,
Vice President.

Wheaton, Ill.,
September 3, 1969.

Hon. John Dingell,
U.S. House of Representatives,
Washington, D.C.

Dear Representative Dingell: I've just this morning read an item in CONSERVATION NEWS titled "135 Congressmen joined drive for clean water," in which your name was mentioned. (Vol. 34, No. 16, August 15, 1969).

The item also mentioned that a Gallup Poll conducted by the National Wildlife Federation reported 85 percent of all Americans are concerned about water pollution . . . I just want you to know that I'm one of the 85 percent and that I support your work in this direction.

So, for what it's worth, here it is in black and white that I believe firmly in your remark, ". . . providing clean water for the American People is a goal deserving the highest priority."

Good luck.

Sincerely,

(Mrs.) Carleen Hawkins.

Izaak Walton League,
Walker, Minn., August 28, 1969.

Representative John Dingell,
House Office Bldg.,
Washington, D.C.

Dear Mr. Dingell: Our Izaak Walton Club of Walker, Minn., would appreciate it if you would give every support to obtaining the One Billion appropriation for the "Clear Water Restoration Act".

We firmly believe that the matching funds of municipalities will help in the construction of the needed sewer treatment plants.

Although Walker, Minn. is located in the center of the lake and recreational area of the state and has plenty of water, pollution will soon be our big problem.

We urge you in all sincerity to support this much needed appropriation.

Very truly yours,

G. R. Sabin,
President.

Laramie, Wyo.,
August 31, 1969.

Representative John Dingell,
House Office Building,
Washington, D.C.

Dear Mr. Dingell: It is a pleasure to hear about your campaign to get the full $1 billion for the Clean Water Restoration Act.

I, and untold others that will not write for various reasons, wish you every success.

Sincerely yours,

Allen Morton.

International Association of
Game, Fish and Conservation
Commissioners,
August 21, 1969.

Hon. John D. Dingell,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

Dear Mr. Dingell: Thank you for the material on the bipartisan effort within the House of Representatives to secure full funding for fiscal year 1970 of the Clean Water Restoration Act.

The International Association of Game, Fish and Conservation Commissioners is on record as strongly supporting the Clean Water Restoration Act and its funding. I have, therefore, informed the Conservation Director of each of the fifty states of your efforts and urged that they act promptly to secure the support of their congressional representatives for adequate funding of this important program.

Sincerely,

W. M. Lawrence,
President.

Yale University,
New Haven, Conn., August 18, 1969.

Hon. John D. Dingell,
The House Office Building,
Washington, D.C.

Dear Sir: An article in yesterday's New York Times gives me to understand that you are in the forefront of the battle for a larger authorization of funds to fight water pollution.

I congratulate you heartily on this stand and wish you success. I am writing also to Representative Mahon of Texas urging him to approve the request for additional funds when it comes to his Committee.

Sincerely yours,

Marie Borroff,
Professor of English.

Lansing, Mich.,
August 11, 1969.

Dear Rep. Dingell: I read with interest the article of "Full Funding of Clean Water Restoration Asked" in the State Journal.

Although I've never spoken out before on the ever increasing problem of water pollution, I want to send you my support now as critical decisions are impending.

Homeowner and particularly industrial abuse of our water resources is at least disgusting and at most an irreversible loss. It is another unfortunate example of the unrepresented interests of the people confronting the well-funded (in this case? industrial) lobbys.

What can concerned *citizens* do to get legislators to enact anti-pollution laws with teeth in them? And to get the appropriate funding?

I applaud your efforts toward this goal, and I hope that this recent article receives outstate attention as well.

Sincerely yours,

Thomas C. Auer.

State of Georgia,
Atlanta, Ga., July 29, 1969.

Hon. John D. Dingell,
Member of Congress, House Office Building,
Washington, D.C.

Dear Congressman: I congratulate you on your interest in full funding in 1970 for the 1966 Clean Water Restoration Act. As both the Director of the Georgia Department of Public Health and the Chairman of the Georgia Water Quality Control Board, I offer any assistance in any way we can provide in the effort to secure the appropriations up to the full authorization.

In FY 1969, this state had eighty-eight (88) applications for PL–660 projects from cities and counties. The amount of funds requested totaled about $33 million; Georgia's allocation for FY 1969 amounted to only $4.59 million. We were able to fund just twenty-one (21) projects, so we find ourselves with a backlog of $28 million in projects, needed and ready to go.

We have on file now seventy-four (74) requests totaling almost $35 million, plus three (3) applications for supplementary grants. However, we have been informed by the Southeast Regional Office of F.W.P.C.A. that Georgia's FY 1970 allocation would be about $4.56 million. This, we understand, is based on an anticipated appropriation of $214 million.

At the present rate of appropriation, it seems clear that this nation's existing pollution problems could not be cleared before the year 2000. Unfortunately, new problems continue to appear and existing problems are being compounded. If we do not make a much greater effort, the cost in economic potential and adverse health effects will be overwhelming.

Thanking you for the opportunity to support the need for full appropriations, I am

Sincerely yours,

John H. Venable, M.D.,
Director.

Re Appropriation for federal grants for sewer facility construction of $1 billion for fiscal 1970.

Representative John D. Dingell,
House Office Building,
Washington, D.C.

Dear Mr. Dingell: For the past ten years while residing in this area I have noticed an increase in water pollution. When I moved to Michigan from New York State I decided Sterling State Park was one of the loveliest beaches I had visited in the world. To my disappointment several years later signs were posted "Waters unsafe for Swimming." This was the only swimming area available to my family. This is what caused me to become interested in the water pollution problem in the Downriver area. In fact I learned that the City of Monroe sewage was polluting Sterling State Park.

After much reading and studying and giving speeches and programs on the subject I have decided that the sooner the problem is solved the sooner our citizens will benefit. With rising costs and increasing population the problem will only magnify unless we spend the money now. Therefore, this is why I support the Appropriation for federal grants for sewage facility construction of $1 billion for fiscal 1970.

Very truly yours,

Pamela Pesold.
Mrs. William F. Pesold.

Wildlife Management Institute,
Washington, D.C., July 23, 1969.

Hon. John D. Dingell,
House Office Building,
Washington, D.C.

Dear John: Yours of July 16 is appreciated. In behalf of conservationists everywhere, you and the others are being commended highly for urging the allocation of the full authorized appropriation for water pollution control. The representatives of the national conservation organizations have gotten together upon several occasions and are doing everything possible to secure the full amount. I have felt that this is the only position that could be taken on this vital program.

Best wishes and kindest regards.

Sincerely,

C. R. Gutermuth,
Vice-President.

American Federation of
Labor and Congress of
Industrial Organizations,
Washington, D.C., September 9, 1969.

Hon. John D. Dingell,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman: The AFL–CIO is wholeheartedly in agreement with the conservation. consumer and labor groups participating in the "Citizens' Crusade for Clean Water," an informal coalition working for an improved level of funding for the Waste Treatment Plant Construction Grants Program.

Unfortunately, this key water pollution control activity has consistently suffered from a serious and widening gap between the promises, set forth in the authorization figures, and the performance reflected in appropriations. If the budget request for Fiscal 1970 should be approved as submitted, the authorization-appropriations gap will amount to $766 million. This would result from the difference in the budget recommendation of $214 million and the authorization figure of $1 billion. The enclosed fact sheet attempts to spell out the problem in concise terms.

The AFL–CIO enthusiastically supports the efforts of the bipartisan group of Congressmen who are leading the campaign to raise the level of funding for this important program in the next fiscal year. We urge that you join in this effort and support the move to increase the appropriations for the Waste Treatment Plant Construction Grants Program when the Public Works Appropriations Bill is taken up.

Sincerely yours,

Andrew J. Biemiller,
Director.

Water Pollution Control Federation,
Washington, D.C., August 27, 1969.

Mr. John D. Dingell,
U.S. House of Representatives,
Washington, D.C.

My Dear Congressman Dingell: Your letter of July 17, 1969, expressing concern over the lack of funding for the grant-in-aid provisions of the Clean Water Restoration Act of 1966 is appreciated by the members of the Water Pollution Control Federation. We are deeply concerned over the failure of the Congress to appropriate money to carry out the authorizations listed in the Act.

All of the states have energetically pursued the adoption of sound water quality criteria, with the policies needed to implement the intent of the law, and many of these states also have instituted grant programs of their own in addition to other programs, all predicated on the anticipation that the full Federal grant program would become a reality. Failure on the part of the Federal Government to commit the amount of funds as originally proposed, in effect, nullifies the states endeavors and other local efforts to combat water pollution. It is obvious that the success of the fight against water pollution is wholly dependent on Federal funds.

Likewise, it should be observed that maintaining appropriations at or near the same levels as Fiscal 1968 and 1969 does not provide for a consistent program. While the dollar amounts are similar, they provide a constantly smaller share of the growing and mounting needs. It is wishful thinking to assume that the pollution problem is being held "at bay" with such appropriations.

On September 26, 1968, the Water Pollution Control Federation Board of Control adopted the following resolution:

"Whereas, the Congress after careful consideration has written into legislation annual authorizations for grants-in-aid for municipal waste-water treatment facilities, and

"Whereas, the public officials and the public have expectations of receiving this assistance to the limits authorized, and

"Whereas, the Congress has failed to appropriate to the limit of these authorizations in any fiscal year and in fact the disparity between the appropriations and the authorization is increasing year by year, and

"Whereas, public officials are finding this failure of the Federal Government to honor its commitment to be a major obstacle in the construction of pollution abatement works,

"Therefore be it resolved, that the Water Pollution Control Federation call to the attention of the Congress the seriousness of this problem and urge the Congress to make the appropriations more nearly approach the authorization or amend the authorization to more nearly reflect the anticipated appropriations."

This resolution was sent to the Appropriations Committee, Public Works Committee, and the Ways and Means Committee of the House of Representatives.

There have been various substitute methods, including so-called deferred payment plans, proposed from time to time that purport to increase the Federal financial participation in the water pollution control program. None of these have demonstrated the required merit or capability to make the program successful, and are certainly inconsistent with the program offered to, and supported by the American people. We oppose any plan of deferred financing that does not include interest as well as principal payments.

The Federation respectfully submits these comments in reply to your letter; we appreciate your seeking our views and will be pleased to correspond further if we can be of assistance in resolving this major national problem.

Sincerely yours,

Paul D. Haney,
President.

Springfield, Ill., *September 19, 1969.*

Mrs. Raymond Robertson,
President, League of Women Voters.

I strongly support full appropriations so that Illinois municipalities can improve water quality standards. I hope you support the full budget for the Clean Waters Restoration Act.

Lieutenant Governor Paul Simon.

Citizens Committee on
Natural Resources,
Washington, D.C., August 21, 1969.

Hon. John D. Dingell,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Dingell: The Citizens Committee on Natural Resources has been advised that a serious effort is being made in the House of Representatives to increase the appropriation for the Clean Water Restoration Act for Fiscal Year 1970.

As you know, the budget request for this vital matching grant program to the States for sewage treatment facilities is $214 million, a totally unrealistic response to a multibillion problem. Dozens of nationally-known and respected citizens organizations, most State Governors, and in excess of 120 Members of the House have pledged themselves toward a $1 Billion Appropriation this year. This amount is deemed to be essential if the federal Government is to keep faith with the States and local communities which are meeting their own commitments under the Act.

There is now being circulated throughout the House of Representatives a letter from a bi-partisan delegation [John A. Blatnik, John Dingell, Michael Feighan, Paul McCloskey, Henry Reuss, John P. Saylor, and Jim Wright] requesting your help for this effort, and our purpose in writing is to respectfully request that you join them.

We believe, as do the other organizations in the *Citizens Crusade for Clean Water,* that the American people are looking to the House of Representatives this year to determine whether our Nation is serious about creating a more wholesome environment for all of us.

With best wishes, I am

Sincerely,

Ira N. Gabrielson,
Chairman.

[From the Charleston (S.C.) Evening Post, Aug. 23, 1969]

ANTIPOLLUTION FUNDS

Normally no advocate of increased federal spending, we are in accord with a House proposal that would add $786 million to the national budget.

The difference this time is that the additional money would bring to an even $1 billion federal matching grants available to state and local governments for the construction of waste treatment plants. The Nixon Administration budgeted only $214 million for that purpose.

We cannot imagine a better or more necessary purpose on which the taxpayers' money can be expended than reducing the dumping of raw sewage into their streams, rivers and

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harbors. It may lack the glamor of hurling men to Mars but assuredly it will do much to promote the health and general well-being of the nation.

It would, moreover, merely honor a commitment Congress itself made when it passed a comprehensive water pollution act three years ago. In no subsequent year has the promised $1 billion actually been appropriated.

Most state and local governments are making an honest effort to clean up their streams and lakes. But, with Washington hogging the most productive revenue sources and with inflation skyrocketing construction costs, money for those projects is desperately hard to find. Bonds are all but impossible to sell and municipal issues are threatened with the loss of their tax-exempt status.

Washington is responsible in part for this dilemma. The least it can do is to return to the people more of their own money. States and cities have the will to fight pollution. It's the means they lack.

[From the Chicago Tribune, Sept. 26, 1969]

Pollution Bill Gains Backing in U.S. House—Vote by Majority Is Nearing

(By Casey Bukro)

Congressmen are banding together to persuade the Nixon administration to appropriate one billion dollars this year for federal matching grants for water pollution control construction.

At the latest count yesterday, 210 members of the House of Representatives had pledged support for an amendment seeking the billion dollar figure if the Nixon administration fails to allot that amount in the public works appropriation bill now under study. A majority in the House would be 218 votes.

"Some members of Congress say there has never been such a positive head count prior to floor action on a bill," said J. W. Penfold, conservation director of the Izaak Walton League in Washington. "It certainly reflects the strong public sentiment and support of the clean water program."

TELL OF SUPPORT

Ten of the 11 Illinois Democrat representatives support the measure. One of the 12 Republican Illinois representatives, Robert McClory, supports it.

The public works appropriations bill now under consideration by the House public works appropriations subcommittee calls for 214 million dollars for municipal sewage treatment plant construction grants in fiscal 1970, altho the authorization for this year under the clean waters restoration act of 1966 is one billion dollars.

This is the third consecutive year that the federal government is proposing to allot funds for pollution control grants far below the authorized amount. Water pollution authorities say this is crippling the national pollution control effort, and some rate this as the top pollution control problem in the country.

ASSAILED BY BACON

"Congress has not fulfilled its part of the bargain," asserted Vinton Bacon, general superintendent of the sanitary district. "The plan had been for greater federal financial assistance so we could comply with the higher federal water pollution control requirements.

"We stand ready to meet the requirements imposed on us by the federal government, but we think they should come thru with their share of the financing."

Pollution control projects thruout the country are being stalled while communities wait for federal money to share in the cost of the projects, said Bacon. He and the district board of trustees urge full federal funding of the pollution control program.

[From the Wichita (Kans.) Eagle, July 20, 1969]

Wichitans Join Pollution Fight

(By Dolores Quinlisk)

Pollution of water in the United States is a national disgrace and it is almost too late to begin to do something about it, according to spokesmen of 25 national organizations who are joining in a nationwide "Citizens Crusade for Clean Water."

Efforts on the local level to enlist public concern for the problem are being spearheaded by Wichita League of Women Voters.

Mrs. Pegge Missal, league chairman, said leagues all over the nation are joining in a campaign to urge Congress to appropriate $1 billion for sewage control.

Included in the Crusade for Clean Water are such organizations as the National Audubon Society, the American Association of University Women, the AFL–CIO labor unions, American Institute of Architects, Izaak Walton League, National Rifle Association and U.S. Conference of Mayors.

Mrs. Missal said originally $1 billion was proposed to aid municipalities in sewage control construction. The Nixon administration is asking Congress for only $214 million, she said, and the appropriation bills are in congressional committees.

"The groups joining together in the crusade feel citizens should be writing now to their congressmen to urge them to fund the full $1 billion," said Mrs. Missal.

"Our water is getting dirtier by the minute, and the longer we wait to fund this necessary construction, the worse the situation will be."

Kansas is rated among the worst 10 states in the nation for fish-kill incidents, said Mrs. Missal. During the period of 1963–1968, there were 83 major fish-kills in the state and 60 per cent of them were blamed on run-off from livestock feedlots.

"Ten years ago, there were 27 species of fish in the Cottonwood and Neosho rivers," said Mrs. Missal. "They have now been reduced to 14 species due to water pollution. Neosho River catfish have disappeared completely."

In 1967, the state Department of Health reported the state's seven million cattle, hogs and sheep excrete daily the same amount of waste as 70 million people. During heavy rains, some of this washes off into streams, polluting the water.

Pollution in the water uses up oxygen, killing fish. In addition, Mrs. Missal said, about 20 per cent of the bacteria and viruses carried in polluted water is dangerous to humans. Salmonella bacteria is one of these. Disease also can be transmitted from eating fish from polluted rivers.

In 1968, the state health department began requiring feedlots with more than 300 head of livestock to get permits under certain regulations. There are about 4,000 feedlots of this size in the state, out of a total of 13,500. There are still about 100 cattle lots that must register, and about 2,500 hog lots.

"Municipalities are moving at about half the anticipated speed to meet sewage construction goals," said Mrs. Missal. "On March 31 of this year, there were $2.25 billion in pending applications for federal sewage construction grants.

"The gap between authorization and appropriation for these projects is steadily widening."

U.S. Public Health Service has released figures that out of the $2 million people in this country served by municipal sewer systems, only 34 million are served by systems that have sewage treatment facilities. Primary sewage treatment removes 36 per cent of the pollution, secondary treatment removes up to 90 per cent.

"One alarming factor is that the amount of industrial waste is double the amount of municipal waste," said Mrs. Missal, "but industries are reluctant to improve their sewage management until municipalities improve their waste disposal."

Continued Mrs. Missal, "Clean water is a vanishing resource. We're polluting it faster than we can clean it up, yet water is needed to live. Pollution of water everywhere in the U.S. is a shame and a national disgrace, and as costly as pollution abatement may be, it is cheaper to clean up our water than try to replace it by other means.

"It is imperative to keep further pollution from ever starting. It is already very, very late to begin."

A 15-minute film on water pollution, sponsored by Wichita League of Women Voters, is scheduled to be shown at 2:15 p.m. August 9 on KAKE–TV.

[From the Rutland (Vt.) Daily Herald, June 18, 1969]

The Water Gets Dirtier

The spokesman for the Vermont League of Women Voters is quite right that strong pressure is needed to bring funding of water pollution controls up to the level of the need. In March the Conservation Foundation called attention to the huge gap between authorizations and actual appropriations in Federal spending for natural resources since 1965, a gap which exists in spite of the fact this desperately needed spending is near the bottom of the priorities list and calls for only 1.8 per cent of the Federal budget.

Writing of the growing gap, the Foundation says: "In water pollution control, for example, meaningful progress requires, in part, construction of treatment plants by local governments. To stimulate construction of these facilities, the Federal government created a grant program which has indeed helped local governments. But the amounts made available have been nowhere near the amounts deemed necessary and authorized by Congress.

"The figures below tell the water pollution story. In the current fiscal year alone, the estimated gap between appropriation and authorization will be $486 million. Next year, the gap will jump to $786 million. The GMG (growing money gap) for the six-year period will be $1.5 billion. Results: Further delay in controlling water pollution. Dirtier instead of cleaner water." If this sounds bad, it should be noted that the Foundation was writing about an anticipated gap based on Interior Secretary Hickel's budgetary request for $600 million for the coming fiscal year, not on the greatly reduced figure recommended by President Nixon, $214 million. In other words, though the gap may be somewhat smaller, the appropriation may very well be smaller yet.

Obviously, the mandatory Federal pollution control program will not be carried out if the 55 per cent Federal share of project costs is not available. In most municipalities large and small, the Federal aid is not only an incentive but the difference between something possible and something quite out of reach.

Military spending, including the cost of the Vietnam war, continues to balk efforts for realistic appropriations to meet the urgent needs at home. As natural resources deteriorate they become ever more difficult to reclaim, if indeed ever can be. There are already some "debts" we owe our environment it is beyond our power to repay.

This 'n That . . . From Here 'n There

(By Lynn Watt)

Since our report of the annual meeting of the Lake Champlain Committee (Free Press, July 21) we've had a couple of calls from folks concerned about pollution.

They wonder what can be done to speed up the construction of sewage treatment plants. They also want to know what they can do to help fight pollution.

You've probably heard the saying "the squeaky wheel gets the grease." Well, you can help by making the antipollution wheel squeak loud and clear.

Write to your congressman in Washington. Ask him why, when Congress authorized a billion dollars nationwide for grants of aid to meet the federal commitment of the cost of building treatment facilities, the President's budget calls for only $214 million to be appropriated.

Tell him Vermont's share of this $214 million is only $1.3 million which doesn't go very far. Tell him, too, that quite a number of cities and towns in Vermont have voted bond issues for construction of sewage treatment plants, and that now nothing is being done because there is no federal aid available.

Money is great stuff. With it you can even put men on the moon. But ask all of the scientists, engineers, technicians, and others associated with the space program to work for nothing, and see what happens.

Conversely, give antipollution efforts billions of dollars of push and see what happens!

If you don't like to write letters, clip this column and send it to your congressman (or even the President)—it might help put a little more squeak in the wheel!

[From the Chicago Tribune, Oct. 3, 1969]

Support for Pollution Control

Lake Forest, September 30.—Congratulations on today's fine editorial "Funds for Pollution Control" on federal appropriations for water pollution control. Your fine reporter, Casey Bukro, has been a champion in this crusade against pollution.

As co-chairman of the Illinois State Commission on Water Pollution and Resources, I have been working actively for over a year to encourage our Illinois congressmen to honor the promises of Congress in appropriating one billion dollars for water pollution control.

Likewise, I earnestly urge citizens to make their views known to the governor to get behind House bill 2004 for state grants in aid for sanitary districts and municipalities.

The time for Illinois citizens is now or never to let both the federal and state administrations know their demands for water pollution control.

[From the Chicago Tribune]

Funds To Fight Pollution

Chicago, September 30.—Today's editorial "Funds for Pollution Control" put the spotlight on one of the most pressing matters before the current Congress.

I might point out that the sanitary district requested and received permission from the state legislature to issue 380 million dollars in bonds for new sewage treatment and pollution abatement facilities. If the district, lying wholly within Cook county, can undertake such an obligation, certainly the entire United States of America can afford to appropriate one billion dollars as a contribution to the nation-wide campaign to improve the quality of our water resources.

Of this total amount, the sanitary district will spend 60 million dollars in 1970 from the bond appropriation. This amounts to almost 30 per cent of the 214 million dollars that Congress has been asked to appropriate under the budget for next year.

Failure to appropriate and spend the money now will inflict a most costly burden on the American people, because not only will the cost of the necessary facilities rise dramatically year by year, but the increased contamination of our water sources will likewise add to the annual cost of correction of of this vital threat to our environment.

We urge all residents living within the sanitary district—and for that matter living anywhere in the nation—to call upon their congressmen to increase the budget appropriation to the full one billion dollars which was provided for the clean waters restoration act of 1966.

[From the Chicago Daily News, Aug. 20, 1969]

Water and False Economy

The budget-cutting Nixon administration is pursuing at least one course that would lead to false economy. Instead of the $1 billion authorized, it wants to finance the nation's clean-water campaign during fiscal 1970 with only $214,000,000.

It would be hard to justify this reduction. Water pollution is one of the nation's rampant problems. It has been long neglected and will require heroic measures, and large sums of money. Involved here also is the good faith of the federal government. Twenty-two governors support the larger amount, some of them citing the fact that the government has induced the states to expand their cleanup efforts but is now refusing to give the degree of assistance it promised.

Gov. Ogilvie has said that Illinois would receive only $9,800,000 if the administration has its way, rather than $53,300,000 expected. "Many construction projects have been held back," he wrote to Congress, "and others have been progressing slowly because of difficulties with financing. Practically all interstate projects were planned and scheduled in expectation that funds authorized by the Clean Water Restoration Act would be available."

That act, passed in 1966, authorized matching federal grants to state and local governments to cover 30 to 55 per cent of the cost of sewage facilities. The program has always been shortchanged, with Congress appropriating less than authorized. Now the administration would cut it by $786,000,000.

Such budget paring may be thwarted, as it should be. A drive in Congress has brought support from 162 House members for the larger sum. Rep. George Mahon (D-Tex.), chairman of the Appropriations Committee, will try to halt the government. "After all," he said, "who can be against clean water?" Who indeed?

The Pollution Fight: It's Up to Washington

Lake County residents who suffered through the hot, humid summer months without benefit of their beaches don't need reminding that there is a water pollution problem.

Congress, which deliberates next door to the murky, odorous Potomac shouldn't have to be reminded either. Apparently, however, some sort of prodding is necessary to stimulate the federal government to do its share in combatting this ever-increasing problem.

In the 1968 fiscal year, the Congress promised to provide $450 million in federal grants and matching funds for the antipollution fight. Only $203 million was appropriated. During the 1969 fiscal year, which ended June 30, $700 million was pledged but only $214 million was delivered. For fiscal year 1970, $1 billion was promised, but President Nixon has asked for an appropriation of only $214 million.

Meanwhile, pending applications for grants for sewage treatment facility construction alone total $2.25 billion. One of these applications is from the North Shore Sanitary District, which serves Highland Park, Highwood, Lake Forest, and Lake Bluff. And while Deerfield is not a member of the sanitary district, its residents, too, were prevented from using Lake Michigan beaches by pollution from the district's outmoded and inefficient sewage treatment system.

In this period of inflation, we normally would not encourage greater federal spending. But pollution is one problem that supercedes local political boundaries and therefore requires federal action. Furthermore, pollution is one problem that must not be allowed to worsen while we wait for a decline in the inflationary spiral.

Ordinarily, we would not encourage a wealthy area like this one to seek federal aid, believing that its residents can and should finance their own improvement projects. However, the state's constitution, as outmoded as the sanitary district's treatment plants, prevents the district from issuing bonds for more than $35 million of the $60 million it needs to upgrade its facilities. So the district has no choice but to turn to Washington for help.

Our congressman, Robert McClory (R-12th), has introduced a bill that would provide a direct grant to the sanitary district, separate from the appropriation in the total anti-pollution measure. However, passage of his bill does not appear likely.

Meanwhile, he is supporting the full $1-billion appropriation for the comprehensive pollution fight. We are glad he is backing this effort, and hope he will sign a petition backed by 152 other congressmen formally pledging their support. Even if our sanitary district is able to solve its own pollution problems, we still would suffer from pollution from other sources, including industries from Waukegan to Gary and the Army Corps of Engineers.

Only such a comprehensive approach to the pollution problem will result in meeting the goal all should share: a total end to the desecration of our precious recreational areas and water supplies.

[From the Chicago Tribune, Sept. 30, 1969]

Funds for Pollution Control

When Congress enacted the clean waters restoration act of 1966, it was regarded as a significant step in the nation-wide campaign against water pollution. But since then Congress has failed to fulfill its obligations under the act by falling far short of appropriating all the funds authorized. Such funds are to be used as federal cost sharing grants for construction of municipal sewage treatment plants.

In Illinois, for example, there are federal grant applications for 273 water pollution control projects but proposed federal funding sufficient for only 20 to 25 of them. Gov. Ogilvie points out that this short funding has a serious impact on this state's progress toward construction of necessary pollution abatement works, particularly in cities along the Illinois river, Lake Michigan, and other interstate waters. Other authorities warn that the whole national anti-pollution effort is being crippled.

Although the 1966 act authorized one billion dollars for such purposes in fiscal 1970, the Nixon administration's budget calls for appropriations of only 214 million dollars to stimulate the cities to get on with the job of cleaning up pollution, a strong movement is under way in the House to persuade the administration to provide full funding under the act. This movement has the support of most state governors, mayors of many cities, and nearly 40 conservation, civic, and other groups and agencies, including the AFL–CIO, the Chicago metropolitan sanitary district, the Izaak Walton league, and the League of Women Voters.

Sponsors of the movement assert they have 219 "firm" votes pledged in the House—enough to approve an amendment to increase appropriations to the full billion dollars in the event the House appropriations committee fails to recommend this sum. Pollution control costs money, but it is necessary if Americans are to avoid fouling their environment even more seriously than they have already. The longer control measures are delayed, the more it will cost eventually to stop pollution.

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FALSE ECONOMY

President Nixon's efforts to cut the federal budget has led to at least one serious false economy. He wants to cut the nation's proposed billion-dollar clean-water campaign for fiscal 1970 to only 214-million dollars.

Water pollution is one of this nation's most important problems. It has long been neglected. It requires massive efforts to correct the situation. At least 22 governors—including Governor Ogilvie—support the need for spending more on cleaning up water pollution. The federal government under the 1966 Clean Water Restoration Act pledged to help solve the problem. But it is now backing out of its promise.

Many construction projects in Illinois will be stopped unless Congress votes the full amount originally promised. For example, under the Nixon budget-cutting idea, Illinois would get 9-million 800-thousand dollars for cleanup efforts. But under the original act, we would get more than 53-million dollars.

This clean water program has always been short-changed. While we support efforts to cut the federal budget, we say it is a bad idea to cut the funds for the clean water campaign. Clean water is a vital problem. We hope that Congress will not reduce the needed funds.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, Alaska, July 1, 1969.

The Honorable JOHN D. DINGELL,
House of Representatives U.S. Congress, Rayburn House Office Building, Washington, D.C.

DEAR MR. DINGELL: Thank you very much for your June 6, 1969, letter inviting me to comment on the implications to Alaska of the shortage of Federal funding of water pollution control programs.

For several years Alaska has made good use of its entire allocation of construction grant funding in the water pollution control program. Particularly, with the implementation this year of our new Water Quality Standards, I anticipate that substantial additional amounts could be used by our local governments for the construction of sewage treatment plant if these funds could be made available.

Best personal regards.

Sincerely yours,

KEITH H. MILLER,
Governor.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, Alaska, September 26, 1969.

The Honorable JOHN D. DINGELL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DINGELL: Thank you for your letter of August 27, 1969, concerning the Federal Clean Water Restoration Act of 1966.

As stated in my letter of July 1, 1969, the implementation of our new Water Quality Standards would mean substantial additional funding could be used by our local governments for the construction of sewage treatment plants.

I shall follow with great interest the efforts of you and your colleagues as you work for full funding for the Public Works Appropriation Bill. I will be happy to lend my support at every opportunity.

Best personal regards.

Sincerely yours,

KEITH H. MILLER,
Governor.

STATE OF IDAHO,
Boise, August 13, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
Washington, D.C.

DEAR REPRESENTATIVE DINGELL: I share your interest and concern over the fact that construction grant appropriations under the Federal Clean Water Restoration Act have been grossly short of the authorizations contained in the Act.

Although the grant level of such appropriations has not been a major handicap in the construction program in the State of Idaho up to the present time, we do anticipate that failure to appropriate at a significantly higher level in the next few years will certainly slow down our clean-up program. We are also aware that the present funding level has severely handicapped the clean-up programs of some of our neighboring states.

Sincerely,

DON SAMUELSON,
Governor.

WATER POLLUTION CONTROL CONSTRUCTION PROJECTS 1968-69

	Estimated total project costs	Estimated amount of Federal grant to be requested
City and county of Honolulu:		
Nanakuli interceptor	$1,500,000	$495,000
Makaha section 3 interceptor	350,000	115,500
Hawaii County:		
Kailua interceptor	900,000	297,000
Kawaihae-Puako secondary treatment and interceptor	750,000	247,500
Kauai County: Lihue-Nawiliwili interceptor	850,000	280,500
Maui County:		
Honokowai secondary treatment and interceptor	1,500,000	495,000
Kaunakakai secondary treatment and interceptor	750,000	247,500
Lanai secondary treatment and interceptor	500,000	165,000
Total	7,100,000	2,343,000

STATE OF ILLINOIS,
Springfield, June 25, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In your letter of June 6, 1969, you stated that the House Committee on Appropriations is currently considering funding of construction grants for sewage treatment works under the Clean Water Restoration Act (Public Law 84–660).

The authorization for fiscal 1970 is $1 billion, but the proposed appropriation is for $214 million. Therefore, the Illinois allotment will be approximately $9.8 million vs. the $53.3 million at maximum authorized. This short funding has a serious impact on progress in Illinois toward construction of necessary abatement works. This is particularly true of the cities along the Illinois River, Lake Michigan and other interstate waters. The proposed funding will be sufficient for about 20 to 25 projects only.

There are now on hand, Federal grant applications for 273 projects having a total cost of $187 million, and eligible for $55 million in grants at 30 percent. Fifty-six projects requesting $18 million in grants are in the metropolitan Cook County; 217 projects are outside Cook County with grant requests of $37 million. All of these projects are required to be completed by July, 1972 in compliance with the Federal-State Water Quality Standards established in accord with the Federal Water Quality Act of 1965.

Enclosed is a brochure (not printed in the RECORD) prepared by the Illinois Sanitary Water Board for fiscal 1969.

Table III lists the 218 applications last year for grant requests of $45 million. The $9.8 million appropriated allowed funding of only 25 projects.

Table II lists the municipalities on interstate waters and the date construction must start to meet the water quality standards deadline.

Table I is a list of municipalities statewide that must provide additional sewage treatment over the next five years. There are 553 communities listed which include most of the projects contained in Table III. There will be additional municipalities added to this list over the next few years. This five-year list reflects project costs of $314 million and a Federal grant funding of approximately $100 million.

Many construction projects have been held back and others have been progressing slowly because of difficulties with financing. Practically all interstate projects were planned and scheduled in expectation that funds authorized by the Clean Water Restoration Act would be available. In spite of this, twenty downstate projects and two Metropolitan Sanitary District projects did proceed in FY 69 under potential reimbursement features of the Federal Act.

A one billion dollar Water Resources General Obligation Bond Referendum for Illinois in November, 1968 received a majority of "Yes" votes. However, because a majority of votes cast in the election was required, the issue did not receive legal approval. This bond issue was intended, in part, to assist municipalities in construction of sewage treatment works.

Sincerely,

RICHARD B. OGILVIE,
Governor.

STATE OF INDIANA,
Indianapolis, August 19, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Reference is made to your letter of June 6, 1969, relative to the effect of past federal funding on Indiana's water pollution abatement program. The lack of adequate federal grant funds has been the major deterrent to our program. This has become acute in the past few years.

Each year since the grant program was initiated in 1956 we have received applications for more funds than were available. In the earlier days of the program the requests usually amounted to from two to three times the amount of money available. Following the enactment of the 1966 amendments which increased the authorization and provided for an increase in the federal grant from 30% to 50% if the state gave a 25% grant, the 1967 Indiana Legislature appropriated $8.6 million for state grants for the 1967–69 biennium. This appropriation was sufficient to match Indiana's federal allotment from a $300 million appropriation for 1967–68 and $400 million for 1968–69.

In 1967–68 we received 57 applications for $17.2 million in federal funds, on a 50% basis. However, only $4.9 million were allotted to Indiana. In 1968–69 we received 93 applications for $31.5 million federal funds. Only $5.2 million were received. As a result a considerable portion of the $8.6 million state funds which were available reverted to the state general fund.

The 1969 Indiana Legislature appropriated $3.0 million for 1969–70 which is sufficient to match our allotment from a $250 million federal appropriation. It appropriated $3.5 for 1960–71. The experiences of the previous biennium were a major factor in determining the amount of state funds appropriated for the current biennium.

The 1969–70 applications for federal and state funds are now on file. There are 135 applications for $44.3 million in federal funds. Priorities have been established by the Stream Pollution Control Board. A copy of the priority list is attached hereto. Since Indiana receives only $5 million from a $214 million appropriation a glance at the table will show we can satisfy only the first four applications.

It is obvious that the lack of federal grant funds has slowed our program. In fact, our rate of construction for the past two years, and our apparent rate for this year, is barely keeping pace with population expansion.

The Indiana Constitution does not permit bonding of the state. Consequently we cannot raise the money to pre-finance the federal grant as New York and a few other states have done.

Sincerely,

EDGAR D. WHITCOMB,
Governor of Indiana.

IOWA STATE DEPARTMENT OF HEALTH,
Des Moines, Iowa, August 12, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Governor Ray has asked that I reply to your letter of June 6, 1969 regarding the effect of funding of the construction grant program on the water pollution control program in the State of Iowa.

During the early years of the grants program subsequent to 1956 the State of Iowa was receiving only approximately $700,000 annually as compared with the $3,200,000 allocation now received under the $214 million national appropriation. Priorities for grant funds were given to communities with the greatest water pollution control need but approximately one third of the communities proceeded without Federal assistance during the early years of the program. Likewise, many communities received much less than the 30% grant due to early limitations on maximum grants.

Construction grant funds under the $214 million appropriation have been ample to fund all Iowa projects on a 30% basis. The State of Iowa has approached 100% treatment of the municipal sewered population for a number of years and a major share of the federal funds are utilized in expansion of treatment plants in the larger cities. The state has averaged construction of 30 to 50 treatment plant projects annually and Federal funding has been ample during recent years to support our water pollution control program, although for the current year priorities have again become necessary.

Legislation to establish a program of 25% state aid to municipalities for sewage treatment plant construction failed to pass during the last Iowa legislative session. In the event this state aid program should be adopted, there would be a need for increased federal assistance to fund the 50% federal share for which the state would be eligible.

I hope this information will be helpful to you and we will be glad to furnish additional information.

Very truly yours,

R. J. SCHLIEKELMAN,
Director, Water Pollution Division.

IOWA STATE DEPARTMENT OF HEALTH,
Des Moines, Iowa, September 24, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: Governor Ray has referred your letter of August 27 regarding short-funding of the construction grant program to this Department for reply.

For your information, we are enclosing a tabulation of 61 construction grant applications for FY 1970 which we have listed in order of priority based on water quality and financial needs. We will have sufficient funds to reach approximately 52 projects. The total need on the basis of the grant requests at 30% or 33% of the project cost is $5.6 million compared with the Iowa allocation of $3.3 million. All listed projects are intended for start of construction on or before June 30, 1970. A number of projects have proceeded to construction on a possible reimbursement basis when Federal funds have not been available at the start of construction.

As indicated in our previous letter, the State of Iowa has approached 100% treatment of the municipal sewered population and our needs are not as great as some other states. However, it is likely that our grant requests will exceed current Federal funding for several years. If Iowa should adopt a 25% state-aid program, the 50% Federal share would greatly increase the need for increased Federal funding.

We hope this information will be of assistance to you.

Very truly yours,

R. J. SCHLIEKELMAN,
Director, Water Pollution Division.

WATER POLLUTION CONTROL CONSTRUCTION GRANT APPLICATIONS, FISCAL YEAR 1970, AUG. 25. 1969

	Grant request	Total project cost
1. Hinton	$34,490	$129,270
2. Anthon	40,200	134,000
3. Vail	13,080	54,130
4. Panora	26,880	95,700
5. Templeton	20,618	99,330
6. Hudson	152,625	462,500
7. Ute	16,860	67,850
8. Correctionville	56,230	173,400
9. Hancock	17,390	55,900
10. Battle Creek	19,965	77,500
11. Royal	25,170	96,900
12. Granville	14,610	59,700
13. Oskaloosa	522,000	1,760,000
14. Doon	15,660	58,550
15. Andover	11,250	42,000
16. Eldon	68,100	237,000
17. Harris	7,890	32,310
18. Postville	42,630	187,100
19. Callender	27,543	108,410
20. Vinton (effluent sewer)	6,330	21,100
21. Kiron	8,856	29,520
22. Moville	32,280	134,200
23. Spencer	213,000	780,000
24. Marshalltown	412,170	1,249,000
25. De Soto	13,800	51,500
26. Packwood	18,900	67,800
27. Worthington	28,204	73,190
28. New Vienna	40,590	125,010
29. Alburnett	20,000	79,000
30. Kimballton	24,000	95,920
31. Swisher	29,073	111,910
32. Jesup	89,250	297,500
33. Early	25,245	119,200
34. La Motte	17,700	66,650
35. Clutier	15,000	54,100
36. Lake View	85,500	285,000
37. Scott County Conservation Board I-280 Lake	47,533	144,039
38. Larrabee	7,200	26,095
39. Fort Madison (chlorination)	52,800	160,000
40. Dallas	13,800	56,450
41. Chariton (Red Haw Lake Int.)	13,300	44,305
42. Rockford	42,600	148,000
43. Des Moines STP Contr. 3	610,500	1,850,000
Subtotal	3,000,822	10,001,039
44. Lidderdale	6,990	26,300
45. Raymond	32,000	116,500
46. Keokuk	39,600	120,000
47. Knoxville	139,860	466,200
48. Des Moines (Highland Hills STP)	33,000	100,000
49. Walker	25,170	89,900
50. Ottumwa (interceptor)	27,820	84,300
51. Stanhope	8,658	33,360
52. Davenport (chlorination)	78,870	239,000
53. Ankeny	301,950	935,000
54. Des Moines (4 Mile Creek pump station)	52,800	163,500
55. Des Moines (pump station monitors)	21,450	65,000
56. Cedar Rapids (solids handling)	726,198	1,992,156
57. Walcott (interceptor)	11,900	39,800
58. Waterloo	990,000	3,000,000
59. Cedar Rapids (Prairie Creek interceptor)	86,790	265,000
60. Laurens (interceptor)	18,240	60,800
61. Council Bluffs (grit removal)	43,230	131,000
Subtotals	2,644,526	7,927,816
Totals	5,645,348	17,928,855

STATE OF MARYLAND,
Annapolis, Md., June 25, 1969.

Hon. JOHN D. DINGELL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: At the request of Governor Mandel, I am replying to your letter of June 6th concerning the funding of the construction grant program under the Clean Water Restoration Act.

Governor Mandel recently appeared before the Public Works Subcommittee of the Senate Finance Committee, at which time this subject was under discussion.

We are pleased to enclose herewith a copy of Governor Mandel's testimony of June 9th as we feel that his remarks will give you, substantially, the information you requested.

Sincerely,

JOSEPH G. ANASTASI,
Administrative Officer.

TESTIMONY OF GOV. MARVIN MANDEL

Mr. Chairman, members of the Committee, I appreciate the opportunity to be here to express my support for increased appropriations for sewage purification plants.

Specifically, I appear before you today to urge you to appropriate the full sum of money authorized in the Federal Water Pollution Control Act for grants to communities for the construction of sewage purification works. The Act authorizes one billion dollars for that purpose in fiscal year 1970. I am informed that the President's budget requests only 214 million dollars—the same as last year.

Mr. Chairman, 214 million dollars is woefully inadequate. One billion dollars is not enough. And I believe the Governors of all the states would agree with me. If support for sewage purification works is limited to that amount, the effectiveness of the national water pollution control effort will be severely lessened.

Let me assure you that I am aware of the extraordinary pressures on the nation's budget. I fully appreciate the desire of the President and some members of Congress to cut back and defer expenditures wherever possible.

State and local budgets are under similar pressures. In Maryland, and in many other states, it is unwise to defer construction of water pollution control facilities—unless we can defer pollution too.

So many of the problems I face today as Governor of Maryland—and you face too in the area of your own responsibilities—are embedded in social and economic disparities that no amount of public expenditures alone can remedy. The point is, the aggravating problems caused by municipal sewage pollution can be solved now. They can be solved by the simple expenditure of a relatively small sum of money. Furthermore, construction of sewage purification plants now is the cheaper method. Deferring the ultimate construction of these needed plants means adding the social and actual costs of inadequate pollution control to the construction costs of the plants.

In addition, municipal sewage is one source of pollution that we know how to control. It can be corrected now. It will never be less expensive to correct than today.

I stated earlier in my testimony that one billion dollars is inadequate for the construction of sewage purification works in fiscal 1970. Let me tell you about our experience in Maryland to illustrate the point.

In 1967 Maryland entered the local, State and Federal program of the Clean Water Restoration Act of 1966. Water quality standards were adopted for all waters of the State. Standards and plans for implementation for interstate waters were approved by the Secretary of the Department of Interior. These

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standards thus became Federal as well as State.

The Maryland plan requires that by 1971 all municipalities in Maryland have arranged financing and have completed or have under construction the most advanced sewage purification works available under current technology.

In 1966, when Maryland began this program, approximately 720 thousand persons were contributing to water pollution for lack of modern sewage purification works. In addition, Maryland is growing at an average rate of approximately 80 thousand persons per year. Thus, in a five year period, it was imperative that Maryland finance sewage works for a total of 1.12 million people—or an average of 224 thousand per year for five years.

Maryland's experience in 1966 was that the grant eligible portion of sewage facilities cost about 150 dollars per person. That figure increases at the rate of about 15 per cent per year. That means that by 1971 Maryland can expect to pay 300 dollars per person.

The average annual cost of the plan eligible for Federal and State grants (at an average construction rate providing service for an additional 224 thousand persons per year at an average cost of 225 dollars per person) is 50.4 million dollars. Maryland's communities are fully eligible for the maximum Federal grant. Thus the allotment to Maryland to finance a 55 per cent grant is slightly more than 27.7 million dollars.

If Congress appropriates one billion dollars, Maryland's allotment will be close to 17 million dollars. This is about 11 million dollars short of the amount needed. In order for Maryland to receive the allotment needed to finance the plan approved by the State and Federal governments, Congress would need to appropriate 1.64 billion dollars.

At the level of President Nixon's budget request, Maryland can expect to receive 3.5 million dollars in fiscal year 1970. This is about one-eighth of the amount needed to comply with the approved plan. New sewage purification facilities to complement the population growth that qualify for Federal grants total almost 10 million dollars—or about three times that which Maryland would be entitled to receive under the President's budget request.

Clearly, one billion dollars is not enough to finance the Federal share of construction of municipal sewage purification facilities. 214 million dollars is grossly inadequate.

Maryland's plan did not anticipate that Federal grant funds would be sufficient to fully finance the Federal share in the first five years. Instead, the Maryland General Assembly authorized the sale of 150 million dollars in bonds to pay the outright State grant and to pre-finance any deficiency in the Federal grant offer. This was done on the basis of the authorization for reimbursement through fiscal year 1971 and the hope that the reimbursement provision would be extended beyond 1971 in later amendments.

A Sanitary Facilities Funds was established for those purposes. The law authorizing the sale of bonds provides that reimbursements received from the Federal government be deposited in the fund to be used to finance other works. Thus, the fund was designed to provide capital to make up the deficiency in the early years of the program. If reimbursements came in as expected, Maryland could continue to build for growth and modern sewage purification works. The State share would be taken out of the fund until it was depleted early in 1980.

Maryland did not anticipate the default in the appropriation schedule authorized by the Federal Act. As a result, because our carefully conceived plan is working well, Maryland is in financial trouble. During the first two years the backlog of purification needs was reduced from 720 thousand to approximately 300 thousand. If the Federal government appropriates the amounts authorized in the Act, Maryland's backlog needs will be financed and under construction by mid-1970, months ahead of our target date.

At the present rate of Federal appropriations, Maryland will receive about 14 million dollars for fiscal years 1968 through 1971. 57.5 million dollars was anticipated under the Federal Act for the same fiscal years. Thus, the Sanitary Facilities Fund will go broke early in fiscal year 1970 unless Federal appropriations are increased.

You might be interested in the fact that actual Federal grants for construction of sewage purification works in Maryland average less than 10 per cent compared to the 55 per cent grant authorization of the Federal Water Pollution Control Act.

In closing, I want to express my concern in support of increased appropriations for sewage purification plants. Our people are fed up with billion dollar talk and million dollar action.

The example set by Congress can greatly enhance or hinder the national water pollution control effort.

An effective program has been developed in Maryland. This program includes local, State and Federal partnership. But unless Maryland continues to receive Federal support the program will fail for lack of financial support.

This means other states will be less apt to try and work out programs involving all three levels of government. And this means that industry will be less apt to place a high priority on nonproductive water pollution control investments. These are two very serious consequences of decreasing the amount of Federal involvement in the sewage purification effort.

In summary, pollution caused by municipal sewage is unnecessary. This type of pollution can be lessened by constructing modern sewage purification works. The cost of building these plants five years from now will be double today's cost. This is one problem that can be solved—with a modest expenditure of Federal funds now.

Therefore, I urge this subcommittee to look favorably on appropriating the full one billion dollars for construction grants in fiscal year 1970 as authorized in the Federal Water Polution Control Act.

State of New York,
Albany, July 22, 1969.

Hon. John D. Dingell,
Congress of the United States,
Washington, D.C.

Dear Mr. Dingell: Thank you for your letter concerning Federal funding under the Clean Water Restoration Act.

Municipalities, under the $1 billion New York State Pure Waters Bond Act, are provided a basic State construction grant of thirty percent, and prefinancing of the Federal share up to thirty percent; thus, the State guarantees to the municipality a sixty percent grant of the eligible project cost.

As you are aware, existing Federal legislation currently entitles municipal sewage treatment works projects to either a fifty percent of fifty-five percent Federal construction grant. Due to the short-funding of the Federal program, no project in the State of New York has received its full Federal grant. The national appropriation for the Federal program for fiscal year 1969 was only $214 million, with the New York State allocation being only $15.8 million of this appropriation. If the active projects in the State were funded to the 50/55 percent figure, an additional $752 million in Federal grant funds would be required.

The failure of the Federal Government to match existing authorizations with appropriations has slowed our Pure Waters Program. If Federal funds were available, municipalities would be eligible to receive a total construction grant of eighty percent or eighty-five percent of the eligible project cost. This would then limit the local municipal share of the project cost to either twenty percent or fifteen percent; would make it easier for the taxpayers within the municipal to shoulder the fiscal burden; and would encourage the municipality to move ahead with its project to abate water pollution.

Your efforts to secure full funding of the Clean Water Restoration Act for fiscal year 1970 are very much appreciated.

Sincerely,

Nelson A. Rockefeller,

Office of the Governor,
Phoenix, Ariz., June 16, 1969.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: This is reply to your letter of June 6, 1969 regarding funding of the construction grant program under the Clean Water Restoration Act.

Arizona's allocation of PL–660 money has been sufficient to meet the demand for the past several years. During the immediate past three years the requests for PL–660 money have almost exactly equaled our allotment. Based on our present projections we anticipate that our 1970 allotment of approximately two million dollars will be sufficient to again satisfy all applicants. It is possible, of course, that several projects will develop that we have not anticipated. This is particularly true of projects on our Indian Reservations that are being stimulated by grants from the Economic Development Administration.

I appreciate your interest and concern in this matter.

Sincerely,

Jack Williams.

State of Arkansas,
Little Rock, June 17, 1969.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: We have received your request of June 6th, and take pleasure in transmitting the following information.

The "short funding" mentioned in your letter has not caused a great impact on the overall grant program prior to the past two fiscal years. However, with the adoption of the Water Quality Standards, with its abatement schedule for existing sources of pollution, the amounts appropriated for fiscal years 1968 and 1969 have not been sufficient to fully fund all needed projects. Under the FY 1969 appropriation of $214,000,000, Arkansas received an allotment of $2,829,800; in addition to this amount we have received $231,620 in grant funds reallocated from other states, making a total of $3,061,420 in useable funds. As of this date the construction grant fund balance is $984,017, with grant requests and anticipated grant increases remaining to be made of $922,000, which will leave a balance of approximately $62,000. As this money is available until December of 1969, it can be added to the $2,829,800 which Arkansas will receive for FY 1970 under the present proposed national appropriation of $214 million, giving a useable allocation of $2,891,800.

Grant requests are on hand at this time from four of the municipalities on the abatement list (Hot Springs, Little Rock, Dardanelle, North Little Rock) totaling $3,400,410; in addition to this, requests are expected from other municipalities which will probably total approximately $1,000,000. Subtracting the proposed allocation shown above will result in a deficit of approximately $1.5 million for the coming fiscal year.

To combat this situation in prior years, the Arkansas Pollution Control Commission has initiated a policy of giving a municipality

a partial grant and making up the remainder during the next fiscal year, however, this practice cannot be carried on indefinitely as the program is authorized only until June 30, 1971.

Under the present authorization, Arkansas will receive about 1.3% of the national allocation for FY 1970; carrying this percentage forward, the State would receive over $13 million should the full authorization of $1 billion be appropriated. Obviously this would be far more money than could possibly be used, however, it is felt that the amounts now received are short of those needed to complete the work at hand. A realistic estimate of the amounts needed for the next two fiscal years would be between 4.5 and 5 million dollars. At this time no State monies have been appropriated relative to the construction grant program and it is not expected that any will be forthcoming soon.

As another matter of extreme interest to the Commission, the monies appropriated under Section 7(b) of the Act have repeatedly fallen short of the percentages authorized for Federal assistance in the maintenance of State water pollution control programs. It is hoped that consideration will also be given to this facet of the overall program, as it is felt to be of equal or greater importance as the construction grants program.

I hope the foregoing information will enable you to properly evaluate the grants program with respect to Arkansas, however, should we be of any further assistance, please do not hesitate to call on us.

With all good wishes,

Sincerely,

Winthrop Rockefeller,
Governor.

State Water Quality Control Board,
Atlanta, Ga., July 18, 1969.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: We note from the Congressional Record of July 10, 1969, that you wrote the Governors of the States requesting information related to construction grant needs under the provisions of the Clean Water Restoration Act. We have checked with our Governor's office and there is no record of your letter having been received. However, since this matter is so urgent to us, we are taking the liberty of providing you with the information anyway.

The failure of Congress to appropriate the funds authorized in the Act has left the State of Georgia in a very difficult position in obtaining effective water pollution abatement programs from local governments during the past three to four years. The implementation plan and water quality standards adopted by this State and approved by the Department of the Interior in 1967 are becoming less and less a reality.

This State now has seventy-four (74) applications and three (3) requests for supplemental grants pending which are requesting almost $35 million in FY 1970. Based on engineering reports already reviewed by this office, the situation will be worse next year.

By letter dated July 9, 1969, this office was informed by the Southeast Regional Office of F.W.P.C.A. that Georgia would receive $4,589,000 for FY 1970. This, of course, is based on an appropriation of $214 million. You can see that the bulk of the applications will remain in the drawer for another year.

Your interest and concern in this matter are vital. Your assistance in obtaining additional funding will be appreciated by many.

Best regards,

Sincerely,

Warren O. Griffin,
Assistant to the Executive Secretary.

State of Georgia,
Atlanta, August 12, 1969.

Hon. John D. Dingell,
House Office Building,
Washington, D.C.

Dear Congressman Dingell: Your letter dated July 21, 1969, in reference to my views on the impact of present funding for the construction grant program under the Clean Water Restoration Act, was greatly appreciated.

The Georgia State Water Quality Board in its letter dated July 21, 1969, and the Georgia Department of Public Health in its letter dated July 29, 1969, have provided you with details of the effects of present funding. On behalf of the people of Georgia, I urge you to press for increased funds for the construction grant program. Without this help, we and other states face a frightening future in our fight against water pollution.

If I can be of further assistance to you, please do not hesitate calling.

With kindest personal regards, I am,

Sincerely,

Lester Maddox,
Governor.

State of Maine,
Augusta, Maine, June 19, 1969.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: I have noted the concern expressed by your letter of June 6, 1969 for the effect of the lag of appropriations by the Congress behind the authorizations of the Clean Water Restoration Act.

Here in Maine we are equally concerned, have tried to keep the program momentum with pre-financing provisions of a limited nature, and now have before the Legislature a bond issue bill which carries a pre-financing provision as well.

Our water quality restoration implementation plan was based upon the authorization and is now in danger of falling out of gear badly. The first two years of the Acts four year authorization period would, if fully funded, have provided Maine with a total of $7.5 million in aid generating approximately $15 million in construction. Instead the direct aid figure amounted to about $3.5 million generating $6.8 million in construction. Fortunately some projects were saved by a pre-financing provision authorized by the 1967 Legislature leaving only $0.7 million of authorization uncovered.

To the best of our knowledge the Fiscal Year 1970 aid figure will approximate $1.8 million for Maine which will drop us behind from an authorized $6.1 million figure and provide a lag of $4.3 million in aid and $8.6 million in construction. In Fiscal Year 1971 $7.3 million was authorized and if there is a continuation of present policy we will slip back another $5.5 million. So as matters now stand we will be out of line by $21 million dollars worth of construction by July 1, 1971.

There is a bill before the current Legislative session to provide fifty million dollars in state money for the program including prefinancing but in addition to Legislative approval, it must pass Statewide referendum as well. A problem somewhat unrelated but nevertheless a problem is that Maine must recover the $5.3 million now invested in prefinancing from 1970 and 1971 funding of the federal grants in aid unless it is to sacrifice this money.

Maine communities under present construction costs must participate in something over $150 million in abatement projects and it is easy to see the impact of short fall on the program. At the present time the cost increase in construction is a prime factor in estimating the cost of delay.

I wish to express my gratitude for your concern in this matter and assure you that we will be pleased to supply any additional information at any time.

Sincerely,

Kenneth M. Curtis,
Governor.

State of Maine,
Augusta, Maine, August 19, 1969.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: Recently, an article in the Conservation Foundation Newsletter was brought to my attention in which it was stated that you and six other Congressmen were pushing a drive for the full $1 billion authorization for waste treatment plant construction. My letter to you of June 19th detailed Maine's deep interest in having the full authorization funded.

Subsequently, a resolution was introduced by me and unanimously passed by the New England Governors' Conference, of which I am Chairman, calling upon the New England Congressional Delegation to support efforts for further Federal funding and specifically, to work for the full authorization of $1 billion. I am enclosing a copy of the resolution for you.

Any suggestions you might have as to how we could be helpful to you in your effort would be appreciated.

Sincerely yours,

Kenneth M. Curtis,
Governor.

RESOLUTION

Whereas, the continued pollution of our region's lakes, rivers, estuaries, and coastline is a serious threat to the economic vitality, environment and public health of our six States; and

Whereas, each New England State has demonstrated leadership and determination in attempting to resolve these critical water quality problems through the development of water quality standards on interstate and intrastate waters; through regional cooperative action and the establishment of one of the Nation's first interstate water pollution compacts and also one of the first river basins Commissions; through substantial State aid to local communities for the construction of waste treatment facilities and prefinancing of the Federal share of these facilities; and

Whereas, the Federal Government after enactment of strong water pollution control legislation has not appropriated the funds authorized under that legislation required to assist in the task of restoring the quality of this region's polluted water; and

Whereas, the National fiscal gap over the past five years between the appropriations and authorizations under that legislation amounts to a total of one billion five hundred twelve million dollars;

Now therefore be it resolved, that, the Governors of the New England States call upon the members of the New England Congressional Delegation to support all reasonable methods designed to resolve this crucial financial problem. Specifically, we urge Congress to fund the full authorization under the existing program and that we oppose any move to reduce the current 50 to 55 percent level of Federal support to individual projects as now established under the Water Pollution Control Act.

Be it further resolved that, we urge that the Congress seriously consider long term financing of the Federal share of the cost of water pollution control facilites in order to extend Federal assistance to the maximum number of projects within allocated funds if these allocated funds remain significantly below the authorization; provided that, the Federal obligations incurred as a result of State pre-financing of the Federal share are assumed by the Federal Government.

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State of Maine,
Augusta, Maine, September 4, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Representative Dingell: I appreciate your letter of August 27th bringing me up to date concerning the effort being made in Congress to obtain the full one billion dollar federal grant assistance for pollution abatement that has been authorized for fiscal year 1970. I also appreciate receiving a copy of the status of applications made by the State of Maine which are under the Federal Clean Water Restoration Act of 1966.

My best wishes to you and your efforts to obtain full funding for this vital program.

Sincerely,

Kenneth M. Curtis,
Governor.

State of Texas,
Austin, Tex., September 3, 1969.
Hon. John D. Dingell,
Rayburn Office Building,
Washington, D.C.

Dear Congressman Dingell: I encourage the bipartisan support that you and your fellow Congressmen have created to foster full funding of the Federal Clean Water Restoration Act of 1966. The nation as well as the State of Texas have a very vital interest in your combined effort.

In this regard, I wanted to take this occasion to bring to your attention and to recommend that the federal share of financial assistance for water quality projects be provided in a block grant and be 100% of total construction costs. State and local governmental entities would then assume full management and maintenance of the completed facilities. I consider this approach mandatory because of the severe funding handicap of cities and state governments. There is also a vital necessity for prompt water pollution, abatement for the environmental quality necessary for the continued prosperity of the United States.

Thank you for the opportunity to review and comment on this very important national task.

Sincerely,

Preston Smith,
Governor of Texas.

State of Colorado Department of
Natural Resources,
Denver, Colo., July 1, 1969.
Mr. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: Your letter of June 6, 1969 to Governor Love was referred to me for reply. Please forgive the delay in answering your request. To properly respond, it was necessary to obtain information from the Water Pollution Control Division of the Department of Public Health.

Since 1957 Colorado has been requiring the construction of secondary sewage treatment facilities. As a result, over 98 percent of the Sewered communities in Colorado are presently equipped with secondary facilities. Also, unlike states in other parts of our country, Colorado has very few large communities. Most of these large communities installed sewage treatment facilities in the early years of the Construction Grant Program. Requests from these communities now are generally restricted to Federal aid for enlargement of their treatment plants rather than completely new facilities. As a result Colorado has not found that the reduction in Federal funds for the Sewage Construction Grant Program has had much effect on our abatement program. However, it is our understanding that at least two communities are presently considering new metropolitan-type facilities which will dip quite heavily into our construction grant monies and could possibly affect our abatement program in the next year or so.

I hope this information will be helpful to you in your efforts to obtain full funding under the Clean Water Restoration Act.

Sincerely yours,

T. W Ten Eyck.

State of California,
Sacramento, July 2, 1969.
Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

My Dear Congressman: The lack of funds for the construction grant program under the Clean Water Restoration Act, referred to in your letter of June 6, has indeed held back the water pollution control and abatement program in California.

For fiscal year 1969, our State Water Resources Control Board received 174 applications for grants totaling $55 million. From the $214 million appropriation, California's allocation was approximately $15 million. This provided for 52 grants, less than one-third of the requests.

For fiscal year 1970, 183 applications have been received requesting grants totaling $59 million. Already, 36 projects have qualified or are pending certification for grants which would exceed the anticipated total of $15 million from the $214 million recommended in the federal budget. In other words, the presently anticipated allocation would be exhausted before the fiscal year even began.

A bill has been introduced in the California Legislature to provide state funds to match federal grants. However, under the formula of the Federal Water Pollution Control Act, this would result in providing for larger grants but to fewer projects. There is no state program at present which would provide for grants to construct sewerage works.

The authorizations in the Act of $700 million for fiscal year 1969 and $1 billion for fiscal year 1970 lead communities to believe that ample grant funds would be available. The actual appropriation of only $214 million tends to discourage the construction of all necessary sewage treatment facilities since communities are reluctant to provide for the entire cost when there is a prospect of grant assistance.

Your efforts to secure full funding of the Act for fiscal year 1970 are very much appreciated and have my support.

With kind regards,

Sincerely,

Ronald Reagan,
Governor.

State of Connecticut,
Hartford, June 10, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Representative Dingell: Thank you for your letter of June 6 and for your interest in water pollution abatement.

In 1967, the Connecticut General Assembly adopted a Clean Water Act for this State and approved a $150 million bond issue to finance it, that sum being considered at the time to be sufficient.

However, because Federal funds have not been forthcoming in the amount that we expected, it was necessary for me to call upon the General Assembly this year for an additional $100 million in bonds to keep our pollution control program on schedule.

The program is being administered by the State Water Resources Commission, a division of the Department of Agriculture and Natural Resources, and I am asking the Commissioner of that Department, Joseph N. Gill, to write to you in more detail about this matter.

Sincerely,

John Dempsey,
Governor.

State of Connecticut, Department of Agriculture and Natural Resources,
Hartford, Conn., June 20, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Representative Dingell: Governor Dempsey's letter of June 10th advised that you would receive more detailed reaction to your letter of June 6th from this agency. Short-funding has curtailed abatement progress in Connecticut ever since the enactment of the Federal Water Pollution Control Act of 1956. The Clean Water Restoration Act of 1966 by providing for federal reimbursement offered a possibility of proceeding with a reasonable program. Connecticut immediately passed legislation and provided funds for the federal share to abate all the pollution within the state within a period of five years. This program contemplated pre-financing more than $110 million of federal grants and receiving under the existing authorizations about $48 million through fiscal 1971, with the hope of recovering the remainder from subsequent federal programs. In the two years we have been operating under this program the State has pre-financed $37,393,096 which will increase rapidly in the next few months. During this period we have received from the Federal Government $5,859,300. This experience leads us to conclude that the accumulative inadequacies in federal appropriations are increasingly difficult to handle by even the most progressive state plan.

In addition to providing this requested information I believe it is also appropriate to comment on the efforts during the last year and a half to secure fuller funding by the Federal Government. It is our understanding that the budget problems of the Federal Government will allow full authorization only by some form of contracted delayed payments of bonded obligations. From a state's viewpoint it should matter little in what form the obligation of the Federal Government is provided.

However, the suggestions which were considered in Congress last year complicated or nullified the benefits which might accrue from such additional funding by contractual arrangements.

1. There was a condition that the arrangements for reimbursement would be terminated. Such a condition would completely stymie Connecticut's efforts to operate a co-operative program with the Federal Government.

2. There was a suggestion to eliminate the use of tax free municipal bonds for the financing of sewage disposal facilities. Such a provision would so increase interest rates that local financing would become difficult, illegal or impossible.

3. There is a suggestion that municipalities issue bonds to cover the federal share of the project as well as their own. To stay within fiscal or statutory requirements on bonded indebtedness the scope of the projects would have to be so reduced that they would be merely stop-gaps or inadequate efforts.

4. It was suggested that the additional funding be limited by criteria which would have prevented financial assistance to the correction of many important pollution problems.

5. There was the suggestion that federal contractural arrangements would only cover principal and not interest. This would produce an administrative problem for state agencies in deciding which municipality would receive full federal aid and which would have to bear part of the interest cost.

If methods of more fully funding the federal program are again considered such undesirable features may again be drafted, or new and more disagreeable conditions might be developed. In following these legislative attempts to provide additional funds, we have always deemed the incorporation of these

difficulties as unnecessary. It would appear that a simple change in the Federal Act which would permit a contractual agreement by the Federal Government to pay the annual costs of those bonds which have been issued by a state to provide to the municapility the federal funds which were or are not available would accomplish what seems to be the legislative purpose without disruption of progressive state plans.

There seems to be no difficulty in state bonding at reasonable rates for funds sufficient to obtain the construction of the needed facilities. The paper work and administrative difficulties would be eliminated because the projects have already been processed and approved for federal grants. It would be easier for the Federal Government to work with a few state agencies than with thousands of municipalities. With such encouragement more states would be inclined to adopt a pre-financing arrangement so that their pollution abatement program can be put on firm schedules and those who already have such programs, which I believe includes your State, would be inclined to enlarge the pre-financing concept as may be required.

The difficulty with such a suggestion is that it appears so simple that one suspects there must be a hidden difficulty that has already prevented its adoption. However, we have exposed it many times to those in charge of pollution abatement programs in other states, to people working on interstate programs or in the regional offices of the Federal Water Pollution Control Administration and to Commissioner Dominick and have uncovered no unforeseen difficulty. Actually, this discussion of our proposal was developed in cooperation with the Director of the State Water Resources Commission, John J. Curry, who operates our state program.

It is hoped that you will find this rather lengthy additional response to the information you solicited worth your consideration in your efforts to secure full funding, a task to which you carry our fullest hope.

I have taken the liberty of providing copies of this answer to Connecticut's Congressional delegation because it should be opportune for their consideration of this problem.

Very truly yours,

Joseph N. Gill, *Commissioner.*

State of Delaware Water and Air
Resources Commission,
Dover, Del., June 23, 1699.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: Governor Peterson has asked me to reply to your letter to him of June 6, 1969. The appropriations of $214 million as opposed to the $1 billion authorized will drastically reduce the efforts of the State to meet the 1972 deadline imposed by the Water Quality act of 1967.

The states, in good faith and with the understanding that such funds would be authorized, gave commitments to the Secretary of the Interior for a five-year clean up program. This accelerated push for pollution abatement used up all of Delaware's construction funds without any effort on the part of the agency to encourage projects via the aid route. In fact, we now have several projects pending that we will not be able to finance within the foreseeable future. Our needs during the next five years will be approximately $75 million. Of this amount (at the current rate) only approximately $5 million of federal aid will be available. Therefore, you can readily appreciate the great void between the 30% eligibility ($22.5 million) and the amount of funds allocated to the State for construction grants.

It is my opinion that it will be necessary for Delaware and many other states to resubmit time schedules for compliance with the 1967 Water Quality Act. Currently, the major responsibility for this slow down lies with the federal government. This is due to both hesitation in approving state standards and the drastic reduction in construction grant funds made available to the states. Unfortunately, we have been unable to provide state funds to keep up Water Pollution efforts since we have found it necessary to undergo some rather major tax programs in the state to meet current fiscal obligations. It is anticipated that some state aid for sewerage construction can be made availble next year.

If you have any further questions, please feel free to contact me.

Sincerely,

John C. Bryson,
Executive Director.

State of Delaware,
Dover, June 11, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: Thank you very much for your letter of June 6 regarding the Clean Water Restoration Act.

I am forwarding a copy of your correspondence to Mr. John C. Bryson, Executive Director of the Delaware Water and Air Resources Commission, for his review and direct reply to you. I am sure that Mr. Bryson will be able to give the information that you request regarding the impact that the fund shortages have on our water pollution control and abatement programs in the State of Delaware.

Russell W. Peterson,
Governor.

State of Florida,
August, 20, 1969.
Hon. John D. Dingell,
House Office Building,
Washington, D.C.

Dear Congressman: Florida for the past several years has required at least twice the amount of federal funds available from the Clean Water Restoration Act. In fiscal year 1968–69, the State could have used more than three times the amount allocated. Florida's allocation in FY 1968–69 was $5,695,400. There was an additional sum of some $4,000,000 available from previous years from municipalities whose grant applications could not be approved for one reason or another. There will be no surplus this year.

Some 75 grant applications totalling more than $17,000,000 were received during this fiscal year which is ending. The State has been able to recommend funding on only 26 of these. An additional 16 applications have been certified to the Federal Water Pollution Control Administration as reimbursable. Because of the squeeze on funds, the State had to set a limit of funds for any individual project of no higher than 25 percent of the federal allocation. Florida's water quality standards require all sources of municipal and industrial waste attain a treatment efficiency of 90 percent or better no later than January 1, 1973. This early deadline is expected to increase the pressures in this State for more federal funds to aid in sewage treatment plant expansion and improvement. Other sources of funds, such as bonds, are becoming increasingly hard to obtain, especially for the smaller communities in the State. The cost of money has risen sharply and is still climbing.

This brief outline shows that the situation regarding availability of federal funds for water pollution control and abatement shortly is critical in Florida. The State has not taken up the slack left by the underfunding at the Federal level. It is my hope that we will move more vigorously at the State level. A strong presentation will be made to the Legislature next April for a State grant program. However, even this will not serve to lessen the need for Federal funds to carry on this important battle. Let me assure you of support from this office in your attempts to secure full funding for the Clean Water Restoration Act for Fiscal year 1970.

Sincerely,

Claude R. Kirk, Jr.,
Governor.

State of Hawaii,
Honolulu, June 19, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: This is in reply to your request of June 6, 1969 relative to the State of Hawaii's construction grant program for water pollution abatement.

Our water pollution control program in Hawaii has been temporarily retarded. During the fiscal year 1968–69, the total estimated cost for all projects was $7,100,000 of which $2,345,000 was anticipated to be the federal grant portion. However, the annual federal allotment for fiscal year 1968–69 to Hawaii was $951,750 which was only 40% of the total federal grant request. Attached is a copy of our fiscal year 1968–69 summary of our construction projects.

In an effort to compensate for the federal short funding, the Department of Health submitted an administrative request bill for an appropriation of $5,000,000 to the State Legislature. The Legislature, however, passed an amended bill of only $1,500,000 which still left a balance of $3,500,000 million dollars in the total estimated project costs for the State during this period.

In spite of the adverse change in federal funding, our State continues to move ahead with plans for the control of water pollution in anticipation of federal funds. Your efforts to secure full funding of the Clean Water Restoration Act is most encouraging. We hope that enough support can be generated in Congress so that the federal government can provide the authorized funding for the abatement phase of our water pollution control program.

With warm personal regards. May the Almighty be with you and yours always.

Sincerely,

John A. Burns.

The Commonwealth of Massachusetts Water Resources
Commission,
Boston, July 18, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Sir: Massachusetts has adopted a most comprehensive water pollution control law featuring a $150M bond issue authorization with pre-financing capabilities and a strong enforcement program vested in a new Division of Water Pollution Control under the control of the Water Resources Commission in the Department of Natural Resources. We also have provided two tax inducements for industry and a new and broad authority for control of oil pollution in the waters of the Commonwealth.

Since the inception of this program, grants have been made to communities reflecting about $55M worth of sewage treatment works construction. In recent years the Federal government's contribution to this program has been about $5.3M/year requiring the pre-financing of approximately $11.0M of State monies in anticipation of future Federal reimbursements. This has maintained the integrity of the implementation program adopted by the State up until now but as the larger community projects come due, the program will unquestionably be severely curtailed.

The Federal government has not honored its financial commitments to the State and as such one must question the advisability

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of continuing to subsidize the Federal share on eligible pollution control projects throughout the State.

The Federal interest in this program can only be confirmed by positive action in overcoming the accumulative Federal appropriation inadequacies and making provisions for a separate authorization to reimburse the states that have utilized their pre-financing capability.

Should alternative methods of financing be the subject of future Federal legislation, it is obligatory on the Congress of the United States to maintain the equitability of alternatives to the present construction grant percentages specified in the Federal Water Pollution Control Act. If a debt service contract approach is necessary, it is extremely important that the interest charges for the Federal share be borne directly by the Federal government.

I appreciate your concern in this matter and am hopeful my comments may be of assistance to you.

Very truly yours,

THOMAS C. MCMAHON,
Director.

STATE OF MICHIGAN,
Lansing, June 27, 1969.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE DINGELL: Governor Milliken has asked me to reply to your request for information on the effect of the short-funding of the Clean Water Restoration Act on Michigan's water pollution control program. The people of Michigan have expressed their concern over this growing threat to our environment by passing the $446 million Clean Water Bond issue last November. The Michigan Legislature responded to this mandate of the people and on June 12, 1969, Governor Milliken signed into law Public Act 21 which is the enabling legislation for the disbursement of $285 million of the Clean Water Bond issue to be used in the construction of sewage treatment facilities eligible under provisions of P.L. 84–660. I am enclosing a copy of this Act for your information. Sec. 3(2) of Act 21 provides that a treatment works qualifying for a grant under this Act and under P.L. 84–660 shall receive a 25% state grant, an additional payment from the state water pollution control fund as an advance against the prospective federal share and a portion of the annual allotment to Michigan under provisions of P.L. 84–660. The Act provides that the total grant shall not be less than 55% of the eligible cost until June 30, 1971 which is the expiration of the funding authorization of P.L. 84–660.

The needs study which provided the factual information on which the Clean Water Bond issue was based indicated a total need of $570 million for treatment works which would be eligible for $285 million in grants under P.L. 84–660 at the 50% Federal participation commitment. In addition, this study projected a need for an additional $641 million expenditure for the control of storm water overflows and for lateral sewers. The bulk of this $641 million will have to be furnished by local units of government without the assistance of grants from the Federal government. Fifty million dollars of the Clean Water Bond issue will be utilized to assist small communities in Michigan in the construction of lateral sewers based on financial and water pollution control needs. This enabling legislation is currently in its final stages in the Legislature.

The foregoing information illustrates the concern of the people of Michigan over the water pollution problem. The Clean Water Bond issue and the passage of the implementation legislation resulted in a slowdown in the construction of sewage treatment facilities in Michigan from early 1968 to the present time. On June 25, 1969, the Michigan Water Resources Commission presented to the Michigan Legislature, in accordance with Act 21, P.A. of 1969, two lists of projects eligible for grant funds under the State Act and under P.L. 84–660, copies of which are enclosed. The first list, titled "Applicants eligible for additional grant funds under Sec. 3(1) of Act 329, P.A. of 1966, as amended" is a listing of 39 projects on which construction commenced after June 30, 1967. These 39 projects have a total of $48,496,912 and are eligible for $24,248,456 under provisions of P.L. 84–660. These projects have already had committed a total of $13,020,822 in Federal grants under P.L. 84–660, primarily at a 30% rate and are now eligible for an additional $11,227,634 from the Federal government to bring them up to the 50% Federal participation commitment. The second list consists of applicants who intend to award construction contracts before December 31, 1969. This list contains 54 projects with a total estimated project cost of $133,179,225 and are eligible for $66,589,612 under the 50% Federal participation commitment.

The additional cost to the State and the local units of government is the interest cost of bonding for the unpaid Federal commitment. Based on past appropriations for P.L. 84–660 grants, the Federal government will only be providing an estimated 5% of the total needs, instead of 50%.

I am also enclosing a copy of Governor Milliken's press release of June 12, 1969, when he signed Act 21. I would like to call to your attention the following portion of this release "Moreover, new Federal legislative proposals have been put forward which would alter the basic legislation and change the ground rules under which the programs of Michigan and other states have been formulated. Clearly, this would represent a serious breach of faith with the states and more important would delay effective pollution control immeasurably."

I trust this will provide you with the information you require. If we may be of further assistance, we shall be glad to do so.

Sincerely yours,

JAMES C. KELLOGG,
Executive Assistant.

PRESS RELEASE OF GOV. WILLIAM G. MILLIKEN, OF MICHIGAN, JUNE 12, 1969

Gov. William G. Milliken Thursday signed the enabling legislation for the allocation of $285 million for local grants for sewage treatment control under the Clean Water Bond Issue approved by voters last November.

In signing the bill (S–107 I.E.) at a ceremony in his office, the Governor was critical of "inaction by the federal government" on pollution control. He also urged local governments in Michigan to "expedite" their plans for pollution control.

The Governor said:

"This legislation is a major step in combatting the ominous threat of pollution in Michigan, and in achieving clean water by 1980.

"By a number of actions, Michigan has demonstrated its commitment to this goal. Those legislators and citizens present at this ceremony deserve the appreciation of all of Michigan for their efforts on behalf of the bond issue, and the enabling legislation.

"Last November, the citizens of Michigan approved a $335 million dollar bond issue to help finance local wastewater treatment facilities. At the same time, approval was given for a $100 million bond issue for the development of State and local outdoor recreation facilities. Our pollution control goal is to remove, by 1980, the threat to our inland lakes, our rivers, and the Great Lakes by the construction of approximately 210 new treatment plants, the improvement of 126 existing sewage treatment plants, and the construction of sewers for an additional 3½ million people. $285 million will be distributed as grants for treatment plant construction and $50 million will be used to aid small, unsewered communities in the construction of sewer systems necessary to correct existing pollution.

"Our financing formula for the treatment plant and interceptor phase of the program was based on Federal legislation which provided for Federal assumption of 50 percent of the costs of eligible projects if the State would pay 25 percent.

"The federal legislation also authorized the appropriation of funds by 1971 which would, as divided among the states by specified formula, have by then covered half the Federal government's obligation to Michigan's estimated project needs. Michigan's bonding program is geared to 25 percent Federal financing by 1971 with the State to prefinance the other Federal 25 percent as well as paying its own 25 percent.

"Unfortunately, Federal performance has not been forthcoming at a rate that will equal even one-half of the Federal promise. For example, in the upcoming fiscal year, Michigan's share of the total amount authorized for this program would be roughly $42 million, but it appears that less than $8 million will be forthcoming.

"I find it exceedingly difficult to understand the low Federal priority assigned to the sewage treatment works grant program when, in referendum after referendum across the country, the citizens of America have clearly demonstrated their very firm support for cleaning-up our lakes and streams.

"Moreover, new Federal legislative proposals have been put forward which would alter the basic legislation and change the ground rules under which the programs of Michigan and other states have been formulated. Clearly, this would represent a serious breach of faith with the states and more important would delay effective pollution control immeasurably.

"Michigan, with or without the Federal support promised, will move ahead as rapidly as possible. It must be understood, however, that the tremendous potential of effective Federal-State-local partnership has not only been circumscribed in this program, but will be increasingly difficult to invoke in any future programs.

"Through inaction, the Federal government is faulting on its commitment to environmental control. By authorizing one billion dollars and appropriating only $200 million, Congress is providing about one-fifth of what is needed to carry out federal responsibility.

"With this legislation signed today, the State government can provide grants to local government. I urge local governments to expedite their pollution control programs in order to qualify for these grants.

"I also urge favorable action by the Legislature on the companion bill to the legislation signed today. The pending legislation would provide $50 million which would allow economically depressed communities to move ahead on their programs of collecting sewers and sewage treatment facilities.

"Water pollution was the subject of my first message to the Legislature on February 6.

"I am highly pleased now, four months later, to be able to sign the enabling legislation for the clean water bond program."

STATE OF MINNESOTA,
St. Paul, July 23, 1969.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you for your recent letter requesting information on the impact of the reduced level of Federal funding on water pollution abatement and control in this state.

Applications submitted over the last four fiscal years have been broken down as follows:

TABLE I

Fiscal year	Amount requested	Number of applications	Federal allocation
1970	$15,333,257	43	$3,931,000
1969	15,453,640	61	3,931,000
1968	11,843,586	41	3,728,000
1967	6,896,473	35	2,743,250

TABLE II

Fiscal year	Number of grants certified	Projects that proceeded under reimbursement
1970	[1] 29	9
1969	36	14
1968	18	8
1967	10	2

[1] Assumes same level of funding as fiscal year 1969.

As can be readily noted in Table I the grant amount requested greatly exceeds Minnesota's actual or anticipated congressional allocation. Based on discussions with municipal officials or their representatives, we do not expect as many communities to utilize the reimbursement provisions of the Federal Act in FY 70 as did in FY 69 (see Table II). The main reason for this is the difficulty of arranging the necessary financing for the entire eligible project rather than only 70 or 67 percent as the case may be if a Federal grant were available.

Because of change in Minnesota's FY 70 and 69 system for establishing priorities which split the congressional allocation based on population between what is known as the seven county metropolitan area (basically Minneapolis, St. Paul and some fifty suburbs) and the balance of the state, it was possible to certify a substantially greater number of applicants for grants (see Table II). Based on the 1960 Federal census, this results in a respective 45 and 55 percent split of funds between the seven county metropolitan area and the rest of the state. The seven county metropolitan area has a much lower number of projects, however, substantially higher cost while the reverse situation exists for the remainder of the state.

No community outside of the metropolitan area in FY 69 proceeded under the reimbursement provisions, nor do we anticipate that any will in FY 70. While many larger communities which have an immediate water pollution control need have indicated their desire and are proceeding to comply with Minnesota's interstate and intrastate water quality standards, some have qualified their statements contingent upon the availability of Federal Aid.

In general, it can be stated that some projects have been delayed because of the lack of Federal assistance and any substantial increase over the funding level of FY 69 will greatly assist in water pollution abatement and control.

Minnesota does not have a state grant program. A bill was introduced in the last legislative session but failed to pass. Instead a 1.5 million dollar program to pay the interest on the Federal portion of an eligible project was passed. It is still too early to predict what effect this program will have.

Your effort in securing full or a substantial increase in funding of the act for FY 1970 will be greatly appreciated.

If you have any questions, or if we can be of further assistance, please let us know.

Sincerely yours,

HAROLD LEVANDER,
Governor.

STATE OF MISSISSIPPI,
Jackson, June 25, 1969.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR JOHN: Your request regarding the funding of the construction grant program under the Clear Water Restoration Act is appreciated.

The short-funding of the construction grant program has had essentially no effect on the water pollution control and abatement programs in Mississippi up to this time. No programs have been held back, so it has not been necessary for us to take up slack. We have no State program which could be used for such a purpose, since we have felt that a greater number of local governments would benefit without one.

We expect to use substantially all the funds allocated to us for fiscal year 1969 for the first time since the program was initiated in 1956. We also expect to encumber approximately the same amount during fiscal 1970. It is possible that we could use a slight increase, but this is not definite.

I recognize your problems in this area, but our situation is different in this respect.

With best wishes.

Sincerely yours,

JOHN BELL WILLIAMS,
Governor.

EXECUTIVE OFFICE,
Jefferson City, Mo., July 10, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
Rayburn Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This is in reply to your letter of June 6, 1969 concerning the impact on our pollution control program caused by the shortage of federal funds on our water pollution control program.

The funds authorized by the Water Quality Act would have provided sufficient federal funds for matching municipal projects in Missouri. However, the funds appropriated are only a fraction of those authorized. The result has been that construction of abatement works has been materially reduced. The backlog continues to grow, and if we are to make real progress in pollution abatement, federal funds and state funds must be increased.

During Fiscal Year 1969 and in Fiscal Year 1970, the Missouri Legislature has appropriated state funds to match all of the federal funds available to Missouri municipalities. A survey of municipal needs indicates that if the federal funds for Missouri cities were increased from $5 million to $12–15 million per year, and accompanying state grants of $6–7½ million were available, that the backlog could be wiped out in approximately five years.

Sincerely yours,

WARREN E. HEARNES.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, July 18, 1969.

Re your letter of June 6 in which you ask for information relative to the impact which short funding of the Clean Water Restoration Act may have caused the State of Montana in the area of water pollution control and abatement.

Hon. JOHN DINGELL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The short funding of this Act has not had a great deal of impact on Montana in the past, but possibly could have in the future.

In explanation, in Montana, all municipalities that were sewered have had treatment plants provided. This program was completed in 1966. The federal allocation of funds to the state has been more than adequate to meet the grant requests on these sources.

When the Water Quality Standards of 1967 were adopted, it was required that secondary treatment be provided for all municipalities and industries. Most municipalities were given until 1972 to upgrade their treatment from primary to secondary. This involved primarily our larger municipalities, approximately twenty of which are involved. In order to meet this need, it is anticipated that during the next three years there will be approximately thirteen million dollars spent on sewage treatment projects in this state.

The last two sessions of the Legislature have seen considerable activity by our larger municipalities endeavoring to have legislation passed authorizing the state's participation in construction grants for sewage treatment works. There were several reasons for the legislation not passing. However, the one that probably had the greatest influence on our Legislature was that the majority of our municipalities already provide secondary treatment of their wastes and these communities apparently question whether they should be responsible for providing funds for those that need additional treatment when they have already paid for it themselves.

The problem is that by 1972 all municipalities will have to meet the standards set up by the Water Quality Standards of the 1967 Session of the Montana State Legislature. If the state does participate in helping provide funds to pay for secondary sewage treatment, this will mean that the Federal Government's share of funds towards completion of the secondary plants will be greater according to federal standards. The other alternative is if the Legislature did not fund construction grants for secondary treatment plants, many of the municipalities, which are waiting until the 1971 Legislature has met and considered this funding, will be applying for federal money at the same time in order to complete their secondary treatment plants by the deadline of 1972. This would mean a greater influx of requests for federal funds which might result in a shortage of the same.

I trust this is the information which you desired. I will be pleased to supply you with any additional information you may need.

Sincerely yours,

FORREST H. ANDERSON,
Governor.

STATE OF NEBRASKA,
EXECUTIVE OFFICE,
Lincoln, June 11, 1969.

Hon. JOHN D. DINGELL,
U.S. Congressman,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This will acknowledge your letter concerning the funding of the Clean Water Restoration Act.

I am referring your letter to Mr. Ted Filipi in our Environmental Health Office to reply to your letter in detail.

Very truly yours,

NORBERT T. TIEMANN,
Governor.

STATE OF NEBRASKA,
DEPARTMENT OF HEALTH,
Lincoln, Nebr., June 16, 1969.

Hon. JOHN D. DINGELL,
U.S. Congressman,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Your letter of 6 June 1969 addressed to Governor Tiemann was received and forwarded to me for reply of details. The municipal officials of Nebraska are in need of financial assistance for construction of wastewater treatment plants. Already 50 municipalities have been ordered by the Nebraska Water Pollution

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Control Council to provide secondary treatment. The City of Omaha has now under way a project that will cost approximately 25 million dollars and Mayor Sorensen informed me that they will be glad to carry on our directive if we can show them how financial arrangements can be made. A similar program faces Lincoln, where-in the wastewater treating plant already giving secondary treatment is inadequate and the plant must be enlarged, both for capacity, and production of a higher quality effluent.

There is now under consideration by the Nebraska Legislature, the proposal of state aid for municipalities. If this bill passes, and if funded it will automatically demand an additional 20% Federal Funds for fulfilling the 55% allotment.

I regret, that at this time I cannot give you specific figures, for all of the projects that are now under consideration. These, if you so desire, can be made available to you in approximately 15 days.

Please be assured that Nebraska needs this financial assistance, and if there is any means that we can use to further the cause, please let us know how we can help.

Yours very truly,

Nebraska Water Pollution Control Council.

T. A. Filipi,

Executive Secretary.

The State of Nevada,
Executive Chamber,
Carson City, Nev., July 2, 1969.

Hon. John D. Dingell,
Member of Congress, Rayburn House Office Building, Washington, D.C.

Dear Representative Dingell: Your recent letter requested information on the impact of short funding for construction grants provided under the Clean Water Restoration Act.

Federal funding for water pollution control projects in the past has been adequate to enable participation in all projects, but with the increased awareness of the actual and potential problems by the public and the rapid growth in Nevada's population, funding has not been adequate for the past two years for direct participation in all projects and we have been certifying projects on a re-imbursable basis.

Proposed construction for fiscal year 1969 total in excess of $12 million and of which approximately $10.9 million is eligible for 660 funding or for a total of $3.6 million. Nevada's allocation this year is $919,000. If the communities can afford to wait for payment, it would take approximately four years to re-imburse for fiscal year 1970 construction and five years to repay current re-imbursible and 1970 projects.

Such obligations, of course, will have a serious effect upon applications for projects to be constructed after fiscal year 1970. What the ramifications will be, we are unable to assess at this time, but we anticipate serious delays in necessary projects.

The proposal to repay the federal share over a thirty year period would be valueless to Nevada communities because most of our communities today are at the maximum legal tax rate and have incurred bonded indebtedness which would not permit them to bond for the federal share. The only possible means by which proper water pollution control measures can be implemented is through adequate federal funding to provide for participation in all eligible projects.

The State of Nevada has no statutory or financial provisions to assist political subdivisions in the construction of water pollution control works and since the legislature only meets biannually and recently adjourned, such assistance cannot be provided for at least two years.

If the total authorization of $1 billion dollars was funded for fiscal year 1970 and a similar amount for fiscal year 1971, assuming Nevada would receive a proportionate share of the difference, funding would be available to meet the re-imbursable projects approved to date and to meet the projected needs for fiscal year 1970 and projects being planned for fiscal year 1971.

At that time, if the federal government wished to reassess its program and reduce funding, given sufficient notice, it would be possible to attempt to provide for assistance from the state level.

Thank you.

Sincerely,

Paul Laxalt,
Governor of Nevada.

State of New Hampshire,
Concord, June 12, 1969.

Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: Thank you for your letter of June 6th concerning the funding of the construction grant program under the Clean Water Restoration Act. I offer the following information concerning the effects of the failure to fully provide Federal funding.

At the present time, the State of New Hampshire is receiving approximately 32% of funds authorized under the Clean Water Act for the Fiscal Year 1969–70. We have been informed that our State allocation will be about $1,300,000, while the Act itself authorized $4,100,000 for the same period.

At present, there are no funds left from our 1969 allocation and one project which has been approved for funding (Newport), has received a partial grant for $400,000, leaving about $550,000 which must come from 1970 funds.

Several New Hampshire communities have gone ahead with prefinancing of their projects, hoping to receive Federal grants in the future. These communities are: Merrimack, Durham, Dover and Laconia. The eligible work is approximately $8 million, which would mean $4 million in Federal grants when the money is available.

In addition, the towns and cities of Concord, Farmington, Franklin, Jaffrey, Lebanon, Newport, Pembroke-Allenstown and Peterborough, are ready to proceed with their work with total eligible costs of about $14 million and no Federal funds available for some time to come.

New Hampshire has always fulfilled its obligation for 40% State Aid on each project and our present Legislature, I am confident, will approve the Commission's request for the next biennium.

There is but one good solid course of action which should be taken and that is for the Federal government to at least appropriate the full amount of money voted under the Clean Water Restoration Act of 1966.

In addition, serious consideration should be given to further implementation of the grants program especially in light of construction costs which are going up at the rate of nearly 10% each year.

Sincerely,

Walter Peterson,
Governor.

State of New Jersey,
Department of Health,
Trenton, N.J., June 20, 1969.

Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: Your letter of 6 June 1969 to Governor Richard J. Hughes has been referred here for response. It relates to New Jersey's capital needs for grants toward construction of sewerage facilities found to be eligible under the Clean Water Restoration Act.

The cost of sewage treatment plants needed in New Jersey in the next five years closely approaches $1 billion. If they are not realized it will be only because of inability of New Jersey municipalities to finance them.

The yellow-back booklet enclosed is a presentation of Anticipated Capital Needs for Sewerage Facilities in New Jersey as seen in February 1969. In response to these stated needs the New Jersey Legislature has seen fit to put to referendum in November 1969 a bond issue in amount of $271 million, $242 million of which is to provide 25% State Grants to projects which are eligible for Federal grants under U.S. Public Law 660, as amended.

Governor Hughes has indicated that he will sign the referendum bill 2 July 1969.

Enclosed, also, is a copy of statement which I made before the U.S. Senate Sub-Committee on Air and Water Pollution on 11 April 1968 related to S. 3206, Water Quality Improvement Act of 1968.

Also enclosed is a copy of my testimony presented last week to the Interstate Abatement Conference on Pollution of the Hudson River called by the Department of the Interior. This statement further expresses our current views concerning State and Federal funding of sewerage construction.

If all of the funds authorized by Federal law for Federal grants in this area were appropriated, New Jersey's share would be about 11% of the estimated capital needs described in the enclosed report. This being the case the promise in the Federal statute of 55% Federal funding is one that cannot be fulfilled in the best of circumstances. If the present rate of actual appropriations continues New Jersey will receive from the Federal government less than 3% of its current capital needs.

In my opinion the effect so far of the Federal grant-in-aid program for sewerage construction has been to slow down progress rather than to hasten it. I am confident that our State's Clean Water Bond Issue will be approved by the voters in the fall. Unless, at the very least, the full authorization of Federal funds is appropriated the badly needed facilities will not be constructed on an acceptable timetable even with the proceeds of our State bond issue.

Almost as important as full appropriation is the retention in the statute of the reimbursability feature, contrary to the suggestion being made by some now that it should be removed. Without reimbursability and with limited federal funds we will find ourselves in the position of ordering municipalities to proceed to construct with the knowledge that if they do they will be foreclosed from ever receiving federal assistance. This is an impossible situation.

We hope that you and your associates will be successful in persuading the Congress to give full support to the water pollution control effort in the form of maximum grant appropriations.

Very truly yours,

Richard J. Sullivan,
Director, Division of Clean Air and Water.

Statement Before U.S. Senate Subcommittee on Air and Water Pollution

(Hearings on S. 3206 Water Quality Improvement Act of 1968, April 11, 1968)

My name is Richard J. Sullivan. I am Director of the Division of Clean Air and Water which, in New Jersey, is the agency responsible for air pollution control, solid waste disposal and water pollution control.

I am glad to have the opportunity to speak to this distinguished forum for a few minutes about S. 3206 and its effect on New Jersey's water pollution control efforts.

More than 90% of our state's citizens live in communities served by a sewerage system. This is probably the highest percentage of any state in the nation. Every one of our sewered communities provides treatment of its waste before discharge into the receiving water. We may be the only state in the nation in which this is true.

In the last twenty years we have spent more than $600 million on the construction of collection and treatment facilities. Less than 3% of this amount was federal aid. None of it was state aid. The 97% was paid by local communities or regional groupings of them.

Despite this effort many of our streams are seriously polluted. The degree of treatment of waste is inadequate. In ours, the most densely populated state in the nation, growth has outdistanced pollution control.

New Jersey is on the threshold of a vast corrective effort to eliminate the pollution of our streams, estuaries, bays, lakes, and coastal waters—pollution which now limits their use and which corrupts our physical environment. In what we believe to be a systematic, orderly, and scientific program, the stage has been set for the construction of large regional waste water treatment facilities.

Water quality standards have been defined and all the waters of the state have been classified after public hearing establishing as a matter of policy our water quality objectives for all waterways. Engineering feasibility studies have been done for most of the area of the state and others in process will shortly be completed. These studies have been arranged for the most part on the initiative of our Department and have been paid for by state funds approaching $2 million. Additionally, the Department has contracted for sophisticated oceanographic studies along the length of our coastline. To achieve our water quality standards waste water treatment regulations have been promulgated for all of the drainage basins of the State. Pursuant to statute we have lent to those responsible for treatment plant construction about $4½ million to defray engineering costs for the work that must precede actual construction.

Our Department has issued more than 200 enforceable, administrative orders directing the construction of the needed collection, distribution and treatment facilities.

We are plainly ready to go.

The key word now for us in New Jersey is not *legislation*. We have all the State law we need to accomplish the required construction. Neither is the key word *enforcement*. Although we will continue to enforce rigorously and conspicuously. Nor is it *planning*. Most of the planning is done and we are ready to build. The key word is not *research*. While the solution to certain pollution problems obviously requires more knowledge we know how to build the treatment plants we need. The key word is *money*. Lots of it.

Our estimate of the cost of facilities now needed to serve the public, to avoid pollution of our waters, to meet water quality standards, and to conform with the treatment regulations and administrative orders described above is $762 million. This is the cost of trunk lines and treatment facilities eligible for aid. The cost of local collection systems which will be built to accompany these facilities is about $200 million.

These facilities can be constructed over the next five years. For the five years following it is our estimate that $100 million per year will be needed for additional collection, distribution, and treatment works. This means that the price tag on effective water pollution control in New Jersey for the next decade is $1.5 billion, not counting private investment.

(I have attached to this brief statement a report prepared by us on 1 March 1968 describing the anticipated capital needs for pollution control in New Jersey and setting forth in some detail, among other things, the basis upon which we have drawn the estimates I have just given.)

In 1967, New Jersey adopted legislation permitting State government to award construction grants. In the current fiscal year we have appropriated modest funds to match the modest federal funds allocated to us. Presumably, we will do likewise for the fiscal year starting 1 July 1968. At present these funds are so small as to have no measurable impact on our program.

It has in fact always been a curiosity to me that when the statute proposed here to be amended was adopted it permitted a maximum of 55% federal aid for an eligible project. But the full 4-year authorization, if appropriated, would give the State of New Jersey only 14% of the total eligible cost. The separation between the 14% and the 55% is so unrealistic as to have the negative effect of creating expectations which it is not possible to meet. The circumstances have been made even more difficult because of the fact that grant appropriations made last year, and proposed for this, amount to less than 5% instead of 14.

If the $1.5 billion is spent in New Jersey it surely will not solve our water pollution problem. Other things must be done and obviously the effort must continue beyond the next 10 years as we continue to grow. But the construction of the regional treatment facilities that this money will buy will permit most of our streams to achieve the water quality standards we have set for them—standards which were recently approved by the Secretary of the Interior.

In any case it is absolutely certain that if these regional treatment facilities are not soon constructed our bad pollution problem will get worse. Some of our waterways will be dead but not buried.

For these reasons we strongly support and urge the adoption of Senate Bill 3206. In our judgment the bill is an ingenious, practical device to get things moving as originally planned without the necessity at this difficult moment of appropriating the full amount of the required capital aid funds.

While we strongly endorse this legislation we are not fully in accord with every provision of it. I would now like to comment on several specific provisions.

1. We strongly favor the requirement that aid be limited to facilities which will serve populations in excess of 125,000, except where this is impracticable. The entire corrective program in New Jersey contemplates the construction of large regional facilities serving drainage basins rather than continuing the proliferation of treatment plants serving individual municipalities. We already have the authority to disapprove any proposed construction which is not adequately regional; this authority was recently upheld in a court challenge.

2. We likewise favor the requirement that a system of charges imposed upon users pay for the amortization of the original investment and the cost of operation and maintenance. Such a system in our judgment is most equitable.

3. We also favor the operator certification program imposed as a conditional requirement to the receipt of grants. For fifty years, New Jersey law has required that treatment plants be operated only by persons licensed by our Department, after examination.

4. We find that the bill contains no formula for the allocation of contract funds to the respective states. Such a formula, of course, does apply to grant funds. We think this is a deficiency. An allocation formula should be included for all funds. First, in the interest of planning it would be most helpful to have at least an estimate of the amount of construction that can be funded with federal aid either by grants or under the contract provision. Second, we do not welcome the prospect of projects in different states competing with one another for the approval of the Secretary. The formula allocation would be more equitable. Third, presumably it will be necessary for the state to fund 25% of the cost of a project in order to entitle it to the maximum federal aid. Without a formula allocation we cannot know our share in sufficient time to arrange for state appropriation of the funds needed for matching purposes.

5. We find *very* disagreeable the termination of the existing reimbursability provision on projects initiated after 1 July 1968.

Elected local officials responsible for the construction of public works are under great pressure to exhaust all possibilities of state and federal aid before imposing burdensome taxes upon their constituents. Such an official who moves too early or too late or without diligence may find himself unemployed next time around. The federal aid program recently has been filled with uncertainty. I cannot emphasize too strongly that the amount of the aid is less important than the certainty of its availability. We do not need 80% federal and state funding to make this program move. It would probably move just as fast with 50% non-local funding, if the money were on hand. And in any case, 25% for sure is better than 50% maybe. The technique of reimbursability takes the local official off the hook. If he qualifies his project *now* for whatever aid may be appropriated later he is sure—and the voters are sure—that he has done all possible to ease the burden upon them. If this bill is adopted and New Jersey gets its full share of federal assistance next year this share will be but a fragment of the money we must spend next year if the construction is to proceed on schedule. Without reimbursability all those who would not get any of the limited funds next year will be asked to proceed with construction with the knowledge that if they do they will never get any aid. Our ambitious program may be standing around with its hands in its pockets waiting for better days ahead. Furthermore, several weeks ago the State Commissioner of Health and I testified before Governor Richard J. Hughes Special Commission to Evaluate the Capital Needs of New Jersey. In our testimony we recommend that the State establish a $400 million capital fund to defray half the cost of trunk lines and treatment plants now needed. We advised that half of this amount would be the states 25% share of the cost and the other half was likely to be reimbursed in time by the Federal government under the pre-financing provisions of existing law. If S–3206 is adopted that testimony will prove to have been very bad advice.

In summary, New Jersey has a carefully constructed program for the elimination of the pollution of its waterways. We are ready to build the needed treatment plants and associated facilities. The key word is money. For our program to be complete we must spend in the next five years more capital funds than we have spent in the last fifty years. Federal and state assistance to local government is necessary to make this happen. The bill before you would in effect increase the amount of available federal aid and should be adopted. We recommend that it be altered to provide for an allocation formula for the states and to keep in place the reimbursability provisions of existing law.

State of New Mexico,
Office of the Governor,
Santa Fe, July 3, 1969.

Re funding for water pollution control activities.

Hon. John Dingell,
Member of Congress,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: I sincerely appreciate your letter of June 6, 1969. I can with pride report that the State of New Mexico has 100% of all sewered communities complete with secondary sewage treatment facilities.

In the past several years, the State of New Mexico has not completely utilized its construction grant funds under the P.L. 660 Program. Construction needs in the State are only those necessary to keep up with increased population and industrial growth of the State.

The funding which our State requires is

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in the administrative and regulatory area. We hope to improve operation of existing facilities by closer supervision. Anything which you can do to permit an increase for water pollution control funds under the State Program Grant Provision of the Federal Water Quality Act would be greatly appreciated and would benefit the State of New Mexico substantially more than an increase in construction grant funds.

Yours in water pollution control,

DAVID F. CARGO,
Governor, State of New Mexico.

STATE OF NEW MEXICO,
OFFICE OF THE GOVERNOR,
Santa Fe, September 23, 1969.

Re Effect of Federal funding on water pollution control efforts.

Hon. JOHN D. DINGELL,
U.S. Representative,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I am very pleased to hear of the support which is being mustered for full budgeting for construction grant assistance authorized by the Federal Clean Water Restoration Act of 1966. As I advised in earlier correspondence, the present level of funding is sufficient for New Mexico as we are in a relative good position in regard to the physical facilities for waste treatment within the State.

I would like to advise, however, that Federal administrative procedures and staffing patterns in the Department of the Interior, FWPCA, are causing delays in the processing of grants for construction.

Basically, state and municipal government is honestly trying to curb water pollution. I very strongly recommend that fewer controls be used by the FWPCA. It would be better if states and municipalities were permitted a great deal of leeway in the processing of construction grants in order to expedite actual construction. If any fraudulent action is proven, FWPCA could always prosecute for the return of federal funds.

I sincerely hope that you and your colleagues can effect a more simple grant processing procedure for water pollution control.

Sincerely,

DAVID F. CARGO,
Governor.

STATE OF NORTH CAROLINA,
EXECUTIVE DEPARTMENT,
Raleigh, June 18, 1969.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I have your letter and comments on construction grants under the Clean Water Restoration Act.

Col. George Pickett, Director of the Department of Water and Air Resources, will be in touch with you with more details.

Cordially,

ROBERT W. SCOTT,
Governor.

STATE OF NORTH CAROLINA, DEPARTMENT OF WATER AND AIR RESOURCES,
Raleigh, N.C., July 7, 1969.

Hon. JOHN D. DINGELL,
Congress of the United States,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Reference is made to your letter of June 6, 1969, addressed to Governor Robert W. Scott, concerning the proposed funding of the construction grant program under the Clean Water Restoration Act. In this connection, you requested information on the impact this low level funding has had on the water pollution control and abatement program in North Carolina.

The funding of this program at the low level of $214 million during F.Y. 1969 and the recommended appropriation in the same amount for F.Y. 1970 has and will continue to delay the construction of needed wastewater treatment facilities in North Carolina. With an appropriation of $214 million, North Carolina's allotment is approximately $5,300,000. Applications were filed by municipalities for F.Y. 1969 funds requesting $7,717,150 covering projects estimated to cost more than $31 million, whereas on July 1, 1969, applications requesting grant funds in the amount of $8,323,000 were pending. These projects have an estimated construction cost of more than $28 million. This means that many of the projects for which applications were filed during both F.Y. 1969 and F.Y. 1970 could not be funded due to the lack of Federal grant funds; thus, the construction of these projects has or will be delayed until grant funds become available. This not only results in delaying needed waste treatment facilities, but due to the increasing cost of construction, much of the benefits derived from the grants are usurped by increasing costs.

In addition to the above, many small incorporated communities which do not have public sewage collection and treatment facilities are delaying initiation of such projects due to the lack of grant funds at a level which will permit them to finance the local share through bond issues which can be amortized with available sources of revenue. We believe, therefore, that the level of the grants should be increased considerably above 30% of the cost of contruction and that the increase should not be contingent upon the availability of State grants as is now the case. In the final analysis, it matters little whether the non-Federal share is financed solely by the municipalities or jointly through State and municipal funds. It is suggested, therefore, that this particular aspect of the grant program be given further study.

We appreciate the opportunity of commenting on this impotrant matter and hope that you and your associates in the House will be successful in your efforts to obtain appropriations more in keeping with the authorizations contained in the Clean Water Restoration Act.

Sincerely yours,

E. C. HUBBARD,
Assistant Director.

STATE OF NORTH DAKOTA,
EXECUTIVE OFFICE,
Bismarck.

Hon. JOHN D. DINGELL,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you very much for your recent letter requesting information from North Dakota on the impact of short funding on the water pollution control and abatement programs in our state.

Water pollution control construction grants have had tremendous impact on the State of North Dakota. Our State has been fortunate in the fact that our allocations have amounted to approximately one million dollars per year which has been sufficient to provide grants to all communities requesting aid. Over the twelve year period that this program has been in operation, these funds have assisted 230 projects in North Dakota.

We fully realize that the situation in the more populous states is much different than that in North Dakota and in like low population states. We know that many states have had to develop priority ratings and that many communities have been deterred from building waste treatment facilities because of lack of sufficient grant funds.

We strongly support your efforts to secure full funding of the construction grant program under the Clean Water Restoration Act so that pollution control programs nationwide can proceed in an orderly manner.

Sincerely yours,

WILLIAM L. GUY,
Governor.

OHIO WATER DEVELOPMENT AUTHORITY,
Columbus, Ohio, June 16, 1969.

Hon. JOHN D. DINGELL,
Member of Congress, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN DINGELL: Your letter of June 6, 1969 was forwarded to this office by Governor Rhodes. Your efforts on obtaining funding for the Clean Water Restoration Act are deeply appreciated by the State of Ohio. Last year, $9.4 million was received by the State of Ohio for the 30% grant-in-aid program. A survey made in March of this year indicated 224 counties and municipalities were on orders from the Ohio Water Pollution Control Board for primary, secondary, and tertiary waste treatment facilities in the amount of $459 million. It is obvious that less than $10 million a year funding for this program is not the answer. The State of Ohio is proposing to utilize $100 million of funds from a State Bond Issue to extend the 30% grant-in-aid program to all political subdivisions on notice from the OWPCB for sewage treatment facilities.

The total cost to the State due to the short funding of the federal program is considerable. Obviously the $100 million will be the State's expense to compensate for the lack of funding on the federal level over the next five years. The unfortunate thing that has occurred due to the lack of federal funds is that municipalities are reluctant to construct sewage facilities on the basis of 100% local cost if there is hope of receiving a 30% federal grant. Since only a small percentage of applicants are able to receive the federal grant, the remainder wait in hopes of receiving it at a later date. Since construction costs have increased approximately 10% on this type of construction per year during the last few years, a municipality which waits three years, in effect, receives no benefit from the 30% federal grant, and if they wait longer, they are actually penalized on the construction cost.

We hope the above is of value to you in your endeavors to receive better Clean Water Restoration funding and if we can be of further assistance to you in the future, please contact us.

Sincerely,

NED E. WILLIAMS,
Executive Director.

STATE OF OHIO,
OFFICE OF THE GOVERNOR,
Columbus, September 9, 1969.

Hon. JOHN D. DINGELL,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DINGELL: By direction of Governor Rhodes I am forwarding your letter of August 27 to the Ohio Water Development Authority, which will be much interested in your listing of local governments that have requested Federal water pollution control assistance. A copy is also going to our Water Pollution Control Board.

Sincerely,

JOHN M. MCELROY,
Executive Assistance.

OHIO WATER DEVELOPMENT AUTHORITY,
Columbus, Ohio, September 13, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: A copy of your letter of August 27 addressed to Governor Rhodes was forwarded to this office.

Your efforts in behalf of additional federal funding for the Federal Clean Water Restoration Act of 1966 is greatly appreciated. To aid in this endeavor a press conference was held with the League of Women Voters of Ohio to obtain new media coverage. Numerous newspaper articles were written concerning the need for additional funds and excellent TV coverage was obtained.

Your list of aid applications for FWPCA Funds was appreciated.

The State of Ohio will continue to support you on this issue.

Sincerely,

NED E. WILLIAMS,
Executive Director.

OFFICE OF THE GOVERNOR,
Salem, June 18, 1969.

Hon. JOHN D. DINGELL,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I am sending for your information Senate Joint Memorial 11, House Joint Resolution 14, and House Bill 1074, all of which speak to the water pollution problem, and reflect the principal action taken by the Oregon Legislature in the Session just concluded. I am also sending copies of correspondence between my office and our Congressional delegation, and my Administrative Assistant in Washington, D.C., Mr. Dale Mallicoat. This issue also has been discussed in detail recently with the Governors of California, Illinois, Michigan, Wisconsin, and New York.

I agree with you wholeheartedly in the need for adequate and reliable funding of the program by the Federal government. Our programs have been held back, and we sit with more than $30 million dollars worth of projects ordered by our Sanitary Authority, and designed, engineered, and approved, with state and local funds in hand, but not being constructed because of failure by the Federal government to fund their promised portion. Inadequate funding also brings extremely unfair situations into play, and calls for unnecessarily difficult decisions. Some cities are funded 50–25–25, others 70–30, and still with others where the need is paramount, the local user may be required to pay 100% of the cost.

You will note in our House Joint Resolution 14 that Oregon is pledging the money needed to do the job from our standpoint. The states need not promises, but performance. There is no qusetion in my mind but that the people of this nation will support strongly federal funding to the authorized level. The recent Gallup poll for the National Wildlife Federation clearly indicates this attitude. And as our SJM 11 says, it is a matter of keeping faith with the American people, and I hope the Congress can be so persuaded.

Sincerely,

TOM MCCALL,
Governor.

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE,
Harrisburg, June 26, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

MY DEAR MR. DINGELL: Your letter of June 6, 1969, requested information concerning the impact on the sewage treatment plant construction program in Pennsylvania as a result of appropriations under the Clean Waters Restoration Act being considerably less than the authorizations. We appreciate the opportunity to comment on this subject.

In Fiscal Year 1968 our Department of Health received 51 applications requesting basic 30% grants amounting to $28.6 million for Fiscal Year 1969 toward projects estimated to cost about $125.8 million. Pennsylvania's allocation of federal funds for Fiscal Year 1969 was $11,032,600, or about 39% of the amount needed for 30% grants.

Similarly, in Fiscal Year 1969, the Department of Health received and is processing 57 applications requesting $23.0 million as basic 30% grants against Fiscal Year 1970 funds.

Pennsylvanians have approved a Land and Water Conservation and Reclamation Fund which makes $100 million, of a $500 million program, available for construction of sewage treatment facilities over a ten-year period. Under this program $20 million was appropriated for the period July 1, 1967, to June 30, 1969, for the sewage facilities.

In planning this program, it was hoped that these funds could be used to complement the federal funds under Section 8 of the Federal Water Pollution Control Act, as amended by the Clean Waters Restoration Act, to make our communities eligible for increased grants. Since the federal allocations have been less than authorized by law, we have had to use our state funds to make combination state-federal grants of 30% of eligible costs. The 70% of costs raised by the local citizens has resulted in annual sewerage service charges in many cases exceeding $150 per family per year, a hardship in many of our small communities.

From the foregoing you will note that the fortunate availability of state funds has made it possible to move many projects into construction which would have been retarded otherwise by the lack of federal funds. However, the current needs exceed even the combination of state and federal funds.

The construction program in Pennsylvania will become more critical in the next several years due to over 150 orders issued in the past two years to municipalities to construct or upgrade treatment facilities in consequence of new water quality criteria on both interstate and intrastate streams. We therefore urge the increased appropriation of federal funds for Fiscal 1970 and subsequent years.

Sincerely,

RAYMOND P. SHAFER,
Governor.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, EXECUTIVE CHAMBER
Providence, September 4, 1939.

Hon. JOHN D. DINGELL,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Your letter of August 27, concerning your efforts to secure full construction grant assistance for water pollution control, has been referred to me.

Thank you very much for enclosing the list of aid applications. This is important information which certainly backs up your contention that states have fallen far short of their expectations in this area.

Now, of course, Governor Licht is very much concerned about the announcement concerning a heavy cutback in federal construction projects. This could make your efforts to secure full funding for water pollution control for construction even more difficult.

I wish you all possible success in this effort. Please be assured that Governor Licht and his staff are prepared to provide any assistance you may desire.

Sincerely,

JACK THOMPSON,
Federal Coordinator.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, June 20, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you for your recent letter concerning the funding of the construction grant program under the Clean Water Restoration Act. I am referring a copy of your letter to the Director of the State Pollution Control Authority for his comments.

I appreciate your bringing this to my attention.

Sincerely,

ROBERT E. MCNAIR,
Governor.

SOUTH CAROLINA
STATE BOARD OF HEALTH,
Columbia, S.C., June 30, 1969.

Hon. JOHN D. DINGELL,
Member of Congress, Rayburn House Office Building, Washington, D.C.

DEAR MR. DINGELL: The Honorable Robert E. McNair, Governor of South Carolina, has referred your letter of June 6, 1969, to this office for reply.

The State of South Carolina, being a rather small state populationwise, has experienced little difficulty in the utilization of funds as provided under Public Law 660.

It has been our experience in the past that the smaller projects have been initiated, thus allowing for the satisfactory distribution of funds. Now, however, upon the initiation of construction to serve the more densely populated areas, we are finding it difficult to arrange financing under present limitations of Public Law 660.

We do greatly appreciate the efforts that you and other members of Congress are making to insure the full funding of the Clean Waters Restoration Act for the Fiscal Year 1970. It is evident that if adequate funds are not provided the likelihood of our initiating and completing projects presently proposed in this state will be seriously hampered.

Very truly yours,

W. T. LINTON,
Executive Director, Pollution Control Authority and Director, Bureau of Sanitary Engineering.

STATE OF SOUTH DAKOTA,
Pierre, June 18, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE DINGELL: This will acknowledge receipt of your letter of June 6, 1969, regarding funding of the Construction Grant Program for water pollution control facilities.

To familiarize you with the past utilization of the Department of Health, Education, and Welfare and the Department of Interior water pollution control construction grant funds in South Dakota, we submit to you the following tabulation:

Year	Fiscal year Federal grant allotment	Calendar year Federal funds approved and used
1957 and 1958	$1,324,825	$887,202
1959	676,700	355,190
1960	680,700	117,848
1961	646,400	432,844
1962	999,760	1,047,358
1963	1,095,570	423,949
1964	1,205,150	47,470
1965	1,150,650	[1] 406,278
1966	1,302,070	449,834
1967	1,393,350	[1] 755,800
1968	1,460,400	328,153

[1] Includes EDA.

As you will note from the above tabulation, the State of South Dakota has not been able to utilize entire federal grant allotments in all cases. However, this should not justify reducing the Federal appropriations for facility construction. In the near future, it is hopeful that several large projects can be undertaken which will need approximately $2 million of Federal grant monies in one year.

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The construction of water pollution control facilities in many small communities (100 to 500 population) in this State has been held back, not by lack of Federal Water Pollution Control Administration funds, but by financial and bonding limitations of the community itself and the necessity of obtaining Farmers Home Administration, U.S. Department of Agriculture, loan and grant monies to finance the projects. If Farmers Home Administration money were available, many of our lagging communities would have facilities constructed without delay.

Sincerely yours,

Frank L. Farrar,
Governor.

Tennessee Executive Chamber,
Nashville, June 13, 1969.

Hon. John D. Dingell,
Member of Congress, House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Representative Dingell: Your letter of June 6, 1969, arrived at the time the Tennessee Stream Pollution Control Board is considering the priorities for grants under the Clean Water Restoration Act for fiscal year 1970.

The Board has received 26 applications for work totaling $81,044,000 and the 33 per cent grants would be $24,287,000. I understand that the Tennessee allocation will be about $4,300,000 if the appropriation is the recommended $214 million.

We believe that almost all of the projects could be under construction by June 30, 1970, if the funds were available. A few of the small projects may be delayed if supplemental grants applied for from other Federal agencies are delayed.

Our Board believes that the water pollution control and abatement program in Tennessee is being delayed because it has received from two to three times as many applications each year as it has had grant funds for the past five years. Arrangements have not been made to finance the projects with local funds and in most of the cases the projects have waited.

The present backlog for construction is more than the $81,044,000 shown above since the Board has not encouraged all of the towns which need to build facilities to file an application.

If we can furnish additional information, please let me know.

Sincerely,

Buford Ellington.

Texas Water Quality Board,
Austin, Tex., June 17, 1969.

Hon. John D. Dingell,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: Governor Preston Smith has given me your letter of June 6, 1969 and asked that I reply to you directly on behalf of his office and that of the Texas Water Quality Board.

At the outset, I know that Governor Smith appreciates, as I do, your long and continued interest and support of clean water programs and other conservation programs throughout the Nation. This state has benefited from your work on fisheries and wildlife conservation over a long period of time.

The State of Texas has been quite fortunate in the field of water pollution control and water quality management in that, up until recent times, the state had few large urban centers and limited industrial capacity. The low population density, therefore, minimized the intensity and number of water pollution control problems in the state. At the same time, the State of Texas began a well-planned and aggressive water pollution control program many years ago, with the result that the state's situation with regard to the construction of municipal sewage treatment plants substantially kept pace with the growth and expanding need within the state. We acknowledge fully, in this connection, that the Federal assistance beginning in 1956, or thereabouts, through the Federal Water Pollution Control Act and its successor acts has constituted, and will continue to constitute, an essential facet of the Texas municipal waste control program.

In reviewing the municipal waste treatment needs throughout the state, and comparing them with the financial capabilities of the state's municipalities, and considering the municipalities' needs in other directions, it is our conviction that the present level of funding for the Construction Grants Program under the Clean Water Restoration Act will insure in this state a continuation of the state's program at a satisfactory level. Generally speaking, we are finding that we are funding construction grant requests as fast as those requests are being received, and essentially as fast as is reflected by the state's need.

To supplement the foregoing, we do see, a few years from now, a need for the construction of several regional sewerage systems in the larger metropolitan areas of the state. To adequately fund such projects may well require a change in the present thirty percent (30%) limitation for the construction grants, and possibly some increase in the overall funds available to this state. This situation, however, is not expected to obtain within the next two or three years, perhaps for a considerably longer period than that.

Speaking specifically to the questions in the third paragraph of your letter, the Texas water pollution control and abatement program has not been held back by the present level of funding and it has been unnecessary to make special arrangements resulting from any lack of Federal funds. Insofar as suggesting that there has been or could be an additional cost to the state, the municipalities of Texas have historically provided their share of construction funds without calling upon the resources of the state and, accordingly, this state does not presently have a funded state construction grants program, although one is authorized in the legislation organizing the Texas Water Quality Board. Still, in this connection, it is my view that it is difficult to define that a reduction in a Federal program constitutes an additional cost to a state, certainly not to the taxpayers of the state. Fundamentally, the funds available to local government, to state government, and to the Federal government result from the economic activities of the same set of taxpayers.

In closing, may I restate, on behalf of Governor Smith and myself, our appreciation of your interest and effective work.

Sincerely,

Hugh C. Yantis, Jr.,
Executive Director.

Department of Social Service,
Division of Health,
Salt Lake City, Utah, June 26, 1969.

Hon. John D. Dingell,
Member of Congress,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: This is in answer to your request of June 6, 1969 for information regarding Federal funding of the construction grant program under the Clean Water Restoration Act.

Utah's water pollution control and abatement program has not been held back as a result of short funding under the Act. In fact, during the past two years Utah has not used its entire allotment of construction grant money because the major part of our municipal waste treatment program has been completed.

We do have some small municipalities still in need of construction grants, and we are presently undertaking a campaign to accelerate completion of the needed projects. However, available funds are beyond what we anticipate as necessary in the next two or three years.

Some money will need to be committed to revamping of overloaded plants and possibly to the addition of tertiary treatment in some areas. However, we still do not foresee any slowdown in our water pollution control plan under the present funding setup.

Sincerely yours,

G. D. Carlyle Thompson, M.D.,
Director of Health.

State of Vermont,
Executive Department,
Montpelier, Vt., June 30, 1969.

Hon. John D. Dingell,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: I am pleased to learn of the effort that you and others are making in Congress to increase the Federal appropriation for the Clean Water Restoration Act.

I am sending a copy of your letter to Mr. Reinhold Thieme, Commissioner of Water Resources for the State, and asking him to provide the information that you need. We would like to help you in this cause as the reduction in Federal appropriations has greatly hindered our anti-pollution efforts here in Vermont.

Unfortunately, we have not been able to supplement the loss of Federal funds with State money because of the fiscal problems we have ourselves. I am sure that Commissioner Thieme can give you more specific information in this regard.

Thank you again for your letter.

Sincerely,

Deane C. Davis.

Governor's Office,
Richmond, Va., June 9, 1969.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: I am forwarding your letter of June sixth to the Virginia Water Control Board for further comment on your inquiry concerning the proposed appropriation under the Clean Water Restoration Act.

Sincerely yours,

Mills E. Godwin, Jr.

State Water Control Board,
Richmond, Va., June 20, 1969.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Sir: In response to your letter to Governor Godwin, please find attached a tabulation of the grant requests and recommendations based on available money of the past 8 years. We must point out that Virginia has a policy of not holding a grant application from one year to the next so that the same request may show up in each of several years before it is funded.

You will note from the tabulation that only ¼–⅓ of the projects are funded in any given year. The State does not have a grant program of its own, and to our knowledge no plans are afoot to initiate State grants to supplement grant funds available under the Federal Water Pollution Control Act. The 1968 General Assembly authorized the Board to administer such State funds if the General Assembly saw fit to appropriate funds for this purpose.

I believe that these few remarks speak for themselves, although I will be happy to answer any questions which arise.

Sincerely,

A. H. Paessler,
Executive Secretary.

GRANT APPLICATIONS PROCESSED OVER THE PAST 8 YEARS IN VIRGINIA

Year	Number of grant requests	Total cost of proposed projects	Grants requested on eligible portions	Number of projects approved	Amount grant money available
1962–63	45	$33,000,000	$5,224,390	18	$1,852,920
1963–64	52	33,000,000	7,584,260	14	1,846,755
1964–65	49	30,000,000	6,302,704	16	2,050,150
1965–66	46	30,000,000	5,937,694	21	3,100,000
1966–67	66	54,000,000	11,965,835	13	4,150,600
1967–68	56	54,000,000	12,315,756	16	4,278,100
1968–69	75	74,000,000	18,946,889	33	4,448,400
1969–70	87	68,000,000	20,195,417	26	[1] 4,500,000

[1] Approximate.

State Water Control Board,
Richmond, Va., September 17, 1969.

Hon. John D. Dingell,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

Dear Mr. Dingell: Thank you for your letter of August 27, which The Honorable Mills E. Godwin, Jr., Governor of Virginia, has forwarded to this office.

We are most interested in your drive to secure Congressional approval of more sewage treatment plant grant funds. The applications for funds in Virginia have always greatly exceeded the available money.

Sincerely,

A. H. Paessler,
Executive Secretary.

State of Washington,
Olympia, June 23, 1969.

Hon. John D. Dingell,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: The following information is presented in response to your inquiry of June 6 with the hope that it will assist you during Congressional consideration of proposed appropriations for the implementation of the Public Law 84–660 Construction Grants Program.

During fiscal 1969 the Washington State Water Pollution Control Commission considered applications for financial assistance under the provisions of the Clean Waters Restoration Act of 1966 which represented a total value of facilities eligible for grant participation of $22,390,000. Other applications representing a value of several million dollars were held pending under the reimbursement provisions of the Act. Appropriations limited grant participation to only 49% of the total eligible value of the requests considered in the State of Washington.

During the first rating period for fiscal 1970 the Commission considered applications representing a value of $16,772,000. Additional applications representing a value of $23,163,000 in eligible projects were held pending under the reimbursement provisions of the Act. In this first rating period for fiscal 1970 appropriations limited grant participation to only 56% of the total eligible value of the requests. A second rating period for fiscal 1970 will be held in December to disburse funds reallocated to the state. At that time additional applications will be considered. Anticipating that appropriations for fiscal 1970 will be similar to those for fiscal 1969, the grant participation will be provided for some percentage less than 56%.

In the general election of November 5, 1968, Washington voters, by more than a 75% majority, approved Referendum 17 which authorized up to $25,000,000 in state obligation bonds to be used to assist local governments in the development of water pollution control facilities. The $25,000,000 was determined to be the amount needed at the state level to match federal grants on the basis of the existing formula for financing facilities, which is the federal funds providing 30% of eligible costs, state funds for 15% of eligible costs and the local jurisdiction providing 55% of the eligible costs. The present determining factor limiting the effective utilization of Washington State's bonds at the rate of expenditure originally anticipated is the reduced amount of the federal appropriation below the amount authorized in the enabling legislation.

We therefore urgently endorse a level of appropriation sufficient to implement Public Law 84–660 to make Washington State's matching grant program fully effective.

Up to the present time no arrangements have been made "to take up the slack resulting from the short-fall in federal funds." Enabling legislation has recently been passed by the Washington State legislature to allow for making independent state grants and loans to municipalities for the construction of water pollution control facilities. No appropriations, however, were made to implement this enabling legislation.

We understand that Congress is currently considering proposals which would modify the present Construction Grant Program. Revised programs would call for contract grants to municipalities of up to 30% of the eligible costs of construction of water pollution control facilities over a 40-year period. This type of program would provide a substantial benefit to the water pollution control effort in the State of Washington, particularly in view of the insufficient funding of the existing grant program. However, it should be pointed out that the effectiveness of a contract grant program would be greatly reduced unless the federal government included in its obligation to the municipalities the payment of principal and interest on its assumed portion of the eligible construction costs.

Your interest and efforts in this area are appreciated. We sincerely hope that you will exercise your influence in the House of Representatives to support adequate funding of the Construction Grants Program and the inclusion of the payment of interest as well as principal in the Contract Grant Program.

Sincerely,

Daniel J. Evans,
Governor.

State of Wisconsin,
Madison, June 19, 1969.

Hon. John D. Dingell,
House of Representatives, Rayburn Office Building, Washington, D.C.

Dear Mr. Dingell: Your support for realistic funding of the construction grant program under the Clean Water Restoration Act is greatly appreciated.

On the assumption that the authorization in that Act would be honored, Wisconsin began a program of partial funding in Fiscal Year 1967. So that the limited funds could be applied to stimulate more project starts, municipalities were persuaded in that year to accept initial grants of 10 percent of project costs with the assurance that additional increments would be forthcoming.

In Fiscal Year 1968, Wisconsin honored that commitment, raising previous years' projects another 10 percent and starting a few new projects at the 20 percent level of funding. This pattern was continued in the current fiscal year. The result, of course, was that most of the available funds had to be used to raise projects from the previous two years to the 30 percent federal aid level. Of the $4,500,000 which Wisconsin received, only $1,500,000 was available to initiate new construction. At the 30 percent federal aid level, this produced new starts of approximately $5,000,000 cost at a time when immediate sewerage construction needs of at least $100,000,000 have been identified in the state.

Complicating the situation is the fact that Wisconsin communities are now eligible for 50 percent federal grants since the state has approved Interstate Water Quality Standards and a state grant program providing 25 percent of project costs.

If we were to raise those projects now at 30 percent federal aid levels another 10 percent in Fiscal Year 1970, the result would be disastrous—all of the available funds would go toward existing construction, permitting no new pollution abatement starts. This is clearly an untenable situation!

Meanwhile, the backlog of vital pollution abatement projects in Wisconsin accumulates. We now estimate that approximately 500 projects costing $300,000,000 should be commenced in the next six to ten years.

My administration has attempted to fill this void. A state bonding program has been developed and approved in referendum. The enabling legislation, when enacted, will permit Wisconsin to advance from 25 to 30 percent of the federal funds for which projects would be eligible. This is an admitted gamble, considering that some elements in Washington would like to strike the reimbursement provisions from the federal act.

Your efforts to restore construction grant funds to a meaningful level have my wholehearted support. Wisconsin and Michigan also share a common interest in maintaining and extending the reimbursement provisions of the federal act.

Sincerely,

Warren P. Knowles, *Governor.*

Wyoming Executive Department,
Cheyenne, July 3, 1969.

Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: I am writing with reference to your recent letter regarding the funding of the construction grant program under the Clean Water Restoration Act. Fortunately, Wyoming does not have any serious water pollution control problems and, therefore, the failure of the Congress to appropriate the full amounts that were authorized has not adversely affected my state.

With all good wishes.

Sincerely,

Stan Hathaway.

Government of the
District of Columbia,
Washington, D.C., June 16, 1969.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: Thank you for your letter of June 6, 1969, expressing your concern about Federal short-funding and its impact on the District of Columbia's water pollution control program.

We will be happy to provide the information you have requested. However, it will take a few days to get it together, and I will forward it to you as soon as we have it ready.

With best wishes.

Sincerely,

Walter E. Washington,
Commissioner.

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TERRITORY OF GUAM,
Agaña, Guam, June 30, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: In your letter of June 6, 1969, just recently received, you inquired as to the impact short funding for construction grants under the Clean Water Restoration Act has had on the water pollution control and abatement program in Guam.

Guam is fortunate in being provided funds under the Rehabilitation Act P. L. 88–170. Water and sewer projects have been funded under this Act, the last being the Agat/Santa Rita sewer system which includes a sewage treatment plant. A grant under the Federal Water Pollution Control Act was obtained for this treatment.

While we have other projects planned under the water pollution control and abatement program in Guam none have reached the stage of funding. Accordingly, none have been or are being delayed because of short funding under the Clean Water Restoration Act.

I appreciate your writing to me on this subject.

Sincerely,
MANUEL F. L. GUERRERO,
Governor.

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, D.C., July 10, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is in further response to your letter of June 6, 1969, expressing your concern about the low-level funding of the federal sewage treatment construction grants program and its impact on the District of Columbia's water pollution control program.

The principal impact of funding below authorized levels has been to upset fiscal planning. The result has been more frequent and increased use of borrowing authority to keep the construction program going. Inasmuch as loan repayments must be made from revenue, that action, in turn, has reflected the need to increase sewer rates. Thus, existing authority to increase rates and to borrow has been reduced in increasing degree. This fact, coupled with an imminent, enlarged construction program of abatement facilities, will necessitate requests to Congress for additional borrowing and rate increase authority. Although the impact on our water pollution control program has not been significant in amount up to this point, since District funding for the expanded program did not begin until F.Y. 1969, nevertheless we are now faced with the necessity of requesting additional funding authority. Our 1970 program is unfunded by approximately $7.8 million, a large portion of which can be attributable to low-level federal funding.

According to Public Law 660, as amended, the District is eligible for grants of 55 per cent to aid with the construction of sewage treatment facilities. In order to meet water quality standards, we will need to upgrade basic treatment facilities over the next five years to remove 90 per cent of organic pollutants at a cost currently estimated at $108 million.

The District's eligibility for construction grants on that amount would be $59.4 million. However, full eligibility cannot be realized since the formula in the Act would limit D.C. to $15.8 million even if appropriation of the full authorization were made. Recognizing that the Act expires in F.Y. 1971 and assuming that the present level of appropriation of $214 million will hold, we cannot expect more than $5.2 million on the above construction. Thus, it is obvious that local financing will have to make up the difference, $10.2 million in this case.

In the years ahead the District is faced with extremely large expenditures for waste water treatment. I am advised that it will cost not only the $108 million previously mentioned to upgrade our basic treatment facilities to provide 90 per cent biochemical oxygen demand (BOD) and suspended solids removal from flows expected in 1980, but, following this, additional expenditures of $170 million for advanced waste treatment for the same flows must be contemplated if water quality standards are to be met. Increased sewer service charges and borrowing authority to be requested together with anticipated federal grants will enable us to construct and operate the basic plant only. The method of financing of the advanced waste treatment facilities has yet to be worked out. This should show you the magnitude of our problem.

I hope the above information will be helpful. If I can be of further service, please let me know.

Sincerely yours,
WALTER E. WASHINGTON,
Commissioner.

THE VIRGIN ISLANDS OF THE
UNITED STATES,
Charlotte Amalie, St. Thomas,
June 24, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The short-funding on the construction grants program under the Clean Water Restoration Act has not held back the water pollution control and abatement programs of the Virgin Islands.

Prior to 1966, the Virgin Islands never utilized the construction grants funds allocated. This was because of the low priority allocated to water pollution behind housing, water, etc. In this way approximately ten million dollars were lost.

We are now moving ahead on the construction of waste treatment plants. We are utilizing all of our 1968 and 1969 allotments and half of our 1970 this year. In addition we have expended $268,000 for three sewage treatment plants required in 1969.

The Virgin Islands are eligible for fifty-five percent grants. We have thus expended $147,400 in order to take up the slack.

Sincerely yours,
CYRIL E. KING,
Acting Governor.

DOUGLAS MacARTHUR MEMORIAL DEDICATION

(Mr. McKNEALLY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McKNEALLY. Mr. Speaker, I rise to call to the attention of the Members of the House an important event which recently took place at the U.S. Military Academy at West Point. On September 12 of this year, a magnificent statue of the late Gen. Douglas MacArthur was unveiled and dedicated. It shows the general in a characteristic pose, with his collar unbuttoned and his coat over his arm. It is reminiscent of that great general's stance as he went forth to meet the enemy on the battlefield.

What American can fail to remember with pride General MacArthur's unmatched service to this Nation. What a man he was—and especially as he is measured against the leaders of movements in the country today calling for surrender.

I am pleased to insert in the RECORD the speech given by Maj. Gen. Max C. Tyler, U.S. Army, retired, on the occasion of the dedication. General Tyler was a classmate of General MacArthur. He spoke eloquently and intimately of him. The exceptional qualities of our greatest general were apparent from his earliest days.

General Tyler's speech is as follows:

DEDICATION ADDRESS BY MAJ. GEN. MAX C. TYLER

(Dedication of Douglas MacArthur Memorial and Barracks, Sept. 11, 1969)

I thank you, General Eddleman, for this generous introduction, Mrs. MacArthur, General Eddleman, General Groves, General Koster, General Sverdrup, members of the Corps of Cadets and distinguished guests. The surviving members of the Class of 1903 are grateful for being included among you today to honor the memory of that great soldier, statesman and patriot, Douglas MacArthur. His career is history well-known to all of you. For one of his classmates to attempt to eulogize such a world famous leader of armies would be presumptuous indeed. However, he clearly displayed all the qualities of leadership in his cadet days. Perhaps a brief discussion of those days will not be considered irrelevant to this occasion. Douglas MacArthur showed up at the beginning of our plebe year as a leader of every section in academics. We immediately saw that here was no scared fumbling plebe, but a young man well prepared in academics, who knew where he wanted to go and how to get there.

He continued to lead all of our academic sections for our four years here. The "makes" were announced soon after the graduation of the Class of 1900. The Tactical Department had observed Douglas' competence in drills, parades and field exercises and his name appeared at the head of the list of cadet corporals.

In second class year, he was a senior first sergeant, and in our first class year, commanded "A" Company, the right of the line of the Corps of Cadets then consisting of six companies. He was The First Captain of the Corps of Cadets. He had a strong voice. It was said when the wind was right, his commands at battalion formations could be heard distinctly across the river. Douglas went out for baseball and in 1901 added an athletic triumph to his academic and tactical excellence. He earned the winning run in a tied game with Navy at Annapolis giving West Point the victory. No cadet either before or after his time has equaled Douglas MacArthur's distinguished record at West Point. How had he been so thoroughly prepared to lead at so young an age? Of first importance was his family. Their's was a closely knit family with no generation gap. His father, General Arthur MacArthur, exerted a strong influence on Douglas' life and career. Their sons were taught always to be honest, to stick to the truth regardless of the cost, never to tattle, and to be gentlemen under all circumstances.

Douglas had often discussed with his father the latter's heroic performances as Adjutant of a Wisconsin volunteer infantry regiment during the Civil War for which he had been awarded the Congressional Medal of Honor. Thus, in his youth, Douglas became aware of the qualities which are necessary for military leadership. His father sent him to the Texas Military Academy. That was where he learned now to study. He majored in English and Speech and played shortstop on the baseball team and quarterback on the 11. He graduated there in 1897. In 1898, Douglas took a competitive examination for a West Point vacancy which would occur the following year in a Milwaukee, Wisconsin, congressional district. He won the appointment. Thus, we see him early in his

career starting to create his own opportunities. After graduation in 1903, his assignments further matured him and trained him for his future. He served in the Philippines and as aide to his father who had been detailed as observer of the Russo-Japanese War, which was followed by nine months of travel with him in Eastern Asiatic Countries. All these experiences increased his knowledge of the world, especially in Asia, our Federal Government and our Army.

In 1913, Douglas was on duty at Fort Leavenworth with Engineer Troops and was an instructor at the Army Service Schools. He was ordered to Washington and placed in charge of the State War and Navy Building.

In 1914, Europe was divided by war and the United States was threatened. Steps were being taken to strengthen our military weaknesses. Mr. Newton Baker became Secretary of War and he detailed Douglas as his Military Assistant in charge of the Bureau of Information of the War Department. Then the Secretary appointed him Press Censor and the link with the newspaper men who covered the War Department. Congress declared war on Germany in April, 1917.

The Army General Staff had recommended against the use of the National Guard in the impending conflict. Douglas, perhaps recalling his father's success with citizen soldiers, saw the situation from a different point of view. He recommended to Mr. Baker the maximum possible use be made of the National Guard. He went further, and recommended the formation of a special National Guard Division to be composed of guard units from all the states and suggested as appropriate the name of "Rainbow" for it. The Secretary of War and President Wilson quickly approved both recommendations. The Secretary of War thereupon commissioned Douglas a Colonel of Infantry in the emergency army and assigned him as Chief of Staff of the new Forty Second, "Rainbow," Division.

Douglas was now in the line of the Army where he had always wanted to be, and he had opened wide the door to his future opportunities for tremendous services to his country.

We, who were observing his progress, now realized that he had moved into a much higher league than when he led in 1903 as a cadet. His brilliant record with the Forty Second Division in battles of World War I is history known to all of you. But what he did for West Point immediately after that war also seems relevant here today. So, if you will be patient for a couple of minutes more, this rough sketch of Douglas MacArthur's early service at West Point will be completed.

When he was informed by the Chief of Staff of his appointment as Superintendent, he was also told that the Academy was forty years behind the times and in dire need of a general overhaul. Douglas was then a temporary Brigadier General. On assuming command in June, 1919, he found the institution in disorder. Moreover, a threat of complete abandonment of the Academy required immediate action. Influential members of Congress, in response to public clamor, could not see the need for a Federal Military Academy when "The War to End All Wars" had just been won. Douglas promptly went to Washington and conferred with the interested members of Congress, many of whom he knew personally. He made such a convincing argument for the retention of the Academy that all agitation for its abandonment ceased. If Thayer was the Father of West Point, surely Douglas MacArthur was its Savior.

The demand for officers with little training had caused the course to be reduced to one year during the war. There were no upper classmen to pass on the traditions of the Corps to the juniors. Morale was low and the Honor Code almost had been forgotten. Douglas succeeded in having the four-year course re-established. He revitalized the Honor System by placing its administration under an Honor Committee of cadets.

A few of the other changes he made show how carefully and wisely he worked. He knew from his own experience in battle that, in future wars, all of the people of the nation would participate, few of whom would have any training for military duty. In order to bring the Academy and its graduates into closer contact with the outside civilian world with which they would have to deal, he had professors visit other universities to learn of their methods of instruction and contents of their courses. He sent instructors to other universities to obtain advanced degrees. Douglas also knew that training officers in the seclusion of a monastery-like Academy, which in the past had been adequate for small regular armies, would not produce graduates competent to lead citizens soldiers. The old summer cadet encampment on the Plain was a part of the monastery system. Instead of the entertaining annual comedy presented in a setting of sentry boxes, tent floors and gravely sentry walks, he had the campsite cleared and levelled and he had cadets assigned to arm commands for summer field maneuvers.

There was something else that Douglas felt had to be done. Physical fitness in the Army needed attention. He established intramural competition in all major sports here at the Academy. Every cadet had to participate. The program improved the physical condition of graduates, enabled them to train and coach their commands in the major sports and to spread the spirit of athletic competition throughout the Army. Looking back more than seventy years to our plebe year, the few remaining members of the Class of 1903 believe that Douglas MacArthur, who led our class during all of his cadet days, performed here as Superintendent one of the most important services of his career. He saved West Point from abandonment, he forced the Academy out of isolationism into the main stream of American life where it went on to attain its present high standing in education and athletics.

He was largely responsible for reviving the Academy's Code of: "Duty, Honor, Country," in the hearts of its graduates. All of you know how devotedly he loved this Academy. We are proud to honor his memory here with you today for what he did here for his country and for West Point.

I thank you.

SERIES ON "LAW AND THE ENVIRONMENT"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the Christian Science Monitor has done a tremendous service providing an in-depth study as to the conserving of our natural resources and heritage. The latest series, "Law and Environment," by staff correspondent Robert Cahn, is no exception. Based on recent discussions between selected lawyers at Arlie House, Warrenton, Va., the series will focus on environmental problems from another point of view; namely, what legal strategies to protect the environment are available to the public against big business or big government?

There is nothing new about public concern, but perhaps the growing use of legal suits by citizens against environment-damaging construction projects is indicative of a heightened awareness of the critical status of the battle against the polluters. A "law of the environment" is very much to be desired; I am sure Members of both Houses will find the story of the evolution of such a law particularly valuable in contemplating legislation which affects the Nation's natural heritage.

The first article in the series follows:

LAW AND ENVIRONMENT—1: ENVIRONMENTALISTS BLAZE LEGAL TRAIL TO PRESERVE NATURE

(A growing concern over man's endangered environment has uncovered the lack of legal mechanisms with which to combat the danger. The following is the first in a series of articles highlighting discussions at a recent conference on law and the environment held in Warrenton, Va.)

(By Robert Cahn)

WASHINGTON.—Early in 1968, a group of California citizens and lawyers considered taking legal action to prohibit leasing of oil and gas tracts in the Santa Barbara Channel and to prohibit construction of offshore drilling facilities.

The possibility of successful legal action appeared slim and the costs of a lawsuit extremely high, so the idea was dropped. Leases were granted by the federal government, drilling was started, and in January, 1969, the now infamous Santa Barbara oil spill started.

Across the country another group of conservationists faced a different type of development which they felt would harm the environment—a six-lane expressway planned along the Hudson River near Tarrytown, N.Y.

The New York citizens group went to court. They charged four agencies of the federal government with failing to follow an 1889 law in giving a permit for a dike in the Hudson River without getting prior consent from Congress and the Cabinet department concerned.

Surprisingly, a United States district court ruled against the government, and the conservationists won a skirmish (the government is appealing the decision) in the constant battle to preserve environmental values.

ENVIRONMENTAL INTEREST RISES

All across the country these days lawsuits are being filed, lawyers are becoming concerned with environmental problems, and law schools are starting courses and programs in environmental law.

Court actions now draw the most attention. Citizens groups go to the courts as a last resort when legislation, governmental executive decisions, and public opinion have failed to halt actions which they believe are endangering the environment.

There are many causes for action: air, water, and noise pollution; loss of wilderness and open space to commercial development; dredging and filling of wetlands, rivers, and bays; effects from excessive use of fertilizers and pesticides; oil spills; radiation hazards; defacing of scenic landscape by expressways, power lines, billboards, and junk yards.

Successes in coping with these environmental influences have increased in the last few years, but have not yet produced significant national gains. For the most part, lawsuits have been useful in getting injunctions which serve as holding actions until public opinion can force a change in legislation or executive action. Or sometimes the lawsuit has brought about a modification or change in plans so that environmental effects will be negated or softened.

LITIGATION BUILDS BASE

No clear constitutional basis has developed to aid environmental interests, as has been the case, for instance, in the field of civil rights. Other theories in the common law

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have not been widely enough accepted to become practical. And legislation has not caught up with the public demand for environmental protections.

One of the nation's leading trial lawyers in the environmental field, Victor J. Yannacone Jr., has stated:

"Every piece of enlightened social legislation that has come down in the past 50 or 60 years has been preceded by a history of litigation in which lawyers around the country have focused forcibly the attention of the legislature on the inadequacies of existing legislation."

In answer to conservationists' calls for a drive to stimulate attention on environmental problems through use of the courts as well as the legislatures, the first Conference on Law and the Environment was held recently at Airlie House in Warrenton, Va. The conference drew 46 participants (mostly lawyers) and about 20 observers. It was sponsored by the Conservation Foundation of Washington, D.C., and the Conservation and Research Foundation of New London, Conn.

SOME DEGRADATION ACCEPTED

Among the participants: consumer advocate Ralph Nader; Rep. Paul N. McCloskey Jr. of California; Roger P. Hansen, executive director of the Rocky Mountain Center on Environment, Denver; former Vermont Gov. Philip H. Hoff; Philip Berry, president of the Sierra Club; Raymond A. Haik, president of the Izaak Walton League of America, and Mr. Yannacone.

All except the most radical conservationists concede there may be cases in which some environmental degradation may be necessary in the overall national interest to obtain other objectives. Even then, the conservationists feel environmental concerns should at least be fully considered in planning new developments.

They say that alternatives to avoid environmental harm can be taken. They also suggest that if these alternatives will add to the cost, the public should have an opportunity to decide whether to pay more in the marketplace, or in taxes, in order to preserve a better environment.

The purpose of the conference, according to one of the instigators; Malcolm F. Baldwin of the Conservation Foundation, was "to bring together leading lawyers in this field to exchange ideas on most effective use of legal tools, to suggest new legal theories for the use of citizens in court, and to recommend programs for law schools, foundations, and conservation organizations in the emerging field of environmental law."

Some of the lawyers present felt the courts were the most responsive forums to resolve social conflicts. Others felt there were dangers in asking courts to do what legislatures are conceived to do.

Concern was expressed that too hasty an effort to bring lawsuits might result in bad law and precedents which would pose greater long-range hurdles for the environmentalist.

Some lawyers expressed views that the environment time clock is running out.

"I am still not persuaded that anything in the environment is negotiable, whether it is air or wilderness or parks or wildlife or whatever," said lawyer Brock Evans of the Federation of Western Outdoor Clubs, Seattle. "I think we have lost too much already all around. We talk about balancing equities. We should consider what has happened in this country in the last 300 years where the balance has been all the other way."

COORDINATION SUGGESTED

A position was taken by some participants that neither the court nor the legislature nor administrative agencies could furnish all the answers independently.

"We are talking about tools, about devices," said Robert Hansen. "We have to play all of these things like a string orchestra. We have to work on the legislative process. We have to work on the administrative processes. We have to engage in litigation. And we have to engage in litigation based on various theories."

For those who decide to go to court, numerous approaches were suggested by the conferees, such as using parts of the Constitution, or the trust theories from the common law, or seeking injunctions based on real or threatened damage to life or property.

Conferees agreed that both the environmental lawyer and plaintiff face great difficulties.

Compared to his adversary (often big business or big government), the citizen plaintiff involved in environmental litigation has the short end of the stick with regard to funds to carry on a case (costs often run to six figures), information sources, ability to obtain expert witnesses, and a background of substantive law.

The environmental lawyer has the added disadvantage of frequently having to deal with emotional clients who are volunteering their time for a cause (and expect the lawyer to do likewise).

Most important, as plaintiffs, the environmentalists must bear the burden of proof. They must show that a proposed new development will be ecologically or aesthetically damaging. And, the lawyers noted, in an economy dedicated to growth of the gross national product, it is difficult for courts, legislatures, or administrators to think in other than narrow economic terms.

THE KINGS AND QUEENS OF ENVIRONMENTAL DECLINE—NAMELY, YOU AND I

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I have taken the liberty of lifting the title of my remarks from a speech made by Edward C. Crafts before the American Forestry Association in Colorado Springs, Colo. Many of my colleagues will know Dr. Crafts as a man who spent almost 40 years in Government service in research and program planning for the benefit of our national forests, parks and recreation areas, most recently as the first Director of the Bureau of Outdoor Recreation.

The thrust of his remarks was to outline the steps necessary to reverse the trend of environmental retrogression. He lauds the legislation in force and bills contemplated to do the job, but he pulls no punches when he cites the shortcomings of what has been done or is proposed. Perhaps one of the great services Dr. Crafts has rendered in this speech is to make sense out of the multiplicity of groups, commissions, boards and bodies that are dedicated to getting the message across to Congress, the executive departments of the Government, and business leaders of all industries. He also provides a valuable working guide to the problems we face in upgrading the quality of life with his "Nine Basic Truths of Environmental Decline."

But I believe the single most important aspect of his speech is that he lays the burden of leadership responsibility at the Capitol steps. There is much wishful thinking on the part of legislators that engineers, systems analysts and scientists will somehow solve the problems we face. Dr. Crafts notes that "the politicians and other policy officials in all walks become the ultimate key." Heretofore, leadership has come from outside the Congress. The American people are light-years ahead of Members of Congress as to an awareness of our environmental decline. In Congress we see the dotted "I's" and the crossed "t's" of legislation. The public sees the bulldozer slashing away at the wilderness, lives amidst urban sprawl, tastes and feels the sting of pollutants, and clasps his ears as the jet rattles his dinnerware.

The public support is out there for a massive congressional drive against further erosion in the quality of our lives if only Congress will bite the "hot bullet" and respond.

Dr. Crafts outlines seven hard steps which must be taken to reverse the trend of environmental retrogression. Not everyone will agree with the particular steps outlined but a plan of action is necessary and Dr. Crafts provides one approach.

To conclude his remarks, Dr. Crafts quotes one of the most moving statements ever made as to why one must be concerned with the quality of our lives. In making the decision to turn from the technological race to the race for human survival, Charles Lindbergh made some "enshrinable" comments. One brief sentence of Lindbergh's statement may serve as reason enough to convince our colleagues to read the full text of Dr. Crafts' remarks. Lindbergh said:

> I believed some of the policies we were following to insure our near-future strength and survival were likely to lead to our distant-future weakness and destruction.

The text of the speech by Dr. Crafts follows:

WILL POLLUTION WIN THE PUBLIC LANDS?

(Remarks by Edward C. Crafts at the 94th Annual Meeting of the American Forestry Association, Colorado Springs, Colorado. September 24, 1969.)

The Nation's press, public figures and eminent scientists all overflow these days with pieties of abhorring the environmental degradation of the United States.

Environmental quality is the catch phrase of today, just as conservation and outdoor recreation were the phrases of yesteryear. Everyone is trying to get on the band wagon; environment is not clearly defined; it apparently covers just about everything; and there is much talk but relatively little action when compared to real needs.

Environmental retrogression is being prostituted in opposite ways by both dedicated do-gooders and industrial polluters. Despite the flow of rhetoric only a handful of national leaders really understand the seriousness of the threat to America and are trying to save the Nation. One problem is that the term can mean so many different things and is so all-inclusive as to be almost self-defeating.

Let us express some basic truths and then look at the major symptoms of environmental deterioration including some environmental issues on public lands.

1. Man's environment generally is considered to be everything outside his own body. The scope immediately becomes overwhelming. Environment must be broken down into some of its more important components for rational consideration. To our best knowledge, and this appears to be supported by recent photos of the moon and Mars, the world's environment is unique in the solar system—possibly in the universe. Our unique combination of atmosphere, water in liquid form, and land first spawned life and then man.

2. The growing danger is that man will destroy himself by degrading the environment to where it is no longer livable. This degradation is being caused by man's failure to dispose adequately of his waste products. It results from his misuse of technological know-how.

3. Failure to use properly man's scientific knowledge is causing serious water, air, and land pollution, pesticide poisoning, and improper disposal of solid waste. The worst polluter of all is the automobile with its internal combustion engine. Generally the finger is pointed most accusingly at the mining, chemical, steel and utility industries as the foremost polluters. But let us not forget the road builders, construction industry, real estate developers, timber depleters, and our misdesigned, smog-laden, slum-ridden cities.

4. The motivations that cause environmental degradation are the desire for profits, creature comforts, status living, social conformity, and material affluence.

5. Man can learn about—but he cannot alter—the natural laws of this earth nor the solar system. To survive he must control the technological apparatus by which knowledge of those earthly laws is put to practical use.

6. If there are certain industrial "princes of pollution," the kings and queens of environmental decline are the men and women of the world,—namely you and I. We have it in our power in countless ways to halt the downward trend and maintain the biotic balance between nature and man that is essential to survival of the species.

7. However, the price runs against our grain, and against "progress." It includes a social ethic for the environment, control of the world's population, willingness to foreswear profits, pay greater taxes, and higher prices, reduce the material standard of living, sacrifice certain creature comforts, educate ourselves and our children, revise social priorities, raise sufficient public opinion against principal industrial offenders to compel change, and an ability to recognize the point of no return before it is too late. In short, the people of this Nation must develop a consciousness and determination regardless of individual, corporate, or collective sacrifice. We as a people must be willing to bite the hot bullet.

8. The main deterrents to correction are neither scientific nor technological. They are social, economic, and political.

9. At stake is man's survival. The environmental threat is no less certain than that of unleashed nuclear weapons. But it is far less dramatic, less sudden, and more insidious. Thus it is far more dangerous.

SYMPTOMS OF ENVIRONMENTAL DETERIORATION

Generally speaking there are three resources subject to environmental pollution—air, water, and land. All of the air, nearly all of water, and much of the land is in the public domain. Therefore consideration of environment needs to be much broader than the scope of "public lands" as generally referred to in the United States.

Pesticides, solid waste, heat and noise are important kinds of pollution; but in reality they are causes, each of which adversely affects more than one of the three basic environmental resources.

Air has its visible and invisible contaminants with the latter the more serious. The principal sources of air pollution include autos, trucks, busses, jet planes, factories, garbage and city dumps, pesticides, heating and power plants. All of us recall big city smogs, heat-inversions, haze, belching smokestacks; dust bowls, and forest fires. The air over most of the East Coast from Maine to Florida is polluted up to 20 or 30 thousand feet.

Of all, the automobile is the worst offender. But despite great talk of auto safety, little beyond research has been done yet about that most dangerous source of all, —the exhaust pipe. Smog in Los Angeles would be ended if gasoline sales were banned in southern California.

Noise is another form of air pollution that is increasingly serious. The growing noise pollution is traceable to big city din, trucks and railroads, jet planes and jetports, sonic booms, interstates, turnpikes, beltways, and expressways, and the construction industry.

Water is polluted from soil erosion, sewage, industrial, agricultural, and consumer waste of all kinds, and of course always pesticides. Most major rivers of the Nation are polluted as are many minor streams. Lake Erie may be dying. So may Lake Tahoe whose color is changing from blue to green. The Coho salmon of Lake Michigan are contaminated. Estuaries and wetlands are disappearing to high rises and condominiums. Even the oceans are becoming dumping grounds for trash, sewage, and chemicals. Disaster points such as the oil off Santa Barbara are fresh in mind. Who wants poisonous gas stored near Denver; but on the other hand what would be the long-range effect of dumping such gas in the ocean. Oceans are an increasingly common receptacle for junk and other solid waste all the way from automobiles to beer cans. Oceans too are the end of the line for persistent pesticides, much industrial waste; and chemical effluents.

Thermal pollution, mainly from nuclear power generators raises the temperature of rivers and lakes, and possibly in due time even the oceans to the point of affecting sea life in unknown ways and the polar ice caps with possibly disastrous results through flooding the continents and destruction of man.

Land pollution is multitudinous and diverse in character. Pesticides upset the biotic balance, erosion and construction tear the land apart and deface it. Examples are endless and include overcutting the forest, overgrazing the range, suburban sprawl, urban slums, plebian design of cities and structures, over-crowding our parks, highways splattering ribbons of concrete across the landscape, strip mines, utility lines, litter, advertising signs, trash, junk yards, industrial decay, and ad infinitum.

WHAT IS BEING DONE?

At long last the Nation's press is coming alive. Scarcely a day passes without feature articles about the deteoriating environment appearing in leading newspapers, magazines or the Congressional Record.

There is a baffling maze of Federal and State legislation, public programs, trade associations and other private groups, universities and research organizations, all either pushing one aspect or another of environmental improvement, or conversely protecting a special interest.

Presently 11 Federal departments and 16 independent agencies are engaged in environmental matters.

The United Nations is convening a World Conference on the Environment in 1972.

DDT has been banned in Sweden and Denmark. About 10 States either have restricted its use or are considering such action. Michigan has impounded the salmon from Lake Michigan because of excessive DDT in their tissue.

There are other good signs. Maryland is the first State to require undergrounding of all utility lines in new construction. The Department of Agriculture has cut back the use of persistent pesticides in Federal-State insect control programs, but this accounts for only 1 percent of total consumption. Jet planes and autos are scheduled for partially-effective emission-control devices by 1970 or 1971. California has taken steps to save San Francisco Bay. Reynolds Aluminum is paying $200 a ton for discarded cans. Time magazine is running a new weekly section on the "Environment." The jets versus the Everglades has become a cause celebre and there is hope. The promise of peaceful use of nuclear energy is challenged by the fear of contamination.

New magazines, newsletters and organizations are springing up such as the Environmental Defense Fund, Committee for Environmental Information, Environmental Clearing House, and an ad hoc Committee on Environment consisting only of members of Congress.

The Department of Health, Education, and Welfare has created recently a Secretary's Commission on Pesticides and their Relationship to Environmental Health.

Out of the vast array of literature of the last five years, reports of the National Research Council, National Academy of Sciences, the Environmental Pollution panel of the President's Science Advisory Committee, the President's Council on Recreation and Natural Beauty, the Department of Agriculture and the Office of Science and Technology are outstanding. But their recommendations are far from being implemented.

Last May the President by Executive Order created a coordinating Environmental Quality Council, chaired by himself, and with six Cabinet officers and the Vice-President as members. The Council has met twice in contrast to the comparable Urban Affairs Council which has met about 20 times. The Council is to be staffed by the Office of Science and Technology which is the wrong place because the problems of environment are not primarily scientific.

The President established a Citizens' Advisory Committee chaired by Laurence Rockefeller. In its first report, the Committee chided Congress for the gap between authorizations and appropriations.

The new Council and Advisory Committee are a continuation and broadening of the former Council and Advisory Committee on Recreation and Natural Beauty. So far they have done little and created little enthusiasm. The House has cut funds for staff support. The objectivity and independence of Cabinet Officers is questioned as well as whether the President has the time to chair the Council personally.

Congress is bestirring itself. It probably will enact a strengthened water pollution control act. Also it has numerous bills before it to create a full-time Environmental Council with its own staff and wholly independent of the executive departments and agencies. Such a Council would closely parallel the Council of Economic Advisors. In the 90th Congress there were some 120 bills on environmental quality. By the close of this Congress there may be an even larger number.

The Senate recently passed a "National Environmental Policy Act of 1969" sponsored by Senator Henry Jackson and others. The House and Senate also are moving on related bills by Congressman Dingell and Senator Muskie.

Among other things Senator Jackson's bill: (1) establishes a National policy that the Federal Government shall use "all practicable means" to see that each person has a healthful environment; (2) directs that each Federal agency interpret its policies and laws to implement the National Environmental Policy; and (3) establishes a 3-man full time Board of Environmental Quality Advisors appointed by and responsible only to the President and with adequate staff. Duties would include appraising Federal programs and the environmental state of the Nation for the President and the Congress.

Senator Jackson predicts:

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"The law will immediately hit the Atomic Energy Commission's nuclear power program by requiring the AEC to curb thermal pollution. It will have an immediate impact on all defense programs—everything from the siting of ABM missiles to chemical and biological warfare. It will affect federally financed highway programs and every Army Corps of Engineers project."

Surely some sweeping, across the Board, and overriding measures of this nature is needed. No piecemeal approach can do the job. Already on the statute books but not doing the job adequately, partly because of colossal under-financing, are some major Congressional enactments as the Air Quality, Clean Air, Water Pollution Control, Solid Wastes Disposal, Water Resources, Clean Waters Restoration, Federal Insecticide, Fungicide, and Rodenticide, Federal Food and Drug and Cosmetic, Fish and Wildlife Pesticide, and Pesticide Research acts.

The best features of the Jackson-Muskie-Dingell bills should be enacted in this Congress. Then there would be over-all legislation with teeth and an independent overview and coordination body responsible only to the President and the Congress

ENVIRONMENTAL ISSUES ON PUBLIC LANDS

I know the theme of this meeting is the destiny of public lands, meaning in general those lands under the purview of the Public Land Law Review Commission. But in relating to environment, "public" should mean the broader concept of all public lands—Federal, State, and local—as well as the public air and water

The issue of environmental quality transcends by far the more conventional questions of fair market value, revenue sharing, and private rights and privileges on public lands.

How much is enough is the real question. This means how far do we push our environment downhill in order to enjoy the fruits of technological knowledge, and can we detect the point of no return far enough ahead to not go over the brink of a snow-balling irreversibility? It all comes down finally to a judgment balance between what technology can supply and what biology can stand. This is why politicians and other policy officials in all walks become the ultimate key rather than scientists and engineers.

With big cities the core of environmental deterioration, and with degradation usually diminishing as the distance increases, one might conclude that the far countryside where much of the Federal public lands are located would be in little danger. Not so! You have only to read "Threatened America," "Last Chance to Save the Everglades," "Peaceful Atom Sparks a War" all in recent issues of *Life Magazine*; or "Polluted Air—Potent New Selective Force in Our Forests," in the *Journal of Forestry*, or "Pests, Pesticides and People" by the Conservation Foundation and The American Forestry Association, to conclude otherwise.

You have only to be an administrator of public lands to know otherwise. Following are a few other examples in all of which the long-term issue is environmental management versus destructive development, or continuing utilization of resources versus destructive landscape alteration:

1. Conflict between environmental protection and "progress" is the proposed jetport in south Florida versus the Everglades National Park, as is the proposed jetport in St. Thomas at the expense of wetlands, lagoons, island beauty and the Virgin Islands National Park. Recent press reports on the Everglades sound favorable. But the final decision on the Everglades jetport could well be the first test for the President's new Environmental Quality Council and Advisory Committee as well as a revelation of President Nixon's own environmental philosophy.

2. Why is mining permitted to continue for 25 years after establishment of Forest Service wilderness areas? Why won't Congress intervene at Miner's Ridge to stop Kennecott Copper inside the Glacier Peak Wilderness Area? The reason in both cases is mining industry's desire for profits and pressure on vote-conscious members of Congress. The result is violation of wilderness of which there is so little left. Wilderness is irreplaceable America.

3. There are environmental public land issues in this State of which a proposed interstate through a wilderness and a proposed Forest Service timber sale taken to court are examples.

4. The construction of an expressway through Humboldt Redwood State Park in California caused such an outcry that hopefully the continuation of the expressway will by-pass two other redwood State parks, both of which are within the Redwood National Park.

5. People over-crowding of the National Parks is acute. The crunch will become greater as more and more people come to the parks on one hand, and as most acreage in the parks is classified as legal wilderness on the other. Here is real environmental conflict, the only solution appearing to be both restricting visitor numbers in the parks and accommodating over-night visitors on outside surrounding lands which often are national forests or other public land.

6. The high-timber yield bill directed at National Forests and ardently advocated by the West Coast timber industry would be an environmental intrusion by overriding the Multiple Use-Sustained Yield Act, the judgment balance of administrators, making optimum timber yield the management objective, and requiring moneys to be spent where the need is not greatest.

Large clear-cuttings in redwoods and douglas fir that look like a battlefield, plus slash accumulations and timberland lying idle from fires or cutting is environmental destruction of the worst sort.

I recall Congressman Poage of the House Agriculture Committee in flying over both private and national forest timberlands on the west slope of the Washington Cascades registering shock at what he saw and later writing to thank me for showing him the national forests that had trees as well as those that did not.

7. The Mineral King controversy between recreation for winter sports versus keeping a wild valley wild and forestalling an access road through a National Park has caused the Sierra Club to go to court with initial success. This is a conflict solely between a people's varying cultural desires, one group for wilderness and one for winter sports. In this instance economics is not a key determinant.

8. Finally there is Alaska. Must the oil of the northern slopes ruin the priceless domain under the care of the Interior Department including the forest, wetlands, and the irreplaceable habitat for wildlife. The balance of nature is delicate at best in Alaska. Here perhaps is the ultimate testing ground in the Unted States as to whether the American people can and will harmonize technological progress with a delicately balanced environment.

Now to summarize: The chemical industry produces effluents and the chlorinated hydrocarbons that pollute our air, water, land, fish, animals, and man. The auto and highway industries pollute the air and desecrate the landscape. The utility and steel industries pollute the air, water and land. The mining industry with its strip mining in the East and Midwest, and pit and deep mines in the West destroy the land. Real estate developers with their urban sprawl, shopping centers, industrial parks erode the land, spoil the landscape, and offend the senses. These are the industrial big six.

But do not blame the industries as much as yourself. Responsibility is shared by each of us, by the American way of life, and by unwillingness to bite the hot bullet.

The Nation's population and material affluence is overdrawing and despoiling its natural resources and pushing the environment toward a danger point of no return. It may take a killing heat inversion along the eastern megalopolis, or some other catastrophe to shake up this Nation sufficiently to take action. Unfortunately Americans usually react after crises rather than before.

Absolutely essential to survival is restoration of harmonious balance between people and the laws of nature. To reverse the trend of environmental retrogression there are at least seven hard steps that are unavoidable. These are population control, higher taxes, higher consumer prices, lower corporate profits, lower material standard of living, revision of National priorities and coercion. These are hard prospects but they are not fantasy.

Finally, may every administrator of public land, holder of public office, board chairman, corporation president, and policy maker of every sort keep in mind the words of Charles Lindberg when making the hard decision:

"I had become alarmed about the effect our civilization was having on continents and islands my military missions took me over—the slashed forests, the eroded mountains, the disappearing wilderness and wildlife. I believed some of the policies we were following to insure our near-future strength and survival were likely to lead to our distant-future weakness and destruction.

"After millions of years of successful evolution, human life is now deteriorating genetically and environmentally at an alarming and exponential rate. Basically, we seem to be retrograding rather than evolving. We have only to look about us to verify this fact; to see megalopolizing cities, the breakdown of nature, the pollution of air, water and earth; to see crime, vice and dissatisfaction webbing like a cancer across the surface of our world.

"We know that tens of thousands of years ago, man departed from both the hazards and the security of instinct's natural selection, and that his intellectual reactions have become too powerful to permit him ever to return.

"That is why I have turned my attention from technological progress to life, from the civilized to the wild. In wilderness there is a lens to the past, to the present and to the future, offered to us for the looking—a direction, a successful selection, and an awareness of values that confronts us with the need for and the means of our salvation. *Let us never forget the wilderness has developed life, including the human species. By comparison, our own accomplishments are trivial.*"

PRESIDENT BOYD OF THE UNIVERSITY OF IOWA

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, Willard L. Boyd is the new president of the University of Iowa. He brings to this position some outstanding credentials and background. He is well qualified to deal with the incredibly complex problem of running a modern university community. I have the greatest confidence in President Boyd, and look forward to even greater studies by the University of Iowa.

President Boyd recently addressed the faculty, and made a very thought-provoking analysis of some of the problems faced. I would especially like to call the attention of my colleagues to President Boyd's plea for additional Federal support for instruction as well as research.

His speech follows:

AN ADDRESS TO THE FACULTY BY PRESIDENT WILLARD L. BOYD, THE UNIVERSITY OF IOWA, SEPTEMBER 16, 1969

No time has been without its problems. Our time is no different. As in all times, simple solutions are sought. Some advocate destruction, some repression; many stand aloof and only criticize. Reasoned action is too often the exception and difficult to pursue in a confusing melee of jumbled slogans and conflicting interests.

These approaches are applied no less to higher education than to other social issues. They exist both within and without our universities and colleges. Most people today agree that there is something radically, or conservatively, wrong with higher education. That is the extent of their agreement. The country abounds with experts on our inadequacies and each has his different panacea. On and off the campus the slogans oversimplify the causes—

"Publish or perish"—those who publish are poor teachers or teach not at all

"Berkeley"—anything and everything about the University of California at Berkeley is bad per se

"Too much or too little ivory tower"—we should run society, or society should run us, or we should have nothing to do with society

"Evil university presidents"—viewed by some as too permissive, by others as too repressive, and by most as arbitrary and obscene managers.

Internally, we flail away at ourselves with gusto and relish. When we cannot agree, we say we cannot trust each other, and then we invite outsiders to make our decisions. When they begin to do so, we say we cannot trust them either. Our belief in institutional autonomy seems to depend on what it yields on a specific issue rather than on the basic soundness of the concept.

I believe we should be committed to institutional autonomy. By saying this, I do not deny our accountability for the stewardship of the institution. Accountability is the protection the public and future students have against any corrupt practices by the present administration, faculty, staff, and students. Nevertheless, we must assert our autonomy if we are to achieve individuality as an institution. It is the curse of American higher education that there is so little diversity. Too many colleges and universities seek to emulate the same model. The pressure is great for us to comply with the standardizations set for us by the scholarly, professional, accrediting, governmental and other external groups which consist of academicians as well as laymen.

The critical issue for this academic community is whether we should seek institutional and individual uniqueness. Iowa is distinctive in a time of multiversities. Not only are all of its colleges physically present on one campus, but they are also intellectually present. The core of the University is arts and sciences surrounded by well integrated professional colleges. Several years ago it might have been said that Iowa was only a collection of autonomous colleges. With the development of a University-wide Faculty Senate and continued adherence to a single graduate college there is a growing sense of university. Increased interaction breaks down academic isolation, and educational perspectives are broadened beyond narrow disciplines.

University-wide interaction should not lead to excessive central administration. A single university should be pluralistic and decentralized in administration if individuality is to be accentuated. Whatever the level of administration, it must be remembered that people, not structures, make a great university. Since I feel that flexibility is essential to academic planning, I am ever mindful of the comment that organization is the enemy of improvisation.

Hearing me emphasize the importance of people, you will understand why I do not stress job description. However, I do want to indicate generally the responsibilities of the central academic officers. I am delighted that Mr. Heffner has returned as Provost of the University. His responsibilities are university-wide, and he is the chief executive officer of the institution in my absence. His office will be principally concerned with academic affairs. Mr. Hubbard will continue to work with the student personnel units, the Council on Teaching, the Afro-American Studies Committee, and other instructional programs. Mr. Chambers will serve as director of summer session and will coordinate budget planning, including the collection of data for the several external studies of the institution which are under way. In addition to his duties with the hospitals, Dr. Hardin will work with the Provost in health affairs planning throughout the University. Dean Spriestersbach's role as Vice President is broader than his title implies because of the inseparability of research and teaching. For example, he and his associates aid faculty and students in the development of programs and in seeking funds to support both instructional and research projects. All of these colleagues along with the other members of the central administration and the deans are dedicated to the advancement of the University.

If we are to be a university, as opposed to a multiversity, we must be concerned as a university with all aspects of the institution including its core—the educational program. Since the educational program is primarily the responsibility of the faculty, the Faculty Senate has appropriately established a Committee on the Future of the University. In my judgment the time has come for a reevaluation of the University's educational programs and goals. To accomplish this I recommend that the Committee, in consultation with the Provost, initiate a study of the University which will be continuing in nature. As I pointed out to you in my July letter concerning budget, this Committee should develop liaison with students, staff, and administration in carrying out its charge.

Having said this I probably should say no more. Traditionally university presidents are not supposed to talk about education since this is the province of the faculty and the deans. More recently, university presidents are not supposed to have the time to do so. Yet I am foolish enough to make some comments about the educational issues before us. Most of our academic talk centers on who will decide these issues, not what ought to be decided or how well they will be decided. The debate too often concerns procedure instead of substance. I hope continual self-study will enable us to get to substance—to determine why we do what we do and how we can do it better. We above all should be open-minded in our own ways and amenable to change.

I approach self-study with the attitude that we seek opportunities for students, not prestige among our peers; that we encourage diversity, not uniformity; and that we are willing to be imaginative and flexible in the use of existing as well as new funds.

Self-study has to be more than financial analysis. It must reflect ends and means, not only at the University level but also at the collegiate and departmental level. The Committee on the Future of the University could undertake a general analysis of the goals of the University while the colleges, departments, and other units are simultaneously undertaking their individual analyses. Some of the information will be required in January for the preparation of our 1971 legislative requests which must be submitted to the Board of Regents in May 1970. After the initial self-study it would be useful if the various units were to submit annual or biennial reports on their programs and activities. In addition to initial self-analysis and periodic reports, much could be derived from a coordinated and comprehensive system of departmental review. Such a system should cover all units over a five-year period. This process is now occurring in the medical school and the idea is being discussed in the Graduate Council. Review committees consisting primarily of persons from other disciplines within the University can expand the understanding of both the reviewed and the reviewers.

What are the questions we ought to ask in a self-study and review? Generally they relate to purpose, faculty, students, teaching, research, service, and fiscal support. To know about the whole of the University, we must know from its parts what are their objectives, their role in the university, their means to achieve these objectives, their priorities, and their method for planning. Specifically we must look at enrollment and admission policies; number of student applications; student mix; distribution of enrollment among programs including service courses, majors, graduate, and post-doctoral; student-teacher ratios; class sizes; number of courses taught; faculty and student recruitment and retention; number of students graduated; length of time required for degrees; distribution and evaluation of the effort of faculty, students, staff and administration; need and effectiveness of student advising; role of teaching and research assistants; curriculum objectives and instructional methods; plans to add, drop or consolidate programs and courses; participation by faculty, students, staff and administration in departmental affairs; professional contributions and service by faculty such as clinical assignments and off-campus teaching; sources and adequacy of fiscal support including size of faculty and supporting staff, compensation, space, equipment, library, and computer center; opportunities for efficiencies in operation; extent and need of program liaison with secondary schools, community colleges, and four-year colleges; reports of accrediting agencies; intra- and interinstitutional programs and exchanges; and comparable data from other institutions, both similar and dissimilar.

No matter how extensive the data collected, the hard task of assessing quality remains. This is finally a subjective determination requiring the exercise of judgment. Like happiness, quality is an elusive state which can be defined variously but cannot be standardized. Nevertheless, we seek quality as a university. Surely quality involves more than the Cartter Report.

Before the quality of The University of Iowa can be determined, it is essential to fix its mission. Through sustained self-study and review, objectives can be constantly examined and consciously altered. The objectives of this University cannot be determined in a vacuum. We are affected by educational developments in Iowa, the region, and the nation. There ought to be different kinds of educational institutions with different missions in Iowa and elsewhere. I do not believe that one educational institution can be all things to all people. Moreover, I do not think that any combination of different educational institutions ought to try to do everything. It is unsound to have courses and degrees in everything.

Accordingly, I argue for a limited mission for this University. Historically, state universities have expressed the threefold purposes of teaching, research, and service. In practice this set of objectives can encompass anything and all things. It is necessary for us to decide how much we can do well and what balance ought to be struck among our objectives.

I prefer to think that teaching and research are the service of the University. We not only must disseminate knowledge; we also

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must create it. Students of all ages are exposed to our teaching and research through classrooms and publications, before and after graduation, on or off the campus, with or without credit, formally and informally. Because of research, we are a producer of new ways and not just a teacher of old ways. Teaching and research are questioning processes. It is the work of scholars to examine and evaluate. Thus the university also serves as social critic and auditor. Since change is constant, there is no status quo, and universities are needed to lead the way for change. It is not enough for the university merely to reflect the present for as Robert Hutchins said a long time ago, "It (must) illumine rather than reflect; it (must) be a beacon rather than a mirror."

Whom does the University serve? In recent years we have re-emphasized The University of Iowa's commitment to professional, graduate, and continuing education. At the same time we have favored the development of comprehensive community colleges and have phased out our vocational-technical programs. We have not been as clear in our posture toward undergraduate education. We acknowledge the need to provide the junior and senior years for community college transfer students, and we have assumed that our undergraduate distribution will shift markedly to the upper division. To achieve this, considerable cooperative educational planning is yet required of the faculties of the community colleges and the Regent institutions. But what about freshmen and sophomores? The college-bound student should have a variety of institutions open to him. I feel that a university, like a community college and a four-year liberal arts college, offers much to the new college student. For example, it can offer a greater number and breadth of arts and science programs than many of the colleges. Further, freshmen and sophomores add much to a university. After all, they are the freshest minds and frequently ask the most penetrating questions since they are not encumbered by all of the knowledge that burdens the rest of us. While maintaining our commitment to professional, graduate, and continuing education, I contend that this University ought to maintain a strong commitment to undergraduate education.

In determining mission, every institution faces the question of optimum enrollment. No fool-proof formula exists to determine appropriate size. We do know that limited enrollments will not eliminate student unrest or reduce costs. Student concern exists in small colleges as well as in large universities. Fiscal support must continue to expand if quality is to be advanced in an institution of a fixed size.

Even though The University of Iowa is by far the smallest CIC state university, it is the most concerned about growing too large. In recent years we have sought to control our enrollments. The admission policies of all colleges except Liberal Arts have been modified to permit more selective admissions. At the request of the Board of Regents a similar proposal for Liberal Arts has been deferred because there is a single admission policy for all Regent freshmen except our engineering students. The rate of increase in the Graduate College enrollment was reduced when the category of unclassified students was dropped. In addition, the other two Regent institutions and the community colleges are growing faster than we at the freshman level. As a result of these and other factors, the enrollment growth at the University has been slowed so that in 1968–69 we had an enrollment of 19,500 students as opposed to an earlier projection of 22,500.

Now the issue is, should other steps be taken to limit enrollment? We should consider the following:

1. Enrollment quotas. Since graduate and professional studies are the fastest growing section of higher education, we should examine the desirability of setting quotas in these areas. Each graduate department and professional college could determine the number of students it should serve in the future. Attention is already being given to this problem. A given area's decision might be to hold at the present size, to decrease, or to increase. It may be best to expand expensive programs at Iowa City rather than duplicate them elsewhere. Such was the basis for the decision in the early 1960's to enlarge the enrollments of the health colleges in the 70's.

2. Reduction of enrolled time. To provide opportunities for more students, the time required to secure a degree could be reduced. This can be done in at least two ways:

a. Full-time study could be required of all students unless special circumstances warranted a reduced load for a period of time. Such a requirement should not preclude the expansion of economic opportunity programs for students who need a longer time in which to finish. Full-time study also makes it possible for such curricular options as variable credit.

b. The time required for a degree could be shortened. Is it necessity or tradition that dictates four years for the baccalaureate, the M.D. and the D.D.S., three years for Law, five years for Pharmacy, to say nothing of the lengthening period for graduate study? We need to ask whether high schools should not extend their college preparatory work so that such requirements as language could be satisfied before college; whether higher education is educating students or merely stuffing them with information; and whether we are justified in deferring the entry of students into full-fledged adulthood for so long. These are questions which we ought to examine with a willingness not to be bound by time-worn traditions.

How can we best educate our students? Many answers can be given and many are correct. Ultimately, however, the answer lies in the quality of the faculty. The individual faculty member has a more profound effect on the student than any curriculum plan. Therefore, the recruitment and retention of able and energetic faculty members is paramount.

What are among the factors essential to the flourishing of a stimulating faculty?

First—There must be an atmosphere of free inquiry. As stated in the AAU Statement on The Rights and Responsibilities of Universities and Their Faculties:

". . . A university must . . . be hospitable to an infinite variety of skills and viewpoints, relying upon open competition among them as the surest safeguard of truth. Its whole spirit requires investigation, criticism, and presentation in an atmosphere of freedom and mutual confidence. This is the real meaning of 'academic freedom.' It is essential to the achievement of its ends that the faculty of a university be guaranteed this freedom. . . . To enjoin uniformity of outlook upon a university faculty would put a stop to learning at the source."

Second—The faculty should have diverse backgrounds. In the selection of faculty we should ask as much of ourselves as we do of those who do business with us. Not only should we look for minority faculty members where they are most likely to be found, but we should also have programs designed to increase their numbers. Appropriately, this University through the Graduate College is playing a major part in the development of a CIC Ph. D. program to increase the numbers of available minority faculty members.

Third—There must be adequate opportunities for the professional development of faculty members. If the practitioner is outdated at 40, what of the faculty member? He too must revalidate his credentials. Perhaps he should even have a second academic career, for we cannot afford to limit him perpetually to the subjects he studied in graduate school. Instead of more study, he may simply need to get outside the academy to broaden his outlook. Leaves of absence with or without pay and academic load adjustments must be utilized to protect our enormous investment in the faculty.

Fourth—the faculty member must be protected from himself. His work needs evaluation if he is to realize his fullest potential. Unfortunately, many of us regard our classroom performance as our most private act. Like a student, however, a teacher is not the best judge of his own performance. Informally, he ought to consult with his students and colleagues in order to improve his teaching. In discussing the components of good college teaching with students, he can demonstrate that the way to assess his load is not by the number of hours spent in the classroom but rather by the total number of hours a week he devotes to his work. Formally, departmental reviews afford an excellent opportunity for evaluation.

Besides knowing more about himself within his discipline, the faculty member needs to know more about the interrelationship of disciplines. Hence he should seek, not shun, interdisciplinary teaching and research with other faculty and students.

The interrelationship of faculty and students is manifested in the curriculum. As I have already indicated, it ought not be our curricular aim to stuff each other with information. Instead the purpose of the curriculum should be to develop the student's analytical capacity and his ability to reason from the specific to the general. This objective can be attained in many ways. In a university we should have multiple approaches to instruction so that diverse students and faculty can be drawn out in the most effective way. There is no single best curriculum or instructional method. Curriculum should be under constant review. Few "innovations" will result for most have been previously tried. A major value of curriculum revision lies in the ferment it creates. Curriculum ferment motivates faculty and students, and this in itself is an essential element of the educational process. Furthermore, we can never be satisfied with what we are doing. There cannot be a status quo for us any more than there can be for the rest of society. Curricular review is needed as much at the graduate and professional level as it is at the undergraduate.

Curricular diversity does not mean that it is necessary or even desirable that a university attempt to cover all fields of knowledge. A university should not overextend itself intellectually or financially. We should be conservative and should add new disciplines, subdisciplines, and levels of study sparingly. This has been Iowa's posture, and I recommend our continued adherence to that policy.

Nowadays there is much student concern about the relevancy of curriculum at all levels. Is "relevancy" really relevant to a curriculum discussion? I say yes. Although I persistently demonstrate that I am not omniscient, I think there are three parts to the matter of curricular relevancy. First is the wish to have "how to do it" courses, more occupationalism; second is the need to relate specialized knowledge to the broader problems of society; and third is the desire to be involved with society. I am sympathetic to the second and third parts but not the first.

These are my reasons.

First—"How to do it" courses and excessive occupationalism are highly impractical because they limit the student's long-range flexibility. Although there may be a need for familiarity with some core knowledge, the course content approach locks the graduate into the current state of knowledge. Anyway, the amount of knowledge in even the sub-sub-specialties is so extensive that one can never learn it all. Some of our professional areas are wisely beginning to de-emphasize specialization and course sequences. The shift is from training to analysis to permit greater career flexibility. On-the-job training and continuing education programs can be relied upon effectively to impart skills and information to our graduates as their careers unfold. By taking this more fundamental approach, the College of Business Administration is doing more for its students than if it were to grant purely occupational bachelor's and master's degrees. We will do an injustice to our students if we yield to undue occupationalism.

Second—Specialization is a narrowing process; it causes us to back off from the broader issues about which we know less. We need to be generalists as well as specialists. An educated person must be able to put his share of knowledge into a worthwhile whole. Presumably higher education facilitates this through general education, but general education is currently caught in the vice between career-oriented students and specialty-minded faculty. All of us are restive about this and assert that we should redress the balance. This is up to us—not to those faculty members whom we may appoint at some future time when we have the money. For is it not also true that today's graduate programs accentuate specialization—so where will these broader gauged people come from if not from among ourselves?

Numerous suggestions have been made which could prove useful. General education can come at the beginning, at the end or throughout one's academic career. The residence halls could well play a large role in the general education program for freshmen and sophomores. Since specialization is narrowing, the senior interdisciplinary seminars which the Liberal Arts College is instituting can be a powerful antidote. Perhaps students who have their disciplines well in mind as freshmen should go directly to them and use their junior and senior years for breadth.

Whenever this is done, there ought to be concern for problem courses and seminars. These offerings should be interdisciplinary and should deal with large complex problems such as poverty and war. To this end we should encourage Afro-American, comparative, human rights and similar studies which cut across disciplines. Several ways have been suggested as economical approaches.

a. Establish a University College—One alternative would be a college with no faculty, like the Graduate College and the Extension Division. Students would be admitted who seek functional majors, ad hoc majors, or general studies. They would be able to take courses offered throughout the university pursuant to a plan of study agreed upon with a faculty advisor. Another variation of a university college would be a credit awarding unit which might engage fifteen different faculty members each year for a portion of their time to offer interdisciplinary problem-centered courses and seminars. Credits earned in the university college would then be acceptable at the discretion of the individual departments and colleges.

b. Establish a faculty teaching requirement—This idea suggests that each faculty member be required to teach periodically an interdisciplinary course or seminar. This might be added as one of the criteria for promotion. The point is to replace an existing discipline-oriented course with a broader one.

c. Establish a course development support program—This suggestion is to beg or borrow—but not steal—enough funds to establish a program of summer support or partial regular semester support to afford a limited number of faculty members the time necessary to develop interdisciplinary problem-centered courses of substantial interest throughout the University.

Besides "how to do it" courses and interdisciplinary study, there is a third aspect of relevancy. Students are anxious to be involved. They want to apply the knowledge they are acquiring. This is nothing new. Practice teaching, legal aid, health clinics, and archeological digs are a few well accepted examples. If the development of social awareness is desirable, then we ought to encourage more field experiences. The Extension Division and the Office of Student Affairs are available to help provide these outside opportunities through their wide contacts. We should also cooperate with our sister Regent and CIC universities to provide rural and urban work-study experiences.

Whatever the curriculum, rigor should be stressed. The study of new or different subject matter or the use of new or different methods of instruction is neither an excuse, nor a request, for lower standards. Quite the contrary, they are frequently more demanding of us than the old and familiar.

Along with the need for intellectual vigor, we must be mindful of human passion. The interrelationship of the intellect and emotion is well stated by T. R. McConnell:

"Many students are suspicious of the aloof and nonpartisan intellect, which, they say, easily becomes the juiceless mind, a mind without esthetic awareness and emotional drive. But one might ask, does anyone really believe that it is necessary for intellectual processes to crowd out esthetic or humane sensibilities, or, on the other hand, for emotion to displace reason? Would it not be more appropriate to say that if education is to enable young people to cope with the problems which beset society, it should neither be devoid of passion nor sparing of intellect? Is not the problem we face that of submitting emotion to reason and of coupling intellectual solutions with feeling and commitment?"

Having dwelt on the need for academic diversity, the essence of my plea is to have more curricular alternatives.

In addition to teaching, The University of Iowa serves through research. Research, like instruction, needs to be the subject of continual review. Can we excel in teaching if we also seek to excel in research? Are these roles incompatible or are they inseparable? Is the issue "one or the other" or is it balance?

It is not necessary or desirable for all of higher education to be engaged in research nor for any one educational institution to be engaged in all forms of research. Research is, however, essential to the work of an institution which offers graduate and professional study. Methods of inquiry are emphasized in advanced study so that research becomes an invaluable means of instruction. This is as true in professional work as in graduate. My strong conviction on this point led me to serve for eleven years as faculty advisor of the *Iowa Law Review*. It is significant that the new medical curriculum provides research opportunities for students. To assure quality instruction at the advanced level, it is also critical that the faculty be constantly updated, and this is accomplished in large part through continuing research. The faculty member's research efforts must be fed into the classroom so that the student remains the primary concern. Besides the beneficial interaction of teaching and research for the student, new ideas are needed for both students and society. Since the teacher of advanced students is among the best equipped in society to engage in research, we should not prohibit him from finding new solutions. Through research the University can indeed "illumine rather than reflect; it [can] be a beacon rather than a mirror."

Since The University of Iowa has for many years been heavily involved in graduate and professional study, we need to assess our past and present commitment to research before we consider the future of research. The newly revised criteria for appointment and promotion set forth in the Faculty Handbook reflect the most recent discussions concerning educational balance. To be a faculty member at Iowa it is stated that one must be "directly engaged in the teaching of courses approved for listing in the University catalog or engaged in research which involves the teaching of graduate students." This new definition evidences a policy that all faculty should teach and that we should not use the term "research professor" for new appointments. Conversely, we should not use the term "teaching professor" because the same criteria exist for all faculty.

The matter of different classes of faculty was extensively discussed by the graduate faculty four years ago. The issue was whether the criteria for the selection of the graduate faculty should differ from that used by the other colleges. The purpose was to demand more of the graduate faculty. That faculty voted against such a distinction lest adoption constitute a downgrading of teaching responsibilities in the other colleges. So we continue to have a university rather than a multiversity faculty.

All faculty are judged on the basis of teaching, research, and related activities. These criteria are broadly defined and applied so that individual differences are recognized. For the most part there is a high correlation between good teaching and good research as shown in the recent Tufts survey. Where exceptions exist they should be acknowledged. Outstanding teaching or research should offset lesser strength than is usually required in the other area.

In the recent revision "professional contributions" was added as a subsidiary criterion. The Faculty Handbook states:

"From time to time, a faculty member is called upon to render major professional services to the University or to society in general. Such contribution should be evaluated in terms of the effectiveness with which the service is performed, its relation to the general welfare of the University, and its effect on the development of the individual."

Reliance on professional contributions is limited to situations which will enhance the individual's capacity as a faculty member or the University's welfare.

After five years of reviewing justifications for promotions and appointments, I can only conclude that there is much more teaching and much less research occurring in this University than we all seem to think.

Research at Iowa has been marked more by its decentralization than by its centralization, more by individual than by group effort. Interest in research has been University-wide, and it has been primarily basic in its nature. We have no extensive research institutes within or affiliated with Iowa as has been true in some other universities. Although we have established numerous institutes and centers, they have been limited in their programs and usually integrated into departmental or college programs. As a result, it has been alleged that we have sacrificed interdisciplinary research for departmental interests. Our failure to be expansive in research institutes is probably due more to our fear of intrusion on teaching and the simple awareness that one cannot direct the research of faculty members within the university. To accomplish that requires a non-university setting.

A further attempt to balance teaching and research within the University is the Teaching-Research Fellowship Program. This is an attempt to counter the research weighting of federal funds available to support advanced students. The objectives of the program are to improve the quality of in-

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struction at the undergraduate level and to stress the importance of teaching to graduate students. Although our budget precludes expansion of this program during 1969–70, the investment previously made of scarce funds illustrates concern for balance.

So much for the past and present. What about the future of research at Iowa? Our research efforts should be germane to our teaching functions. The integrity of the Universisity as a place of learning must be retained.

Traditionally, university faculties have enjoyed a substantial degree of autonomy in determining the nature of their research. Today, institutional questions are being raised about the appropriateness of the research they conduct within the universities. The issue is not just classified research. The questions extend to the kinds of research projects they undertake.

As I have already said, no educational institution should engage in all forms of research any more than it should engage in all forms of instruction. Universities are not the only institutions capable of research. Government institutes, non-profit research foundations and industry are especially well qualified to handle applied and mission research. Universities are properly the chief source of basic research. This University should never become a research service station willing to undertake any and all research for a price. We need to develop general principles by which to judge the suitability of our research. Among other things our research should contribute to the instruction of students, be of a nature consistent with the University's missions, be a matter for scholarly investigation, and be a project which cannot readily be dealt with by another agency.

More than principles must be formulated if the integrity of university research is to be maintained. American universities must be more vigorous and convincing in stating the case for financing research specifically and higher education generally. With respect to federal funds, this should be a matter of utmost interest to the Faculty Senate Committee on Federal Relationships working with the Vice President for Research. We need to be concerned about the increasing federal stress on mission research and suggestions for urban grant universities which will operate whole segments of society.

To advance the idea of such urban grant institutions is to misunderstand the function of land-grant universities. If we extend our service beyond teaching and research, it will be clearly at the expense of instruction. While it is appropriate for us to develop research models, the general application of research is not within the scope of the university. Other agencies, private, public, or quasi-public, can be organized for this purpose. When needed, our faculty can take leaves of absence to help these agencies with their programs. In this way the faculty member volunteers for those projects he can best aid without losing his research autonomy on the campus. The student is also protected because the absence of the faculty member will permit a temporary replacement with a full-time commitment to the University.

Federal support for research must increase, but it needs to be accompanied by support for instruction. Federal funds should be both block and project. They should be geared to quality as well as size of program. We must urge a balanced program of research so that the humanities and social sciences are adequately funded. Moreover, our research, like our teaching, needs to have its fragments put into a meaningful whole. This University will have difficult decisions as to whether, and how, it fits into various federal programs including centers for excellence and proposed programs of support for national universities.

Throughout every discussion of financing, be it state or federal, I hope that we will make the strongest possible argument for low tuition.

As in the past, so now and in the future, this University has great issues before it. We must have continuous educational discussions not only throughout the University but also at the University level itself. More than fiscal analysis is required. We should approach our problems with humility and open-mindedness. Our aim must be to provide better educational opportunities for the students of today and tomorrow. The responsibility for accomplishing this belongs primarily to the faculty working with students, staff and administration.

The challenge before us is no greater than that before our academic predecessors. We should welcome the challenge and have confidence in our ability to meet it. In the face of negativism we should remember the words of a Korean schoolmaster who years ago startled his community with new teachings. He observed: "Many say that bad times have come over us. Then (we) must answer them: the times are not bad, it is only that new times have come. . . ."

RADIO STATION ADMITTING FRAUD GETS RENEWAL

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, the Communications Act of 1934 was formulated and passed to assure that the broadcast airwaves would be used in the public interest, convenience, and necessity. The Federal Communications Commission was established to be the watchdog over this area of the public domain. The Congress charged the FCC with the responsibility of insuring that the radio and television outlets would be used according to the 1934 act. In most cases, the FCC has fulfilled this role well, but in other instances it has left much to be desired.

The New York Times reported on October 4, 1969, the case of an Indianapolis radio station that had admitted fraudulent billing and a false advertising contest, and yet had its license to broadcast extended. These breaches by the radio station of the public trust came at a time when it was already on probation for earlier infractions.

I concur with the dissenting statement registered by Commissioners Nicholas Johnson and Kenneth Cox of the FCC. As a member of the House Interstate and Foreign Commerce Committee, I have followed the FCC's licensing practices and wondered aloud sometimes whether we could not develop a more equitable practice.

This Indianapolis case reinforces my belief that something has to be done to assure that the public is protected. Too often we have been concerned with the licensee or the applicant, when our prime interest must be administering the Communications Act so that the airwaves will serve the public. Surely fraud and deceit should not be rewarded with license renewal. The entire question of licensing and renewal must be studied to determine how the requirements of the 1934 Communications Act can best be met and used in the public interest, convenience, and necessity.

I include a copy of the New York Times article at this point in the RECORD:

STATION ADMITTING FRAUD GETS RENEWAL

(By Christopher Lydon)

WASHINGTON, October 3.—By a 4-to-3 vote, the Federal Communications Commission today extended the broadcasting license of an Indianapolis radio station that had admitted fraudulent billing and a fake advertising contest during a period when it was on probation for earlier infractions.

The case dramatizes the sharp difference in disciplinary standards within the seven-member commission, at a time when Congress is considering elimination of competing license applications as a challenge to established license holders.

Senator John O. Pastore of Rhode Island, the chief sponsor of legislation to abolish competitive applications, has argued that the F.C.C. can and should take the initiative in revoking the licenses of irresponsible broadcasters.

Dissenting commissioners suggested, however, that today's decision illustrates the F.C.C.'s unwillingness to impose this final sanction, and an undue sensitivity to the economic interests of its licensees.

Radio station WIFE and its FM affiliate in Indianapolis have been operating on a temporary license since October, 1964, when the F.C.C. found they had "hypoed" or distorted their audience ratings through a promotional giveaway contest.

In subsequent months, the commission later determined, the station billed advertisers for spot commercials that had not been used, or had not been used at their specified times. The station conceded $6,000 in overbilling, and also admitted awarding prizes in an advertising contest to its own staff when listeners did not respond.

The commission majority ruled that "WIFE's operation has only minimally met the public interest standard," but said that the evidence did not warrant the station's disqualification as a licensee. The renewal is for only six months, and new applicants will be eligible to compete for the station against WIFE thereafter.

In a joint dissent, Commissioners Nicholas Johnson and Kenneth A. Cox described the majority decision as "truly shocking."

"If fraud and deception of more than $6,000 are 'minimally' in accordance with the public interest," they said, "it must be apparent to all that the F.C.C.'s attempts at 'serving the public interest' are themselves without even minimal standards."

Commissioner Robert T. Bartley also dissented from the majority opinion, which was supported by F.C.C. chairman Rosel H. Hyde and by James J. Wadsworth, Robert E. Lee and H. Rex Lee.

THE ROBINSON-PATMAN ACT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, today I was privileged to appear before the special subcommittee of the Small Business Committee under the chairmanship of the Honorable JOHN D. DINGELL, of Michigan, whose vigorous, tenacious, and knowledgeable leadership constitutes one of the best defenses the small business community has today.

This special subcommittee has embarked upon an examination in depth of the Robinson-Patman Act, and I heartily endorse and commend the chairman and his subcommittee members for this great and necessary public service.

My statement before the subcommittee

follows—as well as a statement made by Mr. Harold O. Smith, Jr., executive director of the Food Merchandisers of America, Inc., which I found extremely informative and persuasive:

STATEMENT OF CONGRESSMAN WRIGHT PATMAN, BEFORE THE SPECIAL SUBCOMMITTEE ON SMALL BUSINESS, OCTOBER 7, 1969

Mr. Chairman and members of the committee, you know that it is needless for me to say that it is a pleasure for me to appear before you and to express my views regarding the subject matter you are studying here today.

I congratulate this committee on its determination and its announcement of this study of attacks by study groups on our antitrust laws and our public policy of antitrust. You have stated that these study groups are criticizing the Robinson-Patman Act and antitrust laws in general, and the enforcement policies essential to the survival of small business. This criticism of our public policy of antitrust has been made public and is well known. Criticism of this kind is not new, but this recent criticism is particularly disturbing in that it has involved challenges through influential voices going beyond the critical reassessment of the implementation of our antitrust policy to the questioning of the underlying assumptions of that policy. This new criticism of our antitrust policy seems motivated by a kind of economic determination holding in effect that sheer size and absence of free and fair competition in the marketplace must be accepted as the inescapable price for economic progress.

Of course with that view I disagree, and I believe that a majority of the Congress and responsible people in government, and, yes, in private life as well, disagree with the thought that we must compromise our public policy of antitrust in order to secure economic progress.

Many of these influential persons who would have us compromise our public policy of antitrust, make their "advice" on antitrust policy and what to do about it available to the President of the United States and to other leaders in this country. Some of this "advice" has come from self-appointed advisers in the form of public writings to the effect that sheer size and absence of free and fair competition in the marketplace is the inescapable price for economic progress, and that steps should be taken to substitute regulation of our economy through some vehicle similar to a corporate state, rather than through force of free and fair competition in the marketplace.

An attack of that kind on our public policy of antitrust is a bit more subtle than attacks made by some others. For example, an economist by the name of Allen Greenspan evidenced greater bluntness in his attack on antitrust. Mr. Greenspan's advice on what to do about our antitrust policy is evidenced in a book which was published in November of 1967 of writings edited by Ayn Rand and entitled "Capitalism: The Unknown Ideal," Chapter 4 of that book attributed to Mr. Greenspan contains the following statement:

"The Sherman Act may be understandable when viewed as a projection of the nineteenth century's fear and economic ignorance. But it is utter nonsense in the context of today's economic knowledge. The seventy additional years of observing industrial development should have taught us something.

"If the attempts to justify our antitrust statutes on historical grounds are erroneous and rest on a misinterpretation of history, the attempts to justify them on theoretical grounds come from a still more fundamental misconception."

More recently a committee was named and authorized by President Lyndon B. Johnson to provide him with advice in the form of a report on "Antitrust Policy." That committee made a report to him on July 5, 1968, entitled "Task Force Report on Antitrust Policy." That report urged drastic revision in our antitrust policy by cutting it back in many respects and providing for restructuring of our entire economy to such an exteme that it is obvious such restructuring will not, as a practical matter, be effectuated (see the Congressional Record for May 27, 1969, pp. 13890–13907).

It is believed that it would be worthwhile for this committee to closely study, analyze and report upon that "Task Force Report on Antitrust Policy." It appears that anyone doing that logically will be led to the conclusion that it contains not only proposals for relaxing and compromising our present antitrust policy against the building up of monopolies, but also suggests that what one could consider doing about a monopoly once it has been built up, amounts to a proposal to proceed to break it up. Therefore, I would say that a more apt title for the "Task Force Report on Antitrust Policy" would be "Monopoly: A Report on Proposals for Building Up and Breaking Up Monopolies." For example, this report did urge repeal of major provisions of the Robinson-Patman Act, which of course were designed to prevent the buildup of monopolies.

Those who are urging either complete repeal or substantial revision of the Robinson-Patman Act, or at least some of those who do that, express concern about the concentration of economic power in the hands of a few large firms. I also express concern about that matter but I am not unmindful of how some of this concentration of economic power was achieved. The records show very clearly a large number of firms have used price discrimination as a weapon to destroy competition. As recently as March 31, 1952, the Select Committee on Small Business of the U.S. Senate published a report on "Monopolistic Practices and Small Business," and on page 8 thereof referred to the practice of price discrimination and how it is used to achieve monopoly conditions. As I shall discuss later, the Committee on the Judiciary of the House of Representatives, as well as the Select Committee on Small Business of the House of Representatives, have made a number of reports to the House which contain findings to the same general effect.

Now I am not opposed to those provisions of our antitrust laws such as section 7 of the Clayton Act, the antimerger section. I favor the retention and effective enforcement of that section of the law as well as section 2 of the Clayton Act as amended by the Robinson-Patman Act. The national policy which relies on competition to regulate and improve the performance of markets should include, as it does, provisions of law such as the Robinson-Patman Act to prohibit practices which build up monopolies as well as provisions such as section 7 of the Clayton Act, the antimerger section, to be used to break up monopolies.

Indeed, both of these laws are concerned with concentration and its effect on competitive performance. The recent surge in the increase of conglomerate mergers is resulting in the blurring of boundaries between various industries and presents a most pressing antitrust problem because of the possible impact of a large conglomerate concern with respect to its competitive behavior in a particular industry regarding its sale of particular products in local geographic markets. It is in such situations where a large conglomerate firm, not subject to being broken up through enforcement of Section 7 of the Clayton Act, can subsidize discriminatory pricing practices through charging high prices in some markets while driving competition out in other markets. The availability of a prohibition against discriminatory practices is vital to our antitrust policy in such situations. We must have such laws if we are to avoid significant structural changes in our industrial economy in which we are seeing the development of new monopoly power. As I have said, modifications in the structure of our economy of this kind are not brought about by mergers alone. Small firms limited to single markets with narrow product lines are increasingly coming into competition with large multi-market diversified firms. Where such market power exists, the mere prohibition of further mergers is not enough. Moreover, the suggestion is made in the Neal report that we not rely upon our laws against discriminatory practices to prevent the buildup of such monopoly power but that we seek a new law to dissolve such market power. I can't believe that the writers of that report could have been serious in making that suggestion, which obviously will not be effectuated.

As you know, this so-called "Task Force Report on Antitrust Policy," which for convenience is sometimes referred to as the Neal Report, was followed by a report entitled "The Task Force Report on Productivity and Competition." The first of these two reports was submitted to President Lyndon B. Johnson on July 5, 1968 and the second was submitted to President Richard M. Nixon on February 18, 1969. According to information I have received, neither President Johnson nor President Nixon did more than file these two reports at the time they were received. Later, however, after there had been some leak concerning them, President Nixon released them without comment. For convenience, a number of people have referred to the second of these reports as the "Stigler Report."

In your press release of August 11, 1969 in which you first announced that this Committee would hold hearings on this subject, it is noted that you stated that "the reports of these study groups suggest that this policy is anti-competitive rather than protective of our economic system". I agree with that general appraisal of those reports.

Quite recently, September 15, 1969, President Nixon received a "Report of the American Bar Association Commission to study the Federal Trade Commission." A review of that report reveals that some members of that American Bar Association Commission held views that perhaps some of our antitrust effort should be revised or cut back. However, I add my voice to yours, Mr. Chairman, in commending the American Bar Association Commission on the Federal Trade Commission in not joining "those extremist critics who have recently called for either repeal of the Robinson-Patman Act or sharp curtailment of its enforcement." Perhaps some of the members of this American Bar Association Commission had acquired some knowledge and some experience regarding the facts involved in the situation on which they were reporting. It appears that this cannot be said of those who prepared the Neal Report and the Stigler Report to which I have referred. And, Mr. Chairman, you and I know how valuable it is to have some knowledge of the facts involved in these situations to which we commit ourselves for study and consideration. Perhaps it is easier to dismiss situations without any knowledge of the facts, but I repeat, it is more valuable and useful to an adequate and appropriate consideration of the situation to have knowledge of the relevant and material facts involved.

I have given close study to what members of a number of these study groups have written and said about our public policy of antitrust, and I have noted that they have substituted for an analysis and citation to the facts involved in situations references to the writings and arguments made by members of other study groups who were also without knowledge as to the facts involved. The continual repetition of this practice perhaps has led some members of these study groups to actually believe the arguments they are making about the facts to be true.

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In any event, my plea to you today is that we should not surrender to those arguments without knowing what the facts are. For example, when it is said that price discrimination in the sale of goods and merchandise promotes competition, and that laws to prohibit practices of price discrimination are anticompetitive, I say we should test that argument against the facts and not against another argument to similar effect.

In following this line of thought I take advantage of this opportunity to make reference to the factual situations which were studied by the Congress before it considered and acted upon proposals for amending and strengthening section 2 of the Clayton Antitrust Act in 1936.

Prior to consideration of that matter by the Congress the Federal Trade Commission had made a 6-year investigation, study and report of the facts involved in discriminatory acts and practices in the sale of food and food products through chain stores and other outlets. The Commission reported in Senate Document No. 4 of the 74th Congress, December 1934, that the law as it then existed had been interpreted so as to permit destructive price discriminations, and that the practice of destructive price discrimination was rampant in the food distribution industry. The Commission rejected suggestions which had been made to the effect that the Sherman Antitrust Act be relied upon and used to halt destructive price discriminations. Instead the Commission proceeded to recommend to Congress that section 2 of the Clayton Antitrust Act be amended and strengthened by eliminating certain nullifying provisions which exempted discriminations involving quantity purchases and those exempted when made in good faith to meet competition.

The report of the Federal Trade Commission was carefully made and considered by the Congress as were reports made by a special committee of which I was chairman, after we had studied the facts. Out of all of these considerations, Senator Robinson (D.-Ark.) and I introduced bills proposing to amend and strengthen section 2 of the Clayton Antitrust Act. These bills were considered by the Judiciary Committees of the House and the Senate. The Judiciary Committee in its report to the House on the bill I introduced contained the following statement:

"Your committee is of the opinion that the evidence is overwhelming that price discrimination practices exist to such an extent that the survival of independent merchants, manufacturers, and other businessmen is seriously imperiled and that remedial legislation is necessary." (See House Report No. 2287, 74th Congress on H.R. 8442).

To remedy that situation Congress passed the bills that Senator Robinson and I had introduced and consequently the legislation became known as the Robinson-Patman Amendment to the Clayton Act. That legislation was approved June 19, 1936.

Later, in 1956, the House Committee on the Judiciary, after investigating and reporting upon a related matter, stated:

"Price discriminations favoring preferred buyers present a danger to the competitive enterprise system which is inconsistent with the policy of the price discrimination statute." (House Report 2202, 84th Congress).

I have cited these instances of findings by the Congress based upon studies of evidence reflecting factual situations to demonstrate the fallacy of the arguments now being advanced by various study groups that our antitrust laws which prohibit price discriminations are laws aimed at competitive practices, and that we should repeal or weaken these laws to permit these practices to be resumed and continued. Let me reiterate that arguments to this effect are clearly without basis in fact, and that those who make the argument are without knowledge regarding the facts; but that Congress which enacted the laws, acted only after careful investigation, study and consideration of the relevant facts.

I do not suggest that we should close our eyes and our minds to further study of evidence which reflects the facts in any situation, and if this Committee would care to do so and time would permit, a review of business practices and discriminatory acts, including a review of the economic significance of those particular acts and practices would be in order. But let us not take the arguments from someone who does not know what the facts are concerning the economic significance of these acts and practices. Instead, let us get the small businessmen in here who experience the effect of these acts and practices. Have them to inform the Committees of the Congress regarding the facts, showing the effects of these practices. Let us not close our eyes and minds to considering only the arguments of theorists, and then only those theorists who have their own particular axes to grind.

I trust you will bear with me for a few minutes to refer to several of the situations which we considered in 1935 and 1936, and upon which we based our judgment that subsections 2(c), 2(d) and 2(e) should be included as provisions in the amendments to Section 2 of the Clayton Act. I suggest this because attacks made on our public policy of antitrust include specific attacks on these mentioned subsections (c), (d) and (e).

Before we thought about including anything in the law which resembled the provisions now included in subsection 2(c), we had before us much evidence of many examples of abuse and unfairness in the buying and selling of merchandise. For example, there was presented to us evidence that field brokers located at or near producing points of fresh fruits and vegetables had been operating so as to secure some producers' agreements to represent the producers in the marketing of the producers' crops for a certain brokerage fee. Then some of these field brokers, once having entered into such agreements with the producers, went to the buying agents for some of the large buyers and informed such buyers that they now had under their control the marketing of large quantities of produce. They then proceeded to enter into arrangements with the representatives of the buyers for the buyers to pay a brokerage fee in consideration of the field brokers' agreement to serve the interest of the buyers in delivering to the buyers the produce for which in the marketing they were supposed to be representing the producers. We found that in a number of these situations the producers did not fare so well. That is what I have meant when I said that we discovered abuses and unfairness.

Therefore, such double-dealing was outlawed through the provisions of section 2(c) of the Robinson-Patman Act. Now, some of the critics of that provision of the law want it repealed; other critics who do not have the courage of their convictions, instead of advocating repeal, simply say "do not enforce this provision of the law unless you can prove in each instance that someone is really injured by the action which is prohibited by the law." This abuse or unfairness and double dealing should not require that the victims have been injured before you proceed against the unfair act. That is what Congress determined in 1936; that is the way it should be determined today.

Considerations not unlike those I have enumerated in discussing subsection 2(c) apply with equal force to subsection 2(d) and 2(e). In other words, in 1935 and 1936 we found abuses and unfairness in the granting of advertising allowances and promotional services on a disproportionate and discriminatory basis and we concluded as we did about the pseudo brokerage that these disproportionate and discriminatory advertising allowances and all allowances for promotional services should be prohibited. That is the rationale underlying subsections 2(d) and 2(e).

Moreover, the language written into subsections 2(d) and 2(e) is such that cooperative advertising allowances and allowances for promotional services may be made, but only on proportionately equal terms to the large and the small alike if they are in competition with each other. But some of these critics of our public policy of antitrust think that is wrong. They think that we should not be so specific in our effort to insure fairness and equality under this law. I urge you to go deeply into this matter and when you do I am satisfied that you will see how fallacious these arguments are which are for the repeal or modification of subsections 2(c), (d) and (e) of Section 2 of the Clayton Act as amended.

Before concluding my testimony and my remarks to you here today, I would be remiss if I should fail to mention the Federal Trade Commission. As you know, it has been under severe attack and criticism. It is my view that these criticisms should not be considered in a vacuum; they should be considered objectively and in the context of the full record of what the Federal Trade Commission is and what it has been doing. Also, in that connection, we should consider who are the critics—what are their motives—what do they know what they are saying, and how objective are they in what they are writing and saying. When we get the answers to all of those questions, I am confident that we are likely to have before us a picture somewhat different from some of the pictures which have been painted recently of the Federal Trade Commission. Of course, even in a true picture of the Federal Trade Commission, we will perhaps see some faults—no one is infallible—but in that picture when we see the Commission in its true light, I am confident we will see much more good than we will see fault in it.

The Federal Trade Commission was conceived by a great American—Woodrow Wilson. It was conceived as an agency to act in the public interest in helping to promote and perserve free and fair competition in the marketplace. It is my view that when you review the record of the Federal Trade Commission over the history of its 55 years of service to the public, you will find good reason to applaud what it has done in the public service.

From time to time, as the Commissioners acted in the public service, the Commission has been subjected to strong criticism from those against whom it was acting, or from those who had some privity of interest with or sympathy for those against whom the Federal Trade Commission was acting. This is a history that isn't new and is not confined to the last year or the last few years. For example, upon the close of World War I the Federal Trade Commission was directed to investigate the "beef trust." The Commission made its investigation, study and report upon that problem and good results came from its report. Among those results was the disposition of a suit brought against meat packers. That suit was settled in 1920 by what has come to be known as the Meat Packers Consent Decree of 1920. That decree prohibits meat packers from engaging in retail distribution of their products. At the same time, the Federal Trade Commission made a report in which it recommended legislation aimed at prevention of recurrences of acts and practices which prompted the Meat Packers Consent Decree of 1920. Out of those recommendations developed the Packers and Stockyard Act of 1921, providing for the regulation of the marketing of cattle and livestock products.

Despite all of the commendable work done by the Federal Trade Commission in that instance, it was promptly assailed on the

floor of the United States Senate by one or two who insisted that the Federal Trade Commission was infested with Bolsheviks and that they were responsible for the Commission's report and recommendations regarding the "beef trust." Fortunately, the Commission survived that criticism and those attacks.

At the turn of the 1930's the Commission was again under severe attack. It was engaged at that time in some very important work in investigating public utilities and in making other investigations of important industries. Out of these investigations, studies and reports, the Commission made recommendations for improving our laws. A number of those recommendations were approved by the Congress, including legislation which established the Securities and Exchange Commission, and the laws it administers.

Some of the criticism that was experienced in that period of time came from within the Commission, as well as from without. One of those members had been unhappy about what the Commission was doing in carrying forward some of its important work. Instead of helping the Commission, he hindered it and finally he was removed from office. Then the Commission moved on in succeeding years to add to its illustrious record of public service. However, as the years have passed, there has been additional criticism of the Commission from both without and within. It is my hope that not only this criticism should be investigated, but, as I have said earlier, an investigation should be made of those who express the criticism and their motives for making it and the justification or lack of justification for their criticism. If this Committee will undertake to do that it will be rendering a public service and perhaps in doing so will be assisting this great agency, the Federal Trade Commission, to continue as a champion of the public interest.

Let me summarize: We now have a national public policy of antitrust. It provides for the maintenance of free and fair competition in order to preserve a free and competitive enterprise system. An integral part of that public policy is the Congressional objective underlying Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, "to halt the gradual demise of the small businessman" and to preserve "an organization of industry in small units which can effectively compete with each other." Moreover, the Congress in 1958, when it enacted the permanent Small Business Act (15 U.S.C.A. 631), made it clear that—

"It is the declared policy of the Congress that the Government should aid, counsel, assist and protect, insofar as is possible, the interest of the small business concerns in order to preserve free competitive enterprise."

Among those who are proclaimed as advocates for the interests of consumers are some who would say that this policy is not in the interest of the consumer. With that point of view I disagree. My record as an advocate for the consumer is one of which I am proud. I have fought for and supported proposals for truth in securities, truth in fabrics, truth in packaging, and quiet recently legislation for truth in lending. I have helped enact laws such as those prohibiting the sale of dangerously flammable fabrics, and other legislation for the protection of the public. I consider that what I do in the interest of maintaining free and fair competition for businessmen in the marketplace is in the interest of the consumer. The consumer benefits from an effective antitrust policy. It is this policy which provides for efficiency and for keeping prices down to reasonable levels in the interest of consumers. You can't have competition without competitors and you can't have efficiency and low prices without competition. I do not regard our laws which provide for all of this as being laws for "business protectionism," but instead I regard them as laws which provide for the enhancement of the public interest, including consumers.

In conclusion, let me say that we should do nothing to weaken any of our laws designed to preserve and promote free and fair competition in the marketplace. Instead, we should act to strengthen those laws. I repeat, in order to determine what we should do, we must look at the facts and not restrict our consideration to the arguments of special interests and those representing special interests. I am confident that when you have heard from representatives of small business interests from throughout the nation and from others who know what the facts are about the use of business practices and the economic significance of those practices, you will find that these arguments now being made against our public policy of antitrust are without merit. Again, I congratulate you upon undertaking this task and request that you follow through on it.

STATEMENT OF HAROLD O. SMITH, JR., EXECUTIVE DIRECTOR, FOOD MERCHANDISERS OF AMERICA, INC., BEFORE THE SELECT COMMITTEE ON SMALL BUSINESS, OCTOBER 7, 1969

My name is Harold O. Smith, Jr. I am Executive Director of Food Merchandisers of America, Inc., a national trade organization of independent voluntary food chains with headquarters in Washington, D.C. I am also Chairman of the National Affairs Committee of the National Federation of Food Distributors with headquarters also in Washington, D.C.

I welcome this opportunity to share with your committee my twenty-four (24) years of close relationship (since 1945) with the workings of the Robinson-Patman Amendment to the Clayton Act; two years as Manager of the National Confectioners Association's Washington office and twenty-two (22) years as Executive Vice President of the United States Wholesale Grocers' Association, Inc.

The current danger of possible action to make disastrous changes in the Robinson-Patman Amendment to the Clayton Act lies to a large extent in lack of personal experience by those who would condone such changes.

Business management has operated thirty-four (34) years under the protective antimonopoly restraints of the Robinson-Patman Act.

There are discriminations today, but these are law violators and "child's play" compared to no restraining law, or the "watering down" of present antimonopoly laws.

Few men of eminence today had the personal experience of management responsibilities in dealing with discriminatory and monopolistic practices that were so disastrous to independent and small business in the early 1930's.

Today the people most knowledgeable in the workings of the Robinson-Patman Act are businessmen and their legal staff who have over the years searched for "loopholes" and endeavored to do a "hatchet job" on the law to get around or destroy the restraints from monopolistic practices and the use of coercive power to gain unfair competitive advantages.

Frequently men of good intention, but without the practical experience of meeting payroll, paying taxes, and operating a business in the competitive market, will promote theories that may even be profound, but are narrow and show lack of experience as they do not look at, nor do they appear to understand the "other side of the coin."

Current reports by the "White House Task Force" study of antitrust policy and President Nixon's Task Force on Productivity and Competition deal very critically with the Robinson-Patman Act and recommend a thorough revision "to remove features that unduly restrict the free play of competitive forces." We see this theory expounded in text books, but how practical is it?

Getting back to that "coin", we see on one side the battle of the giants in food distribution, firms and groups of firms having the coercive capabilities of literally billions of dollars buying power. On the other side, we see the vast numbers of independent wholesalers and retailers who serve more than one half of the consumers' purchases of food in the United States. The Equality of Opportunity in the Market Place protected by the Robinson-Patman Act enables the alert, efficient, independent to compete with the giants in this industry.

Under the restraints of the Robinson-Patman Act, efficiency in operations determines the competitive advantage. Without the Robinson-Patman Act, especially the "brokerage clause" of the Act, the coercive capabilities of the "Bigs" would place emphasis on buying that could far outweigh the importance of efficient operations.

Theorists frequently overlook the fact that, when competition is killed off, the consumer is at the mercy of suppliers who may not have the incentive to operate at a competitive low cost and the consumers' costs could go up appreciably.

The "Brokerage" section of the Robinson-Patman Act is a main target of those of limited vision who think of the advantages their buying power would give them, if prohibitions in the Robinson-Patman Act were removed. However, they would find that even $3 billion concentrated buying power is merely "Minor League."—The "Major League" operators could have much higher overhead costs and still have enough left over to dominate sales.

Study the history of the early 1930's that caused both the House and the Senate to almost unanimously approve the Robinson-Patman Act. Even Safeway and Kroger (the 2nd and 3rd largest) were no match for A & P's Atlantic Commission Company which often received as much as 8% better price, which price was, at times, 18% better than independent wholesalers. Consider this in light of the fact that the wholesale grocers' gross mark-up to cover all warehousing and distribution services and profits is less than 8%.

The theorist who has a fixation on his ideas of "hard competition" and "free trade" apparently does not realize what his proposals, if taken seriously and acted upon by The Congress, would do to the farmer and the local packers and manufacturers. Let us suppose that Packer "X" at Benton Harbor is selling to many independent and chain customers. He abides by the Robinson-Patman Act and his "better prices" reflect no more than his actual savings made possible by quantity or services rendered by either an independent or chain customer.—Then the Robinson-Patman Act's restraints on price discrimination are removed.—Packer "X" is under coercive pressure from one or more big customers. Packer "X" has competitors who would like to get this business, so Packer "X" gives in to these unreasonable demands.

Packer "X" was price competitive and made only a fair profit. Selling big customers at below costs and competition will not permit him to compensate by raising his price to his other customers puts Packer "X" in a critical position. Packer "X" must turn to the farmer or grower to share in the costs of staying in business with big customers dictating the price.

What could possibly be properly gained for the consumer, the grower, the manufacturer, or the practical, hard working, efficient businessman by removing the antimonopoly restraints and restraints on unfair trade practices as provided in the Robinson-Patman Act.

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Most businessmen are fair and honest, but there are some with selfish motives who would destroy anything and anybody standing in their way, even American private enterprise.

We believe that the dedicated, thoughtful men in both houses of the Congress will consider the record of the 74th Congress in 1936 and the compelling reasons for overwhelming approval of the Robinson-Patman Act.

In the food distribution business today, competition is keener, margins are much lower and efficiencies in operating techniques are industry wide. No high purpose would be served by destroying or rendering ineffective the protective anti-monopoly restraints of the Robinson-Patman Act.

Just because we drive cars with 150 to 200 miles an hour capability is no reason to remove the restrictions on speeding. We must all be governed by laws that restrain the reckless ones even in business.

GOVERNMENT - INDUSTRY-CITIZEN COOPERATION ON MANUFACTURING OF COLLEGE TEXTBOOKS

(Mr. SANDMAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. SANDMAN. Mr. Speaker, recently I participated in a project that involves all the elements of Government-industry-citizen cooperation. What these groups have achieved together can well serve as a model for others who are interested in seeing this country develop its full potential.

The story began several years ago when McGregor & Werner, Inc., a Washington-based graphic arts firm, decided to build a multimillion-dollar facility for the manufacturing of college textbooks. It envisioned a modern plant, using all the latest techniques and equipment which would provide jobs for 200 persons and produce 35,000 500-page textbooks every 24 hours.

With this goal in mind McGregor & Werner, Inc., began looking for a suitable site. This site would have to be located in a depressed area, as the company had reached a decision to cooperate in the Government's efforts to provide jobs for the unemployed and the underemployed.

After considering several locations, and studying local conditions, the company selected Woodbine, N.J.—in my congressional district—as the site for its new manufacturing facilities, McGregor & Werner Graphics, Inc. The citizens of Woodbine were eager to participate in this venture, as was I.

To prove its interest, the Cape May County Economic Development Commission, in participation with the State of New Jersey, provided 5 percent of the plant's capital investment in the form of a long-term loan to McGregor & Werner Graphics, Inc.

This loan also qualified the company for additional long-term participation by the Economic Development Administration of the U.S. Department of Commerce. It is this Federal-State-local cooperation which encourages industrial and economic development in areas of relatively high unemployment and slow economic growth.

The company's plant will be located on 65 acres of land adjoining the Woodbine Airport. As initially constructed, the building will contain approximately 47,000 square feet on one floor with designed expansion to 150,000 square feet. This multimillion-dollar facility will occupy about 10 acres of the 65-acre tract. At the ground-breaking ceremony in Woodbine on August 15, citizens and dignitaries turned out on a hot, humid day to celebrate the long series of events which culminated in the ground breaking. But this has not been the end of the cooperative endeavors.

The plant will be finished in January 1970. Well over 100 employees will be hired during the first year and by early 1972, up to 200 employees will be on the company's payroll. Approximately 80 percent of these employees will be hired from the Woodbine area and will be given an intensive 12-week, full-time training course, followed by 26 weeks of on-the-job training. McGregor & Werner Graphics will provide the instructors. Training will be conducted under provisions of the Manpower Development Training Act. It will benefit from the joint participation of the U.S. Departments of Labor and Commerce and from the New Jersey State Department of Education.

McGregor & Werner Graphics, in its first year of operation will be the largest employer and taxpayer in Woodbine. The first year's payroll is estimated at over $350,000.

It is easy to see how Government-industry-citizen cooperation will soon be paying dividends in my congressional district. Naturally, the citizens of Woodbine gave the project all the moral support they could. They held meetings with representatives of Government and industry and I met with them from time to time to report on progress from my end. We are all immensely pleased that construction finally is underway; and I say this because all of us encountered numerous problems along the way.

In the words of Robert K. Clark, president of McGregor & Werner Graphics, Inc., "less determined men would have thrown in the towel."

What we have accomplished here is something that can be duplicated by others with the determination to succeed: a company that knows what it wants and where it wants it; a community that knows it wants and needs that company; local, State and Federal Government officials who recognize a responsible undertaking and are willing to work to help make it succeed.

Success is what we all predict for McGregor & Werner Graphics, Inc. The parent company has proven its abilities over the past 25 years, including work in the Nation's space programs. The new plant will offer book publishers the most modern and efficient service for the manufacturing of college textbooks.

These are the reasons why I am proud to have participated in this venture. And these are the reasons why I am inserting these remarks in the Congressional Record today, because I believe by citing an example of what one group of determined people has achieved can be an incentive to other groups.

SUPPORT FOR PRESIDENT

(Mr. SMITH of New York asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SMITH of New York. Mr. Speaker, though we continue to hear much sound and fury from those who would withdraw immediately from South Vietnam, the President's course continues to have the approval of the majority of the American people. Even the growing numbers who feel that previous Presidents made a mistake in involving the United States in Vietnam still support the President's efforts to extricate us.

These are the most recent findings of the most respected national poll, the Gallup Poll.

Those who claim that the people of America are willing to settle for unconditional surrender should take careful note of its findings.

I include the following article from the New York Times dated October 5, 1969:

DISILLUSIONMENT WITH WAR FOUND—GALLUP POLL REPORTS 58 PERCENT IN U.S. SCORE INVOLVEMENT

PRINCETON, N.J., October 4.—Disillusionment over the Vietnam war has reached a new peak, with 6 persons in 10 or 58 per cent, now of the opinion that the United States made a mistake getting invloved in Vietnam, according to the latest Gallup poll.

The proportion of Americans who hold this opinion now clearly exceeds the proportion who in the early nineteen-fifties felt our involvement in the Korean war was a mistake. This reached a high of 51 per cent in April, 1952.

President Nixon has thus far not been seriously hurt by disillusionment over the war, but his predecessors, Presidents Johnson and Truman, fell rapidly from grace because of attitudes over United States involvement in Southeast Asia.

President Johnson took office with 79 per cent of Americans giving him a vote of confidence. His popularity slipped to 35 per cent in August, 1968, as frustration over Vietnam mounted.

President Truman took over the reins of the Presidency in 1945 upon the death of President Roosevelt with 87 per cent registering a vote of confidence. His rating dropped to a low of 23 per cent in November, 1951, after the Communists broke off truce talks at Panmunjon.

A slight majority of citizens today, 52 per cent, say they approve of the way President Nixon is handling the Vietnam situation, but survey evidence showed that his rating on Vietnam had declined sharply prior to his Sept. 15 announcement of further troop withdrawals.

In a survey conducted of 1,513 persons Sept. 12 through 14, 45 per cent expressed approval and 40 per cent disapproval.

QUESTIONS IN SURVEY

Following is the question asked, the latest results and trend:

In view of the development since we entered the fighting in Vietnam, do you think the U.S. made a mistake sending troops to fight in Vietnam?

[Percent]

September late:	
Yes	58
No	32
No opinion	10
March 1969:	
Yes	52
No	39
No opinion	9

RESULTS—1968

August 1968:	
Yes	53
No	35
No opinion	12
April 1968:	
Yes	48
No	40
No opinion	12
March 1968:	
Yes	49
No	41
No opinion	10
February 1968:	
Yes	46
No	42
No opinion	12

RESULTS—1967

December 1967:	
Yes	45
No	46
No opinion	9
October 1967:	
Yes	46
No	44
No opinion	10
July 1967:	
Yes	41
No	48
No opinion	11
May 1967:	
Yes	37
No	50
No opinion	13
February 1967:	
Yes	32
No	52
No opinion	16

RESULTS—1966

November 1966:	
Yes	31
No	51
No opinion	18
September 1966:	
Yes	35
No	48
No opinion	17
May 1966:	
Yes	36
No	49
No opinion	15
March 1966:	
Yes	25
No	59
No opinion	16

RESULTS—1965

August 1965:	
Yes	24
No	61
No opinion	15

TREND DURING KOREAN WAR

In August 1950, when the Korean war was two months old, a large majority of the American public said it had not been a mistake to enter the war.

Opinion changed sharply after Communist China entered the fighting in the winter of 1950. The average citizen at that time felt that war against North Korea was one thing, but war against Red China was quite another.

The trend of sentiment during the Korean war follows:

[Percent]

August 1950:	
Yes	20
No	65
No opinion	15
March 1951:	
Yes	50
No	39
No opinion	11
April 1952:	
Yes	51
No	35
No opinion	14
October 1952:	
Yes	43
No	37
No opinion	20

Following is the next question asked in the survey:

Do you approve or disapprove of the way President Nixon is handling the situation in Vietnam?

Here are the latest results and trend:

[Percent]

September (late)	
Approve	52
Disapprove	32
No opinion	16
September (mid-)	
Approve	45
Disapprove	40
No opinion	15
August:	
Approve	54
Disapprove	28
No opinion	18
July:	
Approve	53
Disapprove	30
No opinion	17
June:	
Approve	52
Disapprove	24
No opinion	24
May:	
Approve	48
Disapprove	27
No opinion	25
April:	
Approve	44
Disapprove	24
No opinion	32
March:	
Approve	44
Disapprove	26
No opinion	30

Those who approve of the President's handling of the war feel he is doing all he can in a difficult situation. Others welcome troop withdrawls as a sign that concrete steps are being taken to break the Vietnam stalemate.

Disapproval of the President's handling of the situation stems from the belief that President Nixon is not doing things much differently than President Johnson or that he is not living up to his campaign promise to end the war. Others feel that the troop withdrawals thus far are only token steps.

SUPPORT OUR PRESIDENT ON VIETNAM POLICY

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, this is a critical time in the affairs of our Nation. The hour is critical because for the first time in the history of our country some Americans are refusing to give our President the support he needs to make his negotiations with the enemy credible. It may be that some of these nonsupporters, notably those in the Congress, simply are not sufficiently aware of the ramifications of President Nixon's Vietnam policies—particularly the policy of Vietnamization of the war. To those individuals and indeed to all Members of the Congress I commend a reading of a speech delivered at the AFL–CIO convention today by Secretary of Defense Melvin R. Laird. In his speech, Secretary Laird makes it clear that Vietnamization goes far beyond replacement of U.S. troops in South Vietnam and is rather an alternative plan designed to make the enemy want to negotiate a political settlement, Secretary Laird's speech follows:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD, SECRETARY OF DEFENSE, BEFORE THE EIGHTH CONVENTION OF THE AFL–CIO, ATLANTIC CITY, N.J., OCTOBER 7, 1969

It is an honor to be the first Secretary of Defense ever to address a national convention of the AFL–CIO.

As George Meany and others in this audience know, this is not my first contact with organized labor. For 17 years I have had close contacts with your national leaders, first as a member of Congress and now as Secretary of Defense.

The outstanding contributions made by labor in keeping our nation secure and free have become even more apparent to me in my present office. I know firsthand how much the skill and productivity of American labor mean to our defense forces.

As an illustration of labor's support of defense, let me recall the action three years ago of the Building and Construction Trades Department. At that time the Navy was seeking to recruit apprentices and journeymen to bolster the Seabee units in Vietnam that were undertaking a backbreaking construction job. In response to the Navy's appeal, some 5,000 building tradesmen came out of your ranks into the Seabee's.

I could relate many other instances of this kind that have meant so much to the young Americans in the military forces in Vietnam—such things as the help of maritime unions in unsnarling the tie-up in Saigon harbor.

The positions taken by organized labor in the areas of foreign and military affairs have been uniformly wise, farsighted, realistic, and free from illusion. The support of your Executive Council for the President's decision to begin on the SAFEGUARD Antiballistic Missile System was of major importance in bringing about favorable Congressional action on this proposal. I know I voice President Nixon's sentiments when I thank you for this support.

The AFL–CIO has also supported the efforts of our Government to assure the right of self-determination to the people of Vietnam, and this forms a background for my remarks today. This policy now being carried out by the Nixon Administration offers the best hope of ending heavy American involvement within a reasonable time and of making it possible for the people of South Vietnam to chart their own political course in peace and freedom.

Make no mistake about it. To carry out his policy the President needs the support of a united people. The young Americans in Vietnam need that support. Hanoi's strategy is clear: the leaders in Hanoi expect to achieve victory by waiting for us to abandon the conflict as a result of anti-war protest in this country. From their experience with the French and from their reading of events in the United States last year, they are encouraged to believe that they can get all they want if they merely wait long enough. The President will not bow to acts and utterances by these Americans who seek to pressure him into capitulation on Hanoi's terms. Those acts and utterances serve only to encourage the enemy to keep on fighting in South Vietnam and to keep on stalling in Paris.

The Paris talks had made little headway by the time the Nixon Administration assumed office in January. They remain stalemated today. At Paris, the North Vietnamese can endlessly block our efforts to end the war through negotiation by rejecting all proposals. For this reason, the President decided at an early point in his administration that we could not leave all our eggs in the negotiation basket. The President continues to give his full support to our Paris efforts because, clearly, negotiations could provide the speediest resolution to the war. But this course requires a sincere effort by both sides, not by the United States and South Vietnam alone.

In January, the U.S. Government had no

alternative plan to influence the course of events should the continuing efforts at Paris fail. Today, there is an alternative course of action that at the same time complements our efforts at Paris. That program is Vietnamization.

Vietnamization is something new. Those who view it as a mere continuation of the program for modernizing South Vietnam's armed forces are quite mistaken. It is much more than that. The Vietnamization program represents a major change not only in emphasis but also in objectives. Troop modernization until early this year had the negative goal of partially de-Americanizing the war. Vietnamization has the positive goal of "Vietnamizing" the war, of increasing Vietnamese responsibility for *all* aspects of the war and handling of their own affairs. There is an enormous difference between these two policies.

The previous modernization program was designed to prepare the South Vietnamese to handle only the threat of Viet Cong insurgency that would remain *after* all North Vietnamese regular forces had returned home. It made sense, therefore, only in the context of success at Paris. It was a companion piece to the Paris talks, not a complement and alternative. Vietnamization, on the other hand, is directed toward preparing the South Vietnamese to handle both Viet Cong insurgency and regular North Vietnamese armed forces regardless of the outcome in Paris.

In other words, we felt we could not stand pat with the past. Vietnamization has put some aces in the Free World's poker hand.

As I noted, Vietnamization embodies much more than merely enabling the South Vietnamese armed forces to assume greater military responsibility. It means, in South Vietnam, building a stronger economy, stronger internal security forces, a stronger government, and stronger military forces.

The American public must understand and support this if it is to be made to work in Vietnam. By making Vietnamization work, we create a powerful incentive for the enemy to negotiate meaningfully in Paris.

The enemy needs to know that time is not on his side, that the passage of time is leading to a stronger, not a weaker South Vietnam.

As the President has said time and again, we hold firmly to a single objective for Vietnam: permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese.

The President has also said: "I do not want an American boy to be in Vietnam for one day longer than is necessary for our national interest."

Vietnamization offers us the best prospect for bringing our men home quickly while achieving our objective in Vietnam.

The last thing I want to do is convey false hopes or promises to the American people. I do want to give as full a picture as I can of the situation we face in Vietnam and what we are trying to do about it. I cannot promise a miraculous end to the war. I cannot promise that our losses in combat will remain, as they were last week, at the lowest level in almost three years. But I can say to you that we are on the path that has the best chance of minimizing U.S. casualties while resolving the war in the shortest possible time without abandoning our basic objective.

In the Vietnamization program, high priority actions are underway. Let's look briefly at the four faces of Vietnamization for just a moment: stronger economy, stronger police for internal security, stronger government, and stronger military forces.

In the economic field, a significant factor is the opening up of waterways and roads for farmers to bring their produce to market and the growing confidence of farmers in using them. In addition, South Vietnamese have replaced Americans in the operation of the civilian port facilities at Saigon and at supply and warehousing facilities in various parts of the country. In the past three years, South Vietnam has trebled its funding of imports while the amount spent for this purpose by the Agency for International Development has dropped by a third. South Vietnam is moving toward restoration of self-sufficiency in rice production. Of course, progress in an economy distorted by war is bound to be uneven. Vietnam suffers from the chronic wartime malady of steep inflation but the government of Vietnam is attempting to face up to this problem with American help.

In the field of local security, the police force has been expanded and its training strengthened. Partly for this reason, the Viet Cong infrastructures is being weakened and rooted out in many areas. That infrastructure includes the hard-line Communist civilians who control and direct the acts of terrorism, assassination, and kidnappings at the local level—as well as the military activities of the local guerrillas and main force units. One measure of success in local security is the extent of the denial to the enemy of the base of popular support he needs for supplies, concealment, intelligence, and recruits and, more important, the reduction in terrorist activities which intimidate the population.

In the political field, progress is measured by the extent of the peoples' trust in their government. It is at the grass—or "rice"—roots level where we find encouraging signs. Locally elected governments are spreading throughout the country. Self-government has been brought this year to more than 700 villages and hamlets in recently pacified areas, bringing the total with self-government to about 8 out of every 10. There has been a notable increase in the number of citizens willing to seek local office and hence to face the threat of Viet Cong terrorism which has taken such a toll of local officials in past years. However, much remains to be done. The government of South Vietnam is continuing its efforts to strengthen popular support for their elected government officials at all levels, to improve administrative practices, and to provide better services to people in such fields as education and public health.

The success of the whole Vietnamization program would be jeopardized without progress in the political field. The political system and policies of South Vietnam are not our responsibility, but we are anxious to see them succeed.

The military area is where progress in Vietnamization has been most visible. We have begun to replace American with Vietnamese troops. Already this year, in two installments, we are cutting the size of our forces by 60,000 in Vietnam, and, in a related development, by 6,000 in Thailand. Contingent on one or more of the three criteria expressed by the President—progress at Paris, progress in Vietnamization, and reduction in the level of enemy activity—additional numbers of Americans can and will be brought home.

The troop redeployments so far announced have not been made possible by any progress in Paris or by any convincing evidence that Hanoi wants to reduce the level of combat. They have been made possible principally by the improved capability of South Vietnamese military forces. The armed forces of South Vietnam have increased substantially. Since January of this year, fourteen more battalions have been put in the field. They are better trained and better equipped. They are increasingly taking up the burden of combat. For more than a year, their ground forces have not been defeated in any engagement of units of battalion size or larger.

These, then, are some of the encouraging signs. But there remains much to be done, particularly in strengthening the economic and political spheres. I don't want to suggest for a moment that everything is going our way, for there are still serious problems before us.

But we are not the only side with problems. One might gather from some statements of both our critics and our supporters that the North Vietnamese and Viet Cong are eight feet tall, that they enjoy unreserved popular support, and that victory for them is inevitable. With Vietnamization well underway, I think it is time to pause and view the more balanced perspective of the problems faced by both sides.

Although the controlled press in North Vietnam does not parade criticism of their war effort, we see their problems in other ways. First of all, there are the staggering casualties they have endured, numbering well over have a million men lost in combat since 1961. The impact of their casualties on the war effort is compounded by the growing difficulties encountered in recruiting replacements for the Viet Cong in South Vietnam. Add to this recent floods, epidemics, agricultural production difficulties, and a sagging economy. Finally, North Vietnam has lost its tough leader of many years, Ho Chi Minh, who served as a unifying symbol of so-called liberation wars in Southeast Asia. We cannot know what effect such difficulties will have in the future course of the war, but we must keep them in mind in our assessments.

I have explained to you today what this Administration is seeking to do in Vietnam, and why we believe our dual approach of Vietnamization and negotiation is the best path to follow.

There are those who claim that the United States should establish a formal and fixed timetable for U.S. troop reductions in Vietnam. On May 14th, President Nixon offered to withdraw our forces from South Vietnam by a fixed timetable if North Vietnam would do the same. The place to establish a fixed timetable is in Paris or in some other mutual context, rather than by unilateral action in the United States. The President's offer has received no response from Hanoi, and from some statements I have read, seems to have been ignored by many in this country.

We believe there are other reasons why the unilateral setting of a fixed timetable would be unwise at this time.

First, the readiness of South Vietnamese forces to supplant American forces may not coincide with a predetermined timetable. We have achieved a momentum behind Vietnamization. It is of the greatest importance that this momentum be maintained. An arbitrary timetable could disrupt this momentum.

Second, any hope of progress in the Paris talks would evaporate. Knowing that American troops would be removed by a certain day, the Communist negotiators would be even more inclined to yield nothing and more encouraged to wait us out.

Third—and this is particularly important—we cannot at any stage of this process subject the American troops left in Vietnam to the danger of being overwhelmed by an enemy force. Any timetable set now could work out so as to leave a small band of Americans as a sacrifice to illusion, impatience, or frustration.

A timetable set now might prove to be too slow or too fast. We are not setting one because it would not be fair to our men in Vietnam or to our allies, and it certainly would retard progress toward ending the war.

I cannot tell you how or when the war in Vietnam will end. It has been my policy in office not to make optimistic forecasts; there have been too many of those in the Department of Defense. We are now embarked on a new course that we believe has the best prospect for ending American combat involvement. We shall persist in assisting the South Vietnamese to attain self-determination. We will not abandon South Vietnam. As President Nixon has said,

"Abandoning the South Vietnamese people would jeopardize more than lives in South Vietnam. It would bring peace now but it would enormously increase the danger of a bigger war later.

"If we simply abandoned our efforts in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability."

I am sure of one thing. The day that we all hope and pray for when there are no more American troops in combat will be speeded if the American people make it clear that they are united behind their President's policy.

As we press toward a resolution of the situation in Vietnam, we must not lose sight of the larger world stage. We must be vigilant in the face of a continuing threat from abroad to our security and a growing challenge here at home to the military foundation so vitally needed for a policy of peace.

The President has said we are entering an era of negotiations. We are trying to make negotiation work in Paris. We would like to see it work in arms limitation talks. We hope to make it work in all areas of contention as we approach the decade of the 70's.

You men of labor know a great deal about negotiation. Two things in particular you have learned and applied in your long history. The first is to persist and persevere, regardless of how difficult the course, because the goal is worthy. The second is to negotiate from strength.

On Vietnam, we are persevering in negotiating for peace and we are strengthening our hand through Vietnamization.

On the larger front, we have a strong military base that we must maintain so that we can always negotiate from strength while assuring our ability to defend our interests should negotiation fail.

We need your continuing help in keeping America aware of the need for strength and perseverance in building a policy of peace. We know we will get it.

Thank you very much.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Michel, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Gonzalez (at the request of Mr. Daniel of Virginia), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Rogers of Florida, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Hansen of Idaho); to revise and extend their remarks and include extraneous matter:)

Mr. McCloskey, for 60 minutes, on October 8.

Mr. Duncan, for 60 minutes, on October 14.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Miller of California in five instances and to include extraneous matter.

Mr. Burlison of Missouri, to extend his remarks immediately following the remarks of Mr. Ryan yesterday on H.R. 5968.

Mr. Celler, to extend his remarks in the Record today following the remarks of others on the passing of Congressman Resnick.

Mr. Zablocki in two instances.

Mr. Bow his remarks today during Mr. Michel's special order.

(The following Members (at the request of Mr. Hansen of Idaho) and to include extraneous matter:)

Mr. Bush.
Mr. Brock.
Mr. Lukens.
Mr. Kuykendall.
Mr. Snyder.
Mr. Mathias.
Mr. Schwengel.
Mr. Shriver.
Mr. Quie.
Mr. Wyman.
Mr. Zwach.
Mr. Price of Texas.
Mr. Burke of Florida.
Mr. Reid of New York in two instances.
Mr. Scott in two instances.
Mr. Dellenback.
Mr. Conte.
Mr. Frelinghuysen.
Mr. Weicker in two instances.
Mr. Ashbrook in two instances.
Mr. Gude.
Mr. Taft in two instances.
Mr. Chamberlain in two instances.

(The following Members (at the request of Mr. Daniel of Virginia), and to include extraneous matter:)

Mr. Rosenthal in five instances.
Mr. Bolling.
Mr. Charles H. Wilson.
Mr. Patten.
Mr. Rarick in three instances.
Mr. Gonzalez in two instances.
Mr. Daniels of New Jersey.
Mr. Helstoski.
Mr. Fascell in three instances.
Mr. Biaggi.
Mrs. Sullivan in two instances.
Mr. Ullman in 10 instances.
Mr. Garmatz.
Mr. Kastenmeier in two instances.
Mr. Jones of Alabama.
Mr. Hanna in five instances.
Mr. Griffin in two instances.
Mr. Fraser in five instances.
Mr. Roybal in six instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 476. An act for the relief of Mrs. Marjorie Zuck; to the Committee on the Judiciary.

S. 533. An act for the relief of Barbara Rogerson Marmor; to the Committee on the Judiciary.

S. 981. An act to amend title 28 of the United States Code to provide that the U.S. District Court for the District of Maryland shall sit at one additional place; to the Committee on the Judiciary.

S. 1775. An act for the relief of Cora S. Villaruel; to the Committee on the Judiciary.

S. 1797. An act for the relief of Dr. Waguih Mohamed Abdel Bari; to the Committee on the Judiciary.

S. 2096. An act for the relief of Dr. George Alexander Karadimos; to the Committee on the Judiciary.

S. 2231. An act for the relief of Dr. In Bae Yoon; to the Committee on the Judiciary.

S. 2443. An act for the relief of Dr. Silvio Mejia Millan; to the Committee on the Judiciary.

S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3165. An act for the relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush); and

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), amended; and

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 8, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS ETC.

1231. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report on the need to revise fees for services provided by the Immigration and Naturalization Service and U.S. marshals, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Ninth report of the Committee on Government Operations (Rept. No. 91–550). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 3247. A bill to amend the act of December 11, 1963 (77 Stat. 349); with amendments (Rept. No. 91–551). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 3334. A bill to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North Dakota and South Dakota; with an amendment (Rept. No. 91–552). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and

XUM

Insular Affairs. H.R. 4226. A bill to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation; with an amendment (Rept. No. 91-553). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9424. A bill to declare that certain federally owned lands are held by the United States in trust for the Indians of the pueblo of Laguna; with an amendment (Rept. No. 91-554). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 775 An act to declare that the United States shall hold certain lands in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak. (Rept. No. 91-555). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (for himself, Mr. Adair, Mr. Brademas, Mr. Johnson of Pennsylvania, Mr. Sisk, Mr. Weicker, and Mr. Wold):

H.R. 14214. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California:

H.R. 14215. A bill to authorize the transfer of a vessel to the Los Angeles Unified School District for nontransportation use in the training of qualified applicants as ship repair and shipbuilding personnel; to the Committee on Merchant Marine and Fisheries.

By Mr. BURTON of Utah:

H.R. 14216. A bill to provide for the conveyance of the Weber River project to the Weber River Water Users' Association, Ogden, Utah; to the Committee on Interior and Insular Affairs.

By Mr. CONYERS:

H.R. 14217. A bill to authorize the Small Business Administration to guarantee any bid, payment or performance bond under an agreement entered into by a small business concern which is a construction contractor or a subcontractor; to the Committee on Banking and Currency.

By Mr. CORMAN (for himself, Mr. Burlison of Missouri, Mr. Denney, Mr. Dent, Mr. Edwards of Alabama, Mr. Galifianakis, Mr. Jacobs, Mr. Latta, Mr. Mathias, Mr. McCloskey, Mr. Shipley, and Mr. White):

H.R. 14218. A bill to amend title 10 of the United States Code to provide that medal of honor winners be presented with United States and service unit flags; to the Committee on Armed Services.

By Mr. FRELINGHUYSEN:

H.R. 14219. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 14220. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. KASTENMEIER:

H.R. 14221. A bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks; to the Committee on the Judiciary.

By Mr. LATTA:

H.R. 14222. A bill to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LOWENSTEIN (for himself, Mr. Addabbo, Mr. Boland, Mr. Brown of California, Mr. Farbstein, Mrs. Green of Oregon, Mrs. Mink, Mr. Ottinger, Mr. Scheuer, Mr. Tunney, and Mr. Charles H. Wilson):

H.R. 14223. A bill to control the use of hypnosis in criminal proceedings; to the Committee on the Judiciary.

By Mr. McMILLAN (for himself, Mr. Dowdy, Mr. Fuqua, Mr. Hagan, Mr. Hungate, Mr. Blanton, and Mr. Kyros):

H.R. 14224. A bill to amend chapter 23 of title 16 of the District of Columbia Code to revise proceedings regarding juvenile delinquency and related matters, and for other purposes; to the Committee on the District of Columbia.

By Mr. MICHEL:

H.R. 14225. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. REID of New York:

H.R. 14226. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agriculture.

By Mr. RIVERS:

H.R. 14227. A bill to amend section 1401 a(b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in consumer price index; to the Committee on Armed Services.

By Mr. ROGERS of Florida (by request):

H.R. 14228. A bill to provide conveyance of certain mineral interests of the United States in real property situated in Florida to the record owners of the surface of that property; to the Committee on Interior and Insular Affairs.

By Mr. SPRINGER (for himself and Gerald R. Ford):

H.R. 14229. A bill to amend the act entitled "An act to require certain safety devices on household refrigerators shipped in interstate commerce," approved August 2, 1956; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 14230. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL:

H.R. 14231. A bill to amend the retirement of judges provision of section 371 of title 28 of the United States Code by changing the age provisions thereof; to the Committee on the Judiciary.

H.R. 14232. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $80; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 14233. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 14234. A bill to provide for the control of mosquitoes and mosquito vectors of human disease through technical assistance and grants-in-aid for control projects; to the Committee on Interstate and Foreign Commerce.

By Mr. COHELAN (for himself, Mr. Gaydos, Mr. Gubser, Mr. Matsunaga, Mr. Lujan, Mr . Vigorito, Mr. Mathias, Mr. Podell, Mr. Perkins, Mr. Koch, Mr. St Germain, Mr. Anderson of California, Mr. Hicks, Mr. Donohue, Mr. Dingell, Mr. Meeds, Mrs. Mink, Mr. McCloskey, Mr. Minish, Mr. Hamilton, Mr. McCarthy, Mr. Stokes, Mr. Hawkins, Mr. Hechler of West Virginia, and Mr. Johnson of California):

H.J. Res. 924. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Ryan, Mrs. Chisholm, Mr. Stuckey, Mr. Rosenthal, Mr. Friedel, Mr. Halpern, Mr. McFall, Mr. Alexander, Mr. Scheuer, Mr. Ichord, Mr. Foley, Mr. Cramer, Mr. Green of Pennsylvania, Mr. Watts, Mr. Gude, Mr. Mikva, Mr. O'Neill of Massachusetts, Mr. Sisk, Mr. Waldie, Mr. St. Onge, Mr. Chappell, Mr. Blatnik, Mr. Flowers, and Mr. Roudebush):

H.J. Res. 925. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Murphy of New York, Mr. Pepper, Mr. Annunzio, Mr. Hathaway, Mr. Price of Illinois Mr. Leggett, Mr. Mailliard, Mr. William D. Ford, Mr. Carey, Mr. O'Hara, Mr. Brademas, Mr. Thompson of New Jersey, Mr. Randall, Mr. Olsen, Mr. Tiernan, Mr. Hosmer, Mr. Miller of California, Mr. Melcher, Mr. Ottinger, Mr. Jones of North Carolina, Mr. Brinkley, Mr. Bennett, Mr. Tunney, and Mr. Fulton of Pennsylvania):

H.J. Res 926. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Adams, Mr. Brasco, Mr. Baring, Mr. Jones of Tennessee, Mr. Camp, Mr. Rooney of Pennsylvania, Mr. Coughlin, Mr. Lowenstein, Mr. Howard, Mr. Kyros, Mr. Byrne of Pennsylvania, Mr. Culver, Mr. Moorhead, Mr. Cleveland, Mrs. Hansen of Washington, Mr. Biaggi, Mr.

Anderson of Tennessee, Mr. Kirwan, Mr. Symington, Mr. Karth, Mr. Ashley, Mr. Quie, Mr. Teague of California, and Mr. Cahill):

H.J. Res. 927. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Gonzalez, Mr. Daddario, Mr. Price of Texas, Mr. Hogan, Mr. Foreman, Mrs. Griffiths, Mr. Feighan, Mr. Pollock, Mr. Wolff, Mr. Taylor, Mr. Skubitz, Mr. Helstoski, Mr. Garmatz, Mr. Whitehurst, Mr. Gibbons, Mrs. Green of Oregon, Mr. Daniels of New Jersey, Mr. Fascell, Mr. Bolling, Mr. Bob Wilson, Mr. Brown of Ohio, Mr. White. Mr. Zablocki, and Mr. Pirnie):

H.J. Res. 928. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Nix, Mrs. Heckler of Massachusetts, Mr. Charles H. Wilson, Mr. Nedzi, Mr. Eilberg, Mr. Sikes, Mr. Stafford, Mr. Addabbo, Mr. Morse, Mr. Rodino, Mr. Bingham, Mr. Hungate, Mr. Whalen, Mr. Van Deerlin, Mr. Roybal, Mr. Philbin, Mr. Yatron, Mr. Steed, Mr. Edwards of California, Mr. Rees, Mr. Fraser, Mr. Evans of Colorado, Mr. Edmondson, and Mr. Talcott):

H.J. Res. 929. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Pettis, Mr. Dulski, Mr. Mollohan, Mr. Kastenmeier, Mr. Gallagher, Mr. Clark, Mr. Riegle, Mr. Dorn, Mr. Farbstein, Mr. Preyer of North Carolina, Mr. Henderson, Mr. Ruppe, Mr. Brown of California, Mr. Hanley, Mr. Corman, Mr. Udall, Mr. Albert, Mr. Clay, Mr. Conyers, Mr. Burton of California, Mr. Hanna, Mr. Dellenback, Mr. Horton, and Mr. Gray):

H.J. Res. 930. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Holifield, Mr. Reid of New York, Mr. Obey, Mr. Lennon, Mr. Moss, Mr. Roth, Mr. Madden, Mr. Staggers, Mr. Conte, Mr. McDade, Mr. Yates, Mrs. Dwyer, Mr. Vanik, Mr. Gilbert, Mr. Long of Maryland, Mr. Patten, and Mr. Boland):

H.J. Res. 931. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programa and projects, and for payment to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. FOLEY (for himself and Mr. Lowenstein):

H.J. Res. 932. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million; to the Committee on Agriculture.

By Mr. GUBSER:

H.J. Res. 933. Joint resolution authorizing the President to proclaim the period November 2 through November 8, 1969, as "National Zero Defects Week" to the Committee on the Judiciary.

By Mr. POAGE (for himself, Mr. McMillan, Mr. Stubblefield, Mr. Purcell, Mr. O'Neal of Georgia, Mr. Foley, Mr. de la Garza, Mr. Vigorito, Mr. Jones of North Carolina, Mr. Sisk, Mr. Burlison of Missouri, Mr. Lowenstein, Mr. Jones of Tennessee, Mr. Melcher, Mrs. May, Mr. Mayne, Mr. Zwach, Mr. Kleppe, Mr. Sebelius, Mr. McKneally, and Mr. Mizell):

H.J. Res. 934. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal 1970 to $610 million; to the Committee on Agriculture.

By Mr. SCHWENGEL:

H.J. Res. 935. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. SEBELIUS:

H.J. Res. 936. Joint resolution to designate Route 70 of the National System of Interstate and Defense Highways as the Eisenhower Memorial Highway; to the Committee on Public Works.

By Mr. MOSS:

H. Con. Res. 399. Concurrent resolution protesting the treatment of American servicemen held prisoner by the Government of North Vietnam and backing the administration in its efforts on behalf of these servicemen held captive by the North Vietnamese Government; to the Committee on Foreign Affairs.

By Mr. PERKINS:

H. Res. 572. Resolution amending House Resolution 200, 91st Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLMER:

H.R. 14235. A bill for the relief of Capt. Claire E. Brou; to the Committee on the Judiciary.

By Mr. WHALEN:

H.R. 14236. A bill for the relief of the estate of Luther A. Ihrig; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

282. By the SPEAKER: Petition of George L. Carnage, Jr., Atlanta, Ga., relative to redress of grievances; to the Committee on the Judiciary.

283. Also, petition of Allan Feinblum, New York, N.Y., relative to the Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

SENATE—*Tuesday, October 7, 1969*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for this good land, for the diverse peoples who live in it and love it, for the strength of our institutions, and for our liberty under Thy rulership.

At this midday pause in the day's duties we ask Thee to cross the inner threshold of our hearts, lay hold upon our faith, and make us equal to the demands of high office. We confess that on the lower levels of life, without Thee, we find ourselves surprised and trapped by unworthy compromises, by cowardly concessions, by weak acquiescence, by disobedience to the heavenly vision. When we would do good, evil is present with us. We need Thee, O God. Every hour we need Thee.

So wilt Thou give us steadfast hearts, resolute wills, sensitive consciences, and enduring faith that we may quit ourselves as men of that kingdom whose Builder and Maker is God. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 6, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONVEYING TO THE CITY OF CHEYENNE, WYO., CERTAIN REAL PROPERTY OF THE UNITED STATES HERETOFORE DONATED TO THE UNITED STATES BY SUCH CITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (S. 1718) to provide the conveyance to the city of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HANSEN. Mr. President, I rise to urge passage of S. 1718. This bill would provide for the reconveyance to the city of Cheyenne, Wyo., of 28 acres of property which was originally donated to the U.S. Government for use as the site of our fine Veterans' Administration hospital and VA center.

This land was part of an original 600-acre tract which was donated by the city of Cheyenne back in 1932 for the Veterans' Administration facility. Then, in 1965, this 28 acres was declared surplus to the further needs of the Government.

There are no improvements at all on this land. Thus, it includes no valuable improvements constructed by the Federal Government.

This property has long been considered suitable for park and recreational purposes, and it is with this intent that the city of Cheyenne requests the land be reconveyed. The land is located close to Cheyenne's new and beautiful East High School, and would be ideal as a recreational spot. There is no question as to the need for parks and other recreation land, especially in these days of social crisis.

The suitability of this tract for an outstanding park for recreational purposes is well known in Cheyenne. I believe it is altogether suitable for this land to be donated back to Cheyenne.

The land was originally donated to the U.S. Government. The pressure on State and local governments to pay even 50 percent of the fair market value of land for park and recreational purposes—under the terms of the Morse formula—is insurmountable at times. The cost of having to purchase such land could result in its being lost to the use of Cheyenne's citizens forever. Because the city of Cheyenne originally gave the land to the Federal Government, it is altogether fitting, I believe, that the land, now surplus to the needs of the VA center, be made available to all the people of Cheyenne.

Surplus lands which cannot be purchased by State and local governments because of lack of funds might be lost forever. This appears to be a tragic waste when one considers the billions of dollars that the Federal Government is spending to improve the social fabric of the cities.

Mr. President, this bill would result in the establishment of a recreational area which will benefit the entire city of Cheyenne. I urge its favorable consideration by the Senate.

The city of Cheyenne has done an imaginative job with its parks and recreation program, not the least of which is the Sloan's Lake area near Frontier Park and Pavilion on the north side of the city. Another fine area is Holiday Park near Lincoln Way in Cheyenne.

If we pass S. 1718, the city can go forward with plans for an important park development in the eastern area of the city—an area that has experienced a great deal of growth as a new residential area. This timely action by the Senate, and subsequent action in the House, will help to provide for park areas in close proximity to where people live. This is an important consideration which will enhance the full use of the park, both now and in the future. It is a step forward for Cheyenne and Wyoming.

I am pleased to have played a small part in the legislative journey of this measure.

Mr. McGEE. Mr. President, soon the Senate will consider S. 1718 for final passage. This is a bill introduced by my colleague, Senator Hansen, which would authorize the Administrator of the General Services Administration to convey, without consideration, certain land to the city of Cheyenne, Wyo.

Originally, the city of Cheyenne conveyed, without consideration, a tract consisting of approximately 600 acres to the Federal Government for use by the Veterans' Administration for the construction and operation of hospital facilities. Subsequently, the hospital and medical center were constructed, and it was soon realized that the acreage originally conveyed in 1932 was far in excess of VA requirements for this installation. Throughout the years a major portion of the original 600 acres has been returned to the city of Cheyenne by means of several conveyances.

Mr. President, the 30-acre tract involved in S. 1718 has been carried as surplus property to the requirements of the Veterans' Administration since 1955. It is, therefore, obvious that this land is excess to present and future requirements. I feel that the interests of all parties concerned would be served if this tract could be conveyed to the city of Cheyenne at this time. The city of Cheyenne has various alternate plans to put this property to valuable and beneficial civic uses which will benefit the residents of the area and the region; but until this land is finally reconveyed to the city of Cheyenne their plans for urban development cannot proceed in an orderly fashion. Since this is part of the land which was donated to the Federal Government originally by the city of Cheyenne, it is only fair, now that it is not needed for Federal purposes, that it should be reconveyed to the city without financial consideration. Certainly it would be inequitable for the Federal Government to require a monetary payment from the city of Cheyenne under these circumstances.

This legislation is not without a precedent. In 1965 Congress approved and President Johnson signed into law Public Law 89-345, which authorized conveyance to the city of Cheyenne a 27-acre tract of land which comprised a portion of the original 600 acres.

Mr. President, I, therefore, strongly urge that the Senate give prompt and favorable consideration to this bill so that final passage can be obtained during this session of Congress.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 1718) was ordered to be engrossed for a third reading, was read the third time, and passed.

WATER QUALITY IMPROVEMENT ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 346, S. 7, and I ask unanimous consent that it be the pending business at the conclusion of the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered; and the bill will be the pending business at the conclusion of the transaction of routine morning business.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, the Senate modified this order to provide that at the conclusion of its business today it stand in recess until 10 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the disposition of the Journal on tomorrow, the distinguished junior Senator from Iowa (Mr. Hughes) be recognized for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I may proceed for a period of 30 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none and it is so ordered.

THE NOMINATION OF JUDGE HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. HOLLINGS. Mr. President, I would have hoped that the most deliberative body in Government would have proceeded with the nomination of Judge Haynsworth in a more deliberate fashion. At the present moment, the hearings have not been completed and all the testimony has not been submitted, according to the Senator from Indiana. The committee record, as a result, has not been finalized or printed. The Committee on the Judiciary has not formally considered the particular nomination, and as a result the committee has yet to act.

Already, Mr. President, Senators are jumping to conclusions. Rather than the most deliberative body, I almost have the feeling that we are about the 100 fastest guns in the East, trying to get the headline, rather than trying to get to the point in substance of the Haynsworth nomination; that is, the Judge's qualifications to be an Associate Justice of the U.S. Supreme Court.

For example, in the newspaper coverage of this matter, they have rushed headlong and failed to cover many things of importance and, consequently, many things in support of this distinguished jurist. One, which I ask unanimous consent to have printed in the Record at the conclusion of my remarks, is the statement by Prof. William Van Alstyne, of the Duke University School of Law, who is known as a civil libertarian and an outstanding and eminent professor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Another example, of course, is the studied judgment and testimony of Dr. Charles Alan Wright, now with the University of Texas School of Law, who formerly was with the University of Minnesota; and, if I may, I would like to point out his qualifications:

> For more than twenty years my professional specialty has been observing closely, and teaching and writing about, the work of the federal courts. From 1950 to 1955 I was a member of the faculty at the University of Minnesota Law School and I have been at The University of Texas since that time. I was a visiting professor at the University of Pennsylvania Law School in 1959–60, at the Harvard Law School in 1964–65, and at the Yale Law School in 1968–69. I regularly teach courses in Federal Courts and in Constitutional Law, a seminar in Federal Courts, and a seminar on the Supreme Court. Since 1964 I have been a member of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States and prior to that time was a member of the Advisory Committee on Civil Rules. I was Reporter for the recently-completed Study of Division of Jurisdiction between State and Federal Courts made by the American Law Institute.

His writings include a seven-volume revision of the Barron and Holtzoff Treatise on Federal Practice and Procedure, and he has taken the trouble to study every decision in which Judge Haynsworth has participated—not merely every one that he has written upon, but every one in which he has participated, which covers a span of some 12 years and 167 volumes of the Federal Reporter.

He says that with his professional interest in the Federal judiciary and with his writing commitments, he necessarily studies with care all the decisions of the Federal courts and inevitably forms judgments about the personnel of those courts. I quote Professor Wright:

> We are fortunate that federal judges are, on the whole, men of very high caliber and great ability. Among even so able a group, Clement Haynsworth stands out. Long before I ever met him, I had come to admire him from his writings as I had seen them in Federal Reporter.

Quite to the contrary of what we read in the headlines, Mr. President, where it is said Judge Haynsworth is "obscure" and he does not have the gloss and eminence that we should have on the highest court of our land.

Professor Wright concludes with the following comment:

> I cannot predict the votes of Justice Haynsworth. The cases I have reviewed in this statement demonstrate, I believe, that in the areas of criminal procedure and freedom of expression the record of Judge Haynsworth on the Fourth Circuit has been a constructive and forward-looking one. But I support his nomination, not because his views on these subjects or others are similar to mine, but because his overall record shows him to have the ability, character, temperament, and judiciousness that are needed to be an outstanding Justice of the United States Supreme Court.

Mr. President, at this point I ask unanimous consent to have printed in the Record at the conclusion of my remarks the two statements by Professor Wright.

The PRESIDING OFFICER (Mr. Allen in the chair). Without objection, it is so ordered.

(See exhibit 2.)

Mr. HOLLINGS. Mr. President, those things do not appear in the headlines and it appears that some of our brethern, some of our colleagues, are making their judgments on the headlines. If that is the test and the measure, I cannot help but wonder. That would make it pretty easy to understand if that were the test.

Mr. President, I go immediately to the Evening Star of Monday, October 6, 1969. The headline of the Washington Evening Star article of yesterday is "Haynsworth Deal Eyed." I say this with some mixed appreciation and not criticism of the substance of the article in the Evening Star. Actually, there is an editorial in the same newspaper supporting Judge Haynsworth. However, the fact of the matter is that is not what the headline implies. It intimates that: "We have a judge involved in deals, and we are eyeing the deals."

All the poor judge has said is, "I will take all my stocks and put them in trusteeship." Is that a deal? It is an offer for complete disclosure. We do not want to fault anyone for a moment for insisting on complete disclosure. When I introduced Judge Haynsworth, I included that in my introduction.

No one faults the Senator from Indiana (Mr. Bayh) for going into this matter as meticulously as he can. This is a lifetime appointment. The Senate is the responsible body. It is our duty to go into every facet possible to make certain of the qualifications of Judge Haynsworth, and every other aspect of the matter, including his personal habits, his personal character, and his ability. I do not want it to appear that I am leaning toward the school of thought that "Now that you have my good friend the judge up for confirmation, we are going to skirt over the record." In introducing the judge I asked that everything be introduced. But what happened? Rather than having it appear we have given a complete record, which is the fact, they would make it appear the contrary is true.

I would like to have awaited the action by the Committee on the Judiciary, but in the initial hearing a letter dated September 6, 1969, was presented to the committee with the complete stockholdings up until the time of the nomination.

Mr. President, I ask to have printed in the Record at the conclusion of my remarks that letter with the complete stockholdings.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HOLLINGS. Mr. President, Mr. Arthur McCall, who testified, was his stockbroker. He was asked for a listing of all stock transactions of Judge Haynsworth.

Mr. President, I ask unanimous consent to have printed in the Record that listing of stock transactions.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HOLLINGS. Mr. President, then, after we obtained a listing of all stockholdings—and it must be remembered that at the time he placed in the record of the Committee on the Judiciary his complete income tax returns for the years 1957 through the time of his nomination— we were then asked both orally and in writing two things by the Senator from Indiana. At that particular time, last Wednesday, before the Committee on the Judiciary, the Senator from Indiana said, we knew of five stocks where

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it appears that the judge sat on particular cases while he held the stock where those parties were litigants. He was asked, "Give us the names of the five stocks and we will get a complete record." He said, "No, we will not do that. We will wait. We want the listing of all stocks. Before I tell you my five stocks, I want a listing of all stocks."

Now who is playing games with whom? We have been trying to get everything they want. It does not take just 1 or 2 hours to get a complete listing. Those other sheets were worked on for days to obtain as accurate and as complete a record as could be done in answer to the Senator's request.

On October 1, last Wednesday, the Senator from Indiana wrote to the chairman of the committee, the Senator from Mississippi (Mr. EASTLAND) as follows:

OCTOBER 1, 1969.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate your continued cooperation in our efforts to lay the Haynsworth matter to rest. In discussing what had transpired with Mr. Chrissos, I suggested that I would forthwith recount the information which I had requested. It seems to me that the following items are still of importance to conclude fully our deliberations:

(1) a chronological listing of ownership of all assets of Judge Haynsworth from the time he went on the bench to the present day.

(2) The financial records, including profit and loss statements of Carolina Vend-A-Matic from the time of its incorporation to the time of its merger with ARA.

(3) The records of Carolina Vend-A-Matic's profit sharing and pension plans.

This information, plus the tax records and Carolina Vend-a-Matic's minutes and other records presently available to the Committee, should be very helpful in enabling us to conclude our deliberation. I regret that this matter has taken so much of the Committee's time. However, I feel it is imperative that we be complete insofar as this matter is concerned.

Thank you again for your continued thoughtfulness and cooperation.

Sincerely,

BIRCH BAYH.

Mr. President, I reiterate that he has every right and duty, and we do not fault the request. What was requested was a chronological listing of all assets of the judge from the time he went on the bench. The chronological listing by years was furnished to the Committee on the Judiciary at 4 o'clock yesterday afternoon. Then, last night, from the release, it appeared some hanky-panky was going on. Somehow it was made to appear that there was a judge on the run and they could not get the information. On the contrary, there was the offer to place the stock in the hands of trustees, but these efforts are labeled "Haynsworth Deal."

In yesterday's Evening Star, Mary McGrory writes:

> Senator Birch Bayh, D. Ind., retired over the week end with a new batch of financial records laboriously wrested from the Justice Department. He hopes to find in them the "just one more case" which could defeat the nomination of Judge Clement Haynsworth, Jr. to the Supreme Court.

Mr. President, I cannot help but read the next paragraph:

> A number of Republicans secretly wished him good hunting.

I emphasize the words "laboriously wrested from the Justice Department." No one is trying to hide. I do not represent the Republican Department of Justice. I say only this. I checked upon reading this particular article. Yes, Judge Haynsworth has his cousin, Harry Haynsworth, helping him compile this information. He took it for what was requested in Senator BAYH's letter, a chronological listing. It appears now they want the time of every purchase and the date of every sale of every stock. Mr. Harry Haynsworth was trying to prepare the chronological listing. He could not obtain the fractional shares unless he got the information from the company, and he was working on that. He has made the compilation by getting every stock slip showing the date of sales and date of purchase, and that information is with the Committee on the Judiciary. No one is trying to hide information.

Some say he is a racist. A professor of law and associate dean of the University of Wisconsin Law School, Mr. G. W. Foster, who wrote the HEW guidelines which first appeared in 1965, said he is not. However, these things do not get into the newspapers.

Mr. President, now specifically I turn to the case of the *Brunswick Corp.* v. *J. C. Long*, 392 F. 2d 337 (1968). On November 10, 1967, the judge decided a case, in which he later bought a thousand shares of Brunswick.

Question: Did he violate the canon or the statute?

Well, obviously it was a mistake, a lapse of memory, and not a lapse of ethics. No one questions it. He is the most sensitive fellow in the world. The other day he was criticized for the way he talked on television. Everyone who knows him knows he stutters. It has been a handicap for him in his lifetime. But he is not insensitive. Everybody talks about the big profits he made, but they do not talk about the big loss of over a million dollars if he held onto the stock. In the Carolina Vend-A-Matic matter, Carolina Vend-A-Matic has never been in court. In spite of all the headlines in which that company is involved, it was not a party litigant.

Now, we are going through scenarios of a judge on the run. When he tries to do everything they want done it is said that there is a "deal." No one is having to pull teeth. All they have to do is ask me to get the information. I do not know who is in charge of this appointment. Certainly, I have not been. I would like to have been, but it is not mine.

Mr. President, I cannot fault the reaction of some of my Democratic colleagues who attack this nomination in an ethical and diplomatic way when a Republican President is out trying to get a Governor to run against you and you are running for reelection next year. Why should you view so kindly this appointment to the U.S. Supreme Court? Why should he search behind the headlines? If it appears a mess, fine business. We messed up with President Johnson and Justice Fortas. Why not help President Nixon mess up with Judge Haynsworth. That is the rule of the game. Unfortunately, rightly or wrongly, I understand that. That is exactly the way it is headed. They are looking only at the headlines. They will not listen to both sides of the case. They are trying to equate this, obviously, with the Fortas case.

I emphasize this difference.

It was said to Justice Fortas, "Well, Justice, you explain or resign," and he chose to resign.

Judge Haynsworth has chosen to explain everything there is.

Justice Fortas was charged with dealing with a person who was convicted by a Federal criminal court in America. That person we might call, crassly, a convict. I hate to be that way about it, but that is it. When asked about the deal on the $20,000 a year that Justice Fortas obtained from that particular convict family's foundation, he said, "I got the $20,000. I held it for a year. I then gave it back," but the agreement on the $20,000 was for life and then over to his wife's life all for the Justice to write about brotherhood.

Who believes that? I do not believe it to this day. I might be wrong.

But rather than explain the circumstances, Justice Fortas chose to resign.

The point is, it might look wrong or it might look questionable but each Senator has his duty to perform. There is no faulting anyone to say these things look questionable. But when we come to try to explain, do not give me this stuff that it is just like Justice Fortas' case. It was only this year that he refused to explain. He chose rather to resign.

No one is asking Judge Haynsworth to resign.

They are having a game with this case. I am getting a little worn watching them play this game, especially with the headlines.

I want to mention one particular item which does give a meritorious difference between a judge's duty and a judge's discretion, because, Mr. President, we get right down to a matter that concerns me.

They say, "We will reveal this and that—we have got some five cases. We know about the five cases but are not telling you until you give us a list." Maybe, as Mary McGrory says, they can find one more. Last night, they mentioned one on the radio.

They supposedly discovered this Grace Line case. The fact is, however, that on September 24, 1969, Irving Abramson, who is the general counsel for the IUE of the AFL–CIO, stated before the Committee on Judiciary, that Judge Haynsworth owned some stock in the Grace Line Co., and that he decided a case in *Farrow* v. *Grace Line Inc.*, 381 F. 2d 380 (1967); and that he decided this for the Grace Line. This case brings into sharp focus exactly what I have in mind.

What was the Grace Line case and what was the judge's duty?

I have tried many personal injury cases. The Grace Line case involved the doctrine of unseaworthiness and the absence of liability. How much? Farrow, the plaintiff seaman, injured his wrist when a fellow seaman dropped one end of a ladder that two men were carrying. As a result, he was put for a time on light work and while on light work he received his regular wages. He claimed that he did not want to be on light work because otherwise he would have received overtime which was additional compensation which would have been payable.

He also claimed compensation for pain in the wrist while on the light work schedule. In any event, he was denied all liability. There was a jury trial. The jury found for $15.12. Think of it—$15.12.

Now, Mr. President, Judge Haynsworth owned 300 shares out of approximately 18 million shares of the W. R. Grace and Co. which, for the record, is part of the Grace Line, Inc., a wholly owned subsidiary of the W. R. Grace and Co., and holding company of the parent company. He owned 300 of some 18 million shares.

The trial judge increased it to $50 and when appealed to the court there was a per curiam decision in which Judge Haynsworth participated.

I read as follows:

[James Lee Farrow v. Grace Lines, Inc.
381 F. 2d 380 (1967)]

PER CURIAM

> We think the District Court was well within its discretionary authority in refusing to set aside the verdict of the injury on the ground of inadequacy. The amount of the verdict was small, but well within the range permitted by the testimony.
>
> Affirmed.

That was all that was held.

Now, was it a violation, Mr. President, of law or of ethics for Judge Haynsworth to have sat on that particular case?

That is the question.

Under the particular law we, as Members of Congress, have it within our power to legislate and we give the judge discretion and put in subjective language, like the word "substantial."

I shall not read the entire statute, but it is title 28, 455 of the United States Code, which provides as follows:

> Any Justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest . . . or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein.

We put in there the word "substantial." And then we ask that he make a determination "in his opinion." We put that burden on the judge, with a similar burden of sitting on cases to ensure random panels in the appellate jurisdiction of the full circuit court of appeals, which is an important task for a judge.

As chief judge, Judge Haynsworth must make sure that the selection is random, so he has this duty on random panels conflicting to some extent with the other duty. He has to test each time "in his opinion" whether it is "substantial." In the Grace Line case he had a $50 case in front of him. Knowing it is going to be per curiam, he says, "It is not substantial." "I do not have any interest in it." It really does not affect the leading decision. The leading decision on a subsidiary is a California case which states:

> Where a judge owns stock in a corporation which in turn owns or controls the stock of a party litigant, disqualification is not required, according to the principal case in the field. *Central Pacific Railway Co.* v. *Superior Court*, 211 Calif. 706, 296 Pacific 883 (1931).

Now, Mr. President, in fairness to the Senator from Indiana (Mr. BAYH) and his concern, there is the canon involved as well as the statute. The canon involved is contained in the Canons of Judicial Ethics of the American Bar Association. Canon 26 reads:

> 26. Personal Investments and Relations.
>
> A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the Bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.
>
> He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin.

But we go right down and we take that particular canon in connection with a decision or opinion of 30 years ago, in which the American Bar Association states:

> A judge who is a stockholder in a corporation which is a party to litigation pending in his court may not, with propriety, perform any act in relation to such litigation involving the exercise of judicial discretion.

Is that binding or is that controlling, or is it not?

Obviously, Congress has said, "You have got to determine whether or not there is a substantial interest. You have got to determine it in your opinion, the basis of disqualification."

Let me say a word about Prof. John P. Frank. Professor Frank in his letter to the chairman of the Judiciary Committee, concerning the Carolina Vend-A-Matic matter, said:

> This is my thirtieth year as a law teacher, lawyer, and author. Politically, I was a strong supporter of President Kennedy, President Johnson, and Vice President Humphrey. In the constitutional field, I believe I filed, with others including the present Solicitor General of the United States, the first brief calling for a total end to school segregation (*Sweatt v. Painter*, 339 U.S. 629 (1950)); was one of the first to advocate the rule which has become one man, one vote ("Political Questions," in *Supreme Court and Supreme Law*, 36, 41 (E. Cahn ed. 1954)); consistently advocated the right to counsel rule which culminated in *Gideon v. Wainwright*, 372 U.S. 335 (1963); and was co-counsel on the prevailing side of the confession case of *Miranda v. Arizona*, 384 U.S. 436 (1966). Numerous books and articles reflect an abiding admiration for the work of Justice Hugo L. Black, and my immediately forthcoming work on law reform is dedicated to Chief Justice Earl Warren. I know Judge Haynsworth by virtue of twice having been a guest speaker on current developments in the law of civil procedure at the Fourth Circuit Judicial Conference, over which he presides, and as a fellow member of the American Law Institute.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter written by Professor Frank to the chairman of the committee (Mr. EASTLAND).

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEWIS, ROCA, BEAUCHAMP, & LINTON,
Phoenix, Ariz., September 3, 1969.

Hon. JAMES O. EASTLAND,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: I respond to your request for an opinion as to whether Judge Clement Haynsworth might properly have disqualified himself in the case of *NLRB* v. *Darlington Mfg. Co.*, 325 F.2d 682 (4th Cir. 1963).

You make this inquiry while Judge Haynsworth's appointment to the Supreme Court is pending before your Committee because of my article, *Disqualification of Judges*, 56 *Yale L. J.* 605 (1947), which is, so far as I know, still the most comprehensive report on both law and actual practice in that field; the article includes a questionnaire survey of all federal, circuit and state supreme courts. Attached is a personal identification sheet, but a brief notation of points of view may be relevant here, and I append it in the note.[1]

I turn now to the precise matter.

QUESTION PRESENTED

Might Judge Haynsworth properly have disqualified in the *Darlington* case?

ANSWER

No; it would have been unsound practice to do so.

DISCUSSION

A. Facts

Deering Milliken Company in the early 1960's was a largely Milliken family-held textile selling house. It was also what can be loosely called a holding company, owning or dominating 17 textile manufacturers which had 27 plants. One of those plants was Darlington Manufacturing Company, in which the Deering Milliken group held a majority, but by no means all of the stock. Darlington fell into conflict with the Textile Workers Union in 1956 and went out of business. The broad legal question was whether Darlington had committed unfair labor practices, and if so, whether Deering Milliken should be held financially responsible.

Judge Haynsworth, when the matter reached his Court was a substantial stockholder in Carolina Vend-A-Matic Co., a vending machine company which sold coffee and other refreshments. This company had "locations" in many places, including three of the twenty-seven Deering Milliken affiliates. The locations were obtained by competitive bidding. Deering Milliken did not pay Vend-A-Matic to come to the premises—Vend-A-Matic paid a premium to Deering Milliken, if anything was paid. It had nothing to do with Darlington. Revenues from those plants amounted to about three per cent of the vending company's income.

When the case came before the Fourth Circuit Court of Appeals, the judges concluded that its importance warranted hearing by all of the five Circuits Judges, of whom Judge Haynsworth was one. The Court decided three to two that there was no unfair labor practice, with Judge Haynsworth in the majority. Hence, it never reached the question of whether Deering Milliken was chargeable with the cost. The Supreme Court held that there might have been an unfair labor practice, depending upon facts which were not in the record, and

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Footnotes at end of article.

XUM

that the Labor Board's opinion was not comprehensive enough to cover the case. It therefore vacated the decision of the Court of Appeals with instruction to send the case back to the Labor Board for further proceedings. On this remand, the Board found unfair labor practices and the Court of Appeals, Judge Haynsworth concurring specially, enforced the order. 397 F. 2d 760 (1968).

In late 1963, the Textile Workers Union of America, on the basis of an anonymous telephone call received by it, forwarded an allegation to Judge Sobeloff, the Chief Judge of the Fourth Circuit, charging improper inducements by Deering Milliken to Judge Haynsworth. Judge Haynsworth asked for a full-scale investigation and consideration, both by the Circuit Judges and the Department of Justice. On February 6, 1964, the Union, after the investigation, withdrew its complaint with warm apologies. The Court of Appeals Judges, after independent investigation, concluded that there was "no warrant whatever" for the charge; and Attorney General Kennedy expressed his "complete confidence" in Judge Haynsworth.

B. Question

Clearly, if there were any basis whatsoever for the anonymous suggestion of improper inducement, Judge Haynsworth would not be considered for any post. But there is not, and we put the call aside as one of those unhappy prices which judges must sometimes pay for the vexation of disappointed litigants.

There remains, however, the question presented in your letter to me as to whether Judge Haynsworth should have disqualified himself in the case.

C. General principles of disqualification

Disqualification is a term generally applied to the process or result by which a judge disengages from participation in a particular case which he would otherwise hear. There is a technical distinction between disqualification or exclusion by force of law, and recusation, or withdrawal at the judge's discretion, but the latter term is now largely obsolete, and I put it aside.[3]

There are two sources of the law of disqualification. The first is the common law. The second is the statutes. But these are to some extent overlaid by the constitutional conception of due process. That is to say, some kinds of disqualification are so absolutely basic that justice would be altogether denied if a judge were allowed to participate in a case. This amounts to what might be regarded as the inner core of disqualification. Surrounding that inner core are the group of further restrictions which are not constitutional, but are simply refinements. Illustrative of the constitutional inner core is the famous case of Dr. Bonham,[3] in which Lord Coke said that not even an Act of Parliament can allow a judge to retain a fine which he levies; the case illustrates the axiom that "No man shall be a judge in his own case."[4] The Bonham principle was followed in 1927, when the Supreme Court held that a judge could not hear a case in which he received a portion of the fine which he might levy.[5] The guiding due process principle was restated by the Supreme Court when it said:

"A fair trial in a fair tribunal is a basic requirement of due process . . . To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome."[6]

At common law, a judge could be disqualified only for interest. This has expanded by decision and statute to cover today three grounds of disqualification—interest, relationship, and bias. Speaking generally for a moment, interest is a personal involvement in the result, as if the judge had an interest in a property being foreclosed. Relationship is a family connection with a party, or perhaps an attorney. Bias is a hostility to a party, as a long personal enmity.[7]

Clearly, those are broad terms, and can take meaning only in concrete cases. Before coming directly to the federal practice, we observe in the country as a whole two conflicting currents on disqualification. In some states, disqualification is easy; in my own, *e.g.*, one may have one change of judge almost for the asking. A simple affidavit will do it. In others, disqualification is hard—one must squarely show interest, relationship, or bias or keep the judge he has.

The federal practice tends to the latter view. Originating in a period of few judges, perhaps one in a state, where disqualification might well mean long delay, casual disqualification was not much welcomed. This is reflected in the two federal statutes:

1. 28 U.S.C. § 455: "Interest of justice or judge.

"Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein."

2. 28 U.S.C. § 144: "Bias or prejudice of judge.

"Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. . . ." (Remainder immaterial).

One other important generalization. Particularly in the federal practice, the judge has an *equal* duty to disqualify when he should and to sit when he should. "It is a judges' duty to refuse to sit when he is disqualified but it is equally his duty to sit when there is no valid reason" not to; *Edwards* v. *United States*, 334 F. 2d 360, 362, n. 2 (5th Cir. 1964) a case in which the judge clearly regretted that he could not withdraw. This is the general federal view.[8]

D. This case

If Judge Haynsworth were to have disqualified in this case, it would necessarily have been for interest. That is to say, there is no conceivable question of relationship or bias, apart from interest, as those terms are used in the law.[9] We must therefore give close attention to the concept of interest as it exists in disqualification cases.

This permits a sharpening of the general question: Under what circumstances, if any, must a shareholder of a company which has business dealings with a party, disqualify from hearing a case involving that party? For the sake of brevity, we may reach the answer with a series of numbered paragraphs:

1. For our purposes, it is immaterial that Judge Haynsworth was a shareholder in the vending company rather than owner of the company in a personal proprietary capacity. The law of disqualification, in the heavy majority and clearly better view, treats a shareholder as though he individually were the concern in which he holds shares. In other words, if a judge holds shares in a corporation which is in fact a party before him, he should disqualify as much as if he himself were a party.[10] As my study shows, every state and federal court reporting agrees that if the judge has a pecuniary interest in the party, he may not sit.

2. Where the judge has an interest in a non-party, however, the rules are entirely different. This is a necessary concession both to common sense and to the practicalities of modern life. As was noted by an English court in 1572 dealing with the subject of disqualification for relationship. "All the inhabitants of the earth are descended from Adam and Eve, and so are cousins of one another," but "the further removed blood is, the more cool it is."[11] Lines must be drawn somewhere.

Thus at common law, a judge might have disqualified in a case involving taxes in an area in which he paid. But this is not the modern view.[12]

In these non-party cases, the rule of disqualification which has developed is a test of immediacy or remoteness of the interest. The interest must be direct, proximate, inherent in the instant event, and affected by the direct outcome of the particular case.[13] It must be direct, real and certain, and not incidental, remote, contingent, or possible.[14] The interest contemplated is a "pecuniary or beneficial interest" in the case,[15] with equal attention both to the benefit and to its connection with the particular case.[16]

Some cases push this to the point of saying that in order to be disqualified for interest in these third party situations, the judge must be capable of being made an actual party to the case, but this is not the better view, which is that it is sufficient if he has a proprietary interest in the actual result of the actual case.[17]

3. Coming then squarely to the problem of judges who in some manner have financial relations with a party, the question may arise when the judge is connected with a supplier, as here; or in some other fashion is or is connected with a creditor or debtor of the party. These problems have been solved as the foregoing principles clearly foreshadow. If the interest of the judge as creditor or debtor or supplier will in any way be affected by the case, then he must disqualify. Otherwise, he should not. For example, when there is a dispute over a corporate election in Corporation *A*, which in turn has a large claim against Corporation *B*, in which the judge is a shareholder, the judge was held disqualified to pass on the election because he would in effect be choosing who was to be in control of a lawsuit against him.[18] Similarly, where a judge is a stockholder in a bank which is a creditor of plaintiff for a substantial amount, and plaintiff is dependent upon a judgment in the particular case to pay the bank, the judge was disqualified. *Jones v. American Cent. Insurance Co.*, 83 Kan. 44, 109 P. 1077 (1910); and note opposite result where judge is creditor but will not be affected by the result, *Dial v. Martin*, 37 S.W. 2d 166 (Tex. Civ. App. 1931). On the other hand, where there is no direct effect in any meaningful way, the judge is not disqualified. Thus a judge who is a stockholder in a bank which is restrained as a stakeholder but will not be affected by the final outcome was not disqualified.[19]

The Supreme Court of Michigan has emphatically rejected a view that a judge who is a shareholder of a creditor of a party, even on a substantial obligation, is disqualified in the absence of a showing of some direct and precise benefit to the creditor from the case; a suggestion to the contrary is said to have "no foundation in reason." [20]

A leading case very close to the instant situation is *Webb* v. *Town of Eutaw*, 9 Ala. App. 474, 63 So. 687 (1913), in which the judge was a stockholder in a bank to which a party was indebted. The Court, in holding no disqualification, laid down the guiding rule that the mere existence of "a business relation with one of the parties to it is to be regarded as too remote or contingent to constitute a ground of disqualification." The disqualification will exist only where the corporate creditor or the judge who is a stockholder in it "has such a direct and immediate interest in the result of the suit" as to be disqualified.[21]

4. The principles just outlined are codified in the controlling federal statute, 28 U.S.C. § 455; the judge is disqualified "in any case in which he has a substantial interest." This requires a substantiality of interest in the particular case.[22]

Footnotes at end of article.

CONCLUSION

A judge with an interest in a third party which in turn has business relations with a party to a case is not disqualified for interest unless somehow the case directly affects the third party. Any contrary result would lead to impossible consequences. If, hypothetically, a judge owned stock in a major automobile company, he would be disqualified from hearing auto accident cases if a party happened to be a regular purchaser of cars manufactured by "his" concern. In the present case, the issue was a determination of an unfair labor practice involving a subsidiary of a large concern which had no connection except common ancestry with other plants with which Vend-A-Matic did business. Vend-A-Matic's locations were obtained by competitive bidding. It did its business not with Deering Milliken except as it paid for the privilege of installing machines, but with its employees. The proportion of its revenue from this source was slight. There was no issue in the case which related even in the remotest or most fanciful degree to coffee and food distribution by Vend-A-Matic. A review of all of the reported cases on disqualification in the United States shows no instance in which a judge has ever disqualified in circumstances in any way similar to those here.

In the instant case, it was necessary to have all of the judges of the Circuit participate; it was an *en banc* determination. Had Judge Haynsworth not participated, the Court would have been unable to decide the case at all. But regardless of that circumstance, since he was not disqualified, it was under the strict federal rule of duty, his plain responsibility to participate, and he would have shirked his duty if he had not done so. There is "as much obligation upon a judge not to recuse himself when there is no occasion as there is for him to do so when there is." *In re Union Leader Corp.*, 292 F. 2d 381, 391 (1st Cir. 1961), *cert. denied*, 368 U.S. 927 (1961).

Yours very truly,

JOHN P. FRANK.

FOOTNOTES

[1] This is my thirtieth year as a law teacher, lawyer, and author. Politically, I was a strong supporter of President Kennedy, President Johnson, and Vice President Humphrey. In the constitutional field, I believe I filed, with others including the present Solicitor General of the United States, the first brief calling for a total end to school segregation (*Sweatt v. Painter*, 399 U.S. 629 (1950)); was one of the first to advocate the rule which has become one man, one vote ("Political Questions," in *Supreme Court and Supreme Law* 36, 41 (E. Cahn ed. 1954)); consistently advocated the right to counsel rule which culminated in *Gideon v. Wainwright*, 372 U.S. 335 (1963); and was co-counsel on the prevailing side of the confession case of *Miranda v. Arizona*, 384 U.S. 436 (1966). Numerous books and articles reflect an abiding admiration for the work of Justice Hugo L. Black, and my immediately forthcoming work on law reform is dedicated to Chief Justice Earl Warren. I know Judge Haynsworth by virtue of twice having been a guest speaker on current developments in the law of civil procedure at the Fourth Circuit Judicial Conference, over which he presides, and as a fellow member of the American Law Institute.

[2] This was a meaningful distinction in the federal system prior to 1949, when the applicable statute applied only to district judges and not to appellate judges; the appellate judges then frequently applied the statute to themselves. The adoption of 28 U.S.C. § 455 in that year as a general disqualification statute applicable to all judges makes this term of no consequence now. For discussion of these distinctions between House Judiciary Chairman Hobbs and Chief Justice Stone, see *A. Mason, Harlan Fiske Stone* 702–03 (New York: The Viking Press, 1956).

[3] 8 Co. 107a, 77 Eng. Rep. 638 (K.B. 1608).

[4] Co. Litt. 141a.

[5] *Tumey v. Ohio*, 273 U.S. 510 (1927).

[6] *In re Murchison*, 349 U.S. 133, 136 (1955).

[7] For development of these generalizations, see my article.

[8] See *Wolfson v. Palmieri*, 396 F. 2d 121 (2d Cir. 1968); *United States v. Hoffa*, 382 F. 2d 856 (6th Cir. 1967); *In re Union Leader Corp.*, 292 F. 2d 381, 391 (1st Cir. 1961), *cert. denied*, 368 U.S. 927 (1961).

[9] We may for other reasons put side 28 U.S.C. § 144; not only does it relate only to district courts, but it requires an affidavit procedure, and it is restricted to bias.

[10] This is the heavy majority rule; see cases collected at Note, 48 A.L.R. 617, updated in a comprehensive collection at 25 A.L.R. 3d 1331. There are some refinements where the holding is very small; see *e.g., Lampert v. Hollis Music, Inc.*, 105 F. Supp. 3 (E.D.N.Y. 1952) (20 shares on 13,881,016). See also my own article at 56 *Yale L. J.* 605, 637 (1947), reporting that in 33 state and federal courts there is disqualification in such circumstances, but that 2 state and 2 federal courts reported that disqualification might be waived where the holding was very slight, and 1 federal court reported that a judge had sat where the holding was very slight. Nonetheless, the view is overwhelming. There are also refinements not necessary to be considered here when the stock is held by a member of the judge's family; see Note, 4 *Minn. L. Rev.* 301 (1920). And see illustratively, *Goodman v. Wisconsin Elec. Power Co.*, 248 Wis. 52, 20 N.W. 2d 553 (1945).

[11] *Vernon v. Manners*, 2 Plowden 425, 75 Eng. Rep. 639 (K.B. 1572).

[12] My article shows no judges disqualifying because they are taxpayers, and only two areas in which they disqualified because they would be affected by public utility rates.

[13] *Goodspeed* v. *Great Western Power Co. of California*, 19 Cal. App. 2d 435, 65 P. 2d 1342, 1345 (1937).

[14] See cases collected at 48 *C.J.S. Judges* at 1048.

[15] *United States* v. *Bell*, 351 F. 2d 868, 878 (6th Cir. 1965); *Edwardson* v. *State*, 243 Md. 131, 220 A. 2d 547 (1966).

[16] *Beasley* v. *Burt*, 201 Ga. 144, 39 S.E. 2d 51 (1946).

[17] *Hall* v. *Superior Court*, 198 Cal. 373, 245 P. 814 (1926) (judge owns property in an irrigation district immediately involved in litigation); for a view requiring a party capacity, see another California case, *Central Pac. Ry. Co.* v. *Superior Court*, 211 Cal. 706, 296 P. 883, 888–89 (1931). The proper test is whether the third party has a "present proprietary interest in the subject matter." *City of Vallejo* v. *Superior Court*, 199 Cal. 408, 249 P. 1084 (1926). If so, the judge is disqualified or worse. In Anonymous, 1 Salk. 396, 91 Eng. Rep. 343 (K.B. 1698), the judge was "laid by the heels" for sitting in an ejectment case when he was lessor of the plaintiff.

[18] *Bentley* v. *Lucky Friday Extension Mining Co.*, 70 Idaho 511, 223 P.2d 947 (1950).

[19] *Adams* v. *McGehee*, 211 Ga. 498, 86 S.E.2d 525 (1955).

[20] *In re Farber*, 260 Mich. 652, 245 N.W. 793, 795 (1932).

[21] *Id.* at 688. The same problem arises when municipal bodies are called upon to award contracts for public works, and it is frequently held that the mere fact that a municipal officer is a shareholder in a supplier of a contractor is not a disqualification; *O'Neill v. Town of Auburn*, 76 Wash. 207, 135 P. 1000 (1913).

[22] As is said of a third-party involvement under an earlier form of the statute, where the judge as shareholder of a creditor was wholly unaffected by the case, the interest to disqualify may be "so slight or inconsequential that the rights of the parties would be best subserved by his proceeding . . ." *Utz & Dunn Co. v. Regulator Co.*, 213 F. 315, 318 (8th Cir. 1914).

BIOGRAPHICAL DATA OF JOHN P. FRANK

John P. Frank, lawyer and author, was born in Appleton, Wisconsin, in 1917, and received his B.A., M.A. and LL.B. at the University of Wisconsin and his J.S.D. from Yale University. He has held various governmental positions, having been law clerk to Mr. Justice Hugo L. Black at this October, 1942, Term, and having served as an assistant to Secretary of Interior Ickes and as a special Assistant in the Department of Justice under Attorney General Biddle.

Mr. Frank taught law from 1946 to 1954 at Indiana and Yale Universities, specializing in constitutional law, legal history, and procedure, and has been a visiting professor at the University of Washington and the University of Arizona. From 1954 to the present, he has been a member of the firm of Lewis Roca Beauchamp & Linton in Phoenix, Arizona.

Mr. Frank is the author or editor of nine books, largely on legal subjects. These include *Marble Palace* and *The Warren Court*, books on the United States Supreme Court; *Lincoln as a Lawyer;* and *Justice Daniel Dissenting*, a biography of a nineteenth century Supreme Court Justice. His lectures at the opening of the Earl Warren Legal Center at the University of California will shortly be published under the name of *American Law: The Case for Radical Reform*.

Mr. Frank is a member of the Advisory Committee on Civil Procedure of the Judicial Conference of the United States. He is also the author of numerous articles in legal and popular magazines, including *Fortune, Redbook, Reader's Digest*, and others.

Mr. HOLLINGS. He says, at the very beginning, in talking of the duty of a judge to sit:

> One other important generalization. Particularly in the federal practice, the judge has an equal duty to disqualify when he should and to sit when he should. "It is a judge's duty to refuse to sit when he is disqualified but it is equally his duty to sit when there is no valid reason" not to; *Edwards* v. *United States*, 334 F. 2d 360, 362, n. 2 (5th Cir. 1964) a case in which the judge clearly regretted that he could not withdraw. This is the general federal view.

He goes on and finalizes the entire opinion, and Professor Frank states:

> In the instant case, it was necessary to have all of the judges of the Circuit participate; it was an *en banc* determination. Had Judge Haynsworth not participated, the Court would have been unable to decide the case at all. But regardless of that circumstance, since he was not disqualified, it was, under the strict federal rule of duty, his plain responsibility to participate, *and he would have shirked his duty if he had not done* so. There is "as much obligation upon a judge not to recuse himself when there is no occasion as there is for him to do so when there is." *In re Union Leader Corp.*, 292 F. 2d 381, 391 (1st Cir. 1961), *cert. denied*, 368 U.S. 927 (1961).

I will just read the one on ethics, in which he said:

> In the Darlington case, it was his plain responsibility to participate, and he would have shirked his duty if he had not done so.

How many Senators have heard that? In the Darlington case, which the smear is all about, this eminent authority says that if he had not participated, he would have shirked his duty. He says the judge shall sit in such a case. He says there is

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"as much obligation upon a judge not to recuse when there is no occasion as there is for him to do so when there is."

I understand further inquiry has been made of this gentleman with respect to the matter of the case——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. By the way, Judge Frank's opinion was concurred in by Judge Lawrence Walsh, chairman of the American Bar Association, who has the following background:

> I have been admitted to the bar of New York since 1936, the bar of the Supreme Court since, well, 1950. I have been assistant district attorney and counsel to the Governor of New York, counsel to and director of the New York-Waterfront Commission, New York Harbor. I have been a Federal judge deputy attorney general of the United States.

He now represents the U.S. Government in the negotiations in Paris.

Judge Walsh was chairman of the particular American Bar Association group which examined Judge Haynsworth's qualifications, opinions, and everything else. I quote from Judge Walsh with reference to the Darlington case:

> We believe that there was no conflict of interest in the Darlington case which would have barred Judge Haynsworth from sitting and we also concluded that it was his duty to sit.

They come back to that same conclusion. So it is not one particular man's opinion. This is the general, prevailing authority. In fact, Judge Frank says that if there is authority otherwise, he wishes that they would please point it out for him.

Let us go specifically to the matter of the Grace Line.

S. 2994—INTRODUCTION OF A BILL PROVIDING A JUDGE SHALL ABSTAIN FROM PARTICIPATION IN ANY CASE INVOLVING A PARTY LITIGANT IN WHICH HE HAS ANY INVESTMENT

Mr. HOLLINGS. Mr. President, I introduce a bill at this time and ask that it be referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2994), to amend title 28, section 455, United States Code, introduced by Mr. HOLLINGS, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOLLINGS. I should like to read the bill, since it is short:

> That Title 28, Section 455, U.S. Code, is amended by adding at the end of such section the following:
>
> "Ownership by a judge of stock in a corporation which is a party litigant or which owns any interest in a party litigant shall be deemed substantial for the purposes of this section; and a judge shall abatain from participation in any case involving a party litigant in which he has any investment whatever."

Obviously, the thrust of the introduction of this bill is to bring into focus the particular provision of the statute with reference to which Judge Haynsworth would be called back and asked about the Grace Co. case, in which he participated in the per curiam decision. Ipso facto, the question would be whether it was his duty to sit. He would have sat because he would have said, "It was my duty. I would not have been doing my my duty if I had not sat." That is all opposed to the argument that he was insensitive; that he has no regard for his duty. He does have regard for his duty.

The question is one of judicial authority, rather than monetary interest. It is a question of persuasion; whether legally the judge should sit or whether it bars him from coming before the court. The main thing is that the judge has been adhering to the statute in this case. He has been adhering to the ethic.

In the testimony of Judge Frank he states that, with respect to the statute involved and the canon involved, the question raised by the Senator from Indiana (Mr. BAYH) and others, there is no conflict at all, and he has adhered to the particular statute involved with the effect that the judge did not violate the canon.

But I am sure Senators have not had that language read to them from that particular part of his testimony. And I ask unanimous consent to insert an excerpt of his testimony in the RECORD at this point.

There being no objection, the excerpt from the testimony was ordered to be printed in the RECORD, as follows:

> Mr. FRANK. Because I did not deal with the Canons. Because I think for purposes of the Federal courts they are simply immaterial. They merely are reflective of, in this highly general language of, what is in the Code anyway, and the rule for the Federal judges is adequately, I think, covered by the statutes and the cases and I don't think the Canons really add anything other than a confirming note or echo.

Mr. HOLLINGS. The point is that when asked by Senator BAYH, "What about the canon?" he said:

> The ethic and the statute are consonant. The statute is no more than a clear enunciation of the ethic and the duties that the court has and that the judge has.

In my judgment, he had a particular duty, and there has been no violation of that particular part of the canons of ethics.

There is a feeling in this body—and I know, because I have been talking with Senators—that if you own a share of stock, you ought to disqualify yourself.

Mr. President, the judiciary does not know that. They point to the California case and to the cases by Judge Frank, holding that they have a duty to sit. I want to clarify that, and if the Senator from Indiana wishes to join me as a cosponsor, fine; let us tell the judge exactly what he is expected to do.

To me, this situation is very much like that of the young fellow who went to the psychiatrist, who, in attempting to analyze his problem, drew a circle and asked the young man, "What does that make you think of?"

"Sex," he responded.

The psychiatrist drew a line, and asked the same question.

Again he said, "Sex."

Then the psychiatrist drew a cross, and the young man again replied, "Sex."

Thereupon the psychiatrist turned to him and said: "You have got the most depraved mind I ever saw. All you ever think about is sex."

To which the young man replied: "Who is filthy minded? You are the one drawing the dirty pictures."

Mr. President, who has provided the statute? This body and the House next door, the Congress, with the signature of the President thereon. When a judge adheres to the statute, we say, "By gosh, you are insensitive." We say, "You violated the canons of ethics." We say, "You violated the statute."

Mr. President, that is not the case at all, because the authors, those who have dealt with it—and there is no more eminent authority on judicial disqualification than John P. Frank—in accordance with the decisions of the courts, and with that 30-year-old decision by the American Bar Association, have all held that Judge Haynsworth is in obedience, and that he is not insensitive. He has had a large holding; but we have never said they could not have holdings in stocks.

He is not involved in honorariums. He is not involved in receiving fees, through his clients or through educational institutions. He is not involved with foundations. He is not practicing law while still on the bench. He has made an error in the Brunswick case, but no one says that is really a breach of ethics; it is more a lapse of memory.

By this long, drawn-out proceeding, we cannot get at the facts. We have got to extract it from the hearsay and the rumor, first that they have withdrawn his name, or he has asked that it be withdrawn.

Mr. President, I say that does not provide the answer, nor comport with the dignity of the most deliberative governmental body in this world.

EXHIBIT 1

STATEMENT IN COMMENT ON APPOINTMENT OF JUDGE CLEMENT HAYNSWORTH TO THE SUPREME COURT OF THE UNITED STATES

It is not surprising that a Supreme Court appointment from the South, by a President who campaigned with some degree of criticism of the Warren Court, should attract a measured amount of liberal skepticism. The degree of reaction to Judge Clement Haynsworth's nomination, however, may be quite unworthy of some of the truly fine people who have too quickly given it currency. In those areas of statutory interpretation and constitutional adjudication where the issue is so unsettled that judicial discretion must necessarily play a major role, Judge Haynsworth's record cannot be seen as illiberal.

In Hawkins v. North Carolina Dental Society, Judge Haynsworth authored the court of appeals opinion which desegregated the North Carolina Dental Association, rejecting its claim that it was not subject to the equal protection clause of the 14th Amendment. He joined as well in North Carolina Teachers Association v. Asheboro City Board of Education, reversing a lower federal court which had upheld the displacement of Negro teachers who had lost their jobs to whites when schools were integrated. He also shared the court's decision in Newman v. Piggy Park Enterprises, applying the Civil Rights Act against a claim that insufficient food was sold for consumption on the premises to bring the business within the statute.

In the field of criminal justice, he authored an extraordinarily careful opinion in Rowe v. Peyton, extending the right of prisoners to have their convictions reviewed on habeas corpus—a new development later affirmed by the Supreme Court. He joined in Crawford v. Bounds to protect defendants in capital cases from being sentenced by death-prone juries from which all expressing any reservation to capital punishment had been excluded—a new development also subsequently affirmed by the Supreme Court in a related case. In Pearce v. North Carolina, he applied a constitutional principle newly developed at the federal level in his own circuit to protect defendants from harsher sentences following retrial—again in advance of the Supreme Court which affirmed the decision several months later.

In respect to First Amendment rights, he joined in the first federal decision which struck down a state law restricting the right of university students to hear guest speakers on campus—a principle later expanded by a half-dozen other federal courts and indirectly approved by the Supreme Court in a related case just this year.

On occasion when his opinion has differed conservatively from that of more liberal jurists, it has not been without care or reason. Thus, his conclusion in Baines v. City of Danville that only an extraordinary kind of civil rights case could be removed from a state court to a federal court was accompanied by a painstaking analysis with which a majority of the Supreme Court subsequently agreed in Peacock v. City of Greenville. Similarly, his conclusion in Warden v. Hayden that an otherwise constitutional search is not unreasonable because its object is only to secure evidence of a crime was also subsequently shared by a majority of the Supreme Court.

I do not submit that these decisions warrant that Judge Haynsworth will be a "liberal" justice. His record on the court of appeals does not—and in the nature of things could not—enable us to predict his votes in the substantially different role of associate supreme court justice. They do indicate, however, that he is an able and conscientious man who will approach his duties on the Supreme Court with a spirit of open-mindedness as well as an appreciation of the difficulties of the judicial process.

EXHIBIT 2

STATEMENT OF CHARLES ALAN WRIGHT

My name is Charles Alan Wright. I am Charles T. McCormick Professor of Law at The University of Texas. I come to support the nomination of Judge Haynsworth to the Supreme Court.

For more than twenty years my professional specialty has been observing closely, and teaching and writing about, the work of the federal courts. From 1950 to 1955 I was a member of the faculty at the University of Minnesota Law School and I have been at The University of Texas since that time. I was a visiting professor at the University of Pennsylvania Law School in 1959–60, at the Harvard Law School in 1964–65, and at the Yale Law School in 1968–69. I regularly teach courses in Federal Courts and in Constitutional Law, a seminar in Federal Courts, and a seminar on the Supreme Court. Since 1964 I have been a member of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States and prior to that time was a member of the Advisory Committee on Civil Rules. I was Reporter for the recently-completed Study of Division of Jurisdiction between State and Federal Courts made by the American Law Institute.

My writings include a seven-volume revision of the Barron and Holtzoff Treatise on Federal Practice and Procedure. That set of books is now being supplanted by a new treatise on the same subject. Publication of the new treatise began in February of this year with my three volumes on criminal practice and procedure, and the first of the volumes on civil litigation, which I am writing in collaboration with Professor Arthur R. Miller, was published in April. In addition I am the author of a one-volume hornbook, *Wright on Federal Courts*, a second edition of which is now at the publisher's, and, in collaboration with two others, am the author of the Fourth Edition of *Cases on Federal Courts*.

With this professional interest, and with these writing commitments, I necessarily study with care all of the decisions of the federal courts, and inevitably form judgments about the personnel of those courts. We are fortunate that federal judges are, on the whole, men of very high caliber and great ability. Among even so able a group, Clement Haynsworth stands out. Long before I ever met him, I had come to admire him from his writings as I had seen them in *Federal Reporter*.

Some of the criticisms of Judge Haynsworth that I have read in the press seem to me to fail to take into account the difference between the role of a Justice of the Supreme Court and that of a judge of an inferior court. In the first place, the nature of the work is different. The Supreme Court today is necessarily a public law Court, with almost all of its time devoted to momentous cases involving the interpretation and application of the Constitution and the statutes of the United States. In a court of appeals, such as the Fourth Circuit, there is much more private litigation, of interest only to the parties in the case, and many more cases of a kind that the Supreme Court rarely reviews, such as the construction of a particular patent, award of compensation in an eminent domain proceeding, the niceties of the Bankruptcy Act, sufficiency of the evidence in a personal injury case, and the meaning of state law in a diversity case. To form a judgment about Judge Haynsworth based only on his opinions in the comparatively few cases in which he has participated that are of the sort he is likely to hear on the Supreme Court is to ignore the vast body of his work and thus to risk forming a mistaken impression of his judicial qualities and of his conception of the role of a judge. To avoid falling into that same error myself, I have gone back in the last several weeks and looked at every opinion in which he has participated, opinions covering a span of 12 years and 167 volumes of *Federal Reporter*.

Second, it must be remembered that the function of a lower court judge is to apply the law as the Supreme Court has announced it, except for those rare instances in which there is solid reason to believe that the Supreme Court itself would no longer adhere to an old decision. He cannot disregard an authoritative Supreme Court precedent no matter how deeply he may feel that the highest tribunal has erred. At the same time, as Learned Hand once observed, he must be slow to embrace "the exhilarating opportunity of anticipating a doctrine which may be in the womb of time, but whose birth is distanct * * *" [*Spector Motor Service v. Wash*, 139 F. 2d 809, 823 (2d Cir. 1944) (dissenting opinion).] The example of John J. Parker shows what a tragic mistake it can be to suppose that the opinions of a conscientious and law-abiding lower court judge necessarily reflect his own understanding of the Constitution and the laws. Even those who think, as I emphatically do not, that it is proper to assess a judge on the basis of whether the results he has reached are in accord with one's own preferences should be careful, in reviewing the record of a lower court judge, to consider particular results in the context of what the law, as the Supreme Court had announced it, was at the time the case came down.

Let me give one example of the point I have just made. In 1960 Judge Haynsworth joined with Judges Sobeloff and Boreman in a short per curiam opinion. A plaintiff was arguing that state law denying an illegitimate child the right to inherit from his father was a denial of the equal protection of the laws to illegitimate persons. The court said that this argument was "so manifestly without merit" that it did not present a substantial federal question and the federal courts had no jurisdiction. [*Walker* v. *Walker*, 274 F. 2d 425 (4th Cir. 1960).] The decision seems strange, and probably wrong, when read today. In the light of the Supreme Court's decision that it is a denial of equal protection to refuse to allow an illegitimate child to recover for the wrongful death of its mother, the argument made to the Fourth Circuit in 1960 today certainly presents at the least a substantial federal question. But the Supreme Court decision did not come down until 1968 [*Levy* v. *Louisiana*, 391 U.S. 68 (1968)], and it is difficult to criticize lower court judges for failing to anticipate, eight years in advance, a Supreme Court decision that, when it finally came down, was criticized by three members of the Supreme Court as a "constitutional curiosit[y]" achieved only by "brute force." [*Id.* at 76.] I suggest the same point is equally applicable in other areas of the law.

There are judges who have been great essayists. We remember persons such as Justice Cardozo and Judge Learned Hand as much for their contributions to literature as for their contributions to law. Judge Haynsworth is not of this number. Very rarely does he indulge himself in a well-turned epigram or in quotable rhetoric. Instead his opinions are direct and lucid explanations of the process by which he has reached a conclusion. He faces squarely the difficulties a case presents but he resists the temptation to speculate about related matters not necessary to decision. There is one case in which, though affirming a decision, he wrote for more than a page about the "slovenly practices in offices of District Attorneys which come to our attention much too frequently" in connection with the drafting of indictments [*United States* v. *Roberts*, 296 F.2d 198, 201–202 (4th Cir. 1961)], but in this instance he was expressly authorized to speak for all of the judges of the Fourth Circuit, and not merely those on the panel, and the warning he uttered was a useful one in reducing the opportunity for attack in future criminal cases. On reading Judge Haynsworth's opinions I am reminded of Justice Jackson's classic advice to district judges about Judge Learned Hand and his cousin, Judge Augustus Hand. Justice Jackson said: "Always quote Learned and follow Gus." [Quoted in Clark, *Augustus Noble Hand*, 68 HARV.L.REV. 1113, 1114 (1955)]. If Judge Haynsworth's opinions are not quotable, they are easy to follow.

It would be very hard to characterize Judge Haynsworth as a "conservative" or a "liberal"—whatever these terms may mean—because the most striking impression one gets from his writing is of a highly disciplined attempt to apply the law as he understands it, rather than to yield to his own policy preferences. Thus in one case he felt compelled to hold that sovereign immunity barred any relief for a wrong committed by the National Park Service. In doing so, he wrote: "If some of us, appraising the policy considerations, were inclined to assign a more restricted role to the doctrine of sovereign immunity in this area, we could not follow our inclination when the Supreme Court, clearly and currently, is leading us in the other direction." [*Switzerland Co.* v. *Udall*, 337 F. 2d 56, 61 (4th Cir. 1964.)] When the Board of Supervisors of Prince Edward County made midnight disbursements of tuition grants so that the money would be gone before the Fourth Circuit had an opportunity to rule on the legality of this action, Judge Haynsworth thought that their conduct was "unconscionable" and "contemptible," but,

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unlike the majority of his court, he could not find it "contemptuous and punishable as such" since they had violated no court order in distributing the funds. [*Griffin* v. *County School Board of Prince Edward County,* 363 F.2d 206, 213, 215 (4th Cir. 1966) (dissenting opinion).] Many lawyers would agree.

Judge Haynsworth shows a considerable respect for precedent, and has felt bound by decisions that he thought incorrect [*Eaton* v. *Grubbs,* 329 F. 2d 710, 715 (4th Cir. 1964], but he insists that precedents be used with discrimination. In his first dissenting opinion he objected that the majority had applied language of other cases out of context and said "at least, if disembodied language is to be applied to a dissimilar question, it should not be regarded as controlling." [*Cooner* v. *United States,* 276 F. 2d 220, 238 (4th Cir. 1960) (dissenting opinion). See also *United States v. Bond*, 279 F. 2d 837, 848 (4th Cir. 1960) (dissenting opinion).] In a well-known later case he objected to the majority's reliance on the old and discredited rule that law officers may seize contraband or the instrumentalities of a crime but may not seize evidence of the crime, saying that "the language the Supreme Court has employed must be read in the light of what it has held." [*Hayden v. Warden, Maryland Penitentiary,* 363 F. 2d 647, 657 (4th Cir. 1966) (separate opinion).] He went on to make the argument that since the standards for use of confessions are being stiffened, the police must rely increasingly on scientific investigation of crime, and that they cannot do this if they are denied access to evidence that may be subjected to scientific analysis. The view he took there was vindicated when the case reached the Supreme Court, and that Court discarded the "mere evidence" rule. [*Warden, Maryland Penitentiary* v. *Hayden,* 387 U.S. 294 (1967).]

In another case he held, contrary to an old Supreme Court decision, that habeas corpus would lie to attack a sentence that the prisoner was to serve in the future. He said: "This Court, of course, must follow the Supreme Court, but there are occasional situations in which subsequent Supreme Court opinions have so eroded an older case, without explicitly overruling it, as to warrant a subordinate court in pursuing what it conceives to be a clearly defined new lead from the Supreme Court to a conclusion inconsistent with an older Supreme Court case." [*Rowe* v. *Peyton,* 383 F. 2d 709, 714 (4th Cir. 1967).] His prediction that the old case was so eroded that it would no longer be followed was proved accurate when the Supreme Court unanimously affirmed his decision. [*Peyton* v. *Rowe,* 391 U.S. 54 (1968).]

In that same habeas corpus case he showed, as he has throughout his judicial career, an awareness that law is not static and that changing times may require different solutions for problems. He pointed out how the nature of habeas corpus has changed since the great Writ was first developed and said: "The problem we face simply did not exist in the Seventeenth Century. Now that recently it has arisen, if there is a substantive right crying for a remedy, it seems most inappropriate to approach a solution in terms of a Seventeenth Century technical conception which had no relation to the context in which today's problem arises." [383 F. 2d at 713–714.] This has been a consistent theme in Judge Haynsworth's opinions. In his first year on the bench, in a case holding that a medical examiner's certificate showing the percentage of alcohol in a defendant's blood was admissible, he wrote that the Confrontation Clause of the Sixth Amendment was not intended "to serve as a rigid and inflexible barrier against the orderly development of reasonable and necessary exceptions to the hearsay rule." [*Kay* v. *United States,* 255 F. 2d 476, 480 (4th Cir. 1958)]. Only last year, in an important opinion for his court adopting a new test of insanity, he emphasized the need for "judicial reassessment of notions too long held uncritically and of a verbal formalism too long parrotted." [*United States* v. *Chandler,* 393 F.2d 920, 925 (4th Cir. 1968)].

The same respectful but discriminating approach Judge Haynsworth shows in the use of precedents is evident when the problem is one of construing a statute. He does not make a fortress of the dictionary. He insists, instead, on construing statutes in a fashion that will "effectuate the apparent purpose and intention of the Congress" [*Cross & Blackwell Co.* v. *F.T.C.,* 262 F. 2d 600, 605 (4th Cir. 1959)], and has refused "to adopt a literal interpretation of this statute without regard to its purpose or the extraordinary result to which it would lead." [*Alvord* v. *C.I.R.,* 277 F.2d 713, 719 (4th Cir. 1960). See also *Baines* v. *City of Danville,* 337 F.2d 579, 593 (4th Cir. 1964), *affirmed,* 384 U.S. 590 (1966).]

Another consistent theme in Judge Haynsworth's writings is his belief that it is not the function of an appellate court to make findings of fact. Both in civil and in criminal cases he shows great faith in the jury system. In an extermely important decision earlier this year he said that "faith in the ability of a jury, selected from a cross-section of the community, to choose wisely among competing rational inferences in the resolution of factual questions lies at the heart of the federal judicial system." [*Wratchford* v. *S. J. Groves & Sons Co.,* 405 F.2d 1061, 1065 (4th Cir. 1969).] This is merely the latest expression of an attitude he has had as long as he has been on the bench. [See, *e.g., Dixon* v. *Virginian Ry. Co.,* 250 F.2d 460, 462 (4th Cir. 1957).] He has been quick to hold that there must be a new trial if there was any possibility that an improper influence might have been brought to bear on the jury. [*Holmes* v. *United States,* 284 F.2d 716 (4th Cir. 1960); *Thomas* v. *Peerless Mattress Co.,* 284 F.2d 721 (4th Cir. 1960); *United States* v. *Rogers,* 289 F.2d 433 (4th Cir. 1961); *United States* v. *Virginia Erection Corp.,* 335 F.2d 868 (4th Cir. 1964).] Long before the Supreme Court came to a similar conclusion [*Bruton* v. *United States,* 391 U.S. 123 (1968)], he showed a proper skepticism about the efficacy of instructions cautioning a jury that a confession is admissible against one defendant but not against another and called for the routine adoption of practices that would give greater protection to the codefendant. [*Ward* v. *United States,* 288 F.2d 820 (4th Cir. 1960).] He has recognized, too, that jurors can be swayed by prejudice, and has held that when Negro defendants were on trial counsel must be given an opportunity to explore whether any members of the jury panel belonged to organizations that might suggest prejudices against Negroes. [*Smith* v. *United States,* 262 F.2d 51 (4th Cir. 1958).]

The jury occupies a significant constitutional role in our system, but even when it is a judge rather than a jury who has found the facts, Judge Haynsworth has thought that great weight should be given to the findings and that the appellate court should not substitute its own view of the facts for that taken by the district judge. [*Hall* v. *Warden, Maryland Penitentiary,* 313 F. 2d 483, 497 (4th Cir. 1963) (dissenting opinion); *United States* v. *Ellicott,* 336 F. 2d 868, 872–874 (4th Cir. 1964) (dissenting opinion).]

Finally, Judge Haynsworth respects the place of the states, and of the state judiciaries, in our form of government. Indeed he has been reversed by the Supreme Court for deferring too much to the state courts. [*Griffin* v. *Board of Supervisors of Prince Edward County,* 322 F. 2d 332 (4th Cir. 1964), *reversed,* 377 U.S. 218 (1964).] At the same time he has insisted on the independence of the federal courts. In an important decision he wrote that a state may not "deny the judicial power the states conferred upon the United States when they ratified the Constitution or thwart its exercise within the limits of congressional authorization." [*Markham* v. *City of Newport News,* 292 F. 2d 711, 713 (4th Cir. 1964).] This was in keeping with his voiced "concern for the perpetuation of an independent federal judicial system * * *." [*Wratchford* v. *S. J. Groves & Sons Co.,* 405 F. 2d 1061, 1066 (4th Cir. 1969).]

History teaches us that it is folly to suppose that anyone can predict in advance what kind of a record a particular person will make as a Justice of the Supreme Court. The awesome and lonely responsibility that the Justices have in considering the great issues that come before them has made them, in many instances, different men than they were before. All that one can properly undertake, in assessing a nominee to that Court, is to consider whether he has the intelligence, the ability, the character, the temperament, and the judiciousness that are essential in the important work he will be called upon to perform. Clement Haynsworth has shown in twelve years on the circuit court bench that he possesses all of these qualities in great measure. I hope that he will be quickly confirmed.

Thank you.

SUPPLEMENTAL STATEMENT OF CHARLES ALAN WRIGHT

On September 3d I sent to the Judiciary Committee copies of the prepared text of the testimony I expected to give in the hearing then scheduled for September 9th. The postponement of the hearing because of the regrettable death of Senator Dirksen and the delay in my own appearance before the Committee has made it possible for me to give further study to the cases in which Judge Haynsworth has participated and analyze in closer detail his philosophy in particular areas of the law to the extent that this is disclosed by his votes and his opinions. My attention has centered on the areas of criminal procedure and freedom of expression.

I continue to believe, as my original statement indicates, that it is impossible to know in advance what the voting record will be of any appointee to the Supreme Court and that it is especially treacherous to attempt to make such an advance assessment on the basis of what a man has done as a judge of a lower court prior to appointment to the Supreme Court. On many issues the record will be silent simply because the lower court judge has never been confronted with those issues. For one example, the meaning of the Establishment and Free Exercise Clauses of the First Amendment has never, so far as I can find, come up in any case in which Judge Haynsworth has participated. There are other important areas of the law of which this is equally true. Even where a lower court judge has been confronted with a particular issue he has done so as a judge writing within the framework of relevant Supreme Court decisions and not as a free agent.

For these reasons the remarks that follow are a description of the record of Judge Haynsworth. They are not an attempt to predict the record of Justice Haynsworth.

Few, if any, areas of the law are the subject of more controversy today than that of criminal procedure. It is an area of special interest to me because, as I noted in my original statement, earlier this year I published a three-volume treatise on federal criminal procedure. In the Preface to that treatise I said: "I freely confess to one bias. I admire and respect the Supreme Court of the United States." [1 Wright, *Federal Practice and Procedure: Criminal* viii (1968).] It is with that bias that I reviewed the criminal cases in which Judge Haynsworth has participated.

The overall impression that I get from these cases is that of an intensely practical approach to criminal procedure. This approach is hardly surprising in a judge who has expressed in many ways and in many

contexts the thought that "Theoretical abstractions are of no help. Our conclusion must be founded upon practical considerations." [*United States* v. *Southern Ry. Co.,* 341 F.2d 669, 671 (4th Cir. 1956).] Judge Haynsworth has been in the vanguard, often ahead of the Supreme Court, in protecting persons accused of a crime against any tilting of the scales of justice that might lead to the conviction of an innocent man. At the same time he has been reluctant to set free a person who is undoubtedly guilty because of some minor imperfection, saying that this is "too high a price to pay for indulgence of a sentimentalism." [*United States* v. *Slaughter,* 366 F.2d 833, 847 (4th Cir. 1966) (dissenting opinion).] Let me give illustrations of the cases that have led me to these conclusions.

One area of potential abuse in criminal procedure, in which there is a very real danger of convicting the innocent, is where several defendants are tried at the same time. There is substantial risk that the guilt of one defendant will rub off on another and that the jury will not make an independent evaluation of the evidence against each defendant.

In 1968 the Supreme Court reduced a part of this risk when it ruled that two defendants cannot be tried together if one has made a confession implicating the other unless precautions have been taken to protect the right of confrontation of the defendant who has not confessed. [*Bruton* v. *United States,* 391 U.S. 123 (1968).] Eight years before that decision Judge Haynsworth had written of the need for precautions of this kind and had said that "in the normal case, such a precaution should be taken routinely." [*Ward* v. *United States,* 288 F. 2d 820, 823 (4th Cir. 1960).] Even prior to that case Judge Haynsworth had concurred in one of the leading opinions on joinder of defendants, *Ingram* v. *United States* [272 F. 2d 567 (4th Cir. 1959)]. The holding in *Ingram* is that joinder of defendants is not permissible unless the requirements of the Rules of Criminal Procedure on joinder are satisfied, and that "it is not 'harmless error' to violate a fundamental procedural rule designed to prevent 'mass trials.'" [*Id.* at 570–571.] The *Ingram* decision seems to me demonstrably sound and I regret that the Second Circuit, in an opinion by Judge Friendly, has reached a contrary result. [*United States* v. *Granello,* 365 F. 2d 990 (2d Cir. 1966). See 1 Wright, Federal Practice and Procedure: Criminal 327–329 (1969).]

The right to a speedy trial is one of the important protections in criminal procedure, secured by the Sixth Amendment. For many years this right had been effectively denied to many defendants because the cases held that a state was under no obligation to try a defendant who was in a federal prison or the prison of another state on some other charge. The Supreme Court announced a different rule earlier this year, in a case in which I had the honor to be appointed by the Court as counsel for the indigent prisoner. [*Smith* v. *Hooey,* 393 U.S. 374 (1969).] It ruled that a state must make a good faith effort to have a defendant confined elsewhere returned for trial on the charges pending in the state.

Judge Haynsworth had joined in an opinion a year earlier anticipating the result the Supreme Court was later to reach [*Pitts* v. *North Carolina,* 395 F.2d 182 (4th Cir. 1968)], and only a few days before the Supreme Court decision he wrote the opinion for an en banc court liberalizing the use of habeas corpus, despite some serious technical difficulties, in order to provide a remedy for state prisoners who wish to enforce their right to be tried by another state. [*Word* v. *North Carolina,* 406 F.2d 352 (4th Cir. 1969).]

This term the Supreme Court also put teeth in the requirements of Criminal Rule 11 with regard to guilty pleas, by holding that the judge must personally address the defendant and determine that the plea is being made voluntarily and with an understanding of the nature of the charge. [*McCarthy* v. *United States,* 394 U.S. 459 (1969).] This came as no new doctrine in the Fourth Circuit, where the court, speaking through Judge Haynsworth, has long recognized a similar doctrine and held that Rule 11 "requires something more than conclusionary questions phrased in the language of the rule. It contemplates such an inquiry as will develop the underlying facts from which the court will draw its own conclusion." [*United States* v. *Kincaid,* 362 F.2d 939, 941 (4th Cir. 1966).]

One of the major decisions of the final decision day of the Warren Court was *North Carolina* v. *Pearce* [395 U.S. 711 (1969)], severely restricting the power of a judge to give a defendant who has had a first conviction set aside a more severe sentence after a second conviction on the same charge. The decision there affirmed by the Supreme Court was one in which Judge Haynsworth had joined [*Pearce* v. *North Carolina,* 397 F.2d 253 (4th Cir. 1968)], and indeed another decision in which he concurred, holding that the same rule applies even when the second sentence is imposed by a jury rather than by a judge [*May* v. *Peyton,* 398 F.2d 476 (4th Cir. 1968)], speaks to a question on which the Supreme Court is still silent and may well go beyond what the Supreme Court will require.

Judge Haynsworth's concern for the sentencing process is evident in still another case. The usual rule is that an appellate court may not consider the length of a sentence provided that it is within statutory limits. The Senate has passed a bill that would change this rule but to date it remains the rule. It would seem to follow that the length of a sentence within statutory limits may not be challenged collaterally by a motion under 28 U.S.C. § 2255. But the Fourth Circuit, in an opinion in which Judge Haynsworth joined, held that this rule must yield where they are exceptional circumstances, and that there were such circumstances, and § 2255 relief was available, where the judge had given the maximum sentence authorized by statute under the mistaken impression that he had no discretion to give a lesser sentence [*United States* v. *Lewis,* 392 F. 2d 440 (4th Cir. 1968).]

In 1966 the Fourth Circuit, sitting en banc, held unanimously that the method by which the police had had the victim of a crime identify the voice of a suspect was so suggestive that to allow evidence of the identification into evidence was a denial of due process. [*Palmer* v. *Peyton,* 359 F. 2d 199 (4th Cir. 1966).] That decision was cited approvingly by the Supreme Court a year later [*Stovall* v. *Denno,* 388 U.S. 293, 302 (1967)], and the Court has subsequently set aside a conviction on this ground. [*Foster* v. *California,* 394 U.S. 440 (1969).]

Judge Haynsworth has taken a generous view of the right to bail. Years ago he joined in an opinion holding that "normally bail should be allowed pending appeal, and it is only in an unusual case that denial is justified." [*Rhodes* v. *United States,* 275 F. 2d 78, 82 (4th Cir. 1960).] More recently he wrote an opinion holding, over vigorous dissent, that a federal court had properly released Rap Brown on his own recognizance from state custody on an extradition warrant. [*Brown* v. *Fogel,* 387 F. 2d 692 (4th Cir. 1967).]

Judge Haynsworth has detected violations of due process both where counsel was not provided an indigent for more than three months after his arrest [*Timmons* v. *Peyton,* 360 F.2d 327 (4th Cir. 1966)], and where defendant was brought to trial three and a half hours after indictment and there was insufficient time for appointed counsel to investigate the case. [*Martin* v. *Commonwealth,* 365 F.2d 549 (4th Cir. 1966).] He also voted to grant habeas corpus on the ground that the prosecuting attorney in a state case had had a conflict of interest since at the same time he was prosecuting the defendant he represented the defendant's wife in a divorce proceeding. [*Ganger* v. *Peyton,* 379 F.2d 709 (4th Cir. 1967).]

One of Judge Haynsworth's opinions reverses a criminal conviction because the judge had given an unbalanced version of the "Allen charge"—or "dynamite charge" as it is known in my part of the country. [*United States* v. *Smith,* 353 F.2d 166 (4th Cir. 1965).] See also *United States* v. *Rogers,* 289 F.2d 433 (4th Cir. 1961). The case is particularly interesting because there had been no objection to the charge in the district court, as is normally required for the appellate court to consider the point, but the danger that even the pure "Allen charge" will coerce a divided jury into convicting a person is so great [2 Wright, *Federal Practice and Procedure: Criminal* § 902 (1969)] that Judge Haynsworth concluded that a one-sided version of that charge was "plain error" that the appellate court might notice on its own motion.

Senator Tydings has called attention earlier in these hearings to Judge Haynsworth's splendid opinion in *United States* v. *Chandler* [393 F.2d 920 (4th Cir. 1968)], in which he rejected an antiquated test of mental responsibility and adopted for his circuit a new test more consonant with modern psychiatric knowledge.

There is an interesting passage in one of Judge Haynsworth's earliest opinions in which he wrote: "However compelling our conviction that Call has been guilty of wrongdoing, we may not affirm his conviction as a co-conspirator unless the evidence is reasonably susceptible of the inference that he knew of the conspiracy." [*Call* v. *United States,* 265 F. 2d 167, 172 (4th Cir. 1959).] The principle that a defendant may not be convicted because he is a bad man, but only if he committed the crime for which he is indicted, is one of great importance.

Judge Haynsworth has done much to remove shackles on the writ of habeas corpus and to make it freely available to those who claim that they have been denied their constitutional rights. At page 6 of my original statement I have discussed his best known case in this area, *Rowe* v. *Peyton* [383 F. 2d 709 (4th Cir. 1967), affirmed 391 U.S. 54 (1968)], in which he correctly anticipated that the Supreme Court would no longer follow its earlier precedent holding that a prisoner in custody under one sentence could not challenge another sentence he was to serve in the future. In his opinion in that case he combines great scholarship with the practical approach that is a major theme in all of his opinions. A formalistic approach to the statutory requirement that a prisoner be "in custody" would harm both the prisoner and the state. "It is to the great interest of the Commonwealth and to the prisoner to have these matters determined as soon as possible when there is the greatest likelihood the truth of the matter may be established. Justice delayed for want of a procedural, remedial device over a period of many years is, indeed, justice denied to the prisoner and, in an even larger degree, to Virginia." [383 F. 2d at 715.]

But *Rowe* stands far from alone. Judge Haynsworth has written that the statutory requirement that state remedies be exhausted does not bar relief when "the state court has decided the identical substantive point in a case involving another prisoner and pursuit of the state remedies, therefore, would be futile. [*Evans* v. *Cunningham,* 335 F.2d 491 (4th Cir. 1964).] He has held that petitions by prisoners are not to be read with a hostile eye and that "claims of legal substance should not be forfeited because of a failure to state them with technical precision." [*Coleman* v. *Peyton,* 340 F.2d 603, 604 (4th Cir. 1965).] The district court, on habeas corpus, is not bound by a wholly

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conclusionary finding by the state court [*Outing* v. *North Carolina*, 344 F.2d 105 (4th Cir. 1965)] nor may it accept the historical facts as found by the state court if the state court had no adequate basis for its findings. [*McCloskey* v. *Barlow*, 349 F.2d 119 (4th Cir. 1965).] In many ways the most interesting of the Haynsworth opinions on habeas corpus, other than the *Rowe* case, is *White* v. *Pepersack* [352 F.2d 470 (4th Cir. 1965).] A state court defendant, charged with first degree murder, had taken the stand and admitted the killing but testified to facts that would, if believed, show that it was not premeditated and that he could be convicted only of some lesser offense. The district court held that defendant's admission was tantamount to a plea of guilty and barred him from seeking habeas corpus on the grounds of an illegal search, an involuntary confession, and use of perjured testimony. The Fourth Circuit held to the contrary. In his opinion for the court, Judge Haynsworth wrote that defendant's testimony was surely not a plea of guilty to first degree murder and pointed out that if the state court had found the defendant guilty of second degree murder and imposed an appropriate sentence defendant himself might well have accepted his punishment as proper. Judge Haynsworth then said:

"Extended judicial inquiry, with all of its expense and delay, is the natural product of overconstruction of a defendant's admissions and the imposition of an inappropriate sentence. The flood of postconviction cases in state and federal courts will be stemmed only if justice is made to shine more brightly in the trial courts."

[*Id.* at 473.] The decision is reminiscent of an earlier one in which he had criticized slovenly practices in drawing indictments on the part of some United States attorneys and pointed out that the consequence of such practice is "the needless expenditure of much time and effort by [the United States Attorney], by defendants and their counsel and by the courts. Here, as in most situations, much waste could be avoided by an initial exercise of reasonable care." [*United States* v. *Roberts*, 296 F. 2d 198, 202 (4th Cir. 1961).]

It seems to me clear that Judge Haynsworth has clearly shown his unwillingness to tolerate procedures in criminal cases that taint the factfinding process or that cast doubt on the fairnesss of the proceeding or that unreasonably clog claims of constitutional right. In one case he wrote:

"Current astuteness in the protection of individual rights is not at odds with the interests of a society which places high values upon liberty and justice and freedom and fairness. It is the cornerstone of such a society."

[*Smallwood* v. *Warden, Maryland Penitentiary*, 367 F. 2d 945, 952 (4th Cir. 1966) (dissenting opinion).] Judge Haynsworth's whole record on the bench of the court of appeals demonstrates that that remark is not empty rhetoric but a statement of deeply felt conviction.

Some of the rules that the Supreme Court has laid down in criminal cases are not concerned with assuring a correct result or with preserving fairness in the proceeding but are intended to deter practices by those responsible for law enforcement that have been found to be inconsistent with the values of our free society. Judge Haynsworth has not been unmindful of this function of the courts. He had been on the bench barely a year when he joined in an opinion in which the court gave a broad reading to the then-recent decision in *Mallory* v. *United States* [354 U.S. 449 (1957)], and said:

"The teaching of the Mallory case is that insistence on strict compliance with Rule 5(a) is necessary to discourage police from the use of third degree methods, and that only in that way will the opportunity and the temptation be denied them. Unnecessarily prolonged detention before bringing the accused to a Commissioner or other judicial officer, to give police opportunity to extract a confession, is odious to our federal criminal jurisprudence * * *. [*Armpriester* v. *United States*, 256 F. 2d 294, 296 (4th Cir. 1958).]"

He wrote for his court in holding that the *Miranda* rules apply to custodial questioning even though the defendant was not formally under arrest. A dissenter argued that the majority was giving an overdrawn reading to *Miranda* and that the decision was "indeed a blow to law enforcement," but Judge Haynsworth said: "If the arresting officer's failure to make a formal declaration of arrest were held conclusive to the contrary, the rights afforded by *Miranda* would be fragile things indeed." [*United States* v. *Pierce*, 397 F. 2d 128, 130 (4th Cir. 1968).]

One other case about which Senator Tydings has already commented shows Judge Haynsworth's sensitivity to the role of the courts in deterring improper law enforcement practices. The case is *Lankford* v. *Gelston* [364 F. 2d 197 (4th Cir. 1966)]. The court en banc held unanimously, in a fine opinion by Judge Sobeloff, that an injunction should issue to prevent the Baltimore police from making blanket searches on uncorroborated anonymous tips. Most of the homes searched were occupied by Negroes. The court took note of the deteriorating relations between the Negro community and the police in Baltimore and said that "it is of the highest importance to community morale that the courts shall give firm and effective reassurance, especially to those who feel that they have been harassed by reason of their color or their poverty." The court took note of the serious problems of law enforcement but it said:

"Law observance by the police cannot be divorced from law enforcement. When official conduct feeds a sense of injustice, raises barriers between the department and segments of the community, and breeds disrespect for the law, the difficulties of law enforcement are multiplied."

[*Id.* at 204.]

I spoke at the outset of the very practical approach Judge Haynsworth takes to problems of criminal procedure. Law enforcement is a deadly serious matter and of great importance to all parts of society. It is not a game in which the police are to be called "out" for failure to touch every base.

The *Hayden* case, discussed at page 6 of my original statement, illustrates this. There Judge Haynsworth indicated his disagreement with the majority of the court in its adherence to the old rule that "mere evidence" may not be the object of a lawful search, and the Supreme Court, in reversing the decision, agreed with him. [*Hayden* v. *Warden, Maryland Penitentiary*, 363 F. 2d 647, 657–658 (4th Cir. 1966) (separate opinion), reversed 387 U.S. 294 (1967).] The "mere evidence" rule was an outdated relic of a former era. It stemmed from property law conceptions about search and seizure while today the Fourth Amendment is recognized as protecting an interest in privacy rather than interests in property. As a practical matter, the rule was a needless hobble on the police while at the same time it gave no substantial protection to the right of the people to be secure from unreasonable searches. Police could, and did, seize much evidence on the ground that it was a fruit of the crime, or contraband, or an instrumentality of crime, and thus properly the subject of a search. Only occasionally did a criminal defendant receive an unexpected windfall when a court was unable to bring particular evidence into one of these categories and was forced to exclude it. [See 3 Wright, *Federal Practice and Procedure: Criminal* § 664 (1969).] The rule had no reason for existence today and Judge Haynsworth was right, as the Supreme Court held, in believing that the time had come to discard it.

The practicality of his approach is evident also in a dissent he wrote in a case in which the majority held that a confession was involuntary. [*Smallwood* v. *Warden, Maryland Penitentiary*, 367 F. 2d 945 (4th Cir. 1966).] Judge Haynsworth thought that the circumstances in the case were far milder than in any case in which the Supreme Court had found a confession involuntary, but his principal argument was that it was pointless to test a 1953 confession by 1966 standards. The practices the police followed were practices that the Supreme Court in 1953, and for some years thereafter, approved. The police at that time could not have anticipated the change in standards that was later to evolve. Nor would setting the prisoner free in 1966 assist the police today in understanding their duty. The later Supreme Court decisions, and *Miranda* in particular, inform the police more authoritatively than would a decision of the Fourth Circuit. All of these considerations led Judge Haynsworth to say:

"It is not fair to the states or to the public to vacate judgments as old as this one on the basis of evolving constitutional standards which could not have been reasonably anticipated by the police at the time they acted."

[*Id.* at 952.] His view did not prevail in that case, but even those of us who welcome most enthusiastically the developments of the last decade in the law of confessions must concede that there is much force to Judge Haynsworth's position.

In appraising his decisions in confession cases, it is necessary to keep in mind the point that I developed at pages 7–9 of my original statement about Judge Haynsworth's reluctance to substitute his view of the facts for those of a jury or a district judge. This is a consistent thread in his confession opinions. It appears perhaps most clearly in a decision he wrote in 1967 upholding a determination that a confession was voluntary. [*Outing* v. *North Carolina*, 383 F. 2d 892 (4th Cir. 1967).] The case was obviously a close one. Judge Kaufman wrote a 26 page dissent, but the Supreme Court, unanimously so far as it appears, refused to review the case [390 U.S. 997 (1968).] Judge Haynsworth said that if the district judge had drawn an ultimate inference that the confession was coerced the court might well have sustained him. But the district judge found that the confession was not coerced and this finding was neither clearly erroneous as an inference of fact nor influenced by an erroneous view of law. Since this ultimate inference was a permissible one, the majority of the court felt that it should accept it. I think that here, as in other areas of the law, Judge Haynsworth shares an attitude expressed by Judge Chase, of the Second Circuit, some years ago when he said: "Though trial judges may at times be mistaken as to facts, appellate judges are not always omniscient." [*Orvis* v. *Higgins*, 180 F. 2d 537, 542 (2d Cir. 1950) (dissenting opinion).] Since this has been for many years my own view [see Wright, *The Doubtful Omniscience of Appellate Courts*, 41 Minn. L. Rev. 751 (1957)], I cannot find in it any ground for criticism of Judge Haynsworth or for believing that he is tolerant of coercive police practices.

In conclusion, I would like to turn away from criminal law and address myself briefly to the vitally important freedoms of expressions protected by the First Amendment. I am one of those who believe that these have a "preferred position" in our constitutional scheme and that they are of special significance at a time when many groups in our country are unhappy with the established order and wish to air their grievances. Judge Haynsworth has had very little occasion to address himself to the issues these freedoms pose and the decisions are too few to form any solid judgments.

I can find only eight cases involving any significant question of freedom of expression in which Judge Haynsworth has participated. Four of these are obscenity cases, a class of litigation that is perhaps sui generis, and that is not only immensely difficult in itself but is even more difficult for a lower court judge to try to understand the rules, such as they are, that the Supreme Court has laid down. In two cases he wrote for a unanimous court holding particular magazines obscene and was reversed by the Supreme Court [*United States* v. *392 Copies of Magazine Entitled "Exclusive,"* 373 F. 2d 633 (4th Cir. 1967, reversed 389 U.S. 50 (1967); *United States* v. *Potomac News Co.*, 373 F. 2d 635 (4th Cir. 1967) reversed 389 U.S. 47 (1967.] The reversals in each instance were per curiam decisions in which the Supreme Court relied on its Delphic opinion in *Redrup* v. *New York* [386 U.S. 767 (1967], which came down after Judge Haynsworth's decisions. In a third case he was part of a 5-2 majority of the Fourth Circuit holding that obscenity cannot be determined on a per se basis that any collection of photographs of nudes is obscene if, in some of the pictures, the pubic area is exposed. [*United States* v. *Central Magazine Sales, Ltd.*, 381 F. 2d 821 (4th Cir. 1967).] Finally he joined in a 2-1 decision that if material has been found by the district court not to be obscene, it should be admitted through customs and its release should not be held up pending appeal. [*United States* v. *Reliable Sales Co.*. 376 F. 2d 803 (4th Cir 1967).]

The other four cases are of more general importance. Judge Haynsworth was a member of a three-judge district court that held unconstitutional on grounds of vagueness a North Carolina statute limiting the kinds of persons who may speak on state university campuses. [*Dickson* v. *Sitterson*, 280 F.Supp. 486 (M.D.N.C. 1968).] Professor Van Alstyne, who is to testify in support of Judge Haynsworth, appeared in the case as amicus curiae and is the leading expert in the country on that particular field of the law. He is better qualified than I am to tell you of the significance of the decision. Judge Haynsworth was a member of a panel of his court upholding suspensions of students at Bluefield State College for taking part in a disruptive demonstration. [*Barker* v. *Hardway*, 399 F.2d 636 (4th Cir. 1969).] The Supreme Court refused to review the decision. Justice Fortas, who had been spokesman for the Court one week before in the *Tinker* case [*Tinker* v. *Des Moines Independent Community School District*, 393 U.S. 503 (1969)], in which it was held that school students cannot be disciplined for wearing black arm bands to express their disapproval of the Vietnam war, wrote an opinion concurring in denial of certiorari in the Bluefield States case. He said that "the petitioners here engaged in an aggressive and violent demonstration, and not in peaceful, nondisruptive expression, such as was involved in *Tinker*." [*Barker v. Hardway*, 394 U.S. 905 (1969) (concurring opinion).]

In *United Steelworkers of America* v. *Bagwell* [383 F.2d 492 (5th Cir. 1967)], Judge Haynsworth wrote the opinion holding unconstitutional a city ordinance prohibiting distribution of circulars about union membership without a prior permit from the chief of police. The decision on the merits is unexceptionable. The path was clearly marked by Supreme Court precedents. What is more interesting is the enthusiastic acceptance the court gave to the principle of *Dombrowski* v. *Pfister* [380 U.S. 479 (1965)] that in some cases in which First Amendment rights are involved the usual rules barring a federal court from interfering with a state's enforcement of its criminal laws no longer apply. One like myself who has doubts about whether the protection *Dombrowski* gives to cherished First Amendment rights is not outweighted by its cost in federal-state relations must note with interest Judge Haynsworth's willingness to apply, if not indeed to extend, *Dombrowski*.

Indeed Judge Haynsworth may have partially anticipated *Dombrowski* in a well-known case arising out of demonstrations by Negroes in Danville, Va. The case is a complicated one, involving a number of different issues, and several different appeals disposed of under a single title. Many demonstrators were arrested in Danville for violation of a state court injunction and local ordinances. Some of these persons attempted to remove their cases to federal court. Others went directly to federal court and sought to enjoin the pending state court prosecutions as well as future arrests. The case, which produced one per curiam opinion and two opinions by Judge Haynsworth for the majority of the Fourth Circuit, established four things. First, the court held that the Anti-Injunction Act of 1793, 28 U.S.C. § 2283, did not bar it from issuing a temporary injunction restraining state court prosecutions in order to preserve the status quo while it determined whether grant of a permanent injunction would fall under any of the exceptions to the Act. [*Baines* v. *City of Danville*, 321 F. 2d 643 (4th Cir. 1963); *Baines* v. *City of Danville*, 337 F. 2d 579, 593–594 (4th Cir. 1964).] This was a creative interpretation of the Anti-Injunction Act and is surely sound. [See American Law Institute, *Study of the Division of Jurisdiction between State and Federal Courts* 307 (Official Draft 1969).] Second, the court held that the circumstances did not permit removal of a criminal prosecution from state to federal court under 28 U.S.C. § 1443, which allows removal of certain civil rights cases. [*Baines* v. *City of Danville*, 357 F. 2d 756 (4th Cir. 1966).] This holding was affirmed by the Supreme Court. [*Baines* v. *City of Danville*, 384 U.S. 590 (1966).] Third, the court held that the Civil Rights Act, 42 U.S.C. § 1983, does not expressly authorize a stay of state proceedings and that the Anti-Injunction Act therefore barred an injunction against prosecutions already pending in the state court. [*Baines* v. *City of Danville*, 337 F. 2d 579, 586–594 (4th Cir. 1964).] The Supreme Court denied certiorari on this aspect of the case [*Chase* v. *McCain*, 381 U.S. 939 (1965)], and the question remains an open one in the Supreme Court. [See *Cameron* v. *Johnson*, 390 U.S. 611, 613 n. 3 (1968.]

Finally, and most importantly for present purposes, Judge Haynsworth held that the rule of comity by which federal courts do not ordinarily interfere with the states in the enforcement of their criminal laws is not absolute, and that the district judge should enjoin further arrests under the ordinances and the injunction "if he finds that in combination they have been applied so sweepingly as to leave no reasonable room for reasonable protest, speech and assemblies, and thus, in application, are plainly unconstitutional." [*Baines* v. *City of Danville*, 337 F. 2d 579, 594–596 (4th Cir. 1964).] *Dombrowski* demonstrates that Judge Haynsworth was right in going that far in allowing the federal court to give relief, although under *Dombrowski* a federal injunction against future prosecutions is also permitted if the challenged laws are unconstitutional on their face.

There is a passage in one of these opinions in which Judge Haynsworth speaks to the meaning of the First Amendment.

"Whatever constitutional basis there may be for the substantive demands of the demonstrators, they have, unquestionably, rights of free speech and assembly guaranteed by the First Amendment, and recognition of those First Amendment rights is required of Danville by the Fourteenth Amendment. Those First Amendment rights incorporated into the Fourteenth Amendment, however, are not a license to trample upon the rights of others. They must be exercised responsibly and without depriving others of their rights, the enjoyment of which is equally as precious. It is thus plain, for instance, that while Negroes, excluded because of their race from a privately operated theater, have a right to protest their exclusion and to inform the public and public officials of their grievance, they do not have the right, by massive occupancy of approaches to the theater, to exclude everyone else from it, or to coerce acceptance of their demands through violence or threats of violence.

"* * * It is well established that public officials, charged with the duty of maintaining law and order, may enforce laws and injunctions reasonably necessary for that purpose, but injunctions and statutes which exceed the necessities of the situation cannot be lawfully enforced if they infringe upon constitutional rights. What is required is mutual accommodation of the rights of the public and those rights of protestants which are guaranteed by the First Amendment."

[*Id.* at 586–587.] Later Supreme Court decisions, notably Justice Goldberg's opinion for the Court in *Cox* v. *Louisiana* [379 U.S. 536, 554–555 (1965)], demonstrate that the quoted passage from Judge Haynsworth's opinion represents sound First Amendment philosophy.

The record of the nominee on freedom of expression is scantier than his record on criminal procedure but from his decisions in that area of the law there is no reason to doubt his devotion to the great protections of the First Amendment.

I end as I begin. I cannot predict the votes of Justice Haynsworth. The cases I have reviewed in this statement demonstrate, I believe, that in the areas of criminal procedure and freedom of expression the record of Judge Haynsworth on the Fourth Circuit has been a constructive and forward-looking one. But I support his nomination, not because his views on these subjects or others are similar to mine, but because his overall record shows him to have the ability, character, temperament, and judiciousness that are needed to be an outstanding Justice of the United States Supreme Court.

EXHIBIT 3

U.S. COURT OF APPEALS,
FOURTH JUDICIAL CIRCUIT,
Greenville, S.C., September 6, 1969.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
Washington, D.C.

MY DEAR SENATOR: I have received by telephone this morning a copy of the letter addressed to you on yesterday by Senator Hart and Senator Tydings.

To the extent the requested information has relevance, I believe that the requested information is already in your possession in the statement I have filed with you, in the file delivered to you by the Department of Justice, and in the copies of my income tax returns. However, I shall address myself to the Senators' request as best I can.

(1) My financial interest in Carolina Vend-A-Matic and its subsidiaries from 1957 to 1964 is fully detailed in the statement I have previously filed. I never received any compensation from Carolina Vend-A-Matic or any of its subsidiaries as an officer or as a trustee of any profit sharing or retirement plan. I did receive compensation from Carolina Vend-A-Matic as a director, and in 1962 my wife received compensation as Secretary. These receipts for the period 1957–1964 are fully disclosed in the copies of the income tax returns filed with you. Since those returns are unavailable to me now, I cannot compile a schedule of those receipts here, but I am sure the staff of your Committee can do so from the tax returns.

(2) I believe the statement previously filed discloses the general nature of my services for Carolina Vend-A-Matic. In supplementa-

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tion of that statement, however, I may report that there was a weekly luncheon meeting of the board of directors. I attended these meetings when I was in Greenville and not otherwise engaged. At these extremely informal meetings, we considered and discussed weekly cash flow data and problems of financing which were my particular concern. From time to time there were also discussions of personnel and other problems, though I never became directly involved in any of them. After I went on the court I may have handled matters of the renewal and extension of bank credit, though I am not at all certain that I did so. Mr. Dennis handled all arrangements with the bank beginning shortly after his employment.

I rendered no other services to Carolina Vend-A-Matic.

(3) A complete list of the locations of vending machines of Carolina Venda-A-Matic and its subsidiaries and the gross receipts from the machines in each location for the years 1957–1964 could be compiled only from the original books of record of Carolina Vend-A-Matic and its subsidiaries. Those books are in the possession of ARA in Philadelphia, Pennsylvania. I believe it would permit an accountant to have access to them if the Committee wishes it, but such information is not in my capacity to supply immediately.

The file compiled by Judge Sobeloff contains a copy of the proposal made by Carolina Vend-A-Matic to Drayton Mill in December 1963. It contains a list of the forty-six industrial plants in which Carolina Vend-A-Matic then had vending machines installed. These were all full food service operations, in addition to which Carolina Vend-A-Matic had many machines in numerous locations dispensing only coffee, cold drinks or candy. For your convenience, I can reproduce here the list of forty-six industrial plants in which Carolina Vend-A-Matic provided full food vending service in December 1963:

1. Apalache Plant, Greer.
2. Bloomsburg Mill, Abbeville.
3. Brandon Rayon, Greenville.
4. Buffalo Mill, Union.
5. Carlisle Finishing Co., Union.
6. Central Mill, Central.
7. Columbia Nitrogen Corp., Augusta, Ga.
8. Consolidated Trim Co., Union.
9. Delta Finishing Co., Cheraw.
10. Diehl Manufacturing Co., Pickens.
11. Dunlop Corp., Westminster.
12. Firth Carpet Co., Laurens.
13. Fork Shoals Mill, Fork Shoals.
14. F. W. Poe Manufacturing Co., Greenville.
15. Gayley Mill, Marietta.
16. Greer Mill, Greer.
17. Her Majesty Manufacturing Co., Mauldin.
18. Homelite, Greer.
19. James Fabrics, Cheraw.
20. Jeffrey Manufacturing Co., Belton.
21. Jonesville Mills, Jonesville.
22. Magnolia Finishing Plant, Blacksburg.
23. Monaghan Mill, Greenville.
24. Mohasco Industries, Liberty.
25. Morgan Mills, Inc., Laurinburg, N.C.
26. Oak River Mill, Bennettsville.
27. Owens-Corning Fiberglas Corp., Aiken.
28. Piedmont Mill, Piedmont.
29. Pickens Mill, Pickens.
30. Pratt Reed, Central.
31. Procter & Gamble Mfg. Co., Augusta, Ga.
32. Pyle National, Aiken.
33. Rocky River Mill, Calhoun Falls.
34. Runnymede Corp., Pickens.
35. Sangamo Electrical Co., Pickens.
36. Sangamo Electrical Co., Walhalla.
37. S.C.M. Corp., Orangeburg.
38. Selma Hosiery, Dillon.
39. Shuron Optical Co., Barnwell.
0. Southern Weaving Co., Greenville.
1. Torrington, Walhalla.
42. Torrington-Clinton Bearing Div., Clinton.
43. Union Bleachery, Greenville.
44. Union Mill, Union.
45. Victor Mill, Greer.
46. Woodside Mill, Liberty.

(4) I am unable to supply a complete answer to question No. 4 for the same reason I am unable to supply a complete answer to question No. 3. However, I do have audited statements of Carolina Vend-A-Matic and its subsidiaries for the years 1961, 1962 and 1963, which I enclose. The file developed by Judge Soberloff discloses that the gross receipts from the machines located in Gayley Mill and the Jonesville Products plant, both Deering Milliken affiliated, approximated $50,000 annually. Those machines were in place in those two plants in each of the years 1961 through 1963. The enclosed audited financial statements show gross sales in 1961 of $1,690,698 and in 1962 of $2,546,046. It thus appears that the gross receipts from machines in plants affiliated with Deering Milliken amounted to slightly less than three per cent of total sales in 1961, and to less than two per cent of total sales in 1962.

The estimated annual gross receipts from machines placed in Magnolia Finishing Plant were approximately $50,000. The gross receipts from the three Deering Milliken affiliated plants, therefore, approximate $100,000 annually. The machines in Magnolia Finishing Plant were in place during part of 1963 only and, without access to the original books of account, I cannot estimate the proportion of sales from machines in those three plants to total sales in that year. Had Magnolia Finishing Plant been in operation during the whole of 1963 and Carolina Vend-A-Matic's machines had been in place during the whole of that year, however, the sales in the three Deering Milliken affiliated plants would have been slightly more than three per cent of the total gross sales of $3,155,102.

(5) Carolina Vend-A-Matic never had vending machines in Darlington Manufacturing Company and, so far as I know, never had any business relation whatever with it.

(6) I cannot say that I never heard prior to December 1963 that Carolina Vend-A-Matic had vending machines in Gayley Mill, in Jonesville Products or in Magnolia Finishing Plant. From time to time there were references to such matters at the luncheon meetings of the directors, and I may have heard some reference to one, two, or all three. The specific locations of vending machines were simply not a matter of interest to me and, as stated before, I was never involved in any way in securing new vending machine locations. Nor, if I had heard that Carolina Vend-A-Matic had vending machines in those three plants, or any of them, can I say that I knew that any one of those plants was related to Deering Milliken. In the Deering Milliken group, there were some seventeen manufacturing corporations in which Deering Milliken, and/or individuals associated with Deering Milliken, owned all or a majority of the stock. (See Darlington Manufacturing Company v. NLRB, 325 F. 2d 682, 688, 397 F. 2d 760, 764.) I can only say now that when I participated in the hearing and decision of the Darlington case in 1963, I had no conscious awareness of any business relation between Carolina Vend-A-Matic and Deering Milliken affiliates, though, of course, I knew that Carolina Vend-A-Matic had vending machines in a miscellany of manufacturing plants.

Had I known in 1963, however, that Carolina Vend-A-Matic had vending machines in Gayley Mill, Jonesville Products and Magnolia Finishing Plant and that they were Deering Milliken affiliates, I would not have requested Chief Judge Sobeloff to relieve me of the duty of sitting. A judge has a duty to disqualify himself when there is legal disqualification, but he has an obligation to perform his judicial duty when there is no legal disqualification. I have disqualified myself in all cases in which my former law firm or any of its members were counsel, cases in which certain relatives were counsel, and all cases in which I had a stock interest in a party or in one which would be directly affected by the outcome of the litigation. (Even here, we, on the Fourth Circuit, regard a proportionately insignificant stock interest in a party as not disqualifying if, after being informed of it, the lawyers do not request the substitution of another judge. Thus instances may be found in the books in which judges of the Fourth Circuit owning 100 shares or so of General Motors may be found to have sat in a case involving General Motors. It seems to us inconceivable that any judge of the Fourth Circuit would be influenced by any such interest, and the lawyers involved, when the question has arisen, have not thought so.)

Disqualification is disruptive, however. If a district judge in a small district should refrain from participation in any case in which he conceivably might have a remote interest, or in which friends have an immediate, even an emotional interest, the efficiency of the judicial machinery would be gravely impaired. In a court of appeals it would adversely affect the random selection of panels, for it requires deliberate rearrangement which affects not only the one case involved, but others as well. It is administratively disruptive, and it can cast heavy and uneven burdens upon judges called upon to substitute. In an en banc case 28 U.S.C. § 46(c) requires the participation of every judge of the court in active service who is is not disqualified; declination of an active, qualified judge to sit would appear to be a violation of the statute and its purpose. In *Edward* v. *United States*, 5 Cir., 334 F.2d 360, 362–3, Judge Rives, somewhat regretfully, concluded after reviewing all of the considerations, "In the absence of a valid legal reason, I have no right to disqualify myself and must sit."

(7) This morning I contacted by telephone Mr. Lee F. Driscoll, Jr. of Philadelphia, Pennsylvania, who has possession of the minute books of Carolina Vend-A-Matic and its subsidiaries. He agreed to procure copies of all of the minutes and to transmit them to you. Meanwhile, I received this morning from him extracts from the minute books of Carolina Vend-A-Matic and its subsidiaries showing their officers and directors. For the possible convenience of the Committee, these sheets are attached.

(8) The sources and amounts of my income from 1957 through 1968 are fully disclosed in the copies of my income tax returns which have been filed with you. Without present access to them, I am unable to prepare schedules which would recapitulate that information. I have prepared and I attach hereto a list of my current investments.

(9) I am informed that since my sale of the stock of ARA received in exchange for my stock in Carolina Vend-A-Matic;

(i) Carolina Vend-A-Matic has been ejected from Gayley Mill as a result of some dissatisfaction on the part of the plant manager;

(ii) That Jonesville Products Plant was sold and is no longer an affiliate of Deering Milliken:

(iii) While Carolina Vend-A-Matic now serves only one Deering Milliken affiliated plant that it served in 1963, it serves ten others, one of which was a result of an acquisition of an existing supplier, the other nine having been obtained as a result of competitive bidding. I am further told by one of my former associates in Carolina Vend-A-Matic that Deering Milliken has maintained a record of all vending machine bids and proposals and a record of its own data showing the basis of its selection of

one of the bidders. I am further informed that if any such information should be of interest to the Committee, it may be obtained from Hal C. Byrd of Deering Milliken Research Corporation, Spartanburg, South Carolina.

This supplemental statement, together with my earlier statement and the file compiled by Judge Sobeloff and the copies of my tax returns, supplies as fully as I can with the materials to which I have access the answers to the questions suggested by Senators Hart and Tydings.

Finally, I hope the Committee now has all the information it needs, but if there is anything else you wish me to supply, I will be happy to undertake to do it.

Respectfully,

CLEMENT F. HAYNSWORTH.

INVESTMENTS OWNED BY CLEMENT FURMAN HAYNSWORTH, JR., SEPTEMBER, 1969

[Number of shares of stock]

Allied Chemical Corporation	108
American General Insurance Co	201
Brunswick Corporation	1000
Burlington Industries, Inc	400
Business Development Corporation of South Carolina	10
Chrysler Corporation	119
Cole Drug Company, Inc	600
Computer Servicenters, Inc	500
Dan River Mills	1575
Fairchild Camera and Instrument Corp	100
Georgia-Pacific Corporation	5238
Government Employees Financial Corp	106
Government Employees Life Insurance Co	110
W. R. Grace & Co	300
Greenville Memorial Gardens	72
G & W Land and Development Corp	18
Gulf & Western Industries	346
Insurance Securities Inc	100
International Tel. & Tel. Corp	200
The Investment Life and Trust Co	321
Ivest Fund, Inc	802. 925
Jefferson-Pilot Corporation	250
Leverage Fund of Boston, Inc. (Capital)	350
The Liberty Corporation (Common)	9523
The Liberty Corporation (Voting preferred stock 40¢ convertible series)	337
Main-Oak Corporation	31
Monsanto Chemical Company	219
MGIC Investment Corporation	630
Multimedia, Inc. (Common)	11, 728
Multimedia, Inc. (5% convertible cumulative preferred stock)	2932
Mutual Savings Life Ins. Co	240
Nationwide Corporation	500
Nationwide Life Insurance Co	20
Owens-Corning Fiberglas Corp	100
Peoples National Bank	330
Piedmont National Gas Co., Inc	60
The Rank Organization Limited	500
Scope Incorporated	120
Sonoco Products Co	284
South Carolina National Bank	768
Southern Weaving Company	287
Sperry Rand Corporation	400
J. P. Stevens & Co	550
Synalloy Corporation	52
Tenneco Inc	200
United Nuclear Corporation	104

DEBENTURES

	Amount
Government Employees Financial Corp. (convertible subordinated 5½%)	$350
Government Employees Financial Corp. (convertible subordinated 5¼%)	550
W. R. Grace & Co. (subordinate debenture 4¼%)	1, 700

BONDS

	Amount
Calhoun-Charleston Tennessee Utility District	$4, 000
Clemson, S.C., General Obligation Sewer	5, 000
Greenville County, South Carolina, Hospital	5, 000
Piedmont Park F/D Gv. Co	20, 000
Greater Greenville Sewer District	4, 000
Town of Williston, S.C	4, 000
Pickens, S.C., Waterworks System Improvement Revenue	4, 000
Greenville Waterworks System	10, 000

REAL ESTATE

A one-seventh undivided interest in a tract of land upon which there is a warehouse known as ARA Warehouse, from which my net taxable income in 1968 was $548.

A one-fifth undivided interest in a small tract of land on which there is a small warehouse known as Lowndes Hill Warehouse, from which my net taxable income in 1968 was $343.

CAROLINA VEND-A-MATIC CO.

April 5, 1950, first meeting of subscribers and stockholders: Directors elected: Eugene Bryant, W. Francis Marion, R. E. Houston, Jr., Christie C. Prevost, Vincent G. Williams, John Mahoney, and Clement F. Haynsworth, Jr.

April 5, 1950, first board of directors meeting: Officers elected: president, Eugene Bryant; vice president, R. E. Houston, Jr.,; vice president, Vincent G. Williams; secretary, W. Francis Marion, and treasurer, Christie C. Prevost.

January 9, 1951, annual stockholder meeting: Directors elected: Eugene Bryant, R. E. Houston, W. Francis Marion, Christie C. Prevost, and Clement F. Haynsworth, Jr.

January 9, 1951, annual board of directors ("B of D") meeting: Officers elected, President, Eugene Bryant; vice president, R. E. Houston, Jr.; vice president, Clement F. Haynsworth, Jr.; secretary, W. Francis Marion, and treasurer, Christie C. Prevost.

January 8, 1952, annual stockholders meeting: Same directors elected.

January 8, 1952, annual B of D meeting: Same officers elected.

January 13, 1953, annual stockholders meeting: Same directors elected but Mrs. R. E. Houston, Jr. to act as alternate director when necessary.

January 13, 1953, annual B of D meeting: Same officers elected.

January 13, 1954, annual stockholders meeting: Same directors elected.

January 13, 1954, annual B of D meeting: Same officers elected.

January 10, 1955, annual stockholders meeting: Same directors elected.

January 10, 1955, annual B of D meeting: Same officers elected.

January 9, 1956, annual stockholders meeting: Same directors elected.

January 9, 1956, annual B of D meeting: Same officers elected.

(NOTE. There are no minutes of either an annual stockholders meeting or B of D meeting in January of 1957.)

May 29, 1957, special stockholders meeting: Recognition that there had been resignations by Eugene Bryant as President and Director and R. E. Houston, Jr. as Vice President and Elizabeth Houston as Director.

Buck Mickel, George McDougall and Wesley Davis elected Directors to serve wtih already elected Directors, W. Francis Marion, Christie C. Prevost and Clement F. Haynsworth, Jr.

May 29, 1957, special B of D meeting: Officers elected: president, W. Francis Marion; vice president, Wesley Davis; vice president, Clement F. Haynsworth, Jr.; secretary, George Mc Dougall, and treasurer, Christie C. Prevost.

January 14, 1958, annual stockholders meeting: Same directors elected.

January 14, 1958, annual B of D meeting: Officers elected: president, W. Francis Marion; vice president, Buck Mickel; vice president, Wesley Davis; vice president, Clement F. Haynsworth, Jr.; secretary, George Mc Dougall, and treasurer, Christie C. Prevost.

January 13, 1959, annual stockholders meeting: Same directors elected.

January 13, 1959, annual B of D meeting: Same officers elected.

January 12, 1960, annual stockholders meeting: Directors elected: W. Francis Marion, Buck Mickel, J. Wesley Davis, C. F. Haynsworth, Jr., George Mc Dougall, Christie C. Prevost, and Wade H. Dennis.

January 12, 1960, annual B of D meeting: Same officers elected except that Wade H. Dennis is added as a vice president.

January 10, 1961, annual stockholders meeting: Same directors elected.

January 10, 1961, annual B of D meeting: Same officers elected.

January 9, 1962, annual stockholders meeting: Same directors elected.

January 9, 1962, annual B of D meeting: Officers elected: president, W. Francis Marion; vice president, Buck Mickel; vice president, J. Wesley Davis; vice president, C. F. Haynsworth, Jr.; vice president, George E. Mc Dougall; vice president, Wade H. Dennis; secretary, Dorothy M. Haynsworth, and treasurer, Christie C. Prevost.

January 8, 1963, annual stockholders meeting: Same directors elected.

January 8, 1963, annual B of D meeting: Same officers elected.

October 21, 1963, weekly B of D meeting: Resignation of Clement F. Haynsworth, Jr. as Director is accepted as of October 31, 1963. He remains a stockholder. The Minutes refer to a letter stating his reasons but such a letter is not found in the Minutes.

January 14, 1964, annual stockholders meeting: Directors elected. Wesley Davis, Wade H. Dennis, W. Francis Marion, Buck Mickel, George McDougall, and Christie C. Prevost.

January 14, 1964, annual B of D meeting: Officers elected. President, Wade H. Dennis; vice president, Buck Mickel; vice president, Wesley Davis; vice president, W. Francis Marion; vice president, George E. McDougall; treasurer, Christie C. Provost; secretary, William S. Mullins, and assistant secretary, Mary Frances Dennis.

(NOTE.—At weekly B of D Meeting on April 6, 1964, resolution was passed that certain property be leased from C. F. Haynsworth, Jr. and some of the present Directors and Officers of the Company.)

April 8, 1964, special B of D meeting: Resignation of W. Francis Marion as Director and Vice President and Mary Frances Dennis as Asst. Secretary were accepted.

Additional Officers elected: Vice president, James F. Hutton; assistant secretary, Lee F. Driscoll, Jr., and assistant treasurer, Edwin W. Keleher.

January 12, 1965, action of shareholder by consent: Directors elected: Herman G. Minter, James F. Hutton, and David D. Dayton.

January 12, 1965, action of B of D by consent: Officers elected: president, James F. Hutton; vice president, Wade H. Dennis; vice president, Roy Gramling; secretary, Lee F. Driscoll, Jr.; treasurer, Herman G. Minter, and assistant treasurer, Edwin W. Keleher.

January 12, 1966, action of shareholders by consent: Same directors elected.

January 12, 1966, action of B of D by consent: Same officers elected.

December 15, 1967, action by shareholder by consent: Directors elected: Herman G. Minter, David D. Dayton, and James F. Wanink.

December 15, 1967, action of B of D by consent: Officers elected: President, James F. Wanink; Vice president, David D. Dayton; Vice president, Wade H. Dennis; Treasurer, Herman G. Minter; Secretary, Lee F. Driscoll, Jr.; assistant treasurer, James A. Rost; and assistant secretary, Henry T. Dechert.

May 27, 1968, action of B of D by consent: Harry S. Glick elected as assistant treasurer.

VENDING CO.

July 2, 1956, meeting of subscribers to capital stock: Directors elected: Eugene Bryant, C. F. Haynsworth, Jr., R. E. Houston, Jr., W. Francis Marion, and Christie C. Prevost

July 2, 1956, directors meeting: Officers elected: President, Euguene Bryant; vice president, C. F. Haynsworth, Jr.; vice president, R. E. Houston, Jr.; secretary, W. Francis Marion, and treasurer, Christie C. Prevost.

January 8, 1957, annual stockholders meeting: Same directors elected.

January 8, 1957, annual board of directors ("B of D") meeting: Same officers elected.

May 29, 1957, special stockholders meeting: Resignations by Eugene Bryant as a director and president, by R. E. Houston, Jr., as vice president, and by Elizabeth W. Houston as a director (alternate) were noted.

Buck Mickel, George E. McDougall, and J. Wesley Davis, were elected to serve with already elected directors, W. Francis Marion, C. F. Haynsworth, Jr., and Christie C. Prevost.

May 29, 1957, special B of D meeting: Officers elected: President, W. Francis Marion; vice president, Buck Mickel; vice president, J. Wesley Davis; vice president, C. F. Haynsworth, Jr.; secretary, George E. McDougall, and treasurer, Christie C. Prevost.

January 14, 1958, annual stockholders meeting: Same directors elected.

January 14, 1958, annual B of D meeting: Same officers elected.

January 13, 1959, annual stockholders meeting: Same directors elected.

January 13, 1959, annual B of D meeting: Same officers elected.

January 12, 1960, annual stockholders meeting: Directors elected: W. Francis Marion, Buck Mickel, J. Wesley Davis, C. F. Haynsworth, Jr., George E. McDougall, Christie C. Prevost, and Wade H. Dennis.

January 12, 1960, annual B of D meeting: Same officers elected except that Wade H. Dennis is added as a vice president.

January 10, 1961, annual stockholders meeting: Same directors elected.

January 10, 1961, annual B of D meeting: Same officers elected.

January 9, 1962, annual stockholders meeting: Same directors elected.

January 9, 1962, annual B of D meeting: Officers elected: President, W. Francis Marion; vice president, Buck Mickel; vice president, J. Wesley Davis; vice president, C. F. Haynsworth, Jr.; vice president, George E. McDougall; vice president, Wade H. Dennis; secretary, Dorothy M. Haynsworth, and treasurer, Christie C. Prevost.

January 8, 1963, annual stockholders meeting: Same directors elected.

January 8, 1963, annual B of D meeting: Same officers elected.

*October 21, 1963, regular B of D meeting, resignation of Clement F. Haynsworth, Jr. as a Director was accepted as of October 31, 1963.

January 14, 1964, annual stockholders meeting: Directors elected: Wesley Davis, Wade H. Dennis, W. Francis Marion, Buck Mickel, George McDougall, and Christie C. Prevost.

January 14, 1964, annual B of D meeting: Officers elected: President, Wade H. Dennis; vice president, Buck Mickel; vice president, Wesley Davis; vice president, W. Francis Marion; vice president, George E. McDougall; treasurer, Christie C. Prevost; Secretary, William S. Mullins, and assistant secretary, Mary Frances Dennis.

All qualifying shares held by directors were canceled and new shares issued to Carolina Vend-A-Matic Co.

April 8, 1964, special B of D meeting: Resignation of W. Francis Marion as a Director and vice president and of Mary Frances Dennis as assistant secretary were noted.

Additional Officers elected: vice president, James F. Hutton; assistant secretary, Lee F. Driscoll, Jr., and assistant treasurer, Edwin W. Keleher.

January 12, 1965, action of shareholder by consent: Directors elected: James F. Hutton, Herman G. Minter, and David D. Dayton.

January 12, 1965, action of B of D by consent: Officers elected: President, James F. Hutton; vice president, Wade F. Dennis; vice president, Ray Grambling; vice president, David D. Dayton; Secretary, Lee F. Driscoll, Jr.; treasurer, Herman G. Minter, and assistant treasurer, E. W. Keleher.

December 15, 1967, action by sole shareholder by consent: Directors elected: Herman G. Minter, David D. Dayton, and James F. Wanink.

December 15, 1967, action of B of D by consent: Officers elected: president, James F. Wanink; vice president, David D. Dayton; vice president, Wade H. Dennis; treasurer, Herman G. Minter; secretary, Lee F. Driscoll, Jr.; assistant treasurer, James A. Rost, and assistant secretary, Henry T. Dechert.

May 27, 1968, action of B of D by consent: Harry S. Glick elected as an assistant treasurer.

VEND CO. OF GEORGIA

October 31, 1962, meeting of subscribers to capital stock: W. Francis Marion, Buck Mickel, J. Wesley Davis, C. F. Haynsworth, Jr., George E. McDougall, Christie C. Prevost, and Wade H. Dennis.

November 1, 1962, first board of directors ("B of D") meeting: Officers elected: President and general manager, Wade H. Dennis, and vice president and secretary-treasurer, William S. Mullins.

January 8, 1963, annual stockholders meeting: Same directors elected.

January 8, 1963, annual B of D meeting: Same officers elected.

**October 21, 1963, regular B of D meeting:* Resignation of Clement F. Haynsworth, Jr., as director is accepted as of October 31, 1963.

January 14, 1964, annual stockholders meeting: Directors elected: Wesley Davis, Wade H. Dennis, Buck Mickel, George McDougall, and Christie C. Prevost.

January 14, 1964, annual B of D meeting: Same officers elected.

April 8, 1964, special B of D meeting: Resignation of W. Francis Marion as a director accepted.

Additional officers elected: Vice president, James F. Hutton; assistant secretary, Lee F. Driscoll, Jr., and assistant treasurer, Edwin W. Keleher.

June 12, 1964: Vend Co. of Georgia merged into Carolina Vend-A-Matic Company with the latter surviving.

VEND CO. OF NORTH CAROLINA

May 13, 1963, organizational meeting of shareholders: Directors elected: Wesley Davis, Wade H. Dennis, W. Francis Marion, Buck Mickel, George McDougall, and Christie C. Prevost.

May 13, 1963, first board of directors ("B of D") meeting: Officers elected: President and General Manager, Wade H. Dennis, and vice president and secretary treasurer, William S. Mullins.

October 21, 1963, regular B of D meeting: Resignation of Clement F. Haynsworth, Jr., as a Director is accepted as of October 31, 1963. (NOTE: This is confusing because there is no record he was elected as a director).

January 14, 1964, annual stockholders meeting: Same directors elected.

January 14, 1964, annual B of D meeting: Same officers elected.

April 8, 1964, special B of D meeting: Resignation of W. Francis Marion as a Director accepted.

Additional officers elected: Vice president, James F. Hutton; assistant secretary, Lee F. Driscoll, Jr., and assistant treasurer, Edwin W. Keleher.

June 12, 1964: Vend Co. of North Carolina merged into Carolina Venda-A-Matic Company with the latter surviving.

EXHIBIT 4

STOCKS OWNED BY CLEMENT F. HAYNSWORTH, JR. BEGINNING APRIL 1, 1957, SUBSEQUENT PURCHASES, SALES, STOCK DIVIDENDS, ETC THROUGH OCT. 1, 1969

Stock owned as of April 1, 1957

Carolina Natural Gas Corporation, 75 shares.

Carolina Vend-A-Matic Company, 24 shares.

Ford Motor Company, 25 shares.

Martel Mills Corporation now Valfour Corporation, 125 shares.

Woodside Mills, 350 shares.

Chrysler Corporation, 14 shares.

Cup O'Life Corporation, 100 shares.

Georgia Pacific Plywood Company now Georgia-Pacific Corporation, 239 shares.

W. R. Grace & Co., 100 shares.

Liberty Life Insurance Company now The Liberty Corporation, 116 shares.

Greenville Hotel Company now Main-Oak Corporation, 3.1 shares.

Monsanto Chemical Company, 157 shares.

The Peoples National Bank, 50 shares.

Sonoco Products Company, 110 shares.

The South Carolina National Bank, 144 shares.

The First National Bank, 60 shares.

Southern Weaving Company, 14 shares.

J. P. Stevens & Co., Inc., 741 shares.

United Nuclear Corporation formerly Sabre-Pinon Corporation formerly Sabre Uranium Corporation, 50 shares.

Owens-Corning Fiberglas Corporation, 20 shares.

Tekoil Corporation, 100 shares.

WMRC, Inc. now Multimedia, 990 shares.

Buckhorn Sanctuary, 1 share.

Greenville Country Club, 1 share.

Period—April 1, 1957, to December 31, 1957

	Amount received
Sales:	
Martel Mills (partial liquidating dividend)	$4,375.00
25 shares Ford Motor Company	922.90
4 shares Carolina Vend-A-Matic	5,000.00
1 share Buckhorn Sanctuary	1,289.01
Purchases:	
10 shs. Peoples National Bank	460.00
15/50 sh. Georgia-Pacific Corporation	8.15
18 shs. Carolina Natural Gas Corporation	36.00
7 shs. Sonoco Products Company	180.25
10/50 sh. Georgia-Pacific Corporation	7.28
5/50 sh. Georgia-Pacific Corporation	2.84
Hollyridge Development Company	3,000.00
Hollyridge Development Company	500.00

Period—April 1, 1957, to December 31, 1957

Stock dividends:

35/50 sh. Georgia-Pacific Corporation.

4 & 40/50 sh. Georgia-Pacific Corporation.

5 shs. Georgia-Pacific Corporation.

58 shs. Liberty Life Insurance Company.

3 shs. Monsanto Chemical Company.

50 shs. Westwater Corporation later North Star Oil Corporation (Board of Directors of Sabre-Pinon voted their shareholders of record 9–27–57 a share for share distribution of Westwater stock).

Stock exchanges and gifts:

78 shs. The South Carolina National Bank received for 60 shs. 1st Natl. Bank stock on basis of 1.3 shs. of SCNB for each sh. of 1st NB.

137 shs. Liberty Life Insurance Company—Christmas present—Mother. *This stock was given me by my mother.*

1958

Sales:	
Hollyridge Development Co.—3% debentures	$2,902.50
Greenville Country Club—certificate	500.00
Valfour Corp. (Martel Mills) (Liquidating dividend) (Payable in part by $3125 face amount Burlington Industries, Inc. 5.4% subordinated debentures)	3,484.38
Purchases:	
Hollyridge Development Co.—balance on subscription	1,000.00
86/100 sh. Monsanto Chemical Co	30.01
45/50 sh. Georgia-Pacific Corporation	29.57
39/50 sh. Georgia-Pacific corporation	29.06
33/50 sh. Georgia-Pacific Corporation	29.63
27/50 sh. Georgia-Pacific Corporation	26.60

Stock dividends:

1 and 14/100 shs. Monsanto Chemical Co.

5 shs. Georgia-Pacific Corporation.

5/50 sh Georgia-Pacific Corporation.

5 & 11/50 shs. Georgia- Pacific Corporation.

5 & 17/50 shs. Georgia-Pacific Corporation.

5 & 23/ shs. Georgia-Pacific Corporation.

Stock splits:

56 shs. Southern Weaving Company (Par Value of stock changed to $10 share. New stock certificates issued which would give stockholders 5 shares of $10 par value stock for each share of no par value stock formerly held.)

1959

Conversion and/or

Sales: Burlington debentures (face amt. $3,125) sent in for conversion into common stock of Burlington Industries, Inc. 12–22–59.

156 shs. common stock Burlington Industries plus check for $5.78, rec'd 12–28–59.

Valfour Corp. (Martel Mills) liquidating dividend, and is shown on 1960 income tax ret. $6.25.

Purchases:	
21/50 sh. Georgia-Pacific Corporation	$28.57
¾ sh. Georgia-Pacific Corporation	34.27
43/100 sh. Georgia-Pacific Corporation	21.47
23 shs. and 8/10 right The South Carolina National Bank	1,158.00
100 shs. White Stag Mfg. Co. (now part The Warner Brothers Company 107–1/7 Cum. Conv. Sink. Fund P/d)	1,600.00
10 shs. Business Development Corporation of South Carolina	100.00
72 shs. Greenville Memorial Gardens	4,000.00
200 shs. The Investment Life and Trust Company	800.00
1/6 sh. voting stock Liberty Life Insurance Company	3.08
1/6 sh nonvoting stock Liberty Life Insurance Company	3.08

Change in par value, stock dividends, stock splits:

5 & 29/50 shs. Georgia-Pacific Corporation—dividend.

3 & 57/100 shs. Georgia-Pacific Corporation—dividend.

71 & ¼ shs. Georgia-Pacific Corporation issued to take care of par value change from $1 to 80 cents.

2 shs. W. R. Grace & Co.—dividend.

1,296 shs. Liberty Life Insurance Company nonvoting stock) All old certifs.

1,296 shs. Liberty Life Insurance Company voting stock) sent in with cks. for $6.18 for effectuation of this change.

3 & 22/100 shs. Monsanto Chemical Company—dividend.

15 shs. The Peoples National Bank—dividend.

1959—Continued

Change in par value, stock dividends, stock splits—Continued

11 & 7/10 sh. Sonoco Products Company—dividend.

245 shs. The South Carolina National Bank—change of par value from $10 to $5 per share.

Gifts: (Donor):

141 shs. J. P. Stevens & Co., to Christ Church (Given to broker on Sept. 17, 1959 for transfer to Christ Church).

1960

Sales:	
Valfour Corp. (Martel Mills liquidating dividends)	$1,338.75
1/2 sh. Sabre-Pinon Corporation (rec'd. as part of 5% stock div.)	2.88
2 shs. Carolina Vend-A-Matic Co	2,500.00
Purchases:	
3/10 sh. Sonoco Products Company	9.10
78/100 sh. Monsanto Chemical Company	42.78
96/100 sh. W. R. Grace & Co	38.02
39/100 sh. Georgia-Pacific Corporation	21.82
35/100 sh. Georgia-Pacific Corporation	19.73
31/100 sh. Georgia-Pacific Corporation	14.60
100 shs. Texize Chemicals, Inc	975.00
70/100 sh. Monsanto Chemical Company	31.46

Stock Dividends:

3 & 30/100 shs. Monsanto Chemical Co.

2 & 4/100 shs. W. R. Grace & Co.

3 & 61/100 shs. Georgia-Pacific Corporation.

3 & 65/100 shs. Georgia-Pacific Corporation.

3 & 69/100 shs. Georgia-Pacific Corporation.

3 & 73/100 shs. Georgia-Pacific Corporation.

25 shs. The Peoples National Bank.

2 shs. Sabre-Pinon Corporation (fractional sh. sold). (Now United Nuclear).

Gifts (Donor):

Furman University was given 333 shs. Liberty Life Insurance Company nonvoting stock on 5/11/60.

1961

Sales of fractional shares:	
Sabre-Pinon Corp. (now United Nuclear) 6/10th sh	$3.83
W. R. Grace & Co.—10/100ths sh	5.82
Liberty Life Insurance Company—2/10ths V and 6/10ths NV	25.21
Sale of Rights, Criterion Insurance (15)	31.30
Purchases:	
100 shs. Television Shares Management Corporation (Later became Supervised Investors Service, Inc.)	1,475.00
15 shs. Government Employees Life Insurance Company	1,402.50
½ sh. Government Employees Life Insurance Company	52.50
100 shs. Class B Union Texas Natural Gas Corporation (Merged into Allied Chem.)	2,775.00
27/100 sh. Georgia-Pacific Corporation	14.73
23/100 sh. Georgia-Pacific Corporation	16.37
19/100 sh. Georgia-Pacific Corporation	12.70
15/100 sh. Georgia-Pacific Corporation	8.68

Gifts (Donor):

On 12/20/61 gave Furman University 150 NV Liberty Life Insurance Company.

Stock dividends:

3 & 77/100 Georgia-Pacific Corporation shs.

3 & 81/100 Georgia-Pacific Corporation shs.

1961—Continued

Gifts (DonorD—Continued

3 & 85/100 Georgia-Pacific Corporation shs.

3 & 89/100 Georgia-Pacific Corporation shs.

7 & ½ shs. Government Employees Life Insurance Company.

2 shs. W. R. Grace & Co.

259 shs. Liberty Life Insurance Company V stock.

192 shs. Liberty Life Insurance Company NV stock.

3 & 38/100 shs. Monsanto Chemical Company.

2 shares Sabre-Pinon Corp. (Now United Nuclear).

Gifts (receipts):

200 shs. V Liberty Life Insurance Company—Christmas present from Mother.

1962

Sales:	
½ sh. Dan River Mills	$4.89
Purchases:	
62/100 sh. Monsanto Chemical Company	31.91
11/100 sh. Georgia-Pacific Corporation	5.75
7/100 sh. Georgia-Pacific Corporation	3.60
3/100 sh. Georgia-Pacific Corporation	1.06
99/100 sh. Georgia-Pacific Corporation	37.50
94/100 sh. Georgia-Pacific Corporation	35.13
4/8 sh. Allied Chemical Corporation	25.36
86/100 W. R. Grace & Co. sh	71.68
2 shs. Government Employees Financial Corp. $15, 7 rts. 4.81	19.81
200 shs. Carolinas Capital Corporation (Liquidated 1967)	2,000.00

Stocks Dividends, exchanges, Stock splits:

88 shs. Allied Chemical Corporation acquired by merger with Union Texas Natural Gas—Basis: ⅞ths sh. Allied Chemical for each sh. Union Tex.

1312 shs. Dan River Mills were obtained in exchanged for 350 shs. Woodside.

3 & 93/100 shs. George-Pacific Corporation—dividend.

3 & 97/100 shs. Georgia-Pacific Corporation—dividend.

4 & 1/100 shs. Georgia-Pacific Corporation—dividend.

4 & 6/100 shs. Georgia-Pacific Corporation—dividend.

2 & 14/100 shs. W. R. Grace & Co.—dividend.

3 & 46/100 shs. Mosanto Chemical Company—dividend.

49 shs. The South Carolina National Bank—dividend.

60 shs. J. P. Stevens & Co., Inc.—dividend.

40 shs. Consolidated Oil & Gas, Inc. were obtained by the surrender of 100 shs. of Tekoil Corp.

110 shs. W. R. Grace & Co.—two for one stock split.

Gifts, Receipt:

100 shs. V Liberty Life Insurance Company—Christmas present from Mother.

Gifts, Donor:

200 shs. J. P. Stevens & Co., Inc. given Furman University.

1963

Sales:	
Consolidated Oil & Gas rights	$.40
Purchases:	
500 shs. Aztec Oil & Gas	10,187.50
200 shs. mutual Savings Life Insurance Company	2,725.00
4 shs. Liberty Life Insurance Company	160.00
54/100 sh. Monsanto Chemical	26.95
46/100 sh. Monsanto Chemical	25.76
89/100 sh. Georgia-Pacific Corporation	41.83
84/100 sh. Georgia-Pacific Corporation	44.10

1963—Continued

Purchases—Continued

79/100 sh. Georgia-Pacific Corporation	$39.50
74/100 sh. Georgia-Pacific Corporation	39.87
60/100 sh. W. R. Grace & Co.	24.03

Stock dividends, stock splits:

4 & 40/100 shs. W. R. Grace & Co.—dividend.

14 shs. Chrysler Corporation—2 for 1 stock split.

28 shs. Chrysler Corporation—2 for 1 stock split.

4 & 11/100 Georgia-Pacific Corporation—dividend (shares).

4 & 16/100 shs. Georgia-Pacific Corporation—dividend.

4 & 21/100 shs. Georgia-Pacific Corporation—dividend.

4 & 26/100 shs. Georgia-Pacific Corporation—dividend.

23 shs. Government Employees Life Insurance Company—100% stock dividend.

10 shs. The Investment Life and Trust Company—10% stock dividend.

464 shs. Liberty Life Insurance Company V—25% stock dividend.

252 shs. Liberty Life Insurance Company NV—25% stock dividend.

3 & 54/100 shs. Monstanto Chemical Company—stock dividend.

12 & 9/10 shs. Sonoco Products Company—stock dividend.

32 shs. The South Carolina National Bank—stock dividend.

50 shs. White Stag Manufacturing Co.—50% stock dividend (later merged into The Warner Brothers Company).

Gifts, (Receiver):

704 shs. Liberty Life Insurance Company V stock given to me by my Mother.

1964 (Number of Shares & Face Amount of Bonds)

Sales:

	Dollars
Consolidated Oil & Gas, Inc. (40)	$118.55
North Star Oil Corp. (50)	11.46
Supervised Investors Service, Inc. (100)	611.51
(formerly Television Shares Management Corp.)	
U.S. Treasury Bills ($40,000.00)	39,067.22
U.S. Treasury Bills (5,000.00)	4,887.50
U.S. Treasury Bills (5,000.00)	4,893.01
U.S. Treasury Bills (30,000.00)	29,385.19
U.S. Treasury Bills (7,000.00)	6,862.10
U.S. Treasury Bills (20,000.00)	19,611.27
U.S. Treasury Bills (50,000.00)	49,178.47
U.S. Treasury Bills (81,000.00)	79,760.09
U.S. Treasury Bills (21,000.00)	20,740.16
U.S. Treasury Bills (11,000.00)	10,989.00
Automatic Retailers of America (14,173)	455,307.63
(Exchanged for Carolina Vend-A-Matic)	

Purchases:

Fed. Int. Credit Bonds (130,000)	130,025.00
U.S. Treasury (270,000)	262,948.55
U.S. Treasury (130,000)	129,875.72
Piedmont Park F/D (20,000)	20,387.61
Liberty Life Insurance Company (now The Liberty Corp.) (185)	6,521.25
J. P. Stevens & Co., Inc. (40)	1,499.80
Monsanto Chemical Corp. (19)	1,453.85
Government Employees Life Insurance Company (54)	3,510.00
Government Employees Financial (98)	2,989.00
Carolina Natural Gas (407)	2,856.54
Allied Chemical Corp. (12)	674.63
United Nuclear Corp. (46)	1,183.92
W. R. Grace & Co. (70)	3,851.08
Dan River Mills, Inc. (188)	3,464.69
Chrysler Corporation (44)	2,277.00
Burlington Industries, Inc. (44)	2,071.46

1964 (Number of shares & Face Amount of Bonds)—Continued

Purchases—Continued

The South Carolina National Bank (29)	$1,595.00
Texize Chemical, Inc. (400)	1,800.00
Owens-Corning Fiberglas Corporation (80)	5,782.74
Surety Investment Co. (now part of The Liberty Corp.) (102)	5,712.00
Surety Investment Co. (now part The Lib. Corp.) (112)	6,272.00
Insurance Securities, Inc. (100)	2,556.63
Insurance Securities, Inc. (500)	12,783.15
Insurance Securities Inc. (400)	10,276.76
Surety Investment Co. (now part The Lib. Corp.) (165)	9,240.00
Greater Greenville Sewer District Bonds (4,000)	3,630.96
Nationwide Corp., Class A (500)	7,375.00
Southeastern Broadcasting Co. (formerly WMRC, Inc. now part of Multimedia Corp.) (200)	9,200.00
Insurance Securities (1,000)	28,229.52
Town of Williston SC Waterworks & Sewer Bonds (20,000)	20,420.36
Broadcasting Co. of the South (now part of The Liberty Corp.) (105)	5,250.00
Georgia Pacific Corporation (1,200)	69,374.37
Broadcasting Co. of the South (now Lib. Corp.) (120)	6,000.00
Guaranty Insurance Trust (now part of MGIC) (3,000)	7,500.00
Greenville Waterworks System Rev. Bonds (10,000)	10,636.54
Maryland Casualty Company (200)	12,690.64
(Purchased in—June—in August exchanged for 200 shs. Convertible Preferred Stock and 66⅔ shs common stock of American General Casualty Company)	
Georgia-Pacific Corporation (69/100 sh.)	38.12
Georgia-Pacific Corporation (55/100 sh.)	31.49
Georgia-Pacific Corporation (37/100 sh.)	21.00
W. R. Grace & Co. Corporation (½ sh.)	26.40
Sonoco Products Company (1/10 sh.)	4.50

Stock dividends, Stock splits:

Chrysler Corporation (4 shs.) 4% stock div.

The Broadcasting Company of the South (now part of The Liberty Corp., but for a time it was known as Cosmos Broadcasting Corporation) (56 shs.) 25% stock div.

Georgia-Pacific Corporation (shs) 4 & 31/100 stock dividend.

Georgia-Pacific Corporation (shs) 109 25% stock split.

Georgia-Pacific Corporation (shs) 17 & 45/100 stock dividend.

Georgia-Pacific Corporation (shs) 17 & 63/100 stock dividend.

W. R. Grace & Co. (shs) 3 & 50/100 stock dividend.

The Investment Life and Trust Company (shs) 10 stock dividend.

Main-Oak Corporation formerly Greenville Hotel Company (shs) 31—2 for 1 stock split and 4 for 1 stock dividend. (Old certificate turned in).

Monsanto Chemical Company (shs) 4 stock dividend.

Southeastern Broadcasting Corporation now part of Multimedia Inc. (shs) 990 shs 100% stock dividend.

1964 (Number of shares & Face Amount of Bonds)—Continued

Stock dividends, stock splits—Continued

The Peoples National Bank 50 shs 50% stock dividend.

J. P. Stevens & Co., Inc. 50 shs 10% stock dividend.

Aztec Oil & Gas Company 30 shs 6% stock dividend.

Sale of fractional shares:

The Investment Life & Trust Company (½ sh.)	$2.65
Cosolidated Oil & Gas—proceeds of 3/5 fractional warrant	.90
Consolidated Oil & Gas—proceeds of 1 right	.21
The Broadcasting Company of the South—proceeds of fractional sh. of stock	12.63

Gifts (Receiver):

Liberty Life Insurance Company (531 shs.), Gift from Mother.

Liberty Life Insurance Company (100 shs), Gift from Mother, Xmas.

1965

Sales:

	Dollars
Aztec Oil & Gas Company (562 shs.)	$9,975.50

Purchases:

Sperry Rand (400 shs.)	9,067.50
Cost of additional rights to buy W. R. Grace debentures below	3.94
Monsanto Chemical Company (92/100 sh.)	73.44
W. R. Grace & Co. 4¼% Subordinate Deb. ($1,700)	1,700.00
Azetc Oil & Gas Company (20/100 sh.)	3.75
U.S. Treasury Bills ($134,000)	133,110.80
Texize Chemicals, Inc. (1,300 shs.)	6,984.25
Texize Chemicals, Inc. (400 shs.)	2,199.52
Texize Chemicals, Inc. (300 shs.)	1,573.89
Southeastern Broadcasting Co. (now part of Multimedia, Inc.) (100 shs.)	5,550.00
Chrysler Corporation (1 right and 15 shs.)	720.75
Georgia-Pacific Corporation (19/100 sh.)	11.92
Georgia-Pacific Corporation (1/100 sh.)	.64
Georgia-Pacific Corporation (83/100 sh.)	49.07
Georgia-Pacific Corporation (64/100 sh.)	38.88

Stock dividends, Stock splits:

Allied Chemical Corporation, 2 shs. stock dividend.

Burlington Industries, Inc., 200 shs. stock split.

Georgia-Pacific Corporation, 17.81 shs. stock dividend.

Georgia-Pacific Corporation, 17.99 shs. stock dividend.

Georgia-Pacific Corporation, 18.17 shs. stock dividend.

Georgia-Pacific Corporation, 18.36 shs. stock dividend.

Government Employees Life Insurance Company, 2 shs. stock dividend.

The Investment Life and Trust Company, 22 shs. stock dividend.

Liberty Life Insurance Company now The Liberty Corporation 510 shs. stock dividend.

Monsanto Chemical Company, 4.08 shs. stock dividend.

Nationwide Life Insurance Company, 10 shs. 2% stock dividend or 1 share for each 50 owned of Nationwide Corporation.

Sonoco Products Company, 142 shs. stock split.

The South Carolina National Bank, 36 shs. stock dividend.

Azetc Oil & Gas Company, 31.80 shs. stock dividend.

Gifts (receiver):

Liberty Life Insurance Company, 100 shs. Xmas present from Mother.

1966

Sales:

Insurance Securities (100 shs.)	$500.37
The Investment Life & Trust Company (20-100sh.)	1.41

Purchases:

Calhoun-Charleston Tenn. Util. Dist. Bonds ($4,000)	4,231.79
Richmond Newspapers, Inc. (200 shs.)	4,400.00
Insurance Securities, Inc. (100 shs.)	726.63
Allied Chemical Corporation (96-100 sh.)	44.74
Warner Brothers Company formerly White Stag (6–7 sh.)	33.06
Cole Drug Co. (300 shs.)	4,050.00
Government Employees Financial Corporation ($350)	350.00
7 $50 5½% convertible subordinated debentures)	
(For the above debenture purchase it was necessary to purchase seven rights for	1.35
Monsanto Company (82-100 sh.)	32.85
Georgia-Pacific Corporation (45-100 sh.)	28.74
Georgia-Pacific Corporation (1-2 sh.)	22.40
Georgia-Pacific Corporation (57-100 sh.)	22.80
Georgia-Pacific Corporation (33-100 sh.)	11.43

Stock dividends, Stock splits, Exchanges:

Allied Chemical Corporation, 2.4 shs. stock dividend.

Dan River Mills, 75 shs. stock dividend.

Georgia-Pacific Corporation, 18.55 shs. stock dividend.

Georgia-Pacific Corporation, 468.50 shs. five for four stock split.

Georgia-Pacific Corporation, 23.43 shs. stock dividend.

Georgia-Pacific Corporation, 23.67 shs. stock dividend.

The Investment Life and Trust Company, 24 shs. stock dividend.

Monsanto Chemical Company, 4.18 shs. stock dividend.

Mutual Savings Life Insurance Company, 40 shs. stock dividend.

Nationwide Life Insurance Company, 10 shs. 2% stock dividend or 1 sh. for each 50 owned of Nationwide Corporation.

The Peoples National Bank. On August 2, 1966, old certificates totalling 150 shs. sent in to bank—a stock certificate for 300 shs. was then received in 2 for 1 split.

Warner Brothers Company formerly White Stag 107-1/7 shs. received in exchange for 150 shs. White Stag Mfg. Co.

1967

Texise Chemicals, Inc. (200 shs.)	$3,648.92
Texize Chemicals, Inc. (100 shs.)	1,886.33
Texize Chemicals, Inc. (200 shs.)	3,723.16
Texize Chemicals, Inc. (100 shs.)	1,799.71
Texize Chemicals, Inc. (400 shs.)	7,396.84
Richmond Newspapers, Class A (200 shs.)	3,488.12
Warner Bros. Conv. P/d. (108 shs.)	3,206.96
Insurance Securities (400 shs.)	2,447.00
Insurance Securities (1,500 shs.)	8,990.55
Texize Chemicals, Inc. (1,000 shs.)	18,739.60
Texize Chemicals, Inc. (500 shs.)	9,246.05
Carolinas Capital Corporation liquid distribution, 200 shs. owned. Received: $1,000. cash, 120 shs. Scope, Incorporated, 40 shs. Synalloy.	
American General Insurance Company conb. P/d (200 shs.)	6,777.74

1967—Continued

Purchases

Greenville County, S.C. Hospital Bonds ($5,000)	$4,907.99
Southeastern Broadcasting Co. (now part of Multimedia, Inc.) (66 shs.)	5,313.00
Rank Organisation, Ltd. (500)	4,176.00
International Tel. & Tel. (100)	10,849.80
Fairchild Camera & Instrument Corp. (100)	10,199.15
Brunswick Corp. (1,000)	16,230.00
Allied Chemical Corporation (90/100 sh.)	36.12
Ivest Fund, Inc. (728)	10,0002.72
Georgia-Pacific Corporation (9/100 sh.)	$4.21
Leverage Fund of Boston, Inc. (350 shs.)	5,250.00
Southern Weaving Company (200 shs.)	5,400.00
Liberty Life Insurance Company (.7879480 sh.)	14.77
Government Employees Life Insurance Co. (94/100 sh.)	45.12
Georgia-Pacific Corporation (85/100 sh.)	51.21
Gulf & Western (325 shs.)	19,091.62
Georgia-Pacific Corporation (60/100 sh.)	36.60
Georgia-Pacific Corporation (35/100 sh.)	19.86
Monsanto Chemical Company (72/100 sh.)	30.69

Stock dividends:

Allied Chemical Corporation, (2.10 shs).

American General Insurance Company, (134 shs.) com. 200% stock div.

Georgia-Pacific Corporation, (23.91 shs).

Georgia-Pacific Corporation, (24.15 shs).

Georgia-Pacific Corporation, (24.40 shs).

Georgia-Pacific Corporation, (24.65 shs).

Government Employees Financial Corporation, (3 shs).

Government Employees Life Insurance Company, (3.06 shs).

The Investment Life and Trust Company, (26 shs).

Ivest Fund, Inc., (1,309 shs.) dividend.

Ivest Fund, Inc., (31.406 shs.) capital gain.

Liberty Life Insurance Company, (1211.212520 shs.) stock dividend.

Monsanto Chemical Company, (4.28 shs.) stock dividend.

Southeastern Broadcasting Corporation, now Multimedia, Inc. (586 shs.) stock dividend.

The South Carolina National Bank (63 shs.) stock dividend.

Southern Weaving Company (17 shs.) stock dividend.

The Broadcasting Company of the South later Cosmos Broadcasting and in 1969 became part of The Liberty Corp. (56 shs.) stock dividend.

Gulf & Western Industries (9.75 shs.) stock dividend.

Gifts (Receiver):

Liberty Life Insurance Company (100 shs.) XMAS gift from Mother.

1968

Sales:

Fairchild Camera & Instrument Corp. (100 shs.)	$6,104.72
U.S. Pipe & Foundry (200 shs.)	6,232.80
Carolinas Capital Corporation (Cash)	325.37
Final distribution—Liquidation.	

Purchases:

Clemson, S.C. General Obligation Sewer Bonds ($5,000)	$5,055.00
Tenneco, Inc. (200)	5,289.12
Fairchild Camera & Instrument Corp. (100)	6,858.31
Computer Servicenter, Inc. (500)	3,000.00
U.S. Pipe & Foundry (200)	5,867.00
Government Employees Financial (7 rights)	3.50

1968—Continued

Purchases—Continued

Jefferson-Pilot Corp. (200)	$8,580.50
Gulf & Western Industries, Inc. (25/100ths sh.)	15.16
Georgia-Pacific Corporation (10/100ths sh.)	5.85
Georgia-Pacific Corporation (85/100ths sh.)	62.90
Georgia-Pacific Corporation (59/100ths sh.)	49.63
Georgia-Pacific Corporation (33/100ths sh.)	28.92
Government Employees Financial Corporation 11 $50 5¼% Conv. Sub. Debentures ($550)	550.00
Government Employees Financial Corporation (94/100ths sh.)	31.02

Stock dividends, Splits:

Cole Drug Company, Inc., (300 shs.) 1 additional share for each sh. held 5–7–68.

Georgia-Pacific Corporation (24.90 shs.) stock dividend.

Georgia-Pacific Corporation (25.15 shs.) stock dividend.

Georgia-Pacific Corporation (25.41 shs.) stock dividend.

Georgia-Pacific Corporation (25.67 shs.) stock dividend.

Government Employees Financial Corporation (2.06 shs.) stock dividend.

Gulf & Western Industries (10.05 shs.) stock dividend.

International Tel. & Tel. Corp. (100 shs.) 2 for 1 stock div.

Ivest Fund, Inc. (4.129 shs.) dividend.

Ivest Fund, Inc. (38.081 shs.) capital gains.

Synalloy Corporation (10 shs.) 5 for 4 split.

Exchanges:

Guaranty Insurance Trust, 3000 shs. exchanged on 1–2–68, for 210 shs. Mortgage Guaranty Insurance Corporation, and on 8/21/68 this was exchanged for 630 shs. of MGIC Investment Corporation.

Southeastern Broadcasting Corporation, 2,932 shs. exchanged for: Multimedia, Inc., 2,932 5% conv. cum. pref. and Multimedia, Inc., 11,728 Common.

Carolina Natural Gas Corporation, 500 shs. exchanged for Piedmont Natural Gas Company, Inc., 60 shs. $6 cum. conv. 2nd P/d.

Liberty Life Insurance Company, 7,022 shs. exchanged for The Liberty Corporation, 7,022 shs. 1 for 1 basis.

Gifts, Receiver:

The Liberty Corporation (100 shs.) Xmas present from mother.

1969

Sales:

	Dollars
Synalloy Corporation (½ sh.)	$6.59
The Investment Life & Trust Co. (2/10 sh.)	.65
The South Carolina National Bank (9/10 sh.)	32.67

[These were occasioned by stock dividends]

Purchases:

The Liberty Corporation (⅓ sh.)	8.34
Georgia-Pacific Corporation (7/100 sh.)	6.60
Georgia-Pacific Corporation (62/100 sh.)	29.76
Gulf-Western Industries (95/100 sh.)	38.57
Government Employees Life Ins. Co. (82/100 sh.)	42.03
G & W Land & Dev. Corp. (7/10 sh.)	7.00

Stock dividends:

Georgia-Pacific Corporation (25.93 shs.) Stock dividend.

Georgia-Pacific Corporation (2,619 shs.) 2 for 1 stock split.

Georgia-Pacific Corporation (52.38 shs.) Stock dividend.

Govt. Employees Life Ins. Co. (3.18 shs.) Stock dividend.

G & W Land and Development Corp. (17.3 shs.) 1 sh. for each 20 shs. Gulf & Western owned 7–18–69.

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1969—Continued

Purchases—Continued

The Investment Life and Trust Co. (29 shs.) Stock dividend.

Jefferson-Pilot Corporation (50 shs.) Stock dividend.

The Peoples National Bank (30 shs.) Stock dividend.

Synalloy Corporation (2 shs.) Stock dividend.

The South Carolina National Bank (69 shs.) Stock dividend.

United Nuclear Corporation (4 shs.) Stock dividend.

Exchanges:

The Broadcasting Company of the South later Cosmos Broadcasting (337 shs.) Exchanged for: The Liberty Corporation (1,011 shs.) Common and (337 shs.) $.40 Voting Preferred conv. series.

Surety Investment Company (379 shs.) Exchanged for The Liberty Corporation (1,389⅔ shs.).

MEMORANDUM

(List of Securities Owned by Clement F. Haynsworth, Jr. from January 1, 1957 to date)

As previously supplied to you, a company by the name of Communications Satellite Corporation was listed as a stock owned by Judge Haynsworth. Subsequent checking indicates that Judge Haynsworth never purchased this particular stock and that the broker in question made an error in listing this particular stock as being sold to him. This error was not discovered until the new chronological list was prepared.

HARRY HAYNSWORTH.

Mr. DOLE. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. DOLE. Mr. President, let me say at the outset that I am one of those who have not yet determined how to vote on the nomination. But let me ask the Senator from South Carolina if he feels he can get his story told by the liberal press in America, when the nomination was made by a Republican President of a conservative Democrat from the State of South Carolina.

Mr. HOLLINGS. Judge John J. Parker was appointed to the Supreme Court, but not confirmed, some 30 years ago under similar circumstances.

The inference left by the press is that Justice Goldberg disqualified himself on labor decisions. He never did; he disqualified himself on the Darlington case, but he had been their lawyer.

Judge Haynsworth was not Deering-Milliken's lawyer, but that has not been told.

No one contends that Justice Thurgood Marshall should disqualify himself from civil rights cases. But they say Judge Haynsworth has made money on textiles, that he is a textile judge.

I think it is highly important that those who know the judge, and have read every one of his decisions, over a 12-year period, that he has ever participated in, can come here with admiration and support for Judge Haynsworth. I have tried to get that in the papers, but instead, the story has been distorted until he has been made to feel that he was indicted rather than appointed, because they have taken the ball and started running with it toward a predetermined touchdown, saying, "Why has be not withdrawn?"

Mr. DOLE. The Senator's discussion has been very helpful to me as one who has not made a decision, but I believe he will find the press and the media more interested in taking a position than in telling the truth. The press which defended Mr. Fortas would naturally be against a Republican President's nominee for the Supreme Court. It is an unfortunate fact that 90 percent of the media are liberals in their thinking, not looking for a conservative judge or interested in telling the true story to the American people. I think the Senator is making a valiant attempt today; I hope it will be successful.

Mr. HOLLINGS. Mr. President, I yield the floor.

CHINESE THREAT: THE MOST EXPENSIVE ILLUSION OF OUR TIME

Mr. PROXMIRE. Mr. President, this country has devoted a great deal of its enormous military spending to combat the expansion of Communist China.

In Vietnam—perhaps the major reason for our immensely expensive involvement has been to stop Communist expansion. One article in a recent issue of the New York Times characterized President Nixon's strong commitment in Vietnam to be based on the notion that our active military presence constitutes the cork in the bottle that contains Communist expansion.

But Vietnam is only part of a vastly expensive military effort to contain Red China. It includes our many expensively manned far Pacific bases, our hugely expensive aircraft carriers, the other components of our Far Eastern fleets and their reserves, as well as a major Air Force commitment.

The reason for all this is because of the fear that without a vigorous and active military presence Red China would sweep throughout Asia and perhaps extend far beyond.

Mr. President, this is probably the most expensive illusion of our time.

What kind of a threat does mainland China really constitute to this country? How serious a threat does it really represent in Asia? Could China execute a successful invasion elsewhere in Asia? Could she mount a serious attack in the Pacific?

Consider the facts: In spite of the most vigorous sometimes vicious denunciation by Red China of U.S. involvement in Vietnam, there has been no verified report of a single Chinese soldier involved in the Vietnam war. Why? Not because of any moral or peaceful compunction on the part of the Chinese but for the simple reason that China does not have the economic strength to support any military effort except on its borders even in a country as nearby as Vietnam.

China lacks the transportation facilities. It has no navy worthy of the name. It has a pitifully inadequate air force. Its highway system, rail system and rolling stock are so feeble that they are barely adequate to provide border protection.

Within the borders of China its 750 million people widely equipped with small arms would constitute a highly formidable, probably an impossible force to overcome without using massive nuclear arms. But as a world conquering invader, Red China is simply not in the ball game.

China's own nuclear arsenal is primitive bush league compared to that of the United States and Russia.

But most significant of all, Mr. President, China has not been gaining economic strength. She has been losing it.

A couple of years ago our Joint Economic Committee conducted an in-depth study of the economy of China. We commissioned 20 of the leading scholars in the world to do the job. That study showed an erratic course of progress and setback for the Chinese economy.

Without a strong and growing economy, the Chinese threat dissolves in smoke. And the most recent reports from the Chinese Communists celebration of their 20th year in power show how unlikely it is that China will constitute a serious threat in coming years.

Maoist China faces its third decade with massive problems and handicaps. Here is the only major country in the world that has not grown economically in the past 10 years. China's gross national product is probably no higher than it was 10 years ago. But it has an annual population growth of 15 million to 20 million. This has destroyed attempts to raise the standard of living or the military power, except for a rudimentary nuclear power.

Mr. President, the dangerous dispute with the Soviet Union over borders and ideological influence and the continued hostility toward not only the United States but most other countries add to the strains and uncertainties.

Certainly the United States along with other Pacific powers should maintain a constructive military presence in the Pacific. But we are spending far more than can possibly be justified now. And other independent Pacific nations should carry their share of stopping any Red Chinese expansion.

As the New York Times reported Thursday:

> Given stability, practical domestic guidelines and policies of peaceful adjustment in foreign relations, the Chinese Communist state would stand a good chance of pulling out of its present slump and making new progress. But these factors appear difficult to assure under a leadership headed by Mr. Mao or any other leader now on the horizon.

Mr. President, I submit, the only justification for our enormous military expenditures lies in the threat of potential enemies. Two nations constitute the overwhelming basis for this threat: the Soviet Union and the mainland Chinese.

The military threat of the Soviet Union like that of China is limited by economic constraints. The Office of Strategic Studies in London tells us that the Soviet spends about half as much on her military operations as the United States. She has half the gross national product of this Nation. She is constrained by an industry and agriculture that simply cannot afford to give up more resources to the military without seriously weakening the Soviet's long-term economic and hence its military power.

But in Red China we confront an even more conspicuously overestimated adversary. And the cost of this overestimate in military overspending, in inflation, in an onerous tax burden, in shamefully inadequate housing and in a series of other

neglected domestic problems is very great indeed.

This country can afford to cut $10 to $15 billion from its military budget now. In fact we cannot afford not to make those cuts.

JUDGE HAYNSWORTH

Mr. YOUNG of Ohio. Mr. President, in my judgment President Nixon should certainly withdraw the nomination of Judge Clement F. Haynsworth as Associate Justice of the U.S. Supreme Court. There are approximately 436 U.S. district court judges and U.S. Court of Appeals judges. It is difficult for me to comprehend how the President selected Judge Haynsworth for nomination to the Supreme Court. Admittedly, that judge has been highly proficient in making a fast buck. If the President thinks it is desirable to appoint a judge who is regarded to hold views considered very conservative there certainly should be a number of judges with this viewpoint, who unlike Judge Haynsworth, cannot be said to have ever rendered judicial decisions favoring segregation and delaying integration as directed by the Supreme Court of the United States.

Surely, of the approximate 436 judges of various Federal courts there are many, many whose judicial careers have been outstanding and, in fact, who are superior as jurists in every respect to Judge Haynsworth. Then, Mr. President, in addition to judges of the U.S. district courts, and of the U.S. Courts of Appeals, there are eminent judges in the supreme courts or in the courts of highest jurisdiction of the 50 States. In fact, in our 50 States, just as is the situation in my State of Ohio, there are trial judges in the various counties of those States who are highly trained and experienced, have served in a most creditable manner, are greatly admired and highly respected for their wisdom, integrity, are known to be devoted to the law and are men of the highest character and of judicial caliber.

Judge Haynsworth in at least two cases clearly violated the canons of judicial ethics—in his vote in 1963 which decided a case for a company which had contracts with a firm in which he owned a one-seventh interest; and in 1967 when he bought 1,000 shares of stock in a company on which he had helped render a favorable legal verdict and before that verdict was announced. In the former he made a profit of some $400,000 on an initial investment in 1950 of approximately $3,000. This from a company in which he was not just a casual investor, but an insider.

Canon 26 of the code of judicial ethics promulgated in 1908 by the Committee on Professional Ethics of the American Bar Association reads:

> A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court, and after his accession to the bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss.

Also, United States Code, title 28, section 455 states:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceedings therein.

It is crystal clear that Judge Haynsworth violated canon 26 and the United States Code on at least two occasions.

President Nixon on several occasions has stated that he is a strict constructionist in interpreting the Constitution. In his recent announcement reiterating his support of Judge Haynsworth, it is clear that he is far less strict in interpreting the canons of judicial ethics, and that section of the United States Code pertaining to the conduct of Federal judges.

Although Judge Haynsworth has denied any impropriety and has expressed sorrow over these incidents, the fact is that judges of the U.S. courts and especially the Supreme Court of the United States must, like Caesar's wife, be above suspicion. There should be no shadow or taint of impropriety on an Associate Justice of the highest court of our land. This is especially imperative today in view of the conditions which gave rise to the Supreme Court vacancy for which Judge Haynsworth has been nominated—the circumstances which prompted the resignation of Associate Justice Fortas.

As the distinguished junior Senator from Michigan (Mr. GRIFFIN), the assistant minority leader, wrote in an article published by the University of Michigan Law School in April 1969:

> The Senate must not be satisfied with anything less than application of the highest standards, not only as to professional competence but also as to such necessary qualities of character as a sense of restraint and propriety . . . Thus, when the Senate considers a nomination to one of the nine lifetime positions on the Supreme Court of the United States . . . the importance of its determination cannot be compared in any sense to the consideration of a bill for enactment into law. If Congress makes a mistake in the enactment of legislation, it can always return at a later date to correct the error. But once the Senate gives its "advice and consent" to a lifetime appointment to the Supreme Court, there is no such convenient way to correct an error since the nominee is not answerable thereafter to either the Senate or to the American people.

In pressing forward with the Haynsworth nomination, President Nixon is damaging the image of the U.S. Supreme Court in the eyes of millions of Americans. He is further disillusioning many younger Americans over the honesty of today's society and government—of the establishment, so to speak.

Mr. President, for these reasons alone, I shall vote against confirmation of Judge Haynsworth as Associate Justice of the Supreme Court of the United States.

However, there are other compelling reasons for rejecting this nomination.

Judge Haynsworth's decisions in a series of civil rights cases clearly suggest that he is opposed to desegregation. Among our most serious domestic problems are those dealing with civil rights and the problems of minority groups. During the past 15 years, the Supreme Court of the United States has taken leadership in helping redress their grievances and in assuring civil rights and civil liberties to all regardless of their race or creed. It would be unfortunate indeed if millions of citizens believed that the Supreme Court was no longer concerned with equal treatment for all and human dignity. From his past record, Judge Haynsworth's appointment to the Court might well leave that impression and perhaps have grave consequences.

I believe it is significant that in every one of the seven labor cases on which Judge Haynsworth sat that were reviewed by the Supreme Court, he voted against labor. In every one he was reversed by the Supreme Court. In all those cases only one Supreme Court Justice agreed with Judge Haynsworth, and then only once.

The rights and needs of working men and women are too important to entrust to adjudication by a man so out of tune with the law and with the times that his decisions have been reversed in all cases in these areas which were appealed to the Supreme Court.

Mr. President, the American people's sense of what a Supreme Court Justice's reputation and qualifications should be is offended by the revelations made since the nomination of Judge Clement Haynsworth. The standard of ethics that will be established by the Senate in determining his fitness for this high office will be witnessed by all Americans. Those standards should not be lowered for reasons of temporary political expediency. The nomination of Judge Haynsworth should be withdrawn. If it is not, it should be rejected by the Senate forthwith.

Mr. President, yesterday Judge Haynsworth offered to put his extensive financial holdings beyond his personal reach to avoid conflict-of-interest problems. This in itself, coming as it does after numerous revelations of judicial impropriety on his part, is sufficient reason for withdrawal of his nomination. Does this indicate that now Judge Haynsworth may not feel competent to handle his finances without the possibility of a conflict of interest arising? It is a sad commentary on the state of our Nation and of our Federal Government that the only Federal judge in the Nation offering to place his holdings beyond his personal reach has been nominated to be Associate Justice of the highest court of the land.

On Sunday, Vice President AGNEW stated that Judge Haynsworth was "clean as a hound's tooth." If the Vice President's evaluation is any indication of the ethical standards to be followed by this administration, then the Nation is in for a sorrowful 3 years indeed.

Mr. President, the National Observer, published and copyrighted by Dow Jones & Co., and a highly respected publication regarded as a spokesman for that Grand Old Party of which I am not a member, in its issue of Monday, October 6, published an editorial which I believe every Senator should read before he determines how he will vote in the question of confirmation of the nomination of Judge

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Haynsworth, unless, of course, that nomination is withdrawn by our President. I ask unanimous consent that this editorial, entitled "Judge Haynsworth's Finances," be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUDGE HAYNSWORTH'S FINANCES

It would take exceptional courage now for President Nixon to admit that the nomination of Clement F. Haynsworth, Jr., to the U.S. Supreme Court was a mistake: After all, no scandal mars Judge Haynsworth's career, no clear-cut indiscretion tarnishes his record. For the same reason, it would take an exceptional turn of events to prevent his confirmation by the Senate, however vigorous the opposition there. And last week there seemed little chance Judge Haynsworth would bow out; he apparently has a hard time understanding what all the fuss about his personal finances is all about. This innocence, however, is an excellent reason—among others—why this nomination should be withdrawn or defeated.

Judge Haynsworth had vigorous opposition from the start. Civil-rights leaders deplored the choice, often intemperately. Labor leaders were hopping mad, shouting that the judge's record proved him to be pro-business. Neither objection was compelling, and neither certainly argued against confirmation. It wasn't until the opposition began exploring the judge's personal finances that the appointment began to emerge as a boner.

No, Judge Haynsworth broke no laws, nor did he broach the letter of judicial and legal ethics. The record as it unfolded before the Senate Judiciary Committee was one of a series of questionable investmenta and associations, but not one of them so damaging as to make him an unfit candidate for the High Court. And certainly no single item or even an accumulation of items, was so clearly a violation of good judgment as the conflict of interest that eventually forced Abe Fortas to resign his Supreme Court seat.

HE WAS VERY SORRY

Then came the revelations about the judge's investment in the Brunswick Corp. He bought the stock after his court had reached a decision on an appeal involving Brunswick, and the decision probably would have no effect on the stock's value. Nevertheless, he bought the stock before the court officially handed down the ruling, and the appearance, at least, of impropriety lingers. Judge Haynsworth's evaluation of his own action? He is "very sorry" he bought the stock, but he simply had forgotten when he made the purchase that the Brunswick case was still officially before his court.

The accumulation, then, capped by the Brunswick investment, portrarya a man who is probably a nice fellow, a judge who will gladly keep his nose clean if someone will spell out for him how it is to be done, but a man who is oblivious of the need for a jurist to maintain a singleminded interest in the administration of justice, free of even the hint that his decisions are influenced by anything else.

The appointment, simply, is an embarrassment to the Nixon Administration, which is hardly of great moment, and a potential embarrassment to the Supreme Court, which, in light of the recent Fortas embarrassment, is of great moment.

IT IS BETTER LABELED OPERATION INEPT

Mr. YARBOROUGH. Mr. President, Operation Intercept has now been in effect for 2 weeks and has earned the more appropriate title of "Operation Inept."

Just as no one can quarrel with the need for controlling the traffic in illegal drugs and narcotics, no one can quarrel with the fact that Operation Intercept has done serious, possibly permanent, damage to our relations with Mexico.

The operation is an inept way to deal with another nation. It is an inept way to treat the citizens of a friendly nation. It is an inept way to treat the citizens of this Nation who have visited a great and good neighbor. It is a most inept way to treat the economy of a section of this Nation and of Mexico.

There are also many who say it is an inept way to handle the problem it is supposed to be solving—the inflow of marihuana, dangerous drugs, and hard narcotics into this country.

The President of Mexico, Gustavo Diaz Ordaz, has called Operation Intercept a "bureaucratic error" and has said that it raises a "wall of suspicion" in United States-Mexico relations.

Mr. President, the United States and Mexico have developed good relations through the years. We have many programs of cooperation and friendship. In just 2 weeks of this operation we see serious damage to those relations.

Two border celebrations have already been canceled or postponed because of the action by the Government.

In Texas, Brownsville's "Mr. Amigo" celebration, which was scheduled for October 12, has now been canceled. It is usually an annual event; an event to honor a top Mexican personality and to demonstrate the friendship between the United States and Mexico. Officials of Del Rio and its neighbor city, Ciudad Acuna, have postponed for at least 10 days their annual "friendship festival" because of Operation Intercept.

Mr. President, not only is the operation an inept treatment of good relations; it is an inept way to deal with the economic situation along the border of this Nation with another nation.

Mexican businessmen are being hurt because citizens of this country are canceling trips to border cities. Many Mexican citizens who cross the border every day to work in the United States are having a difficult and sometimes impossible task of getting to their jobs in this country. There are reports some have already lost their jobs.

Just as Mexican businessmen are being hurt, so are businessmen on this side of the border. Many citizens of Mexico come to the United States on buying trips. Businessmen in this country are being hard hit as their customers refuse to suffer the delays and indignities of Operation Intercept. The balance of trade in some sections runs 10 to 1 in favor of the United States. That is true in border cities in California and border cities in Texas. We are the ones who are hurt worst by Operation Intercept. But it was 10 to 1 in favor of the United States before Operation Intercept.

Our businessmen will be hurt further, as Mexico now has started Operation Dignity. This operation urges Mexicans to stop going to the United States and to make all their purchases in Mexico. This operation was started by Mexico because of the affront to Mexico implicit in our Nation's implementation of Operation Intercept without any friendly consultation with a friendly border nation. The border is a border of two nations, not one. Anything done to the border by one nation should be after consultations with the other nation. Mexico was not treated as a friendly neighbor or as a coequal partner in the fellowship of nations in this matter, and Mexico knows it. The long, friendly relations between the two nations, built up on the American side by the successive diligent efforts of Presidents Franklin D. Roosevelt, Truman, Eisenhower, Kennedy, and Johnson is being badly damaged. Thirty-six years of careful building of friendship has now been jolted by this operation.

I live in a border State; I visit Mexico every year, and I think it a very unfair way to treat a good neighbor.

And so the story goes, Mr. President, of this inept operation.

Thousands of dollars in commerce lost. Friendships damaged. Relations with a good neighbor severely strained. And all with even questionable results of the stated purpose of this operation.

After all, Mr. President, when you tell somebody, "We're going to set up something to catch smugglers," the smugglers stop smuggling. It reminds me of the operation of the Secretary of the Interior when he announced he was going to Florida to catch alligator poachers. The alligator poachers shaved and went to church that week—probably the first time in years.

The action of the Treasury Department in this operation reminds me of the farmer who was plagued with rats. After failing with various methods to eradicate these rats from his barn, he set fire to his barn and burned the barn down to get rid of the rats. Let us not burn the barn of profitable international trade and invaluable international relationships to get rid of some lawless individual smugglers.

S. 2997—INTRODUCTION OF A BILL PROVIDING JUDICIAL PROCEDURE FOR OBTAINING EVIDENCE OF IDENTIFYING PHYSICAL CHARACTERISTICS

Mr. McCLELLAN. Mr. President, I introduce for appropriate reference, together with Senators HRUSKA and ALLOTT, S. 2997, a bill to provide a judicial procedure for the obtaining of evidence of identifying physical characteristics. At the outset, however, because this is a new and novel approach to a traditional evidentiary problem facing law enforcement, I am not necessarily committed to the bill, and I am not sure, at this point, that it will receive my wholehearted support. In short, S. 2997 is a bill which I want subjected to close scrutiny and study by all those knowledgeable in the area of criminal law and procedure.

Mr. President, S. 2997 is an outgrowth of the Supreme Court's recent decision in *Davis* v. *Mississippi*, 394 U.S. 721, decided on April 22 of this year. It would be helpful, therefore, to set out briefly the facts in the case.

On December 2, 1965, in Meridian, Miss., an individual was raped by an assailant she could describe only as a young

Negro. Fingerprints on the window through which the assailant entered the victim's home constituted the only investigative lead. The day after the rape occurred, the police began questioning numerous Negro youths. Petitioner, a 14-year-old, was one of several youths questioned, fingerprinted, and released the day following the rape.

On December 14, with neither a warrant nor probable cause, the police confined petitioner in the Meridian jail, a detention which the State during oral argument conceded was constitutionally invalid. During that confinement petitioner was fingerprinted a second time and these prints, along with those of 23 other Negro youths, were sent to the FBI in Washington for comparison with the prints taken from the window of the victim's home. The FBI found the petitioner's fingerprints matched those on the victim's window. Petitioner was then tried and convicted for rape, with the fingerprint evidence being admitted in evidence over petitioner's objection that they should be excluded as the product of an unlawful detention.

On certiorari to the U.S. Supreme Court, the majority in an opinion by Mr. Justice Brennan held that petitioner's illegal detention of December 14, during which the fingerprints used at trial were taken, constituted an unreasonable search and seizure in violation of the fourth amendment to the Constitution. The State had conceded that the fingerprints taken December 14 were taken during an unconstitutional confinement for which there was no warrant or probable cause, but had argued that the December 3 prints were validly obtained and that "it should make no difference in the practical or legal sense which fingerprint card was sent to the FBI for comparison" (394 U.S. at p. 725). The State added that the December 3 detention, while effected without probable cause, was of a type not requiring probable cause because: First, the detention occurred during the investigatory rather than accusatory stage and was not a seizure requiring probable cause; second, detention for the sole purpose of fingerprinting does not require probable cause. The Court's decision rested on a rejection of this argument. It held that "to argue that the fourth amendment does not apply to the investigatory stage is fundamentally to misconceive the purpose of the fourth amendment (394 U.S. at p. 726). The Court continued:

> Investigatory seizures would subject unlimited numbers of innocent persons to the harassment and ignominy incident to involuntary detention. Nothing is more clear than that the fourth amendment was meant to prevent wholesale intrusions upon the personal security of our citizenry whether these intrusions be termed "arrests" or investigatory detentions (394 U.S. at pp. 726, 727).

Citing *Terry* v. *Ohio*, 392 U.S. 1 (1968), the Court indicated that this had been made explicit when the Court there rejected "the notions that the fourth amendment does not come into play at all as a limitation upon police conduct if the officers stop short of something called a 'technical arrest' or a 'full blown search'" (394 U.S. at p. 727). The Court concluded that "detentions for the sole purpose of obtaining fingerprints are no less subject to the constraints of the fourth amendment," and held that petitioner's prints of December 3 were also obtained in violation of the fourth amendment (394 U.S. at pp. 726, 727).

Nevertheless—and this is crucial here—Mr. Justice Brennan, for the majority, devoted the last part of the Court's opinion to discussing possible procedures for constitutionally detaining individuals for purposes of fingerprinting during a criminal investigation when there is no probable cause for arrest in the "traditional sense." The relevant passage from the opinion is as follows at pages 727, 728:

> "It is arguable, however, that because of the unique nature of the fingerprinting process, such detentions might, under narrowly defined circumstances be found to comply with the Fourth Amendment even though there is no probable cause in the traditional sense. See *Camara* v. *Municipal Court*, 387 U.S. 523 (1963). Retention for fingerprinting may constitute a much less serious intrusion upon personal security than other types of police searches and detentions. Fingerprinting involves none of the probing into an individual's private life and thoughts which marks an interrogation or search nor can fingerprint detention be employed repeatedly to harass any individual, since the police need only one set of each person's prints. Furthermore, fingerprinting is an inherently more reliable and effective crime-solving tool than eyewitness identifications or confessions and is not subject to such abuses as the improper line-up and the "third-degree." Finally, because there is no danger of destruction of fingerprints, the limited detention need not come unexpectedly or at an inconvenient time. For this reason, the general requirement that the authorization of a judicial officer be obtained in advance of detention would seem not to admit of any exception in the fingerprinting context.

Mr. President, this language reads almost like an invitation to Congress to enact legislation in this area. Indeed, the opinion goes so far as to set out some of the reasons for enacting such legislation as well as some guidelines to follow to assure its constitutionality.

Broadly speaking, the Court suggestion here rests on the recognition that fingerprint evidence is a type of evidence which the Court itself, for fifth amendment self-incrimination purposes, has classified as evidence of identifying physical or body characteristics. See *Schmerber* v. *California*, 384 U.S. 757, (1966); *United States* v. *Wade*, 388 U.S. 218 (1967); *Gilbert* v. *California*, 388 U.S. 263 (1967). Schmerber, which held that taking a blood sample for purposes of chemical analysis did not violate the fourth, fifth, sixth, or 14th amendments, noted:

> That both federal and state courts have usually held that it [the privilege against self-incrimination] offers no protection against compulsion to submit to fingerprinting, photographing, or measurements, to write or speak for identification, to appear in court, to stand, to assume a stance, to walk, or to make a particular gesture (384 U.S. at p. 764).

Each of these types of evidence, of course, involves information about an individual's bodily characteristics. In discussing various types of evidence, the taking of which has been considered to be outside the scope of the privilege against self-incrimination, the Court has sometimes used the terms "nontestimonial" and "noncommunicative" (See supra, Schmerber, Wade and Gilbert). These terms, however, are somewhat confusing, inasmuch as some types of evidence outside the scope of the privilege are, in fact, testimonial and communicative. In addition, the Court uses essentially negative language to define a positive concept. One common feature that each type of evidence the Court has held to be outside the privilege, is that each type is descriptive of a bodily characteristic. Therefore, for the purpose of this legislation, I have used the term "identifying physical characteristic" (*Wade,* supra, 399 U.S. at pp. 222–223; *Gilbert,* supra, 388 U.S. at p. 667).

Justice Holmes, in *Holt* v. *United States*, 218 U.S. 245, 1910 (pp. 252–253) cited in Schmerber and Wade, defines the scope of the privilege against self-incrimination as follows:

> [T]he prohibition of compelling a man in a criminal court to be a witness against himself is a prohibition of the use of physical or moral compulsion to extort communications from him, not an exclusion of his body as evidence when it may be material.

Each type of evidence which has been included in the bill, and any evidence which the bill would include, is a type which has been invaluable to law enforcement—not only in solving crimes, but in eliminating innocent suspects.

I turn then to a brief description of the value to law enforcement of these types of evidence.

FINGERPRINT, FOOTPRINT, AND PALMPRINT EVIDENCE

Fingerprints are the most positive form of personal identification known. This is based on two long observed and continuously verified facts: First, that the ridge arrangement on every finger of every person is different and, second, that the ridge arrangement is permanent throughout the person's life. This means that the fingerprints of every person are different. The scientific basis of fingerprinting as we know it, was brought to public attention in 1880 by two Englishmen, Henry Faulds and William Herschel. Their initial conclusions in this matter were studied intensively over a long period of time and set on a firm scientific basis by the British Scientist Sir Francis Galton. The use of fingerprints in criminal identification did not become practicable, however, until the invention of a system of classification by Sir Edward Richard Henry, later Commissioner of Scotland Yard. The system was so positive and easy of implementation that it was officially adopted by the British Government in 1901 for the registration of convicted criminals. Thereafter, it spread rapidly throughout the English-speaking world and is the most widely used system of fingerprint classification today. A second system of fingerprint classification was devised by Juan Vucetich, an Argentinian, and is used in most of the Spanish-speaking countries of the world.

The early use of fingerprints in the United States dates from about 1903. On November 2, 1904, the warden of the U.S. Penitentiary at Leavenworth, Kans., was authorized to take fingerprints of

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Federal prisoners. Subsequent to that time, the use of fingerprinting was rapidly adopted throughout the country, fostered by the interest of the International Association of Chiefs of Police. In 1924 the growing demand for a central clearinghouse of fingerprint records resulted in the establishment of the FBI's Identification Division in Washington, D.C., with a total of 810,000 fingerprint cards made up of the files of the International Association of Chiefs of Police and the Leavenworth Penitentiary. Fingerprinting has reached its greatest acceptance and utility in the United States. Today the police of every city and hamlet in the United States are cognizant of the value of fingerprints for identification and are familiar with the services of the FBI's Identification Division. In May 1969 the FBI's files contained more than 192 million fingerprint cards representing more than 83,000,000 persons. More than 14,700 law enforcement and governmental agencies throughout the country contribute these records. The civil files of the FBI contain the prints of 65,000,000 persons, while the criminal files contain the prints of only 18,000,000 individuals.

Let me point out here, however, that fingerprinting in the United States bears no criminal stigma. Indeed, it serves many civil purposes. Most Federal employees are required to be fingerprinted; our Armed Forces fingerprint all of their personnel, and several million persons have voluntarily placed their fingerprints on file for emergency identification. Fingerprint identification is not dependent on age, facial, or body appearance, nor on visual recognition by others, but is established solely through the matching of the unchanging and unique ridge formations appearing on each person's fingers.

Compared to other methods of identification, the recording of fingerprints is simplicity itself. Impressions of the ridges are made by coating the fingers with black fingerprint or printer's ink and then placing the fingers on a white record card. The entire operation does not ordinarily require more than 30 minutes' time and may be accomplished in less. The recording of all ridged areas of both hands and feet might, in some cases, require up to an hour's time. The taking of the prints requires no volition on the part of the person being printed, does not require his active participation, nor does the operator participate, other than to see that the prints are completely and legibly recorded. The ink which is placed on the fingers is readily removed with soap and water. In some cases, it is necessary to procure finger, palm, and footprints for comparison purposes.

Fingerprints, along with palm prints and footprints, are of the greatest value in criminal investigative work because they can be positively identified as those of a particular person, even though there are no eyewitnesses to the offense. In several cases, fingerprint evidence alone has been sufficient for conviction of a defendant, so reliable is its nature. Although the 10 fingerprints of a person are used to set up general record files because they offer the maximum pattern material from a technical standpoint, as well as being easily taken, any ridged areas of the hand or foot is unique in every person and can be identified exactly like fingerprints and such identifications have the same legal validity. Palmar impressions are often found on objects at crime scenes and footprints are found in some cases. In many instances fingerprints of suspects in cases are not known to be available, and in most cases palm and foot impressions must be taken of a suspect before any comparison with a crime scene print is possible. The FBI alone receives about 2,500 latent print cases per month and identifies suspects in approximately 250 cases per month. Fingerprinting plays a vital role in every major investigation and can be the positive clue linking the criminal with the crime.

Fingerprints also have a number of humanitarian uses. Foremost among these is the daily identification of persons who are found dead of natural causes in unknown surroundings and those who have been murdered. The great success of the FBI's disaster squad has been achieved through identifications effected with fingerprints contained in its enormous collection of civil fingerprint records. About 80 percent of the disaster victims from whose bodies fingerprints could be obtained, have been identified by that method, despite the fact that the bodies are frequently mutilated, fragmented, and burned beyond visual recognition. Many bodies of unknown deceased persons have been identified by fingerprints even after the bodies have lain exposed to the elements for weeks or months. Missing persons are regularly located through fingerprints; amnesia victims are identified, and the greatest confidence is placed in identification of our war casualties by fingerprints. Footprints may also serve a humanitarian purpose. The Air Force footprints its personnel and it is a common practice for hospitals to footprint the newborn for positive identification, should a case of questioned identity arise. The fingerprints of mothers found on birth records of their children have been used in a number of cases to identify disaster victims. Fingerprints found on the driver's licenses of a few States have also been used to positively identify victims of catastrophes. The identification of more than 2,500 fugitives from justice per month is effected by this means.

In order to use fingerprint identification there must be a known set of a person's prints available with which to compare any questioned print; so if fingerprints are found at a crime scene there must be a known set of palm prints or a known set of footprints with which to compare palm or foot impressions found at the scene of a crime before they can be useful to the investigation. In a number of cases it has been possible to connect a single culprit with several major crimes through fingerprints. With the recent restrictive uses of confessions and admissions, physical evidence is of the greatest importance in prosecuting the subject. It is possible also by fingerprints to show the presence of the victim in a dwelling, automobile, or other location. In comparing prints of any type the expert can say that the prints either are or are not those of a particular person.

While fingerprints are a sure way to connect the criminal with the crime, suspects by the hundreds are constantly eliminated from investigative consideration in criminal cases through showing that their fingerprints do not match those from the crime scene. Many erroneous identifications made by other means have been corrected by fingerprints, resulting in some instances, in the release of persons already under arrest.

HANDWRITING EVIDENCE

The examination of handwriting is one of the older fields of the forensic sciences. Historical references reveal that the practice of forgery and other frauds involving documents evolved almost as early as the development of writing as a medium of communication. As a means of protection against this practice, the need for the detection of forgery arose.

This gave rise to the development of persons skilled in the examination of writings.

With the advance of science in general and an advance in the skill of persons examining writings, recognition was given in the early courts to handwriting experts. After the beginning of the 1800's, the English courts began to accept expert testimony concerning handwriting. *Eagleton and Coventry* v. *Kingston,* 8 Vesey 438 (1803). Earliest introduction of expert handwriting testimony in the United States seems to have been under the Civil Code of Louisiana. *Sauve* v. *Dawson,* 2 Martin 202 (1812).

Many of the rules and regulations concerning handwriting testimony were formulated by court decisions and have been made a part of codified laws. The Congress of the United States on February 26, 1913, vol. 37–1, C79, p. 683, enacted a statutory provision relating to comparisons of handwriting:

> In any proceedng before a court or judicial officer of the United States where the genuineness of the handwriting of any person may be involved, any admitted or proved handwriting of such person shall be competent evidence as a basis for comparison by witnesses, or by the jury, court or officer conducting such proceeding, to prove or disprove such genuineness.

Since that date there has been acceptance of expert testimony involving document matters as expressed in *State* v. *Gummer,* 51 N.D. 445, 200 N.W. 20 (1924), wherein the court stated:

> The study of handwriting has become a scientific matter and, with modern theories as to individual characteristics as expressed in handwriting and the scientific means for measurement and demonstration that have been devised, the status of handwriting evidence has wholly changed. That being the case, the rules of evidence with respect to handwriting have had to be enlarged accordingly. It is another case of the growth and progress of the law to meet modern requirements.

At the time that the FBI Laboratory was established in 1932, the services of only one handwriting expert was needed. Today the FBI Laboratory employs over 30 experts in domument examinations and during the current fiscal year conducted approximately 200,000 examinations involving various types of writing. Other branches of the Federal Government, police agencies in major cities of the United States, and many private examiners throughout the United States are engaged in the examination of handwritings and documents. The courts of the United States and throughout most of the world presently give full acceptance to testimony furnished by document examiners.

In cases such as kidnaping, extortion, interstate transportation of stolen properties, stolen motor vehicles, and practically every type of case investigated by the police and Federal agencies, the examination of handwriting plays a major role in the investigation and subsequent court proceedings.

Since handwriting examination is of such vital importance to a majority of cases investigated, it is essential that the document examiner have available for examination suitable known handwriting standards for comparisons.

IDENTIFICATION PHOTOGRAPHS

Photographs of persons have long been used on identification papers throughout most of the world. For years, the police in the United States and in other countries have photographed individuals who were being fingerprinted as a suspect or as an accused. This practice has received widespread acceptance by the courts and this was recently confirmed by the U.S. Supreme Court in Schmerber against California, supra.

The use of identification photographs plays an important role in investigations conducted by the police. Numerous cases are on record whereby a wanted person has been located through publications of his photograph. As an aid to criminal investigation, an identification photograph is an invaluable tool for the investigating officer.

BLOOD AND OTHER BODY FLUIDS, HAIR, FIBERS, AND CLOTHING EVIDENCE

In cases of violence, such as rape, murder, and assaults, blood, semen, hairs, and fibers are often important evidence in associating a suspect with the crime. For example, during the commission of violent crimes, there is often a transfer of such evidence between the persons or clothing of the victim and the subject. The value of this evidence lies in the comparison of the evidence found on the victim with that emanating from or found on the subject's body or clothing. Thus, it is essential that evidence in possession of the subject be available for examination and comparison purposes.

Following the language of the Davis decision, S. 2997 provides for prior judicial approval before a subpena may be issued. Further, as the Davis case suggests, the detention need not come unexpectedly or at an inconvenient time. The only exceptions to this would seem to be when an individual was about to flee the jurisdiction, or the type of evidence sought could be destroyed. The subpena can specify that the individual involved be detained at a reasonable and convenient time. The detention must be supervised by a designated U.S. magistrate.

During the drafting of the bill a number of questions were brought up, some of a constitutional nature, concerning what provisions should or should not be included. One such issue is whether or not the individual from whom the evidence is to be taken should have a lawyer present when the evidence is taken. A reading of the Wade case suggests that a lawyer need not be present for taking evidence of physical characteristics as a prerequisite to introducing such evidence in court. While discussing fingerprints, blood samples, clothing, hair, and the like, the court stated (388 U.S. pp. 227–228), as follows:

> We think there are differences which preclude such stages being characterized as critical stages at which the accused has the right to the presence of his counsel. Knowledge of the techniques of science and technology is sufficiently available, and the variables in techniques few enough, that the accused has an opportunity for a meaningful confrontation of the Government's case at trial through the ordinary processes of cross-examination of the Government's expert witnesses and the presentation of the evidence of his own experts. The denial of a right to have his counsel present at such analyses does not therefore violate the Sixth Amendment, they are not critical stages since there is minimal risk that his counsel's absence at such stages might derogate his right to a fair trial.

On the other hand, Wade notes that—

> [T]he vagaries of eyewitness identification are well-known—

And that—

> the annals of criminal law are rife with instances of mistaken identification (388 U.S. at p. 228).

The Court points out that there are inherent dangers in eyewitness identification, and an inherent suggestibility within the context of pretrial identification. As a result the Court held that—

> [I]nsofar as the accused's conviction may rest on a courtroom identification in fact the fruit of a suspect's pretrial identification which the accused is helpless to subject to effective scrutiny at trial, the accused is deprived of that right of cross-examination which is an essential safeguard to his right to confront the witnesses against him. (388 U.S. at p. 235).

Noting that the "presence of counsel . . . [at a lineup] can often avert prejudice and insure a meaningful confrontation at trial," the Court concluded that under existing practice a pretrial lineup was a "critical stage of the prosecution" at which an accused is entitled to have counsel present (388 U.S. at pp. 236–237). The Court further noted:

> [l]egislative or other regulations, such as those of local police departments, which eliminate the risks of abuse and unintentional suggestion at lineup proceedings and the impediments to meaningful confrontation at trial may also remove the basis for regarding the stage as "critical" (388 U.S. at p. 238).

Of course, the Wade decision must also be read in the context of section 3502 of title 18 of the United States Code, which was enacted as a part of last year's Omnibus Crime Control Act. The Department of Justice in a memorandum dated June 11, 1969, discusses 18 U.S.C. section 3502 in relation to the Wade decision. (Reprinted in 115 CONGRESSIONAL RECORD 23237, August 11, 1969, daily edition.) At this point, I do not think it is necessary to insert a requirement that counsel be present during the taking of this type of evidence. I would, however, like to see this point thoroughly discussed during the hearing process.

We must also consider in the hearings whether or not, after an appropriate period of time has elapsed, the evidence taken from suspects not prosecuted or convicted, should be eradicated. Under the provisions of the bill, this type of evidence could be easily obtained, under appropriate circumstances. I am not sure, at this point, that expunging records and files of the evidence would serve any purpose. Destroying such evidence might mean that some individuals would have to be picked up several times, rather than just once. At any rate, it is something that can be explored more fully later.

I am sure there are other issues which could be explored and studied. For example, during the drafting of the bill there was some discussion of whether to issue a subpena directing an individual to appear at a certain time for the purpose of obtaining the evidence, or to issue a warrant directing that the individual be brought in for the purpose of taking the evidence. As presently drafted the bill provides for a subpena calling for the forthwith appearance of the individual or an appearance at a designated time and place. The appearance must be before a designated U.S. magistrate. The provision for forthwith appearance would, in most cases, take care of those situations where the individual would be likely to flee the jurisdiction; and for other individuals would mean that a mutually convenient time and place could be designated for obtaining the evidence. One point that was brought out in staff discussion was that in situations where the evidence could be destroyed, such as alcohol in the blood stream, defiance of a subpena calling for a forthwith appearance would not result in the individual being physically taken in for obtaining the evidence, but that the individual would be liable for contempt, which, under the circumstances, would nullify the value and intent of the proposed legislation. Hopefully, that type of situation would not come up frequently. At this point, I believe that the convenience a subpena would afford those persons who may be subjected to the provisions of the bill would offset those few situations where evidence may be destroyed and only a warrant for physical incarceration would suffice. Both the subpena and warrant have their advantages and disadvantages, and I fell sure the hearing process will shed more light on the pros and cons of each.

I urge every Senator to study the bill and give me the benefit of his views and suggestions. I assume that the bill will be referred to the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary; in which case I would expect to hold hearings on it and a number of other measures in the crime field following our work in the organized crime area.

Mr. President, I ask unanimous consent to have the text of the bill, which

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I now introduce, printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, without objection, the bill will be printed in the RECORD.

The bill (S. 2997), to amend title 18, United States Code, to provide for the issuance of subpenas for the limited detention of particularly described or identified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes, introduced by Mr. MCCLELLAN (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 223, title 18, United States Code (relating to witnesses and evidence) is amended by adding at the end thereof the following new section:

"§ 3507. Detention for obtaining evidence of identifying physical characteristics.

"(a) Upon written approval given by the United States Attorney for any judicial district, an investigative officer of any department or agency of the United States who is engaged within the scope of his authority in the investigation within that district of an alleged criminal offense punishable under a statute of the United States by death or by imprisonment for more than one year may make written application upon oath or affirmation to a judge of the district court of the United States for that district for a subpoena authorizing the temporary detention for obtaining evidence of identifying physical characteristics from an identified or particularly described individual residing or found within that judicial district. Such subpoena shall require the presence of such individual before such United States Magistrate as the Court shall direct for obtaining such evidence forthwith or at such other time as the court may direct and at such place as the court may direct. A subpoena may be issued by the court upon showing that—

"(1) reasonable cause exists for belief that a specifically described criminal offense punishable under a statute of the United States by death or imprisonment for more than one year has been committed;

"(2) procurement of evidence of identifying physical characteristics from an identified or particularly described individual may contribute to the identification of the individual who committeed such offense; and

"(3) such evidence apparently cannot be obtained by the investigating officer from any investigative or law enforcement agency of the United States, any State, or any political subdivision of any State.

"(b) Any subpoena issued under this section shall specify—

"(1) the character of the alleged criminal offense which is the subject of the application;

"(2) the specific type of identifying physical characteristic evidence which is sought;

"(3) the relevance of such evidence to the particular investigation;

"(4) the identity or descripition of the individual who may be detained for obtaining such evidence;

"(5) the name and official status of the investigative officer authorized to effectuate such detention and obtain such evidence;

"(6) the United States Magistrate before whom such evidence shall be obtained;

"(7) the place at which the obtaining of such evidence may be effectuated;

"(8) the period of time, not exceeding 5 hours, during which the named or described individual may be detained for obtaining such evidence; and

"(9) the period of time, not exceeding 15 days, during which the subpoena shall continue in force and effect.

"(c) The subpoena shall be returned to the court not later than 45 days after its date, and it shall be accompanied by a written statement indicating the type of evidence taken. The United States Magistrate before whom the evidence was taken shall give to the person from whom such evidence was taken a copy of the subpoena and a written statement indicating what type of evidence was taken.

"(d) As used in this section, 'identifying physical characteristics' includes, but is not limited to, the fingerprints, palm prints, footprints, measurements, handwriting, hand printing, sound of voice, blood samples, urine samples, saliva samples, hair samples, comparative personal appearance, or photographs of an individual."

(b) The section analysis of chapter 223, title 18, United States Code, is amended by amending by adding at the end thereof the following new item:

"3507. Detention for obtaining evidence of identifying physical characteristics."

SHARPEST MONTHLY INCREASE IN UNEMPLOYMENT IN NEARLY A DECADE

Mr. HARTKE. Mr. President, the bitter fruits of the administration's misguided economic policies have begun to reveal themselves.

The figures published yesterday by the Department of Labor show the sharpest monthly increase in unemployment in nearly a decade, and the 4-percent level of unemployment is the highest since 1967.

Yet we are informed in this morning's newspapers that the administration regards these shocking figures as "a welcome sign" that their policies are working as planned.

I point out that none of the self-congratulating planners is among those who were forced out of a job last month. None will have to endure the anguish of facing a host of unpaid bills with only the pittance of unemployment compensation to sustain them and their families.

That is truly the unforgivable aspect of this grim news. Unemployment is a disaster for those who suffer it, and today almost 3 million Americans are in that category. Yet the men who are chiefly responsible for overseeing the health of the economy are jubilant, and the working people of the Nation are being promised more of the same.

When Secretary of the Treasury Kennedy testified before the Committee on Finance several months ago he warned us that we might have to accept a "modest" increase in unemployment as the price for cooling inflation. I told him at that time that policies which exact that sort of price are unacceptable even if they succeed in their stated objective.

In fact, however, they are not succeeding. Inflation rages on at an almost unprecedented rate. Only last Saturday, officials of the Federal Reserve Board announced that we can look for no relief until at least next spring—if then. Inflation is increasing at the highest rate since 1953, and interest rates are the highest since 1859.

What we are faced with, then, is a situation of soaring prices, crushing taxes, record high interest rates, and mounting unemployment. This, we are told, is this administration's "solution" to our economic problems.

Mr. President, the American people will simply not tolerate this incredible mixture of bungling and callousness which is attempting to pass as a policy. Nor should they tolerate it. They are being pushed beyond the limits of endurance, and they are not endlessly patient.

It takes no gift of prophecy to recognize that our deteriorating economic conditions can only lead, not alone to suffering for millions of individual Americans, but to exacerbation of an already explosive racial situation and to even greater alienation of our young people, who were hardest hit of all by this latest rise in unemployment.

Mr. President, there is no alternative for the administration but to reverse itself while there is still time and adopt policies that will stave off the economic crisis that now confronts us. It must adopt policies that promote expansion rather than constriction; it must move toward lower taxes and lower interest rates; it must remove the shackles it is so obstinately attempting to fasten upon the productive energies of America.

Only in that way will the natural forces of the market be able to lower prices and increase employment, and thereby restore America to its position of economic preeminence in the world.

THE ORGANIZED CRIME BILL

Mr. MCCLELLAN. Mr. President, I wish to report to the Senate that S. 30, which was introduced earlier this year, has now been processed with hearings and staff work to the point where it is now ready for markup sessions by the subcommittee.

For the information of the Senate, I shall now state for the record that substantial provisions have been added to the bill since it was originally introduced. These provisions are now contained in 11 titles. The provisions of eight separate bills that have been introduced are now pending before the subcommittee. All eight of which deal with organized crime.

Mr. President, S. 30 as redrafted and as it will be reprocessed by the committee in the markup proceeding contains 11 titles covering the following subjects: Title I, strengthening the grand jury process; title II, the granting of immunity; title III, contempt; title IV, false statements by witnesses; title V, witness facilities; title VI, depositions of witnesses; title VII, admissibility of statements; title VIII, the suppression of evidence; title IX, syndicated gambling; title X, racketeering in legitimate businesses; and title XI, sentencing.

Mr. President, as we know, the bill we passed last year became known and officially titled the Omnibus Crime Control and Safe Streets Act of 1968. This bill may very well be entitled the omnibus organized crime bill of 1969.

Again, I am glad to report that the bill is now ready for markup and we expect to meet on it within the next week or so. I hope this bill is processed, on the

Senate Calendar soon, and that it will be passed by the Senate so the House can act on it in the near future. However, if we are not able to get to it in time for them to act on it, we will get it ready and the House will have a major crime bill before it which has been passed by the Senate and which would go a long way toward strengthening law enforcement, particularly in the field of organized crime dealing with gangsters and racketeers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters which were referred to as indicated:

Reports on Improvement Plans Under the Watershed Protection and Flood Prevention Act

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement which have been prepared under the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956 (with accompanying papers); to the Committee on Agriculture and Forestry.

Report on Borrowing Authority

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a report on borrowing authority for the period ending June 30, 1969 (with an accompanying report); to the Committee on Banking and Currency.

Reports on Improvement Plans Under the Watershed Protection and Flood Prevention Act

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement which have been prepared under the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956 with accompanying papers); to the Committee on Public Works.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. TYDINGS from the Committee on the District of Columbia:

Henry S. Robinson, Jr., of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1970.

By Mr. FULBRIGHT from the Committee on Foreign Relations:

Clinton E. Knox, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Haiti;

Claude G. Ross, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the United Republic of Tanzania; and

Hewson A. Ryan, of Massachusetts, a Foreign Service information officer of the class of career minister for information, to be Ambassador Extraordinary and Plenipotentiary to Honduras.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a joint resolution adopted by the Congress of Micronesia, which was referred to the Committee on Interior and Insular Affairs, as follows:

HOUSE JOINT RESOLUTION 62

A house joint resolution unequivocally stating the sense of the Congress of Micronesia regarding the plight of the Eniwetokian Micronesians and strongly urging the President of the United States to effect immediate cessation of the reported use of Eniwetok Atoll, Marshall Islands District, by the U.S. Department of Defense for tests of biological warfare agents

Whereas, being the Administering Authority for all Micronesia, the United States of America freely and willingly accepted on July 18, 1947, the responsibility to "promote to the utmost" the well-being of all Micronesians, including the Eniwetokian Micronesians; and

Whereas, the United States in discharging this responsibility must act in full accordance with the Charter of the United Nations, the International Trusteeship Agreement, and the Trusteeship Agreement for these islands; and

Whereas, on December 1, 1947, only five months after the United States had become the trustees for the Micronesians, this same trustee closed Eniwetok to the whole world in order that "necessary experiments relating to nuclear fusion" could be conducted there; and

Whereas, on December 21, 1947, only twenty days after Eniwetok was closed to the whole world, the Eniwetokian Micronesians were forcibly relocated in order that nuclear tests for their trustee's own security and peace would commence at once; and

Whereas, for the last twenty-two years of trusteeship the United States as the trustee for the Eniwetokian Micronesians has arrogantly ignored its responsibilities bestowed upon it to guarantee the peace and the security of the beneficiaries of the trusteeship by its continuous use of their beloved home island for nuclear related tests, while the same trustee knowingly left the said beneficiaries to exist almost on the verge of starvation on an alien island; and

Whereas, the contract entered into by the said Micronesians with the United States of America, their trustee, is not morally and legally binding because the said contract was never translated into the vernacular language and as a result the said Eniwetokian Micronesians never understood well what they were signing; and

Whereas, the said Micronesians have pleaded for mercy and help from trustees by sending their pleas through the Congress of Micronesia and by petitioning the United Nations; and

Whereas, the United States has agreed to give only a token compensation to the said Micronesians for the loss of some of their islands, twenty-two years of absence from their home island of Eniwetok, and an existence of near starvation; and

Whereas, the Honorable Richard D. McCarthy of New York has recently disclosed that he has discovered that the U.S. Department of Defense may be using the Eniwetok Atoll for test of biological warfare agents; and

Whereas, any existence of such activities in Micronesia is highly questionable in the light of the Trusteeship Agreement and the U.S. policy which does not permit such activities within its own boundaries; and

Whereas, such activities pose dangers of catastrophic magnitude and scope to not only the peoples but also to the land and sea resources of Micronesia and territories and nations throughout the Pacific Basin; and

Whereas, such additional use of Eniwetok Atoll by U.S. Department of Defense dims the prospects of the earliest possible return of the said Micronesians to their beloved home islands; now, therefore,

Be it resolved by the House of Representatives of the Third Congress of Micronesia, Second Regular Session, 1969, the Senate concurring, that it is the unequivocal sense of the Congress of Micronesia that the Eniwetokian Micronesians have contrbuted more than their share, as called for in the Trusteeship Agreement, toward "the maintenance of international peace and security"; and

Be it further resolved that the President of the United States of America, the trustee of these islands, including the Eniwetok Atoll, is hereby strongly urged to effect immediate cessation of the reported use of the Eniwetok Atoll for the testing of biological warfare agents; and

Be it further resolved that the President of the United States is hereby also strongly urged to take immediate steps to return the Eniwetokian Micronesians, now existing on the island of Ujelang, to their beloved home islands; and

Be it further resolved that certified copies of this Joint Resolution be transmitted to the President of the United States of America; the President and Speaker of the U.S. Congress; the President of the U.N. Security Council; U.N. Secretary General; the President of the Trusteeship Council; the Prime Minister of Japan; the President of the Republic of the Philippines; the Chairman of the Senate Foreign Relations Committee; the Chairman of both Senate and House Interior and Insular Affairs Committees; Representative Richard D. McCarthy; Senators Mike Mansfield, Edward M. Kennedy and William Proxmire; and Representative Patsy Mink.

Adopted August 26, 1969.

Attest:

BETHWEL HENRY,
Speaker, House of Representatives.
CARL HEINE,
Clerk, House of Representatives.
AMATA KABUA,
President of the Senate.
VICTORIO UHERBELAU,
Clerk of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLINGS:

S. 2994. A bill to amend Title 28, section 455, U.S. Code; to the Committee on the Judiciary.

(The remarks of Mr. HOLLINGS when he introduced the bill appear earlier in the RECORD when Mr. HOLLINGS addressed the Senate on the nomination of Judge Haynsworth to be an Associate Justice of the Supreme Court.)

By Mr. PROXMIRE:

S. 2995. A bill for the relief of Tunde Oberding; and

S. 2996. A bill for the relief of Eucaris Brizuela; to the Committee on the Judiciary.

By Mr. MCCLELLAN (for himself, Mr. HRUSKA and Mr. ALLOTT):

S. 2997. A bill to amend title 18, United States Code, to provide for the issuance of subpenas for the limited detention of particularly described or identified individu-

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als for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. McClellan when he introduced the bill appear earlier in the Record, under the appropriate heading.)

By Mr. GOODELL:

S. 2998. A bill to provide that the United States District Court for the Eastern District of New York shall be held at Brooklyn, Mineola, and Hempstead; to the Committee on the Judiciary.

By Mr. GOODELL (for himself, Mr. Bible, Mr. Eagleton, Mr. Mathias, Mr. Prouty, Mr. Spong, and Mr. Tydings):

S. 2999. A bill to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes; to the Committee on the District of Columbia.

(The remarks of Mr. Goodell when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GOODELL:

S. 3000. A bill to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. FULBRIGHT:

S.J. Res. 157. A joint resolution to establish a Commission on Organizational Development, and the U.S. Information Agency; to the Committee on Foreign Relations.

(The remarks of Mr. Fulbright when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. BENNETT (for himself and Mr. Sparkman):

S.J. Res. 158. A joint resolution to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower; to the Committee on Banking and Currency.

S. 2999—INTRODUCTION OF THE DISTRICT OF COLUMBIA ANATOMICAL GIFT ACT

Mr. GOODELL. Mr. President, medical science today is constantly on the threshold of discovery and achievement. There are really no limits to the possibilities for devising new ways to prolong life or cure illness.

However, breakthroughs in medical technology do not occur in a vacuum. Moving from experimentation in the laboratory to treatment of a patient with these new techniques in and of itself creates a plethora of other problems. We then must deal with the legal, ethical, sociological, economic, and political aspects of the medical advancement as well. In so doing, we must exercise the same degree of care and imagination in resolving these issues as we do in assuring that a "medical discovery" becomes a widely accepted "cure." When appropriate, legislation must be enacted to achieve these goals.

It is for this reason that today I introduce the District of Columbia Anatomical Gift Act. I am delighted that all the members of the Senate District Committee: Senators Bible, Eagleton, Mathias, Prouty, Spong, and Tydings are joining me in cosponsoring this legislation. The executive board of the Medical Society of the District of Columbia has given its full endorsement to this proposal.

One of the revolutionary areas of medical technology is that of organ transplantation. Although the exact effectiveness of certain areas of this method of treatment is not yet determined, there is no doubt that transplantation is one means of medical treatment whose potential has only begun to be explored Vast experience is being accumulated in surgical techniques and great improvements have been made in tissue matching and the suppression of immune reactions. Transplantation is now a recognized therapeutic procedure in treating kidney disease, and other tissues which have been successfully transplanted for varying lengths of time include skin, cartilage, bone, tendon, nerve, artery, heart valve, liver, and lung. Organ donation is not only used in transplantation. Human organs and tissue are required for research into such problems as the cause of cancer.

There has been widespread public interest in the possibilities of organ donation and transplantation, largely brought about by dramatic advances in the field. However, a broad public campaign of information and education should be undertaken in order to dispel myths and encourage more people to donate. The mechanics by which organs can be quickly matched up between donor and recipient are undeveloped in most areas of the country, although hospitals are starting to work together in this regard. The National Institutes of Health and the American College of Surgeons are moving forward in developing a registry for physicians and others to research vitally needed statistical information on transplantation. A registry has been operating in Boston for several years to collect basic data from around the world on kidney transplantation.

One of the most obvious and needed improvements has been in laws governing organ donation for transplantation and other medical purposes. Until recently, the individual donor and the physician able and willing to undertake a transplantation have been hampered by serious legal restrictions.

Laws relating to the disposition of a dead body and to the donation of organs for transplantation are under State jurisdiction. Existing law in this area used to be a confusing mixture of the common law, dating back to the 17th century, and numerous State statutes governing autopsies, unclaimed bodies, and medical examiners. With the success of corneal transplantation and improvements in kidney transplants in the 1950's, some 40 States and the District of Columbia were stimulated to enact some type of legislation giving an individual the authority to donate an organ for medical purposes upon his death. Four other States provided for the donation of eyes only. Nonetheless, it was generally recognized that these individual State statutes were largely inadequate and incomplete.

On July 30, 1968, after 3 years of study by a special committee, the National Conference of Commissions on Uniform State Laws gave final approval to a uniform donation statute known as the Uniform Anatomical Gift Act. This proposal was drawn up to serve as a model for all States in order to provide a uniform, favorable legal environment for the donation and use of organs and tissue for medical research, education, and therapy. The act was endorsed by the American Bar Association on August 7, 1968. It has since been approved by the American Medical Association, the American Heart Association, the National Kidney Foundation, the Eye Banks Association of America, the National Pituitary Agency, the Committee on Tissue Transplantation of the National Research Council, the Fifth Bethesda Conference sponsored by the American College of Cardiology, and the Public Affairs Committee of the Federation of American Societies for Experimental Biology.

To date, the following 38 States have passed new legislation based directly on this act during the past year: Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. To my knowledge, no other uniform act has been passed in as many States during the first year of its introduction into State legislatures as the Anatomical Gift Act. It is currently being considered in Delaware, Nebraska, New Hampshire, New York, Pennsylvania, and West Virginia.

In an article in the December 9, 1968, issue of the Journal of the American Medical Association, entitled "The Uniform Anatomical Gift Act: A Model for Reform," Dr. Alfred M. Sadler, Jr., Blair L. Sadler, and Prof. E. Blythe Stason have succinctly set forth the purposes of the act and explained its major provisions. Dr. Stason, a professor at the School of Law, Vanderbilt University, was chairman of the national conference's special committee which drafted this act. Dr. Sadler and Mr. Sadler served as consultants on the act to the national conference. An explanation and summary of the act, excerpted from their article, follows:

EXPLANATION AND SUMMARY OF MAJOR PROVISIONS OF THE UNIFORM ANATOMICAL GIFT ACT

The Uniform Act is based on the belief that an individual should be able to control the disposition of his own body after death and that his wishes should not be frustrated by his next of kin. To encourage donations and to help meet the increasing need for organs and tissue, unnecessary and cumbersome formalities should be eliminated and only those safeguards required to protect the other varied interests involved should be included. The rights of the appropriate next of kin should be clearly provided, physicians working in this area should be protected, and the public interests in a dead body, as represented by the medical examiner, should be maintained. With this philosophy in mind, an analysis of the Uniform Act follows with emphasis on its 13 most important provisions:

1. *Individual authority to donate.*—The core of the Uniform Act grants authority to any individual of sound mind and 18 years of age or more to give all or part of his body for any purpose specified later in the Act, the gift to take effect upon death. This crucial provision provides the donation authority which does not exist under common law. Under common law, the next of kin have the right and the authority to control the disposition of a dead body.

2. *Next of kin authority to donate.*—The Uniform Act specifically provides that the next of kin may donate the body or parts of the deceased and enumerates an order or priority beginning with the surviving spouse. It is important to include this in the statute since donation authority of the next of kin based on common law is vague and unclear.

3. *Possible conflict between donor and next of kin.*—A statement is needed concerning priorities between the donor and his next of kin and concerning conflicting wishes between next of kin to avoid the uncertainty that would confront physicians. Uncertainty could arise in the following situations: (1) The deceased expressed the desire not to have his body or parts donated. Under the Uniform Act the wishes of the deceased would prevail. (2) The deceased made a valid donation under the statute and the next of kin object. The Uniform Act provides that the donation by the deceased is paramount to the wishes of the next of kin. (3) Conflicts between next of kin. The Uniform Act creates six classes of next of kin who may donate, in order of priority beginning with the surviving spouse. If it is known that a gift by a member of a class is opposed by a member of the same or a prior class, the gift shall not be accepted.

4. *Donees.*—Permissible donees.—Existing statutes reveal considerable diversity concerning possible donees. It is desirable to limit donees to those persons or institutions licensed or authorized to practice medicine and to engage in tissue banking or related matters. The Uniform Act is comprehensive and includes tissue banks, specified persons, licensed hospitals, and accredited medical and dental schools.

Obligations of the donee.—Although the donee should be under no obligation to accept a gift, most statutes are silent on this point. The Uniform Act provides that the donee may reject the gift and requires that, following the removal of the part named, custody of the remaining parts shall be transferred to the next of kin or other persons under obligation to dispose of the body.

The open-ended donation and the unavailable donee.—The Uniform Act provides that if the gift is open ended and no donee is named, it may be accepted and used by the attending physician. If a donee is designated but is not readily available at the time and place of death, the attending physician may accept and use the gift.

5. *Purposes for which donations can be made.*—The provisions of the Uniform Act are comprehensive and include medical and dental education, research, advancement of medical or dental science, therapy, and transplantation.

6. *Mechanism of gifts—Wills.*—Some of the statutes, particularly those first enacted, are based on laws relating to wills. Consequently, many donations are not valid unless they have been made in accordance with highly restrictive notarization, recording, and filing requirements, which severly reduce the number of donations and limit their effectiveness. The Uniform Act eliminates these requirements and provides that the gift is effective immediately upon death without waiting for probate.

7. *Mechanism of gift—Other written instruments.*—Many statutes also provide that any written instrument is valid if witnessed by two persons. This represents a considerable improvement because it provides much greater flexibility by eliminating many of the procedural technicalities of wills. It may not be helpful in the accident situation, however, where time is frequently very limited, the prospective donor unconscious, and existence of a written donation instrument unknown.

8. *Mechanism of gift—Cards.*—In light of these problems, it would be highly desirable if an easily carried card could serve as a valid mechanism. The Uniform Act specifically provides that a properly executed card carried on the donor's person or in his effects will suffice.

9. *Mechanism of gift by next of kin—Recorded telephonic consent.*—The Uniform Act simplifies the gift procedure dealing with donations by the next of kin in two important ways. First, the requirements for witnesses are eliminated. Second, consent may be given by telegraphic, recorded telephonic, or other recorded message. The advantage of obtaining consent from next of kin by telegraph or recorded telephone message is clear when the deceased and the next of kin are far apart and time is very limited.

10. *Revocation or amendment of gift.*—In the interests of respecting the final wishes of the donor, every reasonable means for changing one's intent should be made available. The Uniform Act lists six ways in which a donation can be modified, including an oral statement witnessed by two persons.

11. *Protection from liability for physicians and others acting in accordance with the statute.*—The Uniform Act protects all persons concerned, including physicians, next of kin, funeral directors, and medical examiners. The protection applies to both civil and criminal proceedings.

12. *The problem of conflict of laws.*—Until the Uniform Act is universally adopted, conflicts between the diverse donation laws of various states are inevitable. For example, a resident of state A makes a valid gift under the donation statute in state A and then dies in state B which either has no donation statute or has one that differs significantly from that of state A. Which law should apply? There are no cases on this point. The Uniform Act protects the physician in this situation by insulating him from liability if he acts in good faith and in accordance with the terms of either of the relevant state laws.

13. *The time of death.*—The problem of defining death has received considerable attention in recent months and was the subject of lengthy discussion by the Commissioners on Uniform State Laws. There are presently no laws in the United States which attempt to define death. The moment of death has traditionally been regarded as a question for medical determination and not the proper subject for codification by law. The commissioners have chosen to maintain this policy and unanimously concluded that it would be unwise to incorporate a definition of death into the Uniform Act. Medical authorities are currently seeking a consensus on relevant criteria for a definition of death and suitable medical guidelines are being proposed.

The commissioners believed that it was appropriate to deal with the possible conflict of interest which could arise if one physician were to care for both a potential donor and potential recipient of a transplantable organ. On the other hand, they recognized the importance of maintaining adequate channels of communication between those physicians representing the donor and those physicians administering to the recipient. Effective communication is essential to the successful transplantation of a vital organ. Consequently, the Uniform Act provides that "the time of death shall be determined by a physician who attends the donor at his death, or if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part."

Today I introduce this model statute for Senate consideration as legislation for the District of Columbia. I think it is extremely important that District residents are also covered by this more comprehensive legal framework. Organ donation and transplantation in the District are now provided for by the District of Columbia Human Tissue Bank Act of 1962, as amended. This law was passed to encourage and aid the development of reconstructive medicine and surgery and the development of medico-surgical research by authorizing the licensing of tissue banks in the District, and to facilitate ante mortem and post mortem donations of human tissue for tissue bank purposes. At the time of its passage it was considered one of the more comprehensive laws of its kind, and even today goes far beyond some existing State statutes.

The Uniform Act clarifies some of the provisions covered by this law and covers other aspects not presently dealt with. Under the provisions of District of Columbia law, any next of kin after the surviving spouse, can veto the wishes of all of the next of kin. The Uniform Act sets up classes of next of kin who can donate, in order of priority, beginning with the surviving spouse.

The District law does not specify how the next of kin can make a donation, whereas the Uniform Act provides for such donation by any written instrument or telephonic device.

The District law is silent on the questions of whether an individual's wishes are paramount to the wishes of his family. Individual consent to donate is a fundamental principle of the Uniform Act.

There is no provision in existing District law for a specific device such as a card or form which an individual could sign in advance and perhaps carry on his person. The bill which I am introducing today contains a suggested model card or form which might be considered as a valid form of donation and which could be carried by an individual. Some States have included such forms in the laws they have enacted. It is important I think that we strive toward some method of simplifying the donation procedure.

With regard to who can make a donation, existing District law states:

> Any person who, under the law of the District of Columbia, has capacity to make a valid will may by will, codicil or any written statement donate his tissue for purposes of this chapter.

Laws in the District regarding the making of a will provide that a female may do so at the age of 18, but a male must be 21. The Uniform Act, on the other hand, provides that "any individual of sound mind and 18 years of age or more" can give his consent to donate. I would strongly agree with the Commissioners on Uniform State Laws that a person of 18 has attained sufficient maturity to comprehend the implications of making such a donation. It should be noted that the great majority of States which have passed the act have made 18 the donation age even though in certain instances State laws regarding wills differed. Therefore, I will urge that this provision be adopted as it is now written.

There are other points not now provided for by existing District law but covered in some way by the Uniform Act: how a gift can be revoked or amended

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if the donee wishes to change his mind; what protection from civil or criminal liability is afforded physicians to protect them in carrying out a transplant; the question of conflicts of laws between States; and a statement on the determination of the time of death.

This bill would also amend certain sections of the District law in order to conform the definitions in the two statutes and allow the Uniform Act to supersede existing law where it is not as comprehensive.

The Uniform Act does not attempt to answer all of the questions raised by organ donation and transplantation. There are a number of issues which the Commissioners on Uniform State Laws decided would be better dealt with by the medical profession or by individual States. These have been enumerated by Messrs. Stason, Sadler, and Sadler, as follows:

Time of death;

Payment for gifts;

Logistics and coordination of hospitals for donation and transplantation;

Information exchange and the establishment of registries of recipients;

Need for quality control in tissue banking;

Allocation of resources;

Jurisdiction of the medical examiner;

Transportation across State lines.

The last item—requirements for transportation of bodies and organs across State lines—is of particular importance to the District of Columbia and the surrounding States of Maryland and Virginia because of their close proximity. The Commissioners correctly refrained from dealing with this matter because they felt that this issue should not be considered under the purview of a donation statute. When using organs or tissue which have crossed State lines; these transportation requirements must be considered.

This need is not an academic one. For example, the Health Services and Mental Health Administration of the Department of Health, Education, and Welfare has recently developed a number of contracts to demonstrate the feasibility of cooperative kidney procurement and sharing programs. The major objective of these contracts is to facilitate maximum utilization of kidneys on a local and/or regional level and, eventually, on a national level. These programs have been made possible by the research supported by the National Institutes of Health in tissue typing and organ transplantation. I personally feel that the individual States will have to begin to more closely examine their laws in this area with these new medical developments in mind.

Mr. President, I wish to commend the special committee of the National Conference of Commissioners on Uniform State Laws for the excellence of the results of their 3 years of study. Dr. Sadler, Mr. Sadler, and Professor Stason should be particularly complimented for their singular efforts in working so tirelessly for the adoption of this act throughout the United States and, indeed, in many foreign countries. A number of other countries have used this act as the basis for their own laws in this area.

Medicine can go forward to help people, but people cannot be helped without adequate protection from the law. An imbalance between law and medicine is detrimental to all concerned. In this era of burgeoning medical advancement we all have a stake in the utilization of this new knowledge. For these reasons, I would hope for swift passage of the District of Columbia Anatomical Gift Act so that the people who live in our Nation's Capital are full beneficiaries of the benefits of our medical revolution.

Mr. President, I ask unanimous consent that the text of this bill, the full report of the National Conference of Commissioners on Uniform State Laws, and an incisive article from the New England Journal of Medicine, April 17, 1969, on the philosophical arguments surrounding the approach which the Commissioners took, entitled "Transplantation—A Case for Consent," by Alfred M. Sadler, Blair L. Sadler, E. Blythe Stason, and Delford L. Stickel, be printed here in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the text of the bill, together with the report and article, will be printed in the RECORD.

The bill (S. 2999), to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes, introduced by Mr. GOODELL (for himself and other Senators), was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

S. 2999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS; SHORT TITLE

Section 1. (a) As used in this Act, the term—

(1) "bank or storage facility" means a facility licensed, accredited or approved under the laws of any State for storage of human bodies or parts thereof;

(2) "decedent" means a deceased individual and includes a stillborn infant or fetus;

(3) "donor" means an individual who makes a gift of all or part of his body;

(4) "hospital" means a hospital licensed, accredited or approved under the laws of any State and includes a hospital operated by the United States Government, a State, or a subdivision thereof, although not required to be licensed under State laws;

(5) "part" includes organs, tissues, eyes, bones, arteries, blood, other fluids and other portions of a human body, and "part" includes "parts";

(6) "person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity;

(7) "physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any State; and

(8) "State" includes any State, district, commonwealth, territory, insular possession, the District of Columbia, and any other area subject to the legislative authority of the United States of America.

(b) Sections 1 through 8 of this Act shall be known as the "District of Columbia Anatomical Gift Act".

PERSONS WHO MAY EXECUTE AN ANATOMICAL GIFT

SEC. 2. (a) Any individual of sound mind and 18 years of age or more may give all or any part of his body for any purposes specified in section 3, the gift to take effect upon death.

(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purposes specified in section 3:

(1) the spouse,

(2) an adult son or daughter,

(3) either parent,

(4) an adult brother or sister,

(5) a guardian of the person of the decedent at the time of his death, or

(6) any other person authorized or under obligation to dispose of the body.

(c) If the donee has actual notice of contrary indications by the decedent, or that a gift by a member of a class is opposed by a number of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after death or immediately before death.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by section 7(d).

PERSONS WHO MAY BECOME DONEES, AND PURPOSES FOR WHICH ANATOMICAL GIFTS MAY BE MADE

SEC. 3. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation; or

(2) any accredited medical or dental school, college or university for education, research, advancement of medical or dental science or therapy; or

(3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation; or

(4) any specified individual for therapy or transplantation needed by him.

MANNER OF EXECUTING ANATOMICAL GIFTS

SEC. 4. (a) A gift of all or part of the body under section 2(a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b)(1) A gift of all or part of the body under section 2(a) may also be made by document other than a will. The gift becomes effective upon death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor, in the presence of 2 witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, and in the presence of 2 witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(2) Any such document referred to in paragraph (1) of this subsection may be in the following form and contain the following information:

Anatomical donor card of

____

print or type name of donor

In the hope that my gift may help others, I hereby make this anatomical gift to take effect upon my death. The words and marks below indicate my desires.

I give: (a)—any needed organs or parts
(b)—only the following organs or parts

____

specify the organ(s) or part(s)
(c)—my entire body for anatomical study

For the purposes of transplantation, therapy, medical research or education

Limitations:

____

specify limitations, if any

This is a legal document under the Uniform Anatomical Gift Act or similar law.

____

(other side of card)

Signed by the Donor in the presence of the following two (2) witnesses:

____
Witness

____
Witness

____
Signature of donor

____
Date of birth

____
Date signed

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(d) Notwithstanding section 7(b), the donor may designate in his will, card or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation, or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in section 2(b) shall be made by a document signed by him, or made by his telegraphic, recorded telephonic or other recorded message.

DELIVERY OF DOCUMENT OF GIFT

SEC. 5. If the gift is made by the donor to a specified donee, the will, card or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death, but delivery is not necessary to the validity of the gift. The will, card or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility or registry office that accepts them for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

AMENDMENT OR REVOCATION OF THE GIFT

SEC. 6. (a) If the will, card or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by—

(1) the execution and delivery to the donee of a signed statement, or

(2) an oral statement made in the presence of 2 persons and communicated to the donee, or

(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(4) a signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).

RIGHTS AND DUTIES AT DEATH

SEC. 7. (a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin or other persons under obligation to dispose of the body.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act, or under the anatomical gift laws or another State is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(d) The provisions of this Act are subject to the laws of the District of Columbia prescribing powers and duties with respect to autopsies.

UNIFORMITY OF INTERPRETATION

SEC. 8. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SEC. 9. (a) That part of secton 3 of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2-252) which follows the definition of the term "Commissioners" is amended to read as follows:

" 'Donor' means any persons who, in accordance with the provisions of the District of Columbia Anatomical Gift Act, bequeaths or donates his tissue for removal after death in furtherance of the purposes of such Act, and also means any deceased person whose tissue is donated or disposed of for the purposes of this Act, the District of Columbia Anatomcal Gift Act, or sections 675, 676, and 683 of the Act of March 3, 1901, as amended (D.C. Code, sec. 27-119a and sec. 27-125).

" 'Tissue' means any body of a dead human or any portion thereof, including organs, tissues, eyes, bones, arteries, blood and other fluids.

" 'Tissue bank' means a facility for procuring, removing, and disposing of tissue for the purposes set forth in the District of Columbia Anatomical Gift Act, and for the purposes of reconstructive medicine and surgery, and research and teaching in reconstructive medicine and surgery."

(b) Sections 6, 7 and 8 of the District of Columbia Tissue Bank Act are hereby repealed.

(c) Subsection (b) of section 9 of the District of Columbia Tissue Bank Act is amended to read as follows:

"(b) The Coroner of the District of Columbia may, in his discretion, allow tissue to be removed from any dead human body in his custody or under his jurisdiction, if such tissue removal shall not interfere with other functions of the Office of the Coroner, and the person who, in accordance with section 2(b) of the District of Columbia Anatomical Gift Act, is authorized to donate tissue therefrom, shall first authorize such tissue removal."

(d) Section 683 of the Act of March 8, 1901 (D.C. Code, sec. 27-125), is amended by deleting "may be removed by or under the supervision of a person licensed under the authority of section 4 of such Act for preservation in a tissue bank operating pursuant to such Act," and inserting in lieu thereof the following: "or the District of Columbia Anatomical Gift Act may be removed by or under the supervision of a person licensed under the authority of section 4 of the District of Columbia Tissue Bank Act for preservation in a tissue bank operating pursuant to such Act, or for use in accordance with the provisions of the District of Columbia Anatomical Gift Act,".

(e) Sections 675 and 676 of the Act of March 3, 1901 (D.C. Code, sec. 27-119a), is amended by inserting immediately after "such Act" the following: "or the District of Columbia Anatomical Gift Act."

The material furnished by Mr. GOODELL follows:

UNIFORM ANATOMICAL GIFT ACT

(Drafted by the National Conference of Commissioners on Uniform State Laws and by it Approved and Recommended for Enactment in All the States at its Annual Conference Meeting in its Seventy-Seventh Year, Philadelphia, Pennsylvania, July 22–August 1, 1968, With Prefatory Note and Comments)

PREFATORY NOTE

Human bodies and parts thereof are used in many aspects of medical science, including teaching, research, therapy and transplantation. It is a rapidly expanding branch of medical technology. Transplantation of parts may involve skin grafts, bones, blood, corneas, kidneys, livers, arteries and even hearts. It was said that 6,000 to 10,000 lives could be saved each year by renal transplants if a sufficient supply of kidneys were available.

Transplantation may be effected within narrow limits from one living person to another living person. In such case, all that is required is an appropriate "informed consent" authorizing the surgical removal on the one hand, and the implantation on the other. Tissues and organs from the dead can also be used to bring health and years of life to the living. From this source the potential supply is very great. But, if utilization of bodies and parts of bodies is to be effectuated, a number of competing interests in a dead body must be harmonized, and several troublesome legal questions must be answered.

The principal competing interests are: (1) the wishes of the deceased during his lifetime concerning the disposition of his body; (2) the desires of the surviving spouse or next of kin; (3) the interest of the state in determining by autopsy the cause of death in cases involving crime or violence; (4) the need of autopsy to determine the cause of death when private legal rights are dependent upon such cause; and (5) the need of society for bodies, tissues and organs for medical education, research, therapy and transplantation. These interests compete with one another to a greater or less extent and this creates problems.

The principal legal questions arising from these various interests are: (1) who may during his lifetime make a legally effective gift of his body or a part thereof; (2) what is the right of the next of kin, either to set aside the decedent's expressed wishes, or themselves to make the anatomical gifts from the dead body; (3) who may legally become donees of anatomical gifts; (4) for what purposes may such gifts be made; (5) how may gifts be made, can it be done by will, by writing, by a card carried on the

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person, or by telegraphic or recorded telephonic communication; (6) how may a gift be revoked by the donor during his lifetime; (7) what are the rights of survivors in the body after removal of donated parts; (8) what protection from legal liability should be afforded to surgeons and others involved in carrying out anatomical gifts; (9) should such protection be afforded regardless of the state in which the document of gift is executed; (10) what should be the effect of an anatomical gift be in case of conflict with laws concerning autopsies; (11) should the time of death be defined by law in any way; (12) should the interest in preserving life by the physician in charge of a decedent preclude him from participating in the transplant procedure by which donated tissues or organs are transferred to a new host. These are the principal legal questions that should be covered in an anatomical gift act. The Uniform Anatomical Gift Act covers them.

The laws now on the statute books do not, in general, deal with these legal questions in a complete or adequate manner. The laws are a confusing mixture of old common law dating back to the seventeenth century and state statutes that have been enacted from time to time. Some 39 states and the District of Columbia have donation statutes that deal in a variety of ways with some, but by no means all, of the above listed legal questions. Four other states have statutes providing for the gift of eyes only.

These statutes differ from each other in a variety of respects, both as to content and coverage. They differ in their enumeration of permissible donees (some require that donees be specified, others permit gifts to be made to any hospital or physician in charge at death); they vary as to acceptable purposes for anatomical gifts (some, for example, do not include licensed tissue banks); they prescribe a variety of minimum ages for the donors; others differ as to the manner of execution of gifts and the manner of revocation. Some require delivery of the instrument of gift or filing in a public office, or both, as a condition of validity; others make no such provision. Since the statutes differ in important respects, a gift adequate in one state may or may not protect the surgeon in another state who relies upon the law in effect where the transplant takes place. In short, both the common law and the present statutory picture is one of confusion, diversity and inadequacy. This tends to discourage anatomical gifts and to create difficulties for physicians, especially for transplant surgeons.

In view of the foregoing, the need of a comprehensive act and an act applicable in all states is apparent. The Uniform Anatomical Gift Act herewith presented by the National Conference of Commissioners on Uniform State Laws carefully weighs the numerous conflicting interests and legal problems. Wherever adopted it will encourage the making of anatomical gifts, thus facilitating therapy involving such procedures. When generally adopted, even if the place of death, or the residence of the donor, or the place of use of the gift occurs in a state other than that of the execution of the gift, uncertainty as to the applicable law will be eliminated and all parties will be protected. At the same time the Act will serve the needs of the several conflicting interests in a manner consistent with prevailing customs and desires in this country respecting dignified disposition of dead bodies. It will provide a useful and uniform legal environment throughout the country for this new frontier of modern medicine.

UNIFORM ANATOMICAL GIFT ACT

An act authorizing the gift of all or part of a human body after death for specified purposes.

SECTION 1. (*Definitions.*)

(a) "Bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts thereof.

(b) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(c) "Donor" means an individual who makes a gift of all or part of his body.

(d) "Hospital" means a hospital licensed, accredited, or approved under the laws of any state; includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

(e) "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.

(f) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(g) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

(h) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

COMMENT

Subsection (f) is taken verbatim from the Uniform Statutory Construction Act, section 26(4). In any state that has adopted the Uniform Act or its equivalent, this subsection will be unnecessary.

Subsection (h) is taken from section 26(9) of the Uniform Statutory Construction Act.

SECTION 2

SEC. 2. (*Persons who may execute an anatomical gift.*)

(a) Any individual of sound mind and 18 years of age or more may give all or any part of his body for any purpose specified in section 3, the gift to take effect upon death.

(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 3:

(1) the spouse,

(2) an adult son or daughter,

(3) either parent,

(4) an adult brother or sister,

(5) a guardian of the person of the decedent at the time of his death,

(6) any other person authorized or under obligation to dispose of the body.

(c) If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after or immediately before death.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by Section 7(d).

COMMENT

Existing state statues differ in their respective standards establishing the donor's competence to execute an anatomical gift.

"Competence to execute a will" is used as the standard in ten states. "Legal age" and sound mind is required in five states. "Twenty-one years and sound mind" is the stated standard in the statutes of ten states. In four states a person who is eighteen years of age or older may make the gift, and in six states "any person" may do so. One state requires twenty-one years accompanied by a certificate of a physician that the donor is "of sound mind and not under the influence of narcotic drugs."

To minimize confusion there is merit in having a uniform provision throughout the country. Also it is desirable to enlarge the class of possible donors as much as possible. Subsection (a) of Section 2, providing that any person of sound mind and 18 years or more of age may execute a gift, will afford both nationwide uniformity and a desirable enlargement of the class of donors. Persons 18 years of age or more are of sufficient maturity to make the required decisions and the Uniform Act takes advantage of this fact.

Subsection (b) spells out the right of survivors to make the gift. Taking into account the very limited time available following death for the successful removal of such critical tissues as the kidney, the liver, and the heart, it seems desirable to eliminate all possible question by specifically stating the rights of and the priorities among the survivors.

Also, Section 2 (b) provides for the effect of indicated objections by the decedent, and differences of view among the survivors. Finally it authorizes the survivors to execute the necessary documents even prior to death. In view of the fact that persons under 18 years of age are excluded from subsection (a), it is especially desirable to cover with care the status of survivors, so younger decedents may be included.

Subsection (d) is added at the suggestion of members of the medical profession who regard a post mortem examination, to the extent necessary to ascertain freedom from disease that might cause injury to the new host for transplanted parts, as essential to good medical practice.

Subsection (e) recognizes and gives legal effect to the right of the individual to dispose of his own body without subsequent veto by others.

SECTION 3

SEC. 3. (*Persons who may become donees; Purposes for which anatomical gifts may be made.*)

The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy; or

(3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) any specified individual for therapy or transplantation needed by him.

COMMENT

Existing state statutes reveal great diversity of provisions concerning possible donees and the purposes for which anatomical gifts may be made.

As to donees, the lists include licensed hospitals, storage banks, teaching institutions, universities, colleges, medical schools, state public health and anatomy boards, and institutions approved by the state department of health. Some of the statutes are detailed and comprehensive. Others are limited, brief and general. A few do not seek in any way to name or limit the donees. The Uniform Act attempts to achieve a maximum of clarity and precision by carefully naming the permissible donees.

The statutes in a few states specify that no donor shall ask compensation and no donee shall receive it. Several statutes provide that storage banks shall be non-profit organizations. On the other hand, most of the states have chosen not to deal with this

question. The Uniform Act follows the latter course in this regard.

As to purposes, again there is great diversity among the statutes. The list of purposes includes teaching, research, advancement of medical science, therapy, transplantation, rehabilitation, and scientific uses. Again some of the statutes are detailed, and others are brief and general. A few statutes contain no limitation whatsoever—merely naming the donees, thus assuring that gifts will not be made to undesirable persons or organizations, and then they are inclusive in naming the purposes in broad terms, thus assuring flexibility. The Uniform Act follows this course.

SECTION 4

SEC. 4. (*Manner of executing anatomical gifts.*)

(a) A gift of all or part of the body under Section 2 (a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b) A gift of all or part of the body under Section 2 (a) may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of 2 witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of 2 witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedure for removing or transplanting a part.

(d) Notwithstanding Section 7(b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in Section 2(b) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

COMMENT

Most existing state statutes authorizing anatomical gifts provide for doing so either by will or by other document in writing. The number of witnesses varies from state to state, but the majority require two witnesses. The Uniform Act requires two witnesses to validate a gift during the donor's lifetime, but witnesses are relatively unnecessary in the case of a gift by next of kin since they are available in person. Hence, none are required in such cases. To facilitate availability of evidence of the gift, a card may be carried on the person, a practice commonly and successfully followed in connection with gifts of eyes. This is an important provision, for we are a peripatetic people and the advantages of a card carried on the person stating the donor's intention to donate is apparent.

Also important are the provisions of Subsection (c) that permit the attending physician upon or following death to be the donee when no donee is named or when the named donee is not available. The donee physician cannot participate personally in removing or transplanting a part, but he can, of course, make a further gift to another person for any authorized purpose.

Attention should also be called to Subsection (e) authorizing the next of kin to make gifts by "telegraphic, recorded telephonic, or other recorded message." Frequently the next of kin are far away, and this provision, not found in any existing statute, has the advantage of expediting the procedure where time for effective action is short.

As the Uniform Act becomes widely accepted it will prove helpful if the forms by which gifts are made are similar in each of the participating states. Such forms should be as simple and understandable as possible. The following forms are suggested for the purpose:

Anatomical gift by a living donor

I am of sound mind and 18 years or more of age.

I hereby make this anatomical gift to take effect upon my death. The marks in the appropriate squares and words filled into the blanks below indicate my desires.

I give: my body; any needed organs or parts; the following organs or parts ————; to the following person (or institution):

The physicians in attendance at my death; the hospital in which I die; the following named physician, hospital, storage bank or other medical institution ———— the following individual for treatment ————; for the following purposes: any purpose authorized by law; transplantation; therapy; research; medical education.

Dated ——— City and State ———.

Signed by the Donor in the presence of the following who sign as witnesses:

Signature of Donor; Address of Donor; Witness; Witness.

Anatomical gift by next of kin or other authorized person

I hereby make this anatomical gift of or from the body of ——— who died on ——— at the ——— in ———. The marks in the appropriate squares and the words filled into the blanks below indicate my relationship to the deceased and my desires respecting the gift,

I am the surviving: spouse; adult son or daughter; parent; adult brother or sister; guardian, authorized to dispose of the body;

I give the body of deceased; any needed organs or parts; the following organs or parts ———; to the following person (or institution) (insert the name of a physician, hospital, research or educational institution, storage bank or individual), for the following purposes: any purpose authorized by law; transplantation; therapy; research; medical education.

Dated ——— City and State ———.

Signature of survivor ——— Address of Survivor ———.

SECTION 5

SEC. 5. (*Delivery of document of gift.*)

If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediatly after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

COMMENT

Some of the statutes make rather formal mandatory provisions for filing of documents of gift. Thus in two states the gift must be "filed for record in the office of the judge of probate." In another the document must be filed either before death or within 60 hours after death with the State Department of Health. In another the instrument must be filed for record "in the office of the clerk of the district court of the parish wherein the person making the gift resides." In still another the instrument must be filed in the probate court. In two states it is provided that the instrument shall be delivered by the donor to the donee. On the other hand, in the great majority of the states, no provision is made for filing, recording or delivery to the donee. The gift is by implication effective without such formality. Section 5 of the Uniform Act follows the majority permissive practice, but includes permissive filing provisions to expedite postmortem procedures.

SECTION 6

SEC. 6. (*Amendment or revocation of the gift.*)

(a) If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:

(1) the execution and delivery to the donee of a signed statement, or

(2) an oral statement made in the presence of 2 persons and communicated to the donee, or

(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(4) a signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a), or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).

COMMENT

In about one half of the states no provision is made for revocation. However, in the interest of carrying out the ultimate desires of the donor, there is good reason for facilitating revocation. Accordingly, about half of the states make affirmative provisions concerning the matter. Usually it is provided that revocation may be accomplished by executing a "like instrument" filed in the manner provided for the instrument of gift and delivered to the donee. In a few states revocation is accomplished by demanding return of the document of gift. There is merit in making revocation both simple and easy to accomplish. Prospective donors are more likely to look with favor on making anatomical gifts if they realize that revocation is readily possible. The Uniform Act makes careful and complete provision for revocation under various contingencies. However, if a donor has deposited an executed copy of an undelivered document of gift as authorized by Section 5, and if the donor desires to revoke the gift, he must see to it that the executed copy which has been deposited is destroyed.

SECTION 7

SEC. 7. (*Rights and duties at death.*)

(a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary multilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

(b) The time of death shall be determined by a physician who tends the donor at his death, or, if none, the physician who cer-

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tifies the death. The physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act or with the anatomical gift laws of another state [or a foreign country] is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(d) The provisions of this Act are subject to the laws of this state prescribing powers and duties with respect to autopsies.

COMMENT

Section 7 contains several important provisions. The donee may of course, reject the gift if he deems it best to do so. If he accepts the gift, all possible provision is made for taking account of the interests of the survivors in dignified memorial ceremonies. Also if the donee accepts the gift, absolute ownership vests in him. He may, if he so desires, transfer his ownership to another person, whether the gift be of the whole body or merely a part. He may "cause the part to be removed" either by himself or by another person. The only restrictions are that the part must be removed without mutilation and the remainder of the body vests in the next of kin.

Subsection (b) leaves the determination of the time of death to the attending or certifying physician. No attempt is made to define the uncertain point in time when life terminates. This point is not subject to clear cut definition and medical authorities are currently working toward a consensus on the matter. Modern methods of cardiac pacing, artificial respiration, artificial blood circulation and cardiac stimulation can continue certain bodily systems and metabolism far beyond spontaneous limits. The real question is when have irreversible changes taken place that preclude return to normal brain activity and self sustaining bodily functions. No reasonable statutory definition is possible. The answer depends upon many variables, differing from case to case. Reliance must be placed upon the judgment of the physician in attendance. The Uniform Act so provides.

However, because time is short following death for a transplant to be successful, the transplant team needs to remove the critical organ as soon as possible. Hence there is a possible conflict of interest between the attending physician and the transplant team, and accordingly subsection (b) excludes the attending physician from any part in the transplant procedures. Such a provision isolates the conflict of interest and is eminently desirable. However, the language of the provision does not prevent the donor's attending physician from communicating with the transplant team or other relevant donees. This communication is essential to permit the transfer of important knowledge concerning the donor, for example, the nature of the disease processes affecting the donor or the results of studies carried out for tissue matching and other immunological data.

Subsection (d) is necessary to preclude the frustration of the important medical examiners duties in cases of death by suspected crime or violence. However, since such cases often can provide transplants of value to living persons, it may prove desirable in many if not most states to reexamine and amend, the medical examiner statutes to authorize and direct medical examiners to expedite their autopsy procedures in cases in which the public interest will not suffer.

The entire section 7 merits genuinely liberal interpretation to effectuate the purpose and intent of the Uniform Act, that is, to encourage and facilitate the important and ever increasing need for human tissue and organs for medical research, education and therapy, including transplantation.

SECTION 8

Sec. 8. (*Uniformity of interpretation.*)

This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 9. (Short Title.)

This Act may be cited as the Uniform Anatomical Gift Act.

Sec. 10. (Repeal.) The following acts and parts of acts are repealed:

(1)

(2)

(3)

Sec. 11. (Time of taking effect.)

Sec. 8. (Uniformity of interpretation.)

TRANSPLANTATION—A CASE FOR CONSENT

(By Alfred M. Sadler, Jr., M.D., Blair L. Sadler, LL.B., E. Blythe Stason, J.D., and Delford L. Stickel, M.D.)

ABSTRACT

The Uniform Anatomical Gift Act, drafted by the Commissioners on Uniform State Laws, provides a comprehensive and modern legal framework for the donation of human organs for medical research, education and therapy. Widespread adoption of the Act, which eliminates existing unnecessary legal formalities, will make available more human tissue for medical purposes.

In building the Act on the principles of consent and voluntary donation, the Commissioners recognized and protected other important interests in a dead body. They further recognized that many non-legal impediments to the procurement of organs exist that cannot be overcome by legislation but must be resolved.

Because of this approach, the Act is widely supported by the medical and legal communities and the general public and will soon probably become the law of most states. Such acceptance obviates the need for more radical legislative measures that would eliminate the principles of consent and voluntary donation. Finally, legislation that disregards the other interests in a dead body would encourage public disfavor toward organ donation.

Transplantation, particularly cardiac transplantation, has brought widespread public attention to the archaic and cumbersome laws that control the disposition of all or part of a body after death. Since the medical needs for organs and tissue far exceed the supply, and since these needs will undoubtedly increase, appropriate and satisfactory legal reform is essential.

A great potential has been created for improving the quality of many human lives. But numerous complex problems have been revealed that must be solved before this sizable potential will become a practical reality. In part, the complexity of these problems stems from their multidisciplinary composition, which includes medicine, law, ethics, sociology, religion, economics and politics. This article will concentrate on an examination of existing medicolegal impediments to adequate procurement and use of human organs and tissue and will focus on what responsible reform legislation can realistically accomplish.

Before these impediments are examined, two points deserve mention. In the first place, responsible legal reform in this area must be predicated on a comprehensive understanding of related medical and other realities. Secondly, such reform for purposes of transplantation will be publicly acceptable only if other important, and sometimes competing, legal interests are respected.

At the outset, it is important to emphasize our belief that the Uniform Anatomical Gift Act prepared by the Commissioners on Uniform State Laws represents a responsible and realistic model for reform that not only is badly needed but will be widely accepted. We further believe that, *when obtaining organs of tissue for transplantation, the fundamental principle of informed consent should be maintained, and that, if the present consent framework is adequately streamlined and modernized (as is done in the Uniform Anatomical Gift Act), the principle legal constraints will be eliminated without compromising other important rights and sensitivities.*

After analyzing the existing legal impediments to transplantation and their resolution by the Act, this article briefly examines medical and other related factors directly relevant to an adequate understanding of the Act. The article concludes with an analysis of an alternative proposal to that of improving consent procedures (namely, eliminating consent), which we believe is both unnecessary and unwise.

EXISTING LAW AND THE UNIFORM ANATOMICAL GIFT ACT

When use of an organ or tissue after death of the donor is required, many questions arise as a result of several very important, but frequently competing interests that the law has endeavored to recognize: the need for organs, tissue and cadavers for medical education, research and therapy, including transplantation; the wishes of the deceased; the wishes of the surviving spouse and other appropriate next of kin; and the need of society to determine the cause of death in certain circumstances.[1] The present laws pertaining to these interests are an unwieldy morass of old common law dating back to the seventeenth century and numerous state statutes governing autopsies, unclaimed bodies and medical examiners.[1] These laws were not designed to deal with the problems of tissue donation.

With the advent of transplantation, donation statutes have been enacted in 44 jurisdictions (including the District of Columbia) that specifically provide the authority for an adult to donate all or part of his body for medical, scientific or therapeutic purposes. Four other states (Alaska, Georgia, Maine and West Virginia) permit the donation of eyes only. Three states (New Hampshire, Utah and Vermont) have no donation statutes.[2] Although these donation laws were designed to eliminate many of the uncertainties of the common law and to fill the void left by other statutes relating to autopsies, unclaimed bodies and medical examiners, they are largely inadequate to meet current needs. In response to these legislative inadequacies and in the light of the increasing need for human tissue, the National Conference of Commissioners on Uniform State Laws drafted a uniform donation statute that serves as a model for all states and provides a uniform, favorable legal environment for the donation and use of organs and tissue for medical research and therapy. This group is composed of law professors, lawyers and judges, representing every state, whose function is to help make state laws more uniform and up to date. After three years of study by a drafting committee, the model statute, titled the Uniform Anatomical Gift Act, received the final approval of the Commissioners on July 30, 1968, and was endorsed by the American Bar Association on August 7. It has since received the support of many medical groups and is being considered by the individual states for passage during the current legislative sessions.

The numerous provisions of the Act and the present laws have been examined in detail elsewhere and will not be repeated extensively here.[2] However, it is essential to review briefly the principal existing legal restrictions to organ and tissue procurement and the manner in which they are resolved by the Act.

RIGHT OF A PERSON TO DONATE

According to English common law, the next of kin have traditionally had the right to possession of the body for the purpose of burial. The body was considered incapable of being owned in the commercial sense and thus could not be bought or sold. This found expression in the doctrine that there were no "property rights" in a dead body, that it was not part of the deceased's estate and that thus a person could not direct the disposition of his body.[3] [4] As mentioned previously, 44 jurisdictions have now passed statutes that grant to a person the authority to donate all or part of his body after death for medical research, education or therapy. In the remaining jurisdictions, it is not clear whether he has this donation authority. The Uniform Anatomical Gift Act provides that any person of sound mind and 18 years of age or more may give all or part of his body for any purpose later specified in the Act, the gift to take effect after death (Section 2[a]).

RIGHT OF THE NEXT OF KIN TO DONATE

It is not inherently clear how the rights of the next of kin to donate stemming from the common law are affected by a statute that gives donation authority to the deceased. Nor is it clear which next of kin are eligible to donate or whether all possible relatives must give consent before a physician is assured that he can proceed. Only 19 statutes answer any of these questions, and thus uncertainty remains in most jurisdictions. Since donation authorization is obtained from the next of kin rather than from the deceased (before death) in the great majority of transplant situations, these uncertainties must be clarified. The Act provides that specified next of kin have donation authority, and it includes an enumerated order of priority beginning with the surviving spouse (Section 2[b]).

POSSIBLE CONFLICT BETWEEN WISHES OF DONOR AND NEXT OF KIN

Another uncertainty that may confront physicians results from a possible conflict between the wishes of the donor and his next of kin or between next of kin. Twenty existing statutes indicate that the wishes of the donor are paramount to those of relatives. The Act so provides (Section 2[e]), and the specified order of priority removes the confusion that would result if certain of the next of kin disagreed (Section 2[b]). Although it remains a question of medical ethics and practical public relations whether a physician would wish to proceed if any relative raised objections, the legal uncertainties and the physician's legal responsibility have been clarified.

DONEES AND PURPOSES FOR WHICH DONATIONS MAY BE MADE

Many statutes do not contain sufficiently comprehensive provisions relating to the types of donee institutions that may receive a gift, the problems which arise if no donee is named or a named donee is unavailable, or the purposes for which a gift may be made. The Uniform Anatomical Gift Act deals adequately with all these questions (Section S3, 4[c], 4[d]).

RIGHT OF THE DONEE TO MAKE EXAMINATIONS NECESSARY TO DETERMINE ACCEPTABILITY OF THE GIFT

The great majority of statutes are silent on this point. Under the Act, a donation of a part also authorizes "any examination necessary to assure medical acceptability of the gift for the purposes intended" (Section 2[d]). This is essential for an adequate evaluation of the donor's condition and to prevent the transmission of any disease from donor to recipient.[5]

DOCUMENTS OF GIFTS WILLS, WRITTEN INSTRUMENTS AND CARDS

One of the greatest legal constraints to adequate donation is the cumbersome and restrictive formality that is frequently required before a gift is legally valid. For example, in Massachusetts, a donation instrument must be witnessed by three persons, and any person affiliated with the donee institution is diqualified from serving as a witness.[6] Thus, if a hospital patient wishes to make a donation to that hospital, the Massachusetts statute could be construed to prohibit all hospital personnel from witnessing the donation instrument. A gift is also ineffective in Massachusetts "unless a certificate of a registered physician is attached thereto to the effect that . . . the donor was, in the opinion of the said physician, of sound mind and not under the influence of narcotic drugs."[8] The Uniform Anatomical Gift Act provides that a gift may be made by will or any written instrument if witnessed by two persons (Section 4[a], 4[b]). All other formalities have been eliminated. In addition, the Act provides that a card that may be carried on the donor's person may serve as evidence of a valid donation (Section 4[b]). The card device is vital to protecting and expediting the wishes of the donee in an emergency situation when time is frequently very limited, the prospective donor unconscious and the existence of another written donation instrument unknown.[2]

CONSENT BY NEXT OF KIN—RECORDED TELEPHONE MESSAGES

Even with improved donation procedures for the person making the gift and the vastly increased public awareness of the humanitarian benefits of donation, the great majority of donations are still made by next of kin. For example, 65 kidney transplants have been performed in Tennessee, and consent was obtained from next of kin in every case,[7] although under Tennessee law, an individual has authority to donate before death[8] This is typical of the experience of other major transplant centers throughout the nation. Thus, it is imperative that next-of-kin donation procedures also be streamlined.

The Act provides that the specified relative may authorize a gift by any document signed by him. No witnesses are required. In addition, consent may be obtained by telegraphic, recorded telephonic or other recorded message (Section 4[e]). The considerable advantages of these consent procedures over existing witnessed, written instruments are clear.[1]

ADEQUATE PROTECTION FROM LIABILITY

Although several existing statutes contain provisions that protect the physician who removes the donated organ or tissue, only eight extend this coverage to include criminal proceedings. The protection provision of the Uniform Anatomical Gift Act covers both civil and criminal proceedings and applies to all persons concerned, including physicians, next of kin, medical examiners and funeral directors (Section 7[c]).

PROBLEM OF CONFLICTS OF LAWS

Until statutes based on the Act are universally adopted, conflicts between diverse donation laws will arise when a donation instrument is prepared in one state and the donor dies in another. At present, there is no clear answer to this question, and time pressures in transplant procedures preclude solution by the courts. Aware that the conflicts-of-laws problem is primarily one of protecting uncertain physicians under the pressure of time, the Commissioners extended the protection provision to include any person who acts in good faith in accord with the terms of the law where the donation was made or where the tissue would be removed (Section 7[c)].[3]

TIME OF DEATH

The problem of determining the moment of death has probably been the most controversial and widely discussed public issue related to transplantation. The need for the development of new criteria of death in the light of recent scientific advances is clear, and the Commissioners considered the wisdom of incorporating criteria into the Uniform Anatomical Gift Act. After extensive discussion, they concluded it would not be wise to include a definition of death in the Act, since in the transplant setting, the answer to this question depends largely on medical judgment and since criteria should be flexible to take account of new medical advances as they are made. To freeze a definition into a statute could seriously impede future medical progress.

The Commissioners realized that it was desirable to avoid the possible conflict of interest that might arise if the same physician were to treat both a potential donor and a potential recipient of a transplantable organ.[9] On the other hand, they recognized the importance of maintaining adequate channels of communication between physicians caring for the donor and those administering to the recipient. Consequently, the Act provides that "the time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part" (Section 7[b]).

UNRESOLVED PROBLEMS

As the above analysis demonstrates, the Uniform Anatomical Gift Act represents a sensitive and successful solution to many of the existing legal restrictions related to the donation and procurement of human organs and tissue for medical research and therapy. At the same time, it respects other relevant and important interests in a dead body, such as the wishes of the next of kin for funeral services and the need of society to determine the cause of death under certain circumstances. The Commissioners wisely chose not to legislate certain additional questions that are more properly within the province of medicine, ethics and other disciplines or better dealt with by the individual states. Included here are the criteria for selection of donors and recipients, the determination of time of death, the need for quality control in tissue banking and state transportation requirements that may unnecessarily inhibit the transfer of a body across state lines.[2]

The proper role of the medical examiner or coroner has raised considerable controversy and deserves special mention. Although the medical examiner could be an ideal person to authorize the procurement of organs or tissue from victims of fatal accidents or other cases over which he has jurisdiction, his authority under most statutes is limited to performing an autopsy, and this does not include the donation of organs and tissue for transplantation or medical research.[10] Consequently, such a donation made by a medical examiner without consent from the next of kin might be successfully challenged. Although Virginia[11] has recently joined California[12] and Hawaii[13] in extending medical-examiner authority in the transplant setting, strong criticisms have been expressed in Virginia, and it is far from clear that the climate for this extension is favorable elsewhere. As a gift statute, the Commissioners properly limited the Uniform Anatomical Gift Act to the voluntary donation of tissue.[3] The medical-examiner question calls for separate study. The Act specifies that its provisions are subject to the autopsy laws of each state. Thus, it respects existing medical-examiner powers and duties and recognizes the need for tissue for examination in certain specified circumstances (Section 7[d]).

In 1968 donation statutes based on the second tentative draft of the Act were passed in Kansas, Maryland, Louisiana and California. It is virtually unprecedented for a state to enact a uniform act before it is finally approved by the National Conference of Commissioners on Uniform State Laws. In addition, the following states have already passed new donation legislation based on the Act this year: Arkansas, North Carolina, Oklahoma, Wyoming, Idaho and North Dakota. This response demonstrates the great need for and acceptability of this reform legislation.

At a meeting of members of the medical and scientific community held on Septem-

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ber 30, 1968, sponsored by the National Research Council, there was enthusiastic support for the Act by the representatives of the 35 states who attended. The Act has also received the support of numerous medical groups, including the American Medical Association, the American Heart Association, the National Kidney Foundation, the Eye Banks Association of America, the National Pituitary Agency, the Committee on Tissue Transplantation of the National Research Council,[14] the Fifth Bethesda Conference sponsored by the American College of Cardiology,[15] the Public Affairs Committee of the Federation of American Societies for Experimental Biology and others.[16] In the light of such broad-based legal and medical endorsement, and in the absence of any sizable opposition, prospects for widespread enactment of the Uniform Anatomical Gift Act are excellent.

CURRENT MEDICAL AND RELATED IMPEDIMENTS TO WIDESPREAD TRANSPLANTATION

Legal reform in this area must be carried out with an awareness of developments in medicine and related fields that determine the availability of vital organs for all who could possibly benefit from them. A central issue in much of the discussion has been the question of when death occurs. There is a clear need to revise criteria for a definition of death in the light of the widespread availability of methods to support cardiac and respiratory function artificially.

Criteria based on neurologic findings measured clinically and by the electroencephalogram have been proposed by several groups. An ad hoc committee of the Harvard Medical School to examine the definition of brain death has recently issued a definition of irreversible coma. The following criteria were proposed as defining a permanently non-functioning brain: unreceptivity and unresponsiveness to externally applied stimuli and inner need; no spontaneous muscular movement or spontaneous breathing; no reflexes; flat electroencephalogram (all repeated at least 24 hours later with no change).[17] The presence of hypothermia or central-nervous-system depressants invalidates these criteria.

Acceptance of declaration of death based on such neurologic criteria will improve the ability of physicians to maintain whole-organ perfusion after death. As was stated at the Fifth Bethesda Conference of the American College of Cardiology, such a declaration "recognizes that a person can, by a physician with sound medical judgment and with moral and ethical justification, be declared dead while the parenchymatous cellular functions of many organs continue and while the heart may maintain a pulsatile flow." [15]

In addition, improved whole-organ preservation will enable many organs that are now lost through rapid degeneration to be used for transplantation. Adequate tissue matching and donor and recipient selection are also important determinants to successful transplantation. Proper matching requires a large regional or even nationwide pool of recipients.[18] The question of the logistics needed to effectuate such a national program are formidable. Furthermore, the problems of providing enough trained transplant teams and facilities and of meeting the cost of this very expensive mode of therapy prevents the widespread use of this therapeutic method. Even a plethora of cadaver kidneys and hearts will not solve these many difficult problems.

Increased governmental financial support for all aspects of transplantation will come only after successful competition with other important public needs. Decisions regarding overall priorities for public funds inevitably become involved in the political process and therefore are very responsive to public attitudes. Public attitudes regarding donation of organs for transplantation are favorable. A Gallup poll taken on January 17, 1968, stated that seven persons in every 10, or a projected 80,000,000 Americans, indicate they would be willing to have their heart or other vital organs donated to medical science after death.[19] This poll did not, however, seek the public opinion about bearing the extraordinarily large costs from the public treasury.

The above discussion demonstrates the many obstacles to the widespread application of organ transplantation. Any proposal for responsible legal reform in this area must take cognizance of these problems.

AN ALTERNATIVE PROPOSAL—TO ELIMINATE CONSENT

An alternative approach to streamlining consent procedures has been proposed by Dukeminier and Sanders,[20] who suggest that the principles of consent and voluntary donation should be discarded in favor of allowing tissue removed by a physician without his having to give notice to anyone. They propose that a surgeon should be allowed to remove cadaver organs "routinely . . . unless there were some objection entered before removal. The burden of action would be on the person who did not want the organs removed to enter his objection."[20] Under this system, the donor could object during life to the taking of his organs after death. The next of kin could also object to the use of a deceased's organs before removal, provided that the deceased did not specifically authorize donation.

The question, as they see it, is where the burden of action should rest: with the surgeon to obtain consent, or with the next of kin to object. They believe that only by shifting the burden to the next of kin will an adequate quantity of organs be obtained.

This argument is dubious for several reasons. The first is that, in the system proposed, the burden actually remains with the responsible surgeon to assure himself that no objection has been raised either by the deceased himself before death or by the next of kin after death. To absolve himself of this burden adequately would require an inquiry tantamount to obtaining consent itself.

Moreover, it is certain that there are some people who would object to tissue use on religious grounds (as recognized by Dukeminier and Sanders)[20] or because of other beliefs. Such people, if not immediately available at the time of death of a relative, might object strongly and vigorously after the fact. They could forcefully argue that, because they did not know of the demise of their next of kin, they could not exercise their authority to enter an objection to tissue removal. Any system based on this premise would need to include a method of registering objection in a manner to make this information readily available to the interested surgeon. Otherwise, grave constitutional questions, such as the abridgement of religious freedom or the denial of due process, could invalidate the system. Yet the authors describe no such mechanism for recording. To create a registry of objections that would be comprehensive enough to cover all situations would be considerably more cumbersome than the simplified consent procedures specified in the Uniform Anatomical Gift Act.

Dukeminier and Sanders [20] assert that the "bereaved survivors usually do not want to know what has happened to the body of the deceased in the hospital" and to ask a relative of someone who is about to die "for the kidneys may seem a ghoulish request." We submit that current medical practice strongly shows that this kind of request is usually not offensive when properly presented and the need sensitivity raised. Many people regard such a donation as an opportunity to look beyond their loss and to help someone who may be near death.[2] To obtain permission for the removal of an organ is hardly "ghoulish"—it shows respect for the wishes and rights of others involved. Not to be told of such a removal or to be informed only after the fact would be "ghoulish" indeed.

As further support for their argument of telling nothing to the next of kin, they cite an example of a detailed description of autopsy procedures or embalming technics as being the usual practice in obtaining permission for autopsy.[20] These authors confuse the obtaining of adequate "informed consent" for such procedures with a detailed technical explanation of them. One asks for an autopsy but does not describe the fine points of the procedure in intimate detail. Similarly, one asks for permission to remove an organ for transplantation without enumerating every nuance of surgical technic. Properly informed consent is admittedly difficult to define, but a discussion of it must be based on currently accepted medical practice.

Their only reference to the Uniform Anatomical Gift Act occurs in connection with the concept of a wallet-sized donation card, which they dismiss with the question: "Yet is not there something macabre about a society where people walk around with little cards saying they have donated their organs on death to so-and-so?" [20] It is impossible to reconcile such an assertion with current reality. As stated earlier, it has been estimated that seven out of 10 (or approximately 80,000,000) Americans would be willing to donate all or parts of their bodies for medical purposes. With attitudes of the public so clearly favorable to donation, it is difficult to justify taking the decision-making authority away from them.

In a subsequent letter to this *Journal*, Dukeminier and Sanders [21] equate long waiting lists for kidney transplants with defects in statutory law. As discussed above, there are many factors that determine the availability of kidneys or other vital organs for transplantation for all who could possibly benefit from them. To reason that because there are many who need a kidney transplant indicates that it is necessary to eliminate the principles of consent and voluntary donation, demonstrates a lack of appreciation for these other determinants.

They also suggest in the same letter that "experience with other donation statutes indicates that the prior-consent approach will not produce the number of organs needed for transplantation." [21] But experience with previous donation legislation has little to tell us about the potential success of the Uniform Act. Current legislation is admittedly inadequate and addresses itself to only a portion of the questions handled by the Act. The streamlined consent procedures designed for the next of kin, coupled with modern criteria for determining the moment of death, provide a framework for expeditious donation that did not exist before.

In contrast to the above proposal, the Uniform Anatomical Gift Act represents a balanced approach that recognizes the many and conflicting interests and concerns relevant to the transplant setting. The needs of medical science are not relegated to second place. Instead, responsible legal measures have been taken to encourage the successful progress of transplantation and thereby to save human life. Future advances in medical science will raise many issues to be considered by other disciplines. The challenge for the law will be, as it has been here, to respond in a manner that will permit legitimate accomplishments without compromising the sensitivities and rights of other affected parties.

FOOTNOTES

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[8] Tenn. Code Ann. §§ 32–601 (Supp. 1967).

[9] Stickel, D. L. Organ transplantation in medical and legal perspectives. *Law & Contemp. Prob.* 32:597–619, 1967.

[10] Stevenson et al.[3] Pp. 4–5.

[11] Va. Code Ann. §§ 19.1–46.1 (Add. Supp. 1968).

[12] Cal. Health & Safety Code Ann. § 7133 (West 1955).

[13] No. 188, § 2, 1967 Hawaii Sess. Laws 183, *amending* Hawaii Rev. Laws § 260–14 (1955).

[14] Stevenson et al.[8] P. 19.

[15] Moore, F. D., et al. Cardiac and other organ transplantation in setting of transplant science as national effort. *Am. J. Cardiol.* 22:896–912, 1968. (Also, *J.A.M.A.* 206:2489–2500, 1968).

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[19] *New York Times*, December 4, 1967. § A, p. 1.

[20] Dukeminier, J., Jr., and Sanders, D. Organ transplantation: proposal for routine salvaging of cadaver organs. *New Eng. J. Med.* 279:413–419, 1966.

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SENATE JOINT RESOLUTION 157—INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING A COMMISSION ON ORGANIZATIONAL REFORMS

Mr. **FULBRIGHT.** Mr. President, on May 22, 1968, I made a statement on the floor of the Senate in which I said that I believed that the time had come for a thorough, realistic, and objective examination of the operation, in the United States and abroad, of the Foreign Service, the Department of State, the Agency for International Development and the U.S. Information Agency. I suggested that such an examination should be conducted by a blue ribbon Presidential Commission composed of people who have had broad, relevant experience and whose only interest would be in seeing that the United States has the best possible organization to conduct its foreign relations. I introduced a joint resolution, subsequently entitled Senate Joint Resolution 173, which provided for the establishment of such a Commission to be composed of 12 members—two from the Senate, two from the House of Representatives, and eight to be appointed by the President. I said at the time that I did not intend to press the resolution to a vote because I did not believe that the appointment of such a Commission should be one of the last acts of an outgoing administration. I added that I believed that the appointment of such a commission should, however, be one of the first acts of a new administration.

Mr. President, I ask unanimous consent that the full text of the statement I made on May 22, 1968, be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it so ordered.

(See exhibit 1.)

Mr. **FULBRIGHT.** I would like to note that since making that statement a year and a half ago, I have noticed a number of articles in the press and in journals which lead me to believe that there may, in fact, be even greater need for the kind of study I proposed. Writing in the Nation on February 3 of this year, Smith Simpson, author of "Anatomy of the State Department," wrote:

> I have known the State Department and its Foreign Service for some forty years and never have I seen them in such a shambles.

Mr. Smith went on to observe:

> A part of the crisis which the diplomatic agency presents to Mr. Nixon arises from its astonishing failure to redefine diplomacy itself in up-to-date terms, so that it might have a clear idea of the kind of people it should be recruiting, the kinds of education and training it should be providing its officers, the criteria it should be following for assignments and promotions, the blend of policy, diplomacy and management it should be developing—all to effect a widespread improvement in our international performance . . .
>
> In such an "anti-organization" department, morale is deplorable. In forty years of observation, I have never known State Department morale to be good, but it is now the worst that I have ever seen it . . .
>
> Morale affects performance; so also do attitudes. They subtly penetrate and influence every view, every decision, every approach to a decision. They are the unspoken premises which cause men to assume they know things they do not know, understand situations they do not understand, are "managing crises" when they are only tinkering with them, disposing of problems when they are only postponing them to reappear in more aggravated form. . . .
>
> An extraordinary cynicism pervades the diplomatic establishment. Even its liberals found themselves welcoming the outcome of the Presidential election. "Nothing could possibly be worse," they said; "a change—any change—just might bring relief." They did not remember that this same hope was engendered in 1932, 1952 and 1960, and gave way to souring frustration. It is not merely change that is needed—it is reform: organizational reform, procedural reform, attitudinal reform, educational and training reform, conceptual reform. That is what confronts Mr. Nixon as he prepares for his seventh crisis.

In the spring 1969 issue of the Virginia Quarterly Review, Charles Maechling, in an article entitled "Our Foreign Affairs Establishment: The Need for Reform," said:

> The foreign affairs establishment cannot be streamlined or invigorated by half-measures confined to the State Department. Individual changes in the Department's organization, personnel system, training programs, and programming methods are going to yield only minimal and probably undiscernible results in terms of improved policy performance unless the Department's role is re-examined within the context of the whole foreign affairs field and especially the missions of other agencies—Defense, CIA, USIA, AID, and Treasury.

I am well aware of the fact that a group of "Young Turks" in the Foreign Service has been seeking to achieve reform from within the State Department. I gather that they feel somewhat frustrated in these efforts which does not surprise me for, as I said a year and a half ago:

> I am convinced that those in the executive branch departments and agencies concerned—either the top non-career level in these departments and agencies or the administrative specialists with vested interests in the results to whom such a task ends up being delegated—cannot alone institute the needed reforms.

I said then, and I still believe, that a view from the outside is also needed—a broad and objective view, unencumbered by political considerations or by the obligations that executive branch officers have toward the interests of the particular department or agency in which they serve.

In this connection, I noticed an article, on the front page of the New York Times on August 28, which reported that the "Young Turks" were "showing some impatience with the Nixon administration's pace on reforming the service." The article then went on to report, according to sources in the Foreign Service, that many junior and middle grade were dissatisfied with their lack of responsibility, with promotion policies and with the assignments which they received, and that there had been a large and increasing number of resignations from the Foreign Service.

I ask unanimous consent that the full text of the above article from the New York Times, the texts of the articles by Mr. Simpson and Mr. Maechling from which I have quoted, and the text of an article by William A. Bell which appeared in the Washington Monthly in July, entitled "The Cost of Cowardice: Silence in The Foreign Service," also be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 2.)

Mr. **FULBRIGHT.** Not only do outside observers and critics argue that there is acute need for organizational reform. Many in the Foreign Service share this view. I was struck by several remarks made by Idar Rimestad, Deputy Under Secretary of State for Administration since February 1967, at an appearance before the Committee on Foreign Relations earlier this session. The occasion for the hearing was the President's nomination of Mr. Rimestad to an ambassadorial position. But in the course of the hearing, while discussing Mr. Rimestad's previous service in the State Department's top administrative position, I asked him about the recommendations by the "Young Turks" in the Foreign Service. In response, among other things, he told the committee that under 20 percent of the personnel in our large Embassies are from the State Department and pointed

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to one case in which that figure was 8 percent. The others are from other Government agencies. Mr. Rimestad went on to note that as the size of foreign missions are reduced, the State Department's role is further diminished and that over the years the State Department has "lost a great deal of momentum in the foreign affairs area." He concluded:

> Something is in order, whether it is—as you suggested—a Plowden report . . . to take a look at our foreign establishment to see where this direction should come from.

The point made by Mr. Rimestad provides another, and I believe most important, argument in favor of an examination of the kind I have proposed.

Thus, for the reasons set forth in my statement of May 22, 1968, and in my statement today, I hereby introduce a joint resolution, identical to Senate Joint Resolution 173, 90th Congress, second session, which would establish a Commission on Organizational Reforms in the Department of State, the Agency for International Development, and the United States Information Agency. I intend to urge the Committee on Foreign Relations to adopt this resolution, and I ask unanimous consent that the text of the joint resolution be printed in the RECORD at this point.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the text of the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 157), to establish a Commission on Organizational Reforms in the Department of State, the Agency for International Development, and the U.S. Information Agency, introduced by Mr. FULBRIGHT, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 157

Whereas there is an obvious need to insure that the United States conducts all aspects of its foreign relations in the most effective possible manner; and

Whereas toward this end, it is appropriate to provide for an independent study of the present operation and organization of the Department of State, including the Foreign Service, the Agency for International Development, and the United States Information Agency with a view to determining and proposing needed institutional reforms: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a commission to be known as the Commission on Organizational Reforms in the Department of State, the Agency for International Development, and the United States Information Agency (hereinafter referred to as the "Commission"). It shall be the duty of the Commission to make a comprehensive study in the United States and abroad and to report to the President and to the Congress on needed organizational reforms in the Department of State, including the Foreign Service, the Agency for International Development, and the United States Information Agency, with a view to determining the most efficient and effective means for the administration and operation of the United States programs and activities in the field of foreign relations.

SEC. 2. The Commission shall consist of twelve members, as follows:

(1) Two members of the Commission, to be appointed by the President of the Senate, who shall be Members of the Senate, of whom at least one shall be a member of the Committee on Foreign Relations.

(2) Two members of the Commission, to be appointed by the Speaker of the House of Representatives, who shall be Members of the House of Representatives, of whom at least one shall be a member of the Committee on Foreign Affairs.

(3) Eight members of the Commission, to be appointed by the President, who shall not be individuals presently serving in any capacity in any branch of the Federal Government other than in an advisory capacity.

SEC. 3. The President shall also appoint the Chairman of the Commission from among the members he appoints to the Commission. The Commission shall elect a Vice Chairman from among its members.

SEC. 4. No member of the Commission shall receive compensation for his service on the Commission, but each shall be reimbursed for his travel, subsistence, and other necessary expenses incurred in carrying out his duties as a member of the Commission.

SEC. 5. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission may procure temporary and intermittent services to the same extent as is authorized for the departments by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

SEC. 6. (a) The Commission shall conduct its study in the United States and abroad and shall report to the President and to the Congress not later than eighteen months after its appointment upon the results of its study, together with such recommendations as it may deem advisable.

(b) Upon the submission of its report under subsection (a) of this section, the Commission shall cease to exist.

SEC. 7. The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this Commission, office, establishment, or instrumentality and shall furnish such information, suggestions, estimates and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

SEC. 8. There is authorized to be appropriated not to exceed $500,000 to carry out this joint resolution.

EXHIBIT 1

SENATE JOINT RESOLUTION 173—INTRODUCTION OF JOINT RESOLUTION RELATING TO CONDUCTING FOREIGN RELATIONS IN THE 1970's

Mr. FULBRIGHT. Mr. President—

"Foreign policy will be dynamic or inert, steadfast or aimless, in proportion to the character and unity of those who serve it."

So began the report of the Secretary of State's Public Committee on Personnel published in June 1954. The report, entitled "Toward a Stronger Foreign Service"[1] but known popularly as the Wriston report, after the name of the chairman of the committee, continued by saying several paragraphs later:

"The internal morale of a Government institution and public confidence in that institution are inseparable parts of an organic process. The one replenishes or depletes the other."

How is the internal morale and unity of those who serve our foreign policy today—14 years after the Wriston report, 22 years after the Foreign Service Act of 1946, which revised and modernized the Foreign Service, and 44 years after the Rogers Act of 1924, which first established a permanent career Foreign Service? Is the Foreign Service vigorous, inventive, and unified, willing and able to produce a dynamic and steadfast foreign policy? Do the men and women in the Department of State meet the formula of Lord Strang, former Permanent Under Secretary of State in the British Foreign Office, for Foreign Office effectiveness which is to be "on their toes and happy to be on their toes"?[2] And what of those in the other Government agencies who also serve our foreign policy?

From everything I have heard and read and seen, I have regretfully concluded that the internal morale in the Foreign Service and the Department of State, as well as in the Agency for International Development and in the U.S. Information Agency, is poor. As the Wriston report has pointed out, it follows that there is, or will soon be, less public confidence in these institutions. For a country as rich in human resources as the United States, facing the enormous problems in the field of foreign relations that this country faces, I suggest that this is not only an undesirable but an intolerable state of affairs.

On what do I base my contention that morale is low and that the effectiveness of the institutions involved is therefore impaired? Proof is readily available not only in what the members of the institutions themselves say privately but also in what they say publicly. For example, the February issue of the Foreign Service Journal contained an article entitled "Is the Foreign Service Losing Its Best Young Officers?" Summarizing the results of a survey of recently resigned junior officers, the article observed that the typical resignee:

". . . leaves the service primarily because he feels that his work has not been sufficiently challenging and he has seen little to reassure him regarding his future prospects . . . he feels that his present job provides him with greater challenge than he would have had had he remained in the Foreign Service."

A tabulation in the article, showing the reasons these officers left the Foreign Service, indicates that the principal factors were dissatisfaction with the personnel system, a lack of anticipated challenge, dim prospects for responsibility and general frustration with the bureaucracy. The least important reasons, mentioned in only a few cases and never as a primary reason, were low pay, dissatisfaction with supervisors and a slow rate of promotion.

Undoubtedly this is the sort of feeling that led a Foreign Service association "spokesman" to tell a New York Times reporter last September that the election of a write-in ticket to control of the association "reflected a general mood of grievance and concern, a sense of frustration and malaise about the state of morale at the State Department and among career officers at the Agency for International Development and the U.S. Information Agency."[3] Even Under Secretary of State Katzenbach, whose interest in the problems of the Foreign Service has been commendable and whose influence has been salutary, has referred, in a public speech, to some of the concern and frustration in the Foreign Service, the kind of acknowledgment of personnel problems that rarely comes from the higher reaches of any Government department. In addressing the Foreign Service Day Conference at the Department of State on November 2, 1967, Mr. Katzenbach said that able younger men in the Foreign Service "complain that their talents are underutilized," and the Under Secretary went on to admit that, while such complaints might be exaggerated "the underutilization of a talented body of men is paradoxical, harmful, and even tragic."

Footnotes at end of article.

One of the most distinguished alumni of the Foreign Service, when asked recently on a national television program whether he would advise a young man to go into the Foreign Service today, replied:

> If he was ambitious, if he wanted to get ahead and if it was going to cause him pain if anyone got promoted ahead of him, I would tell him not to go into it. If he wants to live abroad, keep his eyes open and broaden his horizons intellectually then I would say go right ahead.

That distinguished alumnus was Ambassador George F. Kennan who was saying,[4] it seemed to me, that a young man might serve his own limited short-range interests in the Foreign Service but that his prospects for making a useful contribution, as the institution is now organized, were dim.

Ambassador Kennan is not alone in his views. In a recent letter to the editor of the Foreign Service Journal, another distinguished Foreign Service alumnus, Ambassador Charles W. Yost, wrote that his own experience with many promising young officers who had either resigned or "dispiritedly accommodated themselves" confirmed that these young officers in the Foreign Service often felt that they faced a lack of challenge and an unsatisfactory personnel system.[5] Ambassador Yost added that there was no reason why a personnel system "should be, or should seem, bureaucratic, unresponsive, and unimaginative." Ambassador Yost concluded his letter by saying:

"It would be a very great tragedy if the Foreign Service, just when the country needs it most and when it offers in fact the most brilliant opportunities, should be eroded at the base through failure to take advantage of the zeal, ambition and expectations of its best qualified and best trained young officers."

I am reasonably confident that these comments could be made just as aptly for young officers in the Agency for International Development and the U.S. Information Agency.

Bureaucracies have a tendency to grow, as we all know. In fact, a recent program in the Foreign Service to reduce the size of embassies that had grown unreasonably large was nicknamed "Operation Topsy," a name that strikes me as whimsically accurate. Someone brought to my attention a recent article in the London Daily Telegraph magazine by the renowned C. Northcote Parkinson pointing out that in the period from 1914 to 1967, while the total number of vessels in commission in the British navy fell from 542 to 114, and the number of officers and men in the Royal Navy from 125,000 to 84,000, the number of Admiralty officials and clerical staff rose from 4,366 to 33,574.[6] And while Britain's colonies almost disappeared between 1935 and 1954, in that period the Colonial Office grew from 372 to 1,661 employees.

I suspect, again on the basis of what I have heard from those in the Department of State as well as what I have read, that administrative proliferation has also reached a rather acute stage in our foreign affairs agencies and that too many people are kept busy reading unnecessary reports written by too many other people who have nothing else to do. If this were not so, the recent decision to reduce the size of all embassies overseas in order to reduce our balance-of-payments deficits would not have been made. Surely, we could not afford to cut any essential activities abroad any more than we could not afford not to cut unessential activities.

In "Farewell to Foggy Bottom," Ambassador Ellis Briggs wrote in 1964:

"Foreign Affairs would prosper if the 1960's could become known as the decade in which the American Foreign Service was not reorganized."[7]

Ambassador Briggs has had his wish in some ways and has not had it in others because the Foreign Service has been reorganized—not on a grand scale but piecemeal—with the results that those observers and participants I have quoted have described. And these piecemeal reorganizations have also taken place in the Agency for International Development and in the U.S. Information Agency. But the 1960's are almost over. The question now is what should the Foreign Service, and the other foreign affairs agencies, be like in the 1970's?

I believe that the time has come for a thorough, realistic, and objective examination of the operation in the United States and abroad of the Foreign Service, the Department of State, the Agency for International Development and the U.S. Information Agency—the principal agencies which conduct this Nation's foreign relations at home and abroad. In October 1966 I wrote the President and suggested the appointment of a blue-ribbon Presidential Commission to perform this function and to suggest reforms that should be made, a commission to be composed of people who have had broad, relevant experience and whose only interest would be in seeing that the United States has the best possible organization to conduct its foreign relations. The executive branch, while not denying my assertions that fundamental and far-reaching changes were needed in the Department of State and other agencies with important responsibilities in the field of foreign affairs, indicated a belief that the needed reforms could be instituted more effectively without outside assistance by the top noncareer level of the Department of State. Two years have now passed and, despite the best efforts of the top noncareer level of the State Department, I do not think that the situation has improved.

It has been argued that such commissions as the one I proposed have been appointed several times in the past and that there is thus no need to repeat the experience. I would disagree. The Hoover Commission examined the entire organization of the Government, including the Department of State, but this examination was conducted over 20 years ago and is now out of date. The so-called Wriston Committee, chaired by President Wriston of Brown University, was appointed by the Secretary of State in 1954. Its deliberations took only 2 months, and its members did not inspect operations in the field. It issued a relatively brief report whose principal recommendation was to consolidate the Department of State and Foreign Service personnel systems—a consolidation which has been gradually unraveling ever since.

The most recent attempt in this field was by a Committee on Foreign Affairs Personnel established late in 1961 under the auspices of the Carnegie Endowment for International Peace and headed by former Secretary of State Christian Herter. Its deliberation appeared to be thorough. It devoted a year to its task, its members visited 32 posts abroad, and it took formal evidence from 18 witnesses. It issued a report with 43 recommendations.[8]

Many of the Herter Committee's recommendations were, however, so general that they were almost truisms. For example, one recommendation was that the Department's leadership capabilities should be strengthened, which is certainly a more desirable goal than weakened leadership. Another was that the State Department, USIA, and AID should "tap more systematically the most promising sources of highly qualified candidates," which, again, is certainly preferable to the unsystematic recruitment of less well qualified candidates. Other recommendations of the Herter Committee were ignored. The committee's second recommendation, for example, was that a position of Executive Under Secretary of State be established. Still other recommendations were contradicted subsequently by Departmental decisions—the fate, for example, of the committee's recommendation 27 that "selection out for time in class should be eliminated"—or have had to be abandoned because the Congress, for one reason or another, has not been willing to pass the necessary legislation.

The United States is, of course, not alone in facing the problem of how best to organize the conduct of foreign relations. Six years ago, the British Government decided to conduct a thorough review of the purpose, structure, and operation of its foreign affairs establishment.

I am impressed by the British Government's approach in this case. The Prime Minister appointed a distinguished "Committee on Representational Services Overseas" headed by Lord Plowden. I should emphasize that the committee was appointed by the Prime Minister, not by the Secretary of State, as was the Wriston Committee, or under the auspices of a private foundation, as was the Herter Committee. The members of the committee included two members of the House of Commons, one Labor Party member and one Conservative, in contrast to the Wriston Committee and the Herter Committee, neither of which included members of the Congress. The Plowden Committee spent a year and a half in its task, visited 42 posts abroad, took formal evidence from 75 witnesses and issued a 176-page report with 52 recommendations.[9]

How has the Plowden Committee report of 1964 fared compared to the Herter Committee of 1962? According to John E. Harr, a Department of State official who, incidentally, had served on the staff of the Herter Committee, while there has been "very slow progress" in implementing the Herter report, the Plowden report was "implemented almost in its entirety, and needed action was taken swiftly and decisively."[10] Mr. Harr termed the report an "overall success" and said that, in the opinion of those in the Foreign Office whom he had interviewed, the amalgamation of the Foreign Service, Commonwealth Relations Service and Trade Commission Service into one diplomatic service, as recommended in the Plowden report, "has indeed given British overseas representation a much needed shot in the arm." He concluded that the British appear to be "moving ahead very progressively" with their Diplomatic Service's administrative problems.

I have felt for several years that while the British do not have the answer to every problem, they may well have the answer to the one I am discussing today. I am convinced that the executive branch departments and agencies concerned—either the top noncareer level of these departments and agencies or the administrative specialists with vested interests in the results to whom such a task ends up being delegated—cannot alone institute the needed reforms. A view from the outside is also needed—a broad and objective view, unencumbered by political considerations or by the obligations that executive branch officers have toward the interests of the particular department or agency in which they serve.

The United States has many distinguished citizens who have served in high positions in the Government, here and abroad, and in the private sector as well. We should put the best available minds among them to work on this problem. To suggest just one example of such a man, I would point to the distinguished career of Douglas Dillon who has served in both Republican and Democratic administrations, in the State Department and in an embassy abroad, in the Treasury Department and in the private sector as well. There are many other men whose experience, while perhaps not as

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Footnotes at end of article.

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broad, would enable them to bring knowledge and perspective to the work of such a commission which could draw its staff not only from various Government departments and agencies but from foundations and universities, and also from corporations, banks and management consulting firms with large foreign operations of their own.

I am therefore submitting today a joint congressional resolution providing for the establishment of such commission to be composed of 12 members—two from the Senate, two from the House of Representatives and eight to be appointed by the President. The joint resolution stipulates that the members appointed by the President should not, at the time of their appointment, be serving in any governmental position other than in an advisory capacity.

I do not intend to press this joint resolution to a vote at this time because I do not believe that the appointment of such a commission should be one of the last acts of a retiring administration. But I do believe that the appointment of such a commission should be one of the first acts of a new administration. I am introducing the joint resolution today so that the candidates for the office of the Presidency, and Members of the House and the Senate, will have time to think about it. I will introduce the joint resolution again at the beginning of the next Congress and I will then do my utmost to achieve its adoption.

FOOTNOTES

[1] "Toward a Stronger Foreign Service," Department of State Publication 5458, released June, 1954.

[2] Lord Strang, *The Diplomatic Career* (London, Andre Deutsch, 1962).

[3] "Diplomats' Group Elects Activists," *New York Times*, September 29, 1967.

[4] On "Meet the Press," November 5, 1967.

[5] *Foreign Service Journal*, April, 1968.

[6] "Is the Civil Service Swallowing Britain?", *The Daily Telegraph Magazine*, December 8, 1967.

[7] Ellis Briggs, *Farewell to Foggy Bottom*, (New York: David McKay Company, Inc., 1964).

[8] "Personnel for the New Diplomacy," *Report of the Committee on Foreign Affairs Personnel*, Carnegie Endowment for International Peace, December, 1962.

[9] "Report of the Committee on Representational Services Over-Seas Appointed by the Prime Minister Under the Chairmanship of Lord Plowden 1962–63," published by Her Majesty's Stationery Office, London, 1964.

[10] "Some Observations on H. M. Diplomatic Service," John E. Harr, Foreign Service Journal, August, 1967.

[From the New York Times, Aug. 27, 1969]

EXHIBIT 2

GROUP IN FOREIGN SERVICE SEEKS TO BARGAIN ON PERSONNEL AFFAIRS

(By Richard Halloran)

WASHINGTON, August 27.—A group of "Young Turk" Foreign Service officers, showing some impatience with the Nixon Administration's pace on reforming the service, are planning to ask the State Department to recognize their professional association as the exclusive agent with which the department would bargain on a wide range of personnel matters.

Sources close to the group said they wanted the department to recognize the Foreign Service Association, a nonofficial organization, as the sole bargaining agent and to sign a contract giving the association this authority.

Although an Executive order permits Government employees to form such bargaining units, one source called the proposal "revolutionary" for the usually circumspect Foreign Service.

Leaders of the group are scheduled to meet with the Under Secretary of State, Elliot L. Richardson, tomorrow to discuss the union proposal and other dissatisfactions among Foreign Service officers. Mr. Richardson is responsible for the administration of the Foreign Service.

The delegation will be led by Lannon Walker, chairman of the Foreign Service Association. Mr. Walker declined to reveal details of the planned meeting and would say only that "we want to see where we stand" with the department's senior officers.

Other sources close to the group, however, indicated that they felt the Nixon Administration "has been around a while now and it's time to see some action." One source said that the impetus for reform must come from the Foreign Service itself, that "it's time we took a good hard look at ourselves."

Various task forces, the sources said, have been working on position papers to use as talking points with the top management.

Some of the Foreign Service officers said they believed that Mr. Richardson also thinks the time has come for action.

A member of the Under Secretary's staff said that Mr. Richardson feels reform of the Foreign Service to be among his major responsibilities but that each recommendation should be considered on its merits. The source said that Mr. Richardson had met with the association leaders several times since he took office and thought it important to keep the lines of communication with them open.

The dissensions within the Foreign Service began long before the Nixon Administration took office. The sources said that many junior and middle-range officers were dissatisfied with their lack of responsibility, with promotion policies and with the assignments they receive.

These sources pointed to the large and increasing numbers of resignations from the Foreign Service. During the fiscal year that ended on June 30, about 270 officers resigned while only about 60 new appointments were made. The number of Foreign Service officers has dropped from 3,489 to 3,273, as of July 1.

Some sources expressed the fear that the service would gradually drop to about 2,500 officers. They said the Nixon Administration must make up its mind whether it wants to have a career, professional service or "see the whole thing go down the drain."

The sources were almost unanimous in saying that they were encouraged during the early days of the new Administration by the attitude and by the initial steps taken to reform the Foreign Service.

But they indicated that dissatisfaction had returned recently due to the 10 per cent cutbacks ordered in personnel both in Washington and overseas.

The sources said that many professionals were encouraged when Mr. Richardson issued a memorandum on May 2 committing the Administration to "a thorough re-examination of the foreign affairs establishment with a view to a more effective use of the unique human forces found there."

Some, however, charged that the new Administration had instituted criteria for promotion that were unacceptable. One such is the stipulation that no specialist could be promoted beyond, FSO–3, an upper middle grade, unless he had exceptional ability.

The sources complained that the definition of specialist was not made clear and that, moreover, many people in the increasingly complicated profession of diplomacy are required to become specialists in a country, an area of a particular field such as economics.

[From the Nation, Feb. 3, 1969]

NIXON'S SEVENTH CRISIS: DIPLOMATS IN DISARRAY

(By Smith Simpson)

NOTE.—Mr. Simpson, a retired Foreign Service officer with twenty years' experience in and around the diplomatic Establishment, is the author of Anatomy of the State Department (Houghton Mifflin). He is also editor of the recent issue, "Resources and Needs of American Diplomacy," of The Annals, American Academy of Political and Social Science.

It seems that President Nixon did not relish as Secretary of State a man of great experience and skill in foreign affairs, one familiar with the State Department, the federal foreign affairs community, our foreign policies and the navigational skills which keep those policies afloat. There are such men in his party, some of them part of the Atlantic seaboard reservoir so often tapped for foreign affairs and defense appointments. But, for the first time in years, a President-elect shied away from the Eastern establishment. The indications are that Mr. Nixon did not even seek the advice of the Lovetts, McCloys, Dillons, et al.

Plainly, also, he had no inclination to resort to older precedent and appoint one of those who had challenged him for his party's nomination. "Forward together" is for national consumption, not for party politics, at least as far as foreign affairs are concerned. Instead of pursuing precedent, Mr. Nixon did something quite novel—novel, anyway, since 1925, when Calvin Coolidge appointed Frank Billings Kellogg as head of the diplomatic bureaucracy. This suggests that the slogan in foreign affairs is to be "Keep Cool with Nixon."

But another possible meaning to the appointment of William P. Rogers seems to have escaped the commentators. It is well known that Mr. Nixon has turned to this skillful lawyer during three of the six major crises which he says have beset his political career. By calling upon Rogers now for this particular position, does Mr. Nixon suggest that the diplomatic establishment has begun to loom in his mind as a seventh crisis?

Well it might. I have known the State Department and its Foreign Service for some forty years and never have I seen them in such a shambles. Policy planning in the State Department is still of a scatter-shot variety and diplomatic planning is nonexistent. There is no overall management, and therefore operations are not tied together, gaps are not filled, lapses are not anticipated, improvements are not systematically pressed. Even promotions, which should be one of the simpler operations, at least from the numerical standpoint, have been chaotic and without reference to need. Education and training are scandalously neglected, procedures fritter away experience, officers are frustrated rather than developed by conditions of service. Responsibilities, especially in the lower ranks, are vague and unchallenging. There is, in a word, no systematic control; only endless improvisation in administration, endless battling with momentary need, endless reaction to events—as in our diplomacy itself—rather than good, tight, dynamic leadership.

I hate to mention Vietnam in this connection, for it would seem to have been threshed down to the last grain, but several basic elements which it shares with everything else the Department does are being overlooked. One is the failure to bring to bear upon the Vietnamese experience the processes of research, analysis and planning. No systematic analysis of this involvement has been made by the State Department or any contractee of the Department. Hence, the Department has been, and still is, unable to deal profoundly with the problem of intervention, isolating the issues it presents or generalizing from the breakthroughs of technique and the constructive results which here and there ingenious diplomatic, military and aid officers have achieved. Further, there has been no attempt to systematize the errors of this venture for the instruction of future policy steerers and diplomatic pilots. From this failure, we risk not only losing in our negotiations the few precious

accomplishments of intervention but of repeating our mistakes in the future. That future, as Thailand and Laos are trying to whisper in our ear, may come sooner than we think. If there is one way to insure a continuation of blunders in Southeast Asia, with their corroding effects on America's world position, this is it.

The *Pueblo* affair is another example of the State Department's chronic inability to subject its diplomacy to any kind of rigorous analysis. No methodical attention has ever been given to this type of spy operation, great though its impact is upon our diplomacy. This neglect led to the U–2 imbroglio in 1960; it will lead to others. The disjointed diplomatic agency has simply not prepared itself to cope with military and intelligence operations which affect the nation's general international efforts. Of course, diplomats would first have to be educated and trained in this area, and one of the more obscure but melancholy aspects of the U–2, Bay of Pigs and *Pueblo* affairs is that our diplomatic officers are not adequately prepared to run any phase of a modern diplomatic operation.

A part of the crisis which the diplomatic agency presents to Mr. Nixon arises from its astonishing failure to redefine diplomacy itself in up-to-date terms, so that it might have a clear idea of the kind of people it should be recruiting, the kinds of education and training it should be providing its officers, the criteria it should be following for assignments and promotions, the blend of policy, diplomacy and management it should be developing—all to effect a widespread improvement in our international performance.

Good management would encourage a contagion of know-how from the better-run to the sloppy offices, thus stimulating and bolstering the Department in areas where it is weakest. But lack of management isolates office from office, bureau from bureau. There is no means, for example, whereby the concepts and techniques of analysis and management employed by Covey T. Oliver to improve performance in Latin American relations can be transmitted to other areas. Nor is there any assurance that the gains in that bureau will be passed on to and developed by the Assistant Secretary who replaces Mr. Oliver.

In such an "anti-organization" department, morale is deplorable. In forty years of observation, I have never known State Department morale to be good, but it is now the worse that I have ever seen it.

Morale affects performance; so also do attitudes. They subtly penetrate and influence every view, every decision, every approach to a decision. They are the unspoken premises which cause men to assume they know things they do not know, understand situations they do not understand, are "managing crises" when they are only tinkering with them, disposing of problems when they are only postponing them to reappear in more aggravated form. They give rise, or are themselves generated by, cliches and myths. If Mr. Nixon wants to avoid his seventh crisis he had better put someone in a managerial position in State who knows what the prevailing attitudes are, their sources and their cures. Otherwise, both he and his Secretary of State, however shrewd and competent they may be as politician and lawyer, will be stymied.

A Middle East crisis is rising to one of its periodic crests and Messrs. Nixon and Rogers would do well to recall what lack of State Department management did to President Johnson and Dean Rusk on the last crest. For four and a half months, as that 1966–67 storm quietly gathered, the position of Assistant Secretary of State for Near Eastern Affairs remained vacant. Career diplomat Raymond Hare resigned in November, 1966, and could not be induced to remain. He was worn out; furthermore, he had given a year's notice of his departure. But no replacement had been prepared. The only one available when the time came, it was said, was Lucius D. Battle, then serving as ambassador in Cairo. But there was no seasoned successor for Battle, and one had therefore to be improvised. At the urging of Under Secretary Katzenbach who, like Mr. Rogers, had served as Attorney General and was not exactly sophisticated in the deployment of diplomatic personnel, the Department appointed as ambassador Richard Nolte, an intelligent, academic type not likely to have much influence on Nasser. Nolte's remark at the Cairo airport remains a classic. Asked by a journalist what he thought of the Middle East crisis, he replied: "What crisis?" He soon found out.

Congressional penny-pinching aggravates the shortcomings of management and planning. Secretarial vacancies cannot be filled; officers become increasingly distracted by clerical duties. Supplies are so parsimoniously inventoried that even telephone directories must be scrounged. The library—unlike those at the CIA and the Pentagon—is so understaffed that it cannot meet requests for service, cannot acquire needed materials, cannot shelve promptly what it gets, cannot bind what it shelves. This is a particularly illuminating situation, for it not only exemplifies the anti-intellectual attitude of the administrators who parcel out the Department's appropriated funds but shows also how really false is a lot of the economizing. Unbound periodicals stray; they must be replaced; and back copies cost more than the original subscription numbers. Furthermore, when funds at last become available for binding, costs have increased. The State Department is a perfect demonstration, top to bottom, from people to paper clips, that penny-pinching always results in waste.

An extraordinary cynicism pervades the diplomatic establishment. Even its liberals found themselves welcoming the outcome of the Presidential election. "Nothing could possibly be worse," they said; "a change—any change—just might bring relief." They did not remember that this same hope was engendered in 1932, 1952 and 1960, and gave way to souring frustration. It is not merely change that is needed—it is reform; organizational reform, procedural reform, attitudinal reform, educational and training reform, conceptual reform. That is what confronts Mr. Nixon as he prepares for his seventh crisis.

That being so, one of Nixon's most extraordinary pre-inaugural decisions was his choice of Secretary of State. William P. Rogers is by all reports a good lawyer; he is a former Attorney General of the United States, a good negotiator in a domestic context, perhaps a good one in an international legal context, a staunch upholder of civil rights, an upright citizen, a loyal friend and counselor of the President, a cool man. These attributes are splendid, but how completely do they meet the varied diplomatic needs of the President? How sufficient are they for a successful Secretary of State?

Mr. Rogers is not totally without exposure to foreign affairs. He served in 1967 as the United States delegate on the UN's fourteen-nation *ad hoc* Committee on South West Africa. Seven years earlier he headed the American delegation to the independence ceremonies for Togo, and took the occasion to visit the Mali Federation (then Mali, Guinea and Senegal) and Nigeria. He met a number of leaders in those countries (most of whom have since been ousted or assassinated). During the Hungarian revolution of November, 1956, he accompanied Mr. Nixon to Austria to investigate the plight of refugees. Another brief mission took him abroad in 1955 as chief American delegate to a UN conference on prison conditions.

That's about it and it is not very much. No continuous professional experience; not even a sustained professional interest. No background whatever with respect to the State Department or the Foreign Service. No experience or known interest in any coordinating machinery in the government's foreign affairs.

This lack of central involvement or even interest in his new area of responsibility becomes the more painfully evident when one sets Mr. Rogers' training alongside the preparation of some of his Cabinet associates. The Secretary of Agriculture has had extensive experience with agricultural matters. The Secretary of Labor has been a student of labor problems for decades, much involved in labor-management contentions, thoughtfully coping for years with the very challenges he will face in his Cabinet assignment. Both Clifford M. Hardin in Agriculture and George Shultz in Labor are seasoned experts in their fields.

In fact, Mr. Hardin seems to qualify better for the position of Secretary of State than does Mr. Rogers. His extensive international experience began in 1947 when he was sent to Europe by Michigan State University to explore the broad question of what roles universities and farm groups might play in the Marshall Plan. The following year, in furtherance of Point Four, President Truman included him in groups to study development possibilities in South America. His interest in this area has continued, and has led to his appointment as a member of the Council on Higher Education of American Republics, which takes him to a different country of South America each year. In 1950, as dean of MSU's School of Agriculture, Hardin helped found the University of the Ryukyus on Okinawa, and that added the Pacific area to his international involvement. Four years later, he became chancellor of the University of Nebraska and introduced in that one-time bastion of Midwest isolationism a Latin American studies program and a Far Eastern Institute; he also continued Nebraska's sponsorship of the new Ataturk University in Turkey which, among other things, has brought to Lincoln more than 200 Turkish professors for advanced study. He has also been involved in educational development in sub-Sahara Africa. This depth of familiarity with the country's overseas objectives and commitments suggested to President Kennedy that Hardin be added to the Clay committee to study the entire foreign aid program. Finally, Hardin thinks in imaginative terms. One of his pet interests is promoting "a massive, long-range innovative effort unprecedented in human history" to solve the world's food and population problem.

Compared with all this, Mr. Rogers and the man he has picked as his deputy are rank amateurs. Neither can innovate because they do not know where to start. Neither can reform because they do not know what is wrong. Neither can appreciate the need for any "massive, long-range, innovative effort" to bring our diplomatic establishment up to date because they have yet to learn in what respects it is out of date. As they gradually become enlightened, they will tinker, as all unprepared innovators do. Moreover, they will by then have become overwhelmed by current crises.

Melvin Laird was smarter than Mr. Rogers. Realizing that as Secretary of Defense he would be handicapped by his managerial inexperience, he picked an expert manager for the second spot at the Pentagon. Rogers picked a man in his own image. Mr. Richardson is also a lawyer, also an Attorney General, also inexperienced in management, also a novice in foreign affairs, in the State Department, in the Foreign Service in diplomacy.

This, together with the fact that Laird has been deeply involved in the problems and issues of the Defense Department for fifteen years, with a fairly clear idea of how it operates—its weaknesses, its mistakes, its needs—means that Defense will continue to

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have an edge over State. In the light of the last eight years, I need emphasize what this means in our foreign policies and diplomacy. There is little likelihood that a "massive, long-range, innovative effort" will tip the scales back to civilian initiative and control.

Both Mr. Rogers and Mr. Richardson may be expected to think that as lawyers and pragmatists they have much to offer American diplomacy. I wish this were so, but I fear that lawyers are poor managers and even slow to see the need for effective management. As a profession, they are given to the belief that all they need are the facts; by rigorous analysis, they can then deduce the answers. Furthermore, since they are trained to argue from briefs prepared by their staff, Mr. Rogers and Mr. Richardson will no doubt believe that they can satisfactorily counsel the President and Congress, as well as the public and officials of other governments, from the "briefs" provided by a State Department staff. If so, they are naive.

"Facts" are hard to come by in foreign affairs. Information is elusively concealed in the manner of its presentation. It is subtly permeated with the drafters' personal impressions, interpretations, hunches. A formidable husk of subjectivity surrounds every "fact." The greatest bulk of our dossiers on other peoples and their government leaders, their cultures and their needs, is comprised of what we *think* we know, and that is precisely what has bedeviled the government's handling of Vietnam. The "information" and calculations available in Washington have been treated by the Secretary of State and other Presidential advisers as reliable "facts"—and we have strayed deeper and deeper into a swamp of conjecture. Because of the man he has selected as Secretary of State and the deputy Mr. Rogers has picked for himself, this can happen to Mr. Nixon in countless situations.

As for pragmatism, we have about come to the end of that road. Within limits, it is a good approach, but relying on it almost exclusively, we have exhausted its possibilities, and our continuing faith in it is leading us into a performance of diminishing returns. Faced with the necessity to synthesize foreign and domestic resources and policies, we are required to make a more fundamental assessment of foreign affairs than we have so far attempted. For this, some philosophy is needed—something akin to the careful, systematic, basic thinking that went into the Declaration of Independence and the Constitution. And it requires, as those statements of policy and principle did not, a consideration of world responsibilities. Who is to lead in this "massive, long-range, innovative" effort?

Perhaps, someone may suggest, the number-three man in the Department, he being a career diplomat. But he also is a pragmatist. A smart operator, a man of keen insight into the reactions of foreigners, Alexis Johnson has never acquired any reputation as a thinker, a planner or a manager. And as he has shown throughout the Vietnam years—during much of which he served as a political adviser to the Secretary—he is a follower, not an innovator.

If none of these three men has what it takes to reform the Department, the situation is not yet entirely hopeless. Six other strategic positions remain to be filled: Deputy Under Secretary for Administration, Deputy Assistant Secretary for Organization and Management, Deputy Assistant Secretary for Personnel, Director General of the Foreign Service, Director of the Foreign Service Institute and Deputy Assistant Secretary of Operations.

If Mr. Rogers can be as smart as Mr. Laird, he can still bail himself out of his limitations and, by the men he selects for these positions, spare the President another major crisis. To do this he must clearly perceive three things: the necessity for superior management of the diplomatic establishment; the requirement that managers be familiar not only with management concepts but also with foreign policy and diplomacy; and the need to delegate adequate managerial powers to such men.

These six officers of the Department must create a program of management (which means, in effect, a program of reform, since the State Department now totally lacks management), and they must become a team to carry it out.

In view of Mr. Rogers' and his deputy's unfamiliarity with the State Department, the filling of this prescription is so difficult as to be unlikely. But there is a remote possibility that it will be done. Several studies of the State Department and Foreign Service of recent date are available for the launching of such a program. If the six are appointed from the career diplomatic service well in advance of vacancies, sent off to a suitable university to be trained in management concepts and techniques and to distill a program for the approval of Messrs. Nixon and Rogers, and if they are delegated adequate managerial powers, the job can be done. There is no other way to do it. If Mr. Nixon really sees the diplomatic establishment as threatening him with his seventh crisis—and whether he does or not, that, in my opinion, is the situation—he would do well to persuade his Secretary of State to take this course. It would be good politics—if Mr. Nixon gives any thought at all to 1972. And, of course, it would be a step toward insuring that there is still a nation to hold elections in 1972.

[From the Virginia Quarterly Review, Spring 1969]

OUR FOREIGN AFFAIRS ESTABLISHMENT: THE NEED FOR REFORM

(By Charles Maechling, Jr.)

Before the Second World War it was customary to lay the blame for the more flagrant mistakes of American foreign policy on the President and the party in power. Until relatively recently, the major foreign policy problems that confronted each Administration were few in number and generally translatable into simply political issues. As late as the Roosevelt era it was almost unheard of for the press or Congress to ascribe mistakes of policy or deficiencies in program execution to advisers, department heads, or the machinery of government. In the absence of some glaring and well-publicized delinquency on the part of a subordinate, the President or Secretary of State carried the full burden of responsibility for the success or failure of their policies.

With the rise of big government, and the expansion of American involvement in world affairs at every level and in every quarter of the globe, these premises have undergone a subtle change. The President and the Secretary of State are now in some respects exculpated for policy mistakes and breakdowns in program execution. The sudden elevation in 1945 of an inexperienced President to the political leadership of the Western world, and the inability of even the most inveterate opponents of American wartime policy to hold him responsible for the Cold War and the postwar disappointments in Eastern Europe and the Far East, accentuated this trend. For a while, it became the fashion to arraign policy advisers, Cabinet officers, and even interpreters and part-time consultants, for policy failures or program breakdowns. More recently the tendency has been to avoid personalities and focus on the system.

Since the nineteen forties most of the criticism has centered on the Department of State. This is the price of the Department's pre-eminence and high visibility in the field of foreign affairs, and of a consequent propensity on the part of the public and other branches of the government to hold it responsible for unfavorable developments. Out of this chorus of annoyance and recrimination, four specific complaints stand out. It is alleged that too often the Department has proved unable to provide clear-cut definitions of the national interest in advance of specific crises situations. It has been charged that the Department often seems incapable of translating its generalized statements of national goals into specific action programs or into crisply phrased alternative courses from which decisions can be made. It is said that the Department hedges its political estimates to the point of inconclusiveness and obscurity. And, moving from policy formulation to policy execution, it has been alleged that the Department does not exercise effective leadership over the other departments and agencies of the foreign affairs establishment, with the result that programs either fail to reflect policy or are so deficient in direction and co-ordination that they unwittingly frustrate and vitiate it. Readers may remember the epithet, "bowl of jelly," attributed to President Kennedy by Arthur Schlesinger, as perhaps epitomizing these strictures.

The best evidence of the truth behind these charges is the way Presidents have consistently tinkered with the foreign affairs establishment in an effort to cure or at least mitigate some of its deficiencies. Depending on the temperament and philosophy of the incumbent, the problem has been viewed either in terms of personalities or in terms of organization. Broadly speaking, these efforts have fallen into four categories.

The first has been organizational change, some of it real, much of it fictitious. New jobs have been created and old ones abolished; presidential functions have been delegated and redelegated; the chain of command has been realigned; people and offices have been given new labels. Some of the changes have been motivated by the need to re-tailor functions to fit personalities; some of them to achieve *bona fide* changes of responsibility; and perhaps most to satisfy demands for a new look. In recent history, none has been fundamental enough to alter the basic structure and operation of the Department.

A second approach—really a variant of the first—has been to stiffen State's backbone by giving it more authority. This has usually taken the form of re-emphasizing the Department's "leadership" role within the Executive Branch. President Kennedy's letter of May, 1961, placing all United States Government activities in a foreign country under the supervision and control of the Ambassador, is perhaps the best known of these efforts. However, its practical effects have been minimal. The scope of the letter was necessarily limited to activities under the immediate control of the Ambassador and could not alter the legal effect of agency responsibilities in the slightest. A later directive of President Johnson (NSAM 341 of April, 1966), placing all overseas interdepartmental programs and activities under the supervision and control of the Secretary of State, was an attempt to extend this concept to Washintgon. As we shall see, it suffered from similar legal disabilities.

State has also experimented with the interdepartmental committee device to establish control over the overseas programs of other agencies. These have usually been set up under State chairmanship within the framework of a State regional bureau. Some recent examples are the Vietnam Task Force, the former Cuban Co-ordinating Committee, the now defunct Latin American and African Policy Committees, and the new Interdepartmental Regional Groups (IRGs). The effectiveness of these State-sponsored, interdepartmental committees has tended to mirror the willingness and capacity of the regional Assistant Secretaries to make use of them.

A third approach has involved efforts to make the Department, especially the Foreign Service, more responsive to changing conditions by improving its personnel. These have included broadening the selection base, changing promotion criteria, and trying to integrate civil service personnel from the Department and other agencies into the Foreign Service. Among the means employed to achieve these ends have been financial incentives for early retirement; proposed legislation to integrate autonomous agencies like AID and USIA into the Department; and opening—and later closing—the career ranks to lateral entry from the outside. Whether these reforms have actually improved our diplomatic performance is a matter of endless, and inconclusive, debate.

Finally should be mentioned recent attempts to introduce modern systems analysis and data processing techniques into the machinery. These have included personnel planning, country programming systems, and the so-called PPB method of relating objectives to costs and then projecting the latter for a five-year period. Most of these programs have been allowed to fall into desuetude before there was time to permit objective evaluation in terms of results.

Each of these approaches has been aimed at enhancing State's "leadership" of the foreign affairs establishment. Yet none seem to have had any real effect on the quality of American diplomacy. Persons brought in as "new brooms" have exhausted themselves in piecemeal attacks on the problem and futile efforts to cut through bureaucratic redtape. As soon as they depart, the jungle takes over.

II

The foreign affairs establishment cannot be streamlined or invigorated by half-measures confined to the State Department. Individual changes in the Department's organization, personnel system, training programs, and programming methods are going to yield only minimal and probably undiscernible results in terms of improved policy performance unless the Department's rôle is re-examined within the context of the whole foreign affairs field and especially the missions of other agencies—Defense, CIA, USIA, AID, and Treasury. Moreover, the effectiveness of the machinery must be measured in terms of the realities of contemporary international life—not in terms of traditional concepts of the diplomatic function dating back to the days when statecraft chiefly involved political relations between governments.

The task must begin with a realistic appraisal of the real power of the Secretary of State as compared with his mythical power. Ostensibly, the Secretary is the President's principal adviser on foreign affairs, and the Department of State, with its 25,000 employees overseas and in Washington, is his ancillary and supporting arm. The Secretary is also the prime executant of United States foreign policy—but only in the sense that he translates the President's policy decisions into instructions for Ambassadors and other United States representatives abroad, and acts as a conduit of communication between the United States and foreign governments. In addition, the Department exercises a policy advisory function for the rest of the government by furnishing other agencies engaged in overseas operations with what is termed political guidance. The Secretary and the Department do not, of course, make policy; that is the President's function.

In these capacities, the State Department's actual role has always been cloudy and cannot really be understood except in an historical context. The concept of a department of foreign affairs dates from an era when the relations between sovereign independent states were confined to a narrow range of political and economic matters, and were the exclusive province of the monarch or chief of state; the first foreign ministries were small bureaus of specialized clerks attached to the royal household who later expanded their functions to handle the routine concerns of foreign embassies and provide staff and clerical support for the King's Ambassadors. The narrow view held by many Foreign Service officers that the Department's functions should be confined to the conduct of diplomatic relations between heads of governments is therefore the *bona fide* legacy of an earlier age. A more pernicious part of the tradition is the conviction that all the manifold relations between states—economic, financial, strategic, technological, cultural—are unimportant until elevated to the level of political relations between governments.

This limited outlook is reinforced by the values built into the Foreign Service promotion system which put a premium on political reporting and the handling of intergovernmental communications. The Department abounds with political generalists parading a sham expertise in the specialities of other agencies—politico-military "experts" who have never worn a uniform, technological "experts" with no scientific background, and economic negotiators who are neither ex-bankers no ex-businessmen—whose careers depend on the pre-eminence of the political factor over other elements of the foreign affairs equation. In background and experience most of them are bureaucrats rather than diplomatists. They have lost the foreign area familiarity, language fluency, and cosmopolitan outlook of the traditional diplomat, without acquiring the assurance, versatility, and professional skill that goes with a sound professional or business background.

More important is that in recent years the Secretary of State's real authority has suffered serious dilution. The expansion of United States interests overseas, the proliferation of relations with allies and adversaries at every level, and the growth of United States overseas programs in support of these responsibilities and relationships have multiplied the voices entitled to give advice and orders on matters of foreign policy. The Secretary is now only one of several cabinet officers and agency heads carrying heavy responsibilities in the field of foreign affairs.

Thus, in the sphere of policy formulation, the Director of Central Intelligence, the Secretary of Defense, the Secretary of the Treasury, and the Chairman of the Joint Chiefs of Staff each make a contribution on specialized aspects of foreign policy that is often more essential to the decision process than the generalized political "input" of the Secretary of State. The effort of the Department to label all important matters political, on the ground that a synthesis of these different elements is required, or to reduce them to a political formulation simply because governments are involved, is a transparent artifice to retain control. It is also a dangerous one. No President can afford to have his analyses of vital problems distorted to gratify the jurisdictional vanity of one department, or to have vital information filtered through a sieve of inexpert generalists.

Even when a Secretary of State enjoys the complete confidence of the President and plays a leading role in policy formulation, his Department does not necessarily partake of his influence within the Executive Branch. Much depends on the person stature and influence of the other members of the Cabinet. Not that the heads of other Departments and Presidential appointees are inherently rivals of the Secretary of State or are out to undermine him. On the broad outlines of foreign policy, they usually take great pains to defer to him. But in matters of policy execution the Secretary's pre-eminence as the President's principal adviser on foreign affairs is very largely a fiction for the very good reason that policy execution is action far more than words. The verbal notification, however skillfully phrased, is only the official message.

Even the State Department's authentic diplomatic function of representing the United States in negotiations and conferences is now often a formality. When the main ingredients of an agenda are military, economic, financial, technological, or legal, the harassed generalists of the Department can usually contribute so little in the way of substance that they are hopelessly dependent on the experts of other departments. If they try to play a more active part, the consequences are likely to be disastrous: a career diplomat will frequently trade off important technical advantages, whose significance escapes him, in favor of some ephemeral political advantage.

The most striking example of the Department's limitations in policy execution, however, is its lack of control over the overseas programs and activities that are now the real instruments of policy execution.

Since the end of World War II, the deployment overseas of large United States land, sea, and air forces has been both a major instrument of policy implementation and a source of involvement in foreign internal affairs. Our military and economic assistance programs—now chiefly centered in the less developed countries—are also important arms of policy and sources of overseas involvement. Covert assistance programs and the use of modern electronic and satellite technology for intelligence collection have enmeshed the United States in an ominous web of subterranean relationships with foreign government personalities and political factions. Even the anodyne public information function of the United States Information Agency has been broadened to include a technical assistance function aimed at helping shaky governments to program political broadcasts for strengthening their ties with disaffected rural areas.

Few of these programs and activities are under the operational control of the State Department. All the important ones are the statutory responsibility of other powerful autonomous departments and agencies. Many are the subject of special and sometimes complex legislation. Appropriations for these programs and activities are often hedged about with special requirements and restrictions, some of them specifically designed to protect them from outside interference or control.

President Johnson's directive of April, 1966, already mentioned, ostensibly endowed the Secretary of State with responsibility for the overall direction, co-ordination, and supervision of interdepartmental programs and activities overseas. In fact, the directive was legally powerless to affect the program responsibilities of the departments and agencies concerned, each of which is acutely conscious of its unique mission and prerogatives. At least two other agencies—Defense and CIA—are fully the equals of State in power and influence, not only within the Executive Branch but on Capitol Hill; while AID, USIA, and the Disarmament Agency, although nominally part of State, are in fact semi-autonomous organizations, with separate budgets, personnel hierarchies, and top-level management by energetic, independently-minded political appointees.

In theory, the Department of State has the authority and prestige to synchonize these multifarious activities and programs and make them conform to policy. Every overseas program of the other departments and agencies is subject to the Department's political guidance. But this guidance (usually furnished at "bureau level") is often general to the point of abstraction. Its formulations are difficult to apply to concrete program situations. Often the guidance is susceptible to such a wide range of interpretations that it justifies the most aberrant departures in program execution.

All too often, the Department's solution to this embarrassing anomaly is a tacit ar-

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rangement whereby acquiescence in the program decisions of other agencies is traded off for lip-service compliance with the Department's political guidance. This usually works until the moment when vital agency interests are engaged or when there are real differences of opinion on questions of policy implementation, at which time the compact tends to come apart. Since the Department cannot afford to endanger the Secretary's prestige by engaging his authority in every wrangle, the result is usually a disguised surrender, in which the program at issue is either redefined to bring it into conformity with policy, however it may diverge from or even vitiate that policy, or the policy is reformulated to provide room for wider divergencies.

The truth is that the growing complexity of the international environment renders not only the State Department but every other single agency of government incapable of coping with the full range of international problems. Today, these embrace every aspect of national life: internal social and economic considerations included. Consequently no statement of foreign policy goals can hope to make sense unless it takes into account two factors normally excluded from policy deliberations within the Department—the national resources available to carry out a policy and the domestic political climate. Yet up to now, the Department's guidance to both the White House and other departments has invariably assumed unlimited national resources and complete unanimity of public opinion, in defiance of contemporary economic and political reality. Such weighty factors as creeping inflation, racial unrest, deteriorating public services, an adverse balance of payments, mounting demands from the cities for federal dollars, and the obvious incapacity of the country to finance both an ambitious domestic program and a global security system are deliberately excluded from Department position papers. Nor are the master plans and grand designs drawn up by the deskbound Policy Planning Council ever tested against the prevailing background of public and congressional opinion.

The same narrow approach stultifies the implementation of policy. To cite only one example: The Communist and extreme left-wing threat to vulnerable countries of the underdeveloped world is not simply subversion, terrorism, and guerrilla warfare. It also involves the establishment of an underground political network, a shadow government, a clandestine system of taxation and financial levies, a propaganda campaign aimed at disaffected segments of the population, a system of internal conscription, and partial (but not necessarily total) disruption of certain (but not all) parts of the economy. It can only be defeated, or at least frustrated, by a carefully synchronized counter-insurgency program structured to fit local conditions and embracing such variegated elements as economic assistance, police assistance, military assistance, public information guidance, and covert activities. Since these elements necessarily depend on the contributions of different departments and agencies, there must be a single hand to manipulate the threads or they will start to operate at cross-purposes. Today, in Washington at least, this hand is absent.

III

It is the incapacity of the foreign affairs establishment, headed by State, to give active direction, or at least co-ordination, to the overseas programs of the rest of the government that has periodically led the White House to intervene in the policy implementation process, even at the cost of depriving the President of his Olympian freedom from operational detail.

Several approaches have been tried at one time or another. The first has been the creation of a White House foreign affairs staff. Dating back to Woodrow Wilson, and even before, some Presidents have placed heavy reliance on a personal foreign affairs adviser. Colonel House is one example, Harry Hopkins, McGeorge Bundy, and now Henry Kissinger are three others. Bundy and his successors have been provided with a staff, informally organized along regional lines, which has operated freely at every level of government.

The main advantage of the private adviser approach is the ability to obtain objective advice from a trusted confidant, who is unimpeded by departmental loyalties. The principal defect is that the more active and ambitious the adviser and his staff as a stimulus and catalyst for the rest of the government, the more they enfeeble institutional authority and induce over-reliance on the White House. Persons in government develop such an acute sensitivity to political power that proximity to the throne creates lines of magnetic attraction that utterly disorient normal centers of responsibility. This was the main reason why President Johnson sharply curtailed the power and latitude of the National Security Council staff after McGeorge Bundy's departure.

A second and less well known device for injecting the White House into the foreign policy decision process is the Presidentially-sponsored interdepartmental committee, usually established at Cabinet or sub-Cabinet level to handle major questions of national security policy. In theory the National Security Council exists for this purpose, but statutory membership requirements make it a cumbersome instrument for any purpose short of a major crisis. (It may be remembered that the Cuban Missile Crisis of 1962 was handled by an *ad hoc* Executive Committee of the National Security Council to keep deliberations small and secure.) There are four prominent examples of White House-sponsored interdepartmental committees in recent history.

The Planning Board and Operations Coordinating Board were established by the Eisenhower Administration for the express purpose of co-ordinating policy with overseas programs. Their interdepartmental organization borrowed heavily from the joint staff committee structure developed in World War II. However, the OCB soon mushroomed into a multi-layered structure of committees, subcommittees, and working groups in which co-ordination became an end in itself and the status report was raised to a fine art. One of President Kennedy's first acts in office was to abolish the OCB, on the grounds that the organization had become a "paper mill." The Planning Board was allowed to fall into desuetude.

In its time the OCB did, however, succeed in imposing some degree of co-ordination on the foreign policy process, and its abolition left departmental and agency programs disjointed and without common purpose and direction. President Kennedy was therefore forced to resort to several *ad hoc* arrangements to take up the slack, of which the first was the Special Group. This was a sub-Cabinet committee, chaired by the President's Special Assistant for National Security, which was established after the Bay of Pigs to keep the covert programs of the CIA in line with foreign policy. No attempt was made to place the Group under the chairmanship of State, since it was recognized that State was legally and morally incapable of controlling the CIA.

The second high-level interdepartmental committee established by President Kennedy was the Special Group (Counter-Insurgency). It was created in January, 1962, to supervise policy and co-ordinate overseas assistance programs aimed at countering the Communist and extreme left-wing insurgency threat to the underdeveloped world. Originally chaired by General Maxwell D. Taylor when he was President Kennedy's Military Representative, the chairmanship was later given to State. The Special Group (Counter-Insurgency) had its most successful period under the chairmanship of W. Averell Harriman, when he was Under Secretary of State for Political Affairs from 1962 to 1965. The Group's most vocal and energetic member was Robert Kennedy, who sat more as the President's brother than in his capacity as Attorney General. It was so effective, however, that Secretary Rusk regarded it as a competing center of power. At his insistence, the President abolished it after a *pro forma* review by an outside task force, and its functions were transferred to the newly created Senior Interdepartmental Group (SIG).

The Senior Interdepartmental Group (SIG) represented the final effort of the Johnson administration to achieve coordination of overseas policies and programs under the leadership of State. SIG's charter was similar to that of the Special Group (Counter-Insurgency), but without being confined to a particular kind of foreign policy problem. It was chaired by then Under Secretary of State Katzenback and met in State rather than in the White House—an important distinction—but its muscle sprang from its Presidential sponsorship. Unfortunately, SIG was an outstanding failure, owing to excessive paperwork, feeble chairmanship, and flabby staffwork—all the vices of the old OCB. SIG was abolished by President Nixon in February, 1969, and its functions were taken over by a new interdepartmental committee of Under Secretaries chaired by Under Secretary Richardson.

The virtue of the White House-sponsored co-ordinating committee, when properly managed, lies in its ability to refer troublesome interdepartmental differences to top-level mediation before positions have hardened to the point of becoming infected with the malignant virus of agency prestige. The committee technique can also produce prompt action on disputes over program execution that might otherwise remain bogged down in a bureaucratic impasse. The mere existence of such a high-level group is therefore a powerful stimulus to action, the alternative being exposure of low-level rigidity and red-tape.

The defects of the White House-sponsored committee are some derogation of departmental responsibility and a tendency to lean on the committee for decisions that should have been made earlier by each department. Moreover, all such committees, regardless of their imposing charters and brass-encrusted membership, suffer from intermittency. Sub-Cabinet officers and heads of independent agencies rarely have time to meet more than once a week. Each meeting last for an hour or two. Once a decision is made, responsibility for implementation and follow-up necessarily devolves on the officials and institutions whose inadequacies made the Group necessary in the first place. And the war council atmosphere tends to lull everyone into the comfortable delusion that well-staffed papers, decisively handled in Washington, are synonymous with effective solutions in the field. The high-level interdepartmental committee is therefore most effective when restricted to handling only important matters in which the issues are carefully defined in advance.

IV

None of these devices, alone or in combination, really gets to the heart of the matter. They grossly underrate the expanded scope of foreign relations and the interrelationship between domestic and foreign policy. They utterly neglect the peculiar structure of the Executive Branch, with its system of essentially independent departments and agencies, each endowed with a carefully defined mandate and set of statutory responsibilities. Innovations of far greater depth and ingenuity are necessary to make the foreign affairs establishment more responsive to Presidential needs.

There must first be complete acceptance of the fact that foreign relations are now a medley of social, economic, financial, strategic, ideological, and technological interrelationships in which the foreign and domestic elements are inextricably mingled. Second, all agencies of the Executive Branch, and especially the State Department, must recognize that the underlying forces in international relations take their shape, direction, and momentum from the evolution and interplay of societies—not from the political pronouncements of governments and foreign ministries. The traditional emphasis on intergovernmental relations must be discarded and the political side of foreign affairs viewed more as a reflection or manifestation of underlying trends than as an autonomous factor in its own right. Third, it must be universally accepted that the field of foreign relations transcends the jurisdictional scope of any single department or agency, and can only be comprehended and dealt with on a supra-agency level.

Ideally, the most satisfactory way of creating a unified entity capable of comprehending and dealing with the full range of contemporary foreign policy problems would be to terminate the separate agency responsibilities in the foreign affairs field and combine them under a single Department of Foreign Affairs. But it would require half a generation to prepare the ground for legislation of so sweeping a character. Hence, the only practical course is to reorganize the foreign affairs establishment within the framework of existing law.

A first step to revitalize policy planning by placing it under the control of the President's Special Assistants for National Security Affairs was taken by the Nixon administration in February, 1969. The next step should be to establish, by Executive Order, a permanent interdepartmental Foreign Affairs Council to make recommendations on key issues of foreign policy and the national security, and to resolve major interdepartmental problems concerning overseas programs and activities. The Council would consist of the heads of the principal departments and agencies of the foreign affairs establishment—State, Defense, Treasury, the Central Intelligence Agency, AID, and USIA, with other agencies represented *ad hoc* as necessary—and would be chaired by the President's Special Assistant for Security Affairs, now elevated to the new Cabinet post of Secretary for National Security Affairs. It would meet not more than twice monthly and would depend on a small staff and secretariat to keep its agenda important and meaningful, and to arrange for the implementation of its decisions.

The Staff and Secretariat of the Council would be composed of a cadre of career military and civilian officials drawn from every agency of government, supplemented by a diversified and rotating element of skilled professionals from civilian life and the staffs of Congress. The rotating element would be deliberately appointed on a political basis, (i.e., its adherence to the policies of the administration in power) so as to provide an organic link between the permanent bureaucracy and the electorate.

The two principal functions of the Staff would be national policy planning and the co-ordination of overseas programs and activities. In its planning role, the Staff would be particularly charged with weighing all the factors, foreign and domestic, that enter into the sound formulation of policy and making recommendations of both courses of action and allocation of resources. When refined and endorsed by the Council, these recommendations would be forwarded to the President and become the basis for major policy decisions and program actions. Under this system, the President's responsibility for actually making policy would remain undiminished.

In mission and organization, the departments and agencies represented on the Council would remain substantially the same as before, but with a few important modifications. State would continue to be the sole conduit for official communications with foreign governments. It would also continue to handle all routine diplomatic and consular business, and would dominate the formal and ceremonial aspects of intergovernmental relations, including representation on international organizations at non-specialized levels. The Secretary of State would not, however, be cast in the rôle of a policy advisor and program co-ordinator in areas beyond his competence.

As a corollary, the regular Foreign Service would revert to being an authentic diplomatic corps, much smaller in size and more selectively chosen. On the other hand, the Foreign Service Reserve would be expanded and diversified by offering open lateral entry at every level to well-qualified economic, financial, scientific, and legal specialists. Whether or not AID and USIA should be merged into State could be decided later, but all three agencies would gradually reduce their inflated corpus of foreign affairs generalists and replace them with specialists. Administrators would be confined to administration, in the sense of housekeeping and technical management. However, an orderly but flexible promotion system would be devised for each track of category, offering parallel routes to the top, and in special cases allowing transfer from one track to another. Ambassadors and Ministers would be drawn from every personnel track, from other agencies, from the Council's staff, and from private life. Corresponding organizational changes would be made in Defense, Treasury, CIA, and other agencies concerned with foreign affairs.

The effect of this reorganization would be to raise policy planning, assignment of resource priorities, and program co-ordination to a supra-agency level, and these would be the main responsibilities of the new Secretary for National Security Affairs and Foreign Affairs Council. Responsibility for program execution would, however, stay decentralized in the existing departments and agencies, as required by law. Skillfully managed, the Council and Staff would close the present gap between policy formation and program execution. If successful, the new system would provide the Presidents of the nineteen seventies with a foreign policy machinery capable of integrating all the diverse elements of statecraft into a coherent, unified whole and responding with delicacy and vigor to the exigencies of the times.

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The Culture of Bureaucracy: The Cost of Cowardice—Silence in the Foreign Service

(By William A. Bell, former Foreign Service officer)

In 1966, when the commitment of American ground forces in Vietnam took its greatest leap forward, criticism of U.S. policy became widespread among Foreign Service Officers, or at least among those stationed in Washington. A number of young officers, some of whom had been expressing their misgivings in private conversation, were called together at the Department for a briefing before setting out on campus recruiting trips. One of them asked the recruitment director what they should say to students who were interested in the Foreign Service but had qualms about the American role in Vietnam. The answer—in no uncertain terms—was that there is no place in the Foreign Service for persons who do not support this war. No one spoke.

At the beginning of the Dominican rebellion in 1965, U.S. Ambassador W. Tapley Bennett declined a request to moderate the rapidly growing dispute at a time when moderate leftists were still in control of the "constitutionalist" forces. Bennett's predecessor, John Bartlow Martin, states in his book *Overtaken by Events* that Bennett, having missed this chance at conciliation, probably had little choice but to bring in the Marines.

The book fails to relate, however, a scene in which Bennett summoned a large portion of his staff and told them that he was planning to call for help. After briefly describing the situation as he saw it, Bennett made it clear that U.S. military forces, if summoned, would be ordered to thwart the attempted revolution, not just "protect U.S. lives and property." He then asked his staff if there were any alternate views or proposals. No one spoke.

When John Bowling, a stimulating lecturer at State's Foreign Service Institute, suggested that flag desecrators were philosophically identical to the bomb-throwing anarchists of previous decades, and that draft resisters were unmanly and cowardly, not one of the Foreign Service Officers in his audience challenged the statement, despite Bowling's invitation to do so. After several moments of silence, Bowling himself finally felt constrained to express the other side of both positions.

If such examples lead to doubt as to whether Foreign Service Officers are capable of speaking out in a group situation, even when there is a clear invitation to do so, one can easily imagine the prevailing timidity in one-to-one conversations where there is a disparity in rank or bureaucratic authority. FSO's may proudly relate the vehemence with which they have rebuffed officers or other agencies—notably USIA and AID—but direct argument with one's superiors in State is not a generally accepted mode of conduct. Former Under Secretary of State George Ball enjoyed a reputation as a courageous devil's advocate on the subject of Vietnam, but anyone who opposed Ball's hard line vis-a-vis General de Gaulle had to be wary of the consequences. At least one senior officer with the temerity to play devil's advocate on this issue received word that the Under Secretary no longer desired to share the same room with him during policy discussions.

The State Department country director in Washington is the official perhaps most likely to take advantage of his colleagues' reluctance to force an issue. He tends to believe that his job—and his chances for career advancement—lies in maintaining a cordial daily relationship between the United States and Country X. He tends to turn aside any potential disturbance in this relationship, including those changes which could be in the long-run national interest. Unless he is an exceptional man, he is fearful that any such disturbance will adversely effect his reputation and career. Worse, he is probably right.

A desk-officer prerogative particularly prone to abuse is the power to cut off the flow of outgoing reports prepared by State's Bureau of Intelligence and Research, which is supposed to render judgments independent of existing policy considerations. This right of suppression exists for the alleged purpose of correcting "factual inaccuracies." But intelligence reports are often timed for release at an optimum moment. When desk officers withhold clearances of such reports temporarily, it reduces the unfavorable impact of views contrary to official policy.

The intelligence section of the State Department has few operational responsibilities; hence it is viewed by many FSO's as a kind of purgatory. For example, David Nes, who had the ill grace to tell the press and the Congress that he had warned the Department of the imminence of the 1966 Arab-Israeli war while serving as charge d'affaires in Cairo, was summarily assigned to the intelligence section until he chose to resign. A number of Foreign Service Officers in in-

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telligence are thus more interested in returning to "policy-making" than in arguing a fresh point of view before those with whom they may soon again be working.

THE HEART OF THE PROBLEM

The occupational diseases of desk and intelligence officers are, of course, only symptomatic of the personality characteristics impeding the State Department. Back in 1963, Dean Rusk told a Senate Government Operations Subcommittee that "the heart of the bureaucratic problem is the inclination to avoid responsibility . . . organization seldom gets in the way of a good man . . . if a man demonstrates that he is willing to make judgments and live with the results." Governor Averell Harriman has stated repeatedly that "good organizational machinery can never substitute for good people"—a disturbing thought when juxtaposed with his assertion that "regardless of the talent brought in on top, the backbone of the State Department is the Foreign Service."

Professor Chris Argyris, Chairman of Yale's Deparment of Administrative Sciences and a respected authority on organizational behavior, was unkind enough to write a report on "Some Causes of Organizational Ineffectiveness Within the Department of State." After attending three long sessions with senior officers, Argyris judged the norms of personal interaction among most FSO's to be characterized by "withdrawal from interpersonal difficulties and conflict; minimum interpersonal openness; mistrust of others' aggressiveness; and withdrawal from aggressiveness and fighting." In calling for a further study of the causes for such norms, Argyris suggested the distinct possibility that "the problem is primarily one of individuals who fear taking initiative, and not the system suppressing their initiative."

HIGH-RISK OUTHOUSE

A study like the one Argyris suggested might well begin with the Foreign Service basic training course for young men entering our diplomatice corps. In 1963, it was conducted by a senior officer whose constant (and sincerely expressed) maxim was: "Find out who Big Brother is—and knuckle under."

The usual defensive explanation for Milquetoastian behavior on the part of individual Foreign Service Officers is the promotion system. FSO's are fond of describing it as a high-rise outhouse, constructed so that each person—except for those at the very bottom—is subject to deposits from those above but can deposit in kind upon those below. Although this is hyperbole, this general view of the system is widely shared within the Department. Whether it is accurate or not, *belief* in its validity creates a formidable operating reality; it hardly encourages dissent with one's "superior."

A classic example occurred in Rome in the late 1950's, when an astute political officer boldly tried to convince the Embassy that the U.S. government should support the "opening to the left" in Italian politics and quietly bestow a blessing upon the proposed creation of a left-of-center government in place of the traditional conservatives. This officer pressed his views on the Ambassador and on influential U.S. officials back in Washington—at which point outhouse residents at the intermediate levels let fly with reports of "insubordination." The offender was on the brink of removal from the Foreign Service when the incoming Kennedy Administration decided to support the "opening to the left." Arthur Schlesinger, Jr., saved the State Department from losing that officer, who is now highly regarded.

Despite the outhouse symbol, there has been encouraging evidence that the personnel system is a paper tiger, that it will reward the dissenting activist rather than punish him. One of the new criteria for promotion of junior men is the officer's ability to suggest or embark upon untested courses of action. Close attention is now given to screening out biased personnel reports, and efforts are being made to see that the most demanding assignments are given to the self-starters. In order to shore up this system, the personnel officer jobs in Washington are now being manned by individuals with deserved reputations for tough-mindedness. There are numerous examples of initiative being rewarded by promotion to the higher ranks, perhaps the most notable being the rapid rise of William H. Sullivan, who recently completed a long and distinguished tour as Ambassador to Laos and is now Deputy Assistant Secretary of State for East Asia and the Pacific.

NO EXIT

If retribution at the hands of the personnel system is something of a bogeyman, are there other reasons why Foreign Service Officers so regularly prefer discretion to valor? One might begin with a look at the personal circumstances of the older officers. They joined the Foreign Service when the bulk of new officers came from gentlemanly schools and "nice" families. Later, they saw John Foster Dulles sacrifice some of their colleagues to Senator Joseph McCarthy. Many of these men now have children of college age; they are unlikely to take risks which they (rightly or wrongly) believe could jeopardize their jobs. And they are aware of a harsh fact about the Foreign Service: it trains in skills not readily transferable to other forms of employment.

Whimsical critics of the Foreign Service have suggested that only individuals with professional degrees or independent incomes be accepted into the ranks, on the theory that such persons are less likely to worry about the risks associated with outspokenness. It has also pointed out numerous times that the toughest fighter of all—"the old crocodile," Averell Harriman—never had to lose any sleep over where his next paycheck might be coming from.

Other factors that dull the cutting edge of senior officers include the personnel rating report and the transient nature of Foreign Service assignments. The rating report, which is no longer withheld from the officer being rated, requires detailed comment on the officer's abilities and characteristics, as well as the degree to which his family is, or is not, an asset. One officer, now retired, recalls his first post abroad well. One day he puffed up three flights of the Consulate steps to tell a superior about an incident which had just occurred in the city. He was somewhat out of breath when he told his tale. The subsequent rating report said that the officer "does quite well, in spite of a slight speech defect." Although this is an extreme and ludicrous example, it does have its point: only the most thickskinned officers can accept a lifetime of these reports, however ridiculous, without tending towards self-consciousness.

Smith Simpson's *Anatomy of the State Department* ascribes Foreign Service faintheartedness to the constant cycle of assignment and re-assignment, which encourages officers to think more about their future possibilities than about their present challenges. Regulations requiring automatic dismissal of those Foreign Service Officers repeatedly passed over for promotion, wise as those rules may be in some ways, create an extra measure of pressure toward conformity.

While the timorous nature of those officers who survive to seniority is perhaps understandable, younger officers often display the same attributes, and perhaps to an even greater degree. Far from brimming with ideas, most young officers are concerned almost exclusively with career advancement into areas of substantial responsibility. Given the nature of most jobs at the bottom of the ladder, this may not be surprising.

DISTILLED WATER

One of the most promising efforts at renovating the State Department has been the Open Forum Panel, originally created as an avenue for out-of-channel policy ideas that could be passed on to the Secretary. Rusk gave this Panel his firm endorsement and sent an open letter to all posts, urging the submission of ideas. The silence was deafening.

Of the 100 or so ideas received, almost all came from the three Department bureaus whose directors had asked their subordinates to "let 1,000 flowers bloom" by noon on Friday. The remaining handful came from five or six individuals who had received no such "request" from above. The most imaginative suggestions were submitted by senior officers. Secretary Rusk met twice with the Panel and approved several of the policy suggestions. *The New York Times* and *The Washington Post* wrote articles praising the creation of the Panel, and CBS sent Dan Rather to do a TV news cut on the subject. But the effervescence of long-frustrated ideas within the Department remained roughly equivalent to that in a bottle of distilled water. It was curiously unrefreshing.

The Junior Foreign Service Officers Club is another hotbed of intellectual dissent. There is a fair amount of militancy in this group, but the demands are exclusively in the personnel field. The club never discusses the policy issues which younger officers might handle if given the positions to which they aspire. In pressing for higher entrance salaries for junior officers, however, JFSOC did wangle one important statistic out of administrative files: the average raw score achieved by Foreign Service applicants on the standard entrance exam has been dropping notably since 1963. This trend is particularly disturbing because it has occurred at a time when the raw test scores of applicants for just about every other program in this nation are going up rapidly.

In considering the disappointing caliber of younger officers, it is necessary to visualize what the State Department looks like to today's applicant. The pay is adequate, but it is significantly below that available in most other jobs, including the Civil Service. The first several years of employment will probably entail mostly consular work, which can be (and in many instances is) handled by intelligent highschool graduates. The State Department expects its employees to work closely with military officials and employees of the CIA, with whatever hang-up that may entail for many college students. But more important for recruiting, of course, few college students are at ease with the Department's rationale for fighting a cruel war in Southeast Asia. In addition, the style of the present Administration is notably less exciting than that of its predecessors; the most important foreign policy responsibilities seem to have moved to the White House for good; and domestic problems are rising to the top of the nation's priority list anyway.

Thus, it seems likely that the State Department has already screened itself out of consideration by many, if not most, of today's brightest college graduates.

The second category consists of beneficiaries of the State Department.

Of those entering the Foreign Service, most fall into one of three categories. The first—and probably the largest—category is that of patriotic expatriates. Many former Peace Corps volunteers see the Foreign Service as a way of continuing to lead interesting lives abroad. Many Americans with foreign wives find the Foreign Service a means of avoiding the cultural and marital strains of forcing total 'Americanization" upon their wives and families. There is also a large number of Foreign Service personnel who get great satisfaction out of eating at foreign restaurants, shopping at foreign stores, employing inexpensive household servants, drinking tax-free liquor, and patronizing the natives of their post of assignment—all while paying off a mortgage on a house in Washington, which they can rent out at a profit and live in themselves during assignments back home.

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The third type of tenant into the Foreign Service is the one with a consuming interest in foreign affairs. George Kennan is possibly the most outstanding example of such a person, although there are other such dedicated and brilliant Soviet specialists, plus numerous experts in various geographic areas and functional fields. If the Foreign Service brings forth 10 such men a year, the shortcomings of the remaining officers can perhaps be disregarded.

TIRED NEW BLOOD

But the clammy atmosphere of the Foreign Service, combined with the highly responsible positions available outside (some in foreign affairs), acts to skim off many, if not most, of the most promising younger officers. The February, 1968, issue of the *Foreign Service Journal* contained an article entitled, "Is the Foreign Service Losing Its Best Young Officers?" The conclusion to be drawn from it is: "Probably so."

The three authors of this article (one of whom has since resigned himself) reviewed 57 questionnaires filled out by men who had entered the Foreign Service between 1960 and 1965 and had subsequently resigned. The authors found that the resignee differs in two ways from his colleagues still in the Service: "He is more likely to have a graduate degree, and . . . he is also more likely to be regarded as an above average officer by his superiors." There is, in the authors' view, "very strong evidence that the resignees do indeed represent the high-performance young men which the Service strives to attract and retain." The attrition rate for FSO's during their first five years of service has lately been about 20 per cent and is now rumored to be rising markedly.

Even more distressing, perhaps, are the reasons given for resigning. Low pay and dissatisfaction with supervisors were listed as of only marginal importance. Over half the respondents, however, gave as their primary reason for leaving either lack of challenge, or lack of long-range prospects for jobs of significant responsibility. Most of them listed "dissatisfaction with the personnel system" as an element, although not a major one, in their decision to resign. Of those who did mention personnel, the largest proportion (39 per cent) checked "pressure to conform" as a specific complaint.

This information inevitably raises some questions and doubts about those who remain in the Service. Are they more dedicated? Less employable elsewhere? More tolerant of mediocrity? Or mediocre themselves?

PRESCRIPTIONS

Unfortunately, cures for the Department of State have traditionally proved more debilitating than the original illness. However, this time around Secretary of State William P. Rogers has taken an important and constructive first step toward reform by calling for a Department open to innovation and debate. And Under Secretary Elliot L. Richardson has expressed uncommon interest in adjusting the machinery. These words must be followed up by specific measures.

The previously-mentioned Open Forum Panel has now shifted its attention to contacts outside the State Department, having found so little food for thought within. The Secretary should support the Panel in this role, if for no other reason than to display to the public and to prospective Foreign Service applicants a number of bright and aggressive young officers who believe that the Department can be a Better Place. The Panel should also continue to promote discussion groups and projects among the various Departmental bureaus. These sessions may not change policies overnight, but they are already breaking down inhibitions.

Dissenting opinions should be encouraged as a matter of official policy. Officers who have in the past written such opinions from posts abroad (including a report which predicted North Korea's invasion of South Korea) have found, upon arrival back in Washington, that their reports were suppressed or disparaged. Such forms of information management should perhaps be made a punishable offense.

In the long run, however, the Department of State will be a creative institution only if it directs its recruitment efforts toward men with proven leadership qualities. It will not be enough just to attract such officers; they must be given substantive jobs, not consular work, if they are to be retained.

Intellectual courage is hardly the sole criterion in seeking a Foreign Service prepared to promote our national interest. But given the various influences pervading foreign policy, such courage may be a prerequisite. During the McCarthy era, one Foreign Service Officer, in charge of a small consulate, received firm orders from Washington to remove certain works of literature from the shelves of the post library. Although outraged, the FSO weighed his personal interest against the national interest. He decided to comply with the order—against the advice of none other than an Air Force officer, his military aide. While superficially surprising, the implications are ominous.

CORRECTION OF COSPONSOR OF BILL

S. 11

Mr. BYRD of West Virginia. Mr. President, the name of the senior Senator from North Carolina (Mr. ERVIN) is indicated erroneously as a cosponsor of S. 11, to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

On his behalf, I ask unanimous consent that, at its next printing, his name be removed from the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER QUALITY IMPROVEMENT ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 226 AND 227

Mr. AIKEN submitted to amendments, intended to be proposed by him, to the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. AIKEN when he submitted the amendments appear later in the RECORD under the appropriate heading.)

ENROLLED JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore announced that on today, October 7, 1969, he signed the enrolled joint resolution (H.J. Res. 851) to request the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

THE ECONOMICS OF AGING

Mr. MUSKIE. Mr. President, the Senate Special Committee on Aging has been conducting an intensive study and hearings this year on the subject "Economics of Aging: Toward a Full Share in Abundance." Its purpose is to emphasize that a retirement income crisis exists in the Nation. This crisis has been caused partially by inadequate payments under our social security system and by limited protection under private pension plans. It has also been caused by severe and mounting costs for medical costs, inflation, and rising property taxes.

The Special Committee on Aging—under the leadership of the Senator from New Jersey (Mr. WILLIAMS)—has already conducted several hearings on major issues. As chairman of the Subcommittee on Health of the Elderly, I recently held hearings on the impact of inflationary health care costs upon the limited, fixed incomes of the elderly. One of the startling points made at that time is that medicare pays less than 50 percent of the medical costs of the elderly. The specter of financial disaster haunts too many other Americans who stand in need of health care or health products.

The committee has compiled testimony and studies which make an impressive case for far-reaching policy decisions and action on several fronts. The committee chairman, Senator WILLIAMS of New Jersey, recently wrote an article for the AFL–CIO Federationist which discussed the emerging issues facing America's elderly. I believe that his article is significant and timely. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ECONOMICS OF AGING: THE WIDENING GAP

(By Sen. HARRISON A. WILLIAMS, JR.)

Retirement income? That's for old people to worry about. Things are bound to be better by the time I am ready to start collecting my Social Security and whatever else I can get in the way of pension income.

Don't we now have Medicare to take care of heavy medical costs in old age?

And haven't we raised Social Security fairly often within recent years, and isn't another hike in view?

And what about private pensions? Aren't they improving, too?

And isn't there a lot of talk about some kind of guaranteed income for the elderly as well as for others whose incomes are far below certain standards?

These might be the attitudes and questions of today's middle-aged and younger workers when they give some thought to—or shrug off thinking about—their own economic security in later years.

The answer to all the questions above is yes. But this is a case where yes is not enough.

We also need to face up to certain hard facts about inadequate income among today's 20 million Americans over 65 and for all the millions more who will reach retirement age in the next two decades or so.

Fortunately, those facts are emerging. But

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they have not yet caused the alarm bell to ring throughout the nation. To help sound that alarm, the U.S. Senate Special Committee on Aging has begun hearings on "Economics of Aging: Toward a Full Share in Abundance."

That title springs from an excellent Task Force study which was issued before the first word of testimony was taken.

The idea of establishing a Task Force was to put together the "hard facts," and it was achieved. As no other document has done, the Task Force states the basic problem:

"Economic problems of old age are not only unsolved for today's elderly, but they will not be solved for the elderly of the future—today's workers—unless this Nation takes positive, comprehensive actions going far beyond those of recent years."

The Task Force also looks into the personal economics of individuals who—in the final decades of their lifetimes—discovered that fixed incomes and lifetime savings are either totally inadequate or barely enough for marginal life.

In short, a nation which established a Social Security system 34 years ago has not been equally inventive during affluent times in finding new ways to deal with a worsening retirement income crisis.

But to do that, we must first face the facts. The gap between the incomes of those Americans trying to make do on a retirement income and the incomes of younger people is decisive—and it's growing constantly. True, costs have risen for everyone since 1961, but for the elderly the figures are more startling:

The median income of families with an aged head of household in 1967 was only 46 percent of that for younger families, as compared to 51 percent in 1961.

A rise in earnings of 4 percent annually—a not unrealistic assumption in view of recent performance—means that consumption levels would approximately double in two decades, placing those on fixed income at a seriously deepening disadvantage in the marketplace.

Before we can hope to close the gap, we must recognize the magnitude of poverty among the elderly. Three out of 10 people 65 years or older—in contrast to one in nine younger people—were living in poverty in 1966. An additional one out of 10 of our aged population was on the poverty borderline.

Of older people living alone or with nonrelatives in 1967, half had incomes below $1,480; and one-fourth had $1,000 or less. Six out of every 10 among widows and other women living alone were well below poverty levels.

Yet many of these people did not become poor until they became old.

Worse, the situation will deteriorate in the years ahead. The Task Force pointedly warned that low income in old age is *not* a transitional problem that, given present trends, will solve itself. Among the reasons for believing that the problems will actually *worsen:*

Our "Older Americans" are getting older. More than 50 percent of those past 65 are now 73 or older. The population 85 and older may double by 1985. As average old age rises, so does the strain on already slim retirement income.

And, as advanced age further curtails already limited earnings opportunities, a major source of retirement income is reduced markedly. Employment is still the largest single source of income for the aged group, despite the fact that four out of five older persons are not in the labor force and that one in five tends to concentrate in part-time and low-paid jobs.

Assets are reduced or exhausted as years pass. Home ownership may become especially difficult.

Health costs are an ever larger problem, too, despite the blessings of Medicare—which met only 35 percent of all health care expenditures for the aged during its first year.

Inflation takes its toll. An annual rise of only 2 percent will reduce the purchasing power of fixed incomes by 18 percent after one decade and by 33 percent after two decades.

Today's workers are not equipping themselves to face the growing chasm between their present earnings and their retirement incomes. "Most people agree that they should save more heavily for retirement," one authoritative witness told the Task Force, "but most people fail to do so."

The Task Force expressed much the same thought when it reported: "The margin for saving—the excess of income over consumption expenditures—has been small for most families during most years of the worklife, especially for workers in the less skilled occupations.

"In addition, with an outlook for sustained economic growth," the Task Force said, "how realistic is it to expect today's workers voluntarily to forgo consumption in order to save for the years ahead when this requires that they significantly reduce their present standard of living to provide adequately for an uncertain and 'distant' old age?"

Some thought should be given to today's middle-aged head of household—struggling to pay off his mortgage, provide a good education for his youngsters and perhaps contribute to the support of a parent. All the time he is doing this he is also keeping up with the Joneses in our expensive or modest suburbs. Here is a man who probably gives little thought to his own security in later years.

Perhaps he thinks that "things will work out" even if he can't put aside savings of his own. But here again the Task Force gives him little comfort, and several projections:

Of families retiring in the next 15 years, it has been projected that almost 60 percent of those with preretirement earnings between $4,000 to $8,000 will receive pensions of less than half these earnings.

Projections to 1980 indicate that about half the couples and more than three-fourths of the unmarried retirees will receive $3,000 or less in pension income. And these projections use relatively liberal assumptions with respect to increases in private and publice benefit levels.

The same projection found that more than two-thirds of retired couples could be expected to receive less than $3,000 in Social Security benefits in 1980.

Even under earlier projections, now known to be too optimistic, only one-third to two-fifths of all aged persons in 1980 are expected to have income from private group pensions.

In addition, private pensions cover less than half the work force and this coverage is concentrated among higher paid workers; those in the greatest need will be least likely to receive these pensions.

Early retirement is a developing trend that could seriously impede attempts to improve the income position of future aged populations. In recent years, more than half of the men retiring have done so before age 65.

Speaking for themselves in letters since the Task Force made its report, the nation's elderly show that their findings about the realities of life today and the prospects for tomorrow are closely akin to what the Task Force has discovered.

Here are a few excerpts from letters written by elderly Americans who tell what it means to live in old age on fixed incomes in a land of abundance. From Pitman, N.J., comes this commentary from a man who had to retire because of a health problem a few years ago:

"There is only my wife and I, and the Social Security pension for both of us amounts to only $1,920 a year, and from this amount we have to pay real estate taxes—water and gas and electricity—and for fuel oil. After these items have been taken care of we eat from the meager amount remaining. We cannot afford three full meals each day so we manage on one good meal. The prices of meat are outrageous and to have a roast or steak once a week is beyond our reach."

A man from Alhambra, Calif., says much the same:

"I am 76 years old. I retired 10 years ago with my home paid for, and no debts. After 10 years my property taxes have doubled. Every service and general living costs have skyrocketed and medical and doctor and hospital costs are as near to robbery as a cost can get: $600 for removing a cataract from one eye; almost $400 for the hospital (my wife had the operation). We fixed income people are in trouble."

And, from a 76 year-old woman who lives in Swarthmore, Pa.:

"I am one of those elderly people, living alone, who has become poor since becoming old. Unable to work any longer, I am trying to get along on my Social Security of $55 per month income, besides drawing a few dollars from a fast-dwindling nest egg in the bank and an occasional fee from private French teaching and some babysitting, to meet the ever increasing cost of living. I am, however, aware of the fact that some elderly people are worse off than I, and for those drawing less than $80 or $100 a month, the name of Social Security has become a paradox indeed."

The message is similar in the other letters I have received within recent weeks. Older Americans are worried and many of them are angry about economic problems over which they have very little control.

They have left the labor force, either voluntarily or involuntarily.

They have seen their limited resources dwindle.

For their sake and the sake of others who face the same future unless a national program for action is designed and fulfilled, we need now to build upon the foundation the Task Force has provided.

That program for action is next step forward for all of us who are concerned about the Task Force findings. For its part, the Committee on Aging will continue its hearings and offer its final recommendations early enough—it is hoped—to have some effect upon congressional action on Social Security legislation late this year or early in 1970.

Several major fields of inquiry have already emerged, and each should receive exhaustive consideration:

We should dig more deeply into the intense and deepening income maintenance problems of widows—an especially disadvantaged group.

Health needs and rising medical costs should also be examined in depth. Health care expenditures for the elderly are about three times the average for younger persons.

As already indicated, many elderly homeowners have special problems. Real property taxes are matters for local decision, of course. But there may be room for Federal-State-local cooperation once the facts are more fully explored.

Employment opportunities in later years should be broadened.

The trend toward earlier retirement should be examined. It is startling that within recent years more than 50 percent of male retirees have claimed reduced Social Security benefits before the traditional age of 65. Among those men are many who are most in need of an adequate Social Security income, but they often must settle for less earlier in life simply because they have no alternative.

Older workers face reduced employment opportunities with advancing age, and quite often they are "old"—in terms of reduced earning power—long before they are eligible for Social Security. Older members of minority groups are especially hard hit. What should they do while waiting for age 62 or 65?

And of course, additional questions along the same line come easily to mind.

Should general revenues be used to broaden Social Security protection? If so, how can they best be used?

What incentives can be provided to make private pension benefits more readily available to low-income workers?

Should a guaranteed annual income be provided to low-income retirees in order to relieve the Social Security system of providing better coverage for those who now have low benefits or none at all?

Would a constant purchasing power bond be helpful to those who *can* afford savings?

The Committee on Aging is obviously grappling with issues far more complex than the question of whether the next Social Security increase should be 7, 10 or 20 percent more. And it should be clear that even the most ingenious cost-of-living escalator plan for Social Security benefits won't do the job.

What we need is a willingness to realize that the elderly must be regarded as more than a welfare group deserving of only the minimum in terms of income and enjoyment of life.

And we must have new ideas for the next steps that must be taken by government, unions, employers and individuals planning for their own future.

The "Economics of Aging" is everybody's business, and everybody has a stake in the Task Force declarations and the Committee's explorations.

THE TASK FORCE

To prepare for its hearings on "Economics of Aging," the Senate Special Committee on Aging assembled a Task Force to prepare a preliminary working paper on major issues. That paper has served as the backbone for the continuing inquiry into the subject.

Miss Dorothy McCamman, former Assistant Director of Program Research for the Social Security Administration, served as consultant for the study.

The Task Force members are:

Juanita M. Kreps, Ph.D., Professor of Economics, Duke University.

Agnes M. Brewster, consultant on medical economics.

James H. Schulz, Ph.D., Assistant Professor of Economics, University of New Hampshire.

Harold L. Sheppard, Ph.D., staff social scientist, W. E. Upjohn Institute for Employment Research.

ESCALATING COSTS OF POLITICAL CAMPAIGNS

Mr. **INOUYE**. Mr. President, as chairman of the Democratic senatorial campaign committee, I have become increasingly aware of the rapidly escalating costs of political campaigns—particularly due to the influence and cost of television. As I have become increasingly aware I have also become ever more concerned with the effects of this high need for funds on our political processes. It is for this reason that I cosponsored S. 2876, the Campaign Broadcast Reform Act. Early action on this bill is clearly in the public interest.

In support of early action on the proposed legislation, I invite the attention of the Senate to an article written by David S. Broder, a well-known and highly respected political writer, and published in the Washington Post of September 30.

I ask unanimous consent that the article, entitled "Effort To Reduce TV Costs for Candidates Is Gaining," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EFFORT TO REDUCE TV COSTS FOR CANDIDATES IS GAINING

CAMBRIDGE, MASS.—There are signs at last that effective action may be taken before the next campaign to make the public airwaves a channel instead of a barrier to better public understanding of the issues and personalities in the election. Strong bipartisan support is developing for practical proposals to reduce the cost and increase the availability of radio and television time for candidates for Congress and the presidency. If President Nixon and the Democratic congressional leaders throw their weight behind the effort, there is no reason why the necessary legislation cannot become law in time for the 1970 election.

Early this month, 38 senators and 34 representatives introduced a bill, drafted by the bipartisan National Committee for an Effective Congress, to permit Senate and House candidates to buy substantial blocks of TV time at 20 to 30 per cent of the normal commercial rate.

In a report to be issued today, the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era will endorse a similar approach, using a mixture of public and private funds for reduced-rate purchase of airtime for both congressional and presidential candidates.

Both recommendations are aimed at curbing the terrible inflation of campaign costs that has resulted from the increased dependence on television as the prime medium of political communications. Both would—the 20th Century Fund plan more directly than that of the NCEC—also tend to shift the emphasis in political television to longer programs, where issues can be discussed intelligently, and away from the one-minute "spots," where candidates are necessarily merchandised like bars of soap.

The need for action is evident. The Federal Communications Commission reported in August that campaign broadcast costs jumped 70 per cent from 1964 to 1968. Largely because of this, the cost-per-vote of campaigning has risen far more rapidly than the general price level in the past years.

Unless action is taken by Congress, the cost will continue to rise, limiting meaningful political debate and competition and making every candidate even more dependent than he is not on the large contributors needed for these incredibly expensive campaigns. Mr. Nixon spent $12.5 million last year on TV and radio, according to FCC figures, and it cost Hubert Humphrey $6 million just to lose.

Appearing recently on "Face the Nation," FCC Commissioner Nicholas Johnson said it was "absolutely preposterous" that privately owned broadcasting stations, which make large profits from the use of the public airways, are permitted "to hold up elected public officials" and candidates for public office "and make them pay to get time" so their constituents can hear their views.

His outrage is shared by many of those public officials, who found themselves spending much of their campaign time and energy last year raising money to enrich the owners of television stations.

After careful study, both the NCEC and the Twentieth Century Fund panels are recommending that Congress require the stations and networks to reduce their rates for specified amounts of airtime for the candidates.

The NCEC bill applying only to congressional candidates has been endorsed by the new Senate Republican leader, Hugh Scott; by the Democratic national chairman, Sen. Fred Harris; and by such leading Democratic figures as Sens. Edward M. Kennedy, George McGovern and Edmund S. Muskie.

The Twentieth Century Fund plan, covering both Presidential and congressional campaigns, is the unanimous recommendation of a five-man commission including Newton Minow, the Democratic chairman of the FCC from 1961 to 1963, and Dean Burch, Barry Goldwater's 1964 manager and the man just nominated by Mr. Nixon as head of the FCC.

With such broad and influential support, these practical solutions to one of the most serious problems of political communications and campaign financing could well become law next year. Their success would be assured if Mr. Nixon and the Demorcatic congressional leaders were to make an early commitment of support.

It is not often that an opportunity is available for leadership in a cause so clearly in the interest of the public and so clearly in the interest of every man who wants to believe that politics can still be an honorable profession.

THE PESTICIDE PERIL—LXII

Mr. **NELSON**. Mr. President, the fine publications sponsored by our country's conservation organizations have been on the forefront of informing concerned citizens regarding the threat to our wildlife and our total environment from persistent pesticides.

The August–September issue of National Wildlife Magazine includes an editorial which expertly outlines the pesticide issue. Like so many other accounts, the editorial reports on the growing evidence of fish and wildlife destruction from DDT and related pesticides and on the buildup of pesticide residues in man. In the face of this rapidly accumulating data, the editorial strongly states:

> The widespread use of DDT should be halted immediately unless its safety can be proven.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR POINT OF VIEW, DDT THREATENS YOU!

(By Ed Chaney, Director, Information Services)

Thousands of tons of DDT have been ladled onto lands surrounding Lake Michigan over the past 20 years to combat real, and sometimes imaginary threats from a variety of creepy crawlies.

This perennial application contains poison that moves freely from place to place and retains its toxicity for a guesstimated half century or more. Yet it has become an accepted method of dealing with pests. And over the years—via wind, water and soil—DDT has washed into Lake Michigan from farms, orchards, mosquito swamps, elm-lined streets, flower beds and even from mothproofing by dry cleaners.

Occasionally, someone would wonder at the scarcity of robins after the community elms were doused with DDT to fight Dutch elm disease. Once in a while a few unexplainably dead fish would appear in a nearby creek. And sometimes an article claiming DDT was eating the livers out of eagles and ospreys would turn up on the back page of our paper.

"SILENT SPRING" SILENCED

But compared to the commotion over the surtax, the ABM and getting Johnny ready for graduation, these isolated incidents seemed of little concern to most people. Dr. George Mehren, former Assistant Secretary of Agriculture, summed up the tenor of the times in a statement to a congressional committee in 1968, ". . . the hysteria associated with 'Silent Spring' has effectively subsided."

But then it happened! The Food and Drug Administration put the grabs on more than

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10 tons of Lake Michigan coho salmon en route to family dinner tables. The salmon contained up to 19 parts per million DDT—almost three times the maximum allowed in beef sold for human consumption. Suddenly, the fundamental relationship of DDT to man's position at the top of the natural food chain became an exciting topic of conversation for folks living in the Great Lakes area.

The coho seizures added fuel to the smoldering coals of Rachel Carson's best seller which had already been furiously fanned by a group of citizens and scientists banded together in the "Environmental Defense Fund." Attempting to ban DDT as a water pollutant in the state of Wisconsin, EDF paraded an impressive array of scientists through the national press damning DDT as a heinous, uncontrollable global pollutant.

Reaction to the contaminated coho impoundment was quick. Lacking an established tolerance level for DDT in fish, Secretary Robert Finch of Health, Education and Welfare, quickly set a temporary standard of five parts per million. He also established a commission to study the situation and present recommendations within six months.

HOT COHO

State and Federal fishery biologists predicted DDT levels in this year's crop of Lake Michigan coho would reach that five parts per million by mid-summer and several times that concentration by fall. Because growing fish concentrate DDT in their tissues, biologists hold out little hope that millions of pounds of valuable fish will be safe for consumption by the end of summer. The United States Bureau of Commercial Fisheries also warned that DDT levels in the lake are so high that reproduction of lake trout, salmon and other species may be in real danger.

Visions of DDT scuttling the $200 million Lake Michigan coho salmon fishing industry brought prompt reaction from the governors of the states surrounding Lake Michigan.

They met and declared there was no immediate DDT health hazard in Lake Michigan. Then they set up several committees to study the problem to see if a tolerance level of 20 parts per million DDT would be safe for humans. (Nobody knows what a really safe limit is. Whether it is 1, 5, 20 or 100 parts per million is an arbitrary judgment.)

Illinois Governor Richard B. Ogilvie announced his intention to continue drinking Lake Michigan water and eating coho salmon.

The Michigan Department of Agriculture "banned" DDT in April. This "ban" was analogous to slamming the barn door behind a horse thief and giving him several years to get out of town since it allows unlimited quantities of DDT to be sold and used in Michigan if the chemical was in transit from the manufacturer by June 27. Consequently, new, home-grown DDT will continue to pollute the air, water, soil, wildlife and people of Michigan for a long time.

It is a disturbing, spooky fact that no one really knows what effects, if any, DDT has on humans. Some eminent scientists maintain it may be difficult, even impossible, to find out until incalculable damage has occurred and it is too late to do anything about it.

CARRIES 12 PARTS PER PERSON

We do know the average American carries around approximately 12 parts per million DDT in his body. Man gets an estimated 90 percent of his DDT from food. We also know it is passed on to the human fetus via the mother's placenta and a nursing mother's milk generally contains more DDT than is allowed in milk you buy at the store.

Laboratory experiments with various animals have shown DDT attacks the central nervous system, upsets body chemistry, distorts cells, accelerates gene mutation, reduces drug effectiveness and affects calcium absorption by the bones.

Hungarian experiments with mice emphasized DDT's cancer-producing potential, and that country recently banned its use. These carcenogenic properties were confirmed by a recent controversial six-year study by the National Cancer Institute which found DDT in mice did cause tumors, most of which ". . . had malignant potential."

A pharmacologist with a leading drug firm says DDT has a deleterious effect on rats' sex hormones, which are essentially the same as man's. Further, the amount of DDT necessary to produce that effect ". . . is well withtin the range of DDT found in human fat."

All this growing, damning evidence does not *absolutely prove* DDT is having or might have the same effects on the human animal. But Dr. Wayland Hayes, past chief of the Public Health Service toxology section, has said, "In considering the safety of workers who formulate DDT, we must depend largely on animal experiments."

Unfortunately, the evidence damning DDT as a potential threat to mankind, all the laboratory experiments, state and Federal study groups, commissions and exploding public concern, may have little impact.

IT'S BIG BUSINESS

The manufacture of DDT is a $20 million a year business, and pesticide manufacturers also fear the fight over DDT will carry over onto its persistent chlorinated hydrocarbon relatives, heptachlor, lindane, aldrin, endrin, dieldrin, and chlordane which constitute a big part of the industry's $1 billion annual sales.

The pesticide lobby is powerful, experienced and at the slightly disparaging word aimed at DDT, industry spokesmen trot out an impressive array of truths extolling its virtues in fighting disease organisms and agricultural pests throughout the world. No one contests these truths.

But there are substitutes for DDT in the form of safe non-persistent insecticides. Insect sterilization offers much hope for counteracting certain pests, and research has been stepped up on insect predators.

But DDT's apologists continue their campaign that DDT is indispensable to the welfare of mankind and get away with it. They know from past experience that the public's memory is short and the people who make the laws and buy the products don't read history books. The decisions will be made behind the scenes.

Agriculture committees in state and Federal government are almost universally dominated by farm and pesticide-oriented legislators. These committees are commonly considered rubber stamps for all but the most offensive industry pleas and graveyards for regulatory bills.

DDT's proponents seem willing to write off the growing list of threatened wildlife including the bald eagle, osprey, peregrine falcon, eider duck, bermuda petrel, brown pelican and even the sportsman-revered mallard duck. During the EDF hearing in Madison, spokesmen for the National Agricultural Manufacturers Association said, ". . . the damage is not as severe as conservationists claim." One of their arguments is that "DDT inhibits the reproduction of birds . . . but these are primarily birds of prey, and very small numbers are involved." And, "A person whose thing is studying the peregrine falcon is concerned only about every little thing that might happen to his bird."

CAN'T PROVE HUMAN EFFECTS

When the question of DDT's possible effects on humans is raised, their answers boil down to "prove it." Despite the overwhelming, growing scientific evidence that portends frightening effects on man, DDT's fans are willing to gamble. And they have graciously volunteered the rest of the world.

The already dangerous and climbing levels of DDT in the food fish of Lake Michigan may be a grim hint of what is to come. Even if not another ounce of DDT were applied anywhere in the world beginning today, some experts guess it would be at least 25 years before the concentrations in the environment begin to level off. However, researchers have revealed a great deal of variability in the chemical's persistence depending upon local conditions.

Our exploding technology now keeps some men alive with artificial hearts and puts others on the moon. What unknown secrets will we discover about the 12 parts per million DDT we all carry in our bodies? At this level, the FDA would rule the average American unfit for human consumptions.

John Gottschalk, Director of the Bureau of Sports Fisheries and Wildlife, said, "What is happening in Lake Michigan is an indication of what to expect elsewhere. There will be a day, and it may not be until the year 2000, when *we* are the coho salmon."

The widespread use of DDT should be halted immediately unless its safety can be proven.

THE INDIANS OF ARIZONA

Mr. GOLDWATER. Mr. President, I invite the attention of the Senate to an interesting development that is taking place among the Indian people of Arizona.

First of all, few people realize how the Indians dominate the land mass of Arizona and how this State is truly the Indian center of the Nation. Of 50 million acres of land held in trust for the Indians, 20 million, or roughly 40 percent, are in Arizona. Of the 400,000 Indians served by the Bureau of Indian Affairs, 120,000 live in Arizona; and in addition to the 120,000, many urban Indians have cut their ties with the BIA and are living as ordinary citizen in our State.

These 120,000 Indians live on 19 different reservations in our State, and in times past much has been written and said about the plight of the Indians and many solutions to many problems have been proposed to help them. However, in the last few years an interesting development has taken place on these Indian reservations, and they are now becoming the center of attraction for major industrial developments.

At the present time, there are seven industrial parks in various stages of planning and operation located on Indian reservations in Arizona. All of the Arizona tribes except the Navajos, who are large enough to have their own very active industrial development program, have formed what is called the Indian Development District of Arizona which is actively and successfully pursuing the attraction of industry to these industrial parks. Industrial leaders across the Nation are finding that the Indians make excellent employees and that their absenteeism is at least average and in many times below that of industrial employees in other parts of the Nation. They are finding that the Indians are very adept at learning new skills, and they are also finding that there is a very large untapped labor supply on the Indian reservations in Arizona.

Almost all of the industries that have settled on the reservations in the last few years are extremely pleased, and these industries range from one small plant with

11 Indian employees to one electronics firm which employs over 1,000 Indians on the reservation.

I bring these facts to the attention of the Senate because it shows that the Indians of Arizona have begun to take the initiative in their development, and it shows the cooperation that can be brought about between Indians and non-Indians in economic development endeavors.

True, there are many real estate tax advantages to those plants built on the reservations; but when an Indian is employed, he is transformed into a more self-supporting citizen with an increased income giving him some of the better things of life. Also, as each one is employed, many of them come off the relief rolls and are made self-sustaining citizens of our State and our Nation.

And so, Mr. President, I would like to focus the attention of the Senate today on the outstanding progress being made by our Indians; and even though this is a small beginning, the roster of industries settling on our reservations is beginning to read like a "Who's Who of American Business Today." As a Senator representing the great State of Arizona, I would like to extend an invitation to all of American industry to inspect the facilities and the advantages of working with the Indians in Arizona.

CONCERN FOR FOREIGN AID PROGRAMS

Mr. McGEE. Mr. President, as one who has long supported, both in principle and fact, the Nation's foreign aid programs, I have become concerned with the attitude which leads to a lessening of our efforts in this field. It is a subject of no little complexity and embraces other nations as well, as a report which appeared in the Washington Post of Sunday tells us.

That report, excerpted from the report of the Commission on International Development headed by former Canadian Prime Minister Lester B. Pearson, deals intelligently with the flagging support for international aid and makes the point that the stagnating volume of aid and the hardening of terms occur at a time when developing countries have greatly increased their capacity to use outside assistance efficiently. These opportunities are met with obstacles that must be overcome by effective integration of aid, trade and investment policies, the report concludes.

The document, both in its entirety and in this condensation, deserves attention. I ask unanimous consent that the excerpted report published in the Washington Post be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

FOREIGN AID

(Excerpted, by permission of Praeger Publishers, Inc., from "Partners in Development: Report of the Commission on International Development" headed by Lester B. Pearson, former Prime Minister of Canada.)

The widening gap between the developed and developing countries has become a central issue of our time. The effort to reduce it has inspired the nations left behind by the technological revolution to mobilize their resources for economic growth.

It has also produced a transfer of resources on an unprecedented scale from richer to poor countries. International cooperation for development over the last twenty years has been of a nature and on a scale new to history.

The transfer of resources that gave substance to this international cooperative effort began after the war and increased rapidly in the late 1950s. By 1961, almost $8 billion, or nearly 1 per cent of the gross national product (GNP) of the high-income, noncommunist nations, was flowing into low-income nations. There were also additional transfers from the Soviet Union and other Communist countries.

Though after 1961, the total flow failed to grow as rapidly as the economies of the wealthy nations, the absolute level did steadily increase until by 1968 it had reached a total of $12.8 billion in public and private resources from the noncommunist countries alone.

The experience which we have gained in the last two decades bears out the premise—and the promise—of the effort that has been made. Economic growth in many of the developing countries has proceeded at faster rates than the industrialized countries ever enjoyed at a similar stage in their own history.

The fears that economically underdeveloped parts of the world were incapable of growth, or that their political problems would be so great as to preclude any economic advance, have proved to be unfounded. Many of the developing countries have shown themselves capable of a major development effort.

A SPIRIT OF DISENCHANTMENT

However, international support for development is now flagging. In some of the rich countries, its feasibility, even its very purpose, is in question. The climate surrounding foreign aid programs is heavy with disillusion and distrust. This is not true everywhere. Indeed, there are countries in which the opposite is true. Nevertheless, we have reached a point of crisis.

The question which now arises is whether the rich and developed nations will continue their efforts to assist the developing countries or whether they will allow the structure built up for development cooperation to deteriorate and fall apart. The signs are not propitious.

In the last years of this decade, the volume of foreign official aid has been stagnant. At no time during this period has it kept pace with the growth of national product in the wealthy nations. In fact, the commitments by the United States, which has been much the largest provider of aid funds, are declining. There, and in some other developed countries, we have encountered a spirit of disenchantment.

Some of this is due to the fact that attitudes in donor countries often have been affected by misconceptions and unrealistic expectations of "instant development" when we should have known that development was a long-term process. There has also been strong criticism of waste in the use of aid in the developing countries and complaints that aid activities lead inevitably to entanglement in political conflict and military hostilities in which recipient countries may become engaged.

COMMITMENTS AT HOME

A good deal of bilateral aid has indeed been dispensed in order to achieve short-term political favors, gain strategic advantages or promote exports from the donor. Much foreign aid was granted in the 1950s to enable some countries to maintain large armed forces rather than to promote economic growth. In none of these cases was the promotion of long-term development a dominant objective of the aid given.

It is hardly surprising, therefore, that hopes of satisfactory development progress were disappointed or that aid given as "defense support" has on occasion led to greater involvement in a deteriorating security situation affecting the recipient country. Nor is it surprising, either, that there should often have been criticism because of misconceptions of what this kind of aid was meant to achieve.

There has also been a lessening of support for genuine development aid, in part at least due to the increasing complexity and seriousness of domestic problems—the deepening commitments to abolish poverty and deal with such questions as civil rights, economic discrimination and urban and environmental problems.

It is not only among the developed countries that the climate has deteriorated. On the developing side, too, there are signs of frustration and impatience. In much of the developing world there is a sense of disillusion about the very nature of the aid relationship.

Our travels and studies have convinced us that we have come to a turning point. On all sides we sense a weariness and a search for new directions.

The period of development cooperation began with a number of presuppositions on both sides. Some—as we have seen—were unrealistic and unfortunate. Development was often seen in new nations as the economic continuation of the political struggle for independence; as an important means of creating a new national identity or of breaking old and restrictive ties. The elimination of alien rule was thought by many to open the way to early and easy prosperity.

The nature of the obstacles which stood in the way of quick results, or the decisions which had to be taken to achieve any results at all, were not always understood. The need for export growth was underestimated, agricultural development was usually neglected. Development was also too often only seen as a consequence of decision-making at the top. The vital need to bring about mass participation in development was at times sacrificed to the enrichment of special groups or individuals.

Donors and recipients alike tended to view the modernization and development of low-income countries as an attempt to repeat the Industrial Revolution in quick time. They focused inordinate attention on individual investment projects and relatively little on the causes and results of stagnation.

Recipients as well as donors also tended to expect too much too soon from aid supplementing the national development effort. A dramatic change in the lives of hundreds of millions of people was expected from a relatively modest flow of resources, much of which was offset by unfavorable trends in the terms of international trade.

WORKING FROM WITHIN

The understanding of these problems, however, has grown. Past approaches have been modified and coordinated and better results are being secured. The developing countries have more and more come to recognize that their economic policies must look outward and strive for competitive strength; that agricultural growth is indispensable in order to raise levels of living for the large majorities of their populations and to provide markets for their growing industries.

The most cumbersome controls have been relaxed, and much more attention is paid to the mobilization and a location of resources through incentives to individual effort. Above all, it is realized that development must come from within, and that no foreign help will suffice where there is no national will to make the fundamental changes which are needed.

It has become very clear that the impact made by the contribution of resources from outside depends on the efficiency with which

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the recipient uses his own resources and on his overall economic and social policy. Both sides have learned that cooperation for development means more than a simple transfer of funds. It means a set of new relationships which must be founded on mutual understanding and self-respect.

Good development relations also require the acceptance of a continuing review of performance on both sides not dominated by either the donor's or the recipient's immediate political or economic interests or pressures. Aid to be effective, requires less uncertainty and more continuity than is often the case today. It cannot be disrupted or cut off without harmful results to the recipient's capacity to plan for the future.

Wealth does not entitle a rich and powerful country to dominate another country's national life as a consequence of the aid it may have given. On the other hand, it is impossible for any country to transfer public funds abroad without being able to satisfy its citizens that these funds are being effectively used to reach acceptable development goals and that the receiving countries are making strong efforts of their own to improve their situations. The "development relationship," which is at the heart of efficient aid policy, must be based on a clear division of responsibilities which meet the needs of both partners.

In recent years, the volume of aid has stagnated, the terms have hardened and the conditions have become more restrictive. This is happening at a time when the success of many developing countries has greatly increased their capacity to utilize additional resources effectively. To overcome the obstacles and take advantage of the opportunities for further growth will require that aid, trade and investment policies are integrated in a single strategy which rests firmly upon the performance of the developing countries themselves and the sustained commitment of the richer countries.

INDUSTRIAL UNION DEPARTMENT OF AFL–CIO SUPPORTS U.S. RATIFICATION OF HUMAN RIGHTS CONVENTION

Mr. PROXMIRE. Mr. President, a great deal of concern exists over the longtime failure of the Senate to act in the important area of human rights.

As I speak again today to urge the ratification of Human Rights Conventions on Forced Labor, Genocide, and Political Rights of Women, I refer to a statement by Jacob Clayman, administrative director of the AFL–CIO Industrial Union Department. It was made at the Dodd subcommittee hearings in 1967 and is worthy of recall. He said:

> There's a concern among workers that our nation assume its rightful role as a world moral leader. There is a deep commitment in the American labor movement to the thesis expressed by the late President John F. Kennedy who profoundly observed that the United States "cannot afford to be materially rich and spirtually poor."

Mr. Clayman also declared:

> Fifteen years, 16 years, is a long time to wait for the ratification of any agreement or convention. The long lapse of time, has, I am afraid, blurred our memories and obscured the issue and dulled our conscience. There have been times in our history when the Government has needed prodding or intervention from citizens and citizens' organizations.
>
> There is an almost Alice in Wonderland unreality to the Senate's magnificent speedy approval of the United Nations Charter and the Senate's snail-like pace on the United Nations Human Rights Conventions.

He mentioned the Senate's taking only 33 days to approve the U.N. Charter and remaining immobile on the matter of genocide for—by now—20 years.

Mr. Clayman's statement was an accurate gauge of events and ironic inaction.

We are still immobile, despite the fact that five American Presidents have pointed out the fundamental interrelation between this country's national interests and human rights.

I feel that our adherence to these Human Rights Conventions can make a very real contribution to the basic national interest of the United States.

FOND DU LAC COMMONWEALTH REPORTER CENTENNIAL YEAR

Mr. NELSON. Mr. President, I wish to congratulate the Fond du Lac, Wis., Commonwealth Reporter, a newspaper that is observing its centennial year.

When the first edition of the paper was printed on August 22, 1870, the Nation was recovering from the Civil War. Now, 100 years later, there is another war.

Through this important period of American history, the Fond du Lac Commonwealth Reporter has maintained a high quality of service to the community.

I ask unanimous consent that an editorial entitled "Our Centennial Year," published in the Commonwealth Reporter of August 22, 1969, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR CENTENNIAL YEAR

"With lifted cap, and pleasant smile, we greet you. . . ."

That was the introduction on Aug. 22, 1870, when the "Commonwealth Company" began publication of the Fond du Lac Daily, the first successful daily newspaper in the city's history.

Today—as the Commonwealth Reporter starts its centennial year—the original comment of nearly 100 years ago carries added meaning.

It takes us back to an era when Ulysses S. Grant—a later visitor to Fond du Lac—was President of a nation still shattered from the wounds of the Civil War. And it also gives us renewed awareness that while a long journey has been completed there are many miles still to be traveled.

The man who wrote that introductory line for the Commonwealth Company was J. A. Watrous, a highly respected, temperance-minded editor who at that time also harbored unfulfilled ambitions to win a seat in Congress.

His partner in the Fon du Lac Daily was Thomas B. Reid, described as a "jolly, bustling" man whose activities were said to be somewhat curtailed because of an ailing wife. In less than two months after the first edition, Reid sold out and his name was dropped from the masthead, even though he remained on the business staff.

Since only weeklies seemed able to survive in Wisconsin's pioneer communities, Watrous, in his first issue, mingled caution with hope in discussing the journalistic product he was about to send into Fond du Lac homes.

"We trust it will not be an unwelcome visitor," he said, speaking of the paper. "We commence small—creep before we walk."

Watrous offered Fond du Lac readers a stable of writers that included Miss Allie Arnold (who wrote poetry), Miss Georgia Benedict, Col. C. K. Pier, Dr. George M. Steele (president of Lawrence University) and Gen. John A. Kellogg of La Crosse.

Getting the paper delivered a century ago wasn't the well-organized procedure it is today. In fact, Watrous appealed to subscribers to nail cigar boxes on their gate posts as receptacles for the new publication.

He also boasted of "a fine corps of paper carriers," yet wisely suggested that persons interested in speedy delivery would do well to accept the paper at their place of business downtown.

The Fond du Lac Daily, right from the beginning, involved itself in all local affairs. Subjects in early editions ranged from "The History of the Cotton Street M. E. Church" to shenanigans going on in "those whiskey saloons on Brooke Street."

Watrous, as a veteran newspaperman, was ready for anything. His name was listed as Editor-in-Chief and the paper declared that "to him all communications for its columns should be made, and against him all actions for libel commenced."

The Commonwealth firm had its share of troubles. The press broke down. Deliveries were messed up. And during mid-October of 1870—when Watrous was wearing two hats as an editor and a candidate for Congress—the newspaper moved from its "underground cellar" office into a new four story building on Forest Avenue.

When that hectic transfer was completed, Watrous remarked that it was his ambition to "make the Commonwealth the very best newspaper in the state. . ."

It was clear that, through the sheer drive and hard work of the men behind it, the Commonwealth was here to stay.

Its competitor, the Weekly Reporter, did not move into the daily field until Chicago-born Louie A. Lange and J. L. Thwing combined talents in 1883. Thwing, who had worked as a newspaperman in Milwaukee, preceded Lange on the Reporter editorial staff. Lange, who had learned the printing trade as a youngster in Fond du Lac, decided to come back to the community after working in LaPorte, Ind. and Milwaukee.

As "editors and proprietors" they published the first issue of the Daily Reporter on March 31, 1883. Lange, who also served in the State Legislature, acquired full ownership of the paper in 1885. In 1894 he also purchased the Fond du Lac Journal—founded as the community's first newspaper in 1846—and merged it with the Reporter.

The success of the Reporter was demonstrated in 1896 when the Lange Block building was completed at the southeast corner of West Second and Macy Streets. Newsmen and printers began evacuating old quarters at 88–90 Macy Street in December of that year, and one indication of the turmoil was the frank editorial admission that "everything is upside down."

The new Lange Block structure was praised lavishly by a Milwaukee publication as perhaps the best newspaper plant in Wisconsin. It was three stories high (one story has since been removed), with office space rented on the second floor and the third story rented to various religious organizations for special events.

For years the Daily Commonwealth and Daily Reporter were rival papers. Their staffs sought "scoops" and their sales representatives competed for advertising dollars. Both papers remained healthy, with the Commonwealth flourishing in the P. B. Haber building and the Reporter gaining added momentum after reorganizing as the Reporter Printing Co. in 1903.

Over the years, of course, there were rumors that one paper was going to buy the other out.

A recently found letter, written by Lange in 1915, two years before his death, indicated that he was willing to sell "at a fair price" to the Haber firm. However, the transaction went the other way.

In October of 1926, with A. H. Lange—a nephew of the Daily Reporter founder—serving as president, the Reporter Printing Co. bought out the Daily Commonwealth.

Readers were introduced to a new, larger daily called the Fond du Lac Commonwealth Reporter.

So as a newspaper our history parallels the progress of Fond du Lac County. Much has happened over the years, and carrier pigeons no longer are used to "rush" baseball scores to the newsrooms as they were back in the days that preceded establishment of efficient wire services.

The Commonwealth Reporter has seen plant renovations, the addition of new departments, purchase of much modern equipment and editorial and advertising changes.

To celebrate our centennial year we're planning a series of unusual events and public service programs in which we believe everyone will be interested.

Since our beginning as a daily in 1870 much history has been recorded and much more is still to be written.

The Commonwealth Reporter is proud to have played a role in Fond du Lac's growth, and its time-worn pages—now preserved on microfilm—reflect the lives and achievements of those who have lived here.

In our opinion, Fond du Lac is a community with much to offer and, on this occasion, we feel the warmth and glow of a long, tested friendship.

We realize, of course, that you may not always agree with what we say or the way we say it. But our interest, first and always, is to make Fond du Lac an even better place to live.

It is in this spirit that we sincerely wish to invite each of you to share in making the coming year a pleasant and memorable celebration of our 100th birthday.

THE ERADICATION OF THE SCREWWORM

Mr. GOLDWATER. Mr. President, today I invite the attention of the Senate to an outstanding example of international cooperation as well as State, national, and private enterprise cooperation.

This concerns some of the events that have been taking place since 1962 in the cattle industry. Since that time, the National Livestock Producers' Confederation of Mexico and the Southwest Animal Health Research Foundation of this country have cooperated with the U.S. Federal Government in almost completely eradicating from our country and Mexico one of the most vicious pests that has plagued the livestock industry since its beginning in this country.

I refer to the outstanding work done by all of these groups in the complete eradication of the screwworm from the United States. The National Livestock Producers' Confederation of Mexico and the Southwest Animal Health Research Foundation and the U.S. Department of Agriculture, as well as the State governments of the States of the South and Southwest, have all cooperated in an outstanding way to bring about this achievement. The effect of this has been the savings of millions of dollars to cattle growers and livestock producers in all of these areas.

Mr. President, this is also an outstanding example, believe it or not, of the peaceful use of atomic energy, and it also has had a remarkable effect on the conservation of wildlife in this country.

The screwworm has been a scourge and has caused great losses in the Southwestern United States and Mexico causing large economic losses not only by injuries and death to animals but, in addition, time and labor involved and the expense of insecticides and medicines.

The elimination of this pest has been brought about through the aerial release of sterile screwworm flies over infested areas. It should be noted with some satisfaction that the accomplishment of this eradication is the fulfillment of one of the points of discussion by the President of Mexico and the President of the United States at the Punta del Este Conference held in 1965.

It is my hope, Mr. President, that many more of our mutual problems with our neighbors to the South may be solved in this fashion and that the excellent cooperation between two groups as has been demonstrated by the livestock men of both countries may be continued. I also wish to stress that the cooperation between the Federal Government, State governments and the private sector has combined to make this possible. Perhaps from this, too, we can learn some lessons to help to solve other problems in our society.

FINANCIAL INSTITUTIONS PROVISIONS OF HOUSE-PASSED TAX REFORM BILL

Mr. McINTYRE. Mr. President, I wish to speak today about another set of provisions in the House-passed tax reform bill—the provisions of that bill dealing with financial institutions.

The House-passed bill makes four changes in this particular area. Two of these changes—those dealing with the bad debt reserves of commercial banks and the treatment of bonds and certain other securities held by financial institutions—are fully justified. They are in fact required by equitable considerations. Third—extending the tax-exempt status of foreign deposits in U.S. banks—is arguably required by our balance-of-payments situation. The fourth change, however, is quite unfortunate, and it is to this change that I address my remarks today.

I am deeply concerned by the changes made by the House-passed bill in the methods used by mutual savings banks, savings and loan associations, and cooperative banks to compute their bad debt reserves.

While most business organizations must compute their bad debts reserves on the basis of their actual loss experience an exception has traditionally been made for the types of institutions to which I have just referred. These mutual institutions have been allowed to base their reserves on either of two alternative formulations, both of which usually produce larger reserves, and hence tax savings, than would a calculation on the basis of loss experience.

The House-passed bill would eliminate one of these two alternatives and greatly impair the usefulness of the other. These changes are necessary, according to the House Ways and Means Committee, because there is no justification for allowing mutual institutions a lower effective tax rate than that available to most other corporations.

Mr. President, I strongly disagree. I am, of course, a strong believer in the equitable treatment of all taxpayers in a similar position. But mutual institutions are unique organizations, which clearly deserve to be treated differently from normal corporations.

Mutual institutions are the prime source of funds for residential housing, one of our most urgent national needs at this time. If the House-passed bill became law, however, it would greatly restrict the loans which mutual institutions could make for this purpose. Increased taxes would mean less funds for loans, a lower return, and less protection for depositors, and would further retard an industry already hard hit by high interest rates. It strikes me as the height of folly to undermine in this way the determined efforts other members of our Housing Subcommittee and I have made in recent months to enable us to meet our urgent housing needs.

For this reason I feel that the equitable considerations urged by the Ways and Means Committee are not applicable. On the contrary, I believe it is imperative that we retain unchanged both of the alternative methods presently available to mutual institutions in the computation of their bad debt reserves. Congress recognized a short time ago that both of these methods were needed because of the different situations in which these organizations might find themselves. There is no reason whatsoever to reverse this conscious congressional decision now.

There is one minor change which might be made in this area of our tax laws, however, to insure that the benefits of the provisions in question are indeed made available only to those institutions for which they are designed.

At present, savings and loan associations and cooperative banks are entitled to use the altenrative computation methods only if they meet a comprehensive set of investment standards, established by Congress in 1962 to insure that these tax benefits would be available only to institutions primarily engaged in home mortgage financing. In general, these standards require that 82 percent of the institutions' assets must be invested in residential real estate, liquid reserves, and certain other "qualifying assets." Mutual savings banks, however, are not subject to any such investment standards and may use the special reserve methods regardless of the amount of their investments in home fortgage financing. The Ways and Means Committee has proposed to solve this problem by imposing investment standards similar to those now applicable to other mutual institutions on mutual savings banks as well.

My remarks thus far have been directed to the provisions of the House-passed tax reform bill. I shall conclude by saying a few words about the changes proposed by the administration in this area.

The administration proposal would require all financial institutions—whether commercial banks or mutual institutions—to compute their bad debt reserves on the basis of loss experience. It would attempt to do this without cutting off the flow of funds to residential housing by giving financial institutions a special tax deduction equal to 5 percent of gross

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interest income from loans for approved projects.

I am convinced that this proposal would not work and that it would have even more adverse effects on our housing programs than would the House-passed bill. Letters I have received from mutual institutions in my home State of New Hampshire are unanimous in their conclusion that the administration proposal would seriously weaken their competitive position and force them to divert their assets increasingly into nonmortgage uses.

Mr. President, I heartily endorse the action of the House in extending to mutual savings banks the investment standards now in our laws. We must have no major changes, however, in the degree of tax benefit currently available to true mutual institutions legitimately engaged in the housing field.

PUBLIC HEARINGS—TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, yesterday, the Committee on Finance began its final 3 days of public hearings on the House tax reform bill. Testimony centered around the proposed tax treatment of private foundations. The principal statement was presented by a distinguished 19-man panel which touched on virtually every aspect of philanthropy and on the impact of the bill on charitable giving and foundation activities. Additionally, testimony was received with respect to the effects the House bill would pose for educational television.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FOUNDATIONS

I. The Role of Foundations in American Life

IRWIN MILLER, CHAIRMAN OF THE BOARD, CUMMINS ENGINE CO., COLUMBUS, IND.

Foundations

Emphasizes that although foundations constitute only approximately 8 percent of the total philanthropy, they play a vital role in the pioneering of thought and action. States that foundations are uniquely qualified to experiment with new and untried ventures; thus, they can take dissenting positions from prevailing attitudes. In addition, they are flexible and can act quickly when the need arises. Points out that foundations have pioneered and assisted pioneers, scientists, scholars, and innovators, and have strengthened those organizations concerned with these vital activities. Notes that they have often anticipatd social and international problems and mobilized knowledge for dealing with them.

States that it has been clear for several years that some abuses exist, but adds that the preponderant number of private foundations perform their functions without tax abuse. Indicates, though, that even the few abuses are too many and must be rooted out. Feels that the proposed measures to curb fiscal abuses are good, and are supported by most foundations; however, several of the abuses could be curbed by better enforcemnt of existing law. States that a tax on private foundations is patently inconsistent with the reason society sanctions foundations. Emphasizes that to reduce these publicly dedicated funds by any percentage is to diminish the value to society by just that amount.

Feels that proposed limitations on programs are unwise in that they attempt to eliminate "bad judgment" and in doing so allow for only the most bland kinds of judgments, and only the most bland kinds of activities by foundations. Concludes that the tax and program limitations act as a signal to discourage private philanthropy and thereby the whole private foundation sector of American life.

Recommends that foundations, like all other public institutions, should be accountable to society. Points out that the basic ingredients of a balanced system of accountability are already at hand—the Government could fully enforce existing law. Recommends that a foundation registration fee should be enacted which would be earmarked for enforcing existing law as well as proposed law to curb fiscal abuses. Suggests that the agents of accountability, other than the Government, are (1) public disclosure and the press, (2) broadbased boards of trustees, (3) "market evaluation" by foundations recipients and (4) congressional inquiry.

Urges the Congress to adopt those parts of that bill that are directed toward preventing abuses, such as self-dealing or inadequate returns to charity and that the Congress eliminate those measures, such as the tax and the program limitations, which would vitiate the capacity of foundations to continue their productive service.

HERMAN WELLS, CHANCELLOR, INDIANA UNIVERSITY, BLOOMINGTON, IND.

Private foundations

Emphasizes that foundations are vital forces in higher education via scholarships for needy students, funds for facilities and equipment and grants for research. Points out that often foundations come to the rescue when no other support is available. Feels that foundations have had beneficial repercussions far beyond the campus and region and will extend long past the present time.

States that taxation of foundations will reduce funds available to higher education; the size of the reduction is no measure of the potential removed by such action. Emphasizes that at a time of crisis in financing higher education, even the direction of such a move is disheartening. Concludes that the tax yield is miniscule in comparison with its detrimental effect on higher education. Feels that if taxation of foundations is initiated, there is a strong likelihood that the percentage will be increased in succeeding years. Points out that most foundations have an excellent record; therefore, punishment for the abuses of a few should not be visited on the many. Believes that the prohibition against private foundations engaging in activities intended to influence legislation has crucial implications. States that it is dangerous to prohibit unpopular ideas or the concept which is ahead of the times. Maintains that foundations are an expression of free enterprise by providing support for the unusual man and the unusual idea. Concludes that the American foundation is one of the instrumentalities by which our independence and freedom are maintained.

II. Effect of the Legislation (Proposed Tax) on Beneficiaries

FATHER THEODORE M. HESBURGH, PRESIDENT, UNIVERSITY OF NOTRE DAME, NOTRE DAME, IND.; FRANK C. ERWIN, JR., CHAIRMAN, BOARD OF REGENTS, UNIVERSITY OF TEXAS SYSTEM, AUSTIN, TEX.; DR. JOHN COOPER, EXECUTIVE SECRETARY, ASSOCIATION OF AMERICAN MEDICAL COLLEGES, EVANSTON, ILL.; FELIX ROBB, DIRECTOR, SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS, ATLANTA, GA.

Private foundations—Effect of the legislation (proposed tax) on beneficiaries

States that the proposed 7½ percent tax would diminish current funds for support of education and scientific research by at least $65 million a year. Emphasizes that even more serious is the desire of some critics to terminate the existence or tax exemption of all foundations after a period of years. Believes that foundations have been of immense value to the American society. Points out that through a system of matching grants, the Ford Foundation's Special Program in Education has stimulated many colleges and universities to develop resources considerably in excess of the original grants; likewise, Rockefeller, Sloan, and Carnegie Foundations have made major contributions to education. Maintains that without such assistance, there is serious question whether the independent sector of our dual, private/governmental system of higher education can survive.

Contends that a tax on foundation income would bring a major reduction of that assistance. Feels that Congress should legislate against specific abuses rather than to diminish the funds with which foundations make their vital contributions to the private educational system. Points out that private foundations contribute substantially to the training of our doctors, research technicians, nurses, and other medical personnel. Believes that even more important, they provide vital assistance in medical education such as establishing new medical schools and by assisting in the development of new techniques of medical education, new curricula, and new methods of relating medical facilities to the provision of health care of our citizens. States that financial assistance in these areas is difficult, if not impossible, to obtain.

Points out that foundations have afforded key support to State and municipal colleges and universities. Urges that the south, with an enormous burden of children to educate and fewer dollars to do the job than any other region, is especially vulnerable to any change in public policy that would limit the flow of private funds for education and make equalization of educational opportunity more difficult. Concludes efforts to transform talented but underprivileged youth from public liabilities to productive, educated citizens provide further dramatic evidence of the dividends accruable from strategic foundation investment in human development.

III. Effect of the Tax as Seen by Foundations

GEORGE HARRAR, PRESIDENT, ROCKEFELLER FOUNDATION, NEW YORK, N.Y.; ALAN PIFER, PRESIDENT, CARNEGIE CORPORATION OF NEW YORK; DAVID FREEMAN, PRESIDENT, COUNCIL ON FOUNDATIONS, NEW YORK, N.Y.

Tax on foundations

Opposes the 7½ percent tax on foundation income. Believes enactment would be contrary to national interest.

Role of tax exemption for charitable purposes

Points out that no distinction has ever been made between types of charitable organizations under the sec. 501(c)(3) income tax exemption. Maintains that an income tax on foundations would destroy this principle and constitute a breach of long-standing national practice; would serve as a precedent for future taxation of other classes of charitable organizations; would encourage other levels of government to impose income taxes; and would lead to a weakening of the private nonprofit sector by endangering the freedom of private institutions through possible arbitrary increases in tax or restrictions on activities.

Justification for private foundations

Considers voluntary philanthropic system to be the essence of free enterprise in its flexibility to enter new fields of social concern. Emphasizes that, while Government has entered into social welfare extensively, work of private foundations continues to be necessary in meeting vast social needs.

How the tax would affect foundations

Rockefeller Foundation (p. 129 of committee print).—Indicates that the foundation has appropriated all its income and over $230 million of its principal to philanthropic projects, many of which have preceded Government activity in the field of social welfare. Claims that the proposed tax would cost the foundation's beneficiaries more than $3 million per year, and also hamper its overseas programs.

Carnegie Corporation.—Notes that the corporation has distributed $400 million since 1911, and that the proposed tax would reduce future grants by $1.2 million per year.

Smaller foundations (p. 136 of committee print).—States that foundations across the country concentrate giving on local educational and charitable institutions. Questions whether Congress intends to discourage development of these local organizations by reducing the available funds from foundations.

Other arguments against tax

Maintains that burden of tax will fall on educational, health, and welfare agencies; the tax applies indiscriminately against all foundations, and would be ineffective in correcting abuses; the tax will produce insignificant governmental revenue, yet will be a serious blow to charitable institutions as tax will be more than a user fee; the tax is inconsistent with continued policy of tax exemption; and the tax is a punitive measure, not reform, against only one form of charitable organization.

Proposed alternative to foundation tax

Recommends an annual fee assessable on foundations in proportion to assets, with the amount of fee determined annually to assure adequate supervision of foundations.

IV. Effect of Program Limitations

MERRIMON CUNINGGIM, PRESIDENT, DANFORTH FOUNDATION, ST. LOUIS, MO.

Grants to individuals

Maintains that the partial prohibition against grants to individuals might still handicap unduly some worthy programs. Recommends modifications in the wording of the bill which would allow the continuance of worthwhile programs, carefully defined, publicly announced and impartially administered.

Any attempt to influence legislation

Argues that this provision (sec. 4945(c), pp. 44–45 of the bill) is potentially the most serious issue raised for foundations by any part of the bill and it would inhibit or prevent presently approved activities by foundations that would adversely affect their freedom to contribute to general welfare. Maintains that the bill seems to have intended only to make sure that foundations do not engage in partisan political activity. Recommends changes in the language of the bill concerning this prohibition to avoid the proscription of worthy foundation activity.

HOMER WADSWORTH, PRESIDENT, KANSAS CITY ASSOCIATION OF TRUSTS & FOUNDATIONS, KANSAS CITY, MO.

General

States that this group of spokesmen do not oppose provisions of the bill that outlaw self-dealing, requirements that would assure that private foundations spend their income for charitable purposes, and provisions that would require full disclosure of all foundation activities.

Proposed tax on private foundations

Opposes as fundamentally punitive and totally inconsistent with the effort of our Government over many years to encourage private giving and private efforts to accomplish worthy public purposes. Supports a fee payment to provide the Treasury with sufficient funds to maintain an adequate staff for review annually of all foundation activities to assure compliance with the law.

Contact with Government officials

Points out that the bill would restrict severely foundation contact with government officials and can only have the effect of numbing foundation efforts and driving foundation money away from the areas in national life that are of current concern. States that private foundations and other exempt organizations have *less* sanction in present law and regulations for presenting their views to public bodies than business organizations. Suggests that the bill be amended to protect the rights and privileges of private foundations.

Expenditure responsibility

Indicates that this provision of the bill means that "the private foundation is fully responsible—to see that the grant is spent solely for the purpose for which made, to obtain full and complete reports from the grantee on how the funds are spent, and to verify the accuracy of such reports, and to make full and detailed reports with respect to such expenditures" to a designated government official. Suggests that the amount of follow-up and inspection which the bill requires is excessive, and perhaps even impossible to provide. Urges a rule of reason (responsibility of applying reasonable diligence to foundation relations with grantees) rather than as an insurer, with absolute liability for the grantee's conduct.

W. RUSSELL ARRINGTON, PRESIDENT PRO TEMPORE, ILLINOIS STATE SENATE, TESTIFYING FOR THE CITIZENS CONFERENCE ON STATE LEGISLATURE, CHICAGO, ILL.

Possible consequences to the citizens conference on State legislatures

Points out that the citizens conference's activities provide advisory and technical services to some 16 State citizen commissions that study and recommend procedures for legislative modernization, conduct research and publish comparative information about legislative improvement, conduct media conferences to provide for an exchange between State legislators and editors, publishers, station owners and managers, and inform the public how the electorate has supported or rejected amendments concerning legislative articles of State constitutions. Asserts that the abandonment of the "substantial activities" test will effectively proscribe the above-described activities and will prohibit the private sector from working to improve government at any level.

Recommends that the bill be revised to allow organizations classified as private foundations to mobilize public support to study, recommend, and change, if need be, governmental units. Suggests safeguards—that the activity be nonpartisan in nature, national in scope, that it not engage in support of or opposition to candidates, that the activity be general in nature rather than advocating particular legislation, that partisan election campaigns be avoided and that all financial transactions be disclosed between a tax-exempt organization and government officials.

V. Effect of Distribution Requirements (Including Problems Raised by Definition of Qualifying Distributions)

JULIUS STRATTON, CHAIRMAN OF THE BOARD, THE FORD FOUNDATION, NEW YORK, N.Y.

Private foundations

States that "private foundation" is a term newly introduced to the Internal Revenue Code by the proposed legislation, lumping together for the first time as "private foundations" all 501(c)(3) organizations except certain specified categories. Contends that because of this new definition, many important and worthwhile nonprofit institutions which are not primarily grantmaking organizations, which depend heavily on foundation support, and which have never before been thought of as foundations may now be considered so and subject to the new restrictions in the bill.

Warns that there are three far-reaching consequences of such redefinition:

(1) Such organizations would be subject to the proposed taxes, thereby reducing the funds available for their educational, research, and scientific activities.

(2) They would be subject to the many other regulations and program limitations in the bill, limitations which earlier witnesses have discussed.

(3) They would have far greater difficulty in obtaining support from philanthropic foundations.

Qualifying distributions

Maintains that although the broad requirement of paying out current income would not cause serious problems for most foundations, difficulties arise because of the uncertainties surrounding who would be eligible to receive foundation grants and how these grants should be disbursed and managed.

Recommends that:

(1) A more precise definition of "private foundations" should be formulated—a definition which would include only what have commonly and logically been regarded as philanthropic foundations.

(2) A simply test should be established—based on a concept in the current Internal Revenue Code relating to operating foundations—under which grants that flow promptly to charity would be qualifying distributions.

(3) The penalty provisions in the bill should be reconsidered. Warns that without clarifying changes of the sort suggested, the traditional role foundations have played in our national development may be seriously impaired.

WHITNEY NORTH SEYMOUR, CHAIRMAN, COUNCIL ON LIBRARY RESOURCES AND THE INTERNATIONAL LEGAL CENTER, NEW YORK, N.Y.

Operation foundation

Describes the organization and work of the Council on Library Resources, an independent, nonprofit organization established in 1956 for the sole purpose of aiding in the solution of library problems. States that the council engages in no self-dealing activities, all of its income is spent in furthering the purpose for which it was formed, it has no endowment, it controls no businesses, it owns no stock.

Fears, however, that the language of H.R. 13270 defining operating foundations, eligible to receive qualifying distributions from other foundations, might mean that the council might possibly be forced to terminate its greatly-needed activities. States that although the council meets unreservedly the provision that all of its income be expended directly for the active conduct of the activities for which it was organized, it cannot devote more than half of its assets to this purpose since it has no "assets" as indicated by the examples in the House report, and its support comes entirely from one source, the Ford Foundation. Feels that although philosophically the council is an operating foundation, it might not be considered so under the definition which seems to be established by the legislation.

Expresses concern on similar grounds in regard to the International Legal Center. Points out that its accomplishments would not have been possible without the initial underwriting provided by the Ford Foundation, that a nonprofit service-type organization cannot become viable from inception or even launched without such financial backing. Feels that the center, like the council, might be placed in jeopardy by ambiguities in the provisions of the bill now before the committee. In this connection, asks the committee to clarify that portion of the definition of an operating foundation which refers to assets, and to the word "directly" as applied to the use of assets. Expresses the belief that it cannot be the Congress' intention to disrupt the efforts in the public interest of organizations like the council and the center. Urges the committee to consider carefully and rewrite the provisions he has cited in such a way as to eliminate the evils which called them into being, and at the same time clarify them so that the effectiveness of honorable and essential institutions may be destroyed.

VI. Restrictive Efforts on the Development of Philanthropy and Operation of Foundations (Including Effects of "Expenditure Responsibility" and Heavy Penalty on Trustees)

DANA S. CREEL, PRESIDENT, ROCKEFELLER BROTHERS FUND, NEW YORK CITY

Treatment of private foundations under the tax reform bill

Claims the penalties and remedies proposed in the reform bill are excessive and tend to diminish the funds of foundations available for legitimate philanthropy. Believes these penalties subject management, both staff and trustees, under very substantial personal liabilities, and would greatly reduce the ability of foundations to attract the best caliber of management. Also, that these penalties create onerous and in some cases impossible requirements on foundation administration.

Indicates a preference for State regulation of private foundations, but suggests that at this point this would not be satisfactory because of the past failure of a number of States to undertake effective programs of enforcement. Believes States should be encouraged to undertake such responsibility. Proposes for the present a system of sanctions by the Revenue Service, modified as follows:

(1) Penalties should not be imposed on foundations but rather on individual wrongdoers, for foundations are inanimate and can function only by the acts of individuals;

(2) Penalties should be flexible, reasonable in nature, with a maximum limit, and appropriately related to the acts or failures to act which are penalized;

(3) Proscribed acts or failures to act should be so defined so that transgression can be readily ascertained;

(4) A notice procedure of proposed penalties should be established, and an opportunity granted for correction of improprieties within a reasonable time before a penalty is imposed;

(5) A reasonable statute of limitations should be established with respect to penalties.

JAMES R. KILLIAN, JR., CHAIRMAN, BOARD OF TRUSTEES OF MASSACHUSETTS INSTITUTE OF TECHNOLOGY, CAMBRIDGE, MASS.

Treatment of private foundations under the tax reform bill

Educational institutions, such as MIT, derive a substantial portion of their contributions from "private foundations." Believes that at a time when there is deep concern about the funding of all higher education and about the financial future of our private institutions, ways should be found to increase and not diminish private funds for education.

States the provisions of the reform bill appear to be so severe that they will probably constitute the "death knell" of foundations as we know them, and the incentive to form new foundations will be lost. Approves the objectives of the bill aimed at eliminating abuses of private foundations, but believes the penalties imposed are too harsh and are indiscriminately imposed against both the offenders and the innocent.

In addition, notes that penalty taxes are applied to existing foundations as well as those established hereafter, and suggests it is unfair to impose penalties on existing foundations established in reliance on present law which has encouraged their formation and operation.

JOHN J. M'CLOY, ATTORNEY, NEW YORK CITY

Treatment of private foundations under the tax reform bill

States the provisions of the reform bill dealing with private foundations could have a detrimental effect on American cultural, scientific, social, and educational life. Although it appears there has been some abuse of use of foundation funds, believes this has led to an abrupt and too far-reaching reversal of Congress' policy of encouraging charitable foundations through tax incentives (which have been a major influence in the progress of American private philanthropy).

States that no comprehensive or objective study of the impact of foundation grants on our life has yet been made—those who contend that foundations have not been beneficial to this country should have the burden of proof.

Contends there is an inherent inconsistency in imposing any tax on a foundation if it serves a charitable or publicly beneficial should be stimulated—if they are evil, they should be extinguished. Urges Congress not to impose a discriminatory tax on the income or assets of private foundations until it is firmly proven that this is justified.

States that a comprehensive, objective, and sustained review of the affairs of the foundations should be made based on regular audits by the Government—preferably by the Revenue Service. More should be known about the manner in which foundations' funds are distributed and spent, about the results achieved and the effect the withdrawal or diminution of these funds would have on educational, scientific, and charitable beneficiaries. Sustained audits and supervision of the foundations by the Government should be financed by an annual fee charged the foundations; however, it should not be a tax to provide general revenue.

The reform bill does contain good features with respect to private foundations; for example, those calling for fuller reporting, elimination of self-dealing, undo accumulation of funds, better enforcement procedure by the Treasury, and better cooperation with the State authorities to encourage the States to do their own policing.

OTHER WITNESS

JOHN W. MACY, JR., PRESIDENT, CORPORATION FOR PUBLIC BROADCASTING

Expenditures by private foundations with respect to public broadcasting

Notes that tax reform bill deals with "taxable expenditures" by a private foundation, generally defines such expenditures as those paid to influence legislation or the outcome of any public election, and imposes penalties on private foundations making such expenditures. Suggests this presents a question of whether a public broadcasting organization may be given a foundation grant without penalty to the foundation if the station then uses the grant to pay for presenting public affairs programs (e.g., such as news programs, documentaries, panel discussions, political debates, and interviews). Contends that it does not appear the House intended to prevent public broadcasting stations from presenting public affairs programs with the assistance of financial support from private foundations.

Recommends the bill be amended to generally exclude public broadcasting from the taxable expenditures provision by not imposing any penalty with respect to amounts paid for the production or distribution of public affairs programs which are broadcast over noncommercial educational broadcast stations.

THE CASE AGAINST THE CRITICS

Mr. DOLE. Mr. President, in the past several weeks we have heard increasing criticism of President Nixon's Vietnam policies. The President has been repeatedly attacked for failing to make "meaningful changes" in U.S. policy toward this tragic conflict. The minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT) has requested a moratorium, but the criticism continues unabated.

We are all aware that the Vietnam war has had a demoralizing effect on the American people and a devastating impact on our economy. What I cannot understand is how the President's critics can reasonably expect him to end in 10 months what the previous administration could not end in 8 years.

Maybe the answer to that question is that these critics are not asking the President to act reasonably because they see personal political gain in embarrassing and discrediting the President.

Mr. David S. Broder, writing with a refreshing detachment that is often not present in Washington, has posed this same question in a column in the Washington Post today. I urge Senators to read the article for the thought-provoking ideas it expresses.

I ask unanimous consent that Mr. Broder's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard

department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But we cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

TRADE: A VISION FOR THE SEVENTIES

Mr. JAVITS. Mr. President, there are many good reasons for the United States to follow a policy of world trade expansion, and few American businessmen have expressed these reasons more forcefully than Arthur K. Watson, chairman of IBM World Trade Corp. When the Foreign Trade Club of Philadelphia recently presented an award to Mr. Watson for his work in forming the Emergency Committee for American Trade, he offered a very well reasoned analysis for broader trade policies that I believe deserves greater attention. Mr. Watson had recently returned from the trips to Latin America with Governor Rockefeller and had just completed a term as president of the International Chamber of Commerce. Both responsibilities had shown him the importance of rising levels of world trade and added to his already fine credentials in international trade.

His speech is in my opinion, a clear exposition of where enlightened American business stands on the two most important economic issues facing the world today—trade and development.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TRADE: A VISION FOR THE 70'S

(By Arthur K. Watson)

There is an old tradition which requires that speakers submit a title for their speech long before they know what they are going to talk about. Consistent with this, Dr. Braile asked me, last July, for a title and I told him it was: "Trade: A Vision for the 70's."

I thought that had a nice ring.

After all, if you ask a man to leave his family for the evening, and pay $14 for dinner, the least you can promise is a vision.

I did have another title: "Trade Policy at the Crossroads." I dropped that because I was afraid one of you would remember that I gave the same speech two years ago.

Still it is an honest title. Whatever my credentials as a visionary, I ought to be an expert on trade crossroads. As President of the International Chamber of Commerce I spent two years at one. I don't think things have moved much since I left office last June.

The crossroads, if you will forgive a tired metaphor, is between protectionism and freer trade. It is, more broadly, between two visions of the world.

One is an old vision, a vision of the nation state, sovereign, self-sufficient, self-seeking and grandly unconcerned about much of anything beyond its borders.

The other is the vision of an economically interdependent world where man, goods and capital move freely from one country to another.

Neither camp, free trader nor protectionist, ever carries its arguments to their logical extreme. Protectionism, pushed to its extreme, is impossible. There are now 140 nations more or less in the world and new ones are coined constantly. They all have to buy from the world, so they all have to sell to it. As a further embarrassment, times of high protectionism have usually coincided with economic stagnation and often with political disaster. We ought to remember that the Smoot-Hawley Tariff—with rates so high it stopped trade cold—was passed in 1930.

The free trade camp, and I consider myself a member in good standing, is also uneasy about its ultimate vision. However fine it might be, it is hard to imagine a world where man, capital and goods really move with unfettered freedom. To function, this would need a world of closely integrated social, economic and governmental institutions.

With a Common Market that cannot agree on a common monetary policy, with a Latin American Free Trade Area that cannot agree on much of anything, the free trade idea borders, I would have to admit, on the visionary.

Still, if I must choose, I'll take the visionary.

As the old joke goes, show me a man with both feet on the ground and I'll show you a man who can't put his pants on.

Furthermore, the decision is not between the extremes, it is one of direction. Of trend. And that is the significance of the crossroads and the danger of this protracted pause.

It began, to put a date on it, in May, 1967. That was the month when we learned of the successful end to the Kennedy Round negotiations and along with a lot of others I was convinced that freer trade had won a definitive victory.

It had not.

We got tariff cuts only to see ingenious non-tariff barriers erected in their place. The mind boggles at the range and resourcefulness of the barriers. We've seen new import quotas—voluntary, so called, and involuntary—we have seen import licensing, subsidies, discriminatory customs valuation schemes, prior deposit schemes, border taxes and so on. There is little man could devise that has not been done to thwart the spirit of the Kennedy Round and avoid the letter of the GATT.

Our own country, I regret to say, has not been least among the sinners.

One said little story illustrates this. During the winter the United States gets most of its tomatoes from Florida or northern Mexico. Well, last winter, at the height of the growing season, the Florida growers persuaded the Department of Agriculture to impose restrictions on the size of tomatoes—they had to be of certain size, or larger, to be shipped in our market. The effect of this was to exclude much of the Mexican crop—it rotted on the ground.

The Mexicans were furious, I can't blame them, the American housewife payed more for her tomatoes and got a tasteless thing that was picked green instead of the vine ripened.

Who won? The Florida tomato growers—at the expense of everybody else.

Even the dollar, in the hands of an American businessman is no longer a free currency. Voluntary restraints on capital exports are now mandatory restraints and we borrow from tomorrow to shore up the dollar today.

What has happened, from the dollar to tomatoes, to steel, to textiles and shoes?

The euphora that followed the Kennedy Round quickly turned to apprehension. Businessmen, all over the world, worried about the bogeyman of foreign competition. With tariffs going down they suddenly expected to see their home markets flooded by imports. The fact that is did not happen was not enough to allay the fear. Businessmen did what they have done for years. They went to their government demanding protection, and in too many instances, they got it.

At the same time, though not directly related, there was a marked deterioration in the international monetary picture. Six monetary crises have swept through the world in 24 months and governments, like businessmen, decided that trade restrictions were the easiest way, if not the best, to protect their balance of payments.

Furthermore, those nations with balance of payments surpluses have not been overly helpful. There seems little question but that the German mark is undervalued, and so probably is the Japanese yen. Both of these great nations are amassing huge surpluses and neither is willing yet to fully meet its responsibilities as world trading partners.

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There is another factor, far less tangible, but perhaps more important. The leader was not leading anymore. It was our country that sparked the Kennedy Round. It was the United States that pushed and prodded a reluctant world toward liberalization. President Kennedy had a trade mandate from Congress that Johnson never got. From July, 1967 on, Johnson became the first President since 1934 without any tariff cutting authority from his Congress and President Nixon, today, has none. This is a technical point, but symbolic. While protectionists did not control Congress under Johnson, and don't today, they may be strong enough to wield a veto power. This, in fact, could account for our current pause at the crossroads. Neither side has mustered the force to prevail in its view, each has the ability to block the other on anything important. The United States, the leader, is no longer leading and nobody else can.

We could, those of us on the free trade side, play for a draw. That is exactly what we did in 1968 after a handful of us organized the Emergency Committee for American Trade and persuaded over 50 of the biggest companies in America to join the effort. Protectionism had such a grip on the Congress by then that we were relieved when the year passed without any protectionist legislation passing.

With 1969 three-quarters gone, I expect results will be about the same this year.

The Administration may offer a trade bill, I hope that it does, but the mechanics of its passage make it unlikely that anything will be written into law this year.

Next year may be better. But the danger, the danger that prevented action in the Johnson Administration is still present. The trade bill could become a Christmas tree decorated with quota riders to protect everything from Chinese gooseberries to lamb.

If this sounds farfetched, keep in mind that more than 90 Senators and more than 350 Congressmen sponsored or co-sponsored import quotas last year covering everything from Chinese gooseberries to frozen lamb.

Washington is not peculiar in this respect. The same tune is being played in other capitals of the world. Through the Emergency Committee for American Trade, I have been in regular touch with free trade forces in many other countries. Like us, they are busily plugging holes in their dikes. The struggle to protect trade is now worldwide.

What is the issue? What are the stakes?

At first glance it is all trifling. Why not give the harassed gooseberry growers some protection from foreign competition? And, while we are feeling generous, let's not overlook shoes and textiles and apparel and consumer electronics and autos and bicycles and motorcycles and steel and a long, long list of other gestures we might make.

Why not? The answer is retaliation. Our trading partners will return the compliment in full measure and we will be on our way to a trade war—the one kind of war where everyone inevitably loses.

At stake is not gooseberries or lamb. It is the world economy. It is what Peter Drucker calls "the one positive achievement of the period since World War II." This world economy is an achievement that we can measure in economic terms, but the social and political significances far overshadow the economic.

Let me remind you of the numbers: the dollar value of world trade has grown from $101 billion to $230 billion during the sixties. That is a growth rate of nearly 8% compounded. During the same time, the sales of multinational corporations, from their foreign production, has grown from around $70 billion to something like $185 billion, a compound growth rate of 10%. These are rough estimates, there is no world census.

The trade translates, in American terms, to nearly three and one-half million jobs created by exports. It translates, in the Delaware Valley alone, to one hundred thousand jobs or more.

Predictions are hazardous, but I will offer one just to redeem my promise about the 1970's. The dollar volume of free world trade will increase to well over $400 billion in the next decade. Philadelphia, obviously, will get its share of this vast increase. But the catch is a trade war—that projection could go down as well as up.

The period ahead, months, perhaps several years, will be exasperating for all of us.

Our international monetary arrangements as yet are imperfect and international monetary problems set a tone for protectionism. Internationally, we have no central bank or Federal Reserve. Still, I believe we are moving in that direction. With SDR's, special drawing rights, and what I think is a serious possibility, the so-called crawling peg for currencies, we may build into a system both the expansion mechanism it has needed, and the adjustment mechanism it lacks.

We have no commonly accepted law for international business and, through the GATT, only the rudiments of trading arrangements.

Like the bumble bee, which theoretically cannot fly, I believe it could be proved that the free world economy theoretically cannot exist. Yet it does exist, and it flourishes.

But the next stage, the one we face in the 70's, is going to be harder than the booming sixties. If growth is to continue, we must face the inevitability of readjustments here in the United States. Some of our labor intensive industries may be hurt by foreign competition. It will be competition from manufactured goods made in cheap labor countries with all the emotional overtones that implies.

But isn't that one of the purposes of trade? Are we spending $23 billion a year on higher education in the United States to raise another generation of mill hands and common laborers? That is absurd. Our future lies in our multinational corporations and in the exports of high technology and the products of our farms—which, incidentally, is one of our highest technologies by world standards. There are businesses, over the longer run, we should not emphasize. There are low paying jobs Americans will not want to take in the 1970's—and shouldn't take. I don't airily dismiss the problems, the industries and the workers affected deserve help from our government. They were promised such help in the Trade Expansion Act of 1962 but never got it. That law ought to be strengthened.

But just because we face adjustments, we should not lose sight of the goal. The real effect of these adjustments is to trade low paying jobs for high paying jobs, and to trade low profit industries for high profit industries. That is our future and I believe we are shortsighted indeed if we fail to understand it.

Abroad, the stakes are even higher. I was one of the advisors on Governor Rockefeller's, more accurately, President Nixon's Mission to Latin America, and after twenty countries, and twelve hostile demonstrations, a man returns with some rather vivid impressions of Latin America.

To put what I want to tell you in perspective I should explain that these demonstrations seemed a lot more dramatic when you read about them up here than when you went through them there.

My dear wife worried more about the trip than I did.

That said, and it remains that a sizable minority, perhaps even a majority of Latin Americans distrust the United States and many dislike it. The Mission was a catalyst for these emotions.

Viewed from the Latin American perspective, I think all of us here might feel about the same way.

After thirty or forty years of Good Neighbor policies, Point Four programs, Partnerships for Progress and Alliances for Progress, Latin America is still dirt poor and deeply frustrated. It blames much of its trouble on us.

It blames too much on us. But we are not the Good Samaritans that we may think we see in our own mirrors.

Today's U.S. aid to Latin America, sixty-five percent of it, is not a gift but a loan and often a loan made with costly restrictions. Last year, the Alliance for Progress loaned Latin America $862 million, but it collected $366 million on earlier loans.

The U.S. private sector actually took more out of Latin America than it put in—$812 million more.

I could talk about what we have done for Latin America. Government-to-government aid may not be the most efficient road to development, but its achievements are not inconsiderable. The U.S. private sector may have disinvested last year in Latin America, but it still has nearly $11 billion invested there. This direct investment creates around 800,000 jobs and is the nucleus around which much of modern Latin American industry has grown.

The arguments, ours and theirs, are by no means simple but one message came through loud and clear in my visits with the private sector and with government officials.

What Latin Americans want now is *not aid*, but trade.

They are reaching the end of the line on import substitution, they are reaching the end of the line on servicing foreign debt. They simply must find a way to break out of the old bind of tropical exports and raw materials. It is debatable whether or not the terms of trade have gone against Latin America. It is not debatable that Latin America's share of world exports has dropped almost fifty percent over the last fifteen years.

Latin America has to find a way to export the products of its factories and the United States is their logical market.

Some of the stories you hear down there are heartbreaking. A Central American businessman was encouraged to build a factory to produce cotton gloves for the U.S. market. He bought machinery in the United States, he bought cotton in the United States. After he had shipped a few gloves, we suddenly created an import quota on cotton gloves. The amount we allowed him to sell to us was a few days of his production. There his machines sit, a glove factory in the tropics where nobody wears gloves.

As long as we are visiting the theatre of the absurd let's look at sugar. Many of these little Caribbean countries we visited have nothing much to export but sugar. Still, we keep them on strict quotas while we subsidize beet sugar production in the United States.

I came back from Latin America persuaded that we had to emphasize the private sector and we have to emphasize trade, not aid, as the healthier solution for Latin America. The Governor, as you know, has presented his report to the President and I hope something to this effect is in it.

When you believe strongly in a cause there is a danger, I freely admit, that you may perceive as the apex what is merely a facet. I have tried to discount this temptation—I have tried to look at freer trade and at multinational business in perspective and recognize that they are only part of an international system.

I can't convince myself.

They, it seems to me, are the very heart of the system and if you tamper with them, you tamper with the heart. It is nearly a quarter of a century now since World War II ended and I must agree with Peter Drucker that the most viable and significant thing we have done is build the firm beginnings of an international economy. That is an accomplishment that can endure when the NATOS and SEATOS are footnotes in history.

Our choices, our options, are not infinite. Fundamentally, as I see it, we will revert to protectionism or sit paralyzed at the crossroads while the situation deteriorates. We have been sitting there while the dollar became partially a blocked currency, we have been sitting there while everybody built petty trade barriers and quibbled. We sit there, now, and listen to the opening guns of a world trade war.

That is an option, and that is the one our protectionist friends would choose.

The other is to *seize the initiative again*, and we can do it.

Our own economic house is going to be put in order. I'm convinced of that. We are going to stop this erosion of the dollar and with it this incredible increase in imports.

We already have the competitve muscle to hold our own in the world. There is no industrial system anywhere that matches our efficiency and sophistication. There are no workers, anywhere, with the training, the education and the productivity of the American worker. There will be some industries where we can't compete. But that, in nearly every case, will be an industry we should not be in.

The answer is not to build a fence around sick industries. The answer is to aggressively open markets for industries where we have the advantage. Like many of you, I'm a world traveler, and I never cease to be surprised to find that no matter where I go I am almost always on an American made plane. In air frames we compete. Should we foolishly give away these billions in sales and hundreds of thousands of jobs to protect some inefficient domestic industry? That is what you are talking about when you talk protectionism.

We can go on the trade offensive again and win. We can win for ourselves and the world.

We have, I am convinced, more than enough bargaining power to persuade our trading partners to drop some of their unfair barriers. And we will drop ours.

We are going to solve our monetary problems and we don't have to wait to prove it. The world already believes it. It is time some of our trading partners took a hard look at their own currencies. Whatever the psychological gratification of surpluses, the ledger finally must balance and they know it. It's time to bargain again—but bargain up the road to liberalization, not back to 1930.

And what can *we* do, and do personally? Nearly everyone in this room believes in free trade, and nearly everyone has a personal stake in it.

Let me suggest, let me *urge* a three-point program:

(1) Don't leave a protectionist argument unchallenged. Whether you hear it at a party or read it in the press, go back at it—hard and fast. Expose the thinking behind it, and the motives behind it.

(2) Really support these free trade organizations. Thousands of speeches have to be made, millions of pamphlets have to be published. The American people must understand what freer trade means to them as consumers and workers.

(3) Most of all, talk and write to the Congressmen and Senators that you know. They are the ones who are going to make the decisions. Up until now they have been bombarded by protectionist demands but have heard precious little from our camp. Let them know what we believe.

Gentlemen, and ladies, this erosion cannot be allowed to go on. The world *will* take a road, one of them or the other. It has to be toward freer trade. We have got to go to work to be sure that it is.

PUBLIC HEARINGS—TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Committee on Finance began its second day of public hearings with respect to that part of the House tax reform bill which relates to the tax treatment of private foundations. The first witnesses consisted of a four-man panel which described to the committee the impact these proposed foundation provisions would have on advanced study groups. A number of other distinguished individuals outlined the effects these provisions would pose on their respective foundations, committees, societies, and schools.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Panel on Impact of Foundation Provisions on Advanced Study Groups

JOINT STATEMENT OF CARL KAYSEN, DIRECTOR, THE INSTITUTE FOR ALVANCED STUDY; O. MEREDITH WILSON, DIRECTOR, CENTER FOR ADVANCED STUDY IN THE BEHAVORIAL SCIENCES, INC.; KERMIT GORDON, PRESIDENT, THE BROOKINGS INSTITUTION; AND CARYL P. HASKINS, PRESIDENT, CARNEGIE INSTITUTION OF WASHINGTON

Private foundations

Explain the position of centers of advanced study and research, and other academic institutions not organizationally connected with universities and colleges, with respect to the House proposals. Contend the treatment of educational institutions under the House bill does not correspond to the facts of the higher education system.

State that advance study institutions are involved in a variety of ways in scientific and scholarly research advance training, and the dissemination of the results of research to academic and general public—none of them is engaged in partisan political activity.

Object to the proposed 7½ percent tax on net investment income, and state it would be a financial burden. Note, also, that grant-making private foundations themselves would be subject to the tax and will consequently have less money available for grants.

Point out that if and to the extent that private foundations make grants to advanced-study institutions, the proposed "expenditure responsibility" rules would require a granting foundation to exercise substantial control over the recipient's use of the funds. Suggest this obviously would impair the traditional independence and academic freedom enjoyed by advanced-study institutions.

Urge that the status of advance-study institutions be clarified by the adoption of a specific category that would accommodate them clearly outside the category of "private foundations". Believe the best way to do this would be by revising the definition of "educational organization". As an alternative, suggest another exclusion could be added to the definition of "private foundation", and that it could be framed so that an advance-study organization would have to meet several definite tests.

Urge that if they cannot be placed clearly outside the definition of private foundations, that the definition of "operating foundation" be clarified so that there will be no doubt they can qualify.

In addition, urge an amendment on behalf of those who may not be able to qualify for "operating foundation" status, which would expand the definition of "qualifying distributions".

Suggest that the proposed "expenditure responsibility" requirement which is to be exercised by a grant-maker over a grant recipient be rephrased so that the test can be met by "best efforts" or "reasonable diligence".

Other Foundation Problems

HON. BROOKS HAYS, CHAIRMAN, SOUTHERN COMMITTEE ON POLITICAL ETHICS

Private foundations

States that he has a very favorable impression of foundations based upon his personal experience with foundation programs over two decades—feels they have been, and are, of particular importance to the uplifting of the Southern States. Notes that the Southern Committee on Political Ethics has no self-interest in this matter, since it is not tax-exempt and receives no foundation support.

Points out that when the House Select Committee to Investigate Foundations was established in 1952, the activities of a few foundations had caused apprehension and concern. However, in its investigation, the Committee found that generally foundations were not diverting their resources from their basic purposes and were not working against the interest or traditions of the United States.

States that the Committee also found that the larger and older foundations were rendering great service to the country, and that the larger foundations favored public accounting and disclosure—while some small ones opposed it. States that the Committee recommended full disclosure of all grants.

HOWARD J. PRIVETT, COUNSEL, JAMES IRVINE FOUNDATION

Private foundations

Outlines the nature of the James Irvine Foundation as follows:

(1) The Foundation is the trustee of a charitable trust which owns 54.55 percent of the stock of The Irvine Company of Orange County, California, by virtue of a gift from Mr. James Irvine.

(2) The stock had a value of $5.6 million when it became absolute and has produced income of more than $10 million which has been distributed on a current basis to the universities, colleges, hospitals, youth organizations and similar charities in the community served by the Foundation.

Urges the members of the committee to proceed with measures designed to curb specific abuses and to reject a broad sweeping compulsory divestiture rule which would defeat the intentions of donors of existing foundations and operate as a powerful deterrent to the making of substantial gifts of corporate stock to charity in the future.

Alternatively recommends that if the committee should conclude that the divestiture proposal should be adopted, then

(1) an exception should be made for foundations in existence on May 26, 1969, with respect to all business interests acquired before that date;

(2) an exception should also be made with respect to business interests which foundations are directed to retain by the terms of governing instruments which were irrevocable on May 26, 1969; and

(3) provision should be made for an unrestricted ten-year period for the disposition of stockholdings in excess of the prohibited amount, with authority in the Secretary of the Treasury to extend the period in cases of hardship.

Recommends that the requirement that foundations distribute out of capital each year the amount by which their annual net income is less than 5 percent of the market

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value of their assets should be modified to except therefrom:

(1) Existing trusts established by instruments which do not permit distributions out of capital;

(2) The value of investments which the trustees have no power to change;

(3) For a transition period of ten years, the value of investments now held by foundations which do not produce income equal to the minimum investment return rate; and

(4) For a reasonable period the value of unproductive assets acquired by means other than purchase.

Recommends that the minimum investment return rate should be based upon the estate or income tax savings on the bequest or gift to charity and the income tax savings on realized capital gains. States that it should not be applied to unrealized appreciation in the value of assets on which no tax saving has been realized.

Supplement statement

Believes that the time of the Committee on Finance of the United States Senate should not be used to review the legal squabbles of a dissident minority shareholder with the management of a private corporation; nor do they believe that the merits or demerits of such controversies are in any way relevant ~~or~~ material to the determination of ~~a national~~ tax policy applicable to private foundations.

States that Mrs. Smith's charges against the Foundation are without substance in fact or in law and that her submittals to your Committee and to the Committee on Ways and Means are calculated not to serve the public interest but to benefit her private interests at the expense of the charitable beneficiaries of Mr. Irvine's trust.

JOAN IRVINE SMITH, JAMES IRVINE FOUNDATION

Private foundations

Describes the nature of the James Irvine Foundation and its assets holdings.

Contends that The James Irvine Foundation under the management of N. Loyall McLaren, President, has engaged in self-dealing practices.

Recommends to the Committee on Finance, that the provisions relating to (1) divestment by private foundations of stock held in corporations whose business is unrelated to the charitable activities of foundations; (2) the income tax of 7½ percent based on value of the investment assets of foundations; and (3) the 5 percent annual income distribution applicable to all foundations, be approved by your committee with the following revisions, to wit: that the divestment period commence with the year 1970 on a basis of at least 20 percent instead of the 10 percent provided in H.R. 13270 at the end of 1971 and that there be an annual 20 percent divestment provision during each of the remaining 4 years so that at the end of the 5-year period, as now provided in H.R. 13270, the James Irvine Foundation will have been required to divest itself of all stock that it holds in The Irvine Company. Also adds that the 7½ percent income tax be made applicable to the year 1969 in order that this new tax will be paid on April 15, 1970, and that the 5 percent income distribution provision be made applicable to the year 1969 instead of 1970.

BYRON P. HOLLET, MEMBER, BOARD OF DIRECTORS, LILLY ENDOWMENT, INC.

Foundation problems

Recommends that the distribution requirement be based on an average of asset values over a period of years (ten years, for example) rather than on current market values, and that the required annual distribution should not exceed the return that could be reasonably expected from a well-managed portfolio containing common stocks.

Suggests revision of the stock ownership limitations so that the voting stock of any one corporation held by a foundation would be limited to 20 percent, as the bill provides, but when combined with the holdings of disqualified persons the limitation would be 35 percent. "Disqualified persons," for this purpose, would include only substantial donors who are living, their spouses and lineal descendants, and managers of the foundation.

Recommends that the exception in the bill for an organization created by an inter vivos trust that was irrevocable on December 31, 1939, and meets certain other requirements, be enlarged to include incorporated foundations existing on that date that hold interests in corporations whose common stock is traded on public exchanges or in the over-the-counter market.

Recommends changing the 7½ percent tax on investment income to a supervisory fee.

ROSS L. MALONE, PRESIDENT, AMERICAN BAR FOUNDATION

Private foundations

Outlines the nature of the American Bar Foundation as a non-profit research and educational organization sponsored by the Amerian Bar Association and devoted to study of the operation of law in society and to improvement of the administration of justice.

Feels that the House bill can be interpreted as subjecting the American Bar Foundation to the restrictions, liabilities and tax consequences of a private foundation. Believes this result is at variance with the policy expressed in the Act and an unintended consequence of technical complexities in drafting.

Contends that these adverse consequences can be avoided by minor amendments, drafts of which are presented in the Technical Explanations of their statement.

LINCOLN GORDON, PRESIDENT, JOHNS HOPKINS UNIVERSITY, ON BEHALF OF THE ASSOCIATION OF AMERICAN UNIVERSITIES

Charitable contributions

States that private giving is essential to the health of higher education not only because it needs the money, but also because such help—as contrasted with governmental support—provides universities with resources that help them to determine their own character and their own priorities.

States that the House bill will tend to curtail the volume of gifts and grants from private sources; urges that provisions which seriously threaten or restrict private giving be modified or removed.

Considers the Limit on Tax Preferences as sound; however, believes the value of appreciation of property should not be counted as a preference item when it is given as a charitable gift. Points out that charitable gifts, in contrast with every other tax preference item, do not generate income for the taxpayer.

Also considers the Allocation of Deductions proposal as sound in principle, but believes charitable gifts should not be considered a personal itemized deduction subject to allocation. Points out that all other items subject to allocation are involuntary expenses of the taxpayer, and that charitable gifts do not logically fall in this category because they are discretionary.

Private foundations

Opposes the 7½ percent tax on the investment income of private foundations—believes it should be replaced by the concept of a supervisory fee based on actual costs of supervision.

Expresses concern with the House provision which would define as a taxable foundation expenditure any attempt to influence legislation through an attempt to affect the opinion of the general public. States that the meaning of the prohibiting is so vague and ambiguous, and the penalties on individual foundation managers so harsh, that foundations would be inhibited from making grants in many fields where the participation of academic people in public affairs is urged and expected.

JOHN G. SIMON, PROFESSOR OF LAW, YALE UNIVERSITY

"Private Foundations

States that certain provisions of H.R. 13270 are likely to have the unanticipated effect of aggravating rather than solving the questions of "foundation power" which are of concern to many Members of Congress.

States that the birth rate of the larger foundations largely depends on contributions to foundations of property which is (a) appreciated and/or (b) represents some part of a donor's corporate control stock. Feels that contributions of both types of property to foundations would be heavily discouraged by H.R. 13270.

Points out that over time, many of the 300 existing foundations in the over-$10 million class will be dissolved, leaving only a few of these foundations operating in any one field of activity or in any one geographical region. Emphasizes that this shrinkage will narrow the options available to organizations seeking substantial foundation funds for new ideas and new approaches, unless a reasonable foundation birth-rate is maintained in the over-$10 million category. Adds that new entry is desirable here in "private charitable enterprise," as it is in private commercial enterprise, in order to diffuse power. States that decentralization into non-governmental hands becomes dangerous if there are too few hands.

Feels that discrimination against private foundations regarding appreciated property will heavily discourage gifts of appreciated property to foundations, in addition to having some overall negative impact on charitable giving.

States that the stock ownership provision will make it very difficult or unattractive for a man whose nest egg consists of corporate control stock to endow a foundation with that nest egg; consequently, this provision will discourage the creation of new foundations and may also have a negative effect on overall charitable giving.

Maintains that of the three specific evils attributed to foundation control of business enterprises in the House Ways and Means Committee Report, one does not appear to present a significant problem, and the other two can be cured by application of other provisions of H.R. 13270 and existing law, supplemented if necessary by certain fairly simple amendments. Proposes that if the stock ownership prohibition and the appreciated property provision are to be justified, it must be on the ground that there is some positive advantage in diverting charitable giving away from foundations to nonfoundation charities.

Because the case for diverting charitable giving away from foundations has not been made, and in view of the strong public policy reasons for maintaining a reasonable birth-rate among the larger foundations, recommends that the committee (a) refrain from approving an appreciated property rule which discriminates against foundations, and (b) refrain from adopting the stock ownership prohibition, or at least minimize the deterrent impact of such a prohibition by substantially extending the deadline for divestiture beyond the 5-year period set forth in H.R. 13270.

RAYMOND B. ONDOV, MEMBER, HORMEL FOUNDATION

Private foundations

Describes the Hormel Foundation as a philanthropic organization incorporated under the Laws of the State of Minnesota in December 1941, for religious, charitable, scientific, literary or educational purposes. Points out that the Foundation owns approximately 10 percent of the voting stock of the Hormel Company, but in addition it is the trustee of various Hormel family trusts which own approximately 47 percent of the voting stock of which some trusts require that approximately 10 percent of the stock is to be distributed to certain members of the Hormel family; upon the death of the family members, the Foundation will own absolutely 47.817 percent of the stock.

States that:

(1) The Foundation has not engaged in self-dealing.

(2) The Foundation distributes its income on a current basis.

(3) The founders of the Foundation and of the Hormel Company never served on the Foundation board.

(4) The Foundation has never engaged in speculative trading activities.

(5) In the first few years of existence the Foundation borrowed small sums on a short-term basis to meet its commitments; however, it has been approximately twenty years since the last borrowing was paid. The Foundation has not and does not lend money to anyone.

(6) The Foundation has no unproductive assets except a small tract upon which the Hormel Institute is located and another two acres of negligible value.

(7) The Foundation has never attempted to influence legislation or a public election.

(8) The Foundation never engages in financial transactions unrelated to its charitable purposes.

(9) The Foundation submits all required reports to federal and state authorities and its financial statements are audited.

(10) In order to protect the community in which the company was conceived, nurtured and developed by the Hormels, the founders vested controlling stock interest in the Foundation.

Feels that the present act will completely destroy the Foundation's by-laws requirement that a management be maintained which is interested in the purposes of the Foundation and the welfare of the community. States that the founders of the company greatly feared a take over by industry giants and the resultant calamity to Foundation and the community. Feels that the present act provides the avenue of destruction and opens the doors to leave a community destitute.

Contends that the Hormel Company possesses all of the desired factors making it vulnerable to a take over resulting in the company's general offices being removed and the plant facilities substantially reduced or completely eliminated. Feels that the result would be the tragic uprooting of families.

Suggests that this calamity can be avoided without disturbing the purpose and effectiveness of the Act by removing the stockholding limitation in its entirety. States than an alternative would be to provide a "Grandfather Clause" or exception which would permit the Foundation to retain its holdings.

Requests a modification in paragraph 5(B), page 84, which would permit a family member to serve on the controlled company's board of directors.

Emphasizes that the Tax Reform Act is designed to establish greater equity in the tax laws but feels that the divestiture provisions create a new gross inequity in The Hormel Foundation case. States that equitable principles have never condoned punitive measures against the innocent.

CHARLES STEWART MOTT, CHARLES STEWART MOTT FOUNDATION

Nature of foundation

Mentions a few of the accomplishments of his foundation during the past years. Indicates that the foundation helps people through opportunities in education, health, and recreation primarily in the community of Flint, Michigan. States that foundation services carry out avowed governmental objectives in education, health, and social services—which re-enforces the concept of tax exemption for funds so used.

States that if some foundations do a poor job, they should be regulated, rather than place penalties upon foundations clearly operated for the public advantage. Indicates that the foundation functions as Government's equivalent of industry's research and development department.

Tax on investment income

Opposes the 7½ percent tax on foundation income. States that if spending foundation income for acceptable purposes is good, then a tax on that income is not logical.

Prohibitions on self-dealing

States that the proposed prohibition of all dealings between foundations and donors could create unreasonable problems. Indicates that it is not difficult to imagine circumstances under which a foundation might need to borrow money or lease property. Indicates that the Mott Foundation has not relied upon such practices, but believes that circumstances could exist where a foundation might have justifiable need of legitimate dealings with one or more of the donors contributing to it.

Distributions of income

States that the proposed distribution of annual income or 5 percent of the fair market value of investment assets within 12 months could be unduly restrictive and detrimental. Indicates that it would improve investment in growth businesses which require reinvestment of current earnings for greater future value and earnings.

Stock ownership limitation

Believes the proposed stock ownership limitation would be most unfair, unworkable, and destructive of proposed changes. Indicates that this would prevent reasonable latitude of investment management to produce maximum current and future income to carry forward foundation programs. Points out that required divestiture could result in serious loss of income and consequent cutback of services.

Limitations on use of assets

Supports the proposed limitation on use of assets, and the requirements for disclosure and publicity on operations. Suggests that possibly a voluntary association of foundations could establish what would be, in effect, an accreditation standard of objectives, methods, and practices.

EUGENE T. HACKLER, VICE PRESIDENT, AMERICAN ASSOCIATION OF HOMES FOR THE AGING, AND TREASURER, EVANGELICAL LUTHERAN GOOD SAMARITAN SOCIETY:

Tax-exempt organizations

Supports provisions to deal with *Clay Brown* debt financing, taxation of unrelated business income, taxation of interest, rents and royalties from controlled corporations, and taxation of income from advertising and trade journals.

States that "long-term institutions and homes for the aging" should be specifically exempted as a sec. 170(b) (1) (B) type exempt organization, the same as hospitals.

Gifts of appreciated property

Requests that gifts of appreciated property to "long-term care institutions and homes for the aging" be exempt from any taxation of the appreciation.

Tax on foundation income

Suggests that the proposed 7½-percent tax on investment income, or even the 2-percent tax, not be applied to long-term care institutions and homes for the aging. States that if there must be a tax for administration purposes, it should not be applied against reserves for continuation of service (life care contract obligations) and reserves for improved services, expansion, replacement and working capital.

Political activities

Considers the political activities prohibition section of the bill to need clarification, so that long-term care institutions and homes for the aging are not restricted in their right to communicate to legislators or advocate a cause for the elderly.

Distribution of foundation assets

States that evaluation of noncharitable assets will present administration problems in appraisals of real estate. Suggests that taxpayers not be burdened with the cost of preparing annual appraisals.

Disclosure requirements

Requests clarification of the provision so that every institution having auxiliaries, ladies aids or similar small organizations should not have to go to the expense of reporting.

MITCHELL ROGOVIN, LOUIS AND HENRIETTA BLAUSTEIN FOUNDATION INC.

Stock ownership limitation

Argues that the attribution rules are too broad in that they would cause private foundations with no voting stock to dispose of all their nonvoting securities because of stock owned by family members. States that rules of attribution should not apply in determining whether a private foundation has excess business holdings, and that nonvoting stock should not be equated with control and no attribution should be allowed where no voting stock is held by the foundation.

Indicates that where involuntary divestiture of excess business holdings is required, the bill should preclude adverse tax consequences on the disposition of closely held stock, since no market is generally available for closely held securities—other than issuing corporation. Recommends that redemption by issuing company of excess business holdings not trigger (a) dividend consequences to the donor or (b) assertation of the penalty tax for unreasonable accumulations by the redeeming corporation.

Charitable contributions of appreciated property

Contends that the proposal to limit the tax advantage of gifts of appreciated property to some organizations creates illogical and discriminatory distinction between groups of charity. Maintains that provision would shift contributions from private foundations to other organizations.

Tax on investment income

Opposes the tax on investment income of private foundations. Notes that other tax-exempt organizations would not be required to "make a small contribution * * * toward the cost of government." Contends that the precedent of taxing investment income will cause State and local authorities to tax foundation investment income. Suggests that *all* exempt organizations be required to pay a small "user charge," measured by their capital, to pay for the audit program.

Distribution of income

Maintains that the 5-percent minimum distribution requirement is unrealistic. States that foundations should only be required to distribute earnings currently. Proposes, as an alternative, that the yield minimum be lowered to 3 percent.

Clay-Brown

States that the provision is sound and long overdue. Indicates, however, that the language of sections 514(b) and (c) (1) (C) of the bill could be interpreted to include a foundation borrowing money in order to make a contribution in furtherance of a charitable purpose where it pledges recently

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acquired donated property as collateral for the loan. Recommends that the language be clarified in the Committee Report.

ELVIS J. STAHR, PRESIDENT, NATIONAL AUDUBON SOCIETY

Private foundations

Expresses the opinion that the House bill would be a serious setback to the conservation movement. States that although it would have no direct effect on any of their organizations (because they are not "private foundations"), it would indirectly curtail the activities of nonprofit conservation organizations that depend upon philanthropy.

Expresses concurrence with the Administration's suggested removal of charitable gifts from the area of Limit on Tax Preferences and Allocation of Deductions.

Believes private foundations should pay the administrative costs for the Government's supervision of private foundations, however, recommends that it be a true license fee and that the Administration's proposal of a 2 percent rate be adopted.

Believes that a minimum distribution requirement is sound, and agrees that when donors receive immediate and sometimes substantial tax benefits from contributions, charitable organizations should receive greater benefits.

Expresses concern with the divestiture provisions of the House bill, and believes the limitation of 20 percent to be both unnecessary and harmful—hopes the divestiture provision will be removed completely or at least substantially liberalized.

PROTECTION OF COASTAL WETLANDS

Mr. CASE. Mr. President, an article published recently in the New York Times illustrates two important points I have been trying to make for some time.

The article tells the story of 180 young girl students at the Thomas School in Rowayton, Conn., who became concerned about the protection of coastal wetlands along Long Island Sound which were being subjected to indiscriminate dumping and filling.

The girls, in grades 6 through 12, conducted an intensive campaign to save the wetlands. Their campaign was culminated successfully on October 1 when a new Connecticut law became effective.

The article, I believe, demonstrates that our youth, operating through traditional channels, can have an impact on our society if they are willing to devote the effort needed to accomplish a worthwhile objective.

At the same time, the article emphasizes the need for greater governmental attention to the protection of our environment. In order to bring about the added focus on protection of the environment at the Federal level, I have introduced a bill calling for establishment of a cabinet level Department of Conservation and the Environment. Once the bill is enacted, I hope that State and local officials will use it as a model to structure their governments so that our environment can be considered in the decisions of government at all levels.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONNECTICUT SCHOOLGIRLS LOSE MARSH OF THEIR OWN, BUT GAIN ENACTMENT OF AN ECOLOGICAL PROTECTION LAW

(By Bayard Webster)

ROWAYTON, CONN., October 4.—For 180 young girl students in this quiet, tree-shaded town bordering Long Island Sound, the month of October is a glorious one. It is the month when Connecticut Senate Bill No. 419 became effective.

The new law, in force on Oct. 1, calls for the survey and preservation of Connecticut's coastal wetlands which, up to now, had been unprotected by law from the ravages of indiscriminate dumping and filling.

The passage of the bill by the Legislature was primarily the result of a campaign by the 180 students of The Thomas School here, a private girls' school for grades six through 12.

For several years the girls had used a tidal marsh near their school as an outdoor classroom for the study of biology and wildlife. When they arrived this spring they found it was being used as a dumping ground by contractors.

GIRLS DECIDE TO ACT

They also found that Connecticut had no law prohibiting the filling-in of ecologically valuable bog areas, which provide spawning ground for fish and are rich sources of shellfish. That was when the girls determined to get such a law passed.

"It all started when we went out for our first class in the marsh last spring," said Susan Middleer, a 17-year-old senior, as she pointed to a filled-in section of Farm Creek Marsh, about a half-mile from the school.

"This is what we found. There's very little life here left to study," she added, looking at the small houses, built on dumped fill, that hemmed in the once-spacious marsh.

"The first thing we did," said Mary Cabral, a petite 16-year-old senior, "was organize a mourn-in. We made black crepe-paper sashes, had an early breakfast at the school and led a silent march to the swamp." A dozen legislators were invited, but only two showed up.

The students were discouraged, but with the help of two science instructors, Mrs. Joy Lee and David L. Cherney, the class organized the whole school into a conservation group, known as PYE (pronounced "pie") for Protect Your Environment.

GIRLS DESIGN EMBLEM

Susan and Mary, aided by their art instructor, designed the club's emblem, a circle of yellow (sunlight) with triangles of blue (water) and green (the earth) inside.

At first they fashioned homemade bumper stickers and lapel buttons showing the PYE emblem. Later, contributions and money from the sale of the emblems enabled them to afford machine made insignia. Their campaign to convert the Legislature got underway in earnest.

How do you "convert" a Legislature?

Bombard all 213 of them with a total of 800 hand-written letters. Invite them to breakfast for talks. Sell or give away more than 20,000 bumper stickers—to anyone, not just the legislators. Distribute and sell 25,000 lapel buttons.

Get up at 4:30 in the morning, go down to the train station and tell sleepy-eyed commuters about the threat to the scenic wetlands in their area. Hold conservation seminars in the community, talk to civic groups. Girl Scout meetings, garden clubs, League of Women Voters chapters—anyone who'll listen.

After you think you've got everyone aroused, get your area legislators to introduce a bill. Nurse it out of committee. Cross your fingers as the State Senate passes it, hold your breath when the House does too. Then breathe a sigh of relief when the Governor signs it.

Representative Edward S. Rimer, Jr., of Wilton, who helped the girls with the legislation, said:

"Those kids were just great. Their sincerity and youthful exuberance were what won everybody over. There's no question that the bill wouldn't have passed without their efforts."

The bill was passed by voice vote in the Senate on May 30. The girls worried about the vote in the House, but the bill passed unanimously there on June 2. On July 1 Governor John N. Dempsey signed the bill into law.

Before the effective date of the bill there were no restrictions on the dredging or filling-in of tidal marshlands in the state. Connecticut is one of the last states to pass such legislation.

"Many people think a salt water marsh isn't good for anything—they don't understand its value," said Mr. Cherney, the biology instructor, as he led his class toward a swampy area at Wilson's Cove, about one-half mile farther from the sound than Farm Creek Marsh.

He explained the importance of a tidal marsh: "It's a great source of food—it has mussels, clams, oysters—and it's the place where fish spawn and the young fish grow up before going out into Long Island Sound."

He also pointed out that the salt swamp, washed by the tides of the sound, is a major source of food for ducks, geese and migratory birds.

Mr. Cherney looked at the bog he had found to take the place of the other one. He pointed to a spot where an oil spill last spring had killed most of the swamp grass and animal life. The area was beginning to come back to life, but signs of an oily scum were everywhere. "This marsh isn't great," he said, "but it's all we have."

As the girls returned to their science laboratory at school, Mrs. Edward T. Faber, a science instructor who has also worked with the students this fall on the PYE program, sat on a stool and talked of her enthusiasm for her students' accomplishments.

"I think the whole movement is just fine," she said as the school janitor walked in, wearing the familiar yellow, blue and green button on his shirt. "It not only gives them a chance to learn biology and ecology but it enables them to become political activists—to see what the political process is all about.

"They lost a marsh," she added, "but they gained a broader vista of life."

ADDRESS BY SECRETARY OF DEFENSE LAIRD BEFORE AFL–CIO CONVENTION

Mr. SCOTT. Mr. President, today Hon. Melvin Laird, Secretary of Defense, addressed the eighth convention of the AFL–CIO in Atlantic City, N.J. Mr. Laird was the first Secretary of Defense ever to address a national convention of the AFL–CIO. Mr. Laird's remarks on Vietnam and the significance of the current Vietnamization program are worthy of review by all Members of Congress.

Therefore, Mr. President, I ask unanimous consent that these remarks be included in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD, SECRETARY OF DEFENSE, BEFORE THE EIGHTH CONVENTION OF THE AFL–CIO, OCTOBER 7, 1969

It is an honor to be the first Secretary of Defense ever to address a national convention of the AFL–CIO.

As George Meany and others in this audience know, this is not my first contact with organized labor. For 17 years I have had close contacts with your national leaders, first as a member of Congress and now as Secretary of Defense.

The outstanding contributions made by labor in keeping our Nation secure and free have become even more apparent to me in my present office. I know firsthand how much the skill and productivity of American labor mean to our defense forces.

As an illustration of labor's support of defense, let me recall the action three years ago of the Building and Construction Trades Department. At that time the Navy was seeking to recruit apprentices and journeymen to bolster the Seabee units in Vietnam that were undertaking a backbreaking construction job. In response to the Navy's appeal, some 5,000 building tradesmen came out of your ranks into the Seabee's.

I could relate many other instances of this kind that have meant so much to the young Americans in the military forces in Vietnam—such things as the help of maritime unions in unsnarling the tie-up in Saigon harbor.

The positions taken by organized labor in the areas of foreign and military affairs have been uniformly wise, farsighted, realistic, and free from illusion. The support of your Executive Council for the President's decision to begin on the SAFEGUARD Antiballistic Missile System was of major importance in bringing about favorable Congressional action on this proposal. I know I voice President Nixon's sentiments when I thank you for this support.

The AFL–CIO has also supported the efforts of our Government to assure the right of self-determination to the people of Vietnam, and this forms a background for my remarks today. This policy now being carried out by the Nixon Administration offers the best hope of ending heavy American involvement within a reasonable time and of making it possible for the people of South Vietnam to chart their own political course in peace and freedom.

Make no mistake about it. To carry out his policy, the President needs the support of a united people. The young Americans in Vietnam need that support. Hanoi's strategy is clear: the leaders in Hanoi expect to achieve victory by waiting for us to abandon the conflict as a result of anti-war protest in this country. From their experience with the French and from their reading of events in the United States last year, they are encouraged to believe that they can get all they want if they merely wait long enough. The President will not bow to acts and utterances by those Americans who seek to pressure him into capitulation on Hanoi's terms. Those acts and utterances serve only to encourage the enemy to keep on fighting in South Vietnam and to keep on stalling in Paris.

The Paris talks had made little headway by the time the Nixon Administration assumed office in January. They remain stalemated today. At Paris, the North Vietnamese can endlessly block our efforts to end the war through negotiation by rejecting all proposals. For this reason, the President decided at an early point in his Administration that we could not leave all our eggs in the negotiation basket. The President continues to give his full support to our Paris efforts because, clearly, negotiations could provide the speediest resolution to the war. But this course requires a sincere effort by both sides, not by the United States and South Vietnam alone.

In January, the U.S. Government had no alternative plan to influence the course of events should the continuing efforts at Paris fail. Today, there is an alternative course of action that at the same time complements our efforts at Paris. That program is Vietnamization.

Vietnamization is something new. Those who view it as a mere continuation of the program for modernizing South Vietnam's armed forces are quite mistaken. It is much more than that. The Vietnamization program represents a major change not only in emphasis but also in objectives. Troop modernization until early this year had the negative goal of partially de-Americanizing the war. Vietnamization has the positive goal of "Vietnamizing" the war, of increasing Vietnamese responsibility for *all* aspects of the war and handling of their own affairs. There is an enormous difference between these two policies.

The previous modernization program was designed to prepare the South Vietnamese to handle only the threat of Viet Cong insurgency that would remain *after* all North Vietnamese regular forces had returned home. It made sense, therefore, only in the context of success at Paris. It was a companion piece to the Paris talks, not a complement and alternative. Vietnamization, on the other hand, is directed toward preparing the South Vietnamese to handle both Viet Cong insurgency and regular North Vietnamese armed forces regardless of the outcome in Paris.

In other words, we felt we could not stand pat with the past. Vietnamization has put some aces in the Free World's poker hand.

As I noted, Vietnamization embodies much more than merely enabling the South Vietnamese armed forces to assume greater military responsibility. It means, in South Vietnam, building a stronger economy, stronger internal security forces, a stronger government, and stronger military forces.

The American public must understand and support this if it is to be made to work in Vietnam. By making Vietnamization work, we create a powerful incentive for the enemy to negotiate meaningfully in Paris.

The enemy needs to know that time is not on his side, that the passage of time is leading to a stronger, not a weaker South Vietnam.

As the President has said time and again, we hold firmly to a single objective for Vietnam: permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese.

The President has also said: "I do not want an American boy to be in Vietnam for one day longer than is necessary for our national interest."

Vietnamization offers us the best prospect for bringing our men home quickly while achieving our objective in Vietnam.

The last thing I want to do is convey false hopes or promises to the American people. I do want to give as full a picture as I can of the situation we face in Vietnam and what we are trying to do about it. I cannot promise a miraculous end to the war. I cannot promise that our losses in combat will remain, as they were last week, at the lowest level in almost three years. But I can say to you that we are on the path that has the best chance of minimizing U.S. casualties while resolving the war in the shortest possible time without abandoning our basic objective.

In the Vietnamization program, high priority actions are underway. Let's look briefly at the four facets of Vietnamization for just a moment: stronger economy, stronger police for internal security, stronger government, and stronger military forces.

In the economic field, a significant factor is the opening up of waterways and roads for farmers to bring their produce to market and the growing confidence of farmers in using them. In addition, South Vietnamese have replaced Americans in the operation of the civilian port facilities at Saigon and at supply and warehousing facilities in various parts of the country. In the past three years, South Vietnam has trebled its funding of imports while the amount spent for this purpose by the Agency for International Development has dropped by a third. South Vietnam is moving toward restoration of self-sufficiency in rice production. Of course, progress in an economy distorted by war is bound to be uneven. Vietnam suffers from the chronic wartime malady of steep inflation but the government of Vietnam is attempting to face up to this problem with American help.

In the field of local security, the police force has been expanded and its training strengthened. Partly for this reason, the Viet Cong infrastructure is being weakened and rooted out in many areas. The infrastructure includes the hard-line Communist civilians who control and direct the acts of terrorism, assassination, and kidnappings at the local level—as well as the military activities of the local guerrillas and main force units. One measure of success in local security is the extent of the denial to the enemy of the base of popular support he needs for supplies, concealment, intelligence, and recruits and, more important, the reduction in terrorist activities which intimidate the population.

In the political field, progress is measured by the extent of the peoples' trust in their government. It is at the grass—or "rice"—roots level where we find encouraging signs. Locally elected governments are spreading throughout the country. Self-government has been brought this year to more than 700 villages and hamlets in recently pacified areas, bringing the total with self-government to about 8 out of every 10. There has been a notable increase in the number of citizens willing to seek local office and hence to face the threat of Viet Cong terrorism which has taken such a toll of local officials in past years. However, much remains to be done. The government of South Vietnam is continuing its efforts to strengthen popular support for their elected government officials at all levels, to improve administrative practices, and to provide better services to people in such fields as education and public health.

The success of the whole Vietnamization program would be jeopardized without progress in the political field. The political system and policies of South Vietnam are not our responsibility, but we are anxious to see them succeed.

The military area is where progress in Vietnamization has been most visible. We have begun to replace American with Vietnamese troops. Already this year, in two installments, we are cutting the size of our forces by 60,000 in Vietnam, and, in a related development, by 6,000 in Thailand. Contingent on one or more of the three criteria expressed by the President—progress at Paris, progress in Vietnamization, and reduction in the level of enemy activity—additional numbers of Americans can and will be brought home.

The troop redeployment so far announced have not been made possible by any progress in Paris or by any convincing evidence that Hanoi wants to reduce the level of combat. They have been made possible principally by the improved capability of South Vietnamese military forces. The armed forces of South Vietnam have increased substantially. Since January of this year, fourteen more battalions have been put in the field. They are better trained and better equipped. They are increasingly taking up the burden of combat. For more than a year, their ground forces have not been defeated in any engagement of units of battalion size or larger.

These, then, are some of the encouraging signs. But there remains much to be done, particularly in strengthening the economic

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and political spheres. I don't want to suggest for a moment that everything is going our way, for there are still serious problems before us.

But we are not the only with problems. One might gather from some statements of both our critics and our supporters that the North Vietnamese and Viet Cong are eight feet tall, that they enjoy unreserved popular support, and that victory for them is inevitable. With Vietnamization well underway, I think it is time to pause and view the more balanced perspective of the problems faced by both sides.

Although the controlled press in North Vietnam does not parade criticism of their war effort, we see their problems in other ways. First of all, there are the staggering casualties they have endured numbering well over half a million men lost in combat since 1961. The impact of their casualties on the war effort is compounded by the growing difficulties encountered in recruiting replacements for the Viet Cong in South Vietnam. Add to this recent floods, epidemics, agricultural production difficulties, and a sagging economy. Finally, North Vietnam has lost its tough leader of many years, Ho Chi Minh, who served as a unifying symbol of so-called liberation wars in Southeast Asia. We cannot know what effect such difficulties will have in the future course of the war, but we must keep them in mind in our assessments.

I have explained to you today what this Administration is seeking to do in Vietnam, and why we believe our dual approach of Vietnamization and negotiation is the best path to follow.

There are those who claim that the United States should establish a formal and fixed timetable for U.S. troop reductions in Vietnam. On May 14th, President Nixon offered to withdraw our forces from South Vietnam by a fixed timetable if North Vietnam would do the same. The place to establish a fixed timetable is in Paris or in some other mutual context, rather than by unilateral action in the United States. The President's offer has received no response from Hanoi, and from some statements I have read, seems to have been ignored by many in this country.

We believe there are other reasons why the unilateral setting of a fixed timetable would be unwise at this time.

First, the readiness of South Vietnamese forces to supplant American forces may not coincide with a predetermined timetable. We have achieved a momentum behind Vietnamization. It is of the greatest importance that this momentum be maintained. An arbitrary timetable could disrupt this momentum.

Second, any hope of progress in the Paris talks would evaporate. Knowing that American troops would be removed by a certain day, the Communist negotiators would be even more inclined to yield nothing and more encouraged to wait us out.

Third—and this is particularly important—we cannot at any stage of this process subject the American troops left in Vietnam, to the danger of being overwhelmed by an enemy force. Any timetable set now could work out so as to leave a small band of Americans as a sacrifice to illusion, impatience, or frustration.

A timetable set now might prove to be too slow or too fast. We are not setting one because it would not be fair to our men in Vietnam or to our allies, and it certainly would retard progress toward ending the war.

I cannot tell you how or when the war in Vietnam will end. It has been my policy in office not to make optimistic forecasts; there have been too many of those in the Department of the Department of Defense. We are now embarked on a new course that we believe has the best prospect for ending American combat involvement. We shall persist in assisting the South Vietnamese to attain self-determination. We will not abandon South Vietnam. As President Nixon has said.

"Abandoning the South Vietnamese people would jeopardize more than lives in South Vietnam. It would bring peace now but it would enormously increase the danger of a bigger war later.

"If we simply abandoned our efforts in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability."

I am sure of one thing. The day that we all hope and pray for when there are no more American troops in combat will be speeded if the American people make it clear that they are united behind their President's policy.

As we press toward a resolution of the situation in Vietnam, we must not lose sight of the larger world stage. We must be vigilant in the face of a continuing threat from abroad to our security and a growing challenge here at home to the military foundation so vitally needed for a policy of peace.

The President has said we are entering an era of negotiations. We are trying to make negotiation work in Paris. We would like to see it work in arms limitation talks. We hope to make it work in all areas of contention as we approach the decade of the 70's.

You men of labor know a great deal about negotiation. Two things in particular you have learned and applied in your long history. The first is to persist and persevere, regardless of how difficult the course, because the goal is worthy. The second is to negotiate from strength.

On Vietnam, we are persevering in negotiating for peace and we are strengthening our hand through Vietnamization.

On the larger front, we have a strong military base that we must maintain so that we can always negotiate from strength while assuring our ability to defend our interests should negotiation fail.

We need your continuing help in keeping America aware of the need both for strength and perseverance in building a policy of peace. We know we will get it.

Thank you very much.

A MAJOR STATEMENT ON NATIONAL SECURITY BY SENATOR BROOKE

Mr. PEARSON. Mr. President, yesterday I had the privilege of introducing the distinguished junior Senator from Massachusetts (Mr. BROOKE) to the students and faculty and guests of Kansas State University. Senator BROOKE was on the campus at Manhattan to deliver a major speech as a part of the university's distinguished Alf M. Landon Lecture Series.

Senator BROOKE's speech, entitled "National Security: Dollars, Demands, and Dilemmas," was one of the most lucid and most learned statements I have had the privilege to hear regarding the great and complicated issues of national security and how we as a society are and should be reacting to these issues.

Mr. President, this is an extremely valuable and useful statement which I want to bring to the attention of the Senate and the public; therefore, I ask unanimous consent that Senator BROOKE's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NATIONAL SECURITY: DOLLARS, DEMANDS, AND DILEMMAS

(The Landon Lecture, Kansas State University, Oct. 6, 1969)

It is a great honor to be with you today and to have the opportunity to present the Landon Lecture. Alf Landon brought great distinction to this State and to the Nation. And the lectures which have borne his name have brought eminent men to this campus. I am very gratified that you have invited me to take part in this important series of programs.

Some of you no doubt recall the famous Civil War general, Joseph Hooker, whom Abraham Lincoln appointed to replace the slow-moving General McClellan. General Hooker made a special effort to demonstrate that he was a true man of action, and in his first few days in command sent to the President a dispatch headed, "Headquarters in the Saddle." Mr. Lincoln was not exactly impressed. "The trouble with Hooker," he remarked, "is that he's got his headquarters where his hindquarters ought to be."

A lot of Americans are wondering in 1969 whether those responsible for the Nation's defenses have their "headquarters" in the right place, namely on the job of meeting our national security needs economically and effectively. We are witnessing an unprecedented display of citizen's ire against the military establishment. Not only the uniformed military, but the civilian leaders and private contractors engaged in defense activities are bearing the brunt of unusual public criticism.

Part of this criticism stems, of course, from the frustration and bitterness engendered by the Vietnam war. However one assesses that conflict, it has triggered a major loss of confidence in the capacity of our Government in general and of our military in particular. But the new and growing skepticism toward the military is compounded of other political and economic factors, as well.

There has long been a need for responsible criticism in the field of national security policy, but there are obvious reasons why it has been difficult to develop. Defense policy is intimidating. Replete with complicated technologies, awesome weapons, arcane strategies, and stratospheric budgets, it quite understandably has scared off many of those who might normally have contributed independent judgments. Furthermore, much relevant information has been classified and withheld from public debate, sometimes necessarily, often, one suspects, merely for convenience. And the horrors of the nuclear age numb the mind; many aspects of contemporary defense policy have seemed unthinkable to some of our citizens. Thus, the inclination to leave this vital field of policy to the experts has been a powerful one.

This context has altered rapidly, however, in recent months. In and out of Congress, a swelling body of aroused individuals has begun to plunge into issues of national security with a vigor and determination rarely seen. A new breed of journalism has begun to flourish, exposing serious problems in defense procurement and management. The small group of dedicated congressional investigators who have plowed these fields for many years—these have been joined by a large number of allies, including several on the Senate Armed Services Committee. Individual members of the House and Senate have struck out on their own to uncover dubious contract practices, to highlight the dangers of certain weapons systems, to press the case for non-military approaches to security such as the pending strategic arms negotiations with the Soviet Union.

The need for strategic arms talks should be evident. It was in 1945 that we exploded the first atomic device, and shocked the world and ourselves with the awesome power of this new technology. In 1949 the Soviet Union detonated a similar weapon. For the past quarter century, the two most powerful nations in the world have held each other at bay. Changes have occurred within both blocs; allies have challenged the leadership of the United States and the Soviet Union alike; but the nuclear stalemate goes on.

The American people have become increasingly aware over the years that the great power of nuclear weapons is sufficient only to insure mutual deterrence; it does not and cannot provide meaningful military superiority against a nation also armed with thermonuclear weapons and ballistic missiles. This view apparently has been accepted by the leaders of the Soviet Union also. At the present time neither side can hope to attain "superiority." Both the United States and the Soviet Union have over 100 long-range missiles. These weapons, armed with nuclear warheads, can be either land or sea-based. In the case of the Soviet Union, nearly all are land-based. Nearly half of the U.S. missiles are located at sea on our Polaris submarine fleet.

In addition, the Soviet Union has constructed a rudimentary anti-ballistic missile system around the major cities of Moscow and Leningrad. Some theorists have argued that an ABM system, by protecting the major population centers, could give the Soviet Union a "first strike capability." That is, in time of major international tension, the Soviets could conceivably launch what is known as a "pre-emptive" attack upon the United States, knowing that their initial attack would wipe out a portion of our offensive capability and that their ABM system could protect their administrative and population centers against the remainder of our missiles. It was this consideration which prompted many of our citizens to support the construction of a similar anti-missile system for the United States. However, the Soviet ABM system is not as technologically advanced as the one we are planning to construct, and the Soviets seem to have stopped deploying the original system because it will not work adequately against U.S. missiles.

Thus, for the time being, both sides are left with a rough comparability in strategic weapons, and confusing as it may be, offensive weapons—numerous and powerful enough to devastate an opponent even if he were to strike first—are our best insurance against the outbreak of war.

Now, however, we are faced with a new technology which threatens to disrupt this carefully maintained balance of power. I refer specifically to MIRV, the innocent-sounding acronym for multiple independently targetable re-entry vehicles, MIRV's are multiple warheads, placed on a single missile. Instead of a single nuclear bomb in the tip of a missile, we and the Soviets are now developing the capability of placing three or more bombs in the nose of each rocket; and through complicated electronic engineering, each of these bombs can be guided to a separate target.

With this new generation of weapons about to sprout from the arsenals of the Soviet Union and the United States, I have been joined by almost half the Senate and a sizable number of House Members in calling for joint moratorium on flight tests of the so-called MIRV systems. These weapons, multiple independently targetable re-entry vehicles, are by far the most dangerous technology to be devised in years. MIRV would multiply the offensive forces of the two sides several-fold.

The significance of MIRV has tended to be lost in the intense controversy over the proposed ABM deployment. Many of us have opposed ABM deployment at this time, but even if the decision is made to proceed, it will be years before the system is operational. During that period we will have many opportunities to re-assess the need for such a defense. In other words, ABM deployment remains a *controllable* decision, in the sense that unilaterally or cooperatively with the Soviets we still have an opportunity to limit or terminate the program, if that promises greater mutual security.

By contrast the insidious quality of MIRV technology lies in the fact that we are very near the stage at which these systems will no longer be controllable by technically practical and politically feasible means. Once an intercontinental missile is resting in its silo, we may no longer be sure whether it has one or several warheads, or whether it is capable of striking one or several targets.

It has become increasingly clear to close students that, short of a highly improbable system of on-site inspection of deployed missiles, the most promising approach to controlling MIRV is to prohibit the test programs which are necessary to perfect multiple warhead devices. By banning MIRV test flights, which can be observed with some confidence by both sides, it may be possible to forestall actual deployment of these weapons by preventing the achievement of the reliability and accuracy that would be required. At the least, a MIRV test moratorium should slow the development of this menacing weapon, allowing additional time to seek workable arms control agreements in this realm.

And time has become the most precious commodity where MIRV's are concerned. The United States is nearly half-way through the test series that may lead to initial deployment of the Minuteman III and Poseidon MIRV systems late next year. While the Soviet Union appears to be working on a less flexible system, it also has conducted a number of tests of a large weapon capable of striking more than one target. If these tests continue unabated, each nation will have to assume that the other has actually deployed MIRV.

Why is this likely to be so critical a turning point in the history of the arms race? The reasons are many, but the fundamental points can be stated briefly. MIRV threatens to erode one of the basic barriers to nuclear war, namely, the utter certainty that neither the Soviets nor the Americans could carry out a nuclear attack without suffering devastating retaliation. But when a single missile becomes capable of destroying several other missiles, a nuclear war may become more likely. This is not to say that MIRV deployment condemns us to inevitable holocaust. But in moments of acute crisis, when each side knows that the other has the capacity to wipe out much of its retaliatory force, the tendency to strike first will probably grow.

When the risks are so grave, the disaster of war so total, we cannot afford to tempt fate. It may be possible to survive in a world populated by MIRV's, but it would be far preferable to live in a world free of them.

The uncertainties such a system would add to the present balance of terror would make a significant arms control agreement exceedingly difficult to achieve, and would lead us into a less stable strategic relationship with the Soviet Union. The likely result would be yet another offensive-defensive arms race, with ever-increasing burdens and ever-decreasing security on both sides. It is my profound hope that the President will accept the proposal to seek a joint MIRV test moratorium. Without it, I have grave doubts that the planned negotiations can be successful in turning us away from the perilous path on which we have been proceeding.

There has been far too little sense of urgency in the Nation and in the Government regarding those negotiations, the so-called strategic arms limitation or SALT talks. The Soviet Union initially accepted the American suggestion for such talks over a year ago, but the invasion of Czechoslovakia, the U.S. election campaign and other factors combined to delay them. President Nixon indicated four months ago that the United States was prepared to proceed with these vital negotiations. But the clock has been ticking and the Soviets seem to have grown even more wary of these talks.

At present it is clear that the issues for the SALT talks have been vastly complicated by the rapid advance of technology on both sides during recent months, but the opportunity still exists for earnest and productive diplomacy to curb the arms race. MIRV tests continue, ABM deployments proceed, weapons decisions are made—but the cause of enlightened negotiation is stymied.

This is no time for considerations of national pride or calculations of narrow advantage to intrude. The stakes in these negotiations are nothing less than the future security of mankind.

The SALT talks, when and if they begin, will no doubt be prolonged and complex. Yet the fundamental questions they must address can be reduced to a single point: Are the two powers prepared to build their future strategic relationships on the doctrine of mutual deterrence? That is in fact the question which President Nixon put to the Soviet Union in his notable speech of March 14. The President, for the first time, confirmed that the United States has adopted a policy of strategic sufficiency, and has concluded that neither side can successfully or safely pursue the elusive goal of military superiority. He made clear his understanding that the United States and the Soviet Union should forego certain weapons not only because they are costly but because they jeopardize strategic stability. For example, the President rejected a heavy city-oriented ABM system and a massive expansion of our offensive forces precisely because they would threaten the Soviet Union's capacity to retaliate. Such deployments would force them to take countermeasures of a very dangerous character.

President Nixon has expressed a vivid appreciation of the central paradox of our time, namely, that mutual security depends on mutual vulnerability.

If the Soviets respond affirmatively in the SALT talks by agreeing that mutual deterrance must be the touchstone of future security arrangements, many specific consequences will follow. Agreement on a number of issues should become more feasible. For example, in agreeing that mutual deterrence should be a common goal, the two sides should also be able to agree that unlimited deployment of ABM systems would be incompatible with mutual deterrance. A freeze on the number of offensive delivery systems should also become more possible, since continued expansion of such forces undermines mutual deterrence, especially if MIRV technology is not inhibited. And even some limitation of anti-submarine warfare may become workable, since a breakthrough in ASW might erode the distinctive deterrent value of missile-launching submarines.

These are not easy or comfortable questions. An ideal world would not have to contend with them, for it would have no nuclear weapons, no intercontinental ballistic missiles, and, for that matter, no wars. But in the world as it is, those concerned about the well-being of life on this plant must come to grips with these problems in a realistic and constructive way. The SALT talks offer a precious opportunity to do so. That opportunity must not be squandered.

As we confront these momentous issues, these paralyzing questions of life and death, it is easy to drown in self-pity and anxiety. Indeed some have ascribed much of the unrest among today's younger generations to the overwhelming sense of impending doom which nuclear weapons have imposed on mankind. Professor George Wald of Harvard recently described today's youth as the generation without a future. He declared that this awful perception was at the root of campus tension.

Perhaps there is some truth in his view. The insight is plausible enough, and the spread of student disturbances to many countries cries out for explanation. But the distinctive feature of the recent waves of student activism is not that it occurs in the nuclear age. In truth the most notable point from our perspective is that the traditional outbursts which have so often occurred in

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European, Latin American and Asian Universities have now been matched in the United States. For some reason American students have adopted some behavior patterns which have disrupted other countries' schools for centuries.

It is difficult to attribute this phenomenon to the fact that we have entered an age in which students everywhere are oppressed by *ANGST*. A terrible sense of dread about the fate of the world. Thoughtful students always and everywhere have been concerned about these great issues.

Most campus disputes have involved immediate issues, though local, some of those issues are common to many schools. The quality and relevance of education, the difficulties of personal learning in gigantic institutions, the demand for greater student freedom and greater student involvement, all these important questions would surely be with us whether or not we had ever heard of nuclear weapons.

In short, while the anxieties of the thermonuclear age are real and painful, while they no doubt compound the other stresses of modern life, it is unreasonable to blame all our troubles on the fact that we are fated to inhabit a world plagued with such absolute weapons. Apocalyptic visions tend more to numb the believer than to stimulate him to constructive action.

To cope with the challenge of controlling nuclear weapons, we cannot afford to wallow in a mood of hopelessness and helplessness. We need clear heads to identify and isolate the special problems of nuclear arms control, and this mammoth task is not made easier by chaining ourselves in interesting but irrelevant speculations.

Nuclear weapons worry young people; nuclear weapons also worry older people. We need to control nuclear weapons, not because they trouble our students, but because they threaten the well-being of all men.

I make this point to anticipate another: the limitation of nuclear weapons and the prevention of nuclear war are feasible. Rather than succumb to frustration and despair, we ought to take stock of what we have done and what we can do in this field. The record is by no means entirely bleak. For several years the United States had a virtual monopoly on nuclear weapons and could have exploited them to rule the world. Yet there was never any real likelihood that it would do so. Having the power to dominate, America made clear its goal of a just world order by declining to use that power.

In later years, the Soviet Union has overtaken the United States lead in nuclear weapons, and peace has come to rest on a balance of terror. The recognized fragility of that balance has been a powerful incentive to seek better and more dependable foundations for peace. The lesson has impressed itself on every informed mind:—National security is inseparable from international security—in the words of Maxim Litvinov: "Peace is indivisible."

The fruits of this lesson have ripened slowly, but they have begun to ripen. By the decade of the sixties it became possible for the Soviet Union and the United States, after arduous negotiations, to reach significant arms control agreements. The nuclear test ban treaty, concluded in 1963, not only inhibited nuclear fall-out from the atmosphere; it also curtailed further development of even more refined and destructive nuclear devices.

Another agreement sought to stop the threatened extension of such weapons into the untouched environment of outer space. Antarctica has been declared off limits to military installations.

Recognizing that the quest for a durable peace would be jeopardized by the continued spread of nuclear weapons, most members of the United Nations supported efforts to devise a non-proliferation treaty, which has now been concluded. A "hot line" has been installed to maintain emergency communications between Moscow and Washington, and to reduce the dangers of accidental conflict. At this stage prospects are hopeful for additional limitations on military uses of the ocean floor and on the horrendous chemical-biological weapons of which we have all read.

Perhaps more important than these formal arrangements to reinforce world stability have been the tacit and unilateral steps taken by the great powers. Both sides have come to employ space-based observation systems which provide vital information about the number and kinds of weapons available to the two countries. In a sense technology has given us the "open skies" which President Eisenhower proposed over a decade ago. The contribution of such peacekeeping systêms is immeasurable.

Furthermore both nations have learned that a stable balance of power cannot rely on vulnerable weapons which are only usable in a first strike. Hence, the Soviet Union has followed the American lead in deploying weapons suitable for a second strike but less vulnerable to an initial attack. And both Moscow and Washington have gone to great lengths—in Cuba, in Vietnam, in Berlin, in the Middle East—to avoid even minor clashes between Soviet and American military units. In some respects the fear of escalation has been enormously healthy, it has induced the kind of Soviet-American restraint that must prevail if crises are not to become calamities. It is this kind of mutual restraint which has allowed us time to explore non-military approaches to the problems of national security.

These promising measures are, of course, only half-steps toward the world we seek. But they are solid accomplishments which demonstrate that we can begin to erect a peaceful order through cooperative undertakings. Given time and hard work, we and the Soviets can transform our realization of common peril into appreciation of our common interests. And those common interests are the basis for fashioning meaningful limitations on the types and levels of weapons we maintain.

It would be naive to conclude that these halting beginnings are a guarantee of major future successes at the conference table. But it would be equally naive and far more dangerous to the values we hold most dear if we fell prey to the misconception that attempts to achieve arms control are condemned to failure. Anxious concern is fully warranted; a pervasive sense of futility is not.

The rewards for progress on the arms limitation front are measured not only in increased security for all nations. They also appear in the vast opportunities to reallocate resources now devoted to military expenditures. At present some $200 billion a year is spent on national security programs throughout the world. If we can liberate even a small fraction of that sum, by reducing the necessity for such expenditures, think what it could mean for the prosperity of this globe. Programs to speed development of the impoverished lands, to relieve the blight infecting urban communities in every country, to feed and clothe and heal those in need—even a diversion of but 10% of the world's military budgets would be a boon to mankind.

Again, my message is that it can be done. Already, on our own and without requiring parallel action by the Soviet Union, we are finding ways to shift resources away from some military programs and into other priority efforts. A year ago those of us advocating adjustments in U.S. defense spending discussed the possibility of a $5 billion reduction in the budget; no one really expected that to occur. But in the period since January of this year, executive and legislative action has in fact trimmed defense spending by very nearly that amount. The budget for 1970 will be in the $77 billion range, as opposed to the more than $81 billion recommended by the previous administration. It could be even less, depending on how the $2 billion cut proposed by the Senate Armed Service Committee is finally resolved. Thus progress toward controlling the defense budget has been dramatic and substantial.

The dilemmas of national security are complex and must be aired widely, if the collective wisdom of the American people is to be informed enough to be effective. Problems like these defy dogmatic and idealogical judgments. In wrestling with them I often recall the encounter a century ago between the Archbishop of Canterbury and Cardinal Hensley. Leaving a meeting at which he had been with the Cardinal, the Archbishop offered him a ride. "After all," he said, "We're both engaged in God's work."

To which the Cardinal replied, "Yes, you in your way, and I in His."

None of us can claim the mantle of Divinity when it comes to the great decisions of national security and public welfare. But God has equipped us with intelligence and compassion which, coupled with determined effort on our part, can lead to more humane and progressive policies. And those policies will be a living testament to the peace and justice America seeks for herself and for all nations.

HAS A RECESSION BEGUN?

Mr. YARBOROUGH. Mr. President, for the last several months, the Nixon administration's fiscal and monetary policies, and in particular, its policy of high interest rates, have been detrimental to the country. As I have repeatedly stated, the high interest rates fostered by the Federal Reserve, combined with the Nixon administration's cutback in Federal construction and in vital domestic programs, will eventually cause a recession without curbing inflation.

The revelations in this morning's newspapers seem to indicate that this is exactly what is beginning to happen. It was reported in this morning's edition of the Washington Post that unemployment rose from 3.5 to 4 percent of the labor force in September after seasonal adjustments. The magnitude of this monthly increase, the largest in 1 month since the 1960–61 recession, has shocked many of the Nation's economists. While the Nixon administration tends to view the unexpected increase in unemployment as evidence that the Government's anti-inflation program is beginning to take hold, in my opinion, the increase signifies the beginning of a damaging recession. As Mr. Harold Goldstein, assistant commissioner of labor statistics, pointed out, there is serious cause for concern due to the steady increase in the quarterly unemployment rate from 3.3 percent in the January–March period to 3.5 percent in the April–June period and to 3.7 percent in the past 3 months.

As the article in the Post notes, unemployment normally falls sharply in September as youngsters, who have a high jobless rate, leave the summer labor force to return to school. But this year there was an actual September rise of 90,000 in the unemployed ranks causing the unemployed to reach 3 million. After seasonal adjustment, the increase in unemployment came to 365,000.

And who are these newly unemployed? They are the blue-collar workers, the factory worker, and the skilled and unskilled laboring man. The unemployment rate for blue-collar workers jumped from 3.8 to 4.4 percent, while that for the white-collar employee held steady at 2.2 percent.

Mr. President, Prof. Milton Friedman, noted Chicago University economist and campaign adviser last year to President Nixon, testified before Senator WILLIAM PROXMIRE's Subcommittee on Economy in Government on October 6, 1969, that unless the administration and Federal Reserve quickly relax their tight money policy, the Nation faces "an unnecessarily severe recession next year" with unemployment ranging higher than 7 percent. His views are contained in an article by Hobart Rowen in today's edition of the Washington Post. I ask unanimous consent that this article be printed in full in the RECORD at the conclusion of my remarks.

Former Vice President Hubert Humphrey, in a speech to the AFL–CIO yesterday discussed the bankruptcy of the Nixon administration's economic policy. In an article by Robert C. Maynard, appearing in today's edition of the Washington Post, Mr. Humphrey's remarks are reviewed. I ask unanimous consent that this article be printed at the conclusion of my remarks in the RECORD.

Mr. President, the economic posture of our Nation is a matter of serious concern. As I have recurringly stated, the real cause of inflation in this Nation is the needless and fruitless Vietnam war. Increasing interest rates have only added to the inflationary spiral generated by war spending.

Mr. President, in all American history, this is the only administration I know of that boasts about more unemployment. The administration becomes elated every time the unemployment rate goes up a percentage point, raising the cry that this means we are stopping inflation. But we all know, Mr. President, that the unemployment rate is not the proper criteria for measuring inflation and recessions since the war in Vietnam has taught us the cruel lesson that we can have a recession and inflation at the same time.

So, the administration instead of holding its head high with boastful pride with each increase in the unemployment rate, ought to try to do something about the "forgotten American" as Mr. Humphrey called him. The real forgotten American is the adult citizen who pays higher interest rates and suffers in a recession, while at the same time paying higher prices and suffering in an inflation. And the administration's high-interest rate policy, with its resulting unemployment indicates that the administration has forgotten about the forgotten American.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Fed Sparking a Recession, Senators Told

(By Hobart Rowen)

Unless the Federal Reserve quickly relaxes its tight money policy, the nation faces "an unnecessarily severe recession next year," with unemployment ranging higher than 7 per cent.

That was the somber judgment offered yesterday by Prof. Milton Friedman, the noted Chicago University economist and campaign adviser last year to President Nixon.

A long-time critic of the Fed, Friedman testified before Sen. William Proxmire's subcommittee on Economy in Government, and later elaborated on his fears of a recession to reporters.

The committee also heard testimony from Brookings Institute economist Charles L. Schultze and from Ralph Nader on the need for efficiency and new incentives to improve government operations.

Nader complained that regulatory agencies do not make compliance surveys regularly—indeed, in some cases not at all.

"Endemic non-enforcement voter time builds up a corruption of the political legal process that is difficult to overestimate," he said.

Schultze, former Budget director, cited a number of subsidies for business, industry and farm groups that he said work inefficiently, at great cost to taxpayers.

One major drawback in managing public enterprise, Schultze said, results from the Budget Bureau's failure to charge the right departments with all the costs they incur. An example that fascinated the committee is that the Defense Department is not charged with the cost of atomic warheads for its nuclear weapons.

Proxmire (D.–Wis.) said he would ask Budget Director Robert P. Mayo to comment on this and other aspects of Schultze's testimony.

Unemployment rates in the vicinity of 7 per cent would be the highest since the 1958 recession, Friedman said. And he warned that the Federal Reserve "has but little time" in which to reverse its policy.

"But I see no signs that they are prepared to do so," the controversial economist told the impromptu press conference.

Friedman's assessment of the Fed's posture appeared to be borne out by public and private statements by Federal Reserve Board governors indicating that a solid majority thinks it is too early to loosen the money strings.

Over the weekend, for example, Governors Andrew F. Brimmer and William Sherrill said in separate speeches that the present level of restraint, measured by zero growth in the money supply, would have to be continued for a time.

Fed Chairman William McC. Martin told the House Banking Committee yesterday that current signs of a slow-down in the economy were only slight. In fact, he said, "it's hard to see interest rates going down."

But Friedman, internationally noted as the principal exponent of the theory that monetary policy is the single most important determinant of the shape of the economy, said that signs were already present that the over-heated economy is slowing down, in response to tight money.

"There is a serious danger that the Fed is over-doing the matter," he told the Proxmire committee. He cited figures showing that the money stock—currency and checking accounts—which had been increasing by an annual rate of slightly more than 4 per cent for the first half of the year, has not been increasing at all for the past few months.

"That's a very sharp change," Friedman argued, "and it means they probably have gone too far."

His prescription for the right policy, would be a return to a 4 or 4.5 per cent rate of growth in the money supply, which he said would be compatible with the sustainable level of real growth in the economy.

The Fed was unresponsive to Friedman's argument. Nor were they changing their minds because of publication yesterday of labor force figures showing a sharp jump in the September unemployment rate to 4 per cent. Brimmer told the Washington Post that there was still "nothing to suggest" that there has been an improvement in "price behavior."

HHH Hits Nixon on Economics

(By Robert C. Maynard)

Atlantic City, N.J., October 6.—Former Vice President Hubert Humphrey, looking and sounding more like a political candidate than a college teacher, lambasted the economic policies of the Nixon administration today as "cruel and mean."

Noting that interest rates have risen this year to their highest point in a century, Humphrey said of the man who defeated him almost a year ago, "I didn't think his administration would go back that far for its standards."

In his most sweeping post-election condemnation of Mr. Nixon to date, Humphrey accused the President of failing to provide moral leadership and found every phase of his domestic program wanting or worse.

His only reference to Mr. Nixon's foreign-policy performance was a plea for support against deployment of anti-ballistic missiles lest one day an epitaph read, "Here lies America, armed to the teeth but rotten to the core."

WRY GREETING

Humphrey chose as the occasion for his attack on Mr. Nixon the convention of one of his staunchest supporters in last year's election, the AFL-CIO.

"My dear friends of the AFL-CIO," he said after entering the hall here to a standing ovation, "I come to you as a private citizen—through no fault of yours. I know how much you did for me and I hope you know how I wanted to do for you. If everyone had done as well as you did, I would have had this meeting in the East Room of the White House, and you would have been my guests."

A scattering of neatly printed placards ("HHH" and "HHH for Unity) waved in the bright television lights in the basement ballroom of the Traymore Hotel.

The former vice president got right down to business by explaining why he has withheld comment until now on the administration of President Nixon and Vice President Agnew.

"Since they had so little time to get to know each other, they deserved a honeymoon, but they have been together now for more than nine months: I think something should issue from this union."

Clearly still smarting from the 1968 Republican campaign slogan, "The Forgotten American," Humphrey snapped that it was stolen from Franklin D. Roosevelt and then said that Mr. Nixon's version of the "forgotten American" was "all of those who oppose social reform—their friends in the corporate board rooms—their Republican friends in the South, especially that leader of southern Republicanism, Sen. Strom Thurmond."

The consequence, Humphrey trumpeted, was "unprecedented inflation, the highest interest rates since 1859, a let-up in civil rights enforcement—you name it, the Nixon-Agnew administration has remembered its friends and forgotten the rest of us."

But it was in the field of economic policy that Humphrey gave the President the lowest marks of all.

He accused him of a "virtual abdication of . . . responsibility" by not putting more pressure on both business and labor to hold prices and wages in check as Presidents Kennedy and Johnson had done.

"If your son or son-in-law tried to buy a house, he knows what it means to be forgotten by the Nixon administration. Assuming you are lucky enough to find someone willing to lend the money, the 15 per cent increases since January in the cost of maintain-

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ing a home mortgage means that the three-bedroom home you could afford last year has now become a two-bedroom home."

PRICE SPIRAL CITED

Turning to the consumer price situation, Humphrey said that "any housewife shopping knows what it means to be a forgotten American—meat, fish and poultry have gone up as much the last seven months as in the previous 10 years."

Almost as though it had been staged, an AFL-CIO aide handed Humphrey an Associated Press story reporting that unemployment rose to 4 per cent during September, the highest level in two years.

After reading the news, Humphrey told his audience, "You shouldn't be surprised. It has always been thus. It has always been thus. Beware of the signs of the times."

SENATOR BROOKE OPPOSES REPEAL OF AMMUNITION CONTROLS

Mr. BROOKE. Mr. President, there is at present on the Senate calendar a bill, H.R. 12829, providing for an extension of the interest equalization tax and other related matters. I have reviewed the proposed legislation and the report of the Committee on Finance and find them, as usual, comprehensive and well-reasoned.

There is, however, one provision of the proposed legislation which is totally unrelated to the economic issues at hand and which causes me great concern, both on substantive and on procedural grounds. I refer to section 5 of the bill which would amend the section of the United States Code pertaining to ammunition recordkeeping requirements.

Just a little over a year ago, the Senate agreed, by a vote of 41 to 36, to include controls on the sale of all ammunition as a major provision of the Firearms Control Act.

I do not wish at this time to reiterate all of the arguments in support of such a requirement. I would only stress, as I have before, that the showing of identification before a purchase of ammunition can be made does not impose an unreasonable burden upon any legitimate sportsman or law-abiding citizen. It does, however, serve as an impediment to the purchase of ammunition by known criminals for illegitimate purposes. It also provides that ammunition which has been purchased and used for illegal purposes stands a better chance of being traced, for even if a person used a false name or false identification to make the purchase, his face or something about him may be remembered by the salesman, thus facilitating his apprehension.

Mr. President, it seems to me to be simply a matter of commonsense that some restrictions should be placed on the purchase of lethal materials. Cars and motorcycles, private planes, and in some cases even bicycles must be registered by their owners, and operators of these vehicles must be certified to use them. This is only reasonable, for such vehicles use the public highways and airways, and their safe operation is an insurance for all concerned. By the same token, most States require some identification before alcohol or cigarettes can be sold, in order to prevent the sale to minors of products which have been proven harmful. Identification must be shown before checks can be cashed or purchases charged in a store, in order to protect the welfare of the customers and the banks or businesses concerned. No one regards these measures as an infringement of fundamental rights. Rather, they are seen as a means of protecting the entire community, and most Americans respect and abide by that principle.

But until last year the most deadly of all instruments, and the one most often used in crimes of passion or premeditation, was available to all Americans regardless of age or background, with no restrictions at all. The passage of the Firearms Control Act was a small but significant step toward protecting the rights of all Americans—not just the hunters and sportsmen, nor the criminals and vandals—but all Americans.

Even so, the National Rifle Association and other likeminded individuals and organizations have opposed the reasonable restraints of this act, presumably on the grounds that any restrictions on their right to keep and bear arms is a step toward the denial of that right and toward eventual Federal dictatorship. They now seek to repeal one of the major provisions of that act, and they would do so not by public hearings and the proposal of a measure specifically for that purpose, but by attaching a rider to an innocuous tax bill in the hopes that their proposal will be carried quietly through the Senate on the silent wings of interest equalization.

Mr. President, there are less than a million members of the NRA. There are two hundred million Americans, nearly 80 percent of whom, or 160 million, are strongly in favor of legislation to curb the widespread and unrestricted availability of guns and ammunition in America. The figures should speak for themselves. Shall it be said that this Congress was dictated to by an interest group speaking in opposition to the known will and best interests of the vast majority of our citizens? Or shall we in fact hear the voice of the people, the so-called "forgotten Americans," whose concerns and wishes should be our own? To repeal the present, modest controls on ammunition sales would be to ignore the larger needs of our society.

I urge the Senate to reject this unnecessary and unwise provision, and to give the existing statute a fair opportunity to demonstrate its value.

NIXON PUTS A HALF MILLION MEN OUT OF WORK

Mr. WILLIAMS of New Jersey. Mr. President, yesterday the administration reported that unemployment had reached a 2-year high of 4 percent. This represented an increase of one-half of 1 percent in a 1-month period, the largest single increase since the last years of the Eisenhower administration.

Since the announcement was made, economists have debated the effect of the unemployment rate on the inflationary economy. The debate has been joined by several administration officials. An assistant secretary of the treasury predicts the unemployment rate will increase 5 percent by next year. One of President Nixon's campaign advisers has even predicted unemployment of 7 percent or higher next year. They talk in terms of percentages, economic progressions, gross national product.

But what does this really mean? It means that last month, in 1 month alone, 90,000 Americans lost their jobs, 365,000 more Americans, after seasonal adjustment, were unemployed. It means that since Richard Nixon was sworn in as President his economic policies have put more than one-half million men out of work. It means that one-half million Americans, so far, have paid the price of Richard Nixon's false economic stability.

And what does the White House have to say about the harsh economic adversities facing these one-half million Americans it has forced out of work. It merely says: "We are not happy with the increase in unemployment."

The banking industry has increased its interest rate over 30 percent since last year pushing inflation to terrifying levels and the administration does nothing. The auto industry, steel industry and oil industry increased their prices, compounding the inflationary spiral, and the administration does nothing. But when American workers seek to increase their salaries in order to catch up with industry's price increases, the administration acts swiftly enough against America's working men and women to cut back on three-fourths of the Federal construction jobs. It stimulates increased unemployment and then characterizes the rising unemployment rate, in the words of a high Treasury official, as "some success in the battle of inflation."

Yes, American workers, once again a Republican administration is treating you as the "cannon fodder" in the battle against inflation. When you're out of work, they know that they are winning their battle. The fact that prices are still increasing, that interest rates are higher than they have ever been in the history of the country does not seem to trouble this administration.

These are all clear signs that we are heading into a phenomenon which can only occur, and has only occurred, in Republican administrations. In the midst of general inflation, we are approaching a severe recession for those least able to withstand it, and the administration will not take one step, not even one small step, to curb the excessive profits of big business, to curb the voracious appetites of financial institutions. The administration sings in unanimous chorus, "while the rich get richer the poor will just have to struggle along as best they can."

The half million Americans who have been put out of work by Mr. Nixon do not have to worry anymore about price increases; they do not even have the income to buy at last year's prices, let alone tomorrow's prices. And by this time next year the Treasury Department confidently predicts an unemployment level of 5 percent which means that another three-fourths of a million Americans will be unemployed. If the administration has its way, by next year a total of almost 5 million Americans will be unemployed. And all Mr. Nixon can say is:

> We are not happy with the increase in unemployment.

The American workingman must rise up and demand action where action is needed and deserved. Prices must be stabilized. Corporate profits must be restrained, and the mortgage lenders must not be permitted their finance charges which more than double the price of housing and increase the price of everything, even the food we eat.

We have a right to expect the President to come to grips with the reality of inflation. We have a right to expect the President to squarely face the needs of America's 78 million working women and men. We can only hope that the President does not become the first "do nothing" President since the depression.

REPRESENTATIVES OF 52 NEW YORK COLLEGES PROTEST CHANGES IN TAX LAW ON CONTRIBUTIONS

Mr. JAVITS. Mr. President, representatives of 52 private colleges in New York and of the State University of New York met with my colleague from New York (Mr. GOODELL) and me today to protest provisions of the tax reform bill pending in the Senate which they feel strongly will gravely endanger gifts and grants from private sources indispensable to their ability to continue to meet today's high educational standards.

The spokesman for the group was John W. Chandler, president of Hamilton College. He was accompanied by Samuel Babbitt, president of Kirkland College; Joseph Palamountain, president of Skidmore College; and by representatives of other colleges.

It is the overwhelming experience of each of these institutions that gifts of appreciated property represent the backbone of their contributions—particularly the very large contributions which are so vitally essential.

These representatives have also expressed considerable concern that the proposed tax treatment of the so-called "charitable remainder trust" will severely restrict the present desirability of this type of trust as a means of making charitable gifts. Such trusts also represent a significant source of contributions to these institutions of higher learning.

Educational requirements are increasing at a tremendous rate. It is these institutions which must rise to meet these needs. It is vital to our national interests that we do not disastrously weaken these institutions in the name of tax reform.

I ask unanimous consent that the statement of position of these 52 New York Universities and a news release from Hamilton College be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWS RELEASE FROM HAMILTON COLLEGE

CLINTON, N.Y.—A group of college and university officials from New York State will go to Washington next week to urge the Senate not to restrict tax incentives for gifts to educational institutions.

John W. Chandler, president of Hamilton College and spokesman for the group, said it will include about 12 officials, representing the views of 34 private institutions and the State University of New York.

President Chandler said he expects the group to include other college presidents as well as vice presidents and officials concerned with fund-raising and development.

They will meet with Senators Jacob K. Javits and Charles Goodell at 3 p.m. on Tuesday (October 7) at the Capitol, Mr. Chandler said. The group will present to Senators Javits and Goodell a statement outlining the colleges' position, he reported. The statement was drafted by a group of development officers and has been endorsed by all the institutions represented.

In essence, the colleges are asking that owners of securities which have gone up in value continue to be allowed to deduct the higher value from their taxable incomes when they give the securities to charitable or educational institutions, President Chandler said.

The institutions which have endorsed the statement are: Alfred University, Canisius College, Cazenovia College, Clarkson College of Technology, Colgate Rochester Divinity School, Colgate University, Cornell University, D'Youville College, Eisenhower College, Elmira College, Hamilton College, Hartwick College, Hobart and William Smith Colleges, Ithaca College, Keuka College, Kirkland College, Le Moyne College, Nazareth College, Niagara University, Paul Smiths College, Rensselaer Polytechnic Institute, Rochester Institute of Technology, Rosary Hill College, Russell Sage College, St. Bernard's College, St. Bonaventure University, St. John Fisher College, St. Lawrence University, St. Rose College, Skidmore College, Syracuse University, State University of New York, Union College, Utica College, Wells College.

STATEMENT OF POSITION BY 52 NEW YORK COLLEGES AND UNIVERSITIES REGARDING PROPOSED 1969 AMENDMENTS TO INTERNAL REVENUE CODE

As Presidents of public and private institutions of higher education, we are deeply concerned over certain features of the program of Federal tax reform now pending. We recognize that the present system requires reform, but we question the need for changes that will drastically limit our ability to meet the urgent and ever-increasing demands for more and better educational facilities and programs.

A single example suggests the degree to which private colleges and universities are dependent on the large individual gifts that would be curtailed by proposed changes in the tax law concerning gifts of appreciated property. Listed below are five buildings under construction or recently completed at Syracuse University. Though the buildings were sorely needed, not one of the projects would have been undertaken without the major individual contributions of appreciated securities that provided crucial incentive for additional private support.

Building	Cost	Major individual donation
The Ernest Stevenson Bird Building	$13,100,000	$3,095,349
The William Bayard Heroy Geology Building	2,867,000	1,000,000
The Ruth Van Arsdale Henry Health Center and Hospital of the Good Shepard	1,000,000	400,000
Dr. Perle B. Brockway Hall	2,030,000	629,000
Ronald K. Lawrinson Hall	4,090,000	600,000
Total	23,087,000	5,724,349

You will note that Syracuse was able to initiate a building program, in this case, of $23,087,000 on the strength of major gifts in the amount of $5,724,349. Assuming a cost basis of zero for the appreciated securities comprising these gifts, the maximum tax revenue to be realized would be $1,431,087.25. There is substantial evidence to indicate a loss of revenue in the amount of $350,000 was more likely.

The benefit to society in this case is $23,000,000 in educational physical plant. Congress must weigh the total social benefit justly against the individuals' tax savings benefit.

More is at stake than buildings, of course. The privately supported educational institutions can venture imaginatively into unknown and untested areas of research, development and experimentation. They can explore new areas of study, areas which, though not of immediate public interest, may prove with time to produce the greatest benefits to society. Much of the daring to find "a better way to do it" in this country has been generated by the private support of higher education.

Obviously the private colleges and universities would be hardest hit by tax reform that curtailed private contributions, but public education is threatened as well. All colleges and universities, not only the private ones, receive financial support from alumni and friends. Furthermore, if the private institutions are rendered less able to meet their responsibilities, the already heavy demands made upon the public ones will increase accordingly. Without substantial private gifts to higher education, in other words, public colleges and universities will require appreciably increased tax support.

Because of the crucial role that philanthropy plays in the financing of higher education in the United States, Federal legislation has long recognized the wisdom of granting tax incentives for contributions to colleges and universities. Gift-supported institutions require these incentives if they are to meet the needs of society. They have always depended upon the contributions of individuals, and now they depend on them more heavily than ever. Campaigns for annual operating expenses today are on a scale previously reserved for "once-in-a-lifetime" capital campaigns. And, as the representative figures set forth in the appendix to this document demonstrate, gifts in the form of securities are crucial to any successful campaign.

The costs of government must be met; so must the costs of higher education. It is respectfully submitted that the development of human resources provided by our institutions of higher learning should continue to be strengthened through tax incentives to private donors. To undermine those incentives at a time when the youth of our nation will be called upon to assume heavy burdens of leadership in a rapidly changing world may prove disastrous. The financial pressures on the private sector of higher education are severe already, and the possibility of a massive educational deficit is distinct and threatening. The need for better teaching and training, for increased educational innovation and research, and for greater public service from our institutions of higher learning must be met.

While each of our institutions has different constituencies and resources upon which it relies for support, together we submit the following conclusions for your consideration:

Gifts of appreciated property

We urge that donor-tax payers not be taxed on unrealized gains to charities, either directly or indirectly.

Under the Tax Reform Act of 1969, H.R. 13270, the unrealized gains are indirectly and partially taxed because the appreciation on

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the charitable gifts reduces the donor's itemized deductions under the "allocation of deductions" provision and may be taxed under the "limit on tax preference" provision. The tax under the allocation of deductions provision would reduce a donor's itemized deductions for interest, taxes, medical expenses, and charitable contributions. By indirectly taxing the appreciation on property gifts, such a provision would greatly inhibit important support from the private sector. We see no reason why this incentive should not be retained in the case of all gifts of tangible property and future interests.

Limit on tax preference and allocation of deductions

We urge that unrealized gains not be regarded as "tax preference" income and that charitable contributions not be included under the "allocation of deductions" provision. Unrealized appreciation is, by its nature, not income received by the donor as is true of the other preferences. Giving is a voluntary act, and one which results in actual net costs to those who make gifts to charities. Inclusion of unrealized gains as a preference is really a further limitation on the deductibility of the charitable contribution of appreciated property.

Including charitable contributions under the allocation of deductions provisions places the contributor in the position of decreasing all other deductions by making gifts, as well as decreasing charitable deductions. A contribution should not be considered in the same context as payments of mortgages, state and sales taxes, and medical expenses.

The computations required by these provisions are so involved as to make it virtually impossible for a donor to plan major gifts. The effect, in fact, would be to discourage substantial gifts, which are so important in the support of colleges and universities, public and private.

Gifts of remainder interests (life income plans)

We urge that the present laws governing charitable remainder trusts and life income contracts be continued. The present law provides that there is no capital gain on the transfer of appreciated property to fund a charitable remainder trust or life income plan; nor is there a capital gain if the property transferred is later sold by the trust and the gain permanently set aside for the charity. H.R. 13270 would require payment of a fixed percentage of the principal or a fixed dollar amount on an annual basis and, thus, would almost certainly lead to an invasion of the principal to the detriment of the college or university. With respect to irrevocable trusts, no tax should be imposed on subsequent gains which under the current law escaped taxation as being "permanently set aside" for the benefit of the college or university.

Retroactive legislation

We urge Congress make all new tax law prospective. The possible retroactive effect of the proposed legislation has already caused serious loss of support to charitable institutions.

The Presidents of the following institutions are signatories to this statement.

Alfred University, Alfred.
Canisius College, Buffalo.
Clarkson College of Technology, Potsdam.
Colgate Rochester Divinity School, Rochester.
Colgate University, Hamilton.
College of New Rochelle, New Rochelle.
Cornell University, Ithaca.
Dowling College, Oakdale.
D'Youville College. Buffalo.
Eisenhower College, Seneca Falls.
Elmira College, Elmira.
Finch College, New York City.
Good Counsel College, White Plains.
Hamilton College, Clinton.
Hartwick College, Oneonta.
Hobart and William Smith Colleges, Geneva.
Ithaca College, Ithaca.
Iona College, New Rochelle.
Keuka College, Keuka Park.
Kirkland College, Clinton.
LeMoyne College, Syracuse.
Manhattan College, Bronx.
Manhattanville College, Purchase.
Marist College, Poughkeepsie.
Mills College, New York City.
Mount Saint Mary College, Newburgh.
Nazareth College, Rochester.
Niagara University, Niagara.
Pace College, New York City.
Paul Smiths College of Arts & Sciences, Paul Smiths.
Polytechnic Institute of Brooklyn, Brooklyn.
Pratt Institute, Brooklyn.
Rensselaer Polytechnic Institute, Troy.
Rochester Institute of Technology, Rochester.
Rosary Hill College, Troy.
Russell Sage College, Troy.
St. Bernard's College, Rochester.
St. Bonaventure University, St. Bonaventure.
St. John Fisher College, Rochester.
St. Lawrence University, Canton.
St. Rose College, Albany.
Sarah Lawrence College, Bronxville.
Siena College, Loudonville.
Skidmore College, Saratoga Springs.
State University of New York.
Syracuse University, Syracuse.
Union College, Schenectady.
University of Rochester, Rochester.
Utica College, Utica.
Vassar College, Poughkeepsie.
Wagner College, Staten Island.
Wells College, Aurora.

APPENDIX

An average of 46.5% of gifts received from individuals by twenty-three New York colleges and universities during the past six years consisted of securities. In dollar value, the total is $94,709,000.

Institution	Years involved	Value of securities donated by individuals	Ratio of securities to total gifts from individuals
Alfred	1968–69	$138,000	29
Canisius	1964–69	136,000	25
Clarkson	1968–69	518,000	45
Colgate	1964–69	6,236,000	66
Cornell	1963–69	39,500,000	49
Eisenhower	1967–69	768,000	24
Elmira	1964–69	1,977,000	50
Hamilton	1964–69	5,759,000	79
Hartwick	1964–69	2,348,000	64
Keuka	1964–69	730,000	76
Kirkland	1968–69	412,000	54
Le Moyne	1967–69	115,000	51
Rensselaer Polytechnic Institute	1968–69	1,290,000	70
Rochester Institute of Technology	1963–68	3,963,000	25
Russel Sage	1964–69	1,050,000	66
St. John Fisher	1964–69	623,000	46
St. Lawrence	1964–69	4,100,000	66
Skidmore	1964–69	1,516,000	23
Syracuse	1964–69	14,951,000	38
Union	1964–69	601,000	17
University of Rochester	1968–69	6,863,000	81
Utica	1964–69	75,000	3
Wells	1965–69	1,040,000	29
Total		$94,709,000	46.5

A RISKY NEW AMERICAN SPORT: THE BREAKING OF THE PRESIDENT

Mr. GRIFFIN. Mr. President, the distinguished columnist, David S. Broder, has written a penetrating article concerning contemporary American politics.

The article is particularly timely in light of a demonstration which is being planned for October 15 to protest the war in Vietnam. This demonstration has been given the name of "The Vietnam Moratorium".

Mr. President, I seriously wonder whether the promoters of this demonstration have considered fully the potential ramifications of their actions.

Is the cause of peace served by efforts which may possibly undermine the President's capacity to lead us to a lasting peace in Southeast Asia?

Mr. President, with the hope that all the backers and all the participants of the so-called Vietnam moratorium will read Mr. Broder's thoughtful article, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objeciton, the article was ordered to be printed in the RECORD, as follows:

A RISKY NEW AMERICAN SPOAT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can ready be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

THE WHITE REACTION

Mr. BYRD of West Virginia. Mr. President, the recent disturbances in Pittsburgh, where white workmen took to the streets to protest the demands of black militants, have great significance for our entire Nation.

In a current series titled "The White Reaction," the Evening Star of Washington is examining that significance, along with the frustrations of the white working class—frustrations created by the continual surrendering to the demands of a vocal minority of militants. The first part of the five-part series reports on the incidents in Pittsburgh and calls the counterdemonstration by whites "the opening of a new chapter in the story of America's anguish."

The article warns that whites such as the construction workers in Pittsburgh—whites who have heretofore been too busy working to demonstrate—are now "threatening to take things into their own hands."

Mr. President, the article, written by Mr. Haynes Johnson, appeared on Monday, October 6, and I ask unanimous consent that it be reprinted in the RECORD.

There being no objection, the article was ordered reprinted in the RECORD, as follows:

THE WHITE REACTION

(NOTE.—This is the first of five articles examining the reaction of white Americans, from low-income and blue-collar workers to upper-income professional groups to the Negro's drive for full equality. The articles, prepared by a team of reporters consisting of Haynes Johnson, John Mathews, Christopher Wright and Woody West, attempt to report candidly on the changing attitudes of some of those white Americans.)

(By Haynes Johnson)

PITTSBURGH.—There had been black demonstrations, speeches, demands and warnings, and then, at the end of August, the white workers marched on their own. "We Are the Majority and This Is Unrest" and "We Build the City Not Burn It Down," their posters proclaimed.

"I was in my office that day and I could look down and see them coming up Fifth Avenue," a white businessman recalled. "I remember thinking that something new and important was happening right before my eyes. Secretaries were leaning out of the buildings, cheering and throwing confetti down on them, and as they passed along the street, there were tremendous bursts of applause from the white people watching them. And I remember thinking, 'My God, I'm glad they're in a jovial mood. Those guys are big enough and tough enough to tear down a building.' You know, we've never been confronted by the phenomenon of whites really on the rampage. Suppose they get mad?

"What struck me most, I think, was the women. It was like they were cheering their favorite football team. And the other thing that made a strong impression was the police. The police had escorted the other demonstrators—the Negroes—too, but you could see they didn't like it. You could feel it. But when those white construction workers marched, it was, 'Hi, Charlie,' and big waves, and smiles all around. So you've got these white groups with a great cause in common, and don't tell me it isn't racial. It sure as hell is."

He had watched the opening of a new chapter in the story of America's anguish. It is still a story of racial upheaval, but this chapter has a reverse twist. The focus is on a white, not black, revolt. Here, today, in the birthplace of the American labor movement, whites are threatening to take things into their own hands.

"In 30 years in this town, I've never seen anything like the change in attitudes now," says a union president who is proud of having been in the forefront of the civil rights movement. "I'd have to say we're turning anti-Negro."

From businessmen to secretaries, suburban housewives and blue-collar workers, one hears the same report: Antagonism toward blacks is increasing. It would be naive, and misleading, to suggest that white, blue-collar racial prejudice is something new. As one man correctly said, "It's always been there below the surface. Now, it's bubbling up all over. It's there for everyone to see."

What is new and disturbing is the outspokenness, the explicit air of violence, and is heard from whites in Pittsburgh today.

Just a year ago, for instance, after Pittsburgh experienced its first racial disturbances in the wake of Martin Luther King's murder, the city's Human Relations Commission warned that citizens were "living in a tense and polarized atmosphere of hate and distrust." It added: "Blacks and whites do not want to negotiate their differences—more and more, they prefer to act out their hostilities in provocative words and violent actions."

Today, the situation is worse.

The immediate source of friction is easily identifiable. Blacks are fighting for admission in numbers into the highest skilled—and highest paid—craft unions. The unions, largely white, are resisting them.

In a sense, this struggle represents the final flowering of a vital phase of the Negro's upward move in America. The craft unions, particularly the building trades, have long been a primary obstacle to Negro progress. The unions, through their apprenticeship programs, their system of passing on jobs from father to son, until now have effectively barred the doors.

Statistics tell only part of the story. Of 24 building trades unions in Pittsburgh, only 2 percent of the membership is black. For other highly paid crafts—electricians and iron workers among them—the membership today is entirely white. And the pattern of discrimination does not end there. For years, even whites who have not been "in" have been unable to join these most favored unions.

The system is the antithesis of democracy: Membership in an all-white fraternal lodge or order is more a guarantee of work than individual merit. It is the system that is being challenged, the system that is drawing so emotional a response here and in the Chicagos, and New Yorks and Seattles of America where the same bitter battle is taking place between whites and blacks.

The result is evident to all: These two sides are dangerously close to outright warfare. In Pittsburgh today, the air is full of talk of stockpiling of weapons and plans for violent action. Whites, their language laced with racial epithets, talk of having it out once and for all. Blacks tell of getting ready to shoot down on the city from the "Hill" district where most of them live.

Taken alone, this labor crisis is disturbing enough to make Pittsburgh a center of national attention. But the Pittsburgh story goes deeper than jobs, economics and opportunities.

What is coming to the surface here is white reaction to a host of problems: high taxes, high prices, inflation, difficulties in schools and neighborhoods, anger at governmental strictures and actions, and vague fears and frustrations over "the way things are going." A single factor binds this all together into one explosive package. Race.

One cannot be sure whether this white reaction reflects a national malaise, the first faint stirrings of a white rebellion to progress won by Negroes. But after a week of interviews in all parts of the city, one comes away with new questions about the prospects for achieving a truly integrated society.

A sense of foreboding persists even though, and despite the depth of the bitterness here, Pittsburgh, like the nation at large, has not experienced unusual racial strife this past year.

Incomes are up, for blacks as well as whites. Businesses are engaged in new programs to guide blacks into higher-paying positions. Negroes continue to move into white neighborhoods with few incidents. And time and again, individual whites will say they have no animus toward blacks, and seem to mean it—in the abstract. It is when they get to specifics that whites begin to condition their statements. They will say they believe that every man should have an equal chance. But, having said that, they will express their fear

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and anger over what they say are black efforts to take advantage of the new equality.

In part, of course, this white reaction is the fruit of the past few years of tensions, riots, the threatening voices of militancy and the rise in crime, which, for most whites is a black problem.

Every person interviewed for this article mentioned watching and hearing the scenes and sounds of racial strife in America on their television sets in their homes at night. The impact has been profound.

Fear and unease are overlaid with resentment. Repeatedly, Pittsburgh whites assert that now it is they who are being discriminated against. The constant focus upon black problems has caused the needs of whites to be overlooked, they say.

The resentment has some basis in fact. When the Pittsburgh Human Relations Commission looked into the city's racial tensions last year, it found that community services in some of the poorer white neighborhoods had been neglected, while government money was poured into black areas.

"I think that's partly responsible for some of the trouble we've had on the upper Northside," says David B. Washington, the commission director. Washington, a Negro, says that "in the push to produce new black services, they should have hit the white areas, too."

Washington has this to say about race relations in Pittsburgh and the current hardening in white attitudes:

"I think we have to face the fact that we're starting to come to grips with the real issues and questions. There's a realization that government can't solve all questions. What we're really talking about is attitudes, about people behaving responsibly and trying to live together peacefully with respect for one another."

He is the philosophical view. Others are not so dispassionate. They are emotional, angry, disturbed. Here are some of the voices one hears these days in Pittsburgh:

A supermarket store manager, 32, of German descent, talking about his all-white neighborhood in the suburbs:

"Sure, people are more disgusted. They didn't mind when 'they' wanted this or that. To be honest about it, they felt guilty about the colored. But now, this is it, man, plain and simple: People are talking about killing them. These are people I know, not just people talking in bars. It's a sad state of affairs, and I've got four children myself. The main thing, I think, is fear. Like, they feel if 'they' come, they won't be able to stop them. Now even here in the store (I've got a mixed clientele from white-collar people to workers), people say they're going to take their jobs away. And the news media, they can bring hysteria. . . ."

A butcher, in another store in a different section:

"They don't want to take orders. Their whole attitude is, they don't want to start at the bottom. They want my job. Now, the colored people are entitled to a chance, but they shouldn't be given any privileges the white people aren't given. That's discrimination against the white side. And the people are getting more bitter. Like me. Why, hell, I never thought about it one way or another. If he works next to me, okay. But now everybody's disgusted. That's the kind of talk you hear. I even know people who never had anything to say about the colored people who say, 'They're getting out of hand. Something has to be done about it.' There isn't a day that goes by that you don't hear more demands on those TV programs. They want this. They want that. More often than not, you hear men say, 'There's going to be trouble, there's going to be shooting.'"

A small-shop owner:

"What I don't understand is why this country puts up with it. I mean, my school taxes went up $70 this year and that's from the burning and breaking 'they' did, and why should I pay for it?"

A girl in her 20s, off work in a neighborhood tavern:

"Five years ago, I liked them. I liked them like a white person. I've even smoked a cigarette after one. I've been in their homes. But now it's discrimination against white. They even make more money than I do. And the way they go and mop off. You know how cocky and arrogant they are."

A white minister, in a low-income white neighborhood called "Dutchtown":

"There is a strong feeling against the blacks. What I think they fear are the organized blacks, and this is where I wonder if it's more jealousy than racial prejudice. They see black people, by organizing, getting more things than they have, getting more concessions. But I definitely do see a change. There's a stronger animosity toward the blacks, and quite honestly it does worry me. I hear remarks that I didn't hear a few years ago, remarks from people right here in the church. Like, 'what needs to be done is they ought to shoot the bastards.' They say that to my face. For the most part, I think that kind of talk by most people is just blowing off steam. I do know, though, that on the part of some individuals, it isn't. They mean it."

A white principal in a school where there have been racial disturbances:

"The willingness to fight is more evident now among blacks and whites, and it's no longer fighting one to one. Now it's in groups." He spoke about the problem of combating wild racial rumors, and then told of a young seventh-grade white girl who came to his office in tears. After careful questioning, she admitted that she was afraid to go to school with Negroes. When the principal asked why, she blurted out: "They carry knives." She heard it at home.

That last comment points up perhaps the most disheartening attitude encountered. As the black director of a poverty program put it: "The most discouraging part is to see the young people moving farther apart. Many liberals who were on the fence are sliding off the other side. But it's the kids that get you most. Now you find many black homes where they're teaching as much prejudice today as the whites have done all the years. You know, 'Love Black. Hate White.' This is definitely increasing and it's frightening."

His fears were echoed by another man, the only white working man interviewed who identified himself with the black cause. He summed up this way:

"The white people definitely are waiting for trouble. They expect it, and they almost welcome it—that's the frightening part. It's a feeling that 'we'll put an end to this once and for all.'

"Take the people right here in this store. Last week, I was in the men's room and I heard them talking about Mayor Barr—how he should keep the black people out. They feel the black man is going to take something from them, and I don't believe this is true. If the black man is assured of his rights, we're all better off. But I have to shut up around here . . . if you're for seeing the colored people get a break, you have to keep it to yourself.

"Probably the reason I feel as strongly as I do is I'm one of 14 children. Dad was a carpenter and no matter how hard he worked, we never had enough and I don't think the average middle-class American has any conception of how the Negro feels when he sees that he has no chance of changing his situation. They just can't realize the feeling. And then you hear a guy right here in the store say he won't give any more money to his church because they gave it to the colored. This is the working people starting to fight back. And that's what's happening.

"So in the end I think the blacks are going to have to pay for all our other problems."

That was a voice of blue-collar moderation, not often heard in this part of America these days.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes; and

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended; to the Committee on Commerce.

H.R. 372. An act to modify the reporting requirement and establish additional income exclusions relating to non-service-connected pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, and for other purposes;

H.R. 10106. An act to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree; and

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans; to the Committee on Finance.

H.R. 11711. An act to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba; to the Committee on Foreign Relations.

H.R. 5968. An act to amend the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962; and

H.J. Res. 224. A joint resolution to change the name of Pleasant Valley Canal, California, to "Coalinga Canal"; to the Committee on Interior and Insular Affairs.

H.R. 13696. An act to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service; to the Committee on the Judiciary.

H.R. 13304. An act to provide for educational assistance for gifted and talented children; and

H.R. 13310. An act to provide for special programs for children with specific learning disabilities; to the Committee on Labor and Public Welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett announced that the House had passed, without amendment, the following bills of the Senate:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), as amended; and

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

The message also announced that the House had passed the joint resolution (S.J. Res. 112) to amend section 19(e) of

the Securities Exchange Act of 1934, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes;

H.R. 372. An act to modify the reporting requirement and establish additional income exclusions relating to non-service-connected pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, and for other purposes;

H.R. 5968. An act to amend the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962;

H.R. 10106. An act to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree;

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

H.R. 11711. An act to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba;

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended;

H.R. 13304. An act to provide for educational assistance for gifts and talented children.

H.R. 13310. An act to provide for special programs for children with specific learning disabilities;

H.R. 13696. An act to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service; and

H.J. Res. 224. A joint resolution to change the name of Pleasant Valley Canal, California, to "Coalinga Canal."

WATER QUALITY IMPROVEMENT ACT OF 1969

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate Calendar 346, S. 7, which will be stated by title.

The Assistant Legislative Clerk. A bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill which had been reported from the Committee on Public Works with an amendment to strike out all after the enacting clause and insert:

TITLE I—WATER QUALITY IMPROVEMENT

Section 101. This title may be cited as the "Water Quality Improvement Act of 1969".

Sec. 102. Sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 22. Sections 11 through 16 of the Federal Water Pollution Control Act, as amended, are redesignated as sections 16 through 21. The Federal Water Pollution Control Act, as amended, is further amended by inserting after section 10 five new sections to read as follows:

"Control of Sewage From Vessels

"Sec. 11. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which has been initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except in any case in which such vessel is engaged in commerce;

"(4) 'United States' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices; and

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

"(b) (1) Not later than two years after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with the standards issued under this subsection and with maritime safety and the marine navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of State statute, regulation, or recommended levels of control set forth in the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in compliance with such State statute, regulation, or recommended level.

"(c) (1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to the regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder shall apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of any standards and regulations established pursuant to this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation with respect to the design, manufacture, installation, or use of any marine sanitation device in connection with any vessel subject to the provisions of this section, except that nothing in this subsection shall restrict the authority of a State to prohibit the discharge of sewage in any waters within a State where implementation of applicable water quality standards requires such prohibition.

"(g) (1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of the procedures set forth by the Secretary and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects sub-

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stantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdiction to restrain violators of subsection (h) of this section. Actions to restrain such violators shall be brought by, and in, the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section, shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penatly, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the Department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enfrocement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the Department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, board and inspect any vessel upon the navigable waters of the United States, and execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"CONTROL OF OIL DISCHARGES

"SEC. 12. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(3) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel;

"(4) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except in any case in which such vessel is engaged in commerce;

"(5) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means, as the context requires, any person owning, operating, or chartering by demise, a vessel, or any person owning or operating an onshore or offshore facility or an onshore or offshore drilling-production facility;

"(7) 'person' includes an individual, firm, corporation, association, or a partnership;

"(8) 'remove' or 'removal' includes removal of the oil from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

"(9) 'contiguous zone' means the entire zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore or offshore drilling-production facility' means any facility of any kind and related appurtenances, thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of exploring for, drilling, or producing oil;

"(11) 'onshore or offshore facility' means any facility, other than an onshore or offshore drilling-production facility, of any kind and related appurtenances thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of processing, transporting, or transferring oil, or for the purpose of storing oil for any commercial purpose, but does not include any facility, other than a marine facility, used or capable of being used to store five hundred barrels of oil or less; and

"(12) 'act of God' means an act occasioned exclusively by violence of nature without the interference of any human agency.

"(b) (1) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, deem appropriate. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(2) Any vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which oil is knowingly discharged in violation of the provisions of paragraph (1) of this subsection shall be subject to an in rem civil penalty of not more than $2,500 for each offense. No penalty shall be assessed unless the owner or operator of the vesesl or of the onshore or offshore facility has been given notice and an opportunity for a hearing with respect to such discharge. Any such penalty also may be compromised. In determining the amount of such penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of discharges by such vessel or facility, the giving of notice pursuant to subsection (c), and any action taken to minimize or mitigate damage, including removal of discharged oil in accordance with the provisions of this section and the regulations promulgated thereto, shall be taken into consideration.

"(c) In order to facilitate the removal of oil and minimize or mitigate damage resulting from the discharge thereof, any person in charge of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of subsection (b) of this section or the regulations promulgated thereunder, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both. Notification received pursuant to this subsection shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

"(d) (1) Within one hundred and eighty days after the effective date of this section, the President shall, consistent with maritime safety, marine and navigation laws, and applicable water quality standards, issue regulations (A) relative to the procedures,

methods, and equipment for preventing discharges of oil, (B) establishing criteria relating to the procedures, methods, means, and equipment used in the removal of discharged oil, and (C) establishing criteria for the development and implementation of oil removal contingency plans. The regulations shall also provide procedures for the review and approval of such plans, where appropriate.

"(2) Any owner or operator of a vessel, onshore or offshore facility, or onshore or offshore drilling-production facility who fails or refuses to comply with the provisions of any regulation issued under paragraph (1) of this subsection, shall be subject to an in rem civil penalty of not more than $1,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of previous violations, and the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance, after notification of an offense, shall be taken into consideration.

"(e) Whenever any oil is discharged in violation of subsection (b) of this section, unless removal is immediately undertaken by the owner or operator of the vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which the discharge occurs pursuant to the regulations promulgated under subsection (d) of this section, the President shall remove or arrange for the removal thereof. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such oil at any time.

"(f) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, such owner or operator of any vessel from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (e) for the removal of such oil by the United States Government in an amount not to exceed $125 per gross ton of such vessel or $14 million, whichever is lesser, except that where such discharge was the result of negligence or a willful act, such owner or operator shall be liable to the United States Government for the full amount of such costs.

"(2) (A) Each owner or operator of a vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States, shall establish and maintain, under regulations prescribed by the designated Federal agency, evidence of financial responsibility of $100 per gross ton of the liability to which the vessel could be subjected under paragraph (1) of this subsection. Financial responsibility may be established and maintained by any one of, or a combination of, the following methods acceptable to the designated Federal agency: (i) evidence of insurance, (ii) surety bonds, (iii) qualification as a self-insurer, or (iv) other evidence of financial responsibility satisfactory to the designated Federal agency.

"(B) If a bond is filed with the designated Federal agency, then such bond shall be issued by a bonding company authorized to do business in the United States.

"(C) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection.

"(g) Each owner or operator of a vessel subject to the provisions of this subsection shall designate a person in the United States as his legal agent for service of process under this section.

"(h) The Secretary of the Treasury shall, upon request of the delegate of the President, withhold, at the port or place of departure from the United States, the clearance of a vessel, other than a public vessel, required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), which (1) is liable to the United States Government for any costs or penalties under subsection (b) or (f) of this section until such costs or penalties are paid or until a bond or other satisfactory surety is posted, or (2) has failed to meet the requirements of subsection (f) (2) of this section.

"(i) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of any onshore or offshore facility from which oil is discharged into or upon the navigable waters of the United States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred for the removal of such oil by the United States Government in an amount not to exceed $125 per ton of oil which such facility is capable of (i) processing, (ii) transporting, (iii) transferring, in any twenty-four hour period, or (iv) storing in the largest unit of such facility, whichever is greater, except where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

"(2) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of an onshore or offshore drilling-production facility from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred in the removal of such oil by the United States Government in an amount not to exceed $8,000,000 except, where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

"(j) (1) In any case where an owner or operator removes oil discharged from a vessel into or upon the navigable waters of the United States or adjoining shorelines or the waters of the continguous zone or removes oil discharged into or upon the navigable waters of the United States or adjoining shorelines from an onshore or offshore facility or an onshore or offshore drilling-production facility, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act of a third party.

"(2) In any case where recovery of costs is obtained by an owner or operator pursuant to this subsection and the discharge involved was caused by an act of a third party, the United States Government shall be subrogated to any rights such owner or operator may have against such third party due to causing such discharge.

"(3) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(4) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(k) (1) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by this subsection shall be available to such Federal agencies to carry out the provisions of subsections (e) and (j) of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

"(2) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $50,000,000. Any funds received by the United States Government under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The liability established by this section shall in no way affect any rights which (1) the owner or operator of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(m) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) (1) Where as determined by the President there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from a vessel, the delegate of the President shall have the right to take immediate possession of such vessel so far as to remove it or take such other action as may be appropriate to eliminate or mitigate such threat, and to prevent any unnecessary injury, and no one shall interfere with or prevent such removal or other action, except that the head of the agency charged with removal or other action under this subsection may, in his discretion, give notice in writing to the owner or operator of any such vessel requiring them to act. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(2) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore drilling-production facility or an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat.

"(o) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (j) (1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(p) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal agency relative to onshore or offshore facilities or onshore or offshore drilling-production facilities under this Act or any other provision of law or to affect or modify any State or local law not in conflict with the provisions of this section.

"(q) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"Control of Hazardous Polluting Substances

"Sec. 13. (a) The President shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 12 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, criteria for the removal of such substances, including criteria relative to the methods and means of removal.

"(b) In the development of such regulations, the President or his delegate shall consult with other interested Federal agencies, representatives of State agencies, and other interested persons and organizations. Consideration shall be given to the latest available scientific data in the field, the technical feasibility of the regulations, and experience gained under this Act.

"(c) The President shall from time to time publish any such proposed regulations in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (d) of this section, the President may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such regulations with such modifications as he may deem appropriate.

"(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c), any interested person may file with the President written objections to a proposed regulation, stating the grounds therefor and requesting a public hearing. As soon as practicable after the period for filing such objections has expired, the President shall publish in the Federal Register a notice specifying the proposed regulations to which objections have been filed and a hearing requested, and shall promptly hold a public hearing for the purpose of receiving relevant evidence. After completion of the hearing, the President shall make findings of fact on such objections, and the President may promulgate the regulations with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

"(e) Any aggrieved person may, within sixty days after promulgation in the Federal Register of any regulation for which a hearing was held under subsection (d), file with the United States Court of Appeals for the District of Columbia a petition praying that such regulation be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the President, and thereupon the President shall certify and file in such court the record upon which the President made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the President. The findings of the President, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the President for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such regulation and such regulation shall not be the subject of any review during any procedure leading to the enforcement of such regulation. The filing of a petition under this subsection shall not stay the application of the regulation complained of, unless the court so orders, upon finding that there is a substantial likelihood that the President's findings are erroneous, and that irreparable injury will result without such a stay.

"(f) Any regulation promulgated under this section shall be effective upon publication in the Federal Register unless the President specified a later date.

"(g) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge. Any such person who knowingly fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year or both. Notification received pursuant to this section shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

"(h) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(i) Any owner or operator of a vessel or onshore or offshore facility who fails or refuses to comply with the provisions of any regulations promulgated under this section shall be subject to an in rem civil penalty of not more than $5,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or amount agreed upon in compromise, the gravity and nature of the violation, the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance after notification of a violation, and the history of previous violations shall be considered.

"(j) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(k) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(l) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone such actions may be brought in the United States District Court for the District of the Canal Zone.

"(m) (1) For the purpose of this section the definitions in subsection (a) of section 12 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

"(2) For the purpose of this section, the term—

"(A) 'remove' or 'removal' includes removal of the hazardous substances from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

"(B) 'owner or operator' means, as the context requires, any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise, controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore facility' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes and hazardous substances designated under this section.

"(n) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, the most appropriate measures for enforcement and recovery of costs incurred by the United States if removal is undertaken by the United States, and methods of imposing civil or criminal sanctions where removal is impossible or impractical. In carrying out this study, the President shall consult with the interested representatives of the various public and private interest groups that would be affected by such legislation as well as other interested persons.

"(o) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by section 12 of this Act shall be available to such Federal agencies to carry out the purposes of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

"Area Acid and Other Mine Water Pollution Control Demonstration

"Sec. 14. (a) The Secretary in cooperation with other Federal agencies is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"Pollution Control in Great Lakes

"Sec. 15. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property or services, the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended."

Sec. 103. (a) Redesignated section 16 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"Cooperation by All Federal Agencies in the Control of Pollution

"Sec. 16. (a) (1) Each Federal agency having jurisdiction over any real property, facility or actilvty of any kind, shall, consistent with an approved plan for implementation, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d) (4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(2) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"(b) Each Federal agency which leases any Federal property or facility of any kind or which contracts for the operation of any Federal property or facility or which contracts for the entire operation of any other facility, shall insure compliance with applicable water quality standards and the purposes of this Act in the administration of such lease or contract. Any certification obtained for a Federal license or permit pursuant to subsection (c) shall be evidence of compliance with water quality standards for the purposes of this subsection.

"(c) (1) Any applicant for a Federal license or permit to construct or operate any facility or to conduct any activity which may result in any discharge into the navigable water of the United States shall provide certification form the State in which the discharge originates or, if appropriate, the interstate water pollution control agency to the licensing or permitting agency and notice thereof to the Secretary that there is reasonable assurance that such facility or activity will comply with applicable water quality standards, except that in any case where standards for interstate water have not been approved or where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, such certification shall be obtained from the Secretary. Such State or if appropriate interstate agency or the Secretary shall, within one year of receipt of any application for such certification, notify the applicant of such certification or of intent not to certify. Whenever such discharge may affect, as determined by the Secretary, the applicable water quality standards of any other State or States, the Secretary, within sixty days of the date of notice of application for a Federal license or permit shall notify such other State or States. If, within thirty days after receipt of such notification, such other State or States determine that such discharge will adversely affect their water quality standards, the Secretary, within thirty days after the State or States make such determination, shall review such determination and, if he finds that such discharge will adversely affect the water quality standards of such State or States, shall require before such license or permit is issued such conditions as may be necessary to insure compliance with applicable water quality standards. No license or permit shall be granted without such certification and such conditions as the State or, as appropriate, the interstate agency or, as appropriate, the Secretary may reasonably require, including, but not limited to, provision for suspension or termination of any issued license or permit for failure to be in compliance with applicable water quality standards. In any case where such conditions required by the Secretary are more stringent than, or in conflict with conditions required by the certifying State or, if appropriate, interstate agency, the licensing or permitting agency, upon request of the applicant for a license or permit, shall hold a hearing and make finding of fact on the conditions to be included in any license or permit, except that no such findings shall be adopted that are less stringent than the conditions required by the certifying State. The licensee or permittee shall provide the certifying State or, if appropriate, the interstate agency, or the Secretary, with notification of any changes in the proposed facility or activity which may affect applicable water quality standards.

"(2) The certification obtained pursuant to paragraph (1) of this subsection shall fulfill the requirements of this subsection with respect to any other Federal license or permit required for such facility or activity, unless, after notice of application for such other Federal license or permit has been given by such Federal agency, the State or, if appropriate, the interstate agency or the Secretary, notifies within sixty days after receipt of such notice such Federal agency of a change since providing such certification in (A) the nature of the activity, (B) the design of the facility, (C) the natural characteristics of the waters into which such discharge is made, or (D) the water quality standards applicable to such waters, and that, due to such change, there is no longer reasonable assurance that there will be compliance with applicable water quality standards.

"(3) Prior to the operation of any federally licensed or permitted facility or activity, not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State and, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring compliance with applicable water quality standards. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any federally licensed or permitted facility or activity will not comply with applicable water quality standards, such Federal agency shall suspend such license or permit until notification is received that there is reasonable assurance that such facility or activity will comply with applicable water quality standards.

"(4) Upon notification by the Governor of the certifying State, or, as appropriate, the interstate agency or the Secretary, that any such federally licensed or permitted facility or activity has been found by a court of competent jurisdiction, pursuant to applicable State or Federal law, to be in violation of the applicable water quality standards such license or permit may be suspended or terminated as the circumstances require.

"(5) No Federal agency shall be deemed to be an applicant for the purpose of this subsection.

"(6) In any case where actual construction of a facility for the conduct of any activity has been commenced pursuant to a

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Federal license or permit prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification under this subsection shall be required for any Federal operating license or permit respecting that activity issued within two years following such date: *Provided*, That any operating license or permit issued during the two-year period following such date of enactment without such certification shall terminate at the end of that period unless prior to such date the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of paragraph (1) of this subsection.

"(7) Except as provided in paragraph (6), any application for a license or permit that is (a) pending on the date of enactment of the Water Quality Improvement Act of 1969 and (b) that is issued within one year following the date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit: Provided, That any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of this subsection.

"(8)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, or not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(d) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(e) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by amending paragraph (2) of subsection (a) to read as follows:

"(2) make grants-in-aid to public or private agencies and institutions and to individuals for research and demonstrations, and provide for the conduct of research and demonstrations by contract with public or private agencies and institutions and with individuals without regard to section 3648 and 3709 of the Revised Statutes; and";

(2) by changing the semicolon at the end of paragraph (3) of subsection (a) to a period and striking paragraphs (4) and (5);

(3) by striking out subsection (g) and inserting the provisions of such subsection in section 21 in lieu of the provisions in subsection (b) thereof, except that in paragraph (4) of such inserted provisions, strike out "and June 30, 1969" and insert in lieu thereof "June 30, 1969, and June 30, 1970";

(4) by redesignating subsection (h) as subsection (k), and by adding the following new subsections after subsection (f):

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress by September 30, 1970, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained; the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendation on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require."; and

(5) by amending the first sentence of redesignated subsection (k) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed $65,000,000 annually for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 annually for the fiscal years ending June 30, 1970, and June 30, 1971.".

SEC. 105. Section 6 of the Federal Water Pollution Control Act, as amended, is amended—

(1) by changing in subsection (e)(1) the word "three" to "five"; and

(2) by changing in subsection (e) (2) and (3) the word "two" to "four".

SEC. 106. Redesignated section 19 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 107. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding in subsection (c)(3) the word "navigation," immediately following "industrial," in the second sentence.

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

TITLE II—ENVIRONMENTAL QUALITY

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1969".

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that in the pursuit of social and economic advancement man has caused changes in the environment;

(2) that the degree of such changes endangers a harmonious relationship between man and his environment;

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment, increasing the severity of the physical, social, psychological, and economic problems of our society; and

(4) that changes in the environment should be restricted, insofar as possible, to avoid adverse effects on man, other species and the environment itself.

(b) The Congress declares—

(1) that there is a national policy for the environment which provides for the enhancement of environmental quality, which is enunciated in the—

(A) Federal Water Pollution Control Act;

(B) Clean Air Act;

(C) Solid Waste Disposal Act;

(D) title 23 of the United States Code, relating to highways;

(E) Omnibus Rivers and Harbor and Flood Control Acts;

(F) Appalachian Regional Development Act of 1965;

(G) Public Works and Economic Development Act of 1965; and

(H) Tennessee Valley Authority Act of 1933;

(2) that the primary responsibility for implementing this policy rests with State and local governments;

(3) that the Federal Government shall encourage and support implementation of this policy through appropriate regional organizations; and

(4) that Federal and federally assisted public works programs and projects shall, in all instances, be developed and implemented in a manner consistent with the enhancement of environmental quality.

(c) The purposes of this title are—

(1) to provide for the development of criteria and standards to assure the protection and enhancement of environmental quality in all Federal and federally assisted projects and programs; and

(2) to authorize and to provide staff for an Office of Environmental Quality.

FEDERAL PUBLIC WORKS ACTIVITIES

SEC. 203. Each Federal department or agency conducting or supporting public works activities which affect the environment shall implement the policies established by the President pursuant to this title.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 204. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (herein referred to as the "Office"). There shall be in the Office a Director and a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Director and the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director and the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this title.

(d) In carrying out the provisions of this section the Director shall—

(1) assist and advise the President on policies and programs of the Federal Government affecting environmental quality;

(2) provide staff and support for any cabinet level council or committee established by the President to coordinate Federal activities which affect the environment;

(3) review and appraise existing and proposed projects, facilities, programs, policies, and activities of the Federal Government which affect environmental quality and make recommendations thereon;

(4) review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(5) promote advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(6) develop proposed policies and programs to protect and enhance environmental quality;

(7) recommend priorities with respect to problems involving environmental quality;

(8) assure evaluation of new and changing technologies for their potential effects on the environment prior to their implementation;

(9) review and comment on the coordination of the programs and activities of Federal departments and agencies which affect, protect, and improve environmental quality;

(10) review and comment on the development and interrelationship of environmental quality criteria and standards established through the Federal Government; and

(11) consult with and advise representatives of State and local governments and assist the President in efforts to achieve environmental quality in the community of nations.

(e) In carrying out the provisions of this section, the Director is authorized to contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) for research and surveys regarding any potential or existing problem of environmental quality.

(f) In carrying out the provisions of this title the Director shall—

(1) not later than six months after the effective date of this Act and not later than January 10 of each calendar year beginning after such date, report to the Congress on measures taken toward implementing the purpose and intent of this title;

(2) collect, collate, analyze, and interpret data and information on environmental quality and issue reports thereon, as he deems appropriate; and

(3) organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

ADVISORY COMMITTEES

SEC. 205. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this title, the Director of the Office of Environmental Quality shall from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical sciences, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Director, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

AUTHORIZATION

SEC. 206. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1969, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this title.

TITLE III—PROPERTY ACQUISITION

SEC. 301. (a)(1) The Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1026) and Public Law 85–591, approved August 6, 1958 (72 Stat. 495–496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly, or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in said square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of enactment of this Act.

(2) Any proceeding for condemnation brought under paragraph (1) shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).

(3) Notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

(4) Upon acquisition of any real property pursuant to this section, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(5) The jurisdiction of the Capitol Police shall extend over any real property acquired under this section and such property shall become a part of the United States Capitol Grounds.

(b) For carrying out the purposes of this section, there is hereby authorized to be appropriated $1,250,000. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this section.

PRIVILEGE OF THE FLOOR

Mr. RANDOLPH. Mr. President, during the consideration of S. 7, I ask unanimous consent that the necessary

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members of the staff of the Committee on Public Works be permitted to have the privilege of the floor for the purpose of assistance to and consultation with the members of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT subsequently said: Mr. President, I ask unanimous consent that during the consideration of S. 7 or amendments thereto, or S. 1075, two minority members of the staff of the Committee on Interior and Insular Affairs may be permitted on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The pending business is S. 7. The question is on agreeing to the committee amendment in the nature of a substitute.

The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, today the Senate begins consideration of a major water pollution control measure which provides for specific approaches to deal with particular kinds of water pollution problems.

S. 7, if enacted, will authorize the Federal Government to clean up disastrous oil spills which seriously jeopardize the Nation's waters and beaches.

This legislation requires Federal licensees and permittees to comply with water quality standards as a precondition of the license or permit.

Vessel sewage which fouls many of the Nation's marinas, harbors, and ports will be subject to new methods of control.

The bill authorizes the designation and cleanup of hazardous substances which present a substantial endangerment to health and welfare when discharged into the Nation's waters.

Authorizations for continued research and new authority to deal with eutrophication—the natural process of aging of lakes—and acid mine drainage are also important provisions of the bill.

Title II of S. 7 provides for meaningful consideration of the environmental policies set by the Federal Water Pollution Control Act, the Clean Air Act, and the Solid Waste Disposal Act in all federally supported public works activities. Other provisions of title II are intended to bring those environmental policies into all other programs of the Federal Government.

Title III provides for the acquisition of land for use of the U.S. Senate. This title will be discussed by the junior Senator from North Carolina (Mr. JORDAN), chairman of the Subcommittee on Buildings and Grounds.

TITLE I

For the past 6 years, Congress has recognized that the success of our effort to clean up the Nation's waters depends on an urgent commitment of organization, planning, engineering skill, and funds. We have ackowledged the need for clean water in the broadest sense. But the demand for clean water is so great and is growing so rapidly that we cannot afford to overlook any opportunity to increase the available supply of water, or to prevent and control sources of pollution which threaten the existing supply. This legislation will provide new tools to accomplish these tasks.

The provisions of S. 7 are not entirely new. While the committee has refined the language, the basic provisions of this bill are similar to those to which the Senate gave unanimous agreement in S. 3206 last year and in S. 2760 in 1967.

Several of the features of the bill either will be discussed by other members of the committee, or are analyzed in detail in the report. I would like to concentrate my remarks on three principal provisions of title I and on title II in its entirety.

The part of title I which establishes oil pollution liability for vessels and on- and off-shore facilities has received a great deal of attention and consideration from the subcommittee and the full committee.

As introduced, S. 7 provided that liability on vessels and onshore and offshore facilities would be based on a test of negligence with the burden of proof on the owner or operator of the vessel or onshore or offshore facility to show that a discharge of oil was not negligent.

Expert testimony to the committee indicated that while the cost of cleanup of a barrel of oil might average $75, the possibility of any single vessel or facility discharging its entire capacity was remote even in a catastrophic disaster. The figures recommended by the committee, $125 per gross ton for vessels and nonproduction facilities and $8 million for drilling or production facilities, would be adequate in the judgment of the committee, to finance the cleanup cost of the largest oil spills on record.

The type of liability to be imposed presented the committee with troublesome questions. Lengthy testimony was presented in the 13 days of hearings held by the subcommittee and extensive discussion took place in executive sessions concerning the factors which should be considered in. determining the type of liability. Among those factors were: First, the effect of a rigid liability on maritime commerce; second, the availability of insurance for the owner of the vessel or the shipper of oil; and, third, the impact of different types of liability on the U.S. Government and the people of the United States.

Heretofore, maritime liability has concerned the vessel, its cargo, and its employees. Insurance covers the hull, the cargo, personal injury, and death, and has been designed to protect people who either work for, use, own, or operate a vessel. Were these risks comparable to those associated with oil pollution, the imposition of negligent liability would not be questioned. However, the discharge of oil often affects the general public, persons, and property wholly unrelated to the vessel, who have no control over it, and who have no interest in it.

It can be argued that the public interest would be completely protected only by absolute and unlimited liability; negligence and limited liability would protect only private interests. If Congress imposed negligence liability, it followed that there should be no limits on such liability.

The representatives of the insurance industry and the oil industry testified that they could not imagine a circumstance where a discharge of oil could occur without negligence. In fact, the witness for the British Maritime Insurance Brokers stated in a letter dated August 1, 1969:

> Presumable (sic) this means negligence of the shipowners servant as I read the words and surely it is realized that almost every marine casualty is caused by negligence.

Therefore, it appeared to the committee that negligence liability with a reverse burden of proof and absolute liability are similar in practical application. One practical advantage to absolute liability is the avoidance of litigation on the question of responsibility.

Parenthetically, it is important to note that this section deals only with the costs of the cleanup of discharges. The bill in no way affects the rights of third parties against the party alleged responsible for the discharge.

After deciding to recommend unlimited negligence liability and limited absolute liability, the committee then determined that some exceptions to absolute liability were justified. The committee decided that an owner or operator of a vessel or facility should not be held liable if he could prove that a discharge was caused solely by an act of war.

The committee also decided that an owner or operator should be exempt from liability if he could prove that the discharge was caused solely by an act of God about which he could have no foreknowledge, could make no plans to avoid, or could not predict. Under this exception, only discharges resulting from grave natural disasters, which could not be anticipated in the design, location or operation of the facility or vesssel in light of historic, geologic, or climatic circumstances or phenomena, would be outside the scope of the owner's or operator's responsibility.

It was brought to the attention of the committee that there have been circumstances in which a negligent act of Government was the cause of a discharge of oil. The committee decided that an owner or operator should not be held liable if he could prove that such act of U.S. Government negligence was the sole cause of discharge.

Finally, the committee included a discharge which occurs solely due to an act of a third party.

The committee decided that while the owner or operator should not be liable if he could prove that a discharge was

caused by one of these acts, it was also necessary that such exceptions be allowed only when the owner or operator proved the discharge to be solely the result of one of the exceptions. Any culpability on the part of the owner or operator would vitiate the exception.

The committee recognized that no discharge of oil from a vessel, affecting the coastal waters of the United States, has approached the liabilities imposed by this bill. However, the risk of such spills and the possibility of major catastrophic discharges from onshore or offshore facilities or from oil-drilling operations must be considered.

During hearings in Washington and throughout the country, representatives of local governments, industrial concerns, community and conservation groups, and the public have questioned repeatedly the justification for requiring compliance with water quality standards in their activities when Federal agencies are not subject to a similar requirement.

If the Nation is to have an effective water pollution control program or any effective environmental control program whatever, Federal agencies must consider the environmental aspects of their programs as a matter of first priority.

Recognizing that point, Mr. President, this committee, under the leadership of the distinguished Senator from Delaware (Mr. BOGGS) has pressed for years for an upgrading of the performance of the Federal Government in the field of pollution control and environmental improvement.

S. 7, as reported, provides an orderly mechanism for insuring that all Federal activities will comply with the philosophy and intent of the Nation's water quality program. This section calls for Federal agencies to control their own wastes and to require control by Federal licensees and permittees. This task will be neither easy nor inexpensive. Nevertheless, the committee expects that it will be accomplished.

The existing water quality standards program envisions preventive policies rather than abatement procedures as the best method of pollution control. This provision of S. 7 applies that policy. It does not impose an unjust burden on any applicant for a Federal license or permit, since the committee assumes that Federal licensees and permittees, like any other organization or individual that intends to use the waters of the United States, will anticipate pollution control in the construction or the modification of any facility.

The committee expects that communication between the applicant and the appropriate pollution control agency relative to the planning of any facility which will affect water quality will take place at the earliest possible time. Site location is an essential aspect of the effective implementation of the Nation's water quality program. There are some sites where no such facility should be constructed because pollution control technology is not adequate to assure the maintenance and the enhancement of water quality. Those who make decisions concerning site locations should be aware of this fact and deal with it before making any investment in new facilities.

Waste from watercraft is one of the many sources of pollution that has an impact on the water quality of our Nation. This pollution is most severe in bays, lakes, harbors, and marinas where the concentration of vessels is heaviest and where there is minimum natural dilution of contaminants. The increasing use of our waterways will further compound these problems. This new section provides for the economic and practical control of discharges of raw or inadequately treated sewage from vessels into the navigable waters of the United States at the earliest possible date.

The committee recognized that many States have moved to control inadequately treated or untreated discharges of waste from vessels and praises the efforts of those States. However, conflicting regulations and standards for marine sanitation devices present a hardship to recreational boaters who move between States and present potentially serious restrictions on the interstate movement of commercial vessels.

In order to avoid these difficulties, the committee has provided for Federal preemption of the authority to regulate the design, use, manufacture, and installation of marine sanitation devices. No State shall have authority to require any device of any kind on any vessel subject to the provisions of this section after the effective date of the standards and regulations.

The committee is nonetheless aware of the necessity to relate any sewage treatment control measure to existing water quality programs. Consistent with this philosophy, the committee has provided authority for the States to prohibit entirely the discharge of any sewage from vessels without regard to the regulations set by this act if an approved plan for the implementation of water quality standards requires such restrictive measures.

This exception is not intended to be broadly construed. A State cannot prohibit vessel waste discharges for all of its rivers, lakes, and coastal waters unless the State has adopted standards which establish uses for all of those waters consistent with an absolute prohibition. The committee intends that any State prohibition apply only to areas designated for the protection of public drinking-water supplies, shellfish beds, and areas designated for body-contact recreation.

The committee expects that the States will provide alternative facilities for disposal of sewage from vessels wherever necessary.

This provision is substantially the same as that passed by the Senate and the House in 1968 and evaluated in the report language found in Senate Report No. 1371 of the 90th Congress which accompanied S. 2525.

The provision for acid mine drainage which was included in S. 2760 in 1967 as two sections has been combined into one section authorizing $15 million for both research and demonstration programs and is substantially the same as provisions passed in 1967.

The clean lakes provision, originally sponsored by Senators WALTER MONDALE and QUENTIN BURDICK, has been expanded to authorize the development of necessary research facilities but is otherwise identical to the legislation which passed the Senate unanimously in 1967.

The committee was also confronted with the dilemma of how to deal with the problem of the discharge of hazardous substances—other than oil—which present an imminent and substantial endangerment to the public health and welfare, but for which there is no clear Federal cleanup authority. The record on this subject was inadequate. Information indicated only that such discharges do occur and that the damage caused by such discharges of oil and other materials is often extensive. The list of discharges of oil and other materials since January of this year, on page 59 of the report, records several discharges of hazardous substances.

S. 7, as reported, authorizes the President to designate as hazardous any substance, the discharge of which in any quantity presents an imminent and substantial endangerment to public health or welfare, and to require notice of the discharge of any such substance after such designation. The Federal Government is authorized to clean up those discharges where practical. The committee recognized that many of the substances which will be designated are water-soluble or for other reasons cannot be cleaned up effectively. This section will primarily serve to notify downstream water users of a dangerous discharge.

The committee expects a report from the President by November of 1970 which will discuss the types and amounts of liability which should be imposed to recover the cost of cleaning up hazardous substances. The findings of that will be the subject of future legislation.

The committee has included in this legislation a provision offered by Senator STEPHEN M. YOUNG and identical to one passed by the House of Representatives. It provides relief for the citizens of the Great Lakes area who are confronted with a rapid deterioration of their vital water resources.

This section authorizes the Secretary to grant up to 75 percent of the cost of projects demonstrating new methods to control and eliminate pollution in the Great Lakes drainage basin. There is no question that this legislation is essential. The Great Lakes are perhaps the Nation's most vital inland water resource, yet Lake Erie is dying and Lake Michigan is the subject of serious concern. No Federal dollars will be better spent than those which produce effective methods to deal with the critical problems of the Great Lakes, for not only will those dollars help remedy an already critical situation but they will undoubtedly demonstrate methods which can be used to prevent the accelerated eutrophication of other lakes and reservoirs which are equally important to other regions of the country.

The committee has been increasingly concerned about the availability of trained technical personnel to operate sewage treatment plants. As a result of that concern the committee authorized a study of manpower and training needs in the Clean Water Restoration Act of 1966. That study was transmitted to the

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Congress in mid-1967 and was printed as Senate Document No. 49 on August 31, 1967. On the basis of that report, which indicated a demand for 18,500 new plant operators and the need to upgrade the skills of many existing plant operators, and on the basis of another report prepared for the Subcommittee on Air and Water Pollution by the General Accounting Office on the effects of inadequately trained personnel on the operation of federally assisted sewage treatment plants, the committee was pleased to receive and include in the bill a proposal by Senator Hugh Scott to authorize pilot programs for training plant operators and technicians.

The committee recognizes that a great deal more than a pilot program will be required if Federal funds for sewage treatment plant construction are invested wisely, but it believes that experience with a pilot program would provide a sound base for expanded legislation in the near future.

Title I of S. 7 is as significant as any water pollution legislation ever reported by the Committee on Public Works. It provides authority to deal with a variety of critical yet definable water pollution problems. Unlike prior measures which have been reported by this committee, title I does not develop a new policy for water pollution control but rather provides additional tools to implement the national policy of water quality enhancement established by the Water Quality Act of 1965. Effective control of water pollution cannot be obtained without these additional preventive and enhancement measures. The sources covered by this title require specific attention.

TITLE II

In recent years, and especially since 1963, Congress has developed a strong policy for the enhancement of environmental quality. This policy is based on the knowledge that man and his environment are closely interrelated and that environmental quality is necessary to the improvement of living standards for all men—and, indeed, possibly for the survival of the human race.

The legislation which has formed this broad policy has been developed through the efforts of many congressional committees, including the Senate Committee on Agriculture, Banking and Currency, Commerce, Finance, Government Operations, Interior, Labor and Public Welfare, and Public Works. Participation in this development has been broad-based because the problems of environmental quality transcend artificial divisions of committee jurisdiction.

Much of the substantive legislation in this area has come from the Public Works Committee and its Subcommittee on Air and Water Pollution. The committee's work has resulted in the Clean Air Act of 1963, and the 1965 and 1966 amendments; the Air Quality Act of 1967; the Water Quality Act of 1965; the Clean Water Restoration Act of 1966; and the Solid Waste Disposal Act of 1965.

Originally drafted to meet specific pollution problems which demanded immediate abatement actions, legislation from the Public Works Committee evolved to the point where it is based on the concept of the prevention of pollution and the enhancement of the quality of the air, water, and land environment.

A strong partnership among governmental agencies at the Federal, regional, and State levels is the basis for this broad strategy. The States have been delegated the primary responsibility to protect and enhance the quality of the environment within their jurisdictions and—in cooperation with neighboring States—within river basins and air sheds common to those States. Water and air quality standards are to be adopted, implemented, and enforced at the State and regional levels on the basis of criteria promulgated by the Departments of the Interior and Health, Education, and Welfare. The Federal Government has the responsibility to develop these criteria; to act to set or enforce standards where States do not fulfill their obligations; to conduct research to improve our understanding of environmental threats and develop new means of protection; and to protect the environment in the conduct of its own activities.

The opportunity to act first has been given to the States because the national policy of environmental enhancement recognizes the need to involve individual citizens and communities in any decisions concerning the environment in which they live. The best way to put this policy into practice—to make participation in the decisionmaking process as close to individual citizens as possible, within the guidelines of the criteria.

The committee has emphasized, however, that the opportunities for local control are not open-ended. If the States and regions fail adequately to carry out their responsibilities under these sets or are unable to do so, the Congress has expressly authorized the Federal agencies administering these programs to assume the responsibilities.

The States cannot succeed in meeting their obligations without the complete cooperation of all Federal departments and agencies. The Federal responsibility to protect the environment in the conduct of its programs which are not subject to State regulation has often gone unmet. This shortcoming is present in every Federal department and agency and is in direct conflict with the Nation's environmental policy and the purposes and provisions of the legislation which has developed that policy.

It is clear that there is no one answer to the problem of environmental regulation of the Federal Government's own activities. The committee believes that it is the responsibility of each standing committee in Congress to examine carefully the activities of those departments and agencies within its jurisdiction and to insist that the policy of the enhancement of environmental quality is strictly followed.

The Public Works Committee is committed to reviewing all legislation and Federal activity under its jurisdiction with these duties in mind and expects to initiate this review during this Congress. Furthermore, title II of S. 7 explicitly requires that all federally supported public works projects and programs be planned, developed, and administered with full consideration of their impact on our air, water, and land and with strict adherence to the national policy of environmental enhancement.

More and more public officials and individual citizens share this concern of the committee and have recognized the need for the integration of environmental consideration in all programs and policies of the Federal Government. We are confronted with problems of accelerating environmental deterioration on the one hand, and the inadequacies of our public and private institutions to deal with these problems on the other.

The Public Works Committee has focussed on several measures designed to remedy these inadequacies and has concluded that the problems of management are even more urgent than the problems of organization. Therefore, the committee has proposed in title II an Office of Environmental Quality in the Office of the President. This office would have the management capability to bring coherence and consistency into the environmental activities of the Federal Government. The committee has given careful study to other proposals and has concluded that an independent environmental staff in the Executive Office of the President is crucial to the effective coordination and administration of all Federal programs in line with the Nation's policy of environmental enhancement.

The Office of Science and Technology presently supplies the staff for the President's Cabinet Council on Environmental Quality. Unfortunately, the Office of Science and Technology has widespread responsibilities, is thinly staffed, and must look to the departments and agencies of the Federal Government for staff assistance. Thus, the advice and assistance the President receives concerning the programs and policies of the Federal agencies comes from the agencies themselves. No matter how well intentioned, this arrangement will not produce a critical and independent review of Federal departments and agencies.

No Federal department or agency which is not primarily oriented to environmental matters can be expected to have either the sufficient expertise or the proper perspective to evaluate their own programs satisfactorily by themselves. This assumption is the basis for both section 16 of title I and the provision establishing the Office of Environmental Quality in title II.

The most difficult task facing the President and the Congress in the area of environmental quality is the review and analysis of the administration of the environmental programs and policies of the Federal Government, a function which should be coordinated from the Office of the President. The committee strongly feels that the President requires a competent, independent staff, not affiliated with any other Federal agency, to accomplish this purpose.

The Office of Environmental Quality would provide the independent staff required by the new Cabinet Level Council and would make available to the President the professional competence to review and analyze all programs and policies relating to the air, water, and land environment. The office would also provide reports on environmental issues to the appropriate committees of Congress, the Council, and the public.

The bill reported by the committee does not tell the President how to organize his administration to deal with environmental problems. It provides him with staff for whatever arrangement he determines most appropriate to his approach to the administration of the executive branch.

One of the principal advantages of this legislation is the recognition that progress can be made in enhancing the quality of the environment only if the national policy has the full support of both the President and the Congress. The Office of Environmental Quality should increase the capacity of the President to support that policy.

Mr. President, I conclude what may appear to be a lengthy analysis of the bill, but which, in fact, in the light of its broad coverage, is a brief analysis of the bill.

I would like, at this time, to express my appreciation to all members of the committee, but specifically, to the distinguished Senator from West Virginia (Mr. Randolph), chairman of the full committee, the distinguished Senator from Kentucky (Mr. Cooper), the ranking Republican member of the full committee, and my good friend and longstanding right hand in this fight against pollution, the distinguished Senator from Delaware (Mr. Boggs), for the excellent cooperation which we have had.

I must say that our experience with this bill has been one of the most reassuring that I have had in my years in the Senate and in my years of dealing with this kind of legislation.

We had long hearings, but, more than that, we had extensive executive sessions beginning in March and continuing through June and July—sessions which were attended most of the time by the full membership of the committee, all of whom participated in the discussion of problems which surfaced in an effort to come to grips with them and solve them soundly, from the legislative point of view, without regard to partisan considerations. I do not believe there is a partisan comma in the bill. It reflects the work of members on both sides of the aisle, and for them I would like to express my appreciation, through Senator Boggs, to all his colleagues on the Republican side of the committee.

I yield to the distinguished Senator from Delaware.

Mr. BOGGS. Mr. President, I thank the distinguished Senator from Maine, chairman of the subcommittee and manager of this bill, for his very kind and generous remarks.

I rise to support S. 7, the Water Quality Improvement Act of 1969, and to associate myself with the remarks of the distinguished Senator from Maine (Mr. Muskie), chairman of the Subcommittee on Air and Water Pollution.

Under his able and thoughtful leadership, we have conducted an exhaustive investigation into the various aspects of the water pollution problem and we have written a bill that I consider as important as any seeking to enhance environmental quality that will come before the Senate for many years.

Before I discuss the merits of this legislation and try to further clarify some points that may be of interest, I wish to thank the Senator from Maine (Mr. Muskie) and the other members of the subcommittee for their efforts on behalf of the bill. I also wish to thank especially the distinguished chairman of the full committee, Senator Randolph of West Virginia, and the distinguished ranking minority member, Senator Cooper of Kentucky. They both have been great to work with, and they each have contributed so much in the consideration and writing of this proposed legislation

It has been a great privilege to work on this committee and serve with the distinguished chairman of the subcommittee, who is recognized as an able leader in this field. As he has stated so eloquently, there has been completely bipartisan approach in the consideration of the provisions of this bill. This bipartisan cooperation began with the introduction of the bill, and went through the hearings, the markup, to the bringing of this bill from the committee to the floor.

We have sought legislation that will meet a need—a pressing need. And in this effort, we have received great work and cooperation from the committee staff.

The chairman of the subcommittee has already discussed the need for legislation that will obligate the owner of a vessel or a drilling facility to clean up an oil spill. I shall not detain the Senate by restating his persuasive arguments. However, I should like to point out that such legislation is not new to the Senate. These provisions are an outgrowth of S. 2760, which passed the Senate in December 1967. This earlier legislation imposed unlimited dollar liability for oil cleanup costs, with an exception for acts of God. S. 7 places a dollar limit on liability, except when negligence is proven, and exempts acts of God, acts of war, acts of Government, and acts of a third party. These were limitations that were discussed at great length in committee, and raised repeatedly in hearings with representatives of the oil and shipping industries. It was the committee's belief that such exemptions have the effect of protecting the public in nearly every case, while safeguarding private interests at rare times of great disaster.

There is one important point I should like to add in relation to the oil cleanup liability section of the bill. The emphasis in this section is on the word "cleanup," not "liability." It is the intent of this legislation, and I cannot stress this point too strongly, that the polluter should clean up any oil spill on his own, and that the Government should not need to act. The Government should take action only when the polluter fails, himself, to take prompt and effective action. This is a responsible approach, fitting the sense of public responsibility held by the vast majority of American businesses.

In Delaware, my home State, I recall an incident when an oil barge of the Hess Oil Co. ran aground off Rehoboth, spilling oil. Hess Oil went in at once and cleaned up that spill, spending its time and effort and not throwing the burden on the Government. That is what this bill seeks to encourage. The liability standard only will take effect, I feel certain, in the rare cases of businesses that lack this public spirit.

That 1967 legislation and a bill that the Senate passed in July 1968, S. 3206, dealt with many other aspects of water pollution also handled in the current bill. This bill, S. 7, and the previous legislation, authorizes research and development on problems of lake pollution, demonstration projects for controlling acid mine drainage, and provisions insuring cooperation among all Federal agencies in maintaining water quality standards.

Last year's legislation contained a provision authorizing a national standard for devices to treat sewage from vessels. A similar provision appears in S. 7. I should point out that the new legislation adds wording that gives to each State the right to bar vessel discharge where necessary to protect that State's waters for such purposes as drinking, recreation, shellfish production. This is a right the States should have. This means that if water quality at a specific location would be degraded below applicable water quality standards by a discharge, treated or otherwise, the State may prohibit the discharge in that area to protect the lake, marina, oyster bed, or municipal water intake location.

Some boatowners have argued that States would act capriciously, and establish a variety of restrictive standards in their waters. This cannot happen. There would be only two standards: A discharge standard and a no-discharge standard. When an automobile driver crosses State lines on a trip, he is required to know a new set of laws. Why is it any more of a burden for a boatowner to know where there is a discharge and where there is a no-discharge policy in another State he intends to visit?

It should be emphasized further that the language permits a discharge prohibition only when "applicable water quality standards require such prohibition." Thus, if a State acts capriciously, the boatowners may go to court to halt such unreasonable action by the States.

This provision has created some controversy among boatowners. They argue the provision gives States the rights to bar discharges in some locations, an unnecessary restriction on boatowners.

We have discussed this at great length. Following the filing of the report on this bill, I received a letter from an executive who had forcefully brought to committee members his objections to the S. 7 discharge language. The letter says:

> I also believe that if the administrators will follow the intention and guidance of the Committee, as I understand it in the Report, and if common sense and practicality prevails, the owners and operators of both recreational and small commercial vessels will be able to live with the situation and will be glad to cooperate toward the objective that we all have, namely, cleaner waters for the use and enjoyment of everyone in our great country.

I discuss these several points and their legislative history to demonstrate that

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the pending legislation holds a direct inheritance from legislation previously adopted by this body.

The distinguished Senator from Maine has discussed many of the new provisions, such as the authorization of a study on cleanup of other hazardous substances, plus a most essential provision establishing in the White House an Office of Environmental Quality. I endorse these portions of the bill, as I do the entire measure, but, in addition, there is one further provision of the bill I wish to mention briefly. This is section 16(g), dealing with manpower training, suggested to the committee by the distinguished minority leader, Senator Scott. The cost to implement this provision is small: $5 million during this fiscal year, $7.5 million in fiscal 1971. But the rewards should be great. The paragraph authorizes pilot projects to train technicians to operate sewage treatment plants. The Federal Water Pollution Control Administration estimates that these funds will finance the training of 9,000 technicians, toward filling a national shortage of 30,000 such technicians. This will offer to the Nation greater assurance that the waste treatment plants we are building under the Clean Water Restoration Act of 1966 will not stand idle or inefficiently utilized. As we look ahead toward the enhancement of our environment, this training section should have an impact for good far beyond its cost.

For the reasons that I have enumerated, I am happy to support this legislation. I urge my colleagues to give it orderly consideration, and I hope they will support it. It is most essential legislation.

I again, in conclusion, wish to thank the distinguished chairman of the committee, the Senator from Maine (Mr. Muskie), for his outstanding leadership and ability, and for the great privilege it has been to work with him and the other members of the committee on this legislation.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. MUSKIE. I thank my good friend from Delaware, and I appreciate his comments. I shall yield in a moment to the distinguished Senator from Virginia (Mr. Spong). Before I do, however, I should like to say, in response to something the distinguished Senator from Delaware has said, that I neglected to give appropriate credit to the distinguished Senator from Kansas (Mr. Dole) for the provision in the bill dealing with hazardous substances. He took a special interest in that matter, and developed the amendment and presented it to the commitee, and I should like to give him full credit for that provision.

Mr. BOGGS. I join with the distinguished chairman.

Mr. MUSKIE. I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, the bill before the Senate represents a forward-looking response to the national concern over the deteriorating condition of our water resources.

The measure is the product of most careful consideration by the Subcommittee on Air and Water Pollution, and its parent Committee on Public Works. We are indebted to the leadership of the Senator from Maine (Mr. Muskie) and the Senator from West Virginia (Mr. Randolph) during the development of this important and far-reaching legislation. We also are grateful for the contributions made by Senators Boggs, Cooper, and Baker.

Because I represent a coastal State, I am particularly interested in those provisions of the bill which deal with oil pollution, thermal pollution, and the discharge of wastes from vessels.

After lengthy deliberations, the committee decided to recommend absolute liability upon vessel owners or operators for the cleanup costs of oil spills. Liability would be limited to $125 per gross ton of the offending vessel or $14 million, whichever is lesser. This concept places the risk on the responsible party, not innocent third parties and the general public. Our objective was to protect the taxpayers from potential cleanup costs, without imposing liability in excess of reasonable risks. It is the understanding of the committee that the limits in the bill are sufficient to cover the costs of the most expensive spills.

Fortunately, there have been no spills from vessels in the coastal waters of the United States which even approach the limits. Moreover, the outer limit of $14 million would be sufficient to cover the liability, at $125 per ton, of any vessel presently capable of using U.S. ports. However, the committee was of the opinion that the danger from potential spills from vessels, as well as from onshore and offshore oil facilities, should be taken into account in the development of this legislation.

The owner or operator, not the Government, would be given first opportunity to clean up a spill. If an owner or operator later proved the discharge was caused solely by an act of God, an act of war, negligence on the part of the U.S. Government, or an act of a third party, he could recover his costs from the Government.

If the owner or operator failed to act, the Government would clean up the spill and be entitled to recover its costs. If the Government could prove a spill is the result of negligence or a willful act, it would be entitled to recover all costs regardless of the liability limits.

Vessel owners or operators would be required to provide evidence of financial responsibility of $100 per gross ton for vessels over 300 gross tons. The committee believes that the exceptions it has recommended with respect to absolute liability will enable owners or operators to obtain insurance to cover their financial responsibility of at least $100 per ton. Owners or operators may then determine the extent to which their risk may exceed their insurance coverage, or self-insurance.

The liability standards for offshore and onshore facilities are similar to those for vessels. However, liability would be limited to $125 per ton of oil which any processing, transporting or transferring facility can pass through in a 24-hour period, or which can be stored by the largest unit of a tank farm. The limit for drilling-production facilities would be $8 million.

The vessel pollution section provides for Federal preemption of authority to regulate the design, use, manufacture, and installation of marine sanitation devices. The committee adopted this approach to avoid a proliferation of conflicting State regulations which would work a hardship upon recreational boaters who enjoy the waters of several States.

However, in order to relate this section of the bill to the water quality standards of the States, the committee has proposed that States be allowed to prohibit the discharge of any sewage from vessels in areas where such a restriction is necessary for the implementation of applicable water quality standards. The committee has emphasized in its report on the bill its intention that a prohibition should apply only to areas from which public water supplies are drawn, to areas where there are shellfish beds, and to areas designated for body contact recreation. In other words, a prohibition against discharges must be tied to water quality standards.

The section would not apply to ships and boats which do not have installed toilets. In addition, the committee recognizes, because of shortcomings in technology, that it may be necessary to waive the applicability of the standards for various classes, types, and sizes of vessels. It obviously will be necessary to exercise common sense in the administration of this aspect of the legislation. This is not to suggest, however, that there should be footdragging in the implementation of the program.

The Secretary of the Interior would be empowered under the vessel pollution section to develop performance standards indicating what a sewage treatment or holding device must accomplish to be acceptable for marine use. Because of its expertise in marine engineering and design, the Coast Guard would be vested with enforcement authority, and with authority to develop regulations governing the design, installation and operation of marine sanitation devices. The Coast Guard is particularly well suited to administer these matters; it has the capability to work out a practical and workable system of implementation.

Mr. President, I hope the Department of Defense will expedite its program to equip naval vessels with sanitation devices, and will request the funds necessary to carry out the intent of this legislation. Pollution from Navy ships constitutes a substantial problem in many of the country's ports. The Navy has a public responsibility to demonstrate by continuing affirmative action its willingness to cooperate in the effort to resolve environmental problems.

The bill takes a preventive approach toward activities over which the Federal Government already exercises a degree of control. Section 16 is directed primarily at thermal discharges, and pollution from dredged spoil.

Applicants for a Federal license or permit to build or operate any facility which might discharge pollutants into navigable waters would be required under the section to provide certification of reasonable assurance that the facility will comply with applicable water quality standards. In most instances, the certification would come from the State in which the discharge occurs.

Nuclear-power electric generating facilities and other activities requiring more than one Federal license or permit would be required to provide only one certificate of compliance, unless there is a change in the nature or design of the activity, or a change in the water quality standards applicable to the waters involved.

There is provision for the suspension or termination of a certificate in the event a court of competent jurisdiction finds that a facility is operating in violation of water quality standards.

Pollution from dredging posed a special problem to the committee because only one State has developed water quality standards for temporary turbidity and the disposal of spoil resulting from this activity. The committee recommended that certification not be required as a precondition of a dredging permit until such time as the States have developed appropriate water quality standards. However, at any time following the development of water quality standards for dredging, an applicant for a new license or permit would be subject to other provisions of the section.

Mr. President, S. 7, the Water Quality Improvement Act of 1969, is a major piece of legislation carried over as unfinished business from the 90th session of Congress. The measure is not punitive. The committee's overriding interest in the development of the legislation was to establish procedures which will be helpful to preserve and protect our water resources.

Our existing laws have serious gaps which threaten the success of our efforts to abate pollution. This bill will fill the gaps. It will go a long way toward putting the responsibility for pollution control where it rightfully belongs—on the polluter.

I again commend the distinguished Senator from Maine (Mr. Muskie) for the leadership he has afforded.

Mr. MUSKIE. I want to thank the distinguished Senator from Virginia for his continuing interest and dedication to solving the pollution crisis. He has been a diligent contributor to the subcommittee's work in this area and the full Senate is indebted to him.

Mr. LONG. Mr. President, I applaud the Senate Public Works Committee and its distinguished chairman, Senator Randolph, and the chairman of its Subcommittee on Water Pollution, Senator Muskie, for the devoted efforts they have made since the beginning of this Congress to meet the mounting public concern over the depletion and spoilage of our waterways by various types of pollution. Obviously, it is in the national interest to update and extend the requirements and prohibitions of the Federal Water Pollution Control Act and to assure that, for centuries to come, the water resources of the United States will meet the highest possible standards of purity.

However, as chairman of the Senate Merchant Marine Subcommittee and as one who only last week urged the Senate to provide millions of dollars of additional Federal funds for the construction of new merchant ships to save our merchant fleet from sinking into almost total obscurity, I feel I must express my deep concern regarding the very adverse effect the provisions of sections 12(f) (1) and (2) of S. 7 might have upon the ability of the American merchant marine to continue to operate at all.

As I read section 12(f)(1) of the bill, in the event a vessel of the American merchant marine is involved in an oil spill which its owner cannot prove was caused by, first, an act of God; second, an act of war; third, negligence on the part of the U.S. Government, or, fourth, by an act of a third party, the owner is automatically liable to the United States for the actual costs of the cleanup, up to an amount equal to $125 per gross ton of the vessel or $14,000,000, whichever is lesser. If, on the other hand, the Government can show that such discharge was the result of simple negligence on the part of the vessel, then the vessel owner is liable to the United States "for the full amount of such costs," even if they far exceed $14,000,000.

Section 12(f)(2) of the bill, however, permits vessels of the American merchant marine to sail if they are able to establish "financial responsibility" (in the form of insurance or a bond) of only $100 per gross ton for any and all oil cleanup costs. Thus, under the bill, a vessel of 10,000 gross tons is authorized to sail if it can establish to the satisfaction of the Federal Government that it carries $1,000,000 worth of insurance for oil cleanup costs; while a vessel of 100,000 gross tons, including tankers, is permitted to sail if it carries $10,000,000 of insurance to cover cleanup costs in the event it becomes involved in an oil spill.

Clearly, therefore, S. 7 makes vessels of the American Merchant Marine subject to liabilities ranging up to $125 per gross ton for oil cleanup costs while the bill simultaneously requires them to carry insurance of only $100 per ton—and the first mentioned liability of $125 per ton can arise even in cases where an oil spill occurs without any negligence whatsoever on the part of the vessel owner or operator involved.

Indeed, if negligence is proved to exist, under S. 7, the owner has an unlimited liability, whereas, as indicated, the bill permits him to sail with insurance in an amount equal to only $100 per ton.

Obviously, if this were only an oversight or mistake in the drafting of this bill, it would be a simple matter to correct it here on the Senate floor. We could merely increase the "financial responsibility" requirement of section 12(f) (2) to $125 per gross ton, and then, absent negligence, American merchant marine vessels would be covered against at least the minimum, automatic liability provisions of section 12(f)(1). The "unlimited liability" exposure would thereby be limited to cases of proved negligence only.

Unfortunately, however, I am advised that these serious, substantial liability differences are not the result of mistake at all. On the contrary, it is my understanding that section 12(f)(2) enables American vessels to sail with proof of "financial responsibility" of only $100 per gross ton because, in fact, that is the maximum amount of insurance for oil cleanup costs which can be obtained, both here in the United States and from all of the other worldwide marine insurance underwriters located in England.

Thus, if S. 7 required each and every American vessel to establish "financial responsibility" of $125 per gross ton under section 12(f)(2), the result would be that most American vessels would have to remain in port, that is without insurance—and thus without clearance from the Government under S. 7—they would be unable to sail. S. 7, as I have said, avoids that catastrophe by limiting the "ability to sail" requirements to only $100 per ton—that is, to a clearly insurable amount.

But, simultaneously section 12(f)(1) of the bill goes on to provide that, when and if an oil spill actually occurs, the American vessel is liable for cleanup costs up to $125 per ton; that is, in an amount which apparently S. 7 itself recognizes to be uninsurable. And, of course, if $125 per ton is not insurable, it follows, as day follows night, that unlimited liability for a negligent oil spill is equally uninsurable beyond the $100 per ton figure mentioned before.

The result for the American merchant marine is obviously intolerable and it promises to force many of the smaller vessel operators out of business. In effect, each vessel operator must, under S. 7, become a self-insurer for the difference in liability between $100 per ton, which is insurable, and the unlimited amount of liability which can be assessed against him in the event of a negligent oil spill.

Thus, in a moment, a small operator whose vessel is insured for only $1,000,000 can, under S. 7, become liable for $14,000,000 or more in oil cleanup costs if his vessel unavoidably collides with an oil tanker off the coast of the United States. Sudden liability in such a staggering uninsured amount would immediately bankrupt most American shipping concerns which are struggling to continue to remain in business today.

And, sadly, the inability of such a vessel to pay the oil cleanup costs assessed against it would still leave the United States in the position where it would have to pay the costs of the oil cleanup itself.

For all of these reasons, therefore, as chairman of the Senate Merchant Marine Subcommittee, I have come to the conclusion that the better solution, for both the United States and the American merchant marine, would be to adopt the provisions of section 17(e) of H.R. 4148, which the House unanimously passed on April 16 of this year, whereby each vessel of the American merchant marine would be held liable for oil cleanup costs in the clearly insurable amounts of $100 per gross ton or $10,000,000, whichever is lesser, unless it is able to prove affirmatively that it had no responsibility whatsoever for the oil spill which made the cleanup necessary in the first place.

Under the House bill, the liabilities assessed are clearly insurable and funds

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will thus be available up to those insurable limits to defray for the United States at least the statutory portion of all oil spill costs for which a vessel of the American merchant marine is responsible.

Because of the very complicated situation which has been created for all concerned by the conflicting provisions of section 12(f) of S. 7 mentioned above, I shall not endeavor by amendment here on the Senate floor to resolve that which the committee has been unable fairly to rectify after months of consideration. However, because the two differing versions of this legislation will ultimately have to be ironed out in conference, I strenuously urge the Senate conferees to keep in mind during those crucial deliberations the existing plight of our American merchant marine; the fact that it is presently at its lowest ebb in modern history and is thus unable to self-insure risks far beyond that which the marine insurance industry will dare to underwrite; that the merchant marine is vital to the national defense of the United States; and that both Congress and the administration are currently seeking to establish programs whereby hundreds of million of dollars of Federal funds will be spent on ship construction simply to keep the merchant marine alive. In the face of these conditions and developments, it seems academic to me that we should not simultaneously proceed to try to drive large segments of the industry out of business by saddling its fleet with statutory liabilities which cannot be insured either here in the United States or abroad.

Mr. President, I ask unanimous consent to have printed at this point in the Record a statement which was prepared for delivery today by the Senator from Alaska (Mr. Gravel), who is necessarily absent.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR MIKE GRAVEL

Mr. President, I would like to associate myself with the remarks of the distinguished Chairman of the Senate Merchant Marine Subcommittee. Like him, I strongly favor and support the basic purposes of the pending legislation which are to combat pollution of our nation's waters and to provide means whereby cleanup costs connected with damaging oil spills or oil leaks along our coastlines will be defrayed, to the maximum extent possible, by those who are actually responsible for such water pollution. My State of Alaska is obviously deeply concerned over the possibility of such catastrophes and thus I join the Senator from Louisiana in congratulating the distinguished Chairman of the Public Works Committee, Senator Randolph, and the brilliant Chairman of the Senate Subcommittee on Water Pollution, Senator Muskie, for the untiring efforts they have made to bring this bill to the floor for early action.

At the same time, I am also deeply disturbed by those provisions of Section 12(f) of the bill which require all vessels over 300 tons which utilize American ports or waterways to establish "financial responsibility" for oil cleanup costs of only $100. per gross ton, but which simultaneously provide that, in the event of an *actual oil spill*, the vessel's statutory liability for cleanup costs, depending on the circumstances involved, might be as high as

(1) $125 per gross ton, or

(2) an unlimited sum equal to the "full amount" of such cleanup costs, regardless of how large that amount might be.

My concern regarding these provisions of Section 12(f) would not be so profound if evidence were available that adequate marine insurance could be obtained by all vessels of our merchant fleet to cover these statutory risks and liabilities. Unfortunately, however the testimony presented before the Senate Public Works Committee on this subject, by both the American and British marine insurance industries, was to the contrary. Indeed, during the past several days, as a member of that Committee, I have received copies of letters addressed to our Chairman by representatives of the British insurance underwriters (companies which I understand actually underwrite most of the marine insurance around the world) stating that "the capacity of the market to insure this kind of liability at the present time is *$100 per gross registered ton or $10,000,000, whichever is the less.*" These letters to the Committee bluntly conclude with the statement that "Insurance above those amounts is, we are satisfied, *unobtainable.*"

If these warnings from the marine insurance industry are correct, then under Section 12(f) of the pending bill, the $100 per ton "financial responsibility" requirement in S. 7 actually represents all that can be insured. It follows as the distinguished Senator from Louisiana demonstrated, that the $125 and unlimited oil cleanup liabilities, specified in the bill for assessment against any vessel in the event of an oil spill, are simply uninsurable.

What effect this "uninsurability" might have on some segments of the American Merchant Marine in their present low position of prosperity, I am unable to say at this time. Clearly, all vessels with maximum insurance of only $100. per ton will, in the event S. 7 becomes law, be sailing as *self-insurers* of the two statutory liabilities S. 7 assesses in excess of that amount. Considering the pitiful condition of our merchant fleet, it seems highly unlikely that many would be able to assume this additional risk, but even if they do, patently their vessels will be face-to-face with financial disaster, if, perchance, they become involved, innocently or negligently, in a very costly oil spill.

And, of course, just as Alaska cherishes its beautiful unscarred coastlines and thus strongly favors all measures aimed at protecting its shores against destructive oil spills, it also depends upon the maritime industry for most of its daily needs and to service the requirements of its blossoming oil industry. Therefore, we are concerned, seriously concerned, about the adverse effects the "uninsurable provisions" of Section 12(f) might have upon the Merchant Marine and upon the ability of our shipping interests to continue to operate for the well being and progress of Alaska as they have in the past.

In conclusion, therefore, what I urge here is that every possible effort be made by the distinguished members of the Public Works Committee who are and will be in charge of this legislation both here on the floor and in conference with the House, to reach some acceptable solution with reference to Section 12(f) which will (1) meet the basic needs of water pollution control but (2) establish clean-up liabilities for the Merchant Marine which are, beyond dispute and peradventure, insurable.

Mr. RANDOLPH. Mr. President, the Water Quality Improvement Act of 1969—S. 7—is another significant step toward controlling one of the major environmental problems facing this Nation. It will extend society's control over water quality and insure against further degradation of our priceless water resources both in the inland fresh lakes and streams and along our coastal shores.

Senator Muskie, our able and informed chairman of the Subcommittee on Air and Water Pollution, who is floor manager of S. 7, is discussing the general features of this legislation.

I shall focus my remarks on three particular sections of the measure which are especially noteworthy because they attack three of the very real water pollution problems of today. These are: acid and other mine drainage pollution; pollution from dredging operations; and oil pollution.

Acid and alkali pollution discharged into various local watercourses are carried by the natural flow of stream systems into our major river basins, thus creating extensive pollution problems, both intrastate and interstate. The specific impact of mine drainage pollution is characterized by stream sterility. This is a condition in which the normal stream ecology, or balance between living organisms and their environment, is disrupted by the presence of large volumes of acid or alkali mine drainage wastes. If the "wild" upstream portions of streams and rivers are virtually destroyed by such problems as acid mine drainage, how much hope is there that the waters reaching the major cities will be able to serve our growing population?

It has been estimated that 3.5 million tons of acid are discharged into more than 6,000 miles of the Nation's streams, resulting in damage to aquatic life and potential severe loss of recreational capacity of the waterways. In addition, untold damage occurs to vessels, dams, bridges, water and sewer works, and other facilities downstream.

The impact of acid pollution is compounded by other than direct effects on our rivers and streams. The many seepage areas around mines are barren of plantlife to such an extent that as much as 1,000 times as much sediment is washed from them into streams by erosion than from forest and grass lands. There are more than 30,000 surface acres of impounded waters and reservoirs which are seriously affected by surface and subsurface mining operations.

The most serious problem is the fact that 80 percent of acid mine drainage comes from abandoned and orphaned mines. Though laws and regulations in some States control present and future mining operations, there appears to be no simple way to achieve control over the thousands of abandoned mines.

The Department of the Interior has identified several priority areas for the major attack against acid mine drainage under this new legislation. There is, for example, a very real need for more basic research and development into the mechanisms of formation of acid mine drainage in order to find new and different methods of preventing its formation.

In addition to basic research, the Department expects to move quickly to find new techniques and mechanisms at various stages of acid drainage formation. The priorities include: development of new mining techniques to reduce or prevent mine drainage and new or improved mine drainage treatment processes, the most promising of which is the development of rapid oxidation of ferrous iron from the mineral wastes; isolation of byproducts having economic value, with a special emphasis on iron oxide; and new methods for settling and thickening sludges resulting from the neutralization of acid mine waters and new methods for economically disposing of that sludge, including possible use on agricultural lands.

Though much research has been carried out, Federal efforts have been sporadic and poorly coordinated, and current programs of practical scale reclamation are not nearly ambitious enough to meet the problem. Testimony before the committee strongly suggests that the cooperative State-Federal effort envisioned in the demonstration provisions of this bill would be an important step toward the total solution.

The bill would also add a new section to the act authorizing the Secretary of the Interior to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of feasible and practical areawide methods of controlling acid pollution resulting from mining activities. Another key provision directs the use of "various abatement techniques" for acid mine water elimination or control rather than limiting the approach to a particular process. This is important because the techniques used and the relative importance of each will vary from area to area.

In the Appalachian areas where the acid mine drainage problem is most severe, quality agricultural land is at a premium. Recreational opportunities have also been limited by the relatively small number of natural lakes. Land reclamation demonstration projects could provide both new and improved agricultural land and new recreation sites near heavily populated metropolitan areas.

This new attack on acid mine drainage will benefit peoples in all parts of the Nation, from those in the depressed mining regions like West Virginia and Ohio to those who depend on the flow of clean, pure waters along the length and breadth of the country. This section of S. 7 not only assures cleaner waters, but less loss of minerals and industrial products, less sedimentation and subsequent silting of our reservoirs, better control of the topographic blight in mining regions, and more areas for farming, building, recreation, and other uses for our expanding population.

A second major area of water pollution which S. 7 will bring under control is sediment from dredging operations in the Nation's lakes and rivers. At the outset, the committee makes it clear that under section 16, all dredging—Federal, State, or private—shall comply with applicable water quality standards.

Approximately 400,000,000 cubic yards of material are dredged annually from the Federal project waterways by the Corps of Engineers. If the amounts dredged by private contractors from slips, berths, private channels and for reclamation work are added to the Federal work, it is estimated that the total may be about three-fourths billion cubic yards.

In enacting section 10(c)(3) of the Water Quality Act of 1965, Congress directed that water quality standards be prepared, considering, in the words of the act, "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses." The Committee on Public Works has taken the further step of adding language in section 10 of the basic act to specifically include navigation.

Although turbidity, or muddiness, is included as a measure of water quality in existing standards, the committee was informed that, with one exception, such standards were not drawn to accommodate or otherwise consider temporary turbidity relating to dredging. We noted the specific provision dealing with dredging turbidity in the approved water quality standards of Michigan as one approach to the problem. We expect the States to review their standards to deal with this problem of temporary turbidity in order to conform with the intent of section 10(c)(3) of the basic act as amended by this bill.

In order to accomplish the objective of providing for essential dredging without adversely affecting water quality, the committee expects the Secretary to provide the States with technical assistance required to evaluate both the real and potential pollution associated with dredging and disposal of dredge spoil. The pilot study of dredging and water quality problems in the Great Lakes being conducted by the Corps of Engineers should be of material assistance in this effort.

It should be noted that nothing in this bill should be construed as requiring the disposal of all dredge spoil on land. Where spoil is determined to be nonpolluting and causes no long-term environmental damage, we feel it may be properly discharged into lakes or rivers where permitted under appropriate State or Federal license.

In the interim period during which the States will be reviewing their water quality standards, no arbitrary or unreasonable restrictions shall be imposed on dredging essential for the maintenance of interstate commerce. This applies to dredging and disposal activities of private dredgers as well as the Corps of Engineers.

I feel very strongly that this vital operation must continue unimpaired for the period in which the States and the Federal Government are developing standards for temporary turbidity. There is no question that dredging activities for the maintenance of navigation in our waterways are important to the growth and vitality of the Nation. The States must develop meaningful long-term solutions to dredging, and especially to the ultimate disposal of dredging materials, if they are to continue to reap the benefits of these operations.

What this bill provides, therefore, is an interim solution to the problem, allowing a period of adjustment while the States work out their own definitions of water quality and determine the trade-off between continued water quality and necessary dredging. For the long run, however, new answers must be found for the ultimate protection of the overall quality of the Nation's waters.

On another front, S. 7 will provide broad protection against such oil pollution disasters as the one which befell Santa Barbara earlier this year. It would also provide protection against such tanker spills as the 1967 *Torrey Canyon* incident or the spill which took place in the San Juan Harbor when the *Ocean Eagle* broke up.

A vital key to the oil pollution problem is that of adequate research associated with the spilling of oil and its cleanup. A great deal of testimony before the Subcommittee on Air and Water Pollution, especially in light of the difficulties associated with cleanup in Santa Barbara, dealt with the inadequacy of technology to effectively contain and remove oil spills. Several witnesses noted that the use of straw to absorb oil on the water and on the beaches is a technique which has been available for centuries. More modern techniques such as various types of booms are often inadequate due to the nature of the tides and winds. A variety of dispersant chemicals have been applied but, because so little information existed on potential adverse ecological effects, the Department of the Interior is properly reluctant to allow uncontrolled or excessive use.

Dispersal of oil as a method of cleanup must be evaluated on the basis of possible long-term effects. Once oil is dispersed, there is potential for incorporation of hydrocarbons in aquatic organisms harvested for human consumption. The Committee on Public Works expects the Federal agencies to carry out research activities on the potential effects of accumulation of hydrocarbons in the food chain in order to determine the desirability of cleanup methods which do not involve actual physical removal of the oil.

The highest priority, therefore, is the development of effective techniques to deal with oil spills and making those techniques readily available at appropriate locations throughout the country.

The primary responsibility for research is placed in the Department of the Interior, but the committee intends that the Secretary should transfer some research functions and funds to the Coast Guard for those activities over which that agency has significant responsibility. Other agencies should be encouraged to conduct and support research along similar or different lines.

The Department of the Interior must gather and develop information on the effects of oil spills and chemicals and other methods used to disperse oil. The Department should also be investigating improved methods to control oil discharges in connection with ongoing efforts to achieve and maintain compliance with water quality standards.

This oil pollution research section is an integral part of the entire Federal effort to bring under control those types of pollution which have eluded us under the current laws. This is one of the most important parts of the overall ap-

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proach of S. 7 to provide the basic framework for continual upgrading of water quality standards to insure that future generations of Americans will have access to pure, clean water.

Throughout our entire deliberations on S. 7, the Committee on Public Works followed a single strong thread, which is woven through the entire fabric of recent legislation by the committee. This thread is the committee concern for maintaining and enhancing the quality of our environment.

The heart of our concern is the growing awareness that we can no longer fail to take into consideration the effects of our activities on the total environment. As the President's Science Advisory Committee report of 1965, "Restoring the Quality of our Environment," so aptly pointed out:

> The public should come to recognize individual rights to quality of living, as expressed by the absence of pollution, as it has come to recognize rights to education, to economic advance, and to public recreation . . . There should be no "right" to pollute. . . .

It is this awareness that brought about title II of the Water Quality Act of 1969. Title II weaves together the many strands of environmental quality which make up the pattern for a national policy for environmental quality, to insure that Americans now and in the future have that right to clean water, clean air, clean land, and freedom from physical and psychological insults of all kinds. This concept, I would point out, was embodied originally in S. 2391 which was cosponsored by myself and 41 of our colleagues in the Senate early this year.

Title II of S. 7 provides for more effective coordination of Federal air quality, water quality, and solid waste disposal programs. for the consideration of environmental quality in all public works programs and projects, and for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population and urban concentration.

What we have come to realize, of course, is that environmental quality goes beyond water and air pollution and solid waste management. Assurance of environmental quality means that every man, woman, and child has the opportunity to live in a world which will in no way insult his body, mind, or spirit.

It is a sad fact that nearly all of the important and critical environmental problems—air and water pollution, the growing pervasiveness of pesticides, mounting solid wastes, the effects of smoking—have emerged as serious health problems only after a series of crises have crystallized public attention. Each of these problems has been an undesired and unforeseen byproduct of goods or services which society has wanted. But it has been our habit to take action only after a crisis develops, rather than to prevent its occurrence. We fail to heed the old saying that an ounce of prevention is worth a pound of cure.

In the past we have relied on what has been termed the "natural assimilative capacity" of nature to reprocess or destroy most of the waste of our civilization, with little concern for its long-term capability to perform this function. Only recently have we become acutely aware of the fact that we are exceeding nature's ability and capacity to reprocess the kinds and qualities of wastes which are being produced by modern technology.

The majority of the Nation's streams and rivers are no longer able to support the life which has for eons processed the wastes of man and the animals and plants upstream. Experiences in the late 1950's and early 1960's with nondegradable detergents dramatically underscored the lack of planning and understanding of our waste systems and the effects of our newly developed materials on vital water resources.

The urgency of finding new solutions to the problems of water pollution is apparent when we reflect that by 1980 this Nation will be producing enough sewage and other waterborne wastes to consume all of the oxygen of all the flow in dry weather in the 22 river systems of the United States. At the same time the need for fresh, clean water will increase from our present consumption rate of 370 billion gallons per day to 600 billion gallons a day. The supply of fresh water is limited. The total daily flow in the United States is about 1,100 billion gallons. By the year 2000, because of population growth and industrial expansion, our withdrawal rate will be almost four-fifths of the total available supply, and we will return approximately two-thirds of the total available supply with some degree of waste.

Air pollution loomed as a major problem in 1963, when 809 people died in one air pollution catastrophe in New York City, and the Nation suddenly awoke to the perils of tainted air.

The illusion that man has conquered nature through science and technology has been abruptly challenged by nature herself. Only slowly are we beginning to realize that it is nôt the conquest of nature that we seek to achieve, but a harmonious balance with nature through which we may enhance the quality of human life.

There will never be—on a nationwide basis—absolutely clean air or pristine pure water. There is a necessary and acceptable amount of each pollutant that society will understand and accept. Because of varying uses of land and air and water, the right amount of pollution—the desirable compromise—is not the same everywhere. Some communities may determine the economic and industrial development is more important than fishing, and that some pollution of their streams is acceptable. Others, like the untouched wilderness areas of the great Northwest, will find that low tolerances—but not impossibly low—will be the goal for recreational areas.

The broad problems of solid waste management are just now being recognized as a crisis of gigantic proportions. Americans throw away billions of tons of solid materials each year. From our homes and offices each person contributes almost 5½ pounds of garbage and miscellaneous trash every day to our overstrained and underdesigned refuse system. The cost is more than $4.5 billion a year. And the figure will reach 8 pounds per person a day by 1980. Added to that, industrial solid waste contribute another 3.2 pounds per person per day to the environment; agricultural wastes from animal feedlots, packinghouses, lumbering operations, and related industries produce another 30 pounds per person; and 7 million automobiles are junked each year.

The thrust of these remarks is to remind my colleagues that what is important is not the isolated pollution problem nor the quick solution to an immediate crisis. We are pleased that S. 7 solves some of the problems which we have recently experienced. It clarifies and tightens Federal regulations over water pollution generally and provides rigid penalties for operations like the disastrous oil well blow-out that spilled oil on the beaches around Santa Barbara.

What we must plan for, however, is environmental quality for the future. Today, the Committee on Public Works is working with an official advisory panel of experts—scientists, engineers, and specialists from a variety of disciplines—to help determine the problems of environmental degradation before they become problems. We are assessing the impact of land mismanagement from highway construction, from urban redevelopment, from mining, or from sanitary landfills. We are looking at the question of biological imbalances created by dredging, thermal pollution, pesticides, and air pollution. And we are probing problems connected with flooding and dam construction, the effects of building reservoirs, and the use of nuclear energy for power or construction.

I am aware that the solutions to many of these problems do not now exist and that the search for technology—economically feasible technology—may be a costly one. It is for this reason that I have, as chairman of the Committee on Public Works, emphasized so heavily the importance of Federal coordination and support for research and development in all of these areas.

But the problem is not one of research in itself. Nor can it rest solely on the Federal Government. Industry, the States and local governments must take a big share in the solution, as their share in the product of a clean and wholesome environment will be large.

Today, society places higher priorities on the values of our physical environment, and these priorities must be incorporated in the technology that serves us. Americans are ready, I believe, to improve the environment, and in so doing we will build a better society for ourselves and for future generations.

S. 7—and especially title II—will provide the basis for the long-term enhancement of the quality of the environment for which we are all striving. I urge the speedy adoption of this legislation.

Mr. President, since report No. 91-351

of the Committee on Public Works was filed August 7, 1969, by the distinguished chairman of the Subcommittee on Air and Water Pollution, Senator MUSKIE, of Maine, to accompany S. 7, with amendments, several letters have been addressed to me as chairman of the committee. They offer interpretations of certain sections of the pending measure which are said to impose liabilities on shipowners which are alleged to be commercially uninsurable.

Among the communications to which I make reference is one dated August 20, 1969, from London, England, signed by 14 persons or firms noting in the first paragraph that they are "fourteen of the leading insurers of shipowners' liabilities and represent approximately 705 of the world shipping tonnage."

And, Mr. President, their letter further notes in the opening paragraph:

> Even with this wide spread of tonnage it would not be possible for us to insure the liabilities we do without adequate reinsurance and to obtain this it has been necessary to have recourse to the insurance markets of the world. Therefore this letter is also written on behalf of the Reinsurers and, therefore, represents the views of the world market for the insurance of shipowners' liabilities.

Continuing, the letter's second paragraph makes this comment:

> We have carefully examined S. 7, in the form reported out by the Senate Committee on Public Works on August 7th and the Committee Report accompanying the Bill, in relation to the shipowners' interests which we represent, and in the light of the insurance markets' capacity to insure the liabilities, which the Bill seeks to impose. While we have nothing but praise for the ideas behind the Bill and no criticism of most of its provisions, we most respectfully wish to bring the following facts to your notice. (1) The provisions of Section 12(f)(2)(C) relating to the rights of direct action against an insurer, *as written*, makes the liability imposed by Section 12 of the Bill *completely uninsurable.* (2) The provisions of Section 12(f)(1) imposes an *unlimited liability* for the discharge of oil resulting from negligent acts—*even those of members of the crew. Such unlimited liability is, as such, uninsurable.*

I will not read the complete letter at this time, but I will make a copy available to the manager of the bill so that he may give cognizance to it and make comments on it.

Also, Mr. President, I ask unanimous consent to have the letter from London on behalf of the 14 insurance firms printed in the RECORD at this point, together with a response I made to it September 18, 1969.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THOS. R. MILLER & SON,
(INSURANCE) LTD.,
London, August 20, 1969.

Re S. 7.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: We the undersigned are fourteen of the leading insurers of shipowners' liabilities and represent approximately 70% of the world shipping tonnage. Even with this wide spread of tonnage it would not be possible for us to insure the liabilities we do without adequate reinsurance and to obtain this it has been necessary to have recourse to the insurance markets of the world. Therefore this letter is also written on behalf of the Reinsurers and, therefore, represents the views of the world market for the insurance of shipowners' liabilities.

We have carefully examined S. 7, in the form reported out by the Senate Committee on Public Works on August 7th and the Committee Report accompanying the Bill, in relation to the shipowners' interests which we represent, and in the light of the insurance markets' capacity to insure the liabilities, which the Bill seeks to impose. While we have nothing but praise for the ideas behind the Bill and no criticism of most of its provisions, we most respectfully wish to bring the following facts to your notice.

(1) The provisions of Section 12(f)(2)(C) relating to rights of direct action against an insurer, *as written*, make the liabilities imposed by Section 12 of the Bill *completely uninsurable.*

(2) The provisions of Section 12(f)(1) impose an *unlimited liability* for the discharge of oil resulting from negligent acts—*even those of members of the crew. Such unlimited liability is, as such, uninsurable.*

For the sake of simplicity, we will first set out shortly what can be insured, since we cannot believe that it is the purpose of the Senate to impose on shipowners liabilities which are totally uninsurable; or that to do so is in the best interests of the people of the United States.

(1) As insurers, we have no objection to a requirement of evidence of financial responsibility, but if such provisions include the right of direct action against the insurer certain safeguards must be included in order to make such liabilities insurable.

(2) Limitation of Liability should be permitted in cases of negligence or wilful acts of a member of the crew as distinguished from those of the Owner personally or, in the case of a corporate owner, those of someone in a managerial position. We know that the capacity of the market to insure this kind of liability at the present time is $100- per gross registered ton or $10,000,000-, whichever is the less. Insurance above the maximum of $10,000,000- is, we are satisfied, unobtainable.

We will now proceed to develop in detail the objections which we have to the two mentioned Sections of the Bill. Neither the Protection and Indemnity Associations, nor the world market Underwriters (who together make up the insurance market for shipowners' liabilities) will accept insurance of shipowners' liabilities with provisions for direct action against them unless certain safeguards are incorporated. At the very least, it would be necessary to modify Section 12(f)(2)(C):—

(a) by the inclusion of a provision placing the insurer in exactly the same position vis a vis the Government, as plaintiff, as the assured would have been in, had the action been brought against the assured; i.e. any defences which would have been available to the assured under the law would be equally available to the insurer; and

(b) by the inclusion of a provision expressly preserving to the insurer any defences which would have been available to the insurer in an action by the assured against the insurer under the policy. We attach to this letter suggested language modifying Section 12(f)(2)(C) on the lines of the language in the Draft Convention on Oil Pollution Liability, adopted by the Comite Maritime International at its Tokyo meeting last April. Without some such modification, we must repeat that the provisions of Section 12(f)(2)(C) make the Bill, from the point of view of the shipowners' liabilities which it imposes, *totally uninsurable.*

We now turn to the liabilities imposed by Section 12(f)(1). This section makes an owner liable to the United States Government for the costs of removal of discharged oil, in an amount not exceeding $125 per gross ton or $14,000,000, whichever is the lesser. The Section then continues:

"except that where such discharge was the result of negligence or a wilful act, such owner or operator shall be liable for the full amount of such costs".

These words appear to be in direct conflict with the figures of limitation given in the immediately preceding phrase, since they make a shipowner liable in an unlimited amount in every conceivable circumstance except those of act of God, act of war, act of a third party, and negligence of the U.S. Government where, under the wording of the Section, he can escape liability completely. In our unanimous opinion, and in that of our legal advisers, there is, in practice, no other case to which the purported limitation figures could apply and they are therefore meaningless.

We respectfully submit on this point, that what was quite properly in the minds of the legislators, was that a shipowner should not have the right to limit his liability in the event of *his personal negligence or wilful act* as distinguished from the negligence or willful act of a crew member. To make a shipowner liable for an unlimited amount, where he is guilty of personal negligence or willful misconduct, is in accordance with established principles of international maritime law, including the United States Limitation of Liability Act, Title 46, United States Code, Sections 183–189; however, to make a shipowner liable in an unlimited amount where the negligence is purely that of a member of the crew or other such minor employee, is to impose upon him a burden which is not only unfair but also contrary to universally accepted principles of maritime law on the basis of which marine insurance has been written for centuries. The universal distinction made in the Statutes and International Conventions relating to shipowners Limitation of Liability, is not between negligent and nonnegligent conduct, but between negligence of employees and negligence of the shipowner himself (or in the case of a corporate shipowner, negligence of someone acting in a managerial capacity, e.g., the Operations Manager of the Company).

From the evidence given to both Senate and House Committees, it is clear that such an unlimited liability is uninsurable; such a provision would have no effect whatever on the prevention of oil spills, since, in the case of American vessels at least, the owner has absolutely no choice in the selection of crew members below the rank of Chief Officer and First Assistant Engineer. Moreover, such a provision must have the effect, *as must any provision which imposes on a shipowner liabilities beyond the capacity of the market to insure*, of seriously dislocating trade to the country imposing such liabilities and of a most undesirable proliferation of single ship Companies.

As spokesmen for, and insurers of, 70% of the world's ocean tonnage, we must say to you that unless S. 7 is modified so that shipowners are not to be required to be self-insurers beyond the amounts for which they can get insurance, the Bill will make trading to the United States or between United States ports virtually impossible for many shipowners. Limitation of a shipowner's liability has been universally accepted not out of charity to shipowners but so that the people of all nations can enjoy the benefits of seaborne traffic. When limits of liability are increased to a point at which this is not possible to insure, the nation which imposes such limits is inevitably deprived of the benefits which it could reap from sea-

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borne traffic, particularly coastal traffic, such as ability to export its goods or to receive its imports at a reasonable cost or indeed at all. If S. 7 were to become law in its present form, it would surely be a reckless shipowner who allowed his ship to enter United States waters with the liabilities imposed by the Bill uncovered by insurance and a reckless shipowner would be unlikely to be able to provide evidence of financial responsibility. As indicated to you, the practical limits of liability within the capacity of the world market to insure are whichever is the lesser of $100-per gross registered ton or $10,000,000.

You will realize from this letter that we are commenting on only two sections of the Bill. We have already respectfully submitted a rewording of Section 12(f)(2)(C) and now attach the minor amendments which in our opinion are required in Section 12 (f)(1). In our view it would be better in that Section to omit altogether the words which we have put in parentheses in our suggested redraft. These comments are made in a sincere effort on our part to make the Bill succeed and we trust that the Senate will decide to accept the short but vital amendments we have suggested.

Finally, you will know that an IMCO Convention on the whole subject of oil pollution is imminent. The Senate may well wish to consider not deferring the legislation, but including a section whereby the operation of the provisions concerning shipowners' liabilities are held in abeyance for, say, six months after enactment. This would enable Congress to incorporate in or alter its legislation in any way it felt appropriate in the light of the International Convention. In particular, it is obviously desirable to all concerned that regulations concerning evidence of financial responsibility be common among the 100 or so coastal States who will require such evidence; we submit that any regulations on this subject included in the United States legislation should be deferred until it is known what is internationally agreed.

Yours sincerely,

The Britannia Steamship Insurance Association Limited, per: Tindall, Riley & Company, Managers; The Steamship Mutual Underwriting Association Limited, per: Alfred Stockton & Company Limited, Managers; The Sunderland Steamship Protecting and Indemnity Association, per: John Rutherford & Son, Secretaries; The West of England Steamship Owners Protecting and Indemnity Association Limited, General Manager; The United Kingdom Steamship Owners Mutual Assurance Association Limited, per: Thos. R. Miller & Son, Managers; The United Kingdom Steamship Owners Mutual Assurance Association Limited (Bermuda), per: Thos. R. Miller & Son (Bermuda), Managers.

The Liverpool and London Steamship Protection and Indemnity Insurance Association Limited, for Management; The London Steamship Owners Mutual Insurance Association Limited, per: A. Bilbrough & Company Limited, Managers; The Newcastle Protecting and Indemnity Association, Secretary; The North of England Protecting and Indemnity Association Limited, Deputy General Manager; The Standard Steamship Owners Protecting and Indemnity Association Limited, per: Charles Taylor & Company, Managers.

Assuranceforeningen Skuld, Oslo, Norway; Assuranceforeningen Gard, Arendal, Norway; Sveriges Angfartygs Assurans Forening, Gothenburg, Sweden; Reinsuring Underwriters: Lloyd's Leading Underwriters: Syndicate 615. Guy Janson Esq & Ors; Syndicate 418. R. J. Merrett, Esq & Ors; Syndicate 277. C. B. Gilroy, Esq & Ors.

Lloyd's Syndicates following the above: Insurance Companies Members of the Institute of London Underwriters; Insurance Companies Members of the Liverpool Underwriters Association; Insurance Companies in the United Kingdom, United States of America, Germany, Switzerland, Sweden, Finland, Japan, Australia etc.; Per: Thos. R. Miller & Son (Insurance) Limited, Director.

SUGGESTED REWORDING OF SECTION 12(f)(1)

(New Material Italicized)

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, such owner or operator of any vessel from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (e) for the removal of such oil by the United States Government in an amount not to exceed *$100 per gross ton of such vessel or $100,000,000*, whichever is lesser (except that where such discharge was the result of *the actual fault or privity of the owner or operator*, such owner or operator shall be liable to the United States Government for the full amount of such costs).

SUGGESTED REWORDING OF SECTION 12(f)(2)(C)

(New Material Italicized)

When the owner or operator of such vessel has applied for a suspension of payments or *has been adjudicated bankrupt* or, *if a company, is being or has been wound up*, any claim for costs incurred by such vessel may be brought against the insurer or any other person providing evidence of financial responsibility as required under this subsection, *provided, however, that where such direct action is exercised the insurer or any other person providing evidence of financial responsibility shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.* (Adapted from Article 8(7) of the CMI Draft Convention approved at Tokyo, April 4, 1969).

THOS. R. MILLER & SON (INSURANCE) LTD.,
London, August 20, 1969.

Re S. 7.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: Just a short personal note to advise you that I have sent copies of this letter to all Members of the Senate Public Works Committee.

I do hope this is correctly in accordance with Senate protocol, but if this is not so please forgive me!

Yours sincerely,

PETER MILLER.

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., September 18, 1969.

Mr. PETER MILLER,
THOS. R. MILLER & SON (INSURANCE) LTD.
London, England.

DEAR MR. MILLER: Thanks for your letter of August 20, 1969, advising me of your position and that of the other thirteen insurers of shipowners' liabilities regarding the provisions of S. 7, The Water Quality Improvement Act of 1969. Your comments are being discussed with the members of the Committee on Public Works.

Your expressed concern relating to rights of direct action against an insurer under the provisions of section 12(f)(2)(C) is noted. It is the Committee's intent that the insurer have available to him any defenses available to the assured, and I would therefore have no objection to further clarification on this matter.

Your question relating to the handling of unlimited liability in the case of the negligence of shipboard employees is a subject to be resolved either during Senate consideration of S. 7 or in the House-Senate Conference on the many points of difference between H.R. 4148, as passed by the House, and S. 7. The issues which you raise are worthy of fullest consideration, and assuredly will have attention.

With appreciation for your further information and counsel, I am

Truly,

JENNINGS RANDOLPH,
Chairman.

Mr. RANDOLPH. Mr. President, in addition to the communication received from London on behalf of the 14 insurance firms whose representatives signed it, letters were received by me as chairman of the Committee on Public Works from the following, to whom I responded substantially as I did to Peter N. Miller and the 13 associated with him in the August 20, 1969, letter:

American Institute of Marine Underwriters, 99 John Street, New York, N.Y., by G. Doane McCarthy, Jr., president, August 18, 1969.

American Petroleum Institute, 1101 Seventeenth Street NW., Washington, D.C., by E. S. Checket, September 18, 1969.

Maritime Law Association of the United States, Special Committee on Oil Pollution, John F. Gerity, chairman, 120 Broadway, New York, N.Y., August 28, 1969.

Labor-Management Maritime Committee, Earl W. Clark and Hoyt S. Haddock, co-directors, 100 Indiana Avenue NW., Washington, D.C., September 3, 1969.

Chamber of Shipping of the United Kingdom, 30–32 St. Mary Axe, London E.C.3, England, by Francis E. Hill, president, August 27, 1969.

Mr. President, I will not read the letters I have cited, but I will make a copy of each available to the manager of the bill so that he may give cognizance to it and make comments on it.

And, Mr. President, I ask unanimous consent to have the five letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN INSTITUTE OF MARINE UNDERWRITERS,
New York, N.Y., August 18, 1969.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. RANDOLPH: The American Institute of Marine Underwriters representing more than 125 marine underwriting organizations in the United States wishes to record its strong objection to the proposed legislation as set forth in the text of S. 7 as reported by your Committee on August 7 (Report No. 91–351).

It is the considered judgment of this institute that this bill as presently reported will create insurance exposures to American-flag

ship operators which are uninsurable without incorporating underwriting limits set by the insurer as described below.

We base this judgment on the provisions provided in the text of S. 7 *for direct rights of action against the insurer without any adequate safeguards as being the basic reason* which will prevent any insurance capacity in any measurable amount being made available for the insurance exposures created by the proposed legislation.

Clause 12 (F) (2) (C) creates in this proposed legislation a potentially uninsurable situation since in our judgment those American underwriters engaged in undertakings of a shipowner's liability insurances and P&I insurances may, under circumstances to be reviewed in each policy, refuse to accept such insurances of these liabilities when the controlling legislation permits direct action to be available against them.

We would reiterate the advices informally given to the Marine Committee of the New York Brokers Association who testified at earlier hearings that the probably available limits of insurance for this type of coverage are as follows:

(1) If the basis of liability is negligence (including the doctrine of reversal of burden of proof) the probable insurable limit available the world market would be in the area of $100. per gross registered ton or $10,000,000 each accident each vessel, whichever amount proves to be the lesser.

(2) If the doctrine of absolute liability were enforced the probable maximum world market would be in the area of $67. per gross registered ton or $5,000,000 each accident each vessel, again whichever amount is the lesser.

We reiterate that in our judgment there will be no insurance market available if the doctrine of direct rights of action against the insurer, with no adequate safeguards provided, is to be enforced. *Here we strongly feel that any insurer must be permitted to place himself in the same position against the claimant as is the assured.* Further we believe that any defense under the law which the insurer would have against the assured must be preserved.

It must be stipulated—and understood—that while there exists an American insurance capacity to meet American-flag operators' third party marine liabilities, this capacity in America exists to the best of our knowledge only because of the existence of a far greater capacity for such risks in the English market for reinsurance. Such liabilities as the American underwriters enjoy to utilize this English reinsurance market tends to establish the capacity (or limits) beyond which the American underwriter cannot venture.

Sincerely yours,

G. DOANE MCCARTHY, Jr.,
President.

AMERICAN PETROLEUM INSTITUTE,
Washington, D.C., September 18, 1969.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: I believe the testimony on behalf of the American Petroleum Institute before both House and Senate Committees over the past several years is ample evidence of the petroleum industry's deep concern with the problem of oil pollution from vessels and of our desire to see the enactment of meaningful and workable legislation dealing with this problem. If such legislation is to be workable, it must not impose liabilities on shipowners which are commercially uninsurable. Therefore, after having reviewed S. 7 as reported out by the Committee on Public Works, I respectfully call your attention to several provisions of Section 12 of the Bill which in my opinion do make such liabilities uninsurable.

We concur in your earlier comments that some of the previous testimony on what liabilities of a shipowner were insurable and the amount of insurance available to him under varying conditions of liability was confusing to those unfamiliar with marine insurance. However, I do believe, and trust you will agree, that the latest communications from the insurance industry, both in this country and abroad, clarify any past confusion and make the following points crystal clear.

First, Section 12(f)(2)(C) providing for direct action against the insurer means, as a practical matter, that the liabilities imposed by Section 12(f)(1) on the owner or operator of the vessel cannot be underwritten. This results from the fact that marine underwriters simply will not accept policies with this kind of unqualified right of recourse against them, as they have formally advised your Committee. The Bill, therefore, would force shipowners to be totally self-insured for those liabilities when operating within the navigable waters of the United States. This is a risk which, I submit, no prudent independent shipowner would assume.

I feel sure that it was not the intent of the Committee to create such a situation and I accordingly urge your serious consideration of the modifications to Section 12(f)(2)(C), as recently recommended to you by various leading insurance underwriters and reinsurers, to make the shipowner's liability insurable.

Second, the provisions of Section 12(f)(1) impose an *unlimited* liability to the U.S. Government for the cost of cleanup where the discharge of oil was the result of a negligent act—even that of the least skilled crew member.

Such unlimited liability is uninsurable, the underwriters having informed you that they are unwilling to issue policies covering negligent spills in excess of $100 per gross registered ton or $10 million dollars, whichever is the lesser. The shipowner would thus be faced with assuming all of the risk above those amounts. Again, I submit that the small independent ship operator might well refuse to assume such a risk which could force him into bankruptcy.

At the same time we support the proposition that the shipowner or operator should not have a right of limitation for his own personal negligence or willful act and, therefore, we would suggest that the language in question be amended to read as follows:

"Except that where such discharge was the result of the personal fault or privity of such owner or operator, the latter shall be liable to the United States Government for the full amount of such costs."

Third, even with this change in language the dollar limitations in Section 12(f)(1) of $125 per gross ton or $14 million dollars, whichever is lesser, should be reduced to limits that are insurable, i.e. $100 per gross ton or $10 million.

In my testimony before the Subcommittee on Air and Water Pollution, I stated that shipowners through their mutual assurance clubs already are bearing the first $1.4 million of loss per vessel per incident. We believe it is unfair and unrealistic to require a shipowner, particularly a small independent owner, to assume an additional financial burden in excess of what he can protect himself against through insurance.

In conclusion, I should like to reiterate our desire to see legislation enacted which will effectively protect the U.S. harbors, rivers and coastlines against oil pollution but which will not at the same time pose a serious threat to the United States Merchant Marine and the inland waterways industry and present a deterrent to our waterborne commerce, both domestic and international. I must state my conviction that S–7 as presently drawn does pose such a threat and if enacted in its present form will not be in the best interests of the United States. However, if S–7 is modified in line with the foregoing, it will protect the public interest without imposing an unbearable hardship on the shipping industry or our waterborne commerce.

Respectfully yours,

E. S. CHECKET.

MARITIME LAW ASSOCIATION OF THE UNITED STATES, SPECIAL COMMITTEE ON OIL POLLUTION,
New York, August 28, 1969.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: The Maritime Law Association of the United States, through its President, and the statements of the undersigned Special Committee on Oil Pollution, have had the privilege of appearing before the Public Works Committees of the Congress in connection with the above entitled legislation. This committee has also submitted numerous documents in a sincere effort to assist the Congress to enact laws for the betterment and preservation of our environment from pollution by oil of the Inland waters of the United States and of the Seas. Such assistance as we could render for consideration by the Committees of the Congress, we hoped would permit the enactment of legislation upon which the liabilities to be imposed would be insurable and would not be a serious deterrent to the continuity of the domestic and foreign trade and commerce of the United States, including the trade of the Merchant Marine of this and other countries to and from our shores. We submit, with respect, that H.R. 4148 embraces all of the principles required by responsible legislation which apparently shipowners can insure as a risk and, our waters will be adequately protected.

With respect, we are compelled to say that the legislation proposed by material sections of S. 7 do not meet these elementary standards. *On advice we have received, the liability and financial responsibility sections plus unrestricted rights of direct action against underwriters are totally uninsurable as written.* It is equally apparent that S. 7, in these respects, can only work to the serious detriment of the American Merchant Marine as a whole and the ocean commerce of the United States—dry cargo vessels and tankers alike. *Many of the proposals are also repugnant to settled principles of United States' maritime law and the laws of many maritime nations.* We sincerely regret this turn of events in the legislation to be proposed by S. 7.

May we, Sirs, take this opportunity to respectfully urge the Committees of the Congress to fully consider the constructive content of letters which we are advised have been written by what may be substantially described as the world's marine insurance markets and shipping industry associations, so that the uninterrupted continuity of our maritime trade can be preserved. We can foresee situations in which, if S. 7 in material respects is enacted into the law of the United States, many shipowners will be required to either (a) trade at their own risk without insurance, but with realistic risk of ultimate bankruptcy by putting all of their assets at the disposal of our Government to secure any damage by pollution of our waters or (b) obtain some nominal insurance, if available at all, at a cost which may well be commercially prohibitive to an economically depressed Merchant Marine plus needed material assets to meet the financial responsibility requirements or (c) trade elsewhere.

Why must such legislation as proposed in S. 7, as above, be unnecessarily punitive against the entire maritime commerce of the United States? We appeal for maritime legislation rooted in reason and written with legal force and clarity to fully achieve the

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intended objective, protection of our waters, such as exemplified by H.R. 4148.

We are, dear Sir,

Respectfully yours,
John F. Gerity,
Burton H. White,
Gordon W. Paulsen,
John F. Gerity, *Chairman.*

Labor-Management
Maritime Committee,
Washington, D.C., September 3, 1969.

Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

Dear Senator Randolph: We have been advised that S. 7, a bill amending the Federal Water Pollution Control Act, known as the Water Quality Improvement Act of 1969, will be on the floor of the Senate for legislative action. We are concerned with the risks imposed by S. 7 which would remove all limits for negligent oil spills and according to marine insurance sources are uninsurable anywhere in the world. This could have an extremely detrimental effect on the entire merchant marine.

We favor H.R. 4148 recently passed by the House of Representatives.

Sincerely yours,
Earl W. Clark,
Hoyt S. Haddock,
Co-Directors.

Chamber of Shipping
of the United Kingdom,
London, 27th August, 1969.

Hon. Jennings Randolph,
Chairman, Committee on Public Works,
Senate Office Building, Washington, D.C.

Dear Senator Randolph: As President of the Chamber of Shipping of the United Kingdom which represents over 19 million gross tons of shipping on the U.K. register, I am taking the liberty of addressing myself to you in view of your particular interest in the problems of oil pollution and your major role in the shaping of S–7.

As you can imagine, it is not only United States shipowners who have been following with interest the progress of S–7. The Bill affects all vessels calling at U.S. ports, whether tankers or dry cargo, and as at present drafted, would have some startling, and we believe, unintended results.

To us the most difficult clause is that which provides that a negligent shipowner shall not be able to limit his liability. As you have heard, the market cannot insure unlimited liability. This proposal would therefore make it impossible for shipowners to insure and yet the Bill goes on to provide that every single vessel over 300 g.r.t. shall produce evidence that it is satisfactorily covered!

British shipowners naturally like to obtain cover against their liabilities for oil pollution; the one certain way to stop them doing so is to make insurance impossible, which is what I am afraid the Bill in its present form does.

As the Senate is aware, it is difficult to produce legislation on liability for oil pollution which is not self-defeating—IMCO itself has narrowly avoided one or two traps of this sort—and we hope that on this point of insurability, you will, in the interests of the United States, heed the expert opinion that has been given by insurance representatives.

There are other features of the Bill which U.K. shipowners do not favour, but I would not wish to complicate this letter by listing them. I would, however, like to leave with you the thought that the interests of the United States, as well as its shipping lines, will best be served by a single worldwide agreement on liability. All the schemes that have been discussed will give the shipowner a powerful incentive to avoid pollution; the choice of one rather than another will therefore not affect by one ounce the amount of pollution on the beaches. That depends on the preventive measures we are all devising; accordingly, nothing would be lost and much might be gained if the special problem of liability was held over until the end of the year when there will be available a finished convention agreed by all coastal states as being a sound and effective solution.

Please let me know if there is any aspect of this subject on which we here can help you further.

I am writing in the same terms to Senator Edmund Muskie.

Yours sincerely,
Francis Hill.

Mr. RANDOLPH. Mr. President, the communications and information which I have placed in the Record I am sure will not be of interest for discussion by my colleagues in the Senate this afternoon, but I am sure they will be helpful as Members of the Senate read the Record in reference to the legislation which is before us and the position of the insurers from the standpoint of companies that ship in the coastal waters of the United States.

I hope the importance of this legislation will cause the Senate to act, of course, with deliberation, but with a certain promptness.

I have spoken longer than I should have, but I felt that, as chairman of the Public Works Committee, in cooperation with the chairman of the Subcommittee on Air and Water Pollution, I should lay out, as it were, the broad, productive provisions which have been encompassed in Senate bill 7.

Mr. MUSKIE. Mr. President, may I respond to the distinguished Senator's remarks? When I yielded to him earlier, I was engaged in discussion and could not pay proper tribute to his efforts, interest, and cooperation in this field, not only in connection with Senate bill 7, but in air and water pollution legislation over the years. No chairman could have been more cooperative or more understanding, not only in making facilities and staff available, but in contributing to the substance of the legislation with which we deal. I express my appreciation to him.

Mr. RANDOLPH. I thank the Senator. And I wish to acknowledge again the outstanding leadership which the distinguished Senator from Maine has given to environmental improvement legislation in his role as chairman of the Subcommittee on Air and Water Pollution. This effort has been supported and strengthened by a bipartisan approach led by the able junior Senator from Delaware (Mr. Boggs), ranking minority member of the subcommittee, and my good friend from Kentucky (Mr. Cooper), ranking member of the full committee.

I would add, Mr. President, that S. 7 was reported unanimously, a fact that attests to the effort and attention given to this legislation by every member of the committee; in addition to those I have mentioned I commend for their contributions to this legislation, Senator Steve Young, Senator B. Everett Jordan, Senator Bayh, Senator Montoya, Senator Spong, Senator Eagleton, Senator Gravel, Senator Baker, Senator Dole, Senator Gurney, and Senator Packwood.

Mr. YOUNG of Ohio. Mr. President, the Water Quality Improvement Act of 1969—S. 7—provides America with a powerful lever against three major sources of pollution which have continued to ravage our water resources; oil pollution, vessel pollution, and thermal pollution.

Despite the enactment of the Water Quality Act in 1965, the quality of the Great Lakes and the territorial and contiguous waters of this Nation has been continuously damaged and seriously polluted and poisoned. Industry, shipping and oil interests have blatantly continued to dump and spill materials often intentionally, into these formerly clear, pure, and precious waters. For 200 years we Americans have had every reason to be proud of our beautiful Great Lakes and their pure uncontaminated waters. Also, we of the Midwestern States have been proud of the fact that the Ohio River and other rivers were free of pollution and contamination.

As our report on S. 7 points out, frequent oil spills from vessels and from on-and-off-shore facilities have ruined Atlantic and Pacific Ocean beaches and lowered the quality of our rivers and shore waters. They have jeopardized not only animal and vegetable life, but human life as well. Terrible tragedies in recent months and years, such as the Santa Barbara oil well leak which spilled tens of thousands of barrels of oil on beautiful beaches along the California coast, have underscored these problems. Spills from the *Torrey Canyon* off the coast of Great Britain and other similar incidents have alerted us to the dangers of having supertankers carrying oil along our shores.

We in Ohio and the Great Lakes region are all too aware of the problems of pollution. We are particularly concerned over the spillage of oil and shipping wastes. Only recently we witnessed several disasters and near-disasters in and around the Great Lakes which should have been avoided.

While many have already written the obituary for Lake Erie and are mourning the imminent deaths of the other Great Lakes, we in the Midwest are determined not to write off these vital bodies of water. These lakes are surrounded by the heartland of America with a dense population with growing needs for clean, fresh water.

However, in Lake Erie great green skiens of algae have broken loose from rocky moorings and washed ashore to rot on the once beautiful beaches. Near Chicago, the beaches of Lake Michigan are lined with dead fish caused by such pollution as the 440 million gallons of waste water dumped daily from United States Steel Corp.'s south works. Amazing as it may seem, the oil-thick Buffalo River, which flows into Lake Erie, has been declared a fire hazard by the Buffalo Fire Department.

This deplorable situation is exactly what the pending legislation is intended to correct. Under provisions of the Water Quality Improvement Act of 1969, this pollution will be halted and the quality of the lakes improved.

Let me point specifically to section

16(h) of the bill, which would authorize the Secretary of the Interior to enter into contracts or issue grants for research aimed at the roots of pollution. These grants and contracts would be "for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation." This section would also provide funds for the construction of publicly owned research facilities for such purposes.

Beyond this, however, section 15 would authorize a special demonstration program to attack the unique and critical problems of the Great Lakes region. This program is in addition to the authority in the legislation to control lake pollution or lake eutrophication in general.

Under this program, the Secretary of the Interior, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, regional or local agency. These agreements would provide support for demonstration projects to test new methods and techniques and to develop preliminary plans for the elimination or control of pollution in and around the Great Lakes.

This program goes farther than simply the Great Lakes themselves. It specifically includes "all or any part of the watersheds of the Great Lakes."

The Committee on Public Works recognized that pollution must be controlled at its source before it enters the bodies of water. Only then can we insure the quality of the waters in and around the United States.

The bill would authorize $20 million for the Great Lakes pollution control program. The States or local agencies would share the cost of these projects.

Most of the States adjoining the Great Lakes have already undertaken significant programs against pollution. This underscores their willingness to meet their obligations in this intergovernmental effort.

Special efforts as called for in S. 7 are needed to accomplish substantial remedial action in order to reverse the tide of pollution on the Great Lakes and to insure cleaner waters for future generations.

Thermal pollution has become a nationwide problem only in recent years as nuclear power plants have sprung up and more industries have been built on the edge of the waterways and lakes. They disgorge water at temperatures far exceeding normal ones. This is not only harmful to fish and aquatic animals, but long-term changes in the atmosphere can result from the circulation of air over these waters. The vegetation in and around these areas will change, often to the detriment of animal and human inhabitants.

S. 7 provides the Government with new authority for controlling thermal pollution in the Nation's lakes and streams.

Another key provision of the new water quality bill is section 11, which would control sewage discharges from vessels.

Waste from water craft is one of the most obvious sources of pollution both in the inland waterways and in our coastal waters and contiguous zones. It is most severe in bays, lakes, harbors, and marinas where vessels congregate and traffic is heaviest and water circulates the least. As our use of these waters increases, the problem will become more acute.

Section 11 will assist in preventing discharge of untreated sewage into navigable waters by pleasure or commercial vessels, and provide for continuing upgrading of technology to bring a complete halt to this practice.

To insure and enforce this stronger vessel anti-pollution legislation, the bill gives the Coast Guard fuller and more specific authority to develop and promulgate the regulations concerning the design, installation, and operation of marine sanitation devices and to certify these devices as complying with regulation standards. These regulations must also assure compliance with the standards of performance issued by the Secretary of the Interior.

Many States have already moved to control vessel discharge. However, conflicting regulations and standards have presented hardships to recreational boaters who move between States and present potentially serious restrictions on interstate movement of commercial vessels. For this reason, the bill would provide State authority to prohibit entirely the discharge of any sewage from vessels in line with its designated water quality standards.

This section of the bill, I feel, will go a long way in upgrading the quality of the waters of the Great Lakes Region as well as the inland waterways and coastal waters of the entire Nation.

It is essential, in addition, that America have a coordinated policy for the quality of the environment—a policy which will insure not only cleaner water, cleaner air, and freedom from solid wastes, but will provide future generations of Americans with the type of environment necessary for good health and well-being.

Title II, entitled the "Environmental Quality Improvement Act of 1969," simply and succinctly states that:

> There is a national policy for the environment which provides for the enhancement of environmental quality.

We have come to the point where we can no longer ignore the consequences of our actions in the name of economy. Two hundred years ago, when our country was young and growing and the population was fairly well dispersed, we could afford to turn our backs on the impact of industrial pollution in favor of building our industrial might.

Today, we are more than 200 million, and will be 320 million by the year 2000. Today, industries dot every shore; highways stretch endlessly across the continent; buildings rise where there was once only wilderness. Today, there is little of nature left, except in isolated patches of heretofore unwanted or undevelopable land.

With pollution at the crisis level—air and water pollution, noise pollution, thermal pollution—and space at a premium, it is high time that we squarely face the issue of environmental quality.

Title II of S. 7 intends that all Federal moneys spent on public works activities which affect the environment would be reviewed and found not to be detrimental to the environment. It would establish an Office of Environmental Quality within the Executive Office to assist and advise the President and to help coordinate Federal activities affecting the environment.

There can be no question that this important first step must be taken in the direction of Federal coordination of activities involving our natural environment. We must pledge ourselves to the upgrading of the quality of life—all life—on this planet, now and in the future.

Senator Jennings Randolph, chairman of the Committee on Public Works, and the distinguished junior Senator from Maine (Mr. Muskie), chairman of the Subcommittee on Air and Water Pollution, deserve the gratitude of all Americans for their outstanding leadership and hard work in formulating the pending bill which is a powerful vehicle for the attack against environmental degradation. I urge its enactment.

AMENDMENTS NOS. 226 AND 227

Mr. AIKEN. Mr. President, I submit two amendments, which I ask to have printed and lie on the table. I hope the chairman of the Public Works Committee and the chairman of the subcommittee handling the bill will see fit to accept these amendments, but if they do not, I shall endeavor to offer and explain them later. At this time I simply submit them.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. MUSKIE. Mr. President, I yield to the distinguished Senator from Florida (Mr. Gurney), or if the Senator wishes to have the floor in his own right, I yield the floor to him.

Mr. GURNEY. I wanted to make general remarks on the bill. Did the Senator wish to comment on the amendments just submitted?

Mr. MUSKIE. Not at this time.

Mr. GURNEY. Mr. President, I strongly support passage of S. 7. This legislation is a very thorough and comprehensive effort on the part of the Senate Public Works Committee to provide meaningful and effective methods for combating water pollution problems.

Several of my colleagues, especially those who have worked most carefully on the legislation, have already presented the statements on some sections of the bill, describing them in detail. I will make only a few remarks at this time.

Certainly, one of the most controversial areas is that of pollution caused by oil spills, and the process of creating some liability guidelines in this area. As the vessel traffic and volumes of oil increase, this naturally enhances the risk of major oil spills in our waters.

The Public Works Committee, after long discussion and thorough consideration, provided for centralized authority for cleanup and spelled out very specifically financial responsibility in the case of oil spills. Certainly, this part of the bill constitutes major new legislation. It will be landmark law making.

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The problem of water pollution has grown to such magnitude that it is imperative for the Congress to enact effective legislation, and certainly the time for S. 7 has indeed arrived.

In spite of the amounts we are spending for pollution—and we have committed large amounts in recent years in the Congress—it appears that the Federal Government itself has been lax in enforcing compliance with water quality standards. The Government has been charged with a leadership role in combating pollution, and has required communities and private industry to make large investments in sewage treatment facilities. Ironically enough, many Federal agencies have made only token efforts in this area.

In my own State of Florida, there are 187 military installations alone. In addition, the Atomic Energy Commission and, of course, NASA have large facilities there. Bearing this in mind, it is not hard to arrive at the conclusion that Florida could certainly suffer from Federal pollution. Other States are in similar circumstances. Certainly, the Federal Government must be willing to share its responsibility for those activities.

I feel we must require that activities over which the Federal Government has direct control be conducted in a manner to assure compliance with applicable water quality standards.

Mr. President, one thing that I would particularly like to call to the attention of my colleagues is the matter of clean lakes, and the necessity of cleaning them up and correcting pollution in that area.

There are over 7,700 lakes in the State of Florida. My native State of Maine, the State from which Senator Muskie comes, has about 10,000 lakes.

In Florida many of those lakes have been slowly choked to death by aquatic weeds. Those of you from Louisiana, Alabama, Hawaii, and New York will be especially familiar with this problem. Other States are faced with this problem also.

Several of my colleagues in the House joined me in a bipartisan effort last year to control and eradicate these obnoxious weeds. The main thrust of the legislation was to get some coordination in the field of aquatic weed research so we could expand effective control programs.

During my research on the bill, I found that over 39 different agencies were involved in lake pollution efforts in the State of Florida. It occurred to me that interagency rivalry, lack of authority, and just plain lack of interest in some cases was evident. Needless to say, with a system of centralized control, coordination, and concentration of effort, we could do a better job. That is what my bill sought to do. I was not able to get it passed.

But one thing S. 7 does is provide for a means to concentrate presently scattered efforts into a coordinated attack on lake pollution. The bill creates a Federal Water Pollution Control Administration in the Department of the Interior. This new administration will be charged with centralizing and coordinating the now scattered efforts at weed control. Certainly, this is a major step forward, long overdue, and ought to make a major contribution to water pollution control, at least as far as lakes are concerned.

The problems caused by lake pollution are becoming of such a magnitude that the matter is creating an emergency situation in our waterways, lakes, and streams. In Florida again—and this is true of many other States—water intakes of all sorts of systems are becoming clogged because of the weed problem alone. Dangers of flooding are imminent because runoff water cannot escape. Boats cannot be used in my home city of Winter Park, Fla. We have a system of five lakes that are connected with canals. It is one of the greatest resources we have as far as recreation is concerned. Within the past 2 years, at one time or another, one or two, and sometimes more, of the lakes have been completely closed to boating and water skiing because of the aquatic weed problem.

This bill provides a major step forward to do something about the problem. I think the coordination of the effort and the concentration of money, rather than scattering it out among 39 different agencies, is one of the major factors in getting ahead with the problem.

There are many good features in the bill, as the Senator from Maine, the chairman, the Senator from West Virginia, and the ranking member of the committee have explained to the committee. I hope we will achieve general support in the Senate today or tomorrow, when we vote on this measure, for S. 7 is a major landmark bill in the area of helping solve our great water pollution problem.

Mr. MUSKIE. Mr. President, I wish to express my appreciation to the distinguished Senator from Florida for his very active interest and participation in the development of S. 7. His participation in both the hearings and the markup sessions was conscientious and constructive, and extremely useful to all of us.

Mr. GURNEY. I thank the Senator.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield to the Senator from Alaska.

Mr. STEVENS. It is my understanding that the committee has a committee substitute for S. 7, and it is my further understanding, from the Parliamentarian, that I should offer the amendment that the Senator from Massachusetts and I have left at the desk before the Senator makes a motion to adopt that substitute.

Will the Senator tell me when he anticipates making that motion?

Mr. MUSKIE. Not until every Senator who has an amendment has had an opportunity to offer it. I will go out of my way to make sure that no Senator is denied such opportunity.

Mr. STEVENS. I thank the Senator. I want him to know that I have listened to his address today, and I think he has done a yeoman's task in this field. I happen to come from a State that has no problems with water or air pollution except in one small area. We are, however, trying to do everything possible to help the rest of the Nation get back to the pristine quality of environment we have thus far been able to maintain.

Mr. MUSKIE. With reference to the Senator's amendment, perhaps I have slipped in not focusing more on that problem. I was not aware that I had, but in any case, I shall do everything I can to help the Senator solve his problem.

Mr. STEVENS. I thank the Senator for that comment.

I point out that the problem of pollution we are dealing with is a problem involving some 178 villages located on rivers. Because of pollution, as you go up the river, the death rate goes down. This is an area where one-fifth of the children die in their first year, and the reason that they die, we now know, is strictly bad water. It is pollution. There are no sanitation facilities, there is no running water, there are no sewers. Only 8 percent of the homes even have inside toilets. Less than 8 percent have running water.

What we are dealing with is the most basic problem of pollution, and that is clean water for the purpose of preserving human life. I think the major part of this bill deals with the esthetic portion of the pollution problem, the problem of how to restore clean rivers and lakes, which is what the Senator from Florida has been talking about.

But we are talking about fighting pollution in the sense of trying to preserve life and give these native children a better chance. It is my hope that the Senator from Maine would not look at this matter casually, when one-fifth of the children die in their first year and their parents have an estimated expectancy of only 34 years, because of the same problem of persistent pollution.

We have done everything we can, and this is a crash program that the Senator from Massachusetts and I tried to devise after our return from the Arctic last spring. I invite the attention of the Senate to this phase of the problem again, before the Senate votes tomorrow.

Mr. MUSKIE. I understand, and I thank the Senator from Alaska.

I yield now to the Senator from Kentucky; and I use this opportunity to thank him for the marvelous cooperation he has given us over the years.

Mr. COOPER. I thank the Senator.

Mr. President, this subject has been discussed very fully and comprehensively by the Senator from Maine, the Senator from Delaware (Mr. Boggs), and others, I shall dwell on only a few aspects of the legislation.

I should like at this point to say something about the work of the Senate Public Works Committee. I have served on the Committee on Public Works continuously since 1957. Prior to that time, when I spent 2 years in the Senate in 1947 and 1948, I was a member of the Committee on Public Works. In times past, our subjects were matters under the jurisdiction of the Corps of Engineers, which is very important in dealing with flood control, navigation and water supply; the Federal-aid highway system—which is also of vital importance to the country—and public buildings. Later, we added responsibility in connection with large watershed projects.

In the last 8 or 10 years, as the country has become aware—and it is sad that it has been such a short time ago—of this problem of pollution and its effect upon the environment, the Senate Committee on Public Works has assumed an entirely new significance and undertaken to deal with new environmental problems of the greatest importance.

Largely due to the initiative of the Senator from Maine (Mr. Muskie), this committee has been developing programs for the prevention of water pollution, air pollution, solid waste pollution. Most recently we have considered the special problem of oil spillages, not a new field in the sense that it is an aspect of the pollution problem, but a very difficult topic for legislation and one which has caused long study by the committee.

So I express, without any reservation whatever, my appreciation and that which I think the country owes to the Senator from Maine, who serves as chairman of the subcommittee, and his coworker, the Senator from Delaware (Mr. Boggs), along with the guidance and help of the chairman, the Senator from West Virginia (Mr. Randolph). I pay tribute also to all the members of the committee. I am particularly proud, upon the minority side, to have noted among those who have worked hard on this bill the Senator from Delaware, to whom I have referred, the Senator from Tennessee (Mr. Baker), the Senator from Kansas (Mr. Dole), the Senator from Florida (Mr. Gurney), and the Senator from Oregon (Mr. Packwood), who, although new members, have been assiduous in their efforts.

In our executive meetings—I believe we had 12, as well as many informal conferences—it was challenging and very helpful that we had a full attendance of the committee membership practically all the time. Everyone was interested, and everyone contributed to the writing of the bill, including the new members of the Senate. While I have not mentioned those on the majority side, I am sure that the Senator from Maine (Mr. Muskie) has given them his praise, and I join with him in his accolades—or, as a fellow I talked with the other day said, he was very happy to hear I had an "allocade" for him.

I shall discuss the matter very briefly. S. 7 represents an important step in response to the public's demand that the degradation of our environment be halted and its quality enhanced. S. 7 is a comprehensive bill with provisions dealing with a wide range of difficult water pollution problems. Its provisions relate to nearly every aspect of the water environment and will affect nearly every major industry of our country. In addition to the water quality provisions, S. 7 incorporates in title II a timely contribution to the broad issue of the Federal Government's response to the quest for environmental quality.

The impact of Federal activities is clearly great, especially in the area of public works, and over the years many statutes, agencies, policies, and procedures have been created that, if not running counter to the objective of environmental quality are at least inadequate to meet the challenges that face our environment. Title II will go a long way toward resolving this paradox, and along with other legislation before Congress offers a program to update Federal performance. Such an effort would have great effect beyond the Federal performance and hopefully be duplicated throughout State and local governments as well as the private sector.

S. 7 is extremely important legislation. It is legislation on which the Committee on Public Works, in 1969 alone, held some 13 days of public hearings. These hearings were followed by more than 20 markup executive sessions; the bill has been thoroughly considered, thoughtfully drafted, and has been reported unanimously. In 1968 the Senate and the House each passed a water pollution measure, however, agreement in conference was not obtained and the adjournment of the 90th Congress required that we begin the legislative process once again in the 91st Congress.

The vessel pollution provisions of S. 7 are basically the same as those designed to combat the problem of the discharge of sewage from all types of watercraft contained in the 1968 bill.

I am sure that the Senator from Maine has pointed out that, with respect to the equipment which is required to be installed upon watercraft, the Federal Government preempts authority to regulate the design, manufacture, installation, and use of marine sanitation devices. However, certain matters should be discussed, particularly the matter of Federal preemption.

Because many waters are navigable in nature, and therefore, cross State lines and because watercraft are easily transported for use in many States, it is essential that the boatowner or the vessel-owner and the equipment installed on his boat or vessel satisfy uniform requirements and regulations. This, of course, can be achieved through Federal regulations. S. 7 provides that only the Federal Government can adopt and enforce regulations with respect to the design, manufacture, installations, or use of any marine sanitation device in connection with any boat or vessel subject to the provisions of S. 7.

There remains, however, a substantial and vital interest of each State in certain local characteristics of the waters under the jurisdiction of that State. Only a State is in a position to know its waters so well as to know where water supply intakes, bathing beaches, oyster beds, or other use of its waters demand high purity and consequently, only States are in a position to permit the discharge of sewage into these waters. Consequently, the bill, S. 7 makes provision that the States retain authority to prohibit absolutely, and only prohibit absolutely, the discharge of sewage, treated or not, in any waters within such State but only where implementation of applicable water quality standards requires such prohibition. Certainly States cannot act arbitrarily or capriciously. In addition the States have a distinct duty to encourage the development of vessel sewage equipment service facilities; a suitable and effective way of communicating to the boating public the exact areas subject to such a prohibition; and, of course, suitable public participation in the establishment of any prohibited zones.

The committee received much citizen reaction on this provision, and it is carefully drawn to make it clear under what situations the States can act. It is not anticipated that this provision will bring undue hardship to any boat or vessel owner and will result in those regulations which are necessary to achieve, in fact, water quality.

The *Torrey Canyon*, *Ocean Eagle*, Santa Barbara, and most recently the Buzzards Bay oil pollution have caused great damage and have aroused great concern among the public. It is clear that the tremendous increase in the transport of oil, has given rise to the almost certainty that oil will be discharged into the waters of the United States. We must, therefore, take every precaution to see that the public's interest in these waters and the adjacent shores is protected and damage minimized, and at the least direct expense to the public.

The problem is complex, it involves vessels, it involves onshore facilities, and of course it involves offshore facilities. The writing of provisions to deal with these potential threats has been extremely difficult and one on which the committee labored long.

I suppose that one of the most complicated and controversial questions was that of fixing a measure of liability for the cost of removal of oil discharges. In order for legislation to be responsive, it is necessary that it be clear, not complicated, applied equally to all and in all situations, and most importantly, enforceable. It is submitted that the framework adopted by the bill in imposing liability for removal costs meets this standard. Since this is indeed national legislation it is imperative that the standard of liability be a uniform standard. This can only be achieved if, to the fullest extent possible, the common law standard of negligence is avoided. If negligence were to have been the principal test, every discharge of oil would require that the Federal district court, in an action by the United States to recover costs, would be forced to refer to the relevant State law for a determination of negligence. It is likely that many different standards of liability would ensue.

To avoid this the committee adopted a framework of liability that begins with absolute liability; that is, liability without reference to fault, and then provides exceptions to this standard; the exceptions being where the owner or operator can prove either the discharge was caused solely by, first, an act of God; second, an act of war; and third, or an act of a third party, and in the case of vessels, negligence on the part of the U.S. Government. Although this liability has been called absolute, it is not, and the exceptions bring it very close, if not equivalent, to the standard that can be referred to as strict liability which is the standard that the international community is likely to adopt in the International Convention dealing with the discharge of oil. In testimony before the

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committee, the legal advisor of the Department of State testified that although the original position advocated by the United States at the international convention was absolute liability, the international community generally preferred a somewhat lesser standard which is referred to as strict liability that makes exceptions, as does the bill S. 7 to what otherwise would be considered absolute liability. It should be pointed out that the international convention when it is finally completed might include in its provisions liability for third party damages. On August 15, the United States notified the Intergovernmental Maritime Consultative Organization—IMCO:

> The United States continues in its preference for the strict liability provision set forth in alternative B.

I should like to quote the provisions of alternative B:

> 1. The owner shall be liable for any pollution damage caused by oil that has escaped or been discharged from his ship, except as provided in paragraphs 2 and 3 of this Article.
>
> 2. No liability shall attach to the owner with respect to pollution damage resulting directly from an act of war, hostilities, civil war, insurrection or a grave natural disaster of an exceptional character.
>
> 3. If the owner proves that the pollution damage resulted wholly or partially from an act or omission done with intent to cause damage by the person who suffered the damage, the owner shall be exonerated wholly or partially from his liability to such person.
>
> 4. No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Convention. No claim for pollution damage under this Convention or otherwise, may be made against the servants or agents of the owner.
>
> 5. Nothing in this Convention shall prejudice any right of recourse of the owner against third parties.

This is basically compatible with the liability provisions of S. 7.

The bill, S. 7, imposes liability only for the cost of removal of oil, should it be necessary, by the United States. The provisions of the bill further impose a dollar limit for the standard of liability that I have outlined. In accordance with general concepts of negligence, however, the bill goes on to provide that where the United States can show that a particular discharge was the result of negligence then there shall be no limit to the amount of liability and that such liability will extend to the full cost of removal to the United States. It should be noted that the testimony revealed no discharges in which the costs of cleanup have been as high as the dollar limits of the strict liability provision. Testimony was also received that no spill requiring costs of cleanup in excess of those limits are anticipated. Therefore, the unlimited liability provision, assuming negligence could be proved by the United States, is a highly unlikely eventuality and is included to cover those extreme events such as a negligent discharge, from perhaps a supertanker or a rupture in the proposed pipeline on the north slope of Alaska; hopefully these will never occur but this does not excuse the Government from advanoe preparation.

In order to impose on all vessels a uniform standard of liability, the bill requires that all vessels using the ports or waters of the United States must show evidence of financial responsibility to meet liability for the cost of removal to a limit of $100 per gross ton. The legislative record developed by the committee clearly indicates that the amount, $100 per ton, is insurable under this standard of liability and has, therefore, been chosen by the committee as a figure that will adequately protect the interests of the public.

It has been alleged that because the bill does not impose a dollar limit for negligent liability that it is uninsurable. This argument is misleading and does no justice to the carefully drawn framework of S. 7.

Under any standard of common law negligence, liability, upon proof of negligence is theoretically unlimited and is measured only by the amount of damage. Thus, each one of us is liable without limit for all damages caused as a result of the negligent act resulting in an automobile collision. Such theoretical liability is, of course, uninsurable. A continuation of this analogy is helpful. Many States require every automobile owner to obtain certain levels of insurance coverage; this is equivalent to the evidence of financial responsibility enclosed in the bill, S. 7. Should a citizen desire, he may negotiate with an auto insurance company for a higher level of coverage based upon anticipated risk and his willingness to pay.

It is anticipated that shipowners will engage in this same type of negotiation with the maritime insurance industry and arrive at a limit of insurability which will at least be $100 per gross ton as required by the bill, and may be higher based upon the anticipated risk and the vessel owner's willingness to pay. The bill, S. 7, does not, I repeat, does not require insurance to the full theoretical amount of liability for the cost of removal.

Of course, because of the great publicity involved in the Santa Barbara occurrence, much attention has been directed toward spillage at sea and in territorial waters. However, the bill also covers onshore facilities. We adapted to the provisions dealing with onshore facilities a formula to measure liability similar to that which was provided for spillage by vessels.

Since onshore facilities is a broad term and covers a wide range of operations, from small storage to large bulk storage, from marinas to large refineries, it was necessary to devise a formula which would base the limit of liability upon some measure of the risk, just as in the case of vessels and discharges from offshore facilities.

I suggested a formula which does not require any great originality. I was following the standard fixed for vessel spillages and suggested a formula that under the standard of strict liability, a dollar limit of liability was imposed of not to exceed $125 per ton of oil which such facility is capable of processing, transporting, transferring in any 24-hour period or storing in the largest unit of such onshore facility. The committee adopted this language unanimously.

In considering this legislation the committee was faced with a difficult problem of dealing with other substances whose discharge poses a threat to the water environment along with oil. Testimony received was inadequate to enable the committee to impose the same framework developed for oil as does the House bill. Therefore, through the initiative of Senator DOLE, the bill proposes to treat hazardous substances separately in section 13 and he is to be commended for his timely and important contribution. This section provides that the President shall designate hazardous substances which when discharged in any quantity in the navigable waters of the United States present a threat to public health and welfare.

The section also provides authority to the President to prepare regulations regarding the removal of such hazardous substances. Both in the designation and the promulgation of regulations the bill requires that the public, especially affected parties, be given full opportunity to participate. One critical problem faced in the discharge of any toxic material into water is notice to downstream water users. In both the oil and the hazardous substance sections, therefore, the bill requires that, upon discharge, the person in charge of a vessel or on- or offshore facilities shall immediately notify the United States. Failure to notify results in a criminal sanction. It is anticipated that under these two authorities, the United States will develop an efficient and wide-ranging network that will enable such information to be received and disseminated almost instantly. Such a system is clearly in the public interest.

Because the record did not support imposing liability for the cost of removal of hazardous substances, as it does in the case of oil, the Committee has authorized the President to submit a report to the Congress specifying what techniques are available for removal of hazardous substances and under what framework of liability costs could be recovered. This report is to be filed with the Congress by November 1, 1970. It is anticipated that this report will enable the Congress to effectively legislate to enable the recovery of the costs of removal of discharged hazardous substances.

There has been some misunderstanding of the kind of discharge to which section 13 would apply. It should be noted that this section does not attempt to alter the basic provisions of the Water Quality Act of 1965 providing for water quality standards and enforcement provisions for such standards. Section 13 is designed to respond to those situations where hazardous substances have been discharged suddenly and inadvertently into waters of the United States. This could be a ruptured pipeline, an overturned truck, a leaking storage tank, or a vessel breaking up at sea. It should be emphasized that this matter does not grant to the Federal Government any authorities in excess of those granted in the Water Pollution Control Act of 1965 dealing with the abatement of continuous pollution from an industrial or other facility.

It is clear to those of us who sit on committees dealing with environmental

matters that research simply does not exist in sufficient amounts to enable the development of programs, regulations, and procedures to remedy many forms of pollution. The research is not only lacking on the effects of these pollution problems; research does not even exist in sufficient quantities on the nature of the pollutant itself. S. 7 should go a long way to remedying the deficiency of knowledge that surrounds acid and mine drainage pollution that confronts many of our Appalachian communities and waterways. This is an urgent problem and I look forward to following the implementation of section 14 of this bill.

Another problem that none of us can be complacent with is the continuing and rapid deterioration of the Nation's Great Lakes. Special efforts are needed by all levels of Government to accomplish such remedial action as necessary to avoid irreversible deterioration of the water quality of the Great Lakes. Section 15 providing for demonstration projects to control pollution in the Great Lakes is designed as a limited step in that direction.

One of the paradoxes of our age is the fact that the Federal Government directly and indirectly contributes substantially to the degradation of the environment. Many Federal activities contribute directly to water pollution and these include such diverse activities as naval vessels discharging sewage and waste into the waters of the United States, dredging activities of the Corps of Engineers, and sewage and waste disposal from Federal facilities of all kinds. Indirectly, the Federal Government contributes to water pollution in its licensing activities over such things as nuclear power plants, hydroelectric power plants licensed by the Federal Power Commission and dredge and fill permits issued by the Army Corps of Engineers. S. 7 will require, without exception, that all Federal activities that have any effect on water quality be conducted so that water quality standards will be maintained. In the case of all Federal activities the bill declares a congressional mandate that these activities be conducted in compliance with water quality standards. This of course raises a problem of enforcement. However, if a Federal agency continues to pollute it would seem that private citizens affected by such pollution, and in a very real sense this would include each and every citizen, should be able to bring an abatement proceeding on their own behalf in a Federal court.

With respect to Federal licensing activity, the bill S. 7 requires that, as a part of the license activity, applicants must furnish certification from the State and affected States that the activity will comply with applicable water quality standards. During the course of consideration of the bill the committee was faced with difficult question regarding the application of this provision to dredging that demands further discussion analysis. Section 16 of the bill provides an integrated and comprehensive program designed to require compliance with applicable water quality standards in all Federal activity and federally licensed or permitted activity. While incorporating certain provisions necessary to provide for special characteristics of certain Federal licensing and permitting procedures, especially dredging, section 16 makes no exception for any licensed or permitted activity from its operative principle of State certification. Furthermore, section 16 is consistent with, and arises out of the policy of the 1965 act that the primary responsibility for controlling water pollution rests with the States. The committee has on innumerable occasions adhered to this principle and section 16 is another manifestation of it.

Under the Rivers and Harbors Act, 33 United States Code 403, no dredging or filling can be conducted in the navigable waters of the United States without a permit from the Corps of Engineers. This includes, inter alia, dredging for navigation purposes, sand and gravel exploitation and, real estate development.

Dredging for any of these purposes can and does affect water quality both in the active removal of spoil and in the open water disposal of dredge spoil. Both activities, it should be noted, in some circumstances, may be accomplished without any long-term degradation of water quality.

In drafting section 16 the committee has intensely studied its provisions vis-a-vis dredging and other federally-licensed or permitted activities. With respect to the special characteristics of dredging, the following steps have been incorporated into section 16.

First. The committee recognized that water quality standards considering temporary turbidity resulting from dredging operations involving otherwise nonpolluting spoil socially do not exist. Consequently, report language to accommodate this fact and give directions to the Secretary and to the States was prepared.

Second. The committee recognized that the disposal of dredged spoil, particularly from the contaminated sediments in major Great Lakes and marine ports, precludes dumping in open water if water quality standards are to be maintained. Consequently, alternative methods of spoil disposal must, in such cases, be adopted. Therefore, subsection (e) has been included in section 16 to make available to private dredgers, at a reasonable charge Federal spoil disposal areas.

Third. The committee has further recognized that the implementation of section 16 will cause an adjustment in practices followed in dredging and, of course, in all other activities conducted pursuant to a Federal license or permit. I suggested a "grace period" in which to develop new practices and procedures in order to achieve compliance with water quality standards in dredging operations. Consequently, paragraph (7) of subsection 16(c) provides that applications for Federal licenses or permits pending on the date of enactment is the Water Quality Improvement Act of 1969, which licenses and permits are issued within 1 year of such date, shall not require certification for 1 year following the date of such issuance. This provides, in effect, that a pending application could have from 1 to 2 years from the date of enactment before a certification of compliance would be required.

Fourth. The committee took the further step of providing that where there are no applicable water quality standards, in being or in preparation, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of the act.

The Federal Water Pollution Control Act accomplished, for purposes relevant to understanding section 16, five things:

First, it states the policy of this Nation that there shall be enhancement of water quality;

Second, it declares that the primary responsibility to control water pollution rests with the States;

Third, it provides a factual test of maintenance and enhancement of water quality; that is, water quality standards;

Fourth, it provides that in the formation of water quality standards other policy interests must be considered;

Fifth, it provides that the court in reviewing alleged violations of standards, shall give consideration to "the practicability and to the physical and economic feasibility of complying with such standards." It should be noted that any court reviewing any challenged standards would look to this language as addition to 10(c)(3).

Consequently, there is built into the water pollution control procedure a system of checks and balances with two levels of objectivity: First, a measurable standard for determining compliance with water quality; and second a measure that can be challenged in a court of law to test whether the standards have been drawn consistent with the intent of Congress with regard to legitimate uses and feasibility. To make it absolutely clear that navigation is to be considered in the development of standards the committee adopted my amendment that inserts "navigation" into the factors to be considered in the development of standards under section 10(c)(3).

Testimony from all sources has revealed a great need for manpower and training to satisfy the technological demands required for pollution abatement. Senator SCOTT submitted an amendment that has been adopted by the committee and incorporated as section 17 to provide for a manpower training program designed to stimulate and develop professionalism, career achievement and satisfy the demand for servicing sewage and waste treatment facilities and operations. Without this kind of a program no amount of money or construction will be truly satisfactory for in the last analysis people are necessary to make programs and facilities operate efficiently. I look forward to the report that will be filed September 30, 1970, that will state future manpower needs and recommended improvements in training programs.

Lake eutrophication, a natural phenomenon, that has been greatly acceler-

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ated by man's activity in a process that demands full understanding. If we are to remedy the eutrophication that is now occurring at an accelerated rate on all of our Nation's estimated 10,000 lakes. S. 7 authorizes research necessary to achieve such understanding.

The remaining sections of title I provide necessary research authority to the Secretary of the Interior. I have already dwelled on the essential nature of research to the overall environmental quality effort and I only say now that these provisions should be vigorously implemented by the agency.

The legislative record from all committees on both sides of Congress has given a wealth of information on the Federal Government, its organization and policies, as they relate to environmental quality. It is obvious there is extreme fragmentation, there is poor communication, there is, in fact contradictory authority. For instance, the Department of the Interior is charged with, and has an extensive program in wetland preservation. On the other hand the Department of Agriculture has a program, and expends large amounts of money, for wetland reclamation. These problems have historical components; they have bureaucratic components; they have interest group components, and many others that all combine to make the Federal response to environmental quality one of the most complex problems facing this Congress.

The Committee on Public Works has held hearings on many aspects of environmental quality. It has had testimony from many agencies of government concerning their policies, procedures, and activities. Other committees such as the Committee on Interior and Insular Affairs has received similar testimony, the Committee on Commerce, the Committee on Labor and Public Welfare as well. On the House side the Committee on Merchant Marine and Fisheries, the Committee on Science and Astronautics, the Committee on Government Operations, have all received testimony indicating the depth of this problem.

From all of this testimony, a synthesis or integration can be made and an attempt begun that will enable us to reverse the trend of fragmentation, of overlap, of poor information exchange that now prevails. Title II of S. 7 represents one attempt to learn from all of the experience that is now available to us. It provides that there shall be established in the executive branch in the Office of the Presidency an Office of Environmental Quality. This Office is charged with reviewing the Federal operation and making recommendations to the President to implement through his Council of Environmental Quality, a Cabinet-level action organization designed to implement Presidential decisions and policy.

It is absolutely essential that we avoid placing this kind of responsibility in an agency or office of historical orientation and personnel staffing that would preclude it from operating efficiently in this area. It requires an office in the Executive Office of the President because the problems are found in all agencies and in all departments, therefore, only with the perspective of the Office of the Presidency will it be possible to make the necessary overview and analysis and the proper recommendations. It must be an office, too, that includes staffing of the character that will enable it to consider the broad and diverse issues involved in environmental quality.

These are simply not scientific matters, although there is a scientific component, they are not simply economic matters although there is an economic component, these are not simply fiscal matters although there is a fiscal component; rather these are problems that demand a new approach and orientation that can only be found from a new organization and cannot be found in any existing executive organization.

Many activities of the Federal establishment affecting environmental quality are under the jurisdiction of the Committee on Public Works. These include the rivers and harbors activities of the Corps of Engineers, the Federal highway program, and of course much of the economic development programs. All of these programs must be reviewed for their effect on environmental quality. The Office of Environmental Quality should help perform that review. This does not, however, allow us to escape our responsibilities and I hope that taking the policy enunciated in title II the Committee on Public Works will begin to review the statutory base on which these operations are made, the policies and procedures that have been developed in implementing these statutes, and of course the end product of these activities. It is expected the Committee on Public Works will soon begin a review of all activities within its jurisdiction for an analysis of the effect the operations have for environmental quality.

It is submitted that this Office of Environmental Quality combined with the President's establishment of a Council on Environmental Quality represents a comprehensive program that will contribute to the development of a truly responsive Federal Government.

Mr. President, I close by saying that I echo what the distinguished Senator from Florida (Mr. GURNEY) has said—that this is a landmark bill.

Without a quality environment we will never succeed in developing a quality of life. It is a first priority of this Nation, we cannot escape it and we must face this responsibility. I would hope that all of my colleagues share my concern on these issues because the public demands it and the public deserves it. The matter of environmental quality goes to each individual, rich and poor, white and black. A deteriorating environment does not discriminate, it affects us all and makes all of those problems which we do face much more difficult. When viewed in this light it becomes urgent that we begin to restore the quality to our environment and we must begin now.

AMENDMENT NO. 178

Mr. TYDINGS. Mr. President, I call up my amendment No. 178.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TYDINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT NO. 178

On page 73, between lines 15 and 16, insert the following:

"SEC. 106. Subsection (c) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"'(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 and not in excess of $400,000,000 appropriated pursuant to subsection (d) for any fiscal year beginning after June 30, 1969, shall be allotted among the States eligible for reimbursement pursuant to the seventh and eighth sentences of this subsection in the proportion that the amount each State is so eligible to receive on the first day of such fiscal year bears to the total such amounts on such day for all States, and such allotment shall not exceed the sum advanced and shall be available until the termination of six months following the fiscal year for which made only for the purpose of reimbursing such State pursuant to the seventh and eighth sentences of this subsection. All sums in excess of $400,000,000 appropriated pursuant to subsection (d) for each fiscal year ending after June 30, 1969, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the three preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, or for other reasons, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made for lack of funds: *Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with

respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, fourth, and fifth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year shall also be available, together with the allotments under the third sentence of this subsection, for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.'"

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108 as sections 107, 108, and 109, respectively.

Mr. TYDINGS. Mr. President, the amendment is designed to provide urgently required financial relief to those States that have advanced the Federal share of construction costs for water quality treatment plants and have not yet received reimbursement from the Federal Government.

The amendment allocates up to $300 million from the annual appropriations to those States eligible for reimbursement.

This amount would be sufficient to repay the seven States that advanced the Federal share.

The principal method to restore the quality of our waters is by construction of water quality treatment facilities. This is an enormous task, because many plants are required throughout the Nation. Recognizing this, in 1966, Congress passed the Clean Water Restoration Act authorizing $4.7 billion in grants over a period of 6 years to States with pollution programs for construction of such facilities.

To receive Federal assistance, States were required to have their own program. A Federal-State partnership was thus created to clean up our waters. Unfortunately, Federal funds were not forthcoming in the amount either anticipated or required. In fiscal year 1966, $150 million was authorized, $121 million was appropriated. In fiscal year 1967, $150 million was again authorized and this time actually appropriated. But in fiscal year 1968, $450 million was authorized and less than half, $203 million, appropriated. In fiscal year 1969, $700 million was authorized, only $214 appropriated. For fiscal year 1970, a full $1 billion has been authorized, yet the appropriation request of the administration is for only $214 million. Thus, there is a great gap between the authorizations and the monies actually spent or actually appropriated.

To illustrate this gap, Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table I have prepared entitled, "Gap in Funds for Construction of Water Quality Treatment Plants," as well as a chart entitled, "The Water Pollution Control Funding Gap," published in the September 1969 issue of Nation's Cities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GAP IN FUNDS FOR CONSTRUCTION OF WATER QUALITY TREATMENT PLANTS

Fiscal year	Authorized	Appropriated
1961	$50,000,000	$46,000,000
1962	80,000,000	80,000,000
1963	90,000,000	90,000,000
1964	100,000,000	90,000,000
1965	100,000,000	93,000,000
1966	150,000,000	121,000,000
1967	150,000,000	150,000,000
1968	450,000,000	203,000,000
1969	700,000,000	214,000,000
1970	1,000,000,000	[1] 214,000,000
1971	1,250,000,000	
Total, including 1971	4,120,000,000	1,291,000,000
Total, excluding 1971	2,870,000,000	1,291,000,000

[1] Requested.

THE WATER POLLUTION CONTROL FUNDING GAP

AUTHORIZATIONS VERSUS ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT

[In millions]

States	1968		1969		1970		1968–70 Funding Gap Total [1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated	Total dollars authorized	Total dollars allocated	Total dollars gap	Percent not funded
Total	$450.0	$203.0	$700.0	$214.0	$1,000.0	$214.0	$2,150.0	$631.0	$1,519.0	70.7
Alabama	8.4	4.1	12.9	4.1	18.3	4.1	39.6	12.3	27.3	68.9
Alaska	1.2	.9	1.5	.9	1.9	.9	4.6	2.7	1.9	41.3
Arizona	3.8	2.0	5.6	2.1	7.8	2.1	17.2	6.2	11.0	64.0
Arkansas	5.2	2.9	7.6	2.8	10.6	2.8	23.4	8.5	14.9	63.7
California	35.3	14.6	56.9	14.9	82.8	14.9	175.0	44.4	130.6	74.6
Colorado	4.7	2.4	7.1	2.4	10.0	2.4	21.8	7.2	14.6	67.0
Connecticut	6.2	2.9	9.7	2.9	13.9	2.9	29.8	8.7	21.1	70.8
Delaware	1.6	1.1	2.3	1.1	3.0	1.1	6.9	3.3	3.6	52.2
District of Columbia	2.3	1.3	3.3	1.3	4.6	1.3	10.2	3.9	6.3	61.8
Florida	11.8	5.3	18.6	5.4	26.8	5.4	57.2	16.1	41.1	71.9
Georgia	9.8	4.6	15.1	4.6	21.6	4.6	46.5	13.8	32.7	70.3
Hawaii	2.2	1.4	3.0	1.3	4.1	1.4	9.3	4.1	5.2	55.9
Idaho	2.5	[2].5	3.4	1.6	4.5	1.6	10.4	3.7	6.7	64.4
Illinois	22.9	9.6	36.7	9.8	53.4	9.8	113.0	29.2	83.8	74.2
Indiana	11.1	4.9	17.5	5.0	25.2	5.0	53.8	14.9	38.9	72.3
Iowa	6.9	3.3	10.7	3.3	15.3	3.3	32.9	9.9	23.0	69.9
Kansas	5.7	2.8	8.6	2.8	12.2	2.8	26.5	8.4	18.1	68.3
Kentucky	7.8	3.7	12.0	3.8	17.0	3.8	36.8	11.3	25.5	69.3
Louisiana	8.3	4.0	12.7	4.0	18.1	4.0	39.1	12.0	27.1	69.3
Maine	3.1	1.9	4.5	1.9	6.1	1.9	13.7	5.7	8.0	58.4
Maryland	7.5	3.5	11.8	3.6	17.0	3.6	36.3	10.7	25.6	70.5
Massachusetts	12.0	5.3	19.1	5.4	27.6	5.4	58.7	16.1	42.6	72.6
Michigan	18.0	7.7	28.7	7.8	41.6	7.8	88.3	23.3	65.0	73.6
Minnesota	8.4	3.9	13.1	3.9	18.7	3.9	40.2	11.7	28.5	70.9
Mississippi	6.2	3.4	9.2	3.4	12.8	3.4	28.2	10.2	18.0	63.8
Missouri	10.3	4.7	16.3	4.8	23.4	4.8	50.0	14.3	35.7	71.4
Montana	2.4	[2].7	3.3	1.5	4.5	1.5	10.2	3.7	6.5	63.7
Nebraska	4.0	2.2	5.9	2.1	8.2	2.1	18.1	6.4	11.7	64.6
Nevada	1.2	.9	1.7	.9	2.2	1.0	5.1	2.8	2.3	45.3
New Hampshire	2.2	1.4	3.0	1.4	4.0	1.4	9.2	4.2	5.0	54.2
New Jersey	14.0	6.1	22.4	6.2	32.4	6.2	68.8	18.5	50.3	73.1
New Mexico	3.1	[2].7	4.4	1.9	6.0	2.1	13.5	4.7	8.8	65.1

Footnotes at end of table.

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THE WATER POLLUTION CONTROL FUNDING GAP—Continued

AUTHORIZATIONS VERSUS ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT—Continue

[In millions]

States	1968 Authorized	1968 Allocated	1969 Authorized	1969 Allocated	1970 Authorized	1970 Allocated	1968–70 Funding Gap Total [1] Total dollars authorized	Total dollars allocated	Total dollars gap	Percent not funded
New York	37.6	15.5	60.7	15.8	88.4	15.8	186.7	47.1	139.6	74.8
North Carolina	11.1	5.2	17.4	5.2	24.9	5.1	53.4	15.5	37.9	71.0
North Dakota	2.3	[2].3	3.3	1.6	4.3	1.6	9.9	3.5	6.4	64.6
Ohio	22.1	9.4	35.5	9.6	51.5	9.6	109.1	28.6	80.5	73.8
Oklahoma	6.1	3.1	9.3	3.1	13.2	3.1	28.6	9.3	19.3	67.5
Oregon	4.7	2.4	7.1	2.4	10.1	2.4	21.9	7.2	14.7	67.1
Pennsylvania	25.7	10.8	41.3	11.0	60.0	11.0	127.0	32.8	94.2	74.2
Rhode Island	2.7	1.6	3.9	1.6	5.3	1.6	11.9	4.8	7.1	59.7
South Carolina	6.5	3.4	9.7	3.4	13.7	3.3	29.9	10.1	19.8	66.2
South Dakota	2.5	[2].3	3.5	1.7	4.6	1.8	10.6	3.8	6.8	64.2
Tennessee	9.0	4.3	13.9	4.3	19.8	4.3	42.7	12.9	29.8	69.8
Texas	22.0	9.4	35.2	9.6	51.0	9.6	108.2	28.6	79.6	73.6
Utah	2.9	[2].7	4.1	1.8	5.6	1.8	12.6	4.3	8.3	65.9
Vermont	1.8	1.4	2.4	1.3	3.0	1.3	7.2	4.0	3.2	44.4
Virginia	9.7	4.5	15.1	4.5	21.7	4.5	46.5	13.5	33.0	71.0
Washington	7.0	3.3	11.0	3.3	15.7	3.3	33.7	9.9	23.8	70.6
West Virginia	5.2	2.7	7.8	2.8	10.8	2.8	23.8	8.3	15.5	65.1
Wisconsin	9.5	4.4	15.0	4.4	21.5	4.4	46.0	13.2	32.8	71.3
Wyoming	1.5	[2].005	2.1	1.2	2.6	1.2	6.2	2.4	3.8	61.3
Guam	1.6	[2].8	1.6	1.5	1.7	1.4	4.9	3.7	1.2	24.5
Puerto Rico	6.6	3.5	9.8	3.5	13.7	3.5	30.1	10.5	19.6	65.1
Virgin Islands	1.5	1.5	1.5	1.4	1.6	1.4	4.6	4.3	.3	6.5

[1] 1970 appropriations still pending.

[2] Actual amounts used by these 8 States although they were entitled to use more. Unused amount totaling $8,300,000 from these 8 reallocated to other States.

Source: Federal Water Pollution Control Administration.

Mr. TYDINGS. The result of this gap has been a severe setback for pollution control.

Congress did recognize, however, at the time the bill was written and passed, that immediate appropriation of all construction grant funds was not likely and that several States, New York and Maryland, to name just two, were prepared to move ahead on their own more rapidly than the availability of Federal funds. These States recognized the danger to our environment of water pollution and had set aside, or were prepared to set aside, money to help abate it. Yet they were understandably reluctant to forge ahead without sufficient Federal assistance if other States, by waiting until both the scale of authorizations and level of actual funding increased, would receive greater financial support.

These States would then have been penalized for being progressive.

Congress therefore included in the 1966 act a provision permitting Federal reimbursement of those projects, approved by both the State water pollution agency and the Secretary of the Interior, for which the States had advanced the Federal share of project cost. In their partnership with the Federal Government, several States prefinanced the Federal share so as not to lose momentum and time in the task of cleaning up the waters.

They did so, of course, with the understanding and belief that the Federal Government would honor the partnership, live up to the bargain, and repay the amounts advanced.

The Federal Government has not done so. Reimbursables, in the sum of nearly $300 million, have not been forthcoming to those States which have moved ahead in cleaning up their waters.

The inevitable result has been financial trouble for those States which have shown initiative and progress. They have not been repaid, and their water pollution programs are thereby in jeopardy.

The States affected are Connecticut, owed $60,900,000; New York, owed $150,315,000; Maine, owed $3,500,000; Massachusetts, due $8,500,000; Vermont, due $677,000; Pennsylvania, $16,095,000; and Maryland, owed $52,957,000.

The Federal Government owes these seven States a total of $292,944,000.

It is ironic that in a time when we increasingly emphasize the need to revitalize State and local governments, we are penalizing the very States we should be rewarding.

In a time when there is much talk about revitalizing State government, we have before us an example of seven States which acted on their own, with their own money, to meet head on a major problem. They are now being rewarded with sympathy rather than the money they deserve.

These seven States should be paid back. Fair play demands it.

My amendment, if adopted, would do it.

It provides for an allotment of up to $300 million to States eligible for reimbursement. It states that funds appropriated for construction of water quality treatment plants, in excess of $100 million and not more than $400 million, shall be allotted to States which prefinanced the Federal share.

Section 8 of the Federal Water Pollution Control Act deals with construction grants. Subsection (d) provides the authorizations for grants till fiscal year 1971. Subsection (c) determines how funds appropriated will be distributed. It also includes the reimbursement provision and is the section of the act I seek to amend.

Essentially, three patterns or bases of distribution are apparent in 8(c). The first is population. Of the sums appropriated, the first $50 million and all funds in excess of $100 million are distributed on the basis of population of the State. The specific basis is "the ratio that the population of each State bears to the population of all the States." The second pattern is per capita income. Of the first $100 million appropriated, the second $50 million is distributed "in the ratio that the quotient obtained by dividing the per capita income of each State bears to the sum of such quotients for all the States." What this means, in simple language, is that the poorer State gets a little better break. The third pattern of distribution is what I shall call, for lack of a better term, Federal involvement. There is a provision in 8(c) which provides additional funds for a State whose pollution problem is heightened by the presence of Federal installations or construction activities.

In a sense there is another pattern, found in 8(d). There, a provision states that of the first $100 million appropriated for water pollution construction grants, at least half shall go to municipalities with populations of 125,000 or under.

This amendment eliminates none of these patterns of distribution. Funds appropriated would still be allocated on the basis of population, per capita income, Federal involvement, and the size of municipality.

What it does is to add another pattern. Funds appropriated would also be distributed on the basis of the amount of the Federal share a State has advanced in anticipation of reimbursement.

The amendment provides that the second, third, and fourth hundred million dollars appropriated, thus a sum of up to $300 million, shall be alloted to States eligible for reimbursement from the Federal Government. The specific basis for distribution of these money—whether it be $300 million, $200 million, or $100 million—is the ratio that the amount each State has prefinanced bears to the total amount of prefinancing done by all the States.

For example, if a State has prefinanced X and the sum total of all the prefinancing is Y, then the amount the State receives under my amendment is Xk/Y, where k is the money appropriated and allocated by this amendment. In no case, however, could this be over $300 million. It might be less, depending on the 8(d) appropriation.

To make it clearer, I have prepared a small chart entitled "Allocations of Reimbursement Funds Under Proposed Tydings Amendment, Revised," and I ask unanimous consent that it be printed in the RECORD at the conclusion of my prepared statement. The table shows how my amendment would work.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TYDINGS. Mr. President, looking at it, we see that Maine has prefinanced $3.5 million for water pollution control. This represents the Federal portion of Maine's program which the State has advanced on her own. It is the amount she is eligible for reimbursement. It represents 1.19 percent of the $292,944,000 total prefinanced by the seven States.

Under my amendment, which allocates "all sums in excess of $100,000,000 and not in excess of $400,000,000 appropriated pursuant to subsection (d)," Maine would receive $3,700,000 if the appropriation were $400 million or more. If this were the case $300 million would be alloted for reimbursement. Maine's program would be paid for. If it were less, the amount would be reduced proportionately.

The chart indicates that under the maximum amount permitted by the amendment, $300 million—which will be available as long as the 8(d) appropriation exceeds $400 million—the seven States would be allotted funds a little over the amount they actually prefinanced.

The purpose of my amendment is to ensure the Federal Government pay what it owes to these States. It is not to get them additional funds above and beyond what they prefinanced. Thus there is language in the amendment which says that any reimbursement "shall not exceed the sum advanced."

In cases where there are funds left over, where the amendment allocates money that is not obligated, provision is made for these funds to be redistributed by the Secretary according to regulations he promulgates.

Maryland is another example of a State that would justly benefit from this amendment. Conscious of how important her water resources are, Maryland embarked on a major effort to restore their quality. The State has prefinanced 79 projects worth $52,957,000, a significant sum for a State the size of Maryland. Like the other six, she is waiting for the Federal Government to pay her back.

Should the section 8(d) appropriation be $300 million, the amendment would provide $200 million for reimbursement.

Maryland's percentage of total prefinancing is 18.08 percent. She would thus receive 18.08 percent of the funds available—$200 million—which is $36,160,000.

I wish to make it clear that the amendment does not affect the level of fiscal year 1970 appropriations for water quality treatment facilities. This is found in the public works appropriation bill which should come to the floor late in the session. My amendment affects title I of S. 7 which amends the Federal Water Pollution Control Act.

I am concerned, with this amendment, not with the level of appropriations but the distribution of whatever funds are appropriated.

The present appropriation request is $214 million. This is clearly inadequate as the Citizens Crusade for Clean Water has pointed out. It is likely that the Senate committee will up the $214 million to $600 million. I hope they will. I would fully support such an increase and feel it is required if we are ever to clean up our waters and restore the quality of our environment.

The amendment thus does not alter the level of appropriations.

Neither does it eliminate the present distribution pattern of appropriated funds. Population, per capita income and size of municipality are allotted funds prior to the amendment's taking effect. So, in part, is population, although some funds for this pattern could be diverted for reimbursement. Yet with the expected $600 million appropriation there will be ample funds for both population and reimbursement patterns.

Nor does the amendment make forever permanent the section 8(c) distribution patterns; 8(d) authorizations expire at the end of fiscal year 1971. Renewal will require extensive hearings at which further consideration can be given to the prefinancing problem; 8(c) could be changed at this time. In the meantime, however, seven-State water pollution programs are in financial jeopardy. They should be reimbursed now, without having to wait any further.

They require and deserve immediate reimbursement.

Such repayment by the Federal Government is essential. Without it, the financial integrity and stability of these programs are threatened. The success and continuity of the national effort to clean our waters depend on our paying for the water treatment facilities we construct.

The amendment will help us pay what we owe, some $292,944,000. It will help restore the confidence of the States in the grant programs of the Federal Government. This confidence has been severely shaken by instances such as this where the Federal Government fails to reimburse and violates the State-Federal partnership.

By adopting the reimbursement provision, the United States placed its good faith and credit on the line. If the Federal Government fails to meet its end of the bargain, the States trust in Federal programs will erode even further.

As David Dominick, the present Commissioner of the Federal Water Pollution Control Administration has noted:

> It is most important that we make every effort in Washington to keep faith with the states that have already begun construction on their own.

The amendment will reward State initiative and provide an incentive for other States to move ahead.

Indeed, one of the original reasons for accepting the reimbursement provisions was the incentive it would offer States to finance water pollution programs prior to receiviing Federal assistance. That it was successful is evident in a letter of May 17, 1968, which I received from James B. Coulter, then Maryland's Assistant Commissioner Environmental Health Services and now Deputy Secretary of Maryland's Department of Natural Resources. Mr. Coulter wrote:

> The provision for repayment of state funds advanced to cover deficiencies in federal grant offers has made it possible for us to arrange a financing scheme combining state and federal funds designed to eliminate our backlog needs for municipal sewage treatment plants by 1971.

Another advantage to the States was pointed out by the distinguished junior Senator from Maine, Senator MUSKIE, during the 1966 water pollution hearings. Senator MUSKIE noted that the reimbursement provision would actually save money. Said Senator MUSKIE:

> As a matter of fact, I think it is an economy provision, because if we can enable the States like New York, which are in a position to do so, to press ahead with construction early with this prefinancing measure, they will build plants at lower cost than those who have to build them later. I think we will save money.

State government must now play a greater role in our affairs. We have learned that the Federal Government cannot do everything. Yet State responsibility for water quality control has always been primary, as the act's declaration of policy specifically states. Some States have met this responsibility and require now only that the Federal Government keep its part of the bargain. My amendment will bring this about.

It put the money where the action is.

In determining which projects are to receive Federal assistance, the Secretary is required in section 8(c) to consider "the propriety of Federal aid." Surely there are no projects more deserving of such assistance than those whose Federal share of costs have been advanced by the States.

It should be noted that section 8(d) contains the statement:

> Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project.

But with the acceptance of the reimbursement provision, a promise was undertaken and agreement made.

The term used in drafting the provision was "prefinancing." The use of the prefix indicates that the States were financing before the Federal Government paid its share, not instead of the share itself. Were that the case, there would be no need for a partnership.

Maine, Maryland and the other five States advanced the Federal share of projects costs; they did not assume the share.

The 1966 report on S. 2947—Report No. 1367, 89th Congress, second session, July 11, 1966—in its section on reimbursement speaks of a "prefinancing provision" that will provide the Federal share "as it becomes available." The sentence does not read, "if it becomes available." The presumption is that it will and that the States will be paid back. But they

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have not been. My amendment merely provides that they are and is consistent with the philosophy of the water pollution legislation.

The "certain risk" which the report says is assumed by States which prefinance refers to a delay in reimbursement, not to the issue of whether reimbursement takes place. It is a time risk rather than a payment risk.

Mr. President, I would like now to answer three criticisms which this amendment has received. The first concerns the maximum amount available for reimbursement. The amendment provides up to $300 million for this purpose. It is argued that this is too much. Three hundred million dollars is half the expected fiscal year 1970 appropriation, and leaves 43 other States with practically nothing.

I would answer that the sum of $300 million was selected with great care, and for a simple reason. It is approximately what the Federal Government owes the seven States—the actual figure is $292,944,000. It is what they are due. It leaves, moreover, $300 million—assuming a $600 million appropriation—for normal distribution. This is above the $214 million fiscal year 1969 appropriation, above the administration's $214 million fiscal year 1970 budget request, and is a significant sum of money.

The second criticism involves those States that moved ahead in pollution control with their own money prior to the adoption of the reimbursement provision. To be consistent, should not they receive Federal assistance also? Have not these States shown real leadership in meeting their responsibilities? Do they not deserve to be rewarded?

The answer to the last question is no. These States, and I applaud their action indeed—Maryland is also one of them, in this case moved without advancing Federal funds and without anticipating reimbursement. The acceptance of the reimbursement provision constituted a new, distinct, and specific partnership between State and Federal Governments that came into being as soon as the act passed. Reimbursement is due only those States that acted within its framework. It is not due States that acted prior to the existence of the partnership. These States could not and did not expect reimbursement.

Finally, the last criticism involves the amendment's deletion of the provision limiting reimbursement only to July 1, 1971. The reasoning behind the inclusion of the expiration date was to avoid an open ended commitment and insure acceptance of the reimbursement provision by the Senate. But this expiration date has had an unfortunate effect. It has forced the seven States to conclude that quite possibly unless they are reimbursed before July 1, 1971, they may not be reimbursed at all. As can be imagined, this has caused them great concern. The deletion of this provision would be a sign to these States that the Federal Government in good faith intends to repay them, if only eventually. It would assuage their fears and restore some of their confidence in the reimbursement provision and in the Federal Government itself.

Mr. President, the seven States have waited long enough. It is high time they are reimbursed for the funds they advanced in order to have progressive, worthwhile water pollution control programs.

It is the purpose and effect of my amendment to provide these funds.

Mr. President, I ask unanimous consent that following the printing in the Record of the tables referred to in my speech, a fourth chart entitled "State Funds Advanced in Lieu of Federal Funds for Construction of Sewage Treatment Facilities" be printed in the Record. This chart offers additional information about the prefinancing problem. I also ask unanimous consent that the text of my amendment be printed in the Record, as well as a letter to me from James B. Coulter dated June 18, 1969; a letter to me from Louis S. Clapper of the National Wildlife Federation dated September 9, 1969; the testimony of Maryland Gov. Marvin Mandel to the Appropriations Committee's Subcommittee on Public Works dated June 9, 1969; a resolution of the Maryland General Assembly's Legislative Council Committee on Intergovernmental Cooperation; a fifth chart entitled "Tentative State Allocations of Fiscal Year 1970 FWPCA Grant Funds Under Selected Levels of Appropriations" which indicate how different levels of section 8(d) funds would be distributed under present law without my amendment; an excellent article by Raymond L. Bancroft, managing editor of Nation's Cities, in their September 1969 issue entitled, "Are the Cities Trapped in the Water Pollution Control Funding Gap?"; a letter to me from C. W. Metcalf, director municipal services for the New Hampshire Water Supply and Pollution Control Commission dated September 30, 1969; and a letter to me from J. W. Penfold, conservation director of the Izaak Walton League of America dated September 30, 1969.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATE FUNDS ADVANCED IN LIEU OF FEDERAL FUNDS FOR CONSTRUCTION OF SEWAGE TREATMENT FACILITIES

States	Number of projects	Cost	Federal grant entitlement	Federal grants made	State funds advanced (eligible to be reimbursed)
Total	295	$948,787,000	$334,077,000	$41,133,000	$292,944,000
Connecticut	38	121,400,000	64,280,000	3,380,000	60,900,000
New York	70	548,000,000	165,823,000	15,508,000	150,315,000
Maine	7	11,700,000	6,300,000	2,800,000	3,500,000
Massachusetts	12	20,800,000	9,900,000	1,400,000	8,500,000
Vermont	3	2,400,000	1,287,000	610,000	677,000
Pennsylvania	86	125,493,000	27,063,000	10,968,000	16,095,000
Maryland	79	118,994,000	59,424,000	6,467,000	52,957,000

Amendment No. 178

On page 73, between lines 15 and 16, insert the following:

"Sec. 106. Subsection (c) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"'(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 and not in excess of $400,000,000 appropriated pursuant to subsection (d) for any fiscal year beginning after June 30, 1969, shall be allotted among the States eligible for reimbursement pursuant to the seventh and eighth sentences of this subsection in the proportion that the amount each State is so eligible to receive on the first day of such fiscal year bears to the total such amounts on such day for all States, and such allotment shall not exceed the sum advanced and shall be available until the termination of the six months following the fiscal year for which made only for the purpose of reimbursing such State pursuant to the seventh and eighth sentences of this subsection. All sums in excess of $400,000,000 appropriated pursuant to subsection (d) for each fiscal year ending after June 30, 1969, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the three preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, or for other reasons, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made for lack of funds: Provided, however, That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, fourth, and fifth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year shall also be available, together with the allotments under the third sentence of this subsection, for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provised under this section if such project had been approved pursuant to this section and adequate funds hade been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available for the Department of Commerce.'"

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108 as sections 107, 108, and 109, respectively.

June 18, 1968.

Hon. Joseph D. Tydings,
U.S. Senator,
Washington, D.C.

Dear Senator Tydings: You hit the nail on the head in your letter of June 4, 1968 when you observed: "Leadership in water pollution control among the states should be rewarded, not penalized." I am sure that is not only your goal but that of our friends in the Federal Water Pollution Control Administration. However, even though I am certain no one intended to harm Maryland's program, two provisions of the Administration's bill, H.R. 15907 and companion bill S. 3206, would hurt us badly. These are the proposals to do away with the reimbursement feature and the requirement that bonds sold to prefinance Federal grant offers be taxable.

I have been in touch with Congressman Fallon's office and he has been very helpful. Enclosed is a copy of a statement I prepared for the record at the request of Congressman Blatnik. Mr. Maurice Tobin in Congressman Blatnik's office talked with me as a result of my correspondence with Congressman Fallon. The statement contains a brief summary of the Federal-State-local program that is working so well for us and the difficulties we would encounter under H.R. 15907. However, I might be able to more precisely pinpoint the exact problems in funding that we visualize.

First of all, Maryland is advancing the full amount of both Federal and State grants as sewage treatment plants are constructed. Therefore, there would be no reason for our communities to enter into the proposed contract arrangement with the Federal Government.

When the General Assembly considered prefinancing of Federal grants, the reimbursement provision added by Section 204, PL 89–753, the Water Quality Act of 1965, proved a powerful incentive. In 1967, the General Assembly authorized 50 million dollars and in this last session an additional 100 million dollars was added to a Sanitary Facilities Fund. When a Federal grant offer is made, money is made available from this fund to cover the outright State grant and any deficiency in the Federal offer. Should future Federal appropriations be sufficient to reimburse the money advanced, the reimbursement would go back into the Sanitary Facilities Fund to be used to finance still more sewage treatment works. With only a moderate degree of optimism, we believed that the fund would insure catching up with backlog needs by 1971 and staying abreast of growth needs into the early 1980's.

It was our hope that the reimbursement feature would be renewed when it expired in 1971. To terminate it on July 1, 1968, as proposed in the current amendments, would be a cruel blow to our program aspirations. I don't see how the State could continue to fund Federal grant offers if there was no statutory basis for hope that the money would be reimbursed. If we cut our rate of construction back to the present rate of Federal dollars allotted to Maryland, it would take 15 years to do what we now plan to do by 1971; i.e., bring all plants up to a level of secondary treatment with disinfection of all effluents by 1971.

We might be able to amend the State law (but that in itself would cause delay and introduce a large element of uncertainty) to take advantage of the contract arrangement whereby the Federal Government would pay principal and interest on bonds sold to finance the Federal share, but the proposed taxable requirement for bonds sold for that purpose rules it out. Our bonds are of the general revenue type retired from real estate taxes. A special issue is not sold to finance sewage treatment plant construction. Rather, from time to time as need dictates, the State borrows money through sale of bonds and distributes the proceeds to various capital improvement projects and funds such as the Sanitary Facilities Fund. Our estimated needs during a quarter, or some other period of time, are lumped with the needs of other activities and one sale of State bonds is made to cover all of the needs.

Assuming, but not conceding, that the taxable provision is justifiable and desirable, placing a Federal tax on general revenue bonds of the State would be objectionable if not downright unconstitutional. If someone wants to fight that issue, I wish they would choose something other than water pollution control works for the test case. Besides, the complications resulting from setting up special bond issues for this purpose, establishing the contracts, and keeping records on the status of repayment on myriads of grant offers would drastically worsen an already bad bookkeeping problem.

Please be assured that we are grateful for your assistance in this matter and your continuing support of Maryland's Environmental Health Program. If we can be of assistance in return, please do not hesitate to call on us.

Sincerely yours,

James B. Coulter,
Assistant Commissioner,
Environmental Health Services.

National Wildlife Federation,
Washington, D.C., September 9, 1969.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator: We have been interested in learning of your intention to propose an amendment to S. 7, amending the Federal Water Pollution Control Act, and welcome an invitation to comment upon it.

As we understand it, your proposed amendment would provide that construction funds in excess of $100 million and up to $400 million would be allocated to those States which have pre-financed Federal contributions. In short, this amount (up to $300 million) would go to seven States.

The National Wildlife Federation has been gravely concerned about the failure of the Federal Government to live up to its commitments to the States in grants for the construction of municipal waste treatment plants. It is this reason, principally, that our organization has supported efforts of the "Citizens' Crusade for Clean Waters," asking the President to seek the full $1 billion authorized in construction grants. It naturally follows that in the most precarious financial conditions are those States which prefinanced grants on the assurance that the Federal share would be forthcoming. Therefore, we fully understand and appreciate your concern in this regard, and it is our opinion that the full $1 billion authorized should be appropriated in order that the Federal Government can meet all of its commitments. If this is done, the allocation of $300 million for priority treatment to those States which already have financed the Federal share would not appear to be unreasonable.

Sincerely,

Louis S. Clapper,
Conservation Director.

Resolution

Resolution of the Legislative Council Committee on Intergovernmental Cooperation concerning appropriations to the states for Water Pollution Control Programs

Whereas, the Congress of the United States enacted a Water Pollution Control Act which became effective in 1957 for the purpose of encouraging and assisting the states in the development of facilities to carry out the intent of the Act; and

Whereas, the State of Maryland has vigorously cooperated in this program since its inception, having authorized bond issues between 1957 and 1968 totalling more than $176 million for this purpose; and

Whereas, the Federal Government has provided funds for the cost of qualifying projects in Maryland only to the extent of about $21,500,000 as opposed to an amount of approximately $90 million more than the State would have received if adequate funds had been authorized and appropriated; and

Whereas, the amount authorized by Congress for Fiscal 1970 is $1 billion, while the administration budget provided for an appropriation of only $214 million—Maryland's share of which would be only approximately $3,550,000; and

Whereas, this State is still faced with a very great cost for facilities to eliminate water pollution; now, therefore, be it

Resolved that the Legislative Council Committee on Intergovernmental Cooperation of the Maryland General Assembly urges its Congressional Delegation to take whatever action may be necessary to increase the appropriation for the 1970 Fiscal Year to the full authorization; and to bring about a sufficient increase in future authorizations and appropriations of monies to fully implement the purposes of the Water Pollution Control Act; and be it further

Resolved, That copies of this Resolution be submitted to each Maryland Congressman and United States Senator.

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TENTATIVE STATE ALLOCATIONS OF FISCAL YEAR 1970 FWPCA GRANT FUNDS UNDER SELECTED LEVELS OF APPROPRIATION

Total	$214,000,000	$300,000,000	$600,000,000	$1,000,000,000
Alabama	4,135,700	5,681,300	11,072,900	18,261,700
Alaska	906,100	1,013,100	1,386,300	1,883,900
Arizona	2,125,400	2,741,500	4,890,700	7,756,300
Arkansas	2,835,800	3,681,000	6,629,000	10,559,900
California	14,882,600	22,318,800	48,258,800	82,845,600
Colorado	2,414,900	3,244,800	6,139,500	9,999,100
Connecticut	2,942,200	4,141,700	8,325,700	13,904,600
Delaware	1,100,300	1,311,500	2,047,900	3,029,900
District of Columbia	1,315,300	1,676,800	2,937,600	4,618,900
Florida	5,386,400	7,729,100	15,901.500	26,797,900
Georgia	4,589,000	6,454,600	12,962,500	21,639,600
Hawaii	1,355,700	1,655,000	2,699,400	4,091,800
Idaho	1,589,400	1,905,000	3,005,900	4,474,000
Illinois	9,784,300	14,553,900	31,192,300	53,376,700
Indiana	5,008,400	7,214,300	14,909,400	25,169,300
Iowa	3,311,000	4,615,600	9,166,700	15,234,600
Kansas	2,812,700	3,843,400	7,439,000	12,233,000
Kentucky	3,827,100	5,264,500	10,278,700	16,964,300
Louisiana	4,009,800	5,550,700	10,926,000	18,093,300
Maine	1,853,100	2,311,700	3,911,300	6,044,100
Maryland	3,552,100	5,019,100	10,136,500	16,959,700
Massachusetts	5,382,800	7,818,700	16,315,900	27,645,500
Michigan	7,809,500	11,510,900	24,422,500	41,638,100
Minnesota	3,919,100	5,534,200	11,168,600	18,681,000
Mississippi	3,350,200	4,380,800	7,975,600	12,768,900
Missouri	4,760,400	6,804,100	13,933,700	23,439,700
Montana	1,535,700	1,854,900	2,968,500	4,453,300
Nebraska	2,115,500	2,783,200	5,112,400	8,218,000
Nevada	959,600	1,094,500	1,565,300	2,192,800
New Hampshire	1,409,300	1,696,500	2,698,100	4,033,700
New Jersey	6,176,800	9,4074,100	19,059,900	32,410,300
New Mexico	2,058,000	2,508,000	4,077,600	6,170,400
New York	15,832,500	23,772,500	51,470,200	88,400,700
North Carolina	5,050,800	7,206,300	14,725,900	24,751,900
North Dakota	1,583,900	1,883,100	2,926,700	4,318,300
Ohio	9,555,500	14,147,900	30,167,500	51,527,100
Oklahoma	3,086,900	4,188,400	8,031,200	13,154,700
Oregon	2,429,000	3,265,800	6,184,800	10,076,800
Pennsylvania	11,029,600	16,385,000	35,066,600	59,975,400
Rhode Island	1,568,500	1,975,100	3,393,500	5,284,700
South Carolina	3,342,700	4,470,000	8,402,400	13,645,600
South Dakota	1,777,400	2,099,400	3,222,600	4,720,200
Tennessee	4,314,600	6,002,300	11,889,500	19,739,100
Texas	9,592,800	14,125,200	29,935,800	51,016,600
Utah	1,780,700	2,202,100	3,672,100	5,632,100
Vermont	1,282,200	1,466,600	2,110,200	2,968,200
Virginia	4,510,200	6,387,100	12,934,300	21,663,900
Washington	3,327,200	4,677,100	9,386,300	15,665,000
West Virginia	2,796,100	3,676,300	6,746,700	10,840,700
Wisconsin	4,388,100	6,257,700	12,779,700	21,475,700
Wyoming	1,172,700	1,328,900	1,873,700	2,600,100
Guam	1,445,500	1,477,200	1,588,000	1,735,500
Puerto Rico	3,504,900	4,616,500	8,494,200	13,664,700
Virgin Islands	1,414,000	1,429,200	1,482,400	1,553,100

ARE THE CITIES TRAPPED IN THE WATER POLLUTION CONTROL FUNDING GAP?

(By Raymond L. Brancroft)

(The Gulf Between Congressional Authorizations and Appropriations Grows Wider Each Year as Cities Struggle to Meet Tougher Standards.)

Hopes were high back in 1966 when the Congress approved the Clean Waters Restoration Act. NATION'S CITIES called it "one of the 89th Congress' most sweeping accomplishments."

And indeed it was. The act called for a steady and steep rise in federal assistance for sewage treatment facility construction—from $150 million in fiscal 1967 to $450 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971. Financially hard-pressed cities and counties were enthusiastic about the prospects of really being able—with increased federal help—to meet the water quality standards then being drafted by state water agencies under the Water Quality Act of 1965.

While the lofty money authorization levels set in the 1966 act remain intact, however, the appropriations to match them have not been made by Congress. In fact, as the table on page 8 shows, the appropriations from fiscal year 1967 through 1970 (including $214 million asked for '70) totals $781 million, only a third of $2.3 *billion* authorized. Construction grant officials in the Federal Water Pollution Control Administration said in July that applications for non-existent funds continue to pile up. A total of 4,648 applications for construction grants are now languishing in FWPCA regional offices or in state water pollution bureaus.

The result of the lag in federal funds for wastewater construction projects naturally has "put the burden back on the localities" to pay for needed projects, says Robert Canham, acting executive secretary of the Water Pollution Control Federation, a national association representing both industry and government.

"This whole situation has tended to lead to a lack of confidence by local and state officials in what federal aid levels will be," Canham adds. "The states are recognizing the problem where it counts . . . through their taxpayers with the expectation of federal assistance later."

The fact that municipalities and states are taking up the slack in waste treatment facility building left by inadequate federal assistance is borne out in a new WPCF publication, *Water Pollution Control Facts.*

"The influence of the federal grants program for the construction of wastewater treatment facilities, even at its $214-million per year level, assures the proper encouragement of construction by municipalities," the report states. "Witness the 1968 increase over 1967; it showed a 20 per cent increase for a total of $1.35 billion, despite the fact that the level of federal grants funds did not increase. Fiscal 1970 continues at the $214 million level, the same as fiscal 1969. At least this will keep up the momentum."

Canham, however, wonders what will happen to the fight against water pollution when the 1966 act's current authorization expires in fiscal 1971, particularly if increased federal appropriations aren't forthcoming.

"The whole effort is bound to suffer," he says.

In advocating that Congress appropriate the full $1 billion authorized for fiscal 1970 construction grants. the National League of Cities has pointed out the bind in which many cities will find themselves if they cannot get federal assistance.

"Local improvements must be made since the act provides for enforcement through the courts," said NLC President C. Beverly Briley, Mayor of Nashville, in a letter to President Nixon urging his support of the full appropriation.

"Local units will be compelled to proceed with major improvements and expenditures whether or not the federal government meets its obligations. The sad product will be that cities will be forced to clean up the waterways but will do so at the expense of improving housing, education, and other critical local needs which draw upon the same resource base."

Already communities in Pennsylvania, Missouri, Florida, California, and New Jersey have faced state-imposed restrictions on future residential and commercial construction because of water pollution problems.

But many observers, including the NLC, feel it is unfair for cities to be forced to comply with water quality standards while many are not able to financially meet them because Congress has failed to appropriate funds already authorized.

Mayor Briley urged the Administration to either support efforts to get full appropriations or, if this is not possible, to modify the schedule of compliance to permit cities a longer period of time in which to meet water quality standards.

1968 MUNICIPAL WASTE INVENTORY[1]

	Primary treatment			Secondary treatment			No treatment	
Size of place 1960 census	Total plants	Communities identifiable	Population served	Total plants	Communities identifiable	Population served	Communities	Population served
Unknown	112	65	6,284,805	643	302	8,049,603	15	271,725
Under 500	261	239	587,361	1,231	1,117	1.820,942	252	79,640
500 to 1,000	355	338	249,101	1,422	1,334	1,322,214	333	228,444
1,000 to 2,500	623	550	980,302	2,160	1,945	3,422,129	491	685,556
2,500 to 5,000	368	318	1,110,813	1,329	1,103	4,325,341	215	704,898
5,000 to 10,000	279	239	2,532,269	961	781	5,763,512	143	1,649,878
10,000 to 25,000	242	211	3,453,900	771	519	8,875,655	82	1,354,855
25,000 to 50,000	106	83	3,063,100	258	166	6,588,635	25	839,075
50,000 to 100,000	48	41	3,374,220	158	74	6,192,422	14	1,071,710
100,000 to 250,000	35	18	3,419,215	97	39	6,604,168	8	1,224,070
250,000 to 500,000	17	9	3,307,525	76	10	4,200,285	2	858,905
Over 500,000	22	6	15,372,410	77	9	18,620,880	2	2,305,900
Totals	2,468	2,117	43,735,021	9,183	7,399	75,785,786	1,582	11,274,656

[1] Includes 1962 rather than 1968 conditions for the States of New York, New Jersey, Pennsylvania, Iowa, and Arkansas.

Source: "The Cost of Clean Water and Its Economic Impact," vol. 1, 1969 (preliminary data). Federal Water Pollution Control Administration.

The primary reason for lack of adequate federal financing of the 1966 Clean Waters Restoration Act is the same given for other domestic program appropriation lags: the Vietnam War. Under prodding from the budget cutters, the Administration has sent Congress an alternative plan for financing waste treatment plant construction. Under the plan, the Secretary of the Interior could enter into contracts up to 30 years in length with a local or state government to pay the federal share of the costs of treatment plants. This means larger bond issues would have to be floated and the locality or state would have to pick up the interest on the federal share. Federal payments to the state or local government would be made up to 30 years to cover that U.S. share. The National League of Cities and other groups representing local governments are opposed to the plan. "We think it stinks," said one NLC staffer.

As Joe G. Moore, Jr., the former commissioner of the Federal Water Pollution Control Administration, expressed it at a conference earlier this year:

"Congress . . . will again this year wrestle with the problem of how to provide additional funds for the construction of waste treatment facilities without appropriating money."

David D. Dominick, Moore's successor, expresses disappointment at the length of time it took to get the alternate financing proposal to Congress. But, he adds, "we must make the best of a tight budget situation because right now we are lagging in the fight for clean water."

Dominick's FWPCA is caught in the middle of the financing dilemma. It pushed hard for an appropriation of $600 million for construction grants in the proposed 1970 budget but the Bureau of the Budget chopped that request to $214 million, the same as that appropriated in 1969.

"It is most important that we make every effort in Washington to keep faith with the states that have already begun construction on their own," Dominick says. "We must keep faith with the municipalities which need additional financial assistance in order to meet the water quality standards to which they have agreed."

FWPCA officials in the field also feel the pinch of congressional promises in the light of funding realities. Richard A. Vanderhoof, director of FWPCA's Ohio Basin Region, notes the "clearly incompatible" nature of water quality standards and the funds available to meet them.

"We're making progress in water pollution control if everyone would stand still," Vanderhoof says. "But we must run faster. The combination of industrial growth and municipal growth almost puts us in a position of status quo, particularly with the level of funds we have available."

Although it is generally agreed that there is a whopping backlog of unmet sewage treatment needs in the U.S. (a 1967 FWPCA estimate put the total at $8 billion to provide secondary treatment for most of the urban population), the 1969 edition of FWPCA's *The Cost of Clean Water and Its Economic Impact* comes up with a much smaller backlog estimate of less than $2 billion.

"Only a fault in basic assumptions or a significant change in circumstances can account for the variation found to exist between various estimates of the cost of water pollution and control," the agency report says.

"It may be argued," the report continues, "that the concept underlying almost every cost estimate that has been made—that is, the idea of a fixed backlog—is no longer a valid assumption in light of the current status of waste treatment as reflected in the 1968 Municipal Waste Inventory.

"Water pollution is a process as well as a condition. It is dynamic in its occurrence; fluctuating in its circumstances. So water pollution control must be flexible in its approaches; and time forms an essential element in estimates of its cost.

"This document [the report], then, views the municipal costs of water pollution control within a context of dynamism. It gropes with the question of determining an *appropriate rate of investment* rather than establishing a final cost of water pollution control. In substituting the dynamic view for the static one, it recognizes the disagreeable fact that pollution control will continue to require expenditures, that pollution cannot be ended by spending any single sum. It loses something in apparent precision. It is felt, however, that the view compensates for any lack of definition by bringing us closer to a manageable statement of real conditions.

"The changed way of looking at things imposes a broader view and forces recognition of problems in relating federal programs to events in such a way that the programs will not be out of date or mis-scaled by the time they are initiated. While all the ramifications of the approach are not understood, analyses now being undertaken can be expected to yield some insights over the coming year. These may be useful in recasting legislation after the expiration of current authorization in fiscal year 1971."

The FWPCA report also points out that new treatment plant investments are fairly close to the estimated need for construction and that rates of investment for interceptors and outfalls are very close to the level of indicated requirement. "But sewer, replacement, and expansion shortcomings seem to be developing," it adds. "Since 1963 the construction of new waste treatment plants has been declining relative to the other major categories of investment that qualify for FWPCA construction grants—replacements, additions, and installation of interceptor sewers."

But the FWPCA notes that the decline in new treatment projects should not be a surprise. An "enormous number" of new plants—more than 7,500—have been built between 1952 and 1967 and the great majority of the population with sewers now receives some sort of waste treatment.

Since only four cities over 250,000 population (Honolulu, New Orleans, Memphis, and parts of New York City) remain available for *initial* waste treatment investments, the coming investment in new plants is concentrated in small towns. The FWPCA report says communities under 10,000 population now account for almost half of the dollar value of investment for new waste treatment plants, up from slightly more than a third during the 1952–55 period.

Estimates from the states in their program plans indicate that municipal waste handling investments over the 1969 through 1973 period will amount to about $6 billion, roughly equal to that spent over the past five years, the FWPCA report says. It is very likely that spending for upgrading, expansion, and replacement needs in 1969 will exceed the outlays for new plant investments. "There seem to be great expansion and replacement needs in cities of all sizes," the report notes.

Adding to this trend will be the need for advanced waste treatment to meet the stricter state water quality control standards. Tertiary or advanced waste treatment is a state goal for many Indiana communities by 1977, is contemplated for some Ohio towns, is being phased into the Chicago system, and is planned for part of Long Island. Construction costs zoom upward for advanced treatment facilities.

The need for advanced treatment, the increased emphasis on upgrading operational efficiency, and the need to raise operator wages will increase operating and maintenance costs of municipal waste treatment plants "very sharply in the immediate future," the FWPCA report notes. Already these operating and maintenance costs total $150 million to $200 million a year, a doubling in the last decade.

In summarizing its findings, the FWPCA concludes:

"It would appear, then, that there may be a substantial gap opening between the amount the nation expects to spend—as measured by state program plans and by the level of federal construction grant appropriations—and the amount that will be required to complete the connection of all sewered places to waste treatment plants and to expand, replace, and upgrade treatment where it now exists.

"The fact that the states as a group anticipate programs that will involve a level of spending very close to that of the last six years is a cause for major concern, despite the major accomplishments of the last six years.

"The findings of this report show that investment requirements imposed by new plant construction, expansion, replacement and upgrading of plants, accelerating acceptance of industrial wastes in the municipal plant, increasing levels of waste reduction being required, and the fact that a very significant portion of needed new investment occurs in precisely those places where cost experience in the past has been highest, will all result in pressing capital requirements upward significantly for many years."

ST. JOSEPH, MO., FACES ITS FINANCIAL BIND

As an example of one city's efforts to meet its water pollution control responsibilities, here are excerpts from the testimony of Mayor Douglas A. Merrifield of St. Joseph, Mo. (pop. 80,000), before the Public Works Subcommittee of the Senate Appropriations Committee June 9. He was speaking on behalf of the National League of Cities and U.S. Conference of Mayors in support of full funding for fiscal 1970 of the $1 billion authorized for waste treatment project assistance.

"In the past few years, St. Joseph has placed in operation or put under construction nearly $7 million worth of water and sewer improvements. I am proud of this record, and believe it exemplary of the efforts of municipalities around the nation. The city is currently pushing ahead on another $2,512,000 of construction. For this program we have been advised that a grant of $1,290,000 is approved as a reimbursable grant if waste treatment funds are appropriated. In good faith, the city is underwriting this new construction and advising our citizens that the federal government, in due time, will reimburse us for a portion of the improvement costs. St. Joseph has planned another ambitious project, costing about $3 million, to complete its primary treatment program. However, it will be very difficult for us to finance this project unless increased federal aid to provide the 50 per cent matching share is assured. . . .

"Municipal bond interest rates are now at an all time high. In 1961 St. Joseph issued local sewer bonds at a 2.98 per cent interest rate. Today municipal water and sewer bonds are marketed at rates of 5 to 6 per cent and more. This means that debt service charges for long term financing projects such as waste treatment facilities will often exceed principal payments over the life of the bond. Despite record high interest rates, municipal bonds are becoming more difficult to sell. Large commercial banks, the traditional purchasers of municipal bonds, cut their net holdings of municipal bonds by nearly $1 billion in the first quarter of 1969 although a record number of municipal bond issues were presented for sale. . . .

"For clean water programs of the future, even greater levels of financing will be needed. But demands for more local action are simply not realistic unless federal support is increased. In St. Joseph we are told that programs of secondary sewage treatment must be operational by 1972. I do not believe we

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can construct the $4 million facility required before 1974, and even that will be impossible unless federal aid is available for the full 50 per cent share.

"In the distant future, the Interior Department is calling for separation of storm and sanitary sewers. Such a program could cost St. Joseph another $13 to $15 million and is estimated to cost between $15 billion and $30 billion nationally. My citizens will never vote bonds for this unless there is assurance of massive federal and state grants to back the local effort."

The State of New Hampshire
Water Supply and Pollution
Control Commission,
Concord, September 30, 1969.
Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: Quite recently there appeared in a National Wildlife Federation memorandum a reference to an amendment which you are drafting to the Water Quality Improvement Act. According to the brief statement, special consideration would be given to the "seven States" which have prefinanced at least a portion of the Federal share.

Although we realize it is impossible to be acquainted with legislative action in all fifty states, the Commission is most anxious to have it made a matter of record that the New Hampshire General Court passed a bill in the 1967 session which would prefinance the 50% Federal share.

As indicated in paragraph 376:1 of the enclosed Act, this State will prefinance "a maximum grant of ninety percent of the original costs involved in the construction of needed sewerage and/or sewage or waste treatment facilities". To finance this work over the next two years, New Hampshire's Legislature authorized bonding in the amount of one million. four hundred and ninety-nine thousand dollars. State payments on all prefinanced projects will be made over the life of the municipality's bond issue.

We would like to conclude by pointing out that the prefinancing of pollution abatement facilities has also been assumed by several New Hampshire municipalities. These communities have bonded for the entire cost of treatment works, or about 11½ million dollars up to the present time, with the hope that they will be reimbursed the 50% Federal share at a later date.

Respectfully yours,

C. W. Metcalf,
Director, Municipal Services.

H.B. 162

An act to aid municipalities for water pollution control by state contribution for costs prior to receipt of federal funds

Be it Enacted by the Senate and House of Representatives in General Court convened:

376:1 Prefinancing of Federal Grant. When, for lack of adequate federal funds at the time of acquisition and construction of sewage and/or waste disposal facilities by any municipality, hereby defined as county, city, town or village district, the state of New Hampshire, in addition to contributions provided for under RSA 149–B, shall pay not in excess of fifty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of sewage and/or waste disposal facilities by it. The word "construction" and the term "original costs" shall have the same meaning for the purposes of this section as they have for the purposes of RSA 149–B. The purpose of the additional payment as established herein is to provide each municipality, in the absence of federal funds, with a maximum grant of ninety percent of the original costs involved in the construction of needed sewerage and/or sewage or waste treatment facilities.

376:2 Prefinancing of Secondary Treatment. The state of New Hampshire, in addition to contributions provided for under RSA 149–B, shall pay an additional fifty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of secondary treatment facilities in the cities of Concord, Lebanon, Manchester, and Nashua, and the town of Plymouth. The word "construction" and the term "original costs" shall have the same meaning for the purposes of this section as they have under the provisions of RSA 149–B. The purpose of the additional payment as established herein is to provide the cities of Concord, Lebanon, Manchester, and Nashua, and the town of Plymouth, in the absence of federal funds, a grant of ninety percent of the original costs involved in the construction of secondary treatment facilities.

376:3 Appropriation. There is hereby appropriated for the purposes of carrying out the provisions of section 1 of this act and to furnish aid provided for in RSA 149–B, for any municipality which shall acquire or construct sewage and/or waste disposal facilities, as authorized hereunder, the sum of seven hundred fifty-nine thousand dollars for the fiscal year ending June 30, 1970, and the sum of seven hundred forty thousand dollars for the fiscal year ending June 30, 1971. The sums hereby appropriated shall be administered by the water supply and pollution control commission and shall not lapse but shall be added to the appropriation of the commission for any succeeding fiscal year to be used for the purposes herein contained.

376:4 Bond Issue. For the purpose of providing funds for the appropriations made in section 3 hereof the state treasurer is hereby authorized, under the direction of the governor and council to borrow upon the credit of the state not exceeding the sum of one million, four hundred and ninety-nine thousand dollars, and to issue bonds and notes in the name and on behalf of the state of New Hampshire. Said bonds and notes shall be issued under terms, and conditions as provided by RSA 6–A, as inserted by 1967, 88:1.

376:5 Effective Date. This act shall take effect July 1, 1969.

Approved July 2, 1969.

The Izaak Walton League
of America, Inc.
Washington, D.C., September 30, 1969.
Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: We have studied with keen interest your proposed amendment No. 178 to S. 7 to amend the Federal Water Pollution Control Act; also your remarks which provide the background and rationale for the amendment. We agree that the Federal Government has a moral obligation to reimburse the 7 states (and some municipalities) which prefinanced the Federal share of construction costs for water quality treatment plants—costs totalling about $300 million. It would be unfair should the Federal Government default on this debt, and thus penalize states which have moved ahead aggressively to fulfill their responsibilities for clean water.

The problem which your amendment would resolve, as far as the 7 states are concerned, is part of the larger problem which affects all 50 states: the failure of Congress to meet the commitment made in the Clean Water Restoration Act of 1966. As you point out, the 1966 Act authorized $150 million for FY 1966, $150 million for FY 1967, $450 million for FY 1968 and $700 million for FY 1969. Appropriations through FY 1969 have totalled $731 million, about half the $1,450 million authorized for that period and upon which sum the 50 states had every reason to base their planning.

Failures to match appropriations with authorizations has seriously hurt the clean water program, slowed the momentum built up over the past two decades and shaken the faith of the public in the Federal commitment to clean water. This larger inequity affects all 50 states, including the 7 which prefinanced the Federal share, and it will be compounded, if Congress fails to appropriate the full billion dollars for FY 1970 as authorized.

It must be noted that an appropriation of $600 million for FY 1970, which you consider to be likely, would be inadequate. Earmarking the 2nd, 3rd and 4th $100 millions to reimburse the 7 states would leave a balance of $300 million for allocation among the 50 states, only $86 million above the budget request figure of $214 million. This is not enough to get the state programs back in high gear or make much of a dent in the 2¼ billion backlog of project applications.

In our judgment the direct way to resolve the problem and eliminate inequities is for Congress to appropriate the full 1 billion dollars for FY 1970 and the full $1,250 million as authorized for FY 1971 and, before the 91st Congress adjourns, extend the program authorizations beyond the end of FY 1971. It would be logical at that time to make such changes in the allocation formulae as are desirable.

Such actions will enable the states to catch up with existing backlogs, permit reimbursement to the seven states and restore the faith and confidence needed at all levels to push on aggressively toward the clean water goal.

Sincerely,

J. W. Penfold,
Conservation Director.

P.S.—The attached paper developed by the National League of Cities dramatically points to the fact that the appropriation—direct grant method produces the greatest return on the dollar invested in sewage treatment facilities.

EXHIBIT 1.—ALLOCATIONS OF REIMBURSEMENT FUNDS UNDER PROPOSED TYDINGS' AMENDMENT

States	States funds advanced	Percentage of total prefinancing	Possible appropriations		
			$300,000,000	$200,000,000	$100,000,000
Connecticut	$60,900,000	20.79	$62,370,000	$41,580,000	$20,790,000
New York	150,315,000	51.31	153,930,000	102,620,000	51,310,000
Maine	3,500,000	1.19	3,570,000	2,380,000	1,190,000
Massachusetts	8,500,000	2.90	8,700,000	5,800,000	2,900,000
Vermont	677,000	.23	690,000	460,000	230,000
Pennsylvania	16,095,000	5.50	16,500,000	11,000,000	5,500,000
Maryland	52,957,000	18.08	54,240,000	36,160,000	18,080,000
Total prefinancing	292,944,000				

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, will the Senator from Virginia kindly withhold his request. I understand that the Senator from Kansas (Mr. Dole) wishes to speak generally to the bill, and then I will try to get into colloquy on the amendment.

Mr. SPONG. I am glad to withhold my request, and to yield to the Senator from Kansas, but I believe the Senator in charge of the bill has the floor.

Mr. TYDINGS. Mr. President, I ask

unanimous consent that I may yield to the Senator from Kansas without losing my right to the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered, and the Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I rise in support of S. 7, the Water Quality Improvement Act of 1969. For the past 9 months, the Subcommittee on Air and Water Pollution of the Senate Public Works Committee has worked industriously to draft appropriate legislation to prevent and control water pollution. Of course, the Santa Barbara incident had a dramatic effect on our deliberations. After that unfortunate incident, it became apparent there would have to be legislative action. This fact is made even more apparent as we read of the increasing size of oil tankers and the potential threat of pollution.

Throughout our subcommittee hearings, there was a wide diversity of views presented on S. 7. All sides were heard and after all the testimony and all our deliberations a bill was offered that will, in my opinion, protect the public interest and at the same time not inhibit the operation of the oil and maritime industries.

Mr. President, I wish to address myself to a specific section of the bill which is of particular interest to me. Each year more and more substances of great toxicity are transported by rail, pipeline, truck, and boat in greater and greater quantities. This, of course, increases the likelihood that substances will be accidentally discharged. The people of this Nation expect the Government to be prepared in advance to respond to such discharges.

During the course of its consideration of the provisions of S. 7, the committee became aware that hazardous substances simply could not be treated as an equivalent of oil and subject to the same provisions of liability for the cost of removal. Two important differences require that hazardous substances be treated separately: First, oil is a readily recognizable substance that is not miscible with water; hazardous substances, on the other hand, cover a tremendous range of chemical elements and compounds with various characteristics, and, second, oil is, at least in most circumstances, removable from water; hazardous substances, on the other hand may or may not be. Faced with this difficult situation, I offered an amendment to segregate hazardous substances out of the oil liability provisions for separate treatment to enable a response to the clear problem of the sudden discharge of hazardous substances into our navigable waterways.

The amendment I proposed, which with certain modifications has been adopted by the committee, provides essential authority to give this Nation the ability to respond. First, section 13 of the bill, S. 7, provides authority and establishes a procedure by which the President shall designate hazardous substances. The test established by this provision is whether the substance, when suddenly discharged into the waters of the United States in any quantity presents a threat to public health and welfare. It is necessary to avoid the use of a subjective test such as "substantial quantities" because the threat to health and welfare depends on many factors such as the characteristics of the water into which the substances are discharged; the concentrations of the substances discharged; and the nature of the substance discharged. The bill therefore provides that the President shall conduct an intensive study of each substance proposed to be designated as hazardous including provision for a detailed procedure involving public participation and recourse to the courts to protect everyone's interest in the designation of a substance as hazardous for the purpose of this act.

The bill further provides that the President shall, along with designating hazardous substances, promulgate regulations, where applicable, for methods and means of removal of said substances. It is necessary that substantial expertise be brought to bear on the technological problems involved in cleanup and only the Federal Government can respond to this demand.

Once a substance has been designated as hazardous pursuant to section 13, the bill provides that for any discharge of such substance from either a vessel or an offshore facility any person in control of such facility must immediately notify the United States of such discharge. This provision is patterned after the notification requirement under the oil pollution provisions and is absolutely essential if we are to avoid damage to downstream water users that may result from the discharge of hazardous substances. It is also essential if remedial measures are to be applied in time.

Because information is simply lacking on what form of liability could be imposed upon a discharger of a hazardous substance, it is necessary to authorize the President to recommend to the Congress, after a detailed study, methods and means of assessing liability against those who discharge hazardous substances. Consequently, section 13(n) of the bill provides that the President submit a report to the Congress on the need for and desirability of legislation imposing liability for the cost of removal of hazardous substances. After this study is made, it is expected that the Congress will be in a position to legislate in this area.

Mr. President, I ask unanimous consent to have printed in the Record a letter from the Commissioner of the Federal Water Pollution Control Administration in response to information I requested on the problem of legislating to control the discharge of hazardous substances. This letter includes a tabulation of spills of materials other than oil since June 1, 1967 to March 1, 1969. I think the Commissioner's letter clearly establishes the need for legislation dealing with hazardous substances.

There being no objection, the letter and table were ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Federal Water Pollution Control Administration,
Washington, D.C., July 10, 1969.
Hon. Robert Dole,
U.S. Senate,
Washington, D.C.

Dear Senator Dole: You requested information on the need for regulatory, rather than study, authority in S. 7 to control hazardous substances which when discharged into waterways have adverse effect as serious or more serious than oil on the health and welfare, including fish and wildlife.

The joint Interior-Transportation report of February 1968, which was devoted to the oil pollution problem also recommended "Legislation should be developed making persons who discharge or deposit hazardous substances other than oil into the navigable waters of the United States responsible for removing these substances. The legislation should empower the Secretary of the Interior to act when such persons fail to act and to recover the costs. Such legislation would parallel the cleanup provisions of the Oil Pollution Act of 1924."

At that time, however, the public attention was aimed primarily at the oil problem as depicted by the Torrey Canyon. We had not developed sufficient information on the need for such control measures for other hazardous substances. Subsequently, in October of last year FWPCA's the North Atlantic Water Quality Management Center in New Jersey published a manual on emergency procedures to control hazardous substances in the water environment (copy enclosed).

In addition, a number of spills of hazardous substances other than oil have begun to catch the public's eye and concern. A list of some of these spills is enclosed. The most dramatic of these occurred only a few days ago. This was the massive fish kill in the lower Rhine River in Germany which has now been traced to an insecticide, endosulfan, used on vegetables, trees and other crops. It has been reported that fish placed in the affected water died within seven minutes. (A report on this spill is enclosed.) We note this spill only as an example because if it had occurred in this country, we may not have been able to do much to cleanup the spill even with authority to do so. However, the polluter would have been required to report the spill and downstream users would have had early warning in order to shut down water supply systems and take other measures to protect public health.

1. BASED ON EXPERIENCE, IS CONTROL AUTHORITY NEEDED?

We believe that there is a need for authority to control these spills when they occur with the best means available to us. The Indiana chemical spill of January 1968 which caused a fish kill of 65 miles in Buck Creek serves to emphasize the point. A complete report of the incident is enclosed.

The most recent spill of hazardous material occurred on July 9, 1969, when the acid leaching material, about 450,000 gallons, was released into the San Francisco River where 51,000 dead fish have been counted so far in the first four miles of the River. Additional information on this spill is enclosed.

It should be noted that in 1968, the largest fish kill reported occurred on the Allegheny River, Bruin, Pennsylvania where 4,029,000 fish died. A petroleum refinery lagoon overflowed releasing chemicals into the stream. Suds six feet high were created as the mixture flowed along the stream.

Phosphate mining operations were responsible for the second greatest fish kill in 1967. A settling basin dam broke moving a mass of phosphate slime into the Peach River, suffocating nearly one million fish along 76 miles of the River.

2. DEFINITION OF HAZARDOUS SUBSTANCES

At present, it is very difficult to develop a definition, except in the very broadest of terms, which leaves it open to attack for vagueness and which requires the exercise of judgment by someone on a case-by-case basis, that would cover presently known and future hazardous substances. Thus, we believe that the best approach to this problem is to establish and publish procedures for identifying particular hazardous substances and for developing methods of control

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which could be applied by the discharger and Federal and State pollution control agencies. Once finally published they would be enforced in the same manner as oil discharges. This is the approach followed in the drafting service furnished for you to Mr. Jorling of the Committee staff.

The reasons for adopting this approach, rather than defining the term, are based on the fact that if discharged in water numerous factors may be responsible for the concentrations to be found in the critical zone and the degree of associated water pollution hazards. The more important factors include:

1. Quantity and type of material spilled.
2. Distance of spill from the use area.
3. Available dilution.
4. Type and nature of the water body.
5. Flow rate and tidal patterns.
6. Temperature.
7. Biodegradability and other properties of spilled material.
8. Effect of the material or reaction compounds on the water use.

The toxicity of a material may be immediately lethal or accumulative. There may also be synergism or antagonism with substances already in the water or a reaction with chemicals added during treatment. The toxic level for humans is ordinarily estimated from results of animal experimentation and normally expressed as LD$_{50}$, the single dose which will kill one-half of the animals in the test group. Chronic toxicity generally is not a problem with spills since the material will not remain in the vicinity sufficiently long. The toxicological effect of materials on aquatic life may be direct, or indirect by precipitating changes in the environment, and is normally expressed as TLm, the concentration at which 50% of the aquatic animals can survive. In cases where protection against chronic toxicity is necessary, safety factors of 20 or more are applied to the TLm values.

Substances in water may produce odors directly or by reactions with other materials through oxidation, reduction, etc. The products of these reactions may be more or less odorous than the original substance. The threshold odors of pure compounds may also be modified by synergistic or antagonistic effects. Taste-producing substancea in water can be absorbed by the flesh of fish, making them inedible or at least unpleasantly flavored.

The effect of acid and alkali spills will be strongly influenced by the nature of the substance, degree of ionization, natural alkalinity, dilution available in the water body, and particular construction materials comprising pipes, equipment and appurtenances coming in contact with the substance. Acids and alkalis may be toxic to the acquatic environment, harm crops, cause corrosion, impart taste to drinking water or irritate the skin of those using the water for recreational purposes.

3. ARE CONTROL TECHNIQUES AVAILABLE?

Full information is not presently known on effective treatment of all toxic substances, but we do have some knowledge on this problem as explained below.

Pollution control measures are intended as possible alternatives to denying a use until natural conditions dissipate the spilled material from the use area. Control measures would normally be applied when the concentration is low enough to permit effective and practical neutralization, removal or destruction of the pollutant. However, when the spill occurs relatively close to the use and the material is highly resistant to degradation or cannot be rapidly dispersed, the use may be denied until treatment measures can feasibly be employed.

Since the present procedures are only a guide, some judgment must be made in each case to assure the safest course of action. For example, it should be noted that many of the procedures for organic compounds are based on taste and odor controls because these threshold ranges apparently provide a large margin of safety compared to the toxic levels. However, toxic levels are generally derived from tests conducted with rats and other animals. Aa to taste and odor thresholds, there can be substantial variation among individuals tested, conditions of the test, and effects of other compounds present in the water. Thus, taste and odor measurements must be conducted simultaneously with analytical measurement. If taste or odor are not detected but the concentration is above the maximum of the threshold range reported, the water use should be shut down and reopened only after careful consideration of the actual concentration and toxicological data. In order to estimate a safe limit of concentration for compounds in water supplies where no such limit was previously established, safety factors of 100 to 1000 were applied to the LD50 values. In certain cases, the water pollution control agency may decide to establish a concentration limit lower than the taste and odor thresholds shown herein.

Carbon treatment is the primary procedure recommended for removal of organic contaminants. Effectiveness of adsorption depends on the size and structure of the organic molecule and other factors. However, it appears that 12 to 24 inches of fresh activated carbon placed on top of the sand filter beds would be the most satisfactory treatment method for the organic materials given in the following sheets. Exhausted carbon is removed by backwashing the filter and collecting the material in a screen container. An alternate method is to slurry powdered carbon in water and to effect removal in the settling basins. Organic pollutants may also be removed by oxidation with chlorine or other oxidizing agents. Although breakthrough chlorination may be appropriate with some of the organics, carbon adsorption appears more generally applicable, dependable and practical.

In summary, while the state of the knowledge in this area is far from perfect, we believe that enough is known to institute a control program with the procedures mentioned above. Most importantly, such a program must include requirements for notification of discharges of any substance so that action can be taken to prevent adverse effects. Early warning, even if we do not have adequate cleanup techniques in all cases, will significantly help to protect public health and avoid damage to water use facilities and in some cases protect the fish and wildlife environment.

If we may respond further, or additional information is required, please do not hesitate to let us know.

David D. Dominick,
Commissioner.

SPILLS OF MATERIALS OTHER THAN OIL, JUNE 1, 1967, TO MAR. 1, 1969

Location	Material	Quantity/source	Damages	Waters affected	Company responsible	Remarks
Carbo, Va	Alkaline fly ash slurry	400 acre-feet; dike failure	216,000 fish killed. Seriously damaged 102 miles of stream.	Clinch River, Va. and Tenn.	Appalachian Power Co	Study of methods for handling fly ash was initiated.
Dunreith, Ind	Acetone cyanohydrin	1,200 gals. (2,800) lb. cyanide from railroad tank car.	Fish killed. Cattle died after drinking water.	Buck Creek, a tributary of the Big Blue River.	Pennsylvania RR. and Norfolk & Western RR.	Cyanide liberated when chemical got into alkaline waters. H. & H. added to stream water neutralize cyanide. Penn Central RR. reimbursed State for chemical costs. Residents of town evacuated.
Chambersburg, Pa	Ethyl benzene	1,000 gals. from railroad tank car (railroad accident).	None reported	Conococheaque Creek, tributary of Potomac.		Material flowed over ice and evaporated.
Lampson, Ala	Cyanide compound and muriatic acid.	Unknown quantity; 2 railroad cars	Residents of town evacuated. No report of damage to water resource.	Goose Creek	Southern Railroad	Little, if any, cyanide escaped. Small quantity of muriatic acid escaped, but was contained by dike.
Morgan City, La	Xylene	500 bbls.; ruptured barge	None reported	Atchafalaya River		Area cordoned due to fire hazard. Spilled material evaporated.
Detroit, Mich	Suspected chemical waste and coal dust.	Unknown quantity; effluent from storm sewer.	do	Detroit River	Unknown	Slick dissipated overnight.
Belle, W. Va	Methyl acrylate	1000, gals.; industrial plant	Fish killed, water intakes closed down.	Kanawha River, Winfield.	E. J. Dupont Chemical Co.	Riverflow diluted concentration.
Cheektowga, N.Y	Styrene	10,000 gals.; railroad tank car ruptured.	None reported	Buffalo River	Union Carbide Co./Penn Central RR.	Material flowed from railroad yard into sewer system draining to river.
Freeport, Tex	Caustic soda	400 tons from barge	do		Dow Chemical Co	Company removed remaining cargo from damaged barge and collected samples of water in area of spill. Material apparently diluted because no increase in pH was noted.
Everett, Mass	Xylene	500 gals. from ruptured storage tank.	Potential fire hazard.	Island End River	Carpenter-Morton Paint Co.	Fire department flushed sewer due to fire hazard.
Bordentown, N.J	Ethylated fatty synthetic alcohol.	8,000 gals. discharged from plant	Unsightly accumulation along 2 miles of riverbank.	Delaware River	Stephan Chemical Co	Material contained by tide. Removed from water and shore by the company.
Westbrook, Maine	Chemical wastes	Unknown quantity from paper-mill.	None reported	Presumpscot River	S. D. Warren Co	Dissipated in less than 24 hours.
Livingston, Tex	Analine	Railroad tank car ruptured	No information on	Trinity River	Santa Fe RR	10 workmen employed by Santa Fe RR. to clean tracks were hospitalized by analine burns.

Mr. DOLE. Mr. President, it has been suggested that the provisions of section 13 of S. 7 are contradictory to the 1965 Water Quality Act in that they provide for the establishment of a Federal effluent standard. Such an interpretation represents a misunderstanding of the provisions of section 13 which like the oil provisions of section 12 are aimed at the sudden and unintended release of hazardous substances into the waters of the United States. These provisions are not directed at the normal release of effluents from a manufacturing or other process. This is clearly the intent of the committee and to interpret otherwise is to misinterpret what the committee desires to achieve.

Mr. President, I urge the Senate to approve this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, my amendment No. 178 is pending, and I would appreciate it if I could get the views of the distinguished chairman of the Subcommittee on Air and Water Pollution.

Mr. MUSKIE. Mr. President, may I say, in response to the distinguished Senator from Maryland, in commenting on his amendment, that I have a great deal of sympathy for it, especially since, as he knows, my own State would benefit from its application.

May I say, in addition, that when the amendments of 1966 were approved, I felt one of the most important provisions in those amendments was the reimbursement provision, to which the Senator's amendment is addressed.

But let me make the third point, that that provision was, nevertheless, geared to the total authorizations of that bill, which, as the Senator in his comments has pointed out, have never been fully funded, or even reasonably funded, I think, since that time.

For that reason, the problem that the Senator's amendment poses for us is whether or not, on the basis of current funding, or even anticipated funding, the Senator's amendment would be a fair allocation of the funds as between the authorization provisions of the public law and this reimbursement provision.

Frankly, I do not consider myself to be in a fair position to pass on that point, so I would like to suggest to the Senator two things: First, that we will hold hearings next year, as we had planned, on the whole question of funding the program; second, we are hopeful, from conversation we have had on this side and from discussions with Members of the House, that the waste treatment program will be funded up to $600 million this fiscal year.

If it is, I think we will have a strong base in next year's hearings to adequately support the principle that the Senator is interested in. We will hold those hearings. We had planned to hold them, in any event. I think, if we can get the favorable action from the Appropriations Committees in both Houses that we expect, we will be in a good position to move next year on the reimbursement provision.

The distinguished Senator from New York is also interested in this problem, and it might be useful to engage in a colloquy at this point.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from New York.

Mr. JAVITS. As a Senator from a State which has half of the advance funding, and who has always expressed interest in such funds, naturally I would vote with the Senator from Maryland (Mr. Tydings), if it came to a vote.

We have faced this problem, and we realize that we had a pretty slippery hill to climb in trying to allocate an appropriate amount with respect to expenditures. So I proposed an amendment, which I have had printed, which sought to allow the Secretary of the Interior to apply to reimbursable payments at least the difference between what was appropriated for the States and what was actually spent by the States; that is, what was actually left over. For example, if $600 million had been appropriated and $100 million had not been actually spent, the net $100 million would go to reimburse States which had been engaged in advance funding, a total of 32 States actually involved.

I have conferred with the manager of the bill on this matter and with the Senator from Maryland (Mr. Tydings).

I hope very much the Senator from Maryland will consider this amendment I now propose as an interim effort intended to be of some help to the 32 States concerned, which include Maryland, my own State, and five other States to which the Senator from Maryland has referred. In addition—not in substitution for, but in addition—to provisions of existing law allowing the Secretary of the Interior to apply unobligated construction grant funds to projects approved under this act for which grants have not been made because of lack of funds, I am suggesting an alternative application of the funds; "or for the purpose of making reimbursements pursuant to the sixth and seventh sentences of this subsection, or both."

The sixth and seventh sentences provide for reallotment in the way I have described for money not actually expended, and now I am suggesting also giving accommodation to States where not only State funds but local funds may have been spent in lieu of Federal funds.

Really, it expands the options of the Secretary.

It may be that, subject to the study which the committee may make which may dictate a mandatory reallocation—which incidentally I think is very properly sought by the Senator from Maryland (Mr. Tydings)—this proposal would at least give the Secretary more latitude. Then we would hope, in making our presentation to the committee of the Senator from Maine (Mr. Muskie), that the committee would feel persuaded that we ought to have some provision along the lines of what the Senator from Maryland (Mr. Tydings) has suggested.

While I favor the amendment of the Senator from Maryland, in view of the position of the chairman of the committee; I doubt very much that it would get anywhere for either of us, so I would hope perhaps that the Senator from Maine (Mr. Muskie) could at least expand the options of the Secretary as an interim measure. I hope the Senator from Maryland would join me in such substitute and then that the committee would go ahead and study whether even more might be done for the States which engage in such extended forward operations.

Mr. TYDINGS. Mr. President, as the Senator mentioned, I conferred with him earlier. I think his amendment is a sound one. I would be happy to join with him in the substitution of his amendment for mine. I think one thing it does is put Congress clearly on record that, as funds become available, those States which provide an advanced funding under the Water Quality Standards Act of 1966 will be reimbursed.

Mr. JAVITS. Mr. President, if the Senator will yield for that purpose, I will submit, for the Senator from Maryland (Mr. Tydings) and myself, a substitute amendment.

The PRESIDING OFFICER. Does the Senator from Maryland wish to withdraw his amendment or modify his amendment?

Mr. JAVITS. Mr. President, I would suggest that he leave it. Let me offer my amendment. If it is adopted, at least he has not compromised his position.

Mr. TYDINGS. Mr. President, I will follow the suggestion of the Senator from New York.

The PRESIDING OFFICER. The substitute amendment offered by the Senator from New York and the Senator from Maryland will be stated.

The legislative clerk read the amendment, as follows:

> On page 73, between lines 15 and 16, insert the following:
>
> "Sec. 106. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after 'because of lack of funds' the following: 'or for the purpose of making reimbursements pursuant to the sixth and seventh sentences of this subsection, or both'."
>
> On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108 as sections 107, 108, and 109, respectively.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

Mr. MUSKIE. Mr. President, just a word to express my support of the amendment offered by the Senator from New York and the Senator from Maryland. Each of our States is involved in this problem, and I think it is a healthy thing to reemphasize that there has been, by this amendment, a restatement of the moral commitment which I think we have made. I am delighted to support the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the Javits-Tydings substitute amendment for the original Tydings amendment.

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The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TYDINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. I thank my colleague.

Mr. TYDINGS. I thank the distinguished chairman of the committee.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Maryland as amended by the substitute amendment.

The amendment, as amended, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TYDINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Rivers, Mr. Philbin, Mr. Hébert, Mr. Price of Illinois, Mr. Fisher, Mr. Bennett, Mr. Stratton, Mr. Arends, Mr. O'Konski, Mr. Bray, Mr. Bob Wilson, and Mr. Gubser were appointed managers on the part of the House at the conference.

The message also announced that the House had passed, without amendment, the following bills of the Senate:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos Nicholaos Babaliaros;

S. 620. An act for the relief of Richard Vigil; and

S. 1110. An act for the relief of Nickalos George Polizos.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 9825) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), amended;

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission;

H.R. 3165. An act for relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush); and

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER (Mr. Bellmon in the chair). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that upon disposition of the Journal tomorrow the distinguished Senator from Iowa (Mr. Hughes) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SMITH OF MAINE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the remarks of the distinguished Senator from Iowa (Mr. Hughes), the distinguished senior Senator from Maine (Mrs. Smith) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO PERIOD FOR CONSIDERATION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, there will be no period for the transaction of routine morning business tomorrow. It is anticipated that at the conclusion of the remarks of the senior Senator from Maine (Mrs. Smith) the Senate will resume the consideration of the pending business until approximately the hour of 2 p.m.

ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow at 2 p.m., or as close thereto as possible, the distinguished Senator from Idaho (Mr. Church) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, if the pending business is not completed before the Senator from Idaho (Mr. Church) is recognized, we will resume consideration of the pending business after the Senator from Idaho completes his remarks.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Mr. MUSKIE. Mr. President, I have sent a technical amendment to the desk, which I now call up.

The PRESIDING OFFICER. The amendment offered by the Senator from Maine will be stated.

The bill clerk read the amendment, as follows:

> On page 44, line 4, after the period insert the following:
>
> "In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.".
>
> On page 57, line 4 strike out "and".

Mr. MUSKIE. Mr. President, since reporting S. 7 it has come to the attention of the committee, as a result of correspondence from the British maritime insurance underwriters, that the liabilities provided in this legislation will be uninsurable unless the insurer or person providing evidence of financial responsibility, as required by subsection (f) (2), is specifically guaranteed the same rights as available to the owner or operator of a discharging vessel. The amendment which I am now offering carries out that purpose and has the same defenses as would have been available in an action between the insurer and the vessel.

The committee intended that the insurer have the same rights and defenses as an owner or operator. This amendment is technical to the extent that it clarifies the committee intent. The committee wants to make absolutely certain that the liabilities established in this legislation are not made uninsurable by a misunderstanding of the legislative intent.

I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield to the distinguished Senator from Maryland.

AMENDMENT NO. 205

Mr. MATHIAS. I thank the Senator from Maine for yielding to me.

I call up my printed amendment No. 205, which is a very simple amendment. It merely provides for a further opportunity for the public to participate, where that is appropriate, in the process of the granting of a license or an application, or of some change in an application or a license, and that when proper demand is made, with proper notice, there shall be a right of public hearing.

That is really all that the amendment provides, and I think it is so simple and so consistent with what we have been trying to do in every area of government, which is to provide, for the public interest, that there be a valid explanation or defense, that I respectfully solicit the support of the Senate for this amendment.

The PRESIDING OFFICER. Does the Senator wish to call up his amendment at this time?

Mr. MATHIAS. I call up the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The Bill Clerk. The Senator from Maryland (Mr. Mathias) proposes an amendment (No. 205) as follows:

> On page 62, line 25, after "cation," insert "and after providing an opportunity to interested persons for a public hearing.".

Mr. MUSKIE. Mr. President, as I understand the amendment of the distinguished Senator from Maryland, it would apply to section 16(c), which requires that there be State certification of compliance with water quality standards on any application for a Federal license or permit. What the Senator from Maryland would propose is that a public hearing be held, or be required, in any State involving certification of such an application.

Mr. MATHIAS. If interested persons so request.

Mr. MUSKIE. That is right. I think it is a reasonable amendment, Mr. President; indeed, I compliment the Senator on offering it. It has been the general thrust of the committee's approach to this problem to require public hearings, so that interested members of the public as well as the parties directly involved could have an influence upon the public policy that is developed.

So I am happy to support the amendment in behalf of the committee.

Mr. GRIFFIN. Mr. President, I rise to voice my support to the amendment offered by the distinguished junior Senator from Maryland.

An important step forward in the prevention of water pollution would be taken in the Water Quality Improvement Act of 1969 by requiring federally licensed facilities to obtain State certification that water quality standards will be met before a construction or operating license is issued.

The amendment before us will strengthen the certification process provided in the legislation by permitting a public hearing to be held at the request of an interested party before certification is granted. One of the primary purposes of this proposal is to deal with the unique problem of thermal pollution from nuclear reactors. Since the Atomic Energy Commission has no jurisdiction to consider environmental effects in its licensing function, the potential hazards of thermal discharges have not received adequate preinstallation consideration. Consequently, in order to provide the fullest opportunity for expert analysis of this problem, provision for a public hearing is absolutely necessary.

Although all of the States have adopted or are in the process of adopting temperature standards, there is still much to be learned in terms of the effect on the reproductive cycle of fish and the development of slime and aquatic weeds through the diminution of dissolved oxygen in the water. A report by a special committee on nuclear discharges appointed by Lake Michigan area States and the U.S. Department of the Interior states:

> Because of relatively limited attention to thermal pollution in the past, there are few experts in the disposal of waste heat and many gaps in knowledge of behavior of waste heat in receiving waters, of its effects on water quality and uses, and of the most efficient and economical methods of disposal without damage to the aquatic environment. For example, methods of calculating the patterns that will be assumed in lake waters by heated water discharges, and the rates of cooling that may be anticipated in the receiving waters are in the developmental stage. Much additional research will be necessary before it will be possible to predict with assurance what heated water will do when discharged to a lake.

Probably one of the most uncertain factors is the quantitative effect of many nuclear powerplants. By 1980, it is estimated that 30 percent of the Nation's generating capacity will come from nuclear power. At present, in Michigan, there are two operable nuclear plants with five more in the planning and construction stages. Also, within the next 10 to 15 years there may be as many as 10 nuclear plants discharging into Lake Michigan. Thus, the almost certain large increase in nuclear facilities is reason enough for close scrutiny of each proposed plant.

Mr. President, I believe that the proposed amendment will improve the provisions in S. 7 and, by not requiring a hearing in every instance, will not unduly hamper the certification process. I might point out that Michigan is one of several States which requires that proposed uses of State waters meet applicable water standards and which provides for public hearings before approval of the use is granted. The success and feasibility of Michigan's statutory scheme emphasizes the need to insure that all State pollution standards are adhered to before any damage has occurred.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 205) of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. What is the will of the Senate?

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which my amendment (No. 205) was agreed to.

Mr. MUSKIE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ELLENDER. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I am happy to yield to the Senator from Louisiana.

Mr. ELLENDER. As chairman of the Subcommittee on Public Works of the Appropriations Committee of the Senate, I have under my jurisdiction the duty of providing funds for the Atomic Energy Commission. A question has lately arisen about pollution that may result from the construction of atomic powerplants throughout the United States.

My question is whether or not this bill is broad enough to require that those who apply for a license to construct a nuclear plant will be regulated under the bill now before us.

Mr. MUSKIE. Yes; they will be subject to regulation under the bill, but I think I ought to go into a little bit of detail on that, so that the Senator may fully understand how it does so.

Under section 16(c)(1) there is a requirement, on page 62 of the bill, which reads as follows:

> Any applicant for a Federal license or permit to construct or operate any facility or to conduct any activity which may result in any discharge into the navigable waters of the United States shall provide certification from the State in which the discharge originates or, if appropriate, the interstate water pollution control agency to the licensing or permitting agency and notice thereof to the Secretary that there is reasonable assurance that such facility or activity will comply with applicable water quality standards.

In order to trigger that provision of the bill, may I say to the Senator, it is necessary that the States develop water quality standards applicable to this problem. The States have not, up to this point, done so, as they would need to do if we are really to come to grips with the problem which concerns the Senator. It seems to us that this is the machinery which we ought to get started on this problem.

Under the water quality setting standards of the 1965 act, the Secretary can apply pressure, especially following this mandate, upon the States to develop those standards, and once such standards are developed, they are subject to the Secretary's approval, and then subject to enforcement under the 1965 act, first by the States, but ultimately by the Secretary.

So there will be a little time involved,

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but this legislation will be effective so that, at some point in the not too distant future, it will begin to bite.

Mr. **ELLENDER**. But the States, as the Senator has stated, would first have to act?

Mr. **MUSKIE**. Yes.

Mr. **ELLENDER**. They would have to set State standards?

Mr. **MUSKIE**. Yes; most of the States may now have legislation adequate to such standards. I think they do, under the 1965 act.

Mr. **ELLENDER**. As the Senator may know, I understand that of the 17 or 18 plants that have been completed, some have been closed down because of the fact that there was an indication that water in the neighborhood, or even in the general environment of the place, was becoming polluted from the operation of such atomic-powered electric powerplants; and it would seem to me that we ought to place in this bill, if it is not already there, language which would permit the Federal Government to step in, in order to prevent the construction of powerplants from which there may result pollution, as a result of either their construction or their operation.

Mr. **MUSKIE**. Mr. President, it is my best judgment, and I so state to the Senator, that I think that we have written that kind of provision into the act, though there will be the inescapable time delay to which I have referred.

May I point out to the Senator that the provision of the bill I read applies to the construction or operation of plants that are subject to Federal license or Federal permit. There are other forms and other sources of thermal pollution, to which the Senator has addressed himself which are not subject to Federal permit or license.

Large industrial plants also discharge heated water into streams. There are coal- and oil-fired plants which do the same. Since those plants do not require Federal licenses or permits unless the construction is under the authority of the Corps of Army Engineers, there will be a great deal of thermal pollution in this country that will not be subject to the provisions of the act.

Mr. **ELLENDER**. Mr. President, why would it not be advisable to cover that phase of the problem?

Mr. **MUSKIE**. Mr. President, the States could, under their water standard setting authority, act in the matter. It is our hope that under this example set by the Federal Government they will act to cover other forms of thermal pollution within their borders.

I think we will have to keep putting pressure on.

I point out to the Senator, whose dedication I have learned to respect, that, sitting as he does on the Appropriations Committee, he is in perhaps a more effective position than I am to watch the implementation of the policy upon the nuclear powerplants.

I urge him to do so. I welcome enthusiastically his interest in this matter as I know of his influence.

We are trying to do our job on the legislation, but I welcome the interest of the Senator in it.

Mr. **ELLENDER**. Mr. President, I have set hearings for next week. Members of the AEC will be present to testify as to the plants already in existence.

Unless we are certain of the environmental effects of these nuclear plants, some day we may find that we have created a monster. Before the matter goes too far, I am very hopeful that we will be able to do something about it. I understand that the discharge in some areas is very bad and that it contaminates not only the water but also the air.

Mr. **MUSKIE**. The Senator is correct. As I think I told the Senator in conversation the other day, we had testimony in a hearing before our committee that as much as 50 percent of the flow of a river might be necessary to cool the discharge from one of these nuclear powerplants.

JUDGE CLEMENT F. HAYNSWORTH, JR.

Mr. **WILLIAMS** of Delaware. Mr. President, Judge Clement F. Haynsworth, Jr., has been nominated to fill a vacancy on the Supreme Court, and the Senate will soon be voting on the question of the confirmation of his nomination.

Personally, I have not made any decision as to how I shall vote on this nomination and will not do so until I have had a chance to study the record and hear the arguments regarding the allegation that some of his financial transactions may have been improper or that they interfered with his court duties.

But there is one point which has been raised that in my opinion needs to be answered; and that is, the argument that since Mr. Haynsworth and Bobby Baker had at one time—in 1958, 5 years prior to Mr. Baker's exposure—both owned stock in the same company, this association automatically raises a cloud over his qualifications.

In 1963, I took no small part in exposing the questionable financial transactions of Bobby Baker and his associates, and it was upon my insistance that those charges were presented to the Department of Justice. I am not here today to defend either Mr. Baker or any of his partners who were engaged in these questionable financial arrangements; they were a major scandal and a disgrace to the Senate.

During the 2 years of the Senate investigation into Mr. Baker's activities I spent many hours trying to unravel his various financial manipulations, and since Mr. Haynsworth's name was recently mentioned as having been connected with Mr. Baker, I have again reviewed my files. I can find no reference which would connect Mr. Haynsworth with Bobby Baker in an improper manner. If there are those who have such evidence, then in fairness they have a responsibility to present it and let it be considered on its merits. It should also be pointed out that the memorandum which Mr. Haynsworth submitted to the Judiciary Committee supports this contention.

But while we may condemn Mr. Baker and his partners who were engaged in these illegal activities, I caution the Senate not to resort to a policy of guilt by association. Such a policy may prove embarrassing to those who would promote this as an argument against the confirmation of the nomination of Mr. Haynsworth.

To emphasize this I remind the Senate of certain points which may have been overlooked:

First. Prior to 1963, when Bobby Baker's activities were first exposed, Mr. Baker held the position of secretary to the majority, and in that capacity was a daily associate of every one of us who was serving in the Senate at that time.

Second. Senator Lyndon Johnson was a close friend of Bobby Baker's and the majority leader of the Senate at the time Bobby Baker was appointed to the position of secretary to the majority. Mr. Johnson was later elected President of the United States.

Third. Mr. Abe Fortas, a friend and the personal attorney for Bobby Baker when the charges against Mr. Baker were first initiated, later severed his relationship as Baker's attorney and subsequently was appointed and his nomination confirmed by the Senate as a Justice of the Supreme Court.

Fourth. Mr. David Bress, a Washington attorney, represented Mr. Baker and and was subsequently appointed and his nomination confirmed by the Senate, to the position of U.S. attorney in Washington, D.C.

Fifth. Mr. Sheldon Cohen was a tax specialist in the Fortas law firm at the time Mr. Fortas was representing Mr. Baker during the Senate investigation. Mr. Cohen was later appointed, and his nomination confirmed by the Senate to the position of Commissioner of Internal Revenue.

Sixth. Prior to the time of Mr. Baker's exposure the then Senator from Florida, Mr. Smathers, and Mr. Baker had been associated in a business venture in Florida.

Seventh. Two former Cabinet officers, Secretary of Commerce Luther Hodges and Secretary of Treasury Henry Fowler, prior to the exposure of Mr. Baker's questionable activities and prior to their appointment, had financial interests in companies with which Mr. Baker was a stockholder. The wife of Secretary Fowler had served as an officer of one of these companies. The nominations of both of these men were confirmed by the Senate.

Eighth. One further point: I remind Senators that the Committee on the Judiciary, which will be voting on this nomination tomorrow, still carries Bobby Baker's wife on the committee payroll at a salary of $17,500 per year.

I outline this record here today not for the purpose of casting any reflection upon the integrity of any of those mentioned as having been friends or associates of Bobby Baker prior to 1963, when his questionable activities were first exposed, but merely as a reminder to the Senate of the danger of discrediting any man on the basis of "guilt by association."

I frankly admit that as one Member of the Senate who daily saw Bobby Baker for several years during the time he was serving as secretary to the majority

I liked the young man, and it was a great disappointment to me when his questionable financial transactions were first called to my attention and the necessity arose for his denunciation.

I am sure that the members of the Judiciary Committee, which committee still retains Mr. Baker's wife on its payroll, the Members of the U.S. Senate who, like me, were associates of Mr. Baker while he served as the secretary to the majority, and the Members of the Senate who voted for the confirmation of the nominations of several nominees referred to above will all agree that "guilt by association" is not a basis for arriving at our decision.

I repeat, I have not made any decision as to how I shall vote on this nomination and will not do so until I have had a chance to study the record and hear the arguments regarding the allegation that some of his financial transactions may have been improper or that they interfered with his court duties. These points do merit our consideration.

Mr. **COOPER**. Mr. President, will the Senator yield?

Mr. **WILLIAMS** of Delaware. I yield.

Mr. **COOPER**. Mr. President, the Senator was kind enough to show me this statement before he made it.

We all recall that it was the Senator from Delaware (Mr. Williams) who brought to the Senate the information upon which the inquiry into Bobby Baker's case was initiated.

I was a member of the Committee on Rules and Administration which conducted the investigation at that time. Again and again, throughout that very sad period, the Senator from Delaware bore the chief burden of presenting evidence and of insisting upon a full investigation.

I think the Senator has done what is typical of him with respect to his fairness. I point out that it is enough to say that the Senator has done what is typical of him with respect to being absolutely fair.

I find myself in the same position as the Senator from Delaware. I have not determined how I will vote on the matter.

I commend the Senator from Delaware for his statement.

Mr. **WILLIAMS** of Delaware. Mr. President, I thank the Senator.

Two of the men I mentioned came before our committee for confirmation. I knew about their previous friendship with Bobby Baker. We saw nothing wrong with it. I was the one who moved that their nominations be reported favorably to the Senate.

There have been other nominations that I have opposed, but I think we should make our decision based upon the merits in each case. As I have stated, I am not taking any position as to what my vote on this nomination will be, although I do not doubt that there will be those who will try to read into my statement an indication of what my position will be. I merely want to emphasize that I will try to arrive at the decision on the basis of the merits of the case and not on the basis of any guilt by association.

Since this question as to Mr. Haynsworth's connection with Mr. Baker has arisen in the press several reporters have asked me, "Do you know anything about it?" I thought I had better make one clear statement for all concerned. So far as I can determine I have seen nothing whatever in the files that would indicate any improper connection.

I am merely trying to clarify my position, in fairness, and I do that as one who may or may not vote, in the final analysis, for confirmation. My decision will be based on factors other than this.

Mr. **CURTIS**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **CURTIS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Mr. **CURTIS**. Mr. President, I have an amendment at the desk, and I ask that it be read.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 66, line 6, strike out the word "two" and insert "three"; and in line 7, strike out the word "two" and insert "three".

Mr. **CURTIS**. Mr. President, under section 16(c)(6) it is provided that for any facility being constructed under a Federal license on the date of enactment of S. 7, no certification under section 16(c)(1) is required for any Federal operating license necessary for such facilities, if such operating license is issued within 2 years following the date of enactment. The subsection further provides that after 2 years, the licensee must provide certification or see its operating license terminate.

This provision is directed principally at facilities licensed under the Atomic Energy Act and is designed to require those facilities to comply with applicable water quality standards particularly as they relate to thermal pollution. This objective is laudible and I support it. However, the 2-year period of time for facilities being constructed to revise their specifications is possibly too short. The installation of facilities necessary to achieve compliance with water quality standards involves millions of dollars and requires considerable time for design and construction. I, therefore, submit, and the basis of my amendment is, that the 2-year time period in order that facilities under the provisions of subsection 16(c)(6) be given added time to achieve necessary compliance.

I think this amendment is necessary to avoid undue hardship while at the same time achieving compliance with water quality standards. The amendment would merely extend the time 1 year.

I urge the adoption of the amendment. It is my hope that the distinguished chairman of the committee, who is in charge of the bill, will see fit to accept it.

Mr. **MUSKIE**. Mr. President, I have discussed this amendment with the distinguished Senator from Nebraska and the distinguished Senator from Delaware (Mr. Boggs). It does not in any way change the thrust of this provision of the bill or the principle underlying it. It is a question of allowing more time for plants that began their construction before the date of enactment of this bill to adjust to its requirements. I have no objection to the amendment.

Mr. **CURTIS**. I thank the distinguished Senator very much.

I ask for a vote.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

AMENDMENT NO. 132—ADDITIONAL COSPONSORS

Mr. **NELSON**. Mr. President, I call up my amendment No. 132, and I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: Mr. Muskie. Mr. Randolph, Mr. Bayh, Mr. Brooke, Mr. Burdick, Mr. Cannon, Mr. Case, Mr. Church, Mr. Cranston, Mr. Dodd, Mr. Eagleton, Mr. Goodell, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hollings, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Pell, Mr. Proxmire, Mr. Tydings, Mr. Williams of New Jersey, and Mr. Young of Ohio.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT NO. 132

> On page 69, line 7, in lieu of "(k)" insert "(l)".
>
> On page 72, between lines 8 and 9, insert the following: "(j)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such criteria whenever necessary to reflect developing scientific knowledge.
>
> "(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the Secretary shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment, which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The Secretary shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."
>
> On page 72, line 9, in lieu of "(j)" insert "(k)".

Mr. **NELSON**. Mr. President, in a recent grim scenario, a noted ecologist, Dr. Paul Ehrlich, projects the end of the

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oceans as a significant source of life in 10 years. Mass starvation of mankind follows, then war.

Dr. Ehrlich says if present trends continue, such a disastrous end to life on earth could be perilously near.

Not surprisingly, pesticides were a key part of Dr. Ehrlich's setting for disaster. As the first dramatic danger signal of the threat to life in the sea, the ecologist cites the report in 1968 that DDT slows down photosynthesis in marine plant life.

In his article in Ramparts magazine, Dr. Ehrlich spells out the implications:

> It was announced in a short paper in the technical journal, Science, but to ecologists it smacked of doomsday. They knew that all life in the sea depends on photosynthesis, the chemical process by which green plants bind the sun's energy and make it available to living things. And they knew that DDT and similar chlorinated hydrocarbons had polluted the entire surface of the earth, including the sea.

Events moved inexorably from that point on in the Ehrlich scenario, with pesticides continuing to play a major role. Through the present, all events he cites are fact. For the future, he bases his conjecture on current trends.

Implausible to project the end of the oceans and man in 10 years? There have been too many "implausibles" or "impossibles" in this century that have come true: World War I, World War II, the atomic bomb, the hydrogen bomb, the war in Vietnam, the riots in American cities and universities, the assassination of a President, a candidate for President, and an international civil rights leader. One can readily understand the perceptive comment of Nobel Prize Winning Biologist Dr. George Wald that today's youth are the first generation that believes, and with good reason, that there may be no future.

And as we move into the last third of the 20th century, it has become dramatically clear that the danger we face from the destruction of the habitat and life support systems of man by overpopulation and pollution is as great as that from nuclear holocaust.

Only a short time ago, anyone discussing our environmental problems could not have thought to include pesticides as a major threat. Like other technological innovations that have brought shocking byproducts, pesticides have come into being and then into mass use with stunning speed.

DDT DISCOVERED

For instance, DDT was first formulated in 1874. But its properties as an insecticide were not discovered and put into use until World War II. Almost immediately, DDT became known as the miracle insecticide that helped control tropical disease and win the war.

Since then, thousands of millions of pounds of DDT and other synthetic pesticides have been applied to millions of acres to regulate economic plant or animal populations, to protect food and fibre crops, reduce vectors of disease, and abate pest nuisances.

Their fame spread as did their use. Billions upon billions of pests have fallen victim to their dust, spray, or powder.

But new strains of pests developed with increased resistance to DDT and other common pesticides.

Too often, instead of seeking more effective, more selective means of pest control, the reaction of many users has been to apply more, perhaps two, three, 10 times as much, to overcome the pest's newly attained resistance.

Today, nearly 900 million pounds of pesticides, including insecticides, herbicides, fungicides, rodenticides, and fumigants, are sold annually in the United States alone, more than 4 pounds for every American. Last year, the sales of pesticides increased some 10 percent over the previous year, and by 1985, it is estimated that they will increase another sixfold.

Reports indicate that about 1 acre of every 10 in America is treated with an average of nearly 4 pounds of pesticides every year.

And in little over 25 years, DDT and other pesticides have been spread by the soil, wind, the tide, and the chain of life itself to the farthest reaches of the earth. This and other highly persistent, mobile pesticide compounds are now one of the most easily distinguishable marks of the presence of man.

GLOBAL CONTAMINATION

Six years ago, two U.S. scientists hypothesized that the entire globe may already have been contaminated by DDT. To find out, they went to Antarctica. If any area of the world were to be free of pesticide residues, it would be that isolated continent, where there are no pests, few animals or plants, and where the nearest pesticide use is thousands of miles away.

The scientists found pesticide residues in four of 16 Adelie penguin they tested, four of 16 Wedell seals, and 15 of 16 skuas—a sea bird. The evidence was inescapable. Worldwide pesticide contamination was confirmed.

Another scientist, who measured residues in the Antarctic snow melt, estimated that over the last two and a half decades, about 2,600 tons of DDT could have accumulated in the Antarctic snow and ice.

Scientists have yet to discover exactly how DDT and other pesticides have spread so far, so fast. But some things are clear: DDT, with a half life of 10 years, is remarkably hard to break down, especially in the natural environment where nature has not developed the means to decompose this synthetic compound. And pesticides such as DDT and Dieldrin are highly mobile, able to travel through the environment by any number of means.

The pesticide residues tend to concentrate to progressively higher levels when they are picked up around the globe by tiny organisms, then passed up the food chain.

A well-researched example of this characteristic was documented in California. In order to control a troublesome flying insect that was hatching in a lake in that State, the water was treated with the insecticide DDD—similar to DDT—yielding a concentration of 0.02 parts per million. Plankton, which includes microscopic waterborne plants and animals, accumulated the DDD residues at five parts per million. Fish eating the plankton concentrated the pesticide in their fat to levels from several hundred to up to 2,000 parts per million. Grebes, diving birds similar to loons, fed on the fish and died. The highest concentration of DDD found in the tissues of the grebes was 1,600 parts per million.

If it were simply a case of another compound sprawling over the earth like dirt or air, there might be little cause for concern. But the implications of the pervasive pesticide accumulation are far more serious.

ACTIVE AGAINST LIFE

Dr. Charles Wurster, an organic chemist and nationally known pesticide expert assisting the Environmental Defense Fund, likens the pesticide spread to mass use of biocides, agents which are known by scientists as "active against life."

"In general, if an organism has nerves, DDT or Dieldrin can kill it," Wurster believes. He says the action of other hard, chlorinated hydrocarbon pesticides such as Aldrin, Endrin, Heptachlor and Toxaphene is similar. Thus, Wurster says these compounds "are toxic to almost the entire animal world."

During a recent conference on pesticides in Stockholm, evidence was presented that DDT, even in very small quantities, could affect human metabolism. One of the studies cited was Russian research that indicated that workers whose jobs bring them in contact with DDT and other organochlorine pesticides were found to suffer from changes in the liver which slowed down the elimination of wastes from the body.

A major study published this summer by the National Cancer Institute found that at least 11 pesticides out of 123 chemical compounds tested induced a significantly increased incidence of tumors in laboratory animals. The 11 tumorigenic compounds included five insecticides p.p' –DDT, Mirex, bis(2-chlorethyl)-ether, chlorobenzilate and strobane; five fungicides PCNB, Avadex, Ethyl selenac, ethylene thiourea, and bis (2-hydroxyethyl) dithiocarbamic acid potassium salt; and one herbicide N-(hydroexthyl) hydrazine.

While the researchers have reserved judgment on whether these pesticides should be considered as a potential cause of cancer, it appears very certain that growing concern about the threat of pesticides to human health is entirely warranted.

In 25 years, then, we have turned loose on the earth a massive dose of compounds that can cripple or kill, and which are tragically indiscriminate in their attacks. When DDT is applied to do one job, it lingers and accumulates in the environment as a toxic threat to fish, wildlife, and possibly even to man.

Already, the petrel of Bermuda, the bald eagle and peregrine falcon of America and the blue shell crab of the sea are each being pushed to the brink of extinction by the spread of pesticides through our environment.

Like so many other environmental disasters, it is shocking that this has happened. But what is almost beyond belief is that, even from the beginning, the pesticide dangers were known.

The fact that DDT would kill wildlife was determined in 1945, the same year that the pesticide was released for civilian use. The discovery was made by wildlife biologists working in U.S. Department of Agriculture studies.

From that point on, scientific concern continued to mount worldwide, but, unfortunately, the debate simmered out of the public eye for almost two decades.

"SILENT SPRING"

Then, in 1962, came a dramatic turning point: The New Yorker magazine serialized a book by a lady biologist in the U.S. Department of Interior that brought home to the public for the first time the rapidly building dangers from pesticide misuse. The book was "Silent Spring," by Miss Rachel Carson.

Challenging the myth that pesticides were the panacea that they were being proclaimed, Miss Carson said:

> As crude a weapon as the cave man's club has been hurled against the fabric of life.

Translated into 30 languages, the book was read by millions in the United States and around the world. Almost singlehandedly, it bridged the gap between the scientist and the concerned citizen which so often exists in our complex society today.

In 1963, Miss Carson testified before the Senate Government Operations Committee, chaired by our colleague, Senator ABRAHAM RIBICOFF.

Also in 1963, a report by the President's Science Advisory Committee, chaired by Jerome Wiesner, concluded that the goal of our national efforts should be "elimination of the use of persistent toxic insecticides."

In the following Congress, I initially introduced legislation to ban the interstate sale and shipment of DDT. I subsequently introduced the same legislation in the 90th and 91st Congresses, and similar measures have since been introduced in the House. During the past three Congresses, no committee hearings have been held on these proposals.

However, interest around the country in achieving effective pesticide controls continued to build, and there was growing citizen impatience with the failure of State and Federal agencies to act.

Yet, despite the urgent warnings and concern, our government agencies have failed miserably to respond responsibly to this massive problem. Not a single Federal office has taken any significant action that would lead to the goal of "eliminating" the use of persistent toxic pesticides that was established 6 years ago by the Presidential committee.

AGENCIES INEFFECTIVE

The fact is that the Federal Government has been perpetuating this grave environmental and health problem, rather than resolving it.

It was recently revealed that the U.S. Department of Agriculture, which is charged with regulating pesticide use, has been sponsoring a program with the Air Force and other Government agencies under which 250,000 pounds of dieldrin has been applied to 56 military and civilian airports across the country over the past 15 years.

This program, which has raised strenuous objections from scientists, was twice reviewed and approved by the interdepartmental Federal Committee on Pest Control.

The committee, which is billed as the regulator of Federal pesticide use, recently confirmed that the General Services Administration and the Office of the Capitol Architect have not even submitted their pesticide programs to the committee for review.

Clearly, the Federal effort at regulating itself has been as ineffective as has the regulation of pesticide use at large.

Ironically, a number of States, as well as several foreign countries, have shown far greater willingness to act than the U.S. Government. DDT has been banned by the States of Michigan and Arizona, and overseas, by Denmark and Sweden. And countless cities and towns have stopped using DDT in their mosquito control and tree disease eradication programs. In addition, a number of States, including Wisconsin, and California, are considering steps to drastically restrict the use of DDT and other hard pesticides within their borders.

These recent State and local measures are a reflection of the citizen demand for action that has been building at a heartening pace.

For instance, the idea of creating an Environmental Defense Fund grew out of a suit filed in April 1966, against the Suffolk County Mosquito Control Commission, by Victor J. Yannacone, Jr., a young lawyer, on behalf of his wife, Carol, and all other people of Suffolk County, Long Island. The court challenge was based on a report that a DDT dumping by commission employees was the cause of a fish kill in a nearby lake.

The New York suit was successful in leading to a temporary ban on the use of DDT in Suffolk County by public agencies, and gained public recognition as one of the first attempts to argue that the citizen has the right under law to protect his environment.

Then in November of 1967, the Environmental Defense Fund brought its first court action in its own name, seeking to prevent the use of dieldrin in a Japanese-beetle control project in Michigan by the Michigan and U.S. Departments of Agriculture. Several Michigan Conservation Department affidavits, including one holding that the spraying would threaten Lake Michigan's new coho salmon fishery, were disallowed on a technicality when the State attorney general's office refused to let the department officially enter the case. The tragic results of pesticide misuse for the coho were to become evident 3 years later.

In the Michigan suit, Yannacone got a temporary order from the State court of appeals to stop the dieldrin spraying, but this injunction was dissolved after a 6-hour trial.

WISCONSIN DDT HEARINGS

One year later, the battleground shifted to the other side of Lake Michigan, to Madison, Wis., where citizen groups and the Environmental Defense Fund joined forces in a petition asking the State Department of Natural Resources to ban the use of DDT in the State under any circumstances where the pesticide can enter world circulation patterns and further contaminate the biosphere. With EDF, the petitions groups were the Citizens Natural Resources Association of Wisconsin and the Wisconsin division of the Izaak Walton League.

In the State hearing which began last December, the Alliance of Concerned Scientists and Lawyers presented extensive testimony outlining the growing pollution of the environment by persistent pesticides in the chlorinated hydrocarbon family.

Dr. Robert W. Risebrough, an environmental scientist at the University of California at Berkeley, stated that the effect of pesticides on man may be very serious. He said that man accumulates 12 parts per million of DDT in his fatty tissues before the body discharges it. He said that this is enough to stimulate enzyme production, which acts as a catalyst for bodily processes, such as digestion. Risebrough added that the death of some birds has been traced to enzyme induction by DDT, impairing their ability to reproduce.

Dr. Charles F. Wurster, Jr., an organic chemist at the State University of New York, Stonybrook, testified on the range of the pesticide residues through the world.

Other witnesses have testified that DDT goes into the atmosphere along with evaporating water, builds up to extremely high levels in predator birds and animals, and has caused new insect problems by killing predators that once held those insects in check.

Dr. Joseph Hickey, a University of Wisconsin wildlife ecologist, said that DDT has been linked to reproduction failures of certain birds, including the eagle, the osprey, and the peregrine falcon. Dr. Hickey and other researchers have traced the presence of pesticide residues to a decrease in weight and thickness of the shells of eggs produced by these birds.

In related testimony, Lucille Stickel, the pesticide research coordinator of the Interior Department's Patuxent Wildlife Research Center, stated that the presence of small quantities of DDT and its derivative DDE in the diets of mallard ducks decreased eggshell thickness, increased egg breakage, and decreased overall reproductive success.

Although the second half of the hearings, held last spring, was billed as the time for the defense against the arguments of the environmentalists , the pesticide industry, which historically has promoted more pesticide use and fought new controls, made a weak defense.

Industry witnesses who were knowledgeable about the environmental impact of pesticides were few and far between. Instead, defense witnesses relied on shopworn repetitions of the past triumphs of DDT and trotted out research from a decade ago which purported to show that the health of pesticide workers was not impaired by constant exposure to the compounds.

In fact, witnesses for the defense often provided the environmentalists with valuable evidence to support their contentions. For example, a Shell Development Co. scientist confirmed the fact that DDT does not remain in the soil, but has a great deal of mobility and persistence which enables it to infiltrate the at-

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mosphere, the waters, and the total environment.

Another witness for the DDT defense, a U.S. Department of Agriculture pesticide official, admitted that his agency relies almost totally on industry claims regarding health and environmental effects.

An initial decision on the environmentalists' petition is expected before the end of this year.

COHO SALMON SEIZED

Midway through the Wisconsin hearings, a new and dramatic confirmation of pesticide dangers was announced to Wisconsin and the Nation: The U.S. Food and Drug Administration was seizing 28,150 pounds of frozen Lake Michigan Coho salmon because it said high DDT and dieldrin residues had made the fish unfit for human consumption.

According to the FDA, the concentration of DDT in the salmon was found to be up to 19 parts per million, while the accumulation of dieldrin was just short of 0.3 of a part per million, both levels considered hazardous by the FDA and the World Health Organization.

The contamination of the Coho challenges a basic foundation of the pesticide argument that has been sounded for a quarter of a century—that pesticide use is invariably an economic benefit, that is to say, an "economic" poison.

One might ask the commercial fisherman who sees the Coho salmon as a great new opportunity in a lamprey-ravaged Great Lakes fishery whether the current pesticide approach is "economic." One might also ask the same question of the resort owner in northern Michigan who saw his business skyrocket with the introduction of the salmon in Lake Michigan in 1965.

One might ask the economic benefit question of the Michigan Department of Natural Resources, which during the 1966 EDF suit attempted to warn of the danger to the Coho, and which has invested millions of dollars to plant Coho salmon fry in Lake Michigan only to see nearly a million of the fry killed by the pesticide contamination. And, finally, one might ask the economic effects if the national recreation resource of the Great Lakes, enhanced by millions of State and Federal tax dollars, is further damaged by the pesticide peril to the salmon and other lake resources, including the very quality of the water itself.

Ironically, the Lake Michigan Water Pollution Conference in 1968 was warned that the pesticide concentration in Lake Michigan was at the crisis point. W. F. Carbine, Great Lakes Regional Director for the Bureau of Commercial Fisheries, stated:

> Lake Michigan has the highest concentration of pesticides of any of the Great Lakes, which now are only slightly below levels that are known to be injurious to man or aquatic life. . . . A continuation at high levels or an upsurge in pesticide application in the Lake Michigan Basin could increase the pesticide concentration prevailing in the open lake from the present non-lethal level to a lethal value.

The evidence is already clear that for the United States, the Lake Michigan tragedy is only the beginning. On June 17 of this year, 52 cases of jack mackerel, caught on the west coast, were confiscated in New York by the Food and Drug Administration because of high DDT levels. The mackerel appeared to be the first ocean fish from American waters to be declared unfit for human food because of DDT.

In several central and northern New York lakes, lake trout have either been eliminated, or their reproduction seriously impaired, because of high pesticide levels. DDT concentrations in the lake trout of up to 3,000 parts per million in the fatty tissues have already been reported.

NATIONAL PESTICIDE SURVEY

A 2-year national pesticide study recently completed by the U.S. Bureau of Sport Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

The study results showed DDT ranging up to 45 parts per million in the whole fish, a count more than nine times higher than the current FDA guideline level for DDT residues in fish.

Residues of DDT reached levels higher than the FDA's temporary limit of five parts per million in 12 of the rivers and lakes, including the Hudson in New York; the Delaware; the Cooper in South Carolina; St. Lucie Canal and the Apalachicola in Florida; the Tombigbee in Alabama; the Rio Grande in Texas; Lake Ontario; Lake Michigan; the Arkansas and the White in Arkansas; and the Sacramento in California.

Residues of dieldrin, a pesticide even more toxic to humans than DDT, were found in excess of the 0.3 parts per million FDA limit in 15 rivers and lakes including the Connecticut; the Hudson; the Delaware; the Savannah in Georgia; the Apalachicola; the Tombigbee; the Rio Grande; Lake Ontario; Lake Huron; the Illinois in Illinois; the Arkansas and the White; the Red River in Minnesota; the San Joaquin in California; and the Rogue in Oregon.

In summary, the comprehensive survey found DDT in almost 100 percent of the fish samples, dieldrin in 75 percent, heptachlor and/or heptachlor epoxide in 32 percent, and chlordane in 22 percent.

Related research over the 4-year period, ending in 1968, has determined that more than 1,640,000 fish were killed by pesticide pollution in the Nation's waters, the result of pesticide spills or runoff and concentration in our waters. Millions of more fish no doubt went unborn due to reproductive failures caused by pesticides.

Laboratory research has proven that pesticide levels in water, of even the low parts per billion, can be toxic to adult fish. Levels in low parts per trillion have been found to affect reproduction.

Already, the pesticide levels in Lake Michigan, the most pesticide-polluted of the Great Lakes, are in the low parts per trillion range.

And findings released just this month by the U.S. Public Health Service reported the detection of pesticides in 76 of 79 samples of drinking water supplies around the country. Although the PHS report noted that so far the pesticide levels have not exceeded recommended permissible limits, the health service was concerned. The PHS said:

> The high frequency of occurrence and our lack of knowledge of the long-term health effects of this class of compounds dictate the need for increased surveillance and research as well as for increased recognition of the potential of this problem by state and local health departments.

In summary, the already massive and still accumulating evidence on pesticides makes it clear that these toxic compounds have become one of the most serious problems of our environment, and are threatening even greater worldwide damage. Pesticides have concentrated to the far ends of the earth; they are killing fish and wildlife; they have inhibited fish and wildlife reproduction; high pesticide residues have pushed some fish-feeding birds and other animals to the edge of extinction, and now, there is increasing concern and evidence about the threats posed to man.

The problem of pesticides in the environment is showing up most dramatically and seriously in our rivers and lakes. Although the bulk of pesticide application is on land, the compounds, especially hard pesticides like DDT and dieldrin, are persisting long enough to be carried by agricultural and urban runoff into water bodies. There, as I have pointed out, they enter and are concentrated through the food chain of marine life and fish-feeding birds.

There is little question that pesticides are a grave pollution threat, one which we have barely acknowledged, let alone dealt with. And if we continue to delay action to protect the environment and man from these compounds, I am gravely concerned for the probable consequences.

Fortunately, there is an excellent vehicle already available to us to deal with the pollution aspects of the pesticide problem—the Federal Water Pollution Control Act, and particularly the provisions added by the Water Quality Act of 1965.

PESTICIDE AMENDMENT

It is to this act which my amendment to Senate bill 7 is directed. Most simply stated, the amendment provides congressional direction to the Secretary of the Interior to take certain steps to deal with water pollution problems of pesticides under the authorities granted him by the pollution control statute.

I ask unanimous consent that an analysis of the amendment be printed in the Record at this point.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Analysis of Nelson Pesticide Pollution Amendment

Under this two-part amendment, the Secretary of the Interior would utilize the authorities granted him by the Federal Water Pollution Control Act to deal with water pollution caused by pesticides.

Part One directs the Secretary to develop and issue to the states within two years water quality criteria for all pesticides. The criteria would list safe pesticide levels in water for public water supplies, propagation of fish and wildlife, recreational purposes, and other legitimate uses.

The criteria would be issued for the purpose of setting pesticide standards as part of the interstate water quality standards already adopted by the 50 states for other pollutants under Federal and state laws.

For the purpose of setting the standards,

Section 10C of the Federal Water Pollution Control Act provides that ". . . if the Secretary or the Governor of any State affected by water quality standards . . . desires a revision in such standards, the Secretary may . . . prepare regulations setting forth standards of water quality to be applicable to interstate waters. . . ."

Under this procedure, the Secretary would ask the states to revise their interstate water quality standards to include pesticide limits. If a state does not act, the Secretary is authorized to set the standards. Also, a state may, on its own, request a revision of its standards.

In addition to serving as a basis for these interstate water quality standards, the pesticide criteria would also give the Secretary a useful tool in ongoing and any future federal-state pollution abatement conferences where pesticide pollution might be occurring.

As is the case with present water quality standards, responsibility for enforcing the pesticide standards would rest primarily with the states under an implementation plan adopted by each state as part of the standards.

In the setting and implementing of the standards, Federal law provides that consideration must be given to their practicability and physical and economic feasibility.

Means of implementing the standards could include: state administrative or legislative action to restrict the use of a pesticide pollutant statewide or in the affected watershed; interstate action; integrated pest control; use of less persistent pesticides; development of agents to decompose pesticides; and biodegradability and toxicity standards on the pesticides themselves.

Part Two of the amendment directs the Secretary of the Interior, in consultation with appropriate Federal agencies and other concerned parties, to conduct a study on methods of controlling the release of pesticides into our nation's lakes and rivers and the environment. The study will include examination of the persistence of pesticides in the water and alternatives thereto. Within two years, the Secretary will submit a report on this study to Congress, together with his recommendations for any necessary legislation.

This study will assist the Secretary in perfecting existing means of dealing with pesticide pollution and in determining new ones.

Mr. NELSON. Mr. President, part 1 of the amendment requires the Secretary to develop within 2 years water quality criteria for all pesticides. The criteria would set forth the effects of various pesticide levels in water on fish and wildlife, man and the environment. Because they would outline maximum safe levels, they would represent the essential basis for action to deal with the pesticide pollution problem.

Under his existing authorities, the Secretary has already developed criteria for a wide range of pollutants, from municipal sewage to industrial waste, and these are serving as the basis for the interstate water quality standards which have been set by all 50 States as the key to the national pollution cleanup effort. Criteria have been developed for some pesticides, but they are general and incomplete, and technical personnel have advised that 2 years is a reasonable time to allow development of comprehensive pesticide criteria.

STATE STANDARDS INADEQUATE

After a review of the water quality standards already adopted by the States under the Federal act, it is very clear that pesticides are dealt with only in the most general way in the standards, and it is doubtful that this approach will lead to effective control.

For instance, only three States—Alaska, California, and South Dakota—have set specific numerical limits for pesticides in their water quality standards. Two other States—Idaho and Virginia—specifically mention pesticides in toxicity sections of their standards. Otherwise, the State standards deal with pesticides only as they would be covered in general narrative statements on toxicity or by public water supply or aquatic life criteria.

I requested the Federal Water Pollution Control Administration to do a State-by-State summary of pesticide provisions in the water quality standards, and I ask unanimous consent that it be printed in the Record at the end of this statement.

The PRESIDING OFFICER (Mr. Cranston in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, based on the preliminary criteria already developed by the Interior Department, the comprehensive pesticide guidelines required by this amendment would no doubt indicate what level of a specific pesticide in water is hazardous to a specific species of fish. In addition, safe levels for pesticides would no doubt be determined for other water uses, including those of drinking, swimming, and boating.

The comprehensive pesticide criteria would be issued by the Secretary to the States for the purpose of setting pesticide standards as part of the interstate water quality standards already adopted by the States under Federal and State laws.

For the purpose of setting the standards, section 10(c) of the Federal Water Pollution Control Act provides:

> If the Secretary or the Governor of any State affected by water quality standards . . . desires a revision of such standards, the Secretary may . . . prepare regulations setting forth standards of water quality to be applicable to interstate waters. . . .

Under this procedure, the Secretary would ask the States to revise their interstate water quality standards to include pesticide limits. If a State does not act, the Secretary is authorized to set the standards. Also, a State may on its own request a revision of its standards. The Federal law provides that consideration must be given in the standard setting to practicability and physical and economic feasibility.

In addition to serving as a basis for interstate water quality standards, the pesticide criteria would also give the Secretary a useful tool in ongoing and any future Federal-State pollution abatement conferences where pesticide pollution might be occurring.

The step-by-step procedure that would be followed under the Federal Water Pollution Control Act for standard setting and implementation follows:

First. The Secretary, after consultation with interested, concerned parties, would prepare and publish regulations setting forth water quality standards for pesticides, based on the criteria he had developed.

Second. The States would then adopt pesticide standards for their interstate waters, subject to the review and approval by the Secretary as meeting his comprehensive criteria. The States could adopt more stringent standards than provided by the criteria. If the States did not adopt pesticide standards and did not petition the Secretary for a public hearing on the question, the Secretary is authorized to promulgate the standards.

Third. Responsibility for enforcing the standards would rest primarily with the States, under an enforcement plan adopted as part of the standards. Implementation of the present water quality standards for other pollutants generally means the issuance by the States of orders to polluters to take remedial steps. If the orders are not followed, State court action could follow. Issuance of pollution cleanup orders must be preceded by further public hearings.

It is unlikely that action to implement pesticide standards under the water pollution control law would be by court action against pesticide users.

This is true principally because, unlike municipal sewage which is discharged from one point, pesticides usually enter the water in a generalized fashion from a wide range of sources. For instance, DDT may be coming to a river from 100 farms, or 15 towns, in one watershed.

IMPLEMENTATION OF STANDARDS

Fortunately, there are more equitable and efficient means available to implement and enforce pesticide standards, approaches which would be carried out by cooperative efforts between users, pollution control and other pesticide regulatory agencies, and pesticide manufacturers:

First, State administrative or legislative action to restrict or prohibit the use of a pesticide pollutant statewide or in the affected watershed. As pointed out earlier, a number of States, and cities and towns are already taking this approach.

Second, interstate action, through compacts, or the Federal-State pollution control conference provided in Federal law, to restrict or prohibit the use of certain pesticides. For instance, a committee to the Federal-State conference on Lake Michigan made specific recommendations for pesticide limits and other interstate or uniform State actions.

Third, increased use of less persistent pesticides as substitutes for compounds such as dieldrin and DDT which remain in a toxic state for years. This would be coupled with more efficient means of pesticide application. The feasibility of this approach is demonstrated by the fact that for virtually all crops, the U.S. Department of Agriculture lists more than one pesticide as being able to control harmful pests; I ask unanimous consent that a list of readily degradable pesticides prepared by the U.S. Department of Agriculture be printed in the Record at this point.

There being no objection, the list was ordered to be printed in the Record, as follows:

READILY DEGRADABLE INSECTICIDES (INCLUDING MITICIDES)

Common name (or trade name*)	Chemical name (or source)	Type of compound
Abate*	0,0-dimethyl phosphorothioate 0,0-diester with 4,4'-thiodiphenol	Organophosphorus.
Aldicarb	2-methyl-2-(methylthio) propionaldehyde 0-(methylcarbamoyl)oxime	Carbamate.
Allethrin	2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one ester of 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylic acid.	Pyrethroid.
Azinphosethyl	0,0-diethyl phosphorodithioate *S*-ester with 3-(mercaptomethyl)-1,2,3-benzotriazin-4(3*H*)-one	Organophosphorus.
Azinphosmethyl	0,0-dimethyl phosphorodithioate *S*-ester with 3-(mercaptomethyl)-1,2,3-benzotriazin-4(3*H*)-one	Do.
Azodrin*	3-hydroxy-N-methyl-*cis*-crotonamide dimethyl phosphate	Do.
Barthrin	6-chloropiperonyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropane-carboxylate	Pyrethroid.
Baygon*	*o*-isopropoxyphenyl methylcarbamate	Carbamate.
Bidrin*	3-dydroxy-*N*,*N*-dimethylcrotonamide dimethyl phosphate	Organophosphorus.
Binapacryl	2-*sec*-butyl-4,6-dinitrophenyl 3-methyl-2-butenoate	Aromatic ester.
Bux*	*m*-(1-methylbutyl)phenyl methylcarbamate and *m*-(1-ethylpropyl)-phenyl methylcarbamate (3:1 mixture)	Carbamate.
Carbaryl	1-naphthyl methylcarbamate	Do.
Carbofuran	2,3-dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate	Do.
Carbophenothion	*S*-[[(*p*-chlorophenyl)thio]methyl] *O*,*O*-diethyl phosphorodithioate	Organophosphorus.
Clodrin*	*alpha*-methylbenzyl 3-hydroxycrotonate dimethyl phosphate	Do.
Coumaphos	*O*,*O*-diethyl *O*-(3-chloro-4-methyl-2-oxo-2*H*-1-benzopyran-7-yl) phosphorothioate	Do.
Dasanit*	*O*,*O*-diethyl *O*-[*p*-(methylsulfinyl)phenyl] phosphorothioate	Do.
Demeton	*O*,*O*-diethyl *S*(and *O*)-[2-(ethylthio)ethyl] phosphorothioates (mixture)	Do.
Diazinon	*O*,*O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate	Do.
Dichlorvos	2,2-dichlorovinyl dimethyl phosphate	Organophosphorus.
Dimethoate	*O*,*O*-dimethyl phosphorodithioate *S*-ester with 2-mercapto-*N*-methylacetamide	Do.
Dimethrin	2,4-dimethylbenzyl 2,2-dimethyl-3-(2-methylpropenyl) = cyclopropanecarboxylate	Pyrethroid.
Dimetilan	1-(dimethylcarbamoyl)-5-methyl-3-pyrazolyl dimethylcarbamate	Carbamate.
Dioxathion	*S*,*S'*-*p*-dioxane-2,3-diyl *O*,*O*,*O'*,*O'*-tetraethyl phosphorodithioate diphenylamine	Organophosphorus.
Diphenylamine	Diphenylamine	Aromatic amine.
Disulfoton	*O*,*O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate	Organophosphorus.
Dursban*	*O*,*O*-diethyl *O*-3,5,6-trichloro-2-pyridyl phosphorothioate	Do.
Dyfonate*	*O*-ethyl S-phenyl ethylphosphonodithioate	Do.
EPN	*O*-ethyl *O*-*p*,nitrophenyl phenylphosphonothioate	Do.
Ethion	*S*,*S'*-mehtylene *O*,*O*,*O'*,*O'*-tetraethyl phosphorodithioate	Do.
Formetanate	*m*-[[(dimethylamino)methylene] amino] phenyl methylcarbamate	Carbamate.
Galecron*	*N'*-(4-chloro-*o*-tolyl)-*N*,*N*-dimethylformamidine	Aromatic amidine.
Gardona*	2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethnyl phosphate	Organophosphorus.
Imidan*	*O*,*O*-dimethyl phosphorodithioate *S*-ester with *N*-(mercaptomethyl)-phthalimide	Do.
Landrin*	2,3,5-trimethylphenyl methylcarbamate and 3,4,5-trimethylphenyl methylcarbamate (mixture)	Carbamate.
Malathion	diethyl mercaptosuccinate *S*-ester with *O*,*O*-dimethyl phosphorodithioate	Organophosphorus.
Matacil*	4-(dimethylamino)-*m*-tolyl methylcarbamate	Carbamate.
Methomyl	*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate	Do.
Methyl parathion	*O*,*O*-dimethyl *O*-*p*-nitrophenyl phosphorothioate	Organophosphorus.
Methyl Trithion*	*S*-[[(*p*-chlorophenyl)thio]methyl] *O*,*O*-dimethyl phosphorodithioate	Do.
Mevinphos	methyl 3-mydroxycrotonate dimethyl phosphate (*alpha*-isomer)	Do.
Mobam*	benzo[*b*]thien-4-yl methylcarbamate	Carbamate.
Mocap*	*O*-ethyl *S*,*S*-dipropyl phosphorodithioate	Organophosphorus.
Monitor*	*O*,*S*-dimethyl phosphoramidothioate	Do.
Naled	1,2-dibromo-2,2-dichlorethyl dimethyl phosphate	Do.
Neo-pynamin*	2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylic acid ester with *N*-(hydroxymethyl)-1-cyclohexene-1,2-dicarboximide.	Pyrethroid.
Nicotine	(principal active ingredient from *Nicotiana tabacum*)	Natural product.
Parathion	*O*,*O*-diethyl *O*-*p*-nitrophenyl phosphorothioate	Organophosphorus.
Phorate	*O*,*O*-diethyl *S*-[(ethylthio)methyl] phosphorodithioate	Do.
Phosphamidon	dimethyl phosphate ester with 2-chloro-*N*,*N*-diethyl-3-hydroxycrotonamide	Do.
Pyrethrins	(active insecticidal constituents of *Chrysanthemum cinerariaefolium*)	Natural product.
Rotenone	(principal active ingredient of derris and cube)	Do.
Ruelene*	4-*tert*-butyl-2-chlorophenyl methyl methylphosphoramidate	Organophosphorus.
Ryania	(powdered stemwood of *Ryania speciosa*)	Natural product.
Sabadilla	(alkaloid mixture isolated from seeds of *Schoenocaulon officinale*)	Do.
SBP-1382 (Penick)	(5-benzyl-3-furyl) methyl 2, 2-dimethyl-3-(2-methylpropenyl) = cyclopropanecarboxylate	Pyrethroid.
Schradan	octamethylpyrophosphoramide	Organophosphorus.
Sumithion*	*O*, *O*-dimethyl *O*-4-nitro-*m*-tolyl phosphorothioate	Do.
Trichlorfon	dimethyl (2, 2, 2-trichloro-1-hydroxyethyl) phosphonate	Do.

READILY DEGRADED, INACTIVATED, AND RELATIVELY NONPERSISTENT HERBICIDES [1]

Common name	Activity code	Chemical name	Type of compound
Acrolein	1	Acrolein	Acrylaldehyde.
Amitrole	1	3-amino-*s*-triazole	Triazole.
AMS	1	Ammonium sulfamate	Ammonium salt.
Atrazine	2	2-chloro-4(ethylamino)-6-(isopropylamino)-*s*-triazine	*s*-triazine.
Benefin	2	*N*-butyl-*N*-ethyl-*alpha*,*alpha*,*alpha*,-trifluoro-2,6-dinitro-*p*-toluidine	Aromatic amine.
Bromacil	3	5-bromo-3-*sec*-butyl-6-methyluracil	Uracil.
Ametryne	2	2-(ethylamino)-4-(isopropylamino)-6-(methylthio)-*s*-triazine	*s*-triazine.
Amiben	1	3-amino-2,5-dichlorobenzoic acid	Benzoic acid.
Atratone	2	2-(ethylamino)-4-(isopropylamino)-6-methoxy-*s*-triazine	*s*-triazine.
Barban	1	4-chloro-2-butynyl *m*-chlorocarbanilate	Carbamate.
CDAA	1	*N*,*N*-diallyl-2-chloroacetamide	Aliphatic amide.
CDEC	1	2-chloroallyl diethyldithiocarbamate	Carbamate.
Chloroxuron	2	3-[*p*-(*p*-chlorophenoxy)phenyl]-1,1-di-ethylurea	Urea.
Chlorpropham	1	isopropyl *m*-chlorocarbanilate	Carbamate.
2,4-D	1	(2,4-dichlorophenoxy) acetic acid	Phenoxy acid.
Dalapon	1	2,2-dichloropropionic acid	Aliphatic acid.
2,4-DB	1	4-(2,4-dichlorophenoxy)butyric acid	Phenoxy acid.
2,4-DEP	1	tris[2-(2,4-dichlorophenoxy)ethyl] phosphite	Phenoxy salt; organophosphorus.
Dicamba	2	3,6-dichloro-*o*-anisic acid	Benzoic acid.
Dichlobenil	3	2,6-dichlorobenzonitrile	Aromatic nitrile.
Dichlorprop	1	2-(2,4-dichlorophenoxy)propionic acid	Phenoxy acid.
Diphenamid	2	*N*,*N*-dimethyl-2,2-diphenylacetamide	Aralkyl amide.
Diquat	1	6,7-dihydrodipyrido[1,2-*a*:2',1'-*c*]pyrazinedium salt	Heterocyclic quaternary salt.
EPTC	1	*S*-ethyl dipropylthiocarbamate	Carbamate.
Fenuron	2	1,1-dimethyl-3-phenylurea	Urea.
Fenuron TCA	2	1,1-dimethyl-3-phenylurea monotrichloroacetate	Do.
Ioxynil	1	4-hydroxy-3,5-diiodobenzonitrile	Aromatic nitrile.
Linuron	2	3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea	Urea.
MCPA	1	[(4-chloro-*o*-tolyl)oxy]acetic acid	Phenoxy acid.
Monuron	2	3-(*p*-chlorophenyl)-1,1-dimethylurea	Urea.
Norea	2	3-(hexahydro-4,7-methanoindan-5-yl)-1,1-dimethylurea	Do.
Paraquat	1	1,1'-dimethyl-4,4'-bipyridinium salt	Heterocyclic quaternary salt.
Prometone	2	2,4-bis(isopropylamino)-6-methoxy-*s*-triazine	*s*-triazine.
Prometryne	2	2,4-bis(isopropylamino)-6-(methylthio)-*s*-triazine	Do.
Propham	1	isopropyl carbanilate	Carbamate.
Pyrazon	1	5-amino-4-chloro-2-phenyl-3(2*H*)-pyridazinone	Pyridazine.
Sesone	1	2-(2,4-dichlorophenoxy)ethyl sodium sulfate	Phenoxy salt.

Footnotes at end of table.

READILY DEGRADED, INACTIVATED, AND RELATIVELY NONPERSISTENT HERBICIDES [1]—Continued

Common name	Activity code	Chemical name	Type of compound
Simetone	2	2,4-bis(ethylamino)-6-methoxy-*s*-triazine	*s*-triazine.
Simetryne	2	2,4-bis(ethylamino)-6-(methylthio)-*s*-triazine	Do.
2,4,5-T	1	(2,4,5-trichlorophenoxy)acetic acid	Phenoxy acid.
TCA	1	Trichloroacetic acid	Aliphatic acid.
Trifluralin	2	*α*,*α*,*α*-trifluoro-2,6-dinitro-*N*,*N*-dipropyl-*p*-toluidine	Aromatic amine.
Metobromuron	2	3-(*p*-bromophenyl)-1-methoxy-1-methylurea	Urea.
Molinate	1	*S*-ethyl hexahydro-1*H*-azepine-1-carbothioate	Carbothioate.
MSMA	2	Monosodium methanearsonate	Organoarsenical.
Naptalam	1	*N*-1-naphthylphthalamic acid	Phthalic acid.
Neburon	1	1-butyl-3-(3,4-dichlorophenyl)-1-methylurea	Urea.
Nitralin	2	4-(methylsulfonyl)-2,6-dinitro-*N*,*N*-dipropylaniline	Aromatic amine.
Nitrofen	1	2,4-dichlorophenyl *p*-nitrophenyl ether	Diphenyl ether.
PCP	1	Pentachlorophenol	Phenol.
Pebulate	1	*S*-propyl butylethylthiocarbamate	Carbamate.
Propachlor	1	2-chloro-*N*-isopropylacetanilide	Anilide.
Propanil	1	3'4'-dichloropropionanilide	Do.
Propazine	2	2-chloro-4,6-bis(isopropylamino)-*s*-triazine	*s*-triazine.
Siduron	2	1-(2-methylcyclohexyl)-3-phenylurea	Urea.
Silvex	1	2-(2,4,5-trichlorophenoxy)propionic acid	Phenoxy acid.
Simazine	2	2-chloro-4,6-bis(ethylamino)-*s*-triazine	*s*-triazine.
Swep	1	Methyl 3,4-dichlorocarbanilate	Carbamate.
TCA	1	Trichloroacetic acid	Aliphatic acid.
Terbacil	3	3-*tert*-butyl-5-chloro-6-methyluracil	Uracil.
Triallate	1	*S*-(2,3,3-trichloroallyl) diisopropylthiocarbamate	Caramate.
Trietazine	2	2-chloro-4-(diethylamino)-6-(ethylamino)-*s*-triazine	*s*-triazine.
2,4-D	1	(2,4-dichlorophenoxy)acetic acid	Phenoxy acid.
2,4-DB	1	4-(2,4-dichlorophenoxy)butyric acid	Do.
2,4-DEB	1	2-(2,4-dichlorophenoxy)ethyl benzoate	Do.
2,4,5-TES	1	sodium 2-(2,4,5-trichlorophenoxy)ethyl sulfate	Phenoxy acid, salt.
Vernolate	1	*S*-propyl dipropylthiocarbamate	Carbamate.
Bromoxynil	1	3,5-dibromo-4-hydroxybnezonitrile	Aromatic nitrile.
Butylate	1	S-ethyl diisobutylthiocarbamate	Carbamate.
CDEA	1	2-chloro-*N*,*N*-diethylacetamide	Aliphatic amide.
Chlorazine	2	2-chloro-4,6-bis(diethylamino)-*s*-triazine	*s*-triazine.
Cycloate	1	S-ethyl N-ethylthiocyclohexanecarbamate	Carbamate.
Cycluron	2	3-cyclooctyl-1,1-dimethylurea	Urea.
DCPA	1	Dimethyl tetrachloroterephthalate	Phtholic acid.
Diallate	1	*S*-(2,3-dichloroallyl) diisopropylthiocarbamate	Carbamate.
Dinosam	1	2-(1-methylbutyl)-4,6-dinitrophenol	Nitrophenol.
Dinoseb	1	2-*sec*-butyl-4,6-dinitrophenol	Do.
Diuron	2	3-(3,4-dichlorophenyl)-1,1-dimethylurea	Urea.
DNOC	1	4,6-dinitro-*o*-cresol	Nitrophenol.
DSMA	2	Disodium methanearsonate	Organoarsenical.
Endothall	1	7-oxabicycle (2.2.1) heptane-2, 3-dicarboxylic acid	Phtholic acid.
Erbon	1	2-(2, 4, 5-triclorophenoxy)ethyl 2, 2-dichloropropionate	Phenoxy acid.
Fenac	3	(2, 3, 6-trichlorophenyl) acetic acid	Do.
Fluometuron	2	1, 1-dimethyl-3-(a, a, a,-trifluoro-*m*-tolyl) urea	Urea.
HCA	1	1, 1, 1, 3, 3, 3-hexachloro-2-propanome	Hexachloroacetane.
Ipazine	2	2-chloro-4-(diethylamino)-6-(isopropylamino)-*s*-trazine	*s*-triazine.
Isocil	3	5-bromo-3-isopropyl-6-methyluracil	Uracil.
KOCN	1	Potassium cyanate	Cyanate.
MCPB	1	4-[(4-chloro-*o*-tolyl)oxy]butyric acid	Phenoxy acid.
MCPES	1	2-[(4-chloro-*o*-tolyl)oxy]ethyl sodium sulfate	Do.
Metham	1	Sodium methyldithiocarbamate	Carbamate.

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[1] Herbicides whose degradation, inactivation, and persistent characteristics are such that their use, in accordance with treatments registered for selective control of weeds on cropland, pose no significant problem with respect to registered tolerances for herbicide residues or crop production in following seasons. This list is not all inclusive, particularly with respect to new materials. The herbicides listed are coded as to their degradability, persistence, and inactivation in soil. The legend for the code numbers is as follows:

1. Compounds normally degraded or inactivated, and usually do not persist more than 12 months.
2. Compounds that may persist for more than 12 months, but are normally degraded or inactivated in less than 24 months.
3. Compounds that may persist for more than 24 months, but are normally degraded or inactivated, and usually do not persist for more than 48 months.

READILY DEGRADED, RELATIVELY NONPERSISTENT FUNGICIDES

Common name (or trade name*)	Chemical name	Type of compound
Captan	*N*-[(trichloromethyl)thio]-4-cyclohexene-1,2-dicarboximide	Chlorothiocarboximide.
Chloranil	2,3,5,6-tetrachloro-*p*-benzoquinone	Chlorinated quinone.
Chloroneb	1,4-dichloro-2,5-dimethoxybenzene	Chlorinated aromatic ether.
Daconil 2787*	2,4,5,6-tetrachloroisophthalonitrile	Chlorinated aromatic nitrile.
DCNA	2,6-dichloro-4-nitroaniline	Chlorinated aniline.
Dichlone	2,3-dichloro-1,4-napthoquinone	Chlorinated quinone.
Difolatan*	*cis*-*N*-[(1,1,2,2-tetrachloroethyl)thio]-4-cyclohexene-1,2-dicarboximide	Chlorothiocarboximide.
dinocap	2-(1-methylheptyl)-4,6-dinitrophenyl crotonate	Dinitrophenyl ester.
dodine	Dodecylguanidine acetate	Alkyl guanidine salt.
Dyrene*	2,4-dichloro-6-(*o*-chloroanilino)-*s*-triazine	Chlorinated triazine.
ethoxyquin	6-ethoxy-1,2-dihydro-2,2,4-trimethylquinoline	Ethoxyquinoline.
ferbam	Ferric dimethyldithiocarbamate	Ferric thiocarbamate.
folpet	*N*-[(trichloromethyl)thio]phthalimide	Chlorothiocarboximide.
Glyodin	2-heptadecyl-2-imidazoline acetate	Alkyl imidazoline salt.
Lanstan*	1-chloro-2-nitropropane	Chloronitroalkane.
Lime sulfur	30% calcium polysulfide and various small amounts of calcium thiosulfate plus water and free sulfur	Calcium polysulfides.
Maneb	Manganese ethylenebis [dithiocarbamate]	Manganese thiocarbamate.
Morestan*	6-methyl-2,3-quinoxalinedithiol cyclic *S*,*S*-dithiocarbonate	Thioquinoxaline.
Nabam	Disodium ethylenebis [dithiocarbamate]	Sodium thiocarbamate.
Niacide*	Mixture of manganese dimethyldithiocarbamate and 2-benzothiazolethiol	Manganese thiocarbamate.
Pipron*	3-(2-methylpiperidino) propyl 3,4-dichlorobenzoate	Chlorinated piperidyl benzoate.
8-quinolinol	8-quinolinol	Hydroxyquinoline.
Sulfur	Sulfur	Elemental sulfur.
Thioquinox	2,3-quinoxalinedithiol cyclic trithiocarbonate	Thioquinoxaline.
Thiram	Bis (dimethylthiocarbamoyl) disulfide	Thiocarbamate.
Tricamba	3, 5, 6-trichloro-*o*-anisic acid	Chlorinated benzoic acid.
Zineb	Zinc ethylenebis [dithiocarbamate]	Zinc thiocarbamate.
Ziram	Zinc dimethyldithiocarbamate	Do.
Mertect*	2-(4-thiazolyl) benzimidazole	Thiabendazole.
Polyram*	Mixture of 5.2 parts by weight of ammoniate of [ethylenebis (dithiocarbamato)] zinc with 1 part by weight ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides.	Dithiocarbamate.
Streptomycin	2, 4-diguanidino-3, 5, 6-trihydroxycyclohexyl 5-deoxy-2-*O*-(2-deoxy-2-methylamino-a-glucopyranosyl)-3-formyl pentofuranoside.	Antibiotic (produced by *Streptomyces griseus*).
Vitavax*	2, 3-dihydro-5-carboxanilido-6-methyl-1, 4-oxathiin	1, 4-oxathiin derivative.

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READILY DEGRADABLE, RELATIVELY NONPERSISTENT NEMATICIDES

Common name (or trade name*)	Chemical name (or source)	Type of compound
EDB	1,2-dibromoethane	Hydrocarbon.
DBCP	1,2-dibromo-3-chloropropane	Do.
DD	1,3-dichloropropene and 1,2 dichloropropane	Do.
Methyl bromide	Monobromomethane	Do.
Chloropicrin	Trichloronitromethane	Do.
Penphene*	2,3,4,5-tetrachlorothiophene	Do.
Dazomet	3,5-dimethyltetrahydro-1,3,5,2H-	Carbamate.
Aldicarb	2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl) oxime	Do.
Methomyl	S-methyl N-(methylcarbamoyl)oxy) thioacetimidate	Do.
Metham-sodium	Sodium *N*-methyldithiocarbamate	Do.
Parathion	*O,O*-diethyl O-p-nitrophenyl phosphorothioate	Organophorus.
MENCS	methyl isothiocyanate	Do.
Mocap*	*O*-ethyl *S,S*-dipropyl phosphorodithioate	Do.
Dasanit*	*O,O*-diethyl *O-p*-(methylsulfinyl)phenyl phosphorothioate	Do.
Bay 68138	Ethyl 4-(methylthio)-m-toyl isopropylphoramidate	Do.
Thionazin	*O,O*-diethyl *O*-2-pyrazinyl phosphorothioate	Do.
Diazinon	*O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate	Do.
Carbofuran	2,3-dihydro-2,2-dimethyl-7-benzofuranyl methyl-carbamate	Do.
V-C 13 Nemacide*	O-(2,4-dichlorophenyl) *O,O*-diethyl phosphorothioate	Do.

Mr. NELSON. Mr. President, fourth, is the increased use of systems of integrated pest control, combining biological and chemical controls, and additionally, developing pest-resistant crop strains. This approach is showing increased success as an effective economic means of pest control.

Fifth, further development of agents which cause the persistent pesticides to decompose more rapidly in the soil and water after they have been applied to a crop and accomplished their task; and,

Sixth, the development of standards on the biodegradability and toxicity of pesticide components.

COMPREHENSIVE STUDY

Part 2 of the amendment directs the Secretary of the Interior, in consultation with appropriate Federal agencies, and other concerned parties, to conduct a study on methods of controlling the release of pesticides in our Nation's lakes and rivers and the environment. The study will include examination of the persistency of pesticides in the water and alternatives thereto. Within the 2 years, the Secretary will submit a report on this study to Congress together with his recommendations for any necessary legislation.

This study should assist the Secretary in perfecting existing means of dealing with pesticide pollution and in determining new ones, to assure equitable and enforceable standards.

There is abundant evidence to show that the six approaches—State action, interstate action, integrated pest control, use of less persistent pesticides, development of agents to decompose pesticides, and biodegradability and toxicity standards—will prove effective in the nationwide program of pesticide water quality criteria and standards which this amendment would establish.

For instance, a report published this month by the American Chemical Society described in detail a number of means by which the massive pesticide contamination can be minimized. I believe it would be helpful to outline some of the information provided by this and other reports which we have studied.

First, since pesticides have been billed as a panacea for controlling all pests, heavy application has become a national habit, whether it is needed or not. For example, cotton is often sprayed with toxic, persistent pesticides every 5, 7, or 10 days.

BETTER PESTICIDE USE

Yet, with effective use of our improved knowledge of the life cycle and behavior of both the crop and the pest, pesticide application could be cut down to only that period of the time when a pest is in fact endangering a crop.

In addition, acceptance of the valid idea that 100-percent pest control need not be achieved would further cut pesticide use. Often, damage to crop production could be prevented with just a 75-percent control of the pests.

Another valid application method which would further cut pesticide use, expense, and pollution, is treating only the areas that are heavily infested with pests. As an example, mountain water in North Carolina was found to contain more than 0.3 part per billion of DDT when an entire oak-hickory forest was treated for a tree disease. Later, when only the region of the forest affected by the disease was treated, it was impossible to find any trace of DDT in the waters. And the disease was still controlled.

If improved application equipment were used, there would be another significant reduction in pesticide use.

A Mississippi study on the aerial application of the persistent pesticide heptachlor showed that only 17 percent of the compound was applied at the proper rate on the crop. The remainder either missed the crop, was applied at a rate much lower than necessary, or was applied at a rate much higher than necessary. In another study, only 10 to 20 percent of a pesticide dust reached the plant, with the remainder missing its target entirely.

Concentrated efforts to eradicate whole pests populations also offer great promise. For example, if just three pests, the boll weevil, the boll worm, and the codling moth, were eradicated, it would be possible to reduce the amount of insecticides applied each year in the United States by some 40 percent.

BIOLOGICAL CONTROL

Insect sterilization has become one of the most effective ways to eliminate a total insect population. This was the technique that was used to eradicate the screw-worm fly from the Southeast United States. The U.S. Department of Agriculture raised millions of screw-worm flies weekly, with radioactive cobalt used to make the flies reproductively sterile.

Massive numbers of sterilized flies were air dropped regularly over thousands of square miles infested by native screw-worm flies. The sterile flies mated with the native females, and the resulting eggs failed to hatch. Repeated releases of sterile flies reduced screw-worm numbers, until the pests finally disappeared.

Presently, the Agriculture Department is maintaining a barrier zone along the United States-Mexico border to keep out new screwworms through continuously releasing sterile flies along that area.

The American Chemical Society says that the ideal pesticide should be as effective as possible against one or several pests and as safe as possible to all other forms of life, including beneficial insects and predators, fish and other wildlife, domestic animals, and man. As one of its main recommendations in its recent report, the Society urged:

> Persistent pesticides should only be used in minimal amounts and under conditions where they have been shown not to cause widespread contamination of the environment. Where possible, highly persistent materials should be replaced by rapidly degradable materials.

The feasibility of this approach is demonstrated by the fact that, as pointed out earlier, for virtually all crops, there are several pesticides, some very persistent and some not, which can effectively control harmful pests.

In several parts of the country, the cost of pesticide use has increased so drastically, that other systems of pest control with little or no reliance on chemical formulations have been adopted with great success.

INTEGRATED PEST CONTROL

Among these approaches is integrated pest control, which can be best defined as an insect population management system that depends primarily on the use of beneficial predator insects with limited reliance on the use of selective chemicals.

Presently there are successful integrated pest control programs in operation on the following crops: cotton, citrus fruits, apples and pears, tomatoes, potatoes, avocados, olives, grapes, corn, eggplant, lettuce, strawberries and others.

This means of pest control is based on the principles of applied ecology. In order for success to be achieved, the fields must be placed under periodic surveillance to determine when and where specific pest infestations occur. When a

problem is discovered, predators, parasites, or disease organisms specifically related to that pest are released to bring the pests back into a favorable balance. Very limited amounts of pesticide may be used, but only when absolutely necessary, and only on the infested area of the crop.

While many farmers and other pesticide users resist giving up chemical means of pest control because they feel that other alternatives may be more costly, the opposite has been proven true with regard to integrated pest control.

LOWER COST

Prof. Robert VandenBosch of the College of Agricultural Sciences, University of California at Berkeley, cites this example: The cost of pest control using chemical pesticides for 4,000 acres of cotton in California was $185,000. When integrated pest control replaced the use of chemical pesticides, the cost dropped to $20,000 a year. The statistics for spotted alfalfa in California are very similar, where in 1957, the cost of pest control with chemical pesticides was at least $12 million. Today, after the introduction of integrated pest control, the cost has been reduced to only $3 million, with little or no pest problems remaining.

A recent edition of the Western Fruit Grower cites additional cases of the successful and economical application of integrated pest control in place of the use of chemical pesticides. One expert in biological control has enabled a producer of Valencia oranges to reduce the cost of pest control from $200 per acre, using chemical control, to only $60 an acre with integrated pest control. Another orange grower has been able to reduce his cost per acre for pest control to just $35 per acre, using integrated pest control, and has had higher yields than ever in the history of the grove.

Another pest control approach showing major promise is the use of hormones. The principle is to give an insect its own hormone at the wrong stage of its life, so that it upsets the bug's growth processes and causes it to destroy itself.

Finally, the search is now underway for a catalyst which would cause DDT to self-destruct after it had accomplished its insect control tasks. If successful, this would be a major breakthrough in dealing with the tendency of hard pesticides to persist in the environment long after they are needed. Secretary of the Interior Walter Hickel recently announced the award of a contract to test this approach.

America and the world cannot afford to wait much longer to decide that hurling the crude weapon of hard pesticides against the fabric of life, the apt description by Rachel Carson, is not the answer to our pest control problems.

Our approach must be much more sophisticated than that, and as I have outlined above, there is an abundance of alternatives. And there is no reason why the job cannot be done more effectively and far more economically than the present massive, indiscriminate pesticide use. The savings would accrue to the farmer and all other pesticides users, to our environment, and most importantly, to future generations of life on earth.

I believe the pesticide amendment to S. 7 is a major step in the right direction. Criteria would be developed, standards would be set and implemented, and the means to meet these standards brought into use.

I urge the Senate's adoption of the amendment, and I am heartened and deeply appreciative of the cosponsorship of this proposal by 31 Senators, including the chairman of the Senate Public Works Committee, Senator RANDOLPH, and the chairman of the Subcommittee on Air and Water Pollution, Senator MUSKIE, who is the author of S. 7.

This board support is without question a confirmation of the growing insistence of Congress that the quality of the American environment and the quality of life for all Americans be given the protection that is so urgently needed.

EXHIBIT 1

U.S. DEPARTMENT OF THE INTERIOR,
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION,
Washington, D.C., August 25, 1969.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: In accordance with Mr. John Heritage's recent request by telephone to Mr. Bern Wright of our Water Quality Standards Branch, a review has been made of the States' water quality standards requirements on pesticides and the following information and enclosed summaries are being provided for your use.

Most of the State standards contain one or more requirements by which limits on specific toxic substances may be imposed on a case-by-case basis. These controls are found in the standards in the form of a general narrative statement on toxicity, or they may be included in the public water supply or aquatic life use criteria. Three of the States have specific numerical limits for pesticides and at least two others specifically mention pesticides in their toxicity standards.

SPECIFIC NUMERICAL STANDARDS ON PESTICIDES

Alaska

Standards of the State of Alaska contain a pesticide limit of 0.001 of the 96-hour LC_{50}. (96-hour LC_{50} means the lethal concentration of a substance that will result in a 50% kill of the test organism in a 96-hour period.)

California

Tidal Waters Inland from the Golden Gate within the San Francisco Bay Region—No individual pesticide or combination of pesticides shall reach concentrations found to be deleterious to fish or wildlife at any place.

Goose Lake—The total chlorinated hydrocarbon pesticide content shall not exceed 0.10 micrograms per liter as determined by the summation of the individual concentrations, and the individual pesticide content shall not reach those levels found to be detrimental to aquatic life and wildlife.

Idaho

Toxic or Other Deleterious Substances (pesticides, phenolics and related organic and inorganic materials)—Toxic chemicals of other than natural origin in concentrations found to be of public health significance or adversely affect the uses indicated. Guides such as the Water Quality Criteria published by the State of California Water Quality Control Board, Second Edition, 1963, will be used in evaluating the tolerances of the various toxic chemicals for the use indicated.

South Dakota

Pesticides, herbicides and related compounds shall be treated as toxic materials and taste and odor producing chemicals and controlled under the provisions of Chapter II, Section II, Subsection 2 and 4.

Chapter II, Section II, Subsection 2—*Toxic Materials.* No materials shall be discharged to any surface water or watercourse in the State which produce concentrations of chemicals toxic to humans, animals or the most sensitive stage or form of aquatic life greater than 0.1 times the acute (96-hour) median lethal dose for short residual compounds or 0.01 times the acute median lethal dose for accumulative substances or substances exhibiting a residual life exceeding 30 days in the receiving waters.

Chapter II, Section II, Subsection 4—*Taste and Odor Producing Chemicals.* No materials shall be discharged which will result in concentrations in the receiving water sufficient to impart objectionable tastes and odors to edible aquatic life.

Virginia

Salt water (shellfish)—Area is not to be so contaminated with radionuclides, pesticides, herbicides or fecal material, that consumption of the shellfish might be hazardous.

PUBLIC WATER SUPPLY CRITERIA

Several States have included the Public Health Service (PHS) Drinking Water Standards as requirements for establishing the quality of water to be maintained as an acceptable source of public water supply. These standards establish a limit of 0.2 mg/1 for Carbon Chloroform Extract (CCE). This is intended to be a general safety control for the detection of "ill defined" chemicals which could include pesticides. The CCE control is not intended for replacement of specific limits on pesticides and other toxic substances.

Those States which expressly include the PHS requirements for waters designated for public water supply use are as follows: Alabama, Alaska, California, Connecticut, Georgia, Maine, Michigan, Minnesota, Montana, Nebraska, North Carolina, Rhode Island, Vermont, West Virginia, Wyoming.

AQUATIC LIFE-TOXICITY STANDARDS

All of the States standards provide for the protection of aquatic life from toxic substances. Appendix A is a summary of these requirements as they relate to aquatic life.

A copy of the "Report of the Committee on Water Quality Criteria-Federal Water Pollution Control Administration" is also enclosed for your reference use. Pages 56, 58, 59 of this report provide discussions on "Toxic Substances" and "Bioassay" which may be helpful to you in interpreting the standards on toxic substances. You will also find on pages 62–65, 82–83, 116, 118, 131, 137, 156 of this report information on pesticides. Each of the State water pollution control agencies have been provided a copy of this report and it is being widely used by the States as a guide in the updating of their water quality standards.

If you have any further questions concerning specific requirements in the standards, please let me know.

Sincerely yours,
DAVID D. DOMINICK,
Commissioner.

APPENDIX A—*TOXICITY STANDARDS For Surface Waters Used For FISH PROPAGATION AND WILDLIFE*

(Toxic substances—Maximum allowable (mg/1))

Alabama: Only amounts not injurious to fish and aquatic life, including shrimp and crabs, or the propagation thereof. 1/10 of 48-hour TL_m or other approved limits.

Alaska: Less than acute or chronic problem levels as revealed by bioassay. None which causes tainting of flesh of edible species.[b] Pesticides: 0.001 of 96-hour LC_{50}[b].

Arizona: Biocide concentrations shall be

Footnotes at end of article.

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kept below levels which are deleterious to human, animal, plant, or aquatic life, or in amounts which interfere with this use.

Arkansas: Shall not be present in quantities toxic to human, animal, plant, or aquatic life or which interfere with the normal propagation of aquatic life. 1/10 of 48-hour TL_m.

California: At all times less than the concentrations toxic or harmful to wild or domestic animals or to aquatic life.

Colorado: Free from biocides, toxic, or other deleterious wastes in concentrations or combinations sufficient to be harmful to aquatic life.

Connecticut: Free from chemical constituents in concentrations or combinations which would be harmful to human, animal, or aquatic life. Bioassays shall be performed as needed.

Delaware: None in concentrations harmful (synergistically or otherwise) to humans, fish, wildlife, and aquatic life.

District of Columbia: None from waste sources in concentrations or combinations which are harmful to human, animal, plant, or aquatic life or which interfere with this use.

Florida: Free from waste subatances toxic or harmful to human, animal, or aquatic life. F: 10.0 Cu–0.5, Zn–1.0, Cr^6–0.05, Pb–0.05, Fe–0.3, As–0.05. Cn: none detectable.

Georgia: None in concentrations that would harm man, fish and game, or other beneficial aquatic life.

Territory of Guam: Free from waste materials that will be toxic or irritating to humans, animals, plants, or aquatic life.

Hawaii: Free from biocides, toxic, or other deleterious substances in concentrations harmful to human, animal, or marine life, or which cause unpleasant taste in seafood.

Idaho: No toxic chemicals of other than natural origin, in concentrations of public health significance or which adversely affect this use.

Illinois: 1/10 of 48-hour TL_m. As–1.0, Ba–5.0, Cd–0.05, Cr^6–0.05, Cr^3–1.00, Cu–0.04, Cn–0.025, Pb–0.1, Ag–0.05, An–1.00.

Indiana: 1/10 of 96-hour TL_m from continuous-flow bioassays where the dilution water and toxicant are continuously renewed, or other factors when justified and approved.

Iowa: NH_3–N–2.0, As–1.0, Ba–5.0, Cd–0.05, Cr^6–0.05, Cr^3–1.00, Cu–0.02, Cn–0.025, Pb–0.10, Zn–1.0. Maximum of 5.0 for entire heavy metal group.

Kansas: Pollutional substances will be maintained below maximum permissible concentrations which would be detrimental for recreational requirements.

Kentucky: 1/10 of 48-hour TL_m. Free from waste substances in concentrations or combinations which are toxic or harmful to human, animal, plant, or aquatic life.

Louisiana: 1/10 of 48-hour TL_m. None present in quantities that alone or in combination will be toxic to animal or plant life.

Maine: No chemical constituents from waste sources, which are harmful to humans, animal, or aquatic life, or which adversely affect this use.

Maryland: Free from toxic wastes which interfere with this use or which are harmful to human, animal, plant, or aquatic life.

Massachusetts: None at levels harmful to human, animal, or aquatic life, or which make the waters unsuitable for fish or their propagation, or impair their palatability.

Michigan: 1/10 of 96-hour TL_m. from continuous flow bioassays.

Minnesota: Cr-tr, Cu-tr, Cn-tr, NH_3(N)-tr[b1], Cr-1.0, Cu-0.2, Cn-0.02, NH_3(N)-1.0[c], Cr-1.0, Cu-0.2, Cn-0.02, NH_3(N)-2.0[d]. None directly or indirectly harmful.[e]

Mississippi: 1/10 of 48-hour TL_m.

Missouri: None which have harmful effect on human or animal life.

Montana: 1/10 of 96-hour TL_m for short residual materials and 1/100 of 96-hour TL_m for pesticides.

Nebraska: None in combinations or concentrations which render the water unsafe or unsuitable for this use.

Nevada: None present in concentrations, from other than natural origin, which are deleterious to animal, plant, or aquatic life, or which exceed the 1962 PHS "Drinking Water Standards."

New Hampshire: None in toxic concentrations or combinations. Free from chemicals and conditions inimical to fish life or the maintenance thereof.

New Jersey: None which would affect humans or be detrimental to the natural aquatic biota.

New Mexico: 1/10 of 48-hour TL_m. Shall not change the ecology to an extent detrimental to existing forms of life nor be toxic to humans, plants, fish, or animals.

New York: None alone or in combination with other substances or wastes in sufficient amounts to be injurious to fish life or impair the waters for this use.

North Carolina: 1/10 of 48-hour TL_m. Shall not change the ecology to an extent detrimental to existing forms of life nor be toxic to humans, plants, fish, animals.

North Dakota: No waste materials, either in concentrations or combinations, which result in the waters being toxic or harmful to human, animal, or aquatic life.

Ohio: 1/10 of 48-hour TL_m. Free from waste substances in concentrations or combinations which are toxic or harmful to human, animal, or aquatic life.

Oklahoma: 1/10 of 48-hour TL_m. Shall not be present in such quantities as to cause the waters to be toxic to human, animal, plant, or aquatic life.

Oregon: No conditions deleterious to fish or other aquatic life or which affect the palatability of fish.

Pennsylvania: None in amounts sufficient to be inimical or harmful to this use.

Commonwealth of Puerto Rico: None alone or in combination with other substances or wastes in amounts injurious to edible fish or their culture, taste, or propagation.

Rhode Island: Bioassays shall be performed as required by the appropriate agencies. None which would be harmful to human, animal, or aquatic life.

South Carolina: Free from waste materials which are toxic or harmful to human, animal, plant, or aquatic life, or which interfere directly or indirectly with this use.

South Dakota: 1/10 of 96-hour TL_m for short residual compounds. 1/100 of 96-hour TL_m for substances of residual life exceeding 30 days. Cn–02[d1,e1,f,g] 0.05[h]

Tennessee: There shall be no substances added that will produce toxic conditions that affect fish or aquatic life.

Texas: Shall not exhibit acute or chronic toxicity to human, animal, or aquatic life to such an extent as to interfere with this use.

Utah: No waste materials in concentrations or combinations which are toxic or which produce undesirable physiological responses in humans, fish, and other animal life, and plants.

Vermont: Bioassays shall be performed, including assessment of taste and odor. Free from chemical constituents harmful to human, animal, or aquatic life.

Virginia: Free from toxic substances attributable to waste, in concentrations or combinations which interfere directly or indirectly with this use.

Virgin Islands of the United States: Free from waste substances in concentrations or combinations which are toxic or harmful to human, animal, or aquatic life.

Washington: Below concentrations which may cause acute or chronic toxic conditions to the aquatic biota.

West Virginia: No concentrations of materials poisonous to man, animal, or fish life.

Wisconsin: None present in amounts which by bioassay or other tests indicate acute or chronic levels harmful to animal, plant, or aquatic life.

Wyoming: Free from toxic substances of other than natural origin in concentrations or combinations which are toxic to human, animal, or aquatic life.

FOOTNOTES

[b] Standard reserved from approval by FWPCA.

[b1] Applies to propagation and maintenance of warm and coldwater sport or commercial fishes.

[b2] Standards apply only to coastal waters.

[c] Applies to propagation and maintenance of sport or commercial fishes.

[d] Applies to propagation and maintenance of fish species common to the area waters.

[d1] Fish life propagation—coldwater permanent.

[e] Applies to use by wildlife.

[e1] Fish life propagation—coldwater marginal.

[f] Fish life propagation—warmwater permanent.

[g] Fish life propagation—warmwater semipermanent.

[h] Fish life propagation—warmwater marginal.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the Senator from Wisconsin has often appeared before the Committee on Public Works and its subcommittees in reference to the matters of cleansing the air and purifying the water. I will not mention the long list of affirmative actions he has initiated in the Senate. I am not sure how many cosponsors on the amendment, but I do know there is a considerable list. I am delighted I could join him in the amendment.

In joining with him we recognize his leadership in this field. I think his explanation this afternoon of the presence of pesticides and the danger that can be wrought by this type pollution is a real one. I express my thanks for his constructive efforts.

Mr. NELSON. I thank the distinguished chairman of the Committee on Public Works for his gracious remarks. I might add, however, the reason I appeared before the Committee on Public Works, of which the Senator from West Virginia is chairman, is that that committee has been doing such extensive work in the field of enhancing the quality of air and water in this country. They have made it possible for conservationists and Members of Congress to appear in connection with legislation of this nature to which his committee has devoted so much time.

Mr. MONDALE. Mr. President, I rise in support of the amendment (No. 132) introduced by the Senator from Wisconsin (Mr. Nelson) to S. 7.

I have already stated the many reasons that I support the Water Quality Improvement Act of 1969, and I appreciate this opportunity to direct specific remarks to the amendment now proposed by my distinguished colleague from Wisconsin.

Under the proposed amendment, the Secretary of the Interior is directed to take certain steps that would guarantee water quality criteria for all pesticides. The criteria would be based on the effects of various pesticide levels on fish and wildlife, as well as man and his environment. The criteria would outline maximum safe levels for the presence of pesticides in water, and these would represent

the essential basis for State or Federal action to deal with the pesticide pollution problem.

It is clear that persistent pesticides are so polluting our rivers, lakes, streams, and oceans that fish can and have been killed; that fish reproduction can and has been inhibited; that high pesticide residues in water have affected birds and other animals; and, that now, even man is threatened.

Specifically, the amendment would permit the Secretary of the Interior, after consultation with all interested and concerned parties, to prepare and publish regulations setting forth water quality standards for pesticides that will clearly not have a deleterious effect on fish or man. Responsibility for enforcing the standards would rest primarily with the States. Standards could be implemented by issuing orders to polluters to take remedial measures.

A particularly significant aspect of this amendment is that it permits the establishment of a system for tabulating, monitoring, and recording precisely what pesticide residues should be permitted.

As chairman of the Senate Subcommittee on Migratory Labor, I have become particularly aware of the need to establish similar procedures insofar as farmworkers may be affected by pesticide use.

There is mounting evidence concerning the harmful effects of pesticides on our Nation's migrant and seasonal farmworkers. Experts from the Department of Health, Education, and Welfare concede that perhaps as many as 800 farmworkers are killed and 80,000 injured by pesticides each year. We know that the agricultural industry experiences one of the highest occupational disease rates in the United States. Just last week we learned that a substantial proportion of farmworkers experience symptoms of chemical poisoning which include dermatitis, rashes, eye irritation, nausea, vomiting, fatigue, excess sweating, headaches, double vision, dizziness, skin irritations, difficulty in breathing, loss of fingernails, nervousness, insomnia, bleeding noses, and diarrhea.

It is clear from our hearings that proper safeguards and protections for farmworkers do not exist in the use of pesticides. In fact, under present State and Federal regulations, information about how, when, and where chemicals are used is seldom available to the farmworker or to the public.

The hearing record is painfully lacking in any firm evidence that the pesticides to which farmworkers are daily exposed in fact have no deleterious short- or long-range effects on their health and well-being. Further, it was shocking to learn of the pitifully inadequate funding of programs devoted to research on occupational hazards to farmworkers; and to discover that programs aimed at protecting the farmworkers are neither adequately funded nor enforced.

We do know, however, from recent accounts in medical and scientific journals, that the wrong kinds of chemicals, in the wrong amounts, and in the wrong places are sometimes used with inadequate regard of the health and safety of their workers. Furthermore, we know that recent scientific investigations have produced evidence that DDT causes cancer in animals and provides very strong indications that DDT may produce cancer in man.

Mr. President, I support this amendment, because it establishes a mechanism for the Secretary of the Interior to determine maximum safe levels of pesticides in water that would represent the essential basis for action to deal with the pesticide pollution problem in water. Additionally, enactment of this amendment may serve as a workable model for necessary legislation to protect farmworkers through establishment of a meaningful system for monitoring pesticide effects on man.

Mr. MUSKIE. Mr. President, the amendment offered by the Senator from Wisconsin (Mr. Nelson) is a constructive addition to the legislation which is pending before the Senate. I have discussed this proposal with the Senator from Wisconsin and agree with the need to provide the Secretary of the Interior with a specific directive to formulate criteria which indicate the effects of pesticides on the water environment.

There is a growing national concern regarding the use of pesticides. Conservationists, scientists, medical experts, and ecologists are speaking out against indiscriminate use of pesticides while other scientists, health officials, and agricultural experts oppose actions to limit their availability and use.

Existing information is sufficient to suggest that we have not exercised due care in either the amount or type of pesticides we use. Inadequate attention has been paid to developing less toxic more degradable pesticides and thus, today, we are confronted with the potential of banning entirely the use of some materials which have been extremely helpful in expanding the Nation's productivity and protecting the Nation's health.

I am not prepared, at this time, to suggest that all pesticides, herbicides, fungicides, and insecticides should be banned or even that some of them should be banned. I support Senator Nelson's amendment because we need to know a great deal more about the health and welfare effects of these pollutants and because existing scientific information needs to be assembled and evaluated.

The criteria to be published by the Secretary should provide useful assistance to the States in determining the extent to which the use of pesticides and water quality requirements are in conflict.

In some States it may be necessary to establish limitations on the availability of certain types of pesticides and, in other cases, it may be necessary to limit use of specific pesticides in certain watersheds. Whatever course is taken in controlling use of persistent pesticides, care should be taken to assure that public health responsibilities such as malaria control are not hindered.

Enforcement procedures must consider the differences between point source control available to municipal and industrial wastes as opposed to the general diffusion of the pollutant in this case. The inability to effectively control this type of pollutant after application suggests the need to consider legislation which will establish uniform standards on the biogradability and toxicity of pesticides to assure environmental protection prior to the indiscriminate introduction of pesticides into the environment.

The Senator from Wisconsin (Mr. Nelson) has indicated an intent to introduce such legislation in the near future. I will cosponsor his proposal and the Subcommittee on Air and Water Pollution will hold hearings early next year.

I would like to ask the distinguished Senator this question. First of all I share the Senator's concern about the growing dilemma of pesticide pollution. In many ways I think it is perhaps the most serious in its potential impact upon the environment, upon wildlife, and upon human life itself. It is the most persistent and most difficult to come to grips with once pesticides are released in the environment. In that sense, it is like air pollution. Once discharged, it cannot be controlled; so, as in the case of pesticides at the dispersal point.

Since the problem of control is, for that reason, somewhat different from that of other air pollutants, the enforcement problem is different in the same way. So we have to come to grips with that problem.

The amendment offered by the distinguished Senator from Wisconsin is a major advance, I think, toward restoring and preserving the quality of our waters that are now threatened by pesticides.

In addition to leading to specific standards for safe concentrations of pesticides in interstate rivers and lakes, I believe that the amendment serves an equally important purpose of establishing a comprehensive program for research in the Department of the Interior, to study the problems of persistent pesticides and alternatives that can eliminate this contamination of our environment.

That is the point which, I think, is at the heart of resistance to the control of pesticides.

I ask the Senator from Wisconsin whether he believes that the standards that would be developed as a result of his amendment can be met without hindering efforts to control insects, weeds, fungus, and other pests that can cause damage to farmers and can pose a potential hazard to human health.

Mr. NELSON. I do not think there is any question about that. No Member of Congress is more familiar with the Water Pollution Control Act than the Senator from Maine (Mr. Muskie) who conducted the hearings, drafted the bill, and engineered its passage in the Senate.

As the Senator knows, under section 10(c) the Secretary can establish criteria, but he must consider the practicability and the economic feasibility of any standards that are proposed to be used. He must take these factors into consideration.

I make one other point. The Department of Agriculture prescribes an alternative pesticide for every chlorinated hydrocarbon, so far as I can ascertain, that is listed for use on virtually every crop in this country. In other words, there is another, more readily degrading pesticide that is readily available. As I review the application rates recom-

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mended by the Department and the current prices of pesticides, the cost of hard pesticides compared with readily degradable pesticides is roughly the same.

I believe that the Senator knows Michigan and Arizona have already banned the use of DDT. My own State of Wisconsin is moving to drastically improve the controls on it and has created a board to determine if it is necessary to use certain pesticides. There is integrated pest control which has been initiated successfully in California in which they do not indiscriminately spray the crop. They use whatever biological methods they can, including certain organisms which prey on insects. But whatever method they use, biological or chemical, it is limited to the area where the pest is.

In my earlier remarks, I outlined those programs and the cost per acre, which is dramatically less for a program of integrated pest control. Unfortunately, so many people just hire an airplane and go out and spray indiscriminately all over the place.

So in answer to the Senator, I believe that many practical, alternative means are available right now. But again I say, the Secretary must consider the practicability and the economic feasibility for any standards. So that is the protection against arbitrariness on anything he may propose.

Mr. MUSKIE. That is the value of the Senator's amendment. It increases the pressure to recognize the availability of other means of controlling pests than with hard pesticides. If we do not concentrate on that and enlarge the possibilities in this respect, we will be wasting, perhaps, the last chance we will have to avoid the massive dispersal of hard pesticides into the environment.

I am delighted to cosponsor the amendment. I compliment the Senator on becoming, in my judgment, the most knowledgeable expert in the Senate on this problem.

Mr. NELSON. Mr. President, incidentally, I might say to the Senate, that my staff and the staff of the Senator from Maine will get together and develop a legislative proposal establishing standards for the components of pesticides, taking into consideration their persistence, degradability, and toxicity. This is the next step that must follow so that we can determine if pesticides, like detergents, should be subject to certain standards in order to protect the environment.

Mr. MUSKIE. I thank the Senator.

Mr. TYDINGS. Mr. President, as a cosponsor of amendment No. 132, I congratulate the junior Senator from Wisconsin (Mr. NELSON) for his tireless efforts to call attention to the environmental danger stemming from the widespread and often indiscriminate use of persistent pesticides.

Toxic residues of these chemical compounds are showing up in our air and water, and, through the multiplying effect of the food chain, in human beings as well.

The effect of these poisons on fish and wildlife are well known. Our animal resources can be killed outright, as the Coho salmon were, or face gradual destruction, if not extinction, as are the brown pelican and the bald eagle.

The effect of pesticide residues on man are not yet fully known. Presently there is no evidence that the increasing amounts of pesticides in fact harm human beings. Yet common sense tells us that absorbing poisonous chemicals is not healthy.

The long-term health impact on man of persistent pesticides may well be most damaging.

Mr. President, in late July I introduced wide ranging pesticide protection legislation. The bill, S. 2747, directs the Secretary of Health, Education, and Welfare to make a complete study of the use and effects of pesticides. It transfers the pesticide regulatory functions from the Department of Agriculture to the Department of Health, Education, and Welfare. It removes the exemption from registration and labeling of those pesticides intended solely for export. Finally, the bill places a 4-year moratorium on four of the more persistent and powerful pesticides.

It is perhaps the most comprehensive legislation on pesticides yet introduced in the Senate. But it is unlikely to go anywhere and now will serve only as a point of discussion.

Yet what is required now is not just talk but action as well. Senator NELSON's amendment is the first step toward protecting our environment from toxic pesticides. I fully support his amendment and again congratulate the Senator for alerting us to the threat.

Mr. HART. Mr. President, I am very pleased to cosponsor Senator NELSON's amendment to S. 7 which would require the Secretary of the Interior to develop water quality criteria for pesticides. These criteria would then be used by the States as a basis for the adoption of standards to effectively control pesticide pollution of our lakes and rivers.

As with most of our clean water efforts, the need to develop standards which will help to reduce the quantity of persistent pesticides entering our water is long overdue. For many years scientists have been warning that the large-scale and indiscriminate introduction of these chemicals into our environment may be doing serious harm. But only today are people generally beginning to realize that although agricultural production has increased and disease control has been improved through the use of persistent pesticides, these short-term gains may have been purchased at the price of irreversible disruption of many ecological systems.

The so-called magnification effect of pesticides on fish and wildlife has now been well documented. Fish, feeding on miscroscopic organisms which contain persistent pesticides, assimilate these chemicals into their own systems. In addition, through normal gill action, a fish appears to effectively filter pesticides directly from the water. In both cases, the pesticide is stored up in the body fat of the fish where it becomes increasingly more concentrated. Then, moving upward in the food chain, each successive predator assimilates greater and greater concentrations of these pesticides from the smaller fish on which it feeds. Fish at the end of the food chain, such as the Lake Michigan coho salmon, now contain DDT concentrations ranging up to 19 parts per million, and fish-eating birds, such as the osprey and eagle, contain even higher levels of this pesticide.

The effects of such concentrations of persistent pesticides on fish and wildlife are daily becoming better understood. For example, Prof. Howard Johnson of Michigan State University has reported upon the reproductive problems DDT has created for the Lake Michigan coho salmon. Apparently the female salmon passes some of the DDT on to her eggs in concentrations ranging between five and seven parts per million. After the fry hatches from these eggs, they begin to absorb the yolk sac, but as they do, the DDT remaining in the yolk becomes more and more highly concentrated. At the last stages of absorption, DDT concentrations become six to 12 times higher than those in the actual body tissue of the fry and this high level of DDT has proven fatal to a high percentage of the fry.

Slightly different problems have occurred with fish-eating birds. Here the high concentrations of DDT apparently upset the bird's liver enzyme balance and as a result affect its calcium metabolism. The result has been that these birds have produced eggs which have exceptionally brittle shells. In most cases the mother is unable to hatch these eggs, because she accidentally breaks the shell. In one case reported by the Audubon Society, an embryo was born without a shell altogether; it was encased only in a membrane.

Last week the Commerce Committee's Subcommittee on Energy, Natural Resources, and the Environment, which I chair, held field hearings in Michigan to consider the effects of pesticides on sports and commercial fisheries. At these hearings Prof. Joseph Hickey of the University of Wisconsin commented on the serious disruption which DDT has caused to fish-eating bird populations. Branding DDT as the "compound of extinction," Professor Hickey stated:

> In a series of closely integrated studies, British, Canadian, and American scientists have proven that similar reproductive failures (1) occurred in 1947 in peregrine falcons; (2) involve fish-eating birds like bald eagles, ospreys, brown pelicans, double-crested cormorants, and herring gulls; (3) are producing regional extinction in some species and continentally wide extinction in others; and (4) are due to DDT. There is simply no scientific doubt about these statements.

He then went on to state:

> We have lost at least 95 per cent of our nesting peregrine falcons—perhaps the supreme example of avian evolution—in the United States south of Canada, and we may very well lose its entire subspecies in North America. We are going to lose our national bird, the bald eagle, as a nesting species on the shores of the Great Lakes, not necessarily on inland lakes. We have lost the brown pelican on the west side of the Gulf of Mexico. And we will lose it on the coast of California. These are pollution effects due to DDT. The facts are solid and the result of careful, painstaking research.

Much more speculative at the present time are questions about whether consumption of DDT or other persistent pesticides by man could seriously harm his health or well-being. Nevertheless, the evidence of its harm to birds and fish is sufficient to cause grave concern. And recent research efforts are beginning to produce additional disturbing results. For example, earlier this year I released a report of a study which had been conducted for the National Cancer Institute. This study revealed that when a group of mice was fed a mixture containing 140 parts per million of DDT over a period of 81 weeks, 63 percent developed tumors. With a control group of mice, only 16 percent developed tumors, indicating that the mice exposed to DDT were approximately four times more likely to develop tumors than mice not so exposed. In describing the DDT-induced tumors, the report states:

> It seems more reasonable to conclude that the great majority had malignant potentiality.

In addition, at the Environmental Subcommittee hearings on pesticides which were held last May, we asked the Food and Drug Administration whether they could summarize some of their work on the mutagenic effects of pesticides. One of the investigations which they described involves a study of 40 volunteers who are heavy pesticide users and 20 control subjects who are examined monthly to determine what leukocyte chromosome damage can be associated with the exposure to pesticides. According to the FDA:

> Preliminary results indicate that during mid-summer the exposed group had something on the order of five times as many chromosome abberations as the control group. So far this study has not been able to make comparisons between the groups at other times of the year.

The Food and Drug Administration, concerned with the results of the expanding volume of research on pesticides, has moved to set pesticide tolerances on many food products. In the case of fish, an interim tolerance level of five parts per mission has been established. Although there is little question that the FDA is taking proper precautions in setting these tolerances, there is also little doubt that this action will seriously disrupt, if not destroy, the fishing industry on Lake Michigan. The coho salmon can no longer be marketed in interstate commerce because of its high DDT concentrations, and other commercially important fish which are lower down in the lake's food chain, such as the chub, now appear to be building up DDT concentrations in excess of the minimum FDA tolerances. Analyses by the Michigan field office of the Bureau of Commercial Fisheries indicate that the DDT concentration in some chubs now exceeds nine parts per million. Lake Michigan lake trout, too, also frequently contain concentrations in excess of the FDA's minimum tolerances.

To preserve many of our country's unique forms of life from extinction, to reverse the grave ecological damage which we are presently causing, and to restore the vitality of our freshwater fisheries, it is imperative that we begin now to upgrade the quality of our water. Establishing water tolerance levels for pesticides—and then rigidly enforcing these standards—is an essential step toward this goal. We should emphasize, however, that because very minute quantities of persistent pesticides within water—measured in terms of parts per trillion—cause severe harm to aquatic organisms which concentrate these pesticides within their systems, water quality standards should be based on the pesticide levels found in fish taken from the water, and not on the water itself. Only in this manner can we readily determine when the amount of pesticides in our waters is reaching dangerous levels.

Mr. President, I reiterate my great pleasure in supporting this amendment, and I earnestly hope that not only is it adopted, but that meaningful standards are forthcoming in the very near future.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 132, of the Senator from Wisconsin.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a series of technical studies taken from various scientific and conservation magazines.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Scientific American, March 1967]

TOXIC SUBSTANCES AND ECOLOGICAL CYCLES

(By George M. Woodwell)

The vastness of the earth has fostered a tradition of unconcern about the release of toxic wastes into the environment. Billowing clouds of smoke are diluted to apparent nothingness; discarded chemicals are flushed away in rivers; insecticides "disappear" after they have done their job; even the massive quantities of radioactive debris of nuclear explosives are diluted in the apparently infinite volume of the environment. Such pollutants are indeed diluted to traces—to levels infinitesimal by ordinary standards, measured as parts per billion or less in air, soil and water. Some pollutants do disappear; they are immobilized or decay to harmless substances. Others last, sometimes in toxic form, for long periods. We have learned in recent years that dilution of persistent pollutants even to trace levels detectable only by refined techniques is no guarantee of safety. Nature has ways of concentrating substances that are frequently surprising and occasionally disastrous.

We have had dramatic examples of one of the hazards in the dense smogs that blanket our cities with increasing frequency. What is less widely realized is that there are global, long-term ecological processes that concentrate toxic substances, sometimes hundreds of thousands of times above levels in the environment. These processes include not only patterns of air and water circulation but also a complex series of biological mechanisms. Over the past decade detailed studies of the distribution of both radioactive debris and pesticides have revealed patterns that have surprised even biologists long familiar with the unpredictability of nature.

Major contributions to knowledge of these patterns have come from studies of radioactive fallout. The incident that triggered worldwide interest in large-scale radioactive pollution was the hydrogen-bomb test at Bikini in 1954 known as "Project Bravo." This was the test that inadvertently dropped radioactive fallout on several Pacific islands and on the Japanese fishing vessel *Lucky Dragon*. Several thousand square miles of the Pacific were contaminated with fallout radiation that would have been lethal to man. Japanese and U.S. oceanographic vessels surveying the region found that the radioactive debris had been spread by wind and water, and, more disturbing, it was being passed rapidly along food chains from small plants to small marine organisms that ate them to large animals (including the tuna, a staple of the Japanese diet).

The U.S. Atomic Energy Commission and agencies of other nations, particularly Britain and the U.S.S.R., mounted a large international research program, costing many millions of dollars, to learn the details of the movement of such debris over the earth and to explore its hazards. Although these studies have been focused primarily on radioactive materials, they have produced a great deal of basic information about pollutants in general. The radioactive substances serve as tracers to show the transport and concentration of materials by wind and water and the biological mechanisms that are characteristic of natural communities.

One series of investigations traced the worldwide movement of particles in the air. The tracer in this case was strontium 90, a fission product released into the earth's atmosphere in large quantities by nuclear-bomb tests. Two reports in 1962—one by S. Laurence Kulp and Arthur R. Schulert of Columbia University and the other by a United Nations committee—furnished a detailed picture of the travels of strontium 90. The isotope was concentrated on the ground between the latitudes of 30 and 60 degrees in both hemispheres, but concentrations were five to 10 times greater in the Northern Hemisphere, where most of the bomb tests were conducted.

It is apparently in the middle latitudes that exchanges occur between the air of upper elevations (the stratosphere) and that of lower elevations (the troposphere). The larger tests have injected debris into the stratosphere; there it remains for relatively long periods, being carried back into the troposphere and to the ground in the middle latitudes in late winter or spring. The mean "half-time" of the particles' residence in the stratosphere (that is, the time for half of a given injection to fall out) is from three months to five years, depending on many factors, including the height of the injection, the size of the particles, the latitude of injection and the time of year. Debris injected into the troposphere has a mean half-time of residence ranging from a few days to about a month. Once airborne, the particles may travel rapidly and far. The time for one circuit around the earth in the middle latitudes varies from 25 days to less than 15. (Following two recent bomb tests in China fallout was detected at the Brookhaven National Laboratory on Long Island respectively nine and 14 days after the tests.)

Numerous studies have shown further that precipitation (rain and snowfall) plays an important role in determining where fallout will be deposited. Lyle T. Alexander of the Soil Conservation Service and Edward P. Hardy, Jr., of the AEC found in an extensive study in Clallam County, Washington, that the amount of fallout was directly proportional to the total annual rainfall.

It is reasonable to assume that the findings about the movement and fallout of radioactive debris also apply to other particles of similar size in the air. This conclusion is supported by a recent report by Donald F. Gatz and A. Nelson Dingle of the Uni-

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versity of Michigan, who showed that the concentration of pollen in precipitation follows the same pattern as that of radioactive fallout. This observation is particularly meaningful because pollen is not injected into the troposphere by a nuclear explosion; it is picked up in air currents from plants close to the ground. There is little question that dust and other particles, including small crystals of pesticides, also follow these patterns.

From these and other studies it is clear that various substances released into the air are carried widely around the world and may be deposited in concentrated form far from the original source. Similarly, most bodies of water—especially the oceans—have surface currents that may move materials five to 10 miles a day. Much higher rates, of course, are found in such major oceanic currents as the Gulf Stream. These currents are one more physical mechanism that can distribute pollutants widely over the earth.

The research programs of the AEC and other organizations have explored not only the pathways of air and water transport but also the pathways along which pollutants are distributed in plant and animal communities. In this connection we must examine what we mean by a "community."

Biologists define communities broadly to include all species, not just man. A natural community is an aggregation of a great many different kinds of organisms, all mutually interdependent. The basic conditions for the integration of a community are determined by physical characteristics of the environment such as climate and soil. Thus a sand dune supports one kind of community, a freshwater lake another, a high mountain still another. Within each type of environment there develops a complex of organisms that in the course of evolution becomes a balanced, self-sustaining biological system.

Such a system has a structure of interrelations that endows the entire community with a predictable developmental pattern, called "succession," that leads toward stability and enables the community to make the best use of its physical environment. This entails the development of cycles through which the community as a whole shares certain resources, such as mineral nutrients and energy. For example, there are a number of different inputs of nutrient elements into such a system. The principal input is from the decay of primary minerals in the soil. There are also certain losses, mainly through the leaching of substances into the underlying water table. Ecologists view the cycles in the system as mechanisms that have evolved to conserve the elements essential for the survival of the organisms making up the community.

One of the most important of these cycles is the movement of nutrients and energy from one organism to another along the pathways that are sometimes called food chains. Such chains start with plants, which use the sun's energy to synthesize organic matter; animals eat the plants; other animals eat these herbivores, and carnivores in turn may constitute additional levels feeding on the herbivores and on one another. If the lower orders in the chain are to survive and endure, there must be a feedback of nutrients. This is provided by decay organisms (mainly microorganisms) that break down organic debris into the substances used by plants. It is also obvious that the community will not survive if essential links in the chain are eliminated; therefore the preying of one level on another must be limited.

Ecologists estimate that such a food chain allows the transmission of roughly 10 percent of the energy entering one level to the next level above it, that is, each level can pass on 10 percent of the energy it receives from below without suffering a loss of population that would imperil its survival. The simplest version of a system of this kind takes the form of a pyramid, each successively higher population receiving about a tenth of the energy received at the level below it.

Actually nature seldom builds communities with so simple a structure. Almost invariably the energy is not passed along in a neatly ordered chain but is spread about to a great variety of organisms through a sprawling, complex web of pathways. The more mature the community, the more diverse its makeup and the more complicated its web. In a natural ecosystem the network may consist of thousands of pathways.

This complexity is one of the principal factors we must consider in investigating how toxic substances may be distributed and concentrated in living communities. Other important basic factors lie in the nature of the metabolic process. For example, of the energy a population of organisms receives as food, usually less than 50 percent goes into the construction of new tissue, the rest being spent for respiration. This circumstance acts as a concentrating mechanism: a substance not involved in respiration and not excreted efficiently may be concentrated in the tissues twofold or more when passed from one population to another.

Let us consider three types of pathway for toxic substances that involve man as the ultimate consumer. The three examples, based on studies of radioactive substances, illustrate the complexity and variety of pollution problems.

The first and simplest case is that of strontium 90. Similar to calcium in chemical behavior, this element is concentrated in bone. It is a long-lived radioactive isotope and is a hazard because its energetic beta radiation can damage the mechanisms involved in the manufacture of blood cells in the bone marrow. In the long run the irradiation may produce certain types of cancer. The route of strontium 90 from air to man is rather direct: we ingest it in leafy vegetables, which absorbed it from the soil or received it as fallout from the air, or in milk and other dairy products from cows that have fed on contaminated vegetation. Fortunately strontium is not usually concentrated in man's food by an extensive food chain. Since it lodges chiefly in bone, it is not concentrated in passing from animal to animal in the same ways other radioactive substances may be (unless the predator eats bones!).

Quite different is the case of the radioactive isotope cesium 137. This isotope, also a fission product, has a longlived radioactivity (its half-life is about 30 years) and emits penetrating gamma rays. Because it behaves chemically like potassium, an essential constituent of all cells, it becomes widely distributed once it enters the body. Consequently it is passed along to meat-eating animals, and under certain circumstances it can accumulate in a chain of carnivores.

A study in Alaska by Wayne C. Hanson, H. E. Palmer and B. I. Griffin of the AEC's Pacific-Northwest Laboratory showed that the concentration factor for cesium 137 may be two or three for one step in a food chain. The first link of the chain in this case was lichens growing in the Alaskan forest and tundra. The lichens collected cesium 137 from fallout in rain. Certain caribou in Alaska live mainly on lichens during the winter, and caribou meat in turn is the principal diet of Eskimos in the same areas. The investigators found that caribou had accumulated about 15 micromicrocuries of cesium radioactivity per gram of tissue in their bodies. The Eskimos who fed on these caribou had a concentration twice as high (about 30 micromicrocuries per gram of tissue) after eating many pounds of caribou meat in the course of a season. Wolves and foxes that ate caribou sometimes contained three times the concentration in the flesh of the caribou. It is easy to see that in a longer chain, involving not just two animals but several, the concentration of a substance that was not excreted or metabolized could be increased to high levels.

A third case is that of iodine 131, another gamma ray emitter. Again the chain to man is short and simple: The contaminant (from fallout) comes to man mainly through cows' milk, and thus the chain involves only grass, cattle, milk and man. The danger of iodine 131 lies in the fact that iodine is concentrated in the thyroid gland. Although iodine 131 is short-lived (its half-life is only about eight days), its quick and localized concentration in the thyroid can cause damage. For instance, a research team from the Brookhaven National Laboratory headed by Robert Conard has discovered that children on Rongelap Atoll who were exposed to fallout from the 1954 bomb test later developed thyroid nodules.

The investigations of the iodine 131 hazard yielded two lessons that have an important bearing on the problem of pesticides and other toxic substances released in the environment. In the first place we have had a demonstration that the hazard of the toxic substance itself often tends to be underestimated. This was shown to be true of the exposure of the thyroid to radiation. Thyroid tumors were found in children who had been treated years before for enlarged thymus glands with doses of X-rays that had been considered safe. As a result of this discovery and studies of the effects of iodine 131, the Federal Radiation Council in 1961 issued a new guide reducing the permissible limit of exposure to ionizing radiation to less than a tenth of what had previously been accepted. Not the least significant aspect of this lesson is the fact that the toxic effects of such a hazard may not appear until long after the exposure; on Rongelap Atoll 10 years passed before the thyroid abnormalities showed up in the children who had been exposed.

The second lesson is that, even when the pathways are well understood, it is almost impossible to predict just where toxic substances released into the environment will reach dangerous levels. Even in the case of the simple pathway followed by iodine 131 the eventual destination of the substance and its effects on people are complicated by a great many variables: the area of the cow's pasture (the smaller the area, the less fallout the cow will pick up); the amount and timing of rains on the pasture (which on the one hand may bring down fallout but on the other may wash it off the forage); the extent to which the cow is given stored, uncontaminated feed; the amount of iodine the cow secretes in its milk; the amount of milk in the diet of the individual consumer, and so on.

It it is difficult to estimate the nature and extent of the hazards from radioactive fallout, which have been investigated in great detail for more than a decade by an international research program, it must be said that we are in a poor position indeed to estimate the hazards from pesticides. So far the amount of research effort given to the ecological effects of these poisons has been comparatively small, although it is increasing rapidly. Much has been learned, however, about the movement and distribution of pesticides in the environment, thanks in part to the clues supplied by the studies of radioactive fallout.

Our chief tool in the pesticide inquiry is DDT. There are many reasons for focusing on DDT: it is long-lasting, it is now comparatively easy to detect, it is by far the most widely used pesticide and it is toxic to a broad spectrum of animals, including man. Introduced only a quarter-century ago

and spectacularly successful during World War II in controlling body lice and therefore typhus, DDT quickly became a universal weapon in agriculture and in public health campaigns against disease-carriers. Not surprisingly, by this time DDT has thoroughly permeated our environment. It is found in the air of cities, in wildlife all over North America and in remote corners of the earth, even in Adélie penguins and skua gulls (both carnivores) in the Antarctic. It is also found the world over in the fatty tissue of man. It is fair to say that there are probably few populations in the world that are not contaminated to some extent with DDT.

We now have a considerable amount of evidence that DDT is spread over the earth by wind and water in much the same patterns as radioactive fallout. This seems to be true in spite of the fact that DDT is not injected high into the atmosphere by an explosion. When DDT is sprayed in the air, some fraction of it is picked up by air currents as pollen is, circulated through the lower troposphere and deposited on the ground by rainfall. I found in tests in Maine and New Brunswick, where DDT has been sprayed from airplanes to control the spruce budworm in forests, that even in the open, away from trees, about 50 percent of the DDT does not fall to the ground. Instead it is probably dispersed as small crystals in the air. This is true even on days when the air is still and when the low-flying planes release the spray only 50 to 100 feet above treetop level. Other mechanisms besides air movement can carry DDT for great distances around the world. Migrating fish and birds can transport it thousands of miles. So also do oceanic currents. DDT has only a low solubility in water (the upper limit is about one part per billion), but as algae and other organisms in the water absorb the substance in fats, where it is highly soluble, they make room for more DDT to be dissolved into the water. Accordingly water that never contains more than a trace of DDT can continuously transfer it from deposits on the bottom to organisms.

DDT is an extremely stable compound that breaks down very slowly in the environment. Hence with repeated spraying the residues in the soil or water basins accumulate. Working with Frederic T. Martin of the University of Maine, I found that in a New Brunswick forest where spraying had been discontinued in 1958 the DDT content of the soil increased from half a pound per acre to 1.8 pounds per acre in the three years between 1958 and 1961. Apparently the DDT residues were carried to the ground very slowly on foliage and decayed very little. The conclusion is that DDT has a long half-life in the trees and soil of a forest, certainly in the range of tens of years.

Doubtless there are many places in the world where reservoirs of DDT are accumulating. With my colleagues Charles F. Wurster, Jr., and Peter A. Isaacson of the State University of New York at Stony Brook, I recently sampled a marsh along the south shore of Long Island that had been sprayed with DDT for 20 years to control mosquitoes. We found that the DDT residues in the upper layer of mud in this marsh ranged up to 32 pounds per acre!

We learned further that plant and animal life in the area constituted a chain that concentrated the DDT in spectacular fashion. At the lowest level the plankton in the water contained .04 part per million of DDT; minnows contained one part per million, and a carnivorous scavenging bird (a ring-billed gull) contained about 75 parts per million in its tissues (on a whole-body, wetweight basis). Some of the carnivorous animals in this community had concentrated DDT by a factor of more than 1,000 over the organisms at the base of the ladder.

A further tenfold increase in the concentrations along this food web would in all likelihood result in the death of many of the organisms in it. It would then be impossible to discover why they had disappeared. The damage from DDT concentration is particularly serious in the higher carnivores. The mere fact that conspicuous mortality is not observed is no assurance of safety. Comparatively low concentrations may inhibit reproduction and thus cause the species to fade away.

That DDT is a serious ecological hazard was recognized from the beginning of its use. In 1946 Clarence Cottam and Elmer Higgins of the U.S. Fish and Wildlife Service warned in the *Journal of Economic Entomology* that the pesticide was a potential menace to mammals, birds, fishes and other wildlife and that special care should be taken to avoid its application to streams, lakes and coastal bays because of the sensitivity of fishes and crabs. Because of the wide distribution of DDT the effects of the substance on a species of animal can be more damaging than hunting or the elimination of a habitat (through an operation such as dredging marshes). DDT affects the entire species rather than a single population and may well wipe out the species by eliminating reproduction.

Within the past five years, with the development of improved techniques for detecting the presence of pesticide residues in animals and the environment, ecologists have been able to measure the extent of the hazards presented by DDT and other persistent general poisons. The picture that is emerging is not a comforting one. Pesticide residues have now accumulated to levels that are catastrophic for certain animal populations, particularly carnivorous birds. Furthermore, it has been clear for many years that because of their shotgun effect these weapons not only attack the pests but also destroy predators and competitors that normally tend to limit proliferation of the pests. Under exposure to pesticides the pests tend to develop new strains that are resistant to the chemicals. The result is an escalating chemical warfare that is self-defeating and has secondary effects whose costs are only beginning to be measured. One of the costs is wildlife notably carnivorous and scavenging birds such as hawks and eagles. There are others: destruction of food webs aggravates pollution problems, particularly in bodies of water that receive mineral nutrients in sewage or in water draining from heavily fertilized agricultural lands. The plant populations, no longer consumed by animals, fall to the bottom to decay anaerobically, producing hydrogen sulfide and other noxious gases, further degrading the environment.

Location	Organism	Tissue	Concentration (parts per million)
United States (Average).	Man	Fat	11.0.
Alaska (Eskimo)			2.8.
England			2.2.
West Germany			2.3.
France			5.2.
Canada			5.3.
Hungary			12.4.
Israel			19.2.
India			12.8–31.0.
United States:			
California	Plankton		5.3.
Do	Bass	Edible Flesh	4–138.
Do	Grebes	Visceral Fat	Up to 1,600.
Montana	Robin	Whole Body	6.8–13.9.
Wisconsin	Crustacea		0.41.
Do	Chub	Whole Body	4.52.
Do	Gull	Brain	20.8.
Missouri	Bald Eagle	Eggs	1.1–5.6.
Connecticut	Osprey	do	6.5.
Florida	Dolphin	Blubber	About 220.
Canada	Woodcock	Whole Body	1.7.
Antarctica	Penguin	Fat	0.015–0.18.
Antarctica	Seal	Fat	0.042–0.12.
Scotland	Eagle	Eggs	1.18.
New Zealand	Trout	Whole Body	0.6–0.8.

Note: DDT residues, which include the derivatives DDD and DDE as well as DDT itself, have apparently entered most food webs. These data were selected from hundreds of reports that show DDT has a worldwide distribution, with the highest concentrations in carnivorous birds.

The accumulation of persistent toxic substances in the ecological cycles of the earth is a problem to which mankind will have to pay increasing attention. It affects many elements of society, not only in the necessity for concern about the disposal of wastes but also in the need for a revolution in pest control. We must learn to use pesticides that have a short half-life in the environment—better yet, to use pest-control techniques that do not require applications of general poisons. What has been learned about the dangers in polluting ecological cycles is ample proof that there is no longer safety in the vastness of the earth.

DDT Residues and Declining Reproduction in Bermuda Petrel

(Abstract. Residues of DDT [1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane] averaging 6.44 parts per million in eggs and chicks of the carnivorous Bermuda petrel indicate widespread contamination of an oceanic food chain that is remote from applications of DDT. Reproduction by the petrel has declined during the last 10 years at the annual rate of 3.25 percent; if the decline continues, reproduction will fail completely by 1978. Concentrations of residues are similar to those in certain terrestrial carnivorous birds whose productivity is also declining. Various considerations implicate contamination by insecticides as a probable major cause of the decline.)

Many oceanic birds nested on Bermuda in 1609 when the first settlers arrived, the most abundant apparently being the Bermuda petrel, *Pterodroma cahow*. Within 20 years man and his imported mammals virtually exterminated those species; for nearly 300 years it was considered extinct. Several records of specimens since 1900 were followed in 1951 by discovery of a small breeding colony (1), and in 1967 22 pairs nested on a few rocky islets off Bermuda. With a total population of about 100 the petrel is among the world's rarest birds.

A wholly pelagic species, *P. cahow* visits land only to breed, breeds only on Bermuda, and arrives and departs only at night. The single egg is laid underground at the end of a long burrow. When not in the burrow the bird feeds far at sea, mainly on cephalopods; when not breeding it probably ranges over much of the North Atlantic (1).

Reproduction by *P. cahow* has declined recently. The data since 1958 (Table 1) show an annual rate of decline of 3.25 ± 1.05 percent; the negative slope of a weighted regression is significant (P, .015; F test). If this linear decline continues, reproduction will fail completely by 1978, with extinction of the species. Many recent reports have correlated diminished reproduction by certain carnivorous birds with contamination by chlorinated hydrocarbon insecticides (2–7). As the terminal member of a pelagic food chain, presumably feeding over much of the North Atlantic, the petrel may be expected to concentrate by many orders of magnitude any stable, lipid soluble chemicals, such as chlorinated hydrocarbon insecticides, present in lower trophic levels (2, 3, 8). In fact it should serve as an ideal environmental monitor for detection of insecticide contamination as a general oceanic pollutant, rather than contamination resulting directly from treatment of a specific land area (9). When we analyzed several specimens of *P. cahow* for chlorinated hydrocarbon insecticides, all samples contained DDT residues (10).

During March 1967 five unhatched eggs and dead chicks were collected from unsuccessful petrel burrows and stored frozen. The small size of the population precluded the sampling of living birds. Samples were analyzed for DDT, *o,p*-DDT, DDE, DDD, dieldrin, and endrin by electron-capture gas chromatography; the results are summarized in Table 2. No *o,p*-DDT, dieldrin, or

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endrin was detected, but an independent laboratory detected a trace of dieldrin.

Certain identifications were confirmed by thin-layer chromatography (*11*) as follows: After Florisil cleanup (*12*), the unknown sample was spotted on a thin-layer plate with 1-μg authentic standard samples on both sides. After development, the unknown was masked by a strip of paper, and the standards were sprayed with chromogenic reagent (*11*). When spots were visible following exposure to ultraviolet light, the masking was removed, horizontal lines were drawn between the standard spots in order to locate corresponding compounds in the unknown, and these areas were scraped from the plate and extracted with a few drops of a mixture of hexane and acetone (9:1 by volume). Injection into the gas chromatograph confirmed the presence of DDT, DDE, and DDD by showing the appropriate single peaks for these compounds. This confirmation procedure was employed because the electron-capture detector is more sensitive than the chromogenic spray reagent in detecting minute amounts of these materials.

Coincidental with diminishing reproduction by the Bermuda petrel is the presence of DDT residues averaging 6.44 parts per million (ppm) in its eggs and chicks. In itself this coincidence does not establish a causal relation, but these findings must be evaluated in the light of other studies. Whereas a healthy osprey (*Pandion haliaetus*) population produces 2.2 to 2.5 young per nest, a Maryland colony containing DDT residues of 3.0 ppm in its eggs yielded 1.1 young per nest, and a Connecticut colony containing 5.1 ppm produced only 0.5 young per nest; the Connecticut population has declined 30 percent annually for the last 9 years (*4*). In New Brunswick, breeding success of American woodcocks (*Philohela minor*) showed a statistically significant inverse correlation with the quantity of DDT applied to its habitat in a given year. Furthermore, during 1962 and 1963, birds from unsprayed Nova Scotia showed breeding success nearly twice as great as did those from sprayed New Brunswick, where woodcock eggs averaged 1.3 ppm of DDT residues during those years (*5*).

TABLE 1.—REPRODUCTIVE SUCCESS OF THE BERMUDA PETREL BETWEEN 1958 AND 1967 [1]

Year	Pairs	Chicks	Success (percent)
1958	6 (1)	4	66.7
1959	5 (2)	2	40.0
1960	13 (3)	6	46.2
1961	18 (1)	12	66.7
1962	19	9	47.4
1963	17 (1)	9	52.9
1964	17 (1)	8	47.1
1965	20	8	40.0
1966	21	6	28.6
1967	22	8	36.4

[1] Percentages of established adult pairs under observation whose chicks survived 2 weeks after hatching. Numbers of pairs of unknown success (not included in calculations) appear in parentheses. Data from 1961 to 1967 are believed to represent the total breeding population; earlier, not all burrows had been discovered. The decline in reproductive success follows the linear relation $y=a+bx$ (y, reproductive success; a, a constant; b, annual percentage decline in success; x, year). The regression weighted by number of pairs: $y=251.9-3.25x$.

In Britain five species of raptors, including the peregrine falcon (*Falco peregrinus*) and golden eagle (*Aquila chrysaetos*), carried residues of chlorinated hydrocarbon insecticides in their eggs, averaging 5.2 ppm; each of these species has shown a decline in reproduction and total population during recent years. By comparison, residues in the eggs of five species of corvids averaged 0.9 ppm, and breeding success and numbers have been maintained (*6*). It is noteworthy that during the last decade the peregrine has become extinct as a breeding bird in the eastern United States (*13*). Residues in bald eagle (*Haliaetus leucocephalus*) eggs averaged 10.6 ppm, and this species also shows declining reproduction and population (*7*). Lake Michigan herring gulls (*Larus argentatus*), exhibiting very low reproductive success, averaged 120 to 227 ppm of DDT residues in the eggs (*3*), the suggestion being that susceptibility varies widely between species.

In most of the above instances, including *P. cahow*, reduced success in breeding resulted primarily from mortality of chicks before and shortly after hatching. Bobwhites (*Colinus virginianus*) and pheasants (*Phasianus colchicus*), fed sublethal diets of DDT or dieldrin, gave similar results (*14*); a mechanism explaining chick mortality from dieldrin poisoning during the several days after hatching has been presented (*15*).

From studies of these birds and other avian carnivores a very widespread, perhaps worldwide, decline among many species of carnivorous birds is apparent. The pattern of decline is characterized by reduced success in reproduction correlated with the presence of residues of chlorinated hydrocarbon insecticides—primarily DDT. Our data for the Bermuda petrel are entirely consistent with this pattern.

Observations of aggressive behavior, increased nervousness, chipped eggshells, increased egg-breakage, and egg-eating by parent birds of several of the above species (*3, 6, 13*) suggest symptoms of a hormonal disturbance or a calcium deficiency, or both. Moreover, DDT has been shown to delay ovulation and inhibit gonadal development in birds, probably by means of a hormonal mechanism, and low dosages of DDT or dieldrin in the diet of pigeons increased metabolism of steroid sex hormones by hepatic enzymes (*16*). A direct relation between DDT and calcium function has also been demonstrated, and these endocrine and calcium mechanisms could well be interrelated; DDT interferes with normal calcification of the arthropod nerve axon, causing hyperactivity of the nerve and producing symptoms similar to those resulting from calcium deficiency (*17*). Dogs treated with calcium gluconate are very resistant to DDT poisoning (*18*); female birds are more resistant than males (*19*), perhaps because of calcium-mobilizing action of estrogenic hormones.

TABLE 2. RESIDUES OF DDT (10) IN PARTS PER MILLION (WET WEIGHT) IN EGGS AND CHICKS OF THE BERMUDA PETREL, COLLECTED IN BERMUDA IN MARCH 1967; PROPORTIONS OF DDT, DDE, AND DDD ARE EXPRESSED AS PERCENTAGES OF THE TOTAL

Sample	Residues parts per (million)	Percentages		
		DDT	DDE	DDD
A, egg [1]	11.02	[2] 37	[2] 58	[2] 5
A, egg [1 2 4]	10.71	[2] 34	[2] 62	[2] 4
B, addled egg [1]	3.61	15	65	20
C, chick in egg [5]	4.52	33	64	3
D, chick in egg [5]	6.08	33	62	5
D, chick brain [4 5]	.57	30	54	16
E, chick, 1 to 2 days old	6.97	[2] 29	[2] 66	[2] 5
Average	6.44	31	62	7

[1] Egg showed no sign of development.

[2] Identity confirmed by thin-layer chromatography (11).

[3] Analysis 5 months later by Wisconsin Alumni Research Foundation, which also detected dieldrin at 0.02 p.p.m.

[4] Not included in averages.

[5] Fully developed chick died while hatching.

Of major importance, then, was the discovery that a significant ($P<.001$) and widespread decrease in calcium content of eggshells occurred between 1946 and 1950 in the peregrine falcon, golden eagle, and sparrowhawk, *Accipiter nisus* (*20*). This decrease correlates with the widespread introduction of DDT into the environment during those years, and further correlates with the onset of reduced reproduction and of the described symptoms of calcium deficiency. These multiple correlations indicate a high probability that the decline in reproduction of most or all of these birds, including *P. cahow*, is causally related to their contamination by DDT residues.

Other potential causes of the observed decline for the Bermuda petrel appear unlikely. The bird has been strictly protected and isolated since 1957, and it seems that human disturbance can be discounted. In such a small population, inbreeding could become important, but hatching failure is now consistent in pairs having earlier records of successful breeding, and deformed chicks are never observed. Furthermore, the effects of inbreeding would not be expected to increase at a time when the total population, and probably the gene pool, is still increasing. The population increase results from artificial protection since 1957 from other limiting factors, especially competition for nest sites with tropic birds (*21*).

It is very unlikely that the observed DDT residues in *P. cahow* were accumulated from Bermuda: the breeding grounds are confined to a few tiny, isolated, and uninhabited islets never treated with DDT, and the bird's feeding habits are wholly pelagic. Thus the presence of DDT residues in all samples can lead only to the conclusion that this oceanic food chain, presumably including the plankton, is contaminated. This conclusion is supported by reported analyses showing residues in related seabirds including two species of shearwaters from the Pacific (*22*); seabird eggs (*9, 22*); freshwater, estuarine, and coastal plankton (*2, 8, 23*); plankton-feeding organisms (*2, 8, 9, 22, 23*); and other marine animals from various parts of the world (*8, 22*). These toxic chemicals are apparently very widespread within oceanic organisms (*8, 22*), and the evidence suggests that their ecological effects are important.

CHARLES F. WURSTER, Jr.,
Department of Biological Sciences, State University of New York, Stony Brook

DAVID B. WINGATE,
Department of Agriculture and Fisheries, Paget East, Bermuda.

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THE PEREGRINE SITUATION IN GREAT BRITAIN 1965–66

(By D. A. Ratcliffe)

(Monks Wood Experimental Station—The Nature Conservancy)

INTRODUCTION

In order to follow latest trends in the breeding population of the British Peregrine (*Falco peregrinus*), a sample census was continued in 1965 and 1966 on a scale similar to that of 1963–64. This paper summarises the results, and gives data on chemical analysis of the small samples of eggs taken during these two years.

CENSUS DATA

Observations on 200 territories in 1965 and 213 territories in 1966 (representing 240 different territories of the two-year period) are given in Table I, according to the six different regions of Great Britain recognised previously (Ratcliffe 1963). This sample is approximately one-third of the mean annual total of 650 territories estimated to be occupied regularly in Great Britain during the standard period 1930–39, or just under one-third of the total of 718 territories occupied at least once since 1930. Census data for 1961–64 are given for comparison. However, because of a bias against visiting previously deserted territories and reporting negative observations during the period 1963–66, the figures for these years are not directly comparable with those for 1961–62, and a correction has to be made (see Table I).

It is evident that there has been no appreciable change in level of breeding population since 1964, for although only 41 successful eyries were known in 1966, against 45 in 1965, this is not a significant difference. The data certainly give no hint of overall improvement in the Peregrine situation during the last two years. Few records for the mainland of the North and West Highlands are available for 1965–66, and most of the data referring to this region are for Orkney and Shetland. It is clear that parts of the South and East Highlands are still the stronghold of the Peregrine in Britain, and breeding success has remained good in this region; but even here, a quarter of the inspected territories held apparently nonbreeding birds in 1966. In England and Wales together, successful breeding was limited to ten pairs in 1965 and seven pairs in 1966, and at least four-fifths of the territories visited were unoccupied in both years.

When the figures for 1965–66 are compared with those for 1963–64, the proportion of deserted territories is seen to have been fairly constant throughout, i.e. about 60 percent of the number of known territories visited, when correction for observation/recording bias has been made. Regarding breeding success, it should be noted that in 1965 and 1966 there were, respectively, 17 and 12 eyries where eggs were probably or certainly laid, but which were not re-visited to determine the final outcome; whereas in 1963 and 1964 there were only 4 and 3 such eyries. As the other data suggest that at least half the 'outcome unknown' eyries would be successful, the figures for successful nesting in the 1965–66 census samples would almost certainly be higher than those given in Table I. Even so, it is doubtful if there is valid evidence for a significant change in breeding success during the whole four-year period 1963–66; this has fluctuated from about 13 to 16 per cent of the number of known territories visited. There may have been a slight recovery in 1964 after the low ebb of 1963, but the figures may indicate merely the normal fluctuation of a population which has become relatively stabilised at a much reduced level; while, in any case, there is likely to be a degree of sampling and observational error.

TABLE 1.—OCCUPATION OF PEREGRINE TERRITORIES, 1963–66

Year and region	Number of territories examined	Birds apparently absent	1 or both of the pair present but not proved to nest	Nesting, outcome unknown	Nested, but unsuccessfully (eggs or young lost)	Successful nesting (young reared)
1961: Total for Great Britain	431	173	118	17	41	91 (9)
1962: Total for Great Britain	488	247	119	22	35	77 (9)
1963: Total for Great Britain	200	110	34	4	13	39 (0)
1964: Total for Great Britain	203	109	28	3	15	48 (0)
1965:						
Southern England	42	40		1		1
Wales	34	26	6			2
Northern England	30	17	2		4	7
Southern Scotland	31	12	3	3	5	8
South and East Highlands	47	4	8	7	4	24
North and West Highlands	36	18	6	6	3	3
Total for Great Britain	220	117	25	17	16	45 (1)
1966:						
Southern England	42	40				2
Wales	40	34	3	1		2
Northern England	24	13	4	1	3	3
Southern Scotland	32	11	6	2	4	9
South and East Highlands	44	7	11	1	2	23
North and West Highlands	31	12	5	7	5	2
Total for Great Britain	213	117	29	12	14	41 (3)

Notes: To make approximate correction for comparison with 1961–62, the figures for 1963–66 regarding "birds apparently absent" should be increased by $\frac{1}{7}$, and those for "successful nesting" should be reduced by $\frac{1}{3}$. These factors are derived as follows: The sample of eyries visited in each of the years 1963–66 is similarly biased (toward territories likely to give positive rather than negative records) by comparison with the much larger sample for 1961–62, and many eyries visited with negative results have evidently not been reported to me. If the 1962 data are subsampled to give a list of those eyries which were acutally visited during 1963–66, simple calculation gives values of 44 percent for territory desertion and 24 percent for successful breeding pairs. The figures calculated from the full 1962 data are, however, 50 and 16 percent respectively, i.e. approximately $\frac{1}{7}$ more for territory desertion and $\frac{1}{3}$ less for successful pairs. As the samples for 1961 and 1962 were closely comparable, the above correction factors apply also to 1961.

Actual breeding success for 1961 and 1962 is 19 and 13 percent, respectively, when broods taken by falconers are regarded as failures (as in Ratcliffe 1963), but to show more accurately the proportion of healthy broods potentially able to fledge, those taken by falconers have been included and give breeding success as a theoretical 21 and 16 percent. Broods taken by falconers (illegally after 1961) are bracketed alongside the totals.

By comparison with the fuller data for 1961–62, it would seem that the rapid decline of those years continued into 1963, but that the population then leveled off, and, at most, has since shown marginal improvement in breeding success alone. On the other hand, when data for each region are examined separately, the population of Southern Scotland has shown evident improvement in breeding success since 1963; in 1963, only 3 out of 19 inland territories visited had successful pairs, whereas in 1966, 8 out of 24 reared young. M. Gilbertson (pers. comm.) also reports an apparent improvement in Northern Ireland, where a total of only 5 young was reared in 14 territories examined in 1964, compared with a total of 11 young in 16 territories in 1966. These are the regions closest to the Scottish Highlands, and therefore the ones in which any recovery of the Peregrine population might be expected to show first.

PESTICIDE RESIDUES

Although only 12 Peregrine eggs have been analysed (by gas-liquid chromatography) for organo-chlorine pesticide residues in 1965–66, the results (Table II) are revealing. Despite the higher levels, compared with 1963–64, the sample is too small for the data to be regarded as valid evidence of an increase in contamination. However, the figures suggest that the voluntary restrictions on use of aldrin, dieldrin and heptachlor, in 1964, have (up to the spring of 1966) had no effect in reducing the contamination of the British Peregrine by residues of these pesticides. The figures for heptachlor in particular indicate that, despite statements to the contrary,

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there was still a considerable local use of this chemical during 1965–66.

Whilst only 5 egg analyses are available yet for the central part of the South and East Highlands, they show an appreciably lower mean level of contamination than the 22 eggs from Northern England and Southern Scotland, though the difference lies largely in the DDE component of the residues. This matches the differences between the first region and the second two in regard to both state of the population and breeding success; and it supports the earlier contention (Ratcliffe 1963, 1965) that contamination risk to the Peregrine is lower in the South and East Highlands than in most other parts of the British Isles. Even within the 5 Highland eggs there are suggestive differences; the two from Angus (within Peregine reach of rich arable farm land) contain appreciably higher residues of DDE, dieldrin and heptachlor expoxide than those from the three Inverness-shire eyries, which were all remote from agricultural land.

The egg analyses for 1963–64 showed no difference between those from eyries which failed and those which produced flying young from the remaining eggs (Ratcliffe 1965). Now that more data are available, a slight difference shows when all egg analyses are thus separated; the figures are (total organo-chlorine residues) 17.4 p.p.m. for eggs from failed eyries and 12.7 p.p.m. for eggs from successful eyries. The difference is not statistically significant but it is suggestive.

In 1966, two eggs were examined for residues of mercury; one was blank (Table IIB, 1966/1) but the other (Table IIB, 1966/3) contained 0.3 p.p.m.

BREEDING SUCCESS, BROOD SIZE AND REPLACEMENT OF LOSSES

Of the 30 eyries which failed in 1965–66, egg breakage or disappearance of eggs (usually one by one and apparently due to parental destruction) was the cause of failure in 26. Mean brood size in successful eyries has continued to be low in regions south of the Highlands (average of 1.8 young for 24 known broods) and normal in the South and East Highlands (average of 2.5 young for 28 known broods).

I have recently been provided with data collected by the late W. C. Lawrie at a regular Lakeland eyrie between 1910 and 1939. The history is incomplete, but the following records are available of all successful nestings in which the brood-size was definitely known:

1913, 3 young	1924, 4 young
1914, 3 young	1925, 2 young
1920, 3 young	1926, 4 young
1922, 3 young	1927, 4 young
1928, 1 young	1936, 4 young
1930, 4 young	1939, 4 young
1931, 3 young	

The mean of these 13 broods was 3.2 young, an appreciably higher figuer than the national pre-war average of 2.5 young. Unspecified broods were also reared in several other years and there are in existence several clutches of eggs taken from this locality during the same period. The haunt was never known to be deserted between 1910 and 1939, and the only cause of breeding failure was egg collecting, apart from one year in which the birds deserted after being kept off the nest for many hours. At least two different females were involved during this period.

The recent history of occupation at this same haunt is as follows:—

1961 3 eggs; two were later broken, the third hatched but the chick died.

1962 3 eggs; all disappeared later, evidently through parental destruction.

1963 3 eggs; one taken fresh for chemical analysis (Table IIB, 1963, No. 3), the other two hatched; one chick died and the other fledged.

1964 3 eggs; only one chick hatched and it later died.

1965 3 eggs; one broken later, one bad (Table IIB, 1965, No. 4) and the third hatched; the single chick fledged.

1966 No trace of the birds.

TABLE II.—ORGANO-CHLORINE RESIDUES IN PEREGRINE EGGS

A. CENTRAL SCOTTISH HIGHLANDS

Year	No.	County	pp DDE	pp TDE	pp DDT	Dieldrin	Heptachlor epoxide	BHC isomers	Total o/c residues
1963	[1] 1	Inverness	6.9			0.5	0.2	(2)	7.6
	[1] 2	Angus	5.4	0.6	0.8	.6	1.9	0.2	9.5
1966	[4] 1	Inverness	3.6		(2)	.1	(2)		3.7
	[1] 1	do	2.8		.1	.3	(2)		3.2
	[1] 3	Angus	7.8	.1	(2)	1.6	1.2		10.7
Mean			5.3	.1	.2	.6	.7	[3] .1	6.9

B. NORTHERN ENGLAND AND SOUTHERN SCOTLAND

Year	No.	County	pp DDE	pp TDE	pp DDT	Dieldrin	Heptachlor epoxide	BHC isomers	Total o/c residues
1963	[4] 1	Westmorland	15.8		0.4	0.7	2.9	0.2	20.0
	[4] 2	Cumberland	10.0			.4	.7	.1	11.2
	[1] 3	do.[5]	30.8			1.1	4.1	.1	36.1
	[4] 4	Dumfries [5]	2.6		.1	.1	.1	(2)	2.9
	[1] 5	Peebles	4.4		.1	.4	.6	(2)	5.5
	[4] 6	do.[5]	21.2		.1	.5	.6	.2	22.6
	[4] 7	do.[5]	23.2			.3	.5	.1	24.1
	[4] 8	Kirkcudbright	14.1			.7	.4	.1	15.3
	[4] 9	do	9.0		.1	.1	.4	.2	9.8
Mean for 1963			14.6		.1	.5	1.1	.1	16.4
1964	[4] 1	Dumfries [5]	4.7	(3)	(2)	1.3	.2	.6	6.8
	[4] 2	do	7.3			1.8	.7	.8	10.6
	[4] 3	Kirkcudbright [5]	10.8	0.5	.5	.1	.1	.5	12.5
	[4] 4	Peebles	12.0			.8	.4	.1	13.3
Mean for 1964			8.7	.1	.1	1.0	.4	.5	10.8
1965	[4] 1	Kirkcudbright [5]	22.3	.2	.3	.5	4.3	.4	28.0
	[1] 2	Dumfries [5]	10.2	.2	.2	.5	.2	.2	11.5
	[4] 3	Peebles	18.1	.1	.7	.5	.2	.2	19.8
	[1] 4	Cumberland [5]	25.0			.6	.8	.1	26.5
	[4] 5	Westmorland	24.0			.8	1.0		25.8
Mean for 1965			19.9	.1	.2	.6	1.3	.2	22.3
1966	[4] 1	Kirkcudbright [5]	22.0	.2	.2	.3	1.0		23.7
	[4] 2	do	22.0			.6	1.0		23.6
	[4] 3	do	13.0		.1	.2	.1		13.4
	[4] 4	Westmorland	23.0	(2)		.6	.5	2.8	28.9
Mean for 1966			20.0	.1	.1	.9	.7	.7	22.5
Overall mean			15.7	.1	.1	.7	.9	.3	17.8

[1] Successful eyrie; at least 1 young reared from remaining eggs.

[2] Trace.

[3] Less than figure shown.

[4] Unsuccessful eyrie; remaining eggs broken or failed to hatch.

[5] Same female for the same locality.

While the two eggs containing total organo-chlorine residues of 36 and 27 p.p.m. (dieldrin+heptachlor epoxide 5.2 and 1.4 p.p.m.) were from clutches from which single young were fledged, this level of contamination was associated with a marked reduction in brood size, compared with pre-war years. This haunt was one of only five (out of 30) once regularly occupied territories in Northern England which were continuously occupied throughout the period 1960–65; and 1966 was the first year since 1910 when Peregrines were absent. Probably the same female occupied the haunt from 1961 to 1965, but it was a different bird from that present in 1939.

The summarised figures in Table I conceal the details of change occurring within a population which as a whole remains stable. For instance, in Southern Scotland, 27 territories were visited in both 1965 and 1966, and 16 were found occupied in each year, but only 13 were occupied in *both* years. Since 1960, it is usual for this region and Northern England to show small gains and losses in any year, by comparison with the preceding and succeding years, so that fresh gaps are still appearing as old ones are filled.

The output of young Peregrines annually from the whole of the Scottish Highlands would seem adequate to allow a slow recovery, at least in occupation of territories, and it is perhaps surprising that even in this region, about 47 per cent of territories visited remained deserted or held by non-breeders in 1966. However, the annual surplus has also to fill gaps caused by mortality amongst the established breeding population, and when birds move away from their birthplace to depleted areas, they are themselves increasingly exposed to pesticidal contamination, with the implication of increased risks of mortality and breeding failure. As not all Peregrines are likely to reach sexual maturity at one year old, many probably pass their juvenile stage in country away from breeding haunts and may then be more at risk, as regards pesticides, than if they were able to occupy a nesting place in their first year.

Walpole-Bond (1914) noted that a barren female Peregrine refused to mate or to allow a prospecting pair to settle on her breeding cliffs, but after she was shot, a new pair soon appeared and nested. It could be that many of the non-breeding Peregrines recently holding territories also defend them against potential breeders which arrive from other areas. Cade (1960) has suggested that the tenacity with which Peregrine eyries are usually held over a long period depends on the survival at all times of one bird of the occupying pair, and that when both of the pair die simultaneously, continuity is lost and the haunt may then be left deserted for a period. Many Peregrine breeding haunts south of the Highlands seem to have been totally deserted for several years, and this loss of continuity may be an additional factor working against their re-occupation. Even so, rate of re-occupation of totally deserted haunts in Southern England was fairly rapid after intensive human 'control' ceased in 1945. The continued failure of the Peregrine to restore its previous breeding numbers is most likely to be explained by lack of improvement in the adverse factor which originally depleted the areas concerned.

CONCLUSIONS

The continued investigations of 1965–66 reinforce earlier conclusions (Ratcliffe 1963, 1965) that the persistent organo-chlorine pesticide residues have been a causal factor in the post-1955 decline of the Peregrine in Britain. In view of the evident maintenance of contamination levels in the environment, it is not surprising that the breeding population has shown no clear tendency towards recovery. Moreover, there would seem to be no sign of general resistance to these chemicals developing in this species.

SUMMARY

A sample census of about one-third of the Peregrine breeding population of Great Britain in 1965 and 1966 indicates that there has been no significant change in proportion of occupied territories or breeding success of remaining birds during this period.

Comparison with earlier data suggests that the Peregrine decline ceased after 1963, and that the population has since remained relatively stable, with occupied territories at about 40 per cent of the pre-war level and breeding success (pairs rearing young) varying between about 13 and 16 per cent of the maximum possible level (former mean annual number of pairs). Breeding success may have improved marginally after 1963 on the national scale, and more significantly in Southern Scotland and Northern Ireland.

The geographical pattern is unchanged, with population level, breeding success and brood size lowest in England and Wales, and highest in the South and East Highlands of Scotland.

Analysis of Peregrine eggs gives no evidence of a decrease in contamination by any organo-chlorine residue since 1964. Eggs from Northern England and Southern Scotland were more heavily contaminated than those from the South and East Highlands during the period 1963–66, though the difference lies mainly in the DDE component.

Failure of young Peregrines from successful eyries to build up the breeding population of depleted areas is probably a reflection primarily on the lack of improvement in the adverse factor which initiated decline.

ADDENDUM

Since this account was written, preliminary data for 1967 have become available. They indicate a slight recovery of population, in both occupation of territories and breeding success, in the east and central Scottish Highlands, Northern England and Northern Ireland. In the southwest Highlands and Southern Scotland, breeding success was lower than in 1966, but there was no decrease in number of occupied territories. Analysis of ten eggs in 1967 shows a decrease in organo-chlorine residue levels, especially of dieldrin and heptachlor epoxide, compared with 1956–66, and also confirms that residue levels are significantly lower in the Central Highlands than in other regions of the south. Slight recovery of the population in more northerly regions is thus consistent with a decrease in environmental contamination, at least in these more marginal arable farming districts, which were least affected by the original population decline.

It has recently been shown (Ratcliffe 1967) that the post-war prevalence of egg breaking in the British Peregrine correlates closely with a widespread decrease in egg-shell weight/size ratio (i.e. probably thickness) which appeared in 1947 and has persisted ever since, except in some parts of the Central Highlands. The connections between these phenomena, and their possible relationships to contamination of the species by organo-chlorine residue, are being examined.

PROBLEMS WITH DDT IN FISH CULTURAL OPERATIONS

(J. P. Cuerrier, J. A. Keith, and E. Stone)

ABSTRACT

Various concentrations of DDT and residues have been detected in eggs and fry of speckled, rainbow, and cutthroat trout obtained from local sources and from commercial suppliers and handled at the Maligne River Trout Hatchery, Jasper National Park, Alberta. Concentrations of DDT and metabolites exceeding 400 ppb in eggs resulted in a 30 to 90 per cent mortality among the fry 60 fingerlings during the days following the swim-up stage. All commercial dry feeds analysed contained DDT. Among ingredients used in the manufacturing of trout feeds, only brewer yeast was found almost free of contamination.

INTRODUCTION

Because of the very wide distribution of DDT, it would seem that all forms of life are being exposed, directly or indirectly, to this chemical insecticide. Extensive research has been done on the toxicity of DDT to insects, the primary target, but comparatively little is known of the effects of secondary contamination of animals, particularly during the very early stages of development. The purpose of this paper is to present data on DDT contamination of trout in fish hatcheries.

Mack and co-workers (1964) found DDT concentrations in whole fish ranging from 0.2 to 7 ppm; certain tissues or organs contained up to 40 ppm. Burdick and co-workers (1964) found as much as 500 ppm of DDT by weight in ether-extracted oils from lake trout eggs taken from Lake George, New York State. They found that 90 per cent of lake trout eggs containing 2.95 ppm of DDT and above died at the fry stage. With landlocked salmon at Sebago Lake, Maine, Anderson and Everhart (1966) found that ovaries of three-year-old salmon contained 0.87 ppm of DDT, while ovaries of older salmon showed 6.0 ppm of DDT.

Mortality at the yolk-sac stage of lake trout in George Lake and other waters in the State of New York, and of the landlocked salmon in Sebago Lake, has been ascribed to DDT contamination.

For many years, gill diseases were thought to cause mortality at different stages of development of the various trout species raised at the Maligne River Trout Hatchery, Jasper National Park, Alberta. Recent investigations by the Pathology Section of the Canadian Wildlife Service, with the co-operation of the U.S. Bureau of Sport Fisheries and Wildlife, have revealed the occurrence of such diseases as "cold-water disease", infectious pancreatic necrosis, and "kidney disease", in addition to gill diseases. Mortality has also been caused by dissolved copper and zinc from pipes and valves in the hatchery. In spite of these hazards and the Damocles' sword ever present in fish culture operations, in 1966 the Maligne River Hatchery produced more than one and one-half million trout of various species and sizes for plantings in the Mountain Park waters.

However, some mortality could not be explained by viral or bacterial infections and DDT contamination was suspected. Samples of eggs, alevins, and commercial dry feeds were analysed. All analyses were performed under contract by Dr. D. J. Ecobichon, Pharmacology Division, University of Guelph, using electron capture gas chromatography and the extraction procedure of Saschenbrecker and Ecobichon (1967).

TROUT EGGS AND ALEVINS

Trout eggs handled at the Maligne River Trout Hatchery come from various sources: (a) local collections from wild stocks originating from annual hatchery plantings; (b) local collections from domestic stocks held at the hatchery; (c) commercial suppliers located in the United States; and (d) provincial and federal fisheries agencies. Table 1 presents data on DDT and metabolite levels found in eggs and alevins of various species of trout.

In view of the preliminary and exploratory nature of this report, no attempt is being made to establish a relationship between the levels of each type of residue found in the various samples. However, in samples with levels of total DDT and residues below 200 ppb, residues of DDT and metabolites appear in the following order: the lowest levels are of *o,p'*-DDT, followed by DDD, *p,p,'*-DDT, and DDE. DDE was the major component, with about twice as much of it as of the other residues combined.

TABLE 1—DDT AND METABOLITES IN PARTS PER 10^9 (PPB) WET WEIGHT IN EGGS AND FRY OF VARIOUS SPECIES OF TROUT

Sample catalog	Description [1]	Concentration in parts per 10^9, ppb, wet weight: DDE	o,p'-DDT	DDD	p,p'-DDT	Total	Losses [2] (percent)
B-477	RT eggs, wild, Jasper	65	8	23	25	123	−15
B-479	RT eggs, commercial	57	19	28	44	148	
B-480	RT eggs, commercial	63	29	33	53	178	
B-726	RT eggs, commercial	79	(3)	(3)	(3)	79	
B-727	RT eggs, commercial	129	(3)	26	21	176	−15
B-728	RT eggs, commercial	46	(3)	11	7	64	
B-729	RT eggs, commercial	62	(4)	6	(4)	68	
B-730	Cutth. T. eggs, domestic	166	(4)	378	23	567	30
B-420	EBT domestic, fry	333	44	(3)	87	464	70
B-417	RT f.sp., yolk fry	1,022	54	294	52	1,422	90
B-418	RT f.sp., yolk fry	971	(3)	178	(4)	1,149	90
B-478	EBT fry, domestic	217	16	51	201	485	90

[1] Abbreviations: RT equals rainbow trout; f.sp. equals fall spawning; EBT equals eastern brook or speckled trout; Cutth T. equal cutthroat trout.

[2] Losses during the 2-month period following the swim-up stage.

[3] Indicates undetected, the limit of detection being 1 ppb.

[4] Indicates traces in the range of 1 to 5 ppb.

Eggs collected from wild rainbow trout in Lake Edith, Jasper National Park, where annual plantings are carried out, showed a total level of 123 ppb of DDT and metabolites. Losses during the 60 days following the swim-up stage were less than 15 per cent. Spring-spawning rainbow trout eggs from commercial sources contained levels ranging from 64 ppb to 178 ppb. Losses in alevins from these eggs were less than 15 per cent during the 60 days following the swim-up stage. Losses of this magnitude are considered normal for that stage. However, cutthroat trout fry resulting from eggs purchased from a commercial supplier showed a total concentration of 567 ppb of DDT and metabolites; losses were about 30 percent.

Eastern brook trout fry resulting from eggs extracted from a domestic brood stock held at the Jasper Hatchery had a mortality of 70 per cent. The total level of DDT and metabolites was 464 ppb.

Rainbow trout yolk-sac fry from an autumn-spawning strain obtained from a commercial supplier contained 996 ppb of DDT and 236 ppd of DDD for a total of 1,285 ppb of DDT and metabolites. Losses amounted to close to 90 per cent in the two-month period which followed the swim-up stage. Similar heavy losses were experienced with brook trout fry resulting from eggs obtained from a domestic brood stock held by a government agency. The concentration of total DDT and metabolites was 485 ppb, mostly DDE and *p,p'*-DDT.

The fish with high levels of mortality were not exposed to disease more than the others, but during the period of this study, mortality above 25 per cent seemed to be associated with comparatively high levels of DDT and its metabolites. Therefore, we conclude that insecticide residues were responsible for this high mortality. In their paper on chronic effects of DDT on cutthroat trout, Allison and coworkers (1964) stated that "there was a critical period shortly after hatching when mortality was noticeably higher in offspring of the high-dosage lots".

The relationship between mortality, level of DDT contamination of the eggs, and temperature of the water during yolk-sac absorption is under experimental study. Incubation and hatching during the winter and spring seasons at the Maligne River Trout Hatchery take place at a water temperature of 40° F. Brook trout fry and alevins which experienced a 90 per cent mortality at our Maligne River Trout Hatchey had less than 15 per cent mortality at the hatchery where the eggs came from. At that establishment, incubation of trout eggs is carried out at a water temperature ranging from 32° F. to 36° F.

COMMERCIAL TROUT DRY FEEDS

Fry are fed with commercial dry feeds after reaching the advanced swimup stage. Samples of dry feeds were analyzed. Results are presented in Table 2 but for obvious reasons, brand names and sources are not given. Analyses revealed the presence of DDT in all samples, with levels ranging from 2 ppb to 234 ppb. One sample also contained 17 ppb of dieldrin.

TABLE 2.—DDT AND METABOLITES IN PARTS PER 10^9 (ppb) WET WEIGHT IN MANUFACTURED DRY FEEDS FOR TROUT

Sample catalog number	Concentrations in parts per 10^9, ppb				
	DDE	o,p'-DDT	DDD	p,p'-DDT	Total
473–476	104	27	38	65	234
483–476	45	19	42	54	160
491–493	45	35	38	78	196
B-1348	71	(1)	33	46	150
B-1349[2]	59	(1)	20	28	107
B-1351	75	(1)	67	54	196
B-1352	56	(1)	47	39	132
B-1456	44	(1)	96	74	214
B-407	2	(1)	(1)	2	4
B-408	2	(1)	(1)	2	4
B-490	16	(3)	(3)	(1)	16
B-723	19	(3)	26	9	54
B-724	33	50	67	238	388
B-1166	125	126	249	157	657
B-1456	44	(1)	96	74	214
B-146	60	(1)	67	24	151

[1] Indicates undetected, the limit of detection being 1 ppb.
[2] This feed also contained 17 ppb dieldrin.
[3] Indicates traces in the range of 1 to 5 ppb.

Presence of metabolites, from low to high levels, is as follows: *o,p'*-DDT, DDD, *p,p'*-DDT, and DDE. This same order was observed with the samples of rainbow trout eggs with low levels of DDT and metabolites. Some ingredients utilized in the manufacturing of dry feeds were analysed for DDT residues. Data obtained indicated that of all the ingredients examined, only brewers' yeast contained residues no higher than 5 ppb; soybean meal and fish meal contained less than 100 ppb.

CONCLUSION

Various levels of DDT and residues have been found in brook, rainbow, and cutthroat trout handled at the Maligne River Trout Hatchery in Jasper National Park. When levels of DDT and metabolites exceeded 400 ppb in eggs, mortality in the resulting fry ranged from 30 per cent to 90 per cent in the 60-day period following the swim-up stage. All commercial dry trout feeds analysed were found to contain chlorinated hydrocarbons. Of several ingredients used, only brewer's yeast was found to be almost free of contamination.

From operational observations, it would seem that DDT in manufactured trout food is detrimental to the growth of trout raised under hatchery conditions, when DDT and metabolites in the eggs and fry exceed certain levels.

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Chlorinated Hydrocarbons and Eggshell Changes in Raptorial and Fish-Eating Birds

(Abstract. Catastrophic declines of three raptorial species in the United States have been accompanied by decreases in eggshell thickness that began in 1947, have amounted to 19 percent or more, and were identical to phenomena reported in Britain. In 1967, shell thickness in herring gull eggs from five states decreased with increases in chlorinated hydrocarbon residues.)

New perspectives on the role of chlorinated hydrocarbon insecticides in our environment have come into focus in recent years. Successive discoveries have demonstrated that these compounds are systematically concentrated in the upper trophic layers of animal pyramids (1). Raptorial bird populations have simultaneously suffered severe population crashes in the United States and Western Europe (2, 3, 4). These involve reproductive failures which, at least in Britain, are characterized by changes in calcium metabolism and by a decrease in eggshell thickness resulting in the parent birds' breaking and eating their own eggs (4, 5, 6). Such a derangement of calcium metabolism or mobilization perhaps could result from breakdown of steroids by hepatic microsomal enzymes induced by exposure to low dietary levels of chlorinated hydrocarbons (7).

We have examined the possibility that the eggshell changes reported in Britain (6) have also occurred in the United States and that the raptor population crashes in Europe and North America may have had a common physiological mechanism. The population changes are without parallel in the recent history of bird populations (8). They include the pending extirpation of the peregrine falcon (*Falco peregrinus*) in northwestern Europe, the complete extirpation of the nesting population of this species in the eastern half of the United States, and simultaneous declines among other bird- and fish-eating raptors on both sides of the Atlantic.

We examined 1729 blown eggs in 39 museum and private collections. Shells were weighed to the nearest hundredth of a gram. In 29 percent of these, we were able to insert a micrometer through the hole drilled by the collector at the girth of the shell and to take four measurements of thickness 7 mm from the edge of the blow hole; these were then averaged to the nearest 0.01 mm for each shell. Thickness in each case then represented the shell itself plus the dried egg membranes. Peregrine falcons, bald eagles (*Haliaeetus leucocephalus*), and ospreys (*Pandion haliaetus*) were selected as having one or more regionally declining populations; golden eagles (*Aquila chrysaeetos*), red-tailed hawks (*Buteo jamaicensis*), and great horned owls (*Bubo virginianus*) were selected as representative of reasonably stationary populations that may be slowly declining as their habitats are gradually destroyed by man, but for which widespread reproductive failures are currently unknown. In addition, 57 eggs of the herring gull (*Larus argentatus*) were collected from five colonies in 1967. The shells of these were dried at room temperature for 4 months before being measured, and residues of the entire egg contents were analyzed by the Wisconsin Alumni Research Foundation for chlorinated hydrocarbons but not for polychlorinated biphenyls. Analytical procedure followed that outlined by the U.S. Food and Drug Administration (*9*). Analyses were conducted on a gas chromatogrsph (Barber Coleman, model GC 5000, and Jarrell-Ash, model 28–700) with electron-capture detectors. The glass column (0.6 cm by 1.2 m) was packed with 5 percent DC 200 (12,500) on Cromport XXX. The column temperature was 210°C, and the nitrogen flow rate was 75 cm^3/min. Each portion of the ground and dried samples was extracted for 8 hours or more in a Soxhlet apparatus with a mixture of ether and petroleum ether (70:170). Portions of the extracts were further purified by putting them through a Florisil column.

In California, where the peregrine falcon population is in "a serious condition" (*10*), a change of 18.8 percent in shell weight occurred from 1947 to 1952. Ratcliffe (*6*) found a corresponding decrease of 18.9 percent in Britain. The change in California involved a decrease in shell thickness and had no precedent in the previous 57-year recorded history of the peregrine in that state (Fig. 1). In the eastern United States, where the nesting population of peregrines has now been wiped out (*3*), fragmentary data indicate that the same change took place (Table 1). Broken eggshells in a North American peregrine eyrie were observed for the first time in 1947 by J. A. Hagar 60 miles (6.9 km) from the Massachusetts eyrie cited in this table (*11*). They were next inferred in Quebec in 1948 when egg-eating was observed at the same site in 1949 (*12*), and were observed in Pennsylvania in 1949 and 1950 (*13*). Chlorinated hydrocarbon data for this now-extinct regional population are completely absent. For nine surviving adult peregrines in Canada's Northwest Territories in 1966, the data are reported to have averaged 369 parts per million (ppm) (fresh weight) in fat (*14*). For four adults in another migratory population in northern Alaska, values were even higher (*15*).

For the five other raptorial species we have studied, the data do not permit a precise delineation of the onset of the change in calcium metabolism or mobilization, but the decrease (Table 1) in shell weight (and hence thickness) has involved only declining populations and not stationary ones. Change in shell thickness occurs in poultry as a result of dietary deficiencies and age (*16, 17*). This phenomenon would probably

not occur simultaneously on two continents 1 year after the chlorinated hydrocarbon insecticides came into general usage. Other chemicals affect shell thickness in poultry (*17*), but the finding of high concentrations of chlorinated hydrocarbons in the eggs of wild populations of raptors and the time correlation of shell changes with the introduction of DDT [1,1,1-trichloro-2,2-bis (*p*-chlorophenyl) ethane] tend strongly to suggest that chlorinated hydrocarbons are the major contributing cause, although it is not unlikely that other chemicals could be contributory.

TABLE 1.—WEIGHTS OF RAPTOR EGGSHELLS IN MUSEUM AND PRIVATE COLLECTIONS

Region	Period	Number	Weight (g)		Population trend (or reproduction)
			Mean±S.E.[2]	Change (percent)	
Red-tailed hawk: California (23)[1]	1885–1937	386	6.32±0.032		
	1943–44	6	6.09±0.237	−3.6	Stationary.
	1953–67	8	6.49±0.214	+2.7	Do.
Golden eagle: California (23)	1889–1939	278	13.03±0.083		
	1940–46	28	12.70±0.161	−2.5	Do.
	1947–65	33	13.41±0.232	+2.9	Do.
Bald eagle (24a):					
Brevard County, Fla	1886–1939	56	12.15±0.127		
	1947–62	12	9.96±0.280	−18.0	Declining.
Osceola County, Fla	1901–44	25	12.32±0.240		
	1959–62	8	9.88±0.140	−19.8	Do.
Osprey (24b):					
Maryland-Virginia	1890–1938	152	7.05±0.054		
	1940–46	21	6.91±0.164	−2.0	Stationary.
	1955	3	6.85	−2.8	Do.
New Jersey	1880–1938	117	7.08±0.069		Do.
	1957	6	5.30±0.446	−25.1	Declining.
Peregrine (25):					
British Columbia	1915–37	29	4.24±0.061		
	1947–53	15	4.18±0.081	−1.4	Stationary.
California (23)	1895–1939	235	4.20±0.031		
	1940–46	49	4.07±0.038	−3.1	No data.
	1947–52	31	3.41±0.084	−18.8	Declining.
New Hampshire to New Jersey[3]	1888–1932	56	4.38±0.034		
Vermont	1946	3	4.30	−1.8	Stationary.
Massachusetts	1947	3	3.47	−20.8	Extirpated.
New Jersey	1950	3	3.24	−26.0	Do.
Great horned owl:					
California (23)	1886–1936	154	4.50±0.033		
	1948–50	12	4.62±0.119	+2.4	Stationary.

[1] Citations (23–25) refer to the data for the population trend.
[2] S.E., standard error of the mean.
[3] Including Vermont and Massachusetts.

In order to test the hypothesis that these recent changes of thickness in raptor eggshells were the result of differences in exposure to chlorinated hydrocarbons we analyzed 10 to 14 eggs taken in 1967 from each of five colonies of the herring gull (*Larus argentatus*). Mean shell weight and thickness in 55 eggs collected in the same five states prior to 1947 disclosed no geographic gradients or significant differences. The 1967 mean thicknesses for each colony were therefore compared to mean levels of residual DDE [1,1-dichloro-2,2-bis (*p*-chlorophenyl) ethylene] on a fresh-weight basis, with the result shown in Fig. 2, the *r* value being significant, with $P = .001$. The residues of polychlorinated biphenyls (*18*) have not been studied in these ecosystems, but DDE has been consistently high in the Lake Michigan birds, averaging (fresh weight) 1925 ppm (S.E. 274) in the fat of 12 healthy adults collected in 1963–64 (*19*).

Reproduction in these gull colonies was generally normal in 1967 except perhaps in Wisconsin. At the latter colony where an 11 percent mean decrease in shell thickness occurred, some egg breakage and shell flaking was evident in 1967, although not at the frequency seen in previous years. Excessive reproductive failure occurred at this site in 1964 when about 18 percent of eggs lost about one-third of the shell due to flaking, when clutch size decreased and embryonic mortality was high, and when DDE residues averaged 202 ppm (S.E. 34) in nine eggs (*20*). (If linear extrapolation of the 1967 values is carried out to 202 ppm, the shell thickness in 1964 could be estimated as having decreased by about 32 percent.) The effectiveness of DDE in the enzymatic metabolism of aminopyrine has been reported by Hart and Fouts (*21*), and our data suggest that this compound, because of its prevalence, has played a major role in inducing the hepatic microsomal metabolism of steroids that in turn resulted in the eggshell changes we have encountered in museum collections. Without doubt DDE is the commonest insecticide or insecticide analog now being found in avian tissues (*22*). In 1966, it was found to average 284 ppm (S.E. 62) in the fat of nine arctic-breeding peregrine falcons (*14*) and about 414 ppm in four others on a wet-weight basis (*15*). Concentrations of this compound and other chlorinated hydrocarbons in the peregrine populations that crashed farther south can be assumed to have been as high—and they may have been much higher.

From the above evidence and that accumulated by others (*2, 4, 6, 8*), we have reached these conclusions: (i) many of the recent and spectacular raptor population crashes in both the United States and Western Europe have had a common physiological basis; (ii) eggshell breakage has been widespread but largely overlooked in North America; (iii) significant decreases in shell thickness and weight are characteristic of the unprecedented reproductive failures of raptor populations in certain parts of the United States; (iv) the onset of the calcium change 1 year after the introduction of chlorinated hydrocarbons into general usage was not a random circumstance; and (v) these persisting compounds are having a serious insidious effect on certain species of birds at the tops of contaminated ecosystems.

JOSEPH J. HICKEY,
DANIEL W. ANDERSON,
Department of Wildlife Ecology, University of Wisconsin, Madison.

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25. Except for the California data (23) the data on population trends are given in (8) by F. L. Beebe for British Columbia; by W. R. Spofford for Vermont; by J. A. Hagar for Massachusetts; and by D. D. Berger *et al.* for New Jersey.

26. Research carried out under contract with the Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Dept. of Interior. W. H. Drury, J. T. Emlen and M. E. Slate provided gull eggs for analysis. E. N. Harrison, W. C. Hanna, and many other oologists greatly facilitated our measurements of eggshells. We thank D. A. Ratcliffe for advice throughout the entire study.

16 July 1968

Mr. PROXMIRE. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Legislative Clerk. The Senator from Wisconsin proposes an amendment, on page 73, line 24, insert the following new section:

Sec. 109. Section 1705(h) of Public Law 90–448 is amended by striking the word "or" where it appears before the word "domitory" and by inserting after the word "domitory" the following: ", water, or sewer".

Mr. PROXMIRE. Mr. President, the Water Quality Improvement Act of 1969 which the Senate is considering today is mainly concerned with the control of pollution whether by oil, sewage flow, acid mine drainage, or related pollutants into our rivers and harbors. This bill would authorize appropriations to alleviate pol-

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luted conditions and to provide for better coordination between Federal, State, and local water pollution control programs. I congratulate the distinguished Senator from Maine for the excellent leadership he has shown on environmental policy. His work on the Water Quality Improvement Act is but one example of his continuing efforts over the years to combat air and water pollution.

I understand that the Public Works Committee will later consider legislation on the very important subject of providing additional financing to State and local governments for the construction of needed water and sewer facilities. In 1968, State and local governments borrowed nearly $3 billion to provide capital for financing water, sewer, and conservation programs. The Water Quality Improvement Act of 1968 was passed by the Senate, but was not enacted into law because time ran out in the 90th Congress before differences in the House and Senate versions could be resolved. This 1968 act would have enabled State and local government units to raise between $6 and $7 billion in capital by means of municipal bond issues in order to pay for needed construction.

The amendment I offer today would afford to the State and local government units access to the capital market now enjoyed by State and local governments when they issue bonds for housing, university, and dormitory purposes. Having access to a competitive capital market will enable the State and local governments throughout the country to borrow money for water and sewer construction at the lowest possible cost. It is my belief that in view of the astronomically high interest rates which are now being paid, it is more imperative that new water and sewer construction be paid for by raising capital under the most advantageous conditions. Furthermore, as I mentioned earlier, the fact that the Public Works Committee has not yet considered legislation relating to financial assistance by the Federal Government for the raising of such capital is an additional reason why it is important at this time that every advantage of a competitive market be given for State and local borrowing for water and sewer needs.

Mr. President, the Committee on Banking and Currency has considered this amendment in some detail and hearings have been held on it. The Senator from Maine (Mr. MUSKIE) is familiar with the action taken, as he serves as a member on that committee. It has also been discussed on the floor before, and I would hope, as it is discussed now with the distinguished Senator from Maine, that he will be able to accept the amendment.

Mr. MUSKIE. Mr. President, I support the adoption of the amendment offered by my distinguished colleague from Wisconsin. The Subcommittee on Air and Water Pollution has given considerable thought and study as to how capital is to be available to our hard-pressed States and cities for the construction of waste treatment facilities. I believe that every Member of Congress is aware of the acute need in every State and community for such facilities. Many different financing proposals have been considered by the subcommittee and by the full Public Works Committee. The Clean Water Restoration Act of 1966 authorized $3.5 billion for substantial Federal grants for this purpose. However, appropriations have fallen far short of the authorized amounts. This situation will be partially rectified this year if the Congress appropriates the amounts included by the House Appropriations Committee in the Public Works appropriations bill.

In the meantime, State and local government units have continued to raise the capital for both their share and the Federal share of a project cost by the issuance of bonds. They will continue to raise needed State and local capital by this method in the future. The amendment now under consideration would enable the public issuers to have access to the same capital markets now available for Federal financing thereby insuring that they may borrow in a competitive market at the lowest cost.

Mr. President, for many reasons the amendment is thoroughly consistent with the objectives of the committee, struggling against budgetary restrictions over the past 3 or 4 years, to find alternative ways to make it possible for States and communities to find the capital to build these facilities.

I compliment the Senator for offering his proposal. It has been heard by committees. It is demonstrably sound on the basis of the hearings held, and I am delighted to take the amendment into the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 33 minutes p.m.), the Senate took a recess until tomorrow, Wednesday, October 8, 1969, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 7, 1969:

U.S. CIRCUIT JUDGE

Charles Clark, of Mississippi, to be U.S. circuit judge, fifth circuit vice Claude F. Clayton, deceased.

U.S. ATTORNEY

Paul C. Camilletti, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years vice John H. Kamlowsky, resigned.

U.S. MARSHAL

Robert D. Olson, Sr., of Alaska, to be U.S. marshal for the district of Alaska for the term of 4 years vice George A. Bayer.

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years vice Elmer W. Disspayne, retired.

Benjamin F. Westervelt, of New York, to be U.S. marshal for the eastern district of New York for the term of 4 years vice George J. Ward.

ASSISTANT COMMISSIONER OF PATENTS

John Henry Schneider, of Virginia, to be an Assistant Commissioner of Patents, vice Gerald D. O'Brien, resigned.

EXTENSIONS OF REMARKS

YOU CANNOT VOTE

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SCOTT. Mr. Speaker, Virginia is one of two States holding statewide elections this year, and I do not think enough could be said about the importance of the individual vote. Not only is Virginia reaching a crucial period in its political history, but the entire Nation needs for all of its citizens to exercise their right to vote. A very fine editorial appeared on October 2, 1969, in the Globe newspapers which circulate in my district which I would like to share with my colleagues:

YOU CAN'T VOTE!

Those are fighting—and frightening—words. Or they should be, especially in Virginia and especially this year of 1969.

Yet, sometime within the next few weeks, those same words will be told to thousands of men and women who live here in Northern Virginia. They won't be able to vote because they didn't bother to qualify, didn't take the time to register.

No matter how strongly you may feel about the forthcoming elections, no matter what your opinion is about the various candidates at the state and local level, it won't make any difference at all unless you are registered and thereby a qualified voter.

But the opportunity to do something about your government, about the leadership of that government, still exists for all Virginians. It's not too late. There is still time to qualify, still time to take an active interest in the affairs of this state of your community.

Which is just another way of saying, if you are realistic and honest, there's still time to take an active part in your own life. The very existence of each citizen is continually and consistently affected by government at every level. Taxes are merely the most obvious, the most familiar and perhaps the most annoying. The highways upon which you drive, the schools your children attend, the house in which you live, the very food you eat—all are touched in some way by the process of government in Richmond.

You can affect that government by the votes you cast in November. When you choose the next Governor, when you cast

your ballot for the next Lieutenant-Governor, for the new Attorney General, you are affecting your life and the lives of your family. When you make your choice for the members of the House of Delegates to represent you in the General Assembly, you are making a choice for the kind of immediate world you want to live in.

Don't lose the right to make this choice. Don't cheat yourself of the opportunity to make your opinions known, your voice heard. Don't throw away your right to vote.

The deadline for keeping this powerful right, this precious responsibility, is October the fourth. That's the last day to register, the final date to qualify yourself for voting in November.

Whether you are a Democrat, a Republican, an Independent, be sure to register by this Saturday. Don't let anyone say, "You Can't Vote!"

THE UNITED STATES—A MARITIME NATION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 7, 1969

Mr. SCOTT. Mr. President, I invite the attention of the Senate to an address given by Edwin M. Hood, president of the Shipbuilders Council of America. Speaking before the annual dinner of the Port of Philadelphia Maritime Society, Mr. Hood stressed the firm confidence held by the maritime industry in President Nixon.

The United States is a maritime nation and I stand with the maritime industry in its support of the President's goal of restoring the United States to a first-class maritime power.

I commend Mr. Hood's remarks to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE UNITED STATES—A MARITIME NATION

(By Edwin M. Hood)

Many months ago, I accepted Wills Brodhead's invitation to speak at your Annual Dinner with a certain amount of hesitation. I anticipated that it would be difficult to select an appropriate subject for a gathering such as this, representing a significant cross-section of the American maritime community and knowledgeable of the true facts affecting the American merchant marine.

You know perhaps better than I and better than most people that the American merchant marine is in "bad shape." The new Maritime Administrator used exactly that term only last week while appearing before a Committee of the Congress at the Nation's Capital.

You know that only 5 percent of U.S. international trade and commerce—by volume—is carried in American bottoms.

You know of the relationship of shipping to the national security and the balance of international payments.

You know of the high factor of obsolescence which continues to mount in the American-flag shipping fleet.

You know that levels of ship replacements have failed to stem the never-ending creep of obsolescence.

And, you know that the inadequacy of the shipping capability presently registered under the American-flag to move the materials of defense and the substance of trade and commerce can be quickly demonstrated.

It is also not new to you that these conditions result from a variety of factors:

The absence of a suitable national commitment;

The absence of sufficient national priority;

The absence of a firm national policy;

The absence of clear national objectives, and

The absence of effective national leadership and funding.

One might reason, with logic and history on his side, that these voids would have been obviated by the demands of the conflict in Southeast Asia and the many obligations of the United States around the world. But, as you know, the opposite has very much been the case, again for a variety of reasons mostly centering on fiscal and political considerations.

With all of what I have just said as background, it is interesting to note that both major political parties, in the platforms adopted at their national conventions last summer, took a strong stance favoring the elevation of maritime problems on the scale of national priorities.

The Democrats said: "To assume our proper place as a leading maritime nation, we must launch an aggressive and balanced program to replace and augment our obsolete merchant ships with modern vessels built in American shipyards."

The Republicans said: "For reasons of security, as well as economics, the decline of our merchant marine must be reversed. We therefore pledge a vigorous and realistic ship replacement program to meet the changing pattern of our foreign commerce . . ."

The platform of the American Independent Party even took note of the evidence that "our merchant marine fleet has dwindled," and registered its support of "all steps necessary to return our Merchant Marine fleet to its rightful place among the maritime nations of the world."

These pronouncements, remarkable for their consistency, reflect a cross-section of contemporary political thinking and public opinion, but the *Dictionary of American Politics* suggests that political platforms "are regarded as of less importance than candidates' campaign statements." It was therefore with more than passing interest that Candidate Nixon's "position paper," outlining his views on sea power, merchant marine and shipbuilding matters, released on September 25, 1968, in Seattle, Washington, was greeted by the maritime community and the American public.

Mr. Nixon pledged, if elected, his efforts toward the prompt restoration of the United States as a first-rate maritime power. He promised support for a domestic shipbuilding program to produce a fleet of American-flag merchant ships capable of carrying 30 percent of the nation's trade and commerce instead of the present 5 percent.

During the 1968 campaign, Candidate Humphrey was less specific though he promised an "imaginative and innovative" merchant marine program, if elected. At the close of his term of office as Vice President, however, Mr. Humphrey conceded: "We have starved our maritime service—our merchant marine—at a very dangerous time in world history."

Tangible evidence of the cult of starvation can be found in the level of funds—$15.9 million—requested for merchant ship construction in the Fiscal 1970 Budget presented to the Congress by President Johnson on January 15, 1969. In only one year since 1950 has a lower amount been appropriated for shipbuilding under the auspices of the Federal Government. Taking into account the availability of so-called "carry-over" funds from previous years plus $15.9 million in new funds, the Maritime Administration will only be able to enter into commitments for 10 ships in the coming fiscal year.

With this prospect and the record of the past eight years, one is reminded of a passage from a humorous poem which goes like this:

> Little by little we subtract
> Faith and fallacy from fact
> The illusory from the true
> And starve upon the residue

So it is, it would seem the American merchant marine will "starve" on the "residue" of inadequacy for another year. Meanwhile, American shipowners have evidenced a desire to place contracts of upwards of 75 ships with American shipyards in the next year if the Federal Government were willing to support a program of that magnitude.

The gap between an annual shipbuilding effort of 10 and 75 is of course great and will not be bridged in a single year. All of the mistakes and omissions of the past decade could not possibly be corrected in the span of twelve months. And, the cumulative consequences of inertia for more than a decade will never be rectified without annual expenditures greater than those anticipated for the coming fiscal year.

In terms of U.S. maritime affairs, an era of unfilled promises is hopefully coming to an end. In 1964, President Johnson promised "a new policy for our merchant marine," but he left office, four years later, without fulfilling that pledge. There were many "trial balloons." There was much pontificating. But, in point of fact, no positive actions were taken, and the American merchant marine deteriorated more in that time.

Hopefully, a new era of resolute purpose is about to begin. The epoch is near. There is a disposition to excuse the expediencies of the past on the grounds that the high costs of our military entanglement in Vietnam necessarily had precedence. Now, there is increasing realization that the point of further expediency has long since passed and that further procrastination in the reconstruction of the nation's sealift capabilities could be suicidal. There is recognition that further delay could be costly not only from the standpoint of monetary outlay but from the standpoint of national well-being.

President Nixon has set forth his objectives for maritime redevelopment in a manner far more comprehensive and far more specific than have any other occupants of The White House. He has indicated an intention to give the merchant marine high priority attention and evidenced a willingness to sponsor a national commitment to accomplish the goals he has defined.

Throughout history, unusual circumstances have often frustrated good intentions, but more frequently lofty aspirations, associated with pressing needs, have been fruitful. If our new President can produce the ships which the merchant marine so urgently needs, he will have succeeded in an area where his immediate predecessors have been eminently unsuccessful. Though there is much optimism favoring full achievement, even partial accomplishment will result in a greater shipbuilding effort than has been the case during the past eight years. A program to do this, it is said, will be presented by the Nixon Administration within the next 60 to 90 days.

These are the seeds of change—as Tennyson once wrote: "The old order changeth, yielding place to the new."

There are other signs of change.

Under the aegis of American ingenuity and inventiveness, a quantum jump in shipping technology and the art of shipbuilding has been experienced in recent years. The United States has pioneered the development and construction of containerships and other sophisticated types of cargo vessels. And, American shipyards have moved, once again, to the forefront in the advancement of new concepts and techniques for ship construction.

There has been a substantial movement toward a new spirit of unity within the

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maritime community. Ship operators are consolidating their interests; subsidized and unsubsidized operators are attempting to minimize any differences that separate them; shipbuilders and shipowners are endeavoring to improve the total ship procurement environment; and labor and management leaders are seeking to develop a mutual approach to the solutions of merchant marine problems.

It would be unrealistic to expect absolute unity for unanimity on complex issues can be an illusive thing. The American people were not united when they went to the polls last November, and it will be a majority or a plurality, not unanimity, that will determine the outcome of the next election. That is the democratic way, that is how it always will be in a republican form of government, and that is how it always will be in the maritime industry. Even so, among all segments of the industry, there is an unprecedented disposition to cooperate with the new Administration and to give President Nixon and his associates a reasonable period of time in which to develop a workable and effective program.

The same kind of attitude prevails on Capitol Hill. Fortunately, it is bi-partisan in nature. If anything, members of the Congress have been more outspoken than the Executive Agencies over recent years in their expressions of concern with respect to the qualitative and quantitative deficiencies of the American-flag merchant marine, Russia's incessant endeavors to achieve mastery of the oceans, and the inadequacy of levels of Federal appropriations for ship construction purposes.

Senator Warren G. Magnuson of Washington, Chairman of the Senate Committee on Commerce; Congressman L. Mendel Rivers of South Carolina, Chairman of the House Committee on Armed Services; Congressman Edward A. Garmatz of Maryland, Chairman of the House Committee on Merchant Marine and Fisheries; and Congressman Charles E. Bennett of Florida, Chairman of the House Special Subcommittee on Sea Power, are providing notable leadership, and they will continue to be influential in the shaping of legislation to carry out President Nixon's objectives.

From the Commonwealth of Pennsylvania, your distinguished Senior Senator, the Honorable Hugh Scott, a member of the Senate Committee on Commerce, and from the City of Philadelphia, the Honorable James A. Byrne, an influential member of the House Committee on Merchant Marine and Fisheries, are dedicated to assuring sufficiency and stability in the nation's commitment to merchant shipbuilding.

Sooner or later, this commitment must be made. It is inevitable that the actions required to restore the United States as a first-rate maritime power will be taken. The alternative would be to place the destiny of the American people in the hands of other nations, whose policies and directions may not necessarily or always be compatible with ours. In that event, our whole reason for existence as a free people will have been negated.

Action more later than sooner constitutes procrastination fraught with hazards and problems. The constant phenomenon of inflation adds to the cost of ships. Construction of ships in limited numbers provides few opportunities to take advantage of the economies that accompany production of larger numbers. And, a minimal or sporadic volume of shipbuilding work fails to utilize the available and potential shipyard capacity of the nation.

There are at this moment vacant shipbuilding ways in our shipyards. Nevertheless, in the logical expectation that a merchant shipbuilding effort, of larger dimensions than those of the last ten years, is inevitable in the national interest, every major shipyard in the country is now engaged on either a capacity expansion or upgrading program. Last year, two yards doubled their capacity. Two completely new yards will be in operation next year, and several other shipyard companies have plans to expand or modify existing facilities for the precise purpose of increasing output. There have also been reports of plans to reopen the Brooklyn, New York, Naval Shipyard as a facility for the contruction of commercial vessels.

The shipbuilding industry of the United States has invested more than $400 million in the last decade in new or improved facilities, and the plans, to which I refer, could involve a doubling of this expenditure should a major shipbuilding effort become a reality. Assurances of a continuing program would, of course, have the effect of accelerating the rate of investment. But, all signs point toward continued heavy capital expenditures well into the 1970's. These investments, actual and prospective, reflect a confidence and faith that this nation will, in the years immediately ahead, restructure shipbuilding programs to deal realistically with the block obsolescence that has overtaken the merchant fleet as well as the naval fleet.

These developments provide assurance that the U.S. shipbuilding can reasonably accommodate the demand for new ships for registry under the American-flag as it crystallizes. This opinion has been confirmed by independent surveys, and U.S. shipbuilders firmly believe they can handle additional contracts for 35 to 40 merchant ships annually, with existing facilities. Indeed, current expansion and projected modifications strengthen the conviction that this number would be a minimum.

Whatever the number, the shipyard industry of the United States stands ready to work with the Nixon Administration, the Congress, and the shipping lines in the formulation and fulfillment of a program to provide merchant ships on an orderly schedule, at optimum costs, to restore the United States to a position of primacy as a maritime power.

To this end, the level of funding must obviously be raised above that contemplated for Fiscal 1970 and maintained at an increased level if a national commitment is to be valid and if the potentials for cost economies in ship construction are to be realized. To this end, many hardened attitudes of the past must be changed.

While on the topic of changing attitudes, it should be mentioned that American shipbuilders and shipowners seek no monopoly for themselves or the American merchant marine. What they do seek is a national policy similar to that which applies with most other maritime powers—a policy, properly implemented, to encourage growth, sufficiency and stability in the national interest.

Surely, the world's leading trading nation—the United States—should carry more than 5 percent of its own international commerce in its own ships; with most other maritime countries, including the Soviet Union, the comparable figure is approximately 50 percent or more.

Surely, the most powerful nation in the world should build for American citizens more ships in its own shipyards than are built in foreign shipyards. Yet, in the past 20 years, some 1230 ships of 41.7 million deadweight tons have been constructed in the shipyards of other countries for U.S. companies and their affiliated interests. In the same time span, U.S. shipyards have built 388 ships totaling 7.3 million deadweight tons for American companies.

As U.S. trade and commerce expands, as surely it will, it will as always be shared with the fleets of other nations. But, the American merchant marine should carry more cargoes in ships produced by American shipyards. A target of 30 percent which President Nixon has already defined is eminently reasonable and logical in the national interest. There appears to be no disagreement on this point.

The challenge and opportunities of the new era encompass everyone in this audience, either directly or indirectly. They apply across the full spectrum of maritime activity. We, who represent the American merchant marine, should strengthen those things that unite us. We should look to the future with faith in each other and in the rightness of the importance of maritime strength and adequacy to national security and national well-being. For these are prerequisite to restoration of the United States as a first-rate maritime power.

THE HANDICAPPED BUT DETERMINED YOUNGSTERS OF ROOSEVELT SCHOOL OF BRIDGEPORT, CONN.

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. WEICKER. Mr. Speaker, I would like to share with my colleagues today a story about two groups of young people from Bridgeport, Conn.

In one group, the youngsters are handicapped and attend a special class at the Roosevelt School in Bridgeport.

The second group are the young men of Panta Delphion Fraternity at Sacred Heart University, Bridgeport.

Last spring the boys and girls in the special class and their teacher Mrs. Maureen Linderfelt decided to earn money to come to Washington as a class to see their Government in action and visit the historic sites that they had read about.

Skeptics felt that it would be impossible for the 16 youngsters to make such a trip.

Last week, the handicapped but determined youngsters came to their Nation's Capital and toured the many historic shrines of our Government in their wheelchairs and on crutches.

To earn the money to pay for their trip, the youngsters of the special class at Roosevelt School all pitched in on many projects such as selling festival programs, a cake sale and a car wash. Each of the boys and girls was expected to help to the best of their ability. The youngsters even washed cars from their wheelcars to earn money to visit our Capital.

In their efforts the youngsters were aided by several groups including the Bridgeport Rehabilitation Center, the Bridgeport East Side Civic Club, the Barnum Festival Committee, and the East Side Lions Club. But, special help was provided by the Panta Delphion Fraternity of Sacred Heart University who made the class trip of the handicapped children from Roosevelt School its 1969 civic project.

The young men in the fraternity gave their time and energy. They came to Washington with the youngsters and helped the handicapped children with compassion and brotherly love.

The will and determination of the young people in this special class at Roosevelt School should be an inspiration to us all. When the going gets a little tough and things look impossible, remember these boys and girls who washed cars from their wheelchairs to come to see their Government in Washington although some said the trip was impossible.

And let us not be hasty in our judgment of the Nation's youth when we read of the actions of the radical minority. For I believe that there are many more concerned young people such as the men of Panta Delphion who are concerned about their fellow man, than there are ostentatious radicals who pay lipservice to concern while engaging in destruction.

JOHN A. DURKIN, NEW HEAD OF STATE OF NEW HAMPSHIRE INSURANCE DEPARTMENT

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Tuesday, October 7, 1969

Mr. COTTON. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Durkin of New Hampshire" and published in the Journal of American Insurance for September–October 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DURKIN OF NEW HAMPSHIRE

New Hampshire blends the best of several worlds; the historic and modern, the scenic and the industrial.

The names of its famous capital city, Concord, and its best-known son, Daniel Webster, ring stirring historical notes. Yet its current role is that of the fastest-growing state in the Northeast.

New Hampshire is one of the great playgrounds of the nation, with its wooded White Mountains, clear blue lakes and beautiful river valleys. But on the basis of the percentage of its people employed in manufacturing, it is the second most industrialized state in the nation.

Skiers best remember the White Mountains. This region is also an attraction to hunters and, in the summer, to hikers and to motorists seeking scenic drives. Fishing, boating and swimming are attractions in the region of lakes south of the mountains, and along the seashore.

New Hampshire was settled only three years after the Pilgrims landed at Plymouth and was one of the first states to declare its independence from Great Britain. Its state seal still features a naval frigate, a reminder of early New Hampshire's militancy, as well as its orientation toward sea and sail.

Farming, especially in the fertile bottomlands of the Connecticut and Merrimack rivers, is also a traditional economic activity. And the state has long been known for its granite, to be found in many buildings throughout the East.

But in recent years, New Hampshire's farms, forests, mines and fisheries have provided employment for only a small part of the state's workers. Manufacturing is the leading occupation both in number of workers and in income.

A leading industry in value of goods produced has been the making of leather and leather goods. The second most valuable industry has been textile manufacture, a leading pursuit since the installation of the first power loom at Manchester in 1819.

Current industrial growth is taking place chiefly in southern New Hampshire. The spread of industry outward from the Boston area has resulted in the location of many branch plants of national companies along the southern border.

Fastest-growing of New Hampshire's diversified industries today is the electrical products industry. Other industrial segments showing significant growth include machinery, primary metals, and printing and publishing.

Assuring the financial stability for these enterprises is New Hampshire's insurance industry. The latest available statistics show some 575 insurance companies licensed by the New Hampshire Insurance Department to do business in the state. Of these, 29 are domiciled in New Hampshire. In all, insurance companies write annual premiums in the area of $196 million.

The long, stable relationship of property insurance with the state is indicated by official records of fire insurance companies showing that the Sutton Mutual Insurance Company of Rochester was founded more than 100 years ago, in 1849.

Throughout the years, the insurance industry has made a substantial direct contribution to the state. Today, insurers pay approximately $3.1 million annually in premium taxes. Companies, brokers, agents and rating bureaus pay an additional $159,000 each year in fees.

The job of collecting these funds for the state and regulating the insurance industry in general is handled by the State of New Hampshire Department of Insurance, under the direction of Commissioner John A. Durkin. Prior to taking office July 1, 1968, Commissioner Durkin served the state as an assistant attorney general.

Commissioner Durkin was born March 29, 1936, in Brookfield, Massachusetts, and graduated in 1959 from Holy Cross College. He received his law degree from Georgetown University Law Center in Washington, D.C., in 1965. After graduation, Mr. Durkin served on the legal staff of, and as legislative assistant to, James J. Saxon, Federal Comptroller of the Currency.

Mr. Durkin is a member of the American, New Hampshire, and Massachusetts Bar Associations. With the National Association of Insurance Commissioners; he is presently serving on the Committee on Laws and Legislation, the Property, Casualty and Surety Committee, and the Federal Liaison Committee.

Mr. Durkin is married to the former Patricia R. Moses. They live with their two children in Manchester, New Hampshire. At nearby St. Mary College, Mr. Durkin serves as an instructor in commercial law.

STATEMENT BY JEFFREY ST. JOHN, AUTHOR, "COUNTDOWN TO CHAOS"

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BROCK. Mr. Speaker, one of the most provocative analysis of the New Left movement and its implication is contained in a new volume on the bookstands called "Countdown to Chaos" by Jeffrey St. John. I commend this incisive look at one of our greatest problems today to the attention of my colleagues. I include the following remarks in the RECORD:

COUNTDOWN TO CHAOS

(By Jeffrey St. John)

"The Great Political Riot" in this city a year ago this week represented a new phase of a domestic revolutionary movement's attempt to polarize and paralyze with violence America's educational, social, political, and economic institutions.

Next month the legal system of America will come into the revolutionary gunsights of some of the same New Left radicals who helped disrupt last year's convention. For next month the major radical leaders involved in last year's disorders will stand trial: an event the New Left will use as a pretext for initiating fresh violence and disruption. It will be their intent to try to cast the legal system in the same light as the 1968 Democratic Convention corrupt, repressive, and in need of revolutionary overthrow.

As an example of what we can expect at next month's trials, we should consult the New Left protests over the trial of Black Panther leader Huey Newton in Oakland, California. The "Free Huey" campaign became a nationwide rallying point for New Left radicals and revolutionaries. Without question the threats of violence and incessant protests played a powerful role in the decision of the Oakland jury and judge—for they were intimidated to modify Newton's sentence.

New Left efforts did not "Free Huey" but the precedent was set for a minority to use threats of violence and disorder in order to force legal decisions in their favor. Last year at the convention a radical minority sought to use violence and disorders to make political decisions.

Not far from the Oakland courtroom where Newton was convicted, just five years ago this September, the so-called "student rebellion" at the University of California at Berkeley had burst into headlines. Berkeley set the precedent of using violent confrontations to bring about changes in the university—a technique that soon spread to other educational institutions across the country.

In the five years since Berkeley we have seen the emergence of a pattern out of the revolutionary past. Student protests began in the university and then fired violent protests in other areas of the society: be it in ghetto "Uprisings" at the Pentagon in October 1967, or Columbia University in the spring of 1968. The latter two events are described in my book, "Countdown to Chaos," as preludes to the disorders at the Democratic Convention.

"The Great Political Riot" of last year, in turn, proved to be the prelude to violent events at San Francisco State, Cornell, and Harvard, and other areas of the country in late 1968 and most of this year. It was the fulfillment of Rennie Davis's promise shortly after the '68 convention disorders that "we expect a lot of action at the universities, there will be Columbias all over the country."

Thus, in less than five years, we have seen how violence employed by a minority has disrupted our educational, municipal, and political system. And in the wake of the Chicago 1968 disorders, student-adult radicals injected themselves into labor disputes from coast to coast: for example, the grape boycotts and welfare protests, and many other areas of our social and economic life.

We have, therefore, seen violence move from our educational system to governmental, social, political, and economic institutions—all within a short five years. This pattern, as I said a moment ago, is much like earlier revolutionary movements in Europe in the late 19th and 20th centuries—revolution was preceded by an "uprising of the young." It began in the university and spread to the society as a whole. Currently, as in the past, the success of student-adult revolutionaries is due to official mistakes, incompetence, and cowardice.

Chicago 1968, like the violence of the entire 1960's was only possible because of the default of the established order. In "Countdown to Chaos" no one comes off as a hero; the howling success of the radicals who came to disrupt the convention succeeded beyond their wildest dreams because of the failure of Mayor Daley, the police, Senator Eugene McCarthy, certain members of the mass media, attorney Daniel Walker and others. Each contributed to the convention disorders or to the later misunderstandings because they lacked the deeper insight to understand that what we are faced with is *not* dissent, but the *calculated use of violence to ulti-*

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mately bring down the social, political, and economic order. That certain innocents were involved in the Democratic Convention disorders only demonstrated that, like past revolutionary movements, the idealistic and morally concerned are often used as a revolutionary battering ram.

The violent events of last year here in Chicago and those of the entier "sick Sixties" make it mandatory that President Nixon act. He should ask for the establishment of a special Senate-House Committee to investigate the entire disruptive and violent decade of the 1960's. In the past, most governmental investigations have concentrated on only a particular aspect of this disruptive decade. But what is needed is an investigation that takes an "overview" look to determine whether the nation is beset by a revolutionary movement intent on destroying the social-political, and economic institutions as we know them today.

Chicago 1968 was but an important milestone in this attempt at the Second American Revolution. To ignore this fact further is to invite more Chicago and further peril to the liberties made possible by the only true revolution of the last 200 years: the American Revolution of 1776.

INFLATION AND THE SST

HON. WILLIAM PROXMIRE

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Tuesday, October 7, 1969

Mr. PROXMIRE. Mr. President, the Richmond Times-Dispatch of Friday, October 3, contains an excellent editorial on the proposal for a supersonic transport aircraft.

The editorial makes the point that this inflationary period is a poor time for such an expensive project, especially since other national needs are more urgent. The chief editorial writer of the Richmond, Va., Times-Dispatch is Overton Jones.

I ask unanimous consent that the editorial, entitled "Inflation and the SST," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INFLATION AND THE SST

Congress has an opportunity to take a small but definite step against inflation. It can flatly reject President Nixon's request for $662 million for development of supersonic transport aircraft.

Virginia's U.S. Senator Harry F. Byrd Jr. has added his voice to those of others opposing this expensive boondoggle.

He told the Senate Wednesday:

Congress would be setting a poor example for the nation if it were to approve huge expenditures for the SST at a time when it is vital that the inflationary cycle be halted by getting federal spending under control.

Government expenditures for the supersonic transport (SST) are unjustified at this time for other reasons than the inflationary aspect. Here are some of them.

Supporters claim the plane wouldn't fly at faster-than-sound speed over populated areas, but once the plane is operational, who can doubt that there won't be great pressure to remove any such restriction. In fact, some supporters already are saying people will grow accustomed to the booms and won't mind them. The sonic boom from the 1,800 mph aircraft could wreak havoc on human beings, livestock and man-made structures. As the Louisville Courier-Journal puts it: "It is a strange kind of progress that discomfits, annoys or damages the property of hundreds of millions so that a few dozen can fly a little faster and a little higher, and probably be stacked up a little longer over airports that can't handle the planes we already have."

The total cost of developing the SST is estimated now at $1.5 billion (and estimates usually are low), with the taxpayers bearing 85 per cent of that bill. As Senator Byrd says: "Aviation manufacturers and the airline industry stand to profit from the SST. I believe that they can be asked to bear considerably more than 15 per cent of the financial burden."

If the money is to be spent, the $662 million could be used for far more worthwhile and productive purposes in the field of transportation: for improvement of airports so they could better handle present aircraft, for mass transit, for highway construction or for the merchant fleet. Or it could be used for certain health and education programs that are being curtailed due to lack of funds.

There is considerable doubt that the SSTs, so costly to build and fly, could be operated on a paying basis.

In announcing his decision to ask for SST funds—contrary to the recommendations of two study commissions, incidentally—Mr. Nixon said he wants the United States to continue leading the world in air transport. But France and England already have an SST in the air, so they're at least five years ahead of us, for whatever it may be worth to them. American prestige does not demand that we go ahead with an SST now, especially since no question of national security or vital national welfare in involved.

Senator Byrd appropriately sums it up:

"There may come a time for development of a supersonic transport. That time is not now."

ON LIBRARIES

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SCOTT. Mr. Speaker, I would like to insert in the RECORD an editorial reprinted in the Loudoun Times-Mirror, a newspaper published in my congressional district. The editorial originally appearing in the Christian Science Monitor is a thoughtful discussion of the need for and changing role of libraries.

The editorial follows:

ON LIBRARIES

Among the best free things in life are libraries. At any given moment they offer experiences no less intense than TV and with every volume another channel, far more varied.

The public library today, of course, is amply used, even though it is not adequately praised or funded. Students crowd it after suppertime. Retired folks and notworking wives stop in during the day.

But the libraries in America's cities could do more to bring the enrichment of books and periodicals into the lives of the disadvantaged. A number of cities have been experimenting with traveling bookmobiles, storefront reading rooms, job information programs, to make the library more real and helpful to the underprivileged. And, the U.S. Office of Education has just launched a study of such programs to find out which ideas work. The findings should help all libraries improve their services.

This is a worthwhile project. Much is made of the dominance of TV among communications means today. And for immediate visual coverage of events it is a wonder. Yet the library need not take second place. As a repository of thoughts and adventures and knowledge, all of which can be brought alive by nothing more than taking a book in hand, it will hold its importance. Hence the library's attempts to stay abreast of the social patterns of the times is most encouraging.

NO TIME TO BAIL OUT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. CHAMBERLAIN. Mr. Speaker, with all the justified concern about what is happening on the Nation's college campuses, I feel sure that a recent statement by a leading business executive on the question of continued financial support of our educational institutions will be of particular and widespread interest. The views of Mr. Robert Anderson, former vice president of Chrysler Corp. and presently vice president of North American Rockwell Corp., are contained in a guest editorial entitled "No Time To Bail Out," and appearing in the October issue of Ward's Auto World, and I commend it to the attention of my colleagues:

NO TIME TO BAIL OUT

Industry and commerce today depend as never before on the product of the colleges and universities.

That's why in 1950, corporate enterprise gave $43 million to institutions of higher learning. That's why last year it was $325 million—almost one-third of a billion dollars.

In addition, businessmen gave countless thousands of hours of executive talent to educational causes, some of it administrative, much of it for the hard, thankless job of raising funds for buildings, scholarships, faculty salaries, or payment of deficits.

Our first concern, of course, is a selfish one—to get good people into our companies. The need of business for better educated, more knowledgeable people is growing faster than the "production rate" of the colleges. We need such people in every part of our business, from engineering and personnel to accounting and research. We need them today in specialties that weren't even dreamed of twenty years ago; and we will need them tomorrow in specialties that we can now only dimly perceive.

But colleges have been seriously hurt by disturbances, by disruption of classes, by diversion of time and effort to negotiate student demands, and by the expense of repairing or replacing facilities.

That raises the question of just what is the role of business in the crisis of the colleges? What is the businessman to do in this new, strange and unexpected situation?

There are no easy answers to those two questions—or if there are, I don't know them. I do know, however, what we must *not* do.

We must not bail out. We must not wash our hands of this situation because we find it annoying, or unpleasant, or troublesome. Too much is at stake for us to permit ourselves that simple and self-defeating course.

It would be a natural thing to respond to outrageous student demands by reducing our personal, corporate or foundation gifts to the colleges. It would be quite a human reaction for a corporate executive on a college board of trustees just to walk away from a situation in which a band of militant radicals challenges his principles and his right to serve the college. A "confrontation" with self-righteous, arrogant adolescents is no fun. We have a hundred demands on our time and two hundred requests for money. We have our first job to do: to run a company, turn out a product, make a profit, and keep the stockholders satisfied. And so the impulse may be a strong one to say, "Who needs it?" and to walk away from responsibility.

And yet if we reduce our contributions of time and money—if we walk away from responsibility—we do so at the time when the colleges need us the most. The college administrator needs help and encouragement as never before. The chancellor is on the firing line. He, too, has his impulse to bail out—to retreat to the quiet academic life he thought he was getting into when he took the job. He is not helped by criticism that he is too weak, too soft, in a difficult situation. If we expect the college administrator to cope with the disruptions on his campus and to counter the onrush of the militant young, he at least deserves the support of the business community. Support, I might add, that is tactful, patient, and probably unobtrusive.

As a people, we should draw together to do the work that needs to be done and to realize the opportunities that lie ahead. As businessmen, we should continue to accept and act on our responsibility to the colleges and to the young people who will determine our national future.

BEST WISHES WALLACE R. BUNN

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. FULTON of Tennessee. Mr. Speaker, my congressional district of Metropolitan Nashville-Davidson County is losing one of its outstanding business and civic leaders, Mr. Wallace R. Bunn, vice president and general manager of South Central Bell Telephone Co.

His company has recognized his exceptional talents and abilities, and he has been named vice president for the company's regional operations in a five-State area with headquarters in Birmingham, Ala., and has also been elected to the company's board of directors and named to the executive committee.

For the past 4 years, Mr. Bunn has involved himself in every major project to improve his adopted community. As president of the Nashville Area Chamber of Commerce, he has lead our business community in its growth and progress. His civic activities are many and varied, and all benefited from his participation and initiative.

With the cooperation of Mr. Bunn and the Nashville Area Chamber of Commerce, and my office, a major statewide conference on comprehensive health planning was sponsored with the Tennessee Health Department. Largely through Mr. Bunn's genuine concern for the health and welfare of all of our citizens, this conference was a singular success.

On every occasion that I have called upon Mr. Bunn for advice, counsel, and assistance, he has unswervingly made himself available to work for the betterment of our community. He has proven a good friend, and objective adviser to me, personally, and a dedicated citizen to our community.

We are pleased over his advancement, but deeply regret that his new duties and responsibilities will deprive Nashville and Davidson County of his impressive talents to get things done.

Our community's regards for Mr. Bunn are stated in editorial comments in both the Nashville Tennessean and the Nashville Banner, and they are submitted at this time as part of my own personal esteem for this outstanding citizen:

[From the Nashville Banner, Sept. 30, 1969]

BEST WISHES, WALLACE R. BUNN

Personal and community esteem show in shared appreciation when a friend gets distinguished recognition; and in that spirit congratulations go to Wallace R. Bunn on the promotion yesterday announced by South Central Bell Telephone Co. Vice president and general manager of its operations in Tennessee, he has been named vice president of the firm's five-state territory.

Nashville's regret is that it takes him away. In his new capacity, effective Oct. 1, his headquarters will be in Birmingham.

His years here have been good for the city; in close association with its business and civic life; a leader whose tireless service has contributed much to the advancement of a truly Nashville-Plus. His tenure as president of the Nashville Area Chamber of Commerce has enhanced that program, with time given generously also to such other publicly-beneficial enterprises as the Middle Tennessee Council of the Boy Scouts of America, the YMCA, hospital and college interests, etc.—constructive in vision and accomplishment.

In the experience of this city, the telephone company's format of executive stature consistently has fitted responsibilities of community relationship. And Mr. Bunn has typified that, along with the professional standards requisite to successful operations of the industry he has directed.

He will be succeeded here by V. E. New, who has been vice president of personnel of Southern Bell in Atlanta. Nashville welcomes Mr. New.

Best wishes go to both men.

The heart-felt congratulations extended are tinged only with widely-shared regret that Mr. Bunn will be moving away. He will be missed.

[From the Nashville Tennessean, Oct. 2, 1969]

MR. BUNN WILL BE MISSED HERE

Mr. Wallace R. Bunn, Vice President and General Manager of South Central Bell Telephone Company, operations in Tennessee since 1965, has been named Vice President for the company's regional operations in a five-state area with headquarters in Birmingham.

Mr. Bunn's departure from Nashville will leave a void in the business and civic life of the community. As telephone officials usually do, he has taken an active part in many vital community projects.

He is the current President of the Nashville Area Chamber of Commerce, a post in which he has served with distinction. He is also a member of the Board of Trustees of the United Givers Fund, Director of the Middle Tennessee Boy Scout Council, the UMCA, and a director or member of a number of other civic organizations.

In addition to becoming Vice President of South Central Bell's regional operations, Mr. Bunn was also elected to the company's board of directors and named to the Executive Committee.

The people of Nashville congratulate Mr. Bunn on his business promotion but they will regret the loss of his services to the community.

LEGISLATION TO PROHIBIT THE SALE OR SHIPMENT FOR USE IN THE UNITED STATES OF DDT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. REID of New York. Mr. Speaker, I am today introducing legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT.

DDT is a persistent and pervasive pesticide, with at least four characteristics which make it a serious threat to the environment:

First. It does not stay where it is put, being borne away by air and water;

Second. It does not decompose rapidly;

Third. It does not dissolve in water readily; and

Fourth. It does dissolve in fatty tissue.

As living organisms take up DDT, they tend to concentrate it in their fatty tissue instead of excreting it. It induces enzyme activity which, in turn, causes compounds such as sex hormones to break down.

It has been discovered that many forms of wildlife, including the bald eagle, peregrine falcon, osprey, and brown pelican, have large quantities of DDT in their systems and in their eggs and are, in some areas, no longer capable of reproducing. DDT is known to be accumulating in man's tissues as well, although there is not yet proof that this accumulation is doing biological damage.

It would be deplorable to delay further the banning of the use of this chemical which poses such a threat to wildlife and man himself, especially since there are now available other pesticides which are both adequate and safe.

I therefore urge prompt action by the House and the other body on this measure.

IN THE INTEREST OF FAIR PLAY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BURKE of Florida. Mr. Speaker, we hear a good deal of talk lately about exercising fair play in the appointment of Federal judgeships, but fair play is a two-way street.

An interesting editorial has appeared in the Tampa Tribune concerning the nomination of Judge Clement F. Haynsworth as a Supreme Court Justice, which I would like to bring to the attention of my colleagues—in the interest of fair play:

HAYNSWORTH'S BIG SINS: SOUTHERN CONSERVATIVE

Pressure is on President Nixon to withdraw the nomination of Judge Clement F. Haynsworth to the Supreme Court.

On the facts thus far disclosed at the Senate Judiciary Committee hearings, there is no valid reason why Judge Haynsworth should not serve on the high court.

His real fault, in the eyes of his critics, is that he is a conservative Southerner.

The attackers, naturally, do not say this.

They point instead to "conflicts of interest" in which Judge Haynsworth was involved.

One concerned litigation between a labor union and a textile firm which did business with a Greenville, S.C., vending machine company in which Judge Haynsworth owned a one-seventh interest. Judge Haynsworth cast the deciding vote in favor of the textile firm. There was no evidence, however, that

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the vending machine company profited in any way from the decision.

The second case was one in which Judge Haynsworth, on the recommendation of his broker, had bought stock in the Brunswick Corporation while a foreclosure suit by the company against a bankrupt bowling alley was pending in his court. The suit involved a claim of about $100,000; the Brunswick company does a business of some $400 million a year, and the court decision could not conceivably have affected the value of the stock. Moreover, the three-juuge panel had already agreed, unanimously, on the decision before the Haynsworth stock was purchased.

We think Judge Haynsworth would have been wise to disqualify himself in both cases, to avoid even the appearance of conflict. His failure to do so apparently was the result not of too little moral perception but of too many investments. During his 12 years on the Fourth Circuit Court of Appeals he bought and sold shares in a number of companies, and his current portfolio of securities is worth some $800,000. Shareholding was so routine that the matter of conflict in these cases evidently did not occur to him.

In view of the unethical conduct of resigned Justice Abe Fortas and Justice William O. Douglas it is well that the Senate committee explore fully the financial transactions of Judge Haynsworth. The Senate should have the complete picture of his business dealings; and if it found actual improprieties there, it would be justified in rejecting his nomination.

But if Judge Haynsworth is kept off the court, either by pressures upon the President or by Senate rejection, it will be his philosophy rather than his conduct which bars the door.

In his judicial service he has refused to adopt the theory that a presumption of right automatically follows labor unions and minorities into court. Nor has he shown a willingness to stretch the Constitution to cover social change which, however, desirable, should be achieved by legislation rather than by decree.

Accordingly, he has encountered the opposition of spokesmen for organized labor, civil rights groups and card-carrying liberals. As the New York Times, no Haynsworth admirer, conceded in a recent analysis of the controversy:

". . . The real reason why Judge Haynsworth is being opposed so earnestly is not that he is suspected of dishonesty but because there are doubts, as Senator Edward M. Kennedy put it, 'whether the candidate is a contemporary man of the times.' "

Man of the times?

Times and tides change but the principles of our constitutional systems are chiseled in granite. A Justice of the Supreme Court should have the wisdom and integrity to apply those principles, without first running to the window to see which way the crowd is going.

It is on Judge Haynsworth's qualifications to interpret the law fairly, not on his ability to follow political fashions, that the Senate's decision ought to be made.

END THE VIETNAM WAR

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. CONYERS. Mr. Speaker, as one who participated in the thoughtful discussions that led to the statements which follow, I am privileged to recommend to the attention of my colleagues what was said to President Nixon this summer concerning a way to bring the Vietnam war to a long overdue conclusion. It is no less valid now than it was then. As a matter of fact it is a matter of greater urgency than ever.

The statements follow:

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST,
New York, N.Y., June 30, 1969.

President RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In pursuance of its long-standing, deep concern with the Vietnam war, the National Council of Churches convened on June 20–21 a meeting of highly qualified people to consider the present stage of the conflict. The results are embodied in the main text herewith transmitted, which the signatories, six of whom were prevented from participating personally in the meeting, hope will be helpful in your efforts to secure peace.

Since the composition of this letter, press reports have conveyed statements by representatives of the Hanoi Government which pose severe difficulties that the group I am certain would recognize. Congressman Morse and McCloskey wish me to report their view that the announcement of a date for troop withdrawal (point 3 of the letter) and the pursuit of the negotiations suggested (point 1 of the letter) present particularly difficult objectives in the light of these recent Hanoi statements. In regard to these statements, however, we all continue to be convinced of the necessity of a broadly representative interim body and subsequent government in South Vietnam, as suggested in the group letter.

Sincerely,
ARTHUR S. FLEMMING.

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST,
New York, N.Y., June 30, 1969.

President RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As Americans who join you in the hope for an early and permanent peace in Vietnam, we support your decision to withdraw United States forces from Vietnam, beginning by the redeployment of 25,000 combat soldiers from the area this summer. We welcome the direction of the Vietnam policy of your Administration as indicated in your address to the nation on May 14 and your press conference on June 19, particularly your public commitment to accept any government in South Vietnam that results from the free choice of the South Vietnamese people, and not to perpetuate military bases in Vietnam or seek military ties with the future South Vietnamese government.

We believe, however, that additional steps are now required. The demands of the American public, the repression in South Vietnam, and the meager progress in Paris necessitate new initiatives to end, and not simply de-Americanize, the war. We therefore propose the following:

1. To press vigorously toward an early negotiated settlement of the Vietnam War by *simultaneously—*

(a) Replacing the strategy of maximum military pressure on the other side in South Vietnam by a policy of reducing the scale of fighting in every possible way, looking toward the prompt achievement of a standstill cease-fire, and

(b) Seeking agreement through the Paris negotiations on an interim body which will be broadly representative of all political, religious, social and ethnic groups in South Vietnam (and not merely the Government of the Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam), designed to lead to the creation of a government that gives full expression to the political will of the people of South Vietnam, this government to have, by prior agreement in Paris, the specific authority to:

(i) Require the withdrawal of external military forces from South Vietnam, and

(ii) Determine its future relationship with North Vietnam, and with other countries.

2. To make clear that the United States will not continue to support any regime in South Vietnam that is not broadly representative and does not extend normal political liberties to its people;

3. To make clear to the American people, as well as the Vietnamese, a specific date by which the United States will have completed the withdrawal from South Vietnam of all its military forces; and

4. To repeat again in clear terms the moral commitment of this country to help meet humanitarian needs in Vietnam, both North and South.

In our judgment, Mr. President, the interconnected actions we have outlined are now politically possible here at home, and essential in Vietnam to any "peace we can live with and be proud of." Believing that the United States now has a unique opportunity, we pledge our whole-hearted support for such an honest ending of this war.

Yours sincerely,

Arthur S. Flemming, President, National Council of Churches, New York, N.Y.

R. H. Edwin Espy, General Secretary, National Council of Churches.

Ernest A. Gross, Chairman, Department of International Affairs, National Council of Churches.

Morris B. Abram, President, Brandeis University, Waltham, Mass.

William B. Arthur, Editor, Look Magazine, New York.

Harold J. Berman, Professor, Harvard Law School, Cambridge, Mass.

Robert S. Bilheimer, National Council of Churches.

Robert S. Browne, Professor, Fairleigh Dickinson University, Teaneck, N.J.

John H. Burt, Bishop, Episcopal Diocese of Ohio, Cleveland, Ohio.

Jeffrey Cohelan, United States House of Representatives (California), Washington, D.C.

John Conyers, Jr., United States House of Representatives (Michigan), Washington, D.C.

Andrew Cordier, President, Columbia University, New York, N.Y.

Gerhard Elston, National Council of Churches.

Paul C. Empie, Lutheran Church in America.

George F. Harkins, Lutheran Church in America.

Tracey K. Jones, Jr., Chairman, Advisory Committee for Peace, National Council of Churches.

Mrs. Martin Luther King, Jr.

Paul N. McCloskey, Jr., United States House of Representatives (California), Washington, D.C.

Kenneth W. Morgan, Professor, Colgate University, Hamilton, N.Y.

Hans J. Morgenthau, Professor, University of Chicago, Chicago, Ill.

F. Bradford Morse, United States House of Representatives (Massachusetts), Washington, D.C.

Allan M. Parrent, National Council of Churches.

Edwin O. Reischauer, Professor, Harvard University, Cambridge, Mass.

Howard Schomer, National Council of Churches.

John Coventry Smith, Commission on Ecumenical Mission and Relations, United Presbyterian Church in the U.S.A.

John Sommer, Author, *Vietnam—The Unheard Voices,* New York.

David M. Stowe, United Church of Christ.

Joseph D. Tydings, United States Senate (Maryland), Washington, D.C.

ACT FOR CLEAN WATER NOW

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. PATTEN. Mr. Speaker, the House will consider the appropriation bill for Public Works for Water, Pollution Control, and Power Development and the Atomic Energy Commission this week. I believe that my State of New Jersey and also our great Nation must consider this legislation one of its major priority items of domestic legislation before this Congress. We must move to correct this problem now and stop putting this matter off to the future before the current crisis becomes much greater.

The Home News of New Brunswick, N.J., published an enlightening editorial on October 5, 1969, that I believe sets forth the call for action in regard to this important appropriation bill. The editorial follows:

ACT FOR CLEAN WATER NOW

Striking while the iron is hot is a maxim that has political as much as, if not more than, any other application.

In American politics, this would appear to be a vintage year for striking on some long-standing basic issues.

Currently we have the drive to abolish the Electoral College in favor of direct popular election of the president. With the near-disaster of the 1968 election still reasonably fresh in the public mind and the political climate therefore favorable as perhaps never before, the House has passed and President Nixon has now come out in favor of the proposed constitutional amendment. There is now just the faintest chance that the procedure for electing the American president may be rescued from the 18th century and brought into the 20th by 1972.

Earlier we had taxes, the rare spectacle of congressmen in numbers exercising themselves not, as usual, over raising more but over simplifying, even easing, the citizen's burden. With signals of an imminent taxpayers' revolt flashing all over the horizon, it was clear that the time for tax reform had clearly come. The final results aren't in yet, but both Congress and the administration have taken advantage of the mood of the moment to tackle the most far-reaching overhaul of the tax system in recent history.

In this grab bag of issues, there is yet another item, not as exciting perhaps but probably even more important in the long run, where, hopefully, Washington will show itself equally willing to follow where public opinion leads.

For a long time now pollution has rivaled the weather as a subject generating a great deal of talk but precious little action. We all know by now what we are doing to our environment, the dire predictions for the near future and how far we are falling short in taking the steps necessary to prevent them from coming to pass.

The public is clearly in favor of action. A recent Gallup Poll reported 85 per cent of the population concerned about water pollution and 73 per cent ready to spend money—i.e., taxes—to combat it. Washington also seemed to be in step with the passage of the Clean Water Act back in 1966, which was supposed to channel a steady flow of federal funds into state and local pollution-control programs.

Unfortunately, the flow has been more of a trickle. Actual fund appropriations have consistently fallen short of clean-water authorizations. In 1968, $450 million was authorized and $203 million finally appropriated. In 1969, it was $214 million appropriated against $700 million authorized. In this current budget, the administration has again asked for $214 million, where Congress authorized a round billion.

It is sorely needed. Without the promised federal funds, the cleanup program would eventually collapse despite efforts by local governments, which have passed bond issues to raise their share of needed funds, and even, increasingly, industry. And that, with the consequent accelerated deterioration of our water resources, is something we can much less afford.

A HEARTBREAK INSTEAD OF HONEYMOON

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SNYDER. Mr. Speaker, no one will remember my words here but I know that all of us will remember the brave young men who have given their allegiance and their lives without protest to the defense of America and free men everywhere.

There may be questions of policy or skepticism over tactics but no one can doubt the valor of our fighting men.

Mr. Speaker, our sympathy and the sympathy of millions of Americans goes to the fiance, the parents, and the family of Thomas Jefferson Gabbard, who paid the ultimate sacrifice for his country in Vietnam. But we owe him more than sympathy. We owe him our highest debt of gratitude, for he died for all of us.

The October 4, 1969, article about his sacrifice, from the Kentucky Post, by Sigman Byrd, appears below:

A HEARTBREAK INSTEAD OF HONEYMOON

(By Sigman Byrd)

Plans for a November honeymoon dissolved in tears and heartbreak today as a Highland Heights family awaited the return of another slain serviceman.

Army Sgt. Thomas Jefferson Gabbard, 21, was killed on Sept. 28 in a combat operation in Quang Tri Province, Republic of Vietnam.

At their pretty frame house at 2519 S. Main Avenue, Highland Heights, the young hero's parents, brother and fiancee tried in vain to comfort each other.

The parents are Mr. and Mrs. Brown Gabbard. The father is a welder employed by Vulcan Manufacturing, Woodlawn, O. The couple has another son, Johnny, 17.

Sgt. Gabbard's fiancee, pretty Sharon Reusing, blond and blue-eyed, has been living in the Gabbard home for the past year, awaiting the return of her high-school sweetheart.

"Everything was arranged," she sobbed today. "He had only 17 or 18 more days in the field and about a year before coming home.

"I was going to meet him in Hawaii for the wedding and honeymoon."

Miss Reusing is an information operator for Cincinnati and Suburban Bell.

Said Sgt. Gabbard's mother:

"I've kept his car all clean and waiting for him; he loved the '57 Chevrolet. Now he'll never drive it again!"

And his father added:

"Tommy lived for just four things. To come home, marry Sharon, start a family of his own and study commercial art at Northern Kentucky State. He had a lot of talent."

"He was a wonderful artist," Sharon said. "Tommy used to drive to the Telephone building in Cincinnati and wait for me to get off work.

"And while he waited for me he'd draw sketches of me, from a photograph or from memory."

Mrs. Gabbard was bitter about the tragedy. "I suppose they'll want to take Johnny next and send him out there to get killed.

"Oh, it wouldn't be unbearable to give to a worthwhile cause. But my son died for nothing—just nothing."

"You should see all the dishes I bought," said Sharon. "I feel like breaking them now."

Tom Gabbard graduated from Campbell County High School in 1967. He and Sharon met at a Christmas party three years ago while she was a student at Our Lady of Providence.

He was employed by the Disabled American Veterans Headquarters at Cold Spring when he was called to the service in February 1968.

After training at Ft. Benning and Ft. McClellan, he was ordered to Vietnam on Armistice Day, Nov. 11, 1968, with Co. C, 11th Infantry, Fifth Division.

"He made sergeant fast," his father said proudly. "His job when he was killed was leading a squad of 10 infantrymen."

Sgt. Gabbard was born in Covington. He was 21 last Sept. 16.

In notes prepared for The Kentucky Post, Sharon Reusing wrote:

"He was MURDERED on Sept. 28, 1969." News of the young sergeant's death came to the Gabbard home last Tuesday.

Two days later Sharon got a letter from him. It concluded;

"I just hope I get home alive and well. Love forever."

Sharon says she'll never leave the Gabbard home. Her dead sweetheart's parents agreed. "We hope she'll stay with us always," said Mrs. Gabbard.

Funeral arrangements await the arrival of Sgt. Gabbard's body.

Burial will be in Owsley County, Ky., following services directed by Dobbling Funeral Home, Ft. Thomas.

IMMEDIATE NEED FOR EDUCATION FUNDS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. DELLENBACK. Mr. Speaker, I join wholeheartedly in cosponsoring the resolution introduced today by Mr. COHELAN to provide funds immediately for the Office of Education at the levels appropriated in H.R. 13111.

Delayed funding of Federal education programs works almost as great a hardship on schools as underfunding does. As a result, school administrators are forced to estimate how much Federal money they will eventually receive. Because of the constant fluctuations of Federal education funding in recent years, such estimates must often be merely wild guesses; yet definite commitments must be made on the basis thereof.

The House has already indicated its readiness to support generous funding for Federal education programs by its overwhelming approval of H.R. 13111 on July 31. Now the House ought to demonstrate its readiness to get this money to the schools immediately, not months from now.

The delay in funding vocational education is especially pernicious. The 1969 funds now being used simply do not

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stretch to cover the additional authorizations provided for by the 1968 vocational education amendments. Instead of the progress which Congress intended to encourage in this important area, we may see actual decline in vocational programs.

The resolution introduced today reaffirms the intent of Congress in passing not only H.R. 13111, but also the vocational education amendments and every authorization which has pledged Federal assistance to education. I strongly believe that this resolution deserves the full support of every Member of this body.

THE SST DECISION

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SHRIVER. Mr. Speaker, newspapers in all parts of the Nation have spoken out in favor of the President's decision to give the green light to development of a supersonic transport.

I call the attention of my colleagues to the accompanying sample of editorial comment:

[From the Kansas City Star, Sept. 24, 1969]

A GO-AHEAD FOR AVIATION PROGRESS IN NIXON'S SST DECISION

Too much was at stake for President Nixon to say "No" on proceeding with the supersonic transport (SST) project. So he has given the SST the green light after eight months of uncertainty and deliberation.

The next move will be up to Congress. That body can be expected to vote the 96 million dollars in new funds to round out another year of work on the program. For such a sum to be spent otherwise could scarcely make a dent in this country's large social and economic problems. So the contention of some critics that the United States cannot afford an entry in the international supersonic sweepstakes is not valid.

On the contrary, to scrap the American SST undertaking could be irreparably damaging. It would mean forfeiting the longtime international leadership of the United States in aircraft development and production. The loss of prestige would be enormous. And it would mean passing up the potential military advantages of being able to move troops across the ocean in three hours.

There is the further consideration of how inconsistent it would be to spend 24 billion dollars to fly to the moon and then balk at the ultimate 1.4 billion-dollar price tag of an SST that can have huge value as a superswift carrier of the public. Of course Americans will be able to travel on U.S. or foreign airlines flying either the British-French Concorde or Russia's Tupolev-144. The two foreign versions of the SST will be in service as much as half a dozen years before their American competitor. But they will have the disadvantages of less speed by several hundred miles an hour and being able to carry fewer than half as many passengers. America's SST is designed to convey 300 persons comfortably at a speed of 1,800 miles an hour.

Thus various airlines, both U.S. and foreign, prefer the forthcoming American aircraft as they look to the travel market of the late 1970s and the 1980s. This choice is backed up by reservation deposits on 122 of the as-yet unbuilt jet liners. Royalties on purchases will enable the U.S. government to recover its investment. Sales to foreign carriers can aid greatly toward relieving this country's chronic balance-of-payments headache.

Some problems in our SST effort remain to be solved. The foremost of these is the noise of the sonic boom. But America's aeronautical experts have overcome past difficulties more defiant than the jolting blast of faster-than-sound flight. Thus there can be little doubt that the most ambitious of the world's three supersonic designs will be flying on a test basis in late 1972 and over airline routes by 1978. With his affirmative decision on the SST's future, President Nixon has declared for continuing aviation progress by the United States.

[From the Plain Dealer, Sept. 24, 1969]

RIGHT APPROACH TO THE SST

President Nixon's request for congressional appropriation of $662 million spread over five years for development of the supersonic jet transport (SST) makes good sense.

Scaling the work on the two prototype planes to a slower pace fits the trend of the times against new high spending commitments. But either this is a national project or it isn't. Three presidents in a row now have said it is. We agree.

This 298-passenger craft is to overwhelm the half-size, slower-speed British-French and Russian competition.

The SST is highly important to the United States for more reasons than commercial air transportation. It's development should produce a vast technological "fallout" of value to industrial and military applications and in many other areas as well.

Airliners that can make New York-London in 3 hours or West Coast-Tokyo in 4½ hours are going to be built by someone, and the airlines will be forced by competition to buy them. If the United States failed to develop an SST, America could wind up a double loser. Its own airlines would be spending dollars overseas on foreign airplanes (increasing the balance of payments problem) and the domestic aircraft industry would be losing out on overseas sales.

And the Ohio economy would be a loser, too. The Boeing SST is to be powered by four General Electric engines made in Cincinnati.

Boeing believes it will sell 500 SSTs for about $40 million each. When enough planes are sold, the government is to get back all it advanced, with interest.

The Federal Aviation Administration acknowledges that once the high-risk development phase is over, it should be up to the companies to raise their own money. President Nixon concurs with Presidents Johnson and Kennedy that developing the SST demands a national effort. Each president faced sincere reports antagonistic to the SST effort. Each president overruled the objections. In 1963 President Kennedy first declared that the national interest required development of an American SST.

Although the United States is three to four years behind the British-French Concorde and the Russian TU144, backers of the Boeing SST say it will far outsell the others because it will carry 298 passengers, more than double the others' seating capacity, and will fly 1,800 miles an hour to their 1,400.

By spreading development over the five years President Nixon has pushed production back into the late 1970s. Such timing purposely gives the SST a lower priority on the government scale than solving mass transit problems, especially in the urban areas. This is logical.

The government's word that no supersonic flights will be allowed over populated areas should eliminate fears of a 50-mile-wide bang zone trailing sonic booms after each SST. The planes will have to slow down under the sound barrier. The sonic boom problem is a serious one and will remain so until a solution is found.

Yet Cleveland can find a great advantage in the decision not to allow supersonic flights over the continental United States. This should permit planning for a new airport to handle SSTs. With no sound barrier problem, SSTs could take off from this area for London and Tokyo just as easily as from New York or the West Coast. And far more easily for the convenience of passengers from all over the Middle West.

[From the Salt Lake Tribune, Sept. 24, 1969]

PROGRESS DICTATES SST

After what he described as a "spirited debate" within the administration, President Nixon has decided to gamble $662 million more on the Boeing supersonic transport plane (SST) despite a number of technological problems yet to be overcome.

In asking Congress for an additional $96 million this year to assure construction of two prototypes of the 1,800-miles-per-hour, delta wing superjet, Mr. Nixon has set the stage for what may become another anti-ballistic-missile-type national debate.

As in the missile battle, which went down to the wire and a one-vote victory in the Senate, the SST battle will be between experts evaluating identical data but coming up with opposite opinions. In such an atmosphere "facts" are hard to believe and the ultimate congressional decision will no doubt be made as much on personal emotion as on careful reasoning.

President Nixon seemed to have come down to that himself. He said he was recommending the go ahead on construction of prototypes because "I want the United States to lead the world in air transport." He said he was convinced that technical factors associated with the SST—mainly sonic booms and financing—can be overcome.

The government already has put about half a billion dollars into development of the SST. Test flights are not expected before 1972 and initial deliveries to the airlines is not scheduled before 1978. The British and French have jointly built a smaller and slower SST as have the Russians. The British-French plane, the Concorde, is expected to make its first supersonic test flight this week. The Russian plane, similar to the Concorde, is now undergoing test flights.

Arguments against going ahead with the SST are both convincing and difficult to refute. Development is expensive. Return on both government and private investment in the SST is doubtful at this stage. Sonic booms, in the present state of technology, are annoying and destructive. Time saved by the SST under today's airport-to-city bottlenecks, is less than spectacular. There are other urgent national needs that demand immediate attention. The plane could hurt U.S. balance of payments instead of help them.

All these and many more points against the SST constitute a powerful case that will be exploited to the full in congressional debate. But they run headon into mankind's unsuppressable urge to advance, to do things better, to go places faster, to grow. This urge has long found its most ambitious expression in the United States.

President Nixon seems to have based his decision on recognition of this will to advance. Surely he, too, realizes the possible drawbacks. But he must also have realized that if it is possible to build an 1,800-mph, 300-passenger plane, some one is going to build it. He wanted that "someone" to be the United States and we don't see how he could have decided otherwise.

[From the Seattle Post Intelligence, Sept. 26, 1969]

THE SST DECISION

A P-I View: President Nixon's decision to proceed with the development of the supersonic transport plane (SST) should greatly aid this nation in keeping the aviation leadership it has enjoyed over the past 60 years.

The Boeing Co. people got a tremendous shot in the arm with President Nixon's announcement he would push forward with plans to develop two prototypes on the supersonic transport aircraft.

Although the proposal faces tough going in the Congress, particularly the House of Representatives, the President's action has done much to improve the sagging morale of Boeing officials and employees involved in the project. After a somewhat lengthy delay in waiting for Mr. Nixon's decision, his remarks were most encouraging.

We applaud the President's "difficult" decision in giving the go ahead for construction of the SST. At the same time we don't see how he could very well have failed to do so.

The SST—a monster able to carry 300 passengers at a speed of 1,800 miles an hour—admittedly is almost as controversial as the ABM antiballistic missile system. And for very good reasons.

Its practical economic value is unproven. Its potential sonic booms over residential areas could be intolerable. Many engineering and technological problems remain unsolved. Its immedaite development program promises to cost a tremendous amount of money—ultimately as much as $4.5 billion.

To many of the critics, it is the cost of the program which should rule it out at this time of urban crisis and the war in Vietnam. "They insist—and will insist in the coming congressional appropriation debate—that the SST does not merit its recommended priority treatment.

All these are pretty impressive reasons for continuing to stall on a plane which was first planned under the Kennedy administration. Yet the fact is that other nations are not stalling. Russia's supersonic airliner, the TU–144, and its British-French counterpart, the Concorde, already have been test flown for many hours.

To President Nixon, and to us, this fact overrides all others. As happened in the space race, it is imperative this nation catch up and recapture leadership in another of mankind's major thrusts into the future.

Technical problems, even sonic booms, can be solved if we really try. Money will be found for the war and for our social problems. What we must not lose, and certainly not by default, is the world pre-eminence we have earned by topping the competition in every really important challenge.

SAM WYLY APPOINTED CHAIRMAN OF MINORITY ENTERPRISE ADVISORY COUNCIL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. PRICE of Texas. Mr. Speaker, I commend President Nixon in his appointment of Sam Wyly of Dallas, Tex., as Chairman of the Minority Enterprises Advisory Council. This appointment was a critical one because, the Minority Enterprise Advisory Council will play a vital role in coordinating the administration's program to provide self help for our Nation's minority groups.

The President made a judicious choice when he appointed Sam Wyly to this important post. Mr. Wyly comes to his new position with a wealth of successful business experience behind him. His experience will be of special benefit because throughout his career, Sam Wyly has not been afraid to initiate, to innovate, or to challenge. These qualities will stand him in good stead on the Council.

In addition to his commercial success, Mr. Wyly has long been an active participant in community affairs; and, in addition, has distinguished himself through various civic and philanthropic activities. As Council Chairman, his enlightened social consciousness will provide an invaluable perspective from which to encourage the development of minority enterprise.

Sam Wyly is a man of many talents. His is a credit to the business community and the State of Texas. I know his tenure as Chairman of the Minority Enterprise Advisory Council will be marked by distinguished and effective service.

IMPROVING THE FERTILIZER INDUSTRY

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. JONES of Alabama. Mr. Speaker, the fertilizer industry is a basic part of American agriculture, a segment of the economy which generally fails to receive the attention and appreciation it is due.

Mr. Edwin M. Wheeler, president of the National Plant Food Institute here in Washington, presented an excellent paper on the status and future of the fertilizer industry at a fertilizer production and marketing conference in Memphis, October 3.

Mr. Wheeler is an attorney with extensive experience in private industry. The National Plant Food Institute was formed in 1955 when two much older fertilizer industry related organizations united to advance their common goals.

Mr. Wheeler gives strong support to the vital work of the Tennessee Valley Authority's National Fertilizer Development Center at Muscle Shoals, Ala.

He points out that the savings to the American farmer from improved fertilizer and marketing methods resulting from work of the TVA Fertilizer Center produce a line of benefits which extends to the fertilizer industry and to the eventual food and fiber consumer as well.

So that my colleagues may know of the importance of the fertilizer industry, I include Mr. Wheeler's comments as a part of my remarks at this point:

BUILDING A HEALTHY INDUSTRY

(Edwin M. Wheeler)

A healthy industry is a mature industry—and the U.S. fertilizer industry is growing up.

It's reaching maturity in a number of ways—maturity that it has never known before. Let me give two or three indicators that make me feel this way:

For one thing, the industry is no longer afraid to let the skeletons shake in the closet. It has seen its problems . . . and it's doing something about them. One of the first steps was the successful initiation, one year ago, of the NPFI monthly Fertilizer Index. For the first time, industry voluntarily disclosed data to a private, independent, confidential business research firm on production, disappearance and inventory of the major fertilizer products. This is the closest we've ever come to having accurate figures in a month-by-month comparative index. The reality was a shock to some, a vindication to others—but an eye-opener to all.

INDEX A FACTOR IN CUTBACK

This rendezvous with a reality certainly was part of the reason for the sharp fertilizer production cutback early this year. Whatever you call it—a period of reassessment or adjustment—it was the first time U.S. fertilizer companies have trimmed their production since World War II.

The strengthening effect of this cutback was weakened somewhat by a heavily waterlogged spring season in the Midwest, which caused fertilizer sales to plummet drastically.

But yet, it's interesting that, even with a discouraging spring season, most representatives of the fertilizer industry feel fairly confident that next year will be better—that the industry is on the way toward a strong recovery. At least, the ones I've talked to leave that impression, and I don't think I've been talking to "Pollyannas"—because they don't last long in this business.

Let me emphasize that the optimism lies not in the fact that a production cutback was obtained—because no industry rides forward on cutbacks—but the optimism arises from the fact that industry is gaining a market-wise attitude, an improved knowledge of what's going on across the country. Improved statistics, I think, build the basis for this attitude.

TO GATHER FINANCIAL DATA

The Institute hopes to follow on the heels of the Fertilizer Index with another "first" for industry—an accumulation of key financial data—information too long unavailable. The plan is to gather critical data—primarily from balance sheets and profit-and-loss statements—for several major industry categories. The objective is to provide ratios and comparisons that will aid each company in financial management and serve as a useful public relations tool in helping explain the essential role which this 100-year-old industry holds in the basic agricultural economy of this nation—and much of the world.

There's going to be an increased effort to accumulate fertilizer transportation statistics to aid in sustaining a just balance of freight rates for the industry's product—a product whose price to the farmer is made up of fully 25%–35% transportation costs.

As many of you know, the Institute, on behalf of the major portion of industry, has for years backed the Association of American Fertilizer Control Officials in efforts toward more uniform state monthly reports. At midyear, a significant agreement was reached between major fertilizer companies and AAFCO for faster reporting of consumption information with modern computer facilities which industry and states are obtaining in increasing numbers. Thirty-three states can now accept tonnage reports in one or more forms from computers. Eleven states have adopted the AAFCO approved uniform reporting system, providing monthly information on consumption—another sign of maturity.

POSITIVE STAND ON POLLUTION

I'll mention a couple more. The fertilizer industry has adopted a postive stance toward those who criticize fertilizers as alleged water pollutants. The Institute is helping, using our members' dollars, co-sponsor a USDA research project in the Midwest to help establish answers to questions about fertilizer application and soil runoff. The industry isn't hiding behind the skirts of ignorance—nor is it slapping blindly at its acquisition.

As the Institute's past Chairman Jaral D. Aston said at the NPFI convention this summer: "The public shall know the facts. It is the minimum that the public deserves. The industry can abide the facts—but we will not abide innuendo, allegation and emotional appeals . . ."

The industry is not assuming a head-in-sand position on pollution. If there's a prob-

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lem regarding use of fertilizer and environmental pollution—we want to know about it—but we want to know facts—not supposition, not innuendo, not half-truths designed to grab headlines. And, the Institute and industry are searching for the facts.

MORE SUPPORT FOR AGRICULTURE

A healthy industry is an industry which thinks not only of its own problems, but of those of others as well. We at the Institute are becoming more involved, on the industry's behalf, in helping develop increased support for agriculture. It is *essential that this be done.*

As Under Secretary of Agriculture Phil Campbell so aptly phrased it at our meeting this summer . . . "Somehow we must bring home to the 19 out of 20 who are not farmers that agriculture is basic to this country—and that sound agricultural programs are vital to the nation."

Most Americans, I'm afraid, couldn't care less.

This indifferent attitude is evident in Congress; it's evident in the state houses. We have to make the non-farm public care at least a little bit about agriculture and the businesses that serve it.

As Under Secretary Campbell pointed out—after all, agriculture is a 50-billion-dollar-a-year customer in the American economy—with farm exports alone providing one million non-farm jobs.

That seems important enough to care a little about!

The Institute has been hammering at this theme for several months now—but, as you know, it takes a heavy hammer to make a dent in the urban-oriented media.

One hopeful effort is an NPFI award program that has just been initiated with the National Agricultural Advertising and Marketing Association. The object is to honor the NAAMA member judged most creative in telling agriculture's story to the non-farm audience.

The fertilizer industry is concerned about agriculture's problems, because they are our problems, too. They're *your* problems. If agriculture fails to prosper, most of us are going to find a lack of prosperity in our current occupation, too.

HEALTH IS UNITY; GROWTH

A healthy industry is a united industry. I think you're likely aware of the efforts toward unification among the National Plant Food Institute, the Agricultural Nitrogen Institute, and the National Fertilizer Solutions Association. In June, the NPFI Board passed a resolution approving such unification in principle and setting overt actions into motion to accomplish such an objective.

A healthy industry is a growing industry. You can look back over the past 20 years of fertilizer industry activity and note a definite growth pattern—both in tonnage and in dollar value of sales.

Although industry has cut production in this adjustment period, I firmly believe that there is no future in continued retrenchment. The industry must—and will—continue to grow. The growth won't be as rapid as we've seen it in the past decade, but potential is still there. I'm convinced it will be a great deal more orderly. There's no way to meet increased food and fiber needs without increased use of fertilizer and other proven production practices—it's just that simple.

Here, I'd like to give a well-deserved pat on the back to the National Fertilizer Development Center. The industry's thanks, although not always too vocal in the past, are nonetheless sincere.

AGGRESSIVE R. & D. ESSENTIAL

Industry leaders recognize the value—and necessity—of a strong, aggressive program in research and development. Without the type of program activated here at the National Fertilizer Development Center, obsolescence would overtake industry rapidly.

Those of you who have guided the work of the Center have long realized, I think, that along with the recognition of leadership in fertilizer research and development comes the responsibility of providing continuing programs for introduction of new and better fertilizer products. It's a responsibility not only of national, but also of world, importance.

Savings to the American farmer from improved fertilizers and marketing methods are the nucleus of the TVA research and development contribution . . . and the line of beneficiaries extends to include the industry and the eventual food and fiber consumer as well.

The fact that fertilizers are truly international products is not a profound one, but its increasing importance is sometimes overlooked in considering potential growth of underdeveloped nations. It is becoming more and more evident that the economies of most nations hinge on their country's agriculture, and on the ability of their farmers to adapt to the use of modern production inputs.

ROLE IN LEADERSHIP

The National Fertilizer Development Center has played a vital role in helping our industry become the world leader in providing the best possible fertilizer products economically to U.S. farmers. Maintaining this posture becomes more difficult daily, as world competition sharpens. Refining plants along the Dead Sea—ammonia plants on the Persian Gulf—phosphate plants in Russia—all place increased burdens on TVA research and development and on the adaptability of U.S. industry.

You may be assured that the nation's fertilizer industry will continue to look to the National Fertilizer Development Center for world leadership in this area.

CONCENTRATION ON BUYER

The next decade is going to see a decided change of emphasis in fertilizer marketing. As important as the product is, I firmly believe that fertilizer marketers must concentrate more on the man who buys the product than on the product itself. The farmer is changing faster than industry—faster than the county agent—faster than the agricultural scientist—faster than any of us may realize.

The old marketing cliche, "Know your customer," has a new urgency to it. And, fertilizer's customers in the 1970's are going to be a great deal different from the ones in the 1950's and 1960's.

We know something about this new farmer—but we don't know enough. We must know more about "who" he is, rather than "what" he has accomplished.

One thing we're finding out—he's a lot more sophisticated, a lot more demanding, with a great deal more "*savvy*" than every before.

WHEN IS MARKETING SEASON?

Just recently, Lane Palmer, editor of *Farm Journal*, told of some things his regional editors had found about farmers' decisions on buying fertilizer.

The decision-making process on fertilizers starts, for many farmers, as early as September, and most have their plans made by January—with a full third of the buying decisions already made before that time.

The term "fertilizer marketing season" is losing its validity. The top farmer is thinking of and planning for his needs all the time.

This is having a profound effect on our industry. To help him reach buying decisions, the one-out-of-three farmer, who produces 80% of our farm output, want more than a colored brochure on the product. He demands factual information—and that demand is almost insatiable. He demands service—and he demands more convenience.

He expects a tailored fertilizer formula to fit his precise soil-and-crop needs—not some general state grade list. For the fertilizer industry, this means an increasingly heavy investment in on-site facilities.

FEWER BUT BIGGER

Candidly, there will be fewer fertilizer retail outlets in the next 10 years, but the ones left will be bigger and offers more service and more information to serve the large producer.

It's a new situation—and an exciting prospect. The outlook is for an increasingly strong, more viable fertilizer industry than ever before—with a realistic, market-wise maturity.

It's a promising future—and a welcome one.

A BRIEF HISTORY OF THE ISSEI OF DELANO, CALIF.

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. MATHIAS. Mr. Speaker, I am happy to insert in the RECORD, at the request of Mr. Joe Katano of the Japanese American Citizens League in Delano, Calif., a brief history of the Issei of Delano. Since Mr. Tsurumatsu Nagatani first came to Delano in April of 1905, the Japanese Americans have made many social, economic, and political contributions to the Delano area and to the entire State of California.

I think it is only fitting that we recognize the long and distingiushed history of these outstanding people.

Mr. Speaker, I commend this brief history of the Issei of Delano to my colleagues and to the general public:

A BRIEF HISTORY OF THE ISSEI OF DELANO, CALIF.

Like a novel from the Western Era, the Japanese Issei's life in Delano began. April of 1905, Mr. Tsurumatsu Nagatani came to Delano from San Francisco through the employment office to work in the Railroads. To his surprise, he was asked to leave after sleeping one night at the R. R. Boarding House at the end of a gunpoint. He left for Fresno and returned once more in 1912 and purchased land of 20 acres and started orange grove near Ducor.

1911—Mr. Ichita Kawata was the first Japanese to purchase and plant 20 acres of grapes on Cecil Avenue.

1911—Mr. Tatsuguma Ota started 20 acres of oranges.

1911—Mr. Yorizani purchased land for oranges.

1912—Mr. Tsurumatsu Nagatani bought and started 20 acres of oranges.

1912—Mr. K. Tahara purchased land in Pixley area.

1912—Mr. H. Hirose purchased 20 acres of land near Richgrove and started orange grove.

1912—Mr. Einosuke Misono leased 640 acres of land and raised rice near Pond for 5 years. His daughter May went to school by buggy.

1912—Mr. Norikane started nursery for Mr Wallace on Cecil Avenue and later purchased 40 acres of land which later was sold to Mr. Stradley. Mr. Oishi bought land and started farming with Mr. T. Jo as partners.

1917—Mr. Misono started raising watermelons and cantaloupes 60 acres in Delano.

1917—Mr. Takeshi Kawata, Tadashi Ogata, and Mr. Kinichi Sakai all went into farming.

1919—Mr. Gohachi Kawano with another partner started Rice Farming on the C. L. Cole place.

1918–19—Business started in Grocery by Mr. Juneaku Nozaka. Mr. Furuchi started a restaurant. Mr. Yano Fish Market. Many others followed in various business and farming.

1920—Japanese-American Friendship League formed in response to the Anti-Japanese feeling that was rampart at that time. Mr. Ichiro Kawata was first President.

1925—The Japanese-American Friendship League was changed to Japanese Association of Delano with Mr. Kawata president; Mr. Sakai, second; and Mr. Misono, third.

1925—Japanese School was built and all the children in the community and families of about 100 enjoyed the facilities inter non-denominating as one. During the World War II it was burned. Mr. Orimo first school teacher.

1925—Mr. Ushi Yonaki came to Delano and went into farming.

1925—Mr. Harry R. Katano started Pool Hall.

1925—Mr. Komasuke Nakagama started farming various crops as cantaloupes, etc.

1925—Mr. Kikichi Nakayama went into farming. Mr. Shigeru and Isamu Ichinaga purchased and operated a Gas Station and Grocery in Pixley.

1926—Mr. Morima Kono started farming. Mr. Ikemiya became foreman for Setrakian.

1926—Mr. Gohachi Kawano started the Westside Grocery until 1940; he went to Japan. Mr. Sam Okasaki continued the business.

1927—Mr. Yamane purchased land near Earlimart.

Mr. Soichi Enoki purchased 80 acres land and went into farming. Various Labor Camps started in the later 20's and early 30's.

1927—Mr. Setoguchi at McGivitt; Mr. Johnny Katano, Mr. Takahashi, and Mr. Miyake were some of the individual camps.

Mr. M. Watanabe—Individual camp.

Di Giorgio Corporation had Camp I, II, and III with the following Issei's operating: Mr. Tanimura, Morita, Tagawa, Hyodo, Fujita, Yoshihara, Nakajima, Yamamoto, and Yamashita. Mr. Yoshihara was one of the men instrumental in helping the community grow.

1929—Mr. Tsuda with his family started the Laundry. The following businesses were thriving until evacuation of 1942: Nitta Hotel and Barber Shop; Sato Hotel; Yano Hotel; Takaki Drugs; U.S. Grocery—Honda; Yamaguchi Fish Market; Westside Grocery; Misukami Fountain; Arita Cafe; Dan Lunch Room; Nozaki Asahi Sushi; New Chop Suey; Tokyo Chop Suey; Hamaoka Pool Hall; Iwazawa Pool and Barber, and Yasuhira Pool Hall.

1931—Mr. Morihiro purchased 160 acres near Earlimart.

There were 3 Packing and Shipping Sheds formed by the Japanese farmers. Early ones were: Sakai Packing Shed—In Earlimart; Delano Growers Exchange—With Mr. Frank Fukuda—Shipper, and Farmers Assn. United Brokers—Mr. Matsuoka—Shipper.

1930—Buddhist Church was built but the actual Buddhist Church was not affiliated with the North America Buddhist Churches until 1940. Mr. Shigemi Fujii was one of the many men active in this with about 40 families.

1934—Mr. Sakushi Kubota came to Delano and was associated with Westside Grocery.

1939—Sakai and Yoshimura bought land before World War II.

1940—Mr. Tsurumatsu Nagatani purchased 160 acres near Earlimart.

1949–50—With Doshi Kai sponsored, there was a commemorating party for Mr. Seiji Fujii winning the Repeal of Alien Land Law case which made it possible for Issei to purchase or lease land by 300 person.

1945—Mr. Tsurumatsu Nagatani returned with his family and resumed farming later being Incorporated and built the Nagatani Farms & Packing shed. 1948—Purchased 640 acres; 1950—380 acres; 1952—160 acres; totaling 1,340 acres.

Mr. K. Tahara returned to his land near Pixley.

Mr. Yonaki families returned, and he helped at the Texaco Gas Station and Garage until his retirement.

Mr. Sakushi Kubota and Mr. Sam Okasaki opened the Grocery Store Sam's Market on Fremont Street. Later in 1954 moved to present location on Cecil Avenue called City Food Basket. Mr. Kubota is sole proprietor to this day.

Mr. Kikichi Nakayama resumed farming in Richgrove area and later opened the Kiichi's Restaurant & Bar on Glenwood until retirement. Mr. Katsutaro Kono and Mr. Eiji Yamashita started camp for Mr. Pagliarulo.

Mr. Frank Fukuda returned to Delano and started farming and shipping cantaloupe, lettuce and tomatoes.

1946—Mr. Einosuke Misono returned to Delano and worked for Mr. Butera raising lettuce, and various crops, and later went into farming with Mr. Pandol until retirement.

1946—Mr. Tsunekusa Kawasaki started camp in Deer Creek Orchard and in 1947 Michinori Honbo resumed the camp until 1947.

1947—Michinori Honbo, Eiji Yamashita, Tadao Yamamoto, and Katsutaro Kono opened once more the Di Giorgio Sierra Vista Camp #2.

1947—Mr. Morima Kono returned and went into farming, later working for Molica Inc.

1947—Mr. Enosuke Fukawa and family went into farming near McFarland until his retirement.

Mr. Gohachi Kawano returned from Japan, and resumed responsibilities in the community working at the City Food Basket until retirement.

1947—Mrs. H. Okino lived with the Kubota family until she passed away in the Delano Hospital.

1949—Mr. Tsunekusa Kawasaki came to Delano taking over Camp 18 for Di Giorgio Fruit Corp. In August 1949 resumed the Camp #2 having both camps until 1951 when he let his nephew have Camp 18 and he with his son had Camp #2 until his retirement. He was instrumental in the refugee program and the exchange student program which the Japanese Government gave him recognition.

1949—The Delano Pioneer Club was formed with Mr. Tsurumatsu Nagatani president, and all the members totaling very few namely—Einosuke Misono, Eiji Yamashita, Morima Kono, Sakushi Kubota, Kumaemon Tahara, Inosuke Fukawa, Katsutaro Kono, Tsunekusa Kawasaki, Kurazo Okasaki, Michinori Honbo, Gohachi Kawano, and Tomokazu Kawasaki.

1956—The Buddhist Church organization was formed again with Mr. Tsunekusa Kawasaki as president. With the building burned during the war years, there were no church to hold the meetings so it was held at Camp #2 Sierra Vista Ranch. The services are held once a month, and after the closing of Sierra Vista Camp #2, it is held at the Honbo Camp each month at present.

1958—Michinori Honbo opened the Caratan Camp on Cecil and Zachary and at present operating.

1964—Mr. & Mrs. Kuwahara moved to Delano from Bakersfield.

AWARDS

Mr. Einosuke Misono

1 Foot Silver Trophy for instrumental in Japanese School.

Dai Nihon Mokai—Recognition.

Gaimusho or State Department Recognition.

Agriculture Dept. Recognition.

Mr. Tsurumatsu Nagatani

Agriculture Dept. Recognition.
State Dept. Recognition.

Mr. Gohachi Kawano

State Dept. Recognition.

Mr. Tsunekusa Kawasaki

State Dept. Recognition.
Agriculture Recognition.
Sacred Fifth Order Recognition.
Kern County Council Recognition.
18" Trophy from Refugee.
Radio from Delano Japanese Organizations.
Clock & Pen Set from Wakayama Club.

Mr. Michinori Honbo

State Dept. Recognition.

Mr. Morima Kono

Agriculture Dept. Recognition.
State Dept. Recognition.

CLEANER AIR WEEK A NATIONAL COMMITMENT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. TAFT. Mr. Speaker, as my colleagues know, each year, during October, communities throughout the country join in a week long series of public observances of Cleaner Air Week. It is a time when we focus attention on what has finally come to be recognized as one of our most serious domestic problems.

Cincinnati, Ohio, is fortunate to have the chairman of Cleaner Air Week, Mr. Charles N. Howison, as a resident of our community. He was the originator of what has grown to be a nationwide program.

On September 26, Mr. Howison, in an address before the East Central Section Convention of the Air Pollution Control Association, commented on the growth and potential of Cleaner Air Week.

I believe the following remarks are worthy of our consideration:

CLEANER AIR WEEK: THE COMMUNITY COMMITMENT TO THE 70'S

(By Charles N. Howison)

Program Chairman, Henry Mayer, extended an opportunity and a challenge when he invited me here today to join members and guests of Air Pollution Control Association's East-Central Section in a preview of the air quality management in the '70's.

An invitation to assess the community role in air quality management over the next ten years is indeed a challenge—particularly in view of the superlative contributions of yesterday's speakers. Their estimates of the roles of research and development, environmental health, industry and government, in restoring air quality, provided us with a penetrating insight into the "decisive decade."

It was a rewarding experience, indeed, to hear Mrs. Swigart, Mr. Jones, Mr. Pickard, Mr. Ronald and Mr. Bowling examine prospects for increased public participation in air quality management at this morning's session.

The insight and thoroughness they displayed in projecting an expanded role for the public in air conservation makes my assignment much easier.

My primary interest, of course, is enlistment of all air quality interests in a coordinated approach to community-wide air problems under the banner of Cleaner Air Week.

This morning's panelists provided information which we can use in future Cleaner Air Weeks and perhaps some of our Cleaner Air Week education instruments may prove useful to you in future endeavors of your own.

Information is the currency of the air conservation realm and we need all of it we can get in coping with the new air problems that arrive with every population gain and every new industrial process.

The approach of Cleaner Air Week's 21st observance—just a month away—recalls a late October Monday in Perth Amboy, New

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Jersey, schoolyard where students and teachers gathered around a cluster of yellow balloons.

It was morning recess time and the pupils were out for the Annual Balloon Ascension—signaling Cleaner Air Week in the New Jersey port city.

Each balloon carried two attachments: a little card inviting whoever might recover it to report the time and place of the balloon's capture, and a child eager to release his aerial messenger.

The balloons shot skyward except for one. A little boy, representing the first grade, refused to let go of his; he decided to retain possession of his balloon, and perhaps he still has it as a memento of the nation's first observance of Cleaner Air Week.

As 126 metropolitan centers prepare to celebrate Cleaner Air Week's 21st birthday, many important things will be said about this successful public relations program but the essence of Cleaner Air Week is commitment of the individual.

There was little or no air pollution control in 1949 when Cleaner Air Week opened for business. Eight years of World War II production had worn out existing air conservation systems and defense priorities had made it impossible to manufacture replacements. Smoke trails located industrial stacks and home chimneys in every corner of our metropolitan centers. Clouds billowed after railroad engines and identified scrap yards. Anything less than a community-wide approach would be futile in attacking the air problems of 1949. And yet, how do you achieve community-wide action?

Community-wide action calls for the awareness on the part of every individual of his involvement in the problem and his personal stake in its solution. True, everybody realized we had an air pollution problem 21 years ago but there was little or no individual commitment, and little awareness that the individual, who suffered most from polluted air, was also the source of pollution.

As a matter of fact, there was very little hope for individual action, even among Cleaner Air Week's first sponsors. Like the youthful nonlauncher, they went along with the idea but didn't exactly go into orbit.

Cleaner Air Week gained in momentum and expanded in scope during the '50's—but for most of the metropolitan population it remained a spectacle. People read the posters, enjoyed the balloon launching, followed the conservation panel shows on TV, read the newspaper advertisements and stopped to see the Cleaner Air Week displays in store windows. These devices and events serve to dramatize community-wide problems but continue to present solutions in general rather than specific terms.

It seems to this observer that the participation stage—marking the individual Cleaner Air Week supporter's employment of his own resources to do something about the air took over in the '60's. Cleaner Air Week activity throughout the country began to reflect a thinking man's approach to his own special air quality problems.

Control officials were no longer satisfied just to conduct a community tour of a new industrial air-cleaning system but measured the air cleaning device in terms which enabled each visiting neighbor to evaluate the new installation as an investment in his air interests.

Economists briefed the community residents, who ultimately foot all of the air conservation bills, on his economic stake in community air resource management.

Women's clubs beat the drums for carburetor checks, furnace overhauls and scores of other opportunities open to the individual to lessen his additions to contamination of the air he—and his fellow citizens—had to breathe.

Seventy metropolitan centers carried the Cleaner Air Week banner into the '60's and now as we enter the '70's, their number has risen to 126.

If Cleaner Air Week grew from a spectator event in the '50's to a vehicle of personal participation in the '60's, then the approaching '70's confront this late October public relations event with the biggest challenge in its 21-year history: to provide the individual community resident with information that will enable him to exert influence on the adoption of community air quality safeguards that best serve his needs.

The Air Quality Act of 1967, in effect, wrote an order for Cleaner Air Week by providing for regional air quality control with procedures and schedules for setting regional air quality standards.

William Megonnell, Assistant Surgeon General, gave the key to the Cleaner Air Week Committee's educational role in New York on Wednesday, April 9 of this year. Mr. Megonnell said that the Secretary of Health, Education and Welfare will study the hearings' records carefully and if he finds strong public support for the adopted standards, he will be inclined to accept them, provided, of course, that they are consistent with health effects criteria.

As a result, Cleaner Air Week Committees around the country are engaged in developing information programs in these vital areas of information to the resident of the air quality region.

A. Just as each of us help create our air pollution problems, so we may contribute to their solution within the over-all context of a community-wide air pollution control program. Universal involvement is essential in the community-wide effort to bring control technology abreast of production advances.

B. Scope of the hearings. Only two pollutants, representing a fraction of the over-all air pollution problem, are being considered in the 1969 hearings. It is important for the individual resident to know that the cost and other factors involved in the approaching areas apply only to a segment of the problem.

C. Control equipment required to meet standards set at these hearings may be inadequate to meet standards for the control of other pollutants, the determination of which is at least a year away.

E. Progress reports. Reduction in particulate and sulfur concentrations, improved airport ceiling visibilities and other progress data are vital public information before and during the hearings. The local Cleaner Air Week Committee consults metropolitan center air pollution control directors and other government agencies for this type of information.

F. Schedules for continuing reduction of pollutants are indispensable information to every community resident.

G. Cost/benefits ratio. The cost differential between extremely tight standards and slightly less-stringent standards that would still protect public health may be of vital importance to every community resident. These comparative figures may be reduced to cost-per-light customer in the case of utilities.

H. Who pays the control costs? A vital information point is that air conservation costs are borne by the community resident in the price of goods and services, taxes and limitation of economic opportunity. The community resident needs this information in terms of significance to him as an individual in order to determine in his own interest the degree of air quality that best meets requirements. This is a formidable commitment, indeed, for the Cleaner Air Week of the '70's: individual involvement not as an observer, not just as a participant, but a decision maker. In order to make the regional air quality program work to the advantage of the community resident, he must have this information and Cleaner Air Week is well equipped to provide it.

Some Cleaner Air Week Committees are considering year-around operation in order to better serve their community interest in regional air standards.

Other Cleaner Air Week Committees are being formed for the first time with the objective of public enlightenment as a means of securing adequate regional air quality standards.

Some say it is too big a job for a volunteer organization. Well, they said we couldn't attract and hold the public interest in the '50's and again in the '60's many critics put us down as an entertainment spectacle incapable of inducing individual action.

Twenty years ago the Advertising Council told us that we could successfully "sell" the public the idea of breaking a match to prevent forest fires but anything beyond the simple dimensions of this assignment was too much to ask of Cleaner Air Week.

My answer to the Advertising Council is contained in the Cleaner Air Week Handbook for 1969.

First graders in all of Chicago's school districts won the competition for attention among competing Cleaner Air Week events, hands down, by electing Cleaner Air Week queens. Scores of congregations read the Cleaner Air Week message in their church bulletins. Suburban community residents took part in special Cleaner Air Week events and newspapers joined radio and television in bringing Cleaner Air Week information to almost every area resident.

The New York Giants football team literally kicked off Cleaner Air Week during pregame ceremonies at Yankee Stadium.

The Indianapolis Cleaner Air Week Committee conducted a survey that indicated 85% of the people are more concerned with what they see—too much dirt in the air. They also indicated that they want information about methods of controlling air pollution.

Indianapolis rewarded outstanding performances in safeguarding air quality with "good neighbor" citations.

Twelve thousand Cleaner Air Week brochures were distributed in Tampa, and window displays played important Cleaner Air Week roles in Minneapolis.

Cleaner Air Week in Newport News featured educational billboards sponsored by the Anti-Tuberculosis and Respiratory Disease Association of Tidewater, Virginia. "Operation Weather Study" engrossed third grade students in Rockville Center, New York, Albuquerque posters asked "Wouldn't you like the air to stay clean?".

As we approach the decisive '70's, ladies and gentlemen, I invite you to join your Cleaner Air Week Committee in the critical task of providing residents of air quality regions with the information they need to make intelligent decisions in safeguarding their community air resources.

BIG TRUCK BILL

SPEECH OF

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Caldwell, Idaho, News-Tribune in the State of Idaho. The editorial follows:

Bigger Trucks? No!

The trucking industry is back before Congress this year with a bill to permit the operation of heavier and bigger trucks on the nation's interstate highway system. Congress, as it did with a similar measure last year, should reject the proposed changes.

Foremost among the opponents of the legislation is the American Automobile Association, whose executives testified recently before the House Public Works Committee. The AAA's opposition is based on two points. The first is that bigger trucks will constitute a hazard on the highways because their bulk diminishes the visibility of other drivers and their length makes passing more risky.

The second point the AAA stresses is that the increased weight of tractor-trailers and tractor-two trailers will punish pavements and bridges and increase not only the costs of upkeep but also the construction of new roads built to withstand the heavier loads.

Highway costs warrants concern, but the argument Congress should find most persuasive is the likelihood of greater danger on the nation's already unsafe roads. A 70-foot truck, more than eight feet wide and weighing as much as 15 tons, is an intimidating object. To allow such snorting behemoths on the public roads is not in the public interest.

SENATOR BAKER'S VICTORY

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. KUYKENDALL. Mr. Speaker, I would like to include an editorial in the Record telecast by one of the leading TV newscasters and editors in Memphis, Tenn., Mr. Norman Brewer, news director of WMC–TV.

It goes without saying, I share Mr. Brewer's views on my friend and colleague, Senator Howard Baker.

Senator Baker's Victory

(By Norman Brewer, telecast of Sept. 25, 1969)

Well, the Senate Republicans just made a mistake. But that's the price they paid for not consulting with us Tennesseeans before voting for a new minority leader. It should have been a landslide for Howard Baker. Actually, the junior Senator from Tennessee probably fell victim to the Congressional seniority system—just slightly more precious on the Hill than the free haircuts provided United States Senators. Hugh Scott of Pennsylvania had been a member of the club longer than Howard Baker and that was that. It would have been a signal victory for Baker, one almost unprecedented in Senate history because of his youth. That he did not pull it off, however, does not spell defeat. The veterans of intra-Congressional politics tell us that there is some kind of victory in the fact that a man of 43 years and only three years in the Senate came as close as he did. It was a measure of the esteem in which Baker is held by his colleagues; evidence that he has made a mark on the Senate, an institution not easily marked. "Newsweek" magazine, reporting on the activities of freshmen Senators a couple of years ago, took note of that fact when it said of Baker, "His speeches have shown careful research and his parliamentary skill helped defeat a restircting bill backed by his father-in-law, Everett Dirksen."

Last year at the Republican convention, Baker was seriously mentioned as a Vice-Presidential candidate. He was a leader of the Nixon floor forces at the convention and he helped forge Nixon's winning "Southern strategy." In just three years, Howard Baker has accomplished what some Senators never accomplish and what takes others decades to accomplish—he has proven himself an articulate, effective spokesman for his state and his nation. And his future is filled with more promise.

The vote Wednesday was not an end for Howard Baker, but a beginning.

INDEPENDENT BUSINESSMEN SUPPORT BAN ON UNSOLICITED CREDIT CARDS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. OTTINGER. Mr. Speaker, for 2 years I have sought to convince the Congress and the administration of the urgent need for new controls to curb the unfair practices and abuses arising from the mailing of unsolicited credit cards. In the 90th Congress and again this year, I have introduced legislation to accomplish this, and I am pleased to announce that a nationwide survey by the National Federation of Independent Business, Inc., found 80-percent support for my bill.

I hope that this survey will spur congressional action on my bill, H.R. 858, which is pending before Subcommittee No. 4 of the Committee on the Judiciary.

I present herewith for inclusion in the Record a copy of the National Federation of Independent Business, Inc., news release on the survey, and a copy of my statement before the Federal Trade Commission in connection with recent hearings on unsolicited credit cards:

News Release of National Federation of Independent Business, Inc.

(The Brief Facts: Mailing credit cards to virtually every household—without application or request—has made "easy credit" more of a reality than ever. Loss, theft and illegal use of credit cards has been a problem, and many think the unsolicited card has encouraged more people to live beyond their means. A bill to prohibit the mailing of any unsolicited credit cards, H.R. 858, was put before the Congress by Representative Richard Ottinger of New York. Voting through the National Federation of Independent Business, the independent business owners react in this way: 80 percent favor the measure, 16 percent oppose it, and 4 percent have no opinion.)

Mass mailing of credit cards has no mass appeal for the nation's independent business owners.

The practice of mailing credit cards to "everybody in the phone book", instead of only to those who request them or those with good credit histories, is frowned upon by the independents, says the National Federation of Independent Business.

This technique has been used by banks in promoting their credit card plans and by some major oil companies.

Credit never came so easy. Too easy, say critics of mass credit merchandising, including Representative Richard Ottinger of New York, who has introduced a bill to prohibit entirely the mailing of unsolicited credit cards. Independent businessmen polled by the National Federation of Independent Business concur; 80 percent endorse this action, which supports the position taken by the Nixon administration, only 16 percent object, and 4 percent have no opinion.

In (Name of State), —— percent favor the restriction, —— percent are against it, and —— percent are undecided.

The bill to amend the U.S. mail regulations carries a $10,000 fine for a violation.

The businessmen's strong stand against unsolicited credit card mailings comes despite the fact that many independent retailers are participating in bank credit card plans. The Federation's continuous field survey shows that 35 percent of the retailers make credit card sales and do 18 percent of their volume on them.

Many small retailers find this preferable to carrying accounts themselves, and it gives them "easy credit" to rival the big stores' revolving credit plans.

Nevertheless, four out of five independents want to see Representative Ottinger's bill become law. Many unsolicited cards are lost or stolen which can result in a person being billed for charges he did not incur on a credit card he did not ask for and never received. A legal cloud hangs over such situations.

Banks claim more screening of mail lists has reduced such problems.

Fundamentally, too, many businessmen believe that credit should be granted only to those who ask for it and have demonstrated they will make good on their obligations. Many complain of the many "deadbeats", the problems of collecting past-due accounts, and the ease of bankruptcy.

Some independents are alarmed at the magnitude of consumer credit, nearly $100 billion in short-term debt, and fear possible economic collapse if uncollectibles mounted. Mass mailing of credit cards—which has increased consumer debt sharply—is reprehensible, in this view.

The Federation research staff concludes that, whatever the individual businessmen may think about the "credit card explosion" and the trend to a "cashless society", a huge majority firmly supports regulation of credit card distribution.

STATE BREAKDOWN FIGURES—A BILL TO PROHIBIT THE MAILING OF UNSOLICITED CREDIT CARDS

State	Percent in favor	Percent against	Percent undecided
Alabama	78	14	8
Alaska	65	33	2
Arizona	79	18	3
Arkansas	79	15	6
California	82	14	4
Colorado	79	17	4
Connecticut	86	9	5
Delaware	83	15	2
Florida	76	19	5
Georgia	80	15	5
Hawaii	80	17	3
Idaho	78	19	3
Illinois	83	13	4
Indiana	83	12	5
Iowa	82	13	5
Kansas	79	17	4
Kentucky	78	17	5
Louisiana	74	20	6
Maine	80	14	6
Maryland	85	12	3
Massachusetts	78	18	4
Michigan	84	13	3
Minnesota	81	15	4
Mississippi	77	19	4
Missouri	80	16	4
Montana	73	23	4
Nebraska	82	14	4
Nevada	79	20	1
New Hampshire	82	14	4
New Jersey	87	9	4
New Mexico	64	29	7
New York	85	12	3
North Carolina	83	13	4
North Dakota	80	17	3
Ohio	80	16	4
Oklahoma	79	15	6
Oregon	79	15	6
Pennsylvania	83	13	4
Rhode Island	74	21	5
South Carolina	81	15	4
South Dakota	82	14	4
Tennessee	78	17	5
Texas	75	21	4
Utah	72	23	5
Vermont	75	19	6
Virginia	82	16	2
Washington	82	13	5
Washington, D.C.	100		
West Virginia	79	17	4
Wisconsin	85	11	4
Wyoming	73	25	2

Statement on Mailing of Unsolicited Credit Cards

(By Congressman Richard L. Ottinger, of New York, for inclusion in the public record of the Federal Trade Commission trade regulation rule proceeding)

Mr. Chairman, I appreciate this opportunity to express my views, at this public

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hearing, for a proposed rule which would prohibit the mailing of credit cards in the absence of an expressed written request, or an expressed written consent from the recipient.

I hope the hearing today will emphasize the urgent need for new controls to curb the unfair practices and abuses arising from the mailing and issuing of these cards, and that the Federal Reserve, having jurisdiction over commercial banks—which in my view are among the major unsolicited credit card offenders—and those regulatory agencies having jurisdiction over common carriers and air carriers (exempted from any rule which might be promulgated by the Federal Trade Commission) will consider and initiate new supervisory regulations in this area.

In April of 1968, I urged the Post Office Department to prohibit, by regulation, the mailing of unsolicited credit cards and require that requested cards be sent by registered mail. I was told by the Postmaster General that this practice did not appear to violate the provisions of any postal law, and, legally, an Act of Congress would be required to achieve my purpose.

In response to the apparent need for Legislation to protect consumers from the possible adverse affects of issuing companies mailing practices, and in response to the encouraging number and quality of mail I received supporting my position on credit cards, I introduced a bill on June 11, 1968, to restrict the mailing of credit cards.

I am particularly concerned over the number of Americans who carry and use credit cards; the number of credit cards that are in circulation in the United States; the volume of credit that is extended through the use of credit cards, and the possibility of a credit card being intercepted and used fraudulently before it reaches the prospective customer.

It would be very much in the public interest for the Commission to issue a Trade Regulation Rule to curb the widespread practice of mailing unsolicited credit cards, and I urge that such action be taken without delay.

I submit that the practices and abuses arising out of the mailing and issuing of credit cards such as issued by retail department stores, marketers and retail dealers of gasoline, travel and entertainment credit card establishments and other credit card issuers—the subject of this hearing—and the obvious adverse affect bank and check credit cards can have on our economy and the individual consumer, indicate an urgent need for control over the mailing and issuing of these cards.

Extremely vital issues are at stake here—individual consumer credit and the economy of the nation. We cannot afford to overlook them or take them lightly. These issues warrant action, now.

COOPERATION OF BUSINESS WITH GOVERNMENT URGED

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ZWACH. Mr. Speaker, there is an ever-increasing awareness of the need for Federal-State-local cooperation in financing and managing the many programs for the benefit of all of our people.

There is also an ever-growing awareness of the need of added cooperation between business and the Government.

This awareness is evidenced by the following editorial which appeared in the Brainerd Daily Dispatch in the Minnesota Sixth Congressional District on Friday, September 19. I commend the reading of this editorial to my colleagues:

COOPERATION OF BUSINESS WITH GOVERNMENT URGED

Cooperation of business with government is being urged by the president of the Chamber of Commerce of the United States.

Jenkin Lloyd Jones, who is also publisher of the Tulsa Tribune, believes that the opportunity has now arrived for a level of cooperation between business and government which hasn't existed for many years.

"If businessmen ignore recent pleas by government for cooperation and counsel, it will be a grievous error," Jones told a group of business executives in Washington. "Cussing the government is fun, but we see on every hand areas where cooperation makes a lot of sense."

The Chamber president cited government-business cooperation in such areas as training the hard-core unemployed, working to improve the vocational training programs, and government pleas to the construction industry to devise new building techniques for low-cost housing in mass volume.

As a result of such cooperation, Jones said, the old tendency to pile one government agency on another is being dampened. Instead, private firms are contracting to operate economic and social development projects.

Business-government cooperation works both ways, he pointed out. Without the aid of government, for example, business wouldn't get very far with a satellite communications system.

Observers recently have noted an increased tendency on the part of the government bureaus toward the idea of enlisting groups of citizens, particularly members of the business community, in joint efforts toward solving problems.

Today's Chamber leadership believes businessmen should respond with warmth to these invitations from governmental leaders.

GREEN BERET AFFAIR

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, Columnist William S. White, in a recent newspaper column, discussed the unfortunate Green Beret affair. Mr. White, in criticizing the manner in which the entire matter was handled, notes the remarks of my distinguished colleague from New Jersey, PETER RODINO, as well as those of the Honorable CARL ALBERT of Oklahoma, and the Honorable PAUL ROGERS of Florida.

Congressman RODINO has been especially active in seeking protection for the accused soldiers. I wish to commend him and the other Members who took it upon themselves to insure that the soldiers received fair treatment.

Columnist White's article follows:

BAD GREEN BERET DECISION

(By William S. White)

WASHINGTON.—The Army will long regret its decision to try the Green Berets for murder in a field military court martial whose verdict, by the very nature of the circumstances, will be forever debatable.

Already, there had been an ugly odor arising from this cloak-and-dagger case, which involves the killing of a South Vietnamese, Thai Khac Chuyen, claimed by defense counsel to have been a double agent. For the principal defendant, Col. Robert Rheault of the Special Forces in Vietnam, had had a record of marked heroism and devotion to duty, and the issues raised here have frightening implications.

Already, some Americans with past experience in the darker and clandestine side of warfare had been wondering aloud whether the colonel and his associates were perhaps being thrown to the wolves under pressure from the South Vietnamese government or, alternatively, simply because they followed the harsh orders of wartime in an action that backfired upon higher authorities.

Such suggestions may, of course, be utterly unwarranted, given all the inside facts, and this columnist, for one, strongly suspects that just this is the case. Nevertheless, a court martial in the field, with all its inherent power to retreat behind security clampdowns, is the very last forum for a satisfactory inquest into this business.

The plain truth is that all sorts of sinister and quite likely fantastically false rumors have been flying about for months—whispers that the Central Intelligence Agency had reason to want Thai Khac Chuyen liquidated; and that some of the regular Army types were jealous of the elite Green Berets; and so on.

The mere existence of such rumors strongly supports the wisdom of protests made in Congress that this extraordinarily difficult thing should have been transferred to Washington for trial and ventilation under supervision of the very highest authorities in the Pentagon.

Rep. Peter Rodino of New Jersey, for example, declares "no confidence" in the fairness of a court martial in a battlefield area, given all that has been muttered about this affair. Rep. Paul Rogers of Florida fears we may be seeing the establishment of a precedent under which "any American fighting man could be charged with murder for carrying out an order which resulted in the death of an enemy."

The Democratic leader of the House, Rep. Carl Albert of Oklahoma, is concerned that the most basic rights of American soldiers might become "bargaining points" in this country's relationship with allies.

Now, none of these three members of Congress knows the full story, of course. But this is the very point. They should know it or be able to learn it. And at all events, none of the three is a jaw-flapping politician and all three are men of the highest sense of responsibility.

One can sympathize with the dilemma of Secretary of the Army Stanley Resor, who has declined to intervene against the field court martial on the ground that he should not tamper with the ordinary course of military justice. But this is any thing but an ordinary case.

Apart from the central fact that it involves the liberties and honor of men who have repeatedly put their lives on the line for the rest of us, there is another immense consideration. The entire military service has long been under sustained and even savage attack from the new pacifists.

Already, it is hard enough to find young men willing to take on the hard role of the combat officer.

Any suspicion, however false, that such officers can be destroyed by hindsight judgments to placate either an ally or an antimilitary bloc here at home must be smashed. And it can only be smashed in the full light of day. The critics of the Army here are as friends; not its enemies.

Everybody concerned, including a CIA unable by its function to talk back in public, would be better off by a method of justice not only done, but justice also seen to have been done.

PROGRAMS AND PROGRESS

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. LUKENS. Mr. Speaker, it is with pride and privilege that I rise to draw attention of the Members of this body to an outstanding youth organization which has done and is doing much to involve youth in the American political system.

The Teen Age Republicans—TARS—has just prepared a report of their activities that was presented to the National Federation of Republican Women's recent convention here in Washington.

As former chairman of the Young Republicans, I presided over the growth of TARS to a truly national organization and have been very interested in their subsequent development under the tremendous leadership of the current national director, Barbara Wells.

I think the Members will be interested to see how this organization is providing an opportunity for our youth to "plug-in" to the political system.

Mr. Speaker, I include this report in the RECORD at this point:

PROGRAMS AND PROGRESS

(By Barbara Wells)

NATIONAL TAR HEADQUARTERS

National TAR Headquarters was established in December, 1965. The purpose was to get young people involved in constructive political action: first by educating them in the traditional Republican principles of free enterprise, constitutional government, and patriotism; and second by training them in the techniques of practical politics to help elect Republican candidates to local, state, and national office.

State TAR Directors have been appointed in all 50 States to coordinate TAR activity. (In most states, each Congressional District also has a TAR coordinator.) Contact has been established with TAR Clubs, Advisors, and general membership in all parts of the country.

The direction and operation of the TAR office has—from the beginning—been the responsibility of National TAR Director, Barby Wells. TAR Headquarters employs three full time secretaries, two part time college students, and one part time bookkeeper. However, this past summer the National TAR staff consisted of 3 TAR Field Representatives, four College Young Republicans, and two Teen Age Republican volunteers. TAR Headquarters from its establishment has been self supporting and receives no funds from either YRNF or RNC.

Upon opening, TAR Headquarters received a TAR mailing list composed of 257 names. Today, we have a TAR leadership list of 21,000 names categorized into 5,082 Clubs representing a total national TAR membership of approximately 101,000 Teen Age Republicans nationwide.

The TAR office houses and maintains its own list. Scriptomatic allows us a wide range of selectivity and by simple end notching we are able to classify important information. Following the Election, TAR Headquarters acquired the national Youth for Nixon names. TAR staffers processed all 7,000 names and added to our TAR mailing list those persons who were 17 years old and younger. By punching the "year of high school graduation" on each card we are able to keep our mailing list current and also supply the College Republican National Committee with the names and addresses of all high school graduates.

NATIONAL TAR LEADERSHIP CONFERENCE

The first annual National TAR Leadership Conference was held in Washington June 16–21 at Trinity College, and by everyone's estimate, was an overwhelming success. *One hundred fifty-two state and local TAR officers participated in the Conference representing a total of 33 states.* The TARS who attended arrived full of excitement and anticipation, as they came seeking an insight into some of the problems that confront us today. The TARS challenged, debated, and questioned many of the speakers as they discussed such topics as: "Cold War Hot Spots", "Semantic Warfare", "The New Left", "The Volunteer Army", "Biafra", "Voluntary Action", "Vietnam," "Campus Unrest", "Communism", "Free Market Economics", and "Systematic Conflict." The list of speakers included Senators Goldwater, Thurmond, and Packwood; Congressmen Frey, Buchanan, Lukens, Riegle, and Goldwater; Phil Luce, Dr. Walter Judd, Dr. Erik Vesely, and many others. TARS found the White House Panel composed of Harry Dent, Pat Buchanan, and Tom Cole particularly interesting along with Miss Alice Hipsley of HUD; Martin Anderson, who is a special assistant to the President; and Lea Meyers, a staff member of the White House Voluntary Action Committee.

One of the most exciting events of the week was the reception for all of the TARS in the East Garden of the White House. Tricia Nixon was the hostess for this event, and all the TARS were given an opportunity to talk with her and get autographs. The White House photographer was on hand to take pictures. Following the White House tour and reception, the group loaded back into the waiting buses to go to Capitol Hill for an afternoon session on how some of the major House and Senate Committees are run and to talk with Congressmen and Commitee staff members. Immediately following this session, which was held in the House Ways and Means Committee room, a Congressional reception was held in honor of the TARS in the Rayburn Building. A great many of the GOP Congressmen and Senators were on hand to welcome these TAR leaders to Washington. Our Republican "Cheerleaders" were at the reception for a "warm-up" preceding the annual Congressional Ballgame which was held that evening. All of the TARS again loaded on the buses and headed for D.C. Stadium where they cheered our Republican team on to victory as they once again defeated the Democrats by 6–2.

The banquet held on Thursday night at picturesque Evans Farm Inn in nearby Virginia was designed as a special treat for all the TARS. TARS arrived in plenty of time to visit the Antique Shop and wander the grounds prior to the banquet. National YR Chairman, Jack McDonald, was the featured speaker.

Although the Conference schedule was a full one from early morning until late in the evening, the TARS in attendance still found time to organize a number of committees to discuss problems and make suggestions regarding TAR programming, fund raising, membership recruitment, National TARS, and many other items that are essential for good TAR organization. Some of these committees were hard at work until the early morning hours and as a result many good suggestions came from the committee reports presented to the entire conference on Saturday.

NATIONAL TAR CAMPS

The 5 camps this summer were held during the month of August in the following locations:

TAR Camp East, Camp Caesar, Webster Springs, West Virginia.

TAR Camp West, Boise State College, Boise, Idaho.

TAR Camp Midwest, Boone 4-H Camp, Boone, Iowa.

TAR Camp South, Centenary College, Shreveport, Louisiana.

TAR Camp New England, State YMCA Camp, Winthrop, Maine.

This summer's National TAR activities drew TARS from 46 states including the District of Columbia. The largest National TAR Camp was TAR Camp South held in Shreveport. All 12 Southern states were represented.

Speaker at the camps included such Republican personalities as Senator Ted Stevens of Alaska, Governor Arch Moore of West Virginia, Lieutenant Governor Jepson of Iowa, Congressmen Orval Hansen, James A. McClure, and Buz Lukens; Former Congressman Stan Tupper of Maine, State Representative Martin Linsky of Massachusetts, News Commentator Fulton Lewis III, and many other GOP leaders.

In addition to the many outstanding speakers at each of the camps, TARS learned a great deal by organizing their own activities. During the TAR Camp "mock legislatures" TARS were given an opportunity to discuss current problems facing us today and offer possible solutions. The debate teams organized at camp allowed TARS to discuss the pros and cons of issues directly affecting them such as the 18 year old vote, drugs, and the voluntary army, while other activities such as the camp newspaper gave them practical experience in writing and producing a newsletter.

Workshops at the camp covered the following topics: Modern campaign techniques, American Domestic & Foreign Policy; TAR Club Organization, Community Action, Free Market, Economics, The New Left: Vietnam, Precinct Organization, Computers in Politics and the Urban Crisis.

For the third year, seminars were held at each camp in Drug abuse education. We were fortunate this year to have representatives from the Bureau of Narcotics and Dangerous Drugs, State Youth Councils on Drug Abuse, and at four of the camps the students had a unique opportunity to hear and talk with a former addict about his experiences with marihuana, speed, LSD, heroin, and other drugs.

A member of the TAR Staff and a Field Representative attended each of the National Camps this year and during the week met with each individual state delegation at the camp to discuss particular problems within their state and to find new ways to expand their organizations. In addition, the Field Representative gave a seminar at each camp on TAR Club programming and activities as well as services available through National TAR Headquarters. TAR Staff personnel held meetings with adults at the camp to discuss ways in which adult advisors could most effectively assist TAR groups in their areas.

Between seminars, various committees were organized by the TARS to exchange ideas and suggestions for membership recruitment, finance, campaigning, programing, community service, special projects and many other areas essential for an effective TAR organization.

NATIONAL TAR FIELD PROGRAM

TAR Headquarters launched a summer Field Program and hired three immediate past State TAR Chairmen to participate in this new program. In the course of the summer, the TAR Field Representatives traveled to twenty nine state TAR Camps and Workshops to meet with state, county, and individual TAR Club officers and assist them in organizational techniques and TAR Club programming.

Due to time, money, and limited number of people, National TAR Field Representatives only spent 2 or 3 days in each State. States are already requesting that field personnel spend a minimum of a week for the purpose of traveling throughout "target

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counties" assisting State TAR leadership in organizing new TAR Clubs and "beefing up" existing ones.

The overall success of the TAR Field Program was phenomenal and National TAR Headquarters plans to not only continue—but greatly expand—TAR fieldwork in the years ahead.

TAR SERVICES

Organizational materials

TAR organization materials ranging from helpful hints on increasing TAR membership and better Club progamming to precinct booklets and Advisors' manuals are all available at National TAR Headquarters. On an average we send out some 3,000 pieces of literature each month and since the opening of the TAR office we have distributed approximately 132,000 pamphlets, manuals, books, brochures, and guides. New manuals which have been written during the past 3 months include TAR Financing, an updated version of TAR Club Programming, TAR Campaign Guide, SOS Manual, and What Republican Leaders Say. The TAR Drug Abuse Manual will be available on October 1, 1969.

Film library

TAR Headquarters has built a library of thirty two films and hopes to purchase an additional eighteen more by October. All of the films have been previewed and are officially recommended by the TAR office. Thus far this year we have answered 161 requests for films from numerous TAR Clubs. Films are sent to TARS free of charge and the only cost to the Club is that of return postage and insurance. The number of requests has significantly increased since last November's elections as TARS are turning to new means of recruiting additional TAR members.

Books and seminars

During the past 3½ years TAR Headquarters has distributed thousands of paperback books free of charge to TAR Clubs. To name a few of the books:

"Economics in One Lesson" (Henry Hazlitt).

"Reflections on the Failure of Socialism" (Max Eastman).

"Reclaiming the American Dream" Cornuelle).

"Intelligent Student's Guide to Survival" (Luce & Hyde).

"Masters of Deceit" (J. Edgar Hoover).

"Road to Revolution" (Philip Luce).

Seminars on Freedom vs. Communism, Basic Economics, and Practical Politics are available at the TAR office, and additional seminars are currently under preparation.

TAR publicity

Since August, 1968, TAR Headquarters has subscribed to a national Press Clipping Service and each week receives news coverage of Teen Age Republicans across the country. The clipping service is invaluable in that it keeps TAR Headquarters up to date on numerous TAR activities, and alerts us to many newly organized Clubs.

Letters of congratulations are sent to those TAR Clubs and Club leaders who receive newspaper coverage, and as a follow-up TAR Headquarters sends lists of all new TAR Clubs to each State TAR Director.

It's amazing how much publicity Teen Age Republicans all across the country receive and during the campaign TAR Headquarters was receiving over 150 clippings a week!

Speakers bureau

Prominent political leaders on tour are being made available to State, District, and local TAR meetings. TAR Headquarters is in constant contact with numerous Congressional offices and attempts to keep an overall schedule of the out-of-district speaking engagements of those Members of Congress (104) serving on the National TAR Advisory Committee. As a result TAR Clubs are able to avoid paying transportation costs as the visiting dignitary addresses the area TARS *in addition* to his other speaking commitments in the community.

NATIONAL TAR NEWSLETTER

The response to TARGET—the official newsletter of Teen Age Republicans—has been tremendous. Through TARGET, Clubs and their Advisors are kept informed of the various national projects and services available in Washington as well as appraised of activities of other TAR Federations and Clubs across the country. In essence, the newsletter serves as a clearing house of ideas and new programs for Club development.

TAR Clubs—as well as individual TARS—are encouraged to "subscribe" to TARGET for $2 yearly. However, TARGET is mailed to all TARS (21,000) on the National TAR mailing list regardless of whether they have officially subscribed.

TAR NEWSLETTER EXCHANGE DIRECTORY

TAR Headquarters has been in the process of mailing a NEWSLETTER EXCHANGE SURVEY to all State and TAR Club officers. State TAR Federations and individual TAR Clubs who wish to be listed in a Newsletter Exchange DIRECTORY are returning these forms to the TAR Headquarters and consequently will be listed in this new directory to be available October 1. It was the consensus at all the National TAR Camps that new ideas for programming, recruitment, and fund raising projects could be more easily obtained through a national Newsletter Exchange program. Here again, TAR Headquarters is encouraging closer communication between TAR Clubs on a State and Regional level.

DRUG ABUSE PROGRAM

Drug abuse is one of the most important issues facing young people today. National TAR Headquarters strongly feels that teenagers should be knowledgeable on the subject of "dangerous drugs" and should be aware of the dangers—both physical and mental—resulting from the use of narcotics, and has therefore launched a nation-wide education program aimed at the Junior and Senior High School students throughout the country.

By working with other state and national organizations who specialize in drug abuse education, TARS are now able to obtain literature and films about this important subject through the TAR office. TAR Headquarters has been in close contact with a number of organizations including the Bureau of Drug Abuse and Control, Justice Department, Smith, Kline, and French Laboratories, D.C. Drug Addiction Rehabilitation Center, Department of Defense, the Food and Drug Administration, Blue Shield, American Pharmaceutical Association, American Medical Association, National Association of Retail Druggists, National Institute of Mental Health, Oregon Council on Drug Problems, Smart Set International, and others. In addition, we are working closely with the officers of Congressman Gil Gude and Bill Steiger, as well as other Members of Congress interested in this important subject.

TAR Headquarters has previewed ten films on drug abuse and three of them are being officially recommended to TAR Clubs. These will be added to our film library and loaned to local TAR Clubs free of charge. In addition, a wide range of pamphlets, brochures, flyers, and posters have been read and sorted by the TAR Staff in preparing a packet of materials that will best suit the needs of today's teenagers in . . . the ghetto . . . suburbs . . . and rural areas. These materials cover the psychological, physical, and legal aspects of the drug problem, and the packet of materials can be easily updated as more current information becomes available. We are also planning to use materials and information compiled by the Republican National Committee in order to have a completely coordinated program.

In developing this program, National TARS—for the third year—held drug abuse seminars at all of the National TAR Camps. A two-part program was presented in which TARS learned the various types of narcotics, their potency, and the body's reaction to these stimulants and depressants. During the second session, TARS had the unique opportunity of hearing a testimonial from an ex-addict who related his personal experiences with drugs such as Marijuana, LSD, Speed, Heroin, and others. This program proved to be one of the most popular topics discussed at the camps and many of the TARS are already launching drug education programs in their schools and communities.

A number of Washington area TARS have assisted with this program in providing guidance and direction to our efforts. With their help we have been able to find out what approach and which materials are the most effective with teenagers. Our aim is to provide the facts, eliminating the scare tactics and the appeals to the emotions too often used. It is only through early drug abuse education that we will finally be able to slow the traffic in drugs which is rising at such an alarming rate and claiming the lives and futures of our nation's young people.

COMMUNITY ACTION

"Freedom is neither automatic nor confirmed by the happenstance of birth of geography. Freedom must be earned again by each succeeding generation through the sound exercise of its citizenship responsibilities."—National Governors' Conference Report.

Recognizing that effective citizenship must start at the local level and be locally initiated, National Teen Age Republicans urges—and persistently encourages—all TAR Clubs to initiate monthly community service projects.

TAR Headquarters distributes free of charge copies of Reclaiming The American Dream and has an assortment of community service manuals available.

In addition to their organizational, educational, and campaign activities, TARS all across the Nation find plenty of time to be involved in community action projects.

SUPPORT OUR SERVICEMEN

National TAR Headquarters' Support Our Servicemen program has met with phenomenal success and hundreds of TAR Clubs are supplying Military Hospitals in Vietnam and men in the field with needed personal items. TARS working with the American Red Cross are also supplying SREO Units and Clubmobiles with such items as tape recorders, projectors, cameras, and record players.

In addition, many TAR Clubs have adopted a South Vietnamese child while others are making Friendship Kits containing small toys, jump ropes, and balloons which are distributed by our Marines as part of the Pacification Program.

TARS are also writing individual servicemen in Vietnam. National TAR Headquarters has established a close working relationship with the Chapel Foundation of Saint Louis, Missouri. TARS who do not know soldiers in Vietnam are now able to obtain names of individual servicemen from their own states.

A great majority of TAR Clubs have appointed SOS Chairmen and the newly published SOS Manual is available at National TAR Headquarters.

AMERICANS FOR BIAFRAN RELIEF

National TAR Headquarters has endorsed the Americans For Biafran Relief and TARS all across the country are participating in this project.

A special "Biafra" mailing was sent to our entire National TAR mailing list and articles promoting this program have appeared in the May issue of "Notes From Here and There" and the June–July issue of TARGET. In addition, a comprehensive Biafra packet has been designed containing materials and specific instructions on how to participate in this worthwhile project.

TAR Clubs throughout the United States are enthusiastically raising money for the continuation and expansion of the airlift to Biafra, and this National TAR Program—like SOS—continues to be one of the most popular TAR projects.

STARS AND STRIPES FOREVER

National TAR Headquarters is proud to announce the adoption of a new project allowing Teen Age Republicans across the nation to display their patriotic colors by distributing colorful red, white, and blue plastic American flag decals free of charge. In cooperation with the Gulf Oil Corporation, National TARS will have available a large supply of American flag decals for distribution by TARS to be placed in the window of any automobile or home.

We encourage all Americans to join with the Teen Age Republicans in proclaiming a faith in America by proudly displaying the "Stars and Stripes." Make every day American Flag Day.

TAR PAGE PROGRAM

The TAR Page Program was first established at the 1965 National Young Republican Convention. TAR Pages were again selected to serve at the recent Young Republican National Convention held in Chicago, Illinois.

A number of TARS (approximately 70) were chosen to represent their own states and to serve as Pages to Convention officials and state delegations. The TAR Page Program—sponsored by National TARS—not only provided personnel to assist with convention business, but also gave these high school students the opportunity to see a political convention in full operation. During nonconvention hours a special program for TARS took place and throughout the week informal meetings and "coke sessions" were held in the TAR Suite at the Hilton Hotel.

AWARDS FOR OUTSTANDING TAR SERVICE

At the Young Republican National Convention in July, TAR Director Barby Wells, presented awards to the Outstanding TAR Boy and Outstanding TAR Girl in the Nation as well as to the Outstanding TAR Club in small, medium, and large categories. Also—for the first time, an award was presented to the Outstanding State TAR Director.

The recipients of these awards are:

Tar boy: Jeff Hollingsworth . . . selected Outstanding TAR in Maine and also serves as State Treasurer and Chairman of the Belfast TARS. In June he attended Maine Boys State and was elected Governor.

TAR girl: Kathi Drew . . . Chairman of the Dallas County TAR Federation in Texas and has done a fantastic job as leader of this 785 member TAR organization. She was also selected as the Outstanding TAR Girl in the State of Texas.

TAR director: Mrs. Stevie White . . . State TAR Director of Kentucky. Mrs. White has devoted "hundreds of hours" during the past two years to building a strong TAR Federation in Kentucky and has been the major force behind their success. She also is the Young Republican National Committeewoman.

Small club: Steam Boat Rock TARS . . . This Club of 25 members was also chosen this year as the Outstanding TAR Club in Iowa. Steam Boat Rock TARS, although small in number, have enthusiastically participated in all phases of TAR activity.

Medium club: Scranton TARS . . . Working out of their own headquarters in Scranton, Pennsylvania, this 125 member Club was also national winner of the Operation Kinfolk Contest. Special congratulations go to this Club for their exceptional work in the precincts.

Large club: Dallas County TARS . . . Wth close to 800 members Dallas TARS were one of the major factors in the victory of Congressman Jim Collins. Like the other Club winners this TAR Club also participates in a wide range of TAR activities.

Supplementing these awards, National TAR Headquaters is initiating a brand new awards program to further stimulate interest and action in TARS at all levels. National TARS will recognize the Outstanding TAR Boy and Girl in each State . . . Outstanding TAR Club in three categories within each State . . . Outstanding State TAR Newsletter in the country . . . the "five" most Outstanding State TAR Directors.

1968 CAMPAIGN REPORT

Activities of literally thousands of TAR volunteers all across the country played a major role in putting dozens of Senatorial, Congressional, and State House candidates over the top last November.

Just one example is the victory of Bill Whitehurst. Over 500 TARS (under the leadership of State TAR Chairman, Sammy Howlett of Norfolk, Va.) worked long hours spending afternoons, Saturdays, and Sundays blitzing shopping centers with literature; assisting at Whitehurst Headquaters; and conducting voter registration drives. Even on school mornings the youngsters were up at dawn manning their TAR "Coffee Booth," serving free coffee and distributing brochures at factory entrances. They hand made and placed over 3,000 yard signs and canvassed thousands of homes in the heavily Democratic 2nd District. The result: a Republican was elected to Congress . . . the first Republican to hold this seat in 40 years!

Nixon-Agnew pumpkins

On Halloween Night, 1968, thousands of TARS blitzed precincts throughout the United States and informed neighbors they were not asking for treats, but "giving" them by distributing Nixon-Agnew literature along with brochures promoting Congressional and local candidates. In addition to circulating campaign literature, TARS affixed to each doorknob a large orange pumpin reading "Even the Great Pumpkin Is Voting Nixon-Agnew". Headquarters printed and distributed the pumpkins to hundreds of clubs across the country. At the final tally some 202,000 pumpkins had been distributed by TARS.

Operation kinfolk

This project sought to encourage people who are old enough to vote, to support the Nixon-Agnew ticket. TARS sent postcards to their voting friends and relatives, urging them to support the Nixon-Agnew team. All Operation Kinfolk cards were furnished to Club Chairmen by National TAR headquarters. Each club submitted a report after the cards had been mailed and prizes were awarded to winning clubs in each of three divisions based on the size of the club. Each of the winning clubs received a gold engraved plaque, TAR sweatshirts for each member, and the Club President and Operation Kinfolk Chairman had the opportunity to visit the White House in June. The winning clubs were:

Large Club: Scranton, Pennsylvania TARS.

Medium Club: Geneseo, Illinois TARS.

Small Club: Merrill, Wisconsin TARS.

Campaigning with coffee

The TAR "Win Votes with Coffee" program which was co-sponsored by TAR Headquarters and the National Coffee Information Service was a tremendous success. The heart of the program was a specially prepared TAR Campaigning Manual, "Hitting the Victory Trail", which outlines specific how-to information. Among the vote-getting devices described is a coffee booth for use at shopping plazas, football stadiums, commuter stations, factories, and any other high traffic location.

TARS who attended National Camps learned about the "Win Votes with Coffee" program first hand at an hour-long seminar discussing specific coffee campaigning techniques and including the construction of a sample Campaign Coffee Booth. Following the seminar, delegates took part in a workshop during which they created a demonstration TAR Campaign Coffee House where they later relaxed and enjoyed fancy coffee house drinks. The program was also presented at as many State Camps as possible.

The manual and coffee booth kit are still available at TAR Headquarters and many TAR Clubs are using the booth to promote the GOP at State and County Fairs.

A sign-in at the supermarket!

Thousands of TARS participated in the Nixon-Agnew volunteers day and played a major role in making this program successful by blitzing neighborhoods and shopping centers.

TARS set up a series of shopping center blitzes and stationed teams of TARS both inside and outside the numerous stores. Many TAR Clubs used their "Campaigning with Coffee" booths, displaying the penants, banner, and bunting. Others ad libbed with crepe paper, Nixon signs, and literature, and set up a half dozen decorated card tables in their local shopping areas. They decorated several "blitz boxes" so people would have a place to put their newly signed "commitment cards."

A total of one million five hundred thousand "commitment cards" were distributed by TARS in all fifty states.

Certificates of appreciation

Following the Election, TAR Headquarters supplied to all TAR Club presidents special "Certificates of Appreciation" which were presented to the many, many deserving TARS who had put forth that "extra bit of effort" in helping to elect Republicans to local, state, and national office.

INTELLIGENCE REPORT ON TODAY'S "NEW REVOLUTIONARIES"

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ASHBROOK. Mr. Speaker, those who viewed the program "The FBI" last Sunday evening saw Efrem Zimbalist, Jr., as Inspector Erskine, give information at the end of the regular program concerning Cameron D. Bishop, a member of Students for a Democratic Society—SDS—who is currently being sought by the Bureau. The case of Bishop is illustrative of the severe threat posed by two organizations, the SDS and the Black Panther Party, to the peace and order of our Nation.

The average citizen has neither the time nor the facilities to keep abreast of the activities of these and other violence-prone organizations whose excesses have made headlines in the recent past. Consequently, the October issue of the Reader's Digest renders the public a service by providing a compact and easily readable rundown of recent cases of terror and destruction not unlike the guerrilla tactics of the Vietcong in present-day Saigon.

The article, "Intelligence Report on Today's 'New Revolutionaries' " compels the reader to realize with a shock that the hate-filled violence of today is not confined to Vietnam, but now occurs in the law-based society here at home. The author, William Schulz, long familiar

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with the workings of subversive and disruptive elements of the home-grown variety, has availed himself of the "documented findings by congressional probers, U.S. law-enforcement agencies, and State and local authorities" to sound a note of warning to those understandably engrossed in the more peaceful exigencies of everyday living.

The maintenance of a free and ordered system is, in varying degrees, everyone's business. But no longer can we content ourselves with faithful compliance with the laws alone. The adequacy of law-enforcement facilities, the judgments of parole boards and local and Federal judges, permissiveness and individual culpability—these are but a few of the areas which require public involvement.

A thoughtful reading of the above-mentioned excellent article by William Schulz in this month's Reader's Digest should help engender added public concern toward eliminating these anarchistic elements from our midst, and for this reason I insert it in the RECORD at this point:

INTELLIGENCE REPORT ON TODAY'S "NEW REVOLUTIONARIES"

(By William Schulz)

At New York University, members of the Students for a Democratic Society slip into an auditorium where the Ambassador from South Vietnam is scheduled to speak. At a given signal, they storm the stage, manhandle the Ambassador and flee the hall. The young activists then proceed to another room, batter down the doors and forcibly prevent New York *Times* columnist James Reston from delivering his speech.

During a period of agitation by student radicals in Claremont, Calif., a secretary at Pomona College removes a bulky package from a college mailbox. As she does, the box explodes, blinding the woman in one eye, causing loss of two fingers and badly disfiguring her face.

At Tougaloo College in Mississippi, students from Negro colleges in the South and East attend a closed-door "defense workshop," discuss the elimination of mayors and police chiefs, the kidnaping of college authorities, the instruction of ghetto residents in the manufacture of Molotov cocktails and use of firearms.

These recent incidents, by no means isolated, are graphic illustrations of a new breed of revolutionary violence that is gravely threatening America. Its iron-fisted methods, often masked behind a shield of legitimate concerns, are doing severe disservice to honest protest in our society. "This has gone beyond the issues," says Prof. Harvey Mansfield of strife-torn Columbia University. "It is naked force against the democratic process."

The FBI supplies grim statistics: in 12 months more than 225 campuses were rocked by organized terror and violence; campus radicals accounted for more than $3 million in damages as research labs, ROTC buildings, even auditoriums were bombed; police in more than 40 cities were the target of guerrilla attacks.

Not surprisingly, apprehensive citizens in all parts of the country are asking: Who *are* the New Radicals? How do they operate? Who is financing them? How extensively are they assisted from abroad?

Here, then, is an intelligence report based upon months of nationwide research and the accumulation of documented findings by Congressional probers, U.S. law-enforcement agencies, and state and local authorities. In the words of Sen. John McClellan (D., Ark.), whose U.S. Senate Permanent Investigations Subcommittee has conducted extensive hearings: "The public now deserves to be acquainted with the cold, irrefutable facts."

Alliance of Terror. The revolutionary menace consists of a highly dangerous minority of perhaps 20,000 activists embedded within an overall movement of 200,000 radical dissidents. At the core of the movement, security officials agree, are two groups, one white and one black, both with grandiose plans for the overthrow of a "decadent" American society. They are:

The Students for a Democratic Society, activated in 1962 by a handful of students from less than a dozen campuses. Today, SDS claims 70,000 followers on 350 campuses, and its national leaders—virtually all non-students—proudly rattle off a string of revolutionary victories scored last year at schools from Havard to San Fancisco State.*

The Black Panther Party, a virulent, self-styled "armed revolutionary vanguard." In less than two years, the Panthers have mushroomed from a 125-man contingent based solely in Oakland, Calif., to a nationwide operation with 60,000 sympathizers and chapters in two dozen cities. "Schooled in the Marxist-Leninist ideology and the teachings of Mao Tse-tung," reports the FBI, "Panther members have perpetrated numerous assaults on police officers and engaged in violent confrontations with police throughout the country."

Throughout the early part of 1969, national leaders of SDS and the Black Panther Party held top-secret strategy sessions to discuss plans and coordinate strategy. The meetings were hardly surprising, for the extremist blacks and the revolutionary whites have much in common: a hatred for present-day America, and idolization of Fidel Castro and Mao Tse-tung, and abiding faith in violence as the means of destroying American society.

Bombs and Bombast. Thus, last fall, activists attending the SDS national council meeting at Boulder, Colo., were supplied copies of a pamphlet that set forth detailed instructions on the manufacture of fire bombs, train mines, even hand grenades. This and other manuals were circulated widely among SDS and other activists from coast to coast—with predictable results.

At Washington University in St. Louis, a 22-year-old SDS member, Michael S. Siskind, was arrested and convicted of the attempted fire bombing of an ROTC installation. At Ann Arbor, Mich., a bomb ripped through the local offices of the CIA causing extensive property damage, and SDS claimed credit. Finally a 26-year-old Army deserter, SDSer Cameron D. Bishop, became the first campus radical to make the FBI's Ten Most Wanted List—charged with the dynamite sabotage last January of defense-plant transmission-line towers near Denver. "It's not reform we're after," one SDSer told reporters at last summer's national convention in Chicago. "It's the destruction of your stinking, rotten society—and you better learn that fast."

The pronouncements of Black Panther leaders are strikingly similar. "Let us make it clear that the Panthers do not seek the objective of civil or legal rights," announced the party's minister of education, George Mason Murray, while visiting Cuba in August 1968. "We are organized like guerrillas," he said. Their purpose: to assassinate police, blow up bridges, burn factories.

This is not mere rhetoric. Panther members receive detailed instruction in the revolutionary use of "anti-property and anti-personnel grenades and bombs." Senate testimony reveals that last year, in Mobile, Ala., Panther Field Marshal Donald Lee Cox held classes for young Negroes in the manufacture and use of acid bombs. Result: a wave of terrorist bombings, mostly of Mobile business establishments. At least 58 of the bombings were attributed to such explosives.

From Havana With Hate. Substantial quantities of revolutionary propaganda are imported from China and Cuba by the Panthers and various New Left groups. One widely circulated tract, originally published in Cuba, advocates extensive sabotage, the derailing of trains, the use of fire bombs, homemade flamethrowers and explosive booby traps. Finally, "advanced instruction" in the revolutionary arts is available outside the United States.

Twenty-year-old Christopher Z. Milton told the SDS national convention this year that he spent three years behind the Bamboo Curtain, where he was a member of the revolutionary Red Guard. New Yorker Robert Steele Collier, 32, visited Cuba in 1964 as part of a tour organized by the pro-Peking Progressive Labor Party and paid for by the Castro govenment. While in Cuba, Collier is reported to have received training in explosives from a major in the North Vietnamese army. He returned home, established contact with Cuban U.N. diplomats, and was a leader of a Black Liberation Front set up to carry out terrorist acts.

Collier mapped ambitious plans to blow up the Statue of Liberty, the Washington Monument and the Liberty Bell—but was "betrayed" by an undercover policeman who had infiltrated his group. Convicted of conspiracy in June 1965, he was sent off to federal prison—only to be released with time off for good behavior in March 1967. The "rehabilitated" Collier went on the New York City payroll as a recreation supervisor and moved into the Black Panthers. In April 1969 he was behind bars again—one of 21 Panthers charged with conspiracy to bomb department stores and to murder police. Collier is only one of hundreds of young Americans who have traveled to Cuba in recent years. In August 1968, for instance, 34 SDS members made their way to Cuba via Mexico. Part of the group of SDSers met with Huynh Van Ba, of the National Liberation Front of South Vietnam, who urged them to marshal U.S. antiwar sentiment, organize draft resisters, and solicit funds for the Vietcong.

Fat cats and foundations

The dollars that fuel the New Left and Black Power movements come from a variety of sources—foreign and domestic, legal and illegal. Many New Leftists come from affluent homes with indulgent parents whose generous allowances cover travel and minimum living expenses. Operating costs of the movement are high, however. Just to maintain the SDS national office, for instance, costs more than $80,000 a year.

Some of this is covered by membership dues and the sale of literature. But nearly 60 perecnt of the SDS budget comes in the form of contributions—including substantial amounts, curiously, from wealthy benefactors. As FBI director J. Edgar Hoover told Congress, four individuals—a Cleveland industrialist, the wife of a millionaire Chicago attorney, a New England heiress, and a wealthy New York lecturer and writer—have contributed a total of more than $100,000 to New Left activities.

Several tax-exempt foundations have helped finance the New Left. Hoover disclosed that one such group, located in New York, has supplied more than $250,000 during the past seven years to individuals and groups, most of which have had close ties to the New Left or Communist Party-U.S.A.

Piece of the action

All too frequently, report experts, campus unrest is also financed by unsuspecting students and taxpayers. For example, at San Francisco State College (enrollment 18,000), several hundred student radicals took advantage of campus apathy and captured the student government in a little-noticed election.

Once in control of the $400,000-a-year associated students fund, derived from required student fees and some bookstore profits, the radicals ousted the business

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* See "SDS: Engineers of Campus Chaos," The Reader's Digest, October '66.

manager and his staff, slashed allocations for traditional activities—athletics, service clubs, various extracurricular groups—and embarked on a wild orgy of revolutionary spending. From then until State Attorney General Thomas Lynch impounded the fund last February, they approved pay and allowances for each other, purchased guns, commissioned "Hate Whitey" movies for ghetto showings, hired Panthers as lecturers.

The militants discovered other sources of money, including funds available from government agencies to Bay Area colleges, which were to enable them to conduct Community Action programs in the slums. College radicals promptly maneuvered themselves and their allies into many of the 300 to 500 work-study student jobs, each paying up to $3.50 an hour. These work-study students, operating in pairs throughout the ghetto, organized protest marches and school boycotts, picketed defense plants, fomented rent strikes and promoted "lie-ins" to halt troop trains.

The use of anti-poverty funds for disruption and violence is not confined to the Bay Area. Indeed, from coast to coast, black and white extremists of all descriptions have managed to grab a piece of the action:

Item: Black Panther leaders Bobby Seale, Huey Newton and George Murray all spent time on the anti-poverty payroll. In Jersey City, that city's chief Panther kept his anti-poverty job even after he was arrested for assaulting a policeman.

Item: In New York City, officials put up $30,000 for a "Free Store," designed to aid hippies and other "alienated youth." Free Store facilities were used to distribute leaflets on the manufacture of fire bombs and to recruit demonstrators for the 1966 Democratic national convention in Chicago.

Item: Little more than a year ago, Cleveland police walked into an ambush in the steaming Glenville ghetto—and were cut down one by one by trained marksmen. In 30 minutes, two patrolmen and a lieutenant were dead, 14 more were wounded. The leader of the uprising, black militant Fred (Ahmed) Evans, had received nearly $7000 in local anti-poverty funds—and boasted he had used part of the money for purchasing the murder weapons.

Capacity for Chaos. The largest source of Panther funds is not the poverty program, however, but the armed robberies and the shake downs committed in the name of revolution. The Panthers' so-called "Breakfast Program" is a perfect example.

Tough young recruits swagger through the ghetto informing merchants that the Panthers are running pre-school chow lines for underprivileged black kids. Contributions—in the form of foodstuffs or money—are demanded. "You wouldn't want someone to burn down your store," smiled one Los Angeles Panther.

The merchants get the message. In the San Francisco area, an auto dealer who refused to give the Panthers money arrived at work the next day to find his plate-glass window shattered. A Chinese grocer in Oakland who refused to continue donations saw his place badly damaged by fire. In Harrisburg, Pa., "uncooperative" merchants were fire-bombed. "Most merchants are petrified," explains an East Coast police official. "So they kick in—$25, $50, $100 a week."

Such "voluntary contributions" finance an insidious program of revolutionary indoctrination. Impressionable school-age children—second, third and fourth graders—are fed not only bacon and eggs (usually in church basements) but massive doses of racist propaganda. A coloring book that show blacks mutilating policemen with guns, knives and hatchets has been distributed in at least five different programs.

Other Panther projects are financed by armed robberies, as ex-Panther Larry C. Powell told the McClellan Subcommittee. As a member of the elite black guard, Powell related, he had been assigned to one of the "rip-out" squads that carried out the daily robberies ordered by the Black Panther Party Central Committee. Stores were carefully targeted—"A place wasn't worth robbing unless it had $500 or more"—with one third of the take going to the Panther treasury and the other two thirds split among the robbers.

The Panthers are no more representative of American blacks than the Students for a Democratic Society are of the country's seven million collegians. But both groups have a capacity for disruption that far exceeds their numbers. By carefully selecting issues—from the Vietnam war to "police brutality"—and by exploiting them fully, they have stirred to action thousands who would not normally become involved. And the havoc they have wreaked has had far-reaching consequences. It has jeopardized the struggle for civil rights, severely disrupted the normal processes of our academic system and posed a major threat to the continued existence of our democratic system.

COURT VACANCY FOR THE SOUTH—NO ACCOMMODATIONS FOR JEWISH REPRESENTATION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. CLAY. Mr. Speaker, I have addressed myself on several occasions to the well-displayed prejudices of the present administration. Racism, when practiced in its true form, knows not just color distinctions. Citizens of Jewish heritage are acutely aware of the nature of discrimination and their sufferings—as a result of it, are tragically documented throughout history.

It was proclaimed a milestone when President Wilson appointed Justice Brandeis to the Court in 1916—a justice who set an incredibly high standard for any who aspire to that office of this Government. He was nobly followed by Justices Cardozo, Frankfurter, Goldberg, and Fortas.

Now, to that seat, the Senate is asked to place Clement Haynsworth. Judge Haynsworth's nomination is being weighed against only the general requirements for Court service, and his record clearly falls short. But should we judge this aspiring justice in terms of the record, character, performance, and contributions of the men whose seat he hopes to occupy, we must conclude with greater dismay the irresponsibility of this appointment.

I commend to the attention of my colleagues the views of the NAACP as reported in the Kansas City Call of September 26, 1969:

FAILURE TO APPOINT JEW TO SUPREME COURT DECRIED BY NAACP

NEW YORK.—President Nixon's failure to to appoint a Jewish American to the United States Supreme Court "was a sad blow to the aspirations of all Americans for full participation of all of our people in the affairs of government," the National Association for the Advancement of Colored People charges in a resolution adopted by its board of directors at its regular quarterly meeting here on Sept. 6.

The text of the unanimously adopted resolution was made public by Bishop Stephen Gill Spottswood, chairman of the Association's 64-member National Board, after he had dispatched a copy to the President on Sept. 9. The resolution also reaffirmed and ratified the statements issued and steps taken by Executive Director Roy Wilkins in opposition to the President's selection of Judge Clement F. Haynsworth for the Supreme Court.

The NAACP board's objection to the appointment encompasses more than opposition to Judge Haynsworth's "lamentable record in civil rights matters" and his anti-labor decisions. In addition to these considerations, the board's opposition is based "on the refusal of the President of the United States to follow the tradition of his eminent predecessors . . . of recognizing the vast political and social contributions, particularly with respect to our legal institutions, made by Jewish Americans."

The resolution cited the records of Justices Louis D. Brandeis, Benjamin N. Cardozo, Felix Frankfurter, Arthur Goldberg and Abe Fortas as "major developments and contributions to the legal and political structure of the United States over the past half-century."

President Nixon, the resolution points out, passed over two opportunities within the last three months to extend the tradition initiated by President Woodrow Wilson in 1916 with the appointment of Justice Brandeis.

"We fear, or at least we suspect," the resolution continues, "that this cavalier treatment of a group of persons who have been in the forefront of the fight for the protection of the rights of all Americans is thought to be justified because, after too long a denial, a Negro American has been appointed to the Supreme Court."

Rejecting such political reasoning and "cynical politics," the resolution decries the apparent effort "to require us to compete with our fellow defenders on the rights of all people for a place on the Supreme Court.

The resolution questions Judge Haynsworth's "apparently distorted views of the propriety of the use of legal institutions for the purpose of imposing a regressive notion of society on this nation" and warns "the country, and particularly the President of the United States, that no people, black or white, can be 'kept in their place,' by the use of force. Under the guise 'law and order,' the country will not tolerate an effort to establish a 19th Century class structure with its inherent discrimination against black people, poor people and working people of whatever color.

"We regard the appointment of Judge Haynsworth as aimed in that direction," the resolution concluded.

PEACE IN VIETNAM IS U.S. GOAL BUT MUST BE PEACE WITH HONOR

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. GRIFFIN. Mr. Speaker, it is alarming and disturbing to me that prominent leaders are supporting the Vietnam moratorium. Even though peaceful rallies are scheduled, there are many militant students planning to turn them into violent demonstrations.

The vigils, teach-ins, and rallies are pointed in the wrong direction. They should be directed toward Hanoi—not Washington. It is Hanoi which is prolonging the war. It is Hanoi which is mistreating American prisoners. It is Hanoi which is bringing death and destruction to the innocent people of South Vietnam.

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Washington's objective is peace. Hanoi's objective is continued war.

I support President Nixon in his dedication to peace with honor. Instant surrender of gradual surrender should be rejected.

The Jackson, Miss., Clarion Ledger carried an excellent editorial on this subject on October 1, and I am pleased to call it to the attention of my colleagues. It follows:

PEACE IN VIETNAM IS U.S. GOAL BUT MUST BE PEACE WITH HONOR

President Nixon's policy concerning further troop withdrawals makes it abundantly clear that the United States sincerely desires peace in Vietnam, but that it must be peace with honor. Our government obviously will not negotiate away the right of South Vietnam's people to determine their own future, free of Communist dictation.

Our government has renounced an imposed military solution, has proposed free elections under international supervision and has said we will retain no military bases if the Reds will make a similar pledge.

President Nixon's statements and actions show he is walking the extra mile in quest for peace. It is up to Hanoi to see that he does not walk it alone or wait in vain.

Americans of both parties and in all walks of life are elated that there will be 60,000 fewer troops in South Vietnam at the end of this year than there were at the beginning. They are relieved because it has signified the President is determined to de-escalate and eventually end the long, bloody, costly war.

At the same time, Americans are also relieved because the Administration has made it clear that our desire for peace does not mean a unilateral and craven retreat which would amount to unconditional surrender to Hanoi, as its delegation at the Paris Peace talks seemingly expects.

Peace is the American objective, to be sure—but it must be peace with honor for us and justice for those who are pledged to help. This is the kind of peace most Americans want, we believe, and it is the kind of peace the United States is determined to achieve.

President Nixon has shown his sincerity. It is now time that his opponents at home pledged their full support to that effort, and time our enemies abroad became aware that responsible Americans are behind this quest for peace with honor.

CORAL GABLES JAYCEES' GOOD-WILL MISSION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. FASCELL. Mr. Speaker, over Labor Day weekend a group of citizens from my district engaged in a most commendable gesture of good will toward other people. In an unofficial capacity, yet representing the true spirit of friendship existing between all Americans and our Latin American brothers, more than 70 Coral Gables Junior Chamber of Commerce members and their wives visited Quito, Ecuador, and Panama City, Panama.

The trip, under the direction of Richard Kelly and the Coral Gables Jaycee president, David Christianson, Jr., was coordinated with the Jaycees in Quito. The president of the Quito Jaycees, Manuel Sans, acted as an unofficial guide insuring that the group had a memorable stay in Quito.

The Coral Gables Jaycees did not go emptyhanded. Their major purpose in visiting Quito was to bring gifts and clothing to hospitalized children and to supply approximately $15,000 worth of medicine and medical supplies to a children's hospital. The group also presented to the mayor of Quito a resolution from the Coral Gables City Commission and a key to the city of Coral Gables.

The Ecuadorians expressed their appreciation for the gifts. The President of Ecuador, Jose Maria Velasco Ibarra, honored the Jaycees at a reception and the Quito Jaycees honored them with a banquet. Representatives of the Coral Gables Jaycees also appeared on a national TV show with political commentator Edison Taran.

The group from Coral Gables felt the trip to be very rewarding. Dave Christianson said:

> There was tremendous hospitality and good will all around our visit, and I know our gift to the hospital was tremendously appreciated. We have as a country a big stake in the friendship of the Ecuadorians and a visit like this keeps that friendship strong.

The Coral Gables Jaycees have now added Quito, Ecuador, to the list of countries and cities they have visited as ambassadors of good will. Some of their past good-will missions were to Caracas, Venezuela; Cartagena, Colombia; and Guatemala. Dave Christianson tells me that Ecuador has invited them back next year at the expense of Ecuador for the purpose of bringing additional medical supplies and foods needed in two other hospitals in Quito.

As chairman of the Inter-American Affairs Subcommittee of the House Foreign Affairs Committee, and as the Congressman representing these citizens, I feel especially proud of the Coral Gables Jaycees' undertaking. Aid to our Latin American friends is a very important implementation of our foreign policy. In an official capacity loans, agricultural and technical assistance, Peace Corps activities, and other programs play an essential role in aiding people and providing some understanding of the United States. But perhaps this form of people-to-people sharing of material and ideals, though it often goes unnoticed, expresses best the real community of man which is so essential for a world of peace and brotherhood.

I commend the Coral Gables Jaycees and wish them continued success in their endeavors toward international peace.

AMERICAN LEGION SUPPORTS STRONG MERCHANT MARINE

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. GARMATZ. Mr. Speaker, since the American merchant marine is essential to our Nation's economic health and national defense, its continuing decline should be a matter of concern to every American citizen. Unfortunately, many Americans are blithely unaware of the crisis confronting our maritime industry, and it is extremely difficult to convey this message to our citizens.

One of the most effective methods of spreading the word is through individual organizations which have large memberships. The American Legion, which has a membership of over 2 million, has always been a powerful ally of the merchant marine, and it has set an example which other organizations would do well to follow.

During its 51st annual convention which it held in August of this year, the American Legion adopted two resolutions urging that certain actions be taken by Congress and the administration to revitalize the American merchant marine.

I want to take this opportunity to congratulate the American Legion for its outstanding record of patriotism; it should also be commended for its persistent efforts to educate both its membership and the general public as to the urgent need for a healthy and viable merchant fleet. If enough organizations launched similar educational programs, they might generate sufficient public concern to force rapid implementation of a comprehensive program to revitalize the American merchant marine. The American Legion should be commended for its efforts in this direction.

I have just received copies of the resolutions adopted by the American Legion, and I insert them into the CONGRESSIONAL RECORD.

The resolutions read as follows:

RESOLUTION NO. 482

Whereas, The American Legion has long been aware of the declining status of our Merchant Marine fleet which now numbers less than 1000 vessels, 80 percent of which are more than 25 years old and, the normal useful life of such ships is 20 years; and

Whereas, we recognize the superiority of the Soviet merchant fleet comprised of modern vessels, two-thirds of which are less than 10 years old, with accelerated new ship constriction at an alarming rate to further increase their superiority; and

Whereas, The American Legion has long despaired our second rate position to the Soviet Union and feels that this vital Fourth Arm of our National Defense should be brought to a position of superiority; and

Whereas, The American Legion has consistently, year after year, urged the Congress and the Administrator to take required action to revitalize our Merchant Marine; and

Whereas, The American Legion feels that further delay in this revitalization will be disasterous to our national defense; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Atlanta, Georgia, August 26, 27, 28, 1969, that we urge the President and the Congress to take immediate action to rebuild and revitalize The American Flag Fleet to a position second to none in the world.

Whereas, the Maritime Commission today is a sub-division of the Commerce Department; and

Whereas, the Merchant Marine, as being a part of the Commerce Department, has not received recognition and financial support as our present world involvement demands; and

Whereas, due to the present and foreseeable future of the world situation, it is imperative that the United States maintain a strong and adequate merchant fleet to meet our commitments as a world power; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Atlanta, Georgia, August 26, 27, 28, 1969, that Congress enact legislation to establish an independent Maritime Department.

TREATY BARRING NUCLEAR WEAPONS ON SEABED

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, a draft treaty agreement prohibiting the placement of nuclear weapons and other weapons of mass destruction on the seabed was agreed upon this morning, and has been submitted to the Committee on Disarmament in Geneva, Switzerland. Agreement on the text of the treaty was reached by the United States and Soviet Cochairmen of the Conference.

This agreement, Mr. Speaker, represents a great step forward in the area of arms control. As a congressional adviser to the Disarmament Conference, I am aware of the many hours of hard work which have gone into the formulation of this draft treaty.

I insert the text of the seabed treaty in the RECORD at this time:

DRAFT TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions, and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race and determined to continue negotiations concerning further measures leading to this end,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

ARTICLE I

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The States Parties to this Treaty undertake not to assist, encourage or induce any State to commit actions prohibited by this Treaty and not to participate in any other way in such actions.

ARTICLE II

1. For the purpose of this Treaty the outer limit of the contiguous zone referred to in Article I shall be measured in accordance with the provisions of Section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and in accordance with international law.

2. Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to rights or claims which such State Party may assert, or with respect to recognition or nonrecognition of rights or claims asserted by any other State, related to waters off its coasts, or to the seabed and the ocean floor.

ARTICLE III

1. In order to promote the objectives and ensure the observance of the provisions of this Treaty, the States parties to the Treaty shall have the right to verify the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone, referred to in Article II, if these activities raise doubts concerning the fulfillment of the obligations assumed under this Treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas.

2. The right of verification recognized by the States Parties in paragraph 1 of this Article may be exercised by any State Party using its own means or with the assistance of any other State Party.

3. The States Parties to the Treaty undertake to consult and to cooperate with a view to removing doubts concerning the fulfillment of the obligations assumed under this Treaty.

ARTICLE IV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments must be approved by a majority of the votes of all the States Parties to the Treaty, including those of all the States Parties to this Treaty possessing nuclear weapons, and shall enter into force for each State Party to the Treaty accepting such amendments upon their acceptance by a majority of the States Parties to the Treaty, including the States which possess nuclear weapons and are Parties to this Treaty. Thereafter the amendments shall enter into force for any other Party to the Treaty after it has accepted such amendments.

ARTICLE V

Each Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its Country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

ARTICLE VI

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of ________________ which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall forthwith notify the Governments of all States signatory and acceding to this Treaty of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

In witness whereof the undersigned, being duly authorized thereto, have signed this Treaty.

Done in ______________ at ______________ this ______ day of __________.

SORRY COMMENTARY ON THESE TIMES

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. HANNA. Mr. Speaker, I submit for some pondering on the part of my colleagues and as a warning to labor the following articles:

[From the Register, Sept. 24, 1969]

500 WILL LOSE JOBS; MORE LAYOFFS AHEAD?

(By Kirk Wells)

The late-Tuesday announcement that Garden Grove's largest manufacturing employer will cease operations by Oct. 10 just brings closer to home . . . and in sharper focus . . . the warnings sounded in this column over the past several years.

And it underlines a Tuesday news item out of Washington which tells of a delegation of congressmen, businessmen and union officials meeting with President Nixon to seek voluntary limits on importation of shoes into the United States.

Randolph Rubber—formerly the California Rubber Co. locally—makes shoes and had $37 million sales last year. It's products include Bob Cousy sneakers and other popular deck shoes which I wore happily.

The company announcement attributed the termination of more than 500 employes for many reasons.

But they all added up to one: an inability to remain competitive and profitable in the products handled at this location.

This is no snide comment, nor snear at management or anyone else.

It's a combination of things—all of which are nearing climax for most industries of this country.

The fact is that we've been pricing ourselves out of the worldwide market . . . through increased costs of money; labor; transportation; governmentally-required reports, actions, and legal staffs; by increasing requests for government services which increases the tax load; and by such judicial decisions as those jury verdicts which push insurance costs out the window by holding manufacturers liable for product reliability despite abuse or lack of common sense in consumer use.

As the old druggist said in "Somebody Up There Likes Me,": . . . You can walk away without paying the check for the soda you just drank; but somewhere, sometime you'll have to pay that check.

As a nation, a state and a county of people, we've been walking away from too many "soda checks." We have been demanding and getting services, with the payment of check delayed.

The already-committed costs of govern-

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ment which met the Reagan and Nixon administrations were far beyond our ability to pay . . . unless we materially cut our governmental and individual standards of living . . . or unless some tremendous technological advance increased production so extensively that unit costs would come down and we could compete internationally.

Workers—including myself—are feeling the pinch as costs go up and pay stays the same. It's only human nature to fight for more . . . to demand more wages for the job we're doing. in order that we don't have to cut back on what we offer our families.

But now we're seeing the fruits of demanding more without increasing production at least to the point of paying for that increased cost.

DOLLAR LOSS WILL BE FELT

The loss of income to Garden Grove and other Orange County governmental units and commercial and service establishments will be considerable enough to create problems . . . just from this loss of 500-plus jobs. It isn't something which can't be absorbed, perhaps, but what happens if the individual units up prices a bit to take up the slack?

Will this increase pressures for higher "collective bargaining" settlements that help put more firms in the position of Randy?

Many intelligent people are making strong cases to put up trade barriers . . . all aimed at cutting down on "foreign" competition. That's another way of saying: Keep my business from going under and increase the costs of all people who now buy the item . . . whether it be shoes of shirts or steel or. . . .

But, as other intelligent men have pointed out, this action also incenses people of other nations who might easily be led to do war against a country which tries to throw walls around its affluency. And the costs of such a war—"hot" or "cold"—also are high.

Out of just this were kings overthrown and dynasties felled by barbarians throughout history.

No . . . there's really only one answer . . . and that's the one of "paying the check," individually and collectively. It will be paid . . . one way or another, by all of us.

I remember 1929. Do you?

The delegation meeting with Nixon in Washington Tuesday was one led by Sen. Margaret Chase Smith, R–Maine. The group represented areas of the country which manufacture shoes and which complain that current imports are harming the domestic industry.

The tariff on shoe imports is generally about 8 per cent.

Mrs. Smith presented Nixon with a Senate petition calling for voluntary import limitations. It was signed by 72 of the Senate's 100 members, and represented 43 of the 50 states. Earlier this year Rep. James Burke, D–Mass., sent the White House a similar petition signed by about 300 House members.

FIVE HUNDRED AND THIRTY-TWO GG RUBBER WORKERS TO BE BOUNCED BY FIRM

Garden Grove's largest manufacturing employer—Randolph Rubber Co., 10631 Stanford—will terminate all 532 employes and cease operations by Oct. 10, officials confirmed late Tuesday.

An announcment to that effect will be posted on the bulletin board this morning at the plant which had its origin in Latvia in 1922 and was first opened in Garden Grove 21 years ago.

The notice, signed by Julian S. Weinstein, executive vice president, Randolph Rubber Co., said:

"We are sorry to have to announce that a decision has been made by the management of Randy Industries to cease all manufacturing operations in the Garden Grove plant by Oct. 10, 1969.

"As manufacturing operations are completed, department by department, employes will be terminated. This is not a hasty decision, but was made necessary by increasing financial losses, changes in manufacturing processes such as injection molding, and marketing conditions, and foreign competition has caused the closing of the plant."

Rumors of the pending action circulated through the plant early this week before officials late Tuesday confirmed them after further telephone conferences with company headquarters back East.

The announced action will leave Air Industries, Inc. and Swedlow, Inc., each with something over 500 employes locally, as Garden Grove's largest employers.

Thus ends the Orange County chapter of a saga which began in Riga, Latvia, back in 1922 when the footwear enterprise was started by two Shrage brothers, Michael and David.

By 1930 the Shrages were employing 2,500 workers in three plants—Riga, Latvia; Lodz, Poland, and Kaunas, Lithuania.

In 1938, the firm was confiscated by the Hitler regime. In 1940 the brothers started anew in Cuba and, eight years later, opened a plant on a 12-acre site at 10633 Stanford Ave., Garden Grove.

Meanwhile, in 1959, the Castro regime confiscated the Cuban plant.

Two years later, Imperial Commodities of New York acquired a controlling interest in the company.

Known as Rubber Corp. of California, the firm was acquired next by Randolph Manufacturing, Randolph, Mass., in October of 1963 when president Jack Smith reported employment at 320 persons.

In July of last year the Garden Grove plant employed about 800 people when the parent firm, including plants in Randolph and in Derry, N.H., was acquired by Tel-A-Sign, Inc., Chicago-based sign manufacturer, and became a Delaware corporation.

Randolph was described as one of the largest manufacturers of canvas footwear, with such brands as the Randy Boatshu and the Bob Cousy basketball sneaker.

In almost constant confrontation with some type of union action since 1963, the firm in 1965 appealed an NLRB order that it bargain with the AFL–CIO United Rubber Workers. Finally, late this summer, "Randy" employes voted to accept union representation in an NLRB-supervised election.

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BOLLING. Mr. Speaker, I am not an admirer of many of President Nixon's policies. However, I must say that I was impressed by the observations of David S. Broder in his column in the October 7 issue of the Washington Post. The main point Mr. Broder makes is that the only honest approach to breaking a President is the constitutional avenue of impeachment. Indirect and, often devious and violent guerrilla tactics, usually clothed in self-righteousness and real or pretended moral fervor, are not legitimate techniques. It is always fair to criticize a President—"after all he asked for the job." But criticism should be based on issues, not on personality, and should be made in the context of the welfare of the country and not self-serving ends. Moreover, the tactics used against both President Johnson and President Nixon obscure that necessary boundary across which political critics should not pass. It is one thing to criticize the President but it is quite another to let criticism maim the institution of the Presidency itself.

The article follows:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come end this war. Assume that the protesters know better than

the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

THE MILITARY-INDUSTRIAL COMPLEX—A PERSPECTIVE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SIKES. Mr. Speaker, the Honorable Eugene M. Zuckert has presented a very interesting discussion on the military-industrial complex in a speech made before the Defense and Contract Procurement Administration Conference. Mr. Zuckert served longer as Secretary of the Air Force than any other individual in U.S. history and his service in that important post was outstanding. I am glad to insert his speech in the CONGRESSIONAL RECORD, as follows:

THE MILITARY-INDUSTRIAL COMPLEX: A PERSPECTIVE

(By Eugene M. Zuckert)

For twenty-five years I worked in a variety of capacities to help build a proper and productive relationship between government and industry—a relationship necessary to meet the needs of our national defense. Today I am saddened. That relationship has been misunderstood, has been criticized, has been denigrated, and the term "military-industrial complex" has been used as a mark of opprobrium. This has been true even though it took the same skills and the same resources of the very same complex to produce the much-applauded Apollo 11!

How and why has this come about?

What I hope to do this evening is to give you some views, based on my own experience, what I believe lies behind the public controversy which now pours more heat than light on the problems of our national defense and defense establishment.

I am proud of the Defense Establishment of today, that I have had some share in building it to its present level of effectiveness. But, at the same time, I am not blind to the faults, the failings and the built-in inefficiencies that one can find in the Defense Establishment or in any huge organization, particularly one which does not have to sell its products to the public to stay in business.

I have spent a good part of a lifetime looking for those faults and for ways to correct them. I only wish that the current critics of the Defense Establishment were looking sincerely for genuine faults and positive corrections. But basically, that is not at all what the most vocal of the critics are after.

What is the thread of the allegations against the military and its supporting industry? It goes far beyond a concern for the proper level of military expenditures. There is an underlying charge that a conspiracy exists among our military and the defense industry that results in wasteful spending for arms with consequent profits to industry and an inordinately swollen military posture. From that running start, the charges fan out and derive nourishment from sensationalized treatment of a variety of examples of mistakes and inefficiencies, real or alleged.

At the same time, a whole host of newly qualified military experts spring up on all sides; there is a startling discovery that the military has run wild because of perfunctory scrutiny of the defense budget. That is particularly ironical to me because I recall the vigorous McNamara budget process. The fashionable criticism in those days was that our military suffered an excess of civilian control with a resulting downgrading of experienced military judgment.

It is my considered judgment that the current furor over the military industrial complex is really an attack on an unpopular war. Wasn't it Arnold Toynbee, the great historian, who said that war weariness is a most useful tool for dictators and demagogues? The critics of the Vietnam war have been raging on the Potomac since 1965, and they are not likely to subside soon. The professors, politicians and pundits who are already in the fray are enjoying it immensely, and they have friends who also are bound to claim 'a piece of the action."

There is a long list of things which the storm over the military industrial complex is not:

It is *not*—as advertised—a Great Debate over American Defense and Foreign Policy. A Great Debate, in my opinion, is desperately needed. But this isn't it.

It is *not*—as some claim—a popular uprising against militarism and procurement hanky-panky in the Pentagon. Waste there is and always will be. But these critics are opposed to the Defense Establishment no matter how well run.

Nor is it—as claimed—a "concerned dialogue" over national priorities. How can you have a "dialogue" on whether we should have obsolete weapons systems or higher vertical slums? The two serious problems deserve serious attention, not rhetorical flimflam.

What we're experiencing is not even a rational discussion of the weapons systems our current national defense posture requires. One cannot find in all the arguments an effort to define our needs and then measure the Defense Establishment against the requirements.

Superficially, the controversy over the military-industrial complex might seem to arise from any or all of these issues, depending on what syndicated column or Washington newsletter you read.

But don't you believe it. All the sloganeering just doesn't add up: How we must reassess our national priorities by cutting back our defense expenditures; how we have to get the military under civilian control; how we are headed down the road to militarism and fascism.

The controversy over the military industrial complex is the same tired old combination of *unilateral disarmament* and pious hopes that we have seen played on the Washington circuit off and on for well over a quarter of a century! The young ones don't know it, and the old ones too often have forgotten, but we've seen and heard it all before.

To be sure the format has been updated. Now it's a kind of ideological Western. The military industrial complex is cast in the role of the bad guys. Forty years ago it was the "Merchants of Death"—but the plot was the same.

All reasonable persons can applaud conscientious dispassionate inquiry into and search for evidence of stupidity, incompetence, favoritism and waste in military procurement. Responding to such inquiries is a legitimate part of the job for the uniformed and civilian Defense leaders who must defend their management before Congress.

The cost of the C5A transport or blunders on the Cheyenne helicopter and the effectiveness of the supertank—these are all appropriate subjects for Congressional investigation by the able committees charged with that responsibility.

But what I regard as dangerous and illegitimate is the highly organized and furiously pressed propaganda assault on our defense institutions disguised as a selfless effort by "concerned" intellectuals to save the nation from takeover by an alleged combination of defense industry profiteers and a war-minded military.

Some there are who may say this merely is symptomatic of the malaise of our times—part of the current attack on so many of our established traditions and institutions. Some there are who will insist that a better-educated and more enlightened populace has finally risen in righteous wrath and indignation against a longtime evil.

Actually, however, the scenario is old hat.

It was first staged in the early '30s by a curious combination of far-out Liberal intellectuals and a group of Republican isolationist Senators of that era. The isolationist Senators just did not want the United States in any more European wars. Some of the involved intellectuals believed that the French and British were about to join with Hitler in common cause against Russian communism. But whatever the motivations, and they were mixed, everybody in the combination wanted to make sure that Wall Street and the munitions-makers of World War I were blamed for whatever past, present or future problems could be claimed.

So what played the Washington circuit then was a truly memorable extravaganza. A Senate Committee (to become famous as the Nye Committee) set out to investigate the relationship between Wall Street and American War profiteers and munitionsmakers who stood accused of having dragged the United States into World War I. The production played to standing room only. It received tremendous publicity and developed a new "devil image" for Wall Street and American Big Business, the evil.

Congress rushed to pass the Neutrality Act of 1935. Free from the machination of the Merchants of Death we were all, presumably, safe.

Sure we were—until the roof caved in on us at Pearl Harbor.

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Today, many of the players are different. But the archvillain is the same—something called this time the military-industrial complex.

But what the nation could endure in the peaceful, non-nuclear '30s becomes an irrational luxury in the nuclear, cold war '60s. We can see the danger now that a colossal demonstration of pacifist sentiment may well lead to hasty and ill-advised actions designed to fetter our defense establishment and impair our defense posture. This, in turn, could be misread as a sign of our weakness, and it could trigger the very confrontation that the anti-military group presumably wants to avoid.

Does this sound far-fetched? I don't think so. Let's look at what happened in the '40s, the '50s, as a result of so-called "popular demand":

Remember the frantic demobilization of our fighting forces and the defense industry we had built to meet the needs of World War II? We paid heavily for that spasmodic reflex to strident, fomented hysteria. I had a ringside seat at the anti-military fights that went on before, during and after that struggle. (I was then Special Assistant to Stuart Symington, Assistant Secretary of War for Air.) The critics hastily cut the armed forces and just as hastily rebuilt them for Korea.

In 1949 I watched the late Defense Secretary, Louis Johnson—acting under Presidential orders to economize—cut the military budget to the bone. That was the year when Russia developed her own A-bomb, on which *we* were supposed to have a monopoly for at least twenty years!

It took the communist invasion of Korea in 1950 to teach us the hard way that the ill-considered demobilization and disarmament after World War II was a disaster never again to be invited.

That's when we started, painfully and expensively, to rebuild the defense establishment we had deliberately and ruthlessly wrecked.

The furious controversy over our development of nuclear and thermonuclear weapons compounded the difficulties of recapturing and rebuilding our initiative in nuclear technology. This was brought home to me when I served as an Atomic Energy Commission member from 1952 to 1954.

I went back to the Pentagon in January of 1961 as Secretary of the Air Force under a truly great Secretary of Defense—Robert S. McNamara. During that tour of duty, in the Administrations of Presidents Kennedy and Johnson, I saw the Defense Establishment revitalized in muscle and posture.

There was a sharp break with former Treasury Secretary Humphrey's insistence that a balanced national budget must be accorded priority over the requirements of national security.

A defense policy based on the Dulles doctrine of massive retaliation was replaced with President Kennedy's posture of "flexible response" to aggression.

He made a unique contribution of great permanent significance in substantially improving the quality of information that forms the basis of the decision process in the Pentagon.

And probably most important, Secretary McNamara made giant strides toward the nation's goal of actually unifying the missions of our armed forces which the Unification Act, as amended in 1958, called for.

Secretary McNamara put together a defense establishment under civilian control of which the nation can be proud. And he established the elements of the sound and proper relationship between our military leadership and the nation's defense industry which I devoutly hope will endure in the years ahead.

This is only part of what is being threatened today.

In Vietnam our soldiers fight in a war that could well be won for the enemy on the propaganda front at home. Right here.

In the new concept of revolutionary warfare—between an open society like ours and the closed systems of Russia, China and North Vietnam—our public opinion environment becomes the decisive battleground. Both Ho Chi Minh and General Giap have repeatedly declared that the propaganda front of American public opinion will be the theater of the final and decisive communist victory in the Vietnam War. You may be sure they have taken great care to secure Hanoi's homefront against the kind of disruptive tactics which are a daily occurrence here.

In North Vietnam, offenses such as "disrupting public order," speaking against the war, staging student demonstrations or "undermining the solidarity of the people" draw penalties ranging up to life imprisonment and death.

None of us would want to see any of our freedoms so constrained. We must use self-restraint as we exercise our hard-won rights of free speech. And we must face realities. We must understand that a major war goal for Ho Chi Minh and General Giap is a psychological one—the dramatic and enduring humiliation of the United States with a significant influence on the shadow and substance of American power, particularly in Asia.

For the President (any President) and the Senate (any Senate) Vietnam presents an issue of American foreign policy which will *not* be solved simply by bringing our troops home in a blind rush.

Vietnam is a test of the Truman Doctrine, established in 1947 by a Democratic President with the solid approval of the Republican 80th Congress. A defeat for the policy in Vietnam will invite similar challenges elsewhere.

These are strange times indeed. The Democratic party seems to be abandoning the Truman Doctrine. The stance of many of its leaders in the fight against deployment of an ABM carried overtones of a reversion to the Dulles policy of "massive retaliation." Some of the Liberal intellectual rhetoric sounds like an echo of the old arch-conservative rallying cry of "Fortress America."

I don't get it.

One thing I do get. Inevitably and unavoidably, in the absence of clearly defined policies or clairvoyance of the future, the military establishment must plan to fight almost every kind of war that could be thrust upon us.

Another anomaly. So many ardent supporters of the late President Kennedy are now enthusiastic participants in the campaign against the Vietnam War and the offshoot crusade against the military industrial complex. Have they forgotten the words of President Kennedy in his Inaugural Address? He said:

"We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed."

I haven't forgotten.

You are all familiar with the government's long-established policy against undue concentration of *economic* power in our giant corporations and you are seeing the grim spectre raised of undue power in the military industrial complex.

But I have heard no such hue and cry raised against the undue concentration of *propaganda* power that results from the ideological interlock among our Liberal mass news media and certain faculty members of our universities, and the editors of most journals of opinion.

Yet all too often, in the name of free expression and academic freedom, we find this great concentration of propaganda power attempting to preempt the functioning of the Presidency and the Congress in the field of foreign policy.

Just as the interpreters of the Constitution have concluded that the economic freedom guaranteed to us does not include the power to monopolize or near-monopolize to the detriment of all of us, so I believe that the freedom of speech guaranteed to us by the Constitution does not intend that any group of like-thinkers should spawn a complex of *propaganda* power—a complex so potent in our kind of society today, that it makes the economic weight of the military and industry seem puny by comparison.

As a lawyer and a Liberal Democrat I am dedicated to the principle of free speech. As a longtime public servant I've taken the oath to support and protect the Constitution of the United States which guarantees that freedom. But I've also had some responsibility for the preservation of the security of this country and for equipping our young people for modern warfare and assigning them, men and arms, to battle in far-flung places.

Small wonder then that I cannot accept that "anything goes" under the banner of free speech and academic freedom.

In an age of instant and all-pervasive mass communications a pressure-group democracy such as ours should not, dare not, permit the exercise of a form of monopoly propaganda power over the public dissemination of information.

Since 1959, the propaganda power conglomerate has accomplished much. And much that is not good.

It has *preempted* the Constitutional role of the President as the nation's voice in its foreign affairs. *Challenged* and influenced by indirection the President's powers and responsibilities as Commander-in-Chief. *Systematically eroded* the nation's will to defend its interests and its capability to wage modern warfare. *Convinced our enemies* as well as our allies that our Constitutional anarchy is an open invitation to calculated aggression or institutional subversion.

We have seen an effective, powerful and liberal President practically driven from office, the Truman Doctrine discredited as a basic American bipartisan policy, the credibility of the Kennedy doctrine of flexible response to communist-supported "wars of national liberation" undermined.

And once again we have a defense establishment with morale impaired, its competence, integrity and effectiveness challenged.

There are those who profess to believe that it is the government, particularly the Defense Department, which is trying to monopolize public information. Persons who believe this do not understand the real world of information. A government can only make information available to the news media. It cannot hide information. There are no secrets from a hard-working press. The government, day-in-day-out cannot even communicate directly with the public. It must do so through privately owned news media which transmit the information or ignore it or reshape it as it sees fit. In our society, the government cannot monopolize information; only a combination of news media can do that.

I base my opposition to the concentration of information power on the danger it poses in our kind of open society, but I also would like to point out that the record of the people who enjoy this great power today is very poor on the basic foreign-policy challenge of this century. Our great problem is to survive with our free institutions in the face of a Communist movement that wants to change our institutions. It has been well demonstrated that alert and firm American leaders can check the Communist, but it also has been well demonstrated that too many of the persons who dominate the information media today are neither alert nor firm. To put it bluntly, they are starry-eyed in a world that is tough and realistic about power.

I believe that with strength and skill we can indeed negate the aggressive Communist power and gradually arrive at live-and-let-live agreements so indispensable in a world of nuclear weapons. But it won't be easy and it won't be quick. And it won't come at all if we follow the lead of the writers, the professors and the politicians who seek us to disarm, be sweet, hope for the best.

What these people are really doing is assuring us that they can predict the future and that the future will pose no problems to us that cannot be handled with good will. No problems in our hemisphere, no problems in Europe or Africa or Asia which will threaten our interests and which cannot be handled with clever phrases.

That's just not the real world. The institutions of enlightened societies are all too often changed by the physical power of some group of men of ill-will. Often the power need not even be used. Its existence, its implied threat of use, can change the governments of other countries.

There is nothing in the record of the Communist countries to indicate that they are ready to bubble over with good will if only we will disarm ourselves and talk to them nicely.

The historic fact is that we have treated the Soviet Union with considerable generosity. In the early '30s we as a country tried to be decent to Stalinist Russia at a time when many other leading nations wouldn't recognize the Communist government. We helped defend the Soviet Union during World War II when we could have stood back and watched the Nazis and Communists chew each other to bits. We gave the Soviet Union a free hand in Eastern Europe. We offered to share our nuclear secrets with her.

It would be hard to convince anyone that our restraint has brought increased civil liberties, free speech, academic freedom and anything else good to any group of human beings. But firmness has. Those who remember way back into the late '40s will recall that some of the greatest democracies in Europe were about to lose their freedoms under Communist pressure. There were no overt threats of Soviet invasion, merely the existence of power on one side of the Iron Curtain and weakness on the other. By placing our power on the side of Western Europe we blunted the threat.

Now, some of the critics of the defense establishment may well claim that this is not what the so-called dialogue is all about. They don't want to knuckle under to Communist pressure; they merely want to deprive American militarists of unneeded money.

One would have to be very young, quite oblivious to history or short on common sense to believe this. The campaign of these intellectuals adds up to isolationism and pacifism or it adds up to nothing. If they were sincere about wanting to improve the military establishment, wanting to get the best defense for the dollar, wanting to tailor our arms to our potential needs, then the current debate would be changed drastically.

Let me emphasize that I believe that the military establishment does need change and improvement. And let me also offer some specific areas in which truly concerned people can carry on fruitful discussion. I don't have instant answers to the issues which I will list here, but I can assure all of you that there will be profit to our nation and to our freedom if we address these issues in a responsible way.

1. *Our Foreign Policy Philosophy and Posture.* If our international role is to be one of *pacifism in isolation* the people of the United States should know that fact from their elected representatives. They should not have to rely on contrived consensus. If it is to be *isolationism* in *Fortress America* they should know the implications from their elected representatives.

If our elected representatives believe that our true course lies in a responsible *international* role, then a rational dialogue should include such questions as these: What values—material, moral, spiritual—are we prepared to fight for? . . . Real estate? Access to vital resources? The values of the Judeo-Christian civilization? National honor?

This question—what are we prepared to fight for?—arises in many forms. In the Middle East, Israel, West Berlin, Africa and Latin America.

Rational dialogue would develop a viable and credible foreign policy, a realistic defense strategy and a stable defense planning and funding policy.

2. *Can we, in this day and age, develop a bipartisan foreign policy matrix?* The creation of West Germany, the Berlin Airlift, the Marshall Plan, the Japanese Peace Treaty are milestones of bipartisan cooperation. I believe it could work for us again. Perhaps a Special Commission, consisting of members appointed by the President, the President of the Senate and the Speaker of the House might be able to develop such a matrix by 1972.

3. *How do we avoid undermining the homefront in a real albeit undeclared shooting war?* The Founding Fathers just never had to consider the possibility of limited and undeclared wars in which the propaganda front is as vital as the military front. But these struggles constitute a fact of life in our times. Perhaps (when American Forces are actively engaged in some undeclared conflict) it might be possible to have, say, a "State of Belligerency" proclaimed. When our men are asked to risk their lives on a foreign field of battle, can the rules at home be the same as in peacetime?

4. *Should there be a ceiling on the Defense Budget?* There may be ways of stabilizing the Defense budget. There is merit in the idea that the President place his prestige behind a determination that there be allocated a certain percentage of the Gross National Product to national defense under conditions of "normalcy." In conditions short of formally declared war or a Special State (such as Belligerency) the percentage of GNP could then more likely be held firm, regardless of what political party may be in office.

5. *Why not periodic review of our Commitments and Contingency Plans?* Some steps are already being undertaken by a subcommittee of the Senate Foreign Relations Committee under Senator Stuart Symington. It is a highly constructive idea, long overdue, and it can produce reasoned, dispassionate conclusions. After all, the level of our Defense expenditures is based primarily on the number and nature of our foreign commitments—not on the pie-in-the-sky desires of the generals and admirals.

6. *Why should not concerted effort be made to improve the military reality and thereby the Military Image?* Technology has changed the face of war. Propaganda has created a new dimension of war in a clash between our open society and a closed system. Our Armed Services should be encouraged to modernize their philosophy, doctrine and education curricula.

Perhaps impartial civilian review of procurement policies and practices on a periodic basis under any Administration would be a step forward in this direction. But, more important, starting with the Service Academies, the military services must make concerted effort to build leaders with an understanding of the separate and combined roles of all the Armed Services. The ability to communicate modern military values to men under their command should be encouraged and nurtured as an essential of military leadership.

7. *Rapport between the Business Community and the Intellectual Community.** In what remains of the century there will be a reengineering of the nation's social, economic, educational, military and political institutions. Industry—the productive core of the "complex" we've been talking about—*must* help solve the problem of achieving equitable distribution of abundance while preserving basic free institutions.

Like industry, our intellectual community is indispensable to this effort. There ought to be a cease-fire in the cold war between the intellectuals and business which has been going on for much too long. Each needs the other in the common cause.

I could go on, but these few agenda items will show that there is real need for a concerned public discussion.

Because this is a world where widespread unrest and conflict are manifest against the background of the unsolved and growing problems of nuclear weapons, I close with a note of warning sounded by the late President Kennedy in his first State of the Union Message. Listen:

"I speak today in an hour of national peril and national opportunity. Before my term has ended we shall have to test anew whether a nation organized and governed such as ours can endure. The outcome is by no means certain."

That test of our survival is now upon us.

CONGLOMERATES—GOOD OR BAD?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. TEAGUE of Texas. Mr. Speaker, within the past 6 months to a year, we have seen much to do about conglomerates, what they are, what they do, the amount of control they exercise over certain areas of our economy, and so forth. Under leave to extend my remarks, I wish to include an editorial whch appeared in the Fortune magazine for July 1969:

PITCHFORK BEN, MEET WHEELBARROW JOHN

(Sun, stand thou still upon Gibeon; and thou, Moon, in the valley of Ajalon.—Joshua 10:12)

The Attorney General of the United States, John N. Mitchell, has thrown the weight of his office on the side of an extreme and simplistic interpretation of how antitrust law should be applied in merger cases. In so doing, he has used arguments that disclose, more unmistakably than any previous pronouncement of any federal official, the reactionary bias that underlies the trend of the Nixon Administration's antimerger policy.

The Department of Justice, Mitchell says, "may well oppose any merger among the top 200 manufacturing firms or firms of comparable size in other industries." Moreover, it "will probably" oppose a merger between any of the top 200 with "any leading producer in any concentrated industry." These candid new formulations contradict all those passionate denials by previous antitrust enforcers who said that they were not opposed to bigness as such. Under Mitchell's policy, antitrust enforcers will no longer feel it necessary to engage in those tortuous analyses that purported to show how a given merger, because of "verticle" relations or "horizontal" overlap of markets, would diminish competition. Henceforth the Antitrust Division, never noted for acute or diligent research, will be obliged to prove only size—which it can do by buying a copy of FORTUNE or asking a man who owns one.

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* This subject was considered in detail in my Stanford Business Conference speech of February, 1967.

The Attorney General's reasoning is even more alarming than the conclusions that emerge from it. After reciting that the top 200 manufacturing companies now "control" 58 percent of U.S. manufacturing assets (up from 48 percent twenty years ago), Mitchell says this fact "leaves us with the unacceptable probability that the nation's manufacturing and financial assets will continue to be concentrated in the hands of fewer and fewer people."

This is unacceptable in a way that Mitchell doesn't mean. In the first place, nobody knows whether the recent trend he notes will continue or be reversed; some observers of business, for instnce, believe that "deconglomeration" will be the trend of the 1970's. More significantly, an arithmetic concentration of assets by a number of *firms* does not by any means imply concentration in the hands of "fewer *people*." Most of these 200 companies, especially the conglomerates at whom his aim is directed, are highly decentralized operations; thousands of individual managers and experts participate in their decisions.

The 200 top manufacturing companies have millions of stockholders, with newly reinforced influence derived from mutual funds, take-over bids, and the general liveliness of the capital markets. Nearly all of these companies sell in increasingly competitive markets where technological improvement and consumer discretion sharply reduce the security of any product line; moreover, competition from foreign firms in the U.S. market is becoming more vigorous.

A POPULIST ECHO.

Consumers, whose protection (as Mitchell notes) is the ultimate aim of the antitrust laws, are in a stronger position than ever before, because prosperity and the widening range of choice enables them to postpone purchases or to shift purchases from one industry category to another. A nationwide market, subject to world competition, has long since broken the concentrated power that many *local* monopolists, some of them small if measured on a national scale, formerly exercised over the necessities of life.

In the same speech (to the Georgia Bar Association) Mitchell disclosed that one of the objectives of his antitrust policy is to preserve the small town and city from what he regards as a growing concentration of power in metropolitan centers. "Most of you," he said in a direct appeal to the projudice of his audience, "represent economic interests—distant from the centers of financial and managerial power—which may be injured by the current merger trend." Just in case any members of the Georgia bar were too obtuse to get the point, Mitchell added that lawyers outside metropolitan areas "should have the opportunity to act as counsel." He continued: "We do not want our middle-sized and smaller cities to be merely 'branch store' communities; nor do we want our average consumers to be 'second class' economic citizens."

This sentiment, of course, is not novel. Playing upon the fear of large corporations and of metropolitan centers was the stock in trade of such Populist orators as William Jennings Bryan, Pitchfork Ben Tillman, Sockless Jerry Simpson, Huey Long, and Alfalfa Bill Murray. When they denounced overconcentration, in many cases using "Wall Street" as its symbol, they had the excuse of not being able to foresee that the rise of large-scale business would in fact become a great liberating movement, dispersing power, generating competition, and giving consumers more and more influence over the allocation of the economy's resources.

But in 1969 an Attorney General of the United States, himself not a crossroads demagogue but a Wall Street lawyer, has no excuse for failure to take cognizance of American business as it actually is. If Mitchell keeps on making these countryboy speeches, somebody is going to call him Wheelbarrow John.

A CHOICE OF HAUNCHES

The anti-bigness, anti-metropolitan bias in American politics has Thomas Jefferson's revered name attached to its origin. For a long time this bias was the chief asset and the chief liability of the Democratic party, whose grip upon the South loosened only when that region began to catch up, thanks to the belated presence there of corporations of national scale. Georgia, where Mitchell spoke, today exemplifies two societies: one of the most backward rural and small-town areas of the U.S. surrounds Atlanta, one of the most progressive metropolitan areas in the U.S. Where are the "second class" economic citizens of Georgia to be found? Are they around Atlanta, which teems with educated, independent decision makers (whether working for "branches" or for local entrepreneurs who wouldn't be there except for the "branches")? Or are "second class" economic citizens to be found in those red-clay counties where most of the people have very little choice about anything except which haunch to scratch?

At the very beginning of his Georgia speech Mitchell revealed a defective premise that may account for his policy. Noting a twelvefold increase in the U.S. national income (in current dollars) since 1890, when the Sherman Antitrust Act was passed, he went on to say that this economic growth "strongly supports our belief that the antitrust laws have served us well." It's true that the antitrust laws, enforced during most of those eighty years with respect for the free and legitimate evolution of business, have served the nation well. But to speak as if these laws were the main cause of the growth of the nation's prosperity is surely a ludicrous example of the logical fallacy known as *post hoc ergo propter hoc*. (A caused B to happen because B happened later than A.)

A CHOICE OF JEFFERSONS

If the ex-officio prophets of antitrust think that antitrust created the present U.S. economy, then naturally they will assume that they can now bid the economy, as Joshua bade the sun and moon, to stand still. Mitchell prefers the sun to pause over Gibeon; he likes the look of the moon as it shines upon the valley of Ajalon.

But John Mitchell isn't Joshua. If government is to determine the proper size and shape of economic and social units, then the American people would probably prefer to have such decisions made by the likes of Pitchfork Ben rather than the likes of Wheelbarrow John. Any effort to freeze the 200 leading American corporations into their present shape, any effort to freeze the community structure of the U.S., can only result in a most un-Jeffersonian society where the police power of the central government becomes the concentrated site of economic and social decision making. We have here a conflict between two Jeffersons, the one who believed in a free society not shaped by government and the squire of Monticello who believed in small-scale economic units and who hated cities. Mitchell is backing the wrong Jefferson.

CONSUMERISM

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. OBEY. Mr. Speaker, Commerce Secretary Stans recently expressed concern about growing "consumerism" in this country.

It seems a strange warning to sound at a time when the consumer needs more and not less support from all levels of Government. If consumerism appears to him the "wave" he said it did, Mr. Stans must be viewing consumer protection through a magnifying glass.

I am inserting in the Record a column by Mr. Art Buchwald, whose comments, I think, reveal how close to fantasyland the remarks of the Secretary of Commerce really lie. I commend this article to the attention of my colleagues:

Free Enterprise Endangered by Wave of "Consumerism"

(By Art Buchwald)

Is the consumer revolution doing more harm than good? Secretary of Commerce Maurice Stans seems to think so.

In a recent meeting with trade association officials in Washington, he expressed the fear that the consumer revolution—in which consumers demand more protection from the federal government—could get out of hand. He said the country should evaluate where it was heading, and ask ". . . whether we are going to let the wave of consumerism move too far and destroy the freedom of choice of the consumer."

It was the first time any high official of the government had mentioned the dangers of "consumerism" which, if allowed to go unchecked, could destroy the free enterprise system.

FBI statistics show that there are more unhappy consumers in this country than communists, and efforts must be made to eradicate "consumerism" before it spreads throughout the nation.

The best way to do this would be to hold hearings in front of the House Anti-Consumerism Committee. Harold Feldkamp, an unfriendly witness, is called to the stand.

"Feldkamp, we understand that on Jan. 20, 1969, you showed up at the Godfather Motor Company and made a scene in front of the customers. Is this true"

"Yes, sir. You see, I bought a new car and the first day I drove to work the door fell off it."

"We didn't ask you to make a statement, Feldkamp."

"But I paid $4,500 for the car, and I figured the door shouldn't have fallen off it . . . at least not the first day."

"You realize, Feldkamp, that this is the kind of thing that breeds consumerism."

"I'm sorry."

"All right, let's proceed. Feldkamp, have you now or have you ever been a member of the Consumer Party?"

"No, I've never been a member of the party."

"But you have flirted with consumerism."

"Let's say I've been on the fringes. I'm not for the violent overthrow of the National Association of Manufacturers. But gee whiz, you'd think you could get a car with a door that would stay on. I'd also like to say I'm not too thrilled with tires either."

"Feldkamp, I must warn you again that you are not here to make speeches. Now, how many consumers are in your cell?"

"I don't belong to a cell."

"Don't tell us, Feldkamp, that you operate alone. We all know that consumerism is a worldwide conspiracy."

"I'm not a member of any conspiracy."

"Do you know a Milton Orshefsky?"

"Yes, I play poker with him."

"Did you know he was a consumer."

"No, I didn't."

"Did you know he bought a new washing machine and when the lint filter on it wouldn't work, he threatened to sue the company that manufactured it?"

"No, I didn't know that."

"Do you know a Frank White?"

"Yes, he was in my car pool until the door fell off my car."

"Did you know his wife went to school with Ralph Nader?"

"No, I didn't? He never talked about his wife."

"Does the name Dmitri Kessel mean anything to you?"

"I played golf with him once or twice."

"Did you know that Dmitri Kessel's wife bought some bad hamburger at a supermarket and reported the store to the health authorities"

"I wasn't aware of it."

"Feldkamp, it would be easier for you if you told us the names of all the consumers you know. If you confess, the Department of Commerce will show some leniency towards you."

"I'm innocent."

"All right, Feldkamp. You've had your chance. We're turning over your file to Secretary of Commerce Stans. He's not as broad-minded about these matters as we are."

SENATE—*Wednesday, October 8, 1969*

(Legislative day of Tuesday, October 7, 1969)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. Metcalf).

Most Rev. John S. Spence, D.D., Auxiliary Bishop of the Archdiocese of Washington, Washington, D.C., offered the following prayer:

Heavenly Father, from whom all blessings flow, we implore Your special blessing upon the Members of this great legislative body. In the past Your guidance has been manifest in the skill with which they have found solutions to so many complex problems affecting the well-being of our Nation. But, dear Lord, never has any Congress had to grapple with such gigantic, ramified, and fundamental issues as does this present Senate. We beg You to fill every lawmaker with Your gifts of wisdom and prudence, in upholding justice and charity in all of their deliberations and conclusions. Dispel upon them some of Your celestial light, through which they may be enabled to choose those things which are of primary importance and which demand immediate action, and those which can be allowed a lower priority, all according to Your most holy will.

You, who created all men and who know all men and their needs, pilot our Senators rightly and safely between the urgencies of domestic and foreign issues, between the dangerous eddies of a just and lasting peace on the one hand, and a prolonged and devastating war on the other; between the costly conquest of space and the even costlier neglect of human needs on this planet. In all of their dilemmas, O God, we implore Your omnipotent and never failing guidance, so that whatever they do may be in accord with Your will and the world's happiness. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, October 7, 1969, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order of yesterday, the Senator from Iowa (Mr. Hughes) is now recognized for not to exceed 1 hour.

Mr. SCOTT. Mr. President, will the distinguished Senator from Iowa yield to me 1 minute?

Mr. HUGHES. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. I thank the distinguished Senator from Iowa.

THE 25TH ANNIVERSARY OF THE DEATH OF WENDELL WILLKIE

Mr. SCOTT. Mr. President, I wish to note that today is the 25th anniversary of the death of Wendell Willkie; that the hearts of many of us are filled with the warmth of recollection, with an awareness of how much this one man contributed to one world, and with a sense of indebtedness for the inspiration which he gave to all of us, particularly those of us who—like myself and like President Nixon, who today has written me a letter, which I will later include in the Record, in observance of this anniversary—began our national political lives as advocates and earnest speakers in the cause of Wendell Willkie.

When Wendell Willkie died, a magazine said his death had run like a seismic shock through the populace, a feeling of half angry disbelief, a shudder, and a realization. And then the people said, "There was a man."

So it is an honor for me to recall the passage through this life of a really great man and a great inspiration to mankind, and to note the presence in the Capitol of Wendell Willkie's widow, the very lovely Mrs. Wendell Willkie.

At a later date I shall ask unanimous consent to have printed in the Record the proceedings at a breakfast of commemoration which was held in the Capitol this morning.

I ask unanimous consent to have printed in the Record the letter from President Nixon.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, October 7, 1969.

Hon. Hugh Scott,
Minority Leader,
U.S. Senate,
Washington, D.C.

Dear Hugh: My very first personal connection with national politics came in 1940, when I made a number of local speeches in California for Wendell Willkie. I have always regarded his words, his life, and his character as an important source of personal inspiration.

I am pleased to know that the twenty-fifth anniversary of Wendell Willkie's untimely death is being observed on Capitol Hill this Wednesday. At such a time, it would be appropriate, I believe, for all of us to think—and think seriously—about the philosophy that Willkie called his creed, and which he expressed in words that are now inscribed on a marker near his grave in Indiana.

"I believe in America," he said, "because in it we are free—free to choose our government, to speak our minds, to observe our different religions. Because we are generous with our freedom, we share our rights with those who disagree with us. Because we hate no people and covet no people's lands. Because we are blessed with a natural and varied abundance. Because we have great dreams and because we have the opportunity to make those dreams come true."

At a time when many in our nation are preoccupied by our problems, Willkie's words remind us of our strengths. When many dwell only on what is wrong with America, his words speak as persuasively today as they did a generation and more ago about what is right with America. And, finally, his words remind us of the great challenge which still is ours—the challenge of realizing ever more perfectly the ideals which he expressed so well and worked for so ardently, the challenge of "making those dreams come true."

"I would rather lose in a cause that I know some day will triumph," Wendell Willkie once said, "than to triumph in a cause that I know some day will fail." How important those words are for all of us. I am happy to join you in saluting the memory of a great American.

Sincerely,

Richard Nixon.

Mr. HUGHES. Mr. President, the Senator from Iowa is more than honored to join the distinguished minority leader in this tribute to Wendell Willkie.

SENATE RESOLUTION 268—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT CERTAIN MEASURES SHOULD BE TAKEN BY THE GOVERNMENT OF SOUTH VIETNAM

Mr. HUGHES. Mr. President, I submit a resolution on behalf of myself, the Senator from Missouri (Mr. Eagleton), the Senator from Minnesota (Mr. Mondale), the Senator from Texas (Mr. Yarborough), the Senator from South Dakota (Mr. McGovern), the Senator from Ohio (Mr. Young), the Senator from California (Mr. Cranston), the Senator from Minnesota (Mr. McCarthy), the Senator from Idaho (Mr. Church), and the Senator from Oregon (Mr. Hatfield).

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, will be printed in the Record.

XUM

The resolution (S. Res. 268) was referred to the Committee on Foreign Relations, as follows:

S. Res. 268

> *Resolved,* That it is the sense of the Senate that the Government of South Vietnam should promptly be urged to take the following steps within the next sixty days:
>
> 1. Grant liberty and amnesty to all of those presently held in custody as political prisoners;
>
> 2. Lift the censorship of all communications media, foreign and domestic, including especially those newspapers which have been closed down;
>
> 3. Permit political parties the freedom to organize and operate without governmental controls; and
>
> 4. Present a plan for a provisional government, broadly representative of the main political, ethnic, and religious groups of South Vietnam, whose principal functions will be to maintain government effectively during the transition from war to peace.
>
> and
>
> *Resolved, further,* That it is the sense of the Senate that if each of these conditions is not satisfied, in whole or in substantial part, then the United States should declare officially that its commitment to the present Government of South Vietnam is ended, and that with all responsible haste it will terminate its military, political, and economic assistance to that Government.

Mr. HUGHES. Mr. President, a few day ago, the minority leader of the Senate, the distinguished Senator from Pennsylvania (Mr. SCOTT), backed by other administration spokesmen, made the proposal that a 60-day moratorium be invoked on criticism of the administration's Vietnam war policy.

It seems to me that this suggestion might deserve serious consideration if linked to substantive plans for effecting the disengagement from the Vietnam war that Mr. Nixon promised the American people.

An increasing number of American citizens of all political faiths have reached the point that they are no longer willing to sacrifice American lives—and the lives of other nationals as well—to prolong this war in its present sterile impasse.

Clearly, a new initiative, a fresh plan of action, is imperative.

There is growing talk these days of timetables for withdrawal. Even President Thieu has asked Mr. Nixon for a timetable for the withdrawal of American troops.

It occurs to me that within the 60-day period suggested by Senator SCOTT, a timetable of action could be set that could conceivably break the impasse blocking the peace negotiations without being inconsistent with the main line of national policy in Vietnam.

We all sympathize with Mr. Nixon's vast problems in trying to end a war which he inherited, and we honor his sincere desire for peace.

But it is my conviction that he will continue to fail to make significant progress toward peace until something decisive is done about a major roadblock—the present Saigon government.

If Mr. Nixon believes it is necessary to continue supporting the present Saigon regime, which support is apparently contributing to the deadlock of peace negotiations, I believe he might seriously consider certain measures that would effect desperately needed reforms within South Vietnam and at the same time open up new possibilities for negotiation.

The Hughes-Eagleton resolution sets forth these suggested measures.

In brief, the resolution expresses the sense of the Senate that, within 60 days, the present regime in South Vietnam should end press censorship, release political prisoners, allow political organizations to operate without interference, and develop a plan for a provisional government, broadly representative of the main political, ethnic, and religious groups of South Vietnam.

The resolution further provides that if each of these conditions is not satisfied, in whole or in substantial part, then the United States should declare officially that its commitment to the present Government of South Vietnam is ended, and that it will terminate, with all responsible haste, its military, political, and economic assistance to that Government.

I want to make it clear that this resolution relates specifically to suggested new initiatives that Mr. Nixon might take and does not in any way contradict proposals for cease-fire, accelerated troop withdrawal, and other substantive peace moves that have been recommended in recent months. Nor does it indicate any lessening of my support for the October 15 Vietnam student moratorium which the New York Times has described as "an appeal by deeply concerned students to the Nation's conscience."

I do not want to belabor the obvious points about the imperative need to end this war. We are all sick of the vicious conflict that has resulted in the loss of more than 40,000 American lives, a quarter of a million American wounded and expenditures of more than $100 billion in economic resources, critically needed at home.

However, it seems to me that in our preoccupation with certain essential aspects of disengagement—for example, troop withdrawal and cease-fire—we are losing sight of some points that can, in their own right, produce a stymie in our peace efforts.

It is ironic that part of our effort in Vietnam is in support of a military junta-type government that practices censorship, throws its political opponents in jail, and exerts harsh control over the activities of other political parties.

But the important point we need to make at this juncture is that these practices and conditions have an important bearing on the deadlock of the peace moves.

Mr. President, as you know, dozens of newspapers have been closed and have remained closed—even after it was announced by the Government that censorship was to be lifted.

Conservative estimates indicate that there are at least 20,000 non-Communist political prisoners that have been jailed by the Thieu regime, including student leaders, newspaper editors, and leaders of the Buddhist struggle movement. I want to make it clear that in speaking of political prisoners I refer to individuals who have been placed in prison purely as a consequence of political activities—not prisoners of war.

So long as these injustices, plus the repressive control of political parties, exist within the Saigon regime, it is obvious that talk of free elections and other democratic political institutions does not carry much conviction.

The truth is that in South Vietnam the political balance of power is decisively against the Government we are supporting. The only way that Government can survive is by keeping in jail the elements that oppose it.

This situation can be preserved only by the massive American military presence. Even if there were no NLF, it is doubtful if the Saigon regime could serve on a truly democratic basis. The present administration simply does not represent a majority of the non-Communists of South Vietnam.

The four-point proposal contained in the Hughes-Eagleton resolution could provide the Nixon administration with the kind of mandate it needs to get free of the Thieu regime's dominating partnership so that the United States could maneuver more effectively for peace.

It could create the kind of climate for productive peace negotiations, a climate that might help loosen the stiff backs of the North Vietnamese at the negotiating table.

Sixty days may not seem like a very long period in which to accomplish these objectives, but time is of the essence because additional time means the expenditure of more American lives. And it must be recognized that at any point the present low level of engagement could be drastically escalated. Despite the optimistic statements of some of our military leaders these days—and these statements have a fatal resemblance to earlier rosy statements made by our generals throughout this vicious war—the present comparatively subdued level of hostilities reflects a withholding of forces rather than any substantial change in the military balance.

It is unrealistic to trust a regime that jails peaceful citizens who are politically opposed to it.

It is unrealistic to expect such a regime to organize "free" elections.

Moderate leaders, opposed to the present military triumvirate in Saigon, are either in jail or otherwise restrained from part in the political life of that country.

It all adds up to the fact that the emphasis on elections, under the control of the present regime, moves away from the objective of true representation in Government, rather than toward it.

The essential precondition to meaningful elections is a provisional government that enjoys the confidence of at least the major political groups in the country.

The idea of a provisional government is to connect the end of violence with the conception of some kind of just and workable political compromise.

The provisional government would be a domestic, caretaker government whose main job would be to preserve peace.

The central thrust of the Hughes-Eagleton resolution is not to effect a total unilateral withdrawal, but to create

the political preconditions for ending the war. If these conditions can not be met, an appropriate change of policy is indicated.

In other words, by calling for the steps contained in this resolution, we are exploring the last remaining possibilities for sustaining our involvement in South Vietnam on any constructive basis.

Neither this nor any other plan of action toward disengagement in Vietnam is guaranteed to be free of flaws. But the steps outlined in this resolution are feasible within the framework of present national policy. And it must be recognized that the present status quo course in South Vietnam simply cannot be allowed to continue.

The present status of the peace talks is hapless and hopeless. The Thieu regime and the Nixon administration have hardened their already tough lines on the war in recent weeks. Hanoi shows no likelihood of budging or even of adopting a civilized attitude about the American prisoners of war in North Vietnam.

Largely because of the rigidity of our relationship with the present Saigon regime, we have not been able to make a positive move for negotiation at Paris—or even to respond to Hanoi's. Whatever one thinks of Hanoi's proposals made last May, the fact remains that these were formal and serious proposals raising most of the important, relevant issues. This administration had a number of months of relative freedom from stringent criticism to find a way of settlement. Hobbled by its relationship with the Saigon regime, however, the administration has made no progress either in Paris or South Vietnam.

Mr. President, I sincerely believe that the steps outlined in this resolution would open new vistas in the peace talks.

To those who have contended that we should keep pampering the Thieu regime in order to have strength at the negotiating table, I commend the words of Ambassador Harriman:

> While one can consider different sorts of strength that might be desirable in negotiation, there is one kind of strength that is absolutely essential . . . that is the strong determination to come to an agreement.

In summary, Mr. President, we are presently locked into a vicious cycle in our relationship with the Government of South Vietnam. Our massive military presence stifles the Vietnamization of the war because the Thieu regime, with its limited popular support, relies more on the U.S. Armed Forces for its stability and less on the people.

Conditions imposed by the Thieu regime on the negotiations put any meaningful settlement out of sight.

I do not mean to suggest that the North Vietnamese, on the other hand, are anything but difficult to deal with at the negotiating table and elsewhere, but they are our enemy in this conflict, not our ally. We have a right to expect a more cooperative, less inflexible attitude from our allies.

The fighting and the killing continue. The enormous economic waste goes on. The time has come to pursue peace by making an energetic effort to get at the most obvious and accessible bottleneck in the quest for peace—the Saigon regime in its present image.

Mr. EAGLETON. Mr. President, will the Senator from Iowa yield?

Mr. HUGHES. I am very happy to yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, first of all, I compliment the Senator from Iowa for a thorough and workmanlike presentation of the issues involved in the present and ever-continuing dilemma of Vietnam.

The Senator from Iowa has an incisive mind which is reflected in the presentation he has just made.

I would ask the indulgence of the Senator from Iowa so that I might expand briefly on his remarks and then perhaps other Senators may wish to expand thereafter.

Mr. President, after 14 years of American aid to Vietnam, 5 years of hot war, and 9 months of administration inaction, the war continues and the President asks for silence.

There are very basic differences between those who support the administration policy, or lack of it, and those who oppose it. For many, the disagreements go beyond the timetable for American withdrawal and to the very core of what the Vietnam struggle means to America.

Secretary Laird stated President Nixon's policy:

> We hold firmly to a single objective for Vietnam: permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese.

According to this and previous administrations, our wealth and youth have been sacrificed in the pursuit of this goal.

But beyond the high wall of noble rhetoric one will find the shabby reality of Vietnam. In fact, American interference propped up the successive governments of Diem, Minh, Tho, Khanh, Huong, Oanh, Quat, Ky, and most recently the Thieu-Ky regime—governments unable to stand on their own in the dangerous eddies, cross currents, and tides of nationalistic Vietnamese politics.

These successive governments have enabled an elite to remain in power—an elite all too often engaged in the pursuit of personal gain and advantage rather than in the quest for social justice and reform.

And it is American power that enables the Saigon regime to ignore the various neutralists, even those who are not pro-communist but pro-peace; allows the government to repress dissent and censor news; and prevents the numerous and diverse groups in Vietnam—the nationalists and Communists, Catholics and Buddhists, northerners and southerners, military men and civilians—from finding the right mix and balance of power from which Vietnamese stability must ultimately come.

As long as American lives, wealth and fortune are pledged in support of the Thieu-Ky government, the artificiality in Vietnamese politics will continue. And so will the instability. And so will the killing.

Mr. President, every American President since President Eisenhower has recognized the legitimacy of withholding support if reforms were not instituted.

As President Eisenhower stated on October 23, 1954, almost 15 years ago to this very day, in his original commitment of aid to South Vietnam:

> The purpose of this offer is to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will be met by performance on the part of the Government of Vietnam in undertaking needed reforms. It hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Vietnam endowed with a strong government. Such a government would, I hope, be so responsive to the nationalist aspirations of its people, so enlightened in purpose and effective in performance, that it will be respected both at home and abroad and discourage any who might wish to impose a foreign ideology on your free people.

This is the premise upon which aid was originally committed 15 years ago by President Eisenhower to Vietnam, a commitment that had these conditions of reform at the time the aid was given.

Sadly, 15 years later, there is not a government which is responsive to the nationalist aspirations of its people, there is not a government that is so enlightened in purpose and effective in performance, there is not a government that is respected abroad or at home.

Mr. President, I said on July 28:

> Unless and until we are willing to take the final step of withdrawal if reforms are not instituted, the small, elite group of Vietnamese running a government distinguished primarily by its corruption, repression, and inefficiency will continue to exercise great control over American lives, American wealth, and American destiny.

This control by Thieu and Ky over American policy must end. I believe today, as I stated on September 3:

> This can be done by explicitly and categorically stating our commitment to a reasonable but unequivocal timetable, similar to the so-called Clifford formula, for the withdrawal of all American combat troops from Vietnam while at the same time demanding that the Saigon government be broadened to include the many diverse and still unrepresented elements of South Vietnam.
>
> If the second demand is met the United States should continue its orderly withdrawal on schedule. Such a course of action is not without uncertainties and dangers.
>
> The Saigon regime may not be able to respond quickly enough to win the support of its people.
>
> Even with massive American material aid, it may not be able to fight its own war.

As I said then, and repeat now:

> But as John F. Kennedy said of the Vietnamese over 6 years, $100 billion, and 200,000 American casualties ago: "In the final analysis, it is their war. They are the ones who have to win it or lose it."
>
> It is time to heed that wise counsel.
>
> If, however, the Government of Vietnam, after a reasonable amount of time had elapsed, refuses to take the necessary steps toward reform and accommodation, refuses

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> to give representation to the unrepresented, continues to be controlled by a military and social elite for the betterment of that elite, the United States should withdraw with all possible speed, consistent with the safety of American troops.
>
> This position must be made clear to the rulers in Saigon. If it is impossible for our present Ambassador to South Vietnam, Ambassador Bunker, to convey these demands to the Thieu, Ky, and Khiem regime, he should be replaced by someone who can.

That is the end of the quotation from the September 3 speech.

Today's resolution, as introduced by Senator HUGHES and myself, and other Senators, is the partial embodiment of that thinking.

In the resolution the "reasonable amount of time" is specifically stated as 60 days. The necessary steps toward reform are clearly outlined.

To send thousands more American men to their deaths and countless thousands more to be maimed in the cause of protecting the present Saigon regime is unconscionable.

I believe the American people now recognize the wisdom of this resolution and the folly of shedding more American blood in a futile war, in a distant land, in a cause betrayed by Saigon's leaders themselves.

I thank the Senator from Iowa for yielding to me. I commend him once again for his leadership in the drafting and the presentation of the resolution which he has made here today.

Mr. HUGHES. I thank the distinguished Senator from Missouri who has displayed a very penetrating insight into this problem, ever since he first spoke on the floor of the Senate.

Over the course of the last few months he has embodied in previous speeches on the floor of the Senate many of the ideas suggested and incoporated in the resolution which is being offered this morning by the Senator from Missouri, by me, and by other Senators. So I am very pleased to have the opportunity this morning of joining with the Senator from Missouri in presenting the resolution for consideration by the Senate.

Mr. CHURCH. Mr. President, will the Senator yield.

Mr. HUGHES. I yield to the Senator from Idaho.

Mr. CHURCH. Is the object of the resolution offered this morning such that it could be summed up as a warning to the Saigon government in this simple way: "Either shape up or we ship out"?

Mr. HUGHES. I think, in a sense, the resolution this morning says to the Saigon government: "There are certain things you can and must do. These are reasonable things that should have been done long ago, and are certainly long overdue, in order to gain the popular support of your people in South Vietnam who are going to have to support any government in Saigon that proposes to officiate in any free and open elections there. Unless you meet these basic requirements in substantial part or in whole, we are going to proceed with all responsible haste to take care of the interests of the U.S. Government, cease support of the government, militarily, economically, and politically, and proceed to handle our own interests and proceed with our disengagement in Vietnam."

Mr. CHURCH. I am wholeheartedly in sympathy with the resolution. I think, from what the Senator has said, it can be accurately characterized as a plain-spoken warning to Saigon: "Either shape up or we ship out."

As the Senator well knows, there is very little likelihood, in view of the past performance of any number of Saigon governments, that within the next 60 days any significant shaping up will take place.

I recall that when President Eisenhower made the first commitment of American aid to the Government of South Vietnam, it was carefully conditioned upon an understanding that the Saigon government undertake reforms of the kind that we felt would give it a broader base of popular support. Those reforms were never implemented, either by the government at that time, or by the successor governments that followed.

Despite this, our own aid increased steadily until we reached the point where we actually substituted our own Army in place of the South Vietnamese forces to protect the Saigon government from collapse.

I must say, in all candor, that in view of the many years we have tried to persuade the authorities in Saigon to undertake the kind of reforms necessary to broaden the base of the Government and to give it the kind of popular support necessary if it is to survive, I have no real hope that we can now achieve that goal.

Nevertheless, I want to say to the Senator and to his associate, the distinguished Senator from Missouri, that the resolution has much merit, because it once again puts it up to Saigon to do the things it must do if it is going to win over the support of its own people. Failing that, the resolution will constitute another reason why we should adopt forthwith a policy of full and complete disengagement from the war.

I think the time has come when we must face up to this necessity, when we must look to our own national interests, when we must stop sacrificing so many American lives, for the benefit of a regime in Saigon which has continuously failed to undertake those internal reforms necessary to give it broad-gaged, indigenous support.

For these reasons, I am happy to commend the Senator for the step he has taken this morning. I want to associate myself with it, and I would be honored if he would permit me to add my name as a cosponsor of the resolution.

Mr. HUGHES. I would be delighted to have the name of the distinguished Senator from Idaho entered as a cosponsor of the resolution. I am also delighted he is here to add his comments and remarks as he has, week in and week out, through the long effort of trying to bring some reason and sanity into our position in Vietnam and Southeast Asia.

I am also deeply appreciative of the fact that he seems to express little hope or little confidence that this effort will succeed, due to past performance on both sides; but I do think, in light of the administration's and the minority leader's request for a 60-day moratorium on criticism if it is fair to consider any moratorium at all, it is fair to expect that during that period of time these steps toward peace be taken, that we engage in some kind of activity through which we could hope to break the deadlock, and that we continue to move positively toward the goal we have espoused—withdrawal and disengagement.

The ACTING PRESIDENT pro tempore. Without objection, the name of the Senator from Idaho will be added as a cosponsor of the resolution.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. HUGHES. I am delighted to yield to the distinguished Senator from California.

Mr. CRANSTON. I think the Senator from Iowa has introduced a resolution that is of great significance and can be a very constructive move in the unhappy situation in which the people of this land and the people of Vietnam find themselves associated.

I do not believe that the current American objective—the de-Americanization of the war or, putting it in a more positive sense, Vietnamizing the military aspects of that war—is enough to meet our purposes. I do not believe we can accomplish the de-Americanization or the Vietnamization of that conflict without reforms in Vietnam exactly along the lines the resolution calls for.

Without these reforms, it is plain that the people of South Vietnam do not feel they have a stake that is worth their losing their lives, or their shouldering the burden of the conflict. If that is the view of the people of South Vietnam in their own land, it seems to me that we Americans, who have now lost so many lives and spent so many dollars there, should also wonder whether there is a government there that is worthy of further sacrifice.

It seems to me totally incredible that we are fighting a war to keep in power a government that does not have public support, and that does not respond in any way to the popular will of the people of South Vietnam, and prohibits an expression of that popular will. Is this self-determination for the people of South Vietnam—the avowed objective, according to our President and our most recent ex-President, of our effort in South Vietnam?

How can there be self-determination when we are helping prop up a government that denies self-determination to its own people?

It seems to me that it is plain that the United States stands as a symbol, in Southeast Asia, against Communist dictatorship; but that the United States also stands as a symbol in support of a corrupt dictatorship in South Vietnam. The United States does not, under present policy, represent a clear voice and a positive force for democracy in Southeast Asia.

It is conditions bred by corrupt, self-serving, self-seeking dictatorships, like the regime with which we are now alined in South Vietnam, which produce the circumstances and the conditions where communism can be most successful in finding support among oppressed and unhappy people. Therefore, as long as we prop up the present government, without demanding change in that government in its approaches to democracy and to political problems and to the institutions of self-government, we are helping breed the very conditions where communism flourishes here and is most easily able to progress.

We must not support a rigid, authoritarian military elite, devoted only to its own interests and totally disinterested in building a free and modern nation. The points the Senator has set forth in his resolution state the very minimum we can expect of that government if the people of Southeast Asia and South Vietnam are to have a stake in their own self-defense.

There has been some confusion in some minds about two aspects of the Senator's resolution. I should like to ask him about those two points.

He speaks of the necessity for the freeing of political prisoners in South Vietnam. I assume that he is referring to the Buddhists, the Catholics, and others who have voiced their opposition to procedures and policies that might lead to the negotiation of a successful peace. I assume he was not speaking of enemy agents and terrorists who are presently held in prison for purposes plainly related to the defense of that country.

Mr. HUGHES. I certainly am not referring to those people who are known to be enemy agents and terrorists. It has been estimated that there are considerably more than 20,000 political prisoners in the jails and prisons of Southeast Asia. But I point out to the distinguished Senator from California that many of the people in the jails are being held up to 2 years on suspicion alone, without any representation, in many instances without any charges having been brought, and without even the opportunity of proving their innocence.

So, if the people of whom the Senator speaks are concerned about releasing prisoners of war or known terrorists or those people who have been, by destructive methods, trying to overthrow the regime in Saigon, the answer certainly is no; but if they are concerned about newspaper editors and those who have been in disagreement with the policies of the Saigon regime, or political opponents of those presently in power, the answer would be yes, we need to have a look at it.

I might, at this point, read some points put into the RECORD on July 22 of this year by the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) as to what has been going on in some of these areas. This is a quotation from an article published in the St. Louis Post-Dispatch. I quote from page S8377 of the RECORD:

> A four-week inquiry into the situation by the Post-Dispatch has produced a mass of evidence that President Thieu is operating a semipolice state. There is not much dispute about this, but there is wide disagreement as to whether it is necessary.
>
> Some of the bitterest comments encountered came from a Vietnamese lawyer to whom high American embassy officials had repeatedly referred the reporter as a reliable source.
>
> The attorney supplied details of several cases of false arrest and torture. He said the fingers of one of his clients had been broken in the course of third-degree interrogation the previous day. He denounced the arrest and imprisonment of Thich Thien Minh, a prominent Buddhist monk, and Nguyen Lau, publisher of the Saigon Daily News.
>
> "We have authoritarian rule in South Vietnam," the lawyer said. "According to the constitution, we have freedom. Actually we have none. We have an unofficial police state."
>
> Somewhere between 15,000 and 35,000 South Vietnamese citizens are now in prison for alleged political crimes ranging from active participation in the Viet Cong to merely advocating coalition with the Viet Cong or a neutral Vietnam.

So I think it can be seen that when we talk about political prisoners, we have a wide cross section, and an investigation is needed.

Mr. CRANSTON. I think it is plain that we understand that language in the resolution in the same sense. I certainly am as opposed as is the Senator to the concept of preventive detention in South Vietnam by a government with which we are so closely associated, just as I am sure we agree that we do not want anythink like preventive detention in the United States of America, where we have heard suggestions that it might be wise to have it.

In the meat of the Senator's resolution, after the four conditions that he asks be met by the Government of South Vietnam, the four steps that he would require them to take if we are not to declare officially that our commitment to the present Government of South Vietnam is ended, I would have preferred the language "any commitment" in the resolution. I am not certain what commitment we have to them. I am not certain that any commitment was ever made to them.

I have been surprised to learn, of late, that we were never asked by South Vietnam to send combat troops to that country. I would gather, and I suppose that we have to face the fact, that there were some implied commitments to them, based upon what we have thus far done; but I would like to ask the Senator one further question. In the event that the Government of South Vietnam heeds this call and complies with these steps, what then should our policy be in relationship to the government in Saigon?

Mr. HUGHES. I think if the present heads of the government in Saigon comply with these steps, they would certainly weaken their own position in the government, and they would have to appeal to the broad spectrum of the public of South Vietnam which is not now supporting the government in Saigon.

It is said that about 20 percent of the people of South Vietnam support the Saigon government, about 20 percent support the Vietcong, and about 60 percent do not support either one, but form a great neutral mass of people who are simply tired of war and seeking peace.

So I think, very simply, our attitude toward the government in Saigon is going to have to be in the interests of the people, and, as we move toward a negotiated government, if they will not participate in it, we are going to have to move without them. We are going to have to proceed as scheduled, or hopefully as scheduled, with the withdrawal of our fighting men from Vietnam.

Mr. CRANSTON. In any event?

Mr. HUGHES. In any event. Hopefully, we will continue the so-called Vietnamization of the war, we will bring about the release of all political prisoners, and we will achieve free expression of views by political parties, looking toward a free and open election of a government that will be truly representative of the people of South Vietnam. I think we must proceed on schedule, in any event.

Mr. CRANSTON. If the Government took these steps, and we then found a society and institutions worthy of our support, it is my understanding that the resolution would mean that then we would still, in accordance with the best steps consistent with safety of American troops, get them out of combat in Vietnam, but that we would continue economic and other forms of assistance to the people of South Vietnam, if they were able to have institutions and a society worthy of our support.

Mr. HUGHES. I agree with that statement completely. Of course, I believe that if those steps were taken, we would have, in short order, a cease-fire. We would be disengaged from combat and, in very short order, would be negotiating some sort of peaceful withdrawal and a stabilization of government, and not be worried about losing lives and suffering an increased number of casualties.

Mr. CRANSTON. I totally share that belief. I believe that those steps would lead to a solution of the conflict in Vietnam.

Mr. President, I ask unanimous consent that I may join the Senator from Idaho (Mr. CHURCH) and be a cosponsor of the resolution.

Mr. HUGHES. I thank the distinguished Senator from California. I deeply appreciate his generous support and contributions to the discussion this morning, just as he has always made them in the past, as well.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HUGHES. I am happy to yield to the distinguished Senator from Texas.

Mr. YARBOROUGH. Mr. President, after I came to the Senate, some years ago, I attended a joint meeting with the House of Representatives. The speaker was Mr. Diem, then the head of the Government of South Vietnam. He made an eloquent statement and appeal. He said he was fighting Communists in South Vietnam. Does the Senator from Iowa know what happened to Mr. Diem?

Mr. HUGHES. Mr. Diem was killed.

Mr. YARBOROUGH. He was strongly anti-Communist, was he not?

Mr. HUGHES. So it was indicated, yes.

Mr. YARBOROUGH. Did the Communists or the Vietcong kill Mr. Diem and his brother?

Mr. HUGHES. I am not certain how the records indicate that.

Mr. YARBOROUGH. It was not the Communists and it was not the Vietcong that killed the Government leaders of South Vietnam, was it? It was assassination among leaders which was how power was achieved in South Vietnam.

Mr. HUGHES. The strange thing is that political assassinations in South Vietnam are not the policy even now, so the political assassination of Diem was unusual.

Mr. YARBOROUGH. Not the policy of what government?

Mr. HUGHES. It does not seem to be the policy of the Vietnamese people. They use prisons and jails, but they have not had a taste for political assassination.

Mr. YARBOROUGH. They do not take people out, line them up against the wall, and shoot them, do they?

Mr. HUGHES. That is called execution.

Mr. YARBOROUGH. They do line up people in villages and shoot them when they are found to be sympathetic to the Vietcong.

Has the Senator read an article published in the Wall Street Journal, describing how people are taken out and shot without a trial?

Mr. HUGHES. Yes; and I also read a clipping just yesterday, reporting that General Ky had indicated that, if the inflationary spiral continued, the businessmen who were contributing to it might be sent before a firing squad and shot.

Mr. YARBOROUGH. I want to commend the Nixon administration for controlling inflation by reducing jobs, and not killing people, as is done in Vietnam.

I wish to express my commendation of the Senator for his leadership in submitting the resolution. Is the Senator familiar with the fact that during the so-called election in South Vietnam, anyone who wanted the war to be settled was not permitted to vote? If one was in favor of settling the war, he was disfranchised. In order to vote, he had to certify that he wanted to continue the war.

Mr. HUGHES. Yes; I am aware of the fact that anyone who proposed neutrality or did not advocate the policies of the government was not permitted to vote.

Mr. YARBOROUGH. So the very few who were permitted to vote were the ones who supported General Ky.

We read news releases about the great numbers of people in Vietnam who turned out to vote for the administration, when, as a matter of fact, they had already been disfranchised because they wanted to settle the war.

Mr. HUGHES. I have heard the distinguished Senator from Texas describe what happened in some villages to people who were thought to be sympathizers with the Vietcong.

Mr. YARBOROUGH. I do not think Americans ought to support assassinations. I think it was wise that the charges against the Green Berets were dropped. I participated in the war crimes trials following World War II, trials which were conducted under the rules established by the Americans. We supported the rules that were laid out for us. The higher-ups were tried first. If assassinations had been committed, we were to follow the rules that were made for trials in Germany and Japan, and try those high in authority first.

If we are going to spend the lives of our people, we ought not to spend them in support of a government which does not follow the basic rules of humanity.

On the floor of the Senate a few days ago, I mentioned the rumors that are rampant in South Vietnam. They were told to me by a number of Americans last November and December, when I was over there. I was told that Marshal Ky's wife was getting a rice plantation in her own name. I do not know if the rumors are true, but I hope that some committee of the Senate, whether the Committee on Armed Services or the Committee on Foreign Relations, will investigate this charge. If true, we ought to know it; if not, the rumor ought to be laid to rest. The rumor was told to me by Americans in Vietnam.

Stories are told of favoritism and of the rapid accumulation of vast wealth by some of the district chiefs, I think they are called. They are not called by the title "governor" because the French used that title. In one instance, a Cabinet officer was sent from Saigon to become the chief of a province.

If the wife of Marshal Ky has obtained a rich rice plantation in South Vietnam, as I have been told she has, that is something about which the American people are entitled to know. I hope that a committee of the Senate will investigate it and determine whether we are permitting the leaders of that country to pile up wealth while we are paying for the conduct of the war.

If we are supposed to be supporting basic democracy, I think we ought to be supporting basic democracy, and not a couple of dictators who are getting rich from this war.

Every time a South Vietnamese newspaper criticizes Thieu and Ky, the operations of that newspaper are suspended. There should be an end to censorship of the newspapers and a granting of liberty among them and a granting of freedom to those who are held as political prisoners. We should not continue to support with our blood and money, any government that does not follow the principles of democracy.

Mr. HUGHES. I thank the Senator from Texas for his penetrating insights into the problems of government in South Vietnam. Since becoming a Member of the Senate, I have listened to him as he has presided as chairman of the Committee on Labor and Public Welfare. He has fought for adequate programs in the fields of health and education and the well-being of the people of America. After listening to the testimony of almost every agency of the Government, we realize that the funds for these programs are so scarce that we cannot obtain them, regardless of the fact that we recognize that they are not being done, because we are spending $3 billion a month in this tragic conflict and are basically supporting a government that does not have the support of its own people. Certainly it does not seem to be the moral thing to do under this set of circumstances.

In recapitulation and in conclusion, I merely wish to say that I think we are all concerned with and share the agonies of our President, Mr. Nixon, during these trying times, when he has been seeking a way to peace. We attribute to him the same desires that all of us have to bring this tragic conflict to an end. But I know that many among the American people feel that when a request is made to remain silent for 60 days more; when there are no signs on the horizon, visible or invisible, that anything material is being done; while we continue to support a government in Saigon which apparently has the support of only 20 percent of the South Vietnamese people, which seems to be guilty of jailing over 20,000 people as political prisoners, which suppresses the press and political parties that advocate neutrality or disagree with the government in Saigon—while we continue supporting a government of this kind, we cannot reasonably hope to make a breakthrough in negotiations.

So, Mr. President, again I submit that, if this moratorium is to be seriously considered, the President of the United States, reenforced by this sense of the Senate resolution, could take the proper steps, during this 60-day period, to make a major breakthrough for peace. At the same time, this does not conflict with the calls for cease fire. It does not conflict with any proposed plan of disengagement of troops, whether it be 100,000 by December or 200,000 by the end of the year. It does not even conflict with the request for total disengagement that has been made by some Members of this body. But it is, in my opinion, a progressive step in the right direction that can be taken with little effort on the part of our Government. It would be a major breakthrough, in my opinion, in our negotiations and in our relationship with the people of South Vietnam. It could result in the saving of thousands of lives, tens of thousands of injuries, the heartache of the Vietnamese people and the heartbreak of the people of our country as we tend to destroy ourselves from within while we are so horribly engaged with this soul-draining conflict without.

Mr. President, I thank the distinguished Senators from Texas, California, Missouri, and Idaho, who have joined in this discussion with me this morning.

I yield back whatever time I have remaining.

THE NOMINATION OF JUDGE HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mrs. SMITH of Maine. Mr. President, a week ago on September 30, 1969, I informed the President of the United States that I did not feel that I could support the Haynsworth nomination and that I hoped Judge Haynsworth would request that the nomination be withdrawn.

I wrote the President:

> Lest my silence at the Leadership meeting this morning be misleading, I feel obliged to tell you that I do not feel that I can support the Haynsworth nomination. I felt very strongly against the Fortas nomination for reasons very similar to those on the Haynsworth nomination. I do not believe that I can adopt a double standard which would be applied against his Democratic predecessor and for nominee Haynsworth because he was nominated by a Republican President.

> I feel that there is much more opposition to the Haynsworth nomination among Republican Senators than is generally realized.
>
> I would hope that Judge Haynsworth would himself resolve the situation which has become embarrassing to many Republican Senators by asking you to withdraw his name from nomination.

Mr. President, I feel that any nominee for the Supreme Court of the United States—and most particularly for the seat vacated by the resignation of Mr. Fortas under the conditions under which he resigned—should be free from suspicion.

However unfair and however unwarranted, Judge Haynsworth is not free from suspicion. There is considerable public doubt about him.

Next to ending the war in Vietnam, one of the most important objectives of the administration should be to reestablish confidence in the Supreme Court and the judiciary.

The Haynsworth nomination will not help restore or reestablish such desperately needed confidence in the Supreme Court and the judiciary.

To the contrary, it will further damage the public confidence in the Court.

Perhaps it is not valid to observe that how things look sometimes seems more important than how things really are—that appearance seems more important than fact.

But of one thing I am sure—that a judge cannot allow even the appearance of impropriety. The very canons of judicial ethics demand that a judge avoid impropriety and the appearance of impropriety.

The confirmation of the nomination of Judge Haynsworth would at best be a pyrrhic victory for the President.

These observations are not original with me nor exclusive with me.

They have clearly and pointedly been made to the President.

No one of us is perfect—none of us is without our own errors.

But I do not believe that the recognition of this should cause us to falter in striving for as much perfection as possible on a Supreme Court nomination.

Last year at this time when I was in the hospital, in response to the request of Senator Griffin, I authorized pairing me against the Fortas nomination.

Now, a year later, I agree with Senator Bayh's opposition to the Haynsworth nomination for the same basic and fundamental reason that I agreed with Senator Griffin's opposition to the Fortas nomination a year ago.

I do not believe in a double standard. Nor do I see a political justification for it or placing party loyalty ahead of conscience.

I am not a lawyer and I may very well be naive. But it has been my concept that the role, mission, duty, and work of a judge or Justice is to judge and to judge as wisely as possible.

The relation of the mere words of "judge" and "judgment" make crystal clear the imposition of exercising impeccable judgment on any judge not only with respect to his official duty and work on the bench but as well to his unofficial life, including his financial transactions.

I think that a Supreme Court Justice should be a person of impeccable judgment. Yet, Judge Haynsworth has admitted to some faulty judgment in his financial affairs as related to his judicial status.

To me, his admitted faulty judgment alone is sufficient for me to withhold my approval of his sitting on the highest court in the land where we must always strive for impeccable judgment.

Let us not forget that Justice Fortas was forced to resign because of his outside business transactions.

And in remembering that so recent matter, let us recognize that the amount of evidence that should be necessary to justify refusing a confirmation is much less than the amount properly required to justify demanding his resignation after one has been confirmed and served.

Mr. MANSFIELD. Mr. President, I can only say that, as always, the distinguished senior Senator from Maine has expressed her conscience as she sees things. No one is in doubt as to what her position is, and I commend her for the consistent course she has taken down through the years in carrying out her responsibilities—and they are great—and her duties as a Senator of the United States.

Mrs. SMITH of Maine. Mr. President, I thank the majority leader from the bottom of my heart for his kind remarks. He has always been so very generous.

WATER QUALITY IMPROVEMENT ACT OF 1969

The PRESIDING OFFICER (Mr. Allen in the chair). Under the order of the Senate, the Chair lays before the Senate the unfinished business, which will be stated.

The Assistant Legislative Clerk. A bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. KENNEDY. Mr. President, I understood the Committee on the Judiciary had scheduled a meeting earlier today. A number of members of that committee from this side of the aisle were prepared to meet and consider what I think all of us realize is one of the most important measures to come before the Committee on the Judiciary, the nomination of Judge Haynsworth. I think it is extremely appropriate that these meetings take place and proceed in an orderly and responsible way, that questions which are raised be raised within that committee, and if additional time is necessary, the committee should make that determination.

I think it is extremely important for Members of this body to realize that the postponement or delay of that meeting was not at the suggestion of Members from this side of the aisle. When we hear so much talk and read so much about delays of action by Congress, it is appropriate to mention at this time that delay in the committee meeting this morning was not at the suggestion of Members from this side of the aisle.

I am hopeful that meetings will take place expeditiously and that we can get on with the business of the nomination.

Mr. MANSFIELD. Mr. President, has the unanimous-consent request been agreed to?

The PRESIDING OFFICER. Yes.

Mr. MANSFIELD. Mr. President, for the information of the Senate I have dispatched a telegram to all Democratic members of the Committee on the Judiciary asking them to be present at 10 o'clock tomorrow morning, when the next meeting of the committee will be held. It is my understanding that the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott), will make the same request of the Republican membership. It is our hope that this matter will be faced up to and disposed of one way or another, so that the Senate can fulfill its responsibility and get on with the various matters of business which are at hand.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

AMBASSADORS

The assistant legislative clerk proceeded to read sundry nominations of Ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations of Ambassadors be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations of Ambassadors are considered and confirmed en bloc.

DISTRICT OF COLUMBIA COUNCIL

The assistant legislative clerk read the nomination of Henry S. Robinson, Jr., of the District of Columbia, to be a member of the District of Columbia Council.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

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LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

INCREASE IN THE MAXIMUM RATE OF PER DIEM ALLOWANCE FOR GOVERNMENT EMPLOYEES TRAVELING ON OFFICIAL BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 446, H.R. 337.

The PRESIDING OFFICER. The bill will be stated for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 337) to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with amendments, on page 1, line 4, after the word "thereof", strike out " '$22' " and insert " '$25' "; at the beginning of line 6, strike out " '$35' " and insert " '$40' "; in line 7, after the word "thereof", strike out " '$15' " and insert " '$18' "; at the beginning of line 10, strike out " '22' " and insert " '$25' "; on page 2, line 1, after the word "thereof", strike out " '$35' " and insert " '$40' "; in line 2, after the word "thereof", strike out " '$15' " and insert " '$18' "; and after line 2, insert a new section, as follows:

> SEC. 3. The seventh paragraph under the heading "Administrative Provisions" in the Senate section of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out "$16" and inserting in lieu thereof "$25"; and by striking out "$30", and inserting in lieu thereof "$40".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HARRIS subsequently said: Mr. President, I am happy to note that the Senate has passed today, unanimously, H.R. 337, which provides for an increase in the maximum rate of per diem allowance for employees of the Federal Government traveling on official business. The Government Operations Committee, of which I am a member, amended H.R. 337 to increase the maximum rate of per diem allowance from $22 per day as passed by the House to $25 as proposed in my bill on this same subject, S. 820. This increase, of course, is long overdue, because it is not possible at today's prices for Government employees traveling on official business to meet their expenses at the present figure of $16 per diem. I feel that the increase to a maximum of $25 per day as recommended by the Senate Committee is fully justifiable, and I certainly hope that the House will accept H.R. 337 as enacted by the Senate. Thank you.

AMENDMENT OF SECURITIES EXCHANGE ACT OF 1934

Mr. SPARKMAN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 112.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the resolution (S.J. Res. 112) entitled "Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934", which were to strike out all after the resolving clause, and insert:

> That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended—
>
> (1) by striking out in paragraph (1) "September 1, 1969" and inserting in lieu thereof "September 1, 1970"; and
>
> (2) by striking out in paragraph (4) "$875,000" and inserting in lieu thereof "$945,000".

And to strike out the preamble, and insert:

> Whereas additional time is required for the Securities and Exchange Commission to complete its institutional investors study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934: Now, therefore, be it

Mr. SPARKMAN. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

S. 3003—INTRODUCTION OF A BILL PROVIDING MORE EFFECTIVE CONTROL OVER EXPENDITURE OF FUNDS BY DOD AND NASA FOR INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. PROXMIRE. Mr. President, several weeks ago, during the course of the debate on the military authorization bill, we discovered a relatively unknown expense item called independent research and development. At the time very little was known about this special type of research and development. We assumed that research and development was performed under Government contracts. After looking into this independent research and development some truly amazing facts concerning its funding and regulation were discovered.

What we found was both surprising and shocking. First of all, the Government neither contracts for, nor directs independent research and development. The contractor simply decides to start work on a project. He decides what he will do and how much money should be spent. But the most shocking fact is that, after all this, the Defense Department pays for the work. In fact, last year the Department of Defense paid over $685 million for such work. The Department has little or no idea what it is paying for until the work is completed. It has no assurance that the work will be of any value to the Defense Department or the Government as a whole. And, yet, the Defense Department pays for the work.

What is even more astonishing is that the Defense Department does not even require that the work be related to its interests. It actually encourages contractors to do work which is of little value to the Defense Department's requirements or those of the Government in general. Defense Procurement Circular No. 7 specifically states that the Armed Services Procurement Regulation requirements do not mean that independent research and development projects must directly benefit, or be related specifically to products for which the Government has contracts.

But there is more. A most frightening new development is the proposed amendment to the Armed Services Procurement Regulation under which it appears that the Government will give up what little control it now exercises over independent research and development. It would throw in the towel completely. Under the proposed revision a straight formula for the payment of I.R. & D. costs would be substituted for the present policy of limited acceptance of such costs. What is more, the revision would eliminate any existing requirements that I.R. & D. projects bear any relationship to Government product lines.

Upon discovering these astonishing facts about independent research and development—I.R. & D.—my first question was, just what is independent research and development? I found, first of all, that it is totally unrelated to what is otherwise called research and development. Also, the term has both a general and a specific meaning. Independent research and development, as used in its general sense, includes three types of related technical effort. The first is independent research and development, a specific type of technical effort undertaken by a contractor without a Government contract. Second is bidding and proposal—B. & P.—expense. Third is a category known as other technical effort—OTE. These three collectively are referred to as independent research and development. If this seems confusing, the reason is that the types of technical effort involved in each category are very similar, so similar that many experts consider the differences between the three categories to be only a matter of opinion.

Mr. President, I was so disturbed when I learned all of these details about independent research and development that I proposed an amendment to eliminate these expenditures. Upon conferring with both the distinguished Senator from New Hampshire (Mr. MCINTYRE) and the distinguished chairman of the Armed Services Committee (Mr. STENNIS), we decided that since large sums of money were involved, the best course of action would be to place a ceiling of $468 million on these expenditures for this year. We also agreed that this matter needs further study and that I would introduce a bill later calling for the elimination of the program which would provide the basis for extensive hearings to be conducted by the Armed Services Committee. In all of these, the Senate unanimously agreed and expenditures for I.R. & D. were cut by one-fifth of the amount that would have been allocated for such expenses this year in the military authorization bill.

Today, I am introducing a bill which would bring the independent research and development policies of the Department of Defense and the National Aeronautics and Space Administration into line with the policy of the Atomic Energy Commission. Essentially the bill would prohibit payment to any contractor for I.R. & D., B. & P., or OTE unless such effort was specifically called for in the contract, or unless such work is of direct or indirect benefit to the contract work.

To understand the purpose of this bill, it is necessary that we achieve a full understanding of independent research and development and those elements which it includes. One essential characteristic of all three costs is that the Government does not contract for the work. In effect, the Defense Department is presented a bill for services rendered which it never specifically requested. Of crucial importance is the fact that none of the work included in these three categories has to be directed toward the completion of Defense Department or even Government contract work. It can be, and often is, totally unrelated to either Defense Department or Government business. In this respect, it is fundamentally different from regular research and development which must be directed toward the completion of Government contract work. This is a crucial difference between the two programs. I.R. & D. is not contracted for.

Under I.R. & D. programs, the contractor, and not the Government, decides what type of work will be done, whether it will be related to Government or commercial business, and how much will be spent. Thus, unlike regular research and development, independent research and development is not controlled or specifically directed by the Government. The Government accepts independent research and development purely as an overhead cost. It is written off, and reimbursed by the Government, as a normal cost of doing business, whether or not that business is Government business.

DIFFERENCES IN GOVERNMENT HANDLING OF I.R. & D. COSTS

Although, as I have already stated, the type of technical effort involved in all three categories, independent research and development, bidding and proposal expenses, and other technical effort, is very similar, there are some critical differences in the way the Government handles each category.

The differences as to how the Government handles I.R. & D. as it is narrowly defined have already been explained. The second category, namely, bidding and proposal expenses, are by definition those costs involved in preparing bids and proposals for not only the Government, but commercial contracts as well. Unlike I.R. & D. costs which are subject to limited acceptance, bidding and proposal expenses are not subject to even these minor limitations. Although the types of costs involved are very similar to I.R. & D. costs, the Government normally pays 100 percent of those costs the contractor decides to call bidding and proposal expenses.

This practice has even provided an incentive for contractors to classify the narrowly defined I.R. & D. efforts as bidding and proposal expenses to insure their acceptability. The full significance of this practice will become clear shortly.

OTHER TECHNICAL EFFORT

Like bidding and proposal expenses, other technical costs are normally underwritten 100 percent by the Government. These too, are closely related to I.R. & D. work. Yet, despite repeated efforts, I have been unable to obtain a clear definition of other technical effort. No one seems to be able to define this category. Yet the Government normally accepts 100 percent of the costs labeled "OTE" by the contractor. Since no one can precisely define other technical effort, no one can say what should, or should not, be included under this expense item. This is truly the contractor's dream: Since the Government itself is not sure what "OTE" is, it simply allows, generally without any limitation, those costs labeled "OTE" by the contractor. What a way to run a railroad.

The outstanding characteristic about the entire I.R. & D. program is the almost total lack of Government control over these expenditures. Supporters of the program confidently assure the public that because of the use of advance agreements, in which the Government agrees to the amount of I.R. & D. work it will finance, and because of the use of frequent technical evaluations, I.R. & D. work will be valuable to the Government. They also state that this insures that the cost will be reasonable. A careful evaluation of these two forms of alleged control leads one to quite different conclusions.

CONDITIONS NOT FULFILLED

Advance agreements negotiated between the Government and the contractor before the work on an I.R. & D. program starts are intended to limit the amount of I.R. & D. costs which the Government will pay. They are also intended to provide the Government with information on the contractor's I.R. & D. program in order that a judgment can be made as to the value of the I.R. & D. projects to the Government. Unfortunately, neither of these requirements have been fulfilled in recent years.

A special U.S. Army audit of the I.R. & D. work of 28 major Government contractors revealed the following concerning the use of advance agreements:

First, in many cases, advance agreements have never been entered into, even though the circumstances warrant such agreements.

Second, most have not contained cost-sharing arrangements, and accordingly, a contractor has no incentive to carefully manage costs.

Third, most are entered into after-the-fact and accordingly, the very problems the agreements attempt to avoid have been present during subsequent negotiations.

AGREEMENTS AFTER THE FACT

Concerning the failure to negotiate advance agreements prior to cost incurrence, a special GAO study of all advance agreements negotiated by DOD for 1966 found that only 38 percent of them had been established in advance of cost incurrence. One firm studied had not completed an advance agreement before starting I.R. & D. work since 1962. The Army audit study declared:

> In fact, in most instances the agreements were consummated after the fact and in some instances as much as a year or two after the incurrence of the costs.

Quoting the Army audit report again:

> At one contractor I.R. & D. costs rose from $145,000 a year to over $1.8 million in just five years. Despite the significant increase, a substantial amount of these costs continued to be allocated to Government work without benefit of any advance agreement whatsoever.

At another contractor whose identified I.R. & D. approximated $8 million a year, there were no advance agreements at all for I.R. & D. work done from September 1961 to September 1964. During this period the Government continued to pay for I.R. & D. work it had never even reviewed, much less approved.

What is even more astonishing is that the present regulations actually encourage contractors not to negotiate advance agreements. The Armed Services Board of Contract Appeals ruled on August 8, 1967, that even if there is no advance agreement the DOD is still authorized to allow up to 100 percent of a contractor's I.R. & D. costs.

PROVISIONS OF AGREEMENTS NOT FOLLOWED

Even where advance agreements have been entered into, contractors have frequently completely ignored the provisions of the agreement and have done whatever they wished. Quoting the Army audit report once again:

> Our audits disclosed that contractor's performance under I.R. & D. agreements did not follow proposed plans in the areas of technical performance, cost, and in the assignment of key personnel. As a result, the Government's objectives for entering into I.R. & D. advance agreements with contractors were *not* attained.

Contractors' brochures describing the proposed I.R. & D. work to be undertaken are important if the Government

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is to have any control over the type of work being done and its value to the Government. Yet, contractors have consistently ignored the plans contained in their own brochures and started entirely different projects. The Army found numerous cases where this had occurred. One contractor whose work was studied added over $400,000 of new programs which were not included in the original brochure presentation, or considered during the negotiations of the advanced agreement. The same contractor, although originally budgeting only $35,000 for a particular project actually spent over $118,000 for the program. Another contractor in the Army study had a cost overrun of 85 percent on a particular project while spending only 40 percent of the budgeted amount on another project. When the auditor attempted to obtain the details about these overruns and underruns, the contractor stated he was not required to furnish such data to the Government.

In one case studied by the Army a contractor either did not start or substitute for 75 percent of the projects presented in the original brochure which had been used to evaluate the contractor's I.R. & D. program. Of the 29 original I.R. & D. projects listed by the contractor, with an estimated cost of $2.6 million, nine projects were never undertaken while 13 new projects which were not in the approved program were later started. These cost almost half a million dollars. Despite this flagrant abuse of the original agreement, the Government still paid for the entire program. Thus, the Government ended up paying for a program which was almost entirely different from the one originally approved. This, despite the fact that the original program had been rated only "average" as far as its benefits to Government interests.

In another case studied the contractor's brochure emphasized the qualifications of those technical personnel who would perform the I.R. & D. work. The Army representative stated that these personnel profiles were given significant weight in his evaluation of the program. After approval of the program, the contractor substituted inexperienced personnel for those listed in the original brochure. Of the new personnel assigned to the work, six had no previous experience at all, while four had graduated only 2 years before. The Government was never consulted before these personnel changes were made. The Government paid for the entire project.

TECHNICAL EVALUATIONS NOT EFFECTIVE

The second major argument used by supporters of the I.R. & D. program is that frequent technical evaluations of contractor I.R. & D. projects insures their value to the Government. Once again the facts lead one to a very different conclusion.

The Army audit report made the following conclusions concerning the effectiveness of technical evaluations:

> Our review disclosed that members representing the three armed services were performing evaluations independently and were not functioning as a committee as prescribed in the Department of Defense instructions. Thus, the intent of bringing the full weight of available Government technical and scientific knowledge to bear on the evaluation of the proposed IR&D program is not being accomplished. This has resulted in an inconsistency of ratings submitted by individual technical evaluators.

Just how thorough the technical evaluators were is indicated by the Army audit report:

> In some instances, the report contained only an overall contractor appraisal regarding its status of operations, reputation, competence, etc. We were informed that the ratings were supposed to be indicative of the potential degree of benefit of the programs to the Government. However, there was no information in these reports which would give guidance as to what percentage of the cost should be supported by the Government.

Just how careful the technical evaluators are in their work is shown by the following comment from one Navy investigator:

> I believe that as long as a "creative atmosphere" is maintained, the IR&D project is justified.

A special GAO study confirmed the Army audit conclusions:

> We found that the Government laboratories (which do the evaluations of contractor IR&D work for the government) do not usually devote much time to technical evaluation.

DUPLICATION OF REGULAR RESEARCH AND DEVELOPMENT EFFORTS

One of the most important functions of these technical evaluations is to prevent duplication of effort between individual contractors, and more important, duplication of regularly contracted R. & D. work. Despite the fact that the Government invests almost $8 billion a year in regular R. & D., the facts show that very little is being done to make sure that I.R. & D. does not duplicate regular research and development done under Government contracts.

The Army audit reported that no systematic records of contractor I.R. & D. effort are kept. According to the report:

> As a result, there are no means of avoiding underwriting an IR&D program when another contractor has already effected a break through, and may be operating in the same area under a regular government sponsored R&D contract.

The Army audit further points out that:

> It is also conceivable, under the present procedures, that unknowingly one of the military services is supporting a program which was previously supported by another service and was abandoned.

The GAO study found that most technical evaluators do not even make an effort to avoid duplication of I.R. & D. programs with regularly contracted R. & D. work. To quote the study:

> Army laboratory personnel that we contacted were aware of only one case in which laboratory work had been specifically redirected because of contractor IR&D studies. Although Army laboratory personnel are now required to report duplication of research effort to the Army ASPSC member, no such requirements exist in either the Air Force or the Navy.

Thus almost no effort is made to insure that the Government is not spending millions for I.R. & D. work which duplicates existing or previous research and development done under Government contracts.

I.R. & D. EXPENDITURES OUT OF CONTROL

Mr. President, the almost total lack of Government control over I.R. & D. expenditures is absolutely unjustified. Just how serious this problem is, is indicated by a recent Department of Defense audit covering 94 of the Department's major contractors. From a total of $459 million in 1963, I.R. & D. and related costs have skyrocketed to $685 million in 1968. Although sales by these 94 contractors to the Department of Defense have increased by only 28 percent between 1963 and 1968—$17,916,000,000 to $22,875,000,000—the amount of I.R. & D. and related costs reimbursed by the Government for the same period to these contractors has increased almost 50 percent—49.2 percent. Thus I.R. & D. costs reimbursed by the Government rose almost twice as fast as the increase in sales to the Department of Defense.

I.R. & D. WORK UNRELATED TO GOVERNMENT NEEDS

The most disturbing fact about the entire I.R. & D. program is that much of the work done is unrelated to Government and military contract needs. Increasingly I.R. & D. work is being directed toward the promotion of commercial business and toward the solution of domestic problems unrelated to military contracts. Current armed services procurement regulations state that an I.R. & D. project, to be acceptable, "must be related to the product lines for which the Government has contracts." Unfortunately the interpretation of the term "product lines" has never been clear. The term has been construed so broadly that almost anything has been accepted.

One method which contractors have used to insure acceptance of questionable I.R. & D. projects has been to classify expenses relating to these projects as bidding and proposal expenses. As stated earlier, the types of costs involved in these categories are quite similar, and it is often difficult to differentiate between I.R. & D. expenses and bidding and proposal costs. There is one very crucial difference between I.R. & D. and B. & P., however. Unlike I.R. & D. costs, bidding and proposal costs are underwritten 100 percent by the Government. This fact has provided an incentive to contractors to classify I.R. & D. efforts which they know would never be accepted, as bidding and proposal expenses which are not questioned. What is more, it is almost impossible to challenge projects included under B. & P. expenses since according to the Army audit study:

> The various types of technical effort are so similar that separate identification is almost a matter of opinion.

For example, the bid and proposal expenses of one large military contractor increased 263 percent from 1961 to 1963 while the sales volume of the contractor increased by only 36 percent. Thus the contractor's bid and proposal expenses rose almost 7 times as fast as his increase in sales. Additionally, this same contractor projected for 1964 a figure in

excess of 50 percent over the 1963 figure, while forecasting a decrease in sales volume for the same period.

The Army audit's analysis of another contractor's recorded bidding expenses for a 10-month period showed a total of almost $400,000 which actually represented independent research and development work out of a total reported $1,083,000. The Army found that the contractor had spent almost $190,000 for development of a new type of command reconnaissance vehicle which originally had been budgeted for only $10,000. The additional $180,000 of unsolicited work was charged off to bid and proposal expenses, and was completely paid by the Government.

The most flagrant examples of abuse, however, are found in the practices of the very largest of military contractors. In a report prepared by the Comptroller General released in 1967, it was reported that at least half of the $3.8 million of B. & P. expenses claimed by one of the largest Government contractors "were either similar to independent research and development costs or were not, in our opinion, clearly necessary to support the contractor's bids and proposals." According to the study the items in question were costs incurred, first, after the Government indicated it was not interested in the proposal; second, before the time a request for proposal was received; third, after a bid or proposal had been presented to the potential customer; and, fourth, to develop capability to respond to future anticipated requests for proposals.

In one case this contractor undertook an analysis and commentary on a proposal prepared by Eurospace, a private nonprofit organization set up to promote space activities in Europe. The contractor, as a corresponding member had been invited to undertake the study. The contractor charged the costs of the study to bid and proposal expense and ultimately allocated these costs to U.S. Government contracts. The contractor attempted to justify the work by showing that the purpose was to establish a capability for future participation in new program areas. As such they were totally unrelated to any Government work being done by the contractor.

This same contractor claimed almost a quarter of a million dollars for studies pursued on three different projects after it had been notified the Government was not interested in its proposals. These costs were charged to B. & P. expenses.

In another case, this same contractor continued work on an advanced orbital proposal after it had been notified that funds were not available for this program, and that the Government was no longer interested in the proposal. Almost $21,000 was paid by the Government for work it had specifically requested it did not want done.

As I stated earlier many times a contractor will charge I.R. & D. projects of very questionable value to the Government to bid and proposal expenses. This is particularly true when the Government has imposed a ceiling on I.R. & D. expenses which it will accept. The Army audit study reported one instance where a contractor undertook research on the extraction of water from rocks. Quoting the Army audit report:

> We feel that this effort should have been charged to IR&D. However, since the contractor's IR&D costs had already reached the ceiling limitation, had the cost of this effort been included in IR&D, the amount would have been unallowable as an excess over ceiling. By classifying these costs as B&P expenses, the contractor avoids any form of government review of the project and insured its acceptability.

At a major space contractor studied by the Army Audit Agency whose workload was practically 100-percent Government, over 50 percent of its unsponsored technical effort were included in other cost classifications such as conceptual studies, technical operations, and so forth. In the opinion of the Army Audit Agency most of the work should have been classified as I.R. & D. Yet these programs were not submitted to the Government for review and evaluation even though the costs were allocated to Government contracts.

NEED FOR A CHANGE

It is clear from these examples that the Government is supporting a great deal more I.R. & D. work than reported figures would indicate. What is more, it is supporting work it has no knowledge of, has never reviewed, much less approved.

Mr. President, the record of the I.R. & D. program has not been good. Not only is the I.R. & D. program running out of control, but much of the work being performed is either duplicating regular R. & D. efforts, or is of little value to the Government. Despite repeated requests, the Department of Defense and NASA have failed to tighten up on I.R. & D. funding principles. The need for major revisions in the I.R. & D. program are clear.

The simple fact is that much of the research being done is both unrelated to the mission of the agency and of little or no value to the Government. Just saying that any research, related or unrelated to the agency's mission or to the Government needs, is good can no longer be tolerated.

The Government can no longer accept vague promises when it spends the taxpayer's money. It must be assured that the purpose of the project undertaken is of value to the agency. Only by limiting R. & D. to work that is related to the mission of the agency can we accomplish this goal. We must restore the fundamental principle to our R. & D. effort that the Government will pay for only that work which it requests and which it needs. The Departments must know what they are paying for. They must know in advance.

The abuses of these fundamental funding principles under the present system can no longer be tolerated. The money which is being wasted on unneeded I.R. & D. is needed badly elsewhere.

The Government has spent over $3 billion on I.R. & D. in the last 6 years. Last year alone, the Government spent over three times the amount on the I.R. & D. program that it spent on Federal pollution control efforts. The question which must be answered is, Did we get our money's worth? How many valuable projects have actually come out of contractor I.R. & D. programs? More important, could the same amount of value have been obtained at much less expense through the normal research and development program? Unless supporters of the I.R. & D. program can show projects worth the expenditure of over $3 billion, the program should be stopped.

Mr. President, there is no question that research is needed if the country is to maintain its position of technological superiority. However, before the Government pays for such research it has the obligation to know the purpose of what it is paying for. Blind faith that something good will come out of it is not enough. We do not have money to throw down dark alleys merely in the hope we can produce a few rays of light at the other end. There are too many urgent needs in the country for us to spend money frivolously. I.R. & D. supports neither specific research nor fundamental research. It is little more than a bonanza for the fortunate.

It is for these reasons that I am introducing today a bill which will insure money spent for independent research and development by the Department of Defense or NASA will be related to the mission of the agency. It will also bring the future I.R. & D. policies of the Department of Defense and NASA into line with those policies of the Atomic Energy Commission, thus eliminating many of the problems caused by lack of a uniform Government policy.

It will provide proper controls over independent research and development expenditures. The Government will know what it is buying and will pay for that which it wants and needs. Research unrelated to the Department needs will not be supported. That is a legitimate expense of the companies.

Mr. President, let me also make it very clear that this bill will not prevent the Department of Defense from funding certain valuable I.R. & D. projects now being undertaken. The bill is designed to eliminate only those I.R. & D. projects which are of little or no benefit to the agency sponsoring them. The bill will insure that the Government knows what it is supporting, and that the project will be of value. It will guarantee both the taxpayer and the Government the most for his research dollar.

Mr. President, action on the I.R. & D. problem is needed. The need is now urgent. Every Federal dollar spent increases the inflationary danger. Priorities must be established. We are already spending over $8 billion every year for regular research and development. Spending an additional half a billion dollars each year on additional independent research and development simply cannot be justified in the face of so many other crying needs. The Congress can no longer afford to merely pay lipservice to the need to cut spending. The need for action is now. The need for action is urgent. Cutting back on the I.R. & D. program is the first step.

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The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3003), to provide for more effective control over the expenditure of funds by the Department of Defense and the National Aeronautics and Space Administration for independent research and development, and for other purposes, introduced by Mr. Proxmire, was received, read twice by its title, and referred to the Committee on Armed Services.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is it so ordered.

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

AMENDMENT NO. 217

Mr. STEVENS. Mr. President, I call up my amendment, No. 217, offered on behalf of myself and the Senator from Massachusetts (Mr. Kennedy), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record at this point.

The amendment offered by Mr. Stevens is as follows:

At the end of the bill insert the following:

"TITLE IV—ALASKA VILLAGE SAFE WATER FACILITIES

"Sec. 401. The Federal Water Pollution Control Act is amended further by inserting at the end thereof a new section as follows:

"Alaska Village Safe Water Facilities

"SHORT TITLE

"Sec. 23. (a) This section may be cited as the 'Alaska Safe Water Facilities Act'.

"FINDINGS OF FACT

"(b) The Congress hereby finds and declares that—

"(1) in numerous villages in the State of Alaska there are presently no facilities for the provision of safe water and hygienic sewage disposal;

"(2) because of the absence of such water and sewage facilities in such villages and the attendant insanitary conditions stemming from such absence, there is a widespread incidence of sickness and disease which is responsible for serious, and in some instances, permanent impairment or even death to the residents of such villages; and

"(3) it is the responsibility of the Federal Government, in providing for the health and general welfare of Indian and native Alaskan citizens of the United States, to take appropriate measures to protect the lives and health of residents of such villages by enabling them to enjoy the benefits of safe water and hygienic sewage disposal facilities.

"DECLARATION OF POLICY

"(c) It is therefore the policy of this section to establish a special emergency program designed to provide safe water and hygienic sewage disposal facilities in Alaskan villages which presently do not have such facilities.

"PROVISION OF FACILITIES

"(d) (1) In order to provide safe water and hygienic sewage disposal facilities in villages in Alaska which presently do not have such facilities, the Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') is authorized to institute and carry out a program designed to provide for the installation of such safe water and hygienic sewage disposal facilities in Alaskan villages as are necessary to assure that there will be at least one facility for safe water and hygienic sewage disposal in each village.

"(2) (A) Any facility constructed under this subsection shall be available for use by the general public and be housed in a suitable structure, designed to assure year-round use of such facility, and shall include, at a minimum, a source of clean water (such as a well with pumping facilities or utilization of surface water treated so it is safe and healthy for use), shower bath facilities, an adequate means of hygienic sewage disposal, and facilities for the washing of clothes. The building housing any such facility shall, if the Secretary determines it to be feasible and appropriate, also contain suitable quarters to be used as a community health service office.

"(B) The location of any facility constructed under this subsection shall be determined after consultation with the village council (or other comparable governing body) of the village in which such facility is located, as well as with appropriate public agencies (such as, but not limited to, the Alaska State Housing Authority and the Federal Field Committee for Development Planning in Alaska), in order to achieve maximum coordination in public development plans and activities affecting the community in which the facility is to serve.

"(3) (A) The Secretary shall provide for the construction of facilities under this subsection in the most expeditious manner feasible, and is authorized to provide for such construction by contract or through grants to public agencies or private nonprofit organizations, or otherwise. No contribution toward the cost of the construction of a facility will be required from the users thereof.

"(B) Payments of any grants made under this subsection may be made in advance or by way of reimbursement and subject to such conditions as the Secretary may impose to assure that the purposes of this section will be properly carried out.

"(C) In the construction of any facility under this subsection, there shall be utilized to the maximum extent feasible workmen from the village in which such facility is being constructed.

"(4) It shall be the responsibility of the village council (or other comparable village governing body) to maintain and operate the safe water and hygienic sewage disposal facility constructed therein under this subsection, and, upon completion of such facility, the Secretary shall execute such transfers of title as may be necessary to vest complete ownership of such facility in such council or body. The Secretary shall not construct under this subsection any facility in any village unless he first receives satisfactory assurances from the village council (or other comparable governing body) thereof that such council or body will, upon completion of such facility, accept ownership thereof and will accept responsibility for the operation and maintenance thereof.

"(5) For purposes of carrying out the provisions of this subsection, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the next three fiscal years thereafter. Funds appropriated for any fiscal year under this paragraph shall remain available until expended and be utilized for both construction of the facilities and for the engineering and administrative costs necessary to design and plan such construction.

"(e) (1) The Secretary shall conduct through the health aide, in each community wherein there is located a safe water and hygienic sewage disposal facility provided under subsection (d), an appropriate educational and informational program designed to familiarize the residents of such community as to the health advantages to be achieved by their full utilization of such facility.

"(2) Whenever the Secretary determines that the village council (or comparable governing body), which has accepted ownership and responsibility for operation and maintenance of a facility provided under subsection (d), has financial resources which (when combined with the financial assistance available to it from the village, State, or other sources) are less than the amount necessary to enable such council or body properly to operate and maintain such facility, then the Secretary may make grants to such council or body in amounts which (when combined with the amounts available from other sources) will be sufficient to enable such council or body properly to operate and maintain such facility.

"(f) The Secretary of the department actually administering the provisions of this section shall for the fiscal year which ends June 30, 1970, and for each of the succeeding three fiscal years, submit to the Congress a full and complete report of the activities undertaken pursuant to the authority contained in this section, which report shall indicate each of the villages wherein safe water and hygienic sewage disposal facilities under subsection (d) have been established, the extent to which such facilities are being utilized, and the contribution made toward such utilization by the educational and informational program established pursuant to subsection (e) (1). The report of such Secretary for the fiscal year ending June 30, 1970, shall be submitted not later than July 30, 1970, and the report for each of the three succeeding fiscal years shall be submitted not later than the July 30 which immediately follows the close of such fiscal year.

"(g) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each succeeding fiscal year, such sums as may be necessary to carry out the provisions of subsections (e) and (f) of this section.

"(h) In order to prevent duplication of effort and to promote economy of administration, the Secretary shall to the maximum extent feasible utilize the facilities of the Department of Health, Education and Welfare or the facilities of other appropriate

public agencies in the administration of the provisions of this section."

Mr. STEVENS. Mr. President, we have offered this amendment to bring to the attention of the Senate the great problem of pollution in the rural areas of Alaska, particularly in the native and Indian areas.

I accompanied the Senator from Massachusetts (Mr. Kennedy) on his hearings in our State during the early part of this year. As a result of that trip, our staffs collaborated and prepared this amendment to S. 7 as an approach that would be feasible, in our opinion, to deal with the pressing problems in these areas.

In 178 villages, only 8 percent of the homes, as I pointed out yesterday, have any kind of inside sewage or water facilities.

The purpose of the amendment would be to attempt to bring into each village a safe water facility as quickly as possible.

We realize, after our trip through these areas, that it would be impossible, from a financial point of view, to put water and sewage facilities into every one of these village homes, which are substandard, and which we are trying to replace. It would be uneconomical to attempt to put sewage and water facilities into each home, as we would envision replacing the homes under the remote housing program and the Bartlett housing program.

I am indebted to the Senator from Massachusetts for his support and also to the chairman of the committee for his consideration.

I have discussed this matter with the chairman and I understand the position he is prepared to explain in connection with the amendment.

Mr. KENNEDY. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. KENNEDY. During the spring of this year, when the Subcommittee on Indian Education traveled through Alaska, our prime interest and responsibility was to try to review in some detail the educational opportunities, or, more accurately, the lack of educational opportunities, for the native population, Indian as well as Eskimo.

During the three and a half days of extremely comprehensive travel throughout the State of Alaska, in which we were joined by the distinguished Senator from Alaska (Mr. Stevens), the subcommittee was constantly reminded not only of the inadequacy of education, but also of one of the greatest impediments in the pursuit of education; namely, the lack of basic and fundamental sanitary conditions.

This appeared to me as a condition which I never realized could exist in this country of ours, a country which has such extraordinary affluence and wealth. Upon visiting many smaller, and even moderate-sized villages, we found absolutely no kind of sanitary facilities at all. Children were drinking polluted water, and from this contracting a variety of diseases which prohibited their even attending school. Eighty-five percent of the native children there had ear infections, which directly affect their whole learning process. Nearly 15 percent of native children were hospitalized by serious sicknesses last year.

In our conversations with a number of schoolteachers, they pointed out that many of the native children, Eskimo and Indian children, were not learning well because they suffered from hearing deficiencies.

In talking with Public Health officials, we found that the principal reason for their suffering was lack of clean and adequate water supplies. As a result of using polluted water to bathe and wash in, and even drink, they were contracting diseases peculiar to Alaska, particularly the southwestern part of that State.

We could elaborate, and I know the Senator from Alaska (Mr. Stevens) could elaborate, on the details of the conditions we found there, but they were some of the most desperate I have seen, including those in the barrios of Latin America and the hovels of Asia.

It seems to me that an important step which should be made—and could be made—is providing fundamental kinds of sanitary facilities to many of the smaller communities and villages. I think it would go a long way toward permitting these people to live in some kind of human dignity.

I want to say how much I appreciated working with the Senator from Alaska (Mr. Stevens) on this problem. We realized full well we have not had the kinds of extensive hearings on this measure that perhaps a measure of this kind should have; but the reason why we are moving in this way is the emergency nature of the situation. It exists today.

We know that this measure, S. 7, provides us with knowledge from members of the committee who have a profound knowledge and understanding of this kind of legislation. If we do not get action at this time, another year will pass by, and any kind of progress will be interminably delayed. We feel that this is no time for delay.

So we are extremely hopeful that some benefit will come from what I think is an emergency measure. We have seen how the Senate can act in times of emergency, whether it be a hurricane in Louisiana or the tragedy of an earthquake in Alaska. We are talking about a human tragedy which deserves as much expeditious consideration as natural disasters do.

Mr. STEVENS. I thank the Senator from Massachusetts for his comments. One of my colleagues asked yesterday why Alaska, with its new-found wealth, did not finance this program. I would like to point out that this is Federal land. These are villages which are under the supervision of the Bureau of Indian Affairs, and our Public Health Service is responsible for their health. The measure contemplates a working relationship between the Secretary of Interior and the Secretary of Health, Education, and Welfare. There are less than 500 acres of land in private ownership in this area, which is twice the size of California.

The reason why the State cannot move in that area is that it does not own the land. It has no way to get security for the advancement of any funds. There is no way for the State of Alaska to deal with this problem today. The Federal Government has both the title to the land and supervision over the people. They are wards of the Government until there is action taken on the Alaska native land claims settlement bill. This is another reason for the urgency of the matter.

The State is now in a position where it can move ahead and try to improve the lot of the people through better housing conditions, schools, and roads, but until the State has some legal right to do it, we must rely upon the Federal Government. I feel we must move into this area now with a bold program to try to prevent the rapid increase in the death rate.

Yesterday I pointed out that one-fifth of the children in this area die in the first year of their life, and those who survive have a life expectancy of 34½ years. These are most appalling statistics.

Mr. KENNEDY. Mr. President, will the Senator yield on the point of the infant mortality rate?

Mr. STEVENS. I yield.

Mr. KENNEDY. The infant mortality rate for Alaskan native children is the highest of any group in this country.

Mr. STEVENS. It is 10 times higher than any other group.

Mr. KENNEDY. Once again, it can be directly related, I think, as was brought out in our conversations with the Public Health personnel there, to the question of basic and fundamental sanitary conditions. That is one of the prime reasons for that condition, as we heard from the Public Health personnel who were there dealing with this problem and have made many, many surveys of the health problems.

On another point, as the distinguished Senator from Alaska pointed out, these are Federal land areas. I think all of us realize we have additional kinds of responsibility, not only in the field of Indian education, for example, where the Federal Government has had an opportunity and unfortunately has reneged on that responsibility, but in trying to provide the kinds of facilities which are essential to a decent kind of existence.

The statistics given by the Senator from Alaska are most dramatic in terms of human misery. Once again, I think they reinforce the emergency nature of our proposal.

Mr. STEVENS. I thank the Senator. I pointed out that this is not something that is impossible. Each one of the villages has a school run by the Bureau of Indian Affairs, in which the children can use hot and cold running water and showers. The trouble is they go from their 20th century daytime schoolhouse into their stone age home at night. They go into homes which have one room, in which 10 to 20 people live, with no kind of water or sanitary facilities.

There is great difficulty in teaching

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these children who have no continuity in life. They have the highest school dropout rate. They have the lowest attainments in terms of educational levels. And one of the basic problems they face is polluted water. Safe water is one thing we can make available to them now.

I know the chairman of the subcommittee would like to comment on this matter, but first I ask unanimous consent that the amendment we have offered show that it is cosponsored by Senators McGovern, Mondale, Hughes, Williams of New Jersey, Young of North Dakota, Young of Ohio, and Smith of Illinois, who have joined the Senator from Massachusetts and me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STEVENS. I yield first to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be included as a cosponsor of the proposal by the Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I have, as the Senator from Alaska has indicated, discussed this matter with him. May I say at the outset that I sympathize completely with the Senator's objectives, and I compliment the distinguished Senator from Alaska and the distinguished Senator from Massachusetts for developing the facts relative to this situation and bringing them to the attention of the Senate, first at the time this amendment was introduced last spring and then this morning. I think this part of the record is important.

I point out that when the amendment was submitted last spring, on May 20, the committee had already completed its hearings on S. 7, and, indeed, we had already embarked on executive sessions, which stretched from March until late June, undertaking to work out the provisions of the bill which are now pending before us.

We entertained the hope at that time that before this session was ended, we would get to additional hearings on the problems of financing waste treatment plants. So last spring we indicated to the Senator from Alaska that, in connection with those hearings which we hoped to hold, we would have hearings on his amendment, with a view to developing a viable solution to the problem.

Unfortunately, other developments in connection with the funding of waste treatment plants have taken place or are underway in Congress this year. I have high hopes that, with the assistance of the able and distinguished Senator from Louisiana, the funding level can be raised through the appropriations process. For that reason, and in order to submit our efforts on the appropriations process this year, we did not get into the questions of alternative means of funding waste treatment plants; and as a consequence, we have not gotten to hearings on the Senator's proposal.

But because of the obvious merit and urgency of the problem, I have agreed with the Senator to take his amendment to conference, if the Senate approves, for the purpose of bringing it to the attention of the House of Representatives as well as the Senate. I would not predict what the conference result may be, but at the very least, I think, by this procedure we can alert the House of Representatives to the urgency of the problem and lay the basis for further and perhaps more effective consideration by our committee later on.

So I am willing to take this amendment on that basis.

Mr. STEVENS. I thank the Senator for his comments. I am sure that the Senator from Massachusetts and I understand the problem that is involved in the committee's consideration, and we are grateful to the chairman for his comments and his appreciation of the problem and his willingness to work with us to try to solve it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the substitute committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is open to further amendment.

Mr. MUSKIE. Mr. President, yesterday there was some discussion of the oil pollution liability section of S. 7; and in view of the comments made on the insurability of the liabilities set forth in the bill, I should like to briefly to discuss the considerations which led the committee to conclude that the reverse burden of proof—limited negligence concept would not adequately protect the U.S. Government in the event of a catastrophic oil spill.

These provisions in the legislation, Mr. President, sparked a great deal of controversy. A number of representations have been made to members of the Committee on Public Works and other Senators by representatives of the British insurance industry, the international merchant marine, and the American merchant marine, recommending the adoption of negligence liability, with limits of $100 per gross ton or $10 million, whichever is lesser.

I should like briefly to discuss why this concept, which was included in the House passed bill, was not accepted.

The Committee on Public Works did not ignore the need to protect the ability of the United States to transport oil by vessel. It was for precisely this reason that the committee established the limitation of liability at $125 per gross ton, or $14 million, whichever is lesser, for any oil spill which was not the result of negligence or a willful act. It was also for this reason that the committee provided certain exceptions suggested, I might say, by the industry, which, if proved by the owner or operator of the discharging vessel, would relieve the vessel from liability.

In other words, if the owner cleans up the spill and is later able to prove that the discharge was caused solely by one of the four exceptions which the committee included in the bill, the U.S. Government will reimburse the owner for his costs up to $14 million.

Mr. President, I think it is important, at this point, to suggest some facts relative to the risks which are involved from this kind of spill and discuss the relationship of liability to those risks.

The House bill would limit the liability of a vessel owner or operator to $100 per gross ton or $10,000,000, whichever is lesser. That bill would provide that, regardless of how willful or how negligent the discharge happened to be, the innocent beach owner, the innocent boatowner, or the innocent commercial fisherman would have to pay those cleanup costs in excess of $100 per gross ton of the discharging vessel even though that beach owner, that fisherman, that boatowner had absolutely no responsibility for the spill.

Mr. President, this approach would greatly reduce the capacity of the United States to collect cleanup costs for the discharge of oil from a major supertanker. Today, $100 per gross ton would provide maximum liability coverage for a 100,000-gross-ton vessel. However, we are approaching the era of the supertanker. The recent success of the tanker *Manhattan* in breaching the Northwest Passage for commercial purposes will cause construction of immense supertankers which will transport oil from Alaska's north slope to the east coast of the United States. Already one oil company has ordered two supertankers to move oil from the north slope of Alaska to California.

If the committee's figures are accurate and they were almost all supplied by the oil companies and the insurance industry, a disaster on the order of the *Torrey Canyon*, in which the vessel was lost, cost approximately $118 per gross ton to clean up based on the settlement figures.

If a 200,000 gross ton tanker were to break up off the coast of the United States and if the cost of cleanup were to be only $118 per gross ton, the cost to the United States would be $23.6 million. Under H.R. 4148, the United States would be out of pocket $13.6 million even if negligence was proved. Under the legislation proposed by the committee the major oil company which will own that supertanker would be liable for the entire cost of cleanup if the U.S. Government were able to prove negligence. If that discharge occurred without fault on the part of the discharging vessel, the oil company would be liable for a maximum of $14 million. If the oil company owning the vessel could prove that the discharge was solely the result of an act of God, an act of war, an act of third party or an act of U.S. Government negligence there will be no liability whatsoever. In fact, if the oil company which owned the vessel cleaned up the spill and later proved that the discharge was a result of one of the exceptions that oil company could be reimbursed by the United States for the cost of cleanup.

Mr. President, in a matter of equity as between the discharging vessel and

the American public, I have to choose for the American public. I firmly adhere to the position taken by the committee that the negligence on the part of anyone involved in the operation of the vessel should remove liability limits and the cost of cleanup should be borne by the vessel, not the innocent beach owner, fisherman or boatowner.

I ask unanimous consent that there be included in the Record at this point a letter commenting on the liability provisions of S. 7, from Allan I. Mendelsohn.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Washington, D.C.,
September 26, 1969.

Senator Edmund S. Muskie,
Old Senate Office Building,
Washington, D.C.

Dear Senator Muskie: In a recent New York Times article, George Horne described several of the current efforts by the British marine underwriters, joined by the American shipowners, to oppose your legislation revising and modernizing the archaic limitations of liability that have up to the present time protected foreign and U.S. flag tanker owners in the event of oil spills causing extensive pollution damage to the beaches and sea coasts of this country.

As a former treaty negotiator for the United States Government on this and similar limitation subjects and as former Chairman of the joint United States Government-industry committee on international maritime law, I believe I might be of some help to you in presenting the other and public side of this controversy.

The British marine insurers, together with the American flag shipowners, have traditionally and consistently opposed every effort, domestic as well as international, to raise the archaic United States limitations of shipowner liability up to realistic amounts. It is scandalous that, by reason of the limitations of liability enacted by the United States Congress in 1851, a Torrey Canyon disaster occurring off the coast of Miami or Cape Cod would result in *no* recoveries for the American citizens whose fishing, wildlife, hotel and beachfront interests are seriously damaged. It is even more scandalous that if the 1851 limitation law, as amended in 1936, is applied to the survivors of the 90 victims of the 1965 Yarmouth Castle disaster, no survivor would recover more than $2,700 per victim.

Yet, each time some effort is made to modernize these limits, the marine insurers and the shipowners join together in opposition. As is the case with your bill, one of their usual arguments is that the capacity of the insurance market is incapable of meeting the risks that could be involved if high limits are adopted. In short, the marine insurance market does not have enough money or enough avenues by which this money can be obtained.

But this argument is plainly inadequate. I do not believe it is necessary, in this respect, again to point your attention to the many inconsistencies that appeared in the testimony of the British insurers on the several occasions they testified before your Committee. In an article to be published in next month's issue of the George Washington University Law Review, I describe and analyze these inconsistencies in some detail, pointing up how their testimony changed in each of the successive hearings held by the House Committees and your Subcommittee. Suffice it to say now, however, that each time they appeared, market capacity seemed to shrink and costs seemed to increase finally to the point even of doubling for halved limits.

For my part, I have no doubt whatever that if your bill were to pass with *no* limitations of liability much less the limitations now proposed in your bill, the marine insurance industry would find the necessary market capacity within at most a 6 month period—if only to be able to continue today's lucrative oil tanker trade. One need only mention, in this respect, that when limitations of liability for international airline crashes were raised in 1966 from $8,300 to $75,000, the international aviation insurance market discovered the capacity almost overnight even though prior to the event they too had argued, like the marine underwriters today, that the capacity was not there. In domestic aviation, where there are no limitations of liability the U.S. airlines are presently gearing up for potential liability, with the new 747 jumbo jets, of upwards of $100 million per aircraft per accident. Yet the British marine underwriters can argue that their market cannot absorb even a limit as low as $15 million.

Moreover, one questions the role of the oil companies in this controversy. It is a fact that 7 major American oil companies own almost half of the total tanker tonnage operating under the American flag. It is also a fact that the 7 oil companies operating the largest amounts of American flag tanker tonnage also happen to be among the 9 oil companies enjoying the largest allocations under this country's oil import quota system. It is still further a fact that the oil companies and tanker owners have realized immense savings with the introduction of the giant tankers ranging anywhere from 200,000 to 500,000 dead weight tons. A 200,000 ton tanker alone can carry upwards of roughly 55,000,000 gallons of crude oil. Certainly, with the profits realized through these automated and, indeed, subsidized (by way of the import quota system) operations, oil should and must be expected to pay its way by assuring that the insurance market capacity is in fact adequate. For if the oil tanker and oil industry do not pay their way, that way will necessarily be paid through lower, inadequate recoveries by private American citizens who fall victim to future pollution disasters.

To be sure, I am not enamored of all the provisions of your bill. For example, I fail to see why, if there is to be a limit at all, there should be any exceptions to liability. Under modern legal principles, such as exist in international air law today, a limitation may be accorded to the carrier but only in return for that carrier's accepting absolute liability. If a carrier can avoid liability by proving, for example, that the accident resulted not from his fault but rather from acts of God, war, or third parties (the present exceptions in your bill), then, failing such proof, he should be entitled to no limitations of liability and thus be liable for damages in full. This latter situation prevails today in domestic United States aviation. Yet, in your bill, the carrier enjoys the exceptions but still has a limited liability. Moreover, even if absolute liability is adopted, I fail to see any persuasive reason why an overall ceiling must be included. It is enough to provide only a per ton limit and, indeed, I might add that this was the system that appeared in your Committee Print No. 3. To change that system by incorporating an overall ceiling of $10 million or $14 million does no more than protect the largest tanker owners who presumably need this protection the least.

Moreover, the most significant failing of your bill is that it covers only clean-up costs of government and does not at all change the repressive 1851 limitations as they apply to suits by private citizens. I realize, of course, that this failing is not of your doing and that you, together with the members of your Committee, would have preferred to have broadened the bill but were unable to under the circumstances.

But with all these defects in the bill, it still remains the first major and long overdue breakthrough in this country's maritime limitation law. If the British insurers, the oil industry, and the American shipowners succeed, by imposing their groundless apprehensions on you, in blocking the passage of even this first step of progress, I fear for the consequences to the American public in all of the future steps of progress that are so necessary in our maritime limitation law.

It is for these reasons and despite its defects that I vigorously support your bill and offer you my assistance in any way towards its enactment. The only compromise that should be acceptable—and one that I would personally prefer—is an unbreakable limit (notwithstanding negligence or willful misconduct) of $150 per ton, no overall limit, and a system of absolute liability with only one exception, namely, the unique case where the Government itself causes or contributes to the causing of the accident. Adoption of such a system would be fully in accord with modern tort law principles which predicate liability not on grounds of fault or negligence but on ability to absorb and distribute risk.

Perhaps in view of the present circumstances, the various concerned industries might be more prone to accept this proposed compromise system than the one presently in your bill. If so, this system, with all of its legal and practical advantages in offering certainty and avoiding litigation, should be adopted. But if not, your bill is the next best alternative and, despite the objections traditionally heard from the insurers and shipowners, it should be enacted forthwith.

Sincerely yours,

Allan I. Mendelsohn.

Mr. BAKER. Mr. President, I fully concur with the distinguished chairman of the subcommittee in his description of the liability provisions of S. 7; particularly the position that in the final analysis the provisions of S. 7 establish the principle that as between the public and an owner or operator, the owner or operator shall bear expenses associated with cleanup.

I would like to add only a few points.

A paramount concern of the committee is a desire to apply a uniform standard of liability. To do so it was necessary to adopt an approach that would enable the relevant courts to decide issues of liability with as little reference as possible to State law. Consequently, the committee adopted a standard of liability that would give complete and sufficient guidance to the Federal courts in deciding basic issues. The only deviation from this pattern is where an exception is made from limitation of liability where the United States can prove negligence. In considering an allegation by the United States of such negligence, the Federal court, of course, would refer to relevant State law.

The basic liability standard, however, avoids immediate reference to State law by adopting liability in the nature of absolute liability, then providing exceptions from this liability where an owner or operator can prove that a particular discharge was caused solely by an act of war, act of God, or negligent act of the Government or the act of a third party. It is hoped that the exceptions are sufficiently clear in the bill so that, along with the report language, a Federal court will be able to decide the issue of liability with a minimum reference to State

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law and thus achieve as close to a uniformly applied standard as is possible.

The bill defines an act of God to mean an act occasioned exclusively by violence of nature without the interference of human agency. This does not mean, therefore, a common law or statutory definition of act of God that exists under State law. This language provides a higher standard, and one that means a violent act of nature that could not have been avoided by the exercise of foresight and prudence. In the words of the testimony of the American Petroleum Institute this would include an event such as an earthquake or tidal wave in an area without any prerecorded history of such event.

The remaining exceptions are clear on their face and should enable a Federal district or other court to determine all issues with little reference to State law.

S. 7 has been written to avoid a full range of controversy that is inherent in any reference in a statute to burden of proof or prima facie case. The record should show that there is no such thing as a simple reversal of the burden of proof, and as responsible legislators we should avoid such a procedural trap.

If we used language of burden of proof we could not describe what burden we are talking about for such matters are properly matters of State law. To use such language, therefore, would raise the same problems we are attempting to avoid in refraining from using negligence as the basic test of liability.

Burden of proof is a variously defined concept. It can mean the burden of going forward with the proof, or the burden which disappears with any proof to the contrary or one that requires substantial proof to overcome the presumption, or even an irrebuttable presumption.

If we get into the procedural aspects of presumptions and reversal thereof, it seems to me we have sown the seeds of very extensive litigation.

That there is in fact the manner in which burden of proof language would be interpreted let me quote from a brief filed by the Maritime Law Association on this very point:

> Further, the liabilities imposed by the two bills are comparable neither in theory nor application. The *prima facie* case established in Section 17(e) (2) of H.R. 4148 would be satisfied by proving that one's acts or omissions did not proximately cause the damage. This initial *burden of evidence* being satisfied, the plaintiff Government, as other plaintiffs, would properly proceed with its *burden of proof* as to the proximate cause of a spill.

It is exactly this procedural quagmire we seek to avoid in S. 7.

Mr. President, a question has been raised concerning the applicability of cleanup liability provisions to facilities to receive supertankers currently being designed and constructed beyond 3 miles of the coast of the United States.

It is my understanding, and I think shared by members of the Committee on Public Works that to the extent liability is not established by other provisions of law the liability established by this act shall apply if any essential part of such facility, such as a pipeline, passes through the navigable waters of the United States. Under the definition of on or offshore facilities of section 12(a) (11) a facility includes "related appurtenances." As used in that definition "related appurtenances" should not be interpreted as meaning only those appurtenances occurring in the navigable waters but to include all essential parts of a particular facility no matter where located. Therefore, a terminal facility beyond 3 miles that has the pipeline or other necessary part passing through the navigable waters can be included in the liability provisions of S. 7.

Mr. MUSKIE. Mr. President, I send to the desk an amendment in the nature of a substitute to title II of S. 7.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered, and the amendment will be printed in the RECORD.

The amendment in the nature of a substitute for title II is as follows:

On page 74, beginning with line 1, strike out all through line 21 on page 80, and insert in lieu thereof the following:

"TITLE II—ENVIRONMENTAL QUALITY

"SEC. 201. This title may be cited as the 'Environmental Quality Improvement Act of 1969'.

"FINDINGS, DECLARATIONS, AND PURPOSES

"SEC. 202. (a) The Congress finds—

"(1) that in the pursuit of social and economic advancement man has caused changes in the environment;

"(2) that the degree of such changes endangers a harmonious relationship between man and his environment;

"(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment, increasing the severity of the physical, social, psychological, and economic problems of our society; and

"(4) that changes in the environment should be restricted, insofar as possible, to avoid adverse effects on man, other species and the environment itself.

"(b) The Congress declares that there is a national policy for the enviornment ennunciated in laws relating to air, water and land pollution which—

"(1) provides for the enhancement of the quality of our air, water, and land environment;

"(2) recognizes the primary responsibility for implementation of this policy rests with State and local governments; and

"(3) encourages and supports implementation of this policy through appropriate regional organizations.

"(c) The purposes of this title are—

"(1) to assure that each Federal department or agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law and by the President pursuant to this title; and

"(2) to authorize and to provide staff for an Office of Environmental Quality.

"OFFICE OF ENVIRONMENTAL QUALITY

"SEC. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (herein referred to as the "Office"). There shall be in the Office a Director and a Deputy Director who shall be appointed by the President, by and with theadvice and consent of the Senate.

"(b) The compensation of the Director and the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director and the Deputy Director of the Bureau of the Budget.

"(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this title.

"(d) In carrying out the provisions of this section the Director shall—

"(1) provide assistance to the President on policies and programs of the Federal Government, including review of existing and proposed projects, facilities and activities, which affect environmental quality, and recommended priorities thereon;

"(2) provide staff and support for any board, council or committee established by the President or authorized by the Congress to coordinate Federal activities which affect policies and programs established to protect and enhance environmental quality;

"(3) review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

"(4) promote advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

"(5) assure evaluation of new and changing technologies for their potential effects on the environment prior to their implementation;

"(6) review and comment on the coordination of the programs and activities of Federal departments and agencies which affect, protect, and improve environmental quality;

"(7) review and comment on the development and interrelationship of environmental quality criteria and standards established through the Federal Government; and

"(8) collect, collate, analyze, and interpret data and information on environmental quality and issue reports thereon, as he deems appropriate;

"(9) develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

"(10) establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

"(11) perform such other duties and functions as directed by the President.

"(e) In carrying out the provisions of this section, the Director is authorized to contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) for research and surveys regarding any potential or existing problem of environmental quality.

"EFFECT ON EXISTING AUTHORIZATIONS

"SEC. 204. The policies and goals set forth in this title are supplementary to existing authorizations of Federal agencies.

"AUTHORIZATION

"SEC. 205. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1969, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this title."

Mr. MUSKIE. Mr. President, I will ask for the yeas and nays on the substitute both as an indicator of the Senate's interest in this proposal and as instructions to the Senate conferees to support the agreed-upon compromise language for S. 1075.

The statement I am about to make on title II involves title II of S. 7 and S. 1075, sponsored by the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON). The Senator from Washington (Mr. JACKSON) will make a statement to the same effect, which is the essence of our agreement on these two bills.

The substitute amendment for title II of S. 7 is largely similar to the title as reported by the committee. The justifications as discussed in my remarks and the committee report still exist without modification. The language has been modified to assure minimum of overlap or conflict with the proposed version of S. 1075.

The substance of title II remains the same: all Federal and federally assisted public works projects would be directed to implement environmental policies established by the President and existing air, water, and land pollution laws; and there would be established in the Executive Office of the President, an Office of Environmental Quality to assist the President in review and development of environmental programs and policies.

As revised, title II of S. 7 no longer provides for establishment of advisory committees by the Director of the Office of Environmental Quality, nor is the Director authorized to conduct a biennial forum on environmental problems. Both of these functions would be transferred to S. 1075 as activities more properly conducted by the Board of Environmental Quality Advisers.

As revised, the Office of Environmental Quality would be available to provide staff support to the Board of Environmental Quality Advisers, the President's Council on Environmental Quality and to the President directly.

Also, the Office would carry on certain data collection and analysis functions previously included in S. 1075. This ongoing monitoring function would provide a means of developing needed information to determine potential environmental changes which are caused or could be caused by any activity in which the Federal Government is involved.

The report required under title III of S. 1075 would be transmitted in whole or in part to the committees which traditionally have exercised jurisdiction over the environmental subject matter contained therein. For example, if such a report discusses the problems of air quality, either that section of the report or the report in its entirety would be referred to the Committee on Public Works as well as other committees which might have interest in other portions of the report. This type of distribution to the appropriate congressional committees will provide maximum participation in the development of a meaningful legislative response to the problems posed by this report from the President.

The revisions included in this substitute essentially would clarify the staff role of the Office of Environmental Quality while leaving to Senator JACKSON's proposed Board of Environmental Quality Advisers the function of independent oversight of Federal policies and programs which affect the environment. Because Senator JACKSON will discuss the board's function in some detail. I will confine my remarks to the compromise version of S. 1075 as it relates to title I, the so-called national policy statement.

Mr. President, at this point, I ask unanimous consent that the text of the revised version of S. 1075 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures, subject to review and approval of the Board of Environmental Quality Advisers established by Title III of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any established agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, including those authorized to develop and enforce environmental standards, shall be made available to the President, the Board of Environmental Advisers and to the public as provided by 5 U.S.C. 552 and shall accompany the proposal through the existing agency review processes.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. Nothing in section 102 shall in any way affect the specific statutory obligations of any Federal agency (a) to comply with criteria or standards of environmental quality, (b) to coordinate or consult with any other Federal or State agency, or (c) to act, or refrain from acting contingent

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upon the recommendations or certification of any other Federal or State agency.

Sec. 104. The policies and goals set forth in this Act are supplementary to existing authorizations of Federal agencies.

TITLE II

Sec. 201. To carry out the purposes of this Act, the Board of Environmental Quality Advisers is hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality to the extent that such activities do not overlap or conflict with similar activities authorized by law and performed by established agencies;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes; and

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps.

Sec. 202. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(b) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(c) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(d) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

Sec. 203. There is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

TITLE III

Sec. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

Sec. 302. (a) The primary function of the Board shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board shall carry out its duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

Sec. 303. (a) The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

(b) Such report shall be referred in whole or in part to the committees of each house of the Congress which have exercised jurisdiction over the subject matter contained therein.

Sec. 304. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this title, the Board may from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical sciences, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science, who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Board, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(c) The Board shall organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

Sec. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 305. There are hereby authorized to be appropriated $1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

Mr. MUSKIE. Mr. President, as Senators are aware, the Subcommittee on Air and Water Pollution has been examining specific air, water, and solid waste pollution problems since its creation in 1963. It is worthy of note that the subcommittee has heard over 1,100 witnesses and accumulated 15,877 pages of testimony in the past 6 years on environmental matters. Prior to that time, and as far back as 1899, the Committee on Public Works and its predecessors have initiated or handled pollution control legislation.

The fact that the Nation has a capacity to deal with air pollution, water pollution, and to a lesser extent, solid wastes, is due in a large part to the activities of this subcommittee and the continued, unanimous support of the Committee on Public Works.

The legislation which has been enacted on these subjects is indicative of two important trends in the Nation's concern for the quality of its environment; first, that we are willing to make a commitment of our financial resources to finding and applying solutions to difficult pollution problems; and second, that there is a need for orderly pollution control procedures, both in identifying the extent of control required and in establishing implementation programs.

The philosophy of air and water quality legislation has been first to develop the criteria which indicate the effects of pollutants on the various aspects of the public health and welfare and then to apply available, feasible control technology. This philosophy has been based on two elemental concepts—that only those measures which were designed to enhance air and water quality would be acceptable and that local and State government have the prime responsibility to implement those measures.

It was against this background of study, hearings, discussion and legislation that members of the subcommittee became concerned with the potential interpretation of title I of S. 1075, as passed by the Senate. Section 102(c) of the bill would require every Federal agency to include as a part of any legislative proposal, report on legislation or any major action, which has a significant effect on the quality of the environment, a finding of environmental impact, adverse environmental effects, commitments of resources, and other potential justifications for the legislation or activity.

The concept of self-policing by Federal agencies which pollute or license pollution is contrary to the philosophy and intent of existing environmental quality legislation. In hearing after hearing agencies of the Federal Government have argued that their primary authorization, whether it be maintenance of the navigable waters by the Corps of Engineers or licensing of nuclear powerplants by the Atomic Energy Commission, takes precedence over water quality requirements.

I repeat, these agencies have always emphasized their primary responsibility making environmental considerations secondary in their view.

It is for this reason that the legislation pending before the Senate includes a provision which would require water quality compliance by Federal agencies in both their own activities and the activities in which they are involved. Section 16 of S. 7 would require water quality compliance as a precondition of Federal activities; it would not leave the determination of water quality effects to the polluter. By requiring compliance certification from the water pollution control agency, section 16 would assign policing responsibility to those agencies most qualified to make an environmental decision and not to those committed to carrying out some other function at minimum cost.

The proposed compromise language developed for section 102(c) clearly indicates the extent to which the polluter is involved in determining environmental effects. This language eliminated the requirement that a "finding" be made but provides that environmental impact be discussed as a part of any report on legislation, or any decision to commence a major activity. The requirement that established environmental agencies be consulted and that their comments accompany any such report would place the environmental control responsibility where it should be.

Other provisions of the compromise on S. 1075 include elimination of the requirement that the President designate a lead agency to conduct data collection and make grants to carry out the purposes of the act. To a large extent these functions are either presently delegated to existing agencies or would be carried on by the office of environmental quality.

Mr. President, S. 1075 brings into focus the Senate's continuing concern for the quality of the Nation's environment. S. 1075 focuses attention on an environmental need which is not included in either bill pending before the Senate today and is only covered in part by existing legislation.

The Clean Air Act and the Federal Water Pollution Control Act provided for specific development of criteria which define the impact of water and air pollutants on health and welfare. Pending solid waste legislation would require the same type of systematic analysis of the relationship of pollutants to the land environment.

On the basis of these criteria, standards of environmental quality have been and are being developed. But obviously criteria and standards designed to protect and enhance the quality of our air and water and enhance our ability to deal with our solid wastes in an orderly, efficient, and healthful manner do not provide an effective or orderly manner to consider all forms of environmental degradation. For example, there are no criteria which indicate the various levels of noise which affect the health and welfare of people nor are there criteria on which local or even national esthetic judgments can be based.

We need to begin to focus our attention on developing legislation which will provide for the development of criteria which would indicate the effects of a nuclear test on a wildlife refuge or the effects of development of a permafrost region on the ecology of the area.

We cannot afford to fight out environmental battles on a crisis-by-crisis basis not can we afford to shut down tomorrow on the basis of today's fears. By development of meaningful methods of measurement of environmental impact, through development of standards-setting procedures at the local level, through careful analysis of existing and future land uses, we can begin to order our progress without environmental chaos.

Mr. President, it is in the spirit and with this approach in mind that the distinguished Senator from Washington (Mr. Jackson), the ranking Republican, the distinguished Senator from Colorado (Mr. Allott), the distinguished Senator from Delaware (Mr. Boggs) and myself from the Public Works Committee, as well as the Senator from West Virginia (Mr. Randolph), the chairman of the full committee, have undertaken to resolve our differences with respect to the relationship of S. 7 and S. 1075.

I think that we have succeeded in doing so in a way which does violence to neither and which advances the broad objectives which we both seek to serve.

Mr. JACKSON. Mr. President, I fully agree with the purposes of section 16(c) of S. 7. It is my understanding that there was never any conflict between this section and the provisions of S. 1075. If both bills were enacted in their present form, there would be a requirement for State certification, as well as a requirement that the licensing agency make environmental findings.

The compromise worked out between the bills provides that the licensing agency will not have to make a detailed statement on water quality if the State or other appropriate agency has made a certification pursuant to section 16(c).

Mr. AIKEN. Mr. President, I commend the Senator from Maine for bringing out this bill; it goes a long way toward cleaning up some forms of stream pollution with which we are afflicted. What I particularly wish to ask him is, am I correct in assuming that under the new section 16, all nuclear powerplants are covered, but only some of the conventional fuel powerplants are covered?

Mr. MUSKIE. That is correct. As conventionally fueled powerplants increase in size, they will be increasingly subject to certificate by reason of the need to obtain a permit from the Corps of Engineers for one reason or another.

I think the Senator from Vermont might like me to read into the Record at this point testimony by Mr. Ramey, Commissioner of the Atomic Energy Commission, on this point.

Mr. AIKEN. Yes.

Mr. MUSKIE. This testimony reads as follows:

> We have been informed that a substantial percentage of conventionally fueled plants of the larger sizes—sizes comparable to the currently popular sizes of nuclear plants—need some sort of Federal permission.
>
> For example, we understand from an examination of data developed by the Corps of Engineers that during 1967, 12 conventionally fueled plants over 400 megawatts—electrical—in size went on the line.
>
> Of these 12 relatively large sized plants, eight or 66⅔ percent, required and had secured a Federal permit.
>
> Seven of the plants required a permit from the Corps of Engineers because their construction plans included structures on navigable waters; one plant had intake and outfall structures located on U.S.-owned land and required a permit.
>
> One additional plant was built by the Tennessee Valley Authority and did not require a permit.

This suggests, I think, some of the reasons why the proposed legislation might apply to some of the larger fossil fuel plants but might not apply to all of them.

Mr. AIKEN. I think that is a sound explanation. It is well to go as far as the bill goes in that direction. I am sorry it cannot cover all of the smaller fossil fuel plants.

The real reason I asked the question is that we hear various kinds of propaganda which is designed to alarm the people and cause them to believe that only atomic powerplants create thermal pollution. That, of course, is not true. According to information furnished by the Federal Water Pollution Control Administration there were 10 cases of fish kill caused by discharge from power generating plants during the years 1962 to 1968. Every one of them was from a conventional powerplant. To date, to my knowledge, there has been no case whatever of fish kill being caused by thermal discharges from a nuclear powerplant. I wanted to make that clear.

Yesterday I submitted two amendments in somewhat of a hurry, and they were printed. Upon further study of the situation, I realized that probably the bill which the Senator from Maine is now sponsoring would go as far as it is possible to go legislatively at this time and therefore I will not call up these amendments.

I have one other question. It is about a matter which disturbs me considerably, in that apparently the certification procedure in the bill does not cover all industrial plants. We have had experiences in my State with paper mills, tanneries, and other types of industrial plants which contribute heavily to the pollution of our lakes and rivers. To what extent, if any, will the bill cover that type of pollution?

Mr. MUSKIE. It will cover it in one possible respect and in another clear re-

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spect. To the extent that any large industrial plant might require a permit from the Corps of Engineers because of intrusion upon navigation, that permit will make the industry subject to section 16.

But beyond that, the procedures established by the Water Quality Act of 1965, the Secretary of the Interior is in a position to assume leadership by requiring the setting of standards by the States to deal with thermal pollution from all sources. That authority is on the books. The States are required, under that legislation, to set standards.

I think this Record might be a good place in which to urge the Secretary to use his mandate and begin tightening these standards.

As the Senator from Vermont probably knows, water quality standards have been set pursuant to the Water Quality Act of 1965. We have used the section 16 approach in order to put the Federal Government's house in order. This, we hope, will be followed by the States, in order to enforce their own water quality standards.

Mr. AIKEN. I think some of the Federal agencies can stand some improvement in this respect. The reason why I have raised the question at this time is that there are so many different types of industrial plants which I do not believe are covered.

For a long time there has been a paper mill on the New York side of Lake Champlain. Vermont has, I think, pretty good water quality standard laws. New York has only recently tightened its standards. But before anything was done, probably the lower quarter of Lake Champlain had become so contaminated that the people who live on the Vermont side could not use the water for domestic purposes. Of course, for a long time the Vermont standards were much higher than they were across the lake, in New York.

Now the paper company on the New York side of Lake Champlain is building a very large mill, just up the lake from the old mill. Their representatives have told me that they will use about a thousand cords of hardwood a day. That is a very sizable mill. When the paper company representatives came to see me they told me that they can control, and plan to control the waste and contamination from the mill which would otherwise, as it did from the old mill, have emptied practically untreated into the lake. They now plan to recover the fiber, and possibly the chemicals, and other matter which contribute to pollution. I do not know how far they will go, and I hope they are right. I am watching the situation closely.

The new mill has been granted a license by the Corps of Engineers to construct an intake and outfall pipe into Lake Champlain.

One thing which caused me to be a little apprehensive was that in looking at the plans, I found that the discharge pipe from the paper mill empties on the Vermont side of the lake. I wanted to be sure that this bill could correct a situation like that, in the event that the mill does not control all the population which it will create.

Mr. MUSKIE. These discharges would be controlled by the Water Quality Act and the standards that have been set under that act by both States. If those standards are not adequate, I should think that the appropriate State agencies ought to review and revise them.

Mr. AIKEN. Assuming that the pollution is not controlled and that it is emptied on the Vermont side of the lake or the New York side for that matter, what recourse would Vermont have then? Of course, it is Federal water anyway, but how could the State control any possible pollution? Under the Senator's bill, would the Federal Government enter the picture and require the enforcement of the law?

Mr. MUSKIE. The enforcement provisions of the 1965 act would be applicable.

Mr. AIKEN. I hope the Senator is correct.

Mr. MUSKIE. The bill now before us would not be needed to deal with that situation.

Mr. AIKEN. The paper company officials insists that they will have the situation under control so that the amount of pollution will be almost zero. It will be a great step forward if that is done.

Mr. MUSKIE. The Senator from Vermont and I have had considerable experience with this kind of situation in the past. I think the best point in time at which to make sure is before the plant is built.

Mr. AIKEN. Many of the people of Vermont depend on the water of Lake Champlain for domestic purposes. We have large water systems which draw water from the lake for distribution to many farms and homes.

I shall not insist on offering my amendments because, frankly, I do not know how far the Senator's bill will go. But I hope it will go a long way toward correcting situations which never should be permitted to exist.

Mr. MUSKIE. The bill represents what we believe is a meaningful first step in dealing with thermal as well as other pollution, and we intend to consider future amendments to cover situations included in the Senator's amendments, to the extent they may not now be covered.

Mr. AIKEN. Let me assure the Senator from Maine that I will be delighted to cooperate with him in securing effective legislation.

Mr. MUSKIE. I thank the Senator from Vermont.

Mr. JACKSON. Mr. President, first of all, I compliment the able and distinguished Senator from Maine (Mr. Muskie) for his very fine statement. He has indicated that we have been able to work out the differences—in which I concur—in a way which is satisfactory to both committees. More important, of course, is the fact that this agreement will be extremely helpful in seeing to it that appropriate legislation is enacted in this all-important area of environment administration.

I express my appreciation to the distinguished Senator from Maine, the chairman of the subcommittee, who has been handling these matters. I also want to express my appreciation to the chairman of the full committee, the Senator from West Virginia (Mr. Randolph), who has taken a keen interest in this matter.

We have had a number of discussions on the minority side with the able and distinguished Senator from Colorado (Mr. Allott), the ranking minority member, who has followed all this closely and has been extremely helpful, especially to the chairman of the Committee on Interior and Insular Affairs, in trying to work out an appropriate solution to this problem. I express to him my deep appreciation for his support.

Mr. President, a number of questions have been raised in recent days regarding the relationship between S. 1075, the National Environmental Policy Act of 1969, which was passed by the Senate on July 10 and by the House on September 23, and title II of S. 7, the Water Quality Improvement Act of 1969 now before the Senate.

All of these questions have been carefully considered by the respective chairmen and by other concerned members of the Public Works Committee and the Interior and Insular Affairs Committee.

As a result of a review and a comparison of the two measures it has been agreed that an effort will be made to modify the provisions of title II of S. 7 by offering an amendment in the nature of a substitute. In addition, it has been agreed that the Senate conferees of S. 1075 will seek to have certain changes incorporated into the provisions of S. 1075 when that measure is considered by the conference committee.

The agreement on this matter was made after it was discovered that the Interior Committee and the Senate had acted and that the Senate was about to act upon different, but, in some respects, parallel legislative proposals which involve the creation of new governmental institutions for the overview and administration of Federal programs related to the management of the Nation's environment. This duality of effort by the two committees does not, as I understand it, involve any direct conflict in purpose or intent. Both measures can, however, be improved in some respects by adoption of the agreed-upon changes. For the most part, these changes are designed to insure that duplication of effort does not occur and that congressional directives to the executive branch in the two proposals are consistent.

The proposed changes are reflected in the amendment in the nature of a substitute to title II of S. 7 which has been introduced, and in a copy of S. 1075 which will be printed in the Record when the motion is made later today to disagree to the amendments of the House to S. 1075 and to agree to the conference requested by the House.

Mr. President, this rather unusual procedure is, in part, the outgrowth of some basic and still unresolved questions relating to the jurisdiction of the standing committees of both Houses of the Congress on legislative matters relating to Federal policies on preserving and maintaining the quality of man's environment. The historic committee jurisdiction on routine legislation—air and water pollution legislation, outdoor recreation proposals, minerals policy, rivers and harbors projects, and so forth—has been long established and, insofar as I am aware, is not challenged.

In new and emerging areas of legislative concern, however, the die has not been cast, and many different committees of the Congress have quite properly expressed interest. Examples here include weather modification, national land-use planning, the establishment of policies for the resources of the Outer Continental Shelf, some areas of water resource policy, and policies related to the management of man's environment.

In these areas, jurisdiction is either shared by committees or it has gravitated by the force of precedent to the committee or committees which have actively participated in hearings on the particular subject matter involved.

With respect to legislation related to "pollution control" it is clear that the Public Works Committee has exercised jurisdiction and will continue to have jurisdiction over future proposals related to air, water, and solid waste pollution. Legislative jurisdiction over "pollution control" does not, however, mean that the Public Works Committee—or any other committee—has jurisdiction over all matters which relate to maintaining and improving the quality of the human environment. Maintaining and improving the quality of the surroundings and the quality of life enjoyed by the American people is a basic and fundamental task of all the committees of Congress and of all of the agencies of the executive branch.

The Committee on Interior and Insular Affairs has historically played a very large and a very important role in this area. The legislation handled by the committee and enacted by the Congress over the past 10 years shows the scope of the Interior Committee's role and the diligence with which it has been pursued.

The committee has approved the following general legislation in recent years: the National Water Commission Act, the Water Resources Planning Act, the Water Resources Research Act, the Federal desalting program, the Federal Water Projects Recreation Act, the land and water conservation fund, the Public Land Law Review Commission Act, the reclamation program, the Wilderness Act, the Wild and Scenic Rivers Act, and many other general measures related to resource, environmental, and land use policies.

In addition, over the past few years, the committee has approved measures to set aside for future generations four new national parks, eight new national recreation areas, nine new national seashores and lakeshores, almost 100 new wilderness areas, national monuments and historic sites. All of these measures relate to the quality of the human environment.

The committee's legislative activities over the past 10 years in the area of new governmental institutions and policies for resource and environmental management are set out in the legislative history section of the committee's report on S. 1075.

The important role played by the Interior Committee in preserving, protecting, and improving the quality of the environment does not, however, give the Interior Committee predominant jurisdiction in this area.

The concept of "environment," like that of "economics" cuts across the jurisdiction of all congressional committees. Actions taken by the Finance Committee, for example, on depreciation, charitable contributions, foundations, and the taxation of trusts will have a major impact on the future role private enterprise and individual action will play in preserving our environment for future generations. The same may be said with respect to other committees: the Commerce Committee's action on the development of an estuarine program, a transportation policy, and an alternative to the internal combustion engine; the Agriculture Committee's actions on pesticide control, soil erosion, and the development of new opportunity in rural America; the Banking and Currency Committee's activities in the development of urban programs; and the activities of many other committees of the Congress.

It is clear that all committees have an important role to play in this area. The Legislative Reference Service tabulated over 100 bills in the 90th Congress which were directly concerned with environmental issues. In the present Congress there are even more. Recent reports indicate that of the 16 standing committees of the Senate, eight have broad jurisdiction in this area. Of the 21 House standing committees, 11 are similarly involved.

On a subject so pervasive, broad, and important as "environment" and the "quality of life," no committee may exercise exclusive jurisdiction. It is also clear that there is a need to give specialized and regularized consideration to these subjects. Because of this need, I have proposed, and I plan to join with other Members of the Senate and, I hope, Members of the House of Representatives, to sponsor and to advance legislation to establish a nonlegislative joint committee on the environment.

The enactment of S. 1075 and S. 7 will give the Nation an environmental policy as well as appropriate governmental structures in the executive branch to implement the policy. The next logical step, in my view, is to insure that the legislative branch has an institution equally well adapted to provide continued oversight on environmental matters. A joint committee would provide such an institution.

During my service on the Interior Committee, I have found that the lack of an overall national policy on the environment often frustrates efforts to preserve, protect and to improve man's surroundings. A recent example may be seen in connection with the water supply and jet airport controversy which currently threatens the existence of the Everglades National Park. Under present law, the Corps of Engineers and the Department of Transportation apparently do not have a clear statutory mandate to see that the environmental and natural values found in the park are not damaged or endangered by their flood control and transportation activities.

It is my belief, based on extensive committee hearings, that the problems associated with the Everglades could have been avoided if there had existed a clear statement of goals and procedures designed to make clear that all Federal agencies have a responsibilty for the preservation and protection of environmental values. S. 1075, as passed by the Senate, clearly states the Nation's goals and the responsibilities of all Federal agencies with respect to the maintenance of a safe, healthy, productive and esthetically pleasing environment. Enactment of S. 1075 will prevent many of the environmental problems caused by Federal agencies and their activities.

The Interior Committee has experienced similar problems in other contexts. The controversy over the construction of dams in the Grand Canyon, for example, could have been resolved at a much earlier date if the Department of the Interior had been required to present Congress with alternative proposals where, as in that case, there were unresolved major environmental conflicts. Section 102(d) of S. 1075 would go far toward resolving such problems by requiring the development and presentation of alternatives in all future legislative reports on measures involving major unresolved environmental conflicts.

Other basic provisions of S. 1075 are also designed to minimize the conflict between resource development and the maximization of environmental values. Subsection 102(a) requires all agencies to utilize the expertise and learning of all relevant disciplines in planning and decisionmaking on actions which may have an adverse impact on man's environment. Subsection 102(b) requires the development of procedures designed to insure that all relevant environmental values and amenities are considered in the calculus of project development and decisionmaking. Subsection 102(c) establishes a procedure designed to insure that in instances where a proposed major Federal action would have a significant impact on the environment that the impact has in fact been considered, that any adverse effects which cannot be avoided are justified by some other stated consideration of national policy, that short-term uses are consistent with long-term productivity, and that any irreversible and irretrievable commitments of resources are warranted.

The agreed-upon changes mentioned previously would change the language of some of these requirements, but their substance would remain relatively unchanged.

The provisions of S. 1075 are designed to establish a policy and a set of planning procedures which will prevent instances of environmental abuse and degradation caused by Federal actions before they get off the planning board. It is my hope that the House will accept these provisions in conference committee on S. 1075.

If enacted, titles I and II of S. 1075

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will give all agencies a mandate, a responsibility, and a meaningful tool to insure that the quality of America's future environment is as good or better than today's. Departments such as the Departments of Defense, Transportation, Commerce, and Housing and Urban Development will then no longer have an excuse for ignoring environmental values in the pursuit of narrower, more immediate, mission-oriented goals. Agencies such as the Atomic Energy Commission which now contend they have no legislative authority to consider environmental values will be given the authority, the responsibility, and a directive to do so. In view of the recent public concern over AEC activities in connection with Project Bronco and the Amchitka test, it is time that AEC be given a larger mandate against which to weigh the environmental impact of its planned and proposed activities. The same is true of many other agencies.

Mr. President, I ask unanimous consent that a comparison of the present provisions of S. 1075 as passed by the Senate, S. 7 as reported by the Public Works Committee, and S. 1075 as amended by the House be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a memorandum discussing the agreed-upon changes in S. 1075 and title II be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibits 1 and 2.)

Mr. JACKSON. Mr. President, the purpose of the agreed-upon changes is to avoid duplication and to avoid any inconsistent directives to agencies in the executive branch. Some of the changes insure that there will be coordination between agencies and that appropriate agencies will be given an opportunity to comment upon activities of other agencies which may have adverse environmental consequences. A new proposed section 103 in S. 1075 would be added to make explicitly clear that section 102 does not in any way affect the specific statutory obligations of Federal agencies to comply with environmental standards, to coordinate their activities, or to condition their actions upon and State or Federal certifications now required by law or which may be required by law. The language of this section is designed to insure that the provisions of section 16, and particularly section 16(c) of S. 7 are consistent with the requirements of section 102 of S. 1075. Section 16(c) of S. 7 would have the effect of exempting the Corps of Engineers, the Atomic Energy Commission, and some other agencies from the requirement in S. 1075 for a detailed statement on the environmental impact of proposed actions involving any discharge into the navigable waters of the United States. Under the terms of section 16(c) of S. 7 as now drafted, the State or other appropriate organization would be charged with certifying that any discharge in substantial compliance with appropriate water quality standards. This certification would be a condition precedent to obtaining any Federal license or permit required by law before making any discharges into the navigable waters of the United States.

Mr. President, the major precepts of an environmental policy are not controversial though, as we have found over the past few weeks, the specific language may be difficult to draft. What is involved is a declaration that we do not intend, as a government or as a people, to initiate actions which endanger the continued existence or the health of mankind. That we will not intentionally initiate actions which will do irreparable damage to the resources which support life on earth.

An environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive, in all that we do, to achieve a standard of excellence in man's relationships to his physical surroundings. If there are to be departures from this standard they will be exceptions to the rule and the policy. And as exceptions they will have to be justified in the light of public scrutiny.

S. 1075 as passed by the Senate, and with the changes which have been agreed upon, will provide the American people with a policy that is in the best interests of present and future generations. I am hopeful that the major provisions of this policy will emerge from the conference committee.

EXHIBIT 1

COMPARISON OF ENVIRONMENTAL QUALITY MEASURES

S. 1075	S. 7	H.R. 12549 (S. 1075 AS AMENDED)
Title National Environmental Policy Act of 1969.	*Title* Environmental Quality Improvement Act of 1969 (Title II).	*Title* An Act to provide for the establishment of a Council on Environmental Quality.
Declaration of policy Six-part Congressional declaration of policy (sec. 101(a)).	*Declaration of policy* Statement of environmental problems and citation of existing statutes (section 202 (a) and (b)).	*Declaration of policy* Brief statement of policy.
Recognition of environmental rights Congress recognizes right of persons to healthful environment (sec. 101(b)).	*Recognition of environmental rights* No provisions.	*Recognition of environmental rights* No provision.
Directions to Federal agencies as follows: Congress authorizes and directs all Federal agencies to perform functions and make certain findings in support of the policy (sec. 102). All agencies shall:	*Directions to Federal agencies as follows:* Public works agencies are directed to implement the policies established by the President pursuant to the Act (Sec. 203).	*Directions to Federal agencies as follows:* No provision. (Council to make recommendations.)
1. Interdisciplinary approach 1. Utilize itnerdisciplinary approach to planning and decision-making (sec. 102(a)).	*1. Interdisciplinary approach* No provision.	*1. Interdisciplinary approach* No provision.
2. Environmental values 2. Develop methods to include presently unquantified values in decisions (sec. 102 (b)).	*2. Environmental values* No provision.	*2. Environmental values* No provision.
3. Make findings 3. Must make findings in connection with proposals and decisions that:	*3. Make findings* No provision.	*3. Make findings* No provision.
a. environmental impact (a) Environmental impact has been considered.		
b. adverse effects (b) Adverse effects are justified.		
c. short-term uses (c) Short-term uses are consistent with long-term productivity.		
d. irreversible commitments (d) Irreversible commitments are justified.		
4. Alternatives 4. Study and present alternatives where conflicts occur.	*4. Alternatives* No provision.	*4. Alternatives* No provision.
5. International effects 5. Support international programs for the environment.	*5. International effects* No provision.	*5. International effects* No provision.
6. Present authority 6. Review existing statutory authorities and recommend legislation to conform to this Act.	*6. Present authority* No provision.	*6. Present authority* No provision.
Supplement to existing enabling acts Act is made supplementary to existing mandates and authorizations of Federal agencies (sec. 103).	*Supplement to existing enabling acts* No provision.	*Supplement to existing enabling acts* Nothing in act shall change existing authorities (sec. 9).
Data collection and dissemination Federal agencies are authorized to collect and disseminate environmental and ecological data (sec. 201).	*Data collection and dissemination* No provision.	*Data collection and dissemination* No provision.
Grant program The President is authorized to designate agencies to: 1. Administer a grant program (sec. 202 (a)(1)).	*Grant program* Contract authority vested in office (sec. 204(e)).	*Grant program* No provision.
Project inventory 2. Inventory resource projects (sec. 202 (a)(2)).	*Project inventory* No provision.	*Project inventory* No provision.
Ecological research 3. Collect ecological research data (sec. 202 (a)(3)).	*Ecological research* No provision.	*Ecological research* No provision.
Assistance to States 4. Assist State (sec. 202(a)(4)).	*Assistance to States* No provisions. (Office will consult, sec. 204(c)(11).)	*Assistance to States* No provisions. (Council will consult, sec. 7(a)).
Deputy Director for Office of Science and Technology Establishes new Deputy Director in OST (sec. 203).	*Deputy Director for Office of Science and Technology* No provision.	*Deputy Director for Office of Science and Technology* No provisions.
Board of Environmental Quality Advisors (Council, Office) Creates a 3-man Board in the Executive Office of the President. Appointed by President with advice and consent of Senate (sec. 301).	*Board of Environmental Quality Advisors (Council, Office)* Creates an Office of Environmental Quality in Executive Office of President. Director and Deputy appointed by President with advice and consent of Senate. Compensation keyed to salary of Director and Deputy Director of Bureau of the Budget (sec. 204 (a) and (b)).	*Board of Environmental Quality Advisors (Council, Office)* Creates a Council of Environmental Quality in Executive Office of President. Composed of 5 members appointed by President (sec. 3).
1. Annual report to President 1. Make annual report to the President (302 (a)(1)).	*1. Annual report to President* No provision.	*1. Annual report to President* Make annual report to President (sec. 6).
2. Assist President 2. Advise, assist, and support President (302(a)(2)).	*2. Assist President* 2. Advise and Assist President (sec. 204 (c)(1)).	*2. Assist President* 2. Prepare reports as President directs (sec. 5(e)).
3. Collect data 3. Collect and disseminate information on environmental quality (sec. 302(a)(3)).	*3. Collect data* No provision.	*3. Collect data* 3. Gather data and prepare reports (sec. 5(b)).
4. Review Federal activities 4. Review, appraise and make recommendations concerning Federal programs, projects, activities, and policies (302(b)).	*4. Review Federal activities* 4. Review, appraise, and make recommendations on proposed projects, facilities, programs, policies and activities of certain agencies (sec. 204(c)(3)).	*4. Review Federal activities* 4. Appraise programs and activities (sec. 5(c)).
5. Assist in President's report to Congress 5. Assist President in preparation of annual report on the environment (sec. 302 (c)).	*5. Assist in President's report to Congress* No provision.	*5. Assist in President's report to Congress* 5. Assist and advise President in preparing annual report (sec. 5(a)).
6. Other assignments 6. Other duties directed by President (sec. 302(d)).	*6. Other assignments* No provision.	*6. Other assignments* 6. Make such studies as requested (sec. 5(e)).
7. Support Cabinet Council 7. All Federal agencies (sec. 201(g)).	*7. Support Cabinet Council* 7. Provide staff and support for Cabinet Council (sec. 204(c)(2)).	*7. Support Cabinet Council* 7. No provision.

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S. 1075—Continued	S. 7—Continued	H.R. 12549—Continued (S. 1075 AS AMENDED)
8. Review monitoring system 8. President designates agency (sec. 202(a)(3)).	*8. Review monitoring system* 8. Review existing environmental monitoring system (sec. 204(c)(4)).	*8. Review monitoring system* 8. No provision.
9. Promote knowledge 9. All Federal agencies (sec. 201(a)).	*9. Promote knowledge* 9. Promote advancement of scientific knowledge and methods (204(c)(5)).	*9. Promote knowledge* 9. No provision.
10. Develop policies 10. Board to assist President (sec. 302(a)(2)).	*10. Develop policies* 10. Develop policies and programs (sec. 204(c)(6).	*10. Develop policies* 10. Develop and recommend policies (sec. 5(d)).
11. Recommend priorities 11. No provision.	*11. Recommend priorities* 11. Recommend priorities (sec. 204(c)(7)).	*11. Recommend priorities* 11. No provision.
12. Evaluate techniques 12. All agencies (sec. 102(b)).	*12. Evaluate techniques* 12. Assure evaluation of new technologies (sec. 204(c)(8)).	*12. Evaluate techniques* 12. No provision.
13. Coordinate programs 13. Board reviews programs (sec. 302(b)).	*13. Coordinate programs* 13. Review and comment on coordination of programs (sec. 204(c)(9)).	*13. Coordinate programs* 13. No provision.
14. Review criteria 14. Board reviews policies (sec. 302(b)).	*14. Review criteria* 14. Review and comment on environmental standards (sec. 204(c)(10)).	*14. Review criteria* 14. No provision.
15. Consult with state and local government 15. All agencies advise states, counties, etc. (sec. 201(d)).	*15. Consult with state and local government* 15. Consult with and advise state and local governments (sec. 204(c)(11)).	*15. Consult with state and local government* 15. Consult with state, local and private groups (sec. 7(a)).
Annual report to Congress President shall submit report to Congress (~~sec. 302~~).	*Annual report to Congress* Director reports to Congress annually on progress (sec. 204(f)(1)). Other reports as he deems necessary (sec. 204(f)(2)).	*Annual report to Congress* President shall transmit to the Congress (sec. 2).
Employment of officers Board may employ (sec. 304).	*Employment of officers* Director may employ (sec. 204(c)).	*Employment of officers* Council may employ (sec. 4).
Appropriations For grant programs, $500,000 first year, $1 million each successive year (sec. 202(b)). For Board—$1 million annually (sec. 305).	*Appropriations* Open ended (sec. 206).	*Appropriations* $300,000 for first year. $500,000 for second year. $1 million annually thereafter (sec. 10).
Biennial forum No provision.	*Biennial forum* Director to convene a biennial forum on current environmental problems and issues (sec. 204(f)(3)).	*Biennial forum* No provision.
Advisory committees No provision.	*Advisory committees* Director shall establish committees of part-time advisers as he deems appropriate (sec. 205).	*Advisory committees* No provision.

EXHIBIT 2

AGREED-UPON CHANGES IN S. 7 AND S. 1075

TITLE II OF S. 7 AND THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The amendment in the nature of a substitute would make the following changes in Title II of S. 7 as reported by the Public Works Committee.

1. Section 202(b) would be stricken and new language inserted. This section had declared that is a national policy for the environment found in certain Acts previously considered by the Public Works Committee. The amendment in the nature of a substitute states that there is a policy and states this policy in general terms as being "the enhancement of the quality of our air, water and land environment."

2. Section 202(c) is rewritten to state that the purposes of this title are to assure that each Federal agency supporting public works activities which affect the environment implement existing policies and policies established by the President pursuant to this title.

3. Section 203 is stricken and its substance is incorporated into section 202(c).

4. Section 204 is changed to Section 203. This section establishes an Office of Environmental Quality.

Subsection (d) of section 203 which sets forth the duties of the Director of the Office has been substantially revised. The purpose of these revisions is to insure that the duties and functions performed by the Office and the Board of Advisers established by title III of S. 1075 are consistent and do not result in duplication, over-lap or conflict.

Subsections 203(d) (3), (6), (7), and (11) have been deleted because these duties are more appropriately functions to be performed by the Board of Environmental Advisers established by S. 1075. Subsections 203(d) (1) and (2) have been rewritten to clarify the type of assistance, staff and support the Office would give the President and other councils or committees charged with environmental responsibilities. Subsections 203(d)(2) recognizes that Congress may soon establish a Board of Environmental Advisors as proposed in title III of S. 1075.

The new subsection 203(d)(8) was drawn from subsection 203(f) which would be stricken.

Subsections 203(d) (9) and (10) were taken from subsections 202(a) (2) and (3) of S. 1075. These functions of data collection and inventory systems are more appropriately duties of an Office than of a semi-independent Board of Environmental Advisers.

5. Subsection 204(f) and Section 205 of Title II of S. 7 are deleted and the authority to convene a biennial forum on environmental problems and to establish advisory committees is vested with the Board of Advisers established by Title III of S. 1075.

6. A new section 204 making the provisions of this Act supplementary to existing authorizations of Federal agencies is inserted. This language parallels language found in title I of S. 1075.

PROVISIONS SENATE CONFEREES WILL SUPPORT IN CONFERENCE ON S. 1075

The Senate Conferees will support in Conference Committee certain agreed-upon changes in S. 1075 which are designed to avoid any inconsistency or duplication with provisions of Title I and with Title II of S. 7. The major agreed-upon changes are briefly described below.

1. The directive to the agencies set out in Section 102(b) is made subject to the review and approval of the Board of Environmental Advisers.

2. The requirement for a "finding" by the responsible official in Section 102(c) is changed to a requirement for a "detailed statement."

The directives to the responsible official which are set out as subsection 102(c) (i) through (iv) of S. 1075 are revised.

New language is added to Section 102(c) which will require the responsible official to consult with and obtain the views of other agencies having jurisdiction or special expertise with respect to the particular environmental impact involved in the proposed action. Language is also added requiring that copies of the responsible official's statement and the comments of other agencies be made available to the President, the Board and the public.

3. A new Section 103 is added to make explicitly clear that section 102 does not in any way affect the specific statutory obligations of Federal agencies to comply with environmental standards, to coordinate their activities, or to condition their actions upon any State or Federal certifications now required by law or which may be required by law. The language of this section is designed to insure that the provisions of law such as Section 16(c) of S. 7 not affected by the requirements of Section 102 of S. 1075.

Section 16(c) of S. 7 would have the effect of exempting the Corps of Engineers and the Atomic Energy Commission and some other agencies from the requirement for a detailed statement on the environmental impact of proposed actions involving any discharge into the navigable waters of the United States. Under the terms of Section 16(c) of S. 7 as now drafted, the State or other appropriate organization would be charged with certifying that any discharge is in compliance with water quality standards. This certification would be a condition precedent to obtaining any Federal license or permit required by law before any discharges into the navigable waters of the United States.

4. Title II of S. 1075 would be revised to make clear that the functions set out in subsections 201 (a), (b), and (c) are functions to be performed by the Board of Environmental Advisers.

5. The remaining functions set out in Section 201 would continue to be functions all Federal agencies are authorized to undertake under a new section 202.

6. Section 202 would be deleted and part of the authority would be transferred to the Office of Environmental Quality established by Title II of S. 7.

7. Portions of Section 203 would be deleted in recognition that under title II of S. 7 the Office of Environmental Quality would provide staff and support for the President's interdepartmental Council on the Environment.

8. Section 303 would be revised to explicitly provide that the annual environmental quality report would be referred in whole or part to any or all of the Committees of each House of the Congress having jurisdiction over the subject matter of the report.

9. New language would be added to Title III authorizing the Board of Environmental Advisers to establish advisory Committees and to organize and convene a biennial forum on environmental problems. This language was taken from Title II of S. 7.

Mr. CHURCH. Mr. President, today the decisions reached by the Senate on legislation pertaining to the quality of our environment, in my judgment, marks an important milestone in the life of every American. I want to especially commend the junior Senators from Washington and Maine, Mr. JACKSON and Mr. MUSKIE, for their leadership and great personal contribution in the efforts of Congress toward improving the quality of the life of all of our citizens. I believe that the amendments to title II of S. 7 and the proposed revision of S. 1075, now ready for conference, display the skill and creative leadership of these two Senators in resolving what is admittedly a very special problem of overlapping committee jurisdiction. But rather than seeking to delay and argue over jurisdiction, both Senators have commendably, and I might add, characteristically, reasoned and resolved any differences by the time-honored method of legislative compromise.

It is especially crucial that all levels of government move as quickly as possible toward wiser management of our environment. The public interest demands that we act wisely and with all deliberate speed. Time is growing short. It is no longer safe to substitute words in lieu of action to implement the needed remedies to this growing national problem. I think that the efforts today on the pending bill and the forthcoming consideration of S. 1075, will have the overwhelming support of the American people. I believe our citizens are more aware than ever before that we of this generation are trustees of our Nation's resources and of our total environment. We must assume our duty to preserve and enhance our habitat as we prepare to pass it along to future generations. As a member of the Senate Interior Committee, I will be honored to serve as a conferee on S. 1075. In my judgment this far-reaching legislation is one of the most important conservation-environmental measures that has been considered by the Congress of the United States in many years. It marks an effort for the first time to impress and implant on the Federal agencies an awareness and concern for the total environmental impact of their actions and proposed programs. This awareness will be built into the agencies' planning processes at the lowest levels, where, as we all know, most decisions are formulated and even finalized. In the future it may be possible to avoid conflicts of one program objective with others through the mechanisms provided in this bill.

It is good and necessary legislation which should be written into law as quickly as possible.

Mr. BOGGS. Mr. President, I wish to associate myself with the remarks of the Senator from Maine (Mr. MUSKIE) in his discussion on the amended language of title II, the Environmental Quality Improvement Act of 1969. These changes, together with the changes to S. 1075, create a necessary resolution of a very real controversy. This is a controversy that goes beyond the jurisdictional interests of various committees in this vital field of environmental enhancement and extends to the very definition of the words "environment" and "pollution."

A policy of environmental quality cannot be segregated from a policy for pollution control, for they are inevitably linked. We would not today consider important issues of pollution if pollution did not damage our environment. We would not be considering environmental quality policy today if our environment were not endangered by pollution.

It is my position, and I believe the position of the membership of the Public Works Committee, that a national policy for the environment has been laid down in legislation already in existence. This policy dates to nearly the creation of the Public Works Committee in 1946.

A number of water pollution control bills have been reported by the Public Works Committee, and enacted into law. In 1948, the Congress passed the Water Pollution Control Act, Public Law 80–845. Four years later it adopted an extension of the Water Pollution Control Act, Public Law 82–579. In 1956, the Congress adopted the Federal Water Pollution Control Act, Public Law 84–660. Congress amended the Water Pollution Control Act in 1961 with Public Law 87–88. Each of these bills, as well as the water pollution legislation passed in 1965 and 1966, was reported to the Senate floor by the Public Works Committee.

The Public Works Committee's concern for the field of air pollution, and its impact on the environment, has been as strong. In 1955, the Congress passed a bill to provide research and technical assistance relating to air pollution control, Public Law 84–159. This legislation was reported to the Senate floor by the Public Works Committee. In 1959, with the signing of Public Law 86–365, Congress extended the life of the air pollution legislation, and 2 years later adopted legislation that was to become Public Law 87–761. In 1963, at the urging of the Public Works Committee, the Congress adopted the Clean Air Act, Public Law 88–206, and since then has amended that law twice and in 1967 passed the Air Quality Act.

Another pervasive form of pollution is the solid wastes that clutter our cities and landscapes. The Public Works Committee pioneered in this field with the Solid Waste Disposal Act of 1965. The committee as recently as last week held 4 days of hearings in the consideration of a bill, S. 2005, to extend and augment the Solid Waste Disposal Act.

Clearly, a national policy already exists to create a quality environment in America. The new language of title II reiterates and reinforces this policy, and augments its implementation through the creation of an Office of Environmental Quality. This office will serve as an important adjunct to the President's Environmental Quality Council.

I do not wish to detain the Senate any longer in its deliberations. However, I would like to state my personal thanks to the committee chairman (Mr. RANDOLPH), the chairman of the subcommittee (Mr. MUSKIE), the Senator from Washington (Mr. JACKSON) and the other members of the Public Works and Interior Committees for their efforts toward achieving an America with a quality environment. I commend this amended language to my colleagues.

Mr. ALLOTT. Mr. President, I appreciate the remarks of both the distinguished junior Senator from Maine and the distinguished chairman of the Committee on Interior and Insular Affairs on this matter. I have not actually been a participant in any of the discussions that have gone on between the two Senators, but the chairman of the Committee on Interior and Insular Affairs, I believe, has kept me informed of the progress of these matters for some time.

Before commencing a short statement, I note that on page 36 of the report No. 91–351, the Air and Water Pollution Subcommittee of the Committee on Public Works held extensive hearings on title I of S. 7. These hearings included statements from various agencies of the Federal Government. The administration testified through the Department of the Interior, the Department of Transportation, and the Atomic Energy Commission. However, my review of the report fails to disclose any information concerning hearings on title II. Since title II creates a new office within the Executive Office of the President, I would be most interested in learning what the administration's reactions and comments were with respect to this title.

Therefore, I would direct this question to the distinguished chairman of the subcommittee, if he would direct me to

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the appropriate reference in the report concerning the administration's views on title II of S. 7.

Mr. MUSKIE. May I say to the distinguished Senator that we did not have specific hearings on title II. May I point out that the 1-day hearing on S. 1075 was on a different version of S. 1075 than was reported. I do not recall that there were hearings on title I of S. 1075. I am not sure about title II, but I have now reviewed S. 1075 with that in mind.

S. 1075 in its present form was introduced in the Senate on May 29 of this year. The 1 day of hearing on April 16 was on a bill that was introduced in February. So both the provisions of title II of S. 7 and S. 1075 might be faulted in their provisions, in their floor version in that they were not subject to hearings.

But may I say that title II of S. 7 was extracted from S. 2391, which I introduced in July of this year with 42 Senate cosponsors. Title II is taken from that bill.

That bill was the product of some 6 or 7 years of hearings we held on such environmental matters as air quality and water quality and solid waste.

Title II was developed as representing subjects, problems, points of view that had been discussed in those hearings over that period. Those hearings included some 1,100 witnesses, some 16,000 pages of testimony, much of which is relevant to title II.

The accurate answer to the Senator's question is that there is no specific testimony in the hearings this year on title II. I repeat that the same point can be made with respect to many of the provisions of S. 1075.

Mr. ALLOTT. I cannot agree with the last statement. I would like to ask the Senator——

Mr. MUSKIE. May I suggest that there be included on this point the text of the bill (S. 1075), as it existed at the time of the hearing on April 16 this year?

Mr. ALLOTT. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to promote and foster means and measures which will prevent or effectively reduce any adverse effects on the quality of the environment in the management and development of the Nation's natural resources, to produce an understanding of the Nation's natural resources and the environmental forces affecting them and responsible for their development and future well-being, and to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans, through a comprehensive and continuing program of study, review, and research.

TITLE I

SEC. 101. The Secretary of the Interior (hereinafter referred to as the "Secretary"), in order to carry out the purposes of this title, is authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(d) to establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals;

(e) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;

(f) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

(g) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(h) to encourage other public or private agencies planning development projects to consult with the Secretary on the impact of the proposed projects on the natural environment;

(i) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Secretary and which are under the jurisdiction of other Federal agencies; and

(j) to assist the Council on Environmental Quality established under title II of this Act.

SEC. 102. In carrying out the provisions of this title, the Secretary is authorized to make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and use donations of funds, property, personal services, or facilities to carry out the purposes of this Act.

SEC. 103. The Secretary shall consult with and provide technical assistance to other Federal agencies, and he is authorized to obtain from such departments and agencies such information, data, reports, advice, and assistance as he deems necessary or appropriate and which can reasonably be furnished by such departments and agencies in carrying out the purposes of this Act. Any Federal agency furnishing advice or assistance hereunder may expend its own funds for such purposes, with or without reimbursement by the Secretary.

SEC. 104. The Secretary is authorized to participate in environmental research in surrounding oceans and in other countries in cooperation with appropriate departments or agencies of such countries or with coordinating international organizations if he determines that such activities will contribute to the objectives and purposes of this Act.

SEC. 105. Nothing in this Act is intended to give, or shall be construed as giving, the Secretary any authority over any of the authorized programs of any other department or agency of the Government, or as repealing, modifying, restricting, or amending existing authorities or responsibilities that any department or agency may have with respect to the natural environment. The Secretary shall consult with the heads of such departments and agencies for the purpose of identifying and eliminating any unnecessary duplication of effort.

SEC. 106. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE II

SEC. 201. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of this Nation. The President shall designate the Chairman and Vice Chairman of the Council from such members.

SEC. 202. (a) The primary function of the Council shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Council shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice and assistance to the President on the formulation of national policies to foster and promote the improvement of environmental quality;

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Council shall periodically review and appraise new and existing programs and activities carried out directly by Federal agencies or through financial assistance and make recommendations thereon to the President.

(c) It shall be the duty and function of the Council and the Secretary of the Interior to assist and advise the President in the preparation of the biennial environment quality report required under section 203.

SEC. 203. The President shall transmit to the Congress annually beginning June 30, 1970, an environmental quality report which shall set forth (a) the status and condition of the major natural, manmade, or altered enivronmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

SEC. 204. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 205. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

Mr. ALLOTT. Of course, it was changed from the time it was introduced.

Mr. MUSKIE. And so was S. 7.

Mr. ALLOTT. But we had hearings on S. 1075.

Mr. MUSKIE. I would be glad to put in the RECORD an analysis of the points in the present bill, S. 1075, that were not covered in the hearings of April 16.

Mr. ALLOTT. Then, I understand the Senator's reply to be that there is nothing in the record from the administration commenting upon title II of S. 7.

Mr. MUSKIE. I thought I had already answered the Senator's question. There is no comment.

Mr. ALLOTT. I thank the Senator.

Mr. President, the last thing I would want to do would be to try, even if I could, to reflect on the work that any Senator has done in any given field or area; and the Senator from Maine is well known for his work in this area, particularly in the field of water and air pollution, and he has been acting in this field for many years now.

I think I should make it clear that while the distinguished Senator from Maine, chairman of the subcommittee, and the chairman of the Committee on Interior and Insular Affairs do have a clear understanding about how they want to handle the matter, I personally am not a party to that agreement. I think the Senator will agree with that.

Mr. MUSKIE. I was not aware of that fact, but I accept the Senator's statement. The Senator has participated in the discussions, and I just assumed he was a party to it, but if he wishes to disassociate himself from it, I have no objection, and it will make no difference in my attitude.

Mr. ALLOTT. I shall disassociate myself from it in a moment. The only discussion I have ever participated in with the Senator from Maine was for about 10 minutes in the Democratic cloakroom yesterday afternoon. I think he will agree to that.

Mr. MUSKIE. I was present for that time. Is was my impression that the Senator from Colorado was present for longer than that time. But I am interested in the fact that we have undertaken to achieve an agreement and now I understand the Senator does not support it.

Mr. ALLOTT. Mr. President, I just want to make my position clear. The Senator from Washington, our chairman, has always known that I had some reservations about this particular matter.

Mr. MUSKIE. Will the Senator yield for a question?

Mr. ALLOTT. I yield.

Mr. MUSKIE. It is a very important question. It relates to what the Senator has just said. As I say, I am not trying to impose a position on the Senator. That is not my responsibility; it is his. But an important part of this compromise was the assurance I had from the distinguished Senator from Washington, the Senate conferees on S. 1075, who will include the Senator from Washington and the Senator from Colorado, will do their best to see that the compromise provisions of S. 1075 are accepted by the conference. I take it, from what the Senator from Colorado is saying, that this may not be correct with respect to him. If it is not, then I hope he will make it clear, because that might change my view of this compromise.

Mr. ALLOTT. If the Senator will permit me to continue, I will make my position clear.

I have stated before, and I should not have to state this again, that the chairman of the Committee on Interior and Insular Affairs has kept me faithfully informed of all of the discussions that have gone on about this matter, so I cannot say that I am uninformed in any respect about the discussions, and I do not pretend to be, nor am I trying to insinuate in any sense that the Senator from Colorado was not made fully aware of the discussions that have led to this point.

I do not know why this should be necessary, but I will say that whatever the Senate does here today with respect to the appointment of conferees, the Senator from Colorado will fulfill his obligation to the Senate just as much as the Senator from Maine or any other Senator would. I want to make that very clear. I do not think any Senator will accuse the Senator from Colorado of ever having done less.

The thing that I wish to discuss—and I am sorry that we got the discussion off on this basis—is the situation in which we find ourselves here today.

Both houses of Congress have passed S. 1075, which is intended to halt the rapid degradation of our environment; and believe me, there is no one on this floor, and no one in the United States, for that matter, who has an exclusive concern with our environment. Today we are considering S. 7, a bill which, according to its title, is also intended to halt this degradation of the environment.

I should like to take just a moment to explore the consequences of the impending vote, as I see them.

The adoption of title II of S. 7, together with the enactment of S. 1075, in my opinion, will create an administrative two-headed monster. It is two-headed because of the duplication of functions of both the proposed new high level environmental organizations, and a monster because of the problems which that duplicity will create.

The President created a Council on Environmental Quality earlier this year. The Senate's version of S. 1075 adds an Environmental Quality Board of three persons, and title II of the pending bill, S. 7, creates an Office of Environmental Quality within the Executive Office of the President.

As I look at it, Mr. President—and I have analyzed these bills very carefully, and have had my staff working on them for a long time—these organizations are both new and separate creations within the Executive Office of the President. Both organizations are high level creations in the President's Office and let me explain what I mean when I say high level.

The three board members created by S. 1075, are all subject to Senate confirmation, and the chairman is to be remunerated at level 2 of the executive pay schedule. The Director of the Office of Environmental Quality is also subject to Senate confirmation, and his salary may be set at the same level as that of the Director of the Bureau of the Budget, which means that these two officers are at a very high level of governmental employment.

Both organizations have as their main goal and purpose to advise and assist the President on problems of environment.

Both organizations are to prepare reports and make recommendations to the President on the problems of environment.

Both organizations are authorized to employ experts and consultants.

Both organizations will deal with the same subject matter, that is, the environment, and both will be reviewing Federal and other public programs which affect the environment.

Mr. President, I think there is a little too much of a tendency, probably not in the committees involved here, but on the part of the public, to regard environment as involving only air pollution and water pollution. That is probably because these two problems have become so prevalent, and therefore are on the minds of the people of this country today perhaps more than some of the other environmental problems which may come to the fore in the future.

In our studies of this matter, I believe we determined that there are some 20 or 21 agencies of the Government which are directly involved with problems which affect the environment. For example, it is impossible to think about future environments without thinking about the Department of Housing and Urban Development of our Government. It is impossible to think of them without thinking of HEW, because the environment does not involve only water and air; as suggested by the distinguished Senator from Maine, it involves noise—and we are all becoming acutely conscious of this factor. More and more as time goes on—environmental questions will also involve land distribution, land planning for the future, what kind of future cities we will plan, and what we will do about the ghettos—for the ghettos are a part of the environmental picture, and, as a responsibility of HUD, are also a part of this question.

We could go on endlessly, bringing in the various departments and agencies of Government which, sooner or later if not now, will be actively engaged in problems and fields which do involve the environment.

To sum up, I simply wish to repeat that the environmental situation is not one which is confined merely to air, water, and noise. The degradation of our environment can occur in all these ways. It can even occur from the improper farming methods of those who erode and waste our soil. So the Department of Agriculture could be a part of this movement. It also plays a part in preserving the environment through its supervision of our forest lands. As I have said, I could continue almost endlessly to discuss the environmental problems which the great pressure of population in this country has brought on us and will continue to bring on us. I am, therefore, no less concerned than the Senator from

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Maine and have given the population and food problems considerable study as they affect the future environment of our country.

Although I have never spent much time in the State of the Senator from Maine, I am aware that it is a great and beautiful State. I am certainly aware of the beauty of my own State and of the State of Washington and of other States. I think that some of us who are fortunate enough to come from such beautiful places are aware of the threats from environmental impairment—and I use the words "environmental impairment" in the whole context of which I am speaking. I am aware of the threats that come from environmental degradation. We who are fortunate enough to live in places that are relatively free from such degradation appreciate what the dangers to our environment are probably as much as those who are now directly afflicted with, for example, acute water pollution, acute air pollution, or acute noise pollution.

So it seems to me that with respect to the matter that we are discussing today, instead of the application of Parkinson's law and the natural propensities of bureaucracy to create agencies and to advise and assist the President, when the President has not been asked to comment on the provisions of title II of S. 7 we have placed the President in the position of being an arbitrator between the two agencies. In addition, the President has already created the Environmental Quality Council, which he considers to be of such great importance that he retains the chairmanship of it himself.

I wish to say one concluding word on this subject. Since the understanding has been reached between the distinguished chairmen of the two committees, the chairman of the Committee on Interior and Insular Affairs and the chairman of the subcommittee, I have not indicated to any Senator how he should vote on this question; but I feel so strongly that our population pressures and the changes in our country in the next few years will create environmental problems, some of which we are not even aware of now, and some of which we can only surmise in our minds, that we should create a clean-cut type of organization to handle it.

The President's council now exists; and now, title II of S. 7 will authorize the Office of Environmental Quality; and S. 1075, will create the Board of Environmental Quality Advisers. I am afraid we are creating something that is administratively unsound. Therefore, I shall be compelled to vote against the motion, which I believe is the parliamentary situation, to agree to the amended version of title II. I should think, as I look at the situation, that I would be fulfilling less than my duty as a Senator, having analyzed and studied the proposal in the manner that I have, if I did not cast my vote against it.

I am sure that the motion to adopt the amendment will be agreed to overwhelmingly. Nevertheless, I shall support the bill even if the amendment is included, because I feel that the subject of title I is of such importance to the Nation that Congress must deal with it quickly and effectively. Whatever other Senators may do is for them to decide, and I have made no effort to proselytize other Senators. But I feel strongly that we are going to have to face up to the problem and provide administrative structure that is really workable. I should much prefer, for my own part, however, to have a single office created in the executive branch—as the focal point—to deal with the problem.

I yield the floor.

Mr. MUSKIE. Mr. President, a great deal of labor has gone into developing a resolution of the relationship between S. 1075 and S. 7. I have no desire to indulge in provocative or argumentative statements and upset that settlement. Nevertheless, I think, in the light of the comments made by the Senator from Colorado, that in order to assure as complete a record as I can make, I should make some points.

First, with respect to title II of S. 7, in common with all of S. 2391, of which it was part: it is the product, in a real, evolutionary sense of some 7 years of hearings held by the Subcommittee on Air and Water Pollution, involving some 16,000 pages of testimony and 1,100 witnesses.

Second, title II is extracted almost bodily, as it was reported to the Senate, from S. 2391, which was cosponsored by 42 Senators. The bill was introduced on June 12, 1969, and all the executive agencies were solicited for comments. We have received none as of this point.

The next point I should like to make is that with respect to the Board of Environmental Quality Advisers, provided by S. 1075, on which a 1-day hearing was held on April 16, Secretary of the Interior Hickel said this:

> It is our belief that the proposed new Environmental Quality Council makes unnecessary the kind of council proposed in S. 1075.

The Secretary further said:

> It is our recommendation that legislation such as that contained in Title I of S. 1075 not be enacted until the new council has had a full opportunity to address itself to this need.

I may say this in addition: I have been involved in environmental pollution-control legislation for many years. We have always listened responsively and constructively to recommendations of the executive branch under President Kennedy, under President Johnson, and under President Nixon. We have undertaken to support such recommendations as stood up after hearings. But we have never been reluctant, and we are not reluctant now, to initiate legislative proposals ourselves. We regard this as a part of the prerogatives of the legislative body.

Every piece of legislation in the air and water quality field that we have reported to the Senate has the unmistakable mark of the Committee on Public Works and the Subcommittee on Air and Water Pollution, standing independently of presidential recommendations. This was true of the Clean Waters Restoration Act of 1966. It was true of the Air Quality Act of 1967. It was true of the automobile exhaust legislation in 1965, which the administration opposed totally when we held our hearings. But we formed our own judgment, reported it to the Senate, and the Senate approved.

I think that record of approval suggests the confidence in which the Senate came to hold our recommendations.

S. 7 is a similar piece of legislation. We have responded to executive testimony whenever it was available, but we did not hesitate to incorporate in legislation ideas that our judgment indicated were sound, and everything in S. 7 bears that stamp.

I am not holding against S. 1075 Secretary Hickel's adverse comment on the Board of Environmental Quality Advisers. Whatever reservation I may have had about the process under which S. 1075 was considered, I took it to be the considered judgment of Senator Jackson and his committee that they thought this to be a sound proposal.

So when we got down to the task of meshing these two bills, I did not reprove them and have not reproved them on the Senate floor because they did not do what Secretary Hickel asked them to do, and I do not reprove them now. He opposed it. They disagreed with him and reported it to the Senate.

What I have undertaken to do, with Senator Jackson, is to marry the two into a viable organizational structure. I think we have done that, and I have no apologies for the result.

The Senator from Colorado is privileged to vote as he pleases on this matter, and I do not consider him bound to any other vote than that dictated by his own convictions; but I thought that these additions to the record were essential if the record is to have some semblance of balance on these points.

I am ready to vote.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. RANDOLPH. Mr. President, this discussion permits me the privilege of indicating that I believe that the Members of the Senate—yes, of the House of Representatives, as well—have often failed in their responsibility to write legislation on Capitol Hill rather than just to pass measures which have been forwarded from the agencies of the executive branch of the Government.

I think we have failed ofttimes in our responsibilities to do what we should do—that is, to write legislation as well as to pass it.

In broad concept, any administration has the responsibility to forward to Congress the outlines and the policies of the administration, and the proposed legislation is then referred to the respective committees.

I call attention to our failure to act effectively and responsibly in such situations as that referred to by Senator Muskie—when we determine, on the basis of testimony and considered study and judgment, that committee action must depart from the legislative recommendations of the executive branch.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. RANDOLPH. I return to my basic belief that if the Committee on Public Works, or the Committee on the Interior, or any other committee, is in disagreement with the administration, then we in good conscience have the responsibility to work our will as elected Members of Congress. There can be comity between the legislative and executive branches of our Federal Government. However, there must not be capitulation.

Mr. President, with respect to the specific matter of the agreed upon language modifying S. 1075 and title II of S. 7, I ask unanimous consent to include in the Record at this point a telegram I recently received from the major conservation organization.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Senator Jennings Randolph,
Senate Committee on Public Works,
Washington, D.C.

The undersigned commend you for your continuing leadership in the field of environmental quality that brings us close to an early major policy and legislative enactment. We trust there will be full discussion on the floor of the Senate in conjunction with S. 1075 to the end that the strongest and best measure will be agreed to and reported promptly by the Senate-House conference committee. This is a unique opportunity for the country to take a major step forward in protection of environmental values.

Joseph W. Penfold, Izaak Walton League of America; Dr. Ira Gabrielson, Wildlife Management Institute; Stewart M. Brandborg, Wilderness Society; Thamas L. Kimball, National Wildlife Federation; William E. Towell, American Forestry Association; Dr. Elvis Stahr, National Audubon Society; Dr. Spencer Smith, Citizens Committee on Natural Resources; and Lloyd Tupling, Sierra Club.

Mr. RANDOLPH. Mr. President, the proposed modifications of S. 1075 and the committee substitute language for title II of S. 7 are the product of many hours of conferences between the staffs as well as the members of the Committee on Public Works and the Committee on Interior and Insular Affairs. These conferences resulted in, I believe, a strengthened version of S. 1075 and a further clarification of title II of S. 7.

Taken together these two measures represent a major step forward in coordination and strengthening of our efforts to improve the quality of the environment. Taken together these two measures represent the accord between the two principal committees in the Senate dealing with environmental problems. The conferences and the language agreed on have resolved difficult problems between the two committees stemming from differing viewpoints on the substance of this legislation and from the jurisdictional ambiguities inherent in a field as broad as the environment.

Members and the staff of the two committees are to be commended for reaching a constructive resolution of these problems. Especially to be commended are the able chairman of the Committee on Interior and Insular Affairs (Mr. Jackson), and the knowledgeable chairman of the Subcommittee on Air and Water Pollution (Mr. Muskie), for their reasonable and cooperative approach toward a difficult and complex situation.

The PRESIDING OFFICER (Mr. Byrd of Virginia in the chair). The question is on agreeing to the amendment of the Senator from Maine.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. Russell), the Senator from Oklahoma (Mr. Harris), and the Senator from South Dakota (Mr. McGovern), are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Williams), the Senator from New Hampshire (Mr. McIntyre), and the Senator from New Mexico (Mr. Montoya) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. Saxbe) is necessarily absent.

The Senator from Michigan (Mr. Griffin) and the Senators from Illinois (Mr. Percy and Mr. Smith) are detained on official business.

If present and voting, the Senator from Michigan (Mr. Griffin), the Senators from Illinois (Mr. Percy and Mr. Smith) and the Senator from Ohio (Mr. Saxbe) would each vote "yea."

The result was announced—yeas 77, nays 6, as follows:

[No. 115 Leg.]

YEAS—77

Aiken
Allen
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Goodell
Gore
Gurney
Hart
Hatfield
Holland
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
Metcalf
Miller
Mondale
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—6

Allott
Curtis
Hansen
Hruska
Jordan, Idaho
Tower

NOT VOTING—17

Fulbright
Gravel
Griffin
Harris
Hartke
Inouye
Magnuson
McCarthy
McGovern
McIntyre
Montoya
Moss
Percy
Russell
Saxbe
Smith, Ill.
Williams, N.J.

So Mr. Muskie's amendment to the substitute committee amendment was agreed to.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I commend the distinguished Senator from Maine for the fine work that he and his Subcommittee on Air and Water Pollution have done in reporting this bill. I was in communication with him while the bill was still in committee and voiced some reservations about certain provisions that were contained in an earlier version of the bill. As revised and reported, I believe the sections of the bill of particular interest and concern to me—dealing with water pollution control by Federal agencies—have been substantially improved. They are not 100 percent what I would like them to be, but they are sufficiently close to the mark to permit me to support their passage.

Among the bill's new requirements is one that any applicant for a Federal license or permit to conduct any activity which may result in any discharge into the navigable waters of the United States must provide to the Federal licensing agency involved certification from the State in which the discharge will originate that there is reasonable assurance the activity will comply with applicable water quality standards. Without the required certification such Federal agency cannot issue the license or permit.

Moreover, if the certification is obtained and the license or permit is issued, it must contain any conditions which the Secretary of the Interior finds necessary to insure compliance with the water quality standards of any downstream States which might be adversely affected by discharges from the licensed facility.

The Atomic Energy Commission and the Corps of Engineers are prime examples of the Federal agencies affected by this legislation. In the case of the AEC, while the legislation does not impinge upon or in any way interfere with the AEC's comprehensive regulatory controls over the radiological effects of source, byproduct, and special nuclear material, except as certain of these authorities may be transferred to qualified States, it does have the effect of assuring that, in addition to the AEC's exhaustive radiological health and safety review, the design of nuclear powerplants will be reviewed by appropriate State and Federal authorities from the standpoint of their thermal effects upon adjoining waters.

Nuclear plants are, of course, already subject to water quality standards adopted by the States and approved by

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the Secretary of the Interior pursuant to the Water Quality Act of 1965. Now, however, we will have the added protection of a prelicensing review to assure that the plants have been designed in such a way as to assure compliance with applicable water quality standards.

At least as to those activities subject to Federal approvals, this will add an important ounce of preventive medicine to the curative measures already available. My chief regret is that not all nonnuclear powerplants will be subject to these new controls. As I understand the bill, only coal, oil, and gas-fired powerplants that occasionally require a Federal license or permit will be covered by the bill. Unfortunately, even this limited coverage was opposed by representatives of the coal industry during the subcommittee's hearings on the legislation.

Another principal regret relates to proposed new section 16(a) of the Federal Water Pollution Control Act. As a member of the Appropriations Committee, I find this section somewhat disturbing. It would require that each Federal agency take whatever measures were needed to insure that property and activities under its jurisdiction shall comply with applicable water quality standards and the purposes of the act. The subsection would also authorize appropriations of "such sums as may be necessary to carry out the provisions of this section."

I notice that S. 7, as reported by the committee, is silent with relation to an exception being made in connection with Federal agencies in the case where the interests of the United States might be involved either as to national defense or other important national activities, whereas the House passed bill, H.R. 4148, explicitly makes such an exception.

I prefer the House version for reasons that are obviously understandable in the national interest.

I do not propose an amendment at this time to insert such an exception in S. 7 but would strongly suggest and recommend to the conferees that this matter be exhaustively discussed in conference and that the House version be given all possible weight in the national interest.

On this point, I should like to ask my distinguished colleague what his off-the-cuff reaction is to the statement I have just made with regard to the national interest, in making an exception in cases of that kind.

Let us assume, for example, that we are in a state of war. I am wondering how much the Government will be obligated to comply with some of these provisions if the national interest is paramount to the prevailing subject or issue at hand. Take the Hanford production reactor, for example, which produces material for the national defense.

Mr. MUSKIE. Is the Senator addressing himself to the impact of section 16?

Mr. PASTORE. Yes. Section 16(a), and in large measure section 16(b) as well.

I do not want to press the Senator too much, but the House committee went into this matter to quite some extent. It is going to be in conference, and I hope the Senator, as usual, will lend a very attentive ear to the arguments made in that regard.

Mr. MUSKIE. I will do so.

In other portions of the bill, dealing with other questions, we have recognized the point the Senator has raised.

For example, in the application of the vessel pollution requirements as to ships of war, we have recognized this point and have made provision for it; and I assure the Senator that we will look into this point as well.

Mr. PASTORE. Under the pending bill considerable autonomy is given to the States in regard to operation of Federal facilities. In effect activities being carried on for Federal purposes will be subject to water quality standards adopted by the States in which they are located. The grassroots public opinion, more or less, is given a say in the matter of thermal effects, and I think that is proper, because, after all, they are the people who have to bear the brunt. And, insofar as thermal effects are concerned, I believe the States are fully and well qualified to set such standards.

But sometimes a State could be obstinate in the case of an emergency, and there ought to be an overriding consideration in the case of an emergency. I am not saying a willy-nilly situation; but in one in which the national interest is involved, I think we ought to make some provision. The House has done it, and the Senator from Maine has not said one way or the other whether we should or should not, but I would hope that he would consider that very seriously in conference.

Mr. MUSKIE. I assure the Senator of my interest, and we will do that.

Mr. BROOKE. Mr. President, over the last several months the coastline and estuaries of Massachusetts has been ravaged by one oil spill after another. From January through mid-July, the shoreline of the Bay State has been hit on six different occasions by oil slicks that have killed fish and birdlife, closed beaches and caused property damage to docks and pleasure craft. Three weeks ago, a seventh spill dumped more than 134,000 gallons of home heating oil onto the waters and shoreline of eastern Buzzards Bay. From this disaster, the Smithsonian's Center for Shortlived Phenomenon has documented the destruction of more than 25 different varieties of the areas of marine life. This oil spill has denuded one of Cape Cod's finest striped bass fishing grounds. Not even the Cape Cod National Seashore, a national landmark and tourist attraction offering some of this Nation's most beautiful beaches has been immune to the desecration of negligent and thoughtless tanker captains, who use the first opportunity of open water to eliminate residue oil from their ballast tanks and bilges. This oil covers the beach like asphalt, leaving it unusable by anyone.

In the final analysis, I doubt that we can ever eliminate the threat of oil pollution entirely. The opportunity for accident is simply too great. Of the ships involved in trade along the Atlantic coast, one vessel in every five carries oil as its principal cargo. As long as tankers and barges ply our coastal and inland waterways there will be navigational errors, faulty towlines, and untrained captains. New England, because she has no pipeline for the transportation of her oil products from the refineries located to the south, must rely on ships and barges to supply a large percentage of these petroleum products.

It might even be said that the threat of oil pollution is a byproduct of our own advancing industrial development. Nowhere is the demand for oil of every grade and variety greater than in the industrial areas which depend on our great port cities such as Boston, New York, Baltimore, Norfolk, Charleston, and many others. The ever-expanding demand for oil in these areas has increased the chance of accident and the possibility of disastrous oil spillage. The cost of cleaning up one barrel of the type of oil used to run a power turbine might run as high as $75. Most coastal tankers carry hundreds of thousands of barrels of oil. If we are to protect our environment against this undesirable side effect of industrial development, we must have strong oil pollution control provisions to handle the cleanup of this menace.

We surely cannot forbid the use of tankers and barges in the transportation of oil. However, we can regulate oil transportation in such a way as to make the constant threat of oil pollution a more manageable one. The provisions in S. 7 which provide for liability on vessels and onshore and offshore facilities to be based on a test of negligence with the burden of proof on the owner is a badly needed provision. By utilizing a concept of absolute liability, the possibility of damage and loss that would result from an oil spill is now as great a risk to the vessel owner as to the public.

With the enactment of title I of this bill, the Federal Government will have significant new authorization to step in and clean up oil spills after they have occurred. However, the Federal Government should simultaneously be considering other programs stressing prevention as much as S. 7 stresses cure. It is accepted that ships are equipped to move with adequate accuracy and general safety across the remote reaches of the high seas. The immediate concern is with the heavily traveled areas nearshore such as bays, channels and harbors of the Nation's convoluted coastline. There should be a drastic updating of effective standards and certification systems that govern licensing of officers and rating of crewmembers to assure that those responsible for the operating of vessels are properly trained for their work. Such standards and certification should be expanded to require special training for all personnel responsible for handling of oil and other hazardous materials, including the off-landing of vessels. Particular attention should be given to uniform standards, training, and certification of personnel on towboats not presently subject by law to Coast Guard licensing. It is presently possible to tow an oil barge through the narrow and sinuous Cape Cod Canal—an Army Corps of Engineers facility—without ever having been through before, even in daylight. A rigid system of certification should be a minimum for the use of any Government-owned or operated facility such as the Cape Cod Canal.

The use of sea lanes for traffic routing is a major step toward reducing the risks of collisions in congested areas. Such lanes are already in use around most of our major ports. Particular efforts should be made to extend traffic patterns to all ports receiving appreciable amounts of oil.

Furthermore, substantial research is needed to determine the feasibility of some form of shorebased-guidance system to promote safe movement of shipping. Such a "sea traffic control system" could be similar to our present air traffic control system which is operated by the Federal Aviation Administration. This system could reserve special lanes for use by ships or barges transporting hazardous substances such as oil.

Work is already underway on some of the provisions I have mentioned. For instance, the House is today holding hearings on the licensing of towboat captains. The fight against oil pollution will not and should not stop with the passage of S. 7. All aspects of this problem must be given the closest scrutiny.

S. 7 is a vital step in the direction of reducing the threat of oil pollution. It effectively underscores that responsibility for clean water does not reside solely with the Federal Water Pollution Control Water Administration, but rather it belongs with every agency of the Federal Government. Mr. President, I am pleased to support S. 7.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, informed the Senate that pursuant to the provisions of section 2(a), Public Law 89–801, the Speaker appoints as a member of the National Commission on Reform of Federal Criminal Laws, Mr. MIKVA of Illinois, to fill the existing vacancy thereon.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. ADAIR, and Mr. MAILLIARD, were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the bill (S. 267) for the relief of Lt. Col. Samuel J. Cole, U.S. Army, retired, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 1471. An act to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes;

S. 1857. An act to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended; and

S. 2564. An act to amend the Act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park.

The message also announced that the House had passed the following bills in which it requested the concurrence of the Senate.

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris;

H.R. 1783. An act to incorporate the Paralyzed Veterans of America;

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy;

H.R. 4560. An act for the relief of Sa Cha Bae;

H.R. 5106. An act for the relief of Rogelio Tabhan;

H.R. 6402. An act for the relief of Sanborn Lumber Co., Inc.;

H.R. 6600. An act for the relief of Panagiotis, Georgia, and Constantina Malliaras;

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes;

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas;

H.R. 10156. An act for the relief of Lidia Mendola;

H.R. 11968. An act for the relief of Maj. Louis A. Deering, U.S. Army;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife; and

H.R. 13218. An act for the relief of Mr. and Mrs. Joseph E. Begnoche.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos Nicholas Babaliaros;

S. 620. An act for the relief of Richard Vigil;

S. 1110. An act for the relief of Nickolas George Polizos; and

H.R. 9825. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris;

H.R. 1783. An act to incorporate the Paralyzed Veterans of America;

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy;

H.R. 4560. An act for the relief of Sa Cha Bae;

H.R. 5106. An act for the relief of Rogelio Tabhan;

H.R. 6402. An act for the relief of Sanborn Lumber Co., Inc.

H.R. 6600. An act for the relief of Panagiotis, Georgia, and Constantina Malliaras;

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas;

H.R. 10156. An act for the relief of Lidia Mendola;

H.R. 11968. An act for the relief of Maj. Louis A. Deering, U.S. Army;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife; and

H.R. 13218. An act for the relief of Mr. and Mrs. Joseph E. Begnoche; to the Committee on the Judiciary.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that some time toward the shank of the afternoon, there be a time set aside for the transaction of morning business, with speeches limited to the usual 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION BETWEEN THE UNITED STATES AND THE KINGDOM OF BELGIUM, RELATING TO CONSULAR RELATIONS—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive F, 91st Congress, first session, the consular convention with the Kingdom of Belgium, signed at Washington on September 2, 1969, and two exchanges of notes related thereto, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

EXECUTIVE F, 91–1

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the consular convention between the United States of America and the Kingdom of Belgium, signed at Washington on September 2, 1969, and two exchanges of notes related thereto.

The convention deals with the conduct of consular relations between the two countries and the functions, privileges, and immunities of their respective consular officers. Upon entry into force it will replace the consular convention of March 9, 1880 between the United States and Belgium. Like other recent consular conventions of the United States, the new convention with Belgium covers such important matters as the obligations of the two countries to assure free communication between a citizen and his consul, to inform consular officers of the arrest or detention of their countrymen, and to permit visits by consuls to any of their countrymen who are in prison. It covers consular functions and responsibilities in such fields as the issuance of visas and passports, and the performance of notarial services. It provides for the inviolability of consular communications, documents, and archives, and the obligations of the host country to protect consular premises against intrusion or damage.

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I recommend that the Senate give early and favorable consideration to the convention and related exchanges of notes and give its advice and consent to the ratification thereof.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention and exchanges of notes.

RICHARD NIXON.

THE WHITE HOUSE, *October 8, 1969.*

ORDER IN THE SENATE

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order. Will the Chair direct the Sergeant at Arms that all attachés either take seats or leave the Chamber?

The PRESIDING OFFICER. The Sergeant at Arms is directed to make sure that attachés leave the Chamber or take seats.

Mr. YOUNG of Ohio. Mr. President, a point of order. That rule will be in effect throughout the remainder of today, will it not?

The PRESIDING OFFICER. The Senator from Ohio is correct.

Mr. YOUNG of Ohio. I thank the Chair.

ESTABLISHMENT OF A BOARD OF ENVIRONMENTAL QUALITY ADVISERS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1075.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, which was to strike out all after the enacting clause and insert:

That the Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fufill the social, economic, and other requirements of present and future generations of Americans.

SEC. 2. The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 3. There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommend national policy to promote the improvement of our environmental quality.

SEC. 4. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 5. It shall be the duty and function of the Council—

(a) to assist and advise the President in the preparation of the Environmental Quality Report;

(b) to gather timely and authoritative information concerning the conditions and trends in environmental qualities both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

(c) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(d) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

(e) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 6. The Council shall make an annual report to the President in May of each year.

SEC. 7. In exercising its powers, functions, and duties under this section—

(a) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

(b) the Council, shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided.

SEC. 8. (a) Section 5313 of title 5, United Sattes Code, is amended by adding at the end thereof the following:

"(20) Chairman, Council on Environmental Quality."

(b) Section 5315 of title 5, United States Code, is amended by adding, at the end thereof, the following:

"(92) Members, Council on Environmental Quality."

SEC. 9. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

SEC. 10. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $500,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter.

And, amend the title so as to read: "An act to provide for the establishment of a Council on Environmental Quality, and for other purposes."

Mr. JACKSON. Mr. President, on July 10, 1969, the Senate passed S. 1075, the Environmental Policy Act of 1969. On September 23 the House of Representatives passed H.R. 12549, "a bill to provide for the establishment of a Council on Environmental Quality, and for other purposes," by a vote of 372 to 15. Following adoption of H.R. 12549, a motion was offered to strike all after the enacting clause of S. 1075, and to substitute therefor the text of the House passed bill, H.R. 12549.

The motion was agreed to, the House insisted on its amendments to the Senate bill—S. 1075—and requested a conference on the disagreeing votes of the two Houses.

Mr. President, upon the conclusion of my remarks on the history and content of the House and Senate passed bills, and the important differences in the two measures, I intend to call up S. 1075, and move that the Senate disagree to the amendments of the House, agree to the conference requested by the House, and appoint the conferees for the Senate.

Mr. President, over the past decade there have been some very remarkable changes in public attitudes toward the manner in which the Nation's natural resources are administered. In the past, the public was concerned about policies designated by the terms "conservation," "preservation," and "multiple use." Today, a new set of words and concepts have come into wide public use in discussing the Nation's irreplaceable natural resource base. These words and concepts include "ecology," "environment," and the "inter-relatedness" of all aspects of the physical environment.

These changes in public attitudes and the growing public awareness and concern over man's limited natural resource base were perhaps best articulated during the decade of the sixties by former Secretary of the Interior Stewart Udall. Secretary Udall made the inadequacy of the Nation's knowledge, policies, priorities and institutions for the administration of the public's resources and man's total environment an important public issue.

The inadequacy of present knowledge, policies, and institutions is reflected in our Nation's history, in our national attitudes, and in our contemporary life. It touches every aspect of man's existence. It threatens, it degrades, and destroys the quality life which all men seek.

We see increasing evidence of this inadequacy all around us: haphazard urban and suburban growth; crowding, congestion, and conditions within our central cities which result in civil unrest and detract from man's social and psychological well-being; the loss of valuable open spaces; inconsistent and, often, incoherent rural and urban land-use policies; critical air and water pollution problems; diminishing recreational opportunity; continuing soil erosion; the degradation of unique ecosystems; needless deforestation; the decline and extinction of fish and wildlife species; faltering and poorly designed transportation systems; poor architectural design and ugliness in public and private structures; rising levels of noise; the continued proliferation of pesticides and chemicals without adequate consideration of the consequences; radiation hazards; thermal pollution; an increasingly ugly landscape cluttered with billboards, powerlines, and junkyards; growing scarcity of essential resources; and many, many other environmental quality problems.

LEGISLATIVE HISTORY

S. 1075

The need for a comprehensive national policy on resource, conservation, and environmental administration has long been a matter of active concern to the Senate Interior and Insular Affairs Committee. This history of active concern is set out in the legislative history section of the committee's report on S. 1075.

Senate passage of S. 1075 in July of this year culminated 10 years of active consideration of legislation on conservation, resource, and environmental policy and the need for new governmental institutions in this important area of Federal responsibility.

During the 86th Congress 4 days of hearings were held on Senator Murray's bill, S. 2549, the Resources and Conservation Act which was introduced in 1959. The concept that there is a need for a high-level Council of Conservation, Resource, or Environmental Advisers first found legislative expression in this measure. This measure also represented the first expression of need for a unified and comprehensive statement of conservation, resource, and environmental policy.

During the 87th Congress hearings were held on a similar measure sponsored by Senator Engle and others.

In subsequent sessions of Congress the same and related measures have been introduced and referred to the Interior Committee for consideration.

In the 89th Congress hearings were held before the Interior Committee on S. 2282, Senator NELSON'S Ecological Research and Surveys Act. The major provisions of this measure were later incorporated into S. 2805, introduced by Senator Kuchel and myself in the 90th Congress. S. 2805 would have authorized a program of ecological and environmental research and established a Council of Environmental Advisers in the Executive Office of the President.

S. 2805 and other measures dealing with environmental and resource policy were discussed at a unique joint House-Senate colloquium to discuss a national policy for the environment, sponsored by the Senate Interior Committee and the House Science and Astronautics Committee in July 1968. All concerned Members of the Congress were invited and many attended.

Prior to the colloquium, a special report entitled a "National Policy For The Environment" was prepared for the Interior Committee as a background document on the need for a policy. After the hearings, a congressional white paper on "A National Policy for the Environment" was prepared. This paper summarized the colloquium proceedings, discussed alternatives for congressional action, and attempted to state the elements of a national policy.

During the 91st Congress, three separate major bills dealing with environmental and resource policy and the establishment of new institutions for overview and oversight purposes were introduced and referred to the Interior Committee. The bills were S. 237, McGOVERN; S. 1075, JACKSON; and S. 1752, NELSON. Hearings were held on these measures on April 16, 1969.

Following a staff review of the hearing record, amendment No. 25, an amendment in the nature of a substitute of S. 1075, was introduced on May 29, 1969. This amendment added a new title to S. 1075 and was substantially incorporated into S. 1075 as ordered reported to the Senate on June 18.

Before the committee's report was filed, the Bureau of the Budget requested that the committee reconsider the measure and recommended further amendments. The bill was reconsidered on July 8, amendments were adopted and the measure was ordered reported. The committee report was filed on July 9 and the bill was passed by the Senate on July 10.

S. 1075 was not referred to committee in the House because of a question over which committee or committees had legislative jurisdiction over the subject matter of the bill. The measure was held at the Speaker's desk until the House passed H.R. 12549, a measure similar to S. 1075 in many respects.

S. 1075 AS AMENDED BY THE HOUSE (H.R. 12549)

On September 23, the House passed H.R. 12549 and substituted the text of the House-passed bill for the text of S. 1075. The House disagreed with the language of S. 1075, requested a conference and appointed conferees.

H.R. 12549—DINGELL and others—and a number of other identical and similar measures were the subject of hearings before the House Merchant Marine and Fisheries Committee in May and June of this year. H.R. 12549 is similar to title III of S. 1075 in that it would establish a Council of Environmental Advisers and require the President to submit an annual Environmental Quality Report to the Congress.

Following committee consideration, H.R. 12549 was amended and was ordered reported to the House on July 11. In late September a rule was granted by the House Rules Committee and the measure was scheduled for debate. Following floor debate on September 23, and the adoption of amendments, H.R. 12549 was passed. S. 1075 was then amended by substituting the text of the House-passed bill. The House insisted upon its amendments to S. 1075, and a conference was requested.

S. 1075 as passed by the Senate included a number of provisions which are not in the House version. Among these provisions are some which are essential if the Congress is to enact a sound national policy for the environment.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a statement on the differences in the Senate- and House-passed versions of S. 1075; the legislative history; excerpts from a special report of the Committee on Interior and Insular Affairs; excerpts from a congressional white paper on a national policy for the environment; a comparison of the measures, and a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIFFERENCES IN THE SENATE- AND HOUSE-PASSED VERSIONS OF S. 1075

The following major provisions of S. 1075 as passed by the Senate are not included in the House bill:

TITLE I—DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

The House version includes, as Section 1, a brief statement of Congressional policy recognizing the importance of environmental management as a function of the Federal government. This statement, however, does not include the specific statement of goals and requirements for specific action on the part of Federal agencies which are set forth in Title I of the Senate version.

Congressman Daddario offered an amendment on the floor of the House which would have incorporated the Senate language of Title I into the House bill. A point of order was raised on procedural grounds, however, and the House did not have an opportunity to consider the amendment on its merits.

Title I of the Senate version includes the following provisions:

Sec. 101 (a) is a declaration by the Congress of a national environmental policy. It recognizes mankind's dependence upon the environment and the increasing pressures of population growth and technological advancement. Six broad national goals are set forth to guide the environmental management efforts of the Federal establishment.

Sec. 101 (b) asserts congressional recognition of each person's fundamental right to a healthful environment.

Sec. 102 provides for the integration of the policies and goals set forth in Section 101 into the existing activities of the Federal agencies.

In many areas of Federal action there is no body of experience or precedent for substantial and continuing consideration of environmental factors in governmental decisionmaking. In some areas of Federal activity, existing legislation does not provide clear authority to consider environmental factors which are in conflict with other objectives. In other areas, lack of express authority has been in-

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terpreted to prohibit consideration of environmental factors.

To permit all Federal agencies to implement the goals and policies stated in the Act, Sec. 102 authorizes and directs all agencies to follow certain operating procedures:

(a) to utilize a broad interdisciplinary team approach in the planning of Federal projects and activities which have an impact on environmental values,

(b) to develop new methods of evaluating environmental values which are at present not considered in cost-benefit analysis and other methods used in Federal decision-making,

(c) to accompany each proposal for major activities with explicit findings concerning the environmental impact which will or which may result from the proposed activity,

(d) to study and describe alternatives in instances where environmental conflicts cannot be avoided;

(e) to support international efforts to protect the environmental quality of other nations and the world, and

(f) to recommend legislation which will facilitate the implementation of the policies set forth in the Act.

Sec. 103 provides that the policies and goals set forth in the Act are supplementary to the existing mandates and authorizations of Federal agencies.

TITLE II

Sec. 201 provides authorization for the Federal agencies to include certain environmental management functions among their ongoing activities. These activities include the collection, utilization, and dissemination of ecological and environmental data; research on environmental matters; and assistance to the Council.

Sec. 202 authorize the President to designate an agency or agencies to perform certain specific functions regarding environmental management including:

1. a program of training and research grants, in the amount ultimately of $1 million annually,
2. an inventory of Federal projects,
3. an information retrieval system, and
4. assistance and advice to State and local governments.

Sec. 203 would establish a second Deputy Director's position in the Office of Science and Technology. This position was requested by the Bureau of the Budget, and is required to strengthen the organization of OST to support its increasingly broad functions. Among the duties recently assigned to OST is staff support for the President's newly formed Environmental Quality Council.

Legislative History

S. 1075, the National Environmental Policy Act of 1969, was introduced in the 91st Congress on February 18, 1969, by Senator Jackson. Hearings on this and two related bills introduced by Senators Nelson (S. 1752) and McGovern (S. 237) were held on April 16, 1969, before the full Committee on Interior and Insular Affairs.[1] Following a staff study and consultations with the staff of the Office of Science and Technology and with representatives of a number of the Federal departments, the committee considered S. 1075 in executive session on June 18, 1969. Following the adoption of a number of committee amendments, the measure was ordered reported to the Senate on June 18, 1969. At the request of the Director of the Office of Science and Technology and representatives of the Bureau of the Budget, the committee voted, on July 8, 1969, to reconsider the measure for the purpose of considering additional amendments. The amendments were proposed by the Bureau of the Budget in a July 7, 1969, letter to the chairman of the committee. The proposed amendments to titles I and II of S. 1075 were adopted. Amendments proposed to title III by the Bureau of the Budget were adopted in part and rejected in part. Following the adoption of other amendments suggested by members of the committee, the measure was ordered reported to the Senate on July 8, 1969.

S. 1075, as introduced, was substantially the same measure as S. 2805 which was introduced in the 90th Congress on December 15, 1967, by Senators Jackson and Kuchel. The far-reaching objectives of S. 2805 and similar legislation introduced in the 90th Congress by Members of both Houses were considered at a unique joint House-Senate colloquium convened by the chairmen of the Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics on July 17, 1968, to discuss a national policy for the environment.[2]

Following the colloquium, a "Congressional White Paper" was prepared at the request of Cochairman Henry M. Jackson and George Miller by the Legislative Reference Service, Library of Congress. This document, issued as a joint committee print by the Senate Interior Committee and House Science and Astronautics Committee and distributed to the entire Congress in October 1968, summarized the key points raised in the dialog between Members of the Congress and the colloquium participants which included five Cabinet Secretaries, the President's Science Adviser, Mr. Laurance Rockefeller, and Dean Don K. Price of Harvard.

A special report to the Committee on Interior and Insular Affairs on "A National Policy for the Environment" was prepared for the committee's use and was printed as a committee print on July 11, 1968. The report was prepared by Dr. Lynton K. Caldwell of Indiana University and William J. Van Ness, Special counsel to the committee. The report was used as a background document for the colloquium. It raises and discusses in detail many of the issues and questions implicit in establishing a national environmental policy.

Many of the concepts and ideas incorporated in S. 1075 were drawn from ambitious measures introduced in previous Congresses. Of particular relevance were S. 2549, the Resources and Conservation Act, introduced by Senator Murray in 1959 and S. 2282 introduced by Senator Nelson in the 89th Congress. The Murray bill, endorsed by a distinguished group of Senators in the 86th and subsequently in the 87th Congress, called for the establishment of more efficient machinery in the President's Office to coordinate resource conservation on the basis of national goals. The Nelson bill included broad provisions to cope with inadequate use and application by Federal agencies of ecological knowledge and research methods for attaining better management of our physical environment. Extensive hearings were held on each of these and other environmental measures before the Senate Interior Committee.[3]

Other concepts and ideas incorporated into S. 1075 were drawn from the proceedings of the previously mentioned joint House-Senate colloquium, from technical reports, conferences and symposia, and from books and journals dealing with environmental problems.[4]

In addition, the committee has reviewed and drawn upon concepts and ideas incorporated into many measures introduced in this and previous Congresses related to various aspects of environmental management.[5]

Statement by Senator Henry M. Jackson

Over the years, in small but steady and growing increments, we in America have been making very important decisions concerning the management of our environment. Unfortunately, these haven't always been very wise decisions. Throughout much of our history, the goal of managing the environment for the benefit of all citizens has often been overshadowed and obscured by the pursuit of narrower and more immediate economic goals.

It is only in the past few years that the dangers of this form of muddling through events and establishing policy by inaction and default have been very widely perceived. Today, with the benefit of hindsight, it is easy to see that in America we have too often reacted only to crisis situations. We always seem to be calculating the short-term consequences of environmental mismanagement, but seldom the long-term consequences or the alternatives open to future action.

This report proposes that the American people, the Congress, and the administration break the shackles of incremental policy-making in the management of the environment. It discusses the need for a national environmental policy and states what some of the major elements of such a policy might be. It also raises a number of questions implicit in the establishment of such a broad-based and far-reaching policy.

The report does not purport to deal exhaustively with these subjects. Rather, it attempts to place some of the fundamental questions concerning the need for and the elements of a national environmental policy in the arena of public debate. If the report is successful in encouraging discussion and in refining some of the issues involved, it will have performed a worthwhile purpose. In the last few years, it has become increasingly clear that soon some President and some Congress must face the inevitable task of deciding whether or not the objective of a quality environment for all Americans is a top-priority national goal which takes precedence over a number of other, often competing, objectives in natural resource management and the use of the environment. In my judgment, that inevitable time of decision is close upon us.

If we are to make intelligent decisions which are not based in the emotion of conservation's cause celebre of the moment or in the error of simply perpetuating past practices, there is a very real need to develop a national capacity for constructive criticism of present policies and the development of new institutions and alternatives in the management of the environmental resources of land, air, water, and living space. Developing this capacity will require that representatives from all elements of our national life—industry, the university, Federal, State, and local government—participate in forming this policy. It will require the creative utilization of technology to improve environmental conditions and to prevent unanticipated future instances of costly abuse. It will also require that government, business, and industry pay closer attention to a far greater range of alternatives and potential consequences when they make environment-affecting decisions than they have in the past.

Finally, it needs to be recognized that the declaration of a national environmental policy will not alone necessarily better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies and to provide a means by which they may be continuously reviewed to determine whether they meet the national goal of a quality life in a quality environment for all Americans. Declaration of a national environmental policy could, however, provide a new organizing concept by which governmental functions could be weighed and evaluated in the light of better perceived and better understood national needs and goals.

This report was prepared for the use of the Senate Interior Committee by Prof. Lynton K. Caldwell, chairman, Department of Government, Indiana University, with the assistance of Mr. William J. Van Ness, special counsel to the committee, and the Natural Resources Division, Legislative Reference Service, Library of Congress. Professor Caldwell's contribution was, in part, made possible through an arrangement with the Conservation Foundation.

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[1] National environmental policy, hearings held before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong., first sess., on S. 1075, S. 1752, and S. 237, Apr. 16, 1969. S. 1752, as introduced by Senator Nelson, would create a five-member Council on Environmental Quality in the Office of the President. This Council would be responsible for assisting the President in preparing an annual environmental quality report which would be transmitted to Congress. The report would be reviewed by a Joint Committee on Environmental Quality. The measure would also authorize the Secretary of the Interior to conduct studies of the natural environment, evaluate and disseminate such information, and consult with and provide technical assistance to departments and agencies of the Government.

S. 237, as introduced by Senator McGovern, would require that the President transmit to the Congress an annual report on the state of the environment. The measure would also authorize the creation of a Council of Advisers on Resources, Conservation, and the Environment which would be in the Executive Office of the President. The three-member Council would assist the President in the preparation of the annual report and in developing and recommending national policies to maintain and improve the environment. For the purpose of consideration of the annual report and plan, this bill would establish in the Senate and the House, special committees to be known as the Select Committees on Resources, Conservation, and Environment.

[2] The proceedings were published under the title: "Joint House-Senate Colloquium To Discuss a National Policy for the Environment," hearing before the Committee on Interior and Insular Affairs, U.S. Senate, and the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2d sess., July 17, 1968.

[3] Proposed Resources and Conservation Act of 1960, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 86th Cong., second sess. on S. 2549, Jan. 25, 26, 28, and 29, 1960. Ecological Research and Surveys, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 89th Cong., second sess., April 27, 1966, on S. 2282.

[4] For a detailed listing of these documents see app. A, entitled "A Documentation on Environmental Problems," p. 25, in A National Policy for the Environment, committee print, Senate Interior and Insular Affairs Committee, July 11, 1968; see also the "Bibliography on Environmental Issues," pp. 192–204 in National Environmental Policy, hearing before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong. on S. 1075, S. 237, and S. 1752, Apr. 16, 1969.

[5] In the closing days of the 90th Cong., the Legislative Reference Service tabulated over 100 bills which were directly concerned with environmental issues, covering a broad area of interest—cleaning up the Nation's rivers and better approaches to smog control, improving the use of open space and prevention of disorderly encroachment by superhighways, factories and other developments, improved protection of areas of high fertility, wiser application of pesticides, whose residues affect both man and wildlife, and the control of urban sprawl, unsightly junkyards, billboards, and power facilities that lower the amenities of landscape.

In the present Congress, an initial tabulation indicates that over 40 bills have been introduced which are concerned either with a national policy for the environment or the establishment of machinery to study the overall problems of the human environment. Of the 16 standing committees of the Senate, eight have broad jurisdiction of this type of legislation. Of the 21 House standing committees, 11 are similarly involved. See "A National Policy for the Environment," app. B, p. 29, committee print of the Senate Interior and Insular Affairs Committee, July 11, 1968; "Congressional White Paper on A National Policy for the Environment," app. p. 17, Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics, October 1968; and Legislative Reference Service Multilith, TP 450, SP 170 entitled "Environmental Quality: Selected Bills and Resolutions," June 20, 1969.

A National Policy For the Environment

INTRODUCTION

This report is based upon the assumption that the threat of environmental mismanagement and deterioration to the security and welfare of the United States has been established. (See app. A.) There are differences of opinion as to the severity and relative urgency of various hazards to the environment. Some scientists believe that man's environmental relationships have reached a point of crisis; others do not see the condition of the environment generally as having yet reached a critical stage. But there is, nevertheless, general consensus throughout most walks of life that a serious state of affairs exists and that, at the least, it is approaching a crisis of national and international proportions. The focus of this report is therefore on national policy to cope with environmental crisis, present or impending, rather than with documenting the facts related to environmental deterioration.

PART I—REQUIREMENTS FOR POLICY EFFECTIVENESS

Effective policy is not merely a statement of things hoped for. It is a coherent, reasoned statement of goals and principles supported by evidence and formulated in language that enables those responsible for implementation to fulfill its intent. This section of the report describes some of the interrelating conditions that appear necessary to an effective national policy for the environment. The discussion will be developed under the following five headings:

(1) Understanding Imminent Need.
(2) Recognizing Costs.
(3) Marshaling Relevant Knowledge.
(4) Facilitating Policy Choice.
(5) National Policy and International Cooperation.

1. Understanding imminent need

An effective and enlightened environmental policy is a response to the needs of man in relation to his environment. The response may involve the control of man's behavoir on behalf of the larger interests of mankind where those interests are clearly perceived and widely held. Man's relationship with his environment are, of course, multitudinous and complex. Control by governments, by international organizations, or by other institutions, cannot feasibly be extended to every aspect of the environment nor to more than a fraction of the actual points of impact of individual man upon his environment. Policy effectiveness consequently depends very largely upon the internalization, in the human individual, of those understandings, values, and attitudes that will guide his conduct in relation to his environment along generally beneficial lines. A major requisite of effective environmental policy is therefore intelligent and informed individual self-control.

There is substantial evidence to indicate that large numbers of Americans perceive the need for halting the spread of environmental decay. It is also evident, however, that few recognize the connection between the conditions which they deplore, and the absence of any explicit and coherent national policy on behalf of environmental quality.

Man is confronted by a circumstance that is totally new in human history. He has rapidly completed the occupancy of the easily inhabitable areas of the earth while his numbers have increased at an exponential and accelerating rate. Simultaneously, unprecedented economic power and advances in science and technology have permitted man to make enormously increased demands upon his environment. In no nation are these coincidental developments more dramatically evident than in the United States. And yet many Americans find it difficult to understand why sound environmental management should now suddenly become "everybody's business." Long-accepted ways of thinking and acting in relation to one's surroundings are now being called into question. Understanding of what has happened can be helped by a simple exercise in arithmetic.

At the time of the American Revolution the total human population of the present-day continental United States could hardly have exceeded 3 million individuals. The demands of the American Indian and European colonists on the Atlantic seaboard were very light when contrasted with current exactions. By the close of the 20th century, if the population of this same area approximates 300 million, the daily stress man places on the environment will, on the basis of mere numbers, have increased 100 times over. Technology has alleviated some forms of stress (as on forests for fuel or on wildlife for food), but it has greatly increased environmental stress in general. The net result has been enormously increased demands upon the environment in addition to the increase in population. Calculation of an average per man-year stress upon the environment, estimated from A.D. 1700 to 2000, and adjusted for technological factors at particular historical periods, would be a powerful persuader of the need for a sensitive and forward-looking national environmental policy. The exponential increase in the pressure of man and his technology upon the environment, particularly since World War II, is the major cause of the need for a national environmental quality effort.

The rate at which the Nation has changed since 1890 when the frontier officially ceased to exist has been unexceeded by any other social transformation in history. Scarcely one long generation removed from the last days of the frontier, America has become an urbanized and automated society with publicly institutionalized values in social security, labor relations, civil rights, public education, and public health that would have been utopian less than a century ago. In the absence of a system for adequately assessing the consequences of technological change, who could have predicted the many ways in which applied science would transform the conditions of American life? Powerful new tools applying the discoveries in chemistry, physics, biology, and the behavioral sciences were put to work for improving the health, wealth, comfort, convenience, and security of Americans. Utilizing the vast natural resources of the American environment, the world's highest standard of living was achieved in an amazingly short period of time. Unfortunately, our productive technology has been accompanied by side effects which we did not forsee. Experience has shown us that there are dangers as well as benefits in our science-based technology. It is now becoming apparent that we cannot continue to enjoy the benefits of our productive economy unless we bring its harmful side effects under control. To obtain this control and to protect our investment in all that we have accomplished, a national policy for the environment is needed.

Although Americans have enjoyed prodigious success in the management of their economy they have been much less successful in the management of natural resources. As a people we have been overly optimistic,

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careless, and at times callous in our exactions from the natural environment. The history of soil exhaustion and erosion, of cut-over forest lands, of slaughtered wildlife document a few of our early failures to maintain the restorative capacities of our natural resources. Fortunately many of these early failures have been corrected or are now being remedied. But our exploding population and technology have created more subtle dangers, less easily detected and more difficult to overcome.

These more recent dangers have been documented in testimony before the Congress and in the reports of scientific committees (app. A). They confront us with the possibility that the continuation of present trends affecting, for example, (*a*) the chemistry of the air, (*b*) the contamination of food and water, (c) the use of open land and living space, and (*d*) the psychophysical stress of crowding, noise and interpersonal tension on urban populations, may infinitely degrade the existence of civilized man before the end of this century. These are not the exaggerated alarms or unsubstantiated predictions of extremists; they are sober warnings of competent scientists supported by substantial demonstrable evidence. The practical course is, therefore, to forestall these threats before they have outgrown our technical, economic, legal, and political means to overcome them. Fortunately, we still have a choice in this matter. We still have a relatively wide range of alternatives available in managing the environment.

It may be contended that the problems of the environment must wait until more urgent political issues are resolved. Problems of national security, poverty, health, education, urban decay, and underdeveloped nations have just and appropriate claims for priority in national attention and public expenditure. Yet many aspects of these problems involve environmental policy. Three of the most urgent—the slums and ghettos of the great cities; increasing disability and death from diseases induced by environmental factors (for example, cancer, emphysema, mental disorders); and the decline and decay of rural areas (for example, in Appalachia) furnish persuasive reasons for a national environmental policy. Before billions of dollars are spent in attempts to alleviate these social ills, it would be wise to be sure that environmental factors causing or accompanying these conditions are properly identified and remedied. We may otherwise worsen the state of our economy and environment without solving the underlying social problems.

In summary, within the present generation the pressures of man and technology have exploded into the environment with unprecedented speed and unforeseen destructiveness. Preoccupied with the benefits of an expanding economy the American people have not readily adopted policies to cope with the attendant liabilities. Popular understanding of the need to forestall the liabilities in order to preserve the benefits is now becoming widespread, and provides the political rationale for the development of a national policy for the environment, and for a level of funding adequate to implement it.

2. *Recognizing costs*

The nation long ago would probably have adopted a coherent policy for the management of its environment, had its people recognized that the costs of overstressing or misusing the environment were ultimately unavoidable. This recognition was arrived at belatedly for several reasons: *First*, environmental deterioration in the past tended to be gradual and accumulative, so that it was not apparent that any cost or penalty was being exacted; *second*, it seemed possible to defer or to evade payment either in money or in obvious loss of environmental assets; *third*, the right to pollute or degrade the environment (unless specific illegal damage could be proved) was widely accepted. Exaggerated doctrines of private ownership and an uncritical popular tolerance of the side effects of economic production encouraged the belief that costs projected onto the environment were costs that no one had to pay.

This optimistic philosophy proved false as many regions of the Nation began to run out of unpolluted air and water, as the devastation of strip mining impoverished mining communities, as the refuse of the machine age piled up in manmade mountains of junk, as the demand for electricity and telecommunications arose to festoon the Nation with skeins of cables strung from forests of poles, and as the tools of technology increasingly produced results incompatible with human well-being. Under the traditional "ground rules" of production, neither enterprise nor citizen was called upon to find alternatives or to pay for measures that would have prevented or lessened ensuing loss of environmental quality. Payment contained to be exacted in the loss of amenities the public once enjoyed, and in the costs required to restore resources to usefulness and to support the public administration that environmental deterioration entailed. When the public began to demand legislation to control pollution and to prevent environmental decay, the reaction of those involved in environment degrading activities was often one of counter-indignation. Businessmen, municipalities, corporations and property owners were confronted with costs in the form of taxes or the abatement of nuisances that they had never before been called upon to pay. They were now about to be penalized for behavior which America had long accepted as normal.

What is now becoming evident is that there is no way in the long run of avoiding the costs of using the environment. The policy question is not whether payment shall be made; it is when payment shall be made, in what form, and how the costs are to be distributed. Hard necessity has made evident the need for payment to obtain air and water of quality adequate to meet at least minimum standards of health and comfort. Scientific knowledge and rising levels of amenity standard have added to public expectation that protection against environmental damage will be built into the products and production costs of manufacturers.

Lack of a national policy for the environment has now become as expensive to the business community as to the Nation at large. In most enterprises a social cost can be carried without undue burden if all competitors carry it alike. For example, industrial waste disposal costs can, like other costs of production, be reflected in prices to consumers. But this becomes feasible only when public law and administration put all comparable forms of waste-producing enterprises under the same requirements. Moreover it has always been an advantage to enterprise to have as clear a view as possible of future costs and requirements. When public expectations and "ground rules" change, however, as they have been changing recently on environmental quality issues, the uncertainty of resulting effects upon business costs, and the necessity for adjustment to unexpected expenses and regulations, is disconcerting and hardly helpful.

A national policy for the environment could provide the conceptual basis and legal sanction for applying to environmental management the methods of system analysis and cost accounting that have demonstrated their value in industry and in some areas of government. It has been poor business, indeed, to be faced with the billions of dollars in expense for salvaging our lakes and waterways when timely expenditures of millions or timely establishment of appropriate policies would have largely preserved the amenities that we have lost and would have made unnecessary the cost of attempted restoration. A national system of environmental cost accounting expressed not only in economic terms but also reflecting life-sustaining and amenity values in the form of environmental quality indicators could provide the Nation with a much clearer picture than it now has of its environmental condition. It would help all sectors of American society to cooperate in avoiding the overdrafts on the environment and the threat of ecological insolvency that are impairing the national economy today.

It is not only industrial managers and public officials who need to recognize the unavoidable costs of using the environment. It is, above all, the individual citizen because he must ultimately pay in money or in amenities for the way in which the environment is used. If, for example, he likes to eat lobster, shrimp or shellfish, the citizen must reconcile himself to either paying dearly for these products or indeed finding them unobtainable at any price, unless we find ways to preserve America's coastline and coastal waters. The individual citizen may also have to pay in the cost of illness and in general physical and psychological discomfort. And these costs, of course, are not incurred voluntarily.

In the interest of his welfare and of his effectiveness as a citizen the individual American needs to understand that environmental quality can no longer be had "for free." Recognition of the inevitability of costs for using the environment and of the forms which these costs may take is essential to knowledgeable and responsible citizenship on environmental policy issues.

In summary, the American people have reached a point in history where they can no longer pass on to nature the costs of using the environment. The deferral of charges by letting them accumulate in slow attrition of the environment, or debiting them as loss of amenities will soon be no longer possible. It is no longer feasible for the American people to permit it. The environmental impact of our powerful, new, and imperfectly understood technology has often been unbelievably swift and pervasive. Specific effects may prove to be irreversible. To enjoy the benefits of technological advance, the price of preventing accidents and errors must be paid on time. From now on "pay-as-you-go" will increasingly be required for insuring against the risks of manipulating nature. This means merely that provision must be made for the protection, restoration, replacement, or rehabilitation of elements in the environment before, or at the time, these resources are used. Later may be too late.

3. *Marshaling relevant knowledge*

For many years scientists have been warning against the ultimate consequences of quiet, creeping, environmental decline. Now the decline is no longer quiet and its speed is accelerating. The degradation is destroying the works of man as well as of nature. We are confronted simultaneously with environmental crisis in our cities and across our open lands and waters. The crisis of the cities and the crisis of the natural and rural environments have many roots in common, although they may erroneously be viewed as extraneous to one another, or even as competitive for public attention and taxation. In fact, both crises stem from an ignorance of and a disregard for man's relationship to his environment.

An effective environmental policy in the past might have prevented and would certainly have focused attention upon the wretched conditions of urban and rural slums. It would surely have stimulated a search for knowledge that could have helped to correct and prevent degraded conditions of living. It is now evident that the fabric of American society can no longer contain the growing social pressure against slum environments. Today, remedial measures are being forced by social violence and by the social and economic costs of environmental decay; but it is not certain that the remedies take full account of the nature of the ailment. The pressure upon the urban environment is acute and overt; it is dramatized, it has obvious political implications, and it hurts. Conversely, the degradation of natural and rural environments is more subtle. Stress may reach the point of irreparable damage before there is full awareness that a danger exists. What is needed therefore is a systematic and verifiable method for periodically assessing the state of the environment and the degree and effect of man's stress upon it, as well as the effect of the environment and environmental change on man.

One would expect to be able to look to the universities and to the great schools and institutes of agriculture, engineering, and public health as constituting an environmental intelligence system. Unfortunately however, no such system exists. Man-environment relationships per se have seldom been studied comprehensively. Various disciplines have concerned themselves with particular aspects of environmental relationships. Geographers, physiologists, epidemiologists, evolutionists, ecologists, social and behavioral scientists, historians, and many others have in various ways contributed to our knowledge of the reciprocal influences of man and environment. But the knowledge that exists has not been marshaled in ways that are readily applicable to the formulation of a national policy for the environment. At present, there are many gaps in our knowledge of the environment to which no discipline has directed adequate attention.

It should not be surprising that there is a lack of organized knowledge relating to environmental relationships. Society has never asked for this knowledge, and has neither significantly encouraged nor paid for its production. By way of contrast, public opinion has supported the costs of high-energy physics as reasonable, even though direct and immediate applications to public problems are relatively few. But public opinion has been guided in part by the judgment of the scientific community and of the leaders of higher education. Only recently have the scientific community and the universities begun to interest themselves institutionally in man-environment relationships, perceived in the totality in which they occur in real life.

Environmental studies in the universities are as yet largely focused on separate phases of man-environment relationships. This, in itself, is not undesirable; it is in fact necessary to obtain the degree of specialization and intensive study that many environmental problems require. The inadequacy lies in the lack of means to bring together existing specialized knowledge that would be relevant to the establishment of sound policies for the environment. There is also need for greatly increased attention to the study of natural systems, to the behavior of organisms in relation to environmental change, and to the complex and relatively new science of ecology. There is need for synthesis as well as for analysis in the study of man-in-environment.

A reciprocal relationship exists between the interests of public life and the activities of American universities. Public concern with a social problem when expressed in terms of public recognition or financial support, stimulates related research and teaching in the colleges and universities. Research findings and teaching influence the actions of government and the behavior of society. This relationship has been exceptionally fruitful in such fields as agriculture, medicine, and engineering. It has not, as yet, developed strength in the field of environmental policy and management. Nevertheless a beginning is being made in some colleges and universities, and in a number of independent research organizations and foundations, to provide a more adequate informational base for environmental policy.

Recognition of the need for a more adequate informational base for environmental policy has not been confined to academic institutions or to government. Speaking to the 1967 plenary session of the American Institute of Biological Sciences, Douglas L. Brooks, president of the Traveler's Research Center, declared that "* * * We need to recognize environmental quality control as a vital social objective and take steps to establish the field of environmental management as a new cross-disciplinary applied science professional activity of extraordinary challenge and importance."

To date, action by Government to assist the marshaling of relevant knowledge has been uncoordinated and inconstant. With the exception of defense and space-related technical investigations, the amount of money made available for environmental research has been relatively meager and has been allocated largely along conventional disciplinary lines. Specialized aspects of research on man-environment relationships have been well funded by the Atomic Energy Commission, the Department of Defense, and the National Aeronautics and Space Administration. But much of this work is highly technical and is appropriately directed toward problems encountered in the missions of these agencies. More broadly based are the interests of the National Science Foundation, but the Foundation's resources for funding academic research relating to environmental policy are small. For a brief period the most promising source of support for the kind of knowledge needed for environmental policy effectiveness was the U.S. Public Health Service. In the mid-1960's, the Service began to assist the establishment of broadly based environmental health science centers in selected universities. But a shift of emphasis in the Public Health Service brought this effort to an untimely standstill. The National Institutes of Health fund a significant body of health-related environmental research, but little of it appears to be policy-related.

The Science Information Exchange of the Smithsonian Institution, surveying the general field of Government-funded research for the Senate Interior and Insular Affairs Committee, found (not unexpectedly) that there were heavy concentrations of research where Government funding was heaviest—notably in physical science and the biomedical aspects of the environs. Government-funded research of broadly cross-disciplinary or policy-oriented character appeared to be almost negligible in volume and in funding. It is probable that policy problems are investigated in the course of substantive research; but it is evident that we have not yet made a conscious decision to organize and fund the effort which students of environmental policy and management see as the necessary first step to an adequate environmental information system.

To provide facilities and financial support for new research on natural systems, environmental relationships and ecology on an independent, but publicly financed basis, a National Institute of Ecology has been proposed by a group of scientists associated with the Ecological Society of America and assisted by the National Science Foundation. The functions proposed for this institute are worth restating in brief, as indicative of the contribution that ecologists would like to make toward strengthening the Nation's capacity to cope with its environmental problems. Defining ecology to be "* * * the scientific study of life-in-environment," the proponents of a National Institute of Ecology state that it is needed (1) to conduct large-scale multi-disciplinary field research beyond the capacities of individual researchers or research institutions, (2) to provide a central ecological data bank on which ecologists and public agencies can draw, (3) to coordinate and strengthen activities of ecologists in relation to ecological issues in public affairs, and to promote the infusion of ecology into general education at all levels, and (4) to perform advisory services for government and industry on active programs affecting the environment. The principle purpose of the proposed institute is not, however, to study public policy or education, but to do more and better ecology.

These efforts and proposals, and many others unreported here, are constructive contributions to the task of marshaling the knowledge needed for an effective national policy for the environment. They do not, however, add up to a national information system, nor do they necessarily present information and findings relative to the environment in forms suitable for review and decision by the Nation's policymakers. The ecological research and surveys bill introduced by Senator Gaylord Nelson in the 89th Congress would have established a national research and information system under the direction of the Secretary of the Interior. Similar proposals have been incorporated in a number of bills introduced in the 90th Congress, including S. 2805 by Senators Jackson and Kuchel. (See app. B.) An important difference between the proposals before the 90th Congress and the efforts and proposals described in the preceding paragraphs is that in pending legislation the knowledge assembled through survey and research would be systematically related to official reporting, appraisal, and review. The need for more knowledge has been established beyond doubt. But of equal and perhaps greater importance at this time is the establishment of a system to insure that existing knowledge and new findings will be organized in a manner suitable for review and decision as matters of public policy.

In summary, to make policy effective through action, a comprehensive system is required for the assembly and reporting of relevant knowledge; and for placing before the President, the Congress, and the people, for public decision, the alternative courses of action that this knowledge suggests. With all its great resources for research, data processing, and information transmittal, the United States has yet to provide the financial support and operational structure that would permit these resources to implement a public policy for the environment.

4. *Facilitating policy choice*

The problem of organizing information for purposes of policy-oriented review leads directly to the need for a strategy of policy choice. Environmental policymaking presents certain organizational difficulties. It must draw heavily upon scientific information and yet it embraces important considerations and issues that are extraneous to science policy. Insofar as environmental policy is dependent upon scientific information, it is handicapped by the insufficiency of the research effort and the inadequacies of information handling described in the preceding paragraphs. In a review of U.S. science policy by the Organization for Economic Cooperation and Development, the European examiners cited environmental problems as one of the areas of inquiry that American science was not well organized to attack. The criticism was directed not at the accomplishments of American science in support of major technical undertakings; it was instead concerned with the absence of a system and a strategy adequate to deal with the problems of the environment, and of social relationships and behavior, on a scale which their comprehensive and complex subject matters require.

Insofar as science is an element in environmental policymaking, the Office of Science and Technology affords a mechanism for enlisting the resources of the scientific community, for establishing study groups and advisory panels on specific issues, and for presenting their recommendations to the President. In the coordination of scientific aspects of environmental policy, the Federal Council of Science and Technology, in as-

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sociation with the Office of Science and Technology, is the more general of several coordinative or advisory bodies in the executive branch. (See app. C.) The establishment of special councils for marine resources and engineering development, for water resources, for recreation and natural beauty, among other purposes, complicates to some extent the function of policy advice. None of these bodies are constituted to look at man-environment relations as a whole; none provide an overview; none appear fully to answer the need for a system to enable the President, the Congress, and the electorate to consider alternative solutions to environmental problems.

Possible answers to the need for a system to assist national policy choice may be found in legislative proposals to create councils on environmental quality or councils of ecological advisers. These councils are conceived as bridges between the functions of environmental surveillance, research, and analysis, on the one hand, and the policymaking functions of the President and the Congress on the other. The particular and indispensable contribution of the Council to environmental policy would be twofold. The first would be, using S. 2805 for purposes of illustration, "* * * to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation." Most proposals call for a report on the state of the environment from the Council to the President and from the President to the Congress. S. 2805, for example, states that the Council shall provide advice and assistance to the President in the formulation of national policies, and that it shall also make information available to the public. The bill further provides that "* * * The Council shall periodically review and appraise new and existing programs and activities carried out directly by Federal agencies or through financial assistance and make recommendations thereon to the President."

From this enumeration of the Council's functions several inferences may be drawn. *First*, the proposed environmental advisory councils are not science advisory bodies. They are instructed in pending legislative proposals to take specified factors, including the scientific, into account in the course of their analysis and recommendations on environmental policy issues. *Second*, the councils are not primarily research or investigating bodies even though they have important investigatory functions. They are essentially policy-facilitating bodies. *Third*, their functions are those of analysis, review, and reporting. Their nearest functional counterpart is probably the Council of Economic Advisers. *Fourth* and finally, councils on the environment, such as proposed by some of the measures listed in appendix B, must be located at the highest political levels if their advisory and coordinative roles are to be played effectively. For this reason the proposals have generally established the Council in the Executive Office of the President. However, the Technology Assessment Board proposed by Representative Emilio Q. Daddario, which would perform many functions similar to those of the environmental councils, would be an independent body responsible primarily to the Congress.

This brings the discussion to the role of the Congress in facilitating policy choice. Some have found the formal committee structure of the Congress to be poorly suited to the consideration of environmental policy questions. Senator Edmund Muskie has proposed a Select Committee of the Senate on Technology and the Human Environment to facilitate consideration of related environmental issues that would normally be divided among a number of Senate committees. Others have proposed that a Joint Committee on the Environment, representative of the principal committee of the House and the Senate concerned with environmental policy issues, should be established to review a proposed annual or biennial report of the President on the state of the environment. Many Congressmen, however, feel that the policy of establishing new committees to deal with each new problem area should be resisted and that the present committees should assume their legislative and oversight responsibilities in this area. Meanwhile the informal and practical operations of legislative business permits the present standing committees to function with remarkable speed and dexterity where the will to legislate exists.

In summary, policy effectiveness on environmental issues will require some form of high-level agency in the executive branch for reviewing and reporting on the state of the environment. No existing body seems appropriate for this function. To meet this need, and under various names, a council for the environment has been suggested and has been incorporated in numerous legislative proposals. Provision for a policy assisting body in the executive branch suggests to some the desirability of a comparable committee in the Congress.

5. National policy and international cooperation

In his address to the graduating class at Glassboro State College on June 4, 1968. President Lyndon B. Johnson called for the formation of a permanent "international council on the human environment." The ecological research and surveys bill first offered in 1965 by Senator Gaylord Nelson authorized participation by the United States with "other governments and international bodies in environmental research." Similarly, S. 2805 and other pending measures authorize "* * * environmental research in surrounding oceans and in other countries in cooperation with appropriate departments or agencies of such countries or with coordinating international organizations * * *."

These and other expressions of the willingness and intent of the United States to cooperate with other nations and with international organizations on matters of environmental research and policy reinforce the argument for a national environmental policy. Although the United States could cooperate internationally on many specific issues without a national policy, it could do so more effectively and comprehensively if its own general position on environmental policy were formally and publicly enunciated.

The United States, as the greatest user of natural resources and manipulator of nature in all history, has a large and obvious stake in the protection and wise management of man-environment relationships everywhere. Its international interests in the oceanic, polar, and outer space environments are clear. Effective international, environmental control would, under most foreseeable contingencies, be in the interest of the United States, and could hardly be prejudicial to the legitimate interests of any nation. American interests and American leadership would, however, be greatly strengthened if the Nation's commitment to a sound environmental policy at home were clear.

PART II—QUESTIONS OF IMPLEMENTATION

What significance would adoption of a national policy for the environment hold for the future of government in the United States? At the least, it would signify a determination by the American people to assume responsibility for the future management of their environment. It would not imply an all-inclusive Federal or even governmental environmental administration. The task to too widespread, multitudinous, and diverse to be wholly performed by any single agency or instrumentality. There are important roles to be played at every level of government and in many sectors of the nongovernmental economy. Nevertheless a new policy, and particularly a major one, is certain to arouse some apprehensions.

In the Federal agencies, among the committees of the Congress, in State governments, and among businesses whose activities impinge directly upon the environment and natural resources, there would be understandable concern as to what changes for them might be implicit in a national policy for the environment. The objection is certain to be raised that Government is already too large and that there are already too many agencies trying to manage the environment. "Please—not one more," will be an oft-repeated plea. These fears, however, are largely those that always accompany a new public effort regardless of its purpose, direction, or ultimate benefit. Very few people oppose, in principle, public action on behalf of quality in the environment. It is implementation that raises questions and arouses apprehension.

It would be unconvincing to assert that no interest, enterprise, or activity will be adversely affected by a national environmental quality effort. There is no area of public policy that does not impose obligations upon, nor limit the latitude for action of important sectors of society. But while activities harmful to man's needs and enjoyments in the environment must necessarily be curbed, it is also true that all Americans, without exception, would benefit from an effective national environmental policy. In brief, although all would benefit, a relative few might be required to make adjustments in business procedures or in technological applications.

For the foregoing reasons, a report on the need for a national policy for the environment would be incomplete if it did not raise, at least for purposes of discussion, some major questions that the establishment as such a policy would imply. These are mainly questions of how a decision to establish a national policy would be implemented in practice. They are questions to be answered by the Congress and by the President. But in their answers, the policy-determining branches of Government will need to consider a number of issues subsidiary to those major questions.

To better illustrate the issues involved in these questions, reference will be made to S. 2805. No claim of special priority is implied by these references. Many of the bills now pending on this issue have similar provisions. Any one bill might serve as well as any other.

1. What are the dimensions of an environmental policy and how are they distinguishable from other areas of national concern?

This is the fundamental question. It would be unreasonable to expect that its metes and bounds could be defined more clearly than those of the more familiar policy areas of national defense, foreign relations, civil rights, public health, or employment security. The field of definition can be narrowed, however, by identifying those concepts with which it might be confused but from which it should be clearly distinguished.

Environmental policy, broadly construed, is concerned with the maintenance and management of those life-support systems—natural and man made—upon which the health, happiness, economic welfare, and physical survival of human beings depend. (See app. D.) The quality of the environment, in the full and complex meaning of this term, is therefore the subject matter of environmental policy. The term embraces aspects of other areas of related policy or civic action, and it is important that environmental policy and environmental quality, in the broad sense, be distinguished from these related but sometimes dissimilar policies or movements.

Environmental policy should not be confused with efforts to preserve natural or historical aspects of the environment in a perpetually unaltered state. Environmental quality does not mean indiscriminate preservationism, but it does imply a careful examination of alternative means of meeting human needs before sacrificing natural species or environments to other competing demands.

Environmental quality is not identical with any of the several schools of natural resources conservation. A national environmental policy would however, necessarily be concerned with natural resource issues. But the total environmental needs of man—ethical, esthetic, physical, and intellectual, as well as economic—must also be taken into account.

Environmental policy is not merely the application of science and technology to problems of the environment. It includes a broader range of considerations. For this reason S. 2805, in proposing a Council on Environmental Quality, does not stipulate that its five members be scientists, although it obviously would not preclude scientists among them.

One of the few differences in emphasis among the environmental policy bills now before the Congress has to do with the role of ecologists and of the science of ecology in the shaping of national policy. The need for a greatly expanded program of national assistance for ecological research and education cannot be doubted by anyone familiar with present trends in the environment. The science of ecology can provide many of the principal ingredients for the foundation of a national policy for the environment. But national policy for the environment involves more than applied ecology, it embraces more than any one science and more than science in the general sense.

The dimensions of environmental policy are broader than any but the most comprehensive of policy areas. The scope and complexities of environmental policy greatly exceed the range and character of issues considered, for example, by the Council of Economic Advisors. One may therefore conjecture, without derogation to the unquestionable importance of the economic advisory function, that a council on the environment would, in time, perhaps equal and even exceed in influence and importance any of the specialized conciliar bodies now in existence. For this reason its membership should be broadly representative of the breadth and depth of national interests in man-environment relationships. The ultimate scope of environmental policy, and the relationship of a high-level implementing council to existing councils, commissions, and advisory agencies, are not questions that can be, or need to be, decided now, nor even at the time that a national policy may be adopted. The important consideration is to develop a policy and to provide a means that will permit its objectives to be considered and acted upon by the Congress, the President, and the executive agencies. If we wait until we are certain of the dimensions of environmental policy and of how it will relate to other responsibilities and functions of Government, our assurance will be of no practical value. It will have come too late to be of much help.

2. Upon what considerations and values should a national environmental policy be based?

If it is ethical for man to value his chances for survival, to hope for a decent life for his descendants, to respect the value that other men place upon their lives, and to want to obtain the best that life has to offer without prejudicing equal opportunities for others, then the cornerstone of environmental policy is ethical. That cornerstone is the maintenance of an environment in which human life is not only possible, but may be lived with the fullest possible measures of personal freedom, health, and esthetic satisfaction that can be found. No government is able to guarantee that these values can be realized, but government is able to assist greatly in the maintenance of an environment where such values are at least realizable.

Ethics, like justice, is not easily quantifiable, yet few would argue that society should not seek to establish justice because justice cannot be adequately defined or quantified. Environmental policy is a point at which scientific, humanistic, political, and economic considerations must be weighed, evaluated, and hopefully reconciled. Hard choices are inherent in many policy issues. The sacrifice of a plant or animal species, for example, or of a unique ecosystem ought not to be permitted for reasons of short-run economy, convenience, or expediency. The philosophy of reverence for life would be an appropriate guiding ethic for a policy that must at times lead to a decision as to which of two forms of life must give way to a larger purpose.

The natural environment has been basically "friendly" toward man. Man's survival is dependent on the maintenance of this environment, but not upon the unaltered operation of all of its myriad components. Pathogenic micro-organisms, for example, are not reverenced by man. Protection against them is a major task of environmental health and medicine. But even here, respect for the incredible variety, resilience, and complexity of nature is a value that environmental policy would be wise to conserve. Frontal attacks upon man's environmental enemies or competitors, identified as pathogens or as "pests," have miscarried too often to encourage the thought that direct action on threats in the environment are always wise, economical, or effective.

The range of values to be served by environmental policy is broad and an indication of how its scope might be defined may be obtained from the provisions of S. 2805 which specify the considerations to which the Council on Environmental Quality should respond: "Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of this Nation."

The assessment and interpretation of these needs and interests is obviously a function that the members of the Council would have to perform to the best of their ability. No more than in the election of legislators or in the appointment of judges, would it be possible to stipulate how these or other values should be understood and weighted. The reputations and characters of the individuals appointed to the Council would offer the best indications of how the specifications of the law might be construed. But the findings and conclusions of the Council need not be wholly subjective or based upon speculative data. The methods of systems analysis, cybernetics, telemetry, photogrammetry, electronic and satellite surveillance, and computer technology are now being applied to a wide range of environmental relationships. New statistical and computerized simulation techniques are rapidly bringing ecology from what has been described as "one of the most unsophisticated of the sciences," to what may become one of the most complex, intellectually demanding and conceptually powerful of the sciences.

In brief, the values and considerations upon which a national environmental policy should be based should be no less extensive than the values and considerations that men seek to realize in the environment. In the interpretation of these values and considerations science can play a role of great importance. But neither science, nor any other field of knowledge or experience, can provide all of the criteria upon which environmental policies are based. The full range of knowledge and the contributions of all of the scientific and humanistic disciplines afford the informational background against which value judgments on environmental policy may most wisely be made.

3. How should the information needed for a national environmental policy be obtained and utilized?

Of all major questions on the implementation of environmental policy, this one is probably the least difficult. It is in part a technical question; yet to describe it as technical is not to suggest that it can be easily answered. There is no present system for bringing together, analyzing, collating, digesting, interpreting, and disseminating existing information on the environment. There is accordingly no reliable way of ascertaining what aspects of man-environment relationships are unresearched or hitherto unidentified. The question is less difficult than others primarily because it is clearly possible to design an information system, to fund its implementation, and to put it into effect. The particular form in which the data should finally appear, and the method of its subsequent disposition are more problematic.

Title I of S. 2805, and other measures proposed on behalf of a national environmental policy, make provision for the functions of information gathering, storage and retrieval, dissemination, and for enlarging the available information through assistance to research and training. The detailed provisions of S. 2805 on an environmental information system are numerous and need not be repeated here. The significant feature of these provisions is that they create an information system designed and intended to serve the policymaking processes of government.

Most of the environmental quality bills place this information function under the direction of the Secretary of the Interior. But they relate its data-gathering functions to those of other Federal agencies and they provide for the transmittal of its findings to a high-level reviewing body and to the President and the Congress. In the provision for organizing environmental information into a form that is usable for policy formation, this proposal represents a step toward greater rationality in government and toward the more effective use of modern information systems and technology to serve public purposes.

4. How should a national environmental policy be implemented and periodically reviewed for refinery or revision?

Some innovation and restructuring of policy-forming institutions will be required to achieve the purpose of a national environmental policy. Our present governmental organization has not been designed to deal with environmental policy in any basic or coherent manner. (See app. C). The extent to which governmental reorganization may be necessary cannot be determined absolutely in advance of experience. But it does seem probable that some new facility at the highest levels of policy formulation will be needed to provide a point at which environmental policy issues cutting across the jurisdictional lines of existing agencies can be identified and analyzed, and at which the complex problems involved in man's relationships with his environment can be reduced to questions and issues capable of being studied, debated, and acted upon by the President, the Congress, and the American people. As we have seen, some of the bills on environmental policy now pending in the Senate and the House of Representatives (see app. B) provide a point of focus for this new area of policy through a high-level board or council. Many of these bills provide for periodic reports on the state of the environment to the policy-determining institutions of the Nation—the President and the Congress—and, as these reports are matters of public record, to the American people who must be

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the final judges of the level of environmental quality they are willing to support.

As noted in the preceding paragraphs, improved facilities for the finding, analysis and presentation of pertinent factual data are needed. A vast amount of data is now collected by Federal agencies and by private research organizations; but this data is uneven in its coverage of the various aspects of environmental policy. For example, there is a superabundance of technical information on some aspects of environmental pollution, but comparatively little research on the social and political aspects of environmental policy. Much of the data now available is in a form unsuitable for policy purposes. The sheer mass of data, much of it highly technical on certain major environmental problems, is a serious impediment to its use. For this reason, the legislative proposals on national environmental policy provide a system for reinforcing, supplementing, and correlating the flow of information on the state of the environment.

These two major needs, (*a*) a high-level reviewing and reporting agency and (*b*) an information gathering and organizing system, are the essential structural innovations proposed in bills now before the Congress for implementing a national environmental policy. Would these additions to the present structure of government be sufficient to implement a national environmental quality program and how in particular would the proposed high level Council be related to other agencies in the federal structure of government?

New policies and programs imply structures appropriate to their functions and may call for new relationships among existing agencies. To construct a comprehensive structure for environmental administration will require time, and meanwhile the need for leadership in informing the people and in formulating policy recommendations and alternatives grows more urgent. It is for this reason that some of the measures which have been introduced propose that a Council for Environmental Quality be established in the Executive Office of the President. In effect, the Council would be acting as agent for the President. It would need information from the various Federal departments, commissions, and independent agencies that, under prevailing organization, it could not as easily obtain if it were located at a level coequal or subordinate to the division of Government whose programs it must review. Reinforcing this consideration is the distribution of environment-affecting activities among almost every Federal agency.

Objections may be raised that there are already too many councils and committees established in the Executive Office of the President. Some students of public administration argue that a simplification of structure and a clarification of existing responsibilities should take precedent over any new programs or agencies. The answer to this objection lies in an assessment of relative priorities. Is each of the councils or comparable agencies now established in the Executive Office of the President more important, of greater urgency, or of more direct bearing upon the public welfare, than the proposed Council on Environmental Quality? What criteria indicate how many conciliar bodies are "too many"? These questions are not merely rhetorical. Although they cannot be answered here, they are obviously germane to the issue of governmental organization and to the way in which national environmental policy is formulated and made effective.

A strong case can be made a major restructuring of the Federal departments in which public responsibility for the quality of the environment would, like defense or foreign relations, become a major focus for public policy. Proposals tending in this direction and chiefly affecting the Department of the Interior have been made over several decades. A prominent news magazine took up this line of reasoning in a recent editorial declaring that "* * * the Secretary of the Interior ought to be the Secretary of the Environment." But a major restructuring of functions in the Federal administrative establishment cannot be accomplished easily or rapidly. Such a development would be most plausible as a part of a more general restructing of the executive branch. The multiplication of high-level councils and interagency committees may indicate that a restructuring is needed. (See app. C.) Some of the complexity of present arrangements for policy formulation and review reflects the confusion often attending a transition from one set of organizing concepts to another.

Among the concepts that have been proposed to reduce the burden of the Presidential office and to provide a more simple and flexible administrative structure, is that of the "superdepartment." One of these agencies already exists as the Department of Defense. A Department of the Environment might be another. The substance and character of the organizational changes that superdepartments might imply are germane to a discussion of environmental administration, but they require no further exploration in this report beyond the following three points: *First,* they would be fewer in number than present departments, probably no more than seven to nine; *second,* they would be oriented broadly to services performed for the entire population, and *third,* they would be planning and coordinative rather than directly operational, assuming, to some degree, certain of the tasks that now fall heavily on the Executive Office of the President.

There may be another answer to the need for a more effective review and coordination of related functions in diverse agencies in the concept of "horizontal authority" or matrix organization. This organizational arrangement has been employed in multifunctional, cross-bureau, projects in the Department of Defense and in the National Aeronautics and Space Administration. Under a temporary structure for project management, it structures across normal hierarchal lines and working relationships among the necessary personnel and skills. The concept might be applicable to interagency attack upon specific problems of environmental policy.

Review of national policy, and revision if and when needed, are functions that the Congress performs for all major policies of Government. The device of an annual or biennial report from the President to the Congress on the state of the environment offers the logical occasion for an examination by the Congress, not only of the substance of the President's message, but of national policy itself. In many respects, the transmission of an annual report on the state of the environment accompanied by a clear and concise statement of the Nation's goals, needs, and policies in managing the environment could attain many of the ends sought by those who propose reorganization.

SUMMATION

Although historically the Nation has had no considered policy for its environment, the unprecedented pressures of population and the impact of science and technology make a policy necessary today. The expression "environmental quality" symbolizes the complex and interrelating aspects of man's dependence upon his environment. Through science, we now understand, far better than our forebears could, the nature of man-environment relationships. The evidence requiring timely public action is clear. The Nation has overdrawn its bank account in life-sustaining natural elements. For these elements—air, water, soil, and living space—technology at present provides no substitutes. Past neglect and carelessness are now costing us dearly, not merely in opportunities foregone, in impairment of health, and in discomfort and inconvenience, but in a demand upon tax dollars, upon personal incomes, and upon corporate earnings. The longer we delay meeting our environmental responsibilities, the longer the growing list of "interest charges" in environmental deterioration will run. The cost of remedial action and of getting onto a sound basis for the future will never be less than it is today.

Natural beauty and urban esthetics would be important byproducts of an environmental quality program. They are worthy public objectives in their own right. But the compelling reasons for an environmental quality program are more deeply based. The survival of man, in a world in which decency and dignity are possible, is the basic reason for bringing man's impact on his environment under informed and responsible control. The economic costs of maintaining a life sustaining environment are unavoidable. We have not understood the necessity for respecting the limited capacities of nature in accommodating itself to man's exactions, nor have we properly calculated the cost of adaptation to deteriorating conditions. In our management of the environment we have exceeded its adaptive and recuperative powers and in one form or another must now pay directly the costs of obtaining air, water, soil, and living space in quantities and qualities sufficient to our needs. Economic good sense requires the declaration of a policy and the establishment of an environmental quality program now. Today we have the option of channeling some of our wealth into the protection of our future. If we fail to do this in an adequate and timely manner we may find ourselves confronted, even in this generation, with environmental catastrophe that could render our wealth meaningless and which no amount of money could ever cure.

APPENDIX A—DOCUMENTATION ON ENVIRONMENTAL PROBLEMS

Following is a partial listing of recent writings on environmental problems subdivided under five headings: (1) "Technical Reports," (2) "Conferences and Symposiums," (3) "Journals," (4) "News Articles and Speeches," and (5) "Books, Yearbooks, and Pamphlets."

PART 1—TECHNICAL REPORTS

The Adequacy of Technology for Pollution Abatement. Report of the Research Management Panel through the Subcommittee on Science Research, and Development to the Committee on Science and Astronautics. U.S. House of Representatives, 89th Congress, 2d session. Washington, 1966.

Air Pollution: A National Sample. U.S. Department of Health, Education, and Welfare, Public Health Service Publication No. 1562.

Alleviation of Jet Aircraft Noise Near Airport. A report of the Jet Aircraft Noise Panel. Office of Science and Technology. March 1966. Executive Office of the President.

Disposal of Radioactive Waste on Land. National Academy of Sciences—National Research Council. Publication 519, 1957.

Effective Use of the Sea. Report of the President's Science Advisory Committee.

Energy R. & D. and National Progress. An interdepartmental study. (The President designated the Director of the Office of Science and Technology and the Chairman of Economic Advisers as Chairman and Vice Chairman of the Steering Committee.)

Environmental Improvement: Air, Water and Soil. Department of Agriculture Graduate School.

Environmental Pollution: A Challenge to Science and Technology. Report of the Subcommittee on Science, Research, and Development to the Committee on Science and Astronautics. U.S. House of Representatives, 89th Congress, 2d session. Serial 8. Washington, 1966.

Municipal Refuse Disposal. Prepared by the American Public Works Association, Public Administration Service, Chicago, 1966.

Interagency Environmental Hazards Coordination: Pesticides and Public Policy. Report of the Committee on Government Operations, U.S. Senate, made by its Subcommittee on Reorganization and International Organizations. July 21, 1966. Government Printing Office, Washington, D.C.

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Radioactive Contamination of the Environment: Public Health Action. Report to the Surgeon General by the National Advisory Committee on Radiation.

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The White House Conference on International Cooperation. Natural Resources Conservation and Development Committee.

Securing Health in Our Urban Future. Report to the Surgeon General, Public Health Service, by his Advisory Committee on Urban Health Affairs.

A Strategy for a Livable Environment. Report to the Secretary of Health, Education, and Welfare by a Task Force on Environmental Health and Related Problems.

Use of Pesticides. Report of the President's Science Advisory Committee.

Waste Management and Control. National Academy of Sciences-National Research Council. Publication 1400, 1966.

Weather and Climate Modification. Report of the Special Commission on Weather Modification, National Science Foundation.

Weather and Climate Modification Problems and Prospects. Report of the National Academy of Sciences-National Research Council.

PART 2—CONFERENCES AND SYMPOSIUMS

Beauty for America. Proceedings of a White House Conference.

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Lowenthal, D. *Conference on the Future Environment of North America.* Geographical Review 55:438–441. July 1965.

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APPENDIX B—ENVIRONMENTAL LEGISLATION INTRODUCED IN THE 90TH CONGRESS

The two problems—one with respect to national environmental (or resource) policy and the other regarding executive organization—have been the subjects of a large body of proposed legislation. In the 86th Congress, Senator James E. Murray proposed S. 2549 which called for the establishment of a Council of Resource and Conservation Advisers in the Office of the President. Similar or related bills have been introduced in subsequent Congresses. A partial list of bills introduced in the 90th Congress is given below:

SENATE

S. 843. Mr. Mondale and others. February 6, 1967. Government Operations. Full Opportunity and Social Accounting Act: Establishes a Council of Social Advisers, and directs it to compile and analyze social statistics, devise a system of social indicators, help develop program priorities, evaluate the effectiveness and impact of our efforts at all levels of government, and advise the President in the establishment of national social policies.

Requires the President to transmit to Congress an annual report on the state of the Nation's social health, specifying progress made, listing goals for the future and specifying policies for achieving these objectives.

Provides for a joint committee of Congress to review the President's annual report on the state of our social health, just as the Joint Economic Committee exercises oversight responsibility in economic matters.

S. 886. Mr. Moss and others. February 7, 1967. Government Operations. Department of Natural Resources Act: Redesignates the Department of the Interior as the Department of Natural Resources. Transfers various departments from the Department of the Interior and others to the Department of Natural Resources.

S. 1305. Mr. Allott and others. March 15, 1967. Labor and Public Welfare. Provides that the President shall transmit to the Congress by January 20, of each year, a report on science and technology which shall set forth (1) the existing major policies of both Federal and non-Federal research organizations, (2) the impact of major developments of science in the progress of such programs, (3) major goals of the Federal Government and of private research organizations, (4) financial information on the funding of science and research projects across the Nation, and (5) his recommendations for necessary legislation.

Establishes a Joint Committee on Science and Technology composed of eight Members of the Senate appointed by the President of the Senate and eight Members of the House, appointed by the Speaker, to assist the President by holding hearings and collecting relevant data, in the compilation of material for the report.

S. 1347. Mr. Javits. March 21, 1967. Labor and Public Welfare. Establish a 12-member Federal Council of Health within the Executive Office of the President, appointed by the President for 3-year terms to (1) make recommendations and continuous evaluation of policies and programs related to the Nation's health, including disaster planning, (2) initiate study and development measures designed to assure the provision of adequate health manpower, services, and facilities and to moderate the rising trend in the cost of medical care, and (3) to advise and consult with Federal departments and agencies, including the Budget Bureau, on policies and programs concerned with health services, manpower, and facilities.

S. 2789. Mr. Nelson. December 14, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct a program of research, study and surveys, documentation and description of natural environmental systems of the United States for the purposes of understanding and evaluating the condition of these systems and to provide information to those concerned with natural resources management. Authorizes the establishment of an advisory committee.

S. 2805. Messrs. Jackson and Kuchel. December 15, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality. Establishes a Council on Environmental Quality.

S. 3031. Mr. Nelson. February 26, 1968. Public Works. Requires the President to make an annual environmental quality report to Congress and provides that the report set forth (1) the status and condition of the major natural, manmade, or altered environmental systems of the Nation, and (2) the current and foreseeable trends in management and utilization of such environments and the effect of those trends on the social, economic, and other requirements of the Nation.

Creates a five-member Council on Environmental Quality, members to be appointed by the President and by and with the advice and consent of the Senate, in the Executive Office of the President and directs it to oversee the program of the Federal, State, and local governments to (1) determine to what extent these activities are contributing to the achievement of environmental quality and (2) gather, analyze, and interpret conditions and trends in environmental quality.

Provides that the principal task of the Council be to develop within a 5-year period comprehensive national policies and programs to improve and maintain the quality of our environment.

S. Res. 68. Mr. Muskie and others. January 25, 1967. Government Operations. Provides for the establishment of a Select Committee on Technology and Human Environment.

HOUSE

H.R. 258. Mr. Bennett. January 10. 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct a program of research, study and surveys, documentation, and description of the natural environmental systems of the United States for the purposes of understanding and evaluating the condition of these systems and to provide information to those concerned with natural resources management. Authorizes the establishment of advisory committees.

H.R. 3753. Mr. Dingell. January 25, 1967. Government Operations. Consolidates water quality management and pollution control authorities and functions in the Secretary of the Interior who shall administer such functions through the Federal Water Pollution Control Administration.

H.R. 4480. Mr. Hathaway. February 1, 1967. Government Operations. Marine and Atmospheric Affairs Coordination Act: Establishes an Executive Department of Marine and Atmospheric Affairs headed by a Secretary appointed by the President with the advice and consent of the Senate. Providea for the appointment of an Under Secretary and three Assistant Secretaries in the same manner.

Transfers to the Department of Marine and Atmospheric Affairs the functions of the major Government agencies concerned with marine and atmospheric affairs.

Establishes as a function of the Department a new coordinating Office of Marine Geology and Mineral Resources.

Establishes a Joint Committee of Congress for Marine and Atmospheric Affairs to carry out the policies outlined in the act.

H.R. 4893. Mr. Moss. February 6, 1967. Government Operations. Consolidates water quality management and pollution control authorities and functions in the Secretary of the Interior who shall administer such functions through the Federal Water Pollution Control Administration.

H.R. 6698. Mr. Daddario. March 7, 1967. Science and Astronautics. Creates a five-member Technology Assessment Board whose members shall be appointed by the President.

Gives the Board the duty of (1) identifying the potentials of applied research and technology and promoting ways and means to accomplish their transfer into practical use, and (2) identifying the undesirable by-products of such research and technology, in advance, and informing the public of their potential in order to eliminate or minimize them.

Provides for a 12-member General Advisory Council to advise the Board, and provides that the Council members be appointed by the President.

H.R. 7796. Mr. Dingell. March 23, 1967. Interior and Insular Affairs; referred to Science and Astronautics, April 17, 1967. Directs the President to submit to Congress beginning June 30, 1968, an annual environmental quality report setting forth the status and condition of the major natural, manmade, or altered environmental classes of the Nation, with a view toward improving man's living conditions.

Creates a three-member Council on Environmental Quality, appointed by the President, to assist in the compilation, coordination, and preparation of environmental data for the report, together with its recommendations for development and improvement of the Nation's environment.

H.R. 8601. Mr. Blatnik. April 17, 1967. Interstate and Foreign Commerce. Provides for the establishment of regional airshed quality commissions and airshed quality regions when so requested by a Governor of one of two or more contiguous States, and when it is found that there is a threatening air pollution situation in such States, an adequate abatement program does not exist, and that action is necessary to protect the public health. Makes provisions for administration of the airshed quality regions and the commission's duties.

Creates a Federal Air Quality Improvement Administration to administer the provisions of this act and the Solid Waste Disposal Act. Provides that the head of this Administration be appointed by the Secretary of HEW, and provides for the appointment of an additional Assistant Secretary of HEW who shall assist the Secretary in supervising the Federal Air Quality Improvement Administration.

H.R. 10261. Mr. Ottinger. May 23, 1967. Government Operations. Establishes a Council of Social Advisers, and directs it to compile and analyze social statistics, devise a system of social indicators, help develop program priorities, evaluate the effectiveness and impact of our efforts at all levels of government, and advise the President in the establishment of national social policies.

Requires the President to transmit to Congress an annual report on the State of the Nation's social health, specifying progress made, listing goals for the future, and specifying policies for achieving these objectives.

Provides for a joint committee of Congress to review the President's annual report on the state of our social health, just as the Joint Economic Committee exercises oversight responsibility in economic matters.

H.R. 13211. Mr. Tunney. September 28, 1967. Science and Astronautics. Creates in the Executive Office of the President a Council of Ecological Advisers composed of nine members to be appointed by the President by and with the advice and consent of the Senate. Directs the Council to study the national environment and national ecology of the Nation and report to the President. Grants it necessary powers.

H.R. 15614. Mr. Rosenthal. February 27, 1968. Government Operations. Establishes within the executive department a Department of Health to be headed by a Secretary of Health who should be appointed by the President by and with the advice and consent of the Senate. Provides for the appointment of five Assistant Secretaries and a General Counsel to be appointed by the President by and with the advice and consent of the Senate. Transfers to the new Department are the U.S. Public Health Service, the Vocational Rehabilitation Administration, and St. Elizabeths Hospital.

H. Con. Res. 307. Mr. St. Onge. April 6, 1967. Rules. Establishes a 10-member joint congressional committee to study all the problems involved in the extraordinary pollution of air and the navigable waters of the United States, including the Atlantic and Pacific Oceans and the Gulf of Mexico, by the extraction, manufacture, transportation, or storage of substances harmful to human, animal, or plant life.

H.J. Res. 1321. Mr. Ottinger. June 13, 1968. Judiciary. Amends the Constitution by adding a "conservation bill of rights" asserting the "right of the people to clean air, pure water, freedom from excessive and unnecessary noise, and the natural, scenic, historic and esthetic qualities of their environment."

APPENDIX C—FEDERAL ADMINISTRATION OF ENVIRONMENTAL PROGRAMS

The Federal offices, agencies and committees listed below contribute a substantial share of their time and operating effort to administration and study of environment-oriented programs.

1. FEDERAL AGENCIES

Department of Agriculture

Secretary

Under Secretary:
Agricultural Stabilization and Conservation Service.
Farmers Home Administration.
Rural Community Development Service.
Forest Service.
Soil Conservation Service.
International Agricultural Development Service.
Agricultural Stabilization and Conservation Service.
Agricultural Research Service.
Cooperative State Research Service.
Federal Extension Service.

Department of Commerce

Secretary

Under Secretary:
Assistant Secretary for Science and Technology.
Environmental Science Service Administration.
Environmental Data Service.
Weather Bureau.
Institutes for Environmental Research.
National Environmental Satellite Center.
Coast and Geodetic Survey.

Department of Defense

Secretary

Corps of Engineers.

Department of Health, Education, and Welfare[1]

Secretary

Under Secretary:
Public Health Service.
Office of the Surgeon General.
Bureau of Disease Prevention and Environmental Control.
National Institutes of Health.
National Center for Air Pollution Control.
National Center for Urban and Industrial Waste.
National Environmental Sciences Center.
Food and Drug Administration.

Department of Housing and Urban Development

Secretary

Under Secretary:
Assistant Secretary for Metropolitan Development.
Deputy Assistant Secretary:
Land and Facilities Development Administration.
Urban Transportation Administration.
Office of Planning Standards and Coordination.

Department of the Interior

Secretary

Under Secretary:
Office of the Science Adviser.
Office of Ecology.
Office of Water Resources Research.
Assistant Secretary:
Fish and Wildlife and Parks.
Commissioner of Fish and Wildlife.
Bureau of Commercial Fisheries.
Bureau of Sport Fisheries and Wildlife.
National Park Service.
Assistant Secretary of Mineral Resources:
Office of Oil and Gas.
Office of Mineral and Solid Fuels.
Office of Coal Research.
Bureau of Mines.
Geological Survey.
Assistant Secretary of Public Land Management:
Bureau of Indian Affairs.
Bureau of Land Management.
Bureau of Outdoor Recreation.
Assistant Secretary of Water and Power Development:
Bureau of Reclamation.
Bonneville Power Administration.
Southeastern Power Administration.
Southwestern Power Administration.
Assistant Secretary of Water Pollution Control:
Office of Saline Water.
Federal Water Pollution Control Administration.

Department of Justice

The Attorney General

The Deputy Attorney General.
Land and Natural Resources Division.

Department of State

International Boundary and Water Commission—United States and Mexico.
International Scientific and Technical Affairs.
Agency for International Development.
International Joint Commission—United States and Canada.

Department of Transportation

Secretary

Under Secretary:
Transportation Policy Council.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration:
Office of High Speed Ground Transportation.
Coast Guard.

Executive Office of the President

The President

Bureau of the Budget.
Council of Economic Advisers.
Federal Committee on the Economic Impact of Pollution Abatement.
Office of Science and Technology:
President's Science Advisory Committee:
Panel on the Environment.

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[1] Currently reorganizing.

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Federal Council for Science and Technology:
Committee on Environmental Quality.
Committee on Water Resources Research.
President's Council on Recreation and Natural Beauty.
National Council on Marine Resources and Engineering Development.

Independent agencies

Atomic Energy Commission.
Civil Aeronautics Board.
Federal Power Commission.
National Aeronautics and Space Administration.
National Science Foundation.
Tennessee Valley Authority.
Water Resources Council.
Appalachian Regional Commission.
Delaware River Basin Commission.
Smithsonian Institution.

2. QUASIGOVERNMENTAL BODIES

National Academy of Sciences-National Academy of Engineering-National Research Council:

Environmental Studies Board: Oversees all environmental quality studies of the NAS, NAE, and NRC. Provides a forum for development and exchange of new ideas and their application to environmental problems.

- Committee on Persistent Pesticides.
- Committee on Resources and Man.

Committee on Agricultural Land Use and Wildlife Resources.
U.S. National Committee for the International Biological Program.
Agricultural Board.
Committee on Solid Wastes Management.
Committee on Air Pollution.
Committee on Water Quality Management.
Committee on Remote Sensing of the Environment.
Committee Advisory to the Environmental Science Services Administration.
Committee for the Development of Criteria for Nonrail Transit Vehicles.
Committee on Environmental Physiology.
Committee on Water.
Advisory Committee to the Federal Radiation Council.
Building Research Advisory Board.
Committee on SST-Sonic Boom.
Committee on Ocean Engineering.
Committee on Geography.
Committee on Toxicology and the Advisory Center on Toxicology.
Committee on Hazardous Materials.
Ad Hoc Committee on Human Factors in Environmental Change.
Committee on Urban Technology and Committee on Social and Behavioral Urban Research.
Highway Research Board.
Committee on Hearing, Bioacoustics, and Biomechanics.

3. INTERAGENCY COMMITTEES

Source: Federal Council on Science and Technology:
Interdepartmental Committee for Atmospheric Sciences.
Committee on Environmental Quality.
Committee on Scientific and Technical Information.
Committee on Solid Earth Sciences.
Committee on Water Resources Research.
Interagency Committee on Meteorological Services and Interagency Committee on Applied Meteorological Research.
Federal Committee on Pest Control.
Armed Forces Pest Control Board.
Interagency Aircraft Noise Abatement Advisory Committee.
Federal Advisory Committee on Water Data.
Interagency Committee on Coordination of Sewer and Water Programs.
Steering Committee: United States-German Cooperative Program in Natural Resources, Pollution Control and Urban Development.

CONGRESSIONAL WHITE PAPER ON A NATIONAL POLICY FOR THE ENVIRONMENT

PART I. ASPECTS OF ENVIRONMENTAL MANAGEMENT

The colloquium[1] focused on the evolving task the Congress faces in finding more adequate means to manage the quality of the American environment.

In the recent past, a good deal of public interest in the environment has shifted from its preoccupation with the extraction of natural resources to the more compelling problems of deterioration in natural systems of air, land, and water. The essential policy issue of conflicting demands has become well recognized.

Several social attitudes have become the action force in the movement for improved environmental policies and programs. One is the desire for esthetically attractive surroundings. Another is the recognition of the folly of excessive population densities. Still another is the mounting irritation, disgust, and discomfort (aside from actual economic loss) resulting from such anomalies as smoggy air and polluted streams and seashores.

The broad public interest in the natural environment was succinctly defined by a report of the National Academy of Sciences thus:

"We live in a period of social and technological revolution in which man's ability to manipulate the processes of nature for his own economic and social purposes is increasing at a rate which his forebears would find frightening * * * there is a continuing worldwide movement of population to the cities. The patterns of society are being rapidly rearranged, and new sets of aspirations, new evaluations of what constitutes a resource, and new requirements in both types and quantity of resources are resulting. The effects on man himself of the changes he has wrought in the balance of great natural forces * * * are but dimly perceived and not at all well understood. * * * It is evident that the more rapid the tempo of change is becoming, the more sensitive the whole system of resource supply must become in order to cope with the greater rapidity and severity with which inconsistencies, conflicts, and stress from independent innovations will arise. * * * If divergent lines of progress are seen to give rise to ever-greater stresses and strains too fast to be resolved after they have risen and been perceived, then obviously the intelligent and rational thing to do is to learn to anticipate those untoward developments before they arise."[2]

The statements of participants in the colloquium itself are evidence that the issues of the human environment are important to a broad segment of society.

"Mr. Rockefeller. * * * there is a strong and deep seated concern among the American people for a better environment. The quality of our surroundings is emerging as a major national social goal (p. 4).[3]

"Secretary Udall. One of the things that I take the most encouragement from is simply the growth of sentiment in the Congress, the number of conservationist Congressmen, the number of organizations, however they define themselves, that are interested in the city problem, that are interested in the total environment problem * * * (p. 62)."

The long-term quality of the environment is seen to be dependent on today's decisions. The means of relating the present to the future is not clear, however.

"Secretary Udall. The real wealth of the country is the environment in the long run. We must reject any approach which inflates the value of today's satisfactions and heavily discounts tomorrow's resources (p. 14).

"Mr. Rockefeller. * * * we have not set down in clear terms what our goals are for the long-run future (p. 5)."

If America is to create a carefully designed, healthful, and balanced environment, we must (1) find equitable ways of charging for environmental abuses within the traditional free-market economy; (2) obtain adequate ecological guidance on the character and impact of environmental change; (3) where corporate resource development does not preserve environmental values, then consider the extension of governmental controls in the larger public interest; (4) coordinate the Government agency activities, which share with industry the dominant influence in shaping our environment; and (5) establish judicial procedures so that the individual rights to a productive and high-quality environment can be assured.

These and other aspects of environmental management—discussed at the Colloquium and submitted in the form of letters or reports for inclusion in the record—are briefly highlighted below.

A. Relationships Among Population Growth, Enviromental Deterioration, and the Quality of Life

In an exchange of views on this subject, Secretary Robert Weaver (HUD) pointed out that by 1980 there will be almost 240 million and by the year 2000 about 312 million people in the 48 contiguous States and the District of Columbia, if present projects are borne out. Secretary Stewart Udall (DI) argued that a reasonable adjustment between population growth and our finite resources is required for sound environmental management, while Assistant Secretary Philip Lee (DHEW) contended that we do not presently have the kind of information to determine what the ideal population for this country would be. Dr. David Gates submitted the following observations in the worldwide context:

"It is clear that all segments of the world—all soils, waters, woods, mountains, plains, oceans, and ice-covered continents—will be occupied and used by man. Not a single solitary piece of landscape will go untouched in the future and in fact not be used repeatedly for as long as man survives. Everything between soil and sky will be moved about, redistributed and degraded as man continues to exploit the surface of the planet. * * * The population will grow until it reaches some equilibrium level. * * * An alternate ultimate destiny is for an earth of half-starved, depressed billions gasping for air, depleted of eutropic water, struggling to avoid the constant presence of one another and in essence continuing life at a degraded subsistence level limited in numbers not by conscience but by consequence. A third possibility exists which is to maintain a reasonable quality for life by means of population control, rational management of ecosystems, and constructive exploitation of resources. * * * (p. 174)."

The issue of high population densities as a source of growing stresses in our society, with profound effects on health and safety, raised a number of comments. Senator Henry Jackson observed that the apparent cause-and-effect relation of congestion and violence should be a consideration in arriving at any decisions concerning what constitutes an optimum population density.

Dr. Paul Weiss submitted the following caveat:

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[1] Joint House-Senate Colloquium to Discuss a National Policy for the Environment. Hearings before the Committee on Interior and Insular Affairs, U.S. Senate, and the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2d sess., July 17, 1968.

[2] NAS–NRC Publications 1000 and 1000A (1962).

[3] Page nos. in parentheses following quotations refer to the hearing transcript, op. cit.

"A stress free environment offering maximum comfort and minimum challenge is not only not optimal but is detrimental. To be exposed to moderate stress is a means of keeping the human faculty for adapting to stress * * * lacking the opportunity for such exercise, man loses that faculty and becomes a potential victim of an unforeseen, but inevitable, stressful occurrences. The optimum environment consists of a broad band of conditions bounded by an upper limit far short of the stress limit and by a lower limit considerably above the ideal zone of zero stress. Within those margins of reasonable safety or tolerance, man must navigate his own responsibility (p. 224)."

Senator Clifford Hansen suggested that the Federal Government might well consider programs which would provide incentives and opportunities leading to a wider and more balanced dispersal of our people. Assistant Secretary John Baker (USDA) agreed and proposed the creation of new community centers as a matter of national environmental policy. Secretary Weaver commented that any Government policy which has to do with such dispersal must be based on the democratic principle of free choice—including for all of our people the alternatives of living in existing large population centers, suburbia, or new towns.

B. Broadening the scope of cost accounting

Narrow utilitarian views governing the use of environmental resources were cited as the root of many conflicts and a major barrier to sound environmental management.

"Dr. Donald Hornig. In my view national policy must recognize the very wide array of appropriate and necessary uses of air and water and land. It would recognize, too, the existence of a number of beneficial but non-compatible uses, and make provision for resolving these conflicts. It should result in an environment that is safe, healthful, and attractive and that is economically and biologically productive, yet that provides for sufficient variety to meet the differing requirements and tests of man (p. 31)."

Congressman Emilio Q. Daddario questioned whether the industrial objective of immediate profit can be made compatible with long-term environmental management objectives. Congressman Joseph Karth observed that the self-interests of some organizations do not coincide with the public interest. Secretary Wilbur Cohen (DHEW) commented that environmental controls may be costly in the short run, but in the long run they are a bargain both for industry and the public it serves: "What we are really seeking is an enlightened self-interest that industry and commerce have often exhibited."

Dr. Lynton K. Caldwell contended that the social costs of environmental management should not be an undue burden on the business community if all competitors carry it alike:

"Scientific knowledge and rising levels of amenity standards have added to public expectation that protection against environmental change will be built into the products and production costs of manufactures (p. 99)."

The point at which compromise among conflicting uses is reached furnishes one test of adequacy of policy.

"Mr. Rockefeller. * * *

"If you take a black and white approach, you are never going to resolve it. You have a lot of hostility and you don't represent the public constructively (p. 63.)"

C. The role of ecology

Ecologists dedicated to the study of man-environment relationships were urged to show a greater willingness to engage with industry in what was termed "ecological engineering." However, Dr. Dillon Ripley argued that this subject involves a kind of ecological study which is still in the formative stage:

"I think it may take a generation perhaps to achieve even the beginnings of the kind of training, the kind of production of original minds and talents that will be able to perform the sorts of—studies—which we stress the urgency of (p. 75)."

By contrast, several participants contended that the science of ecology has already established a number of basic principles, or propositions, which could guide the attitudes and actions of both industry and government toward the environment. The following examples are paraphrased from submissions by Dr. Paul Weiss:

"(i) Organic nature is such a complex, dynamic, and interacting, balanced and interrelated system that change in one component entails change in the rest of the system. Isolated analytical study of separate componenta cannot yield desired insight. To find solutions to separate problems of hydrology, waste disposal, soil depletion, pest control, et cetera, is not adequate to achieve the optimization of environmental resources generally. All factors and their cohesive impact on each other need to be simultaneously considered.

"(ii) The significance or insignificance of mixtures of components and environmental conditions cannot be judged from sheer data on bulk or averages. This fallacy is a pitfall ignored today by some planners, developers, builders, and other practicing manipulators of the environment. Our tendency to maximize a specific change or result too often sacrifices other interrelated parts without optimizing the total result.

"(iii) Similarly, the concept of single, rigid, linear cause-to-effect chains of natural events has given rise to organically unreal and practically untenable conclusions. More attention should be given to the network type of causal relations in an integrated system that establishes a multiplicity of alternative routes to such a goal of optimizing the development of environmental resources."

Commenting on the complexity of the total systems approach, Mr. Don Price stated:

"I am left with the vaguely uneasy feeling that if we see the continuous complex here as one set of interconnecting realities that have to be understood as a total system, we may be broadening our interest so much that it's impossible to act on it at all (p. 64).

"Dr. Hornig. It is a great thing to talk about systems analysis, but the trouble with that is that you have to put in some facts. And, if you do the analysis when the facts aren't available, you are in trouble.

"* * * it needs a basis in sound research that understands, that gives us clear understanding of what the nature of these long-term liabilities are (p. 51)."

D. Redirecting research activities

In addition to increased ecological research, the colloquium touched on the need for the entire scientific community to direct a greater share of its total effort to long-term environmental problems. Mr. Laurance Rockefeller argued that we have not yet fully harnessed this Nation's vast technological talent in the effort for a better environment. Dr. Walter Orr Roberts pointed out that cross-disciplinary research on environmental problems offers the utmost challenge from the intellectual standpoint, and also cited the following as an example of neglected research:

"Only modest efforts have been made to mount a sustained research program on the medical effects involved in the slowly developing health impairments, like aging, that result from low-level but long-persistent alterations of the atmospheric environment. Subtle alterations of the chemical constitution of the atmosphere, through pollutanta added in the form of trace gases, liquids, or solids, result from industrial activity or urbanization. This is an area of biometeorology that has significance in every living person, and yet we have not yet seen even the first beginnings of an adequately sustained research effort in this area (p. 216)."

Future values are difficult to judge, particularly when they include non-economic aspects of environmental quality. Social science research and ecology were singled out for increased support.

"Dr. Hornig. One of the central problems in weighing the future against the present is that we don't know about the future. The reason we can't muster political forces and the reason we can't make decisions is that for the most part the information is not there (p. 51)."

The establishment of criteria for judgment is a primary task of environment management.

"Secretary Weaver. There are too many things we do not know, basic matters such as how we define quality in the urban environment, how we measure it, and how we strike a balance among competing values (p. 19)."

"Mr. Price. There has been a lot of talk lately about social indicators out of a conviction that narrow economic statistical consideration are not an adequate guide to economic policy, and here we are talking about a field in which it is not enough to know about the chemical industry and the biology (p. 67)."

Technology was seen to be the savior as well as the villain in many environmental quality problems.

"Mr. Price. There is a tactic or an approach which has received a good bit of attention recently in technological and scientific literature. Mr. Weinberg, I think, called it the technological fix (p. 66).

"It is obviously true that the development of the specific techniques has proved to be not only the basis of our accumulation of wealth which now makes it possible for us to ask these more sophisticated questions about our environment, to have very much higher standards of environmental control to insist on (p. 68)."

E. International aspects of environmental alteration

The urgent necessity of taking into account major environmental influences of foreign economic assistance and other international developments was underscored by Mr. Russell Train.

Dr. Ivan Bennett commented that the Federal Government is now participating, through the Organization for Economic Cooperation and Development, in a series of cooperative programs that will encourage the exchange of environmental information.

Senator Henry Jackson recalled President Johnson's remarks at Glassboro State College on June 4 in which he said:

"Scientists from this country and the Soviet Union and from 50 other countries have already begun an international biological program to enrich our understanding of man and his environment. I propose that we make this effort a permanent concern of our nations (p. 83)."

Dr. Roberts questioned whether these and similar ongoing cooperative efforts were fully adequate, and proposed that a broader international scheme of cooperative "bench mark" observations be made. As an example he described the neglected area of stratospheric contamination:

"It is now very difficult for us to say anything quantitative or certain about the degree to which the atmosphere above New York City, or Zurich, Switzerland, or the

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rural regions of the United States, Europe, and Siberia has been changing in respect to the burden of liquid or solid wastes that jet aircraft carry. I have seen many occasions when the skies over my home city of Boulder, Colo., are crisscrossed with expanding jet airplane contrails. Often these grow, in hours, to a general cirrus cover that blankets the entire sky. On these days it is eminently clear that the jet exhausts are stimulating the formation of a cloud deck. Theory suggests that these clouds, in turn, almost certainly modify the strength of incoming sunlight, and the degree to which outgoing infrared radiation is permitted to escape from the earth to outer space. No one can say for sure, today, to what degree, if any, this alters the weather (p. 217)."

Dr. Ripley summarized the feeling of the colloquium:

"* * * to speak about environmental quality without at least referring to the fact of the international components and consequences of even our activity as Americans and considering our own acreage and our own problems with the environment, appears to me to be somewhat shortsighted (p. 74)."

Senator Edmund Muskie argued that existing conservation policies deal too heavily with the permitted levels of resource exploitation at the expense of the equally important objective of enhancing these same resources.

To overcome this difficulty, Mr. Don Price suggested that countervailing policies might be established which would encourage and even make it profitable for private developers not to pollute, but actually upgrade the quality of our environment through the development of new resource-processing methods.

Assistant Secretary Lee mentioned that in the public health area a great deal of consideration has been devoted to the subtle health effects of many pollutants, but that the management problem of setting standards is made all the more difficult by the constantly changing character of chemicals being added to the environment. As part of the standard setting process, he proposed that it may eventually be necessary to require industries

"* * * to demonstrate a positive beneficial effect, or an enhancement of the environment as suggested by Senator Muskie, rather than just an absence of deleterious effect (p. 71)."

Dr. Harvey Brooks argued that we could easily move too far and

"* * * place a presumption so much against new technology that in fact the disincentives to innovation would create more penalties to the society than the protection to the environment that might be afforded (p. 71).".

Standards which are derived from criteria should not be absolute and unchanging, thereby compounding further the difficulties in the management decisionmaking process.

"Dr. Hornig. * * * the minute one sets standards—standards which cost people money—the question immediately comes: what is the basis for these standards? If they don't have a strong credible basis, not only to the Congress, but to the public, we can't enforce the standards (p. 51).

"Mr. Price. How do we set standards? How do we know what we want to do until we can define more accurately our problems and develop some better measurements for it? (p. 67).

"It gets especially harder when you move away from the physical or the chemical pollution and you get into the esthetic type of consideration (p. 67).

"Mr. Train. * * * I'm auspicious of talk of absolute standards. I think that there must be a great deal of diversity in whatever we get at (p. 81).

"Senator Muskie. We ought to avoid the straitjacket of Federal standards * * * (p. 44)."

F. The goals of enhancement and recycling

The American landscape is under extraordinary pressure from man-made refuse and other discarded material. Secretary Udall singled out the empty metal beer can as an example:

"Science should come up with containers that readily degrade, disappear, or are made reusable. If we work hard at it, the expense won't be any burden and we won't foist on our grandchildren a mess of some kind as we do so frequently today (p. 50)."

Dr. Gates suggested that the solution to this ubiquitous problem rests in the analogy between natural and human recycling of resources.

"A natural ecosystem recycles its mineral resources. The minerals are taken up into the biomass and on death and decay are returned to the soil. Man leaves his debris of automobiles, cans, bottles, plastics, chemicals, and pavement scattered about the landscape and lets his organic refuse of garbage and sewage be funneled into the rivers and streams to be washed to sea.

"He does not return the used minerals to the factory for reprocessing or the nutrients to the soil, but draws on new concentrated supplies available in nature. Clearly, such a way of life cannot continue indefinitely. Recycling will never achieve 100-percent efficiency; but if it can reach much greater efficiencies than at present, man's lifespan on earth will be much longer (p. 176)."

G. New approaches in Government

Senator Henry Jackson argued that new approaches to environmental management are now required, and urged the Colloquium to provide thoughts on the possible "action-forcing" processes that could be put into operation.

Secretary Udall pointed out the difficulty of reorganizing the executive branch on a strictly environmental basis:

"Let no one suppose there is any organizational panacea for dealing with environmental problems at the Federal level * * *. To combine all programs affecting the environment in one department would obviously be physically impossible.

"Each agency should designate responsible officials and establish environmental checkpoints to be sure they have properly assessed this impact.

"Whether or not new institutional arrangements are accepted, the Bureau of the Budget and the Office of Science and Technology must play a central role in collecting facts, anticipating impacts and providing an early warning system for environmental protection (p. 18)."

Secretary Cohen outlined existing patterns of agency leadership:

"In certain discrete, well-defined areas activities have been organized under the 'lead agency' concept * * *. The second pattern involves multiple rather than single agency leadership, primarily because it must accommodate a variety of interests, no one of which takes precedence (p. 38)."

Dr. Donald Hornig stressed the power of the Presidency to coordinate and translate policy into action:

"The principle, the authority for oversight and coordination—and in fact, Executive responsibility for management—is vested in the President; it is exercised through the Executive Office of the President, particularly by the Office of Science and Technology and the Bureau of the Budget in this respect. We have been working very hard on this problem of coordination, and we have made much progress. But, if our efforts turn out to be insufficient, further steps will surely be necessary and new organizational forms may be needed in the Executive Office (p. 32)."

Assistant Secretary Baker related early experiences of the USDA with the systems approach:

"We [Agriculture] are developing a Department-wide systems analysis capability for evaluating and interpreting the on-going programs. * * * We seek to organize our efforts in ways that will make them compatible with efforts that may be undertaken by other agencies (p. 26)."

Secretary Weaver warned of the difficulties in obtaining a regional or "problem-shed" management of environmental quality:

"There is a serious problem of stubborn resistance to change in our political institutions. This is true at the local and State level, where the term 'metropolitan government' is a spark to the tinder, and where needed cooperation among neighboring local governments is sometimes resisted for fear it will lead to metropolitan government * * *. This means that at the Federal level, we should and we have helped create institutions for metropolitan subsystems that can handle problems affecting the environment of whole areas (pp. 20 and 21)."

Mr. Laurance Rockefeller stressed the value of a commission comprising legislative, executive, and private sector members:

"I suggest to you that an effective means of proceeding might be a Commission on Environmental Policy Organization.

"It may be that this tack can be done by some entity less formal than a Commission. The Citizens Advisory Committee on Recreation and Natural Beauty plans to make the environment subject one of its major interests during the coming year.

"The Committee is, of course, directed to make its recommendations to the President and the President's Council on Recreation and Natural Beauty. (pp. 6 and 7.)"

The Congress was discussed in terms of its own organizational confusion in treating environmental issues.

"Mr. Rockefeller. The layman is confused by the organization of Congress in the environmental field. (p. 6.)

"Secretary Udall. There is still a lack of overview. (P. 13.) * * * I think Congress ought to be much less bashful about spending more money on strengthening its staff so it can provide the kind of oversight that is needed. (p. 54.)

"Secretary Cohen. We recommend that the Congress examine its own organization in order to improve its ability to deal in a comprehensive and coordinated manner with the total problem of environmental quality. (p. 40.)

"Senator Allott. * * * Congress has abrogated its responsibilities to a great extent with respect to legislative oversight. (p. 54.)

"Mr. Price. Congress too might have an eye to its own organization in these matters: How far it would be possible to go on from this kind of occasional informal exchange of views toward either special nonlegislative committees like the Joint Committee on the Economic Report, perhaps in conjunction with some development within the President's Office; how far pieces of jurisdiction could be carved out for legislative committees; how far the burden of coordination could be forced on the Appropriations Committee * * * (p. 69.)"

PART II. ALTERNATIVES FOR CONGRESSIONAL ACTION

An impressive number and variety of legislative proposals for improving the quality of our environment have been set before the 90th Congress (see appendix). Support for action has come from diverse segments of American society: from the scientific community, from business, and from public affairs groups.

The Congress should move ahead to define clearly the desires of the American people in operational terms that the President, government agencies at all levels, the courts, private enterprise, and the public can consider and act upon.

The ultimate responsibility for protecting the human-serving values of our environment rests jointly with the legislative, executive, and judicial branches of our Government. The Congress, as a full partner, has the obligation to provide comprehensive oversight of all environment-affecting programs of the executive branch, and also to participate in the overall design of national policy, thus serving both as architect of environmental management strategy and as the elaborator of goals and principles for guiding future legal actions.

Under the present organization of the Congress, varying aspects of environmental management (including air and water pollution control, strip mine reclamation, outdoor recreation, housing and space planning in urban areas, highway construction, atmospheric research, oceanography, and rural conservation) are committed to different committees. While there has been a steady expansion of independent committee interest in specific environmental problems, the Congress so far has not evaluated this field in its entirety with a view toward evolving a coherent and unified policy for national environmental management.

It should be recognized that the declaration of a national environmental policy will not alone better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies, and to provide the means by which they may be reviewed continuously, made consistent with other national policies and ranked in reasonable priority.

The proper development of such a far-reaching body of policy raises many difficult organizational, economic and legal problems. Some individuals who were present at the July 17 colloquium suggested that a congressional mandate on the subject of environment, which would necessarily encompass a very wide range of problems and issues, would be impractical and ineffective. Yet others pointed out that equally broad mandates and satisfactory organizing concepts for managing our economic welfare and for guiding the development of atomic energy have been tested over a period of years, with effective machinery now operating both in the executive and legislative branches to evaluate the extent to which national goals and activities in these fields are meeting public expectations and needs.

In any event, to those involved in the colloquium and recent hearings on this subject, it is clear that two functions must be served: coordination and information gathering. Environmental problems cut across so many existing operational organizations that coordination in both the executive and legislative branches must be improved. Further, an effective channel of information exchange and overview must exist between the Congress and the administration. If, for example, an environmental council were established in the Executive Office of the President, as has been proposed, it should be complemented with a corresponding joint congressional committee for purposes of efficient and continued interaction.

The acquisition and evaluation of information specifically for the Congress must be improved. Raw facts and data from ecological and economic studies must be interpreted to be useful in the legislative process. This function should be performed in an organization reporting directly to the Congress; for example, a strong joint committee staff or an expanded Legislative Reference Service environmental unit.

Congress (regardless of present or future executive branch approaches) may exert a meaningful influence on the formulation of national environmental policy by embarking on one or a combination of the following steps: [1]

A. A *concurrent resolution* could be introduced declaring the strong interest of the Congress in establishing national environmental policy.

This would represent a firm expression of concern on the part of the Congress about environmental deterioration, but would not be a direct confrontation with the task of defining national policy. The resolution might urge the creation of an appropriate body to investigate all matters relating to environmental management; to analyze the means and methods whereby the organization, administration, and funding of government programs affecting the environment may be improved; and, to determine the ways whereby nongovernmental entities could be encouraged to participate in overcoming further deterioration of the environment in the national interest. Hearings on the resolution could provide a forum for a wide range of opinion.

B. A *joint resolution* calling for an amendment to the Constitution on the subject of environmental values could be introduced.

This would require approval by two-thirds of the Congress and ratification by three-fourths of the States. The amending process is both slow and cumbersome. Moreover, acceptance would require a tremendous groundswell of support. However, a proposed amendment would generate wide discussion and involve the State legislatures which are vitally important in achieving environmental quality goals. The advantage of constitutional amendments lies in the unanimity of national commitment. Such an amendment for the environment could place expanded emphasis on the judicial process as an instrument of controlling future abuse of environmental values.

C. A *joint committee* or *committees on environmental management* could be established to provide across-the-board oversight on Federal programs, to conduct studies with the assistance of professional staff, and to recommend legislation. Alternatively, select or permanent committees could be established in each House.

Such committees could draw membership from existing legislative committees involved with environmental matters, and perhaps focus primarily on the review of policy and coordination matters dealt with by such groups as the Office of Science and Technology, Water Resources Council, the Council on Recreation and Natural Beauty, and various interagency coordinating committees.

D. A new *environmental surveillance unit* to conduct research and information-gathering services for the Congress could be organized.

In the past, Congress has shown reluctance to add new appendages of this sort to the legislative branch. An alternative might be an expansion of the functions of the General Accounting Office to make continuing studies of environmental conflicts and to prepare appropriate reports for transmittal to the Congress. New staff positions and additional funding would be required.

E. The Congress could establish a *nongovernmental task force* to carry out in its belief a special study of environmental policy needs.

Such a task force could engage the services of private research organizations and draw its membership from the finest talent available in the academic community. The task force could be administered directly by the Congress or made the responsibility of some arm of the Congress such as the Legislative Reference Service, Library of Congress, which has the authority to employ experts on short-term assignments.

F. A temporary *environment management council* could be organized.

Such a council might be similar in organization and operation to the National Council on Marine Resources and Engineering Development. Its purposes could be to identify all unmet needs and opportunities in the environmental field, to study impediments to sound environmental management, conflicts of interest and gaps in existing agency and congressional activities, and to develop recommendations for legislative action within a specified period of years.

The Congress would retain an overview of the council and would control the budget for its operation. Establishment of a policy planning group in the Executive Office of the President forces the generation of proposals to the Congress. A receiving committee should be set up to correspond to this Council, similar to the Joint Economics Committee and the Council of Economic Advisers.

G. A governmental *commission* could be established for the same purposes.

The commission could be composed entirely of Congressmen, perhaps the chairman of key committees which deal with environmental matters. Or it could be a Joint Commission including representation from the executive branch and the public at large. A third type would be a Presidential Commission with members chosen at the discretion of the Chief Executive. Through a combination of studies and hearings, the Commission could be asked to produce a blueprint for legislative action in the environmental field.

H. The *Legislative Reference Service* could be directed to add a central research and evaluation on environmental matters.

A precedent is the establishment of the Science Policy Research Division in 1964.

I. An *environmental counselor* could be placed on the staff of each appropriate standing committee of the Congress.

The purpose would be to increase the technical staff available for committee work. Each counselor could be given the permanent responsibility of advising the committee to which he was assigned on the probable environmental impact of all pending legislation.

PART III. ELEMENTS OF A NATIONAL POLICY FOR THE ENVIRONMENT

The following language is suggested for a statement of policy, and reflects primarily the proposed position and attitude of the Federal Government, but also could be used for the guidance of State and local governments, private sector industry and commerce, and individual actions. Activities and relationships which involve man and the physical environment (as contrasted with purely person-to-person or person-to-institution relationships) are the subject of this statement.

It is the policy of the United States that:

Environmental quality and productivity

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[1] This white paper deals with action alternatives for the Congress. Obviously the spectrum of organizational and administrative alternatives for policy in the executive branch is equally important. These range from definition of rights with court defense, to regulation by Federal agency, to standard setting, to incentives for voluntary conformance, to subsidy of technology for restoration and maintenance.

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shall be considered in a worldwide context, extending in time from the present to the long-term future.

Purposeful, intelligent management to recognize and accommodate the conflicting uses of the environment shall be a national responsibility.

Information required for systematic management shall be provided in a complete and timely manner.

Education shall develop a basis of individual citizen understanding and appreciation of environmental relationships and participation in decisionmaking on these issues.

Science and technology shall provide management with increased options and capabilities for enhanced productivity and constructive use of the environment.

The requirement to maintain and enhance long-term productivity and quality of the environment takes precedence over local, short-term usage. This policy recognizes the responsibility to future generations of those presently controlling the development of natural resources and the modification of the living landscape. Although the influence of the U.S. policy will be limited outside of its own borders, the global character of ecological relationships must be the guide for domestic activities. Ecological considerations should be infused into all international relations.

World population and food production must be brought into a controlled balance consistent with a long-term future continuation of a satisfactory standard of living for all.

Energy must be allocated equitably between production and the restoration, maintenance, and enhancement of the environment. Research should focus on solar energy and fusion energy for the long term, and on energy conversion processes with minimum environmental degradation for the short term.

In meeting the objectives of environmental management, it will be necessary to seek the constructive compromise, and resolutely preserve future options.

Priorities and choices among alternatives in environmental manipulation must therefore be planned and managed at the highest level of our political system. All levels of government must require developments within their purview to be in harmony with environmental quality objectives.

Alteration and use of the environment must be planned and controlled rather than left to arbitrary decision. Alternatives must be actively generated and widely discussed. Technological development, introduction of new factors affecting the environment, and modifications of the landscape must be planned to maintain the diversity of plants and animals. Furthermore, such activities should proceed only after an ecological analysis and projection of probable effects. Irreversible or difficultly reversible changes should be accepted only after the most thorough study.

The system of free enterprise democracy must integrate long-term public interests with private economic prosperity. A full range of incentives, inducements, and regulations must be used to link the public interests to the marketplace in an equitable and effective manner.

Manufacturing, processing, and use of natural resources must approach the goal of total recycle to minimize waste control and to sustain materials availability. Renewable resources of air and water must be maintained and enhanced in quality for continued use.

A broad base of technologic, economic, and ecologic information will be necessary. The benefits of preventing quality and productivity deterioration of the environment are not always measurable in the marketplace. Ways must be found to add to cost-benefit analyses nonquantifiable, subjective values for environmental amenities (which cannot be measured in conventional economic terms).

Wherever the maintenance of environmental productivity or the prevention of environmental deterioration cannot be made economical for the private sector, government must find appropriate means of cost-sharing.

Ecological knowledge (data and theories) must be greatly expanded and organized for use in management decisiona. Criteria must be established which relate cause and effect in conditions of the environment.

Indicators for all aspects of environmental productivity and quality must be developed and continuously measured to provide a feedback to management. In particular, the environmental amenities (recreational, esthetic, psychic) must be evaluated. Social sciences must be supported to provide relevant and dependable interpretation of information for environmental management.

Standards of quality must not be absolute—rather, they should be chosen after balancing all criteria against the total demands of society. Standards will vary with locality, must be adjusted from time to time, and we must develop our capabilities accordingly.

Decisions to make new technological applications must include consideration of unintended, unanticipated, and unwanted consequences. Technology should be directed to ameliorating these effects so that the benefits of applied science are retained.

Public awareness of environmental quality relationships to human welfare must be increased. Education at all levels should include an appreciation of mankind's harmony with the environment. A literacy as to environmental matters must be built up in the public mind. The ultimate responsibility for improved maintenance and control of the environment rests with the individual citizen.

APPENDIX—SELECTED ISSUES AND REPRESENTATIVE LEGISLATION INTRODUCED IN THE 90TH CONGRESS

Senate

The bills are grouped as to committee referral. Nineteen committees and over 120 members are represented.

[Bill number and introduced by]

Committee on Agriculture and Forestry

Resource and development projects for fish and wildlife, S. 852, Mr. McCarthy.

Pesticides: Sale and shipment of DDT prohibited, S. 1025, Mr. Nelson.

Federal Pesticide Control Act, S. 2058, Mr. Ribicoff.

Committee on Commerce

Tanker Disaster Act, S. 1586, Mr. Magnuson et al.

Alewife control preventing damage to the ecology, S. 2123, Mr. Nelson.

Endangered Species Act, S. 2984, Mr. Yarborough.

Committee on Finance

Tax treatment of damages for crop injury through pollution, S. 84, Mr. Holland.

Incentive tax credits applicable to air or water pollution control and abatement facilities. Similar bills introduced by Senators Carlson, Cooper, and Ribicoff, S. 187, Mr. Smathers.

Committee on Foreign Relations

Endorsement of International Biological Program, S. Con. Res. 26, Mr. Harris.

Committee on Government Operations

Select Committee on Technology and Human Environment, S. Res. 68, Mr. Muskie.

Full Opportunity and Social Accounting Act; establishment of a Council of Social Advisers, S. 843, Messrs. Mondale, Clark, Hart, Harris, Inouye, Kennedy, McGee, Muskie, Nelson, Proxmire.

Department of Natural Resources Act, S. 886, Mr. Moss.

Committee on Interior and Insular Affairs

National Water Commission, S. 20, Mr. Jackson et al.

Wild Rivers Act: Public lands reserved for National Wild Rivers System, S. 119, Mr. Church.

Nationwide System of Trails, S. 827, Messrs. Jackson and Nelson.

National Mining and Minerals Policy Act, S. 522, Mr. Allott et al.

Land and water conservation fund, S. 1401, Mr. Jackson et al.

National Lakes Preservation Act, S. 2001, Mr. Nelson.

Research program on natural environmental systems of the United States, S. 2789, Mr. Nelson.

Council on Environmental Quality: Investigation of U.S. ecological systems, natural resources, and environmental quality, S. 2805, Messrs. Jackson and Kuchel.

Mined land reclamation, S. 217, Mr. Lausche.

Inventory and study of the Nation's estuaries, S. 2677, Mr. Metcalf.

Committee on Labor and Public Welfare

Annual Presidential report on science and technology; Joint Committee on Science and Technology, S. 1305, Mr. Allott et al.

Federal Council of Health, S. 1347, Mr. Javits.

Safe Drinking Water Act, S. 3147, Mr. Hill.

Committee on Public Works

Air Quality Act of 1967, S. 780, Messrs. Muskie, Baker, Bartlett, Bayh, Bible, Boggs, Brewster, Clark, Cooper, Fong, Gruening, Hartke, Inouye, Long (Mo.), Mansfield, Metcalf, Mondale, Montoya, Morse, Murphy, Nelson, Randolph, Ribicoff, Spong, Tydings, Yarborough, Young (Ohio).

Federal Water Pollution Control Act amplified by: Industrial Air Pollution Abatement and Prevention Act, Navigable Waters Pollution Control Act, S. 847, S. 2410, S. 849, Mr. Nelson.

Clean Lakes Act, S. 1341, Mr. Mondale et al.

Highway Beautification Act amendment, S. 1666, Mr. Cooper.

Acid mine pollution control, S. 1870, Messrs. Randolph, Clark.

Improved control of pollution from vessels, S. 2525, Mr. Muskie et al.

R. & D. program by Department of Interior for improved control and prevention of pollution, S. 2760, Mr. Muskie et al.

Regional water pollution control advisory boards, S. 2820, Mr. Tower.

Environmental Quality Prevention Act, Council on Environmental Quality, S. 3031, Mr. Nelson.

Extension of Federal assistance for solid waste disposal planning, S. 3201, Mr. Muskie et al.

House

Committee on Agriculture

[Bill number and introduced by]

Federal Pesticide Control Act, H.R. 11846, Mr. Dingell.

Control of noxious plants on federally controlled land, H.R. 14158, Mr. Foley.

Committee on Banking and Currency

Federal development grants for open space land, H.R. 5865, Mr. O'Hara.

Committee on Government Operations

Consolidation of water quality management and pollution control authorities in Department of the Interior, H.R. 3753, Mr. Dingell, H.R. 4893, Mr. Moss.

Establishment of Department of Marine and Atmospheric Affairs, H.R. 4480, Mr. Hathaway.

Uniform land acquisition policy in urban areas, H.R. 5523, Mr. Dwyer.

Council of Social Advisers, H.R. 10261, Mr. Ottinger.

National Commission on Urban Living, H.R. 12494, Mr. Goodell.

Establishment of Department of Health, H.R. 15641, Mr. Rosenthal.

Committee on Interior and Insular Affairs

National scenic river system, H.R. 90, Mr. Saylor.

Investigation of the natural environmental systems in the United States by Department of the Interior, H.R. 258, Mr. Bennett.

Fresh water supply for the Northeastern United States, H.R. 1022, Mr. Ottinger.

Public Land Law Review Commission, H.R. 12121, Mr. Aspinall.

National Study Commission Act, H.R. 1416, Mr. Ullman.

National Study Commission on Water Conservation and Utilization, H.R. 5020, Mr. Wyatt.

Review of Nation's water resource problems, H.R. 6800, Mr. Helstoski.

Land and water conservation fund, H.R. 8578, Mr. Foley.

Wild and Scenic Rivers Act. Similar bill: H.R. 15429 (Mr. Fulton of Tennessee), H.R. 15690, Mr. Fraser.

Nationwide trails system, H.R. 4865, Mr. Taylor.

Committee on Interstate and Foreign Commerce

Pesticides; standards, H.R. 495, Mr. Dingell.

HUD study of potential damage to environment from erection of overhead electric transmission lines and towers, H.R. 4150, Mr. Ottinger.

Air Quality Act of 1967: The act incorporates provisions which appear as sections of numerous other bills. Some Members who authored similar bills are: Messrs. Horton, Halpern, Springer, Dingell, Adams, Eckhardt, Minish, Ryan, Long of Maryland, McCarthy, Moorhead, Rosenthal, Adams, Dent, Farbstein, Delaney, Gilbert, Murphy, Van Deerlin, Walker, Mrs. Kelly, Messrs. Johnson of Pennsylvania, Patten, Howard, Corman, Helstoski, Tunney, Eilberg, Fino, Pucinski, Roybal, H.R. 4279, Mr. Staggers.

Establishes regional airshed quality commissions and airshed quality regions, H.R. 8601, Mr. Blatnik.

Prohibits construction of power transmission lines on interior-designated public lands, H.R. 11509, Mr. Reuss.

Control and abatement of aircraft noise, H.R. 14896, Mr. Scheuer.

Solid wastes: extend and amend Public Health Service Act, H.R. 15768, Mr. Staggers.

Committee on the Judiciary

Conservation bill of rights, H.J. Res. 1321, Mr. Ottinger.

Marine Resources Conservation and Development Act, H.R. 17369, Mr. Willis.

Committee on Merchant Marine and Fisheries

Development and preservation of U.S. estuarine areas, H.R. 25, Mr. Dingell.

Navigable Water Pollution Control Act, H.R. 486, Mr. Dingell.

Protection of fish and wildlife resources from effects of Federal projects, H.R. 6731, Mr. Ottinger.

Coast Guard R. & D. related to release of harmful fluids from vessels, H.R. 9116, Mr. Howard.

Establishment of Marine Sanctuaries, H.R. 11584, Mr. Keith.

Congressional policy concerning authority to control fish and wildlife resources, H.R. 14849, Mr. Vander Jagt.

Endangered Species Act, H.R. 11618, Mr. Lennon.

Coast Guard studies of oil pollution, H.R. 14852, Mr. Keith.

Prevention of damage to fish and wildlife from pesticides, H.R. 15979, Mr. Karth.

Environmental Science Services Administration Commissioned Officers Corps Act, H.R. 17993, Mr. Garmatz.

Committee on Public Works

Federal Water Commission Act, H.R. 1252, Mr. Ryan.

Detergent Pollution Control Act, H.R. 8752, Mr. Eilberg.

Department of Interior's R. & D. program to improve the quality of lake waters, H.R. 10751, Mr. Hanley.

Federal highway system beautification, H.R. 11705, Mr. Adams.

Clean Lakes Act, H.R. 13407, Mr. Zwach.

Control of acid and mine water pollution; similar bill introduced by Mr. Bevill (H.R. 16133), H.R. 14000, Mr. Nedzi.

Oil and Hazardous Substance Pollution Control Act, H.R. 15906, Messrs. Fallon, Blatnik.

Water pollution control, Federal installations, prevention of discharge of heated effluents, H.R. 16852, Mr. Dingell.

Committee on Rules

Joint congressional committee to study problems of extraordinary pollution of air and navigable waters in the United States, H. Con. Res. 307, Mr. St. Onge.

House Standing Committee on Urban Affairs, H. Res. 1062, Mr. Cowger.

Select Committee on Technology and Human Environment, H. Res. 1116, Mr. Brown of California.

Committee on Science and Astronautics

Congressional support of international biological program, H. Con. Res. 6698, Mr. Miller of California.

Technology Assessment Board and General Advisory Council, H.R. 6698, Mr. Daddario.

Council on Environmental Quality, H.R. 7796, Mr. Dingell.

Council of Ecological Advisers, H.R. 13211, Mr. Tunney.

Council of Ecological Advisers, H.R. 14605, Mr. Matsunaga.

Council of Ecological Advisers, H.R. 14627, Mr. Corman.

Committee on Ways and Means

Incentive tax credit for construction of air or water pollution control facilities; similar bills presented by Messrs. Collier, Corbett, Feighan, Casey, Fuqua, Anderson, Perkins, Slack, Byrne, Reifel, Berry, King, Johnson of Pennsylvania, McClory, Zion, Whalley, Schweiker, Halpern, Schneebeli, Andrews, Steiger, Cederberg, Kupferman, Keith, Hall, MacGregor, Mize, Meskill, Smith of New York, Teague, H.R. 385, Mr. Clancy.

Clean Lakes Act, H.R. 16257, Mr. Blackburn.

COMPARISON OF ENVIRONMENTAL QUALITY MEASURES

PROVISION	S. 1075	H.R. 12549 (S. 1075 AS AMENDED)
Title.	National Environmental Policy Act of 1969.	An Act to provide for the establishment of a Council on Environmental Quality.
Declaration of policy.	6-part Congressional declaration of policy (sec. 101(a)).	Brief statement of policy.
Recognition of environmental rights.	Congress recognizes right of persons to healthful environment (sec. 101(b)).	No provision.
Directions to Federal agencies as follows:	Congress authorizes and directs all Federal agencies to perform functions and make certain findings in support of the policy (sec. 102). All agencies shall:	No provision (Council to make recommendations).
1. Interdisciplinary approach.	1. Utilize interdisciplinary approach to planning and decision-making (sec. 102(a)).	No provision.
2. Environmental values.	2. Develop methods to include presently unquantified values in decisions (sec. 102(b)).	No provision.
3. Make findings.	3. Must make findings in connection with proposals and decisions that:	No provision.
a. environmental impact.	a. environmental impact has been considered.	
b. adverse effects.	b. adverse effects are justified.	
c. short-term uses.	c. short-term uses are consistent with long-term productivity.	
d. irreversible commitments.	d. irreversible commitments are justified.	
4. Alternatives.	4. Study and present alternatives where conflicts occur.	No provision.
5. International effects.	5. Support international programs for the environment.	No provision.
6. Present authority.	6. Review existing statutory authorities and recommend legislation to conform to this Act.	No provision.

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PROVISION	S. 1075	H.R. 12549 (S. 1075 AS AMENDED)
Supplement to existing enabling acts.	Act is made supplementary to existing mandates and authorizations of Federal agencies (sec. 103).	Nothing in act shall change existing authorities (sec. 9).
Data collection and dissemination.	Federal agencies are authorized to collect and disseminate environmental and ecological data (sec 201).	No provision.
Grant Program.	The President is authorized to designate agencies to: 1. administer a grant program (sec. 202(a)(1)).	No provision.
Project inventory.	2. inventory resource projects (sec. 202(a)(2)).	No provision.
Ecological research.	3. collect ecological research data (sec. 202(a)(3)3.	No provision.
Assistance to states.	4. assist state (sec. 202(a)(4)).	No provisions (Council will consult, sec. 7(a)).
Deputy Director for Office of Science and Technology.	Establishes new Deputy Director in OST (sec. 203).	No provisions.
Board of Environmental Quality Advisors (Council, Office).	Creates a 3-man Board in the Executive Office of the President. Appointed by President with advice and consent of Senate (sec. 301).	Creates a Council of Environmental Quality in Executive Office of President. Composed of 5 members appointed by President (sec. 3).
Duties of Board, Office, Council.		
1. Annual report to President.	1. Make annual report to the President (302(a)(1)).	1. Make annual report to President (sec. 6).
2. Assist President.	2. Advise, assist, and support President (302(a)(2)).	2. Prepare reports as President directs (sec. 5(e)).
3. Collect data.	3. Collect and disseminate information on environmental quality (sec. 302(a)(3)).	3. Gather data and prepare reports (sec. 5(b)).
4. Review Federal activities.	4. Review, appraise and make recommendations concerning Federal programs, projects, activities, and policies (sec. 302(b)).	4. Appraise programs and activities (sec. 5(c)).
5. Assist in President's report to Congress.	5. Assist President in preparation of annual report on the environment (sec. 302(c)).	5. Assist and advise President in preparing annual report (sec. 5(a)).
6. Other assignments.	6. Other duties directed by President (sec. 302(d)).	6. Make such studies as requested (sec. 5(e)).
7. Support Cabinet Council.	7. All Federal agencies (sec. 201(g)).	7. No provision.
8. Review monitoring system.	8. President designates agency (sec. 202(a)(3)).	8. No provision.
9. Promote knowledge.	9. All Federal agencies (sec. 201(a)).	9. No provision.
10. Develop policies.	10. Board to assist President (sec. 302(a)(2)).	10. Develop and recommend policies (sec. 5(d)).
11. Recommend priorities.	11. No provision..	11. No provision.
12. Evaluate techniques.	12. All agencies (sec. 102(b)).	12. No provision.
13. Coordinate programs.	13. Board reviews programs (sec. 302(b)).	13. No provision.
14. Review criteria.	14. Board reviews policies (sec. 302(b)).	14. No provision.
15. Consult with state and local government.	15. All agencies advise states, counties, etc. (sec. 201(d)).	15. Consult with state, local and private groups (sec. 7(a)).
Annual Report to Congress.	President shall submit report to Congress (sec. 303).	President shall transmit to the Congress (sec. 2).
Employment of Officers.	Board may employ (sec. 304).	Council may employ (sec. 4).
Appropriations.	For grant programs, $500,000 first year, $1 million each successive year (sec. 202 (b)). For Board—$1 million annually (sec. 305).	$300,000 for first year, $500,000 for second year, $1 million annually thereafter (sec. 10).
Biennial Forum.	No provision.	No provision.
Advisory Committees.	No provision.	No provision.

SECTION-BY-SECTION ANALYSIS

Section 1

This section provides that this act may be cited as the National Environmental Policy Act of 1969.

Section 2

This section sets forth the purposes of the act. The purposes of the act are to declare a national environmental policy; to promote efforts to prevent environmental damage and to better the health and welfare of man; to enlarge and enrich man's understanding of the ecological systems and natural resources important to the Nation; and to establish in the Executive Offices of the President a Board of Environmental Quality Advisers.

TITLE I

Section 101(a)

This section is a declaration by the Congress of a national environmental policy. The declaration is based upon a congressional recognition of mankind's dependence upon his physical and biological surroundings for material goods and cultural enrichment. It is further based upon a recognition of the increasing pressures exerted upon the environment as a result of population growth, urbanization, industrial expansion, resource exploitation, and technological development.

The continuing policy and responsibility of the Federal Government is declared to be that, consistent with other essential considerations of national policy, the activities and resources of the Federal Government shall be improved and coordinated to the end that the Nation may attain certain broad national goals in the management of the environment. The broad national goals are as follows:

(1) Fulfill the responsibilities of each generation as trustee of the environment for future generations. It is recognized in this statement that each generation has a responsibility to improve, enhance, and maintain the quality of the environment to the greatest extent possible for the continued benefit of future generations.

(2) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings. The Federal Government, in its planning and programs, shall strive to protect and improve the quality of each citizen's surroundings both in regard to the preservation of the natural environment as well as in the planning, design, and construction of manmade structures. Each individual should be assured of safe, healthful, and productive surroundings in which to live and work and should be afforded the maximum possible opportunity to derive physical, esthetic, and cultural satisfaction from his environs.

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences. The resources of the United States must be capable of supporting the larger populations and the increased demands upon limited resources which are inevitable in the future. To do so, it is essential that the widest and most efficient use of the environment be made to provide both the necessities and the amenities of life. In seeking intensified beneficial utilization of the earth's resources, the Federal Government must take to avoid degradation and misuse of resources, risk to man's continued health and safety, and other undesirable and unintended consequences.

(4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible an environment which supports diversity and variety

of individual choice. The pace of urbanization coupled with population growth and man's increasing ability to work unprecedented change in the natural environment makes it clear that one essential goal in a national environmental policy is the preservation of important aspects of our national heritage. There are existing programs which are designed to achieve these goals, but many are single-purpose in nature and most are viewed as being within the province of a particular agency of Government. This subsection would make it clear that all agencies, in all of their activities, are to carry out their programs with a full appreciation of the importance of maintaining important aspects of our national heritage.

This subsection also emphasizes that an important aspect of national environmental policy is the maintenance of physical surroundings which provide present and future generations of American people with the widest possible opportunities for diversity and variety of experience and choice in cultural pursuits, in recreational endeavors, in esthetics and in living styles.

(5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities. This subsection recognizes that population increases underlie many of the resource and environmental problems which are being experienced in America. If the Nation's present high standards of living are to be made available to all of our citizens and if the general and growing desire of our people for greater participation in the physical and material benefits, in the amenities, and in the esthetic enjoyment afforded by a quality environment are to be satisfied, the Federal Government must strive to maintain magnitude and distribution of population which will not exceed the environment's capability to provide such benefits.

(6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. In recent years a great deal of the emphasis of legislative and executive action regarding environmental matters has concentrated upon the protection and improvement of quality of the Nation's renewable resources such as air and water. It is vital that these efforts be continued and intensified because they are among the most visible, pressing, and immediate concerns of environmental management.

It is also essential that means be sought and utilized to improve the effectiveness of recycling of depletable resources such as fiber, chemicals, and metallic minerals. Improved material standards of living for greater numbers of people will place increased demands upon limited raw materials. Furthermore, the disposal of wastes from the nonconsumptive single use of manufactured goods is among our most critical pollution problems. Emphasis must be placed upon seeking innovative solutions through technology, management, and, if necessary, governmental regulation.

Section 101(b)

This subsection asserts congressional recognition of each person's fundamental and inalienable right to a healthful environment. It is apparent that the guarantee of the continued enjoyment of any individual right is dependent upon individual health and safety. It is further apparent that deprivation of an individual's right to a healthful environment will result in the degradation or elimination of all of his rights.

The subsection also asserts congressional recognition of each individual's responsibility to contribute to the preservation and enhancement of the environment. The enjoyment of individual rights requires respect and protection of the rights of others. The cumulative influence of each individual upon the environment is of such great significance that every effort to preserve environmental quality must depend upon the strong support and participation of the public.

Section 102

The policies and goals set forth in section 101 can be implemented if they are incorporated into the ongoing activities of the Federal Government in carrying out its other responsibilities to the public. In many areas of Federal action there is no body of experience or precedent for substantial and consistent consideration of environmental factors in decisionmaking. In some areas of Federal activity, existing legislation does not provide clear authority for the consideration of environmental factors which conflict with other objectives.

To remedy present shortcomings in the legislative foundation of existing programs, and to establish action-forcing procedures which will help to insure that the policies enunciated in section 101 are implemented, section 102 authorizes and directs that the existing body of Federal law, regulation, and policy be interpreted and administered to the fullest extent possible in accordance with the policies set forth in this act. It further establishes a number of operating procedures to be followed by all Federal agencies as follows:

(a) Wherever planning is done or decisions are made which may have an impact on the quality of man's environment, the responsible agency or agencies are directed to utilize to the fullest extent possible a systematic, interdisciplinary, team approach. Such planning and decisions should draw upon the broadest possible range of social and natural scientific knowledge and design arts. Many of the environmental controversies of recent years have, in large measure, been caused by the failure to consider all relevant points of view in the planning and conduct of Federal activities. Using an interdisciplinary approach that brought together the skills of the landscape architect, the engineer, the ecologist, the economist, and other relevant disciplines would result in better planning and better projects. Too often planning is the exclusive province of the engineer and cost analyst.

(b) All agencies which undertake activities relating to environmental values, particularly those values relating to amenities and aesthetic considerations are authorized and directed to make efforts to develop methods and procedurea to incorporate those values in official planning and decisionmaking. In the past, environmental factors have frequently been ignored and omitted from consideration in the early stages of planning because of the difficulty of evaluating them in comparison with economic and technical factors. As a result, unless the results of planning are radically revised at the policy level—and this often means the Congress—environmental enhancement opportunities may be forgone and unnecessary degradation incurred. A vital requisite of environmental management is the development of adequate methodology for evaluating the full environmental impacts and the full costs of Federal actions.

(c) Each agency which proposes any major actions, such as project proposals, proposals for new legislation, regulations, policy statements, or expansion or revision of ongoing programs, shall make a determination as to whether the proposal would have a significant effect upon the quality of the human environment. If the proposal is considered to have such an effect, then the recommendation or report supporting the proposal must include statements by the responsible official of certain findings as follows:

(i) A finding shall be made that the environmental impact of the proposed action has been studied and that the results of the studies have been given consideration in the decisions leading to the proposal.

(ii) Wherever adverse environmental effects are found to be involved, a finding must be made that those effects cannot be avoided by following reasonable alternatives which will achieve the intended purposes of the proposal. Furthermore, a finding must be made that the action leading to the adverse environmental effects is justified by other considerations of national policy and those other considerations must be stated in the finding.

(iii) Wherever local, short-term uses of the resources of man's environment are being proposed, a finding must be made that such uses are consistent with the maintenance and enhancement of the long-term productivity of the environment.

(iv) Wherever proposals involve significant commitments of resources and those commitments are irreversible and irretrievable under conditions of known technology and reasonable economics, a finding must be made that such commitments are warranted.

(d) Wherever agencies of the Federal Government recommend courses of action which are known to involve unresolved conflicts over competing and incompatible uses of land, water, or air resources, it shall be the agency's responsibility to study, develop, and describe appropriate alternatives to the recommended course of action. The agency shall develop information and provide descriptions of the alternatives in adequate detail for subsequent reviewers and decisionmakers, both within the executive branch and in the Congress, to consider the alternatives along with the principal recommendation.

(e) In recognition of the fact that environmental problems are not confined by political boundaries, all agencies of the Federal Government which have international responsibilities are authorized and directed to lend support to appropriate international efforts to anticipate and prevent a decline in the quality of the worldwide environment.

(f) All agencies of the Federal Government are directed to review their existing statutory authority, administrative regulations, policies, and procedures. The agencies are to propose to the President and to the Congress new executive legislative authority which they find to be necessary to make their authority consistent with the provisions and purposes of this act.

The committee expects that each agency will diligently pursue this review and that appropriate legislative recommendations will be prepared for presentation to the Congress within 1 year's time. The committee recognizes, however, that there is a wide difference in the complexity of legislation dealing with the activities of the various executive agencies and that a specific deadline might prove unreasonably burdensome on some agencies.

Section 103

This section provides that the policies and goals set forth in this act are supplementary to the existing mandates and authorizations of Federal agencies. They are not considered to repeal the existing authorizations. Where conflicts occur, they will be resolved under the procedure prescribed in section 102(f).

Section 201

This section provides authorization for the Federal agencies to include, as a part of their existing programs and their ongoing activities, certain environmental management functions which will be necessary to support the policies established by this act. No specific authorization of appropriations is provided for these activities. The committee believes that the agencies can perform the functions authorized as a part of the general administration and operation of their existing programs. To the extent that agencies are pursuing activities with environmental management implications, the costs of the functions authorized in this section are

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appropriate costs of their work. The functions authorized for each Federal agency are as follows:

(*a*) To conduct investigations and research relating to ecological systems and environmental quality. It is intended that such activities will be undertaken by each agency when its activities would have an adverse impact on an ecological system or on the quality of the environment.

(*b*) To collect and document information relating to changes or trends in environmental conditions including ecological systems. It is intended that each agency perform this function in its area of expertise and operation.

(*c*) To evaluate and publish environmental and ecological data which it has collected.

(*d*) To make available advice and information at its disposal relating to environmental management.

(*e*) To utilize ecological information in the planning and development of resource-oriented projects. Each agency which studies, proposes, constructs, or operates projects having resource management implications is authorized and directed to consider the effects upon ecological systems to be a part of the analyses governing its actions and to study such effects as a part of its data collection.

(*f*) To conduct ecological research and studies within the Federal lands under its jurisdiction.

(*g*) To assist to the fullest extent possible the Board of Environmental Quality Advisers established by this act and any environmental council or committees established by the President.

Section 202(a)

This section authorizes the President to designate an agency or agencies to carry out the following functions regarding environmental management:

(1) Administer a program of grants, contracts and cooperative agreements, training and research to further the programs of ecological study authorized by title II and to accept and utilize donations for this purpose.

(2) Develop and maintain an inventory of Federal projects and programs, existing and contemplated, which have made or will make significant modifications in the environment.

(3) Establish an information collection and retrieval system for ecological research materials.

(4) Assist and advise State and local governments and private enterprise in developing policies and procedures to enhance the quality of the environment.

Section 202(b)

Appropriations in the amounts of $500,000 annually for fiscal years 1971 and 1972 and $1 million annually for 1973 and each fiscal year thereafter are authorized for the purposes of this section. The funds appropriated would be allotted to the designated agencies as the President recommends.

Section 203

This section establishes in the Office of Science and Technology an additional Deputy Director to be compensated at the rate provided for level IV of the executive schedule pay rates.

The Office of Science and Technology (OST) was established by Reorganization Plan No. 2 of 1962 to provide a permanent staff in the Executive Office of the President to advise and assist the President on matters pertaining to or affected by science and technology. It is also directed to take on such other assignments as the President may request. The Director of OST, appointed by the President with the advice and consent of the Senate, also serves as the science adviser to the President.

Since it was provided statutory authority in 1962, the OST has broadened the range and scope of its activities extending beyond the province of research or policy for science and technology to the interrelations of science to broad national policies and programs. In this sense, the OST is concerned with assuring the most effective and beneficial use of technology in our society.

Thus, the OST deals with broad problems facing the country in health, education, the urban environment, energy policy and environmental quality.

The President's recent Executive order establishing an Environmental Quality Council directed the OST to provide the staff support and assistance to the work of the Council. The President's science adviser was named Executive Secretary of the Council.

In view of the importance of environmental management problems and the important role which the President's Council will have in resolving interagency conflict concerning environmental issues, and in coordinating the ongoing environmental programs of the Federal Government, a significant increase is expected in the already demanding work load of the OST.

The committee feels that the addition of a second Deputy Director as recommended by the Bureau of the Budget in its July 7, 1969, letter to the chairman, will be of great value in strengthening OST's capacity to contribute to effective environmental management.

TITLE III

Section 301(a)

This subsection creates in the Executive Office of the President a Board of Environmental Quality Advisers. The Board is to be composed of three members appointed by the President with the advice and consent of the Senate and who shall serve at the President's pleasure.

It is intended that the members of the Board shall be persons of broad experience and training with the competence and judgment to analyze and interpret trends and developing problems in the quality of the Nation's environment. The committee does not view the Board's functions as a purely scientific pursuit, but rather as one which rests upon scientific, economic, social, esthetic, and cultural considerations. The members of the Board, therefore, should not necessarily be selected for depth of training or expertise in any specific discipline, but rather for their ability to grasp broad national issues, to render public service in the national interest, and to appreciate the significance of choosing among present alternatives in shaping the country's future environment.

The President shall designate one member of the Board as Chairman and one as Vice Chairman.

Section 301(b)

This subsection provides that the members of the Board shall serve full time. The compensation for the Chairman of the Board is set at level II of the Executive Schedule pay rates and at level IV for the other two members. These provisions parallel the compensation provisions established by law for the Chairman and the members of the Council of Economic Advisers.

Section 302(a)

The primary function of the Board shall be to carry on continuing studies and analyses related to the status of the environment. The Board will seek to establish or cause to be established within the operating agencies of the Federal Government an effective system for monitoring environmental indicators, collecting data, and analyzing trends. It will further seek to relate trends in environmental conditions to short- and long-term national goals and aspirations.

In carrying out this function, the Board is required to perform a number of specified duties.

First, the Board is required to report at least once each year to the President on the state and condition of the environment. This report should represent the Board's considered and impartial judgment. The Board's report would be useful to the President in the preparation of the annual environmental quality report which the President is required to transmit to the Congress by section 303.

Second, the Board would provide advice, assistance, and staff support to the President in the formulation of national policies designed to foster and promote the improvement of the quality of the environment. The President is, of course, free to utilize the services of the Board in any manner in which he desires. The committee hopes, however, that the President would rely on the Board's impartial and objective advice in the formulation of national environmental policies.

Third, the Board is authorized to obtain information from all existing sources concerning the quality of the environment. The committee intends and fully expects that all Federal agencies will cooperate and provide any assistance and information necessary to enable the Board to fulfill its duties and responsibilities under this act. The Board is also directed to make information concerning the quality of the environment available to the American people. It is the committee's strong view that there needs to be some one place in Government to which the public and the news media may turn for authoritative and objective information on particular environmental problems. A current example of the need relates to the controversy over the impact of certain chemicals, pesticides, and insecticides. Many news reports and the opinions of many competent scientists indicate that some present practices in the use and application of these substances pose grave health dangers. The extent of the danger, however, is often minimized and, in some cases, even denied by the responsible Government agencies. The Board could provide a useful and needed public function by reviewing all of the facts and furnishing competent judgment and advice on problems of this nature.

Section 302(b)

This subsection provides that the Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment. Based upon its review, the Board shall make recommendations to the President.

The committee does not view this direction to the Board as implying a project-by-project review and commentary on Federal programs. Rather, it is intended that the Board will periodically examine the general direction and impact of Federal programs in relation to environmental trends and problems and recommend general changes in direction or supplementation of such programs when they appear to be appropriate.

It is not the committee's intent that the Board be involved in the day-to-day decisionmaking processes of the Federal Government or that it be involved in the resolution of particular conflicts between agencies and departments. These functions can best be performed by the Bureau of the Budget, the President's interagency Cabinet-level Council on the Environment or by the President himself. The committee does, however, strongly feel that the President needs impartial and objective staff support which can provide him with unbiased information and an accurate overview of the Nation's environmental trends and problems and how these trends and problems affect the future material and social well-being of the American people.

The Board's recommendations to the President are for his use alone, and his actions on their recommendations will depend on the confidence he places in the judgment of the persons he nominates to membership on the Board. Used properly, the Board's review and appraisal of Federal

activities which affect the quality of the environment can add a new dimension and provide the President with a new insight into the long-range needs and priorities of the country. At the present time, the executive agencies' view of National needs, goals, and priorities in the field of environmental management appears to have been so thoroughly subjugated to budgetary and fiscal considerations that the nature of the fundamental values at stake has been obscured. It is the committee's view that the values which are at stake in the environmental management decisions which lie ahead need to be brought to the fore and made the subject of official decision at the highest levels of Government.

Section 302(c)

This subsection states that the Board will assist the President in the preparation of the annual environmental quality report required by section 303. The committee assumes that the Board would have the primary responsibility for the preparation of the President's annual report. It could, in large measure, be based upon the Board's report to the President required by section 302(a)(1).

Section 302(d)

This section provides that both the Board of Environmental Quality Advisers and the Office of Science and Technology shall carry out their duties under the provisions of this act at the direction of the President. This provision was not a part of S. 1075 as introduced, but was added as a committee amendment to make it clear that the duties and functions assigned to the Board and the Office of Science and Technology are to be carried out at the direction of the President as is true with regard to the other offices and bodies in the Executive office of the President. This provision will avoid any problems of duplication, coordination, and overlap which otherwise might subsequently arise between the activities of the Board and those of other offices or agencies.

The committee feels that this provision will enlarge the President's flexibility in organizing his staff and will enhance the overall policy-making capacity of the Executive office.

Section 303

This section provides that the President shall transmit to the Congress an annual environmental quality report. The first such report shall be transmitted on or before June 30, 1970. Subsequent reports shall be transmitted on or before June 30 in succeeding years.

The report is to include, but not be limited to, a current evaluation of the status and condition of the major environmental classes of the Nation. To the greatest extent possible, this information should be based upon measurements of environmental indicators relating quality and supply of land, water, air, and depletable resources to other factors such as environmental health, population distribution, and demands upon the environment for amenities such as outdoor recreation and wilderness. Significant current and developing environmental problems should be highlighted. Current and foreseeable environmental trends and evaluations of the effects of those trends upon the Nation's future social, economic, physical, and other requirements should be discussed.

It is the committee's strong view that the President's annual report should provide a considered statement of national environmental objectives, trends and problems. The report should provide the best judgment of the best people available on the Nation's environmental problems and the progress being made toward providing a quality environment for all Americans.

The report should summarize and bring together the major conclusions of the technical reports of other Federal agencies concerned with environmental management. Too often, these reports go unread and unevaluated. A succinct, readable summary and evaluation would be of great assistance to the Congress and the President.

It is anticipated that the annual report and the recommendations made by the President would be the vehicle for oversight hearings and hearings by the appropriate legislative committees of the Congress. It would also appear to be desirable to hear the views of the Board of Environmental Quality Advisers at an annual session similar to that now conducted by the Joint Economic Committee with the Council of Economic Advisers.

Section 304

This section provides that the Board may employ a professional and support staff and may acquire the services of experts and consultants. The committee intends that the Board should have available a professional staff comparable in size and qualifications to the staff which currently services the Council of Economic Advisers. The staff members, like the members of the Board, should represent many disciplines and professions They should be broad-gaged people who are capable of furnishing the Board with a balanced and knowledgeable overview of the state of the Nation's environment.

Section 305

This section authorizes appropriations in the amount of $1 million annually to cover the salaries and operating expenses of the Board. The committee chose the $1 million ceiling because it is comparable to the appropriations which have been required over the past several years for the Council of Economic Advisers.

Mr. JACKSON. Mr. President, the substance of these two initial titles of the Senate version of S. 1075 is not included in the House version. There are, in addition, a number of differences between title III of the Senate version, establishing a Board of Environmental Quality Advisers and calling for an annual environmental quality report to the Congress, and the similar House provisions.

Titles I and II of the Senate version perform two functions which are essential for the realization of a sound national environmental policy. The first of these functions is the statement of policies and broad goals to guide Federal decisionmakers. The statement will represent the first comprehensive enunciation of national concern for environmental quality.

The second function is the provision of authority and direction which will permit the policies set forth in the act to become a real working part of all the activities of all Federal agencies and programs.

There are about 80 major Federal agencies with programs underway which affect the quality of the human environment. If an environmental policy is to become more than rhetoric, and if the studies and advice of any high-level, advisory group are to be translated into action, each of these agencies must be enabled and directed to participate in active and objective-oriented environmental management. Concern for environmental quality must be made part of every phase of Federal action.

Mr. President, following my motion to disagree to the amendments of the House to S. 1075 and agree to the conference requested by the House, a motion will be offered that the conferees on S. 1075 be instructed to insist upon the specific provisions of S. 1075, as modified by the agreed-upon proposed amendments that have been discussed in the debate and which will be set forth in the RECORD.

This procedure has been discussed by members of both committees, and while it is unusual, it has been accepted as a means which will insure that the Congress will have an opportunity to act on the conference report on S. 1075.

It is understood that the Senate conferees will make every possible effort to gain House agreement to the text of S. 1075 as passed by the Senate as well as the amendments discussed today and set forth in the RECORD. It is also understood, however, that the purpose of a conference committee is to compromise and adjust differences between the House and Senate passed bills, and that the final product of the conference committee will probably have to involve some changes in the language of both the House and Senate passed bills on S. 1075. It is, however, the hope and the intent of all concerned on the Senate side that these changes will not in any way affect the substance of what has been agreed upon.

In any event, any proposed changes from the agreed-upon text of S. 1075 will be discussed in advance by all of the parties involved.

Mr. MUSKIE. Mr. President, the statement just made by the distinguished Senator from Washington represents the agreement which we have reached.

Mr. JACKSON. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and agree to the request for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to.

Mr. JACKSON. Mr. President, before the Chair names conferees on the part of the Senate, I move that the conferees on S. 1075 be instructed to insist upon the specific provisions of S. 1075, as modified by the agreed-upon proposed amendments that have been discussed in the debate and specifically set forth as follows:

S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

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TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

Sec. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve importance historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Sec. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisiomaking which may have an impact on man's environment;

(b) identify and develop methods and procedures, subject to review and approval of the Board of Environmental Quality Advisers established by Title III of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any established agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, including those authorized to develop and enforce environmental standards, shall be made available to the President, the Board of Environmental Advisers and to the public as provided by 5 USC 552 and shall accompany the proposal through the existing agency review processes.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President such measures as may be necessary to make their authority consistent with this Act.

Sec. 103. Nothing in Sec. 102 shall in any way affect the specific statutory obligations of any Federal agency (a) to comply with criteria or standards of environmental quality, (b) to coordinate or consult with any other Federal or State agency, or (c) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Sec. 104. The policies and goals set forth in this Act are supplementary to existing authorizations of Federal agencies.

TITLE II

Sec. 201. To carry out the purposes of this Act, the Board of Environmental Quality Advisers is hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality to the extent that such activities do not overlap or conflict with similar activities authorized by law and performed by established agenices;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes; and

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps.

Sec. 202. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the environment;

(b) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(c) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(d) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

Sec. 203. There is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

TITLE III

Sec. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

Sec. 302. (a) The primary functions of the Board shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board shall carry out its duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

Sec. 303. (a) The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

(b) Such report shall be referred in whole or in part to the committees of each house of the Congress which have exercised jurisdiction over the subject matter contained therein.

Sec. 304. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this

title, the Board may from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical science, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Board, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(c) The Board shall organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

Sec. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 305. There are hereby authorized to be appropriated $1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

Mr. ALLOTT. Mr. President, as the ranking minority member of the Committee on Interior and Insular Affairs, I wish to congratulate our distinguished chairman, the Senator from Washington (Mr. Jackson), for his unending efforts in obtaining passage of the National Environmental Policy Act of 1969, a measure of particular importance in this era of ever-degrading environment.

I believe that some background information would be helpful at this point. Let me take just a moment to trace the historical development of S. 1075.

The concept of a high level council on conservation, natural resources, and environment is not new. It first found support from a former chairman of the Senate Interior Committee, the late Senator Murray. In the 86th Conrgess, he introduced S. 2549, the Resources and Conservation Act, which would have established a high level council on environmental advisers along with the first expression of a comprehensive environmental policy.

The bill while not enacted into law, provided a vehicle for obtaining information in this vital area. The 4 days of hearings before the Senate Interior Committee still serve as a useful reference in this area.

This concept of establishing an environmental policy was carried on in subsequent sessions of Congress. In the 89th Congress, S. 2282 entitled the "Ecological Research and Surveys Act" was introduced by the Senator from Wisconsin (Mr. Nelson). The provisions of this bill were later incorporated into S. 2805, introduced in the 90th Congress by the chairman (Mr. Jackson), and the former ranking minority member of the committee, Thomas Kuchel.

S 2805, and similar other measures, were the subject matter of a unique joint House-Senate colloquium held July 17, 1968. This colloquium, which was jointly sponsored by the Senate Interior Committee and the House Science and Astronautics Committee, provided a forum for Members of Congress and interested parties to meet and discuss these important issues.

During the 91st Congress three bills were introduced dealing with environmental policy and the creation of new overview institutions.

These bills—S. 237, S. 1075, and S. 1752—were all referred to the Senate Interior Committee, and open hearings were held on them in April of this year. Along with the usual notice in the Record, personal invitations were sent to Senators who had expressed a particular interest in this area, to attend and participate in the April hearings.

After the hearings, on May 29, 1969, the chairman introduced amendment No. 25. This amendment resulted from suggestions made by administration witnesses. There was general agreement by administration witnesses, including Dr. DuBridge, that a statutory declaration of a national environmental policy would be both appropriate and useful.

Senators will recall that President Nixon had committed himself in the 1968 campaign to a policy of improving the environment in his October 18, 1968, radio address entitled: "A Strategy of Quality: Conservation in the Seventies." In that address, Candidate Nixon characterized our environmental dilemma in these words:

> The battle for the quality of the American environment is a battle against neglect, mismanagement, poor planning and a piecemeal approach to problems of natural resources.

Acting upon that commitment, President Nixon established by Executive order the Environmental Quality Council in May of 1969. This Council is of the highest level. The President, himself, is chairman, and its membership includes the Vice President and five Cabinet members. The council provides the action mechanism to implement environmental policy decisions.

S. 1075, as passed by the Senate, was coordinated with the administration, and was intended to complement the actions taken by the President. As a result, the bill, as reported was cosponsored by every member of the Senate Interior Committee.

As Dr. DuBridge expressed it during the hearings:

> I agree completely that one must have independent evaluations of the activities and responsibilities of the various departments, that it must have the best outside advice that one can get, and operate out of the President's Office to bring the best adversary position . . . to the attention of the Council.

That is what the Board of Environmental Quality Advisers, as envisioned by S. 1075, is intended to do.

In June of this year, after thorough discussions, S. 1075 was ordered to be reported by the Committee on Interior and Insular Affairs. Subsequent to this order, the administration through Director Mayo, of the Bureau of the Budget, recommended further amendments. On July 8, the committee, in a unique move, reconsidered the bill and adopted several of the recommended amendments.

On July 8 the bill was once again ordered reported. The report was filed on July 9 and S. 1075 was passed by the Senate on July 10.

Mr. President, I believe that this historical development is most important for several reasons. First, it shows the amount of work and thought which has gone into this bill. Second, it shows the degree of openness that the committee has displayed during this time. The committee sought suggestions, aid, and participation from Senators, Members of the House, and from the administration. Our committee listened to and acted upon suggestions from many sources.

I believe that it is both timely and appropriate for the Senate to move forward in completing congressional action on this important and urgent matter by appointing conferees to resolve the differences between the House and Senate passed versions of S. 1075. It should be noted, Mr. President, that the House has already appointed its conferees.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and the Presiding Officer appointed Mr. Jackson, Mr. Church, Mr. Nelson, Mr. Allott, and Mr. Jordan of Idaho conferees on the part of the Senate.

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Mr. MUSKIE. Mr. President, there are other matters involving the water pollution control provisions of the bill which will be discussed later in the afternoon, but at this moment I understand we will turn to the consideration of an amendment to be offered by the distinguished Senator from Delaware (Mr. Williams) involving a matter in which the distinguished Senator from North Carolina (Mr. Jordan) is interested.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

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Mr. WILLIAMS of Delaware. I would like to ask a question relating to title III, which begins at the bottom of page 80 of the bill and is entitled "Property Acquisitions."

I am not raising any question of germaneness; but would the Senator explain what the construction of a new Senate Office Building has to do with water and air pollution? I know our procedures are sometimes strange, but what is the relationship between the two subjects? Why are they tied together?

Mr. MUSKIE. May I say that substantively there is none. I think the Senator from North Carolina (Mr. Jordan) is in a better position to explain how it happens to be here.

May I add that the problem of space for Senators is a pressing one. I know the Senator from North Carolina is more aware of it than I. When he posed to me and to the committee the proposal to include this provision in the bill, I told him I would agree to it, provided it was made clear to the Senate that it was here, that no one would be taken by surprise, that the Senate would have a full opportunity to consider it, and that there would be no effort to try to give it a quiet ride through the Senate. The Senator from North Carolina agreed to that.

Mr. WILLIAMS of Delaware. The reason I raised the question is that there are many who are in favor of the air and water pollution bill itself, but we question the wisdom of attaching a rider to it that we would oppose. I am wondering if this is not a method of getting a free ride on a bill for a measure that could not pass on its own merits.

As to the argument being made on the need for more space, there are two ways of approaching that problem. One is by the more expensive way of constructing another building. Another way, which would be more constructive, would be to cut back on some of the overstaffed subcommittees. A Senator can hardly get in and out of his office because of the number of subcommittees. The idea that the Senate should have enough subcommittees so that every Member can be a chairman results in Members almost being run by the staffs.

I remember when I came here 23 years ago our committees, subcommittees, and Senators, were all in one building. Since that time we have had another building. Now it is proposed to have a third. Let us face it, the Senate committees are overstaffed. I doubt if any Senator can name the subcommittees even on his own committee, there are so many of them.

The subcommittees are so overstaffed and overcrowded that they crowd the Senate floor. Ofttimes we can hardly get in the Senate because it is so overcrowded with staff members.

In order to check this inflationary spiral we are proposing the repeal of the 7-percent investment credit to encourage private industry to cut back on plant expansion, and the President of the United States, by Executive order, has called on State and local governments and all Government agencies to roll back construction of new projects by 75 percent in order to relieve some of the inflationary pressure. I just wonder if we in the Senate are setting the proper example. In the light of all the requests to private industry and all agencies of Government can we say to them, "We meant for all of you to cooperate; but ourselves—we want a new building."

Would it not be better to postpone and consider this matter at a later time?

Mr. MUSKIE. I think the Senator has served a useful purpose by giving the Members of the Senate an opportunity to make that decision.

Mr. WILLIAMS of Delaware. I will just make this innocent observation. Perhaps there is some relationship between the proposal for a new Senate Office Building and air pollution, so I will not raise a point its not being germane to the pollution problem. I await with interest to hear the explanation.

Mr. MUSKIE. I do not know of any relation, I will say to the Senator.

Mr. WILLIAMS of Delaware. I would not suggest there is—not for the moment.

Mr. SCOTT. Mr. President, I am extremely delighted that the Public Works Committee in reporting this most vital Water Quality Improvement Act of 1969 has seen fit to incorporate a most important amendment which would provide for the training of waste treatment plant operators.

I suggested this amendment, Mr. President, because of the magnitude of need and the critical shortage of trained operators in water pollution control plants throughout the Nation. I was particularly pleased that the distinguished Air and Water Pollution Control Subcommittee chairman, Senator Muskie, and the ranking Republican member, Senator Boggs, incorporated my amendment. I would also like to thank the distinguished chairman of the Public Works Committee, Senator Randolph, and Senator Cooper, the ranking member, as well as the other Senators on the Public Works Committee.

As I have stated before, it is estimated that Federal, State, and local governments will spend $8 billion by 1974 for new and improved water pollution control facilities. However, no adequate provision has been made to train personnel to run these plants once they are constructed.

There is a critical shortage of approximately 23,000 trained operators in water pollution control plants throughout the Nation. Many of our existing waste treatment plants are operating well below their reasonable potential, thereby causing unnecessary pollution of our streams and rivers. If the struggle for clean water is to be won, we must improve the skills of existing operators and add substantially to their numbers.

The magnitude of the need can be seen by looking at the situation in Pennsylvania. Pennsylvania has 307 square miles of inland waters. It has a total of 460 water treatment facilities and 1,142 communities with sewer systems. If each of these 1,142 communities and each of the 460 treatment plants employed one operator—and obviously some employ many more—you can quickly estimate the number of operators who are involved in one way or another with pollution control. Many of the existing operators will need additional training as plants are modernized and new treatment procedures initiated. When you add to this number the 665 communities in Pennsylvania that have no treatment facilities, but will be acquiring plants in the near future, you can see the amount of training which is needed for efficient operation of pollution control facilities. That is only one State.

It was to meet this need that I offered this amendment to the water quality improvement bill—S. 7—which would establish a 2-year pilot program for the training of plant operators. It would provide $5 million the first year, and $7½ million the second, to train about 9,000 men.

If my pilot program is successful, I foresee that training will be an integral part of all future pollution control planning. I quote from the Public Works Committee report:

> The committee was pleased to receive and include in the bill a proposal by Senator Hugh Scott to authorize pilot programs for training plant operators and technicians. The committee recognizes that a great deal more than a pilot program will be required if Federal funds for sewage treatment plant construction are to be invested wisely, but believes operating experience with a pilot program would provide a sound base for expanded legislation in the near future.

The pilot program which I have introduced is the first step in insuring that our Nation's antipollution efforts are backed up by well-trained personnel. I will study closely the operation of this training program, and I will be ready with followup legislation to expand it so that clean streams will become a reality, not a wish.

Again, I thank the committee for the favorable consideration of this amendment.

Mr. MUSKIE. In response to the distinguished Senator from Pennsylvania, I would like to express to him the appreciation of the subcommittee for his valuable contribution to the Water Quality Improvement Act. The amendment to provide for a pilot program of manpower training for waste treatment plant operators is an excellent example of how one program can accomplish two vital objectives.

First, this provision recognizes that the operation and maintenance of the Nation's waste treatment facilities will be only as good as the competence of the operators. Initial findings of the General Accounting Office have revealed that this competence has not been of the level necessary for the program's success. I hope that this pilot program, properly administered, will help correct this situation.

Second, this program will provide valuable job opportunities for many of the disadvantaged citizens in our Nation's metropolitan areas. By training the disadvantaged in a field which requires great technical expertise, this program should be a source of vital upward mobility for many Americans in the Nation's workforce.

I thank the Senator from Pennsylvania.

Mr. JORDAN of North Carolina. Mr. President, at the very outset, with respect to title III of the bill, I want to make it perfectly clear that this proposal was passed last year and sent to the House. It was not acted on, and it died in the House.

I want to make it perfectly clear that the bill before us does not contemplate building anything. I want to get that straight. I want to get it straight on the record. The Committee on Public Works does not contemplate building anything. So that part of the colloquy which we have had so far does not belong in this debate whatsoever.

The bill proposes to buy the land adjoining the New Senate Office Building, where the Capitol Hill apartment house is and where the Schotts Court apartment is now located. The purpose of the bill is to provide room, without building anything.

The Capitol Hill apartment building is approximately 30 feet, on C Street, from the New Senate Office Building, and completely in line. The Architect of the Capitol has stated, after exhaustive surveys, that a ramp could very easily and very inexpensively be built from the New Senate Office Building into that building. There are 58 apartments in the building. It has elevators, it has air conditioning, and it meets the fire standards of the District of Columbia. We could almost immediately get possession of the building after it is acquired, and move several of these subcommittees that the Senator has spoken of over into that building.

So we are not contemplating building anything. The Schotts Court apartments, which are there, we would contemplate still be rented, to the same renters if they want to rent them, and the Government would collect the rent. The sole purpose of this provision is to get some more room.

Last year, before I authored S. 2484, I sent out a letter to every Senator and to the chairman of every committee and every subcommittee, asking how much space, if any, they needed, because it is my unpleasant duty, as the chairman of the Senate Rules Committee, to allot space.

You cannot allot space you do not have. I do not think there is a day that some Senator does not come to me needing space. I know they do need it. Right now, we have one Senator who has part of his offices in the Old Office Building and part of them in the New Building. There is no place to put him otherwise. That is not very convenient. I know he is crowded, and so are the rest of us.

Mr. President, I made a little note here this morning, or had it made for me, to say why, in my opinion and in the opinion of a great many others, it is necessary for Senators to have bigger staffs today than they had when I came here something over 11 years ago. I had a survey made in my own office some time ago, to see what had happened to the correspondence in my office. I found, to my amazement, that my correspondence had increased about tenfold in the last 10 years.

This morning I have had four people come to see me—some of them I saw out here, and some of them in the office—about the tax bill which we have before us right now. I am sure the same thing is happening to every other Senator. People are interested in it; they have problems, they write us about them, and we have to try to get the answers and write to them. Mr. President, it takes help to do that.

Thirty-eight new agencies have been created in the last 10 years, which have generated mail, I do not know how many times over what it had been. On the gun bill, for example, my own office handled more than 50,000 letters on that one issue.

It takes people to do that. Every day something new comes along which creates a lot of new correspondence. I do not know how much mail the Elementary-Secondary School Act has created, but it has been substantial. There is no use for me to list all these 38 agencies; other Senators know them as well as I do. Incidentally, a great many of those agencies have had big buildings built for them downtown, with a hundred times more room than we anticipate getting out of this old apartment building.

This building and the land should have been bought at the time we acquired the land to build the New Senate Office Building. Senators at that time who were acquainted with the situation said we should have bought it all at that time, because we could have gotten it much cheaper than we can today. I emphasize, Mr. President, that we are not contemplating building anything. But we want to get this building, because we need it now. It is an economical way to provide space for Senators who badly need the space.

In response to my inquiry, 72 Senators wrote me that they needed space, and 25 chairmen of full committees and subcommittees are asking for space. I held hearings, and they came before the committee and testified. Some Senators now present on the floor testified before that committee.

One Senator came to me just the other day and asked, "When are you going to get me some more room?"

I said, "Vote for this bill, and maybe we can get it for you."

Mr. President, that is why we should buy it now.

Mr. WILLIAMS of Delaware. Mr. President, the Senator says that if the space is not needed now it soon will be. If the Senate does as it has in the past, we would no doubt create more subcommittees to fill the offices in short order.

My point is that the Senate already has more subcommittees now then Senators can supervise. The late Senator from Tennessee, Mr. Kefauver, 20 years ago created a committee which was to extend for 2 years, to investigate juvenile delinquency.

That committee is still in existence. The Senator has passed on, but the committee is still living as a monument. I do not know of a single subcommittee that once having been started, no matter what its function, has ever been terminated. Some Senator the other day suggested that we ought to have a subcommittee to determine how many subcommittees we have. It may be a good idea; I am sure no one knows.

But really, at a time when we are repealing the 7 percent investment tax credit, when we are suggesting to all the rest of the country that this is not a time to construct new buildings, we ought to be setting the example. The argument that we are not going to build a new building now does not impress me; if I know the Senate, once we buy the land there will be a building started on it in short order. The same argument was made a few years ago when the Senate decided to get the land for the second office building. It was said then, "Oh, all we are going to do is buy the land, and the building will take care of itself later." It did; the building is there.

Frankly, Mr. President, I do not think the Senate needs the space at this time. I think the functioning of the Senate would be much more efficient if we trim it down to size by eliminating many of the present subcommittees. I do not see why every Member of the Senate has to be a subcommittee chairman. If that is the only way he can enhance his prestige perhaps he does not deserve recognition.

Why not get rid of some of these subcommittees? Then Senators would have more time to spend on the floor of the Senate and handle the Senate's business.

Moreover, this proposal should not be a part of the air and water pollution bill. If it cannot ride on its own merits it should be rejected.

Mr. President, I send to the desk an amendment to delete that section from the bill, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Legislative Clerk. The Senator from Delaware (Mr. Williams) proposes an amendment, as follows:

> On page 80, beginning with line 22, strike out all down to and including line 3 on page 83.

The language proposed to be stricken is as follows:

> TITLE III—PROPERTY ACQUISITION
>
> Sec. 301. (a) (1) The Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriations Act, 1948, approved June 25, 1948 (62 Stat. 1028) and Public Law 85–591, approved August 6, 1958 (72 Stat. 495–496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly, or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in said square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of enactment of this Act.
>
> (2) Any proceeding for condemnation brought under paragraph (1) shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).
>
> (3) Notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets contained within the curblines of said square

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shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

(4) Upon acquisition of any real property pursuant to this section, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(5) The jurisdiction of the Capitol Police shall extend over any real property acquired under this section and such property shall become a part of the United States Capitol Grounds.

(b) For carrying out the purposes of this section, there is hereby authorized to be appropriated $1,250,000. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this section.

Mr. WILLIAMS of Delaware. Mr. President, there is no need to debate this issue for any length of time. Senators are well aware of what is involved. It is, to state the matter simply, Does the Senate wish to exclude itself from the rules we have laid down in calling on industry to postpone its expansion plans at this time in order to combat inflation? The Senate has called upon all State agencies to delay new public works construction. The question is, does the Senate wish to exempt itself from this rule? As one Member of the Senate my answer is, "No."

I will ask for a yea-and-nay vote on this amendment, but I shall have to suggest the absence of a quorum to obtain a sufficient second to ask for the yeas and nays. I am willing to withhold that request now if the Senator from North Carolina wishes to speak further at this time.

Mr. JORDAN of North Carolina. Mr. President, I only wish to say, for the benefit of the Senator from Delaware and everyone else who is present, that I have nothing to do with the creating of subcommittees. I did not create a single one of them, so I have no power to say we are going to get rid of them. That is something I have nothing to do with.

All I know is that they come to the Committee on Rules and ask for space. I try to provide it for them, because they are here, and I do not know what else to do. This is the only way we can do it. We do not want to build a building at all; there is nothing in the bill about building a building. All we want is more space.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from North Carolina is correct; he is only one Member of the Senate. He says he has no authority to get rid of subcommittees, but I might point out that he underestimates his position. It is his committee that approves the money for these subcommittees, and without the money the subcommittees would quickly vanish. As long as the Senator's committee makes the funds available, I am sure the subcommittees will flourish and proliferate.

I know that every year the Senator from Louisiana, myself, and a few other Senators have pointed out how much it is costing just to staff these subcommittees. That debate has been carried on by some of us over a period of years, but we have always been in the minority. Saving money is not too popular on the Potomac front.

It will be renewed again, and even to a greater extent, I suppose, next year, if the bill passes, because there is no doubt in my mind that, if it passes, the space will soon be staffed with more and more subcommittees. I think they might be designated numerically—1, 2, 3, and 4, because they will have run out of letters of the alphabet and also out of names. I still say that this is not the time to take such action.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Delaware (Mr. WILLIAMS).

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the distinguished Senator from Delaware. The yeas and nays have been ordered.

Mr. JORDAN of North Carolina. I am ready to proceed to the vote.

Mr. WILLIAMS of Delaware. Mr. President, I understand that the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WILLIAMS of Delaware. Mr. President, I am perfectly willing to proceed to vote. The issue is very clear. This is an air and water pollution bill, supposedly, and I fail to see any connection as to why one section should be set aside to build a third Senate Office Building. The argument that it does not provide the building is immaterial. I know that if the Senate buys the land, the building will be built; and if it is not going to be built, why proceed with the procurement of the land?

At a time when we are asking private industry to cut back their expansion plans, at a time when all other public works projects are being cut back, I do not think the Senate ought to exempt itself from the rules laid down for all the people.

I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New Mexico (Mr. MONTOYA) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 25, nays 62, as follows:

[No. 116 Leg.]

YEAS—25

Aiken
Allen
Allott
Bennett
Byrd, Va.
Cooper
Curtis
Dole
Dominick
Ellender
Fannin
Goldwater
Griffin
Hansen
Jordan, Idaho
Miller
Mundt
Murphy
Packwood
Pastore
Proxmire
Scott
Smith, Maine
Tower
Williams, Del.

NAYS—62

Anderson
Baker
Bayh
Bellmon
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Dodd
Eagleton
Eastland
Ervin
Fong
Fulbright
Goodell
Gore
Gurney
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Mondale
Muskie
Nelson
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—13

Gravel
Harris
Hartke
Inouye
Long
Magnuson
McCarthy
McGovern
Montoya
Moss
Russell
Saxbe
Williams, N.J.

So the amendment of Mr. WILLIAMS of Delaware was rejected.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JORDAN of North Carolina. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that in view of an arrangement which has been made between the Senator in charge of the bill and the Senator from Idaho (Mr. CHURCH), the order of business be delayed until final passage of the pending bill.

Mr. CHURCH. And that it be expedited as much as possible.

Mr. MANSFIELD. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I think we have worked out all the amendments and the colloquies so that we may be able to proceed to final passage within 10 minutes.

At this time, I ask for the yeas and nays on final passage.

Mr. President, I withdraw that.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. KENNEDY is as follows:

> On page 72 strike out lines one through eight and insert in lieu thereof the following:
>
> "(1) the Secretary shall
>
> "(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution;
>
> "(B) publish from time to time the results of such activities; and
>
> "(C) by June 30, 1970, develop and publish standardized specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.
>
> In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals."

Mr. KENNEDY. Mr. President, this amendment to S. 7 has as its purpose the strengthening of the research program authorized by section 104 of this bill.

My reason for offering this amendment is to reemphasize the intent of the Congress in offering all possible assistance to our State and local governments faced with major oil-spill disasters.

Section 104 of this bill amends section 5 of the Federal Water Pollution Control Act. Section 5, which authorizes the various research programs in water pollution control, would be amended to include a similar authorization for research into the prevention and control of oil pollution. In its most thorough report on S. 7, the Committee on Public Works clearly states its intention that research in this field, "be expedited and should receive priority in planning future budget requests." The report further states:

> The Committee believes that developing effective techniques to deal with oil spills and making those techniques readily available at appropriate locations throughout the country is of the highest priority.

The complexity of the technical problems involved in the cleanup of accidental oil spills requires us to launch a major research effort into the technical aspects of cleanup operations. There are, today, over 2,400 chemicals—dispersants, emulsifiers, gelling agents, floating absorbents—whose properties suggest their potential use in oil spill cleanup efforts. However, the hard lesson of experience—learned during the *Torrey Canyon, Ocean Eagle,* Santa Barbara, and other serious spills—is that the injudicious application of chemicals can bring greater damage to our fish, and other natural resources than the oil itself. We need guidelines and standards for the use of these chemicals. We need to have immediate access to information about these chemicals. We need to insist that anyone involved in the cleanup of an oil spill be aware of the hazards and crucial disadvantages of the casual application of some types of chemicals.

Subsection (1) of section 104 grants general authority to the Department of the Interior to conduct the research into oil spill cleanups. However, it does not require the Secretary to set specific standards. My amendment would require the Secretary to develop and publish standardized specifications and other technical information on these chemicals by June 30, 1970. This would give our State and local officials the information they need to bring the full arsenal of chemical agents to bear on oil spills of various types, with minimum damage to fish and wildlife.

There is ample evidence that we are not moving fast enough in this area. Certainly, the interval between the San Juan spill and the Santa Barbara spill was significant enough to permit the completion of substantial research. But, when we were faced with the Santa Barbara incident, the Interior Department had no further knowledge about chemicals at its disposal than it did 11 months earlier, and had to delay cleanup efforts until determination on chemicals could be made.

By setting a deadline of June 30, 1970, we guarantee our coastal communities that the necessary research will be undertaken immediately, and that it will be available to them in the case of future, potentially disastrous, spills. We also insure that the intent of the Congress in this matter will be carried out by the Department of the Interior without delay.

Let me take this opportunity to commend, again, the committee for its fine and responsible work, and let me urge the adoption of this amendment.

Mr. President, in conclusion, I think the amendment is needed. We have seen that for too long the Department has failed to issue specifications and regulations. I think it is a reasonable time for the Secretary to establish those standards and specifications. I am hopeful the amendment will be agreed to.

Mr. MUSKIE. Mr. President, may I say, in response, that I have discussed the amendment with the distinguished Senator from Massachusetts; that the request for the mandate included in the amendment is within the general authority of the Secretary at the present time; and I think this specific mandate is wholly appropriate. I am willing to accept the amendment. I urge the adoption of the amendment by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The committee amendment is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, in the form of a substitute, as amended.

The committee amendment, as amended, was agreed to.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of H.R. 4148.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4148.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MUSKIE. Mr. President, I move to strike out all after the enacting clause in H.R. 4148 and insert in lieu thereof the language of S. 7 as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. JAVITS. The bill will now contain the same manpower provisions as the Senate bill did. Is that correct?

Mr. MUSKIE. The Senator is correct.

Mr. JAVITS. I had understood from the Senator and he had given me assurances that in the implementation of these new manpower provisions every consideration would be given to the unemployables and those who are disadvantaged in terms of employment. I trust that the Secretary, in prescribing the terms and conditions of his agreements with public and private agencies would insure that every effort would be made to provide opportunities for such persons.

Mr. MUSKIE. That is right. We discussed it with the distinguished minority leader. I agree that this is a very appropriate program to be guided by those considerations.

Mr. SCOTT. Mr. President, if the Senator will yield further, I appreciate the courtesy of the distinguished Senator from Maine. This was an amendment of mine, in which I had a great interest. I am most appreciative that it is being given consideration.

Mr. MUSKIE. I thank my colleague.

Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, our American society has finally come to recognize and to deal with an emerging national crisis: survival in the midst of a polluted environment. The clamor for survival has spread from a handful of conservationists to an ever-increasing number of Americans. We so often seem preoccupied with the problems which are exclusively urban in their effect. But environmental quality concerns us all because it affects—indeed it threatens—us all. Mr. President, we have reached the point, I believe, where the enhancement of environmental quality must be a major national goal.

Now that we have reached this point, we must look ahead to our needs for future legislation, as well as the direction and speed of Government administration of existing laws. The sacrifices, the plans, the strategy that we are to pursue to reach the goal of cleaning up this country's waterways must be clearly defined. I submit that the bill which we are considering today makes significant advances in providing some of these much-needed and long-awaited answers. But, as encouraged as I am with this current effort, let me stress that it is only a beginning in our fight against the pollution of our environment.

The bill before us has numerous advantages in preparing us to fight the pollution battles. It lays down rules for dealing with oil spill catastrophes; it establishes standards for marine sewage discharges from vessels; it requires Federal licensees and permittees to comply with water quality standards; it provides for the identification, designation, and cleanup of hazardous substances other than oil; and it permits extended research authorizations, official encouragement, and development of an overall labor force trained to assist in the elimination of problems of operation and maintenance of pollution abatement equipment.

Of equal importance, the bill creates the Office of Environmental Quality. The Office will be primarily concerned with providing for representation of environmental interests in the numerous and varied policymaking forums across this country, both public and private. It is heartening that in the last few years there has occurred a new emphasis on ecology in the management of our natural resources. Failure in the past to give warranted attention to the interrelations between living organisms and their environment in the development and use of resources has had unfortunate, often disastrous, consequences. The creation of this Office of Environmental Quality will acknowledge Congress' new pledge to a "national policy of enhancement of environmental quality, a policy based on the concept that man and his environment are interrelated and that a quality environment is necessary to the improvement of living standards for all men."

Mr. President, I would suggest that this new Office is not an attempt to skirt the real issues but is rather an important, necessary means of filling a void, and providing a voice that too long has gone either inadequately represented or not represented at all.

In addition to the establishment of the Office of Environmental Quality, I am very enthusiastic that this bill gives recognition to some of the critical problems we are encountering in the Great Lakes. Nearly 30 million persons—15 percent of the Nation's inhabitants—live in the Great Lakes basin. These lakes supply this great population in America's heartland with water, food, transportation of raw materials, and manufactured goods, and outdoor recreation. But the pollution problems with which the citizens of this region must now contend are notorious. DDT is destroying the marine life in Lake Michigan, pollution is choking Lake Erie, industrial wastes threaten Lake Superior, algae and pesticides assault Lake Ontario, and the pollution of Lake Michigan and the industrial wastes of Saginaw Bay spill into Lake Huron. The $20 million authorized by this bill to study the pollution problems of the Great Lakes is a good beginning, though, obviously, it, too, is only a beginning. But it is a step we must take now in the war against pollution.

Mr. President, our thousands of rivers and lakes are suffering from the grave threat of pollution. The question is no longer whether we should abate pollution; rather, the question is how much time remains for us to save our environment. The bill now under consideration provides a beginning to our water cleanup effort. I commend the committee on its fine work and urge my colleagues to vote in favor of this bill.

Mr. BIBLE. Mr. President, I rise in support of the bill.

The Water Quality Improvement Act and the Environmental Quality Improvement Act embodied in this legislation are vitally needed. It has been well said that of the many threats facing this Nation and all of civilization today none is more alarming than the deteriorating quality of the natural environment in which we must live and work.

Our Nation has reached unsurpassed heights of technological and material progress. We have achieved a standard of living undreamed of at the turn of the century, and unmatched anywhere else on the planet. In our search for economic advancement and the comforts and convenience of a good life for all our people we have marshaled our natural resources and technological know-how with unparalleled sophistication. We stand as the economic wonder of the world.

I would not have it otherwise. But I am concerned—and all thinking Americans are concerned—over the impact our growth has had on our irreplaceable water resources, the air we breathe, our forests, and our grasslands. We have imposed too harshly on nature's bounty. We have taken our rivers and lakes for granted. We have ignored or overestimated their limited capacity to dilute and assimilate waste. Factories and powerplants belch their smoke and the life-giving air in our cities is dangerously smog laden. Industrial wastes and raw or poorly treated sewage has fouled our rivers, and endangered the very existence of many of our major fresh water lakes.

Lake Tahoe, which is shared by my own State of Nevada and by California, is without question one of America's most highly-prized natural assets. It is renowned for its scenic beauty and pristine clarity and purity.

This beautiful lake was able to resist pollution when human activity began accelerating as a result of settlement and early logging operations, but it is no match for the demands of modern man.

Recent years have seen explosive growth and development throughout the Tahoe Basin and along the lake shore. New highways and the postwar boom in tourism and outdoor recreation have changed Lake Tahoe from a quiet summer resort to a year-round major recreation area.

Rapid population and commercial growth has posed a serious threat to the Tahoe Basin. Ominous signs of water pollution are becoming all too evident. Not only the scenic beauty of the region but the very quality of its natural environment is now at stake.

In southern Nevada, the Lake Mead National Recreation Area is another of our endangered resources. Lake Mead is one of the most attractive, heavily used recreational areas in the United States. Its location near Las Vegas places it in one of the fastest growing metropolitan areas in the Nation, and this invaluable resource is feeling the pressures that come with increasing population and industrial densities. Sewage effluent and industrial wastes from the Las Vegas Valley are a contributing cause. They introduce high concentrations of plant nutrients into the lake and tributary waters. The result has been a gradual proliferation of aquatic algae, which consumes the oxygen in the water and is the prelude to stagnation and the ultimate death of irreplaceable water resources.

Fortunately, we in Nevada are only too well aware of these threats to our natural resources. We are not satisfied with the progress that is being made. In 1967, I offered a four-point program designed to coordinate the efforts of the Federal, State, and local governments to combat the Lake Mead problem. As a result, a local level interagency task force was established to go into the matter in depth and propose effective measures. The Federal Water Pollution Control Administration has provided valuable support. Some—but not enough—progress has been made. The pollution has not been abated, and I will not be satisfied until the deterioration of Lake Mead's water quality has ended.

Regarding Lake Tahoe, both Nevada and California have taken major steps to bring order and good planning to the development of the Tahoe Basin. Both have approved a regional planning compact that will establish ground rules for future development—standards that will see to the protection of the public interest in preserving the beauty and purity of the lake and basin for generations of Americans to come.

Early this session I introduced legislation to grant Congress' consent to this regional compact. I have pressed for action, but delays have been encountered due to the failure of the administration until recently to submit its report to the Judiciary Committee. This is essential legislation. The States are ready and anxious to get on with the business of protecting this unique resource. The Federal Government's interest would be fully protected under the compact, and I have high hopes the committee's schedule will permit the measure to be reported favorably to the Senate very soon.

Mr. President, I have referred to Nevada's water pollution problems. They typify problems faced by virtually every State in the Union—problems that demand the utmost in effort at all levels of government if we are to leave other than a legacy of waste for the future.

I know of nothing that should be of more fundamental concern to the Congress than the perils of pollution of our environment. What we do in this area

we do to assure our children and grandchildren the quality of life our forebears enjoyed, but which now stands impaired.

The legislation now before the Senate is another in a line of measures enacted over recent years bespeaking the Nation's concern. I refer to the Water Pollution Control Act Amendments of 1963 and 1965, the Solid Waste Disposal Act of 1965, the Clean Water Restoration Act of 1966, and the Air Quality Act of 1967. I have supported these and every meaningful effort to provide for the preservation, protection, and restoration of our endangered resources.

Title I is a further step in the right direction. It will provide authority to establish Federal standards for the performance of marine sanitation devices to control sewage discharges from vessels. Waste from watercraft has a serious impact on the water quality of our bays, lakes, harbors, and marinas where vessels are concentrated. Both Lake Tahoe and Lake Mead will benefit from this.

Oil pollution is a major source of concern—particularly in light of the Santa Barbara Channel problem and the spectacular spills from the *Torrey Canyon* and the *Ocean Eagle*. The bill properly provides centralized authority to clean up oil spills regardless of the source, and for recovery of costs when the cleanup is done by the Federal Government.

Very importantly, title I of S. 7 seeks to insure compliance with water quality standards by Federal agencies, and by activities conducted under licenses and permits granted by the Federal Government. It requires that the Government itself, and those it licenses begin to consider the environmental aspects of their programs as a matter of first priority. The bill would require preconstruction water quality planning, and seeks to eliminate Federal participation in activities that are at odds with our national water quality programs.

I think this aspect of the bill is long overdue. We can hardly tolerate Federal oversight of water quality standards we have urged on the States, cities, and communities all across the Nation.

The bill also provides for the identification, designation, and cleanup of discharges of hazardous substances other than oil that foul and pollute our water resources.

I particularly applaud the bill's special attention to the problems confronting our fresh-water lakes. As the committee has pointed out in its report, at the present time there is no research facility anywhere exclusively devoted to basic and applied research in the causes and cures of lake pollution. Individual research is being conducted on various facets of the problem, but we lack a concentrated, coordinated attack.

Such an all-out campaign to overcome and put a stop to the degradation of our lake resources—in Nevada, in the Great Lakes, and throughout the Nation—is sorely needed.

Lake eutrophication research—so important if we are to overcome the problems facing the Great Lakes and others such as Lake Mead and Lake Tahoe would be pressed forward. I cannot overstress the importance of this kind of work.

New emphasis would also be placed on finding more effective means of removing oil pollution and combatting the acid-mine drainage that has so long impaired waterways in mining regions throughout the country. I think the report on the bill does an excellent job of reviewing the problems we face in each of these areas. It goes almost without saying that we must bend every effort toward overcoming these critical problems.

Mr. President, I also applaud the objective of title II of the present bill to provide the President with the management capability needed to bring coherence and consistency into the environmental activities of the Federal Government. Certainly Federal activities and federally assisted activities have a major impact on the environment.

Title II very properly requires that all federally supported public works projects and programs be planned and implemented in full recognition of their ecological impact.

The establishment of a full-time council or office on environmental affairs to review and analyze the administration of all environmental policies, programs, and activities of the Federal Government is long overdue. These problems cannot be handled effectively on an ad hoc or part-time basis. They require the kind of independent continuous high-level attention envisaged by title II of this legislation. An office of environmental quality—independent of other Federal agencies—is needed to make available to the President the substantive review and analysis of all matters relating to the environment.

Mr. President, I commend the committee for bringing forward an excellent bill, and urge its approval by the Senate.

Mr. HART. Mr. President, as we prepare to vote I wish to applaud the inclusion in this bill of the Great Lakes demonstration section, section 15, which authorizes $20 million for a concentrated attack on pollution in the Great Lakes. This is an absolutely critical item for our region, and indeed for the health and well-being of the whole country. For the sake of this section alone, S. 7 is deserving of our favorable action.

Mr. KENNEDY. Mr. President, one of the hard lessons of this decade has been the realization that the unchecked application of technology has resulted in the gradual and continuing destruction of our natural resources. And, although the Congress and the Nation have gone on record time and again as opposed to further despoilation of our environment, it continues today. For we continue to allow the pollution of our air and water resources at a rate not significantly less than that tolerated 5 or 10 years ago.

The only hope we have for the restoration of the resources we have denied to future generations of Americans is a true commitment to that restoration—a commitment of action, not of rhetoric; of funds, not of promises. We must launch an attack on every front—on air pollution; on water pollution; on solid waste disposal; and on thermal pollution. And we must do it now.

Since 1960, we in the Congress have taken steps to insure that such a commitment is made. We have enacted legislation to set standards, inaugurate programs, conduct research, and establish a good Federal-State partnership in a national pollution control effort. Since 1963, we have enacted the Clean Air Act, the Air Quality Act, the Water Quality Act, and the Clean Waters Restoration Act—to cite but a few of the major pieces of legislation designed to deal with the various aspects of this national disgrace. But we have not adequately funded any of the programs authorized in this legislation. To illustrate the current funding gap in this area, I ask unanimous consent that a chart, entitled "The Water Pollution Control Funding Gap," taken from the September issue of Nation's Cities, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, our failure to provide these necessary funds is a failure to respond to the demands of our citizens. A recent survey conducted by Newsweek magazine indicated that 56 percent of working Americans—taxpaying Americans—feel that we should allocate more funds to rid their communities of air and water pollution. It is my hope that this Congress, as the last of this decade, will make a commitment of funds that will allow us to progress toward our goal of total elimination of existing pollution and control of the causes of future pollution.

Today the Senate considers S. 7, a bill to amend the Federal Water Pollution Control Act. This legislation is important and necessary. Its passage will go far to indicate our congressional intent to maintain and expand our program to erase the stigma of pollution from our national and coastal waters.

S. 7 is based, in large part, on similar legislation considered by the Congress last year—S. 3206. I share in the disappointment that S. 3206 was part of that session's unfinished business. But I commend the committee, its distinguished chairman, Mr. RANDOLPH, and the subcommittee and its honored chairman, Mr. MUSKIE, for not allowing its measures to remain as unfinished business. The bill they have reported to the Senate today is both comprehensive and farsighted.

It embodies the significant proposals of S. 3206 and introduces new language to deal with a problem of major national concern. The problem, brought to light this year at an all too alarming rate, is the increased incidence and the continual treat of accidental oil spills in our coastal waters.

It is this section of S. 7, Mr. President, section 12, on which I would like to comment. In recent years, and at an increased rate this past year, accidental oil spills have brought untold damage to our coastal waters and beaches and to the biological, marine, and birdlife which inhabit these areas. Considerable and sometimes irreparable damage has also been done to the ecological balance of these waters. Only last month, in my own State of Massachusetts, another potentially tragic oil spill occurred. Dam-

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ages are still being investigated, but there is no question that they will be the most substantial inflicted to date in this area in terms of marine life. At the time of this most recent spill, I took the floor of the Senate to indicate my distress and to suggest possible measures and amendments to existing legislation to establish national policy and Federal responsibility in such matters. At that time, I most strongly urged further development of an interagency contingency plan; the requirement of a bonding mechanism for all vessels engaged in the ocean transport of oil cargoes; a liability requirement which would place the burden of proof of absence of negligence on the vessel owner or operator; and, finally, the development of a comprehensive research effort in the use of chemicals and other technology in spill cleanup efforts

The work of the committee is again worthy of commendation in this regard. The comprehensive report on S. 7 indicates that, as a result of extensive hearings, section 12 was drafted to incorporate many of these measures.

This section, and other sections of S. 7, specifically direct the President to delegate responsibility for the administration of the provisions of this and all sections to the Federal agencies which have jurisdiction over the areas and waters involved. I would like to suggest, however, that the President direct these agencies to establish from among their personnel a board of advisers who are both technical and logistical experts in such matters to be ready to fly to the scene of a major spill as soon as possible after notification of occurrence. The Civil Aeronautics Board employs such a team to fly to the site of aircraft disasters to determine cause and to aid in the removal of debris from the site. This is a good program and one which I feel easily evidences its transferability to oil spill disasters.

Section 12 requires that owners of vessels engaged in the transport of oil establish and maintain evidence of financial responsibility. Although this measure is not as broad as one I intended to introduce, it is my determination that it is adequate and will be effective.

Liability standards as outlined in section 12 also satisfy my intention. Under the terms of this section, the burden of proof is placed directly on the vessel operator to prove absence of negligence on his part.

Section 104 of S. 7 amends section 5 of the Federal Water Pollution Control Act to authorize the Secretary of the Interior to broaden the research program authorized by the act to include the conduct of research into the removal of oil from our waters. It is my feeling that directives to the Secretary in this matter should be more specific. He should be directed to conduct specific research on the use of dispersants, floating absorbents, gelling agents, and other chemicals. He should also be directed to establish standards for such chemicals. Therefore, I will introduce an amendment to strengthen the research authorization of S. 7.

EXHIBIT 1

WATER POLLUTION CONTROL FUNDING GAP—AUTHORIZATIONS VERSUS ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT

[In millions]

States	1968		1969		1970		1968–70 funding gap total [1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated	Total dollars authorized	Total dollars allocated	Total dollar gap	Percent not funded
Total	$450.0	$203.0	$700.0	$214.0	$1,000.0	$214.0	$2,150.0	$631.0	$1,519.0	70.7
Alabama	8.4	4.1	12.9	4.1	18.3	4.1	39.6	12.3	27.3	68.9
Alaska	1.2	.9	1.5	.9	1.9	.9	4.6	2.7	1.9	41.3
Arizona	3.8	2.0	5.6	2.1	7.8	2.1	17.2	6.2	11.0	64.0
Arkansas	5.2	2.9	7.6	2.8	10.6	2.8	23.4	8.5	14.9	63.7
California	35.3	14.6	56.9	14.9	82.8	14.9	175.0	44.4	130.6	74.6
Colorado	4.7	2.4	7.1	2.4	10.0	2.4	21.8	7.2	14.6	67.0
Connecticut	6.2	2.9	9.7	2.9	13.9	2.9	29.8	8.7	21.1	70.8
Delaware	1.6	1.1	2.3	1.1	3.0	1.1	6.9	3.3	3.6	52.2
District of Columbia	2.3	1.3	3.3	1.3	4.6	1.3	10.2	3.9	6.3	61.8
Florida	11.8	5.3	18.6	5.4	26.8	5.4	57.2	16.1	41.1	71.9
Georgia	9.8	4.6	15.1	4.6	21.6	4.6	46.5	13.8	32.7	70.3
Hawaii	2.2	1.4	3.0	1.3	4.1	1.4	9.3	4.1	5.2	55.9
Idaho	2.5	[2].5	3.4	1.6	4.5	1.6	10.4	3.7	6.7	64.4
Illinois	22.9	9.6	36.7	9.8	53.4	9.8	113.0	29.2	83.8	74.2
Indiana	11.1	4.9	17.5	5.0	25.2	5.0	53.8	14.9	38.9	72.3
Iowa	6.9	3.3	10.7	3.3	15.3	3.3	32.9	9.9	23.0	69.9
Kansas	5.7	2.8	8.6	2.8	12.2	2.8	26.5	8.4	18.1	68.3
Kentucky	7.8	3.7	12.0	3.8	17.0	3.8	36.8	11.3	25.5	69.3
Louisiana	8.3	4.0	12.7	4.0	18.1	4.0	39.1	12.0	27.1	69.3
Maine	3.1	1.9	4.5	1.9	6.1	1.9	13.7	5.7	8.0	58.4
Maryland	7.5	3.5	11.8	3.6	17.0	3.6	36.3	10.7	25.6	70.5
Massachusetts	12.0	5.3	19.1	5.4	27.6	5.4	58.7	16.1	42.6	72.6
Michigan	18.0	7.7	28.7	7.8	41.6	7.8	88.3	23.3	65.0	73.6
Minnesota	8.4	3.9	13.1	3.9	18.7	3.9	40.2	11.7	28.5	70.9
Mississippi	6.2	3.4	9.2	3.4	12.8	3.4	28.2	10.2	18.0	63.8
Missouri	10.3	4.7	16.3	4.8	23.4	4.8	50.0	14.3	35.7	71.4
Montana	2.4	[2].7	3.3	1.5	4.5	1.5	10.2	3.7	6.5	63.7
Nebraska	4.0	2.2	5.9	2.1	8.2	2.1	18.1	6.4	11.7	64.6
Nevada	1.2	.9	1.7	.9	2.2	1.0	5.1	2.8	2.3	45.1
New Hampshire	2.2	1.4	3.0	1.4	4.0	1.4	9.2	4.2	5.0	54.3
New Jersey	14.0	6.1	22.4	6.2	32.4	6.2	68.8	18.5	50.3	73.1
New Mexico	3.1	[2].7	4.4	1.9	6.0	2.1	13.5	4.7	8.8	65.2
New York	37.6	15.5	60.7	15.8	88.4	15.8	186.7	47.1	139.6	74.8
North Carolina	11.1	.52	17.4	5.2	24.9	5.1	53.4	15.5	37.9	71.0
North Dakota	2.3	[2].3	3.3	1.6	4.3	1.6	9.9	3.5	6.4	64.6
Ohio	22.1	9.4	35.5	9.6	51.5	9.6	109.1	28.6	80.5	73.8
Oklahoma	6.1	3.1	9.3	3.1	13.2	3.1	28.6	9.3	19.3	67.5
Oregon	4.7	2.4	7.1	2.4	10.1	2.4	21.9	7.2	14.7	67.1
Pennsylvania	25.7	10.8	41.3	11.0	60.0	11.0	127.0	32.8	94.2	74.2
Rhode Island	2.7	1.6	3.9	1.6	5.3	1.6	11.9	4.8	7.1	59.7
South Carolina	6.5	3.4	9.7	3.4	13.7	3.3	29.9	10.1	19.8	66.2
South Dakota	2.5	[2].3	3.5	1.7	4.6	1.8	10.6	3.8	6.8	64.2
Tennessee	9.0	4.3	13.9	4.3	19.8	4.3	42.7	12.9	29.8	69.8
Texas	22.0	9.4	35.2	9.6	51.0	9.6	108.2	28.6	79.6	73.6
Utah	2.9	[2].7	4.1	1.8	5.6	1.8	12.6	4.3	8.3	65.9
Vermont	1.8	1.4	2.4	1.3	3.0	1.3	7.2	4.0	3.2	44.4
Virginia	9.7	4.5	15.1	4.5	21.7	4.5	46.5	13.5	33.0	71.0
Washington	7.0	3.3	11.0	3.3	15.7	3.3	33.7	9.9	23.8	70.6
West Virginia	5.2	2.7	7.8	2.8	10.8	2.8	23.8	8.3	15.5	65.1
Wisconsin	9.5	4.4	15.0	4.4	21.5	4.4	46.0	13.2	32.8	71.3
Wyoming	1.5	[2].005	2.1	1.2	2.6	1.2	6.2	2.4	3.8	61.3
Guam	1.6	[2].8	1.6	1.5	1.7	1.4	4.9	3.7	1.2	24.5
Puerto Rico	6.6	3.5	9.8	3.5	13.7	3.5	30.1	10.5	19.6	65.1
Virgin Islands	1.5	1.5	1.5	1.4	1.6	1.4	4.6	4.3	.3	6.5

[1] 1970 appropriations still pending.

[2] Actual amounts used by these 8 States although they were entitled to use more. Unused amount totaling $8,300,000 from these 8 reallocated to other States.

Source. Federal Water Pollution Control Administration.

Mr. YARBOROUGH. Mr. President, the United States is probably the most affluent Nation in history. Our citizens enjoy a higher standard of living than any other country in the world. Our technology is increasing at a fantastic rate. We take for granted today things which our forefathers would have found unbelievable. Man has walked on the moon. And this is only the beginning.

However, while man has been marveling at his accomplishments, he has been blind to the quiet, insidious decay of his environment. Many of us live in environments dominated by polluted air, filthy water, ugliness, and noise, and are almost completely unaware of the subtle changes which have worsened our situation over the years. A person may not realize what has happened until a certain threshold is reached and his eyes water, his water stinks, his plants die, and the paint peels from his house.

Mr. President, we have reached this threshold. We must act decisively now if we are to stop this deadly degradation of our environment. We must begin now to analyze the full cause-and-effect linkage of all of our actions, not just the immediate results of a few. We can no longer afford to have our environment contaminated by persistent pesticides. We can no longer tolerate the pollution of our air and water by the refuse of our affluent society.

S. 7, of which I am a cosponsor, is a positive step toward the preservation of the quality of our environment. As reported by the Committee on Public Works, this bill would among other things: control the discharge of sewage from vessels into the navigable waters of the United States; provide for the control and cleanup of oil discharges into inland waters of the United States, of the territorial seas, and of the 9-mile zone contiguous to the territorial sea; provide for the identification, control and cleanup of hazardous substances other than oil; authorize a demonstration program on areawide control of acid and other mine water pollution resulting from active or abandoned mines; authorize a demonstration program to eliminate or control pollution within the watersheds of the Great Lakes; require Federal agencies to insure compliance with applicable water quality standards in the administration of their property, facility, or activity; provide for the training of personnel to operate and maintain existing and future water treatment works; and establish in the Executive Office of the President an Office of Environmental Quality and provide for the establishment of an advisory committee having a broad range of concern including population growth, environmental quality, and planning for the future.

Of particular significance to States such as Texas that border on the sea, are the provisions in title I of S. 7 which provide centralized authority to clean up oil spills. The recent disastrous oil spill off the coast of Califorina at Santa Barbara has taught us a tragic lesson in what can happen to people and property when large quantities of oil are discharged into our coastal waters. Oil spills, such as that one, posc an extremely grave threat to Texas because of the tremendous number of offshore oil operations and heavy ship traffic that is found along the gulf coast. For example, if a large quantity of oil was discharged into the waters of the Houston Ship Channel, not only would the waters and beaches around Houston and Galveston be polluted but also the intercoastal canals thus causing heavy damage to the large rice crop that is produced in this area. In light of the danger to the people of the coastal areas and their property, it is only right that the expense of cleaning up oil spills be charged to the owners and operators of vessels transporting oil and oil products and the offshore and onshore facilities that discharge this dangerous oil.

Mr. President, just this week I offered the Joint Resolution 156 to establish an interagency commission for planning this country's participation in the 1972 United Nations Conference on the Human Environment. In offering that legislation, I pointed out that pollution is a problem of worldwide dimensions and there is no doubt that this is true. Since, according to Dr. Edward D. Goldberg of Scripps Institute of Oceanography, La Jolla, Calif., the United States is "responsible for around one-half to one-third of many of the contaminates introduced into the atmosphere or ocean," this Nation is obligated to take the lead in dealing with the pollution of our environment.

The United States must undertake a crash program to deal with pollution within our boundaries and along our shores. This bill will constitute a great step forward in such a program.

By adoption of this bill we can set an example for the rest of the nations of the world to follow and demonstrate that we are willing to embark upon an all-out attack upon the problem of pollution before it is too late.

We cannot afford to underestimate the gravity of the problem, for as David M. Gates, director of the Missouri Botanical Gardens and an expert ecologist, in an article placed in the CONGRESSIONAL RECORD this week by Senator TYDINGS, warns us, our continuing assault on the natural environment "could produce an earth populated by 'half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water.' "

This is the reason why, Mr. President, I am proud to be a cosponsor of this bill and why I urge, with all the candor at my command, my colleagues to support this legislation.

Mr. MONDALE. Mr. President, water is a precious commodity.

The U.S. Senate has again, today, recognized the need to preserve and protect our existing supply of water by passage of S. 7, legislation which contains the Water Quality Improvement Act of 1969 and the Environmental Quality Improvement Act.

I am doubly pleased by today's action since S. 7 contains the Clean Lakes provision first introduced by myself and Senator Burdick in 1966. This provision will allow basic research into the cause, cure, and prevention of lake pollution. It will provide funds for the construction and operation of research facilities for these purposes. The outcome of such research should give us a greater understanding about the effects of treated sewage, fertilizers, pesticides, siltation and other substances which ultimately drain into our fresh water community lakes.

Now that we have taken this basic and long-needed first step, I will shortly introduce legislation to authorize the next step. The National Clean Lakes Act of 1969 would provide grants for operational programs to counter and eliminate pollution of fresh water community lakes.

Mr. President, our lakes are so much a part of our life in Minnesota and across this country. Yet there are thousands of lakes in this country which are decaying and in danger of becoming extinct because of pollution and siltation. My State of Minnesota is known as "The Land of 10,000 Lakes." We do not want to subtract from this slogan.

Like Minnesota's other natural resources, lakes are not impervious to man's vandalism and natural decay. Throughout Minnesota and the Nation, lakes are suffering from the pollution epidemic—they are smothering to death in organic waste and untreated posions.

Now, building on the vehicle provided by the Senate today— and the legislation I will introduce—I am convinced we can expand the life cycle of many of this Nation's tens of thousands of lakes.

Thoreau wrote:

> Nothing so fair, so pure . . . as a lake, perchance, lies on the surface of the earth . . . Nations come and go without defiling it . . . It is a mirror . . . whose gilding Nature continually repairs . . . which retains no breath that is breathed on it.

I am afraid that there is more poetry than truth in those beautiful words. Nations have defiled their lakes. The restorative powers of nature do not work on the still waters of a lake to the same effect that they work on the flowing waters of a stream.

Our fast-flowing rivers are equipped with unbelievably recuperative powers. This built-in natural recovery process has enabled many of our rivers to take the worst that man has been able to throw at them in the way of pollution punishment. Rivers have a faculty of rolling with the pollution punch that the more placid lake waters lack. At one and the same time—if we are to save our lakes—we must develop ways of keeping pollutants out of lakes; remove, insofar as possible, those pollutants already in our lakes; and, finally, to neutralize the effects of those pollutants which cannot otherwise be eliminated.

When the natural aging process of a lake is speeded up, we find a condition called accelerated eutrophication. The scientist may define it as "the state of a body of water resulting from intentional or unintentional, natural or manmade modifications to the aquatic environment to the extent that the ecological system supports an imbalance in the biological production and creates a nuisance or interference with a water use."

The layman may not be concerned with definitions, but he knows that a polluted lake is ugly to look at, unfit to swim

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in, unpleasant to boat on, devoid of prize sport fish. His livelihood may suffer from lost property values, deserted resorts, reduced value of the commercial fishery, and impeded navigation. The public water supply of his community may be impaired. The citizen has a large stake in clean lake waters.

We do not fully understand eutrophication. We do know that manmade wastes contain nitrates, phosphates, and other nutrients which stimulate biological production and promote the premature aging of a lake. The algal bloom is a sign of advancing eutrophication. Profusion of algae and other vegetation and siltation make the lake waters more shallow and hasten the process. When sunlight penetrates the shallow waters, vegetation climbs to their surface and chokes the lake. The vegetation decays, disagreeable odors result, and fish often die from the loss of oxygen. Industrial wastes, municipal wastes, individual waste disposal systems, agricultural runoff, and siltation from soil erosion all contribute to the influx of manmade pollution into the Nation's lakes.

The impairment of water quality of our lakes is a problem complex in its causes, widespread in scope, and difficult in solution. We do not have the final answers to these problems. We may never—but a nation which can reach the moon in a decade certainly should be able to—come up with practical solutions to some if not all of the problems of aging lakes.

But we are confident that through an expanded research, development, and demonstration effort, we will be able to do a far better job than we now are doing to control the eutrophication process in fresh water community lakes.

Mr. President, there are a number of reasons for proceeding now with full scale demonstration and operational programs even though we are just beginning research and development programs. These reasons include: a substantial knowledge base upon which to act; the need for action programs to interact with development programs; and the demand to immediately counterbalance periods of seemingly irreversible pollution where eutrophication is taking place.

Briefly, the National Clean Lakes Act of 1969 would provide funds for a variety of programs including dredging and cleansing already polluted lakes including disposal costs, removal of effluents and nutrients from sewage treatment plants, and soil conservation programs to retard the drainage of siltation, nutrients, and other pollutants.

The measure will seek authorizations over a 3-year period; $200 million for the first year, doubling to $400 million in the second, and increasing to $500 million for the third.

This funding will permit the Interior Department to finance feasibility studies, preliminary research, full-scale demonstrations, and operating facilities. It would also provide assistance to resort owners, farmers, and construction workers to permit various programs to halt siltation and the passing of nutrients into fresh water community lakes.

Moneys shall be on a matching provision with funds put up by State municipalities and by businesses and industries contributing to pollution and having a stake in the cleansing of the lakes. This funding should be at a rate of 90 percent for those projects which are purely of a demonstration nature, and 75-percent Federal funds for the more operational grants where the success of the facility is more certain.

The National Clean Lakes Act will be tied directly to total land management plans for individual States and areas. The States will be given a leading role in the establishment and enforcement of standards.

Mr. President, it is my hope that with the perfection of the tools and technology of restoring fresh water community lakes, our municipalities all across the Nation will be encouraged to begin the task of cleaning their lakes and to take immediate steps to prevent further pollution.

There is no lack of interest in such projects in the States. Rather, there is frustration at the enormous size of the job and the realization that, without Federal assistance, most such projects are impossible.

The Minnesota Department of Conservation estimates that dredging and cleaning a lake costs a minimum of 25 to 50 cents a yard. To deepen an acre of water by only 1 foot costs about $4,000. In Minnesota, there are 17 lakes that are over 10,000 acres in size. To deepen one of these lakes by 5 feet would cost about $4 million. It is obvious that such an expense cannot possibly to borne by a lake community, and even for a major metropolitan area, the cost is virtually prohibitive.

Thus, in the National Clean Lakes Act of 1969 which I will introduce, I am proposing that lakes be given treatment comparable to other bodies of water in the protection against pollution.

I urge my colleagues to join with me in support of this bill to rejuvenate and beautify our lakes.

Mr. MUSKIE. Mr. President, Senator Mondale is to be congratulated for his excellent contribution to the work of Subcommittee on Air and Water Pollution. The Senator has provided significant leadership in providing legislative recommendations to deal with the difficult problem of lake eutrophication.

As the Senator has so eloquently pointed out, many of the Nation's lakes are dying at an accelerated rate. We must retard this process.

We will not be successful in this effort unless we can develop the necessary technical capacity to halt lake pollution. And we will not be successful unless we make a meaningful national commitment now.

The Senator from Minnesota has led this effort and on behalf of the members of the committee, I want to express our appreciation. I look forward to reviewing the additional proposals which the Senator intends to offer.

Mr. MURPHY. Mr. President, as a cosponsor of S. 7, I rise in support of the measure. Last year, as a member of the Subcommittee on Air and Water Pollution, I supported a similar measure that passed the Senate. Although no longer a member of that subcommittee, I have continued my great interest in the subject of pollution, both air and water. I regard the increasing pollution of our environment as one of the paramount problems facing our Nation and, indeed, the world community of nations.

S. 7, when its provisions are fully implemented, will constitute a giant step forward in the water pollution fight. It should be a particularly effective deterrent against the despoliation of our lakes, rivers, bays and, significantly too, in my State, California, our magnificent coastlines.

No piece of legislation can be a complete defense against the type of catastrophe that ravaged Santa Barbara beaches earlier this year, or that ravaged the beaches of Southern England as a result of the *Torrey Canyon* grounding several years ago. However, the provisions of S. 7, insure that immediate cleanup operations can be commenced and ultimate financial liability fixed.

In this regard the bill before the Senate contains the provisions I urged in testimony before the House Committee on Public Works on February 13, 1969. I said:

> Present water pollution control legislation dealing with the spillage of oil . . . is clearly inadequate. Financial responsibility must be placed on the owners and operators of both ships and shore facilities. Present law limits liability to dischargers who are 'grossly negligent or willful.' I supported legislation which passed the Senate establishing the responsibility of the party to either clean up or authorize the government to do it and later recover the costs from the party responsible.

Thus, S. 7 contains provisions declaring the discharge of oil to be unlawful; authorizes the establishment of regulations relative to discharge and removal of oil; establishes penalties for violation of these regulations; provides authority for the operator to immediately remove any oil discharge or spill or in the event he either refuses to clean up or does not adequately clean up the discharge, the Government may remove the oil to prevent damage and decrease the cost; establishes liability on vessel owners of $125 per gross ton of his vessel or $14 million whichever is lesser for such spills and requires evidence of the ability of vessel owners and operators to cover up to $100 per gross ton of liability in the event of discharge; and establishes a $50 million revolving fund for operation of the entire cleanup program.

In addition, I have long felt the need for contingency plans in the event of a disaster such as the Santa Barbara incident and as stated in my testimony before the House Committee on Public Works:

> The Santa Barbara incident has underscored once again the need to accelerate a research development and testing program to increase and improve our capabilities for preventing, controlling, and cleaning up of oil spills and other hazardous substances. I recommend an amendment to the research section of the Federal Water Pollution Control Act to authorize an additional $5 million for the acceleration of research on marine pollution problems, such as that posed by oil spillages. This was one of the recommendations of the Commission on Marine Science, Engineering, and Resources, the Commission

> which earlier this year issued a report charting the future direction of the nation's ocean exploration efforts.
>
> I urge that contingency plans be developed at the local, state and regional levels to provide for a quick response to oil spills and similar disasters. I understand that no such plans presently exist today. This is a serious deficiency in our pollution control arsenal and should be remedied immediately. In my judgment, such contingent plans should be an integral part of the state and federal water pollution control programs.

Under S. 7, the President has broad authority to issue regulations for preventing oil discharges and for developing and coordination between the various levels of Government oil removal contingency plans.

I long have been concerned about the increasing level of pollution in the San Francisco Bay-Delta area. Since the Navy is the chief polluter of the bay, I recently urged the Secretary of the Navy to stop this polluting. As a member of the Senate Armed Services Committee, I intend to do whatever I can to see that this pollution is stopped and to make certain that the Federal Government cleans up rather than pollutes. I ask unanimous consent that a copy of the telegram I sent to the Secretary of the Navy be printed at this point in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

> When I was in San Francisco with Secretary of the Interior Hickel recently, it was reported that a principal part of the pollution in the San Francisco Bay was caused by Navy ships and installations. As one who believes that the Federal Government should set an example for the nation in our battle against pollution, both air and water, I request the Navy to stop this pollution of the Bay. As a member of the Senate Armed Services Committee and a former member of the Senate Public Works Subcommittee on Air and Water Pollution, I stand ready to urge the Armed Services Committee and the Congress to help the Department of the Navy in its efforts to stop this pollution.

Mr. MURPHY. In testimony prepared for the House Subcommittee on Conservation and Natural Resources, the Federal Water Pollution Control Administration, in its report, stated:

> It is estimated that 250 million gallons of shipboard and sanitary sewage are discharged into the San Francisco Bay-Delta area each year from vessels using the twelve deep water ports, numerous port and docking facilities, and 250 small craft harbors. It has also been estimated that the 60 assigned military vessels operating in the Bay-Delta waters contribute approximately ninety per cent of the annual wastes discharged from all vessels. Other vessels operating in these waters include 96,000 small craft, 800 fishing vessels, and 5,000 commercial vessels entering through the Golden Gate each year.

When the provisions of S. 7 concerning shipboard discharge of sewage become effective, Federal standards will be established for marine sanitation devices and the means by which sewage may be discharged from vessels. These regulations are applicable to military as well as private vessels unless there are clear overriding defense considerations.

I urge the Secretary of the Navy not to wait until the provisions of this section are applicable but that he commence forthwith to develop and test appropriate marine sanitary devices for use in the San Francisco Bay.

Mr. President, since coming to the Congress I have supported every single piece of legislation that has advanced our Nation's battle against air and water pollution. Some years ago a great American, Teddy Roosevelt, saw what we were doing to our natural resources and led a movement to stop the senseless destruction. Today our environment and natural resources are again being threatened by pollution. I sincerely believe that one of the most serious if not the most serious problem facing our Nation is this question of pollution. I am happy that we are taking this most significant and positive approach toward its control. However, the citizens of our Nation must become aware and must make the commitment once again if we are to save America, the beautiful.

Mr. MUSKIE. Mr. President, I would like to express my personal appreciation and that of the members of the Committee on Public Works to the staff of the committee and the Members who have worked on this legislation. The continual cooperation of majority and minority committee staff and effective consultation with the staffs of members of the committee has expedited the Senate consideration of the comprehensive environmental quality legislation.

Specifically, Mr. President, I would like to acknowledge the efforts of Mr. Richard Royce, chief clerk and staff director of the committee; Mr. Bailey Guard, minority clerk; Mr. Barry Meyer and Mr. Tom Jorling for his majority and minority counsel; Mr. Leon Billings, Mr. Richard Grundy, and Miss Adrien Waller, professional staff members; Mr. Donald Nicoll and Mr. Eliot Cutler of my staff, and Mr. Hal Brayman of Senator Boggs' staff.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator Georgia (Mr. Russell), and the Senator from New Jersey (Mr. Williams) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is necessarily absent.

The Senator from Utah (Mr. Bennett) and the Senator from New York (Mr. Goodell) are detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Goodell), and the Senator from Ohio (Mr. Saxbe) would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 117 Leg.]

YEAS—86

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gore
Griffin
Gurney
Hansen
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
Mathias
McCarthy
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—14

Bennett
Goodell
Gravel
Harris
Hartke
Inouye
Long
Magnuson
McGovern
Montoya
Moss
Russell
Saxbe
Williams, N.J.

So the bill (H.R. 4148) was passed.

The title was amended, so as to read: A bill to amend the Federal Water Pollution Control Act, to establish an Office of Environmental Quality, to provide for certain property acquisition, and for other purposes.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, I ask unanimous consent that S. 7 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the Senate amendment to H.R. 4148, and that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair

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be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MUSKIE, Mr. RANDOLPH, Mr. BAYH, Mr. MONTOYA, Mr. BOGGS, Mr. COOPER, and Mr. BAKER conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, there is no doubt that this singular success—the unanimous approval of the Water Pollution Control Act amendments—is attributable to the expertise and legislative skills of the floor manager of the bill, the distinguished chairman of the Air and Water Pollution Subcommittee of the Public Works Committee, the Senator from Maine (Mr. MUSKIE). His tireless efforts in committee and on the floor have gained for him the deepest gratitude of the Senate and the Nation. His efforts, may I say, will serve to provide a better environment for all of us. We are grateful. He has added a magnificent achievement to his already abundant record of public service.

We are grateful also to the Senator from West Virginia (Mr. RANDOLPH) and to the Senator from Delaware (Mr. BOGGS), the chairman and ranking minority member, respectively, of the Public Works Committee. They joined to assure the efficient and swift disposal of this measure. They added their always thoughtful, always perceptive views to the discussion.

Especially, our thanks must go also to the distinguished Senator from Washington (Mr. JACKSON). The cooperation he exhibited was characteristic. His support was outstanding, and we are grateful.

The Senate may be proud of another fine achievement.

Mr. MUSKIE. Mr. President, during the last 24 hours, both Washington newspapers, the Post and the Evening Star, have published editorials in support of full funding of the $1 billion authorization for Federal grants for the construction of municipal waste treatment facilities.

Regardless of the outcome of the vote on this question in the House today, I intend to press for full funding in the Senate, as we have in the past.

The chairman of the Subcommittee on Public Works of the Appropriations Committee, the distinguished Senator from Louisiana (Mr. ELLENDER) has committed his support to increased funding for the program, and I hope that the committee will find it possible to recommend full funding.

Although the administration has requested only $214 million for fiscal 1970, recent reports have indicated that the administration may be seeing the light of overwhelming public support for the program.

I hope they do change their mind, but in any case, I pledge my support for full funding, and I promise a vigorous effort in behalf of it.

I ask unanimous consent that the editorials to which I have referred be included in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Oct. 8, 1969]

$1 BILLION FOR CLEAN WATER

A major test of whether this country is sincere in trying to clean up its polluted rivers and lakes will come in the House of Representatives today. In principle, the Congress, the administration and the country are thoroughly committed to the cause of clean water. It is one of the most popular crusades of the day. But lip service and even authorizing legislation do not remove filth from our streams. Sewage-treatment plants must be actually constructed, and Congress has to date provided only meager funds for this purpose.

New hopes were raised in 1966 when Congress approved a sharp rise in federal assistance to states and cities for the construction of clean-water facilities. The program was to expand from $150 million in fiscal 1967 to $1 billion in fiscal 1970. But out of the $2.3 billion authorized for the last four years, including this one, Congress has appropriated only $567 million for the three past years, and the current budget request is for only $214 million for fiscal 1970. In other words, the real cleanup program, as distinguished from the reassuring words and good intentions, has not yet gotten off the ground.

Fortunately, the great gap between promise and performance has not gone unnoticed on Capitol Hill or among the millions who are now demanding restoration of a healthful environment. A large number of organizations representing conservation groups, organized labor, professional societies, civic associations and city and county officials have united their efforts in a Citizens Crusade for Clean Water, and more than 220 members of the House have pledged themselves to vote a billion dollars for clean water when the big test comes.

One vital element in the situation is the plight in which many cities find themselves. Under the prodding of Congress, state legislatures have been raising standards of sewage treatment which the cities will have to meet. But if they are denied the federal aid that was contemplated when the higher standards were set they will have to choose between failure to comply and the diversion of funds from education, housing, law enforcement and so forth to meet the new demands for clean water. It is reported that more than 4,600 applications for aid to cities in the construction of sewage-treatment facilities are awaiting action, largely for want of funds.

The plain fact is that Congress has reneged on its clean-water pledge to the country. The technical know-how for restoration of the Nation's streams and lakes to a tolerable condition is readily at hand. Much of the needed legislation is already on the books, although Secretary Hickel is seeking authority to help pay for treatment facilities on an installment basis through contracts with cities and states, which would greatly ease the demand for current appropriations. The missing element is immediate funds to change the clean-water drive from a remote hope to a current reality.

We agree with the National League of Cities, the League of Women Voters and the many other groups and individual leaders who are calling for the immediate appropriation of a billion dollars for the 1970 cleanup effort. On the eve of the test vote there are indications that the administration will accept substantial expansion of the clean-water budget item it carried over from the Johnson budget. But compromise at this point is not enough. The judgment of Congress as expressed in the Clean Water Restoration Act that $1 billion would be needed this year for grants in this area was sound. It should be adhered to today. In a matter of such vital concern to the country, Congress simply cannot afford to put itself into the position of withdrawing from an obligation it has assumed and sought to impose on the states and cities.

[From the Evening Star, Oct. 7, 1969]

KEEPING PROMISES

Several months ago, we were critical of Congress for retreating from its commitment to the states and localities to provide $1 billion in matching grants for water pollution control. What bothered us at the time was not so much the enforced slowdown in this important program but rather the immorality involved in mousetrapping local governments into commitments they can ill afford, and then not coming across.

In this context, it is especially gratifying to note that over 220 congressmen have gone on record as favoring the full $1 billion appropriation for waste treatment plants. At present, the House money bill contains $600 million for this program—itself a considerable improvement over the $214 million originally earmarked. Interested lawmakers will offer an amendment on the House floor this week to up that to $1 billion. If they all vote the way they have talked, this amendment should sail through easily.

The next move would then be up to the Senate. To date there has not been a comparable show of support in the other chamber for a full-funding of the water pollution program. But this is perhaps because the quite remarkable ground-swell of concerned public opinion on this subject has so far been focused on the House.

It should be understood, of course, that this is definitely a time when budgetary restraint is indicated. Accordingly, a number of important government programs are in imminent danger of severe cutbacks. Even so, there are two good reasons for not stinting on water pollution control, quite apart from its merit as a program. First, local governments have already been induced to commit their own limited resources for this purpose. And second, there appears to be broad public support for the program. In this case at least, there is reason to give the public what it wants.

COMMISSIONER DOMINICK CONFIRMS FWPCA'S COMMITMENT TO ENHANCEMENT PRINCIPLE

Mr. COOPER. Mr. President, I would like at this time to bring to the Senate's attention an excellent and most appropriate addition to the disscussion of S. 7. It is a speech given on September 23 in Kansas City by Commissioner David D. Dominick before the Association of State and Interstate Water Pollution Control Administrators.

In this speech, which I would ask unanimous consent to include at the end of my statement, Commissioner Dominick spells out the goals of the Federal Water Pollution Control Administration and its activities. He affirms the necessity of strong Federal, State, and local partnerships and cooperation for the success of pollution control programs of all kinds.

One of the most significant statements of the speech is the confirmation of the administration's commitment to the principle of enhancement of water quality articulated as follows:

> The keystone of the Water Quality Act of 1965 was enhancement of water quality, and this has become the keystone of State and Federal water quality standards. I do not believe that we can afford to go any other way. In most parts of the country, the day has long since passed that we could rely on the "assimilative capacity" to protect us from water quality degradation and, eventually, curtailment of such water uses as swimming and propagation of high quality fisheries associated with clean waters. The traditional assimilative capacity concepts have ignored the more subtle water pollution control parameters that they become so important to the protection of legitimate water use.

I commend the entire text of Mr. DOMINICK's speech to my Senate colleagues.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY DAVID D. DOMINICK, COMMISSIONER, FEDERAL WATER POLLUTION CONTROL ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS, KANSAS CITY, MO., SEPTEMBER 23, 1969

Good morning, Gentlemen. It is a privilege to be meeting here with you in Kansas City and to lead off on what promises to be an important annual meeting of the Association of State and Interstate Water Pollution Control Administrators.

You have asked me to comment on the Federal Water Pollution Control Administration goals and directions for the future. This is an excellent forum to give you such comments because I would hope that our goals would be essentially your goals. And I know that in many instances our problems are your problems as well. In a simple sense the goals of FWPCA are to come to grips with and find solutions for the issues which are presently impeding progress in the fight for pollution abatement and environmental quality.

There is an urgency to our mutual efforts which has never existed before. I am sure that I don't have to remind you of the public demand for cleaner water because it is you, as State administrators, who are on the front line in the action which is being demanded. But I did want to assure you that we in Washington are well aware of this urgency, this public demand and this unique awareness on the part of our American citizenry of environmental problems on a global scale. You and I are certainly tied to one of the highest visibility programs in the United States today.

To get down to specifics, I would like to discuss with you three areas of mutual concern in which we are actively developing and promulgating new policies. These would be the areas of enforcement, financing, and the question of a requirement for secondary treatment of municipal wastes.

In addition, there are a number of issues which we can explore in somewhat less depth but which we will identify as questions or problems facing FWPCA and problems for which we are seeking policy solutions.

So first let me turn to the question of enforcement. As you know, Secretary of the Interior Walter J. Hickel has just recently announced a new, tough enforcement policy. Acting on information available to FWPCA, the Secretary has set in motion the first stages of informal proceedings against a city, four steel companies, and a mining firm allegedly polluting interstate waters and being in noncompliance with water quality standards. If our upcoming meetings with these various entities does not lead to satisfactory action on their part, the next step which could be taken by the Secretary of the Interior would be formal court proceedings following a 180 day notice.

The Secretary has said, "the people of America have made it abundantly clear that they will no longer tolerate pollution of their environment." He said that, "the Administration believes this to be a reasonable demand, and we have a mandate to satisfy it quickly and thoroughly. We will do this through court action, if necessary, and through tough, new legislation which we will seek from the Congress."

And the Secretary made it quite clear that his actions in these areas were not a one shot burst for a short haul. Rather, he emphasized that, "this is just a beginning. We intend to continue the identification of polluters all over the Nation, followed by the enforcement of schedules for prompt cleanup and pollution elimination."

The water quality standards, in effect, set compliance schedules all over the Nation. We intend to see that these compliance schedules are met. To do otherwise would be to fail to make full use of the water quality standards tool that has been mandated to us by the Congress. The standards must be seen as a means to an end. We are taking steps immediately at FWPCA to insure that fair and consistent mechanisms are developed for the full implementation and enforcement of water quality standards.

Let me turn briefly to the question of financing. We are all keenly aware that the existing program which was established in 1966 has not served to keep current with identified needs. The need for treatment plant construction is most urgent and this need is clearly recognized in Washington. State approved applications for matching grant funds totaling $2.3 billion from States and local governments are now on file with the Federal Water Pollution Control Administration.

I acknowledge that the question of financing is the most difficult issue facing all of us right now. A resolution of this issue is directly tied to the issue of how and when we meet our water pollution control goals in the municipal sector. I cannot give you an answer to these pressing needs at this time but can only assure you that work is going forward at the highest levels of the Administration to seek some equitable resolution. The one thing which I can tell you at this time is that the new Clean Water Team in Washington is keenly aware of the need for long-term planning when we come to the question of construction of municipal waste treatment works. Piecemeal financing, and year-to-year uncertainties occasioned by the appropriation process envisioned by the previous legislation, clearly does not allow for the lead time and planning which is required at the State and local level. So one of four top priorities in seeking any resolution to the financing issue is to come up with a program which will give firm assurances as to the future availability of funds and upon which firm planning for construction needs can be based.

Let me turn to the last of the major issues which I will be able to cover with you this morning. I hope by now that all of you State and Interstate Water Pollution Control Administrators have received our proposals to revise the construction grants policies. We are considering revisions to the existing rules and regulations for construction grants which would upgrade the minimum treatment which any project applying for Federal funds would have to provide.

The present rules specify that the minimum treatment that a system must provide to be eligible for Federal grant assistance is primary treatment or its equivalent, unless water quality standards or other recommendations require a higher level. In view of our present water pollution control needs and policies, we believe that a more stringent minimum treatment requirement is now clearly appropriate. From reading the water quality standards established by the States, I also note that with very few exceptions the States themselves now recognize the appropriateness of secondary treatment as a minimum.

For these reasons, we are proposing that the minimum treatment level for federally-supported projects discharging to interstate or intrastate fresh waters should be complete removal of all floatable and settleable materials, disinfection, and at least 85 percent removal of five-day biochemical oxygen demand and suspended solids based on design flow. We have avoided using the term, "secondary treatment" in the proposal in order to provide a performance type of definition, without implying necessarily specific processes associated with secondary treatment. However, as "secondary treatment" is a good shorthand term, I will use it in my later discussion of this policy with the disclaimer that it is just this—only a shorthand term.

Because of the critical need to protect estuarine aquatic life and uses, we believe that the minimum treatment for projects discharging to estuaries should be set at the same level as for fresh water discharges. For discharges to the open ocean through ocean outfalls, a lesser degree of treatment might be justified. Thus, we are proposing a minimum level of complete removal of all floatable and settleable materials for discharges to open ocean waters at this time. The proposed revisions to the rules and regulations would define "open ocean waters."

There are some specific aspects of the revised construction grants policy which I would like to clarify briefly. For instance, this policy would be intended to apply not only to applicants for projects providing a complete treatment system, but also to applicants for a Federal grant for portions of a system, such as interceptor sewers, pumping stations, outfalls and other appurtenances. To qualify for a Federal grant, projects to construct interceptor sewers and other portions of a treatment system would have to comply with the adequate levels of treatment as determined under this new policy. As another point, discharge to the ocean will be evaluated on a case-by-case basis to determine the appropriate level of treatment to insure compliance with water quality objectives.

In addition, we examine all plans for construction very carefully to be assured that in the design and engineering stages adequate consideration has been given to projected population growth demands. The recent experience of the new Administration on the Potomac River indicates that insufficient thought has been devoted in the past to population increase factors. The design of new treatment plants must be flexible enough to provide for increased capacity as well as providing for the possibility of process changes leading to higher levels of waste treatment.

Finally, we will not give any Federal funds to communities that bypass their sewage treatment plants and drop raw sewage into the streams. The Federal government will not be a party to any such practice leading to gross pollution of our water-ways. Our streams will be kept clean.

We are seeking your comments on these revisions prior to publication of revised rules in the *Federal Register*. I hope to obtain your support for these proposed regulations, and to proceed to publication within the near future. The revisions will be open to further comment, of course, in a more formal fashion after they are published in the *Federal Register*, but I did want to solicit your views at the earliest possible stage in the development of this new policy.

I would like to discuss our reasoning for seeking such a change in policy at this time. The present rules and regulations, of course, provide that a proposed construction grant project seeking Federal funds meet the water quality standards. And, as I noted earlier, these accepted standards, with a few limited

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exceptions, provide for a minimum of secondary treatment.

I think we are all looking forward to the day when the minimum treatment that will be provided anywhere in the country will be the equivalent to secondary treatment.

We all know that some areas of the country are at this very moment preparing to meet or have already met much higher treatment requirements.

For many years, primary treatment was recognized as a basic treatment requirement for municipal wastes. However, even before the establishment of water quality standards, secondary treatment has increasingly become the new basic requirement for municipal and industrial wastes. In the face of population and industrial growth, treatment requirements have had to be steadily upgraded; waste loads have grown as prodigiously as populations and industries. History has shown that slow but steady deterioration of many waters has been the inevitable accompaniment of "progress" because treatment goals in the past were set too low. After many years of inadequate waste treatment, serious water quality degradation is a fact in most developed parts of the country.

If we are to make water pollution control programs and the water quality standards approach effective, a substantial reduction of pollution from all municipal and industrial waste sources will be necessary. Secondary treatment, and in selected areas treatment levels beyond that, should be considered a necessary goal to allow us to get ahead of the pollution problems—to prevent pollution rather than wait to abate it after damage has occurred.

The keystone of the Water Quality Act of 1965 was enhancement of water quality, and this has become the keystone of the State and Federal water quality standards. I do not believe that we can afford to go any other way. In most parts of the country, the day has long since passed that we could rely on "assimilative capacity" to protect us from water quality degradation and, eventually, curtailment of such water uses as swimming and propagation of high quality fisheries associated with clean waters. The traditional assimilative capacity concepts have ignored the more subtle water pollution control parameters that have become so important to the protection of legitimate water uses.

For the present, secondary treatment is an economically feasible technique and a reasonable means of assuring that assimilation of wastes will no longer be the sole or primary use of any of our waters. In some areas, where installation of high levels of treatment may occasion economic hardships, I think we are prepared to be realistic and flexible about the timing—and I emphasize the word *timing*—for necessary waste treatment improvements. However, I do not believe that we can afford to be shortsighted about our ultimate goals and that these goals must be high enough to meet the needs of the future.

The secondary treatment issue is but one of a number of areas in which the Federal Water Pollution Control Administration will be setting forth clear policy positions. We hope to continue to develop policy guidelines for a number of our programs, including such things as the disposal of wastes into the open ocean, the thermal pollution question, the operation and maintenance of sewage treatment plants, and the establishment of additional water quality standards criteria for radiological discharges and for pesticides. We are now in the midst of intensive inhouse efforts to develop programs or policy statements in many of these areas. We in the Department of the Interior solicit your input and guidance as additional policies are developed. To this end, as you now are all aware, Assistant Secretary Carl Klein and myself have initiated a number of meetings with State Administrators throughout the country. We intend to continue these meetings until we have had an opportunity to sit down and discuss major program and policy questions with all of you. In addition, please feel free to pick up the phone or to write to Assistant Secretary Klein and myself on any matter which is of concern to you or your State or interstate agency.

We, at the Federal level, may not always find ourselves in agreement with you at the State, interstate or local levels. But both Mr. Klein and myself are of the very firm opinion that disagreement should not be a bar to communication. One thing is abundantly clear when we discuss environmental programs—all levels of government are in the fight together. And if we are to make progress, progress which is now urgently needed and urgently demanded, it is clear that we must eventually agree that we have a single mutual goal. We must agree together that our job is to stop pollution today, and to bend every effort to guaranteeing clean water for America tomorrow.

CASUALTIES IN THE WAR IN VIETNAM

Mr. FULBRIGHT. Mr. President, I desire to place in the record some figures concerning casualties in the war in Vietnam and to comment on them. The figures have just been calculated, based upon information received from the Department of Defense.

They show the average monthly total of dead, wounded, and missing during the administrations of President Kennedy, President Johnson, and President Nixon—granted, of course, that the level of fighting during the administration of President Kennedy was relatively low.

The average monthly total of dead during the Kennedy administration was 4.97; in the Johnson administration, 592.4; and in the Nixon administration, it has been 992.57. That is not quite double the average monthly total of dead in the Johnson administration.

The monthly average totals of the number of wounded are similar. In the Kennedy administration, it was 13.66 per month; in the Johnson administration, 3,201.5; and in the Nixon administration, thus far, it is 6,131.59. Again, that is almost twice—almost 100 percent—the total number of wounded in the Johnson administration, monthly.

For the missing, the proportion is not the same. In the Kennedy administration, only one person was listed missing. In the Johnson administration, the number was 29.4. Under President Nixon, the number thus far is 9.

These figures graphically show, it seems to me, that the level of fighting, instead of having declined during the last 9 months, has substantially increased, both with respect to the wounded and the dead. It is true that in the last 2 or 3 weeks there has been a decline, but these figures are the averages since the beginning of the war.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire tabulation of figures which have been collected. They are based upon official information received from the Pentagon and deal also with other aspects of the same problem.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Number of men missing from Vietnam

1961–62	21
1963	20
1964	28
1965	151
1966	309
1967	911
1968	367
1969 (to Sept. 20)	88
Total	1,895

Cost of the Vietnam war

[In millions of dollars]

Fiscal year:	
1965	103
1966	5,812
1967	20,133
1968	26,547
1969	26,812
1970	24,862
Total (which equals $106,369,000,000 spent)	106,369

Aircraft casualities in South Vietnam since Jan. 1, 1969

Fixed wing:	
Hostile	387
Non-hostile	1,536
Total	1,923
Helicopter:	
Hostile	1,311
Non-hostile	1,712
Total	3,023
Total aircraft lost in Vietnam in the South	4,948

In North Vietnam since Aug. 4, 1964

Fixed wing (hostile)	921
Helicopter (hostile)	10
Total aircraft lost in North Vietnam	931
Total aircraft casualties	5,877

NUMBER OF MEN KILLED IN VIETNAM FROM 1961 THROUGH SEPT. 20, 1969

	Hostile action	Nonhostile	Total
1961 to 1962	42	23	65
1963	78	36	114
1964	147	48	195
1965	1,369	359	1,728
1966	5,008	1,045	6,053
1967	9,378	1,680	11,058
1968	14,592	1,919	16,511
1969 (to Sept. 20)	8,114	1,514	9,628
Totals	38,728	6,624	45,352

NUMBER OF MEN WOUNDED IN VIETNAM FROM 1961 THROUGH SEPT. 20, 1969

	Need hospital	No hospital	Total
1961 to 1962	43	38	81
1963	218	193	411
1964	522	517	1,039
1965	3,308	2,806	6,114
1966	16,526	13,567	30,093
1967	32,371	29,654	62,025
1968	46,799	46,021	92,820
1969 (to Sept. 20)	27,967	31,509	59,476
Totals	127,574	124,305	252,059

NUMBER OF TROOPS IN COUNTRIES WITH WHICH WE HAVE PREVIOUSLY BEEN AT WAR (AS OF THE PRESENT)

Germany	220,000
Japan	40,000
Korea	56,000

AVERAGE MONTHLY TOTALS FOR DEAD, WOUNDED, AND MISSING DURING THE ADMINISTRATIONS OF PRESIDENTS KENNEDY, JOHNSON, AND NIXON

	Kennedy	Johnson	Nixon
Dead	4.97	592.4	992.57
Wounded	13.66	3,201.5	6,131.59
Missing	1	29.4	9

Note: The figures for President Kennedy were figured for 3 years in office; the figures for President Johnson were figured for 5 years in office; the figures for President Nixon were for 9.7 months.

Mr. AIKEN. Mr. President, I did not return to the Chamber in time to hear all the remarks of my distinguished chairman. I heard him comparing war casualties during the administrations of Presidents Kennedy, Johnson, and Nixon. When President Kennedy took office there were no combat troops in Vietnam. At President Kennedy's death, 35,000 troops were in Vietnam.

President Johnson's tenure brought the number up to almost 550,000, the number which President Nixon inherited. Therefore, it stands to reason that there would have been more casualties, with 550,000 men engaged in combat, than there would have been when there were only 35,000, or even 300,000, the number which President Johnson had sent in by the time I advised him on October 19, 1966 to declare the war over, to say that "we had won it," and to withdraw those troops.

Unfortunately, he did not take my advice but sent in 230,000 more troops. So when President Nixon took office, he found 550,000 troops already engaged in combat in Vietnam. That easily explains the real difference in the great number of casualties.

It should be noted that since the withdrawal of our troops began, the number now in Vietnam is down to about 509,700, as of October 3, 1969. The number of casualties also have declined. I believe that the infiltration from North Vietnam has declined and that the situation now is infinitely better than the President's critics would have us believe.

Mr. HOLLAND. Mr. President, while I appreciate having the figures which the distinguished Senator from Arkansas has placed in the RECORD, it seems to me that, in simple fairness, the figures with respect to the Johnson administration should be broken down by years.

I should like to have the Senator, if he has them, supply for the RECORD the figures for each of the last 2 years of the Johnson administration, because they should be more nearly comparable with the figures for all the period so far during the present administration.

Mr. FULBRIGHT. I stated that there was a difference since President Kennedy's death.

Mr. HOLLAND. I wish the Senator would supply such a breakdown, because it will provide a much more accurate comparison than the percentage he has given.

Mr. FULBRIGHT. The Senator from North Carolina (Mr. JORDAN) does not wish me to delay longer, but I will speak to the Senator from Florida later. The Senator from North Carolina has asked me not to engage in further colloquy on this subject now.

But the Senator from Florida is correct. We all know that we have more troops in Vietnam now than there were during most of the period of the Johnson administration. But what is significant is the order to the people in the field to determine whether they should deescalate and try to stop the fighting, and bring about, if not a legal cease-fire, or an agreed one, at least an effective cease-fire. Obviously, that has not been done yet.

What bothers me very much, frankly, is that apparently the enemy has been decreasing its level of fighting, but we have, according to the press, been unloading as many tons of bombs from B–52's as ever.

It would indicate that we are making no effort to cooperate in a de facto deescalation of the war.

Mr. HOLLAND. If I correctly understood the Senator's figures, they were broken down so as to cover the annual period for the Kennedy administration, which was some 1,000 days.

Mr. FULBRIGHT. These figures are as follows: 3 years of the Kennedy term, 5 years for Johnson's term, and 9.7 months for President Nixon. The figures I gave were for each month, average monthly totals.

Mr. HOLLAND. But that was average monthly for the Johnson administration for 5 years.

Mr. FULBRIGHT. Five years—three years, and 9.7 months.

Mr. HOLLAND. The point I make is that I think a fair comparison would look at the last 2 years, each of them separately, of the Johnson administration. I simply want the record to be fairly presented, and I do not think it is fairly presented as stated by the Senator from Arkansas.

Mr. FULBRIGHT. It is factually presented. The Senator can present it in a different way, if he wishes, but these facts are from the Defense Department.

Mr. AIKEN. I think if one compares 1968, the last year of the Johnson administration with 1969, it will be found that there has been a material falling off in the number of men killed. I cannot give the exact figure. I think it is about a third less than it was last year. As the troops are being withdrawn—and they are being withdrawn, and more of them will be withdrawn—casualties will naturally drop.

It is only natural that when Lyndon Johnson assumed Presidency in 1963 with only 35,000 troops there, he could not possibly have as many casualties as he had when the number in Vietnam amounted to over 500,000, 5 years later.

Mr. HOLLAND. Mr. President, I was simply trying to get each of the last 2 years of the Johnson administration put in. I think the last year would be the one that would be the most closely comparable. But that would give us a chance to compare fairly. I do not know whether the facts are one way or the other, but I want the comparison to be fair in the RECORD.

Mr. AIKEN. But we should also have the number of troops present in South Vietnam at the time to compare that with the number of casualties for each year, and that would explain it.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 424, H.R. 12829.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with amendments on page 2, line 2, after the word "out" strike out "August 31" and insert "September 30"; on page 9, line 12, after the word "sale", insert "or lease"; in line 15, after the word "sale", insert "(or not less than 85 percent of the value of the property subject to the lease is attributable to the use)"; on page 11, line 6, after the word "or", strike out "both" and insert "are debt obligations acquired in carrying on the trade or business described in paragraph (1)"; on page 13, line 15, after the word "year"; insert "(3 years in the case of tax liabilities)" at the top of page 19, insert:

(1) CERTAIN LEASE TRANSACTIONS.—

(1) Section 4914(c)(6) (relating to certain export leases) is amended—

(A) by inserting "tangible" before "personal property" in the matter preceding subparagraph (A),

(B) by inserting "(i)" after "(A)", by striking out "(B)" and inserting in lieu thereof "(ii)", and by striking out the period at the end of such section and inserting in lieu thereof "; or", and

(C) by adding at the end of such section the following new subparagraph:

"(B) (i) payment of such debt obligation (or of any related debt obligation arising out of such lease) is guaranteed or insured, in whole or in part, by an agency or wholly owned instrumentality of the United States, or

"(ii) the lease is entered into with such foreign obligor and the United States person acquiring such debt obligation enters into the lease in the ordinary course of his trade or business and not less than 85 percent of the value of the property subject to the lease is attributable to the use of tangible personal property which was manufactured, produced, grown, or extracted in the United States, or to the performance of services pursuant to the terms of the lease by such United States person (or by one or more includible corporations in an affiliated group, as defined in section 1504, of which such person is a member) with respect to such personal property, or to both."

(2) Section 4914(j) (relating to loss of entitlement to exclusion) is amended by striking "or (6)" each place it appears therein and inserting in lieu thereof "(6) (A), or (6) (B) (ii)".

(3) Section 4920(a)(1)(A) (relating to definition of debt obligation) is amended by

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adding at the end thereof the following new sentence:

"For purposes of the preceding sentence, the term 'indebtedness' includes obligations arising under a lease which is entered into principally as a financing transaction."

(4) The amendments made by this section shall apply with respect to acquisitions of debt obligations made after the date of the enactment of this Act.

And, on page 20, after line 20, insert a new section, as follows:

SEC. 5. AMMUNITION RECORDKEEPING REQUIREMENTS.

Section 4182 (relating to exemptions from tax on certain firearms and ammunition) is amended by adding at the end thereof the following new subsection:

"(c) RECORDS.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles, .22 caliber rimfire ammunition, or component parts for the aforesaid types of ammunition."

LEGISLATIVE PROGRAM

Mr. SCOTT. I should like to ask the Senator from Montana what his plans are for the rest of the day and for the future order of business.

Mr. MANSFIELD. Mr. President, it is anticipated that the Senate will have the pending bill under consideration today and tomorrow. I am hopeful that we may conclude action then, although that is not at all certain.

On Friday, it is the hope of the leadership that we shall be able to take up the two potato bills.

Sometime toward the end of this week or the first part of next week, it is hoped that we may take up the bill relating to the Eisenhower dollar. We always like to cooperate with the Republicans and would like to complete action, by the Senate at least, prior to October 14, which is the important date in this respect.

Then there will be the poverty program bill, which may be taken up next week.

Also, it is hoped that we may consider the legislative appropriation bill next week.

On Monday, we shall take up Calendar No. 189, Senate Joint Resolution 54, a joint resolution seeking the extension and renewal of the interstate compact to conserve oil and gas.

That is about as far as I can advise the Senator at present.

I must tell the distinguished Republican leader and my other Republican colleagues that, together, the Democrats and Republicans have done a pretty good job of keeping the Senate Calendar as bare as Mother Hubbard's cupboard. We hope that this type of cooperation, understanding, and mutual trust will continue in the weeks and months ahead.

Mr. SCOTT. Mr. President, I may say to the distinguished Senator from Montana, above the roaring sound of applause in the Chamber, that I appreciate the bipartisan nature of his remarks.

EMPLACEMENT OF WEAPONS OF MASS DESTRUCTION ON THE SEABED

Mr. AIKEN. Mr. President, today at the Disarmament Conference in Geneva the United States and the Soviet Union submitted a joint draft of a treaty prohibiting the emplacement of weapons of mass destruction on the seabed.

After months of negotiation this progress is encouraging. The draft will now be the subject of further discussion at the Geneva Conference before it is reported later this fall to the United Nations General Assembly.

Although all negotiations involve some give or take on both sides if they are to be successful, I think this joint draft treaty testifies to the negotiating skill of the administration's delegation at Geneva. Originally the Soviet Union proposed a ban on all military activity on the seabed, a result widely considered impractical and unworkable. Among other things, it would have prohibited underwater surveillance systems for detecting such things as hostile submarines. The Soviet Union finally agreed with the United States position that the treaty's prohibition be against the emplacement on the seabed of weapons of mass destruction. Such a ban would cover chemical and biological weapons as well as as nuclear weapons.

We, in turn, agreed that the proscription should apply beyond a 12-mile coastal band rather than a 3-mile band as we originally proposed.

Mr. President, I ask unanimous consent that the text of the joint draft Seabed Treaty be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

DRAFT TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF, OCTOBER 7, 1969

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions, and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race and determined to continue negotiations concerning further measures leading to this end,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

ARTICLE I

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The States Parties to this Treaty undertake not to assist, encourage or induce any State to commit actions prohibited by this Treaty and not to participate in any other way in such actions.

ARTICLE II

1. For the purpose of this Treaty the outer limit of the contiguous zone referred to in Article I shall be measured in accordance with the provisions of Section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and in accordance with international law.

2. Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to rights or claims which such State Party may assert, or with respect to recognition or nonrecognition of rights or claims asserted by any other State, related to waters off its coasts, or to the seabed and the ocean floor.

ARTICLE III

1. In order to promote the objectives and ensure the observance of the provisions of this Treaty, the States Parties to the Treaty shall have the right to verify the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone, referred to in Article II, if these activities raise doubts concerning the fulfillment of the obligations assumed under this Treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas.

2. The right of verification recognized by the States Parties in paragraph 1 of this Article may be exercised by any State Party using its own means or with the assistance of any other State Party.

3. The States Parties to the Treaty undertake to consult and to cooperate with a view to removing doubts concerning the fulfillment of the obligations assumed under this Treaty.

ARTICLE IV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments must be approved by a majority of the votes of all the States Parties to the Treaty, including those of all the States Parties to this Treaty possessing nuclear weapons, and shall enter into force for each State Party to the Treaty accepting such amendments upon their acceptance by a majority of the States Parties to the Treaty, including States which possess nuclear weapons and are Parties to this Treaty. Thereafter the amendments shall enter into force for any other Party to the Treaty after it has accepted such amendments.

ARTICLE V

Each Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its Country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

ARTICLE VI

1. This Treaty shall be open for signature to all States. Any State which does not sign

the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of ———, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall forthwith notify the Governments of all States signatory and acceding to this Treaty of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

In witness whereof the undersigned, being duly authorized thereto, have signed this Treaty.

Done in ——— at ——— this ——— day of ———.

EVERGLADES NATIONAL PARK, FLA.

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2564.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2564) to amend the Act fixing the boundary of Everglades National Park, Florida, and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park, which were, on page 1, line 7, after "purposes," insert: "(72 Stat. 280, 286; 16 U.S.C. 410p),"; and on page 2, line 3, strike out "$800,000" and insert "$700,200".

Mr. BIBLE. Mr. President, first, I should like to make a brief explanation.

The House passed the bill and sent back to the Senate a different version only with respect to the cost tag for the land to be acquired. The House has amended the bill to acquire some very valuable holdings in the famous Everglades National Park in Florida for the sum of $697,200 plus incidental expenses, such as title work, in the sum of $3,000, for a total of $700,200.

I have been in communication with George Hartzog, Director of the Park Service. He assured me this morning that he will be able to acquire the land, which is under an option that will expire on November 16, 1969, for that figure.

This being his assurance—he said he would furnish us with the necessary documentation—I move that the Senate concur in the amendment of the House and that the bill be sent to the White House.

The distinguished senior Senator from Florida (Mr. HOLLAND) has had a long standing interest in the Everglades. He has sponsored the legislation and has moved it along with his usual expedition because of the need to meet the November 16 deadline.

I think, now, that we can pass the bill today and meet the deadline.

Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from Nevada for having expedited this measure in such a perfect way.

Mr. GURNEY. I, too, wish to express my great pleasure at the expediting of the bill affecting the Everglades National Park and also speak of the keen interest of my senior colleague from Florida in this very important national park not only during the years he has been a Member of the Senate, but also before that, when he was Governor of Florida.

His interest in and his work for the Everglades National Park has been one of the most important factors in keeping it a great national park and a great natural resource of Florida and of the country.

THE ADMINISTRATION'S POLICIES IN VIETNAM

Mr. SCOTT. Mr. President, I rise to comment on the well-considered and temperate proposals made this morning by the distinguished Senator from Iowa, (Mr. HUGHES). I am pleased that the Senator has stated that my suggestion for a 60-day moratorium on criticism of the administration's Vietnam policies "might deserve serious consideration if linked to substantive plans" which he elaborates. I am aware, and the President is most of all aware, that an increasing number of Americans have reached a point of disillusionment and frustration. Many are unwilling to prolong this war further. I have said before this war must end just as quickly as means for ending it can be found.

I cannot agree, however, with the Senator that President Nixon's policies for peace—a peace which we all want to come swiftly—is a "sterile impasse." The President has demonstrated his overwhelming and sincere concern for peace. He is searching all avenues, and not only in Paris. There is a timetable for action. The significant troop withdrawals, the lull in fighting, the decreased infiltration are all evidence that we are not in a "sterile impasse."

I assure Senators, from my own knowledge, that the President is confronting every day the problems which the Senator from Iowa refers to with regard to the South Vietnamese Government. He is embarked upon a course of action. The Senator said:

> We all sympathize with Mr. Nixon's vast problems in trying to end a war which he inherited and we honor his sincere desire for peace.

The President would be grateful and pleased with this tolerance and understanding of his vast burdens. The Senator has asked the President to consider certain measures which would effect reforms within the South Vietnamese Government and open up new possibilities for negotiation. I do not speak for the President on these matters but I can say that I am certain that many, if not all, of the Senator's suggestions have been under consideration and will be pursued in every way conceivable within the context of our search for peace. It has been considered American policy not to impose or force its own will or its own desire for reform on the present South Vietnamese Government. Prior interference with an earlier Siagon regime had some unexpected efforts—chaos resulted. But the President has made it quite clear that he believes that there must be a final political solution to this terrible war within South Vietnam—even if that solution might well involve a coalition including Communists but installed by the virtue of free elections. No President has made such a far-reaching and unselfish peace offer. No other President has dared to say this. No other President has gone and is going so far to assure the American people that this war will be ended.

I respect the Senator's suggestions regarding a halt of press censorship—a tolerance of other political organizations to operate without interference. Speaking of prisoners in the South, I might suggest that the release of our own American prisoners now jailed under intolerable conditions in North Vietnam—and we do not even know how many—deserves most serious consideration in the context of the Senator's other suggestions.

I am certain that the President is aware that there are problems such as the Senator notes and is vigorously attempting to remedy them within the context of his far-reaching policy for peace.

I know that the President desires that the South Vietnamese develop that government which will be more politically responsive to the political, ethnic, and religious groups in that war-burdened country.

Again, I want to assure the Senator that his tolerant and far-reaching suggestions today have my sympathy. They are good suggestions, and deserve the consideration for which he calls. I suggest that they must continue to be pursued. But, again, I do ask for tolerance. As the Senator from Iowa has recognized so well, the President has far ranging and difficult burdens with regard to ending this war with all the deliberate speed which the situation permits.

This is the kind of constructive debate which I had hoped would emerge. My suggestion that we hold down our differences to the quiet and reasonable consideration of alternatives has been respected by the distinguished Senator from Iowa. It is this spirit, this recognition of the problems which can only be resolved by our prime negotiator, the President of the United States, which should continue to flavor our discussions.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Chair recognizes the Senator from Idaho (Mr. CHURCH) for a period not to exceed 1 hour.

VIETNAM: DISENGAGEMENT NOW

SENATE RESOLUTION 270—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATIVE TO THE VIETNAM WAR

Mr. CHURCH. Mr. President, in the second year of the American Revolution, the great William Pitt rose in the House of Lords and spoke words which, in a less civilized nation, might have been taken for treason. He declared:

> My lords, you cannot conquer America. . . You may awell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prime that sells and sends his subjects to the shambles . . . your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates, to an incurable resentment, the minds of your enemies . . . If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never—never![1]

The England to which Pitt counseled was not a decrepit nation but rising empire still approaching the peak of its power. The inglorious end of the American war, from the British point of view, was not followed by a worldwide loss of confidence in Britain's word or Britain's power. Yorktown was followed by Waterloo, and in the 19th century Great Britain acquired vast new domains, becoming the vital center of world commerce and industry. The real loser of the American Revolutionary War was America's ally, France, whose prodigal waste of resources—all for the sake of humbling England—almost certainly helped bring about the French Revolution of 1789. To compound the irony, when the British Empire finally did disintegrate, it was not in the wake of defeat but of British "victories" in the two World Wars.

The paradox turns back upon us full circle. The victory denied George III by ragtag American rebels, fighting to end foreign rule, has now, nearly two centuries later, been denied to us in distant Vietnam by stubborn, native guerrilla fighters equally determined to drive the foreigner from their land.

Faced with their implacable resolve, what kind of "victory" can be won? The victory of holding a proud people hostage? The victory of inflicting a "favorable kill ratio" upon an enemy who will not quit? The victory of maintaining a puppet government in Saigon propped up by the money we lavish on it, and sustained in the field by the troops we send—and others we hire—to fight for it? No, there is no victory we can win in Vietnam worthy of the name. President Nixon himself concedes as much when he says: "We have ruled out attempting to impose a purely military solution on the battlefield."

In fact, our favored euphemism regarding Vietnam is not victory at all but an "honorable settlement," a term allowing of almost unlimited possibilities of interpretation. In the present circumstances, however, its meaning seems clear enough. On the one hand, we have been unable to suppress the rebellion; on the other hand, we do not wish to acknowledge that fact. We do not wish to acknowledge it to the Communists, for fear their appetite for conquest will be whetted. We do not wish to acknowledge it to our allies for fear their confidence in our power will be diminished. And most of all, we do not wish to acknowledge it to ourselves, for fear that our own, surprisingly fragile confidence in ourselves will be undermined. And so we seek an honorable settlement, an agreement under which no one will say what everyone knows: that the United States of America has made a bad mistake and finds it necessary to liquidate that mistake.

The time has come for the pretense to end; for the prideful nonsense to stop about securing an honorable settlement and avoiding a "disguised defeat." The truth is that as long as our troops stay in South Vietnam, we shall occupy a hostile country. There is no way that the United States, as a foreign power and a Western one at that, can win a civil war among the Vietnamese. Even now, 5 years after we entered the conflict, it remains a struggle between rival factions of Vietnamese for control of the government in Saigon. The outcome rests, now as before, on the Vietnamese themselves.

If we can find the resolution to end our protracted involvement in this war, we shall suffer no lasting injury to our power or prestige. I do not think that the liquidation of our intervention in Vietnam will mean the loss of our global greatness, any more than the loss of the American colonies cost England her greatness in the 18th century, or any more than the loss of Algeria and Indochina cost France her national stature. On the contrary, the end of empire was not a defeat for France but a liberation, in the wake of which a demoralized nation recovered its good name in the world and its own self-esteem. The termination of our war in Vietnam would represent a similar liberation for America, and even a victory of sorts—a victory of principle over pride and of intelligent self-interest over messianic delusion.

I. THE NATIONAL INTEREST

The U.S. Government is not a charity-dispensing institution; its primary obligation is not to the Saigon generals, or to some portion of the Vietnamese people, but to the American people, to their security and well-being. When all is said and done about our "honor" and "commitment," the fact remains that our presence in Vietnam can be justified—if it can be justified at all—in terms of American interests, correctly defined as the freedom and safety of the American people.

Before anyone can prescribe an American course of action for Vietnam, it is necessary to be absolutely explicit about what our interests are in that benighted country and what they are not. I do not agree with President Nixon that, having crossed the bridge of intervention, it is useless to belabor the original issue[2]—as if the presence of half a million American troops and the loss of nearly 40,000 American lives represented an investment that had to be redeemed by sacrificing still more lives, regardless of the wisdom of our continued presence there. It is quite essential that we reexamine the decisions of preceding administrations, not for the sake of political retribution, or even for the sake of history, but for the express purpose of identifying our interests. Why we intervened in Vietnam in the first place has everything to do with whether and how we should get out.

"A great nation," the President says, "cannot renege on its pledges."[3] What pledges, indeed, have we failed to keep? The amount of money, weapons, ammunition, food, equipment, and supplies we have funneled into South Vietnam is beyond belief, vastly exceeding the outside help given North Vietnam and the Vietcong by all the Communist governments combined. To fight for the south, we have sent an American expeditionary force of a half a million men; no Russians or Chinese have been imported to fight for the north. Hanoi and the Vietcong do their own fighting. I say that Saigon—with larger and better armed forces in the field than any arrayed against it—must stop relying on us to fight its war. We have kept our pledges, and done far more besides. We did not undertake to make South Vietnam the 51st American State; we did not promise to stand guard over the 17th parallel as though it were an American frontier.

But, the President argues, if we were to allow the Vietcong and the North Vietnamese to prevail, "the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability." Here Mr. Nixon espouses Mr. Rusk's concept of an exemplary war, which presumably demonstrates to other countries that the United States stands willing to intervene wherever necessary, in order to put down threats of internal Communist subversion as well as external Communist aggression. Yet, the President himself has now announced to the world that the United States has a new policy: in the future, Asian governments must defend themselves against subversion from within, and not look our way again. The

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[1] November 20, 1777.

[2] Address of May 15, 1969.

[3] Address of May 15, 1969.

motto, "No more Vietnams" cannot be reconciled with the fiction that we are still fighting an exemplary war in that country.

Withdrawing from Vietnam, according to President Nixon, "would bring peace now but it would enormously increase the danger of a bigger war later."[4] The assertion that by fighting in Vietnam we prevent other wars is pure speculation, rooted not in evidence but in analogy, the analogy of the thirties when appeasement whetted Nazi Germany's appetite for aggression.

No good historian will buy that analogy. History unfolds more in paradoxes than in parallels. Mark Twain once observed:

> We should be careful to get out of an experience only the wisdom that is in it—and stop there; lest we be like the cat that sits down on a hot stove-lid. She will never sit down on a hot stove-lid again—and that is well; but also she will never sit down on a cold one anymore.[5]

In the case of Vietnam, we would do well to settle for the unwisdom that is in it and stop the sacrifice of real American lives for the sake of saving hypothetical ones in some conjectural war in an unforecastable future.

We dare not, says the President, abandon the South Vietnamese to "a massacre that would shock and dismay everyone in the world who values human life." Here again we are dealing with something that might happen; in the meantime does no one who values human life feel "shock and dismay" by the senseless sacrifice of American lives in endless assaults on useless hilltops and by death tolls of hundreds of GI's every week? Surely there is another way to protect those South Vietnamese who may feel the need for sanctuary, if it comes to that. Better that we open our own gates to them, than keep on sending Americans to die for them in their own land. As for the Saigon generals, there should be ample facilities for them on the French Riviera.

What indeed does Vietnam have to do with the vital interests of the United States, which is to say, with the freedom and safety of the American people? I attempted to define those interests 4 years ago shortly after our full-scale intervention in Vietnam began. As to freedom, I said:

> Freedom, as a matter of fact, is not really at issue in South Vietnam, unless we so degrade freedom as to confuse it with the mere absence of communism. Two dictatorial regimes, one sitting in Hanoi, the other in Saigon, struggle for control of the country. Whichever prevails the outcome is not going to settle the fate of communism in the world at large, nor the problem of guerrilla wars. They did not begin in Vietnam and will not end there. They will continue to erupt in scattered, farflung places around the globe, wherever adverse conditions within a country permit Communist subversion to take root.

And as to the safety of the American people, I added:

> Nor can it be soundly contended that the security of the United States requires a military decision in South Vietnam. Our presence in the Far East is not anchored there. Saigon does not stand guard over Seattle. We conquered the Pacific Ocean in the Second World War. It is our moat, the broadest on earth, from the Golden Gate to the very shores of China. There is no way for the landlocked forces of Asia to drive us from the Pacific; there is no need for us to retain a military base on the mainland of Asia.[6]

After 4 years of futile warfare, I see no reason to alter that evaluation of American interests. The plain fact is that we did not then, and do not now, have a vital interest in the preservation of the Thieu-Ky government, or even in the preservation of a non-Communist government, in South Vietnam. Nor do we have a vital interest in whether the two Vietnams are united or divided. We have preferences, to be sure, and our pride is at stake after committing ourselves so deeply, but preference and pride are sentiments, not interests. From the standpoint of our interests, we have been fighting an unnecessary war for 5 long years, making it possibly the most disastrous mistake in the history of American foreign policy. It can never be vindicated; it can only be liquidated.

II. AN UNSUCCESSFUL WAR

The war in Vietnam has been more than unnecessary; it has been unsuccessful as well, and that, in the hard world of politics, is usually the greater crime. The Dominican intervention was unnecessary, illegal, and destructive of our relations with Latin America, but it achieved its immediate objective, the suppression of a revolution, with the result that the issue has not remained to plague and divide us. Had Mr. Rostow and his colleagues been right in 1965 in their supposition that the war in Vietnam could be won with "surgical" air strikes and a few months of ground warfare, the question of the war's necessity would not be the lacerating issue that it is today. But the Vietnam strategists were neither wise nor prescient nor lucky. With disastrous insensitivity to the thought processes of an alien culture, and with contemptuous disregard of the warnings offered by some of us in the Senate, they applied their "scientific" theories of warfare in the apparent belief that the Vietnamese would respond to "graduated" degrees of punishment as they themselves would have responded—by weighing immediate costs against prospective gains. But the Vietnamese turned out not to be scientists. They reacted irrationally and unaccountably by refusing to give up. Their calculations of cost and gain trned out to be different from ours; their willingness to endure punishment turned out to be greater than we had thought possible.

Our strategy in Vietnam has failed but neither the Johnson administration nor—thus far—the Nixon administration has been willing to acknowledge that failure. In lieu of the tortured rationalizations of the previous administration, President Nixon experiments with a cautious troop withdrawal tied to the tenuous hope of a growing South Vietnamese military capacity. In their Midway communique Mr. Nixon and Mr. Thieu rejoiced in hamlet elections, in "the failure of the other side to achieve its objectives," and in the new-found strength of the Saigon army, while Mr. Thieu himself recited appropriate lines about the "constant duty" of the Saigon forces "to assume a greater share of the burden in South Vietnam."

Perhaps this time, for the first time, the optimistic prognosis will be borne out. But so studiously does it ignore hard issues and well-known facts, that one strongly suspects that what we are confronted with today is not a new strategy but a new "image" for the discredited old strategy, a new device for postponing difficult decisions, a new expedient for holding off the critics of the war. It would appear that President Nixon, like President Johnson, is becoming preoccupied with politics to the neglect of policy.

This, in turn, leads to the frustration which gives rise to a search for scapegoats. In much the same way that the German general staff—which had actually initiated Germany's surrender in World War I—later perpetuated the myth of defeat by betrayal on the home front, the men who led us into the Vietnam quagmire have sought to place the blame for the catastrophe on their domestic critics, on those of us who said that we never should have entered the quagmire in the first place and who now insist that we ought to get out. The "real battlefield," according to this self-serving doctrine of the architects of failure, is not in Vietnam but in America, where, if only the critics would be silent, the will of the enemy would supposedly be broken. In its crude form as a spurious, jingoist "patriotism," the argument runs that the war critics are near-traitors, provisioners of "aid and comfort to the enemy." In the scarcely more august language of our last two Presidents, the critics are "nervous nellies" and "neoisolationists"—deriders of patriotism, as Mr. Nixon put it, a "backward fetish."[7]

The critics are also credited with the failure to make progress in over a year of negotiations at Paris. With a cold eye fixed on the agitated state of American opinion, so the argument runs, the enemy is emboldened to resist our "reasonable" proposals.

> It's awfully hard to play chess with twenty kibitizers at your elbow, Mr. Kissinger complains, all of them demanding explanations of the purpose of every move, while your opponent listens.[8]

The "kibitizers" who are such an inconvenience to Mr. Kissinger are the very dissenters whose protest finally persuaded President Johnson to stop the escalation of the war and go to the conference table.

Had these critics remained silent as the warmakers would have had them do, the limited war in Vietnam might by now have escalated into a full-scale war with China. Whatever hope of peace there now is, it is the "kibitzers' " gift to the architects of failure. Long may they "kibitz," acting, let it be remembered, on their own concept of patriotism—which is not the patriotism of silent acquiescence in a policy they detest, but the patriotism of Camus, who would have us love our country for what it ought to be, and of Carl Schurz, that "mugwump" dissenter from McKinley imperialism, who proclaimed:

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[4] Ibid.

[5] Pudd'nhead Wilson: Pudd'nhead Wilson's Calendar, ch. 11.

[6] "The Vietnam Imbroglio," *Congressional Record*, 89th Cong., 1st sess., vol. 111, part 11, Senate, June 24, 1965, p. 14631.

[7] Speech at the Air Force Academy, June 4, 1969.

[8] Quoted by Stewart Alsop in "The Powerful Dr. K.," *Newsweek*, June 16, 1969, p. 108.

> Our country, right or wrong. When right, to be kept right; when wrong, to be put right.

For all the misjudgment of generals and policymakers—and for all the allegedly disruptive dissent at home—the root cause of failure lies not with ourselves but with our Vietnamese allies. Had an honest and patriotic government ruled in Saigon, it would probably have beaten the Vietcong long ago, with no more than material support from the United States. The Vietnamese people are not lacking in military courage and resourcefulness; the Vietcong have demonstrated that. What is lacking is the ability of the Saigon government to inspire either the confidence of its people or the fighting spirit of its army. There is little mystery as to why this ability is lacking. An American study team made up primarily of prominent churchmen recently reported, after a trip to Vietnam, that the Thieu government ruled by terror, using torture and brutality to suppress political opposition, and that the regime relied "more upon police state tactics and American support to stay in power than upon true representation and popular support."[9]

Of all the misrepresentations which have been perpetrated about Vietnam, none has been more insulting to the intelligence and offensive to the moral sensibilities of young Americans than the portrayal of the Saigon regime as an upholder of freedom and democracy.

Mr. Clark Clifford, our last Secretary of Defense, who found the courage to tell President Johnson the truth about Vietnam, had this to say of the Saigon generals:

> There is complete callousness about the cost of the war to us. They have no concern over the loss of our men or treasure. They see us as a big, rich country, well able to afford it. They are going one way and we are going another. I see no likelihood of our goals getting closer together. But they have become very adroit at saying what the American public wants to hear. . . . They are sweet talking us.

What is more, I would add, they are exercising a veto over American policy in Vietnam. At his latest press conference, President Nixon reiterated that we were willing to negotiate on anything, except "the right of the people of South Vietnam to choose their own leaders. Then, calling for internationally supervised elections," Nixon said:

> We will accept the result of those elections and the South Vietnamese will as well, even if it is a Communist government.

Mr. Nixon may think so, but not Mr. Thieu. His immediate rebuttal was plain enough. The Saigon government, he said, had no intention of accepting a "coalition with the Communists" or "domination by the Communists" under any circumstances whatever. This is hardly surprising, since Mr. Thieu has consistently defied American policy. No sooner had he returned to Saigon from his love feast with President Nixon at Midway last June, than he proclaimed:

> I solemly declare that there will be no coalition government, no peace cabinet, no transitional government, not even reconciliatory government.[10]

In neither instance, did any disavowal issue from the White House. President Nixon, like his predecessor before him, appears to be manacled to the Saigon generals. Lyndon Johnson flew five times to mid-Pacific rendezvous with these same men. Now President Nixon has followed in that beated path and emerged, like Mr. Johnson, with the same pretensions of harmony. Lacking either the willingness to depend on their own army or the support of their own people, the Saigon generals have held an ace-in-the-hole which has kept them in power and in command of events: their influence amounting to a veto over America's war policy. Had they anything like the same influence in Vietnam that they have had in Washington, Thieu and Ky would have overpowered the Vietcong years ago.

Well, we have an ace-in-the-hole, too: the fact that this war is not now and never was essential to our interests, which is to say, to the freedom and safety of the American people. Pride has cheated us of the power deriving from our own interests, because, in order to gain access to that power, we would have to admit error. That same pride has been Saigon's lever over America's war policy: they survive on it, while Americans die for it.

III. THE STRATEGY OF PEACE

Sooner or later, Vietnam will revert to the control of the Vietnamese. Whether on the basis of a negotiated peace or an unnegotiated withdrawal, American forces will eventually have to be removed from Vietnam. When that happens, if not before, the Vietnamese civil war will be settled—as it should and would have been settled long ago but for American intervention—by the interplay of indigenous forces within Vietnam. If a formal settlement comports with the indigenous balance of forces, whatever it may be, the settlement will be a lasting one. If it does not, it will be overthrown.

There are—as we have learned and should have known without this trial by fire—limits to the ability of an alien power to work its will in a hostile environment. Our own Civil War provides an example; after 4 years of savage warfare and 11 years of military occupation, the Union finally withdrew its forces from the South, allowing that region to revert to the political domination of the same people who had dominated the secessionist Confederacy. Another example is provided by the Boer War, Britain's turn-of-the-century "Vietnam." After more than 2 years of frustrating warfare against a guerrilla force of provincial rebels—in the course of which the mighty British Empire became an object of universal scorn and detestation—the British finally beat the Boers, organized the Union of South Africa and then, perforce, turned the political control of the country back to the defeated Boers, who have dominated South Africa ever since.

The common factor in the American Civil War,, the Boer War, and the Vietnam war is that each confronted a dominant alien power with an intolerable dilemma: it could impose its will only by the sustained application of overwhelming force; the alternative was to withdraw that force, leaving the indigenous factions to strike their own natural balance more or less as they would have if the alien power had not intervened in the first place. In the one instance "victory" becomes insupportable, in the other meaningless.

Weighing this dilemma along with the other main considerations I have set forth—that this war is a failure and was never in our interests to begin with—what is to be inferred for a strategy of peace?

The point of departure is the clear, candid acknowledgment of our own lack of vital interest in the internal regimes of the two Vietnams. This means that we must break through the pride barrier which has thus far deterred us from admitting that, from the standpoint of our own interests, this war is and always been a mistake. The purpose of this admission is not flagellation but freedom—the freedom of action which will be ours only when we end our thralldom to the Saigon generals and begin to act in our own interests and no longer on the basis of theirs.

In recent weeks, there has been increasing talk of changing the military mix in Vietnam by replacing American ground troops with Vietnamese, while retaining American supply and support troops in their combat role. This is not a formula for extricating the United States from Vietnam; it is, rather, a formula for keeping up to 300,000 American troops engaged in Vietnam indefinitely. Its purpose is not to get out, but to stay in.

The imperative is that we get out. This does not mean, of course, that the South Vietnamese Government would have to follow suit, or that it would be helpless in the face of its enemies. It would still have 1,500,000 men under arms as against 135,000 Vietcong and 90,000 North Vietnamese soldiers now in South Vietnam. If the ARVN could be inspired to defend the Saigon government, it would survive; if it could not be so inspired, then the government does not deserve to survive. In any case, we have done enough. We have fought their war for 5 long years and sacrificed almost 40,000 American lives. It is enough.

The process of disengagement need not be a long, protracted one. We can initiate it immediately by starting to withdraw forces on a significant scale—not the token scale initiated by the Nixon administration. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next 8 to 10 years.

Nearly everyone now recognizes that our intervention in Vietnam was in error.

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[9] *The Washington Post*, June 11, 1969.

[10] *The New York Times*, June 10, 1969.

Two years ago, our political skies were still filled with hawks; today, scarcely a hawk can be seen on the wing. President Nixon himself, once a ferocious hawk, may not openly admit, but he implicitly acknowledges, that this country has no vital interest at stake in Vietnam. Otherwise, we could not possibly leave the outcome for others to decide, even in a free election.

But we have our own hang-ups: 20 years of obsession with communism—deeply ingrained in the wormwood of our politics. Mr. Nixon keeps searching for a settlement that will be popular, or at least welcome, here at home. He keeps pushing for an American-style election in Vietnam, presided over by a special electoral commission composed of all factions, and internationally supervised, and then wonders aloud why so "generous" a proposal should fall on such deaf ears. For an answer, we might ask ourselves how, during our own Civil War, the Union Government would have responded to a British or French proposal for an internationally supervised plebiscite on southern secession.

A policy wrong from the start cannot be made to come out right. Our country is accustomed to imposing unconditional surrender on its enemies; there can be no compromise settlement of the war in Vietnam which will be applauded by the American people. Nor can there be any settlement worthy of reliance, regardless of its terms, for once we have left, no force remains to keep it.

Still, Mr. Nixon stalls for time, trying to pry loose a settlement with modest troop withdrawals. He talks of bringing pressure on Hanoi. But you cannot bring pressure on an enemy by starting to leave. His real purpose is to bring pressure on Saigon to dignify our exit by accepting a transitional arrangement that will make it seem to the American people that the war has not been entirely pointless, and that all the sacrifice has not been in vain.

So we wait, month after month, for some miracle to occur in Saigon or Hanoi that will bring the moribund peace talks back to life. We hint to Hanoi that progress at the conference table, or a winddown of the war, will mean faster withdrawal of American troops, while we tell Saigon that the pace will depend on the demonstrated ability of their forces to replace our own. In the resultant muddle, all we have succeeded in doing is to place the timetable out of our hands and into theirs. I say American policy must wait no longer upon the pleasure of either Saigon or Hanoi. It is time to come home!

For our own part, we have neither the need nor the right to sacrifice a single American life for any objective exceeding our own vital interest, which is the preservation of the freedom and safety of the American people. If this be thought ungenerous or unaltruistic, I put it to you that no nation has the moral right to be generous or altruistic with the lives of its own citizens. Perhaps a totalitarian nation, conceiving itself a spiritual entity transcending its individual citizens, may claim that right. A democratic nation cannot; its very existence is for the purpose of protecting and serving its citizens.

That is why it has become so necessary to disengage from Vietnam, leaving it to the indigenous forces in that tortured land to vote, negotiate or fight their civil war through to the conclusion which, but for our intervention, would long ago have been reached.

IV. WHY WE MUST GET OUT

We must get out of Vietnam because a process of deterioration has begun in our society which cannot be arrested, much less reversed, until we do get out. Dividing the American people as no issue since the Civil War has divided them, the war in Vietnam has been the cause and catalyst of great domestic ferment in the United States. The crisis it has directly caused is a moral one: the deep offense done to so many Americans by the blatant incompatibility of this war with the traditional values of our society. At the same time, by diverting financial and political resources, and by dividing and demoralizing the American people, the war has incapacitated us for effective action in respect to the worsening crises of race and poverty, crime and urban deterioration, pollution and ecological decay.

None of this has to do with simple war-weariness, or, as President Nixon seems to think, with weariness "of the weight of free world leadership that fell upon us in the wake of World War II."[11] Something more fundamental than fatigue is involved. Twenty-five years ago the American people were simultaneously fighting two great wars on a vastly greater scale and at an even larger cost than the war in Vietnam, and their spirit never flagged. It is not just the burden of leadership or the exertions of warfare that outrage so many of our citizens, but this war, with its blood-soaked strategy of attrition, its unsavory alliance, and its objectives both irrelevant to our interests and offensive to our principles. Nor is "weariness" in any way descriptive of what the war critics are experiencing; they are not tired but angry—angry about the needless killing and the stubborn pride which has kept us from putting a stop to it.

I recently received a letter from a young man who is deeply troubled by these matters. With your indulgence I will read a portion of my reply:

> The deep disillusionment of young people in their country has its roots in the Vietnam war. When the power of the state is used to force young men to fight a war they believe to be wrongful, under penalty of imprisonment if they refuse, the seeds of sedition are sown. We now reap the bitter harvest, manifested in angry uprisings on campuses from coast to coast . . .
>
> Whenever the limb is shaken, all the leaves tremble. Once the moral authority of the government is rejected, on an issue so fundamental as a wrongful war, every lesser institution of authority is placed in jeopardy. Every sacred principle, every traditional value, every settled policy becomes a target for ridicule or repudiation. Cauldrons of anarchy soon begin to bubble and boil.
>
> So it has happened that our country is coming unstuck. The ferment distorts every issue; perspective is lost . . .
>
> I am convinced we must end the war—or at least our participation in it—before we can begin to stick this country back together again. Then we must have the help of men like you, men who haven't abandoned all faith, and who regard the job as worth doing.

Even now there is one thing in which we can take hope, and that is the great force of our American moral traditions. Out of all the dissent and disruption, we have learned something about ourselves—that we still believe in our own values, that Jefferson's idea of liberty and Lincoln's idea of equality and Woodrow Wilson's idea of a world community of law are still capable of moving us and guiding our behavior. We have learned, to be sure, that we are capable of violating our traditional values, but we have also learned that we are not capable of violating them easily, or permanently, or indeed without setting in motion the regenerative forces of protest and moral reassertion.

There will be time enough, when peace is restored, to contemplate the "lessons of Vietnam." Perhaps, if peace comes in the way that I believe it must come, some of our recent and present leaders will take it as the war's "lesson" that America has shown itself unworthy of world leadership. Others will conclude that we must develop more sophisticated techniques of intervention, or that we must improve our "social science," or substitute political and economic for military means of intervention. Still others, at the opposite extreme, will probably judge that we must never again involve ourselves in war on a distant continent. All of these propositions, and variations upon them, will undoubtedly be put forth as the "lessons" of Vietnam, but my own hunch is that none of these will stand as a definitive "lesson" or as a reliable guideline for the future.

It may be that there is no lesson in Vietnam other than the modest one suggested by Jim Thomson of Harvard: "never again to take on the job of trying to defeat a nationalist anticolonial movement under indigenous Communist control in former French Indochina."[12] Or the equally modest lesson: that we have got for a time—not necessarily forever—to tend to neglected matters at home. Or perhaps we will have learned nothing more than we are a people with a moral tradition, a people who discriminate among their wars and who do not easily act against their own traditional values.

(The following colloquy, which occurred during the address by Mr. Church, is printed at this point in the Record by unanimous consent.)

Mr. FULBRIGHT. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I did not want to interrupt the chain of the Senator's thought, but his comment on the architects of failure, so well stated, reminds me of what I read in the paper, I believe yesterday, about General Walt.

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[11] Air Force Academy Speech, June 5, 1969.

[12] James C. Thomson, Jr., *No More Vietnams? The War and the Future of American Foreign Policy* (Richard M. Pfeffer, ed., New York: Harper & Row, Publishers, 1968), p. 258.

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He was one of the architects of failure as a general in Vietnam. He served for a long time with General Westmoreland Yesterday he was reported to have made a speech, just as the Senator from Idaho has stated, to the effect that if it were not for the dissenters, if it were not for those who disagree about the war, it would have already been won—and won last year.

He, with his little hatchet, and General Westmoreland would have won the war already if it had not been for dissenters in this body and elsewhere.

I can think of nothing more artificial or more ridiculous.

As the Senator from Idaho has so rightly pointed out, it is exactly what the German general staff said after World War I, that they were stabbed in the back by the people in Germany who had been taken into World War I by the German general staff.

Mr. CHURCH. It was on that lie, as the Senator knows, that Hitler himself rose to power.

Mr. FULBRIGHT. It was. It is a very dangerous doctrine. I regret very much that the present military establishment sends General Walt about the country as one of its spokesmen. He has been the military's elocutionist, I think for about a year. He makes speeches hither and yon, to service clubs, to colleges, anywhere they will have him, telling them about the war in Vietnam, and how successful it would have been if everyone had supported General Westmoreland and General Walt.

I think it is a very unwise, an untrue, and a dangerous thing to do.

I think the Senator from Idaho is entirely correct in his comments in that last paragraph.

Mr. CHURCH. Let me suggest that the Pentagon ought to be sending a former Commandant of the Marine Corps, rather than General Walt, about the country to tell the truth about the war in Vietnam.

Mr. FULBRIGHT. Yes; so long as they are engaging in that kind of activity, they should send out men like General Shoup. He has had some very colorful things to say.

Mr. CHURCH. At least, in fairness, they should send General Shoup along with General Walt, so that he could furnish the rebuttal.

Mr. FULBRIGHT. I should think that what the Senator has said here, incidentally, in regard to that paragraph and also the preceding paragraphs, is extremely well presented. I hope that the attention of the country as a whole will be called to the Senator's remarks. I congratulate him on a very forceful speech.

Mr. GORE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. GORE. I wonder whether it could be barely possible that except for the work and influence of those who have been described as dissenters which ultimately brought about a change of policy, and a stoppage of the process of the escalation of the war, we just might, by now, have been in war with China?

One can stretch his imagination in both directions so that the general who thinks the war could be won without the benefit of those who raise questions about the wisdom of policy might also say, without the support of those, that we may have now suffered an even greater calamity by war with China.

Mr. CHURCH. I concur wholeheartedly.

Mr. FULBRIGHT. I am not so sure that some of those would not welcome us having a war with China because there are generals—I think of the recent general who commented, I believe, that, "We could bomb them all back to the Stone Age"—I think maybe some of them would say it was a great mistake not to engage China and Russia, too, I suppose.

I am not so sure that they would agree with the Senator that this is a tragedy. I agree with the Senator. It would be a disaster of incalculable proportions, but there are people, I am afraid, who think that we should eliminate from the face of the earth all Communists, by force, if necessary, or by force of arms with nuclear weapons. I think the Senator is quite correct. My own feeling is that the dissenters did offer a restraint which very likely has prevented escalation of the war to include China.

The Senator's statement in the letter he has just read brings to mind what to me is one of the most shocking examples of the deterioration of even our Military Establishment. I cannot remember anything that has happened before like what is now being revealed in the subcommittee headed by the distinguished Senator from Connecticut (Mr. RIBICOFF). I refer to a high-ranking member of the Armed Forces who engaged in just ordinary, petty, fraudulent—I do not know what the right word is—activities. From generals down to the top sergeants in the Army there seems to be evidence of stealing money from their own colleagues in the noncommissioned officers clubs, and on up. At least this is what we know from this morning's newspapers. According to the hearings, a general solicited guns from various police departments, and sold them as his own. He solicited them in behalf of the Army.

I have never heard of anything quite so disgusting or revolting as high-ranking military officers engaging in such practices. The Senator's description of the undermining of the authority of all institutions goes right into the Army itself. It is almost unprecedented, so far as I can recall. It is a very serious thing. We know about the corruption in other areas, corruption which has been almost commonplace.

Mr. CHURCH. I agree that it is a very disturbing matter. Perhaps it suggests that an immoral policy, in the sense of a war that runs contrary to our historic principles, against which so many of our people, particularly our young people, protest so vigorously, breeds other immorality.

I think of the spreading violence in our land. Every night the typical American family sits before its television set, watching the latest episodes of violence from the battlefront in Vietnam, brought to them in color. After a time, the pictures of bombed-out villages, the napalming of little children, the mangled dead, the piles of corpses stacked up like cordwood, become so commonplace that we are no longer shocked, and violence increasingly infects our own land.

This war has taken a terrible toll in America. But my hope is, as I say in the concluding paragraphs of my address, that an aroused American conscience will force the Government to listen, will force changes in the policy that will bring our participation in this war to an end. I do not know how else a free society should act. Do those who support the war want us to behave like a totalitarian society? Do they want everyone who objects to fall silent? Is that their notion of how a free people should act?

I cannot understand the reasoning of those who say that all of us must march in step and take our orders regardless of our convictions.

Mr. FULBRIGHT. The Senator referred to soldiers stacked up like cordwood. I was just reading in the New York Times Magazine of October 5, on page 125, a passage concerning Col. George S. Patton III, commander of the 11th Armored Cavalry Regiment in Vietnam:

> Last Christmas Patton sent out Christmas cards which read: "From Colonel and Mrs. George S. Patton, III. Peace on Earth." Glued to the cards were colored photos of dismembered Vietnamese soldiers stacked up like cordwood.

Can the Senator imagine sending out Christmas cards reading, "Peace on Earth," with such an enclosure?

Mr. CHURCH. I think this is a part of the general manifestation of the brutalizing effect that this war has had upon our own society, upon our perspective, and our values.

I have sometimes sat in the committee of which the distinguished Senator from Arkansas is chairman and listened to American ambassadors being asked if they know what certain agents of the United States are doing in foreign countries to which they are assigned. They often answer, "Senator, we have a general idea, but we do not want to know the particulars. We do not want to know the methods. We would rather not know."

Is not that what the Nazis said? Was not that what the war trials were all about?

Mr. YOUNG of Ohio. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield now to the distinguished Senator from Ohio.

Mr. YOUNG of Ohio. The distinguished senior Senator from Idaho has today rendered a real and needed service to our Nation. He has made a magnificent address concerning what we should do now to end our involvement in the ugly civil war in Vietnam.

He has truly said that the process of disengagement need not be a long, protracted one; rather, we should initiate it immediately by starting to withdraw our forces on a significant scale now, not simply by the kind of token withdrawals that have been made in recent months.

We must get out of Vietnam. It is time to come home.

I wish that every American were able to read the Senator's words. He has truly said that our citizens are not weary or tired, but our people are angry over the needless killing and the stubborn—and I might add foolish— pride that has prevented two Presidents from putting a stop to it.

In every community of the Senator's State of Idaho, just as in every community of my State of Ohio, there has been the tragedy of the loss of the life of at least one high school graduate in Vietnam. Such tragedy has struck everywhere. The people are demanding that we get out. We should, of course, never have become involved in that civil war. As Walter Lippmann bluntly put it:

> We are fighting to save face.

The great Chinese sage Confucious wrote many, many centuries ago:

> A man who makes a mistake and does not correct it makes another mistake.

Surely, that goes for a nation. Our Nation has made a great mistake, and we have not corrected it as yet. So we continue to make additional mistakes.

May I say to the distinguished senior Senator from Idaho and to the other Senators in the Chamber that I also have a secret plan to end our fighting in Vietnam and to get out of there. I did not disclose this secret plan of mine in New Hampshire, or in various States in the Union, late last year, nor have I done so up to the present time. Another person said he had a secret plan, and he has been President of the United States since January 20. We still do not know the secret plan. However, I am going to disclose my secret plan to end our involvement in Vietnam.

We should withdraw all our soldiers, sailors, airmen and marines just as quickly as we can. We should pull them out of Vietnam in the same way that we sent them there—by ships and by planes. If it is claimed that it is not logistically feasible to withdraw all of the more than 500,000 men in our Armed Forces in Vietnam before the end of this year, then those remaining should be withdrawn to coastal bases temporarily, where they would be under the protection of our airpower and our 7th Fleet. We should disengage immediately. We should stop the fighting immediately, and then bring our forces home by ships and planes.

My secret plan includes having just one plane left over after all of our troops have been withdrawn from Vietnam. I read in the New York Times not long ago of the lavish villa that the First Lady of South Vietnam, Madame Thieu, purchased in Switzerland. It has not been denied. Also, it is well known that the flamboyant Air Marshal Ky and Thieu have unlisted bank accounts in Hong Kong and Switzerland. We should leave that one plane to take Thieu and Ky to Switzerland immediately, so that they can rendezvous with their unlisted bank accounts and General Thieu can join Madame Thieu in her lavish villa.

We sometimes hear about our commitments to South Vietnam. The Senator from Idaho knows, and some of the American people now know, that it is an untruthful statement that we have our troops there because of the commitments made by three American Presidents.

The initial commitment, so-called, is attributed to President Eisenhower in 1954, in a letter he wrote to the President of South Vietnam—that is, of the Saigon government—in which he stated:

> I am instructing the American Ambassador . . . to examine with you . . . how an intelligent program of American aid . . . can serve to assist Vietnam in its present hour of trial.

Then he added:

> The purpose of this offer is to assist the government of Vietnam in developing and maintaining a strong, viable state capable of resisting attempted subversion or aggression through military means . . . The United States Government hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Vietnam endowed with a strong government.

Who will assert that Thieu and Ky, both of whom were born in what is now called North Vietnam, have a viable government, when they received only 34 percent of the votes cast? In that election the soldiers of the regime of South Vietnam would cast one vote at their army posts and another vote in their villages. Ky barred all neutralists, and many Buddhists from voting. He threw in jail some of the contenders before the election. After the election the runner-up was jailed and still remains there. Of course, Thieu and Ky do not represent more than 20 percent of the people of South Vietnam.

When General Eisenhower left the Presidency, our force of advisers in South Vietnam had increased from a total of 327 in 1953 to 685. It is crystal clear that President Eisenhower's commitment, so called, was a very "iffy" commitment, if indeed it was a commitment at all. There was certainly no comment from the late, great John F. Kennedy. On September 3, 1963, shortly before his assassination, he said:

> I don't think that, unless a greater effort is made by the government to win popular support—

That is, the Saigon government.

> that the war can be won out there. In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam—against the Communists.

Therefore, it is evident that we are not fighting a land war in Southeast Asia because of commitments made by Presidents Eisenhower and Kennedy.

Mr. CHURCH. May I say to the Senator that I think it is tragic that President Kennedy's caveat did not remain the line of demarcation. It seems to me that it was the line that President Kennedy was attempting to establish in the final days of his administration. There was wisdom in his statement.

A foreign country cannot win a civil war in another land. This is, and remains, a Vietnamese war, and ultimately only the Vietnamese can work out a solution.

I am distressed that our emphasis upon a settlement obscures the fact that no settlement, whatever its terms may be, is really worthy of reliance; because once we leave, there is no power left to keep it.

President Kennedy was right in pointing up that, although we could give material aid to the Saigon forces, eventually it was up to them to fight for the regime, to win their war, or to lose it, as the case might be.

I appreciate the comments that the Senator from Ohio has made.

Mr. YOUNG of Ohio. The Senator is correct when he says that we involved ourselves in a civil war in South Vietnam. The distinguished senior Senator from Idaho first spoke out against our involvement there in 1964 and 1965 terming it a civil war.

In October 1965, I spent nearly a month in South Vietnam. I was in every section of South Vietnam. At that time, General Westmoreland told me that the bulk of the VC fighting us in South Vietnam were born are reared in South Vietnam. His deputy, Gen. Richard Stillwell, stated that 80 percent of the VC fighting in the Mekong Delta were born and reared in that area. The Mekong Delta, as the Senator from Idaho knows, is south and west, but mostly south, of Saigon.

I said, "Then, General, we are in an ugly civil war."

He did not like that. He answered, "Well, it could be termed an insurrection that we are in."

I am sure the Senator from Idaho no longer receives what I imagine he received back in 1964 and 1965—some abusive letters from his constituents. They no longer come in because the great majority of our people are against our continuing and deepening involvement in Vietnam which has cost so many lives in combat deaths, and the wounding of hundreds of thousands of young Americans. In addition, the Senator knows, and we all know, that many thousands of the finest young men in America who have been in Vietnam have been afflicted with malaria fever, hepatitis, bubonic plague, and other jungle diseases. Many of our servicemen have died, and many thousands of them will suffer from those jungle diseases as long as they live. That is another part of the penalty.

Mr. CHURCH. It is part of the tragic cost.

Mr. YOUNG of Ohio. It is part of the tragic cost we are paying because of the huge mistake of our intervening in a civil war in a faraway, distant little country which is of no importance whatsoever and never will be to the defense of the United States.

Mr. CHURCH. The Senator is correct. I thank him for his comments.

Mr. President, I yield to the Senator from Michigan.

Mr. HART. Mr. President, I rise to thank the distinguished senior Senator from Idaho who in his eloquent way has made clear to the country and to his colleagues the urgency of waging all-out peace.

The Senator from Ohio has mentioned, and I wish to reiterate, that the Senator from Idaho (Mr. CHURCH) was perhaps

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the very first, and certainly he was among the very first voices to be raised in what at that time was a very unpopular call to our consciences. I wish I had joined him many months before I did. I would have been much slower had it not been for his frequent appeals to our understanding.

It is now fashionable to deplore the war in Vietnam. That is not enough. We have to end it. It is not enough just to state that objective. We have to have a program to end it. This is where the army gets a little disorganized, and I do not mean the U.S. armed services; I mean those of us who hope to persuade the achievement of the objective which is to stop the killing in Vietnam. When it comes to the program, to the method, we are not in step.

I think one of the great values in the address by the Senator from Idaho today has been the program to achieve the objective. It is for that reason that I ask unanimous consent that I be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I am very happy to welcome the cosponsorship of the Senator from Michigan. His remarks this afternoon are typical of the generosity of his nature. The RECORD should show he has become one of the outspoken critics of this war and that he stands in the front ranks of those who are working for peace.

I would also like to say, in relation to the remarks of the Senator from Ohio, that, as we go from place to place, we frequently hear people say that we should either win the war in Vietnam or get out. For a long time, we have tended to denigrate this simple formula. It seemed too easy. It obviously did not require the person using it to choose one alternative or the other. Yet, like so often is the case with commonsense remarks one hears on the street, there is much force to the statement: "either win the war or get out."

President Nixon himself has admitted that, under the circumstances, victory is not our objective in Vietnam; that is to say, winning the war in the old-fashioned sense. In his address of May 15, the President said:

> We have ruled out imposing a purely military solution on the battlefield.

If this is the case, then the alternative is to get out. That is what the people are saying. They are saying: "Face up to it, and move the United States out of the war."

If we were to advise Saigon that this has become our intention, believe me, it would not take long for the various Vietnamese factions to find an accommodation. But as long as the Saigon government believes it can rely on a large American expeditionary force to fight in Vietnam indefinitely, whether that force consists of infantry along with supply and support forces, or whether it consists of supply and support forces alone, that long will we wait for a settlement in Vietnam.

I now yield to the Senator from California.

Mr. CRANSTON. I thank the Senator from Idaho. Two days ago the Senator from Idaho took a leadership role in bringing together a nonpartisan group of Senators and Representatives of both parties from all parts of the country who met for the purpose of stating their support of the young people who, on October 15, will speak their views and seek to bring their views to the attention of all Americans. These young people are those who, apart from those now in battle in Vietnam, face the greatest risk from our policy in Vietnam. Certainly all of us in a democracy must listen to their views and join them in the search for peace they quite rightfully demand.

Today the Senator from Idaho is again playing the part of leadership in bringing to the people of this land again a bipartisan resolution setting forth a proposed policy and the reasons for it, designed to seek our extraction from Vietnam and an end to our participation in that conflict.

The first words of that resolution show that it is the desire of the Senate to give advice and consent to the executive in the conduct of foreign affairs. It states:

> In view of the continuing war in Vietnam, the exercise of such responsibility is the highest form of service to be performed.

The Senator is performing that service.

It is plain that the combined efforts of young Americans, Americans in the Senate, in the House of Representatives, along with the executive branch, and those in the fighting forces are required if we are to end our unhappy participation in that tragic war.

I am delighted to be able to join the Senator on this resolution and in the battle we are waging until peace is accomplished.

Mr. CHURCH. I thank the Senator very much for his remarks. I am happy that he is joining in the sponsorship of the resolution.

I yield to the Senator from Iowa.

Mr. HUGHES. Mr. President, I wish to join with Senators in saying to the Senator from Idaho that certainly today he is again concisely and with a great deal of brilliance setting in context the problem and probably the only solution that can and will ever come about. In addition to that which he set out so intelligently here today is undoubtedly the need to set out some of the internal effects in our country resulting from the war in Vietnam.

As the Senator knows, in my freshman year here I have had the opportunity to be the chairman of a small subcommittee looking into problems of alcoholism and narcotic and drug abuse in this country.

I came to the conclusion last week that when a question was asked by one of our most brilliant witnesses, "Are we an intoxicated society?", I asked him if he would reply to his own question and give me an answer as to what he thought about it.

He said, indeed, that the United States and its citizens was an intoxicated society, that we look around us and see the problems we have all been so concerned with primarily in this past decade being unmet; but in spite of great imagination, great initiatve, and many innovations over recent years, the centers of our cities still rot; the races are still separated; the conflict still goes on among the poor, the middle class, and the well-to-do; the current throes of the educational process still continue; as well as the neglect of our public health in spite of massive programs; our aged sit around the country in small rooms, tucked away, living on meager incomes, with the inflationary spiral continuing upwards; the unemployment rate increasing, as I read in the paper in recent days, while inflation again continues to grow; we have at least six and one-half million alcoholics with another 25 million people affected by them; with hundreds of thousands of narcotics addicts, with 10 to 12 million people using marihuana, without estimating those in between who use the amphetamines, the barbiturates, the hallucinogenics, on down the line; and as we look at family needs, all continuing the thread that this follows in the United States of America today, it is an almost unbelievable situation.

For me to say to the Senator today that this is all a result of the war in Vietnam certainly would be unrealistic, but——

Mr. CHURCH. Would the Senator allow me to interject there, considering his long list of problems we face at home, perhaps this is why they are fighting so fiercely in Vietnam. After all, they have been told that we intend to take the Great Society to Southeast Asia.

We do have difficult problems at home to solve, but we will never solve them, as the Senator so well knows, unless we sober up and begin to attack the problems that plague our own people, and stop squandering our treasure on exotic military adventures in the jungles of distant lands on the opposite side of the world, for the purpose of restructuring their societies. This certainly is one of the lessons we must draw from our experience in Vietnam. Perhaps out of the agony will come a reappraisal, a reexamination of American foreign policy which will arrange our priorities in such form that we can begin, at last, to pay sufficient attention to the very problems the Senator from Iowa has so well described.

Mr. HUGHES. Mr. President, I think, in context, when we look at our massive internal problems, when for so many years we have been planning things, that we cannot approach those problems because of the cost of the conflict and the need for internal weapons systems for the defense of our country, we have suddenly realized that not only are we in the technological age of polluting ourselves out of existence, to mention one more of our great problems, but we have also entered a pollution state of mind, the fact that we close every day almost with capsulized news, indicating there is no hope, that we have no solutions, that there is no answer, that our total commitment is to the end of life on this planet rather than to the living of life, with hope for the future for all the people in this country, as well as the rest of the world.

So, as we place the problems of U.S.

involvement in Vietnam in context, I think it is well that we place it in context with the fact that we are not meeting the internal needs of this great Nation, that it is imperative we realize that probably the greatest threat to this Nation lies from the unmet problems within our borders rather than outside them.

Mr. CHURCH. The Senator is absolutely right in making that assessment. He reminds me of the admonitions we received in the early days of our Republic from our first Presidents, who used to say to us—

> Build a society here in the western world that is just and free, build it sturdily upon the concepts of the Declaration of Independence and the Constitution of the United States, and we will set an example the rest of the world will wish to emulate.

Our early Presidents understood the importance of making our own society strong and free, knowing that the force of an example is always greater than the force of arms. They were proven everlastingly right, because in the first century of our national experience, the force of the American example helped foment revolution in Europe; revolution which brought down or modified nearly every monarchy of Europe; and it all happened without using a single American soldier or a single American marine.

Mr. HUGHES. I wish to thank the Senator from Idaho for his indulgence and again express my appreciation for his very thoughtful focus of attention on this particular problem.

Mr. CHURCH. I thank the Senator for his valuable contribution.

Mr. TYDINGS. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. TYDINGS. I am delighted to add my voice to those of the Senator's colleagues who have congratulated him on the delivery of this message.

I must say that it is one which really should be delivered to every American who loves his country because it puts in readable and understandable prose the problem of Vietnam and, indeed, the only solution to it that moral and reasonable men can accept.

I think it is unfortunate that the present leadership of the National Government is not willing to exercise the same candor with the American people that the Senator from Idaho has this afternoon. The American people appreciate the truth. The American people appreciate honesty. What this Nation really needs is an opportunity to hear reason and honesty with relation to the tragic events in Vietnam.

The Senator from Idaho has accomplished this, as I indicated to him after I had read the speech. It is a brilliant presentation, in organization as well as delivery.

I cannot help thinking that the remarks of the Senator from Iowa (Mr. HUGHES) were also very pertinent.

I was moved by the letter on page 10 from the young constituent who was troubled by these matters and referred to the problems of keeping this great democracy stuck and not becoming unstuck.

It is the responsibility of Congress and the Members of this body to speak the truth and tell the truth to the American people, regardless of the popularity or unpopularity of the truth, in some cases, in some forms.

I, for one, appreciate the leadership and the work which obviously have gone into this presentation. With the possible exception of our distinguished majority leader and the Senator from South Dakota, I think that no Member of this body is able to present a message which could be presented to the American people more clearly than the Senator from Idaho has done, not only in this instance, but also ever since I have been privileged to be a Member of the Senate.

I only wish we could make certain that a copy of this speech would be read in every American family across the country, because I think it would help resolve some of the problems we face.

Mr. CHURCH. I thank the Senator very much for his kind remarks.

(This marks the end of the colloquy which occurred during the address by Mr. CHURCH and which was ordered to be printed in the RECORD at this point.)

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHURCH. Yes; I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. First, Mr. President, I must apologize to the distinguished Senator from Idaho for not being able to hear all of his speech or to have had the opportunity to read his speech. I will make up that deficiency at the first available opportunity. But I do want to commend the distinguished Senator from Idaho and the distinguished Senator from Oregon (Mr. HATFIELD) for introducing a resolution today seeking to face up to the basic difficulties which confront us in Vietnam.

I likewise want to commend the distinguished Senator from Iowa (Mr. HUGHES) and the distinguished Senator from Missouri (Mr. EAGLETON) for undertaking the same kind of project earlier in the session today.

I was impressed with the emphasis placed on the subject of Vietnam by the distinguished Senator in which he refers to the war over there as a "rebellion," meaning, of course, that it is basically a civil war, contrary to what has been said by many people relative to this struggle over the years.

It always has been a rebellion between South Vietnamese. It still is a rebellion basically, and I believe that statement will stand up even though it must be recognized that a considerable number of North Vietnamese in the past several years have infiltrated southward—as a supplement to the civil war, and not necessarily as a catalyst of the civil war.

It appears to me that there is some movement in the area of South Vietnam and North Vietnam at the present time because, if my information is correct, approximately 20,000 North Vietnamese—or perhaps I should say only as many as approximately 20,000 North Vietnamese—have infiltrated down into South Vietnam since March of this year, a period of 7 months. About this time last year the usual monthly rate of infiltration was anywhere from 8,000 to 15,000 or more.

There must be some significance to that. I do not think the significance is that North Vietnam and its armed forces have been weakened to that extent. Perhaps it is a significant sign.

There has also been a letdown in fighting over the past several months, and most especially over the past few weeks. But even with such a letdown, the casualties are still too high. Too many Americans are still being killed. Too many Americans are still being wounded. And something must be done, not just to cut down the casualty rate, but to try to bring this war—this tragedy—to a conclusion.

It is true that the President has moved in the right direction in ordering a reduction of 60,000 U.S. troops. I only wish more could be withdrawn more expeditiously, to the end that, within a reasonable length of time, this country could withdraw not only from Vietnam but from Laos and Thailand as well, on a lock-stock-and-barrel basis.

As far as South Vietnam is concerned, as the distinguished Senator indicated when he emphasized what the late President John F. Kennedy said, the future of that area is going to have to be decided by the South Vietnamese themselves. We can coat it all we want, but the South Vietnamese, all factions and all fractions, are the ones who, in the last analysis, are going to have to decide what the future of their country will be, what kind of government it will have, and what kind of commitments it will make. That includes the Vietcong, who are South Vietnamese. Never lose sight of that fact. That includes the neutralists, who are South Vietnamese, but who, like the Vietcong, were not allowed to participate in the elections 2 years ago last September. It includes the Catholics and the Buddhists, the Cao Dai, the Hoa Hao, and other groups even such as the animists and montagnards, who have not been given much consideration. It appears to me that, somehow, some way, in some fashion, the South Vietnamese must get together to decide their own future. We cannot do it for them, nor should we attempt to.

And, if they will go that far, perhaps there will be a revival of the Geneva Accords of 1954, which called for all-Vietnamese elections 2 years after those accords were signed, or in 1956. That part of the agreement was never adhered to.

Some day, somehow, I assume that there will be all-Vietnamese elections, both north and south.

If I understand what the administration has said over the past several months, the one factor on which we are holding out, the one factor on which we will not budge, is the right of self-determination for the people of South Vietnam. I assume that includes all the people of South Vietnam. And if that assumption is correct—and I think it is—then it includes all the elements that I mentioned a few moments ago.

We have also said—and I think the President himself said it, I believe in his last press conference, and if not, shortly before—that if the South Vietnamese would decide among themselves what kind of government they want, we would

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accept that government, no matter what its coloring or connotation.

Well, I would like to see this war brought to a conclusion, no only so far as it affects the two Vietnams directly, but so far as it involves Cambodia—which has been affected indirectly. There are a number of Vietcong and North Vietnamese who, seeking haven or whatever in the northern part of Cambodia have caused a great deal of trouble for Prince Sihanouk in that kingdom. Then, of course, we have a situation developing and which has been in existence in Laos for some time, and also a situation affecting Thailand, in which there are a number of U.S. bases.

I would like to see, if at all possible, the neutralization of all of the old Indo-Chinese states—North and South Vietnam, Laos, and Cambodia—as well as Thailand, so that that area could be given some degree of surcease from war. I would like to see that neutrality guaranteed by all of the great powers, including the Soviet Union, mainland China, and the United States, among others.

It would be a small price to pay for stability. It would give these countries—especially the two Vietnams, which have been at war for approximately a quarter of a century—a chance to rehabilitate themselves and reconstruct their economy, and in that way perhaps be able to achieve, at long last, a rightful place in that part of the world, and in the world as a whole.

I must say, if the distinguished Senator from Idaho will allow me, that I have been very impressed with the Nixon doctrine for the Pacific, based upon the Guam Declaration, in which the President said this country is primarily a Pacific power and that as far as our interests on the Asian mainland are concerned, they are only peripheral.

Certainly, we should have learned a lesson in Korea. Certainly, I hope we will learn a lesson from Southeast Asia and recognize that our great interests are in the Pacific and not on the Asian mainland, and recall the fact of history that there have been invaders time and time again and that always the invaders were finally taken over by the people whom they had conquered temporarily.

The most important case in that respect is China, which has been invaded time and time again down through the centuries, but which always, in the long run, has absorbed the conquerors.

But, getting back to the Nixon doctrine, I have an idea that, because of our involvement on the Asian mainland and the President's desire—and it is a real desire—to get out of the mess, to be rid of this tragedy, to get away from this impasse, he laid down a thesis which perhaps establishes a groundwork for no more Vietnams or Koreas in the future.

As far as I am concerned, I think that it is a sound doctrine. I think it is long overdue. I think it faces up to the realities of today and tomorrow, and moves us away from the responses of the past, which may have been good 20 years ago or a quarter of a century ago, but which have outlived their usefulness.

So I would hope, on the basis of the emergence of such factors as the Nixon doctrine for the Pacific, the resolution introduced by the distinguished Senators from Idaho and Oregon, and that introduced by the distinguished Senators from Iowa and Missouri, that we will be able to take a new look at this situation, to try once again to find ways and means out of this morass, and in that way bring an end to an unhappy chapter in the history of this republic, wipe the slate clean, if possible, and try to revive the American image, which meant so much to the world such a few years ago, but which unfortunately has been called into question of late in all too many areas, mostly because of our involvement in Vietnam.

Mr. President, I have taken up too much time. I do want the distinguished Senator from Idaho (Mr. CHURCH) to know that I was certainly interested in and appreciative of what he had to say. I intend to study his speech more in detail, and also to look with interest at these resolutions. I say to him that he has been a fighter for a long time in a worthy cause. He has done much to bring home to the American people and to two administrations just what South Vietnam meant to us, and what might have been attempted to bring this tragedy to a conclusion. I want him to know that he has my personal thanks for what he has done this afternoon, as well as what he has done on so many previous occasions.

Mr. CHURCH. I thank the distinguished majority leader very much for his remarks, and I wish to associate myself with what he has said about the new Nixon doctrine for Asia. I think if that doctrine is implemented, it will mean that we shall, in due course, withdraw all our forces not only from Vietnam, but from the other parts of Southeast Asia. The sooner we do so, the better.

The resolution that I now send to the desk, Mr. President, is consistent with that objective, and, in my opinion, will help to bring about those accommodations in Vietnam that are necessary if this war is to be brought to a close.

So, Mr. President, I submit, on my own behalf and that of the distinguished senior Senator from Oregon (Mr. HATFIELD), a sense-of-the-Senate resolution calling for the more rapid withdrawal of American troops, and a national commitment to a policy of full and complete disengagement from South Vietnam.

Mr. President, I ask unanimous consent that the resolution be received and referred to the appropriate committee.

During the course of the afternoon a dozen Senators have indicated their desire to join in the resolution. I shall disclose their names during the days to come, as they make their intentions known.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 270) was received and referred to the Committee on Foreign Relations, as follows:

S. RES. 270

Resolved, The Senate of the United States takes cognizance that: (1) It is the duty of the Senate to give advice and consent to the Executive in the conduct of foreign affairs. In view of the continuing war in Vietnam, the exercise of such responsibility is the highest form of service to be performed.

(2) The war in Vietnam was caused by no one man and no one party, but it is the responsibility of all men and both parties to bring the war to an end. In the past five years, some 40,000 American soldiers have died. Since the beginning of this year, more than 8,000 American fighting men have been killed. In light of the thousands of lives being lost, there can be no moratorium on discussion and no halt to the necessity for leadership in terminating further American participation in the combat.

(3) The President has taken a step in the right direction by his announced withdrawal of 60,000 American troops. But this is only a small beginning to what must be done to extricate the United States from this war. At the present rate of wtihdrawal, American troops will be engaged in Vietnam for the next eight to ten years. The policy of the United States can no longer wait upon the pleasure of either Saigon or Hanoi.

(4) The future of South Vietnam must be shaped by the will of the South Vietnamese. The continued presence of United States military forces can only postpone the political accommodations essential to ending the conflict: Now, therefore,

Be it Resolved, That in the sense of the Senate that, having furnished South Vietnam with an American shield for the past five years to allow for the development of its political and military capacities, the time has arrived for the people of South Vietnam to take charge of their own destiny; and be it further

Resolved, That this can be accomplished only through a more rapid withdrawal of American troops, and a commitment by the United States to fully disengage from South Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them.

HATFIELD-CHURCH RESOLUTION ON WITHDRAWAL OF TROOPS STRENGTHENS THE PRESIDENT'S HAND

Mr. HATFIELD. Mr. President, I should like to make perfectly clear at the outset of this discussion of our joint resolution that President Richard M. Nixon and I are allies, not opponents.

Senator FRANK CHURCH and I are today joining in cosponsorship of a resolution calling for a more rapid withdrawal of American troops from Vietnam. We do not set a date for compulsory withdrawal. We do point out that if passed it would be the sense of the Senate that we should like a more rapid withdrawal. The resolution calls for a commitment by the United States to fully disengage from Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them.

It seems to me that by introducing this resolution, I am indicating my complete backing of the President's efforts to end the war in Vietnam, for he has said that he hopes to end this war before the end of 1970. I would hope for a total troop withdrawal by the end of 1970 and have so written the President.

In his September 16 news conference, President Nixon also stated:

> Once the enemy recognizes that it is not going to win its objective by waiting us out, then the enemy will negotiate and we will end this war before the end of 1970. That is the objective we have.

Also, on June 20 of this year, President Nixon said in a televised news conference that he hoped to beat a timetable calling for withdrawal of 100,000 American troops and all ground combat forces which former Secretary of Defense Clark M. Clifford proposed.

A Washington Post story said that twice in the news conference, the President said he hoped to better the timetable suggested by Clifford that "about 100,000 troops be pulled out this year and all remaining American ground combat troops be withdrawn next year.

The President said during that telecast:

> We have started toward the withdrawal that Mr. Clifford has advocated.

And added that he hoped "we will not be in Vietnam as long as he—Clifford—suggests we will have to be there."

It seems to me that the President and I are in accord on this matter.

What we are really doing in this resolution is undergirding the President, strengthening his resolve to end this war and withdraw American troops.

There are forces within this country, both military and political, as well as pressures from the Thieu regime in South Vietnam, which are exerting tremendous efforts to dissuade the President from his course of action in de-Americanizing the war. They advocate more war, not less; more deaths for Americans and Vietnamese, not less. And we in the Senate who are urging a complete withdrawal of American troops are, I think, playing a constructive role in attempting to strengthen the President's hand.

To believe, as some men do, that a declaration and implementation of all-out war will reduce the problems of this conflict is to ignore the conditions of the struggle that is taking place. Even if military victory were possible, which under humanitarian and moral reasons is not, the South Vietnamese people would still be vulnerable due to the lack of support of their own Government.

When we were pursuing a heavy bombing policy there was not a significant reduction of infiltration or supplies nor did it impair the North Vietnamese capacity to wage war. What the bombing of the North accomplishes was a tremendous loss of lives, both military and civilian, and a loss of international good will and sympathy, and perhaps a naive but growing fear by emerging nations that America was becoming colonial in our actions.

The entire handling of accounts of "military progress" has left nothing but doubts in the minds of the American public.

If we followed the Johnson administration's statements we were to have "won" years ago, but the present situation only established the Vietnam war as the longest and one of the most costly in history. Where we have failed in our battle is to attract the allegiance of the South Vietnamese people. As long as this is ignored there remains no possibility of genuine "victory."

But let us imagine that we do have an all-out war. What options are left to us? We could drop more bombs, but on what targets?

Military targets in North Vietnam are nearly nonexistent. We could destroy the Haiphong Harbor, destroying Russian and Chinese ships and, therefore, risking war with these two nations.

If we increase ground activity, the draft calls would have to be enlarged, fewer student deferments would be granted, taxes would have to be substantially increased, economic controls would surely have to be instituted and the unrest at home would surely reach the breaking point.

Political solutions to the war would be enhanced if the major adversaries in the conflict were Asian. For this reason I have for some time maintained that the first thing to be negotiated in Paris or elsewhere is the time and implementation of our military withdrawal from the Asian mainland. This would greatly strengthen the possibility of finding a just solution to Vietnam within the framework of an Asian diplomatic offensive. For this reason I look with hope to President Nixon's promise of troop withdrawals over the next year.

Responsible dissenters to our policy in Vietnam—and I count myself one of these—are sincerely convinced that our past policies are wrong, and that they must be corrected if the best interests of the United States are to be served. To argue that such dissent is prolonging the war and encouraging the enemy is fallacious. The entire reasoning behind this charge is based on the assumption that the enemy is demoralized, desperate, and hangs on only out of hope that American public opinion will demand an American withdrawal.

I have seen no evidence that Hanoi or the NLF is either demoralized or desperate. In fact, the continuing aggressiveness and determination of these people only demonstrates that they are capable of pursuing the war indefinitely and determined to do so, irrespective of what critics may be saying in the United States.

Yes, we do owe our men fighting and dying in Vietnam all the support and material they need, but we owe them more still.

We owe them an uncompromising promise and total effort directed to extricating them from this war, to finding alternatives to futile policies that have failed for 20 years. This, to me, is the highest duty of those in positions to have their voices heard and their influence felt. This is why I and others have dissented from our present course in Vietnam.

President Nixon has called for the Vietnamization of this war, just as I have done since 1966 when I called for an All Asia Conference at which the Asian nations themselves would provide plans for mutual and self-defense. The President has advocated this as well.

The President is aware of these dangers. He is a politically sensitive and extremely intelligent man—he knows the consequences of escalating the war. This effort on my part is to not let emotional calls for all-out war gather momentum in this country.

If we have all-out war, the military and civilian casualties and deaths would increase. We could adopt a policy of hot pursuit into Cambodia and Laos which would bring more fire and destruction to these countries, already troubled by insurrections. We could launch a successful and expensive invasion of North Vietnam, risking high casualties due to the preparedness of the North Vietnamese for just such an invasion.

This risks Chinese and Russian reaction and a vast growth in the scope and tragedy of the war. Should we win such an invasion, there would still be hundreds of thousands of Vietcong nationalists in South Vietnam with which to contend.

No; escalation is not the answer. Escalation is far from a rational policy. And President Nixon is painfully trying to extricate us from the massive "escalations" of the war he inherited.

How can we de-Americanize this conflict? As our main objective, we must win the allegiance of the South Vietnamese people, and to do this we must place our emphasis on seeing that the South Vietnamese Government prove worthy of allegiance and establish a concerned relationship with the people. We must abandon the Americanization of the war which has, in essence, made the South Vietnamese mere spectators to their own conflict.

The complete domination of South Vietnam by the United States further harms the development of self-sufficiency of the South Vietnamese in the political, economic, and social realm.

The Johnson administration wanted to establish an anti-Communist, democratic, self-sufficient, pro-American, anti-Chinese strong central government in Saigon. The South Vietnamese peasant wants something less grand and more tangible. The loyalty of the people has never been to a central government but to their local hamlets and ethnic groups.

They want reform, they want food. We must direct our policies to conform to the ambitions of the South Vietnamese people themselves.

In the October 1967 issue of Foreign Affairs Quarterly, Richard Nixon wrote an article entitled "Asia After Vietnam" which indicates that the President and I are not too far apart on our essential goals for this country's disengagement from the mainland of Asia.

Although Nixon at that time in the article did justify the intervention in Vietnam, Nixon spoke prophetically of future U.S. reluctance to immerse itself into endless land wars in Asia.

The President said:

> One of the legacies of Vietnam almost certainly will be a deep reluctance on the part of the U.S. to become involved once again in a similar intervention on a similar basis.
>
> The war has imposed severe strains on the U.S., not only militarily and economically, but socially and politically as well.

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> Bitter dissension has torn the fabric of American intellectual life—

The President continued,

> And, whatever the outcome of the war, the tear may be a long time mending.
>
> If another friendly country should be faced with an externally supported communist insurrection—whether in Asia or in Africa or even Latin America—there is serious question whether the American public or the American Congress would now support a unilateral American intervention, even at the request of the host government.
>
> This makes it vitally in their own interest that the nations in the path of China's ambition move quickly to establish an indigenous Asian framework for their future security—

This is still the future President speaking—

> If another war is to be prevented, every step possible must be taken to avert direct confrontations between nuclear powers. To achieve this, it is essential to minimize the number of occasions on which the great powers have to decide whether or not to commit their forces. . . ,
>
> Military security has to rest, ultimately, on economic and political stability.

This is what the future President said in 1967, and it is, essentially, what I am saying today and have been saying since 1965.

The fabric of our national life is literally being torn apart by this war. We are threatened with anarchy and continued unrest. The young are losing faith in the ideals of our democratic society, and we need these young people to build America.

We have lost in blood and treasure the vital young men needed to build our countries, and the billions of dollars needed not only for our own people's needs, but to help build and stabilize the economies of the underdeveloped countries where most of the world's hungry and oppressed live.

I could not agree with the President more than when he said in the Foreign Affairs article that, in the final analysis, the Asian countries themselves must provide for defense against internal aggression. He has since repeated this call, and it is a fact of life which the nations of the East must face.

Let us join together, Democrat and Republican, to help the President extricate us from policies that were proved, in 1968 to be against the will of most of the American people.

President Johnson used the ploy that he merely carried out the policies of his Republican predecessor. However, facts prove that in 1954 Eisenhower merely promised economic aid to South Vietnam with the understanding that Diem would institute the reforms necessary to gain the support of his people. When Eisenhower left office in 1961 there were only a few hundred U.S. military advisers in South Vietnam.

The momentum with which the Vietnam war has escalated since these early days of 600 advisers is frightening to look back upon. And what we want to do now is to gather momentum for a more rapid deescalation effort.

In 1961 there were 3,200 U.S. troops; in 1964 23,030.

Then began the rapid escalation President Johnson promised would not take place: 184,300 troops in Vietnam in 1965; 385,000 in 1966; 485,000 in 1967; 536,000 in 1968 and 537,000 in 1969.

During this time there have been more than 45,000 Americans killed in Vietnam and well over 200,000 wounded.

The President is keeping his 1968 promise to try to end the war and has committed us to 60,000 troops to be withdrawn as of October 1969, and I am hopeful that 100,000 men will have left that tragic country by the end of this year.

I also hope that the President's expressed wish to end the war by the end of 1970 will, in fact, take place.

I am sure the public is aware of the tremendous pressures on the President to escalate this war which I earlier mentioned. These very real pressures come from very powerful military and political men in this country who want the President to increase our troop strength and escalate the war. This escalation would lead us further into the morass of an endless land war, kill thousands more Americans and Vietnamese, and still further threaten to embroil us into nuclear confrontation with either the U.S.S.R. or China.

We must avoid this. The President said this as well in the Foreign Affairs article in 1967. My motive for introducing this resolution, and in supporting the moratorium on October 15, is to strengthen the President's hand—working for peace—not weaken it.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes.

Mr. BENNETT. Mr. President, the pending business is H.R. 12829, to extend the interest equalization tax until March 31, 1971.

The expiration date for the tax in present law is September 30, 1969. Since that date has passed, the bill reinstates the tax as of that time and continues it until March 31, 1971. The bill also modifies the President's discretionary authority to vary the rate of the tax so as to provide a means by which our reliance on this tax can be reduced.

The purpose of the interest equalization tax is to increase the cost to foreigners of obtaining capital in the American markets and, thereby, help protect our balance of payments while we are attempting to correct the more fundamental problems which underlie our continuing balance-of-payments deficit. The tax presently is imposed at rates which are the equivalent of a three-quarters of 1 percent increase in the interest rate foreigners must pay to obtain funds here. By narrowing the differential between foreign interest rates and the somewhat lower interest rates in the United States, the tax discourages foreigners from borrowing here.

EXTENSION OF THE TAX IS NECESSARY

It is necessary to further extend the interest equalization tax because our balance of payments, although it has improved since the tax was first enacted in 1963, is still in a precarious position. If the tax were allowed to expire, it is likely that substantial capital outflows would result which would seriously aggravate our balance-of-payments situation. Moreover, unlike the case in former years, we no longer have a favorable trade balance to offset outflows resulting from our capital transactions with the rest of the world. The inflation in the United States in recent years has made our goods less competitive in the world markets. This is likely to continue until we can obtain better control of the inflationary pressures in the United States. Once this occurs, our goods should again become more competitive, thus, improving our export position and accordingly our balance of payments. Until these more fundamental imbalances underlying our continuing balance-of-payments deficit are corrected, however, we are not in a position to let the interest equalization tax expire.

As I mentioned, the purpose of the tax is to discourage foreigners from borrowing in the United States, and thereby to prevent significant outflows of our capital. One may wonder why foreigners would want to borrow in the United States at the present time with the high interest rates which now prevail.

The answer is simple. Our interest rates, as high as they are, are still lower than interest rates abroad. For example, the average interest rate of a U.S. domestic corporate bond issue in August was 7.27 percent. The rate abroad, however, was about 7.55 percent. Moreover, the simple fact is that our securities markets are quite attractive to foreigners, because they are more effectively organized than foreign capital markets. This is true even though the interest equalization tax has compelled foreigners to place increased reliance on foreign capital markets as a source of funds and thereby has aided in the growth of those markets.

Another important reason why we need to continue the interest equalization tax is that, in its absence, it is likely that Americans would purchase substantial amounts of securities which American companies have issued abroad to finance their foreign direct investments. In 1968 alone, these issues by American companies totaled $2.1 billion. Any significant amount of purchases by Americans of these securities would have a substantial adverse effect on our balance of payments.

The extension of the tax also is necessary to support the program of voluntary cooperation to reduce capital outflows that was begun in 1965. The voluntary program is designed to reduce the amount of credit supplied to foreigners by banks and other financial institutions. Without the interest equalization tax, those participating in the voluntary program would feel that they were shouldering an inequitable share of the burden of reducing our capital outflow.

Finally, it is important to emphasize the significance of this tax to foreign holders of dollars. The willingness of foreigners to hold dollars, and their view of the dollar's stability as a reserve currency, are dependent in large measure on how they regard our attitudes and intentions toward our balance-of-payments deficit. Failure on our part to extend the interest equalization tax would be regarded by them as evidence that we are not concerned about the balance-of-payments deficit and do not intend to control it. This reaction by itself would endanger our chances of successfully carrying out our program to improve the international monetary and trade system, such as the Special Drawing Rights under the International Monetary Fund designed to provide an expansion of international monetary reserves and, thus, facilitate the growth in world trade.

EFFECTIVENESS OF THE TAX

I would like to comment briefly on the way the interest equalization tax has helped us deal with our balance-of-payments problem.

I believe the evidence is clear that the interest equalization tax has strengthened our balance of payments by decreasing the foreign demand for U.S. capital. This can be seen by comparing U.S. purchases of foreign securities before and after the tax went into effect in the middle of 1963.

Before the middle of 1963, long-term private capital outflows from the United States had increased from the $2.9 billion level of 1962 to a $4.6 billion annual rate in the first 6 months of 1963, an increase of 60 percent. Increased purchases of new foreign securities accounted for a substantial part of this increase. In the first half of 1963, these purchases rose from the $1 billion level of 1962, to a $2 billion annual rate. Since 1963, purchases of new foreign securities from countries subject to the interest equalization tax have declined to practically zero. The tax clearly has been the primary factor responsible for this decrease.

An additional source of evidence of the effectiveness of the tax, and an indication of what might have occurred in its absence, is the increase in purchases by U.S. citizens of new securities from countries not subject to the interest equalization tax. These purchases have more than doubled since 1962, increasing from an annual level of $722 million to $1,656 million in 1968. If there had been no tax and had purchases from countries where the tax was, in fact, imposed increased at the same rate as in the case of the exempt countries, these purchases would have amounted to $815 million in 1968. In other words, in this area alone our balance of payments position would have been almost a billion dollars worse than it was in 1968 in the absence of this tax.

The interest equalization tax also has caused a decrease in purchases by U.S. citizens of outstanding foreign securities. In the first half of 1963, net purchases were at an annual rate of $300 million. The tax reversed this and up until 1966 U.S. citizens were net sellers of foreign securities. In 1967 and 1968, however, U.S. citizens became net purchasers again—about $110 million on the average—which is still some $200 million less than before the tax, and probably is much more than that below the level which would have existed without the tax.

Commercial bank loans to foreigners also have been restrained by the interest equalization tax. Originally bank loans were not subject to the tax, but the law granted the President discretionary authority to apply the tax to them if it became clear that bank loans were being substituted for the sale of foreign securities in the United States. In late 1964 it became apparent that this substitution, in fact, was occurring and on February 10, 1965, the President applied the tax to loans with maturities of 1 year or more. The effect of the tax, the voluntary program to limit loans to foreigners, and tight money, has been to reduce the amount of long-term bank loans extended to foreigners and to substantially cut back the increase in short-term loans, as the comparison of the 1962 and 1968 levels shows. In 1962, long-term bank loans increased by $126 million; in 1968 they decreased by $358 million. Short-term bank loans increased by $324 million in 1962, and by 1968 the increase was down to $89 million, although data for the first half of 1969 indicates the 1969 level will be higher.

In other words, if we had not had the interest equalization tax, our balance-of-payments position in 1968 would have been close to $2 billion worse than it was.

PRESIDENTIAL AUTHORITY TO REDUCE THE TAX RATE ON NEW ISSUES

As I mentioned earlier, the bill also modifies the President's existing authority to vary the rates of tax by permitting him to apply a lower rate to new issues of foreign securities than to outstanding issues. Under present law, the President has the authority to vary the rate of tax between zero and the equivalent of a 1½-percent increase in the annual interest rate which must be paid to obtain funds in the United States, but the rate must be the same for both new and outstanding securities.

This modification was requested by the administration to provide a means by which our reliance on the interest-equalization tax could be reduced. Reducing the rate of tax on new issues is a step in reducing our reliance on the entire tax. It would be most unwise, however, to decrease the rate of tax for outstanding securities, when there is such a large volume of them and when U.S. citizens are still net purchasers even at the present rate of tax. Such an action, no doubt, would result in a large increase in purchases by Americans of outstanding foreign issues. In other words, the present tax rate on outstanding securities is likely to be necessary in order to prevent the flooding of our capital markets with the large backed-up volume of already outstanding foreign securities. On the other hand, purchases of new foreign securities, however, have been nearly nonexistent. Therefore, it seems appropriate to permit the rate of tax on new issues to be reduced to a lower level than the rate for outstanding securities.

The remaining interest-equalization tax provisions of the bill involve minor amendments which are technical in nature. Generally, these amendments are designed to make the provisions of the tax more workable and to aid in the enforcement of the tax. I will include a summary of these minor amendments in the RECORD following my remarks.

The adverse effect on our balance of payments of not extending the interest equalization tax as provided in this bill would be substantial. We must be particularly careful to avoid the large increase in capital outflows, which would result if the tax were allowed to expire, because, as I said earlier, we no longer have the trade surplus of former years to offset our capital outflows. Any sharp increase in capital outflows would, therefore, add directly to an otherwise already precarious balance-of-payments situation. We just cannot allow that substantial adverse effect on our balance of payments to occur.

Mr. President, in addition to the technical amendments I have just included the committee added an amendment to the bill unrelated to the interest equalization tax. This amendment would modify certain ammunition registration requirements of present law.

Under Treasury Department regulations, persons purchasing ammunition must give name, address, and date of birth; date of purchase; manufacturer, caliber, gage, or type of component, and the quantity of the ammunition purchased; and the purchaser's driver's license or other type of identification must be shown.

I feel that this is nothing more than back-door ammunition registration, and I offered an amendment which would repeal that section of the Gun Act.

The committee amendment would make no change in these requirements as they apply to pistol and revolver ammunition for these are the weapons most commonly used by criminals in the commission of a crime. However, the committee did feel that such detailed registration of sportsmen purchasing shotgun, rifle, or .22 caliber rimfire ammunition, or component parts of the same types of shells, creates an enormous and unnecessary administrative burden on the Treasury, on firearms dealers, and on the Nation's sportsmen who purchase this type of ammunition. At the same time, these burdensome requirements do not contribute to an increase in public safety when they relate to the type of ammunition used mostly in sporting types of firearms.

Mr. President, I realize my amendment has caused a great deal of controversy, and that the controversy has delayed action on the interest equalization bill for some 8 days, now. This has begun to create serious problems. In order to make it possible to move the bill through promptly, I, who am the author of the ammunition amendment, agree that some accommodation and comprise must be offered in order to have the bill handled quickly.

I expect to speak at a little greater length on this subject tomorrow; but at the present time, I ask unanimous consent that the committee amendments to the pending bill be agreed to en bloc, with the exception of the language of the committee amendment beginning on line 21, page 20, through line 7, page 21, which shall remain the pending question, and that the language of that

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amendment be modified by striking out on page 21, lines 5 and 6, the words "22 caliber rimfire ammunition."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(The committee amendment, as modified, not agreed to is as follows:)

Sec. 5. Ammunition recordkeeping requirements

Section 4182 (relating to exemptions from tax on certain firearms and ammunition) is amended by adding at the end thereof the following new subsection:

"(c) Records.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles or component parts for the aforesaid types of ammunition."

Mr. BENNETT. The effect of the amendment which has just been agreed to is to leave in the bill, subject to the elimination of registration requirements, shells for sporting rifles and shotgun shells. This, then, reduces the pending business to a consideration of this ammunition section of the bill, and I understand that will be discussed tomorrow.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to revise fees for services provided by the Immigration and Naturalization Service and U.S. marshals, October 7, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the status of war reserve materiel in Europe, Departments of the Army, Navy, and Air Force, B–146858 (with an accompanying secret report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the readiness posture of the Seventh Army units in Europe, Department of the Army, B–146964 (with an accompanying secret report); to the Committee on Government Operations.

Report on Settlement of Government Claim Against the Southern Christian Leadership Conference

A letter from the Assistant Attorney General, Civil Division, reporting on the disposition of the Government's claim against the Southern Christian Leadership Conference (SCLC) for the costs of restoring the Federal area occupied by SCLC under a permit issued by the National Park Service in connection with the "Poor People's Campaign"; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Harlan R. Hosch, of Illinois, to be U.S. marshal for the Eastern District of Illinois; and

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the Eastern District of Tennessee.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S.J. Res. 158. Joint resolution to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower (Rept. No. 91–451).

EISENHOWER DOLLAR—REPORT OF A COMMITTEE

S. Rept. No. 91–451

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably, the joint resolution (S.J. Res. 158). This joint resolution would provide for the minting of dollar coins that do not contain silver. These coins would be made of cupronickel clad on copper. The coins would bear the likeness of President Dwight D. Eisenhower.

In considering the materials to be used in this new dollar coin, the committee decided in favor of the cupronickel now used in our dimes and quarters.

The committee in making this recommendation is following the recommendation of the Joint Commission on the Coinage.

In March of this year, the Secretary of the Treasury established a special task force to review all major silver and coinage issues. In May, the task force completed its study and presented a report to the Secretary of the Treasury outlining its recommendations. The recommended program was reviewed by and received the full approval of the Joint Commission on the Coinage. It was recommended that the cupro-nickel material be used for all of our coins.

Next Tuesday, October 14, 1969, is President Eisenhower's 79th birthday. It would be fitting if the Congress could complete passage of this legislation honoring him before that date.

I, therefore, urge prompt action by the Senate on this joint resolution.

The PRESIDING OFFICER. The report will be received and printed; and the joint resolution will be placed on the calendar.

SENATE RESOLUTION 269—AUTHORIZING EXPENDITURES FROM THE CONTINGENT FUND OF THE SENATE—REPORT OF A COMMITTEE

Mr. LONG, from the Committee on Finance, reported the following original resolution (S. Res. 269) which was referred to the Committee on Rules and Administration.

S. Res. 269

Resolved, That the Committee on Finance is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLAND (for himself and Mr. Gurney):

S. 3001. A bill to provide for the conveyance, for recreation and other public use, to the city of Tallahassee, Fla., of a portion of certain real property of the United States heretofore donated to the United States by that city; to the Committee on Interior and Insular Affairs (by unanimous consent).

(The remarks of Mr. Holland when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. RANDOLPH:

S. 3002. A bill for the relief of Samuel M. Santibanez and Patria Santibanez; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 3003. A bill to provide for more effective control over the expenditure of funds by the Department of Defense and the National Aeronautics and Space Administration for independent research and development, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. Proxmire when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. HART:

S. 3004. A bill for the relief of Adel Haidar; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3005. A bill for the relief of Michele Giampaolo; and

S. 3006. A bill for the relief of Fabrizio Fedrizzi; to the Committee on the Judiciary.

By Mr. GURNEY:

S.J. Res. 159. A joint resolution authorizing the President to proclaim the period of November 2 through November 8, 1969, as "National Zero Defects Week"; to the Committee on the Judiciary.

S. 3001—INTRODUCTION OF A BILL PROVIDING FOR THE CONVEYANCE OF PROPERTY FOR RECREATION AND OTHER PUBLIC USE

Mr. HOLLAND. Mr. President, I introduce for myself and my colleague, Senator Gurney, a bill to provide for the conveyance, for recreation and other public use, to the city of Tallahassee, Fla., of a portion of certain real property of the United States heretofore donated to the United States by that city.

I ask unanimous consent that the bill be referred to the Committee on Interior and Insular Affairs.

The ACTING PRESIDENT pro tempore. The bill will be received and, without objection, referred to the Committee on Interior and Insular Affairs.

The bill (S. 3001), to provide for the conveyance, for recreation and other public use, to the city of Tallahassee, Fla., of a portion of certain real property of the United States heretofore donated to the United States by that city, introduced by Mr. Holland (for himself and Mr. Gurney), was received, read twice by its title and, by unanimous consent, referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 2974

Mr. BAKER. Mr. President, at the request of the Senator from Kentucky (Mr. Cook), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of S. 2974, to amend certain provisions of the Federal Food, Drug, and Cosmetic Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2979

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Maryland (Mr. Mathias), and the Senator from South Carolina (Mr. Hollings) be added as cosponsors of S. 2979, to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 268—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT CERTAIN MEASURES SHOULD BE TAKEN BY THE GOVERNMENT OF SOUTH VIETNAM

Mr. HUGHES (for himself and other Senators) submitted a resolution (S. Res. 268) expressing the sense of the Senate that certain measures should be taken by the Government of South Vietnam.

(See the above resolution printed in full when submitted by Mr. Hughes, which appears earlier in the Record.)

SENATE RESOLUTION 270—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATIVE TO THE VIETNAM WAR

Mr. CHURCH (for himself and Mr. Hatfield) submitted a resolution (S. Res. 270) expressing the sense of the Senate relative to the Vietnam war.

(See the above resolution printed in full when submitted by Mr. Church, which appears earlier in the Record.)

EISENHOWER DOLLAR—AMENDMENT

Amendment No. 228

Mr. DOMINICK. Mr. President, I submit an amendment in the nature of a substitute to Senate Joint Resolution 158 and ask that it be printed. Senate Joint Resolution 158 was offered by the Senator from Utah (Mr. Bennett) yesterday. It authorizes minting a nonsilver dollar coin inscribed with the image of our late President, Dwight David Eisenhower.

As you know, I introduced S. 2582 together with 28 cosponsors, to mint an Eisenhower silver dollar containing 40 percent silver. This coin would be identical to the Kennedy half dollar. The arguments in support of this bill apply as well to my substitute.

In essence my substitute would provide for the initial minting of at least 300 million Eisenhower silver dollars with 40 percent silver, to be followed thereafter by a cupro-nickel coin as suggested by Senate Joint Resolution 158.

I am aware of the President's desire to have an Eisenhower dollar passed and presented to him for signature by October 14, Dwight D. Eisenhower's birthday. I would certainly concur in the desire to honor this great man and I feel quite strongly that the coin that bears his image should intrinsically carry the prestige he so richly deserves.

This country will soon have no prestige coins left. The coin of the realm will be mere tokens. It does not seem fitting to honor a man who served his country in war and in peace with a token to be used principally in slot machines and the tables in Las Vegas.

A silver dollar has an intrinsic value and is imbedded in the history of this country. Three hundred million silver dollars would insure that each citizen of this country could receive one. Means could be easily devised to insure that end if it be the desire of Congress.

I know my colleagues share these thoughts about Dwight D. Eisenhower.

There are other factors involved in this issue—economic factors. I would like to outline these points briefly. My amendment takes all of these factors into consideration.

We are selling our remaining silver surplus through weekly sales by GSA of 1½ million ounces per week. The average price on September 30 was $1.80 per ounce. By minting a 40 percent silver dollar and issuing it over-the-counter of the Federal Reserve Banks, the Treasury will realize $3.16 per ounce. Hence the minting and sale of 300 million 40 percent silver dollars would net the Treasury about $120 million more than present procedures by silver disposal.

It is argued that even more could be realized with a cupro-nickel dollar. This would be true because the cost of the necessary copper and nickel is less than silver, but it begs the issue of getting a fair return for our silver. Furthermore, both results would be obtained under my proposed amendment.

This silver dollar will not circulate widely. It will be a collector's item—a commemorative coin. Circulation can be accomplished through a cupronickel coin, I presume, if anyone wants to use them. There will be no simultaneous production so there can be no public uncertainty regarding the one with no intrinsic value. This is exactly what is proposed for the nonsilver half dollar in S. 2822.

It is stated over and over that there is a gap in domestic use and production. That is true. We use over 100 million ounces more annually than we produce. It is assumed and argued that the sales are necessary to fill this gap. The facts do not bear this out.

The users are not purchasing all the silver at the GSA sales. Over half is purchased by speculators and shipped out of the country, primarily to London. Over the last 8 weeks of the sales, over 12 million ounces have been sold and over 7 million went to speculators, not users. Eastman Kodak and Handy & Harman, two of the major purchasers of silver in this country, did not even submit bids on September 23 and September 30. On September 30, Englehard Industries, the largest purchaser of Government silver over the last year, bid for only about 300,000 ounces rather than the 1-million-ounce average bid they had been submitting. This was a bid at a price obviously not competitive in the current market. On several sales all the silver has gone to speculators.

If GSA sales are to hold down imports by the users to help the balance of payments, I submit they are not doing so because the users are not purchasing the silver. The GSA sales, at present rates will yield about 80 million ounces of silver annually. This is short of the 100 million necessary to fill the gap and less than half will be purchased by users. Eventually this silver being exported must be repurchased and imported at higher prices. The net effect over the next few years will be a loss in balance of payments over present levels.

I will point out one last factor. We have bullion reserves to last until approximately February of 1970. It is estimated there are and will be coins for melting possibly until December 1970. Then it will all be over. Little more than a year from now there will be no Government silver to sell. So whether we reserve the silver for the proposed Eisenhower dollar or permit continued GSA sales, we will be out of Treasury silver in about a year. It seems to me better to give more lead time for our mines to reopen and to start production as prices rise.

If we do not do this now the Treasury will have lost the $3.16 per ounce it could have made on a silver dollar—the silver will be gone. The question is whether we get $3.16 an ounce or $1.80 an ounce for the next year. That is the only question.

Mr. President, I further ask that my remarks made at the time I introduced S. 2582 be reprinted at the conclusion of my remarks today. This statement appears in the Congressional Record of July 10, 1969, pages S7829–S7830.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the remarks will be printed in the Record.

The amendment (No. 228) was ordered to be printed and to lie on the table.

The material, presented by Mr. Dominick, is as follows:

S. 2582—Introduction of a Bill Authorizing the Minting of Dwight David Eisenhower Clad Silver Dollars

Mr. Dominick. Mr. President, I am introducing a bill today to provide for minting and issuing an Eisenhower silver dollar. I am joined in this proposal by 26 cosponsors.

This will be a prestige coin of which this country can be proud. It will very possibly be the last silver coin to be minted by the United States. It will honor Dwight David Eisenhower, a man who symbolizes the highest traditions of service to his country in both war and peace. To the very last day of his life he was a symbol of strength and

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honor for the people of the United States and the world.

I am a member of the Joint Commission on Coinage. That Commission together with Secretary of the Treasury David M. Kennedy, announced on May 12, 1969, its decision to request authority to discontinue the minting of silver half-dollars and mint a silverless half-dollar and a new dollar coin with no silver content. I oppose that decision.

The decision has been made to sell our reserves of silver. We will retain only 165 million ounces in our strategic stockpiles under the Office of Emergency Preparedness and some minor reserves in other agencies.

The decision has been made to remove the U.S. Government from the silver market. Given these decisions I can see no better way to accomplish these goals, mark the end of an era in our country's history and pay a tribute to a truly great American.

This bill amends section 101(a) of the Coinage Act of 1965, 31 U.S.C. 391a. It simply adds the dollar coin containing 40 percent silver and an 800 fine cladding. It will be identical, in composition, to the Kennedy half dollar.

It provides that the coin shall bear the likeness of Dwight David Eisenhower.

It further provides that no less than 100 million coins annually shall be minted for 3 years from January 1, 1970. It is hoped that the number actually coined and issued will far exceed these figures. It does recognize the limitations of our present reserves and allows Congress the opportunity to review this matter after 3 years. These amounts are wholly realistic both in terms of remaining silver reserves and production capacity of the U.S. Mint.

The Treasury has approximately 150 million ounces left in reserves. We are auctioning one and one-half million ounces a week on the open market. The sales price of July 1, 1969, was $1.59 an ounce. The decision has been made to divest ourselves of these silver stocks. The Government will be out of the silver business in less than 2 years providing the sales continue. The silver held by the Treasury in the form of bullion and coins is an asset of the U.S. Treasury. There are two ways to divest ourselves of this asset. We can continue sales as we are now and get $1.59 an ounce, or whatever the market rate on the day of sale, or we can mint and issue a silver coin as we are doing with the Kennedy halves. The monetary value of silver received for a coin is $3.16 an ounce. Simply stated there is approximately one-third of an ounce of silver in a dollar coin as set out in this bill. When this coin is issued through the Federal Reserve bank the U.S. Treasury receives a dollar in exchange. If a person wanted to melt down the coins and sell the silver he must melt 3.16 dollar coins to obtain 1 ounce of silver. In other words the U.S. Treasury gets $3.16 an ounce for its silver. This holds true whether the coins are in circulation or not. The price of silver would have to reach $3.16 an ounce before as much could be realized by direct sales.

It has been argued that the Government can make even more with base metal coins, such as our quarters, because the materials only cost a few cents. This is certainly true, but what do we do with our assets of silver stocks? The only question remaining is where we can get the best price. We get the greater monetary return by minting and issuing coins. At a market price of $1.59 the increase in value is $1.57, almost double the sales price.

It has been argued that these coins will not circulate and this is the only purpose of money, as a medium of exchange. Certainly many of these coins will not circulate. It obviously is, in part, a commemorative coin just as was the Kennedy half-dollar.

Some will be collected or just held. Some will be melted down and the silver sold when it can be done at a profit. Some will return to circulation. The principal point still is, however, at what price do we sell our remaining silver—$1.59 an ounce or $3.16 an ounce. If the Treasury is concerned only with circulation they can mint and issue base metal coins simultaneously.

There are other complex issues involved concerning silver use and production. The die has been cast, however, so far as any direct role the Government will play by disposing of our silver assets. The silver market is affected by many factors. The sale of silver by the U.S. Treasury at $1.29 an ounce prior to 1967 artificially depressed the market. Sales at the market price since that time has seen a slight rise in the average price of silver. Wide fluctuations still occur. It has, however, been estimated that a reduction in sales to one-half million ounces a week from Treasury stocks would cause only a nominal rise in the price under current conditions. All of this only points out that this will give no special advantages nor cause any significant disadvantages to any silver interests.

We are divesting ourselves of our silver. The remaining reserves are adequate to mint an Eisenhower silver dollar and continue some sales at a lower level or decreasing level. We can receive a much higher value for our remaining silver assets by coining as opposed to outright sales.

More importantly, we will mint a coin of great prestige and value. We can honor Dwight David Eisenhower, a man who gave so much to our country. It is only fitting that we so honor our late President, as we did for the late John F. Kennedy, with a coin of real value. This great Nation should have a prestige coin. We cannot return to the old silver cartwheels just as we cannot return to the era of which they are a symbol. We can, however, mark the end of another era with a coin that reflects the greatness of this country and commemorates the man who devoted his life to service of that country. An Eisenhower silver dollar is a tribute not only to the man, but to the Nation and ideals he served.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore announced that on today, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), as amended;

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission;

H.R. 3165. An act for the relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush); and

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 8, 1969, he presented to the President of the United States the following enrolled bills:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos;

S. 620. An act for the relief of Richard Vigil;

S. 1110. An act for the relief of Nickolas George Polizos;

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), amended; and

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

NOTICE OF PHILADELPHIA PLAN HEARINGS

Mr. ERVIN. Mr. President, recently in Chicago, an estimated 3,000 white construction workers fought with police and attacked Negroes outside a Labor Department hearing on job discrimination. The object of their anger was the Department's announcement that it intended to institute in Chicago a version of the revised Philadelphia plan.

Two weeks ago, Mr. President, I challenged that very same plan as an illegal racial quota system which violates title VII of the Civil Rights Act of 1964. I also observed that the revised Philadelphia plan is a breach of the doctrine of separation of powers and that it ignores the intent of Congress in passing the Civil Rights Act. But such niceties as law and congressional intent apparently do not concern the Labor Department, which is moving without temperance or reflection to impose the Philadelphia plan, one by one, on nine of the Nation's major cities. Other Members of Congress have shared my belief that this ill-considered plan is unconstitutional.

The disturbance in Chicago should be a clear warning that the Philadelphia plan is much more than an illegal racial quota system: It is a threat to peace within our metropolitan areas at a time when peace is desperately needed. A trail of disruptions may lead from city to city as the Labor Department tries to artificially raise the level of minority group employment by forcing Federal contractors to discriminate against qualified union members with prior experience on the job. Only last week, a New Jersey labor leader promised the Washington Star that workers would "raise the roof" if the Labor Department pursues its plan.

Yet the Department has ignored all these warnings. Armed with a Justice Department memorandum which attempts to justify the plan, the Labor Department is taking careless strides deeper into the crisis. I would only point out that this is the second time the Justice Department has felt compelled to uphold the legality of the revised Philadelphia plan. On the first occasion, the Department casually declared the plan legal without ever researching the law. It was not until the Justice Department received requests for a full legal memorandum—the memorandum it should have prepared orginially—that it went through the exercise of ratifying the Labor Department's desired conclusion.

Mr. President, it is an understatement to say that a great many union members are afraid of losing their jobs if Federal contractors are compelled to hire their employees by the methods of the Philadelphia plan. Historically, such fears have fomented serious hostilities. I do not think we can afford to watch our cities be further divided by a policy as unwise as the revised Philadelphia plan. I do not think we can safely accept further incidents such as occurred recently in Chicago, and before that in Pittsburgh. To me, Mr. President, the Philadelphia plan does nothing to advance the goal of equal employment opportunity according to ability. In fact, I believe it works against the ultimate goal of peace among all citizens.

In asserting the supremacy of Executive Order 11246 over an act of Congress, the Labor Department has worsened an already bad plan by flouting the doctrine of separation of powers. For that reason, I believe it is essential that the Subcommittee on Separation of Powers hold hearings on the revised Philadelphia plan and its implications. Those hearings are scheduled for October 27 and 28. It is my hope that when they are held, they will clear up many of the misgivings surrounding the Labor Department's plan and will redefine our goal of equal employment opportunity for all citizens.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Paul J. O'Neill, of Florida, to be a member of the Subversive Activities Control Board for a term of 5 years expiring August 9, 1974, vice Leonard L. Sells, term expired.

Thomas Edward Asher, of Kentucky, to be U.S. marshal for the eastern district of Kentucky for the term of 4 years, vice Archie Craft.

Seibert W. Lockman, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years, vice J. Paul Teal, Jr.

Denny L. Sampson, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years, vice Beverly W. Perkins.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, October 15, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, October 15, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Charles Clark, of Mississippi, to be U.S. circuit judge, fifth circuit, vice Claude F. Clayton, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. Burdick), chairman; the Senator from Arkansas (Mr. McClellan), and the Senator from Nebraska (Mr. Hruska).

THE DISTRICT OF COLUMBIA'S DEPARTMENT OF VOCATIONAL REHABILITATION SELECTS MARTIN STRAUSS "EMPLOYER OF THE YEAR"

Mr. TYDINGS. Mr. President, the plight of the handicapped is a depressing one. Too often, a highly skilled individual is without a job, prohibited from contributing to society, because of a physical inability which in no way affects his potential as an employee. Just a few short years ago, it was unthinkable to hire the handicapped for highly specialized work. But each year more and more employers in this country realize that the fields of computers, electronics, and manufacturing provide innumerable positions which can be filled by these individuals. No longer does "handicapped" mean "unemployable."

Martin Strauss is one of those who has been a pioneer in training the handicapped in the demanding occupation of camera and electronic repair work. The son of an amputee, Mr. Strauss came to this country from Israel in 1948, a penniless immigrant. He opened a small camera repair shop at 930 F Street NW. This small shop has grown to a $1-million-a-year business, the largest individually owned camera repair outfit in the United States—including branches in six cities.

On October 1, Mr. Strauss received the "Employer of the Year" award from the District of Columbia's Department of Vocational Rehabilitation. His acceptance speech is a fine one, worthy of note, for his philosophy of employment is one in which the District can take pride.

Mr. President, I ask unanimous consent that Mr. Strauss' acceptance speech be printed in the Record, along with an article which appeared in the Washington Post citing his personal achievements.

There being no objection, the speech and article were ordered to be printed in the Record, as follows:

Speech of Mr. Martin Strauss

It is with deep feeling of humility that I accept this award in behalf of the handicapped who have made this possible.

It is certainly a long way for a refugee whose mother hid him under the rafters, so that the Nazis would not find him, while his handicapped father went to jail just for being a Jew.

So you see, I am somewhat familiar with the handicapped. The word "handicapped" may be descriptive, but certainly is limiting. I would call them the *motivated,* rather than the handicapped. Starting with my amputee father, I know how strongly these people are motivated to overcome their handicaps.

As a businessman I know that these motivated people make better than average employees if management provides proper opportunities. Their performance can completely cover up the label of 'handicapped'.

As a matter of fact, when I was asked to list the handicapped workers I employ, I simply forgot to include one of my best men who was handicapped when I hired him many, many years ago.

Lack of employment opportunity in our area, plus the lack of skills, is probably the main cause of one of our city's gravest problems—the rising crime rate.

We know that industry will locate where reliable manpower exists. The greater metropolitan area has attracted tremendous research and development business, most of it is located outside the city.

We are not exploring the growth potential of our blue collar industry which offers such vast opportunity for the handicapped and the disadvantaged.

I would like to share with you a cherished dream. We all know how scarce qualified service people are. By creating a pool of skilled labor, we can attract light industry and lower our crime rate.

Judges should not only consider a defendant's criminal record, but also his I.Q. and aptitudes. Sentences could be to trade schools, rather than the prisons. I would particularly like to see first offenders handled this way. The cost of these trade schools would be far less than the cost of crime. I dare the big manufacturers of cars, machinery not to participate with the city in a pilot program.

George Bernard Shaw once said, "The man who has a trade owns an estate". By creating pride in workmanship and accomplishment, we can eliminate the pick pocket, the purse snatcher and other criminals.

The handicapped, with their motivation, could be instrumental in creating this pride of workmanship and accomplishment by acting as leaders and teachers in such a program.

Our city is locked in a competitive struggle for industry with the outlying areas. Local leaders must help train and provide the necessary skilled personnel to prevent further exodus of our light industry. I sincerely believe our handicapped can help us open the door to a better life for many of our city's residents.

Just one more comment before I close—so many dissident groups focus only on our country's imperfections. May I state, as someone who has lived through a holocaust, that we live in the greatest country in the world. Even with all its imperfections it is still the best governmental system devised by man.

Only in America can an immigrant like me have the opportunity to grow, prosper, develop and most important of all, be of service to my fellow man.

Thank you.

[From the Washington Post, Dec. 2, 1967]

Camera Repair Firm Now Nation's Largest

(By Claude Koprowski)

Martin Strauss came to the United States from Israel in 1948 with pennies in his pocket. Today he owns a $1 million a year photo repair service with branches in six cities.

At 43, Strauss still says, "I cannot believe it. Who would have thought of this when I started my one man shop on F street in 1949?" Then, he says, he slept in his shop because he could not afford to rent a room.

Today his Washington headquarters, at 1240 Mt. Olivet rd. ne., has 40,000 square feet of floor space and a staff of 60. According to its owner, Strauss Photo Technical Service is the largest individually owned camera repair outfit in the United States.

DESIGNS SPECIAL UNITS

It does factory warranty work for more than 35 major manufacturers and designs and builds special camera equipment for the Government and commercial firms.

Among Strauss' recent products are:

A camera for the Mercury flights;

A torpedo-shaped camera that glides through sewers automatically pinpointing leaks;

A "car camera" which simultaneously photographs the license plate number and speed of pursued vehicles.

Strauss said reason for the company's growth is twofold. He says his firm pioneered the concept of field station service work and was the first firm other than Kodak to perform Kodak warranty work.

He also observed that the mushrooming growth of scientific firms requiring photo-

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servicing has helped his firm grow—at a rate of 20 to 25 percent a year.

It has branches in Atlanta, Charlotte, N.C., Miami, St. Petersburg, and Jacksonville. Of its five Washington competitors who specialize in repairs, Strauss says two have been trained by him. Like a proud father, Strauss clucks over the fact that all but two of his technicians have been trained by himself, and most of his trainees stay on with the firm. All of his branch managers are men who have come up through the ranks and are offered partnerships in the branches.

STAFFING IS DRAWBACK

The Washington shop does repair work for every camera store in Washington and Baltimore, Strauss said.

"I want to go Nationwide soon," he added, but the drawback is in staffing. Not enough men want to come into the business even though they can earn more than $10,000 a year once they qualify."

A tall, graying man, Strauss himself was trained in Israel by Contax inventor Emanuel Goldberg. He still spends half of his time in the back room supervising, tinkering and inventing.

THE PESTICIDE PERIL—LXIII

Mr. NELSON. Mr. President, it is very reassuring to see that a growing number of farm publications across the country are recognizing the real and potential threat of persistent pesticides to our environment.

Progressive farm leaders know that American agriculture has thrived on the outstanding quality of our Nation's air, soil, and water resources. If these resources are contaminated, the future of agriculture in our country will be very dark.

More and more farmers are learning that there are effective, economical substitutes for the persistent pesticides now in use. The U.S. Department of Agriculture recommends a readily degradable pesticide as an alternative for persistent pesticides for virtually every crop in the United States.

Furthermore, the increased use of integrated pest control, combining biological controls with limited chemical means, has been found to be very successful, especially for cotton, citrus, and other fruits.

In a recent issue of the Louisiana Farmer magazine, the current pesticide controversy is discussed and the urgent need to use alternative, less dangerous pesticides is emphasized. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORD FROM WASHINGTON

(By Bill Kennedy)

WASHINGTON.—The hottest agricultural action here—although still smoldering beneath the surface—is the threatening crackdown on agricultural chemicals. The ghost of Rachel Carson leads a groundswell of public and political concern that has frightened the pants off some bureaucrats. And chemical companies are concerned that their fright will make them go overboard.

It could happen. The banning of DDT in such states as Michigan, Wisconsin, California and Arizona and the temporary suspension of the use of nine chlorinated hydrocarbons by USDA is only the beginning. By the time you read this, USDA's "review" of these chemicals will be complete and some of them will have been given poor prospects for the future. One high official in USDA (did not wish to be quoted) predicts that DDT has "had it" and that dieldrin—even more "persistent" than DDT—will be restricted to a very few selective uses.

There will be more, much more . . . And the labor unions are fanning the flame, trying to identify with consumers.

Jerome Cohen, general counsel for the United Farm Workers Organization, AFL–CIO (the union trying to boycott grapes), said in a Washington news conference that bonds between farm workers and consumers are illustrated by sickness caused by the use of DDT in the fields and a recent finding of the chemical in the milk of 15 nursing mothers.

"We will be damned and we should be if we will tolerate the systematic poisoning of our people," he said.

Jerome Gordon, president of a research firm in New York, added more fuel to the fire while testifying before the Senate Subcommittee on Migratory Labor. He attacked parathion, methyl parathion, tepp and malathion, calling them "first cousins chemically to a German nerve gas used in biological warfare."

"Fifty million pounds are being spread unchecked on America's farms and gardens," said Gordon. "The result is that uncounted thousands of the nation's migrant farm workers, farmers and suburban homeowners have been fatally overcome or seriously disabled."

He said more than 100-thousand cases of pesticide poisonings and several hundred fatalities occur each year.

At least four bills have been introduced in the Congress to either ban certain of the poisons or suspend and restrict their use. How far they get, how soon, depends on the rate of increase in public demand. A few more fish kills; a little more noise about "pollution" (air and water); another accidental death or so involving farm, garden or household chemicals . . . and Congress will go to work. So will state legislatures.

Both the Congress and USDA are more and more "consumer oriented." Department of Agriculture officials explain that they are taking precautionary and restrictive measures in hopes to forestall legislation. But the fact is, their action may work in reverse to bring it on. If the government agencies, including Agriculture, Interior and HEW Departments, stop the use of certain poisons—which they are already doing—it will further frighten citizens, congressmen and state lawmakers. While the government agencies use only about 5% of all the agricultural chemicals sold (USDA only 1%, not counting state cooperative programs), their actions will greatly affect public opinion.

"If they're afraid to spray dieldrin around airports, why should we have it sprayed around us?" the cry would be.

Farm chemicals in most danger of bans are DDT, dieldrin, chlordane and lindane—killing these alone could seriously hurt the farm economy. Orchard growers and southeastern cotton producers would be hardest put to find substitutes. Chlordane is about the only effective poison for White Fringed Beetle; taking lindane away from foresters for seedling treatment would (so they tell us) almost put a stop to transplanting small seedlings; and you know what halting these along with other suspended chemicals (endrin, heptachlor, BCH and toxaphene) would do for the boll weevil. Also, Mirex bait—the important poison used in fire ant control programs—has a base of chlorinated hydrocarbons—the group of chemicals now under review and attack.

USDA and FDA (Food and Drug Administration) are preparing to review other chemicals with the expectation of cracking down. Getting labels and USDA registration for new chemicals will be harder to get (and more expensive to chemical firms). Herbicides will come in for their part of the investigation . . .

. . . But the biggest blast of all will probably come when the public and the government go after *animal health chemicals and drugs*.

Bills now in Congress include:

H.R. 1057—to authorize Secretary of Interior to study effects of insecticides on fish and wildlife . . . transmit information to USDA as to warning statements on the labels.

H.R. 1059—to require all Federal pesticide programs to be cleared with U.S. Fish and Wildlife Service.

S. 1753—Senator Nelson's bill to prohibit sale or shipment of DDT in the United States.

H.R. 9868—same as S. 1753, to prohibit sale of DDT.

Latest—a new bill by Senator Tydings (D-Md.) calling for a four-year "moratorium" on the use of DDT, dieldrin, aldrin and endrin, and for transferring pesticide regulations from Agriculture to HEW.

Agriculture's best hope and best move is to keep government from pushing the panic button, over-reacting, encourage a thorough step-by-step approach to the problem (and we cannot pretend there *is* none), considering selective uses of the different chemicals—where they are not harmful—and also giving consideration to available substitutes.

The Department of Agriculture has sadly neglected the field of research that would develop alternate, less dangerous methods of combatting insect pests. The farmer *and* the consumer could pay a dear price for that negligence.

BUFFALO ENDORSES S. 2625, THE URBAN AND RURAL EDUCATION ACT OF 1969

Mr. MURPHY. Mr. President, the support for the Urban and Rural Education Act of 1969, which I introduced on July 15, has been overwhelming. Because of the importance of the bill in dealing with the educational crisis which exists in both urban and rural America, I have been placing in the CONGRESSIONAL RECORD endorsements that I have received from across the country.

Today I ask unanimous consent that a letter which I have received from Superintendent Joseph Manch of Buffalo, N.Y., strongly supporting S. 2625, be inserted in the RECORD.

Superintendent Manch said:

> It can be stated with stark simplicity that the crisis in urban education is the most important domestic problem facing the nation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOARD OF EDUCATION,
Buffalo, N.Y., August 18, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Committee on Armed Services,
Washington, D.C.

DEAR SENATOR MURPHY: I appreciate being sent a copy of your remarks in the Congressional Record of July 15, on which date you introduced S 2625, Urban and Rural Education Act of 1969. As superintendent of schools in Buffalo, charged with the responsibility of educating more than 70,000 pupils, over one-third of whom are characterized as disadvantaged, I am particularly pleased at the opportunity to comment on this subject.

It can be stated with stark simplicity that the crisis in urban education is the most important domestic problem facing the nation. The history and nature of this problem

were carefully and comprehensively reviewed in your remarks upon introducing S. 2625.

In much the same way, I have attempted in previous statements to describe the urban situation. Essentially, the process has been one of an inmigration of a needy population combined with an outmigration of the necessary human and fiscal resources. The result in cities such as Buffalo has been one of greater needs but lesser resources.

The educational result has been a concentration in the largest cities of disadvantaged children who start school with a handicap which, without compensatory programs and other assistance, widens during the school year, discouraging educational advancement and encouraging dropping out of school. Inevitably, this process reinforces the cycle of social and educational ineptitude.

We have viewed Title I of the Elementary-Secondary Education Act as an attempt to break the cycle of disadvantagement. This legislation is a direct attack on the problem and, were it not consistently underfunded, it would represent a massive assault.

I feel that S 2625 may be seen in the same light. It aims to restore equalization of educational opportunity, whereas growing inequality has become the unfortunate reality. In doing this, it does not just add funds to ESEA Title I, but prescribes these funds for use at elementary grade levels in districts experiencing greatest educational disadvantagement. Thus, it focuses its attack and makes more efficient use of limited funds.

Your bill merits support. It is a move in the direction of ameliorating the nation's most pressing domestic problem. Important as it is to create such imaginative legislative solutions, however, it is equally important to avoid the false economy of underfunding these solutions through inadequate appropriations. I would urge support of both the authorization and the full appropriation to accomplish the task.

Yours sincerely,

JOSEPH MANCH,
Superintendent of Schools.

VIETNAM

Mr. McGEE. Mr. President, we are in receipt recently of proposals which would express the Senate's desire to get out of Vietnam, the sooner the better. Yesterday, in the Evening Star, Crosby S. Noyes wrote from Saigon that a visitor there is impressed with the difference between this mood of frantic impatience in Washington and that prevailing in Vietnam. He writes:

> In Vietnam today, even the skeptics who take the trouble to look for themselves agree that things are coming under control.

Mr. President, I ask unanimous consent that Mr. Noyes' column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GROWING SUPPORT FOR SAIGON REGIME REPORTED

(By Crosby S. Noyes)

SAIGON.—A visitor to Vietnam is impressed by the contrast in moods: The frantic impatience in Washington to get the war over with at almost any price and the determination here to see it through, however long it takes.

This is not a contract between Western pragmatism and Oriental fatalism. It is rather a very different reading of what is actually happening in Vietnam that is shared here by Vietnamese and Americans alike.

Skepticism, to be sure, is justified. How many times since 1965 have we heard that we had finally turned the bend, that there was light at the end of the tunnel and that it was just a matter of time until things were under control?

The difference today, however, is that it is no longer a matter of time. Today, even the skeptics who take the trouble to look for themselves agree that things are coming under control. The military threat is being contained and the authority of the government is being extended in the hamlets and villages where the contest in Vietnam ultimately will be decided.

One can hear, of course, the snorts of derision and disbelief. For a good many Americans, the very possibility of such a thing is the purest anathema. In the mind of the opposition, the unpopularity of the "tyrannical and oppressive" regime in Saigon has become a fixation. Or, more important, it has become an essential club with which to force ever more disastrous concessions from a nervous administration in Washington.

Yet the facts are not really a matter of dispute. Whatever success has been achieved in "building democracy" from the top down—a problematical process, given the fragmentation of the country's political leadership—there is no question that impressive progress has been made in establishing a democratic foundation and a sense of participation at the village level.

The degree of local autonomy that has been achieved may be modest by Western standards, but it greatly exceeds anything that has existed in Vietnam since the time of the French administration. Until now, all local officials were appointed by central provincial administrations. And all local projects, from building of schools and roads to digging wells, have been at the direction of the central authority.

This system has been radically changed by a somewhat crude but effective program of systematic bribery.

This year, all villages have been offered direct, no-strings-attached funds by the Saigon government, to be spent on anything the villagers wished—but with an important condition. Villages with elected councils and chiefs received a stipend of 1 million piasters—or around $8,300 at official rates. Those with appointed leaders received 40,000 piasters. Needless to say, village elections have been held by the thousands throughout the land.

A serious effort, furthermore, has been made to build the prestige and the authority of the village chief. In a radical departure from past practice, the police, local self defense and popular forces have been placed under his direct authortiy. Each month, thousands of village and hamlet officials are taken to Vung Tau on the coast south of Saigon for a cram course in basic local administration, with a good deal of political indoctrination thrown in.

The upshot of this effort is that today for the first time there is the beginning of mass participation in the political life of the country. The main beneficiaries have been the local authorities, who have now become personages in their own right, and the central government which brought about the change. The chief casualty has been the local Communist infrastructure in the villages—the painfully constructed political and strong-arm apparatus in which the Communist main-force military units depend for supplies and support.

For those who believe that nothing of value is being accomplished in Vietnam and that the proper course for the United States is to throw in the towel as quickly as possible, this is, perhaps, a disturbing conclusion.

The fact is, however, that the most competent and cautious estimate here is that the present government in Saigon enjoys more solid support than any so far. And that, in these circumstances, it is very unlikely to make the sweeping concessions to the enemy that American doves have been demanding so insistently.

PUBLIC HEARINGS, TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today, the Committee on Finance concluded its hearings on the tax reform bill, H.R. 13270. This concluding testimony was directed toward the effects the House bill would have on foundations. Senators, a Congressman, and a number of other very distinguished individuals described to the committee their feelings on the foundation provisions.

So that Senators might follow the progess of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be inserted in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FOUNDATIONS

HON. BEN B. BLACKBURN, U.S. REPRESENTATIVE, STATE OF GEORGIA

Tax-exempt organizations

Expresses a concern over the tax abuses of organizations enjoying special tax exempt status. Points out that the organizations operating under the provisions of section 501 (c)(3) of the Internal Revenue Code exists for specified purposes and that no substantial part of the activity of any such organization is to carry on propaganda or otherwise attempt to influence legislation. Indicates that the Code further prohibits participation in political campaigns. Believes that some organizations have flagrantly violated this section of the Code. Gives several examples of the abuses of the tax-exempt status of some organizations.

Expresses a concern in the political activities of labor organizations as classified under section 501(c)(5). Indicates that labor unions do not deny the use of union dues for political activities and that when a member of a union pays his dues he is paying for political activity. Points out that there have been numerous cases that have come before the Federal Judiciary in which union members have objected to use of dues for political activities.

Points out that the Internal Revenue Code provides that all organizations classified under section 501(c) cannot engage in support or opposition to any political candidate. Believes that the Internal Revenue Service has consistently ignored the mandate of the law.

States that in an examination of the tax returns of tax-exempt organizations, it is virtually impossible to determine how these funds are being used. Proposes that a full explanation be required for the purpose of each grant, contribution or gift made by a tax-exempt organization along with the identities of the chief officers and executive directors of recipient organizations. Indicates that only by requiring a full disclosure for tax-exempt organizations can the misuse of funds possibly be cured.

Proposal

Urges the Committee to give consideration to his proposal, H.R. 7432, which essentially is divided into two sections. Points out that the first section pertains to organizations classified under section 501(c)(3) which states that all organizations, classified under this section shall have the right to defend themselves whenever their tax-exempt status is threatened. States that they should be permitted to appear before Congressional committees and submit reports to them concerning matters of direct interest to the organization. Points out that these recommendations were originally proposed by the Subcommittee on Tax Exempt Organizations of the American Bar Association.

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States that the second purpose of his bill is to prevent any tax-exempt organization from directly or indirectly contributing any material support for the promotion or opposition to any candidate or any political party.

MRS. BRUCE B. BENSON, PRESIDENT, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Definition of private foundation

Expresses concern that unless it is absolutely clear that the League's Education Fund and Overseas Education Fund are *not* nonoperating private foundations, private foundations will withhold contributions. Indicates that the line between private foundations and publicly-supported charities in the bill is a shadowy one.

Suggests that (1) private foundations be defined more narrowly and (2) the effective date be deferred until after Treasury has promulgated final regulations. Supports the Treasury proposal to consider distributions to private foundations from other private foundations as "qualified" (and therefore immune from the tax on disqualified distributions) if the recipient organization applies the contributions directly to charitable activities within one year of receipt.

Activities to influence legislation

Feels that the proposed language on restricting activities to influence legislation will adversely affect the educational work of the League, since it will be difficult to define what is "nonpartisan research."

PAUL ANTHONY, EXECUTIVE DIRECTOR, SOUTHERN REGIONAL COUNCIL

Tax on private foundation investment income

Argues that the true effect of this provision would be to reduce by 7½ percent those funds available to private agencies.

Taxes on taxable expenditures

Expresses concern with the wording in the House bill concerning "any attempt to influence legislation through an attempt to affect the opinion of the general public or any segment thereof * * *." Believes that this provision would prevent responsible agencies now engaged in serious research and publishing from making any meaningful comments on society.

Limitation of no more than 25 percent support from any source

Argues that there is no more rationale to restricting a foundation to a maximum of 25 percent support for a deserving effort than restricting an agency of the Federal Government to the same limitation on any publicly funded program.

Expenditure responsibility

Believes that the enforcement of the three requirements under this provision of the House bill would be severely damaging to foundations and cause recipients to lose a substantial degree of their independence and autonomy. Maintains that it would also probably mean that the smaller foundations would have to cease giving to those affected by this provision, since they have neither the staff nor the resources to meet these requirements.

LAURENCE SPEISER, ESQ., DIRECTOR, WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION

Attempts to influence legislation

Opposes and urges deletion of provisions in H.R. 13270 to restrict the so-called "political activities of private tax-exempt foundations." Considers the proposed restriction to be too broad and too vague, raising substantial questions under the First Amendment guaranteeing the right to publish, speak, and petition the government. Argues that it will be difficult or impossible to properly define "propaganda," "attempt to influence legislation," or "nonpartisan analysis." Maintains that many worthwhile research studies would be subject to prohibition. Feels that present law is adequate to regulate foundations to operate in the public interest.

Voter registration activity

States that H.R. 13270 also unduly restricts voter-registration activity supported by tax-exempt foundations. Indicates that abuses can be prevented without curtailing legitimate on-going voter registration merely because the resources available to a foundation be insufficient to support activities in 5 or more States.

REED LARSON, EXECUTIVE VICE PRESIDENT, NATIONAL RIGHT TO WORK COMMITTEE

Political activity by tax exempt institutions

Contends that because of special-privilege loopholes in our tax laws, millions of Americans are compelled, in order to work at their jobs, to help finance political and ideological objectives with which they may strongly disagree. Believes the Committee has the responsibility to apply, broadly and evenly, restrictions on political activities by tax-exempt organizations which spend for political purposes funds collected from individuals as a condition of employment. States that although officials of labor unions are the most notorious offenders in this connection, the practice is equally objectionable when carried on by any private organization.

States that the record of union political activity, including admissions by many union officials, demonstrates conclusively that the backbone of union political activity is based on compulsory dues and fees, and that contrary to a widely-held misconception, there is no effective means of escape for the compulsory union member who objects to the use of his dues for politics.

Supports Senator Fannin's proposed amendment which would deny tax exemptions to unions which use compulsory dues for political purposes, and recommends that it be broadened to include all private organizations.

RICHARD E. THIGPEN, ON BEHALF OF THE DUKE ENDOWMENT

Introduction

States that for 45 years The Duke Endowment has distributed 78 percent of its gross income and 90 percent of its net distributable income to charity, religion, and education in North Carolina and South Carolina. Points out that in 1968 these distributions were 83.65 percent of gross income and 99.5 percent of net distributable income.

The 7½ percent tax

Maintains that this tax would cost the tax-exempt beneficiaries of The Duke Endowment at least $1½ million each year. Urges that if imposed, this tax should not apply to trusts similar to The Duke Endowment, governed by irrevocable trust agreements.

Tax on undistributed income

Argues that if this tax is imposed it should not apply to trusts governed by irrevocable trust agreements prohibiting the invasion of corpus and requiring the retention of productive investments.

Tax on excess business holdings

Argues that the 55 percent exclusion should be enlarged to 75 percent and that the section imposing this tax be made inapplicable to a trust governed by an irrevocable instrument requiring the trustees to hold specified business interests.

Conclusion

States that if the House bill becomes law the payments to charity, religion, and education in North Carolina and South Carolina will be reduced.

HONORABLE JUSTICE ARTHUR J. GOLDBERG, ON BEHALF OF THE DENVER POST AND THE DENVER POST EMPLOYEES STOCK TRUST

Private foundations

Explains that in 1966, the Helen G. Bonfils Foundation received a gift of a 42 percent stock interest in the Denver Post, subject to the restriction that the stock be sold at a fair price to a trust for the benefit of the employees of that newspaper as the employees purchase interests in the trust. States that more than 400 Post employees have purchased interests in the trust in expectation of the full implementation of the plan.

States that the Post stock was thus received by the Foundation subject to a plan requiring complete disposition of such stock in a manner serving public interest in maintaining independent newspapers and, accordingly, no substantial legislative purpose would be served—while a desirable and socially useful plan would be frustrated—if this stock were required to be disposed of as contemplated in the House bill.

Submits an amendment, described as of narrow application, designed to prevent the destruction of this preexisting and socially beneficial plan:

DR. KENNETH B. CLARK, PRESIDENT, METROPOLITAN APPLIED RESEARCH CENTER, INC.

Restrictions on foundation support of social action-oriented research

Considers the proposed legislation restricting foundation support of social action-oriented research to be dangerous because it would: (1) deny congressional support for research in the public interest while Congress continues to subsidize profitable private interests; (2) undermine the unique system of private support for public good through foundations and would increase reliance on heavily committed public funds; (3) withhold from legislatures and the public the findings of action-oriented applied research; (4) curtail or destroy many promising experiments in education, social welfare, and civil rights by denying the right of a "private operating foundation" to receive more than 25 percent of its income from a single source; (5) injure the poor, the deprived, and minorities most of all; (6) encourage foundations to withdraw from applied social research or to "play it safe" by avoiding areas of public policy; and (7) weaken the confidence of the urban poor and young in the feasibility of nonviolent means of social change.

Maintains that the American democratic process has survived because it has developed flexible means of meeting social change, and contends that the proposed bill would greatly hinder this flexibility of the private sector.

JOHN M. STALNAKER, PRESIDENT EMERITUS, NATIONAL MERIT SCHOLARSHIP CORPORATION OF EVANSTON, ILL.

Individual grants by foundations

Expresses concern that the proposed requirement that individual grants be "awarded on an objective and nondiscriminatory basis pursuant to a procedure approved in advance by the Secretary or his delegate" may be so imprecise as to cause a private foundation to hesitate to award scholarships in light of the severe penalties should a grant be ruled to be a "taxable expenditure" by the foundation.

Hopes that the word "nondiscriminatory" will not be interpreted to preclude scholarship programs with criteria similar to ones that are limited to children of, for example, members of the armed forces, labor unions, low-income families, or who are Negroes, American Indians, and so forth.

States that some clarification of the bill is needed in grants to undergraduate students. Suggests that the ambiguity of the provision might be cleared up by exempting from the bill expenditures for undergraduate scholarships, the winners of which are chosen in a

bona fide competition conducted by an independent organization which has been ruled exempt by the Treasury. Indicates that another approach might be to exclude from taxable expenditures, "scholarships and fellowship grants which are subject to the provisions of section 117(a) and are to be used for study at an educational institution described in section 170(b)(1)(B)(ii)."

Suggests modifications to avoid the possibility that scholarship awards might be prohibited from a private foundation to a student because the father was a substantial stockholder of a corporation.

ROGER A. CLARK, COUNSEL, MORRIS AND GWENDOLYN CAFRITZ FOUNDATION

Private foundations

Points out that during the past 15 years, the Cafritz Foundation has distributed over 123 percent of its annual income to charity, and indicates that three aspects of the House bill dealing with business ownership and self-dealing would have severe, unnecessary and completely unwarranted consequences on the Cafritz Foundation and other foundations similarly situated. States that passive real estate investments should be expressly exempted from the excess business holdings provision of the bill, that transition provisions of the bill need additional flexibility so as to permit orderly separation of interests owned by foundations in combination with disqualified persons, and that continuation of common management services should be permitted.

With respect to real estate investments, states that those of a passive nature have traditionally been recognized as appropriate investments for charitable foundations, and that the Treasury Department has consistently recommended that they be excluded from the business ownership limitation.

With respect to common management services, recognizes that Congress may be concerned about granting an exception to the general prohibition against self-dealing. Urges, however, that any such concern should be more than outweighed by the severity of the consequences to charity and upon a valuable business of blind application of the self-dealing rules in a situation that presents no realistic potential for abuse.

LYMAN C. CONGER, CHAIRMAN OF THE BOARD, KOHLER COMPANY, KOHLER, WIS.

Private foundations

Opposes section 4943 relating to excess business holdings. Argues that the provision goes beyond the raising of revenue and correction of abuses and penalizes foundations which have not been guilty of abuses. States that it adversely affects not only foundations but the corporations owned by the foundations. Argues that the bill would encourage acquisition of foundation controlled businesses by conglomerates.

Argues that the bill unrealistically establishes presumptions of control by assuming that a percentage of voting stock less than 50 percent constitutes control and that disqualified persons always act in unison. Suggests making actual control the test and including the stock of disqualified persons only if they in fact control the foundation.

Proposes redefining "substantial contributor" as one who has contributed more than 5 percent of the total assets of the foundation.

Maintains that the 5 percent minimum investment return is unrealistic, since the average dividend yield of industrial corporations is about 3.5 percent. Suggests requiring current distribution of actual income and prohibiting foundations from investing solely for capital gain.

ALBERT E. ARENT, ATTORNEY, ON BEHALF OF THE PHOEBE WATERMAN FOUNDATION, INC., PHILADELPHIA, PA.

Private foundations

States that the provisions of the House bill which would force a private foundation to divest itself of stock in a family-controlled business are unsound as a matter of public policy and unfairly retroactive in stripping away family control. Contends that existing policy which encourages the use of business holdings to fund charity has enlarged the scope and dimension of charitable giving, and has helped to preserve the independence of family-controlled businesses.

Believes that specific abuses arising in connection with the operation of private foundations can be and are dealt with by specific provisions relating to the abuses. Suggests that persons who, in reliance upon the long-standing public policy favoring the creation of private foundations, have committed to charitable purposes stock needed for the protection of a family business from corporate raiders should not have their control jeopardized by new ground rules having retroactive effect. States that at the very least, the divestiture provisions of the bill should not apply to existing arrangements.

ISAAC N. P. STOKES, CHAIRMAN OF THE BOARD AND GENERAL COUNSEL OF PHELPS-STOKES FUND

Nature of fund

States that the Phelps-Stokes Fund is a relatively small, independent foundation, devoted primarily to the improvement of Negro education in the United States and Africa. Indicates that its investment income is substantially all required for foundation and other administrative expenses, and that the Fund depends on grants from larger foundations, the U.S. Government, and other contributors to finance its operations. Indicates that the House bill would subject this Fund to restrictions on its activities and on grants to it that would seriously impair its usefulness.

Proposed amendments of section 509(a)

Suggests that contributions to a foundation from tax-exempt organizations—as distinct from individuals or business corporations—be included without limitation in determining whether it comes within the description of broadly supported organizations that are excluded from the definition of private foundation by the proposed section 509(a)(2)(A) of the Code. Suggests, also, in the same definition, that contributions from governmental agencies be included without limitation.

Tax on private foundation investment income

Opposes this provision in the House bill. States that it would impose a special hardship on organizations which now devote substantially all their investment income to administrative expenses relying on outside support for their operating budgets.

Termination of status

Suggests that the waiting period for termination of status as a private foundation under section 507(e) should be left to administrative discretion instead of being fixed at 60 calendar months.

Influencing legislation

States that the provisions regarding influencing legislation would involve unreasonable restrictions on the rights of foundations and their members to communicate with legislative and other officials. Indicates that the constitutionality of these restrictions on free speech should be studied. Suggests that section 4945(c) be amended to permit communications regarding a Government grant to a foundation in the public interest.

Expenditure responsibility

States that under section 4945(b)(4) which require a private foundation making a grant to another private foundation—other than an operating foundation—to assume expenditure responsibility, would unnecessarily discourage grants from large private foundations to small ones like the Phelps-Stokes Fund. Suggests that the definition of "expenditure responsibility" in section 4945(f) should be amended to place reliance on audits by accrued independent certified public accountants.

Definition of operating foundation

Believes that the definition of operating foundation should be clarified. Suggests that the 25 percent limit on support from any one exempt organization should be increased to 33⅓ percent or made inapplicable to grants that are subject to expenditure responsibility. Believes that Government support should be included without limit.

WILLIAM H. BALDWIN, PRESIDENT AND TRUSTEE, KRESGE FOUNDATION

Private foundations

Notes that the Kresge Foundation has net assets with a present market value of approximately $410,000,000 and has given away about $100,000,000 in grants during the 45 years of its existence.

Maintains that the proposed 7½ percent tax on net investment income is discriminatory, reverses long standing policy and deprives both public and private health, welfare and educational institutions of badly needed support. States that if the foundations must provide funds for their own supervision it should be done by an audit or filing fee of one percent.

Urges that long-term capital gains not be included in the concept of net investment income. Recommends that allowable deductions from gross investment income should include all expenses reasonable and necessary to carry out the exempt purpose which are not excessive. Adds that this formula should also be used in calculating adjusted net income in the distributions section of the act.

Requests that the application of the minimum investment return concept in connection with required distributions should be delayed until taxable years following January 1, 1975. Suggests, in addition, that the applicable percentage of 5 percent used to calculate such return is too high and should be reduced to 3½ percent or 4 percent. States that the valuation provisions to be used in calculating minimum investment return should be clarified. Also adds that conditional challenge grants which are charged to income at the time of appropriation should be given the status of qualifying distributions.

Recommends that the provisions concerning speculative investments (sec. 4944) should be eliminated or clarified.

Expresses the concern that restrictions on programs, explicit and implicit, in the taxable expenditures section, creates a dangerous precedent for future more wide-spread regulation of foundation activities.

SYDNEY HOWE, PRESIDENT, THE CONSERVATION FOUNDATION

Private foundations

States that the House bill as now written will seriously impair the Foundation's ability to carry out its tax exempt purposes and that several provisions of the bill will inhibit the work of a large number of other conservation groups throughout the country.

Tax on net investment income

Maintains that the tax will harm this foundation and other conservation organizations by reducing the amount of funds available for grants to the organization and from the private foundations. Believes that the resulting limitations upon the Foundation's activities and those of other conservation organizations are not in the public interest. Suggests in lieu of a tax upon investment income of private foundations, that a foundation registration fee be imposed and that this fee should be set at a level necessary to finance full enforcement of existing law and any new legislation needed to correct existing abuses.

Definition of private foundation

Fears that a host of educational, research, and civic organizations could not qualify as private operating foundations under the pres-

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ent definition. Doubts that many endowed private foundations would continue to make grants to another private foundation if this would subject the donor to tax.

Tax penalty on each taxable expenditure

Believes that the provision of the House bill concerning "any attempt to influence legislation" is perhaps the most dangerous provision in the bill. Argues that it is so broad and general that it places under a cloud all but the most theoretical or scientific and technical work of many organizations. Urges the Committee to consider the problem of handling public information directed toward the solution of environmental problems since in the environmental field virtually all issues require decisions based on social, economic, scientific and *political* considerations. Believes in lieu of the approach taken by the House bill that Congress should hold hearings to explore thoroughly the adequacy of existing legislation on lobbying—in a positive instead of a punitive framework, and with full consideration of the impact of any new legislation upon *all* institutions in our society.

OIL REFINERY AT MACHIASPORT

Mr. HANSEN. Mr. President, last Sunday a most interesting article concerning the proposed Occidental Oil Corp. refinery at Machiasport, Maine, appeared in the Washington Post. The article announced the Sierra Club's strong opposition to the construction of the refinery at Machiasport. I am sure that all Senators are familiar with this organization and its sincere concern for the protection of the Nation's environment.

It is most important that we make every effort to protect the unspoiled open areas nearest our great centers of population. The coast of Maine provides a unique opportunity to citizens of our crowded Northeast to enjoy the great outdoors without having to travel thousands of miles across the Nation.

The Sierra Club points to the stormy weather, nearby rocky shoals, and an inadequately sheltered docking site at Machiasport as factors which might cause one of the huge oil tankers to break up while unloading petroleum for use at the refinery. Such a disaster could spill 35 times more oil into the ocean than was spilled by the recent disaster at Santa Barbara.

Mr. President, I ask unanimous consent that the Washington Post article entitled "Refinery in Maine Opposed by Sierra" be printed in the RECORD and urge my colleagues to give serious consideration to the position stated by the Sierra Club.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REFINERY IN MAINE OPPOSED BY SIERRA

(By Spencer Rich)

The Sierra Club, a leading conservation organization, has launched a sharp attack against Occidental Oil's proposed new refinery at Machiasport, Maine, which is already the center of a massive oil industry controversy.

The club says that if the Machiasport refinery is built to bring in low-cost foreign oil and reduce New England fuel costs, it could threaten the Northeast Coast with an oil pollution disaster that would dwarf the 1967 Torrey Canyon incident or last January's offshore oil rig blowout in Santa Barbara Channel.

Occidental's proposal calls for the company to build a 300,000-barrel-a-day refinery at Machiasport, supplied with low-cost Middle East oil. Part of the final product would be re-exported, and therefore would need no import quota permit.

Under Occidental's proposal, about one-third would receive import quotas and would be sold at relatively low prices to New England consumers, thereby reducing the high cost of fuel in Maine.

Other U.S. oil companies oppose the plan because they claim it would give Occidental an excessively high share of the annual oil import quota and would breach the quota system, which helps keep domestic oil prices substantially higher than the world market price.

The Sierra Club charged that oil pollution could spoil the Maine coast if one of the huge tankers should begin leaking or break up in a storm.

The club cited the size of the tankers which it said would carry 84 million gallons of oil each. This is more than twice the 35 million gallons spilled in the Torrey Canyon disaster, when a big tanker broke up off the English coast (cleanup cost totaled $18 million).

It is also an enormously greater amount than the 231,000 gallons spilled from Union Oil's rig off the Santa Barbara coast.

The club says that stormy weather, rocky shoals nearby and an inadequately sheltered docking site increase the possibility of "oil pollution in disastrous quantities" if the Machiasport refinery is built.

TEACH-IN

Mr. NELSON. Mr. President, because of the grave mistakes of their elders, the youth of today face an ugly world of the near future with dangerously and deadly polluted air and water; sprawling, crowded development; festering mounds of debris; and an insufficient amount of open space to get away from it all.

Biologist Barry Commoner, chairman of the St. Louis Committee for Environmental Information, warned recently that:

> We don't really know what the long-term effects of various types of environmental deterioration will be, and the kids are the guinea pigs.

Fortunately, the new generation appears not to be content to be the guinea pigs of a society that has lost its sense of priority. One of the most dramatic developments of this decade has been the insistence of our youth that in the last third of the 20th century, the quality of life and of the environment have the same priority as that given national defense and the pursuit of the gross national product.

The concern of our youth is there, and I am convinced that all we need to do to bring an overwhelming insistence of the new generation that we stem the tide of environmental disaster is to present the facts clearly and dramatically.

To marshal such an effort, I am proposing a national teach-in on the crisis of the environment to be held next spring on every university campus across the Nation. The crisis is so imminent, in my opinion, that every university should set aside 1 day in the school year—the same day across the Nation—for the teach-in.

On that day, prominent ecologists, biologists, political scientists, journalists, public officials, and political leaders could meet with students and faculty in symposiums, convocations, and panel discussions to talk about environmental topics selected by the student body.

Each year, new species of animals are added to the endangered species list. Man in his arrogance appears to think that he can escape that list. He will find, however, that the species man cannot long watch the animals disappear without seeing his own end in sight, too. Man may ironically be the creature that left as his monument a planet nearly as incapable of sustaining life as its barren neighbors in the dead vacuum of the solar system.

In the regard, I ask unanimous consent that a recent editorial in the Milwaukee Journal and a recent article in Time magazine be printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Oct. 1, 1969]

A BETTER EARTH

Sen. Nelson of Wisconsin has proposed a nationwide college "teach-in" on the first day of spring next year to focus on the great need to protect and conserve the environment. There would be discussions and lectures on the problems and the necessary steps to prevent the irrevocable deterioration of man's surroundings.

It is not a bad idea. There is much to be alarmed about. Smog waters eyes and blisters paint in many major cities. Lake Erie is essentially a dead lake. The same fate could be in store for Lake Michigan. Southeastern Wisconsin regional planners over a year ago announced their pessimism about the chances of stopping the deterioration of the streams of this area for at least two decades.

Then there is the frightening report of Thor Heyerdahl about the condition of the Atlantic Ocean during his recent sail on the Ra. He and his crew not only found floating plastic bottles and tubes in the middle of the Atlantic but on five instances ran into large patches of oily particles that smelled like sewage and rotting fish. On one occasion the water was so dirty that the crew would not wash their dishes in it.

Nelson's aim at youth on this issue is right. They are the ones who should be most concerned.

[From Time, Oct. 10, 1969]

ECOLOGY

AMERICA THE BEFOULED

Wisconsin Senator Gaylord Nelson is convinced that the hottest growth stock in U.S. protest is conservation. In fact, Nelson himself is toiling to make the nation's campuses erupt next spring—in a giant, peaceful teach-in about environmental evils. As he has been telling audiences across the country for the past month: "The new generation is not satisfied with coming out on the losing end of man's drive for progress and profit."

Youth is not alone. In Missoula, Mont., for example, housewives outraged by the foul smells from a local pulp plant have organized GASP (Gals Against Smoke and Pollution). Similar groups have used the same acronym in other cities including Washington, where GASP stands for Greater Alliance to Stop Pollution. In Berkeley, a group called Ecology Action has developed a kind of street theater to dramatize pollution protests. To celebrate "Smog-Free Locomotion Day," the members recently took to pogo sticks, stilts, bicycles, unicycles, roller skates—any and every alternative to the internal combustion engine.

Later they symbolically buried an auto engine painted black and splattered with mock blood.

Last week the eco-activists staged a "Damn DDT Day" in San Francisco's Union Square. The movement has its own songs including a cutting eco-version of *America the Beautiful.* The lyrics:

Oh, Cancerous for smoggy skies, for
pesticided grain . . .
Irradiated mountains rise above
an asphalt plain.

America, America, thy birds have fled
from thee;
Thy fish lie dead by poisoned streams
from sea to fetid sea . . .

America, America, thy sins prepare
thy doom:
Monoxide cloud shall be thy shroud
. . . thy cities be thy tomb.

LUNG CANCER AND SMOKING

Mr. COOK. Mr. President, H.R. 6543, the Public Health Cigarette Smoking Act of 1969, is pending before the Senate Commerce Committee. Because of the importance of this matter, I would like to bring to the attention of the Senate two recent newspaper articles.

The Kansas City Star reports that a paper presented by Dr. Rune Cederlof of the National Institute of Public Health in Stockholm, Sweden, questioned much of the world-wide research which indicates that people die of lung cancer simply because they smoke. The paper also attributed coronary heart disease to reasons other than smoking. This is significant because the National Institute of Public Health is the prestigious body which advises the Nobel Prize Committee about their choices for medical honors.

Also, the Richmond Times-Dispatch reported that a panel of six nationally known doctors agreed that it had not been medically proven that lung cancer is associated with smoking.

I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Sept. 26, 1969]

SWEDE LIGHTS UP TOBACCO FUSS

ROME.—The hall of the medical congress was only half filled. Many delegates were shaking hands in the corridors, packing bags in hotels and catching planes. The last of about 150 scientific papers was being read, as drily and noncommittally as possible, by a Swedish professor. The applause, when he finished was perfunctory and everyone ran for taxis.

But the final paper turned into a time bomb with a delayed action fuse. That was two weeks ago and the phones hardly stop ringing in the Gregory Mendel Institute of Medical Genetics and Geminology, a big squarish glass-walled research building in the heart of Rome, where the meeting was held.

The reason for all the fuss is that this final paper questioned much of world-wide research that indicates that people die of lung cancer simply because they smoke. They smoke and they die, but not because they smoke, the paper argued.

The study casts doubt on the arguments of government officials who have been trying to ban cigarette ads from television, newspapers that have refused such advertising and doctors who have denounced smoking.

The physician who lighted the fuse, Dr. Rune Cederlof of the National Institute of Public Health in Stockholm, prudently folded his manuscript, refused to allow it to be released and ran for his plane. Only a few quotes were authorized. The Swedes and their American collaborators are still sitting on the volcano.

The study started in Sweden in 1961 when the National Institute of Public Health began to collect data on the lives of twins, mainly to find out how smoking affected them. They drew in the National Research council in Washington, which pulled together the results from the largest of America's 14 "Twin Institutes."

Some of the American Twin Institutes are in Connecticut (24,000 pairs), New York (25,000) and California (76,000).

As he fled and before the phones began to ring, Dr. Cederlof threw over his shoulder the cautionary remarks: "My personal convictions have nothing to do with the results of my researches." The other scientists echo him.

The prestigious National Institute of Public Health in Stockholm is the body that advises the Nobel prize committee about their choices for medical winners of the world honors. Your other Swedish doctors, all from the Karolinska Institute in Stockholm, signed their names to the result. The only American named is Zdenek Hrubec of the National Research council.

The Swedes in their eight years have sent out questionnaires to 10,927 pairs of twins over 40 years old. Studies were also made of smokers in their 20s. But only 20 sets of smokers had one twin with heart disease.

Among identical twins, neither young nor old smokers showed any tendency to lung cancer or coronary disease as a cause of death. Among unlike twins, the older smokers were similarly free of fatal effects. In the remaining group, the young but unlike twins, the smokers appear to be slightly more durable than the non-smokers.

The real reason smokers get coronary heart disease, say the scientists, is "drinking habits, physical excess, change of employment and occupational adjustment."

The study concedes an "obvious" connection between smoking and lung cancer, but refuses to agree that the nicotine is the decisive blow. Where each of identical twins had different smoking habits, "There was no difference in the over-all prevalence of cancer."

When the healthier partners of several sets of twins are grouped apart from the less healthy and the two groups are compared, "There is no noticeable difference in smoking habits between them."

So far the cigarette companies have refrained from joyously breaking down the institute's doors or smothering the Swedes in funds. Only one company, Philip Morris, sent a man to Rome in pursuit of the undivulged original text.

The real trouble is that not enough twins have died yet. "The number of deceased twins in pairs with different smoking habits is small," the study says. "Only time will tell whether the trends found are stable."

[From the Richmond Times-Dispatch, Oct. 1, 1969]

PANEL SPLIT ON LUNG CANCER AND SMOKING TIES

(By David D. Ryan)

A panel of six nationally known doctors appearing on an educational television program here last night split on whether lung cancer is associated with smoking, but agreed that it had not been medically proven.

One doctor said flatly that it not only has not been proven but "probably will never be proven."

The six appeared on Channel 23's (WCVE-TV) program, "The Smoking Question," and were evenly divided in their presentations on the pros and cons of the questions.

Supporting the idea that cancer is related to smoking were Dr. Oscar Auerbach, a pathologist and senior medical investigator for the Veterans Administration Hospital in New Jersey; Dr. James W. Brooks, an associate professor of surgery at the Medical College of Virginia; and Dr. Daniel Horn, director of the National Clearinghouse for Smoking and Health in Washington.

Supporting the idea that smoking is not a proven cause of cancer were Dr. Hirmam T. Langston, a clinical professor of surgery at the University of Illinois College of Medicine in Chicago; Dr. Sheldon C. Sommers, director of laboratories at Lenox Hill Hospital in New York; and Dr. Theodore D. Sterling, a professor of applied mathematics at Washington University in St. Louis.

In answer to the question for a television viewer as to, "Has it been medically proven that smoking causes lung cancer?" Dr. Langston said, "No. This is not true at all.

"I realize there is a vast amount of statistical data that associates lung cancer with smoking," Dr. Langston continued, "but one has to decide from experience and I treat patients with cancer. Cancer of the lung rarely occurs on both sides of the lung at the same time and presumably we inhale bilaterally."

Dr. Sommers said that although the theory that smoking causes cancer "is not a proven fact," it "is an associated fact."

Dr. Auerbach, who also showed slides which he said showed a relationship between smoking and emphysema, said that his studies have shown cigarette-smoking is the single most important factor in the cause of lung cancer. He said that his personal studies on lung cancer patients made him believe cancer in the respiratory system is found more in smokers than in nonsmokers.

Dr. Horn, who also believes that cancer is related to smoking, said he thought the panel was "hung up on the words medically proven." This, he continued, "probably will never be proven."

However, he continued that from his own point of view the death rate was higher among smokers than nonsmokers.

He said that in order to prove that smoking causes cancer, there would have to be human experimentation, "which I know no one on this panel wants to participate in."

The only cigarette-smoker on the panel, Dr. Sterling, said that he has yet to find the "first case where cancer was produced in animals by smoking.

"People who die from lung cancer do not die younger if they smoke," he said, and added, "There are many confusions about it and one cannot say it is medically proven. One could say it is medically not proven."

The panel was often at odds over the way studies on cancer and smoking were conducted and exactly what they said.

For example, a question was asked as to why all the antitobacco literature was directed to cigarettes and not to pipes and cigars.

Dr. Auerbach said his studies showed the rate of lung cancer among cigar and pipe-smoker fell between rates for cigarette-smokers and nonsmokers.

Dr. Sterling questioned Dr. Auerbach's findings and said, "I have found no pathologists who can distinguish between nonsmokers and smokers and I can't understand how you can distinguish between cigar- and cigarette-smokers."

The controversy over findings even carried over to an antismoking advertisement that said 100,000 doctors had given up smoking.

Dr. Horn said he was responsible for the estimate and that it was a "conservative" figure derived from a survey of doctors.

As he did on most statistics given by the three doctors saying smoking causes cancer, Dr. Sterling also questioned this figure.

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He said that in Dr. Horn's survey, of 5,000 questionnaires sent out in one case, only 1,800 were answered.

"If anything, that indicates whether doctors are concerned with the problem at all," Dr. Sterling said.

Dr. Horn came back: "I would be delighted if someone would give you a grant and let you make the study. I would bet you dollars to donuts that you would come up with this figure" (100,000).

INDEPENDENT CONSUMER COUNCIL ACT

Mr. HART. Mr. President, I ask unanimous consent to have printed in the Record at this point the text of a bill I introduced on September 25, 1969, entitled the "Independent Consumer Council Act," S. 2959. Because of the considerable interest that has developed in this bill, I would like to make it available in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2959

A bill to establish an Independent Consumer Council as an independent nongovernmental organization to represent the economic interests of consumers of goods and services made available to them through the trade and commerce of the United States before Federal departments and agencies, to receive complaints and arbitrate voluntary adjustments thereof, to gather and disseminate information for the benefit of consumers, to authorize governmental assistance and support, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Consumer Council Act".

FINDINGS OF FACT AND DECLARATION OF POLICY

Sec. 2. The Congress hereby finds and declares that—

(a) direct representation of consumer interests in the formulation and implementation of policies of Government will aid in the free flow of interstate and foreign commerce in consumer products;

(b) the encouragement and support of research in consumer products, the assembling and discrimination of information on consumer products and trade practices are appropriate matters of concern to the Federal Government in the maintenance and promotion of a free market system;

(c) it is necessary and appropriate for the Federal Government to support, complement, assist, and add to programs for the development of research and the assembling and dissemination of information on consumer products and services as a means of promoting free competition in a free market.

(d) trade practices and goods and services which are detrimental to consumers' economic and other interests tend to obstruct the free flow of interstate commerce;

(e) the establishment of a convenient and effective means of consideration and voluntary settlement of complaints of consumers concerning products and services distributed or furnished through interstate or foreign trade and commerce promotes the free flow of such trade and commerce; and

(f) in order to implement these findings, it is the purpose of this Act to establish an Independent Consumer Council as an independent nongovernmental organization for the purpose of carrying out the declared policy of Congress to assist consumers, manufacturers, and Government departments and agencies in the goal of a free market economy in consumer goods and services.

DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "consumer" means a person who purchases or otherwise acquires goods for use or services to satisfy his needs rather than to resell them or to produce other goods with them.

(2) The term "goods" means goods, wares, merchandise, or commodities of any kind which are manufactured, produced, or distributed for the use of consumers, as distinguished from economic goods intended for use in production of other goods.

(3) The term "Council" includes the Independent Consumer Council, any local unit thereof, and any person duly designated to act for and on behalf of the Council.

(4) The term "Government agency of the United States" means any department or agency in the executive branch of the Government of the United States, any independent board, commission, corporation, or other instrumentality of such Government which is charged with the administration of any statute of the United States, and any officer of any such department, agency, or instrumentality, but does not include the Council.

(5) The term "government agency of a State" means any department agency, board, commission, or other instrumentality of the government of a State or any political subdivision thereof which is charged with the administration of any statute, regulation, or ordinance of such State or political subdivision, and any officer of such instrumentality.

(6) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the Virgin Islands, Guam, and American Samoa.

ESTABLISHMENT OF THE INDEPENDENT CONSUMER COUNCIL

Sec. 4. (a) The following persons: James M. Nicholson, Clay Buckhout, Truman B. Clark, William D. Drake, John J. Flynn, Henry A. Hill, Benny L. Kass, James S. Kemper, Junior, Olga M. Madar, Augustine R. Marusi, Margaret S. Moritz, Philip G. Schrag, June L. Sears, Gary Burns Sellers, David A. Swankin, and Aaron S. Yohalem, are created a body corporate by the name of "Independent Consumer Council" (hereinafter referred to as the "Council"). The Council shall be known by such name, shall have perpetual succession, and shall have the powers set forth in this Act, subject to the limitations contained herein.

(b) The right to repeal, alter, or amend this Act at any time is expressly reserved by the Congress.

ORGANIZATION OF THE COUNCIL

Sec. 5. (a) The first Board of Directors of the Council shall be composed of the persons named in section 4(a), and the person first named therein shall serve as Acting Chairman of the Board. Within ninety days after the date of enactment of this Act the first Board of Directors shall meet at the call of the Acting Chairman. At that meeting the first Board of Directors shall adopt bylaws of the Council which shall fix the number of persons and the names of the persons who shall thereafter serve for the first regular term as members of the Board of Directors and as the Chairman of such Board for the term and under the conditions hereinafter set forth in this Act. After the expiration of a Director's first regular term, his successor shall be elected as specified in the bylaws of the Council, which shall provide for such election by local units in conformity with democratic principles of election which shall be set forth with particularity in such bylaws. Upon the expiration of a regular term of a member of the Board, he shall be eligible for election for one or more later terms, except that no person may serve as a member of the Board for more than two consecutive regular terms.

(b)(1) Except as provided in paragraphs (2) and (3) of this subsection, the term of office of members of the Board of Directors of the Council shall be five years.

(2) The first directors designated to serve for regular terms at the first meeting provided for in subsection (a) of this section shall continue in office in equal numbers for terms of two, three, four, and five years respectively as determined by lot at the first meeting of the Board of Directors.

(3) Any Director of the Council appointed or elected to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed or elected shall be appointed or elected only for the remainder of such term. A Director may serve after the expiration of his term until his successor has taken office. A vacancy in the Board of Directors shall not impair the right of the remaining Directors to exercise all the powers of the Council.

(c) A majority of the Board of Directors shall constitute a quorum.

(d) After the first meeting of the Board of Directors as hereinbefore provided, the Board of Directors shall meet semiannually and at such other times as the Chairman of the Board may deem necessary.

ADMINISTRATOR AND STAFF

Sec. 6. (a) The Council shall have an Administrator who shall be appointed by the Board of Directors. The Administrator shall be the chief executive officer of the Council and shall administer the activities of the Council in accordance with the bylaws of the Council and the directives of the Board of Directors consistent with the provisions of this Act.

(b) The Board of Directors may appoint and fix the compensation of such additional officers and employees as it deems necessary to carry out the objects, purposes, and functions of the Council. The compensation of the Administrator and such additional personnel shall be fixed by the Board at rates in general conformity with rates prescribed by subchapter II and subchapter III of chapter 53, title 5, United States Code, for Government personnel engaged in the performance of similar duties. Board members shall receive compensation at the rate of $100 per day for each day on which they engage in the work of the Council, and shall be reimbursed for travel and other expenses incurred by them in the performance of work of the Council.

NONPOLITICAL NATURE OF COUNCIL

Sec. 7. The Council, and its members, officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office, nor involve in any manner the Council in any campaign for elective public office.

OBJECTS AND PURPOSES OF COUNCIL

Sec. 8. (a) The objects and purposes of the Council shall be to represent and promote the economic and other interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Council include the following:

(1) to represent the viewpoint of consumers of goods and services within the United States in the formulation and implementation of policies of the Government of the United States and of the several States which affect the economic and other interests of consumers;

(2) to receive, evaluate, and negotiate voluntary adjustments of complaints of consumers concerning consumer products and services and trade practices detrimental to the economic and other interests of consumers, and to receive, evaluate, and negotiate the voluntary adjustment of complaints of consumers with Government agencies of the United States and of the States;

(3) to receive, assemble, evaluate, act upon, and disseminate information helpful to consumers of the United States in performing their economic function more efficiently;

(4) to consult experts on consumer education and representatives of organizations engaged in fostering and protecting the economic and other interests of consumers of goods and services within the United States, for the purpose of obtaining information, recommendations, and suggestions necessary or desirable for the effective performance of the functions of the Council; and

(5) to perform the duties hereinafter vested in the Council.

LOCAL UNITS AND MEMBERSHIP

Sec. 9. (a) Bylaws of the Council shall include, but shall not be limited, to provisions—

(1) for the organization and management of local units of the Council by consumers within the several States and within political subdivisions thereof;

(2) prescribing the powers, duties, and functions of such local units in conformity with the powers, duties, and functions conferred upon the Council by this Act;

(3) requiring that members of the governing body of each such local unit, and members of each such local unit chosen as delegates to such conferences as the Council may conduct, be elected by the membership of such local unit by procedures in conformity with democratic principles of election; and

(4) providing for the election of members of the Board of Directors of the Council, on and after the expiration of the terms of members of the first board of directors, by such local units in conformity with democratic principles of election.

(b) Membership in the Council and in local units thereof shall be open to all individuals in the United States who are consumers. The Council may specify from time to time in the bylaws of the Council a sum not to exceed ---------- dollars per annum as a membership fee.

PERMANENT HEADQUARTERS OF COUNCIL

Sec. 10. (a) The permanent national headquarters of the Council shall be located in the metropolitan area of the District of Columbia, but its activities may be conducted in all States. The Board of Directors of the Council may from time to time conduct such conferences and establish such arrangements in cooperation with local units as the Board may determine to be convenient and effective in carrying out the objects and purposes of the Council.

(b) The Council shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the Council, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the Council.

REPORTS TO THE PRESIDENT AND CONGRESS

Sec. 11. The Council shall as soon as practicable after the 1st day of January of each year make and transmit to the President of the United States a report of its proceedings and activities for the calendar year next preceding, and a copy of said report shall be transmitted to the President of the Senate and to the Speaker of the House of Representatives.

PROHIBITION AGAINST DISTRIBUTION OF ASSETS AND ISSUANCE OF STOCK

Sec. 12. (a) No part of the income or assets of the Council or any local unit thereof shall inure to the benefit of any member, officer or director of the Council or any local unit thereof or be distributed to any such person except for the payment of duly authorized salaries and expenses, and neither the Council nor any local unit thereof may make any loan to any officer, director, employee, or member of the Council or any local unit thereof.

(b) Neither the Council nor any local unit thereof shall have power to issue any shares of stock or other evidence of proprietary interest in capital, or to declare or to pay any dividend, its objects and purposes being limited solely to the rendition without profit of a service to consumers in order to protect and promote the interests of consumers in the trade and commerce of the United States.

REPRESENTATION OF CONSUMERS IN THE PUBLIC INTEREST

Sec. 13 (a) Whenever there is pending in or before any Government agency or court of the United States or any State any investigation, hearing, or other proceeding except a criminal proceeding which may, in the opinion of the Council, affect the economic and other interests of consumers within the United States, the Council through its duly designated attorney may intervene and, pursuant to the rules of practice and procedure of that agency or court, may enter an appearance in that proceeding for the purpose of representing the interests of such consumers.

(b) Upon any such intervention, the Council, through its attorney, shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as it shall determine to be necessary for the effective representation of the economic and other interests of such consumers. The attorney of the Council designated by the Council for such purpose shall be entitled to enter an appearance before any Government agency of the United States without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Council in any proceeding.

STUDIES AND CONSUMER COMPLAINTS

Sec. 14 (a) It shall be the duty of the Council and its local units to conduct studies, and to receive and evaluate complaints from consumers of the United States without regard to membership in the Council, concerning—

(1) consumer products and commercial and trade practices employed in the production, distribution, and furnishing of goods and services to or for the use of consumers which may be detrimental to their economic or other interests; and

(2) governmental action or inaction on the part of Government agencies of the United States detrimental to the economic or other interests of consumers.

(b) Upon receipt of any complaint disclosing the distribution of a product, the rendering of a service, or the use of any commercial or trade practice detrimental to the economic or other interests of consumers within the United States in any consumer products industry or by any producer, distributor, or supplier of consumer goods or services, or governmental action or inaction detrimental to the economic or other interests of consumers, which in the opinion of the Council does not violate any law of the United States or any State, the Council or a local unit thereof may undertake to provide for the adjustment of that complaint with the consent of the parties to the controversy through voluntary negotiation or arbitration. If in the opinion of the Council such practice is in violation of any law of the United States or any State, the Council shall refer the complaint to the Government agency whose regulatory or other authority provides the most effective available means to obtaining appropriate relief or to proceed against such violation of law.

(c) If the Council finds that no equitable voluntary adjustment of the complaint can be obtained, that no public law has been violated or if violated the Government agency having jurisdiction to enforce the law violated fails to act or is dilatory in action, that in its opinion legal remedial action is available by individual or class action for relief, and the matter involved in the complaint has sufficient economic effect upon consumers generally, the Council, subject to applicable statutes and rules of practice and procedure, may (1) furnish legal and other assistance necessary to the filing and prosecution of an appropriate remedial action in a State or Federal court of competent jurisdiction, or (2) institute and prosecute a class action to obtain appropriate civil relief for the benefit of a designated class of consumers.

(d) The Council may provide for the training of persons in local areas in the practice of the adjustment or settlement of consumer complaints through voluntary negotiation or arbitration. Such persons may be used by the Council and its local units in any voluntary negotiation or arbitration entered into for the adjustment of consumer complaints. If deemed more convenient or effective, the Council may employ the services of any arbitration organization whose personnel are trained and experienced in the techniques and processes of negotiation and arbitration. Such negotiators or arbitrators shall be responsible to the local unit of the Council in the local area in which the consumer complaint involved arose.

(e) The Council shall publish from time to time and disseminate to the public, in such manner and form as the Council may determine to be most effective, information concerning—

(1) the functions and duties of the Council; and

(2) problems encountered by consumers generally within the United States, including particular commercial and trade practices which are detrimental to the economic interests of consumers.

PUBLICATION OF PRODUCT INFORMATION

Sec. 15. (a) The Council shall formulate and publish criteria for the comparison of specific consumer products or categories of such products which will facilitate the determination of values by consumers. Such standards may be determined by the Council, derived from Government departments and agencies, from non-Government organizations, or from cooperative programs with manufacturers of such products.

(b) The Council shall publish from time to time in useful form such information for consumers with respect to such specific products or categories of products affecting consumers. It may distribute such publications to public libraries and such other depositories as it deems in the interest of consumers. It shall encourage and promote programs for the distribution of such product information, with or without compensation, through electronic systems and information media of all kinds, public organizations, private businesses, educational institutions, and other organizations. It may operate or cooperate with other organizations in the operation of programs and systems for that purpose.

(c) Such product information may be made public only in a form disclosing factual information with respect to such products, and not as recommendations of a product of any particular producer, or any division or subsidiary thereof, over the product of another.

(d) Nothing contained in this Act shall be construed to authorize the Council to engage in any program of testing for the purpose of recommending as among the products of different producers, the relative merits or suitability of products of any class or type over other products of the same class or type or to publish any such recommendation.

SURVEYS AND INVESTIGATIONS

Sec. 16. (a) It shall be the duty of the Council in the public interest—

(1) to conduct surveys and investigations with respect to matters involved in the production and distribution of consumer products and services which affect the economic and other interests of consumers;

(2) to determine the extent of existing information relating to goods affecting consumers in the possession of Government agencies of the United States useful to consumers which is not published in a form useful to consumers by such agencies in the performance of their functions; and

(3) to collect, analyze, and disseminate to the public information obtained through such investigations and surveys in such manner and form as may be best adapted for public information and use by consumers.

CONSULTING SERVICE AND COOPERATIVE ACTIVITIES

SEC. 17. (a) In the performance of its functions, the Council is authorized to—

(1) appoint and defray the expenses of such advisory committees as it may determine to be necessary for the effective performance of its functions;

(2) designate representatives of the Council to serve on such committees as the Council may determine to be necessary or desirable to maintain effective liaison with Government agencies of the United States or any State, and with nongovernmental organizations which are engaged in activities related to the functions of the Council; and

(3) to the extent authorized by law, use the services, personnel, facilities, and information, of Government agencies of the United States or any State and of private agencies and instrumentalities with the consent of such agencies and instrumentalities, with or without reimbursement.

(b) Upon request made by the Council, each Government agency of the United States is authorized and directed—

(1) to make its services, personnel, facilities, and information available to the greatest practicable extent to the Council in the performance of its functions; and

(2) subject to provisions of law and regulations relating to the classification of information in the interest of national defense, to furnish to the Council such readily available information, suggestions, estimates, and statistics as the Council may determine to be necessary for the performance of its functions.

GENERAL POWERS

SEC. 18. (a) For the purpose of carrying out its functions the Council shall have power to—

(1) sue and be sued in its corporate name in any court of law or equity of the United States or any State;

(2) acquire, hold, and dispose of interests in real and personal property;

(3) establish, maintain, and operate such laboratories, reference libraries, and other facilities as it shall determine to be required for the performance of its functions;

(4) enter into and perform such contracts, leases, cooperative agreements, or other transactions as it may determine to be necessary on such terms as it may determine to be appropriate;

(5) make, issue, rescind, or amend bylaws, regulations, and rules, not inconsistent with this Act, Governing its organizational structure and the manner of its operation and the exercise of its functions;

(6) adopt, alter, and use an official seal which shall be published in the Federal Register and be judicially noticed;

(7) engage in, and support, by grant or contract, research with respect to, and development of, objective standards for nonperishable manufactured goods affecting consumers;

(8) charge and collect membership dues, subscription fees, and other fees for services rendered; and

(9) receive money and other property donated, bequested, or devised, without condition or restriction other than that it be used for the purposes of the Council; and to use, invest, reinvest, sell, or otherwise dispose of such property and the proceeds thereof for the purpose of carrying out the functions of the Council.

(b) The Council shall not accept during any fiscal year any gifts, grants, or donations of money from any single source other than appropriations made under this Act in amounts which exceed in the aggregate 15 per centum of the total amount of all gifts, grants, and donations of money accepted by the Council during that fiscal year from all sources other than appropriations made under this Act.

BOOKS AND RECORDS; INSPECTION

SEC. 19. The Council and each of its local units shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors; and the Council shall keep at its principal office a record of the names and addresses of its members and units entitled to vote. All books and records of the Council may be inspected by any member or local unit entitled to vote, or the agent or attorney thereof, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 20. (a) The accounts of the Council shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Council are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Council and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the Council's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Council during the year including the results of any publishing or other commercial-type endeavor carried on by the Council, together with the independent auditor's opinion of those statements. The report shall not be printed as a public document.

LIQUIDATION

SEC. 21. Upon final dissolution or liquidation of the Council, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the Council may be distributed in accordance with the determination of the Board of Directors of the Council and in compliance with the bylaws of the Council and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 22. The Council shall have the sole and exclusive right to use the names "Independent Consumer Council." The Council shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as may be adopted and used by the Council in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

SAVING PROVISION

SEC. 23. Nothing contained in this Act shall be construed to alter, modify, or impair any provision of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

APPROPRIATIONS

SEC. 24. There are hereby authorized to be appropriated to the Council such sums as may be required to carry into effect the provisions of this Act.

THE WORLD-FAMOUS CASPER TROOPERS

Mr. HANSEN. Mr. President, we of Wyoming have much of our State to brag about. We can boast about our majestic mountains and our beautiful lakes and rivers. We can describe with glowing phrases our national parks and other scenic wonders. We may even exaggerate just a bit when we spin romantic tales about our colorful Western history.

But we can never say too many good things or overstate our praise of the world-famous Casper Troopers—a group of high-stepping, high-spirited young Wyomingites who have thrilled young and old and who have captured the hearts of citizens in every corner of this country—and other countries, as well.

One would have to travel to Wyoming to truly appreciate the magnificence of our scenery. But there are thousands of Americans who have never been to Wyoming, but who have thrilled to the beat of a Trooper's bass drum or marveled at the split precision of an intricate drill. Anyone who has seen the Troopers in action, as I have, must know why Wyoming so loves these young people and what they are doing, and why we hasten to claim a tie with the State they so ably represent during their travels as good will ambassadors and masters of their art.

Many magazines and newspapers have hailed the accomplishments of this group. And well they should. The organization has skyrocketed in fame and recognition from the point where, in 1962 its members had to pay their own way like spectators to the VFW national corps competition at Minneapolis, to a star-studded position today which finds them marching away from competition all over the world with top honors and their collective weight in trophies.

The goal of sponsoring and coaching a group of Wyoming youngsters who could compete with any drum and bugle corps anywhere on the face of the earth was the dream of Jim Jones of Casper—a man who was intimately connected with such groups from the time he was a child.

A November 17, 1968, feature story on the Troopers in the Empire magazine published by the Denver Post noted that, "troopers aren't born. They're made."

And Jim Jones is the man who has inspired young people to respond to the challenge of becoming a first-rate trooper and who still provides the spark and the leadership for an ever-changing group that attracts the immediate adoration of all who see and hear them.

This year, the Troopers competed with crack drill teams in Wisconsin, New York, Connecticut, Pennsylvania, Toronto, Ontario, and Massachusetts, to name a few. The corps took first place in six contests, including the World International Drum and Bugle Corps competition at Lynn, Mass. The Trooper Color Guard won its seventh world championship at the VFW nationals in Philadelphia.

Supporters of the group in Wyoming—and that pretty much includes every citizen of the State—now are working on a project to send the Troopers on a world tour. If anywhere in this country there is a group of citizens that could inspire admiration for America in the hearts of people of other nations, it is Wyoming's own Casper Troopers. And if Wyomingites have anything to say about it, there will be no lack of support for this undertaking.

Mr. President, I ask unanimous consent that an article entitled "Casper's Troopers—They're Wonderful," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASPER'S TROOPERS—THEY'RE WONDERFUL

(By Zeke Scher)

THE WORLD'S BEST JUNIOR DRUM AND BUGLE CORPS IS IN THE ROCKY MOUNTAIN EMPIRE—AND THE REST OF THE NATION KNOWS IT!

Some 37,000 spectators at the Denver Broncos football game in Bears Stadium stood up at 3:40 p.m. Sept. 29 and gave a thundering ovation to the performers on the field. And there wasn't a Bronco in sight. Tears welled in the eyes of some. Others were too choked up to speak.

What the huge crowd had just experienced was 11½ minutes of 97 youngsters executing the world's best drum and bugle corps performance. The boys and girls, ranging in age from 14 to 21, are members of the Casper Troopers.

Dressed in replicas of blue U.S. Cavalry uniforms of 100 years ago, carrying well-polished bugles of all sizes, snare drums, rifles and standards with flowing colors, the Wyoming group executed routine and technical maneuvers with unbelievable precision. Their bell-clear sounds were breath-taking.

A super sports fan in the west stands forgot his frustrations of the moment (the Broncos were deadlocked at the half with Boston, 10–10) and murmured in disbelief:

". . . from Casper, *Wyoming?* How did they get so good?"

The between-halves performance had started briskly with two girls—one carrying the U.S. flag and one a saber—leading the way. Then came a color guard commander (in white), eight "rifles," another color guard commander and 22 color guard "flags," all girls.

Drum Major Jim McIntyre led the musicians forward—three snares and four tenor drums, two triple drums, three bass drums, four cymbals, seven lines of six bugles each (including sopranos, mellophones, bass baritones and French horns) and finally one line of four contra bugles.

They opened with the stirring *How the West Was Won*, the Troopers marching snappily off the line at 130 steps a minute, a bit faster than most corps. Their movements were brisk: the spinning rifles, the twirling standards, the right, left and angle turns, the section separations and regroupings.

Colors were presented with a moving arrangement of *Battle Hymn of the Republic*. Then—as only drums and bugles can play it—they presented *Tumbling Tumbleweeds*, a tune as Western as the players.

The marching stopped for the next 3 minutes and 15 seconds as the corps offered "in concert" a Beatles' song, *Never, My Love*, and then the soaring *Up, Up and Away*. Then the Troopers quickly stepped off in all directions to the *F Troop Fanfare* (from a TV western show).

Playing *Black Saddle*, the 97 boys and girls as if magically assembled from all sections of the gridiron to form a neat circle. The circle then "exploded" and the marchers spread out like the rays of the sun to booming ovations from the spectators.

And as neatly as they had separated in mid-field, they resumed formation. Playing *When Johnny Comes Marching Home*, they paraded the length of the field.

The response was deafening. "More . . . more!" the spectators urged. This was no insult to the Broncos, although players returning to the field may have interpreted it that way.

"Weren't they marvelous?" exclaimed a woman, dabbing at her eyes.

Troopers aren't born. They're made. The process is long and arduous—and it takes place, for the most part, in a steady wind that seems peculiar to Casper. The fact that they can be produced at all should dispel many fears the older generation has for the younger.

James Edward (Jim) Jones Jr., 47, is the founder and director of the Troopers. The Troopers' story is his own.

Born in Casper October 26, 1921, Jones discovered at an early age that drum and bugle corps "ran in his family." His parents were active in the American Legion and at the age of 12 he accompanied them to a Chicago convention where he witnessed the Legion's drum and bugle corps national competition.

In 1934 his mother and a friend organized a women's drum and bugle corps in the Casper Legion Auxiliary and they raised money to buy instruments. The women's corps soon folded, but a Sons of American Legion corps began. And young Jones was there as a snare drummer.

(Twenty-three years later, the Troopers started with the same drums used by the "Sons." They later were handed down to the new Trooper "taxi squad"—called the Cadet Corps—and in 1964 to the Douglas, Wyo., Diplomats, another such corps.)

Jones attended Legion nationals in St. Louis and Cleveland in 1935 and 1936. When adult leadership in the Sons dwindled in 1937, Jones—all of 15 years old—took over the Casper corps and directed it until he left to attend the University of Nebraska.

In his senior year at Natrona County High School he was commander of his ROTC company and was chosen "outstanding cadet." At Nebraska, he studied chemical engineering and instructed two drum corps in Lincoln. He also assisted an Indian drum corps at Fort Washakie, Wyo.

Jones placed second in snare drum individuals—a tenth of a point out of first—at the 1939 Legion nationals in Chicago. On New Year's Day 1941 he was lead drummer in the Cornhusker band at the Rose Bowl. He was named an ROTC captain at the start of his senior year and won an appointment to the U.S. Naval Academy.

But with Pearl Harbor, he ended his college career at 3½ years (he never returned for his degree) and joined the Army Air Corps. He received aviation cadet pilot training and received his commission at the age of 20. During the next four years he flew over "The Hump" between India and China.

Leaving the Air Corps as a captain (he's a lieutenant colonel in the Reserve now), he flew freight for the Flying Tigers line before returning to Casper in 1948 to become a building contractor. He had married his college sweetheart, Grace Leaders, in 1946 and wanted to settle down in a job that wouldn't require him to travel. (A bank director and officer in several companies, and with the Troopers' expanding schedule, he travels more than ever.)

His corps interest remained avid in the mid-1950s and he helped reactivate the Legion Senior Corps, expanding his contacts with drum corps people all over the United States. By 1957 he had crystallized an idea to give "River City"—Casper is on the North Platte—the best boys and girls drum and bugle corps in the nation.

On Oct. 3, 1957, The Casper *Tribune-Herald* carried a routine legal notice of the incorporation of the Troopers Drum & Bugle Corps Inc.

Purpose of the corporation: " . . . to aid, encourage and promote the welfare of the youth of the community by providing the opportunity for boys and girls of all races and creeds to have and receive instruction, supervision and encouragement in the use of musical instruments, and to form a community junior drum and bugle corps thereby implementing in the youth of the community an appreciation of music, and promoting, aiding and encouraging a means through which the community leaders may foster in relation with the youth a sanguine solution to many of the current social problems of youth."

Six weeks later the first tryouts were announced. Jones revealed his plans for a 54-piece drum and bugle corps. "We're going to be a crack outfit," he told the youngsters. "The corps will be rigidly disciplined. We'll play classical Western stuff."

A $4,000 PERSONAL LOAN GOT THE TROOPERS STARTED IN 1957

The initial turnout wasn't overwhelming but it was encouraging. Jones and two friends went to the Casper National Bank and on Dec. 5, 1957, signed a personal note—at 5½ per cent interest—for a $4,000 loan to get the Troopers started.

From the outset, Jones felt that the corps should be more show business than military. But eligibility requirements for membership for the 12- to 21-year-olds would do justice to a West Point application.

To become a Trooper, the youngster must understand and sign a legal-looking contract that requires him to:

Be and remain in good physical condition.

Maintain good scholastic average.

Be able to take constructive criticism.

Practice at least one hour daily on his own.

Participate in *all* corps activities.

Be present and on time for all drills and parades—100 per cent regardless of the weather. (Ditching rehearsal is cause for immediate dismissal).

Be responsible financially for all equipment and uniforms in his possession which must be kept spick and span at all times.

Be certain that conduct and appearance at all times shall reflect a credit to self, family and the corps.

Avoid chewing gum or smoking when in uniform or at rehearsal.

Maintain corps discipline and obey corps officers during all corps activities.

The parent also has an exacting pledge to sign:

"I will use my best efforts to insure that said applicant observes all the rules and regulations for membership in said corps. I further agree that the applicant will not use the equipment or uniform issued to him or her by said corps in a negligent or malicious manner, and I further agree to be financially responsible for any unnecessary damage caused to said equipment or uniform while in the applicant's possession."

The first Trooper uniform—it lasted five years—consisted of light blue Air Scout pants, with gold striping added, navy blue

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Cub Scout shirt, a garrison belt and a black cowboy hat and surplus cords, tassels and metallic cross sabres attached. The appearance was frontier western, patterned after the 11th Ohio "Horse Soldier" Volunteers who served in Wyoming during the 1860s and 1870s. One of its officers, Lt. Caspar Collins, was killed in going to the rescue of a wagon train under Indian attack.

(The city was named for the lieutenant but Washington postal officials misspelled it. The residents stuck with Casper, although the historic site of the Army fort near town is Ft. Caspar).

The 1957 Trooper outfit cost the member $8 and the corps $5. Today the member contributes $15 a year dues and the corps provides a field uniform (costing $73) and Class A dress ($80), the latter being worn in the Denver appearance. Jones says the Philadelphia manufacturer of the uniforms is an old firm which attempts to make them as authenic as possible to the 11th Ohio Volunteers.

On June 27, 1958, the 54 charter members made their first public performance at Riverton, Wyo., during a department convention of the Legion. They were a long way—about six years—from national recognition.

Drum and bugle corps are "big" in the East and Midwest. There are found the bulk of nearly 8,000 such corps in the United States. The attitude of Eastern corps leaders, until the Troopers came along, was that beyond Chicago there was a complete wasteland. How could any corps be developed out there when there's no competition around?

In the beginning, Jones did everything—wrote all the musical arrangements, designed all the marching maneuvers, drilled all the kids and handled all the business details. And public support was a little slow in coming forward.

(Support really began in 1962 when the Casper newspapers took on the project of raising $11,000 to send the Troopers to the Portland Rose Festival. By running daily coupons over a two-month period, the morning and evening papers raised $14,000. "That taught me the value of advertising," Jones says.)

Competition is the name of the corps game—and Jones realized he would have to draw on national talent to put Casper in the same league as the Eastern corps. Music arrangers and instructors were flown in from the East Coast.

Equipment was upgraded. Honorary memberships and sponsorships were sold to raise money to get the best bugles, the best drums. The Cadet Corps was formed to handle the increasing number of applicants—and to provide a training ground for Trooper replacements. The minimum age of 12 is the same for both units but the younger members, naturally, are in the Cadet Corps.

The Troopers went to their first Legion nationals at Denver in 1961 and came in fourth. The following year at Las Vegas the corps was 3rd. The VFW Nationals—the most prestigious of all corps competitions—was first visited by the Troopers in 1962 at Minneapolis. "Visited" is the correct word because the Troopers were so far down they had to buy tickets to get in and see the finals.

But the hours, days and months of practice on any vacant space in the Casper area began to pay off, as did Jones' emphasis on the basics. "The first thing we teach them is posture and bearing," he says. "We go back to this no matter how good they are. It's much like football. Without blocking and tackling, all the fancy plays are no good."

At Seattle in 1963 the Troopers scored second in the VFW Nationals. But there were few top corps competing. The next year in Cleveland the Troopers fell to 11th, but the Color Guard was rated 2nd. And all the top corps were there!

It was 1965 that the Casper Troopers stood the drum and bugle corps world on its ear. They won the World Open Championship, the Color Guard was 1st and the corps 4th in the VFW Nationals, and they captured a flock of additional titles during an extended Eastern tour.

In the October 1965 issue of *Drum Corps Digest*, a columnist wrote: "The main question being asked by everyone is how on earth did they do it." Another writer offered special congratulations "to the Troopers who were crowned World Open Champions. That's packing the titles into the Midwest fellas!"

Casper in the Mid-what?

The Troopers continued their drive for perfection. When weather permitted they took over the large paved parking area at the Central Wyoming Fairgrounds to practice their wide-open maneuvers, an audience-winning distinction of the Casper corps. In harsher weather they went inside the Industrial Building at the fairgrounds.

The Trooper year runs from October to September with a vacation of about three weeks in between years. Vacancies in the 97-member Troopers are filled from the 69-member Cadet Corps (22 Color Guard, 9 drums, 38 horns) and the competition can be fierce. The pressure builds in tryouts and drill-downs until the choices are made.

Practice from October to Christmas is held for 2½ hours each Thursday night—plus the one-hour-a-day minimum at home. During Christmas and Easter vacations, the music and marching experts come to Casper and the Troopers work with them three or four days in a row for us to five hours a day.

From January to the end of school, the regular practices are Thursday night and Sunday afternoon (with three to four hours of maneuvering then). The big push comes in June because the major contests and extended trips are scheduled in July and August. Practice on three to five nights a week plus daytime work by various sections can run up to 20 hours or more. In July and August it's all Trooper-time.

How do they do it?

"They sleep at sleeping time, eat at eating time, rehearse at rehearsing time, perform at performing time, and play at playing time—if there's any playing time left," Jones says. "In the A-Corps, we claim the lives of these children.

"For the middle or lower income groups, this is an unparalleled education in living. We've gone to the New York World's Fair, Seattle World's Fair and Expo 67. We've visited cities all over the United States.

The Troopers grabbed the VFW Nationals title in 1966, placed second in the World Open and accumulated numerous lesser titles. In 1967 it was 2nd in the VFW Nationals. This past summer the Troopers traveled more than 10,000 miles through 14 states and Canada and brought home six titles including the North American Invitational Meet in Toronto, where they had an unprecedented four encores. (They were 3rd in the VFW Nationals although the Color Guard was ranked 1st.)

Jones, a friendly sort with close-cropped gray hair, gives the impression he is relaxed among his myriad of endeavors. Matter-of-factly he appraises the Troopers this way: "We're considered No. 1 in the country by our competitors—and the others are no slouches. Hard work has done it. We'll spend a month on a 1½-minute drill to get it right.

"We try to select music that is emotionally inspiring. I try to write the drill to match the music. It's an exciting show. People are gripped by the spectacle—the emotional impact of the music, the marching maneuvers, the uniforms. That's show biz."

While the Troopers are a nonprofit corporation, it is a money-consuming operation. This years' budget involved some $43,000 and next year's is expected to be around $50,000.

The Troopers own three large cross-country buses and an equipment truck with specially built interior to hold the musical instruments, flags and rifles. Members carry their own sleeping bags and suitcases on trips. They're used to sleeping on floors.

During last summer's 23-day trip East the Troopers' accommodations varied from dorms at the State School for the Blind in Batavia, N.Y. (no hot water), to the floor of a recreation hall in Mount Clemens, Mich., (two showers but one broke down).

When the Troopers came to Denver for the Broncos game, they spread out on the floors of the Colorado National Guard Armory at Logan St. and Speer Blvd. the night before. The girls took over a big room upstairs; the boys took the gym. They unrolled their sleeping bags—and slept like troupers.

(They had good reason to sleep well. The youngsters had gotten up at 4 a.m. Saturday to make the long trip to the Air Force Academy's home game against the University of Wyoming, before continuing to Denver. When that game ended, they marched on the field and gave a complete performance. Eighty per cent of the spectators remained in their seats!)

Boston was a highlight of the 1968 tour. The boys and girls were put up in private homes with both food and laundry provided by their hosts. When on these extended trips, each member is expected to take along enough pocket money to last. It doesn't always work out that way. Fortunately a parent or two traveling along as hard-working chaperones come up with loans.

The rigid discipline—and good physical conditioning—are credited by Jones with making each Trooper put forth the utmost at all times. But they're human beings and five required medical treatment during this summer's trip. One boy, 18, a soprano bugle, was hospitalized overnight for exhaustion.

When the corps returned home from the East on Saturday night, Aug. 31, there were 7,000 relatives and fans waiting for them in the Natrona County High School stadium. It was termed both a welcoming and victory celebration. A special eight-page Troopers section was carried by the Casper *Star-Tribune*.

Many Casper cars carry "Go Troopers" license plates. A downtown store devotes its show window to a display of Trooper trophies.

In Mid-September a full-page ad by Safeway Stores (three in Casper) announced "Corps Day." This was a voluntary unsolicited promotion to give the Troopers a percentage of sales. It produced $1,292. It also produced pouting letters from other Wyoming Safeway managers. They wanted to know why they weren't permitted to join in the promotion.

Besides the honorary memberships (sold by the Chamber of Commerce) and business sponsorships (the flags borne by the color guard carry the names of major sponsors), funds come from such sources as an Art Guild auction, garage sales, raffles, a melodrama by the Red Dog Saloon Players and fees.

"We'll play for anybody if it's legal or moral," Jones says, "so long as they pay us."

Fees range from $150 to the $2,500 received for a Legion convention in Sioux Falls, S.D. Travel expenses usually far exceed the fee figure. Jones uses the same rate the charter companies use—65 cents a mile per bus—but rounds it off to $2 to cover the three buses and the equipment truck. The Denver trip, for example, had travel expenses of $1,164.

Jones feels the Troopers represent the entire Rocky Mountain Empire in their contacts with the "outside world." The Wyoming Legislature last year officially designated them as the state's "Musical Ambassadors," Wyoming's congressmen haven't been backward about letting the nation know about the Casper Troopers.

On Sept. 8, 1965, two pages of the Congressional Record were devoted to the Troopers, including a complete roster. The report stated, in part:

"Mr. Jones had a theory that the corps would be an excellent character building activity for Casper young people and a source of pride for the entire city and area.

"The corps has proven to be everything that Mr. Jones envisioned. . . . For a city no larger than Casper—a city of some 40,000—to produce a 130-member (sic) marching unit that can capture world honors is truly phenomenal"

"Jim runs this corps," says the father of a Trooper. "It's Jim's baby. He's done a great job with the kids. I hate to think how much this has cost him in time."

Gene Monterastelli, 23, a Northwestern University industrial engineering graduate who worked with the Troopers the past three summers, was in charge when the corps visited Denver, because of a death in Jones' family. He related the Troopers' secrets of success this way:

"Perseverance by everyone is No. 1. Jim's got good people around him but the kids really do it themselves by following directions and putting out the effort. The townspeople are fantastic in providing support in every way. And Jim himself is an amazing person. Anyone can talk to him about any concern—gripes or otherwise."

The Troopers rarely have a discipline problem. After working so hard and so long to reach the A-Corps, members don't want to jeopardize their position. Miss Casper College and Miss 16 of Casper (and later of Wyoming)—and their predecessors in those titles—have been Troopers. It's the "in" thing to be.

Jones lives with the Troopers around the clock. His contracting office is in the basement of his large home at a busy Casper intersection. Troopers, parents and a variety of guests—and his wife, four daughters (3 Troopers, 1 ex-Trooper) and Jim III, 9—pop in and out, upstairs and downstairs.

The mailman is also a frequent visitor. About 700 letters followed one appearance, a televised pre-season football game in Dallas between the Cowboys and Green Bay Packers in August 1967.

In striving for success, Jones has the help of devoted aides.

Willard K. Maxon, 44, a painting contractor, Casper native and former Navy man, became interested when his daughter joined in 1960. He filled in as a drill instructor and in 1962 found himself appointed director of the Cadet Corps.

Bob Hede, 40, a commercial photographer with a daughter in the corps, heads an ex-officio finance committee of fathers. They have big plans for a 100-year-old refurbished Wyoming covered sheep wagon and four donated mules to pull it. The wagon will be a moving vending machine from which Western items, postcards and pennants will be dispensed, all for the benefit of the Troopers. They're visualizing $15,000 a year income.

The youngsters themselves offer a variety of reasons why they think the Troopers are great—and they all do. Some mention the fun of travel. Some speak of the excitement of competition. Some are proudest of the feeling of accomplishment for their city and state. And all are aware of the life-long benefits they are receiving from the discipline instilled by the corps.

This discipline—and the confidence to solve any corps problem—saved the Troopers from embarrassment on their Denver visit. A week before the game they received a request from Bronco management to play *The Star Spangled Banner* before the game.

Because they are a specialty group that performs in competition or at halftime of football games, they had never been asked to play the national anthem! They just didn't know it.

An *Empire* reporter-photographer team was in Casper to study the corps in practice when Jones handed out his brand new arrangement of the anthem. As talented as the buglers are, the first performances were, to be charitable, painful. Jones made it clear that if they couldn't perform the song well, they would not attempt it, and the Broncos would use a phonograph record.

One week later the Troopers stood in Bears Stadium. The stands came to attention. The corps delivered a forceful performance of *The Star Spangled Banner*. It could have been in their repertoire for years.

These Wyoming youngsters have evoked immediate adoration throughout the nation. Perhaps it's the glimpse into the past that they offer. Perhaps it's a promise of youth for the future. It is pure Americana, and it's wonderful.

A TOTAL OF 55 NATIONS RATIFIED POLITICAL RIGHTS OF WOMEN CONVENTION—UNITED STATES STILL MISSING FROM LIST

Mr. PROXMIRE. Mr. President, the total number of nations which have ratified the Political Rights of Women Convention is 55.

In 1968, the Government of Chile decided that ratification of this human rights convention was not only in the interest of universal establishment of human dignity, but also very much in its own national interest.

I do not believe that the people of Chile or Albania or Ghana or Pakistan care more about political equality for their female citizens than we in the United States do. But the conclusion is inescapable. These governments have all ratified the Political Rights of Women Convention and our Government has not.

I ask unanimous consent that the list of 55 nations which have ratified the Political Rights of Women Convention be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COUNTRIES WHICH ARE PARTIES TO THE POLITICAL RIGHTS OF WOMEN CONVENTION

Afghanistan, Albania, Argentina, Belgium, Brazil, Bulgaria, Byelorussia, Canada, Central African Republic, Chile, China, Congo (Brazzaville), Costa Rica, Cuba, and Czechoslovakia.

Denmark, Dominican Republic, Ecuador, Finland, France, Gabon, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, and Israel.

Jamaica, Japan, Lebanon, Madagascar, Malawi, Mongolia, Nepal, Nicaragua, Niger, Norway, Pakistan, Philippines, and Poland.

Republic of Korea, Rumania, Senegal, Sierra Leone, Sweden, Thailand, Trinidad & Tobago, Turkey, Ukraine, U.S.S.R., United Kingdom, and Yugoslavia.

BOTSWANA: THE COURAGE TO BE FREE

Mr. BROOKE. Mr. President, on Wednesday, September 24, the President of Botswana, His Excellency Sir Seretse Khama, addressed the General Assembly of the United Nations. It was an historic moment for Sir Seretse and his people, for it was the first appearance of the President of this young but vigorous and self-reliant state before the world body. His speech was fully worthy of the occasion.

It was my privilege, nearly 2 years ago, to visit the newly independent Republic of Botswana. I shall never forget my first impressions of that state: we flew in a small charter plane through a narrow corridor of land, being careful to avoid the airspace of Rhodesia on the left and South Africa on the right. We landed in a bleak and barren land—dusty, rocky, with a few low trees and bushes seeming to shrink from the unremitting sunlight. We drove over unpaved roads, past the first secondary school in the country, to the ancestral home of Botswana's President, Sir Seretse Khama. And we were greeted with a warmth, a hospitality, and a sincerity unrivaled anywhere in Africa or the world.

Botswana at that time was two-thirds Kalahari Desert and game preserve. It had less than 10 miles of paved road. Its resources were unassessed and unexploited. It contained some of the most primitive peoples in the world—and, we were to learn, some of the most intelligent, progressive, and serious people as well. It was a black African state almost totally surrounded by the repressive and apartheid governments of South Africa, Southern Rhodesia, and the overseas territories of Portugal. Only a narrow corridor 300 yards wide linked it with the independent nation of Zambia to the north. Botswana used South African currency, participated in the South African customs union, and its sole link with the outside world was over the Rhodesian-South African Railway. How in the world, we wondered, would Botswana ever survive? And if it survived, how would it ever maintain its principles and its integrity as an independent black African state?

Many of these questions were answered in the remarkable speech which Sir Seretse Khama delivered before the United Nations. Botswana's geographic position has not forced it to compromise its principles where the question of apartheid is concerned. Refugees from the white-dominated governments which surround Botswana are granted asylum in accordance with the United Nations Convention; with the help of the U.N. High Commission they are granted food and shelter, taught skills, and allowed to live in Botswana until such time as an acceptable government permits them to return to their homeland. Nor has economic dependence forced the people of Botswana to refrain from participation in or encouragement of economic sanctions against Rhodesia. President Khama made a strong appeal to the world body to maintain sanctions against the government of Ian Smith, and noted that Botswana, in keeping with those sanctions, refused to permit arms and military supplies to be transported on the railway, and was in the process of developing alternate trade routes in and out of the country.

What is more, vast mineral resources, including diamonds, have now been found in the Kalahari Desert. With the help of private investment and economic aid, Botswana will soon be in a position to provide employment for many of its people, to meet its financial needs, and to begin to provide the necessities of life—roads, schools, communications links, and other public services—for all the people of the country.

The leaders of Botswana are wise for their years, and they and their people are

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united in a common effort to develop their country and keep it free.

Botswana, in some ways more than any other nation, occupies a key position in the fight for human rights. If the people of Botswana can win their struggle and accomplish the tasks they have set for themselves, they will have set an inspiring example for the peoples of the world. Such a brave effort to secure and to keep the rights which we ourselves have long proclaimed deserves our fullest support and understanding. That we may better appreciate the courage and determination of the people of Botswana, I commend the speech of its President, Sir Seretse Khama, to the attention of my colleagues, and ask unanimous consent that it be printed in full at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT OF THE REPUBLIC OF BOTSWANA, HIS EXCELLENCY SIR SERETSE KHAMA, IN THE GENERAL DEBATE AT THE 24TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, SEPTEMBER 24, 1969

Madam President, it gives me great pleasure to congratulate you on your election to this important office. I feel confident that with your long experience of the work of this organization, you will steer this session through to a successful close.

May I also express my sorrow at the untimely death of the President of the twenty-third session of this Assembly, Mr. Emilio Arenales Catalan, whose short term of office will be long remembered for the courage he displayed.

I should like on behalf of my people to pay tribute to the Secretary-General's work for world peace and his untiring devotion to the service of humanity.

Botswana is within a week of celebrating the third anniversary of its independence. My country is thus a comparative newcomer to the United Nations, and this is my first opportunity to address this General Assembly. Botswana is a small country in terms of population if not in area. As a small and poor country we set a particularly high value on our membership of the United Nations and those of its specialized agencies which our budgetary restrictions have permitted us to join. I should like to emphasize the particular importance of the United Nations for states like Botswana which, because of development priorities, are obliged to restrict their conventional bilateral contacts and keep their overseas Missions to a bare minimum. Here in New York we can make contacts which would otherwise be difficult to achieve. The United Nations offers many advantages to a state like ours. The United Nations enables us to keep in touch with international opinion, and to put our views before the world.

The United Nations is also regarded by small states as an institution which protects their special interests. Together with its specialised agencies, it is of course also a major source of development finance and technical assistance from which Botswana benefits greatly. I am conscious of Botswana's indebtedness to the United Nations, and I am honoured to have the privilege of putting some of Botswana's problems before the world through the members of this Assembly.

I am aware that there are many international problems which will come before this Assembly during this its twenty-fourth session. Botswana shares the general alarm at the prolonged impasse in the Middle East and the dangerous military escalation which has marked the last months. We are looking, like most member states with anxious eyes towards Vietnam and praying that this tragic and long-drawn out conflict will soon be resolved at the conference table.

We are watching the civil conflict in Nigeria with even greater anxiety, since our own continent is directly affected. Botswana sympathizes fully with those member States both inside and outside Africa who want to see the fighting and the human suffering it involves brought to an end, and the work of reconstruction and reconciliation begin. Yet we believe the foundation for the effective resolution of this dispute in the best interests of *all* the peoples of Nigeria remains the work of the Organization for African Unity. Our efforts earlier this month at Addis Ababa may not have been crowned with immediate success. But there is no magic key which will unlock this complex problem in which so many conflicting interests including interests outside Africa are involved. If the United Nations has a contribution to make to the resolution of this conflict it lies in restraining the external powers involved from taking actions and adopting policies which could further delay a negotiated settlement. Botswana favours any initiative acceptable to both principal parties involved which will lead to a peaceful and lasting settlement and which will not threaten the stability and unity of other African states.

Our basic approach to all international problems stresses the need to resolve conflict by peaceful means. The weak of the world can hardly in logic support the recourse of violence, which must inevitably favour the strong.

Because Botswana is part of a region which faces the threat of violent conflict, I want on behalf of my people to lay particular emphasis on the need to find peaceful solutions to our problems. Southern Africa lives with the dangers of violent racial conflict. I want this afternoon to discuss the threat of racialism as it affects southern Africa, and in particular my own country, Botswana. And, within Southern Africa, I should like in particular to draw this Assembly's attention to a problem which I fear some powerful countries would prefer to forget. I refer to the problem of Rhodesia, which the people of Botswana are in no position to forget.

May I remind you of our geographical position and our historical circumstances. Botswana is almost entirely encircled by minority-ruled territories. We have a long and indefensible border with Rhodesia, and a long border with Namibia and with South Africa itself. The only railway running between Rhodesia and South Africa passes through Botswana. Not only is this railway operated by Rhodesia Railways, but it is vital to both Rhodesian and South African interests. It is also vital to Botswana because it provides our only outlet to the sea and to export markets overseas. Through this route must come the capital goods necessary for our development. Unlike some other states in Southern and Central Africa we have no practical alternative outlet.

We are for historical reasons part of a customs area dominated by the industrial might of the Republic of South Africa. We share the monetary system of the Republic of South Africa. Our trade and transport systems are inextricably interlocked with those of South Africa.

So meagre are our own employment prospects that we have for many years been obliged to permit some of our young men to go and work in the mines of South Africa. In the immediately foreseeable future we can find no way of providing alternative employment for all these men, nor can we afford to dispense with their earnings.

Botswana thus faces unusual and onerous handicaps, but we also face an unusual and challenging opportunity. I should like to describe our position because I believe it will give member states a useful insight into the problem the world faces when considering the question of minority-rule in Southern Africa. I should like to explain how Botswana is responding, not only to the challenge of underdevelopment, but also to the challenge posed by our powerful neighbours whose way of life is not our way of life and whose values are the reverse of our own.

When my government took office in 1965 we were faced with a problem of underdevelopment of classic proportions. Such development programmes as were initiated under colonialism no more than scratched the surface of our problems. Most important of all, in contrast to other British colonies, there had been practically no attempt to train Botswana to run their own country. Not one single secondary school was completed by the colonial government during the whole seventy years of British rule. There was little provision for vocational training even at the lowest levels. The roads, water supplies, power supplies on which industrial development is based were totally inadequate. We were in the humiliating position of not knowing many of the basic facts about Botswana on which development plans could be based. We are still learning about the resources of our own country.

But we are now tackling the problems, and if I appear to boast of the progress we have made, it is to praise the efforts of my people rather than to vaunt the achievements of my colleagues in government and myself. We have received generous budgetary assistance and development aid from the British who have done much to make up for earlier neglect. We have received aid from other member states and from the agencies of the United Nations itself. What is more, all this aid has come without political strings. There has been no attempt to use aid to change our domestic or external policies. We will reject all donors who do not show the same forebearance.

Nevertheless, we depend on foreign aid for more than half our revenue. On what then is based our claim to be an independent state? Can we aspire to help in developing the prosperity, unity and freedom of our continent and hence play a constructive role in world affairs? I believe we can. Because, although we are for the moment dependent on foreign aid, we are also self-reliant. Because my people are mobilising their own resources, both human, physical and financial, we can accept overseas assistance without loss of pride. Furthermore, we believe that we have succeeded in attracting the major part of this aid because we are making great efforts ourselves, and because it is recognised that we have something to offer towards a solution of one of the world's most pressing problems, the future of minority-ruled Southern Africa.

Botswana is now on the threshold of new and major development. Since independence it has been discovered that we are blessed with mineral resources, which if exploited, offer us a prospect of financial self-sufficiency during the 1970's and in the long run the hope of healthy balanced development in all sectors. My government is in the midst of negotiating international loan finance for these developments. It is a matter of the greatest concern for us that this money is raised from the right source on the right terms. For despite all the handicaps of geography, climate and the legacy of colonial neglect, the people of Botswana have now embarked on the struggle to reduce our dependence on neighboring minority-ruled territories.

Only in this way can the people of Botswana reap the full benefits of independence. We feel that only in this way can the fruits of our labours be fully enjoyed. We did not win our independence from the British to lose it to a new form of colonialism from any source whatever.

Yet we accept that we are part of Southern Africa and that the harsh facts of history

and geography cannot be obliterated overnight. We recognise that in our present circumstances we must continue to remain members of the Southern African Customs Union and the South African Monetary area. We have noted South Africa's assurances of friendly intentions towards Botswana and other independent states. We have noted South Africa's offers to assist other African states in their development. Botswana, together with Lesotho and Swaziland are in the process of concluding lengthy negotiations with South Africa on a new customs agreement. In these negotiations we have not been seeking aid. Our objective has been to secure an equitable distribution of the revenues of the customs area, and the opportunity to protect our infant industries while retaining access to the South African market. We welcome private investment in Botswana from any source which seeks to build in partnership with our people and not to drain us of our resources with little or no return to the country. We are confident that we can co-exist with the Republic of South Africa without sacrificing our national interest or our fundamental principles.

For we have made no secret of our detestation of apartheid. Although for obvious reasons we are obliged to interpret strictly the principle of non-interference in the affairs of other sovereign states, we have not hidden our views.

Our voice has been heard in this Assembly and in other international forums in favour of universal self-determination, in support of peaceful solutions to international conflicts throughout the world, and in place for a realistic appraisal of what can be achieved by this organization.

Living, as we do, face to face with the realities of apartheid, we have little sympathy with token demonstrations and empty gestures. Yet we have unequivocably condemned the theory and practice of apartheid and we deplore its intensification and particularly the extension of the full apparatus of apartheid to the International Trust Territory of Namibia. Nevertheless, for obvious reasons however, Botswana must maintain diplomatic contacts with South Africa. For equally obvious reasons we decline to consider an exchange of diplomatic representatives until South Africa can fully guarantee that Botswana's representatives will in *all* respects, at *all* times and in *all* places be treated in the same way as diplomats from other countries.

We have expressed our opposition to Portugal's unyielding refusal to permit any progress towards self-determination in Angola, Mozambique and Guinea (BFISSAU). We have declined to entertain diplomatic relations with the Portuguese in the absence of any commitment on the part of Portugal to allow the indigenous people of their so-called overseas provinces to proceed to independence. Our criticism of Portugal's policies is not based on an argument about the timing of a programme for progress towards self-determination, but on the point blank refusal of the Portuguese government to concede that these territories can ever choose to move towards independence.

I would like to draw attention at this point to the firmly stated preference, endorsed by all independent African states in the Lusaka manifesto, for the achievement of self-determination through negotiation.

It was thus that Botswana achieved majority rule, and eventually independence, and this has been the path which most African states have been fortunate enough to tread. It is the wish of the government and people of Botswana that the indigenous populations of the neighboring territories should eventully share this experience.

One consequence of our geographical position is that Botswana has provided a refuge for many who have found themselves unable for one reason or another to continue to live in neighbouring minority-ruled territories. Botswana recognizes a responsibility to these victims of political circumstance, and we are trying to discharge this responsibility as well as our resources permit. Refugees come to Botswana from Angola, Mozambique, Rhodesia, South West Africa and South Africa. At present there are more than 4,000 recognized refugees in Botswana. My government acceded to the United Nations General Convention and to the 1967 Protocol relating to the status of refugees in January this year.

Botswana grants asylum and assistance to genuine political refugees who seek our aid. The financial burden of doing so would have been heavy were it not for the generous assistance we received from the United Nations High Commissioner for Refugees, the World Food Programme, the World Council of Churches and other international bodies. For our part we have granted refugees recognition of their status. We have allowed them to settle in various parts of our country and find jobs or open their own businesses. And where possible, we educate them as well as our limited educational and training facilities permit. Equally important, we issue United Nations Travel Documents with a return clause to those refugees who wish to travel to other countries, where suitable training establishments are able to accept them.

The majority of refugees in Botswana have come from Angola. These people have been settled on a hundred square mile farming scheme.

Through training in agriculture and fishing, we hope that they, like many other refugees, will become integrated with the citizens of Botswana. We have welcomed them to our country. They can make their home with us until their own countries achieve a government acceptable to them.

I have already referred to certain constraints which Botswana faces when considering its position on Southern African issues. I have also mentioned certain principles which guide us. Our constant concern is to respect those constraints while not violating those principles.

The future of Rhodesia is of utmost possible concern to Botswana. I have referred to our long and indefensible common frontier. My government from the outset condemned the unilateral declaration of no independence before majority rule. For that reason we joined the majority of Commonwealth countries in rejecting the "Fearless" proposals. We condemned in no uncertain terms the illegal regime's constitutional proposals which entrench discrimination and separate development, and which definitely block the possibility of a peaceful transition to majority rule for which the 1961 constitution, at least in theory, provided. We recognise that these proposals endorsed by an unrepresentative electorate end the prospect of a peaceful transition to majority rule without some form of external intervention to secure this. These proposals are now being implemented by the Smith regime.

I warned the white minority in Rhodesia that by taking this course they were increasing the risk of violent conflict and endangering the stability of the region. Botswana is on record as favouring the re-assertion of British rule in Rhodesia. This course is the only one which offers a hope, however faint, of peaceful transition to majority rule. I recognise that the white minority in Rhodesia, conscious of the injustice it has implemented and fearing the justifiable bitterness of the oppressed African population, will feel the need for some guarantee that the transition to democratic nonracial government should be gradual and peaceful.

One way in which Britain could restore its authority is by the use of force. But I think that we must now accept, whether we approve of this decision or not, that Britain is not under present circumstances prepared to resort to force. Botswana feels that it follows that alternatives to force must be considered. There comes a point when one policy, having been pushed to its limits, must be accepted as having failed, and must give way to another. It is essential that Britain be held to her legal and moral responsibility to the African majority in Rhodesia. There must be no absolution.

This I have to admit leaves us with a policy which, as many member states have argued in past debates has been far from successful. I refer to mandatory sanctions. Yet for all the frustrations and disappointments which the tardy application of sanctions has given rise to, it remains essential that they are in fact maintained and intensified. We feel that these sanctions serve an important purpose, even if they are not extended to include South Africa. Just as it is clear that neither Britain nor any other country will use military force against the Smith regime, it is clear that a boycott of South Africa on this or any other issue cannot be achieved. The existing sanctions are thus at the present time all that stand between the rebel regime's success and failure. That being the case, rather than dismissing the sanctions weapon as totally ineffective, it is surely wiser to try and make them as effective as possible.

While it is important not to over-estimate the impact of sanctions it should not be too readily accepted that sanctions have had no effect at all on Rhodesia. From our vantage point we can see some of the effects of sanctions and I can assure this Assembly that they are not negligible.

To permit them to be eroded at this point would be unnecessarily to concede defeat. Certain consequences would follow. The way would be opened to diplomatic recognition by powers which are at the moment hanging back from this step. Rhodesia's links with Portugal and South Africa would be enormously strengthened and the whole minority position in Southern Africa would be consolidated. There are, I am convinced, elements both in South Africa and Portugal, and in the world at large, who have serious doubts about the viability of Rhodesia as a white-ruled state, given its rapidly expanding African population and its handicapped economy. Lifting sanctions would liberate the fettered Rhodesia economy and serve to restore the confidence of such observers in the viability of continued white supremacy.

For this reason Botswana appeals to all member states to make what contribution they can to rendering sanctions more effective. And here I should like to pay tribute to the work of the United Nations Supervisory Committee and of the Commonwealth Sanctions Committee. On their efforts and those of the member states of this organization are pinned the last hopes of preventing the illegal regime from imposing permanently its own version of apartheid on the people of Rhodesia, for whose welfare this organization has assumed a certain degree of responsibility. The present international isolation of the illegal regime and those who support it must be maintained. Our own difficulties in the matter of sanctions are obvious, but we are attempting to play our part within the limitations imposed by our frail economy and our landlocked position. We have prevented Rhodesia from using their railway to import arms and military supplies. Botswana's airline has ceased to fly into Rhodesia. We are preparing to do more. Botswana has committed itself to diverting long-standing trade with Rhodesia, despite the very considerable economic and administrative problems which such a course presents. Contingency planning is well advanced.

Our contribution to this struggle can only be a small one, for we are not a rich and powerful country. But we are hopeful that it will help to check the erosion of sanctions. There are other powers who live less

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closely with this problem than ourselves but who can make greater contribution towards solving it.

May I conclude on a more general point, but one which also relates to Southern Africa. I have referred to Botswana's prospects of mineral development and of our hopes that this will permit us to dispense with budgetary aid and to develop a balanced and prosperous economy and a healthy non-racial democracy. We hope this for the sake of our people, but we also look forward to it with all the more eager anticipation because we recognise that it will permit us to make a greater contribution to solving the problem of our region. By this I do not mean that we will depart from our principle of non-interference in the affairs of neighbouring sovereign states. But Botswana as a thriving majority-ruled state on the borders of South Africa and Namibia will present an effective and serious challenge to the credibility of South Africa's racial policies and in particular its policy of developing so-called Bantu homelands and its stated goal of eventual independence for these Bantustans. It could force them to abandon the policy or attempt to make it a more immediate reality and even face the prospect of surrendering sovereignty to genuinely independent states. Either reaction would have important political consequences. A prosperous non-racial democracy in Botswana immediately adjacent to South Africa and Namibia will add to the problems South Africa is already facing in reconciling its irrational racial policies with its desire for economic growth.

If Botswana is to sustain this role, which you will recognise is not an easy one, its independence must be preserved. This means that we must ensure that we are insulated from any instability which the policies of neighbouring white-ruled countries may provoke. It also means that Botswana needs the support and sympathy of friendly nations. We recognise that our independence ultimately depends on the durability of our political institutions and on our success in achieving economic development. But our independence is also buttressed by our external relations. We have friends in all continents. Our membership of the United Nations is in itself a source of strength. I should like to appeal to all member states in their deliberations on the question of Southern Africa to recall not only Botswana's particular problems, but also our potential contribution to achieving change by peaceful means.

TAX REFORM

Mr. MURPHY. Mr. President, Dr. Norman Topping, the distinguished president of the University of Southern California, one of the Nation's outstanding private educational institutions, has prepared a statement for the Senate Finance Committee regarding the Tax Reform Act of 1969 and its effect on higher education. I ask unanimous consent that President Topping's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF NOAMAN TOPPING, PRESIDENT, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, CALIF.

SUMMARY OF PRINCIPAL POINTS

Certain provisions of the Tax Reform Act of 1969 will discourage vital gifts to higher education.

Specific damaging provisions include those relating to gifts of appreciated assets and allocation of deductions; life income trusts; donative sales; short-term trusts; tax and other regulations concerning foundations.

Tax reform can be achieved without harm to independent higher education.

Independent higher education already faces a financial crisis, and giving should be further encouraged by Congress.

Let me first express my appreciation for the opportunity to be heard by the committee out of the scheduled order of subjects. I was required to be in Europe most of last month while these hearings were being held. The matters you are hearing are of such great importance to higher education that I felt I must accept this opportunity to make my views heard.

Independent higher education is vital to our system of society—to our unique way of life in the United States. Congress in the past was right to encourage charitable gifts. In principle, the Tax Reform Act of 1969 also encourages gifts—it includes a provision increasing the ceiling on deductibility. In practice, it will not work to encourage gifts.

You have heard many hours of expert testimony. I will summarize four major points.

1. Gifts of appreciated assets are the major form of gifts above a thousand dollars. They provide more than half of the dollars in gifts to independent higher education. The allocation of deductions provision in the bill before you would severely restrict this kind of gift.

2. Life income trusts would be virtually eliminated. This form of gift has been growing in usefulness during recent years. For the year ending with June, 1968, independent higher education received nearly $45 million in gifts subject to life income or annuity. This is more than twice the estimated additional revenue to the government from the tax reform provisions affecting charitable deductions. Government would benefit very little; private higher education would suffer substantially.

Most independent colleges and universities do not enjoy a huge endowment. Huge funds at Harvard and Yale and at a handful of other fine universities are the exception. The University of Southern California, for example, receives only three per cent of its annual revenue from endowment. Before this bill, we had looked to the life income trust as a major means of increasing this vital guarantee of annual revenue.

3. Donative sale gifts and short-term trusts no longer would be useful means of giving. Additionally, there are retroactive provisions in the bill which will cost us at USC a two-million dollar short-term trust created last May. I am certain other institutions will be similarly deprived.

I think it is important to note that through all these forms of gifts, the donor decreases his spendable income. He does not make money from his gift to higher education or other charitable activities—unlike other kinds of tax preferences.

4. Additionally, many of the provisions regarding foundations would decrease gifts to higher education. Any tax will, of course, decrease the total amount foundations have to give away. Even the 2% tax proposed by the Treasury—let alone the 7.5% provided in the House bill—is significant. Half or more of the $25 million estimated to be produced by a 2% tax would otherwise go to education. For many independent colleges, this loss will be critical.

We oppose the 20% ownership of a corporation provision as unduly restrictive. It would penalize many fine foundations which have acted with great responsibility and are principal benefactors of higher education.

The point is pertinent to certain of the provisions in the Tax Reform Act. They are intended to penalize a few persons or institutions which have abused their privileges, or to make laws equitable where only a relative handful have not paid a fair share. Unfortunately these provisions result in hurting others.

We all favor equitable tax laws. Congress is to be commended for this vital effort to eliminate abuse. But surely these objectives can be achieved without critical damage to independent higher education. Indeed, we do not oppose many of the provisions—for example, those which would insure that everyone would pay a share of taxes—which will serve to eliminate injustice.

Higher education everywhere, and independent higher education especially, is already in a state of financial crisis. Independent institutions have already been forced to become supported by governments. Others may soon be forced to close.

All the statistics—the taxes required to run state systems, the gifts needed by independent institutions, the percentage of actual giving as opposed to the percentage allowable under our present tax laws—all these statistics and others indicate to me that charitable gifts should be encouraged, not made more difficult.

We have created a great nation in large measure owing to our system of combined public and private education. Each complements the other. Each helps to keep the other strong. Where would we be with only one system? Yet that is the very real danger presented by provisions in this Tax Reform Act. Independent higher education can only be weakened, with an ever greater burden on government for education as the inevitable result.

I urge this distinguished Committee to create a bill which will continue to aid higher education, one which will make our tax laws equitable without damaging our American way of life.

MEETING THE NATIONAL CAPITAL CRIME CRISIS

Mr. TYDINGS. Mr. President, this morning's newspapers indicate President Nixon plans to send Congress a message soon urging passage of a number of pieces of legislation. Statements by leaders of the President's party indicate the message will be the opening gun in an attempt to smear this Congress with a "do nothing" label in order to promote Republicans for office next fall.

Certain officials of the administration have, within recent days, zeroed in on the crime crisis as a major area where the President will try to blame Congress for increasing crime rates. As chairman of a Senate committee which has been hard at work all year to find answers to the crime problem, I particularly resent this political tactic.

As I have frequently said, I believe the crime issue ought to be above politics. I am disappointed the administration has decided to make law enforcement a political football. No good end can be served when the administration tries to blame Congress for delay on a Presidential program which was not even submitted to Congress until midsummer.

The blame for any delay in the crime fight lies squarely with the administration. I warned on July 1 that that delay could cost a full year in the war against crime.

Take the National Capital crime programs, for example.

At midyear we had received no Presidential bill on narcotics, no bill on courts, no bill on armed violence, no bill on tightening bail procedures. In fact, we had received no National Capital crime bills at all from the President.

At this October date, we will have not

received any bill to provide the kind of narcotics treatment facilities necessary to reduce narcotic addict crime, no legislation to make the prison system work, and no legislation to help State and local law enforcement agencies in this area help combat crime.

We have waited patiently for these bills, just as we waited for the administration's other bills. We want to have the President's views. In the case of court reform, we had to postpone our hearings three times because the administration was not ready. Finally we had to tell the administration that we would go forward without them unless they came up with a bill.

Now it looks like we will also have to go forward in antinarcotics law, prison reform, and State and local law enforcement assistance without any help from the administration.

We have moved as rapidly on the bills the President has submitted as responsible legislative consideration permits. The administration's court reform bill was finally sent to Congress July 11. It was reported by this committee on September 4, and passed by the Senate September 18, 70 days after it was first submitted to Congress.

We have concluded hearings on all the rest of the crime legislation the President sent us in July and are preparing to report that legislation as well.

Unfortunately, a significant part of the President's crime program for the District of Columbia, his bill on juvenile crime, did not reach Capitol Hill until 10 days ago, eight months after it was promised.

I think that if a charge of delay is appropriate at all on the crime issue, that charge must be answered by the administration. The administration's failure to present Congress with crime legislation and to respond promptly to Congress' request for the administration's views on other crime bills has created any delays which have occurred.

Take, for example, the case of the urgently needed legislation to beef up the Bail Agency in the National Capital. During our crime hearing last spring we found that once defendants were released under the Bail Act, literally no one kept track of them to make sure they conformed to the conditions of their release or even appeared for trial. So, we introduced a bill on January 22 to correct that situation. When we asked the Department of Justice to comment on the bill, it declined to do so, saying the President was preparing his own bill on the same subject. That was in April.

So we waited. Then on July 1, concerned at the administration's delay, we reported our own bill, S. 545 to the Senate. The Senate passed it on July 8. The administration finally submitted its bill on July 11.

My information is that this pattern of administration delay seems also to have afflicted other committees as well, retarding their anticrime efforts.

Apparently the administration is better at writing speeches than at writing legislation. We cannot enact a message, letter, or speech from the President or the Attorney General on crime. We need concrete legislative proposals.

I remain gravely concerned that the administration's delay in submitting its crime legislation, particularly that relating to the National Capital region, is going to cost us a full year in the war on crime before it can be enacted.

I repeat again that this committee will do its best to overcome these administration delays and to enact the crime laws we need as soon as we responsibly can.

Since last February 1, we have conducted more than twenty days of crime hearings concentrating on narcotics and criminal laws. We have enacted bills to reform the courts for the first time in a century, to speed criminal trials, to help control pretrial crime by those on bail and to provide extradition for juvenile delinquents.

We have also recommended a number of important law enforcement steps which the administration can take without legislative action. But we have been frustrated by the administration's failure to take action on a number of them.

In March, I asked that all major crime suspects be tested to see if they are narcotics addicts. If they were, I asked that they be detained for treatment, rather than released to prey on the community. No such action has been taken.

At the same time, I asked the President to support the creation of a regional narcotics treatment facility in Washington to which addicts could be committed until they were no longer a danger to the community. The President has so far failed to act.

The Metropolitan Washington Council of Governments has twice this year asked for funds from the Justice Department for important local law enforcement projects in the Washington metropolitan area. Both times they received less than was necessary to do the kind of job we need.

This committee, the first to take action on any part of the President's crime program, will continue to do its part to meet the crime crisis. We will try to meet our responsibilities without buck-passing or partisanship.

The American people deserve and demand protection against the crime wave. They want no politics or foot-dragging on this issue. They look to the President for leadership and action, not speeches and excuses. We will continue to cooperate fully with the President in his efforts against crime and do everything we can to put the needed laws on the books as soon as possible.

Mr. President, I have had prepared a brief summary of some of the committee's activities this year, particularly those relating to the crime question and to the President's program as it has been received by the committee. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PARTIAL SUMMARY OF ANTICRIME ACTIVITIES OF SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA

I. Court Reform to Cut the Backlog of Criminal Cases

Feb. 18. Senator Bible introduces S. 1067 and S. 1068 on Court Reform.

Feb. 28. Senator Tydings introduces S. 1214 and S. 1215 on Court Reform.

March 25–26. Hearings on court reform cancelled because Administration bill not ready. Committee begins own hearings on narcotics instead.

May 19–22. Hearings scheduled for May 19–22 on Administration bill cancelled. Administration bill still not ready. Hearings held on S. 1067, S. 1068, S. 1214, S. 1215 instead.

June. Court hearings postponed again because Administration not ready.

July 1. Chairman Tydings warns in speech to Board of Trade "I have made every effort possible to wait for the Administration. But I cannot postpone the final court hearings any longer. The Committee will conclude its court hearings the week of July 17 and will proceed in due course to report a bill. I hope the Administration can be ready by mid-July. But we can have no more delays."

July 11. President sends his "D.C. Crime" bill to Congress.

July 15–16–17. Hearings on President's bill (S. 2601).

Sept. 4. Committee orders Court Reform portions (80%) of President's bill reported.

Sept. 16. Report filed in Senate.

Sept. 18. President's Court bill passes Senate.

II. Amendments of Criminal Law and Procedure

July 11. President's bill received.

Sept. 18, 25 and Oct. 2. Hearings held and concluded. Scheduled to be reported to Senate by November.

III. Strengthening the Bail Agency to Reduce Pre-Trial Crime

Jan. 22. Senator Tydings introduces legislation (S. 545).

Feb. 1. Hearings held.

April 22. Department of Justice declines to comment on bill.

July 3. Committee reports S. 545.

July 8. Senate passes S. 545.

July 11. President submits his own bill as part of his "D.C. Crime" bill.

IV. Juvenile Crime

June 5. Senator Tydings introduces legislation (S. 2335) for extradition of juvenile delinquents.

Aug. 8. Hearing on S. 2335.

Aug. 11. S. 2335 ordered reported by full Committee.

Sept. 18. Passed Senate.

Sept. 26. President's Juvenile Court bill, promised last spring, is sent to Congress.

Oct. 1. Senator Spong opens hearings on violence in Public Schools.

V. Narcotics

Feb. 11. Senator Tydings asks courts and Bail Agency to institute narcotics addiction tests on criminal defendants.

March 2. Senator Tydings asks President to support creation of Metropolitan Washington Regional Narcotics Treatment facility.

March 25–26, April 9–10–11, June 17. Narcotics hearings.

March 26. Senator Tydings calls for Grand Jury to indict major narcotics traffickers.

April 21. Senator Tydings Asks Metropolitan Washington Council of Governments to establish task force to coordinate area antinarcotics program.

July 29. Narcotics Crime Conference of Baltimore and Metropolitan Area Law Enforcement Officers, called by Senator Tydings, plans regional narcotics crack-down cooperation.

COMMITTEE ACTION ON OTHER PARTS OF THE PRESIDENT'S D.C. PROGRAM

I. Mass transit development

May 16. President's bill introduced by Senator Tydings (S. 2185).

June 10–11. Hearing held.

July 1. S. 2185 ordered reported by Full Committee.

July 8. Passed Senate.

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II. Home rule

April 25. Committee bills on Home Rule introduced.

April 30. Hearings on Committee Bills.

May 13. President sends his Home Rule bills to Congress.

September 25. President's bills reported to Senate.

October 1. Senate passes President's Home Rule Bills.

III. Revenue

August 11. D.C. Revenue Bill passed by House (H.R. 12982) (As a tax measure, it had to originate in the House).

August 12-13. Hearings on H.R. 12982.

August 13. H.R. 12982 formally referred to Committee by Senate.

September 24. H.R. 12982 reported to Senate.

October 3. Senate passes H.R. 12982.

SENATOR BROOKE DEPLORES CONTINUED CAPTIVITY OF THE TWO IMPRISONED ISRAELIS

Mr. BROOKE. Mr. President, recent press reports have provided a slim ray of hope for those of us—and they are many—who remain deeply concerned about the fate of the two Israeli citizens still held captive by the Government of Syria. I refer to the fact that 10 nations have now called the U.N. General Assembly to inscribe upon its agenda a resolution calling for "effective measures" against international air piracy.

It is no minor matter when more than 50 incidents of air piracy occur in a single year. The world has become more closely bound together than ever before. International trade and tourism depend upon the reliable transfer of goods and people among the several nations of the world. Thousands of flights, millions of people, and billions of dollars in goods are involved in this international traffic each year. Nearly every nation has at least one airline, some privately and some publicly operated, upon which it depends in great measure. And every nation which has such an airline must rely on the good will of other states for the safe operation of its planes and the safe conduct of its passengers and crew.

No nation's welfare is served, therefore, when one state chooses to harbor international criminals and to keep their victims imprisoned. For if one country can so violate the codes of decency in international relations and escape retribution, then we may be verging on a state of anarchy in international affairs unparalleled since the days when the Elizabethan "seadogs" plundered the trade of friend and foe alike.

I shall have more to say on this subject in the near future, for the entire issue of air piracy is of deep and growing concern to me. However, I do wish to take this opportunity to welcome the proposal of the 10 member states and to express my hope once again that the Government of Syria will realize the danger of the course upon which it has embarked and will take immediate steps to release the two remaining passengers and deal justly with their abductors.

THE TEACHERS CORPS PROGRAM

Mr. MURPHY. Mr. President, I continue to hear good reports regarding the Teachers Corps program.

As a member of the Senate Education Subcommittee, I am always pleased to hear that programs are working well at the local and State level and they are accomplishing the purpose as intended by the enacted legislation.

Last year, I spoke on the Senate floor supporting increased funding for this program.

On August 10, the Los Angeles Times carried a story about the Teachers Corps rural-migrant programs at the University of Southern California. Teachers Corps interns see problems in our society, but unlike some of the young people who get so much of the media's attention, the Teachers Corps are constructively trying to do something about the conditions that they see and to help build a better America for all our citizens. I ask unanimous consent that the article written by Los Angeles Times writer, Arlene Van Breems, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Aug. 10, 1969]

MEXICAN HERITAGE ADDED TO CLASSROOM

(By Arlene Van Breems)

Education came only in English wrapped in "Anglo" culture for the Mexican-American children of migrant workers in Tulare County.

When these students came to school each day, their Mexican heritage and their facility in Spanish were left at home, waiting for them when they returned.

But things changed with the Teacher Corps: Rural Migrant people and program came to their towns and schools.

The children were asked to bring their Mexican environment and their special problems to the classroom.

"These students have the same educational needs as English-speaking students," says Mrs. Patricia Cabrera, the program's director, "but they require different teaching techniques because of their Mexican background.

The school district of Tulare County asked for help, and we knew that our interns with the program behind them could give that extra help," she added.

Teacher Corps: Rural Migrant has been training career teachers for three years. Currently, 32 interns are going through the program and are almost evenly divided between the first and second year.

PUT INTO TEAM

Each is put into a team of five or six, headed by a team leader who has come from a professional teaching background.

A total of 17 completed both years of training and were graduated in July. Seven out of the total are returning to Tulare as regular teachers.

The two-year program is part of the nationwide Teacher Corps program federally funded by the U.S. Office of Education. Five colleges in California design and operate the Teachers Corps projects: San Diego State College; San Francisco State College; San Jose State College; University of the Pacific in Stockton; USC.

Teacher-interns earn the base pay of regular teachers with comparable training and experience in the school system where they serve, plus stipends during preservice training.

The classrooms in Tulare County in the San Joaquin Valley are summertime quiet, but the interns of the Teacher Corps: Rural Migrant program are caught up in preparation for the fall when school begins.

Since the problems of teaching children of Mexican-American migrant parents do not take a summer vacation, neither do the interns.

Some are in Mexico taking intensive language courses in Spanish after completing education courses at USC. Others are working on special projects of their own design which will produce material, skills or both for the coming school year.

LONG DAYS

When the interns sign up for the training program, they sign up for long days and extra involvement in the problems of the people and community where they serve, while getting a master's degree in teaching and community work from USC.

"We will deliver the goods, the degree," said Mrs. Cabrera, "if they are willing to give up two years and spend seven days a week extending themselves into the problems of the community.

"We are not looking for the kind of teacher who goes home at 8 o'clock, thinking that the day is finished," Mrs. Cabrera added.

Coming as strangers in a strange place, the interns give up more than time. No one asks them to shave off a mustache or lengthen a miniskirt. They do these things on their own because they want to be accepted into a community different from their own.

"These things become very unimportant," said Romola Katz, a first-year intern, "when you have to build up the confidence and trust of the community.

"You make things more difficult if you alienate people by your dress," she added.

Two-thirds of the interns are Mexican-Americans, many from the Tulare community. "We made it," said Manuel Montano, "and we are trying to show them by example that they can, too."

Breaking down old stereotypes is an important part of their mission. "Too many people think that Chicanos are stupid and lazy," said Victor Vaca, another first-year intern. "When the children start to believe this, they start having educational problems."

Interns have two years' worth of time to fill in the gap between their college-born idealism and the reality of poverty with creative programs and new teaching strategies.

"If I were handing out ribbons to interns," said Mrs. Cabrera, "I would give them out for developing new strategies—anything new and different has a greater chance of opening up a closed rural society."

Last year the interns unleashed their creativity in projects ranging from furniture manufacturing to classroom experiments in bilingual education.

A toy loan was started by Deane Lamb when she realized how difficult it was for a family to buy toys when they barely had enough to eat.

BORROW TOYS

Now the children borrow toys in a way similar to checking out books from a library except there are no fines. A Brownie troop in Moraga and a 4-H Club in Woodlake collected the first batch of new or used toys.

Since her two years with the program are over, she has passed the project on to another intern.

Intern Mike Mayo began a course in Mexican heritage and culture for Woodlake High School in his garage. His arts and crafts project attracted so many students that he was invited to move it to the high school.

When the interns go into the classrooms of Culter-Orosi, Woodlake and Stone Corral, they go to help the regular teachers not to replace them. "We don't tell the teachers that we are better qualified to teach than they are," said Joe McFadden, team leader.

"We don't come on as experts but as learners," he added. "The teachers realize that we are there to serve them and the community.

"If we come to community meetings, we don't say 'do this, this and this,' we wait until those in the community show us how they want to be helped," said McFadden.

Politics and social issues are not outside of their domain as teachers. "If you are not involved in the community of these children," said Gary Potten, a second-year intern who just was graduated, "you can't be an effective teacher."

During the spring floods, he and other interns helped evacuate Mexican-Americans from their homes. They worked an 18-hour day for five days and earned respect rather than dollars from the community.

One long-time resident of Tulare County was heard to say, "They are not just Anglos—they're Teacher Corps interns."

OTHER PROGRAMS

This program is spinning off other programs to aid the Spanish speaking community. Teacher Corps-Vista, a two-year work-study program out of USC, began this spring. For the 30 low-income young adults, Mexican-Americans and others, the program will lead to a California teaching credential and a bachelor of science degree in TESOL —Teaching English to Speakers of Other Languages.

For 23 graduates of HEP (High School Equivalency Program) a two-and-a-half month program was begun in June to prepare them as assistants in the TESOL program.

DECLINE IN FARM EXPORTS CALLS FOR POSITIVE RESPONSE

Mr. SPARKMAN. Mr. President, for many years I have been concerned with the deterioration of the U.S. balance of payments and the building of profitable export markets for American goods and services.

During this period, a number of myths about our country's position as a trading nation have been rudely shattered, as our commercial surplus declined from $6.7 billion in 1964 to the vanishing point in 1968. A recent blow to whatever complacency may still exist about these matters came in the report that fiscal year 1969 showed a 10-percent decline in agricultural exports, to their lowest level since 1963. In fact, this decline was the second in a row, as the following figures show:

Total U.S. farm exports

	Billion
1966–67	$6.7
1967–68	6.3
1968–69	[1] 5.7

[1] Source of the figures is in a newspaper article: "Farm Exports Decline 10%," *Washington Post*, August 26, 1969, Financial Section.

There are a variety of causes for this bad news, which only underscores the necessity for our Government and private industry to cooperate in making it possible for both large and small U.S. farmers and businessmen to compete effectively for world markets.

They must also compete imaginatively as world conditions change, new forms of agriculture emerge and other traditional relationships shift with the times.[1]

A number of us in the Senate have been trying for some time to improve the agricultural export picture. For instance, during the past several Congresses we have introduced two bills, currently numbered S. 2079, calling for an annual conference of the U.S. beef industry to assess world trade trends and opportunities, and S. 2190, calling for a concerted effort to refine agricultural statistics so that the Congress would be in a better position to assess judgments on agricultural export and import trade policies.

These measures are currently pending before subcommittees No. 3 and No. 4 respectively of the Senate Committee on Agriculture and Forestry, and I urge favorable consideration of these measures by both the executive branch and the subcommittees, especially in the light of the serious nature of the country's balance-of-payments problems.

THE PRICE OF BEEF

Mr. HANSEN. Mr. President, there seems to be some indication of a slowing down in the spiraling rise in prices of the past few years. For example, as I and several other Members pointed out recently, meat prices have leveled off and, in some cases, already reflect a recent drop in wholesale prices.

And, while I have repeatedly expressed my concern over high food prices and higher and higher prices for all the necessities of life, I do not believe the prices of meat, particularly beef, has risen at a disproportionate rate when compared with other basic foods.

I therefore welcome the hearings called in the other body to investigate increases in meat prices. When all the facts and factors have been considered, I believe the record will be clear that beef can still be purchased at comparatively reasonable prices. And this certainly does not imply that I would not like to see all food and other costs of living go down.

I am concerned, however, that a group would single out meat for a boycott of food stores here in the Washington, D.C., area. A news article about this movement in an afternoon newspaper quoted statistics collected by this group in local supermarkets during the past several weeks.

For emphasis, I presume, the particular cut of meat chosen by the group was porterhouse steak. This particular group may ordinarily buy porterhouse steaks, although I would consider a less select cut as more of a norm of what the average housewife would buy.

Nevertheless, the prices quoted for a pound of porterhouse steak ranged from $1.99 to $1.39 in September. I have noted in trips to the supermarket with my wife that meat prices vary during the week and are usually lower toward the weekend, at specially advertised prices, during which many housewives, including my wife, may stock up for a few days.

A full-page weekend special in this morning's Washington Post listed beef prices at one supermarket for less even for porterhouse steak than the lowest price found by the ladies who gathered the statistics.

Choice porterhouse steak was advertised at $1.29 per pound. And here are other meat prices advertised by this same supermarket today: Choice sirloin steak, $1.19; choice chuck steak, 65 cents; chuck roast, 59 cents; arm round bone, steak or roast, 99 cents; and stewing beef, 89 cents.

So I would say that either the ladies were not shopping for bargains or the price of beef has dropped since they made their survey. And also that there are some good cuts of beef at considerably lower prices, whether on sale or not.

In that regard, may I also point out a recent bulletin issued by the California Beef Council, which asks the question "Are beef prices really high?"

The council notes:

1. Beef and veal prices were only 12.9% higher this May than they were in 1951.

2. Overall food costs were 29.7% higher this May than in 1951.

3. The cost of living index rose 40.1% between 1951 and May 1969.

4. Our income rose from an average of $57.80 a week (or $1.45/hr.) in 1951 to $113.55 a week (or $3.02/hr.) in May 1969—a 96.2% increase. The average worker put in 39.9 hours to earn his weekly wages in 1951, compared to 37.6 hours a week in May 1969.

5. In 1951, one hour's labor bought 1.7 pounds of beef. In May, 1969, one hour's labor bought 3.2 pounds of beef.

6. On the average, a pound of U.S.D.A. Choice beef cost 88.2¢ in 1951—94.8¢ in May, 1969.

7. In 1921, a family of five spent 6.7% of its annual income for 670 pounds of meat.

In 1966, a family of five spent 4.5% of its annual income for 850 pounds of beef.

In 1969, a family of five will spend 4.5% of its annual income for 915 pounds of meat—an additional 65 pounds for the same percent of income.

8. In 1969, Americans will spend about 17½% of their annual income for food—compared to 26% in England, 28% in West Germany, 31% in France, 40% in Japan, and 50% in Russia.

BIRDS ALERTED FOR WAR

Mr. FULBRIGHT. Mr. President, this morning's Washington Post carries an article entitled "Birds Alerted for War," written by Thomas O'Toole. The item concerns a $600,000 contract given the University of Mississippi by the Department of Defense to "see if birds can be trained to do certain things," a Pentagon spokesman explained. Those things, according to the contract, are aerial photography, gunnery, steering of missiles, detection of mines, and search-and-destroy operations.

The article raises a number of questions, such as how the birds are going to be taught to tell friend from foe once they have mastered these techniques for destruction. I am reminded of a popular Alfred Hitchcock movie of a few years ago, "The Birds," in which normally timid birds went berserk and ganged up to wage a talon and beak war on an entire community of humans. The birds won, too, if I recall correctly. Apparently, someone in the research section of the Pentagon saw the movie also and decided to go Mr. Hitchcock's birds one better. One thing that can be said for the Pentagon plan; if it succeeds it should make bird-watching one of the most popular avocations in the Nation—solely as a matter of citizen self-protection.

This contract illustrates quite clearly how far afield the Department of De-

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[1] See, for instance, "'U.S. Role in The World's Feed-Livestock Economy," by Assistant Secretary of Agriculture Clarence D. Palmby, *Foreign Agriculture* magazine, September 22, 1969, p. 5.

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fense has gone in financing research programs which have no direct relationship to legitimate defense needs. The purpose of my amendment to the defense procurement bill, which the Senate adopted by a vote of 49 to 44, was to eliminate just such projects as that described in the Post article. The amendment not only cut $46 million for several research categories, including $8 million for Project Themis, under which the University of Mississippi project was funded, but it also, for the first time, provided that all research projects have a "direct and apparent relationship to a specific military function or operation." The House bill contains an identical provision, so there is no doubt that the limitation will become law. I have written to Dr. John S. Foster, Jr., director of research for the Department of Defense, to determine how the Department plans to implement the restriction. If the Department takes the view that a project to arm birds has a "direct and apparent relationship" to a proper military requirement, further action will be necessary to insure that the intent of Congress is followed.

I ask unanimous consent that the Post article, a listing of Project Themis contracts with universities, and a copy of my letter to Dr. Foster be printed in the RECORD. I might note that the only project listed for the University of Mississippi is one for "Biocontrol Systems," discreet terminology for work to turn birds into killers.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 8, 1969]

FLYING OFF TO COMBAT?—BIRDS ALERTED FOR WAR

(By Thomas O'Toole)

Would you believe that war is for the birds?

So much so that hawks and doves might fight side by side or that parrots, ducks, chickens, pigeons and even mynah birds could be drafted to help defend the flag in some future war?

Whatever you might think of the scheme, the Pentagon is all for it. Consider the description of the $600,000 contract the Defense Department has with the Psychology Department of the University of Mississippi:

"This program is based," the contract reads, "on the supposition that birds will eventually replace humans for activities that are dangerous, difficult, expensive or boring."

Among the activities the Pentagon has in mind are "aerial photography, gunnery, steering of missiles, detection of mines and search and destroy operations."

Just how the Pentagon plans to get birds to do all these things is anybody's guess, but it does mean to try.

"Much of the research will relate to complex forms of stimulus control," the contract with the University of Mississippi reads, "for example, visual search, auditory pattern recognition, pursuit and tracking, controlled locomotion and operation of manipulanda while flying."

"This is not a development contract," explains a Pentagon spokesman. "What we're trying to do here is to see if birds can be trained to do certain things."

The Pentagon admits it won't be able to use all birds in its research but it would like to train most species of wild birds for combat flying. "Especially crows, ravens, jays, hawks and vultures," the contract goes on, including "doves, parrots, mynahs, chickens and pigeons."

The use of warbirds is not a new one, though its past is hardly glorious.

The most serious attempt to use bird-like creatures was in a program called X-Ray, in which bats carrying incendiaries were to be flown into Tokyo during World War II. The idea was to get the bats to roost in the eaves of Tokyo's wooden buildings, where the bombs would go off when the bats flipped upside down to sleep.

"The trouble with that one," said one scientist who worked on Project X-Ray, "was that it almost burned down an Air Force base in New Mexico." X-Ray never made it to Japan.

The latest scheme for warbirds came to roost when the Pentagon circulated a letter advertising for ornithologists to work on it.

"I read it, I re-read it, and I read it again," one scientist said, "and I still couldn't believe it. It's insane."

Critics notwithstanding the Pentagon is going ahead with its bird scheme.

"This program is just getting started," it says. "Hopefully, it will go on for 10 or 20 years."

The project is supported by a three-year "Project Themis" contract, at $200,000 a year. Project Themis is a program aimed at beefing up basic research in universities that have not had strong science programs.

PROJECT THEMIS

The enclosed list shows all the Themis projects funded through FY 69. The original four year plan called for fifty new starts for each of FY's 67, 68, 69 and 70 for a total of 200 programs. During the first three years only 118 of the planned 150 new starts were approved. The FY 70 budget request for $33 million provides for (1) 25 additional new projects to be started during FY 70 which would require $10 million, and (2) the renewal of the ongoing Themis programs which would require $23 million.

PROJECT THEMIS PROGRAMS—FUNDING BY FISCAL YEARS

[In thousands of dollars]

Military department	State and institution	Program topic	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969
	Alabama:				
A	Auburn University	Information processing	343	171	170
AF	University of Alabama	Structural mechanics			400
A	Alaska: University of Alaska	Human ecology	404	202	
	Arizona:				
N	Arizona State	Human performance in isolation	380	190	
AF	do	Detection devices, techniques and theory		409	200
AF	University of Arizona	Precision optical systems		409	203
AF	University of Arizona at Tucson	X-ray and XUV radiation physics			400
	California:				
AF	University of California, San Diego	Transport phenomena in flow systems	398	200	225
N	University of California, Riverside	Solar radiation effects			400
	Colorado:				
N	Colorado State	Tropical weather disturbances, surface effects		500	250
N	do	Predictability of low-altitude winds		430	215
AF	Colorado State at Fort Collins	Effects of environment on sensors			400
	Connecticut:				
AF	University of Connecticut	Structural fatigue		410	205
	Delaware:				
A	University of Delaware	Fluid mechanics and heat transfer	563	281	280
N	University of Delaware at Newark	Oceanography			480
	District of Columbia:				
AF	Georgetown University	Laser technology	404	202	202
N	Catholic University	Vitreous state structure and dynamics		386	193
N	do	Dynamics of cable systems		402	201
N	do	Underwater acoustics			500
	Florida:				
AF	University of Florida	Solid state materials	400	200	200
A	do	Logistics and information processing	340	170	170
N	Florida State	Geophysical fluid dynamics	600	300	350
A	do	Prediction of tropical weather phenomena		500	250
N	do	Computer aided instruction		460	230
	Georgia:				
A	Georgia Tech	Low speed aerodynamics	339	170	170
AF	do	Interface phenomena	350	195	200
N	University of Georgia at Athens	Statistical analysis and information retrieval			215
	Hawaii:				
N	University of Hawaii	Astronomy research	350	175	220
AF	do	On-line computer systems		409	205
A	University of Hawaii at Honolulu	Vector borne tropical diseases			400
	Illinois:				
AF	Illinois Institute of Technology	V-STOL aerodynamics		409	205
A	Illinois Institute of Technology at Chicago	Degradation of structural materials			400
	Indiana:				
AF	Indiana University	Environmental hazards	400	198	200
N	Notre Dame University	Deep sea engineering	400	200	200

PROJECT THEMIS PROGRAMS—FUNDING BY FISCAL YEARS—Continued

[In thousands of dollars]

Military department	State and institution	Program topic	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969
	Iowa:				
N	Iowa State	Automatic navigation and control	400	200	200
AF	Do	Ceramic and composite materials	449	224	225
A	University of Iowa	Vibration and stability of military vehicles		500	250
N	Do	Application and theory of automata		400	200
	Kansas:				
A	University of Kansas	Remote sensing instrumentation	400	200	200
AF	do	Social and behavioral science	400	200	200
AF	Kansas State	Performance in altered environment	400	200	200
N	do	Nuclear radiation effects on electronic components		577	288
	Kentucky:				
AF	University of Kentucky	Metal deformation processing		408	204
A	Kentucky University at Lexington	Research in electrochemical processes			400
AF	do	Environmental stress physiology			400
A	University of Louisville	Performance assessment and enhancement		399	200
	Louisiana:				
A	Louisiana State	Infectious and communicable diseases	342	171	170
AF	do	Digital automata	398	400	200
	Massachusetts:				
N	University of Massachusetts	Deep sea structures	360	180	180
N	Boston College	Elementary chemical kinetics			440
AF	Michigan: Michigan State University at East Lansing	Behavioral studies			400
	Minnesota:				
N	University of Minnesota	Infrared detector and laser technology	380	190	190
N	do	Gas turbine technology	400	200	200
N	do	Organization performance and human effectiveness			415
	Mississippi:				
A	Mississippi State	Rotor and propeller aerodynamics	278	139	140
AF	University of Mississippi	Biocontrol systems		409	204
	Missouri:				
A	University of Missouri at Columbia	Fluid transport properties	446		220
N	University of Missouri at Rolla	Aqueous aerosols in atmospheric processes		400	200
AF	do	Basic studies on electronic materials			400
A	do	Terrestrial science research			400
AF	Washington University at St. Louis	Control, guidance, and information studies			400
AF	do	Optimum detection systems			400
AF	Nevada: University of Nevada	Cloud physics	399	199	250
AF	New Hamphsire: Dartmouth College	Time shared computing systems	460	290	290
	New Jersey:				
AF	Rutgers University	Fluid flow aerodynamics	400	200	
N	Stevens Institute	Nonlinear physics of polymers	324	162	162
A	do	Cryogenic sciences and engineering	342	171	170
A	do	Evaluation of terrain vehicle systems		460	200
	New Mexico:				
N	New Mexico Institute M&T	Environmental sciences	406	203	268
N	University of New Mexico	Radiation effects on electronics	370	185	185
	New York:				
AF	SUNY-Albany	Modification of environment	399	199	200
N	SUNY-Buffalo	Environmental physiology	600	300	350
A	Rensselaer Polytechnic	Electrochemical power sources		460	230
N	do	Radiation effects		430	215
A	do	Optimum digital signal processing			400
N	Yeshiva University, New York City	Research on thin film materials			390
	North Carolina:				
N	North Carolina State	Materials response phenomena	400	200	200
AF	do	Digital encoding systems		396	200
A	North Dakota:				
D	North Dakota State	Control of vectors of diseases of military importance		393	197
N	Union of North Dakota	High pressure physiology		527	263
	Ohio:				
A	Case-Western Reserve	Research in R. & D. management	300	150	150
A	Ohio University	Low level navigation	407	200	200
AF	Kent State University	Liquid crystal detectors		410	205
A	University of Cincinnati	Internal aerodynamics in air-breathing engines		400	200
	Oklahoma:				
A	Oklahoma State	Electronic description of the environment	482	241	240
N	University ot Oklahoma	Mechanism and theory of shock		405	202
N	Oregon: Oregon State	On-line computer environmental research	580	290	290
	Pennsylvania:				
A	Drexel Institute of Technology	Powder metallurgy		510	255
AF	Do	Forecasting by satellite observations		408	204
N	Jefferson Medical College	Pathogenesis of acute diarrheal disease		390	195
A	Lehigh University	Nonlinear wave propagation		400	200
N	Do	Low-cycle fatigue in joined structures		400	200
N	Do	Fluid amplification			400
N	Hahnemann Medical College	Biomanies in stress			520
A	Rhode Island: Rhode Island University at Kingston	Photoelectronic imaging devices			400
A	South Carolina: Medical College of South Carolina	Resuscitation and treatment of wounded		368	184
N	South Dakota: South Dakota School of Mines	Modification of convective clouds	260	130	100
	Tennessee:				
N	University of Tennessee, Knoxville	Dynamic sealing	300	150	150
AF	do	Remote sensor research		408	204
AF	University of Tennessee, Tullahoma	MHD power generation		400	200
A	Vanderbilt University	Coating science and technology		550	275
	Texas:				
N	Texas A. & M	Optimization research	400	200	155
A	Do	Meteorology research	430	215	215
A	Do	Aircraft dynamics subsonic flight		388	194
A	Texas Christian	Human pattern perception	272	100	135
N	University of Houston	Information processing	380	190	190
N	Rice University	Coherent and incoherent EM radiation		350	175
A	Do	Remote sensing of gamma ray signatures			400
AF	Southern Methodist	Automatic navigation	400	200	200
N	Do	Statistics in calibration methods		502	296
A	Texas Tech	Performance and man-machine effectiveness		470	235
AF	Utah: University of Utah	Chemistry of combustion	398	200	200
AF	Vermont: University of Vermont	Isolation and sensory communication		410	257
	Virginia:				
A	University of Virginia	Learning control systems	342	171	170
AF	do	Atomic interactions in gases		408	200
N	do	Cyrogenic instrumentation			400
A	Virginia Polytech, Blacksburg	Vehicle engineering and control			400
N	West Virginia: West Virginia University	V/STOL aerodynamics		416	208
	Total		19,375	28,180	29,239

XUM

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., October 8, 1969.
Dr. JOHN S. FOSTER, Jr.,
Director, Defense Research and Engineering, Department of Defense, Washington, D.C.

DEAR MR. FOSTER: I noted the enclosed article in this morning's Washington Post, concerning a contract with the University of Mississippi under Project Themis.

As you know, both the House and the Senate have added a provision to the military procurement bill which requires that all Department of Defense research have a "direct and apparent relationship to a specific military function or operation." I am interested in having your views on how this amendment will be implemented by the Department after it becomes law, along with some estimate of the types of contracts, and the amounts in dollars, that may be cut out in carrying out this intent of the Congress. I would also like to know if in your view the contract described in this article would be possible under the terms of the amendment.

Sincerely yours,

J. W. FULBRIGHT.

ISSUES WHICH PREVENT PEACE IN THE MIDDLE EAST

Mr. SCOTT. Mr. President, in spite of cease-fire agreements that supposedly became effective many months ago, border fighting and guerrilla warfare continue to disturb the peace of the Middle East.

It is more than 2 years since the end of the June 1967, Arab-Israel war, and still no negotiations have taken place between the parties to the conflict.

It is time that the people of the United States turned very serious attention to the obstacles which have made it impossible to achieve peace in the Middle East.

These matters are discussed in an informative editorial appearing in the current issue of Prevent World War III, which is published by the Society for the Prevention of World War III, Inc., of 50 West 57th Street, New York, N.Y. 10019.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ISSUES WHICH PREVENT PEACE IN THE MIDDLE EAST

Although Middle East peace seems no nearer today than it was a year ago, the issues which prevent it have at least become somewhat more clearly visible.

Among the many causes which keep belligerency alive, the following stand out:

Refusal of the Arab states to negotiate with Israel.

Soviet determination to claim the whole Middle East area as a sphere of influence.

Escalation of the guerrilla fighting—to the extent that the 1967 "ceasefire" has become almost meaningless.

Failure of the United Nations to achieve an even-handed approach to the contending forces in the region.

The much discussed "Four Power Initiative" can hardly be expected to make progress on any of these basic matters. Except that it may provide a forum for some talk about Soviet intentions, this series of meetings has served mainly to arouse deeply disturbing fears of an "imposed settlement." This is a somewhat ridiculous apprehension, indeed, when one stops to consider that such a "settlement" would be meaningless unless coupled with a long-term American-Soviet armed guarantee—which the two powers are certainly not apt to agree upon in the foreseeable future. Meanwhile, the sensibilities of the Israelis, and the feelings of some Arab governments as well, have been trodden upon—and tensions have, if anything, been increased.

ARAB INTRANSIGENCE CONTINUES

The official Arab map of the Middle East today shows Israel only as "occupied territory of Palestine"—exactly as we noted on this page a year ago. Until the 14 governments of the Arab League—or at least the four whose territories surround Israel—are ready to modify this unrealistic approach, there is little possibility of real progress.

The state of Israel is recognized today, and has been recognized for 20 years, by virtually all of the world's sovereignties, including those of the Soviet Bloc as well as the Western world. Israel is a full-fledged member of the United Nations, and no international lawyer would dare question her statehood. Nevertheless, President Nasser and his allies cling to the timeworn myth that "Israel does not exist."

The myth, however, is getting to be pretty thin: after fighting three wars in a generation with a "nonexistent" enemy, reasonable observers would think that negotiations are in order.

To the contrary, however: one cannot even get an official Arab spokesman to debate with an official Israeli spokesman on neutral territory—as American TV producers and leaders of discussion clubs have long since discovered.

ISRAEL'S STATEHOOD NOT IN QUESTION

One cannot even argue about the "seniority" of the governments concerned. None of the Middle Eastern states existed in the days of World War I—and the juridical existence of eight of the Arab states is actually shorter than the 20-year history of Israel. Indeed, Israel was the 59th country to be admitted to the United Nations. In that regard, she is a comparatively "old" county, 67 others having been admitted since. (Only 6 of the Arab League states were members of the United Nations at the time of Israel's admission; the other 8 are all "younger" states, by this standard.)

Impatience with this "we won't talk" attitude is beginning to be more and more visible in America. On the 21st anniversary of Israel's existence, for example, a clear majority of all the members of the Senate and House of Representatives joined in a widely publicized statement "in Favor of Direct Arab-Israel Peace Negotiations," in which the legislators declared that "there is no substitute for face-to-face negotiations." "The parties to the conflict must be parties to the settlement. We oppose any attempt by outside powers to impose halfway measures not conducive to a permanent peace," the lawmakers said.

We wholeheartedly agree with this view—which has also been enunciated by President Johnson and by President Nixon.

The mission of Ambassador Jarring was initiated with the idea that it might pave the way to talks, by at least exploring attitudes on specific issues. Thus far, talks seem as far away as ever.

Secretary of State Rogers has made it clear that the purpose of the much-publicized "Big Power" talks would not be to impose a peace—but only to try to get the belligerent parties together. It is clear that the Soviets—on whose help as a supplier of armaments the Arab governments have been almost wholly dependent—could do a great deal to promote such talks. Thus far, however, the voice of Moscow has not been heard on the point, and there are no indications of any change forthcoming.

The result, of course, is a stalemate—and so it must remain until changes in the attitude of the Arab governments make it otherwise.

There are many cases in the world where responsibility for failure to negotiate can be divided between two or more parties. In this particular instance, there is not even a possibility for dividing the responsibility.

SOVIET AMBITIONS VERSUS PEACE

Israeli diplomacy, correctly enough, has taken the position that its responsibility is primarily concerned with the conduct of relations with the neighboring Arab states.

From a world point of view, however, and particularly from the American standpoint, the problem of peace in the Middle East is a far different one. It is a problem of meeting the Soviet ambition to make of the entire area an added sphere of influence and control. With the ending of the British and French colonial controls, a vacuum has developed—and Moscow sees an opportunity to realize a centuries-old ambition to gain an outlet to Africa, the Mediterranean and the Indian Ocean.

Difficult though the question of Arab intransigence may be, the problem of Soviet penetration is even more threatening.

Except for Soviet arms, Nasser's Egypt would never have been able to mount an offensive against Israel—nor would the multitude of guerrilla bands now flourishing on Arab soil.

For the first time, the Soviets have a major naval force in the Mediterranean. They have strengthened their position with the addition of a new Communist-oriented Arab state at the strategic entrance to the Red Sea—the People's Republic of Southern Yemen.

Egypt's Nasser publicly acknowledges that "the Soviet Union has made up for all the arms that we have lost," and the head of Iraq's new dictatorship swears eternal loyalty to Marxist ideology.

It is obviously to the Soviet advantage to keep the Middle East in turmoil—and the best means of doing this is to keep the Arab hatred of Israel inflamed. Anti-Israel policy in Moscow today, indeed, goes even to such far-out extremes as requiring that gift food-boxes sent by Israeli Jews to relatives in the Soviet Union be returned unopened.

These attitudes are reflected in the propaganda which flows both from the Arab capitals and from Moscow. It is directed in fairly equal parts against the United States and Israel.

On the eve of the Six Day War, for example, Nasser's radio proclaimed:

"We challenge you, Israel. No, in fact we do not address the challenge to you, Israel, because you are unworthy of the challenge. But we challenge you, America. . . . To Israel and to American gangsterism we hold death in store."

For El Fatah and the guerrillas, this hatred extends also to the United Nations—as shown in El Fatah's basic "political statement" of last October, which denounced "the Security Council Resolution and all the Zionist and imperialistic schemes laid before the United Nations."

DETENTE ENDANGERED

To the non-communist world, the challenge of a possibly Soviet-dominated region covering the entire Middle East becomes a life-and-death matter. In terms of world peace, the present precarious balance between the "super-powers" would be upset, and the danger of any Middle East local war becoming a world holocaust would be multiplied. This is the kind of situation which President Nixon must have had in mind when he warned that "the island of American democracy cannot survive in a sea of totalitarian dictatorships."

For the United States, the preservation of national self-determination in the Middle East thus becomes a vital matter. For the world, unrestricted communist expansion in that area could spell the end of the Cold War "detente."

Both American and Soviet diplomacy must therefore be addressed to the question of making the Middle East an "open" region, and all peace-loving members of the United

Nations should support that end. To the extent that the Soviets have armed their client states, the United States must make certain that the remaining democratic nations (Israel, Turkey, Iran) are strengthened, in the hope that a balance of arms may at least delay an upheaval. The ultimate objective should be agreement by outside powers to limit or end all military support to Middle East states—but that is a far-off prospect. In the meanwhile, a strong Israel is the best hope for a balance of power that will at least delay the unfortunate day when the Middle East might become the scene for an inescapable East-West confrontation.

NEEDED: A CEASEFIRE FOR TERRORIST

If peace ever is to be secure in the Middle East, the problem of the guerrillas—and the open support given them by the Arab goverments—is perhaps the first question that cries out for attention.

What we are witnessing today is a "ceasefire" instituted by the United Nations, and accepted by the "official" governments—while large-scale fighting in fact continues, exactly as before, under the aegis of El Fatah, the Palestine Liberation Organization and related guerrilla groups.

It is difficult for fair-minded people to realize exactly what is taking place. When the United Nations succeeded in establishing a ceasefire, most observers assumed that it applied to everybody. The Arabs, however, have not taken that view; in their opinion, guerrillas, terrorists and self-styled "freedom fighters" are to be permitted to operate *outside* the ceasefire rules.

Opening the first session of Egypt's new National Assembly, in Cairo, January 20, 1969, President Nasser praised *"the growth of the Palestinian resistance organizations, their increasing role, and the consequent escalation of their operations."*

"These organizations have a positive role in sapping a part of the enemy's energy and blood," Nasser said. *"Brothers, I want to convey on your behalf a greeting of admiration and appreciation to the four resistance organizations—Fatah, the Popular Front, the Palestine Liberation Organization* (PLO) *and the Arab Sinai Organization. . . . The UAR unconditionally places all its resources at the disposal of these organizations,"* he continued, with strong applause from the Assembly audible over the international radio.

EL FATAH IGNORES U.N.

Nasser left no doubt as to how his position related to United Nations policies: "It was the right of the Palestine resistance organizations to reject this (United Nations) resolution," he said—in spite of the fact that "the UAR itself has accepted" it.

In other words, we see here the strange picture of a government which on the one hand declares its acceptance of an international cease-fire, while at the same moment it announces that "all of its resources" have been placed behind a continuation of the identical warfare by "unofficial" or guerrilla groups. The peace of the world can never be secure under such circumstances.

This is not a new policy with the Arab states, as a perusal of nearly any official Arab publication for the last year would demonstrate.

For example, we find the following comment in the September, 1968, issue of ARAB NEWS AND VIEWS (official publication of the Arab Information Center, in New York, as spokesman for the 14 Arab League states):

"Recent Arab commando actions in Israeli-occupied territories may be described as major operations in the struggle to regain Arab territory. . . . Throughout the Arab world, Arabs have expressed pride over the recent successes of the Palestinian commandos. Headlines in newspapers from Beirut to Baghdad lauded the activities and spoke of the commandos striking at 'Israel's heart.' "

Another page of the same publication records a resolution of the Arab Students Organization of the United States and Canada calling upon the UAR, Jordan and Syria "to encourage armed struggle along the ceasefire lines."

And on February 8, 1969, the newly-elected leader of the combined "liberation organizations," Yassir Arafat, declared that these guerrilla units would *"move with their men and equipment into occupied Palestine* (i.e., Israel) to *fight along with their comrades in arms."*

"We see a peace achieved through the muzzles of guns carried by revolutionaries determined to liquidate the Zionist entity"—proclaimed the Voice of Fatah in a broadcast to the Arab world by Radio Cairo at about the same time that President Nasser was addressing the Assembly.

We could lengthen this discussion indefinitely with similar quotes from Iraqi and Jordanian leaders.

What we have in the Middle East today seems, indeed, to be a dual system of international relationships: one official, and one unofficial. The "official" government proclaims support for U.N. resolutions—while at the same moment, the "unofficial" one rounds up recruits for commando bands, and boasts of guerrilla achievements. Meanwhile, the "official" government goes on making appropriations for support of the "unofficial" units, while at the same time proclaiming its "peaceful intentions."

For Americans to understand the meaning of these commando activities, it is necessary to use a little imagination. During the 18 months from the effective date of the U.N. cease-fire, until the end of 1968, 281 Israeli civilians and soldiers were killed by terrorists or guerrillas. A little bit of arithmetic will suffice to translate this into American terms. Considering the ratio of Israel's population to ours, this would be equivalent to about 20,800 Americans being killed during the same time, by terrorists crossing our borders from Canada or Mexico. If this were actually happening here, it is easy to imagine the result: no public meeting could he held, no candidate for office could be heard, no newspaper could be printed, without major attention to "the bandit menace."

HOW THE UNITED STATES RETALIATED

In actual history, the last time such a situation occurred on this continent, it involved a few casual raids by a Mexican guerrilla leader named Francisco Villa, who attacked a town and burned a number of ranches in New Mexico and Western Texas, killing several United States citizens in the process. The reaction of President Woodrow Wilson was definitive: he sent General Pershing with a good part of the American army, to pursue Villa half-way across Mexico, in retaliation.

We must therefore understand the extreme burden put upon the peace of the Middle East by the operations of these El Fatah and PLO units. Israel has, we believe, been more than patient under the circumstances—much more patient than the United States would have been.

Israel, like any other sovereign government, has found it necessary to retaliate—and international law reserves that right to any power whose boundaries are thus invaded.

Meanwhile, almost continuous fighting has developed along the Suez Canal line, involving regular armed units of the opposing armies.

How much longer can this situation continue to exist without escalating into full-scale warfare? That is the most urgent question of the day.

There is no effective counsel of moderation in such a case. It is the duty of a government to protect its citizens against illegal attack across its borders. No government can long exist if it does not perform this duty. It is likewise a first responsibility of sovereignty for any government to prevent groups based on its soil from violating its borders to make unauthorized warfare upon a neighbor. This is a duty which none of the Arabs states is performing. As a result, the peace of the world falls into constant peril.

DOUBLE STANDARD AT THE U.N.?

Because of the manner in which the Security Council of the United Nations is weighted, and because of the constant threat of a Soviet veto in the background, an appallingly one-sided attitude toward the Arab-Israeli conflict has developed at the United Nations.

When Israel reports to the UN observers that Arab guerrillas have crossed the borders, nothing is done. Indeed, reports of more than 1200 such crossings have been recorded in the period since the 1967 ceasefire.

When an El Al plane is attacked at Athens, and an Israeli citizen killed, the matter is passed over without action by the Security Council. When Israel, acting in accordance with long established international practice, retaliates at Beirut—killing no one, and taking extraordinary precautions to see that no one is injured—the Security Council promptly votes a reprimand.

The story could be continued almost without end. As matters stand, one of the most used gambits of Arab propagandists is the theme, "Israel has been reprimanded." An even-handed editor would have to balance reports along this line with headlines such as "United Nations Ignores Arab Warfare."

The disparity in treatment accorded the two protagonists is so obvious that it hardly requires proving—and it is equally dangerous to the peace of the Middle East and to the future credibility of the United Nations itself, as an instrument for the protection of world order.

The Arab plea that "we are not responsible for the guerrillas" has long since worn so thin that no one believes it. The Palestine Liberation Organization was established four years ago at a formal meeting of the Arab League states, and given an initial budget of 2.3 million dollars—a sum which has since been many times multiplied. As we have already noted above, President Nasser quite openly assured the guerrillas of the fullest support—not in a secret meeting, but in his opening address to the Egyptian parliament, this very year. Everyone knows these facts—but the Security Council pretends not to know them. This is an insanity which, if persisted in, can only bring the United Nations itself into disrepute.

A TEST FOR U.N.

Even if we grant that retaliation is dangerous to stability, the alternative is even worse, for this principle would then put every country in the world at the mercy of whatever guerrilla band might wish to invade it. International law has therefore long recognized the right of retaliation—and it is time that the United Nations should act in accord with this age-long practice, or else itself take steps to put an end to illegal commando and terrorist depredations.

Of course, some delegates are silent because they do not want to risk a Soviet veto: but can we achieve peace by that method? The answer is a resounding "No."

Some of the problems we have discussed can be met by the action of one or more of the parties in the Middle East. The question of Arabs and Israelis "talking with each other" is such an issue. The perils of Soviet penetration are a matter of power politics. But the question of the guerrillas, and the problem of securing even-handed justice at the United Nations, are things which confront the diplomats at the world organization—and subjects to which they should turn earnest and prompt attention.

XUM

THE SEABED ARMS CONTROL AGREEMENT

Mr. PELL. Mr. President, the United States and the Soviet Union yesterday presented a draft seabed arms control agreement at the Geneva Disarmament Conference.

For the past 2 years, Mr. President, I have been urging that the United States assume leadership in seeking an agreement to prevent the spread of the nuclear arms race to the seabeds. The Subcommittee on Open Space of the Foreign Relations Committee in July of this year held a public hearing on the seabed arms control issue. As chairman of that subcommittee, I am heartened by the United States and Soviet Union agreement on a draft treaty.

I ask unanimous consent, Mr. President, that the text of the draft treaty and the text of a joint statement issued by myself and the senior Senator from New Jersey (Mr. CASE), the minority member of the subcommittee be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DRAFT TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions, and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race and determined to continue negotiations concerning further measures leading to this end,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

ARTICLE I

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The States Parties to this Treaty undertake not to assist, encourage or induce any State to commit actions prohibited by this Treaty and not to participate in any other way in such actions.

ARTICLE II

1. For the purpose of this Treaty the outer limit of the contiguous zone referred to in Article I shall be measured in accordance with the provisions of Section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and in accordance with international law.

2. Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to rights or claims which such State Party may assert, or with respect to recognition or nonrecognition of rights or claims asserted by any other State, related to waters off its coasts, or to the seabed and the ocean floor.

ARTICLE III

1. In order to promote the objectives and ensure the observance of the provisions of this Treaty, the States Parties to the Treaty shall have the right to verify the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone, referred to in Article II, if these octivities raise doubts concerning the fulfillment of the obligations assumed under this Treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas.

2. The right of verification recognized by the States Parties in paragraph 1 of this Article may be exercised by any State Party using its own means or with the assistance of any other State Party.

3. The States Parties to the Treaty undertake to consult and to coperate with a view to removing doubts concerning the fulfillment of the obligations assumed under this Treaty.

ARTICLE IV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments must be approved by a majority of the votes of all the States Parties to the Treaty, including those of all the States Parties to this Treaty possessing nuclear weapons, and shall enter into force for each State Party to the Treaty accepting such amendments upon their acceptance by a majority of the States Parties to the Treaty, including the States which possess nuclear weapons and are Parties to this Treaty. Thereafter the amendments shall enter into force for any other Party to the Treaty after it has accepted such amendments.

ARTICLE V

Each Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its Country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

ARTICLE VI

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of ——, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall forthwith notify the Governments of all States signatory and acceding to this Treaty of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

JOINT STATEMENT BY SENATOR CLAIBORNE PELL AND SENATOR CLIFFORD CASE ON GENEVA SEABED ARMS CONTROL PROPOSAL, OCTOBER 7, 1969

In acknowledgment of today's tabling at the Geneva Disarmament Conference of a joint U.S.-Soviet draft seabed arms control agreement prohibiting the emplacement of weapons of mass destruction on or in the ocean floor, Senator Claiborne Pell (D.-R.I.), Chairman of the Subcommittee on Ocean Space of the Foreign Relations Committee and Senator Clifford Case (R.-N.J.), minority member of the Subcommittee, issued the following statement.

"The draft seabed arms control treaty tabled today in Geneva under the co-sponsorship of the United States and the Soviet Union signifies a meaningful compromise between the earlier draft treaties offered separately by the two countries, and it represents a genuine attempt to prevent the future contamination of seventy percent of the globe with a new generation of mass destruction weaponry designed for deployment on the seabed and deep ocean floor. Forbidding the use of this 140 million square miles as another arena for the deployment of nuclear weapons will serve as a monumental reminder of man's earnest quest for peace and survival in an age of extreme peril and uncertainty.

"President Nixon and the Administration are to be congratulated on their unwavering efforts to reach the kind of effective compromise encompassed in the treaty proposal now before the conferees in Geneva. President Nixon's efforts and those of Gerard Smith, Director of the Arms Control and Disarmament Agency and Ambassador James Leonard, our chief negotiator in Geneva, are clearly deserving of the Nation's full respect and sincere gratitude.

"We would hope that this latest step forward in prohibiting the deployment of atomic weaponry may serve to bring to a halt the delay in opening the Strategic Arms Limitation Talks. The Pandora's box is already half way open, and any further delay can only serve to dampen the progress made today in Geneva."

THE WHITE REACTION

Mr. BYRD of West Virginia. Mr. President, the Evening Star of Washington is currently running a series of articles entitled "The White Reaction." As the title suggests, the series deals with the reactions of white Americans to the frequent and vocal demands of a minority made up of black militants.

The second part of the series, written by Mr. Christopher Wright, appeared in the Tuesday, October 7, edition of the Evening Star. It deals with growing racial unrest in the Midwestern section of America and states: Representative midwestern whites are showing a hardening of attitudes on racial matters.

According to the article, "the workingman is beginning to feel persecuted and, indeed, threatened" and states that "Government policies and the church's support of black militants have added to the workingman's confusion."

Mr. President, the series of articles is offering a valuable insight into the feelings of the white workingman—into the feelings of the majority of Americans. I ask unanimous consent that the second article in this five-part series be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WHITE REACTION

(NOTE.—This is the second of five articles examining the reaction of white Americans, from low-income and blue-collar workers to upper-income professional groups to the Negro's drive for full equality. The articles, prepared by a team of reporters consisting of Haynes Johnson, John Mathews, Christopher Wright and Woody West, attempt to report candidly on the changing attitudes of some of those white Americans.)

(By Christopher Wright)

KANSAS CITY, Mo.—He is white-collar America. White, Anglo-Saxon, Protestant, middle class, college graduate, professional, married to a white college graduate, two children, living in a fine home in an exclusive suburb. You might call him a WASP. He says he's not a racist, nor an extremist. He's worried.

"We're really upset over this. We don't know what we should do," says this insurance executive while sitting in his elegant, Tudor-style home outside Kansas City.

Parishioners in the Methodist church he attended discovered recently that their contributions had been used to buy a station wagon for a Black Panther group now organizing in the city's ghetto. The vehicle, they learned, had been equipped with a police radio receiver and was being used to harass officers responding to emergencies in Negro areas.

The station wagon was taken back by the church, but the congregation split over the issue. Now, the insurance executive and his family no longer go to that church. He speaks of the dispute as one might of a shattered love affair—hurt, confused and not sure what the next step should be. He questions his own attitudes and actions.

"If I was black and knew I had only one life to live, I don't know what I'd be doing," he says. "But I'd be out there trying to get everything I could. I might even be a Panther."

Sitting in his paneled kitchen drinking scotch and listening to him and his neighbors, one becomes aware that "the Negroes" are a constant topic of conversation in Kansas City.

In the rich midland of America, the racial bitterness of the industrial cities of the East is becoming a reality to whites and blacks. So far, the violence has been minimal compared with Watts and Washington, but the lines are forming, the fear is spreading.

Across the wheat fields, 175 miles to the southwest in Wichita, the talk is also of race. In both places men and women—representative Midwestern whites—are showing a new hardening of attitudes on racial matters.

Here, on the edge of the Great West, where golden sunflowers bob beside the roads and an absence of problems has become a way of life, blue-collar and middle-class whites are drawing back at the threats of black militants and the rumors of riots to come.

To many whites, it seems the tables have been turned. It is the Negro who is showing his prejudice now, they say. It is the Negro who is exploiting the white now.

Vast changes in housing patterns have robbed the white man of the feeling that his home is his castle—or, rather, that his neighborhood is his preserve. He has begun to think the Negro is getting something for nothing, something at his expense.

Government policies and the church's support of black militants have added to his confusion. The working man—his traditional institutions of job, neighborhood and religion now beset with controversy—is beginning to feel persecuted and, indeed, threatened.

Take Wier Bass, for instance. In his Standard service station on the edge of the business district of Wichita, he voices his fears about the blacks.

"All they want to do is get their hooks into you. They want to take everything," he says, looking up from a roll of cash-register tape he is checking in the spotless red-white-and-blue station. 'They want to take everything you've got. I never give credit to a colored man anymore. I've been stuck too many times.

"Sure, we talk about what's going on, but what can you do? The police, they don't tell you nothing. Three blacks held up a store around the corner the other day, but you never hear anything about it. There's seventeen thousand million of them downtown on relief. What can you do? They're taking over.

'I've been saying there'd be war for 20 years and when you declared it, there'd be a colored man with a knife in your back."

Allusions to some "all-out war" that blacks and whites will have to fight in the shadowy and uncertain future seem out of place in this rich land of wide fields and great, bustling industry.

But, in fact, Kansas City and Wichita have experienced racial disturbances, fire bombings and hostilities in schools.

"Outside agitators" are often blamed for the racial bitterness creeping into communities which once thought big-city troubles would pass them by.

The Black Panthers now organizing groups of militant youths in Kansas City are Communists, some say. "The militants came on the scene to disrupt when things were going well. Maybe deep down they didn't want progress," suggests one man. Maybe somebody said, 'things are going too well out there.'"

The rise of the Panthers has caused whites in all walks of life to reconsider their attitudes. I'm sympathetic, but I'll be goddam if I'll support a guy who says he'll run over me," says one businessman.

For some, the choice has become simpler. The whites don't like the blacks and the blacks don't like the whites," said a Kansas City cab driver. One moved into my neighborhood on a Friday and I moved out on the following Monday.

"My brother-in-law, he thought different. Two years later, he sold a $25,000 home to a man in a public housing project for $15,000.

"I tell you, I think we may have war before this is all over."

The middle ground is becoming hard to find, even in those areas that in the past instantly invoked pastoral images. Journey beyond the cities to the broad farmland west of the Missouri River. There, the sounds of racial strife are still a far-off rumble for many. Yet the uneasiness is there, too, even though the fear has yet to make this journey.

"To tell the truth, we don't know much about the colored man out here," says Roy V. Swaney, looking over his fields waiting for winter wheat, one thumb hooked into the bib of his overalls.

"There's a couple in the Derby High School, but they don't cause any trouble. A few people are kind of prejudiced, but most figure there's good Negroes just as there's good white people.

"Of course, if you was down where there was a lot of trouble, I guess you'd feel different. This tearing up the city ain't doing no good. I can't see that. But they don't bother us out here."

In Wichita, where rioting occurred a year ago last April and fighting in the high schools forced cancellation of classes this fall, many people still say there is less friction than in other cities.

Even so, the blue-collar white worker senses that his values are being threatened, that he is no longer master in his own city.

"They know all the cotton picking answers," says Gentra Goodwin, the two-fisted secretary of a Wichita construction workers' union. "They'll just cut you off and tell you they'll get a lawyer. What are you going to do with cattle like that? You can't sit down and talk to them anymore.

"They're all worked up; everybody's on edge," he says, leaning back in the swivel chair in his cinderblock office.

The union is about 40 percent black, mostly laborers. There's not too much open friction among members, he says. "Oh, sure, some of the white fellers say they think the Negro ought not have a place at all in this world. I think they ought to be treated like human beings. We got some worthless white people, too. People all got to the point they don't think they have to work.

"But there's quite a bit of unrest. You just don't know when they're going to throw a Molotov bomb. Still, you got to take some chances. If you let them know you're scared, they'll worry the life out of you."

At the Oasis bar in the west end of town, where workmen from the vast airplane factories come to drink, Thelma Hallmark wipes up a small pool of beer.

"You'd be surprised how many of these people voted for Wallace. It's cause they hate the blacks. They feel like the blacks are trying to take away their jobs.

"If a white guy has a job, he's gonna work. Work's all he knows. He's got all the education he's going to get. He can't do nothing else. And he feels threatened.

"And soon as they think taxes, they think welfare, and when they think that, they think black. I always say, "There's just as many whites won't work as blacks," but they say, 'yes, but . . .' You see, it's that they're white. It always comes back to skin."

Despite such talk, most upper-class whites in Wichita feel the black-white battle plaguing bigger cities will pass them by.

"Events in the country leave Wichita fairly much untouched," said one matron. "We feel isolated and we isolate ourselves. We seem to work out our problems as a group and we have a basic feeling of 'I want to trust, I want to try.'"

Most of the violence which followed Martin Luther King's murder was contained in the city's northeast corner, a totally Negro neighborhood. Busing has caused some outbreaks of violence in the schools, but most people consider that the fault of youth rather than a whole society.

Blacks, who make up 8 percent of the city's 300,000 population, are being integrated into the business community. The vice president of the chamber of commerce is a Negro.

Says the president of one of the city's largest banks, "My philosophy is to try to pick them out myself while I can still choose. I'd rather find them myself."

Wichita probably will have a black mayor next year.

Price Woodard, a prominent black attorney now president of the city commissioners, is due to be rotated into the mayor's seat and nobody seems the least bit excited. A successful businessman who handles white and black clients, Woodard may be an Uncle Tom to some groups in the community, but he has the admiration of the whites. "He's just terrific. He's a self-made man first and a Negro second," says one woman.

XUM

Woodard, a big man with a dark craggy face and a short mustache, lets you know right away that he and the forces of moderation are in control in Wichita.

"Sure," he says, "the Negro community was upset too in 1968. And that trouble subsided because the Negroes in this town went out and said, 'We're not going to have you burn down this community. We'll put you in the street in a dead body first.' "

The Negroes of Wichita are much more interested in economic development than in prolonging tensions, he says. "You take the medals and I'll take the money. And incidentally, a lot of people in this town would rather be called Negro than black. Actually, we're not black, we're a shade of brown."

In Kanasas City, "they" are black.

Cal Johnson and Tom Edwards work in the shipping department of one of the Midwest's biggest frozen food distributors. Both have sold their homes and moved in the past few years because of block-busting techniques prevalent in Kansas City. Both worry that attitudes are hardening as Negroes dig in and begin to exercise their power.

"If a guy can make it and has ability, more power to him," says Johnson. "But they seem to be trying to get all they can get too fast. They're going to jam this down our throat until we won't take it any longer."

Johnson is a short, burly man dressed in a neat pair of khaki trousers and a short-sleeved khaki work shirt. Just below the sleeve on his left arm is a red-and-blue tattoo which says "USN" in a circle.

"And the government," he says. "This giving it to them on a platter, I can't see that. What about that public housing? That was a nice project. But you go down and look at it. It looks like a dump."

The neighborhood, where he was living went from all-white, to integrated, to just about all-black, he says.

"I practically had to give my house away. It got to be too much. My kids couldn't play in the yard without having some bigger kid come along and take their bicycle or ball. They beat up my 12-year-old on the way to school.

"Now that's the hell of it. I wouldn't let my kids beat up on some colored kid just because he's colored. There's got to be somebody behind this, stirring things up, in a year I was the only one there."

"I don't see how they can keep taking and keep taking. I wouldn't be surprised if we had all-out war."

Tom Edwards is in charge of dispatching trucks. When the first Negroes moved into his neighborhood several years ago, he got up in the local neighborhood housing association meeting and urged his neighbors not to panic and to stay where they were. "It ended up, in a year I was the only one here."

"I don't think it's right to keep a man down, but things have done a complete switch. I think it's the blacks is prejudiced now. They got everything going for them now."

In the American subconscious, the West has stood for the frontier, the land of promise, the land of the future. Today, many Midwesterners are beginning to look at tomorrow with distrust.

A Wichita carpet dealer likened the course of America to that of declining Rome with its deteriorating morals and racial confusion. "It isn't today people are worried about," he said. "It makes you wonder what the next 20 years will be like."

ADJOURNMENT

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Thursday, October 9, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 8 (legislative day of October 7), 1969:

COMMISSION ON CIVIL RIGHTS

Manuel Ruiz, Jr., of California, to be a member of the Commission on Civil Rights, vice Hector P. Garcia.

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons, now foreign service officers of class 2 and secretaries in the diplomatic service, to be also consular officers of the United States of America:

John F. Fitzgerald, of Pennsylvania.
Herbert Gordon, of Florida.

For appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

John J. O'Neill, Jr., of Connecticut.

For promotion from a Foreign Service officer of class 6 to class 5:

Harry C. Blaney III, of New York.

For promotion from Foreign Service information officers of class 6 to class 5:

John T. Burns, of Florida.
Miss Eleanor M. De Selms, of the District of Columbia.

For promotion from a Foreign Service officer of class 7 to class 6:

Philip A. King, of Florida.

For appointment as Foreign Service officers of class 6, consular officers, and secretaries in the diplomatic service of the United States of America:

Charles B. Cuenod, Jr., of California.
Richard A. McCoy, of New Jersey.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Gary S. Basek, of New York.
Nicholas S. Baskey, Jr., of Ohio.
Raymond F. Burghardt, Jr., of New Jersey.
James F. Collins, of Illinois.
Marc S. Hellwell, of New York.
Bruce Malkin, of Pennsylvania.
Harold Edward Meinheit, of Illinois.
Ray A. Meyer, of New Hampshire.
V. Edward Olson, of Minnesota.
Laurence E. Pope II, of Massachusetts.
David R. Patterson, of Arkansas.
Gerald W. Scott, of Oklahoma.
Daniel Anton Strasser, of California.

For appointment as Foreign Service officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Richard Arthur Coulter, of Oregon.
Allen McDowell Hale, of Virginia.
Michael J. Hogan, of Utah.
James W. Swihart, Jr., of Maine.

Foreign Service reserve officer to be a consular officer of the United States of America:

Richard A. Kahane, of Louisiana.

Foreign Service reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

F. Kinloch Bull, Jr., of South Carolina.
Frank R. Burget, of Washington.
Miss Julia Maria Cardozo, of the District of Columbia.
Eugene E. Craighead, of Maryland.
Clarence W. Edwards, of Washington.
Robert L. Fambrini, of California.
Alan D. Fiers, Jr., of Virginia.
Edgar J. Fredricks, of Michigan.
John C. Hannon, of Montana.
Claude Hargrove, of New York.
Richard C. Hile, of Washington.
Thomas L. Hughes, of Maryland.
Bernard Johns, of New York.
Paul M. Kittredge, of Maryland.
Bruce E. Kressler, of Nevada.
Arthur J. Laemmerzahl, of the District of Columbia.
Robert McDowell Lloyd, of New York.
William S. Lofgren, of Virginia.
Walter C. McCabe, of Maryland.
William D. Miller, Jr., of Maryland.
Julian C. Nicholas, of the District of Columbia.
Miss Virginia Kay Nygard, of North Dakota.
Jack S. Ogino, of Mississippi.
Domenic F. Perriello, of Maryland.
John D. Poulter, of Kentucky.
Donald M. Richardson, of Virginia.
Joseph F. Sartiano, of Virginia.
Peter V. Savage, of Pennsylvania.
Allen D. Smith, of Florida.
James C. Suggs, of Florida.
Lance H. Tyler, of Virginia.
William P. Wagner III, of Florida.
Robert J. Weatherwax, of Virginia.
Clarence S. Wilson, Jr., of New York.

Foreign Service reserve officer to be a secretary in the diplomatic service of the United States of America:

Frederick F. Simmons, of the District of Columbia.

Foreign Service staff officers to be consular officers of the United States of America:

Robert G. Deason, of California.
Rudolph L. Rivera, of California.
Eugene L. Scassa, of Pennsylvania.
John M. Scott, Jr., of New Jersey.
Thomas J. Tepper, of Illinois.
Miss Ruth V. Verdin, of Florida.
James A. Weiner, of California.

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be major

Lewis, John P., 113–20–8410.

To be first lieutenant

Bogue, Ronald A., 533–40–7033.
Day, Doel D., 242–58–4120.
Whitesell, Thomas C., 179–32–0905.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Copeland, Francis A., 115–26–7614.
Day, Edward H., Jr., 230–32–0631.
Greear, James N., 171–22–7209.
Schmidt, Carl F., 070–24–0042.
Sigler, Nolan M., 311–32–3870.
Stevenson, George D., 259–34–3371.

To be captain

Agee, Robert N., 284–34–7665.
Aldrich, Robert J. K., 575–28–7808.
Allan, Jon A., 004–36–8246.
Alling, Richard, 049–24–7092.
Allman, Cornell L., 560–46–0599.
Bateman, Robert E., 518–30–8310.
Benson, William L., 542–44–8864.
Braxton, George H., 223–42–5834.
Buck, Alfred S., 120–28–3948.
Carney, Richard L., 480–38–3054.
Christie, David C., 543–46–3304.
Clark, Carl M., 231–42–9193.
Cooper, Frederick E., 262–36–3135.
Courts, Dorothea A., 442–38–6265.
Desjardins, Robert H., 036–24–2223.
Dutton, Morris E., 111–28–7254.
Ecoppi, Joseph L., 357–24–6356.
Ekland, David A., 531–40–2691.
Enloe, Donald R., Sr., 488–36–6464.
Foley, Mary D., 025–30–0207.
Gass, Henry B., 419–58–6870.
Golden, Raymond L., Jr., 523–46–5948.
Grett, Stanley E., 492–40–2969.
Holtt, Harold E., 023–28–3476.

Hutson, Heyward G., 249–54–3130.
Jablonsky, David, 216–36–3131.
Johnston, Richard H., 493–36–5162.
Kenyon, Lawrence R., 252–60–4139.
Lackie, Leo Dale, 440–28–8121.
Linares, Rafael, 578–52–1316.
L'Insalata, Rudolph P., 104–26–9164.
Ludlum, Charles D., 446–28–0194.
Macri, Anthony J., 144–30–7842.
Maloney, John W., 277–38–3037.
McShane, Franklin J., 140–30–4906.
Messick, Thomas R., 223–38–7726.
Moore, Charles R., 424–36–4784.
Moran, Eugene F., 102–26–0611.
Morrison, Robert N., 537–26–7370.
Napier, Wallace R., 406–44–6520.
Nelson, Donald C., 561–46–1536.
O'Neill, Stephen E., 502–36–7913.
Pearlman, Eliot J., 019–32–1651.
Perkins, Charles E., 430–72–1121.
Phillips, Llewellyn, 243–54–2435.
Rainess, Alan E., 103–28–2493.
Richardson, Clarence C., 104–26–1697.
Rozier, Jackson E., Jr., 227–44–5741.
Rude Franklin, Jr., 466–56–6179.
Shelter, Paul J., 569–48–8729.
Soule, James L., Jr., 002–24–4221.
Stevens, Jackson C., 271–34–3746.
Swallow, Charles T., 528–46–5550.
Tiesenga, Sidney W., 372–38–2564.
Tippens, Jack K., 579–12–3263.
Vaughan, Robert P., 451–56–4416.
Wallis, Cecil L., 466–32–6306.
Weeks, Leo J., 007–32–5844.
Williams, John C., 300–34–5561.

To be first lieutenant

Aulick, Louis H., 405–52–6348.
Barbara, James C., 130–32–6342.
Barrett, Thomas P., 423–52–8382.
Barron, Garrett W., 209–30–1740.
Bateman, Robert M., 238–64–5481.
Bircher, John E., 162–32–9809.
Boettcher, Wolfgang F., 466–64–5660.
Brewer, Lance O., 450–58–2579.
Broadie, Samuel F., 510–40–5996.
Butler, Charles A., 492–38–0853.
Carlin, James J., 573–46–2421.
Cart, Fredrick J., 502–46–5753.
Carzoli, Richard L., 478–42–3277.
Case, James W., 341–36–7655.
Cashmere, Thomas W., 195–30–1289.
Chambers, Roy E., 525–80–8974.
Clapper, John W., Jr., 505–56–1352.
Class, John B., 388–40–9431.
Clegg, Thomas A., 242–66–7995.
Cole, James W., 213–34–9863.
Collard, Nelson, B., Jr., 535–40–7254.
Collins, Kenneth R., 134–30–8475.
Collins, Michael H., 521–54–0910.
Collyer, Douglas C., 385–40–0166.
Couch, Kenneth R., 528–48–1496.
Cunkelman, George T., 171–32–8974.
Danek, Thomas E., 126–36–8762.
Davis, Richard C., Jr., 454–70–7791.
Dean, John D., 245–56–1352.
Eckel, Hasko K. W., 286–38–0088.
Ericksen, Harold J., 425–76–4885.
Ewing, Donna M., 211–30–6456.
Faint, Arthur J., 257–64–4982.
Ford, Dean C., 516–44–7161.
Fox, Leon F., 023–32–7312.
Fuller, John T., 423–54–9595.
Galda, Dwight W., 141–34–7531.
Garvey, James E., 277–36–1952.
Gilbert, David B., 482–50–9181.
Goodwin, Lawrence B., 403–52–9929.
Grant, Wallace C., 007–40–8045.
Hackett, John L., 157–32–7395.
Hall, Jack C., 501–26–5684.
Hall, Robert L., 465–58–8089.
Hamlett, James M., III, 412–70–9203.
Hermsdorfer, Arthur, 302–36–7446.
Hinton, Samuel M., 223–56–7919.
Hoffman, Carl M., 262–74–9667.
Hohengarten, John H., 570–52–4993.
Holley, Robert G., 075–32–0728.
Houser, Oscar S., Jr., 414–60–5746.
Huddleston, Prentiss, 265–68–5891.
Ireland, John C., 007–40–8073.
Johansen, Eldon R., 507–44–6766.
Johnson, Charles E., Jr., 265–52–3428.
Johnson, Martha S., 309–38–4564.
Johnston, John R., Jr., 015–34–2420.
Jones, Charles C., 249–58–1169.
Jones, Robert T., 243–52–7833.
Keel, Hugh N., III, 479–54–4155.
Kerekes, Karoly, 111–32–3667.
Ketchum, Robert V., 078–34–2988.
Klein, James A., 225–54–7929.
Lord, Kenneth P., III, 094–34–6331.
Markarian, Clement J., 012–34–5546.
Matthews, Cleve E., 510–40–0733.
McCall, Monty, W., 551–58–3789.
McCandless, James T., 185–32–9168.
Miezelis, Joseph A., 338–32–1509.
Miller, Bruce, 224–54–2698.
Miller, Martin W., Jr., 194–32–1062.
Moeller, Walter J., IV, 432–80–8639.
Moore, Robert T., 298–34–4944.
Morgan, Creed R., 539–30–1735.
Moriarty, Lauren M., 492–44–7193.
Mountcastle, John W., 227–54–4018.
Naugle, David N., 560–62–1871.
Newell, Clayton R., 526–64–5937.
O'Malley, Thomas A., 088–32–9814.
Parker, Joseph S., 224–56–9668.
Parry, John D., 108–32–3193.
Partin, Daniel H., III, 238–62–1147.
Patton, Jack T., 549–52–0628.
Paudler, Franklin T., 395–38–9514.
Perkins, Rudy C., 047–32–1011.
Quinn, Frank X., 181–30–8800.
Quinn, Joe L., 467–48–8928.
Robb, Ronald S., 513–44–1405.
Roberts, Nathaniel E., 264–60–1616.
Rooney, John M., 527–56–2210.
Rovinski, Charles J., 206–30–1073.
Sanford, Winston M., 258–64–5431.
Schlottman, James C., 208–32–9912.
Shaw, Robert W., 441–40–3585.
Smoot, William K., 493–50–8814.
Spencer, Dorothy E., 187–34–3316.
Sullivan, Leon W., Jr., 216–40–2805.
Thomas Nathaniel L., 254–60–5502.
Thompson, Robert R., 441–42–4741.
Thompson, Douglas A., 542–42–1459.
Tranel, David A., 485–60–1553.
Vaughn, John D. A., 057–32–6043.
Watters, Thomas S., 225–48–2078.
Westerberg, James F., 524–44–0183.
Wiley, Roger W., 353–32–6915.
Williams, Wilburn C., 460–68–7497.
Willoughby, Cole B., 279–38–8764.
Wimett, Joan J., 097–34–1126.
Wimett, William J., 108–32–3709.
Winarski, Stanley T., 142–30–3786.
Winston, Ora J., 440–52–2057.

To be second lieutenant

Beach, Martin H., 238–62–4210.
Beale, Donald L., 176–34–7729.
Beech, George W., 424–54–6926.
Chitwood, Mark J., 170–36–6967.
Confer, Kent L., 293–40–2185.
Cucullu, Gordon C, II, 438–64–3856.
Diaz, Rodriguez M. R. A., 583–01–9953.
Duckworth, Robert A., 486–46–4355.
Elmore, James H., Jr., 250–82–1759.
Evans, Ronald L., 531–38–9997.
Filip, Thomas J., Jr., 377–44–5689.
Frase, Richard J., 222–26–4869.
Gallup, Archibald M., 044–32–3099.
Gardner, Barry J., 230–64–0259.
Garrett, George B., 464–70–0877.
Gustin, Jerry J., 510–46–3311.
Hamer, Lawrence A., 481–54–2171.
Hendrickson, Gerald R., 471–42–9361.
Hess, Patricia A., 220–42–3864.
Hines, John G., 124–38–3107.
Krafft, Gary R., 555–64–2593.
Labounty, James W., 219–40–2869
Lechner, William R., 101–34–5781.
Leonard, Gary L., 510–46–2153.
Lindsey, Wilford D., 495–44–1724.
Mangold, Robert B., 276–40–5057.
Manor, Michael H., 103–34–8239.
Matthews, William P., 465–64–6079.
McCormick, John E., 524–44–8382.
Messinger, Keith J., 524–54–8153.
Morton, Clarence M., 450–66–1106.
Moss, Gerald B., 078–34–1358.
Otto, Charles R., 417–58–5644.
Pelton, Richard P., 085–34–7299.
Pybus, Wimpy D., 262–64–3054.
Schaefer, Ken M., 547–54–7600.
Smith, Rodney L., 433–60–9193.
Sommerfeld, Evan E., 340–32–7201.
Stanley, Stanislaw T., 025–32–1879.
Taylor, George T., Jr., 249–74–3586.
Tomlinson, Meredith, 228–58–7730.
Trahan, Joseph A., Jr., 437–60–9991.
Viall, Dallas A., 517–52–8579.
Walsh, Francis R., 133–32–1774.
Weimer, Robert M., 276–38–2463.
Wendling, Henry H., 518–50–0918.
Yager, Klaus D., 216–40–3842.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Allardyce, Burnis G.
Andrews, Francis L.
Arno, William A.
Bailey, Freddie W.
Bailey, Gary R.
Barger, Robert E.
Baxter, William S.
Beatty, Clifford G. III
Bird, James R.
Boehme, Charles
Bowers, Bruce D.
Brannon, Leslie R.
Britton, James R.
Brown, Terrence M.
Brubaker, David L.
Campbell, Ronald S.
Dent, Danny F.
Duffy, Brian P.
Gibson, Hubert L., Jr.
Grant, Kenneth E.
Hargadine, Rex A.
Harness, George W.
Harper, Ronald J.
Henson, Hamilton M., Jr
Herman, David H.
Hood, Donald J.
Hunter, Robert B.
Johnson, Ronald F.
Kreger, Thomas D.
Kundel, John A.
Lacoste, Gene M.
Lewis, Craig R.
Marti, William J.
Meyer, Darwin W.
Moeller, Lonell L.
Monrad, Terry M.
Mote, Jerry Lee
Moyer, Laurence A.
Mushrush, Stephen R.
Newby, Duane A.
Payne, John C.
Pearson, James D., Jr.
Powell, John D. III
Reitzell, John R.
Ross, William H.
Schmieg, Michael M.
Schneider, Ronald D.
Sittingdown, Quincy D.
Sparks, Michael L.
Spira, David J.
Stanfield, Stephen L.
Stanton, John P. II
Stegall, Raymond L., Jr.
Stockdale, Parker F.
Walker, Johnny M.
Wax, Richard R.
Yost, Dennis E.
Zoesch, William E.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Freeman, Richard L.
Halfant, Jerry
Occhi, Robert J.
Powell, James R.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Adams, Thomas C.
Ailes, Robert H.
Alexander, Sherman G.
Alexander, William H.
Allemang, John D.
Allen, John E.
Allen, Richard O., Jr.
Allen, Robert L., Jr.
Allen, William D.
Allison, William R., Jr.
Almstedt, Theodore A., Jr.
Ames, Laverne W.
Anderson, James B.
Anderson, Jerry P.
Anderson, Richard W.
Andrade, Allan L.
Andrews, Bobie
Androski, Frank N.
Anthony, Phillip D.
Apple, John D., Jr.
Aquilino, Salvatore P.
Arcelle, Mark, Jr.
Arnold, Thomas F.
Artuso, Michael A.
Audilet, Garland O.
Ausley, Joe H., Jr.
Baals, John R.
Bailey, Donald C., Jr.
Baker, Robert C.
Banks, William K.
Barbour, William J., Jr.
Baril, Robert F.
Barlow, John R.
Barnes, James H.
Barnes, James A.
Barnett, Charles E.
Barnett, Stephen B.
Barney, Charles R.
Barnhart, Harold D.
Barret, Lee E., Jr.
Barrish, Paul D.
Bartholomew, James H.
Bartley, Robert H.
Bassett, Charles G.
Bate, Ronald D.
Bauman, John M.
Baumgartner, James A.
Beach, Milton D.
Beck, Richard E.
Bellinger, John R.
Benediktsson, Philip W.
Benjamin, Charles L.

XUM

Bennett, Peter C.
Berg, Milfred C.
Bergstrom, Kenneth I.
Berry, Roy A.
Bess, George D.
Best, Albert H., III
Bethel, Robert G.
Betts, Roger S.
Beversdorf, Donald W.
Beving, Duane U.
Beyl, David D.
Biggs, Robert R.
Bigler, William W.
Biles, George E.
Bilicki, Daniel R.
Billings, Alfred J.
Bird, Ralph G.
Bird, Thomas C.
Birdsall, David M.
Bixby, Harry L., Jr.
Blackburn, Harry L., Jr.
Blair, David B.
Blair, Peter S.
Blandford, James R.
Blankenship, James M., II
Bley, John E., Jr.
Bloise, James E.
Bloom, Donald D.
Blum, Brandon B.
Boebert, Frank L., Jr.
Boelter, Dan A.
Bolte, William S.
Booth, Peter B.
Borden, Archie D.
Borden, Robert C., Jr.
Bovey, Paul E.
Box, Roger E.
Boyd, Richard M.
Boyle, James T.
Breast, Jerry C.
Bredbeck, William J.
Bredderman, Rudolf T.
Breeding, Leslie E.
Breland, Edgar A.
Brennan, John F., Jr.
Brennan, Richard J.
Brenneman, Harold R.
Briggs, Braden R.
Briggs, Stanley
Brisbois, Marshall B.
Bronson, Hiram S., III.
Brooks, Charles G. W.
Brown, Charles E.
Brown, Donald B.
Brown, Nicholas
Brown, Ora D., III
Brown, William M.
Bruyere, Thomas E.
Bryan, John E., Jr.
Buehler, William S.
Buggy, Joseph S., Jr.
Bump, Stanley E.
Burdick, Howard F., Jr.
Burke, Francis J.
Burke, William C.
Brukel, John F.
Burrows, Donn T.
Bush, Vernon R.
Button, Ralph L.
Byng, Weston H.
Caccivio, John D.
Cahill, Walter A.
Camacho, Richard G.
Cameron, Jim F.
Campbell, Ronald K.
Campbell, Thomas G.
Canada, Donald E.
Cannon, James R.
Cargill, Denny B.
Carmichael, Eddie I.
Carpenter, Jack R.
Carr, James M., Jr.
Carre, David M., Jr.
Carrigan, Richard C.
Carroll, Peter A.
Carson, James T.
Carswell, Michael S.
Casey, Richard F.
Casey, Ronald C.
Cates, Gus V.
Catola, Stanley G.
Chamberlain, John D.
Chang, Ming E.
Charneco, Carlos M., Jr.
Chase, Henri B., III
Chatham, Walter L.
Chester, Scott A.
Chitty, Charles M., Jr.
Chrans, Ronald L.
Christensen, Cyrus R.
Christopher, Richard V.
Chumley, Sylvester G.
Cicchetto, Mario J.
Clark, Arthur R., Jr.
Clark, William E., Jr.
Clay, Jack D.
Clayton, George H., Jr.
Clifford, Norman
Cloud, Bruce L.
Clower, Claude D.
Clynes, Charles E.
Cobb, Roy L.
Cole, Charles W., Jr.
Coleman, Douglas C.
Coll, William A.
Colville, Robert E.
Combs, Lawrence L.
Connell, Earl W.
Connell, Philip J.
Connelly, James H., Jr.
Connelly, John J., Jr.
Connolly, Leo J.
Cook, John H., III
Cooke, Vincent E.
Cooley, David L.
Coons, Henry A.
Cooper, Estill A., Jr.
Cooper, Ross E.
Copeman, Thomas H., Jr.
Corkins, Charles W., Jr.
Corr, Peter S., Jr.
Costello, Donald H.
Costilow, Kenneth L.
Cotsonas, John P.
Covey, Edward J.
Crafton, Robert W.
Craig, John E., Jr.
Crain, Carroll O., Jr.
Cramer, Dean E.
Crater, George H., Jr.
Crawford, Paul G.
Cremo, John, Jr.
Crim, Billy R.
Crowell, George T., Jr.
Crowson, Christopher G.
Crudup, Everett H., Jr.
Crutchfield, Claud C.
Cumming, Richard S., III
Curry, Keith R. W.
Curry, Thomas H.
Curtis, Wayne
Cust, Harlan R.
Cyr, Byron A.
Czar, Raymond J.
Dage, Jerry D.
Dahill, Edward E., III
Dahl, Lowell D.
Daniels, Hal B.
Darby, Jack N.
Darling, David D.
Darnell, Jack
Daugherty, Donald N.
Daulton, James T.
Davis, Norman E
Davis, Robert G.
Dawson, Albert L.
Dean, Robert V.
Deangelo, Mark J.
Dearie, Cyril G.
Dechant, John A.
Deering, Robert M.
Demars, Bruce
Dennison, James R.
Denunzio, Nicholas J.
Desteiguer, John R.
Deweese, Everette D.
Dickerson, Kenneth A.
Diloreto, Lucio
Disher, John S.
Doebbler, Gordon B.
Doerr, Peter J.
Donahue, John F.
Donlan, William J.
Dore, Stanley M., Jr.
Dorow, William R.
Dorsey, James F., Jr.
Dowd, Gregory P.
Drake, Donald L.
Duffield, Frederick H., Jr.
Dunbar, Fredric A.
Duncan, John G.
Dungan, David A.
Dunleavy, Richard M.
Dunmire, Rance D.
Dunnam, William L.
Dyer, Nathaniel B., Jr.
Dyro, Stanislaus G.
Eagye, Vernon A.
Earnest, Charles M.
Eason, William G.
Easterbrook, Charles W., Jr.
Eaton, Robert H.
Eckert, John D.
Edmunds, Donald C.
Edney, Leon A.
Edson, Charles T.
Edwards, James C.
Edwards, Joe D.
Edwards, Leslie R.
Edwards, William F.
Egerton, James W.
Ehret, James D.
Ehrman, Robert G.
Elinski, Michael, Jr.
Eller, James B.
Ellingwood, Arthur R., Jr.
Ellis, Hal R., III
Elpers, William W.
Emmerson, Milo E.
England, Robert N.
Erle, Carl R.
Errickson, John J.
Eskew, Perry R., Jr.
Estes, Edward D.
Etheredge, Teddy B.
Evans, Frederic H.
Evans, James A.
Evans, Ronald E.
Eyler, Armand T., Jr.
Eytchison, Ronald M.
Fahey, William F.
Fairbanks, Wayne K.
Fallon, Thomas F., Jr.
Fantry, William T., Jr.
Farrar, Charles E.
Featherston, Rex W.
Felkins, Charles G.
Fellowes, John H.
Fenzl, George J., Jr.
Ferrarini, Richard L.
Festag, Albert P.
Fieser, Arnold K.
Fink, George E.
Fink, Siegfried A.
Finley, Dean M.
Fiore, Adolph A.
Fischer, Theodore A., Jr.
Fish, Benjamin L., Jr.
Fiske, Harry K.
Fitch, Edward S.
Fitzgerald, Maurice D.
Fitzsimmons, Eugene W.
Fitzwilliam, Peter K.
Flanary, Thomas N., II
Flannery, Gerard J., Jr.
Flather, Charles R.
Flatley, James H., III
Fleshman, Samuel A., II
Flory, Richard L.
Flower, John R.
Flynn, John J., Jr.
Flynn, William J.
Foote, Everett W.
Ford, Homer L., Jr.
Forest, Robert E.
Forgy, James P.
Forster, Robert M.
Fournier, Paul R.
Fox, Robert F.
Fox, Thomas R.
Frank, Thomas P.
Frank, Vernon E.
Franzen, Richard D.
Frazier, Donald L.
Fredrick, Russell E.
Fries, Charles L.
Frlichtenicht, Richard D.
Froehlich, Kenneth R.
Fudala, Ernest M.
Fuld, Charles L.
Fuller, Fred R.
Fullerton, Frank E.
Fyles, Roderick A.
Gallotta, Richard A.
Gammell, Clark M.
Garber, Cecil E.
Garland, Keith P.
Garrison, Charles H., Jr.
Gates, Richard L.
Gelke, John J.
Gerrald, Benjamin W.
Gesling, Marion L.
Giacchino, Louis F.
Gibson, James C., Jr.
Giedzinski, Henry B.
Gifford, Robert M.
Gilbert, James C.
Gilbert, Robert L.
Gilchrist, Craig G.
Gilfry, Mason C.
Giuliani, Leonard E.
Glaeser, Frederick W.
Glasgow, Billy R.
Glasson, William A., Jr.
Glenn, William A., II
Gluse, Michael R.
Goben, Robert D.
Goewey, Lee E.
Golden, Edward E.
Goodale, Charles N.
Goodall, Thomas A.
Goodwin, Bruce G.
Gordon, Stewart R.
Grandjean, Charles A.
Grant, Freeman A., Jr.
Grant, Richard L.
Graves, William S.
Gray, Anthony W., Jr.
Green, Gerald E.
Green, William H.
Greenhaw, Karl J., Jr.
Grewe, Webster
Griffin, Robert F.
Griffith, Dwaine O.
Grimmell, Robert L.
Gross, Sidney L.
Grossoehme, Clyde
Grove, Ronald R.
Guerra, Albert H.
Hahne, Dayton R.
Hale, Frederick W.
Haley, George K.
Hall, Harley H.
Hall, Joe L.
Hall, Michael R.
Hall, Robert A.
Hall, Thomas J.
Hamilton, Edward A.
Hamlin, George A., Jr.
Hamman, Kenneth A.
Hammon, Colin P.
Hammond, Leroy L.
Hanley, William L., Jr.
Hannaford, William H.
Hansen, Herbert L.
Hanson, Deroy L.
Hanson, Donald C.
Hanson, Edwin E.
Hanson, Morton H.
Harden, Thad H.
Harmon, Jack E.
Harmon, Oliver E.
Harris, Robert H.
Harris, William R.
Harscheid, David G.
Hartley, Donald H.
Hasch, Ralph H.
Haskell, Hugh B.
Hastings, Ralph H.
Hatch, Ross R.
Hayes, Newton G.
Hayman, Douglas F., Jr.
Hazle, Hugh A.
Heiland, Charles E.
Heisinger, Duane L.
Hennessey, John P.
Herring, Paul E.
Hesse, Gerald H.
Hickerson, James M.
Hickman, Jimmie E.
Hill, Raymond W.
Hodge, William R.
Hodgkinson, John T.
Hodgskiss, William L.
Hoffman, Chauncey F.
Hoffner, Conrad C.
Hogg, James R.
Hohenstein, Clyde G.
Holland, John O.
Hollandsworth, Paul F., Jr.
Holm, John P.
Holmes, Richard B.
Honsinger, Vernon C.
Hood, Joseph W., Jr.
Horne, Roger B., Jr.
Hoskins, Perry D.
House, Wayne, Jr.
Howard, Charles B.
Howe, Jonathan T.
Howells, David A.
Hoyes, Donald J.
Hueber, Fred P.
Huhn, Samuel P.
Hullander, Robert A.
Humphreys, David W.
Hunter, Wallace R.
Husted, Murl E., Jr.
Husted, Richard C.
Huston, William G.
Hutton, James L.
Hyatt, Robert G.
Ingalls, Frederick G.
Inman, Ronald C.
Jaeger, Robert H.
James, Edgar L.
Jarratt, Guy C., III
Jarwin, Raymond J.
Jaudon, Jones P.
Jauss, Charles W.
Jebb, Robert D.
Jellison, Harry E.
Jensen, Richard S.
Jeremiah, David E.
Johannesen, Allen C.
Johe, Richard E.
Johns, Clifford M.
Johnson, James E.
Johnson, Jerome L.
Johnson, Virgil J.
Johnston, Donald W.
Johnston, Donald H., Jr.
Jones, Jerry E.
Jordan, Henry M.
Jourden, Bud A., Jr.
Jumper, Vernon L.
Karas, Robert E.
Karn, Alvin R., Jr.
Karnakis, Nicholas
Kasnicki, Edward J.
Keast, Paul H.
Keegan, Arthur E.
Keeley, Edward C.
Keiffer, Leo H.
Keller, William E., Jr.
Kelso, Frank B., II
Kemper, Robert D.
Kenaston, George W.
Keough, Edward P.
Keough, Robert J.
Kerslake, Ronald W.
Kersting, William H.
Ketchum, William H.
Kinert, John H.
King, Charles C.
King, Ural W.
Kinney, Ben J.
Kinney, Charles H.
Kinsel, Herman L.
Kirkpatrick, John H.
Kirkwood, Robert L.
Klein, Harry L.
Klugman, Dale R.
Knaus, Vincent L.
Knef, Andrew L.
Komisarcik, Adam
Kordek, Walter A.
Kraemer, Kenton K.
Kralik, Simon C.
Kramer, Rex W., Jr.
Kreutzberger, Donald J.
Kristof, John J.
Krogh, David E.
Krueger, Richard G.
Kruger, Allen L.
Kuehmeier, Joseph K.
Kuligowski, Theodore J.
Kurz, Walter C.
Kuykendall, Herbert B
Kvederis, James P.
Lacy, William A.
Lamberth, Billy C.
Lambright, Harold R., Jr.
Lamotte, Francis J.
Lengenheim, John P.
Langley, Thomas R., Jr
Lanning, Richard J.
Lapham, Joseph G.
Larison, John D., Jr.
Larsen, James L.
Larson, Charles R.
Lattig, Edward C.
Laurance, James D.
Laux, Arno H.
Lawrence, Donald W.
Lawson, Ramsay
Leblanc, James B.
Lees, Forrest A., Jr.
Lenhardt, Harry F., Jr.
Lewedag, Loren M.
Lewin, Theodore E.
Lewis, Harold S.
Lewis, Norman H.
Lightsey, James L.
Linch, Donald T.
Lincoln, John R.
Lindquist, Donald E.
Lohr, James R.
Loos, Donald G.
Loscavio, John M.
Loudon, Richard S.
Lowe, William L.
Lown, Paul C.
Lumbert, Albert W.
Lund, John R.
Lundquist, Donald R.
Lynch, Robert B., Jr.
MacCabe, Van L.
MacKay, Gerald W.
Mackin, Louis B., Jr.
MacQuarrie, Gary L.
Maguire, Thomas J.
Maliczowski, William
Maloney, John J.
Manes, William C.
Marnane, Thomas A.

Martin, Donald L.
Martin, Frank P.
Martin, James J., Jr.
Massimino, Andrew S.
Maston, Joseph H., III
Matson, Bruce W.
Matt, George E., Jr.
Matthews, John B.
Mautino, Richard L.
May, James L.
McBride, Michael A.
McBurnett, Kenneth S.
McCabe, George J.
McCaffery, Robert A.
McClenahan, Tom P.
McClure, Dale R.
McCracken, David J.
McDermott, John G.
McDivitt, Ronald M.
McEachen, Angus D., III
McGarry, John G.
McGlamery, James L.
McGrath, James J.
McHugh, John T.
McIntire, Wilton H.
McKenzie, John H., Jr.
McKinnon, John D.
McKissock, Donald J.
McLellan, Charles A.
McMillan, Lee Q.
McMorris, John A., II
McPherson, Albert A.
McRae, James F.
Mecaughey, Robert W.
Medwedeff, Channing W.
Meier, Leonard M.
Melcher, Roland O.
Melvin, Edmund W.
Melvin, Virgil B.
Mercer, William C.
Metzler, Charles D.
Meyer, "J" "D"
Michaels, Danny J.
Mikitarian, Samson
Miller, Forrest R.
Miller, James T.
Miller, John A.
Miller, Justin A., Jr.
Miller, Robert N.
Miller, Robert H.
Miller, Robert L., Jr.
Miller, Wayne W.
Miller, Wendell E.
Milligan, Jack R.
Millon, Donald H.
Minton, David C., III
Mirise, Kerry W.
Mobley, Arthur S.
Monk, Samuel W.
Montgomery, George C., Jr.
Moore, Harold A., Jr.
Moore, Harrison M.
Moore, Nelson E.
Moore, Paul M.
Moore, Robert W.
Moran, Thomas J.
Morano, Anthony
Moravec, Henry J., Jr.
Morgan, William N.
Morris, Charles S.
Morris, Hal B., Jr.
Morrison, Orrin L.
Mortimer, Edmund C.
Moyers, Gilbert E.
Mozier, Richard A.
Munn, Robert J., Jr.
Munro, William S.
Munsey, William D.
Murray, Frank S.
Murray, Paul A.
Murton, David B.
Myers, Charles E.
Myers, William K., Jr.
Nace, Larry D.
Nagel, "L" "D".
Nash, Michael J.
Nelson, Carl A.
Nelson, Roger E., Jr.
Nelson, Sven D.
Neuhard, Henry H.
Newbury, Alfred C.
Newman, Alvin S.
Newsom, Joe R.
Nicholson, Herbert H. J.
Nicholson, Harry E.
Nicholson, Robert C.
Nofziger, Larry B.
Norrington, Charles G.
Northam, Thomas A., Jr.
Notargiacomo, Joseph M.
Oberle, Ronald J.
Ochs, Dorance L.
O'Connell, Jerome A.
O'Connell, Robert L.
O'Connor, Edwin A.
O'Connor, William J. M.
O'Donnell, Daniel T.
O'Donovan, James P.
O'Halloran, William J.
O'Keefe, Martin P.
O'Kelly, James R.
Olson, Albert W., Jr.
O'Neil, William A.
Onhaizer, Jerry E.
Ord, Donald C.
Orrik, David N.
Orzech, Bernard P.
Osborn, Oakley E.
Overstreet, George H.
Oyler, Donald R.
Paine, Francis S., Jr.
Palmer, Jerry J.
Pardue, James I., Jr.
Parker, Elton C., Jr.
Parks, Charles L.
Pasquinelli, Francis C.
Patton, James M.
Peek, Robert F.
Peetz, Robert E.
Pellock, Lyle E.
Pendleton, Benjamin L.
Periolat, John J.
Perry, Albert J.
Perry, Henry B.
Peters, Vernon W.
Peterson, John R.
Peterson, Karl L.
Peterson, Peter C., Jr.
Petree, Noel H., Jr.
Petrich, Horst A.
Phillips, George L., Jr.
Phillips, Richard W.
Phillips, Ronald M.
Picciuolo, Stephen A. D.
Pitzen, John R.
Pizzo, Philip J.
Polfer, Clarence R.
Poole, Thomas E.
Poore, Thomas W.
Porter, Robert W.
Powell, Falvey C., Jr.
Powell, Wendell W.
Powell, William C.
Poyet, Emer F.
Presley, Jack C.
Previ, Wallace M.
Prokop, Phil G.
Proper, Vance D.
Purdy, Dale C.
Pyle, Roger G.
Quinn, James E., Jr.
Quinn, Robert N., Jr.
Rabuck, Leo V.
Ransom, James P., II
Ray, Willard D.
Rayome, Francis L.
Redhage, James L.
Redington, Jerome J.
Reed, William C.
Reese, Russell R.
Reifschneider, Jack L.
Reinhardt, Ellwood B., Jr.
Reis, Joseph J. Jr.
Rennaker, Charles L.
Renner, Lorraine E.
Rentschler, Richard L.
Repta, Robert S.
Rettig, Godfrey A.
Rice, Robert P.
Rich, Willis S.
Richardson, Fred D., Jr.
Riefler, George B.
Riggs, Donald E.
Ring, Stewart A.
Rinkel, Richard A.
Roach, John C.
Roberts, Charles R.
Roberts, Ned C.
Roberts, Tommie W.
Robertson, Hollis E.
Roche, Peter A.
Rodgers, Robert D.
Rowsey, James M., Jr.
Ruhle, Robert C.
Ruland, Donald O.
Russ, William M., Jr.
Russell, Kay
Ruthrauff, Clifford B.
Ryan, Gerald F.
Saavedra, Robert
Sabine, Frederick R.
Sackett, Dean R., Jr.
Sage, Rogert A.
Saleh, Richard E.
Salo, Elmer E.
Salo, Lennart Reino
Saltz, Newell J., Jr.
Samuelson, Charles A.
Sandler, Charles A.
Saunders, Richard E.
Saville, Robert E.
Sayers, Samuel L.
Scarborough, John R. L.
Schade, Eric H., Jr.
Schaedel, Joseph A.
Schafer, Alfred E.
Schaffert, Richard W.
Schaible, David L.
Schatz, Robert G.
Scherer, Francis H.
Scheyder, Ernest J.
Schilling, George F.
Schmidt, Robert H.
Schmidt, Robert P.
Schmitt, Arthur F., Jr.
Schnitzer, Lawrence E.
Schreadley, Richard L.
Schulze, John M., Jr.
Schuster, Eugene J.
Schwartz, Ralph C.
Scott, Philip J.
Scovel, Frank D.
Scranton, Herbert "H."
Scruggs, Richard M.
Seacat, Ralph L.
Sechrest, Edward A.
Seesholtz, John R.
Seiler, Melvin E.
Shafer, Richard W.
Shannon, Philip M.
Shaw, Charles I.
Sheets, James R.
Shelso, David A.
Shelton, Donald D.
Sheppard, Donald E.
Shinn, Robert A.
Shipley, Carl N.
Short, Benjamin F.
Short, John S.
Short, Leroy A., Jr.
Shultz, Theodore B.
Sibley, David N.
Sikes, James H.
Silberstein, George W.
Simonton, Bennet S.
Simpson, George T. K.
Sims, Robert B.
Sirch, Richard W. F.
Skelly, Arthur R.
Slawson, Bruce L.
Sleeman, Charles F.
Sloan, John H.
Smetheram, Herbert E.
Smith, Augustine J., Jr.
Smith, Delvin W., Jr.
Smith, Gene A.
Smith, John P.
Smith, Paul D.
Smith, Paul J.
Smith, Robert L.
Smith, Ronald E.
Smith, Vernon C.
Smith, William C.
Smith, William L.
Soriano, Joseph R.
Spadoni, Eugene A.
Spellman, Fred G.
Spencer, Barry W.
Spencer, Lane L.
Spink, Peter J.
Spoto, Victor S.
Stallings, Arthur C., Jr.
Stammer, Walter H., Jr.
Steele, Robert J.
Stelly, John M.
Stephenson, Paul D.
Sterling, John C.
Stetz, Elias J.
Stevenson, Barr S.
Stevenson, Connelly D.
Stock, Merlyn L.
Stocking, Sigurd I.
Stone, Lowell P.
Streuli, Joseph W.
Strong, Henry H., Jr.
Stuart, Charles J., Jr.
Sullivan, Eugene J., Jr.
Sullivan, Gerald T.
Sullivan, William K.
Sumner, Donald N.
Swan, Robert S.
Swan, William R.
Swanson, Harlan D., Jr.
Swinnerton, Ronald H.
Taff, Clarence O., Jr.
Tager, Bruce A.
Talbert, Joseph T., Jr.
Talbott, Merrill L.
Tarbuck, Richard R.
Taylor, Hugh R.
Taylor, James M.
Taylor, John D.
Taylor, Lawrence H., Jr.
Taylor, Lewis H.
Taylor, Robert C., Jr.
Teachout, David S.
Teague, Foster S.
Terrell, Jerry L.
Tettelbach, Fredrick M.
Thearle, William J.
Theodorelos, Pete "J"
Thibault, George E., Jr.
Thomas, James G.
Thompson, Jack D.
Thompson, James K.
Thompson, Tommy L.
Thurber, John D.
Thurneysen, Jon S.
Tibbitts, Barrick F.
Tibbs, John C.
Tietgen, Charles A., Jr.
Timberlake, David W.
Timm, Dwight D.
Tinker, Charles L.
Titus, Edward D., Jr.
Toehlke, Walter A.
Tomion, Jack W.
Toole, Morton E.
Treiber, Maurice L.
Tucker, Edwin B.
Tucker, James E.
Tullis, James V.
Turner, Robert C.
Turner, Warren D.
Ustick, Richard C.
Vanhorne, Alfred L.
Vannice, James R.
Vanoy, William E.
Vestal, Leroy N.
Villenave, Robert A.
Vispo, Peter P.
Vollmer, William E., Jr.
Wachob, James R.
Walder, Edward F., Jr.
Wales, George E.
Walter, Dale J.
Waltzer, Jacob
Ward, Compton E.
Wardell, William L., Jr.
Warren, James W.
Watkins, Robert L.
Watts, James W.
Way, Edward R.
Weber, Burtland B.
Weber, Gustave A., Jr.
Webster, John A., Jr.
Wehner, George D.
Weidman, Russell H.
Weir, Richard W.
West, Charles T.
West, Norman P.
Westall, Kenneth W.
Wheeler, James R.
Whitbeck, Charles J.
White, Laurence A., Jr.
White, Richard F.
White, Robert C.
Whittaker, Robert L.
Wicke, James O.
Wiggins, Larry C.
Wilbern, Jack M.
Wilde, John H., Jr.
Wilderman, Alvin L.
Wilkins, George H.
Wilkinson, Thomas A. R.
Wilkinson, Wilfrid P., III
Williams, Forrest R.
Williams, James D.
Williams, Richard E.
Wilson, Billy J.
Wilson, William E.
Windsor, Arthur D.
Winter, Richard A.
Witherspoon, Charles R.
Wolfe, Robert E.
Wolfe, Roderic L.
Wolfe, William F.
Womack, David R., Jr.
Wood, Clarence W.
Wood, Forrest H.
Wood, Sidney E., Jr.
Woodbury, Orpheus L., III
Woodlief, Frank L.
Woods, Herbert P.
Woolam, John E.
Woolnough, Robert M.
Wright, Frederick E.
Wright, Harry W.
Wright, Joseph M. P., Jr.
Wright, Orville, Jr.
Wuthrich, Richard E.
Wyly, James R., Jr.
Yarbrough, William P., Jr.
Young, Howard I.
Zagortz, Leonard A., Jr.
Zipperer, William R.
Zipse, Robert L.
Zirbel, William D.
Zwick, Stephen L.

IN THE MARINE CORPS

The following named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications thereof as provided by law:

Baker, Lorenza T.
Bolick, Gerald J.
Campbell, Catherine A.
Corley, William B., Jr.
Evans, Collie, Jr.
Guckert, Edward B.
Hooper, Herbert H.
Jones, Charles M.
Reilly, James B.
Salas, Manual J.
Trahern, James F.

The following named (Navy enlisted scientific education program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Badinger, Gerald D.
Boyle, John, IV
Clarke, Barton A.
Engle, Richard A.
Funk, Roland V.
Hazel, Homer L.
Milleson, Gene A.
Nickolaus, Paul S.
Robinson, James R., II
Seaman, Ronald R.
Taylor, Rex N.
Thompson, Wayne P.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 8 (legislative day of October 7), 1969:

AMBASSADORS

Clinton E. Knox, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti.

Hewson A. Ryan, of Massachusetts, a For-

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eign Service information officer of the class of career minister for information, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Honduras.

Claude G. Ross, of California, a Foreign Service officer of the class of career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

DISTRICT OF COLUMBIA COUNCIL

Henry S. Robinson, Jr., of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1970.

HOUSE OF REPRESENTATIVES—*Wednesday, October 8, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O give thanks unto the Lord; for He is good; for His mercy endureth forever.—Psalm 106: 1.

With grateful hearts, O God, we acknowledge that Thou art the creator of the world, the sustainer of life, and the rock upon which we can build security. We thank Thee for Thy constant care and Thy abounding goodness which are ours day by day. Truly Thy mercies are everlasting, Thy faithfulness endures through all generations, and Thy love abides forever. Therefore we put our trust in Thee.

Bless our country with Thy guiding spirit and by Thy grace enable her to walk in the way of Thy commandments. May we as a free people always be the champion of peace and justice in our world. Strengthen the ties of fellowship within our borders that we may live together with understanding, respect, and good will and give to every man the opportunity to live a full and a free life. May the love of Thy dear name bless every heart and every home.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1718. An act to provide for the conveyance to the city of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city.

DR. PHILIP CRANE WINS 13TH DISTRICT OF ILLINOIS PRIMARY

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, I take this time merely to offer my congratulations to Philip Crane, a very good friend, who was nominated as Republican candidate for Congress in the 13th District of Illinois yesterday. Dr. Crane, I believe, will be joining us in the Congress next January.

Dr. Crane certainly will add a great deal to our side of the aisle. He is a very intelligent man, and I might point out he is a person with conservative views.

We often have people ask us what direction the country is taking. I hear some say it is going in a moderate direction, some say it is going in a liberal direction, and some say it is going in a conservatve direction. I am one of those who believes the country is more conservative, and if our party will nominate conservative candidates, I happen to believe we can win in the elections.

I certainly congratulate Philip Crane for winning the 13th District primary election and the Republican voters there for showing such good judgment. Dr. Crane ran on the issues and took a sound, conservative position which he successfully articulated to his constituency. The result speaks for itself.

PROPOSED ESTABLISHMENT OF A SEPARATE DEPARTMENT OF HEALTH

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I take this moment to advise my colleagues that I will today put in legislation calling for a separation of the Department of Health from the Department of Health, Education, and Welfare and the establishment of a separate Department of Health within the Federal Government. I call attention to remarks which will be in the body of the RECORD on this subject relating to this proposed legislation.

CALL OF THE HOUSE

Mr. EDWARDS of Alabama. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 208]

Albert
Berry
Blatnik
Brock
Brooks
Burton, Utah
Cahill
Carey
Chisholm
Clark
Clay
Cleveland
Davis, Ga.
Dawson
Denney
Dent
Diggs
Donohue
Foreman
Frelinghuysen
Goldwater
Harrington
Hawkins
Howard
Johnson, Calif.
Kirwan
McClory
McClure
Marsh
Miller, Calif.
Nelsen
O'Neill, Mass.
Ottinger
Pepper
Pike
Podell
Powell
Rees
Reifel
Rooney, N.Y.
St. Onge
Steed
Tunney
Whalley
Whitten
Wilson, Charles H.
Wright

The SPEAKER. On this rollcall 382 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 11039, PEACE CORPS ACT AMENDMENTS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, ADAIR, and MAILLIARD.

PERMISSION FOR SELECT COMMITTEE ON ROBINSON-PATMAN ACT, COMMITTEE ON SMALL BUSINESS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Select Committee on the Robinson-Patman Act of the Small Business Committee may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HEARINGS SCHEDULED ON S. 952, TO PROVIDE FOR ADDITIONAL DISTRICT JUDGES

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, I am pleased to announce that Subcommittee No. 5 of the Committee on the Judiciary will begin several days of hearings on S. 952 which provides for the appointment of additional district judges, another measure relating to the organization and administration of the Federal district courts, beginning on Wednesday, October 29, at 10 a.m. in room 2141 of the Rayburn Building.

THE COURSE ON WHICH THE NIXON ADMINISTRATION IS LEADING OUR NATION

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, I want to call the attention of the Members of this body to the headlines in three editorials

of the Washington Post. I think the headlines themselves have a story to tell about the course on which the Nixon administration is leading our Nation.

The headline in the Washington Post Thursday, December 12, 1968: "Nixon Announces His Cabinet." Elsewhere on page 1 was the headline, "Joblessness Hits 15-Year Low Point."

The lead headline in the Washington Post yesterday, October 7, 1969: "Jobless Rate Increases to 2-Year High."

And, if that is not bad enough, the headline on page 1 of the Washington Post today, October 8, reads, "Treasury Predicts More Joblessness."

OUR COUNTRY NEEDS TO BE UNITED

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, for weeks now Member after Member of this body has come to the well from both sides of the aisle to speak about the financial plight of the Nation and the conditions surrounding the war in Vietnam, and what we ought to do to solve these problems.

There are a number of the Members who have been here longer than I have, and perhaps who will stay here longer than I will, but what I am going to say now I say without any fear of contradiction from any one of the Members. It is this:

If we are going to solve the problems having to do with the economy of this country, the problems of the war in Vietnam, provide for a stable economy, and provide for the security of this country, we had better stop coming to the well of this House and talking about partisanship, and we had better start thinking about what this country needs, because if we ever needed to be united we need to be united now, and we are going in exactly the other direction.

When the Nation is in the peril it is in here at home and abroad, there can be only one rational course for rational men to take and that is the avenue that leads to nonpartisan solutions to nonpartisan problems.

The war in Vietnam is not a Republican war; it is not a Democratic war.

The inflation that is tearing this country apart belongs on neither the Republican or Democratic doorstep.

These are American problems.

Too many, both in and out of Government, seem willing to sacrifice this Nation for partisan benefit and for the benefit of their particular social and philosophical leaning. This must be stopped and stopped at once.

Whatever solution we finally and agonizingly come to in Vietnam must be one that will leave this Nation some dignity, some respect in the eyes of Americans, some semblance of national and international honor. If we cannot achieve that, God help us.

I, for one, am sick of partisanship when the life of my country is on the line and I believe the majority of Americans feel the same.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Arizona (Mr. RHODES) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee (Mr. EVINS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14159, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Tennessee (Mr. EVINS) will be recognized for 1 hour and the gentleman from Arizona (Mr. RHODES) will be recognized for 1 hour.

The Chair recognizes the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, we bring you today the public works and Atomic Energy Commission appropriations bill for 1970.

This is an important bill—a significant bill—an all-American bill.

A bill that is vital to the growth and progress of our Nation—vital to the safety, health, and well-being of our citizens.

At the outset let me say that we miss our distinguished and beloved chairman here today, the gentleman from Ohio, MIKE KIRWAN.

TRIBUTE TO MIKE KIRWAN

I have visited MIKE at Bethesda Hospital a couple of times recently, and regret to report that his condition is not encouraging at this time as we would hope. Today he is feeling well. We all miss him. We miss his great force for building strength for America.

MIKE is "Mr. Public Works" to all of us—a great champion of water research development and progress for America.

I know that I speak for all when I say that we wish him a full recovery, and the best of good luck and success.

COMMEND COLLEAGUES, STAFF, AND REPORT

In the absence of Chairman KIRWAN, all members of the subcommittee have participated in writing this bill—all have made their contribution.

I want to commend all members of the subcommittee—the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Mississippi (Mr. WHITTEN), the gentleman from Alabama (Mr. ANDREWS), and the able and genial ranking minority member of the subcommittee, the gentleman from Arizona (Mr. RHODES), the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from New York (Mr. ROBISON).

I want to also commend the able staff of our Subcommittee on Public Works Appropriations, Gene Wilhelm, George Urian, and Don Richbourg.

These staff specialists know the details of this bill. They have helped to fashion this bill. We relied heavily on their expertise and experience, and we are grateful to them.

Let me commend to you the report of the committee. It is a well-documented report—an excellent summary of the committee's actions.

I commend this report for your reading and information.

OVERALL SUMMARY

By way of overall summary, President Johnson recommended a budget of $4,454,452,000 for public works for 1970.

The revised Nixon budget was $4,203,978,000.

We are recommending in the bill $4,505,446,500—a cut of $177,538,500 from fiscal year 1969.

This is a cut of 7 percent from the original budget and a cut of 12 percent below the 1969 budget.

It represents an increase of $301,468,500 over the Nixon budget.

The largest item in the bill is for the Atomic Energy Commission—$2,227,769,000.

We have made cuts and reductions in the AEC budget of $131,816,000—$79,531,000 for operating expenses and $52,285,000 for plant and capital equipment.

The largest single reduction in the AEC budget was a $32 million cut for the big Bev. accelerator. The committee has allowed $64 million for this work.

Actually, this bill represents a cut of $84,531,500 from the Nixon budget—excluding an increase of $386 million over the budget recommended for construction of waste treatment works.

I will discuss this item in greater detail, later in my remarks.

EFFECTS OF RECENT ADMINISTRATION REDUCTION

As you know the President on September 4 announced a cutback in Federal public works projects and construction contracts. We have all been concerned over this cutback order.

The President's order directed a 75-

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percent reduction in funding new contracts.

A careful and detailed study of the impact of this order shows that only about 10 percent of total construction money in the bill will be affected.

The President's order applied to cutbacks in new construction contracts—it does not apply to ongoing contracts.

So—to repeat—only 10 percent of the construction contracts in Corps of Engineers and Bureau of Reclamation budgets will be affected by the President's order.

All funds recommended in this bill are for completing and finishing projects previously funded by the Congress.

That is with the exception of $8,962,000 for 25 small flood control projects which are urgently needed and considered critical at this time.

Eleven of these "starts" were included in the budget—we have added 14—making a total of 25 in all—and this minimal number of critically needed local flood protection projects will, we feel, have no appreciable effect on the problem of inflation.

We must move ahead—even on a reduced scale—to provide flood protection in these critical areas.

So we have made cuts and reductions to the maximum extent possible in the bill.

The AEC budget was cut and reduced by $131,816,000. We have made some other reductions.

Total reductions in the bill are $160 million.

We have added—as I have indicated—$8,962,000 for the small flood control projects mentioned and we have added $55 million to the bill for construction.

The increases which we have made are absorbed and offset by the cuts and reductions made in the bill.

These increases were considered necessary to meet critical funding deficiencies in projects under construction.

Overall we have cut $160 million for the bill and we have added a total of $63,962,000 for programs of the Corps of Engineers and Bureau of Reclamation.

I would point out that the budget estimate for 1970 is $200 million below the appropriation level for 1969, reflecting drastic reductions, in recent years, in water resource development programs.

Extensive testimony before our committee makes clearly evident that some adjustment is needed in these drastic reductions.

This is necessary to avoid increased construction costs, caused by slowdowns, stretchouts, and delay.

Reflecting this great interest, need, and concern, more than 200 Members of Congress testified before our committee in support of 389 projects over the budget.

The appeals and demands for moving forward on public works have been tremendous.

The stretchouts and slowdowns have increased over the years and the resulting costs in projects have mounted.

So, Mr. Chairman, the committee, in its judgment, has made some adjustments.

We have restored about 50 percent of the Nixon cutback on ongoing projects. Considering the fact that half of the year will have elapsed before this bill has been finally passed and enacted into law, the restoration is justified.

We have restored only 50 percent of the cutback—and only on small projects.

Although public works in this appropriations bill constitutes only about 11 percent of the total Federal public works—public works projects in this bill received the largest cuts by percentage of reduction.

Despite a low and inadequate funding level last year the budget recommendations for 1970 showed 27 percent reductions for Corps of Engineers and 25 percent for Bureau of Reclamation projects.

About 90 percent of the funds recommended in the bill are required to continue ongoing contracts.

All but $29 million is required for projects under construction.

It is estimated that construction delayed a year will cost from 6 to 8 to 12 percent more than currently estimated.

Delays will mean not only higher construction costs but also substantial losses in benefits.

The loss from electric power and water use in the Bureau of Reclamation alone is estimated at $98 million.

Higher construction costs, brought on by delays will total an estimated $182 million—making a total of $280 million in losses in these two areas.

In addition, losses in benefits from the projects will total an estimated $350 million—making a total in losses in the Bureau of Reclamation alone of $630 million.

ASSESSMENT OF WATER RESOURCES

In view of these sharp budget cutbacks, it is interesting to note the results of the latest and current assessment of our water resources.

In this assessment—and I direct your attention to pages 6 and 7 of the report—it is estimated that under the current level of funding of flood control projects, the flood damage potential for the Nation is expected to increase from $1.7 billion in 1966 to $5 billion by the year 2000.

Requirements for municipal water systems are expected to triple by the year 2000—increasing from 24 to 74 billion gallons a day.

Industrial water use will increase more than 400 percent.

Steam-electric power requirements will increase water withdrawals from 63 to 411 billion gallons a day by the year 2000.

Shipping tonnage on inland waterways is expected to increase six times in the next 50 years.

Pleasure crafts are expected to increase from 8 million to 30 million by the year 2000.

And the year 2000—I would remind you—is only 30 years hence.

It is also interesting to note that continued slowdowns and unfunding of authorized studies and projects has resulted in a backlog of 731 studies—planning not started—and planning completed, construction not started.

These 731 studies and projects involve $9,727,045,000—almost a $10 billion public works backlog, and increasing every year.

In recent years we have leveled off at about 65 new construction starts annually.

In 1968 there were 33 new starts—in 1969 there were eight new starts and in 1970—we are recommending only 11 new starts.

With the Corps of Engineers completing only 23 projects in 1970 at the current rate it will be many decades before we eliminate the current backlog.

At this rate the Nation will enter the 21st century choked with population inadequately served by public works projects and services.

So, Mr. Chairman, I repeat, the committee has provided some modest increases for ongoing construction contracts for next year. We consider they are fully justified.

GRANTS FOR WASTE TREATMENT WORKS

Concerning the vital matter of appropriations for antipollution control measures and waste treatment grants the picture is different.

The committee recognizes the seriousness and gravity of the water pollution problem. The committee is concerned over the budget crisis in recent years which has not permitted adequate funding for waste treatment works—as authorized by the Clean Water Restoration Act of 1966.

And so we are recommending in this bill $600 million for waste treatment grants to States. All the States will share and participate.

This is almost three times the budget request of $214 million.

This is where the net increase in this bill develops—excluding the increase for waste treatment grants, there is a reduction—an overall reduction except for the increases for matching grants to the States, and here we go over the budget, $386 million.

For waste treatment grants, the Johnson budget was $214 million. The Nixon budget was $214 million.

The committee recommendation is $600 million.

In addition to the $600 million in new money provided in the bill, there is a carryover balance of $65 million, which will make a total of $665 million for grants next year—almost three times the amount budgeted—and so we recognize the problem.

We all recognize the importance of restoring our streams and rivers and lakes to their natural unpolluted state.

We all recognize the pollution problem plaguing our States and cities.

Our committee has considered this matter thoroughly and carefully—and we are attempting to do something about it.

We have studied the tables of pending applications.

We have studied the grants formula.

We have studied the nature of the backlog.

And we have debated various levels of funding.

The subcommittee initially proposed a funding level of $450 million.

However, the full committee, on my motion, increased this amount from $450 to $600 million.

This amount plus $65 million in carryover funds will make $665 million available for funding waste treatment grant applications next year.

I repeat—this is more than a half billion—more than three times the level of funding for last year.

RECOMMEND READING REPORT AND TABLES

I understand an amendment will be offered to increase the appropriation to $1 billion. We have heard much through this publicity campaign. The committee has been most generous. We have tripled the budget recommendation.

The $600 million carried in this bill is all that can be efficiently utilized next year. The tables of pending applications show this clearly.

I strongly recommend the reading of the report and an examination of the tables showing the status of applications by State.

These charts show that as of September 1 there were 1,893 pending applications for Federal grants involving $841 million in State agencies and regional offices.

These tables also show an additional 2,931 applications at the local level.

These applications at the local level are in various stages of preparation.

In some instances eligibility has not been verified.

In other instances local elections on bond issues are required, and voting on local financing has not been held.

In some instances local governments are not prepared to fund their share at this time.

Adding to the problem is the nature of the grant formula which is based on population—rather than need.

There are other causes for delays. There are difficulties in the bond market at this time. There is the matter of capability of design engineers and construction engineers to absorb or handle the workload.

The committee's studies show that a significant portion of grants would be allocated to States that have indicated no need—because of the population formula of allocation.

Under the formula a substantial amount of funds will be distributed to States indicating no need.

Other States will receive more than they need.

And certain States like New York with a backlog of $1.3 billion—more than half the total backlog—would only get $83 million even if the entire billion dollar authorization was funded.

Twenty-five States, under the recommended appropriation of $600 million, would receive more than enough to meet their needs.

And 18 others will receive substantial increases in allocations—all that can be processed and handled efficiently.

And seven additional States could fully fund all applications at State and regional offices. So, Mr. Chairman, all the States would greatly benefit under the committee recommendation.

The committee believes that the $600 million—plus the $65 million in carryover funds—will be adequate and practical funding for this program at this time.

This is the maximum amount that can be efficiently and effectively used—without waste—and so I recommend support for the committee bill—the amounts funded in this bill.

I urge you to vote against the amendment, which I understand will be offered, to further increase this item.

Let us stand by the committee and support this bill—a good bill.

At this point I should like to read a letter from Walter J. Hickel, Secretary of the Interior:

> OCTOBER 7, 1969.
>
> DEAR MR. CHAIRMAN: Because of the President's critical effort to contain inflation, we must sustain in fact as well as in spirit, the statutory expenditure ceiling imposed by Congress and the President's expenditure ceiling, as well as protect the budget estimate submitted in April by the Administration. Therefore, I must renew my support of the Waste Treatment Program at the $214 million level recommended by both President Johnson and President Nixon.
>
> In any event, it is our best estimate that existing capacity of the State, local and private sectors could support no more than $1.5 billion worth of new municipal waste treatment plant construction during the remainder of Fiscal Year 1970, so that no more than $600 million in Federal grants effectively could be used.
>
> Sincerely yours,
>
> WALTER J. HICKEL,
> *Secretary of the Interior.*

I would like also to insert a table outlining the committee allowance by State at this point:

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS—REPORTED NEED VERSUS AVAILABILITY, AS OF AUG. 31, 1969

States	Total pending applications reporting need	Funds available at $600,000,000 level	Deficit (—) or surplus (+) available funds compared to total reported need
STATES FULLY COVERED AT $214,000,000 LEVEL (17)			
Alabama	$479,700	$11,207,710	+$10,728,010
Arizona	1,829,080	5,280,697	+3,451,617
Colorado	1,453,652	6,467,431	+5,013,779
Delaware	710,350	2,047,900	+1,337,550
Idaho	128,470	4,390,357	+4,261,887
Kansas	3,892,883	8,876,288	+4,983,405
Kentucky	3,082,386	11,055,117	+7,972,731
Mississippi	1,764,310	10,409,896	+8,645,586
Montana	305,040	4,266,669	+3,961,629
Nebraska	3,521,850	6,849,941	+3,328,091
New Mexico	1,422,423	5,397,670	+3,975,247
North Carolina	5,653,460	15,757,418	+10,103,958
North Dakota	134,222	4,281,060	+4,146,838
Oklahoma	1,882,702	8,483,010	+6,600,308
South Dakota	2,485,531	4,400,180	+1,914,649
Utah	238,540	4,912,010	+4,673,470
Wyoming	275,732	2,977,320	+2,701,588
Guam		3,043,900	+3,043,900
Puerto Rico	2,622,000	10,291,390	+7,669,390
Virgin Islands		2,571,450	+2,571,450
Subtotal (17 States)	31,882,331	132,967,414	+101,085,083
ADDITIONAL STATES FULLY COVERED AT $600,000,000 LEVEL (8)			
Arkansas	4,557,153	6,723,977	+2,166,824
Georgia	8,711,772	13,339,981	+4,628,209
Iowa	6,326,224	9,428,788	+3,102,564
Louisiana	7,604,570	12,610,927	+5,006,357
Pennsylvania	28,903,080	38,158,761	+9,255,681
South Carolina	6,414,580	8,472,472	+2,057,892
Texas	20,327,857	31,593,670	+11,265,813
West Virginia	5,141,200	8,945,993	+3,804,793
Subtotal (8 States)	87,986,436	129,274,569	+41,288,133
Total States fully covered (25)	119,868,767	262,241,983	+142,373,216
ADDITIONAL STATES FULLY COVERED ONLY FOR APPLICATIONS AT REGIONAL AND STATE LEVELS UNDER $600,000,000 LEVEL (7)			
Alaska	$2,048,570	$1,387,100	$-661,470
Connecticut	29,591,250	10,009,143	-19,582,107
Hawaii	3,041,040	2,699,400	-341,640
Massachusetts	20,405,845	18,101,700	-2,304,145
Minnesota	29,382,600	11,361,865	-18,020,735
Rhode Island	9,363,200	4,950,718	-4,412,482
Vermont	2,377,870	2,178,015	-199,855
District of Columbia	36,795,000	2,937,600	-33,857,400
Subtotal (7 States)	133,005,375	53,625,541	-79,379,834
REMAINDER OF STATES (18)			
California	68,877,448	49,567,670	-19,309,778
Florida	37,728,978	16,008,652	-21,720,326
Illinois	128,862,798	31,307,014	-97,555,784
Indiana	34,682,131	15,046,027	-19,636,104
Maine	19,737,725	4,693,429	-15,044,296
Maryland	46,800,960	12,092,683	-34,708,277
Michigan	183,113,623	27,167,385	-155,946,238
Missouri	17,907,424	13,933,700	-3,973,724
Nevada	4,959,058	2,075,241	-2,883,817
New Hampshire	11,222,400	3,371,277	-7,851,123
New Jersey	48,201,480	19,059,900	-29,141,580
New York	1,290,631,200	52,292,666	-1,238,338,534
Ohio	44,867,124	31,303,365	-13,563,759
Oregon	16,017,220	6,335,987	-9,681,233
Tennessee	23,818,036	13,233,796	-10,584,240
Virginia	14,544,880	14,018,670	-526,210
Washington	17,086,410	9,386,300	-7,700,110
Wisconsin	94,324,180	12,779,700	-81,544,480
Subtotal (18 States)	2,103,383,075	333,673,462	-1,769,709,613
Grand total	2,356,257,217	649,540,986	-1,706,716,231

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There are many other items in the bill.

In general—to summarize—we have made some cuts—mainly in AEC—and we have provided increases for 25 small flood protection projects.

We have also provided for substantial increases for waste treatment grants—the key factor in the overall increase.

In addition, we have restored about 50 percent of the cutback recommended by the President.

We have made increases only where Corps of Engineers of the Bureau of Reclamation have a "current capability"—and only on small projects.

There have been no increases in big projects—projects of $10 million and over.

These modest increases provided will not have an appreciable effect on 1970 expenditures—or on the inflation problem.

This is a good bill—an all-America bill—a much-needed bill, a bill which provides an investment in the future growth and strength of our country, and ~~at~~ the ~~same~~ general level of the past few years.

I urge approval of this appropriation bill.

I yield to my distinguished chairman, the gentleman from Texas (Mr. Mahon).

TRIBUTE TO HON. MICHAEL J. KIRWAN

Mr. MAHON. Mr. Chairman, I thank the gentleman.

Mr. Chairman, the distinguished gentleman from Ohio, Mike Kirwan, while necessarily—though temporarily—absent from this Chamber, is nonetheless well represented here today. Not only is his name on the front page of the pending bill and on the front page of the accompanying committee report, but his imprint is on the pages that recommend the appropriations and that explain them. The bill, importantly, reflects the work of his hands.

So, Mr. Chairman, if the distinguished gentleman from Ohio were here, he would present the bill on behalf of the committee. In his temporary absence, we present it on his behalf.

And it is no exaggeration to say that Mike Kirwan is abundantly represented here in the kindness and the warmth of the hearts of his colleagues.

As others have recalled, Mike has always regarded this bill, and the Interior bill which he also chaired for so many years, as a bill for America.

President Kennedy once said:

> Any man can change the world, and every man should try.

Mike Kirwan has not only labored long and mightily and diligently for what he thought was paramount to the best interests of his and our beloved America, he has labored persuasively and successfully. His vision, his work continues to accrue to the benefit of the people of America, and will continue to accrue, even to coming generations.

Mike Kirwan is one of America's great champions. His love of America is inspirational and unsurpassed. It burns with the fierceness of a streak of lightning. He is, unquestionably, America's legislative champion of conservation. Across this vast and beautiful land stand countless and unnumbered monuments to him in the form of conservation and humanitarian projects for which he urged appropriations.

I am certain I bespeak, not only on behalf of all members of the Committee on Appropriations but of the House generally, the warmth of good wishes that all of us harbor in our hearts for this great American. We look forward to his early presence.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I am pleased to yield to my friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I rise to ask the gentleman if in his knowledge there is renewed activity at this time for a sea-level canal? I note that the committee is recommending the appropriation of $917,000 for the Atlantic-Pacific Interoceanic Canal Study Commission. Is there, in the gentleman's opinion, any danger that the Congress at this time, the fiscal situation being what it is, will be called upon to finance a sea-level canal? When is this study ever to end? I wonder how much has already been spent on a study of this particular issue.

Mr. EVINS of Tennessee. Certainly I am inclined to agree with the gentleman from Iowa. I do not think this is the time for going into a large construction program of this nature. It is not likely and it is certainly not recommended in this bill. This appropriation is only to continue, and largely complete, the study authorized by Congress. The Commission must make its report by December 1, 1970.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I am pleased to yield to my colleague, the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, further, I would like to say to my colleague from Iowa that no such canal has ever been authorized by the Congress for construction. Authorizing legislation would have to be passed by the Congress before proceeding with it.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, this thing has been studied backward and forward through the years. I am wondering how much more we are entitled to spend on a commission for a study of this particular project.

Mr. EVINS of Tennessee. The committee only granted modest funding for the Commission in order for it to continue its studies. The request was cut back $420,000 in the April 15 budget revision.

Mr. GROSS. Is this a reduction from last year?

Mr. EVINS of Tennessee. Yes, sir, by $3,983,000.

Mr. GROSS. It is?

Mr. EVINS of Tennessee. Yes, sir.

Mr. GROSS. I thank the gentleman.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I want to take this time to commend my friend, the very distinguished gentleman from Tennessee and his colleagues for bringing out what I consider to be a very good bill. Of course, the committee did not and could not allow all of the requests of the Members for unbudgeted items. But I think, on balance, it is a very good bill and I certainly want to thank the gentleman and the committee for the southern Illinois projects totaling $23.9 million. I know the committee is moving ahead in developing the natural resources of this Nation and we appreciate it.

Mr. EVINS of Tennessee. I thank my friend from Illinois.

Mr. FULTON of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my colleague.

Mr. FULTON of Tennessee. Mr. Chairman, I want to take this occasion to commend the gentleman in the well, the dean of the Tennessee delegation and the most able chairman of the subcommittee, for the diligent work which he has put forth, and to commend the other members of the subcommittee as well as the staff for once again bringing to the floor of this House a good bill that will continue this Nation on the road of progress.

Mr. EVINS of Tennessee. I thank my friend.

Mr. RHODES. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, this is the first time since I have been in Congress that this bill has been brought to the floor without the presence of the great chairman of our subcommittee, the Honorable Michael J. Kirwan, of Ohio.

As all of his colleagues know, the gentleman from Ohio has been greviously ill for some time and is now at this very moment in the hospital. I am sure that all of my colleagues join with me in saying to Mike Kirwan that we miss him particularly today although we miss him every day. We appreciate all of the great work which he has done through the years in this effort to make the United States of America a better place in which to live and to preserve its environment for posterity.

I am sure also my colleagues will want to join me in wishing Mike a speedy recovery and assure him that when he does come back here he will indeed be very welcome.

Now, Mr. Chairman, I would like to pay tribute to the members of the subcommittee, both the majority and the minority for the manner in which they have rallied around and got this job of marking up this bill completed without the presence of the chairman.

Mr. Chairman, the gentleman from Tennessee who preceded me has done a yeoman job. The gentleman from Tennessee is the chairman of one of the most important subcommittees of the Committee on Appropriations on a permanent basis but he has extended his activities to be acting chairman of the Subcommittee on Public Works also.

In conducting the hearings, the gentleman from Massachusetts (Mr. Boland), the gentleman from Mississippi (Mr. Whitten), and the gentleman from Alabama (Mr. Andrews), have been all very diligent, and they certainly in my opinion produced a good record, and a record which supports the bill which we have brought out.

I would also like to indicate my personal appreciation to the gentleman from Wisconsin (Mr. Davis) and the gentleman from New York (Mr. Robison) for their great support and their diligence as members of the minority on this subcommittee.

It is a good subcommittee, Mr. Chairman, with a top staff, headed by the very capable Gene Wilhelm. I think that the quality of the work that has been produced here is evidence of the fact that it is an effective subcommittee with a fine staff.

This is, as the gentleman from Ohio, Mike Kirwan, says, the all-American bill. It allocates whatever resources we are able to allocate to develop the natural riches of the United States of America, to preserve it for posterity, to provide a better environment in which our people might live and work. It also provides funds to use the power of the atom not only for the defense of the country and the free world, but also for the betterment of mankind in his peaceful pursuits.

So it is a broad bill, Mr. Chairman. It covers not only the requirements of the Bureau of Reclamation and the Corps of Engineers so far as the irrigation and flood control facilities are concerned, but it also covers water pollution and, very particularly, it covers Federal grants for the construction of sewage disposal plants.

I do not think that there is enough money in this bill. If I had my way about it, the bill would be at a much higher level than it now is. However, I certainly recognize the exigencies of the budgetary situation which were felt, not only by the Johnson administration, but which are also felt by the Nixon administration.

I also recognize the fact that this Congress has imposed a spending ceiling both on the previous incumbent of the Presidency and the present incumbent. I recognize that this was a wise act that the Congress did, but also an act which causes the President to have to cut down on many programs which he himself would like to fund, but which he finds he cannot do. But these are the facts of fiscal life, and therefore the bill is brought in at a level which is inadequate for the needs of the country and for the needs of the future.

I only hope, as I am sure most of my colleagues do, that as the budgetary situation rights itself, that in the future we may be able to devote much more of the riches of our country to the greater enjoyment of all individuals and the development of our natural resources so that the people who come after us can live better than we do.

One of the features in this bill is certainly near and dear to my heart because it is the first money to be appropriated for preconstruction planning for the central Arizona project. This is a project which was conceived many years ago. It was moribund through the 1950's because of the fact that there was a lawsuit in progress in the Supreme Court between the States of the lower basin of the Colorado River to determine their relative rights. Since the suit was completed, it has taken some time to plan a project to do all of the things which are necessary to get a project started, and to get it authorized. In the last Congress the authorization bill became law, so that this year we have been able to proceed with preconstruction planning.

This project is a rescue project which brings water from the Colorado River into the fertile valleys of central Arizona where it will preserve an existing agricultural economy for some years, but in the end I am sure the water will have to be used for municipal and industrial uses of the people who are, in great numbers, coming into those valley and making their homes.

I would remark in passing also that the water which goes into the city of Tucson, or which will go into the city of Tucson as a result of this project, will serve to take a title away from Tucson which it certainly does not desire to keep. Tucson is the largest city in the world which is completely dependent upon underground water supplies for its municipal and industrial water.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to my good colleague, the gentleman from Arizona, who represents Tucson.

Mr. UDALL. Mr. Chairman, I want to commend the gentleman from Arizona (Mr. Rhodes) for the excellent statement he is making concerning the central Arizona project. The gentleman is certainly one of the most able and valuable Members of this body. I have been most proud to work with him on the essential and urgent water needs of our State. Without his leadership in prior years, and on the Appropriations Committee this year, this vital project might well have been further delayed, or even abandoned. The entire State is indebted to him and I wanted to add these words of commendation.

He has accurately stated the desperate need for supplemental water in Arizona. The language he has authored and has had approved in the bill and the report will do much to get this project underway.

Mr. RHODES. Mr. Chairman, the gentleman from Arizona (Mr. Udall) was a member of the Committee on Interior and Insular Affairs at the time the central Arizona project was authorized. Without his great work on that committee, this bill could not have succeeded. He is a very valuable member of the Arizona delegation, appreciated by me, and also appreciated by his fine constituents of the Second District of Arizona, who keep sending him to Congress by large majorities.

I could not speak of the central Arizona project without referring to the Chairman of the Committee of the Whole, the gentleman from Colorado (Mr. Aspinall), who is also chairman of the Committee on Interior and Insular Affairs. His great efforts on behalf of all of the West in general and certainly his great efforts which led to the passage of the central Arizona project in particular have endeared him to the hearts of all his colleagues, especially those who represent the State of Arizona.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Mr. Chairman, I would like to say that we in Pennsylvania too support this project because we, like many Members from the West, have problems of too much water and problems of flood control as we had in the Eastern States.

So we in the Eastern States likewise should remember when you gentlemen need something for your citizens, to be sure we will be with you.

Mr. RHODES. I thank my colleague, the gentleman from Pennsylvania.

Mr. Chairman, the gentleman from Colorado (Mr. Aspinall) addressed a letter to the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. Mahon). Chairman Mahon has given the letter to me and asked that I answer it in the Record at this particular time. In order to do this, I think I must read a part of it, but before I do I will make a few remarks in explanation.

In the report on this bill, there is a provision which allows the Secretary of the Interior and the Bureau of the Budget to enter into contract with private power companies for the construction of a powerplant at Page, Ariz. The plant is to be financed in part by prepayment by the Federal Government for power which will be used to lift the water in the central Arizona project so it can flow by gravity into the area to be served.

This is a rather unique situation, but it was brought about by a rather unique set of circumstances.

Always before electric power for reclamation projects was produced as part of the project, and used not only for sale, but also for whatever purpose the project itself required.

As the gentleman from Colorado will remember, the central Arizona project initially had two power dams which would be located in the Colorado River. Because of the great objection on the part of many people to the construction of those dams, they were deleted.

So it became necessary to find some means for the production of power for the project purposes. Rather than have the Federal Government build a powerplant itself, the committee of which the gentleman from Colorado is chairman authorized the Secretary of the Interior to enter into arrangements whereby power could be provided through the joint efforts of a consortium of private companies in the area and the Federal Government.

In order for the private companies to enter into this consortium, it was necessary that they and their bondholders be assured that the Federal portion would be paid and it would be paid as it became due. Therefore, it was necessary that under the contract there would be a provision which would obligate the Federal Government to pay its portion, whether or not the funds were appropriated. The gentleman from Colorado quite properly addressed himself to this particular portion of our report. In so doing he said these words:

> Since Section 303 of the Colorado River Basin Project Act has been used as the basis for giving the Central Arizona Project first call on reclamation program funds, I want to call your attention to another provision of the Act. Section 501(b) reads as follows:
>
> "(b) The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project:

The chairman of the Committee on Interior and Insular Affairs continued—

> My question, Mr. Chairman—

Speaking of the chairman of the Appropriations Committee—

> was whether these Upper Colorado River Basin projects will be given the same treatment from the Appropriations Committee as is being given to the Central Arizona Project.

I say to my good friend from Colorado that as one member of the Appropriations Committee, I do intend that the letter and spirit of the act which authorized the central Arizona project will be lived up to. I intend that there will be funds made available for the Colorado projects, or such of them as are found to be completely feasible. It will be the aim of the Appropriations Committee, as it is the aim of the Interior and Insular Affairs Committee, that these projects will be completed not later than the date of the first delivery of water from the central Arizona project.

Mr. REIFEL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from South Dakota.

Mr. REIFEL. I thank the distinguished gentleman from Arizona. I desire to take this opportunity to express my appreciation first to the Committee on Interior and Insular Affairs, which was kind enough to authorize or to report out a bill which enables South Dakota to have the Oahe Irrigation Unit. In my concluding term in the Congress this is going to be one of the highlights of my experience here, and to the Congress, to the chairman of the Interior and Insular Affairs Committee, the gentleman from Colorado (Mr. ASPINALL), and to the ranking member, the gentleman from Pennsylvania (Mr. SAYLOR), we in South Dakota are deeply grateful. If my colleague, Congressman BERRY were here, he would concur in what I have had to say.

I also wish to express my appreciation, and in that Congressman BERRY would join me enthusiastically, for the Public Works Appropriations Subcommittee including $500,000 for planning and design of the Oahe irrigation unit. I think it is important for the House to recognize that the committee has wisely called to our attention in South Dakota that we must do something about lifting our ban on the migratory waterfowl, and there is every indication that this is going to take place at the coming legislature in South Dakota this next January. We will be deeply appreciative of all that this committee has done and will continue to do in the future as we find it necessary to come before you for additional funds.

Mr. RHODES. I thank the gentleman from South Dakota. The gentleman is a great Member of the Congress of the United States, and his State is very much in need of the resources which will be provided by the Oahe project. I congratulate him and his colleague, Congressman BERRY, for their successful efforts in obtaining this project for their people.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I thank my colleague from Arizona for yielding. I would like to take this opportunity to congratulate our colleague from South Dakota on the statement which he has just made. I would like to also compliment the committee for having granted the first money for planning for the Oahe project. I am deeply appreciative of the language which you have included in the report, calling to the attention of the people of South Dakota the need to treat the citizens of other States with equality in every respect. As the people of South Dakota look forward to the development of this great project they can be assured that the people of their 49 sister States wish them well and know that both they and their sister States will be better because of the Oahe irrigation project.

It is because of the assurance that members of the House Committee on Interior and Insular Affairs have received from our two colleagues from South Dakota we have not placed any limitations in other legislation before us at the present time. Feeling the Members of the Legislature from South Dakota are honorable gentlemen and having been assured by our colleagues, Mr. REIFEL and Mr. BERRY, that the Legislature of South Dakota intends to repeal the law discriminating against residents of the other States we fully expect the Legislature of South Dakota to measure up to its responsibilities.

Mr. REIFEL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from South Dakota.

Mr. REIFEL. Mr. Chairman, I thank my distinguished colleague, the gentleman from Pennsylvania (Mr. SAYLOR) for his comments. I assure the gentleman we are going to insist and we will have to insist on changing this situation if we are going to come back to Congress for additional funds for wildlife protection.

Mr. RHODES. Mr. Chairman, in the few minutes I have remaining, I would like to address myself very briefly to the item in the bill which has to do with construction of facilities for waste treatment plants. This is a very necessary part of the program. I, for one, would support a program of much greater magnitude than the one we have been able to appropriate. However, I am constrained not to do so by various situations which have occurred.

First, of course, is the fact that we are in a budgetary crunch. We are in a period of inflation, we are in a period where the housewife of America is going to the store and many times finding the paycheck which her husband brought home—which is the biggest paycheck he has ever had in dollars—does not go far enough to feed her family properly and provide for their needs.

Also, the $600 million which is in this bill provides a program which is almost three times the program of last year.

Also, if more funds were added, about one-half would go to States which by the terms of the formula which is in the law, already are provided enough money. Since these States have as much money as they can properly spend or finance their own projects, so that most of it would be going into creating more carryover, Mr. Chairman.

From the $214 million appropriation of last year, there was a $64 million carryover. Why? Not because the money is not needed, but because the formula under which it is distributed has no provision for need as a test. The division formula is by population almost completely and it results in some States becoming entitled to money which the State cannot spend, and other States, which are badly in need and which will provide matching funds and have the projects ready, do not get enough money.

The gentleman from Florida, the ranking minority member on the House Committee on Public Works, has introduced a bill which I hope can be brought to the floor as soon as possible and enacted. That bill provides a new approach and provides a means for going ahead with this program as rapidly as we can, so that we can clean up this country and leave it better than we found it when we came onto this earth.

Mr. ASPINALL. Mr. Chairman, the Committee on Appropriations has brought out a responsible and supportable measure in H.R. 14159. The committee is to be commended for doing what it has done by way of more adequately providing for the implementation of needed water and land resources development projects throughout the Nation and particularly in the West. I am especially pleased that construction funds for the Bureau of Reclamation have been increased $16.5 million over the amounts sent up by the administration. The committee, in restoring about 50 percent of the cuts inflicted in the fiscal year 1970 revised budget, has made a constructive step in the right direction and should be, as a minimum, sustained by the House. The construction funds are far from adequate but I recognize the difficulties faced by the Appropriations Committee in increasing items in the administration's budget. However, we should understand that with an unfunded backlog of needed reclamation hardware of $5 billion and identifiable feasible projects not yet authorized of about twice that much, the increased amount of about $172 million fall far short of what the country really needs to underwrite this great program's base of economic productivity. In fact, the full needs of western water development should be supported at a level at least twice that in H.R. 14159.

Far more significant than the relatively small increase in dollars is the expression of congressional dissatisfaction with Executive usurpation of the public purse strings, at least insofar as the great Committee on Appropriations is concerned. I share and support this expression of dissatisfaction and I join with my colleagues on the Appropriations Committee in their efforts to assert the prerogatives of the Congress set forth in article I of the Constitution relative to the powers of the Congress to determine appropriations from the Treasury. I sincerely hope that this bill will be the first of a continuing series of demonstrations of congressional intent to regain total and lasting control of those powers of government that have recently been so substantially eroded away.

Mr. Chairman, there are those who will apologize for the budgetmakers and weep copiously for the difficulty that the Bureau of the Budget has in setting national priorities. I submit that such tears are wasted, for it is not the proper role of the Budget Bureau to set national priorities. It is the constitutional province of the people's representatives to make these judgments, and we are the only body that is properly constituted for that purpose. So let us, by our affirmative votes on H.R. 14159, as reported, affirm our intentions to accept our responsibilities in this field and let this be truly the first step on the long road back to the position of dignity and coequality that is rightfully ours.

Mr. Chairman, I do not intend to make a detailed commentary on the pluses and minuses of the pending bill. As I have said, the committee has done a fine job in view of the realities of the political and economic environment in which it is working. I would like to comment, however, that I notice a continuing tendency toward the sanctity of planning allowances, despite the lack of proper funds for program implementation. For example, the Bureau of Reclamation continues to request, apparently with the full sanction of the Bureau of the Budget, increases in the level of planning funds that it had down through the years. This despite the fact that this level of planning has resulted in an enormous backlog of authorized projects. While this is not a major item dollarwise, it seems to me to be imprudent if not outright foolish to perpetuate this situation, and I would hope that our Committee on Interior and Insular Affairs might work jointly with the Committee on Appropriations in succeeding years to restore a more reasonable balance between the rate of planning and execution. For one, I am committed to try to bring this about.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 15 minutes to the distinguished gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, the distinguished gentleman from Tennessee (Mr. EVINS) and the distinguished gentleman from Arizona (Mr. RHODES) in their usual competent fashion have ably reported and explained the bill that we are now considering. Both the gentleman from Tennessee (Mr. EVINS) and the gentleman from Arizona (Mr. RHODES) have served with distinction on this subcommittee for many years, and their knowledge of the details of the bill is a credit to their labor and industry.

I take this time also, Mr. Chairman, as the chairman of the committee, the gentleman from Tennessee (Mr. EVINS), and the gentleman from Arizona (Mr. RHODES) have already done, to commend the staff of this subcommittee. The Appropriations Committee is blessed with having a competent staff in all its subcommittees.

This subcommittee yields to no other subcommittee of the Appropriations Committee for the staff we have in the person of the chief of our staff, Gene Wilhelm, and his assistants George Urian and Don Richbourg.

The bill, and the accompanying report, bear the imprimatur of the chairman of this subcommittee, our beloved colleague from Ohio, the Honorable MICHAEL J. KIRWAN. MIKE came to the Congress in 1937. He was appointed to the Appropriations Committee in 1943—served as a member of and chairman of the Interior Appropriations Subcommittee from 1949 to 1965, when he relinquished that chairmanship, to assume the chair of the Public Works Subcommittee on Appropriations in 1965 to the present day.

Mr. Chairman, hospitalization keeps him from this floor today. He has undergone a serious physical setback—a setback that would have broken most men long before now. I visited with him last Sunday and am happy to report that he is regaining his strength and is slowly on the mend. I know that all of us in this House, who know and admire him so much, join in a prayerful hope that MIKE's health will continue to improve, and he will be back among us before too long.

As most of you are aware, MIKE KIRWAN has announced his retirement from the labors of this House when the 91st Congress ends. I know that one of his greatest regrets is that he is not with us today to shepherd this bill. I know, too, Mr. Chairman that all us share that regret.

No one believed more deeply, in what the Public Works and Interior appropriations bills sought to accomplish, than MIKE KIRWAN. In his own, truly unique, picturesque language, he painted the meaning of this bill—its significance to the land he loved so much—with a skill that no one could match.

Harken to him Mr. Chairman, as he discussed this bill a couple of years back:

> If there is any man or woman on the floor of Congress today who thinks Khrushchev was foolish when he said, "We Will Bury America", let us reflect that we may be contributing to this ourselves, by our failure to adequately prepare our country, *not for defense or war,* but to defend it against floods and other natural disasters, and the incredible waste by not protecting and developing our fantastic resources.

MIKE KIRWAN knew and understood this land as few have. From the coal mines of Pennsylvania, where he was born and raised, he traveled the length and breadth of this land in every conceivable fashion. As an eye witness to its greatness and its potential, he carried his convictions to this House.

And he did something about it. He vowed that this Nation would not be despoiled. He championed the programs that added to the strength of this land, by a constant attention to preserve and develop its resources.

> Land, wood and water—

He often proclaimed—

> Land, wood and water, these are the basic resources that give America its prosperity and its potential for greatness. Destroy these and you destroy America.

So, Mr. Chairman, he spent practically all of his time and his effort in this body, in pursuit of programs and projects, that protected, and developed our resources and the people of this country. Flood control, recreation, navigation, power supply, water supply, conservation, forest lands, national parks—all of these and many activities—have been the beneficiaries of his spirit and his dedication. This land is the richer and the better because he came this way. All over this country there are monuments to his determination and his foresight.

I know that when he leaves this Congress, he will carry with him the gratitude of Members, past and present, who understand what his service has meant to this country.

I would like to take this opportunity to pay tribute to two men who have made great contributions in the field of water resource development; Lt. Gen. William F. Cassidy, who until last August 1 was Chief of Engineers, and Floyd Dominy, who after this session of Congress will retire as Commissioner of the Bureau of Reclamation.

Since his graduation from the U.S. Military Academy at West Point in 1931, General Cassidy has had a most distinguished military career. He has been a leader in the water resources development field and much of the progress which has been made in this field over the years is the result of his dedicated efforts during his service with the Corps of Engineers. I was glad to learn that since his retirement as Chief of Engineers in August of this year he has been called back by the President to serve as Chairman of the Board of Engineers for Rivers and Harbors. His experience and training will be of great value in carrying out the important functions of the Board.

Floyd Dominy is, of course, best known by those of you from the reclamation States of the West, but I believe all of us are aware of the great contribution he has made to the development of the entire Nation. Floyd Dominy was appointed Commissioner of Reclamation in May of 1959 and has more than 35 years of Government service.

Both of these gentlemen have appeared before our Public Works Subcommittee on many occasions and have always demonstrated their wide knowledge and ability in the areas under their jurisdiction. I am sure the other members of the committee and Congress join with me in paying recognition to these fine Americans.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

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Mr. BOLAND. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Massachusetts with reference to General Cassidy and Floyd Dominy.

Mr. Chairman, General Cassidy and Floyd Dominy have certainly performed great services to this country in the development of our natural resources which are absolutely incalculable in their value. They have not only been dedicated public servants, but they have also been the type of public servants who have leveled with the committee. They have come before us and given us the picture as it is, and we could always trust what they said.

We shall certainly miss them as they go on to other careers.

Mr. BOLAND. I appreciate the kind remarks of the gentleman from Arizona.

Now, Mr. Chairman, with respect to the bill itself, I agree with what has been said by the gentleman from Tennessee (Mr. EVINS) and by the gentleman from Arizona (Mr. RHODES). This bill has my support: It has my support for water pollution control and sewage treatment plants. As has been stated, the sum of $214 million was recommended by the Bureau of the Budget, but this was upped to $450 million by our subcommittee and to $600 million by the full committee, with some carryover of $65 million, for a grand total of $665 million available in fiscal year 1970.

My support of this amount is based on the fact that the Water Pollution Control Administration insists that this is all that can be used in fiscal year 1970 for this program. Everyone is for clean water. It is like being for the American flag and for motherhood. Everyone in this Chamber has voted for the Clean Water Act and all of us are in favor of it.

As has been stated here, the problem cannot be solved by the amount of money appropriated under this bill. The problem lies with the formula, and when we get to that portion of the bill where amendments will be offered to increase the amount, we can discuss that problem.

Mr. Chairman, let me now turn to an item that is not in the pending bill. That is the Dickey-Lincoln project. I dissented when the subcommittee eliminated the amount of $807,000 to continue the planning on the Dickey-Lincoln School project. It was deleted without prejudice by the subcommittee. It was deleted over my objection. I dissented from the action of the subcommittee and made an effort to restore the funds for the project in the full committee but lost by a fairly narrow margin.

Mr. Chairman, my support of the Dickey-Lincoln School project has not waivered since the day that the staff of this Subcommittee on Public Works reported that this project was feasible and that it ought to be built. This project was included in the Johnson budget and it was kept in the Nixon budget revision. The amount which was recommended was $807,000 and would be used to continue planning. It is a project which in my judgment is essential for adequate power sources in New England. During the past years New England has experienced some severe power shortages.

Mr. Chairman, let me dwell for a moment on the following justification:

Dickey-Lincoln School Reservoirs, Maine:	
Total estimated cost	$229,000,000
Appropriated to date	2,154,000
Budget estimate, 1969 (to resume planning)	807,000
Benefit to cost ratio—2 to 1	------------
Balance to complete planning after fiscal year 1970	539,000

The committee stated that it "continues to believe the project is fully justified and required to provide urgently needed hydropower in the area."

Testimony presented to the committee this year—pages 393 to 407 of part 1—clearly indicates that the project continues to be economically feasible with a benefit to cost ratio of 2 to 1, and will provide efficient hydroelectric power at reasonable rates for peaking purposes in the New England area as well as firm power to the preference customers in Maine.

The project compares very favorable with similar projects being constructed in other regions throughout the country.

Gov. Kenneth M. Curtis of Maine recently stated, in referring to three recent occasions when New England came seriously close to suffering serious power shortages:

> If New England is going to have to suffer through power shortages then the importance of building the Dickey-Lincoln project becomes more evident.

The Governor stated further:

> The present situation is a graphic illustration that the planned generating capacity for New England's power needs by the dominating private utilities has been underestimated and inadequate.

Expensive publicity campaigns have told us time and time again that the big Eleven Power loop would take care of all of New England's power needs. We were told that there was no need to build the Dickey-Lincoln Dam—that Dickey-Lincoln's power was not necessary.

The testimony again this year by the Corps of Engineers confirms the following concerning the project in answer to the critics:

> 1. A complete reanalysis and adjustment of the unit prices for the project has been made providing a current cost estimate of $229,000,000. The net increase of $10.6 million since last year includes price increases and pay costs, with offsetting savings, in part, in reduced costs for reservoir clearing, and savings on the siting of embankments.
>
> 2. All of the different combinations of plants that might be constructed to meet the regional needs in the area, including Federally funded thermal plants, gas turbines, diesel engines, pump storage, nuclear power, and the studies continue to indicate that there are no more economical alternatives than the Dickey-Lincoln School project.
>
> 3. The opponents of the project continue to make erroneous comparisons of the project in relation to the power plants being built by the private utilities. These comparisons pertain to the capital investment alone and disregard operating costs. It is not the initial investment that one should consider, but the power cost at the market.

The economic comparability test, which has been updated to this year's cost estimates (as shown on page 400 of Part 1 of the hearings) continues to show that the power cost at the market under the Dickey-Lincoln School project is 10.3 mills per kilowatt hour compared with 20.5 mills per kilowatt hour for a pumped storage unit and 25.7 mills for a nuclear-steam plant.

If a hydroelectric project for the generation of peaking power is as uneconomic as the New England utilities claim, why is it that the private utilities in the Northwest strongly support Federal construction of such projects in order that the low-cost peaking power can be integrated into their systems in cooperation with the Bonneville Power Administration.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Chairman, I thank the gentleman for yielding, and I want to commend the gentleman for his tremendous efforts not only this year, but in years past, in behalf of the Dickey-Lincoln School hydroelectric project which, when it is finally constructed—and I am sure it will be, as many other projects that have come before Congress, have taken many years of ups and downs before they finally were fully funded—will be of tremendous benefit not only to the people of Maine, but the people throughout all New England.

Mr. Chairman, I want to associate myself with the remarks made by the gentleman in the well.

It was with a great deal of interest and no little amount of satisfaction that I read a two-page advertisement in this Monday's New York Times concerning the "power crisis" faced by the United States.

The timely ad was placed by Electrical World, "the leading publication" for the private electric utility interest, because, in the words of the magazine's publisher:

> We have watched the power crisis grow to a point where we can no longer stand by.

We all know, Mr. Chairman, that the private electric utilities have long been in the vanguard of opposition to public power projects. Its vehement attacks on enabling legislation for such past enterprises as the Grand Coulee and Hoover Dams and the Tennessee Valley Authority are easily recalled, and its recent relentless opposition to the same kind of Federal project in New England is widely known.

But now, at last, the private utility interests seem to be admitting that they have stood by for too long in the face of the Nation's growing power needs. This is most encouraging.

It is encouraging that the private electric utilities seem finally to have begun to admit that "this country of ours is in the midst of a power crisis." It is encouraging that they are, at long last, facing up to "the chilling prospect of frequent blackouts." Encouraging, that they have finally admitted that "the margin of safety has shrunk 32 percent" since the blackout of November 9, 1965. Encouraging, that they "want to see the problem solved—before the lights go out."

Yes, Mr. Chairman, the private power utilities' ostensible support for the public interest in the matter of electric power—however long overdue—is indeed encouraging. My only regret is that—insofar as the interests of the New England citizenry are concerned—their support may have come too late to undue all of the damage caused by their earlier opposition.

For the past few weeks, Mr. Chairman, I have circulated among the Members of this body soliciting support for inclusion of an $807,000 appropriation for the Dickey-Lincoln power project in the bill now before us. My efforts were generally successful.

Despite them, however, and despite both the recent change of heart on the part of the private utilities and the fact that our own Appropriations Committee recognized that the project is "fully justified and required," lingering doubts about Dickey's real worth still seem to inhabit the minds of several of our colleagues.

Perhaps a review of the elements of Dickey's promise will help assuage some of these doubts.

Both before and after the Dickey-Lincoln hydroelectric power project was authorized for construction by the 89th Congress, intense studies of its need and feasibility were conducted by the executive and legislative branches of this Government. There is, in fact, good reason to believe that no other multipurpose hydroelectric project authorized by this Congress has ever received as much close scrutiny.

The project has been approved by all of the Federal agencies concerned with power development—the Interior Department, the Army Corps of Engineers, the Federal Power Commission, the Atomic Energy Commission, and the Bureau of the Budget. It has additionally been justified by the findings of an in-depth study performed by the staff of our own House Appropriations Committee. And it meets all of the criteria for economic feasibility and multipurpose resource development required by the Congress and enunciated in the Senate document entitled "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources."

Dickey-Lincoln is the first Federal multipurpose water resource project authorized by Congress for construction in New England. Its projected generation of 1.2 billion kilowatt-hours of power annually from facilities having an installed capacity of 830 megawatts would provide low-cost, nonpolluting power for all of New England. And it would provide this power at a lower cost than any other means of generation, including the conventional methods, as well as nuclear thermal plants or pumped storage hydroplants. Once constructed, it would save electric power consumers of the Northeast an estimated $9 million a year.

Studies made by our Appropriations Committee clearly illustrate, Mr. Chairman, that 650,000 kilowatts of peaking power from Dickey could be sold in Boston, Mass., for about $17.50 per kilowatt-year. A privately built pumped storage plant, on the other hand, would sell power for about $23.50 per kilowatt-year. Some 100,000 kilowatts of firm power from Dickey-Lincoln, moreover, could be sold in the State of Maine for a little more than $28, while private conventional plants and private nuclear facilities would sell the same amount for about $37 and $33.50, respectively.

The project will cost American taxpayers an estimated $229 million—a price viewed as "reasonable" and "sound" by spokesmen for both the Corps of Engineers and the Federal Power Commission. Especially reasonable when viewed in light of the fact that its benefit-to-cost ratio in the last year has risen from 1.9 to 1 to 2 to 1. This means, of course, that Dickey promises to return to the taxpayers $2 for every dollar spent for its planning and construction. Some close observers have even predicted that the entire cost, including the interest, will be paid for in close to 50 years. Surely, the life of this valuable asset will exceed 50 years. And as it does, and as it additionally continues to provide revenue even after its cost is completely recovered, it cannot but help to provide power at an even lower price.

Even the period of project construction will have a major economic impact on the area of New England, Mr. Chairman. More than 11,000 man-years of labor and wages totaling in excess of $12¼ million will be generated. Nearly 2,000 employees will be put to work for 6 years. Close to 600,000 tons of concrete will be required; 25,000 tons of reinforced steel. The project's powerplant alone will require $60 million in electrical equipment.

After its construction, its impact will be incalculable—its positive effects on the people, the businesses, and the industry of the New England area will be staggering. For the first time, Mr. Chairman, the Northeast will realize the benefits that Federal water and power resource development can bring. For the first time, New England will have the same "yardstick" of competition by comparison which has meant so much to the many other sections of the country which are served by public power from Federal dams.

There is no question in my mind or in the minds of the great majority of the people of New England but that the Dickey-Lincoln School hydroelectric project merits approval by this Congress and that the $807,000 recommended by President Nixon for fiscal 1970 preconstruction planning should be OK'd by this House.

It is my firm belief, Mr. Chairman, that our conviction will be borne out, and that before the measure now before us is finally enacted, funds to proceed with the planning of this worthwhile project will be made available by this Congress.

Mr. BOLAND. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I want to commend the gentleman from Maine (Mr. HATHAWAY) for his activities on this project. No one has worked harder or with a greater degree of dedication than the gentleman from Maine.

This project is a multiple-purpose project, and it really is about the only multiple-purpose project that could ever be built in New England. We have them all over the United States. Those of us in New England have supported the projects in the South, the Midwest, the Southwest, the Far West, and the Northwest. This is the only time and perhaps the last time that New England has a chance of getting a sizable multiple-purpose Federal project. Let us build this multiple-purpose project in Maine which is so essential to the power needs of that area.

Maine has the dubious distinction of enjoying the highest power rates in the Nation. This is the one way in which those power rates can be lowered.

So, Mr. Chairman, again I take this time to commend the gentleman from Maine for his efforts in behalf of this project.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, I wish to express my appreciation to the gentleman from Massachusetts for yielding. I take this time simply to express my deep appreciation to the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Tennessee (Mr. EVINS), and the gentleman from Arizona (Mr. RHODES) for the great job that the committee has done.

I also particularly wish to join the gentleman from Massachusetts in his commendation to a variety of people who have contributed so much to the well-being of America, particularly General Cassidy and Commissioner Floyd Dominy.

Further, Mr. Chairman, if the gentleman will yield further momentarily, I would like to pay special tribute to our very wonderful friend, the chairman of the committee, the gentleman from Ohio, MIKE KIRWAN. This money will continue to make monuments to MIKE's firm belief in America, and what it takes to make America great. Certainly we all do miss MIKE today, and I want at this time to express my personal appreciation on behalf of the State of California for the great contributions that MIKE KIRWAN has made not only to our State, but to all America, and to join with the gentleman from Massachusetts in the many kind things that he has said about this great American.

Mr. BOLAND. I thank the gentleman from California for his remarks.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 14159 and congratulate the Committee on Appropriations on the fine job it has done.

H.R. 14159 is a good bill, and will make it possible to keep our essential and urgent water resource development programs moving. While many in this body would understandably like to see more money for a number of worthwhile projects—and I particularly regret the absence of construction funds for several very fine projects in Oklahoma—the bill,

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on balance, is a good one. It represents the solid judgment of an excellent subcommittee which has worked long and hard on a very difficult assignment.

I appreciate the eloquent words of the subcommittee's members who have paid tribute to their chairman, our beloved colleague, MIKE KIRWAN.

No man in America has done more to build our country in this century, than MIKE KIRWAN.

His contribution will enrich the Nation for decades to come, and will make possible a better life for the children of all of us.

If MIKE KIRWAN were here today, handling this bill on the floor, I am sure he would tell us: "This is an all-American bill, for all of America. It is a bill you can vote for with pride and with full confidence that your vote will strengthen America."

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. MIKVA. Mr. Chairman, I would like to pose a question to the gentleman from Massachusetts (Mr. BOLAND) regarding the committee's intention in certain language which it used in the report on the bill. This language relates to the Oakley Dam and Reservoir project, and is contained on page 52 of the committee report. I direct the question to the gentleman from Massachusetts because he was the member of the subcommittee who presided when testimony on this subject was heard by the subcommittee.

My question relates to the language on page 52 of the report which reads as follows:

> The Committee has allowed $100,000, which . . . should be adequate to continue land acquisition on the project pending settlement of the Allerton Park controversy.

I was interested and most gratified to note in reading through the hearings on the Oakley project that a memorandum of agreement and a waterways alternative have been concluded by the State of Illinois, the city of Decatur, the University of Illinois—which owns Allerton Park—and has been warmly endorsed by my good friend and colleague, the gentleman from Illinois (Mr. SPRINGER) in whose district the Oakley project is located. This agreement concluded on May 29, 1969, is printed at pages 546–558 of part 5 of the hearings. It seems to be a fine compromise in which everyone's interests are protected. The gentleman from Massachusetts indicated during the hearing that he was most happy to see that the agreement had been concluded.

Now what I wonder is whether, in light of the specific nature of the May 29 agreement and the waterways alternative and the fact that the Corps of Engineers has not yet accepted that agreement, what I wonder is whether the committee did not intend that whatever expenditures are made on the Oakley project, should be consistent with this May 29 agreement and waterways alternative. In other words, does the committee not contemplate that the corps will accept the May 29 agreement and the alternative subject to the corps finding that it is feasible.

Mr. BOLAND. I agree with the gentleman's interpretation. That is the committee's interpretation.

Let me say that the money we are appropriating for the Oakley Dam is to continue land acquisition, but it is land acquisition in those areas in which I think there is no controversy.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Illinois (Mr. SPRINGER) who has been very close to this project and in whose district the project is located.

Mr. SPRINGER. Mr. Chairman, I believe the statements made by both gentlemen are in the nature of approximate truth—as true as I think we can put it.

The money was limited to the purchase of land which was not in the area of Allerton Park—that was the limitation which was put on it.

At the present time there is a signed agreement between the State of Illinois, the city of Decatur, and the University of Illinois, and they are the only parties involved in this project before the Corps of Engineers go on with the Oakley Dam and Reservoir project and now being studied by the Corps of Engineers. It is subject to that feasibility study as to whether or not they would go ahead with the project as is, and if not feasible the corps would have to make a restudy of the project. I think in general what has been said is true.

Mr. MIKVA. I thank the gentleman from Massachusetts (Mr. BOLAND) and the gentleman from Illinois (Mr. SPRINGER) for allowing me to take the time to clarify this matter.

Mr. RHODES. Mr. Chairman, I yield 8 minutes to the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I am happy to support this bill as it has been reported from the Committee on Appropriations.

I do want to take this occasion to fully support the fine tributes which have been paid to our colleague, the gentleman from Ohio (Mr. KIRWAN), General Cassady, and Commissioner Dominy, by the gentleman from Massachusetts who just preceded me.

It is never a happy experience to find oneself supporting an appropriation bill which is substantially over the budget, and of course this bill is some $300 million over the budget, but it does appear that the issue here today is not the matter of our exceeding the budget, as much as it appears to be that we did not exceed the budget enough.

We are confronted for the second time in this session with what appears to be described as a full funding campaign. If this is to be the common practice—if authorizations, that is funding ceilings, are to be treated as funding floors, then the budget process and the appropriation process will become nothing but hollow mockeries and the Committee on Ways and Means might as well close up its shop, too, because it simply will find the responsibility of attempting to raise revenue to pay out money as fast as it is possible to be spent an impossible job of performance.

Mr. Chairman, we have marched up the hill twice in the past 2 years in a general way on behalf of fiscal restraint. Last year it fell to members of the Committee on Ways and Means to take the leadership.

They, I suspect, were rather tired of the onerous burden of attempting to close deficit gaps, a job which had not been accomplished over a period of many years. They simply felt that they could not accept the burden of raising revenue as fast as it was being paid out. And so that was the origin of last year's Expenditure and Control Act of 1968, when a definite and firm ceiling on the expenditures of the Government for the fiscal year was established.

Then that pattern, in a modified form, was repeated this year in the first supplemental appropriation bill that reached the floor. The Appropriations Committee did originate an overall spending ceiling for the fiscal year. But it provided for a flexible limit. It is a limit that goes up and down as a result of the actions or the inactions of the Congress in dealing with requests for various new sources of revenue or in dealing with appropriation requests as they affect expenditures as they came before the Congress. If this were not true, if this year's expenditure ceiling were not a modified one, a flexible one that does go up and down as we take action with respect to appropriations, then, I suppose, we would not need to be quite so much concerned about the efforts to substantially increase appropriation bills. If it read as last year's law, we could in effect say, "Well, go ahead, if you want to look foolish, because you have already legislated that the money cannot be spent." But because our action here in increasing the budget substantially would raise not only appropriations but it would likewise affect the expenditure ceilings which have previously been proposed, we must be concerned with the effect of our actions.

First of all, I think we must be concerned that our self-respect, for repeated increases in appropriations reflected in increases in expenditures will cast a cloud over our self-righteousness when we did approve the spending limitation earlier this year.

But, Mr. Chairman, to claim credit for imposing a spending limitation on the one hand and to become a champion of full funding on the other, such conduct cannot escape the criticism of the people that it is our responsibility to represent.

For those who are interested in the record, the record is clear that the $600 million provided for the waste treatment program plus the $64- to $65-million carryover is all that the administrative machinery—the administrative machinery of the Federal Government and the administrative machinery of our State and local governments, under existing law—that is all that they can absorb, and the Secretary of the Interior is on record to that effect. To increase that amount would be an invitation to waste—not to waste treatment—but to waste.

There have been these two major increases in the bill, one of them $386 million increase for the waste treatment works program, and I suppose that that can be justified as an action of the committee in attempting to deal with an

emergency situation to the maximum capacity of our three levels of government to deal with. The other is a $55 million increase in reclamation and civil functions projects, and that increase, too, I believe is justified in avoiding the extra expense and the danger of delay that would otherwise accompany reduced funding on a certain number of projects within those programs.

So, Mr. Chairman, even though this bill is above the budget, I support the bill as is. I hope my colleagues, after examining the record and attempting to be responsible in providing only those funds that can be used and absorbed, will support the bill as is.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I join with my colleagues in the many tributes that have been paid to our subcommittee chairman, the Honorable MIKE KIRWAN, and to the other members of the subcommittee who have worked so hard and so long, alternating in handling the work of our beloved friend, the gentleman from Ohio, whose health has been such as to cause him to miss many of the committee hearings. My colleague from Massachusetts beat me to quoting from his all American announcement of his beliefs.

Also, I join in saying I believe the staff of the committee has as hard a job as any staff of any committee, and I take this time to compliment them.

I also pay tribute to the gentleman from Tennessee, who is handling this bill and who has done a fine job through the years on this program, and also to his counterpart on the Republican side, the gentleman from Arizona.

I also take this time to express the hope that some time we will give some attention to the fact that this bill is misnamed and it is inappropriate to refer to it as the public works bill. As we all know, through the years, this bill gets picked up and held out as what the Congress does for itself. May I say nothing could be further from the truth. This bill should be designated as the maintenance and development bill, representing the attention that our great country is being given, the attention that we are giving to protecting the country itself, the base on which everything else depends—that is the natural resources, our rivers and streams and watersheds and, yes, our harbors and rivers.

A few years ago someone said that some small country or other was the only country that had a balanced budget. It was said the country did not owe a dollar and did not have one. On our committee I feel we need to give attention to a balanced budget, but we really need to give attention to balancing the spending we do on those things and taking care of those things on which everything else depends. It is up to us who serve on this committee to promote and up to the membership here to look after our country. Of course, we look after the needs of the different districts, the needs of every section of the United States. As shown by our report this committee heard more than 1,600 witnesses, from every section of every State. We listened to the testimony of 208 of our colleagues. We were not trying to divide the cake and we were not trying to give everybody something, but we were trying not to overlook any section of the United States in our effort to protect our country, not only for today, but for our children tomorrow.

I could go on and on, but I repeat again: The more serious our problems are, and the greater our debts and the greater our obligations around the world, the more imperative it is that we look after the base on which the cure for all of them depend—our land and our natural resources, our rivers and our harbors.

I shall not try to repeat or add to the words that have been said about our great friend and great chairman, the gentleman from Ohio, Mr. MICHAEL KIRWAN, but I say again that all Americans, including those who will follow us for many generations, will be indebted to MIKE KIRWAN for whom we all pitch in today. I hope we may do him proud and that you will back us in our efforts.

This bill is needed today and more important, for tomorrow. Where are we going to put 150 million people, the expected increase in our population during the next 30 years.

I have heard the debate here. I support the committee action. We all agree we have a tremendous problem with respect to pollution.

Due to other assignments I have had, I have been in the older cities of this Nation, which I shall not identify here because they have enough problems without having this condition advertised. As one goes into many of the older cities he sees how much is old and worn out, how the sewerage systems are deteriorated, and sewage disposal systems outmoded or obsolete, leaving their waterfronts likened to open sewers, you know they need help.

We go to the Potomac and other places around the country and we can see that we need to give real attention to reclaiming what we have done in years past to create pollution of air and water.

Then, when one goes to other areas, such as mine, one sees the area is made up of small cities and small towns where, as of today, they do not have the serious pollution problems of our major cities, but, with this growth of population, now is the time to be intelligent enough to keep those areas from ever getting like they have gotten in many other areas of this country.

Even considering all that, there is only a limited amount of work we can get done in a limited amount of time. I say that we do not differ with our friends who talk about the pollution we face today and that which we must protect ourselves from developing tomorrow. But we should be practical about it. We should not inflame the country by going overboard at a time the dollar is getting cheaper and cheaper.

The committee has recommended an appropriation of $600 million, which is more than half the authorization. I want to say to my friends, many of whom are not here at the moment, I agree with my colleague from Massachusetts. If this House ever adopts the view that an authorization is a commitment by the Congress to carry it out fully in the shortest possible time we are going to have the bitterest fights every time there is an authorization bill, because if that is where the decision is going to be made on immediate spending there will be precious few authorizations that go through the Congress without the greatest amount of difficulty, since it will be necessary to match the authorization against income, and it will be necessary to match it all along the way with other problems.

It is wise, I believe, to have an authorization much higher than the funding which may be required at the moment. It actually allows us to have advanced planning. It allows us to have plans on the shelf, for the time when we can get out of this Vietnamese war. Authorizations on the shelf are fine for the operations of this country in season and out of season.

But we need them far beyond what we really are going to do now.

The other side of this is, if we were to appropriate the full amount that is authorized we would never get it spent, because they are not able to spend it in the months ahead during this fiscal year. They cannot do it at all.

Certainly it is in line with public opinion which has been whipped up on this subject. I agree that we need to meet this problem, but not to the point of being impractical and not employing commonsense to do the most about it we can in the shortest period of time.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. COHELAN. I thank the gentleman from Mississippi for yielding.

I should like to take this opportunity to congratulate the gentleman for the very clear statement he is making on the subject of pollution. As a fellow member of the Appropriations Committee I should like to advise the committee that it was the gentleman from Mississippi (Mr. WHITTEN) who joined with others of us on the Appropriations Committee to persuade our committee to support $600 million instead of the subcommittee figure. As Members know, the original budget request was $214 million for the water pollution portion of the bill.

I want the Members to know that I support the appropriation of $600 million which was adopted after much debate in full committee. For myself, it would be very nice to be able to come in and say, "We put a billion dollars in the committee," but I am now convinced it would be unrealistic.

I must say, having listened to the arguments in committee and understanding the problem of the formula, it seems to me that this is the most practical immediate solution to the problem. I am delighted that the committee responded by coming through with the $600 million, and more particularly I want to congratulate the gentleman in the well for supporting the amendment to increase the subcommittee recommendation to $600 million.

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Mr. WHITTEN. I thank my colleague from California, and I appreciate his own sound judgment and his effective action in this area.

It is always hard to hold ourselves in line with practicality, especially when the subject is as popular as the one with which we are dealing today, pollution of our streams. But the committee has gone as far as we can and properly spend the money and that is in my opinion as far as we should go.

Mr. Chairman, we dealt with the problems of all sections. Personally, I appreciate the support I had from my colleagues on the committee. Particularly am I pleased that we got funds for beginning work on the Yellow Creek Port on the Mississippi side of the Tennessee River; the amount of $450,000 represents the Tennessee Valley Authority's capability for the remainder of this fiscal year. The important thing is getting started, since the Budget Bureau has not recommended any funds at this time.

With regard to the port facilities at Yellow Creek in Tishomingo County, this should mean tremendous development for all northeast Mississippi and the expansion of heavy industry into that area.

In its report, our committee pointed out this is in Appalachia and will be helpful in meeting the economic problems of the area.

Other items which are of special benefit and interest to north Mississippi are the Upper Auxiliary Channel, which will prove of real benefit to six of the western counties of the second district, and the Ascalmore-Tippo and Opossum Bayou projects, which are directed to be started and which will benefit three other counties.

Included also are funds for development of facilities at Arkabutla, Enid, Grenada, and Sardis Reservoirs.

With regard to work on the Upper Auxiliary Channel, we pointed out that the work on the upper part of the project for the delta is essential, since this will keep it somewhat on a comparative level with the work being done in the lower delta.

The bill contains $500,000 which this subcommittee provided for continuation of engineering and design on the Tennessee-Tombigbee Waterway, and $50,000 for continuation of the survey on the Hatchie River in Alcorn and Tippah Counties, Miss., together with $1 million for flood control on the Bear Creek Watershed, Ala., and Miss.; $650,000 for flood control work on the Tennessee-Tombigbee Watershed, a substantial increase above the budget.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Saylor).

Mr. SAYLOR. Mr. Chairman, I have heard some astounding statements made in the well of the House today, ones which I think might bode well for the future of the country. I say this because with due deference to the members of the Appropriations Committee and the other standing committees of the House, it is about time that all of the committees realized that the Committee of the Whole House on the State of the Union is the No. 1 committee in Congress, and that is the committee that we are in right now.

I was delighted to hear a statement by one of our colleagues that some of the authorizing bills might be looked at more carefully. This is a good sign because this is the way the Congress should act and not expect to rely upon one of the standing committees to bail them out.

Now, let us look at the situation that we are in with reference to this bill and especially with reference to one phase of it. That is the amount that we have provided for the elimination of pollution.

Now, Mr. Chairman, in 1966 the Congress considered the Clean Waters Restoration Act which first passed in the Senate without a dissenting vote and then was sent over to the House, reported out of the Public Works Committee and passed this body without a dissenting vote. Every Member of Congress who was here in 1966 voted for that bill. That bill said, among other things, that the Congress was gravely concerned about pollution in this country and that we realized that the job was bigger than just the Federal Government and that we call upon the States and the local communities to participate. Further, we said if the States would adopt the standards to improve the water quality in their own States and in their own communities the Federal Government would give them a certain proportion of the money necessary to clear up the domestic pollution. Well, we the Congress have never kept our word, but the States have gone ahead relying upon their Congressmen to keep their commitment.

Now, somebody has made a great to do that last year we did not spend that amount of money that was appropriated. I can tell you why we did not spend that amount of money. Because there is not a Representative here in the House who has not had a community in his State or in his own district that has not come down here with an engineer to the departments and asked if there was any money and been told that it is absolutely useless, that we the Congress did not provide enough money—to enable the States and local communities to go ahead with assurance.

We made a commitment to the people of this country, and it is up to the Congress to be as good as its word.

I do not know whether or not you folks kept in touch with what happened in the other body yesterday, but in that body they adopted an amendment, and that amendment said, among other things, that all States and all of the communities who have gone ahead and have not received any money from the Federal Government would be entitled to put in a claim for reimbursement. And if that passes in this body—and I will vote for it when it comes over here—we will already owe the States and the local communities over $600 million—just to pay for what has already been installed without any concern for those projects that are to be built this year.

Some people talk about the integrity of the budget. Let me tell you about the integrity of the budget. Consistency is apparently not the rule here in the House, because on July 31 of this year the Members of the House by a vote of 293 to 126 said they did not care what the budget was with regard to education; they voted $1 billion more.

Let me also say to you——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. RHODES. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I thank the gentleman for the additional time.

Let me say to the members of the Committee of the Whole that unless we clean up the waters of this country, do not worry about education, because there will not be any children to educate. It is just that serious. The leading ecologists of our country tell us that by the year 2000 mankind may not survive on this earth because of water pollution and what we have done to cause it.

So the biggest thing that we owe to our own people, and to the world, is to see to it that sufficient money is provided to clean up the waters of this country so that mankind can survive.

Mr. Chairman, when the amendment is offered to increase and to keep the word of Congress, and make the appropriation of clean water $1 billion, I hope that the amendment will be adopted overwhelmingly.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. McFall).

Mr. McFALL. Mr. Chairman, I wish to express my admiration for the subcommittee, and the work that they have done on this bill, in building America in the same tradition of the chairman of the committee, the gentleman from Ohio, Mike Kirwan, who is unable to be with us today. I wish to express my admiration, respect and affection for Mike Kirwan, and I hope that the gentleman from Ohio will be back with us before long.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, in considering the appropriations which are before us today, we take the future of our Nation's water resources in our hands. As the distinguished Appropriations Committee of the House of Representatives has so ably pointed out in its report, there is a truly compelling need for the expansion of the water resource development in this Nation.

Requirements for municipal and industrial water will increase by some 300 percent during the next half century as this Nation, already feeling the pressures of a growing population, faces a projected population of some 468 million people by the year 2020.

In the course of water development, a half century is not very long. It takes time to harness rampaging rivers and to put the flood waters which are devastating our lands and washing out to sea to beneficial work irrigating our crops, serving our homes and industries. It takes time to clean up polluted streams and lakes and to make them habitable for fish, wildlife and for people.

These facts have been recognized over the years by the House of Representatives Appropriations Committee and especially its Subcommittee on Public Works under the outstanding leadership of its dedicated, knowledgeable and farsighted chairman, Mike Kirwan.

The success we have had in the past in meeting the water needs of a growing and expanding Nation can be attributed directly to the efforts of this committee and its chairman.

As the Representative of much of the California region from which its water supplies spring, I want to say that the Congress has been good to the Golden State in providing a timely program of multiple-purpose water development over the years.

The needs continue, however, and I believe that the recommendations brought to the floor of the House of Representatives today for funding of Bureau of Reclamation and Army Corps of Engineers projects represent a sound investment in the future. And, I emphasize the word "investment."

These are projects in which the Federal Government is investing its resources in the future. These are all sound projects, which will yield good returns to the Federal Government. As far as specific construction projects are concerned, the Congress has reviewed them and found them all to have solidly favorable benefit-cost ratios.

As we invest in Bureau of Reclamation construction, we must remember that these are multiple-purpose projects which not only halt floodwaters, but will yield cash benefits to the Treasury through the sale of water and hydroelectric energy. The same can be said for most of the Army Corps of Engineers' multiple-purpose projects.

The sooner we complete them, the sooner we realize the benefits, and the sooner the cash register at the U.S. Treasury starts to ring.

One other point I would like to mention. Earlier this year, California experienced a major storm disaster. Floods hit many of our areas. The damages mounted to hundreds of millions of dollars.

Several millions of Federal dollars, I am most grateful to say, have been spent to rebuild stricken areas. Some of this expense could have been avoided through flood control development. Nowhere is the old saying "an ounce of prevention is worth a pound of cure" more applicable than in the development of flood control works.

Mike Kirwan knows this. Members of his fine subcommittee know this. The other members of the full Appropriations Committee under the distinguished chairmanship of our colleague, George Mahon, know this, and I want to commend them for the recommendations they bring to the floor today and urge my colleagues to lend their full support to the appropriations bill which we have before us today.

Mr. Chairman, in closing I want to say that we miss our old friend, Mike Kirwan, here today. On behalf of the people of California I want to say we hope he is back with us soon. California has come a long way in meeting the water needs of its people under the enlightened leadership of Mike Kirwan. We want to say thanks for all that he has done in the past and say we will work with him in the years ahead to continue to meet the water needs of this wonderful Nation of ours.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, I want to commend the members of the Appropriations Committee, and particularly the Public Works Subcommittee, for their efforts to meet the most essential needs in this area at a time of understandable budgetary pressure.

I am especially grateful for the consideration which the subcommittee, under the able leadership that day of the gentleman from Massachusetts (Mr. Boland), gave to the testimony which we presented with local officials and civic representatives of the cities of Clinton and Dubuque, Iowa, on behalf of flood protection projects for those two communities.

This is not the easiest time for a committee to come before the House and ask for funds over and above the President's budget, and I recognize the reluctance of some Members of this body to accept those recommendations.

However, I cite the two flood control projects in my own congressional district as examples of the false economy which would result if either flood wall is delayed because of inadequate funding at this time.

Each year, the people of Clinton and Dubuque face the threat of extensive flooding when the Mississippi River thaws, with million-dollar flood fights and recovery efforts, and incalculable costs in terms of human misery and fear, illness, injury, and death.

Every flood season, the possibility of a repetition of the 1965 disaster causes months of apprehension and costly preparation, whether or not a flood actually ever occurs.

Losses in 1965 mounted to $8 million in Dubuque, a city of 65,000 people, and to $5.2 million in Clinton, with a population of 35,000.

The Corps of Engineers estimates that past floods have cost Dubuque more than $15 million since records have been kept, and in Clinton, the annual expenditures over the past 10 years have averaged $1,250,000.

Those recurrent costs are shared by Federal, State, and local governments as well as by private citizens and business concerns.

Last spring, the early weather predictions anticipated a Mississippi River flood approaching the record levels of 1965, and to avoid another disaster, massive preparations were made with unprecedented financial and technical assistance from the Federal Government.

It is a tribute to this heroic Operation Foresight, and the countless hours spent by the Corps of Engineers, city officials, and local volunteers, that temporary dikes were constructed in time to hold back the floodwaters and to minimize actual damages.

The Federal Government spent more than half a million dollars in Clinton and Dubuque each, in preparatory work by the corps and disaster relief assistance from the Office of Emergency Preparedness. Local, public, and private costs equaled or exceeded those Federal expenditures.

Although every effort will be made to preserve as much of this temporary work as possible in anticipation of future floods, there is no way to assure against similar annual expenditures until permanent protection is provided.

In the case of Dubuque, construction of that permanent floodwall is already underway, and the corps initially requested $3 million for fiscal 1970 to continue work on the project. The President reduced that request to $2.1 million, which would delay completion of the flood wall from the present timetable of November 1972 until after the 1973 flood season.

Appropriations of an additional $450,000—restoration of half of the President's cut—will enable the corps to complete all essential work before spring of 1973, and thus save the city from exposure to another flood threat, the cost of which would in all probability exceed any savings which we would realize by refusing to appropriate those funds this year.

In Clinton's case, this is the first time that we are seeking funds, for a project which Congress approved in the rivers and harbors bill last year.

The Corps of Engineers has advised us that an initial appropriation of $30,000 will enable them to meet their full planning capability for the current fiscal year.

We are therefore seeking that amount, which is only one-half of 1 percent of the cost to the Federal Government for temporary assistance to the city this year, so that we can proceed as expeditiously as possible toward actual construction and completion of the permanent floodwall for that city.

The Congress has already committed itself to both of these projects—by repeated support of Dubuque's budget request since 1966 when we approved the first construction funds, and by authorizing the Clinton project last year.

It would be not only false economy, but a rejection of that commitment, to refuse either appropriations request today, and I urge the members of this body to vote for both the $2,550,000 for Dubuque and the $30,000 for Clinton.

Mr. McFALL. Mr. Chairman, I especially wish to thank the subcommittee for their consideration of the essential needs of my State of California. We had tremendous amount of flood damage in California from a storm in January and February. There was some $150 million in damages caused by that storm, but there were $1.6 billion in damages that were saved by the projects which were Federal projects, and which had already been completed, the Federal contribution cost for which is about $985 million.

There are 10 projects in this budget which are continuing which, if they had been completed before that storm would have saved some $16,500,000.

This committee in providing for these ongoing projects is continuing in the same tradition of building America as

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our good friend, the gentleman from Ohio (Mr. KIRWAN), and I commend them all.

Mr. RHODES of Arizona. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. ROBISON).

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman.

Mr. SCHADEBERG. Mr. Chairman, I rise in support of the bill. I have frequently taken the opportunity of addressing my remarks in the House of Representatives to the need for controlled Federal spending. Yet, the question of the allocation of public tax moneys is not to be viewed as its own entity whereby funds are to be appropriated according to a percentage formula. Spending in one area is not to be balanced by a proportional spending in another area. Likewise, a reduction in one area is not to be balanced by a proportional reduction in another area. Spending by the Federal Government is really a matter of priorities. Where a pressing need exists and where Federal funds are necessary to meet the need, Federal funds and public tax moneys must be forthcoming at any cost Such an area of pressing need is construction grants for sewage treatment works as provided by the Clean Water Restoration Act of 1966.

Congress' mandate is to legislate on behalf of the public welfare and to provide the maximum number of citizens with the benefits that stem from living in our society. There is no question in my mind that the greatest problem facing this Nation, second only to finding an honorable solution to our involvement in Vietnam, is that posed by the pollution of our environment. By passing the Clean Water Restoration Act, Congress recognized the need to attack head on the major source of water pollution—municipal wastes, and the need to give assistance to the municipalities for the construction of waste treatment facilities. Under this act, appropriational authority was provided in the following amounts: $150 million in fiscal year 1967, $450 million in fiscal year 1968, $700 million in fiscal year 1969, $1 billion in fiscal year 1970, and $1.25 billion in fiscal year 1971. However, the actual amounts that have been appropriated in the past have fallen far below these marks: $203 million in fiscal year 1968, and $214 million in fiscal year 1969. The request for fiscal year 1970 amounts to only $214 million, far below the authority of $1 billion.

Were the need for water pollution abatement not so pressing, and were it possible to delay any solution until a later date, I could defer acting on any increase to the committee proposal until a later date. However, pollution of our lakes and rivers is a problem that will not take a vacation. More and more people are using an ever-increasing amount of space. Technology continues at a rapid rate. If we are to enjoy the bounteous nature of our country, and not be forced to shelter ourselves from nature we are rapidly corrupting, we must act now.

Besides the pressing nature of continuing pollution, there is another reason why the full $1 billion must be passed. In reliance upon the passage of the Clean Water Restoration Act of 1966, State and local governments have invested millions of dollars for sewer treatment facilities, and in many cases, bonded themselves to their constitutional limit to do so. The States have also made themselves legally liable for water quality standards which must pass Federal inspection. For Congress to fail in our obligation will be to breach the faith that the people of the United States have placed in Congress to meet the problems of pollution, and to destroy a workable Federal-State relationship.

In my district in southern Wisconsin, the people are one in their desire to provide adequately not only for programs of avoiding future pollution, but for existing pollution programs to take immediate steps to clean up the waters. They know that money alone is not enough and so they have gone out on a limb as individuals, as citizens of their respective communities, and of the great State of Wisconsin to provide tax moneys on every level, and human resources and interest, to get the job done. In providing for Federal funding, my constituents know it is their money that is being spent but are stymied in their efforts by a lack of available funds. Wisconsin is one of 18 States which will not have full funding even if the proposed $1 billion is appropriated. I cannot stand by idly while inadequate funding would make further severe cuts in what is needed.

A billion dollars is a lot of money. I want to be fiscally responsible. I do not, however, buy the argument that it is fiscally irresponsible to seek $1 billion for full funding of a commitment every Member of this House made to their people when they voted to authorize $1 billion for pollution abatement during fiscal year 1970. Being fiscally responsible does not mean that we spend no money. It means that we spend as a matter of priority.

A man who allows his family to go in rags; who forces his children to eat out of garbage cans; and who allows his house to become a slum dwelling, and yet boasts $20,000 in a bank account, is not fiscally responsible. So it is with this Nation. We must not allow the beauty of our land and waterways to deteriorate nor allow our environment to depreciate to a point which, if further neglected, will not sustain life. To do this would be fiscally irresponsible.

If we can spend approximately $50 billion for foreign giveaways, much of which has ended up in providing little for our people, either in pecuniary returns, friendship, or even self-satisfaction in a job well done; if we can contemplate spending $662 million for the development of the SST; if we can spend hundreds of millions of dollars for a multiplicity of research programs, some necessary, some unnecessary, some which might well be delayed; and if we can spend $2 billion a month to wage war in Vietnam, we can afford a billion dollars to fight effectively the pollution of our environment.

It is my understanding that the Nixon administration will bring before this House a new and exciting approach to the problems posed by pollution. If he indeed does—and he has my wholehearted support in this—the billion dollar funding we seek will still be needed.

Mr. Chairman, I represent a beautiful part of this country. The First District of Wisconsin is an area of beautiful waterways, lakes, and lands. My constituents appreciate our wonderful environment and have taken an active interest in its preservation. Individuals take time out from their work to press for solutions to problems of pollution which threaten our great area. They partake actively in local government in order to abate sources of pollution. Many have taken the opportunity to write me and to sign petitions in support of the full funding which is now under House consideration. It is with pleasure that I include a list of the names of a few of many individuals in my district who have signed the most recent petition in support of the $1 billion full funding I have received. These represent but a few of literally hundreds of my constituents who have made known their concern to me without solicitation from me.

LIST OF PETITIONERS

BELOIT, WIS.

Mr. and Mrs. Carl G. Balson.
Mrs. Richard G. Moon.
Mrs. Roy R. Gram.
Mr. and Mrs. Lloyd W. Page.
Mr. and Mrs. R. E. Schoenfield.
Mrs. William Voss, Jr.
Patricia A. Casucci.
Mrs. Richard Griffith.
Mr. and Mrs. Robert Brown.
Mrs. David Collins.
Mrs. R. E. Synstegard.
Mrs. Edmund Engebretson.
Joyce Ann Davis.
Mrs. Sydelle Popinsky.
Dr. and Mrs. H. Daniel Green.
Audry D. Pataquin.
Karen Prickette.
Mrs. Jane N. Deale.
Mrs. Charles Sequin.
Mrs. James Lamb.

JANESVILLE, WIS.

Mr. and Mrs. Robert Krug.
Cecelia A. Howe.
Mrs. J. R. James.
Mrs. Kathryn K. Shebil.
Mary H. Nason.
Frances A. Bailey.
Mrs. Ann A. Harsh.
Mrs. Carolyn Brandeen.
Jean Lovejoy.
Mrs. Nancy Stabb.
Beth Vold.
Mrs. N. E. Simonsen.
Jane Moeller.
Mrs. Betty Joslin.
Mrs. Sally Basting.
Mrs. Bessie Poppas.
Mrs. Lois Partridge.
Mrs. A. W. Anderson.
Mrs. Judy Berg.
Nan Hartung.
Mr. Frank E. Sutherland.
Mrs. Art Siker.
Mrs. R. W. Kitson.
Walter Lindemann.
Otis P. Thorman.
Nancy Holt.
Grace W. Estes.
Ann S. Eckert.
Carol C. Tair.
Janice M. Kinnaman.
Mrs. Earl Fugate.
Mrs. James McNally.
Mrs. Henry Thom.

WHITEWATER, WIS.

Elsie Hilton.
Patricia Batham.
Clair C. Henneman.
Judith M. Beyerl.
Emily Saunders.
Ruth Miner.
Linda Henson.
Arlene Newhouse.
Marjorie Young.
Patricia Townsend.
Winnifred McDiarmid.
Susan M. Kunkle.
Edna C. Sorber.
Eileen A. Rosen.
Emma Lou Sederholm.
Mary Hivener.

Mr. Chairman, I support the amendment for full funding.

Mr. ROBISON. Mr. Chairman, neither this subcommittee nor probably any of its immediate predecessors has ever had to mark up a public works appropriation bill in the midst of quite the same conflicting pressures as those we felt this year.

Our annual product is always largely a creature of compromise—and that is more than normally true of this year's version.

No matter what the area of concern, the visible list of unmet demands by the individual, his community or State, or the Nation never seems to grow any shorter.

And insofar as certain of those demands fall within our jurisdiction, as our hearings progressed this year we were made keenly aware of them—and of the truly urgent nature of many of them.

Yet, at the same time, it was impossible for us as a subcommittee—or as individuals—to ignore the continuing fact of inflation running at a disastrous rate for the Nation, and its citizens; and that, traditionally, temporary restraint in so-called public works spending is one of several actions that can be taken by the Federal Government if it is serious about stabilizing its economy.

Thus, we have had to weigh the possibly inflationary impact of new or ongoing public works programs against the rather alarmingly increasing backlog of essential projects providing protection against ravaging flood waters, additional sources of water supply for rapidly growing urban centers, critically needed further capacity for certain deepwater seaports and navigational safety measures, as well as to provide an adequate planning and action base for meeting the future water resource needs of our Nation as the same are now being projected.

That always difficult question of priorities—which is something to which I have always sought to direct our subcommittee's attention during my years of service on it—thus became all important to us.

Accordingly we have wrestled this year over priorities between competing programs and projects in a manner that, not always in the past, was required of us.

That is good—and, as one result though his measure like most of its predecessors will probably be referred to by the news media and in editorial comment as our annual pork-barrel bill, H.R. 14159 clearly does not merit that sort of opprobrium.

But what of the day when our currently severe fiscal problem abates, as it eventually must?

Well, Mr. Chairman, I for one am extremely hopeful that the improved methodology for determining this Nation's true water-resource needs, and for obtaining that kind of coordination between Federal departments and agencies in this field that has for so long been missing—but that this subcommittee has been fostering largely through the efforts of the Water Resources Council—will enable us to continue to bring you public works bills from which all "pork" has been removed.

This is essential—the Council's first assessment of "The Nation's Water Resources," as published in November of 1968, projecting as it does our water and land resources, and their use and management problems, to the year 2020, clearly indicates the need for continuing, close congressional oversight into how those resources are marshaled and those problems met.

If the national goals we are preparing to set for ourselves are to be achieved, we have a tremendous task ahead of us—and there is no room for "pork," and no room for duplication of effort.

At stake is no less than the future of the human race—for I see this as a worldwide problem, extending far beyond our own Nation's borders and concerns, though it is within those limits that we now must deal.

For, as Prof. Richard A. Falk, of the Center for Advanced Study in Behavioral Sciences, says:

> The planet and mankind are in grave danger of irreversible catastrophe. . . . Man may be skeptical about following the flight of the dodo into extinction, but evidence points increasingly to just such a pursuit. . . . There are four interconnected threats to the planet—wars of mass destruction, overpopulation, pollution, and the depletion of resources. They have a cumulative effect. A problem in one area renders it more difficult to solve the problem in any other area. . . . The basis of all four problems is the inadequacy of the sovereign states to manage the affairs of mankind in the 20th Century.

Mr. Chairman, thankfully for its members, our subcommittee's responsibilities fall directly into only one of Professor Falk's four areas of concern—that of pollution of our national water supply—though, indirectly and in a longer-ranged context, we must also be concerned with the gradual depletion of our water resources, a fearful thought to man who, since the days of Malthus has chiefly been only worried about running out of fertile soil, fuels, minerals, and other such natural resources.

At one time, this Nation was tempted to view its supplies of clean water as virtually inexhaustible.

That was not a wise thought then; and it is an impossible dream now.

That first national assessment of our remaining water resources made certain facts unmistakably clear. We are shortly to experience a tremendous increase in our population. In the 48 contiguous States, the projection is for a population of about 300 million by 1995 and for 400 million by that year of 2020.

Practically all of this increase will be in urban centers, which presently contain about 72 percent of our population in a land area of 2 to 3 percent. As we were told, this concentration of the population will bring about many water and related land-use problems. The natural distribution of annual rainfall in this country does not conform to this concentration of population so that, in many areas, it will be necessary to store, divert and redistribute the available waters on a regional basis.

Those waters will also have to be used over and over again—and we are required to decide, now, how this is to be done.

That the American people, at long last, understand this and are willing to support the efforts that have to be made, has been made self-evident in many ways.

A recent Gallup poll indicated that 86 percent of Americans are concerned—over 50 percent "deeply concerned"—about the condition of their natural environment; and, to back that up, three out of every four persons interviewed said they would be willing to pay additional taxes to improve their natural surroundings.

It was as if the people were repeating to themselves these marvelous words from Pogo, the comic-strip character:

> We have met the enemy and he is us!

Out of such a background it was almost inevitable that a "Citizens Crusade for Clean Water" would emerge; and it was about as inevitable, if it is true, Mr. Chairman, that some 222 of my colleagues have already committed themselves to what they understand to be "full funding" of Interior's construction grant program for waste treatment plants.

Though this is only one of several programs we fund, all bearing on the same general problem—including some for the Atomic Energy Commission concerning which I shall comment later—naturally enough, this is the program that, this year, gave us the most trouble.

In admitting that, I do not wish to leave the impression that the subcommittee—or the full Committee on Appropriations—in coming to the final recommendation it has for this essential program, was only reacting to the efforts of the Citizens Crusade. They were a factor, of course. We would be less than candid, if we said they were not.

And, yet, it would be my assessment of the thoughts of a solid majority on this subcommittee that this was one Federal program—and a very basic one—in the whole national effort to preserve and improve our environment where performance was lagging far behind promise, and had been, for a number of years.

Thus, we were unhappy—it needs to be said—with the budget request of only $214 million as made for the purposes of this program by the out-going Johnson administration in January. We could well understand why President Nixon, in view of his overall fiscal problems and budgetary goals, decided not to increase that request but, in the minds of several of us, it was still an unrealistic figure.

What is a "realistic" figure for this

program—in view of the national problem with inflation, and the capabilities of the local municipal entities who in most instances must more than match the Federal grant moneys?

We firmly believe the $600 million we are suggesting you appropriate for this program, along with an unobligated balance of $64.9 million—which will make nearly $665 million available in this fiscal year—to be completely realistic, and we urge you, regardless of the tentative position you may have taken on this issue, to consider it as such.

We know that this year's authorization for this program is for $1 billion—and that this figure may, in some ways, be regarded as a Federal commitment of sorts; but we urge you to remember that seldom, if ever, are program authorizations considered to be spending floors, only spending ceilings that, periodically, need to be reviewed by the proper legislative committees. If the reverse were true, we suggest there would no longer be any need for an Appropriations Committee, as such.

We also ask many of you who have committed yourselves to the principle of full funding for this program—that we support, even as do you—exactly what it is you had in mind in making that commitment.

Was it full funding for your State?

If so, we ask you to check the information that has been made available to you, now, in table form at the committee desks, which shows the States whose needs under this program are fully funded at the $600 million recommended level—covering those needs as measured in terms of applications for grant moneys now pending in State or regional offices, and in terms of reported needs at the local level as well, which in most cases may represent applications that will not actually be processed or even filed for some months or years yet to come.

Is your State fully funded on either or both of those bases?

If not, it is quite likely that, just as with my State of New York, there is no possible way, under the present allocation formula as written into law, that it can be.

Why is that?

Well, as the committee report attempts to explain, of the total reported pending applications involving grant estimates of some $2.4 billion, some $1.7 billion reflects, for five States, estimates far in excess of the allotments to which they would be entitled even under the full $1 billion authorization.

That these are the five States with the greater reported need also indicates—at least in great part—that they are also the five States whose citizens have mounted the most vigorous attack on water pollution within their borders.

Herein lies one of the tragedies of the current allocation formula—something that certainly should be reviewed by the appropriate legislative committees of the Congress.

For there is no way, for instance, by which a Representative of the State of New York, like myself, could get full funding under this program at the present time insofar as our reported needs are concerned.

This is because $1.3 billion of that reported total backlog of $2.4 billion pertains to New York which, even under the full $1 billion authorization, could this year receive but $89.2 million.

So to those of you who, like myself, are from these few short-fall States under the present method of allocating funds for this program, and wish to support full funding for it, I suggest you direct your efforts at the Committees on Public Works of this and the other body. It is there, and there only, that we will obtain relief.

Now, quickly, I know it may be said that I am not quite accurate in that statement—and that, by going for the full $1 billion now, we may obtain full funding through a sort of back-door approach.

This is, at least, partially true in that, after about a 2-year period, the excess moneys for the States whose needs you would over-fund at a $1 billion level—or even at a $600 million level, for that matter—and I suggest you again look at your tables, will then revert into a kitty of sorts from which the Department of Interior can attempt to take care of the needs in the underfunded States.

This is, of course, always a possible "solution" for those of us from States like New York—but I hardly think it a responsible solution.

Within that rough 2-year period, while we wait for that "kitty" to build up in this roundabout fashion, two sessions of Congress will be held, during either one of which this whole problem of proper allocation of funds could be gone into, and two more Public Works Appropriation bills will come along, in either one of which such future adjustments as might be needed for this program, related to our then fiscal situation and the changing pattern of need, could be made.

Now, shortly, when the anticipated amendment to increase this committee recommendation to the full $1 billion is offered, we will be in one of these pushing and shoving matches we occasionally get into trying to prove we are more "for" clean water, in this instance, than the other fellow.

Well, I understand that urge, Mr. Chairman—it pulls on me, too.

But, if you vote for the $1 billion, you will be overfunding, under the allocation formula, eight more States than is the case at the committee figure, while still leaving 10 States less than fully funded insofar as applications pending at State or regional offices is concerned; or 18 States when considering reported local needs, as well.

There are two ways of measuring the total amount of such overfunding: It would amount to $337 million, or thereabouts, if you include in reported local needs, or $437 million if one just counts the dollar backlog of applications pending at State or regional offices.

It is true that, at the same time, New York for instance would become eligible in this fiscal year for $89.2 million if a full $1 billion were appropriated and obligated, as compared to only $52.3 million under the committee figure of $600 million in new obligational authority.

That is an increase for New York of $36.9 million in this fiscal year, and you may well ask why I am not reaching for it.

There are several reasons.

First, though if we got that much more Federal assistance we could surely use it, this seems to me to be a clumsy and irresponsible way of trying to make the best out of a bad allocation formula that is clearly in need of a rewrite job.

Second, I very much doubt that, even if we appropriate the full $1 billion, the administration would, in view of the serious fiscal problems it faces and its announced position relative to the need for temporary restraint in public works spending, allocate—or obligate—anywhere near that amount.

I am not even sure we could properly ask it to do so, while at the same time urging it—as some of us are—to agree also to release at least a major portion of the moneys over and above the budget requests we have already tentatively voted for various educational programs.

Certainly, some degree of realism and responsibility is required of us in this connection—no matter how strongly we wish to register our support of clean water.

Now, finally, if you have committed yourself to full funding, did you mean the full $1 billion authorization or the largest amount—under optimum circumstances—that could probably be used for this program's purposes this fiscal year?

As best I can find out, that figure would be very close to the $600 million we are recommending.

In round figures, about $850 million worth in applications for construction grants is now pending in State and regional offices. This is the action backlog, from all States. It is safe to assume that about 30 percent of this backlog—or $250 million of it—will not come to fruition in this fiscal year for lack of matching funds, engineering-design deficiencies, and like reasons.

This leaves the $600 million the committee recommends as the largest total that could probably be obligated—even if the administration were of a mind to do so. Of that amount, at a guess, perhaps as much as $400 million would be used to fund new projects, $100 million would be applied to reimbursement on those projects that have gone forward in a few States—under another section of the basic law that is also in need of review—without the benefit so far of Federal funds, and the remaining $100 million would be reallocated under the formula to take care of the needs of previously underfunded States.

This is why—if you have been able to follow all this—that even I, as a Representative from New York, the State with the greatest need under this program, support the committee figure, which is one I have worked hard to be able to bring you.

Now, again, I recognize that this—for New York—is not full funding; but I, for one, am going to work for that principle through asking the Committee on Public Works to give early consideration to a review and revision of the allocation formula under which this program is forced to operate, and asking it, too, to give consideration to such proposals as that made by the gentleman from Florida (Mr. CRAMER) and myself, under which construction grant moneys could be advanced to the local municipalities on an installment basis, rather than in a lump sum, which is an alternative approach to full funding at least until our fiscal situation eases.

And, finally, I am going to work for that principle by urging the Congress to give early consideration to the tax-sharing—or revenue-sharing—proposals the administration and many of us have made. I say this because it should be apparent to anyone who really studies this program and its workings, that one of the greatest inhibitors of progress toward clean water thereunder has been the inability of our local governmental units to come up with their share of construction moneys for waste treatment works.

Some years back, in a move I strongly favored, we did write incentives into this program's legislative structure which we hoped would bring the State governments into the national attack on water-pollution sources. This has not worked out as well as we had hoped, since only 14 States—Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Wisconsin—now supplement local and Federal funds for waste treatment works. One has to assume that this is because the States, with the other demands being made upon them, are hard pressed to do so—and that, therefore revenue sharing would be one way to encourage them to try. In any event, this is one area wherein such articulate proponents of clean water as the League of Women Voters could be helpful, and to which they should direct their attention, for even if we are eventually successful in Congress in obtaining full funding in a real sense of the Federal commitment to clean water, the national challenge we face will never be overcome until local municipalities have the presently disproportionate burden for progress they bear somehow eased.

Mr. Chairman, as so often happens around here, there is much more in this bill that we should talk about than the one major issue—funding of the waste treatment program—that has developed out of it.

The Federal effort to protect and preserve our national supply of clean water has more than one facet to it. Indeed, it has many facets. I have already mentioned the work of the Water Resources Council, one of whose other missions is to strengthen the Federal-State partnership in the water resource field. Then, there is the water quality management planning and study work conducted by the Federal Water Pollution Control Administration, within the Department of the Interior, and its vital research and training programs, for all of which we have allowed increases over the 1970 budget estimates including, specifically, up to $2.2 million to begin developing new methods and techniques and preliminary plans for attacking pollution of the Great Lakes, one of our most important national resources. It is very late to begin such work, especially when one of those bodies of water, Lake Erie, is as near "death" as it is, but a beginning must be made, and this year.

And, then of course, there is the work of the Army Corps of Engineers and the Bureau of Reclamation, all bearing in some fashion on the control, management, and protection of our available water resources.

Considering the growing work backlog being experienced by both such agencies, it is unfortunate, of course, that we did not feel able to make more than minor adjustments in the budgetary requests. But, to revert a moment to Professor Falk's words as quoted at the beginning of my remarks, it is here evident that the four threats to mankind's future on this planet as he described them are interconnected—and that a problem in one area, having in mind the continuing cost burden of the war in Vietnam, does render it more difficult to solve problems in all other such areas.

As I have noted, our subcommittee is very conscious of the interrelationship between public works spending programs and inflation. There may be some argument about how direct that relationship is, but there is little argument over the fact that many public works projects, while essential, can be—and perhaps should be—deferred during periods of budgetary stringency without anyone being harmed. Similarly, they can be stretched out during such periods without a great deal of public damage. Of course, this is not always the case and, as I have noted, the subcommittee has carefully sought to determine wherein lay the true priorities on a project-by-project basis in this connection.

At the same time, there comes a point where such deferrals or such stretch-outs represent a "penny wise but pound foolish" approach. As we point out in our report, contracts delayed a year or more now can be expected to cost anywhere from 6 to 12 percent more than the current estimates simply because of the built-in inflation now being experienced by the construction industry. Similarly, it generally costs more to slow down a project that has begun that it does to go ahead and finish it even when money is tight.

Thus, the subcommittee has seen fit to restore some reductions as made during the Nixon revision of the Johnson budget, and in a few instances to fund a number of the smaller but urgently needed studies, planning and construction starts that did not find their way into—or were cut out of—the revised budget. It is important to note that, in so doing, we were able to cover the overall change we thus made in that portion of the budget before us by making offsetting cuts elsewhere—and, in fact, would still have been able to bring you a bill carrying a dollar total below the total budgetary request except for our action, as I have described it, on the waste treatment program where we simply read the national priorities differently than did the President.

I support this action on our part. It is necessary to continue to meet this Nation's needs for flood and hurricane protection, for the promotion of navigation, for water quality and water supply and related purposes, as for reclamation purposes—albeit on a reduced level—and to continue planning work on the more urgently needed of such projects against the day when they can be begun. We may be involved—overinvolved in my mind—elsewhere in the world, but we can ignore our true national needs only at our own peril. It is never easy to find the proper balancing point in such a time as this—but we have done our best in trying to do so.

Mr. Chairman, before leaving the Corps of Engineers' portion of our bill, I would like to take note—as I did frequently during our hearings—of the distressingly disproportionate share of the corps' construction and planning work being allocated in recent years to my State of New York and, for that matter, to the Northeast in general.

In the January budget, New York's share in such work amounted to only $11 million, or 1.3 percent of the national total. This figure—and percentage—was then reduced in the revised budget to $3.3 million and only 0.5 percent.

In view of the fact that the people of New York constitute over 9 percent of the Nation's population—and have some very urgent needs of their own to which attention is long overdue—our share would seem to be an unrealistically small share of the national total. Certainly, some corrective action in future years would seem to be very much in order, especially when one considers such vital projects as the channel-widening work needed for safety purposes in Newark Bay and the deepening of the New York Harbor anchorages. Both projects would serve the Port of New York through which oceanborne foreign trade generated, in 1968, more than $940 million in customs revenues, and thus nearly one-third of all customs revenues for the entire Nation. As against that $940 million figure, the $3.7 million as now recommended for these two vitally needed projects still looks pretty small, though I am, of course, thankful for the fact that these two items did have the cuts made in them by the revised budget partially restored by action of the subcommittee. Still, at this rate, it will take far more years to complete these projects than it should, and it needs to be remembered that the eventual benefits therefrom benefit not just New York but the entire Nation.

There are two other projects in—or affecting—New York that I would also like to mention in discussing the corps' activities.

The first affects Niagara Falls—truly one of the world's "wonders" if not specifically mentioned as such, and surely of lasting importance to honeymooners—where the corps has built a temporary cofferdam that closes off the American side of the falls, leaving that portion of the channel dry so that exploratory work can be undertaken in an effort to determine why our part of the falls has, literally, been falling down. We have allowed the full $600,000 budgetary request for the purposes of this surely unique study that is being conducted by and with

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the cooperation of the Canadian Government. In time, we should know what corrective measures, if any, can be taken to preserve this national monument.

The second relates to the nearly-finished, comprehensive restudy of the Susquehanna River Basin in the tri-State area of New York, Pennsylvania and Maryland. The $829,000 allowed by our subcommittee for this work will enable the corps, as the lead agency, to complete this project that I had the honor to help start, years ago, as a member of the Public Works legislative committee. This work will, in time, become a pilot for many other basin-type studies of the sort needed if we, as a people, are going to be able to plan and manage the protection and development of our great river systems. I am convinced this is the way in which we should proceed in our national effort to find a workable and acceptable framework within which to ensure against the mismanagement, and eventual exhaustion, of our water resources. Some tentative decisions—and a tentative plan—has emerged from this study of the Susquehanna's problems and potential, and these have been submitted to preliminary public scrutiny. Unfortunately, at some of the public hearings held by the corps in this connection the public got the idea that the corps was telling it what the corps planned to do in their river basin, rather than—as was the case—asking that same interested and concerned public to work with the corps, and the other interested Federal and State agencies, in an effort to decide what ought to be done. It is obvious, I think, that the corps still has a public-relations problem to resolve in this connection, and it ought to carefully reconsider its whole approach to this problem of arousing—and gaining—public interest in, and support of, developmental plans for river basins.

Turning now to some of the other programs in this bill, there is not much to add to what others may have said about the program of the Tennessee Valley Authority. As a more or less independent corporate agency of the Federal Government, we have only oversight authority over what it does, or does not, do; however, as I pointed out at the hearings, I feel the TVA people are going a bit too far when, as in their demonstrations in education and manpower development program, so-called, as for their Sequatchie Valley project, as I believe it is called, they propose to provide the local school districts with at least indirect Federal moneys for construction of school buildings. I would not question the fact that such new buildings are badly needed, or that they cannot perhaps be provided out of an inadequate local school tax base. But I doubt very much we really need a "demonstration" of this sort to prove that grant moneys—which is what TVA is contemplating—for school construction purposes would be a helpful thing anywhere in any of the 50 States, let alone in whatever economically depressed areas still remain within TVA's area of interest and concern.

The taxpayers in school districts all across the State of New York quite properly groan under the burden of school taxes they now have to pay. They need no one such as the TVA to "demonstrate" for them that Federal construction moneys in grant form—whether directly or indirectly given—would be helpful to them. Of course, they would be, and probably what I am really complaining about is that some of the rest of us outside the TVA area wish we had a TVA to help us with such demonstrations.

However, since this is an issue that Congress has previously marched up and down the hill on several times without coming to any final decision, I will endeavor to satisfy myself with the thought that this item is just one more boost for early congressional consideration of some form of revenue sharing with the States, and let it go at that.

With respect, Mr. Chairman, to the $917,090 we have recommended, and this is the budget estimate, for the further purposes of the so-called Atlantic-Pacific Interoceanic Canal Study Commission, it should be noted that this body's work is—or was—nearly finished. Mr. RHODES, Mr. DAVIS, and I were all in Panama and Colombia last December to review, and better understand, the work and problems faced by this Commission. We were impressed by the objectivity and thoroughness with which it has approached its mission—a most difficult one, involving engineering, economic, and political problems whose resolution it is difficult to foresee. Its study was supposed to be completed by December 1, of next year—with another $263,000 required to complete it in the next fiscal year. However, recent newspaper reports of a tentative agreement between Panama and Colombia with reference to a proposed compromise route for a new, sea-level canal partly in Panama and partly in Colombia may now have thrown the timetable for the Commission out of kilter.

In any event, it seems clear that this important work needs to go on during this fiscal year—after which we will just have to wait and see what develops.

This brings me finally, Mr. Chairman, to a discussion of the major portion of our bill that relates to the activities of the Atomic Energy Commission.

We have cut some of the AEC's programs rather severely—but, while there will be some unhappiness about this, I think responsible so in view of our other problems.

At the same time, as encouraged to do by the Joint Committee, we have added an unbudgeted $800,000—as provided for in this year's authorization bill—to enable the AEC to begin design and fabrication work on a radioisotope engine for an implantable artificial heart. This is under the circulatory support systems program—in the isotopes development program—for which a total of $1.59 million will now be available.

Mr. Chairman, as the record of our hearings this year and in prior years will show, this is a project that has had my strong backing and support. It is an exciting project—and one that I believe holds forth promise of a dramatic breakthrough on the true frontiers of medicine, today.

The National Heart Institute has an artificial heart program, on which progress has been made most slowly, largely because their attention has been directed, primarily, to preventive medicine research and to the development of what are called heart "assistor" devices.

But what we are talking about here, and what I firmly believe can be done, is a situation where we would replace the biological heart, itself—which is basically a pump—by inserting into the body a completely implantable, artificial heart which would be powered by nuclear energy. AEC has not yet been permitted to initiate such work but, in view of the promise it holds forth, we believe they should be since heart disease remains the Nation's No. 1 killer, and the problems encountered in finding human donors of biological hearts may never be fully overcome.

Mr. Chairman, I should like to conclude my remarks—though there really are many more items in this bill that deserve comment—by addressing myself to the serious situation we are getting into, in this Nation, with respect to the obvious need to use nuclear energy as a generating source for the tremendous increase in demand for electrical power we have already experienced—a demand that cannot help but go on doubling about every 10 years.

The AEC is charged both with the responsibility of regulating the use of nuclear energy and for promoting its use.

This is a situation that, by itself, seems to invite controversy, and the controversies that have developed across the Nation between those who are trying to help meet the mounting demand for electrical power through use, in part, of nuclear energy, and those who see virtually any domestic use of nuclear energy as presenting a serious environmental threat, have been increasing both in numbers and in intensity.

Unfortunately, the AEC—and often the Congress—finds itself in the middle on such disputes, and what we seem to be heading toward is a national stalemate shrouded, not to make a pun, in far more heat than light.

This is a very urgent matter, demanding our early and full attention in an effort at finding some reasonable accommodation—as the gentleman from California (Mr. HOSMER), has recently said—"between the demands of the environment and the social benefits of technology."

Without intending to be overly critical, I would have to say that I believe the AEC has been far too slow in recognizing the true dimensions of this problem or, indeed, that it even had a problem.

That problem is at least two-fold in nature—first, relating to the tremendous quantities of cooling water nuclear-powered steam-generating plants require, and to the hot waters that some regard as "thermal pollution" which they thus discharge, and secondly, to that always troubling question of radioactive pollution for it is probably impossible for any such plant to operate with zero release of radioactive elements.

There are, also, great problems to be solved with respect to the proper siting of nuclear-power generating plants. This phase of our problem needs badly to be

further explored, and the preliminary study into this as made about a year ago under the auspices of the Office of Science and Technology picked up and carried forward.

There are available alternative methods for the design and construction of such plants that will help reduce the problem—and the hazards—of thermal pollution but, again, we need to do a great deal more research into this particular problem for we know far too little about it yet.

Finally, in view of the developing battle between conservationists and the AEC over radioactivity—something that, in Minnesota, at least, has become the subject of a court action to determine whether or not that State can prescribe more strict controls over radioactive discharges than does the AEC, as the licensing agency—it appears to me that the Joint Committee should, at an early date, do what it can to probe into the complex and highly technical issues here involved, and to help develop a broader base of public understanding than now exists about the true hazards of peaceful uses of nuclear power so that the "accommodation" of which the gentleman from California (Mr. HOSMER) spoke can, perhaps, eventually be arrived at.

Mr. Chairman, I wish I had more time to deveote to this subject—that I attempted to explore, in part, during our hearings this year, with especial reference being made to pages 58 through 95 of volume 4, thereof—for it is a very serious matter, as I have said, and one to which we must give attention.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Chairman, I thank the gentleman from Tennessee.

Mr. Chairman, I take this time to direct a question to the distinguished chairman of the subcommittee. In my part of the country in the past few years we have had one disastrous hurricane after the other. This committee has been very helpful and has appropriated what the Bureau of the Budget has recommended for the past several years, but each year the funds are not spent in their totality, which means that these projects are not moving ahead as fast as they could and as fast as Congress wants them to move ahead.

Just a few months ago, Mr. Chairman, we had a new hurricane, Camille, which devastated the Mississippi gulf coast, and Plaquemines Parish, La. Some projects in those areas are behind schedule. What good does it do us to appropriate these funds if they cannot be spent?

Mr. EVINS of Tennessee. I might point out first that the committee, to expedite construction, has restored, where applicable, 50 percent of the Nixon cutback in the April 15 budget revisions. We have restored funds on 90 projects. Only 50 percent was restored as about one-half of the fiscal year will have expired before this bill can become law. But I share the gentleman's concern about the freezing of funds by the Bureau of the Budget.

Mr. BOGGS. But, Mr. Chairman, 50 percent is still 50 percent of the 100 percent we have appropriated. These projects are all of an emergency nature. It is a great waste to the Government not to be building the projects.

It cost the National Government hundreds of millions of dollars in Louisiana and the southeastern United States 4 years ago after Hurricane Betsy and nobody knows what this latest hurricane will cost—yet it was developed in New Orleans this week at public hearings that $2 million which we appropriated for fiscal 1969 for hurricane protection was not spent.

Mr. EVINS of Tennessee. In another bill pending in the Senate we have provided about $50 million for disaster relief, I will say to my friend.

Mr. BOGGS. But the point I am making to my distinguished chairman is it is costly to have disaster relief every time a disaster hits, when the Public Works Committee and this subcommittee have provided funds to prevent some of that damage, but those funds have not been spent.

Mr. EVINS of Tennessee. I share the concern of the gentleman that these delays result in greatly increased costs as we emphasized in our report. We will continue to do everything we can to get the Bureau of the Budget to make the funds available.

Mr. BOGGS. Mr. Chairman, I thank the gentleman from Tennessee. I hope the gentleman will impress upon the Bureau of the Budget that these are emergency projects and the more we delay them, the more they will cost the Government.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Chairman, for many years I have appeared before the Public Works Subcommittee of the Committee on Appropriations on behalf of the Fourth Congressional District of the State of Washington in order to outline the status of water resource development in our region and to identify those items which required the special attention of the committee. I have done this to help assure that our Federal investment is carried out in a manner which serves the orderly requirements of the region, which protects the public investment, and which prevents future crises in the interrelated balances which are always involved in comprehensive regional development.

We have, Mr. Chairman, a crisis in southeastern Washington State. The crisis is on the Columbia Basin project, started after World War II as a 1 million-acre undertaking to turn sagebrush into variety foodcrops. Today, nearly 25 years later, the project is virtually bogged down at the halfway point. We need, and we have needed for a long time, to construct Bacon Siphon and tunnel No. 2. This is the key to our future development and without it the remaining lands cannot receive water.

The committee, in its wisdom, has included $650,000 for the Bacon Siphon and tunnel No. 2. This action, if sustained, will make it possible for the Bureau of Reclamation to award the construction contract in January 1970. This construction is vitally needed, and the committee is to be congratulated for its concern about the Columbia Basin and its action.

The committee has, in addition, provided an additional $200,000 for the Wahluke Slope, block 251 of the Columbia Basin project. This is vital, too. Unless these funds are provided and utilized, there would be a break of at least 9 months in the continuity of construction on the Wahluke Slope. This program, as provided by the committee, can advance construction to begin this December.

The crisis to which I referred, Mr. Chairman, also extends to the Snake River in my State. Full use of both the Snake and the Columbia River water resources has again been delayed by slippages in completion of Lower Granite lock and dam on the Snake River. This and other slippages may cause serious power deficits from the Columbia River system and delay water storage for flood control as well as full and most economical use of the navigation benefits afforded by the series of locks and dams on the Columbia and Snake Rivers.

Lower Granite is the last lock and dam on the Snake River to extend navigation inland. Until this dam is in place and the lock and pool in use, the navigation benefits of the other series of locks and dams—Bonneville, The Dalles, John Day, McNary, Ice Harbor, Lower Monumental, and Little Goose—cannot be realized.

The committee, again in its wisdom, has taken a step to avoid further slippages in the timetable for completion of the Lower Granite project, by providing $1,000,000 for construction. This amount, when added to previously committed but unspent construction funds, should be sufficient to avoid further slippages and prevent a continuation of the heavy costs associated with delay. I am grateful to the committee for this action.

Second. Mr. Chairman, I should like to support the item provided by the committee for construction grants for waste treatment works. I share the committee's concern that the budget crisis in recent years has not permitted more adequate funding of grants for building waste treatment works to help clean up the Nation's streams and waterways.

We have much to do in this area. The committee's provision for $600 million will allow us to do a little more, and do it without throwing completely out of balance the interrelated activities of our water resources program as provided in this appropriations bill. And when we can bring inflation under control and the budgetary crisis is past, we can devote much greater efforts to water pollution abatement in our total water resources program.

But lest some feel that until that day comes we are making no progress at all, I would like to help dispel such feelings right now. Water quality problems are probably felt most severely in my congressional district in the State of Washington in the Yakima River. As an intrastate stream, the Yakima River is under

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the jurisdiction of the Washington Water Pollution Control Commission—WPCC. Irrigation is the major factor affecting the water quality. As with many other "irrigation streams" hot weather and low flows increase the adverse effects of irrigation return flows upon water quality.

The State of Washington is setting water quality standards for its intrastate waters. Public hearings on the proposed standards for the Yakima River were held this July. These hearings were held to, first, identify desired water uses, now and in the future; second, establish numerical criteria to protect water quality for those uses; and, third, to provide the basis for an implementation program to which the desired water quality.

The job of the Federal Water Pollution Control Administration—FWPCA—is to support State pollution control programs. The funds provided by FWPCA are for both financial and technical assistance to the States upon request. In the Yakima Basin, the State and FWPCA have helped municipalities finance sewage treatment plants. Snokist Growers in Yakima have an FWPCA research and development grant to demonstrate secondary treatment of fruit processing wastes. Other FWPCA grants are supporting research on controlling pollution caused by irrigation. FWPCA's Robert S. Kerr Laboratory in Ada, Okla., has national responsibility for staff research on the control of pollution from irrigation return flows.

The Bureau of Reclamation's proposal, which is to be transmitted to the Congress at a later date, will include additional storage in Bumping Lake Reservoir near Yakima for fish propagation. The increased flows provided by this storage will satisfy water quality needs in the Yakima Basin to the extent possible with available water supply and prior water use appropriations for irrigation, flood control, and recreation.

Mr. Chairman, the success of pollution control programs depends upon public knowledge and awareness and coordinated pollution control efforts at all levels, both in and out of government.

I am pleased the legislation before us today is designed to move forward in balanced progress.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Pettis).

Mr. PETTIS. Mr. Chairman, I thank the gentleman from Arizona for yielding to me.

I wish to express my full support for the public works appropriations report which we are considering today, particularly those programs which provide for flood control. In fact, I would have preferred to see additional funds appropriated for these vitally needed projects. I believe we are entertaining a penny-wise, pound-foolish approach in this area because the relatively few dollars we might save on appropriations today will be multiplied many times over in funds we will have to expend later in flood and disaster relief.

The report calls for a modest $4.5 million, approximately, for proposed and progressing projects in my own particular district, California's 33d, but I know that these works will ultimately avoid loss of life and save uncountable millions in public and private property damage.

The two big storms of January and February of this year wrought the greatest havoc ever caused by the elements in San Bernardino County's history—in terms of dollar loss. The damage estimate in both the public and private sectors totaled more than $80 million. No other disaster we have ever experienced comes close to that. The total damage caused by the devastating 1938 flood was $12 million, although if that were to be adjusted to the present-day value of the dollar, it might approach the impact of the 1969 losses.

Fortunately, the early 1969 floods did not result in a record loss of life. Fourteen deaths were attributed directly to the 1938 flood in San Bernardino County, compared with nine deaths this year, despite the fact that water flows equaled that of 1938 in many streams, and even exceeded them in some. And the population of the county has increased fivefold in that 30-year interval.

The point I would like to make here is that we have had this year storms comparable to those of 1938, yet fewer persons lost their lives although five times as many people were living in the path of the flood. We can attribute this in large measure to the flood control works completed and in operation in my district since 1938. Without those works, it is reasonable to estimate that 70 to 100 persons would have died in the January and February storms. We can talk about the value of flood control works as investments that are quickly repaid in dollar savings, after they handle efficiently the runoff from a couple of storms, and this is very true. But you cannot measure the true value without considering the life-saving aspects of flood control, nor the terrible disruption of the lives of those individuals whose homes are damaged or destroyed without flood control.

The public damage is bad enough, but roads can be repaired, bridges rebuilt, public buildings cleaned up or rebuilt—all it takes is money, and I hope Congress will give us a hand. The real heartache is in the losses suffered by individuals. We had 70 residential dwellings destroyed in San Bernardino County, and another 680 severely damaged. In almost every case, they were the homes of persons of modest means, and limited income. We have cases of persons who have worked all their lives, paying for their homes, finally reaching retirement when they had planned to settle down and try to make a small pension cover their living costs—something that might have been possible because their homes were paid for. Then they lost their homes—wiped out completely, or damaged so severely that they require considerable funds to bring back to livable conditions. The best we can offer them, apparently, is a loan at 3 percent interest, to rebuild. But they have to pay it back. And under present regulations, we cannot even do that, if they can arrange for loans from commercial sources at 7, 8, 9 percent.

Let us not wait for further massive damage totals to get us moving. Let us proceed in the most urgent fashion to build the facilities we need to prevent this damage, rather than wait until we have another flood and then scratch around for the money to bail ourselves out again.

We will have potentially damaging storms again. The record shows that California—and I am talking about my district in "sunny" southern California—has suffered severe damage from rainwater runoff at least 10 times in this century: In 1910, 1914, 1916—when nearly all the county's newly constructed bridges were wiped out—1938, 1943, two in 1965, 1966, and two so far in 1969. In 1938 and again in 1943, due to wash outs on Lytle Creek, the three major transcontinental rail lines running through San Bernardino Valley were cut and out of service for days. This posed a dire threat in 1943, when the rails were transporting war material for the buildup of supplies needed in the Pacific campaigns. This threat jolted the Federal Government into immediate action on flood works on Lytle Creek. It is worthwhile to note that, although the 1969 storm was comparable to those in 1938 and 1943, those rail lines were not damaged. That is an investment that certainly has paid off.

The San Bernardino County Flood Control District reports that projects totaling about $220 million in cost are needed to complete the flood control protection we need in the county. The local share of this cost will amount to about 20 to 30 percent. This means that for less than $200 million in Federal expenditure we can prevent damages of more than $50 million the next time we have storms such as we have had this year. At least $50 million. The next time, with the growth we are experiencing, the price would go up.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Chairman, I rise to do something which I believe most of my colleague already have been informed about; that is, to announce that I will introduce an amendment to increase the funding of our water pollution abatement grant program to the full level authorized by law, $1 billion.

Before I discuss this matter I should like to sincerely praise the distinguished subcommittee and the full Committee on Appropriations for having recognized the great and urgent national need which exists in the field of water pollution abatement. I commend them for what they have done. I am proud that they have seen fit to recognize the great need. I say they have done good work in this area which is truly an appropriate and properly appreciated effort by all Americans.

However, I say, without regret, that I shall be compelled to offer an amendment which would increase the level of funding of this great program beyond that which is appropriated by the distinguished Committee on Appropriations. The national need is clear. Public opinion poll after public opinion poll has shown that the American people, while rejecting other kinds of governmental expenditures, and while objecting to taxes, support overwhelmingly the idea that we should clean up our pollution

and that we should restore our environment to a decent, a wholesome and a livable environment, and that we should tax to the level necessary to accomplish that end.

Further, I would point out in election after election which reflect the true attitude of the people that bond issue after bond issue has been approved by overwhelming votes.

Mr. Chairman, my friends on the Appropriations Committee have told us that an authorization is not a commitment and it may be in some cases that they are correct, but in this particular case they are not correct. And, there is a very clear reason before us that we can all see. When we pass legislation setting up a schedule of Federal assistance to the States for the construction of waste treatment works, we require certain things. By law the Congress has required the establishment of water quality standards, and by law the Congress has said that if the States would take certain steps, not only would the Federal Government have a grant program, but that it would have a grant program which would afford certain levels of expenditures, including bonuses for certain kinds of behavior on the part of the States. Law requires that the States participating in the establishment of water quality standards so that the States could receive up to 55 percent of the cost of the abatement programs. In other words, that if the States participated and if they had water quality standards they would receive not only grants but a bonus, for compliance with requirements of Federal law.

Mr. Chairman, I think it is very clear that every Member of this House of Representatives at that time voted for that particular bill and was completely and fully aware of the fact that we were making a commitment to the American people, to the States, and communities and the municipalities of this Nation that there would be certain levels of Federal support. As a result of this action on the part of the Congress the States have come forward with bond issues which have been passed in State after State by overwhelming votes based upon the reliance of the promise which was made by this Congress. These votes have been taken in the reliance upon this program by the States and by the elected officials who brought about these referendums that there would be a certain level of Federal participation of funding. For instance, the State of Michigan voted a very large bond issue for this purpose as well as the State of New York and Ohio and any number of other States who have done the same thing in reliance upon our promises.

However, we now find that even with the level of funding authorized by the appropriation before this body today we will be a total of in excess of $800 million behind what the States and the municipalities had reason to expect.

Mr. Chairman, anyone having the idea that we can just turn our backs on this issue and it is going away or that it can be resolved by appropriating the level that is now pending before us is under a complete misapprehension.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield the remaining time available on this side to the distinguished gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Chairman, first, I want to express my appreciation for the committee's consideration of the atomic energy authorization and its action on the appropriation.

I want to particularly express my appreciation to Mr. Wilhelm, the director of the subcommittee staff. Mr. Wilhelm was most considerate in granting time to the staff director of the Atomic Energy Joint Committee and aides to present information and data pertaining to the items in the Joint Committee's authorization bill.

The so-called Nixon budget was, as I remember it, something like $70 million less than the Johnson budget, and the authorizations followed that line pretty closely, and the final result was I think identical with the Nixon request.

Subsequent to that, President Nixon, on September 17 announced that the AEC should receive another $50 million cut. As I understand the action of the committee, there has been a cut of $79,531,000 cut by the House in obligation authority, and that is the equivalent to about $32,250,000 in expenditures.

Mr. Chairman, I would ask the chairman of the committee if that is correct?

Mr. EVINS of Tennessee. The gentleman is correct.

Mr. HOLIFIELD. Now, if that be so, I appreciate the commitee not cutting as much as the President asked to be cut on September 17, which was an additional $50 million cut. If the President withholds the balance of the cut he asked for, which is another $17,750,000, and if he defers, as his order on construction deferrals calls for, another $93 million, this is going to make a substantial cut in the atomic energy program.

I recognize that there is a difference in philosophy between the Nixon administration and the gentleman who is standing in the well of the House, but I just want to voice a note of warning. The Washington Post of October 7 showed a jobless rate increase of a 2-year high to 3.7 percent, or 4 percent, whichever way you want to figure it. The starts on housing have come down from 130,000 to 123,000 units. We are going to have a depression in this country.

You talk about controlling inflation, we are on the road—not to inflation, and not necessarily to the control of inflation—but to a depression, and a depression may hit this country a lot harder than inflation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRICE of Illinois. Mr. Chairman, I would like to affirm the need for the full appropriation of $96 million for the ongoing construction of the 200-Bev accelerator at the Enrico Fermi National Accelerator Laboratory at Weston, Ill., as authorized by the Joint Committee on Atomic Enery for fiscal year 1970.

It is most certainly recognized by all concerned that the major portion of those funds would be obligated for long leadtime items to provide the continuity and orderly progression necessary in a project of this size and importance. It should be noted that not even all of the $64 million voted by the Subcommittee on Public Works of the Committee on Appropriations will be spent this year—it will all be obligated, however. Probably somewhere around $25 to $30 million will be disbursed.

We frequently find ourselves making pious statements in favor of what we call economy when in reality we are worshiping an idol with clay feet. The cut in appropriations for the construction of the 200-Bev accelerator is false economy, and this is why I consider it false economy.

Dr. Robert Wilson, the project leader, has put together a talented, first-class group of scientists and engineers who are highly motivated to see this project through to completion—on time. As of now, they are on schedule. That means first beam by June 30, 1972 and completion of construction by December 31, 1973. However, a fiscal year 1970 construction appropriation of $64 million is expected to delay the project 1 year. It is estimated that this delay will cost some $30 million in increased salaries, services, and cost of materials. Right there we have lost all the economy we have tried to gain. But even worse than this upward creeping of total cost is the impact these delays will have on morale. Failure to provide required resources at this time will inhibit productivity and thwart the initiative and momentum of this group. Because of the reputation this will bring to the project, it will be difficult to hold first-rate people.

If such actions continue, the project will be left in the hands of second-rate people, and second-rate people do second-rate jobs. This is a vicious cycle, which undoubtedly will cost us even more time, talent, and money.

I urge that this House restore the full $96 million to the Enrico Fermi National Accelerator Laboratory so that the talented, dedicated group so concerned with following a tight, economical and sensible schedule can finish this very important and world renowned project as planned.

Mrs. MAY. Mr. Chairman, it would seem to me that the members of the Subcommittee on Public Works of the Committee on Appropriations were not fully informed by Atomic Energy Commission witnesses on two items. These are the requirement for the full $8 million for the new high-level waste storage tank construction at Hanford and the need to keep both K-reactors in full operation, not just in sequential operation as the Appropriations Subcommittee recommends. I have reviewed the record of the May 19, 1969, hearing of the subcommittee and regret to find that some of the answers did not present sufficient information to enable the members to make a sound decision.

The Atomic Energy Commission is an extremely conservative agency. This philosophy stems primarily from the necessity of having to crawl before we learn to walk. Let us recall that when the first

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high-level waste storage tanks were designed and constructed at Hanford. Nobody, but nobody, could even guess what the future might bring in terms of high-level, self-boiling wastes. Building these tanks was one of the cautious steps that eventually led to bigger ones. It should be noted that almost all of these tanks were built in 1955 and prior years. These tanks emulate human beings, too, since they suffer from senescence.

You may recall that four tanks were authorized in 1968, but that because of new construction methods, methods which guarantee no leaks, only two tanks could be built.

I contend that, contrary to incomplete testimony presented to the subcommittee, all four of the high-level waste tanks authorized by the Joint Committee on Atomic Energy for fiscal year 1970 are required, regardless of the on-line time of the K-reactors. They are required to provide a much needed back-up capability until such time as an agreed-to waste solidification program is established.

Now, Mr. Chairman, I would like to address myself to that other item, the operation of the K-reactors themselves.

Current AEC planning for the production of special nuclear materials and other special materials begins with providing for firm requirements as well as for contingent requirements associated with uncertainties. No basis has been defined on which to determine specifically how much constitutes an adequate production contingency. However, general guidance is and has been available from AEC statutory authority, from the Joint Committee on Atomic Energy, from Department of Defense and other agencies, as well as historical performance and records of supply-demand patterns.

The Joint Committee on Atomic Energy recognized the need for establishing reserve stocks of special nuclear material as early as 1956. In addition, uncertainties in requirements and the long leadtime needed for production of plutonium, particularly if shutdown reactors have to be restarted, were recognized by the Joint Committee in their report on authorizing appropriations for the AEC for fiscal years 1968 and 1969. The following statement for fiscal year 1969 is taken from page 13 of that report:

> Since lead times for production of special nuclear materials are generally greater than those for the production of nuclear weapons, the committee believes cutbacks in production of these materials should not be too closely gaged to current weapons production rates or the conservative estimates of requirements for peaceful application. Ample quantities of special nuclear materials should be maintained in stock to provide for contingencies—both for the weapons program and for peaceful uses. The Joint Committee will be observing closely the Commission's performance in meeting requirements for special nuclear materials.

Mr. Chairman, in view of the substantial uncertainties existing in the projection of future requirements for reactor products, I advocate the provision of an ample quantity of reactor products above currently firm requirements so that we do not have to resort to crash programs and incur heavy costs in the restart of existing standby reactors.

The Joint Committee on Atomic Energy, in acting on the fiscal year 1970 authorization bill, analyzed the supply-demand picture for reactor products and has concluded that continued operation of six reactors is necessary. Production commitments can be adjusted as changes occur to minimize costs yet still assure a response that is adequate to meet future changes that may occur through the planning period.

Mr. Chairman, under these conditions it is quite clear that the Nation has a heavy responsibility to insure that an adequate supply of reactor products is available. Let us not be in accord with the old axiom—pennywise and pound-foolish. It would be very shortsighted to plan the breeder programs and then find that there is an artificially created tight situation because not enough plutonium was available to get the program going. And the K-reactors are being used to test prototype fuel elements using uranium carbide and plutonium carbide for the fast breeder program. Sequential operation of the reactors, as provided in the bill before us, will slow down the program as well as increase hazards if the fuel must be shifted between reactors.

It would seem to me that $3 million to provide plutonium and to test new fuel concepts for the breeder programs is indeed a bargain price.

Mr. LUJAN. Mr. Chairman, I rise to commend the chairman and members of the Appropriations Committee for their long months of dedicated work on this vital legislation. We all are aware of the stringencies placed on them by the current national effort to combat inflation through reduced spending, and we all realize that there were hundreds of worthwhile programs that simply could not be funded this year.

The committee was faced with the almost impossible task of sorting through a huge backlog of projects and choosing those of only the utmost national importance for approval this year.

Each of us, in every State, has had the unhappy experience of seeing projects which were considered crucial at the local level being postponed or drastically reduced because of lack of money. Yet the result, as contained in this measure just passed, is recognized by all of us as a wise and prudent selection in the best overall national interest.

I wish particularly to commend the outstanding efforts of the Subcommittee on Public Works, which bore the brunt of this task. While many projects in my district were reduced along with the many hundreds of other projects across the Nation. The members of this subcommittee were responsive to an emergency flood situation that existed in Albuquerque and took time to study the matter most carefully. I join the stricken and endangered people in Albuquerque's flood section in thanking the subcommittee for its thoughtful and timely adjustment in the appropriation for the south diversion channel project. While we are very disappointed that the appropriation was not returned to its original requested amount, I am assured that the restoration made by the committee will enable us to proceed with this crucial flood-control construction, and I am certain the committee will recommend full funding as soon as the present fiscal emergency passes.

Mr. FEIGHAN. Mr. Chairman, it is most fitting that we Members of Congress express our appreciation to one of the most distinguished and able colleagues, MIKE KIRWAN. His effective work in this body on behalf of the welfare of the people of this great Nation is almost immeasurable.

I am certain that we all hope for his recovery and look forward to having his genial personality in our midst soon.

Mr. STOKES. Mr. Chairman, on April 16, I rose to support an amendment offered by my distinguished Ohio colleague (Mr. VANIK) which would have earmarked $100 million in authorization to combat pollution of the Great Lakes. I pointed out that Lake Erie was in grave danger of being murdered by polluters and that the Cuyahoga River was considered a fire hazard.

The major developments since that date are three: The Cuyahoga River has again caught on fire; Lake Erie has been proclaimed dead on a national television show; and the House Appropriations Committee has appropriated $600 million for pollution control, $2.2 million of which is earmarked for the Great Lakes. Naturally, only the third item provides much consolation to those of us in the Cleveland area who do not wish to end up as laboratory specimens in a formaldehyde of our own creation. For substantially raising the appropriation level, and for the earmarking, the first legislative recognition of the dire pollution problems of the Great Lakes, I applaud the distinguished chairman of the committee (Mr. MAHON).

But even the bill in its present status is not adequate. Grave difficulties must beget grave solutions or become insoluble difficulties. Certainly, such is the case with water pollution. Unless stringent measures are adopted forthwith, two-thirds of all the water in this country will be poisoned by the end of the next decade—and we will have made a substantial beginning on the ocean. The technology is available, the money is obtainable. All that is lacking is the necessary political courage.

Lewis Mumford, renowned expert on urbanology, stated in commenting on the relationship between environmental dissolution and urban decay in former civilizations:

> The displacement of Nature in the city rested, in part, upon an illusion—or indeed a series of illusions—as to the nature of man and his institutions: the illusions of self-sufficiency and independence, and the possibility of physical continuity without conscious renewal. Under the protective mantle of the city, seemingly so permanent, these illusions encouraged habits of predation and parasitism that eventually undermined the whole social and economic structure.

Those are frightening words, Mr. Chairman, when one considers how Americans have responded—or rather not responded—to the pollution of their environment. We must heed Mr. Mumford's warning or his words could well become our epitaph.

Mrs. GREEN of Oregon. Mr. Chairman, last night, Douglas Kiker's presentation on pollution in the environment on NBC's "From Here to the 70's" was both timely and frightening. Timely because it came on the eve of our debate here today on the funding for the Clean Water Restoration Act, frightening because of what Mr. Kiker had to say about our chances for survival in a world which we are very rapidly contaminating. Quite frankly, we are running out of time. Our efforts to preserve and clean up our environment are running behind our country's reckless pollution of the air, pollution of the water, dumping of solid waste garbage on our land, and uncontrolled urban growth.

The experts quoted last night in the NBC report gave us 10 years to solve the problem—10 years and that's all. After that the bitter satire contained in the recent issue of the Harvard Crimson may very well be true. It foresaw a land of silent springs, oceans of dark and deadly waters, a poisoned atmosphere that strangles what life might have survived on the exhausted earth.

If we do not reverse present trends by the end of this century, two-thirds of our water supply will be polluted by hundreds of chemicals being dumped into the water.

If we do not reverse the trend, the 3½ billion tons of solid waste that we dump onto the land each year will soon be towering over us.

If we do not reverse the trend, the 140,000 tons of fumes that are pumped each year into the air over our urban areas will pull a black and smelly shroud over our Nation's cities.

If we do not insist on quality as we plan our urban growth, our cities by the 1980's may very well be concentration camps created by advanced technology.

It is estimated that by the end of the 1970's, 85 percent of the population in the United States will be living in urban areas, but look what our urban growth is doing to the land in our country.

The United States has approximately 3,600,000 square miles of land, but we have already built 3,600,000 miles of roads.

There are 2,313,000,000 acres of land in the United States but each year 1 million acres of land are irretrievably given over to urban purposes. Half of this amount each year is taken from crop land, and at least 50,000 acres of our agricultural land each year is covered over with asphalt and concrete. The Agriculture Department reports that they are not overly concerned at this time at the rapid rate of urbanization of agricultural land because of our Nation's demonstrated capacity to produce an abundance of food.

But what is alarming is that as we add to the urbanization of the land and add to man's ability to contaminate his environment, we are also subtracting from nature's ability to clean up our countrysides. Every tree or field of green grass or crops contributes oxygen to the air and absorbs a number of other chemicals whose concentration would be dangerous.

For instance, if airports handling jet planes could be surrounded by acres of trees, the pollutant effects of jet exhaust into the atmosphere could be minimized. But the prospects of this happening are not encouraging. The Federal Aviation Administration estimates that on a typical day some 35 tons of pollutants are spewed over the National Capital area from planes landing and taking off from Washington's National Airport. To satisfactorily absorb this pollution at National Airport, it would be necessary to plant 125 acres of trees. It is even more discouraging to learn as cited in a recent HEW report on air quality that the amount of solid waste thrown onto our Nation's burnpiles from residential, commercial, and industrial sources is increasing at a compound rate of 3 percent per year.

The elimination of water pollution which is the purpose of this bill is of as great concern to the West, to my State of Oregon, as it is to the East. The horror stories of eastern rivers that have become fire hazards, as did one of the rivers which runs into Lake Erie, and of rivers which have become cesspools and give life support only to scavenger eels, as has parts of the Hudson in New York State, are not things which we wish to come true in our area. But the West may soon have its own horror story to tell. Portland, Oreg., has about 450,000 people and the Portland metropolitan area has about one million, however, the total daily effect of the pollution on the Willamette River and the Columbia River in the Portland area coming from municipal, industrial, and commercial sources is equal to the pollution caused by a large populated city of almost 4½ million. Local and State authorities are doing all they can with the money they have to put a stop to it.

The Federal Government has indeed taken the lead in fighting water pollution, its efforts date back to the Rivers and Harbors Act of 1899, in which the Congress prohibited the dumping of garbage and trash into any navigable waters. Important legislation passed in 1948 and 1956 established and strengthened the Federal water pollution control efforts. Under these laws and subsequent legislation, the Federal Government has aided in the construction of 9,251 waste treatment projects costing $5.7 billion, of this the Federal share was $1.3 billion. These projects have improved the water in about 74,000 miles of stream and have served an estimated 74 million people. Under the Clean Water Restoration Act which was passed in 1966, there are 4,525 State and local projects that are now being developed at a total cost of $5.1 billion. The Federal share for these projects would be $2.3 billion. The State and local governments have done an admirable job in allocating their own tax revenues for the purpose of water pollution abatement. A recent poll by the Gallop organization showed that 73 percent of the people answering their questionnaire were willing to pay additional taxes to improve their natural surroundings, including water pollution control. The Congress can be assured of wide support for efforts in this area.

It would simply be false economy at this time to approve anything less than the $1 billion which has been previously authorized by this Congress for Federal support for water pollution abatement programs. It is estimated that it already costs the United States of America $13 billion a year in economic losses due to the effects of pollution. To help retrieve this loss the expenditure of $1 billion of Federal tax moneys seems to me to be a very sound investment indeed.

Mr. POLLOCK. Mr. Chairman, I rise in support of the Committee on Appropriations' recommended allocation of $5,350,000 for the Snettisham power project in southeastern Alaska.

The critical importance of this project to the people and industry of the southeastern region cannot be overemphasized. Located near Juneau, Snettisham will be capable of supplying much-needed electric power to Alaska's capital city. In addition, Snettisham will substantially increase the level of industrial activity in the entire southeastern area of Alaska. Companies which have already located in the area will expand their operations, and new firms will be attracted. Several large companies have already expressed their interest in building new plants near Snettisham. However, these plans are necessarily contingent on a dependable and low-cost supply of electric power.

Mr. Chairman, of the 34 public works projects included in the Corps of Engineers' civil works program for Alaska, only one—Snettisham—is presently under construction, and any reduction in funding for this project will jeopardize its future completion. In 1961, when Snettisham was first proposed, it was estimated that the entire project would cost $41.6 million. Today, the total cost is expected to be $52.6 million. In 1961, the estimated cost to the consumer of hydroelectric power produced at Snettisham was 7.1 mills per kilowatt-hour. The present predicted price is 12 mills. A reduced appropriation for Snettisham will further delay the project's completion, and costs will skyrocket still further.

I could understand the reluctance of some House Members to appropriate the full $5,350,000 if it were not for one crucial fact. The entire Federal investment of $52.6 million for Snettisham will be fully repaid to the Treasury from revenues to be derived from the sale of hydroelectric power produced by the project.

Mr. Chairman, southeastern Alaska is confronted with a critical shortage of hydroelectric power. The people of this region are not asking the Federal Government to pay the bill to eliminate this power deficit. All that they ask is that the Congress help to make the Snettisham power project self-supporting. Once this status is achieved, the Government will be able to recoup its investment, and the people of southeastern Alaska will no longer be plagued by a severe shortage of dependable, low-cost electric power. My distinguished colleagues, I urge you not to pare any funds for Snettisham from the moneys recommended by the Committee on Appropriations in its carefully considered report.

Mr. MONAGAN. Mr. Chairman, I rise in support of H.R. 14159, the public works appropriation bill especially as it appropriates funds for the construction

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and planning of flood control and water pollution abatement facilities.

Three flood control projects in the Fifth District of Connecticut, which I represent, are provided for in this bill. Of the $6,636,000 for Connecticut flood control projects in this bill, $4,955,000 is earmarked for Fifth District planning and construction. These flood control projects are sorely needed and I can personally attest to the importance of the Derby, Trumbull Pond Reservoir, and Ansonia-Derby projects to the people in my district.

These projects are part of a Connecticut complex of flood control dams, reservoirs, dikes, levies, and pumping stations for which I have worked and in which I have had the cooperation of the Public Works and Appropriations Committees, and my colleagues in the House, during the past 10 years. We are on the threshold of the completion of this complex which was designed for the safety of our people and the protection of our industry and property.

I have been an early advocate of the national endeavor to curb water pollution. I was a sponsor of the Clean Water Restoration Act. I, therefore, support the amendment to authorize $1 billion for fiscal year 1970, for implementation of the Clean Water Restoration Act.

For too long we have deferred full dedication of Federal endeavor to meet our responsibilities in this field. Many States have gone into debt in anticipation of receiving Federal funds under the Clean Water Restoration Act and one of these is my own State of Connecticut which has prefinanced from State funds the pledged Federal contribution. We must honor our pledges.

To date, Connecticut has prefinanced approximately $40 million in promised Federal funds and has received only $5.8 million. It is for this reason that I support the $1 billion authorization, for if Federal funds are not forthcoming promptly Connecticut will be embarrassed not only by inability to carry out its immediate water pollution control commitments but also by a situation of deficit financing caused by our failure to act.

Mr. ANDERSON of Illinois. Mr. Chairman, in the construction of the 200-Bev accelerator at the Enrico Fermi National Accelerator Laboratory at Weston, Ill., it is extremely important that the full $96 million for construction, as recommended by the Joint Committee on Atomic Energy, be appropriated to permit keeping the entire $250 million project on schedule. I would like to call to your attention the fact that the difference between the $96 million authorized and the $64 million voted by the Subcommittee on Public Works of the Committee on Appropriations for construction does not represent a savings of $32 million for fiscal year 1970. Let us, if you please, consider these funds in their true perspective.

There are many extremely long lead-time items associated with the 200-Bev accelerator. In order to keep to the planned 5-year construction schedule it becomes necessary to order, well in advance of delivery, some very expensive pieces of equipment. If the AEC has the obligational authority in fiscal year 1970, it can order this equipment at today's prices, but payment will not be made until the items are delivered. Without the full obligation authority, the AEC cannot order on a timely, orderly basis.

If the obligatory authority is not there, it will cause a delay in ordering, it will cause a delay in the time the first beam is available, and most certainly will cause a significant increase in the total price of the facility. To replace these words with numbers, I would like to state specifically that a reduction of $32 million in obligational authority for fiscal year 1970 will most likely result in a year's delay and in an overall increase in cost for the facility of $30 million.

The planning and design for this accelerator have progressed very satisfactorily and are on schedule, but the momentum and efficiency of this operation must be maintained. If the rate of funding is uncertain or insufficient on a large construction project of this kind, it will be subject to increases in cost, managerial inefficiencies, morale problems, and delayed schedules, with the result that the usefulness of the completed facility may be impaired. It is urgent that the budgetary allocations for construction of this facility follow the schedule that has been established to meet the goal of its first beam operation by June 30, 1972.

I strongly recommend that the full $96 million in new obligation authority be given the AEC to proceed with the Enrico Fermi National Accelerator Laboratory.

Mrs. HANSEN of Washington. Mr. Chairman, today we have before the House for its consideration, the 1970 appropriation bill for public works for water, pollution control, and power development and Atomic Energy Commission.

On page 1 of House Report 91–548, which accompanies H.R. 14159, there is the phrase "Mr. KIRWAN, from the Committee on Appropriations, submitted the following report." Although the report contains 107 pages to describe the funding provided in this bill, I am sure those of us who have had the great privilege to know the gentleman from Ohio, could paraphrase any report he might make in this connection in three words—"invest in America."

Although our beloved colleague is not able to be on the floor today to guide this bill through the legislative procedure as he has done for many years, he has put much time and effort in the bill which is before you today for your consideration.

While it might be difficult to choose one individual as the "greatest American," I am sure there are many in this House today who would join me in proclaiming MIKE KIRWAN as one of our greatest Americans.

I am speaking of a man who started as a young boy in the coal mines of Pennsylvania and by the dint of his own efforts worked himself up through the various levels until it was commonplace for him to sit with and counsel the leaders of our country. In the course of doing this, he gained a knowledge of and appreciation for this Nation which few have attained.

I am speaking of a man who first came to this Congress in 1937 from the 19th District of Ohio and who has been a member of the House Committee on Appropriations during the past 26 years, during which time he has served successively from 1949 as the chairman of the Subcommittee on Interior and Related Agencies and the Subcommittee on Public Works. In his role as the chairman of these subcommittees, MIKE KIRWAN has had one philosophy—protect the natural resources of this Nation and make America a better place in which to live.

During our lifetime we are blessed with many pleasant experiences and privileges. For me, one of the greatest of these is the association I have had during the past several years with the "Irishman from Ohio." I deeply regret that he is not able to be with us today and I earnestly trust he will soon be back in this Chamber once again exhorting all of us to "invest in America."

Mr. BLATNIK. Mr. Chairman, increasingly over the past 3 years, we have heard the cry of State and municipal governments for Federal funds to carry out their waste treatment projects begun in response to congressional promises of funds back in 1966. Not only are the States and local governments plagued by the lack of Federal funds, but they are also having to face a threat of legislation which may alter existing programs. The time has now come for the Federal-State partnership to put up the authorized funds. This is the challenge we face today. We must accept the fact that this funding effort is not an isolated drive, and that in funding in full the Clean Water Restoration Act, we are fulfilling a promise we made—by unanimous vote—to the States and municipalities over 3 years ago, and that this drive has been carried on, virtually alone, largely by the municipalities with increasing help from State governments ever since that promise. They just cannot be forced to carry on alone any longer. Therein lies the challenge.

The irony of the challenge we face today is that it comes from ourselves. It seems, curiously, that we Americans have always been at odds with our environment. When the environment was a thing to be overcome, to be conquered, it was like a third person to us, or an object. We never identified the land we devoured as part of ourselves, until now. And even now, perhaps, we do not realize the full implications of that identity. What we have converted to our own uses becomes irretrievably ours as our bodies are ours. And as we are dependent on our bodies for our continued existence, so we are dependent on the land and the air and the water which sustain those bodies. I quote from an editorial by Charles Ogburn, Jr., which appeared in the Washington Post:

> Thanks to our vaulting technology, the fate of the continent . . . and of the life it supports, our own and that of the infinite variety of . . . plants and animals, is now largely in our hands. To the extent that we can desolate the earth or glorify it, we have displaced the rule of nature, or, as Jefferson had it nature's God: At least we have made ourselves the surrogates of the Supreme Power.
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> Along with attaining . . . breathtaking possibilities we have shouldered awful possibilities . . . supplant a king, and the functions of a king inescapably devolve upon you. Supplant a God, and his equally are yours to discharge.

In truth, we have supplanted nature herself, now we must take up her responsibilities.

We have ignored the symbiotic balance between ourselves and our environment. We have (see State legislative speech), devoured the magnificent forests, gouged greedily from the earth the abundant minerals, ravaged the agricultural lands.

Today we continue to torture this good land by—

Pouring some 130 million tons of dangerous pollutants into the air each year. We find that every major metropolitan airshed in the country is polluted, to one degree or another;

Continuing to savagely pollute all of our water systems, seriously threatening this Nation's supply of fresh water. Many of the major rivers and one of the Great Lakes are for all practical purposes denuded of the free oxygen needed to support marine life. In the Appalachian region, about 10,500 miles of streams in eight States are affected by mine drainage. About 5,700 miles of streams are continually polluted, mostly from acid. Eighty percent of the acid mine drainage in Appalachia comes from abandoned mines, whose former owners are not going to pay the bill; and

We continue to pollute our environment with harmful pesticides. We find the earth's biosphere—that thin, fragile envelope of air, water and land that sustains all life—we find it laden with 500 million pounds of DDT, a persistent and nearly immortal pesticide.

A recently released 2-year study by the Bureau of Sport Fisheries and Wildlife shockingly revealed that DDT was found in 584 samples of fish taken from 45 rivers and lakes across the United States.

Study results showed DDT ranging up to 45.27 parts per million in whole fish. A count more than twice as high as that found in the thousands of pounds of Lake Michigan coho salmon seized recently by the U.S. Food and Drug Administration as being unfit for human consumption, and nine times higher than the FDA interim tolerance level for fish.

The study also found dieldrin, a pesticide even more toxic to humans than DDT, in fish from 15 of the rivers and lakes reaching levels higher than the 0.3 part per million FDA guideline limit for this pesticide in fish.

And what about the problem of the thermal and radiological pollution rising from the increase in nuclear powerplants across the country. Heat from atomic power generation plants and industrial cooling sources is raising the temperature of many streams and estuaries and a few lakes up to several degrees, enough to drive out or kill aquatic organisms.

Industrial and household wastes, soaps and detergents are hard on stream animals, creamery wastes, pickling liquors from steel mills, ore tailings from mines, and a hundred other types of wastes, including that from paper mills, are changing aquatic environments.

And we have the growing problem of solid wastes. From one end of this country to the other, the American people are piling up refuse at a staggering rate. Each day, each American gets rid of about five pounds of refuse—paper, garbage, ashes, metal, glass—you name it. This amounts to nearly a ton of trash per person per year—360 billion pounds of solid wastes annually for the country. And what of the tons of scrap automobiles that are discarded on the landscape. Odd that the automotive industry spends millions to market its product, but refuses to spend a dime to help the Nation rid itself of the ugly, wornout vehicles.

We could go on and on pointing out the methods we are using to choke out our very existence, but there is really no need to do that. The point is that the U.S. Congress has recognized the seriousness of the pollution problem for a good many years, and despite much opposition and what at times seemed insurmountable opposition and executive apathy, has passed meaningful legislation to fight the growing pollution.

The Federal Water Pollution Control Act, legislation which I had the privilege to author and introduce, was enacted in 1956. This was the first permanent national law for the prevention, control, and abatement of water pollution.

The importance of the act was that it brought the U.S. Government into full partnership with the States and localities in the clean water fight.

Since 1956, the bill has been strengthened in 1961, 1965 and 1966. With the expected enactment of the Water Quality Improvement Act of 1969. This legislation will become an even more effective instrument for the management of water quality in the Nation's lakes and rivers, estuaries, and coastal waters.

The water pollution control legislation is a monument to the dedication, knowledge and leadership of the U.S. Congress. Back in the early days it was a pretty lonely fight. There was no national commitment to cleaning up the dirty water. The interest in Congress was only mediocre, and there was downright stiff opposition from many of this Nation's industrial giants.

But the Congress finally realized its obligation in the field of the water pollution control, and passed sweeping legislation as proof of its commitment.

But now I think it is high time we take a good look at the Federal water pollution control program for what it really is—long on promises of financial aid and extremely short of actual funds. What we have done is to leave the States, localities and private operators with a bag full of Federal regulations with relatively little financial aid to implement them.

Sure, we can be commended for taking the lead in the early days. We raised the water pollution control program from a minor agency within the Public Health Service to sub-Cabinet departmental level under an Under Secretary of Interior with direct contact with a Cabinet member.

However, twice, both under this administration and the last, we have pulled the rug from under the water pollution control program by inadequately funding it.

The Clean Water Restoration Act of 1969 authorized $700 million for fiscal year 1969, but only $214 million was actually appropriated. For 1970, the act authorized $1 billion, but the administration's appropriation request was $214 million. The Appropriations Committee has raised that figure to $600 million, but, gentlemen, that is nowhere nearly enough, and we know it.

Currently there are 1,445 applications on file in the State agencies requesting more than a half-billion dollars in Federal construction grant funds. In addition, there are 448 applications in the Federal Water Pollution Control Administration's regional offices, requesting $287.9 million, and almost 3,000 applications at the municipal level for a total amount of $1.5 billion. The combined total is about 4,800 applications, pending and in preparation, involving $2.3 billion in Federal funds.

In addition to the pending applications, there are 726 projects which have proceeded with a lesser amount of Federal aid than authorized by law, representing additional Federal fund needs of $792 million.

On the basis of the President's budget request of $214 million for construction grants, only one-fourth of the communities in the Nation could be assisted.

If we can spend billions on ABM, if we can afford a multi-billion dollar program to get man to the moon, if we can spend $25 billion annually in Vietnam, then the Federal Government can and must appropriate the full $1 billion for water pollution control as authorized by Congress without a single dissenting vote.

We have ignored our identity with our environment long enough. We cannot continue to do so. We dare not.

This $1 billion we ask today is itself still not enough, but it is a start, and it will continue the momentum built up over the past 2 years among the States in response to our promise.

Let us accept the challenge we have made for ourselves. Let us appropriate the money we promised 2 years ago, and go on to save our waters for the future and for ourselves.

Mr. ANNUNZIO. Mr. Chairman, the low level of Federal support provided for clean water over the past 3 years has forced many local governments to borrow substantial amounts of money to pay for completion of projects for which they thought Federal aid would be available.

The greater level of local borrowing for water pollution facilities is forcing localities to pay higher interest costs which would have been avoided if Federal grants were available and has increased severe strains on the general municipal bond market.

In addition, the increased borrowing has added to the inflationary pressures our economy faces nationally. Each dollar of local government borrowing is a

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new dollar pumped into the economy. It is these borrowed dollars on which inflation is built. Federal aid dollars are for the most part dollars that go from taxpayers back to local government. Though they constitute the same facility, Federal aid dollars do not have the same inflationary push as locally borrowed dollars.

We cannot continue to rely on local borrowing ability to maintain momentum of the water pollution program. In many States and localities borrowing capacity is exhausted. For nearly 2 months now the index of municipal bond interest rates has been in excess of 6 percent. But local general obligation bonds in 24 States and revenue bonds in 20 States have statutory interest ceilings of 6 percent or less. Thus new bonds cannot be issued.

Many localities have also issued as many bonds as they can within bonded indebtedness ceilings, and the tightness of available bonds financing is preventing other municipalities from marketing bonds even if they could within interest and bond indebtedness limits.

If we are to keep the water pollution control effort going and avoid inflationary pressures and increasingly exorbitant interest rates which result from local borrowing, we must provide the full $1 billion authorized for the program. Appropriation of the full authorization is needed and needed now to carry this program for the next year.

Mr. ESCH. Mr. Chairman, I want to take this opportunity to reaffirm my strong support for the appropriation of the full $1 billion authorized for the Federal fight against water pollution.

There are few issues facing the Congress and the Nation, and indeed the world, today more important than the quality of our environment. Man has been so careless and thoughtless that our water and air have become befouled, our wildlife killed, and our supply of fresh water and air seriously limited. We have discussed this great problem for many years in this body and time after time we have made paper commitments to solve it. We have sanctimoniously approved legislation committing the Federal Government to major expenditures to halt water pollution.

But year after year we have not lived up to our commitments. Year after year we have appropriated funds at a level far below that which, through our authorization, we have admitted are necessary.

As I indicated in my speech in support of full funding on August 13, I believe it is high time that we live up to our commitments and I intend to express that belief in my vote here today.

Mr. WOLFF. Mr. Chairman, a total clear water restoration appropriation, if passed, could provide us with one of the most effective means of restoring a healthful environment to the United States. Moreover, it would also stand as a vote of confidence to our States, that have been fighting the scourge of pollution by spending as much as they can to build essential sewage treatment plants and other pollution control facilities.

Our action in this area, in the past, has not been very meritorious, I am sad to say. Although we have acknowledged the imminent dangers of pollution which has been creeping throughout our lakes and streams, we have done little to act upon these warnings. Out of the $2.3 billion authorized for clean water restoration in the past 4 years, Congress has appropriated only $567 million in the first 3 of these years and the administration has asked for only $214 million for fiscal 1970. This is a far cry from meeting the Federal responsibility to control water pollution.

Mr. Chairman, I have joined with more than 220 of my colleagues, a significant number of citizens, and such groups as the League of Women Voters and the National League of Cities in taking this cause to heart. I have pledged to vote for the full $1 billion funding of this program because I am convinced that a massive attack on water pollution is the only way we can insure that our generation and the generations to come will have clean water for their needs.

This morning's Washington Post editorial on clean water restoration summed up my feelings when it said:

> It is a matter of such vital concern to the country Congress cannot afford to put itself in the position of withdrawing from an obligation it has assumed and sought to impose on the states and cities.

Should we fail to reach into the congressional purse to supplement this essential and well-planned attack, we will be permitting the pollution problem to spread.

What good will it do to horde funds with the intention of financing other domestic programs if we are setting the stage for the real possibility that one day we will awaken to a land without water resources for its population needs?

Mr. Chairman, I trust that we will accept our duty and vote for the billion dollars authorized. All of us deserve clean water to take with our aspirins as we tackle the congressional headaches that still lie ahead.

Mr. KLUCZYNSKI. Mr. Chairman, there is much in the appropriation bill before us that is essential and significant, but there is probably no single item as absolutely vital to the national well-being as the funding for the water pollution control program.

The Congress has wisely committed itself to a massive effort, not only to clean up the pollution that exists, but to prevent its increase in future years. I know we are confronted with difficult choices in priorities, but we have been confronted with the same kinds of difficult choices throughout our history and presumably will continue to be in that situation.

In this case, if we continue to talk but fail to act, we may find ourselves facing, not a choice, but a national disaster.

I have worked side by side with the members of the Public Works Committee and other Members of this body for the enactment of legislation that will make it possible for us to do an effective job of water pollution control. I will continue to do so, not only for the benefit of the people of my own area, but for the good of the entire country. I therefore support, without reservation, the maximum appropriation for water pollution control. And when the appropriation is granted, I will continue to work with my fellow Members to insure that the money is put to effective, well-planned use.

Mr. FLOOD. Mr. Chairman, I know I speak for the Members of the House when I say that we all miss the presence today of the distinguished chairman on Public Works, the Honorable MICHAEL J. KIRWAN, who has been hospitalized.

Some of the Members may not know that MIKE was born in my congressional district and we have always been honored to call him one of our most outstanding native sons. What a career he has had. At a very early age, something like 8 or 9 years of age, he went to work in the coal mines. That, of course, was before the enactment of child labor laws. He was so small in stature that he had to carry his lunch pail on his shoulders when it snowed and the walking was tiring and difficult to and from work. Anyone who has ever worked in or around the coal mines, especially in those days, knows what I am talking about. It was never easy. MIKE later became a streetcar conductor and subsequently held jobs that were physically hard. He was never afraid of work and it was this characteristic that brought him to the high positions which he has held in our Government.

I know all the Members join with me in wishing MIKE the very best. He has been a valued Member of this body and we truly miss his wise counsel and great experience. He has always been most kind and thoughtful to me personally. I recall, clearly, how he took the time from an extremely busy schedule to come to Wilkes-Barre and, along with the late Speaker Sam Rayburn and Senator Paul Douglas, joined with my constituents in tendering me a testimonial. That was an evening I shall long cherish and remember. And MIKE KIRWAN helped to make it a most memorable evening. That is the kind of man he is. Never too busy to be a true friend.

Mr. PICKLE. Mr. Chairman, I rise in support of H.R. 14159, the public works appropriations bill for water pollution control, power development, and Atomic Energy Commission. Also, I express my appreciation to the subcommittee and the full committee for the diligent work in the preparation of this bill. I know that the members of the subcommittee gave special consideration for projects warranted on facts and merits. I was particularly pleased to see some of the smaller projects get some planning funds so they could move ahead with the work that eventually must be done, such as the Palmetto project in my district. The committee also carried forward funds for land acquisition for the San Gabriel Reservoirs, a much needed development in central Texas.

Each of us, I am certain, would have wanted more money for his State and his district—but the Nation is in a belt-tightening period. Congress, with this bill prepared by the committee, has exercised its fiscal responsibility. There was no mad dash for spending and this is recognition of the inflationary times. Government spending in this instance

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has been kept at a minimum, yet needed projects have not suffered greatly in the process.

Mr. FLOWERS. Mr. Chairman, I rise in support of the pending legislation and the significant increase for water pollution control. I am greatly concerned over the crisis facing our Nation with respect to clean water—and indeed clean air and a clean environment.

Twenty, 30, 40 years from now, Americans will need more of everything, but especially, we will need to depend on our natural resources—water, air, minerals, and land. No doubt we are making some progress in protecting or restoring this whole range of resources—but not enough. The problems are growing faster than our current efforts to meet them.

Conservative predictions estimate that by the year 2000, we will need 215 percent more land for homes, schools, and factories. We will need 125 percent more land for transportation. We will need 180 percent more land for reservoirs. We will need 133 percent more land for wildlife refuges, and we will need 300 percent more land for recreation and other outdoor pursuits. Municipal water use will more than double; manufacturing use of water may quadruple.

And this is just to stay even with the quality of life which we now have.

The problems associated with this pending crisis are staggering to the imagination. The differing demands for our resources become evermore competitive and, in addition, it is imperative that we worry about quality as well as quantity.

I do not want my children and grandchildren in the year 2000 to be confronted with water pollution, air pollution and, really, when you get right down to it, the pollution of our entire environment which exists at the present time.

I want my children and grandchildren to be able to enjoy nature—to be able to go hunting and fishing, or water skiing, or merely for a walk in the woods without of the stench of sulfur fumes and automobile exhaust filling every breath they take—without the fear of what dangerous substance may be contained in the streams and rivers around them.

After many years of inaction, most levels of government are finally beginning to meet the challenges laid before them. The Congress, State legislatures, and municipal governing bodies are enacting an ever-increasing number of water pollution and air pollution measures; yet, there are problems involved here which cannot be solved by Government alone—which cannot be dealt with by passing a prohibitory law.

As we all know, there is a present crisis with respect to electrical power supplies up and down the east coast. New York City operated on reduced power for over 30 days this past summer. The power company which serves the Washington area made repeated public appeals for its customers to cut off the air conditioning during some of the hottest days in August.

Yet, the most feasible method of increasing our power supply—nuclear generators—may possibly have serious side effects. A nuclear reactor uses vast quantities of water—you might even say a whole river—in making electricity. The water is circulated through the reactor as a coolant and then returned to its source. There is no danger from radioactivity, but the "used" water is several degrees higher in temperature and this temperature change may adversely affect the ecology of the entire area.

This is a classic example of competing demands on our resources. On the one hand, the demonstrated need for electricity is increasing between 10 and 20 percent per year. On the other hand, an obvious solution results in a new, and possibly more disastrous, pollution.

The answer here is better technology. In order to prepare ourselves for the conservation crisis, the human resources of this Nation must be marshaled and coordinated so that a vast effort can be maintained and this bill under consideration today is certainly a step in the right direction.

It is no longer enough to establish criteria for determining what is an acceptable level of pollution in our water. Positive action must be initiated in order that the technological problems associated with reducing the level of pollution can be solved. I hope that most of us will still be here in the year 2000 and I do not want to look around and say to one another, "Oh, if only we had acted 30 years ago!"

As we look toward that future—hopefully, a time when we will all be wiser in the ways of dealing with our rich resources—let us remember the only sure way to bring it about is by fostering better understanding between Government and industry, conservationists, and those who think of themselves as just plain, but vitally interested citizens.

It is our environment, it belongs to all of us together—and together we must manage it.

Mr. OTTINGER. Mr. Chairman, I am votin gagainst the public works appropriations bill today as a protest.

First, I protest the inadequacy of the funds allocated to water pollution abatement. While I appreciate the substantial increase made by the committee, it is so grossly inadequate to meet the crying needs of the country to clean up its polluted water as to be unconscionable.

The Nation has a true crisis on its hands. It is a further distortion of our national priorities to provide billions for ABM's, SST's and even ships neither the Pentagon nor the President ever requested, and yet to turn down these vitally needed funds.

Second, I protest that part of the AEC appropriations allocated to weapons development and testing in connection with ABM and MIRV development and to nonmilitary testing of weapons that pose threats to the environment as was the case with the recent tests on Amchitka Island in the Aleutian Islands.

Third, I protest the continuation of very large public works appropriations for reclamation and dam building projects at a time of such heavy inflation. This simply is not the time for such expenditures.

Thus the bill in many ways represents to me an example of distorted priorities that I feel it is imperative that we reverse, if we are to tackle meaningfully our pressing domestic needs.

Mr. WHITEHURST. Mr. Chairman, the appropriation bill we are today considering contains many increases in unbudgeted items, for which I am very grateful, since many of them directly benefit the Second Congressional District of Virginia.

However, there is one item not included in this bill that I feel should be—$35,000 to begin a study to find a replacement for the Craney Island disposal area.

Craney Island was a unique experiment, which provided a convenient place for the disposition of spoil from harbor dredging projects in Hampton Roads, and thereby saved the U.S. Government hundreds of thousands of dollars.

If Craney Island continues to be filled at the current rate, it will be beyond use within the next 5 to 8 years. Since it took 14 years from proposal to completion for Craney Island to become a reality, the time to begin a study on its successor is at hand.

Thus, it is not only for my constituents, but also for efficiency, economy, and reason that I hope some way can be found to include these funds in this year's appropriation.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hire, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning of uniforms; official entertainment expenses (not to exceed $30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; $1,884,269,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That no part of this appropriation shall be used in connection with the payment of a fixed fee to any contractor or firm of contractors engaged under a cost-plus-a-fixed-fee contract or contracts at any installation of the Commission, where that fee for community management is at a rate in ex-

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cess of $90,000 per annum, or for the operation of a transportation system where that fee is at a rate in excess of $45,000 per annum.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the 3 minutes I had before was not quite adequate to say what I wanted to say, and therefore I have asked for this time under the 5-minute rule.

As I said, our jobless rate is increasing very rapidly; it is at a 2-year high, and I pointed out that the housing starts have come down from 130,000 to 123,000.

In California the construction business is just about ended because of the high interest rate. There has been no effort on the part of the Nixon administration to handle the high interest rate problem.

There has been no appeal to the banks and no appeal to the wage earners who are striking for higher wages.

There has been no attempt on the part of the President to influence this highly inflationary trend which is cutting the heart out of our economy.

I want to direct my remarks at this time particularly to the members of the Committee on Appropriations and offer a little information. I hope the chairman of the Committee on Appropriations and the chairman of the subcommittee will give me their attention because I want to give you some information, because I am afraid you do not have the information.

From 1960 to 1968 inclusive, U.S. corporate profits after taxes have gone up from $26.7 billion to $49.8 billion. That is an 86-percent increase in corporate profits.

The individual Americans savings in banks and institutions from 1960 to 1968 inclusive have gone up from $165 billion to $356 billion. That is a 115-percent increase. Our public debt—the public Federal debt has gone down from 57 percent to 38 percent in relation to the gross national product and the gross national product has gone up from $506 billion to $932 billion during that 8-year period.

The figures I am giving you have one purpose, to illustrate that America is not in a position of fiscal crisis. We are not in a position where we cannot do the things we need to do in America, to enrich the life of America and to correct the deficits in America.

I am afraid that the philosophy of this House and the philosophy of the Committee on Appropriations is a philosophy of fear of the fiscal situation in this country. I would have them consider the figures I have given to them as being evidence that we are not in a fiscal crisis where we have to cut the guts out of everything in America that is for America.

Mr. EVINS of Tennessee. Mr. Chairman will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. EVINS of Tennessee. Mr. Chairman, I share the concern the gentleman has expressed. As the gentleman knows, we did not follow the Bureau of the Budget. We restored on many projects 50 percent of the reductions made in the April 15 budget revision.

More than that, we did follow, to the extent we could, the Joint Committee on Atomic Energy, the committee which the distinguished gentleman serves as chairman. We allowed three items carried in the authorization bill which were not in the budget.

Mr. HOLIFIELD. I will say to the gentleman, I am not directing my complaints to the subcommittee's action on the atomic energy bill. I want that to be very plain because I know exactly what the pressure was from the President to make this extra $50 million cut.

The complaint I am directing is to the philosophy of denying the things we need to build America. I say we are rich enough in America to afford it. The figures I have given you have come from the Bureau of the Budget and from the Congressional Library Reference Service and proves that we are a strong nation, a productive nation with a high degree of employment and we can go ahead and do those things that need to be done in America. We do not have to run under the bed because somebody yells "fiscal crisis."

Mr. Chairman, I include with my remarks a series of figures which I have compiled. They illustrate beyond challenge the great economic strength of our country.

Those who decry recent deficits may compare them with the annual and cumulative deficits of the 1941–49 figures.

I trust they will note that the Federal public debt today is 38 percent when it is offset against the gross national product. This is the lowest figure percentagewise in more than 25 years. It has decreased in the 1961–69 period from 57.1 percent to 38 percent.

The Bureau of Labor Statistics confirms that the seasonally adjusted figure for unemployment was increased from 3.5 in August 1969 to 4.0 in September 1969. Comparison from previous years set forth below.

CIVILIAN EMPLOYMENT

	Employed [1]	Unemployed [1]	Yearly average [2]	Unemployed rate [1]
December 1968	76,765,000	2,603,000	3.6	3.3
September 1969	78,127,000	3,232,000	3.6	4.0

[1] Adjusted.
[2] Unadjusted.

During the 3-month period of June to August 1969, the number of active duty personnel in the Armed Forces increased by 9,175, while the civilian employees of the Federal Government decreased by 48,000. It does not appear this is a factor.

It is noted that agriculture employees dropped from 3,842,000 in December 1968, to 3,634,000 at the end of August 1968. A decrease of 208,000. Over the same period, nonagricultural employees changed from 72,923,000 to 74,553,000. An increase of 1,630,000.

U.S. housing starts—total private and public in units (including farm) nonseasonally adjusted

[In thousands]

August 1967	130.2
August 1968	141.0
August 1969	123.6

U.S. CORPORATE PROFITS 1960–68

[In billions of dollars]

Year	Total corporate profits after taxes: Total before taxes	Profits after taxes	Dividends paid	Total reinvested in business
1960	49.7	26.7	13.4	13.2
1964	66.8	38.4	17.8	20.6
1968	91.1	49.8	23.1	26.7

PERCENTAGE INCREASE

	Total profits (percent): Before taxes	After taxes
Year:		
1960–64	34.4	43.8
1964–68	36.4	29.6
1960–68	84.3	86.5

INDIVIDUAL AMERICAN CUMULATED SAVINGS IN BANKS AND SAVINGS INSTITUTIONS, 1960–68

[In billions of dollars]

Year	Banks	Institutions	Total
1960	62	103	165
1964	94	158	252
1968	149	207	356
PERCENTAGE INCREASES			
1960–64			53
1960–68			115
1964–68			41

I have appended some charts which portray on an annual and cumulative basis the figures I have presented:

CHART (A).—CUMULATIVE DEFICITS FOR 1941–49 OF $203,200,000,000 AMOUNTED TO 11.4 PERCENT OF THE CUMULATIVE TOTAL GROSS NATIONAL PRODUCT FOR THOSE 9 YEARS OF $1,780,300,000,000

Year	Calender years—gross national product (billions)	Fiscal years—public debt year end	Percent of gross national product
1941	109.4	55.3	50.5
1942	139.2	77.0	55.3
1943	177.5	140.8	79.3
1944	201.9	202.6	100.4
1945	216.8	259.1	119.5
1946	201.6	269.9	133.9
1947	219.8	258.4	117.5
1948	257.6	252.4	98.0
1949	256.5	252.8	98.0
Total	[1] 1,780.3		

[1] Cumulative.

CHART (B).—CUMULATIVE DEFICITS FOR 1961–69 OF $62,500,000,000 AMOUNTED TO LESS THAN .9 PERCENT OF THE CUMULATIVE TOTAL GROSS NATIONAL PRODUCT OF $6,162,200,000,000 FOR THOSE 9 YEARS

Year	Gross national product (billions)	Public debt year end	Percent of gross national product
1961	506.5	289.2	57.1
1962	542.1	298.6	55.1
1963	573.4	306.5	53.4
1964	612.2	312.5	51.0
1965	653.5	317.9	48.7
1966	718.7	320.4	44.6
1967	763.1	326.7	42.8
1968	860.7	348.1	40.4
1969 (estimate)	932.0	345.3	38.0
Total	[1] 6,162.2		

[1] Cumulative.

NNUAL DEFICITS FOR 2, 9-YEAR PERIODS IN OUR HISTORY

[In billions of dollars]

Fiscal year	Amount
1941	6.2
1942	21.5
1943	57.4
1944	51.4
1945	53.9
1946	20.7
1947	[1] .8
1948	[1] 8.9
1949	1.8
Net cumulative deficits	203.2
1961	3.9
1962	6.4
1963	6.3
1964	8.2
1965	3.4
1966	2.3
1967	9.9
1968	25.2
1969	[1] 3.1
Net cumulative deficits	62.5

[1] Surplus.

ANNUAL DEFENSE EXPENDITURES (ADMINISTRATIVE BUDGET)

[In billions of dollars]

Fiscal year	Amount
1941	6.1
1942	24.0
1943	63.2
1944	76.8
1945	81.3
1946	43.2
1947	14.4
1948	11.8
1949	12.9
Cumulative expenditures	333.7
1961	47.5
1962	51.1
1963	52.8
1964	54.2
1965	50.2
1966	57.7
1967	70.8
1968	80.5
1969	81.1
Cumulative expenditures	546.6

The figures in these charts completely refute the claims of the people who continually state that the United States is in a "fiscal crisis."

I state that we are not in a "fiscal crisis" based on the economic facts as portrayed in these chart figures which are taken from the U.S. budgets and from figures supplied by the Library of Congress.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and five Members are present, a quorum.

Mr. RHODES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I listened with great attention and great interest to the remarks of my friend, the gentleman from California (Mr. HOLIFIELD). He has some figures which certainly tend to indicate that this is a prosperous country. I do not think anybody would doubt that it is a prosperous country. We have had great growth in this country. We intend to continue great growth in the country. As I said in my prepared remarks, I think this particular bill is much too low. It is much too low for the needs of the country. But I would point out to my good friend from California that while he has some very impressive figures, he did not use some figures which are also impressive and which have to be used in considering the total overall fiscal considerations as they affect the country today. The figures which the gentleman has referred to for the last 10 years do indicate we can expect the next 10 years to be even more prosperous. But at the same time today, on the 8th day of October, this Government has found itself the victim of many years of deficits in the public sector which have caused our people in the Treasury to have real difficulty in actually defending the dollar.

Here is what has happened abroad, and the gentleman from California, I am sure, will recognize this. The German Government allowed the mark to drift for some time, and as soon as the mark was allowed to drift, the dollar went down in value as compared to the mark, which indicates that, insofar as the monetary markets of the world are concerned, the dollar is not as strong as the gentleman from California and I would like to have it. This has been caused by one situation and one situation only, and that has been the deficits which we had here in the Federal Government, year after year, in the Kennedy-Johnson years. In one year alone, we had a $25 billion deficit. No wonder the dollar became suspect.

What I am saying and what the gentleman from California said are both true, and they point out anachronism. This is a wealthy country. We can do most of these things. But the anachronism probably has more to do with the timing of the acts than with the acts themselves.

But at this particular day and time, believe me, the bill which we have brought out here is every penny which this Government, I feel, with the Vietnam war going on, every penny which we can afford to obligate for these purposes. I wish it were otherwise. The gentleman knows I do. But at the present time I think it is up to us to think of the housewives of America, the people whose income does not prove to be adequate to meet the needs of their families, and to give them a break by spending less money through the public sector and keeping the purchasing power of the dollar up. This is the only argument which the gentleman and I have, and I think it is an argument of timing rather than of aim, because I am sure the gentleman and I have the same aim so far as desiring a better country is concerned.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): $671,982,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State. of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That funds appropriated for the Robert S. Kerr Lock and Dam, Oklahoma, shall be available to provide a 9-foot deep auxiliary navigation channel and 1,000-foot-long turning basin along Sans Bois Creek, with appropriate widths and an overall length of approximately ten miles: *Provided further*, That $600,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

AMENDMENT OFFERED BY MR. STAFFORD

Mr. STAFFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 6, line 16, strike the figures "$671,982,000" and substitute therefor the figure "$671,482,000".

Mr. STAFFORD. Mr. Chairman, the amendment which I offer today is a very simple one. It simply reduces the total available for general construction, on page 6 of the bill, from $671,982,000 to $671,482,000, or a reduction in total of $500,000.

If the committee will accept the amendment which I offer today, it will save the taxpayers of this country $500,000 this afternoon, and eventually, over the next 4 years, $27 million, which still is a substantial sum of money.

Here are the reasons for the amendment which I have offered to this bill:

As can be noted on page 49 of the committee report, the Army Corps of Engineers proposes in the line item for the Gaysville Reservoir an amount of $500,000. It is proposed to spend $500,000 in fiscal year 1970 for planning and design of a flood control dam in the Gaysville area in Vermont.

For the taxpayers of Vermont, let me say, Mr. Chairman, we would rather the taxpayers of the United States have this $500,000 than that it be spent by the Corps of Engineers to plan and design some more on a dam which they first began planning and designing on in 1936. Let us relieve them of this responsibility.

As is known, Vermont is small and is a very mountainous State for the most part. Someone once said if it were flattened, it might be almost as big as Texas, but it is small, it is mountainous, the valleys are few, they are verdant and highly productive when used for farming, and they are beautiful, and to us they are precious.

If we go ahead with a $500,000 expenditure this year for planning and de-

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sign and construction beginning next year, or the year after, 110 homes will have to be razed, 30 farms will have to be taken out of production, six public buildings will have to be razed, and one industry will have to be torn down and removed. In place of these lost homes, farms, and businesses, we will get a pile of dirt 195 feet high and 750 feet long at a cost of $27 million. In addition to this, we will get a 1,000 acre pond in the summer and a 300-acre pond in the winter surrounded by 700 acres of mud.

The people in the towns affected, in Rochester, in Stockbridge, and in Pittsfield, have voted 8 to 1 not to have this dam built.

I believe the present Governor of my State has already asked or will ask the Army Corps of Engineers not to build a dam in this location in Vermont.

We are not insensible to the needs of our neighboring States below us on the Connecticut River watershed. There are already five major flood control dams in Vermont, and 18 other locations in the State are under consideration for possible construction by the Army Corps of Engineers. But I repeat there are five dams now, almost as many as there are in Massachusetts, and more than there are in Connecticut. Indeed, there are more than there are in New Hampshire.

So I say, Mr. Chairman, let us today save the taxpayers $500,000 in fiscal year 1970, let us suggest the Army look at some of the alternative sites by denying this $500,000 this year, and thereby let us save the taxpayers $27 million over the next 4 years and also save one of Vermont's most beautiful valleys.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I reluctantly oppose the amendment offered by the distinguished gentleman from Vermont. He is one of the nicest Members of the Congress and a very effective Member, too. He does represent a very beautiful State, perhaps one of the finest scenic States in all this great land of ours. The gentleman does indicate if the $500,000 is eliminated, we would save the $500,000 this year, and it is true we would in the end save $27 million for the total cost of the dam—but this would be done at the expense perhaps of jeopardizing the lives and property of the people who live in New England.

This dam, Mr. Chairman, is one of the most important dams in the comprehensive flood control for the entire Connecticut River Basin. The $500,000 in this bill is, as the gentleman has said, to continue the planning on this project. There will be additional funds next year perhaps, to complete the planning, and then, on the completion of planning, the Corps of Engineers, I assume, would ask for construction funds.

The Corps of Engineers has testified, Mr. Chairman, that from studies it has conducted in the Connecticut River Basin, in order to have an effective flood control program for that area, this dam is essential. I need not repeat the history of floods that have been visited on New England, devastating floods. This area has suffered a great deal of damage to lives and property over the 33 years that the U.S. Government has been engaged in the matter of building dams to protect the people and their property.

So, Mr. Chairman, because this is an appropriation which will continue the planning, there will be an opportunity for the Corps of Engineers to get a look at the other sites.

As the gentleman said, there may be 18 other sites. There may be, but some of the other sites may be useless in the comprehensive plan the Corps of Engineers envisions for adequate protection not only for Massachusetts and Connecticut, but also Vermont, in the overall flood control program for this basin. So, Mr. Chairman, reluctantly, I oppose the amendment offered by the gentleman from Vermont. I can understand his problem. This is the problem of any Member who has a dam built in any area of the United States. The people who live in the area do not want the dam built there.

My colleagues know as well as I do we cannot have an adequate and proper flood control program unless we have dams. The dams have to go somewhere. Some people have to move and some property has to be taken. We could not have a flood control program unless we had dams and reservoirs.

In the judgment of the experts this is a dam which is one of the most important in the comprehensive plan for New England. Consequently, I oppose the amendment offered by the gentleman from Vermont.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. STAFFORD).

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 26, noes 39.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SCOTT: On page 6, line 16, after "Government to construction)" strike out "$671,982,000" and insert "$672,097,000".

Mr. SCOTT. Mr. Chairman, my amendment adds $115,000 to the committee recommendation to restore funds for preconstruction planning for the Salem Church Dam and Reservoir on the Rappahannock River within my congressional district.

While this is a Corps of Engineers project, the committee apparently yielded to a suggestion of the Department of the Interior that the matter be further studied to determine whether the plan should be modified to minimize the adverse effects on natural values in the area.

The Department of the Army, in a reply to Interior's suggestion, stated that it had no objection to a study of natural environment but saw no need to stop advanced engineering work on the project during the period Interior was conducting a study.

As is true of most projects of this nature, the matter has been studied for many years. In fact, because of recorded floods dating back to 1889, the Corps of Engineers made a comprehensive study of the Rappahannock River in 1933 and concluded that the Salem Church Dam was economically sound. That was 36 years ago. The Congress authorized this project in 1946, with a 220-foot above sea level limitation but, in a further preconstruction study in 1952, the corps indicated that the cost-benefit ratio at his level was marginal. Thereafter, in 1955, the House struck the 220-foot elevation limitation to meet the objection of the Department of the Army and authorized a higher dam, but the Senate requested further study. This most recent study lasted for 12 years and resulted in a voluminous report being furnished the Congress in 1967 by the Corps of Engineers. Thereafter the authorization for a 240-foot dam was included in last year's public works authorization bill.

Frankly, I am concerned that this measure will be studied to death. Even with two authorizations of the Congress, one at a 220-foot level in 1946 and one at a 240-foot level in 1968, the people who do not want any dam may ultimately prevail through a process of attrition.

Mr. Chairman, this project is to meet the long-range water needs of the fastest growing area of Virginia. Prince William County, which lies directly below Fairfax County, and other counties in the urban corridor between Washington and Richmond need water. It will also reduce the hazards of flooding from the Rappahannock River, particularly in the general area of Fredericksburg. The lake created by the dam will help meet the recreational needs of people along the eastern seacoast.

Mr. Chairman, the initial preconstruction planning funds for this fiscal year are only $150,000 as recommended by the President in his budget. I submit that it should be restored by the House and ask the cooperation of the members of the committee on both sides of the aisle in obtaining this restoration.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. Yes, I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I merely want to take this time to say to my friend, the gentleman from Virginia (Mr. SCOTT), that the Salem Church Reservoir in my opinion is a good project and one which should be built. I am sure the gentleman realizes that the subcommittee has supported the project and hopes to continue to do so.

The problem involved, of course, is that the Secretary of the Interior has advised the committee that he intends to initiate a study to reevaluate the recreational aspects of the Salem Church project, and since this has been done, the subcommittee felt that it was constrained to act as it did. However, I assure the gentleman from Virginia that this does not mean that the subcommittee has lost interest in the project or has given up the idea of building it at some time in the immediate future.

Mr. EVINS of Tennessee. Mr. Chairman, I share in the views as expressed by the gentleman from Arizona with reference to the Salem Church project. It is controversial. More than 40 percent of the project's benefits are for recreational purposes. There are many conservation groups opposed to it. We heard considerable testimony before the committee in opposition to it. We allowed $35,000 to restudy the project because the Secretary of Interior insisted upon restudying the conservation and recreational potentials of the area. So, I think the committee has done the proper thing and I urge the defeat of the amendment.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Virginia.

Mr. SCOTT. The $35,000 that the committee is retaining in the bill; is that for the Department of the Army or the Department of the Interior?

Mr. EVINS of Tennessee. For the Department of the Army to restudy and cooperate with Interior on the matter. In light of this, the committee has recommended that funds be limited to the restudy and not be utilized to initiate planning.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MYERS

Mr. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MYERS: On page 7, line 16, strike out the period and insert a colon and the following: "*Provided further*, That the sum of $35,000 appropriated herein for the Big Walnut Reservoir shall be available for pre-construction planning."

Mr. MYERS. Mr. Chairman, this amendment will not add a single dollar to this appropriation bill, somewhat like the previous amendment. This amendment has to do with the Big Walnut Reservoir situated in my congressional district in Indiana, which is a multiple-purpose reservoir with a cost-benefit ratio of 2.3 to 1.

Big Walnut is in the President's budget recommended for $50,000 for preconstruction planning. This reservoir would be restudied again according to the present bill, and according to the committee print. I would like to advise the Committee at this particular time that this reservoir has been studied, studied, and restudied since 1938, and every study has come up with the same conclusion recommending the Big Walnut Reservoir be constructed as a multiple-purpose reservoir. It would have a cost to the Federal Government of $21,871,000, non-Federal of $14,729,000, or a total of $36,600,000. This has an estimated flood control benefit in the lower reaches of approximately $1.5 million annually.

This area happens also to contain a particular area which has now been designated as possibly for a national landmark. It is said to be unique, and I quite agree from personal experience, as well as the studies, and I have gone quite extensively into this; I have visited the particular area. It is unique to the rest of the United States, but not unique to Indiana. It has been designated as a possible national landmark, but none of the owners at the present time, even after a year and a half, has requested registration as a national landmark.

The area to be designated as a possible national landmark is in the upper reaches of the reservoir, and the particular areas that are of national significance and uniqueness are the areas that contain Canadian yew, which is not at all a foreign or unique vegetation to Indiana.

There are a number of areas around that part of the country that have large inhabitations of Canadian yew. There is also hemlock and there are some other flowers.

But I want to advise the House that in my experience in visiting out there and through contacting the Corps of Engineers, as for the area that has the Canadian yew there would be one small inhabitation of Canadian yew taken by the normal pool. None of the hemlock and only one small area of Canadian yew would be taken. The flood pool would touch part of another area of Canadian yew, but this would only happen, the Corps of Engineers advises me, once in every 20 years.

Now, I am a naturalist also, and I love nature, if this were going to destroy an area that was unusually unique to that area I certainly would not be in the well today asking that these funds be transferred from a restudy into actual preconstruction planning.

A similar area in the last year has been designated as a national landmark, Pine Hills, just 25 miles from this site, and exactly like the area in interest here. Big Wilmat Reservoir is not going to destroy a unique area, but it may complement it. Some of the witnesses who testified in the subcommittee admitted that they did not know the effects of water on some of the vegetation.

Let me also tell you that there is another lake within 20 miles of this site where there are hemlock, in controversy here, growing out of the water, which have been growing out of the water for 20 years, and they are thriving.

So I say today that I agree that this is a beautiful part of the country, but this project is needed for flood control, and it is going to save the people living in the lower reaches a million and a half dollars each year. It has been suggested, possibly, a Federal fish hatchery, might be added. It is going to give quality control of water downstream to a city of 8,700 people. It also will be a possible supply of water to the city of Indianapolis in the next 25 years, as the need for water and normal growth continue to expand.

Again I say it is not going to cost the taxpayers any more, in fact, it is going to save this country money, because the $35,000 would not be spent for a restudy which we do not need. I appreciate the committee keeping it alive by the restudy, but I say today that we do not need any more study.

Of the more than 2,500 pieces of correspondence that I have received, 98 percent favor the construction of this reservoir and only 2 percent do not favor it.

I think that is pretty favorable. I feel the subcommittee did not have the information pertaining to these extra facts so I am only asking the Committee this afternoon that this $35,000 be transferred to preconstruction planning. I think it is a legitimate request.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with reluctance that I oppose any water resource project. The issue here is similar to that on the Salem Church project. The problem has not yet been solved, so it is not appropriate to institute planning at this time.

The real controversy is between the conservationists and the proponents of the project. Members of Congress are also divided on the matter.

We heard extensive testimony before our committee against it. They do not want further study, they want to solve the problem.

Here is what the Chief of Engineers testified. He said:

> The objections still remained in spite of the modifications that were done in the planning.

He also testified and said:

> The District Engineer had tried to overcome those problems by planning the development of the project to include some rather special features. For instance, a nature center and arboretum were planned, so that students could use the area to study this unusual ecology.

Then he was asked what the 1970 funds were required for, and he said, "To solve the problem."

So the Chief of Engineers and the division engineer recognize the need to first find a solution to protection of this area. The people of the area are divided about the matter.

We have left some money here to try to solve the problem so the project will be eligible for engineering and design funds. I trust the members of the committee will stand with your committee.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman.

Mr. MYERS. Mr. Chairman, my friend, the gentleman from Tennessee, spoke of the Chief of Engineers who had earlier also recommended this. It was recommended in the Wabash River Basin comprehensive report.

In the final report the construction was recommended. Every governmental agency recommended this with the exception of a few conservationist groups. I very honestly do not understand the opinion that the conservation area will be destroyed. As I explained earlier, the yews and hemlocks in these areas are not to be covered by this.

True, it is going to change the ecology, but would not the national landmark that these conservation groups are also interested in; would not that also change the ecology of the area? Lightning could strike out there and change it all.

Mr. EVINS of Tennessee. If the gentleman will yield, we are providing funds in a hope this controversy can be worked out.

The division engineer testified that the 1970 funds would be utilized solely for the following:

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> To establish coordination with the appropriate State and Federal agencies to consider the details of forming a task group to seek a mutually satisfactory resolution of the diverse views held on this project.

Mr. EVINS of Tennessee. Mr. Chairman, I would call the attention of my colleagues to a speech in the RECORD by one of our colleagues who said:

> An ill-conceived and poorly justified proposal of the Army Corps of Engineers threatens to destroy the Big Walnut Valley. The valley has been declared as a national natural landmark, one of only 130 sites in the entire United States to be declared of that quality and one of only two sites in Indiana now eligible for this nationally significant designation.

He then went on to list several reasons why he could not agree with the Corps of Engineers concerning the justification for the project. He then stated:

> Mr. Speaker, I would like to add that my opposition to the Corps' plan is shared by every major conservation group in the State of Indiana.

He also stated that he "would urge that instead of using the budget request to initiate advance engineering and design that the Army Corps of Engineers be instructed to study and select one of the many alternate sites for the proposed reservoir."

He said this is valid. So I would say to my friends that there is controversy and there is opposition. I believe the money should be retained in the bill, as inserted by the committee, to solve the matter.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman.

Mr. MYERS. If I may make just one comment. I have letters from De Pauw University where—the geology department and other departments there recommend the construction of this reservoir. They are the people closest to it. They know better than anyone the situation—better than any association outside that area.

Mr. EVINS of Tennessee. I would say, as I said earlier, that I am reluctant to oppose this project. We have a policy in committee where there is diversity in the area, every effort should be made to find a satisfactory solution before we proceed with the project. That is what we are proposing here.

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. ZION. Mr. Chairman, I move to strike out the last word and rise in favor of the amendment.

Mr. Chairman, my district is just downstream from the gentleman from Indiana, and I have received a lot of correspondence on this project.

There are a lot more arguments, mostly sound, in opposition to going ahead with this—and sound in the sense of noise.

My area would be adversely affected were we not to proceed.

It is the No. 1 project in which the Wabash Valley Association has an interest. They have been promoting this for many years. There is little question but that the dollars saved because of this project should prompt us to begin construction soon.

I would urge my friends to assist us here and adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. MYERS).

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 22, noes 36.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $74,600,000, to remain available until expended, including funds for completion of the construction of road crossings of the Panola-Quitman Floodway at Crowder and Paducah Wells, Mississippi.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to take this opportunity to convey my personal gratitude and the gratitude of my constituents in the Fourth District of Kentucky to you, my colleagues of the House, and to those on the subcommittees and committees of the House who all were instrumental in bringing a process which should rectify many long-standing ills in northern Kentucky.

You have today made possible several projects of utmost necessity and importance to the people of the Fourth District. But of these, I would especially like to single out the salutary nature of the proposed Falmouth Dam.

Two years ago we had no flood control projects of any consequence in the upper bluegrass—the fastest growing area of Kentucky. The Falmouth Dam, of the flood control projects which this body has today approved, should do the most good.

It has been 32 years since the Falmouth Dam project was first approved. It was reactivated in 1964, as a result of flood damages along the Licking and Ohio Rivers. But during this long period of waiting, the area suffered many severe floods and untold damage as the result of them. Floods of a serious nature have occurred in this area in 1937, 1939, 1948, 1950, 1961, and 1964. Had this same Falmouth project been completed prior to the 1964 flood, it would have reduced the flood stage by 2½ feet and lowered the damages at least $3 million in Cincinnati alone. It is readily apparent what a beneficial step this assembly has taken today for the people and the general Economic health of the northern Kentucky—and Cincinnati—area.

What I have mentioned so far certainly is good reason to have approved the project. But let me cite you several more reasons why what we have done is so justified:

Three-fourths of the city of Falmouth was under water in 1964. When constructed, the Falmouth Dam will provide full protection and/or reduction of flood damage along the 60-odd miles of the Ohio River after its confluence with the Licking.

Another feature recommending it is the 1.4 to 1 benefit-cost ratio. This ratio finds Falmouth an economically justifiable flood control project—but as I have said, the money for the project is not the sole consideration.

Situated as it is, it will provide the benefits of water conservation, water quality control, and recreation facilities for the entire metropolitan area of Cincinnati, and for northern Kentucky.

The Kentucky Department of Natural Resources not only has listed this as a "must" in their water resources program, but the Kentucky Water Resources Authority has gone on record by announcing its intention to purchase storage from this for industrial purposes.

The Licking River is one of the major unpolluted streams in this part of the country. The quality of its water is far superior to that of the Ohio River as was substantiated by the Secretary of the Interior.

The cities of Cincinnati, Covington, and Newport presently draw water from the Ohio River. On the basis of water quality, these cities find the development of the Licking River as a future water supply essential. Furthermore, this project will give Cincinnati and northern Kentucky the assurance of a future water supply needed for long-range planning of industry and industrial parks essential to sustain increases in employment and productivity. Thus, the development of an adequate reservoir of clean water through the Falmouth Dam is integral to the development of the entire area.

Further delay in this project would have meant more property destruction and, in addition, this vast reservoir of clean water would have been wasted.

The House today has prevented enormous losses and assured continued development of the area.

For these reasons, humanitarian and pecuniary, I wish to express the sincere and grateful appreciation of myself and my constituents for this most beneficial and urgently needed project.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; activities of the California Debris Commission; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; $245,700,000, to remain available until expended.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask a question about the California Debris Commission.

I must confess that this is the first time I have ever heard of a debris commission whether in the State of California or elsewhere.

Will someone explain what a debris commission does? Apparently, this commission is funded to a certain extent out of money appropriated in this particular item.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. EVINS of Tennessee. This is a part of the operation and maintenance appropriation of the Corps of Engineers and concerns cooperation with the local agencies that participate in maintenance on completed projects.

Mr. GROSS. What kind of debris does this commission administer or collect.

Mr. EVINS of Tennessee. It involves the control of silt primarily I believe in the Sacramento River.

Mr. GROSS. Does it take a commission to do that?

Mr. EVINS of Tennessee. It participates in study and control work.

Mr. GROSS. To study debris? How do you study debris?

Mr. EVINS of Tennessee. I believe the study would be directed to the question of how to better control and alleviate the problem.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I believe California has a special control problem in this regard. That is the reason.

Mr. GROSS. If that is the reason, it occurs to me that there might well be such a commission in New York or Massachusetts. I know there is none in Iowa. Perhaps the State should have one.

Mr. BOLAND. I believe siltation is more of a problem in California than in Iowa, Massachusetts, or New York because of certain mining operations. I would think that maybe one of the gentlemen from California could answer the question.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from California.

Mr. JOHNSON of California. We do have debris dams in California. They were the result of hydraulic mining. Whether this commission is set up to study that phase of it or not, we still have two of those dams in place at this time, one on the Yuba River and one on the American River.

Mr. GROSS. The gentleman will understand that never before in my short life had I heard of a debris commission. It fascinated me. I thought I had heard of every kind of commission known to mankind.

Mr. JOHNSON of California. Due to hydraulic mining in California these debris dams were built to halt the silt that was being washed off the mountains.

Mr. GROSS. More power to the California Debris Commission.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CEMETERIAL EXPENSES

SALARIES AND EXPENSES

For necessary cemeterial expenses as authorized by law, including maintenance, operation, and improvement of national cemeteries, and purchase of headstones and markers for unmarked graves; purchase of seven passenger motor vehicles for replacement only; maintenance of that portion of Congressional Cemetery to which the United States has title, Confederate burial places under the jurisdiction of the Department of the Army, and graves used by the Army in commercial cemeteries, to remain available until expended, $15,125,000, together with $991,000 to be derived by transfer from the appropriation "Cemeterial Expenses" contained in the Public Works and Atomic Energy Commission Appropriation Act, 1968: *Provided*, That this appropriation shall not be used to repair more than a single approach road to any national cemetery: *Provided further*, That this appropriation shall not be obligated for construction of a superintendent's lodge or family quarters at a cost per unit in excess of $17,000, but such limitation may be increased by such additional amounts as may be required to provide office space, public comfort rooms, or space for the storage of Government property within the same structure: *Provided further*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: On page 10, line 21, strike the period and insert in lieu thereof: ": *Provided further*, That none of the funds appropriated in this section shall be available for use in connection with the proposed permanent gravesite or memorial for Robert F. Kennedy at Arlington National Cemetery."

Mr. SCHERLE. Mr. Chairman, my amendment states simply that no Federal funds will be used to construct and maintain a memorial to the late Senator Robert F. Kennedy in Arlington National Cemetery.

Plans for the proposed memorial consist of a reflecting pool surrounded by a granite wall. This bill would appropriate $181,000 hard-earned tax dollars for visitor access, approach walk, exit stairways, related landscaping, and relocations.

My sole objection to this project is that the expenditure of public funds for this purpose is contrary to the existing policy for erecting memorials in national cemeteries. No one buried in Arlington Cemetery is presently entitled to anything more than that accorded any American serviceman who died in World War I, II, Korea, Vietnam, or any other war. The Government provides the family of every veteran with a headstone costing between $22 to $34. If they wish something more elaborate, they are free to finance it themselves. This established principle has been strictly adhered to by all families of deceased veterans.

The American people are aroused over this proposal for a Federal subsidy. Since my objection appeared in the distinguished Allen-Goldsmith Washington Report, I received over 100 letters from all over the country—from New Hampshire to California, from Minnesota to Florida, and from Massachusetts to Texas, urging that the Congress not establish a precedent—where would this stop?

However, time does not permit me to read all these letters. I would like to share with you a few excerpts.

A lady from Dewitt, N.Y., writes:

> Perhaps this letter is but a small voice against the loud roar of the very important and influential people but as this great and wonderful country affords me the opportunity of having my say. I wish to state my opinion about a matter in which you have taken a stand for which you have my deep appreciation.
>
> I, too, raise the question of the necessity for the very hard-working taxpayers to contribute to a proposed memorial for the late Senator Kennedy. Not only is it unfair when there is untold wealth in this family, but he was a Senator, not a President, and there is no sound reason for the citizens to foot part of the bill for a reflecting pool and granite wall near the grave.
>
> Perhaps to people of great wealth, this figure . . . to be raised seems a drop in the bucket, believe me it certainly is far from that. If the federal government realized how many tax dollars could be saved by a bit of economy, the hard-working tax-paying citizens would be more inclined to cooperate in more ways than we are presently doing. I am a housewife who budgets and I don't care if you operate on a small household budget or a large government budget, all levels of our government could stand to pinch pennies.

From Tyler, Tex.:

> I am a young man with a wife and child and I am just about to go under from being taxed. I don't mind paying my share for living in this great country but when the elected leaders, who are supposed to be looking out for my interest, start spending money in this manner, I am just about ready to rebel.

From Sanborn, Iowa:

> I feel they should have the same type grave any veteran has if they are buried in a National Cemetery.

From Mount Pleasant, Mich.:

> I approve of your stand against the government giving a contribution to the Robert Kennedy Memorial fund (Arlington National Cemetery.) While I admired Mr. Kennedy, this is not the business of our government.

From Woodbine, Iowa:

> Using . . . federal funds for any senator or representative is ridiculous!

From St. Petersburg, Fla.:

> In this era of inflation, when so many of us are struggling to meet high taxes and living costs, it is indeed inappropriate to spend tax money in this manner.

From St. Paul, Minn.:

> I also feel it is a waste of taxpayers' money, especially at a time when other priorities are so pressing.

From Ypsilanti, Mich.:

> There is no precedent for federal(ly) funding memorials to U.S. Senators.

From Council Bluffs, Iowa:

> Although I am only 20 years old and not old enough to vote, I support your position against the use of federal funds for a Robert Kennedy Memorial in Arlington National Cemetery.

From Tyler, Tex.:

> I have sympathy for the Kennedy family but I do not think I owe them a memorial any more than I expect one from them.

From Ft. Lauderdale, Fla.:

> Robert Kennedy has a fine memorial in the Washington, D.C. Stadium.

From Detroit, Mich.:

> If the Kennedys want a memorial let them build it with the Kennedy millions.

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From Lubbock, Tex.:

> The Kennedy family is financially able to place any memorial they desire there, but we do hope taxpayers money will not be used.

From Clovis, N. Mex.:

> I congratulate you for opposing the government's helping to pay for the Kennedy Memorial.

Warwick, R.I.:

> I am in complete agreement with your stand against the proposed allotment of $250,000 in federal funds for a memorial for Robert Kennedy.

The Montana chapter of the Veterans of World War I opposes this proposal and the National Convention of World War I Veterans which recently concluded their meeting in Milwaukee, Wis., went on record as opposed to Federal support for the Kennedy Memorial.

The Veterans of World War I point out that General of the Army John J. Pershing "rests in that small plot with the usual headstone." Furthermore, they can see no justice in the "allotment of the larger plots, depriving 50, 100, or 150 veterans of the U.S. military service from burial there."

The issue is clear: whether this Congress is going to allow Federal dollars to be spent for a memorial which could result in denying many other veterans their hard-won resting place in Arlington National Cemetery.

It must be remembered that a million-dollar memorial to the late Senator Robert Taft of Ohio, who three times was a serious contender for the Republican nomination for President, was built entirely from private funds.

My amendment should be adopted so that the Congress will make it clear that all American veterans will be treated equally and honored equally by their country.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, the money which is in this bill which pertains to the Kennedy gravesite is for access walks and stairs. I wonder if the gentleman from Iowa is aware of that? The original plan did provide for the Federal Government to pay for a certain portion of the plaza which was to be built over the gravesite, so the public could stand and view the gravesite. This is no longer in the plan.

Mr. SCHERLE. I do. However, I also realize that this bill still calls for $181,000 of taxpayers' money. I know of no other veteran buried in Arlington Cemetery, even the three astronauts, who were granted this preferential treatment at taxpayers' expense.

Second, I question the precedent that might be set at this time. It is very important that we be very cautious and not establish a policy that is irreversible.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Missouri.

Mr. HALL. Is it not still true that depending upon which predeceases the other, space is so limited in the Arlington National Cemetery that man must be buried above wife in the same grave plot, or the reverse?

Mr. SCHERLE. That is true. The gentleman from Missouri serves on the Committee on Armed Services, and I understand that in recent years has looked into this problem, building of Fort Myer, and additional land acquisition for the memorial cemetery. I welcome his succinct question.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to my colleague from Iowa.

Mr. GROSS. I commend the gentleman for his amendment. There is no reason whatever for the expenditure of $181,000 of the taxpayers' money for this purpose. There is no justification whatever for the singling out of this gravesite for any such expenditure. The Appropriations Committee ought to have rejected this request out of hand.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

I do not know of any particular monument which has been surrounded with more misinformation than the Robert F. Kennedy gravesite in Arlington National Cemetery.

Mr. Chairman, the item for the site was submitted by President Nixon through the Bureau of the Budget to the Congress, for $258,000 for access walks and exit stairways to the Robert F. Kennedy gravesite. The access walks and exit walks tie in with the present gravesite of the late beloved President John F. Kennedy.

The amount of money appropriated in this bill is not for the Kennedy family. It is for the convenience of the public—purely, simply, solely, and only for the convenience of the public.

Last year 5 million visitors went to Arlington National Cemetery and visited the gravesite of President Kennedy and the gravesite of Robert F. Kennedy.

This is an unusual circumstance. I know every Member in this body, including the Member from Iowa, would hope that the incidents that gave rise to these sites would never occur in the history of this land again. And they probably never will, because of the circumstances—the incredible circumstances that surrounded the lives of President John F. Kennedy and Senator Robert F. Kennedy.

What is provided in this proposal is for the access walks and exits from the gravesite. We are not providing for the memorial at all. The monument is being paid for by the Kennedy family, $496,000.

The site is located in an area that would not be used for any other purpose. It does not lend itself to a great number of gravesites because of the slope of the land and the particular makeup of the land and the soil. Use of this site does not affect the number of veterans that can be buried in Arlington.

This does not provide for a reflecting pool. It does not provide for the monument itself. It provides only for easy access for the handicapped, for the millions of visitors who go there—better than 5 million this year, and probably more next year.

This is a fact we have to face. Because of it the Congress ought to provide ingress and exit to and from the site.

I noted the gentleman from Iowa talked about the site which was provided for General Pershing and indicated that the World War I veterans were concerned because General Pershing does not have as large a site. The fact of the matter is that he does. He is welcome to it. I have no quarrel with this.

All I am saying is that in these circumstances this particular item was submitted not by the past administration, let me say—and it should have done so—but by this administration. This came as an amendment to the budget, and the committee acted favorably. It resulted in a reduction of $77,000, as the gentleman from Iowa indicated, doing away with that part of the walk which actually traversed the monument itself.

So, Mr. Speaker, I would hope this would not become an issue and it ought not to become an issue. All we are doing here is providing access and egress for the people who use the cemetery. That is all.

Mr. Chairman, I hope that this amendment will be resoundingly defeated.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New York.

Mr. ROBISON. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Massachusetts (Mr. BOLAND).

This is an item that gave many of us considerable difficulty. The subcommittee looked into it carefully. We came to the conclusion that this was a necessary project and that it had to be done and that a limited amount of Federal money was necessary and appropriate for the limited purposes described in our report.

Mr. Chairman, I might add to the comments that have already been made by the gentleman from Massachusetts that the gravesite is within the reservation set aside for the late President Kennedy. So, there is no elimination by virtue of this plan of gravesites for other veterans.

Mr. BOLAND. I am delighted that the gentleman made reference to that fact. As was indicated, the Robert F. Kennedy gravesite is within the area reserved for former President John F. Kennedy.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the correspondence I receive indicates that the people of my district are not interested in spending Federal money for the walkways to the Kennedy gravesite.

I would call to the attention of this House the fact that very severe limitations were placed by the Department of the Army, in February 1967, upon burials in Arlington National Cemetery. Even under the severe limitations which now exist, 70 percent of our veterans cannot be buried in this cemetery.

I think it would be unwise when this committee refuses to fund a project that is desired by the people, at least my congressional district, and then to appropriate funds that the people do not want. In my opinion, this is a private, not public, project and the funds should be raised from private sources and the Kennedy family.

I hope this amendment should be adopted.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I am surprised that the esteemed gentleman from Massachusetts would try to confuse and cloud the issue by expressing indignation and consider my amendment a personal affront to anyone. This is not the case. We are discussing the expenditure of $181,000 of the taxpayers' money. That is the issue, nothing else. There is no precedent in Congress where taxpayers' dollars have been spent for one particular individual buried in Arlington Cemetery.

We all respect the late Senator. We are all humbled by the tragic assassination that took his life. We have a great many veterans in this country who I think are equally entitled to the same consideration as is allowed the late Senator Kennedy in this bill. Only they will not get it. This is no personal attack upon anyone and the gentleman from Massachusetts knows it.

I still insist and hope that the House will adopt my amendment and not "open the door" for future raids on the Treasury. The public has expressed strong resentment against such a policy.

Mr. GROSS. Mr. Chairman, it has been said that the amendment ought to be defeated because President Nixon has approved this unnecessary expenditure.

Mr. Chairman, I am going to vote for the amendment to save the President from his liberality in this case.

Mr. OTTINGER. Mr. Chairman, I rise in strongest opposition to the Scherle amendment.

To attack funds for the gravesite of our late Senator, Robert F. Kennedy, on the grounds of hate mail by those who passionately disagreed with him, seems to me to be in the poorest of taste.

The gentleman says he holds the late Senator in esteem, but his amendment is hardly any way to demonstrate that esteem.

The gentleman says it is a question of precedent. If we provide such funds for the late Senator Kennedy, we might be called upon to do so for every other Member of Congress. The argument is patently ludicrous. There is no parallel in our history nor is there likely to be one.

Senator Robert F. Kennedy was not just a Senator who passed away in the course of his service. He was a candidate for President of the United States, assassinated in the midst of his campaign. And all of this was on top of the assassination of his brother, the late President. He was the idol of millions of Americans.

To cater to the base emotions of those who passionately disagreed with him by opposing the funds needed to permit the hundreds of thousands who come to pay him homage to have access to his gravesite would be demagoguery at its worst.

I hope the amendment will be soundly defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The question was taken; and on a division (demanded by Mr. SCHERLE) there were—ayes 27, noes 74.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

> For grants for construction of waste treatment works pursuant to section 8 of the Water Pollution Control Act, as amended, to remain available until expended, $600,000,000.

AMENDMENT OFFERED BY MR. MINSHALL

Mr. MINSHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MINSHALL: On page 14, line 17, strike out "$600,000,000." and insert "$1,000,000,000.".

Mr. MINSHALL. Mr. Chairman, it was after some great thought that I, a member of the esteemed Committee on Appropriations, offer this amendment.

We are going to hear a lot of debate this afternoon over this amendment, but the issue is very clear and very simply it is clean water versus dirty water. That is what today's debate will be all about: clean water versus dirty water, and you have your choice.

This Congress made a commitment back in 1966 when we established by unanimous vote the Clean Waters Restoration Act. I was one of its most enthusiastic supporters. I still am. I said then, and honestly believed we were taking a significant step forward in the nationwide campaign against water pollution. Apparently the oratory that resounded in this Chamber some 3 years ago in behalf of cleaning up our streams, rivers, and lakes, was simply that, a lot of talk. Congress has failed to live up to the obligations we assumed 3 years ago. The Nation is still waiting for the action we promised. The American people are being shortchanged on probably the only American major domestic issue in which all America is united; the need to do something, and to do something now, about water pollution.

Here we are again today with an appropriation bill which will not properly fund our municipalities in the construction of the treatment plants they need. And so the water that comes from Cleveland taps will continue to be Lake Erie yellow, unappetizing, unpalatable, and so unwholesome that some health experts are linking it to a virus-caused illness, and, yes, even death. Yet Clevelanders are expected to drink it, cook with it, bathe in it. A simple drink of water will continue to be a health hazard in many areas, fish and wildlife will go on dying, our beaches will remain off limits for recreational purposes because of contamination.

Now, I hear a lot of talk about economy, and over the years Congress has spent billions of dollars to put a man on the moon, to finance far-out and often silly research programs, to pay farmers for not growing crops, even to finance cultural centers which originally were supposed to be paid for by public subscription. Yet we balk at giving our State and local governments the funds we promised them, funds that they must have if they are to eliminate pollution problems associated with solid waste disposal practices and inadequacies.

Nearly 12 million people live in the Lake Erie Basin. They are under the constant threat from pollution to their economic vitality, their environment, and their very health.

The "Report to the International Joint Commission on the Pollution of Lake Erie, Lake Ontario, and the International Section of the St. Lawrence River" arrived in my office this morning. It underscores the hazardous conditions of which I speak.

I would like to read, in part, from that report as follows:

> There is a large volume of evidence to indicate that many of the treatments afforded sewage are not adequate with respect to viruses; viable viruses have been isolated in effluents from sewage plants. Some sewage enters the lake untreated and most probably would contain viruses. Such conditions of pollution prevail in many areas of Lake Erie. Approximately one-third of the United States shoreline is either continuously or intermittently fouled with bacterial contamination, in particular Michigan beaches near the mouth of the Detroit River and those near Cleveland.

The report further states that the viruses which have been most intensively studied in connection with water supplies are of the enteric group—poliomyelitis, echo, coxsackie, and so forth—which are pathogenic to humans. The report recommends an allout effort to install a new sewer system and to update existing ones no later than 1972.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. MINSHALL asked and was given permission to proceed for 5 additional minutes.)

Mr. MINSHALL. I have fought long and hard for adequate antipollution funds during the years I have served in Congress. I have frequently spoken out on this floor calling for Congress to give more than lipservice to its pledge. I have even investigated the possibility of obtaining disaster funds to clean up Lake Erie.

I do not propose to go home to the people I represent in the 23d District and tell them they have been shortchanged again, that Congress once more has refused to honor its promise to help clean up the mess they must live with every day of their lives.

The State of Ohio's reported need for sewage treatment and water treatment facilities, as of August, was nearly $45 million. Undoubtedly, eligible communities have applied for funds since then. But the $600 million appropriation proposed today would give Ohio only $31 million to meet its needs. This is more than $13 million less than its requirements 2 months ago.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman.

Mr. EVINS of Tennessee. The gentleman is not supporting the $214 million in the budget for this proposition, I gather?

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Mr. MINSHALL. I am supporting the amendment I have just offered.

Mr. EVINS of Tennessee. Would the gentleman tell us how he voted in committee?

Mr. MINSHALL. Mr. Chairman, I refuse to yield further.

Mr. Chairman, I have checked the Record on the vote taken in this House on October 17, 1966. It was 247–0 and I would point out to the gentleman from Tennessee (Mr. Evins) that he was one recorded as voting in favor of the Clean Water Restoration Act which authorized $3.9 billion for fiscal years 1967–71—247 to 0.

Live up to your promise. Not one of you dissented when you voted for that legislation 3 years ago. I urge you to join me in appropriating the full billion authorized by the House Committee on Public Works. There is no economy in permitting these desperately needed programs to go by the board.

It is wrong, ethically wrong and economically wrong, to turn your back on the pledge we made to our fellow citizens in 1966. All of you who know me are aware that my record stands toward the top of the list among congressional economizers. I work hard every day in committee toward eliminating waste from Federal spending. But you are looking for economy in the wrong place if you gentlemen do not vote for the full $1 billion authorization. The price America will pay if you do not will be far greater than the so-called economy move would achieve. I urge you to support me in supporting this amendment.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from New York.

Mr. PIRNIE. Mr. Chairman, the amendment to increase the funding for water pollution control programs deserves, indeed requires, our support.

Originally, it was my intention to endorse the committee's recommendation for $600 million but late-breaking developments have prompted me to reassess the situation and join in the request for additional funding.

I share our Nation's commitment to the elimination of pollution from one of our most vital natural resources. This commitment is widely supported by the people of my State and the district I am privileged to represent.

Nearly 4 years ago, a $1 billion bond issue for water pollution control was approved by 80.9 percent of the voters of New York State and now this widely acclaimed pure waters program is universally accepted as a model for the entire country.

This program, in addition to providing substantial amounts of State funds for water pollution control projects, also makes available more than $150 million for prefinancing an anticipated Federal share of the cost for these projects. New York took the lead in this effort and yet, rather than receiving financial encouragement for its foresight, the State, in effect, is being penalized for being so progressive, Seven States and 25 communities in other States have followed New York's example, although on a more modest scale, and now along with us find themselves in the paradoxical position of being penalized for their progressiveness.

Yesterday, during Senate consideration of the Water Quality Improvement Act of 1969, the distinguished senior Senator from New York, Senator Javits, was successful in securing approval of an amendment having particular relevance to this discussion. As the Senator explained his amendment, it would "allow the Secretary of Interior to make available for reimbursement payments to States and local governments, those unobligated construction grant funds which the Secretary is now entitled to reallot to States merely having approved projects."

This amendment is of great significance. It would allow the Secretary of the Interior to reimburse States and cities which heretofore have advanced the Federal portion of water pollution control projects.

I wish to reemphasize that the only funds which would be available under this amendment would be those which had not been spent during the fiscal year. If $1 billion were appropriated for water pollution control for fiscal year 1970 and only $800 million were actually spent by the Federal Water Pollution Control Administration, the remaining $200 million could, at the discretion of the Secretary of the Interior, be used to reimburse States and cities which have been moving ahead on their own.

There is another important feature of this amendment worthy of special mention. Such a provision in the law should serve as an incentive to more States and localities to advance the Federal share for these important water pollution control projects.

In the past, with the exception of New York State, the other jurisdictions which have launched prefinancing programs for water pollution control projects have done so on a limited basis. They have been reluctant to move too far ahead because of the uncertainty of reimbursement. Favorable action on the Javits amendment would lay to rest that fear and serve as a springboard for new ventures.

It is recognized that pollution is in the process of destroying the greatness of our Great Lakes. It is acknowledged that two-thirds of our Nation's waterways are polluted. It is admitted that the situation is steadily deteriorating. And it is a hard and real fact of life that State and local governments across the country are finding it nearly impossible to fund necessary water pollution control facilities—facilities that must be constructed in compliance with the law.

There should be no hesitancy about the direction in which we must proceed. We should approve $1 billion for water pollution control during fiscal year 1970 and solidify with deeds rather than words our commitment to clear water in this great Nation.

Mr. MINSHALL. I thank the gentleman.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I rise to support the pending amendment. Earlier this year, before a regional conference of the United Auto Workers, I told it like it is and said that the Federal Government is not living up to its end of the bargain. My vote today will be cast for living up to the bargain; for the first time to appropriate the entire funds authorized.

The citizens of this great and prosperous Nation have been expressing with increasing volume and frequency a concern over what they feel is a failure of the Federal Government to "keep the faith." There is before us on this day a shining example of such a failure. No one has risen to deny that a critical situation exists with an increasingly polluted environment, particularly water pollution.

The Congress of the United States created the Federal Water Pollution Control Administration. The Congress of the United States introduced the concept of water quality standards. The Congress of the United States asked that each State set water quality standards, with final approval thereof resting with the Federal agency. Well, Illinois established water quality criteria and plans of implementation covering interstate and waters within its borders. In effect, these standards have created a State-Federal partnership to protect the quality of our waters. The Federal Government has imposed very strict requirements on sewage treatment on both State and local governments. Illinois was one of the first States to comply with the Federal requirements, but Illinois has found it exceedingly difficult to obtain the funds necessary to meet those demands. For example, in 1967, Illinois received 133 applications for Federal grants totaling $20 million. Of the $6 million authorized for this purpose to Illinois, $5.3 million was appropriated. In 1968, 181 applications for Federal grants were received totaling $34 million. Of the $22.8 million authorized, Illinois received $10 million. In 1969, 218 applications totaling $50 million were made, and Illinois received only $9.5 million, although $53 million was authorized. For fiscal 1970, the Illinois allotment under the budgeted proposals would have been only approximately $9.8 million as compared with the $53.3 million under the authorized $1 billion total. The Committee on Appropriations has recommended a total of $31.2 million, which is an improvement over the past treatment. However, continued breaches of faith by the Federal Government should be put to an end. The time is now.

If we are ever to regain the faith of the States and those dedicated professionals working so hard at saving us from a slow death by pollution poison, we must live up to our promises. The Central States Water Pollution Control Association has called for an end to lipservice. They report that since the 1966 passage of the Clean Waters Restoration Act, appropriations have lagged a monstrous $773 million behind the authorizations. I have met with many mayors of local communities in my district. They have been forced by the Federal-State partnership to improve water quality and sewage treatment. They have asked the logical question, "With what funds are we to do all this?" Well, once again we are asked to go back home and mumble our platitudes about budgetary problems and the like. When I go home, I do not intend to mumble excuses, I will have fought the fight. I do not intend to disappoint the mayors and the Leagues of Women Voters and all the other citizens who have asked me to vote for full funding.

Mr. MINSHALL. I thank the gentleman.

Mr. VANDER JAGT. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Michigan.

Mr. VANDER JAGT. Mr. Chairman, at the November 1968 election the citizens of the State of Michigan by a 1,906,385 to 796,079 vote, 70.5 percent in favor, amended the Michigan constitution to allow bonds totaling $335 million to be sold for water pollution control facilities. These bonds represent the State share of a total program costing $1.2 billion in Michigan. Local governments would provide 25 percent of this cost.

The Federal Government, in 1966, in the Clean Water Restoration Act, agreed to provide 50 percent of the costs of approved sewage treatment works in a State if acceptable water quality standards were adopted by that State. The Congress, in its great wisdom, provided the incentive to States and local governments to proceed to establish programs for the elimination of water pollution. Not only did it offer Federal funds to match State and local dollars, but it obviously implied that the States had not been doing the job up to that time which was certainly the case.

The States have met this challenge. Most have adopted accepted water quality standards. Many have begun substantial sewage treatment programs based on these new standards.

Michigan, for example, passed its bond issue in 1968 and only yesterday sold the first $30 million of bonds for this purpose.

There can be no doubt in the mind of anyone that the need is great. In western Michigan we are doubly aware of the acute need for an all-out war on water pollution because we are witnesses to the accelerating degradation of Lake Michigan, one of the greatest natural resource assets with which any people could be blessed. The entire shoreline of the lake provides evidence of accelerating eutrophication which I am told is aging the lake at a rate 350 times what could be expected without man's direct contribution to the process. One river alone contributes more than 15,000 pounds per day of phosphate fertilizer to the lake, a key element in the growth of certain types of algae that mass and die and smell and breed flies on our beaches, clog our water supply intakes and are the precursors of total destruction of the lake as a recreational asset.

Many beaches on Lake Michigan are closed to swimming. The water is unsafe for human use because of high bacteria and virus levels. The sediments of many harbors now support only sludge worms and other pollution tolerant forms of life. The life forms which support desirable species of fish in the lake are beginning to disappear.

What we are faced with is an ecological catastrophe. It is a catastrophe being brought about by human irresponsibility and irresolution.

There may have been an excuse many years ago for tolerating human activities causing these problems, but today there can be no excuse. We know what we are bringing on ourselves. We know what can be done to prevent this catastrophe. It is imperative that we take such corrective action.

In Michigan alone there are 54 communities which applied for funds for water pollution control projects for fiscal 1969 totaling $85 million. The Michigan Water Resources Commission has received 192 applications for projects for fiscal 1970 totaling $363 million.

The Johnson administration made available $203 million in 1967 and $214 million for this purpose in fiscal 1968. The Nixon administration has proposed a like amount for fiscal 1970. The Clean Water Restoration Act called for $400 million in fiscal 1968, $700 million in fiscal 1969, and $1 billion in fiscal 1970. We are $683 million behind the carefully considered need and will fall further behind if we do not vote to appropriate $1 billion today for this fiscal year.

If we can by an overwhelming vote indicate our resolve in this effort, and thereby encourage the expenditure of these funds, Michigan would receive $42 million. This is the Federal share called for by those projects in the 54 communities for fiscal 1969. We would be 1 year behind in our programs. Can we possibly tolerate falling even further behind by appropriating less?

The citizens of my district and of the State of Michigan have indicated their overwhelming sentiments. I implore the Congress and the administration to recognize the disaster which faces our great natural resources if we do not today accept our human responsibilities and provide those funds which will get us back on the right side with the people on this great issue.

Mr. MINSHALL. I thank the gentleman.

I should be glad to yield to the gentleman from Ohio, if he wishes me to do so.

Mr. BOW. I expect to ask for time on my own.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to my colleague from Ohio (Mr. Latta).

Mr. LATTA. Mr. Chairman, I intend to support the gentleman's amendment and speak in support of it.

Mr. MINSHALL. I thank the gentleman.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I rise in support of the amendment of the gentleman from Ohio (Mr. Minshall) to increase the appropriation for construction grants for waste treatment works under the Clean Water Act.

I have come to this decision after very careful thought and study of the arguments on both sides of this critical issue. Indeed, Mr. Chairman, I have given careful thought to the entire subject of Federal grants to supplement local and State contributions to water pollution control facilities. On the subject of water pollution, there can be no question about the need for Federal leadership, Federal financial support, and substantial enforcement authority—particularly with respect to interstate waters.

In my 12th District of Illinois, there are a number of bodies of water which have these interstate characteristics—including the Fox River, the Des Plaines River, and more particularly, Lake Michigan.

Let me add that the waters in Lake Michigan are a vital resource which affect more than my congressional district, or even my State of Illinois. Residents along the shores of Wisconsin, Indiana, and Michigan are as equally concerned as are the residents of Illinois about the continuing deterioration of Lake Michigan.

Under the Clean Water Restoration Act, the State of Illinois has applications for Federal grants as of May 31, 1969, totaling $120 million. Only $9,800,000 of these grant applications could be served by holding to the budget figure of $214 million—or 8 percent of the recognized need. Even with an appropriation of $60 million, Illinois would be entitled to receive only $21 million or 26 percent of its requirement. A full funding of the amount authorized by the Public Works Committee would make available $53,376,000, or 44 percent of the amount needed.

Giving particular attention to the requests for funds in my 12th Congressional District, I find that there are 56 applications pending, with a total need of about $30 million to complete these sewage treatment works.

The local and State officials who are urging support for this amendment are not alone. The overwhelming sentiment in my congressional district is wholeheartedly in support of funds for this vital human need. There are actions pending against industries and against municipalities to reduce or eliminate water pollution. The North Shore Sanitary District which covers the entire lakefront of my district has voted funds totaling $75 million—the limit of its bonding authority—in order to provide sewage treatment works. Leaders in conservation have joined with municipal and county officials in behalf of this amendment.

The influential Chicago Tribune, which is not known for its advocacy of wild spending schemes, has taken a strong and convincing editorial stand in favor of an appropriation of $1 billion for pollution-control purposes.

It has been argued that $600 million is all that can be used for these purposes. If that is so, the Federal spending will not be affected by the larger appropriation. On the other hand, if the need does exist—as I believe it does—and the additional funds are used, then the public itself will benefit from cleaner water, from

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the advantages of healthier marine life, greater recreational opportunities, better quality water for domestic purposes, and the many other benefits which flow from cleaner water.

Mr. Chairman, I urge adoption of the amendment offered by the gentleman from Ohio. Furthermore, I further urge the President and the Secretary of the Interior to support a policy of water pollution control consistent with this action which I believe the House will take today.

Mr. MINSHALL. I thank the gentleman.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is the first time in my many years in the Congress that I have opposed an amendment offered by one of my friends from Ohio, and he is a dear friend of mine. But I think it would be utterly irresponsible to support the amendment offered by the gentleman from Ohio. I recognize that he lives on Lake Erie. But I am not so sure that the amendment he offered is going to clean up pollution in the lake.

The gentleman from Tennessee has asked the gentleman from Ohio (Mr. Minshall) how he voted in committee, and I would say the gentleman from Ohio (Mr. Minshall), who offered this amendment did vote against the item which we have, and he is consistent in that. But may I say to my colleague that last year, as I recall, there was $225 million in the Johnson budget, and we appropriated $214 million. Now this committee comes in today with a request for $600 million. We have tripled the 1969 appropriation. But when it was $214 million last year, I did not hear much complaint on the floor of the House. Now we have tripled it to $600 million. We have been told by the Secretary of the Interior that that is all they can spend. It seems to me, Mr. Chairman, if we are going to be responsible we ought to defeat this amendment.

Six hundred million dollars will do the job, and we will move forward from there on. But let us not fool ourselves by grandstanding this matter, implying that for $1 billion we will be able to clean up all the pollution. This is silly.

I have gone to this committee with others and asked for projects in my district—and I am sure other Members have done the same thing. But the mere fact that we are going to increase this to $1 billion does not mean we are going to have $1 billion to spend. This committee has given $600 million. I urge we support the committee on this, because I think they have done a magnificent job. I favor this committee report. Unfortunately, I will say, I think the gentleman from Ohio has been misled. He has gone down the garden path some place.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I will say to my friend, the gentleman from Ohio (Mr. Bow), that with the appropriation of $600 million, it is estimated there will be $100 million more than can be obligated this fiscal year. The Department advised us only about $500 million can be committed because of the many problems and delays involved in administering the program.

Mr. BOW. That is correct. I am from Ohio, from northern Ohio, and I am close to the Great Lakes. I know of the pollution in Lake Erie, but I will say if my friend, the gentleman from Michigan (Mr. Dingell) could get the people there to cut out the pollution that comes out of Detroit, our lake would not be so bad. But unfortunately we have this bad situation, and there is bad pollution in Lake Erie and the other lakes, but we are moving from $214 million to $600 million. Now that is supposed to be crippling?

Mr. Chairman, I think the committee has done a good job on this. I hope we will support the committee on this.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in view of the fact that the distinguished chairman of the subcommittee, the gentleman from Ohio (Mr. Kirwan), was not able to be active in the concluding phase of the hearings this year, I kept in especially close touch with the details of this bill this year.

Members of the House almost without number during the year have expressed their interest in certain projects that involve their districts. I have been in touch with the staff and the members of the subcommittee in regard to the needs of the individual Members. I spent most of a Saturday not long ago going through these various projects in which Members are interested. I told the Members who talked to me that I would seek, insofar as I could, to be reasonably helpful to the Members with the projects in which they are interested.

However, we must remember that all legislation is a matter of compromise, and there were some things we could do logically and there were some things we could not do logically, but we did the best we could under all the circumstances. In dealing with the problems of individual Members which affect them directly in their districts and have political implications, we did the best we could, and there was no partisan flavor to what was done. The pleas of those in the minority party and of those in the majority party were equally well considered.

I think the subcommittee and the full Committee on Appropriations did a good job with this bill. Several Members have expressed their gratitude in regard to this matter. I hope their gratitude will be exhibited, if I may be plain about it, in trying to hold this bill together.

We were troubled about the clean water matter. I do not know one Member who is against clean water. President Johnson had asked for $214 million, and President Nixon had asked for the same sum, $214 million. We thought we could not live with that.

We thought this was too low, so we agreed in the subcommittee on $450 million, but when the full committee met—and I think I divulge no confidences—we tried to estimate the situation, the needs, the temper of the House, and what ought to be done, and after a great deal of discussion and controversy, we almost unanimously—I say almost unanimously—agreed that, if we put $600 million in the bill, that would satisfy most Members. The increase to $600 million was sponsored by the subcommittee.

It seems to me now, as it seemed to me then, that the $600 million is a reasonable compromise of a very difficult problem.

I should like to see the country devote billions to this problem as rapidly as it can reasonably be done, because the pollution problem is very acute. Nobody can be more outspoken in favor of doing something about our environment than I can be, but this seems to be a reasonable action to take at this time.

Some have previously committed themselves to the $1 billion, thinking at the time it was a choice between $1 billion and $214 million. But that is not now the case. The pending bill provides $600 million, not $214 million.

Under all the circumstances, I believe it would be more responsible for us to settle on this compromise figure of $600 million which has been thoroughly weighed in the light of the technicalities involved. Just appropriating $1 billion will not necessarily get the money spent in the way Members may desire, because of guidelines and the legislation itself.

I would hope we could all agree on the $600 million figure. While it is not as much as I would like—I would like more than this—and others would like more, this is all that can reasonably be utilized at this time.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. Mahon was allowed to proceed for 1 additional minute.)

Mr. MAHON. So, Mr. Chairman, we go from $214 million last year to $600 million this year plus a carryover of about $65 million. I can defend this in my district, and I believe any Member can defend this action in his district.

We talk about economy, yet we are exceeding the budget by nearly $400 million in this item of appropriation. I believe we are justified under the circumstances. But let us stick together on this and feel, as I believe the Members will, that we have done a reasonably good job of handling a very difficult issue.

Thank you.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is one of the most important subjects and one of the most serious problems with which the House has had to wrestle.

I should like to emphasize the fact that for focusing attention on this problem we should give fullest credit to the distinguished gentleman from Michigan, my good friend John Dingell. He is one of the great conservationists, one of the leaders in the fight for the preservation of America. I believe he, more than anybody else, is responsible for the fact that we are at long last facing up to the problem of pollution control in a realistic way.

Having said this, Mr. Chairman, I am also going to state that I believe the amendment should be defeated. I believe it is unrealistic from a number of standpoints. Certainly there is no assurance or even likelihood the money would be spent

if voted. I do not believe it could be considered an exercise of responsibility for the House to appropriate nearly five times as much as the $214 million which was recommended by the President's budget. No plans have been developed for expenditures even remotely approaching a billion dollars in scope.

Please remember the figure in the committee bill is almost three times as much as the budget recommends.

It very probably is more than can actually be spent. It is not a question of what is needed. We know there is serious need for additional pollution control measures. But we should be practical, not political. The fiscal year is far along. It is going to require an almost superhuman planning effort to make preparations to properly expend $600 million if that amount finally is approved.

If the House approves the committee figure of $600 million we will have taken one of the most significant and one of the most meaningful steps in history to combat pollution in a thoroughgoing way and to begin a realistic fight to insure clean water for America.

Mr. LATTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to increase the amount for construction grants for waste treatment facilities to the $1 billion as authorized. I wish to commend the gentleman from Ohio for offering it and also to compliment the gentleman from Michigan for all of his efforts in this area. I further wish to commend all those Americans who have recognized that we do have a pollution problem in these great United States and want to do something about it.

Mr. Chairman, regardless of the good wisdom shown by the Appropriations Committee in upping this amount from $214 million appropriated last year under the Johnson administration and requested by the new administration to $600 million, I still think that there is an opportunity to show greater wisdom than this great committee has shown by upping it to $1 billion which would be the amount authorized under the Clean Water Restoration Act.

Secondly, when the campaign for cleaner water really took hold, it was incumbent upon the committee to take cognizance of that fact and they did. The subcommittee, as the chairman indicated, went to $450 million. And apparently the full committee realized that they did not show sufficient wisdom in this area and increased it to $600 million.

Therefore, I think this House should now show greater wisdom and fund this program for the full amount authorized.

Let me say that I think this is one of the crying needs of this Nation today. The need for action is now! Not next year or the next year, but now. The pollution is here now. Now is the time for this Congress to act and not next year. If you think we do not have a problem now, all you have to do is to visit one of our Nation's lakes or streams. You will find it polluted and unfit for swimming or fishing to say nothing of the fact that our communities are taking drinking water from them.

Mr. Chairman, when we are asked for $662 million so that a private aircraft company can build an airplane to fly at supersonic speeds across the ocean, is $1 billion too much to ask for clean water? Why just a week ago the military authorization bill passed this House with an increase of more than $1 billion over the amount that the administration had requested.

By comparison, Mr. Chairman, is $1 billion too much to ask to clean up our lakes and streams of this great Nation so that our people will have clean water in which to swim and fish? Is this too much to spend to give this great Nation cleaner water to drink?

Mr. Chairman, I think it is a shame—a shame on America—to do what has been done to these streams and to these lakes in this great country of ours. Should not our children and their children inherit something better from our generation?

We are all for conservation and for doing something about this problem but now is the time to prove it. I think we can afford it. I am convinced we must afford it. Let us consider the matter of priorities for a moment. If we do not want to increase the budget, then cut it someplace else—cut it someplace else. This problem is upon us and it cannot wait.

I say this House can measure up to its responsibility in this area today by adopting the amendment offered by the gentleman from Ohio (Mr. Minshall).

Mr. Chairman, I yield back the balance of my time.

Mr. COHELAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say that this may appear to some of you to be somewhat of a role reversal for me. I am sure the Committee knows that I have had occasion to come to the well of this House in both support of, and in opposition to, certain appropriation matters. I have not been reluctant to express my disagreements when in my judgment the occasion warranted.

I have had the honor to serve on this committee for some time, and I can tell you when the full Committee on Appropriations had the kind of debate it did on this particular issue, and when we actually increase the appropriation in the full committee, as many of us on the committee urged, this is a meaningful and important event. And it is on this basis that I come into the well supporting my committee's action and opposing the amendment of the gentleman from Ohio.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I want to congratulate the gentleman on his position here. I too was one of those who signed the proposal to raise the appropriation to $1 billion. I did it because the alternative seemed to me to be $214 million. Now, when the committee decided to vote out $600 million, this seemed to me to be a sensible and realistic program, and I think we would be irresponsible to go any higher than that.

Mr. COHELAN. I thank the gentleman for his contribution.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I thank the gentleman for yielding.

I believe we should make it clear that it was not a matter of the full committee overruling or overriding the subcommittee handling the bill. It was the gentleman from Tennessee (Mr. Evins), himself, the chairman of the subcommittee, who made the motion, after extensive debate, that we fix the figure at $600 million rather than at the $450 million figure which had been tentatively agreed upon before.

Mr. COHELAN. The chairman is quite correct.

Mr. MAHON. I thank the gentleman.

Mr. COHELAN. And it was on the basis of the details which I will recite here that permits me and others on our committee to come before you today and urge you to stay with the committee on this particular measure.

Our colleagues from Ohio (Mr. Latta and Mr. Minshall) both have made this a black-or-white issue. I want to say this: Those of you who know me know that I yield to nobody, including the gentleman from Michigan (Mr. Dingell), in my devotion to his cause, and I have nothing but the utmost admiration for his long term goals.

I suggest that we are going to accomplish those goals.

In my own area, you know we have problems and I would be the last person to stand in this well and say that we should not be in there batting for everything that you can get. I honestly believe the committee has done an adequate job for this fiscal year allowing for the formula under which funds are allocated.

I argued with many of my colleagues in support of the amendment to increase the appropriation to $600 million and it was only after this discussion that I agreed to support the amendment on the floor. This figure, as has been pointed out, has been combined with a $65 million carryover. This represents an increase of $386 million over the budget estimates that we have all heard about.

Mr. Chairman, I therefore rise in opposition to the amendment. It is not easy to oppose this amendment because the cause of pure water is one that I wholeheartedly support. In my own district, the San Francisco Bay provided eloquent testimony to the effects of not planning for fresh water. The indiscriminate use of the San Francisco Bay as a repository for industrial waste, the dimunition of fresh water outflow, and random and unplanned land fill projects have contributed to the pollution of the bay.

In the full Appropriations Committee, I argued along with several of my colleagues in support of an amendment to increase the appropriation to $600 million. This figure is combined with a $65 million carryover. This represents an increase of $386 million over the budget estimate of $214 million and the same increase over last year's appropriation. Yet, now we have before us an amendment that seeks to increase the appropriation still further. This proposed increase does not take into account the

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fact that the current allocation formula would not be able to handle even the $600 million passed by the committee. The current formula, which appears in the Water Pollution Control Act, allocates the first $100 million on a relative per capita income and population base.

The balance of the annual appropriation must be allocated on a population basis only, regardless of the current need as evidenced by a backlog of pending projects. What this means, in effect, is that even if a total of $1 billion were appropriated many States could not get rid of their backlog of pending projects because many of their projects would not qualify under the current formula.

There is legislation pending that would enable the Secretary of the Interior to enter into agreements, within the limits of the annual appropriation, with State and local government units to pay a grant or installment over a period of years not to exceed 30 years. It is necessary that such an agreement pass in the enabling legislation before these needed funds are tied up in an appropriation item that cannot be adequately utilized.

In addition, as I understand it, the current legislative formula requires that a large part of any increased appropriation would require that funds be used by States reporting no additional need. With the $600 million Appropriations Committee figure, 25 States would receive $142.4 in excess of their application for projects. Under the $600 million figure, my own State of California will receive approximately $49 million which is more than three times the original budget request. Since, however, the allocation formula is based on population not demonstated need, six States—New York, California, Illinois, Maryland, Michigan, and Wisconsin—which represent 75 percent of the current backlog would only receive 29 percent of the Federal funds available at various funding levels. Hence there is a definite need to restructure the allocation formula.

In conclusion, Mr. Chairman, under the additional $386 million passed by the Appropriations Committee, there are more than adequate funds to meet the needs of the various States under the current formula. I would concede, however, that the figure is inadequate to mount a meaningful attack on the problems of water pollution if projects were ideally planned. I, therefore, urge my colleagues who wish to have an additional $1 billion for pure water, to change the allocation formula and when this is done then funds can be expended according to demonstrated needs. Under such circumstances I could support an even higher appropriation. Until that time I am convinced that the $600 million figure is the highest that can be effectively used under the current allocation formula and I intend to support the committee bill.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, in listening to this debate, it becomes abundantly clear that the Congress is responding very well today to the call for clean water and a positive program of improving the water quality.

Whether the $600 million or the $1 billion figure carries in the legislation being considered is not as important as the fact that Congress is committing itself to accelerating the pollution abatement and sewage treatment program very substantially.

During the past few years our authorizing Committee on Public Works has offered our recommendations, legislatively, to attack the pollution problem head on.

Following extensive hearings and subsequently, we have found that additional legislative action will be required in order to change and develop a more equitable formula so as to permit States like our own California to accelerate its effort as requested by our Governor Reagan.

I will be urging the Nixon administration and Secretary Hickel to work with our Public Works Committee to develop a bold and realistic program for the future with major emphasis on equitable formula, broader funding, and tax incentives for industry, coupled with strict enforcement.

We can and must clean up the waters of America. I believe we are taking a major step forward today toward that goal.

Mr. ROBISON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, just like the speaker who preceded me, I yield to no one in my support of clean water.

I do not know why anyone even has to say that here. But evidently the measure of one's support for clean water has become whether or not you are for "full funding" of this program.

I want full funding or this program, for my State and for my Nation, but, Mr. Chairman, my vote for this amendment would not produce full funding either for New York or 17 other States whose needs under this program far exceed the amounts that they would become entitled to even under the full $1 billion authorization.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman.

Mr. EVINS of Tennessee. Mr. Chairman, the gentleman now standing in the well addressing us is a very distinguished and able member of the committee as well as a member of the subcommittee. The gentleman comes from the State of New York which is the one State that would not be fully funded even if the full $1 billion were appropriated under the formula as written by the Congress which is based upon population rather than need. The gentleman is emphasizing the need for revising the formula and the legislative committee should address itself to this problem.

Mr. ROBISON. The gentleman is exactly correct. But it would not be New York, alone, that would not be fully funded under the $1 billion, if that is what we want to appropriate, but 17 other States, as well, based upon their reported needs.

New York's total reported need, toward the meeting of which applications totaling $202.2 million are now pending at Albany or at the FWPCA's regional office, is in excess of $1.2 billion.

Toward the meeting of that need, under this amendment, New York would receive but $89.2 million.

Mr. Chairman, that is hardly "full funding" under anybody's estimate.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Arizona.

Mr. RHODES. I have done a little quick arithmetic and have come to the conclusion that it would take an appropriation of $15 billion, under the present formula, to catch New York up to its backlog. Does the gentleman agree with that?

Mr. ROBISON. I would agree—though I have not checked your figures.

Now, admittedly, that $89.2 million is $36.9 million more than New York could hope to receive under the committee figure of $600 million. We could certainly use that additional amount, if the administration were in a position to release it, which I doubt. But, Mr. Chairman, the real barrier to full funding—the real villain—here is not so much the level of Federal appropriations but the allocation formula under which the program is forced to operate.

I believe the committee's recommendation of $600 million for the program's purposes is a realistic compromise in view of that fact. It is probably the maximum amount the administration can hope to use in what remains of this fiscal year, and is a figure that ought to be supported.

I also believe that the only way for "short-fall" States like New York ever to obtain full funding is to band together to encourage the Committees on Public Works in this and the other body to review and revise the present allocation formula, which is clearly not working; and to give attention, too, to the Cramer proposal that passed the House last year in practically the same form, under which construction grants would be made to local municipalities in annual installments over a 30-year period, which would certainly permit us to do a great deal more than we have in these years of budgetary restraint.

Finally, one of the greatest inhibitors of progress under this program has been the failure of local government to come up with its share of construction moneys for these kinds of projects, which, in turn, reflects the failure of all but 14 of the States to contribute anything towards the cost of this one facet of the national effort to abate sources of water pollution. And one approach which we could use towards our common goal of clean water would be to support and promote the revenue-sharing proposals the administration has made, and that might give the States a further incentive than they now have to make this a full Federal-State and local partnership attack on sources of pollution.

Mr. Chairman, I urge the defeat of the amendment.

Mr. BLATNIK. Mr. Chairman, I rise in support of the amendment.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from New York.

Mr. FARBSTEIN. I thank the gentleman for yielding.

Mr. Chairman, I vigorously support the amendment offered by my colleague from Ohio to increase the appropriation for waste treatment grants under the Clean Water Act to allow the full authorized amount of $1 billion to be allocated for fiscal 1970.

There is no river in this country more in need of the assistance of the Federal Water Pollution Control Administration than the majestic Hudson River which flows by my district. Once described by Baedecker as "more beautiful than the Rhine," this priceless natural heritage now contains long stretches which can support no marine life except eels which have been known to attack humans. The sludge which has settled on its bottom in other areas makes any form of biological life next to impossible except disease-causing bacteria.

We are, all of us, responsible for the pollution and despoliation of the Hudson and for hundreds of other Hudson rivers throughout this country. We allow raw sewage by the ton to be dumped into its waters. We countenance industrial waste being poured into it and pollution from the vessels which ply its waterways.

We in New York City are already reaping the whirlwind of our neglect in the almost yearly droughts which afflict us because we cannot clean up the water in sufficient quantities in times of crisis.

The technology which serves 15 million metropolitan New Yorkers is responsible for the state of the river. This same technology must serve to reverse the condition of the river. Sewage treatment plants on the island of Manhattan are needed to stop the discharge of raw sewage into the river and the harbor below, and in order to process industrial wastes. We must also upgrade the operation of existing plants to obtain increased purification of the wastes which they treat.

Even were we to stop tomorrow morning the pouring of all wastes and sewage into the river, it would take several lifetimes to bring it back to anything approximating its original state. Apparently, we're not willing to do that. At best we propose facilities to clean up the junk which we still intend to dump. Such facilities cost money, though—and that is what this amendment is about.

Pollution is no longer the problem solely of the community which it surrounds. It is an interlocking problem which stretches from town to town, from city to city, from State to State. Local initiative is, of course, necessary for combating this problem. But it is becoming so serious—rather, it is already so serious—that the aid of the Federal Government is required.

This Congress originally proposed an authorization of $1 billion to assist in the clean-up of all America's waterways. If you will pardon the expression, even this amount is a mere "drop in the bucket." At best, it can barely begin the process in only a few rivers. It could not even clean up all of New York State's rivers—but it is a step in the right direction, and none too soon.

To cut back from the authorized moneys in our appropriation is, to me, merely committing delayed suicide, because it spells an earlier death for even more of our rivers and, eventually, for us all as we continue to destroy this vital segment of our environment.

I cannot urge my colleagues too strongly to join in support of Congressman Minshall's amendment for restoring the $1 billion for clean water.

Mr. BLATNIK. Mr. Chairman, I shall try to make my remarks brief. I have permission to revise and extend my remarks.

There is no need for me to recapitulate the history of this legislative program which this body, to its everlasting credit, initiated in 1955 and 1956.

Mr. Chairman, one of the most critical domestic problems facing this country today with its marvelous natural resources is the problem of adequate supplies of water that are capable of use for all our domestic needs. It is a gigantic problem, even though we have been on it since 1956, because we have neglected and even refused to meet head on the problem of preventing the pollution of our waterways. Now we must further accelerate our efforts and shift into high gear. We no longer can afford the luxury of allowing our waters to flow untreated into our rivers, lakes, and coastal waters. We must begin now with determination and daring to take great strides not in words, but in deeds. We no longer can afford dirty rivers, dead lakes, and filthy cesspools moving past our cities.

If we in the Congress really meant what we declared to be national policy in 1966, then we must proceed today—now—to live up to our commitment and appropriate the entire authorized amount of $1 billion for fiscal year 1970.

When we first passed the Water Pollution Act of 1956, sponsored by our Committee on Public Works, we went along on a very limited basis for 10 years, in a modest way and in a responsible manner, exploring and feeling out the possibilities and the needs. This chart will show, starting in 1958, what the situation has been. The red bar shows the applications and the gray bar shows the appropriations. We went along well and worked beautifully together, but we found we were falling further and further behind.

In 1965 the Congress and the Nation took a great step forward when we enacted the Water Quality Act of 1965, which authorized the establishment of water quality standards on all the country's interstate rivers, lakes, and coastal waters. This passed without one dissenting vote. This act represented the first effort in the history of our Nation to attack the problem of water pollution on an entire river basis. It recognized the State's primary role in this field by requiring the States to establish adequate water quality criteria applicable to interstate waters.

In 1966, again without a dissenting vote and in what has been referred to by many as "one of the 89th Congress' most sweeping accomplishments," we enacted the Clean Water Restoration Act wherein we recognized that in order to make progress in the battle against water pollution the partnership arrangement between the Federal, State, and local governments was needed. We recognized that only with all levels of governmental participation could this program be a success. In order to effectuate this partnership, the Congress greatly accelerated the schedule of annual appropriations and authorized as the Federal share of the agreement $3.4 billion for construction grants for sewage treatment plants for fiscal years 1968 through 1971. The amounts authorized for each year were $450 million for 1968, $700 million for 1969, $1 billion for 1970, and $1.25 billion for 1971.

So much for history—now what does the record show for accomplishments? It shows that since we decided to really move forward, we on the Federal side have reneged on our commitments to our partners.

Look at this blackboard chart. In 1965, in 1966, and in 1967, we were appropriating as much, or a little less, or about what we authorized. Suddenly, 2 years ago, when we authorized the $450 million for 1968 we appropriated only $203 million or 45 percent of the authorized amount. Last year we authorized $700 million, but we appropriated $214 million or 30 percent of what we had authorized. Now, with the authorization of $1 billion—the administration's request is $214 million—we are offering only 20 percent of the actual need.

The Appropriations Committee, to their credit, raised this wholly insufficient amount of $214 million to $600 million—a vast improvement—I commend the committee and in particular Chairman Mahon and the gentleman from Tennessee, Congressman Evins. We are still not keeping faith with our partners. Even if the $600 million were approved, we still would have appropriated less than half of what we promised for fiscal years 1968 through 1970.

In short, even if we approve the $600 million appropriation, we are going to be $1,126 million behind what we have promised. We did not just authorize. We made a commitment to the people. On the basis of that commitment, the States and municipalities moved ahead and voted bond issues. So today we have a backlog of $2.3 billion worth of projects ready to go—certainly of that, $1 billion are ready to go offhand.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. Blatnik was allowed to proceed for 2 additional minutes.)

Mr. BLATNIK. So here is what our needs are today. After 14 years of experience, after the problem has been examined and talked about all over the country, here is what Congress in this body, without one dissenting vote, authorized 3 years ago in the 1966 act. That is what we are asking for today. This is what we started out with a few months ago and what the administration wanted to get by with.

Mr. Chairman, this is not a partisan matter. Our own administration did the same thing last year, giving us about 40

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percent of what we needed. That is all backlog. This is not even facing into the future what we will have to do to insure clean water 50 years from today.

So much for the history.

Mr. Chairman, we have made a solemn commitment. We made a promise. We are obligated to live up to our word. The States cranked up their machinery and the municipalities went ahead on the basis of our promise and they accelerated their programs.

Look at the way the application requests came in. The long bar is the application requests coming in. That is $2.3 billion. Where is our appropriation? Way down here, dragging.

I say we have absolutely no excuse whatsoever for defaulting on the solemn pledge, on the commitment we made to our own taxpayers and our immediate posterity and to our children.

I realize that it is difficult in these times of tight budgets, inflationary pressures, and critical international problems to vote for additional appropriations, particularly in view of the statements that have been made and, I suppose, will be made that the administrative capability at the State and Federal level to process applications is limited, that the local ability and readiness to fund their share of the costs is suspect, and that the capacity of design engineers and equipment industries to handle the expanded workload is insufficient to handle a $1 billion appropriation.

In my judgment, based on a review of all the pertinent available information, if we appropriate $1 billion as the Federal share, the money can be utilized. Obviously there will be administrative problems. Why should not there be? We have never permitted the program to gear up to what we promised. Through lack of sufficient appropriations we have hampered the Federal Water Pollution Control Administration's ability to mature and grow to where it should be. I say let us finally get the ball rolling. There is no better time to start than now.

Mr. Chairman, the people of this country are tired of promises. They recognize that in the battle against water pollution there has been a credibility gap of the first order. I urge my colleagues in this great body to join with me in voting for appropriating the entire authorized $1 billion so that we can get moving forward with our battle against water pollution.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. Evins of Tennessee, and by unanimous consent, Mr. Blatnik was allowed to proceed for 1 additional minute.)

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. The formula which the distinguished gentleman and his committee wrote is such that 17 States are fully funded under the amount, eight additional States are fully funded with a surplus of $142,373,000. The gentleman has not discussed the fact that after these funds are allocated they lay over for 18 months, and if not utilized can be reallocated to other States with need.

The gentleman and the committee wrote the formula under which many States receive more funds than they need, and after 18 months these funds can be reallocated to other States as they need them and request them.

Our table shows $142,372,000 in excess funds for 25 States.

Mr. BLATNIK. I merely want to respond to the gentleman by saying I truly appreciate the problems which the subcommittee and the full committee have. I want it shown on the record and made public that no one is more aware of the tremendous effort our Appropriations Committee made, with help on both sides of the aisle, to raise the amount from $214 million to $600 million.

Without any reflection on those efforts, I do admit that the formula has to be corrected. I say it can be corrected in the near future.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

(On request of Mr. Pucinski, and by unanimous consent, Mr. Blatnik was allowed to proceed for 2 additional minutes.)

Mr. PUCINSKI. Mr. Chairman, will the distinguished gentleman yield for a question?

Mr. BLATNIK. I yield to the gentleman from Illinois.

Mr. PUCINSKI. As I understand the chart which is before the House right now, even if we accept and approve the Dingell amendment, which I hope we will, we are still going to be $726 million short of the commitment that we made to the local communities of this country to make some meaningful progress toward cleaning up water supplies and sewers, is that correct?

Mr. BLATNIK. The gentleman is correct.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from Arizona.

Mr. RHODES. Would my friend from Minnesota agree with me that coupled with the commitment, so far as the money is concerned, is also the formula under which the money would be distributed. Some of the States which have gone way over their entitlements, since they must have been able to do arithmetic, must have known what their entitlements would be to a penny. Even if every dime authorized had been appropriated, they still would not have received enough Federal funds to take care of their backlogs.

Mr. BLATNIK. I agree. The distinguished chairman of the subcommittee explained earlier that there is a deficiency and an inadequacy and too much rigidity in the formula. It should be studied for possible revisions. We are prepared to accept improving amendments to it.

Mr. RHODES. Could that be done this session?

Mr. BLATNIK. Yes. If not, we hope we can do it early next year.

I say, as seriously as I can, I cannot think of any valid excuse for not living up to our commitment, and for shortchanging our people on their needs for water by three-fourths of a billion dollars. We are that far behind, not at all caught up with the commitment.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Am I correct in understanding that approximately $1 billion worth of the applications pending are to be found in one State, New York State?

Mr. BLATNIK. Yes.

Mr. GIAIMO. As I understand it, $1.3 billion.

Mr. BLATNIK. I believe that is about correct.

Mr. GIAIMO. Under the formula which presently exists, New York would not be eligible for all of this money even if we were to appropriate $1 billion now?

Mr. BLATNIK. That is true.

Mr. GIAIMO. So that in effect when you point to the fact——

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

(By unanimous consent (at the request of Mr. Giaimo), Mr. Blatnik was allowed to proceed for 1 additional minute.)

Mr. GIAIMO. You speak of the gap between the several billions in authorization and the lag in appropriations. Even if we were to give the entire $1 billion in appropriations, even if we were to go over that amount, under the existing formula would we be able to meet these needs in a State like New York which has $1 billion in applications pending. It is because of the formula that we cannot meet these needs.

Mr. BLATNIK. I understand the question and I understand the gentleman's argument, but out of all due respect, I wish to reiterate once more the fact and that is I do not care what route you use, as long as we keep on shortchanging and shortcircuiting our commitment and as long as we keep on welching on our commitment, we will have a backlog that continues to grow bigger and bigger and bigger. In other words, we will never have the capability to undertake what we have authorized. We have got to start sometime. We should have started last year as we promised and we should certainly start this afternoon.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the Chairman of the Committee on Public Works, the gentleman from Maryland (Mr. Fallon).

Mr. FALLON. Mr. Chairman, a brief summary of water pollution legislation to date may be helpful in understanding the issue we have before us today.

Prior to 1955, water pollution control was limited. Until the enactment of the Federal Water Pollution Control Act of 1948, the only role the Federal Government had in water pollution control was contained in three acts: the River and Harbor Act of 1899, the Public Health Service Act of 1912, and the Oil Pollution Act of 1924.

The Water Pollution Control Act of 1948 was experimental and limited to a trial period of 5 years but was subsequently extended to June 30, 1956. On July 9, 1956, there was enacted into law the first comprehensive Federal Water Pollution Control Act. Among its provisions were: first, grants to assist States and interstate agencies for water pollution control activities; second, Federal grants of $50 million a year—up to an aggregate of $500 million—for the construction of municipal sewage treatment works; and third, a permanent procedure governing Federal abatement action against interstate pollution.

On July 20, 1961, the Federal Water Pollution Control Amendments were enacted into law. The amendments, among other things, first, strengthened abatement enforcement of interstate and navigable waters, and second, increased Federal assistance to municipalities for construction of waste treatment works by increasing the grant authorization to $80 million in 1962, $90 million in 1963, and $100 million for each of the fiscal years 1964–67.

The Water Quality Act of 1965, in addition to creating the Federal Water Pollution Control Administration, increased the grants to $150 million for the fiscal years 1966 and 1967. It doubled the dollar limitation on grants for construction of waste treatment works from $600,000 to $1,200,000 for individual project, and from $2.4 to $4.8 million for a joint project in which two or more communities participate. The removal of the dollar limitation up to a full 30 percent of the project cost was authorized if the State matched the full Federal contribution. It further provided that an increase in the basic grant of an additional 10 percent of the amount of the grant if the project conformed to a comprehensive plan for a metropolitan area.

In 1966 the Congress recognized that while it had commenced an aggressive role for the Federal Government in planning and enforcement by these prior acts, insufficient financial assistance had been offered to the States and the local governments to actively fight water pollution. This had been evidenced by the fact that while sewage treatment plants were being constructed as originally contemplated, they were insufficient to keep up with the problem. Thus, it became clear to the Congress that more tools were needed to fight this battle, and mainly the tools needed consisted of more Federal funds.

Therefore, in 1966, the Congress at the recommendation of the Committee on Public Works enacted the Clean Water Restoration Act. This legislation, which is based on the concept of a Federal-State-local government partnership, authorized $3.4 billion for construction grants for sewage treatment plants for the fiscal years 1968–1971. The amounts for each year are $450 million for 1968, $700 million for 1969, $1 billion for 1970, and $1.25 billion for 1971. We did away with the dollar limitation on grants and in all cases the basic amount authorized for a Federal share for a single project or a combined one is 30 percent of the total cost. However, where the State agrees to match 30 percent of the total cost of a project, the Federal share is increased to 40 percent. In addition, if water quality standards have been established, the Federal share is increased to 50 percent. Hopefully, this was a major breakthrough in the fight against water pollution.

We all believed, and so advised our constituents, that the authorization for Federal assistance for construction of sewage treatment facilities would result in aiding our towns and cities in meeting the water quality standards which we had required to be established under the Water Quality Act of 1965.

However, we were mistaken. We learned again that authorizing a program does not insure that the program will be funded. Instead of $450 million in 1968, appropriations were limited to $203 million. In 1969, instead of $700 million, appropriations were $214 million. And now in 1970, despite the fact that the Congress authorized $1 billion as recently as 1966, the administration in its budget request asked for $214 million. The Appropriations Committee has recommended that the appropriation be raised to $600 million.

In my judgment, anything less than $1 billion constitutes a default on our obligations. We have promised assistance; instead, the obligation for carrying out the water pollution control program has been shifted back to the cities and towns.

Mr. Chairman, I earnestly urge that this great body appropriate funds for sewage treatment facility construction in the amount of $1 billion.

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Illinois (Mr. Kluczynski).

Mr. KLUCZYNSKI. Mr. Chairman, since the beginning of recorded time, man has built his civilizations, his cities, and his homes along great rivers, streams, lakes, and oceans. Since the beginning of recorded time, man has discovered that one of the paramount needs for his continued existence on this earth of ours is water. Water to provide the means of transportation, of developing his industries, of providing his food, and most important of all, water for his very health and existence. We are told that the water table of this earth has remained constant during all this period. There is only so much water for our needs. It is an asset infinitely more precious than the diamonds, rubies, and emeralds that many treasure. Like the air we breathe and the food we need as fuel for our bodies, it is a necessity without which we as individuals cannot continue. Yet with this background and this knowledge, man has recklessly and thoughtlessly squandered this priceless heritage.

Today we are faced with the fact that the once abundant supply of water—the water that would never end—is not an unending stream. It has become contaminated and polluted. Ironically, the development of our great civilization and our great technology has also brought about this contamination. As we have advanced in our civilization, we have at the same time been systematically destroying water.

A few short years ago Congress recognized this problem. A few short years ago Congress enacted legislation known as the Clean Water Restoration Act to protect and preserve our waters and their uses for all of us. We have enacted meaningful legislation to protect our streams and to enforce standards set up for this purpose. We have authorized a monetary program to get underway, in a meaningful fashion, a program for cleaning up and preserving our Nation's waters. With all of this the Congress as of the very moment I speak has made no real effort to fund this program properly. We are told that the need for funding runs into the billions of dollars, and we have appropriated only a tiny portion of this sum.. This is an intolerable situation, one which cannot be allowed to continue.

Today this body has the opportunity of funding for the first time a meaningful sum of money to get our treatment plant program underway. For the first time, we have the opportunity to honor fully the commitment we made to the American people for a clean water program. For the first time, we have the opportunity to enter into a full-scale partnership with the States and communities to whom we gave this commitment when we passed the legislation covering this program. One billion dollars is a large sum of money, and yet by approving it this year, we will only be scratching the surface. However, in approving the $1 billion appropriation, we will finally go on record that we do fully recognize the need for this program and recognize the fact that we are determined to see that it is properly carried out.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Missouri (Mr. Hungate).

Mr. HUNGATE. Mr. Chairman, I urge adoption of this amendment, an item first proposed by my colleague, the gentleman from Michigan (Mr. Dingell).

I would like to read an outline of the problems facing St. Joseph, Mo., in its efforts to control water pollution. And, these problems are often repeated in many cities along the Missouri and Mississippi Rivers in my district in Missouri.

[From Nation's Cities, September, 1969]

St. Joseph, Mo., Faces Its Financial Bind

As an example of one city's efforts to meet its water pollution control responsibilities, here are excerpts from the testimony of Mayor Douglas A. Merrifield of St. Joseph, Mo. (pop. 80,000), before the Public Works Subcommittee of the Senate Appropriations Committee June 9. He was speaking on behalf of the National League of Cities and U.S. Conference of Mayors in support of full funding for fiscal 1970 of the $1 billion authorized for waste treatment project assistance.

In the past few years, St. Joseph has placed in operation or put under construction nearly $7 million worth of water and sewer improvements. I am proud of this record, and believe it exemplary of the efforts of municipalities around the nation. The city is currently pushing ahead on another $2,512,000 of construction. For this program we have been advised that a grant of $1,290,000 is approved as a reimbursable grant if waste treatment funds are appropriated. In good faith, the city is underwriting this new construction and advising our citizens that the federal government, in due time, will reimburse us for a portion of the improvement costs. St. Joseph has planned another ambitious project, costing about $3 million, to complete its primary treatment program. However, it will be very difficult for us to finance this project unless increased federal aid to provide the 50 per cent matching share is assured . . .

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> Municipal bond interest rates are now at an all time high. In 1961 St. Joseph issued local sewer bonds at a 2.98 per cent interest rate. Today municipal water and sewer bonds are marketed at rates of 5 to 6 per cent and more. This means that debt service charges for long term financing projects such as waste treatment facilities will often exceed principal payments over the life of the bond. Despite record high interest rates, municipal bonds are becoming more difficult to sell. Large commercial banks, the traditional purchasers of municipal bonds, cut their net holdings of municipal bonds by nearly $1 billion in the first quarter of 1969 although a record number of municipal bond issues were presented for sale. . . .
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> For clean water programs of the future, even greater levels of financing will be needed. But demands for more local action are simply not realistic unless federal support is increased. In St. Joseph we are told that programs of secondary sewage treatment must be operational by 1972. I do not believe we can construct the $4 million facility required before 1974, and even that will be impossible unless federal aid is available for the full 50 per cent share.
>
> In the distant future, the Interior Department is calling for separation of storm and sanitary sewers. Such a program could cost St. Joseph another $13 to $15 million and is estimated to cost between $15 billion and $30 billion nationally. My citizens will never vote for bonds for this unless there is assurance of massive federal and state grants to back the local effort.

I urge full funding of $1 billion of this Clean Water Restoration Act in this bill.

Mr. BYRNE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Pennsylvania, Mr. Byrne.

Mr. BYRNE of Pennsylvania. Mr. Chairman—

> Water, water everywhere and not a drop to drink. Water, water everywhere and all the boards did shrink.

All of us recall these famous lines from Samuel Taylor Coleridge's "Rhyme of the Ancient Mariner." They were written many years ago, but I think they are just as applicable in 1969. In many parts of our Nation there is indeed water, water everywhere but not a drop for drinking, for bathing, or for recreational purposes. The water is polluted. It is contamined. It smells. It is a menace to health. This was once pure, pristine water. What has happened to it?

All of us in this body know what has happened to it. It has been polluted in many ways by many people, by all of us. As we advanced in civilization and built this great country we at the same time found untold methods of using water and destroying it, making it unfit for human consumption or any consumption whatever.

This is the problem before us today. It is a real one. It is one we have recognized through the legislative process but it is not one we have recognized through the appropriation process. The American public is aware of this and you and I in this body today are aware of this fact. It is one thing to authorize a program, but it is another thing to supply the money to move it forward. We have failed to do this in this water pollution program. We can no longer put ourselves in that position.

The reports of experts in this field, the reports of those who fully understand the problem, indicate that there is need for billions of dollars to clean up our Nation's waters properly. They tell us with each passing year we fail to act to provide money to the States and local communities as we promised we would in the Federal-State program to build the treatment plants they need for these purposes, that with each day that goes by, the price will be higher and the problem more difficult. The answer is obvious. It is true we face a period of inflation. It is true we face a problem of budget control. We also face a question of basic priorities and certainly one of the basic priorities is water. Clean water we need for our very existence.

The record is clear. The history of the program is well known. There is no need to delay. We cannot delay. I urge this House to support an amendment to increase the appropriation for sewage treatment plants for the fiscal year to $1 billion.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what the gentleman from Minnesota said is correct. In the past, the Appropriations Committee has not been as generous in this regard as I would have liked it to be. I certainly want to see every available dollar spent in order to get underway the job of cleaning up pollution.

We have made a great start this year. The fact is that our committee did increase the budget figure from $214 to $600 million. We brought the appropriation nearer to the authorization figure in this area.

In addition to the $600 million, there are $65 million in carryover funds. This means that we have $665 million available of the $1 billion authorization. This is before we go over to the other body and before we go to conference. In my opinion, this figure will be a minimum of $600 million, plus $65 million in carryover funds.

Mr. Chairman, the gentleman from Minnesota (Mr. Blatnik) has expressed his thoughts about getting started in this area. But the fact is that changes must be made in the formula so we can get all available moneys to the States which are ready to begin. Witness the case of New York and 17 other States that are being shortchanged because of the formula. New York has on hand requests for $1.2 billion of this total of over $2 billion. Yet, even if we were to vote the $1 billion appropriation today, the State of New York could not obtain this money because of the formula.

Further, I have been a supporter of the proposal offered by the gentleman from Michigan (Mr. Dingell) to go to the $1 billion figure. However, it makes no sense to do it today for several reasons. I very much doubt that under the existing formula we could dispose of the whole $1 billion immediately. I very much doubt that the Bureau of the Budget, which only asked for $214 million, is going to expend $1 billion even if we appropriate it, let alone $600 million. The fact of the matter is that this committee has acted responsibly. It is in the ball park. It is saying, in effect, that we are serious about clean water; we will make a great start, even though your authorization is $1 billion. But in view of what is going on in the States as a result of the formula and in view of the applications pending, how can we come into this House responsibly and ask for more than $600 million, plus $65 million in carryover funds?

Mr. Chairman, in my opinion this committee has done a great job and is entitled to our support for a job well done.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wonder if what the gentleman says is correct, and the committee is trying to act responsibly, how would the gentleman explain that in 1968 the committee reduced the authorization by $247 million, in 1969 by $486 million, and now in 1970 by $400 million, all told more than $1 billion in 36 months after the authorizing committee studied and made their recommendations?

Mr. GIAIMO. The committee may be guilty of past sins, but the fact is that today in the 1970 fiscal year budget the committee is putting its shoulders to the wheel. It is shouldering its responsibilities and is making a valiant effort to catch up in this area. I suggest that if we change the formula so that we can get more equitable treatment for large States, States like New York, we can do an even better job.

Mr. MADDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to commend members of the committee who are insisting that the Federal Government carry through its original program which provides $1 billion to continue the fight to clean up the polluted waters in the lakes and streams of America. This much-needed program has been too long delayed. Medical reports state that it is impossible to estimate how many millions of our citizens are submitted to unnecessary illnesses and health hazards in 1 year's time by reason of drinking contaminated water which has been unnecessarily polluted by industries, sewage systems, and other sources which dump refuge in America's fresh water supply. Towns and cities along rivers throughout our Nation and adjacent to the lakes must take immediate steps to preserve the health of millions of American families.

Daily I receive many letters from my district and elsewhere protesting the administration's recommendations that the promised appropriation of $1 billion toward cleaning up water pollution should be cut to $214 million. This proposed weakening of the battle to preserve the health of millions of Americans against the drinking of contaminated and occasionally poisonous water in the urban areas of the Nation is beyond belief. The message which I am receiving from citizens, not only from my own district, but other parts of Indiana and the Midwest, is that they feel that this cut will be a major setback to cities and States and all citizens in their fight against water pollution.

A great number of Members of the House, including myself, have been working for legislation to restore the $1 billion in the 1970 budget which was set up to support the Clean Water Restoration Act.

The Congress must take the initiative to provide the necessary matching funds to aid the States and cities to purify the Nation's water supply in our rivers and lakes. Our Government must give full support to compel the mammoth industries and cities and towns to install the proper machinery to terminate water pollution in our congested urban areas.

It is no excuse for the Government or the Congress to protest lack of sufficient funds to combat this water and air pollution scourge on the present and future health of millions of American families. The tax reform legislation if enacted this year will provide additional billions to amply supply funds to combat water and air pollution.

The tax reform bill, it appears now, is receiving the old legislative trick of postponement and stalling with the hope that public interest for tax reform will subside. The bill passed by the House is now apparently dormant in the other body, judging from the Associated Press dispatches in the papers recently. The postponing of this tax reform bill until next session of Congress will mean that the Federal Treasury will not only suffer a loss of many billions of Federal tax dollars from large tax loopholers, but it will afford a better opportunity for the continuation of the unnecessary 10 percent surtax for another year, running it into 1971.

Further, any Member of Congress who opposes this $1 billion fund to curb water pollution and protect the health of millions cannot in good conscience give as his reasons that this necessary appropriation for pure water is beyond the possibility of the Federal Government to spend. During the recent tax reform legislation debate I and other Members submitted uncontested figures wherein if just the fabulous, and in some cases fraudulent, tax loopholes of big oil were repealed upwards of $4–$5 billion would come into the Federal Treasury.

As an example from 1962 through 1966 the Atlantic-Richfield Oil Co. had profits of $411,621,000. But after deducting its 27½ percent oil depletion allowance, "intangible drilling costs" and other items it came up with a whole string of goose eggs. Its total income tax obligation for those 5 years was zero.

In 1962 the Marathon Oil Co. had a net profit of $36 million. After deducting its depletion allowance and other items, Marathon not only paid no income tax but received a tax credit of $2.2 million.

Let us consider the tax "bonanza" enjoyed by the 27½ percent exemptions under the oil depletion allowance. In this case you determine your income from a producing well and deduct 27½ percent of that amount before beginning to calculate your income tax. You do the same next year, and the year after that and every year as long as that well produces. You do not stop when you have retrieved your investment; in fact, the average well is "depleted" 12 times over. If your drilling cost was $50,000, your total income tax deductions on its production might be $600,000. This bill reduces the depletion loophole 7½ percent and most Members feel that it should be repealed entirely.

I am not going to take the time to narrate the additional billions that could be brought in by closing loopholes on foundations, real estate, capital gains, and inheritance exemptions, and so forth, which would further ridicule the contention that our Federal Government cannot afford to spend $1 billion next year toward eliminating water pollution.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. PUCINSKI. Would the gentleman agree, if you look at the chart, that one could argue effectively they are not appropriating anything for 1970 because actually the $600 million they are recommending in this bill does not even meet the $247 and the $486 million they shortchanged us in 1968 and 1969?

Mr. MADDEN. Mr. Chairman, I decline to yield further.

Mr. Chairman, what a ridiculous situation comes out here this afternoon when the gentleman from Ohio offers this amendment to increase this money by $400 million to provide eventually clean drinking water for 15, 20, or 25 million families, and then to hear Members of this House oppose this amendment.

Mr. FEIGHAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, life, in every conceivable form, is dependent for its very existence, on water. Nowhere in this country do we see this precious commodity so threatened as in Lake Erie. Unless drastic action is taken to control the threat of water pollution, the present condition of this virtually dead lake could be a foreboding of what lies ahead for many more of our Nation's waterways.

In 1965, the U.S. Public Health Service estimated that the cleanup of Lake Erie at that time, without provision for future control, would be a $75-billion program. They projected that failure to take this remedial action would lead to the complete death of the lake—the point at which it would be unable to support any form of life.

Although one might conclude that such dire predictions would not be ignored, industrial and municipal pollutants continue to be dumped into Lake Erie daily. Nearly 1½ million pounds of pollution discharge into Lake Erie from just one source—the Detroit River. In addition, the bacteria count in the Cuyahoga River which flows into Lake Erie is four times the level expected in an ordinary stream of raw sewage.

It has been estimated that it will cost $100,000 per year simply to remove the floating debris from the few square miles of the Potomac River in the District of Columbia area. Lake Erie, on the other hand, covers a surface area of 9,910 square miles. The pollution, however, has penetrated far below the surface. Vast areas of bottomland are devoid of oxygen, and the deoxygenated areas are expanding. The longer we procrastinate in the halting of this continuously spreading blight, the more difficult—and more expensive—it will become to control this threat to the more than 11 million Americans who depend on Lake Erie.

Prior to the passage of the Clean Water Restoration Act of 1966, the assessment of blame for the polluted condition was on the persons in the specific areas who tolerated the industrial and municipal sewage and waste pollutants that were dumped into the waters. Finally, we have recognized that it is not solely a local area problem, but one of national concern and responsibility.

Despite the recognition by Congress of the problem and commitments to take the lead in the fight against water pollution, the Federal Government has spent just over $200 million per year during the past 2 years for pollution control. The city of Cleveland alone, with a population of approximately 835,000, has voted a $100 million bond issue for better waste-treatment facilities, relying on Federal participation.

If we are to achieve those goals contained in our commitment, we must appropriate the full $1 billion authorized in 1966. Settling for anything less would be compromising the present and future welfare of our great Nation. A token appropriation at this time will not lead to a solution.

I urge the approval of the amendment offered by our distinguished colleague (Mr. Minshall) of the amount of $1 billion, which is necessary to meet the catastrophic conditions that exist and will multiply unless we take a firm stand to eradicate water pollution, which is a national problem and a responsibility of great magnitude.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. OLSEN. Mr. Chairman, I wish to speak out on behalf of appropriating the full $1 billion for waste treatment plant construction grants in the public works appropriations bill—H.R. 14159—under consideration today.

We have heard a lot about "compromising" and I fully understand that this procedure is both prudent and necessary at times. However, the $1 billion itself was a compromise. To further compromise a compromise, in my opinion, is to make a gesture that can border on dereliction of duty.

For the benefit of newcomers to this body, or for those who have forgotten, I should like to outline what happened when this authorization was enacted back in 1966.

First, however, let us examine the situation in perspective.

Earlier this year, the Federal Water Pollution Control Administration issued a report on the cost of water pollution abatement and control. The report shows that, if costs continue to rise, the total bill is expected to amount to $26 to $29 billion in the next 5 years. Broken down, this is $8 billion for municipal works, $6.2 billion for sanitary sewer construction, $2.6 to $4.6 billion for industrial waste treatment plus another $1.8 billion for cooling equipment, and $5.3 billion to $5.7 billion for municipal and industrial operating and maintenance costs.

You will recall that this authorization was contained in the Clean Waters

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Restoration Act of 1965—an enactment somewhat overoptimistically named. Prior to passage of this landmark legislation, the Secretary of the Interior asked for $3.45 billion over a 6-year period. The Senate, however, allowed $6 billion over 5 years while the House granted initially only $2.3 billion for the same period. The final authorization of $3.4 billion over 4 years thus was a compromise.

However, even though many States went ahead with their commitments on the assurance that Federal help would be forthcoming, the Congress has not come through. In fiscal 1968, we allowed only $203 million of the $450 million authorized. In 1969, the figure was $214 million on an authorization of $700 million. Thus, we are already far behind in meeting our commitments. Anything less than the full $1 billion authorized will compound the problem.

The reluctance to appropriate the Federal share sometimes is difficult to understand when poll after poll, conducted by Members of the House among their constituents as well as by national surveying organizations, reveal a deep concern on the part of the public.

A survey conducted earlier this year by the Gallup Organization, Inc., for the National Wildlife Federation showed that three-fourths of the people are concerned about contamination of the environment and 73 percent are willing to pay additional taxes to improve their natural surroundings.

Since 1964, the voters of nine States have voted in statewide elections on water pollution control bond issues. Of these nine, seven were approved and the other two attracted majority voter support. Of 17,625,254 citizens who voted on the nine proposals, 11,725,444—66 percent—said "yes."

To conclude, Mr. Chairman, I am but one among many who feel that our national priorities need to be reviewed. And, when we do, water pollution control must rank high in the list. It is difficult to keep our eyes on the stars when standing up to our ankles in crud.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. TIERNAN. Mr. Chairman, I rise in strong support of the amendment.

The U.S. Congress put itself firmly on the record in 1966 in support of maintaining an environment of quality for all of our citizens.

The Clean Water Restoration Act authorized additional matching Federal grants to municipalities in construction of sewage plants. It also called for a steady increase over a 5-year period in funds to States, ranging from $150 million in fiscal 1967 to $450 million in 1968, $711 million in 1969, $1 billion in 1970, and $1.25 billion in 1971.

The Appropriations Committee has now recommended—in H.R. 14159—a total of $600 million for 1970, but this is far short of the $1 billion that was originally authorized and is direly needed. The backlog of demands by States for these matching funds has grown to more than $6 billion since 1966. The $1 billion appropriations is still a paltry sum when compared to the magnitude of the problem. The trouble with the problem of water pollution is that by the time we fully study the problem, discuss its ramifications and fund it adequately, we will have passed the point of catastrophe. Oceans, rivers, and lakes are just like any other sink; they have a finite capacity for waste, after which they clog up.

According to a report on last night's NBC special, "From Here to the Seventies," by the end of this century, two-thirds of the entire fresh water supply of this country will be polluted. The oceans will be next. Experts tell us that we have 10 years to solve this problem. I repeat, 10 years. We are living with the distinct possibility that we may drown in our own sewage. We must realize that environmental control in the 1970's will of necessity cost hundreds of billions of dollars, if we hope to begin the reversal of the tragic path we are on. We must begin to fund this program adequately and realistically. The preliminary programs which have already been established are inadequate when measured against the problem we have ahead of us. To put it candidly, the ratio of talk to action is far to high.

We are forcing cities to meet Federal water quality standards even though they do not have the Federal appropriation to help meet the programs. We are trying to recreate an environment that is safe, healthful, attractive, economically and biologically productive. In looking at the past, we know that lack of adequate funding has often resulted in deferment of programs and sometimes the permanent loss of opportunities. I personally do not think that we can afford not to appropriate the full $1 billion, we cannot delay any action that will stop the dumping of inadequately treated sewage into our waters.

We, as Members of Congress, have a strong say as to the priorities of America now and in the future. The choice must be made—are we to take the road to deterioration and destruction of our environment, or will we choose to develop an environment that not only sustains but enriches human life. Our success or failure depends on the goals we set our sights on, our willingness to establish adequate machinery to meet these goals, and appropriation of funds to preserve our environment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, there are few issues which rate a higher priority in West Virginia and the Nation than clean water and pure air. We are losing ground in our fight against water and air pollution. I cannot for the life of me figure out how Congress one week can vote $1 billion above the President's budget for ships the Department of Defense has not asked for, and then turn around and fail to vote the necessary money to protect our environment. Unless we clean up the air we breathe and the water we drink, this Nation will not have much left to defend with our huge military expenditures.

I believe that the State of West Virginia has fallen down on the job in our efforts to get cleaner water. If this amendment should fail, I feel that part of the responsibility falls on the State of West Virginia. In today's RECORD, commencing on page 28834, the gentleman from Michigan (Mr. DINGELL) who has done such herculean work in leading the fight for clean water, has included communications from officials of nearly every State setting forth the needs of the States in graphic terms. I regret very much that no information has been supplied by the State of West Virginia, and a few minutes ago I asked the gentleman from Michigan (Mr. DINGELL) the reason for the omission. He commented that although he had asked for and received information from every other State, the State of West Virginia had failed to respond to the inquiry.

As far as I can ascertain, West Virginia will need $55 million in Federal assistance during the fiscal years 1969 through 1973 to help build waste treatment works. If the pending amendment fails, West Virginia will receive only $6,646,700; if the amendment succeeds, West Virginia will receive $10,840,700. I certainly hope that this amendment passes, because the total authorization of $1 billion is sorely needed throughout the Nation in order to fight water pollution.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. KOCH. Mr. Chairman, I would like to give you the position of one who has always lived in the city and like so many who have grown up in our city's streets has been appalled by the despoliation of our natural resources.

Only a quarter of a century ago Loren Eiseley wrote:

> If there is magic on this planet, it is contained in water.

The magic of water is not limited to the esthetics of water, but it is in the fact that water is the essential link that both supports and provides the environmental medium for life in our ecology. We in this country are witnessing the death of water's splendor, as our lakes have become devoid of life and as our garbage-strewn rivers spew their filth into the sea.

Our expanding population and technology has required more agriculture and industry. Each requires more water and has produced more wastes. The increased demand on water will continue with the spiraling complexity of our society. New chemical compounds in agriculture and industry are daily released into our environment in quantities which are poisoning it for those now alive and perhaps beyond repair for our future generations. We must undertake to improve our environment in order for it to continue to support mankind and protect it from the savage attacks man has made upon it. We have soiled our own well.

Our country and our world have seen the trends of urbanization to the point that more than 70 percent of this Nation's population now inhabits a mere 1 percent of our space. The future will see this density rise, making our ecological problems more accute. Waterborne wastes in metropolitan areas do more than destroy the physical beauty that relieves the oppressiveness of the city, prevent water-related recreation, and deny water its miracle of life.

Manhattan is one of the country's most densely populated areas, and every day New York City produces 1,400 million gallons of raw sewage. Currently, only 1,000 million gallons are treated per day in the existing sewage treatment plants for that area which leaves 400 million gallons of raw sewage to be dumped directly into New York rivers.

The Hudson River, which once was a scenic resource, is now an open sewer between Albany and Manhattan. Daily, rivers such as the Hudson and East receive untreated sewage, the effluent of riverside factories. And the problem mounts as the volume of the wastes increase.

We must recognize the inadequacy of this year's $600 million appropriation. In 1965 the Water Quality Act authorized a concerted nationwide attack on water pollution. And in 1966 the Clean Water Restoration Act authorized Federal matching grants to local governments for treatment plant construction between 1967 and 1971.

These are the important Federal programs now contending with water pollution. However, we are not meeting these projects fiscally, as last week Congress only appropriated three-fifths of the funds required to continue projects of the Clean Water Restoration Act for fiscal year 1970. Between the additional $400 million needed for 1970 programs and gaps between requests and appropriations for the last 5 years, the program is now short $1,126,000,000 of the $2½ billion originally designed for 6 years' work.

The fiscal dilemma is especially difficult for New York City. Currently, there are 13 sewage treatment plants in New York City, one of which will be abandoned. Two more plants are to be built. The present estimated construction costs for the 14 total plants in New York City amounts to $934 million which may be increased during the actual construction depending upon engineering feasibility of the existing plans. New York State pays 30 percent of the construction costs and can pay an additional 30 percent of prefinanced construction costs while Federal grants from the Federal Water Pollution Control Administration under the Clean Water Act of 1966 can amount to 55 percent of the total cost. These figures represent the maximum cost sharing percentages of the FWPCA grant formula. Instead of paying the 55 percent, the Federal Government is in fact now paying only 1 percent.

Federal funding is made on a per capita basis according to State rather than on the criterion of need which does not rationally deal with this problem. Hence, in addition to the need to fully fund the water restoration program we must work to reorient the program by redesigning the grant formula so it will realistically respond to the needs of our Nation.

Mr. Chairman, let this 91st Congress be remembered as one which held dear the goal of clean water and provided the moneys to achieve that mission.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. BIAGGI. Mr. Chairman, the Nation, the President, and the Congress are all against inflation; and Government spending has been labeled a major factor to be controlled. Yet within any given budget limit, there must be choices made and priorities set. That is what this bill before us today does—it sets a high priority for action to restore the quality of our lakes, streams, and estuaries.

Thus, I do not believe that arguments against the full $1 billion appropriation on the basis of fiscal conservatism are sound. The total Federal budget may well be limited, possibly by an expenditures control act as occurred in 1968—but the willpower and the purse power of the taxpayers are behind water pollution control and the Congress has a clear responsibility to legislate.

Furthermore, we are only asking that we live up to our own authorization passed in the Clean Water Restoration Act of 1966. In that act, on the basis of years of study, testimony, and surveys of State and local community needs, a financing and construction program was agreed upon. The bill passed both Houses with hardly a single dissenting vote. The echoes of speeches supporting clean water are still ringing in this Chamber. Representatives and Senators have been congratulating themselves ever since on their leadership role in bringing Government powers to bear on pollution.

I do not demean our authorizing legislation. Rather I applaud it and regard it as right today as it was right in 1966. The Congress did know what was needed and nothing in the intervening years has come to light to lessen the conviction with which we acted.

But there is more than a little hypocrisy in our appropriations for grants for sewage treatment plant construction since the glorious days of the authorization act. In 1968 we appropriated $203 million instead of $450 million authorized; 1969, $214 million out of $750 million and this fiscal year the authorized amount is $1 billion. So the question is one of sincerity of purpose as well as setting a scale of priorities for the financial resources of the world's richest Nation.

Let us match our authorization rhetoric with appropriation dollars so as to realize abatement results.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. MIKVA. Mr. Chairman, I rise in support of the amendment of the gentleman from Michigan (Mr. DINGELL) to provide $1 billion for Federal aid to local water pollution control programs. I commend his extensive and energetic efforts in the cause of cleaner water for all Americans. I believe that in light of the high water quality standards which Congress has set for States and local communities throughout the Nation, we must take the next step of providing sufficient Federal financial assistance to help them achieve those standards.

The Public Works Subcommittee increased the amount for construction grants for local waste treatment facilities from the totally inadequate amount—$214 million—requested by the administration. The subcommittee is to be commended for its action in raising this amount to $450 million. The full Appropriations Committee increased the amount still further, to $600 million. This, too, deserves the thanks of all of us interested in cleaner water for our citizens.

But, Mr. Chairman, these increases by the subcommittee and full committee are still not enough. The proper amount must be measured not by what the administration requested—for that amount is inadequate by anyone's standards. The two measures ought to be: first, what this Congress authorized when it enacted legislation authorizing Federal aid for construction of local waste treatment facilities; and second, the backlog of requests which the Water Pollution Control Administration already has received from local governments which want Federal funds to aid such construction. By both of these standards, we are obligated to pass the Dingell amendment. We have made promises to the local communities and to our constituents; now it is time for us to ante up. Nothing less than the $1 billion figure will fulfill our commitment to our citizens and meet the pressing need already demonstrated by requests for Federal assistance now awaiting action.

Mr. Chairman, anybody can talk about clean water. None of us can walk on the water but we must stand on it. Now is the time for those who really care about the quality of water Americans must swim in, live with, and drink, to really do something about it. The figures which the gentleman from Michigan has put in the RECORD show how much each of our States will benefit from the additional funding in his amendment. If we really feel that turning the tide of environmental spoliation is a job worth doing, if we really want to keep our promises to America about cleaner and safer water, then we must pass this amendment.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. JOHNSON of California. Mr. Chairman, Tuesday night the National Broadcasting Co. televised a 2½-hour program entitled "From Here to the Seventies."

Its purpose was to highlight the turbulent events of the sixties and to use these as a basis to project what problems we will face and how they might be resolved in the seventies.

This was a fine program.

It highlighted the key issues before the country today. One of these the program hit hard was pollution. Pollution in all forms, including pollution of our Nation's waters. The point was made that experts in the field indicate we have less than 10 years to find ways and means of cleaning up our polluted waters. If we fail to so act, we will have destroyed this very land we love. We will be left with nothing but our empty technology, our towering buildings, and a land that has lost its great natural assets.

You and I are aware of this. The American public is aware of this. I believe the people are ahead of us. They want action, and action now.

Today we have the opportunity to provide some of that action. Today we have the chance to finally place some meat on the skeleton of the water pollution program, to start to breathe life into it and to move it forward so that our waters can be restored.

Some will say you have the budget. Others will say you have inflation. Others will say, what about your priorities. To all this, I say priorities, indeed. Budget, indeed. Inflation, indeed. There is no more important priority than the protection of our country and our well-being. This is a must. The funding for the program you are asked to adopt today will be a signal that we do indeed consider the preservation of the country top priority.

We can wait no longer. I urge adoption of the amendment.

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. SYMINGTON. Mr. Chairman, in 1950, my father, serving as chairman of the National Security Resources Board commissioned a study of resources which indicated that in a quarter of a century the resource which would suffer the most serious depletion was clean, fresh water. Like many such reports, it was received with the indifference of a nation engaged in more pressing commitments. Twenty-five years seemed a long time. Fifteen passed before the Clean Water Act was passed. Never fully funding it, we are actually asking ourselves today whether we can afford to turn back the tide of pollution at its crest. It is no longer a question of putting a finger in the dike. There is no dike. We have a dead lake to show for it, and many a dying one.

The Federal Water Pollution Control Administration reports that 4,525 State and local projects are being developed which will call for $2.3 billion in Federal aid in constructing water facilities having a total cost of $5.1 billion. Others doubtless will be proposed later but these early plans demonstrate the urgency of the need.

Under the pollution abatement construction grants—the primary program funded under the Clean Water Restoration Act—Missouri last year received $4.9 million for primary and secondary treatment plant construction. This level of funds was, as is the present administration request for Missouri, at least three times below the level of funds needed for pollution abatement construction in our State. Jack Smith, executive secretary of the Missouri Water Pollution Control Administration, has estimated that the need stands at more than $14 million. There are 42 cities in Missouri, including our own St. Louis metropolitan area, which require and are eligible for funds for primary and secondary treatment plant construction. Even the committee provision for Missouri, in the amount of $10,368,900, is less than sufficient for the pressing need throughout the State.

The Second District of Missouri has seven project applications for water pollution control funds. The total estimated cost of the projects is $18,519,722. One-third of this or $6,000,136 is being requested from the Federal Water Pollution Control Administration. The Metropolitan St. Louis area has applied for seven different grants under this program. Other applicants include the St. Louis Metropolitan St. Louis Sewer District and the city of Ballwin.

Mr. Chairman, some years ago I described St. Louis as—

> The fairest of the daughters
>   Born on a journey wild
> Of the Father of the Waters;
>   The Mississippi's child.
>
> That vagabond has brought her
>   Many gifts since then
> But her dowry of water
>   Makes her beautiful to men.

The Nation's dowry of water is threatened. Its beauty is tarnished. And we do not have 25 years to think about it. I support the amendment.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to my colleague from Ohio.

Mr. MINSHALL. I wish to commend my colleague from Cleveland and tell him how much I appreciate his support of the amendment I have previously offered. I know that he has long been in the forefront of the effort to obtain clean water in Lake Erie, and to obtain additional money for bringing about an end to the pollution problem of Lake Erie. I hope the amendment will pass.

Mr. FEIGHAN. I thank my able colleague for his kind and generous remarks.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

I would like to thank the gentleman from Ohio for offering the amendment which was to be offered by and on behalf of seven of us today, by Mr. Feighan, Mr. Wright, Mr. Saylor, Mr. McCloskey, Mr. Blatnik, Mr. Reuss, and the present Speaker in the well.

I would like to begin by stating that I believe it is important that this amendment be adopted.

Mr. Chairman, I would like to begin by reading the remarks of Secretary Hickel, which I believe tend to set out in some clarity the reasons why the House should adopt this amendment. I quote from an article published in the Chicago Tribune dated September 20, 1969, as follows:

Must Have Money

"The technology for cleanup is here," Hickel told the Executives Club of Chicago. "But without money, we cannot do the job. And during the administration's current fight against inflation the prospects for sizable increases in appropriations for the financing of new municipal waste treatment plants are not only slim, but will not solve the problem. So we must innovate.

Hickel said it is futile to depend on the conventional congressional appropriations method to solve a problem that has been building for the last 30 years. Congress never appropriates funds for water pollution control grants in the amount that it authorizes, he said.

Congress had authorized a billion dollars for water pollution control grants in 1970, but it has indicated 214 million dollars will be appropriated.

"This may sound like big money," said Hickel, "but we now find that one-billion dollars will be merely a token sum compared to what we really need. We have come to the realization that we must spend a much larger amount of money and that we would spend it regardless of what that amount is."

Mr. Chairman, my remarks on this amendment appear in the Congressional Record which appeared on the desks of Members of Congress today at page 28834 and following.

They set out the responses received by me from Governors and from organizations and from individuals, and they set out a number of circumstances, including editorial comments in matters of this kind, which I believe make clear the needs before us.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, certainly the gentleman from Michigan has been in the forefront in the fight for water pollution control funds. But I would like to inform the gentleman from Michigan that Secretary Hickel and I yesterday had a conversation, which is more current than the gentleman's testimony, in which the Secretary said that we should hold the line at $214 million on account of inflation, but he said that in no event should we go beyond $600 million. He said if we do, he would have excess funds which he could not obligate and could not commit, and he would have to tool up and get more people, and he could not obligate this amount of money at this time.

Mr. DINGELL. Let me comment, Mr. Chairman.

The gentleman from Tennessee and his committee have done a good job, and I wish to praise the gentleman and the committee, because raising this figure to $600 million in the committee and subcommittee was a great achievement and deserves the compliments of all of us.

But let me also say, the money we are appropriating today is then available until expended. Second, it is spent rather slowly. According to the Department of the Interior, only 5 percent will be spent in the first year, 20 percent in the second year, 40 percent in the third year, 30 percent in the fifth year, and 5 percent during the last year.

In 18 months the funds we appropriate today—and I am satisfied the House is going to do this thing—will be eligible for reallocation and can be reallocated on any basis, on the basis of need or on a basis of reimbursement.

If we fail to vote this fund today, it means that cleanup will be set back as much as 2 years or as much as 5 years, depending on when we bring this fight to the floor again.

The Senate has already adopted an amendment offered by the Senator from New York (Mr. Javits), which would authorize the utilization of a portion of this fund for reimbursement to meet the needs of the States which have spent so much money, such as New York State.

If the Members will look at my remarks in the Record of yesterday, they will see I have referred to the levels of allocation for reimbursement and other things of that kind.

Another thing to remember is this. The committee that handles water pollution, the Committee on Public Works, has already indicated it is possible and they will shortly begin their endeavors to arrive at a better formula, so I think the question of formula and matters of that kind are not necessary to be discussed now.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I am sure I speak for many Members of the House in commending our colleague, the gentleman from Michigan, who is in the well, for the Herculean effort he has put forward in offering this amendment. He has gotten 220 Members to join him in offering this amendment. I congratulate the gentleman from Michigan on his tremendous achievement. I am sure many people in the country will benefit from the gentleman's efforts.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. McCARTHY. Mr. Chairman, the gentleman from Michigan mentioned the amendment offered by the gentleman from New York, Senator Javits, which was adopted in committee in the other body.

The dean of the House had a short colloquy, which the gentleman from Connecticut alluded to, and I would simply reiterate what the gentleman from Michigan said about the need to rework the formula and to meet the needs of the States, such as New York, and the problem mentioned by the gentleman from Connecticut and alluded to by the dean of the House.

Mr. DINGELL. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I mentioned that Secretary Hickel referred to the failure of this House to appropriate funds. Not only did that appear in the Chicago Tribune, but it also appeared in the Committee on Public Works, where Secretary Klein said that it should be noted the level of expenditures outlined in the State program plans is strongly influenced, by the authorizations approved in providing and maintaining adequate programs for the communities.

The quote follows:

> It should be noted that the level of investment outlined in State Program Plans is strongly conditioned by the anticipated level of Federal assistance. Therefore, unless this rate of investment is increased, the Nation will fall behind in its goal of providing and maintaining adequate waste treatment for its sewered communities.

Mr. Chairman, at this point in the Record, I offer a further collection of letters and telegrams, in support of full funding of the grant program to support construction of water pollution abatement facilities under Public Law 660 as amended:

October 1, 1969.

Hon. John D. Dingell, Hon. John Blatnik,
Hon. John Saylor, Hon. Henry Reuss,
Hon. Michael Feighan, Hon. Jim Wright, Hon. Paul McCloskey,
House of Representatives, Washington, D.C.

Dear Congressmen: Congratulations on your efforts and those of your many colleagues to secure full funding, to wit $1 billion, for the Clean Water Restoration Act. Conservation, labor, and many other citizen, civic and professional organizations, representing millions of concerned people, firmly believe water pollution prevention and abatement should be given very high national priority. Only full funding for the Clean Water Restoration Act will restore public confidence and meet expectations for progress in cleaning up the Nation's waters. You have our full and wholehearted support.

SIGNERS

American Association of University Women.
American Society for Landscape Architects.
Pollution Control Administrators.
Association of Interpretive Naturalists.
Consumer Federation of America.
League of Women Voters of the United States.
The National Wildlife Federation.
United Steelworkers of America.
National Audubon Society.
Citizens Committee on Natural Resources.
The Wildernesa Society.
The Conservation Foundation.
American Fisheries Society.
Sport Fishing Institute.
The Long Island Environmental Council.
The Adirondack Mountain Club.
The Sierra Club.
The United Auto Workers.
National League of Cities.
National Conference of Mayors.
National Consumers League.
The Wildlife Society.
Oyster Institute of North America.
Trout Unlimited.
Wildlife Management Institute.
Northern Virginia Conservation Council.
Citizens Council for Clean Potomac.
Fairfax County Federation of Citizens Association.
National Recreation and Parks Association.
National Fisheries Institute.
Conservation Committee, the Garden Club of America.
American Institute of Planners.
American Institute of Architects.
Izaak Walton League of America.

Lansing, Mich., *October 8, 1969.*

Representative John Dingell,
Washington, D.C.:

Today, Michigan sold the first $30 million of $335 million clean water bonds mandated by Michigan citizens last November. Again, I and all Michigan citizens urge your support for full funding for the Clean Water Restoration Act for fiscal year 1970 so that adequate State and Federal funds are made available to Michigan communities to achieve our water pollution control goals. I sincerely hope you can lend your support to this timely and vital measure.

William G. Milliken,
Governor.

Washington, D.C., *October 7, 1969.*

Congressman John D. Dingell,
House of Representatives,
Washington, D.C.:

Society of American Foresters greatly appreciate the efforts you and your colleagues are making to secure funding for restoring the quality of the Nation's water. We trust your efforts will be successful.

H. R. Glascock, Jr.,
Executive Secretary.

Northampton, Mass.,
October 7, 1969.

Representative John D. Dingell,
House of Representatives,
Washington, D.C.:

We would like to know which Mass. Congressmen are not supporting your fight for a billion dollars for water pollution control. We may start a petition to urge them to vote the full amount.

Miss Jean Moczulewski.

Grand Rapids, Mich.,
October 7, 1969.

Representative John D. Dingell,
Washington, D.C.:

I urge your support of full funding of "clean water bill."

Peter M. Wege.

Grand Rapids, Mich.,
October 7, 1969.

Representative John D. Dingell,
House of Representatives,
Washington, D.C.:

Strongly support your efforts to obtain one billion dollars appropriation for clean water.

West Michigan Environmental Action Council.

Grand Rapids, Mich.,
October 8, 1969.

Representative John D. Dingell,
Rayburn House Office Building,
Washington, D.C.:

Michigan division of the Izaak Walton League favors the appropriation of one billion dollars for the clean water restoration program.

Jack C. London,
President.

Mr. Chairman, I also insert editorials of a group of newspapers in support of our effort for full funding:

Keeping Promises

[From the Washington Star, Oct. 1969]

Several months ago, we were critical of Congress for retreating from its commitment to the states and localities to provide $1 billion in matching grants for water pollution control. What bothered us at the time was not so much the enforced slowdown in this important program but rather the immorality involved in mousetrapping local governments into commitments they can ill afford, and then not coming across.

In this context, it is especially gratifying to note that over 220 congressmen have gone on record as favoring the full $1 billion appropriation for waste treatment plants. At present, the House money bill contains $600 million for this program—itself a considerable improvement over the $214 million originally earmarked. Interested lawmakers will offer an amendment on the House floor this week to up that to $1 billion. If they all vote the way they have talked, this amendment should sail through easily.

The next move would then be up to the Senate. To date there has not been a comparable show of support in the other chamber for a full-funding of the water pollution program. But this is perhaps because the quite remarkable groundswell of concerned public opinion on this subject has so far been focused on the House.

It should be understood, of course, that this is definitely a time when budgetary restraint is indicated. Accordingly, a number of important government programs are in imminent danger of severe cutbacks. Even so, there are two good reasons for not stinting on water pollution control, quite apart from its merit as a program. First, local governments have already been induced to commit their own limited resources for this purpose. And second, there appears to be broad public support for the program. In this case at least, there is reason to give the public what it wants.

XUM

[From the Washington Star, Oct. 7, 1969]

Dollars Against Pollution

Sir: During the past several months more than 220 members of Congress, dozens of state governors and mayors, 40 national organizations and a good segment of the American public have worked diligently to rescue the Clean Water Restoration Act from fiscal oblivion.

This effort has cut across party lines and political thought. It has united organizations and men often opposed to each other. It has resulted in one of the most unusual coalitions ever to come out of Washington, the Citizens Crusade for Clean Water, consisting of conservation, labor, consumer, professional and industrial organizations. It has challenged the Bureau of the Budget's Keynesian assumption that any federal program can be meat-axed for inflation without public censure—even one that is vital to the restoration of the nation's waters. It has articulated public demands for a healthier and saner environment and public willingness to see a greater share of its tax dollar used to that end. It has, in the words of the New York Times rejected the "hypocritical Congressional practice of passing grandiose programs only to undermine them later by quietly slashing appropriations that are vital to their fulfillment." And it has created the climate for major debate on the floor of the House when the public works appropriations bill comes to a vote this week.

This week the public works appropriations bill comes to a vote in the House. An amendment to increase the Committee's $600 million recommendation to the full $1 billion Congress authorized in 1966 will be offered. At least 220 Members of Congress, to their great credit, have indicated their determination to win the day for cleaner waters for the nation. The $1 billion to be sought will help take care of a $2.5 billion backlog created by consistent underfunding. It will only begin to touch $8 billion worth of water pollutants.

Ted Pankowski,
Conservation Associate, The Izaak Walton League of America.

United Steelworkers of America,
Washington, D.C., October 7, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: A bipartisan coalition—Citizens Crusade for Clean Water—has been working to develop support for the full funding of the war against water pollution. The coalition also represents many labor, conservation, municipal and state groups.

The original budget request of $214 million has been increased to $600 million by the Appropriations Committee. But this amount falls far short of the $1 billion authorization and has a serious impact on the states' progress toward construction of necessary water pollution abatement works.

Just recently, the House Armed Services Committee increased the military authorization by $1 billion over Nixon's request. It is inconceivable that, at a time when there is a serious questioning of our ability to reorder national priorities, Congress is unwilling to commit itself at least to its own authorization goal.

We urge that you vote to amend the Appropriation Committees' recommendation so that the full $1 billion will be made available to local communities to construct waste treatment plants.

Sincerely,

John J. Sheehan,
Legislative Director.

The League of Women Voters of Ohio,
Columbus, Ohio, October 7, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: Mrs. Clusen of the League of Women Voters tells me you are interested in putting news clippings re need for funds for sewage treatment in Congressional Record right up to day House considers appropriations bill—These may be too late but if you can use any of 12 enclosed please do—I do hope you can return them to me—I would like very much to have them back for our record—thank you—

Sincerely yours,

Mrs. Howard T. Moore,
Water Reservoir Chairman.

[From the Cleveland (Ohio) Plain Dealer, Sept. 30, 1969]

Clean Water Money

There is good news from Washington in the fight against water pollution.

A majority of congressmen—219 so far—have pledged to fight for an appropriation of $1 billion in fiscal 1970 to help cities and states build wastewater treatment plants.

The pledges were lined up by Rep. John D. Dingell, D-Mich., Rep Michael J. Feighan, D-21, of Cleveland and five colleagues in the House who formed an ad hoc committee to attain a higher priority for the long-neglected battle for pollution control.

Like other domestic programs, the cleanup effort initiated by the Clean Water Act of 1966 was pushed into the background because of spending on the Vietnam war. From the beginning, appropriations fell short of the authorizations. Both the Johnson and Nixon administrations, for example budgeted only $214 million for sewage plant grants in fiscal 1970, although Congress had authorized $1 billion.

Now Congress is saying that regardless of the war and in spite of a general desire to reduce federal spending, water pollution must be attacked. The battle can be put off no longer.

We like that sentiment. We have argued for it a good many months. We believe Congress should appropriate the full $1 billion. It will be the best $1 billion ever spent, helping hundreds of communities across the country to build treatment plants that simply must be built to protect a precarious resource from ruin.

[From the Findlay (Ohio) Republican Courier, Aug. 28, 1969]

LWV Says Only Nine Ohio Congressmen Favor More Money for Sewage Treatment

Columbus.—Only nine of Ohio's 24 congressmen are supporting a move to raise the federal appropriation to construct sewage treatment facilities, the Ohio League of Women Voters said Wednesday.

Although $1 billion was authorized for that purpose in fiscal 1970, the league said it is likely only the $214 million suggested in President Nixon's budget will be forthcoming.

The league, part of a 35-member national organization called the Citizens Crusade for Clean Water, is trying to get the appropriation hiked.

Mrs. Carolyn Moore, representing the league, said 218 votes are needed in the U.S. House of Representatives to bring about the increase. Only 160 are committed, she said.

Only nine Ohio congressmen have said they will work for the boost, Mrs. Moore told a news conference. She urged Ohioans to write letters to the others.

Ned Williams, executive director of the Ohio Water Development Authority, said the $214 million now earmarked would mean that Ohio would receive $9.4 million, the same as last year.

Over the next 5 years, he said the same amount each year would still leave a deficit of $302 million in cleaning up a backlog of work that should be done now.

"As of March 1969, there were 224 communities on orders from the Ohio Water Pollution Controls Board to construct additional sewage treatment facilities," he said.

The cost of the construction, he said, would be $459 million at 1969 prices. This, he said, includes only construction and not the cost of collection systems and other improvements.

Mrs. Moore noted that Ohioans favor water pollution control "but these 15 congressmen are still hesitant." A $100 million bond issue for water pollution was approved by Ohioans last November.

In addition, the legislature passed the bill allocating the money and set it up so the $100 million could be used as seed money for loans to help municipalities build facilities.

If more federal money is made available, he said, it will mean the seed money can go to finance facilities other than treatment plants.

"The city of Cleveland alone estimates the cost of cleaning up all pollution at $1.5 billion," Williams said. "The total in the state could exceed $10 billion."

The U.S. House is expected to take up the issue Sept. 10, Mrs. Moore said.

The nine Ohio Congressmen supporting the boost were listed as William Harsha, Thomas Ashley, J. William Stanton, Charles A. Mosher, Wayne Hays, Michael A. Feighan, Charles A. Vanik, William E. Minshall and Donald E. Lukens.

[From the Portsmouth (Ohio) Times, Aug. 28, 1969]

Harsha for Bill To Fight Pollution

Columbus, Ohio—While Ohioans favor water pollution control efforts, 15 Ohio congressmen still are hesitant to seek more money for sewage treatment facilities, the League of Women Voters says.

Carolyn Moore, representing the league, told newsmen Wednesday that voter approval last November of a $100 million bond issue for water pollution was an indication that Ohioans want to clean up their lakes and waterways.

But, she said, only nine of Ohio's 24 congressmen have come out in support of a move to raise the federal appropriation to construct sewage treatment facilities.

The nine include Portsmouth's William H. Harsha Jr., 6th District Republican.

Although $1 billion was authorized for that purpose in fiscal 1970, Mrs. Moore said, it is likely only the $214 million suggested in President Nixon's budget will be forthcoming.

She said 218 votes are needed in the House to raise the appropriation, and only 160 are committed so far.

Mrs. Moore urged Ohioans to write to their congressmen in support of the increase. She said the House is expected to take up the issue Sept. 10.

The league is a member of the Citizens Crusade for Clean Water, a coalition of 35 groups seeking to get the appropriation hiked.

Ned Williams, executive director of the Ohio Water Development Authority, also spoke at the news conference in favor of increasing the federal funds.

He said the $214 million now earmarked would mean Ohio would receive $9.4 million, the same as last year. The same amount each year over the next five years would leave a deficit of $302 million in cleaning up a backlog of work that should be done now, he said.

"As of March 1969, there were 224 communities on orders from the Ohio Water Pollution Control board to construct additional sewage treatment facilities," he said.

The cost of this construction, Williams said, would be $459 million at 1969 prices.

[From the Steubenville (Ohio) Herald Star, Aug. 28, 1969]

Hays Supports Appropriation Hike: 15 Ohio Congressmen Do Not Favor Increases

Columbus, Ohio.—While Ohioans favor water pollution control efforts, 15 Ohio congressmen still are hesitant to seek more money for sewage treatment facilities, the League of Women Voters says.

Carolyn Moore, representing the league, told newsmen Wednesday that voter approval last November of a $100 million bond issue for water pollution was an indication that Ohioans want to clean up their lakes and waterways.

But, she said, only nine of Ohio's 22 congressmen have come out in support of a move to raise the federal appropriation to construct sewage treatment facilities.

Although $1 billion was authorized for that purpose in fiscal 1970, Mrs. Moore said, it is likely only the $214 million suggested in President Nixon's budget will be forthcoming.

218 VOTES NEEDED

She said 218 votes are needed in the House to raise the appropriation, and only 160 are committed so far.

Mrs. Moore urged Ohioans to write to their congressmen in support of the increase. She said the House is expected to take up the issue Sept. 10.

The league is a member of the Citizens Crusade for Clean Water, a coalition of 35 groups seeking to get the appropriation hiked.

Ned Williams, executive director of the Ohio Water Development Authority, also spoke at the news conference in favor of increasing the federal funds.

HAYS BACKS INCREASE

The cost of this construction, Williams said, would be $459 million at 1969 prices.

He added that the cost of eliminating all water pollution in Ohio could exceed $10 billion.

The nine Ohio congressmen listed as supporting the appropriation increase were William Harsha, Thomas Ashley, J. William Stanton, Charles A. Mosher, Wayne Hays, Michael A. Feighan, Charles A. Vanik, William E. Minshall and Donald E. Lukens.

[From the Marietta (Ohio) Daily Times, Aug. 28, 1969]

Urge Voters To Seek Increase in Federal Aid

Columbus.—Ohio residents have been asked to write their congressmen urging an increase in federal aid for sewage treatment facilities to help fight water pollution.

The League of Women Voters of Ohio told a news conference Wednesday that voters should contact their representatives in Washington quickly, before a vote is taken next month on the appropriation for construction grants for treatment facilities.

Mrs. Carolyn Moore, the league's water pollution specialist, said that although $1 billion is authorized for treatment plant construction next year, it is likely that a House Appropriations subcommittee will recommend only $214 million when Congress returns in September.

Mrs. Moore said 160 congressmen have pledged to support an increase in the appropriation.

"But there are many congressmen as yet uncommitted, and it is these men that we would like to reach," she said. "We want to encourage each citizen in Ohio to write a letter to his congressman urging that he join those who support increased appropriations."

Only nine of Ohio's 24 congressmen support higher grants, Mrs. Moore said.

Ned E. Williams, executive director of the Ohio Water Development Authority, told the news conference that Ohio would receive only $9.4 million under the current proposal as recommended by the Nixon administration.

Williams said this would mean Ohio would be able to construct only $31 million worth of sewage treatment facilities per year, and the state already has ordered construction of $459 million worth of community projects.

However, Williams said that if Congress is persuaded to raise the appropriation to $1 billion as suggested by the League of Women Voters, Ohio will receive $43.9 million a year, other sources will provide $102 million, and the state will be able to more than wipe out its construction deficit in five years.

[From the Toledo (Ohio) Blade, Sept. 8, 1969]

Latta Supports Full Water Fund: Wants Original $1 Billion Granted

(By Frank Kane)

Washington.—Support for the drive to win appropriation of the $1 billion originally authorized for contruction grants to curb water pollution has been voiced by Rep. Delbert Latta (R., Bowling Green).

Mr. Latta, whose fifth congressional district includes part of Toledo, said that Congress recognized the paramount importance of cleaning up the nation's lakes and rivers when it passed the Clean Water Restoration Act of 1966.

FORMULA ADOPTED

At that time, a formula was adopted which called for spending $700 million in federal funds in fiscal 1969, but Congress appropriated only $214 million. The act authorized $1 billion for fiscal 1970, but the Administration has requested only $214 million again.

"I understand the Administration's budgetary difficulties, but I believe that one of our priorities should be clean water for all Americans," Mr. Latta said.

CALLS FUNDS ESSENTIAL

He termed it essential that congress provide the $1 billion because "We cannot afford any unnecessary delay which would increase the ultimate cost of abating pollution" or would endanger the health and welfare of Ohioans.

Rep. Thomas L. Ashley also is supporting the campaign to provide the full $1 billion.

[From the Sandusky (Ohio) Register, Aug. 28, 1969]

League of Women Voters Urge Aid for Sewage Facilities

Columbus.—Ohio residents have been asked to write their congressmen urging an increase in federal aid for sewage treatment facilities to help fight water pollution.

The League of Women Voters of Ohio told a news conference Wednesday that voters should contact their representatives in Washington quickly, before a vote is taken next month on the appropriation for construction grants for treatment facilities.

Mrs. Carolyn Moore, the league's water pollution specialist, said that although $1 billion is authorized for treatment plant construction next year, it is likely that a House Appropriations subcommittee will recommend only $214 million when Congress returns in September.

Mrs. Moore said 160 congressmen have pledged to support an increase in the appropriation.

"But there are many congressmen as yet uncommitted, and it's these men that we would like to reach," she said. "We want to encourage each citizen in Ohio to write a letter to his congressman urging that he join those who support increased appropriations.

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However, Williams said that if Congress is persuaded to raise the appropriation to $1 billion as suggested by the League of Women Voters, Ohio will receive $43.9 million a year, other sources will provide $102 million, and the state will be able to more than cancel out its construction deficit in five years.

[From the Akron (Ohio) Beacon Journal, Sept. 5, 1969]

LWV Enlists Clean Water Crusaders

To the Editor:

The time has come for everyone who wants the elimination of water pollution to do something about it.

Everyone who is concerned about the deterioration of our environment should write to President Nixon, Senators Young and Saxbe, and Congressman Ayres. Tell them that you want more of the tax money you are already sending to Washington spent to clean up our lakes and streams.

The immediate issue is an appropriation for construction of sewage treatment facilities in cities with inadequate systems which dump raw sewage into lakes and streams—a major cause of water pollution.

Federal money for this purpose is to be matched by state and local money. Ohio is prepared to do its share because of the bond issue the voters have already approved.

For the last several years the need for federal money in pollution control has been far greater than the appropriations. This year the need is for $1 billion; the administration has asked for only $214 million. A flood of letters is needed telling the President and Congress to spend the full billion before pollution overwhelms us.

Twenty-five nationwide organizations, including the League of Women Voters, are joining in a Citizens Crusade for Clean Water. They are asking you to write now and tell Washington that the citizens want more of their federal tax money spent for Clean Water Restoration.

Several Ohio Congressmen have already joined a bi-partisan group in the House in a drive for full funding of the Clean Water Act. If Congressman Ayres has not yet joined this group, it is possible that he is waiting for expressions of interest and concern from his constituents.

Please join the Citizens Crusade for Clean Water. The future of your environment is at stake.

Mrs. James R. Small,
President, League of Women Voters of Akron.

[From the Newark (Ohio) Advocate and American Tribune, Sept. 2, 1969]

Women Voters Urge Ohio Water Cleanup

Columbus, Ohio.—While Ohioans favor water pollution control efforts, 15 Ohio congressmen still are hesitant to seek more money for sewage treatment facilities, the League of Women Voters says.

Carolyn Moore, representing the league, told newsmen Wednesday that voter approval last November of a $100 million bond issue for water pollution was an indication that Ohioans want to clean up their lakes and waterways.

But, she said, only nine of Ohio's 24 congressmen have come out in support of a move to raise the federal appropriation to construct sewage treatment facilities.

Although $1 billion was authorized for that purpose in fiscal 1970, Mrs. Moore said, it is likely only the $214 million suggested in President Nixon's budget will be forthcoming.

She said 218 votes are needed in the House to raise the appropriation, and only 160 are committed so far.

Mrs. Moore urged Ohioans to write to their congressmen in support of the increase. She said the House is expected to take up the issue Sept. 10.

The league is a member of the Citizens Crusade for Clean Water, a coalition of 35 groups seeking to get the appropriation hiked.

XUM

Ned Williams, executive director of the Ohio Water Development Authority, also spoke at the news conference in favor of increasing the federal funds.

He said the $214 million now earmarked would mean Ohio would receive $9.4 million, the same as last year. The same amount each year over the next five years would leave a deficit of $302 million in cleaning up a backlog of work that should be done now, he said.

"As of March 1969, there were 224 communities on orders from the Ohio Water Pollution Control Board to construct additional sewage treatment facilities," he said.

The cost of this construction, Williams said, would be $459 million at 1969 prices.

He added that the cost of eliminating all water pollution in Ohio could exceed $10 billion.

The nine Ohio congressmen listed as supporting the appropriation increase were William Harsha, Thomas Ashley, J. William Stanton, Charles A. Mosher, Wayne Hays, Michael A. Feighan, Charles A. Vanik, William E. Minshall and Donald E. Lukens.

[From the Upper Sandusky (Ohio) Daily Chief Union, Aug. 28, 1969]

Pollution Bill Short of Votes

Columbus, Ohio.—While Ohioans favor water pollution control efforts, 15 Ohio congressmen still are hesitant to seek more money for sewage treatment facilities, the League of Women Voters says.

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The league is a member of the Citizens Crusade for Clean Water, a coalition of 35 groups seeking to get the appropriation hiked.

Ned Williams, executive director of the Ohio Water Development Authority, also spoke at the news conference in favor of increasing the federal funds.

He said the $214 million now earmarked would mean Ohio would receive $9.4 million, the same as last year. The same amount each year over the next five years would leave a deficit of $302 million in cleaning up a backlog of work that should be done now, he said.

[From the Ashtabula (Ohio) Star-Beacon, Sept. 23, 1969]

Council Asks U.S. Fund for Pure Water

A resolution calling for Congress to appropriate the full amount of $1 billion for implementation of setting water quality standards was passed Monday night by Ashtabula Council.

City Manager David P. DeLuca requested the resolution be passed. He noted that the federal authorities has asked for $214,000,000 for fiscal 1970 to set water quality standards.

The resolution calls the $214 million "woefully inadequate" to provide for the carrying out of the Clean Water Restoration Act of 1966.

City Manager DeLuca announced that he had received preliminary reports on the water pollution study being done by Environmental Pollution Control Inc.

"There are definite violations of the water pollution laws of Ohio," he said.

He told council that additional reports on both air and water pollution would be forthcoming. When the reports are complete he will discuss them with council.

The city manager also noted that he planned meetings with the industries involved in the pollution problem to go over the reports.

These meetings will not be open to the news media, he said, so that both sides could speak freely.

"There will be no holds barred," he said. "They've asked for facts and proof and we will furnish facts."

[From the Bowling Green (Ohio) Daily Sentinnel-Tribune, Sept. 24, 1969]

Water Pollution Cleanup Funds Are Requested

To the Editor:

We are seeking the help of fellow citizens with a problem that is vital to Bowling Green, the State of Ohio and our nation—water pollution.

Congress has promised to help communities improve their sewage treatment plants by authorizing $1 billion dollars for grants-in-aid for construction of such facilities. However, the amount asked by the Nixon administration for 1970 (the same amount as that appropriated under the Johnson administration) is $214 million. Ohio's share will be only $9.4 million.

The Ohio Pollution Control Board has ordered 224 Ohio communities to improve their sewage treatment. Ohio voters passed State Issue No. 1 last November—an indication of our willingness to spend more tax dollars for clean water. But, the $9.4 million in federal grants, even when added to state and local monies, will not be enough to provide the estimated $450 million for the required construction in Ohio. Funds are lacking also for separation of storm and sanitary sewer systems, collection facilities and community growth.

One-hundred and seventy representatives from both parties have already shown their concern by pledging their support for appropriation of the full $1 billion. Thirty-five citizen organizations, including AFL–CIO, American Association of University Women, National Wildlife Federation and the U.S. Conference of Mayors have banded together in a "Citizens' Crusade for Clean Water" and are actively working for the entire $1 billion appropriation.

Our representative, Mr. Latta, has shown continued interest in improved water quality but has not committed himself on this issue.

If you share our conviction that more of the national budget should be used to combat water pollution, please write Mr. Latta requesting his support for increased appropriations for sewage treatment construction. A concerned constituency can influence his decision.

Mrs. William R. Rock,
Water Resources Chairman.
Mrs. Harold T. Hamre,
President, League of Women Voters of Bowling Green, Ohio.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. Ottinger, and by unanimous consent, Mr. Dingell was allowed to proceed for 2 additional minutes.)

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I rise to congratulate the gentleman from Michigan on a gallant fight, and I believe an effective fight, and I associate myself with the remarks of the gentleman from Michigan.

Mr. Chairman, the question which confronts us is one of priorities. We must ask ourselves how important clean water is, how dangerous and how desperate present conditions are, how much it will cost to make some substantial progress in cleaning up our polluted streams, and how much that is worth to us. Those are the questions. Once we answer those to our satisfaction, we will know how much we are willing to spend this year for clean water.

Simply as a matter of perspective, the administration's request for $214 million would have amounted to approximately $1.07 per citizen for the year's efforts. The committee bill would represent approximately $3 per citizen for the year, and the amendment would be about $5 per citizen. How much is clean water worth?

We are wasting at least 20 billion gallons of water each day by pollution. This is water which could be used and reused if treated properly. It is ravaged water, a menace to health.

This wasted water today represents better than one-fourth of the country's pure water needs.

Every major stream in the country is contaminated to an alarming degree, and the condition is getting worse.

How dangerous is a contaminated stream? A cup full of water taken from the Connecticut River near Hartford was found to contain 26 different infectious bacteria. The Hudson River which runs sluggishly through New York City could have saved the Northeast from the 1965 drought, but it is too foul to drink.

Lake Erie is described as "dying." Because it is fed by 20 grossly polluted streams, it has a dead core at its center measuring more than 2,600 square miles in which marine life cannot live.

An epidemic in Riverside, Calif., which afflicted 18,000 and claimed at least a few lives, was traced to the city's water taps.

At the level requested by the administration, $214 million for the year, we would be losing ground in the struggle against pollution. At the level of $600 million recommended by the Appropriations Committee, we might be just about breaking even. We might be assisting enough communities to clean up old sources of pollution at just about the same level that new sources will arise. The infection might cease to grow, but the degree of infection might be just about the same.

With $1 billion, we can make progress. We can begin to make appreciative headway on a national basis. To do so will cost about $5 per citizen per year. In our scale of priorities, I think that much is easily worthwhile for pure water. And I believe the American public feels the same way.

Mr. DINGELL. Mr. Chairman, I thank my friend, the gentleman from Texas.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I congratulate the gentleman from Michigan for the remarkable job he has done on this amendment.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend from Michigan.

Mr. WILLIAM D. FORD. I should like to associate myself with the remarks made by the gentleman in the well.

Mr. DINGELL. I thank my friend.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman. I should like to join the gentleman from Michigan (Mr. Dingell) and to thank him for his very effective leadership in this fight.

Mr. Chairman, it has been a privilege to work with him in this effort to obtain an appropriation of $1 billion for fiscal year 1970 for the sewage treatment plant programs as authorized by the Committee on Public Works in the Clean Water Restoration Act.

All of the Members of this body are fully aware of the program. All of the Members of this body are aware of its importance. All of us are aware of the fact that the American public today sees the need for the cleanup of our waters as a paramount issue. One need only turn to the news media, the radio or television, to discover the intense interest of the American people in clean water.

Between fiscal year 1965 and fiscal year 1967, a total of $400 million was authorized for the sewage treatment plant program, and a sum of $407 million was made available. There was no gap in those years between authorization and appropriation, but when one looks at recent history, the gap is tremendous. For fiscal year 1968, $450 million was authorized and $203 million appropriated, or a difference of $247 million not appropriated. In fiscal year 1969, when $700 million was authorized for the program, only $214 million was appropriated, a gap of $486 million. Today the Appropriations Committee has increased the budget recommendation of $214 million to $600 million. That is a major step forward, but it is still $400 million short of the authorized figure of $1 billion. It is time to fund this program on the same level as the authorization. Funds authorized for this program remain available for the Secretary of the Interior until expended. If this money is not allocated for new construction during the next 18-month period, it can at the end of that period of time be reallocated to those States where a crying need exists. It can be used to reimburse those States who have been forward looking enough to face up to this problem. To those who say this money, if appropriated, cannot be used, I say the facts are to the contrary. Every cent can be put to proper use.

Of course, it is necessary to change the allocation formula. It should be on the basis of need.

To assist States such as New York, I have introduced H.R. 12956, which amends the current reallotment policy so that only those States which are currently receiving 50-percent grants will be eligible for the reallotment of unused funds. These States would divide the reallotment funds in the ratio that their current year's allotment bears to the total of all the allotments for 50-percent States.

The Senate yesterday passed the Tydings amendment as amended by the Javits amendment to the Federal Water Pollution Control Act, which will assist those States such as New York and Maryland, which have advanced the Federal share of construction costs and have not been reimbursed.

If the full authorization of $1 billion is appropriated, it will be on hand when the formula is changed. There is no reason to continue the gap between authorization and appropriation.

It took many years for the people of this Nation to face up to the mounting problem of water pollution. As its proportions became fully recognized, Congress responded with the series of Federal Water Pollution Control Acts. This has been landmark legislation which has leveled a frontal attack on the problem. From the citizen's nascent concern with the dangers of bacterial contamination of our waters and the consequent threat to the public health, water pollution has come to be recognized as a multifaceted, long-range evil. Congress' legislation has paralleled this growing concern with the authorization of continually higher funding to aid the cities in controlling pollution. A major victory was achieved in the Clean Waters Restoration Act of 1966 with the authorization of Federal matching grants totaling $2,150 million through fiscal 1970.

People who had become alarmed at the degradation of our precious water resource were filled with optimism by this 1966 act. The Federal Government was seen taking the required lead in the attack on the problem. The Nations Cities magazine referred to the act as "one of the 89th Congress' most sweeping accomplishments."[1] Not only conservationists were pleased by the bill; those responsible for managing our cities and overseeing their desperate financial headaches were overjoyed. These same overburdened cities were experiencing mounting pressure from their State governments to construct the treatment facilities necessary to meet the water quality criteria promulgated by the Water Quality Act of 1965.

These people and these municipalities have seen their rising expectations cruelly shattered. Of the $2.3 billion authorized, only $567 million has been appropriated through fiscal year 1969. Including the $214 million requested for fiscal year 1970, the total will be only $781 million unless we act today to reduce the funding gap as much as possible. Less than a third of the money available has been tapped; and even the full amount would be but a start at coping with the problem.

It has been extremely heartening to me to witness the growing list of Representatives alined behind the proposition that the administration must secure full funding of the $1 billion authorized for 1970. The expansion of this drive is demonstrative of the groundswell of public opinion voicing disgust over the degraded condition of our waters.

In its August-September issue, National Wildlife ran an article entitled "Our National E Q—the First National Wildlife Federation Index of Environmental Quality." I wish to quote in its entirety the brief assessment of our Nation's water quality.

> Water flows through all the problems facing man and his environment. Water, essential to life, is quickly becoming a conveyor of death.
>
> The 1969 Water Quality Index: BAD! The Trend: We're still losing!
>
> Virtually every stream, river, lake and estuary in the country is polluted to some degree. The Great Lakes are becoming dirtier every year. Lake Erie is the worst, followed by Lakes Ontario, Michigan, Huron and Superior. The once great commercial and sport fishing industry in Lake Erie is dead, and recent DDT threats to Lake Michigan foretell the same fate for it.
>
> Water pollution takes many forms: Municipal wastes and industrial effluent; pesticides and fertilizer runoff from agricultural operations; heat released through cooling operations; radiation from atomic generating plants; and chemical disposal from military uses.
>
> Pollutants in our waters can be measured but we have too few monitoring devices. And the effect each has on the health of humans and other forms of life is still largely unknown.
>
> Although the water quality picture is gloomy, we have made some progress. Best legislative efforts are the Federal Water Pollution Control legislation which requires every state to establish its own water quality standards—or have the Federal government do it.
>
> Early this year, the last states adopted acceptable water quality standards, though some still have "exceptions." Horrible example: More than 2,000 communities still discharge raw sewage into our waterways.
>
> Another weakness of these standards in some states is they have been set to allow high pollution levels so the situation can deteriorate and still fall within that state's water quality standards.
>
> For this reason, the Department of Interior is trying now to get all states to adopt "nondegradation" policies which would place the quality standard at the present level of pollution, allowing no further deterioration. *Thirty states have not done this.*
>
> Biggest problem is money. The Federal government holds out the carrot in form of grants and matching funds. Applications have been made for $2.25 billion in water pollution abatement projects by state and local governments. But the big hang-up is that Congress has *authorized* $1 billion in appropriations for 1970, but only $214 million has been *requested*. In the last six years (including 1970) Congress has *authorized* $2.5 billion for treatment plants but may only *appropriate* $1 billion.
>
> In spite of the public's willingness to pay more taxes to control water pollution (Gallup Survey, *National Wildlife*, April–May 1969), we are afraid the $26 billion [a 1968 Water Resources Council Report figures 20 billion] needed in the next five years will not be raised by Federal, state and local governments, and industry.
>
> This at a time when the quality of our water is bad, and getting worse.

The same article goes on to give figures concerning the funding of municipal sewage treatment facilities. For 1969, $214 million was appropriated in response to requests for over $2,224 million. The administration budget request for fiscal year 1970 of $214 million, the same appallingly small request as for 1969, ap-

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[1] "Are the Cities Trapped in the Water Pollution Control Funding Gap?" *Nations Cities*, Sept. 1969, p. 9.

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pears paltry indeed when stacked against the more than $8.6 billion it is estimated will be needed for sewage treatment facilities in the years 1969 to 1973.

The American people are concerned with water pollution, and they are willing to spend more money to cope with it. A recent Gallup poll, which asked people how deeply they were concerned about water pollution—among other ills—and sought support for that concern in an expressed willingness to pay, found that half of those interviewed were "deeply concerned," a third were "somewhat concerned," and only 12 percent were "not very concerned." [2]

Beyond this very informative expression of national concern, we can witness the huge bonding issues people have voted through, the most striking of which was New York State's $1 billion issue. Since 1964, the citizens of nine States have voted in statewide elections on water pollution control bond issues. Of these nine, seven were approved and the other two attracted majority voter support. Of 17,625,254 citizens who voted on the nine proposals, 11,725,444—66 percent—voted "Yes."

Clearly, people want clean water for themselves and their children—water to swim in, to boat on, and to fish from, water just to have around, water that is as clear as they remember it from their own childhood, from their rural backgrounds, or from their last vacations into one of this Nation's last refuges from this ubiquitous disgrace. As I said before, their priorities are clear. What then is the difficulty? Irving Fox, a prominent water resources expert, has commented that the United States has the money, the technology, and the will to clean up her waters, and that all that is missing is a way of deciding who will pay and how much. This bottleneck was seemingly overcome by the 1966 Clean Waters Restoration Act, and yet we still are sliding toward an unprecedented ecological and economic catastrophe.

The "Conservation Bill of Rights" reads:

> The right of the people to clean air, pure water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment, shall not be abridged.

The people want a higher quality environment, with air that does not bring tears to their eyes and filth to their lungs, with water that is more nearly the colorless, oderless, liquid it is supposed to be, not oily sludge that will not support even the lowest forms of aquatic life, a land not barren of trees, crawling with cars and their highways, and laced with utility lines. They do not want a war which drains $30 billion each year, and they harbor grave doubts as to the wisdom of rushing to land on Mars, of intensifying the arms race, or of the SST.

The key to our Nation's future lies in the cities, and our continued world leadership will be determined by how well we handle the difficult problems which have developed and are festering there.

The roots of our cities' problems are in our country's exploding and urbanizing population. The Water Resources Council report of 1968 anticipated a "population of about 468 million in the coterminous United States in 2020. In 1965 the Nation's population was 195 million and in late 1967 is past the 200 million mark. This projection of 468 million by 2020 approximates the population growth rate of the period 1950–65."

Not only are there more people, but these people are more concentrated. From rural beginnings, we have come to the point in less than two centuries that nearly three-quarters of our people live in metropolitan areas. The Water Resources Council report notes:

> There has been considerable migration of population from rural to urban areas. About 72% of our population is now concentrated in urban areas. If current trends continue, almost all of the projected population increase would occur in expanding urbanized areas. The transition will be accompanied by many water and related land use problems.

That is about as dour a statement as possible to describe one of the major population migrations in human history, and the monumental problems it has caused.

Increasing population size and urbanization still do not tell the whole story. Our growing population was using, it was reported in 1954, 50 percent of the raw material resources consumed in the world each year. The same article [3] went on to estimate that by 1980 we might be using up to 80 percent of those resources. We are the most productive and the most wasteful people on earth. As one consequence, our waters are the most polluted.

Ignoring for the purposes of this message the effects of industrial, agricultural, and utility pollution—which are fully as staggering as municipal—let us examine what happens when raw or inadequately treated sewage is flushed into our waters.

First there is the distinct possibility of pathogenic or disease-bearing bacterial pollution, particularly for those waters which receive completely untreated wastes. It is incredible to discover that, in our most advanced Nation, the sewage of 11 million people still is not treated in any way whatsoever.[4]

The remainder of our population's wastes receive either primary, secondary, or, in rare instances, tertiary treatment. Primary treatment simply removes solid matter from the waste water. It follows this removal with chlorination which effectively kills the disease-causing bacteria. But this is so only when the waste is treated, and all too often it is not treated at all because of our ancient combined sewerage systems. During heavy rainfall, the additional water brought to the plant often makes it impossible to treat any of it, and the sewage, along with the rainwater, is released to our rivers and lakes. When this happens beaches must be closed to prevent outbreaks of disease. The cost of separating storm from sanitary sewers in our older cities is high, and has led to other ways of dealing with this massive flow of water. The most common method is storage of some sort, whether in the mains themselves as in Detroit, or in the forthcoming deep tunnel storage in Chicago. The problem is that Detroit's method is adequate for only a small rain, and Chicago's is, like so many other things, very expensive.

But even on an average day a city with only primary treatment pollutes the water heavily. Though the bacteria are well controlled, only about half of the oxygen demand is removed from the sewage effluent. Thus, when the partially treated sewage is released to the receiving water, it is attacked by naturally occurring bacteria which reduce it to its elemental, inorganic form; in doing this, they use up oxygen dissolved in the water, oxygen vital to the life of the aquatic ecosystem as a whole. With prolonged oxygen depression, fish of high quality, which generally require more oxygen in the water, are replaced by trash fish.

Once the sewage is broken down what happens? It acts as fertilizer and produces blooms of algae which clog our waters, ruin our beaches when they wash up in malodorous heaps, and work to further destroy the aquatic environment.

Secondary treatment, through controlled bacterial action, manages to remove most of the oxygen-demanding material in the wastewater. But it does not substantially eliminate the nutrients, the fertilizers phosphorous and nitrogen, from entering the receiving waters. In moving water this enrichment often is not too serious, but in standing water it is sure, if slow, death.

The most striking examples of death by enrichment are Lakes Erie and Michigan. If it is not already dead, Lake Erie is moving inexorably in that direction, and Lake Michigan is following the other's demise with alarming speed. Any lake grows old, and will eventually die due to natural processes. But man's activity around Lake Erie has accelerated the natural aging. By dumping many billions of gallons of partially treated sewage into the lake each day, especially from Detroit and Cleveland, we have so enriched it that it is filling with algae. Algae, like any green plant, gives off oxygen during the day through photosynthesis, but it also takes oxygen in through respiration, during the night. The result of large algae blooms is that the level of dissolved oxygen in the water is very low at night. Since the point of lowest oxygen will determine what species of fish can survive, the very low night oxygen level in Lake Erie means that valuable fish such as lake trout, whitefish, and blue pike can no longer survive there. Thus man's waste products, with considerable help from other pollutants and the lamprey eel, to be sure, have obliterated a thriving fishing industry in Lake Erie. As for recreation, only three of the many beaches on Erie's southern shore are considered completely safe for water contact sports.

The same things are happening to Lake Michigan. Increasingly more beaches around the southern basin must be closed due to pollution. Algae blooms are increasing at an alarming rate. We have seen what can happen to a lake in the

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[2] George H. Gallup, Jr., "The U.S. Public Looks at Its Environment," IUCN Bulletin, July/Sept., 1969.

[3] Walter E. Howard, "The Population Crisis is Here Now," *Bioscience*, 19:9, Sept. 1969, page 782.

[4] "The Cost of Clean Water and Its Economic Impact," FWPCA, 1969.

case of Lake Erie, and yet we continue to pour wastes into Lake Michigan as though convinced—as we must have been in Lake Erie—that our little bit of pollution cannot possibly hurt such an immense body of water. But there is one very major difference between the two lakes: Erie flushes every 2½ years or so; Michigan's flushing action is imperceptible, particularly in the heavily populated, shallow southern basin, so that pollution, once introduced, remains.

With the exception of a few towns in California, tertiary treatment, which removes the nutrients, is only a dream in the conservationist's eye. Eventually we must move to this stage of treatment, but it is first essential that we get some treatment for all our cities, and at least secondary treatment for the major ones. More than that, we must get effective secondary treatment that will continue to function under conditions of heavy rainfall.

As I said before, the future of our country lies with our cities. These cities need clear water for water supply, for recreation, for industrial use, transportation and its amenity value. Polluted water is one of the reasons behind the finding of Gallup's recent poll that only 13 percent of our urban dwellers would continue to live there if they had a choice. These cities, already on the financial ragged edge in their attempts to deal with deteriorating housing, inadequate and worsening education and transportation systems and a host of other troubles, are being forced to absorb an increasing fiscal beating due to the administration's reneging on water pollution control funding. If they are to comply with the standards set up after the Water Quality Act of 1965, they must do so without the promised Federal aid and at the expense of other urgently needed programs.

The year 1973 was set as the deadline for compliance with the standards established by the Water Quality Act of 1965. The bold and insightful legislation by Congress in 1965 and 1966 has helped to crystallize a growing public awareness of the extreme gravity of our water pollution problem. Yet, with the present funding gap, our chances of meeting the 1973 deadline are rapidly nearing zero, and public confidence is and will continue to be deeply shaken. Can we really afford not to meet the funding needs, now when a growing number of our citizens are questioning whether our Government can respond effectively to crisis, and wondering whether our democracy is truly viable? Public momentum and trust are being jeopardized by the failure of the Federal Government to carry through its promises.

In lieu of Federal financial aid, many cities have gone ahead, dangerously stretching their bonding capacities. Others have faced even sterner measures, as the Nations Cities article reports:

> Already communities in Pennsylvania, Missouri, Florida, California, and New Jersey have faced state-imposed restrictions on future residential and commercial construction because of water pollution problems.[5]

It is proposed by the Secretary of the Interior that long-term—up to 30 years—financing plans be worked out to repay the cities for the Federal shares they are due. However, this plan is clearly not appealing to the cities since they will have to put up the whole cost to begin with and in addition, will have to pay the interest.

A recent, 10-State survey of consulting engineers indicated that they are ready to handle the design work for treatment plants if, and when, the money is available.[6] The funding gap, though, is crippling progress.

> A total of 4,648 applications for construction grants are now languishing in FWPCA regional offices or in state water pollution bureaus.[7]

This situation is deplorable; we must rectify it.

In signing the Clean Waters Restoration Act of 1965, former President Johnson voiced the dark mood of our people on this subject:

> The clear, fresh waters that were our national heritage have become dumping grounds for garbage and filth. They poison our fish, they breed disease, they despoil our landscapes.[8]

Our Nation's waters, once symbolic of our strength, have become a disgrace. With the other degraded aspects of our environment—smog-filled air, cluttered and noisy cities, strangling traffic jams, and an increasingly defaced countryside—they speak to us in awful harmonies of the consequences of our historic unwillingness to realize that our heritage of natural wealth and beauty, the wellsprings of our greatness, are not limitless and can be irrevocably defiled. We must realize that our world is finite and delicate. Acceptance of two concepts is necessary: The first is that of the spaceship earth and the second is that of the stewardship of the land. The first tells us that we must care for our world and husband well its resources, for once we have rendered it uninhabitable, there is nothing left, just the void. This is an appeal to the rational, intellectual side of our natures. The second speaks of moral responsibility, a responsibility that comes with our birth to love and care for that which nourishes us, and which instructs us to think of the earth as something not to be conquered and exploited, but as something to care for, to guard, and to pass on undiminished in quality.

The introduction of a report delivered to the Secretary of Health, Education, and Welfare in 1967 phrases these ideas well:

> At the two-thirds point of the 20th Century, man has discovered that he cannot act toward his surrounding with the abandon of a caveman. For countless thousands of years, man has treated this planet as a dumping ground, boundless in its ability to absorb insults.
>
> For generations we assumed Nature had the ability to absorb an increasing number and variety of environmental insults. And for a while it did. Now Nature has rebelled. The lashback today threatens metropolis, town, and village, and to a growing degree open countryside as well. Sadly deficient in precise knowledge of the growing and changing array of hazards in our environment, we know enough to realize that we must mend our ways.
>
> We cannot keep adding more wastes to the air.
>
> We cannot turn more rivers and streams into open sewers, and lakes into cesspools.
>
> We cannot befoul the land with the discards of abundance.
>
> In short, we cannot engage in biological and chemical warfare against ourselves. Our health and well-being—and those of future generations—are at stake.
>
> Man lives in delicate equilibrium with the biosphere—on the precious Earth-crust, using and re-using the waters, drawing breath from the shallow sea of air. While these can cleanse themselves, they can do so only to a finite point. That point is being reached and passed in many places in the United States. It is not only necessary that we take preventive action, it is also urgent that we take steps to restore the quality of our environment.[9]

Though it takes as its subject the whole environment, this report is clearly applicable to our Nation's water resources. As it said:

> We know enough to realize that we must mend our ways.

I believe that a movement to mend our ways has started, and a failure to provide the promised funding for this movement would constitute an unconscionable breach of promise.

Mr. DINGELL. I thank the gentleman.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I congratulate the gentleman from Michigan for his excellent work in this matter and I wish to associate myself with his remarks.

Mr. Chairman, it shocks me that Texas speaks with so divided a voice on a question in which there is such a clear need for water pollution control. Governor Smith has made his position clear. In a telegram to me he said if the billion dollar authorization of the Clean Water Restoration Act were restored in the Appropriations Act, this "would be significant to controlling water pollution and to the economy of Texas." He is undoubtedly right.

Some time ago I invited Hugh Yantis, executive director of the Texas Water Quality Board, to accompany me and others in an oyster boat on Galveston Bay. Looking over the side he remarked that the pea green water of the bay indicated the degree of pollution. We ended up at the San Jacinto Monument, traveling through the India ink waters of the bayou.

I have also heard him say that we have not made a quantitative improvement of the quality of Buffalo Bayou though he feels that progress has been made in educating and in controlling some of the plants that contribute to industrial pollution.

Thus, I was surprised to find in the

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[5] *Nations Cities.* (page 10) September, 1969.

[6] Ibid. page 12.

[7] Ibid. page 9.

[8] "A New Era for America's Waters," FWPCA, 1967.

[9] *A Strategy for a Livable Environment*, a report to the Secretary of Health, Education, and Welfare by the Task Force on Environmental Health and Related Problems, June 1967.

Congressional Record distributed the same day—October 7—that I received the telegram from Governor Smith a copy of a letter from Mr. Yantis to John Dingell in which the following curious language appeared:

> Speaking specifically to the questions in the third paragraph of your letter, the Texas water pollution control and abatement program has not been held back by the present level of funding and it has been unnecessary to make special arrangements resulting from any lack of Federal funds.

He then goes on to say:

> The municipalities of Texas have historically provided their share of construction funds without calling upon the resources of the state and, accordingly, this state does not presently have a funded state construction grants program, although one is authorized in the legislation organizing the Texas Water Quality Board.

I cannot see how one can be so complacent under conditions where municipalities, largely due to lack of funds and resources, are the biggest contributors to water pollution. The city of Houston is, understandably, the biggest polluter of Buffalo Bayou, and certainly it needs help.

That Texas cities such as Houston realize the need for these additional Federal funds for the construction of municipal sewage treatment plants is made clear by the letter in the Record of October 7 from the Association of Metropolitan Sewerage Agencies. This association, which includes Houston and Dallas, states:

> The full one billion dollar appropriation can be utilized this fiscal year.

Mr. Chairman, I strongly support this amendment, and I think it is necessary to point out this disparity between the position of the State officer specifically involved with pollution and the Governor of Texas and its municipalities. I feel that there may be misunderstanding within the Texas delegation, and a few votes which may be pulled away from this amendment by the disparate position of Mr. Yantis may well cause defeat of the amendment.

Mr. DINGELL. I thank the gentleman.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I, too, wish to join my colleagues in commending the gentleman in the well, the gentleman from Michigan (Mr. Dingell) and I rise in support of his amendment.

I commend the distinguished gentleman for the great leadership he has displayed in focusing the attention of this Congress on a matter of extreme gravity and urgency. I urge enthusiastic support of the Dingell amendment offered by the gentleman from Ohio (Mr. Minshall), to increase to $1 billion the 1970 fiscal year appropriation for waste treatment grants under the Federal Water Pollution Control Act.

Mr. Chairman, for as long as I can remember, the Board of Water Supply in Honolulu, Hawaii, has been identified with the slogan: "Pure water—man's greatest need." Pure water is indeed man's greatest need, and it is a sad commentary that what man needs greatest he has neglected most. We have been so engrossed in making ours the most industrialized nation in the world, that we have given too little thought for too long to this basic essential of life—pure water. And now time is running against us. Our Nation's lakes and rivers are polluted to the extent that even the fish die and add to the pollution.

The 89th Congress, of which I am proud to say I was a Member, did recognize the enormity of the task of cleaning up the Nation's polluted rivers and lakes, and did make an initial grant of $150 million for fiscal year 1967 under the Clean Water Restoration Act of 1966. That act authorized annual increases until the sum of $1.25 billion would be provided in fiscal year 1971 for matching grants to the States for sewage treatment facility construction. For fiscal year 1970 the sum of $1 billion was authorized. The present amendment, if adopted, would fund the Clean Water Restoration Act fully for the first time since its enactment in 1966.

By adopting this amendment, we will be keeping a commitment made to the States and municipalities that we would assist them in their struggle to clean up our Nation's water. The challenge that the Congress issued in 1966 to the States and the cities across the Nation is now being answered. This is evidenced by the tremendous number of grant applications which have been filed and which are being prepared for submission. We are told that as of August 31, 1969, a total of 1,893 applications involving $841 million in grants were pending, and that another 2,931 applications, involving approximately $1.5 billion in grants, were being prepared. My own State of Hawaii too has responded enthusiastically in this nationwide drive for clean water. We in Congress have a responsibility to keep up this enthusiasm.

The Congress can ill afford to compromise the sound judgment it exercised in the 1966 act. Appropriating a lesser sum than $1 billion for the 1970 fiscal year would constitute a negation of that sound judgment.

Our cities are being compelled to meet Federal water quality standards. Without the funds that they have been promised, they cannot be expected to comply. It would then be painfully clear to the American people, as it was stated in today's editorial of the Washington Post, that "Congress has reneged on its clean-water pledge to the country."

Mr. Chairman, let us not renege on that pledge. Let us adopt the Dingell amendment.

Mr. DINGELL. I thank the gentleman from Hawaii.

Mr. CULVER. Mr. Chairman will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, I commend the gentleman for his leadership in this area and for providing necessary funds in this critical area of national need.

Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Michigan (Mr. Dingell) and to commend him for his leadership in this area of vital national concern.

I realize the budgetary restrictions under which the Appropriations Committee has been forced to operate in considering this legislation and appreciate the very difficult decisions they have been required to make. Certainly, they have recognized the inadequacy of the budget recommendations for water pollution control by more than doubling funds for construction grants.

However, with more than 4,500 projects awaiting some $2.3 billion in Federal funds, additional appropriations are essential, and I support the gentleman from Michigan and the Citizens Clean Water Crusade for full funding of the Clean Water Restoration Act.

In my own congressional district there are already 13 outstanding projects, either in the active planning stage or pending at State or regional offices. The Federal share of those projects is nearly $1.5 million.

What is more, studies are presently underway which will in all probability result in orders for secondary treatment plants in most of the major cities along the Mississippi and Missouri Rivers, in compliance with State and Federal water pollution control regulations. One community in my district—Clinton, Iowa—has just received word that secondary treatment will be required, at an estimated cost of at least $1 million, and they will be unable to meet that requirement without Federal assistance.

Technical experts tell us that we have less than 10 years left if we are to control pollution on our Nation's waterways. We cannot afford to delay the massive effort which that challenge demands, and to which we committed ourselves in enacting the Water Quality Act of 1965 and the Clean Water Restoration Act of 1966.

I urge the House to approve the full $1 billion authorized for this essential program for the current fiscal year.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. MINSHALL. Mr. Chairman, I would be most remiss if I did not commend my good friend and colleague, John Dingell, of Michigan, for the outstanding work he has done on this matter of pollution.

I have known John Dingell ever since I came to Congress 15 years ago. He is one of the country's outstanding conservationists, a fisherman, hunter, and outdoors man. Above all, he is a patriot and an American first.

Mr. DINGELL. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend from Ohio.

Mr. HARSHA. I thank the gentleman for yielding. I congratulate the gentleman.

Mr. Chairman, I commend the gentleman from Michigan and the gentleman from Ohio, authors of the amendment for their leadership in bringing this matter before the House. I was one of those 222 Members who signed the letter requesting the administration to support a $1 billion appropriation for pollution control grants. Living in Ohio I am fully cognizant of the pollution problems in the waters of our Nation. Lake Erie is the No. 1 pollution problem in the country and unless we begin now to stop polluting that great body of water and the other waters of this Nation our very existence on this earth is in jeopardy.

Ohio has applications for Federal assistance exceeding $44 million in grants for municipal treatment plants. Under the $600 million appropriated by the committee, Ohio will still be shy in excess of $13 million.

Under the amendment of the gentleman from Ohio (Mr. Minshall), Ohio will receive enough to fully fund those pending applications. How are we to clean up our waters if only part of the applications are funded? Money spent on funding part of the applications is poorly spent when other cities are permitted to pour pollutants into the streams because their applications were not funded.

Let us go about resolving this problem once and for all, let us establish a national priority to clean up our waters. Let us demonstrate once and for all that the Congress is willing to assume its share of the responsibility by providing the money needed to meet this regrettable situation.

Time is of the essence—each day we delay in preserving our most precious natural resource is time we can ill afford.

I urge the adoption of this amendment.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope I can have the attention of Members. I believe some impressions have been left here that it would be unfortunate to leave, since we all in this body are working for the same purpose, for the same country. I should like to keep that situation.

What has not been made clear here is that these large figures the Members see on the blackboard offered by the gentleman from Minnesota (Mr. Blatnik) as to total requests, are an accumulation of the requests for funds. They are the sum totals of the requests which in many cases mean estimates of needs that have come into the Water Pollution Control Administration. I am sure they do evidence need and requested grants, but in many cases there is no showing that they are backed up by action by the applicants. In other words they do not represent firm request for money that can be released now.

It is my belief that the pollution needs of this country probably run as high as $20 million over the next 5 years, but this problem, like any other, has to be met in a proper and organized way—both to get the job done, to do it right with a minimum of essential expense.

It looks from the board as though the Committee on Appropriations has deliberately cut back the authorization committee in its authorization each and every year. That is the impression one gets from reading the figures on the blackboard. The facts are that each and every year we ask the Federal Water Pollution Control Administrator, "How much money can you use?" We have gone along with what he said he could use as reflected in the budget requests, which has been much less than the sum total asked for by the prospective recipients of the grants. This is the basis for the difference in these figures. It relates to the applicant's readiness to do its part to meet the requirements of the law. Again that is the reason for the difference from the requests that have been gathered together and sent in and the amounts the Federal Water Pollution Control Commission has told us they could use.

If one were in Ohio, listening to all my good friends and you were Governor of Ohio, if you did not send in a big figure you probably would not be there long after that, because the need is really tremendous. The question is how soon can we meet it and when can Ohio be ready for us to help.

This is an accumulation of the items, or the sum total of all these requests. Before the Federal grant is really released there must be a showing that 25 percent of the work has been completed. That is another slowdown as to how fast we need appropriations. That is the reason why we have $65 million now unused and uncommitted.

Let me repeat again: the $600 million recommended by the committee is in excess of what they told us they could properly use.

Now, the Secretary of Interior who heads the Department says if you give him more money they cannot and will not use it.

We have got to go along with what the man says who handles the grants and who says how much can be used. I know that the Public Works Committee wants the ceiling high enough so if the applications come in and are approved he would have the money there to use and that, therefore, we should provide the money for that purpose.

If you appropriate this money under a formula whereby the first $100 million goes out on the basis of population and per capita income and the rest on population alone, you will have a lot of States with a lot of money to their credit which they cannot use and when you try to bring in a change in the law so as to change the formula, you can imagine where we would be in trying to recapture these funds for common distribution.

Mr. Chairman, I repeat that these large figures represent something which they say they could use now but if you wrote them and asked them what they could use next year they would probably tell you they could use twice that much.

Mr. Chairman, the figure which has come from the Committee on Appropriations is based upon what the man who makes the grants said he could grant with the great number of applications which have been received and approved. We must take his word.

Mr. Chairman, the law does not require the party making the request to make any showing that he has issued any bonds or that he has any money with which to pay his share.

I am saying to the members of the Committee of the Whole House on the State of the Union that the pollution job with which we are confronted is tremendous. However, we will be able to get it solved in a better fashion if we proceed judiciously, effectively, and apparently the Secretary of Interior is going to see that we do that whether we try to do otherwise or not.

There is an indication on the part of our good friends on the legislative committee that he went as far as he could. But, mind you, we in this country operate on a fiscal year basis and anyone who says that we have committed another Congress beyond this session has not been reading his history. There is no one who has been in this Congress who can say that we can commit additional funds prior to the beginning of the fiscal year because we, of course, work on a fiscal year basis.

I repeat, Mr. Chairman, that the committee has appropriated the money in line with what the man who handles it said he could use and not based upon the estimates of the number of applications to be sent in.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Arizona.

Mr. RHODES. Would the gentleman agree with me also that even with referance to these smaller appropriations, appropriations smaller than the authorizations, we have had carryovers and the main reason we have had carryovers is because of the manner in which the formula was operating in some of the States. In other words, they just could not use it. Further, the appropriation bill is not the way to cure these defects. That has got to be done through legislative committees.

Mr. WHITTEN. That is right. The Appropriations Committee or the Congress in this action today, if it goes over the figure and under the formula puts a whole lot of money to the credit of some State that cannot use the money, it is going to have to wrestle with that problem in the future.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 5:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. SAYLOR. Mr. Chairman, I object.

Mr. VANIK. Mr. Chairman, I object.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 5:45.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. ASHLEY. Mr. Chairman, reserving the right to object, how many Members are on their feet? One minute is not enough.

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. The question is on

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the motion of the gentleman from Tennessee.

The motion was agreed to.

The CHAIRMAN. On the limitation of debate on this amendment, each Member who was standing on his feet at the time will be recognized for 1¼ minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, we have for each of us a question of national priorities, whether the fight on water pollution is worth $1 billion out of a total expenditure of something like $190 billion.

Fortune magazine, hardly a radical journal, says we ought to put in $3 billion. Certainly $1 billion is not exorbitant.

I think this is a beautiful amendment, and I commend the authors, and in just a moment when the teller lines are formed let the Members favoring the amendment flow through that teller line like a mighty river of clean, pure water.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, I just want to say to you, when you go back home and you try to tell your constituents who are trying to get a sewage disposal plant that the Committee on Appropriations said that they were worried about a formula as to the application of funds for sewage treatment plants, that you will not be back in Congress. Those are just the political facts of life.

Your constituents are not going to be impressed by the fact that you say that certain States might be overfunded, and certain States may be underfunded; the constituents back home are worried about clean water, and they are waiting for Congress to keep its word.

Those of you who were here in 1966—and every one of you voted for it because on a record vote there was not a single dissenter—said that you would this year appropriate $1 billion for sewage treatment plants. This is your opportunity. If you do not, and you do not come back in the 92d Congress, remember this day, especially those of you who will insist that in about a week or so you will be perfectly willing to give $3 or $4 billion in foreign aid. I know your folks back home will love that when you refuse to give them $400 million more to keep them alive, with pure water you are willing to vote billions for foreign aid, where we have no friends.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I think that the passage of this amendment can be the most important action taken by this Congress to preserve our environment at this session.

Mr. Chairman, I should like to congratulate the Appropriations Committee for its constructive action in raising substantially the amount of funding for the Clean Water Restoration Act for fiscal year 1970.

It became clear quite early that the $214 million requested by the administration for funding the act for 1970 was grossly inadequate. It was then gratifying to note that the Appropriations Committee responded to the Citizens Crusade for Clean Water by raising the appropriation to $600 million in the bill reported to this body.

But, Mr. Chairman, $600 million is still not nearly enough. And that is why this amendment should be passed.

When the Federal Government authorized $1 billion for aid to local units of government for construction of sewage treatment facilities, it was an indication of national commitment to one of our most pressing national problems. Acting upon this authorization, thousands of local communities applied to the Federal Water Pollution Control Administration for assistance in dealing with municipal pollution. More than 4500 of those applications are now pending in FWPCA regional offices or in State water pollution bureaus.

Something must be done about those pending applications which will call for $2.3 billion in Federal aid in constructing water treatment facilities, having a total cost of $5.1 billion.

In Wisconsin's Seventh Congressional District alone, 87 projects are undergoing development. These 87 projects will cost an estimated $12,809,553. An estimated $4,688,543 in Federal funds has been requested. These requests total more than will be allowed for the entire State of Wisconsin during the coming year, unless Congress acts to raise the amount the administration has asked for.

The inadequate funding of pollution abatement programs becomes ironic when we contemplate the ease with which Congress can supply funds that exceed the budget requests of the administration. On June 10, for example, the House approved a budget which gave the National Aeronautics and Space Administration $256 million more than it had originally requested. It provided for 10 manned space flights to the moon over the next 3 years rather than the six originally planned. I voted against the NASA budget. The $256 million in excess funds which we so generously voted for NASA could have more than doubled the administration's requested funds for aid to local units of governments for water treatment facilities.

We know that without water there is no life. And, the water we must have to sustain life on this planet is in serious danger. The extent of pollution of that water is critical.

During the past few months I have cited example after example of lakes and streams in this country that are dying or are already dead. Those examples are far too numerous to chronicle today.

In our efforts to halt this disastrous trend of pollution, we have fallen further behind each year since the Clean Water Restoration Act was approved in 1966. We have continued to lose ground in this battle because our promises have far outdistanced our performance. In fact, the appropriations from fiscal year 1967 through 1969 total only $567 million—less than half of the $1.3 billion authorized.

It is essential that we provide at least the full $1 billion to fund the Clean Water Restoration Act promised for fiscal year 1970. I urge the Congress to respond to the millions of Americans who have joined in the citizens crusade for clean water by voting for this amendment. The Moon and Mars can wait. Our water cannot.

Mr. Chairman, the Washington Post this morning called today's vote on the funding for the Clean Water Restoration Act—and I quote—"a major test of whether this country is sincere in trying to clean up its polluted rivers and lakes." Indeed it is.

The Congress made clear its commitment to the cause of clean water in the words of that far-reaching authorization measure passed just 3 years ago. But we have yet to make good on the promises of the Clean Water Restoration Act of 1966. We have an opportunity to do so today by voting for this amendment to raise the appropriation to the full $1 billion authorized by the act. I am pleased to rise in support of this amendment. I urge that my colleagues join now in reiterating our commitment to clean water by voting for it and I congratulate the gentleman from Michigan (Mr. DINGELL) for his leadership on this question.

Mr. Chairman, some of our colleagues may not have seen the lead editorial in this morning's Washington Post. It is an excellent statement on the issue before us today, and I include it at this point in the RECORD:

ONE BILLION FOR CLEAN WATER

A major test of whether this country is sincere in trying to clean up its polluted rivers and lakes will come in the House of Representatives today. In principle, the Congress, the administration and the country are thoroughly committed to the cause of clean water. It is one of the most popular crusades of the day. But lip service and even authorizing legislation do not remove filth from our streams. Sewage-treatment plants must be actually constructed, and Congress has to date provided only meager funds for this purpose.

New hopes were raised in 1966 when Congress approved a sharp rise in federal assistance to states and cities for the construction of clean-water facilities. The program was to expand from $150 million in fiscal 1967 to $1 billion in fiscal 1970. But out of the $2.3 billion authorized for the last four years, including this one, Congress has appropriated only $567 million for the three past years, and the current budget request is for only $214 million for fiscal 1970. In other words, the real cleanup program, as distinguished from the reassuring words and good intentions, has not yet gotten off the ground.

Fortunately, the great gap between promise and performance has not gone unnoticed on Capitol Hill or among the millions who are now demanding restoration of a healthful environment. A large number of organizations representing conservation groups, organized labor, professional societies, civic associations and city and county officials have united their efforts in a Citizens Crusade for Clean Water, and more than 220 members of the House have pledged themselves to vote a billion dollars for clean water when the big test comes.

One vital element in the situation is the plight in which many cities find themselves. Under the prodding of Congress, state legislatures have been raising standards of sewage treatment which the cities will have to meet. But if they are denied the federal aid that was contemplated when the higher standards were set they will have to choose between failure to comply and the diversion of funds from education, housing, law enforcement and so forth to meet the new demands for clean water. It is reported that more than 4,600 applications for aid to cities in the construction of sewage-treatment facilities are awaiting action, largely for want of funds.

The plain fact is that Congress has reneged on its clean-water pledge to the country. The technical know-how for restoration of the Nation's streams and lakes to a tolerable condition is readily at hand. Much of the needed legislation is already on the books, although Secretary Hickel is seeking authority to help pay for treatment facilities on an installment basis through contracts with cities and states, which would greatly ease the demand for current appropriations. The missing element is immediate funds to change the clean-water drive from a remote hope to a current reality.

We agree with the National League of Cities, the League of Women Voters and the many other groups and individual leaders who are calling for the immediate appropriation of a billion dollars for the 1970 cleanup effort. On the eve of the test vote there are indications that the administration will accept substantial expansion of the clean-water budget item it carried over from the Johnson budget. But compromise at this point is not enough. The judgment of Congress as expressed in the Clean Water Restoration Act that $1 billion would be needed this year for grants in this area was sound. It should be adhered to today. In a matter of such vital concern to the country, Congress simply cannot afford to put itself into the position of withdrawing from an obligation it has assumed and sought to impose on the states and cities.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I want to congratulate my very good friend, the gentleman from Michigan (Mr. DINGELL) for his leadership in promoting this amendment. I wish to speak in support of appropriating the full $1 billion authorized for waste treatment plant construction grants in the public works appropriations bill—H.R. 14159—under consideration today. The Federal Government must meet its commitments to the States and municipalities as promised in the Clean Water Restoration Act of 1966. We have appropriated only $417 million of the authorized $1.15 billion in the last few fiscal years.

In the face of these underappropriations for matching grants for waste treatment plants, Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research has ordered a get-tough policy against the many municipalities concerned, whom he calls the Nation's No. 1 polluters. His statements appear in an article in Monday's New York Times which I will ask to have included in the RECORD when we return to the House. Mr. Klein, in ordering the crackdown, stated that the administration planned amendments to the Clean Water Restoration Act to eliminate "foot dragging" by the municipal agencies. I agree with the crackdown, but I believe we cannot expect to obtain stricter control and then not live up to the commitments made to States and municipalities under the 1966 act.

New York passed a record $1 billion pure waters bond issue, the largest in the Nation, in response to and reliance on the Federal legislation.

Unfortunately, to date the State has only committed $18 million of this bond issue and has spent on water pollution control only $59 million. The Governor has used as an excuse for his failure to clean up New York's waters the failure of the Federal Government to provide the funds it promised.

We must remove this excuse if we are to see New York's serious pollution problems remedied.

I strongly urge adoption of the amendment.

The article referred to follows:

LOCALITIES TOLD TO CLEAN WATER—U.S. OFFICIAL BIDS THEM ACT REGARDLESS OF FEDERAL AID

(By Gladwin Hill)

DALLAS, October 6.—The nation's top water pollution official admonished states and cities today that they would have to clean up their sewage whether or not they got promised Federal subsidies.

Outlining a new and stricter policy on water quality, Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research, also said that the Administration planned amendments to the Clean Water Restoration Act of 1966 to eliminate "built-in delays" in administrative procedures that permit "foot-dragging" by polluters.

Addressing members of the Water Pollution Control Federation, Mr. Klein said: "We can't have procrastination by anyone saying he's not getting enough money from the Federal Government."

At the same time, Mr. Klein said he now rated industry as only the third ranking contributor to the nation's water pollution, behind municipalities and agriculture.

FIVE THOUSAND TO BE THERE

Mr. Klein was the principal speaker at the opening session of the federation's 42nd annual conference at Dallas Memorial Auditorium. About 5,000 members, including water officials and engineers, are expected to participate in what has been described as the biggest water pollution meeting in history. It will continue through Thursday.

Federal subsidies represent a point of contention with states and cities. The Government has been pressuring the states and cities to clean up their water. But so far this year, the Administration has sanctioned the outlay of only $214-million out of a $1-billion 1969–70 program of assistance grants for building sewerage works.

When several participants chided Mr. Klein about unfilled Federal aid promises, the Interior Department official suggested that this had just been an excuse for inaction.

New Jersey officials came to my office the other day and said: "Where's the money?" Mr. Klein said. "But they admitted that even if the Federal Government had given them everything: 'we wouldn't have the matching money anyway.'

PIECEMEAL TECHNOLOGY

"We need new laws—tough laws, to save us from ourselves and our thus far piecemeal technology," Mr. Klein said. "We shall be asking Congress for these laws."

Asked at a news conference what laws would be sought, Mr. Klein would specify only the desire to eliminate "built-in delays in enforcement procedures."

The Federal Water Pollution Control Administration has about 40 outstanding pollution abatement actions against various states. Some of the actions have been protracted, under existing laws, for a decade.

Mr. Klein enumerated a dozen new cleanup actions initiated under a recent policy to "move in on polluters" and give them six months to come up with remedial programs.

Among other "get tough" actions, he said, was the determination of the Secretary of the Interior, Walter J. Hickel, to stop the city of Richmond from pouring 30 million gallons of raw sewage daily into the James River while it enlarged its existing sewage treatment plant.

CITY GIVEN WARNING

The city has been notified, he said, that all Federal water quality funds will be cut off if it does not spend the extra money necessary to keep the plant operating during alterations.

While industries were the target of several of the new actions, Mr. Klein said he thought industry had generally been doing an effective enough cleanup job.

Mr. Klein, a former Illinois legislator, who specialized in water pollution, was joined at the conference by Martin Lang, director of New York City's Bureau of Water Pollution Control. Mr. Lang said he was pleased with Mr. Klein's emphasis on equality in enforcement because "it will help explain to the people in New York City why we're doing what we're doing."

"The citizens of New York City put their money where their convictions are," Mr. Lang said, only to have the effort counteracted by "the flow from another state." Apparently he was referring to New Jersey.

(By unanimous consent, Mr. OTTINGER yielded the remainder of his time to Mr. ASHLEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, I thank my colleague from New York for yielding me his time.

Mr. Chairman, on September 3, just a very few weeks ago, the city of Toledo, Ohio, was singled out by the Department of the Interior and identified as a municipality contributing to the pollution of Lake Erie.

This was pursuant to a new policy on the part of the Department of the Interior to insist upon strict compliance with the water quality standards that have been adopted pursuant to legislation passed by this Congress.

Tomorrow in the city of Cleveland there is going to be a hearing to determine the extent to which Toledo is a guilty party. We in Toledo applaud a policy of strict antipollution enforcement. But I find it strange and difficult to understand how the gentleman from Tennessee can get on his feet and read a letter from the Secretary of the Interior saying—No, he does not want a billion dollars or $600 million—and that all he wants is $214 million which averages up, no matter how you cut it, to $4 million or $5 million per State per year for the fight against pollution.

What are we saying? That the Federal Government will stake out for itself the role of law enforcement but will transfer to the States the full responsibility for financing the pollution abatement facilities? What kind of new federalism is this, pray tell?

It was established some years ago by the Congress that responsibility for cleaning up our rivers and waterways was a joint responsibility shared by the Federal Government, the States, and the cities and towns and other political subdivisions. Since that time, however, the Federal Government has not met its commitment. It has promised but it has not performed. The result, of course, has

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been to shift the burden of financing treatment facilities to the States and local communities and they simply have not been able to manage the job with their own limited resources.

The situation was summed up well by Richard A. Vanderhoof, director of FWCA's Ohio Basin region when he said:

> We're making progress in water pollution control if everyone would stand still. But we must run faster. A combination of industrial growth and municipal growth puts us in a position of status quo, particularly with the level of funds we have available.

Mr. Chairman, the status quo is not good enough. What "status quo" means is that every day our water resources become more contaminated and just that much more difficult and expensive to clean up.

Clearly there is no question as to need for full Federal funding for waste treatment works and I believe I am accurate in saying that the Department of Interior has acknowledged the backlog of project applications could well absorb the billion-dollar level of Federal contributions proposed in the amendment before us.

The real question arises, as we all know, with respect to the budget impact of fully funding the authorization bill approved by the Congress. In light of the Interior Department's recent policy of strict enforcement of water quality standards, it must be assumed the administration wants compliance at the State and local level—and let there be no doubt about it, compliance means construction and construction means the expenditure of public funds.

The issue, then, is where these funds are to come from.

To the extent that the construction of pollution abatement facilities contributes to inflation, these pressures are not eased or obviated by shifting Federal responsibility to the States and local communities. If we are going to have clean water, it is going to cost dollars and, from the standpoint of inflation, it does not make any real difference where these dollars come from.

But from the standpoint of getting the job done, it does make a difference. The States were led to believe by the Congress that the financial burden would be shared and they have acted on this premise. Last fall the voters in Ohio approved a bond issue earmarking $120 million for pollution abatement and a number of municipalities, including Toledo, approved separate issues for the same purpose. In addition, the State legislature established the Ohio Water Development Authority which is empowered to sell bonds for an additional $350 million for antipollution facilities. For its part, the Federal Government budgeting $9½ million for Ohio for the current fiscal year, roughly 20 percent of what it promised and what the State of Ohio was led to believe it could count upon.

Mr. Chairman, we have sophisticated ways of measuring increases in our cost of living but no one yet has put a dollar amount on the cost of polluted water because there simply is no way of doing so. But it is a fact that Lake Erie, one of the great inland bodies of water in the entire world, is a dying lake because of the wanton and undisciplined behavior of many millions of Americans. If disaster is to be averted, if our water resources are to be preserved for the generations to come, then action can no longer be postponed until it better suits the convenience of our economy. We must act now and the amendment before us gives us this opportunity.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I want to quote the words of a gentleman who has impeccable qualifications as a most conservative individual, the Governor of my State, Ronald Reagan.

He says that the lack of funds for the construction grant program under the Clean Water Restoration Act, referred to in your letter of June 6, has indeed held back the Water Pollution Control Act abatement in California.

He goes on to cite statistics that are very pertinent to this discussion here.

He says the authorization in the act of $700 million for the fiscal year 1969 and $1 billion for the fiscal year 1970 lead communities to believe ample funds will be available.

That is the fact, and that is the issue here. I compliment the Committee on Appropriations for increasing the funds to the $600 million level—but that is 60 percent of our commitment. Let us meet all of that commitment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Speaker, I am supporting the amendment being offered today to provide for full funding of the Department of the Interior's waste treatment plant construction program. The Congress has authorized $1 billion for this vital program in fiscal year 1970. The administration requested only one-fifth of that: $214 million. I am pleased that the Appropriations Committee has increased the amount for pollution control construction to $600 million.

But as a representative from the Lake Erie Basin, as one who represents a congressional district which lies along the shores of what must be the most polluted body of water in the world, I know that $600 million is inadequate. Indeed, $1 billion is totally inadequate to meet the pollution problems of this Nation. It is estimated that to stop pollution flows into Lake Erie alone would require more than a billion dollars. The money which we appropriate today is allocated by the State governments, and, from past history, it is clear that very little of this money will go for the solution of massive, billion dollar pollution problems such as face Lake Erie and the other Great Lakes.

At the present rate of pollution control appropriations, our natural resources and clean water supplies will soon be totally destroyed and our health increasingly threatened.

I would like to point out at this time that another pollution control program, passed by this Chamber, is in serious danger because of opposition by the administration. Included in the Tax Reform Act, which passed the House August 7, was a provision providing for rapid depreciation for pollution control facilities. The reform bill amended the tax code to permit rapid 5-year amortization of expenditures for certain facilities for the control or abatement of air and water pollution. This provision was included in the tax reform bill by the Ways and Means Committee to assist industry in financing costly pollution control devices. The measure would be particularly important to industries in central city areas and along waterfronts where construction and land costs are particularly high. In addition, it would help many small businesses in meeting the demands placed upon them by the Water Pollution Control Acts of recent years. The measure will cost $400 million per year, but the committee felt that the problem of pollution is so serious that the provision was justified.

On September 4, the Secretary of the Treasury appeared before the Senate Finance Committee and questioned the necessity for this provision and recommended that it be amended, cutting the incentives for pollution control to $180 million. I find this recommendation by the administration incredible in light of all their talk about incentives and in light of the administration's request to the Senate Finance Committee that the corporate tax rate be cut 2 percent: The cut in the corporate tax rate will cost the Treasury $1.6 billion by 1972. This money will be returned to America's corporations as a simple profit. It will not be earmarked for any social goal. It will not be required to be used in the battle against pollution.

The position of the administration on this issue is indefensible. At this time of pollution disaster in Lake Erie and other areas of the country, we must mobilize all of our available resources against further pollution. It is my hope that the other body will approve the House provision in its entirety and reject the administration's attempts to weaken the provision.

Next year I expect to urge the authorization of at least $100 million for the handling of national pollution disaster areas such as Lake Erie and other parts of the Great Lakes, San Francisco Bay, New York Harbor, various parts of the Gulf of Mexico, and portions of the coast of southern California.

The problem of water pollution is so critical that it requires multiple approaches. One approach is to stimulate industrial treatment by legal enforcement and tax incentives. Federal funding should be designed to stimulate the development and construction of public waste treatment facilities but Federal funding must also be provided to meet national pollution disasters which are of a dimension beyond the control of local governments.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Ashbrook).

PARLIAMENTARY INQUIRY

Mr. ASHBROOK. Mr. Chairman, I would like to propound a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASHBROOK. Mr. Chairman, would it be in order before the vote on

the pending amendment to offer an amendment to increase it to $2 billion?

The CHAIRMAN. It would be in order.

Mr. ASHBROOK. I thank the Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Chairman, I want to say for the record that I am vigorously opposed to this amendment providing unbudgeted money for water pollution control.

I am not against water pollution control per se, for I yield to nobody in my desire to have our waters remain pure and uncontaminated. I was, in fact, one of the cosponsors of a bill establishing a Council on Environmental Quality legislation just recently approved by this body.

But we must come to grips with the fiscal facts of life, governing ourselves according to certain spending priorities. The fact of the matter is that it will be of little avail if, in endeavoring to promote pure water, we pollute our budgetary process beyond the point of no return. It is not enough to say pure water over and above everything else, because there are also other practical and important considerations.

It is interesting to observe that the budget approved by the administration for this water pollution control program is $214 million. I am willing to go above this figure and, in fact, support the $600 million figure recommended by the House Committee on Appropriations. This committee has studied this matter long and diligently, recommending the $600 million figure as one practically designed to cope with the problem. I do not think we should turn our backs on the collective wisdom of this committee.

Undoubtedly in the discussion of this issue, a great cry will go out that this $1 billion amount must be spent because Government must fill the vacuum left by private industry in dealing with water pollution control. In my congressional district, I know of at least one big industry that is spending vast sums of money toward the end of controlling the pollution of both air and water. Other industries are equally concerned and active in this area. If anything, I fear that the expenditure of this vast sum of money would have the effect of discouraging rather than encouraging these private industries to carry on with their yeoman work with water pollution control.

Mr. Chairman, in my mind the $600 million figure recommended by the House Committee on Appropriations is both realistic and practical. In effect, it promises to deal with the problem of water pollution by making a substantial amount of money available for dealing with it. On the other hand, it recognizes that even highly worthy programs have to submit to some disciplines in spending, for otherwise they stand to be cured at the expense of creating a disability in another part of our Government structure.

I am a conservationist, and I am for the preservation of our natural resources, one of the most important of which is an abundant supply of pure water. I am also a realist and, as I said previously, I know we must accept what can be done without threatening the stability of our economic system, particularly while we are saddled with the burdensome expenses imposed on us by the war in Vietnam. The $600 million is, in my mind, an ideal compromise. I give it my strong support, and I encourage my colleagues to do likewise.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Chairman, the expression has been used about commitments and about welching out on commitments. Here is another facet of the argument, I think we should consider in these closing moments.

In 1965 and then again in 1966, the Clean Water Act was strengthened. Every Member of this body who was here in 1966 is today bound to support adequate funding for water pollution control. The reason is the House in 1966 voted 247 to zero for authorizations for each year from 1967 to 1971.

There was a lot of oratory 3 years ago but regardless of the talk when the roll was called not one single Member who was present and recorded, voted in the negative. Who would deny that such a vote was a commitment that we clean up our water by providing treatment plants for the waste created by all of our municipalities and industries?

It is my opinion, Mr. Chairman, that the Congress by several votes which in the first instance gave the authority to the executive branch to establish water standards and then followed these enactments for authorizations for funds made a solemn commitment not only to our municipalities and industries but to all America that we meant business in the attack against the growing menace of water pollution control in these United States.

If we fail to adequately fund this appropriation bill in title III which provides for funds for the Federal Water Pollution Control Administration, including not only pollution control operations but also research, then we renege on our expressed promise. We welsh on our commitment.

We have a great opportunity today not only to redeem the covenant made with the American people in 1966 when we authorized these funds but we have presented to us the chance to do something about our environment and to pass on a cleaner environment to the generations who come after us. We all like to orate. We have campaigned in the past 2 years for water pollution control. The time is past for any more lipservice. Now is the time to fish or cut bait. Now is the time, not next year.

The States, municipalities, and private industries have been depending upon the Federal Government to do its share. The States and all of our municipalities have cranked up their programs. Last week we said we could afford the defense procurement bill and that was certainly a high priority. The health of America is one of our highest domestic priorities. Who can say we can be sure of good health in this country if our families are subject to being stricken by drinking water polluted by waste of those who live upstream? People are aroused about contaminated water. It is time that we were concerned.

We have set up water standards. Since that time we have gone around the country saying to municipalities and industries, "You are going to have to meet these standards." What we have said to those people is not merely a commitment. They have been forced, sometimes under court order, to act. They have been trapped into a situation. It is our obligation today to meet that commitment. This will also give reassurance to the little communities of the Nation and their officials who have been elected on the promise of no bond issues until the Federal Government puts up its funds. We must redeem that commitment and take them out of that trap.

Yes, last week we voted for some protection for America in the defense procurement bill. This is a chance to vote for our health. In the next few weeks there will be a much easier choice when we have to decide whether we send more money to Africa or Asia.

We have authorized in fiscal year 1965 through fiscal year 1970 funds to construct sewage treatment plants in the amount of $2½ billion. We have appropriated only $1.4 billion, leaving a $1.1 billion gap. If we continue this course we will get further and further behind. Our job is increasing. Our pollution problems are increasing. The time to start on the task of attacking one of our most serious problems of water pollution control is now. We should not wait. We cannot wait.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. McCarthy).

Mr. McCARTHY. Mr. Chairman, we have talked about the failure to meet our commitment to municipal polluters. I think it should be pointed out that our failure to act has created an environment which encourages private and other polluters to continue to seek exceptions to the law.

In recent months, in the Buffalo area, we have had several major polluters—the Bethlehem Steel Corp., the Hanna Furnace Co., and even the State of New York—seek exceptions to existing regulations to dump waste and other materials in the desperately polluted Lake Erie. So I think what we are doing here is not only assisting municipalities but setting a tone and letting these people know that we are serious.

I have had them say to me, "Why do you complain when we seek this exception, when you, yourself, in the Congress are not providing full funding?" What is our answer to that? We really do not have an answer, but I think we can provide it today.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Michigan. It is imperative that we belatedly recognize our responsibility and fulfill our commitment to the States and cities and to the people of this country by appropriating the necessary funds to combat effectively the pollution of our

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vital water resources. I need not repeat the shocking figures representing the ever-widening gap between the amounts authorized by this Congress and the amounts subsequently appropriated for water pollution control. Each year the gap has grown and each year the waters of this country become more and more polluted.

When we passed the Water Quality Act of 1965 and the Clean Water Restoration Act of 1966, we meant to begin an active cleanup campaign. We recognized a serious problem and took action by authorizing a strong Federal program to combat the contamination of our lakes, rivers, and streams. But this strong program loses its significance and becomes a meaningless series of words on paper if we do not appropriate the funds to carry it out.

There has been a good deal of talk about the promise made by this Congress. It is true: we did make a promise and many of our States and cities have acted on the understanding that we would keep that promise. Millions of local dollars have been spent, in the expectation that Federal matching grant funds would be available. Now we threaten to keep only six-tenths of our promise. Six hundred million dollars is, of course, almost three times as much as the administration proposed, but it is still much less than is needed. In fact, $1 billion is less than is needed to do a really good job of cleaning up our waters. It has been estimated that it will take at least $6 billion in the next 4 years to provide adequate sewage treatment facilities. The $1 billion proposed in this amendment is only a beginning.

There are those who say that it would be irresponsible to appropriate funds that could not be spent. They argue that the States and cities could not gear up to spend $1 billion this year. I strongly disagree. The States and cities are prepared to spend the funds. The only problem is that the funds have not been available, and it seemed until relatively recently that the funds would not be available this year either. Now we have a chance to make the funds available, and I believe that we must jump on that chance. By not appropriating the full amount authorized by the Clean Water Restoration Act, we would be compounding the errors of the past few years.

Already the Federal Water Pollution Control Administration has $2.3 billion in pending grant applications. While some of these pending applications represent requests for more funds than certain States would be entitled to even with the $1 billion appropriation, many other applications are being prepared by other States and cities which would not only be entitled to the funds but which also desperately need them.

Perhaps the most compelling argument is that Federal law—the Water Quality Act of 1965—absolutely requires the States and cities to meet Federal water quality standards by a certain date. But these standards cannot be met without the promised Federal grant funds. The States and cities simply cannot do it alone. Already many cities are up against their bond limits. Our cities are in trouble. Polluted water is only one of the many serious problems which they face. We can, of course, be of assistance in other areas as well, but as a start we must honor our promise to help clean up the water.

Let us not forget that we are not just cleaning up the water to provide pleasant recreation areas for swimming and boating. We are cleaning up the water that we and our children drink every day, the water with which we cook, the water in which we bathe and wash our clothes and dishes. No wonder that nationwide polls show that an overwhelming majority of people in this county are in favor of spending more money on water pollution control. No wonder that local bond issues are easily passed. The issue is one of life or death—good health or disease. In these days of inflation and high Government spending on all levels, there are very, very few programs for which the people of this country are willing to spend more money. But water pollution control is one of those programs.

Mr. Chairman, I urge that we respond to the public demand, that we exercise our responsibility in this area, that we honor our promise to the States and cities of this country. I urge that we approve the amendment to provide full funding of the Clean Water Restoration Act.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Pucinski).

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment. I believe it may very well be the most important single vote in this session of Congress. If we do not do something meaningful to help communities build adequate sewage treatment facilities, the damage to this country will be beyond any comprehensive assessment. Lake Michigan, the greatest natural resource in the world, will be dead in 10 years.

I say, Mr. Chairman, in my judgment it is absolute folly to suggest that there is a community or State in this Nation that cannot use this money. In my own State, the chief engineer is not accepting any more applications because his funds already are committed for the next 4 years. I think we are already tragically behind time. All we are doing here now is trying to restore more than $700 million that the Appropriations Committee has trimmed out in 2 previous years. This $400 million will still leave us $750 million short of the absolute minimum needs to those communities to which we are committed to give Federal aid.

So I agree with those who have said that this may very well be the most important vote in this session. I urge adoption of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Horton).

Mr. HORTON. Mr. Chairman, I rise in support of the amendment that would increase the appropriation for waste treatment construction grants to the amount originally authorized by Congress—$1 billion in fiscal year 1970.

I recognize that the administration recommended that we freeze the level of spending for water pollution control facilities at the 1969 level—$214 million—and I want to strongly commend a courageous Committee on Appropriations and the members of the Public Works Appropriations Subcommittee for reporting to the House a bill containing nearly three times the budget estimate. The committee recommendation that we allocate $600 million for waste treatment construction grants is a major step in the right direction, but considering the very high priority that all Americans place on the task of restoring our water resources, this step does not stretch far enough. It still means a 40-percent cut in the original authorization.

There is no way to overstate or to overemphasize the seriousness of this Nation's water resources crisis. We have come to the incredible point where Americans take for granted filthy lakes, stinking rivers, and closed bathing beaches. In most of our densely populated areas we are long past the point of prevention in the fight for clean water—we have reached the stage where if we do not place a crisis priority on antipollution programs and expenditures, we will lose many bodies of water to irretrievable death by pollution.

Before the passage of the Clean Water Restoration Act of 1966, I accompanied a Subcommittee of the Government Operations Committee to the eastern Great Lakes area, where we held hearings and toured by land, air, and water, the Lake Ontaria-Lake Erie area, in the vicinities of Rochester and Buffalo. What we saw then was horrible. At that time the biological death of Lake Erie was imminent, and beaches in both metropolitan areas were closed to swimmers. At that time, Lake Erie was acknowledged as the most polluted major body of water in the country. Today, just 3 years later, there are many other lakes and rivers competing for this sad title. A report released today by the International Joint Commission on Great Lakes Pollution cites the worsening nature of this problem.

Both before and since this inspection tour, I have placed pollution control measures at the top of my Federal budget priorities, along with education and housing. I have both introduced and supported numerous bills that would add teeth and dollars to the Federal campaign to save our water resources.

Mr. Chairman, I feel that we can and must afford to live up to our commitment to the public to provide the full measure of funds authorized for antipollution facilities.

Some have argued that even at the $600,000,000 level, many States, under the population-based allocation formula, will be allotted more funds than they need for pollution facilities in the next fiscal year. While this argument has some validity on its surface, it fails to recognize two important factors.

First, several States, and notably my home State of New York, have applications for projects under this program that vastly exceed funds available under the committee bill. Of a potential backlog of Federal Water Pollution Control Administration applications for funds totaling $2.4 billion, over $1.3 billion are from New York State. Thus, funds for New York under the committee bill

would provide only 3 percent of the State's needs, whereas they provide a much higher percentage to other States. This is because population density and the presence of water resources, not solely population, determine the level of need for pollution facilities improvements.

Congress, in its wisdom, has allowed the Secretary of the Interior to redistribute funds that are not fully obligated to States receiving them under the population-based formula. Under present law, approved projects in States such as New York would certainly receive additional funds under this redistribution. The FWPCA has estimated that there would be nearly $100 million in nonobligated funds at the $600 million funding level, and that this amount—available to States which need additional funds—would grow to between $200 and $250 million if we were to appropriate the full billion dollars. Without looking at the facts, this looks like a great deal of money to have to redistribute. In fact, even these amounts would not fully fund the backlog of projects in those States which—facing the most serious pollution problems—have expended the most effort to correct them.

New York, which as of May 30, 1969, had a backlog of grant requests of $1.306 billion, would receive only $51.5 million under the committee bill. On the initial allocation of funds, it would receive $88.4 million under a full $1 billion appropriation, but this does not consider the substantial amount that would be redistributed to States which have large backlogs. I am proud to represent the State which has marshaled the greatest effort, out of all States in the Nation, to lick the problems of pollution. At a time when taxes are high and budgets are tight, it is difficult to win public support for major undertakings by State government. But the people of New York overwhelmingly approved a $1 billion bond issue for the pure waters program.

The State and local governments in New York have embarked on dramatic projects and programs to clean up our lakes and rivers and keep them clean. No one pretends that this is an inexpensive venture. In fact, New York has largely gone ahead without waiting for the Congress to make good its promises of full funding. The State has, through its pure waters program, advanced most of the Federal share of local antipollution projects, so that this problem can be tackled before it is too late.

The second compelling reason for supporting full funding of the authorization for this program lies in the fact that the Senate yesterday adopted an amendment to S. 7, the Water Quality Improvement Act of 1969, which would allow the Secretary of the Interior to make good the Federal Government's moral commitment to reimburse State and local governments to the extent they have advanced all or part of the Federal share of these projects.

This amendment offered by Senator Javits, if adopted in conference, will mean that nonobligated funds under this program can be used for such reimbursements. Because of the vigor of their programs, and the priority they have put on ending water pollution in New York State, my State has put up a full 44 percent of the State and local funds that have been advanced to cover the Federal share of many of these projects and make up for inadequate Federal appropriations.

As of August 31 of this year, New York has prefinanced $308,612,970 toward the Federal share of waste treatment projects within its borders. Obviously, this cannot be reimbursed in a single year. But the fact that this State, and other States faced with catastrophic water pollution problems have substantial application backlogs indicates the necessity of full funding of this program. By making good our moral commitment to reimburse those States which could not wait for adequate Federal funding, we will free additional State and local funds so they can be applied to antipollution projects that are still pending.

We must once and for all decide that the Federal Government will not reduce or quibble its commitment or its priority to control pollution. We must start by full funding of the 1970 fiscal year authorization and continue to fully fund this program until the job is done. Pollution will not wait for us, it has in fact passed us by. We must act now to make up for lost time, and to allow Americans to enjoy once again the health, recreation, and the beauty which pure waters will bring.

One billion dollars is not too much to pay in 1 year to begin the restoration of now-filthy lakes and streams. There are other programs in the Federal budget which deserve far less priority than this one. I cannot agree with those who say we can do this job and cut the authorization by 40 percent at the same time. A full commitment to this task requires full funding over a long term of years. I am willing to do my share to honor this commitment, and hope my colleagues will do their share by supporting this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. McCloskey).

Mr. McCLOSKEY. Mr. Chairman, fiscal year 1970 requests for Federal grants have already exceeded $59 million and there are additional California applications presently pending which will exhaust the full $83 million-plus to which California would be entitled under the full $1 billion funding.

The single most persuasive argument against this amendment has been that there have not been sufficient applications to use the funds actually funded in the past.

I suggest, however, that one of the reasons for this lack of applications in many areas has been caused by the uncertainty that sufficient funds would be available even if the municipality or county government went through the procedures of making formal application.

By voting the full $1 billion today, establishing the priority for clean water that the problem deserves, Congress will be making a clear and unmistakable declaration of its priorities. Such declaration cannot help but stimulate the confidence of local governments that funds will be available when applied for, and I suggest that this in itself will promote the goal we have adopted in the 1966 act—a major attack by local government on the pollution of streams which have long been the greatest treasures of the American Government, and which will be again if we in Congress will only be consistent in our leadership and commitment.

I hope we will overwhelmingly adopt this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Ruppe).

Mr. RUPPE. Mr. Chairman, the people of the State of Michigan have been among those who have most enthusiastically supported the clean water program. I am proud to say that last year our people passed a bond issue in the amount of $355 million for that particular purpose. The success of the bond issue depends on the support the Federal Government can give to it by full funding of this particular measure.

The success of the bond issue depends on the support of the Federal Government, however, which can be given today by full funding of this particular measure. I endorse the amendment.

The people in my own particular district support our actions here today. Even those people living along Lake Superior—which, incidentally, is the only large body of fresh water left in the United States today—wholeheartedly endorse the program. In my own poll several weeks ago they indicated by a 3-to-1 majority that they support this legislation and want full funding of the clean water legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, the No. 1 domestic issue in my district today is water pollution. I know from the volume of mail I have received that most of my constituents will be looking to this Congress to see what constructive efforts we are going to make.

I came reluctantly to the philosophy of Federal grants for water pollution control, but I am convinced now we must not only give Federal leadership, we must give Federal financial support.

In my area of Illinois, the residents of the North Shore Sanitary District voted $75 million, their constitutional limit, for pollution control. It seems to me that that is the kind of local support we are getting from the people. If we provide $1 billion, we meet the commitment in Illinois of only 44 percent of the requirement. It seems to me that is the least we can do today.

I congratulate the leaders of the effort to obtain full funding. No matter the outcome today, all of us who supported funding at the level of $1 billion, and especially the sponsors of the amendment, should be aware that the move to increase the appropriation already has had a salutory effect. Quite obviously, the support of more than 200 of my colleagues for the $1 billion figure has encouraged the committee to virtually triple the $214 million provided in the budget. If nothing more is accomplished, the sponsors of the amendment deserve to take credit for the huge in-

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crease in appropriation which has resulted from the move for full funding.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I rise in support of the amendment to restore funds vital to the success of the national water pollution control program. Many construction projects throughout the United States will be delayed or stopped unless we appropriate the full $1 billion we authorized this year for the clean water program. I want to commend the subcommittee for recognizing the seriousness of the problem. It did a good job in increasing the administration's request of $214 million to $600 million, yet I believe the Committee of the Whole should give its approval to the full authorization of $1 billion.

We have heard from time to time the term "credibility gap." I think the phrase might apply to the present situation. Or perhaps we should talk of the "pollution gap." In any event we are faced with the proposition of foresaking our commitment to improving the quality of our Nation's environment unless we vote for this amendment.

Unfortunately the administration recommended only $214 million for fiscal year 1970. We may well be castigated by the administration for voting the nearly $800 million addition as we were in adding almost $1 billion to the education budget. I am not worried about this, however, because I know the American people are extremely concerned, and rightly so, about their environment and their schools. These are part of the Nation's agenda, unfinished business, if you will.

If we review the rather sad record of the alarming gap between authorizations and appropriations for clean water we note that for the Nation as a whole only 30 percent of the funds authorized for water pollution control construction have actually been allocated. In Illinois the figure is even lower. Only 25 percent of the funds actually needed have been allocated. This is shameful and we must remedy the situation now.

In terms of dollars, the Congress in the 1968–70 period has authorized over $2.1 billion under the Clean Waters Restoration Act; yet only a paltry $631 million has been allocated. In Illinois, the figures are comparable. Its authorization share is $113 million, but the State has received only $29.2 million. In this fiscal year alone, the State of Illinois' authorization is $53.4 million and were we to abide by the Nixon administration budget recommendation Illinois would receive only $9.8 million.

We have heard a great deal of discussion about the Federal Government's responsibility to our local governments. I fully agree with these sentiments. Our local governments must become more viable, but how can they when they are forced to meet certain Federal standards without commensurate Federal assistance. During the 1967–69 period, for example, over $4.1 billion was spent on waste treatment facilities but only $567 million of that amount was in Federal assistance. At the same time, local and State governments were under pressure to meet new Federal and State water quality standards set by the 1965 Water Quality Act. It is obvious that our local and State governments somehow aggregated enough money to move ahead.

But this type of partial action is far from comforting. Time is running out and the demands increase. In my own district seven communities have applications pending with the Federal Water Pollution Control Administration. The estimated cost of the projects is over $4 million of which approximately $1.3 million is in Federal assistance. They include Nameoki, Mitchell, Bethalto, Collinsville, Wood River Township, and Rosewood Heights in Madison County and Mascoutah in St. Clair County. Another eight communities in the Madison-St. Clair Counties area are probable applicants at some point. They include East Alton, Hartford, Granite City, Roxana, and Wood River in Madison County and Dupo, Sauget, and East St. Louis in St. Clair County. It is fair to say that if we were to accept the administration's recommendation of $9.8 million for Illinois for fiscal year 1970 the prospects for funding these projects is discouraging.

It is time, Mr. Chairman, for the Congress and the White House to meet their obligations and honor their commitments to improving the quality of the Nation's environment. Water and air pollution have reached crisis proportions.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, it is very evident this is not a partisan issue, the issue is clean water. I do not know when I ever have seen such a bipartisan effort in order to achieve full funding. Last year certainly, with the $700 million authorization and only $214 million appropriation, there was not full funding under a Democratic administration. This year, with the bipartisan effort, perhaps there will be full funding. With our urban areas growing and the need for sewage disposal becoming more pressing, we are going to have to increase our appropriations.

Mr. Chairman, I certainly support this amendment for full funding of $1 billion.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I rise in support of the amendment to provide full funding for the Clean Water Restoration Act of 1966. Those who have spoken here today have dramatized the fact that we, as a Nation, are at last facing up to our responsibility in the area of water pollution. The bind we find ourselves in today was started several years ago when the previous administration failed to honor its commitments as a partner with the States and localities in working to assure a supply of clean water and good water for recreation. We in Maryland, with others, took that commitment at face value and willingly put up our share of the funds. Along with other States sharing the Potomac Basin, Marylanders are concerned that the river is becoming an open sewer—an intolerable condition for any of our great rivers, and especially the river running through the Nation's Capital. The Patuxent, the Patapsco, and other Maryland rivers will also benefit from this amendment.

In addition, I am pleased that this legislation includes appropriations for the Bloomington Dam. Until we clean up our river, we must act to provide adequate augmentation from the upper basin. Surveying and planning for Bloomington are already in progress, and this measure will push it further toward completion. It is one part of an insurance policy against water shortage in the Washington metropolitan area.

I am also very gratified to see that additional funds have been appropriated for a study leading to the construction of the Chesapeake Bay Basin hydraulic model. This bill also includes further funding for the enlargement of the Chesapeake and Delaware Canal, a project which, when completed, will be a great boost to the port of Baltimore and to the economy of the mid-Atlantic region. However, bay experts advise us that the enlarged canal could jeopardize another of our economic resources, the bay. The intrusion of saline water into the bay upon enlargement of the canal could have a profound effect on its ecology. The population of oysters, rockfish, and other staples of our seafood industry could be drastically reduced. We need, therefore, to study the physical, ecological, and biological changes which could result from the canal's diversion of water from the bay, and scientists tell us that the bay hydraulic model is an essential tool for such a study. I would caution that it would be unwise to complete the enlargement of the Chesapeake and Delaware Canal until we have had a complete investigation in the context I have outlined.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. KARTH).

Mr. KARTH. Mr. Chairman, I rise in support of the amendment.

Three years ago Congress made a promise to the American people in the enactment of the Clean Water Restoration Act of 1966 that we were no longer going to tolerate the continuing and accelerating deterioration of our Nation's waterways. On the contrary, Congress boldly decided in that act that it would authorize increasing sums of money during the next 5 years to mount an attack which would turn the corner in the fight against water pollution and permit us to begin the huge task of reclaiming and preserving what remains of our clean water supplies.

The Clean Water Restoration Act was an ambitious commitment to the American people. It promised Federal matching expenditures for construction of sewage treatment facilities amounting to $150 million in fiscal 1967; $450 million the following year; $700 million in fiscal 1969; $1 billion in the current fiscal year, 1970, and $1¼ billion in the next fiscal year. That would have been a total of $3 billion, $650 million over the 5-year period.

Now let us see how we have done. In the first fiscal year—1967, we appropriated $173 million; in the next, $203 million; in the third, $214 million, and for

the current fiscal year the budget request was $214 million. Overall, then, for the first 4 fiscal years of the 5-year authorization period, the cumulative deficit—the gap between the promises and performances—would amount to about $1.5 billion if the Congress should go along with the administration's budget request for the current fiscal year. Let us assume for the sake of discussion that Congress should go along with the figure recommended by the Appropriations Committee in the bill before us today. Then the cumulative 4-year deficit would amount to about $1.1 billion. No matter how you slice it, Mr. Chairman, we have not been living up to the promises proclaimed with great fanfare when we passed the Clean Water Restoration Act. Even with the full $1 billion appropriations authorized for this fiscal year by that act, we would have quite a distance to go if we wanted to make good on our promises of 4 short years ago.

Mr. Chairman, our country cannot afford not to spend what is needed—and to spend it now—in order to curb the runaway pollution of our remaining clean water. This is quite literally a matter of life and death. We must assume our responsibility and appropriate the funds needed to assist in building the sewage treatment plants which represent our first line of defense in this battle.

We made a promise 4 years ago. I urge my colleagues to reject those who would renege on that promise. I urge support for the Dingell amendment.

Mr. Chairman, following is a fact sheet resulting from a national survey conducted by the Gallup Organization, Inc., on the water pollution subject:

WATER POLLUTION FACT SHEET

The People Want Clean Water: A national survey conducted in early 1969 by the Gallup Organization, Inc., shows:

51% of the people are "deeply concerned" about the effects of water pollution, air pollution, and soil erosion on the environment.

35% of the people are "somewhat concerned."

12% of the people are "not very concered."

73% of the people are willing to pay additional taxes to improve the natural surroundings, including water pollution control.

9% of the people are not willing to pay additional taxes.

18% of the people "don't know."

36% of the people consider air pollution as the most pressing environmental problem.

32% of the people consider water pollution as the most pressing problem.

Since 1964, the voters of 9 states have voted in statewide elections on water pollution control bond issues. Of these 9, 7 were approved and the other two attracted majority voter support. Of 17,625,254 citizens who voted on the 9 proposals, 11,725,444 (66%) voted "yes."

The Federal Grants to Local Governments: Here is what Federal grants to local governments for the construction of waste treatment plants have accomplished:

As of March 31, 1969, the Federal program aided in the construction of 9,251 waste treatment projects costing about $5.7 billion, of which the Federal share was $1.3 billion. These projects serve an estimated 73.8 million people and have improved the water in about 74,000 miles of streams.

The Federal "GMG" or "Growing Money Gap":

WASTE TREATMENT PLANT CONSTRUCTION GRANTS (IN MILLIONS)

	1965	1966	1967	1968	1969	1970	Total
Authorization	$100	$150	$150	$450	$700	$1,000	$2,550
Appropriation	93	141	173	203	214	[1] 214	1,038
The gap	7	9	−23	247	486	786	1,512

[1] Budget request.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, I take this brief opportunity to commend the many in the House who perhaps somewhat belatedly are now voting for full funding of this program.

This is particularly gratifying, Mr. Chairman, when we consider the silence was penetrating when this bill was offered at $214 million last year. I think it is very significant that now we have those, who made no effort to fund beyond the $214 million last year, who are now for the $1 billion.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, after listening to this debate, I feel like Gunga Din. I am also remindful of the quote from "The Ancient Mariner," "Water, water everywhere, and not a drop to drink."

(By unanimous consent, Mr. BOLAND yielded his time to Mr. EVINS of Tennessee.)

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I ask Members to listen for a few moments to figures. If we put in $1 billion for this particular purpose, because of the formula there will be about $340 million overfunded. It will not be possible under the formula for the States to use the money which is allocated. It will not be possible to spend the money.

Please let us not do anything foolish. Let us put first things first. The first thing is to get this program off the ground—and we all want to do that—and that requires revising the formula in the legislation so that the money will go where the need is.

If this is done, we will not have any problems with the Appropriations Committee, because we are perfectly willing to fund the program and fund it to the highest capacity.

We do not intend to do anything silly, and we do not believe the Members of the House will, either.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS) to close debate.

Mr. EVINS of Tennessee. Mr. Chairman, what we are considering here today is a $4.5 billion bill. Excluding AEC, $2.3 billion is for water resource programs, all of which directly or indirectly contribute to water quality and pollution control.

So when Members vote for this bill they are voting for clean water, for water quality to the tune of $2.3 billion.

This is repetitious, but last year the appropriation for waste treatment grants was only $214 million. For the present year the budget estimate was $214 million. The committee has raised this to $600 million, which is nearly three times what we funded last year. We believe this is a very generous amount.

I offered the amendment myself in the full committee to raise the amount from $450 to $600 million, so we have gone a long way in providing clean water.

Under this formula, I would repeat, the backlog of 25 States will be fully funded even for applications still pending at the local level. Seven more States will receive funding of all applications pending at the State and regional office levels. The remaining, and 18 States will receive grants totaling $334 million.

Following this, at the end of 18 months there may be a surplus of as much as $142 million that can be reallocated.

We believe the committee has provided very generously for this program. These applications are in various stages of preparation. Some of them have not even been verified. There is no assurance local funds are available. The bond markets and the interest rates make it very difficult to proceed as fast as some of us would like to proceed on this matter.

I read earlier, and I note again, the letter from the Secretary of the Interior, who says that because of inflation, because of the fiscal situation, he asks us to stand by the budget, but then says in any event not to go beyond $600 million. That is all he believes can be effectively used.

Under the bill we will have $100 million more than the Department says it can obligate. I urge the defeat of the amendment and ask the Members to stand by this bill, for $4.5 billion.

Mr. HELSTOSKI. Mr. Chairman, today this House can show its sincerity in trying to clean up the country's polluted rivers, streams, and lakes.

The bill before us is a major test as to our real determination in this fight for clean water.

The Congress, the administration, all segments of State and local governments are thoroughly committed to the cause of clean water. This is one of the most important and most popular crusades of the present time. But discussing it and forming committees to provide for the cleanup of our water supplies does not solve the problem and does not remove the filth from our water supply. In our fight for clean water, we must aid the municipalities to construct sewage treatment plants, but Congress has provided only a meager part of the funds necessary for these projects.

Congress, in 1966, raised the hopes that clean water would be made available to our Nation. At that time we approved a

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significant rise in Federal assistance to States and cities for the construction of clean water facilities. This program was to expand from $150 million in fiscal 1967 to $1 billion in fiscal 1970. Yet out of the $2.3 billion authorized in the last 4 years, including this one, Congress has appropriated only $567 million for the 3 past years, and the current request is for $214 million for fiscal 1970. In other words, while we were talking about a real water cleanup campaign, with good intentions and reassuring words, it has not gotten off the ground.

It is fortunate, however, that the great gap between our promises and performance has not been unnoticed by many Members of Congress or by the millions of American citizens who are now demanding the restoration of a healthy environment. A large number of organizations representing conservation groups, professional societies, organized labor, civic associations, city and county officials, and State governments have united their efforts in the crusade for clean water. Furthermore, Mr. Chairman, more than 200 of us in this House have pledged ourselves to vote a $1 billion appropriation for clean water when the big test comes.

One vital element in this situation is the plight in which cities find themselves. Under the prodding of Congress, State legislatures have been raising standards of sewage treatment which the cities will have to meet. But if they are denied Federal funds which were contemplated when the higher standards were set these cities will have to choose between failure to comply and the diversion of funds now allocated for education, housing, law enforcement and other programs to meet the new demands for clean water. It has been reported that more than 4,600 applications for sewage-treatment facilities are awaiting action, largely for lack of funds.

The plain fact is, Mr. Chairman, that Congress has reneged on its clean water pledge to the country. The technical knowhow for restoration of the Nation's streams and lakes to a tolerable condition is at hand. Much of the needed legislation is already on the books, and the missing element to help pay for treatment facilities is the immediate funding of these projects. Such action would change the clean water drive from a remote hope to a current reality.

I agree with the League of Women Voters, the National League of Cities, and the many other groups and individual leaders who are calling for an immediate appropriation of a billion dollars for the 1970 cleanup effort.

There are indications that the administration will accept substantial expansion of the clean water budget item it carried over from the Johnson budget. But we cannot compromise this issue. The judgment of Congress as was expressed in the Clean Water Restoration Act that $1 billion would be needed this year from the Government for grants in this area was sound. We have a chance, today, to adhere to this judgment. In a matter that is of such vital importance to the country, we simply cannot afford to put ourselves into a position of withdrawing from an obligation we have assumed and sought to impose on the States and cities.

Mr. Chairman, last week we authorized over $21 billion for military purposes, many of them at overinflated values, many of them of dubious value and some of them unproven. Today we can, and should, provide this $1 billion to clean up our water sources for the benefit of American mankind.

Let us not now go back on our past promises to adequately fund this water pollution program. Let us move forward and provide the money that is needed now—for tomorrow may be too little and too late.

Mr. REID of New York. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Ohio (Mr. Minshall) to provide the full $1 billion funding for the fiscal year 1970 construction grant program of the Clean Waters Restoration Act.

It is clear that both the $214 million recommended for this program in President Nixon's budget and the $600 million recommended by the Appropriations Committee would be inadequate. Just this week, the Assistant Secretary of the Interior for Water Quality and Research, Mr. Carl L. Klein, told members of the Water Pollution Control Federation that States and cities would have to clean up their sewage whether or not they get Federal subsidies promised under the Clean Waters Restoration Act.

According to the president of the National League of Cities, Mayor C. Beverly Briley of Nashville:

> Local improvements must be made since the act provides for enforcement through the courts. Local units will be compelled to proceed with major improvements and expenditures whether or not the federal government meets its obligations. The sad product will be that cities will be forced to clean up the waterways but will do so at the expense of improving housing, education, and other critical local needs which draw upon the same resource base.

The full funding which would be provided by the amendment now under consideration would make a significant difference to New York State. At the present time, New York has pending application involving estimated Federal grants of $1.3 billion. If the full $1 billion funding is approved, New York would be eligible for Federal construction grants for waste treatment works totaling $88,400,700. This represents an increase of approximately 72 percent over the $51,470,200 which would be allocated to New York under the $600 million appropriation recommended by the committee, and an increase of about 460 percent over the $15,832,500 which would have been allotted to New York under the $214 million requested by the administration.

It is clear, in view of the fact that New York State alone has application for Federal assistance totaling $1.3 billion now pending, that even the $1 billion appropriation we are considering will be inadequate to meet the enormous need for construction of waste treatment works. Municipalities, now considered the foremost contributors to the Nation's water pollution, have shown their determination to do their share of the job of cleaning up the Nation's waterways. However, as Mayor Briley pointed out, any reduction in Federal assistance for waste treatment works must result in the cities' shortchanging other critical areas in order to combat pollution.

I, therefore, urge my colleagues to support this amendment to provide full funding for the Clean Waters Restoration Act for fiscal 1970, and to renew their efforts for the coming fiscal years. This problem can no longer be ignored if we are to keep America's lakes and rivers from turning into open sewers. I urge that the Dingell amendment be adopted.

Mr. PODELL. Mr. Chairman, daily the tide of pollution rises higher, threatening to inundate and destroy the fabric of our national life. Communities and industries alike are pouring filth into our finite supply of clean water, and if action is not taken immediately and forcefully, we shall be too late. Any dollar we do not spend now in the name of false economy will cost us several dollars tomorrow in the name of national survival. The hour is late. Our leeway is almost gone. Words will not suffice. Immediate legislative action is imperative, to be followed by forceful national implementation by the Government.

The previous administration sought to meet this impending national disaster by passage of the Clean Water Restoration Act of 1966. It provided for matching grants to States and local governments for construction of sewerage and other sanitary facilities. This act authorized $1.6 billion for the total Federal contribution, $1 billion of which was slated for fiscal year 1970. This year the Nixon administration aimed a crippling body blow at this vital effort by allotting $214 million to it. States and municipalities have believed the word of the Federal Government, and their applications for assistance grants have poured in as water pollution's tide rises daily. State after State has adopted standards and drawn up plans which will come to naught without a Federal commitment of the most generous sort.

If any American citizen desires a classic illustration of how the administration has reversed national priorities, here it is. Our very life depends on clean water. Without an end to water pollution, America as a viable society will perish—utterly and disastrously. It is quite understandable that the administration has gutted park acquisition funds, consumer protection, model cities, aid to education, libraries, hospitals, and civil rights enforcement. These are programs which would help segments of society which simply do not figure in the President's political order of priorities. It is quite understandable that he would dismantle OEO, VISTA, Job Corps, and medical research, for these, too, are expendable in his scheme of things.

But the assault on water pollution and waste disposal threatens all of our society. Pollution knows no boundaries and the situation is already close to being totally out of hand. This year, $1 billion was the figure to be committed, and there can be no compromise. Full funding is a

"must," and the Congress can and should act accordingly.

It is an act of national suicide to take any other position. No State, municipality, industry, or farm will act to prevent pollution without a major Federal fund commitment or example. Tough talk to polluters is all well and good, but it has failed in the past and will fail in the future unless we provide the monetary wherewithal to do the job.

I simply cannot comprehend how any administration can close its eyes to raw sewage pouring into water slated for drinking purposes farther downstream. Or to the devastating spectacle of Lake Erie. Or to the Cuyahoga River, which has been declared a fire hazard. Or to DDT pouring into watersheds. Or to paper plants and steel mills heaving billions of gallons of filth into irreplaceable bodies of water. Or massive fish kills and heaps of dead wildlife. Or bathing beaches closing down everywhere. Or ruined commercial fishing industries. Or oil spills and tankers flushing their bilges off our coasts.

Cumulatively, this spells the end of our society. No one is immune. No one is safe. No one can afford to ignore the ominous picture appearing with greater clarity every day before us.

I say there is no room for compromise on this issue. The full $1 billion appropriation for clean water must be voted by this House. Any other action would be total betrayal of the struggle for a clean environment.

Mr. Chairman, many societies have risen and fallen throughout man's recorded history. Some have perished because of war. Others of pestilence or rupture of their frameworks because leaders have not heeded the inevitable warning signs. Unfair taxation, repression, and outdated institutions have caused others to disintegrate. Our society is daily tearing apart the delicately balanced structure of our natural heritage. Nature always strikes back at those who abuse her. If we do not act now to redress the already perilous imbalance we have created, we shall perish too, in an overwhelming tide of filth, pollution, and disease, all done by our own hand. We shall not go out with a bang, but like a last spark winking out in a garbage dump.

Mr. EDWARDS of California. Mr. Chairman, I support the amendment to increase funding for the Federal Water Pollution Control Administration to $1 billion.

We have heard about the problems of many areas of the Nation, including Lake Erie, where a $1 billion appropriation would only be a start to meeting the massive problems of that now dead lake. We need only drive down to the Potomac River to witness another massive problem.

Even so, many Members still may fail to realize the full extent and cost of meeting water pollution problems. I would like to cite an example from my hometown and congressional district. San Jose, Calif., is not yet one of the most famous cities of this Nation. It is, perhaps, best known for two songs, one "Do You Know the Way to San Jose?" and the other a humorous song involving San Francisco and garbage, but that is another story

Even so, San Jose is the fourth largest city in California and it has faced massive water pollution problems. In fact, the city and the surrounding area has already spent more than $30 million to combat its problems and has committed more than $30 million to further improvements in its sewage treatment system. The total expense of the San Jose-Santa Clara sewage treatment system will exceed $70 million.

The administration's original request for water pollution construction grants was a mere $214 million, not enough money to take care of even three San Joses, not to mention Lake Erie.

In addition San Jose, which fronts on south San Francisco Bay, has a responsibility to help with the total problem of bay pollution. The solution to that problem will cost more than $1 billion additional. Finally, the great city of San Francisco has no adequate sewage treatment program and its failure in sewage treatment is one of the major causes of soiling the bay. Cost of an adequate sewage treatment system for San Francisco is estimated to cost another $1 billion.

Thus, in the relatively small area in which I live, the cost of meeting sewage treatment problems will exceed $2 billion. We are but a small part of the United States and our massive problems are only indicative of the total problem.

One of the three great crises of our time is the struggle to retain and improve our environment and to do so before man poisons this planet and destroys all life on it. I believe this appropriation is at least as important, if not more important, than the military appropriations we recently approved.

In today's world our battle for survival is against man's mistakes and his own poisons. Armaments will not help, this appropriation will help.

Mr. HANLEY. Mr. Chairman, I rise in vigorous support for the amendment offered by Mr. Minshall. As one whose district suffers sorely from the problem of polluted streams, rivers and lakes, I know firsthand how badly this amendment, and the full funding it contains, are needed. My district contains a body of water, Onondaga Lake, which has been described by the FWPCA as one of the worst examples of pollution in the entire Northeastern United States. And like other areas of the Nation, Syracuse and Onondaga County have inadequate waste treatment facilities, so that a bad situation becomes worse every day.

Mr. Chairman, in 1966 the Congress made a commitment to the Nation that we would move ahead with proper funding for pollution control and abatement. We have not kept faith with the Nation on that commitment. Today we can attempt to rectify the situation. Today we can make good our promise of 3 years ago to fund fully the Clean Water Restoration Act.

Every Member in this Chamber realizes the severity of the problem. Every Member knows that there is an almost unbelievable backlog of applications from cities and States across the country, all seeking help on their treatment facilities programs. The cities and counties cannot be expected to handle this problem alone. Neither can the States. It is up to us to act responsibly. It is up to us to provide the funds and the leadership in this fight. Surely if we could authorize last week hundreds of millions of dollars for military procurement programs, many of which were not even sought by the Pentagon, we can appropriate adequate funds for the battle against pollution control, funds which are desperately needed and desperately sought by local and State governments.

The amendment offers a vehicle for waging all-out war on one of the most devastating developments on the domestic scene: the corruption, through misuse, abuse and negligence, of our natural resources. We cannot wait any longer. I urge every Member to stand up and be counted in this battle. I urge a vote of overwhelming support for the amendment.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the Minshall amendment authorizing full funding for construction for waste treatment facilities. We must give a top priority to our programs to clean up the Nation's environment.

Pollution of our waterways, as well as of our air, is getting worse, and it is costing us in terms of money, health, and recreation. Virtually every stream, river, lake, and harbor is becoming uglier and more dangerous. In 1968, over 15 million fish were killed by water pollution—an increase of 30 percent since 1965. To quote the comic strip character "Pogo," "We have met the enemy and they are us."

Our population is rapidly increasing and, in order to accommodate our citizens, preservation of our planet and its resources must not be denied. Congress has the opportunity to realize the goal of "clean water" by appropriating the full amount authorized under the Clean Water Restoration Act.

Last week this body authorized over $20 billion for military defense. How can we deny $1 billion to clean up and protect our environment?

Mrs. MINK. Mr. Chairman, I rise in support of the amendment to the public works appropriation bill which requires full funding for water pollution control.

Pure water is one of man's most basic requirements. The Federal Government must assist communities by giving the financial assistance contemplated and promised by our legislation.

Denial of realistic assistance to communities seeking to provide pure water denies the reality of access to pure water. That is why I urge that we join forces in support of the necessary appropriations

That there is widespread public demand for Federal assistance with control of water pollution is attested to by the enormous backlog of applications for construction grants—more than 4,600—waiting for nonexistent funds in the offices of Federal Water Polution Control Administration and State water pollution bureaus.

Caught between high standards set by States in compliance with the Water

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Quality Act of 1965 and the demands of citizens on the one hand, and inadequate funds on the other, municipal governments are hard put to build the water treatment plants and sewage systems they need today, not to mention what they will need in an immediate tomorrow. And by municipal I do not mean cities only. Communities under 10,000 now account for almost half of the dollar value of new waste treatment plants. Meanwhile, the press of population and expanding industry is forcing most cities to upgrade, expand, and replace existing systems.

The question is, Will the Federal Government meet its commitment to the people of the Nation to help them keep their water supplies pure?

Reliance on Federal assistance with the vital work of restoring and maintaining pure water supplies was encouraged by the 1966 act. The funds authorized were meaningful. There was hope on the horizon. The funds actually appropriated have been so far short of the authorizations that citizens might well question the integrity of Congress in approving the original bill.

More than 70 percent of the funds authorized for water pollution control for 1968 to 1970 have not been appropriated. Put another way, we have done only about one-third of what we led the people to believe we would do to help them provide clean water for their communities.

The Conservation Foundation newsletter of August 7, 1969, reports that the Federal Water Pollution Control Administration estimates that $8,200,000,000 in total capital outlays are needed for municipal treatment plants in the 5-year period of 1969–73 if quality water standards are to be met. A 1968 inventory showed that 1,582 communities, with a population of 11.3 million, had no waste treatment. Another 2,117 communities, with a population of 43.7 million, had only primary treatment.

Naturally, each of us is most familiar with the struggle against water pollution in his own State. At present, various local agencies in Hawaii have projects planned which will cost an estimated $10,386,000. Some $3,348,000 has been requested, and is urgently needed from the Federal Water Pollution Control Administration to carry out the work.

The city and county of Honolulu has requested $803,040 for use in a project estimated at a total cost of $2,676,801.

Mauue County has requested $200,870 for use in a project estimated at a total cost of $608,700.

The Nanakuli Interceptor project has requested $495,000 for use in a project estimated at a total cost of $1,500,000.

The Makaha Section 3 Interceptor project has requested $115,000 for use in a project estimated at a total cost of $350,000.

The Kailua Interceptor project has requested $297,000 for use in a project estimated at a total cost of $900,000.

Kawaihae-Puako has requested $247,500 for use in a project estimated at a total cost of $750,000.

Lihue-Nawiliwili has requested $280,500 for use in a project estimated at a total cost of $850,000.

Honokowai has requested $494,000 for use in a project estimated at a total cost of $1,500,000.

Kaunakakai has requested $247,500 for use in a project estimated at a total cost of $750,000.

Lanai has requested $165,000 for use in a project estimated at a total cost of $500,000.

These figures demonstrate the heavy burdens that local communities are assuming in their efforts to keep their water supplies pure. I am voting to assist them in their efforts when I vote today for the amendment which will appropriate the full authorization for 1970.

Let us do what we said we would do and begin to mount a truly national campaign against water pollution.

Mr. GILBERT. Mr. Chairman, I rise in support of the Minshall amendment, which is the same as the proposal of my colleague, Mr. Dingell of Michigan, to increase the appropriation for public works for water pollution control to $1 billion, which is the amount Congress authorized in passing the Clean Water Restoration Act.

I am deeply concerned about water pollution in my State of New York. In 1965 a $1 billion bond issue for water pollution control was approved by over 80 percent of the voters. New York State currently has $1,299,528,965 in matching grant applications pending before the Federal Water Pollution Control Board. If the administration request of $214 million is approved, New York will receive only $15.8 million. If we appropriate the full $1 billion authorized, New York State's share will be $88.4 million.

I am concerned about two major water pollution projects in my district: one planned for Hunts Point in the Bronx, and one for which the initial grant has been approved for an interceptor sewer, pumping station, and forced main, now underway on Rikers Island, south Bronx. These are important steps toward water pollution control in my State, and there are, of course, a number of similar urgently needed projects planned or already approved and begun, which will have to be curtailed or abandoned if the full $1 billion is not approved.

Mr. Chairman, I think all of us in this Chamber agree that the dangers posed by water pollution are so great that control and abatement actions deserve top Federal priority.

Mr. DONOHUE. Mr. Chairman, I support this amendment, to provide the originally authorized amount of $1 billion for the construction of waste treatment works, and I urge and hope that the House will overwhelmingly approve it.

It is undeniable that water pollution has become a major danger to the people of this country. Right now and day after day, vast quantities of all kinds of polluted matter are being poured into our water supplies through human waste and industrial byproducts.

Of course, this is a period and a time when budget restraint and expenditure reduction is entirely in order. To that essential objective we are all commonly pledged. The only hard and real question is, In what order is the restraint and reduction to be exercised?

Many of us, committed to the support of the increased funding proposed in this amendment are so committed because we believe that water pollution control is virtually a matter of life or death to millions of Americans and, eventually, our entire population. We also believe there can be no higher order of priority and prudent spending than the protection and preservation of human life.

I would further remind my colleagues that, in previous legislative actions here, the Congress virtually promised the various States and localities throughout the country that $1 billion would be provided in matching grants to them for their local water pollution control programs. Depending upon this promise these various States and communities have initiated some 4,000 to 5,000 applications for Federal assistance and the urgent projects involved in these applications cannot be started or carried on without Federal assistance. In every area throughout the country, including my own State of Massachusetts, every local resources has been exhausted in preparing and planning these projects, on the assumption that Federal aid would be available. To deny such aid now would be tantamount to the betrayal of a trust.

Mr. Chairman, the control of water pollution is imperative in the national interest. The necessity to carry forward existing control projects and initiate new ones grows increasingly urgent every hour. Authoritative polls clearly show that the great majority of the American people well recognize the danger and heartily approve the full funding of $1 billion for the construction of waste treatment facilities throughout the Nation as a giant step toward complete water pollution control and correction. Therefore, in accord with the expressed will of the great majority of the American people, I again urge the adoption of this amendment.

Mr. HALPERN. Mr. Chairman, there is a sardonic little folk song that dramatizes just how backward America is when it comes to controlling water pollution. The lyrics are an effrontery to the people of my State, New York, for they suggest just how little we are doing to reestablish the ecological balance resulting from our wasted environment.

"The breakfast garbage they throw out in Troy, they drink at lunch in Perth Amboy . . ." is the way Tom Lehrer describes the Hudson River. And unless New York receives its fair share of the full $1 billion appropriation for antiwater pollution projects authorized by the 1966 Clean Water Restoration Act for fiscal 1970, then I am afraid, our society will not be able to realize its goals for water purification.

For anyone alarmed by the prospect that children must drink chemically purified water in most regions of the Nation today, the very idea of minimizing our commitment to clean water is repugnant.

Indeed, any attempt to reduce the scope of our efforts to clean water is senseless, because we are already two or three decades behind in terms of controlling our environment. And I am haunted by the thought that whole generations will soon not know what "better" or "pure" means.

Unfamiliar with their environment and narcotized by the artificial world they have inherited, they may see little value in restoring the ecological balance between man and nature's water reserves.

Today, in New York it is unsafe to swim in lakes and rivers which have become aquatic deserts filled with dead plants and fish, to say nothing about the number of cases of respiratory diseases resulting from sulfur dioxide and other chemicals which permeate the atmosphere.

In a nation where 70 percent of the people are crowded onto 1 percent of the land in our cities, polluted water and the disappearance of recreational water facilities suggest that blightedness has overtaken our environment. We are fouling our rivers, lakes, and streams with so much organic waste and bacteria that in some areas the natural composition of water—including its ability to retain oxygen—is being threatened.

What is being done? The Clean Water Restoration Act of 1966 allocated about $200 million annually to help municipalities construct waste treatment plants, and the Water Quality Act of 1965 authorizes States to define and enforce regional water quality standards. Incentives are offered business to construct industrial waste treatment facilities, but they are not sufficient, and not nearly enough funds are allotted to help urban areas establish modern sewage systems.

However, the Clean Water Act authorized over 5 years in Federal matching grants to States for sewage treatment facility construction—from $150 million in fiscal 1967 to $450 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971.

To date only $567 million has been appropriated. The administration's $214 million request for fiscal 1970 would have increased this to $781 million, roughly one-third of the $2.3 billion authorized.

What this means for New York was spelled out by Governor Rockefeller in a telegram to me yesterday:

> State projects are entitled to 50 to 55 percent federal construction grants, but now receive on the average only four percent due to inadequate federal appropriations, result is that the state has already committed $150 million to prefinance the federal share in addition to state grants of 30 percent.
>
> With federal and state construction aid, municipalities, should pay 15 to 20 percent, but inadequate federal funding has meant they must put up 40 percent. Local Governments in New York have already committed $160 million which is rightfully a federal obligation. In total, New York and its municipalities have advanced $310 million because the federal government has not met its obligations in the urgent attack on water pollution.
>
> The House Appropriations Committee recognized the complete inadequacy of present funding in recommending an increase from the present $214 to $600 million, but even with full funding of the $1 billion authorization, New York's share of $88 million would be far short of the $752 million to which it is entitled for eligible projects in fiscal 1969–70.

Mr. Chairman, I cannot overemphasize the importance of full funding for the fiscal 1970 appropriation of the water law. The funds are desperately needed if we are to break the inertia that hampered State, local, and Federal agencies in the fight to reestablish the ecological balance between man and one of nature's basic elements, water.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Minshall).

Mr. EVINS of Tennessee. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the chairman appointed as tellers Mr. Minshall and Mr. Evins of Tennessee.

The Committee divided; and the tellers reported that there were—ayes 146, noes 148.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. Are there any points of order?

Are there any amendments to be offered?

Mr. RANDALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to ask the chairman of the subcommittee the gentleman from Tennessee (Mr. Evins), a question for the purpose of making legislative history.

On page 52 there is a statement on the Little Blue River Reservoir project, Missouri, the first part of which reads:

> The Committee has no objection to the proposed advance of funds by Jackson County to expedite land acquisition in the project area to alleviate hardship and pressure cases.

My question is, May the county court of Jackson County, Mo., proceed to advance its own funds as a part of its contribution to this project to expedite land acquisition in those cases where zoning changes may make the cost of land double or triple in cost? In other words, Mr. Chairman, does the passage of this appropriation bill today give our county court of Jackson County, Mo., the green light to proceed to acquire lands for reservoirs in those areas where delay would be costly? Could you answer these questions?

Mr. EVINS of Tennessee. The gentleman is correct. When we act today, we have given consent of the House. It would be wise to wait until the other body has acted before actual purchase. We have no control over the other body. As far as the House is concerned, Jackson County can proceed to acquire these necessary lands as a part of their local contribution to this project.

Mr. OLSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to thank the committee for the attention given to the transmission line from Great Falls to Browning, Mont.

I want to thank the committee for that appropriation. I would like to ask the committee if they think this agreement that is mentioned on page 77 between the Bureau of Reclamation and the private power company will take a long time to complete?

Mr. EVINS of Tennessee. I would say to my friend that I would hope the negotiations can be speeded up as much as possible and expedited. I have long felt that this matter should be resolved.

Mr. OLSEN. I thank the gentleman very much.

Mr. BOLAND. I think we ought to give the gentleman from Montana the assurance that if a satisfactory agreement is not reached, the Federal line will be constructed.

Mr. OLSEN. I thank the gentleman very much.

The point I wanted to make is that this is a very large Indian reservation with a large population of very progressive people. They have waited 100 years for this service.

I thank the committee for their consideration to see to it that they get it.

Mr. EVINS of Tennessee. We are very sympathetic to the proposition.

Mr. OLSEN. I thank the gentleman.

Mrs. SULLIVAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask a question of the chairman of the subcommitee about an item on the Atlantic-Pacific Interoceanic Canal Study Commission. I notice on page 29 of the bill, you have appropriated $917,000 for the continuation of the Commission. Last year we authorized $6,500,000 additional funds for this Commission to operate until 1970.

Can the gentleman tell me how much is left of that $6,500,000?

Mr. EVINS of Tennessee. I will say to my colleague, the gentlewoman from Missouri, that the money appropriated in the bill to wind up the work of the Commission is within the authorization ceiling and is needed to complete the analysis and prepare the final work.

Mrs. SULLIVAN. Does the gentleman mean that the entire $6,500,000 will be used up from the amount that is appropriated in this fiscal year?

Mr. EVINS of Tennessee. I understand that an additional $263,000 under the authorization is planned for fiscal year 1971 to generalize the report scheduled for December 1, 1970.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dingell: On page 14, line 17, strike out "$600,000,000" and insert in lieu thereof "$750,000,000."

POINT OF ORDER

Mr. EVINS of Tennessee. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. EVINS of Tennessee. Mr. Chairman, we have already passed that item in the bill.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard on the point of order?

Mr. DINGELL. Mr. Chairman, the gentleman from Tennessee just made a unanimous-consent request that the bill be considered as read, printed in the Record, and open for amendment at any

XUM

point. I would consider that under the unanimous-consent request, regardless of whether we have read beyond the point, the amendment would be very much in order.

The CHAIRMAN. The Chair will advise the gentleman from Michigan that the unanimous-consent request of the gentleman from Tennessee was that the remainder of the bill be considered as having been read and open to amendment at any point, and the Clerk had read two paragraphs beyond the paragraph to which the amendment would apply. So the Chair upholds the point of order.

For what purpose does the gentleman from Michigan (Mr. O'HARA) rise?

Mr. O'HARA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'HARA. Would it be possible to offer an amendment to the language on page 14, lines 15 through 17, in the House after the Committee rises?

The CHAIRMAN. That request would have to be taken care of at the time a motion ordering the previous question is made.

Mr. O'HARA. But if the previous question were not ordered, the amendment would then be in order?

The CHAIRMAN. That question would be determined by the Speaker of the House.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill to final passage.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

Mr. DINGELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGELL. If the previous question is voted down, would it then be in order to offer an amendment to raise the sum for water pollution control grants to the States in the sum of $1 billion?

The SPEAKER. The Chair will state that, if the previous question is voted down, it would be in order to offer an amendment. The Chair is not going to pass on the amount at the present time.

Mr. DINGELL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGELL. Would I be recognized for that purpose? It would be my intent so to do.

The SPEAKER. The Chair is not going to give a preliminary opinion as to whom the Chair might recognize.

The question is on the motion offered by the gentleman from Tennessee.

The question was taken; and there were—yeas 215, nays 187, not voting 29, as follows:

[Roll No. 209]

YEAS—215

Abbitt
Abernethy
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Aspinall
Ayres
Baring
Belcher
Bell, Calif.
Bennett
Bevill
Blackburn
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cohelan
Collier
Colmer
Conable
Conte
Cowger
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Gettys
Giaimo
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Hastings
Hébert
Henderson
Hosmer
Hull
Hunt
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
King
Kleppe
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Lennon
Lloyd
Long, La.
Long, Md.
Lukens
McDade
McEwen
McFall
McKneally
Mahon
Mailliard
Mann
Marsh
Martin
May
Mayne
Meskill
Michel
Mills
Mize
Mizell
Montgomery
Morton
Myers
Natcher
Nelsen
O'Neal, Ga.
Passman
Patman
Patten
Perkins
Pettis
Pickle
Poage
Poff
Pollock
Price, Tex.
Pryor, Ark.
Purcell
Quie
Rarick
Reid, Ill.
Reifel
Rhodes
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Roth
Roudebush
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Steed
Steiger, Ariz.
Stubblefield
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Utt
Waggonner
Wampler
Watkins
Watson
Watts
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wylie
Young
Zion
Zwach

NAYS—187

Adair
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Barrett
Beall, Md.
Betts
Biaggi
Biester
Bingham
Blatnik
Bolling
Brademas
Brasco
Broomfield
Brown, Calif.
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Celler
Chamberlain
Chisholm
Clark
Clay
Cleveland
Conyers
Corbett
Corman
Coughlin
Culver
Daddario
Daniels, N.J.
Delaney
Dent
Derwinski
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Farbstein
Fascell
Feighan
Fish
Flood
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Horton
Hungate
Hutchinson
Jacobs
Johnson, Calif.
Jones, Tenn.
Karth
Kastenmeier
Kee
Keith
Kluczynski
Koch
Kyros
Latta
Leggett
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDonald, Mich.
Macdonald, Mass.
MacGregor
Madden
Matsunaga
Meeds
Melcher
Mikva
Miller, Ohio
Minish
Mink
Minshall
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Philbin
Pike
Pirnie
Preyer, N.C.
Price, Ill.
Pucinski
Quillen
Railsback
Randall
Reid, N.Y.
Reuss
Riegle
Rodino
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Saylor
Schadeberg
Scheuer
Staggers
Stanton
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Taft
Taylor
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Weicker
Whalen
Wilson, Charles H.
Wolff
Wright
Wydler
Wyman
Yates
Yatron
Zablocki

NOT VOTING—29

Berry
Burton, Utah
Cahill
Carey
Collins
Dawson
Denney
Edwards, Ala.
Foreman
Holifield
Howard
Kirwan
Lipscomb
McClure
McMillan
Mathias
Miller, Calif.
Nichols
O'Konski
Pelly
Pepper
Podell
Powell
Rees
Rivers
St. Onge
Stephens
Tunney
Whalley

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Holifield for, with Mr. St. Onge against.

Until further notice:

Mr. Carey with Mr. Berry.
Mr. Miller of California with Mr. Lipscomb.
Mr. Howard with Mr. Edwards of Alabama.
Mr. Pepper with Mr. Burton of Utah.
Mr. Rivers with Mr. Cahill.
Mr. Podell with Mr. Pelly.
Mr. Rees with Mr. Dawson.
Mr. Tunney with Mr. McClure.
Mr. Kirwan with Mr. Denney.
Mr. Nichols with Mr. Collins.
Mr. McMillan with Mr. Foreman.
Mr. Stephens with Mr. Mathias.
Mr. Whalley with Mr. O'Konski.

Mr. BURKE of Massachusetts, Mr. STAGGERS, and Mr. BETTS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Bow of Ohio moves to recommit the bill H.R. 14159 to the Committee on Appropriations.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. MINSHALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MINSHALL. I understand that under the precedents of the House, the senior member of the Appropriations Committee does have precedence in making the motion to recommit. I would just state that if that had not been the case, I would have resubmitted my motion.

The SPEAKER. The Chair will state, that is a statement and not a parliamentary inquiry.

The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The question was taken; and there were—yeas 397, nays 3, not voting 31, as follows:

[Roll No. 210]

YEAS—397

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—3

Bow
Ottinger
Saylor

NOT VOTING—31

Berry
Brademas
Burton, Utah
Cahill
Carey
Collins
Dawson
Denney
Edwards, Ala.
Foreman
Holifield
Howard
Kirwan
Lipscomb
Lukens
McClure
McMillan
Miller, Calif.
Nichols
O'Konski
Pelly
Pepper
Pirnie
Podell
Powell
Rees
St. Onge
Stephens
Teague, Tex.
Tunney
Whalley

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Pelly.
Mr. St. Onge with Mr. Edwards of Alabama.
Mr. Carey with Mr. Cahill.
Mr. Teague of Texas with Mr. Berry.
Mr. Miller of California with Mr. Lujan.
Mr. Podell with Mr. O'Konski.
Mr. Howard with Mr. Burton of Utah.
Mr. Rees with Mr. Foreman.
Mr. Nichols with Mr. Collins.
Mr. Kirwan with Mr. Denney.
Mr. Tunney with Mr. Lipscomb.
Mr. Brademas with Mr. McClure.
Mr. Pepper with Mr. Pirnie.
Mr. McMillan with Mr. Stephens.
Mr. Dawson with Mr. Powell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed, and on the Minshall amendment, and that they may include tables in the RECORD.

The SPEAKER pro tempore (Mr. EDMONDSON). Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER VACATED

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that the special order I have for today be vacated.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ROGERS CALLS FOR A CONGRESSIONAL INVESTIGATION OF U.S. DEFENSES

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am becoming increasingly concerned, as additional details are made public, as to how a Cuban Mig fighter plane was able to fly over an American submarine base, through American air space to an American Air Force base and literally land his plane next to the plane of the President of the United States, practically undetected and most certainly unchallenged.

Apparently the Secretary of Defense's order to cut back on funds for Air Force radar picket planes took effect just after the President flew into Miami and be-

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fore the Cuban Mig flew in. Two of the three regularly scheduled picket planes were taken off their 9-hour shifts, leaving only one picket plane to survey the Caribbean and Gulf of Mexico on a single 9-hour shift each day.

As fate would have it, the single plane which is responsible for detecting any low flying aircraft which might come in under our radar, was not in the air. And fortunately for us, as fate would have it, the Cuban Mig was not on a military mission.

The point I would make here is that we have voted some $780 million for work on a supersophisticated anti-ballistic-missile system—ABM—to stop some supersophisticated missiles which may or may not someday come at this Nation from thousands of miles away.

Yet a military plane from an unfriendly nation only 90 miles from our coast enters this country and our only response of record was a single, short radar sighting which was unidentified and unverified.

Mr. Speaker, does this mean that the only protection the southeastern part of this Nation gets via the $80 billion defense budget is an unidentified blip?

Are there so many more pressing items in the Secretary of Defense's budget that we cannot afford to protect the people and the military installations in south Florida and the rest of the southeastern part of the Nation?

It looks to me that we may have built some sort of maginot line around some portions of this Nation and left the southeastern part of the Nation open completely. This despite the fact that while we fret about China and her potential danger, Cuba, just 90 miles away, represents a real and serious danger.

I think the Secretary of Defense should restudy his priorities and give serious consideration to this matter. Before we prepare for China of the 1970's and 1980's, we had better think of today and the possibilities of another Mig, or a rocket, or missile from 90 miles away.

The most immediate and minimal response to this situation, I would feel, would be to put the proper number of picket planes in the air over Florida. Eventually, I would think that a body-type radar system stationed in the straits between Cuba and Florida would also be considered.

All this is not to mention the fact that I consider the entire incident a serious breach of security to the President of the United States himself.

Mr. Speaker, I am writing the chairman of the House Armed Services Committee urging him to immediately investigate the incident.

A FUNDING SON LOOKS AT THE FOUNDING FATHERS

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, in the September 26, 1969, issue of Life magazine, there appears a fine article by our colleague from Missouri (Mr. SYMINGTON). This article titled "A Funding Son Looks at the Founding Fathers" was written as a review of the Broadway musical "1776," which Mr. SYMINGTON says "is an intriguing glimpse of history as seen through an 18th century laugh-in."

He goes on to say:

> Poetic, or at least prosaic, license is taken with the events and discourses of the period.

At the opening curtain, the Founding Fathers reprimand their testy, independence-minded colleague John Adams with a lusty chorus of "Sit Down, John." Mr. SYMINGTON goes on to say:

> I have heard this kind of suggestion whispered under the breath of my colleagues during the pronouncements of their brethren, but I've never been treated to the sight of the whole assembly bursting into song.

In looking at what Mr. SYMINGTON calls the "generation gap" between his colleagues and the granddaddy of all Congresses, he says he mourns the infrequency of humor or robust extemporania in present-day sessions.

> With press and public in the gallery, we are daily answerable—for style as well as content—to a skeptical constituency. We mute our performance accordingly.

Mr. Speaker, I think this article written by Mr. SYMINGTON deserves recognition. Although much of the article is written in a very humorous vein, a number of the serious problems of this House are highlighted. Humor is a refreshing way to examine ourselves.

I would like to introduce the article as an insert in the CONGRESSIONAL RECORD and congratulate my colleague on a fine job, well done:

[From Life magazine, Sept. 26, 1969]

A FUNDING SON LOOKS AT THE FOUNDING FATHERS—"1776"

(NOTE.—James W. Symington, folk-singing congressman from Missouri and son of Senator and former Air Force Secretary Stuart Symington, recently got around to seeing the musical "1776" and drew some conclusions about the generation gap between his colleagues and the granddaddy of all Congresses.)

Will Rogers used to say that when he needed a laugh he just read what Congress had done that day. The Broadway musical *1776* suggests that even July 4 of that year was just another congressional day—although what was "done" was the adoption of the Declaration of Independence. A freshman congressman like myself soon learns to "doubt a little of his infallibility," as Ben Franklin counseled. But what seems to have escaped my studies—and the notice of historians I had relied on—is that the acrimonious debate over independence was also marked by good-natured raillery and impromptu barbershop. With its cast of caricatures, *1776* is an intriguing glimpse of history as seen through an 18th Century laugh-in.

Poetic, or at least prosaic, license is taken with the events and discourses of the period. An amiable confusion of fact, fiction and farce characterizes this musical as it undoubtedly characterized the Congress depicted, and others since. At the opening curtain the founding fathers reprimand their testy, independence-minded colleague John Adams with a lusty chorus of "Sit Down John!" I have heard this kind of suggestion whispered under the breath of my colleagues during the pronouncements of their brethren, but I've never been treated to the sight of the whole assembly bursting into song. Senator Dirksen, the choirboy of the Western World, did pirouette around his desk to question the utility of introducing dance into Head Start programs. He lost his point, but won the gallery, and the infrequency of such moments is to be mourned. We need to get back to the time, as in *1776*, when that irrespressible trio Jefferson, Franklin and Adams would link arms to relieve the tensions of nation-building by engaging in lighthearted minstrelsy. Their "Egg" song, beginning "Chirp, chirp, chirp," and celebrating the hatching of the American Eagle, would bring any House down.

So would Ben Franklin's hardy colloquies with Pennsylvania loyalist delegate John Dickinson. "What's so terrible about being called an Englishman?" Dickinson asks at one point. "The English don't seem to mind."

"Nor would I," says Franklin, "were I given the full rights of an Englishman. But to call me one without those rights is like calling an ox a bull—he's thankful for the honor but he'd much rather have restored what's rightfully his."

Update the cast, substitute "American" for "Englishman" and this exchange could be quite contemporary. But while matters touching on "patriotism" or judgment on grave issues still evoke earthy exchanges in Congress (read the record of the ABM discussions), not since the Douglas-Kerr debates of the last decade has there been such robust extemporania. With press and public in the gallery, we are daily answerable—for style as well as content—to a skeptical constituency. We mute our performance accordingly.

Moreover, we have a thousand proposals to review; they had but one, independence, and they had years of experience and months of debate to savor its implications. Their mandate was clear and simple—go thou and create a nation. No lobbyists' dinners and breakfasts, staff meetings or hometown drop-ins. No tours of the Capitol; they had the wisdom not to build one until nationhood was established, a lesson in fiscal logic for us Funding Sons.

The Continental Congress had no President to deal with, only a king, remote in time, distance and understanding. A President with dams to offer here, airport or park construction there, defense contracts, school, job and housing programs everywhere has resources to divide and confuse the resolve of Congress should a near majority seek to oppose him on a major question. Nor were there political parties as such in the Continental Congress, only biases from which parties would spring, and the sectional interests of each of the 13 colonies. This was also an advantage to an assembly with one overriding issue before it, because party loyalty could not be thrown up to any member to "keep him in line," only loyalty to conscience and country. Without Presidents, parties, interviews, telegrams, telephones, news conferences and other confusing obstacles to the rational use of time, they could actually study the issue they were called upon to decide. Legislation without contemplation was not their problem; it is ours.

It is a very big problem, which we attempt to solve by assigning each legislative proposal to a committee, with the hope that it will there receive attention, respect and appropriate action. It is said that the sum total of human knowledge doubles every 10 years. With good reason, then, members of Congress today do not consider themselves or each other to be experts in everything. The fact is that when a bill comes to the floor many vote on it without having given it extensive consideration. They look to colleagues they trust, and who ought to know, for guidance. Frequently they hope the vote will be taken in an anonymous manner such as the voice vote, a shouting contest, or the teller vote, where members simply file by and are counted in favor of or in opposition to a proposal. A rollcall vote requires each member to answer "aye" or "nay," and is recorded. The vote on independence had to be nearly unanimous and certainly recorded. If it is true, as the play suggests, that the Pennsylvania delegate James Wilson voted "aye" only to be identified with a majority, regardless of the consequences, we are given an insight into one weakness in man's nature which the parliamentary system could neither correct nor conceal—the desire to go with the crowd to avoid censure or, at worst, share it with good company.

The modest tensions of the play range from the delegates' vacillation to petulance and apprehension on receipt of General Washington's pessimistic messages from the field. At least one of the general's reports, "Is anybody there? Does anybody care?", sounds more like a dispatch from our obedient servant Winnie the Poo than the father of our country. The audience found such moments convincing. Could one be in Congress only eight months and already be out of touch with the people?

One raisin in this hasty pudding is the issue of whether to delete the denunciation of slavery from the first draft of the Declaration in order to secure Southern signatures. In light of current dialogue the audience recognized the question as more than something to chew on—the all-American jawbreaker, the oversized pebble in the mouth of every Demosthenes who has taken the national stage these men built. Quickly enough the complicity of our Northern seafaring ancestors was brought to our attention, *our* attention, because at this point in the play we and the Founding Fathers are one, reliving the original sin of our creation. Franklin argues that a less than immaculate conception is better than none at all; the "offensive" passage is deleted and the Southern delegates sign.

1776 looks back at this point with fife and drum, and we with sadness. Thomas Jefferson's deleted passage on slavery, which says of the king: "He has waged cruel war against human nature itself . . ." should give us pause. For since that day, the king's prerogative has been our own. His sovereign power is ours, and his indifference.

VIETNAM MORATORIUM COMMITTEE

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, prominent people around the country, including some of my congressional colleagues, have endorsed the efforts of the Vietnam Moratorium Committee to protest the Vietnam war by organizing work stoppages on October 15, especially in the colleges and universities across the Nation. Perhaps these well-intentioned individuals would have withheld their approval had they been fully aware of the facts.

The Vietnam moratorium is not an independent attempt to influence our Vietnam policy. It is a part of an ambitious program of agitation, propaganda, and disruption known as the "Fall Offensive," a program formulated at a Communist-saturated conference held in Cleveland, Ohio, in July and hosted by the regional affiliates of the National Mobilization Committee To End the War in Vietnam, organizer of last year's violence in Chicago during the Democratic National Convention

The Cleveland conference created the New Mobilization Committee To End the War in Vietnam to carry on the work of the now defunct National Mobilization Committee To End the War in Vietnam and act as the umbrella group to organize the fall offensive. Leaders of the New Mobilization Committee include: Arnold Johnson, an official of the Communist Party, USA; long-time Socialist Workers Party leaders Fred Halstead, Harry Ring, and Gus Harowitz; Peter Vinther of the Young Socialist Alliance, the youth section of the Socialist Workers Party; David Dellinger, self-professed non-Soviet Communist; Irving Beinin, staff employee for the Communist newsweekly Guardian; Prof. Donald Kalish, reportedly, by his own admission, somewhat to the left of the Communist Party; and Leroy Wolins, leader of Veterans for Peace in Vietnam and an identified member of the Communist Party. The evidence therefore points to Communist domination of the New Mobilization Committee's plans and operations.

Two other groups playing key roles in the fall offensive are the Student Mobilization Committee and Students for a Democratic Society. SDS plans activity in Chicago around the theme "Bring the War Home." I reported to the House on September 18, 1969, the plans of the SDS to launch massive demonstrations in Chicago during the period of October 8 to 11, 1969.

The Student Mobilization Committee, which has specifically endorsed and whose functionaries are actively supporting the Vietnam moratorium, was initiated by Communist Party member Bettina Aptheker in 1966. During 1968, however, the Student Mobilization Committee passed into the hands of members of the Young Socialist Alliance, and it remains today under tight control of the Young Socialist Alliance. The Student Mobilization Committee is organizing its own student strike for November 14, just before the New Mobilization Committee's Washington and San Francisco marches. YSA member and SMC leader Carol Lipman serves with Vietnam Moratorium Committee organizer David Hawk on the New Mobilization Committee's steering committee.

These few facts are only a minute sample of the overwhelming mass of evidence that the fall offensive, of which the Vietnam moratorium is an integral part, is not designed as a legitimate protest movement aimed at correction of defects in our foreign policy. It is rather a propaganda maneuver designed and organized by Communists and other revolutionaries who desire a victory by the North Vietnamese, not to help, but to weaken and harm the United States.

INCREASE OLD-AGE BENEFITS UNDER SOCIAL SECURITY

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Speaker, almost every day I receive heart-rendering letters from elderly people telling me that they cannot make it on their meager social security checks. All their lives they have worked hard to set aside something for their old age. Now that inflation has gobbled up their savings they are forced to depend on their social security check as a means of survival.

For this reason I introduced a measure early this session which increases social security benefits under the old age, survivors, and disability insurance program. In addition, it provides for an automatic adjustment of benefits to increases in the cost of living.

I am delighted that the President has asked for an increase in social security benefits.

However, I do not favor the President's proposal of an across-the-board increase. Any increase given to those now on social security is an outright gift to the recipient—not something earned. Therefore, it seems to me that the increase should be based on need and surely those in the lower category need more consideration than those in the top category. After all, the fellow who gets a minimum $55 a month must pay as much for a loaf of bread or electricity or medicine as one who receives the maximum.

If enacted, my bill would raise the minimum social security benefits from $55 to $80 and would create an actual percentage increase ranging from 45.4 percent for those recipients at the lowest level to 5.6 percent for those at the highest benefit level. The people who would be assisted most by such a change are those at the lowest end of the scale and have the greatest need for increase in their social security payments.

In addition to the present need for greater benefits, the rising cost of living will make further increases necessary in the future. As suggested by the President's proposal, my bill provides for benefits to automatically increase as the cost-of-living index rises. This would be on a percentage basis applying equally to all benefits.

Who pays the bill for any social security increases? The President apparently wants to charge it to those who now pay social security.

I cannot agree with this proposal. In my opinion, the costs should be borne out of the general fund. Can anyone here advance one single reasonable argument to show why one who pays social security should pick up the chit while the President, the Supreme Court Justices, and Members of Congress, who respectively received $100,000, $39,500, and $12,500 salary increases, should go scot-free? Any reason why any person not on social security should go home free?

My bill differs from the President's proposal in that it authorizes a contribution from general funds for the amount of the increased benefits. These would be benefits over and above what the recipients previously contributed to social security. The responsibility for taking up the slack belongs to all of society and should be financed by all segments of our economy—not just those persons paying into the social security fund.

I might add that a recent poll of my district shows that 74 percent of the persons polled favor my proposal of taking funds out of the general funds so that all taxpayers pay their fair share.

One of the most appealing aspects of my social security program is a provision to allow older persons to collect benefits while still earning an income. My bill would raise the present earning limit of $1,680 to a new limit of $1,800. The President's bill calls for this change.

Under the present retirement test, persons who earn more than the exempt amount of $1,680 continue to have $1 in social security benefits withheld for every $1 they receive.

To avoid this, my bill would eliminate this $1 reduction for each $1 earned and replace it with the same reduction for each $2 earned above $3,000. This change increases the incentive to work for older persons who badly need this income to meet today's inflation.

Often our elderly citizens must suffer because of meager incomes, and every rise in the cost of living increases their plight, for this burden hits hardest those who live on a fixed income.

If enacted, my bill would immediately raise the benefit payments to the elderly and would not allow the cost of living to destroy these gains by reducing their purchasing power. Thus, the present and expected future problems of social security recipients can be substantially relieved.

In conclusion, I agree with the administration proposal that the social security benefits should be increased on a cost-of-living basis and that people should be allowed to earn more before losing benefits.

In any event, something should be done as soon as possible. Three out of every ten older persons are living in poverty. Most of them were able to support themselves in decency until they became older.

Unless positive action is taken, these older persons are going to suffer even more. For this reason I feel it is urgent that we make the needed changes in the social security laws.

GREECE

(Mr. YATRON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATRON. Mr. Speaker, during the recent period of congressional recess I, along with my wife Millie and daughter Theana, was a guest of the Pan-Arcadian Society of America at its annual convention in Athens, Greece.

I was extremely pleased to have been offered the opportunity to make this 2-week journey for a couple of reasons. One, Greece is the country of my parents' birth. I was consequently nurtured in ways Greek since the days of my youth. This opportunity was the very first that I have had to see the country about which I had heard so much in the past. For the first time, I met relatives who had been but names before. I and my family were the recipients of their hospitality and welcomed to our own family.

The second reason which prompted my visit to Greece at this time was the desire to make my own appraisal of the current Greek Government. As a member of the Committee on Foreign Affairs, I have felt it incumbent upon me to ascertain the realities of Greece's current political situation. Certain newspaper stories and magazine articles have been published, Mr. Speaker, which place the government in Athens in an extremely unfavorable light. Although I was apprehensive that these stories of torture and repression might prove true, I was quite anxious to arrive at my own conclusions on the matter. It is these conclusions about which I should now like to comment.

Mr. Speaker, Greece is justifiably proud of being characterized as the cradle of democracy. I myself am certainly pleased that this designation has been bestowed upon the land of my ancestors. It is, therefore, at once paradoxical and even, on the surface at least, unfortunate to verify the existence of a military government in Greece.

Be that as it may, however, I must submit that the government which now rules Greece is a necessary expedient. When the conditions which have prompted its establishment have disappeared, however, I would be most anxious to observe the resumption of parliamentary processes in Greece. When this time arrives, I hope it will be acknowledged by the present government and that these leaders will relinquish their positions and allow themselves to be guided by the choices of free Greeks voting in a fair election.

Because the ruling junta has served to forestall a possible Communist takeover in Greece, however, its existence was at least born of justifiable aims. Certainly a Greece run by Communists would be far less palatable than a Greece run by former colonels. This is obviously so especially when one views Greece in the context of its role as a member of the North Atlantic Treaty Organization. Greece has been an integral part of NATO since its formation 20 years ago. Greece continues to serve as an important link in the chain which constitutes our military defense network.

It must also be said here that the junta has enacted certain vitally needed reforms that for one reason or another were not implemented by King Constantine and the Greek Parliament. Farmers have seen their debts erased by the Government, social security benefits have been increased, students no longer pay tuition at Greek universities, the educational system as a whole has been vastly improved, the Greek economy is a vigorous one, and civil peace predominates.

If I may, Mr. Speaker, I should like to emphasize this latter point. The absence of a law-and-order problem in Greece was one of my most satisfying observations. Yet this is hardly consonant with the armed camp visions that one usually associates with a dictatorial government. Conversely, whereas crime is rampant in other large cities of the world, its existence in Athens, the surrounding countryside, and throughout the Greek nation is unobtrusive. The feeling, instead, was one of safety in the streets.

The question that must now be posed, of course, is whether external appearances of order mask nefarious conduct behind the scenes. And, more specifically, whether political prisoners are being brutalized into cooperative submission. In order to determine the credibility of reports indicating that repressive and coercive conduct is prevalent within the confines of Greek police stations, I made a special effort to get out and talk with the Greek citizenry. I sought the people's impressions of their Government and whether they felt it encouraged or even tolerated the repressive activities attributed to it. In following this course, Mr. Speaker, I probably spoke to 100 different people during my 2 weeks in Greece. None of these gave me any evidence to support the truth of the reports about torture. In fact, none could even acknowledge the accuracy of such reports. And none, Mr. Speaker, had ever been the victims of these alleged brutalities.

While I recognize that 2 weeks in Greece is hardly a sufficient period upon which to base a definitive critique on the Greek Government's activities, Mr. Speaker, I am able to state that my impressions were—and it is only my impressions on which I comment—that the reports of systematic torture perpetrated for political reasons in Greece are not well founded. If there was any substance to such reports it seems that I would have been able to gain at least some indication of this from the scores of persons with whom I conversed.

In my discourses with Prime Minister George Papadopoulos, I was assured that his government was neither conducting nor sanctioning the conduct of closed-door malevolence for political reasons. In fact, Mr. Papadopoulos recognized that free elections must be held in Greece. Although he was unwilling to establish a date for such elections, he did indicate a desire to hold them at the earlist possible opportunity. His position was, however, that Greece must first gain the strength with which to adequately govern itself and the tenacity to resist negative influences.

I must say, Mr. Speaker, that I am extremely hopeful these conditions will materialize at an early date. I yearn for the return of democracy to Greece. And though the path of its return may wind, I am hopeful democracy's strength at the end of this interim period of autocracy will be sufficient to justify a temporary digression from the previous way.

THE MORATORIUM

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, the moratorium is a worthy effort by the young people of America to express their grave concern over an issue which deeply involves all Americans, but which involves our young people more critically than any other group. This peaceful expression is in the best tradition of our democracy and should be encouraged. I expect to address myself to this issue on the floor of the House of Representatives next Wednesday.

JUVENILE DELINQUENCY

(Mr. NELSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NELSEN. Mr. Speaker, on Friday, October 3, 1969, I introduced for myself and Mr. Gerald R. Ford, Mr. Springer, Mr. O'Konski, Mr. Harsha, Mr. Broyhill of Virginia, Mr. Winn, Mr. Steiger of Arizona, Mrs. May, Mr. Hogan, Mr. Cramer, Mr. Poff, and Mr. McClory, H.R. 14188, a bill to amend chapter 23 of title 16 of the District of Columbia Code to revise proceedings regarding juvenile delinquency and related matters, and for other purposes. My distinguished colleagues from the Democratic side of the aisle, Mr. McMillan, Mr. Dowdy, Mr. Fuqua, Mr. Hagan, Mr. Hungate, Mr. Blanton, and Mr. Kyros, introduced a similar bill, H.R. 14224 on October 7, 1969.

I include in the Record the text of a statement setting forth my reasons for introducing H.R. 14188:

For some time now there has been general concern on the part of the Administration, many of the Members of Congress, representatives of the District Government, representatives of various community organizations, and citizens of the community itself with the rapidly increasing serious and violent crimes being committed by juveniles in the Nation's Capital. For instance, I note that recent statistics show that in the last six years, robbery by 16- and 17-year-olds has increased 258 percent. At the same time, Mr. Speaker, I have been concerned with the recognized deficiencies in existing legislation for protecting the due process rights of arrested juveniles.

The Department of Justice, in consultation with expert representatives of the Department of Health, Education and Welfare and the District Government, has undertaken an extensive revision of the Code of Juvenile Procedure for the District of Columbia. The Administration's proposed Code of Juvenile Procedure for the District of Columbia, which is contained in this bill, is held to be a balanced and comprehensive approach to the problem of juvenile crime in the District of Columbia. It supplements the provisions of H.R. 12854, which I introduced on July 15, 1969 and which was subsequently referred to the District of Columbia Committee. H.R. 12854 provides for a comprehensive reorganization of the current court system and the judicial environment in which family problems would be handled in the District of Columbia. The restructured court of general jurisdiction, the Superior Court, would have a Family Division in which would be vested all of the jurisdiction of the now existing Juvenile Court of the District of Columbia and the Domestic Relations Branch of the Court of General Sessions of the District of Columbia. It is intended that all family-related problems, such as delinquency, parent-child problems, etc. would come within the jurisdiction of the Family Division of the Superior Court.

In its proposed legislation, the Administration has provided that those 16- and 17-year-olds who commit specified crimes of violence most dangerous to the peace of the community, such as murder, rape and robbery, will be ineligible for treatment as juveniles. Instead they will be prosecuted as adults with the whole panoply of correctional services available, including supervision and treatment pursuant to the Federal Youth Corrections Act. Retention within the juvenile system of these matured, sophisticated and experienced 16- and 17-year-olds who commit such violent crimes would appear in many instances to only undermine the rehabilitative potential of other juveniles. Together with its proposed waiver provisions in H.R. 12854 and H.R. 13689, the Administration has chosen to limit the benefits of juvenile treatment to those youngsters with the requisite rehabilitative potential and to exclude those who lack such potential and might adversely affect the rehabilitation of others.

The Administration's proposed code of juvenile procedure also incorporates and thereby codifies the requirements of due process outlined by the Supreme Court in its recent decisions. Clear notice of the charge made, provision for counsel at all critical stages, and hearings to determine probable cause for detained juveniles are among the numerous procedural protections accorded juveniles in the proposed code. In addition, the Administration has carefully and wisely established different procedures for handling delinquent children, neglected children, and children in need of supervision. Mental examinations of juveniles are specifically provided for in the bill, and other procedures relating to the juvenile mentally ill are provided for in the proposed code.

By providing a fair and well-delineated balance between the rights of juveniles and the protection of the public, Mr. Speaker, it is submitted that the Administration has recommended a Code of Juvenile Procedure for the District of Columbia which merits prompt consideration as a measure to stem the increasing tide of serious and violent crime being committed by juveniles in the Nation's Capital.

THE PRICE OF GREATNESS IS RESPONSIBILITY

(Mr. HAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAGAN. Mr. Speaker, some things lose their effectiveness with time while other things, like the spoken word, can be vividly remembered and reflected upon for an endless number of years. I draw this particular parallel because I wanted to call to the attention of my colleagues some remarks made back on May 30 of this year by Mr. L. Eldon James, the 1968 commander of the American Legion. Mr. V. H. Monette, Smithfield, Va., sent me the copy of Mr. James' speech. While a little time has passed since this speech was made, I still feel as does Mr. Monette and I believe you will agree that his comments are still timely and will remain timely as long as each of us takes pride in and welcomes the price we must pay for a "free and individual republic"—responsibility.

The speech follows:

The Price of Greatness Is Responsibility

(By L. Eldon James)

Those words spoken by a great leader—Sir Winston Churchill—should ring loud and clear across this land this morning—this beautiful Friday morning—for this is Memorial Day 1969.

Winston Churchill not only spoke words of greatness—he wrought deeds of responsibility.

So it behooves every American this morning—May 30th 1969—to think seriously about the Price of Greatness.

There is no more fitting time than now to ask these questions:

1. Do you consider this nation one of greatness?

This answer is simple—of course you do.

The second question should be equally easy to answer—but strangely there is much confusion about it today—that second question is—

2. Who made this nation great—and who will keep it great?

The meaning of Memorial Day gives us a key to the answer to this question.

"Let no ravages of time testify to coming generations, that we have forgotten as a people the cost of a free and individual republic."

So spoke General John Alexander Logan over 100 years ago. A young lawyer from Illinois, "Black Jack" Logan fought his way up in the Union Army—a volunteer he was—and after the War Between the States was credited with originating Memorial Day—yes others had a part—even the Confederate women in Mississippi who decorated graves of Union Soldiers—all—to the end as General Logan put it.

That ". . . no ravages of time"—would cause us to forget ". . . as a people—the cost of a free and individual republic."

Yet at this very moment there are men of words—without responsibility—using this day—as an opportunity to degrade our flag—and tear down the institutions—and instrumentalities of Government that have permitted men of action to make us a great nation.

So today—on Memorial Day 1969 we assemble here to do honor to men of responsibility who have gone before us—men whose sense of responsibility have made our nation great—perhaps the most magnificent honor we act with responsibility where the welfare of our land is at stake.

The place to start is by showing us—for what it is—the irresponsibility of those who turn their back upon the principles on which this land was built.

Today we are engaged in the longest war in which the United States has participated. Over 35,000 Americans have given their lives, facing their responsibility. They cry out today for other Americans to face theirs.

Our Military Community—the Professional Soldier and the Citizen Soldier when called upon to bear arms have faced their responsibility magnificently. Yet some headline hunting public figures seek to take upon themselves the wisdom to direct military tactics and strategy.

I can't believe that Winston Churchill's Yardstick for Greatness would dictate that we should have 100 U.S. Senators each running our military operations.

The best tribute these men can make to our hero dead—is to remember that our military leaders today—are sons—are fathers—are grandfathers—yes—are men—men of responsibility to do their job.

When a U.S. Senator publicly attacks specific military operations he helps our enemy and harms our land. I will not trespass on your time to justify Hamburger Hill. Anyone who will take the time to inform himself will find no reason to challenge a military leader who found it necessary to eliminate a serious strategic threat to the overall safety of his men and their mission.

Reckless military criticism is only one of the ways some of our citizens are showing their lack of greatness today.

Lack of initiative in meeting problems on our campuses is one—failure to use discipline and firmness where violent confrontations occur is another.

But let me make my point with just this one last observation.

There is no sense of responsibility that I can find in those people today—who practice one thing—destruction. Yes I know before we build something new we must clear away the old. But if those who would tear down—have nothing constructive and good to offer in its place—then they do not understand Mr. Churchill's Yardstick for Greatness—they have no sense of responsibility.

President Thieu of South Vietnam is attempting to form a coalition in his country. Little men in our country are clamouring that he has only 48% of people in his country in his coalition—so they say we should not support him. I was there and saw his government shape and come to power. It

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offers the greatest stability his land has ever known. Now—compare his support with that of others.

The present British Government about 47%.

Our own present administration, 43%.

Do those who would criticize and depose Thieu for having only 48% do the same to our present leadership because it was elected with 43%?

"The Price of Greatness Is Responsibility." On Memorial Day 1969 every American would do well to say to himself and to those who have given to us and helped to preserve freedom—yes we are a great nation—and I will bear my responsibility to my land—by backing my words—with deeds that prove I know "the cost of a free and individual republic."

DEMAND FOR PASSAGE OF CRAMER WATER POLLUTION CONTROL FINANCING BILL RENEWED AND PINELLAS COUNTY, FLA., SEWAGE TREATMENT PLAN EVIDENCES NEED FOR IT

(Mr. CRAMER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CRAMER. Mr. Speaker, I am proud to bring to the attention of my colleagues the highly successful sewage treatment program developed in Pinellas County, Fla.

Development of this program demonstrates how a community, through proper planning, can overcome the problems inherent in water pollution control.

Following is a synopsis of the Pinellas County development program which I believe will be of interest to my colleagues as well as to communities throughout the United States.

This also demonstrates the need for legislation which I have introduced to provide for the long-range financing of sewage treatment plant facilities in order to carry out long-range programing over and above the funds made available by appropriations, which is contained in H.R. 13358 and H.R. 13562, and which legislation has been cosponsored by over 48 other Members.

One of the most serious problems in America today is the pollution of our lakes and streams and all communities should be encouraged to develop long-range programs similar to those being encouraged in my district.

It is my hope that such long-range financing, which in effect provides for the Federal Government to guarantee the Federal share for sewage treatment plant construction over the life of the bonds with proper bonuses going to the States to encourage them to provide State matching funds up to 25 percent or more, will be implemented in that I believe this partnership program approach is necessary; that is, local, State, and Federal, if stream pollution is to be eliminated and clean water preserved.

Of course, even this is just a start in that there are many other pollutors in addition to sewage treatment plants, including industrial, acid mine drainage, silt runoff, aquatic growth, and boat and ship spillage, including oil pollution. A united attack on all fronts is essential if future generations are to be assured of an adequate supply of clean water.

Pinellas County, Fla., occupies a peninsula which is formed by the western shores of Tampa and Old Tampa Bays and includes the offshore, barrier islands in the Gulf of Mexico, west of that peninsula. The rapid development of unincorporated areas in Pinellas County has persisted since the 1930's. As early as 1935 the county government, faced with the problem of providing safe, potable water to residents of the offshore islands and to other developing unincorporated areas, created the Pinellas County water system. Septic tanks and drainfields provided sewage treatment and disposal in most of these areas until, during the early 1950's, it became apparent that the population densities in many areas had reached, or were rapidly approaching the point, where septic tanks could not provide adequate protection for the public health.

Realizing that only positive action on their part could prevent the development of health hazards in the unincorporated urbanized areas, the board of county commissioners, after consulting with the Pinellas County Health Department, the Florida State Board of Health, and with officials of interested municipalities, authorized Briley, Wild & Associates, consulting engineers, to conduct an engineering study of sanitary sewerage requirements on a countywide basis. The study was authorized April 10, 1956, and a report presenting the results of the study and entitled "A Countywide Sanitary Sewerage Project for Pinellas County" was submitted to the county commission during the spring of 1957.

The 1957 report found only 11 municipal sewer systems in operation. These systems in conjunction with a few privately owned subdivision systems provided adequate sewerage service to less than 20 percent of the area of the county. The 1957 study, serving as a catalyst, has been expanded into a series of feasibility studies and other engineering work which have resulted in the formation of the following sanitary districts whose sewerage systems have been constructed and are in operation:

South Cross Bayou Sanitary District created March 19, 1960;

McKay Creek Sanitary District created November 8, 1960;

Boca Ciega Sanitary District created May 2, 1961;

Jungle Terrace Sanitary District created May 8, 1962; and

Bear Creek Sanitary District created July 24, 1962.

Numerous privately owned sewer systems within the sanitary districts have been acquired by the districts, their treatment plants have been phased out of service and their sewers integrated into the district systems. Other private systems, not within districts, have been acquired directly by the county and are being operated by the county pollution control department until such time as they can feasibly be integrated into the large area sewerage systems.

Capacity has been provided at the two large new county pollution control facilities for the treatment of sewage flows from adjacent municipalities. Another facility, which is in the planning stage, will also be designed in accordance with this policy of assisting the municipalities. Several municipalities are already delivering their sewage to the county for treatment and discussions are in progress with several others faced with the problem of either upgrading and rebuilding obsolete facilities or arranging for the county to receive and treat their wastes.

The board of county commissioners has placed the operation of all of the district and county systems under the control of a recently formed county pollution control department and has remained abreast of the ever continuing development with timely expansion and extension of the district sewerage systems.

Some of the early—pre-1960—subdivisions and all of the more recent ones which could not be served by existing sanitary districts were furnished with sanitary sewerage systems and small sewage treatment plants by the developers. As in the case of septic tanks, increasing development pressure resulted in proliferation of these small sewage plants until by 1967 there were 47 such privately owned small treatment systems and it became apparent that not only would the cost of inspecting these private systems, as would be required if adequate standards of operation were to be maintained, became excessive but, also, that the multiplicity of small plants could soon become completely unmanageable. Sanitary sewerage facilities had progressed to a point where the recommendations of the 1957 report and those of intervening studies based upon that report, required an intensive review—a review which would highlight the effects upon the county's sanitary sewerage requirements, of changing land use patterns, increasing development pressures and increasing emphasis on the need for a higher degree of sewage treatment prior to the disposal of effluent. The board of county commissioners on July 23, 1968, authorized an overall study and formulation of a master plan for sanitary sewerage systems. The plan and a plan report were submitted on March 31, 1969.

Many of the basic policy recommendations of the master plan are restatements or modifications of those contained in the 1957 and subsequent reports. The county commission has assumed responsibility for sanitary sewerage systems in the unincorporated areas of the county; is pursuing an alert policy for the timely acquisition of private systems and of consolidating these systems as warranted by development progress; and is prepared to assist some of the municipalities by providing treatment capacity at existing or planned, large, conveniently located, county pollution control facilities, thus permitting overloaded and inadequate private and municipal plants to be phased out. These activities are all in keeping with the recommendations of the master plan.

Timely action by the board of county commissioners has resulted in the expansion of sanitary sewers from the modest 20-percent area coverage found in the 1957 report to a point where sanitary

sewers are available in substantially all of the developed areas in the midcounty and south county areas and plans which are now being prepared will, within 5 years, extend coverage to all of the developed areas in the county.

POLLUTION OF THE MERRIMACK RIVER

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, I am presenting here for the consideration of my colleagues the last of a series of articles on a study of the Merrimack River Basin pollution problem by Lowell Sun reporter, Franz Scholz.

This final installment treats the problem in more technical terms; that is, that rivers are systems, and as such are susceptible to the new management techniques that have proved so successful in our aerospace and defense-related industries. It is written by Dr. Bela Fabuss, director of the Lowell Technological Institute Research Foundation and author of a study on a comprehensive modern management pollution control program which is the basis for the demonstration systems-approach project I have proposed to clean up the Merrimack River Basin.

Dr. Fabuss is highly qualified to speak on the problem. He joined Franz Scholz during the canoe trip on the Merrimack, and his commentary, which follows, is very much worth a careful reading:

Pollution of the Merrimack River

(By Bella M. Fabuss, of the Lowell Technological Institute Research Foundation)

Water and air are man's most fundamental resources. Our water crisis is at the present time more serious than the average American realizes and we must make everyone understand that this problem must become a high-priority matter on our agenda of unfinished business.

To insist upon clean water is meaningless until we decide how much cleanliness we want and are willing to pay for. Cleaning up is a program that will cost billions of dollars over the next ten years and each of us will pay his share of the expense—in additional city, state or federal taxes, higher water prices and higher prices for the products of industry.

Let us look first at the cost question. A recent report of the Federal Water Pollution Control Administration estimated that in the years 1969 to 1973, almost $15 billion must be spent on water treatment facilities or about $3 billion annually, which is more than 0.35 per cent of the gross national product. What do these figures mean in practical terms? In the year of this study (1968), the entire industry of the United States (from automobiles to meat products and from furniture to cigarettes) spent about 23 billion dollars for new plants and equipment. Compared to this figure, the water treatmet industry will spend more than 13 per cent for building new facilities. To put it even into simpler form, we will spend more on water treatment than we will spend on all washing machines, dryers, air conditioners, dehumidifiers, fans, and air heaters.

These numbers clearly show that water treatment is a most important problem. We must talk and think in terms of a large scale water treatment industry rather than about a small treatment plant to be built at the end of our sewer line. The water treatment and supply industry will shortly represent more than ten per cent of the U.S. industrial capacity and must be discussed in these terms.

PRINCIPLES OF TREATMENT

With the development of urban areas, it became necessary to provide drainage or sewer systems to carry the wastes away. Normally, the wastes were disposed of in the nearest watercourse. It soon became apparent that rivers and other water bodies could handle only a limited amount of waste without turning into open sewers. This led to the development of purification or treatment facilities in which chemists, biologists, and engineers have played an important role.

Natural water bodies can oxidize organic matter without the development of nuisance conditions, but the organic loading must be kept within limits of the oxygen resources in the water. This means that certain levels of dissolved oxygen must be maintained at all times, not only to provide oxygen for the removal of organic waste but also to preserve aquatic life. The removal of excess organic matter, that cannot be disposed of safely in the water, is performed in the wastewater treatment plant.

Figure 1 shows the operating scheme of a wastewater treatment plant.

This plant operates using the "activated sludge process." It was found that a light, flocky sludge full of living bacteria develops when air is blown into a sewage tank. In the presence of air, the bacteria consume most of the organic material in the sewage as food. When the mixing and bubbling of air is stopped, the contents of the tank separate into purified water and settled sludge. To carry out this operation in a continuous manner and for fast removal of the organics from the sewage, plenty of bacteria must be present. Therefore, a part of the settled sludge containing these bacteria is returned to the tank and mixed with the fresh sewage. The products of this process are purified water and sludge.

The figure shows the process carried out in a continuous manner. As currently practiced, the sewage entering from the interceptor sewer is screened and then passes into a large settling tank. This is called primary treatment, which removes 25 to 40% of the organic matter and 40 to 70% of the suspended solids. At the same time, primary treatment removes 25 to 75% of the bacteria from the sewage. The water purified by primary treatment is usually not clean enough and must be further treated. The water flows into the aeration basins together with the activated return sludge. These aeration basins are normally 10 to 30 feet wide and 100 to 400 feet long. Air is introduced into these basins and the aeration period is usually 4 to 8 hours. From the aeration basins, the material passes into a second settling tank in which the sludge settles. Part of the sludge is returned to the aeration basins, the excess is disposed. This part of the process is called secondary treatment, and can remove 95% of the organic matter, suspended solids, and bacteria. The final product water is usually chlorinated and is discharged into a river.

Primary treatment of all waste waters is a must and in most parts of the country, secondary treatment must be carried out to reduce waste loads. Even further treatment techniques, so-called tertiary treatment, must be applied in some critical locations.

THE MERRIMACK RIVER

A very important challenge in water pollution control is to define the real nature of pollution. Frequently, when an industrial plant asked a governing body to state the stream standards, the plant was told to define its own waste water and then the governing body would tell the plant whether its waste water was acceptable for discharge into the stream. The reasons for this game "if you don't tell me, I won't tell you" are that there are many unclear problems. For example, there is the question of the capacity of a stream to keep itself clean. The river can assimilate a limited amount of waste, but full use of the capacity would limit community and industry growth and prevent the improvement or further development of water recreation areas.

One of the best measures of river conditions is the dissolved oxygen content in the river. During the summer months, the river can dissolve about nine milligrams per liter oxygen. Five milligrams oxygen per liter are necessary for boating, fish habitat, and industrial water supply but are not enough for swimming or drinking. In the summers of 1964 and 1965, the dissolved oxygen was never over this value in the Merrimack on its entire length from New Hampshire to the ocean. The oxygen content was frequently less than two and even zero values were found on some occasions.

This all means that the Merrimack River is highly polluted and effective actions must be taken immediately.

CONCLUSIONS

Since we are considering the rapid development of one of the major industries in our country, we should apply all resources and know-how to reduce the cost and to increase the benefits.

Some 20 state, federal, and regional agencies are today dealing with water pollution and water resources, such as the Federal Water Pollution Control Administration, Army Corps of Engineers, Geological Survey, Federal Power Commission, Fish and Wildlife Service, and many others. They all have their tasks, viewpoints and plans. When will the Merrimack River be cleaned up?

Each city and town along the river is preparing its own plans for pollution abatement. A village of 500 people and a city of 100,000 are equally eligible for Federal and State funding. At the same time, the building cost is about $175 per capita in a community of 500 people and about $40 per capita in a city of 100,000 people. Which one to clean up first?

In the Rochester metropolitan area in New York State, there are 33 separate wastewater treatment plants serving 600,000 people. These plants are operated by villages, districts, and the city. The result is polluted waters, an impossible job for the regulatory agency, and a manpower nightmare in trying to operate and staff the facilities. The comprehensive plan just adopted calls for consolidation and coordination into three large facilities which can develop professional staffs and meet the objectives. Are we trying out the same round-about way?

When do we finally realize that carrying out such a tremendous task as cleaning up an entire river basin, which affects the lives and future of more than a million people in the Merrimack River area, calls for a modern systems approach utilizing all the techniques that have resulted in the high productivity, efficiency, and organization of our industrial complex?

AGRICULTURE APPROPRIATION BILL

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I take this time in order to advise Members that it is my understanding that the distinguished gentleman from Mississippi (Mr. WHITTEN), will seek unanimous consent tomorrow to send to conference the bill H.R. 11612, the Department of Agriculture and related agencies appropriation bill for fiscal year 1970.

XUM

REQUESTS FOR SPECIAL ORDERS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent that following legislative business and any special orders heretofore entered into the following Members may be permitted to address the House:

Mr. Albert, today, for 10 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Culver, today, for 10 minutes.

Mrs. Sullivan, today, for 15 minutes.

Mr. Conyers, today for 60 minutes.

Mr. McCarthy, October 9, for 60 minutes.

Mr. Hanna, on October 9, for 60 minutes.

Mr. Leggett, on October 14, for 60 minutes.

Mr. Ryan, on October 14, for 60 minutes.

Mr. Hungate, on October 14, for 60 minutes.

Mr. McCarthy, on October 14, for 60 minutes.

Mr. Ottinger, on October 14, for 60 minutes.

Mr. Koch, on October 14, for 60 minutes.

Mr. Waldie, on October 14, for 60 minutes.

Mrs. Chisholm, on October 14, for 60 minutes.

Mr. Moorhead, on October 14, for 60 minutes.

Mr. Tiernan, on October 14, for 60 minutes.

Mr. Kastenmeier, on October 14, for 45 minutes.

Mr. Fraser, on October 14, for 60 minutes.

Mr. Bingham, on October 14, for 60 minutes.

Mr. Helstoski, on October 14, for 60 minutes.

Mr. Scheuer, on October 14, for 60 minutes.

Mr. Brademas, on October 14, for 60 minutes.

Mr. Clay, on October 14, for 60 minutes.

Mrs. Green of Oregon, on October 14, for 60 minutes.

Mr. Vanik, on October 14, for 60 minutes.

Mr. Conyers, on October 14, for 60 minutes.

Mr. Stokes, on October 14, for 60 minutes.

Mr. Reuss, on October 14, for 60 minutes.

Mr. Sikes, on October 15, for 30 minutes.

Mr. Pucinski, on October 15, for 30 minutes.

The SPEAKER pro tempore. Is there objection to the several requests of the gentleman from Massachusetts?

Mr. HALL. Mr. Speaker, reserving the right to object, does not the sum total of reservations requested under unanimous consent total more than 24 hours on October 14?

The SPEAKER pro tempore. Would the gentleman from Massachusetts tell us the total amount of time requested?

Mr. HARRINGTON. I would be happy to do so.

The SPEAKER pro tempore. The Chair did not keep track of the total time requested.

Mr. HALL. The gentleman from Missouri could hardly be expected to keep track of that.

Mr. HARRINGTON. Mr. Speaker, the total time requested on October 14 is 21 hours and 45 minutes.

Mr. HALL. Mr. Speaker, further reserving the right to object, would the distinguished majority leader tell us whether other regular business is expected on that day to extend more than 3 hours, which would total the 24?

Mr. ALBERT. It is entirely possible, I would say to the gentleman. We have just agreed tentatively with the gentleman from Arizona (Mr. Udall) to program the Federal pay bill on Tuesday.

The SPEAKER pro tempore. The Chair will note that there already have been four or five special orders granted for October 14.

Mr. HALL. Mr. Speaker, without reference to individuals and without any lack of comity for our colleagues, and with full realization of their right to have special orders, but in utter lack of feasibility, and in view of the work of the House on that day, I will be constrained to object unless some of those orders are withdrawn so that we can have a normal working day and then those who wish to stay for the remainder of the 16 or 24 hours may do so.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I will say to the gentleman from Missouri, it is my understanding the rules of the House will not permit special orders following legislative business of one day to encroach on the legislative business of the following day, so that, in effect, if special orders should be requested by a sufficient number of Members to run through the night, they could not in any case encroach on the legislative business of the following day.

Mr. HALL. Mr. Speaker, as the gentleman from Indiana well knows, I am thoroughly familiar with the rules of the House. I would certainly confirm the gentleman's statement. But that is not the point involved here. The point involved here is asking unanimous consent to do something that is utterly impossible, without question and without reference to any one individual, so I repeat, I will be constrained to object unless some of those named are withdrawn.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would imagine the large number of requests for special orders on the 14th is because many of those Members will not be here on the 15th. They will be out there holding candles on Moratorium Day.

I would like to tell my colleague that some of us have taken special orders for the 15th to discuss the alternatives to the problem of Vietnam, alternatives that might be a little more meaningful than what some people plan around the country for the 15th.

Mr. HALL. Mr. Speaker, all power to the gentleman from Illinois and his colleagues who have developed adverse colloquy—perhaps that is a good term—on the 15th, but I would be just as firm in my objection to lining up impossible hours, more hours than there are in the day, for the one side as I would for the other side. I want that clearly understood.

Mr. JACOBS. Mr. Speaker, will the gentleman yield further?

Mr. HALL. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I wonder if the gentleman from Missouri recalls the day last year when it occurred that we went all night long on the question of making an exception to the television rules and regulations in order that a television debate might take place on the presidential campaign.

Mr. HALL. Mr. Speaker, again I will tell the young man I have been responsible for prolonging the sessions of Congress myself in the days before the gentleman was a Member, and most of the Members know that. I am fully aware of all the tricks and rules and procedures of the House, and all the latitude that is allowed, as well as the protection the minority Members are given, but I think the gentleman's other question is not apropos.

The SPEAKER pro tempore. Is there objection to the unanimous-consent requests?

Mr. HALL. Mr. Speaker, further reserving the right to object.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I will simply say to the gentleman I recall once when Speaker Rayburn was in the chair and a Member objected to a unanimous-consent request for a special order, and the Chair observed that such an objection could become contagious. Therefore, the gentleman from Indiana would have to be constrained to recall the objection to the legitimate right or the privilege that is traditional in this House to request special orders and take that into consideration when others are requested in the future.

It could be catching.

Mr. HALL. Mr. Speaker, I appreciate the admonition from the gentleman, which he obviously drags up from history since the good former Speaker had long since been dead before the gentleman came here.

Mr. JACOBS. Mr. Speaker, I happened to be present on that occasion.

Mr. HALL. Be that as it may, I object to any over the first 12 hours of special orders that were written for the 14th, and if the request should be amended to include only those for the first 12 hours, I shall be glad to withhold the objection.

The SPEAKER pro tempore. Objection is heard.

Are there further requests from the gentleman from Massachusetts?

Mr. ALBERT. Mr. Speaker, in view of the fact that there has been objection and that some of the special orders will be necessarily stricken and Members who are not here now are involved, I would request the gentleman from Massachusetts not to make the request tonight, in order that it might be made tomorrow when those concerned are present.

NIXON'S POLICY OF GENEROUS UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. Albert) is recognized for 10 minutes.

Mr. ALBERT. Mr. Speaker, the administration, through some kind of double-think thought process only it understands, is now attempting to convince the Nation that economic progress in the United States is directly equated to the rate at which unemployment increases. If we are to accept the administration line, we should all rejoice in the knowledge that joblessness in the country rose from 3.5 to 4 percent from August to September. Our faith in the administration's ability to guide our economy, according to utterances from the White House, should be reinforced by the fact that there are nearly 3 million persons out of work and if our luck holds the figure may nearly double by this time next year. The goal seems to be to return to the employment levels that existed during the last Eisenhower administration when joblessness was climbing toward 7 percent.

Evidence of the administration's new policy is contained in the remarks of White Hosue spokesmen following announcement of the latest increase in joblessness.

Assistant Treasury Secretary Murray Weidenbaum, a key economic policymaker in the Government, was inspired to say that "we may be turning from an overheated, overemployed condition to more sustainable levels." There is no indication of what, in Mr. Weidenbaum's view, these levels might be. But there is every indication that Mr. Weidenbaum has absolutely no commitment to a full employment economy, witnessed by a further observation that no change in policies were contemplated.

Presidential Press Secretary Ronald Ziegler allowed as how he did not think anybody was happy about the unemployment rate but he added that the increase in unemployment seems to be consistent with other evidence that the economy is beginning to cool. A fair translation of that remark means that increased unemployment is consistent with the administration's efforts to combat inflation. "There is a movement toward the beginning of a trend," Mr. Ziegler is quoted as saying.

Indeed, Mr. Speaker, there is evidence of the trend established by administration policies. Since the beginning of the year, some 350,000 people have been "trended" out of their jobs, and the increase in available jobs has dropped from 250,000 a month to 100,000 a month. Any more of this administration policy and the trend we are on will lead us right into the middle of a recession, at which point the cautious Mr. Ziegler will probably observe that the economy seems to have cooled off quite a bit.

Mr. Speaker, the economic policies of this administration are placing an intolerable burden on the people of this Nation, particularly on our low- and moderate-income families. High interest-tight money conditions have virtually excluded all those with incomes of less than $15,000 a year from homeownership, which is another way of saying that only those in the higher income brackets deserve the privilege of buying a home of their own.

Mr. Speaker, I call on the Nixon administration to reverse its economic policies which seems to be leading this Nation down the path to disaster.

CULVER SPONSORS COALITION FARM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Culver) is recognized for 10 minutes.

Mr. CULVER. Mr. Speaker, I have introduced, with the gentleman from Texas (Mr. Purcell), a companion measure to the coalition farm bill, which has been drafted with the cooperation of 22 national farm and commodity organizations.

As a representative of one of the major farm producing States in the Nation, ranking second in terms of annual farm sales, I have long been concerned about the apparently competing voices we hear in Congress from national organizations representing various segments of our agricultural economy.

This is one of the reasons why I take Congressmen from eastern urban areas to visit farms in my congressional district, to see the common problems Iowa and American farmers do face, and to emphasize the importance of sound agricultural legislation for our entire interdependent economy.

However, if we ever hope to gain the majority support of the House of Representatives, where the farm bloc has declined to less than 50 seats, then the national organizations must begin pulling together, or they will pull the farmer apart.

That is why this farm bill is so significant, because it represents an historic coalition of 22 separate groups:

The National Farmers Organization.

The National Farmers Union.

The National Grange.

The National Corn Growers Association.

The National Association of Wheat Growers.

The Midcontinent Farmers Association.

The United Grain Farmers of America.

The National Milk Producers Federation.

The Pure Milk Products Cooperative.

The North Carolina Peanut Growers Association.

The National Rice Growers Association.

The National Potato Council.

The Virginia Council of Farmer Co-ops.

The Farmers Cooperative Council of North Carolina.

The Grain Sorghum Producers Association.

The Western Cotton Growers Association.

The National Wool Growers Association.

The Soybean Growers of America, Inc.

The Virginia Peanut Growers Association.

The Peanut Growers Cooperative Marketing Association.

The American Rice Growers Co-op Association.

The Webster County Farmers Organization.

The coalition bill is a package approach to the problems of balancing supply and demand and improving farm prices, through permanent extension of the commodity programs authorized by the 1965 Food and Agriculture Act, with improvements where the coalition feels they are necessary, based on experience since enactment of that legislation.

In addition, it assumes responsibility for hunger and malnutrition in America through a provision directed toward an adequate national food stamp program.

Mr. Speaker, our present farm program expires at the end of the 1970 crop year. To plan efficiently, farmers need some assurance now of the kind of program that will be available beyond that date.

There may be some question about certain provisions of this bill, and other proposals which should be heard as well, before the Congress finally acts on any one piece of legislation. However, this coalition bill represents the most concerted voice of the American farmer which has ever been heard in the Halls of Congress, and deserves the closest consideration by the committee and the full House as such.

I include at this point in the Record a statement by the coalition on the measure, as well as the text of the bill itself:

STATEMENT BY COALITION OF SPONSORING FARM ORGANIZATION

Unity exists between general farm organizations and major commodity groups. Farm commodities—each with its own growing cycle and market system—are closely related. The resources and productive capacity of the nation's agriculture are essential to the security of the nation and the well-being of its people. Farm income must be maintained and improved in order to protect the social and economic structure of America.

Permanent extension of the 1965 Food and Agriculture Act is the first step in improving it. We must not be forced to return again and again to pass legislation already approved by Congress. Our purpose must be to improve it. Some improvements cannot wait, and we are proposing them this year.

We reject a massive cropland retirement program as a substitute for existing commodity programs. Programs must be tailored to fit individual commodities. Cropland adjustment should work in combination with commodity programs. The cotton, rice and wool programs must be continued.

We have presented our views to Secretary of Agriculture Hardin. In addition to permanent extension of the 1965 Act, we urged the following improvements:

Establishment of Consumer Protection Reserves of wheat, feed grains, soybeans, and cotton. Consumers must be assured of stable supplies, despite crop failures. Reserves will make supply-management workable by removing the threat of shortages. Production can be planned more accurately to fit market needs.

Export certificates for wheat comparable to domestic wheat certificates.

XUM

Increase in direct payments and price support loans for corn, and equivalent increases in other feed grains.

Soybean program to permit the Secretary of Agriculture to call for acreage reductions, and make diverted acreage payments.

We urge the following improvements: amendments to the Agricultural Marketing Agreement Act to provide for improvements to the Class I Base Plan and to provide for authority for advertising, research, and promotion for milk and dairy products.

Another amendment to the Agricultural Marketing Agreement Act to extend the provisions of the Act to all agricultural commodities when and if farmers want them.

A fully adequate food stamp program to effectively combat hunger and malnutrition in the nation with removal of the present limitation on expenditures.

H.R. 14206

A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Stabilization Act of 1969".

TITLE I—DAIRY: CLASS I BASE PLAN

Sec. 101. (a) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by striking in subparagraph (B) of subsection 8c(5) all that part of said subparagraph (B) which follows the comma at the end of clause (c) and inserting in lieu thereof the following: "(d) a further adjustment, equitably to apportion the total value of the milk purchased by any handler, or by all handlers, among producers and associations of producers on the basis of their marketing of milk during a representative period of time, which need not be limited to one year, and further adjustments to provide for the accumulation and disbursement of a fund to encourage seasonal adjustments in the production of milk, and (e) a further adjustment, equitably to apportion the total value of the milk purchased by any handler, or by all handlers, among producers and associations of producers, on the basis of their marketing of milk during a representative period of time, which need not be limited to one year and which may be either a fixed period of one or more years, or a moving average of one or more years, as provided in the order, and which may be adjusted, and readjusted from time to time, to reflect the utilization of producer milk by any handler or by all handlers in any use classification or classifications. In the event a producer holding a base allocated under this clause (e) shall reduce his marketings, such reduction shall not adversely affect his history of production and marketing for the determination of future bases, or future adjustment of bases, except that an order may provide that, if a producer reduces his marketing below his base allocation in any one or more use classifications designated in the order, the amount of any such reduction shall be taken into account in determining future bases or future adjustments of bases. Bases allocated to producers under this clause (e) may be transferable under an order on such terms and conditions as may be prescribed in the order if the Secretary of Agriculture determines, in connection with such order, that transferability will be in the best interest of the public, existing producers, and prospective new producers. Provision shall be made in the order for the allocation of bases under this clause (e) to new producers and for the alleviation of hardship and inequity among producers, and prescribing terms and conditions under which new producers may obtain bases on an equitable basis with old producers. Producers holding bases so allocated or obtained shall thereafter participate pro rata in the market in the same manner as other producers. In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision may be made for reducing the allocation of, or payments to be received by, any such producer under this clause (e) to compensate for any marketings of milk to such other persons for such period or periods as necessary to insure equitable participation in marketings among all producers. Notwithstanding the provisions of sections 8c(12) and the last sentence of section 8c(19) of this Act, order provisions under this clause (e) shall not be effective in any marketing order unless separately approved by producers in a referendum in which each individual producer shall have one vote and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subparagraph 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or other terms of the order."

(b) Such Act is further amended (1) by adding to subsection 8c(5) the following new paragraph:

"(H) Marketing orders applicable to milk and its products may be limited in application to milk used for manufacturing."; and (2) by amending subsection 8c(18) by adding after the words "marketing area" wherever they occur the words "or, in the case of orders applying only to manufacturing milk, the production area."

(c) The legal status of producer handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendments made by this Act as it was prior thereto.

(d) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provisions may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as require under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be determined separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

(e) The first sentence of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), is amended by striking the words "milk, butterfat, and the products of milk and butterfat" and inserting in lieu thereof the words "and milk". Paragraph (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(c)), is amended to read as follows:

"(c) The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk."

The amendments made by this subsection shall become effective for the marketing year beginning April 1, 1970.

TITLE II—WOOL

Sec. 201. Section 703 of the National Wool Act of 1954 (7 U.S.C. 1782) is amended by striking out the second sentence thereof.

TITLE III—CORN AND FEED GRAINS

Sec. 301. (a) Section 105(a) of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(a) Notwithstanding the provisions of section 101 of this Act, beginning with the 1969 crop, price support shall be made available to producers for each crop of corn at a national average rate of not less than 90 per centum of the parity price therefor, including any payment, with a loan rate of not less than $1.15 per bushel."

(b) Section 105(e) of such Act is amended by striking out "the 1966 through 1970 crops" each time it appears and inserting in lieu thereof "the 1966 and subsequent crops".

(c) The seventh sentence of section 105(e) of such Act is amended by striking out "may" and inserting in lieu thereof "shall".

(d) Section 105(e) of such Act is further amended by inserting after the fourth sentence thereof a new sentence as follows: "In no event shall the farm projected yield for any crop of feed grains for any year be reduced by more than 5 per centum below what it was for the immediately preceding crop if the actual yield from such farm was reduced as the result of drought, flood, or other natural disaster."

Sec. 302. The first sentence of paragraph (1) of section 16(i) of the Soil Conservation and Domestic Allotment Act, as amended, is amended by striking out "the 1966 through 1970 crops" and inserting in lieu thereof "the 1966 and subsequent crops".

TITLE IV—COTTON

Sec. 401. (a) The proviso at the end of section 344a(a) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows: *"Provided,* That the authority granted under this section may be exercised beginning with the calendar year 1966, and all transfers hereunder shall be for such period of years as the parties thereto may agree".

(b) The first sentence of section 346(e) of such Act is amended by striking out "through 1970" and inserting in lieu thereof "and subsequent".

(c) The first sentence of section 350 of such Act is amended by striking out "through 1970" and inserting in lieu thereof "and subsequent".

Sec. 402. Paragraph (1) of section 103(d) of the Agricultural Act of 1949, as amended, is amended by striking out "through 1970" and inserting in lieu thereof "and subsequent".

Sec. 403. Section 402(d) of the Food and Agricultural Act of 1965, as amended, is amended to read as follows:

"(b) Section 408(b) of the Agricultural Act of 1949, as amended, is amended, effective beginning with the 1966 crop, by changing the period at the end of the first sentence thereof to a colon and adding the following: '*Provided*, That for upland cotton a cooperator shall be a producer on whose farm the acreage planted to such cotton does not exceed the cooperator percentage, which shall be in the case of the 1966 crop, 87.5 per centum of such farm acreage allotment and, in the case of each subsequent crop, such percentage, not less than 87.5 or more than 100 per centum, of such farm acreage allotment as the Secretary may specify for such crops, except that in the case of small farms (that is farms on which the acreage allotment is ten acres or less, or on which the projected farm yield times the acreage allotment is three thousand six hundred pounds, or less, and the acreage allotment has not been reduced under section 344(m) the acreage of cotton on the farm shall not be required to be reduced below the farm acreage allotment.' "

TITLE V—WHEAT

Sec. 501. (a) Section 506 of the Food and Agriculture Act of 1965 is amended by striking out the language preceding the colon and inserting in lieu thereof the following: "Section 107 of the Agricultural Act of 1949, as amended, is amended to read as follows".

(b) Section 107 of the Agricultural Act of 1949, as amended by section 506 of the Food and Agriculture Act of 1965, is amended—

(1) by striking out that portion which precedes paragraph (3) and inserting in lieu thereof the following:

"Sec. 107. Notwithstanding the provisions of section 101 of this Act, beginning with the 1969 crop—

"(1)(A) Price support for wheat accompanied by domestic wheat certificates shall be at 100 per centum of the parity price therefor; and (B) price support for wheat accompanied by export certificates shall be at such level not more than 90 per centum or less than 65 per centum of the parity therefor as the Secretary determines appropriate taking into consideration the factors specified in section 401(b).

"(2) Price support for wheat not accompanied by marketing certificates shall be not less than $1.25 per bushel after subtracting national average storage and interest costs, as determined by the Secretary, in cases where wheat is placed under Government loan."

(2) by adding at the end of such section a new paragraph as follows:

"(5) For any crop of wheat harvested during the calendar year 1969 and any subsequent calendar year, the Secretary shall provide, in the case of each farm, for the payment of a special export wheat payment of 65 cents per bushel on a number of bushels determined by multiplying not less than 40 per centum of the number of acres in the farm acreage allotment for wheat by the projected farm yield (as defined in section 301(b)(13)(K) of the Agricultural Adjustment Act of 1938, as amended). Export payments under this paragraph shall be in addition to any price support payments otherwise provided and shall be available only to cooperators."

Sec. 502. The Agricultural Adjustment Act of 1938, as amended, is amended as follows:

(1) Paragraph 13(K) of section 301(b) is amended by striking out the period and inserting in lieu thereof a comma and the following: "and in no event shall the projected farm yield for any crop of wheat for any farm be reduced by more than 5 per centum below what it was for the immediately preceding crop if the actual yield from such farm was reduced as the result of drought, flood, or other natural disaster".

(2) Subsection (d) of section 332 is amended by striking out "in the calendar years 1966 through 1969" and inserting in lieu thereof "in the 1966 and subsequent crop years".

(3) The first sentence of section 339(b) is amended by striking out "in the calendar years 1964 through 1970" and inserting in lieu thereof "in the 1966 and subsequent calendar years".

(4) Section 379b, as amended by section 502 of the Food and Agriculture Act of 1965, is amended by striking out "in the calendar years 1966 through 1969" in the first sentence, and inserting in lieu thereof "in 1966 and subsequent calendar years".

(5) Section 379c(e) of such Act is further amended by adding at the end thereof a new sentence as follows: "A producer shall be entitled, under such rules and regulations as may be prescribed by the Secretary, to receive, at the time he agrees to participate in the wheat marketing allocation program, an amount in cash equal to not less than 50 per centum of the face value of the domestic and export marketing certificates to be issued to him."

(6) The last sentence of section 379e is amended by striking out "for the marketing years for 1966 through the 1970 wheat crops" and inserting in lieu thereof "for the 1966 and subsequent marketing years for wheat".

Sec. 503. The Agricultural Act of 1964 is amended as follows:

(1) Amendment (7) of section 202 is amended by striking out "effective only with respect to the crops planted for harvest in 1965 through 1970" and inserting in lieu thereof "effective beginning with the crop planted for harvest in calendar year 1965".

(2) Amendment (13) of section 202 is amended by striking out "effective only with respect to the crop planted for harvest in the calendar years 1965 through 1970" and inserting in lieu thereof "effective beginning with the crop planted for harvest in calendar year 1965".

(3) Section 204 is amended by striking out "effective only with respect to the marketing years beginning in the calendar years 1964 through 1969" and inserting in lieu thereof "effective beginning with the marketing year which begins in the calendar year 1964".

Sec. 504. Section 502 of the Food and Agriculture Act of 1965 is amended by striking out the language preceding the colon and inserting in lieu thereof the following: "Section 279b is amended to read as follows".

TITLE VI—SOYBEANS AND FLAXSEED

Sec. 601. The Agricultural Act of 1949, as amended, is amended by adding at the end of title I a new section as follows:

"PRICE SUPPORT FOR SOYBEANS AND FLAXSEED

"Sec. 108. (a) Notwithstanding any other provisions of law, beginning with the 1969 crop, price support shall be made available to producers for each crop of soybeans and flaxseed at such level of the parity price therefor as the Secretary determines is fair and reasonable taking into consideration such factors as he deems appropriate, including those in section 401(b) of this Act. Notwithstanding the preceding sentence, in the case of any crop for which an acreage diversion program is in effect for soybeans and flaxseed, the level of price support for such commodities for such crop shall be at such level not less than 75 per centum of the parity price therefor as the Secretary determines necessary to achieve the acreage reduction goal established by him for such crop.

"(b) The Secretary shall require, as a condition of eligibility for price support on any crop of soybeans and flaxseed which is included in any acreage diversion program formulated under section 16(j) of the Soil Conservation and Domestic Allotment Act, as amended, that the producer shall participate in the diversion program to the extent prescribed by the Secretary, and if no diversion program is in effect for any crop, he may require as a condition of eligibility for price support on such crop of soybeans and flaxseed that the producer shall not exceed his soybean-flaxseed base. Any acreage on any farm which is diverted from the production of soybeans or flaxseed pursuant to a contract entered into after the date of enactment of this section under the cropland adjustment program shall be deemed to be acreage diverted from the production of soybeans and flaxseed for purposes of meeting the foregoing requirements for eligibility for price support.

"(c) Such portion of the support price for soybeans and flaxseed acreage included in the acreage diversion program as the Secretary determines desirable to assure that the benefits of the price-support and diversion programs inure primarily to those producers who cooperate in reducing their acreage of soybeans and flaxseed shall be made available to producers through payments-in-kind of feed grains. Such payments-in-kind shall be made available on the maximum permitted acreage, or the Secretary may make the same total amount available on a smaller acreage or acreages at a higher rate or rates. The amount of the payment-in-kind in feed grains shall be determined by the Secretary, taking into consideration the feeding value of soybeans and flaxseed meal in relation to feed grains, the yield per acre, the equivalent dollar value of soybeans and flaxseed, as compared with feed grains, and such as other factors as the Secretary deems necessary to arrive at a fair and equitable payment. For purposes of such payments, producers on any farm who have planted not less than 90 per centum of the acreage of soybeans and flaxseed permitted to be planted shall be deemed to have planted the entire acreage permitted.

"(d) An acreage on the farm which the Secretary finds was not planted to soybeans or flaxseed because of drought, flood, or other natural disaster shall be deemed to be an actual acreage of such commodities planted for harvest for purposes of such payments provided such acreage is not subsequently planted to any other crop for which there are marketing quotas or voluntary adjustment programs in effect.

"(e) The Secretary shall make not to exceed 50 per centum of any payments hereunder to producers in advance of determination of performance.

"(f) Payments-in-kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains (such feed grains to be valued by the Secretary at not less than the current support price made available through loans and purchases, plus reasonable carrying charges) in accordance with regulations prescribed by the Secretary and notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. The Secretary shall provide for the sharing of such certificates among producers on the farm on the basis of their respective shares in the soybean and flaxseed crop produced on the farm, or the proceeds therefrom, except that in any case in which the Secretary determines that such basis would not be fair and equitable, the Secretary shall provide for such sharing on such other basis as he may determine to be fair and equitable.

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"(g) If the operator of the farm elects to participate in the acreage diversion program, price support for soybeans and flaxseed included in the program shall be made available to the producers on such farm only if such producers divert from the production of such commodities, in accordance with the provisions of such program, an acreage on the farm equal to the number of acres which such operator agrees to divert, and the agreement shall so provide, In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section preclude the making of payments-in-kind, the Secretary may, nevertheless, make such payments-in-kind in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(h) The Secretary is authorized to use the capital funds and other assets of the Commodity Credit Corporation for the purpose of making payments under this section and to pay the administrative expenses necessary for carrying out this section."

Sec. 602. Section 16 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding at the end thereof a new subsection as follows:

"ACREAGE DIVERSION PROGRAM FOR SOYBEANS AND FLAXSEED

"(j) Notwithstanding any other provision of law—

"(1) Whenever the Secretary determines that the total combined stocks of soybeans and flaxseed of the Commodity Credit Corporation (including such stocks under Government loan) as of August 31 of any year (A) exceed one hundred and fifty million bushels (including the bushel equivalent of any soybean and flaxseed meal and oil held by the Corporation), or (B) exceed by 15 per centum or more the number of bushels or such commodities utilized (domestic and export) in the immediately preceding years, he shall formulate and carry out during the next crop year an acreage division program for soybeans and flaxseed, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments shall be made to producers who divert acreage from the production of soybeans and flaxseed to an approved conservation use and increase their average acreage of cropland devoted in 1967 and 1968 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount. Payments shall be made at such rate or rates as the Secretary determines will provide producers with a fair and reasonable return for the acreage diverted, but not in excess of 50 per centum of the estimated basic county support rate, including the lowest rate of payment-in-kind, on the normal production of the acreage diverted from the commodity on the farm based on the farm projected yield per acre. Notwithstanding the foregoing provisions, the Secretary may permit all or any part of such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, and plantago ovato, if he determines that such production of the commodity is needed to provide an adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which otherwise would be applicable if such acreage were devoted to conservation uses. Such soybean-flaxseed diversion program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for participation in the program shall be such acreage (not to exceed 50 per centum of the average acreage on the farm devoted to soybeans and flaxseed in the crop years 1967 and 1968 or twenty-five acres, whichever is greater) as the Secretary determines necessary to achieve the acreage reduction goal for the crop. Payments may be in kind from feed grain stocks in accordance with such rules and regulations as the Secretary may prescribe. In determining the amount of the payment-in-kind in feed grains to be made to any producer the Secretary shall consider the feeding value of soybeans and flaxseed meal in relation to feed grains, the yield per acre, the equivalent dollar value of soybeans and flaxseed as compared with feed grains, and such other factors as he deems necessary to arrive at a fair and reasonable payment. The Secretary may make such adjustments in acreage as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. Notwithstanding any other provision of this paragraph, the Secretary may, upon unanimous request of the State committee established pursuant to section 8(b) of this Act, adjust the soybean-flaxseed bases for farms within any State or county to the extent he determines such adjustment to be necessary in order to establish fair and equitable soybean-flaxseed bases for farms within such State or county. The Secretary shall make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

"(2) Notwithstanding any other provision of this subsection, not to exceed 1 per centum of the estimated total soybean-flaxseed bases for all farms in a State for any year may be reserved from the soybean-flaxseed bases established for farms in the State for apportionment to farms on which there were no acreages devoted to soybeans or flaxseed in the crop years 1968 and 1969 on the basis of the following factors: Suitability of the land for the production of soybeans or flaxseed, the past experience of the farm operator in the production of soybeans or flaxseed, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of soybeans or flaxseed on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable soybean-flaxseed bases. An acreage equal to the soybean-flaxseed base so established for each farm shall be deemed to have been devoted to soybeans and flaxseed on the farm in each of the crop years 1968 and 1969 for purposes of this subsection except that producers on such farm shall not be eligible for conservation payments for the first year for which the soybean-flaxseed base is established.

"(3) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this section.

"(4) The Secretary shall provide by regulations for the sharing of payments under this subseotion among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

"(5) Payments in kind of feed grains shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains in accordance with regulations prescribed by the Secretary and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. Feed grains with which Commodity Credit Corporation redeems certificates pursuant to this paragraph shall be valued at not less than the current support price made available through loans and purchases, plus reasonable carrying charges.

"(6) Notwithstanding any other provision of law, the Secretary may, by mutual agreement with the producer, terminate or modify any agreement previously entered into pursuant to this subsection if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of soybeans or flaxseed."

TITLE VII—CONSUMER PROTECTION RESERVE

Sec. 701. It is the policy of the Congress to establish and maintain reserves of storable agricultural commodities adequate to meet any foreseeable food and fiber shortage which might arise in the Nation as a consequence of any natural disaster, adverse food production conditions for one or more years, military actions, or other causes and to assist other nations of the world in any food or fiber emergency. It is further the policy of Congress to establish such reserves in years of surplus production and to maintain them to the maximum extent practicable in the control of procedures, to assure their segregation from the commercial market so that existence of the reserves will not adversely affect the level of market prices.

Sec. 702. Whenever, during any marketing year the uncommitted stocks of wheat, feed grains, soybeans or cotton owned by the Commodity Credit Corporation fall below the reserve level for such commodity specified below, the Commodity Credit Corporation may purchase at prevailing market prices such quantities of the commodity at such times and places as will effect the orderly establishment and maintenance of the Commodity Credit Corporation's stocks of the commodity at such reserve level. The reserve level of the commodity under this section for any marketing year shall be:

For wheat	bushels	200,000,000
For feed grains	tons	15,000,000
For soybeans	bushels	35,000,000
For cotton	bales	3,000,000

In any marketing year for any crop for which the Secretary determines that the estimated production from such crop will exceed estimated domestic consumption and exports during such marketing year by more than 10 per centum, the reserve level under this section shall be increased by one hundred million bushels for wheat, seven and five-tenths million tons for feed grains, fifteen million bushels for soybeans, and one million bales for cotton.

Sec. 703. (a) In order to assure that the Commodity Credit Corporation reserve stocks of wheat, feed grains, soybeans, and cotton will be insulated from the market, whenever the Commodity Credit Corporation's stocks of any such commodity are below the level specified for such commodity in the schedule prescribed in subsection (b) of this section, the Commodity Credit Corporation, notwithstanding the provisions of any other law, shall not sell for unrestricted domestic use or value for redemption of payment-in-kind certificates such commodity at less than the price specified in such schedule.

(b) The following stock levels and prices shall apply with respect to the Commodity Credit Corporation:

(1) For wheat, when the Commodity Credit Corporation's uncommitted stocks are not more than two hundred million bushels, the minimum price shall be 100 per centum of the current parity price, adjusted for class, grade, and location, less than current cost of the marketing certificate charged to processors.

(2) For feed grains, when the Commodity Credit Corporation's uncommited stocks are not more than fifteen million tons, the minimum price shall be 100 per centum of the current parity price, adjusted for class, grade, and location, less the current price support payment rate with respect to the maximum permitted acreage for the feed grain.

(3) For soybeans, when the Commodity Credit Corporation's uncommitted stocks are not more than thirty-five million bushels, the minimum price shall be 100 per centum of the current parity price, adjusted for class, grade, and location.

(4) For cotton, when the Commodity Credit Corporation's uncommitted stocks are not more than three million bales, the minimum price shall be 100 per centum of the current parity price, adjusted for class, grade, and location.

Sec. 704. Notwithstanding any other provision of this or any other Act, for the purpose of efficient management of the reserve stocks, including rotation thereof, Commodity Credit Corporation may sell any commodity in its reserve at the domestic market price, but any such sale shall be offset by a prompt purchase of a substantially equivalent quantity of such commodity at the domestic market price.

Sec. 705. (a) The Secretary shall make available a program for extending the maturity dates of price support loans for any crop of wheat, feed grains, soybeans, or cotton if he determines that the estimated production from such crop will exceed estimated domestic consumption and exports during the marketing year for such crop. The Secretary shall estimate the production from each crop and the domestic consumption and exports for the marketing year for such crop within thirty days after the beginning of such marketing year and at any subsequent time during the marketing year when he finds that changed circumstances require a new estimate. If in any marketing year when the Secretary has made such a determination, extended loans on wheat, feed grains, soybeans or cotton of any crop are called and the quantity of the commodity under such extended loans is not substantially offset by the quantity placed under the extended loan program from the current crop, the Commodity Credit Corporation shall purchase such additional quantity of the commodity at the prices specified in section 602 of this title as will substantially offset the quantity of the commodity under extended loans which are called.

(b) The Secretary shall make extended loan programs available under subsection (a) or otherwise and exercise the right to call extended loans in a manner which will enable producers to maintain at the end of each marketing year carryover stocks under such programs of approximately one hundred and fifty million bushels of wheat, seven and five-tenths million tons of feed grains, and twenty million bushels of soybeans. In the case of any marketing year for any crop for which the Secretary determines that the estimated production will exceed domestic consumption and exports during such marketing year by more than 10 per centum, the Secretary may conduct the program in a manner which will enable producers to maintain the end of such marketing year carryover stocks of up to two hundred million bushels of wheat, fifteen million tons of feed grains, and thirty-five million bushels of soybeans.

(c) The Secretary shall offer to enter into agreements with producers under which the producers shall agree to keep such commodity in storage under his control for periods of not to exceed three years, and the Secretary shall agree not to call the loans in such cases unless the prevailing marketing price for the commodity has reached the level at which the Commodity Credit Corporation may sell such commodity for unrestricted domestic use under the pricing schedule provided in section 603 of this title and the Secretary determines that the commodity is needed to meet a shortage which has arisen as a consequence of a natural disaster, adverse food or fiber production conditions for one or more years, military actions, or other causes. Notwithstanding the foregoing restrictions, the Secretary may call the loans in the cast of commodities which have substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage or for the purpose of establishing claims arising out of contract or against persons who have committed fraud, misrepresentation, or other wrongful acts with respect to the commodity. The Secretary is authorized to provide incentives necessary to encourage farmers to store under such agreements approximately one hundred and fifty million bushels of wheat, seven and five-tenths million tons of feed grains, and twenty million bushels of soybeans. To the extent that the quantity of any commodity stored by producers under this subsection falls below such level, the Commodity Credit Corporation may purchase an additional quantity of the commodity to offset the deficiency.

TITLE VIII—MARKETING ORDERS

Sec. 801. The Agricultural Adjustment Act of 1933 as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(1) Section 8c(2) is amended by inserting after the third sentence ending with the words "Southwest production area." the following: "Notwithstanding any of the commodity, product, area, or approval exceptions or limitations in the foregoing sentences hereof, any agricultural commodity or product thereof, or any regional or market classification thereof, shall be eligible for an order, exempt from any special approval required by the preceding sentences hereof, if after referendum of the affected producers of such commodity the Secretary finds that a majority of such producers voting in such referendum favor making such commodity or product thereof or the regional or market classification thereof specified in the referendum, eligible for an order: *Provided, however,* That such referendum shall not be required for any commodity or product for which an order otherwise is authorized under the preceding sentences of this subsection (2) and for which no special approval or area limitation is specified therein."

(2) Sections 8(c)(6) (A), (B), (C), (D), and (E) are amended by inserting ", species or other classification" after the words "grade, size, or quality" wherever the latter words appear.

(3) Section 8c(6), as amended, is further amended by adding the following at the end thereof:

"(J) With respect to orders providing for minimum prices on a classified use basis (i) providing for the payment to all producers or associations of producers of uniform minimum prices for the commodity or product marketed by them (within their allotments, if any), irrespective of the use or disposition thereof, subject, however, to adjustments specified by the order, including but not limited to adjustments for place of production or delivery, grade, condition, size, weight, quality, or maturity, or any other adjustments found to be appropriate to provide equity among producers, and (ii) providing a method for making adjustments in payments as among handlers (including producers who are also handlers), to the end that the total sums paid by each handler shall equal the value of the commodity or product purchased or acquired by him at the classified use minimum prices fixed pursuant to such order."

(4) Section 8c(6), as amended, is further amended by adding the following at the end thereof:

"(K) Notwithstanding any other provisions of this title—

"(i) allotting, or providing methods for allotting, the quantity of such commodity or product or any grade, size, or quality thereof, which each producer may be permitted to market or dispose of in any or all markets or use classifications during any specified period or periods on the basis of (a) the amount produced or marketed by such producer or produced on or marketed from the farm on which he is a producer in such prior period as the Secretary of Agriculture determines to be representative, subject to such adjustment for abnormal conditions and other factors affecting production or marketing as the Secretary may determine, or (b) the current quantities available for marketing by such producer, or (c) any combination of (a) and (b) to the end that the total allotment during any specified period or periods shall be apportioned equitably among producers. Allotments hereunder may be in terms of quantities or production from given acres or other production units. If the Secretary determines that such action will facilitate the administration of a marketing order hereunder and will not substantially impair the effective operation thereof he may fix, or provide a method for fixing, a minimum allotment applicable to producers and producers whose production does not exceed such minimum shall not be subject to the regulatory provisions of the order except as prescribed therein;

"(ii) any producer for whom allotment is established or refused under the authority of this subsection may obtain a review of the lawfulness of his allotment as prescribed by the order of the Secretary establishing the allotment and rules and regulations thereunder, which shall constitue the exclusive procedure for review thereof and section 8c(15)(A) of this title shall not apply thereto. Under such order, rules or regulations any officers or employees of the Department or any committees or boards created or designated by the Secretary of Agriculture may be vested with authority to perform any or all functions in connection with such review proceedings including ruling thereon. Committees or boards created or designated for this purpose shall be deemed agencies of the Secretary within the meaning of subsection 8c(7)(C) and section 10 of this title. The ruling upon such review shall be final if in accordance with law. The producer may obtain a judicial review of such ruling in accordance with the provisions of section 8c(15)(B) of this title; and

"(iii) when allotments for producers are established under this subsection the order may contain provisions allotting or providing a method for allotting the quantity which any handler may handle so that any and all handlers will be limited as to any producer to the allotment established for such producer, and such allotment shall constitute an allotment fixed for each handler within the meaning of section 8a(5) of this title."

(5) Amend section 8c by adding at the end thereof a new paragraph (20) as follows:

"PRODUCER ADVISORY COMMITTEES

"(20) The Secretary of Agriculture may establish a producer advisory committee with respect to any commodity, or group of commodities, for which a marketing order is potentially authorized. Such committee shall be composed of producers of the commodity or commodities for which the committee is established. Such committees may be called on by the Secretary of Agriculture to provide advice and counsel with respect to the initiation of proceedings for the promulgation of a marketing agreement or marketing order for such commodity or com-

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modities and may also formulate specific proposals for purposes of a public hearing concerning such a proposed marketing agreement or marketing order. The establishment of such a committee shall not, however, be deemed necessary to the initiation of any such proceeding to promulgate a marketing agreement or marketing order."

(6) Amend section 10(b)(2) by adding at the end thereof a new subparagraph (iv) as follows:

"(iv) If the order contains provisions authorized by section 8c(6)(K) it shall provide that the assessments payable by handlers under subsection (ii) shall initially be payable pro rata by the producers of the commodity to such handlers thereof, who shall be responsible for the collection thereof from producers and payment to the authority or agency established under such order."

SEC. 802. Nothing in this title shall supersede the provisions of other statutes relating to marketing quotas, acreage allotments or limitations or price support, with respect to agricultural commodities and no action taken or provisions in an order issued under this title shall be inconsistent with the provisions of such other statutes or actions taken by the Secretary of Agriculture under such other statutes.

TITLE IX—CROPLAND ADJUSTMENT

SEC. 901. (a) The first sentence of section 602(a) of the Food and Agriculture Act of 1965 is amended by striking out "calendar years 1965 through 1970" and inserting in lieu thereof "1965 and subsequent calendar years".

(b) Subsection (k) of section 602 of such Act is hereby repealed.

TITLE X—RICE

SEC. 1001. The first sentence of paragraph (7) of section 353(c) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out "for 1966, 1967, 1968, 1969, or 1970" and inserting in lieu thereof "for 1966 or any subsequent year".

TOO MUCH, TOO LITTLE, OR NO INFORMATION ON THE CYCLAMATES?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Missouri (Mrs. SULLIVAN) is recognized for 15 minutes.

Mrs. SULLIVAN. Mr. Speaker, after noting a news article this morning that Secretary Finch of the Department of Health, Education, and Welfare is upset over "varying assessments" by the Food and Drug Administration of the dangers, if any, from the cyclamate sweeteners, I tried to obtain a copy of his remarks but was told there was no transcript available of his comments to the press on this matter. The article in the Washington Post indicates, however, that Secretary Finch is unhappy because some experiments conducted by FDA scientists have been widely publicized.

These experiments indicated—did not prove, but indicated—that birth defects could possibly result from the use by expectant mothers of foods containing artificial sweeteners. The experiments involved only chicken eggs and chicks, not humans. The Commission of Food and Drugs was then quoted as having said the findings are only tentative as to animals and may not mean a thing in the case of humans.

Mr. Speaker, I do not see any "waffling" on this by FDA, to use the Secretary's words. All we know for sure is that 15 percent of the chicks born from eggs which were injected with cyclamates were defective. There is no reason in the world why this information should have been suppressed. It is legitimate information for the public to have.

SUPPRESSION OF SCIENTIFIC DATA?

It certainly does not prove that cyclamates added to soft drinks or other foods cause birth defects in humans. But I hope the Secretary is not now planning to suppress scientific information which, at the least, sounds a warning to prospective mothers about the unrestricted use of any food product. The implications of the Secretary's statement as quoted in the Post this morning are very disturbing if they indicate a possible crackdown on carefully stated scientific information. The Food and Drug Administration requires certain warnings now on the labels of soft drinks containing cyclamates. This has not seemed to reduce their use. If there is any reason why expectant mothers should be particularly cautious, we should know about it.

Mr. Speaker, the article referred to is as follows:

[From the Washington Post, Oct. 8, 1969]

FINCH RAPS FDA ON SWEETENERS

Secretary Robert H. Finch roundly criticized a unit of his own Department of Health, Education, and Welfare yesterday for its handling of safety questions about the widely used artificial sweeteners that contain cyclamates.

"I am not at all satisfied with the present situation there," Finch said. "I think it's just inevitable that we're going to have some rather substantial reorganization of procedures and personnel in the Food and Drug Administration."

The secretary was particularly critical of what he termed varying FDA assessments of possible health hazards associated with cyclamate use.

He singled out a recent FDA experiment, widely reported on national television, demonstrating a 15 per cent incidence of birth defects after cyclamate injection into chicken eggs.

"We have appeared to waffle on it," Finch said in an interview. "Some have been overzealous saying, 'Sure, this may not be final or conclusive' . . . but we still ought to run up the flag and sound the bugle," he said. "And others have gone too far the other way."

Finch mentioned no names. But he apparently was referring to Dr. Jacqueline Verrett, the FDA scientist who conducted the chick experiment, and to FDA Commissioner Herbert L. Ley Jr.

Dr. Verrett has been quoted as advising pregnant women to exercise care with cyclamates unless and until all doubts are removed.

[In an interview last week on NBC television, Dr. Verrett was asked, "What statement can you make?" She replied that cyclamates have "serious effects on chick embryos . . . work should be done on mammals to see if there is crossing of the placenta . . . and any possible damage . . . Next step is to find out if there are some effects in other animal species." As for pregnant women, she advised that they "avoid everything unnecessary unless okayed by an M.D."]

Dr. Ley has emphasized that the findings are tentative from the cyclamate studies on animals. Also, he said, the effect of the drug on a lower animal is not always the same as on man.

SHOULD BE USED ONLY BY PERSONS WHO MUST RESTRICT INTAKE OF ORDINARY SWEETS

Mr. Speaker, if the Food and Drug Administration had definite evidence that the cyclamates were dangerous to use as food additives, it could prohibit their further use. Obviously, the agency does not have such proof. But it has been working on this matter for some time because of the fact that there are doubts. Consumers have been advised by the Government for some years that products containing the artificial sweeteners "should be used only by persons who must restrict their intake of ordinary sweets." It always disturbs me to see healthy, active, and even underweight children drinking quantities of soft drinks bearing such a warning on the label but, as I said, there is no proof that they are being harmed. The quicker this issue is cleared up, the better we will all feel about it.

But I would certainly hate to have the Secretary of Health, Eduction, and Welfare suppress scientific data dealing with possible harm from the use of this product merely because the information is not absolutely conclusive. If there should be conclusive information that the product is dangerous, the public would no longer have any need for the information because the product by then would have had to be removed from the market.

Mr. Speaker, I yield back the balance of my time.

SENATOR BIRCH BAYH TAKES A CLOSER LOOK AT JUDGE HAYNSWORTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes.

Mr. CONYERS. Mr. Speaker, BIRCH BAYH, the able junior Senator from Indiana, has performed, in my judgment, an invaluable service to those in the other body who need further factual information with regard to the nomination of Judge Clement F. Haynsworth to be an Associate Justice of the Supreme Court.

It is an examination that dispassionately speaks for itself and hopefully will be carefully studied by those who may be called upon to ratify the President's nomination.

The statement is as follows:

STATEMENT BY SENATOR BIRCH BAYH, OCTOBER 8, 1969

In recent years our judicial system has come under increasing attack, not only by the citizenry at large, but by lawyers and members of the legislative branch of both national and state governments. As our ideas, opinions and judgments of law and its application have changed over the past 180 years, so have changed the expectations of the American public of our public officials. Particularly now, when public confidence in the integrity of the federal judiciary at the highest level has so recently been severely shaken, it is of the utmost importance that only men who are truly distinguished and truly above reproach sit on the bench of our highest court.

Since the nomination of Judge Clement F. Haynsworth to be Associate Justice of the Supreme Court, numerous facts that raise a serious question as to the propriety of his conduct while a member of the Federal Judiciary have come to my attention. An intensive investigation aimed at uncovering the truth has resulted in the following bill of particulars which has convinced me that Judge Haynsworth falls short of the demanding ethical standards required of an Associate Justice of the Supreme Court. I issue the bill of particulars with no malice toward Judge Haynsworth but with some considerable regret. The question is not whether Judge Haynsworth is dishonest but whether he has shown the temperament necessary to sit in the highest judicial council.

CAROLINA VEND-A-MATIC

Judge Haynsworth was an organizer and founder of Carolina Vend-A-Matic in 1950, with an original investment of $2,400.00.

He was Vice President and a director of Carolina Vend-A-Matic until 1963. He stated that he orally resigned from the Vice Presidency in 1957, but the corporation records show he was listed as Vice President until 1963 and indeed regularly attended meetings of the Board of Directors and voted for slates of officers through the years. He was in fact paid director's fees in amounts as high as $2,600.00 per year, and the records show his wife, Dorothy M. Haynsworth, served as Secretary of the corporation for two years while he was on the Federal bench.

Although the Judge claims he was an inactive officer, the minutes of the corporation indicate that such was not the case. Directors were active in locating new business and Judge Haynsworth took an active part in director's meetings, often making motions himself. While he was director of Carolina Vend-A-Matic, he took part in decisions to buy and sell land to himself and other directors and the profit sharing trust.

Judge Haynsworth endorsed notes for the corporation in amounts as high as $501,987.00. Some of these notes were endorsed after he assumed the bench.

In 1963 more than three-fourths of CVAM's total business was with textile concerns. Thus any precedent setting decision affecting the textile industry would also affect CVAM through its customers.

For some years there had been an exodus of textile concerns from the North to the South in an effort to take advantage of lower wages as a result of strong regional pressures against collective bargaining in the South. The *Darlington Mfg. Co.* v. *NLRB* case was a landmark case in the textile industry because it enabled textile concerns to close plants attempting to organize. Thus, it gave them an important weapon.

The case of *Darlington Mfg. Co.* v. *NLRB* came before the Fourth Circuit Court of Judge Haynsworth in both 1961 and 1963, while CVAM had a vending contract with Deering Milliken Corp., Darlington's parent company, for $50,000 per year. While the litigation was still pending, CVAM signed a new contract with Deering Milliken Corp., increasing their vending business with that company to $100,000 per year. The Darlington case was eventually decided in favor of Darlington, with Judge Haynsworth casting the deciding vote and thus establishing an important legal precedent for the textile industry in a decision later substantially modified by the Supreme Court.

In 1957, after Judge Haynsworth assumed the bench, the gross sales of CVAM and its subsidiaries increased tremendously. Gross sales increased only slowly from $169,355 in 1951 to $296,413 in 1956. But in 1957, the year Judge Haynsworth assumed the Federal bench, sales jumped to $435,110 and continued a precipitous climb, reaching $3,160,665 in 1963, the last full year in which Judge Haynsworth owned a major share of the company.

Between 1958 and 1963 Judge Haynsworth sat on at least six other cases involving customers of CVAM.

1. *Homelite* v. *Trywilk Realty Co., Inc.* 272 F2d 688 (1959). Gross sales to Homelite by CVAM in 1959 totaled $15,957.22.
2. *Kent Mfg. Corp.* v. *Commissioner of Internal Revenue* 288 F2d 812 (1961). CVAM gross sales to Runneymeade, a subsidiary of Kent Mfg. Corp., in 1961 totaled $21,323.63.
3. *Textile Workers Union of America* v. *Cone Mills Corporation* 268 F2d 920 (1959). CVAM gross sales to Cone Mills and its subsidiaries Carlisle Mill and Union Bleachery in 1959 totaled $97,367.12.
4. *Leesona Corp.* v. *Cotwool Mfg. Corp., Deering Milliken Research Corp. and Whitin Machine Works* 315 F2d 895 (1963). CVAM gross sales to Deering Milliken plants in 1963 totaled $100,000.00.
5. *Leesona Corp.* v. *Cotwool Mfg. Corp., Deering Milliken Research Corp. and Whitin Machine Works* 308 F2d 895 (1962). CVAM gross sales to Deering Milliken in 1962 totaled $50,000.00.
6. *Textile Workers Union of America* v. *Cone Mills* 290 F2d 921 (1961). CVAM gross sales to Cone Mills and its subsidiaries in 1961 totaled $174,314.92.

OTHER CASES INVOLVING CONFLICT OF INTEREST

There are at least five cases in which Judge Haynsworth held a financial interest in one of the litigants substantial enough to require disqualification under 28 USC 455 and to constitute impropriety under the Canons of judicial ethics.

Brunswick Corp. v. *Long* 392 F2d 348 (1967).

Farrow v. *Grace Lines Inc.* 381 F2d 380 (1967).

Merck v. *Olin Mathieson Chemical Corp.* 253 F2d 156 (1958).

Darter v. *Greenville Community Hotel Corp.* 301 F2d 70 (1962).

Donohue v. *Maryland Casualty Co.* 363 F2d 442 (1966).

DEMONSTRATED LACK OF CANDOR

I. Denial of active participation in the business of CVAM.

In a letter to the Chairman of the Judiciary Committee dated September 6, 1969, Judge Haynsworth said:

(Paragraph 12) "The specific locations of vending machines were simply not a matter of interest to me and, as stated before, I was never involved in any way in securing new vending machine locations."

In testimony before the Judiciary Committee on September 16, 1969, the following exchange occurred:

"CHAIRMAN. Did you have anything to do with the preparing of bids or soliciting business for Carolina Vend-A-Matic?

"Judge HAYNSWORTH. Nothing whatsoever.

"Senator TYDINGS. As a part of your work, or as a part of your association with Carolina Vend-A-Matic, did you formally or informally seek to obtain business for Carolina Vend-A-Matic?

"Judge HAYNSWORTH. Never. I did not."

Fact: Judge Haynsworth was consistently and intimately involved with the operation of Carolina Vend-A-Matic from June 1957 until October 1963 and regularly accepted funds from CVAM during that period subsequent to a resolution by the Board of Directors which appears in the minute books of the corporation and states that: "It was pointed out that the main sales and promotional work of CVAM had been done by its directors who are also the officers of the corporation and that any new locations were the result of many conversations, trips and various forms of entertainment of potential customers by one or more of the directors or officers over an extended period of time. A review was had of the various locations that had been acquired during the past several years and new locations that were being considered and practically without exception, these were the result of the Board of Directors."

II. Denial of having sat on any cases in which he had a substantial financial relationship with one of the litigants.

In a letter to the Chairman of the Judiciary Committee, dated September 6, 1969, Judge Haynsworth said:

(Paragraph 13) "I have disqualified myself in all cases in which my former law firm or any of its members were counsel, cases in which certain relatives were counsel, and all cases in which I had a stock interest in a party or in one which would be directly affected by the outcome of the litigation."

And in testimony before the Judiciary Committee on September 17, 1969, Judge Haynsworth said:

"And I suggest to you that I have not made or retained any investment in any concern which was likely to be involved with frequency in my court."

Fact: Judge Haynsworth sat on at least five cases in which he had a substantial stock interest in litigants before him:

Brunswick Corp. v. *Long*, 392 F2d 348 (1967).

Farrow v. *Grace Lines Inc.*, 381 F2d 380 (1967).

Merck v. *Olin Mathieson Chemical Corp.*, 253 F2d 152 (1958).

Darter v. *Greenville Community Hotel Corp.*, 301 F2d 70 (1962).

Donohue v. *Maryland Casualty Co.*, 363 F2d 442 (1966).

III. Denial of having retained positions as a director and officer in Carolina Vend-A-Matic and the Main Oak Corporation.

In testimony before the Subcommittee on Improvements in Judiciary Machinery on September 17, 1969, Judge Haynsworth said:

"Of course, when I went on the bench I resigned from all such business associations I had, directorships and things of that sort. The only one I retained is the trusteeship of this small foundation which I mentioned in my main statement, and I think that perhaps the best rule for a judge to go by now is stop doing even that."

Fact: Judge Haynsworth retained his position as director and officer of the Main Oak Corporation and CVAM when he went on the bench and until October, 1963.

He also had remained as a trustee of the Furman Charitable Trust from the time he went on the bench until today.

VIOLATION OF 29 USC 301–308

The Welfare and Pension Plan Disclosure Act provides that an administrator of a pension fund must file with the Secretary of Labor an initial description of the plan and annual reports thereafter. Willful violation of the act can lead to six months imprisonment or a fine of $1,000 or both. Judge Haynsworth was a trustee of the CVAM profit sharing and retirement plan from 1961 until 1964 and qualified as an administrator with the Secretary of Labor. On September 17, 1969, the director of the Office of Labor-Management and Welfare-Pension Reports of the U.S. Department of Labor advised my office by letter, "Our records do not show that any reports have been received under the name of Carolina Vend A Matic Company, Inc., for a Profit Sharing and Retirement Plan."

VIOLATIONS OF THE CANONS OF ETHICS OF THE ABA

I. Canon 4 states: "Avoidance of Impropriety. A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions

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of law; and his personal behavior, not only upon the Bench and in his performance of judicial duties, but also in his everyday life, should be beyond reproach."

Judge Haynsworth has violated 29 USC 301–308 by his failure to comply with the Welfare and Pension Plan Disclosure Act and has violated 28 USC 455 and the law of due process as interpreted by the U.S. Supreme Court in *Tuney v. Ohio* 273 US 510 (1927), *In Re Murchison* 349 US 133 (1955) and *Commonwealth Coatings Corp.* v. *Continental Casualty Co.* 393 US 145 (1968), no less than 12 times by sitting on cases involving customers of CVAM and in cases in which he held stock interest in a litigant as cited above.

II. Canon 13 states: "Kinship or Influence. A judge should not act in a controversy where a near relative is a party; he should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position or influence of any party or other person."

By sitting on cases involving customers of CVAM and ruling in their favor at least five times in five years Judge Haynsworth conducted himself in such a manner as to "justify the impression" that he may have been improperly influenced.

III. Canon 24 states: "Inconsistent Obligations. A judge should not accept inconsistent duties nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions."

By acting as a director and Vice President of CVAM, Judge Haynsworth clearly accepted duties likely "to interfere or appear to interfere" with the proper administration of his official functions. Shortly after investigating bribery charges in the 4th Circuit Court of Appeals in 1963–64, Judge Simon Sobeloff, in an article for the *Federal Bar Journal* observed:

"One can readily see that if a judge serves as an officer or director of a commercial enterprise, not only is he disqualified in cases involving that enterprise, but his impartiality may also be consciously or unconsciously affected when persons having business relations with his company come before him."

IV. Canon 25 states: "Business Promotions and Solicitations for Charity. A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter any business relations which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties."

Judge Haynsworth's financial interest and active participation in the affairs of CVAM constituted a clear breach of this standard. The remarkable rise in gross sales of CVAM after he assumed the Federal Bench justified the *suspicion* that the prestige of his office was used to promote his own interests as well as those of his fellow stockholders. In addition, his practice of taking part in cases involving customers of CVAM furnishes further grounds for the belief that his office was used to promote patronization of a business in which he had substantial interest.

V. Canon 26 states: "Personal Investments and Relations. A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and after his succession to the Bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

"He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin."

Judge Haynsworth breached this Canon on at least six occasions. His largest investment has been Georgia Pacific Corp., which was the subject of a consent decree by the S.E.C. in 1968. The decree was entered in the Second Circuit, but fraudulent stock transfers could have led to litigation in the Fourth Circuit. In the Brunswick case, Judge Haynsworth bought stock in Brunswick while a case involving that company was before his court. Other investments made by Judge Haynsworth can be considered investments which "are apt to be involved in litigation in the court" since in fact W. R. Grace Co., Greenville Community Hotel Corporation, Maryland Casualty Ins., and Monsanto Chemical Corp. did appear before his court.

VI. Canon 29 states: "Self-Interest. A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court of which he is judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy."

By deciding cases involving customers of CVAM on at least seven occasions, he exercised judicial discretion which could have affected the business of CVAM and hence Judge Haynsworth, a clear breach of this canon. In interpreting Canon 29, Opinion #170 of the Ethics Committee of the ABA clearly states that a judge shall exercise no act of judicial discretion in cases where he owns stock in a corporate litigant. In the Brunswick case, by participating in the decision and denying the motion for an extension of time, Judge Haynsworth clearly violated Canon 29 as interpreted by the ABA. Similarly, by sitting in the W. R. Grace Co., Maryland Casualty Ins. Co., Greenville Community Hotel Corp., and Olin Mathieson Chemical Corp. cases the Canon was breached.

VII. Canon 33 states: "Social Relations. It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seculsion; it is desirable that, so far as reasonable attention to the completion of his work will permit, he continue to mingle in social intercourse, and that he should not discontinue his interest in or appearance at meetings of members of the Bar. He should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships constitute an element in influencing his judicial conduct."

By sitting in cases involving important customers of CVAM Judge Haynsworth gave grounds for the *suspcion* that business relations influenced his conduct.

VIII. Canon 34 states: "A Summary of Judicial Obligation. In every particular his conduct should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and influences; he should administer justice according to law, and deal with his appointments as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

Judge Haynsworth in view of the facts detailed above has obviously not conducted himself in such a manner that his conduct is above reproach "in every particular."

I would like to point out in closing that this bill of particulars is less complete and comprehensive than I would like due to the extreme difficulty we have experienced in gaining access to all of the material we have requested. It is unfortunate that the Justice Department has not only been less than candid with the Senate Judiciary Committee but appears to have embarked on a calculated effort to sanitize the records upon which individual members of the Senate must decide this important question. Some records are incomplete and because of countless delays we have had less time than we would like to assess the material that has recently become available. I consider this to be in the nature of a preliminary report which will be updated as we acquire more complete records and have the opportunity to study at greater length those we already have.

COMPREHENSIVE AMENDMENTS TO THE SOCIAL SECURITY LAW

(Mr. BUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUSH. Mr. Speaker, I am today introducing legislation providing comprehensive amendments to the social security law. My bill is in nearly all essentials identical with the comprehensive proposal that President Nixon has made for fundamental improvements in our social security law. However, my bill provides for a benefit increase effective on January 1 of next year and also includes a minor technical improvement in existing law.

The bill proposes a series of improvements that include:

A 10 percent across-the-board benefit increase effective January 1, 1970, for all social security beneficiaries.

An increase in the amount social security beneficiaries can earn without suffering diminution in benefits from $1,680 to $1,800. An amendment would also be included insuring that no earnings would reduce benefits by more than $1 for every $2 earned. Earnings in excess of $2,880 in a year reduce benefits under present law by $1 for every $1 earned.

Increase the amount of benefits a widow would receive under present law from 82½ percent of her husband's benefit to 100 percent. Combined with the across-the-board benefit increase, this would provide widows with approximately a 33-percent increase in benefits.

Provide that benefits will be kept up to date through automatic increases commensurate with increases in the cost of living. This would afford social security beneficiaries protection similar to that now enjoyed by civil service retirees, the military, and other individuals under some private pension plans.

Provide that the amount a social security beneficiary may earn without incurring a loss in benefits will be automatically adjusted in the future as earnings levels increase.

Provide that the wages of a worker that will be included in computing his benefits in the future will automatically be increased as earnings levels increase.

Additionally, the bill includes a series of technical amendments that will simplify the law, improve administration, and improve equity in a number of very worthwhile cases. These technical improvements reflect the President's emphasis on improving the "nuts and bolts" aspects of Government—the administration of basic programs that are important to all our people even though they may not be politically glamorous. Among the amendments in this category, the bill includes proposals that would:

Improve the formula on which a male worker's benefits are computed by extending to them a more generous computation formula that is now only available in the case of women.

Provide parent's benefits in the case of retired or disabled workers. Under present law benefits are provided only for the parents of deceased workers.

Provide disability benefits for a child who becomes disabled after 18 and before age 22. Present law provides disability benefits in these cases only where the disability occurs before age 18.

Provide noncontributory wage credits for individuals who served on active duty in the military between 1957 and 1967. Under existing law there is a gap in the scope of protection that individuals who served in this period enjoy.

The President's proposal also courageously faces up to the need not only to adequately finance the huge deficit in the hospital insurance trust fund that was inherited from the previous administration, but also completely finances the liberalization in benefits provided in his recommendation. In doing this it is important to point out that the administration has actually reduced the rates below the level that are scheduled to prevail under existing law. One of the most important factors in providing this sound financing is the recommendation for automatically adjusting the taxable wage base in the future. In view of the escalation in payroll taxes as well as other taxes in our economy, the President is to be commended for working out a package of meaningful improvements within a framework that will enable us to reduce taxes below the levels scheduled in existing law.

Many economists have contended that the increasing level of payroll taxes may reach a point of diminishing returns, having an adverse impact on employment. Certainly we must all be concerned that the increasing level of these taxes may discourage the healthy growth we have experienced in private savings mechanisms and private pension programs in recent years. The bill I have introduced today should go a long way toward alleviating the anxieties that many of us have experienced in this area.

PROPOSED ESTABLISHMENT OF A SEPARATE DEPARTMENT OF HEALTH

(Mr. BROWN of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROWN of Ohio. Mr. Speaker, as a member of both the Interstate and Foreign Commerce Committee, which has jurisdiction over most national health programs, and of the Government Operations Committee, which has jurisdiction over the organization and reorganization of the executive branch, including the creation of new Cabinet-level departments, I have for some time felt that the Department of Health, Education, and Welfare needs a complete reorganization. Toward this end, and with a view toward stimulating public discussion and consideration of this problem, I am today introducing legislation to establish a separate Department of Health.

I think that it is intolerable to continue all of the many vital social programs enacted in the last two decades under one roof. The Department of Health, Education, and Welfare, while still a relatively young department, has the second largest budget, and its $50 billion budget is many times the size of the third largest departmental budget—Treasury at $17 billion. This budget, and its fantastic growth over the past few years, reflects a growing concentration on national social problems. It seems that most of our concerns—most of our Federal programs today—are administered by one Department—the Department of Health, Education, and Welfare.

The result of this phenomenal growth in only one Department has not been surprising—growth in bureaucracy and chaos, but little growth in policy and less in performance. I do not blame the officials at the Department of Health, Education, and Welfare—whether Democrats or Republicans. Rather I do not expect anyone to be able to successfully administer the multitude of not only programs and people—but totally diverse areas of responsibility. Not only are these areas diverse and unrelated, but they are of enormous significance—so significant that besides the national security protected by the Department of Defense, the Department of Health, Education, and Welfare commands the largest budget concerned with specialized domestic problems.

I believe that this Department should be reorganized and divided into at least two separate departments so that the many vital special programs presently committed to it can be better administered.

Of its $50 billion budget, the Department of Health, Education, and Welfare spends nearly one-third of it on health programs—over $13 billion. Further, this impressive figure represents only 75 percent of the total Federal health expenditures, a total above $18 billion. I believe that as many of these programs as possible and appropriate should be transferred to a new executive department and administered by a secretary solely responsible for the health needs of our Nation. I know that many dedicated public servants at the top level of the Department of Health, Education, and Welfare are concerned with our health needs—but they must also be concerned with education and welfare and cannot devote the time and talent necessary to assure a sane, logical, and effective development of our national health needs.

I hope that such a separate department could correct what appears to me to be the two most pressing deficiencies in our health field—the lack of any overall health policy and the fragmentation of our health programs. Today, according to the American Medical Association, 10 executive departments and at least as many agencies have programs related to health. Even worse, within the Department of Health, Education, and Welfare itself, the health and medical programs are not all under a single Assistant Secretary with primary responsibility for health care.

Mr. Speaker, the bill I am introducing today does not pretend to have resolved all of the questions evoked by a Department of Health nor does it pretend to have thoroughly answered which agencies and programs ought to be administered by a Secretary of Health. Rather, I am introducing a bill today which I hope will arouse the public discussion and participation by all of the parties concerned in the hope that I can refine this idea for reintroduction next session. I am open to all suggestions and comments from my colleagues, the executive department personnel concerned, and the many private organizations and individuals concerned with the health care of our citizens. I am not irrevocably committed to any of the ideas presented in this legislation—perhaps we should make three separate departments out of the Department of Health, Education, and Welfare rather than two; but I do know that we must do something.

I am pleased to say that it is the position of the American Medical Association to establish a separate Department of Health and that I have had their cooperation in my efforts so far.

ROGERS INTRODUCES DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1969

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing the Developmental Disabilities Services and Facilities Construction Act of 1969 which would amend and extend for 3 years, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. The present authorization expires on June 30, 1970.

I am joined in introducing this legislation by my colleagues Mr. JARMAN, Mr. NELSEN, Mr. SKUBITZ, Mr. CARTER, Mr. KYROS, Mr. PREYER of North Carolina, Mr. RHODES, Mr. HASTINGS, Mr. VAN DEERLIN, Mr. BLANTON, Mr. PICKLE, Mr. MURPHY of New York, Mr. DINGELL, Mr.

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Stuckey, Mr. Rooney of Pennsylvania, and Mr. Satterfield.

Mr. Speaker, this bill makes significant and progressive changes in the present law in an effort to broaden existing Federal grant programs by providing a new range of services and facilities for the mentally retarded and other persons affected by developmental disabilities.

The term "developmental disability" is defined in the bill as:

> A disability attributable to mental retardation, cerebral palsy, epilepsy, or a neurological impairment of an individual which originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

Title I of the bill would assist the States in preparing and implementing comprehensive plans for the care and treatment of persons suffering from mental retardation or other serious chronic mental or physical disabilities originating in childhood.

In addition, title I of the bill would combine parts C and D of the existing act which authorizes funding of construction grants and grants for the staffing of community mental retardation facilities. The combination of these separate parts into a single part which would authorize grants for planning, provision of services, and construction of facilities will enable us to reach more of the developmentally disabled through a more effective coordination of effort at the State level.

Moreover, this bill would permit State agencies to combine grant funds with other program funds where proportionate benefit to the developmentally disabled will result. This is desirable because under present practice, many State health departments do not have the primary responsibility for mental retardation and other developmental disabilities. Even in the States which include mental retardation within the scope of their mental health agencies, there is no assurance that the mentally retarded will receive their proportionate share of funds. In the Partnership for Health Act, Congress recognized that, more often than not, State health departments do not have the primary responsibility for mental health. Therefore, Congress sought to protect the existing programs for mental health services and facilities by requiring that at least 15 percent of the basic formula grant to each State for health services must be placed at the disposal of the State mental health authorities. No such protective provision was made available for the mental retardation program.

This legislation would remedy that by providing specific Federal financial assistance to the States for mental retardation services and facilities and would permit each State to apportion its mental retardation grants among its various governmental agencies in accordance with the particular State plan devised under the Partnership for Health Act, and to include persons with related disorders.

I am proposing that $60 million be authorized for this combined grant effort in 1971, $85 million for 1972 and $105 million for 1973.

Title I would also establish a National Advisory Council on Services and Facilities for the Developmentally Disabled which would consist of 12 members to be appointed by the Secretary of Health, Education, and Welfare. The Council would first, advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of the title I; and second, study and evaluate programs authorized by this title with a view to determining their effectiveness in carrying out the purposes for which they were established.

The Secretary, moreover, must by March 1, 1970, after consultation with the Council, prescribe the kinds of services which are needed to provide adequate programs for persons with developmental disabilities; standards for the scope and quality of services; and the general manner in which a State shall determine priorities for services and facilities.

After such determination by the Secretary, grants to the States may be made for planning and compensation of personnel to provide services. Such grants shall provide financial assistance to a State for 6 years and 3 months from the first day of the first month such grant is made and the grant will be made on the basis of diminishing Federal participation: a maximum of 75 percent of the cost for the first 15 months; 60 percent for the first year thereafter; 45 percent for the second year thereafter; and 30 percent for the third, fourth and fifth years thereafter.

I might add that the definition in the bill of "services for persons with developmental disabilities" means "specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual affected by such a disability, and such term included diagnosis, evaluation, treatment, personal care, day care, special living arrangements, training, domiciliary care, education, sheltered employment, recreation, counseling for the individual affected by such disability and of his family, protective and other social and socio-legal services, and information and referral services."

Title II of the bill would extend part B of the act for 3 fiscal years, through 1973, and would expand the area of impact to provide construction, demonstration, and training grants for university-affiliated mental retardation facilities.

I am proposing that $10 million be authorized for the fiscal year 1971, $12 million for 1972, and $15 million for 1973.

In addition, I am anxious to see the junior colleges participate more fully in the university-affiliated facilities program, and, consequently, I am proposing that the Secretary shall give priority to any application for a demonstration or training grant when such application shows that the applicant has made arrangements for a junior college to participate in the programs for which the application is made.

There is an urgent need for training new types of personnel to meet the critical shortage in our existing system of care for the mentally retarded. The key lies in the area of paramedical personnel, and I believe there is an untapped resource of such potential personnel in our junior colleges. Young men and women in these institutions must be encouraged to enter the field of care for the developmentally disabled, and to pursue educational careers in this area after their graduation from junior college.

Mr. Speaker, we are making significant progress in helping the mentally retarded to realize self-sustaining and productive lives in society, and we have done most of this since 1963, when the Congress first enacted the Mental Retardation Facilities Construction Act, as part I of a combined mental health-mental retardation bill—Public Law 88–164.

In 1967, the basic act was amended to provide staffing grants to complement these community facilities construction grants. By July 1969, the month in which the grants were awarded, 285 applications requesting $14.4 million in Federal funds had been received. Yet, only $8.3 million had been appropriated. As of September 1, 1969, 237 staffing projects were operational, and all of the $8.3 million appropriated for fiscal year 1969 had been obligated.

The university-affiliated facilities construction program has not received the consideration and support that it has needed and consequently, only 19 university training programs, out of some 60 proposed, have been made possible.

However, approximately 300 community mental retardation facilities have been assisted with Federal funds, at a total cost of only $56 million; less than one-third the total cost of these facilities.

In its forthcoming report entitled "MR 69," the President's Committee on Mental Retardation notes that some three-quarters of this Nation's retarded people could become self-supporting if given the right kind of training early enough; another 10 to 15 percent could become partially self-supporting. Some 5 million of the Nation's estimated 6 million mentally retarded are never reached by any kind of service developed specifically to meet the needs of the retarded. Many of the 200,000 institutionalized mentally retarded persons continue warehoused in dehumanizing residential programs that make no serious attempt to rehabilitate residents.

This report will tell us as a nation that we have much to do to improve the care and rehabilitation of the developmentally disabled. I believe that the legislation which I am introducing today will contribute to that effort, but State and local governments must do more, and the private sector must take a more active interest in this national problem if the battle is to be won.

One group within the private sector that has for many years been a guiding force in obtaining better care and facilities for the developmentally disabled is the National Association for Retarded Children. This voluntary organization of some 1,375 affiliated units work together to help the developmentally disabled help themselves. This association of 215,000 parents and friends of the mentally retarded is presently holding its 20th annual convention in Miami Beach, Fla., and I commend that group for their untiring effort.

LAW AND ENVIRONMENT—PART II

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the second article in the Christian Science Monitor series on "law and environment" discusses some of the broad legal implications of the suits filed by citizens to protect the Nation's environment. It is pointed out that some advances have been made toward establishing working principles for bringing the suits but so far, the court victories have been mainly procedural.

The conservationist's goal is to achieve a "landmark" decision dealing with the environment. That goal may seem a long way off but I am encouraged by the dedication and perseverance of many individuals and groups all over the country in pressing for a "law of the environment." The path to such a concept is strewn with obstacles, not the least of which are the tremendous costs, but as the Monitor indicates, there is hope.

The article follows:

Law and Environment—II: Battle Just Starting To Guard Land Against Pollution

(By Robert Cahn)

Washington.—At first glance, conservation groups appear to have won some significant victories in recent court skirmishes against land-changing development activity by big business or big government. But the battle has only begun.

Consolidated Edison has been blocked thus far in its efforts to build a power plant that would alter the scenic area near Storm King Mountain along the Hudson River.

In another case, a United States district court upheld a conservation argument that federal government agencies had acted illegally in issuing a land fill permit to build a six-lane Hudson River Valley expressway.

Housing subdevelopers had their bulldozers ready to bite the earth in a Colorado area being considered by Congress for a national scenic monument when conservationists got a court injunction to stop the work temporarily.

IMPLICATIONS DISCUSSED

All of these were valuable conservation achievements as far as they went. The problem is that they were either procedural victories or holding actions. So far, however, not a single case has resulted in a clear-cut Supreme Court decision on environmental conflict that could be as basic to the conservationists as Brown v. Board of Education was in the field of civil rights.

At the recent "law and the environment" conference in Warrenton, Va., a select group of lawyers discussed the implications of major cases already decided, or now in court. They looked for the possibility that in these cases, or in new methods yet untried in courts, they could establish national precedents.

Most participants in the conference agreed that the scenic Hudson (Storm King) decision has been the most important case to date. Conservationists representing citizens in the area sought to block a bid by Consolidated Edison Company of New York for a Federal Power Commission license to construct a pumped storage hydroelectric project at Storm King Mountain along the Hudson River 50 miles north of New York City.

The Federal Power Commission took the position that citizens could not obtain court review of the decision made by the FPC to grant the license because the citizens were not "aggrieved" parties.

The federal court of appeals in December, 1965, reversed the FPC decision and declared, "The Constitution does not require that an 'aggrieved' or 'adversely affected' party have a personal economic interest" to bring a lawsuit. Thus the FPC had a duty to consider noneconomic concerns of citizens such as the environment.

The FPC is now reconsidering the application and examining all environmental factors. Consolidated Edison may still get its power plant. But a precedent has been established in at least one section of the country that citizens have standing to raise environmental issues and request review of governmental decisions. The scenic Hudson decision has been used ever since to support citizen efforts elsewhere around the country. Although the decision is not binding outside the Second Circuit, it is extremely influential.

COST A KEY PROBLEM

Discussion at the law and the environment conference extended beyond the issue of standing. David Sive, lawyer for the Sierra Club, which has intervened in the case that has not yet been decided, noted both the length (four years so far) and expense of such citizen action. The amount spent by the scenic Hudson people is "several hundred thousand dollars," and the major legal firm involved is charging only one-third of its usual rates.

Another type of legal remedy discussed at the conference is the injunctive approach. Lawyer Victor J. Yannacone Jr. explained how the Defenders of Florissant, the group he represented, was able to get a temporary restraining order against a land company which was poised to start residential development on 1,800 acres within the proposed 6,000-acre Florissant Fossile Bed National Monument near Colorado Springs.

A bill to authorize establishment of the proposed national monument, which would preserve for posterity fossil beds 34 million years old, had passed the Senate and was being considered by the House Interior Committee last July, when the land developers prepared to start bulldozing.

Mr. Yannacone's request to the United States district court for a temporary restraining order was turned down. He immediately went to the three-man federal appeals court. Although Mr. Yannacone admitted that no specific statute would be violated by the planned real estate excavation, the arguments on the public interest persuaded the appelate court to issue a temporary restraining order on the basis that the fossil beds "are a unique, natural resource" and that excavation would "result in serious, permanent, and irreparable damage."

While the restraining order was still in effect, Congress passed the authorization act establishing the Florissant National Monument.

CITIZEN PRESSURE NEEDED

The Florissant case was cited at the conference as an example of how courts can sometimes act quickly when no administrative remedies are available to citizens and when proceeding with development might result in irreversible environmental damage. It also showed the importance of legislative response to conservation pressure. If Congress had not acted quickly, the injunction might not have been upheld, and the citizens might eventually have lost the case.

In another type of legal maneuver, an injunction is being sought to prevent the Hoerner-Waldorf Paper Mill of Missoula, Mont., from polluting the air.

As lawyer for the Environmental Defense Fund Mr. Yannacone is attempting in this case to establish the Ninth Amendment of the Constitution as a basis for environmental litigation. The Ninth Amendment provides that rights guaranteed by the Constitution "shall not be construed to deny or disparage others retained by the people."

Thus Mr. Yannacone contends that the people in the Missoula regional ecosystem have a constitutional right to a salubrious environment free of smog produced by a paper mill. He is arguing that it is technologically feasible for the paper company to abate smog pollution, and that no other administrative remedies are immediately available. The case is still before the United States District Court.

CONSTITUTIONAL HELP DEBATED

In discussing the merits of use of the 9th Amendment, a number of participants said that it is too vague and does not satisfactorily resolve conflicts posed by other individual rights. Among these would be property rights or even the public interest of the consumer. Such interest might, in some cases, favor development over some degrees of pollution abatement.

Another approach to environmental litigation is illustrated by the Hunting Creek case, where citizens near Washington, D.C., are seeking to prevent the granting by the State of Virginia of submerged lands in the Potomac River estuary to a developer for the construction of a high-rise complex.

It is being argued that the state holds these submerged lands "in trust" for the people, a carryover of common law from olden times when the king owned all lands and held them for the people. The citizens argued that this land could not be given to a private person for private purposes. The case is still before the United States District Court.

Expanding on this use of the "trust doctrine," Anthony Roisman told the conference that the trust-doctrine theory could also be expanded to cover the use of privately owned property. The trust theory, however, was acknowledged to be a theory requiring additional legal research and testing.

Most participants seemed to feel that courts may not be comfortable at present with such sweeping theories as the 9th Amendment or the trust doctrine. Instead, many recommended approaches toward finding legal ways to shift the burden of proof away from the environmental plaintiff to the user or developer who is intending to change the environment.

GI BILL ACTION NEEDED NOW

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, 2 months ago, the House passed and sent to the Senate H.R. 11959 which would increase GI education and training allowances by approximately 27 percent.

It had been the hope of many of my colleagues that the Senate would act promptly so that the rate increases could have been effective with the beginning of the fall semester. Inasmuch as hearings began on similar proposals in the Senate in June I am very much disturbed that it does not expect to pass this much needed legislation until the end of October.

Living and education costs have skyrocketed since the last rate increase and it is particularly unfair to make these ex-GI's continue to bear this increased inflationary cost.

Mr. Speaker, as part of my remarks I would like to insert an editorial which recently appeared in the Army Times and invite my colleagues to read it:

[From the Army Times, Oct. 1, 1969]

GI Bill Delay

Sen. Ralph Yarborough (D., Tex.) chairman of the Senate Labor and Public Welfare Committee which has jurisdiction over GI

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Bill legislation, seems to be placing the blame at the wrong door for delay in advancing that program.

And while he's doing so, the more than 635,000 GI Bill beneficiaries who had planned on a raise in educational allowances this fall aren't likely to get one now until next semester—thanks to foot-dragging by the Senate committee.

The fault can be found closer to the old homestead.

Some of the blame for delay in raising GI Bill allowances rests with Sen. Alan Cranston (D., Calif.), chairman of the Labor Committee's subcommittee on veterans affairs.

His group began hearings on the legislation on June 24. Here we are, going into October and the subcommittee still hasn't come up with a rate increase proposal to present to the full committee.

The best guess is that if and when the smaller body does act its recommendations won't receive full committee consideration until some time after mid-October.

In addition to its own recommendations, the subcommittee has before it legislation already approved by the House which would raise GI Bill allowances by 27 percent. Under the House-approved legislation, allowances for single veterans would go from $130 to $165 monthly; for married veterans from $155 to $197 monthly, and for men with two dependents from $175 to $222.

Now it's up to the Senate Labor Committee and to Senators Cranston and Yarborough to get something started—and real soon—on their side of the national legislature.

Senator Yarborough also ought to put aside some of his politically-motivated and unsoundly-based charges against the Veterans' Administration and the Department of Defense. In numerous speeches recently, he has accused these two government agencies of "deliberately" holding down GI Bill enrollment, charging that they want to "spend money on a war in Southeast Asia worse than they want to educate our young people."

We feel that GI Bill enrollments aren't as woefully low as Senator Yarborough would like people to believe. The VA expects a 22 percent gain in GI Bill enrollment this fall over last year, a record for the three-year-old program. This would bring enrollment up to 635,000 compared to 520,524 last fall and 380,037 in 1967.

It is true that enrollment figures among the disadvantaged veteran aren't what they should be. Only one out of 10 veterans without high school diplomas have taken advantage of GI Bill educational opportunities. The VA through its "outreach" program is making a bigger effort to get more of these veterans into school.

But unless Congress approves an increase in allowances, and soon, all of these efforts will be to small avail. Now is the time for action on a GI Bill rate increase.

GILBERT GUDE: THE QUIET CONGRESSMAN

(Mrs. HECKLER of Massachusetts asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Washington Post on October 6, 1969, published a very fine profile of one of our colleagues, Gilbert Gude, the distinguished Republican Member from Maryland's Eighth Congressional District.

It was an article worthy of attention as a justified tribute to a Member who, while accurately described as quiet, modest, and one of the "forgotten Americans—the nice guys," has proven his passion for and deep commitment to many worthy causes and purposes. Gil Gude is not the forgotten American in terms of accomplishments.

As a member of the Maryland Legislature, Mr. Gude did battle for improvements in the quality of our environment as well as conservation in general. He has carried the thrust of these concerns into the halls of Congress. His signal achievements in the Congress, despite the fact that this is only his second term, include his successful sponsorship of an air pollution control measure for the District of Columbia and his strong efforts to curb pollution of the Potomac River. His leadership in attempting to enhance the role of the District of Columbia to give it power to really act on today's urban problems is much to be commended.

All of us who live in the Washington area—who have suffered as a result of untended urban ailments and neglect—should be personally grateful for Mr. Gude's dedication to the best interests of the area, including his constituents, and of the Nation as well.

The text of the Washington Post article follows:

Representative Gilbert Gude: Quiet, Diligent, Interested in Conservation, District of Columbia

(By Peter Osnos)

"Now I want you to understand," Rep. Gilbert Gude (R-Md.) said to a visitor recently, describing his views on a conservation bill, "I'm really very much in earnest about this."

It was, say those who know him well, an apt self-characterization. The genial congressman from Maryland's Eighth District is known to be earnest about nearly everything.

And by all accounts it is a quality that has served him well. As Gude moves into the second half of his second term in office, he carries the considerable plus of a reputation for sincerity and good will.

"Gilbert Gude will never bowl you over with dynamism," a congressional aide said last week, "but he's hard to fault on the way he does his job."

The congressman has garnered that sort of praise by diligent membership on the District of Columbia committee—which he wants to revamp—and by pursuing a lifelong interest in conservation.

Notwithstanding an occasional dramatic tour of local sewers or a turn on an aging merry-go-round, Gude goes about his business quietly while at the same time, two other area Republicans embroil themselves in one brouhaha after another.

Reps. Joel T. Broyhill (R-Va.) and Lawrence J. Hogan (R-Md.) are both noted for their conservative views, although Hogan is considerably less rigid than Broyhill. Gude, on the other hand, has one of the highest ratings among Republican congressmen from the liberal Americans for Democratic Action.

His 67 per cent voting record means that on selected issues the ADA agreed with Gude's votes about two-thirds of the time. His rating from the conservative Americans for Constitutional Action is a meager 29 per cent.

Among Gude's "liberal" votes in the 91st Congress have been those to seat Adam Clayton Powell and to tighten restrictions on cigarette advertising.

The ADA disapproved of the congressman's stance for extending the income tax surcharge and preventing picketing at the Pentagon and against permitting future "Resurrection City" type demonstrations on federal property.

Gude belongs to a group of GOP congressmen who favor a closer look at military expenditures; he thinks President Nixon's decision to go ahead with the supersonic transport was a mistake and he thinks Vietnam is an awful mess.

Overall, Gude's attitude seems determinedly moderate, much like his temperament, with just enough of a liberal streak to please the large middle ground of a generally white, well-to-do constituency like Montgomery County. There the Democratic registration edge is 5–3.

But it would be wrong to portray Gude as a man devoid of deep commitment. His passion for preserving our natural resources is real, born from an association with the family's decades-old nursery and landscaping company.

Gude has sponsored several conservation measures in the House and has been an active member of the Government Operations Committee's conservation and natural resources subcommittee.

Introducing two bills in June aimed at protecting the Potomac Valley, Gude said in a statement on the floor of the House:

"I wish to make it crystal clear that the important debate and choice is not among these and other proposals but rather a choice between beginning action toward saving the valley environment as opposed to the deadly inertia of the past.

"The choice is between a river comprised of wilderness, open space, developed recreation areas and farmland, interspersed with towns and areas of commerce or a mammoth open storm drain running through a nightmarish strip of oversized cities, suburbs and Coney Islands."

The congressman was, obviously, in earnest. In our cynical age, the term is often slightly mocking, but Gude's concern for the endangered Potomac has won him the respect of both his constituents and his colleagues.

Gude's concern for the quality of environment extends to his work on the District of Columbia Committee where he successfully sponsored an air pollution control measure for the city. The act, the congressman proclaimed in a 1968 campaign pamphlet, "stands as my major legislative accomplishment as a freshman member of a minority party."

This congressional session, Gude's major effort has been a bill to completely overhaul the District Committee by transforming it into a 35-member committee on urban and Washington affairs.

The burden of Gude's argument is that many members of the present District Committee can't or won't devote as much time to the city's needs as is needed. And, since "the overwhelming number of Washington's problems are the same as those of other cities," it seems logical to create a body that would have broad jurisdiction over urban areas.

Gude claims support for his idea from two other members of the District Committee, Brock Adams (D-Wash.) and Andrew Jacobs (D-Ind.). Seven other congressmen have also cosponsored the legislation.

For the moment, however, the bill is bottled up in committee and shows little sign of movement.

Gilbert Gude is basically a modest person say his friends, but he wouldn't be in politics if he didn't have a zest for power. Therefore, few who know him rule out a bid someday for higher office, the Senate perhaps.

If and when Gude gets tapped, they say, it won't be because of the headlines he earned or the searing quality of his legislative proposals. Instead, their contention is, it will be a victory for one strain of the forgotten Americans—the nice guys.

FDA MUST ACT URGENTLY ON CYCLAMATES

(Mrs. HECKLER of Massachusetts asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, the serious questions raised over an extended period of time by the news media and the scientific community on the possible health hazards involved in their use underscore the urgent need for the Food and Drug Administration to accelerate its current evaluation of pertinent data on the effects of cyclamates and, in fact, to take immediate steps to warn the public against unrestricted use of cyclamates until a final determination of the drug's hazards has been made.

Unfortunately, the evidence indicates that the FDA has not been vigorous or decisive on the question of cyclamates. As the reputable Consumer Reports magazine observed in its May 1969, issue:

> The Food and Drug Administration certainly seems to have had second thoughts—nearly 20 years after it gave cyclamates a clean bill of health.

The article refers to FDA studies based primarily on animal experiments in 1955 and 1965 after which, in each instance, the FDA concluded that cyclamates were safe.

In 1967, said Consumer Reports, the issue was reopened when England's Food Additives and Contaminants Committee reported new evidence of harmful effects of cyclamates and called for further investigation "a matter of urgency." Consumer Reports continued:

> By the summer of 1968, FDA had commissioned still another study by the National Academy of Sciences—National Research Council; an interim report of that study was released by FDA late last year. The interim report, like the previous ones FDA funded, was mainly a review of the available scientific literature, as well as of several unpublished studies.

Last October 3, FDA Commissioner Herbert Ley ordered a similar study of more current findings, with a report due within 30 days, on the basis of which he said he "will decide the best method of restricting the use of cyclamates." It is to be devoutly hoped so, for that decision is long overdue.

Last April, Dr. Ley proposed restrictions—that is, labels on products stating cyclamate content in milligrams and warning adults and children against ingesting more than specified amounts—but the new bottle of artificial sweetener in my office carries no such labels.

Again, this is an action that is long overdue. Precautionary labeling is an essential first step—and a justifiable step—which should be taken at once for the public's protection.

It seems to me that these facts are indeed a sad commentary on the FDA capacity to fill its watchdog assignment. It does little good to shuffle papers, or study a subject to death, when there are innumerable indications that cyclamates may indeed be as harmful to man as to the animals used in tests.

Newsweek magazine of September 29 introduced an article called "Bitter Sweeteners?" with the following relevant summary:

> This year, weight-watching Americans will consume almost 20 million pounds of cyclamates, the artificial sweeteners used in dietary soft drinks, and as liquid and solid sugar substitutes. A spectacular rise in consumption of these sweeteners in recent years (the 1967 production was only 13 million pounds) has been accompanied by increasing doubts about their safety. The doubts concern not the cyclamates themselves, but cyclohexylamine, a product created in the human body, probably by the interaction between the cyclamates and substances in the digestive system. This happens—for some reason—in at least one-third of the population. Moreover, in tests done with animals, cyclohexylamine has been suspected of breaking down chromosomes and harming fetuses.

Scientific researchers have reported experiments using varying doses of cyclamates for injections which caused chromosome breaks in both bone-marrow cells and reproductive cells of rats, retardation of growth of rats and pigs, heart lesions in hamsters which resemble the human coronary attack, and so forth. The FDA's own chief researcher, Dr. Marvin Legator, was quoted in the Washington Post of September 13 as stating:

> Unless you can show differences between how animals handle a given material—such as that used in these experiments—and how it would be handled in man, you must allow the animal results to stand unless and until refuted.

There is real reason to consider the unrestricted use of cyclamates a matter of grave concern. It is a time for the FDA to demonstrate, through positive action, that it is willing to fulfill its watchdog function as protector of the American public.

Until labeling regulations and other warnings are put into effect, dieters, diabetics, and other unsuspecting Americans of all ages will continue their unrestricted consumption of products containing cyclamates. The real issue here may be the adequacy and efficacy of the FDA itself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Denney of Nebraska (at the request of Mr. Gerald R. Ford) for October 8 and balance of week, on account of official business.

Mr. Griffin until October 21 on account of official business.

Mr. Pepper of Florida (at the request of Mr. Boggs), for today through Monday, October 13, on account of official business for the Committee on Crime.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Pucinski, for 60 minutes, on October 14.

(The following Members (at the request of Mr. Albert):)

Mr. McCarthy, for 60 minutes, on October 9.

Mr. Hanna, for 60 minutes, on October 9.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Aspinall (at the request of Mr. Rhodes) to follow the remarks of Mr. Rhodes during general debate on H.R. 14159.

Mr. Price of Illinois to follow the remarks of Mr. Holifield during general debate on H.R. 14159.

Mrs. May to follow the remarks of Mr. Price of Illinois during general debate on H.R. 14159.

Mr. Ottinger immediately prior to the vote on the amendment offered by Mr. Scherle in the Committee of the Whole today.

(The following Members (at the request of Mr. McCloskey), and to include extraneous matter:)

Mr. Dickinson.
Mr. Hosmer in two instances.
Mr. Steiger of Wisconsin in two instances.
Mr. Bob Wilson in four instances.
Mr. Hutchinson.
Mr. Wyman in two instances.
Mr. Carter.
Mr. Hall.
Mr. Lujan in two instances.
Mr. Don H. Clausen.
Mr. Scott.
Mrs. Heckler of Massachusetts in two instances.
Mr. Hunt.
Mr. Schwengel in two instances.
Mr. Esch.
Mr. Ashbrook in three instances.
Mr. Derwinski in two instances.
Mr. Blackburn.
Mr. Coughlin.
Mr. Michel.
Mr. Price of Texas in two instances.
Mr. Reid of New York.
Mr. Anderson of Illinois.

(The following Members (at the request of Mr. Harrington) and to include extraneous matter:)

Mr. Rodino.
Mr. Stuckey.
Mr. Minish in two instances.
Mr. Wolff in two instances.
Mr. Daddario in five instances.
Mr. Powell in six instances.
Mr. Teague of Texas in six instances.
Mr. Gonzalez.
Mr. Byrne of Pennsylvania.
Mr. Obey in six instances.
Mr. Koch in two instances.
Mr. Long of Maryland in two instances.
Mr. Fraser in four instances.
Mr. Celler.
Mr. Hungate.
Mr. Bingham in two instances.
Mr. Gallagher.
Mr. Stokes in four instances.
Mr. Biaggi in two instances.
Mr. Hanna in two instances.
Mr. Colmer in two instances.
Mr. Rarick in three instances.
Mr. Blatnik.
Mr. Hagan in two instances.

XUM

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1718. An act to provide for the conveyance to the city of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city; to the Committee on Government Operations.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9825. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos Nicholaos Babaliaros;

S. 620. An act for the relief of Richard Vigil; and

S. 1110. An act for the relief of Nickolas George Polizos.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 7, 1968:

H.J. Res. 851. Requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival".

On October 8, 1969:

H.R. 3165. For the relief of Martin H. Loeffler;

H.R. 3560. For the relief of Arie Rudolf Busch (also known as Harry Bush);

H.R. 9825. To amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; and

H.R. 11249. To amend the John F. Kennedy Center Act to authorize additional funds for such Center.

ADJOURNMENT

Mr. HARRINGTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Thursday, October 9, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1232. A letter from the Comptroller General of the United States, transmitting a report on the status of war reserve materiel in Europe, Departments of the Army, Navy, and Air Force; to the Committee on Government Operations.

1233. A letter from the Comptroller General of the United States, transmitting a report on the readiness posture of 7th Army units in Europe, Department of the Army; to the Committee on Government Operations.

1234. A letter from the President, Panama Canal Company, transmitting a report of a violation of a fiscal year 1969 Panama Canal Company allotment under section 3679 of the Revised Statutes; to the Committee on Appropriations.

1235. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a report on borrowing authority for the period ended June 30, 1969, pursuant to the provisions of section 304(b) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1236. A letter from the acting executive director, Blinded Veterans Association; transmitting the audit of the association for the fiscal year ended June 30, 1969; to the Committee on the Judiciary.

1237. A letter from the executive director, Military Chaplains Association of the U.S.A., transmitting the audit of the association for the fiscal year ended December 31, 1968; to the Committee on the Judiciary.

1238. A letter from the Administrator of Veterans' Affairs, transmitting reports of Veterans' Administration activities during fiscal year 1969 for sharing medical facilities and exchanging medical information, pursuant to the provisions of 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROGERS of Florida (for himself, Mr. Jarman, Mr. Nelsen, Mr. Skubitz, Mr. Carter, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Rhodes, Mr. Hastings, Mr. Van Deerlin, Mr. Blanton, Mr. Pickle, Mr. Murphy of New York, Mr. Dingell, Mr. Stuckey, Mr. Rooney of Pennsylvania, and Mr. Satterfield):

H.R. 14237. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio:

H.R. 14238. A bill to establish the Department of Health; to the Committee on Government Operations.

By Mr. BUSH (for himself, Mr. Conable, Mr. Beall of Maryland, Mr. Blackburn, Mr. Brown of Ohio, Mr. Buchanan, Mr. Cowger, Mr. Cunningham, Mr. Denny, Mr. Duncan, Mr. Erlenborn, Mr. Fish, Mr. Grover, Mr. Gude, Mr. Hastings, Mr. Hosmer, Mr. Hogan, Mr. King, Mr. Kleppe, Mr. Lloyd, Mr. Lukens, Mrs. May, Mr. Michel, Mr. Miller of Ohio, and Mr. Pelly):

H.R. 14239. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. BUSH (for himself, Mr. Pollock, Mr. Scott, Mr. Sebelius, Mr. Steiger of Wisconsin, Mr. Teague of California, Mr. Thompson of Georgia, Mr. Thomson of Wisconsin, Mr. Vander Jagt, Mr. Weicker, Mr. Williams, Mr. Whitehurst, Mr. Winn, and Mr. Zion):

H.R. 14240. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 14241. A bill to amend the Federal Cigarette Labeling and Advertising Act to require cigarette packages to bear a statement of the fire hazards presented by smoking; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY:

H.R. 14242. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. CLARK:

H.R. 14243. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 14244. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mrs. DWYER (for herself, Mr. Reid of New York, Mr. Horton, Mr. Erlenborn, Mr. Wydler, Mr. Brown of Ohio, Mr. Vander Jagt, Mr. Myers, Mr. Cowger, Mr. Gude, Mr. McCloskey, Mr. Findley, Mr. Buchanan, Mr. Weicker, and Mr. Steiger of Arizona):

H.R. 14245. A bill to establish a Commission on Population Growth and the American Future; to the Committee on Government Operations.

By Mr. FRASER:

H.R. 14246. A bill to amend the District of Columbia Teachers' Salary Act of 1955, as amended; to the Committee on the District of Columbia.

By Mr. FULTON of Tennessee:

H.R. 14247. A bill to extend certain benefits to the National Guard technicians, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Armed Services.

By Mr. GUBSER:

H.R. 14248. A bill to provide for the termination of programs of price support for agricultural commodities by December 31, 1975; to the Committee on Agriculture.

By Mr. HANNA:

H.R. 14249. A bill to amend section 4005 of title 39, United States Code, to restore to such section the provisions requiring proof of intent to deceive in connection with the use of the mails to obtain money or property by false pretenses, representations, or promises; to the Committee on Post Office and Civil Service.

By Mr. MEEDS (for himself, Mr. Hathaway, Mr. Clay, Mr. Adams, Mr. Anderson of California, Mr.

Burke of Florida, Mr. Gibbons, Mr. Hanna, Mr. Helstoski, Mr. Bingham, Mr. Waldie, Mr. Symington, Mr. Don H. Clausen, Mr. Moss, Mr. Fisher, Mr. Brown of California, Mr. Matsunaga, Mr. Mikva, Mr. Esch, Mr. Fish, Mr. Conte, Mr. Buchanan, Mr. Gude, Mr. Riegle, and Mr. Córdova):

H.R. 14250. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. O'Hara, Mr. William D. Ford, Mrs. Hansen of Washington, Mr. Foley, Mr. Hicks, Mr. Price of Illinois, Mr. Fulton of Tennessee, Mr. Howard, Mr. Boland, Mr. Charles H. Wilson, Mr. Rosenthal, Mr. Pryor of Arkansas, Mr. Gallagher, Mr. Corman, Mr. Kyros, Mr. Tunney, Mr. Pelly, Mrs. May, Mr. Kino, Mr. Brock, Mr. Burton of Utah, Mr. Wyatt, Mr. Harvey, and Mr. Scherle):

H.R. 14251. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. Perkins, Mrs. Green of Oregon, Mr. Thompson of New Jersey, Mr. Dent, Mr. Pucinski, Mr. Daniels of New Jersey, Mr. Brademas, Mr. Carey, Mr. Hawkins, Mrs. Mink, Mr. Scheuer, Mr. Gaydos, Mr. Ayres, Mr. Ashbrook, Mr. Bell of California, Mr. Reid of New York, Mr. Erlenborn, Mr. Dellenback, Mr. Eshleman, Mr. Steiger of Wisconsin, Mr. Collins, Mr. Hansen of Idaho, Mr. Ruth, and Mr. Boggs):

H.R. 14252. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Education and Labor.

By Mr. MELCHER:

H.R. 14253. A bill to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit; to the Committee on Interior and Insular Affairs.

By Mr. QUILLEN:

H.R. 14254. A bill to amend the Internal Revenue Code of 1954 to provide that an individual may deduct amounts paid for his higher education, or for the higher education of any of his dependents; to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 14255. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. BROWN of Michigan:

H.R. 14256. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GARMATZ:

H.R. 14257. A bill to amend section 11(a) of the Merchant Ship Sales Act of 1946 to require the use by the United States of privately owned U.S.-flag vessels, when available, to carry cargo; to the Committee on Merchant Marine and Fisheries.

By Mr. GRIFFIN:

H.R. 14258. A bill to prohibit the use of Federal funds for sex education in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. HANNA:

H.R. 14259. A bill to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber yield fund, and for other purposes; to the Committee on Agriculture.

H.R. 14260. A bill to establish in the Department of the Interior and the Department of Agriculture and the Department of Labor a Youth Conservation Corps; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. Burton of California, Mr. Stokes, Mr. Rees, Mr. Roybal, Mr. Addabbo, Mr. Edwards of California, Mr. Halpern, and Mr. Button):

H.R. 14261. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Education and Labor.

By Mr. SCHEUER:

H.R. 14262. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in the monthly benefits payable thereunder, with a minimum primary benefit of $80 and subsequent cost-of-living benefit increases, to liberalize the retirement test to provide that the costs of these changes shall be paid from appropriated funds; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 14263. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 14264. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 14265. A bill to amend title XIX of the Social Security Act to require that reasonable arrangements be made under a State's medical assistance program to permit patients in skilled nursing homes to be temporarily absent for legitimate purposes without losing their rights to continued accommodations in such homes; to the Committee on Ways and Means.

By Mr. COHELAN (for himself, Mr. Rees, Mr. Powell, Mr. Hammerschmidt, Mr. Frelinghuysen, and Mr. Reifel):

H.J. Res. 937. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. CRAMER:

H.J. Res. 938. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.J. Res. 939. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. QUILLEN:

H.J. Res. 940. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. RYAN:

H.J. Res. 941. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WHALEN:

H.J. Res. 942. Joint resolution to designate Route 70 of the National System of Interstate and Defense Highways as the Eisenhower Memorial Highway; to the Committee on Public Works.

By Mr. GRIFFIN:

H. Con. Res. 400. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. FINDLEY (for himself, Mr. Biester, Mr. Coughlin, and Mr. Leggett):

H. Res. 573. Resolution relating to withdrawals from Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 14266. A bill for the relief of Daniel Chien-Sheng Lee; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 14267. A bill for the relief of Antoinette Bruck; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 14268. A bill for the relief of Joseph Waselak; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 14269. A bill for the relief of Dr. Julian Casimiro Gregorio; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 14270. A bill for the relief of Dusko Curcic; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 14271. A bill for the relief of Jack A. Duggins; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 14272. A bill for the relief of Halcie Welcome; to the Committee on the Judiciary.

XUM

EXTENSIONS OF REMARKS

NIXON ADMINISTRATION COMMITMENT TO U.S. FISHING INDUSTRY

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. PELLY. Mr. Speaker, Under Secretary of Interior Russell E. Train on October 6, addressed the Third Annual Fisheries Exposition in Seattle. I was pleased that this exposition was conducted in my hometown and honored that I had the opportunity to participate in it.

But, in Secretary Train's remarks, he reiterated the commitment of the Nixon administration to the U.S. fishing industry which is close to the pledge made by candidate Richard Nixon prior to the 1968 general election as he was campaigning in Seattle. Secretary Train said:

> I pledge to you that the Nixon Administration is determined to manage and conserve the resources off our coasts in the best interest of the American people, to develop new opportunities for the fishing skills of the commercial fishermen of this Nation, and finally to see a new day dawn for the fishing industry of our country.

Mr. Speaker, the fishing industry needs dynamic leadership from the executive branch, combined with wholehearted support from the legislative branch. I hope Secretary Train's words soon will become reality and that "new day" of which he spoke will make itself known to the U.S. fishing industry.

Under unanimous consent I include the text of Secretary Train's speech at this point in the RECORD:

COMMERCIAL FISHERIES—MEETING THE CHALLENGE

(Remarks by the Honorable Russell E. Train, Under Secretary of the Interior, before the Third Annual Fisheries Exposition at the Seattle Center, Seattle, Wash., Oct. 6, 1969)

I am delighted to be with you tonight at this splendid banquet and this great gathering of people from across the Nation who are associated with our Commercial Fishing Industry. It is fitting that this Third Annual Fisheries Exposition should be held here in Seattle, the great port city of the Northwest whose growth and vitality, and doubtless its future, are so intimately associated with the resources of the sea.

On Saturday a week ago I visited Gloucester, Massachusetts, to see at first hand the problems facing the fishing industry there. I inspected the Bureau of Commercial Fisheries' experimental trawler, Delaware II; toured the harbor; boarded several of our Gloucester fishing vessels; and talked with a number of our fishermen. There were a number of modern foreign vessels at the docks—particularly from Iceland and Canada—and the comparison with our own obsolete vessels and equipment was positively shocking.

Tonight I am glad to have the opportunity to speak on the subject of commercial fishing because I believe that this industry faces many challenges which must receive top priority attention. The marine resources of our nation represent a challenge and an opportunity of major dimensions. The wisdom with which we manage those resources could well decide the future well-being of the American people. During the eight months I have been in office, I believe that I have devoted personally more time to marine matters than to any other program area. I have recently been the chairman of an interagency task force on coastal zone management, which is examining the proposals of the Commission on Marine Science Engineering and Research, as well as alternative plans for more effective management of the estuaries and other coastal areas of the United States. I have been directly involved in the consideration of United States policy toward the sea bed, including the question of the physical limits of national jurisdiction and also the question of possible international arrangements for the management of the deep ocean floor.

Let me assure you tonight that this Administration is firmly committed to the protection and development of our marine resources. They are of crucial value not only to your industry, but to the entire nation. This is a subject of special concern to Secretary Hickel.

The position of world leadership occupied today by the United States results in large part from the rich natural resources of this country. Our rapid growth, our physical prosperity, and our current strength rest upon this base. The future of our nation position also will depend upon our access to and use of natural resources. We disregard this principle at our peril. Marine resources are among the most important of our natural resources. In terms of petroleum, natural gas, and hard minerals development from the sea bed, our nation probably leads the world in the sophistication of its technology. However, when it comes to the living resources of the sea, our record is a sorry one. We rank sixth among the nations of the world in fish production. As the people of the world turn more and more to the oceans for energy, for minerals, and for protein, we simply cannot afford to abdicate American leadership in this fashion.

Before I tackle the specifics of commercial fisheries, I should like to take a very few minutes to set your problems in perspective; to set them within the broad spectrum of environmental problems that face our Nation today.

The Department of the Interior has key responsibilities in the water-land-air complex that forms the livable skin of the planet. It is a thin skin; and so must ours be, if we are to sense its problems and react wisely.

This thin skin of land and air and water, loaded as it is with the resources that support life, is being pressured as never before to serve increasing numbers of people in an ever-growing variety of ways. Where once we only required it to feed us, now we demand that it fuel our automobiles, light our cities, carry away massive loads of pollutants, yield its metal for our creature comforts, and provide a playground to meet the increasingly sophisticated demands of an ever more affluent and leisurely society.

All these factors have a multiplier effect. The fabric of our world is straining at its seams. In some cases it is ripping apart.

The interrelationships of all parts of the environment—land, air, water and also all forms of vegetation and animal life—should perhaps be understood best by commercial fishermen. Your living depends largely upon preservation of our estuaries and other marine habitat, and I know you are keenly aware of the difficulty of preserving a productive and uncontaminated environment in those areas. The Department of the Interior is concerned with all factors which may adversely affect the environment. With regard to the fishing industry we are concerned with protection of the marine habitat which forms the essential foundation for the fishing industry.

Fishery problems are present on every coast of the country. These include the following:

1. The appearance of massive foreign fishing fleets off our coasts.

2. The rising cost of vessels and operations.

3. The need to compete with heavily subsidized foreign vessels.

4. The resource failures in certain major species.

5. The restraints imposed by various governmental regulations.

In recent years the cost of vessels, equipment and operations has increased more rapidly than the prices you receive for fish. This has burdened our fishing industry with a serious economic squeeze. The vessel construction subsidy program, initiated in 1969, has not been adequate. For example, during the period the subsidy has been in operation, only one vessel has been completed in the Pacific Northwest and only two more are even under construction.

The presence of huge foreign fleets with which we must compete on the fishing grounds is a critical threat, since these vessels are in a position to exploit heavily the resources on which our fisheries depend.

In recent years we have faced some major resource depletions. Off the West Coast, Pacific ocean perch stocks—once a mainstay of the local trawl fleet—have been greatly reduced as a result of international fishing activities. Certain agreements for international management now have been implemented, but it could be years before these depleted stocks return to a level economically feasible for commercial harvest.

In New England, haddock stocks have declined to a point where the Secretary recently declared a resource disaster and took emergency action to restore the stocks and assist fishermen in that area.

Many other of our fishery resources appear to have suffered the same fate. The yellowfin, sole, and king crab resources of the Bering Sea are examples. The resolution of this problem requires the development of international management schemes which can make effective decisions and make them in time.

The Department of the Interior is working to develop alternate resources to fill in for these depleted stocks. The Department is also conducting research in new technology.

Harvesting studies are being carried out on sablefish, which now must be caught on long lines. King crab pots, now tragically empty, seem to work and indications are that some such method will soon serve to increase substantially sablefish production.

The Bureau of Commercial Fisheries' Exploratory Fishing and Gear Research Base in Seattle in carrying on resource assessment work on Pacific saury, hake and clams. Gear research from this Base is emphasizing improved efficiency of shrimp separator trawls. Use of lights to aggregate and purse seining for harvest of saury are likewise being tested at the Seattle Base.

The Juneau Exploratory Fishing and Gear Base research has been rewarded by a much increased use of the latent tanner crab resource, mainly by fishermen from the declining king crab industry.

The Bureau of Commercial Fisheries' Technological Laboratory in Ketchikan, Alaska, is developing techniques for processing the Alaskan pink shrimp. Problems with color and texture under some mechanized processing techniques need solving, but the resource is a large one and the potential more than justifies the research and experimental effort involved.

Work is proceeding in Seattle on fish protein concentrate methodology, in conjunction with the plan to construct the first experimental and demonstration plant in this area. Currently in the design phase, this plant should open the way for eventual full use of many underutilized species.

While I have been emphasizing projects related to the Pacific Coast, comparable efforts are under way with respect to the Gulf and Atlantic fisheries.

We also intend to complete the long-overdue inventory of our own fishery resources. What is there, and where is it most likely to be found? In many instances, it has been embarrassingly apparent that the research activities of foreign fleets have provided them with better information about the magnitude and distribution of fishery resources off our own coasts than has our own Nation. In the first three-year period during which the Soviet Union engaged in fishing our coastal waters, the resource information they compiled was *double* that of all the U.S. research efforts over the last 30 years.

The United States should not find itself sitting at an international conference table telling another power they are overfishing our resources, only to find *they* know more about these resources than we do. We are determined to reverse that situation.

I also wish to refer briefly to the mass of regulations, both Federal and State, which apply to commercial fishermen. These regulations raise many questions.

Are they based on good scientific information?

Are they indeed needed for sound conservation?

What do they do to the efficiency of the fisherman, and is this effect justified by the results?

These regulations affect numbers of allowable fishing hours, types of gear and kinds of technology. They often have the effect of limiting efforts and efficiency and raising costs. We intend to make a fresh review of the Federal regulations to determine whether modifications would be appropriate.

Please do not misunderstand me. I did not come here to paint a glowing picture of performance by the Department of the Interior in protecting and developing the Nation's fisheries. Far from it. The fact is that the record of past years is not one of which we can be satisfied.

What I want to make clear is this—the new Administration is determined to do a far better job and is, in fact, moving ahead in a number of positive ways.

The Department of the Interior is taking the lead in the entire marine resources field. As the former Governor of Alaska, a State which depends heavily on its fishing industry, Secretary Hickel knows at first hand the value and potential of fisheries and the problems that face it. During the few months he has been in office, he has taken positive action to give fisheries more assistance than they have had in the past. We intend to develop new and imaginative programs for our national fisheries.

As a personal sidelight, I would like to mention a trip I made in August with several members of President Nixon's Cabinet to participate in a Joint United States-Japan Cabinet meeting on Trade and Economic Affairs. As the Department of the Interior representative, the subject of fisheries took much of my attention during our sessions. You will be interested to know that my wife and I got up at 5:00 a.m. one morning to visit the Tokyo fish market, the largest fresh fish market in the world. This market covers many acres and requires thousands of employees to handle the huge catch which pours in to the city each night, is auctioned off and taken away by the following noontime. To personally witness this efficient, high-speed operation was an eye-filling, nose-wrinkling experience I am sure I shall never forget.

While I was in Japan, I met with the Minister and Vice-Minister for Agriculture and Forestry, who have responsibility for commercial fish. I also talked with the President of the All-Japan Fisheries Association. I urged liberalization of Japanese restrictions on United States fishery imports, focusing my appeal on pollock, hake, herring, kelp, saury, salmon and salmon roe.

The responsible ministers agreed to actively encourage Japanese trading firms to increase the imports of these U.S. fishery products. We are now preparing to transmit a list of the items and quantities that we feel we can export to the Japanese market. They in turn have said they will distribute this list to Japanese importing firms. We hope this may lead to an expansion of our exports to Japan.

In my remaining few minutes I am anxious to discuss with you the threat posed by man himself, to the renewable resources of the ocean. These resources are dependent on an environment which man constantly seeks to alter. Whether measured by volume or by value, the species that spend at least part of their lives in estuaries account for 65 percent of the commercial fish harvest. The annual catch of these species totals more than 3 billion pounds, with a value of $260 million. Yet these estuarine areas, so valuable to you as fishermen, are also increasingly in demand for transportation, for mining, for the dumping of human waste, refuse and industrial products, for housing developments and for marine recreation facilities.

Some ecological systems can withstand a variety of usages without damage. Estuaries are not among them. They are among our most fragile resource zones and uses which put too much pressure on them generally causing irreversible loss.

More and more the need today is to see our resource problems from a broader context. We can no longer look upon the resources of the sea, land, and air as separate resources presenting isolated problems. We must instead recognize all resources as related points of a complex whole which is the total environment. In addition to the efforts of the Department of the Interior which I have described to solve immediate problems of the commercial fishing industry, the Department is also conducting a broad range of other programs in the fields of oceanography, marine science and marine engineering. We are also making an effort to integrate our programs which focus on land problems with those which focus on marine problems to provide better management of resources along our coastal zone—the interface between land and sea.

The Federal government is presently giving close attention to the need to give greater emphasis and better organization to its programs relating to marine problems.

A matter of great current interest is the proposal of the Commission on Marine Science, Engineering and Resources (the so-called "Stratton Commission") for the establishment of a National Oceanographic and Atmospheric Agency (NOAA).

This new agency would consolidate most of the Federal Government's civilian oceanographic activities. As I am sure you are well aware, the proposal envisages the transfer of the Bureau of Commercial Fisheries from the Department of the Interior to NOAA. The President has referred the proposal to his Committee on Executive Reorganization for study, as well as for consideration of other alternative reorganization proposals dealing with marine resources.

In the Department of the Interior we are seriously concerned by the proposal to establish this new agency. We are convinced that it would be a mistake to separate management of our fishery resources from the other marine and marine-related programs of the Department of the Interior. We strongly believe, however, that it is essential to give better coordination to the marine programs of the Federal Government. We also applaud the objective of the Stratton Commission to give the Nation a new sense of commitment to the opportunities and challenges of our Nation and the sea.

I pledge to you that the Nixon Administration is determined to manage and conserve the resources off our coasts in the best interest of the American people, to develop new opportunities for the fishing skills of the commercial fishermen of this Nation, and finally to see a new day dawn for the fishing industry of our country. For too long, we have turned our backs to the oceans. We can afford this neglect no longer. From the sea, came much of the strength and vitality of our nation when it was young. We must turn our face to the sea once more. The success with which we learn to utilize wisely the resources of the seas will directly affect the leadership of the United States abroad and the well-being of our people at home.

RED WATER REX: NATIONAL FIELD TRIALS CHAMPION

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. GRIFFIN. Mr. Speaker, earlier this year, at the National Championship Field Trials in Grand Junction, Tenn., the performance of a Mississippi bird dog was nothing short of sensational.

Red Water Rex, long heralded as a champion pointer won this coveted national championship collar over an outstanding field of 46 of the Nation's finest bird dogs. During the day, Rex, a 7-year-old white and liver pointer, distinguished himself with eight perfect finds and a single back of his bracemate during the 3-hour trial at Ames Plantation.

Red Water Rex's triumph was underscored in that it made his handler, Hoyle Eaton of Booneville, Miss., the first handler since 1961 to put national titles back to back. This outstanding Mississippi sportsman won the same event last year with Riggins White Knight, now retired.

I take personal pleasure and pride in this outstanding achievement. Red Water Rex's owners, W. T. Pruitt and E. B. Alexander of Jackson, are personal friends who have contributed greatly to outdoor conservation and recreation. They are avid sportsmen who deserve recognition for their endeavors.

As a part of my remarks, Mr. Speaker, I am including Concurrent Resolution 114 of the Mississippi State Senate in recognition of this achievement. The resolution was sponsored by Hon. Jean Muirhead, senator from Hinds County:

SENATE CONCURRENT RESOLUTION 114

A concurrent resolution commending W. T. Pruitt and E. B. Alexander, owners, and Dexter Hoyle Eaton, handler of Red Water Rex, National Championship Field Trials winner

Whereas, at the 1969 National Championship Field Trials in Grand Junction, Tennessee, Mississippians came home with the championship trophy; and

Whereas, Red Water Rex again captured the Ralston Purina Award for the Top Field Trial Bird Dog in the Nation by winning a total of 2,740 points in field trial competition; and

Whereas, Red Water Rex, a Mississippi bird dog owned by W. T. Pruitt and E. B. Alexander of Jackson, Mississippi, won the coveted national championship collar, bringing honor to his owners and the Magnolia State; and

Whereas, Dexter Hoyle Eaton of Prentiss County, Mississippi, handler and trainer of Red Water Rex, trained the 1968 national champion, Riggins White Knight, now retired to stud, as well, with Red Water Rex providing Eaton with the fourth Continental Trials champion under his tutorship; and

Whereas, Red Water Rex is the only Mississippi bred, Mississippi raised, Mississippi trained and Mississippi owned dog to win the coveted National Championship; and

Whereas, Mississippi through its Game and Fish Commission has for many years exerted a positive influence in the improvement of and encouragement of hunting, fishing, and field trials, and enhancement of these sports as attractions to tourists and homefolk alike; and

Whereas, the interest of Mississippians officially and individually has resulted in increased efforts and results in all areas of endeavor connected with nature sports as is evidenced in Eaton's recent feat:

Now, therefore, be it resolved by the Senate of the State of Mississippi, the House of Representatives concurring therein, That we do commend and congratulate W. T. Pruitt and E. B. Alexander of Jackson, Mississippi, and Dexter Hoyle Eaton, handler and trainer, for their recent conquest in having their Mississippi bird dog, Red Water Rex, "collared" as the champion in the 1969 National Championship Field Trials.

Be it further resolved, That a copy of this resolution be supplied to each of the owners and the trainer and to members of the Capitol Press Corps.

THE HONORABLE PETER RODINO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BIAGGI. Mr. Speaker, I am sure that we were all thrilled by the decision of the Secretary of the Army, Mr. Stanley Resor, to drop courtmartial proceedings against eight Special Forces troops. These men were, in effect, charged with criminal activity simply because they performed their duty no matter how unpleasant that duty may have been.

The cause of justice, I am happy to say, was amply served by a Member of this House, the distinguished Member from New Jersey, Representative Peter Rodino. Congressman Rodino, having been made aware that a gross miscarriage of justice was unfolding, immediately set into motion the necessary machinery to avert such a development.

We shall perhaps never know the full details of this unfortunate case. Suffice it to say that in war, unlike some of the nobler human endeavors, the activities of those who bear the brunt of battle are essentially brutal, simply because war itself is brutal.

It appears that the Army at first chose the course of punishing men whose actions were dictated by good conscience and pure motives. Fortunately, Congressman Rodino, a man who has dedicated his public life to justice for his fellow man, saw in his conscience that any punishment of these men would constitute a gross violation of the elementary principles of our system of law.

Congressman Rodino joins a long list of devoted legislators who, through the history of this Republic, have loyally supported their constituents, faithfully lived by the principles of justice, and bravely opposed injustice.

I can only hope that such ill-advised decisions by the military, or any other public agency, will always be avoided. In the event that this does not prove to be the case, we may at least rest assured that gentlemen of the calibre of Congressman Rodino will be present to right wrongs.

HOLD OUT FOR CLEAN WATER

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. OBEY. Mr. Speaker, the action last week by the House Committee on Public Works in recommending an appropriation of $600,000,000 to aid local units of government in construction of sewage treatment projects is a significant step in the right direction. But $600,000,000 is not nearly enough to cover our need. The more than 200 Members of Congress, including myself, who have joined with various citizens groups in an effort to secure full funding of $1 billion for sewage treatment construction have been cheered in recent weeks by expressions of support by the Nation's press. A great many newspapers have offered editorials demanding that the full $1 billion be made available by the Congress and the administration.

An example of this concern for the preservation of our environment appeared in the September 29 issue of the Appleton, Wis., Post-Crescent. I commend it to my colleagues, as follows:

HOLD OUT FOR CLEAN WATER

In the past several years an alarmed America has been making a lot of noise about its dirty air, water and land—all of which are getting dirtier. But this country has not done nearly enough to clean itself up.

As we mess up our world with the waste products of our living, we talk, talk, talk. But we will not get anywhere until we put up the money.

Look back to 1965 when Congress set clean water as a national goal, and decided that it would cost money to reach that goal. Ever since the federal bureaucracy has been blowing its horn about clean water, and stirring up the populace.

Yet Congress and the administration have repeatedly failed to budget the amounts authorized. If President Nixon's proposed allocation for 1970 goes through, less than one-third of the $2.1 billion authorized over the past three years will have been approved.

That is a very poor performance, especially when you look at the volume of our waste problem. Right now municipal ties are waiting for $2.2 billion in federal funds so that they can construct improvements to their sewage treatment plants. The $214 million Nixon has asked is less than one-tenth of the amount needed.

Finally a great deal of pressure is being applied to budget $1 billion for 1970, the full authorized amount. A coalition of interested groups is waging a war for clean water in Washington. More than 200 congressmen now have signed up to support the full $1 billion figure. Meanwhile there are indications that Nixon will again try to take the middle road, suggesting that the budgeted amount be raised to about $600 million.

That kind of compromise just isn't enough now. It is already too late to compromise, for pollution, peace and population are the chief problems facing this world. Even the full $1 billion is only a fraction of what is needed. We urge the clean water crusadera to hold out.

DISSENT GOES TOO FAR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. DERWINSKI. Mr. Speaker, as we note the thoroughly organized PR campaign being built around the October 15 anti-Vietnam demonstration, an understanding of the full impact of this situation must be realized. The San Diego Union in an editorial Friday, October 3, hits the nail on the head with a penetrating commentary on the way the country will be affected by the demonstrations being planned.

The editorial follows:

DISSENT GOES TOO FAR—ANTI-VIETNAM BLOC REGROUPS

There is something ugly about the new wave of anti-Vietnam pronouncements emanating from Washington.

The tones range from near hysteria to pious pulpit-pounding, but the words add up to the same thing: the United States of America should cut and run. It is proposed that we not only abandon the people of South Vietnam to communism, but that we turn our back on formal treaties, moral commitments, and the standards of decency that have made this nation something that men in other lands have looked up to since 1776.

Isn't it strange that in a day when the world has grown frighteningly small, when our enemies' weapons of mass destruction are only 20 minutes away from every home in America, that a certain brand of citizen wants to divorce us from the problems of our planet?

And now, an unsavory note of partisanship is added because the same largely Democrat bloc of liberals who earlier tormented President Johnson is baying at a Republican president. But it would be a mistake to write off the "abandon Vietnam" shouts as merely party politics. The temptation to capitalize on the Vietnam War is not confined to one party. Witness Sen. Charles Goodell's bill that would cut off all appropriations for the Vietnam War at the end of 1970.

President Nixon was charitable. He called Goodell's suggestion "well intentioned."

He may apply the same term next week when 24 Democrats—12 in the House and 12 in the Senate—submit their promised resolutions calling for immediate withdrawal of U.S forces. The term, "well intentioned" may be used, too, by others on Oct. 15 to excuse the student mobilization committee's demonstrations against the war.

But we cannot be that charitable.

Honest differences of opinion are one thing. Dissent, when expressed within the bounds of decency, is to be defended. But

what is now being espoused by the anti-Vietnam claque in Washington has moved far beyond these boundaries. We actually are hearing members of Congress endorsing the contemplated Oct. 15 demonstration with full knowledge of the past history of such displays, the type of people who foment them and the melancholy effects they have on people, property and decency.

Certainly the American people are tired of this war. Think how tired the people of Vietnam must be after 20 years of fighting, and a half million dead. But their love of freedom, their hatred of communism, their determination to have a destiny of their own has inspired them to incredible sacrifice.

This is a moment when our national and political figures can demonstrate their fiber. Certainly some will find it easy to encourage frustration and discontent. Some will find it tempting to seize a cheap way out of trouble.

But it isn't Vietnam that they would give away by their actions.

It is the United States of America!

MISSING LATIN AMERICAN POLICY MUST DEAL WITH POPULATION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BUSH. Mr. Speaker, I fully recognize that there are many tough problems that must be considered in constructing and enacting foreign policy. However, the problem of overpopulation must be considered as the most urgent of these problems. As chairman of the Republican Task Force on Earth Resources and Population, I understand the difficulties of propagating population control for foreign countries when the United States lacks a population policy of her own. Nevertheless, we cannot ignore the fact that the lack of success in economic development in too many countries is directly related to a population explosion.

President Nixon, in his population message, emphasized the need to enlarge the scope of our responsibilities through international cooperation. The President also put his administration machinery to work on better coordination of domestic family planning programs and requested the Congress to establish a Commission on Population Growth and the American Future. It seems to me that this initial broadcast of American concern over the problems of population growth justifies increased earmarkings of AID funds for population programs in recipient countries.

Mr. Speaker, I offer the following article from yesterday's Washington Post for the Record for the benefit of my colleagues:

MISSING LATIN AMERICAN POLICY MUST DEAL WITH POPULATION

(By Marquis Childs)

In a curious atmosphere of unreality the Nixon administration seems increasingly to be trying to cope with the problems not of the future nor even of the present, but of a past that is in itself irrelevant to the point of unreality.

The White House and the State Department are currently brewing up a policy for Latin America which has been nonexistent in the first nine months of the Nixon dispensation. Presumably, the new mixture will be grounded on the findings of Gov. Nelson Rockefeller, whose unhappy mission to the Americas to the south generated violence and destruction in almost every capital.

What Rockefeller could have added to the voluminous reports of the diplomatic and aid missions the United States maintains throughout the hemisphere was never clear. For the simple truth is that there is one overwhelming reality and it is written in letters of fire across the southern sky—the population explosion. The figures for 1969 from the Population Reference Bureau show Latin America with the highest net increase of any area in the world.

This tidal wave of human fertility swamps the grandiose plans of the Alliance for Progress. All that the Agency for International Development pours in is absorbed by new mouths to feed and the pressing demand for education and technical training that fall so far short of the need.

Unless population planning on a vastly enlarged scale is central to a new policy for Latin America, it will be wasted money and effort. The old politics and the old diplomacy are as outmoded as the stagecoach. The takeover by a military junta, the rise of another dictatorship, a bloody revolution put down—these are symptoms of a deep underlying malady that will never be cured by merely more transfusions of aid, whether in money or goods.

Little Costa Rica holds the record with a net increase of 3.8 percent, which means doubling the population in roughly 20 years. But the big countries of South America are not far behind. Colombia and Ecuador are each 3.4 and, given the nature of statistics in underdeveloped areas, the actual figure is probably closer to 4. Brazil is 2.8; Chile, where population planning has at least had a start, 2.3; Paraguay 3.4; Peru 3.1. By comparison, in Western Europe where the rate of increase has been steadily dropping, Belgium is 0.1, West Germany 0.4, France 1, the Netherlands 1.1. The rate of increase in the United States is 1 per cent.

Throughout Latin America illegitimacy is steadily rising, as is the incidence of illegal abortion. In desperately poor countries, such as Colombia, septicemia and other illnesses growing out of crude induced abortions absorb the painfully small supply of penicilin and other therapeutics. The human misery that results is incalculable. It is one more penalty for the poverty in which most Latin Americans live.

With half the population throughout most of the nations to the south under 25 or even under 20, education and training are all but impossible, measured against the need. Crime and subversion are the end result, as more and more of the young find no place in organized society. Even a highly developed nation with advanced technology would find it difficult to absorb the flood of youths in search of education and some means of livelihood.

President Nixon, in his message to Congress in July on the population problem, went further than any chief executive has gone to stress the urgent need for action at home and abroad if the shattering consequences of the people explosion are to be contained. He called for stepped-up efforts by all agencies concerned with aid and cooperation abroad. With rather more complacency that seems justified, the President said, "Already we are doing a great deal in this field." Actually, only a small proportion of aid funds goes into population control. This must be rapidly expanded, not only in Latin America but in Asia and Africa, if AID is to mean more than a temporary and feeble barrier to hold back the flood of poverty with its dire concomitants of hunger, instability and eventual breakdown.

Whether AID could be made conditional on expending programs of population control is a ticklish question. This gets into a national pride and religious and political prejudice. But it should not be impossible to find a way to relate the menace of the tidal wave of people to the form that American assistance takes.

The pessimists can find many reasons why population control will never work—inertia; prejudice; the inability, including lack of funds and trained personnel, to set up proper methods of birth control; and ignorance. These may defeat the best intentions and mock the direct warnings. But unless the enormous strides in death control are matched by population control, the world by the year 2000 will founder with an estimated seven and a half billion people.

PHILIP SANG TO BE HONORED BY THE WEIZMANN INSTITUTE OF SCIENCE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. PUCINSKI. Mr. Speaker, recently the Chicago Sunday Tribune carried an excellent article about Philip Sang who has spent a lifetime in search of historical truths for students and scholars of history.

Mr. Sang is himself one of our Nation's most highly respected and distinguished scientists.

The Chicago Tribune article quite properly calls attention to the fact that Philip Sang will be honored for his great contribution to historical research by the Weizmann Institute of Science in Rehovat, Israel—one of the top 20 scientific institutions of the world.

I am pleased to place in the Congressional Record today this penetrating article about Mr. Sang's meaningful contribution in the field of historical education.

Miss Kathy Burns, author of this article, has captured the true spirit and the true contributions of Philip Sang.

We in Chicago are proud to list him among our most illustrious citizens and the honor being paid him by the Weizmann Institute is well earned and well deserved.

The Chicago Tribune article follows:

SCIENTIST SPENDS 45 YEARS COLLECTING HISTORICAL DOCUMENTS

(By Kathy Burns)

To the uninformed, the young, the haphazard student, or the strict modernist, the study of history may be nothing but a boring rundown on little-remembered dates, strange places, and entirely too many people.

To others, history may be a life's work, fraught with the care of a surgeon, the patience of a scholar, and the perserverance of saint.

Philip Sang of River Forest, a scientist by training, has applied this same methodical approach to his pursuit of the past.

In addition to his business affairs, Sang has spent 45 years gathering historical documents for use of students and scholars thruout the world. His efforts will be recognized by the Weizman Institute of Sicence, Rehovat, Israel, one of the top 20 scientific institutions of the world.

HONORED ON NOVEMBER 4

Rabbi William Novick, midwest director of the institute, explained the reasoning behind Sang's selection. "Several committees consider many names of outstanding con-

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tributors in the sciences over a 3- to 12-month period before anyone is chosen. This year, 10 men from all over the world will be honored on Nov. 4, the 25th anniversary of the institute.

Sang is the first Chicagoan as well as the first native resident west of New York to be honored. "In him there has been a marriage between the sciences and the humanities," Novick said.

The institute is named after Dr. Chaim Weizmann, the first president of Israel. Born in Russia in 1874, Weizmann migrated to England where he was involved in high level chemical research. He discovered the bacteria that convert sugars and starches into acetone and butyl which lead to the mass production of industrial chemicals and commodities.

BEGAN COLLECTING DOCUMENTS

While a student at Crane High School, 2250 W. Van Buren st., Sang began collecting historical memorabilia on a small scale. Later, as a student of mechanical engineering at the Illinois Institute of Engineering, Sang had a teacher who he remembered simply as Mr. Hutchinson.

"That man really encouraged his students to pursue history," Sang said. "He was so exciting and had such an infectious approach that he sparked my interest."

In 1923, after his graduation, Sang began to pursue historical collecting as a serious hobby. One of his first "important" finds was an original photo of Mark Twain, with the inscription, "Be good and you'll be lonesome," written in the corner.

Sang said his study of history has been based on the written word, especially as recorded in letters. "The sweep of American history can be found in letters. In former years, writing was the art of the day. These people were great correspondents. Language was their handicraft."

One of his first concentrated areas of research was America. He decided to collect letters written by all 56 signers of the Declaration of Independence.

"It was a great challenge because some of the signers had lived much longer than others. One of the most valuable is that of Button Gwinnett who was killed in a duel a year after signing the document," he said.

In the 1930s Sang said he began to realize that the American Presidency was "the most powerful position in the world and would have much to do with the shaping of the world." He started gathering personal letters written by the Presidents. He now has a collection of documents from Washington thru Nixon. In 1960, he and his wife, Elsie, an avid historian and antique collector on her own, assembled an exhibit of presidents and near presidents for display in colleges and universities throughout the country.

At the University of Kentucky exhibit alone, 10,000 persons came to see the presidential panorama. He received letters from both 1960 candidates, praising the display.

ASSEMBLED DOCUMENTS

In 1966 he arranged to have a broadside [one large sheet, with writing on one side only] printed of Lyndon Johnson's Thanksgiving message. One thousand copies were sent to educational institutions. Sang himself received a dedicated copy, signed by the President and the secretary of state.

Other contemporary memorabilia now include: "As We Remember Joe," by John F. Kennedy, one of the limited copies published by the President on his older brother; signed copy of Kennedy's inaugural address; Eisenhower's monogrammed golf balls; personal notes to Sang from Lady Bird Johnson and Jacqueline Kennedy; signed copy of Truman's "Years of Decision," and the only prayer which he ever wrote; one of the official copies of the U.N. charter, signed by the secretary of state; and L. B. J.'s doodles explaining war strategy in Viet Nam, drawn on May 17, 1966. They were made aboard Air Force One as the President was briefing some senators and congressmen en route to a Democratic dinner.

Altho the major trend of Sang's historical perspective is directed towards Americana, he also has materials of a world-orientation. He has Mussolini's copy of "Thus Spoke Zarathrustra," with the parts on the Superman philosophy marked off.

ACQUIRED BOOKS

In his collection of international materials are books from the Index and Bibles dating from 1609. He also has acquired four-edge books from 19th century Europe which have paintings on the gold gilt edges, visible when the pages are slanted together.

A modern link with past are some scientific treaties by Newton and Galileo. Quite unexpectedly, the Sangs' acquired an unusual book recently which predicted the moon voyage 300 years ago.

"We were in London, in an old book store, the day of the Apollo 11 moon shot, when we found 'Discovery of a World in the Moone, which was written by the Episcopal bishop of Chester in 1638," Sang said.

According to the scientific bishop, some "other means for conveyance to the moon [would be created] tho it may seem a terrible and impossible thing ever to passe thru the vast spaces of aire. Yet, know that there would be some men who durst venture this as well as other" undreamed of feats.

RECEIVED HONORARY DEGREES

The River Forest historian is not limited to collecting written records only of others. Turning back the pages of his own life is like leafing thru an encyclopedia of topnotch achievements, both in quantity and quality.

Sang has received honorary degrees from five colleges and universities. In 1945, he cosponsored the founding of Freedom Hall, Oak Park, which has received national recognition three times in the last six years.

His diverse interests extend to the Modern Poetry association, Alliance Francaise, Chicago Symphony orchestra, Chicago Medical school, and the Illinois State Historical society, to name but a few.

In commemoration of his recognition by the Weizmann, Sang and his wife are donating a continuing research grant for leukemia study at the institute. Mrs. Sang said several members of her family had died from the disease and as such was the basis of their choice.

History, as a life's work for Sang, has not been one without humor. He was asked somewhat facetiously by Rabbi Novick why he hadn't yet acquired the stone tablets Moses had brought down from the mountains.

"I won't take them cracked," he replied.

WHY?

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, recently a constituent of mine, Mr. Franklin H. Bolton of Springfield, Va., sent me a copy of a poem written for his wife, Ruth, by their oldest of three daughters, Judy, who is now grown, married and teaching school away from home.

Like so many young ladies, Judy now looks back on her formative years with a different view than that she held as a teenager. Mr. Bolton feels, and I agree, that many of our young people today could benefit from Judy's reflections concerning her mother. I, therefore, insert her poem at this point in the RECORD:

WHY?

My mother used to say to me,
"When you're older you will see.
When you've grown and gone away
You'll understand what I say."
The years have steadily passed by, now it is I
who wonders why.
Why did I in years before not see her waiting
in the door?
Why did I not see her there working at
homely chores with care?
Why did I not heed her call as she prayed for
both big and small?
Why did I not sense or feel the love for me
that was real?
Why did I not thank each day she who held
my hand along life's way?
Now I ask myself, dear mother, since I would
never have another,
Why did I not say to you those simple
words—I love you!?

JUDY.

STABILITY AND CHANGE IN AFRICA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. REID of New York. Mr. Speaker, last Thursday, His Excellency, Julius K. Nyerere, President of the United Republic of Tanzania, delivered a major address at the University of Toronto, Canada.

President Nyerere's speech, entitled "Stability and Change in Africa," was basically a message to the North American continent, a warning to the leaders of the Western world. His message was the essence of the Africa position: He said that the principles of self-determination and national freedom are the goal of every African nation, and that these are great Western traditions and Western values. The West thus has an opportunity to assist African nations in reaching with a minimum of violence those goals for which we too have struggled.

But President Nyerere is deeply concerned about the potential consequences of the West's failing to support the achievement of these principles. Under such circumstances, he says:

> The freedom movements will therefore get their arms from the Communist powers.

President Nyerere cautions:

> We know our own motives in these actions. We are not Communists; we are nationalists desiring freedom.

President Nyerere's words are ones which I hope our Government will heed. I recently had the privilege of meeting President Nyerere in Dar es Salaam, his capital, and I was impressed with the integrity of his position and with the strong leadership he has provided in Tanzania and in East Africa. His authorship, with others, of the Lusaka Declaration is a case in point. I came away from our meeting convinced that change will come to Africa and only if we, the United States and other nations, act now will that change be peaceful and with a minimum of bitterness. Tanzania's internal policies in this regard were summed up by President Nyerere in his address when he said:

> Tanzania is attempting to achieve change by deliberate policy, and to maintain stability by involving all the people in both the direction and the process of change.

It is my belief that it is essential that the United States come down on the side of majority rule and the consent of the governed, and that to do otherwise is to betray their principles.

Mr. Speaker, for far too long America has ignored Africa and the changes that are bound to come on that continent. We cannot afford, as a people and as the leader of the free world, to continue that policy. A review of our African policy is now underway at the State Department and the White House, and I hope that from it will emerge a much higher priority for Africa. I hope, too, that President Nyerere's address will be given serious consideration during that review, and I include it in the RECORD at this point:

STABILITY AND CHANGE IN AFRICA

Mr. President, Ladies and Gentlemen, this is my first visit to the University of Toronto but it is very far from being my first contact with it. People from the University have worked at our University College in Dar es Salaam and in many different sectors of our Government; they have made great contributions to our progress. We have many old and valued friends here: people to whom we are indebted for good service gladly rendered.

Let me begin, therefore, by expressing to this University our appreciation for the cooperation and assistance we have received. You have released good people to work with us, and not just sent the people you could gladly spare! Let me also say "thank you" to the individuals concerned. They have helped us to implement our policies; they have helped us to see and to understand the problems we are faced with; when we have asked, they have suggested alternative solutions to these problems—though I must hasten to add that they bear no responsibility for our failures. The decision to accept or reject their suggestions is one we have always reserved to ourselves!

This kind of technical assistance is very valuable to us. It also has a by-product which is, I believe, important to Canada as well. For not only have we learned something about Canada from these workers. As intelligent people who have lived with us and worked with us, they have learned something about us. When they return to this country, they are therefore frequently able to spread an understanding of what we are trying to do. They can tell of our successes and our failures; more important, they can also put our actions into the context of our circumstances and our motives. I believe this to be important to both countries. For Tanzania's policy of self-reliance does not imply that we dream of isolating ourselves. We recognize that we are involved in the world and that the world is involved in us.

Involvement without understanding, however, can be embarrassing and even dangerous. And while the involvement is inevitable, a lack of understanding about Africa is only too easy. Our very existence as nations is exotic. And now our voices on the international scene are strident; we complain about things which others take for granted; we make demands on other nations of the world, which appear unreasonable to more traditional habits of thought. The reaction is natural. Our actions and our demands are looked upon with all the suspicion which is normally directed towards upstarts. And everything we do is judged in the light of attitudes which grew out of the aftermath of the second world war. In other words, every possible attempt is made to squeeze African events into the framework of the cold war or other big power conflicts.

The big question is always: "Is this or that African country pro-East or pro-West?".

These kinds of question are understandable because of the recent history of Europe and America. But they are the wrong questions for anyone who wishes to understand what is happening in Africa. They are based on a very fundamental mistake—and, I would add, an unwarranted degree of arrogance! They imply that Africa has no ideas of its own and no interests of its own. They assume the exclusive validity of the international conflicts which existed when we achieved nationhood. They are based on the belief that African actions must inevitably be determined by reference to either the Western liberal tradition or to communist theory or practice.

In fact, I hope that Africa has learned, and will continue to learn, from total human experience—from peoples in the West, East, North and South, whether we use these compass points as political or geographical terms! But what we are, in fact, trying to do is to solve the problems of Africa—and in our case, of Tanzania—as we experience them. And we are making this attempt as Africans and as Tanzanians: as people who have been shaped by a history which goes back further than the century or so of colonialism. Further, we look at the world as people who believe that they have something to contribute to mankind, as well as something to gain from it.

OUR NEED FOR BOTH CHANGE AND STABILITY

Yet we are new nations. Like every other people in the world we have always had a desire to be our own masters. We lost our freedom through defeat by the technically superior forces of Europe. Our first concern was to regain it, and our first priority now is to guard that freedom and to make it a reality.

When we did regain our freedom, however, we gained control over a different structure. In Tanzania it was more than one hundred tribal units which lost their freedom; it was one nation which regained it. By the forces of history we have been brought politically into this twentieth century world; our new freedom can only be maintained if we adopt other aspects of twentieth century life as well.

Another fundamental change makes other demands upon the national government which were not made on the traditional tribal governments. The Tanzanian people now know that our property, our ignorance, and our diseases, are not an inevitable part of the human condition. Once we accepted these things as the will of God; now they are recognized as being within the control of man. Political freedom is therefore no longer enough for us.

We in Tanzania are thus conscious of two over-whelming needs. We are determined to maintain our mastery over our own destiny—to defend our national freedom. We are also determined to change the condition of our lives. It is to meet these two needs that we must have both change and stability. Somehow these two must be combined, because in the circumstances of Tanzania, and indeed of Africa, neither is possible without the other.

CHANGE TO MAKE FREEDOM A REALITY

For although political and social stability is necessary to any real national or personal freedom, so too is change in our circumstances. At present our national freedom often exists on paper only, for our country is so poor, and so weak relative to other nations, that we do not play our rightful part in the human community. Decisions on matters which vitally concern us can be—and often are—made without any reference to us. And this is understandable. Even defending our national integrity against the intervention of foreign powers strains us to the utmost. A very great change in our economic well-being is necessary before we can meet these responsibilities of national freedom.

Nor is it only in national terms that real freedom is undermined by our poverty. What freedom has our subsistence farmer? He scratches a bare living from the soil provided the rains do not fail; his children work at his side without schooling, medical care, or even good feeding. Certainly he has freedom to vote and to speak as he wishes. But these freedoms are much less real to him than his freedom to be exploited. Only as his poverty is reduced will his existing political freedom become properly meaningful and his right to human dignity become a fact of human dignity.

This essential economic change will not, and cannot, take place in isolation. It depends upon, and it brings, social and political change. It is not even possible simply to expand the social and political organization which was introduced into the country by the colonial power. These were based on an individualistic philosophy which is contrary to both our traditions and our aspirations for human equality. And they were directed at the problems of imposing and maintaining an alien law and order, not at securing mobilization for the improvement in living conditions which our people now demand.

THE NEED FOR STABILITY

Yet stable government, and stability in the society, is also essential to our freedom. For without political stability African countries will remain the playthings of others. Without it, alien forces can influence our policies for their own benefit, and outside powers can wage their wars on our territories and with our peoples. It is perfectly true that many of us in Africa are in danger of getting a phobia about foreign plots, and of attributing to foreign machinations all the evils we suffer from. But although the original failures may be ours, no intelligent and knowledgeable person would deny that outside forces do take advantage of African division for their own benefit, or that they exacerbate our conflicts when this suits their purpose.

Quite apart from the defense of our national integrity, however, stability is also essential for economic development. We cannot increase agricultural production, organize markets for home-produced goods, meet export orders, or arrange for the supply of essential investment goods, unless there is stability and security in the country. An effective administration, secure communications, and personal safety, are prerequisites for any attack on the poverty which now oppresses us.

In brief, change causes disturbance and thus upsets stability, but positive change is impossible without stability. And stability is itself impossible in Africa without change. Africa's task is therefore to achieve a difficult balance between the conflicting and complementary needs for change and stability.

TANZANIA'S INTERNAL POLICIES

Tanzania is attempting to achieve change by deliberate policy, and to maintain stability by involving all the people in both the direction and the process of change. We are under no illusions about the difficulty of the task we have undertaken. With few socialists we are trying to build socialism; with few people conscious of the basic requirements of democracy we are trying to achieve change by democratic means; with few technicians we are trying to effect a fundamental transformation of our economy. And with an educational elite whose whole teaching encouraged motives individualistic advancement, we are trying to create an egalitarian society!

It is not my intention to speak about these internal policies today. I will only say that so far we have retained our balance. But I am optimistic about our future, provided that

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factors outside our control do not prevent us from continuing with our efforts.

CHANGE AND STABILITY IN SOUTHERN AFRICA

For Tanzania is one small part of Africa, and our future is linked with that of the continent as a whole. Even if we wished, we could not be unaffected by what happens on this land mass. But in fact none of us in Africa has learned to think in exclusively nationalistic terms—we still think of ourselves as Africans. It is, of course, true that there are some conflicts between African states and within African states. Yet these are like the conflicts between the Provinces of Canada—important provided there is no overwhelming external challenge to the principles on which the existence of each state is based. Our part of Africa feels itself to be involved with all other parts. We are learning—indeed I think we have learned—that the people from one free state have no right or duty to intervene in the affairs of another free state. We recognize that each nation has to deal with the conflicting needs of stability and change in its own way. If we think other free peoples are wrong, or if they fail in their endeavours, we still have no choice but to adapt ourselves to deal with the problems that their policies create for us.

But the situation is very different in relation to Southern Africa and to the remaining Portuguese colonies in Africa. In Mozambique, Angola and Portuguese Guinea, the African peoples are being governed by an external power which categorically rejects the principle of self-determination. In Southern Rhodesia the colonial power claims to accept the principle of self-determination, but has utterly failed to assert its authority against a racialist minority which denies this principle. In South Africa the apartheid policy is imposed on the Africans and other non-white peoples, and maintained by the most ruthless suppression. And the United Nations has failed to take any effective steps to dislodge this same tyranny from South-West Africa. In all these cases, outside forces are suppressing Africans, and Africans are being humiliated and persecuted simply for being what they are—black or coloured Africans.

In relation to all these areas of our continent, therefore, Africa as a whole recognizes a challenge from external forces and from a racialism which denies our rights as human beings. We cannot be uninvolved. Just one African state does not have a recent experience of colonialism—and for many years that was independent in name only. We have all suffered from some degree of racial discrimination. If we accept the continuation of such conditions in Southern Africa, we are denying our own moral right to freedom and human equality, and are forced to justify our existence on the grounds of an economic and military strength which we do not, in fact, possess. We cannot adopt this attitude.

But in any case, whatever the emotions may be, the fact is that Tanzania's freedom is itself in jeopardy while colonialism and racialism remain dominant on our borders. As long as we insist on making a reality of our freedom, and pursuing policies which uphold the dignity of African people, our existence is a threat to the colonialist and racialist states of Southern Africa. They would inevitably take steps to reduce the effectiveness of our policies and to control our actions. For just as their policy of racialism makes it daily more difficult for us to build a state on the basis of non-racialism, so they cannot secure their slave systems while the rest of Africa uses its freedom for the benefit of its people. The principles of freedom and equality have no validity unless they are of universal validity; and the principle of racial supremacy is invalid unless it is universally valid. Conflict between these two conceptions of humanity is inevitable. Where they meet, the conflict will become an active one.

Tanzania's concern with the situation in Southern Africa is thus not something which is extraneous to our other policies. It is a matter affecting our security. It is central to everything we try to do. It is not that we are great altruists who love freedom so much that they will fight for it everywhere and anywhere. We know our limitations. We also know that people can only free themselves—no-one else can prevent them from trying to win their freedom, and no-one else can do it for them. But in the case of Southern Africa, we and the other free states are all involved. We are all Africans; we all need to work together for the real development of any of us; and a continuing freedom struggle in one part of the continent affects the security of all other parts. This involvement is acutely realized in Tanzania because we are a border state between free Africa and colonial Africa; but the same considerations apply to a greater or lesser extent to all free African states. Very little can be understood about Africa until this is understood.

Let me therefore try to sum up our position on this matter. The common objective of the African people is self-determination for the peoples of Southern Africa and the other Portuguese colonies, and an end to the official propagation and practice of racialism in our continent. That is all. We are not anti-white terrorists wishing to impose a reverse racialism; we wish to uphold human equality and to give human dignity and non-racialism a chance to grow in our lands.

As far as the free states of Africa are concerned, what comes after freedom is an affair of the peoples of those territories. It is not for us to decide what sort of government they will have or what sort of system they will adopt. Tanzania must support the struggle for freedom in these areas regardless of the political philosophy of those who are conducting the struggle. If they are capitalists, we must support them; if they are liberals, we must support them; if they are communists, we must support them; if they are socialists, we must support them. We support them as nationalists. Our own commitment to socialism in Tanzania is irrelevant to the right of the people of Mozambique (and the other areas) to choose their own government and their own political system. The right of a people to freedom from alien domination comes before socialism. The right of a man to stand upright as a human being in his own country comes before questions of the kind of society he will create once he has that right. Freedom is the only thing that matters until it is won. The support which is given to the freedom struggles by Tanzania and by other African states is neither a disguised form of new imperialism nor an evangelical mission for socialism or capitalism. It is a recognition of the oneness of Africa.

BY PEACE OR VIOLENCE?

Yet there remains a big question. Is the freedom struggle to be waged by peaceful methods or by violence? Is Africa to support the freedom movement regardless of the methods used, or could we make our support conditional?

There are some people who appear to believe that there is virtue in violence and that only if a freedom struggle is conducted by war and bloodshed can it lead to real liberation. I am not one of these people; the Government of Tanzania does not accept this doctrine, and nor do any of the other free African Governments as far as I am aware. We know that war causes immense sufferings, that it is usually the most innocent who are the chief victims, and that the hatred and fear generated by war are dangerous to the very freedom and non-racialism it is our purpose to support. We have a deep desire for a peaceful transfer of power to the people. We believe that if a door is shut, attempts should be made to open it; if it is ajar, it should be pushed until it is open wide. In neither case should the door be blown up at the expense of those inside.

But if the door to freedom is locked and bolted, and the present guardians of the door have refused to turn the key or pull the bolts, the choice is very straightforward. Either you accept the lack of freedom or you break the door down.

That, unfortunately, is the present position in Southern Africa and, unless there is some new outside influence which forces a reversal of policy on those now in power, that is the choice now before us.

Portugal has proclaimed that its colonies in Africa are part of the metropolitan country and that self-determination for the peoples of these territories is therefore not a matter for discussion. Political organization is prohibited, all attempts at peaceful protest are suppressed, and change by negotiation is ruled out. In Rhodesia, the people's organizations have been banned and the leaders imprisoned. Even the British Government's absurd suggestion that the white minority should promise to bring discrimination to an end gradually has been answered by a clear statement of determination to maintain perpetual white supremacy. To the South African Government, discrimination on racial grounds is a basic article of faith which admits no argument.

In all these areas the demand for freedom has been rejected in principle. The door to progress is shut, bolted and barred.

In such a situation the only way the people can get freedom is by force. A peaceful end to oppression is impossible. The only choice before the people is organized or unorganized violence. But chaos will result, not freedom, from spontaneous uprisings when the frustrations get too great to be borne, or when some fresh turn of the screw goads the people to madness. Indeed, spontaneous uprisings in a modern and ruthless state are little more than mass suicide; they only achieve the release of death for many, and increased suffering for the others. When every avenue of peaceful change is blocked, then the only way forward to positive change is by channeling and directing the people's fury—that is, by organized violence, by a people's war against their government.

When this happens, Tanzania cannot deny support, for to do so would be to deny the validity of African freedom and African dignity. We are naturally and inevitably allies of the freedom fighters. We may decide, as we have decided, that no Tanzanian will take part in these wars; we may recognize the fact that we cannot arm the freedom fighters. But we cannot call for freedom in Southern Africa, and at the same time deny all assistance to those who are fighting for it, when we know, as well as they do, that every other means of achieving freedom has been excluded by those now in power.

THE INVOLVEMENT OF THE WEST

But it is not only African states which are inevitably involved in this conflict. All the traditional friends and allies of the powers concerned are also involved. Portugal is a member of N.A.T.O. To say the very least—much less than we believe to be the case!—the resulting military support allows Portugal to devote a greater proportion of her men and resources to the occupation of her African colonies than would otherwise be the case. Further, Portugal is a member of E.F.T.A.; it derives great benefit from selling to its Western allies goods which originate in the African colonies. Such economic links are another factor in the ability of the poorest state in Europe to spend something like 47 per cent of its Budget on "overseas defence"—which really means on the maintenance of colonialism in Africa.

About South Africa's position, I am sure it is unnecessary for me to say very much. It has great wealth and economic strength derived in part from past foreign investment. Its continuing economic development also owes much to new investment and re-investment by Western firms, and its international trade links with the West are very important to both sides. Indeed, the size of the Western involvement in South Africa's economy can be gauged by the indignation with which African demands for an economic boycott are met.

The illegality of the Southern Rhodesian regime has led to an economic boycott being imposed on that country. Nonetheless, the refusal of the colonial power either to make the boycott a total and effective one, or to enforce its decisions by direct intervention, has a reason. It reflects a sense of involvement with that administration and the people it represents—in other words, the dominant minority.

But my real point is not the fact of the West's economic involvement with Southern Africa. My concern is with their ideological involvement. I am not accusing the Western powers of conscious racialism, but of a preoccupation with conflicts which are at present irrelevant to the situation in Africa.

N.A.T.O. is a Western military alliance against East European communism—perhaps against communism itself—and Portugal is a member of N.A.T.O. South Africa claims to be a bastion against communism in Africa. The regime in Rhodesia claims that it is defending its part of Africa against communist-inspired chaos. These states are all anxious that their struggle against the freedom movements should be interpreted in the West as part of a world-wide anti-communist struggle. The real danger which worries me is that the West will accept this interpretation, and that it will, in consequence, betray its own principles by supporting these Southern African regimes.

The principle of self-determination and of national freedom is part of the democratic ideal; it is enshrined in all the greatest philosophies and documents of the Western world. But will the West recognize that this is the question at issue in Southern Africa, or will it be confused by this talk of "Western civilization" fighting "Eastern communism"?

If the struggle in Southern Africa is seen as the freedom struggle which it in fact is, the policies of Western states—both governments and peoples—will be determined only by the degree of their willingness to sacrifice immediate economic interests to political principles. But if the West accepts the South African and Portuguese argument that they are fighting on behalf of the "free world" against communism, then I believe that in time this interpretation will become defensible—at lease as regards their enemies. For if the West supports these racialist and fascist states, the freedom struggle will in reality become a part of the world ideological conflict—as it is now wrongly alleged to be. Further, I believe that if this is allowed to happen, we are liable to finish up with an even more disastrous conflict—a conflict of the races. For Africa and the West will be on opposite sides of the barricades; and Africans will have the support of Asia and large parts of Latin America.

Let me explain my fears and what I believe can be done by countries of the Western bloc to avoid such catastrophes.

PRESSURE FOR PEACEFUL CHANGE

Africa is anxious for peace in Southern Africa. But the possibility of this depends upon the possibility of ending the present injustice without war. Neither free Africa nor the Western world has the right to ask the peoples of Southern Africa to accept indefinitely the present humiliation, oppression and foreign domination; and in any case they would not pay heed to any such demands. The only chance for peace in Southern Africa is if change can be secured without violence. If this is possible, no one will be happier than the people of Africa. But we have tried peaceful methods and we have failed. The people of Southern Africa are therefore resorting to war, and the free African states are supporting them. The only chance for peace now is if the allies of the Southern African states are willing and able to exert the kind of pressure which brings change with the minimum of violence.

Do the Western powers have the ability to exert such pressure? I believe that they have a great deal of power if they are willing to use it for this purpose. Both South Africa and Portugal gain great benefit from their association with the Western nations; they will not wish to lose that benefit.

It is possible that South Africa would refuse to make any concessions to the democratic sensibilities of its allies, even at the cost of complete international isolation. I say this is possible because many people in South Africa believe in apartheid as a religion and will defend their faith until death. But there are other South Africans who rejoice in, and who support, the segregationist policies of that Government because of the material benefit and the position of privilege it gives them. I believe this is the majority. Such people give a support which is conditional to the extent that it is not based on fear; there is a limit to the degree of international isolation they would be willing to accept rather than accept an organized move towards individual human equality. At the very least, therefore, strong Western pressure on South Africa could introduce a new uncertainty and new insecurity among the dominant group. The police state machine would thus lose the virtually total white support which it at present enjoys. In that case, the violence may not be of such long duration or of such bitterness.

But what ever the situation in South Africa, it is quite certain that Portugal could not withstand real pressures for change exerted by its N.A.T.O. allies. A nation can withstand pressures from outside when it is united in hostility to that pressure. But a poor nation cannot maintain its domination over territories twenty times its own size, and over populations 50 per cent greater than its own unless it has the support of more powerful countries. In relation to the Portuguese colonies at least, members of the Western alliance do have the power to secure peace in Africa. They have the power to make a continuation of their support conditional upon Portugal's accepting the principle of self-determination.

Thus, in one case certainly, and in the other case possibly, it is the West which makes the choice between peace and war in Southern Africa. The question is not whether the Western powers are able to exert pressure on Portugal and on South Africa, but whether they are willing to do so. It is the implications of that question which I hope the people of this and other countries will carefully consider.

For I must stress that the choice before the free states of the world—which includes both Canada and Tanzania—is not between peaceful change and no change. The choice is between peaceful change and conflict. In the absence of peaceful change and real prospects of its continuing, the African people will fight for their rights. They will destroy stability rather than suffer under the stability of oppression. They have already begun to do so. We are not at the eleventh hour; we are past the twelfth. Already peace has to be re-established and confidence regained—both of which are harder things to do than to prevent war or to retain trust. So what is the alternative to a change in Southern Africa which is combined with stability?

THE IMPLICATIONS OF WAR

Portugal, South Africa and the regime in Southern Rhodesia are all heavily armed with modern weapons and they have access to more weapons. They even manufacture some. If the freedom fighters are to succeed in war, they too must have arms. Not even the most skilled guerrilla movement can fight machine guns with bows and arrows, or dig elephant traps across surfaced roads. Africa cannot supply these arms: we do no make them, and we have no money to buy them.

But if the Western powers will not put pressure on their friends to secure peaceful change, is it likely that they will supply arms to those who in desperation have decided to get change by force? We all know the answer. The freedom movements will therefore get their arms from the communist powers. And these communist powers will be their exclusive suppliers.

In these circumstances it is no use anyone telling the freedom fighters—or telling the free states of Africa—about the evils of communism, or about the possibility that the supplying states may present a bill for their support. We all know of that possibility; we do not imagine that communism makes great powers less subject to the temptations of greatness. But we are much less concerned about possible future dangers—which may never develop—than we are with present facts. And those facts are that Africa is occupied by an alien power now; its people are suffering under minority domination now. We have to fight these things. So, we accept arms from communist states, and say "thank you" for them.

On the same basis, the nationalists of Southern Africa get their training where they can and from whom they can. Sometimes free African states can help in this; sometimes they cannot. And when they cannot, it is again communist countries which offer to help, and again we accept with gratitude.

We know our own motives in these actions. We are not communists; we are nationalists desiring freedom. We recognize the possibility that those who are helping us may have different motives. That is what we are told and we have no proof that it is not so. But we do have proof of our existing need and of practical offers to help.

So the freedom fighters use communist arms and are trained in communist countries because they have no choice. This is happening now and it will continue. And then South Africa and Portugal will proclaim to their allies this 'proof' that they are fighting communism. They will show captured communist weapons and display some hapless prisoner-of-war (whom they will call a criminal) in order to persuade those opposed to communism to support their war against the freedom fighters. They will also show evidence of cruelties, and tell tales of fear and suffering experienced by non-combatants on their side. And they will argue that this is the kind of people their opponents are—communists and racialists. Some of this evidence will be forged, but some will be true. Wars are always ugly and brutal, and guerilla warfare is no exception.

In the face of this kind of psychological pressure, I am afraid that Western states would strengthen their support for the Southern African regimes. They would argue that for their own protection it was necessary to prevent Africa from falling into the hands of communists. They will therefore strengthen their economic support, and then agree to sell arms—or to give them—to the regimes of Southern Africa. Even the democratic and liberal people of the Western states will lose sympathy for the freedom movements, because they will come to believe that these have been captured by the communists. And gradually this conflict will become the ideological conflict which at present it is not.

At that point, because Africa does not look at things through cold war spectacles,

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the nature of the conflict may change again; it may become a confrontation between the poor, coloured world and the rich, white world. Only support for the freedom fighters from the Russian and East European communists would be breaking the colour pattern, and perhaps saving the world from this disaster. Indeed, it may be that the liberal humanitarians of Western Europe and North America may find themselves grateful to the white communists!

I am talking of what seems to me to be a terrifying series of events unless some effort is made to break the chain of logic in African and Western bloc relations. Of course, I have grossly simplified what would really happen; but we in Africa are not very sophisticated people, and indeed I do not believe the masses in any country are politically sophisticated. Therefore, I think that the pattern I have outlined is the way things might well look to us from our different sides. The people in the West would be seeing us as communists who wish them ill; we would be seeing them as supporters of racialism and of tyranny.

THE INEVITABLE CAN BE AVOIDED

These possibilities are real. If they develop, the effect on Africa could be terrible, and Africa's freedom struggle will bring great trouble to the world instead of releasing new energies for human growth—which is what we would like to think will happen. Yet knowing all that, we cannot draw back. For these are dangers and, however, inevitable they may appear in logic, they are possibilities only. Our oppression is real and present.

Yet I believe that the dangers I have outlined can still be avoided, or at least very greatly reduced, if the Western powers look at the Southern African question in its proper framework, and if they now take the necessary action to de-fuse the situation. I know that it is not easy for the Western states to put pressure on their allies; all developed states are reluctant to interfere in what they regard as the internal affairs of another developed state. I know too that international trade is of mutual benefit, and that—as far as the Western states are concerned—their partners' gain from this trade is incidental to their own. I know that the West has heavy investments in Southern Africa which they wish to protect. But I do not believe that these facts necessarily determine the issue, for I do not believe that the only thing which the West cares about is economics. I am neither a Marxist nor a Capitalist. I do not believe that every human value is, or need always be, sacrificed to economic interests. I believe that the basic philosophy of Western democracy has its own life and its own power, and that the people's concept of freedom can triumph over their materialism.

However, even if I did believe that economics was the only thing which mattered to the West, I would still ask myself whether short-term or long-term factors will determine the West's policies. For although South Africa may now be a bigger trading partner than all the rest of Africa put together—I do not know whether this is true for Canada—this will not always be the case. The population of South Africa is about 18 million; that of the rest of Africa is in the region of 250 million. However great the difference in wealth, these stark figures have their own logic—especially as the rest of us develop and become better markets because we are richer.

Further, the value of investments depends on their productivity. They are no use if the cost of protecting them is more than the return they give. And investments in areas of inevitable and foreseeable instability are surely of less value than investments where instability is a present but passing danger. For Southern Africa is still fighting for the right to begin change. Except to the extent that the kind of change develops out of the nature of the struggle, the real problems of African development in these areas will remain to be settled when freedom is won.

CONCLUSION

Mr. President, when you asked me to speak at this University, it may be that you were expecting me to speak about the internal affairs of Tanzania or about the relevance of our experiment in socialism for other countries—though you were too kind to express your wishes. But I have chosen to talk of change as an essential element in the stability which we need, and to emphasize this in relation to Southern Africa. I have done this for a very particular reason.

This is a Canadian University, and we in Tanzania have very great respect and admiration for the people of Canada. We believe that this country has both the opportunity and the willingness to try to build bridges in the world, and in particular to build a bridge across the chasm of colour. I therefore chose to discuss this question with you because I believe you will understand what I am trying to say, and will care about these matters.

I know, of course, that Canada has its own problems of cultural conflict, of peoples with different languages and different backgrounds living together. I know that within your own society you are now trying to work out new modes of co-operation, which allows a full expression of democracy without jeopardizing the special cultural interests of any minority. These are real problems for you; indeed your efforts in this matter are of world-wide interest. It would therefore not be surprising if such questions preoccupied the attention of the Canadian people. But the world is very small now. Canada's actions—or lack of them—in relation to Africa are also important to your future as well as to ours. For the questions are there; and the threat to peace is there. They will not go away because this large, wealthy and peace-loving state wishes to concentrate on its internal problems. You cannot escape giving an answer to the challenge of the freedom movements in Africa—even if it is only an answer by default.

Let me make it quite clear that I am not promising peace, stability, democracy, humanity or an absence of oppression in Africa, provided Canada (either alone or with its allies) recognizes the freedom struggle in Southern Africa for what it is, and adopts attitudes in comformity with its own principles. Africa has too many problems for that kind of optimism. When national freedom exists all over Africa, and when racial minorities cease to dominate any part of our continent, we will still have daunting difficulties to face and few resources with which to tackle them. We may still fail to make good use of our opportunities; we may be as slow to develop real individual freedom from both economic and political oppression as the worst states in the world. But we are determined to gain the chance to try to deal with these problems. And we can only give top priority to these questions of developing individual freedom and individual dignity when the whole of Africa is free.

The questions remain. Will Canada at least understand that freedom means as much to us in Africa as it does to any other people? And, if Canada cannot support our struggle, will it at least be able to refrain from giving comfort and help to those who would deny freedom and dignity to us? For the sake of Tanzania and Africa most of all, but also for the sake of future relations between men of different colours and different creeds, I hope that Canadians will be able to give attention to these problems. I hope that Universities like this one will help the people of this country to consider all the implications of their choice.

VIOLENCE ON TELEVISION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. GUDE. Mr. Speaker, an editorial published Saturday, October 4, 1969, in the Washington Post contained some thought-provoking observations on violence on our television screens, and I would like to add a comment of my own by way of introduction. Because I share the widespread concern for the increase in crime, especially violent crime, I have sponsored legislation to reform the District's courts and its bail procedures and continue to urge speedy enactment of many of the administration's anticrime proposals. At the same time, we must be aware that swifter justice to criminal offenders will not cure the disposition to violent acts which too many people acquire at an early age. Violence does not always begin at home, but thanks to television, it can be learned there. A steady diet of television programs where sometimes even the good guys are hotheads and bullies sets nothing but bad examples for our children.

Certainly censorship creates more problems than it solves. It would not dull the public taste for violence or the eagerness of the networks to cater to it. I wish, therefore, to commend those networks which are taking voluntary steps to reduce the level of hostilities in this year's programing, especially in programs viewed by children. It is now up to all of us as citizens and parents to let the networks know in no uncertain terms that we support these efforts.

The editorial is as follows:

VIOLENCE ON THE SCREEN

Both the blessing and the curse of television are readily apparent to anyone with young children. The temptation to gain a bit of quiet and to get some work done without interruption by letting the kids park themselves in front of the tube, particularly on Saturday mornings, is almost overwhelming. Yet, for those of us who worry about what our children are learning, every moment of that freedom has been plagued with a sense of unease about the fare that has spilled out of the television sets.

As a result, the report of the National Commission on Violence about television programing and the reaction of the networks to it support both our fears and our hopes. The report says that the "constant portrayal of violence" on television panders "to a public preoccupation with violence that television itself has helped to create." In simpler words, the commission suggests that our society has become interested in and perhaps tolerant of violence because its members have seen so much of it in the non-news programing of the last two decades. It may be, although the data are not yet conclusive, that part of the surge in crime can be attributed to the diet of television shows in which violence is an accepted method of reaching desired ends. A child brought up on programs in which the good guys win by beating up, shooting, or otherwise mutilating the bad guys may well come to believe that this is acceptable conduct. And it is the kind of conduct that has filled far too many so-called children's programs as well as the adult programs of the early evening that attract many children.

The networks have responded to this report not, as they have done sometimes in the past, by denying the implications but by pointing to the changes made in programing in recent months. The amount of violence on television is down sharply this fall from what it was just two years ago and Saturday mornings, particularly, have been cleansed to a great extent of the shows that sent tremors up the back of every sensitive parent. It is much more comfortable for the parents, and probably much better for the future of the nation, to have that long morning full of friendly and humorous cartoon characters than of the titans who battled across the tube previously. At the same time, the first reports on the new fall "season" indicate that the amount of violence portrayed during the prime evening hours has also been reduced. All this is to the good and television deserves a thank-you for it. But there are still programs that ought to be cleaned up and perhaps the commission's comments will help accomplish this.

One recommendation of the commission deserves special notice. It is the backing the commission has given to efforts of the Corporation for Public Broadcasting to obtain adequate financing from Congress. Public television can be the leader in developing both better fare and the appetite for it among both adults and children; surely the National Education Network's "Miste Roger's Neighborhood" is a model program for children both in its content and, if our experiences are indicators, in its audience-pulling power. NET's new programs look promising, especially its ambitious mornings for children, and Congress ought to speed action on the corporation's request for interim and long-term financing so that it can expand this kind of experimental programing.

LIBERALS BECOME SILENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. RARICK. Mr. Speaker, last July, I introduced House Resolution 497 to create a select committee to conduct a full and complete study of the demography of the United States with the view toward providing relief from racial tensions by more equal distribution of underprivileged racial groups throughout the several States, and in the political subdivisions of each State.

On September 8, I called for cosponsors, especially from those who had earlier indicated their approval of such social weapons as forced busing to overcome racial imbalance.

If assignment of schoolchildren on racial percentages is to be a solution to the racial tension and forced busing is regarded as an acceptable expedient for eliminating imbalance, then those experts on solving the race problem in my State should, in the national interest, enthusiastically lead in any program to overcome national racial imbalance.

If it is morally right to forcibly transfer the children of my district from school to school—and distance should not be a factor in morality—then it must be just as moral to bus children, or for that matter, entire families from State to State to overcome racial imbalance nationwide. In fact, with this philosophy it would be immoral not to do so.

However, as anticipated, I have no offers to cosponsor or inquiries to support my bill from those socially aware and personally committed civil righters, who righteously profess indignation over racial imbalance in my district. They conveniently overlook their theme of a "fully integrated society" when it comes to their district or their State.

Examining the most recent census figures on racial imbalance in the United States, one can easily determine why support for my bill, House Resolution 497, is not forthcoming from those usually outspoken leaders in the field of civil rights.

I include an excerpt from the text of House Resolution 497 and the census figures as follows:

EXCERPT FROM HOUSE RESOLUTION 497

The committee is authorized and directed to conduct a full and complete study of the demography of the United States with the view toward providing relief from racial tensions by more equal distribution of underprivileged racial groups throughout the several States and in the political subdivisions of each State.

Negro population by States, 1960

Rank and State:		
1	New York	1,417,511
2	Texas	1,187,125
3	Georgia	1,122,598
4	North Carolina	1,116,021
5	Louisiana	1,039,207
6	Illinois	1,037,470
7	Alabama	980,271
8	Mississippi	915,743
9	California	883,861
10	Florida	880,186
11	Pennsylvania	852,750
12	South Carolina	829,291
13	Virginia	816,258
14	Ohio	786,097
15	Michigan	717,581
16	Tennessee	586,876
17	Maryland	518,410
18	New Jersey	514,875
19	District of Columbia	411,737
20	Missouri	390,853
21	Arkansas	388,787
22	Indiana	269,275
23	Kentucky	215,949
24	Oklahoma	153,084
25	Massachusetts	111,842
26	Connecticut	107,449
27	Kansas	91,445
28	West Virginia	89,378
29	Wisconsin	74,546
30	Delaware	60,688
31	Washington	48,738
32	Arizona	43,403
33	Colorado	39,992
34	Nebraska	29,262
35	Iowa	25,354
36	Minnesota	22,263
37	Rhode Island	18,332
38	Oregon	18,133
39	New Mexico	17,063
40	Nevada	13,484
41	Alaska	6,771
42	Hawaii	4,943
43	Utah	4,148
44	Maine	3,318
45	Wyoming	2,183
46	New Hampshire	1,903
47	Idaho	1,502
48	Montana	1,467
49	South Dakota	1,114
50	North Dakota	777
51	Vermont	519
	National total	18,871,831

Source: 1960 U.S. Census.

Percentage of Negro population by States, 1960

Rank and State:		
1	District of Columbia	53.9
2	Mississippi	42.0
3	South Carolina	34.8
4	Louisiana	31.9
5	Alabama	30.0
6	Georgia	28.5
7	North Carolina	24.5
8	Arkansas	21.8
9	Virginia	20.6
10	Florida	17.8
11	Maryland	16.7
12	Tennessee	16.5
13	Delaware	13.6
14	Texas	12.4
	National average	10.5
15	Illinois	10.3
16	Michigan	9.2
17	Missouri	9.0
18	New Jersey	8.5
19	New York	8.4
20	Ohio	8.1
21	Pennsylvania	7.5
22	Kentucky	7.1
23	Oklahoma	6.6
24	Indiana	5.8
25	California	5.6
26	West Virginia	4.8
27	Nevada	4.7
28	Connecticut	4.2
29	Kansas	4.2
30	Arizona	3.3
31	Alaska	3.0
32	Colorado	2.3
33	Massachusetts	2.2
34	Nebraska	2.1
35	Rhode Island	2.1
36	Wisconsin	1.9
37	New Mexico	1.8
38	Washington	1.7
39	Oregon	1.0
40	Iowa	0.9
41	Hawaii	0.8
42	Minnesota	0.7
43	Wyoming	0.7
44	Utah	0.5
45	Maine	0.3
46	New Hampshire	0.3
47	Idaho	0.2
48	Montana	0.2
49	South Dakota	0.2
50	North Dakota	0.1
51	Vermont	0.1

Source: 1960 U.S. Census.

A REPLY TO ATTACK ON NATIONAL STUDENT ASSOCIATION—NSA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. FRASER. Mr. Speaker, a few days ago I received through the mail some "stop NSA" literature being distributed by one of the Members of this House.

In an effort to make sure that all Members have at hand some of the answers to questions raised by the Member, I have asked the National Student Association to let me have some of their material which, with unanimous consent, appears in the RECORD below:

What is NSA's membership base?

NSA has, since its founding in 1947, been a confederation of student governments.

Membership in NSA is and always has been restricted to student governments at ac-

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credited two or four year institutions of higher learning. There is no individual or *ad hoc* group membership.

NSA membership—Is it declining?

A frequent charge of the Far Right has been that NSA membership has steadily declined since the CIA disclosures in March, 1967.

The truth is that NSA membership has steadily increased from roughly 280 in March 1967 to the present membership of 390.

Membership in NSA is affected through a campus democratic process, whether it be by action of the elected student legislature or by a referendum of the entire student body.

There is every indication that NSA membership will continue to increase, and there is no indication that it is decreasing.

What is NSA's tax status? What does it mean?

In August, 1968, NSA received official confirmation of a C–3 tax status which means that the Association is, by definition of the Internal Revenue Service, a tax free, non-legislative, non-profit organization. As such NSA cannot run legislative campaigns, nor endorse political candidates.

At the National Congress in August, 1968 (at Kansas State University), the assembled NSA delegates overwhelmingly adopted what was known as the "Dual Corporation Proposal."" Following the model of the Urban Coalition, the NAACP, the AFL–CIO, and the Center for Community Change, NSA has been in the process of creating a legislative arm which would be able to involve itself in the political concerns of students. As in the case of the above mentioned organizations, the *C–4* corporation would be governed by the same parties as the C–3 corporation. The activities of the "legislative arm" are specifically restricted by mandates of the National Congress. To repeat, *when this proposal is accepted by the IRS*, NSA legislative activities will be limited to five (5) specific areas, selected by the delegates to the national meeting, through democratic processes. Even under the "dual corporation" NSA would still be unable to endorse candidates for office.

What are the political activities of NSA?

NSA does not engage in legislative or partisan political activity, at the present, due to its tax status. (Note: See question on "Tax Status.")

What are NSA resolutions?

While (as the previous two answers indicate) NSA cannot involve itself in legislative activity, this does not mean that NSA cannot act as a forum for expression on the central concerns of students.

NSA conceives of students as "participants," and the member student governments have repeatedly decided that they do not desire to remain silent on such questions. As a matter of relevancy, representatives from student governments have felt a need to take stands on issues that concern them.

NSA resolutions are approved at the National Congress through an internal democratic procedure, utilizing the committee and petitioning processes. There is ample provision, within the Congress Rules, for minority statements.

The resolutions carried at the Congress, while becoming the official policy of N.S.A., only represent those in the room voting "yes," and are not interpreted to represent either member student governments, student bodies, the institutions that delegates attend, or the American student community as a whole.

Whatever representative quality an NSA resolution has, is restricted to those voting delegates who supported that piece of legislation. NSA resolutions are a viewpoint of those delegates, and are interpreted as such.

However, only a small part of NSA's 12 to 15 day Congress is spent in consideration of NSA policy and resolutions. In the past, a good deal of the time was spent in plenary sessions, but this has been steadily decreasing, as illustrated by the following list of the number of resolutions considered (not approved) at the last four Congresses:

1965, University of Wisconsin	130
1966, University of Illinois	80
1967, University of Maryland	25
1968, Kansas State University	12

It should also be noted that many of the resolutions were for internal NSA student government programming, and only a few pertained to international and national policies.

The vast majority of time is spent in educational workshops, panels, small group discussions, symposia and so on.

At the conclusion of each Congress, NSA codifies and publishes the resolutions, which are then available to anyone upon request.

Is NSA representative? Does it claim to be?

It would be simply ludicrous for NSA to assert that it represented the American student community, or that it even represented the over 1.6 million students enrolled at NSA member schools.

NSA represents and services those students governments which decide to affiliate with NAS and to take advantage of the numerous programs of the Association.

At the XXI National Congress, in 1968, NSA made a survey of the "type" of delegate who attends NSA meetings. These are some of the results:

(A) 87% of those attending held some student government office.

(B) 72% declared themselves either Republican or Democrat, as far as party preference.

(C) 52% stated that their family income was between $8,000 to $15,000.

(D) 28% were members of Greek societies, and 30% came from campuses where none existed—only 9% stated they "strongly disapproved" of such societies.

(E) 81% stated that they attended religious services (35% once a week).

(F) 80% said they would not attend the 1968 Democratic convention in Chicago.

(G) 76% said that their student government's affiliation with NSA was becoming stronger or remaining strong.

(H) 97% said the reason for their school's affiliation with NSA was because of either the services, educational reform or student rights programs.

(I) 72% said they were liberal politically, 6% said they were radicals, and 22% claimed to be conservative.

(Copies of this poll are available on request.)

This poll certainly disproves any assertion that NSA is a leftist-radical organization operating on the outer political fringe of society.

Who is Behind the STOP–NSA movement?

Operating under such innocuous titles as the "Committee for Responsible Student Government," and "Committee for an Open Campus," it is still not too difficult to determine, from the continual repetition of the same charges, in the same style, and even in the same words, that the major source of the literature is STOP–NSA.

Stop-NSA is an adjunct of the Young Americans for Freedom, a far-right student organization with only a sprinkling of campus support. In Congress, a former President of the YAF, Buz Lukens (R–Ohio), is the spokesman and leader of the anti-NSA sentiment. Congressman Lukens has been sending a fund raising letter for STOP–NSA in which he encloses an anti-NSA article written by Edith Kermit Roosevelt, a granddaughter of President Theodore Roosevelt. Miss Roosevelt appears periodically in several far right publications. In 1964, she was a faculty member at the Christian Crusade Anti-Communist Leadership School, and her speaking engagements have been made by the American Opinion Speakers Bureau of the John Birch Society.

It is important to consider anti-NSA material in its *real* political context.

What are NSA's connections with radical student groups?

NSA has no formal or informal affiliation or working relationship with SDS or any other radical political group.

YAF, in its anti-NSA materials, finds a good resource in utilizing far left literature which usually is not too complementary to NSA . . . therefore it is somewhat surprising that YAF can assert that NSA and SDS are working "hand-in-hand."

NSA, it has been said, is a "militant anti-Greek" organization, pledged to the destruction of sororities and fraternities. True?

Hardly.

NSA policy, since 1958, has officially favored "cooperation and understanding" with Greek societies. This stance has only been qualified by the position of NSA on discrimination and against restrictive clauses within fraternal charters. This statement is:

"No incoming group shall be allowed on campus which contains in its constitution and/or by-laws, discriminatory clauses with regard to race, color, religion, creed, political belief, or national origin. In the case of existing organizations which do discriminate, the institution and the student body should make every reasonable effort to obtain the elimination of such discriminatory practices as rapidly as possible." (1965)

NSA, for some time, both in its own practices and its recommendations, has, without qualification, opposed racist practices. In this light, NSA is not opposed to fraternal organizations as long as they do not practice racial or religious discrimination. Where Greek societies are free of such practices, NSA would be willing to work with them like any other group.

It has been said that NSA officers must keep the Association going to preserve their "lavish salaries." Is this true?

Ludicrous, pure and simple.

NSA officers (one President and two Vice Presidents) receive $4,500 per year, and each has a travel budget of $1,500. NSA officers rarely serve beyond their one year term and usually return to school.

NSA staff receive between $4,500 and $6,500, dependent on how long they have been with NSA and what their responsibilities are.

NSA honoraria for speaking engagements are, almost without exception, returned to the Association.

What is the draft status of NSA staff and officers?

At present, the draft status given a member of the NSA staff is entirely dependent upon his individual relationship with his local board. Now, as in the past (and presumably in the future), NSA officers and staff members have received 1–A classifications. The important point is that NSA has no external influences working on its behalf to insure any type of deferment.

How is NSA financed?

There are basically three sources of NSA income:

(1) *Dues from Member Schools.* These account for but a tiny fraction of income. With an annual budget of $700,000, dues rarely run in excess of $20,000 per year.

(2) *Services.* NSA services, which provide income to student governments, have not exceeded $50,000 in the last three years. Currently, NSA is considering ways in which its services can be handled professionally, thereby greatly increasing income, for both NSA and student governments.

(3) *Grants.* The remainder of NSA's income comes from private foundations and government grants which are given the Association to carry out specific programs for students. Examples of past and present sources of grants are: U.S. Office of Education, Office of Economic Opportunity, National Institute of Mental Health, U.S. Department of Labor, Ford Foundation, Danforth Foundation, and Stern Family Fund.

The budget of NSA is adopted by the National Supervisory Board, and financial statements are made on a quarterly basis.

What is the structure of NSA? What kind of people are involved?

General and final authority for the direction and policy of the Association rests with the assembled delegates at the National Student congress.

At the Congress, each of the four (4) broad geographical areas (West, South, Midwest, and Northeast) elect members to the National Supervisory Board (NSB). The NSB, which is composed of ten (10) members who remain full-time students, meets no less than three (3) times a year to determine NSA policy within the limits of that set at the Conrgess. The NSB acts as a Board of Directors.

At the Congress, the delegates elect a President, an Executive Affairs Vice President, and a Campus Affairs Vice President to serve for a term of one year. The officers of NSA take a one year leave of absence from school to work full-time in the National Office. The officers, with the direction of the NSB and within the limits of Congress policy, direct, coordinate and supervise the activities of the Association and carry full responsibility for its actions. NSA officers and staff members are, for the most part, individuals who have held various positions in student government—many have been or are presently student body presidents.

The CIA: What are NSA's present international involvements?

After it was disclosed by *Ramparts* magazine in March, 1967, that NSA had received, over a period of years, large sums of money from the Central Intelligence Agency, the officers and staff of the Association began a very critical examination of international involvement.

Up until 1967, as appropriations and Congress resolutions suggests, NSA, as the American student organization, was "knee deep" in attending foreign conferences, in arranging international conferences here, in receiving representatives from foreign unions and so on. By the time the disclosures were made, NSA had severed all ties with the CIA, but was still continuing international programs, had an International Commission, and was a member of the International Student Conference (a pro-western, anti-communist federation).

In August, 1967, through a series of resolutions, the Congress formally admitted and then severed all ties with the CIA, withdrew from the ISC, and even changed the title of the international vice president, thus ending one of the most tragic chapters in the history of student organizations.

While there is an enormous amount of information available, on request, about the CIA–SNA relationship, the important present facts are as follows:

(1) NSA is not now, nor does it plan in the forseeable future, any participation in the international area.

(2) NSA is neither a member of the International Student Conference or the International Union of Students, and it does not plan on affiliating.

(3) NSA has *no* connections with the Central Intelligence Agency or any other secret government agencies.

What is NSA's general philosophy?

Student governments basically have affiliated with the Association for four reasons:

(1) Student Governments feel a responsibility to develop basic services for student welfare.

(2) Student Governments within NSA have shared a fundamental belief in the basic rights of students.

(3) Student Governments within NSA share the belief that students have an important role to play in the decision making processes at the university.

(4) Student Governments feel a responsibility to involve themselves in the central political questions of the day.

NSA is committed to finding ways and formulating programs to meet those student needs which the member student governments feel.

OUTDATED MATERIAL

A word of caution: YAF has no great flare for accuracy or for timeliness. The great majority of right wing material agsinst NSA was prepared in the early 1960's, so as a matter of factual accuracy, most of its material is out of date, irrelevant, and inaccurate.

In Congressman Buz Luken's statement in the *Congressional Record* (March 3, 1969), he lists a large group of NSA disaffiliates, which he states were taken from the NSA Codification of "January, 1961." It is therefore not surprising (with the passage of eight years) that the list is over 30% inaccurate.

CELLER RECALLS PRESIDENTS AND DAYS OF CURBSTONE CAMPAIGNING

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. KASTENMEIER. Mr. Speaker, for more than a decade now I have considered it to be a particular honor to serve on the Judiciary Committee under the wise chairmanship and guidance of the gentleman from New York (Mr. CELLER). During his many years of distinguished service in this House, Mr. CELLER has gained not only the respect and admiration of his colleagues, but also the esteem of a vast majority of the American people.

The most recent of his many triumphs and accomplishments was the overwhelming passage of the electoral reform bill calling for direct popular election of the President. His preeminent role in gaining the passage of this vital and much needed piece of legislation has been widely acknowledged and applauded throughout the country. One example of the public recognition of the signal service Mr. CELLER has rendered over the years may be found in the following account which appeared recently in the Christian Science Monitor of October 4, 1969:

CELLER RECALLS PRESIDENTS—AND DAYS OF CURBSTONE CAMPAIGNING

(By Richard L. Strout)

WASHINGTON.—"Mr. Speaker, on that I demand the yeas and nays!" cried Rep. Emanuel Celler (D) of New York.

The House tensed. Motion froze.

"The question is on the passage of the joint resolution," intoned the Speaker impersonally.

Suddenly alarm bells rang stridently all over the House, and in the three immense House office buildings—even in coat closets.

The yeas and nays were ordered. And the Congressional Record quietly added: "The question was taken; and there were—yeas 339, nays 70, not voting 21."

So Mr. Celler, who has sponsored three amendments to the United States Constitution, had successfully launched a fourth—to abolish the archaic electoral college.

"President Nixon's endorsement of it was like a cool wind in the heat of summer," Mr. Celler told a reporter in his office the other day.

WAVERING SENATORS

"I hope it will have a decisive effect on wavering senators."

Mr. Celler paused. Then the man who was considered a firebrand 47 years ago when he entered the House, but whose truculent bulldog face has long since mellowed into philosophic wrinkles, added:

"I hope the President will not only endorse it but will actually roll up his sleeves and do some fighting for it. And, if necessary, do some tickling of toes, and twisting of arms."

In 1968 Mr. Nixon said he wanted the presidential candidate with the most popular votes to win. As President he said he still favored direct popular election but feared it could not pass, so he was supporting the "district" plan—giving a candidate one electoral vote for each district, and two for each state.

When Mr. Celler won an overwhelming majority for the direct-election plan, Mr. Nixon telephoned his congratulations. But Mr. Celler hopes for a lot more than that, he explained wistfully as he rocked in his big swivel chair, with the autographed pictures behind him of all the presidents he has known. "Let's see, that's eight, no nine: Harding, Coolidge, Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and now Nixon."

TRUMAN FAVORED

Who was the one you enjoyed most? the visitor asked.

"Oh, Truman; he was simple and direct and straightforward. He was a man of the people. He will rank high in history, I think."

Who was the greatest?

A pause.

"Roosevelt was the greatest, I suppose. But he had his faults."

Mr. Celler has been chairman or ranking minority member of the powerful House Judiciary Committee since 1949. He was born in 1888 in a frame house on Sumner Avenue and Floyd Street in Brooklyn. Nobody else now in Congress has served so long.

He worked his way through Columbia, and Columbia Law School, and squeaked to election victory in 1922 in a hitherto Republican district by 3,111 votes. Now he normally wins his district by 3-to-1, or 5-to-1.

Those were the days! Mr. Celler's eyes light. It was curbstone campaigning, and you spoke from the tailgate of an open truck with a fife-and-drum corps playing and a burst of Roman candles and fireworks to gather the crowd which you then haranged.

Grandfatherly Mr. Celler salts his life with humor. There was this woman, he recalls, who listened to a rip-roaring speech in Brooklyn and gushingly asked him at the end if it wouldn't be printed. Mr. Celler wasn't so proud of the florid effusion but replied, deprecatingly:

"Yes, perhaps posthumously."

Quite pleased, the woman cooed that she "hoped this would be soon."

Mr. Celler can also be fierce, scornful, and curmudgeonly in debate, but he laces it more frequently now with humor. He stared once at a conservative questioner in the House and said, gently:

"We can give you the answer. But we cannot give you understanding."

And this same man who got House passage of the Civil Rights Act of 1957 (first comprehensive act in 82 years), 1960 school and voting rights, 1964 public accommodations; and three subsequent civil-rights acts also unbends in the living room and, before disbelieving eyes of grandchildren, can turn a napkin into a rabbit that jumps.

FLATBUSH RECALLED

As an old Brooklyn boy himself, the reporter reminisced with Mr. Celler about the tree-lined Flatbush of former days, with ice wagons, and horse-drawn streetcars.

The congressman's office looks out on a park, with an angel-wing begonia on the sill and some original Celler sketches inconspicuously hung on one wall, drawn during speeches instead of doodling—David Ben-

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Gurion, Adlai, Truman, Rayburn, Khrushchev.

"Herbert Hoover!" exclaimed Mr. Celler at one point, with a glance over his shoulder at the photograph behind him. "He lacked the gift of phrasemaking." He looked at the picture of the shy, uncomfortable-looking, high-collared president:

"Or something. . . . I was there when he dug the first earth for the great new Commerce Department Building. He was all for commerce, you know. He got a big spadeful of earth, and it had some worms in it. The only remark he mumbled on this historic moment was: 'Earthworms are very good for agriculture.' "

The walls of the room in the suite next to his office are lined with fountain pens under glass: each one a ceremonial presidential pen used to sign some bill that Mr. Celler had helped to pass. There are enough there to start a stationery shop, each with formal date, occasion, and presidential name attached. (Sometimes a president will use 30 pens for one "signature.")

As for those constitutional amendments he piloted, Mr. Celler recites them quickly—the 23rd (District of Columbia suffrage); 24th (antipoll tax); 25th (presidential disability)...

Will there be a 26th? Mr. Celler sighs. He got the plan for direct majority vote brilliantly through the House with full Republican help.

What happens now in the Senate and the states, he says, will depend in part on presidential leadership.

PELLY SUPPORTS MOVE AGAINST DDT

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. PELLY. Mr. Speaker, the Washington State director of agricuture will hold a hearing in Seattle next week on a petition of the Washington Environmental Council seeking a ban against DDT. Specifically, the petition calls for the cancellation of the registration for any use of all pesticides containing DDT.

This petition clearly points out that concentrations of DDT are found in many living organisms including man; and that the toxic effects of these concentrations in man still are largely unknown.

I have prepared a brief statement for inclusion in next week's hearing, and I insert these remarks at this point in the Record:

Ban Against DDT

(Statement of Hon. Thomas M. Pelly, Representative, First District, Washington)

Mr. Chairman, I appreciate very much this opportunity to submit a statement expressing in my views toward the further use of DDT in the State of Washington.

It is my opinion that the insecticide DDT is posing a complex dilemma. It has caused an undetermined amount of damage to the world's fish and wildlife resources, as well as causing serious and subtle changes in the environment. It is apparent that DDT is toxic to man and may persist for years with consequences unknown. Evidence shows that in the headlong rush to rely on expedient chemicals, many mistakes have been made and many safer alternatives have been passed up. There have been unintended damaging side effects and evidence suggests that man may be serioulsy harming himself in the process.

Experiments indicate that DDT in very small concentrations can reduce growth and photosynthesis in certain marine plankton. Photosynthesis by marine plankton is estimated to account for more than half of the world's oxygen supply—some scientists theorize that we are already in an oxygen deficit situation. It has been said that marine organisms are extremely sensitive to persistent pesticides. As little as 0.6 parts per billion in the water will kill or immobilize a shrimp population in two days.

Oysters also have been harmfully affected. Nearly a million coho salmon were killed recently because of DDT, say Dr. Howard Johnson and Charles Pecor of Michigan State University who deduced that residues were accumulated in the egg yolk of adults and their fry were poisoned during final absorption of the yolk sac. In order to infect the salmon, the DDT had to travel hundreds of miles through air, water and soil and had to be consumed through the normal food chain of half a dozen organisms.

And, there has been a widespread loss of birds where elm trees are treated with DDT for Dutch elm disease. When leaves fall from a sprayed tree, they are eaten by worms. DDT does not harm the worms, but it accumulates in their tissues. When birds eat the worms they accumulate it in ever and finally lethal doses.

There have been innumerable cases in which frogs and snakes have been killed by pesticides and sometimes in massive numbers. Scientific studies also have linked pesticides with cancer, and there have been many deaths attributed to the misuse of pesticides in the home.

Mr. Chairman, the concern in America today over the misuse of pesticides is great indeed. Several States have restricted their use, and the State of Michigan's Department of Agriculture has issued two notices, one of them as late as June 30, 1969, cancelling the registration of DDT which makes the sale of the products illegal in Michigan. In addition, legislation is pending in 17 State Legislatures regarding the use of DDT.

These examples of the harm that DDT can cause are just several of the many that I have come across in my studies of pesticides. I firmly believe that the use should be restricted, and I strongly support the petition filed by the Washington Environmental Council.

And, again, Mr. Chairman, I thank you for this opportunity to submit a statement expressing my strong and sincere feelings on this matter of the harmful effects of DDT on our environment.

THE REMEDY IS REAL GOLD, NOT "PAPER GOLD"

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ULLMAN. Mr. Speaker, the International Monetary Fund meeting in Washington last week has endorsed a new experiment to meet the world's monetary problems. The IMF approved activation of a plan authorizing special drawing rights for its members on a new pool of paper currency. This "paper gold" would join real gold and dollars as an addition to the world's monetary reserves.

The aim of SDR's is commendable. World monetary reserve assets are shrinking. Dollars are not currently added to the pool. Until recently, at least, central bankers have refrained from buying new gold stocks under the so-called two-tiered gold price agreement.

But though the activation of SDR's represents an encouraging effort in international cooperation to expand the reserves, I have grave doubts that it offers more than a temporary palliative. Indeed, by giving false hope, it may prove to be a mistake and may further weaken the dollar.

The scale of the IMF's plan to create initially $9.5 billion in paper currency over the next 3 years is not grand enough to bring real relief to the world's liquidity problem. SDR's appear to offer only a cheap, temporary solution to individual IMF members with chronic balance-of-payments problems. Europeans have registered concern that the United States might pursue such a course.

The failure of nations to cope with their international payments problems is the key to the weakness of the world's monetary system. No amount of SDR's can set this right.

My chief concern with SDR's, however, lies with their possible effect on the dollar. Milton Friedman, the eminent Chicago economist and monetary expert, has most clearly described the danger. Friedman argues that the two-tier gold system has in effect made SDR's obsolete before the system comes into being. SDR's might have been useful as a reserve asset in the days when central banks were free-wheeling in the world gold market. But now, with the supply of official gold virtually frozen, the central banks are holding tightly to their own gold stocks. SDR's then, Friedman believes, will not stimulate the circulation of gold reserves, but may be viewed by the banks as an asset to replace dollars. As the central banks accumulate SDR's they could dump dollars on the market, Friedman concludes, and the United States could face yet a deeper monetary crisis.

I agree with Friedman that reliance on SDR's is potentially dangerous to U.S. monetary stability. This, of course, is tantamount to saying that world stability is also threatened. The experiment in SDR's raises the same risk as we face in the use of untested drugs—the side effects may well do irreparable damage to the patient.

It seems to me that at this time the free world has no alternative but to rely on real, not paper gold. The United States could end the world's liquidity problems virtually overnight by raising the price of gold. By doubling this price to $70 an ounce, the United States, for example, would almost double its own international monetary reserves, as would many of the other nations in the free world. This action could be coupled with other needed reforms.

The pressure on the United States to make all the major adjustments within the present international monetary framework would be turned off. The need to pursue riskier, more complicated solutions would be eliminated.

ST. LOUIS GLOBE-DEMOCRAT SERIES PROVES CRISIS NATURE OF NEED FOR LEGISLATION TO REGULATE INLAND WATERWAY SAFETY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mrs. SULLIVAN. Mr. Speaker, yesterday, in connection with the bill, H.R. 13304, to provide for educational assistance for gifted and talented children, I traced the 12-year history of efforts to write into a law a program I first proposed in August 1957 to train teachers in the specialized skills of teaching all categories of exceptional children, including the gifted. The bill we passed yesterday completes that objective.

It is nearly 8 years since I first introduced legislation to require the licensing of key personnel and the inspection for safety of diesel-powered towboats and tugs in our inland waterways. We are finally on the verge of reaching agreement in the House Committee on Merchant Marine and Fisheries that some legislation in this field absolutely must be enacted in order to assure greater safety to those who work on the rivers and to the lives and properties of millions of Americans living or working alongside our major navigable rivers. It is tragic that we have taken so long to take even moderate legislative steps to solve this problem.

The first bill on the subject was introduced by me January 16, 1962, based on information developed by officials of Local 28, International Association of Masters, Mates, and Pilots, AFL–CIO, of St. Louis, and by national officers of that organization. They had come to me in my capacity as a Representative from St. Louis serving on the Merchant Marine Committee to ask my help in solving the already serious safety problems on the inland rivers. But at that time, the Coast Guard was not aware that the problem was important enough or urgent enough to require any Federal legislation. So I asked the union to draft a bill which I could introduce for the purpose of obtaining hearings on specific proposals. That bill was H.R. 9700, of the 87th Congress, and, in introducing it, I said:

> The bill which I am introducing by request as a means of bringing a long-standing problem before the Committee in a manner which will assure thorough hearings and consideration of the underlying issue, would extend to diesel-powered towboats the same requirements for inspection and certification now required in the case of steam-propelled towboats. Insofar as the inland waterways are concerned, I am informed that steam-powered towboats have virtually disappeared.
>
> I am not personally conversant with the technical details of inspection and certification proceedings, but as one who was born and reared in one of America's great inland ports located on our greatest river, I am certainly aware of the importance of taking whatever steps are necessary to assure the safe use of our rivers by the mammoth trains of barges which carry tremendous amounts of industrial cargo.
>
> In previous discussions of this problem with the Coast Guard, I was informed that accident statistics have not disclosed so far any emergency situation as regards the operation of uninspected and uncertified towboats on the rivers. Nevertheless, as long as the danger of serious accidents exists, I believe we should take appropriate steps to extend the Coast Guard's inspection requirements, if that course of action is feasible and practicable. The purpose of my bill is to provide the vehicle by which the whole problem can be brought up for hearings in committee, with the expectation that if the supporters of this bill can establish the soundness of their position, we can then correct any deficiencies in the present law.
>
> Other provisions of the legislation would require licensing of pilothouse employees on diesel-driven towboats just as they are now required to be licensed in steam-driven vessels of the same type.

COAST GUARD ASKS TIME TO CONDUCT OWN INQUIRY

After that bill was introduced in the first few weeks of 1962, the Coast Guard asked the Committee on Merchant Marine and Fisheries not to schedule it for hearings until the agency itself could make a full inquiry into the need, if any, for the legislation. Such an inquiry was made, and the results compiled and disclosed nearly 2 full years later, in November 1963, when the Treasury Department, in a formal report to the House, stated not only that legislation was urgently needed, but that the bill I had introduced 2 years earlier did not go far enough in many particulars.

I thereupon introduced H.R. 9130 of the 88th Congress, on November 14, 1963—an administration bill which the then Secretary of the Treasury Douglas Dillon, said was needed to cope with "the ever increasing traffic in dangerous liquid cargoes and the fact that collision is a major source of marine casualties." In view of these facts, he added:

> An obvious potential hazard is involved in permitting such cargoes to be towed by vessels which at present are neither subject to the requirements for safety inspection nor subject to the licensing and certificating of their personnel.

That was in 1963, Mr. Speaker. The situation since then has become alarmingly more serious. But legislation has not yet been enacted. The Committee on Merchant Marine and Fisheries held hearings on my bill in 1965, with the Johnson administration strongly supporting it. But virtually every barge line and tug operating firm opposed it—not every one but virtually all of them. And the legislation died in committee.

H.R. 13987 PROVIDES PARTIAL SOLUTION

I have reintroduced this legislation, as H.R. 156, in every Congress since then. But while this bill, requiring inspection for safety of most of the cargo vessels working the rivers, as well as certification of key personnel, remains bitterly opposed by most of the operators, the glaring need for some solution to our dangerous conditions on the inland rivers has led to the introduction by Chairman Edward A. Garmatz of the full committee, with cosponsorship by 21 other Members, including myself, of a new bill, H.R. 13987, requiring that a licensed pilot be on board every tugboat of more than 15 gross tons or more than 26 feet long, and that a licensed engineer be aboard all tugboats of 750 horsepower or more. This legislation would affect only about 1,800 of the 6,000 tugs now in operation. It is, as I said, only a partial solution—but is the first forward step since the 1965 hearings in coming to grips with the problem.

Hearings on this legislation are scheduled for tomorrow and Thursday in the Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation. I am sure there will be strong opposition from many of the tug operators to even the modest requirements of this so-called compromise bill.

ALLAN HALE ARTICLES EXPLAIN WHY STRONG LEGISLATION IS NEEDED

The urgent need for strong legislation, Mr. Speaker, has been documented in an outstanding series of newspaper articles in the St. Louis Globe-Democrat by Allan Hale, a staff writer who has devoted months, and great effort, to this assignment. His series is a remarkable example of journalistic achievement in digging into a complex subject and bringing the facts to public view. Along with these articles, in chronological sequence, are companion articles or editorials dealing with the information developed by Mr. Hale, or based on developments here in Washington in connection with proposed legislation.

The newspaper articles referred to are as follows:

[From the St. Louis Globe-Democrat, May 24–25, 1969]

A River Tragedy Points Up a Need

(By Allan Hale)

"It's not me I'm afraid of, or the river. It's the fact that the man I meet coming down may not know what he's doing."

Dave Carlton is a licensed Mississippi River pilot. The Marine Officers Association, of which he is a member, said that perhaps half of the pilots on the river are licensed.

"The public would really be surprised if they were informed," said another pilot. "There are no requirements at all. Anybody can be a pilot, no matter what kind of cargo he's got . . . you can take a taxi-cab driver, put him on the boat and tell him to be a pilot, and you're not breaking any law."

The men who move the big cargoes on the river, the long strings of barges with 20 to 40 thousand tons of cargo get a certain grim amusement out of the fact that the people of the river cities like St. Louis don't know what's floating past their front windows—or what might happen if something went wrong.

On May 12 a barge explosion which killed four persons at La Grange, Mo., underlined the reason for an increase of interest among the river cities in what's going on in front of them.

George Reeves, pilot of the barge that exploded at La Grange, is licensed as a "tankerman" but not as a pilot, an attorney for his employer said.

Reeves testified before a Marine Board of Investigation that the barge that exploded on May 12 was involved in an accident on May 9, when it hit a bridge pier after getting caught by a current.

The city of New Orleans got a demonstration in April when a towboat pushing three barges was involved in collison with a Chinese nationalist freighter one midnight, directly under the Greater New Orleans Mississippi River Bridge. The lead barge, loaded with 9,000 barrels of crude oil caught fire.

Flames soaring 100 feet into the air seared an 80-foot area of the bridge, buckled the steel rails of the sidewalk guards and damaged the understructure. Twenty-five Chinese crewmen aboard the freighter died.

It could happen any day, in any river city, say the towboat men.

XUM

"Now if this boat had also—I might mention that there were thousanda of people gathered to watch this burning ahip and barges—if this boat had also had a barge of chlorine in the tow, which you do sometimes have and it had exploded in downtown New Orleans, maybe 1,300 tons of it, it would have wiped out no telling how many," says Carlton. "Thia could happen at Alton, anyplace."

Carlton works out of St. Louis, lives at Cape Girardeau and mostly handles the two biggest towboats of the river, the 1,000-ton twins "America" and "United States," owned by Federal Barge Lines here.

It was a deputation of St. Louis towboat men which in 1962 went to U.S. Congresswoman Leonor K. Sullivan, 3rd District. They were deeply concerned, she said. They said they were working under great hazards and with no safety regulations," she said.

The river men convinced her that there was a case for regulations requiring the licensing of pilots and the inspection of boats. The result was a two-month session of hearings before a subcommittee of the Congressional Committee of Merchant Marine and Fisheries.

There had been similar hearings on the same subject before. In 1935, when nothing was done. In 1951, when nothing was done. In 1965 the same thing happened.

The record of the hearings fills a book three-quarters of an inch thick. The book is so far the sole concrete result.

The regulations were blocked solid, Mrs. Sullivan explained, by the opposition of the majority of towboat operators. The men who work the boats came forward and spoke for a regulation. The towboat operators, with the exception of some of the largest and most reputable firms were against it.

The La Grange explosion, and the April disaster at New Orleans, coupled with an earlier one near New Orleans last year when 21 died in a towboat-freighter collision have convinced Mrs. Sullivan that the time has come to try again.

She has now asked the chairman of her committee to request those in favor of regulation and those again to sit down and reason out together what provisions of the bill they can and cannot live with. This will be no ordinary house hearing, she points out. "This is not the normal way legislation is written, but I think it's an effective way when it's stymied," she says.

[From the St. Louis Globe-Democrat, May 24-25, 1969]

BARGE INQUIRY ENDS: BLAST UNEXPLAINED

The Coast Guard board investigating the barge explosions at LaGrange, Mo., ended its inquiry Friday without determining what caused the blast that killed four and left two others missing earlier this month.

Capt. Robert Barber, head of the board of inquiry, said nothing was brought out that would point to the need for disciplinary action despite the occurrence of certain actions which "apparently were not in the best judgment."

He said the case would be forwarded to the Coast Guard commandant in Washington, D.C. for review and a final decision, which may take two or three months.

His announcement ended a two-day investigation of a series of explosions and fires on May 12 that gutted a towboat and two barges unloading gasoline at an oil refinery owned by the Triangle Refineries, Inc. Two members of the crew of the towboat Martin and two Triangle dock employees lost their lives in the holocaust.

Towboat pilot George T. Reeves testified Friday that the stove in his galley was turned on while the towboat was moored near the unloading gas barges and he did not feel this was safe.

In other testimony, a Martin crew member said he detected an odor of gas about 45 minutes before the explosion. He said he mentioned this to towboat Capt. W. R. Opitz, who told him it would be all right. Opitz died of injuries from the explosion.

[From the St. Louis Globe-Democrat, May 26, 1969]

INEPT RIVER PILOTS—INVITATION TO DISASTER

(By Allan Hale)

On a fine day, it'a a pretty sight to watch the towboata, painted in crude, bright colors, pushing their strings of barges up and down the river.

From the St. Louis levee, from the tall office buildings of downtown you can look and turn away with a renewed sense of America's industrial capacity, as demonstrated by thoae great, heavy-laden barges.

From the river overlooks dotted along the shore, from the gardens of homes that edge the water, the children wave at the pretty boat. Sometimes the man in the pilothouse waves back.

He knows something they don't.

That a wrong touch on the steering levers, a sudden current or a wrong decision . . . and he could send a wave of burning gasoline and crude oil boiling into the city like a huge napalm bomb. Or flood the streets with chlorine gas.

He knows something else, also.

That no regulations exist to require him or any other pilot he may meet on the river to pass an examination of competency.

There is an examination, set by the Coast Guard, and many men take it. Large barge lines like to use certificated men. Before taking the examination a man must produce letters of recommendation from employers he has worked for, usually as a mate.

For years now, and more particularly for the last five years, the licensed pilots and some of the larger companies have been trying to get legislation through Congress requiring examinations for towboat officers and inspection of boats.

Tows of barges on the Mississippi are growing larger all the time.

Such pilots work a 12 hour day, divided into two watches, six on, six off. They earn around $15,000 a year and are entitled to a rest day for every day they work, which means a man may, if he wishes, work six months, rest six months.

Capt. Bill Jackson is a licensed pilot and a member of the executive board of the Marine Officers Association.

He explains: "Originally boats were placed under the marine inspection law by the steamboat inspection service of the Commerce Department. Now, slowly and methodically, steam has been replaced by diesel."

Few steamboats are left on the river today. The only commercial steamboat which now visits St. Louis is the excursion sternwheeler "Delta Queen."

When steam changed to diesel Capt. Jackson says, the regulations died with steam. Diesel boats are not required to have licensed officers or be subject to inspection while under construction or in use.

"The lobby of the diesel engine manufacturers, the industry, as represented by the American Waterway Operators—a powerful lobby in itself, which far supersedes anything we have to offer in the way of a lobbying group—have become so powerful that we can't even really be heard, so far as the need for inspection laws is concerned," Jackson says.

One of the arguments of the towboat operators against the regulation and licensing of officers is that the examinations set by the Coast Guard—the regulatcry agency which administers the examinations—are unrealistic, involving river men in subjects like celestial navigation, which they will never need.

"There is a small degree of truth in this," Jackson admits.

"The Coast Guard are mainly salt water people and there is a certain degree of salt water interrogation in the examination for a pilot. It's not a thing that couldn't be overcome with compromise in a committee."

Compromise in a committee is the thing now being sought by U.S. Congresswoman Leonor K. Sullivan (Dem.), St. Louis, who, after being approached by a deputation of river men in 1962, introduced a bill which would have required the regulation of key personnel aboard towboats and inspection of the boats.

Hearings were held on it in 1965 and nothing happened. Small operators came forward and said it would ruin them, Mrs. Sullivan says.

One argument put forward by the operators is that they have pilots who are perfectly competent, but have no talent for taking formal examinations.

Asking about this at a recent meeting of the Marine Officers executive board, Jackson waved his hand around the table.

"Each and every man in this room has passed a Coast Guard license examination," he said. "We've all made it. There's quite a few people for whom it takes a little longer, but they have made it. It's simply a matter of studying and knowing you job."

Mrs. Sullivan, whose bill has made no progress, is now asking that both sides sit down round a table and discuss what sort of regulation they could or could not live with.

Meanwhile, night and day, the cargoes pass up and down the river. In many wheelhouses there hangs a thin, printed pamphlet, listing the dangerous cargoes which a pilot, experienced or inexperienced, licensed nor not, may suddenly find included in his tow.

Where a page is marked with a skull and cross bones—and many are—it means that the cargo is deadly.

Nor does the pilot get any choice about what goes into the makeup of his tow. He is told by radio-telephone to pick up, at some designated point, barge XYZ–12.

The river men pay their toll in life. In two major accidents since March last year a total of 46 men have died. At La Grange, Mo., May 12 four died and two are missing in a tanker barge explosion.

Dave Carlton, another board member of the Marine Officers Association was talking to another pilot about it the other day. "What would people think if you allowed trucking companies to operate with men without a driver's license or any training whatsoever? Just put a man on a big diesel rig and send him out on the highway where you're driving up and down with your family?"

"Yeah," said the other pilot. "But you know? One day, one Saturday afternoon when the St. Louis downtown is crowded with shoppers, there's going to be a chlorine barge hit a pier of one of the bridges and rupture."

Carlton takes it up "If he hit the Eads Bridge on Saturday afternoon . . . pouf! Thirteen hundred tons of chlorine and here it all comes in a big green cloud. Remember the barge that sank at Natchez? They said if it ruptured and released that 1,100 tons of chlorine it would, with proper atmospheric conditions, have killed everything within 40 miles."

[From the St. Louis Globe-Democrat, May 29, 1969]

COAST GUARD TO BEGIN RIVER BARGE INSPECTION

(By Allan Hale)

Starting at midnight Sunday, Coast Guard teams will begin boarding every tow of barges that moves on the Mississippi and

Ohio rivers asking for a list of all barges containing dangerous cargo.

The action is unprecedented and follows closely upon two river disasters within two months this year in which 31 are believed to have died. In each case a fuel-laden barge was involved.

The inquiry has been ordered by Rear Adm. Russell R. Waesche, commanding the 2nd Coast Guard District, which haa its headquarters in St. Louis.

However, the survey had been under consideration for six months, explained Capt. R. F. Barber, Coast Guard chief of operations, here Wednesday.

The survey will be carried on 24 hours a day throughout the month of June, with teams stationed at two points on the Mississippi and one on the Ohio.

One team will be at Lock 26, Alton, one at Memphis, Tenn., and the other at Gallipolis Lock, near Huntington, W. Va.

Towboat masters are required by law to be aware of any dangerous cargoes included in their tow, Capt. Barber said. The purpose of the survey is to take a sampling of exactly how much dangerous cargo is passing up and down the rivers.

"For years now, authoritative people have said it's growing, but nobody has any figures," Barber said. "No government agency has ever made an attempt to make a comprehensive picture of this.

"Some of the cargoes moving, such as liquid chlorine and anhydrous ammonia, which will combine readily with water are potentially extremely dangerous if the contents are released accidentally.

"Until now there has been no serious release of such dangerous cargoes on the western rivers. Unfortunately, the potential for disaster continues to grow. The Coast Guard feels it is absolutely necessary to determine what hazardous cargoes are being transported on the river."

[From the St. Louis Globe-Democrat, May 29, 1969]

DISASTER ON THE WAY TO HAPPEN

The federal government has strict laws protecting migratory game birds and other waterfowl that use the nation's rivers. Why, then, is not the same concern shown for people?

Globe-Democrat staff writer Allan Hale, in two articles on river pilots, has revealed gross dereliction which exists toward regulation of this exacting occupation.

The shocking truth is that there are no requirements at all, with the result that only about half of the pilots on the river are licensed.

Dave Carlton, licensed Mississippi river pilot and a board member of the Marine Officers Association, aptly compares the situation to allowing trucking companies to operate with men who have no driver's license or any training whatsoever.

It would be like putting a man with absolutely no experience on a big diesel rig and sending him out on a crowded highway.

As another licensed pilot puts it, "Anybody can be a pilot, no matter what kind of cargo he's got . . . you can take a taxicab driver, put him on a boat and tell him to be a pilot, and you're not breaking any law."

It's a potentially deadly situation—literally.

The slightest mistake by an inexperienced towboat pilot could cause barges to crash into a bridge, sending a wave of burning gasoline or crude oil into a city like a huge napalm bomb, or a lethal blanket of chlorine gas over a wide area.

Carlton and other licensed pilots say a disaster could happen on any day at any river city.

In the face of this grim possibility, the need for rigid regulations for river pilots is obvious.

Such legislation has been proposed by United States Rep. Leonor K. Sullivan of St. Louis, who in 1962 introduced a bill to require the regulation of key personnel aboard towboats and inspection of the boats.

Nearly seven years have passed and still Congresa has taken no action on Mrs. Sullivan's bill.

How many more disasters such as the recent explosion at New Orleans—when three barges and a Nationalist China freighter collided, killing 25 Chinese crewmen—will occur before the nation's lawmakers decide it's time to give people the same protection as fowl?

[From the St. Louis Globe-Democrat, May 29, 1969]

CITES NEED FOR FEDERAL REGULATION OF RIVER PILOTS

To the EDITOR:

The two articles on river pilots by Allan Hale were excellent. Having had to swim ashore from a sinking boat myself, when one of the most respected pilots in the profession was involved in an accident. I know that even the best trained men can have accidents due to the frequent changes in conditions found on the river.

Therefore, when you try to make a pilot of a man who can barely read or write, as was recently brought out in the investigation of an accident in which lives were lost below New Orleans, you are making matters worse.

If a man cannot read or write, how can he keep up with the various new navigation bulletins which are constantly published?

Because the Coast Guard inherited the exams from the old Bureau of Marine Inspection the exams for mates and masters may need updating, but the exam for pilots still requires them to draw a chart of the river showing the course of the channel, the bars, dikes, bridges, ferry crossings, etc. This along with his past experience is considered before granting a license.

The Waterway Journal recently carried an article urging the use of the Waterways to carry surplus poison gas when it is disposed of. Knowing the government's propensity for giving work to the lowest bidder, and since fly-by-night operators with untrained personnel would be able to underbid competent operators, I do not think that is anything to look forward to.

I certainly hope Congress will pass Rep. Leonor K. Sullivan's bill requiring the regulation of key personnel aboard towboats, as it is the only answer to the problem.

WALTER HASS,

ST. LOUIS, MO.

[From the St. Louis Globe-Democrat, June 3, 1969]

CHECK OF TOW CARGOES IS BEGUN BY COAST GUARD

(By Allan Hale)

Coast Guard Lt. Gary Steiger, who rose early to spend a day by the river Monday, began by catching two big steel barges, one of which carried a corrosive and the other a potential explosive.

It isn't illegal to transport either on the river, but it is illegal for a towboat master not to know what's in his tow, listed in manifest or log.

Steiger, making his first boarding of the day from his station at Lock and Dam 26, Alton, Ill., wrote up a violation citation and described the incident as "fairly common."

"No manifest and nothing listed in the log," he said. "This is something you find. It's fairly common. Neither the captain nor anybody else knows what he has."

Wandering among the mixed tow Steiger found one barge marked "Caustic Soda." The other he had to list as some "petroleum product" because nobody knew what was in it.

Listing potentially dangerous cargoes passing through the lock is his main duty for the next month, as the Coast Guard carries out the first attempt at a comprehensive survey of what proportion of the barges moving past river-side cities like St. Louis represent explosion, fire, gas or poisoning hazards to the people living there.

Steiger's team is one of three, all of which began work early Sunday and will work round the clock through June. Others are at Memphis, Tenn., and near Huntington, W. Va.

In uniform, hard hat and lifejacket, Steiger, 26, from Napa, Calif., moved up and down vertical ladders and across steel decks in a biting, gale-force wind. He was checking every loaded tow passing through the lock and trying to check every empty barge used for carrying a dangerous substance.

A Coast Guard book he carried lists 112 of these, most of them with names nobody but a chemist ever heard of, but which carry notations like "Highly toxic" or "Corrosive to living tissue" or "If released inform state water pollution or state health authorities."

By the time the information gathered by its observing teams is digested, the Coast Guard believes it will have an accurate sampling of what proportion of river cargoes on the Mississippi and Ohio ia dangerous.

The commander of the 2nd Coast Guard District, here, Rear Admiral Russell R. Waesche, ordered the survey because although it has been said this proportion is continually growing, no adequate survey ever has been made.

Although the survey has been in preparation for six months, its beginning follows two disasters, one at New Orleans, the other at La Grange, Mo., in which 31 lives were lost. In each case a fuel barge was involved.

Monday checking a pair of tanker barges loaded with a total of 5,000 barrels of gasoline, Steiger found everything in perfect order, almost.

Each barge's certificate of inspection, mandatory for tanker barges, was in place in its little tube and up to date. Pump valves, banged with Steiger's fist, rattled, indicating they are free and working. Fire screens were intact. Usually the tanker men are careful.

Then, jumping across to the bow of the second barge, he found a portable gasoline pump lying on deck. "Highly spark producing," he murmured, and glanced toward the towboat wheelhouse.

To the captain, minutes later, he said, courteously, but firmly . . . "Must be removed as soon as possible. There are 15 or 20 theories about what happened at La Grange, of which that is one."

[From the St. Louis Globe-Democrat, June 5, 1969]

TOWBOAT OWNERS SUPPORT LICENSING OF RIVER PILOTS

The American Waterways Operators, an organization of towboat and barge owners, believes that tow boat pilots should be licensed. But it opposes the inspection and certification of tow boats, laying down of crewing standards and the licensing of crewmen other than pilots.

In a statement of The Globe-Democrat, the association's president, Braxton B. Carr, said:

"The reason for this opposition is quite simple. Based on the record of the cause of accidents, the proposed returns in safety of operations from implementation of the bill requiring inspection and certification, full crew licensing and manning scales would not be commensurate to any appreciable degree with the financial cost which would be imposed upon the industry, upon shippers using this mode of transportation, and finally upon the government itself for enforcement purposes."

The association says that in 1968, according to U.S. Coast Guard figures, 33.3 per cent of all accidents investigated—or one-third

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of the total—were ascribed to "Fault on the part of unlicensed personnel."

The next highest percentage in the table of cause of accidents is 19.6—"Fault on the part of other vessel or other person."

"Fault on the part of licensed personnel" was ascribed in 12.2 per cent of accidents.

The next highest cause of accidents, in 8.6 per cent of cases, was failure of equipment.

Weather and currents accounted for 7.9 per cent of accidents and various other causes, including "calculated risk" for the remainder.

In 765 accidents, the association says, 10 lives were lost—6 in collisions, 1 in a foundering, 1 in a capsizing, and 2 in explosions and fires.

"Responsible men will, I believe, agree that this is not the record of a careless and irresponsible industry or of careless, callous, untrained, irresponsible men," Carr said.

"This is a part of the record of U.S. transportation which is characterized by the mobility of men, machines and goods. No one condones accidents. No one excuses them. No one plans operations without providing the best assurance against accidents that can be provided within the capabilities of humans and machines and within the limits of our competitive free enterprise system."

He went on to say that the association believes the safety record can be improved and its members desire to do so.

Carr says that since 1965 the association has "actively sought" the enactment of congressional legislation to license men in charge of navigating towboats, and supports the bill introduced by Rep. Edward A. Garmatz (Dem.), Maryland, who is chairman of the House Merchant Marine and Fisheries Committee.

He says that industry representatives working in co-operation with the Coast Guard already have drafted regulations for the licensing of men in charge of navigation, ready for the enactment of legislation.

He added:

"The industry's desires and efforts to have Mr. Garmatz's proposal enacted into law has been frustrated primarily because of another piece of legislation dealing in part with the same subject.

"That legislation is incorporated in a bill introduced by St. Louis Representative Leonor K. Sullivan (Dem.) which would give the Coast Guard authority to inspect and certificate all towing vessels of 15 gross tons or 26 feet or over in length during construction and periodically afterwards, set the number of men required to operate such individual vessels and license and certificate the crews of towing vessels."

Failure to resolve the points of view of advocates of both concepts has prevented the enactment of the Garmatz legislation, he says.

Commenting on Carr's statement Mrs. Sullivan said this week:

"I have refused to compromise on a bill that would simply license the pilot . . . I say in all seriousness that merely licensing the pilot is not an answer to the problem."

She said that although not "wedded" to any of the language in the bill, she would not compromise until there had been a "confrontation" with some of the main barge line operators, the Coast Guard and the men who crew the boats, before the members of the house committee. To pass the Garmatz bill for the licensing of pilots alone would mean that there would be no more chance of passing further legislation, she asserted.

[From the St. Louis Globe-Democrat, June 5, 1969]

HOUSE PANEL TO MEET ON TOWBOAT REGULATIONS

(By Allan Hale)

An unscheduled meeting of a group of members of the U.S. House of Representatives committee concerned with towboat regulation has been called for Thursday in Washington.

Representatives of the U.S. Coast Guard also have been asked to attend.

The action follows closely upon two river disasters this year in which a total of 31 lives were lost, and a series of newspaper articles on a lack of regulations to govern towboat officers and towboats.

The meeting has been called by Rep. Edward A. Garmatz (Dem.), Maryland, who is chairman of the Committee on Merchant Marine and Fisheries. A subcommittee held a series of unproductive hearings on the subject in 1965.

Garmatz denied Wednesday that the calling of the meeting had been provoked by newspaper publicity, saying "I haven't had any pressure, but common sense will show you that something should be done."

The question was last discussed at a meeting between interests involved about a year ago, he said.

Representatives of the towboat owners and the men who crew the boats have not been invited to Thursday's meeting, Garmatz said, which will consist of "just three or four committee members and the Coast Guard."

Rep. Leonor K. Sullivan (Dem.), St. Louis, who has since 1962 been a consistent advocate of the licensing of towboat key personnel and the laying down of standards for inspection and manning, will not be able to attend Thursday's meeting, although she was invited.

Her office in Washington said Wednesday that she is fully occupied this week with the business of a committee investigating the lending of money to people in ghetto areas.

She is chairman of this committee.

Mrs. Sullivan has recently urged the reassembly of the groups concerned—boat owners, boat workers and Coast Guard—around a table, to discuss what provisions of a towboat regulation bill the parties "could or could not live with."

At present towboat pilots are not required to be licensed.

Among the points at issue are the necessity for the inspection of boats, both under construction and in operation, and the laying down of crewing standards.

The most recent meeting between the parties a year ago, Garmatz said Wednesday, failed to produce any agreement.

Asked what he expected to come of Thursday's meeting, he replied: "I don't know. We will stay right on it."

[From the St. Louis Globe-Democrat, June 6, 1969]

TOWBOAT SAFETY LOGJAM BROKEN BY HOUSE PANEL

(By Allan Hale)

A Congressional logjam on towboat safety which has existed for four years, broke up Thursday in the course of a two-and-a-half hour committee session in Washington, D.C.

An agreement described by Rep. Leonor K. Sullivan, (Dem.), St. Louis, as a "major breakthrough," authorized the U.S. Coast Guard to draft three new bills governing safety on the rivers.

All three are expected to be in the hands of the staff of the Committee on Merchant Marine and Fisheries by Monday morning, Mrs. Sullivan said Thursday.

The action, resulted from a suddenly-called meeting of the committee, following two river disasters this year and a series of Globe-Democrat articles pointing out the lack of regulations governing the licensing of towboat pilots and the inspection of towboats.

Mrs. Sullivan has since 1962 consistently attempted to have the licensing of key towboat officers, the inspection of boats and other aspects of towboat safety made subject to regulation.

Until Thursday's meeting, called by committee chairman Rep. Edward Garmatz, (Dem.), Maryland, there had been no progress since the calling of a series of hearings before a subcommittee in 1965.

At those hearings, and subsequently at several informal meetings between the interests involved, it was found impossible to reconcile the supporters of a bill introduced by Mrs. Sullivan and another by Garmatz.

The Garmatz bill concentrated on the licensing of pilots. Mrs. Sullivan's bill also required the licensing of other key towboat personnel and the inspection of boats.

The agreement reached at Thursday's meeting, Mrs. Sullivan said, will have the effect of withdrawing both bills.

Instead the Coast Guard will submit three bills to be considered by the committee as a package. The first will be a bill requiring the licensing of pilots and possibly some engineers. The other two will deal with the mandatory installation of ship-to-shore radio and the enforcement of "rules of the road," the compliance with river signs and regulations which is at present "haphazardly" observed, Mrs. Sullivan said.

The question of inspection, which throughout has been most bitterly opposed by towboat and barge owners, is shelved for the present, except, Mrs. Sullivan said, that the Coast Guard does not want to drop it altogether.

The principal reason the Coast Guard is ready to at least delay the introduction of inspection, she said, is that it would add a large item to their budget.

Thursday's meeting was attended by Garmatz, Mrs. Sullivan, Rep. William S. Maillaird, of California, who is the senior Republican member of the House committee, and five Coast Guard officers, headed by the Commandant of the Coast Guard, Adm. Willard J. Smith, Towboat owners and crew representatives were not invited.

Afterwards Mrs. Sullivan said "I think that the log jam has been broken and action will be seen now."

[From the St. Louis Globe-Democrat, June 13, 1969]

VETERAN SAILOR BLAMES LACK OF LICENSE LAW FOR DEADLY ENGINE ROOM RIVER GAME

(By Allan Hale)

"But what about ould Sandy,
In the engine-room doon below?"
—Traditional Scottish Seaman's Song.

Clarence McLaughlin is a ship's engineer, licensed to operate anything that floats. A deep sea man, he spent about half his working life in freighters, the rest on the inland waterways. He will tell you that he has been engineer aboard the biggest towboats on the Mississippi.

He is semi-retired now, but spends much of his time behind an office desk in the Cotton Belt Building, from where he runs the St. Louis office District 2 of the Marine Engineers Beneficial Association. This is a union, whose members are all marine engineers. For District Two, set in the heart of the St. Louis downtown, this means towboat engineers.

Attention lately has been concentrated on the lack of regulation and certification of towboat officers, more particularly the pilots. What about the man in the engine room, or the lack of a man in the engine room?

"First of all it's a dangerous game," says McLaughlin slowly. "The engine room game is one of the most dangerous there is. Very few people understand why it has been lax so far. Why that licensing law is so opposed."

He is referring to a series of proposals which would make the licensing of pilots and other key officers mandatory and lay down standards of inspection and crewing. The industry's organization, the American Waterways Operators, has said it will accept

the licensing of pilots only and oppose the other proposals.

Until this month, and following a Globe-Democrat investigative and editorial campaign, legislation had been logjammed in the U.S. House of Representatives Committee on Merchant Marine and Fisheries for four years, since a series of 1965 hearings in which Rep. Leonor K. Sullivan, (Dem.), Mo., attempted to resolve opposition to her strong bill to regulate the industry.

"When I started in this business, which was before World War I," McLaughlin explains carefully, "Even up until the late 40s, 90 percent of our boats were steam-engined . . . traffic wasn't nearly as heavy then as it is now, but in the engine room—I don't care whether you were chief engineer or assistant engineer—you were coming down the river and you stayed at the throttles all the time.

"Then came the little towboats, grabbing one barge here and one barge there, half a dozen somewhere else and they cut us up piecemeal.

"But the reason they could get by with that was by reason of one thing and one thing only. There are absolutely no laws of protection, regardless of what you might say. I can be going down the river with 40,000 tons of freight and a 9,000 horsepower towboat, diesel engine, and I can take a farmer from Little Rock, Ark., anywhere, he might never have seen a towboat, but you can put him captain and you can put his yard boy in the engine room, and there's no law to prevent it. Now that's wrong.

"You run into somebody else, you drown a whole bunch of people. There's no law to prevent it. There's nothing you can do to that man, and that man goes back to the farm and you grab another and put him on there. That's wrong.

"Now I've got a license for anything that floats. I've got a chief engineer's license, there's no limit on my tonnage and no limit on my qualifications, and I've got the experience behind me. I've got to risk my license right now, and I've had my license since 1918. Everything that I've worked for all that time, and yet you can go down and run into one of the damned little towboats that run out in front of you, kill a bunch of men on my boat, kill a bunch of men on the little upstream boat there that's got one barge or a two of gasoline. He jumps in front of you and you have to cut off and hit a bridge pier . . . and there's nothing you can do. There's no law.

"Yet every man on the big towboats is accountable to the Coast Guard. There's no law to make him have a license, but he does have one and when an investigation comes, what happens? That man loses his license, and everybody that hasn't got one says 'Well, get yourself a job driving a freight truck.' "

McLaughlin pauses for breath and hooks a thumb into the heavy leather belt of his tan-colored outfit, the lightweight work shirt and pants of a ship's engineer, which he still wears at his desk job.

"There's no justice in that," he says vehemently.

In the engineer's day to day work, getting around the boat's engines without risking your life depends, at present, on the integrity of the boat-builder and of the companies, McLaughlin says, adding "There is no law to say you can't build it any which way and 90 per cent of them don't."

A handful of the larger companies, he says, do make provision for the safety of the man working among the spinning motors, he says.

"But the danger is still there because there's no law that makes those people crew those boats halfway decent. They cut the crews so short and there's no law of inspection."

There is an examination of competency which towboat engineers can take, but no precise figures exist to show what proportion of men on the rivers today have passed it.

The Marine Officers Association here estimates less than 50 per cent of towboat engineers are licensed, says member Bob Busse, who worked eight years as an engineer before losing an eye in a towboat accident.

A crucial step in crew reduction was taken, Busse says, when towboat owners began to employ monitoring devices over the engine room gauges.

It was then claimed by companies that a monitoring panel in the pilot house, with another in the chief engineer's cabin with a buzzer to awaken him if anything went wrong, Busse says, obviated the need for a man to be continually on duty in the engine-room.

He dislikes the system and so does McLaughlin—emphatically.

"In the first place, a man has to sleep once in a while," said McLaughlin. I don't care how many gauges a chief engineer has got in his bedroom, once in a while he's got to go to sleep. Now what good are they, or all the alarms in the world?

"Now coming out of the Missouri River you'll be making 15 miles an hour lots of times. Much of the time you average 10. The tow is running anywhere up to 600 feet in length, besides the boat. It's impossible. When something happens it's happened, and you haven't got time to correct mistakes then.

"By the time that man rolls out of bed and gets down to the engine room he's consumed five minutes, at least . . . and possibly 10. He's not going down there barefooted.

"Quite frankly," he said, "I don't want to go up into an air conditioned room, tired and worn out after being in that hot engine room for six or eight hours and then expect a buzzer to wake me up and get me down in the engine room in time to put out a flash fire. Those things just don't happen!"

[From the St. Louis Globe-Democrat, June 17, 1969]

MARITIME LABOR OFFICIALS PUSH FOR SAFETY LAWS

To the EDITOR:

Allan Hale's two articles last month on river hazards and The Globe-Democrat's editorial on the subject were very welcome news to those of us in maritime labor who've been urging enactment of safety legislation for the riverboat industry.

For several years we've been encouraging Rep. Leonor Sullivan of Missouri in her courageous fight to license and certificate the officers and crews of river craft and to obtain Coast Guard inspection of diesel vessels operating on the rivers.

Unskilled pilots are not the only problem—we also need qualified engineers, skilled crew members, and safe boats. A bad pilot can steer the boat wrong and collide with a bridge, but an engine breakdown, or an explosion in the engine room because of shoddy equipment can produce the same disastrous results.

The boats are getting more powerful, the tows are getting larger and the danger is increasing.

The Globe's articles are making a major contribution to river safety. We hope you'll continue them and that Congress will take heed.

CHARLES RICHARDSON,
Vice President, District 2, Marine Engineers Beneficial Association.

[From the St. Louis Globe-Democrat, June 17, 1969]

VALLEY LINE HEAD SCORES LACK OF U.S. LAWS FOR TOWBOATS

(By Allan Hale)

"There are things going on, on these rivers today that shouldn't be allowed," says Wesley J. Barta, flatly.

"I can tell you of a company carrying the most dangerous cargo which used to have an engineer sleep on a cot in the engine-room, on duty 24 hours a day. Inexperienced men in the pilot house. I believe it's doing the same thing today."

Barta is no disgruntled deckhand or hired union official. He is president on one of the six biggest towboating firms on the rivers of America, the Valley Line, with 800 hands on the payroll, 17 towboats of its own and a fleet of 500 barges.

Barta has for years supported rigorous standards of crewing, licensing and inspection which are opposed by probably every other towboat company in the nation.

He was the only towboat owner out of about 50 who testified at a Congressional hearing in 1965 to speak out in favor of federal laws for the towobat industry.

The argument has started again, following a series of Globe-Democrat articles and an editorial, and Barta has been asked by U.S. Rep. Leonor K. Sullivan if he would testify again. He says he will.

"I have felt this way for all of the 21 years I have been associated with the towboat industry," he says. Barta has been 34 years in shipping, starting on the Great Lakes.

He served a shipyard apprenticeship, later sailed as a licensed marine engineer, was six years a ship surveyor for the American Bureau of Shipping and joined the old Missis-sissippi Valley Barge Line, now the St. Louis-based Valley Line, as superintendent of maintenance in 1947.

"This is a matter of public interest," he says. "Perhaps some of that comes from the fact that my background is that of an engineer and a shipbuilder. I haven't changed my views.

"I'm particularly interested in proper vessel construction and inspection," he goes on. "If you want to build any kind of a building there are building codes and regulations established for the general public safety. It is through a series of unfortunate circumstances that we don't have this."

He specifies two of these circumstances—the replacement of steamboats subject to strict regulation by diesel boats subject to no regulations; and the transfer of control over the inland waterways from the Bureau of Marine Inspection and Navigation of the Commerce Department to the Coast Guard. The Coast Guard, he says, and he doesn't blame them, had to familiarize itself with the business.

"It became obvious to many of us that we did need regulation," he says. "We recognized this in this company when we made the change from steam to diesel, and we've always built our vessels in accordance with American Bureau of Shipping Standards and the known rules of the Coast Guard.

"We have always maintained a policy of hiring licensed engineers and licensed pilots and masters."

To his knowledge, Barta estimates, the leading common carriers, perhaps six out of several hundred companies, make a policy of building their boats in accordance with Coast Guard regulations and American Bureau of Shipping regulations.

"So far as I know," he says, "only three of those adhere to the licensing principle.

"I made a conservative estimate, I thought, 10 years or so ago that reasonable rules for construction and operation were only being followed on about 15 per cent of the boats operating. I think that percentage has gone down since then."

Why are other companies against towboat regulation? "I can see some increased costs that come with it," Barta says. "But at the same time I see better operations and a better industry in which we have some hope of reducing insurance costs and many other costs of business so that the cost of doing business as a result of being embarrassed by the Coast Guard will probably be offset in some other areas."

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To inspect a perfectly sound vessel, he admits, is time-consuming and costly. There would probably also be regulations imposed that are not completely acceptable to even the best companies.

"I recognize that, but the gain is having a much better industry, that's the way I look at it."

[From the St. Louis Globe-Democrat, June 25, 1969]

One in Five Barges Has Dangerous Cargo, Survey Indicates

(By Allan Hale)

Perhaps one in five of all the barges moved on the Mississippi and Ohio this month has been carrying a dangerous cargo, officially classified as being in some way potentially hazardous to life or health.

This is a rough estimate based on figures gathered during the first 23 days of a month-long survey being made by the U.S. Coast Guard.

The survey was ordered by the commander of the St. Louis-based 2nd Coast Guard District, Rear Adm. Russell R. Waesche, in an effort to determine what proportion of towboat cargo is dangerous, and whether, as has been alleged, that proportion is growing.

Final results of the survey will not be known until the figures are tabulated after the field work ends at midnight June 30.

Although the survey had been planned for six months, its start, in the early hours of June 1, coincided with a series of Globe-Democrat articles and an editorial on river transport dangers.

The U.S. House Committee on Merchant Marine and Fisheries has since resumed discussion of towboat regulations which had been logjammed for four years.

For the survey the Coast Guard established three boarding teams, two on the Mississippi and one on the Ohio.

A check made Tuesday with the three teams showed that, although there were slight variations at each station, officers' estimates, were, in each case roughly the same—about one fifth of the cargo on the river is potentially hazardous.

At one station, Memphis, Tenn., Lt. John Krumpelman said they had worked out exact figures for the first nine days of the survey.

"Over 9 days we worked out that 20 percent of the barges were tanker barges with hazardous cargo," he said. "Two out of every 10."

Hazardous cargo, according to Coast Guard classification, is petroleum distillates, various chemicals, any cargo which might burn, explode, release a dangerous gas or a poison.

Sometimes they come in bunches—he has noted as many as 21 hazardous cargo barges together—sometimes one or two scattered among a mixed tow among others carrying steel or grain.

He estimates around 160 barges pass the team's station each day and of these 35 will have dangerous loads.

At Lock and Dam 26, Alton, Lt. Gary Steiger, giving what he emphasized as "a very rough estimate" believes his team sees 20 dangerous cargoes a day. On a typical day the lock handles about 150 barges.

The third of the teams, at Gallipolis Lock, on the Ohio, boards around 25 dangerous cargo barges a day, estimates Lt. Cmdr. William Drew, and the lock handles around 120 barges daily.

Here, he says, the number of dangerous cargoes has been less than expected. They had expected around 30 daily.

There are at present no government regulations requiring a towboat pilot or any other towboat officer to pass an examination of competency and take out a license such as is required by a deep sea ship's officer.

Since 1962 Congresswoman Leonor Sullivan (Dem.), St. Louis, has been a consistent advocate of strong regulation for the industry, including licensing, inspection of towboats and crewing standards.

[Editorial from the St. Louis Globe-Democrat, June 30, 1969]

Rules for River Safety

A compelling reason why there should be regulations drawn up covering river towboats and their crews can be found in the preliminary findings of a survey being conducted by the U.S. Coast Guard.

Figures gathered in the first 23 days of the month-long study show that approximately one-fifth of all the barges moved on the Mississippi and Ohio rivers in June carried a dangerous cargo, officially classified as potentially hazardous to life or health.

The survey is an attempt to determine what proportion of towboat cargo is dangerous. Although final results will not be known until the statistics are tabulated after the field work ends June 30, the argument for better controls over towing operations seems documented.

It is alarming to think that with dangerous river cargo—such as petroleum distillates and various chemicals which might burn, explode or release a noxious gas—passing almost at the doorstep of private dwellings and industries, there are no government regulations requiring a towboat pilot or other officer to pass an examination of competency and take out a license. Nor are there adequate standards for the condition of the towboats themselves.

More adequate regulations for the industry are needed, similar perhaps to those long proposed by Congresswoman Leonor Sullivan of St. Louis, calling for licensing, the inspection of towboats and standards for crews.

Since the towboats ply federal waterways, it is logical that Washington supervise their operations. In this the Coast Guard could perform a valuable function by drawing up and administering rules for river safety.

[From the St. Louis Globe-Democrat, July 2, 1969]

Two-Hundred-Thousand-Dollar Fire on Towboat

Lacon, Ill.—A flash fire Tuesday aboard the towboat City of Joliet caused damage estimated by firemen at $200,000. All nine crew members escaped unhurt.

The fire, of unknown origin, started in the engine room as the boat was pushing 11 barges through the Illinois Waterway to Chicago.

The cargo was mixed. Two barges were loaded with chemicals but the fire was confined to the towboat owned by the American Commercial Barge Co. of Jeffersonville, Ind.

[From the St. Louis Globe-Democrat, July 16, 1969]

River Safety Bill Leaking; Representative Sullivan Hits Loopholes

(By Edward W. O'Brien)

Washington.—A bill touted as improving safety on shipping on inland waterways sprang two big leaks Tuesday.

To their dismay, House committee members discovered that the measure requiring ship-to-ship radio-telephones would apply to only a small fraction of the vessels capable of smacking into each other.

One exemption would excuse vessels in the Mississippi River above Louisiana from complying.

Another exemption would limit the proposed law to tugs and towboats of 300 tons or more. Of 6,000 towing vessels in the nation, only 355 are large enough to be covered.

After sitting through two hours' testimony on the bill, Rep. Leonor K. Sullivan (Dem.), St. Louis, exploded in a denunciation of shipping operators, who she accused of blocking safety legislation "year after year."

"They don't want to be regulated," she said.

"Accidents continue to happen. Week after week there are fires on barges and tugs. Barges are coming loose, and barges are getting sunk.

"It's never anyone's fault," she added caustically.

The courtly southerner who was presiding in the House Merchant Marine Committee, Rep. Alton Lennon (Dem.), North Carolina, appealed to a representative of the American Waterways Operators, Inc., a trade association, to put aside "financial considerations" and "go as far as you humanly can" in strengthening the bill.

He said, "I would hate" to support a bill covering such a small percentage of the vessels "that could be involved in a tragic accident."

He pressed the witness, William C. McNeal of New Orleans, to say what would be "objectionable" in requiring all commercial vessels to be equipped with the radio-telephones, which would enable pilots to talk back and forth as they approached in tight passages.

McNeal, who was accompanied by Gerald V. Flynn, of St. Louis, president of Mid-Valley Towing Co., Inc., and two other AWO representatives, said he would have to consult with AWO directors before committing the association to a tighter bill.

McNeal gave AWO's official endorsement to the pending bill, which was introduced by the committee chairman, Rep. Edward A. Garmatz (Dem.), Maryland.

McNeal testified that "a majority" of the vessels on the Mississippi are already equipped with modern bridge-to-bridge two-way radio.

But he indicated concern among operators in various waters about the radio operating rules imposed by the Garmatz measure.

The exemptions in the bill were strongly opposed by a high-ranking official of the U.S. Coast Guard, which regulates maritime safety.

Rear Adm. Charles P. Murphy, chief of merchant marine safety, said the service considers the bill "an essential step in prevention of collisions" and believes that the coverage limitations "are not in the best interests of safety."

He told the committee that two recent collisions on the lower Mississippi, which killed 46 people, each involved a large cargo vessel and a tug of less than 300 tons pushing crude oil barges.

The freighter skippers had modern two-way radios for talking to each other. The tugs did not.

Murphy also reminded the committee that very-high-frequency radio-telephones have been available since World War II, when they were "invaluable" in assisting zig-zagging ships in convoy on the oceans.

"The size and speed of vessels are continually becoming greater, increasing the dangers of collisions," he said.

"Masters and pilots should be provided with all practicable means to help them maneuver their vessels safely by one another."

The admiral said that the exemptions originated several years ago in order to "obtain general agreement" on proposed legislation that time.

He said that recently, the Coast Guard solicited the opinions of 200 or 300 shipping interests on proposed legislation. The AWO witnesses denied their association had written the Garmatz bill.

The bill under discussion is one of three which make up a legislative "package" designed to bring the inland waterways under regulation. There are at this time no regulations requiring licensing of officers, inspection of towboats or crewing standards.

At the first day's hearing Monday, Mrs. Sullivan protested at the presentation of

just one of the three bills, which she said were to have been presented to the committee and the House as a package.

She withdrew her own strong bill which would have regulated the industry after a small meeting of members of the committee in June had agreed to a new package deal including a bill to be written by the Coast Guard which would require the licensing of pilots and perhaps some engineers.

Legislation in the committee had been logjammed for four years. Meetings began again after a Globe-Democrat investigative and editorial campaign had pointed out the lack of regulation.

[From the St. Louis Globe-Democrat, July 18, 1969]

Congress Urged To Order Radios on Inland Waterway Vessels

(By Edward W. O'Brien, chief of the Globe-Democrat Washington bureau)

Washington.—Congress was urged strongly Thursday to pass a bill requiring two-way boat radios on inland waterways and to close wide holes in proposed legislation.

Representatives of maritime unions, two port cities, and the Federal Communications Commission (FCC) testified that safety on rivers and harbors would be immensely strengthened if pilots could talk to each other by simple radio-telephones.

An influential member of the House Merchant Marine Committee, Rep. Alton Lennon (Dem.), North Carolina, said three days of hearings brought him to the same conclusion.

A law forcing vessel operators to install the radio equipment is "essential," he said, even if some shipping interests object because of the cost, or other reasons.

Lennon again pressed for changes in the pending bill so that the law, if enacted, will apply to a higher percentage of commercial power vessels on inland waterways.

But the committee chairman, Rep. Edward A. Garmatz (Dem.), Maryland, who introduced the bill with the broad exemptions on coverage, refrained from expressing any strong position like Lennon's.

At Thursday's hearing, Ernest A. Clothier, president of the American Pilots' Association, testified that bridge-to-bridge radio is now in use in many ocean ports, and "has contributed immensely to safety of navigation."

Clothier recommended wider coverage than proposed in the Garmatz bill, which would not apply to the Mississippi River above Louisiana, or to power vessels under 300 tons.

Another witness, Patrick J. King, representing the Masters, Mates, and Pilots' Union–AFL–CIO, said his organization "wholeheartedly and enthusiastically" endorses the radio bill.

A group speaking for pilots, ship operators, and port officials in Baltimore, said there is "an over-riding need" for mandatory two-way radio.

They said the bill should apply to all tugs and towboats of 26-foot length or more.

[From the St. Louis Globe-Democrat, July 22, 1969]

Getting Nowhere on River Safety

After three days of congressional hearings on improving safety in inland water shipping, only one thing is clear: A lot needs to be done.

This was brought out during the first day of the hearings on proposed legislation when Congresswoman Leonor K. Sullivan of St. Louis pointed out the bill under discussion by a House committee didn't go far enough toward regulating inland waterways.

She protested that stronger measures should have been presented to the committee and the House as a legislative package, including a wide range of changes needed to improve river safety.

The bill before the committee calls for two-way boat radios, but is so loaded with exceptions that it leaks like a sieve. A law is needed requiring vessel operators to install radio equipment, but it should be a stronger one than that proposed by Rep. Edward A. Garmatz of Maryland. His bill would not apply to the Mississippi river above Louisiana, or to power boats under 300 tons.

An even more critical need is for the mandatory licensing of all towboat pilots and engineers, and requiring periodic inspections for all boats.

Such strong legislation had been proposed by Mrs. Sullivan but she withdrew it after agreeing to the package deal including a bill to be written by the Coast Guard on licensing regulations.

It's time the Coast Guard came out of dry dock and fulfilled its obligation to improve inland shipping safety.

[From the St. Louis Globe-Democrat, July 24, 1969]

City Urged: Enforce Own River Rules

(By Allan Hale)

In the absence of federal regulation the city of St. Louis should enforce its own controls over river traffic, it has been suggested by the Marine Officers Association in a draft ordinance submitted at the city's request.

It would give the city the right to inspect barges carrying dangerous cargo for safety and to insure they are not polluting the river, check fire and safety protection for personnel, inspect "all marine equipment moored within the harbor to determine the security of the moorings" and oversee loading and unloading operations.

Capt. Charles L. Jones, president of the association's Local 54, said Wednesday that the suggestions had been drafted at the request of the public safety department, members of the board of aldermen and street department.

The street department, which at present controls the riverfront, is consulting a number of interested parties, among them the Marine Officers—an association of towboat pilots—the U.S. Coast Guard and the city fire department, in order to prepare a new body of regulations for the riverfront, said Walter Abell, administrative assistant to the director, Wednesday.

New regulations have been under consideration since the June 28 storm in which the riverboat restaurant Becky Thatcher broke loose and drifted two miles downstream before colliding with a pier. There were no casualties and the 100 diners were rescued by a towboat.

The Marine Officers also have suggested that all towboats shifting barges in the harbor shall have a licensed pilot at the helm.

At present there is no federal law requiring a towboat pilot to pass an examination of competency and take out a license.

A Coast Guard survey made in June showed that close to a million tons of hazardous cargo—explosive, inflammable or poisonous—passes through the St. Louis harbor in a month.

The Marine Officers suggest that the city ordinance should require the master or operator of any towboat to report any damage which would release any pollutant into the water or air of the harbor and give the city power to order repairs to be made.

The requirement to report damage would apply to all tows passing the city. The other requirements apply only to cargo being loaded, handled or discharged here. Figures for 1967, the most recent available, show that the city stands first among the river ports on the Mississippi, handling more than 11 million tons of cargo a year. Only the deep-water access ports handle more.

The Marine Officers believe that a Supreme Court decision "Cooley vs. Wardens of the Port of Philadelphia" established a precedent for city control of river activities.

The draft ordinance, if adopted, would give the city powers similar to those embodied in federal legislation now stalemated in the U.S. House of Representatives Merchant Marine Committee.

The need for regulation of towboat traffic has been under discussion at intervals in the committee since 1935.

During three days of inconclusive hearings last week Rep. Leonor K. Sullivan (Dem.), St. Louis, accused the towboat interests of blocking safety legislation "year after year."

[From the St. Louis Globe-Democrat, July 26–27, 1969]

Not a Single Fireboat—That's the Story of St. Louis, No. 1 Port on Mississippi River

(By Allan Hale)

In terms of the waterborne tonnage passing across its wharves, St. Louis stands number one on the Mississippi river. In terms of waterborne fire protection it stands nowhere.

More than 11 million tons of cargo comes and goes by water here each year. Three million tons more than the city's nearest inland competitor, Memphis, Tenn. Four million tons more than the combined total for Minneapolis-St. Paul. Only at each end of the waterway, where Chicago and New Orleans have access to deep water freight is that total exceeded.

St. Louis probably makes more use of its waterfront entertainment potential than any other river city. A determined effort has been made to re-focus the center of entertainment around the Gateway Arch.

Excursion boats, showboats, riverboat restaurants, exhibition and museum boats jostle for space in the shadow of the arch.

The muddy Mississippi, rolling steadily past the city at its inexorable 4 miles an hour, carries great tows of barges, loaded with highly explosive petroleum distillates and crude oil. No regulations exist to require towboat officers to pass an examination of competency, nor are their boats subject to inspection. The moored showboats rock in their wakes night and day.

Nor do the boats always stay moored. A month ago the riverboat restaurant Becky Thatcher broke loose in a violent storm and took 100 diners for a terrifying two-mile drift downriver before smacking into a chemical company wharf in a shower of sparks.

There was no official rescue service to save them. If the boat had caught fire, there was no official agency available to intervene in time to prevent the boat being burned to the waterline. The Coast Guard is not equipped for such emergencies and the city is not equipped for any river emergency. Period.

The city is broke. Fireboats cost money, anywhere from $40,000 to $300,000. Also, they have to be crewed. The number of men needed as a crew varies with the type of boat. A typical crew is seven, an officer and six men. To keep the boat standing by 24 hours a day requires three eight-hour watches, 21 men. Allowing for men on days off, or sick, say 25 men.

River fire-fighting is a highly specialized business. All these men will require special training. Where are they to come from and how are they to be financed? Also, they may stay on watch, doing nothing more visible than polishing the brasswork, for 365 days a year, waiting for something to happen. How do you justify that to the taxpayers?

The first question is who buys the boat? If the city can't, who would want to?

The city port commission, an advisory body of rivermen and associated interests which advises the Board of Public Service, points silently to a map of the St. Louis harbor, showing the industrial river frontage.

Over a distance of about 19 miles, between the Chain of Rocks Bridge and the Jefferson Barracks Bridge are clustered 55 industrial

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enterprises with dock frontages, two military establishments and two waterworks.

About six months ago the Port Commission began considering a plan to pass the hat, arguing that self-interest combined with public spirit might encourage industry to fill it.

It was considered and shelved because, says Larry C. Unland, president of the Board of Public Service, the Fire Department, which had previously thought it possible to find crews from among its existing personnel, found itself faced with a demand for economies.

If you have no spare men, how do you find a fireboat crew? About a year and a half ago the city of Toledo, Ohio, bought its Fire Department a 34-foot jet-propelled fireboat at a cost of $43,000 and Fire Chief Eulan Tucker found the crew to man it 24 hours a day without adding a single man to his department.

"We took 13 men from the nearest firehouse and put them through a course of training," he said. "We have more men in training now. Normally they work with their company and when the boat is needed they go and crew it.

"We've used it several times, also for rescue work and to combat oil spill. I'd like to have another, bigger one."

At each end of the great Mississippi waterway the fireboats cruise. The Chicago Fire Department has seven of them. New Orleans has three. St. Louis, number one inland port, has none.

Should it have? Should schools have fire escapes?

[From the St. Louis Globe-Democrat, July 29, 1969]

INCOMPETENTS FEAR RADIO CHECK, RIVER PILOT SAYS

(By Allan Hale)

If radio talk between towboats was monitored in the same way that the Federal Aviation Agency records the conversation of airline captains, it would establish how many towboat pilots are incompetent.

This, veteran master pilot Walter I. Hass, charged Monday, is one reason why towboat owners are against the compulsory use of radio aboard all towboats, even though all but a handful of the boats already are radio-equipped.

"You could probably count them on the fingers of both hands, over the entire river system," he says.

Hass, a St. Louisan, has been a river man for 39 years and a master pilot for 30. He presently is captain of one of the biggest boats on the river.

Representatives of the American Waterways Operators Association, a trade organization, were urged at a Congressional committee hearing July 15 to "put aside financial consideration" and accept stronger legislation governing the use of radio.

A representative told the House Merchant Marine Committee that he would have to consult with AWO directors before committing the association to a tighter bill. A bill presently before the committee would bring under regulation only the 355 biggest towboats in the nation's 6,000.

Hass said Monday that if radio equipment was installed and operated according to federal regulations "It would give the federal agency a chance to then monitor these conversations and disprove some of the allegations of the operators that they are putting competent people on there. Because if you just listen to the radio their incompetence is obvious."

He cites instances: "I met up with a boat just above Yellow Bend, one night. (Yellow Bend is near Greenville, Miss.) I saw a searchlight, we had quite a large tow, so I called him and asked if he was going to wait for me below there." (At many points on the river, at certain water stages, two tows cannot pass without risking collision).

Hass says the oncoming pilot agreed and told him he would "Wait down by the elevator."

"Now at that time there was no elevator in Yellow Bend. So I said to him 'You're kind of lost, aren't you? There's no elevator down there.'

" 'Well', he said, 'Tell you what. You just tell me where to go and I'll go there and wait for you.'

"That's the point. You see, when pilots talk to each other they use landmarks as reference points," Hasa explains. "If you're a pilot you talk to him and tell him you're going to wait below the Yellow Bend light or above the dock and he'll know just exactly where you'll be. But when a man doesn't know his reference points, it's very difficult to tell him where to go."

There is at present no regulation requiring a pilot to take the Coast Guard examination which includes drawing a map of the river and its landsmarks from memory.

U.S. Rep. Leonor K. Sullivan (Dem.), St. Louis, has been trying to get this and other aspects of the industry regulated since 1962.

"I met another boat one night 'below Brown's Point,' " Hass goes on. "The river current runs pretty fast, so I was going to back up from point to point. As a result I wanted to come down around the buoys. He said 'I'm not on the buoys now,' so I said 'Just get over to the shore.' He said 'There's an eddy in there and I've got a long tow, 1,000 foot of tow and I can't get in that eddy.'

"I said 'There's no eddy there, and so far as the length of the tow, I've got 1,200 feet here myself.' I finally had to put my foot down and make him get over to the shore, which he did.

"But these things are so unnecessary," Hass continues. "If you had trained people. The training does not involve a long period. The Coast Guard regulations are a matter of 10 trips. Only two or three need to be recent. But by having 10 trips the man does have some knowledge of the river and the condition of the river at various times."

There is at present no regulation requiring a pilot to take an examination of competency and qualify for a license. In June, Mrs. Sullivan withdrew her strong bill to license towboat officers and provide for crewing standards and inspection of boats, logjammed in committee for four years, and accepted a compromise package of three bills, to license pilots and some engineers, make use of bridge-to-bridge radio compulsory and codify rules of the road.

The waterways operators have said they will accept only pilot licensing and oppose everything else. The only action in the Merchant Marine Committee since the June compromise has been three days of inconclusive hearings on the radio bill.

[From the St. Louis Globe-Democrat, July 30, 1969]

A RIVER BARGE WILL SOON CARRY AS MUCH AS TRAIN, SAYS DRENNAN

(By Allan Hale)

A single river barge will soon be able to carry as much as an average freight train, forecast barge line president E. Thomas Drennan, Tuesday.

Speaking in a program on transportation, at Durango, Colo., he said that such barges would hold 1,500 to 1,800 tons of cargo and be made into tows of up to 60,000 tons.

He said the modern towboat can now transport 40,000 tons of cargo "The equivalent of four 10,000 ton trains, four Liberty ships or 27 average-size freight trains."

Drennan, president of the St. Louis-based Sioux City and New Orleans Barge Lines, predicted an increase in co-operation between barge lines and railroads.

This, he said, will be a major source of transport savings in the 1970s.

He also foresees door to door containerized service, whereby cargo loaded into a container in Kansas can be railroaded to a barge, the barge towed to a port, floated aboard a barge-carrying ocean-going ferry and taken to Europe.

At the European end the barges will be floated out, tied into a string of river barges and forwarded to railroad and consumer.

"Relatively small boats with relatively small horsepower can push huge flotillas of barges over thousands of miles at startling low costs," Drennan said.

"If you are able to combine water transportation with economies which result from volume handling of products—bargeloads of 1,000 tons, trainloads of 10,000 tons joined to movement of 10 barges—the overall economies can be very subastantial indeed.

"You can put money in your pocket by thinking not in terms of truck loads or car loads, but of unit trains of 7,500 to 10,000 tons, of 10-car cuts which can fill a barge.

"Combine the best efficiencies of these different modes and you might put $1 or much more a ton in your pocket from transport savings alone, and also reach into new markets where your product attracts a higher price."

Drennan, whose company operates on the Mississippi and Missouri Rivers was addressing the agricultural extension service conference at Fort Lewis College, Durango.

He told them that although efficient transport has always been one of the major keys to farm profits, this has never been more true than it is today.

"Freight transport accounts for 10 cents out of every dollar of production cost for the nation as a whole," he said. "For agricultural commodities, transport costs may take an even larger share of the total. For example, as a rule of thumb, perhaps 20 per cent of the price of grain at the ports is in transportation. So transport is far more important to the farmer and to agricultural business generally than is often realized."

[From the St. Louis Globe-Democrat, Aug. 23, 1969]

AN SOS FOR FIREBOATS—SAFETY CHIEF WILLIAM TRANTINA SAYS GROWING NUMBER OF ENTERTAINMENT CRAFT ON RIVERFRONT ARE IN NEED OF PROTECTION

(By Allen Hale, Globe-Democrat staff writer)

St. Louis doesn't need a fireboat, says city Director of Public Safety William Trantina. In his opinion it needs three of them.

"One on the mid-north shore, one on the mid-south and one in the middle," he said. "To have only one would be as ridiculous as having one fire company and expecting it to answer all the calls in St. Louis."

Trantina believes he was the first city official to become concerned "several years ago" with the lack of fire protection on the river.

His concern was sparked primarily, he says, by the increase in entertainment activity on the riverfront. "The craft being brought up here, the old paddle-steamers, primarily as places of public assembly. Wherever you have a large concentration of people there is a problem of safety."

His anxiety is accentuated by the city's position as a port for the embarkation and discharge of cargo; and the amount of river traffic passing through.

"Barge loads are increasing every day," he says. "We have the movement of many dangerous materials. Tons and tons of explosive products of all types."

According to the Waterborne Commerce Statistics Center, in 1967, the latest year for which figures are available, more than 11 million tons of cargo passed across the wharves here, to make St. Louis the number one inland port on the Mississippi.

A Coast Guard survey carried out in June showed that close to 1 million tons of cargo officially classified as "hazardous"—explosive, inflammable or poisonous—passes in front of the city every month.

The wakes of these boats has set up a rocking motion extending as far inland as City Hall.

There the port commission, a voluntary body of men with river interests, is engaged in studying a new code of regulation for the riverfront and river traffic.

One of their interests is fire protection. Trantina has already sketched out tentative plans for fire coverage.

First he rejects the idea of having a boat manned part-time, by a crew trained in river fire-fighting but doing regular land duty in a firehouse near the river.

"For one thing, what would happen if they were out on a call?" he inquires sensibly. "Nobody chooses the time when an accident happens."

His plan calls for 24-hour manning by three crews of 4 men, an officer and three privates. He visualizes the men and their quarters as entirely mobile.

The boat would float, secured and partially weather-protected in a roofed floating dock. From the boat a gangway would lead to the riverbank and two trailers, which can be moved to conform with the stages of the river. One would be a trailer firehouse for the men. The other an equipment store and workshop.

Trantina says he would prefer good-sized boats, costing around $80,000 and equipped with powerful pumps and monitor fire-jets capable of throwing water or foam.

Crews would be trained in the techniques of scuba diving and rescue, as well as the highly specialized techniques of shipboard fire-fighting.

He sees riverfront fire protection as absolutely necessary, pointing to the breakaway of the riverboat restaurant Becky Thatcher on the night of June 28, when 100 diners were swept two miles down river, and eventually rescued by a towboat, as a near-miss with disaster.

"Even the people on the boat that night don't realize how lucky they were," he says. Moreover, he says, if proper fire protection is to be provided along the river, the money will have to be raised among the people to whom the river frontage is a means of livelihood, the users not just of the levee, but of the whole 19-mile complex of industry and barge-operating companies spread out along both sides of the river.

"We would expect the people who would benefit to pay, or to subsidize to some extent," he says.

[From the St. Louis Globe-Democrat, Aug. 23–24, 1969]

FIFTY THOUSAND DOLLAR FIREBOAT URGED FOR ST. LOUIS

The St. Louis riverfront needs a $50,000 fireboat, according to a list of top priorities listed in a six-month study of the city's fire protection.

The study, by Gage-Babcock and Associates, Mount Kisco, N.Y., was presented to the city Thursday.

It said "Fireboat service is needed to provide a good level of protection to river boats and waterfront property."

The city has no fireboat, although one was first requested by the fire department about 10 years ago.

The boat suggested in the study would have a crew of three and be capable of a speed of 25 knots, and have the capacity to fight oil or gasoline fires.

[From the St. Louis Globe-Democrat, Aug. 23–24, 1969]

THIRTEEN RIVER ACCIDENTS—CLOSE BRUSHES WITH FIRE AND DEATH

(By Allan Hale)

South St. Louis came close to being swept with a brush of fire Jan. 24 . . . and almost nobody knows about it. Cahokia lay under the same threat. Few, if any, of the people who live there heard of it.

Clarksville, Mo., might have had a similarly unlucky day on June 13 . . . and if you were near the Chain of Rocks Canal on the afternoon of May 14, say in Granite City, that was the day you just escaped seeing flames in the sky.

In all these instances, people never knew.

In each of these cases towboats laden with gasoline, thousands of gallons of gasoline, collided.

There have been 13 accidents in 30 months on one stretch of the Mississippi, some involving gasoline barges, some not. Any one of them could have blocked traffic on the river for hours, days or weeks.

The 13 were itemized in a warning given towboat operators in the course of a speech by an Army Corps of Engineers officer at Greenville, Miss., on July 25.

From the details given it appears that 11 of the 13 were legally reportable to the U.S. Coast Guard. A check of files shows only seven appear to have been reported.

In these seven cases, only three pilots are recorded as holding a license to pilot a towboat. There is no legal requirement for a man to take the entirely voluntary examination for a towboat pilot's license.

Nobody needs a license to operate a towboat. Nobody needs a license to be engineer on a towboat. Nobody has authority to supervise design of a towboat. Nobody has authority to inspect a towboat. Not the Federal government. Not the state government. Not the Coast Guard. Not the Interstate Commerce Commission. Nobody.

And on Jan. 24, in the dark cold hours of the early morning, an unlicensed pilot, with an uninspected boat which had an equipment failure, came close to starting a roaring fire rolling along the south St. Louis riverfront.

It was 1:40 a.m. when a southbound towboat, groping its way downriver among the floating ice, found its searchlight suddenly blacked out.

The pilot attempted, in the dark, to swing in reverse into the shelter of the Mobil Oil dock, on the Illinois side, at Cahokia a spot about level with the 3500 block of South Broadway in St. Louis.

There's a bad current there, and in the dark, a barge laden with gasoline smacked into a barge moored at the dock. More than 100,000 gallons of gasoline gushed out. At the same time a jagged steel segment of the shattered gasoline barge pierced the moored barge, loaded with petroleum distillate.

Then, for long minutes, nothing happened. The miracle had come to pass. There was no explosion and no fire. A call to the Coast Guard brought craft to flood the area with fire foam. Only then, slowly and gingerly, could the two enmeshed barges be backed apart, steel grating on steel that might at any moment produce a spark.

Had anything sparked off that 100,000 gallons of gas—and gas is slow to evaporate in 19-degree temperature, which it was that night—the effect would have been one which the St. Louis Fire Department doesn't even like to think about.

The collision happened at an oil company dock. Right across the river are three more oil company docks and a petroleum dock. The whole stretch on the St. Louis side is thick with industry.

On the Illinois side, barge fleets tie up along Arsenal Island, loaded with the hundreds of kinds of cargo the river carries, some of them explosive, some of them inflammable, some of them poisonous.

And behind this industrial frontage and intermingled with it are the little residential streets of the south side, Holly Hills and Montana and Gasconade and Piedmont and Chariton. Osceola, Oregon, Dakota, Eichelberger.

Floating gasoline burns rather than explodes, fire fighters know. Their vision of what could have happened is of a rolling fire, leaping from water to shore, to office buildings and construction shacks to storage tanks, an explosion, and more flames, leaping to picket fences.

This incident of Jan. 24 has been the most potentially hazardous so far this year, but it has not been the only one.

On May 14 a downbound tow with six barges of gasoline hit the wing wall at Lock 27, Granite City, cracking open the bow compartment of one of the lead barges.

Gasoline barges are compartmented and the bow compartment had been kept empty as a precaution against just such an accident.

However, the impact was enough to impale the barge on the wing wall of the lock with the concrete spur almost reaching the next, and laden, compartment.

It was found that the only way to free the barge was to swing it to and fro, steel grating against concrete. The fear of the men at the lock was that in the course of this spark-producing process the second compartment would burst. The manuever was attempted only after the nose of the barge and the wing wall had been smothered in fire foam.

On June 13 a tow bound upriver, with two gasoline barges, hit and damaged the land-side leaf of the upper mitre gates at Lock 24, Clarksville, Mo. There was no spillage, but the whole gate could have been put out of action, stopping traffic past that point.

On July 2 a downbound tow hit the bridge at Cape Girardeau and spilled about 50 gallons of heptane, a petroleum product, into the river, a minor spillage compared with others.

It was the third time in 30 months that a bridge has been hit in that area. On April 17, 1967, a downbound tow hit the bridge at Chester, Ill. and spilled 5,600 gallons of gasoline.

On April 22, this year, a barge hit the bridge at Thebes, Ill., drifted downriver and sank. This was not a gasoline barge, but it was a hazard to navigation.

So the list lengthens. One expert informant who contributed information for this article commented: "It's anarchy. Nobody regulates them. They do as they damn please."

Of the 13 accidents which happened over a 300-mile stretch of river between Saverton, Mo., and Cairo, Ill., five involved possible danger from gasoline or a petroleum product. All, either by damaging structures or sinking could have stopped river traffic.

Two of the 13 are not considered reportable to the Coast Guard, which is supposed to receive reports of all serious accidents on the river, because action by other towboats or by men at the docks prevented the situation from developing.

These involved breakaway barges drifting into or toward a dam, and action was taken before there was lots of life, serious injury, grounding or damage totalling more than $1,500. The occurrence of any of these things makes the accident reportable to the nearest Coast Guard marine inspection office.

Of the remaining 11, which appear officially reportable, in four cases no record can be found by the Coast Guard to show that they were ever reported.

Supporters of regulation of the towboating industry have long contended that official figures of accidents are misleading because many accidents are never reported.

The common feeling among the men who supplied material for this article is that there is bound to be a disaster some time. Their only hope is that it won't happen in this area.

At New Orleans in April a towboat collided with a Chinese Nationalist freighter. In the resultant fire 25 seamen died and flames soared 100 feet into the air, buckling steel

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guard rails on the Greater New Orleans Mississippi River Bridge above.

It could happen any minute of any day here. It may be happening as you read this.

[Editorial from the St. Louis Globe-Democrat, Aug. 26, 1969]

Threat of Unlicensed Towboats

It has now been revealed that an accident involving an unlicensed towboat operator earlier this year splashed 100,000 gallons of gasoline into the Mississippi near south St. Louis.

This was only one of 13 river accidents involving towboats in a 300-mile stretch from Saverton, Mo., to Cairo, Ill., in the past 30 months.

Only the rarest of luck prevented the riverfront from being turned into a roaring inferno as the towboat crashed into a gasoline barge as the Mobil Oil dock at Cahokia, opening a gash that loosed a torrent of gasoline on the river.

What would have happened if a fire had spread to the St. Louis side of the river where it could have fed on a long row of oil and fuel company docks and other industries lining the riverfront?

First of all, the city wouldn't have the single most important weapon to fight this roaring blaze—a fireboat. It would have to fight it as best it could from the shore because St. Louis is "economizing" by not having a fireboat.

This is astounding when one considers that nearly 1 million tons of explosive, inflammable or poisonous cargo pass in front of the city every month!

If such a fire had gutted industries along the riverfront, perhaps taking many lives as well, there would be an outcry: "Why was an unlicensed towboat operator plying the Mississippi? Who is responsible for this?"

The Globe-Democrat doesn't want to wait for a tragedy of this kind before getting regulations for towboat operations.

In a continuing series of articles by staff writer Allen Hale it has been pointed out that:

Anyone, and we mean anyone, can operate a towboat without a license.

Anything goes in the design and construction of towboats, since there are no inspections or regulations on design of any kind.

The waterways industry seems determined to do nothing to remedy the situation.

At any time, St. Louis could find its riverfront aflame, just as New Orleans did in April when three barges collided with a Nationalist Chinese freighter and 25 lives were lost.

Or it could be the scene of an explosion similar to the one which hit La Grange, Mo. in May and killed four persons.

Rep. Leonor K. Sullivan originally submitted a bill that would have licensed towboat operators and called for inspection of these vessels.

She withdrew it when she was promised that a package of three bills would be offered to provide for licensing, inspection and two-way radio communication systems.

To date, however, the only bill offered was a watered-down two-way radio bill that would exempt all but the larger towboats.

It appears there has been another sellout to the water commerce industry.

Mrs. Sullivan should reintroduce her own bill, and demand provisions for licensing towboat engineers, specifying minimum crews, proper design and safety standards.

We would urge her to act with as much speed as possible. The city she saves could be her own.

[Editorial from the Globe Democrat, Sept. 20, 1969]

Towboats' "Unsafety" Record

The National Transportation Safety Board has strongly reinforced what The Globe-Democrat has been saying through a series of articles and editorials—that a major holocaust is a real possibility if towboat operators are not licensed and if safety precautions aren't heeded.

Analysis of 12 major accident cases "showed the potential for a major catastrophic accident involving hazardous materials."

Casualties on towing vessels have increased 22 per cent in recent years. Fatalities are up 50 per cent in just two years. Groundings and collisions have increased by 20 per cent. Fires, founderings, capsizings and floodings accounted for 19 per cent of the casualties.

The study covering the fiscal years 1956–'68 found a "significant proportion" of casualties involved personnel errors.

It further made a strong case for licensing pilots when it found that more than twice as many unlicensed towboat operators were involved in collisions as were licensed operators.

This report should clinch the case for a law to license towboats and require safety inspections of all such craft. Tow vessels also should be required to have two-way radio communications, minimum crews and meet other safety standards that now are often ignored.

Here in St. Louis we already are well aware of the potential for a disaster on the river. It was revealed only recently that an accident involving an unlicensed towboat operator spilled 100,000 gallons of gasoline into the Mississippi near south St. Louis. In the past 30 months there have been 13 river accidents involving towboats in a 300-mile stretch of the Mississippi from Saverton, Mo., to Cairo, Ill.

Congress has an obligation to act as quickly as possible to end the threat of an explosion or fire that could cause immense loss of life and property at any time or place along the thousands of miles of inland waterways.

It can do this by passing the licensing and safety standards act for towboats. The danger is too great to delay further.

[Editorial from the Globe Demccrat, Sept. 24, 1969]

Realistic River Safety Bill

A bill requiring towboat pilots and engineers to be examined and licensed, expected to go before the House Merchant Maritime Committee within the next few days, is a long overdue step in the right direction toward regulating the nation's inland waterways industry.

Sponsored by Representatives Leonor K. Sullivan of St. Louis and Edward A. Garmatz of Baltimore, the bill would put an end to the current dangerous practice which allows virtually anyone—experienced or not—to operate a towboat.

This is a sensible piece of legislation which needs to be adopted. A continuing Globe-Democrat investigative and editorial campaign has pointed to the hazardous-accident potential under the lack of regulation of the towboating industry.

The proposal is not as tough as it should be. It represents a compromise between Mrs. Sullivan's strong bill for regulation of the waterways, introduced in 1962, and a pilot licensing bill backed by Garmatz. Also needed are crewing standards, which the new bill does not require.

But the plan is a realistic one in that it is probably the best that could be hoped to win acceptance. If it's approved by Congress—as it should be—it opens the door for more comprehensive regulations to increase safety on inland waterways.

[From the St. Louis Globe-Democrat, Sept. 24, 1969]

House Group To Weigh River Pilot Licensing Bill

(By Allan Hale)

A bill requiring towboat pilots and engineers to be examined and licensed is expected to go before the House Merchant Marine Committee in Washington within a few days, according to Congresswoman Leonor K. Sullivan (Dem.), St. Louis.

The bill stands in her name and that of Congressman Edward A. Garmatz (Dem.), Baltimore, and represents a compromise between her strong bill for regulation of the inland waterways industry, introduced in 1962, and a pilot licensing bill by Garmatz.

Dangerous accidents and lack of regulation of the towboating industry have recently been the subject of a continuing Globe-Democrat investigative and editorial campaign.

In a memorandum accompanying the draft bill, Garmatz urges its adoption, saying "For several years, it has been apparent that action must be taken to increase safety on our inland waterways. At present, no licenses are required for any operators of towboats in that area and there have been an increasing number of casualties."

Mrs. Sullivan's original bill would have required the licensing under Coast Guard supervision of all key towboats officers, including pilots and engineers, the laying-down of crewing standards, the construction of boats to approved design and their inspection while in operation.

The Garmatz bill would have required only the licensing of pilots.

The compromise bill will require the licensing of pilots in all boats of more than 15 gross tons, which means effectively all the 6,000 boats in the industry.

It also will require all boats of 750 horsepower or more to have a licensed engineer. The adoption of the horsepower of engines as a standard controlling whether or not the boat must have a certificated engineer can be regarded as a gain for the proponents of licensing of engine-room officers.

The horsepower standard will bring considerably more engineers under licensing control than the standard set in an earlier draft of the same bill, which would have required licensed engineers only aboard boats of 100 tons or more.

The bill leaves open the door to further regulation of the industry, by requiring the Secretary of Transportation to carry out a study of the "need for, if any, inspection of towing vessels" and "any other matter which he deems necessary to provide for safety on the navigable waters of the United States."

The Transportation Secretary is required to submit an interim report six months after the passing of the bill into law and a final report at the end of two years.

In his memorandum accompanying the circulated draft bill, Garmatz says, "This bill is the result of considerable study both by Mrs. Sullivan and me with respect to the causes of casualties, and we have come to the conclusion that by far the major number of casualties has been the result of inefficiencies in the pilot-house."

A report issued last month by the National Transportation Safety Board said there has been a 20 per cent increase in towboat accidents in the last four years.

[From the St. Louis Globe-Democrat, Sept. 26, 1969]

Twenty-two in House Push Towboat Bill—Provides for Licensing, Inspections

(From the Globe-Democrat Washington bureau)

WASHINGTON.—Following up swiftly a federal finding that more than twice as many unlicensed towboat operators were involved in collisions as were licensed operators, 22 members of the House of Representatives have just introduced a bill to step up licensing requirements.

The measure would require a licensed pilot on every tugboat of more than 15 gross tons or more than 26 feet long. It would prohibit a pilot's working more than 12 hours in every 24, except in emergencies.

In addition, all tugboats of 750 horsepower or more would be required to carry a licensed engineer. This would affect about 1,700 of the 6,000-odd tugs now in operation.

(At present there is no law requiring any towboat officer to take an examination of competency and hold a license. This and other dangerous circumstances on the inland waterways have been the subject of a continuing Globe-Democrat investigative and editorial series.)

The bill also directs the Secretary of Transportation to carry out an intensive study of the need for requiring inspection of all towing vessels on inland waterways. This would affect virtually all such craft. Last year, for example, 6,101 tugs were not inspected, only 68 were inspected by the Coast Guard.

The secretary would be required to file interim reports on the survey every six months, including statistics on accidents during each period. His final report is due Jan. 1, 1972.

The bill was co-sponsored by Rep. Edward A. Garmatz (Dem.), Maryland, and Rep. Leonor K. Sullivan (Dem.) Missouri, chairman and next ranking majority member, respectively, of the House Merchant Marine Committee.

The committee will hold hearings on the bill Oct. 7, 8 and 9, Mrs. Sullivan said. A committee source indicated it was expected to move ahead rapidly.

The bill as drafted represents a compromise, it was reported, as Garmatz originally had not supported licensing of engineers.

The need for licensing was pointed up by the National Transportation Safety Board recently in an analysis of Coast Guard figures on tugboat accidents.

"Unlicensed towing vessel operators," the board said, "were involved in twice as many collisions as were licensed operators."

The board said the figures "revealed the need for more competent operators, knowledgeable in the rules of the road."

The Coast Guard had reported in detail on 108 major accidents. In one, for example, a towboat pushing a barge hit a major highway bridge, knocking out a section of the span.

"The operator of the towboat was unlicensed, and had only four months' experience," the Coast Guard said.

In another case, two tows collided on a straight stretch, both with unlicensed pilots, because each failed to take proper precautions. A third accident saw two vessels with unlicensed operators collide because they failed to stay on their own sides of the channel.

In a fourth instance, an unlicensed pilot tried to rush his towboat across the bow of an oncoming tow. His towboat was capsized and one of two men in the crew drowned.

REPRESENTATIVE BYRNE ADDRESSES PULASKI DAY OBSERVANCE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ZABLOCKI. Mr. Speaker, those who were privileged to attend the 1969 Pulaski Day observance in Philadelphia's Independence Square on Sunday, October 5, were fortunate to hear a stirring address by our esteemed and honorable colleague from Pennsylvania, Representative JAMES BYRNE.

Sponsored by the Polish American Congress for the eastern district of Pennsylvania, the ceremony honored Marine Maj. Robert J. Modrzejewski, a recent recipient of the Medal of Honor for heroism in Vietnam. As Congressman BRYNE points out in his speech, Major Modrzejewski embodies those same qualities of respect for freedom and human dignity which inspired Gen. Casimir Pulaski.

In many ways Congressman BYRNE's remarks lend meaning and significance to an important reality in our American tradition—the fact that we all come from different national heritages but are joined together in the common cause of our love for America. It is for that reason that I am pleased and honored to place it in the RECORD at this point and recommend it to the attention of my colleagues:

Address by Representative Byrne

Mayor Tate, Reverend clergy, honorable government officials—city, state and Federal—Major Modrzejewski, President Czaplicki, General Chairman Wyszynski, Grand Marshall Walczak, ladies and gentlemen:

We gather here today, at this historic shrine of liberty and independence, to honor two heroic sons of Poland—one who died 190 years ago this month in the gallant struggle to create this nation; and one, who we are thankful is among us today, who is continuing the fight for freedom.

Actually, we are honoring more than just two men; we are honoring them as representatives of an American community renown for its contributions in all fields of endeavor.

Casimir Pulaski was born a Pole and died an American. Our guest of honor today, Marine Major Robert J. Modrzejewski, was born an American, but he, too, stands up proudly and declares: "I am a Pole."

This is entirely proper, for this is the American way. We are proud, indeed, of being Americans, but we look back with fondness, respect and nostalgia to the land that gave us birth—or from which came our parents or grandparents.

Casimir Pulaski had a dream. If not for that dream, he might never have come to our shores. And without the heroism of Pulaski, there is a serious question of whether the Stars and Stripes would be flying here today—or at least whether those eight long years of our struggle for independence would not have been many more.

Casimir Pulaski could have been one of the viewers instead of one of the doers. After all, he was a nobleman, with wealth and position. He did not have to put his life and position on the block.

But he had a dream, and within himself that inner voice kept repeating and repeating, ever in stronger tones, "Someday, Poland will be free!"

Pulaski did not live to see that dream become a reality. He died on his adopted shore, many thousands of miles from his native and beloved land, so that America could be free.

But Pulaski's dream did not die. It remains in the hearts and on the lips of free men everywhere even unto this day: "Someday, Poland will be free."

May it be in our lifetime, or at least in the lifetime of our children!

As commander of the Polish Patriotic Forces, Pulaski and his comrades fought hard and well, but they faced unsurmountable opposition. Poland was not freed; and Casimir Pulaski was forced to flee for his life.

There were not many avenues open to him; there were few lands which would welcome a revolutionist—despite the legitimate cause for which he fought.

But the American colonies, where the thoughts, if not the words, that declared that all men are created equal permeated the populace, offered him refuge.

He more than amply repaid the debt he owed America with his bravery, ability and his life.

It was at the Battle of Brandywine, on September 11, 1777, that the military genius of Casimir Pulaski was truly realized. The British had landed a huge army on the Chesapeake and were marching on Philadelphia, the capital of the fledgling nation.

Near Chadds Ford, in Delaware County, at the banks of Brandywine Creek, an American Force, under the command of General George Washington, the Marquis de Lafayette and Count Casimir Pulaski took a stand to stop this superior force and save their capital.

I guess under present day terminology, Brandywine would be called a lost battle, for Philadelphia was not saved. It fell to the British and their Hessian mercenaries two weeks later and the Continental Congress fled to York.

But, in reality, and in the end, Brandywine was an American victory because the British were forced to go around the American army, leaving them the rich farms to feed them for the winter and the many forges to produce their cannon and rifle barrels.

Before the Continental Congress left in the face of the advancing British, in these very buildings, the Congress promoted Casimir Pulaski to brigadier general and named him the chief of all cavalry forces of the Continental Army.

Subsequently, Pulaski added more luster to his name at the Battle of Germantown and the battles of the winter of 1777–1778.

Following that bitter experience, he formed a corps known as the Pulaski Legion, with which he defended Charleston, South Carolina, in May, 1779. A few months later, fighting the Battle of Savannah, he was mortally wounded and taken out to the U.S.S. *Wasp* in the harbor.

There, on October 11, 1779, he died and was buried at sea. We have no gravestone at which to lay floral tributes. But we have a place for him in our hearts.

Our other honored son of Poland, Major Modrzejewski, was born July 3, 1934, in Milwaukee, Wisconsin, and, by coincidence, attended Pulaski High School there.

Upon graduation from the University of Wisconsin, he was commissioned a second lieutenant in the United States Marine Corps, and he has been a Marine for more than 12 years now.

He, too, won military recognition thousands of miles from his native land, and for this his nation honored him with its highest decoration for valor, the Congressional Medal of Honor; and for this we pay him homage today as the symbol of the young men of our nation.

It was March of last year President Lyndon B. Johnson placed around the neck of this young man a symbol honored by fighting men more than a general's stars.

He received this medal, and may I quote from his citation, "For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as commanding officer, Company K, Third Battalion, Fourth Marines, Third Marine Division, in the Republic of Vietnam from 15 to 18 July, 1966."

If I may, I would like to read the entire citation, I think you ought to know the type of man you are honoring here today.

"On 15 July, during Operation Hastings, Company K was landed at an enemy infested jungle area to establish a blocking position at a major enemy trail network.

"Shortly after landing, the company encountered a reinforced enemy platoon in a well organized, defensive position. Major (then Captain) Modrzejewski led his men in a successful seizure of the enemy redoubt, which contained large quantities of ammunition and supplies.

"That evening, a numerically superior enemy force counterattacked in an effort to

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retake the vital supply area, thus setting the pattern of activity for the next two and one-half days.

"In the first series of attacks, the enemy assaulted repeatedly in overwhelming numbers but each time was repulsed by the gallant Marines.

"The second night, the enemy struck in battalion strength and Major Modrzejewski was wounded in this intensive action which was fought in close quarters.

"Although exposed to enemy fire, and despite his painful wounds, he crawled 200 meters to provide critically needed ammunition to an exposed element of his command and was constantly present wherever the fighting was heaviest.

"Despite numerous casualties, a dwindling supply of ammunition and the knowledge that they were surrounded, he skillfully directed artillery fire to within a few meters of his position and courageously inspired the efforts of his company in repelling the aggressive enemy attack.

"On 18 July, Company K was attacked by a regimental size enemy force. Although his unit was vastly outnumbered and weakened by the previous fighting, Major Modrzejewski reorganized his men and calmly moved among them to encourage and direct their efforts to heroic limits as they fought to overcome the vicious enemy onslaught.

"Again he called in air and artillery strikes at close range with devastating effect on the enemy, which together with the bold and determined fighting of the men of Company K, repulsed the fanatical attack of the larger North Vietnamese force.

"His unparalleled personal heroism and indomitable leadership inspired his men to a significant victory over the enemy force and reflected great credit upon himself, the Marine Corps and the United States Naval Service."

That, ladies and gentlemen, is the end of the citation of this young man who we honor here today. Actually, it is we who are honored, Major Modrzejewski, by your presence among us today.

Would that it were within my power to award the Congressional Medal of Honor to each of the young men of Company K, those who survived and those who gave their lives in their nation's service.

But it is not.

Therefore, Major Modrzejewski, as a representative of your grateful nation, may I salute you for your individual accomplishments, as a representative of all our brave young men, and as a worthy son of a proud and noble people.

Thank you.

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. QUIE. Mr. Speaker. There are ramifications to the October 15 moratorium which should be considered by all genuinely concerned about peace in Vietnam and the future role of the United States in international affairs. David Broder, in his column appearing in today's Washington Post, exposes some of the very far-reaching dangers which could result from this exercise in "breaking the President."

As Mr. Broder points out, American men are being withdrawn from Vietnam and the level of hostilities appears to be deescalating. Steps are being taken to turn the fighting over to the Vietnamese if peace is not negotiated.

The country will be in very great danger if the demonstrations against the war weakens the authority of the President or his ability to lead the Nation. While the right of reasonable dissent should not be restricted, there is an admitted interest among some agitators in the breakdown of the constitutional governmental system in this country. Participants in the Vietnam moratorium would do well to consider the possible outcome of their actions.

I submit the Broder column for printing in the RECORD at this point:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job:

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as it being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

AGE—AN ASSET

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. MILLER of California. Mr. Speaker, the Alameda Times Star, published by Abe Kofman, carried an editorial the other day, "Age—An Asset" which I commend to my colleagues in the House.

It pertains to the employment of men over 40. In this day and age when the emphasis is on youth, the agitators on the campuses, throughout the country, and also some of them in this very House, forget the truth that age will some day catch up with them.

In Shakespeare's great tragedy, "Hamlet" there is a graveyard scene in which Hamlet is handed the skull of he who

was once a great jester. In closing his soliloquy, as he tosses it back into the grave, he say, "Get thee to my lady's chamber and tell her, let her paint an inch thick, to this favour she must come."

The editorial appears below:

AGE—AN ASSET

Special emphasis is being placed on the value of workers who have passed age 40—at least some quarters are trying to prevail upon corporations to not rule out those in the plus-40 age bracket.

Governor Ronald Reagan points out that "scientific and statistical evidence" relegates to the category of the old wives' tale the idea that persons past 40 are somehow less knowledgeable and less efficient than those under 40.

There is need for such statements and such efforts to bring pressure on industry to revise the restrictive employment policies as related to age which have become accepted practice in too many places.

A talk show last week brought into graphic focus this very problem. Station KGO broadcast the conversation of a man who described himself as 43, an electronics engineer with a master's degree who has consistently kept abreast of state-of-the-art.

Although he did not identify the corporation by name, it was a big one on the San Francisco Peninsula. The axe had struck him, he said—he was terminated. And some 5,000 persons are in the same category, he charged. All are due for the pink slip, in line with that corporation's policy of weeding out persons over 40.

Under the free enterprise system, a policy such as this is considered the inviolate right of management. Government can suggest, perhaps even cajole, but it can exert little effective control over preventing such a harsh, impersonal policy from being implemented.

The personal damage done to individuals who fall under the age guillotine is unmeasureable. It is an ego-shattering experience, and can change the whole direction of not only one individual's career, but of his entire family.

And there is no question but what such a policy is shortsighted and destructive of the asserted goals of management—"team effort, efficient, quality production."

Most people grow in their work situations. They're better men at 40 than they were at 30, and they're better at 60 than they were at 50. Experience can be acquired only by doing.

Disregarding the cruel, immoral aspects of an age-restricted employment policy, it cannot be demonstrated that firing people at age 40 is good for the output of any organization.

A small step has been taken by Congress in making it unlawful to discriminate because of age. But proof is next to impossible to obtain. And since the average age continues to drop, those in power positions in industry probably will go right on being arbitrary, arrogant, brutal.

Maybe an "over-40 picket line" might be considered. Would that be too far-fetched? Not if you're a victim!

DR. GEORGE MUELLER, PLANNER-TECHNICIAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. TEAGUE of Texas. Mr. Speaker, on Wednesday, July 23, 1969, the New York Times carried an article on Dr. George Mueller, Associate Administrator of the National Aeronautics and Space Administration. Having been associated with Dr. Mueller quite closely since he took over this post, I can frankly say that he is one of the most dedicated and sincere employees our country has. His vast knowledge and experience, I believe, was the major contributing factor to the success of our Apollo program and the ultimate moon landing. I have nothing but respect and admiration for George Mueller, a dedicated and loyal American. The Times article follows:

PLANNER-TECHNICIAN—GEORGE EDWIN MUELLER

(By Richard Witkin)

Some of the top officials directing day-to-day preparations for Apollo lunar flights became seriously worried 18 months ago about the dizzying complex of computer programs for the rockets, the spacecraft and the ground-support network. They feared the computer programs might not mesh as precisely as they had to if the voyage to the moon was to succeed. Following conventional wisdom, the officials decided they needed a preference for the job was anything but conventional. He was Dr. George Edwin Mueller, their boss.

As associate administrator of the National Aeronautics and Space Administration in charge of all manned space projects, Dr. Mueller might have been expected to be too busy with his vast administrative and planning duties to be able to take on the extra assignment, however important. He found the time.

"The computer programing was the biggest job of its kind anybody had ever attempted." Lieut. Gen. Samuel C. Phillips, director of Project Apollo, said yesterday. "Some would disagree, but I believe the special effort George directed produced a lot of positive results."

It was no surprise to those who had followed his career that Dr. Mueller (he pronounces it Miller) could turn so readily from broad policy matters to the most intricate technical questions.

Intense, often called brilliant, he has been a professor of electrical engineering at Ohio State and later held a top position with a company that helped the Air Force pull together the many complex parts of its missile program.

Recruited for NASA, he brought to Washington a passion for work—16 to 18 hours a day. He became intimate with almost every piece of Apollo hardware and training equipment, staying out of the training centrifuge only because the doctors thought the gravity forces might be too much.

During the Apollo 8 mission he was home with flu. But he was constantly on the phone with the Mission Control Center and between calls he built himself a color TV set.

Important as his role has been, he has not been highly publicized. "In Washington," he once said, "if you stick your head above the waterline, you get it shot off. So when I took this job I made up my mind that, to get it done, I'd remain submerged."

In his NASA post, Dr. Mueller has been looking far ahead of Project Apollo, lest the valuable assets put together to produce the miracle of a lunar landing might be dissipated if the country did not set itself some new goals.

Pressing that point yesterday, he told a news conference in Houston:

"It seems quite clear that the planets of the solar system are well within our ability to explore, both manned and unmanned, at the present time."

But some of his highly-placed associates say there is a blemish in the picture of the successful spaceman. As one of them put it, "he has leadership problems."

Slight in stature, indirect in his personal approaches, he is not generally considered the model of an inspirational leader. His critics suggest he is distrustful of others and therefore unable to command their respect. Others say he is so single-minded about his assignment that, despite a casual informal manner he often rides subordinates too hard.

One of his stout defenders is Gen. Bernard A. Schriever, retired, who ran the Air Force missile program.

"I always had the sure confidence that he could understand technical details and at the same time glue a management together," General Schriever said yesterday. "No one can snow him."

Dr. Mueller was born in St. Louis exactly 51 years before the launching of the Apollo 11 spacecraft at Cape Kennedy on July 16.

He and his wife, the former Maude E. Rosenbaum of St. Louis, live in an attractive townhouse in the Georgetown section of Washington with one of their two daughters. The other is married to a Norwegian who is studying here for the ministry.

OPERATION INTERCEPT

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, yesterday I inserted the text of a statement on drugs issued by Gov. Ronald Reagan commending the administration's "Operation Intercept." Today I include in the RECORD a letter to the editor of the Los Angeles Times from a Beverly Hills doctor which raises serious questions concerning administration motives and judgment in implementing this border crackdown. The good doctor, to put it mildly, expresses his views quite adamantly. Since I believe that honest debate on the different approaches to the problem will result ultimately in the adoption of the best method of handling it, I am submitting the letter for your perusal.

Dr. Rickles, among other things, speaks to the underlying causes of drug use by young persons. He feels that the continuation of the war in Vietnam and the catastrophic conditions in the ghettos create a need to escape among our disenchanted youth. Ending the tragedy that is the Vietnam war and erasing the poverty, malnutrition, and hopelessness that exists in the ghetto areas, he surmises, will help to alleviate the narcotics problem. In this respect, we are in agreement. The pruning of a diseased tree will do no lasting good if the diseased core is not removed.

The letter follows:

MOTIVES QUESTIONED: CRACKDOWN ON MARIJUANA

You gave considerable publicity (Sept. 14) to a massive crackdown on the illicit traffic in marijuana. I am not objecting to this plan by the government. But I seriously question the motives behind and the reasoning espoused by the Justice Department.

I quote directly from your article. "The Nixon Administration hopes to turn young persons away from marijuana by choking off supplies and pushing the price beyond their reach. This, Dep.-Atty. Gen. Richard G. Kleindienst said, would send the price of marijuana skyrocketing, so that unlike

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today, it will be beyond the reach of our young people who are using it so commonly."

His reasoning was that, "It's not an addictive drug like heroin." Asked whether the task force had considered legalizing marijuana, Kleindienst replied quickly and crisply: "No, we believe it should be a crime . . . it has adverse effects on our citizens, based on the literature I have read."

What literature? As a doctor of medicine, I have read the literature too, but all the literature not just that which is adverse. By far, the preponderance of authentic writings state just the opposite. But that isn't the issue. Alcohol isn't an addictive either. A similarly aroused government created the Volstead act in 1918 to prohibit the sale of alcohol. And with what dire results. We created a nation of law breakers and encouraged and abetted gangsterism which still plagues us and according to the FBI, is the greatest menace to our country today. And so once again we play into the hands of organized crime.

How stupid and arrogant can the establishment be? Hasn't the rebellion of youth reached their closed minds? People will not be forced to stop drinking alcohol, nor will the youth be forced to stop smoking pot. We have by conservative figures at least 10,000,000 alcoholics in the United States today. And from government figures at least 30,000 users of grass. What does the government want to do increase that figure to 50,000,000?

Is our government truly so blind and stubborn that it must continue the same strong-arm tactics to force obedience to established though questionable laws? Can't they see that maybe, just a possible maybe, that it is their approach and attitude that could be wrong?

Why won't they learn from bitter experience? Why won't they listen to informed behavioral scientists as to the harm of rigid controls where human emotions are concerned? Why won't they find out why our children have flocked to marijuana, to the land of lotus eaters as a surcease from the pain and anxiety of bitter disillusionment?

The government or no other agency can stop anyone from taking pills or alcohol by prohibition. But they can cut down on the intake by eradicating the causes and the motivation.

Two persistent overwhelming factors contribute today to the meteoric increase in drug consumption. One is the catastrophic condition in our ghettoes, with poverty and inequities primarily involved with minorities. The second is the stupid continuation of a colossal blunder in Vietnam. Concentrate our man power to the eradication of these two evils and there will be an immediate let down in the need to escape on the part of our disenchanted youth.

Continue the blind enforcement of rigid controls and we will all end up lotus eaters!

OCTOBER 15 MOBILIZATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. RARICK. Mr. Speaker, the Chinese Reds are reported to be feverishly mobilizing to meet an October 15 deadline.

Is the October 15 mobilization just another Communist gimmick? Can it be that the crumbling and corrupt Red dictatorship is merely using the Russian Bear as a catalyst to renew the nationalist spirit of the Chinese people?

Or, are the Chinese Communists actually mobilizing against a threatened military attack which they feel the Russians could claim was an anticipatory retaliation in view of the Red Chinese nuclear threat.

Mr. Speaker, I include several news clippings:

[From Parade magazine, Oct. 5, 1969]

REPORT FROM RED CHINA

One of the best yardsticks of how things are going in Red China is the number of illegal Chinese refugees making their way into Hong Kong.

The Chinese refugees swim rivers, cut through or scale barbed-wire fences, hide in junks, undergo unimaginable hardships to flee their homeland.

Last year 2000 of them made it to Hong Kong. This year the number approaches 8000. which means that conditions must be bad indeed in China.

According to Chinese escapees, who are generally allowed to remain in Hong Kong, the monthly food ration per person in Kwantung Province is now down to ten ounces of meat and four ounces of oil. Rice, the daily staple, is down to 30 pounds per month. The yearly clothes allowance is five yards of cloth. Matches are limited to two small boxes per month.

Worse yet, Mao has issued the nationwide call: "Prepare for war." Fear is rampant and the stockpiling of reserves is feverish to meet an Oct. 15th deadline, which is about when the Chinese expect the Soviet Union to attack them in the start of a full-scale war.

The trains from Canton, which arrive at the station in front of the Peninsular Hotel in Hong Kong, carry passengers who report widespread student unrest and juvenile delinquency in China. Worst offenders, they say, are the former Red Guards, who seemingly prefer perpetual rebellion to hard work, either in or out of school. Others report that Mao has instituted a crash program to move the Chinese nuclear installations from Sinkiang Province on the Soviet border to safer, more secret underground locations farther to the south.

As usual, the truth of what is really going on in Red China is extremely difficult, almost impossible to come by.

[From the Washington Star, Oct, 5, 1969]

RUSSIA SET TO ATTACK CHINA?

(By Victor Zorza)

LONDON.—The pace of the Chinese nuclear program is quickening again, after the disruptions due to the "Cultural Revolution," and this cannot fail to cause concern to Russia.

Last week China tested what it described as "a new hydrogen bomb." The week before, the U.S. Atomic Energy Commission picked up seismic signals from China equivalent to an underground nuclear test in the low to intermediate range.

No previous Chinese tests were held in such quick succession and both tests were held in the Lop Nor area of Sinkiang Province, which has long housed some of the most important Chinese nuclear installations.

Intelligence reaching the Indian government recently suggested that China was moving its nuclear installations from Lop Nor, near the Soviet border, to Tibet, where they would be less vulnerable to Soviet attack. But the latest tests suggest that an important part of the Chinese installations still remains in the Lop Nor area.

MAY STILL HAVE TIME

If, therefore, the Russians are to try to destroy the installations, they may still have time to do so—though not much. The longer they wait, the more difficult the task would become.

Moreover, the longer they wait, the more likely the Chinese are to assemble an arsenal of nuclear weapons which, however small, could threaten to destroy some of the large Russian cities in the Far East, such as Vladivostok and Khabarovsk which are virtually just over the border.

The most primitive means of delivery, such as the old Soviet bombers still in service with the Chinese air force, could accomplish the job—and the Russians know it. It will be some time before China has the rockets which could pose a similar threat to the United States.

A Moscow paper recently acknowledged—quoting U.S. Defense Secretary Melvin R. Laird—that China will not be in a position to threaten the United States with nuclear weapons within the next few years, and it therefore went on to suggest that "Peking's nuclear ambitions are connected with plans to spread the Chinese revolution to neighboring countries."

Other signs in the Soviet press have suggested for some time the existence of two factions in the Soviet leadership, with some urging the elimination of the Chinese nuclear threat while there is still time, while others advocate moderation.

Striking confirmation of this has appeared in an article by a Russian journalist, Victor Louis, written for publication in the West.

In a dispatch sent from Moscow to the London Evening News, Louis said that "some circles," which he did not identify, were asking why the Brezhnev doctrine—under which Russia invaded Czechoslovakia—"should not be extended to China."

China was indeed much larger than Czechoslovakia and might offer active resistance, but according to the "Marxist theoreticians" who were his sources, this was "no reason for not applying the doctrine."

His "well-informed sources" in Moscow were "surprised at Western excitement over the Soviet plan to launch an air attack on Lop Nor," Louis wrote. "Whether or not the Soviet Union will dare to attack Lop Nor, China's nuclear center, is a question of strategy and so the world would only learn about it afterwards."

A DIFFERENT APPROACH

Just like the invasion of Czechoslovakia? Not quite.

This time the Kremlin is actually saying, almost in so many words, that it is considering an attack on the Chinese nuclear installations.

In the case of Czechoslovakia, the Russians made no direct threats in public, and the threats they made privately to Alexander Dubcek were so indirect that even he was disinclined to believe that they meant business. This time, the Kremlin is evidently trying to make sure that its warning is recognized and is heeded.

But why choose Louis to say it? Because if the Kremlin were to say it directly, in Pravda or in a diplomatic communication to China, it would lay itself open to the charge that it is warmongering, and that it is using the threat of aggression as an instrument of policy.

Moreover, the aim is not only to convince the Chinese that the Kremlin means business this time, and that they will be punished with the utmost severity unless their border "provocations" cease.

The aim is also to spread the word around, to get the diplomatic and military experts in the world's capitals used to the idea that a Soviet strike against Lop Nor is a distinct possibility, so that it should not be too great a surprise if and when it comes.

Louis' story has had precisely that effect.

Louis himself has been described in the Western press as "a Soviet citizen believed to have close connections with the Soviet secret police." He has carried out in the past "special tasks" in the field of foreign propaganda, "apparently at the bequest of the Soviet KGB, or secret police, or the Soviet foreign office, or both."

As far back as August 1967, the New York Times reported that "Western intelligence services have long suspected Mr. Louis as an agent of a KGB department used by the Soviet government to pipe expedient information toward the West."

In the Italian Corriere Della Sera, the paper's former Moscow correspondent, who had known Louis for a number of years, described his "privileged position" in the Soviet capital in an article entitled "Half Journalist, Half KGB Spy."

INDIGNANT AT QUESTION

This spate of articles two years ago was provoked by Louis' intervention in the Svetlana Stalin affair, when he brought to London a copy of her memoirs in order to arrange their publication before her own publishers had done so, and thus deprive her book of the impact it was expected to produce throughout the world.

The London Observer said that he had often been asked "why his activities often seem to fit in with the purposes of the Russian government." His reply, the paper said, was indignant. "Everyone expects that I should be a Soviet agent. Why cannot they believe that I am a professional journalist?"

It is a matter of public interest of the greatest importance that when Victor Louis writes, as he does in the Lop Nor dispatch, of "well-informed sources in Moscow," these should be recognized for what they are.

When he says, further, that still unreported developments on the Sino-Soviet frontier are "causing the military considerable concern"—and suggests that anti-Mao forces in China "could produce a leader who would ask other Socialist countries for fraternal help"—he is virtually writing a scenario for a Soviet invasion of Sinkiang.

Has the Kremlin given the order to the military to go ahead? My considered reply is that it has, that Louis would not have been allowed—or told—to send out his article if this decision had not been made.

It was about a month before the invasion of Czechoslovakia that analytical evidence made it possible to conclude that the hawks in the Kremlin had prevailed over the doves, and that an invasion was to be expected. The same sort of evidence now suggests that a similar decision has been reached with regard to China.

The evidence is not "hard," any more than the earlier evidence was, because it is the nature of this type of analysis that it must be tentative. Moreover, any orders given to the military may be countermanded before they have been carried out, and the Kremlin "doves" will no doubt continue trying until the very last moment to restrain the "hawks."

But the failure of Premier Alexei Kosygin's mission to Peking suggests that the hawks have a better chance of carrying their plans through to a conclusion than the doves have of restraining them.

True, there has been no further news of frontier skirmishing, but there have been similar periods of silence in the past, which were later shown to have concealed serious clashes on the border.

It is still possible that the Chinese will accept the proposal for talks at deputy minister level, which Kosygin put to Peking, and that this may put off the day of reckoning. But there probably will be those in Moscow who would regard this as a delaying tactic, and would argue that any delay now is going to cost more Soviet lives later.

Could Cite Czech Invasion

Soviet inspired rumors last month that Mao was dead or dying may be belied by his reappearance in Peking, but they also suggest that the Kremlin is reckoning with the possibility of his sudden disappearance from the scene.

The Kremlin's old dilemma is becoming more acute. What would serve its interests best? Immediate intervention might prevent the consolidation of power by the Maoist faction, which has pledged undying hatred of the Soviet Union. If Russia stands back to allow Mao successors to fight it out, there is always the chance—as the Kremlin hawks would argue—that the anti-Soviet faction would win and would go on to pose a much greater threat to the Soviet Union in the future.

This is precisely how they argued before the invasion of Czechoslovakia, and they won the day then. They can now claim that the consequences of that invasion were not as disastrous as the doves feared they might be, and that this justifies the application of the Brezhnev doctrine to China—which is what Louis' Moscow "sources" advocate in so many words.

Last month U.S. Secretary of State William P. Rogers said the Soviet Union had "moved a lot of equipment towards the border." It has moved more than equipment—it has moved men and weapons, and both are in a state of battle readiness.

It may be that the military movements are intended to warn the Chinese, and that this is also the purpose of Louis' dispatch. But there is a point at which a warning becomes a threat, and the threat becomes the first in a chain of actions that is more likely than not to culminate in hostilities. This point has now been reached.

[From the Washington Star, Oct. 7, 1969]

PEKING MEETING WOULD TAKE UP BORDER DISPUTE

HONG KONG.—Communist China asked the Soviet Union today to help defuse their potentially explosive border dispute, Peking Radio reported.

The Red Chinese proposed a military pullback in key disputed areas and agreed to resumption of formal border talks in Peking by vice foreign ministers of the two countries, Peking said. Time of the talks was not stated.

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These positive public gestures are viewed by observers here as part of a broad effort to exert all possible leverage, political and psychological, on Peking to induce the Chinese leaders to negotiate a solution of the Sino-Soviet conflict and avert further dangerous incidents.

The Russians appear convinced that this is the time when such a hard-sell campaign may prove effective for they believe that China is wracked by dissension and turmoil at many levels from the top down.

Even while refraining from direct criticism of China, the Soviet press has quoted foreign reports of internal disturbances and mass repression there.

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The Chinese statement said the border dispute was the most serious issue in the long quarrel between the two Communist giants.

The statement indicated that the increasing tension along their 5,000-mile border had made war a very real threat.

The Chinese also raised the specter of nuclear war, implying that the Soviet Union was threatening preventive strikes against strategic Chinese areas.

The statement said Chou and Kosygin met on Sept. 11 in Peking and had an exchange of views on the boundary question and the relations between the two countries.

The Chinese statement said Soviet assertions that China was threatening war, particularly a nuclear war, were "nonsense" and "ridiculous." But it also warned Russia that China "does not fear any war, even nuclear war."

WOULD FIGHT AGGRESSION

Referring to reports Russia might be considering a preventive strike, Peking said:

"If the handful of warmongers want to do the most ridiculous thing in the world and launch an attack against the strategically important places in China, this is a war, it is an invasion.

"The 700 million people of China will rise up and fight. We will use revolutionary war to destroy aggression."

* * * * *

Yet a curious parallel presents itself between the present Sino-Soviet confrontation and Soviet dealings with the Alexander Dubcek regime in Czechoslovakia in the months prior to the invasion by the Warsaw Pact powers.

Quite likely this similarity occurred to the Chinese leaders when Kosygin requested the Peking meeting with Chou to present the Soviet position.

For it was Kosygin who journeyed to Prague before the invasion to persuade the Czech leaders to accept Moscow's views and demands.

It would be rash to assume by stretching this reasoning that an invasion of China is imminent. But even while speaking softly on behalf of the negotiated solution and improved relations, the Russians continue to hold a big stick in abeyance.

At the present stage, this is a part of their political and psychological effort. But should that effort fail and violence break out again, the possibility of the kind of preemptive strike envisaged by the writer Victor Louis is not to be excluded.

This was originally hinted in Pravda's Aug. 28 editorial headlined "Pekin's Adventurist Course," wherein the Communist party paper bluntly accused the Chinese of preparing all-out war against the Soviet Union.

A SOUTH AFRICAN VIEW OF THE UNITED STATES

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. KASTENMEIER. Mr. Speaker, it has come to my attention that Mr. Colin Eglin, national executive chairman of the Progressive Party of South Africa, and a former Member of Parliament, has prepared a most thoughtful report on his recent visit to this country. During his brief stay here, Mr. Eglin met with various congressional and national leaders for an informal exchange of views on contemporary problems in the United States and the Republic of South Africa. In his report, Mr. Eglin shows particularly keen insight in analyzing current tensions and violence in this country. He describes our racial conflict as being of a temporary nature which will eventually lead to a greater awareness by this country of its social responsibilities.

It is no secret that in South Africa the leadership of the ruling National Party has sought to draw comfort from our own racial difficulties. In doing so, they are mistakenly seeking vindication of their own raical separation policies. Mr. Eglin's report puts this situation in its proper perspective, particularly for South Africans who may have a simplistic view of race relations elsewhere and

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who may too easily draw the wrong conclusions. It would be useful for Americans to see their own society succinctly analyzed by a perceptive, intelligent foreign observer.

The report follows:

REPORT FROM U.S.A.—JULY 1969: FRUSTRATION, CLOSE TO THE POINT OF ANGER

(By Mr. Colin Eglin)

We arrived in Boston in time to watch—on colour T.V.—space capsule "Charlie Brown" streaking across the sky and splashing down with uncanny accuracy to make its mid-Pacific rendezvous with the aircraft carrier U.S.S. Princeton. Three astronauts had completed a seven day reconnaissance journey to the moon.

I was at once aware of the personal drive, the technological skill, the industrial power which have become the hallmarks of the American society. Indeed one cannot visit the United States without being impressed, to the point of almost being overwhelmed, by the magnitude of American achievements.

Many of these stand out visibly before even the most casual of visitors—towering buildings, vast urban renewal schemes, highways, bridges, tunnels, airports, a sophisticated network of communications, universities, art galleries, cultural centres. One senses the throbbing power of the gigantic economic machine. And when one looks further there is the achievement in the field of research, the humanities, education, community projects, yes and even in the field of civil rights and intergroup relationships.

But what was equally interesting and impressive to me, a visitor from South Africa, was to watch the American people engaged in a critical examination of themselves and their society. No slavish acceptance of existing norms, no meek acquiescence with the ideology of a central authority, no 'closing the ranks' on criticism from outside or action against non-conformist critics from within. To many Americans the debate with its thrust and counter thrust, its issues, its confrontations might seem interminable—but to me at least it was a refreshing contrast to the present South African scene.

I left the United States not only impressed and refreshed, I left it perplexed and disturbed, for, in spite of the unity generated by the momentum of the mighty economic machine, powerful, centrifugal forces are developing in the United States society. These forces are delicately poised between two contrasting courses of action—they could prove to be constructive, invigorating, adding a new sense of purpose to the American society and its institutions. But equally they could erupt, erupt with violence, destroying much that is worthwhile, leaving scars on the American people and putting back the clock of progress both in the United States and around the world.

I am not suggesting that the American nation is or should be ashamed or afraid of these forces. They are the inevitable products of the technological age, of the big cities, of a shrinking continent in a shrinking world.

In looking closer at the origins of the forces I could not help being struck by the changes in the mood of the United States during my visits there over the past decade.

The apparent purposefulness and thrust of the nation as it swung in behind President Kennedy at the end of 1960.

Five years later, growing disillusionment and mounting disenchantment. For then, in spite of a massive legislative programme initiated by President Johnson—the civil rights bill, the medicare, poverty programs etc.—the gaps between promise and performance were starting to grow. And by then the Vietnam war was escalating.

And now in 1969 America is in a mood of frustration—frustration close to the point of anger.

Students, young people, frustrated with an establishment that has not lived up to its professed standards, which has so often forfeited its claims to credibility. Black Americans frustrated with a society that has given to them as American citizens equality in law, but denied to so many of them equality in practice. Non-students, non-Black Americans frustrated at students for flouting authority and defying convention, at Black Americans for their "impatient demands in the face of all that has been done for them in the past 15 years."

Student unrest, Black power, White backlash acting and reacting one upon the other. Acting and reacting in a society living at a dizzy pace. A society constantly confronted by new social problems constantly required to make adjustments following in the wake of technological achievement and above all acting and reacting all under the shadow of the Vietnam war. The war which by now no-one wants. A war which now has no glories, no heroes, no victories. A war steadily eating away at the human and material resources of the nation, sapping its moral fiber, leaving its nerve ends raw and exposed.

The United States death toll in Vietnam, now at 35,000, exceeds the death toll in both the Korean War and the Great War. Exceeded only by United States deaths in the last world war it makes the Vietnam war in terms of casualties "The United States' second most costly war".

And in the centre of this awesome arena stands newly elected President Nixon. Defeat and victory have taught him to recognise and to understand the temper and the mood of his fellow Americans. He knows that he was elected to office on a tide of frustration. He knows too that unless it is turned that same tide on which he rose to be president will dash him on to the rocks of defeat.

And so President Nixon appears to have set as his first objective to get the American 'pot off the boil'. His first five months in office have been sedate and relatively uncontentious. No dramatic changes in policy or personnel, no promises, no legislation, no confrontations. Of course there is as yet no peace in Vietnam and here is one area in which no initiative could prove disastrous for, as days turn to months "Johnson's" war could well become "Nixon's" war. Nixon's recent meeting with South Vietnam's President Thieu, his subsequent statement and his decision to withdraw the first 25,000 United States troops indicates that he can no longer delay taking some meaningful action. Americans will hope that he can pull them out of the morass of Vietnam. The ending of United States involvement in the Vietnam war is a prerequisite to the easing of tensions at home.

President Nixon's ability to lead the nation to the solution of its pressing domestic problems, his ability to move the forces in the United States society towards constructive effort and away from eruption, hinge more than anything else on his ability to end the Vietnam conflict.

STUDENT UNREST

During the past year there has been a massive stirring among the students at America's 2,500 universities. At some this stirring has gone no further than discussion and debate on the character, quality and purpose of the universities and the American society. At others it has led to requests, demands, demonstrations, confrontations: at some it has erupted into violence.

Some people have attributed the cause of this wave of student unrest to "a small group of agitators". It cannot be denied that there are anarchistic elements within the student body. It is true that the militant S.D.S. (Students for a Democratic Society) appears bent on breaking down rather than on building up. But to see the events only as the result of the actions of a few militants would be quite wrong.

Although only 2 percent of universities have been the scene of unrest and disturbances, polls indicate that the majority of students around the country agree with the goals, if not the methods, of those who have staged campus demonstrations.

The student unrest cannot be dismissed lightly. It is fundamental in nature and serious in content. It has already had a profound effect on American universities, their staff, their curriculae and their administration. It is receiving the thoughtful attention of authorities at city, state and federal level.

Wherein lie its origins? What are its goals?

"It is rooted in the complete disillusionment of the younger generation with an establishment that has not lived up to its professed standards and has so often forfeited its claims to credibility," was the opinion of a young clergyman attached to a mixed urban congregation.

"It starts with cynicism, cynicism because of the gap between promises and performances of those who wield power. Cynicism heightened by the war in Vietnam and the injustices and inequalities still to be found on the domestic scene," said an executive member of an organization dealing with projects for young Americans.

The National Commission on the Causes and Prevention of Violence headed by Milton S. Eisenhower recently expressed itself in this way:

"Although much of this discontent often focuses on grievances within the campus environment, it is rooted in dissatisfactions with the larger society that the campus can do little about.

"Students are unwilling to accept the gaps between professed ideals and actual performance. They see afresh the injustices that remain unremedied.

"Students see a nation which has achieved the physical ability to provide food, shelter and education for all, but has not yet devised social institutions that do so.

"They see a society, built on the principle that all men are created equal, that has not yet assured equal opportunity in life. They see a world of nations—states with the technical brilliance to harness the ultimate energy but without the common sense to agree on methods of preventing mutual destruction.

"At a time when students are eager to attack these and other key problems, they face the prospect of being compelled to fight in a war most of them believe is unjustified. This traumatic experience has precipitated an unprecedented mass tension and frustration

"Students attribute the shortcomings they see to the smugness of their elders and the weaknesses of social institutions."

The findings of the Eisenhower Commission support the view that, while the student unrest is rooted largely in dissatisfaction and disillusionment, its driving force is a spirit of idealism and a desire to improve and reform.

"Most students, despite their view of society's failures, accept as valid the basic structure of our democratic system; their main desire is to improve its ability to live up to its stated values.

"With the fresh energy and idealism of the young they are impatient with the progress that has been made but seems to them to be indefensively slow."

It is apparent that the social awareness of American students is at a new high level. The demonstrations have mainly occurred, not at universities serving the poorer sections of the country, but at those established institutions serving primarily students from the privileged section of the community.

A recent poll showed that 51 percent of all students interviewed had done social work and that 65 percent of those students who took part in demonstrations had done such work. Of interest too is that, asked what occupation they expected to be in at 40 years of age, no less than 29 percent responded that they would be teachers.

The question might well be asked "If student dissatisfaction is with the establishment and with the society, why attack the universities?" The fact is that students see the universities as they exist today as part of the establishment and therefore in need of reform as much as numerous other institutions.

But more than this "they see the university, guardian of man's knowledge and source of his new ideas, as an engine for powering the reform of the larger society, and as the first institution they are in a position to reform." Under searching student examination many universities, some among the most prominent in the United States, have been found to be inadequate in one way or another. Too often they have reflected the attitudes and norms of the establishment, too often they have been insensitive to the needs of a changing society, too seldom have they been "engines for powering reform".

Under pressure from students, faculty and administration have in the main shown considerable restraint and understanding. There has been a willingness to admit the need for reform and to meet student representations. Significant changes have been made in curriculae, administrative procedures, admission rules, staff performance, students have been given a greater say in decision making, universities have been made more socially aware. Under pressure from students investments in South African stocks have been sold and federal grants with military implications have been turned down.

Said a senior Professor to me "I can't say that confrontations with students are always pleasant affairs but on the whole I think that our universities are better institutions as the result of the student unrest."

In the United States one always has the uncomfortable feeling that violence is just around the corner. Provided violence on the campuses can be curtailed and provided student unrest does not provoke counter violence, the United States will emerge from the era of the student revolt more aware of its social responsibilities and better equipped to grapple with them.

BLACK POWER

Black Power. Black is beautiful. Black studies. Black dormitories. Black states. Black Panthers. Black Americans. These are household phrases in America today. A sophisticated network of mass communications has brought "black" into every American home. It has made non-black Americans aware as never before of their black compatriots who form 11 percent of the nation. It has also made black Americans aware of themselves as a power in the land.

Black power. It is not a party, it is a phenomenon. It is not an organization—it is a force.

But to what extent is Black power the counterpart of White *baasskap* in South Africa? Is it *apartheid*, black *apartheid?* Is it ideological as White exclusivism in South Africa is ideological? Or is it a tactical ploy?

"You would be wrong if you were to think of Black Americans as a monolithic group." These were the opening words of Mr. James Farmer, himself a Black American, a former leader of CORE (Congress of Racial Equality) and at present Assistant Secretary of Health Education and Welfare in the Nixon administration.

Certainly if political leaders and forms of political expression are a guide Mr. Farmer is correct; black Americans do not form a monolithic group. Black Panthers talk of revolution, Black Muslims of separation, Black militants on the campuses of black dormitories, black universities, black studies, and black areas in cities erupt and burn. On the other hand black citizens join the Democratic and Republican Parties, others become councillors, mayors, congressmen and senators through the ordinary processes of ballot box democracy. A black judge sits on the bench in the Supreme Court. Mr. Farmer himself holds a key post in the federal administration.

Those who believe in violence and revolution are relatively few in number. Many more would not be shocked by violence for in one way or another they have lived with or close to it for much of their lives. But most Black Americans want to become full citizens, full in the meaningful sense of the word, they believe they have to marshal their forces, their talents, their votes, their energies in order the assert themselves.

But why not as ordinary Americans—why as Black Americans? Why Black Power? Why "Black is beautiful"?

Again and again Mr. Farmer and others with whom I discussed this question explained. Firstly, in spite of the progress, especially over the past two decades, in spite of Bills and judgments which declare them equal in law, Black Americans are not full, equal citizens in the real sense of those words. Years, often generations, of living in underprivileged conditions have left many of them in a position where they cannot use the opportunities which equality in law would appear to have given them. And even when there are no such obstacles Black Americans find that while legal barriers have been removed racial barriers have remained. They have become convinced that the remaining obstacles can only be removed if they assert themselves at all levels in the society and government. Black power represents the harnessing of this collective effort.

But there is a second reason given for this apparent reversion to Black exclusiveness. Black Americans don't feel that they are full Americans. They sense that they are 'out' while others are 'in'. America is emotionally a White society to which they do not fully belong.

"Why," said a Black American to me, "my child in his readers at school always sees American children depicted as White, in the films ordinary Americans are always White—Black Americans only appear in character roles."

They believe that they will never be part of the mainstream as long as that mainstream is emotionally 'White'; the mainstream will have to cease to be exclusive; some of their 'blackness' will have to rub off on it. But again this will only happen through the efforts of Black Americans and it will never happen if they are ashamed of their blackness. It certainly cannot happen if they 'try for White'. And so 'black is beautiful'—away with the idea that black is the colour of the outcast or the inferior.

Other immigrant communities brought with them a culture, a history, a tradition, often a language and a religion. They tended to congregate in areas and this gave them a sense of security and a measure of political power. And in due course they were absorbed into the mainstream of American society—a process made easier by the fact that they were White and so was the society.

But the Negro, the Black American was different. He had been pried loose from his African heritage, his communal links were broken, in slavery he was not able to set down any new roots; he was without any political power. And what was more, 'absorption' was to be ever so much more difficult because he was visibly different from the established American society.

Today it is Black studies, Black art, Black history, a search in Africa for a heritage from which their forebears were forcibly removed. These things are to provide the cultural base, with Black power to provide the political base. Then like other immigrant communities black Americans will feel secure and strong enough to move out as equals into a wider society. Then they will be in a position to assert themselves, to change the exclusive character of the American society. And when that society has blackness as one of its facets 'Black Americans will be able to be just "Americans".

Racist? Ideological?

No, said the people with whom I discussed these matters. Of course there is the dangerous extremist element who would like to subvert black power for their own revolutionary purposes. The Black American is not anti-white, but he does want an America of which he can be a part. "Anti racist racialism", said Mr. Farmer.

REACTION

Action generally provokes reaction. Forces of change are often partly counter-productive. And in this the American society is no exception. Indeed, just as the United States constitutional system operates through an involved system of checks and balances, so 200,000,000 Americans belong to a society which is constantly adjusting the balance in an effort to resolve the forces developing within the society.

And so the United States society is reacting to both student unrest and black power.

In the main, leadership in government and at the Universities have reacted with considerable understanding. There has been no outright condemnation even when the pressures to reform have resulted in outbreaks of violence. Violence and law breaking have been condemned but when doing so great care has been taken not to allow the condemnation of violence to cloud the issues at stake or to allow this to be interpreted as ignoring or rejecting the need to reform. A broad strata of thinking Americans recognizes violence and unrest as symptoms of shortcomings within their society.

But it would be idle to deny the growth of a considerable force at grass roots level which is unsympathetic if not hostile to both student and black demands.

To date violence has not resulted in counter violence on any equivalent scale. But the danger is always there—the danger not only that citizens will respond with unlawful violence but that under pressure of reaction the laws will be changed to give the authorities and the police the opportunity to react with violence within the law.

Either of these forms of violent reaction could start a chain reaction of violence that could disrupt the nation. Responsible authorities from President Nixon down appreciate the dangers inherent in the present situation. This is why, while talking in terms of firmness, they are urging restraint and a need for understanding of the underlying probelms.

In spite of these restraining and calming words from above the force of grass roots reaction is very real. With greater frequency one hears calls for "tough measures." Local election results recently have shown a considerable swing away from the tolerant point of view.

In Los Angeles retiring Mayor Sam Yorty, one of the least illustrious people to occupy the Mayoral chair, came in towards the end of his election campaign with a part racist, part tough law-and-order appeal. In an 80 percent white electorate this was enough to have him selected over moderate Negro Councillor Bradley. This, despite the fact that Bradley had strong backing from Party leadership and that opinion polls showed him to be way ahead a couple of weeks before the election. In the mayoral election in the midwestern city of Minneapolis ex-policeman Stenvig, also fighting under a tough law-and-order banner, recently beat his more liberal opponent by a two to one majority.

Will the potentially dangerous forces in American society be resolved? I believe that they will, although not necessarily without some further eruptions of violence.

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Student revolt and the reaction to it could be de-escalated and even abated by making reforms which do not appear to require fundamental adjustments by the society as a whole.

The resolution of the forces of black power and the reaction to it is more difficult. For this involves a fundamental emotional change on the part of millions of white Americans to their society, a change away from the concept of a white America in which there are also 20 million Negroes to the concept of an American society that is neither white nor black but a synthesis of the two.

In the short term the forces of reaction may retard this process of change. But the very dynamic of American society, I hesitate to call it the American machine, makes the changes, seen in any historical perspective, quite irresistible.

How are the forces which are developing and the events which have occurred likely to affect South Africa and American-South African relationships?

In the long term I believe that America will emerge from this period even more aware than before of its social responsibilities. It will have a more integrated society—integrated not only legally and economically, but integrated emotionally as well. And, to an increasing extent, at all levels within this new society, black Americans will be playing their part as ordinary Americans. *Apartheid*, race discrimination, *baasskap* will seem more and more archaic and less and less defensible. If, by that time, white South Africans have abandoned present policies based on race discrimination, either in favour of non-discrimination in a single South Africa or non-discrimination in a South Africa fragmented with the consent of all South Africans, we could enjoy warm and co-operative relationships with the United States. But, if we do not, we can anticipate an era of mounting hostility between the United States and ourselves.

What of the short term, say the next few years?

I see no significant change from the present position—cordial government to government relations limited by the United States' public condemnation of *Apartheid* and its international commitments through its membership of the United Nations.

With pressing problems at home and the all pervading problem of the Vietnam war Americans have little interest in South Africa. There is certainly no general desire for United States involvement in South African affairs.

In some ways events have worked in favour of the South African Government.

To an extent, but this should not be overrated, the reaction to violence and to black power has taken the sharp edge off some of the criticism of South African policies. Events in the United States and around Africa have led to an appreciation of the very real problems in plural societies. There is a wide acceptance of the fact that embargoes and boycotts have not proved to be effective instruments of reform.

On the other hand the American nation as a whole remains firmly commited to non-discrimination. In spite of its stability and its strategic location South Africa, because of its policy, remains an embarrassment to the United States in the arena of world politics.

America would dearly like to see South Africa reform her race policies. But at the same time she is coming to realize that there is little or nothing she can do that will be effective in forcing this reform from outside. Measures could be taken which would be punitive, but they would be unlikely to persuade white South Africans to change their policies. Indeed, there is the growing realization that punitive measures can prove to be counterproductive.

This presents a dilemma for Americans in positions of power. On the one hand a tough line towards South Africa could well consolidate whites around the present regime; on the other hand should the United States appear to be more passive towards South African polices this would all too readily be interpreted, domestically and internationally, as United States indifference to or even support for Nationalist Government policies.

In all the circumstances it is likely that the demands within America for action relating to South Africa will be intensified. These demands will be strengthened as student unrest leads to a new wave of 'social awareness' and as black Americans in increasing numbers take their places in the power structure of the American society.

Already students are demanding that university managements sell stocks held in South African companies; 140 black American leaders have called for the cancellation of the South African Airways' flights into New York; there is a congressional move not to renew South Africa's sugar export quota to the United States.

The Nixon Administration is clearly not seeking a confrontation with South Africa. It is not persuaded that embargoes and boycotts will be effective. And yet in response to pressures at home and in the interest of the United States abroad it might have to consider action and attitudes which will be demonstrative of the United States' abhorrence of apartheid.

NET PRESENTS AN EXCELLENT DOCUMENTARY "IN SEARCH OF REMBRANDT"

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. WEICKER. Mr. Speaker, a recent documentary on the famous masterpieces by Rembrandt was expertly presented through the joint cooperation of the National Gallery of Art and National Educational Television. Following the commentary an article appeared in the New York Times, on October 2, by Jack Gould who very skillfully described the the production.

Mr. Speaker, I think it is appropriate at this time to insert in the Record the above-mentioned article for my colleagues to see before debate begins tomorrow on the educational television and radio amendments:

TV Review

(By Jack Gould)

A superlative documentary, "In Search of Rembrandt," that beautifully and imaginatively used the television medium to explain to a general audience the genius and complexity of the artist, was presented last night by National Educational Television. The program was seen locally on Channel 13.

The occasion was the 300th anniversary of the death of Rembrandt, but R. F. Siemanowski, who wrote, directed and produced the documentary, lifted the hour from the level of the all-too-familiar televised tribute or tour. He achieved what could be described as an exquisite primer in art appreciation.

His program incorporated a fund of information, yet in one sentence he described the difficulties of trying to reduce Rembrandt to words: "Why try to describe a sunrise?"

After the desultory opening of the commercial TV season, the N.E.T. production raises a viewer's spirits. There are people concerned about good television. Mrs. Cordelia S. May, art patron and philanthropist of Pittsburgh, made the generous grant that allowed camera crews to go abroad to do the film. The National Gallery in Washington, where the film will be available for further showings, fully cooperated, and N.E.T. had the benefit of the advisory expertise of Dr. Seymour Slive, professor of fine arts at Harvard University and a Rembrandt scholar.

James Mason served as an effective narrator, and "In Search of Rembrandt" was a full reflection of its title. With inspired brevity, Mr. Siemanowski left to the program's very end a rundown of the vital statistics about Rembrandt. He let the artist's own words detail different chapters in his creativity, aided by some of the most polished and sophisticated commentary heard on TV in a long time.

In the unfolding of "In Search of Rembrandt," the viewer was accorded lingering and unhurried glances at many of Rembrandt's notable works, everything from his portrait of Tulp, the anatomist, to his unforgettable understanding of the "Good Samaritan" and his famed "Night Watch."

But surely a catalogue of Rembrandt is not required. The importance of the hour was the viewer's own discovery of so many unforgettable faces, particularly his depiction of Jewish residents of Amsterdam with such total dignity and honor.

And as the set-owner watched Mr. Mason drop in just the right number of Mr. Siemanowski's words, calling attention to Rembrandt's use of subtle shadings of light and his willingness to spend more than 10 years perfecting what is so widely known as "the hundred guilder print," all that his masterpiece brought when personal fortune first fell his way.

"In Search of Rembrandt" is really what public TV is all about and the nation is indebted to Mrs. May for quietly and modestly showing how the best in our society can harness its energies to fruitful ends in the electronic age. Mr. Siemanowski's only problem now is to resist commercial temptation, and it is N.E.T., not the big boys of commercial video, that has registered the first cultural bang in September.

If Congress does not get on with the job of making sufficient funds available for public television, the only possible excuse is that it has not been looking.

N.E.T., with its delicate but never disagreeable observation of how contemporary artists try to treat some of the same themes that attracted Rembrandt, put in a word for both all that has endured for 300 years and the efforts of those who are now trying in their own modern way.

Mrs. May is an activist angel representing the finest in TV; financial support and taste, a rare combination.

THE UNITED STATES AND DEMOCRACY IN KOREA

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ZABLOCKI. Mr. Speaker, three often-repeated canards of the so-called new left are these:

First, the United States, while professing to espouse the cause of democracy and constitutional government throughout the world, has done little or nothing to further that cause.

Second, the United States inevitably supports coercive and unpopular regimes against the legitimate grievances and revolutionary activities of their citizens.

Third, the United States readily acquiesces in the overthrow of legitimate, democratic governments by military groups.

The falsity of each of those statements is demonstrated in a recent article by Dr. John Kie-Chang Oh, entitled "Role of the United States in South Korea's Democratization." Published in the summer, 1969, issue of Pacific Affairs, the article documents the important assistance given by the United States in helping the Koreans toward maintaining and preserving constitutional democracy in South Korea.

I believe Dr. Oh, an associate professor of political science at Marquette University, has presented a strong case for believing that the United States even apart from defending the South against the Communist North, has had a beneficent effect on the development of a free and democratic society in Korea.

For that reason, I am inserting the article, together with a biography of Dr. Oh, into the Record at this point and urge the attention of my colleagues to it:

Role of the United States in South Korea's Democratization

(By John Kie-chiang Oh)

Although the role of the United States in Japan's democratization has been extensively studied, its similar role in Korea has seldom been examined. It is probable that other American involvements in Korean affairs—as in the Korean War, the maintenance of military security, economic rehabilitation, or the *Pueblo* incident—have demanded a higher priority of attention. These involvements alone, however, do not constitute the total, or the more lasting, picture of the U.S. role in Korea. There has been a less visible but possibly more significant side of the role. This article attempts to illuminate some aspects of the U.S. role in establishing and, to a limited degree, maintaining the basic political orientation of South Korea for the first twenty years since the establishment in 1948 of the Republic of Korea.

The overall American influence in the Korean democraticization would be undeniable to anyone who asks what would have happened if South Korea had been occupied by a different power after the Second World War. The situation in North Korea suggests the most obvious answer. Further, it is undeniable that the Supreme Commander of the Allied Powers (SCAP), and the United States Army military government in Korea that functioned under the general supervision of SCAP, were pursuing a deliberate policy of democratizing such occupied countries as Japan and Korea. Parts of the document on the United States Initial Post-Surrender Policy for Japan[1] and numerous pronouncements including those by the Assistant Secretary of State for Occupied Areas (who was specifically charged with coordinating all policy matters for occupied areas), leave little doubt as to the U.S. policy orientation. According to one pronouncement, the basic objection of American policy with respect to occupied areas, including Japan and Korea, was "to create conditions under which political and economic democracy can flourish. . . . Formulation of the political pattern upon which the foundation may be laid for developing occupied countries on democratic principle is privilege and responsibility of the first order."[2]

Footnotes at end of article.

The most obvious problem of the political independence of Korea was disposed of by August 1948 with the establishment of the independent Republic of (South) Korea. Indeed, the occasion of national independence under the supervision of the United Nations and the United States provided a golden opportunity to the new Korean elite that emerged during the American occupation to launch a modern, democratic political system.

The 1948 Constitution of the Republic of Korea declared that the Koreans were engaged in the "re-establishment" of a "democratic" state and were determined "to establish a democratic system of government." The "General Provisions" in chapter I declared that "the sovereignty of the Republic of Korea shall reside in the people" from whom all state authority emanates. Article 5 stated that in all fields of political, economic, social, and cultural life, the Republic of Korea "shall be responsible for respecting and guaranteeing the liberty, equality, and initiative of each individual and for protecting and adjusting these for the purposes of promoting the general welfare." The various rights of citizens of the Republic were carefully spelled out and guaranteed in chapter II. These were astoundingly radical departures from the political theories, systems, and practices with which generations of Koreans had been familiar.[3]

The Supreme Commander of the Allied Powers, General Douglas MacArthur, stated in his speech at the inauguration that the birth of the Republic meant "liberty reborn," and added that "nothing shall prevent" the Korean people from being "free men of a free nation."[4] It is undeniable that American influence was the most significant force in triggering the chain reaction that led to the far-reaching democratization of Korean legal-institutional complexes.

Soon after the establishment of this Republic, President Truman made a rare declaration of the United States "foreign policy aims" in Korea in his message to Congress of June 7, 1949, on economic assistance to Korea:

"Korea has become a testing ground in which the validity and practical value of the ideas and principles of democracy which the Republic is putting into practice are being matched against the practices of communism which have been imposed upon the people of North Korea . . . the Korean Republic, by demonstrating the success and tenacity of democracy in resisting communism, will stand as a beacon to the people of northern Asia in resisting the control of the communist forces which have overrun them."[5]

The President of the United States in an official communication had thus characterized the Republic of Korea as a testing ground of democracy that should stand as a beacon to all peoples of Asia. Having flatly stated that the ideals and principles of democracy were being put into practice in the Republic, President Truman declared in effect that helping the Republic survive and develop as a showcase of the success and tenacity of democracy was a foreign policy aim of the United States.

The democratic suprastructures so launched, however, lacked congruity with the then existing socio-economic foundations or substructures that were just emerging from debilitating colonial domination, which in turn succeeded a feudalistic-monarchical rule at the turn of the twentieth century. The governmental systems were not founded on the existing political realities of South Korea; in fact, there existed a huge gap between the idealistic aspirations and functional capabilities of the system. In a very real sense, this gap was to become one of the villains in the operation of the system, tending to divide the Koreans from Americans and, indeed, leading to sharp disagreements.

Autocratic tendencies within South Korea became evident almost immediately after the establishment of the Rhee administration, in which the awesome personalism of Rhee triumphed over democratic institutionalism. The Yŏsu-Sunch'ŏn mutiny, touched off on October 19, 1948, barely two months after the inauguration of the Republic, was the starting point of this tendency. Furthermore, the Yŏsu-Sunch'ŏn rebellion gave a great impetus to the open suppression of civil liberties in South Korea, so that the political environment became increasingly suspicious, intolerant, and oppressive. It was in this atmosphere that President Rhee proposed in a message to the Assembly on March 31, 1949, that the National Assembly elections that had been scheduled for May 1950 should be postponed indefinitely.

The official United States reaction to this irregular and apparently undemocratic move was predictably stern. In an *aide-mémoire* to the Korean Ambassador to Washington, Secretary of State Dean Acheson voiced the American government's "concern" over the reported intention of President Rhee: "the United States aid, both military and economic, to the Republic of Korea has been predicated upon the existence and growth of democratic institutions within the Republic. Free, popular elections, in accordance with the constitution and other basic laws of the Republic, are the foundation of those democratic institutions."[6] Acheson also threatened to review the entire Korean aid program unless vigorous anti-inflationary measures were forthcoming. With the existence of the Republic thus threatened, President Rhee declared that elections would be held on schedule and that taxes would be raised as an anti-inflationary measure.

When the Communist North Korean armies suddenly invaded the Republic on June 25, 1950, it was not surprising that President Rhee should appeal for urgent United States assistance for the defense of what President Truman called the "bulwark of democracy in the east."[7] None would claim that the United States fought in the Korean War solely for the defense of democracy in Korea. It remains a fact, however, that the United States resolutely participated in the bitter war and suffered 157,530 casualties, including 33,625 battle deaths. This was indeed the single most significant and costly role that the United States played in Korea.

By the time the Korean War ended, however, many of the democratic rights of the Korean people had been given crippling blows. The Rhee administration had won its fight against the National Assembly in July 1952, when the first of a series of constitutional amendments which Rhee desired in order to strengthen his regime was passed by a lopsided vote of 163 to 0. The war and emergency powers of the president were utilized to the fullest extent to bolster the political position of Rhee and his followers. Meanwhile the United States was preoccupied with the expedients and daily challenges of war.

Even after the war was over, the continued existence of the Communist regime in North Korea provided Rhee and his apologists with an excuse to usurp the powers of the legislature. In this sense, communism not only constituted a visible, external, physicial threat to "democracy" in South Korea but also accelerated the formation of an extreme rightist autocracy in a country that was supposedly "democratic." This process culminated in the National Security Law promulgated on December 26, 1958.[8] The Rhee administration claimed that the law was aimed at domestic Communists, but the possibilities of applying it against political opponents were unlimited.[9]

Predictability, Rhee's opposition was almost completely cowed in the 1960 elections

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which were rigged on a massive scale under the personal direction of the Home Minister.[10] The crude and often violent manipulation of elections now meant that the people were denied the last legal, if only intermittent channel of expressing their political views. Accumulated resentments of the people exploded in Masan, where police stations, the Liberal party building, and other public buildings were destroyed. The Masan incident set off violent chain reactions in virtually all urban centers throughout South Korea. Hundreds of thousands of college and high school students literally threw themselves against the police, and they were soon joined by cheering crowds.[11] This was the "Righteous Uprising of April 19," or the "Student Uprising," or the "Student Revolution."[12] President Rhee announced that these riots were the work of Communist agents, declared martial law, and made it retroactive to the moment when the police guarding his mansion fired against students. Heavily armed soldiers were moved to Seoul.

The President had just taken these defensive measures when he found his position challenged from an unexpected source. In the afternoon of April 19, the United States Secretary of State, Christian A. Herter, called in the Korean Ambassador, You Chan Yang (Yang Yu-chan), for a meeting. On the very same day, possibly even before a coded message from the Korean Embassy in Washington reached President Rhee, the Director of the Office of News of the State Department read a statement to correspondents: "Ambassador Yang was informed that this Government believes that the demonstrations in Korea are a reflection of public dissatisfaction over the conduct of the recent elections and repressive measures unsuited to a free democracy." [13] This was a forceful refutation of the statement made only three days earlier by President Rhee and echoed by Ambassador Yang himself, that the turbulence in Korea was the "work of communist agents." The State Department spokesman continued: "The Secretary suggested that the Korean government should, in its own best interest in order to restore public confidence, take necessary and effective action aimed at protecting democratic rights of freedom of speech, of assembly and of the press, as well as preserving the secrecy of the ballot and preventing unfair discrimination against political opponents of a party in power." [14] At a crucial moment of the "Student Revolution" the United States government had once again, as it did through Secretary Dean Acheson in 1950, intervened publicly and loudly in the domestic situation in defense of the "democratic rights" of the Korean people. Secretary Herter justified this intervention on the basis that the United States "has, in the eyes of the world, always been closely associated with Korea as a friend, supporter and ally."

The United States government evidently chose to become "a friend, supporter and ally" of the Korean people demonstrating against the Rhee administration. The impact of this move by the U.S. government was immediate. As the American Ambassador to Korea, Walter P. McConaughy, drove toward the presidential mansion on the night of April 19, the milling crowds cleared a path for his limousine and he was enthusiastically cheered by Koreans on the streets of Seoul.

The American government was evidently determined to go further than issuing a sharp note. The United Nations Command, under General Carter M. Magruder of the United States Army, had tactical control of the Korean Army. The UN command allowed the Martial Law Command of the Korean Army the use of tanks—but without live ammunition.[15] Thus, the United States played a decisive role in furthering the cause of anti-administration demonstrators.

By now the hated police force that had been blindly loyal to Rhee had been demoralized; the Army under the Martial Law Commander, Lieutenant General Song Yo-ch'an, showed no intention of shooting at demonstrating students. In fact, the Army seemed to maintain "neutrality" between the Rhee administration and the demonstrators.[16] While the very life of the Rhee administration trembled in the balance, the brutal coercive powers of the regime evaporated. The seemingly impregnable, twelve-year-old regime was toppled when Rhee resigned a week after the uprising of April 19.

The Constitution of the Second Republic, which was established in the wake of the Student Uprising, was a product of full-scale amendments to the fundamental law of the First Republic of President Rhee. These amendments were adopted on June 15, 1960, by an Assembly vote of 208 to 3. They were designed to give substance to the constitutional guarantee of the rights of citizens in chapter II: abandoning the presidential system in favor of a cabinet system of government, and establishing the Central Election Management Commission and Constitutional Court to give political parties constitutional recognition, and a guarantee of freedom of action.[17]

As the government of the Second Republic under the presidency of Yun Po-sŏn and premiership of Chang Myŏn was formed, the July 29, 1960, elections were officially observed by the United Nations Commission for the Unification and Rehabilitation of Korea and also by observation teams of the United States Embassy (reportedly eight). These teams toured the provinces and found no evidence of official interference, coercion, or other attempts by the government to influence the vote. American Ambassador Walter P. McConaughy noted that the elections had "strengthened democracy" in Korea.[18] It is hardly an exaggeration to say that the Second Republic was the brief heyday of democracy in Korea. Freedoms of the press, speech, and assembly were conspicuously enjoyed by more Koreans than ever before, or since.

But with the government paralyzed by the split of the Democrats and the New Democrats in the Assembly, freedoms now effectively guaranteed by the amended Constitution tended to be abused to the point of directly menacing the very existence of the republic. There were vague rumors of another political crisis,[19] but South Korea remained generally calm on the surface until May 16, 1961, less than nine months after the formation of the first Chang cabinet, when some elements of the Army swiftly executed a *coup d'état.*

Though the United Nations Command headed by General Magruder had, according to the 1950 Taejŏn Agreement, the operational control over the South Korean military forces, the American General was apparently caught by surprise when the coup came. The General and the American *Chargé d'Affaires*, Marshall Green, learned in the predawn hours of the military takeover from the Korean Army Chief of Staff, General Chang To-yŏng. But the picture was far from clear to them.[20] Nevertheless, the American military commander and the ranking U.S. diplomatic representative quickly reached an important decision to initiate a move aimed at restoring the *status quo ante* in South Korea. They agreed to issue separate statements immediately, before the 10:30 a.m. deadline of afternoon dailies in Seoul, although no advice had yet been received from Washington.

Magruder's statement read:

"General Magruder, in his capacity as Commander-in-Chief of the United Nations Command, calls upon all military personnel in his command to support the duly recognized Government of the Republic of Korea headed by Prime Minister Chang Myun.

"General Magruder expects that the chiefs of Korean Armed Forces will use their authority and influence to see that control is immediately returned back to governmental authorities and that order is restored in the armed forces."

Green stated:

"The Position taken by the Commander-in-Chief of the United Nations Command in supporting the freely elected and constitutionally established Government of the Republic of Korea is one in which I fully concur.

"I wish to make it emphatically clear that the United States supports the constitutional Government of the Republic of Korea as elected by the people of the Republic last July and as constituted by election last August of the Prime Minister."

Thus the two top ranking Americans urgently chose to make it crystal clear that the U.S. representatives on the spot irrevocably supported the democratic government headed by Premier Chang. The tone of the statements reflected both their conviction that the "freely elected" Chang government had to be restored and their expectation that the bulk of the Korean armed forces would remain loyal to the "constitutionally established" government and actively subjugated the revolutionary troops. The American military commander, with the full and public support of the chief American diplomat on the spot, was in fact urging that the Korean armed forces follow his command, both politically and militarily. Both the full authority and the prestige of the United States were emphatically invoked. These statements by the American officials were the only voices that could be heard defending a "freely elected" or democratic government in South Korea on the morrow of the military coup.

These statements were rushed to Seoul newspapers by messengers, and another set was sent to the American-controlled Voice of the United Nations Command. Though the Voice once began broadcasting the statements, Korean newspapers were already under strict censorshop by the coup forces. Stories on the statement were literally "blacked out," and the impact on Koreans was largely lost.

President Yun, having heard the Voice broadcast of the Magruder-Green statement, urgently summoned the two Americans to the presidential mansion. The Americans lost no time in demanding presidential sanction to launch a counter-revolution. Magruder wished to order the mobilization of 40,000 men—many times the strength of the revolutionaries holding the Seoul area at the time, he said—to encircle the capital and force the revolutionaries to return to their posts. The American general asked Yun, as the chief of state and commander-in-chief of the Korean armed forces, to agree to this plan. Magruder now estimated—shortly after 11 AM—the revolutionary strength in the Seoul area at 3500 men, almost precisely correct.[21]

Green then emphasized that the coup was unconstitutional and declared flatly that the United States could not support it. If this coup succeeded, the American Minister told the Korean President, there would be second and third coups, all of which would thwart the development of democracy in Korea. The American Minister fully backed the American commander's request for the President's approval of counter-revolutionary actions. Korea stood at the brink of civil war. On President Yun depended whether or not the Korean armed forces would be split into two warring camps.

Yun resolved that South Korea could hardly afford such a peril, particularly in view of the ever-present menace from the Communist army poised in North Korea.

Footnotes at end of article.

Yun's answer to Magruder and Green was No. The President of the Second Republic, who was merely a ceremonial head of state, also observed that a military revolution, though not desirable, was perhaps inevitable, since the Chang Myon government had lost the people's confidence. Nevertheless, General Magruder subsequently called an emergency staff meeting at his headquarters and decided that the coup forces had to be crushed since "the coup did not reflect the will of the Korean people.[22]

General Magruder decided that units of the Korean First Army and of the U.S. armored division had to be immediately mobilized and so instructed Lieutenant-General Yi Han-lim and General John L. Ryan, commander of the First U.S. Corps. General Magruder subsequently visited General Yi at the latter's headquarters for a strategy session. However, the Korean First Army had already been paralyzed for any counter-revolutionary moves because of effective infiltration of both the general and special staffs by determined pro-revolutionary officers. It was becoming increasing clear to General Yi that any order to march against the revolutionary forces in Seoul would be violently rejected by numerous officers and men of his field army. General Yi probably saw the handwriting on the wall—he could not become a heroic defender of democracy and constitutionally-established government alongside the Americans.[23] Some three hours after the visit by General Magruder to the First Army headquarters, a public statement in the name of General Yi was issued simultaneously by General Yi's headquarters and the military junta in Seoul stating that General Yi supported the revolution "together with all of the officers and men under his command." [24]

This clinched the success of the military take over. With the May 17 announcement, anti-coup strength among Korean military forces dissipated. If any forces were to crush the revolutionary movement, they now had to be American troops only. Such an action was probably unthinkable to the United States. For nearly two days after the coup, U.S. State and Defense departments refused to comment on the Korean development on the ground that it was in a "fluid" condition. As hopes of reversing the military coup collapsed, State Department officials were reported to be "concentrating on trying to salvage some vestige of democratic rule in Korea." [25] Under-Secretary of State Chester Bowles was now reported to have said that the coup leaders were mainly interested in cleaning up corruption and not setting up a permanent military dictatorship. Obviously, Washington was attempting to adjust to the *fait accompli* in Korea. On the morning of May 16 Premier Chang, after two days of hiding, contacted General Chang Toyong through his American consultant, Donald Whittaker. Escorted by Chang and Whittaker, pale-faced Premier Chang was driven to the Capitol to preside over the last cabinet meeting of the nine-month-old Democratic administration. When the final cabinet session of May 16 was over, the Second Republic of Korea was formally declared dead.

Throughout these developments, some members of the Military Revolutionary Committee had felt nagging apprehensions about the attitude of Washington toward a military regime in South Korea. After all, South Korea had been heavily dependent on United States assistance, both economic and military. Washington did not dissociate itself from the Magruder-Green statements of May 16 which urged the revival of the Democratic administration. In an extraordinary move, Lieutenant-General Chang To-Yong, now chairman of the Military Revolutionary Committee, on May 18 sent a special message to President John F. Kennedy expressing the Committee's desire to maintain "the most friendly ties" with the United States. The uncustomary message stated, in part:

"On behalf of the Military Revolutionary Committee I wish to express my sincere respect and gratitude to the Government and people of your country for the assistance and contribution made toward the progress and prosperity of the Republic of Korea. It is the aim of the Republic of Korea *to uphold democracy, based on liberty, equality* and good neighborliness.

"Although the April revolution of 1960 carried out by students was successful with the overwhelming support of the Korean people and international sympathy, after one year since the assumption of power by the Democratic Party the people still find themselves in the condition of starvation and despair, and the Government continues to follow the ill practices and corruption of the past. This situation has resulted in endangering our capacity to combat effectively the Communist threats.

"Unable to let the situation deteriorate any further, at dawn on May 16, 1961, the military acted to overthrow the Government and took complete control of the executive, legislative and judiciary powers of government. Thus, we embarked upon the sacred revolutionary task of overthrowing the corrupt and inefficient regime and of saving the people and the country.[26] "

This message, which read more like a hastily written and translated plea or apology, then summed up the first five of the six revolutionary pledges which had been announced on the morning of the coup. It continued:

"Finally, at any time upon completion of our mission we will hand over the control of the Government to clean and conscientious civilians and to |*sic*| return to our proper duties of the military.

"Please rest assured, Excellency, of the integrity of the Committee, and we sincerely hope that the most friendly ties existing between our two countries will continue to be strengthened. . . ."

The official State Department spokesman, Lincoln White, broke the silence on the day after the dispatch of the unprecedented message and read a statement "understood to have been cleared by President Kennedy.[27] The terse statement, the first one to be formally issued by the Department of State on the fourth day after the coup, read:

"It has been our purpose in Korea to help the Korean people achieve, *through democratic processes*, stability, order, constitutional government and the rule of law as the essential basis for sound economic growth and improvement in the welfare of the people as well as for the defense of the country against any possible communist threat.

"This continues to be our purpose.

"We are encouraged by the strong intent of the military leaders in Korea to return the government to civilian hands.[28] "

A formal response of a sort to General Chang's message to President Kennedy was made more than a week later, not in the name of the President but by Minister Green, addressed to the Korean Foreign Minister under the military junta, Kim Hong-il, a retired general, but not to General Chang. Minister Green acknowledged the May 16 message to President Kennedy and stated that his government "noted with approval the pledges set forth in General Chang's message." The American Minister then singled out a pledge, as did the State Department spokesman, that the United States government "notes with satisfaction the expression of intention to return the Government to civilian control." [29] Green then reminded General Kim that the United States had endeavored to assist the government and people of Korea in their efforts to "maintain freedom through democratic progress." The message concluded: "My Government trusts that the traditional friendly relations between our two countries will continue and that we shall together continue our cooperation in promoting the well-being and strength of Korea. . . ." [30]

The democratic trimmings of the Second Republic had been almost completely eliminated by this time, and the political dynamics of post-coup Korea were most dramatically reflected in the awesome centralization of power in the military Supreme Council for National Reconstruction. The basic rights of the citizens, so painstakingly guaranteed in numerous provisions of the Constitution, were now contracted drastically "to such extent as is not inconsistent with the fulfillment of the tasks of the Revolution," according to Article 3. The General Provisions of the law, however, declared: "The Supreme Council for National Reconstruction shall be established as an extraordinary measure intended for the *reconstruction of the Republic of Korea as a genuine democratic republic* . . ." (italics added).

Under the aegis of the military revolutionary leaders, the Constitution that had been revised twice during each of the two preceding regimes was rewritten extensively for the fifth time in about fourteen years of its existence.[31] The amended Constitution was promulgated by General Park on December 26, 1962. Despite the sweeping series of amendments, however, the Constitution retained in the very first article, ringing proclamations that "the Republic of Korea shall be a democratic republic" and that "the sovereignty of the Republic of Korea shall reside in the people and all state authority shall emanate from the people." Foremost among the main features of the new constitution was the restoration of a presidential system.

In fact, the position of the president became far stronger under the new constitution than under that of the First Republic. This presidential system left little room for the executive-legislative tensions and conflicts that had paralyzed functional capabilities of the government, particularly during the Second Republic. A compact, streamlined, unicameral legislature was consciously made amenable to presidential policies, through his broad emergency and veto powers. The judicial structure was equally subject to presidential hegemony, partly through his influence on the Judicial Recommendation Council. The orientation of the government was now one of centralization at the expense of institutional differentiation and autonomy.

The military leaders pledged that they would restore the government to "honest and conscientious civilians" and they would return to their "proper military duties." On August 2, 1961, General Park announced that the turnover of the government to "civilian control" was planned for the summer of 1963. The text of the brief August 2 statement contained three resounding phrases asserting that the revolutionary government was endeavoring to establish "the foundation for new democratic institutions," to create "a true democratic political order," and to establish "a firm foundation for democratic prosperity of the nation." [32] On March 16, 1963, however, General Park made the startling announcement that the military junta had decided to extend military rule for four years. He then proposed a plebiscite in which the people would be given a chance to vote either "Yes" or "No." It was soon reported that General Park had sent a letter to President Kennedy explaining his proposal for the four-year extension of military rule. After an ominous silence for several days, the official State Department spokesman, Lincoln White, stated on March 25:

Footnotes at end of article.

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"We believe that prolongation of military rule (in Korea) could constitute a threat to stable and effective government, and we understand that this whole matter is being reconsidered by the Korean government. . . . We hope that junta and the major political groups in Korea can work out together a procedure for transmission to civilian government that will be acceptable to the nation as a whole."[33]

White added that he was certain that President Kennedy was aware of the U.S. policy behind the State Department's statement. At the same time the United States flatly turned down the military junta's request for an additional $25 million in economic aid, "to underscore its determination to bring constitutional government to Korea." Washington observers noted that the White statement was made at the time to "correct any misapprehensions that the United States was in favor of continued rule by strong-man General Park Chung-hee and his military junta."[34] The U.S. Embassy in Seoul immediately echoed the Washington statement, and American Ambassador Samuel D. Berger on April 2 delivered a reply from President Kennedy to General Park's letter.

The General actually reversed his position and once again pledged, on July 27, that the transfer of government to civilians would be made within the year. This announcement marked the resumption of flurries of activities among civilian politicians. General Park resigned from active military service on August 30 and on the same day joined the Democratic Republican party. On the very next day, he accepted the presidential nomination of the party, a move that had been carefully prepared for under the direction of Kim Chongp'il. The presidential elections were to be held on October 15, just a month and a half later. The military junta forces were ready for the elections with both a presidential candidate whose image had been sharply and freshly etched on the minds of the electorate and a political party which throbbed with youthful energy. The opposition groups were divided, quarrelsome, and meagerly funded. It was believed that the United States government had already given its official blessings to the elections so long as they were "free and fair" and had indicated its willingness to honor the result of such elections.

Park was the winner in the presidential elections of October 15, 1963, though his winning margin over Yun Po-sŏn was slim indeed—156,026 votes, or a mere 1.42 per cent. Park again defeated the same opponent in the May 3, 1967, presidential elections, but this time with a margin of 1,162,125 votes. This difference was of landslide proportions when compared with the 1963 margin. It has been generally accepted that these presidential elections were conducted fairly, though there were numerous irregularities in the June 8, 1967, National Assembly elections.[35]

To conclude, it is evident that the initial impulses for Korean democratization were generated by the United States, and thus she played a significantly creative role in the development of Korean polity. What was noteworthy was that the ruling elite that emerged in South Korea after three years of American military occupation eagerly embraced Western democracy and launched democratic legal-institutional complexes. The birth of the "democratic" republic was apparently a product of a joint cooperative venture of the new South Korean elite and its American mentor.

Because of the incongruity between the idealistic aspirations and the functional capabilities of the constitutional system in the Korean environment, and also because of the constant and real Communist menace from the North, there occurred numerous instances of violently spasmodic political readjustments in South Korea. These tended to narrow the gap between the supra- and infra-structures, and to liquidate the crises of authority, particularly during the Second Republic, and the consequent immobility of the system. When these upheavals threatened to undermine and destroy the essentially democratic orientation of the Korean polity, however, the United States government exercised its considerably military-economic influence in Korea to steer the nation onto a basically democratic path. The cost of such influence has been considerable also, but the price so paid by the United States, particularly during the Korean War, probably made the American influence explicable, if not always wholeheartedly and immediately acceptable to the Koreans.

No assertion is made here that the United States has interfered frequently and tyrannically in essentially domestic affairs of Korea. Nor is it asserted that the South Koreans always slavishly followed the advice or bent to the pressures of the United States. There were often realistic dialogues and interactions between the Americans and South Koreans. For instance, President Yun refused to launch the counter-coup which the Americans advocated in 1961. The United States exercised its influence quietly and judiciously as a protector of a democratic system in Korea. Had it not been for this influence and interaction, the South Korean policy today would be quite different from what it is.

While this American role has been played out, a significant development has been taking place among Koreans themselves. The democratic orientation that has been more or less maintained for two decades now, and certain practices and processes such as the general elections in which Koreans participated some thirteen times in one form or another, have created certain lasting impacts on the political culture of the Korean nation. Also, the educational system that has taught democratic principles, theories, and values to a new generation of young Koreans, may have left indelible imprints on the minds of those students who have experienced and possibly contemplated the results of the Student Uprising that toppled what appeared to be a formidable regime. The Korean masses, too, have begun to show a considerable degree of political sophistication. Whenever elections were relatively fair and free, the anonymous and seemingly acquiescent Korean people exercised keen collective judgment that stunned many politicians or caused them to renew their confidence in the people.

The future of what is left of democracy in Korea will ultimately depend on these developments among the Korean people themselves, and American influence and "interference" may have purchased some valuable time for the Korean people to develop in the generally democratic path. Whether or not this development has gone far enough to sustain and periodicaly rejuvenate a democratic orientation in the future, remains an unanswered question at present.

FOOTNOTES

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[1] Specifically, part I (*b*), Part III, and Part IV, 2 of the documents of August 29, 1945.

[2] "American Policy in Occupied Areas," *Department of State Bulletin*, XV (August 18, 1946), p. 291.

[3] John Kie-Chiang Oh, *Korea: Democracy on Trial* (Ithaca: Cornell University Press, 1968), chap. I.

[4] Donald G. Tewksbury (ed.), *Source Materials on Korean Politics and Ideologies* (New York: Institute of Pacific Relations, 1950), pp. 90–2.

[5] U.S. Congress, Senate, *The United States and the Korean Problem: Documents 1943–1953*. 83rd Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1953), pp. 29–32.

[6] Tewksbury, *op. cit.*, p. 145.

[7] Harry S. Truman, *Memoirs* (2 vols.; Garden City: Doubleday, 1956), p. 336.

[8] For the original text, see Republic of Korea, *Kwanpo* (Official Gazette), No. 2206.

[9] For statements of the opposition leaders, Cho Pyŏng-ok and Chang Myŏn, on the question, see *Kyŏnghyang Shinmum* (Seoul, Korea), December 26, 1958. Also, Cho Pyŏng-ok, *Minjujuuiwa na* [Democracy and I] (Seoul: Yongsin munhwasa, 1959), p. 267.

[10] Hanguk hyŏngmyŏng chaep'ansa p'yŏnch'an wiwŏnhoe, *Hanguk hyŏngmyŏng chaep'ansa* [The History of Revolutionary Trials in Korea] (Seoul: Hanguk hyŏngmyŏng chaep'ansa p'yŏnch'an wiwŏnhoe, 1962), p. 106.

[11] According to an official report, there were eighteen universities, thirty-six four-year colleges, and five junior colleges in South Korea, enrolling a total of 85,920 university and college students as of April 1959, a year before the massive demonstrations (Korean Research and Information Office, *Korea Report: Report from the Cabinet Ministers of the Republic of Korea* [Washington, D.C., 1959], VI, pp. 104–106). An estimated total of middle and high school students in 1706 schools was 800,000 in 1960. Potentially, therefore, a million youths could protest against the Rhee regime.

[12] See among others, Cho Tŏk-sŏng (ed.), *Sawŏl hyŏngmyŏng* [April Revolution] (Seoul: Ch'angwŏnsa, 1960), *passim;* Min Yong-bin (ed.), *Sawŏlui yŏngungdul* [April Heroes] (Seoul: Ilsinsa, 1960), *passim*.

[13] U.S. Department of State, Historical Office, *American Foreign Policy: Current Documents 1960* (Washington D.C.: U.S. Government Printing Office, 1964), p. 680.

[14] *Ibid.*

[15] Yi Ki-ha, *Hanguk chŏngdang paltalsa* [A History of the Development of Korean Political Parties] (Seoul: Uihoe chŏngch'isa, 1961), pp. 439–40.

[16] Sin Sang-ch'o, "Yi Sŭng-man p'okchŏngŭi chongyŏn" [End of the Tyranny by Syngman Rhee] *Sasangge Monthly*, VIII, No. 6 (June, 1960), p. 84.

[17] Han T'ae-yŏn, "Chei konghwaguk hŏnbŏpŭi kyŏnghyang" [The Tendency of the Constitution of the Second Republic], *ibid.*, p. 50.

[18] Ambassador Walter P. McConaughy's replies on August 3, 1960, to a written questionnaire submitted by the Associated Press.

[19] *Kyŏnghyang Shinmun*, Feb. 23, 25, 1961.

[20] Chang telephoned Magruder to inform him of the coup activities. When Magruder asked Chang about the "real character" of the turbulence, Chang replied: "I don't know whether it's a mutiny or revolution" (Walter Briggs, "The Military Revolution in Korea: On Its Leader and Achievements," *Korean Quarterly, V*, No. 2 [Summer, 1963], p. 29).

[21] *Ibid.*, p. 31.

[22] Hanguk kunsa hyŏngmyŏngsa p'yŏnch'an wiwŏnhoe, *Hanguk kunsa hyŏngmyŏngsa* [The History of the Korean Military Revolution] (Seoul: Tonga sŏjŏk hoesa, 1963), I–B, pp. 4–5.

[23] Yi Han-lim was a graduate of the Military Academy of Manchukuo under the Japanese domination, as was General Chung Hee Park (Pak Chŏng-hi). Yi also attended the U.S. Army Infantry School at Fort Benning, Georgia.

[24] *Korean Times*, May 18, 1961.

[25] United Press International, Washington, D.C., May 17, 1961.

[26] U.S. Department of State, Historical Office, *American Foreign Policy: Current Documents 1961* (Washington, D.C.: Government Printing Office, 1965), p. 974. (Hereafter referred to as *Current Documents 1961*. Italics added.)

[27] United Press International, Washington, May 19, 1961.

[28] *Ibid.* (Italics added.)

[29] *Current Documents 1961*, p. 975.

[30] *Ibid.*

[31] Oh, "The Political Role of the Korean Military: The Making of the Third Republic," *Studies on Asia 1967* (Lincoln: University of Nebraska Press, 1967), pp. 71–86.

[32] *Current Documents 1961*, p. 977.

[33] United Press International, Washington, D.C., March 27, 1963.

[34] *Ibid.* March 25, 1963.

[35] Pujŏng sŏnkŏrŭl ttajinda" [Contesting the Rigged Elections] *Shindonga*, No. 35 (July, 1967), pp. 96–107, and related topics on the same theme, pp. 72–132. The *New York Times* editorialized on July 13, 1967, that while Park's own election was "sufficiently honest," the June 8 elections were: "so crooked that Washington has not yet got over a sense of embarrassment." The *Washington Post* condemned on June 20, 1967, "government harrassment of the opposition" during the elections and declared that Park government "is essentially a military regime backed by the United States."

BIOGRAPHY OF DR. OH

Dr. John Kie-chiang Oh is an Associate Professor of Political Science at Marquette University. He is the author of a book entitled *Korea: Democracy on Trial* published in 1968 by the Cornell University Press and of many scholarly articles on Asian and international politics. For instance, articles by Professor Oh and about his works appear in the current issues of the two most noted scholarly journals concerning Asia, the *Journal of Asian Studies* and *Pacific Affairs*. He is currently working on another book-length study of contemporary Japanese politics, and for this project he has traveled three times to the Far East in the past two years. He has regularly presented papers to the national and regional meetings of the Association for Asian Studies. He is again scheduled to present a paper to the upcoming Midwest Conference on Asian Affairs. He will also be the chairman of a panel on Japan.

Professor Oh was a member of the Republic of (South) Korea delegation to the United Nations Command Delegation to the Panmunjom armistice negotiations that terminated the Korean War. He was subsequently a member of the Korean Mission to the United Nations, New York.

He received his undergraduate training at the Seoul National University and Marquette University. He did his graduate work at Columbia University and Georgetown University, and received his Ph. D. from the latter institution.

POST OFFICE EXCEEDING AUTHORITY GRANTED IN PUBLIC LAW 90–590

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HANNA. Mr. Speaker, I have introduced a bill today which will rectify a serious error in Public Law 90–590, which dealt with, among other things, the use of the mail for fraudulent purposes.

Apparently, since the passage of this legislation the Post Office has taken upon itself the authority to act as censor in all types of areas. I do not believe this was the intent of the Congress when the legislation was passed.

An area that has been particularly hard hit, and unfairly, is health publications. The National Health Federation in its June publication reports that at least six books have been banned from the mails, and at least three others are threatened. Three cases are currently before the courts.

In an exchange of letters with the Post Office Department on this question, it is clear that standards for censorship have not been set up, decisions are being made without justification, and a lot of honest citizens are finding themselves shabbily discriminated against by the Government.

I sincerely hope this matter will be expeditiously taken up by the committee. When freedom of expression is challenged and the justification offered is the authority granted by legislation passed by Congress—then Congress has the clear obligation to remedy the situation.

MOUNTAIN STATE FOREST FESTIVAL PROCLAIMS GRANDEUR OF WEST VIRGINIA AUTUMN—WILLIAM L. LINDHOLM DELIVERS THOUGHTFUL ADDRESS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 8, 1969

Mr. RANDOLPH. Mr. President, early October is the time when the mountains and forests of West Virginia are at the peak of their display of autumn color. Each year at this time the people of West Virginia observe the bounty of the State's woodlands, not only for the beauty but also for the important role they perform in its economy.

This tribute is appropriately held in my hometown of Elkins, situated high in the mountains of West Virginia surrounded by our awe-inspiring forests.

This year's Mountain State Forest Festival, the 33d, was held last week with activities running from October 1 through October 5. It was my pleasure to join with the 40,000 to 50,000 visitors to Elkins for the festival.

The principal event on Thursday, October 2, was the annual distinguished guests dinner. More than 500 people from all parts of West Virginia attended. They heard an address by William L. Lindholm, president of the Chesapeake & Potomac Telephone Co. Mr. Lindholm presented a very thoughtful discussion of the positive aspects of the United States at a time when, I believe, we need to realize that there is another side to our national life in addition to the problems about which we hear so much.

On Friday, Miss Charlotte Buzzard of Moundsville, W. Va., the daughter of Mr. and Mrs. Hugh A. Buzzard, was crowned Queen Sylvia XXXIII to reign over the Forest Festival. The Honorable Arch A. Moore, Jr., Governor of West Virginia, presided over the coronation ceremony. This young woman, a splendid representative of the youth of West Virginia, carried out her duties at the festival with the dignity and grace that has typified other wearers of the crown over the years.

Other public officials participating in festival activities included Representative HARLEY O. STAGGERS and the Honorable John D. Rockefeller IV, Secretary of State of West Virginia, Lysander Dudley, Commissioner of Commerce for our State, T. R. Samsell, director of the West Virginia Department of Natural Resources, State Senator Carl Gainer, and Elkins' Mayor Ralph Shepler.

On Friday night the firemen's parade provided displays by volunteer and professional firemen from many communities.

The festival's largest event was the Grand Feature Parade on Saturday, a 2-mile-long spectacular exhibition of pageantry. The parade consisted of 30 floats and 59 bands from five States to make it among the outstanding in festival history. Most of the bands were high school musical groups, and I was again reminded that such worthwhile events cannot take place without their participation and contribution of talent. I was gratified that more than 3,000 young musicians participated in the Mountain State Forest Festival.

Mr. President, the success of such a gala celebration as the Forest Festival can only be achieved through the diligence and dedication of many people. With the leadership provided by individuals such as W. Grady Whitman, president of the Forest Festival Association, and William J. Loy, director-general of the festival, those responsible have again made it a memorable occasion.

The address delivered by Mr. Lindholm at the distinguished guests dinner has a message for all Americans. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered printed in the RECORD, as follows:

THE CASE FOR AMERICA

(By William L. Lindholm)

Not long ago I read an article that said, "If you are wondering whether there is anything right about America, look beyond the troubled cities. Look to the towns and countryside. There you will find the stability that has long sustained the nation."

Elkins and the festival you celebrate this week are perfect examples of the truth of that statement and give it substance. It is reassuring to me to be in a town where order, stability and progress march so well together. And I tell you that in all sincerity. In fact, Elkins illustrates the theme of my talk so well that I could almost just state my thesis and then point to this town and others like it across the country as prime evidence and say, that is what I mean. Because tonight I want to talk to you about this country we love so deeply and about the sources of her strength.

My theme is simply this: that it is not in our vast geographical resources, nor in our military armament, nor in our great wealth that our real strength is to be found, but in the spirit of the American people. Tonight I say to you, let us renew that spirit and our faith in ourselves and in our country.

Just now I think we stand greatly in need of faith in ourselves. Reports of our ills and failures and shortcomings over the past few years have hit us hard and have caused a good many people to wonder whether there is anything about us that is good and worth keeping.

Almost every day we have been reminded of our woes as magazines, newspapers, and the airwaves have chanted the catechism of failure. According to these reports we are a nation in which millions wallow in poverty and millions are functional illiterates. Ac-

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cording to them there has been little or no racial progress. We are a nation of haters. Unemployment is rampant and getting worse. We are choking on polluted air and gagging on polluted water in our decaying cities. We ignore hunger in the midst of plenty. We have student anarchy, a rising wave of crime, dissent over Vietnam while at the same time we are charged with suppressing dissent. Of Americans themselves, we hear that we don't care for one another, that it's every man for himself, that we are miserable, tense and worried, and sit shamefacedly in collective guilt.

Before I go any further, let me say clearly that I cannot refute some of these charges. I cannot say they are false because regrettably many have some basis in fact. Neither do I agree with some who say that the news media have been malicious and conspiratorial in their reporting of our problems. It's the job of the news media to report the news as they find it, and I think for the most part they have done that. I do think that more weight has been given to editorial comment than is justified. And I think that more attention, too repetitive attention, has been given to the dark side of the news than is perhaps necessary.

But rather than talk about who or what is to blame, I want to talk about effects—the effects upon us of continually being told how bad we are without also being told that we have some good things going for us.

I think we have become victims of a strange boomeranging kind of psychological warfare we have waged upon ourselves without knowing it.

In the specialized world of psychological warfare, there are said to be two kinds of power tools.

One is offensive, designed to reduce the enemy's belief in his own cause, to make him mistrust his leaders and his colleagues, to raise serious doubts as to the justice of his system, to make him lose faith in stated objectives of his society.

A second kind is designed to close ranks behind one's cause, to reaffirm one's own ideals and purposes, and to bring moral courage and dedication to things one genuinely holds to be essential to his way of life.

Our incessant attention to our problems and weaknesses has had the demoralizing, debilitating effect upon us of the first kind of psychological tool. We have had all too little of the kind that unites us, encourages us and gives us hope that we can ever overcome our difficulties.

And the effects upon us are as devastating as a broadside from a cannon. We are a people with faith in one another, and when we lose that faith, we become weak, however heavily we may be armed.

The dangers of always hearing how bad we are, are first, that we might believe it; that we might become what our critics say we are. And second, that we might dissipate our energy in frenzied activity trying to answer all the alarms at once without doing anything really productive.

I remember a story that illustrates that point quite well. It's said to have actually happened. It's about a high school football player in his first varsity game. He was a pretty good player and his coach told him he was going to let him make the opening kickoff. The young man got a real good case of the jitters and became very nervous and tense about it because he wanted to perform well and live up to his coach's expectations of him. When he walked out on the field, the referee sensed his tension so he talked to him and gave him some advice. He said, "Now, all you have to do is just keep your eyes on the ball, and when you hear my whistle, run up there and kick that ball as far as you can." Well, he followed that advice to the letter. He heard a whistle, ran forward, kicked the ball and watched it sail off on the longest kick he had ever made. Then he ran after it as hard as he could, saw everyone in the stands rise to their feet, and he suddenly realized he was the only person moving. About that time he heard his coach yelling for him to stop. The whistle he had heard was the band director's whistle to begin the national anthem.

The point I'm making is that when we get so "psyched-up" about our problems, we can waste a lot of energy just worrying about them or running around in circles, without ever really accomplishing anything productive.

I think it's a mistake to allow ourselves to become so preoccupied with our problems and failures that we forget our strengths and successes.

As the German poet Goethe noted, "If one treats a person as if he were what he ought to be and could be, he will become what he ought to be and could be."

I believe that. And I believe it applies to nations as well as individuals. So now in the remaining minutes I would like to speak of our strengths as individuals and as a nation, as a way of reminding ourselves of what we are and what we can become.

First, I want to consider the strengths of the individual. Development of this point is admittedly simplistic. Yet it is a firm belief of mine that within every human being there are powerful, yet untapped resources of utterly amazing strengths. They remain unused mostly, until some unique circumstance which demands heroic action brings them out.

For example, a few years ago newspapers carried an account of a mother who lifted a small foreign car off her son on whom it had fallen. While she held up the car, the son scrambled to safety. She performed this amazing physical feat even though she stood less than five feet tall and weighed less than 100 pounds.

Not long afterwards, another story told about a man who saved his son under similar circumstances. The son had his car—a normal-sized American car—jacked up with the rear wheels removed. The jack slipped and the car fell on the boy. The father grabbed the rear of the car and lifted it so his son could slide out.

I have seen great feats of dedication to service and duty occur within my own business on innumerable occasions.

And there are sources of moral as well as physical strength within us. Each of us knows that down deep within us there is a tremendous capacity—an urge—for good. And again, it is often the unusual circumstances that calls it out in us in most spectacular form. For example, we are seldom so friendly to one another or so willing to help one another as when we are fighting together against a common threat. After Hurricane Camille left the Gulf Coast area and parts of Virginia and West Virginia devastated, there was an immediate outpouring of clothing, food, money and honest sympathy from all over this country. People were so generous as a matetr of fact, that disaster officials had to ask that we stop sending goods because they just couldn't handle it all.

The strength of this country lies in the physical, moral and spiritual strength of her people—people who have a sense of what is right and what is wrong. It is that spirit that is so evident here in Elkins. And the strengths we possess individually we possess collectively as a nation. The strengths of kindness, the boundless capacity for working together, our social, political and technological skills—all these strengths have led us to do the world's work with a minimum of supervision and leadership. And these are strengths that lurk in the commonest American.

Eric Hoffer, the widely-quoted longshoreman-philosopher, spoke of those traits in a book called "The Temper of Our Times." And he told a story that illustrates the point so well, I want to pass it along to you.

He says that once during the Depression, a construction company that had to build a road in the San Bernardino mountains in California sent two trucks down to Los Angeles to hire workers. Anyone who could climb onto the trucks was hired on the spot.

When they had two truckloads full they drove off and dumped those men on the side of a hill up there in the mountains, where they found bundles of supplies and equipment. The company had only one man on the spot. So the men began to sort themselves out. There were so many carpenters, so many electricians, so many mechanics, cooks and so on. They put up tents, fixed latrines, built a cook shack, and went on to build the road. Hoffer says that "If we had to write a constitution we probably would have had someone who knew all the whereases and wherefores." He says, "We were a shovelful of slime scooped off the pavement of skid row, yet we could have built America on the side of a hill in the San Bernadino mountains." That's what I mean about our strengths.

And what have our strengths and abilities led us to do? To create the healthiest, wealthiest, most generous nation in the history of the world.

A few statistics will give you some idea of just how successful we are. These figures were reported by U.S. News & World Report and they're a real eye-opener.

Just listen to this:

With 7% of the world's land area and 6% of the world's population, we account for one-third of the world's production of goods and services.

Our farmlands produce 13% of the world's wheat, 46% of its corn and 21% of its meat—enough to feed 200 million Americans and much of the world besides.

Our factories produce a flow of goods almost equal in size to the combined output of the Soviet Union and Western Europe.

Fifty-three percent of all the cars in use throughout the world are found on American streets and highways.

Per capita disposable income in America (1967 figures) comes to more than $2,700—45% more than in Canada and the United Kingdom and 70% more than in France.

No other country can even come close to matching a record like that. We're immensely successful and there's no reason to be ashamed of it.

That's the record of the free enterprise system. From time to time we hear about the great advances Communist countries have been making in recent years, and we sometimes get the idea that they're about to overtake us. But don't you believe it. As a matter of fact, if we wanted to match the Soviet Union in just about any area, we would have to decrease our production.

We would have to destroy about two-thirds of our railway mileage.

Destroy about 60 percent of our houses.

Destroy 60 percent of our steel mills.

Destroy nine out of every ten telephones.

Move about 60 million people back to the farms.

Reduce our overall standard of living a full 60 percent.

There's just no contest.

We are the strongest nation the world has ever seen, and we have shared our wealth as no nation has ever done.

Since the end of World War II, we have supported the hopes, the welfare, and, by and large, the unity of the whole non-communist world.

Contrary to what some of our critics say, we are not imperialists. We are not sick. We are not on the downhill. The problems we face are problems of success, and of all the ills we could suffer, success is by far the best.

Now let's look specifically at some of the problems we face. First, the problems of poverty, unemployment and lack of racial progress. We must admit that those do exist in America today. But we do not have to accept the reports that imply that little or nothing is being done about them. The fact is that we have made enormous progress in these areas.

According to the U.S. Census, from 1948 to 1963 the percentage of non-white males in the $6,000–$10,000 salary bracket went up by almost twenty-five times. As you can well imagine, a move from a family income of, say, $5,000 a year to $10,000 a year is more significant in human terms than a jump from $10,000 to $20,000. It is precisely in this area that extraordinarily large numbers of Negroes have been making their great leap forward. Altogether, more than 14 million Americans have left poverty behind in the past seven years.

We are making progress. The reason for this is that a larger number of people today are getting jobs—and a lot of them who are, are people who have never been able to get jobs or hold on to them before. According to the Department of Labor, unemployment has been declining twice as fast in poor neighborhoods as in the nation as a whole. In one year there has been a 20% drop.

I know this is a sore point with West Virginia. You got tagged in the late 1950's with being a state with a high unemployment rate.

Some people have a hard time realizing nothing's static, that situations change. The rate of unemployment has changed very much for the better in West Virginia and I think you can be very proud of that change. In 1959, the unemployment rate was 14.5%; in 1964, it was 8.8%; in 1968 it was 6.4%; and for the first seven months of 1969 it has been at the very low figure of 5.4%, the lowest in decades. And that indeed is progress.

More people are earning better salaries and wages, because they are working at more and better jobs, and because they are getting a better education.

As a matter of fact, Americans today are the best educated people the world has known. More Americans have completed high school than any other people. No other nation comes close to matching the 6.5 million students enrolled in our colleges and universities. More than that, a young person in the United States, no matter what his color, is more likely to go on to college than is a citizen of any country except France. Education, in fact, is now our biggest industry and, says U.S. News & World Report, it involves even more people than does national defense.

Well, what else? We hear that we have become unfeeling, uncaring about other people. I'll answer that by pointing to the fact that last year alone we Americans contributed more than 14 billion dollars to charitable causes. Some people might think that came mostly from foundations and big business. But it didn't. Three-fourths of that 14 billion came from private individuals like you and me, digging deep down into our pockets to help our fellow man. In addition to giving money, more than 50 million Americans donate their time to charity.

Equally available evidence tends to discount another widely heralded "weakness" of America—that its people are ridden by frustrations, are despairing of their lot in life and are just plain miserable.

According to one study I ran across, however, the average housewife (if there is such a person) has been married to the same man for 22 years; she's not strong on clubs; she thinks she's happier than her mother was; drinks little or not at all; is wrapped up in her home and family.

And on another related subject, a Gallup Poll taken last year found that 45 percent of all Americans attend church often, and 70% thought religion very important. More than that, in spite of the "God is Dead" theology that has become somewhat popular recently, the poll found that 97% of adult Americans still believe He's alive.

There is indeed a great absence of misery in this country today—absence of misery in that number of children who don't die in infancy; in the tens of millions of once certain illiterates who instead can read and write; in the millions of Negroes now in the ranks of the middle class, and in the considerable number who are moving up. There is an absence of misery in the millions of men who will retire healthy and compensated at 65 or 62; in the hundreds of thousands of farmers who own their own farms and do not have to share-crop; and in the hundreds of thousands of women who will never again have to work in sweatshops. These non-miserable millions, and millions more like them, populate this land we love and call America—a country that in 50 years has ended two world wars and started none, fought and is fighting to prevent communist take-over in two other wars, a country that has beat off a savage depression, played the major role in rebuilding a shattered world, and almost as an afterthought, created the most healthy, wealthy and learned a nation the world has ever seen at any time or at any place.

And as Eric Hoffer has pointed out, all these good things have happened in the "only nation founded by the ordinary people, by the masses. All other societies have been shaped by exclusive kings, nobles or priests."

These are the good things about America. There are many more that I would like to remind you of, but I don't have time.

I want to say just one thing more and then I'm going to stop. And that is this: that of all the good things about America, the best of all is her people. If we lose faith in ourselves, we will become what our critics say we are.

Tonight, I've attempted to show you that we have amazing resources of strengths as individuals and as a nation. There is much to be proud of. Some feel there is much to be ashamed of. We have problems, of course, some very serious ones, and we have a lot more to do. But my plea is that we on one side and those on the other not bicker and harangue or curse one another as we decide how best to heal our wounds and cure our ills. We can love this country without hating others. And we can contine the debate on how we can become what we've yet to be. But while the debate continues, so must the country.

So what we must ask of each other is that, through it all, we cherish this country, that we have a feeling of pride and confidence in her—an enduring feeling, not a fleeting one.

For all time, our task is to keep America signing. And Elkins—and towns like it all across the country—I am sure, will provide the strongest chorus.

LET'S FIND OUT

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. SCOTT. Mr. Speaker, I would like to insert in the RECORD an editorial which was published in three newspapers in my district known as the Tidewater Weeklies. This editorial, I think, is especially timely as a small group of our Members attempt to second guess the President. I hope their statements do not handicap his efforts to bring about peace in Southeast Asia or embarrass our negotiators at the peace table. The editorial is set forth in full below:

[From the Montross (Va.) Westmoreland News, Oct. 1, 1969]

LET'S FIND OUT

With nearly everybody picking on the military, President Nixon has set up a blue-ribbon panel to make a 12-month study of the Defense Department's management, research, procurement and decision-making machinery.

In charge, he wisely placed a top grade businessman who cannot remotely be considered a part of the defense supply industry—Gilbert W. Fitzhugh, chairman of the board and chief executive officer of the Metropolitan Life Insurance Company. The need for a new fact-finding panel was in fact foreseen by the Administration at the time it took office and was recommended by Defense Secretary Laird some weeks ago.

At the same time, the President tightened the procedures under which the Budget Bureau examines our Vietnam and other military spending. Whereas defense budgets under the Johnson Administration went directly to the President with the Budget Bureau role limited to the right to appeal, they now will go, like all others, to the Bureau for final approval. The Defense Department, in turn, has the right to appeal to the President.

The new Administration does not accept as gospel all the shrill cries of those critics who see a conspiracy between the military and manufacturers behind every procurement contract. It wants the facts—and invites the public in to help find them.

It is worth noting that the new Fitzhugh Panel should not be confused with the blue-ribbon Holifield Procurement Commission now being proposed in the Congress, with bi-partisan support. This Commission aims to reform all types of government purchasing—civilian as well as military—and does not duplicate the Nixon-Fitzhugh Panel. Both of these investigations make more sense than some of the emotional talk we endure today, and both deserve public support.

KAREN SEPPA—4–H REPORTER TO THE NATION FOR 1969

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, this morning I had the pleasure and privilege of visiting with an attractive and outstanding young lady from my congressional district who is one of 11 "4–H Reporters to the Nation for 1969."

Miss Karen Seppa of Petaluma, Calif., is the epitomy of American youth, and certainly restores one's faith in the future of our Nation and the world.

So that my colleagues may know of the accomplishments of this outstanding example of American youth, I am including a copy of Karen's biography so that all of the Members may know of her outstanding record, not only in 4–H work, but also in the community at large. To say that I am proud of her, would be an understatement of fact.

As a former 4–H Club member, myself, I am very familiar with the principles and programs the organization espouses. America desperately needs to expand the 4–H concept and youth programs. Also, all America should adopt their motto, "To Make the Best Better."

I include Karen's biography in the RECORD, so that history and this CONGRESSIONAL RECORD will permanently recognize and record her accomplishments:

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KAREN SEPPA

Karen might be twins for all she's done in 4–H in nine years. A California "All-Star," she won a trip to National 4–H Congress in food preservation. But she also has a long list of citizenship and other activities. Her parents are Mr. and Mrs. Emil Seppa, both former 4–H'ers and now leaders; her two brothers were 4–H'ers and her sister is now. A Finnish visitor at the Seppa's wrote and published a long illustrated feature about Karen and her family in a Finland paper.

Since 1961, in plant and animal science projects, she has raised 4 steers, 9 lambs, and set out 1300 plants in plant propagation and home grounds beautification. She helps with the family garden and orchard, and preserves fresh fruits and vegetables from them.

She has canned, dried, frozen, and otherwise "put up" a 100 to 650 containers a year for seven years; has prepared about 650 dishes and dozens of meals, always thinking of good nutrition and balanced diets. She learned a little foreign cookery from an "IFYE" brother from India, and taught him food preservation. She has made nearly 40 garments and moderated 4–H dress revues. In junior leadership four years, she had led 122 younger members in citizenship and food preservation. She and her 4–H juniors canned 174 quarts of tomatoes in three years for the County Rescue Mission.

She has further helped "the less fortunate" by collecting clothing for some Alaskan Indians, a Turkish orphanage, Russian River flood victims, and others; has made useful articles and gifts for the sick and elderly in rest homes, and for patients in a local hospital; encouraged "letters to servicemen" and food treats for returning wounded from Vietnam; worked in March of Dimes, UNICEF's "Trick or Treat," and Easter Seal campaigns; and gathered coupons for a Braille reader for the blind.

She's helped clean up country roadsides, planted wild flowers, aided in anti-litter efforts, beautified local landmarks, attended the Mayor's Beautification Conference, and served on her town's first committee for a Congress for Community Progress; stressed fire safety education, promoted car safety checks, made anti-smoking health displays—one with a goofy manikin "Hopeless Harry" she helped create; has given resuscitation demonstrations with her "Bill Blow" manikin to 4-H'ers and non-4–H'ers; taught "Flag Facts and Etiquette," urged owning and displaying flags, appreciating our American heritage, and "getting out the vote;" served on the County 4–H Citizenship Committee, and been 4–H broadcaster and District Fair interviewer on KTOB.

Outside 4–H, she belongs to the Petaluma Youth Action Council, has attended the Governor's Traffic Safety Conference, been active in a "Model United Nations," been Senior High president, in the College Executive Cabinet; church youth president, pianist, choir singer. Her hobbies—tennis, snow skiing. Her career aim—teaching.

Karen is one of 11 4–H Reporters-to-the-Nation for 1969, representing the Nation's 3¼ million members in all 50 States. Each Reporter serves singly and with others to tell the 4–H story to national organizations; leaders in government, business, industry, agriculture, education, and to the general public through mass media.

POSTAL REFORM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, I would like to call the attention of my colleagues to an editorial which appeared in the September 13, 1969, issue of the Sheboygan Press. The Postmaster General has, like the rest of us, one thing to gain from reform of our present postal system and that is improved postal service. As the Press appropriately states:

> Mr. Blount's refreshing candor in criticizing the system which put him in charge of the Post Office should not be lost in Congress when the postal reform bill is taken up.

The text of the editorial follows:

WORTH TRYING SOMETHING

Postmaster General Winston M. Blount presented a strong case for postal reform Monday when he addressed some 2,000 business executives attending the national postal forum held annually at Washington to discuss mail problems and ways to improve postal service. He said no organization could operate smoothly and efficiently "under such a revolving door management."

He said: "I am the sixth postmaster general in this decade, and each officeholder has some new policies and politics. No organization could be expected to operate smoothly and efficiently under such a revolving door management.

"Piecemeal changes to the present system will not do the job," he warned in an appeal for support of the administration's bill to establish a government-owned and operated postal corporation. "A basic change of direction is necessary."

Mr. Blount's refreshing candor in criticizing the system which put him in charge of the Post Office should not be lost in Congress when the postal reform bill is taken up.

STUDENTS LEAGUE AGAINST NARCOTIC TEMPTATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HUNGATE. Mr. Speaker, I would like to bring to the attention of my colleagues a project currently in operation by the Missouri Jaycees. The project, Students League Against Narcotic Temptation—SLANT—is aimed at educating young people with the facts of drug use and abuse. Following is a statement by the Missouri Jaycees on the project and its growth:

STUDENTS LEAGUE AGAINST NARCOTIC TEMPTATION

FLORISSANT, MO.

One of the three greatest problems facing our country today is the alarming increase in drug abuse among young people. It presents a serious challenge to society. As Jaycees we are faced with an urgent responsibility in combatting the menace of drug and narcotic addiction through programs of preventive education. It is of critical importance that maximum effort be given to this first line of defense.

The aim of SLANT is to have "Youth bring the message to Youth". To make the students ambassadors to their fellow students.

There have been narcotics programs presented to students in the past. They have showed movies and gave information about the penalties for use or possession of narcotics and how a police record would affect their quest for future employment. We don't feel that these programs were actually getting to the students. The SLANT program will, "Tell them like it is." We want to give the students the right information on the use of drugs. The effects that it will have on their bodies. How it causes kidney, liver, heart and brain damage, and even death.

The idea for SLANT came from a narcotics conference sponsored by the National District Attorneys Association held in Chicago last summer and attended by Bob Lowry, Chief of Detectives of the Florissant, Missouri Police Department, a past president of the Florissant Valley Jaycees and a member of the Board of Directors of the Florissant Valley Jaycees. The Florissant Valley Jaycees conducted a SLANT Program in two Florissant area High Schools and presently have 500 SLANT members in the two schools.

In June of 1969 at the Executive Committee Meeting, held in Columbia, Missouri the SLANT Program was presented to the Executive Committee of the Missouri Jaycees and was accepted as a state program.

At the time of this writing 33 local chapters in the state of Missouri are planning on conducting a SLANT Program in their local area High Schools. We have also had indications from chapters in Illinois, Minnesota, Michigan, South Dakota, Iowa and Wisconsin that they are also planning on conducting SLANT Programs in co-operation with the Missouri Jaycees.

We can't impress upon you enough just how important we feel the SLANT program is. We feel that it is so important each chapter in the State of Missouri should be conducting a SLANT program in their local schools.

TONY BROCKMEYER,
SLANT Chairman.

BIRDS ALERTED FOR WAR

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. CARTER. Mr. Speaker, last week we were told that the fat and unnecessary spending had been cut out of the military procurement authorization bill.

I was greatly disillusioned, disappointed, downhearted, and disturbed to read that $600,000 is to be spent by the Defense Department with the psychology department of the University of Mississippi for a program which is based on the supposition that birds will eventually replace humans for activities that are dangerous, difficult, expensive, or boring.

The insanity of such a program is obvious.

Unless such foolish programs as this are cut from the military budget, I expect to vote against the appropriation.

I urge the Military Services Subcommittee on Appropriations to cut the many forms of waste from this program. The citizens of our country are greatly worried at the manner in which the taxpayers' money is being spent on these wasteful, absurd projects, and I include the article from today's Washington Post, "Birds Alerted for War," by Thomas O'Toole, to be printed in the RECORD:

BIRDS ALERTED FOR WAR—FLYING OFF TO COMBAT?

(By Thomas O'Toole)

Would you believe that war is for the birds?

So much so that hawks and doves might fight side by side or that parrots, ducks,

chickens, pigeons and even mynah birds could be drafted to help defend the flag in some future war?

Whatever you might think of the scheme, the Pentagon is all for it. Consider the description of the $600,000 contract the Defense Department has with the Psychology Department of the University of Mississippi:

"This program is based," the contract reads, "on the supposition that birds will eventually replace humans for activities that are dangerous, difficult, expensive or boring."

Among the activities the Pentagon has in mind are "aerial photography, gunnery, steering of missiles, detection of mines and search and destroy operations."

Just how the Pentagon plans to get birds to do all these things is anybody's guess, but it does mean to try.

"Much of the research will relate to complex forms of stimulus control," the contract with the University of Mississippi reads, "for example, visual search, auditory pattern recognition, pursuit and tracking, controlled locomotion and operation of manipulanda while flying."

"This is not a development contract," explains a Pentagon spokesman. "What we're trying to do here is to see if birds can be trained to do certain things."

The Pentagon admits it won't be able to use all birds in its research but it would like to train most species of wild birds for combat flying. "Especially crows, ravens, jays, hawks and vultures," the contract goes on, including "doves, parrots, mynahs, chickens and pigeons."

The use of warbirds is not a new one, though its past is hardly glorious.

The most serious attempt to use bird-like creatures was in a program called X-Ray, in which bats carrying incendiaries were to be flown into Tokyo during World War II. The idea was to get the bats to roost in the eaves of Tokyo's wooden buildings, where the bombs would go off when the bats flipped upside down to sleep.

"The trouble with that one," said one scientist who worked on Project X-Ray, "was that it almost burned down an Air Force base in New Mexico." X-ray never made it to Japan.

The latest scheme for warbirds came to roost when the Pentagon circulated a letter advertising for ornithologists to work on it.

"I read it, I re-read it, and I read it again," one scientist said, "and I still couldn't believe it. It's insane."

Critics notwithstanding, the Pentagon is going ahead with its bird scheme.

"This program is just getting started," it says. "Hopefully, it will go on for 10 or 20 years."

The project is supported by a three-year "Project Themis" contract, at $200,000 a year. Project Themis is a program aimed at beefing up basic research in universities that have not had strong science programs.

LESOTHO INDEPENDENCE DAY, OCTOBER 4, 1966

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. POWELL. Mr. Speaker, the Kingdom of Lesotho attained its independence and full sovereignty 3 years ago when the British Government agreed to terminate its protectorate.

Lesotho is a landlocked high plateau country in South-East Africa, completely surrounded by the Republic of South Africa. Its area is about 12,000 square miles and its population is just under 1 million. Its sturdy and fighting tribes were formerly ruled by a powerful tribal chief, and fought fiercely for their way of life. In mid-19th century, the country was taken over by the British and annexed to the Cape Colony, much against the wishes of the people. In 1884, indirect British rule was restored, and gradually local government administration was instituted. By the end of the last war the people had developed their own tribal-national identity and worked for their independence. Subsequent to a period of preindependence status, the Lesotho people attained their goal on October 4, 1966, proclaiming their leader as their monarch, their chief of state.

The Kingdom of Lesotho is somewhat better off than some other new African states in that its population is fairly homogeneous, they are well trained to submit to the Central Government, thus causing no tribal feuds in Lesotho. They all speak one language—Sesotho—and the Government officials are also well versed in English. It is an agricultural country, and its economy is largely based on livestock production and farming. All land is held in trust for the nation by the Government, but its good and equitable distribution and effective use is also assured by the Government. Its industrious and hard-working people are making progress under the Government's paternalistic and well-conceived soil erosion program. On the third anniversary of their independence day we wish peace and prosperity to the people of the Kingdom of Lesotho.

CIGARETTES AS FIRE HAZARDS

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BYRNE' of Pennsylvania. Mr. Speaker, I have this day introduced a bill to require cigarette manufacturers to print on their packs, in addition to the present "Caution: Cigarette Smoking May Be Hazardous to Your Health," or any stronger statement which may be subsequently determined by this Congress, a warning pointing to the extreme fire hazard that cigarette smoking has created in our Nation.

The additional warning reads:

> The smoking of cigarettes is a dangerous fire hazard which results in hundreds of deaths and many million dollars in damage each year. You are urged never to smoke in bed or when in a drowsy condition and to be absolutely certain that each cigarette before it is disposed of—is completely extinguished.

My bill also calls for a penalty of a $100,000 fine for manufacturers who are convicted of violations.

My intention in making this proposal, Mr. Speaker, is not to denigrate the extremely serious and lethal health hazards which cigarette smoking represents.

This very fact was remphasized and reiterated just last month when the U.S. Public Health Service presented its 1969 supplement to its 1967 review of the health consequences of cigarette smoking.

The USPHS presents still more evidence that cigarette smoking is harmful to the heart, lungs, mouth, and even the umborn babies of smoking mothers.

The health hazards of smoking cannot be emphasized too strongly. But at the same time, we seem to be ignoring another consequence of cigarette smoking, which albeit not of the magnitude of death through illness created by this habit, is yet substantial enough to warrant our attention.

And this is the fire hazard of smoking cigarettes. Let me give you some idea of the magnitude.

My city of Philadelphia, which enjoys the best fire record of any major city in the Nation, had 6,665 fires in the calendar year of 1968. Of this total, 4,524 of these blazes were in single or multiple dwellings, and 1,046 were industrial fires.

A full 36.6 percent of all the fires were attributed directly or indirectly to smoking of cigarettes.

During that year, 77 persons lost their lives in these blazes—75 of them in residential fires and two in industrial conflagrations. Of these 77 deaths, a full 32—almost half—were as a result of fires directly or indirectly caused by smoking cigarettes.

These are not my opinions. These are the hard facts established by the fire marshal of Philadelphia in his investigations of each and every fire.

I do not have the current figures nationally because of weaknesses of reporting systems. However, if we realize that the population of the city of Philadelphia represents almost exactly 1 percent of the total population of the United States, and even taking into account Philadelphia's fine fire record, we need only multiply the Philadelphia statistics by 100 and come up with a tragic and pitiful national disgrace.

I can give no guarantees, Mr. Speaker, that my bill will put an end to fires and blazing deaths caused by cigarettes. This would be unrealistic, wishful thinking.

But if just one person who read the warning took heed from smoking in bed, or completely extinguished a potential lethal weapon, if just one fire were averted and just one life saved; then I believe passage of this bill will have been justified.

I deeply regret that the cigarette companies themselves, with the billions of dollars they derive in profits and the millions spent annually in advertising, have thus far never seen fit to spend a single dime to remind people of this extreme fire hazard and threat of life and property which cigarette smoking represents.

MORATORIUM DAY

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. LUJAN. Mr. Speaker, as all Members know, October 15, 1969, has been designated "Moratorium Day," as a

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means of forcing the President to unilaterally withdraw all our forces from Vietnam. The leaders will admit, when asked, that this action is designed to do just that.

However, Mr. Speaker, the universities and colleges in this Nation are not being told this.

The University of New Mexico Board of Regents for example were told that this was a day to be set aside where both sides of the issue could be discussed. With this understanding, the board of regents endorsed Moratorium Day.

Mr. Speaker, I only point this out so that when a large participation is noted on October 15, that it is understood that it will not be a representation of a large feeling for unilateral withdrawal, but that it will simply indicate that the universities are interested in their students discussing both sides of this question.

LEGISLATION DEALING WITH OBSCENE MATERIALS MAILED TO MINORS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DICKINSON. Mr. Speaker, I believe all the Members should be aware of some very pertinent testimony before the Committee on the Judiciary this morning. My dear friend and fellow Alabamian, the Honorable JACK EDWARDS, clearly pointed out the need for a tightening of legislation dealing with the mailing of obscene materials into homes with minors. The text of his remarks are as follows:

Today almost any youngster can walk into a store in his town and purchase a book or magazine or pamphlet or picture that is aimed at appealing to his prurient interests. He can see any number of movies of a pornographic nature often times in spite of self-imposed restrictions by the movie houses and the industry. But in these areas parents can exercise parental control over what the child may be exposed to.

However, the villainous purveyors of smut are no longer waiting for their victims to come to them. They have now taken to the mails and through many devious means are mailing pornographic materials to homes where children reside. Unknowingly children will open these mails and be exposed to materials which they are not psychologically and emotionally prepared to understand.

There is little legislation on the books that will stop the use of the mails for this purpose. It is for this reason that I have introduced H.R. 5190. This will give the Postmaster General the legislative muscle needed to dry up the ever-growing flow of smut to homes with children.

Our present Postmaster General Winton M. Blount, a fellow Alabamian, has been making every effort to hamper the use of the mails by these fly-by-night business concerns who deal in smut. Last week his Department revoked the post office box privileges of eight dealers in sexually oriented materials.

This is the first significant action by a Postmaster General in a long time to stop the mailing of pornography. But the use of administrative authority by the Postmaster General is a weak tool. The bill being considered here today will strengthen that tool and add measurably to his Department's powers to control these harmful mailings of smut.

I believe a review of some of the measures on the books at the moment will give you an indication of the vital need for this legislation.

A few years ago in Congress, we passed a law to provide that persons receiving this material could return it to the Post Office with orders that no more mailings from that particular source be sent to the home. This was a step in the right direction, but not enough. I am sure you will agree with me that this suffers on two accounts. First, it does nothing to prevent the initial mailings. The damage to a child's psyche or moral fiber may already have been done. Second, it is a long and complicated process to stop the materials, starting with the necessity of the postal patron to fill out forms to prevent further mailings. Even this is ineffective since companies that deal in pornographic materials change names and status frequently.

In 1967 I proposed a bill setting up a commission to study the problem and make recommendations. Legislation very closely following the proposal I made was approved in October of that year. Now is the time to take a definite step to curtail all mailings of pornographic materials to minors or homes wherein minors reside.

There is a great urgency in this matter as the amount of unsolicited pornography mailed into the homes is growing by leaps and bounds. As an indication of the rising incidence of pornographic material being mailed, the Post Office Department provided me with information indicating that under the pandering law that went into effect in April 1968, 334,928 persons have requested that these mailings be stopped during the first 16 months. The Post Office was able to issue 257,133 orders to that effect based on the complaints. And these are only the complaints. How many people received the pornographic mailings and simply discarded them? How many were unaware that there was something they could do about these mailings?

Let me quote some other statistics that show the astronomical rise in the peddling of smut. In the fiscal year of 1967, 140,000 complaints were received by the Post Office Department from patrons who had been mailed pornographic materials. In fiscal 1968 that number rose to 167,000. And in the fiscal year just concluded that number has jumped to over 234,000 complaints.

We must act now to stop this threat to the very roots of the moral fiber of the nation—the developing child. We must attack the source—those vile, perverted individuals who prey on the innocence of our little children. We must take a real step forward in eliminating such vice from the mails. I believe this bill is such a step. It attacks the violator directly by making the act of mailing unsolicited pornography a crime. I strongly urge you to report this bill out of committee and submit it to a vote of the House.

POLICEMEN AND THE FLAG

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. GAYDOS. Mr. Speaker, never before in the history of the United States has the American Flag been so dishonored as it has been in the past decade.

Hippies, yippies, and others of their ilk find it expedient for their purposes to desecrate the flag. They defile it in ways which make an American's blood seethe in anger. They spit on it. They burn it. They tear it and wear it. They get a twisted pleasure from pulling the flag down from its standards and running up one belonging to a nation responsible for the deaths of 40,000 Americans.

These are the same people who heap abuse upon law enforcement officers at every opportunity. They scream insults and obscenities. Their actions would not be tolerated by any man. Yet police officers must endure the degradations or be accused of brutality.

How ironical it is that police officers, targets of the most despicable acts, should be the ones to take the boldest steps to restore the flag to the level of esteem it so richly deserves.

Police officers in the cities of Duquesne and Clairton in my 20th Congressional District, have elected to make a shoulder patch of the flag as part of their uniform. They wear it with pride. An attack upon an officer thus becomes an attack upon the flag itself, upon every American who takes pride in it, and upon the United States of America.

Other police departments in the Nation have followed the example set by the Duquesne and Clairton officers. These two organizations and Duquesne Police Capt. Debs Melegari, who inaugurated the idea in the district, have received the salutes of staff writers for the Pennsylvania division of the American Federation of Police and by Earle Wittpenn, managing editor of the New Daily Messenger in Homestead, Pa.

Mr. Speaker, I share the pride of many Americans in the initiative taken by these officers. I commend the Pennsylvania division of the Federation of Police and Mr. Wittpenn for lauding them in public print.

I insert their writings in the RECORD and I call the attention of my colleagues to them:

POLICEMEN AND THE FLAG

"Old Glory," the "Stars and Stripes," the "Star-Spangled Banner"—our flag! Any American citizen, when he sees the flag, sees the nation itself, sees the country and our government, our ideals, our traditions and our history.

In peace and war, the Flag is always taken for granted. It is a symbol of our strength and of the blood shed in our nation's development.

You can link names like Benjamin Franklin, George Washington, Betsy Ross and Francis Scott Key, but don't ever forget the names of those who died for the Flag. They represent every nation in the world—the Smiths and Messners, the Beesons and McKeevers, the Patellis and Alahouzos, the Urbanskis and Hrivnaks, the Tognarinas and Saccos, the Mendelwitzes and Ginsbergs—they as much as threaded the needle for Betsy Ross to sew the stars on the Flag.

The Flag has been planted firmly on the pinnacle of the American faith and has found itself in many foreign lands as an inspiration to millions. Now it has a place on the moon, as a symbol of the heritage of all free men.

The Flag has found itself a place also on the uniform of the policeman as a reminder to the citizens that the police officer is a

guardian and that, when he is attacked, the American people and their Flag are attacked.

The writers salute the Duquesne Police Department, along with Captain Debs Melegari, for the inauguration of this project that has been copied by police departments all over the nation. The policeman wears the shoulder patch with pride to be an American and to stand behind the Flag.

IT'S OUR FLAG—DUQUESNE PRIDE EVIDENT

Enthusiasm for the American flag, once a paramount trait among freedom-loving peoples, is being rejuvenated across the nation and this is good.

For too many years of late, respect for the flag has diminished and the strength of the nation has been jeopardized. This was not the case in years previous when people believed in and respected the flag.

Domestic strife has tainted the image of the flag because of the public's apathetic attitude.

But those who believe in it are once more leading the way and it's proving contagious.

Just recently the Duquesne Police Department, first in the valley, attached to its uniform a flag shoulder patch. This proves their pride and respect for our national standard.

Other departments in the nation are cognizant of what's happening in Pennsylvania and are following the example. This can only mean a rebirth of the spirit that has helped to make America the great nation it is.

In still many other areas, but not yet here in the Steel Valley, official council, or elective bodies have begun the practice of opening meetings with the Pledge of Allegiance. This, too, is good for democracy and sets an excellent example for the young people of the nation whose minds have not been fully inculcated with the idea of patriotism.

Parents, too, are displaying more enthusiasm for the flag. The evidence is particularly strong during national holidays when home owners display the standard to commemorate whatever the holiday might be.

Communities, like Homestead and Clairton, have also stressed the importance of the flag. The impressive display of the standard along the business areas of these two communities is without equal in any other city across the land.

So, Mr. and Mrs. America, we are finally recognizing the need for more emphasis on patriotism. Perhaps now we can settle down to deal with some of the internal problems which created a deterioration of our patriotic feelings.

Perhaps now we can, with a measure of reason, discuss and overcome the problem of racial strife, college turmoil and any other problem before us.

These problems are serious and require constant attention and effective solution. But this can be done without diminishing our belief in the principles on which the nation was founded.

The Duquesne police, like many other people across the land, have set an excellent example. Let it spread wide and far as quickly as possible so that we and our neighbors in other parts of the world will readily recognize that we are still the strongest and most patriotic people in the universe.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the News Gazette, the Sterling, Ill., Gazette, the Chicago Daily News, and the Elgin, Ill., Courier-News, in the State of Illinois. The editorials follow:

[From the News Gazette, Aug. 1, 1969]

LARGER TRUCKS ALLOWED? NO

A proposal now pending in Congress would allow operation of larger and heavier trucks on the Interstate highway system.

We are opposed to the bill and believe a majority of citizens will be, if the facts are known and digested.

Already, the American Automobile Association and its affiliated clubs have voiced strong opposition to the proposed legislation.

The present "big truck" bill is almost identical to the measure proposed in Congress last week which brought an avalanche of critical public opinion and much editorial criticism in the nation's press. Many leaders in the motor safety and highway uses field, concur with the view expressed by Gerald W. Cavanagh, Chicago Motor Club president, that passage of this bill "would result in premature damage to pavement and bridges and would constitute a major hazard to others using the traffic lanes."

The current bill calls for raising the weight limit for single axles to 20,000 pounds (up from 18,000) and for tandem axles to 34,000 pounds (up from 32,000) and for permitting truck lengths up to 70 feet and widths up to 102 inches.

The measure is called a permissive bill, as it would simply permit the states to authorize larger truck sizes on interstate highways within their borders. But in the past, most states have been quick to go along with the trucking interests. They have strong lobbies in the state capitals. And inasmuch as trucks have to get off the big interstate highways to make pickups and deliveries, they presumably would be permitted on smaller roads as well.

The measure is defended by trucking interests as a way of enabling construction of "safer trucks" and as an overdue "unfreezing" of truck size limits set by the 1956 highway act. For truckers, bigger vehicles mean bigger loads and more profits.

In opposing the measure, Cavanagh declared that the men "who have been charged with the responsibility of constructing and maintaining our highways at both the state and the federal level have made it known that the increases in axle loadings permitted by the legislation will not only reduce the life of pavements in use, but will also necessitate the expenditure of billions of dollars for reconstruction of older pavements, and additional costs in highways yet to be constructed."

While basic research into the accident hazards posed by larger, wider trucks is lacking, we believe most operators of passenger vehicles don't want to see any larger trucks and semi-trailers plying the highwyas than are now in legal use.

We agree with the AAA officials that before any such bigger truck legislation is even considered in Congress, some basic research should be done first on this question. The lives and property of more than 100 million drivers are involved in such a decision. As one official commented, "we cannot ask them to be guinea pigs by increasing the sizes and weights and then researching the effects."

From several standpoints, including safety of passenger vehicles and motorists, avoidance of further traffic congestion and more difficult driving conditions, and the probable greater wear-and-tear on the highways and expressways if larger trucks should be allowed, we think adoption of the current proposal should be speedily killed in Congress.

For those who so agree, a letter to a congressman or senator expressing your view, probably would be helpful.

[From the Sterling (Ill.) Gazette, July 23, 1969]

BID FOR BIGGER TRUCKS

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's road, has lately come up with a new argument to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead an axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experienced maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

[From the Elgin (Ill.) Courier-News, Aug. 6, 1969]

TRUCKS, BUSES BIG ENOUGH

Public opinion last year set up a roadblock against a Senate-passed bill permitting states to increase the weight and width of buses and trucks operating on the interstate highway system.

Now the bill has turned up again in the House public works subcommittee on roads, and trucking and bus interests are attempting to get a favorable recommendation.

The Senate-approved bill would allow states to increase the maximum weight of single-axle trucks from 18,000 to 20,000 pounds; of tandem-axle trucks from 32,000 to 34,000 pounds; and to replace the existing gross weight limit of 73,280 pounds with a sliding scale formula based on the distance between the front and rear axles and the number of axles on the vehicle. The maximum width would be increased from 92 to 102 inches.

The American Automobile Association has charged that the 1968 legislation would open the door to triple-trailer trucks on the interstate system. Motorists who find it difficult to pass the mammoth trucks on highways today would be up in arms if triple-trailer trucks were permitted.

Even a six-inch increase in the width of trucks would increase the safety hazards. The problem exists mainly on highways and streets removed from the interstate system. Drivers of many of the huge trucks already find it difficult to make turns at right-angle intersections.

Even though the federal legislation permits states to raise limits, the bill should be blocked in the House. Residents of Illinois and other states are all too familiar with the success of the trucking lobby in heading off increases in license fees and in diesel fuel taxes and getting its way on other legislation.

[From the Chicago Daily News, Aug. 9, 1969]

TRUCKS ARE BIG ENOUGH

The highway-busters are at it again, trying to persuade Congress to ease the rules limiting the weight, length and width of trucks on interstate roads. They got such a bill through the Senate last year, but luckily it died in the House. Now the measure is up for hearings before a House subcommittee and the truck and bus lobby is mounting a powerful pressure campaign in its behalf.

The proposed new limits exceed in most respects those permitted on Illinois highways. The bill, applicable at first only to interstate routes, would sanction trucks 70 feet long, compared with the general 55-foot limit in Illinois. Truck width, now limited by federal and Illinois law to eight feet, would be broadened by six inches. The gross load limit of 73,280 pounds, now in effect on most state and federal highways, would be increased through a new formula based on length and number of axles.

If such behemoths were restricted to the new interstate freeways, which are usually built to withstand more abuse than the average state highway, a plausible case might be made for relaxing the rules. But as a practical matter the trucks must get off the freeways at various points to deliver their cargo. This means going over state and local roads and bridges that cannot take the pounding administered by the mastodons.

Truck lobbyists would be rushing to state capitals to persuade the legislatures to change state regulations to conform with federal standards. Civics books to the contrary, most Illinoisans know that our own Legislature in Springfield is particularly susceptible to the blandishments of the truckers. It would be only a matter of time before state officials caved in and gave the truckers what they want. Building state, county and local roads to handle the behemoths would result in an enormous increase in Illinois highway costs.

When Gov. Ogilvie proposed a substantial boost in diesel fuel taxes and truck licensing fees, pointing out that the fees hadn't been hiked in 18 years, the truckers insisted it was a specious argument and persuaded the Legislature to pare the governor's request. In Washington, the truckers are arguing that the best case for easing truck-size limits is that they haven't been changed in 13 years. Who's being specious now? Certainly not Gov. Ogilvie, who was quite right in saying that truckers have not borne their fair share of increased Illinois highway costs since 1951.

Congressmen should bear in mind what the trucking bill would cost their constituents back home, and defeat it. The sharp recent increase in Illinois road taxes should make this state's delegation in the House especially sensitive to the bill's local ramifications.

THE MARIHUANA PROBLEM

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. MINISH. Mr. Speaker, the use of marihuana has expanded to frightening proportions in the United States. The number of people who have experimented with marihuana is estimated at 12 million, and that number is expected to increase. It is alarming to note that many college students have experimented with marihuana. If marihuana has some harmful effect on its users, we must discover it immediately.

I am, therefore, cosponsoring a measure, that will be dropped in the hopper shortly, to provide for the establishment of a Presidential Commission on Marihuana. This Commission would be composed of professionals who would consider the legal, social, and medical ramifications of marihuana smoking. The Commission's work should be concluded in 1 year, and would submit to the public its conclusions and recommendations. This would be a firm basis for comprehending and dealing with the problem, which is growing rapidly. We cannot permit such a large number of our people, many of them young, to use a drug we know little about.

There are many questions about marihuana use that are presently unanswered. Our statistics about the number of users are not verifiable. Moreover, the pharmacology of marihuana is almost completely unknown. The immediate and long-term effects marihuana has on its users is anybody's guess. Its relationship to aggressive behavior and crime is a cipher, its relationship to the use of other drugs has never been answered.

It is high time that we educated ourselves about these important questions. I believe that an authoritative study that provided these facts would enable us to deal with the problem effectively. The problem is weighty. We must seek the answer.

TIMBER PRODUCTION AND THE NATIONAL HOUSING GOAL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HANNA. Mr. Speaker, the events of recent months have focused attention on the glaring disparity between promise and performance in meeting national housing needs. Over the last few months it has become clear that there has been little effort to correlate Federal programs with the lofty 10-year national housing goals. In no area has this lack of coordination been more apparent than the timber sales program, which is administered by the Department of Agriculture. For nearly three-quarters of a century that Department has been responsible for disposing of all the timber made available from our national forests. This represents approximately one-third of the total annual timber output. At the present time, over 95 percent of all sales of timber from national forests are made at auctions conducted by the Department of Agriculture as long as the total amount of timber put up for sale exceeds $2,000 in value, the sale is made at an auction.

The only test of a potential buyer's qualifications to bid at the auctions conducted by the Department of Agriculture is his ability to pay. Therefore, there is no assurance that the timber sold will be available to meet domestic housing needs. In point of fact, a large share of the logs are bought by foreign firms.

The basic premise of this bill is that our scarce timber resources should be carefully husbanded and, when used, should be utilized in that manner which best serves the interests of the American public. That interest has been emphatically enumerated in the statement of our Nation's housing goals. I think it is appropriate to note that the principle embodied in this proposal is particularly pertinent to the production of our national forests. These forests are, literally, the property of the people. Many of the forests have—since the founding of the States of our Nation—known no owner save the Government. The wisdom of our early leaders in preserving these lands for public purposes is evident in many ways. It would be made more clearly manifest were we to enact the bill I propose and, thereby, insure that the public forests are used to serve the public welfare.

I would hope that this legislation would be viewed as a measure to advance the achievement of a priority national public policy goal, the national housing goal of providing a decent home and suitable living environment for every American family. This goal was mandated by the Congress and deserves to be implemented through the adoption of effective programs.

I am introducing a second bill today. It will complement the first by providing a badly needed supply of manpower to assist in making the management of our national forest resources more efficient. As the situation now stands our federally owned forests which represent over half of our total timber acreage produce scarcely one-third of our total timber production. Hopefully, the manpower that will be made available through the Youth Conservation Corps will enable us to greatly increase the output of the federally owned and managed timber lands.

In addition the bill will provide a means for young people to pool and motivate talent that can immeasurably increase the managerial skill needed to make our national forests more productive.

Finally, the corps will further the cause of conservation of our natural resources. It will provide needed additional personnel for our national conservation areas, such as national parks and wildlife sanctuaries. It will provide young Americans with a better understanding of the important role conservation of natural resources can play in American life, and of the role they as individuals can play in furthering this conservation effort.

By working on new methods of increasing the yield of our national forest timberlands; by working on land and water reclamation projects and by communicating their ideas and enthusiasm to all types of conservation projects, young Americans if given the opportunity through the Youth Conservation Corps can make a vital and lasting contribution in an area of national significance.

THE LATE HONORABLE JOSEPH RESNICK

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BOGGS. Mr. Speaker, permit me to join my colleagues on both sides of the aisle in paying tribute to the memory of former colleague Joe Resnick, of New York, whose sudden and untimely passing leaves us all deeply saddened.

Joe Resnick came to the 89th Congress in 1965 and left in 1968. In the 4 years that he served here, he made his presence felt throughout this Chamber through the force of his intellect, the power and warmth of his personality, and his determination to serve his people to the best of his ability.

In his first term in Congress, Joe Resnick played a vital role in passing the historic legislation that makes the 89th Congress a high-water mark in American history.

All of us are richer for having known and worked with him. Though he served only two terms in Congress, his example of a dedicated, hard-working Congressman will be remembered long after all of us are gone.

Mrs. Boggs and I have lost a friend. Together, we express our deep sense of loss to Mrs. Resnick and their four children.

THE LATE HONORABLE JOSEPH Y. RESNICK

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. DULSKI. Mr. Speaker, I want to join my colleague from New York (Mr. WOLFF) in expressing my shock and my sorrow at the untimely death of our former colleague here in the House, the late Honorable Joseph Y. Resnick.

Joe Resnick was a fine legislator. He was fearless in dealing with causes which he felt were right. For example, when he could not get official action in areas he felt needed attention, he did not hesitate to launch his own unofficial hearings to air the controversy.

His tenure in Congress was too short. He made a strong bid for a seat in the U.S. Senate last year, but lost out in a bitter three-way race.

Joe Resnick earned high respect among his colleagues, especially those who entered Congress with him in 1965. He was as industrious as a legislator as he was in his business life where he built a prosperous electronic business in cooperation with two brothers.

He was with us in Congress—and in life—too short a time. Our Nation needs Joe Resnicks. We all miss him.

Mr. Speaker, in connection with my remarks I am including the text of the obituary on Mr. Resnick which appeared in a Washington newspaper:

[From the Washington (D.C.) Star, Oct. 7, 1969]

EX-REP. RESNICK DIES; ELECTRONICS EXPERT

Former Rep. Joseph Y. Resnick, 44, of Ellenville, N.Y., who made a fortune in the electronics field, died yesterday of a heart attack while in Las Vegas on a business trip.

Mr. Resnick, elected to the House in 1964 was the first Democrat in recent history to win a congressional seat from his central Hudson Valley district.

He dropped out of the House a year ago to run for the U.S. Senate, but lost his party's nomination to Paul O'Dwyer, a Vietnam dove, in a bitter three-way race that also included Eugene H. Nickerson, the Nassau County executive.

A strong supporter of the Johnson administration's Vietnam policy, Mr. Resnick earned the reputation of a "hawk" in the senate race.

DEVELOPED BUSINESS

Mr. Resnick and his brothers Harry and Louis started Channel Master Corp. in 1947 to manufacture a pre-assembled television antenna. The business developed from a $7,000 operation in an Ellenville barn to a corporation with 1,000 employes and sales of $45 million a year.

Mr. Resnick held several patents for electronic devices, including the one for the first preassembled television antenna, which he conceived while installing unwieldly antennas on roofs during cold weather.

The Channel Master Corp. now makes transistor radios and televisions sets, and is engaged in plastic research.

Mr. Resnick was born in Ellenville, the son of a poor Russian immigrant. Before being elected to the House, the only political experience he had was a successful race for the Ellenville school board.

He won relection to the House in 1966, and during his second term took up the cause of Lt. Cmdr. Marcus A. Arnheiter who was removed as commander of the U.S. destroyer Vance on charge of irregularities.

Mr. Resnick held three days of unofficial hearings and called for the resignation of Paul R. Ignatius as Secretary of the Navy.

ATTACKED FARM BUREAU

His best known campaign in Congress was against the American Farm Bureau Federation. Mr. Resnick repeatedly attacked the organization's tax exempt status, noting the Farm Bureau was in several profit-making ventures, including the sale of insurance policies.

Congressional investigations of the Farm Bureau were promised by several of Mr. Resnick's colleagues, but no major action was ever taken.

Mr. Resnick defeated incumbent Rep. J. Earnest Wharton, a Republican during the 1964 Johnson landslide. In 1966 he defeated Hamilton Fish Jr. Fish won Mr. Resnick's seat in 1968.

Mr. Resnick is survived by his wife, Ruth, and four children Jeffery, Todd, David and Debbie, his two brothers, all of Ellenville, and two sisters.

Services will be tomorrow in Ellenville, with burial in Ezrath Israel Cemetery in Warsing, N.Y.

THOMAS P. REILLY: DEDICATED LAW ENFORCER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BIAGGI. Mr. Speaker, I was recently notified by the executive secretary for the New York State Association of Chiefs of Police of the tragic events which occurred on the evening of September 8, 1969, resulting in the deaths of a police patrolman—that same evening—and of the newly elected association president, Chief Thomas P. Reilly, on September 13.

Reading this report brought to mind the great many similar statements I read during my more than 20 years as a law-enforcement officer. In each case then—as in the present case—a great sadness rests within me. At this point in the RECORD I would like to commend this report to the attention of my colleagues:

On Monday evening, September 8, 1969 at approximately 9:30 in the evening a report was received by Oneida Police Department describing the car and a description of the driver of the car who had just held up a gas station in Canastota with the use of a fire arm. The Village of Canastota, City of Sherrill, and the City of Oneida are on a radio net together and in a few moments Sherrill Patrolman, Robert Mumford radioed that he had a suspect in custody. The suspect was stopped about one thousand feet from President Reilly's home, and he immediately went to the aid of his patrolman. At the same time, two patrol cars from the City of Oneida and a patrol car from the Village of Canastota with the complainant in the car proceeded to the site in Sherrill where the suspect was being detained. I also drove towards Sherrill in an effort to give any assistance to President Reilly that I could. President Reilly and I were in radio contact and he advised me not to take unnecessary chances, that the suspect had identified himself with his registration, operator's license and credit cards, and that he was very cooperative and was under control. Suddenly, President Reilly radioed back that he and Patrolman Mumford had been shot and the suspect was heading East. The suspect, according to President Reilly, was standing with his back towards President Reilly, facing Patrolman Mumford and was about three feet distant from President Reilly when he suddenly whirled with a gun in his hand and told the president to put his hands up. President Reilly reached for the suspect and the suspect shot him in the chest and in the same instance grabbed Reilly's gun from his holster emptying the gun as he whirled and fired three shots from a .38 revolver at Patrolman Mumford, one bullet entering Mumford's body just below the heart and spun around the rib cage destroying his pancreas, his liver, his lung and cutting the large intestine. President Reilly tried to crawl towards his car to summon radio help and was shot twice while he was on the ground. On bullet entering his left arm causing a compound fracture of the bone near the shoulder and the second bullet entering the right abdomen which cut an eight inch gash in the large bowel and cut the colon.

Patrolman Mumford died later that night and at this writing, President Reilly is still considered to be in critical condition. His condition is neither improved nor deteriorated since he was wounded. The Doctor tells us that each day increases his chances of recovery. I was allowed to see him last night for two minutes.

When I arrived at the scene of the shooting, and I believe I was the first one there, Chief Reilly's concern was not for himself, but for the quick medical aid for his Patrolman and to make sure that I had the description, name, registration and credit card of his assailant. President Reilly lived up to every tradition of the New York State Association of Chiefs of Police and that of a good police officer and did it without regard for himself or any fear. May God let him live so that he can lead us for the remainder of the year as our President and remain with us for many years.

September 14, 1969—It is with deep regret that I announce the death of President Thomas P. Reilly. He suffered a cardiac arrest on September 13, 1969.

Mr. Speaker, I extend my deepest sympathy to his family for the great loss they have suffered.

POP FESTIVALS—NOT THE HARMLESS DIVERSIONS CLAIMED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HUNT. Mr. Speaker, we may all recall the news accounts in mid-August of the Woodstock Music and Art Fair, characterized as a gathering of "beautiful" people whose peaceful conduct was

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only surpassed by the utopian aura surrounding the entire collection of some 400,000 adherents to the cult of ignorant bliss. Of course, in this light, any incidents of unlawful conduct were muted, because in such a paradise, law represents nothing more than the provocation of violence.

At the risk of offending the sensitivities of some who have hailed these festivals of recent months as islands of paradise, I call the attention of my colleagues to the police reports of the Atlantic City Pop Festival, preceding the Woodstock Festival by 2 weeks. Among a crowd, estimated to number about 160,000, the record shows that within a 3-day period there were 229 general police investigations, 32 arrests for narcotics, lewdness and disorderly conduct, six arrests for drinking while driving, 34 traffic complaints, 19 motor vehicle accidents of which one was fatal, and nearly $45,000 in stolen property. In addition, 247 persons were treated at local hospitals, 53 for use of narcotics and other drugs.

In the August 1969 issue of the Triangle, the official publication of the New Jersey State Police, the prevention of a major disorder was attributed to the visible presence of an adequate number of law enforcement officers. Some may dispute this, but recent history is permeated with strong evidence that, unfettered by any semblance of order, people will destroy not only themselves, but anything within their reach. I submit the observation that within this decade, defiance of the law and the permissiveness of public authorities in tolerating lawlessness in the first instance are perhaps our major social problem, the effects of which hinder the achievement of every other social objective, however meritorious. I am sure it disturbs our constituencies to think that mass gatherings, in some instances, have been given virtual immunity from the law while this same law punishes those who exceed its limitations in individual actions.

I include the full text of the Triangle's account of the Atlantic City Pop Festival, not the harmless type of diversion which many have claimed:

The hirsute, the hip, the hangers-on and the ardent devotees of rock music by the thousands made the trip to Atlantic City on Friday August 1, for a deafening three days at the Atlantic City Pop Festival and a tribal gathering of the New Generation.

Early arrivals began camping out on grounds, on and adjacent to the (Atlantic City Race Track), in established campgrounds and private lots that had been turned into campgrounds by the owners.

A 211-man State Police detail, under the direct supervision of Captain John Carpani, was used for policing the perimeter of the Atlantic City Race Course. Security at the track was provided by 100 guards hired for the duration of the festival by the promotera.

A large contingent of Division manpower was visible throughout the three days and presumed responsible for preventing any civil disturbance such as rock throwing, gate crashing, personal injury, and destruction of property which marred the recent gatherings in Newport, Denver and Los Angeles.

Even without the violence, there was no preventing the major traffic problem, filth and debris that usually accompanies this form of invasion. Anyone who might think that pop festivals are harmless diversions should be reminded of the following police activities: 229 general police investigations; 32 arrests for narcotics, lewdness and disorderly conduct; 6 arrests for drinking driving; 34 traffic complaints; 19 motor vehicle accidents (one fatal); 139 motor vehicle summonses; 186 dismounted posts; and nearly $45,000 in stolen property reported ($3,758 was recovered).

During the three days, 247 persons were treated at local hospitals for illness or injury—53 for the use of narcotics and other drugs.

At the conclusion of the festival, there was 114,100 paid attendance reported. However, it was estimated that 160,000 persons were in and around the track during the three day period.

WILLY BRANDT: NEW LEADER FOR GERMANY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. FRASER. Mr. Speaker, last week there was an unfounded attack on the new head of government of West Germany, Willy Brandt, appearing in these pages.

I think a much more balanced view is included in Time magazine for October 10, 1969. With unanimous consent I enter it at this point in the RECORD:

WEST GERMANY: OUTCASTS AT THE HELM

Bismarck barred them from political life, and Kaiser Wilhelm scourged them as an unpatriotic rabble. Konrad Adenaur, who presided over the rebirth of West Germany, dismissed them as unfit to govern, and for years millions of his countrymen agreed. Last week, in the wake of one of the closest elections in the 20-year history of the Federal Republic, the Social Democrats, long the outcasts of German politics, prepared to take power. Unless the coalition carefully pasted together with the Free Democrats suddenly comes unstuck, Willy Brandt will be sworn in as the Chancellor of West Germany on Oct. 21, thus becoming the first Socialist to lead a German government since 1930.

This was an election that could easily have earned Germany new notoriety in the international community. The right-wing National Democrats of Adolph ("Bubi") von Thadden might have won 5% of the national vote and thereby earned the right to sit in the Bundestag (parliament); in that case, fears of renascent Nazism would have chilled much of the world. As it turned out, the National Democrats were able to draw only 4.3%. Far from becoming a black mark against West Germany's name, the election turned into what could well prove a historic turning point.

It was Brandt's own daring as much as the actual election results that brought the Socialists to the brink of power. Neither of the two major parties won an outright majority. The long dominant Christian Democrats, who had promised "no experiments," remained the largest party, with 15.2 million votes or 46.1% of the total—a 1.5% decline from the last election in 1965. The Socialists, who pledged to "Build the Modern Germany," won 14 million votes, increasing their 1965 percentage by 3.4% and capturing 42.7% of the electorate. Ironically, the party that ended up holding the balance of power was the one that had lost the most: the Free Democrats, an unlikely assortment of conservative and far-left liberals, had lost 19 of their 49 seats in the Bundestag, and their share of the total vote dropped from 9.5% in 1965 to a mere 5.8%—just above the 5% required for representation in the Bundestag. After three days of intense negotiations, the Free Democrats, who are led by Walter Scheel, threw their slight but decisive weight behind Brandt. At week's end the onetime outcast of West German politics informed President Gustav Heinemann that he was prepared to form a government in coalition with the Free Democrats and rule the Federal Republic.

CONSIGNED TO THE PAST

It was an auspicious moment for a party that not too long ago seemed irretrievably locked into the role of the opposition, unable to break its blue-collar mold and incapable of attracting much more than one-third of the voters. Throughout the country there was a deep and exciting awareness that a watershed had been reached. After 20 years of uninterrupted rule Chancellor Kurt Kiesinger's Christian Democrats prepared to take their places on the opposition benches. Said the conservative *Bayern Kurier:* "The political generation of postwar times finally belongs to the past."

Not unlike the Democrats and Republicans, Germany's two major parties share many fundamental beliefs, including a firm commitment to NATO and a desire for British entry into the Common Market. But in style as well as substance, there are important differences. While the Christian Democrats are older and more cautious, the Social Democrats emphasize youth and a flair for innovation. While the Germany of Adenauer, Ludwig Erhard and Kiesinger was a reliable if overly dependent partner of the West, Brandt's Socialists are certain to be more assertive and fluid, especially in foreign relations.

In an effort to ease the tensions that have contorted Central Europe since the end of World War II they are committed to launch bold new initiatives toward the Soviet Union and its East European allies. At home, the Socialists promised to bring an innovative approach to problems of university reform, youthful unrest and individual rights. Among their first acts is likely to be an upward revaluation of the muscular German mark, probably fixing its price around the 26.5¢ level to which it has floated since it was cut loose from its old 25¢ price the day after the election (*see* BUSINESS). Also expected swiftly is ratification of the nuclear non-proliferation treaty—a move that could persuade several smaller, weaker countries to sign the document.

A change of power was bound to be beneficial for West Germans. Twenty years in office is a long time for any party, especially in Germany, with its authoritarian heritage. Furthermore, West Germany has lacked an effective political opposition since the Socialists joined Chancellor Kurt Kiesinger's Grand Coalition three years ago

There were also risks. Willy Brandt's partnership with the Free Democrats might prove precarious from a practical standpoint because the Free Democrats are a schizophrenic party. It was formed in 1948, composed largely of business and professional men who found the C.D.U. too "black" or Catholic and the S.P.D. too "red" or socialistic. At first the F.D.P. was dominated by a rightwing of naysayers—businessmen who thought there was too much welfare spending. Protestants wary of the C.D.U.'s heavy Catholic influence, nationalists who felt Bonn was too pro-American. Scheel belonged to the Free Democrats' younger left wing, and when he took over 21 months ago, he set about transforming party policy from right of the C.D.U. to left of the S.P.D. on a number of important issues. Since there are are still conservatives in his party that resent the leftward move, the party could conceivably break apart under the strain of government and leave Brandt

stranded without a majority in the Bundestag.

There is some question whether Brandt will make a good Chancellor. Reserved and thin-skinned, Brandt may find the perpetual pummeling that high office brings unbearable. Furthermore, his own past—his illegitimate birth, his "defection" from Nazi Germany and acceptance of Norwegian citizenship—turns many Germans from him. Those very credentials, however, enable him to speak far more candidly about Germany's past than Kiesinger, who had been a Nazi official. As mayor of West Berlin and later as Vice Chancellor and Foreign Minister in the Grand Coalition, Brandt performed admirably. In Berlin, he cooly faced down the Soviets during the 1959 crisis, when Nikita Khrushchev threatened the city's links to the West. As Bonn's foreign policy expert since 1966, he began an *Ostpolitik* diplomacy, seeking new amity with the East that his government is certain to emphasize with new vigor.

LITTLE COALITION

Seldom has such a momentous political change been caused by such a small shift in the vote. As the first returns trickled in, computers forecast that the Christian Democrats would make a strong showing. The outcome seemed so certain that in the early evening President Nixon sent a congratulatory message via the Washington-Bonn "hot-line" teletype to Chancellor Kurt Kiesinger.

Later, as the trend changed by mere fractions of points, the C.D.U.'s lead dwindled until it was left with 242 seats, seven short of a majority in the 496-seat Bundestag. Together, the Socialists with 224 seats and the Free Democrats with 30 held a margin of twelve seats over the C.D.U. Earlier, Brandt had declared that he would need a majority of 13 to 30 seats to put together a coalition with the Free Democrats. The moment he caught a whiff of power, however, he lowered his sights. Surrounded by a dozen close colleagues in Bonn's drab Socialist headquarters, which are aptly called "the Barracks," Brandt announced just before midnight: "I'll do it, even if we have only a majority of two." With that, he telephoned the Free Democrats' Walter Scheel to ask if he were interested in trying to form a coalition.

Brandt offered Scheel the foreign ministry, plus two middle-level posts (interior and agriculture) in the 15-member Cabinet. Belatedly, the C.D.U. weighed in with an even more generous offer, including both the foreign and finance ministries. Said one Free Democrat: "The C.D.U. is willing to give us everything but the chancellorship." Too late. In a party caucus, the Socialists unanimously voted for the "Little Coalition" with the Free Democrats. With three members abstaining, the Free Democrats also endorsed the union. According to the present schedule, President Heinemann will nominate Brandt as Chancellor on Oct. 19, the Bundestag will vote on the proposal two days later, and if he wins the election, Brandt will be formally installed the same day.

Manfully, the Christian Democrats insisted that it might not be so bad, after all, to play the role of the opposition against a shaky coalition. As the largest party, the Christian Democrats will have a tight grip on the many key committees; they also will be able to delay and block legislation in the Bundesrat (upper house), where they still command a 21-to-20 majority.

WORTH THE RISK

After an initial period of indecision, Kiesinger decided that he would direct the opposition in the Bundestag himself. But the C.D.U. leaders were also confronted with some fundamental decisions about the party's direction. There will be a chorus of voices, probably led by Bavarian Party Chief Franz-Josef Strauss, favoring a move toward the right to attract those who may desert the defeated National Democrats. There are certain to be strong tugs in the other direction as well to keep the party in the middle of Germany's political spectrum. The Christian Democrats will not only have to resolve those conflicting pressures but also to produce new faces and more attractive ideas. A promise to preserve the status quo is no longer an appealing platform.

For Brandt, the swift move to snatch the chancellorship from the C.D.U. is obviously the gamble of his career. In the unlikely event that the Free Democrats do not hold to their bargain, his action in hastily forming a government will appear overeager and precipitous. Once in power, he will still face severe problems of operating with a narrow majority. There is also the possibility that the Christian Democrats may try to induce defections among the Free Democrats who belong to the conservative wing of the party. Brandt is betting that the Socialists will do so well in office that even if the Free Democrats should defect after a year or so, he could call new elections and win a substantial margin of seats. In any event, to Brandt it is worth the gamble if it means the Socialists can once again hold the power that has so often eluded them.

German socialism is rooted in the French Revolution, the dialectics of Hegel and the philosophy of Karl Marx, who as a German exile in London took a special interest in the activities of his brethren in the homeland. The party itself was not formally founded, however, until 1869, when the German Workers Party was born in Eisenach.

Power did not come easily to the Socialists. Though they are Germany's oldest political party, until now they have been in power for only two brief periods during the 100 years of their existence. As advocates of internationalism, democracy, a distinct separation between church and state and improved social conditions, the Socialists naturally aroused deep suspicions in the monarchical, clerical, nationalistic Germany of the 19th century. "For me, every Social Democrat is an enemy of the Realm and of the Fatherland," declared Kaiser Wilhelm II. "That party, which dares to attack the foundations of the state, which revolts against religion and does not even stop at the person of the Almighty Rule, must be crushed."

Instead, the Socialists helped crush the Kaiser by leading the revolution that broke out in the closing days of World War I. When the Weimar Republic was established in 1919, the first government was led by the Socialists, who ruled for two years. It was a dubious honor. Socialist Foreign Minister Hermann Müller was obliged to sign the harsh Versailles Treaty, putting the onus of Germany's defeat on the party that many nationalists already blamed for stabbing the country in the back by calling for the overthrow of the monarchy while the war was still going on. In 1928, another Socialist-led government took power. But Germany, beset by inflation and plagued by increasing political violence, proved ungovernable. After the Socialists resigned over cuts in unemployment insurance in 1930, the Weimar Republic fell increasingly under the power of the Socialists' enemies—the brownshirted Nazis of Adolf Hitler.

STREET FIGHTER

The rivalry between the Nazis and Socialists spilled over into bloody street battles that erupted all over Germany. In the Baltic seaport of Lübeck, the Nazis met a tough opponent in a husky, square-jawed youth named Herbert Karl Frahm, a member of the Socialist youth club. The son of an unmarried shopgirl whose lover had deserted her before the child's birth, Herbert Karl and his mother lived as boarders in the home of a chauffeur whose own wife had little patience with the child. Perhaps to compensate for his unhappy circumstances, the boy excelled at school, winning a scholarship to the Lübeck gymnasium, and developed an abiding interest in politics. Because of his lower-class origins, his inclination was instinctively socialist. "Social responsibility and a sense of justice are probably rooted more deeply when they are based on personal experience," he once said. He soon attracted the attention of one of Germany's most influential Socialists, Julius Leber, who represented Lübeck in the Reichstag. Leber encouraged the gifted youngster to write articles for the local party newspaper, which he did under the pen name Willy Brandt. As Brandt later wrote: "I had grown up without a father; there was an emptiness in my life. Leber filled it."

In 1933, only a few days after Hitler had seized power, Julius Leber was beaten by Nazi storm troopers and put under arrest. His young protégé helped organize a protest rally. Then, in danger of arrest by the newly formed Gestapo (secret police), the 19-year-old youngster hopped aboard a fishing boat in Lübeck and made his way to Norway. When the Germans invaded Norway in 1940, Brandt put on a Norwegian soldier's uniform in an attempt to evade detection by the Gestapo, who would have arrested him for his resistance connections. The ruse worked, and after a four-week internment as a prisoner of war, Brandt was released as harmless. He quickly made his way by auto and foot across Norway to neutral Sweden, where he later was joined by his Norwegian wife, Karlota. While in Stockholm, Brandt learned that Julius Leber had been executed as one of the conspirators in the plot to kill Hitler and end the war.

THE OTHER GERMANS

After Germany's defeat, Brandt, who by then had become a Norwegian citizen, returned to his shattered former homeland to cover the war-crime trials at Nürnberg for Scandinavian papers. While reporting on the trials, Brandt wrote a thoughtful book entitled *Criminals and Other Germans,* in which he pointed out that while the guilty Nazis should be punished, there also were decent Germans who could be counted on to build a democratic nation.

In late 1946, Brandt arrived in Berlin as a Norwegian major assigned to liaison work with the Four Power Control Commission that was run by Britain, France, the Soviet Union and the U.S. As a member of the occupying force, Brandt enjoyed privileges and comforts of the victors, but he felt a growing obligation toward Germany.

A major influence on him was Ernst Reuter, a Socialist professor who had returned from exile in Turkey. Reuter was leading the struggle in Berlin against Russian attempts to force the Socialists to join the Communists in a single party. At the end of 1947, Brandt became a German citizen again, explaining to his Scandinavian friends: "It is better to be the only democrat in Germany than one of many in Norway or another country where everyone understands democracy."

As the rivalry between the U.S. and Russia deepened, Berlin, 110 miles behind the Iron Curtain, became the principal tension point. As an aide to Reuter, who had been elected mayor, Brandt was in the front trench of the Cold War. In 1949, after the Allied airlift and the resistance of West Berliners had forced the Soviets to lift their 332-day blockade of the city, Brandt became West Berlin's representative to Bonn, where a new West German government was being formed. Though the Socialists felt they deserved to lead the new Germany, they won only 29.2% of the vote in the first national election. As a result, the newly formed Christian Democratic Union, led by Konrad Adenauer, came to power with the margin of a single vote in the Bundestag.

Adenauer's Christian Democrats steered West Germany into a close alliance with the West and presided over the great economic boom—the *Wirtschaftswunder*—that brought

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unparalleled prosperity to the country. The Socialists meanwhile remained locked in the "30% ghetto," unable to broaden their support beyond workers and left-wing intellectuals. The Socialists' leader, Dr. Kurt Schumacher, was strangely out of tune with the political realities of West Germany. He favored neutrality at a time when West Germans wanted the Western Allies to protect them from the Russians; he called for a tightly controlled economy at a time when Germany was just emerging from the tightly centralized direction of the Nazi period. At a time of great social flux, Schumacher retained the party's unfortunate old image of proletarians who were not *salonfähig*—fit to be brought into the parlor.

DUMPING MARX

Willy Brandt also felt locked into a more personal ghetto. Though the Socialists ruled West Berlin, the fact that he was not a native Berliner handicapped his rise within the party. As he turned 40, Brandt was an extremely frustrated man. Then, in the course of one night in 1956, Brandt became the hero of West Berlin. The occasion was a protest rally in West Berlin against the Soviet suppression of Hungary. A crowd of nearly 100,000 West Berliners was headed toward the Soviet sector of Berlin at Brandenburg Gate, crying "Russians, get out!" Brandt commandeered a sound truck and managed to divert most of the marchers to the memorial for the victims of Communist tyranny, far back from the sector borders. But even as Brandt addressed the crowd, word came that a small breakaway group had pushed through police lines near the gate and was advancing toward the East German guards. Rushing to the scene, Brandt averted a certain blood bath by persuading the column to turn back. His plucky courage impressed even the self-assured Berliners, to whom he suddenly became *"unser Willy"*—our Willy. The following year Brandt was elected governing mayor of West Berlin.

Brandt's victory coincided with a changing mood within the Socialist Party in West Germany. Restless Socialists, less interested in rigid dogmas than a chance to get into the parlor, demanded a change. Under the guidance of Herbert Wehner, an irascible former Communist who is the party's chief strategist, the Socialists at a crucial meeting at Bad Godesberg in 1959 dumped their Marxist ballast and sought to transform themselves from a party of the workers into one of the people. Instead of the old dogma about class warfare and the rule of the proletariat, the Socialists endorsed a mixed economy, the profit motive, parliamentary democracy and a close military alliance with the West. They even settled their old feud with the church. "Socialism," proclaimed the Bad Godesberg platform, "is not a substitute for religion."

Brandt became the standard-bearer for the revitalized party. In the 1961 elections, he waged a U.S.-style campaign, stomping the country and pumping hands, that raised the S.P.D. share of the vote to 36.2%. In 1965, the Socialists' showing rose to 39.3%, but the C.D.U. remained in power under Ludwig Erhard as Chancellor. It was Brandt's second straight defeat, and once again his party had failed to break through the 40% barrier. Discouraged, Brandt went into a personal decline, marked by long periods of introspection. Observers revived his old nickname, *"Weinbrand Willy,"* because of his liking for brandy. During this period he collected a series of essays under the title *Draussen* (Outside). He had no idea how close he was to the inside.

In late 1966, in a protest against tax hikes, the Free Democrats suddenly resigned as partners in Erhard's coalition Cabinet. For five weeks, West Germany drifted without an effective government, while Socialist Strategist Wehner pondered a dilemma: Should the S.P.D., out of power for 36 years, seek a coalition with the unpredictable Free Democrats and risk making a mess of things? Or should it bide its time and join a C.D.U.-led Grand Coalition to show voters that they were capable of governing the country? Wehner chose the second course, and the experiment turned out to be a success.

In the Grand Coalition, the nine Socialist Ministers (out of 19) were the stars of the government. Socialist Economics Minister Karl Schiller guided West Germany out of its economic slump; Transportation Minister Georg Leber (no relation to Julius) began unclogging Western Germany's *Autobahnen* by forcing freight off the roads and back onto the deficit-ridden rails. Foreign Minister Brandt conducted an imaginative eastward-looking policy. Meanwhile the Free Democrats were moving away from conservative policies and closer to those of the Socialists. Last March, Socialist and Free Democrat members of the Bundestag joined forces to elect Gustav Heinemann as the first Socialist head of state in the 20-year history of the Federal Republic. It was a harbinger of things to come.

The Free Democrats' Scheel began to consider the possibility of a more lasting alliance with the Socialists. Engaging and affable ("I'm a court jester, just a king's fool"), Scheel is nonetheless considered to be a skillful politician, who, as Foreign Minister, will bring a light and sensitive touch to German diplomacy.

METAPHYSICAL "LEDERHOSEN"

Last week's pattern of voting buttressed the Socialists' optimism. In a country whose population is steadily growing younger, increasingly affluent and more urbanized, they outdrew the Christian Democrats handily among first-time voters, well-paid workers and city dwellers. They made inroads into the Catholic vote and the female vote, two blocs usually overwhelmingly loyal to the C.D.U. In the Bonn area, the Socialists scored an 8.6% increase, a testimonial that the government employees like to work for them.

Much of the credit for the electoral gains belongs to the team around Brandt. In pre-election polls, Brandt trailed both Kiesinger and his own Economics Minister Karl Schiller, who emerged as West Germany's popular politician. But Socialist publicists wisely played up the theme, "we have the right men."

A striking feature of Brand't team is its relative youth in a land where *"Opa"*—grandpa—was long presumed to know best. Ever since the trauma of the Nazi atrocities and World War II, Germans have shouldered a heavy burden of guilt—their "cartel of anxiety," as they refer to it. But today, two-thirds of the men and half of the women among West Germany's 61 million people are under 40 and had little or nothing to do with the war. If many of them are "Hitler's children," born during his rule, the Führer would surely disown them. They are painfully aware of their country's Nazi past; two years ago, a public opinion poll showed that 60% of those between the ages of 16 and 29 would rather live in another country.

A similar poll conducted today might show that many more would be willing to stay at home and work at changing the country. To be sure, there are free love communes in West Berlin, pot-smokers and hippies in most large cities, but the mood of the young is, by and large, activist. Significantly, Nobel prize-winning Novelist Hermann Hesse no longer exerts a strong pull on young West Germans. To them, Hesse's romantic mystique of the outsider and his preoccupation with passive Oriental philosophies has about it what British Critic D. J. Enright calls "the smell of metaphysical *Lederhosen.*" Hesse's appeal is largely to those racked by uncertainty and disillusion, which explains his vogue on U.S. campuses, and, in the early postwar period, among Germany's youth.

Opinion surveys show that the majority of students are willing to accept the existence of East Germany as a separate state and to write off the territory beyond the Oder-Neisse line. German students have a deep revulsion to anything that reminds them of Hitler—and that sometimes includes their own parents. At the same time, students who only a few years ago looked to the U.S. as a model are now somewhat disenchanted, largely because of the Viet Nam war and U.S. racial disturbances. German students are also strongly antimilitaristic, a fact that will probably prompt the Socialists to cut the tour of duty for draftees from 18 months to 15; at present, 200,000 German youths between 19 and 24 are conscripted each year.

Old habits do not vanish overnight, however, and discipline is still next to godliness in the eyes of many Germans. According to one well-known barb, Germans obey the law because it's against the law not to do so. Yet there are signs that even in Germany, discipline is giving way to what Sociologist Ralf Dahrendorf, who also happens to be the Free Democrats' leading thinker, calls "the individual search for happiness by people freed of the fetters of tradition and thrown into the affluent society." Writes Dahrendorf in *Society and Democracy in Germany:*

"Discipline, orderliness, subservience, cleanliness, industriousness, precision, and all the other virtues ascribed by many to the Germans as an echo of past splender have already given way to a much less rigid set of values, among which economic success, a high income, the holiday trip, and the new car play a much larger part than the virtues of the past. Younger people especially display little of the much praised and much scorned respect for authority, and less of the disciplined virtues that for their fathers were allegedly sacred. A world of highly individual values has emerged, which puts the experienced happiness of the individual in first place and increasingly lets the so-called whole slip from sight."

THE NEWEST WAVE

At the same time, more and more Germans seem willing to take an active role in shaping their surroundings. Emulating the questioning, self-critical approach of youth, Germans are beginning to examine their institutions and seek to run them. Parents, once the silent partners of the German Parent-Teacher Associations, demand a voice in how the schools are run. Churchgoers want a say in the allocation of the vast West German church tax resources and even in the selection of priests and higher church officials. Journalists seek the right to participate in the shaping of editorial policy. Germany finally seems to be developing what Novelist Günter Grass calls "voter initiative," a long step toward developing a true participatory democracy.

Recently the Germans have also begun to take a much more objective view of themselves. In the 1950s, according to opinion surveys, only 32% of them felt that their country alone was responsible for the war; now fully 62% believe that the blame was Germany's, a view more in line with the opinion of the rest of the world. In the 1950s, a majority of Germans felt that their image abroad was bad because foreigners were envious of Germany; now they concede that it might be because Germans have some negative characteristics and still have an abominable past to live down.

Even more striking perhaps than the restless mood of youth and the gradual erosion of traditional authority is that enduring

wonder, the German economy, which continues to pour forth much of the world's most sought after goods. There are more jobs than workers to fill them. Unemployment in West Germany is a scant one-half of 1% in a labor force of 26.3 million, and 1,400,000 foreign workers, mostly from the Mediterranean countries, have been imported.

As befits Teutonic efficiency, West Germans enjoy the world's most perfect color TV, and some the most incisive documentaries shown anywhere. In the past few years, however, the German literary scene has become less lively. Günter Grass's latest book, *Örtlich Betäubt* (roughly translated as Locally Anesthetized) is only a faint echo of *Tin Drum;* Uwe Johnson and Helmut Kirst have not published for several years. It may be that the wartime themes, the grist for German novels for the past 25 years, are beginning to pale. The best-received plays come from Vienna's experimental theaters. But the Stuttgart Ballet may be the world's most exciting dance group, and the German classical theater and opera remain first-rate.

In each successive phase in Germany's postwar development, the country has been seized by a different craze. First the hungry Germans gorged themselves in the *Fresswelle* (eating wave), then took to wheels in the *Vespawelle* (motorscooter wave) that was followed by the *Autowelle* (auto buying). Next came the *Wohnungswelle* (home buying) and *Reisewelle* (traveling). Now Germans are inundated by the *Sexwelle.*

Naked girls adorn just about every magazine cover. Under the guise of adult sex education, film makers are cranking out movies with such titles as *Your Wife, the Unknown Creature,* in which live models demonstrate an astonishing variety of positions for intercourse, while a narrator (naturally a *Herr Doktor*) supplies clinical comments. Beate Uhse's sex boutiques in eleven cities offer all manner of sexual paraphernalia. Complains one Austrian, who deplores the Germanic lack of spontaneity: "There is a certain plodding quality in the German approach to sex. Boom. Boom. Boom. Now we have discovered sex and we will conquer it." Some Germans claim to see in the *Sexwelle* a new desire for Germany to place individual happiness ahead of duty to state or community.

PRIORITIES AND POLICIES

In this atmosphere, Brandt will seek to prove—even more conclusively than it was proved in the Grand Coalition—that his Socialists are eminently *regierungsfähig,* or able to govern.

And what of Brandt's own ability? He hardly fits the old steretoype of the super-efficient German. Though he usually struggles into his office by 9:00 a.m., he hates to get up and must be handled gingerly until he has had coffee and the first of the 40 or so Attache cigarillos he smokes each day. "The man is useless until noon," says one of his aides. A night creature, Brandt grows more animated as the hour grows later.

During the campaign, his early-afternoon speeches were wooden and broken; by 4 p.m., they were more coherent but still lacked vibrance; by 8, he was witty and forceful, holding the audience in his spell while tossing off withering asides to hostile hecklers. After that, while throwing back glasses of Benedictine and brandy, he often talked with local politicians and swapped political jokes with newsmen until 3 a.m. One of Brandt's favorites: After the Soviet-Czechoslovak summit confrontation at Cierna last summer, Soviet Party Boss Leonid Brezhnev turns to Premier Aleksei Kosygin and asks: "Did you see that beautiful watch Svoboda was wearing?" "No," replies Kosygin. "Let me see it."

Brandt has been attacked by conservatives for the permissive attitude he and his second wife Rut show toward their two hippie sons. Peter, 21, was arrested last year for participation in a riot, sentenced to a $50 fine and a four-week suspended jail term. Lars, 18, whose blond hair almost reaches his shoulders, said last week that even though he considers himself a member of A.P.O. (the far-left Anti-Parliamentary Opposition), he favored his father's coalition. But he expressed serious reservations about having to move from the Brandt home in Venusberg to Bonn's Palais Schaumburg, the residence of German Chancellors.

Vater Brandt has no such reservations. Once in the Palais, he can be expected to deal immediately with mark revaluation and the signing of the nuclear non-proliferation pact (which Kiesinger resisted on the ground that it could leave Germany at a disadvantage in peaceful nuclear research). Brandt's main task will be to look eastward. He and Scheel are agreed on an approach to East Germany, which the Christian Democrats preferred to pretend did not exist. In hopes of easing the economic lot of the people in the East, Brandt aims to stop short of full diplomatic recognition but to seek closer travel and communications links and trade opportunities with the East Germans.

Brandt also harbors grander schemes for Europe that would break down the barriers between the East and West blocs. While some critics feel he is overly optimistic, he wants to accept the Soviet proposal for a European security conference, provided the U.S. would be invited to attend. He would be prepared to renounce Germany's claim to its lost territories that comprise some 40,000 square miles in Poland, in order to wind up the business left over from World War II.

SOVIET CONSIDERATIONS

The question is, would the other side cooperate? The Soviets were rooting for a Brandt victory as the lesser of two evils in the election, and *Izvestia* called him "more realistic on certain foreign policy questions." Perhaps they might sign a mutually attractive trade deal or grant Lufthansa landing rights in Russia. But so far, it seems unlikely that the collective leadership of Brezhnev and Kosygin would agree to any far-reaching accommodation with West Germany. One reason the Soviets moved against Czechoslovakia was that Brandt had opened negotiations in Prague that might have led to diplomatic relation and Germany investments in Czechoslovak industry. Soviet diplomats subsequently warned Brandt's aides that they do not want the Germans poking around in Eastern Europe. Still, Brandt is not likely to give up easily. For years the Soviets have unfairly castigated West Germany as a haven of unrepentant Nazis. It is a charge Brandt and the West Germany that helped bring him to power are both singularly well qualified to refute.

Brandt's administration means, in fact, a new era in which the power in West Germany has largely passed to the untainted Germans—those who were too young to be accomplices in Hitler's crimes. When Brandt cries, "Twenty years is enough!", it is not so much a plea for absolution as a reminder that a new generation is arriving and should not be condemned in advance.

The Germany of this new generation will be somewhat different and perhaps a bit difficult for its old allies. Yet it may well be a Germany that is far more attractive than any of the earlier generations were able to make. In one of Helmut Kirst's novels about World War II, a German soldier in Russia expresses the hope that maybe some day there may even be a Germany that is fun to live in. With luck, Brandt's Germany could be that place.

HARD TO BELIEVE—BUT TRUE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. CLAY. Mr. Speaker, in this day of great national concern for the elimination of job discrimination against blacks, it is unbelievable, but true, that a black mayor would refuse to rectify blatant discrimination against black employees in an office under his control.

Even more reprehensible is the fact that Mayor Walter Washington of the District of Columbia, in his defense of racial discrimination, would resort to the antiquated cliches of bigots and racists.

In attempting to "whitewash" the case against a black employee, Mayor Washington may have served notice of his successful completion of the course in "white brainwashing" to which he has subjected himself in recent months. Apparently, he passed with honors.

I commend to the attention of my colleagues the following editorial from the Washington Afro-American of September 27, 1969:

MAYOR'S DISAPPOINTING STAND ON DISCRIMINATION COMPLAINT

The disappointment and outrage of several parties over the mayor's ruling in the case involving a housing inspector's complaint of discrimination is justified.

Mayor Walter E. Washington dismissed as baseless the charge of Joseph Watkins that he had been denied promotion because of prejudice in the D.C. Department of Licenses and Inspections.

The mayor's action was taken despite findings to the contrary by two reputable bodies, one of which was appointed by the mayor. Both the D.C. Human Relations Commission, then under the directorship of Mrs. Ruth Bates Harris and a three-member ad hoc committee established by Mayor Washington determined after hearings that the evidence "amply supports the charge of discrimination in promotion to vacancies as they occurred in the Housing Division since the inception of that division."

The mayor's refusal to confirm the findings of the investigators is all the more surprising in that he admits that the record statistically supports a past pattern of discrimination existed within the Department of Licenses and Inspections.

After making this concession, Mayor Washington makes the contradictory statement that it does not follow that there was any discrimination against Watkins or other non-whites in the department.

How can patterns of discrimination exist unless exclusion has been practiced against individuals in promotions and hiring? And wasn't Mr. Watkins one of these individuals?

The mayor asserts that conditions which may have impaired equal opportunity in the Dept. of Licenses and Inspections have been eliminated (this is another admission of past discrimination) with the departure of "responsible parties" and the agency is moving aggressively to insure equal employment and opportunity under the present director of the Department, Julian Dugas.

We understand the mayor's pride in singling out the progress made in the department under the leadership of Mr. Dugas, who is one of the mayor's appointees. But we do not think that the mayor should use any

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present day record of achievement to defend past inequities or even to suggest any new appointments or promotions counterbalance and offset what has been denied others.

The mayor's own committee, in a 3,600 page document reported these denials (AFRO, Sept. 20, 1969):

(1) Watkins, with an associate degree in sciences and advanced training with 14 years' experience in the Department received no promotion. At the time of the hearing (before the ad hoc committee), he was GS–8 by virtue of job upgradings. In the meanwhile, one Hobart Seese, a high school graduate, a retired military man, was promoted over Watkins and four other black employees with higher educational qualifications in September, 1967.

(2) As of July 16, 1967, there were 66 white employees in the Housing Division of L and I in grades GS–7 and above and 20 non-white employees in the Housing Division in grades GS–7 and above.

As for education, 69 percent of the white employees in GS–7 or above had only high school or less while 69.2 percent of non-white employees had some college or better education.

The record is studded with examples of individuals by name who were bypassed for promotion while whites advanced. The American Civil Liberties Union Fund, which provided legal services for Watkins, pointed out that evidence at the hearing showed that with a single exception of one black, every white employee who started service with Watkins has attained a GS–11 or better.

Thus, it is abundantly clear that black employees at the Department of Licenses and Inspections have been the victims of past discrimination. It has been just as obvious that the mayor, through his aides, has tried to rectify the situation but it seems to us, that one of the first steps in instituting justice is to see to it that those who have been the past victims of inequity be provided relief.

We are at loss to understand the mayor's attitude unless this statement issued by him provides a clue:

"I do not see in the record any basis for compensation to individuals because of alleged past discrimination. Furthermore, I have been advised that the District Government has no legal authority to make such payments."

Perhaps it was from fear that monetary judgment for the black employees would be sought (and maybe won from the District Government) for past Department wrongs that the mayor overrode the conclusions of the exhaustive hearings. We hope this consideration had no bearing on his ruling for what can be forgiven on principle will not be tolerated for expedience.

A TRIBUTE TO ANDREW G. LOHMAN

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HUTCHINSON. Mr. Speaker, in rural America we still occasionally find instances where one man, by his foresight, character, and leadership, molds the economic prosperity of an entire community. Such a man is Andrew G. Lohman, of Hamilton, Mich., who retired on September 30 after 48 years as manager of the Hamilton Farm Bureau Cooperative. When he took over as manager, the cooperative was considered a failure with assets placed at a minus $3,000. At his retirement, the Hamilton Farm Bureau Cooperative is the best known and one of the most prosperous farmer cooperatives in Michigan. Its sales volume is now $7 million a year, and that on only $13,820 of actual cash invested by stockholders. All of the business growth, except for this amount, has been financed out of reinvested profits.

The Hamilton community is an unincorporated village southeast of Holland, Mich. It is basically a community of thrifty farmers of Dutch descent. Back in 1921, when Andy Lohman became manager of the then struggling cooperative, diversified livestock and crop farming were the mainstay of the economy. Within 5 years, however, Lohman saw the opportunities in egg production, and he led the community into that specialized type of agriculture. Hamilton became known for egg production, and the cooperative became the economic center of the community. It remains the economic center today.

Through the years it has been frequently said that the cooperative is Hamilton and Andy Lohman is the cooperative. True leader that he is, Lohman modestly states that the success of the cooperative has not been accomplished by one individual. This is far from the facts, he says, because no single individual could have accomplished what has been done. Many individuals, he points out, played a big part in the development and success of the Hamilton Farm Bureau. The community accepts that remonstrance from him, but, in spite of it, they know that, without him, Hamilton would not be the prosperous farmers' village it is today.

While the fame of the Hamilton Farm Bureau Cooperative and much of its financial success rests in the egg business, Mr. Lohman believed in the importance of offering a wide variety of services to farmers. The development of a large dressed-poultry business was an obvious line of endeavor. Since feed is the most important item in the cost of producing eggs, and also a factor in quality, Mr. Lohman gave constant attention to poultry feeds. New and improved feed mills have been regularly installed. A poultry farm was organized as a separate corporation to run tests on feeds, to try out and demonstrate new ideas, to provide chicks from high-laying strains to the poultrymen of the area, and to operate on a profitable basis. Through the years, the Hamilton Farm Bureau has worked closely with the agricultural services of Michigan State University. The cooperative also operates enterprises in lumber and building materials, hardware and appliances, petroleum products, and a garage, which are used largely to service poultry enterprises in the community.

A man with an eighth-grade education plus a course at a business college, Andrew Lohman was endowed with a natural ability to learn quickly through observation and experience. He had good business judgment and the courage to undertake new ventures which appeared likely to succeed. Like many successful men of his generation he can claim the distinction of a self-made man. But while many have been motivated to accumulate personal fortunes, Andy Lohman has dedicated his career to the success of a community through the vehicle of a cooperative. It is truly said of him that Andy has done for his community what others have done for themselves.

MEXICAN AMERICAN CASUALTIES IN VIETNAM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. ROYBAL. Mr. Speaker, I include in the CONGRESSIONAL RECORD an article entitled "Mexican American Casualties in Vietnam," written by Dr. Ralph Guzman, Ph. D., professor of political science at Merrill College, of the University of California at Santa Cruz.

Dr. Guzman's study indicates that casualties among persons of Mexican American descent so far during the Vietnam war have been more than 50 percent greater than the ratio this minority group bears to our overall population.

These somber statistics prove once again, as similar experience in World War II and the Korean conflict showed, that the Spanish-surnamed community in the United States has traditionally shouldered its share, and more, of the burden of military service in America.

In commenting on the sizable military contribution of the Mexican American soldier, and his impressive record of heroism in time of war, Dr. Guzman notes that:

> There is a concomitant number of casualties attending this Mexican American patriotic investment.

The article follows:

MEXICAN AMERICAN CASUALTIES IN VIETNAM

(By Ralph Guzman)

Mexican American military personnel have a higher death rate in Vietnam than all other servicemen. Analysis of casualty reports for two periods of time: one between January, 1961 and February, 1967 and the other between December, 1967 and March, 1969, reveals that a disproportionate number of young men with distinctive Spanish names do not return from the Southeast Asia theatre of war. Investigation also reveals that a substantial number of them are involved in high-risk branches of the service such as the U.S. Marine Corps.

In the southwest, where the majority of the people of Mexican American descent reside, Spanish named casualties remain consistently high in both periods. During the first period (January, 1961 to February, 1967) casualties with home addresses in the states of Arizona, California, Colorado, New Mexico, and Texas, totalled 1,631 deaths from all causes. Of these, 19.4 percent had distinctive Spanish names (see Table 1). In the second period (December, 1967 to March, 1969) there were 6,385 deaths. Casualties with distinctive Spanish names represented 19.0 percent of the total.

Casualty figures for each period are high when compared with the total Spanish surnamed population living in the southwestern

United States. According to the 1960 report of the U.S. Bureau of the Census 11.8 percent of the total southwestern population had distinctive Spanish surnames and were, therefore, presumably Mexican American. The figures remain high when the comparison is based only on males of military age, meaning individuals between age 17 and 36 years. Mexican Americans are estimated to represent 13.8 percent of this age group.

While these figures are estimates, they are sufficient to indicate orders of magnitude. If one were to project birthrate, immigration, natural death and other factors, the statistical relationship would not be substantially different. It is probable that Spanish surnamed individuals would be slightly more numerous. It is significant that the percentages of Spanish named casualties for each period remains nearly constant at 19.0 percent.

War deaths by branch of service indicate that a great number of Mexican Americans choose high-risk duty. For example, during the first period, 23.3 percent of all southwest Marine Corps casualties had distinctive Spanish surnames. The Army, also supplies an important number of ground troops, 19.4 percent of the casualties reported between January, 1961 and February, 1967, had Spanish surnames and were presumably of Mexican parentage. In the later period, between December, 1967 and March, 1969, Spanish surnames represented 17.5 percent of all southwestern Army casualties.

When these figures are analyzed by state, California shows both the greatest number of total deaths from all causes and the greatest number of Mexican American casualties. During the first period 821 servicemen from California were killed. Of these, 15.0 percent had Spanish surnames, which is well above the 10.0 percent estimate of Spanish surnames in the total population of the state. During the second period 3,543 servicemen from California were reported as casualties in Vietnam, 14.8 percent had Spanish surnames. The State of Texas ranks second in total deaths and in Mexican American casualties. During the first period 554 Texans died in the war. Of these, 22.4 percent were presumably Mexican American. In the more recent period, between December, 1967 and March, 1969, there were 1,921 deaths with home addresses in Texas. Casualties from Texas with Spanish surnames represented 25.2 percent of the total. In both California and Texas, Mexican American deaths are consistently high and disproportionate to the size of this minority group.

An adequate interpretation of the data is impossible without more information from official sources. For example, there is a gap between February, 1967 and December, 1967. Data were not available when this report was written. In a different sense, Spanish-surnamed servicemen may be over-represented in the Vietnam reports because they are over-represented among those who are drafted for military service and those who volunteer.

Historically, Mexican Americans have been a suspect, "foreign," minority. Like the Japanese Americans during World War II they have been under great pressure to prove loyalty to the United States. However, there are other reasons why Mexican Americans join the military. The reasons are several. One is the desire for status that the military life offers. Another is economic. Mexican Americans, particularly those from extremely poor families, help their families with their service allotments. Still others wish to prove their Americanism. Organizations like the American G.I. Forum, composed of ex-GI's of Mexican American identity, have long proclaimed the sizable military contributions of the Mexican American soldier. According to the American G.I. Forum and other Mexican American groups, members of this minority have an impressive record of heroism in time of war. There is a concomitant number of casualties attending this Mexican American patriotic investment.

Only a relatively small number of Mexican Americans have been able to circumvent obligatory military service by attending college. Student deferments for residents of our southwestern *barrios* are scarce. The reason, of course, is the under-representation of Mexican Americans in institutions of higher learning. At the University of California, Mexican American students number less than one percent (1%) of the total student population of 97,000.

There are other factors that motivate Mexican Americans to join the Armed Forces, some may be rooted in the inherited culture of these people while others may be more deeply imbedded in poverty and social disillusion. Whatever the real explanation, we do know with a high degree of certainty that Mexican Americans are over-represented in the casualty reports from Vietnam and under-represented in the graduating classes of our institutions of higher learning.

TABLE 1.—VIETNAM CASUALTIES FROM ALL CAUSES IN THE 5 SOUTHWESTERN STATES, BY BRANCH OF SERVICE, BETWEEN JANUARY 1961 AND FEBRUARY 1967

	All causes			Combat			Noncombat		
		Spanish surname			Spanish surname			Spanish surname	
	Total	Number	Percent	Total	Number	Percent	Total	Number	Percent
Total	1,631	316	19.4	1,335	274	20.5	296	42	14.2
Army	927	180	19.4	765	155	20.3	162	25	15.4
Air Force	88	8	9.1	55	5	9.1	33	3	9.1
Marine Corps	520	121	23.3	459	109	23.7	61	12	19.7
Navy	96	7	7.3	56	5	8.9	40	2	5.0

TABLE 2.—VIETNAM CASUALTIES FROM ALL CAUSES IN EACH OF THE 5 SOUTHWESTERN STATES BETWEEN JANUARY 1961 AND FEBRUARY 1967

	All causes			Combat			Noncombat		
		Spanish surname			Spanish surname			Spanish surname	
	Total	Number	Percent	Total	Number	Percent	Total	Number	Percent
Arizona:									
Total	83	14	16.9	68	11	16.2	15	3	20.0
Army	50	8	16.0	41	7	17.1	9	1	11.1
Air Force	4	0	0	4	0	0	0	0	0
Marine Corps	26	5	19.2	22	4	18.2	4	1	25.0
Navy	3	1	33.3	1	0	0	2	1	50.0
California:									
Total	821	123	15.0	685	108	15.8	136	15	11.0
Army	454	75	16.5	383	65	17.0	71	10	14.1
Air Force	39	2	5.1	29	2	6.9	10	0	0
Marine Corps	270	45	16.7	235	40	17.0	35	5	14.3
Navy	58	1	1.7	38	1	2.6	[1] 20	0	0
Colorado:									
Total	108	26	24.1	85	22	25.9	23	4	17.4
Army	55	16	29.1	45	15	33.3	10	1	10.0
Air Force	6	1	16.7	2	0	0	4	1	25.0
Marine Corps	37	9	24.2	33	7	21.2	4	2	50.0
Navy	10	0	0	5	0	0	5	0	0
New Mexico:									
Total	65	29	44.6	54	25	46.3	11	4	36.4
Army	35	12	34.3	28	10	35.7	7	2	28.6
Air Force	2	1	50.0	1	0	0	1	1	100.0
Marine Corps	25	13	52.0	23	13	56.5	2	0	0
Navy	3	3	100.0	2	2	100.0	1	1	100.0
Texas:									
Total	554	124	22.4	443	108	24.4	111	16	14.4
Army	333	69	20.7	268	58	21.6	65	11	16.9
Air Force	37	4	10.8	19	3	15.8	18	1	5.6
Marine Corps	162	49	30.2	146	45	30.8	16	4	25.0
Navy	22	2	63.6	10	2	20.0	[1] 12	0	0

[1] Includes 1 member of the Coast Guard.

TABLE 3.—VIETNAM CASUALTIES FROM ALL CAUSES IN THE FIVE SOUTHWESTERN STATES BY BRANCH OF SERVICE, BETWEEN DECEMBER 1967 AND MARCH 1969

Branch of service	Total number of casualties	Distinctive Spanish surnamed casualties	SSN percent of total	Non-Spanish surnamed casualties	Non-SSN percent of total	Percent total
Army	4,056	753	17.5	3,303	82.5	100.0
Air Force	116	9	7.8	107	92.2	100.0
Marine Corps	1,977	465	23.5	1,512	76.5	100.0
Navy	236	25	10.6	211	89.4	100.0
Total	6,385	1,252	19.0	5,133	81.0	100.0

TABLE 4.—VIETNAM CASUALTIES FROM ALL CAUSES IN EACH OF THE 5 SOUTHWESTERN STATES, BETWEEN DECEMBER 1967 AND MARCH 1969

State	Total number of casualties	Distinctive Spanish-surnamed casualties	SSN percent of total	Non-Spanish surnamed casualties	Non-SSN percent of total	Percent total
Arizona	354	86	24.3	268	75.7	100.0
California	3,543	525	14.8	3,018	85.2	100.0
Colorado	336	66	19.1	270	80.9	100.0
New Mexico	231	91	39.4	140	60.6	100.0
Texas	1,921	484	25.2	1,437	74.8	100.0
Total	6,385	1,252	19.6	5,133	80.4	100.0

XUM

A CONSTITUENT'S POINT OF VIEW

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. RODINO. Mr. Speaker, the following letter, together with a recent statement by Monsignor Flemming, president of Seton Hall University, arrived from my constituent, Mrs. E. V. Connell. Because of her request, and the commonsense and forthright views that point up some of the most vexing issues of our day, I would like to share her letter and President Flemming's statement with all the Members of the House:

NEWARK, N.J.,
October 6, 1969.

DEAR MR. RODINO: First of all let me congratulate you on your interest in and quick action on the "Green Beret" case. This most unfortunate "inter-agency" fight at the expense of our Country was unbelievable—even to the laymen. Certainly no one in his right mind *wants* war, but our boys who are there must be backed up all the way and God knows we don't want those who have sacrificed their lives (like my own nephew) to have died in vain because of politics at home!

My second point is the enclosed copy of Monsignor Flemming's much discussed message to the Student Body at Seton Hall. The papers as usual give a few quotes. However, I believe this message is one of the best I've read in this permissive age we're living in. I am sure all America would be interested in reading such a message from a man with such moral fortitude and stamina. Accordingly, it would seem to me to be an excellent item to have entered in the CONGRESSIONAL RECORD.

Would you be so kind as to take such action?

Again thanking you for your interest, I am
Sincerely yours,
AGNES O. S. CONNELL.

MONSIGNOR FLEMMING'S MESSAGE GIVEN TO STUDENT BODY AT SETON HALL

We begin the school year today as a faculty and student body praying the Mass to God the Holy Spirit, that we might gain one great grace: wisdom to see the road ahead this year in the light of the needs of time and eternity. I sometimes think that we are so close to what is happening here at Seton Hall we may fail to grasp the real vision of what we are striving to accomplish, even to appreciate what we are praying for today.

The ever burning question is still pressing for an answer. What are we primarily striving to do and how are we doing it? Or—to rephrase the question—why have a great Catholic university, or any Catholic university at all? The answer it would seem should necessarily show that a Catholic university has a role as a university, and precisely as a Catholic university, fulfilled by no other. Only then would this institution fulfill its mission with unsparing devotion. Only then would it be proud of its place in the world.

We have reached, I believe, a certain critical moment in the history of Seton Hall, for it is the moment that reveals to us the need to be more clear and more articulate in our understanding and our basic philosophy of Christian education. In a word, our future does not involve Seton Hall's becoming some sort of nebulously religious-oriented school, but to be and to become a real genuine Catholic university.

Those who would refashion our society, the church, and specifically, Seton Hall into something of their own image, no matter how sincere and well-intentioned they may be, must be confronted with the fact that there are real basic principles which we cannot and will not compromise 'till hell freezes over.

Last May the International Association of Catholic Universities met in Europe and reaffirmed to all the world that the objective of a Catholic university is to assure a Christian presence in the university world while confronting the great problems of contemporary society. Seton Hall fulfills her role as a Catholic university: (1) If she is a Christian inspiration to you and to the community. (2) If she continually reflects in the light of Christian faith upon the growing treasure of human knowledge. (3) If she is faithful to the Christian message as it comes to us through the Church. (4) If she commits herself as an institution to the service of Christian thought and education.

If you and I would walk down the long rows of crosses in the cemeteries of this state, we could ponder and reflect upon a silent brigade of priests and laymen these one hundred and thirteen years who have given their lives that Seton Hall might be just such a Catholic university.

It was a Protestant educator who reminded us recently that ours is the richest and most constant spiritual and intellectual tradition in the world. Because of that tradition it is the destiny of the Catholic university to bear witness to the incarnation of the Son of God. The Destiny of Seton Hall in itself is its own justification. It must stand forever as a sign—a sign that the Son of God really entered our human history and that in so doing, He sanctified all truth.

If Seton Hall is to fulfill its mission, you and I must learn that no one is unimportant because all of us have the same basic dignity as members of Christ. All truth, all grace, all dignity from Pope to peasant is from Christ. And because we are His life, faculty and students alike, we must reorder, revivify, redeem the world by our lives, we must take our intimate part in the prayer life of the Church that we may all grow inwardly and to the full maturity of the Life of Christ.

In this Christian context you are not exclusively all head, all heart, all piety, or all muscle. The world already has enough half formed men. You and I must grow organically, i.e. in knowledge and virtue. This is the beginning of wisdom. This alone can make each of us more fully man.

If within these walls we are to grow together, faculty—all faculty, students and administrators on all levels, God forbid that anyone or any thing would try to divide us. Though faculty and students share the responsibilities of the educative process, they are not equal partners since students, by definition, are here to study and to learn under the directions of the faculty. I believe firmly in community government in so far as this means everyone's voice should be effectively heard in accord with his competency.

I should like to speak briefly about student life in the context of a Christian community. Over the past five years we have endeavored to revise and restructure student life so as to provide an atmosphere that will encourage a growth of personal responsibility. Rules are necessary in any social group, but they must always exist within the framework of personal responsibility. They are directed at preserving good order that a serious pursuit of learning demands. They are directed to the common good.

We hope that Seton Hall will be with us as a unique institution of education for the thousand tomorrows. Discipline will be part of the education here during those tomorrows. So will values and standards. Just a few years ago many pages of rules were reduced to a half page of a few essential rules. If anyone sincerely believes he cannot become educated at Seton Hall without drunken orgies, or partying through the wee hours of the morning, or if he feels that his personal freedom is impossibly restricted, then I believe the only honest reaction is to get free of Seton Hall—not to expect this institution to lose its unique character and become just another school. Seton Hall has changed greatly and will change more, for better, one hopes. But set principles must guide the change, permanent values must remain.

We prayed in the Mass today "come Holy Spirit, fill the hearts of the faithful." The joy of being a student is to have one's heart filled, to find out what one should be. It is to answer that vocation with a great respect for the gift of intelligence and with a passionate dedication to the truth wherever one finds it and no matter how much it costs.

To many, the greatest problem facing Seton Hall this year, and I do not mean to underestimate it, is crowded physical space. How can we fit so many into our dining facilities, gymnasium, playing field? Yet there is an opposite problem of even greater long range impact in our lives. It is not whether we are going to be too crowded physically, but whether we are going to be too confined intellectually and spiritually. Are we going to reach out for the unexplored realm of the Spirit, or merely moan the physical confines of our academic planet. Hence I ask you: can our organizations, societies, fraternities and sororities develop enough interest in truth of the Spirit to ask: what it means to be a student in this Catholic university. Can our student leaders conceive of constructive projects with great minds and great hearts, or will they settle for something which caters to their own whims and fancies? Is our student body interested enough in truth to go out into the community that surrounds us, into their hearts and their minds as well as in their automobiles? Are they concerned enough to bring back to this campus not only the middle class morality they find so easy to copy, but also the inarticulate aspirations for holiness that whisper there? I wonder if the student community has the vision to ask the administration for something more than bigger and better weekends and bigger and better parties. I wonder if they have the courage to ask for something more than a good time. I wonder if we can create together through understanding and love a Christian community living in the Spirit. Then you will not have missed the reason for Seton Hall and you will have shared with us the ideals and principles for which we are giving our lives.

WHO IS TAMPERING WITH THE SOUL OF AMERICA?

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HALL. Mr. Speaker, Jenkin Lloyd Jones, editor of the Tulsa, Okla. Tribune, and president of the U.S. Chamber of Commerce, recently appeared on television station WVEC–TV in Virginia.

Mr. Jones spoke on the subject, "Who Is Tampering With the Soul of America?"

His observations were so timely, and well stated, that I thought his remarks should be shared with others.

The speech follows:

WHO IS TAMPERING WITH THE SOUL OF AMERICA?

(By Jenkin Lloyd Jones)

This, ladies and gentlemen, is to be a jeremiad.

I am about to inflict upon you an unrelieved, copper-bottomed, six-ply all-wool

howl of calamity about the present moral climate of America. And before you tag me for being a fogey, let's turn around.

The pathway of history is littered with the bones of dead civilizations and fallen empires. Most of them had rotted out before the barbarians battered down the gates. They had rotted out with corruption and dishonesty and the search for kicks. And in most cases the arts and sciences which they had developed went into a long eclipse before they were replaced by superior arts and sciences.

Nearly 1,000 years elapsed between the fall of Western Rome and the rise of the Renaissance, and in between we had the Dark Ages in which nearly all of Man's institutions were inferior to those which had gone before.

I don't want my children's children to pass into the limbo of social chaos, because in chaos liberties die and the man on horseback with a whip is the bringer of the new order.

It is too bad that morals are popularly regarded as the preserve of the professional moralist. Because professional moralists are often unpleasant and unreasonable people. We have the image of the thundering preacher threatening all backsliders with hellfire and damnation, of the dour man in the funeral costume, so beloved by prohibition-era cartoonists, who is opposed to anything that's fun.

There is a difference between a moral precept and a taboo. A taboo is a capricious rule that may be utterly devoid of common sense. Puritans could not wear silver buckles. The Alaskan Indian could not eat the flesh of the animal sacred to his totem. These are taboos.

A moral principle should be a very different thing. Consider the Ten Commandments. Long before Moses came down from Mount Sinai men had observed the devastating effects of chronic murder and theft. They had observed cruelties brought about by false-witness, and social turbulence produced by stealing or trading wives. These things were frowned on in an effort to make the society work. And Moses brought down a codification of these frowns.

Well, how are we doing?

In reply to the admonition "Thou shalt not kill" we hear sniper fire in our cities excused as an expression of despair.

Overwhelmed by the rising tide of petty theft San Francisco has decided police are wasting too much time taking culprits to the police station. So it is issuing citations like traffic tickets, asking the thief to please step over and see the judge.

In opposition to the Biblical injunction—"Honor thy father and thy mother"—we hear the zippier slogan "Don't trust anybody over 30." And the way some mothers and fathers have bugged out on the ancient task of directing their children into the paths of rectitude and righteousness, there is a good question about how much honor is due them.

I believe we should look upon morals as a pragmatic search for ways in which human beings can live together successfully. And successfully means this: communities in which people respect each other's dignity, in which people take pride not merely in being self-supporting but in pulling up the brothers and sisters who haven't made the grade, in which tolerance for honest differences is balanced by a healthy intolerance of those who would prey upon the innocent and blight the community with debauchery and turbulence and fear.

The excuse for morality is good living. Any revised moral theories that deliver an unworkable society do not deliver good living. If being "mod" means promoting a system of human relationships in which the honest and the diligent must carry on their backs the swingers and the kick-seekers then "mod" can't work because the "squares" hold the ultimate power in this world. But for them, nobody eats, and the patience of the "squares" may not be limitless.

What we are suffering from in the United States is a gradual erosion of integrity. And integrity is merely the effort to apply some objective standards to desirable human performance.

As an example of this loss, let's look at modern art. The ancient and Renaissance scupltors and painters subjected themselves to rigid objective disciplines. Michaelangelo risked prison to dissect cadavers so that he might understand the placement of every muscle.

Today it is hard for any similarly-disposed artist to gain a prize. The blue ribbons go to the splatterers and the finger-painters. People who can't draw an apple hang garlands around the necks of people who can't draw an apple.

Talent is for squares. Whatever you can recognize is no good. If you have the spark of a Titian or a Rembrandt you can stay at the foot of the class, because you'd spoil the game. And our museums, are filled with splashes, cubes and blots being stared at by confused citizens who haven't the guts to admit they're confused.

But fakery in art is a light cross we bear. Much more serious is the collapse of moral standards and the blunting of our capacity for righteous indignation.

Our Puritan ancestors were preoccupied with sin. They were hag-ridden and guilt-ridden and theirs was a repressed and neurotic society. But they had horsepower.

They wrested livings from the rocky land, built our earliest colleges, started our literature, caused our industrial revolution, and found time in between to fight the Indians, the French and the British, to bawl for abolition, women suffrage and prison reform and to experiment with graham crackers and bloomers. They were tremendous people.

And for all their exaggerated attention to sin, their philosophy rested on a great granite rock. Man was the master of his soul. You didn't have to be bad. You could and should be better. And if you wanted to escape the eternal fires, you'd damned well better be.

In recent years all this has changed in America. We have decided that sin is largely imaginary.

There has arisen the environmentalist school of sociology. If the surroundings of an individual are poor, then it is Society's fault, and Society cannot blame the individual for what he does. We hear the cry arise that the persons responsible for the rocketing crime rates in our inner cities, the illegitimacy and rising tide of dope addiction, cannot be charged with what they do because Society has failed to provide them with excellent surroundings.

The environmentalist theory has now become a rigid dogma among many of our best-intentioned people. It is an article of faith in many universities. You cannot be a lover of humanity unless you embrace it.

It is, oddly enough, a new theory. Always before Americans had assumed that you didn't have to be poor and dirty. Lincoln came from a plain but clean cabin. Al Smith was raised in a scrubbed Brooklyn tenement. He was sent off to school, ragged but eager, not to pull a switchblade on the teacher, but to learn.

The plain fact is, of course, that people make rats. The most expensive public housing can become overrun with vermin if the halls are used as latrines and garbage thrown down the elevator shafts.

It may be more fun to send dead rats to City Hall, but it is more practical to put the lids on the trash cans.

It has been truly charged that the inhabitants of inner cities are often deprived of modern stores and inexpensive merchandise. But shoplifting losses are added to the prices that honest customers must pay. When what is stolen exceeds three per cent of volume, self-service stores begin to close. The merchant who has suffered his 20th hold-up tends to grow discouraged.

It is bad, indeed, to raise children under chaotic conditions where disorder rules the streets, where prostitutes and pushers abound, where radio and TV sets blare all night, where errant fathers flit from household to household. But sometime soon we're going to have to revive the now unfashionable idea of individual responsibility.

When enough individuals grew tired of riot and disorder in the gold camps of the Old West they took collective action and the situation dramatically improved. They didn't sit around bawling for more appropriations. There weren't any appropriations to bawl for.

The doctrine of an individual's responsibility to himself and his neighbors is not one of cruelty, but of kindness. It is the tolerance of irresponsibility that is cruel, because as long as it prevails tigers prowl the streets and no outpouring of federal funds will cut away the jungle.

The pernicious idea that the individual cannot be charged with his performance failure has made a mockery of public education in New York City. There all pupils have been promoted each year, whether they have learned anything or not. New York City is producing high school graduates who can hardly read.

What kind of kindness is this? How would you feel if you hadn't understood anything on the blackboard for years? Wouldn't you want to burn the place down?

By pretending that bad work is just as good as good work we destroy what motivation there is in the weakly-motivated, and we guarantee them disappointment when they discover that the world thinks there's a great deal of difference.

No one wants to cross a bridge built by an engineer who could never read a slide rule. No one wants to go to a brain surgeon who was given his diploma out of pity.

Many American universities are now faced with demands that they admit, in the name of social justice, students who couldn't pass the entrance requirements. What kind of social justice is this?

Colleges that succumb to this pressure must either water down their standards of teaching, and thus cheat the students who have properly prepared themselves and who have only a few precious years to absorb what the university can give them, or they must doom to bewilderment and frustration unprepared students who have labored under the impression that mere contact with halls of ivy will give them wisdom.

Wherever integrity bites the dust, confusion will take over. The basic honesty of college administrations—their ability to level with the student body—will be on trial this year as never before. Last year some of the faculties of our most celebrated institutions didn't do too well as they bowed before storm troopers carrying guns and set up courses of study based more on myth than fact.

We Americans must now consider whether we can drown our children in sex and pornography and see them grow to adulthood without any detectable damage to their characters.

I would question our current experiments in "anything goes," not necessarily because they violate most of the religious and ethical prohibitions of western civilization, but because I think they will be destructive of the experimenters.

Many gentle and intelligent people just don't know what's going on. They express horror at the thought of censorship in any form, but they keep away from the cesspools that are bubbling out of the ground.

I think they ought to have the courage to do some sniffing.

XUM

A couple of years ago I was dismayed by a book called "Candy." Since then, the paperback shelves in drugstores and supermarkets have sagged under the literary opuses that make "Candy" read like "Rebecca of Sunnybrook Farm."

It will be hard to top the best-seller, "Portnoy's Complaint," but let us not underestimate the imaginations of certain human minds, particularly when there's a buck around.

Last year a U.S. District Attorney in Iowa sent me three books on which he had obtained pornography convictions. I haven't the guts to give you a reasonably-accurate synopsis, but "Three Way Apartment," "Call Her Lesbian," and "Two Women in Love" produced a photo-finish between filth and bad writing.

Still, as the D. A. had feared, the three-judge U.S. Circuit Court of Appeals in St. Louis overturned all the convictions.

The august judges bought the argument by the defense that, and I quote, "the frank and sordid discussion of sexual perversion is itself the social importance to be weighed."

"Three Way," a particularly gamey tale aimed at the fo'c'sle of a minesweeper, received the blessing of one judge who wrote as follows:

"The mere suggestion of 'wife-swapping' is offensive to me. However, my personal offense is not the test. There is a possible 'moral' to the story, perhaps even a psychological lesson that may be of value to marriage counselors."

Oh, come on!

If "Three Way" passes the judicial test of social value then it would be impossible to imagine any scatology that would fail.

What we seem to be hung up on in America is a fear of making a value judgment. We seem paralyzed at the thought that we might be accused of dogmatism and prudishness. Yet there is no effrontery to common sense equal to the smut peddler's pretense that the pursuit of the dirty dollar is a crusade for liberation of the human mind.

Value judgments are always subject to error. There will always be honest arguments whether the line was drawn a millimeter to high or too low. But the fact that there is a thin dividing line between a ball and a strike, a tiny point of distinction between an apparently idiotic pass and a grounded football doesn't mean that we must fire all umpires or referees.

As to the condition of American movies, we have finally reached the ultimate in the dirty western. We not only have what columnist Jim Fiebig calls the bare-bottom syndrome, but the portrayal of homosexuals and lesbians, and broad hints of specific perversions leapfrog each other in what the movie blurbs describe as "new horizons of honesty and boldness."

Honesty and boldness, maybe, but perhaps the true Hollywood motive was best expressed in the titles of two recent excursions into sadism—"For a Fistful of Dollars" and "For a Few Dollars More."

I liked what Broadway producer Dave Merrick said when he was asked if he had seen the copulatory film, "I am Curious—Yellow." He said he was more yellow than curious.

And the stage has finally succeeded in selling the Port Said peep-show at $10 a seat. We used to have costume plays. Now we have no-costume plays. It was, perhaps, unconsciously significant that one of the latest naked capers, "O Calcutta," is named after one of the most hopeless cities in the world.

It is argued that pornography is healthy. Look magazine recently ran an article lauding the Danish experiment in removing all restrictions. Look ecstatically quoted a number of Danish professors to the effect that this freedom will sublimate the dark frustrations of the deviates and everyone will have a more healthy attitude.

I'm willing to be convinced. I'm willing to acknowledge that all moral laws since the beginning of the human social system have been wrong if it can be proven that ogling the worst makes everybody better.

Anyway, we should soon know. If drowning our children in sex from the ring-around-the-rosy age onward is going to make more stable family relationships the statistics should begin to prove it. If free love brings happiness the psychiatrist benches should begin emptying and divorces should diminish. If incipient sex criminals are cured by slavering over X movies the incidence of rape and mutilation should reflect it.

Unfortunately, up to this moment the statistics have all been going the other way. If the swingers are delirious with happiness they don't show it. If unwanted pregnancies have brought joy to teenagers I haven't heard of it.

In the past 12 months compared to the previous 12 months forcible rapes in America rose 17 per cent. Where is this promised sublimation?

While we have moved into this eclipse of taste and behavior we have also seen a questioning of ancient loyalties and disciplines. Homes were important things because both parents and children found in them mutual responsibility and protection. And a man was supposed to be proud of his ability to plow a straight furrow or shoe a fractious horse or lift the heaviest bale. It has been said with some sarcasm that we were a work-oriented society—and so have been.

These values are now doubted. Not long ago at Monterey, California I sat in the shadow of the lighthouse while a shaggy haired gentleman in beard and beads lectured to me about the right of man to do his thing, regardless of whether it had any apparent value. And all the time he munched on a poor-boy sandwich produced by squares in Kansas or Iowa who had risen before dawn and labored in the fields and hog lots. Maybe making sandwiches for hippies was "their thing."

We have always had bums. But this is the first time bums as a class have become philosophers. Yet there is an interesting thing about this philosophy. There is no mortification of the flesh in it. It is an easy philosophy. You get a chick, a sack of pot and a cuddly pad. It is easier to go to Canada than to go to work. It is fun to demonstrate for peace and paint daises on a Volkswagen in hopes that the atom bomb will go away. The messy business of answering bugle calls in the rain on the Rhine is for the pterodactyls.

The question before the house is Who is Tampering with the Soul of America? For nations do have souls. They have collective personalities. They differ in their ability to perform, their ability to react intelligently to crises, the level of honesty which the people expect of their servants, and the level of their pride in themselves and their traditions. What is happening to our morale as a people?

J. Edgar Hoover recently wrote:

"We are giving too much attention to various dissident elements which have a lot of noisy energy but little purpose. Many of them are complaining about conditions which they helped create. Now, they want our whole society to plead guilty to mass inaptness. This is ridiculous."

Many crimes, of course, have been committed in the name of patriotism. But great nations that cease to believe in themselves are not long for greatness. The mystique of nationhood, the sense of belonging to a tradition bigger than oneself and deserving of loyalty if not of sacrifice is important in the development of a human character.

Here is America that has poured more than a third of a trillion dollars worth of its labor into an effort to feed the world's hungry, to educate the world's ignorant, to deliver machines to those who never knew anything but tools, and to protect weak states against their predatory neighbors.

Sometimes we were clumsy. Sometimes our unprecedented excursions into international philanthropy backfired. But no nation in human history ever tried so hard to be a good neighbor. No nation ever shed so much blood in wars from which it could not profit.

We have the most successful economic system the world has ever seen, if you can measure such a system by its ability to put creature comforts into the hands of the most people. And our technological genius is unsurpassed—behold! two men on the moon.

Yet we are, as Lyndon Johnson sadly remarked, deep in the business of "poor-mouthing" America.

In a recent commencement address Dr. Daniel Boorstin of the Smithsonian Institution said that apology has become the American posture.

"The liberal virtue of self-criticism," said Doctor Boorstin, "has become the national vice of self-hate. We seem to see everything about ourselves except what is good, everything about our past except what we have achieved. Grovelling has become that national disease."

How right Dan Boorstin is! And much of the responsibility must go to our mass media. It is one thing to accurately chronicle the voice of dissent. It is quite another to play down the positive and accentuate the negative.

Never before in America has treason enjoyed such a wonderful press. Never before have the irresponsible damners of the American dream been followed by so many reporters with open notebooks and poised pencils.

Let a patriotic parade be held with 50,000 marchers and half million appreciative spectators, and let 100 placard waving revolutionaries try to block the march. The cameras of all television networks will rush to the spot to give the impression that the American people greeted with violence and disgust the display of the flag.

There are some interesting features to much of this so-called dissent. Many of the same voices that are denouncing the draft as unconstitutional not only had no word of criticism for it when Russia was sorely beset by Hitler, but they were bawling for an early second front.

Add up the program of the so-called Students for a Democratic Society. End military research by the universities. Dismantle the so-called military-industrial complex. Don't deploy any defensive missiles. Knock out R.O.T.C. Fold up NATO.

Is it rude to ask which powers in the world would profit from the SDS program? The tanks that crunched into Czechoslovakia are by no means out of gas.

It is also interesting how selective the militant left is about free speech. They have a long list of revolutionaries who, they insist, must be brought to every campus to strip the scales from the student's eyes about the evils of the Establishment. Yet we have seen high government officials repeatedly shouted down in the college halls by activists who have taken over the first six rows. This is a peculiar kind of freedom.

It occurs to me that it is time the vast majority of decent, hard-working American citizens got off the floor. It is time they quit being cowed by the yammering of characters who would destroy our institutions by riot and fire, but who seem to have nothing to offer in their place but the dictatorship of the self-annointed.

There is nothing at all unthinkable about removing federal subsidies from students who would wreck universities as teaching institutions and turn them into cadres for revolution.

There is nothing cruel and unusual about prying off the federal payroll those ostensible uplift workers who spend their time gathering guns and promoting race warfare.

Let the people who want to set American against American and rip to tatters the fabric

of our country at least knock off their demands on the federal treasury.

This is a great country.

Its population, drawn from all the races and traditions of humankind, is history's most successful amalgam of human beings.

It retains position No. 1 in the popularity poll among all persons who would leave their country for another.

The contrast between its way of life and the life offered in the communist states grows more embarrassing to the dialecticians every year. After half a century communism has been unable to deliver on its promises of material blessings, and it has not dared to offer any measurable amount of freedom.

That's why the winds of cynicism and disillusion are rising behind the Iron and Bamboo curtains, and why the Red leaders view with new urgency the job of pulling America down.

And America can be pulled down.

Without moral disciplines a nation is fat for the kill. There is no protection in flower children. There is no national inspiration in the wacky dreams of chemical hallucination. Nothing is defended by people high on marihuana. There is no social uplift in the easy business of demand, unless demand for opportunity is accompanied by a determination to learn the hard way and to work with reliability and devotion.

There is no future to the philosophy that says: "Because we are not satisfied with the social order we will burn it down. And don't ask us now about alternatives. After the destruction is over we will think of something."

The strength of America is in its "Squares." The squares answer the alarm clocks. They go forth each day in the cold and the heat to the mill and the barn, the shop and the office.

They drive the cabs and peddle the steel and pull the carrots and fix the carburetors. Usually they give up more in taxes than they consume of government services, and thus they provide the surplus that underwrites education and makes charity possible.

The squares provide the integrity without which prosperity would wither. They are responsible for that level of honesty that makes possible the convenience of a credit card civilization, for there is no trust in a nation of thieves and grifters.

The squares acknowledge their kids. They bring the paychecks home. They try to provide guidance to the young superior to that offered by the leering billboards of the glittering movie palace; by the filthy lyrics of the far-out rock combos.

The squares have the old-fashioned idea that there is something more to education than setting the dean on fire, something more to life than self-indulgence, something more to literature than restroom graffiti, and something more to love than erotic exercise.

The squares have been confused too long by the purveyors of ugliness and degradation, by the screeching voices of disruption and hate, by the admirers of our enemies and the sneerers at our traditions.

Since the welkin has been ringing with the complaints and curses of the oddballs, the drop-outs, and the fellow-travelers, maybe it should be the privilege of America's squares to speak their pieces now and raise a little hell.

GOODLING'S ACCOMPLISHMENTS MERIT COLLEAGUES' PRAISE

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. COUGHLIN. Mr. Speaker, Pennsylvanians are proud that a member of our delegation, GEORGE A. GOODLING, recently received the Distinguished Alumnus Award of the Pennsylvania State University.

As secretary of the Pennsylvania Republican delegation, I have been asked to extend the congratulation of the entire delegation to the gentleman from the 19th District, and call the award to the attention of the Members of Congress.

The principal purpose of the Distinguished Alumnus Award of the Pennsylvania State University is to recognize and salute the achievements of outstanding alumni—a purpose perhaps best expressed by the inscription on the reverse side of the medallion symbolic of this honor:

> Presented to George A. Goodling whose personal life, professional achievements, and community service exemplify the objectives of The Pennsylvania State University.

Our colleague has had a long career in public service. He served seven terms in the Pennsylvania Legislature and is now in his fourth term in the Congress.

In honoring him, Pennsylvania State University cited his exceptional record as a conservationist and his contributions in the field of agriculture, and noted his years of community leadership in his native York County in education and other public services. This is best summed by by the citation itself:

> To George A. Goodling, for a career of legislative service to state and nation; for nearly half a century of successful agricultural pursuits; for an exceptional record as a conservationist; and for community leadership in education and other public services.

In his native-State of Pennsylvania and in the Congress of the United States Representative GEORGE A. GOODLING has enjoyed a distinguished legislative career. Beginning in 1942, he was elected to serve 7 terms in the Pennsylvania Legislature, where, in addition to his chairmanship of House committees, he was chairman of Joint State Government subcommittees. Now a member of the Agriculture and Merchant Marine and Fisheries Committees of the 91st Congress, Representative GOODLING also held seats in the 87th, 88th, and 90th Congresses. His roots are deep in his York County birthplace, which he represents along with Adams and Cumberland Counties in the 19th District. This south central Pennsylvania district has a population of some 425,000.

Representative GOODLING attended York County schools, the York Collegiate Institute, and Bellefonte Academy before enrolling at Penn State. His fellow students recall his considerable musical ability, he not only performed with the band but sang in the choir and the Glee Club. After obtaining a bachelor of science degree in horticulture in 1921, the future Congressman taught vocational agriculture for 2 years, he then became the owner and operator of a fruit farm which he still maintains. His interest in education led him to become a school director, a post he held for 28 years, serving as president of the board, treasurer, and a member of the building committee. In addition, he was one of the organizers of the Loganville Fire Co., and has been its secretary for 32 years.

An ardent conservationist, Representative GOODLING succeeded against precedent—since he was a freshman Congressman and a member of the minority Republican Party—when a bill he introduced to protect the golden eagle was enacted into law. The population of the golden eagle, which is valuable to agriculture in the control of rodents, had declined at an alarming rate. The new law, Public Law 87–884, also provides a shield for the bald eagle, the U.S. national symbol, which was often killed by persons mistaking it for the golden eagle.

During the last 2 sessions of Congress, Representative GOODLING has introduced resolutions ranging from creating a select committee on ethics and standards for House Members to permitting nondenominational and voluntary prayer participation in the public schools and other public institutions. He has also sponsored resolutions to broaden present Federal control over oil pollution in coastal waters, a Human Investment Act to extend a tax incentive to employers providing training to upgrade workers' skills, and a resolution to reassert U.S. rights and privileges in the Panama Canal Zone.

A former member of the Civil War Centennial Commission and the Migratory Bird Conservation Commission, Representative GOODLING served as a past president and is currently executive secretary of the Pennsylvania State Horticulture Association. His other memberships include the Agriculture Extension Association, Grange, Pennsylvania Farmer's Association, and Izaak Walton League.

We of the delegation are pleased that this honor has come to one of our numbers, and we salute him.

USE OF THE FEDERAL LABORATORIES

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DADDARIO. Mr. Speaker, my Subcommittee on Science, Research, and Development has been studying for sometime the use of the Federal laboratories. We know that agency missions change from time to time and that the expertise in one laboratory may be useful in a developing program of another agency. However, the transfer of responsibilities and funds is a difficult bureaucratic problem. We will continue to urge a greater flexibility for the use of these scientific resources which must be considered as national resources rather than those of a particular agency.

An interesting example of the problem is covered in the remarks of AEC Commissioner James T. Ramey at a conference September 5. I insert an excerpt from the paper in the RECORD at this point:

XUM

THE NEXT 5 YEARS IN NUCLEAR DEVELOPMENT AND REGULATION

(Remarks by James T. Ramey, Commissioner, U.S. Atomic Energy Commission, Before the Briefing Conference on Nuclear Power)

INTRODUCTION

It is a particular privilege for me to address this luncheon gathering of distinguished lawyers, engineers, scientists, and management leaders in the nuclear industry.

As a matter of fact, I am pleased to have this opportunity to discuss the next five years in the atomic energy program. As you may recall, President Johnson somewhat unexpectedly reappointed me to a new five-year term which began this past July. The unexpected nature of the reappointment related to the fact that my term had one year to run, which caused one member of the Joint Committee to inquire at my confirmation hearing as to whether the move was Churchillian, Machiavellian or Johnsonian!!

In any event, this circumstance caused me to do some thinking about the next five years, and I even brought my music, in the form of some notes on the next half decade, projects may call for marshaling of resources of several states or even of several countries. They will involve coordination of large-scale agriculture, industry and the creation of major population centers. Perhaps management lessons for such projects could be derived from the experience of regional organizations in the Tennessee Valley, in the Northwest, and certain international consortia.

THE AEC AND MEDICAL RESEARCH

Not all important AEC development programs involve multi-million or billion dollar funding problems. Even so, some, such as the development of the artificial heart and the liquid centrifuge, have the potential for major impact on our lives. These programs are encountering management problems that are just as real and difficult to solve as their more opulent brethren that I have been discussing.

The artificial heart

Another low-budget developmental program with tremendous potential—but with many management and funding problems—is the effort to develop a nuclear-powered artificial heart. The primary role of the AEC is the development of the tiny and dependable radioisotopic heat source that will be essential to the practical application of such a device. Obviously, there are some rather substantial technical problems, but our preliminary development work has been encouraging.

We have estimated it would cost only a few million dollars to develop and test a workable prototype isotopic engine which would be a major step toward an artificial heart, but we have not been able to get the necessary funds or authority to proceed. The Bureau of the Budget has, in their bureaucratic wisdom, made us a sort of subcontractor to the National Institutes of Health. This is contrary to all of our successful experience in developing prototype devices under our own authority and funding. Furthermore, NIH does not have funds for developing a nuclear-powered device, and while interested in our development, has other interests and priorities as well.

So there obviously is a management problem here with the usual manifestations of bureaucratic delay. But this problem should be solved, because the artificial heart could help some of the 100,000 Americans who need help each year and for whom transplants or preventative measures are not feasible.

As I have suggested to the Joint Committee on Atomic Energy, if this project is going to move ahead we will need to set up some sort of a joint effort with the NIH to coordinate the various activities. And, I believe the AEC must be able to exercise its authority to develop the isotopic heat source-engine to the prototype and demonstration stage.

The liquid centrifuge

The development of the liquid centrifuge is, literally, an example of "spin-off" in the atomic energy program. The liquid centrifuge was developed at Oak Ridge National Laboratory as an outgrowth of its isotope separation program. It is an improved instrument for biological research and has isolated and purified influenza viruses for use as vaccines from large quantities of material. It has also isolated cancer viruses. It will undoubtedly have other uses.

How does one bring about the transfer from the laboratory to early and widespread use by the drug industry of a machine such as the vaccine centrifuge? Such machines are within the capability of small business to manufacture, but how do you get industry to participate with the necessary investment to prove out this technology and bring about its large-scale use? It is not always clear why such problems loom so large to industry when the machine offers the potential for producing a greatly improved vaccine product with no side effects. I have heard some cynics wonder if the drug industry doesn't have a greater interest in selling palliatives than in developing and adopting preventatives.

This represents again the problem of demonstrating a technology. Unfortunately, in some of these areas of atomic energy, such as the isotope program, we never seem to be able to get a demonstration program adequately funded and our relationships with user agencies and industry sufficiently coordinated. Therefore, we have a greater time lag in moving these technological advances into the mainstream of U.S. industry than in the field of atomic electric power.

MIRV AND THE DANGERS TO PEACE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, as the time approaches for the commencement of strategic arms talks with the Soviet Union, I think it would be useful to refresh our memories on the concern which has been expressed in this Congress over the development of multiple independently guided reentry vehicles, popularly known as MIRV. I think it is significant to note that over 40 Senators and over 100 Representatives have sponsored a resolution urging the administration to propose to the Soviet Union a mutual moratorium on the flight testing of multiple-warhead missiles.

There is a great deal of agreement in both the political community and in scientific and academic circles over the dangerous implications posed by MIRV. It is generally felt that this new member of the weapons family is not only unnecessary, but that it is a provocative weapon that would spell a new escalation in the arms race and would make virtually impossible a meaningful arms agreement once it is deployed.

For this reason, Congressman COHELAN and I have introduced our resolution aimed at heading off MIRV while it is still in the testing stage and before it has passed the point of no return. We are hopeful that the administration will sense the urgency of a MIRV moratorium now and will make it the first item of business when the SALT talks with the Soviets begin.

During the time the Congress was in recess, a letter appeared in the Washington Post from Mr. Adrian Fisher, formerly the Deputy Director of the Arms Control and Disarmament Agency. In this letter, Mr. Fisher presents an excellent rebuttal to the arguments of MIRV proponents and spells out the need for a mutual moratorium on the flight testing of MIRV's. I commend this article to the attention of my colleagues. The letter follows:

MIRV AND THE DANGERS TO PEACE

(By Adrian Fisher)

The article on MIRV's—multiple independently targeted re-entry vehicles—in your Aug. 19 edition describes a statement by G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, to a subcommittee of the House Committee on Foreign Affairs, considering the foreign policy and strategic issues raised by MIRV. In this statement, which was concurred in by Dr. John S. Foster Jr., Director of Defense Research and Engineering, the position was taken that the passage by Congress of a resolution calling for a cessation of MIRV testing by the United States, if reciprocated by the USSR, would adversely affect the U.S. negotiating position in the strategic arms limitation talks which we all hope will soon be taking place.

This statement shows a complete insensitivity on the part of its authors to the dangers to peace involved in the development and deployment of these hydra-headed weapons. It shows a surprising disregard for the consequences of an escalation of the arms race by a development which would increase by many times the number of nuclear warheads in the missiles which we and the Soviets have aimed at each other and by the steps which both sides might take to counter MIRV deployment by the other. It overlooks the dangers to peace in the deployment of a weapon which—certainly in the Soviet case and quite possibly in ours—seems more suitable for a first nuclear strike than for retaliation, and which would therefore increase the temptation to launch such a strike in times of crisis.

In stating that the passage by Congress of a resolution calling for a cessation of MIRV testing would adversely affect the U.S. negotiating position in the forthcoming talks, the authors of this statement attempt to shrug off the fact that what is under consideration is a cessation of MIRV testing which would remain in effect only if it were observed by both sides. They attempt to do so with the statement that, "The appropriate trade-off for the U.S. MIRV is not a Soviet MRV or MIRV, as a mutual moratorium implies." They go on to argue that a limitation of U.S. MIRV's must be counter-balanced by limitation on Soviet ABM capabilities which the MIRV system was originally designed to penetrate.

In their statement, as distinct from their testimony, they make no mention of two facts: (1) the original basis for the decision to go forward with MIRV's was based on a belief that the Soviet so-called "Tallinn" system—involving a very large number of defensive missiles—was an ABM system; and (2) the intelligence community no longer believes this to be the case, a fact which they admitted on cross-examination before the Subcommittee. It is generally agreed that the real Soviet ABM capability is limited to the 64 "Galosh" missiles deployed around Moscow. No one, so far as I know, has attempted to justify the deployment of MIRV's as necessary to counter these 64 Galosh missiles.

In opposing congressional steps looking toward a mutual cessation of MIRV tests by the United States and the USSR, these two officials appear to be embarked on a course of conduct which would render meaningless the assurance contained in the letter of July 9 from President Nixon to Senator Brooke, reported in your Aug. 19 article. According to your article, President Nixon advised Senator Brooke that the United States would be prepared to consider the possibility of a ban on MIRV tests in discussions with the Soviet Union. Your article pointed out that this statement did not involve any commitment on the ultimate resolution of the MIRV issue, but it is fair to conclude that this statement would not have been made unless the President felt that a verified mutual restriction on MIRV's was at least a possibility at the present time.

This is the case at the present time because neither the United States nor the U.S.S.R. has developed a MIRV system with sufficient confidence in its effectiveness to justify deployment, and an understanding under which both sides refrained from further MIRV testing could be verified by national means now available to us. But this situation will not last very long. The series of MIRV tests begun by the U.S. in September 1968 is scheduled to end in June of 1970. Dr. Foster testified we are between one-third and halfway through. The Soviets have also begun a series of tests which, in the opinion of Dr. Foster, looks toward the development of a MIRV, although one substantially less flexible than that of the U.S. Dr. Foster has also testified that it is generally agreed that the Soviets have not completed their tests to the point of developing a satisfactory system, but it is of course not possible to know their future plans.

We therefore still have a chance to deal with the MIRV problem, but if either the United States or the Soviet Union continues to press its tests series to a point where MIRV's are ready for deployment, the possibility of dealing with MIRV's will no longer exist. A limitation on MIRV testing, after we had completed our own tests series, but before the Soviets had completed theirs, would be non-negotiable with the Soviet Union. Such a limitation would not be acceptable to the United States if the situation were reversed. A limitation on MIRV deployment without any form of inspection would not be acceptable to the United States. A verified limitation on MIRV deployment, once they were developed and tested, would have to involve the disassembly and inspection of nose cones in the missiles actually deployed in silos and submarines. This would not be acceptable to either the U.S. or the USSR. Therefore, unless some form of mutual restriction on MIRV testing is worked out promptly, the possibility of dealing with the MIRV problem—the possibility referred to in President Nixon's letter to Senator Brooke—will disappear.

The late George Santayana defined fanaticism as redoubling one's efforts after losing sight of one's aim. The present drive to complete the MIRV program, when the purpose for which it was started no longer exists and when the danger that it will frustrate the strategic arms limitation talks is greatly increased, seems to fit that definition.

THE 58TH ANNIVERSARY OF THE REPUBLIC OF CHINA

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. PELLY. Mr. Speaker, Friday is the birthday of one of America's staunchest allies in the Far East: It is the 58th anniversary of the uprising against the Manchu dynasty and the beginning of a republican form of government in China. From the turmoil and tragedy of her early decades, China now stands as a strong symbol of Asian anticommunism as well as a shining example of successful development by a dedicated and talented people.

Once a recipient of substantial American aid, China has grown so prosperous that not only is she able to stand alone, but she also gives technical assistance to numerous other countries.

A three-stage land reform program broke the subsistence cycle of traditional agriculture, doubling farm production and yielding enough food to feed her people.

Such a firm agricultural base and a stable government provided hospitable climate for industry, and industrial growth has regularly exceeded 10 percent annually over the past decade. Foreign investment and trade have been welcomed, opening many new jobs and encouraging the growth of a sophisticated system of harbors and communications. China's citizens have the second highest per capita income in all of Asia, and it is still growing.

Nor has China neglected her international commitments while concentrating on domestic growth. The government has been usually successful in balancing the demands of development against the needs of a constantly modernizing military force, maintaing a large and well-trained army capable of rallying over million men for emergency military service.

China also encourages continuation of classical Chinese scholarship, thus preserving the traditions of China.

We often hear of poverty and economic needs of Asian nations. We are concerned today with the instability of governments and popular unrest. Yet, President Chiang Kai-shek has ruled China peacefully, while building the nation into a showcase of prosperity for the world. Mr. Speaker, I salute the Republic of China on its national day and wish its citizens continued progress and prosperity.

FORMER JOHNSON AIDE DEBUNKS SOME MYTHS ABOUT COMMUNISM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DERWINSKI. Mr. Speaker, as the Senate Foreign Relations Committee under the junior Senator from Arkansas prepares for another performance that will have the result of encouraging Communist aggression in Southeast Asia, the Middle East, and other world trouble spots, a column by Dumitru Danielopol is extremely timely. Mr. Danielopol, the distinguished international columnist of the Copley Press, writing in the Aurora, Ill., Beacon-News September 12, comments on a recent statement by Prof. John R. Roche. A good deal of the commentary pertains to the junior Senator from Arkansas and he will no doubt perform in typical fashion when he convenes his committee for the next series of television shows. The article follows:

FORMER JOHNSON AIDE DEBUNKS SOME MYTHS ABOUT COMMUNISM

(By Dumitru Danielopol)

WASHINGTON.—"From the viewpoint of American policymakers what difference does it make whether communism is monolithic or polycentric?" asks Prof. John P. Roche.

The former national chairman of the ultra liberal Americans for Democratic Action and one time special assistant to President Johnson, has been debunking some myths about communism that have been so popular among liberal thinkers.

It is a dangerous fallacy to conclude that polycentric communism is less pernicious than a monolithic system, he said.

Ho Chi Minh supposed to be a polycentrist, did not hesitate to flaunt both Moscow—by ignoring the 1962 agreements to neutralize Laos, and Peking by barring Mao's little red book from mass circulation. Nor did his polycentrism make the war in Vietnam less bloody.

"Communist imperialism is no less imperialistic by being polycentric," says Roche.

"The meaningful criterion . . . for distinguishing among Communist states is whether they are internationally quiescent . . . or imperialist as is true of Hanoi, Peking and . . . Moscow."

This is not the first time that the Brandeis professor of politics has been at loggerheads with some of his unrealistic, day-dreaming fellow liberals.

In his parting speech in April 1965 as chairman of ADA, Roche lambasted the organization for its anti-Vietnam war attitude and accused it of "part-time pacifism and liberal isolationism."

"I am convinced," he said, "that the absence of liberal realism in the analysis of international relations has a dangerous effect on national opinion.

"I recall distinguished liberal and socialist spokesmen informing us that Hitler was just a rational spokesman for German national interests and an understandable consequence of the 'evils of Versailles.' "

In a recent article Roche bitterly attacked the "liberal canonization" of Sen. J. W. Fulbright, D-Ark., because their views on Vietnam happen to coincide with those of the senator.

"It's a classic example of what happens to liberal judgment when one issue . . . is allowed to overpower all others."

Roche upbraided the Arkansas senator for what he called his unfair handling of AFL–CIO President George Meany at a recent Senate hearing.

"The chairman of the Foreign Relations Committee charged flatly that Meany had been 'paid off' by President Johnson . . . for labor support for the war in Vietnam," he said. "Fulbright's behavior deserves the condemnation of all those who value fair play."

Roche is just what the liberal community needs. His credentials are impeccable and his vision is remarkable. Let's hope his colleagues pay heed to his words.

GREEN BERET RECEIVED SOLDIER'S MEDAL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. LONG of Maryland. Mr. Speaker, a constituent of mine, CWO Edward M. Boyle of Dundalk, was one of the Green

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Berets charged by the Army with murdering a South Vietnamese double agent. Though charges against him were dropped, he suffered a great deal of anguish and embarrassment as a result of this case. I find it both tragic and ironic that the Army could have charged this man with murder when only 8 months before, it awarded him the Soldier's Medal for saving the lives of many Vietnamese citizens. I should like to share this citation with my colleagues at this time.

JANUARY 16, 1969.

AWARD OF THE SOLDIER'S MEDAL

1. TC 320. The following award is announced

Boyle, Edward M., W3101489, SSAN 062–34–7409, Chief Warrant Officer W2 United States Army, 5th Battalion (Provisional), 525th Military Intelligence Group, APO 96307.

Awarded: Solder's Medal.

Date action: 7 September 1968.

Theater: Republic of Vietnam.

Reason: For heroism not involving actual conflict with an armed enemy in the Republic of Vietnam: Chief Warrant Officer Boyle distinguished himself by valorous actions on 7 September 1968 in the Dakao District of Saigon. While driving on Le Van Duyet Street, Mister Boyle saw a fire burning out of control in a residential area. Leaving his vehicle, he raced into the buildings and began helping the occupants escape the inferno. After making sure that the nearby homes had been evacuated, he formed a bucket brigade and fought the blaze with every available water container. When fire fighting equipment arrived Mister Boyle led a team of firemen to the source of the conflagration, saving several dwellings from being consumed. Once the water supply was exhausted, he climbed to the burning rooftops and used a fire extinguisher until he was driven away by intense heat and flames. Returning to the street, he reunited members of the families who had been separated in the confusion. Chief Warrant Officer Boyle's heroic actions were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army.

Authority: By direction of the President under the provisions of the Act of Congress, approved 2 July 1926.

LEO B. JONES,
Brigadier General, U.S. Army, Chief of Staff.

CONGRESSMAN MIKVA WORKS TO PRESERVE OUR ENVIRONMENT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. OBEY. Mr. Speaker, 2 weeks ago, Representative ABNER J. MIKVA, Democrat of Illinois, and I coauthored a bill to ban the use of the pesticide DDT except under certain emergency conditions. Twenty-eight of our colleagues in the House have joined in cosponsoring this legislation. The work that Representative MIKVA has been doing on this bill is outstanding. I am pleased to submit an editorial from the September 27 issue of the Chicago Sun-Times that outlines the role that Representative MIKVA has played in this area. I commend the following editorial to my colleagues in the hope they will lend their support to this important bill:

DDT AT THE SOUTH POLE

The Department of Agriculture is finally taking action on the problem of DDT. It has ruled that DDT and two other "persistent" or "hard" pesticides (chemicals that retain their toxicity for years after use) that are now used in federal-state insect control programs will no longer be used. Other, less persistently toxic pesticides, will be substituted.

This is a move in the right direction. The evidence against DDT and other hard pesticides has been piling up. In areas where the hard pesticides are used the very ground is poisoned for years. The life cycles of birds and other wildlife are endangered. Drainage from the ground areas where the hard pesticides are used goes into streams, rivers and lakes and contaminates the fish.

DDT is found everywhere in the world. Concentrations of DDT have been found in penguins and seals in the Antarctic and in reindeer in Alaska—far from the areas where the pesticides were used to kill insects.

Rep. Abner J. Mikva (D-Ill.) has sponsored a bill to ban all use of DDT after June 30, 1970. Mikva says that the DDT situation has become so serious that DDT concentrations in mother's milk have been found to be more than twice as great as the concentrated permitted by the federal government in cow's milk to be sold for public consumption.

There is no arguing the fact that DDT and other hard pesticides contaminate everything they touch and the contamination remains for years. The federal government's action in suspending the use of DDT and two other hard pesticides is welcome but it does not go far enough. The same pesticides will continue to be used in insect control at civilian and military airfields by the federal government.

Mikva has 28 co-sponsors for his bill to ban DDT. No other illinois member of the Congress is listed as a cosponsor of the bill. We hope that all will join Mikva in his effort. And we suggest that Mikva amend or rewrite his bill to ban the use of all the hard pesticides, not just DDT.

TESTIMONY ON TAX REFORM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. PRICE of Texas. Mr. Speaker, last week I submitted testimony before the Senate Finance Committee on the subject of tax reform. I advised the committee that the areas of: oil depletion, capital gains, State and local bond interest, and farm losses, generally encompass the major disagreements I have to the Tax Reform Act of 1969, as presently written.

During the coming days, I plan to insert in the RECORD various portions of the testimony I gave to the Senate Finance Committee. I do so because the debate on tax reform issues is a continuing one in the State of Texas and throughout the Nation. I hope my remarks will contribute to the general understanding of the complex issues involved in the subject of tax reform.

My insert today is confined to that portion of my testimony relating to the revision of the tax treatment of oil and gas.

The item follows:

OIL DEPLETION

Mr. Chairman, I submit that the oil depletion allowance must be retained at its full 27½ percent, because maintaining a healthy and active oil and gas industry is vital to the continued well being of the nation.

Our economy is heavily dependent on the production of oil and gas. Together, they provide nearly three-fourths of all the energy consumed in the United States. The Department of the Interior has aptly summarized the national dependence on oil and gas as follows:

The importance of petroleum to the national life of the United States at this particular moment in history is abundantly in evidence. It supplies nearly three-fourths of all energy consumed. Virtually all movement of goods and people depend upon it. The Armed Forces would be immobilized without it. Countless industrial processes employ it exclusively, and nine-tenths of all space-heating is provided by it. And quite apart from its use as a fuel, petroleum forms the base for 88 percent of all organic chemicals manufactured in the United States.

Petroleum is truly the life blood of the Nation.

Throughout our history, the petroleum industry has met our national consumer and defense needs for oil and gas. I need not remind the Committee of the major crises our nation has met by virtue of the fact we had a healthy and active petroleum industry. The list is long, and our memories poignant.

At the core of the vitality of our oil and gas industry is the depletion allowance. More than any other single factor, the oil depletion allowance has provided the means by which oil producers could keep abreast of ever-growing consumer and national defense demands.

The reason why the depletion allowance is of such critical import to the petroleum industry lies in the very nature of the business. Extracting oil and gas from the land is a risky proposition in terms of financial success. Only one out of nine drillings produce some oil, while merely one well in forty-five is even profitable. Moreover recent industry experience shows that, on the average, only about one out of 50 exploratory wells will find oil and gas in significant quantities; that is, the equivalent of at least one million barrels of oil. These risks are just as real today as they were 10, 20, or 50 years ago. In spite of all our scientific progress and technological advancements, there is still only one way to establish the presence of oil and gas in the ground; and that, is to drill a hole.

Searching for oil and gas is an expensive business. Capital for the search is provided by a mix of federal and private funds. Industry-wide averages show that for every dollar the industry recovers through depletion, it must spend another four dollars from other sources to capitalize the hunt for and development of new reserves.

If the reduction in the oil depletion allowance made by the House is allowed to stand, several undesirable effects will follow. The incentive for the oil producer to assume the risks associated with the oil business will be reduced especially for the small independent producers who produce a significant percentage of our oil and gas. With reduced incentive, fewer oil operators will take the risk of drilling wells. With the lower level of federal recovery money flowing in, fewer investors will finance oil ventures. The inevitable result will be that our production of oil and gas will decline, with the decline stemming from the independent producers segment of the industry which would either be forced out of business by the decline in revenue, or absorbed by the major oil companies.

The decline in the production of oil and gas will have a two-fold effect on our economy: the price of gasoline and petroleum products will be increased to the ultimate consumer, and our oil reserves will be lowered to such a point that the United States will be forced to rely more on foreign oil. As we all are well aware, the political situation in the oil-rich Middle East is too uncertain and too volatile for the United States to rely on the area as a prime source of supply.

We all remember the crises we faced only a few years ago when our supply of foreign oil was cut off by the Mideast war.

A reduction in the depletion allowance will also overburden the petroleum industry; which is, contrary to popular opinion, carrying its fair share of the federal tax burden. In fact, the petroleum industry bears an overall direct tax burden exceeding that borne by other industries, even though its federal income tax bill is reduced by the depletion allowance. The reason for this is that the lower income taxes are offset by the heavier burden of other direct taxes such as severance and property taxes. As a result, in 1966 the total taxes paid by the petroleum industry, exclusive of motor fuel and excise taxes, were equivalent to 6.0 percent of revenues. This is contrasted with the fact that mining and manufacturing corporations paid direct taxes equal to 5.8 percent of revenues in the same year, and all business corporations paid taxes equal to 4.8 percent of revenues.

The income structure of the petroleum industry reveals a similar disparity. Last year, 99 petroleum producing and refining companies earned 12.9 percent return on net assets compared with an average return of 13.1 percent for all manufacturing companies. This does not represent an unusual year; the rate of return on net assets for the petroleum industry has been lower than the average for all manufacturing companies in eight of the last ten years.

In conclusion, I re-emphasize the importance to the consumer, the petroleum industry, and the nation, that the 27½ percent depletion allowance has. It *should not* and *must not* be reduced.

EDWARD PINKOWSKI, EMINENT HISTORIAN, IS PICKED FOR PHILADELPHIA COMMISSION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DULSKI. Mr. Speaker, people in the American-Polish communities throughout the Nation are looking with pride at the high honor which has come to an eminent historian, Edward Pinkowski.

He has been chosen by Mayor James Tate of Philadelphia, to be a member of the Philadelphia Historical Commission. He is the first commissioner of Polish extraction to be named since the commission was established.

Mr. Speaker, the honor for Mr. Pinkowski has been a lead story in American-Polish publications and I include with my remarks the text of the story which appeared in both the Am-Pol Eagle, in my home city of Buffalo, N.Y., and in the Polish American Journal, which is published in Scranton, Pa., dated September 25 and September 27, respectively:

ON HISTORICAL COMMISSION: PINKOWSKI ONE OF MAJOR HISTORICAL RESEARCHERS

PHILADELPHIA.—Edward Pinkowski, one of the major historical researchers in the country, has been appointed to the Philadelphia Historical Commission.

His appointment was made by James H. J. Tate, Mayor of Philadelphia, who said Pinkowski was highly recommended to carry on the work of the Historical Commission "in the preservation and classification of Philadelphia's historic buildings."

Pinkowski is the first commissioner of Polish origin to serve on the Philadelphia Historical Commission since it was established by City Council in 1955.

Although born 53 years ago in Holyoke, Massachusetts, Pinkowski has spent the greater part of his life in Pennsylvania, first in Mount Carmel, a coal mining town in which his grandfather had settled in the 1890's, and for the past thirty years, off and on, in Philadelphia.

After taking a mail-order course in journalism, he earned a living by pounding a typewriter for newspapers and magazines. He served as a writer in the U.S. Navy for three and a half years during World War II.

Afterwards he owned a newspaper.

AUTHOR OF BOOKS

He first attracted nationwide attention in 1953 as the author of "Washington's Officers Slept Here." The book, advertised as a "remarkable roll call of houses that played an important role in the American Revolution," was the first time that one of the houses that General Pulaski occupied was described thoroughly and enriched the history of American Poles.

Among other books that he has written are "John Siney: The Miners' Martyr," "Lattimer Massacre," "Forgotten Fathers," and "Anthony Sadowski: Polish Pioneer."

His first involvement with colonial architecture, almost two decades ago, ended in a bitter controversy with the Valley Forge Park Commission over the quarters occupied by General Friedrich Wilhelm von Steuben during the winter encampment of 1778.

The commissioners thought they would get rid of the Polish thorn in their side by razing the building in 1965, but Pinkowski would not quit.

PROVED STEUBEN CASE

He showed proof that Steuben occupied at least four different quarters at Valley Forge and forced the Park Commission to call the last one the German drillmaster used "Steuben's Quarters." For this he received a gold medal from the Steuben Society of America.

Within recent years Pinkowski has earned a reputation as a finder of many hitherto unknown facts about important Polish figures in American history.

One of his major discoveries was the grave of Anthony Sadowski (1669–1736) in Douglassville, Pa., as well as his last will and testament.

In addition to many Sadowski facts, he found in the most historic part of Philadelphia, the last residence in America of General Thaddeus Kosciuszko. The house, built in 1775, is located at Third and Pine sts.

He also found, in the woods of Spottsylvania County, Virginia, the grave of Ladislaus Wankowicz, a Confederate officer during the Civil War who inherited part of Kosciuszko's estate.

His discoveries of Pulaski memorabilia are endless, ranging from one of the Polish general's quarters in New Jersey to the names of soldiers and officers who were in his famous legion.

AN EXCELLENT CHOICE FOR FCC

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. WINN. Mr. Speaker, a recent editorial in the Topeka State Journal has pointed up the outstanding qualifications of a native Kansan for the post of Federal Communications Commissioner. I commend President Nixon for his appointment of Robert Wells to the FCC. The article follows:

AN EXCELLENT CHOICE FOR FCC

For the first time in history, a working broadcaster has been nominated to serve as one of the seven commissioners on the Federal Communications Commission. It is significant that President Nixon chose a Kansan.

Robert Wells, 50, of Garden City, has a long record of community service in his home town and western Kansas. He has served as chairman of the Kansas Fish, Forestry and Game Commission. In Garden City, he has been active in church, civic and business affairs. He served two terms as president of the Kansas Association of Radio Broadcasters and currently serves on the Radio Code Board of the National Association of Broadcasters.

Wells is general manager of Radio station KIUL in Garden City and also supervises the broadcast operations of Harris Publications, including radio station KTOP in Topeka. He is publisher of the Garden City Daily Telegram.

Those who are knowledgeable about radio and TV say that Kansas is blessed with some of the better managed radio and TV stations in the country. Wells, with his fine record of community service, is typical of what citizens should expect from good broadcasters.

In private conversations with friends, Wells has let it be known that he feels the FCC should be tough with radio-TV operators who take advantage of their licenses. And he's well qualified to know what constitutes a good broadcaster, one who is really dedicated to serving his community.

Wells will be on the spot as the first man chosen from the ranks of broadcasting to help regulate the industry. He'll have one of seven votes, and if nothing else, he should help bring to the commission a better understanding of some of the practical problems of radio-TV operation.

President Nixon has also nominated Dean Burch of Arizona to be FCC chairman. One of the top endorsements for Burch is a letter from former FCC Chairman Newton Minow to the New York Times. Minow, a Kennedy appointee with a record as a tough FCC chairman, noted that Burch had served on a commission studying political campaign financing with Minow as chairman. Minow said . . . "In our close work together, I have observed his unswerving and impartial dedication to the public interest in all our deliberations. He has an incisive mind, and I have repeatedly seen him demonstrate fairness and courage . . ."

The President has nominated two new names for this top agency, subject to Senate confirmation. It's obvious the President deliberated carefully and made good choices. It's also good to know a Kansan is among the seven who will supervise the nation's air media.

HANK VISCARDI—A DEDICATED MAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. WOLFF. Mr. Speaker, I would like to bring to my colleagues attention a man who has quietly, yet continually been a courageous example and a champion of many handicapped persons across the Nation.

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Henry "Hank" Viscardi, whom I have been privileged to know as a friend for a considerable number of years, was born without legs. Yet the pace that he has maintained and the positive attitude he has always held, would rival many men who have never experienced any handicap.

Throughout the many years I have been friendly with Hank Viscardi I have always greatly valued his warm and gentle nature. It is a nature however which does not belie a strength of purpose.

In the past 15 years, he has helped to train thousands of paraplegics at the Human Resources Center, in Albertson, N.Y., which is within the Third Congressional District which I am proud to represent here in Congress. The Human Resources Center is a large plant which trains handicapped persons to be productive members of society.

Hank Viscardi's philosophy of life can best be summed up in his own words taken from a graduation speech he gave last June to 10 mostly wheelchaired high school students about to receive high school diplomas:

> To succeed you must look for opportunity in every difficulty and not fear the difficulty in every opportunity.

During my association with this distinguished gentleman I have come to see how closely he lives by this homily. Moreover, I have seen him give others the strength to overcome the too-easy tendency to wallow in self-pity. He has time and again shown many handicapped persons that an individual who has a handicap is totally capable of living a worthwhile and happy life, and that self-esteem is a birthright to be coveted rather than to be traded for self-pity and self-deprecation.

Thanks to Hank Viscardi, our country is richer with the skills of many handicapped persons.

At the same graduation last June, another talented and distinguished friend of mine, Newsday Publisher Bill Moyers, also delivered a commencement address.

Mr. Speaker, I would like to take this opportunity to include excerpts from his speech in the RECORD, since I believe it is ample testimony to the accomplishments of Hank Viscardi and the fine school with which he is so closely associated.

The excerpts follow:

NEWSDAY PUBLISHER BILL MOYERS AT HUMAN RESOURCES SCHOOL COMMENCEMENT

The more difficult the world to tame, the more each of us must return to those around us for help. As we do, we have much to learn from communities like the Human Resources Center. It may sound strange, but I suspect a common sentiment of visitors to this school is one of envy; envy of the emphasis on the individual, but envy, too, of the irrepressible spirit of community which pervades every corner of the place. There is a spirit here all too rare in our agitated world. We are living in a time not unlike that described by Jeremiah "The fathers have eaten a sour grape, & the children's teeth are set on edge." But that is not true here. With the leadership of the remarkable Henry Viscardi & of Headmaster Switzer, you are realizing the ideas of human dignity & personal worth.

For this is an uncommon facility serving uncommon children, children so severely disabled that they cannot attend an ordinary school . . . uncommon children . . . but seeking the common destiny which every child wants & deserves . . . a chance to learn . . . a chance to participate . . . a chance to play & laugh . . a chance to contribute . . . a chance to know not pity & consolation from society but pride & challenge within society.

* * * * *

This school & this center are examples of how LI can be mobilized not for the destructive power of war but for the uplifting power of compassion. We are told that the power of the atom's nucleus is dependent upon the speed of light; the power of the nucleus of man, which is love, is dependent upon the speed of human enlightenment. And this is what Human Resources is all about.

* * * * *

Because of their own will to achieve, & because there were people willing to help, they have shown us the grace of triumph against all odds. What they have done, this country can do. The lesson at this center & of this school is clear: Show some superiority to misfortune. I believe in time all America will hear.

HYDROGEN POWER CALLED FEASIBLE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BOB WILSON. Mr. Speaker, as a part of today's discussion on the Atomic Energy Commission's appropriation bill, I wish to call the attention of my colleagues to a significant scientific breakthrough in nuclear research.

A San Diego scientist, Dr. Tihiro Ohkawa, announced that a plasma—or hot gas—has been held in a magnetic field for .07 of a second. Confinement of plasma is an essential condition for controlling thermonuclear fusion for the production of power. Dr. Ohkawa heads the controlled thermonuclear research program which is jointly sponsored by his company, Gulf General Atomic, and the Atomic Energy Commission.

A thermonuclear power reactor would have many advantages, including the use as fuel of heavy hydrogen cheaply produced from the ocean.

The details of this noteworthy achievement are contained in an article from last Friday's San Diego Union, written by science writer, Bryant Evans.

The article follows:

HYDROGEN POWER CALLED FEASIBLE BY SAN DIEGO SCIENTIST

(By Bryant Evans)

A San Diego scientist from the Gulf General Atomic laboratory here disclosed at a meeting of nuclear scientists in Russia yesterday what is believed to be a milestone in the effort to control the awesome power of the hydrogen bomb for peaceful purposes.

Dr. Tihiro Ohkawa, director of the GGA fusion project, said in Dubna, U.S.S.R., he had been able to contain a thin gas at a temperature of a million degrees for a fourteenth of a second. This is several times longer than has been done before.

Before leaving for Russia, Ohkawa told The San Diego Union he believed the way is clear to scale up his experiment to create a true fusion, or thermonuclear, power reactor.

He said it may be possible to build such a reactor on a laboratory scale in as little as five years. Building a practical power plant could require another 15 years of engineering development.

Dr. Edward C. Creutz, vice president and technical director of Gulf General Atomic, said, "Now it has become necessary to recognize the fusion process, the basic source of heat of the starts, as one which will be of economical importance within the lifetime of most people now living."

A thermonuclear reaction is the opposite of the reaction that takes place in atomic fission reactors. Instead of splitting heavy atoms, such as uranium, to release power, the thermonuclear reaction fuses light atoms together to yield energy. Hydrogen nuclei are joined to make helium.

A thermonuclear reactor would have many advantages. Its greatest is that it could be fueled from the inexhaustible supply of heavy hydrogen that can be cheaply extracted from the oceans. In addition, it would be inherently safe and would produce none of the poisonous fission products that offer difficult disposal problems.

For 15 years physicists have been trying to make hydrogen atoms collide and fuse in a controlled system. Since such a reaction requires temperatures of millions of degrees, no solid substance could be used to contain the hot gas—or more correctly, plasma—for the reaction to take place. The solution had to come in the creation of a magnetic bottle to hold the jumping atoms of the plasma.

BOTTLES LEAK

This proved hard to do. The magnetic bottles leaked so fast that they were no good. One physicist described the problem as similar to squeezing an invisible inflated rubber balloon with soapy hands.

Seven years ago Ohkawa conceived a machine he called the "multipole." It was a big tub that could build up a doughnut-shaped electric field. Four metal rings that conducted a powerful current created the doughnut shape. Each of them, however, built up a magnetic pressure that made the field bulge inwardly. This gave the doughnut a cross section that looked something like a Maltese cross.

"The shape of the field was such," Ohkawa explained, "that if an atom was looking for a way to get out, it found that it was fighting a pressure that increased, no matter which way it went."

Ohkawa's first multipole machine worked well enough to be encouraging, but supports for the rings caused a loss of energy. Some energy leaked through the walls. Then Ohkawa built a larger machine which tended to overcome these losses.

This is the machine that can contain the million-degree plasma for .07 of a second.

By making a computation that involves the temperature, the density of the gas and the magnetic pressure. Ohkawa said he was able to attain a "magic number." By this he meant a number that had to be obtained before it was clear that the method was good enough to be scaled up for a true thermonuclear reaction.

The next step will be to build a machine that is 100 times hotter and contains plasma 1,000 times denser than the multipole. To do this, Ohkawa said he will have to get rid of the metal conducting rings. He has built another smaller machine that uses the plasma itself to conduct electricity. It is called "the doublet."

It will take three years, he said, to design, build, and test a bigger doublet. If it produces the calculated results, then it will be time to start designing a reactor, Ohkawa said.

DESIGN LIKELY

In his comment on the development, Creutz said, "Dr. Ohkawa and his group have succeeded in containing plasma long enough to demonstrate that the design of a full-scale

thermonuclear reactor may be within the time planning period of a company such as Gulf.

"Similar progress has been made in the Soviet Union. It appears now that the long-time dream of obtaining abundant power from the heavy hydrogen of the ocean will be realized."

TRUMPED UP CHARGES AGAINST JUDGE HAYNSWORTH

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. WATSON. Mr. Speaker, the campaign against Judge Haynsworth by the liberals has no parallel for sheer ruthlessness in recent political history. Their trumped up charges against him are nothing short of libel. However, if one confined himself to reading the Washington Post and New York Times, it might be understandable why there would be opposition to President Nixon's nomination. Fortunately, these newspapers, and I use the term rather loosely, are only read by a fraction of the American people, and I venture to say, even among their most avid patrons there no doubt exists a great deal of skepticism as to their accuracy.

Judge Haynsworth has the support of the overwhelming majority of the American people. Americans are not going to be duped by the terrible smear being waged against him. The supporters of Judge Haynsworth in Congress have submitted numerous editorials and articles from throughout the country endorsing him. Just this past Monday, the Evening Star had an excellent editorial as well as a column by David Lawrence pointing out the fallacies in the various arguments being advanced against his nomination. As a part of my remarks I would like to include these items as follows:

[From the Washington Evening Star, Oct. 6, 1969]

HAYNSWORTH NOMINATION

As the Senate Judiciary Committee prepares to vote on the nomination of Judge Clement F. Haynsworth, Jr., to the Supreme Court, there is growing evidence of anxiety on the part of his supporters.

This emerged most clearly last week in the letter written by President Nixon to Senate Minority Leader Scott, and made public by Senator Hruska of Nebraska, a Haynsworth supporter. This was an unusual thing for a President to do, and in effect it will put Mr. Nixon's prestige on the line when the Senate gets around to voting on the nomination.

The President said he was familiar with the complaints raised against the nomination and that he had "most carefully" examined the report. "There is nothing whatsoever," he continued, "that impeaches the integrity of Judge Haynsworth. There is no proper faulting of his position vis-a-vis civil rights or labor."

We fully agree with these conclusions. The testimony of those who opposed Judge Haynsworth because of his supposed attitude on civil rights and labor was so weak as to be meaningless. The ridiculous attempt to link the judge with Bobby Baker and thereby discredit him merely reflects discredit on the authors of this shabby undertaking.

On the matter of integrity, the President again was right. The Haynsworth opponents, however, as we understand their position, do not contend that he is lacking in integrity. The thrust of their complaint is that his stock dealings while a member of the federal judiciary are indicative of a certain lack of sensitivity with respect to proper ethical standards. There has not yet been any showing that Judge Haynsworth permitted his stock holdings to influence his judicial ruling or that he profited improperly as a result of any court decision in which he joined. Unquestionably, the record in this respect leaves something to be desired. One hopes Judge Haynsworth exercises greater care in the future. But we do not believe that this record, as it stands now, can justify a vote against confirmation.

HAYNSWORTH BATTLE A POLITICAL ONE

(By David Lawrence)

What's really behind the opposition that has been manifested in the Senate against the confirmation of Clement H. Haynsworth, Jr., as a justice of the Supreme Court?

The answer is to be found in analyzing closely the political game. Those senators, for instance, who are fighting the man who has been serving as chief judge of the Fifth U.S. Circuit Court of Appeals take their cue for the most part from expressions that have come from the leaders of the AFL–CIO and the National Association for the Advancement of Colored People and other Negro organizations. The theory appears to be that the rank and file will be convinced that Judge Haynsworth is anti-labor and anti-Negro.

A United Press International poll says that 21 Democrats and eight Republicans thus far are opposed to confirmation, while 31 are for it. There are 40 "undecided," which means really that they hesitate to reveal at this time how they feel.

One of the reasons why the eight Republicans are willing to go on record as against Judge Haynsworth is that they come from populous states. They doubtless think that they have to take into account the situation in the big cities where the Negro and labor votes could make the difference between victory or defeat for them in the elections in 1970 or 1972.

Of the 31 senators who have told the UPI that they favor Judge Haynsworth, 14 are Democrats and 17 are Republicans. Most of the Democrats are from the South, and they look askance at the utterances by spokesmen for "civil rights" groups who have come out against Judge Haynsworth.

As for the labor leaders, it is well known that they maintain organizations which do a lot of electioneering in political campaigns and openly boast that they have the backing of a majority in the House of Representatives. They have substantial support in the Senate, too. The AFL–CIO does not hesitate to issue each year a list showing the percentage by which each member has supported the pro-labor side in legislative battles.

On the surface, the main weapon of opposition to Judge Haynsworth is an alleged lack of ethics in sitting on cases which supposedly could affect his financial holdings. Nobody has brought forth any proof of dishonesty or of prejudice related to his possession of securities. Judge Haynsworth did own some stocks in a company whose principal customer was a defendant in a lawsuit before the Court of Appeals on which he served, but the significance of this has been exaggerated. A smear campaign has been launched in the press in which several senators have participated.

It so happens that these charges were once investigated by the late Attorney General Robert F. Kennedy and were considered as no barrier to continuance on the lower court. The American Bar Association also has found nothing wrong in Judge Haynsworth's behavior. But how is the public to make up its mind when the anti-Haynsworth senators deliberately ignore such findings while making headlines by implying there was dishonesty?

The Senate Judiciary Committee has made a thorough inquiry, and its report will recommend confirmation of Judge Haynsworth. President Nixon has had every fact related to the record of Judge Haynsworth and his personal holdings of securities studied thoroughly and, despite the planted rumors of a withdrawal of the nomination, the White House says that nothing of the sort is contemplated. If the President backed down, he would lose the respect of a huge number of white voters as well as millions of citizens who don't like to see artificially stimulated suspicions and unproved charges of lack of integrity hurt the reputation of an honest man who has been named to be a Supreme Court justice.

It is obviously unfair for critics to base their opposition on political grounds, including attempts to curry favor with labor unions and "civil rights" organizations. Incidentally, a substantial number of senators didn't allow such bias to interfere with the confirmation of a Negro lawyer, Thurgood Marshall, or of a former counsel of labor unions, Arthur Goldberg, as associate justices of the Supreme Court just a few years ago.

THE JEWISH BRAILLE INSTITUTE OF AMERICA

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. CELLER. Mr. Speaker, it is a pleasure and privilege for me to salute the Jewish Braille Institute of America, which on October 2, 1969, dedicated its new international headquarters at 110 East 30th Street, Manhattan.

I was invited to speak at the dedication ceremonies by the institute's president, Judge Emil N. Baar, and it was a pleasure for me to submit a message, which was read by Judge Baar to the large audience of distinguished community, religious, and public leaders. The institute has worked magnificently in behalf of the blind, not only in this country but in 30 other nations around the world.

I want to call attention to some of the services performed by the Jewish Braille Institute of America, Inc., and give recognition to the dedicated Americans all over the country for their support of the institute.

At the dedication ceremonies the distinguished speakers, in addition to Judge Baar, included Charles Friedman, vice president of the institute, who was chairman of the program; Rabbi Nathan Perilman of Temple Emanu-El, who gave the invocation; Mrs. Sol Henkind, president of the National Women's League United Synagogue of America; Mrs. Meyer Karlin, president, Women's Branch, Union of Orthodox Jewish Congregations of America; Dr. Edwin Lewison, professor of American history at Seton Hall University, who is blind and who has been helped by the institute

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since the age of 7; Mrs. David M. Levitt, president, National Federation of Temple Sisterhoods; Dr. Jacob Fried, executive director of the institute; Hon. Rehaveam Amir, New York City Consul General of Israel, who fixed a Mazuzah on the entrance door of the reception room—a Mazuzah that was presented to the institute by the blind of Israel and Rabbi Judah Nadich of Park Avenue Synagogue, who made the benediction.

My remarks, which follow, clearly outline the work of the institute and its efforts to help people to help themselves. I therefore submit these for the Record:

Statement of Hon. Emanuel Celler

As we dedicate this new building of the Jewish Blind Institute of America, we dedicate more than mortar and bricks. We dedicate the dedicated heart.

When I view all of the problems pressing in upon us (and it seems to me that all of them come across my desk), I reach the same conclusion over and over again—that many of these problems can be solved if enough people care. When I first came to Congress in 1923, there was a social atmosphere in the country of "let the devil take the hindmost," a national shrug of the shoulders, so to speak. The national conscience refused to face the facts of poverty, disease, illiteracy; to face the need of helping people who could not help themselves. There was no discourse, public or private, save for a figurative handful, on "one-third of a nation, ill-fed, ill-housed, ill-clothed".

But then consider what happened. It was as if a nation had begun to dream and to try to translate those dreams into reality. People, their lot in life, *did* matter. We may conclude that the tragic advent of the Great Depression was the spur, but whatever the spur it is the deepest meaning of our lives to have witnessed the growth of the conscience of a nation. I know now that compassion and understanding will endure though the road toward them will many a time twist and dip.

You share that optimism with me because if you did not, you would not this day be engaged in this ceremony of dedication.

Until the Jewish Blind Institute undertook its mammoth task, the blind and near blind were excluded from the history and heritage of Judaism. Jewish blind and near blind, scholars of history and theology suffered the deprivation of secure and documented knowledge. Jewish youth could not be prepared for their spiritual right—the Bar Mitzvah. So the blind were doubly blind, divorced from the world within as well as the world without. Today the Jewish Blind Institute includes a library of 20,000 Braille volumes of Judaica. It has completed its first introduction of a Hebrew Conversation Course in Braille. It has more than 1,300 full length talking books on records and 500 on tapes. There is the unique Fragrance Garden so that blind visitors through the sense of smell and touch can have some realization of the beauty of plant life. And the plants are identified by plaques in Braille. I need not enumerate further. You who are here know about the cultural evenings, the aid to University students, the service to every land throughout the world to give the blind and near blind concrete participation in the synagogue and community, to share with the sighted the holiness and history of a people. Thus, this is a structure that houses the light of learning. So it must be, for we are People of the Book. And if the Jewish people have any mission at all in the world, it is to open the paths of learning, to commingle the secular and spiritual so that man be complete in body and soul.

I said earlier that the giant conscience of America is astir and awake. It will not be silenced and while there will be periods of public lethargy, of public indifference, and even public fatigue in wrestling with the great social problems, the national conscience will never sleep again. I believe this. And I believe this not out of intuition, nor innocence, but out of the experience and struggle which has come to me in holding public office for 47 years. We will take our wealth and put it at the service of the poor, the diseased, and the illiterate. Bitter though the struggle may be, we *will* rebuild our cities and give decent housing, decent schooling, equality of opportunity to all the residents. Thus, I am reminded of a story. A Hollywood mogul ordered a castle built for him with every luxurious appointment he could think of. After the first night's occupancy of that castle, he awoke all sweaty and hot. He looked out the window and realized he had no trees for shade. Forthwith he ordered his workmen to plant huge trees outside the bedroom window, and lo and behold, that very night it was done. The next morning the mogul awoke out of a blissful sleep and he viewed the trees from his window he sighed plaintively, "what God couldn't do if He had money."

Some of our missions will come to pass because more and more people have learned, as you have learned, the beauty and the fulfillment of caring. Technology, of course, will help just as it is helping now in the area of your great interest. The computer is being put to use to electronically transform a letter into Braille so that it can be felt. I am sure that this development has caught your interest and that you will pursue it in determining its usefulness and practicality.

In speaking of the future, I am *not* saying that evil and greed and prejudice and jealousy and lust for power will be eliminated. These are part of the human conditions and unless we recognize that these forces exist and will continue to exist, we cannot go forth to do battle. Hysteria as well as rigid doctrine arise out of fear, as do hatred and retreat. As we examine our own fears and begin to understand their nature, then and only then will we be prepared to understand, grapple with and conquer evil, step by step if need be.

It is not necessary that each one of us take on every big battle, engage in every "good" cause. It will suffice if we commit ourselves to, let us say, two or three endeavors. That you stand ready to accept commitments is demonstrated by the very existence of this building. You have brought and will bring the sightless nearer to God and man. You have imaginatively touched their out-stretched hands and have brought blessings upon them and yourselves.

GROWING SUPPORT FOR SAIGON REGIME REPORTED

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. MICHEL. Mr. Speaker, it would appear that there is an unofficial contest underway in some quarters to see who can come up with the most unrealistic plan to get our troops out of South Vietnam at the earliest possible moment, and never mind the consequences.

As we all know, one of the most loudly repeated arguments of those who are opposed to our policy in South Vietnam is that the Government of South Vietnam is "undemocratic" and does not represent the true feelings and aspirations of the people in that unhappy land. Strangely enough, those preaching that line have nothing to say about conditions in Czechoslovakia, but that is another story.

A column appearing in the October 7, 1969, edition of the Washington Evening Star by the respected and knowledgeable expert on foreign affairs, Mr. Crosby Noyes, points out the dramatic progress being made in South Vietnam with respect to strengthening local government throughout the country at the expense of the local Communist infrastructures which the Communist military units have depended upon for supplies and support.

I recommend that all of my colleagues take the time to read this encouraging report by Mr. Noyes and include the column in the Record at this point:

Growing Support for Saigon Regime Reported

(By Crosby S. Noyes)

Saigon.—A visitor to Vietnam is impressed by the contrast in moods: The frantic impatience in Washington to get the war over with at almost any price and the determination here to see it through, however long it takes.

This is not a contrast between Western pragmatism and Oriental fatalism. It is rather a very different reading of what is actually happening in Vietnam that is shared here by Vietnamese and Americans alike.

Skepticism, to be sure, is justified. How many times since 1965 have we heard that we had finally turned the bend, that there was light at the end of the tunnel and that it was just a matter of time until things were under control?

The difference today, however, is that it is no longer a matter of time. Today, even the skeptics who take the trouble to look for themselves agree that things are coming under control. The military threat is being contained and the authority of the government is being extended in the hamlets and villages where the contest in Vietnam ultimately will be decided.

One can hear, of course, the snorts of derision and disbelief. For a good many Americans, the very possibility of such a thing is the purest anathema. In the mind of the opposition, the unpopularity of the "tyrannical and oppressive" regime in Saigon has become a fixation. Or, more important, it has become an essential club with which to force ever more disastrous concessions from a nervous administration in Washington.

Yet the facts are not really a matter of dispute. Whatever success has been achieved in "building democracy" from the top down—a problematical process, given the fragmentation of the country's political leadership—there is no question that impressive progress has been made in establishing a democratic foundation and a sense of participation at the village level.

The degree of local autonomy that has been achieved may be modest by Western standards, but it greatly exceeds anything that has existed in Vietnam since the time of the French administration. Until now, all local officials were appointed by central provincial administrations. And all local projects, from building of schools and roads to digging wells, have been at the direction of the central authority.

This system has been radically changed by a somewhat crude but effective program of systematic bribery.

This year, all villages have been offered direct, no-strings-attached funds by the Saigon government, to be spent on anything the villagers wished—but with an important condition. Villages with elected councils and

chiefs received a stipend of 1 million piasters—or around $8,300 at official rates. Those with appointed leaders received 40,000 piasters. Needless to say, village elections have been held by the thousands throughout the land.

A serious effort, furthermore, has been made to build the prestige and the authority of the village chief. In a radical departure from past practice, the police, local self defense and popular forces have been placed under his direct authority. Each month, thousands of village and hamlet officials are taken to Vung Tau on the coast south of Saigon for a cram course in basic local administration, with a good deal of political indoctrination thrown in.

The upshot of this effort is that today for the first time there is the beginning of mass participation in the political life of the country. The main beneficiaries have been the local authorities, who have now become personages in their own right, and the central government which brought about the change. The chief casualty has been the local Communist infrastructure in the villages—the painfully constructed political and strong-arm apparatus in which the Communist main-force military units depend for supplies and support.

For those who believe that nothing of value is being accomplished in Vietnam and that the proper course for the United States is to throw in the towel as quickly as possible, this is, perhaps, a disturbing conclusion

The fact is, however, that the most competent and cautious estimate here is that the present government in Saigon enjoys more solid support than any so far. And that, in these circumstances, it is very unlikely to make the sweeping concessions to the enemy that American doves have been demanding so insistently.

THE TORCH STILL BURNS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. REID of New York. Mr. Speaker, today, October 8, 1969, we commemorate the 25th anniversary of Wendell Willkie's death. He was a man ahead of his time whose leadership inspired a generation and moved the world.

Wendell Willkie understood long before our landing on the moon that we are in fact one world and all must ride on one planet together. He saw clearly that minority rule was not possible, that all men were equal and that freedom was indivisible.

Wendell Willkie particularly appealed to the youth of our country and in some ways he was happiest when young men and women were seated around him.

He provided a new sense of purpose to the Republican Party and at a critical time in World War II always placed the Nation first. Narrow partisanship was not in him, a quality clearly recognized by President Roosevelt.

Wendell Willkie could light up a room by entering it and he could lift the hearts of a nation. More importantly, he had the vision to see the future and the courage to march forward toward it. The New York Herald Tribune was proud to be the first major newspaper to endorse him for the Presidency and the whole world, I believe, treasures his spirit and values his contribution to all mankind.

I am including in the Record an editorial which captures much of the spirit of Wendell Willkie and which his wonderful wife and helpmate throughout the years, Edith Willkie, believes particularly apt today. I join with other Members of the House in expressing our simple thoughts and admiration to Mrs. Willkie and Philip and all their family from a grateful nation.

The editorial referred to, follows:

The Torch Still Burns

Two years ago, in the bright beauty of an October afternoon, Wendell Willkie came home to Indiana, to return to the rich earth from which he sprang. On a green hillside over which flamed the tapestry of October, the man whom Indiana gave to the world was laid to rest. On the place where he slept, the leaves came drifting down from the hackberry and linden sentinels for his eternal rest.

The great voice that had been raised for freedom was still. But even death can not quench a dream, and a flaming spirit lives beyond mortality. Wendell Willkie had fired the thoughts of men, and touched their hearts, and the world picked up his torch. His words live, and his dream moves on toward realization. Greatness does not die.

Symbolic recognition of that truth is afforded, as fully as can be expressed in stone, by the memorial that has just been placed at his grave. This is truly a shrine to freedom. It has the idealism of the cross, the sword of the spirit, the torch of humanity, the book of inspiration, and the laurel of victory.

It is the torch and the book that will carry the message of Wendell Willkie to those who come in the years ahead to the East Hill cemetery in Rushville, there to pay homage to one who was a friend to all mankind. There is no fire in the granite torch. Rather the flame is in the words graven on the book that all may read as they rest and meditate. They are the words that were Mr. Willkie's creed:

"I believe in America because in it we are free—free to choose our government, to speak our minds, to observe our different religions.

"Because we are generous with our freedom, we share our rights with those who disagree with us.

"Because we hate no people and covet no people's lands.

"Because we are blessed with a natural and varied abundance.

"Because we have great dreams and because we have the opportunity to make those dreams come true."

Mr. Willkie lived those words, as all Americans should live them. And his heritage to his fellow countrymen is contained in these other lines on the book taken from his speeches and "One World":

"There are no distant points in the world any longer—our thinking in the future must be world wide.

"We must establish beyond all doubt the equality of men.

"The world is awakening at last to the knowledge that the rule of people by other peoples is not freedom.

"Freedom is an indivisible word—we must be prepared to extend it to every one, whether they are rich or poor, whether they agree with us or not, no matter what their race or the color of their skin.

"The only soil in which liberty can grow is that of a united people—we must have faith that the welfare of one is the welfare of all—we must acknowledge that all are equal before God and before the law.

"Only the productive are strong, only the strong are free.

"It is inescapably true that to raise the standards of living of any man anywhere in the world is to raise the standard of living by some slight degree of every man, everywhere in the world.

"Whenever we take away the liberties of those whom we hate we are opening the way to loss of liberty for those we love.

"The moral losses of expediency always far outweigh the temporary gains.

"The test of a people is their aim and not their color."

Those words still speak to a world that has yet to know their full meaning. They are as true as the ages. And as long as there are living men to read them, and warm hearts to respond, the spirit of Wendell Willkie will endure. His torch still burns.

TOMORROW'S SHIPPER REQUIREMENTS

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. STUCKEY. Mr. Speaker, our Nation's capacity to move freight is vital to the economic well-being of our commerce both domestic and foreign. Each of us knows that despite continuing steps forward, many problems exist in the transportation lifeline.

Mr. Speaker, I call the attention of my colleagues to the remarks of Mr. G Russell Moir presented at the 24th Annual National Defense Transportation Association Forum at Atlanta, Ga., on September 23, 1969. Mr. Moir is the chairman of the Freight Forwarders Institute and of the U.S. Freight Co.

The remarks follow:

Tomorrow's Shipper Requirements

(By G. Russell Moir)

When I was originally invited to participate in this panel, I had some reservations because of the theme "Tomorrow's Shipper Requirements." The question in my mind was whether participation should not be confined to shippers, however, I soon concluded that it was equally important for carriers to project tomorrow's requirements, therefore, I am happy to be a part of this program today.

As many of you probably know, U.S. Freight Company is involved in a varied number of transportation activities, however, for the purpose of these remarks, I will address myself only to our freight forwarder operations. I also have the privilege of serving as Chairman of the Board of Governors of the Freight Forwarder Institute, therefore, I am here today as a representative of the freight forwarding industry as well as my own company.

The freight forwarder, of course, is an *important* part of the national transportation complex. The 62 Class A forwarders regulated by the Interstate Commerce Commission handled approximately 17 million shipments in 1968 with revenues of almost $600 million dollars. Our bill for salaries alone came to $81 million. It is quite obvious, therefore, that our contributions to the American transportation system are considerable.

Furthermore, we are no "Johnny Come Latelys" on the transport scene. Freight forwarding's origins go back to the infancy of the American railroads. We grew, literally as well as figuratively, side by side. One of the forwarders' most important functions in the 19th Century was to coordinate L-C-L service on the sprawling but disconnected rail lines. Our "partnership" with the railroads has

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long been a successful "case history" of private enterprise transportation working together for the shippers' benefit as well as our own. As one result, freight forwarders are, today, the nation's most experienced and most skilled small shipment specialists. Small shipments are not a sideline with us; they are our lifeblood!

Most important, the early forwarders envisioned the rail, highway and water carriers of their day as separate but *interdependent* parts of the country's transport system . . . a significant historical and intellectual contribution in view of today's emphasis on coordinated transport. Freight forwarders a Century or more ago were joining together the capabilities of existing carriers and offering shippers service on a single bill of lading with the forwarders assuming full responsibility for the move. This great service concept was revolutionary at the time and it remains today, a cornerstone of our industry. In short, freight forwarding innovated the concept of intermodal coordination in the mid-1800's, long before its more recent "discovery" by the politicians, the press and the publicists.

Freight forwarders serve more than the nation's business/industrial community, however. We provide regular service to and from every significant military installation in the United States. Our International services handle traffic routed to bases abroad and we are prime movers of cargo destined for Vietnam. Among the membership rolls of N.D.T.A. itself can be found the names of many forwarders who give unstintingly of their time, talent and experience to help ensure our nation's transportation pipeline will operate at maximum efficiency in times of emergency.

The pioneering part played by forwarders in developing and implementing important technological advances in transportation history has long been recognized. More particularly, I refer to containerization and its application in the form of piggybacking.

History shows that forwarders and some railroads, working closely together, were the first to make containerization a realistic transportation tool. Universal Carloading was a highly successful container operator in the 1920's until a decision of the Interstate Commerce Commission in 1931 torpedoed the freight-all-kind rate that made containerization a practical and economical shipping alternative for both customer and carrier.

A brief quote from the Commission's 1931 report shows the role of the forwarder in that early venture in containerization:

Quote: "It is impossible to have an accurate conception of container service without considering the part played by the forwarding companies. The Universal Carloading & Distributing Company . . . is the largest operator of containers.

"The forwarding company not only performs a concentration service at origin, but a distribution service at destination. Each is important. If a large wholesaler has 4,000 pounds of freight for one destination, divided into 20 consignments, he could not use the container unless he had an agent at destination to deliver the shipments. The forwarding company is just as essential to him as it is to 20 different shippers at origin who have freight for one destination," unquote.

The forwarder was ready but the regulatory climate was not ripe for containerization that day. However, the innovative spirit of the forwarders plus a good deal of hard, imaginative effort and a willingness to experiment laid the groundwork for later ventures into piggybacking when the regulatory climate was more amenable to change. That time arrived in 1958 when the railroads published piggyback rate plans 3 and 4 that finally permitted forwarders to revive the transportation "revolution" that they had helped to generate decades before. Since that time, piggybacking has grown at phenomenal speed and once again it was the forwarders who demonstrated what could be done.

Unfortunately, the forwarders' success in pioneering new forms of coordinated intermodal transportation has not been equaled in the legislative arena. Even after more than a Century of public service we are still victims of contradictory law that inhibits us from maximizing our skills and knowhow in small shipment transportation and putting them to work for the American shipper.

One of the great structural weaknesses of common carriage is the chaotic state of transportation law. This has been common knowledge for a number of years but efforts to correct the situation have met with little success. Our regulators and the Department of Transportation are fully aware of this condition and if we are ever to have some semblance of order and even-handed justice in transport law the main thrust for change must come from outside the industry itself. The position of the forwarding industry in this regard serves as a graphic illustration.

I will refer briefly to only two respects—and I do not exhaust the list—in which Part IV of the Interstate Commerce Act, enacted in 1942, unrealistically inhibits the usefulness of the forwarding industry. One involves the gathering and distributing operations of the industry and the other pertains to the relationships between forwarders and the railroads with whom they work.

In providing completely coordinated transportation, forwarders work with motor carriers primarily for the assembly and distribution of individual shipments of freight within cities and for some distance around them, and with railroads primarily for the long-haul movement of consolidated lots of freight between forwarder terminals. Forwarders need the ability to make arrangements with both types of carriers on a flexible and realistic basis, so that maximum efficiency may be obtained from complete coordination.

Unfortunately, by administrative determination made in the early days of forwarder regulation and never changed, the "terminal areas" of forwarders have been frozen at the formula prescribed for line-haul motor carriers which, with minor exceptions, extends a maximum of 5 miles beyond city limits. Beyond those areas forwarders must arrange with common carrier truckers to assemble and distribute their freight and, even though they may do so by contract in most cases, the flexibility of being able to use local or forwarder-owned trucks, geared to the forwarders' operations, is destroyed.

The express agency, which like freight forwarders uses rail service primarily for longer hauls and trucks in the shorter distances, always has been permitted to fix its terminal areas to suit its operations, and the I.C.C. has reaffirmed the right of REA to do so. Forwarders require the same flexibility to coordinate the motor and rail segments of their service which REA has been granted. We intend to again make a plea for flexibility in our terminal areas before the regulatory agency.

Even more frustrating is the legal "iron curtain" that prevents forwarders from dealing with their railroad partners as common carriers, from tackling, together, a total problem and instead relegates forwarders to the role of shippers in their dealing with rail carriers. The real irony of this situation is brought into focus by the situation that exists today in piggybacking. Truckers, who are the most formidable competitors of both the rails and the forwarders, have the lawful right, as the law has been interpreted to ship their trailers by rail at tariff rates—the only basis open to forwarders—or on the basis of joint rates and divisions, or under undisclosed contract charges. This, I say, is bad policy, indefensible law, and uncommon sense.

We have not given up the battle for administrative and legislative relief—the necessity for equality of treatment is essential not only for the forwarders but for that vast multitude of voiceless shippers who must suffer constantly spiraling transportation costs. Is it any wonder that private carriage is gnawing ever more deeply into the vitals of public transport? Of the 16 million trucks registered in the United States less than *one* million are for-hire, subject to I.C.C. regulation and the disparity is growing.

To alleviate at least part of this problem, and to give the small shipper a more competitive alternative, a bill was introduced in Congress earlier this year that would authorize the railroads to publish, if they so choose, tariffs for use by other regulated common carriers . . . motor, water and freight forwarders. These tariffs would enable railroads and freight forwarders to establish even closer working arrangements. There would be nothing secret about these arrangements, of course. The rates, if established, would be processed through the regular rate-making machinery of the railroads and published and filed with the I.C.C. Railroads would have complete control of terms and conditions as well as the level of charges.

Transportation law at present is such that it places the rail carriers and their forwarder partners in a straight jacket which prevents them from combining their services in a manner that would produce the most efficient and economical service for the shipping public. This lack of flexibility, plus rising costs, have combined to force the forwarder out of literally all short haul operations. As a result, the shipper has for all practical purposes one choice of short haul service remaining—that of the motor carrier.

Passage of the legislation can re-open competition in the short-haul transportation market. Of that I have no doubt. History shows that competition is the most important regulator of both transportation services and transportation rates. The I.C.C. can fix rates but it cannot prescribe efficiency nor enforce operational economy. As you know all too well, where there is no competition there is no incentive for a carrier to operate efficiently or economically. The monopolist's own failures then are passed on to the customer in the form of higher rates for the same inadequate service he had been receiving previously.

In closing I would like to quote from a speech given a few months ago by Ben Biaggini, President of the Southern Pacific Railroad. His remarks place the naturally close relationship of the railroads and the forwarders in crystal clear perspective.

Quote: ". . . Today the forwarders are, in a practical if not a legal sense, an L-C-L arm of the railroads. Changed conditions make it fitting that this should be the case, because forwarders perform certain jobs they are now doing better than the railroads can. My view of how private enterprise transportation ought to work in this great nation is that those who can handle the business most efficiently ought to be allowed the chance to do so." unquote.

To which sentiment we forwarders echo a fervent "amen." Thank you very much for your kind attention.

CONGLOMERATES—GOOD OR BAD?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. TEAGUE of Texas. Mr. Speaker, we seem to be going through an era wherein certain people have the feeling that there is an inherent evil about big business. Under leave to extend my remarks in the Record, I include an article which appeared in the June 30 edition of Barrons entitled "Curse of Big Business":

Curse of Bigness: The Trust-Busters Have Declared War on Success

The world of anti-trust, so Alan Greenspan, noted economist and adviser to the Nixon Administration, wrote in Barron's years ago, smacks of Alice in Wonderland. These days the most exciting writings in the field unexpectedly also seem to share the kind of literary distinction once reserved for James Joyce's Ulysses; while not banned in Boston, they have come perilously close to being suppressed in Washington, D.C. The U.S. Department of Justice, to illustrate, in May belatedly released the Task Force Report on Anti-Trust Policy prepared at the behest of President Lyndon Johnson and submitted to him last July. Justice, however, was blind to an even more provocative survey of the same realm made for Mr. Nixon by George J. Stigler, Charles R. Walgreen Distinguished Service Professor of American Institutions at the University of Chicago, and a group of colleagues. Not until the privately owned Bureau of National Affairs published most of the text—and an enterprising Senator put it in the Congressional Record—did its contents see the light of day. Thanks to International Telephone & Telegraph Co., finally, the American people were treated to a tidbit, in the form of a Working Paper for the Nixon Task Force on Productivity and Competition, by Professor Stigler on the tantalizing issue of corporate reciprocity (you scratch my back and I'll scratch yours).

Scholarly inquiry has never been too popular in bureaucratic circles, especially when it clashes with (in George Stigler's famous phrase) "the promiscuous collection of conventional beliefs and personal prejudices" that all too often passes for public policy. In the case of antitrust enforcement, philosophic prejudice—if not, as some angry critics have charged, political or personal bias—lately has run wild. With the full support of Attorney General John Mitchell, the Anti-Trust Division of the Department of Justice, headed by Richard M. McLaren, has shockingly escalated the cold war on big business. Lacking a mandate from Congress—in a brazen effort to push existing law beyond generally accepted bounds—Messrs. McLaren et al. have brought suit against so-called conglomerates. The trust-busters also have launched an attack on reciprocity, i.e., the widespread practice of buying from customers and selling to suppliers. They have gone so far as to decree, without a shred of discernible authority, that the top 200 U.S. manufacturing concerns, and those of "comparable size" in retailing, mining or other lines, henceforth may be barred from effecting any merger or acquisition whatsoever.

Highhandedness came naturally to the New Frontier and Great Society; in the low-key, tolerably conservative Nixon Administration, however, it is unbecoming to say the least. It also flouts a mounting weight of evidence, academic and otherwise, which suggests that in theory and practice alike, anti-trust activity makes less and less sense. Thus, Professor Stigler in his Working Paper shrugs off reciprocity as "quantitatively negligible," and, in most cases, "harmless and pointless." As to conglomerate mergers, the Nixon Task Force cautions the trust-busters against moving "on the basis of nebulous fears about size and economic power"; the Johnson group actually has a kind word to say for mergers and their spur to efficiency. The proposed ban on the top 200 corporations, finally, strikes us as a naked affirmation that official policy is aimed not at corporate wrongdoing, however vague or ill-defined, but at mere bigness. At long last, anti-trust has carried its built-in biases to their logical conclusion. It has indicted success.

To judge by the recent burst of anti-trust activity, malefactors of great wealth, real or imaginary, overnight have occupied the nation's executive suites. In barely six months' time, Assistant Attorney General McLaren has filed suit to block conglomerate mergers involving Northwest Industries, Ling-Temco-Vought and ITT. As if to show equal disapproval of the fat-cat Establishment, the trust-busters also threatened to bring action against First National City's proposed acquisition of a large insurance company, a move that effectively killed the deal; they also recently charged U.S. Steel with violating the antitrust laws by engaging in reciprocity, thereby impelling the company hastily to sign a consent decree. Early this month, in what has been described as "perhaps the toughest anti-trust speech delivered by a top government official since the time of Franklin Delano Roosevelt." Attorney General Mitchell assailed "super-concentration" and promised to balk the top 200 U.S. manufacturers in their monopolistic designs.

Bread and circuses from the Democrats, sound and fury from the Republicans, the significance of which (like most of the effort in this murky realm) persistently eludes qualified critics. On reciprocity, for example, Professor Stigler points out that such transactions, to be acceptable to both parties, must hew to competitive terms, i.e., those freely available throughout the marketplace. Such dealings, he goes on to state, by definition harm nobody, including would-be competitors who merely sell their output elsewhere. "Reciprocity," sums up Professor Stigler, "is probably much more talked about than practiced, and is important chiefly where prices are fixed by the state or a cartel." The Nixon Task Force report echoes these views: "The economic threat to competition from reciprocal buying arrangements is either small or non-existent."

As to conglomerate mergers, neither Task Force supports the vendetta which Justice has launched. Here is the pertinent passage from the Stigler report: "We seriously doubt that the Antitrust Division should embark upon an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power." The Johnson study goes further. "An active merger market," it found, "suggests a healthy fluidity in the movement of resources and management in the economy toward their more effective utilization." As Barron's pointed out in March, the conglomerate thrust largely mirrored the excessive, and short-lived, availability of low-cost credit, and the encouragement of a bull market in stocks which now has painfully expired. Merger stories are hard to come by these days. On the contrary, if General Host and Ling-Temco-Vought are any guide, the sale of corporate assets may be the order of the day. Wall Street, as we have said before, liquidates mistakes; Washington perpetuates them.

What it is seeking to perpetuate today is the myth that there is something inherently evil about bigness. If the implications weren't so grim, the newly announced policy of discrimination against the 200 top manufacturers would be ludicrous. Size evidently is measured not by sales or earnings but assets, a yardstick which in future will encourage deconsolidation of foreign affiliates, spin-off of subsidiaries and other devices to escape the less-than-charmed circle. Some of the unlucky 200, moreover, scarcely seem deserving of the dubious honor. Numbers 44 and 154 happen to be Anaconda and Cerro, which stand to lose a chunk of their assets to the Chileans and Peruvians. The list also includes the major cigarette companies, which a hostile government is virtually forcing into other lines of work. The top, it has been said, is a slippery place; the trust-busters would add immeasurably to the risk. By penalizing success, they also willy-nilly put a premium on mediocrity.

On this score Alan Greenspan, who taught us that "Bad History, Worse Economics Spawned Anti-Trust" (Barron's, February 5, 1962), deserves the next-to-last word. "Whatever damage the anti-trust laws may have done, whichever distortions of the structure of the nation's capital may have been thrown in the way of business organizations, these are less disastrous than the fact that the effective purpose, the hidden intent and the actual practice of the anti-trust laws in the United States have resulted in the condemnation of the productive and efficient members of our society because they are productive and efficient." Perhaps Messrs. McLaren and Mitchell should catch up on their reading.

CONGRESSMAN DOWDY DISCUSSES THE GREATEST VIRTUE

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. COLMER. Mr. Speaker, throughout the lifetime of man there have been discussions, and sometimes arguments, on the greatest virtue. More often than not these thought-provoking gatherings have begun with a question like, "What is the greatest gift you can give to your children?" Many words come to mind such as honesty, kindness, generosity, sincerity, and on and on without end. On Saturday, September 27, 1969, our esteemed colleague, Congressman John Dowdy, Democrat of Texas, spoke to the Southeast Texas IOOF and Rebekah Association meeting in Vidor, Tex., on this very subject.

Mr. Speaker, I would like to bring to the attention of all of my colleagues this outstanding and very timely presentation entitled, "A Pledge To Care":

A Pledge to Care

In July of 1957 the British people opened and dedicated what they call the House of Citizenship on its beautiful new premises and in its beautiful new building near Aylesbury. Lady Mountbatten, wife of England's great wartime hero, made the dedicatory address, and in the course of it she said that if she had her choice of human qualities, these are the ones she would choose in order of priority: first, courage; second, loyalty; and third, tolerance.

A commentator in an English magazine, *Time and Tide*, objected to what Lady Mountbatten gave by way of advice to the young people in the audience. He pointed out quite rightly that all three of these virtues or qualities were secondary in the sense that any gangster might have all three. He might have incredible courage to do things he had no business to do, and inordinate loyalty to the gang who supported him, and a certain kind of tolerance toward a man who would rather be a mobster than a monk!

He wished that something better than that could have been offered to the young people in the audience, and therefore he raised this interesting question: what would be your choice of the most important virtue? If we are middle-aged, we might begin with the traditional cardinal virtues—justice, prudence, temperance, fortitude. Or we might be so bold as to put humility first.

The commentator's answer, however, rather surprises us. He said, "I think I should put kindness first." *Time and Tide* is not a religious periodical, mind you, but a purely secular one, and yet this anonymous commentator protested against courage, loyalty, and tolerance as claiming first place

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in a man's life, and suggested kindness in their place—although the same objection might be made to kindness that he made to the other three. A gangster can be kind.

Suppose we change and strengthen the word: Kindness, I am afraid, has become too mild a term for what the commenator probably had in mind.

Compassion is a better word. It comes a little closer to what was meant and suggests some of the passion that is implied, a feeling with and for other people, a capacity to suffer with and for other people. I suggest that the much-used word care is even better.

Care can mean anxiety, and, as such, of course, all sane men and women shun it and try to root it out of their lives. But care, turned round, can mean that deep concern of one person for another, that amazing composite of a cultivated imagination and an insatiable desire to be part of life and to be of use. It means that capacity in human beings to get outside of themselves and to care about people and to care about life, to affirm life because they believe it is good, because in spite of all the shadows which darken their path, they approach life positively as they care about it and yield themselves to it. Whether it is to music or sports or work or the rocks of their geological surveys or the stars above them or the sea around them, whatever it is, they care about it and they care deeply.

In fact, if you reflect for a moment, you might almost divide the people of the world into two groups, those who care and those who don't.

Sooner or later, every man and every woman has to decide where he wants to stand, in which group he would like his life to be lived. You may question: What has this to do with our gathering here today? I hope you will see that the answer is everything. We Odd Fellows and Rebekahs are especially committed by the teachings and principles of our common fellowship to the practice in everyday life of that commanding ideal of care, translated into terms of service to our brothers and sisters and to all men everywhere. The principles and ideals of Oddfellowship embrace courage, loyalty, and tolerance, to be sure, but at their heart is that imperative quality we have designated as caring. We care.

Think for a moment how the great biblical incidents which are so important to us all embody and proclaim this golden motif of caring.

The story of Isaac and Rebekah, so beautifully told in the 24th chapter of Genesis, is probably the oldest and certainly the greatest love story in ancient literature, breathing as it does an atmosphere of gentleness, of respect, and of loyalty which contrasts vividly with the harsh spirit of that age and time in which women were little better than chattel slaves. The person of Rebekah speaks to us across the centuries in terms of that dignity and modesty which the Judaeo-Christian tradition helped to secure for women. It is a story which truly hallows marriage and family life as well.

Then the story of Jonathan and David. How often in moments of confusion we can best win through to victory over some lesser or greater difficulty by pressing boldly forward to meet and resolve it. In Bible times, the young David ran to meet the giant Goliath and overthrew him.

But reckless courage is not enough. David carefully chose the stones for his sling before going into battle. David understood that God lovingly governs his universe; he turned in prayer to this divine intelligence, acknowledged its unfailing presence and power, and was conscious of its direction of his meeting with Goliath. Knowing that God is good and all-powerful, evil could be nothing more than a deception and an illusion. Goliath seemed solid enough, but David was not frightened by his threatening bulk, because he knew that the Lord was with him, and he proceeded to successful combat.

And in like manner, as we are enlightened by the tenets of oddfellowship, we see right through the flimsy pretensions of strife and turmoil in our daily living, and go boldly forward to dispel them.

In the great drama of David and Jonathan we see both courage and loyalty revealed in mutual care and affection, one bond of trust. Their abiding friendship is portrayed in several passages in the 1st book of Samuel (18: 1–4, 19:1–7, 20:1–42, and 21), notably in the very moving account of their mutual pledge or promise: "Then Jonathan said to David, 'Go in peace. And as regards the oath that both of us have sworn in the name of the Lord, may the Lord be witness between you and me, between your descendants and mine for ever."[*] This remarkable example of trust and friendship on the part of Jonathan and David at the very moment that the former's father, King Saul, was seeking to destroy David, is among the greatest moments of the Hebrew Bible.

In the 2nd book of Samuel we may read (9:1–13 and 21:7) how in after years, Saul and Jonathan both dead, David the king remembered his pledge to protect the seed of Jonathan and so showed kindness to Meribaal, Jonathan's crippled son, who from that day "always ate at the king's table." Later, in a time of famine and war, when David was prevailed upon by the Gibeonites to destroy the surviving descendants of Saul, only Meribaal, Jonathan's son, was spared "on account of the oath by the (name of our) Lord that bound them together, David and Jonathan." It is a note of humanity and fidelity in that grim narrative of blood-vengeance and hatred.

Last, but far from least, we turn to the life and example of Jesus, and to his matchless parables. He talked constantly about care—the father who cared for his wayward son, the shepherd who cared about the lost sheep, and the Samaritan who cared about the man who was stripped and left for dead. Here is a parable which includes and demonstrates all the qualities we have mentioned—courage, as shown by the willingness of the Samaritan to stop by the roadside and involve himself in human need when he might have passed by safely and quickly (what a message for us today when fear or indifference leads so many to turn away); tolerance, as shown by the unquestioning response of the Samaritan to the plight of a Jew, despite the bitter hatred which existed between the two peoples; and loyalty, the quality of steadfast concern which moved the Samaritan to return later to make certain that all was well. And, finally, overarching all else, care.

The story of the good Samaritan was told in answer to a question asked by a lawyer, "And who is my neighbor?" The answer of the parable is any and every man in need whom you are able to help. Jesus himself cared, especially for the people nobody else cared for, the people who had been left out in life, and He gave only one test to those who would follow Him, and the test was this—that they care about their fellow men.

Indeed, St. John, in his first epistle, put it in the most point-blank way he could when he went so far as to say that God is care: "God," he wrote, "is love." Baron Von Hugel, the great English spiritual counselor and philosopher, at the end of his life of Christian devotion (in 1925), put it even more emphatically, more plainly, when he said, "Caring is everything. Nothing matters but caring."

Of course, sometimes, even though we have prayed, as did David, the scene still seems confused and discouraging. Then is the time to pause and reflect on our teachings. In God's presence, there are no contests. To infinite, ever-present love, all is love, and there is no defeat. As we advance in the certainty of divine direction, evil is powerless, and we win through to victory.

Today's challenge may appear to threaten our health or the health of someone near to us. It may concern our home, our friendships, our business or professional affairs. It may be a temptation to insist on following our own way instead of God's, or it may suggest that we have no responsibilities to our fraternity, and need have no concern for others in our community. Whatever form it takes, we do best to face them squarely and under God's guidance, just as David, to meet them promptly.

In this way our thoughts and actions are divinely guided at each step to expose our most menacing problems as no more than delusions. Thus we do not shrink from close action, but go forward fearlessly. Thus today's challenges are successfully met; our problems are overwhelmed; our victories are decisive.

Thus, through our troubled nation and all the world today are afflicted with violence and conflict, yet we see that the violence and conflict have their roots in the lack of human caring and concern. It is our privilege in this society to uphold and to practice those ideals which are at the very heart of our religious heritage, ideals sorely needed in these difficult days. May we find fresh inspiration and resolve in the teachings and principles of oddfellowship, that we may better serve our nation, our world, and our God.

OUR RHODESIAN POLICY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. STOKES. Mr. Speaker, the Government of Rhodesia should be an anathema to this Nation. The white minority of that country, who have consciously and legally separated themselves from the black majority and have forcefully and arrogantly superimposed white will on them, has violated every value the United States professes to hold as cherished.

Yet, our Government has not only refused to sever our ties with Rhodesia, but has also begun to subtly shift America's policy from Lyndon Johnson's "negative neutrality" to a "positive neutrality."

This is an extremely dangerous course of action. Our foreign policy is only as strong as the moral base which supports it. Whatever base our Rhodesian policy had during the Johnson years is now being rapidly eroded. It must change, or the United States will slip yet further in the eyes of all conscientious nations of the world community.

The distinguished columnist, Mr. Carl Rowan, has recently written a brilliant column on this country's Rhodesian policies. The article precisely points out the bankruptcy of current American action in Rhodesia, and some of the negative reactions to them from the third world nations. It is well worth reading, and I urge my colleagues to do so. The article follows:

NIXON SILENCE ON RHODESIA COSTLY

(By Carl T. Rowan)

President Nixon went to the United Nations with a forlorn plea to the 126 nations represented there to pressure Hanoi into peaceful settlement of the Vietnam war.

Nixon will get no help, no sympathy, no consolation from most of these 126 nations. The reason is that, in the eyes of much of the world, whatever moral justification we once had in Vietnam is rapidly disappearing.

If the President wonders why, all he need do is look at White House policy—or lack of policy—where the racist, outlaw regime in Rhodesia is concerned.

There has been a not-so-subtle shift of attitude in the White House from the Johnson administration to the Nixon administration, with the latter showing a lot more sympathy for the tiny white minority that has seized Rhodesia under conditions where, barring ultimate violent overthrow, that minority will forever rule and supress the black majority.

For two months, the white House has sat on a State Department recommendation that the United States pull its consulate out of Rhodesia, but the White House has declined to do so. Thus, the U.S. consul general, Paul O'Neill, recently returned to Salisbury, an act that the ruling regime called the best possible boost to the morale of the white minority.

A U.S. that pursues this kind of policy cannot possibly have good relations with black Africa. So whatever little help the African countries might give in extricating the U.S. from a grievous dilemma in Asia is not going to be forthcoming.

A country that ignores basic principles of human worth and decency, that overlooks a brazen trampling of the rights of self-determination in Rhodesia, will never be convincing when it says it is in Vietnam only to guarantee to the South Vietnamese the right to decide their own destiny.

White Rhodesians are in the process of approving a new "constitution" that will make that land an even more pernicious police state than it has been these last several years.

That constitution will make it impossible for Rhodesia's 4,800,000 Africans ever to wrest power legally from the 228,000 whites.

In theory Africans might someday achieve "parity"—that is, an equal number of seats in parliament. But there is a neat little stipulation that this can concur only after Africans pay an equal share of income taxes.

The hooker here is that Africans now pay only about one percent of the taxes. One reason is that while the average wage for a European is about $4,000, it is only $400 for an African.

Not in a millenium will Africans reach the economic level where they can meet the tax qualification. Nevertheless, the Ian Smith regime has raised other qualifications for voters, an act designed to exclude thousands of blacks from elections.

Finally, the whites have put in another hooker providing that even after "parity," half the black seats in parliament will be named by the chiefs, who are mostly Uncle Tom servants of the whites, and thus under effective control of the minority regime.

Another outrage is the way the Smith regime has divided up the land. It has set aside 45 million acres for 4,800,000 Africans and 45 million acres for 228,000 whites.

The regime is now in the process of chasing Africans out of "islands" within the areas reserved for whites. The courts ruled that the Africans had the right to remain, but parliament got around this simply by passing a new law.

The new constitution extends to the government the right to censor the press and other publications, a right already exercised on radio and TV. Enshrined in the new constitution is the right of "preventive detention," without bail or speedy trail, of anyone arrested on charges of trying to overthrow the white dictatorship.

This is the kind of regime the White House can't make up its mind about—despite the existence of a United Nations resolution calling upon member states to withdraw their consulates.

The rationale coming out the White House is that there are 1,100 Americans in Rhodesia, about 850 of whom are missionaries, and that we need a consulate to look after their interests.

We didn't even have a consulate in Southern Rhodesia until 1949 and the American missionaries there prior to that time managed to get along fairly well.

The other argument is that we need eyes and ears in Rhodesia to send back reports on what is going on in the southern end of Africa. We could post observers 10,000 miles away and the odor wafting out of Rhodesia would make it clear what is going on.

Someone in the White House apparently scoffs at the notion that morality—racial, social, or otherwise—ought to be a big ingredient in foreign policy. They assume that you go with power, and obviously the whites in Rhodesia have the power. They say you go with strength, and obviously the economic interests who want U.S. relations with Rhodesia to continue have more strength in Washington than do the weak, divided African countries that look with so much anger and disquiet on what is happening in the southern end of their continent.

But it was precisely this disdain for the moral elements in foreign policy, it was this notion that might ultimately makes right, that got the United States in the Vietnam dilemma that becomes a tighter, stronger web around Nixon every week.

ARTHUR GODFREY—CLEAN WATER CHAMPION

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BLATNIK. Mr. Speaker, those of us who led the battle today for full funding of the water pollution program are deeply indebted to Arthur Godfrey for the help he so generously gave us just 2 weeks ago in launching the drive that culminated in today's vote nearly tripling the funds for water pollution control.

With his modest and humble manner, and with an earnest, deeply moving speech, he made a great impression on the 200-plus Congressmen and representatives of conservation organizations, labor groups, and the untiring League of Women Voters, who were gathered for the kickoff.

In addition to a factually sound and truly thought-provoking presentation, Mr. Godfrey further impressed all of us with his pledge to dedicate the rest of his public life to the cause of a cleaner, healthier environment. In a more recent speech, Mr. Godfrey stated his views on this subject with such clarity, such eloquence, and such precision that I feel it should be called to the attention of my colleagues. I insert Mr. Godfrey's statement in the RECORD:

ADDRESS BY ARTHUR GODFREY TO THE NATIONAL WATER WELL ASSOCIATION, ST. LOUIS, MO., SEPTEMBER 29, 1969

According to the Bureau of Vital Statistics, Arthur Hanbury and Kathryn Godfrey, who lived in a flat just off Amsterdam Avenue on 114th Street in Manhattan, reported a child (male) born to them on August 31, 1903.

According to my dear mother, what she had brought forth looked like nothing either parent had ever seen so it was some time before they decided it was me. The birth certificate doesn't record that I was given the name Arthur Morton. Apparently, that wasn't decided for some days during which the matter was argued back and forth. Finally, my father's first name and my mother's surname were agreed upon one night in a moment of extreme passion.

My arrival upon this planet was always shrouded in weird mystery to me—until recently, in deep analysis, it was established that my appearance was (a) a complete and rather inconvenient surprise, though entirely (if barely) legal; and (b) that I weighed in at a whopping 4½ pounds and was so puny and cold that my maternal grandmother took immediate charge as was her wont.

The birth took place in the kitchen where they had been preparing breakfast for my father who was home on his honeymoon. Grandmother, thinking I was freezing to death, jammed me into the oven. About an hour later, father noted the sudden appearance of freckles and red hair, removed me—thinking I was done. This later gave rise to the expression "half-baked."

1903: That was the year Orville Wright said to his brother Wilbur, "meet me at the bicycle shop in the morning and let's see what we can dream up." The automobile had already been invented, but no one could drive one without sending a man out on foot ahead to warn the people. Pollution in those days was of a different order and odor.

Ninety-nine percent of the vehicles were drawn by horses whose well-organized, compacted by-products were disposed of primarily by volunteer groups of English sparrows brought over a century before for the purpose. Secondary treatment was accomplished by white-uniformed street cleaners with great brooms and shovels followed by water-wagons in lieu of rain.

In those days New Yorkers actually looked each other in the eye and smiled as they passed. Stepping ever so carefully down a Manhattan street today—usually in the wake of some huge dog—I can't help but recall wistfully that horses seldom walked on the sidewalks.

The population of greater New York was only a couple of million then and, although raw sewage was emptied into the Hudson along with the wastes of a few factories, it was but a fraction of today's gook. Furthermore, the tides were able to keep the waters fairly fresh and clean. Staten Island beaches were sparkling and we even used to swim at Hunt's Point and Great Neck. Coney Island was like Waikiki and Far Rockaway was a paradise out of this world.

Every spring we had great shad runs up the Hudson, although the salmon had gone by the time I came along. So had the sturgeon. Would you believe that America used to export Hudson River caviar to Russia? It's a fact! And crabs: Oh man, beautiful blue crabs we pay seven and eight bucks a pound for today. The rivers and inlets around New York, New Jersey and Connecticut, and the north and south shores of Long Island Sound, on down the Jersey coast, Delaware River, Chesapeake Bay and so on were alive with crabs and clams and fish.

Garbage and trash weren't really much of a problem for the average household in those days, probably because we ate everything that came from the grocery. No non-biodegradables. No plastic bags or bottles. Glass containers were saved and used again and again. No beer cans: one rushed the growler: a bucket of suds from the corner saloon. Among men only a few swells ever smoked cigarettes: women never did. Most working men smoked a cigar down to a lip-scorching

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[*] From the *Jerusalem Bible.*

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butt and then stuffed it into a corn-cob pipe for the morrow. Old newspapers were bundled up and sold to the junkman when he came around once every six months or so in his disreputable old one-horse wagon with its line of tarnished brass bells dangling noisily across the tail-gate.

Not that New York smelled anything like lilacs then. The abbatoirs, for instance, the slaughter houses—were located on what is now posh Sutton Place—and what a stench they put out! The East River was no mountain stream then, either! I know it's hard to imagine, but parts of it smelled even worse than today!

Fortunately, financial reverses forced my parents to move out of New York when I was still very young. Heh! Financial reverses: that's the wrong word. If we'd had reverses, we would have been rich. We were poverty-stricken, as mother used to say. We moved over to Hasbrouck Heights in Jersey where we could get a house and a yard and a garden for $25.00 per month, and we used to get dispossessed for non-payment of rent every so often even at that!

But nothing better could have happened to me because Hasbrouck Heights, though only ten or twelve air-line miles away, was a hick-town. Man, it was country—with farms and orchards and woods—real, deep thick woods and a great swamp at the foot of the hill—where I keep my airplanes nowadays—Teterboro Airport.

Being hungry and poor, I had to work—before and after school every day: mowing lawns, clipping hedges, beating rugs, delivering papers, later delivering bread and rolls and milk every morning and working on the farms and in the orchards. And I hunted and fished and trapped and learned the lore of the wilderness. Used to trap muskrats just about where runway 19 is now at Teterboro. [That was the big money: 90 cents to a $1.05 a pelt which, I am told, is exactly what they are bringing today. Heh! Computing the inflation, I guess I used to get fifteen or twenty bucks a skin, didn't I?]

Well, the point of all this is that it was all beautiful background for the role I am playing today. Although the idea is often rejected by some, I am an entertainer of sorts and, reputedly, a salesman. Many of my contemporaries accord me the dubious distinction of having been the originator of my brand of broadcasting which they happily and profitably imitate and vastly improve upon. The difference between us is that I have done my homework. For decades, like all hunters and fishermen, pilots and sailors and farmers, I have been keenly aware of the progressive deterioration of our environment, especially since the end of World War II. The fishing has been getting worse all the time—not only in the streams but in the bays and inlets and in the ocean itself. Ducks and geese are 'way down. Many predator birds have vanished from some areas and, indeed, are now threatened with complete extinction.

We have more deer than we ever had in America (even when the Indians owned the place!) but that's because the predators—the wolves and coyotes and bears and pumas have vanished from the scene. The only predators left for deer are people—most of whom are lousy shots. Also, the big, deep woods are gone and have been replaced by plowed fields edged with thin little strips of woodland full of browse upon which deer thrive, until over-population sets in. When there are too many deer for the available browse, nature takes her toll during the winter. When the snows have melted we who haunt the woods stumble over hundreds of rotting carcasses.

We who sail have watched the once blue waters of western Long Island Sound turn to a sickly, smelly, yellowish gray. We who fly have observed the air in the sky getting thicker and thicker and browner and browner—higher and higher! Recently, I flew a sleek little Learjet to Ft. Lauderdale for the PATCO convention in Miami. I flight-planned the trip for 41,000 but later asked for 45,000 and found the top of the visible pollution to be no less than 43—all the way to Florida—even 150 miles off Jacksonville!

Last June I was in Rome for four days attending the International Board meeting of the World Wildlife Fund. The trip over was made at night, but I came back on Sunday afternoon via Alitalia with one stop in London. All across Europe at 34,000 the gook was high above us *and all the way across the Atlantic!* Not clouds—not weather—Gook! Smog! Eeachh! Yesterday I flew my Gulfstream in from Virginia at 18,000 feet. It was what most people call a clear day. However, even with a head wind of 60 knots playing out of the northwest, it was almost impossible to see the ground through the smog.

This is what man—with his runaway technology has done to himself. For billions of years the vast atmosphere had the ability to keep itself fairly clean—clean enough, at least, to sustain life.

So did our rivers and streams and bays and gulfs and reefs and beaches. The forests were the water-sheds and the moisture, that fell from the clouds, was filtered through the soils, to the aquifers, through the streams, to the lakes and the oceans, clean and sparkling to be re-cycled through evaporation back to the clouds aloft.

And this process endured through the first two million or more years of man's existence. We didn't live in sufficient numbers to do much damage to our environment. There were never as many as one billion people alive on the face of the earth until about 1830, about which time his technology began to mushroom. Lo and behold, by 1930—one century later—we counted two billion souls. The third billion required only 30 more years and we are now, in 1969, well on the way to the fourth billion.

At this horrible rate of geometric progression, 30 years from now—at the turn of the 21st century—the world population will have reached over 7 billion! This once beautiful little planet was never meant to hold that many people!

But don't worry about it. We'll never make it. My ecologist friends tell me that they are very pessimistic. They say that man is fouling his environment much faster than nature can clean it up and, in consequence, will suffocate in his own filth. Not in a hundred years—or a thousand years—but within the next thirty years! That's no time at all, is it? 30 years? Let's see: 30 years ago Hitler struck in Czechoslovakia. To my generation that seems like just yesterday. That makes 30 years from *now*—just tomorrow! We haven't got much time, have we? Not in view of the fossil poisons we're spreading through the atmosphere, which includes our water. Business leaders are accustomed to reading graphs: here's the growth rate and here's the pollution rate. Sometime ago they crossed. The higher we bring the growth curve—the higher goes the pollution—and they'll never cross again.

The scientists have known about this for a long time and they've tried to tell us about it. But there have been no listeners to amount to anything. For years, mine was the only voice, in command of any kind of a national audience, that was ever heard on the subject. Until about three and a half years ago, it had been very difficult to document anything. What the bureaucrats knew, they weren't telling anybody, and as a result, were and *are* often at cross-purposes. Then along came a book called: "Moment in the Sun", by Bob Rienow and his wife Leona, who spent 30 years documenting the facts. I've been quoting it and touting it ever since. And others: Barry Commoner's "Science and Survival," Wesley Marx' "The Frail Ocean," Paul Ehrlich's "The Population Bomb."

To my great satisfaction, the media are now full of conservation and ecology stories these days. Almost daily in the newspapers, magazines, news radio and on TV. I can tell you now that we of these media are very sensitive to public opinion and we have known for sometime that public concern far exceeds that of our leaders. In fact, it has become more than concern: it is a cry of outrage! According to the National Wildlife Federation, during April and May of 1969, 55% of the American public is very much concerned and 75% of them are willing to pay even higher taxes to help fight pollution.

But just for once, let's not look for a scapegoat. No person or group of persons in particular is to blame. We are all equally culpable. Do you remember reading about the slaughter of the buffalo? I'm sure it never occurred to a single greedy hide shooter that there would ever be an end to that herd of 75,000,000 bison. The factories which emptied their wastes into the rivers never dreamed they were polluting the open sea! The cities which pumped their raw sewage into the same rivers cared little about the complaints from those who lived down-river, who, in turn, shrugged and added their own filth. Nor did the power plants and factories spewing their smoke into the air dream that the atmosphere would one day become saturated with sulfur oxides. Add to that the carbon monoxide and the hydro carbons poured into the air—by the automobiles and motorcycles and trucks and motorboats. Eighty-six million tons per year, 70% of the total air pollution. Did I mention airplanes? We who fly have been dragging the horrible stuff ever higher until now, as I have said, it is to be found as high as 43,000 feet! Rain—which used to be the purest water available, washes the pollutants out of the air thus contaminating the soil and the sea. Imagine: rain water no longer pure! The girls tell me they no longer can use it to wash their hair.

Remember that beautiful photograph the astronauts brought back from the moon? There is our little planet, a beautiful jewel shining against that black cosmos—and the atmosphere—our air which we breathe is, proportionately, about as thick as the skin of an apple. We don't seem to realize: this is all the air we've got! That picture could have been the end of the Apollo project for my money. The view we thus obtained of our planet was the greatest contribution of all, in my opinion. Who needs those rocks they brought back?

And what do you think another of the worst polluters of water turns out to be? The out-board motor which by design actually dumps overboard—unburned!—anywhere from 10% to a third of the mixture of the fossil fuels—gasoline and oil that is required to run them. The amount depends upon how recently the motor was built.

I'm sure the last thing a vacationing boating enthusiast ever thinks of, as he joyously churns up and down our rivers and lakes, is that he is destroying with hydro-carbons the very environment he loves! And I'm told there are seven million of them in daily use in America alone!

The Goggi brothers of Staten Island have perfected a device which, because it re-cycles this fuel back into the motor, actually pays for itself in a season of use—but more important, it absolutely prevents the pollution of the water by even so much as one drop of fuel.

Everybody knows the story of DDT by now. It was regarded as a miracle when it first came out. Now science knows that it contains a lethal non-biodegradable poison that is causing the extinction of many organisms in the food-chain of life. You all know the story of the coal miners using live canaries to warn them of the presence of poisonous gases in the mines. O.K. The osprey, the eagle, the pelican and many other birds are trying to tell us the same thing now as they approach complete extinction. They are trying to warn us of our own impending doom.

All these things and others have happened because we have failed to take the time to study the ecological consequences of our technological discoveries before adopting them. Until recently, therefore, no one could point the finger of blame. But—now that we know our mistakes—somebody had better start doing something constructive or a lot of heads will roll.

We were momentarily heartened recently when President Nixon appointed a board to study our conservation problems. Then we saw who was on the board. Besides himself and the Vice-President, the appointees are all members of his Cabinet. Conservationists? Ecologists? Just one, Dr. Lee A. DuBridge. Thus, despite the fact that 70% of the air pollution comes from gasoline powered automobiles, the President just the other day magnanimously recommended the expenditure of 2½ million dollars for the development of of a non-pollutant engine. Big deal! Why Bill Lear has already spent 4 million dollars of his own money and has committed 6 million more to the development of such an engine. He puts up 10 million of his own money, Uncle Sam 2½. I am really thrilled!

Also, despite Congress' authorization of a billion dollars for water purification over a year ago, both the Johnson and Nixon Administrations have asked for only 214 million—just a little more than one-fifth of what was required as of a year ago. We must stop water pollution, but more important, it seems to me, we must quit building these damn dams and quit re-cycling water that has already passed through incalculable numbers of relatives, friends and enemies.

Dr. Jay Lehr, the Executive Director of the National Water Well Association, tells me that 97% of our treasure of pure, unpolluted, fresh water in America is located underground, anywhere from just below the surface to less than a mile. Despite this, we insist upon re-cycling our surface water. In fact, approximately 85% of the water used by Americans is surface water from the polluted lakes and rivers and streams and run through highly inefficient purification plants. Dr. Lehr tells me that even if we Americans continue to use fresh water at the same rate that we do today, there is enough water stored in our aquifers to last 7,900 years. Therefore, we could double the use and still be safe for nearly 4,000 years even if it didn't rain another drop!

I am no longer enchanted with our great technology. I have seen what unchecked technology has done to the environment of this planet. I sense we have let machines get ahead of people. The computer is beating us to death.

We have created a gaudy illusion about air travel, for instance, thanks to the creative art of advertising. I say we—because I helped do it—since 'way back in the days when Juan and Rick and CR and Pat Patterson were pioneering. The walls and files of my office are jammed with trophies and awards and kudos and thank you's dating from the first broadcast ever done from an air-liner. Captain Eddie Rickenbacker and I did it together in his first DC-3.

Little did I dream that travelling by air would become a teeth-grinding challenge to passengers. Fighting traffic to the airport . . . parking space . . . reservations that disappear . . . wrong flight information . . . cramped seating . . . dismal food . . . airways traffic delays . . . prolix ticket people chattering away unreadably on the PA system . . . grueling hikes down long corridors of stifling airports. To be followed by more ground delays, with baggage that is lost or strayed . . . and five and ten dollar hauls by taxis—when available—to the center of town.

So now what's new? The 747, the jumbo jet, and the SST. I see where President Nixon recommends an expenditure of nearly a billion dollars to develop the SST. One billion for supersonic aircraft—2½ paltry million for non-polluting engine development.

Which has the priority—the incredible snarl and stick on the ground . . . or an aircraft which to me—whatever color you paint it—is still an increasingly large bottle, with the same small neck. And who needs the SST? The very rich and very bored jet set that want to be sure to get to Paris for cocktails tonight. That's who!

I can't help but think of the genius who built the magnificent boat in his basement and can't get it out.

We are committing fortunes to the creation of these new aircraft, and the powers that be cite the economy, and international competition and world trade. That's going to be a great airplane, that 747, I have no doubt, and may make a buck or two for the stockholders—if they don't smash one of them up too soon. Oh, they'll crack a couple of 'em up; maybe three before we're through. I never heard of a new model that didn't sooner or later cross up the designers, did you? And don't forget, no matter what systems and back-ups we can dream up, they are nothing but little black boxes in the last analysis and it is still the imperfect human being who has the ultimate responsibility. Which reminds me: aviation better hold on to some of the old-timers who are reaching the retirement age! These big planes are gonna need lore and experience—and lots of it!

And where in the world does anyone get the idea that the 747 is going to solve any traffic problems? Sure, they'll haul 500 passengers to the coast or overseas. And what will we do with the planes they'll replace? Junk 'em? Of course not. They'll be sold to smaller airlines for use in the same areas and over the same routes. And just wait till we see the ground traffic at the airports. What's the average? Two point something people come out to see papa off and two point something more to greet his return? And you think it's hard to get your baggage now?

If that sounds cynical, so be it. It is my considered judgment after 40 years of flying, and 14-thousand some odd hours as a command pilot. Instead of developing bigger and greater monstrosities, why not use some of that money to modernize our traffic control systems? How about, for instance, an inexpensive transponder for light aircraft? For a couple of hundred dollars such a device could be made standard equipment on all light aircraft. It would be turned on automatically when the pilot turns on the ignition switch. He would have no control over it except that it would be set barometrically to operate below a certain altitude—say 1,500 feet—thus enabling traffic controllers to recognize the blip on the radar screen indicating the presence of a light aircraft *below* the big commercial carriers going to and from airports. If such a piece of equipment had been available, that horrible, fateful collision in Indiana the other day could have been avoided.

And let's get real brave and stop this stupid private automobile jam that goes on for 20 hours out of every 24 here and in all big cities! Let us provide fast, electric or steam buses on all avenues and all streets and ban all private cars and taxi-cabs and tell the trucks to get rid of their stinking diesels and gas engines and switch to electric or steam or get out.

Let's require tertiary treatment for all sewage and chemical toilets for all water craft. No more raw sewage in the harbors and rivers, lakes and oceans. Let's quit building dams and "developing" estuaries. Let's find some other ways of building monuments to engineers than at the expense of the environment.

Instead, let's start using—wisely—under ecological control—the vast treasure of 47 billion acre feet of pure water now lying untapped in the nation's aquifers.

But most important of all, let's face up to the fact that the real cause of our entire dilemma is simply people. Teeming billions of people—human beings—the most destructive, the most thoughtless, the most careless, the most vicious of all of earth's animals. Fancying himself with absurd and naive ego, created in the image of omnipotent deity, he has ruthlessly trampled most of this paradisaical planet underfoot. Where loving, grateful stewardship should have been his guideline, he has preferred the role of tyrannical despot. He has ridden roughshod insensitively over all opposition. He has "conquered" the wilderness, asking with incredible hypocrisy, for Divine blessing and guidance all along the way, even when engaged in the murder of millions of his own kind! But, where as in ancient times (and for 2½ million years!) nature always handled any runaway situations with dispatch (with plagues, pestilences, floods and fires) man with his developing technology has defeated her—temporarily—on every front. For the better part of a century—the blink of an eye-lid in the aeons of timeless history—man has been sailing blithely along completely unaware of his course and speed.

The destruction of his environment by his own greedy hand, will be his ultimate undoing. Extremely sober, highly respected ecologists predict utter catastrophe before the turn of the century—within 30 short years! This is the heritage we are leaving our children—no future at all! And they know it.

Well, I would be less than honest if I failed to tell you of those frightening truths, but I would also be less than human if I didn't hope. I am a dedicated volunteer for survival. Will you join me?

WORLD BANK CAMPAIGN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Mr. RARICK. Mr. Speaker, on Monday of this week, I commented on the manifesto which came out of the World Bank Convention here in the District of Columbia—see CONGRESSIONAL RECORD, October 6, page 28736

Itemizing the international bankers' programs, I suggested that no Member, to the knowledge of his constituents, would vote for such proposals.

I further remarked that if the same objectives were written in palatable language, thinly disguised, and labeled as "progressive," "mature," flexible," and "humanitarian," many would feel constrained to so vote.

Past experience proves that the international bankers use their full power to confuse, persuade, and maneuver the American people to accomplish international aims.

The internationalists erupted into operation almost immediately. Yesterday, I received a leatherbound volume entitled "Economic Foreign Cooperation" which even bears my name, stamped in gold, on the cover. The book explained that underdeveloped nations do not like the word "aid," and henceforth the word "cooperation" should be used when referring to "our economic foreign programs." The book is illustrated with cartoons and written in a vocabulary and style addressed to about 10-year-olds—apparently the intelligence level that the senders must regard Members of Congress as possessing.

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The World Bank coterie, through its former president has also recommended an inducement to Hanoi to end the war earlier; the "inducement" being a cool $1 billion foreign aid package to Southeast Asia. What Congressman could vote against a billion dollar expenditure—not called "ransom" or "blackmail," but for "peace through economic cooperation?"

The former World Bank head indicates that North Vietnam might be interested in joining international organizations—the Asian Bank, the World Bank.

Mr. Speaker, it becomes more and more imperative that our colleagues become alerted to crafty promotions if they are to continue representing their constituents rather than the predetermined programs of the powerful World Bank cartel.

I insert a news clipping from the Christian Science Monitor:

SOUTHEAST ASIAN AID PACKAGE URGED AS INDUCEMENT TO HANOI

(By William C. Selover)

While President Nixon is concentrating on finding an end to the Vietnam war, Eugene R. Black, former World Bank president, has come up with what he thinks is an "inducement" to Hanoi "to end the war earlier."

This "inducement" is a cool billion-dollar aid package to Southeast Asia, designed to spearhead economic development in the area.

Ironically, Mr. Black makes his report, "Alternative in Southeast Asia," published by Praeger, at a time when he is no longer a part of the administration, when public enthusiasm for massive foreign-aid programs is at an all-time low, and when his voice remains largely unheeded.

He started his thankless task back in April, 1965, when President Johnson appointed him special adviser and asked him to come up with a plan for postwar development.

JOHNSON AOLE RECALLED

In his now-famous Johns Hopkins University speech, Mr. Johnson called on Mr. Black to devise a grand plan: "The task is nothing less than to enrich the hopes and the existence of more than a hundred million people," Mr. Johnson said.

He sent Mr. Black and a task force tramping throughout Southeast Asia with a few specific suggestions, spelled out in typical Johnsonian superlatives:

"The vast Mekong River can provide food and water and power on a scale to dwarf even our own TVA.

"The wonders of modern medicine can be spread through villages where thousands die every year from lack of care.

"Schools can be established to train people in the skills that are needed to manage the process of development."

Mr. Black believes that the American presence in Asia must be reduced dramatically following the war. He believes Mr. Nixon's suggestions for postwar Asian policy are valid.

WHAT SUGGESTION MEANS

"In the wake of a cessation of hostilities in Vietnam," he reports, "I think we will have to substitute for an overwhelming American presence a multilateral framework for a policy of regional cooperation."

In other words, he suggests that Americans concentrate on bolstering regional unity—in an area which could thirve on such unification—and at the same time renounce what he calls "our present policy of overinvolvement in the affairs of Southeast Asia."

While such pronouncements are common on Capitol Hill these days, representatives of international finanee have not been heard to take such a clear line.

"Everybody's tired of the war," Mr. Black says in his soft Georgia accent. "Businessmen would like to see it over."

He added: "Financial people are worried that we are spending this much money; they would like to see it spent in this country."

In every country Mr. Black visited in East and Southeast Asia, leaders asked the American banker if the United States would lose interest in the area following the war.

REGIONAL COOPERATION

Mr. Black assured them he would be very much surprised if it did. But he hoped continued interest would be in the form of contributions to regional banks and investments in developing projects.

Already, study of the postwar task has resulted in several examples of regional cooperation, including the Asian Development Bank which was an outgrowth of this program. The Mekong committee, according to Mr. Black, is also "extremely active" in making plans for long-term development.

Mr. Black is particularly interested in involving Japan in future regional economic pacts, as well as the Soviet Union, and even North Vietnam. "It is quite possible North Vietnam could benefit from the aid," he says.

"North Vietnam might be interested in joining international organizations, the Asian Bank, the World Bank—they might come in on a multilateral basis."

Furthermore, he said, they might "get power from the Mekong power plants."

But he also warns that it would be a great "setback" to regional cooperation if the Communists won the war. He agrees with the Nixon attempts to gain peace in the area. The lack of support for Mr. Nixon in this country, he says, "is going to make it very difficult to make peace." Those advocating deadlines for unilateral withdrawal, he says, "are playing into the hands of the North Vietnamese."

MORE TRIALS IN IRAQ

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BIAGGI. Mr. Speaker, beginning in December 1968, the Government of Iraq has held a series of so-called spy trials, in which they subject innocent victims to an Iraqi inquisition.

In February 1969, a horrified world witnessed the display in the public squares of the city of Baghdad of the mutilated and murdered bodies of the first of the "alleged spies." Since then, the total number of the tortured victims of the Iraqi barbarians has reached 54.

Many of those killed by the Iraqi executioners have been Jews, who were sacrificed for no other reason than the fact that they were Jews. The action by the Government of Iraq in holding these "kangaroo trials" and the imposition of the harshest penalty for the alleged crimes is a flagrant violation of every human standard of decency and a direct rejection of every human right.

This mockery of justice continues in spite of pleas from the highest authorities—Presidents, Prime Ministers, officials of the United Nations, the Pope, respected leaders from every nation and from every institution in the civilized world.

I call upon the Secretary of State, William Rogers, to make every effort to intervene with the rulers in Baghdad to put an end to these charades of justice and to free these innocent people from their torment. The United States should seek every available avenue of redress in the United Nations, and prompt that international body to apply to the prisoners of Iraq the protection of human rights accorded to every other member of the world society.

HON. JOSEPH RESNICK

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SCHEUER. Mr. Speaker, I join with my colleagues in expressing my sadness at the passing of Joe Resnick. I extend my sincere condolences to his wife.

Joe was a warm and ebullient friend and a Congressman of the old school, an individualist to the core. He cared deeply for what was right. He cared less for party, and institutions and not a whit for those whose noses might be out of joint because of his actions.

He followed the road where his instincts took him, with a bulldog determination, and his instincts were right and sound.

And he followed the road as a pro. He knew his stuff. He did his homework.

It was this combination of bulldog tenacity, courage, and instinct for what was right and decent, along with Joe's high professionalism that made him such a significant Member of this body, and leaves us with such a sense of loss.

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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, October 9, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

They that wait upon the Lord shall renew their strength.—Isaiah 40: 31.

Almighty God, we thank Thee for all the blessings Thou hast so abundantly bestowed upon us. Do Thou help us to translate our thanksgiving into thanksliving and to live as Thy obedient and loving children. May we never forget who Thou art, who we are, and who our neighbor is.

Grant to the Members of this body the strength and the courage to do what they truly believe to be right and good for our Nation. Deliver them from pride and prejudice, from intolerance and every evil word, and bind them together in a faith which will enable them to labor unceasingly for the best interests of our people.

Look with Thy favor upon us, and may the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested bills of the House of the following titles:

H.R. 337. An act to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes; and

H.R. 4148. An act to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4148) entitled "An act to amend the Federal Water Pollution Control Act, as amended, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Muskie, Mr. Randolph, Mr. Bayh, Mr. Montoya, Mr. Boggs, Mr. Cooper, and Mr. Baker to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1075) entitled "An act to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jackson, Mr. Church, Mr. Nelson, Mr. Allott, and Mr. Jordan of Idaho to be the conferees on the part of the Senate with instructions.

The message also announced that the Senate agrees to the amendments of the House to a bill and a joint resolution of the Senate of the following titles:

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park; and

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

ALASKA NATIVES

(Mr. ASPINALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASPINALL. Mr. Speaker, in consideration of important legislation affecting natural and human resource conservation, protection, use and equities, it becomes more and more important that committees charged with such responsibilities personally visit areas concerned. Such visits have been an important factor in the legislative process since the early days of this Nation.

With the practice of keeping Congress in session most of the year, it becomes increasingly difficult for a committee to discharge its obligation to obtain firsthand knowledge of people and areas affected by legislation.

One important piece of legislation before the Interior and Insular Affairs Committee and before the House is legislation having to do with claims of Alaska natives—Indians, Eskimos, and Aleuts. The problems necessitate a visit immediately by a limited number of committee members to Alaska. I have asked several members to go to visit the area and its people during October. The committee delegation will leave Washington Saturday, October 11, and visit several areas, with hearings in Fairbanks and Anchorage, returning to the District of Columbia October 19. This will be a hard trip but there will be no other time at our disposal.

Congressional Members making this trip with me include the gentleman from Florida (Mr. Haley), chairman of the Subcommittee on Indian Affairs, the gentleman from Pennsylvania (Mr. Saylor), ranking minority member. Other members are Messrs. Edmondson, Taylor, Meeds, Berry, Steiger of Arizona, Camp, and Lujan. The House and the immediate constituency of each Member should understand and appreciate the purposes of the trip and the personal dedication of those willing to go, especially at this time of year.

Mr. Speaker, I thank each Member accompanying me on the trip. It is our desire to have before this body for discussion, as soon as the second session convenes, well-considered and proper legislation to protect the people of the Nation generally and the natives of Alaska specifically.

TAKING CONGRESS TO THE PEOPLE

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, 2 days ago I remarked to this House that we were in the unhappy position of always being present at the unhappy crash landings but very rarely being present when there was an auspicious takeoff.

It occurs to me, further, that if we, as Members of this House of Representatives, are going to retain our posture with the American people, we are going to have to take this Congress to the country. I suggested, therefore, that the idea of the gentleman from Texas (Mr. Patman) of our committee to start having hearings in some of the major cities in this country is the right way to go.

We are not going to get the ear, the eye, or the appreciation of the American people so long as we are captives in the Capitol covered by the cape of limited exposure through the national media. The Executive and the Members of the other body can revel in the long and extended sessions, for they run less frequently than do we for office, and, in addition, they benefit from the favor of a forum provided by the national press and television coverage.

Another advance to be commended is the announcement made by Chris Craft yesterday that the corporation is opening a fully staffed Washington office to provide a forum for the local representatives in the areas their newly acquired network of stations cover. The corporation has expanded its communication subsidiaries holdings to include stations serving Min-

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nesota, Wisconsin, Washington, Oregon, and California. This expansion of exposure to allow a report with local flavor to the States and congressional districts as to the actions of Government and specifically how they will affect the smaller segments of the country is long overdue. We commend other stations and facilities to do likewise. The purely national coverage given by the networks leaves many facets of the actions of Congress unexplained and special applications of the various programs unappreciated.

Let us then, colleagues, encourage and improve every change that builds the prestige of our body and brings us closer in more meaningful ways to the constituents we represent for how else can we assure that the government of the people, by the people, and for the people will prevail?

PERSONAL EXPLANATION

Mr. FREY. Mr. Speaker, on Monday, October 6, due to a longstanding previous commitment in my congressional district, I was unable to vote on rollcalls numbered 203, 204, and 205. Had I been present, I would thave voted yea on rollcalls numbered 203, 204, and 205.

DEDICATION OF COMMUNITY CENTER IN ORLANDO, FLA.

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, last Sunday I was privileged to be the speaker at the dedication of a community center in Orlando, Fla. The center included a nursery for working mothers, preschool classrooms, a recreation area, two pools, and a large meeting room. They have hired a former football player, Tommy Nelson, Jr., 24, as executive director and he has a 12-man staff. Certainly this is not remarkable by itself. But it is much more than a community center. It stands as tangible proof of what can be accomplished when people work together for a common cause. This is a symbol of what America is really all about. The center happens to be in the black community of Washington Shores in Orlando. Dr. James R. Smith, chairman of the Washington Shores Executive Committee, had a dream a few years ago for such a center. He felt that it should be an effort of the black community. With a handful of dedicated workers, the task of raising $50,000 began. At the same time leaders of the white community helped by raising $75,000 and donating a building. Together, not as blacks or whites, but as fellow Americans, the goals were reached and the center was completed. No one asked something for nothing. Each person had the personal satisfaction of pride in doing for himself rather than someone doing it for him.

As I said before, this center by itself is relatively unimportant. But in a time of internal strife, in a time of world tensions, in a time of conflict between people, we in the Fifth Congressional District of Florida are proud that as fellow Americans we can work and build together.

CONFERENCE ON THE AGRICULTURE APPROPRIATION BILL

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, it is my understanding that a request will be made today to go to conference on the House appropriation bill for Agriculture. At that time I am sure an effort will be made to instruct the conferees for the $20,000 limit on payments to individual farmers. But before that moment comes, I want to call the attention of the Members of the body to a report on cotton production just issued yesterday, which shows the yield per acre for the current year at 450 pounds.

This is important because the Secretary of Agriculture, in voicing his objection to the $20,000 limitation in the appropriation bill earlier this year, based it on his contention that this would cause an increase in cotton program costs of about $160 million. He forecast a 550 yield for 1970 crop. With a yield of 450 pounds per acre instead of the 550 pounds per acre Secretary Hardin was at that time forecasting for the 1970 crop, this would have an impact on the Government investment in inventory of a tremendous size. Twelve million acres at 100 pounds per acre times 32 cents acquisition cost comes to $384 million.

This adjustment alone would eliminate twice over the inventory increase of $160 million Secretary Hardin forecast.

I mention this to show that the forecast that the snapback provision of the cotton program would actually increase costs to the taxpayer simply cannot be supported by the statistics now available from the Department.

FREE WORLD SHIPS TRADING WITH NORTH VIETNAM

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include a tabulation.)

Mr. CHAMBERLAIN. Mr. Speaker, it is with a measure of satisfaction that I report that the administration is continuing to make progress in connection with the problem of free world ships trading with North Vietnam. During September there were six new arrivals, four British flags, one from Singapore, and one from Cyprus. While I am regretful that any free world flags are sailing into Haiphong, this nonetheless means that the total arrivals so far this year are 30 percent below last year's level. As for the figures themselves, at the end of the third quarter of 1969 there had been 79 arrivals as compared to 112 during the very same period in 1968. This downward trend is good, but it is still not good enough. I hope we can do even better and I urge the administration—as it works to bring about an early end to the conflict—to continue its good efforts to dry up this assistance to Hanoi.

At this point, I insert a chart itemizing free world ship arrivals at North Vietnam during 1969:

1969 FREE WORLD SHIP ARRIVALS IN NORTH VIETNAM

	British	Somali	Cyprus	Singapore	Japanese	Maltese	Total
January	8	2	1				11
Fedruary	6		1	2	1		10
March	6	1					7
April	7	1			1		9
May	9	1	1			1	12
June	6	2	2	1			11
July	6	1					7
August	4		2				6
September	4		1	1			6
Total	56	8	8	4	2	1	79

PERMISSION FOR SELECT COMMITTEE ON ROBINSON-PATMAN ACT, COMMITTEE ON SMALL BUSINESS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Select Committee on the Robinson-Patman Act of the Small Business Committee may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CALL OF THE HOUSE

Mr. DICKINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 211]

Barrett
Berry
Blatnik
Brooks
Burton, Utah
Cahill
Carey
Celler
Clark
Clay
Collins
Corman
Dawson
Denney
Diggs
Eckhardt
Edwards, Ala.
Fascell
Flood
Ford, William D.
Foreman
Gallagher
Gilbert
Gray
Griffin
Grover

Gude
Halpern
Hanley
Hansen, Idaho
Harsha
Harvey
Hollifield
Howard
Hull
Ichord
Karth
Kirwan
Leggett
Lipscomb
Lukens
Melcher
Miller, Calif
Morton
Nichols
O'Hara
O'Konski
Ottinger
Pelly
Pepper
Pirnie
Podell
Powell

Pucinski
Purcell
Rees
Reifel
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
St. Onge
Scheuer
Sebelius
Shriver
Stafford
Steiger, Wis.
Stephens
Symington
Teague, Calif.
Teague, Tex.
Tunney
Vanik
Watson
Whitehurst
Widnall
Wilson, Bob
Wilson, Charles H.
Wright

The SPEAKER. On this rollcall 353 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, on the quorum call just concluded—rollcall No. 211—I was absent from the Chamber because I was holding hearings on the educational needs of the seventies, and we had a very distinguished group of witnesses appearing before our subcommittee.

APPOINTMENT OF CONFEREES ON H.R. 11612, DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. FINDLEY. Mr. Speaker, reserving the right to object—and I assure my friend and colleague I shall not object—I do so because at the proper time a preferential motion will be made to instruct conferees. This is an unusual procedure, and in view of that, I thought perhaps the gentleman from Mississippi might shed some light as to the Members who have been recommended as conferees.

The reason I bring up this question—and I realize that, too, is quite unusual—is that as I have examined those who have been conferees on previous agriculture appropriation bills and who are still Members of this body, as to how they voted on the Conte amendment last July 31, as well as on the Conte amendment earlier this year. I do not find much enthusiasm among them for the payment limitation amendment. But, at the same time, I notice on the Appropriations Committee there are a number of members of both parties who did vote for the Conte amendment this year, and it would reassure us if we could feel the position of the House on the question of payment limitations would be supported by Members who voted for the Conte amendment earlier this year.

Perhaps the gentleman could shed some light as to the identity of those recommended to be conferees.

Mr. WHITTEN. Mr. Speaker, may I say I appreciate the gentleman's addressing the question to me, but as the gentleman well knows, this is a prerogative of the Speaker; and when the Speaker cares to, he asks advice in that area; and when he does not care to, that is within his own purview. So I cannot say what the Speaker will do.

Through the years that I have been here I have seen the entire subcommittee appointed on occasions, and I personally could not differ with that course, but I do not have anything to do with it.

Mr. FINDLEY. Mr. Speaker, further reserving the right to object, as I have examined the votes of members of the Appropriations Committee on the Conte issue, I believe it was late in May of this year, I find 11 Democrats did vote for the Conte amendment, and 10 Republicans voted for it.

So I am hopeful among those named to the conference will be a goodly number of those who are recorded in favor of putting a limitation on individual payments.

I thank the gentleman very much for the courtesy of his response.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. CONTE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 11612, be instructed to insist on the provision beginning on page 22, line 17 which reads as follows:
>
> "*Provided further*, That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crops planted in the fiscal year 1970."

Mr. WHITTEN. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

POINT OF ORDER

Mr. WHITTEN. Mr. Speaker, I rose to make a point of order against the motion.

The SPEAKER. The gentleman will state his point of order.

Mr. WHITTEN. Mr. Speaker, amendment 37 of the Senate to the bill provides that the language on page 23 of the House bill—which I shall read—"*Provided further*, that no part of the funds appropriated by this Act"——

The SPEAKER. Did the gentleman mention amendment 27?

Mr. WHITTEN. It is 37, on page 23 of the Senate bill, to strike out the language.

The SPEAKER. Will the gentleman repeat that again? Amendment 37?

Mr. WHITTEN. Amendment No. 37, page 23 of the bill H.R. 11612 as printed in the Senate.

The SPEAKER. The gentleman will state his point of order.

Mr. WHITTEN. The bill itself will show that the so-called Conte amendment was stricken out by the Senate on page 23 of the bill as printed by the Senate. It is identified as amendment 37 of the Senate.

I would call the attention of the Speaker to the fact that the unanimous-consent request I asked for, and which was accepted, called on the conferees to disagree to the amendments of the Senate. So we have, by unanimous consent, just instructed the conferees to disagree to the Senate amendments, of which amendment 37 is one, so any further instruction would be superfluous and would be out of order, because we have by unanimous consent agreed that the conferees would disagree to the Senate amendments, of which the Conte amendment repeal is one.

The SPEAKER. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. CONTE. I believe the point of order is out of order, Mr. Speaker. Certainly the gentleman is putting the cart before the horse.

The House has a right to work its will here and to instruct the conferees in any manner it pleases. The only thing we have before us now is the unanimous consent to go to conference and to appoint conferees. At this point any Member can get up to ask for instruction of conferees to go to conference and sustain and substantiate the will of the House in regard to this particular amendment.

Therefore, I feel the Chair should overrule the point of order.

The SPEAKER. The Chair is prepared to rule.

This question has been passed upon on a number of occasions, and the Chair calls attention to previous rulings made on this same question to be found in Cannon's Procedure, page 126;

> Adoption of a motion to disagree or to insist on disagreement to a Senate amendment does not preclude consideration of subsequent motions instructing conferees to take other action on such amendments or parts thereof, and the question as to whether a motion to instruct is inconsistent with action previously taken is a question for the House, and not the Chair. (Cannon Precedents VIII 3237–9, 3230)

The Chair overrules the point of order.

PREFERENTIAL MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. WHITTEN moves to lay on the table the motion offered by the gentleman from Massachusetts (Mr. CONTE).

The SPEAKER. The question is on the preferential motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 64, noes 44.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 181, nays 177, not voting 73, as follows:

[Roll No. 212]

YEAS—181

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.

Arends
Aspinall
Ayres
Belcher
Bell, Calif.
Bevill
Blackburn
Blanton
Boggs
Bolling

Bow
Bray
Brinkley
Brock
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burliscn, Mo.

XUM

Burton, Calif.
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Cederberg
Celler
Chappell
Clausen,
  Don H.
Colmer
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dent
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Eckhardt
Edmondson
Edwards, La.
Evans, Colo.
Evins, Tenn.
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Fuqua
Galifianakis
Gettys
Goldwater
Gonzalez
Goodling
Green, Oreg.
Gubser
Hagan
Haley
Hammer-
  schmidt
Hanna
Hansen, Idaho

Hathaway
Hébert
Henderson
Hicks
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
King
Kleppe
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Lennon
Lloyd
Long, La.
McClory
McClure
McFall
McKneally
McMillan
Mahon
Mann
Martin
Mathias
Matsunaga
May
Meeds
Melcher
Michel
Miller, Ohio
Mills
Mink
Minshall
Mize
Mizell
Montgomery
Morton
Myers
Natcher
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Perkins

Pickle
Poage
Pollock
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Roudebush
Ruth
Satterfield
Schadeberg
Scherle
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Springer
Steed
Steiger, Ariz.
Stubblefield
Stuckey
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Udall
Ullman
Utt
Vigorito
Waggonner
Waldie
Wampler
Watts
White
Whitten
Wiggins
Winn
Wold
Wylie
Young
Zion

NAYS—177

Adams
Addabbo
Anderson,
  Calif.
Annunzio
Ashbrook
Ashley
Baring
Barrett
Beall, Md.
Bennett
Betts
Biaggi
Biester
Bingham
Boland
Brademas
Brasco
Broomfield
Brotzman
Brown, Calif.
Burke, Fla.
Burke, Mass.
Button
Byrne, Pa.
Chisholm
Clancy
Clawson, Del
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Coughlin
Cowger
Cramer
Culver
Cunningham
Daddario
Daniels, N.J.
Delaney
Dennis
Dingell
Donohue
Dulski
Dwyer
Erlenborn
Esch
Eshleman
Fallon

Farbstein
Feighan
Findley
Fish
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Green, Pa.
Griffiths
Gross
Grover
Gude
Hall
Hamilton
Harrington
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Horton
Hosmer
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Kastenmeier
Keith
Kluczynski
Koch
Latta
Long, Md.
Lowenstein
Lujan
McCarthy
McCloskey
McCulloch
McDade
McDonald,
  Mich.

McEwen
Macdonald,
  Mass.
MacGregor
Madden
Mailliard
Marsh
Mayne
Meskill
Mikva
Minish
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
Obey
O'Neill, Mass.
Ottinger
Pettis
Philbin
Pike
Poff
Price, Ill.
Pucinski
Quie
Railsback
Reid, N.Y.
Reuss
Riegle
Rodino
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ryan
St Germain
Sandman
Saylor
Scheuer
Schneebeli
Schwengel
Scott
Shipley

Smith, Calif.
Smith, N.Y.
Staggers
Stanton
Stokes
Stratton
Taft
Thompson, N.J.

Thomson, Wis.
Tiernan
Van Deerlin
Vanik
Watkins
Weicker
Whalen
Whalley

Williams
Wolff
Wydler
Wyman
Yates
Yatron
Zablocki
Zwach

NOT VOTING—73

Anderson, Ill.
Berry
Blatnik
Brooks
Brown, Ohio
Burton, Utah
Cahill
Carey
Casey
Chamberlain
Clark
Clay
Collins
Corman
Dawson
Denney
Diggs
Edwards, Ala.
Edwards, Calif.
Eilberg
Fascell
Ford,
  William D.
Foreman
Gilbert

Gray
Griffin
Halpern
Hanley
Hansen, Wash.
Harsha
Harvey
Hollifield
Howard
Hull
Ichord
Karth
Kirwan
Leggett
Lipscomb
Lukens
Miller, Calif.
Nichols
O'Hara
O'Konski
Pelly
Pepper
Pirnie
Podell
Powell

Purcell
Rees
Reifel
Robison
Rooney, N.Y.
Rostenkowski
St. Onge
Sebelius
Shriver
Stafford
Steiger, Wis.
Stephens
Sullivan
Symington
Teague, Calif.
Tunney
Vander Jagt
Watson
Whitehurst
Widnall
Wilson, Bob
Wilson,
  Charles H.
Wright
Wyatt

So the preferential motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Stephens for, with Mr. Hollifield against.

Mr. Griffin for, with Mr. Gilbert against.

Mr. Nichols for, with Mr. Carey against.

Mr. Tunney for, with Mr. Howard against.

Mr. Berry for, with Mr. Robison against.

Mr. Denney for, with Mr. Widnall against.

Mr. Wyatt for, with Mr. Pirnie against.

Mr. Burton of Utah for, with Mr. Bob Wilson against.

Mr. Sebelius for, with Mr. Pelly against.

Mr. Watson for, with Mr. Stafford against.

Mr. Rooney of New York for, with Mr. Eilberg against.

Mr. Kirwan for, with Mr. Podell against.

Mr. Leggett for, with Mr. William D. Ford against.

Mr. Brooks for, with Mr. Rostenkowski against.

Mr. Casey for, with Mr. Blatnik against.

Mr. Purcell for, with Mr. O'Hara against.

Mr. Edwards of California for, with Mr. Clay against.

Mr. Gray for, with Mr. Powell against.

Mr. St. Onge for, with Mr. Diggs against.

Until further notice:

Mr. Charles H. Wilson with Mr. Anderson of Illinois.

Mr. Miller of California with Mr. Edwards of Alabama.

Mr. Fascell with Mr. Lipscomb.

Mr. Pepper with Mr. Brown of Ohio.

Mr. Hanley with Mr. Harsha.

Mrs. Hansen of Washington with Mr. Chamberlain.

Mr. Rees with Mr. Lukens.

Mr. Symington with Mr. Foreman.

Mr. Hull with Mr. Collins.

Mrs. Sullivan with Mr. Harvey.

Mr. Karth with Mr. Halpern.

Mr. Ichord with Mr. O'Konski.

Mr. Wright with Mr. Reifel.

Mr. Corman with Mr. Whitehurst.

Mr. Steiger of Wisconsin with Mr. Clark.

Mr. Shriver with Mr. Cahill.

Mr. Teague of California with Mr. Vander Jagt.

Messrs. BROYHILL of Virginia, KLEPPE, BELL of California, DENT, and WALDIE changed their votes from "nay" to "yea."

Mr. LONG of Maryland changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. FINDLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Mr. Speaker, was the vote 181 affirmative and 177 negative?

The SPEAKER. The Chair will state that that is correct.

Mr. FINDLEY. Mr. Speaker, on that I request a recapitulation.

The SPEAKER. The Chair will state that the Chair feels that if there was a difference of one or two votes, the Chair would order a recapitulation, but where there are four votes the Chair does not feel a recapitulation should be ordered.

The Chair appoints the following conferees: Messrs. Whitten, Natcher, Hull, Shipley, Evans of Colorado, Mahon, Langen, Michel, Edwards of Alabama, and Bow.

Without objection, a motion to reconsider is laid on the table.

Mr. ASHBROOK. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

HOURS OF SERVICE ACT AMENDMENTS OF 1969

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 536 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 536

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8449) to amend the Act entitled "And Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta) pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 536 provides an open rule with 1 hour of debate for consideration of H.R. 8449, Hours of Service Act Amendments of 1969. The resolution also makes it in

order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 8449 is to bring up to today's safety requirements and operating conditions the provisions established in 1907 prohibiting railway employees engaged in or connected with the movement of trains from being required or permitted to be or remain on duty beyond a maximum of 16 hours, and specifying certain hours they must have off duty.

The bill would amend the Hours of Service Act of 1907—

To make it unlawful for a common carrier railroad to require or permit an employee engaged in or connected with the operation of a train in case he shall have been continuously on duty for 12 hours—a reduction from the present 16 reached in two steps over 3 years—to continue on duty or to go on duty until he has had at least 50 consecutive hours off duty; or to continue on duty or to go on duty when he has not had at least 8 consecutive hours off duty during the preceding 24 hours.

To define "time on duty" as commencing when an employee reports for duty and terminates when the employee is finally released from duty and includes interim periods available for rest at other than a designated terminal; interim periods available for rest for less than 4 hours at a designated terminal; the time spent in deadhead transportation to a duty assignment; and the time he is actually engaged in or connected with the movement of any train.

To define "time off duty" as not including that time spent in deadhead transportation by an employee from duty to his point of final release.

To reduce from the present 13 hours to 12 hours the maximum hours a telegrapher may be required to remain on duty at a one-shift station.

To change the present penalty of not less than $200 nor more than $500 for each violation to a straight $500.

To declare that the requirements imposed by the act with respect to time on duty of employees result in the maximum permissible hours of service consistent with safety; and also to declare that shorter hours of service and time on duty of employees for lesser periods of time are proper subjects for collective bargaining.

To authorize the Secretary of Transportation by order after hearing to make exemptions for any railroad operating less than 100 miles of road where he determines that this is in the public interest and will not adversely affect safety.

Administration of the amendments to the act will represent no appreciable additional cost.

Mr. Speaker, I urge the adoption of House Resolution 536 in order that H.R. 8449 may be considered.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. Latta).

Mr. LATTA. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the purpose of the bill is to reduce the number of continuous hours of work permitted for railroad employees.

The current law has remained unchanged since 1907. It provides that an employee may be required to work up to 16 straight hours. This is substantially more than permitted either airline pilots or truck and bus drivers. Additionally, safety of operation dictates a less than 16-hour day.

The bill sets the maximum consecutive hours of work at 12. This figure will be reached in two stages; 1 year after enactment the maximum hours are set at 14; after another year the total hours permitted to be worked decreases to 12. Before an employee can work again, he is required to be off for 50 straight hours. Nor may an employee be required to work if he has not had at least 8 consecutive hours off in the preceding 24 hours. In defining "off duty" the time spent in deadhead transportation by an employee from his place of duty to his point of final release is not to be included.

Finally, the bill provides that the Secretary of Transportation, after hearings, is authorized to make exceptions for any railroad operating less than 100 miles of track if safety and the public interest are not adversely affected.

There are no minority views or agency letters. The bill is a committee substitute; the rule will have to reflect this.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file some privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HOURS OF SERVICE ACT AMENDMENTS OF 1969

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

The SPEAKER. The Chair designates as Chairman of the Committee of the Whole the gentleman from Ohio (Mr. Ashley) and requests the gentleman from Connecticut (Mr. Giaimo), to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8449) with Mr. Giaimo (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes and the gentleman from Illinois (Mr. Springer) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I may consume.

Mr. Chairman, the purpose of the bill, H.R. 8449, is to bring up to today's safety requirements and operating conditions the provisions of the Hours of Service Act covering railroad operating employees.

These were established in 1907, and have been unchanged since.

Chiefly they prohibit railway employees engaged in or connected with the movement of trains from being required or permitted to be or remain on duty beyond a maximum of 16 hours either consecutively or in the aggregate without having certain hours off duty.

In no other industry have the maximum working hours been so static.

In the motor carrier field there is a maximum of 10 hours of driving. In the air carrier field there is a general limitation of 8 hours, and in certain cases of 10 hours, for flightcrew members.

H.R. 8449 would modernize the safety requirements relating to railroad employees who are connected with train operations consistent with present safety conditions instead of those of 62 years ago.

This is done in the reported bill by amendments to the 1907 act—

First. To make it unlawful for a common carrier railroad to require or permit an employee engaged in or connected with the operation of a train: (a) in case he shall have been continuously on duty for 12 hours—a reduction from the present 16 reached in two steps over 3 years—to continue on duty or to go on duty until he has had at least 10 consecutive hours off duty; or (b) to continue on duty or to go on duty when he has not had at least 8 consecutive hours off duty during the preceding 24 hours.

Second. To define "time on duty" as commencing when an employee reports for duty and terminates when the employee is finally released from duty and includes: (a) interim periods available for rest at other than a designated terminal; (b) interim periods available for rest for less than 4 hours at a designated terminal; (c) the time spent in deadhead transportation to a duty assignment; and (d) the time he is actually engaged in or connected with the movement of any train.

Third. To define "time off duty" as not including that time spent in deadhead transportation by an employee from duty to his point of final release.

Fourth. To reduce from the present 13 hours to 12 hours the maximum hours a telegrapher may be required to remain on duty at a one-shift station.

Fifth. To change the present penalty of not less than $200 nor more than $500 for each violation to a straight $500.

Sixth. To declare that the requirements imposed by the act with respect to time on duty of employees result in

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the maximum permissible hours of service consistent with safety; and also to declare that shorter hours of service and time on duty of employees for lesser periods of time are proper subjects for collective bargaining.

Seventh. To authorize the Secretary of Transportation by order after hearing to make exemptions for any railroad operating less than 100 miles of road where he determines that this is in the public interest and will not adversely affect safety.

In addition, certain technical changes have been made.

I should like now to discuss certain features of the reported bill and the changes which were made by the committee to the bill as introduced.

In the first place the committee felt that certain time should be provided for the revision of employee duty assignments that might be required by reduction from the maximum of 16 hours to the maximum of 12 hours. The committee recognized that the 30-day period set out in the introduced bill was simply unrealistic. Accordingly, the committee amendment provides that the 12-hour maximum should be attained in two steps.

One year after the effective date of this amendment the maximum is set at 14 hours, and then 2 years after that date or 3 years after the effective date, the maximum is set at 12 hours.

In the bill as it was introduced, there were certain definitions of time on duty. The time on duty used in computing the maximum of 12 hours now will include time that is provided for rest at places other than the designated terminal, and time provided for rest of less than 4 hours at a designated terminal. These definitions have been retained in the reported bill.

The introduced bill also provided that time spent in deadhead transportation to or from a duty assignment would be included as "time on duty." However, it appeared during the course of the hearings, that the inclusion of deadhead time from a duty assignment might operate to defeat the very purpose desired. Accordingly, this is excluded by the committee amendment from the computation of the maximum of 12 hours.

However, the problem of deadhead time and of rest is an important one. Illustrations were given of cases where employees were required to spend as much as 3 hours in deadheading home from a duty assignment. Then the rest period, which is set by statute before the employee may take another assignment, comes into play. Up to now these 3 hours would have been counted as time off duty. It is evident that this would not provide the rest for the employee which safety considerations demand. In the committee amendment, therefore, the "time off duty" is also defined, and time spent in deadheading back from a duty assignment cannot be covered in time off duty.

Again, there was some discussion in the committee hearings that the language of the introduced bill where it proposed to alter the existing language covering the operation of wreck or relief trains, might make it impossible for the crew of these wrecker-relief trains legally to return from the scene of a wreck. The reported bill, therefore, returns to the language of existing law.

In the course of the hearings, both employee and management witnesses were questioned as to why the matter of the maximum hours of service had not been bargained regardless of the maximum imposed by law.

It developed that there seemed to have been some question over the years as to the extent to which the Hours of Service Act, based on safety, had preempted this issue so that it was not a bargainable one.

The reported bill sets out a declaration of the Congress that the hours of service which are in the bill are maximum permissible hours consistent with safety, and then declares that the matter of lesser hours for time on duty is a proper subject for collective bargaining. We trust that in this way any ambiguity that may have existed in the past thoroughly will be resolved.

It also appeared that there may be certain instances where the requirements of safety did not always demand adherence of a maximum of 12 hours for the limited number of employees involved. Accordingly, the bill as reported provides that the Secretary of Transportation, who is to administer the new act, is authorized by order, after hearing, to make exemptions for any railroad operating less than 100 miles of road. He can make this exemption only when he determines that it would be in the public interest and would not adversely affect safety. I think it should be clear that this is not an absolute statutory exemption at all, but only derives where the Secretary can make the finding required. I am certain that the committee felt that where there were a number of crews operating, such as on a terminal or switching railroad, the Secretary would not be able to make the finding required irrespective of the fact that the railroad might have very limited mileage.

I urge passage of the bill as reported by the committee.

Perhaps parenthetically here, in speaking of the reported bill, I should say that the bill as reported correctly states the fact that after 3 years a man who has been continuously on duty cannot again go on duty until he has had at least 10 hours off duty. At one place in the committee report there is a typographical error in that "50" hours appears. The correct figure is "10" hours, as is quite evident elsewhere.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Nebraska.

Mr. MARTIN. I appreciate the gentleman's yielding. I should like to ask one question in regard to this legislation.

This will undoubtedly increase somewhat the operating expenses of major railroads in the country. All of the major railroads operate branch lines of comparatively short distances, and most of those branch lines serve smaller communities.

My question is, What will be the effect of this legislation on the continued operation of branch lines which perhaps are very marginal now with regard to return on investment?

Mr. STAGGERS. In answer to the question of the gentleman I would have to say that this was a problematical question. I could not answer one way or the other.

I would say I cannot see why, if we have competent management, that would increase the cost. They certainly can make arrangements to use men efficiently in a 12-hour period of time. God help them if they have to work a man more than that to do a day's job.

I would say that I do not believe, with the management we have, it is going to increase the cost one whit on these branch lines.

Mr. MARTIN. Let us give the gentleman an illustration. There is a branch line which I have in mind in my district, of perhaps 110 or 115 miles in length. All passenger service on this branch line was discontinued several years ago, but they still operate a freight up and back, of just a few cars. It leaves the terminal point in the morning and goes up and switches, and serves six or seven or eight communities running up the 100 or 110 miles, and then comes back the same day. Normally it takes more than 12 hours for this operation, particularly in the summer when the harvest is coming in, with wheat to be hauled out and so forth.

This is an actual case in which I believe there will be an increased expense of operating this branch line. The communities are small. Some of the towns have almost folded up entirely. As a consequence, it is very marginal as an operation even under present conditions. I feel that this sort of operation might be discontinued altogether, and that would leave those communities without any railroad service at all.

Mr. STAGGERS. I should like to say that we considered different cases of these same situations and conditions throughout the country that were brought before the committee. In the committee's wisdom it was felt that with proper management and so forth these problems could be overcome. Even if they could not be overcome, we did not want them to work the men more than 12 hours, or to say that we would condone it. I do not believe the gentleman from Nebraska would, either.

I believe management has enough wisdom in order to make some rearrangement of the operating conditions and schedules to take care of that.

Mr. MARTIN. In other words, the gentleman does not believe it would have an adverse effect on the branch lines in respect to the marginal situations?

Mr. STAGGERS. That was the consensus in the committee.

Mr. MARTIN. I thank the gentleman.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from California.

Mr. BROWN of California. I should like to compliment the gentleman for bringing this legislation to the floor and for the work he and the committee have put into it. I know the committee has had the bill before it for a considerable length of time. I have myself previously introduced similar legislation.

I am familiar, from my own contacts with the railroad industry in California, with the growing support that there is for this type of legislation. As the chairman indicated, this change is long past due as we move into a new era in the operation of our transportation systems.

So, Mr. Chairman, I certainly want to commend the gentleman. I hope that the bill will have the support of all the Members of the House.

Mr. STAGGERS. I appreciate the remarks of the gentleman from California.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I shall be happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished chairman of the Committee on Interstate and Foreign Commerce yielding.

I just want to ask a question. I notice that this bill is couched in and under the name of safety. I appreciate the limitation of hours that are incumbent therein. I wonder if the committee gave consideration, or if there is anything in this bill, which would place a limitation as to age and/or physical requirements for those who work the maximum number of hours.

I am thinking of the recent case of the 84-year-old engineer that had a disastrous train-car accident and I wondered if this is now covered adequately in the opinion of the Committee on Interstate and Foreign Commerce?

Mr. STAGGERS. Mr. Chairman, I will state to the gentleman from Missouri, if the gentleman will permit, that there is nothing in this bill that has to do with that at all.

However, I might say further to the gentleman that the bill which we had up for consideration last week and which was highly controversial did cover that aspect of the matter. Of course, these men who work for the railroads are examined periodically. This is through their own regulations and mutual agreement that they are examined and they must meet certain physical and mental specifications before they can work.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I thank the gentleman for his answer. Having been a railroad examining physician in the past I think, perhaps, besides the mutual agreement and the interline regulations and customs and traditions as to examinations, just as we require watchers to be certified after a certain age, perhaps, for the protection of the public we should go a little further, as maybe we can or will eventually from the conference with reference to the bill to which the gentleman referred that passed last week. We need to protect the public in a greater area insofar as at least the extreme cases are concerned which I understand are allowed to continue beyond the expected age of retirement by mutual agreement with the individual railroads. This reaches the public protection feature and evidently also includes crossing accidents out of kin of the regulations.

Although I would agree with the gentleman that, perhaps, this is not a subject of Federal regulation, I hope we will keep active oversight and surveillance of this operation.

Mr. STAGGERS. I thank the gentleman for his comments and for his concern. It is of concern to the Committee and the people of the country.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of this bill.

I am grateful for this opportunity to declare my firm support for H.R. 8449, the Hours of Service Act Amendments of 1969.

It is incomprehensible that today in our great Nation railroad employees may be required to work as long as 16 hours per day. Sixty-two years have passed since the Hours of Service Act of 1907 established a 16-hour maximum workday for railroad employees. This archaic standard is both unfair to the railroad employee and unsafe to the public.

Railroad safety has deteriorated in the last few years. Representatives from the Department of Transportation testified before the Committee on Interstate and Foreign Commerce that 8,028 train accidents in 1968 exceeded the 1967 level by over 10 percent. Operational error accidents, which include all accidents resulting from what employees do or fail to do, totaled 2,174 in 1968.

Certainly, many operational error accidents were caused by fatigue. It is common knowledge that man's efficiency diminishes the longer he works. The railroad employee who is working a 16-hour day is all too prone to make a mistake in judgment causing an accident.

I urge my colleagues to adopt H.R. 8449. Surely, a 12-hour maximum standard is entirely reasonable and will make a significant contribution toward the improvement of railroad safety.

Mr. MELCHER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, I want to commend the distinguished chairman and the Committee on Interstate and Foreign Commerce for bringing this legislation before the Congress. It has been long needed to correct and update the act of 1907. The 16-hour law for railroad employees is an archaic law. The State of Montana enacted a State law this past winter, and I was a part of that legislature, adopting the 12-hour law for Montana. It became effective July 1. To my knowledge Montana is the only State in the Union with a 12-hour law for railroad employees. However, having brought the 12-hour law into effect in the State of Montana, does not solve the problem because immediately there is litigation. The carriers are asking the court to determine what is interstate commerce and intrastate commerce and refuse to go along with Montana's new law. So, logically, this is not a problem that can be solved on a State level. Congress must act favorably on this bill. Safety is our goal, as outlined in the report, and I am very much in favor of the bill. This legislation will help the employees and the carriers and, above all, will help the public through greater safety of our railroads.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman from Montana for his comments.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Chairman, I support H.R. 8449, a bill to promote railroad safety by limiting the service hours of railroad employees. Sixty-two years have elapsed since the Hours of Service Act was last amended, and I believe that the present law is as antiquated as the trains of 1907 which traveled at 10 miles per hour.

The law currently in effect permits railroad employees to work a 16-hour day and contains a nebulous definition of what exactly constitutes time "on duty" and "off duty." Over a 3-year period, H.R. 8449 reduces the maximum work day to 12 hours for all railroad employees engaged in or connected with the operation of any train within the United States and its territories. Moreover, it makes explicit the meanings of time "on duty" and "off duty" so that certain deadhead traveling and certain interim terminal periods are included in the working hours and certain other time is not.

We are living in the jet age when increased speed and consumption necessitate increased safety measures. The number of railroad accidents has climbed steadily, from 4,822 in 1963, to 8,028 in 1968. We cannot, therefore, ignore our responsibility to insure safety to our citizens by living with the regulations of another era. This urgent need crosses the border of every State. Mr. Chairman, I urge support of these amendments.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

The purpose of the bill before us today is to reduce from 16 to 12 hours the continous time which operating personnel of a railroad may spend on duty. The 16-hour maximum has pertained since 1907. On the face of it one is inclined to wonder how such a situation could have lasted without obvious need for a change. The reasons are more complex than would at first appear.

Service on a train is quite unlike the time spent at work by an employee in most heavy industries. We think of a drill press operator standing at his machine for nearly all of the 8-hour shift which he spends in the factory. Obviously he would be exhausted long before a continuous 16-hour shift would end. If he does work beyond the regular 8 hours he expects and receives pay at a different rate such as time and a half or double time. How come the railroad worker does not do the same? The answer lies in the great difference between the kind of duties performed on a railroad in the movement of trains. Although most operating personnel work less than 12 hours, and many less than 8 it is possible for them to spend a total of 16 hours on what the law defines as "duty." This term includes periods available for rest

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up to 4 hours at a designated terminal. In this way, for example, a crew may run a train to New York from Washington, lay over for up to 4 hours and then run one back. This is considered good duty by many senior employees.

Pay in the railroad industry is also entirely different than in factory type employment. The pay is figured by a very complicated formula which has evolved through brotherhood-management negotiations over the years. It includes a combination of time and distance traveled. For example, 100 miles of operation is equivalent to 1 day's basic pay. It is possible on a choice run for an engineer to work 12 days and make the equivalent of 39½ days pay. At such time he cannot repeat the performance for a month. Also involved is the difference of pay systems for railroad employees in various types of service. Long haul duty is paid differently from yard service or local freight. It is obvious then that a flat statement that a 16-hour law is good or bad is impossible.

Changing the law in the way this bill recommends will require some changes in operating procedures by the railroad. It may in some instances require realinement of divisions. It may very likely spread the available work among more employees giving some of the newer people a better chance to make wages.

The relationship between hours of service and the great increase in the accident rate is nebulous. Records on one cannot be easily equated to the other. It is rather difficult to argue that the hours of service limitations suddenly became so burdensome that the accident rate grew as a result. Nevertheless, it can be argued that a change in the hours of service downward might have some influence on the accident rate and if so it is well worth changing.

The bill before us today provides for a reduction from the present 16-hour maximum duty to 12-hour maximum duty to be reached in two steps. At the end of 1 year the limit will drop to 14 hours and then 2 years later to 12 hours. This will allow time for the necessary adjustments within the industry.

Under the new rules applicable after the 3 years, an employee may remain on duty no more than 12 hours and then he must be off duty at least 10. He may not go on duty if he has not had at least 8 consecutive hours off during the preceding 24 hours. Time on duty will include those interim periods available for rest either at a designated terminal or other terminal. There was considerable discussion of deadheading time to and from the point where service begins or ends. At the present time this is not considered as "on duty" time. Under the new law the time required to move the employee to the point of service would be included but the time used in returning him to his release point would not count as time on duty. The present limit of 13 hours for telegraphers will be reduced to 12 also. The bill also spells out the possible use of collective bargaining to set the exact hours of service in each contract as long as it is within the outer limits set out in the law. Both labor and management expressed some doubt as to the legality of such bargaining under present law and the provisions of this bill should eliminate that uncertainty.

A few short line railroads convinced the committee that complying with the new requirement could adversely affect operations to the extent of putting them out of business. To cope with that situation, the Secretary of Transportation is given authority to exempt such roads if it seems necessary and safety is not jeopardized.

Although I have felt that what we are here doing with legislation could be accomplished by collective bargaining, it is probably desirable to clarify the situation and modernize the law in the light of present day operating conditions. I recommend the bill to the House.

Mr. **SPRINGER**. I yield to the gentleman from Minnesota, Mr. Zwach.

Mr. **ZWACH**. Mr. Chairman, I thank the gentleman for yielding. I want to compliment the ranking minority member and the chairman for bringing out this long-needed legislation. I wish to associate myself with the remarks of the ranking minority member and the chairman.

Mr. **SPRINGER**. Mr. Chairman, I yield to the gentleman from Kansas (Mr. Skubitz), a member of the committee.

Mr. **SKUBITZ**. Mr. Chairman, I thank the gentleman for yielding. I, too, want to commend the gentleman from Illinois on his excellent presentation. I support the bill.

Because the railroad industry is the oldest among the organized commercial transportation systems it has built up a body of traditions, laws, and labor practices which in any other industry would appear out of place. Such practices—as determining pay by distance as well as by time—would be impractical elsewhere. Railroading was a highly developed and well unionized activity before much of modern industry took form. One must realize this and take its history into account when considering the problems of the present and the laws which apply to the railroads.

Back in 1907 it was considered necessary to put on the statute books an outside limit to the consecutive hours a railroad man could either be allowed or required to work in the operation of a train. Undoubtedly this was meant to increase safety and advance the welfare of employees. But the legislation leaves much unsaid about the conditions to which it applied. No employee should be made to work a continuous 16-hour turn and even in 1907 that was hardly contemplated. However, the restriction made some kind of sense within the realities of railroad operations. It tied in with the physical setup of the divisions and the kinds of trains which operated in or through them.

In the time which has passed since the promulgation of the hours of service legislation there have been many changes in personnel practices, pay rates, and operations. Most of these have been accommodated by necessary changes in the employment contracts negotiated by the brotherhoods. It would seem that any further changes could be brought about in the same manner. The committee in hearings explored this possibility but found that both union and management had some slight reservations about their authority to make a binding change in the hour ceiling. In view of this, it seemed sensible to change the law to meet the modern conditions.

The bill before us today would lower the 16-hour maximum continuous duty to 14 hours after 1 year and to 12 hours after 2 additional years. It gives the railroads time to make the necessary adjustments in operating procedures but brings the ceiling down to the desired level fairly promptly.

The term "time on duty" is not a straightforward description of either the work to be performed or the number of hours which might be necessary to do the job. In the past the time required to transport an employee to the point where service actually began and the time later required to get him back to the point of origin did not count as duty time. The brotherhoods wanted that changed while we were fixing things up. On the other hand, there are periods up to 4 hours long when an employee does nothing but rest or anything else he wishes which are counted as duty time because he is to be used again thereafter in train operations. This latter quirk in the system accounts for many of those days when it appears that nearly 16 hours has been spent on duty. So the Committee looked over this situation and concluded that a fair arrangement was to include deadheading to the point of service but not back. This combined with the lower overall limit of duty makes a considerable difference in the way the railroads must handle the problems. The result is a bill which actually does modernize the system while recognizing the peculiarities of railroad operations.

Although the changes discussed above are the heart of this bill it does do some other things. For one thing, it allows for emergency situations such as train wreck operations and permits 4 extra hours in a full day in such cases. It raises the penalties for violations. It adjusts the law as to tower men and telegraphers to conform with the changes for operating personnel.

One special case is made for an exemption from the law. It was pointed out to the committee that some very small railroads could be forced out of business by a stringent adherence to the new provisions. No doubt these lines having less than 100 miles of track have separate problems. This cannot justify any work policy the employer might see fit to impose, however. So, an exemption within sensible limits can be obtained from the Department of Transportation if all the facts point to it and safety will not be jeopardized. Since the report has been written a question has been raised as to the application of the exemption provision to branch lines of larger railroads. I feel certain that this was not the intention of the committee and, in fact, it would do violence to the obvious intent of the bill which was reported and which is before us today for consideraton.

When this legislation is eventually in full force it will be unlawful for an employee connected with the operation of a train to be on duty more than 12 hours, including the time getting to the point of service, and he must then have at least 10 consecutive hours off. In any 24-hour period he must have at least 8 hours off. This makes sense in this day and age. It may necessitate the realinement of some divisions on railroads and it may very likely require the use of a somewhat larger work force. This will mean spreading around of the work and somewhat less money in some instances for those with the most seniority. This is all right from both a personnel and a safety standpoint.

One other point made by this bill will clear up the question of negotiation. The committee has written into the bill a specific provision authorizing the agreement on lesser hours of employment by collective bargaining. We do not intend to say that the limits set in the bill are both upper and lower limits and freeze the hours of service in place. Rather, we are setting upper limits beyond which an employer or a union cannot bargain away the time of the worker. Both safety and public policy on labor practices dictate that such a limitation is proper. Below those limits the parties can go to it and hammer out any kind of an agreement they please. As a result of this bill we can hope for a revision and a modernizing of labor practices in the railroad industry. It is high time it took place.

I recommend this bill, H.R. 8449, to my colleagues and hope that they will approve it in the form recommended by the committee.

Mr. **SPRINGER**. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska (Mr. Cunningham), a member of the committee.

Mr. **CUNNINGHAM**. Mr. Chairman, I am a member of the Committee on Interstate and Foreign Commerce, and I am very pleased to serve as a member of the Subcommittee on Transportation and Aeronautics. We have worked for a couple of years, or longer, in the subcommittee under the able chairmanship of Mr. Friedel on this particular piece of legislation.

This legislation is long overdue. I support it wholeheartedly. I concur in the remarks of the chairman and the ranking minority member of the full committee. We need always to bear in mind the safety of the traveling public and the safety of the personnel who operate the railroads. This particular piece of legislation works toward both of those ends.

My dear friend and colleague, the gentleman from Nebraska (Mr. Martin), inquired a bit ago about a short-line freight train in his district. He asked whether or not this bill would affect that operation. Actually, it would not. There have been many discontinuances of passenger trains, as we all know. I wish to divert a minute to say that legislation should be enacted which would provide that when a railroad asks permission to discontinue a passenger train, the Interstate Commerce Commission shall take into consideration not only the loss on that passenger train but also the tremendous profits that they make on their freight train operation, and before they make their decision, they ought to balance profit against loss, and they ought to decide whether the whole line should be abandoned. Under such an arrangement I am confident the railroads would no longer seek to abandon passenger trains and both passenger and freight trains would continue to operate.

If the Interstate Commerce Commission would look at it in that light and if the law could be changed to give them that right, I think we would not see a stoppage and discontinuance of passenger trains which are so vitally needed in this country.

But I do want to conclude by saying we have spent 2 or 3 years on this legislation. As a member of the Subcommittee on Transportation, this legislation was initiated there and went into the full committee, and I am delighted that now it has been scheduled for consideration. I am hopeful it will pass. I feel all members will want to support this particular legislation in the interest of safety and the interest of the country and its transportation system.

Mr. **STAGGERS**. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. Fulton).

Mr. **FULTON** of Tennessee. Mr. Chairman, I rise in support of the legislation. It was my privilege on March 27, 1969, to introduce legislation which would lower the hours of continuous service which certain operating railway personnel would be permitted or required to work within a 24-hour period.

Therefore, I am greatly pleased that the provisions of this legislation are identical to the provisions of H.R. 8449, which is now before this body.

My deep interest and concern for legislation promoting the safety of not only our dedicated railway employees but of the general public as well, dates back to my childhood. My late father was a railroad man, dedicated to his profession and to the responsibility of providing safe transport by our railroads.

Over these years, all of those in his family became intimately aware of the need to reduce the number of consecutive hours railroad men should be called upon to work.

H.R. 8449 would reduce the maximum of 16 hours to a maximum of 12 hours the hours of continuous service required, or permitted, to be performed by certain operating railway personnel. It would make it unlawful for any common carrier, its agents or officers subject to the act, to require or to permit an employee to continue on duty or go on duty when he has not had at least 8 consecutive hours off duty during the preceding 24 hours.

The Federal Railroad Administration, in a preliminary report of railroad accidents for the month of July, showed an increase in both the number of accidents and the number of casualties, when compared with the same month a year ago.

There were 699 train accidents in July, and 36 fatalities resulted from those accidents.

This same report showed that, during the 7 months ending on July 31 of this year, there were 5,040 train accidents of which 286 resulted in casualties.

If we were to include the number of grade crossing accidents, the fatality figure for the first 7 months of 1969 would be 809.

I am convinced that a reduction in train accidents—and in fatalities—would result with enactment of H.R. 8449, the hours of service act amendments.

I urge my fellow Members of the House of Representatives to give this legislation their support and endorsement.

Also, Mr. Chairman, there are two clarifying questions I would like to ask. As is said in section 2(a) on page 8 of this bill, if an employee has worked as much as 12 continuous hours, he must be given 10 consecutive hours off duty. Is that the intent? Is that correct?

Mr. **STAGGERS**. That is correct.

Mr. **FULTON** of Tennessee. I thank the Chairman.

Another question: If an employee is given 10 hours off duty, that means 10 hours undisturbed rest; in other words from the time he is relieved from job A until the time he is called for job B, and the calling time is not within the 10 hours of rest?

Mr. **STAGGERS**. That is substantially correct. It says that at least 10 hours consecutive off-duty time will be given, and that does not include deadheading time back from his last assignment.

Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. Olsen).

Mr. **OLSEN**. Mr. Chairman, I rise to add my enthusiastic approval to an endorsement of the report of the Committee on Interstate and Foreign Commerce on H.R. 8449 to amend the Hours of Service Act.

The act was originally written in 1907, but has not been updated to cover the changing conditions in the railroad industry since that time. I followed the progress of the hearings that were conducted on this legislation, as I have many friends and constituents in the ranks of railroad labor, and have, through my years as a Member of this body, become interested in and sympathetic toward the special problems confronting employees in train service who continue to be used at the mercy of railroad carriers under the abuses perpetrated under the present Hours of Service Act.

In the 88th Congress, I introduced legislation providing for a reduction of from 16 to 10 the maximum continuous hours of service during any 24-hour period. However, I am pleased to give my complete support to this legislation to reduce the number of permissible on-duty hours under the act from 16 to 12. For I realize, Mr. Chairman, the legitimate need for the enactment of this kind of legislation.

The bill's stated purpose is to insure safety on the American railroads by requiring operating railroad employees to have sufficient time off duty to be rested and to work alertly and efficiently while on duty by making the above-mentioned reduction in the number of permissible on-duty hours in a 24-hour period. It seems ironical, and even inconceivable, Mr. Chairman, that in this country, with its vast technological breakthroughs and sweeping economic improvements in the past two decades alone that the employes in the railroad industry would still be saddled with the provisions of a horse-and-buggy law.

For rail carriers to use its employees in violation of the act is nothing short of inhumane. Many of us work beyond the generally accepted 8-hour day. It is not unusual in some cases to find admin-

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istrative and staff personnel working around the clock in a 12-hour day. But, Mr. Chairman, the railroad employees this legislation is designed to help have actually worked 16 consecutive hours on hundreds of occasions, and far in excess of 16 hours on many, many occasions.

The Federal Railroad Administration of the Department of Transportation issued recently the number of violations it settled under the Federal Claims Collection Act for violations of the Hours of Service Act against rail carriers for the fiscal year July 1, 1968, through June 30, 1969.

During that period there were 151 violations of the act, meaning that railroad employees worked more than 16 hours in a 24-hour period, either consecutively or in the aggregate. I hasten to point out that this is the number of cases that have been settled during that fiscal period—not the number of violations investigated, or even the number of cases actually occurring. So there is no doubt, Mr. Chairman, that even today with modern railroading, improved working conditions, and automated operation, certain railroad employees are still being used in excessive service, much as they were back in 1907 when the law was passed.

The hearings before the committee contain some revealing and surprising statements which indicate that certain crews have been kept on duty under the peculiar provisions of this act for more than 24 hours through a system of short-term releases during a lengthy tour of duty between distant terminals.

All of these excesses, Mr. Chairman, would be summarily corrected through the adoption of H.R. 8449 as approved by the Committee on Interstate and Foreign Commerce.

This worthy legislation would insure each employee covered by the act of having at least 8 consecutive hours off duty in every 24-hour period. It would prohibit the release of employees between terminals, which was the practice that resulted in the excesses referred to earlier whereby employees would actually be on duty, through periods of short release, for more than 24 hours. Releases at terminals would be legal, but would have to be for a minimum period of 4 hours.

Time spent by employees deadheading would come in for a partial correction under this bill. All time thus spent under the present act is excluded from computation as time on duty. This has resulted in an employee, believe it or not, being assigned to ride 8 hours in deadhead service and not have this time count as time on duty, and then follow it immediately with his official tour of duty, which could run anywhere from 8 to 16 hours, making his total time in railroad service a potential of 24 hours, divided between deadheading and nondeadheading time.

Under the amendment contained in H.R. 8449, time spent by employees going to an assignment or traveling between assignments will be computed as time on duty, but time spent returning to the terminal from an outlying point following the conclusion of an assignment will still be excluded from computation under the act. The saving grace in this arrangement, however, is the fact that the mandatory 8-hour rest period will not begin until after the employee completes his deadheading upon return to the terminal. This should eliminate the abuses we now experience under the present act.

For all of the above reasons I urge Members of this august body to lend their hearty approval to this act of simple justice and support H.R. 8449 as approved by the committee.

(By unanimous consent, Mr. OLSEN was allowed to speak out of order.)

LOBBYING EFFORTS OF CITIZENS' COMMITTEE FOR POSTAL REFORM, INC.

Mr. OLSEN. Mr. Chairman, bipartisan Citizens' Committee for Postal Reform, Ino., was formed last spring to muster financial and public support in behalf of converting the Post Office Department into a public corporation.

The fact that two former national chairmen of the two major political parties joined hands to head this committee was an interesting exercise in lobbying to begin with.

The extent of their lobbying efforts shows that they pulled out all the stops.

What we still do not know, for sure at least, is exactly what they told these high-powered executives to get them to climb on the national bandwagon in behalf of turning our postal system into a public corporation.

The most intriguing information to come from the Citizens' Committee for Postal Reform are the reports on their revenues.

They made one report to our House Post Office and Civil Service Committee during the postal reform hearings in July. Now they have prepared a supplemental report which shows the contributions up to October 1.

Mr. Chairman, I have taken the time to study these reports carefully and I believe they warrant publishing in major part for the edification of the Members and the American public.

The reports show that the committee has collected $261,083, plus three uncollected pledges of $5,000 each.

Would you believe that $201,920 came in pledges of $5,000 each or more?

Would you believe that $43,547 came in pledges of $1,000 or more, but less than $5,000?

Those are pretty healthy contributions, come from pretty well-heeled sources, and make up most of the total. That full-page advertisement which the committee ran in major newspapers last summer invited contributions from everyone, particularly the little fellows.

Well, my check of the list shows that 77 persons gave a dollar each. One gave 50 cents, another gave 25 cents, and still another gave one cent. We will not list those names.

However, Mr. Chairman, since about $245,000 of the total collected by the committee is in donations of $1,000 or more, I think they should be listed. I think we will also be interested in just what type of activities are conducted with these sums.

Following are two lists; the first is of contributions of $5,000 or more, the second is of contributions between $1,000 and $4,999:

DONATIONS OF $5,000 OR MORE

Bank of America-National Trust and Savings Assn., 300 Montgomery St., San Francisco, California 94120, $5,000.

The Boeing Co., P. O. Box 3707, Seattle, Wash. 98124, $5,000.

Scott Paper Co., Philadelphia, Pennsylvania 19113, $5,000.

Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, New York 10020, $5,000.

General Foods Corporation, 250 North Street, White Plains, New York 10602, $5,000.

Cummins Engine Co., Inc., 301 Washington St., Columbus, Indiana 47201, $5,000.

Union Carbide Corporation, 270 Park Avenue, New York, New York 10017, $5,000.

Westinghouse Electric Corp., 3 Gateway Center, P. O. Box 2278, Pittsburgh, Pennsylvania 15230, $5,000.

The Minneapolis Star and Tribune, 5th and Portland, Minneapolis, Minnesota 55415, $5,000.

Pan American World Airways, Inc., Pan Am Building, New York, New York 10017, $5,000.

The Coca-Cola Company, P. O. Drawer 1734, Atlanta, Georgia 30301, $5,000.

Owens-Corning Fiberglas Corporation, Toledo, Ohio 43601, $5,000.

Eastman Kodak Company, 343 State Street, Rochester, New York 14650, $5,000.

Southern Pacific Company, 65 Market Street, San Francisco, California 94105, $5,000.

Montgomery Ward, 619 West Chicago Avenue, Chicago, Illinois 60607, $5,000.

Time, Inc., Time and Life Bldg., Rockefeller Center, New York, New York 10020, $5,000.

J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, New York 10019, $5,000.

Boys Town of the Desert, % Mr. Z. R. Hansen, Mack Trucks, Inc., Box M, Allentown, Pa. 18105, $5,000.

Pitney-Bowes, Inc., Walnut & Pacific Streets, Stamford, Connecticut 06904, $5,000.

McGraw-Hill, Inc., 330 West 42d St., New York, N.Y., 10036, $6,920

E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, $5,000.

R. J. Reynolds Tobacco Co., Winston-Salem, N.C. 27102, $5,000.

Castle & Cooke, Inc., Post Office Box 2990, Honolulu, Hawaii, 96802, $5,000.

Kimberly-Clark Corp., Neenah, Wis., 54956, $5,000.

Bechtel Corp., 50 Beale St., San Francisco, Calif., 94119, $5,000.

Sears, Roebuck & Co., 925 South Homan Ave., Chicago, Illinois, 60607, $5,000.

Proctor & Gamble Co., Post Office Box 599, Cincinnati, Ohio, 45201, $5,000.

Whirlpool Corp., Administrative Center, Benton Harbor, Michigan, 49022, $5,000.

Merck & Co., Inc., Rahway, N.J. 07065, $5,000.

3M Co., 3M Center, St. Paul, Minn. 55101, $5,000.

General Electric Co., 570 Lexington Ave., New York, N.Y. 10022, $5,000.

American Express Co., 65 Broadway, New York, N.Y. 10006, $5,000.

Goodyear Tire & Rubber Co., Akron, Ohio, 44316, $5,000.

Ford Motor Co., The American Rd., Detroit, Mich., 48121, $5,000.

Union Carbide Corp., 270 Park Ave., New York, N.Y. 10017, $5,000.

Westinghouse Electric Corp., 3 Gateway Center, Post Office Box 2278, Pittsburgh, Pa. 15230, $5,000.

General Foods Corp., 250 North St., White Plains, N.Y., 10602, $5,000.

Federated Department Stores, 222 West Seventh St., Cincinnati, Ohio 45202, $5,000.

Owens-Corning Fiberglas Corp., Post Office Box 901, Toledo, Ohio, 43601, $5,000.

Standard Oil Co., 30 Rockefeller Plaza, New York, N.Y. 10020, $5,000.

The Committee reported the following as outstanding pledges not paid as of September 30:

Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio 45202, $5,000.

Texas Instruments Incorporated, P. O. Box 5474, Dallas, Texas 75222, $5,000.

Continental Oil Company, 30 Rockefeller Plaza, New York, N.Y. 10020, $5,000.

DONATIONS OF $1,000 TO $4,999

Litton Publications, Inc., Division of Litton Industries, Oradell, New Jersey 07649, $1,350.

Burlington Industries, Inc., 301 North Eugene St., Greensboro, North Carolina 27402, $2,500.

West Point Pepperell, P.O. Box 71, West Point, Georgia 31833, $2,000.

Borg-Warner Corp., 200 South Michigan Avenue, Chicago, Illinois 60604, $2,500.

The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Illinois 60654, $1,000.

Allied Chemical Corporation, 61 Broadway, New York, New York 10006, $1,000.

Campbell Soup Company, 375 Memorial Ave., Camden, New Jersey 08101, $1,000.

USM Corporation, Boston, Massachusetts 02107, $2,500.

Kennecott Copper Corporation, 161 East 42nd Street, New York, New York 10017, $2,000.

The Conde Nast Publications, Inc., 420 Lexington Avenue, New York, New York 10017, $2,500.

Cowles Communications, Inc., 488 Madison Avenue, New York, New York 10022, $1,500.

Meredith Corporation, Des Moines, Iowa 50303, $1,000.

Newsweek, 444 Madison Avenue, New York, New York 10022, $1,000.

Reynolds Metals Company, Reynolds Metals Building, Richmond, Virginia 23218, $1,000.

Republic Steel Corporation, Republic Building, P.O. Box 6778, Cleveland, Ohio 44101 $2,500.

Chilton Co., Chestnut and 56th Sts., Philadelphia, Pa. 19139, $2,012.

Cahners Publishing Co., 221 Columbus Ave., Boston, Mass. 02116, $3,222.

Penton Publishing Co., 1213 West Third St., Cleveland, Ohio 44113, $1,463.

Hon. C. Douglas Dillon, 767 Third Ave., Room 1800, New York, N.Y. 10017, $2,000.

Deering Milliken, Inc., 234 South Fairview Ave., Spartanburg, South Carolina 29302, $1,000.

B. F. Goodrich Co., 500 South Main St., Akron, Ohio 44318, $2,500.

Deere & Co., Moline, Illinois 61265, $2,500.

Allied Chemical Corp., 61 Broadway, New York, N.Y. 10006, $1,000.

Burlington Industries, Inc., 301 North Eugene St., Greensboro, N.C. 27402, $2,500.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to my colleague the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, I thank the gentleman from Illinois for yielding this time to make some random comments which become germane because of the statistics reported by the committee.

Those statistics show that in addition to the accidents caused by too long a continuous period of labor, there were over 2,000 accidents caused by defects or failures of equipment and more than 2,000 accidents caused by improper maintenance of way and structure.

Certainly we do not want to be satisfied with taking care of only one-third of this safety problem. Those of us who are not on the Interstate and Foreign Commerce Committee cannot shirk our responsibility in trying to call attention to the need for solving the problem. The plain matter of fact is that we have not excited the people of this country about railroad safety.

We have had a great deal of debate recently about railroad safety in connection with the hauling of phosgene gas, but as soon as the Government announced it was not going to send this material across country by rail, the pressure for safety on railroads immediately died. We have ample illustration of that fact.

We have seen thousands of column inches in the press about railroad safety recently. Today, when we debate a railroad safety bill, through most of this debate we have had one or two reporters in the press gallery. The interest was not in railroad safety; it was in quite another matter.

We had an accident on a railroad in my district caused by a train truck collision. There was no gas on the entire train, but the biggest newspaper in the State the next morning reported in broad headlines, "Another accident on poison gas route." The first three individuals I talked with on the street asked, "How many cars of poison gas were there on the train?" I responded, "None." And they said, "Yes, there were. The paper said there were."

They were not interested in railroad safety, but in something else.

We have a big problem ahead of us here. We haul hundreds of potentially hazardous materials. We had a car of dehydrated alfalfa explode in a siding in the Midwest.

These products must flow normally in interstate commerce. Must we "beef up" the laws regarding the kind of equipment which is needed for handling these various products, for specifying improvements in railroad rights-of-way?

It comes as something of a shock to find that the laws in this field have not been brought up to date for 50 years. Furthermore, under present law nobody really has the authority to specify just exactly what standards should apply to railroad rights-of-way, or to enforce standards.

This is not primarily the fault of the railroads. We cannot shirk our own responsibility. We know the trains move faster. We know the cars are longer. We know we get more harmonic sway in freight trains than we used to. There are all kinds of factors, simply because we have progressed in the railroad industry.

Something has to be done to give authority to improve the safety conditions of our railroads. We do not even have the figures we need. No one is quite sure whether we have had an increase in accidents or not, because traditionally we have reported accidents where there has been $750 worth of damage. We know, with the rising cost of living, we could get a doubling of the accident rate merely because an automobile which is damaged could cost as much to repair today as a new one used to cost. Not even this figure is clear. We have no accurate reporting basis.

There is still another factor involved here. A real reason we have to get people excited about this is because, in the final analysis, the people of the United States are going to have to trade some of their convenience for safety in the operation of railroads, highway transportation, and all other fields. We still have far too many accidents at intersections between trains and automobiles. There is no other way to solve much of that problem than by limiting access. We do it on our highways now. But we have major railroad crossings protected in a small town, and then six or eight other intersections where there is no protection.

How many citizens are willing to have those intersections closed in the interest of safety? Usually the people who are injured or killed at these intersections are the people who live close to the railroads, the people who are always saying, "We do not need anything there. We know the train comes through. We know the tracks are there."

We cannot be satisfied with solving part of the railroad safety problem.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

I certainly appreciate the remarks the gentleman has just made. They are apropos at this time.

We have held hearings in the committee on these very things. In fact, the chairman introduced a bill on which we held hearings last year. Our interest in this has induced the administration to appoint a committee from labor, from management and from the administration to make recommendations, which now have been written up into a bill, and which I understand should have been sent to our committee before now. That was held up by the Bureau of the Budget. I understand it has been cleared and should be sent to our committee within a few days.

Mr. KYL. Mr. Chairman, if the gentleman will yield, I certainly do not imply any criticism of the committee.

Mr. STAGGERS. I know you do not.

Mr. KYL. What I am trying to say is that those of us who send out press releases about the dangers of railroad transportation share the responsibility with you people on the committee and we have to help you in every way possible if we are going to resolve this problem. We have had too much of this complaining and not enough actual effort. Since the gentleman mentioned the work and cooperation by the labor unions and the railroads and the Government, I think he would join me in saying that the cooperation of these various elements has been most exemplary in trying to bring about the passage of this legislation.

Mr. STAGGERS. That is true. In the past there has been a sort of pulling apart by the various elements involved but they have now gotten together and we have them working together and your railroads are very happy.

Mr. BLANTON. Mr. Chairman, as a member of the Interstate and Foreign Commerce Committee which reported the Hours of Service Act Amendments of 1969, I want to go on record as fully endorsing the necessity of this legislation.

It has been 62 years since the Congress first established a limit on the hours of service of employees in the railway industry. At that time, the 16-hours maximum continuous hours on duty was consistent with the industrial standards and operating conditions as they existed in 1907. There have been no amendments to the basic law since 1916, except for a change in the penalty provision 12 years ago.

The Presidential Railroad Commission in 1962 recommended lowering of the maximum number of hours permitted employees as a step in the right direction to reduce the accident potential caused by fatigue brought on by long hours of work. Nothing ever came of their recommendations. It is time now that we accept the realistic concept embodied in their report, and in the committee report.

The statistical evidence presented to our committee on the relationship between accidents and the long hours of work by rail employees is overwhelming. Accidents are increasing, and we have good reason to believe the hours of work is one major cause of the soaring accident rate.

The maximum number of hours on duty is not the only problem with the existing law. Just as important is how it is to be construed. What comprises "time on duty"—it is continuous hours or an aggregate of 16 hours a day. The same difficulty exists in determining what constitutes "time off duty," either in the case of the 10 hours required "off duty" after 16 continuous hours, or the 8 hours "off duty" after 16 hours in the aggregate.

Mr. Chairman, the legislation we consider today is meant not only to lower the maximum hours of duty, but to clear up the problem of aggregate or continuous duty.

The conscience of America has been pricked too often on this subject. We can not delay any longer the bringing of the railway employees into the modern-day working conditions of this Nation. To fail to act now would be to abandon these people to archaic working conditions which only endangers the safety and welfare of themselves and ourselves, as well.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will now read the amendment in the nature of a substitute as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 8449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907 (45 U.S.C. 61, 62, 63, 64), is hereby amended to read as follows: "That (a) this Act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia or any territory of the United States or from one State or territory of the United States or the District of Columbia to any other State or territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

"(b) For the purposes of this Act—

"(1) The term 'railroad' includes all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease.

"(2) The term 'employee' means an individual actually engaged in or connected with the operation of any train.

"(3) Time on duty shall commence when an employee reports for duty and terminate when the employee is finally released from duty, and shall include:

"(A) Interim periods available for rest at other than a designated terminal;

"(B) Interim periods available for less than four hours rest at a designated terminal;

"(C) Time spent in deadhead transportation by an employee to a duty assignment: *Provided,* That time spent in deadhead transportation by an employee from duty to his point of final release shall not be counted in computing time off duty;

"(D) The time an employee is actually engaged in or connected with the movement of any train; and

"(E) Such period of time as is otherwise provided by this Act.

"Sec. 2. (a) It shall be unlawful for any common carrier, its officers or agents, subject to this Act—

"(1) to require or permit an employee, in case such employee shall have been continuously on duty for fourteen hours, to continue on duty or to go on duty until he has had at least ten consecutive hours off duty, except that, effective upon the expiration of the two-year period beginning on the effective date of this paragraph, such fourteen-hour duty period shall be reduced to twelve hours; or

"(2) to require or permit an employee to continue on duty or to go on duty when he has not had at least eight consecutive hours off duty during the preceding twenty-four hours.

"(b) In determining, for the purposes of subsection (a), the number of hours an employee is on duty, there shall be counted, in addition to the time such employee is actually engaged in or connected with the movement of any train, all time on duty in other service performed for the common carrier during the twenty-four-hour period involved.

"(c) The provisions of this Act shall not apply to the crews of wreck or relief trains.

"(d) The provisions of this section shall not apply to an employee during such period of time as the provisions of section 3 apply to his duty and off-duty periods.

"Sec. 3. (a) No operator, train dispatcher, or other employee who by the use of the telegraph, telephone, radio, or any other electrical or mechanical device directs or controls the movement of any train or who by the use of any such means dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements—

"(1) shall be required or permitted to be or remain on duty for more than nine hours, whether consecutive or in the aggregate, in any twenty-four-hour period in any tower, office, station, or place where two or more shifts are employed; and

"(2) shall be required or permitted to be or remain on duty for more than twelve hours, whether consecutive or in the aggregate, in any twenty-four-hour period in any tower, office, station, or place where only one shift is employed.

"(b) For the purposes of subsection (a), in determining the number of hours an employee is on duty in a class of service, and at a place, described in paragraph (1) or (2) of such subsection, there shall be counted, in addition to the time spent by him on duty in such service at such place, all time on duty in other service performed for the common carrier during the twenty-four-hour period involved.

"(c) Notwithstanding subsection (a) of this section, in case of emergency the employees named in such subsection may be permitted to be and remain on duty for four additional hours in any period of twenty-four consecutive hours of not exceeding three days in any period of seven consecutive days.

"Sec. 4. The requirements imposed by this Act with respect to time on duty of employees are hereby declared to result in the maximum permissible hours of service consistent with safety. However, shorter hours of service and time on duty of employees for lesser periods of time are hereby declared to be proper subjects for collective bargaining between any common carrier subject to this Act and its employees.

"Sec. 5. (a) Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of section 2 or section 3 of this Act shall be liable to a penalty of $500 for each and every violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed; and it shall be the duty of such district attorney to bring such suit upon satisfactory information being lodged with him.

"(b) It shall be the duty of the Secretary of Transportation to lodge with the appropriate United States attorney information of any violation as may come to the knowledge of the Secretary.

"(c) In all prosecutions under this Act the common carrier shall be deemed to have knowledge of all acts of all its officers and agents.

"(d) The provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of the employee at the time said employee left a terminal, and which could not have been foreseen.

"(e) With respect to any railroad operating less than one hundred miles of road, the Secretary of Transportation may by order after full hearing in any particular case and for good cause shown exempt any common carrier subject to this Act with respect to one or more of its employees specified in such order from the limitations imposed by this Act, and may so exempt any such common carrier with respect to one or more of its employees specified in such order for such period or periods as may be specified in such order from such limitations, if the Secretary determines that such exemption is in the public interest and will not adversely affect safety.

"Sec. 6. It shall be the duty of the Secretary of Transportation to carry out the provisions of this Act."

Sec. 2. If any provision of the amendment made by the first section of this Act is held invalid, the remainder of such amendment shall not be affected thereby.

Sec. 3. This Act shall take effect one year after the date of its enactment.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature or a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. PREYER OF NORTH CAROLINA

Mr. PREYER of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Preyer of North Carolina: On page 11, strike out line 16 and all that follows down through page 12, line 2, and insert in lieu thereof the following:

"(e) With respect to any railroad which employs a total of not more than 15 employees covered by this Act, the Secretary of

Transportation may after full hearing in any particular case and for good cause shown exempt any such railroad subject to this Act with respect to one or more of its employees from the limitations imposed by this Act for a specified period of time, if the Secretary of Transportation finds that such exemption is in the public interest and will not adversely affect safety. Such order is to be subject to review at least annually. In no event shall any such exemption be made for any railroad described in this section to work its employees beyond 16 hours either consecutively or in the aggregate within any 24-hour period."

Mr. PREYER of North Carolina. Mr. Chairman, section 5(e) of this act to which this amendment applies, relates to shortline railways. My amendment does not change the purpose behind the section but is a change in form to insure that the sweep of the language of section 5(e) is not broader than the intended purpose of the section.

Feeder and shortline railroads polka dot the entire country and serve a very useful function in the total railway network. There are 10 shortline railroads in North Carolina, for example. Most of these railroads have less than 30 miles of road and only one or two crews. As a practical matter, there is rarely a day when a crew is worked more than 12 hours and safety is not a major problem, since there are no long trains operated at high speeds over long distances. All of these railroads have limited resources; many operate on a shoestring. It would be an economic impossibility for some of these railroads to employ extra crews in peak seasons. Most of the shorter roads do not have designated terminals other than the home terminal. In short, to enable some of these shortline railroads to remain a part of the overall railroad network, it may become necessary and desirable for them to be exempted from the provision of H.R. 8449 under some circumstances. This is the reason for section 5(e). The exemption provided in this section could only be granted by the Secretary of Transportation for good cause shown after a full hearing in the particular case.

The present wording of section 5(e) has raised the question of whether some railway operations might be included within its scope which are not within the spirit of the shortline railroads provision. For example, there are some "switching terminals" which have 30 or 40 locomotives which conceivably could be included under the present wording of section 5(e). This is because the standard by which eligibility as a "shortline railroad" is determined is phrased as "100 miles of road."

To avoid any possibility of confusion in this respect, my proposed amendment substitutes as a standard "the number of employees" rather than "miles of road."

This provision does not include branch lines of major railroads but is intended to cover complete railroads only.

Mr. Chairman, I urge the adoption of the amendment.

Mr. STAGGERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will take just a very brief time. I agree with the gentleman from North Carolina (Mr. Preyer), who was the originator of the amendment on the 100-miles rule and who, after examining the implications of what the amendment could do and that he did not intend it to do, has offered this amendment to correct. There is the fact, for instance, that at the Washington Terminal you could have hundreds of men working and they might have been exempted under this amendment were it the way it originally was. That was not his intention, but only to protect some of the really small railroads of this country who operate over short distances of maybe 4 or 5 miles or even up to 100 miles but most of whom do not operate that far. When they get to covering over that distance, usually they are class 1 railroads.

But, Mr. Chairman, I agree with the gentleman from North Carolina that this amendment should be adopted in order to clarify the situation. I do not think that terminal or switching railroads having a number of crews—even though short in mileage, could possibly have operations which the Secretary of Transportation could have found he could exempt under the standards of public interest and of safety which were in the bill as reported. However, so that there be no mistake about the committee's position, I think this clarifying amendment would be appropriate.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I first want to say that this is good legislation and I compliment the chairman and the committee for bringing this bill for presentation before the House. I would also like to compliment the representatives of management and labor who were contacted and who helped the committee work out the agreement that we thought was fair and progressive. This is a healthy sign in the railroad industry today, and I certainly hope it continues.

Mr. Chairman, I would like to ask the chairman of the committee, or the author of this amendment, some questions with reference to points that I think need to be raised here.

The committee passed out a bill that says that the short-line railroads would be exempted if they operated for 100 miles or less. This was, I think, upon the recommendation of the gentleman from North Carolina (Mr. Preyer). No objection was presented in the committee. So we now face a situation where the gentleman wants to change it on the floor.

Mr. Chairman, I do not want to be picking at small points, but I raise the question on how do you arrive at the number 15? I would first want to know when you say 15 employees covered by this act, am I to assume that employees covered by this act would not include those who were calling the train and that it would not include clerks or yardmen or janitors or all those other people that are in the railroad industry, but it would include the trainmen, or the engineers, or similar employees of that type, and not all the other employees; they would not be included in the 15 employees, is that correct?

Mr. PREYER of North Carolina. Mr. Chairman, if the gentleman from Texas will yield, I would reply to the inquiry of the gentleman that, yes, that is correct. The 15 employees mentioned in the act are train crews only, they are operating employees.

Mr. PICKLE. Mr. Chairman, I thank the gentleman.

Could the gentleman explain a little bit further on what the gentleman means by the phrase "covered by this act"? Does the gentleman mean just those people who are train crewmen?

Mr. PREYER of North Carolina. Yes, that is the definition in the act at the end of section 1, and this amendment only covers those persons mentioned in the definition, which would be train crews only.

Mr. PICKLE. I thank the gentleman. Now I know the intent when we put this exemption in the bill was to allow exceptions to the small railroads that do not have a large number of employees and it would be helpful to them if they did not have to comply with this overall act.

When you chose 15 though, it is a rather arbitrary figure. Now when you presented this amendment, am I to assume then there is an agreement by the operators, that is the management of the shortline railroads and the employees that 15 is a reasonable number? Is there general agreement that this is acceptable to them?

Mr. PREYER of North Carolina. First, I would point out that the intent as to the shortline railroads is to exempt them only if safety is not adversely affected.

As to whether there is general agreement on 15 employees as a proper number or the proper measurement of size of railroads to be exempted, there are some 200 shortline railroads in the country and I am sure there is not unanimous agreement. The figure was arrived at by attempting to strike a balance. This is a safety bill and, therefore, the exemptions to it should be as narrow as possible consistent with meeting the need that this provision is directed toward. There has been substantial agreement between the railroad brotherhoods and between a number of shortline railroads in North Carolina, at least that while this does exclude some shortline railroads, it does represent a reasonable compromise, and it does set a standard that describes the kind of small railroad, and one sufficient far from a class I railroad, that might be properly exempted.

Mr. PICKLE. I thank the gentleman. I think it ought to be clear to the House that, apparently, there has not been any meeting of the shortline officials to say that this is satisfactory to the majority of the shortlines in the country. But what we are assuming though, and you hope, that there is a good reason that they would agree to it.

I have a shortline railroad in my State that thinks the 100-mile definition, as passed by the committee, is better than 15. I think they feel however that if it is restricted to the train crew personnel, as defined, perhaps that would get them under it. But if they did enjoy some growth, they would not like to lose this exemption if they grew to the point where they had 16 employees covered by this act.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(Mr. PICKLE asked and was given

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permission to proceed for 3 additional minutes.)

Mr. PICKLE. So I would like to ask the chairman that if, since this amendment is so stated, that the order would be subject to review at least annually, that if it can be shown there is not this kind of satisfactory agreement in the shortline industry or if it shows in a questionable or borderline case a number of, say 16 or 20 employees would be reasonably the right figure, that this would be or could be presented or considered by either this or the other body or by the Secretary to change it. I do not want to get us locked in on something that we do not have a definite agreement on.

But, without any kind of contact other than this one individual line in North Carolina, I think that we ought to make legislative history and that it certainly is a point that could be considered either in the other body or on a review of the matter a year from now.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. STAGGERS. Mr. Chairman, I would say that we would be happy always in committee to consider this and have you come to talk to us. The bills originate in committee and nobody else can do it, so it would have to come back to our committee.

But I would say to the gentleman, he asked the gentleman from North Carolina if there had been an agreement by the short lines about this amendment. Do you think there has been one railroad in these United States that has made an agreement to the bill?

Mr. PICKLE. I think both management and labor have been in contact with us, because they have been in my office and I am sure they have been in your office, trying to help your great committee reach an agreement.

Mr. STAGGERS. That is true, but they did not agree to support the bill that I know of. I do not say that they are arbitrary about it because they know that something has to be done—they just know that.

But none of them have agreed to the bill. So you cannot go back to the 200 railroads and say, "Are you in agreement?" I believe that what the gentleman from North Carolina has proposed is certainly just and equitable, and as the chairman, I would certainly be willing to see that what later needs to be reviewed is reviewed.

Mr. PICKLE. I thank the chairman. I do not mean to say that they have made any collective-bargaining agreement, both sides, or that they have reached the exact wording of an agreement. This is a committee decision, not the two groups. It has helped both of them to get together. At least, I know they have talked and I feel there is general agreement.

I think it is important that we make this point so we can look back and say, "This figure of 15 may not be the exact figure." We may want to reconsider it further.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. PREYER).

The amendment was agreed to.

Mr. HALEY. Mr. Chairman, I move to strike the requisite number of words. I shall not take but just a moment, but I do desire to ask the chairman of the full committee a question, and maybe I can clarify this point in my mind.

I notice that the proposed legislation would apply, for example, to the crews of regular and relief trains. I wonder if it is intended to take care of a situation such as, for example—and I cannot find such a provision—a train is snowbound, as we sometimes have in the Northwestern parts of the country. Would the railroad operating such a train be subject to penalties prescribed under this legislation, or would it be exempt from the provisions of this law?

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield to the chairman of the committee.

Mr. STAGGERS. On page 11, section 5(d) states, and this is a part of the law today; it is in the law we are amending—

> "(d) The provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of the employee at the time said employee left a terminal, and which could not have been foreseen.

I am sure this would take care of any emergency that would occur in the country.

Mr. HALEY. I thank the gentleman.

The CHAIRMAN. If there are no further amendments, the question is on the committee substitute amendment, as amended.

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASHLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, pursuant to House Resolution 536, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 371, nays 0, not voting 60, as follows:

[Roll No. 213]

YEAS—371

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman

Patten
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Shipley
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
White
Widnall
Wiggins
Williams
Wold
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—60

Berry
Blatnik
Brooks
Burton, Utah
Cahill
Carey
Chisholm
Clancy
Collins
Colmer
Dawson
Denney
Diggs
Edwards, Ala.
Fascell
Ford, William D.
Foreman
Gilbert
Goldwater
Griffin
Halpern
Harvey
Holifield
Howard
Jones, Tenn.
Karth
Kirwan
Landrum
Lipscomb
Lukens
Miller, Calif.
Nichols
O'Konski
Pelly
Pepper
Pirnie
Podell
Powell
Railsback
Rees
Rooney, N.Y.
Rostenkowski
St. Onge
Sebelius
Shriver
Sikes
Stafford
Stephens
Symington
Teague, Calif.
Teague, Tex.
Tunney
Watson
Whitehurst
Whitten
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Lipscomb.
Mr. Gilbert with Mr. Stafford.
Mr. Griffin with Mr. Foreman.
Mr. Carey with Mr. Clancy.
Mr. Brooks with Mr. Berry.
Mr. Kirwan with Mr. Harvey.
Mr. Teague of Texas with Mr. Collins.
Mr. Whitten with Mr. Denney.
Mr. Wolff with Mr. Pirnie.
Mr. Miller of California with Mr. Bob Wilson.
Mr. Pepper with Mr. Edwards of Alabama.
Mr. Fascell with Mr. Burton of Utah.
Mr. Podell with Mr. Halpern.
Mr. Rooney of New York with Mr. Landrum.
Mr. Rostenkowski with Mr. Lukens.
Mr. St. Onge with Mr. Goldwater.
Mr. Sikes with Mr. Pelly.
Mr. Charles H. Wilson with Mr. O'Konski.
Mr. Tunney with Mr. Teague of California.
Mr. Howard with Mr. Cahill.
Mr. Blatnik with Mr. Railsback.
Mr. Colmer with Mr. Sebelius.
Mr. Nichols with Mr. Shriver.
Mr. Stephens with Mr. Watson.
Mr. Wright with Mr. Winn.
Mr. Karth with Mr. Whitehurst.
Mr. Symington with Mr. Diggs.
Mr. William D. Ford with Mr. Jones of Tennessee.
Mr. Rees with Mrs. Chisholm.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objections.

EXTENDING ASSISTANCE FOR PUBLIC BROADCASTING FACILITIES AND CORPORATION FOR PUBLIC BROADCASTING

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 526 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 526

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7737) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 7737, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1242, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 7737 as passed by the House.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 526 provides an open rule with 1 hour of general debate for consideration of H.R. 7737 to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting. After the passage of H.R. 7737, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 1242 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 7737 would extend for 3 additional years—fiscal years 1971 to 1973—the matching grant program for construction of noncommercial educational radio and television broadcasting facilities; authorize the appropriation of $15 million for each of the 3 years for such program; and authorize the appropriation of $20 million for fiscal year 1970 for the support of the Corporation for Public Broadcasting.

The Educational Television Facilities Act of 1962 was enacted to provide matching grants to establish and expand public television broadcasting stations and authorized $32 million for the 5 fiscal years beginning with fiscal year 1963. Because of the success of the program, the Congress enacted the Public Broadcasting Act of 1967, which expanded the educational television facilities grant program to include educational radio facilities and extended that program for 3 more years.

In addition, the Public Broadcasting Act of 1967 established a private, independent, nonprofit corporation to assist in the development of public broadcasting in the United States—the Corporation for Public Broadcasting.

Under the public broadcasting facilities grant program, the Secretary of Health, Education, and Welfare makes grants to eligible applicants of up to 75 percent of the cost of acquiring and installing radio and television broadcasting apparatus. Grant funds cannot be used for the purchase, construction, or repair of buildings or the acquisition of lands.

During the grant program, four of every five public television broadcasting stations have received grants thereunder and the number of States without public television broadcast service has been reduced from 15 to three and it is estimated that for every dollar granted by the Federal Government, State, local and private sources have expended $11.

The Corporation for Public Broadcasting has served as a means for merging Federal and private financing for public broadcasting. To date, the Corporation has received over $2 million in funds from private sources, in addition to the $5 million appropriated to it by the Congress for fiscal year 1969.

Mr. Speaker, I urge the adoption of House Resolution 526 in order that H.R. 7737 may be considered.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, the gentleman from California has pointed out the purpose of this bill is to authorize funds for fiscal year 1971, and each of the 2 succeeding fiscal years for the construction of noncommercial educational radio and television broadcasting facilities, and to authorize for only fiscal 1970 funds for the support of the Corporation for Public Broadcasting.

The authorizations for the construction grants, which are on a matching basis, are for $15,000,000 for each of the 3 years beginning with fiscal 1971. Not more than 8.5 percent of the funds appropriated may be granted for projects

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in any one State. Since the program was established by the 87th Congress four of every five noncommercial broadcasting stations have received grants. Grants have gone to 47 States, the District of Columbia, and Puerto Rico. It is estimated that for every Federal dollar expended funds from State, local, and private sources have expended $11.

The bill also authorizes $20,000,000 in Federal funds for fiscal 1970 for the continued operations of the Corporation for Public Broadcasting. Created by the Congress in 1967, the Corporation is operated by a bipartisan Board of Directors, chaired by Mr. John W. Macy, Jr. Relying on both public and private funding, the Corporation, by its program of grants to noncommercial stations and production organizations, has sought to improve and upgrade the quality of noncommercial programing and also to assist stations with an experimental system of interconnection, enabling each station to have a greatly enlarged reservoir of programs from which to choose in determining its scheduling. Also supported by the Corporation is National Educational Television—NET—which has been able to expand its activities as a result.

The administration supports the legislation. There are no minority views.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SISK. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7737) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7737, with Mr. GALLAGHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill, H.R. 7737, that the House has under consideration provides for assistance in the development of public broadcasting. "Public broadcasting" is the term which has replaced "educational broadcasting" to describe the system of radio and television stations which are licensed to State and locally supported schools and school systems, State broadcasting agencies and commissions, and nonprofit community corporations and associations which engage in public broadcasting. These stations broadcast educational, cultural, and informational programs without commercial advertising. As such, they provide an alternative to commercial broadcasting. However, in this connection, Mr. Chairman, I would like to quote from the recent report on violence in television entertainment programs of the National Commission on the Causes and Prevention of Violence. That is the Commission chaired by Dr. Milton Eisenhower. The report states:

> We believe, as the Public Broadcasting Act of 1967 states, "that it furthers the general welfare to encourage noncommercial educational radio and television broadcast programming which will be responsive to the interests of people both in particular localities and throughout the United States, and which will constitute an expression of diversity and excellence," and "that it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make noncommercial radio and television service available to all the citizens of the United States"

I would also like to point out and emphasize, Mr. Chairman, that this legislation and the program it extends is supported by the National Association of Broadcasters and the major networks.

Specifically, the bill as amended does three things:

First, it extends for 3 additional years, fiscal years 1971 through 1973, the matching grant program for construction of public radio and television broadcasting facilities;

Second, it authorizes $15 million for each of those 3 years; and

Third, it authorizes the appropriation of $20 million for the Corporation for Public Broadcasting for fiscal year 1970.

PUBLIC BROADCASTING FACILITIES GRANT PROGRAM

The public broadcasting facilities grant program is one of the most effective programs within the jurisdiction of our committee. It originated with the Educational Television Facilities Act of 1962. Under the program, grants are made by the Department of Health, Education, and Welfare of up to 75 percent of the cost of purchasing and installing educational radio and television broadcasting apparatus. In view of the 75-percent figure, I should like to observe, Mr. Chairman, that grant funds cannot be used for the purchase, construction, or repair of buildings or the acquisition of land.

Not more than 8½ percent of the funds appropriated for the program may be used for grants in any State.

Since the program began in 1963—

Over 100 public broadcasting stations have gone on the air bringing public television signals to 50 million additional American viewers;

Four out of five public television broadcast stations have received grants under the program;

The number of States without public television broadcast service has been reduced from 15 so that today only Alaska, Montana, and Wyoming are without that service. I am hopeful that soon they too will have the benefit of public broadcasting stations; and

Grants under the program have been made in 47 States, the District of Columbia, and the Commonwealth of Puerto Rico.

As introduced, the bill provided a 5-year extension of the program with open-end authorizations for each of those years.

The committee has amended the bill to provide for a 3-year extension with $15 million authorized for each year. This is in accord with recommendations of the Department of Health, Education, and Welfare.

THE CORPORATION FOR PUBLIC BROADCASTING

As I indicated, Mr. Chairman, the bill authorizes the appropriation of $20 million for the Corporation for Public Broadcasting for fiscal year 1970.

The Corporation was established under the Public Broadcasting Act of 1967 to develop programs for use by public broadcasting stations, to facilitate the availability of programs, and to promote the growth and development of public broadcasting in the United States.

It is a private, independent, nonprofit, and nonpartisan corporation which is incorporated under the laws of the District of Columbia.

Because of delays in making appointments, the Corporation is just getting underway. Last year $5 million was appropriated to the Corporation and it received over $2 million from private sources.

With these funds, the Corporation has, among other things—

Processed general support grants to practically all public broadcasting stations and the six regional networks serving them;

Made grants of up to $50,000 to 13 stations to carry out proposals for major new programs capable of both local and national distribution;

Assisted with funding to keep established quality programs on the air which otherwise would have been dropped;

Worked out an experimental system for interconnecting the public broadcasting stations of the United States;

Participated in funding the Children's Television Workshop which is developing quality television programs for children; and

Made grants to provide training and experience for operating and creative personnel to staff public broadcasting stations.

The Corporation is headed by a Board of Directors which has won esteem on both sides of the aisle from all who know its membership. Its Chairman is Frank Pace, who was formerly Secretary of the Army and Director of the Bureau of the Budget. The President of the Corporation, who took office in March of this year, is John Macy. As most Members of the House know, Mr. Macy was Chairman of the U.S. Civil Service Commission in the previous administration.

Mr. Chairman, some members of the Board of Directors of the Corporation for Public Broadcasting, in addition to Mr. Frank Pace, the Chairman, are the following:

Erich Leinsdorf, a former director of the Boston Symphony Orchestra;

John D. Rockefeller III;

Joseph A. Beirne, the head of the Communications Workers of America;

Oveta Culp Hobby, the former Commanding Officer of the WAC, and former Secretary of Health, Education, and Welfare;

Jack Valenti, the head of the Motion Picture Association;

James R. Killian, past president of MIT; and

Frank E. Schooley, president of the University of Illinois.

Mr. Chairman, the facilities grant program provides the stations, and the Corporation for Public Broadcasting will provide the programs and interconnections which will give the American people an improved system of public broadcasting for their information and enlightenment. For every dollar granted by the Federal Government to carry out this program, it is estimated that $11 has been expended by State, local, and private sources.

Mr. Chairman, you can not beat that for a bargain.

Mr. Chairman, I urge the Members of the House to support this legislation with their votes.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since 1963, the Federal Government has been assisting States, cities, tax-supported colleges, and nonprofit corporations in the establishment of television stations dedicated to educational and public broadcasting activities. Grants up to 75 percent of the cost of equipment have been available, but it has been the responsibility of the recipients to provide all lands and buildings.

An educational TV station is one which does not sell advertising time or engage in other commercial practices. It must be supported by tax money or public subscription and engage in what can be loosely termed educational programing.

The Federal Communications Commission allocated 656 channels for this purpose with 101 of them in the regular VHF range—channels 1 to 13—and the remainder in the UHF range. To obtain a license to operate on one of these channels the applicants must show that they will be used exclusively for the noncommercial purposes required. Over 100 stations have taken advantage of this program, and the result is that we now have 180 noncommercial TV stations in operation and there are only three remaining States which have no public television service. Most States have established networks for the statewide dissemination of educational and cultural programs so that the potential audience for these services is now over 155 million viewers.

In 1967 when the original 5-year program was drawing to a close and the authorization of $32 million for that period had been well used, the Congress authorized an extension for another 3-year period at the rate of $10.5 million, $12.5 million and $15 million. At that time radio stations were added to the program. This was important to the fulfillment of the destiny of public broadcasting but amounted to a very modest increase in funds required because of the relatively low cost of radio equipment needed to start a new station compared with that needed for a television facility. During that 3-year period the executive branch did not see fit to pursue this program vigorously, and the authorizations were not translated into appropriations. As a result there is now a considerable backlog of applications which deserve attention.

The bill before us today would extend the grant program for an additional 3 years and authorize $15 million for each of these years.

The public good can be enhanced in at least three different ways by public broadcasting if it is properly utilized. First, there are the cultural and informational programs which do not fit the mold of commercial television but which should be available to the public whether that public be somewhat more limited in scope than that which finds commercial programs satisfying, or whether it be an occasional offering of universal appeal.

Next, there should be programing of a broadly educational nature such as courses in woodworking, art, or boat handling for any viewer with such an interest.

The remaining category would be purely instructional television wherein the TV set is the classroom and the material is part and parcel of an educational system and courses are offered for credit. This last kind of programing is really in its infancy, and it is the hope of the committee that it will be vigorously pursued in the coming years and imaginatively exploited.

It is obvious from what has been said thus far about the so-called educational television stations that the core of their problem is adequate and quality programing. Obtaining their funds by hand outs of various kinds few stations have unlimited manpower or money to expend upon the creation of ambitious or costly programs. Some have done very well with what they have to work with, and some of these better efforts have been made available to many stations. For some years the Ford Foundation through an organization known as NET has assisted in creating quality programs and provided funds for their distribution to the non-commercial stations. Not too much live, on-the-spot viewing can be possible under these circumstances.

It was the realization that more and better programing must be forthcoming that prompted the creation 3 years ago of the Corporation for Public Broadcasting. The purpose of this organization is to create programing of the kind that will make educational TV what it should be and wants to be. The Corporation cannot own stations or create networks, but it can provide material for simultaneous exposure through temporary hookups of the individual independent stations. This expands greatly the potential for timely programs.

It is not anticipated that the Corporation shall be the creator of all or even most of the programs it supports and distributes. The stations themselves may receive financial assistance in the production of material which will have broad significance and interest and therefore be useful for showing in other areas either on a simultaneous or delayed basis. Some activity of this type is already taking place even though the Corporation as an operational entity is still in its infancy.

Because of the safeguard of bipartisan membership on its Board of Directors and a ban on editorializing written into the law, the danger of consistent slanting of material or outright partisanship in coverage should be minimal.

When the Corporation for Public Broadcasting was being discussed and when it was actually created, it was understood that some long-range financing plan would be worked out and eventually written into the law. The prior administration did not accomplish this, and the present administration has not done so as yet. It is still the will of the Congress that it be done. Appropriated funds should not be expected in any great amount, and the present year-to-year authorization awaiting a permanent solution cannot be expected to continue. It may be that the final answer will be periodic authorizations for direct appropriations if all other suggested methods of financing seem unacceptable, but we should work out before too long the arrangement which will continue. Also, we should have the basis for making judgments on the sensible and proper level of Government support in conjunction with public support, foundation support and other possible sources of financing.

The amount provided in H.R. 7737 is twice the amount recommended by the administration, and it can be expected that the budget request will be in line with that recommendation. I am not particularly in favor of authorizing far more than the realities indicate will be made available, but in view of the committee action in this instance I am not inclined to fight for any change at this juncture. If the greater figure, which is the sum requested by the Corporation, tends to indicate our confidence in the organization at this stage in its development, then it may be useful to go along for this reason. In any event, I merely wished to point out to my colleagues that the $20 million figure in the bill is unrealistic under all circumstances, but if by any chance the Corporation can convince the people downtown to go along with them, it would be acceptable.

Public broadcasting has great promise for the presentation of material not now available to the viewer and for filling the gaping holes in program selectivity which are now so apparent. The next 3 years should indicate whether or not public broadcasting can fulfill its destiny. The Committee on Interstate and Foreign Commerce certainly will be monitoring its performance and evaluating the results against the possibilities.

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This being a 1-year authorization Congress will have another opportunity to look it over next year.

I recommend H.R. 7737 to the House.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Is WETA, channel 26, an educational television station or a nonprofit station, does the gentleman happen to know?

Mr. SPRINGER. I believe that channel 26 is. Channel 20 is not.

Mr. GROSS. Is it an educational TV station?

Mr. SPRINGER. It is an educational TV station.

Mr. GROSS. So, therefore, they participate, do they not, in these funds?

Mr. SPRINGER. They participate in the funds so far as programing is concerned. I believe they are already participating. I do not believe they participate in construction funds because they have been on the air for several years.

Let me say this to my distinguished colleague. We do not—we are not able to control all the programing that goes into any of these stations. All we do control is programing which this corporation programs and sends out.

But you have to understand that each of these stations is independent. If New York City wants to produce a certain kind of program and put it on, this corporation has nothing to do with that. All we do is try to prepare network programs which go broadside and which have a broad public interest to go out to all of these stations and they can use them or not as they see fit. But we do believe that in view of the popularity and the desire of the people to watch this type of program, that they will put them on. But we do not control what WETA does. That is an educational television station over which we do not have control.

Mr. GROSS. Then, as a matter of fact, we put up the money, or the taxpayers do, because we do not have any money here that is not the taxpayers' money unless the Committee on Banking and Currency cranks up the printing presses. But Congress puts up the money, yet it has no controls.

Mr. SPRINGER. Are you still talking about WETA?

Mr. GROSS. I beg the gentleman's pardon?

Mr. SPRINGER. Are you still talking about WETA?

Mr. GROSS. Yes, station WETA.

Mr. SPRINGER. WETA is an independent, community-owned station over which we do not have any control.

Mr. GROSS. Except to supply some money?

Mr. SPRINGER. I do not think that we, at the present time, are supplying any money to station WETA except that this Corporation would provide them with this programing, and if station WETA wants the programs they will have to go out on the TV.

Mr. GROSS. No money or funds supplied in any way, shape, or form?

Mr. SPRINGER. I could not put it so broadly, I say to the gentleman; but station WETA presently is already in operation.

Mr. GROSS. I understand that. I will say that it certainly is in operation.

Mr. SPRINGER. We do not pay a thing for its yearly support. The yearly support has to be provided from some other source.

Mr. GROSS. There is no question about the fact that it is in operation—not at all—and it seems to be broadcasting the ultraliberal view most of the time.

I am very much interested in knowing the identity of stations that get money under this program.

Mr. SPRINGER. Are you talking about——

Mr. GROSS. I am talking about all of them.

Mr. SPRINGER. Are you still talking about WETA or one that might——

Mr. GROSS. And WETA, too.

Mr. SPRINGER. Is the gentleman still talking about a station that he might want to go on in Iowa City?

Mr. GROSS. I beg the gentleman's pardon?

Mr. SPRINGER. Is the gentleman talking about one you might want to put up in Iowa City?

Mr. GROSS. I am not talking about Iowa City, I am talking about WETA here in the Washington, D.C., area.

Mr. SPRINGER. Station WETA could not, and I can assure the gentleman, it does not get any of these Federal funds for operational expenses at this time.

I cannot tell you whether or not they got funds for building the station.

Mr. GROSS. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has consumed 13 minutes.

(Mr. REID of New York (at the request of Mr. Springer) was granted permission to extend his remarks at this point in the Record.)

Mr. REID of New York. Mr. Chairman, I rise in support of H.R. 7737, a bill extending assistance for public broadcasting facilities and the Corporation for Public Broadcasting.

This bill would extend the authorization for 3 years for the matching grant program for construction of noncommercial educational radio and television broadcasting through the Corporation for Public Broadcasting. Authorizations of $15 million are proposed for each of the 3 years. These grants cover up to 75 percent of the cost of acquiring and installing radio and television broadcasting apparatus in furtherance of educational broadcasting.

It is estimated that for every dollar granted by the Federal Government for public broadcasting, State, local, and private sources have expended $11. A long-range plan for financing the Corporation for Public Broadcasting is now being developed by the administration and should, when implemented, encourage even more private support.

In my view, the quality of our life as a civilized nation demands that we support fully the CPB. Television has become one of our most influential means of communication and education. Surely we must exploit its potential for positive instruction, for public affairs reporting in depth, for enhancement of the arts, for the widest possible dissemination of cultural events. Educational television has made great strides toward this goal, and I believe that approval of the legislation before us will reaffirm the faith of the Congress in its capacity to continue.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the ranking Republican Member on the Subcommittee on Communications and Federal Power, the gentleman from North Carolina (Mr. Broyhill).

Mr. BROYHILL of North Carolina. Mr. Chairman, the gentleman from West Virginia and the gentleman from Illinois have already made an explanation of this bill.

In 1962 Congress enacted a facilities grant program which has been in operation now for these several years offering matching grants to educational broadcasting stations all over the country. Now this is for apparatus. It is not for land and not for the construction of buildings and not for the repair of buildings. These grants have been given to the individual station for apparatus, cameras and equipment which is needed to operate the television station.

Since 1963, to go into a little bit of the record of what happened, over 100 of these educational television stations have been started as a result of this seed money approach, and these ETV's as well as educational radio stations are now located in 47 States. This has been the seed money approach; $37 million has been appropriated so far in this program since its beginnings. It is estimated that for every Federal dollar that has been invested in facilities over $10 have been invested by State, local, and private sources.

So you cannot say that the Federal Government is assuming a lion's share of the development of educational broadcasting in America.

Speaking for my own part, I feel that instructional broadcasting needs to be emphasized. In all fairness I will say that it has been emphasized to a degree in the past, but I believe we are going to have to have more emphasis on instructional broadcasts. I think that instructional broadcasting offers a unique and effective way to improve the quality of instruction in our schools.

I would add, also, that it offers an economical way of bringing quality instruction to not only school people but also to older citizens as well. Of course, in this day of spiraling costs in education, we should be thinking about more economical ways of bringing quality instruction to those of our citizens who need it. And we do need to use the up-to-date, modern technique of television in instruction.

So in view of the success that this program has had since 1962, the recommendation of $15 million per year is a modest request, and it should be approved by the House of Representatives.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Brown), a member of the committee.

Mr. BROWN of Ohio. Mr. Chairman, I would like to make two or three points, and call the attention of the Committee to some things in connection with this legislation on public broadcasting. In the first place, I want to call the attention of the committee to language which appears on page 3 of the committee report, which I urged to be put into the committee report, and the committee was happy to concur. That language points up the importance to this program of instructional television and radio broadcasting.

The point is made, and I think fairly and effectively by the language, that today when the educational field generally is costing so much money and is being, I believe, rebuffed so often by the taxpayers at the local level because of the increasing costs of education, that there is a place for instructional radio and television serving the classrooms in the institution either at the college level, the high school level, or the elementary level. I am pleased that the Public Broadcasting Corporation has gone into the creation of programing for the instructional level of public and private education, because it can provide economies to the taxpayers.

In our own State of Ohio, in southwestern Ohio, the parochial schools of the Catholic Archdiocese of Cincinnati have been obliged to close down the first grade of their elementary schools and are considering closing down other grades and turning those youngsters into the public school system.

One of the approaches that had been considered to forestall this necessity was the creation of a network of public broadcasting stations and receivers and boosters over southwestern Ohio, which would serve the parochial schools and therefore reduce the cost of education in the classrooms. However, there was not enough money or not enough enthusiasm in the last administration for this idea, and the grant was not made so that the funds were not available to the schools in that area.

Another example I would like to cite is of the Ohio University in southeastern Ohio, where many of the local public schools in that area of our State are to some degree deprived economically. These schools have had available programing for high school instruction purposes from the Ohio University station.

There is a great promise here of economies in public education that might inure to the general public from a proper emphasis on instructional programing in educational television and radio.

The gentleman from Iowa asked whether stations are benefiting directly from the public broadcasting program we are discussing today. The answer to the question is that they are if they get construction grants, and then indirectly they are if programing is prepared by the Public Broadcasting Corporation and is part of their programing usage, or if they get a direct grant from the Public Broadcasting Corporation so that they can develop a program of their own.

The fact of the matter is that these programs are only in the broadest sense educational. They are not necessarily instructional for the classroom, but only educational by broad interpretation. This program ought to be called not public broadcasting but rather noncommercial broadcasting, because the limitation really is that the stations be nonprofit stations or noncommercial stations in that they do not finance their operation from advertising revenues and that they not garner revenue from the sale of time on the station.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Ohio for yielding.

I would like to ask the gentleman if under the formula the gentleman has set forth, the preparation of news programing on a station such as WETA, channel 26 in Washington, could by any stretch of the imagination be subsidized by funds from this bill?

Mr. BROWN of Ohio. I cannot specifically say, I do not know whether WETA in Washington was the recipient of any kind of grant from this program for its construction, and I must say I do not know whether directly it is the recipient of a grant for developing any kind of educational programing. It probably develops its news programs from its general budget, which comes from donations, subscriptions, and that sort of thing.

If it uses programing which is prepared or encouraged by the Public Broadcasting Corporation and sent to the station, then it would be the recipient of some of the largess out of the funds set up here.

Mr. GROSS. Mr. Chairman, I think it is strange that the Washington Post, for instance, being a known ultraliberal newspaper—often referred to by other names, which I will not repeat on the House floor—dominates a recently initiated news program over WETA to the exclusion of any conservative purveyors of news.

I have had a little experience in news gathering and broadcasting, and I doubt that the Washington Post was ever accused of even approaching the conservative side of anything. I want to be sure that none of the funds appropriated by Congress for educational purposes go into the financing of news broadcasts or any other kind of broadcasts that represent leftwing views exclusively. That is all.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Iowa for his comments.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield? I believe that the question deserves an answer.

Mr. BROWN of Ohio. I yield to the ranking minority member of the committee, the gentleman from Illinois (Mr. Springer).

Mr. SPRINGER. Money received under this bill does not go into news broadcasting of conservative, middle of the road, or left wing—any news broadcasting, unless under a grant program from the Corporation.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, the gentleman from Ohio says that funds may well be used for programing purposes. This is programing of news.

Mr. SPRINGER. Just a minute. It is not that programing per se. The only programing the funds are used for is by the Public Broadcasting Corporation, of which John Macy is the president and of which this distinguished panel of eight Democrats at the present and seven Republicans—which soon will be eight Republicans and seven Democrats—is the Board.

The CHAIRMAN. The time yielded to the gentleman from Ohio has expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 2 additional minutes.

I want to assure the Members that none of these funds are used for any news broadcasting per se. The only thing they are used for is programs produced by the Public Broadcasting Corporation.

Mr. GROSS. If the gentleman will yield further, the gentleman mentioned the name of John Macy. I assume he is the estimable gentleman who was the former Chairman of the Civil Service Commission, who wore two hats when he was in the service of the Government in recent years; one as adviser on political appointments to the then President Johnson and the other as Chairman of the Civil Service Commission. To my certain knowledge he was not a conservative at anytime on anything, and I do not mean that as a personal reflection on Mr. Macy. I do insist that where funds of all the taxpayers are being spent that conservative as well as liberal views be presented.

Mr. SPRINGER. All I can say to the distinguished gentleman is I have been watching Mr. Macy rather carefully. I do not consider myself to be a liberal, and I believe Mr. Macy has been very fair so far.

Mr. GROSS. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield 3 additional minutes to the distinguished gentleman from Ohio.

Mr. BROWN of Ohio. I thank the gentleman from Illinois and the gentleman from Iowa for their contribution.

I should like to get two other factual considerations on the Record.

First I should like to put into the Record the amount of money that has been authorized for this program, the amount of money appropriated, and the amount of money spent.

For facilities in 1968, $10 million was authorized. The appropriation was, if I am correct, $4 million.

In 1969, $12.5 million was authorized and $4 million appropriated.

In 1970 the proposal is for $15 million to be authorized. Of course, the figure on appropriations is not available yet.

For programing under the Public Broadcasting Corporation the authorization in 1968 was $9 million. The Public Broadcasting Corporation was not formed; that is, the trustees of that Corporation were not named in time for any money to be spent, so no money was appropriated.

In 1969 the authorization was repeated at $9 million; $5 million was appropriated. The figure on the spending is still not finalized, but the assumption is that approximately that amount will be spent.

The committee is asking $20 million

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to be authorized for programing by the Public Broadcasting Corporation in this fiscal year.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I am glad to yield to the gentleman from Indiana.

Mr. DENNIS. This is not a field in which I claim any expertise at all; but on that point I have been reading the report. Apparently, as the gentleman says, they actually had $5 million last year. Now, apparently, the administration is asking only for $10 million.

Mr. BROWN of Ohio. That is correct.

Mr. DENNIS. And says they believe this bill should be amended to provide $10 million. I cannot help wondering why the committee—and particularly, I may say, the minority on the committee—is coming in here with a request for twice what the administration wants.

Mr. BROWN of Ohio. I appreciate the comment from the gentleman from Indiana. He presumed a statement that I was about to make and that is I shall not offer an amendment to reduce the amount from $20 million to $10 million. However, I do intend to incorporate that reduction in the motion to recommit. But in the interest of time I see no point in offering the amendment so as to live within the administration's budgetary recommendation.

Mr. DENNIS. I appreciate the gentleman's answer and it certainly makes me feel better about the bill.

Mr. BROWN of Ohio. And, if I may say one final thing in this connection, it is this: The problem with this whole appropriation or authorization is that there is a great deal greater demand for construction funds that we are authorizing or that are likely to be appropriated. The figure is generally estimated to be in the neighborhood of $30 million for facilities. But there is no great clear picture as to what is needed for programing purposes, because the Public Broadcasting Corporation is only just beginning to get organized and, really, as yet has no great clear direction as to where it is going.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the chairman of the committee.

Mr. STAGGERS. I would like to say to the gentleman from Ohio, if I may, that he has made a good statement. However, I would like to further say in regard to the $20 million that the new Administrator came before the committee and laid down a program as to why he needed the $20 million and how the whole committee had agreed that it would be spent. You will find that on page 6 of the report. It is also in the hearings. When this matter was pending before the other body a program was laid down there and they voted for the $20 million authorization. This was after the budget had been approved and before they had been organized. However, I think the Nixon administration would have been asking for the $20 million if they had known what was going to be scheduled and programed. Representatives of the administration have signified to us the fact that they will come up for the full funding later. This is for only 1 year, and that is all.

Mr. BROWN of Ohio. I appreciate the gentleman's comment. I think we have differences of opinion, Mr. Chairman, as to the value of the program as it was laid out by the committee.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Fish).

Mr. FISH. Mr. Chairman, the Corporation for Public Broadcasting was established by Congress to do many tasks in education and in working with minorities in the cities—tasks which must be done. The Corporation is a national resource which is not now being fully used.

In its first year of existence it expended the majority of its limited funds—$7 million—to support individual stations in all parts of the country. These stations are vitally important to giving schoolchildren the best possible instructions for the least possible cost, no matter where they live. I am particularly anxious to see the results of the work of the Children's TV Workshop, which has designed a program for preschool children which will begin November 10. This, it seems to me, is excellent use of the TV medium in helping prepare young children for school, especially those from disadvantaged families.

Everyone knows that TV cannot replace teachers and the need for additional classrooms, but it can certainly help to keep costs as low as possible while bringing the best teachers available to students even in our smallest schools.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Massachusetts (Mr. Macdonald), who has handled this bill for the last two occasions when it has been before the committee.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I shall not impose upon the time of the Members here because the bill has been very thoroughly and well presented by earlier speakers from both sides of the aisle.

However, I would like to make just a couple of points that have been raised which I think should be emphasized. One is that in my time here we always hear about seed money. But, this is one of the rare occasions in which seed money has really worked, because over a geographical area of some 47 States every dollar that the Federal Government has granted we have gotten back $11 in local funds and by local participation. So, I think it is clear that this has been a very well-devised program.

Mr. Chairman, the program had some difficulty in getting off the ground and that was due to a number of reasons which have been touched upon. But I now feel we have a very strong head of the program and that they are now well organized and in my judgment we of the Congress have promised these dedicated people much but have not delivered them very much. On the contrary, I think they have promised not very much but they have delivered a good deal.

Certainly, because of the scope of the program, as was mentioned by the gentleman from Illinois (Mr. Springer) and my colleague on the subcommittee (Mr. Broyhill of North Carolina), I think that this program should be funded in a way that will permit it to operate properly.

Indeed, there are those of us who sometimes are disappointed in some of the programs that we see on this embryonic new method of communication here in the United States. As I say, we sometimes are a little disappointed, but I do not think we should be disappointed because we do not give the people who are carrying out the nitty-gritty of this academic cultural and educational program the wherewithal to do the things that they want to do and can do so well.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from New York.

Mr. FARBSTEIN. Mr. Chairman, I would ask the gentleman has the committee at all considered in connection with the funding and financing of this program the media that is earning untold millions as a result of being granted licenses for television, advertising, and manufacturers of television sets sharing part of the cost of educational TV?

Mr. MACDONALD of Massachusetts. The permanent funding aspect of this entire program has been uppermost in the committee's mind ever since its inception, and every time the people from the Public Broadcasting Corporation come up we ask them and urge them to get together and to come up with some permanent financing.

As I tried to indicate earlier, much of the changeover in personnel, as well as the change in administration, and so forth had left a void for a time, but I think that void is now filled, and I think they will come up, as we have urged them to, with a permanent plan for funding.

Certainly what the gentleman suggests has some merit. That would be one of the obvious recommendations.

I would like to say in defense of the commercial broadcasters, which I take it the gentleman from New York is talking about, that one of the national networks contributed a large sum of money to get this public educational broadcasting off the ground. Also I think that all of the networks testified before us in favor of the program, and I think they have been more than reasonable in trying to help this program.

Perhaps what the gentleman from New York suggests has a good deal of merit, and I can guarantee that the members of the committee will further pursue the matter with the public broadcasting people when they again appear before us on whether they can come up with some sort of a permanent, fixed financing basis.

Mr. FARBSTEIN. If the gentleman will yield further, may I inquire whether or not it is the intention of the chairman of the subcommittee that just addressed himself to me that he will hold hearings on the question of contribution

or payment of the cost of public TV by the media and by the manufacturers of TV sets?

Mr. MACDONALD of Massachusetts. I will repeat to the gentleman he presents a very logical and good point and that the committee will look into it to the best of its ability.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I would share the concern of the gentleman from New York in this area, because this was one of the promises that we had last year when the first appropriation was made to the Public Broadcasting Corporation, that if this were established, we would not be asked for another trip to the public Treasury and that we would have a recommendation as to the method of permanent financing of the Public Broadcasting Corporation from sources other than the general revenues of the Treasury. Now here we are once again dipping into the general revenues of the Treasury.

The suggestion has been made that we have taxes on TV stations or some other form of taxation, user taxation, if you will, or some other form of encouraging contributions. Certainly that needs to be done if the independence of this operation is to be served, as suggested in the Carnegie report, if one of the desirable things of the Public Broadcasting Corporation is going to be encouraged, at least the Carnegie report says so, that would stimulate this whole development, that we would come up with some kind of extra-Treasury method of financing public broadcasting, but so far we have not.

I would like to say to the gentleman and also to the chairman from Massachusetts and the chairman of the full committee that I for one am being rather subdued in regard not only to my concern about his program this year, because I think there have been problems on getting the thing in gear and organized, but in the future I have no intention of being quite so subdued if we do not come up with some other method of financing.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I thank the gentleman for his contribution.

Mr. Chairman, the legislation before us today, the Educational Television and Radio Amendments of 1969, helps build upon the grand design erected by the 90th Congress when it enacted the groundbreaking Public Broadcasting Act of 1967. H.R. 7737 authorizes appropriations for interim financing for the Corporation for Public Broadcasting—established to provide publicly funded support for the Nation's growing educational broadcasting systems. The bill also provides an extension of authorizations for an ongoing program of facilities and equipment grants for the establishment and improvement of educational broadcasting stations.

The facilities-grants program predates the Public Broadcasting Act of 1967. Under a program authorized by Congress in 1962, the Department of Health, Education, and Welfare has offered matching grants to individual stations and statewide systems of stations to help finance needed equipment purchases. The funds, which are not used for acquisition of land or buildings, have enabled educational stations to purchase expensive broadcast-quality equipment necessary to compete for viewers' attention. The HEW grants have, more importantly, made possible the establishment of whole systems of new educational stations, fostering the creation of State educational broadcasting networks.

The HEW program has long been judged one of the most successful of its kind. Rare is the congressional district that has not already felt its beneficial impact. As the program continues to stimulate the growth of educational broadcasting, practically every Congressman will find his constituents served with a useful and attractive supplement to commercial broadcast fare.

The HEW program has achieved its exemplary results with small authorizations and even small appropriations. No one could successfully argue that this has been a swollen program. In fact, the need—as evidenced by the always large and growing backlog of applications—has from the start outdistanced the funds available. The authorizations proposed in the present bill are modest. They equal, for each of the next 3 fiscal years, the same amount currently authorized for the present fiscal year—$15 million. This is the level suggested by the administration. There was no opposition to the program expressed during the subcommittee hearings on the legislation, which I conducted.

Under the terms of the program, grants may cover up to 75 percent of the costs of purchasing and installing broadcast equipment. Local and State financing is needed for all of the costs of land and construction or repair of buildings. In any 1 year, no one State can receive more than 8½ percent of the available grants appropriations. Because of these limitations, there is a level below which appropriations may not be cut without placing the program in danger. Broadcast-quality equipment is not inexpensive, and to provide a meaningful improvement in the over-the-air transmission quality it is usually necessary to upgrade a whole series of related components. Thus improvements usually cannot be made piecemeal. Stations find themselves confronted with the necessity of making major improvements or doing nothing.

In the case of putting new stations on the air, the cost picture is even more indivisible. In order to insure that the benefits of the program have a wide geographical distribution, as the law requires, it is necessary to provide sufficient total funds so that realistic improvements at the level of the individual stations can be financed.

Because of the successful record and widespread popularity of the grants program, I would expect no member to oppose the present extension of authorizations.

Section 2 of the legislation would authorize an appropriation of $20 million for the Corporation for Public Broadcasting. Of the several titles in the Public Broadcasting Act of 1967, the one that established the Corporation broke truly new ground. The aim of the Corporation's designers and supporters was to fill out the aid provided by the facilities program with parallel support for the production and distribution of equality educational and public-service programing.

The Corporation was seen as a vehicle by which contributions from the private sector—viewers and philanthropic support—could be augmented with Federal funds. Several important considerations—which still stand today—guided the architects of the Corporation. One was that the need for funds greatly exceeded the level that could reasonably be expected from voluntary contributions. Another was that the benefits from a greatly improved and expanded public broadcasting system would flow so generally to the Nation as a whole that a Federal contribution would not only be proper but appropriate.

A third consideration was the need, if Federal funds were to support the production of programs, to provide insulation from political pressures that might be brought to influence the content of programs. It was to this end that a special corporation was conceived, chartered by act of Congress and guided by a blue-ribbon panel of presidentially appointed directors, chosen for their independence of judgment. In addition, it was planned that a form of permanent financing should be devised that would free the Corporation from possible pressures stemming from the annual appropriations process.

It was foreseen at the time that devising a plan acceptable to the administration, the Congress, and the educational broadcasters would be difficult and time-consuming. In the interim, it was decided to establish the Corporation with limited funding, so that it could begin its work in an orderly manner, and, with the expertise it could develop, play a leading role in the creation of a practical long-term financing proposal. In the process, the Corporation's projects could begin to bring benefits to the viewing public. With these ends in mind, Congress decided that, to start, Federal funding would be provided by direct appropriations. The Public Broadcasting Act of 1967 authorized $9 million, of which $5 million was appropriated.

These funds, together with approximately $2 million in private funds, provided the Corporation's first year operating budget. Meanwhile, the change in administrations brought an understandable delay to the program of devising a permament financing plan. Because of this, the Corporation has sought a direct appropriation for fiscal year 1970.

The Corporation, now organized and staffed, is seeking to implement the will of Congress by promptly developing effective programs to meet current pressing national needs. First-priority areas are to strengthen local stations so as to increase the quality and quantity of local programing; interconnection of public broadcasting stations into regional and national networks, to maxi-

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mize impact and give immediate distribution to worthwhile programs; and in program development to focus particularly on the creation of quality television fare for young audiences—especially preschool children.

To achieve its modest but important goals, the Corporation is seeking an appropriation of $20 million, which it expects to augment with $4 million of private funds. The budget submitted by the outgoing Johnson administration provided for a $20 million authorization. The incoming Nixon administration, new to its complex tasks, suggested $10 million for the Corporation in a revised budget. Administration witnesses noted that the bill before the subcommitteee, as passed by the Senate, did not accord with the administration's formal request, but did not actually oppose the higher figure. All the witnesses before the subcommittee expressed wholehearted approval of the Corporation's purpose and aims. Many asked that the authorization be set at $20 million or higher. The measure was reported from the subcommittee and the full Committee on Interstate and Foreign Commerce with no dissent.

Supporters of the Nation's effort to strengthen our system of public television strongly hold that failure to support the Corporation's crucial early efforts would spread damaging waves throughout the ranks of educational broadcasters, adversely affecting the levels of local voluntary support and rendering it increasingly difficult to attract and hold quality personnel. The dedicated pioneers in educational broadcasting have long—too long—lived on promises. Even the most dedicated must occasionally give thought to their own future. The passage of the Public Broadcasting Act was an affirmation that their pioneering labors were not in vain. As their hopes were buoyed, so were the hopes of millions of viewers that progress at last might begin to reach the potential. Eyes are on Congress today, watching to see that the promise is not broken.

Mr. Chairman, I urge the wholehearted support of the present bill. A plan for permanent financing will emerge; one is now taking shape in consultations among the experts in public broadcasting and in the administration. Congress will have full opportunity to make the final decision. But meanwhile we can proceed to bring the benefits of our extraordinary technology to all the people. The program seeks modest funding. We should take a key step in providing it.

In closing, I would just like to say I think that we, the Congress, owe these people a chance to prove what they can do. I certainly urge our colleagues to go ahead with them.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding.

As the distinguished chairman knows, in my State our first educational TV station will start broadcasting after February 1, 1970.

In Mississippi, in setting up the education television, we took the State approach. The State legislature set up the Mississippi educational television board made up of educators, business, industrial, and labor leaders.

There has been some concern by educators in my State and also by the State legislature as to what effect and what controls will HEW and the Corporation of Public Broadcasting have on the programs that we will initiate and run in Mississippi. Will they try to tell our people down there what type of programs they should run?

Mr. STAGGERS. The act provides that they may not force any program on any station anywhere in the land. They are attempting to cooperate in bringing to the people of Mississippi and to the people of other States good and worthwhile television programs.

Public television stations in the several States are, and will continue to be, free under the Public Broadcasting Act of 1967 to refuse to transmit any program developed by the Corporation for Public Broadcasting.

Mr. MONTGOMERY. I thank the gentleman. As I understand the chairman, he as answered my question. In the past, these two parts of the Federal Government that I mention have not in any way influenced the programs of educational television in other States, and as far as the Chairman is concerned, in the future under this act no steps will be taken by HEW or by the Corporation of Public Broadcasting to influence the type of programing that will be carried on in the different States.

Mr. STAGGERS. The provision is in the act that that cannot be done. That is part of the law.

Mr. MONTGOMERY. I thank the Chairman for answering my question.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas.

Mr. ECKHARDT. I thank the chairman. I wish to recognize his good work and that of the able gentleman from Massachusetts, the chairman of the subcommittee in this field, in preparing this bill and presenting it to the House. I certainly do endorse it fully. I have an unusual interest in this matter because station KUHT–TV of the University of Houston was, I believe, the first educational television station in the Nation under this program.

I also wish to recognize the very able statement of the distinguished ranking minority member, and commend particularly, his reference to the nonpartisan board. The nonpartisan board includes a very distinguished citizen of my community, Mrs. Oveta Culp Hobby, who was formerly a member of President Eisenhower's Cabinet.

Educational television is blessed with many outstanding administrators and creative minds. It utilizes the most powerful tool of communication ever devised. Increased funding of educational television will permit it to provide a service of increasing diversity and quality. I think that quality, that diversity, and that nonpartisan nature has been exemplified by the station in Houston.

Mr. STAGGERS. Mr. Chairman, I yield whatever time he desires to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I rise in support of H.R. 7737.

I endorse the ideas and the actions incorporated in H.R. 7737, the assistance act for public broadcasting and the corporation for public broadcasting. This appropriation is reasonable and it is entirely fitting that Congress extend the assistance program.

Since the Educational Television Facilities Act became effective in 1963, more than 100 additional public television broadcasting stations have gone on the air making a usable public broadcasting signal available to over 50 million new viewers. In a relatively short period of time, these stations have developed in-depth programing that gives viewers a constructive and balanced educational vehicle.

KLRN–TV which broadcasts in Austin and San Antonio is a prime example of the potential offered by educational television. With facilities at the University of Texas KLRN not only broadcasts some excellent instructional programs, and quality drama—but this educational station is a living workshop that trains university students interested in broadcast careers. It is because of the work by such stations as KLRN that I support this bill today.

Dozens of men and women in our cities have served and are serving in advisory capacities, giving time and energy and money toward the advancement of public broadcasting. Because of this contribution, and because the stable and practical leadership given by the station personnel our educational television station is rendering a great service. We must help it move along.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of this legislation. There is no question that education television offers this country a very significant breakthrough in meeting some of the needs of our education system. My Subcommittee on General Education earlier this week had occasion to preview an excellent program that will premier on November 10, and will be made available to all education stations across this country, called "Sesame Street." It is a 1-hour program in full color. It will be made available to these stations, and it will be directed primarily at young children of the 3- to 5-year age group, preschool youngsters. So far as I know, this is the first electronic headstart program that we will have in this country. It will be available every day, 5 days a week. It is so good that in my own city, station WTTW, will show this 1-hour program three times a day to reach the largest audience possible of young children to prepare them for entry into the elementary school.

Certainly, Miss Joan Ganz Cooney of the Children's Television Workshop of National Educational Television and her associates did a great job. This program has particular appeal to young children and will teach them such things as the alphabet, how to relate numbers and many other interesting features for preschool youngsters. It is produced with such deep understanding of young children that it promises a very high rate of interest retention for preschool children.

I predict that this program will give the commercial stations a real run for their money on the ratings. This shows that educational television is moving.

Of course, we are very pleased that Public Broadcasting Corporation has selected one of our distinguished citizens from Chicago, John Macy, as its President.

We in the Education Committee are concerned about how to finance the educational needs of our country and we see in educational television a very significant breakthrough for the people of America.

One final word. There was a colloquy earlier on the financing of newscasts. It is true that WETA in Washington has been given $36,000 in a grant from the Public Broadcasting Corporation to help finance the program "Washington Week in Review." This program is being put together by four highly competent and independent newsmen in Washington. It is available to educational stations across the country as a weekly review of happenings in Washington.

I am mindful of the fact this is a dangerous field we are in, and we have to maintain constant surveillance to insure that we do not set up a publicly financed news agency. On the other hand, education television stations should not be denied the opportunity to have a good news program for their viewers.

I think as long as we use good, respectable, highly competent, and unbiased newsmen to prepare this, we ought to give it a chance. We will always have a chance to review these programs if we feel there are abuses.

Mr. Chairman, I congratulate the chairman of the committee for bringing this legislation to the floor for consideration today.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I thank the gentleman from West Virginia for yielding.

I appreciate that the heart of the chairman is in the right place. Perhaps this bill is not a good vehicle for it.

Mr. Chairman, I am also very gratified that the chairman of the subcommittee, in answer to my query, said there will be consideration of financing of this program in the future. I say this especially because in the congressional declaration of policy it does not say a word about the fact that the media, which have been earning untold millions, should contribute to public and educational television. There is nothing there about a user's tax. There is nothing there about a trust fund being created for this purpose. Why should the taxpayers' money be used for these purposes? Why should the gentleman from New York (Mr. CELLER) be compelled to contribute toward educational television?

Mr. Chairman, the Corporation for Public Broadcasting was established in 1967 to stimulate the development of educational TV. It was established as a result of the recommendations of the Carnegie Commission on Educational Television. The commission had recommended a Corporation to provide financing for educational TV. It estimated in January 1967 that $270 million a year would be needed to develop a viable system of educational TV. The appropriations process, it suggested, could provide interim financing for the Corporation, but at a very low level. A permanent financing mechanism was required to provide anywhere near the $270 million a year. Such financing should be independent of the appropriations process to keep educational TV free of political pressure. It suggested a media tax to be paid into a trust fund. The Ford Foundation took a similar position. It recommended the establishment of a satellite system for noncommercial TV which could return some profit.

Congress put off the longterm financing question and enacted—in 1967—a bill to establish a Corporation with limited annual financing. At that time I offered an amendment to put Congress on record in support of a media tax and to require the FCC to report back on the idea. It failed. The chairman of the committee said that no hearings had been held on the question.

The next year—1968—on a bill to extend the Corporation an additional year, I offered a similar amendment. Again the chairman said no hearings had been held and that the administration was working on recommendations. In the meantime, the Corporation has been operating on a budget of approximately $14 million compared to the $270 million the Carnegie Commission estimated would be needed to operate adequately in any one year.

Since then Prof. Dick Netzer of NYU has put out an excellent study recommending specific permanent financing of educational TV and the Commission on Violence has called for permanent financing of educational TV.

But still nothing has happened. The administration will announce, I understand, a rather weak recommendation for permanent financing when the bill before the House today is signed by the President, but it is not going to be much.

Mr. Chairman, I insert at this point in the RECORD excerpts from the 1967 Carnegie Commission report, the Violence Commission's report on television, and the Netzer study to illustrate the recommendations and hard thinking which have been made with respect to the need for permanent financing for educational television.

[From "Public Television: A Program for Action, the Report and Recommendations of the Carnegie Commission on Educational Television"]

THE COMMISSION PROPOSES ENLARGED FEDERAL SUPPORT FOR PUBLIC TELEVISION

We recommend that Congress provide the Federal funds required by the Corporation through a manufacturer's excise tax on television sets (beginning at 2 percent and rising to a ceiling of 5 percent). The revenues should be made available to the Corporation through a trust fund.

In this manner a stable source of financial support would be assured. We would free the Corporation to the highest degree from the annual governmental budgeting and appropriations procedures: the goal we seek is an instrument for the free communication of ideas in a free society.

The excise tax will provide the Corporation with approximately $40 million of federal funds during its first year of operation, rising gradually to a level of $100 million a year. We propose that the rate be raised to 3 percent, bringing in $60 million, after the first year. The commission intends these revenues to be added to those available from other federal, local, and private sources to be used primarily for the support of programming for Public Television. We recommend that federal agencies continue to make grants to educational television stations for special purposes.

[From "Commission Statement on Violence in Television Entertainment Programs," National Commission on the Causes and Prevention of Violence," Sept. 23, 1969]

We offer one recommendation to the President and the Congress:

Adequate and permanent financing, in the form of a dedicated tax, should be provided for the Corporation for Public Broadcasting so that it may develop the kind of educational, cultural, and dramatic programming not presently provided in sufficient measure by commercial broadcasting.

We believe, as the Public Broadcasting Act of 1967 states, "that it furthers the general welfare to encourage noncommercial educational radio and television broadcast programming which will be responsive to the interests of people both in particular localities and throughout the United States, and which will constitute an expression of diversity and excellence," and "that it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make noncommercial radio and television service available to all the citizens of the United States." We suggest financing by means of a dedicated tax because we believe that public television must be free from the political pressures that result from the need for annual federal appropriations.

Public broadcasts can be a much needed alternative to commercial programs. It is generally assumed that commercial television caters to the public taste. But television also creates the public taste. If a wide range of wholesome entertainment and public service programs is offered as an alternative to the current fare of entertainment violence, it is likely that this will effect changes in public tastes and ultimately make violent television programs less commercially attractive. But this longer-term possibility does not relieve commercial television of the responsibility to reduce now the volume and change the character of its violent programs.

NATIONAL CITIZENS COMMITTEE
FOR BROADCASTING,
New York, N.Y., April 1969.

The President and Congress of the United States:

The greatest communications resource man has ever known continues to be polluted and to pollute the public's airwaves—for private gain. One answer to the staggering problem of airwave pollution and its desensitizing of the American spirit is a free and healthy non-commercial broadcasting system, which has come to be called Public Broadcasting.

Dr. Dick Netzer's report welds a combination of long-range financing proposals for Public Broadcasting into a single package free of any real or fancied domination and funded largely by those who profit most from the use of the public's airwaves. The plan is stable and the sums it would bring forth are substantial enough at long last to make noncommercial broadcasting technically, professionally and competitively capable of serving

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the whole public with the informational and cultural diversity to which all of broadcasting is called and to which so little of broadcasting responds.

In January, 1967, the Carnegie Commission said that a strong Public Broadcasting system would require $270 million annually. The first Congressional appropriation to the Corporation for Public Broadcasting, for fiscal 1969, was a disappointing $5 million. This in times when the revenues of the publicly-licensed commercial broadcasters are at their highest and the fulfillment of their responsibilities is at their lowest.

Professor Netzer's plan is based on all the various recommendations put forward for long-range financing of Public Broadcasting which were carefully studied by the trustees of the National Citizens Committee for Broadcasting before they turned their materials over to Professor Netzer for his objective evaluations and conclusions. It is entirely his report; the trustees concur with his conclusions entirely.

We believe the plan's moral applicability to our time ought to be a decisive factor for adopting it. We hope men of vision in broadcasting will endorse it. We know the public will support this immediate route to better broadcasting. We ask your action to see that it—and a free and healthy Public Broadcasting system—becomes a reality.

Respectfully,

The board of trustees of the National Citizens Committee for Broadcasting: Shana Alexander, Milton R. Bass, Harry Belafonte, Charles Benton, William B. Branch, Rev. Robert F. Drinan, S. J., Richard Eells, Ralph Ellison, John D. Entenza, Phillip Gainsley, John Kenneth Galbraith, Brendan Gill, Nathan Glazer, Robert Goodman, Henry Clay Hofheimer II, Marshall M. Holleb, Thomas P. F. Hoving, Marya Mannes, Robert Montgomery, Earle K. Moore, Gerard Piel, Walker Sandbach, Charles A. Siepmann, Mrs. David E. Skinner, June Wayne.

Long-Range Financing of Public Broadcasting

(By Dick Netzer, professor of economics, head, All-University Department of Economics, New York University)

SUMMARY

Public Broadcasting, for its long-term financing, requires support that is adequate in amount, stable but growing over time, and reasonably free from undesirable economic side effects. The financing mechanisms must provide protection against political and economic interference with programing.

Proposed non-governmental financial devices, although attractive in some respects, simply are not adequate in the amount of funds they can provide, individually or in combination. The use of Federal taxing powers is essential, but to insure independence, any taxes or charges levied by the Federal government for Public Broadcasting should be paid into a trust fund and removed from the annual appropriations process.

The best of the tax devices considered here is a gross receipts tax on commercial broadcasting; at a 4 percent rate, it could yield over $120 million a year. This should be supplemented by a system of charges for access to the radio spectrum, collected by competitive bidding for licenses or otherwise, with the proceeds also paid into the trust fund.

On the non-governmental side, there is an extremely strong case for adoption of the Ford Foundation proposal for a broadcasters' non-profit satellite system to provide both cash and free service for Public Broadcasting. Also, Public Broadcasters should have the authority to accept limited amounts of advertising and to experiment with subscription television, to further supplement and diversify their sources of revenue.

The highest priority, however, is the establishment of the trust fund and imposition of the broadcasting gross receipts tax, to be paid into the trust fund.

This study explores a variety of possible ways to place the financing of Public Broadcasting on a stable, long-term basis. Two assumptions underly the analysis.

First, it is assumed that the funds required are substantial—in the order of the $270 million annually recommended by the Carnegie Commission (which compares to the nearly $4 billion spent for television and radio advertising in 1967). Second, it is assumed that financing of this magnitude cannot conceivably be provided by use of the begging bowl; no combination of private philanthropy, sporadic Federal appropriations and even more sporadic state and local government financial assistance will permit Public Broadcasting to develop more than a small fraction of its potential. This is not to exclude the role of philanthropy or independent fund-raising, but rather to state that the basic support for an adequate system of Public Broadcasting must be assured in a more dependable way.

CRITERIA AND ISSUES

Any system of long-range financing must have two basic attributes. It must provide funds that are reasonably adequate in amount. And the flow of funds must be stable and relatively assured, to permit the long-range planning and program development that is essential. Moreover, assurance of financing is necessary to insulate Public Broadcasting from the adverse pressures sure to be stimulated by free exercise of imagination and intellect in program content.

Ordinarily, in our society, freedom of expression of opinion and ideas in the arts, letters and sciences is protected by the existence of large numbers of channels of expression and by the very diversity of the sources of economic support. However, the technical characteristics of the radio spectrum limit the numbers of channels of expression far more rigorously than is the case for the printed word, the other performing arts or the graphic arts. In addition, the costs of production in broadcasting can be very high indeed, relative to other communications media. Therefore, a suitable financing system needs built-in insulating devices.

There are several other criteria an ideal financing system should satisfy. For one thing, the costs of Public Broadcasting surely will rise over time, as salaries rise and as new opportunities for service unfold; a superior financing system will provide growing amounts of money over time, more or less automatically. Second, the financing system should not have harsh economic effects on the rest of the broadcasting industry or on other forms of communication. Third, the financing system should not bear heavily on the poorer segments of the country's population. Fourth, an ideal financing system would be demonstrably sensible, in that there would be some clear linkage between benefits and payments—those who provide the funds ideally should also receive benefits from Public Broadcasting or from related activities in the communications field.

No financing device can satisfy all these criteria perfectly. It is necessary to "trade-off" among the criteria, to find one or a package of financial sources that comes closest to the ideal.

This list of criteria suggests that the following are the basic issues:

(1) Can the job be done with financing devices *other than* the use of governmental revenue-raising authority? Such devices might include the sale of services by Public Broadcasting (for example, pay-TV or acceptance of advertising) or revenue from assignment of monopoly powers to a quasi-public agency responsible for Public Broadcasting (for example, domestic satellite transmission). Clearly, if such arrangements were workable, they would have the advantage of affording a considerable degree of insulation from political pressures. They also tend to exhibit desirable linkages between benefits and payments.

(2) If governmental revenue-raising devices must be employed (as this study concludes), how can Public Broadcasting be assured of a stable flow of funds, free from political pressures and uncertainties?

(3) Assuming that the necessary insulation can be provided, which governmental revenue devices most nearly satisfy the other criteria?

FINANCING NOT DEPENDENT ON TAXATION

Unquestionably, there are non-governmental financing devices which can produce significant amounts of revenue. The doubts regarding such financing relate to whether these devices alone can produce sufficient revenue and whether, even if they can satisfy this criterion, they do not do violence to the other criteria.

Take, for example, pay-TV. It has some merits as a financing device, but its demerits are such that it should be no more than a marginal supplementary source of funds. To be sure, a national system of subscription Public Television no doubt eventually could attract large numbers of subscribers among upper-income families, for the charges could be very modest relative to the incomes of such families. An annual charge of $100 on the average would amount to less than three-tenths of one percent of the money incomes of the richest ten percent of American households (those with total money incomes over $15,000). If half of all such families did subscribe and if half the annual charge was absorbed by connection, administrative and collection costs, Public Television could net nearly $150 million a year. If only 5 percent of all other (less affluent) families were subscribers, the $270 million goal could be met.

Consider the drawbacks. First of all, subscription Public Television surely would tend to be, as the illustrative figures imply, an upper-income minority experience. But the fundamental case for Public Broadcasting is that it should *not* be merely yet another cultural experience for the affluent few who even now have access to and participate in a wide range of cultural experiences. It is conceived to be, ideally, a truly mass experience (and *far* more so than the live performing arts), conferring vast benefits on our whole society, *provided* that people of varying income levels, tastes and geographic locations have access to it. Public Broadcasting can realize its potential only if access to it is as easy as is access to commercial broadcasting.

Second, as a newly offered service competing with existing services (commercial broadcasting and other communications), subscription Public Television inevitably would develop slowly, with considerable geographic unevenness and with great year-to-year uncertainty during the growth period. In short its financial development is likely to duplicate the financial history to date of non-commercial broadcasting—slow, uneven growth and a dire lack of the financial security necessary to plan ahead with confidence. But history makea it clear that Public Broadcasting need to achieve a critical financial mass quickly so that the public can actually *see* its promise. We know only too well that there is no ready market for any product or service not actually offered, but only hypothesized. Offering a low-quality, under financed service in the early years will guarantee that development will continue to be painfully slow.

Because subscription television does associate financial support of the services with a portion of the benefits generated by Public Broadcasting, there is every reason to attempt to provide *some* role for subscription television in the financing of Public Broadcasting. For example, it would make sense, if feasible, to charge for occasional special pro-

grams of a very costly nature, much as certain facilities are charged for, in otherwise free parks, and fees are charged for special exhibitions in otherwise free museums. Thus Public Broadcasting should be free to experiment with subscription arrangements and indeed should encourage research in subscription-device technology.

But this cannot be the principal financial support for Public Broadcasting, nor should a large part of Public Broadcasting service be offered on a fee-for-service basis.

Another non-governmental financial device might be the acceptance of advertising on a controlled basis. The argument is that commercials can be carefully placed so as not to interfere with program content and that obnoxious forms of television advertising can be avoided. Meanwhile, there is increasing corporate interest in displaying "social responsibility," by supporting public programing; this requires visible evidence of the corporate contribution, for which large corporations will pay handsomely. Analogies are drawn to experience abroad and to the experience of a handful of successful "upper class" FM stations in this country.

The argument duplicates that now being advanced in Britain, that the BBC television services should accept advertising in a similar fashion. However, BBC would continue to get its basic support from the license fees paid for many years by households, and thus could continue to be quite independent of pressures by advertisers. More generally, experience abroad is a false analogy simply because of the different traditions—that is, the strong tradition of sponsor control here. Moreover, the design for Public Broadcasting is for a system that will ensure a maximum of conflict with advertisers—programing which is controversial, even revolutionary, in tastes, mores and politics.

In addition, the amounts of money are relatively large. At least half of present television and radio advertising expenditure is for consumer products that involve product rather than corporate identification, such as cigarettes, soaps, toiletries and proprietary drugs; another significant proportion is done by relatively small local firms unlikely to be overly concerned with "corporate image." Thus, to raise $270 million, the remaining advertisers would have to shift 20 percent or more of their advertising from commercial to Public Broadcasting. It is rather unlikely that this will occur. Public Broadcasting, in the next few years, will be offering less than 10 percent of total broadcasting service, usually to little more than 5 percent of the total broadcasting audience. If successful and adequately financed, Public Broadcasting will do better than this as it matures, but advertisers are acutely aware of the *current* performance of competitive media. Airlines and similar advertisers are unlikely to willingly devote 20 percent or more of their radio-TV advertising budgets to reach 5 to 10 percent of the potential audience. Moreover, since this is a large shift, it is likely to create considerable year-to-year uncertainty, even if the shifts could be achieved eventually. All this suggests that controlled acceptance of advertising may be a useful supplementary source of funds, especially for individual costly programs, but not an appropriate source of basic support.

The most dramatic and imaginative non-governmental financial course is found in the Ford Foundation's 1966 satellite proposal. The Foundation proposed creation of a broadcasters' nonprofit satellite service, operated by a non-governmental but nonprofit corporation, largely supplanting network transmission by telephone lines and microwave relay. The service would provide free channels for non-commercial television and it would pay over a substantial portion of the commercial broadcasters' projected savings (as compared to present transmission technology) to support Public Broadcasting programing.

The amounts involved are substantial. In its December 1, 1966 submission to the Federal Communications Commission, the Ford Foundation estimated level annual costs of the proposed system at $29–$32 million and that this system would replace, if in full operation in 1970, $60–$65 million in land-lines transmission costs incurred by commercial broadcasters. Thus, at a minimum, the annual savings in transmission costs would be $28 million ($60 million in present costs less $32 million for the new system) and, at a maximum, $36 million ($65 million less $29 million). These savings could be divided between modest rate reductions for commercial broadcasters and funds turned over to Public Broadcasting. Perhaps $20 million a year could be available for Public Broadcasting.

The free channels to be provided under this proposal are also of substantial value. The Corporation for Public Broadcasting, in July 1968, stated that *present* nationwide inter-connection needs for Public Television, to connect 91 points and 160 stations, comprise the eight hours daily from 3:00 to 11:00 p.m. AT&T estimated that such service would cost, at commercial rates, $8.7 million a year, under a ten-year contract.

From the standpoint of our criteria, how does the Ford Foundation proposal rate?

(1) As a non-governmental device paying money over to Public Broadcasting on some kind of formula basis and providing free service automatically, it affords significant insulation against political and sponsor pressure.

(2) There is a real linkage between benefits and payments. Commercial broadcasters receive a high-quality service at somewhat reduced costs (compared to present transmission systems); the remainder of the cost reduction is used to support Public Broadcasting which commercial broadcasters, notably the networks, have long maintained to be of substantial benefit to them.

(3) There is strong indication that the benefits, in money and in free service, to Public Broadcasting will rise rapidly over time. That is, increased utilization of the transmission services by commercial broadcasters will generate rising net revenues, and Public Broadcasting itself will be able to utilize an increasing proportion of the free transmission service as Public Broadcasting develops.

(4) The use of the savings from satellite transmission for Public Broadcasting rather than rate reductions for commercial broadcasting can be viewed as a "tax" on broadcasters' expenditure for interconnection cost. An earlier study has concluded that, so viewed, the proposal has few if any economic drawbacks:

> "Merely reducing interconnection charges would not substantially improve the industry's structure or enrich the program alternatives it offers to viewers: this is what makes the tax relatively attractive . . . on economic grounds. Using the cost-savings instead to support ETV would do precisely what rate-reduction would not do, and do it openly, directly and in full measure, no need for the far more difficult undertaking of regulating the quality of commercial programing. It would increase the genuine diversity of programing, and in so doing come much closer than the industry does today to maximizing the benefits obtained from the limited spectrum." [1]

(5) Offsetting these advantages, the proposal involves important uncertainties. There are technological considerations; there is the possibility of successful competition from other transmission modes; and, most of all, there is the present uncertainty whether the proposal will be adopted at all, uncertainty on grounds quite aside from the financing of Public Broadcasting.

(6) The proposal clearly cannot be the sole support of Public Broadcasting (nor has the Ford Foundation so argued). It will not provide more than 10 percent or so of the money needs of Public Broadcasting at the Carnegie Commission scale.

Conclusion

The three main non-governmental financial sources that are conceivable—subscription television, controlled reliance on advertising and the Ford Foundation satellite proposal—each have some attractive aspects. But subscription television and advertising must be used sparingly, if the potential of Public Broadcasting is to be realized, and this limits them severely as sources of funds. It is difficult to imagine circumstances in which as much as $100 million of the $270 million needed annually could be provided sensibly from the two sources combined. And the satellite proposal, if deployed at full scale, cannot add enough of the required revenue to obviate the need for governmental revenue sources.

However, there is one strong argument, aside from the inherent characteristics of these approaches, for using them to some extent—limited in the case of subscription television and advertising, and all out in the case of the Ford Foundation proposal. Together with tax sources, they will afford a highly desirable diversity of financial sources, a diversity which can significantly enhance the independence of Public Broadcasting programing.

GOVERNMENTAL FINANCING—THE TRUST FUND APPROACH

In the discussion of governmental financing which occupies the remainder of this study, the analysis is confined to *Federal* government taxes and fiscal arrangements. In part, this is because most of the tax sources under consideration clearly are unsuited to imposition and collection by state or local governments—for example, taxes on broadcasting gross receipts, profits or access to the radio spectrum. But, more generally, proposals for state and local government financing seem highly unrealistic, in view of the fiscal stringencies of state-local governments and because the benefits from Public Broadcasting are not confined to individual political jurisdictions or small geographic areas.

State and local governments can be expected to finance some portion of the costs of strictly educational broadcasting in connection with their support of the country's educational system. However, even in this connection, the case for Federal finance is strong. It is widely argued that the Federal government's aid to education is far too low—that the Federal government should provide, say, 40 percent of the costs of the public schools rather than the 10 percent it now provides. Broadcasting is a highly sensible area in which to expand the Federal role in financing education, since it avoids the hot issue of local control over school operations and since the Federal government is ideally suited to foster experimentation and new technology.

Within the Federal government's financial system, there is a well-tested device that provides the insulation from political pressures necessary for Public Broadcasting—the trust fund approach, under which the receipts from specified taxes are paid into a trust fund, can be used only for purposes stipulated in the original legislation and are expended for these purposes on the basis of formulas or other provisions specified in the legislation, without going through the

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[1] Joel B. Dirlam and Alfred E. Kahn, "The Merits of Reserving the Cost-Savings from Domestic Communications Satellites for Support of Educational Television," *Yale Law Journal*, Vol. 77 (January 1968), p. 519.

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regular annual Congressional appropriations process. The trust fund approach is an old one. It originated years ago in connection with the Federal government's handling, as an agent or trustee, funds which were held not really to "belong to" the government, such as income from Indian-owned lands, held in trust for these wards of the government.

The trusteeship idea was considered appropriate for dealing with veterans life insurance funds, when this program was established during World War I (the funds were considered to "belong to" policy holders, not the government). It was extended, in massive fashion, in subsequent decades, to apply to the finances of the Social Security, unemployment insurance, railroad retirement and Federal employee retirement systems, all of which have been considered to have the characteristics of insurance with the Federal government's role one of holding the funds.

In reality, of course, in these cases the Federal government does much more than act as a trustee. The trust fund device as it has evolved, has somewhat different purposes now. First, it segregates specific taxes (or other receipts) from general revenues and earmarks them for a special purpose. Those receipts so earmarked are usually held to have some relation to the benefits provided by expenditures from the trust fund. Second, it assures continuity in the programs by making the expenditure independent of the annual appropriation process; indeed, it makes spending dependent on the level of receipts or statutory formulas, rather than appropriations action. To be sure, Congress can change the rate of expenditure by deliberate action; it can increase the rate if it raises the taxes feeding the trust fund. But it can reduce the rate of spending only by the politically difficult (and rare) act of changing the basic legislation.

The Highway Trust Fund, created by legislation in 1956 and spending roughly $4 billion a year recently, is the closest parallel to the financing of Public Broadcasting. It was created to finance a long-range spending program whose dimensions were set by an independent study commission (the Clay Commission in 1955). The tax receipts earmarked for the Trust Fund have two characteristics. First, they are taxes on highway users, who are also the presumed beneficiaries of the expenditure from the fund. Second, in combination the taxes were estimated to produce revenues adequate to finance the long-range program. Consequently, the annual rate of expenditure from the fund was to be approximately equal to the level of receipts from the earmarked taxes. Thus, the financing devices provided, in addition to insulation from the appropriations process, adequacy of revenues relative to the program intended, the year-to-year stability needed for long-range planning and a clear link between benefits and payments.

These are advantages that a trust fund device for financing Public Broadcasting should provide. Congress should establish a trust fund, into which receipts from new special taxes (to be discussed in the next section) are paid; the trust fund should also be the recipient of net proceeds from the broadcasters' nonprofit satellite system, on a formula basis—say, 90 percent of annual net proceeds. The trust fund would then annually or quarterly pay over to Public Broadcasting, presumably the Corporation for Public Broadcasting, its receipts. It might be appropriate for the trust fund to build up a modest balance in early years, to insure against unforeseen declines in tax receipts, but the general rule should be that the trust fund will be no more than a conduit, transferring receipts from those who pay the special taxes to Public Broadcasting.

GOVERNMENT FINANCING—ANALYSIS OF SPECIFIC SOURCES

A number of new Federal taxes, or tax-like revenue devices, have been proposed as possible sources of funds for Public Broadcasting, to feed the proposed trust fund. In this section, these taxes are analyzed from the standpoint of the criteria discussed earlier. The following revenue devices are considered:

1. A tax on gross receipts of radio and television broadcasters.
2. A tax on the gross receipts of all FCC long-distance communications licenses, including long-distance telephone and domestic and overseas telegraph, as well as broadcasters.
3. A tax on total television advertising outlay.
4. A tax on net profits of broadcasters.
5. A form of excess profits tax on broadcasters, equal to some very high percentage (say, 90 percent) of profits above some designated "fair rate or return" on capital invested.
6. A charge for lease of access to the radio spectrum, levied by competitive bidding for licenses for spectrum rights or otherwise. It should be noted that the economic characteristics of (5) and (6) are similar in a number of ways.
7. A flat per household radio-TV license fee, somewhat like the British system.
8. A manufacturers' excise tax on TV sets.

There have also been proposals for some kind of high license fee on commercial broadcasting. However, any sensible fee would be one measured by gross receipts, net profits or the value of access to the radio spectrum; therefore, this is not treated here as a distinctive revenue source.

Adequacy of yield

Almost any of the eight revenue sources listed above would have few real disadvantages if imposed at very low rates. Almost any of them would have harsh and undesirable effects if imposed at very high rates. What we seek is one or a small number of taxes that can yield adequate revenue—at least $150 million annually—if imposed at reasonable rates.[2] "Reasonable" rates, for any tax on a specific range of activities or objects, are rates imposing liabilities for tax payments which do not exceed these limits:

(a) the firm's or individual's tax liability should not exceed the benefits he or it receives from the expenditure of the proceeds of the tax; or

(b) the firm's tax liability should not exceed the value of some monopoly privilege (like exclusive access to spectrum) that the firm has; or

(c) tax liability should not exceed that imposed, by other taxes, on activities and objects which are competitive with and partial substitutes for the activity or object in question. For example, sales of books are subject to retail sales taxes, at rates of 3 percent or more, in nearly all the states, but broadcasters' gross receipts or television advertising outlay (the parallel tax bases) are not taxed by states and cities. A 3 percent gross receipts tax on broadcasting would do more than equalize the tax positions of the broadcasting and book publishing industries.

It is difficult to establish such limits precisely, and appraisals may differ widely. Table 1 presents some estimates (some of them very rough) of the yield of the various taxes proposed, at 1966–1967 levels of activity, at rates considered here to be not entirely unreasonable.

The yield figures in Table 1 are not net yield figures. One necessary consideration is collection costs for most of the taxes proposed, these will be minor since relatively few taxpayers (in most cases, no more than 5,000 or so) are involved and these are corporations already subject to requirements for filing tax and other information to the IRS, the FCC, etc. But the household license fee could involve very substantial collection costs and obnoxious enforcement practices, unless a considerable degree of tax evasion were to be tolerated. Therefore, the yield figure for this revenue source should be heavily discounted.

Another factor to be considered is the regular Federal corporation income tax. Like all other corporations, broadcasters pay the regular corporation income tax; its standard rate is 48 percent. If a new tax is imposed and it is allowed as a deduction (as a cost of doing business) against the regular corporation tax, it will lower the company's regular corporation tax payments by 48 percent. Thus, nearly half the new tax will be paid, in effect, by the Federal Treasury, in the form of lower corporation income tax collections. The profits-based taxes (sources 4, 5 and 6) will surely reduce corporate income tax liability substantially; the taxes based on gross receipts may also do so, depending on the extent to which they are shifted forward to advertisers or backward to employees and suppliers (see below). It may be questioned whether the Congress would be willing to assign all the revenue anticipated to the trust fund, in view of this fact. If the Congress were not willing, the yield for Public Broadcasting would be much lower, and the profits-based taxes would rank low from the standpoint of adequacy of yield, rather than high (as suggested by Table 1).

Thus, the high-ranking sources for this criterion are the gross-receipts-type taxes: sources 1, 2, 3 and 8.

Year-to-year stability

A revenue source may be adequate in yield in a given year but nonetheless be highly unsuitable to finance Public Broadcasting if it is inherently subject to large year-to-year fluctuations in yield. The ideal tax base for this purpose would be one that increases each year at a fairly predictable rate and that does not experience large, unpredictable variations around this growth rate. An especially undesirable tax base is one that is susceptible to relatively large year-to-year declines.

Table 2 summarizes the variability in the bases of five of the eight revenue sources in the 11-year period from 1955 to 1966. The five revenue sources had fairly similar mean (average) changes over the period, ranging from an average yearly increase of 8.7 percent to one of 11.4 percent. But they differed greatly in the variations around these mean changes. There was a high degree of stability for source (2), gross receipts of all FCC long-distance licensees, with the average deviation from the mean change amounting to less than one-fifth of the mean change; on the basis of this record, one would expect to be able to predict revenues from this source within two percent of the actual results, in most years. Sources (1) and (3), broadcasting gross receipts and television advertising outlay, exhibit only slightly more instability, suggesting the ability to predict within a three percent range of error.[3] There were no actual declines in any of these tax bases in any of the 11 years.

In contrast, broadcasters' profits constituted a very unstable tax base, with actual declines in three of the 11 years (and an even larger decline in 1967). The deviation from the mean change was almost as large as the mean change itself, implying that it was as likely for the percentage increase in profits, in any given year, to have been one percent or 21 percent as 11 percent. This is a wide range indeed, for any kind of long-range planning.

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[2] In section 2, above, it was concluded that non-governmental sources should not be expected to provide more than $100 million annually, in the best of circumstances.

[3] If 1967 results had been included, the variation would have been slightly higher, since the rate of increase in TV advertising expenditure was very small.

This instability is inherent in the nature of profits, which are the product of two independently varying factors—gross receipts and expenses. The instability is even more marked for sources (5) and (6), which are related to "excess profits." In the nature of things, reliable year-to-year estimates of past performance of these hypothetical tax bases cannot be made, and hence they do not appear in Table 2. However, some notion of the variability in these bases can be obtained by comparing changes in broadcasters' profits with changes in those of all corporations, since "excess profits" have been defined here as the rate of return on broadcasting above and beyond that of other corporations. Changes in broadcasters' profits in the 1955–1966 period both varied more from year to year than was the case for other corporations (the average deviation was about twice as large, relative to the mean rate of change) and were somewhat different in timing. It is a reasonable guess that broadcasting "excess profits" would have been difficult to predict within a margin of error as wide as plus or minus 25 percent, and that decreases in the tax base are as frequent as increases.

Source (8), TV set production, has also been highly unstable, but for different reasons—the nature of the cycle of households' equipping themselves with TV sets. There were steep declines in TV production after the early 1950's, by which time ownership of black-and-white sets was widespread. Rapid increases occurred with the mass advent of color television, in the early and mid-1960's. It is reasonable to anticipate declines once again in coming years, followed by some stability, until once again, there is an important technological innovation. But in any case, the revenue source is an undependable one.

Source (7), household licenses, is a highly stable one, now that nearly all households have at least one radio or TV set—the tax base should grow at just about the rate of household formation, about 1.5 percent a year.

Thus, the high-ranking sources for this criterion are the gross-receipts-type taxes (excluding the tax on TV sets produced)—sources 2, 1 and 3—plus the household license fee.

Growth over time

Since Public Broadcasting expenses will rise over time, an ideal tax base is one which grows steadily but substantially over time. It is almost sure to be the case that tax bases with very high long-term growth rates will also tend to have considerable year-to-year instability and tax bases with slow growth rates will be highly stable in the short run. Thus, the most stable of the proposed tax bases, the household license fee, has almost no year-to-year variability, but an exceedingly slow growth rate; revenues would rise far less than costs of broadcasting, even in a totally inflation-free economy.

At the opposite end of the growth/stability spectrum are the "excess profits" tax bases (5 and 6). Since broadcasters' net profits have grown significantly more rapidly than the profits of corporations in general in recent years, it is likely that "excess profits" have risen very sharply indeed—perhaps at an annual rate of more than 15 percent since 1960. But the price of this extremely rapid growth is the extreme year-to-year instability noted above.

The appropriate "trade-off" between growth and stability is likely to be found among the other five proposed tax devices, those shown in Tables 2 and 3. As Table 3 shows, average annual long-term growth rates of 8 to 10 percent may reasonably be expected from the gross-receipts-type taxes (sources 1–3), in a prosperous economy. Somewhat higher growth rates are indicated for the broadcasters' profits tax base (source 4), but with more instability. The base for source 8, the tax on TV set production, has not grown quite as rapidly over the entire post-1955 period, but has shown spectacularly rapid bursts of growth in more recent years. However, the next decade may very well be more like the 1955–1963 period, when the tax base had *no* growth at all, than like the post-1963 period. This tax base, then, would seem to rank low on both growth and stability criteria.

It should be noted that the 8–10 percent annual growth rate for the gross-receipts-type taxes is a very high growth rate. Even if the costs of providing Public Broadcasting services of constant quality and quantity were to rise at a rate of 5 percent a year, this kind of growth rate would provide financing adequate to provide continual improvement in Public Broadcasting services.

Effects on low-income households

It has been pointed out that some of the proposed revenue devices may bear directly on consumers or indirectly on them through a chain of rises in the prices of goods heavily advertised on commercial broadcast services. Price rises on widely consumed goods and services tend to burden low-income households much more heavily, relative to family income levels, than higher-income households. For example, a 5 percent rise in the prices of consumer goods on which families spend $1,000 a year is $50; this is 2 percent of the total income of a $2,500-a-year family, 1 percent of the income of a $5,000 family and ¼ of 1 percent of the income of a $20,000 family.

There are two issues here. First, how likely is it that the proposed taxes will be shifted to consumers, in reality? Second, will the amounts be consequential? It is difficult to be greatly exercised about the burden on low-income families, however much heavier in a relative sense, if the absolute amounts are trivial, amounts like $5 a year per family.[4]

Let us deal with the more obvious cases first. Both economic reasoning and empirical studies done in other connections strongly indicate that taxes on corporate profits in general, and even more so, on profits of particular industries,[5] will not be passed on to consumers in the form of higher prices. Instead, the taxes will reduce corporate profits and/or reduce the earnings of some or all of those engaged in the taxed industry (in this case, an industry whose participants tend to have earnings well above the national averages). This would be even more true for "excess-profits"-based taxes, designed to extract the excess return to the industry made possible by the monopoly-character of access to spectrum.

In contrast, the household license fee would fall directly on consumers and disproportionately burden low-income households. Similarly, it is highly likely that a manufacturers' excise on TV set production would be fully passed on to consumers in the form of higher prices; the 1965 reductions in Federal excises on TV sets (and many other goods) were fully and quickly passed on to consumers in the form of price reductions.[6] This, too, would disproportionately affect low-income households. But in both cases, the amounts are low—$3 a household in the case of the license fee and less than $10 a set in the case of the TV set tax, in nearly all instances. The amounts seem too small to consider a serious burden. However, it can be argued that ownership and use of TV sets can provide so great a potential enrichment in the lives of the poor and the disadvantaged that TV ownership should not be discouraged, no matter how slightly.

Sources (1) and (3), the gross receipts taxes on broadcasters and on television advertising outlays, respectively, could burden low-income families only if passed on to consumers in the form of higher prices for products that are heavily advertised on radio and television. If this happened, low-income families would be hit, since the products that do account for the bulk of broadcast revenues—automobiles, beer, cosmetics, tobacco, soap and detergents, proprietary drugs—are relatively more important in the budgets of low-income families. Again here, the absolute amounts are relatively small; but more important, it seems rather *unlikely* that the bulk of the tax would be shifted forward to consumers.

Any tax on a specific type of activity for which there are reasonably close substitutes tends *not* to be shifted forward in the form of higher prices. If there is an attempt by the taxed industry or activity to raise prices, its immediate customers will tend to avail themselves of the substitute services. In the case of commercial broadcasting and television advertising, there is no reason to believe that the charges now imposed for time, program services, agency commissions and the like, are below the maximums that can be extracted from the firms doing the advertising. Higher charges, imposed in response to a new gross receipts tax, would tend to divert advertising to non-broadcast media and/or to cause advertisers to reconsider their total advertising budgets; after all, there is some price at which the sales and profits generated by the marginal amount of advertising expenditure are less than that expenditure.[7]

Source (2), the tax on all long-distance licensees, has a somewhat different character in this respect. There is little doubt that the FCC would permit the regulated carriers to pass on the new tax in the form of higher rates. But low-income households are very minor direct consumers of long distance telephone and telegraph service. The principal direct users are business organizations, and they would tend to pass on their higher communications costs to customers. However, this would reach low-income families in a very muted fashion, having been diffused throughout the economy. If the tax burden could be traced through the diffusion process, it is a reasonable guess that the burden on low-income families would be no more than $1 or $2 a year.

Thus, the problem of regressivity does not

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[4] Roughly 10 million low-income American households currently receive government assistance through welfare, social security, and the like, at an annual cost of $40 billion. If all of them were burdened to the extent of $5 a year by the proposed taxes, the total burden of $50 million a year could be offset by an increase in income-maintenance payments of only one-eighth of one percent.

[5] Excluding public utilities whose prices or rates are set by administrative regulation and limited to a "fair rate of return."

[6] See Oswald Brownlee and George L. Perry, "The Effects of the 1965 Federal Excise Tax Reduction on Prices," National Tax Journal, vol. 20 (September 1967), pp. 235–249.

[7] This position agrees with the conclusion expressed by Dirlam and Kahn in their study of the economic effects of the Ford Foundation satellite proposal (*Yale Law Journal*, Vol. 77, p. 503); they believe that the gross receipts tax might actually *lower* to advertisers.

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seem a serious one, for any of the proposed revenue devices, although it is marginally worse for the taxes (sources 7 and 8) related to TV set ownership. There is a more genersl point here: while it is good public policy to avoid harshly burdening low-income families, it is bad and inefficient public policy to require *every* revenue measure to avoid any degree of regressivity, however trivial. The way to help low-income families is to improve their employment prospects and directly ensure them a minimum income level, not to twist every institution, however remotely related, to this end.

Other economic effects

Most economists agree that a tax is superior on economic grounds, other things being equal, if it is more or less neutral—that is, if it alters economic behavior (from the pre-tax situation) as little as possible. If a tax must be unneutral economically, then it should be unneutral in ways which offset other "distortions" in the economy, rather than reinforcing such distortions.

By definition, sources (5) and (6), the excess profits tax and charges for lease of access to spectrum, are economically neutral. That is, the tax or charge would siphon off, for Public Broadcasting, profits above and beyond the levels needed to sustain the current level of investment and output in commercial broadcasting. Broadcasting companies and their stockholders would be less well-off, but they would have no rational basis for changing their economic behavior, since they could not become better off by so doing.

There is one minor exception to this. A conventional excess profits tax (of the World War II and Korean War variety) imposed at very high rates tends to encourage extravagance in operations, since the Treasury in effect pays nearly all the cost of added expenses. Some system of competitive bidding for licenses for access to spectrum could avoid this drawback, since once the lease charge has been committed broadcasters continue to have incentives to minimize costs and maximize profits net of the least charge.

It was concluded earlier that the burden of taxes (1), (3) and (4), on broadcasting revenues, television advertising outlay and broadcasters' profits, respectively, is likely to fall on broadcasters' profits and/or the earnings of the participants in the broadcasting and advertising industries. To a considerable extent, these, too are neutral in their economic effects. The monopoly elements in commercial television, that is, exclusive access to desirable parts of the radio spectrum, produce monopoly returns which are likely to be shared by broadcasting firms and by the other participants in the industry—artists, technicians, suppliers, advertising agencies, etc.—with the sharing dependent on how scarce the specialized talents of the participants are, how strongly unionized they are and similar conditions. The burden of a tax on broadcasters' profits will fall partly on such "factor inputs." The burden of a tax on broadcasting gross receipts or advertising outlay will fall even more on "factor inputs," reducing their earnings.

This is economically neutral to the extent that "factor inputs" remain better rewarded than in any other conceivable employment, even after the reduced earnings. But even if there is some unneutrality, this may be no bad thing, to be cold-blooded about it. If broadcasters' or advertising firms' costs, including the new taxes, go up while revenue remains the same, this would tend to encourage economizing throughout the industry, reducing the notorious extravagance and inefficiency in the broadcasting/advertising productive process. Such cost reductions will release resources for other uses. Since commercial and non-commercial broadcasting compete for similar types of manpower and other resources, this will tend to reduce the cost of "factor inputs" for Public Broadcasting, a consummation devoutly to be wished.

The proposed tax on all long-distance licensees, in its effects on telephone and telegraph carriers, involves undesirable, although relatively minor, economic unneutralities. Communications common carriers tend to be heavily taxed even now, with a Federal excise, special state gross receipts taxes on utilities in many states and heavy local property taxes in most states. An added Federal tax, for Public Broadcasting, would tend to further encourage the already visible diversions to private communications systems. Moreover, these taxes are unneutral among communications-using industries, raising costs especially for those to whom long-distance communications service is a relatively important cost of doing business; many types of financial firms have this characteristic. The economic consequences are small but real.

Similarly, there are small but real distortions in sources (7) and (8), the household license and manufacturers excise, respectively. They increase the cost of TV set ownership vis-a-vis other entertainment and communications services. But, in these instances, the tax or charge is offset by the fact that the use of the proceeds of the revenue device, for Public Broadcasting, directly and clearly benefits those who pay the tax, set owners. No one is likely to forego ownership of a TV set, unless he is very poor, even if the tax or charge is a very high one, if at the same time, the quantity and quality of available programing is dramatically improved.

Link with benefits

This brings us to the final criterion in our analysis, the extent to which each of the proposed revenue devices would be paid by firms and individuals who in turn would benefit from use of the proceeds for Public Broadcasting. Clearly, any tax borne largely by TV set owners, like sources (7) and (8) ranks high on this score. TV viewers collectively benefit from improved Public Broadcasting; they cannot generate such benefits except through governmental action to raise the necessary revenue. Therefore, in imposing such a tax, the Federal government is truly acting as an agent for set owners.

If any of the other proposed taxes were passed on to consumers as a group, 95 percent of whom are TV set owners, that tax could be justified on a benefits-linkage basis. As we have seen, this does not seem likely. Are there other benefit-type-characteristics, even if less direct and obvious? One might be found in the frequent assertions by some commercial broadcasters, that commercial broadcasting will benefit in a variety of ways (competitive stimulus, innovations in programing, relief from ill-defined public service obligations, etc.) from a healthy Public Broadcasting system. To the extent this is so (that is, to the extent such assertions can be taken at face value), then any of the taxes on broadcasting per se (sources 1, 4, 5 and 6) rates high on the benefits-linkage criterion. But working in the other direction is the fact that a large-scale Public Broadcasting system will be competing for resources and for audience with commercial broadcasting, tending to dilute broadcasters' revenue, raise their costs and disadvantage advertisers generally.

Another type of benefit argument relates not to the use of the proceeds for Public Broadcasting, but to the rationale for certain kinds of taxes regardless of how the funds are used. This is the argument that government activities benefit the communications industries in a special way, and therefore they can justifiably be taxed to recoup part of the net benefits for public uses. One aspect of this has been noted earlier: taxation to recoup the monopoly profits from exclusive access to spectrum.

This might be extended, in the case of source (6), lease of access to spectrum, to say that if access was by competitive bidding for licenses (rather than granted free of charge), the communications industry would benefit, along with the whole country; from a more rational allocation of this scarce resource. However, commercial broadcasting would scarcely benefit if the competition for channels, within an auction system, were severely limited by zone; broadcasters would simply be bidding against one another for frequencies within the zones presently assigned to broadcasting. The industry, on the other hand, would benefit greatly if it could bid away frequency from the low priority users of the present non-broadcasting segments of the radio spectrum.[8]

It is true that Federal government research and development efforts over the years have made significant contributions to communications technology. However, it is not at all clear that the communications industries have benefitted from Federal research and development spending so much more than other industries that the communications industries should be called upon to pay special taxes, alone among American industries, on this score. Moreover, the impact of Federal R and D efforts has been highly uneven among communications firms and industries. Some of them, like the Bell System, originate nearly all their technological innovations from their *own* R and D work; and it may be questioned whether the Bell System will truly benefit from satellite technology, if this technology leads to the reduction in telephone revenue implicit in the Ford Foundation satellite proposal.

Thus, the argument that there is a benefits-linkage character to taxes on the communications industries, like source (2), is at best no more than superficially plausible; at worst, the argument is just plain wrong. In short, aside from the taxes on set owners (sources 7 and 8), none of our proposed revenue sources rates high, without real reservations, on the benefits-linkage criterion.

RECOMMENDATION

Although sources (7) and (8) do well on the benefit criterion, they rank low by most other standards. This can be seen in Table 4, where the analysis in the preceding section is summarized in the form of cryptic ratings. The sources related to profits (4, 5 and 6) also would seem to be unsuitable as the primary financial base for Public Broadcasting, in view of their low or questionable revenue yields and high degree of year-to-year instability.

In contrast, the gross-receipts-type of taxes (sources 1, 2 and 3) have most of the appropriate revenue yield characteristics; any of them could be a stable, growing and reasonably adequate basis for the long-term financing of Public Broadcasting. In most respects, sources (1) and (3), the taxes on broadcasting gross receipts and television advertising outlay, respectively, are similar in their characteristics, but the former is marginally superior on benefits grounds and is probably administratively superior as well. The broad-based long distance communications tax (source 2) rates somewhat below these two, since it has (minor) adverse economic effects and no real benefits justification.

The preferred package

Thus, the proposed tax on commercial broadcasting gross receipts appears to afford the best "trade-offs" among the characteristics an ideal tax should have. However, there is a strong case, connected not with Public Broadcasting but with efficiency in the allocation of resources, for some system of charging for access to spectrum. It is not unreasonable to assign such revenues to Public Broadcasting as a supplemental source of funds.

The recommended package of financing proposals includes these two Federal government revenue sources:

1. A tax on commercial broadcasting gross receipts, at a rate of perhaps 4 percent yielding over $120 million annually, to be assigned to the proposed trust fund.
2. Some system of charging for access to spectrum, designed to yield at least $50 million a year, to be assigned to the proposed trust fund.

In addition, supplementary financing should be obtained from these non-governmental sources:

(a) Establishment of the Ford Foundation's proposed broadcasters' nonprofit satellite system, with 90 percent of its net proceeds assigned to the proposed trust fund, yielding $20 million a year in money and substantial benefits in the value of free interconnection services.

(b) Authority for Public Broadcasters to accept advertising, under appropriate limits and controls.

(c) Authority for Public Broadcasters to experiment with subscription television.

In total, this package is capable of providing funds at the recommended $270 million annual level. However, the individual proposals are not equivalent in inherent merit, nor can they be instituted with equal speed. The best components of the package, from the standpoint of inherent merit, are the gross receipts tax and the satellite system. The components most amenable to speedy action are the gross receipts tax and the acceptance of advertising on a limited basis. In the light of this, the *highest priority* attaches to creation of the trust fund and adoption of the gross receipts tax, to provide substantial financing of Public Broadcasting while the other features of the program are being developed and converted into reality.

TABLE 1.—ESTIMATED YIELD OF PROPOSED REVENUE SOURCES, AT ILLUSTRATIVE TAX RATES

Revenue source	Estimated tax base, 1966–67 levels	Illustrative tax rate	Yield (millions)
1. Broadcasting gross receipts	$3,100,000,000	4 percent	$124
2. Gross receipts, FCC long-distance licenses (including broadcasting)	9,000,000,000	2 percent	180
3. Television advertising outlay	2,800,000,000	4 percent	112
4. Broadcasters' net profits (before Federal income tax)	600,000,000	15 percent	90
5. Excess profits tax on broadcasting	[1] $200,000,000	90 percent	$180
6. Lease of access to spectrum	[2] 200,000,000	[2] 90 percent	180
7. Household licensee fee (50,000,000 households).		$3	150
8. Manufacturers' excise on TV sets	[3] 2,500,000,000	5 percent	125

[1] According to Internal Revenue Service data from corporation income tax returns, net income as a percent of total assets less accumulated depreciation in broadcasting is roughly twice as high as that for all nonfinancial corporations and roughly 50 percent higher than for all other communications industries. The nature of these data indicate that this relatively understates the "excess profits" in broadcasting. However, for this table, it is assumed that "excess profits" equal ⅓ of total profits, to bring broadcasting in line with the rates of return in the rest of the communications industry.

[2] The value of access to spectrum is assumed to be equal to broadcasters' "excess profits," with 90 percent of this value recouped by competitive bidding for licenses or otherwise.

[3] The retail value of TV set production in 1966 was $3,700,000,000.

Note: Estimates are based on FCC data and data from Statistical Abstract of the United States, except where otherwise indicated.

TABLE 2.—YEAR-TO-YEAR STABILITY OF TAX BASES FOR PROPOSED REVENUE SOURCES, 1955–66

Revenue source (tax base)	Mean annual change percent	Average deviation from mean change: In percentage points	Average deviation from mean change: As percent of mean change	Number of years in which decline occurred
1. Broadcasting gross receipts	+9.0	2.7	30	0
2. Gross receipts, FCC long-distance licensees (including broadcasting)	+8.7	1.6	18	0
3. Television advertising outlay	+9.5	2.9	31	0
4. Broadcasters' net profits (before Federal income tax)	+11.4	10.7	94	3
8. Retail value, TV set production	+9.2	18.1	196	4

Note: Based on FCC data and data from "Statistical Abstract of the United States"; partly estimated.

TABLE 3.—AVERAGE ANNUAL GROWTH RATES OF TAX BASES FOR PROPOSED REVENUE SOURCES FOR SELECTED PERIODS (PERCENT)

Revenue source (tax base)	1963–66	1960–66	1955–66[1]
1. Broadcasting gross receipts	10.5	8.7	8.9
2. Gross receipts, FCC long-distance licensees (including broadcasting)	10.3	8.7	8.7
3. Television advertising outlay	10.8	9.7	9.4
4. Broadcasters' net profits (before Federal income tax)	13.9	12.5	10.6
8. Retail value, TV set production	30.7	19.8	7.2

[1] These figures differ slightly from the analogous ones shown in table 2; the table 2 data are simple unweighted averages of 11 year-to-year changes whereas the data in this table have been calculated on the basis of the compound interest formula and represent true average long-term growth rates.

Note: Based on FCC data and data from "Statistical Abstract of the United States."

TABLE 4.—SUMMARY RATING OF PROPOSED REVENUE SOURCES

Revenue source	Criteria: Adequacy of yield	Year-to-year stability	Long-term growth	Regressivity	Other economic effects	Benefit inkage
1. Broadcasting gross receipts	×	×	×	×	×	(1)
2. Gross receipts, FCC long-distance licensees (including broadcasting)	×	×	×	×	0	0
3. Television advertising outlay	×	×	×	×	×	0
4. Broadcasters' net profits (before Federal income tax)	0	0	×	×	×	(1)
5. Excess profits tax on broadcasting	(1)	0	×	×	×	(1)
6. Lease of access to spectrum	(1)	0	×	×	×	(2)
7. Household license fee	0	×	0	0	(3)	×
8. Manufacturers' excise on TV sets	×	0	0	0	(3)	×

[1] Uncertain.

[2] High rating, if access rights across the whole spectrum were auctioned; low rating if auctioned within zones (see text).

[3] Minor adverse effects, fully offset by benefit linkage (see text).

Note: ×=rates high on this criterion. 0=rates low on this criterion.

(NOTE.—Dr. Dick Netzer, author of the National Citizens Committee for Broadcasting's Long-Range Financing of Public Broadcasting, is Professor of Economics and Head, All-University Department of Economics, New York University. Effective May 1, 1969, Dr. Netzer will be Dean of the University's Graduate School of Public Administration.

(From 1948 to 1960, Dr. Netzer was successively Economist, Senior Economist and Assistant Vice President at the Federal Reserve Bank in Chicago, engaged in economic research. He was a Professor of Public Finance, Graduate School of Public Administration, NYU, before his present appointment. He directed NYU's work for the Temporary Commission on New York City Finances, which provided the background for New York's tax reform program in 1966.

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[8] For an extensive discussion of this type of issue, see William K. Jones, "Use and Regulation of the Radio Spectrum: Report on a Conference," in *The Radio Spectrum: Its Use and Regulation* (Brookings Institution and Resources for the Future, 1968).

(Dr. Netzer has been a consultant to the Government of Colombia, the Puerto Rico Planning Board, the Institute of Public Administration, the Ford Foundation, the Committee for Economic Development, the Downtown-Lower Manhattan Association, the Advisory Commission on Intergovernmental Relations, the Connecticut Legislature, the Nassau-Suffolk Bi-County Planning Board, and the Minneapolis Mayor's Tax Study Committee.

(He is Chairman of the Inter-University Committee on Urban Economics. He is also a member of the Research Advisory Board of the U.S. Economic Development Administration, the Advisory Committee on Government Statistics of the U.S. Bureau of the Census, the Advisory Council to the Joint Legislative Committee on Metropolitan and Regional Areas Study, State of New York, and the Mayor's Fiscal Advisory Committee, New York City.

(Among his principal works are *Economics of the Property Tax* (Brookings Institution, 1966), *Financing Government in New York City* (NYU Report to the Schwulst Commission, 1966), *Impact of the Property Tax: Its Economic Implications for Urban Problems* (Congress of the United States, Joint Economic Committee Print, May 1968), and *Issues in Urban Economics* (Johns Hopkins Press, 1968). He is co-author of *Public Services in Older Cities* (Regional Plan Association, 1968), and *Economic Aspects of Suburban Development* (State University of New York, 1969).

(Dr. Netzer received a B.A. degree from the University of Wisconsin and M.A. and Ph.D. degrees from Harvard University.)

Mr. Chairman, I will ask the chairman whether or not in view of what has occurred during the debate today, he will hold hearings on the question of permanent financing so that the citizens' money will not be required for this purpose, when the media that are earning the money, and the manufacturers that are earning the money can be given an opportunity to contribute toward the cost of educational TV?

I appreciate that the gentleman who is the chairman of the subcommittee made that commitment.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I should like to call attention to the record, to show I said we have already considered that and asked questions of the Public Broadcasting people when they came before us. I repeated that we would do so again. There was no specific statement that specific hearings would be held on that very small point.

Mr. FARBSTEIN. The only reason I mention that fact in connection with the gentleman's statement is that the congressional declaration of policy did not have a word in it on that subject.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

In closing the debate I should like to point out that the National Commission on the Causes and Prevention of Violence issued its statements on violence in television entertainment programs on September 23. The Chairman of the Commission is Dr. Milton S. Eisenhower.

The report as I noted earlier states:

> We believe, as the Public Broadcasting Act of 1967 states, that it furthers the general welfare to encourage non-commercial educational radio and television broadcast programming.

The Commission recommended that public broadcasting be implemented, assisted, and supported.

The gentleman from Ohio brought up the question of why we come back for further funding of the Corporation for Public Broadcasting. It has been in existence and has been operating for about a year, but has not had a President until this year, 1969. Certainly they had to have a President before they could get fully operative.

The money that was appropriated for fiscal year 1969, $5 million, has been obligated, as Mr. Macy said when he came before our committee, and in addition, some $2 million from private sources.

They submitted a program for this fiscal year which would require $20 million in Federal funds. I should note that $20 million is contained in the Senate-passed bill, S. 1242.

They outlined how the $20 million could be used. They have drawn up their program for the $20 million, not $10 million.

As I say, $20 million passed the Senate. The Corporation ought to be given this opportunity.

There is no way they can complete this program which has been outlined for us unless they do have this full $20 million we have in here today.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. My comment was that we did not agree on the effectiveness of that presentation about the use of the funds. I thought the testimony was fairly limp. I do hope we will find another method of financing.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The Speaker assumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

> On September 29, 1969:
>
> H.R. 4658. An act for the relief of Bernard L. Coulter;
>
> H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes; and
>
> H.J. Res. 775. Joint resolution to authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious.
>
> On October 1, 1969:
>
> H.R. 6508. An act to provide additional assistance for the reconstruction of areas damaged by major disasters; and
>
> H.R. 9526. An act to amend the District of Columbia Unemployment Compensation Act to provide that employer contributions do not have to be made under that act with respect to service performed in the employ of certain public international organizations.

The SPEAKER. The Committee will resume its sitting.

EXTENDING ASSISTANCE FOR PUBLIC BROADCASTING FACILITIES AND CORPORATION FOR PUBLIC BROADCASTING

The Committee resumed its sitting.

Mr. EDWARDS of California. Mr. Chairman, we are all familiar with the failures of commercial television to serve many of the needs of our people, and, I hope, we are also familiar with the excellent job now being performed by public broadcasting to fill the huge gaps left by commercial broadcasting.

It is necessary, I believe, that we insure that public broadcasting has a sound financial foundation on which to build its services. H.R. 7737, which authorizes $15 million a year for 3 years for public broadcasting and $20 million for the Corporation for Public Broadcasting, will provide that foundation.

In my opinion the amounts authorized are but a minimum, if the American public is to have the information it so desperately needs.

The need for public broadcasting is great. I would hope this House will meet that need.

Mr. TIERNAN. Mr. Chairman, I rise in support of the Educational Television and Radio Amendments of 1969.

Public educational broadcasting has the potential of becoming a major segment of our educational system in America. For too many years now we have allowed public educational broadcasting to take a back seat. Today, we have begun to fully realize how powerful this media is in influencing the thinking of all our people, especially our preschool children. We cannot continue to let this important educational tool go unused. H.R. 7737 amends the Communications Act of 1934 by extending its provisions to grants for construction of educational television or radio broadcasting facilities.

It also contains provisions relating to support of the Corporation for Public Broadcasting. The Educational Television and Radio Amendments of 1969 authorize an appropriation of $15 million each for fiscal years 1971, 1972, and 1973. This money is for construction of noncommercial educational radio and television outlets. It also provides for a 1-year extension of financing of the Corporation for Public Broadcasting in the sum of $20 million for fiscal year 1970.

Anyone who has seen some of the fine shows that are now being produced by educational radio and television for children in and out of school can appreciate the enormous possibilities it presents.

Educational broadcasting has made immense progress in less than a decade. H.R. 7737 is essential to continue this progress. Unless we provide the money and the backing, channels will go unused and talents will go wasted. We have the power to see that educational broadcasting reaches full fruition, H.R. 7737 is a step in this direction.

Mr. RARICK. Mr. Chairman, I rise in opposition to H.R. 7737. For the Federal Government to be in the broadcasting business, directly or indirectly, is no different from its being in the newspaper business or, for that matter, going into commercial movie business. A controlled press is recognized as a threat to freedom and so must be a controlled public broadcasting system. Official Government radio and television in other countries, as opposed to free enterprise radio and television, have never proven superior to private enterprise.

The public broadcasting can be expected to promote, in large part, material which could not obtain a sponsor because it is unsalable, and sponsors could ill-afford to be linked with it. The sponsors, as businessmen who are selling a competitive product to the public, understand what the people want as opposed to what the bureaucrats, who have all the answers, think the people need.

By way of confirming the threat to free thought, the committee report indicates that there already has been established an Advisory Committee of national organizations to determine the range of interest to be served by public broadcasting throughtout the United States. A cursory glimpse at the Advisory Board offers no satisfaction that it represents any cross-section of the American people. In fact, the majority of the organizations listed, are highly controversial and exist primarily for the purpose of influencing public opinion and political action.

I insert a list of the Advisory Committee at this point in my remarks:

> To assist it in determining the range of interests to be served by public broadcasting in communities throughout the United States, CPB has established an Advisory Committee of National Organizations. The Advisory Committee presently consists of—
>
> American Association of University Women.
> Consumer Federation of America.
> Boy Scouts of America.
> General Federation of Women's Clubs.
> National Association for the Advancement of Colored People.
> National Conference of Christians and Jews.
> National Council of Churches.
> National Council of Senior Citizens.
> National Congress of PTAs.
> National League of Cities.
> National Conference of Mayors.
> National 4-H Club Foundation.
> National Education Association.
> National Wildlife Federation.
> National Audubon Society.
> U.S. Jaycees.
> National Catholic Office for Radio and Television.
> League of Women Voters.

An appealing argument is made that one of the assets to this public broadcasting program is to be the praiseworthy dissemination of education and culture. The unanswered question is "Whose culture, and education in what? Who is to decide?"

It appears that we are well underway in creating a monster domestic propaganda agency paid for, but not controlled by, the American people.

Within my memory a similar machine headed by Dr. Joseph Goebbels was instrumental in misleading the German people. Hitler bragged that by being able to control the minds of the German youth he could change the destiny of the world.

Mr. Chairman, we do not need to repeat that mistake.

Frequent complaints on programing are already received from viewers of CBS, NBC, and ABC networks which must rely on popular support and sponsorship to be able to continue. If the American consumers, voting with their dollars, are unable to modify or effectively direct the policies of free enterprise television, how can anyone be naive enough to think that the citizens will have any voice of protest over an out-of-control, gigantic, tax-supported broadcasting bureaucracy.

In enacting longterm legislation, we must remember that we are creating something that will survive us and current personalities.

A previous Congress has struck down literacy qualifications for voters in some States, based largely on the argument that Americans learn of public affairs from television and do not need to read to form political opinions.

Congress later enacted laws requiring that all television sets manufactured be capable of receiving the UHF bands, although there was no public demand for such sets. This step was intended to encourage a proliferation of UHF stations which have never been economically feasible. The third step now provides programing for these stations to use in the indoctrination of uneducated voters.

We have already seen Government censorship of private enterprise programing in cases where license renewals were challenged by individuals who did not approve of local programing.

It is apparent that the ultimate objective is the total control of radio and television broadcasting and the silencing of free enterprise in this area.

There only remains then to revoke the licenses of the free enterprise television. Full centralized thought control is then but a matter of time.

If the first amendment will not protect broadcasting from tax-subsidized Government competition, newspapers may expect to find themselves the next victims of communications control.

Mr. Chairman, like all of our colleagues, I believe in education and want to do everything possible to make education available to our children. But I also realize that merely labeling something "education" does not make it education. There is a difference between education and indoctrination. This bill, H.R. 7737, provides the vehicle for indoctrination disguised as education and I must oppose it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> H.R. 7737
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Educational Television and Radio Amendments of 1969."
>
> FIVE-YEAR EXTENSION OF CONSTRUCTION PROVISIONS
>
> SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by striking out "and" before "$15,000,000" and by inserting before the period at the end thereof ", and such sums as may be necessary for each of he next five fiscal years".
>
> (b) The last sentence of such section is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1976".
>
> ONE-YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING
>
> SEC. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting ", and for the next fiscal year the sum of $20,000,000" after "$9,000,000".
>
> (b) Paragraph (2) of such subsection is amended by inserting "or the next fiscal year" after "June 30, 1969,".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, and that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

> Committee amendment: On page 1, strike out line 5 and all that follows through line 5 on page 2 and insert the following:
>
> "THREE-YEAR AUTHORIZATION FOR PUBLIC BROADCASTING FACILITIES
>
> "SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by inserting after the second sentence the following new sentence: 'There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years, $15,000,000 per fiscal year.'
>
> "(b) The last sentence of such section is amended by striking out 'July 1, 1971' and inserting in lieu 'July 1, 1974'."

The committee amendment was agreed.

AMENDMENT OFFERED BY MR. BUTTON

Mr. BUTTON. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

> Amendment offered by Mr. BUTTON: Insert after line 22 of page 2, after the period following "$9,000,000," the following: "No less than fifty percent of such funds shall be allocated to the various public television stations in the form of unrestricted direct grants for station operations."

Mr. BUTTON. Mr. Chairman, I propose the amendment of H.R. 7737 to state that a minimum of 50 percent of the funds appropriated to the Corporation for Public Broadcasting shall be allocated to the public television stations across the country in the form of unrestricted direct grants for station operations.

There are some 180 public television stations in operation. In most cases, the local station in your district does not

XUM

have sufficient operating funds to perform the service which it should for your constituents. For example, the public television station in my district has just been forced to reduce its operating staff by 25 percent because of lack of funds.

The amount which would be available to these stations under the percentage formula which I urge would increase the direct allocation to each station from the $10,000 of the past year to approximately $50,000.

My amendment would guarantee that a substantial part of the Corporation for Public Broadcasting funds will help alleviate that problem. It would not preempt the administrative authority of the Corporation, for the Corporation would still have complete control over the other 50 percent of the funds. And, in addition, the Corporation would decide on the manner of distribution of the funds that go to the station as direct unrestricted grants.

As all of you know, your local station has struggled and is still struggling financially. There is little hope of any breakthrough unless substantial unrestricted funds are made available through the Corporation. We should provide the mechanism that insures this, and we have the opportunity in this amendment.

A national program service is important, but the local stations have an equally important—if not more important—role to play in providing locally originated programs for the area they serve.

Without a great increase in Federal aid, local program production will continue to be marginal, if it exists at all.

While a certain amount of the Corporation's funds did get to the local stations last year, much of it was the result of the local station submitting a specific proposal for a program project, and then the decision to make the grant was made by someone at CPB in New York or Washington. Under the present arrangement, the CPB can dictate that local stations must produce an opera if they wish a certain allocation of CPB funds; or, on the other hand, there is programing of a "national youth show" instead of allocations which would make possible youth programs at the local level. More and more, under existing circumstances, our local public television stations are mere pipelines for CPB policy.

I believe that it is imperative that the local stations maintain complete autonomy in what they produce locally. At the same time, they should continue to qualify for Federal aid.

I ask for your support for this amendment which will insure that substantial funds are made available to the station in your district for its local operations.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that we can vote on this amendment very shortly, and I shall only speak for a moment or so.

I think that this amendment hits at the very heart of that which we have sought to do, and that is to make the Corporation independent.

In addition, if we were to require the Corporation to spend 50 percent of its funds for station operations, it would not have any money left to do the job we seek; namely, to develop programs for public broadcasting stations and promote interconnection of those stations.

So I urge that the amendment be defeated.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I agree with the chairman in what he said in that this would alter the whole purpose of this bill and this would bring about the very thing the gentleman from Iowa pointed out, and that is that we would thus be giving direct funds for the support of TV stations, and we have no intention of doing this. This matter has been up before the Committee twice and has been defeated twice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Button).

The amendment was rejected.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word in order to explain the motion to recommit.

Mr. Chairman, I will offer the motion to recommit and it will be a recommital to cut from $20 to $10 million the funds for the Public Broadcasting Corporation which go into programing. It will not cut the funds which go into construction of facilities development under the proposal of the legislation. The motion to recommit is at the desk, and if there are any questions, I will be glad to answer them, but that will be the motion to recommit.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Bolling) having assumed the chair, Mr. Gallagher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7737) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting, pursuant to House Resolution 526, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BROWN, OF OHIO

Mr. BROWN of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BROWN of Ohio. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Brown of Ohio moves to recommit the bill, H.R. 7737, to the Committee on Interstate and Foreign Commerce with instructions to report the same back forthwith with the following amendment: On page 2, line 22, delete the words "the sum of $20,000,000" and substitute therefor the words "the sum of $10,000,000".

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. Brown of Ohio), there were—ayes 35, noes 38.

Mr. BROWN of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 190, not voting 110, as follows:

[Roll No. 214]

YEAS—131

Abernethy
Adair
Anderson, Ill.
Andrews, Ala.
Arends
Ashbrook
Ayres
Beall, Md.
Bennett
Betts
Brinkley
Brock
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Cederberg
Chamberlain
Chappell
Clawson, Del
Colmer
Coughlin
Cowger
Daniel, Va.
Davis, Wis.
Dennis
Derwinski
Dowdy
Downing
Duncan
Erlenborn
Findley
Fisher
Flynt
Ford, Gerald R.
Fountain
Frey
Goodling
Gross
Gubser
Hagan
Haley
Hall
Hammer-schmidt
Hansen, Idaho
Harsha
Henderson
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jonas
Jones, N.C.
King
Kleppe
Kyl
Landgrebe
Langen
Latta
Lennon
Lloyd
Long, La.
Lujan
McClure
McEwen
McMillan
MacGregor
Mailliard
Marsh
Martin
Mathias
Mayne
Michel
Miller, Ohio
Minshall
Mizell
Montgomery
Morton
Myers
Nelsen
O'Neal, Ga.
Passman
Pettis
Poage
Poff
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Robison
Roth
Roudebush
Ruth
Saylor
Schadeberg
Scherle
Schwengel
Scott
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stanton
Steiger, Ariz.
Steiger, Wis.
Stuckey
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Utt
Waggonner
Wampler
Williams
Wold
Wyatt
Wylie
Zion

NAYS—190

Adams
Albert
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspinall
Barrett
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Brasco
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Carter
Casey
Celler
Clark
Clay
Cleveland
Cohelan
Conable
Conte
Conyers
Corman
Cramer
Culver
Cunningham
Daniels, N.J.
Davis, Ga.
de la Garza
Dickinson
Donohue
Dorn
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Fallon
Farbstein
Feighan
Fish
Flood
Flowers
Foley
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz

Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Hamilton
Hanley
Harrington
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Jacobs
Jarman
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
Koch
Kyros
Landrum
Long, Md.
McCarthy
McClory
McCloskey
McDade
McDonald, Mich.
McFall
Macdonald, Mass.
Madden
Mahon
Mann
Matsunaga
Meeds
Melcher
Meskill
Mikva
Minish
Mink
Mollohan
Monagan
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Perkins
Philbin
Pickle
Pike
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Reid, N.Y.
Reuss
Riegle
Rodino
Rogers, Colo.
Rooney, Pa.
Roybal
Ruppe
Ryan
Sandman
Satterfield
Scheuer
Schneebell
Shipley
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Steed
Stokes
Stratton
Stubblefield
Sullivan
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Watts
Weicker
Whalley
White
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NOT VOTING—110

Abbitt
Addabbo
Alexander
Anderson, Tenn.
Baring
Belcher
Bell, Calif.
Berry
Bevill
Biaggi
Blackburn
Blatnik
Bow
Brademas
Bray
Brooks
Broomfield
Burton, Utah
Bush
Cahill
Carey
Chisholm
Clancy
Clausen, Don H.
Collier
Collins
Corbett
Daddario
Dawson
Delaney
Dellenback
Denney
Dent
Devine
Diggs
Dingell
Edwards, Ala.
Evins, Tenn.
Fascell
Ford, William D.
Foreman
Goldwater
Griffin
Halpern
Hanna
Hansen, Wash.
Harvey
Hays
Holifield
Howard
Johnson, Calif.
Karth
Kirwan
Kluczynski
Kuykendall
Leggett
Lipscomb
Lowenstein
Lukens
McCulloch
McKneally
May
Miller, Calif.
Mills
Mize
Moorhead
Nichols
O'Konski
Pelly
Pepper
Pirnie
Podell
Powell
Price, Tex.
Railsback
Rees
Reifel
Rhodes
Rivers
Roberts
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Rostenkowski
St Germain
St. Onge
Sebelius
Shriver
Sikes
Stafford
Stephens
Symington
Taft
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Watkins
Watson
Whalen
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hays with Mr. Rhodes.

Mr. Brooks with Mr. Bob Wilson.

Mr. Thompson of New Jersey with Mr. Widnall.

Mr. Daddario with Mr. Stafford.

Mr. Addabbo with Mr. Corbett.

Mr. Holifield with Mr. Broomfield.

Mr. Carey with Mr. Cahill.

Mr. Delaney with Mr. Bow.

Mr. Evins of Tennessee with Mr. Lipscomb.

Mr. Miller of California with Mrs. May.

Mr. Rooney of New York with Mr. Pirnie.

Mr. Wolff with Mr. Taft.

Mr. Rostenkowski with Mr. Reifel.

Mr. Devine with Mr. Watkins.

Mr. St. Onge with Mr. Wydler.

Mr. Sikes with Mr. Pelly.

Mr. Fascell with Mr. Mize.

Mr. Kirwan with Mr. McKneally.

Mr. Howard with Mr. McCulloch.

Mr. Teague of Texas with Mr. Denney.

Mr. Rivers with Mr. Edwards of Alabama.

Mr. Kluczynski with Mr. Harvey.

Mr. Biaggi with Mr. Bray.

Mr. Bevill with Mr. Berry.

Mr. Brademas with Mr. Shriver.

Mr. Moorhead with Mr. Teague of California.

Mr. Rogers of Florida with Mr. Collier.

Mr. St Germain with Mr. Belcher.

Mr. Mills with Mr. Watson.

Mr. Dent with Mr. Whalen.

Mr. Griffin with Mr. Railsback.

Mr. William D. Ford with Mr. Lukens.

Mr. Dingell with Mr. Kuykendall.

Mr. Pepper with Mr. Burton of Utah.

Mr. Charles H. Wilson with Mr. Clancy.

Mr. Podell with Mr. Halpern.

Mr. Whitten, with Mr. Don H. Clausen.

Mr. Blatnik, with Mr. Dellenback.

Mr. Alexander, with Mr. Collins.

Mr. Nichols, with Mr. Foreman.

Mr. Wright, with Mr. Bush.

Mr. Abbitt, with Mr. Blackburn.

Mr. Baring, with Mr. Price of Texas.

Mr. Stephens, with Mr. O'Konski.

Mr. Tunney, with Mr. Goldwater.

Mr. Anderson of Tennessee, with Mr. Whitehurst.

Mr. Johnson of California, with Mr. Wiggins.

Mr. Leggett, with Mr. Sebelius.

Mr. Roberts, with Mr. Winn.

Mr. Rees, with Mr. Dawson.

Mr. Hanna, with Mr. Powell.

Mr. Lowenstein, with Mr. Diggs.

Mrs. Hansen of Washington, with Mrs. Chisholm.

Mr. Karth, with Mr. Symington.

Mr. Rosenthal, with Mr. Bell of California.

Mr. COUGHLIN and Mr. HAGAN changed their votes from "nay" to "yea."

Mr. STOKES changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 280, nays 21, answered "present" 1, not voting 129, as follows:

[Roll No. 215]

YEAS—280

Adair
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Bennett
Biester
Bingham
Blanton
Boland
Bolling
Brasco
Brinkley
Brock
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clark
Clay
Cleveland
Cohelan
Conable
Conte
Conyers
Corman
Coughlin
Cramer
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Dennis
Dickinson
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Haley
Hamilton
Hammer-schmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Koch
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, Md.
Lujan
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
Mayne
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Minish
Mink
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Perkins
Pettis
Philbin
Pickle
Pike
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Ruppe
Ruth
Ryan
Sandman
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Wampler
Watts
Weicker
Whalley
White
Williams
Wold
Wyatt
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—21

Abernethy
Betts
Brown, Ohio
Burleson, Tex.
Caffery
Clawson, Del
Colmer
Davis, Wis.
Derwinski
Flynt
Gross
Hagan
Hall
O'Neal, Ga.
Passman
Poage
Rarick
Satterfield
Scherle
Scott
Utt

ANSWERED "PRESENT"—1

NOT VOTING—129

Abbitt
Addabbo
Albert
Alexander
Anderson, Tenn.
Ashbrook
Baring
Belcher
Bell, Calif.
Berry
Bevill
Biaggi
Blackburn
Blatnik
Boggs
Bow
Brademas
Bray
Brooks
Broomfield
Burton, Utah
Bush
Cahill
Carey
Celler
Chisholm
Clancy
Clausen, Don H.
Collier
Collins
Corbett
Cowger
Daddario
Dawson
Delaney
Dellenback
Denney
Dent
Devine
Diggs
Dingell
Edwards, Ala.
Evins, Tenn.
Fascell
Ford, Gerald R.
Ford, William D.
Foreman
Gibbons
Gilbert
Goldwater
Griffin
Griffiths
Halpern
Hanna
Hansen, Wash.
Harvey
Hays
Holifield
Hosmer
Howard
Johnson, Calif.
Jones, Tenn.
Karth
Kirwan
Kluczynski
Kuykendall
Leggett
Lipscomb
Long, La.
Lowenstein
Lukens
McCulloch
McKneally
May
Meeds
Miller, Calif.
Mills
Minshall
Mize
Moorhead
Nichols

O'Konski
Pelly
Pepper
Pirnie
Podell
Powell
Price, Tex.
Railsback
Rees
Reifel
Rhodes
Rivers
Roberts
Rogers, Fla.
Rooney, N.Y.
Rostenkowski
Roybal
St Germain
St. Onge
Sebelius
Shipley
Shriver
Sikes
Smith, N.Y.
Snyder
Stafford
Stephens
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Vander Jagt
Waggonner
Watkins
Watson
Whalen
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wylie
Zion

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Watkins for, with Mr. Devine against.

Until further notice:

Mr. Hays with Mr. Rhodes.
Mr. Brooks with Mr. Bob Wilson.
Mr. Thompson of New Jersey with Mr. Widnall.
Mr. Boggs with Mr. Stafford.
Mr. Addabbo with Mr. Corbett.
Mr. Hollifield with Mr. Broomfield.
Mr. Carey with Mr. Cahill.
Mr. Delaney with Mr. Bow.
Mr. Evins of Tennessee with Mr. Lipscomb.
Mr. Miller of California with Mrs. May.
Mr. Rooney of New York with Mr. Pirnie.
Mr. Wolff with Mr. Hosmer.
Mr. Rostenkowski with Mr. Reifel.
Mr. Albert with Mr. Gerald R. Ford.
Mr. Sikes with Mr. Pelly.
Mr. Fascell with Mr. Mize.
Mr. Kirwan with Mr. KcKneally.
Mr. Howard with Mr. McCulloch.
Mr. Teague of Texas with Mr. Denney.
Mr. Rivers with Mr. Edwards of Alabama.
Mr. Kluczynski with Mr. Harvey.
Mr. Biaggi with Mr. Bray.
Mr. Bevill with Mr. Berry.
Mr. Brademas with Mr. Shriver.
Mr. Moorhead with Mr. Teague of California.
Mr. Rogers of Florida with Mr. Collier.
Mr. St Germain with Mr. Belcher.
Mr. Mills with Mr. Watson.
Mr. Dent with Mr. Whalen.
Mr. Griffin with Mr. Railsback.
Mr. William D. Ford with Mr. Lukens.
Mr. Dingell with Mr. Kuykendall.
Mr. Pepper with Mr. Burton of Utah.
Mr. Charles H. Wilson with Mr. Clancy.
Mr. Podell with Mr. Halpern.
Mr. Whitten with Mr. Don H. Clausen.
Mr. Blatnik with Mr. Dellenback.
Mr. Alexander with Mr. Collins.
Mr. Nichols with Mr. Foreman.
Mr. Wright with Mr. Bush.
Mr. Abbitt with Mr. Blackburn.
Mr. Baring with Mr. Price of Texas.
Mr. Stephens with Mr. O'Konski.
Mr. Tunney with Mr. Goldwater.
Mr. Anderson of Tennessee with Mr. Whitehurst.
Mr. Johnson of California with Mr. Wiggins.
Mr. Leggett with Mr. Sebelius.
Mr. Roberts with Mr. Winn.
Mr. Rees with Mr. Dawson.
Mr. Hanna with Mr. Powell.
Mr. Lowenstein with Mr. Diggs.
Mrs. Hansen of Washington with Mrs. Chisholm.
Mr. Karth with Mr. Symington.
Mr. Gilbert with Mr. Bell of California.
Mr. Jones of Tennessee with Mr. Ashbrook.
Mr. Shipley with Mr. Minshall.
Mr. Celler with Mr. Smith of New York.
Mr. Gibbons with Mr. Cowger.
Mr. Meeds with Mr. Vander Jagt.
Mr. Waggonner with Mr. Zion.
Mr. Daddario with Mr. Snyder.
Mrs. Griffiths with Mr. Wylie.
Mr. Roybal with Mr. Long of Louisiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 526, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill S. 1242.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. Staggers: Strike all after the enacting clause of the bill S. 1242 and insert in lieu thereof the provisions of H.R. 7737, as passed, as follows:

"That this Act may be cited as the 'Educational Television and Radio Amendments of 1969'.

"THREE-YEAR AUTHORIZATION FOR PUBLIC BROADCASTING FACILITIES

"Sec. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by inserting after the second sentence the following new sentence: 'There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years, $15,000,000 per fiscal year.'

"(b) The last sentence of such section is amended by striking out 'July 1, 1971' and inserting in lieu thereof 'July 1, 1974'.

"ONE-YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING

"Sec. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting ', and for the next fiscal year the sum of $20,000,000' after '$9,000,000'.

"(b) Paragraph (2) of such subsection is amended by inserting 'or the next fiscal year' after 'June 30, 1969,'."

The SPEAKER pro tempore. The question is on the motion of the gentleman from West Virginia (Mr. Staggers).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7737) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 13, 1969

Mr. MOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4148, TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and, without objection, appoints the following conferees: Messrs. Blatnik, Jones of Alabama, Wright, Fallon, Cramer, Harsha, and Grover.

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF OCTOBER 13

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. I appreciate the indulgence of the Chair, because we have other matters to take care of immediately.

There is no further program for today.

Monday is District Day, but there are no District bills. Monday is also Columbus Day, and we will not program any legislative business on Monday.

For Tuesday and the balance of the week:

H.R. 13000, Federal Salary Comparability Act of 1969, with an open rule and 2 hours of debate.

H.R. 14127, to carry out the recommendations of the Joint Commission on the Coinage, with an open rule, 2 hours of debate.

H.R. 4293, Export Control Act extension, with an open rule and 1 hour of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later, and I would say to the Members that we can certainly expect some conference reports during the course of next week.

I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker,

I thank the gentleman and I yield back the balance of my time.

SECOND ANNUAL REPORT OF NATIONAL ADVISORY COMMITTEE ON ADULT BASIC EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–176)

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the Congress of the United States:

I transmit herewith the Second Annual Report of the National Advisory Committee on Adult Basic Education.

Adult basic education plays a vital role in making our democratic society viable and rewarding to all its members. Teaching the adult to read, write, and speak well leads to expanded job opportunities, enhanced self-esteem, a better home environment for school children and increased civic responsibility.

To help meet the needs for adult basic education, the National Advisory Committee has been reviewing the administration and effectiveness of the Adult Basic Education Program in the Office of Eduction and fifteen other federally supported programs which have adult basic education components. The Report describes this review and makes several recommendations concerning the Federal effort to serve the education needs of the more than 20 million adult Americans who have less than an eighth-grade education.

I have asked the Council for Urban Affairs, which has a special committee on education, to review these and other recommendations of the National Advisory Committee carefully, and to seek ways to improve the performance and coordination of all Federal adult basic eduction programs.

Richard Nixon.

The White House, *October 9, 1969*.

The message, together with the accompanying papers, was, without objection, referred by the Speaker pro tempore (Mr. Bolling), to the Committee on Education and Labor and ordered to be printed.

PERSONAL ANNOUNCEMENT OF COSPONSORS OF HOUSE JOINT RESOLUTION 927 PROVIDING FOR FUNDING OF HEALTH, EDUCATION, AND WELFARE

Mr. COHELAN. Mr. Speaker, I rise to correct an error in the sponsorship of House Joint Resolution 927 which provided for the funding of Health, Education, and Welfare under a continuing resolution at the House-passed levels. The name of the Honorable Michael J. Kirwan, of Ohio, appears as a cosponsor of this resolution. I have been informed that Mr. Kirwan's name was incorrectly added to the list of cosponsors and I ask unanimous consent that the Record stand corrected.

The SPEAKER pro tempore. The gentleman's statement will appear in the Record. There is no way of correcting the resolution.

PERSONAL EXPLANATION

Mr. STEIGER of Wisconsin. Mr. Speaker, on rollcall No. 212 I was unable to be present due to a speaking engagement at the Brookings Institute.

Had I been present, I would have voted "no" on the motion to table the motion of the gentleman from Massachusetts (Mr. Conte) to instruct the agriculture appropriation conferees.

DOMESTIC FINANCE SUBCOMMITTEE TO CONSIDER FIELD HEARINGS ON THE STATE OF THE ECONOMY

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is essential that the Congress keep in touch with the grassroots thinking of America.

Your Committee on Banking and Currency has received many hundreds of letters from consumers, homebuilders, small businessmen, and others concerning their economic problems. As chairman of the Committee on Banking and Currency, in answering these letters, I have indicated that if the demand is sufficient, the committee would make it possible for these local grassroots people to present their views to the committee in their own or nearby cities and towns. With this thought in mind, I have called for a meeting of the Domestic Finance Subcommittee on October 23 to discuss this matter and, as indicated, if the demand exists, to plan for a tour which will possibly include many areas of the Nation.

It will be our intention, Mr. Speaker, to listen to the views of the people on the key economic questions that are under the jurisdiction of the House Committee on Banking and Currency, questions involving such issues as high interest rates which fuel inflation, tight money, consumer prices, home construction and home mortgage credit, and like subjects. As we all know, most people find it difficult—if not impossible—to come to Washington to present their views to the Congress. As a result, we too often get only the so-called experts' opinion on these issues. And the ideas of these experts do not always coincide with those of the people.

Mr. Speaker, I believe the demand for these field trips is self-evident. In my opinion, these field trips will demonstrate that the Congress wants the views of the people. At the same time, it will enable the Banking and Currency Committee to view some of the serious economic problems firsthand and to collect information that is essential to the committee's legislative jurisdiction and responsibility. The concern of the people about high interest rates, inflation and other issues is real and it is vital that the Congress do everything possible to come up with solutions to these severe problems.

It would be my intention, based on additional requests from the field, to conduct this field trip as soon as possible. Every attempt will be made, of course, to spread these hearings geographically so that the maximum number of people may participate and express their various views.

FAILURE OF THE NIXON ADMINISTRATION TO GIVE FAVORABLE ATTENTION TO PENDING LEGISLATIVE PROPOSALS

(Mr. HELSTOSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, I have had the high honor and privilege of serving on the Committee of Veterans' Affairs since coming to the Congress in 1965. Congress has a most distinguished and commendable record of bipartisanship in considering legislation affecting America's veterans and their dependents. I am absolutely certain that this excellent spirit of bipartisanship on veterans affairs will continue in the Congress.

However, Mr. Speaker, I am becoming increasingly concerned and alarmed over the failure of the Nixon administration to give favorable attention to many pending legislative proposals which have been introduced in the 91st Congress.

During the first 9 months of its life, the Nixon administration has opposed, reduced, or asked delay in passage of almost every meaningful bill on veterans matters which the House or Senate has brought to the floor for consideration. At his vacation retreat in San Clemente, Calif., on June 5, 1969, in his first public pronouncement on veterans affairs, President Nixon said:

> Veterans' benefit programs have become more than a recognition for services performed in the past, they have become an investment in the future of the veteran and his country.

Then the President announced the appointment of a study committee heavily weighted with social planners who traditionally have favored dismembering VA and switching administration of veterans health and education matters to the Department of Health, Education, and Welfare.

WHO IS RUNNING THE VA?

Appointments to the study committee raised the question in the minds of those knowledgeable in veterans affairs of "Who is going to run the VA?" Was it to be HEW Secretary Robert Finch, Mr. Patrick Moynihan of the White House domestic affairs staff, the Bureau of the Budget, or the Administrator of Veterans' Affairs?

In offering advice to newly appointed VA Administrator Don Johnson when Johnson recommended that Congress defer action on a bill to raise compensation of widows and orphans, Senator Herman Talmadge, chairman of the Senate Subcommittee on Veterans Legislation said:

> There is a saying around town that if you want to kill a bill, study it to death.

TALK—NO ACTION

The contrast in what administration spokesmen and the President say and what they do, grows sharper with their every position on pending legislation.

They express concern over the problems of returning Vietnam servicemen using the GI educational entitlement—on June 5, 1969, Mr. Nixon said he was shocked—but just prior to the House passing an increase in educational benefits—the one sure economic attraction to get more veterans in school—the Nixon administration on June 23, 1969, implored the Congress to "defer consideration."

VIETNAM VETS LOSING ALMOST $1 MILLION DAILY IN EDUCATION BENEFITS

Meanwhile, Vietnam veterans in school, struggling to meet inflated education and cost-of-living costs are losing almost $1 million per day in benefits.

A recent Wall Street Journal article highlighted the issue in quoting two veterans among many they surveyed. Harry Arrington, a 37-year-old Navy veteran, who left service last year and needs two or three semesters to earn a college degree put it this way:

> I'd find it virtually impossible to use now—it's something I've always wanted, but I can't make the sacrifice now. I couldn't even pay my tuition on that amount of money.

Another 22-year-old Vietnam veteran, Kenneth Walker, with a 10th grade education said:

> You can't get nothing without a high school education, but first off I have to get me some money. Right now I couldn't afford to (attend school under the GI bill.)

WHAT ABOUT HELP FOR THE "DISADVANTAGED" VETERAN?

There has been much dialog in the new administration about training the disadvantaged veteran and in seeking them out to bring them into veterans' programs. Yet, when the Congress, at Mr. Nixon's request, removed the personnel ceilings on Government agencies and departments which Mr. Nixon asserted were "unworkable," he immediately had the Bureau of the Budget invoke new ceilings. As a result the VA lost 634 more positions over and above the 3,586 jobs they lost when the Nixon administration sent its revised April budget to the Congress. Three hundred and seventy-eight of the lost positions were scheduled for assignment to overworked VA contact and allied staffs which handle education and other veterans' claims. On April 1, 1969, when the new administration was recommending VA reduce its staff for claims processing, almost 600,000 pending actions and inquiries were backlogged in VA regional offices.

While these backlogs were accumulating, the workload of all facets of the VA's Department of Veterans' Benefits continued to grow as more and more servicemen poured out of service at the rate of 75,000 per month.

The increased workload in each division responsible for administering veterans' benefits is shown by these figures:

Workload items	Fiscal year 1968	Fiscal year 1969	Difference
Compensation and Pension: Claims received	1,887,344	2,310,131	+422,787
Education:			
Applications and authorizations	2,029,245	2,643,818	+614,573
Counseling actions	183,284	214,228	+30,944
Loan guarantee:			
GI appraisal requests	340,229	366,481	+26,252
Eligibility determinations	592,026	599,830	+7,804
Guardianship: Beneficiaries	689,545	746,800	+57,255

Workload items	Fiscal year 1968	Fiscal year 1969	Difference
Contact:			
Personal interviews	2,655,396	2,712,452	+57,056
Telephone interviews	4,344,080	[1] 5,124,494	+780,414
Administrative:			
Incoming mail	54,338,329	60,245,125	+5,906,886
Applications processed	598,648	734,795	+136,147
Claims folder look-ups	25,027,496	27,889,970	+2,862,474

[1] Excludes 1,709,078 administrative type telephone actions.

CONSTRUCTION, MODERNIZATION, AND AIR CONDITIONING OF VA HOSPITALS CUT

One of the most disturbing developments came when the administration ordered a budget reduction of $41,151,000 in the VA hospital construction and modernization program—a program designed to care for sick and wounded veterans in facilities which are supposed to be "second to none."

Being consistent with inconsistency, the new administration ordered, as part of their overall $41 million cut in VA hospital modernization funds, a total of $17,153,000 in VA fund reductions which were scheduled to air condition four VA hospitals. Meantime, back at San Clemente, Nixon's aides were planning the construction of a "Western White House" complex which would end up costing the American taxpayer millions to build, air condition, staff, and transport the seat of Government to a plush California retreat. While the Nixon administration was tightening the budget and cutting the $17 million requested to air condition VA hospitals, there was no administration objection to the expenditure of millions of Federal money on the San Clemente summer retreat and Key Biscayne winter retreat.

And there was no administration objection to "refurbishing" Air Force One—already about the plushest airplane in the world—at a cost of about $830,000 when hospitalized veterans were suffering in 110° heat in several non-air-conditioned hospitals.

HOSPITAL STAFFING SUFFERS

Not satisfied with these deep cuts in the VA budget, the new administration cut another $31,567,000 from the original 1970 VA budget request which had been scheduled to pay the salaries of over 3,500 doctors, nurses, medical technicians, and other hospital personnel.

The Vietnam war is currently producing almost a million new veterans each year. The 16 million World War II veterans are aging rapidly requiring more medical care. Two million World War I men are an average of 75 years old and need more medical attention.

In spite of testimony before Congress from eminent medical experts who expressed alarm about understaffed VA hospitals in the face of increasing workloads, the new administration ordered VA to scrap their modest plans to staff up VA hospitals to relieve the pressure on overworked medical staffs.

Examples of increased workloads in the VA hospital system include:

Workload items	Fiscal year 1968	Fiscal year 1969	Change from fiscal year 1968
Hospital care in VA and non-VA facilities:			
Admissions	670,600	689,459	+18,859
Discharges	678,506	698,926	+20,420
Patients treated	787,871	800,012	+12,141
Average monthly turnover rate:			
VA hospitals	56.0	61.4	+5.4
Non-VA hospitals	98.0	110.6	+12.6
Percent of VA hospital discharges to posthospital care	46.4	47.3	+.9
Nursing home care:			
Average daily census:			
Total	8,067	9,030	+963
VA	3,468	3,700	+232
Community	2,805	3,177	+372
State	1,794	2,153	+359
Patients treated, total	20,514	22,994	+2,480
Outpatient visits—staff and fee:			
Total	6,563,787	6,947,074	+383,287
Compensation and pension	302,865	345,408	+42,543
Outpatient treatment	3,352,693	3,458,673	+105,980
Posthospital care	1,088,906	1,228,570	+139,664
Prebed care	88,470	99,388	+10,918
Outpatient visits—staff and fee—Continued			
Need for hospital or domiciliary care	1,090,904	1,173,117	+82,213
All other	639,949	641,918	+1,969
Dental examinatons:			
Total	655,431	684,228	+28,797
Staff	648,144	665,313	+17,169
Fee	7,287	18,915	+11,628
Dental treatment cases:			
Total	265,350	276,003	+10,653
Staff	255,815	254,453	−1,362
Fee	9,535	21,550	12,015
Patients receivng new prosthetic appliances	363,365	391,645	+28,280
Social work caseload	104,193	104,949	+756
Mental hygiene clinic—active cases EOP	69,234	74,891	+5,657
Clinical laboratory weighted work units	78,538,657	85,017,251	+6,478,594
Volumtary service man-hours	9,269,080	9,270,292	+1,212
Prescriptions filled	10,530,716	11,782,365	+1,251,649
Residents in training program (noncareer EOP):			
Physicians	3,478	3,876	+398
Dentists	53	64	+11
Interns in training:			
Physicians	396	556	+160
Dentists	35	59	+23

STATE VETERANS' HOMES LOSE FUNDS

While preaching the need for Government economy and greater cooperation with State governments on the one hand, the new administration cut one of the best bargains which had been put in the original 1970 VA budget—$4,000,000 scheduled to go to States on a matching fund basis to help modernize and construct medical facilities in State soldiers homes.

During fiscal year 1969, over 15,000 veterans received domiciliary care in State veterans' homes at an average per diem cost of $3.32 compared to VA per diem cost of $7.69. During this same period, State veterans' homes provided nursing care to almost 4,000 veterans at an average per diem cost of $4.87 compared to average VA nursing per diem cost of $15.67, thus relieving VA of this additional workload. What kind of "new math" concept in the new administration scuttles a program designed to relieve an additional workload in an already understaffed VA system at a cost saving of more than 50 percent. And when bills were presented to the new administration to broaden this bargain program—you guessed it—the new administration "opposed" them.

FINCH DECRIES MASSIVE HEALTH CRISIS—BUDGET BUREAU DECRIES CUTS

Not satisfied with these cuts, the Bureau of the Budget gouged another $11,333,000 out of the 1970 VA budget request which had been earmarked for other categories of veterans' hospital care, medical education, and medical and prosthetic research.

Once again the new administration overcame consistency with inconsistency. While in February HEW Secretary Finch had decried the Nation's massive health crisis because America was not training enough hospital and health personnel, another arm of the administration decreed that the VA budget request for 1970 had to be reduced thus depriving VA of their plans to train over 4,000 "shortage" category medical personnel in a medical education program which eminent medical educators have characterized as being "the most effective in the world."

OLD-AGE VETERAN LEGISLATION OPPOSED

While the new administration was advocating a new $4 billion welfare concept—much of which would be paid to the able bodied who will not work—they were opposing measures to ease the burden of old veterans who are no longer able to work.

The administration was asked to take a position on the following legislation which the Congress was about to vote on:

Eliminate the "pauper's oath" or statement of inability to defray hospital expenses for a veteran 72 years of age or older for admission to a VA hospital.

Provide outpatient treatment and medical services for seriously disabled veterans who are in receipt of special housebound or aid-and-attendance allowances and those who are rated as totally disabled without regard to service connection.

Eliminate the 6-months time limitation for elderly veterans who are receiving nursing care.

The Nixon administration opposed this legislation.

REJECT OR DEFER

While accusing the Congress of "foot dragging" in its legislative program, the Nixon administration has a bleak record of "inaction" on other important veterans legislation areas. They asked the Congress to:

Defer action on cost-of-living increases for widows and orphans of veterans who were killed or died of service-connected causes.

Reject proposals to utilize veteran-owned insurance funds to build homes for returning Vietnam veterans who cannot find mortgage capital while the Treasury Department uses the veterans' money at a rate of about 4 percent—Treasury paid the moneylenders 8 percent during the week of September 17—the highest rate in 110 years.

Defer action on legislation to up insurance coverage for servicemen in Vietnam from $10,000 to $15,000 while hundreds of American boys die each month not leaving enough money to support their dependents in an inflated economy.

Defer action on adding dismemberment coverage to GI insurance policies in the face of thousands of GI's who each month leave an eye or a limb in Vietnam.

Reject increases in the amount the Government pays paralyzed and other seriously disabled veterans as grants for special housing required because of their service-connected disabilities.

Mr. Speaker, as the list of deferrals and rejections grow day by day, America's veterans are asking how long must the maimed, the widows, and the orphans wait. One of President's Nixon's closest advisers, Attorney General John Mitchell, a few days after taking office, urged Americans to judge the Nixon administration on "what it does" not "what it says." By any measure—by any standard—the Nixon administration must, thus far, be judged deaf to the pleas of veterans, calloused to the health needs of veterans, and oblivious to the economic needs of veterans.

RACE CRISIS IN THE MARINE CORPS

(Mr. **HENDERSON** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **HENDERSON**. Mr. Speaker, the September 26 issue of Life magazine highlighted on its cover what it described as a "Race Crisis in the Marine Corps." Its table of contents labeled the story "Blacks and Whites stand on the edge of open war in Camp Lejeune."

The article proceeds to expand upon this theme in considerable detail and is highly critical of Jacksonville, N.C., the civilian community adjacent to the big Marine Corps base at Camp Lejeune.

I would suspect that every Member of this body who was in the military service during World War II, or at any other time, has heard all of the standard gripes about the civilian community adjoining the base where he was assigned: Honky-tonk atmosphere. Cheap bars. Camp follower-type girls. Shortage of nice girls for social contacts. Clip joints.

To some degree all of these things exist in all communities adjacent to all major military installations.

When we built major military installations, we have always sought out large tracts of relatively cheap suitable land. Such tracts did not exist in major metropolitan areas, but did exist in more sparsely settled rural areas. Hence we have had for decades all over the country sudden large influxes of thousands of military personnel into areas with limited civilian population.

Inevitably, this has resulted in criticism of civilian communities as dull, offering limited recreational and amusement opportunities during off-duty hours. Boys from other parts of the country tend to be critical of a different environment. Northern boys find small Southern towns dull and uninteresting. Southern boys dislike the cold climates of the North and Midwest. Boys from the east coast dislike the west and vice versa.

These things have nothing to do with race. Yet, they were highlighted in the Life approach to Camp Lejeune.

On October 3, 1969, the Jacksonville, N.C., Daily News did an eight-page feature section giving the community's side of the Camp Lejeune story.

It is too bad no provision is made to include pictures in the CONGRESSIONAL RECORD. Life went to great lengths to publish pictures tending to show bias, discrimination, and a bad environment.

The Jacksonville Daily News feature has equally convincing pictures tending to show a good racial climate.

I am inserting into the RECORD the printed matter contained in this feature, and I want to say that I personally agree with the viewpoint expressed by this fine newspaper.

During the past 9 years, I have spent a great deal of time on the base at Camp Lejeune and have personally known many of the marines who have been assigned there during those years. I likewise have spent a great deal of time in the civilian community of Jacksonville and other areas of Onslow County.

Naturally, I am prejudiced, but in my judgment, so is the article in Life magazine. They approached this whole matter with a preconceived idea of what they wanted and expected to find and they found what they were looking for.

Here is the other side of the story:

[From the Jacksonville (N.C.) Daily News, Oct. 3, 1969]

IN REAL LIFE: EACH SITUATION HAS TWO SIDES

On July 20, this year, a very regrettable tragedy occurred at Camp Lejeune. A young Marine lost his life in what has been described as a "gang attack." Arrests have been made and an investigation into this young man's death is still underway.

No one can guess what this investigation will reveal. This tragedy has brought forth many claims of "racism," these, too, are under investigation.

This has brought national news media into the area in force as they skim the surface for sensationalism.

The latest to join this parade was Life Magazine. In an article last week the maga-

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zine presented a lopsided view of the situation.

And, if a major magazine is to be the window for the nation to view Camp Lejeune and Jacksonville then we feel that that magazine has the responsibility of either cleaning up the windows, or removing the blinds to reveal all sides.

We find nothing wrong with the persons interviewed speaking out on situations in which they feel they have a deep involvement, but we do question the fairness of presenting only one side.

Definite feelings on racial discrimination were presented. However, nowhere in the article was there any effort to show the great strides that Camp Lejeune and Jacksonville have taken in overcoming racial discrimination in our area.

And we do feel that there was a certain amount of bias in the article. To quote: "Then there are the southern accents of a great many Marine officers and noncoms." We ask, "Since when has a southern accent been a bar to serving as an officer or noncom in the Marine Corps?"

We feel, and we know that the Jacksonville area is far ahead of the nation in integration. Our schools were the first to recognize that quality education meant equal educational opportunities for everyone through one school system.

The students themselves have proven the wisdom of this, with student leadership based on ability of the individual.

In fact youth is showing the way in many areas of establishing a unified community. The Teen Generation, established and governed by Jacksonville teens, is one outstanding example.

Thus, a magazine representative makes a whirlwind visit into Jacksonville and Camp Lejeune we expect more than a one-sided view to be held up to the world.

The writer didn't even bother to learn the spelling of Northwoods (North Woods was his spelling). He was writing about Marines, yet the spelling in Da Nang and Khe Sanh, areas where Marines have fought, died and are buried, the writer wrote of them Danang and Khesanh.

He harped on 18-percent interest . . . and every credit card holder, Marine or civilian, knows that he pays one and one-half percent interest each month . . . which comes out to 18 percent a year.

The Life piece made derogatory remarks about furniture stores on Lejeune Boulevard. We doubt very much if he bothered to enter a single store.

For, if he had, he would have found furniture of the highest quality and at prices that will certainly be below many areas in the United States.

If he had bothered to look, he would have seen that the buildings were well-built and created with no stinting in cost of construction.

We know for a fact that the creators of the Life magazine article made a trip into Northwoods to get a picture. They talked to Fred Silvia, Jacksonville businessman and owner of the Northwoods 66 service station.

Fred had a sign in front of his business. It stated, "Marines, We Do Give A Damn." This picture didn't make it in the Life magazine article.

Why? Because it showed the good side?

We also know for a fact that the Life writers interviewed a unique bi-racial committee of the 2nd Division Anti-Tank Battalion. We do not question the magazine's editorial prerogative (although we do wonder about the direction it takes).

In view of the other evidence that writer Paul Good's account of the racial situation in our community was tailored to imply some already-drawn conclusion, we cannot help but suspect that the bi-racial committee interview was omitted because it did not imply the "proper" conclusion.

We have been informed by a reliable authority that the committee members are also quite disappointed that their views were not considered as important as those of an anti-black hitch-hiker who refused to even give his name.

The writers wrote of what they called "ugly commercialism" in Jacksonville's dealing with Marines. A general statement if ever one was written.

Maybe that brand would fit the Life article. The exploitation of one-side of a serious and grave situation, the utter lack of regard for the side of those seeking unity, and the grasping for the sensational.

There is racial disharmony in our area, just as there is throughout the world. It is a problem which is being faced up to.

However, integration is not an "everyone-lived-happily-thereafter" solution to life, it is a practicable means to democracy and life. It is the sure step to overcome racism on all sides.

Racism, whether practiced by the majority, or the minority, is a retreat from reality. It is a contradiction of the human spirit and a mockery of democracy.

And to use racism to sell newspapers, magazines or TV shows is rank commercialism, a commercialism that feeds the growth of the cancer in our society.

It is the role of the news media to spotlight the pleasant as well as the unpleasant in the hope that the spotlight will foster corrective measures.

The news media must search out and publish the pleasant and the unpleasant, it must unravel existence . . . display the problems that engulf us.

If this is not done, and we shirk the duties of revealing the events and pressures of our time, our readers would retreat into indifference and self-complacency.

Or, if the revelation of news is weighted, one-sidedly in the direction of the sensationally unpleasant, the public could be placed in a state of tension and anxiety with the ultimate destruction of tolerance in its opinions.

The pleasant and the unpleasant are the warp and woof of the fabric of day-to-day living. Each must be revealed.

We must agree that Life, and other national media, have spotlighted a cause, even if it exists in a minor degree, that needs the sharpest scrutiny and attention of Marine and civilian leaders.

We do hold that any news media has:
The right to be wrong,
The right to offend on occasion
The right to report the disagreeable.
But never:
The right to be unfair
The right to be biased
Nor, the right to be inaccurate.

RESPECT HIM AS A "MAN AND A MARINE"

(By Skip Smith)

Marine Corps Major H. E. House is a Negro. He does not care whether you call him "colored," "Negro," or "black," so long as you respect him as a man and a Marine.

House flatly declares that racial discrimination in the Marine Corps is not prevalent and is not a matter of importance to the career Marine. He feels that the current "flap" about racial discrimination in the Corps is a "crutch" being used by a few black servicemen to escape the type of harassment which is necessary for the development of a "real Marine."

The major, a tall dark-skinned, handsome man, is one of the first two black pilots in the Corps.

He believes that if the color of his skin had any effect on his career as a Marine, it has been a help rather than a hindrance. ("When a black does something outstanding, it gets notices.")

Crowning a chest full of "salad" just below his aviator's wings is an Air Medal with a "20" designation. He does not know exactly how many combat missions he has flown. Since he was in Vietnam early—in 1962—there may be some question about what is, and what is not, a combat mission. Each of the 20 medals accounts for about five missions.

It would take an extremely brave man to call Major House "Uncle Tom" to his face. He does not belong to any black organizations ("The only organization I'm in right now is the Marine Corps."), nor to any Civil Rights groups, but he feels that if he ever does join such an organization, it will probably be the Urban League.

Major House feels that the most dangerous "outside agitators" are not Communists, black militants, anarchists, nor Civil Rights agitators. The problem in the Corps today, he says, is not racial, but disciplinary.

"The laxity resulting from maltreatment scandals has caused a breakdown in discipline and has brought the Corps face-to-face with the type of Marine who demands to be allowed to wear a grotesque hair style that would prevent him from wearing regulation headgear."

Major House, who wears his characteristically Negroid hair, clipped close in traditional Marine Corps "skinhead" fashion, has little patience with Marines, black or white, who insist on civilian coiffures ("I march 'em to the barber shop.").

There is probably some racial discrimination in the lower ranks, says the major, and some racial prejudice as well. But he believes that in order to survive as a professional Marine and become a Non Commissioned Officer, a man must be "purified of such inconsequential considerations as race. ('By the time a man gets to be an NCO, he should have been put through enough hell that the only color he thinks in is green!')"

The "well-meaning Moms" who write to their congressmen demanding "better treatment" for their sons every time they hear a complaint from boot camp have unintentionally weakened the character of the individual Marine and softened the entire Corps, according to the major's theory.

He finds the deaths, injuries, and scandals that have resulted from the alleged maltreatment incidents regrettable, but the public reaction to Marine Corps discipline and training has, in his opinion, had the effect of "crippling" the Corps.

("When a young Marine gets captured by the enemy in Vietnam today, he is very fortunate if he has anything at all in his background to prepare him for the treatment—or maltreatment—he will receive. What happens. He gets pushed around. He is liable to crack. To defect. To give up. The Viet Cong have no fear of his congressman's influence. All the letters in the world of inquiry and concern for his welfare from Washington cannot help him when he is in the hands of the enemy. His only salvation is backbone, something the Marine Corps once stiffened with harassment and stern discipline. It is a terrible thing that young men have died because of Marine Corps training—but far, far more young men have lived because of precisely the same training. It would be difficult to imagine the North Vietnamese or the Viet Cong agreeing to listen to grievances from prisoners about racial discrimination.")

Major House, who says he is one of only about a dozen field grade officers in the entire Marine Corps, does not see any prima facie evidence of discrimination in this fact, although he admits the shortage of black field-grade officers and absence of a general officer is probably the main reason why many young black choose other branches of the service. ("The Air Force has a three-star general who is a Negro, and his father was a general in the Army. Both branches are full of Negro majors and colonels. The Negro college graduate sees all this and he hears

that there is discrimination in the Marines. Why should he choose the Marines?")

The major's only racial activism is in getting young black college men interested in the Marine Corps and convincing them that the tales of discrimination are false. All other things being equal, he would be more inclined to help a black man get into flight school than a white man (". . . because there are barriers I can remove, not barriers in the Corps, but in the Negro's mind. I can show him he can make it as well as anybody can . . . if he's intelligent and tough.")

He believes he has been instrumental in getting several black pilots into flight school, and he believes all have been treated fairly by the Corps and evaluated solely on their ability. ("You don't fool anyone in flight school and you don't make it.")

Major House is a bachelor, who is "married to the Corps" and whose social life is intertwined with his work in such a way that he is not personally affected by the type of discrimination that is sometimes directed at the young enlisted black Marine. ("Most of the places where they still discriminate against colored people are sort of grubby anyway, and when I go out I like to go to a place with a little class. That's why I usually go to the "O" clubs or to places where there is no question about whether I'm welcome.")

Although the major's personal life is not touched too often or too profoundly by what goes on "outside," he has some "very strong opinions" about the forces at work today in American colleges, universites and cities. He has not led a sheltered life. After his first hitch in the Marine Corps, he served for a time as a Los Angeles police officer, and was a member of the first suburban L.A. two-man "salt and pepper" patrol. He also flew a small, "non-sked" commercial air service in South America. ("But I got tired of winding up the plane.")

He sees a need for change in higher education and a new emphasis on the role of the Negro in American history, but he has some rather conservative ideas on how to accomplish these objectives. ("I think the black students at any good college in the United States could go to the administration and say something like 'Now here's an important Negro—an important American—and he's been neglected in the study of our history.' And I think that if they present their case properly and reasonably, that school would change its policy. Furthermore, I think a lot of important Negroes have been neglected. But when they start raving about African studies and taking over administration buildings to demand studies about spear throwers' cultures that's where we part company. My ancestors have been on this continent at least 300 years. That's a good, respectable American ancestry as far as I'm concerned. My roots are in America, not Africa.

"I was educated in a tough Roman Catholic school in New York City called "Manhattan College." Frankly, I was so glad for the opportunity to get an education that I just worked too hard at my studies to think about protesting college policies. In college, and in later life, I have failed or succeeded as a result of my own personal efforts, and not because of my race, or my friends, or my organization.

"Once a group of students did get together to protest the ban on smoking on the quadrangle at Manhattan College. When they returned to their dormitories, they found the rooms locked and their bags neatly packed outside. They were informed that they had agreed to the college rules before enrolling and their activities had indicated they no longer intended to abide by their agreement. Harsh, maybe. But I never questioned the justice of it.

"It appears that modern students either don't put much value on the opportunity for higher education, or they just don't believe the schools have any authority to do anything about their disruptive acts. In either case, I feel it's time the colleges clamped down and restored order.")

The major discusses patriotism as matter-of-factly as he discusses the aircraft-carrier landing problems of the old Vought Corsair. ("You couldn't see over the nose when she was level.")

He says that such men as Stokely Carmichael and Rap Brown have not only set the Negro back after the progress made under the leadership of the great moderates of recent years, but they have set back the cause of all Americans. ("I don't know where the proper place for these men is, but it is not in this country.")

Major House is no misty-eyed chauvinist, but he can say to a stranger in a manner that leaves no room for doubt about his sincerity, "This race business is bad for America. I want it resolved in the right way, the American way. People who use it to their own advantage—whatever their reasons—are selling this country short."

Major H. E. House, USMC, American, Marine, Negro, Roman Catholic, minority of one.

SELLING A "CLASH"

". . . Long before a coastal dusk settles on the 110,000 piney acres outside Jacksonville, N.C., two-man patrols with walkie-talkies move out over ground normally covered by only one sentry. Their M-14s each carry 10 rounds of live ammunition, double the usual sentry load. Special armed 'reaction squads' wait in barracks for an alarm to sound. At nightfall, Cyclopian searchlights burn in so-called 'drift areas'—wooded shortcuts. . . . etc., etc., etc. . . ."

Get the picture? The cover of the Sept. 26 "Life" hawks "Race Crisis in the Marine Corps." In the table of contents the reader is promised a story about how "Blacks and whites stand on the edge of open war in Camp Lejeune."

Setting the stage for the "edge" is the verse from the Marines' Hymn about the streets on Heaven's scenes being guarded by United States Marines.

The mother lode of poesy continues with the above-quoted imagery involving the settling of "coastal dusk" on "piney acres" and the burning of "Cyclopian" (one-eyed) searchlights in shortcuts.

You are now prepared, dear reader, to believe that a horde of marauding blacks—probably brandishing Zulu spears—will appear before the one-eyed searchlights to do battle with the double sentry-loaded walkie-talkie patrols.

You are prepared to believe that there are as many robbers as there are cops, that there is a bank robber for each guard, that for each pound of dirt there's a pound of Ajax. You, dear reader, have been promised the "edge of a war."

The "war," it appears will take place in "shadowy drift areas" where there have been "interracial assaults" for the past two years.

The Marine Corps mobilization for the edge of war took place only after a young Marine was killed in a tragic preembarkation brawl, the "Life" story goes. But the brawl did not take place in a drift area, and the weapon with which the unfortunate Marine was killed was not a Zulu spear, nor even a straight razor. It was a tree limb.

One wonders what conclusions the "Life" reporter would have drawn if he had witnessed a landing at Onslow Beach.

One of the two chief prognosticators of the impending "war," it seems, is a PFC with a cool attitude, an Afro haircut, and complete disillusionment with the Marine Corps. He gets along with some "white duds" and winds up "hooking with others," so he feels ". . . there's gonna be a bloodbath here someday."

The other is a "clean-cut, freckle-faced kid from Indiana" (another PFC), "who refuses to give his name" and hates Negroes. "Their turn is coming," he warns darkly.

A bunch of "them," it seems, stood in front of his car the "other night" at a drive in so he couldn't see. He asked them ". . . nice to move but that don't do any good with them." After reading about this incident—which is important enough to be related in one of the world's most widely circulated publications, one is inclined to hope that, during his military career, the clean-cut, freckle-faced kid is never put in charge of anything loaded.

(Where was "Life" magazine the time I got beat up by six white guys because I tried to make their dog spit out an innocent turtle it was carrying around. Those guys are in for a lot of trouble one of these days, too.)

The magazine has also noticed that a lot of black Marines are upset about the fact that the Marines have spent a good part of their existence fighting people "of color" "from China, the Philippines, Panama, Haiti, Cuba and the Dominican Republic." Apparently the reporter does not take into consideration that about three-fourths of the people on this globe are "of color." Sometimes it's either fight people of color or stay home.

To give credit where credit is due, however, it should be noted that the reporter diligently researched his remark that of ". . . 109 photos of individual Marines training, receiving awards, or engaged in sports competition in three recent issues of the 'Globe,' only one was of a black face." It certainly must have taken a good deal of valuable time to find three issues of the Globe that did not have a great number of "black faces" especially in the sports section where the Marine Corps' great Negro athletes always figure prominently in virtually every edition.

Of course, no piece of research is perfect, so we are inclined to overlook the reference to the Camp Lejeune "Globe" as the "Division newspaper." Strict adherence to facts is obviously not intended to be one of the article's stronger points, anyway.

As if it were not bad enough that three-fourths of the earth's population has been discriminated against and the writer claims he managed to dig up three "recent issues of the 'Globe' with but a single black face." One is faced with the clincher! Indeed, one can almost see the gleam of spearpoints in the glare of the one-eyed searchlights. "Then there are Southern accents of a great many Marine officers and noncoms," states one of the world's foremost publications!

And you never know exactly how you look to others. According to "Life":

"Jacksonville disturbs almost all Lejeune's Marines. It is not so much a city as it is a cash register ringing up its share of Lejeune's quarter-of-a-billion dollar annual contribution to the state's economy. While most merchants are reputable, neither Jacksonville nor other **service towns have zoning that considers the sensibilities of men who** have been recently shot at in Vietnam. Returned from dubious battle, they again become targets of ugly commercialism. Lejeune Boulevard leading to town is lined with used car lots, schlockhaus furniture stores, real estate operators, drive-in pawn shops. Jacksonville offers little more than credit buying at 18 per cent and unavailable go-go girls in the joints on Court Street. City fathers boast that there is no prostitution. This is small comfort to unsatisfied Marines who return to base feeling bullish and primed to take a poke at anybody, interracial or otherwise, who crosses them. In Saigon, at least, there was some action."

True, but someone's hostility is showing. Suppose all the words in bold face type were replaced with less emotionally toned words having essentially the same meaning?

Jacksonville disappoints many of Le-

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jeune's Marines. It is not so much an entertainment center as it is a retail center taking in its share of Lejeune's quarter-of-a-billion dollar annual contribution to the state's economy. While most merchants are reputable, neither Jacksonville nor other service towns have zoning that is entirely able to avoid offending some men who have been recently shot at in Vietnam. Returned from battle they feel they are subjects of an unappreciative commercialism. Lejeune Boulevard, leading to town is lined with used car lots, furniture stores, real estate offices, and one drive-in pawn shop. Jacksonville's attractions are credit merchandise at 18 per cent, the standard credit-card rate and go-go girls who are not prostitutes in the joints on Court Street. City fathers boast that there is little prostitution. This is small comfort to healthy young Marines who return to base feeling frustrated and therefore more likely to get into fights with anybody, regardless of race, who disagrees with them. In Saigon, at least, the go-go girls were available.

(Interestingly enough, a Washington Post reporter, who also became an expert on race relations at Camp Lejeune and in Onslow County within a couple of days, reached an entirely different conclusion about the availability of prostitutes.)

WHAT'S THE CONNECTION?

"Onslow County has a klavern of the Ku Klux Klan but it has no black deputies or highway patrolmen."

True. There is a klavern in the county, according to reliable sources, but what is the connection between the klavern and the fact that the county has no black deputies or highway patrolmen? Does the writer mean to imply that there is collusion among klansmen, deputies and highway patrolmen to make ". . . Onslow County . . . insufferable for blacks?"

If this was the writer's intent, he has succeeded in what he set out to do: To establish in his reader's mind the unwarranted conclusion that somehow the Ku Klux Klan works to keep Onslow law agencies lily white and all work together to persecute blacks. But if the writer had a shred of evidence to this effect, he would not have had to resort to the shabby trick of establishing a relationship by including them all in the same rather inane observation. He would quite obviously have taken great delight in telling all the world that Life had uncovered collusion between the klan and the law in Onslow.

A conscientious reporter would not assume racial discrimination from the fact that neither the Sheriff's Department nor the highway patrol has any black officers in Onslow County. He would ask the question: "Does either the Sheriff's Department or the highway patrol in Onslow County practice racial discrimination in carrying out the duties of enforcing the law and preserving the peace?"

A diligent effort to find the answer to this question would reveal that neither agency practices racial discrimination in the line of duty. Questioning reporters who deal with these agencies each day (and who are sometimes highly critical of them) would reveal that in the opinion of the reporters, deputies and highway patrolmen are not without certain faults, but racial discrimination in the line of duty is not among them. Onslow County Sheriff Thomas Marshall is not likely to hire a black deputy simply because he has been criticized for not having one.

Assignment of highway patrolmen is the responsibility of the state of North Carolina and not the county.

"There are no black firemen and no blacks working in City Hall. Only 30 are employed in Jacksonville's 145-man work force."

True. But this piece of coverage is, to be charitable, highly selective. The reporter delights in telling the world that the City of Jacksonville discriminates against black firemen, but does not choose to mention the Police Department's fine black officers, Joe Brackeen and Levi Simmons, who are a credit to their city, their department and their race.

Furthermore, the least bit of research into why there are no black firemen would show that blacks who can qualify as Jacksonville firemen can qualify as Camp Lejeune firemen with higher pay and Civil Service benefits.

The statement that there are no blacks working in City Hall is not only highly selective, it is false.

The use of the world "only" is, to be charitable again, highly selective, in relating the number of blacks in the city's "145-man work force." If this piece of reportage has survived the reporter's selective mortality rate and has retained some semblance of truth, it means that 28 per cent of the work force is black, a much higher percentage than the percentage of blacks in the city's population.

The random sampling technique—as used by Life to show the feelings of Marines and barbers about the racial problems of this area produced some rather bizarre accounts of what is going on in the area:

Thus the klan got credit—through an oblique quote attributed to a deputy sheriff—for a cross-burning effort that had none of the earmarks of that organization.

The cross-burning was botched so badly that there was talk of citing the local Ku Klux Klan for unklansmanlike konduct. According to authorities familiar with klan activities, flaming crosses are not "tossed on front lawns."

It is doubtful that what "Life" with characteristic hyperbole calls a "cross burning" is actually the work of the Klan, it is more like the work of children or pranksters.

Using the "Life" interview technique, this reporter learned from two young Marine hitchhikers that (a) Seventy-five percent of the 1st Battalion, 6th Marines is Negro; (b) the blacks are accumulating large quantities of weapons and ammunition for an eventual takeover of the Marine Corps; (c) that the bars on Court Street make Negroes more welcome than they make whites; (d) that there is a lot more such secret information I could get if I looked hard enough; (e) that young Marines take great delight in putting on reporters and seeing their names in print.

ONSLOW COUNTY, A UNIFIED PUBLIC SCHOOLS STRUCTURE

(By Skip Smith)

Onslow County has removed the "final vestiges of the dual racial structures from its school system, and the U.S. Department of Health, Education and Welfare is satisfied that the latest plan submitted by Onslow is a plan for total desegregation.

To accomplish this, the county has, since the Civil Rights Act of 1964, closed down two of its best schools—both all-Negro, and directed far more administrative effort to desegregation than to education.

The closing of Georgetown High School was deplored by the black and white communities alike. Georgetown once was the only accredited high school in the county (although accredited by the Negro accrediting association). It was representative of the highest hopes for the "separate but equal facilities" doctrine of the South. Few white high schools could equal Georgetown in library, laboratory, classroom, shop and athletic facilities.

And the "Mighty Georgetown Panthers" were something to behold. The first desegregated football crowds in the area were at Georgetown. It was a big school, and they played a better class of ball than the other teams in the county. State and regional championships came to Jacksonville regularly in the days of the Mighty Panthers.

"But the Panthers fielded their last team in 1965, and the night lights over Georgetown went out. There was an outcry, for a time, from some Georgetown graduates and Negro educators, but the transition to the other area high schools was fairly painless.

The Jacksonville High School coaches were happy to get the great Negro athletes of Georgetown, and the coaching of Gid Johnson, former Georgetown coach, has been a big factor in making the Cardinals a power in the state.

Probably the happiest result of the closing of Georgetown School (the 400-student elementary school was phased out last year) has been the coming of Onslow Technical Institute which will be designated a community college this week. Onslow Tech has a freshman college class right now. The school reaches about 8,000 students with vocational, technical and academic education.

With great respect for what was a great high school, it must be said that Onslow Tech will be of far greater service to black and white citizens of Onslow County than Georgetown School could have been.

It is too early to say what will be the result of the closing of the second school, Silverdale Elementary, in the Silverdale section of White Oak Township. The new (16 years old) school was closed this year because the desegregation plan would have cut the student enrollment so severely that the school would not even have been authorized a teacher for each grade.

So far the Silverdale closing has not "worked out" to the advantage of all, the way the Georgetown closing has. For one thing a brand new elementary school, Morton Elementary, was opened less than seven miles away, the year before Silverdale was closed. More than one irate taxpayer has questioned the expenditure of a half-million dollars on a new school while closing another a short distance away.

Negro parents of Silverdale students were puzzled and hurt at the implications. "Why," they asked, "couldn't the Silverdale school have been expanded? It was new and in excellent condition."

It appeared that the white people did not want their children to attend what had once been an all-Negro school, even though the whites would far outnumber the blacks and the school was new and clean.

Two Civil Rights field workers from the U.S. Office of Education, one black and one white, who had approved the Silverdale plan as proposed by the county Board of Education returned to Onslow County and appeared before the Silverdale parents. "Yes," the black Civil Rights field worker said, "your suspicions are well-founded. The white people don't want to send their children to a formerly all-black school . . . and they don't have to, because the school board has come up with a plan that meets the desegregation requirements. It is a good plan. Accept it. It will mean a better educational environment for your children." The people of Silverdale grumbled, but they accepted.

The black Civil Rights worker, holder of a PhD in Sociology and a former school district administrator, wore a large medal on a chain around his neck and an Afro-style shirt. The Silverdale parents wore conservative dresses and coats and ties.)

The Board of Education is now in the process of granting a request by Rev. Willie Green of Onslow County Fund Inc. to permit the opening of three classrooms at Silverdale School for adult education classes. The defunct school may be on the way to becoming a center of community life in one of the county's most remote rural areas.

While HEW has expressed satisfaction that the county has eliminated the "last vestiges" of duality, some black parents feel that the de facto segregation at the all-Negro Bell Fork Elementary School in Jacksonville is just as discriminatory as the forced segregation of the dual school system in years gone by.

The Board of Education points out that the Bell Fork school is filled to capacity and above by students who live in the neighborhood, as the all-white Northwoods and Parkwood Elementary Schools inside the city limits are.

The board also points out that the faculties of all schools are completely desegregated.

The Bell Fork school remains as the only unit that could bring the county face-to-face with the profound questions raised by busing and schools in which white children find themselves the minority race.

The county office reported all quiet on the desegregation front on the first day of school this year. There was, however, some dissatisfaction with at least one assignment to Bell Fork Elementary and some rather unfriendly words between a parent and a school official, but the issue was resolved peacefully.

During a period when literally scores of North Carolina communities voted down school bond issue referendums, Onslow County taxpayers voted to sell $4 million worth of bonds to build new schools. Most opposition to school bonds, here and throughout the state, was couched in terms of disgust with the high-handed tactics of HEW in telling local school boards what they can and cannot do with their schools.

Whether by design or not, the building projects have served as safety valves during Onslow County's transition from a dual to an integrated school system.

Characteristically, the "trouble" in the south has come when white students have been assigned to formerly all-Negro schools, when the better all-Negro schools have been closed down, when the ratio of black-to-white students in a school area became overbalanced on the black side, and when certain groups from outside took an interest and decided to exploit the situation.

Fortunately, Onslow has had very little outside agitation. The closing of the all-Negro schools has apparently been resolved satisfactorily, and in one case, to the advantage of the entire county. The building money has taken the pressure off the only possible trouble spot, the formerly all-Negro Woodson School in Richlands. The rambling, partially dilapidated Richlands School—grades 1 through 12—will be renovated and turned into an elementary school. The county has the money, thanks to the bond issue, to transform the Woodson School into what will be the new, modern Richlands High School. Formerly all-white Trexler Junior High in Richlands is totally desegregrated.

Ironically enough, a majority of the members of the Board of Educaton are willing to state publicly that they are against integration. In fact, some vowed in their campaigns for election to work to reverse the trend. Incumbents, who had seen the handwriting on the wall—and had seen it written by the hands of HEW officials—tried to explain, but to no avail.

The new men came to office with the largest chunk of money the Onslow school system has ever had at one time, a determination to halt the integration of the schools, and in some cases, instruction from their constituents to go after the head of superintendent of schools J. Paul Tyndall, who was suspected of collusion with the enemy (HEW).

Fortunately for the children of Onslow County, the new board was composed of five reasonable men. They too saw the handwriting on the wall, and they continued the work of making the transition from old to new.

The school board that "caught the most hell" of any school board in the history of Onslow County was composed of Dr. James Piver, chairman, Dan Rand, Elbert Barbour, Leon Rowe Sr., and Gene Ennet. Ennet, now chairman is the only survivor. The next board consisted of Ennet, Chairman Piver, Sam Brown Meadows, who replaced Barbour, Wilbur Banks, who replaced Rowe; and J. M. Horne, who replaced Rand. The present board—expanded to seven—consists of Chairman Ennet, Horne, Meadows, Banks, Clyde Hurst, Mrs. Louise Sylvester, and Herschel Brown.

The opposition to desegregation of schools in a county which conscientiously fulfilled its obligations under the "separate but equal facilities doctrine" has not been based upon race hatred, but upon a cherished tradition. There have been a few ugly incidents, but these have involved individuals and families, not large groups. There appears to be no polarization of strong racial hatred here.

Another ironic factor in the desegregation of Onslow schools has been the role of federal money. HEW holds the blade above the heads of local school districts which can lop off federal assistance in cases of noncompliance with the desegregation guidelines. Onslow County gets a great deal of money from the federal government for capital outlay, voag teachers, all kinds of visual aid equipment, library projects and many other uses.

The great need for this money and the "federal impact" money, which is supposed to compensate for the fact that a military installation is non-taxable but military dependents must be educated, has quieted many a voice raised in protest against what has been called "high-handedness" by HEW in desegregation policy.

Onslow County, with one of the best records for cooperation with HEW of all southern school districts, faces disaster in its school system this year, with an impending layoff of as many as 200 vital employees, because the current administration in Washington is withholding Public Law 874 (impacted area) funds as an economy measure. The economy measure, if enacted, will cost Onslow about $1 million in already-budgeted current expense funds.

[From the Jacksonville (N.C.) Daily News, Aug. 23, 1969]

SMILE, SAY SOMETHING CLEVER

(By Skip Smith)

Two young white men and a Negro tussle playfully on the sidewalk in front of a bar on Court Street. A police officer walks over briskly. The worried look on his face changes to relief and then to mild irritation as he recognizes the men.

"C'mon you guys. Knock it off," he says in the manner of a father correcting a trio of overly rambunctious sons. "You wanta mess around like that, go someplace else. You know what that can cause out here."

"Same old story officer," cracks a sidewalk loafer. "One black guy gangin' up on two white guys." The other sidewalk loafers, including the playful young men, all laugh and find some other diversion to pass the time on a slow evening in downtown Jacksonville.

A trivial incident, perhaps. Scarcely worth mentioning, except for some small humor from a sidewalk wag. But beneath the surface there is something ugly. There is fear of a racial flare-up.

Some of the fear is, no doubt well founded, and even justifiable. But a good part is the product of irresponsible sensationalism and plain laziness of newsmen who come to Jacksonville in the wake of a tragic death which resulted from a beer party at Camp Lejeune that got out of hand.

If there is no more major news of racial strife from Camp Lejeune during the next few weeks, it will not be because the news media has not worked at creating it. The major Washington newspapers, the Post and the Star have had their men on the scene. The New York Times has been heard from. Newsweek has given the situation at Camp Lejeune a half a page.

And now the Olympians themselves have come to Jacksonville and Camp Lejeune. Major television network cameramen and reporters have been working Court Street and the base, and the odds are pretty slim that they are doing a special on the chamber of commerce military affairs committee.

Cameramen invaded the cage of a go-go girl at Jazzland for some closeup art work, filmed the activity around the shops and bars of downtown Jacksonvile and even found time to record some of yesterday's Force Day ceremonies at Camp Lejeune honoring Lt. Gen. Richard Weede.

Hometown folks are getting interviewed. So get a haircut and wear a tie, and if a guy with a fat tie who looks like he has either given up barbers or is wearing his toupee backwards starts to question you about racial tension among the Marines in Jacksonville, be prepared to say something fit for national consumption.

One hopes the stories about rioters waiting around for the TV cameras to arrive before swinging into action are not true. It would be nice for the TV newsmen though, if after spending all that time and money they could take home something really interesting.

If they wait around on Court Street long enough they are sure to see a fight. But the hassle is more likely to be over some fancied insult between two members of different units rather than members of different races. When there is no one else available, Marines fight each other to keep in practice.

The stories about TV newsmen stirring up trouble are probably not true, but some newsmen from major newspapers have come up with some pretty fair substitutes for stirring up a little racial activity.

For example a Washington Post reporter quotes an anonymous captain—who has probably never been in a bar in downtown Jacksonville except as Officer of the Day—as stating, "A Negro Marine will be served in J-Ville's local bars, but the white waitress is likely to pour the beer on his lap instead of in the glass."

Waitresses of any color are likely to pour beer without regard to race, creed, or national origin in anyone's lap on Court Street, as anyone who does any active part-time bar-hopping in the hectic, crowded cabarets of this community will affirm.

The same self-styled expert says both Fayetteville and Jacksonville have the "usual string of used car lots, tattoo parlors and pawnshops, a shortage of nice girls and an abundance of prostitutes." Jacksonville, he notes, is inferior to Fayetteville, and Fayetteville is a "model of progress" compared to Jacksonville.

Tattoo parlors? Pawn shops? Prostitutes? There has not been a tattoo parlor in Jacksonville in nearly 10 years. The town has fewer pawnshops than any town this writer has ever been in. As for the prostitutes, and the shortage of nice girls, the Post reporter may have known what he was looking for, but one is tempted to suspect that he read about our town in the News and Observer and was never even here.

The Post reporter states the young Marines "swoop" to the large cities on the weekends to escape from Jacksonville. Young men who are close enough to their home towns to spend a few hours with their sweethearts and wives on the weekends would swoop from the Fountainbleu in Miami!

Sad to say, most large newspaper and wire service accounts of the situation at Camp Lejeune and Jacksonville, are written by "experts" who come for a few hours, strike up a conversation with some loafer and rep-

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resent his remarks as the gospel truth to the rest of the nation.

Sadder to say, this appears to be what far too many viewers and readers are willing to believe.

And a final observation: A Marine is neither black nor white, say those who love the Marine Corps. A Marine is green.

Fair enough. The chief industry of Jacksonville is Camp Lejeune. Most of the people who serve the Marines in Jacksonville and Onslow County are well aware they are serving a desegregated, green industry. Money is also neither black nor white. It is green.

A SEACAP OPERATION—244 INTO JOBS, JOB TRAINING

In a nine month period, beginning November 25, 1968 and ending August 31, 1969, SEACAP's Jacksonville Manpower Center has placed 244 formerly hard-core unemployed persons into permanent jobs or training leading toward permanent jobs.

At the end of August the Jacksonville Center's main placement categories for indicating participant status show that 50 enrollees were placed in Operation Mainstream, 26 in OJT (On-The-Job-Training), 47 in NYC (Neighborhood Youth Corp) and 70 in MDTA (Manpower Development and Training Act) classes. One person was still on Employment Trial and 50, who have successfully completed their employment trial period, have been terminated to permanent employment.

COMMUNITY COOPERATION

Mrs. Almita S. R. Woods, Center Director, stated that this story of accomplishment is made possible because of outstanding community cooperation. She had high praise for every member of the Jacksonville Center Staff, which she said works as a closely-knit team to enhance the employability of, and find gainful employment for SEACAP enrollees.

The Jacksonville Center is one of 4 Manpower Centers operated by SEACAP (Southeast Area Community Action Program), a private non-profit corporation under contract with the U.S. Department of Labor to alleviate unemployment and underemployment of disadvantaged citizens in 12 counties of South East North Carolina. The Jacksonville Center serves Onslow, Duplin and Pender counties. Central office of SEACAP is in Clinton, North Carolina. The other three Manpower Centers are in Wilmington, Lumberton, and Fayetteville. The operation of SEACAP is coordinated under A. J. Rauchle, Executive Director. SEACAP has a contract with the Employment Security Commission of North Carolina to furnish the manpower service necessary for an operation of this type.

Effort of personnel from the North Carolina Employment Security Commission, the local Community Action Program (Onslow County Fund), and the local Health, Education, Welfare and Law Enforcement agencies are coordinated by the Jacksonville Center into a team approach toward resolving problems of disadvantaged citizens, increasing their employability and developing jobs to assure permanent gainful employment suitable to their capabilities.

The Jacksonville Chamber of Commerce gives full cooperation to SEACAP and is presently assisting in organizing a Center Advisory Council. The Onslow County Planning Board and Neuse River Economic Development Commission keep the Center informed of new and-or expanding businesses in the area.

Service, business, and professional organizations such as Lions, Kiwanis, Medical Society, Pharmaceutical Society, Independent Garage Owners, Jacksonville Movers' Association, Cleaning and Pressing and others have endorsed SEACAP and many, through individual member firms, have provided employment and training for SEACAP enrollees. Onslow Board of Education, and church and school administrators cooperate with SEACAP. Films and maps are loaned SEACAP by the board of Education. Sponsorship of a Day Care Service to serve children of SEACAP enrollees and others qualifying for such service is under consideration by a local church. SEACAP enjoys excellent cooperation from the Onslow County Department of Social Services, Mental Health Center, Health Department, Onslow County Fund, Police Department, Jacksonville Daily News and every facet of community life.

COMMUNITY COLLEGES TRAIN ENROLLEES

Enrollees are trained in auto mechanics, brick masonry, carpentry, welding, plumbing, and cosmetology under State and Federal MDTA programs in cooperation with Onlow Technical Institute in Jacksonville and James Sprunt Institute in Kenansville. Others are trained in a variety of areas under Operation Mainstream, OJT and NYC components. The community colleges also provide basic education for MDTA, NYC and Mainstream participants.

OPERATION MAINSTREAM

Purpose of Mainstream under SEACAP is to provide opportunity for establishing good work habits while enrollee develops basic skill that leads to permanent unsubsidized employment at the Federal minimum wage of $1.60 per hour or more. Mainstream is designed for the chronically unemployed adult. Training under Mainstream can only be done with a public or private non-profit organization. The trainee is paid by SEACAP while the non-profit organization gives training and supervision. At the close of the training period, which can extend to six months, the trainee is ready for the competitive job market or, most desirably, is employed by the agency or organization which did the training.

On-The-Job-Training under SEACAP permits placement with nonprofit or profit making organizations. The trainee must receive a minimum wage of $1.60 per hour (as a full-time employee) from the firm with which he is placed. SEACAP provides up to $25.00 per week to the employer to cover cost of training and supervision of each OJT employee. Training period for an OJT employee may extend from a minimum of four to a maximum of twenty weeks, according to the extent and type of skill the enrollee must master.

A SEACAP OPERATION

SEACAP handles all administrative details leaving no burdensome responsibilities on the employer. At the close of the training period the enrollee is terminated to permanent employment.

STATE AND FEDERAL SUBSIDY

Training under MDTA may extend from eight months minimum to 18 months maximum, determined by the field of training and the standard curriculum for the training. Through State and Federal appropriations, SEACAP provides a small stipend of $29.00 a week plus $5.00 for each dependent and actual cost of travel, or five cents a mile. Before the training is completed, SEACAP's Job Developer develops a job for the enrollee so that he may move from training directly into employment.

NYC

The Neighborhood Youth Corps is designed to encourage continued education and to provide work experience for young people 16 to 22 years of age who, for various reasons, have not completed and are not attending high school. The enrollee may gain work experience in a public or private nonprofit agency while continuing his education on a part-time basis. He is paid at the rate of $1.40 per hour. Although SEACAP provides assessment and orientation for the NYC enrollees, the program is administered by Onslow County Fund under the NYC Director, Mrs. J. Sue Westfall and the NYC Out-of-School Counselor, Mr. George Tooks. Mr. Adam Mattocks is OCF Director.

HOW SEACAP WORKS

The hard core unemployed or underemployed are recruited from special target areas. They are provided counseling and medical examinations. Personality and work capabilities are evaluated by Job Counselors in a two-week assessment and orientation period during which time enrollees learn how to fill out job applications, how to seek and find a job, what community resources are available and how to apply for their services, what an employer expects of an employee and what the employee should expect of an employer, the importance of good personal hygiene, how to budget income, and everything about the world of work that can be as adequately covered as possible in a two-week period. If there are physical, mental or social problems which SEACAP cannot help the enrollee resolve, referrals are made to agencies or organizations that can help him. The enrollee is then assigned to a work experience component such as Operation Mainstream, OJT, NYC, special vocational training under MDTA, or is placed directly into a job on an employment trial basis.

A job coach is in constant contact with the enrollee, ironing out any misconceptions he may have of the job and-or the employer, and any misconceptions the employer may have of the enrollee and or SEACAP. The Social Services Counselor assists in resolving problems of child care, transportation, medical needs and, sometimes, has to help with improving family relations. When necessary, referrals are made to the Department of Social Services, Onslow County Health Department, Vocational Rehabilitation, Mental Health Center or other community service organizations.

It is the purpose of SEACAP to give meaning to "the policy of the U.S. to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity. . ."

The Jacksonville Center pleads with each employer to work with it toward these goals by providing at least one job for a SEACAP enrollee. Without jobs, poverty and crime will never be eliminated. Employment of a SEACAP enrollee means good business for the employer, new hope for the enrollee, less tax for the tax-payer and an improved and happier community for all citizens.

"THIS IS MRS. WOODS' OFFICE"

(By John Rogers)

You drive down a sloping, graded dirt and gravel road, pass the bread store, and stop in front of an unadorned block building with a simple sign "SEACAP" fastened a few feet left of the doorway.

As you enter a pert, polite, and attractive receptionist looks up from her typewriter and smiles.

"Mrs. Woods is expecting you," she says and rises from her chair. She leads you through a spacious outer office and down a narrow hall. All along the hall you sense an air of busyness and business coming from the cubbyhole offices and classrooms.

"This is Mrs. Woods' office," she says, excusing herself and you enter.

Mrs. Woods rises from her desk to greet you. She is a tall, well-proportioned, well-dressed woman exuding warmth and friendliness. She has the air of a college student rather than of a director of a large service organization, but as director of SEACAP (Southeastern Community Action Programs) for Onslow, Pender and Duplin counties, Mrs. Woods supervises a staff of about 20 persons

and administers a complex and demanding program.

In addition to being a woman holding what is usually a man's position, she is also a Negro. She believes that both being a woman and being black make her more effective.

Being a woman, she says, helps her to get through to more people.

"When a woman travels out in the country to talk to a man, no matter how crude that man may be, he'll listen to her and show her respect if she approaches him as a lady. A man doesn't have this advantage," she explains.

As for being a Negro she believes it has made her more sensitive to the feelings and needs of other persons and makes it possible to relate directly with the many Negroes who come to SEACAP seeking help.

"Understanding, feeling . . . it's not something you can really put into words. If I cut my finger you know that it hurts but you can't feel what I feel unless you cut yours.

"Being black . . . you can know that this can sometimes be painful but unless you are, you really can't know what it's like. I do, I understand," she offers.

Perhaps it is a heightened sensitivity to others, perhaps it is something else, charisma, whatever it is, Mrs. Woods has quite a bit of it.

The 18th of 19 children, she grew up on a large farm in South Carolina, was valedictorian of her high school class, graduated Cum Laude from Benedict College, Columbia, S.C., and earned a Masters degree from Atlanta University.

She worked as a school teacher in South Carolina, a public relations director in East Texas, a peacemaker in Chicago, a social worker in various capacities, and now is the director of SEACAP. The job is satisfying.

"I love my job, the work, the staff . . . these men and women, they are more than enthusiastic. They are dedicated to seeing that everyone who comes to us does get a job. They take it as their own responsibilities," she says with obvious pride.

She came by the job almost by luck . . . or perhaps it was fate.

"One of the staff here suggested I apply for it. I didn't really think I wanted it. I was working three days a week for the Mental Health Center and I told her 'I've been working all my life and this three days a week is just my speed now.' "

However, she did consent to allow Clinton (SEACAP headquarters) to consider her resumé and a short while later she, much to her surprise, was hired.

How Mrs. Woods came to Onslow County is quite a story all by itself.

After a stint of public relations work for Jarvis College in East Texas, Mrs. Woods took leave to return to Atlanta to complete her thesis and get her Masters. While there the school received an inquiry from Chicago seeking a qualified, experienced person to head an early prototype of a community action program. Mrs. Woods submitted her résumé and was hired immediately.

After five months that consisted mostly of organizations, she tackled a real problem. The University of Chicago was on the verge of annexing the primarily Negro community of Woodlawn. The residents were bitter toward the University. The University was baffled and stunned by the reaction.

"Situations like that are dangerous. On one hand it would be easy for the community to see me as a kind of Uncle Tom, and on the other the University could believe that I was primarily a rabble rouser," she explains.

Neither, however, happened. She steered the tricky course between Scylla and Charybdis, she believes by "talking and talking to people and looking them right in the eye all the time.

"Now the situation is much better. The university is helping the people. At one time Woodlawn had no public sanitation, no trash pick up, nothing. Now it is getting help," she says looking back.

Mrs. Wood went to Chicago in 1960 and left in 1967 because of a raincheck that was cashed in 1965 in Hawaii.

In 1960 Mrs. Woods was not Mrs. Woods. She was a widow. On a trip to South Carolina to visit a niece she was introduced to a "really good looking man" who asked her out to dinner. She declined.

Five years later, in 1965, while visiting the same niece, now married and living in Hawaii and about to have her first child, who should appear but the same gentleman.

"My niece's husband met him at the Staff NCO Club. He had just arrived in Hawaii and he invited him home for dinner. For the life of me I couldn't remember him until he got to the house.

"Aunt Almita! You owe me a rain check," boomed MSgt. W. M. Woods on arriving. For the next month the couple spent most of their time exploring Hawaii.

Upon returning to Chicago in February Aunt Almita found her apartment laden with valentines.

"We met during Easter in Los Angeles and met again in July to get married. And do you know what? He planned that wedding down to every detail. I didn't even have to do a thing except put on my gown. He even picked one of his friends to act as my father and give me away," she remembers.

And so MSgt. Woods, upon receiving orders to Camp Lejeune, brought with him the woman who is now directing one of this area's most promising and important agencies.

The Woods have just purchased a new house and are planning to make Onslow their permanent home, though Sgt. Woods left last week for Da Nang, Vietnam. He has 26 years of active service and plans to go for 30.

Although when she came to Onslow County it was to be a housewife, the habits of many years of work are not easily broken.

"I believe the more you are exposed to learning the greater your responsibility becomes to help human beings and to see all people as human beings. I have a deep faith in people and what it means to be human," she openly admits.

This belief in mankind and her conviction that it is important to help others reflects the person that is Almita Woods.

From her birth more than 50 years ago to the present, she has been immersed in the flavor of life and living.

She had 18 brothers and sisters, five were from her mother's first marriage, six from her father's first marriage, and eight from her mother's and father's union. It was a large, diverse, and happy family.

"I remember we had such good times," she recalls smiling. "We used to steal potatoes and bury them under the ashes in the big fireplace and cook them. Then we'd sit around. Then father would come in the room and sit down and start chewin' a big hunk of tobacco. Then spttttt, he'd spit all over our potatoes and we didn't dare say a thing."

As she tells the story she laughs and laughs. "Oh those were such good times."

The times that followed were tougher . . . the depression, sickness and death, the struggle against racial intolerance.

"I worked with Martin Luther King Sr. in Atlanta, served on Negro Welfare Committees in Texas, on the Urban League in Atlanta, and many other agencies," she says.

What she doesn't say is that in 1963 she was selected as one of the 12 most outstanding women in Chicago, she holds a citation from the American Friends Service Committee (Quakers) for a "job well done" in Dallas, Texas, a citation from the American Friendship Club for her work in Chicago, and numerous other honors.

Her record with SEACAP since assuming its directorship need be judged by looking no further than the outstanding record of the agency itself.

"You know, I never thought I'd decide to live in North Carolina, but here I am," she remarks cheerfully.

You drive up the sloping, graded dirt and gravel road and onto the paved highway. A young man with his hands in his pockets passed on his way down the road. He nods to you and you nod back. You almost stop the car to tell him he has come to the right place.

CALL FOR A VOTE AGAINST CONFIRMATION OF JUDGE CLEMENT F. HAYNSWORTH TO THE SUPREME COURT

(Mr. EILBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EILBERG. Mr. Speaker, I rise today to call upon the senior Senator from my State of Pennsylvania to cast his vote against confirmation of Judge Clement F. Haynsworth to the Supreme Court.

As a member of the Judiciary Committee of the Senate, that gentleman's vote carries a double value. I urge him to vote against Judge Haynsworth in his committee and, if necessary, on the floor of the Senate.

Now elevated to minority leader, the senior Senator's influence is considerable. While he launches diversionary attacks on the Democratic Congress, the gentleman's first hour of truth is at hand.

He spoke of "conscience" after his election by his colleagues and that is a matter of conscience but it is more. For certainly those who sit on the Supreme Court must be more virtuous than Caesar's wife.

It has been charged that Judge Haynsworth's business interests conflicted with his judicial responsibilities. Seeking to apologize for Judge Haynsworth, others have said no conflict of interest existed, but that Judge Haynsworth simply had made errors in judgment.

This is an outrageous defense. The business of the Supreme Court is judgment and errors in judgment certainly disqualify a man for service.

Beyond that, the controversy surrounding the appointment of Judge Haynsworth already has compromised the respect that must be held in the land for the Court.

For these reasons, I vigorously urge the senior Senator from Pennsylvania to use his counsel in urging the President to withdraw Judge Haynsworth's name. Failing that, I urge the gentleman from Pennsylvania to exercise his leadership to defeat the nomination in the Senate. It goes without saying that I urge the senior Senator to vote against the nomination both in his committee and on the floor.

The Senator from Pennsylvania serves the President, but he also serves the people of Pennsylvania and they have prior claim on his loyalty. The nomination of Judge Clement Haynsworth is clearly not in the best interests of the people of Pennsylvania.

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Mr. Speaker, I yield back the balance of my time.

CASIMIR PULASKI—SOLDIER OF FREEDOM

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, October 11, 1969, marks the 190th anniversary of the day on which the great Polish patriot, Count Casimir Pulaski, gave his life in order that our country might be free.

He was only 31 when he died on board the brig *Wasp* where he was removed after sustaining mortal wounds in the Battle of Savannah. Thus ended the life of one who was the embodiment of the best traditions of Polish chivalry and foremost in the ranks of those wholeheartedly dedicated to the cause of liberty.

Despite his youth, he had established a brilliant reputation in the field of cavalry, and was so thorough in completing the arduous task of reorganizing the American cavalry, that the book of drill regulations which he compiled still serves today as the basis of cavalry drills for the U.S. Army.

Pulaski first heard of the American rebellion against the British in Paris in 1776, and true to the words he had once spoken—

> Wherever on the globe men are fighting for liberty, it is as if it were my own affair.

This heroic Polish nobleman offered his services to our country.

He arrived in America in July of 1777 and Gen. George Washington immediately entrusted the command of our cavalry to him. Subsequently, Pulaski gave such distinguished service at the Battle of Brandywine and during other encounters with the enemy that the Continental Congress commended him for his efforts and rewarded him with the rank of brigadier general.

On this anniversary, it is especially fitting to remember Pulaski's courage in the face of tyranny, his patriotism, his warmth, and generosity, for all these are characteristics which the Polish people have demonstrated throughout centuries of strife and foreign domination.

In my own Seventh Congressional District of Illinois, which I am privileged to represent, hundreds of thousands of Polish-Americans reside. Therefore, I am particularly aware of these extraordinary characteristics of the Polish people and join my colleagues in the Congress in gratefully acknowledging the countless contributions with which our citizens of Polish heritage have enriched American culture.

Count Casimir Pulaski, of course, was among the first of the Polish people who served our Nation and aided its progress. Although he did not live to see America win her independence, his gallantry on the battlefield and his complete devotion to the cause of freedom helped our country in winning the ultimate victory.

Count Casimir Pulaski is remembered here today and is honored as a hero of two hemispheres—in one for his valiant efforts to prevent the partition of Poland—and in the other, for his outstanding contributions during America's war of independence.

This great man made the supreme sacrifice in the age-old struggle for freedom, and it is with a sense of real pride that I join my colleagues in commemorating the anniversary of General Pulaski's death.

CHANGE IN VOTING PROCEDURES NEEDED

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, I wish to advise the Members I am sending to the membership a suggestion for improving our voting procedures. I hope that you will give this matter consideration and I hope you will look at the Record today if you do not receive your letter. I hope you will examine my particular plan.

Mr. Speaker, the House truly needs to consider a change in voting procedures, and I herewith suggest a change that will help you in the performance of your duties. I have suggested these changes to the House Rules Committee.

Accepting that the present system of taking the roll is time consuming and subject to error, I suggest the following plan, in lieu of an electronic voting system:

When a yea-and-nay vote is called for, at the discretion of the Speaker, the Speaker may declare the standard present system of rollcall, or he may call for the special rollcall outlined below:

First. Upon the announcement of a special rollcall, the clerks shall lay out a suitable number of alphabetized sheets of paper—suggested, 10 legal sheets with 43 or 44 names each—with the Members' names printed in the left column, and then three blank vertical columns for aye, nay, and present. Each Member will then go forward to the clerk's desk to sign his name in the appropriate line and column, on which his name is located, according to his vote.

Second. Since 7 minutes is required to walk from the farthest point in the office buildings to the Hall of Congress, the list should be available for signature in 10 minutes from the first bells—or some specified time.

Third. After the time for signatures expires, the reading clerk will then take the lists and read:

> The following Members have voted "aye."

And then he will read the names in quick succession. Then he will follow the same procedure for the "nays" and the "presents."

This step could be eliminated, except that this completes the public record and allows other Members the opportunity to hear how others voted.

Fourth. Thereafter, the reading clerk will take votes from the well of the House from those who failed to register their votes on the lists, until all present are recorded, and the Speaker raps his gavel.

Fifth. While the reading clerk is taking votes from the well, other clerks are tallying the votes from the list—sheet by sheet, then totalled—then the Speaker will announce the results of the total vote.

Sixth. To differentiate a special rollcall from the standard rollcall, on the special rollcall two bells will be followed by a short pause and then two more bells, or if an automatic rollcall on a quorum, three bells will be followed by a pause and then three more bells. This will advise the membership of their time and procedure.

Seventh. If the same system were desired on a straight quorum call, the Speaker would so declare a special quorum call ,and then the special bells would ring, alphabetized sheets would be laid out and the membership would sign their names in the "present" column on the line designated by their printed name. After 10 minutes the Speaker or Chairman would direct the Reading Clerk to read the names of those who failed to respond to the registered lists—or this step could be dispensed with, since the presence or absence of the Members signing evidences their presence or absence. Then Members who failed to register could answer "present" from the well. The total process should consume 15 minutes, compared to 26 to 30 minutes under present procedures.

The advantages of this system over the present system are as follows:

First. Errors in voting and answering "present" would be reduced to a minimum, since the signature of the registering Member would attest his true position. For those who answer from the well, they would be close enough for the reading clerk to clearly hear their responses.

Second. The need for embarrassing calls to order would virtually be eliminated. These calls to order cast the Congress in a poor light with the gallery spectators.

Third. A Member would be sure that he is recorded correctly, and not have the need to later ask if he is recorded or how he is recorded. He will have signed his name in the proper column reflecting his position.

Fourth. Members who are already in the Chamber at the commencement of the voting will not have to wait until their name is reached before they can vote and thereafter attend to their business, or see a constituent, make a phone call, and so forth.

Fifth. Members coming to the floor will have the assurance that they can vote soon upon arriving at the floor, whenever they can affix their signature to the appropriate sheet. With 43 or 44 names to each sheet, over a 10-minute period, there should be virtually no waiting period. For example, this would be a great advantage for committees meeting during the session. A committee could be assured of resuming hearings or deliberations within 10 minutes after the first bells.

Sixth. A proven record will have been made by the membership itself, when all voting Members in the first 10 minutes have registered their votes. There can be little room for error for the journal clerks.

Seventh. At least 10 to 15 minutes on each rollcall or quorum call is saved by this procedure. At 10 minutes, for 435 Members, this is a savings of over 72 hours or nine 8-hour work days. Regardless of where the membership may be, and under the most extreme normal circumstances, he can be on the floor in 12 minutes. This rollcall would probably take 15 minutes at a maximum.

If you feel these suggestions have merit, I hope you will discuss the ideas with your colleagues, especially your friends on the Rules Committee, to see if an acceptable plan can be devised and implemented.

LEGISLATION REQUIRING ADVANCE REPORTING OF PROJECTED EXPERIMENTS IN WEATHER MODIFICATION

(Mr. MARSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARSH. Mr. Speaker, I am introducing today legislation to require advance reporting of all projected experiments in weather modification.

The bill also would establish a commission to evaluate attempts by governmental and private agencies to alter the weather by cloud seeding and other means, and to develop recommendations as to the regulation of weather control efforts.

There is growing concern, particularly among farmers, as to the effects of tinkering with the weather. The subject is little understood, and there are substantial differences of opinion among scientists as to the practical value of the methodology so far established.

An urgent need, Mr. Speaker, is for reestablishment of a reporting system. We had one, maintained by the National Science Foundation, but it lapsed last year. I am informed that there is current active interest within Government in the renewal of reporting requirements for weather modification experiments. To that end, the bill I am offering would assign responsibility to the Environmental Science Services Administration in the Department of Commerce.

The study to be undertaken by a National Weather Modification Commission would assess the state and prospects of weather modification experimentation with particular reference to the economy and the environment.

Various Federal agencies are engaged in experimental work, and there are private organizations in the field, including some which offer cloud seeding services commercially. The Commission proposed by the bill could provide the much needed coordination.

Legal problems, such as intrusion on air rights, and matters of international cooperation would be other proper concerns of the Commission.

Finally, the Commission would be expected to provide the President and the Congress with recommendations as to the extent and nature of regulation found in the public interest. This, of course, would be a matter for future legislative action.

Heads of Federal departments and agencies having an obvious concern with weather changes would be represented on the Commission, as would both bodies of the Congress and the non-governmental scientific community.

My principal concern, Mr. Speaker, is for prompt reestablishment of a reporting requirement in the matter of weather modification experimentation. I believe it logical, at the same time, to set up a coordinating agency with a view to placing in appropriate perspective the state of this art and reducing public misunderstanding and uneasiness about it.

INCREASE AMOUNT OF OUTSIDE EARNINGS ALLOWED UNDER SOCIAL SECURITY WITHOUT PENALTY

(Mr. STEED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEED. Mr. Speaker, I am today introducing a bill that would raise the amount those drawing social security under age 72 are permitted to earn without forfeiting part of their benefits. The bill would increase this figure from the present total of $1,680 per year to $3,000.

Under the present law, many are receiving benefits far too little to meet the basic cost of living. Among this group are substantial numbers who are both willing and able to do some work. But as of now they can earn only $1,680 without losing some of their annuities. This is a rate equal to only $140 monthly if a person works the entire year.

Thus the law penalizes those who are trying to help themselves. It also penalizes the community, by drastically limiting the services of this substantial group. By raising the limit to $3,000, which would permit a year-round earning at a $250 monthly average, we can open the way for these people to keep themselves out of the poverty bracket. This amount, plus their social security annuities, would enable them to make ends meet.

In 1968 alone, the Consumer Price Index rose 4.7 percent. And its rise is continuing this year at a rate even greater. The hardest hit by inflation are those elderly citizens who are on meager fixed incomes. The greatest increases are coming in the necessities of life—medical care, food, and clothing.

We all know how difficult it is to obtain reliable help in many low-paying small business jobs, especially part-time ones, in present economic conditions. This provision will make available more elderly people to help fill this need.

Under existing law those 72 and over have no limitation on the amount of their earnings, but the $1,680 figure applies to all others drawing social security annuities. From $1,680 to $2,800 annually an individual loses $1 in benefits for every $2 in outside earnings, while above $2,800 the loss is dollar for dollar.

I hope the Committee on Ways and Means will go into this subject when it takes up the need for revision in the social security laws.

MORATORIUM ON WAR RESOLUTIONS IS SUGGESTED

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, it is proper and essential that the Congress remain gravely concerned with the continuing problem of Vietnam and, in that concern, that the Congress hear and consider the voices and petitions of the people with regard to that problem.

It is imperative, however, that Members of the Congress do nothing, however unwittingly, that furthers the Communist effort against this country.

It is, therefore, essential that the Congress not forget the Communist objective nor the modus operandi through which the Communists hope to achieve that objective.

The objective is world domination. The modus operandi is what the Communists call "perpetual revolution" and "protracted conflict."

It is through this modus operandi that the North Vietnamese Communist regime and its Vietcong and National Liberation Front extensions in the South seek to gain by means short of total, modern war what they could not gain in such a direct conflict with the United States.

The prime tools for this Communist effort are: Limited aggression, guerrilla warfare, and outright terror tactics intermingled with agitation, propaganda, and political activity on a global scale.

Through this cynical blend of military action, professions of peace, and posturing of negotiation, the Communists seek to divide us—to wear us down—to fatigue us to the point where we will give them what they want; that, at the moment, is all of Vietnam.

In pursuing this course against us, they take maximum advantage of the full gamut of the freedoms which, guaranteed by the American system of government, are ruthlessly repressed by the Communist system.

I do not suggest that, because of this well-established Communist technique, we should, in any way, declare a moratorium upon those freedoms which, in the continuing great national debate over Vietnam, place greatest emphasis upon the fullest exercise of the freedom to assemble, speak, and petition.

I do suggest, however, that in consideration of these actions, the Congress cannot afford to appear to permit itself to panic, and, in so doing, accommodate the Communist objective.

The more irresponsible or reckless the demands, the more responsible and prudent must be the congressional reaction and conduct.

Consequently, I repeat my suggestion of last week that, in response to efforts to impose upon the President a time limit for withdrawal from Vietnam, we might better impose a limit upon the time our President feels impelled to be patient with the Communists who, up to now, have demonstrated contempt for his every effort to end the war with an honorable peace—a peace with which mankind can live. There is, however,

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some indication, now, that Mr. Nixon's policy and conduct may be causing them to modify their contemptuous conduct.

I would suggest, therefore, that we could do worse than to discipline ourselves with a resolution to end, at least for the moment, the flow of resolutions on "what to do about Vietnam."

I would remind my colleagues that it is much easier and, certainly, quicker, to run a resolution through a mimeograph machine than it is to find a viable solution to the Vietnam dilemma which, in the main, this flow of resolutions only compounds.

Like the President, the Congress has no reasonable choice than to remain resolved to contribute, not to defeat in Vietnam, not to surrender in Vietnam—not to the aid, comfort, and convenience of the Communist enemy—but to an end to hostilities commensurate with established American standards of morality and responsibility.

Every one of us in the Congress shares the burning desire of the people to end this most nightmarish and unpopular military effort in which this Nation has permitted itself to become embroiled. But every one of us in the Congress must also share the burning desire that it shall not be ended in the form of another Munich.

Let us not forget that the cost of that foolish effort to buy "peace in our time" ended with more than 50 million human beings killed in a global war—not on the battlefield alone, but in bombing attacks on cities and farms, in concentration camps, and in gas chambers and ovens under a maniacal Hitlerian tyranny with which, when it began, communism was formally and ideologically allied for the purpose of conquering the world and dividing the spoils.

Even as this was the well-recorded result of the original Munich, this, and worse, could be the result of the new Munich for which, however unwittingly, too many argue in their demands for unilateral American withdrawal from Vietnam in the misguided belief that such action might, indeed, prove to be the key to peace.

Even as Stalin, like his former ally, Hitler, was responsible for mass murder and genocide within his sphere of World War II control, so would the Hanoi-commanded Communists rush to do the same against the hundreds of thousands of North Vietnamese who have fled into the South in search of asylum from the Red tyranny which they suffered in the North. This is the asylum, the freedom, which we have guaranteed. These are the refugees from Communist terror who have believed us. These are the tragic human beings who have accepted our guarantee.

Even as the Communists would destroy these refugees so, too, would they destroy the hundreds of thousands of South Vietnamese who have resisted them, who have demonstrated friendship for Americans and belief in the American guarantee of security and freedom.

Then, with South Vietnam firmly in their grasp, the Communists would move into the new Vietnams which, in fact, they have already begun in Laos, Cambodia, and Thailand.

This is the Communist objective, this is the Communist modus operandi, with which our President is confronted even as he is further burdened by the unreasoned and unreasonable demands that he pave the way for that new Munich by surrendering to political expediency rather than standing on principle—the principle of freedom and honor.

This is the compounding of the basic problem of Vietnam which is being heaped upon him by the cries and the antics of thousands of malinformed, misguided, suspiciously led students who, to the delight of the Communists, prepare to contribute richly to the Communist objective and modus operandi on that defined as "Moratorium Day" next Wednesday.

On that day over which the Communists are already exuding great glee and to which they are giving active cooperation, any fool, any incompetent, any malcontent, any radical, will be able to rush into the streets to shout "peace," and "stop the killing," as long as he does it in the streets of America, where it is permitted—not in the streets of Hanoi, where it would result in instant annihilation.

On that day, in America, such conduct will be globally reported without the activists having to account for the consequences of what would follow the unilateral withdrawal from Vietnam for which they will be demonstrating.

But it will take a man—a statesman—to stand up in Congress, and in the White House, to resist that which, however sweet sounding, would, by no means, really be "the easy way out." Quite the contrary: such a precipitous action would, in all reality, be the fast way into a whirlpool of a second Munich and the nuclear age consequences from which mankind might never emerge.

It is this which, in all respect, I commend to the attention, intelligence, and consciences of my colleagues and, in turn, to the American people whom we represent—and whose security and interest we are sworn to protect and defend.

VIETNAM

(Mr. WEICKER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WEICKER. Mr. Speaker, I would like to refer my colleagues to a statement Democrat Senator Frank Church made on the floor of the U.S. Senate last week:

> After all. Democrats in the White House led this country into Vietnam. If President Nixon fails to lead us out, it may become his war, but it is not Nixon's war yet. For eight years we, Democrats, bore the responsibility. Now, we must wear the hair shirt longer than eight months. Quite apart from what our personal positions may have been, we are not yet entitled as a party to hold the Republicans to account.

And yet, of course, this is exactly what the Democratic Party is attempting to do in 1969.

Make no mistake about it—the American people rejected the possibility of war in 1964, and the actuality of war in 1968.

In representing my district, I intend to use all my energies to see to it that our young people do not continue to pay the price for past legislative silence and executive error.

Now it is easy enough to blithely go on to the problem of how many troops do we withdraw and how fast, but the fact is that Richard Nixon set up and put into motion without fanfare the machinery for peace. Very simply what used to be national rumor has been replaced with national policy. I would like to point out to the Democratic Party that for the very reason that they cooly, calmly, and surely put us into a war in Vietnam means that hysteria is not going to get us out. Steady hands securely tied the knot of war and steady hands are going to be required to unravel it.

I am more committed than ever to the disengagement of American land forces from Vietnam, and I think it is the job of this Congress to see that the President neither fails nor falters in continuing what he has started. But I can tell you what I am not about ready to do and that is to listen again after 8 months to those that gave the advice to America for 8 years. I saw 8 years of increased draft calls. I saw 8 years of increased troop commitments. I saw 8 years of increased casualties.

The fact is that now I see men returning from Vietnam—I see draft calls canceled—I see draft reform proposals—I see cutbacks in defense spending—I see declining casualties.

You and I both know that there is another side to the coin. For every man that would like to make this Mr. Nixon's war politically, there are people who would like to make this Mr. Nixon's war realistically. In an era of extremes, that makes the role of reason the most difficult and is why the President's program of disengagement should be encouraged.

POSTAL REFORM

(Mr. LANDRUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDRUM. Mr. Speaker, I was privileged to be one of the early sponsors of H.R. 11750, a bill which would make historic changes in the organization of the U.S. Post Office.

This bill attempts to give the Post Office a more manageable structure by converting it to a Government-owned corporation, operating under the broad policy direction of the Congress.

Some months have passed since the introduction of that bill, and I feel compelled to restate my convictions on the urgency of coming to grips with the serious problems which beset this department.

The Post Office is perhaps the best example in Government of an organization out of the past attempting hopelessly to deal with the larger, more complex demands of today.

Every credit must be given to the thousands of dedicated and hard-working postal employees. Were it not for them the system would not perform nearly so well as it does at present. But they are unable by themselves to overcome the serious obstacles the system places in their paths.

One does not have to be a postal expert to determine that the Post Office Department suffers serious problems. Its plant is sadly deteriorated. It does not have funds to purchase sufficient mechanical mail handling equipment already available on the market. Its employees often work under deplorable physical conditions, and under personnel policies that are decades behind the times. The Department's inefficiencies are widely known and documented, and it loses over $1 billion a year.

On top of all this, mail service is neither fast nor dependable.

Despite the increased use of electronic communications, and talk of using satellites for mail purposes, the hard fact is that the postal service is not a dying industry. Mail volume is booming—expected this year to reach an unbelievable 82 billion pieces. And a steady increase is predicted for the next decade.

While the productivity of workers in industry increased steadily in recent years, that of postal workers remained static; in fact, it has declined somewhat—due mainly to lack of mechanization.

We are confronted with a case of decreasing productivity and increasing mail volume—a recipe for disaster if I ever saw one.

Delays and breakdowns constantly threaten the mails. A complete breakdown in service did in fact occur in 1966 in one of our largest cities, causing severe economic damage and personal hardship. Similar breakdowns could occur at any time in many of our major post offices.

What is wrong with the U.S. mails?

The central problem, in my judgment, is that Congress holds management prerogatives which rightfully belong to the management of the post office. Congress is deeply involved in setting wages and benefits, in establishing postal rates, and in determining capital investments.

Without management authority in these vital areas, the Postmaster General and his staff can do little more than administer; certainly they cannot manage in the truest sense of the term.

This bill—basically—is an attempt to make the Post Office Department more manageable—to give it a management structure similar to those found in the Nation's most successful service enterprises.

This structure would consist of a board of directors, appointed by the President to serve part time. It would include a professional management, insulated from politics, to give the system a continuity it has which has been missing in recent years, as six different Postmasters General have held the office in this decade alone.

Provision is made for collective bargaining, to enable the employees to share in savings which might accrue from the creation of a corporation. Provision is made for a panel of full-time rate commissioners, independent of operating management, to consider postal rate adjustments, hold public hearings, and make recommendations to the board of directors. The board's decision on rate matters would be subject to congressional veto. Finally, and most importantly, it would authorize the Postal Service to raise money for new buildings and equipment by issuing public bonds.

Employees would be protected. They would retain their participation in the civil service retirement plan, and their veterans' preference and other benefits will remain the same or be improved. Indeed, postal employees may be the greatest beneficiaries of this plan.

The Postmaster General has assured the Congress of his conviction that the Postal Service, under this plan, can be operating on a break-even basis within 5 years, without any substantial reduction in the scope of present services. Indeed, he has promised a higher quality of service.

One of the bill's most important features, in my view, is that it clarifies and separates the confusing lines of responsibility which currently exist in this department between the Congress and the executive branch. Congress is so heavily involved in the details of postal affairs that it might legitimately be said that the Post Office is managed by legislative action.

I submit it would be far more preferable for the Congress to establish broad policy guidelines for operation of the Post Office, and retain responsibility for oversight of its operations, while leaving the actual day-to-day management of the postal system in the hands of postal officials. This is basically what H.R. 11750 proposes.

One cannot help but note the broad public support this bill enjoys.

Editorial support has been overwhelming. The Post Office claims that out of 275 editorials it has collected, 252 have been in favor of the bill, and 23 against.

Those Congressmen who have polled their constituents on this matter have almost without exception found respondents to be strongly in favor of the bill.

The surveys of the business community, particularly by the Chamber of Commerce of the United States, indicate business strongly favors the corporation concept.

The American people are behind this bill. If we fail to act responsibly in this matter, if we ignore broad public interest in this bill in favor of narrow, special interests, we will have to answer to the American public on this question.

I recognize this bill is not perfect. The Congress will want to make changes and improve on it. But in my judgment, this is the finest, most sensible solution to come forth to date, and Congress should give it the serious consideration it deserves.

Britain recently turned its mails over to a corporation. Germany has an organization very similar to a corporation in charge of its mail system. And Japan has a proposal before its Diet for a postal corporation. This important new concept for handling the mails is spreading. I urge the Congress to move in all due haste to authorize the U.S. Post Office to take this progressive step.

Only in this way can we assure that our postal system will measure up to the highest standard in the world—the American standard.

OLD CAPITOL: EMINENCE TO INFAMY

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, on Tuesday evening, September 23, 1969, I attended the seventh annual meeting of the U.S. Capitol Historical Society. Under the guidance of our able and energetic Congressman, the Honorable Fred Schwengel of Iowa, its founding president, this unique organization has become an integral part of Capitol Hill, performing a variety of excellent services for the Congress and the public. I was privileged to speak to this group briefly along with the distinguished Senator from Oregon, the Honorable Mark Hatfield.

The principal speaker at Tuesday's meeting was Dr. James I. Robertson, Jr., professor of history at Virginia Polytechnic Institute, in Blacksburg, Va. A prolific writer and articulate spokesman, Professor Robertson served as executive director of the U.S. Civil War Centennial Commission and is the author of several Civil War books and articles. His talk on the Old Capitol, which accommodated the House and Senate during the years 1815–19, and later served as a prison during the Civil War, highlights a much neglected part of the Capitol and the Congress' history. For this reason, and because it should be of interest especially to the present Members of Congress, I include his remarks at this point in the Record:

Old Capitol: Eminence to Infamy

(By James I. Robertson, Jr.)

Historically speaking, no building in Washington ever had a more contrasting sixty-year life of fame and infamy than Old Capitol. Certainly none ever began on a note more hallowed—or ended on one more horrible. In this sense, the building that stood at the northeast corner of First and A Streets epitomizes the tragedy to the Union of the American Civil War.

The story begins in August, 1814, when English soldiers burned the U.S. Capitol. For almost a year thereafter, the Congress was left homeless. Yet a combination of public patriotism and private enterprise soon went into operation. Thirty-eight public spirited citizens banded together into a corporation, sold $17,362 worth of stock, and commissioned the construction of a building that would provide at least temporary quarters for the two houses of Congress. The site chosen was a block east of the charred timbers of the Capitol.

In July, 1815, workmen began demolishing the Tunnicliff Tavern, which stood on the lot; and in the incredibly short period of six months, the largest privately constructed building in Washington was completed. Total cost of the brick structure was $25,000, exclusive of $5,000 which the Federal government contributed to furnish the interior in a reasonable eloquence befitting the Congress. The Senate Chamber, 45 by 15 feet, dominated the first floor; the House Chamber, 75 by 45 feet, occupied the center portion of the second floor. For these quarters,

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the government paid an annual rent of $1,650.

The building served as the nation's capitol until 1819, and it was on the steps of this imposing structure that James Monroe was inaugurated fifth President of the United States. After Congress returned to its renovated headquarters across First Street, the still-new building that had been its home became known out of distinction as "Old Capitol." It was used thereafter for a time as a school; by the 1830's, however, it was Mrs. H. V. Hill's fashionable hotel. So many politicians (plus "dashing young men and transient bachelors") frequented the establishment that it was known popularly as the "Congressional Boarding House." It was there, in the summer of 1850, that the inimitable John C. Calhoun died.

The boarding-house soon closed and for a decade remained unoccupied. When the Federal government in 1861 confiscated the building for use as a prison, it possessed little vestige of past grandeur. "Decayed walls, broken partitions, and creaking doors and stairways" were its leading characteristics. One writer of that time referred to Old Capitol as "a vast brick building, somber, chilling, and repellent;" another noted that because of its dingy, timeworn condition, it "closely resembled the Negro jails in Richmond."

Why authorities selected a rundown structure only a block from the Capitol as the site for a prison remains a mystery. In any event, the government also purchased a series of nearby houses known as "Duff Green's Row," renamed them "Carroll Prison," and made these buildings an annex to the old boarding-house. Enclosing the other two sides of the square with a twelve-foot-high wooden fence completed the compound known thereafter as Old Capitol Prison.

Composite accounts by a number of inmates provide a rather detailed picture of Old Capitol and its adjunct buildings. Dominating the whole complex was Old Capitol itself. The main entrance, on First Street, led into a large hall that served as a guardroom. To the right, off the hall, were two rooms used for searching and interrogating all incoming prisoners. To the left of the hallway was a "dirty, dismal" room that constituted the messhall. It was noted more for its filth than for its cuisine. The principal stairway was at the end of the hall. On the midway landing of the steps was a single office occupied by the prison superintendent.

The second floor contained five rooms (Numbers 14–18) created from the former chambers of the Congress. Incarcerated Federal officers occupied one of the cells; recalcitrant Virginians were in three others; and the central room, Number 16, was reserved for influential political prisoners and noted for the large arched window situated over the entrance on First Street.

According to one embittered inmate, the small rooms were filled with three-tiered bunks along the walls and "filth of every imaginable kind, and entirely destitute of any furniture or other accommodations indispensable to the humblest cabin." This is exaggeration, for each room contained what another prisoner termed "pine tables, chairs, benches, and other home-made apologies for seats." The bunks were so constantly invested with vermin that prisoners customarily slept on the tables and floor.

The third floor of Old Capitol was either an after thought or an attic. The rooms were exceedingly small and low-ceilinged. Ventilation was poor; mold, must and heat were oppressive; and when ten men were not jammed into one of these five-bunk rooms, the quarters were used as solitary confinement cells. Beneath Old Capitol was a two-roomed basement used initially to house Confederate soldiers captured in battle. In December, 1862, the Southerners were moved out and the rooms permanently converted into laundries.

Behind Old Capitol was a yard intended to provide ample space for exercise. However, transfer of Confederate prisoners to this area during periods of overcrowding made it one of the least enjoyable spots in the prison. Half of the yard was paved with cobblestones; the other half varied between a dustbowl and a quagmire, depending upon the weather. On the opposite side of the yard was a two-story wooden building that housed the hospital and apothecary. Next to it—in flagrant ignorance of sanitation—were the "sinks," as latrines were then called.

The sinks, wrote one prisoner, "consisted of wide trenches, partially covered over, but open in front, with long, wooden rails, on which the eighteen or twenty persons using them were obliged to stand. The accumulated excrement—for months, of several hundred men, many of whom were suffering from diseases of the intestines produced by these sinks—sent forth an offensive effluvium that poisoned the atmosphere of the whole prison, and disgusted the sickened senses of its inmates." Another prisoner described the situation more succinctly: "The presence of these sinks . . . did not contribute to the beauty of the scenery or add sweetness to the tainted air."

What set Old Capitol apart from all other prisons of the Civil War was not its location, background or facilities as much as it was the indescribable heterogeneity of its prisoners. No stranger conglomerate of people ever occupied the same compound. Inmates covered the full range of humanity: male and female, black and white, young and old, soldier and civilian, millionaire and vagrant, the brilliant and the retarded, the sadistic and the senile, as well as the guilty and the innocent. That each of the above classes received basically the same treatment in Old Capitol explains why the prison was continually likened to the infamous Bastille of the French Revolution.

Originally, Old Capitol was intended only for prisoners of war; and while Confederate soldiers always formed the largest block of inmates, the prison came to be the chief depository for political offenders (so-called "suspects and enemies of the state"), plus smugglers, kidnappers, counterfeiters, bounty-jumpers, Negro contraband, and Northern soldiers accused of major crimes.

Indeed, a sampling from the Prison's records of charges filed against persons confined in Old Capitol runs the full gauntlet of misbehavior: bushwhacker, contrabandist, guerrilla, carrying goods South, disloyalty and stoning guards, rebel spy, awaiting sentence for treason, dealer in Confederate money, murdering and robbing Federal soldiers, kidnapper, furnishing information which led to the murder of Union pickets, deserter and spy, persecuting Union men, refusal to take the oath, abusive language, damaging Long Bridge, burning commissary stores, aiding and piloting deserters, burning barges. Others were arrested on hazier charges: suspicious character, a crazy wanderer, showing "secesh" sentiments, a "rabid rebel." Beside the names of many prisoners was a simple notation: "Committed by Sec. of War."

In March, 1862, fifteen women were listed among Old Capitol's inmates. Two of them had been jailed for being "notorious prostitutes." Conversely, when in September of that year 170 Federal deserters were brought to Old Capitol, the prison superintendent exploded with rage. "G-- ---- them!" he shouted to the guards. "Take them down to the Navy Yard, and shoot every ---- son of a ---------- of them!" Fortunately, higher authorities intervened before the order could be executed, and the soldiers were admitted to the already-crowded prison.

Probably the most pathetic of Old Capitol's occupants were persons arrested for voicing political opinions contrary to those of the Lincoln administration. A Virginian so imprisoned noted: "Many persons confined here were arrested, robbed of everything they possessed, and kept merely on suspicion for weeks and even months, without examination or trial, and sometimes, after an examination and no proof of charges, being still detained."

Another writer commented: "Hundreds of persons were subjected to military arrest and detention without formal accusation or trial. It was an easy, though illegal, way to render them harmless, and whenever further detention became useless, military commissions released them informally without establishing their innocence or their guilt. That their constitutional civil rights were violated was officially neither of concern nor [of] consequence."

Numbered among this group was a fifty-seven-year-old New York farmer named Joseph Kluger, who was sent to Old Capitol in 1862 for stating publicly that "Lincoln had no right to call out 75,000 troops without first convening Congress, and that if the South had her just dues there never would have been a rebellion." A Lieutenant McClune of the 135th Pennsylvania Infantry was confined in Old Capitol for four months because he voiced disapproval of the Emancipation Proclamation. Dennis A. Mahony an outspoken newapaper editor in Dubuque, Iowa, spent a good part of the war in Old Capitol as a result of his strong Democratic editorials. He was never arraigned or tried.

Mahony, who termed himself "a victim of partisan malignity, and of the despotism of Abraham Lincoln," wrote dejectedly in his diary in mid-September, 1862: "Every effort the State Prisoners make to have their cases heard seems to be futile. There is an evident determination on the part of those who have assumed authority in the matter to give no satisfaction to the prisoners, nor to give them the least opportunity to be heard in their defense. A reign of terror and of despotism is as firmly established here as in any city on the globe."

In the case of one political prisoner, the results proved disastrous for the Lincoln government. James W. Wall was a popular but Democratic political leader in New Jersey; and when he appeared to be gaining too much influence in the approaching elections of November, 1862, he was arbitrarily arrested and thrown into Old Capitol. Incensed New Jerseyites responded by electing a Democratic governor, Democrats to four of five congressional seats—and, after Wall's release, sending him to the U.S. Senate.

Old Capitol always had more than its share of strange and unique prisoners. Two inmates were kept in solitary confinement most of the time because each was completely insane. Mrs. L. A. McCarty of Philadelphia was arrested when she was discovered promenading on Washington streets while dressed as a man. (How this transvestite fared in Old Capitol is not known.) Another prisoner was John W. Smith, a roving eccentric known as "The Wandering Jew." He was over sixty-five years of age, blind in one eye, and apparently without home or friends. An inventive man who tinkered with contraptions, he developed the fundamentals of a timebomb—and went to Old Capitol as a result of it.

A Confederate sympathizer named Mrs. Baxley spent considerable time in Old Capitol. She was noted for her constant assailment of any and all guards who came within striking distance, and of the barroom tactics she employed in her many fights. A fellow inmate was Louisa P. Buckner, niece of Postmaster General Montgomery Blair. Miss Buckner was briefly detained on charges of smuggling quinine into the Confederacy. It was not uncommon for women and their young children to be clapped together into cells. Many were imprisoned for simple refusals to take the oath of allegiance.

Special mention must be made of the two

most celebrated prisoners in Old Capitol's history. Both were female, and both were acknowledged Confederate spies.

First of the two to be imprisoned was Rose O'Neal Greenhow, widow of an influential Washingtonian who had been a confidant of James Buchanan, John C. Calhoun and others. Mrs. Greenhow was forty-four and the mother of four daughters when the Civil War began. Few espionage agents in all of American history possessed more skill, or more political influence, than she. Congressmen, high-ranking army officers, and officials in every branch of the government were frequent guests in her elegant 16th Street home. They also and unknowingly were reliable sources of information for the enemy. The secrets that Mrs. Greenhow relayed to the Confederacy in the summer of 1861 enabled the South to win a smashing victory in the war's first major battle.

Secret Service agent Allen Pinkerton was then assigned to keep the widow under surveillance. Pinkerton soon reported that Mrs. Greenhow had "alphabets, numbers, ciphers, and various other ways of holding communication with the Confederate officials." On January 18, 1862, she was arrested and conveyed to Old Capitol. During her seven-month stay in the prison, she and her young daughter were the center of attention of guards and prisoners alike. Mrs. Greenhow was then banished from Union territory. She spent most of the ensuing two years in England on behalf of the Southern cause. During that time, she allegedly turned down a wedding invitation from the eminent Lord Granville.

On October 1, 1864, Mrs. Greenhow was en route home aboard a blockade-runner when a Federal gunboat intercepted the ship off the North Carolina coast. Mrs. Greenhow attempted to get ashore in a dingy; but high waves overturned the craft and she drowned at sea. Her body was later recovered and returned to Washington, where it was buried with military honors.

Carl Sandburg wrote of Mrs. Greenhow that she was "a tall brunette with slumberous eyes . . . gaunt beauty, education, manners and resourceful speech. . . . Her proud loyalty to the South and her will and courage set her apart as a woman who would welcome death from a firing squad if it would serve her cause."

Certainly Mrs. Greenhow's audacity was incalculable. Once, while sending secret messages to the Confederacy, she at the same time was pleading for the promotion of her son-in-law, a captain in the Union army!

The second noted Confederate spy confined in Old Capitol was the "Siren of the Shenandoah," the legendary Belle Boyd. A native of Martinsburg, Va., and daughter of a Confederate officer, she first attracted attention when she killed a Federal soldier who attacked her mother. Thereafter, Belle rode constantly through the Shenandoah Valley and gathered valuable information for General "Stonewall" Jackson. Late in July, 1862, Belle was finally captured; and Federal authorities wasted no time in dispatching her to Old Capitol.

She was then but nineteen. It would be dramatically fitting if one could compare Belle in appearance with Raquel Welch, Sophia Loren or Lana Turner. In truth, she had a marked resemblance to Judy Canova: slim build, sharply cut features and oversized teeth. Belle's first stay in Old Capitol lasted three months. While there she "played her role of Southern heroine with zest" by assisting three prisoners in a successful escape. She became "the darling" of the prison—so much so that confinement for her was practically a holiday. Food, attention and affection were showered upon her by all; and upon Belle's release, inmates took up a collection and bought her a gift which a Confederate officer presented to her weeks later in Richmond.

Following the battle of Gettysburg, Belle was again arrested and sent to Old Capitol. She spent seven months there under sentence of death, but then was exchanged for General Nathan Goff. Like Mrs. Greenhow, Belle was eventually exiled from the North. She married a Federal officer and ultimately moved to Wisconsin, where she died in 1890. She was given a military funeral—not by Southerners but by men and sons of men who had fought for the Union.

Of this remarkable young woman, Old Capitol's superintendent commented: "She was a good talker, very persuasive, and the most persistent and enthusiastic Rebel who ever came under my charge." Yet a Baptist minister confined near her in the prison observed: "I cannot help admiring the spirit of patriotism which seems to control her conduct, although much of romance is no doubt mixed with her patriotism."

Before describing life inside Old Capitol, one must bear in mind two unalterable facts about Civil War prisons: 1) the great majority of surviving accounts were written by inmates, not administrators, and hence are overly biased; and 2) prisoners in any institution tend always to exaggerate their misery. Old Capitol's political prisoners, most of whom were there because of inflammatory writings or vociferous speeches, naturally were inclined to give the most outspoken and dismal picture of their situation. These factors notwithstanding, Old Capitol still left something to be desired.

"In gloom and filth and discomfort," the prison truly "belonged to an ancient tradition." Owing to constantly crowded conditions, individual privacy was out of the question. Prisoners were normally packed into rooms with twice as many people as each room was supposed to hold. Newspaperman Mahony once moaned: "Nothing but the Providence of God preserved the prisoners from the natural effects of the filth, heat, and their crowded contact with each other."

Furniture was sparse and crude. Bunkbeds consisted of straw thrown atop boards cut more to the measurements of midgets. Vermin and spiderwebs graced every nook and corner; the strong odor of human excrement permeated the whole compound. The only diversions available to the prisoners were card-playing, letter-writing, smoking, singing, and whatever horseplay men might devise. "The worst misery in the Old Capitol," one writer has concluded, "was the helplessness and uncertainty which made the men . . . dull their minds with endless games of bluff poker, and toss wakefully at night on their shakedowns . . ."

A typical prison day began at dawn, when guards unlocked room doors and announced breakfast. Prisoners then tramped to the first floor messhall, which a Virginian described as "a long, dirty, gloomy-looking room, with nothing in its appearance to tempt the appetite." The food, he added, "looked as though served at second-hand. The odor which assailed the nostrils seemed as if coming from an ancient garbage heap. Judge Andrew D. Duff of the 26th Judicial Circuit of Illinois never forgot his first meal as a prisoner in Old Capitol. He termed the messhall a *"hog-pen,* a place where several hundred prisoners rushed at meal-time to satisfy the cravings of hunger." Judge Duff was unable "to bear the stench of the place, and the sight of the disgusting mass of half-putrid meat."

Civilian and political prisoners were of one voice in damning the food issued at Old Capitol. Dennis Mahony reported a breakfast as consisting of "a plate of the same crackers which had been furnished the night before—a piece of what we call mule beef, and which we seldom eat, . . . camp knives which stain anything they touch, forks to match, and a teapot of what is called coffee, but which looks as if the coffee-slops of some hotel table were all put together and boiled over." Another prisoner described prison fare as bread, pork and beef. "The pork was of poor quality, and was made worse by being badly kept, and illy cooked. The beef . . . had the appearance . . . of a piece of thick sole-leather, steeped in grease . . . Those who had good teeth might masticate it, with an effort, but even then they could not swallow it."

Mrs. Greenhow once characterized a chicken dinner as "fowl which must have been the cock that crowed thrice to wake Peter," and years after the war, her daughter remarked: "I do not remember much about our imprisonment except that I used to cry myself to sleep from hunger."

After the morning meal, prisoners returned to their rooms. Other than sick call at 9 a.m., the inmates had nothing to do until lunchtime. The same quality of rations was distributed at noon. Then followed a thirty-minute period in the yard for exercise and fresh air. Yet, one inmate noted, the yard was generally so full of the tents of Confederate prisoners of war "that all the recreation which could be indulged in was to gather in a crowd together, and elbow one's way through it."

On August 15, 1862, civilian George H. C. Rowe of Fredericksburg, Va., took his first thirty-minute outing in the yard. He stated: "This little enclosure I found filled; about three hundred and fifty prisoners of every rank, condition and degree, statesmen, lawyers, bankers, doctors, editors, officers, merchants, soldiers, deserters, and vagabonds were mingled in the court. The great majority, however, were dirty, lousy, half-clad soldiers. . . . The condition of many of the captive soldiers can be conceived when I state that many of them were actually scraping lice from their persons with knives and sticks."

When the half-hour "recreation" period ended, prisoners were herded back to their rooms for more boredom until supper time. Roll call came immediately after the evening meal. "Taps" consisted of a guard moving down the hall and shouting for all lights to be extinguished. Prisoners then sat in the darkness until sleep came. Yet, more likely than not, sleep was but temporary—thanks to the presence in every room of vermin. "There is a large force of bedbugs in the room," prisoner James J. Williamson recorded in this journal, "and they send out detachments and raiding parties to all the different bunks, and draw their full supply of rations from the occupants. Sometimes we get together and have . . . a promiscuous slaughter, regardless of age or sex. But they must recruit from the other side, like the Yankee army, as we can notice no diminution in the forces."

Iowa's Dennis Mahony stated the case more dramatically. "No dodging could escape the reconnaissance of these vigilant and active marauders. Even those [prisoners] who slept on the tables were assailed with as much fury as those who remained in the bunks." The bedbugs customarily made their assault in force around 1 a.m. "About that time of the night, some one would wake up smarting from the bites which he had received, and uttering imprecations on his tormentors. Soon the whole crowd would be awake, candles would be lighted and then for the onslaught on the bugs . . . pickets were set to watch the enemy, skirmishers were thrown out, bases of operation were selected, reports made of the number of captured and slain—and after an exhaustive battle, in which many wounds were inflicted on one party, and thousands killed on the other side, the assailing party being always routed, the prisoners slept upon their arms, ready at a moment's warning for a renewal of the attack."

As a further complication for Old Capitol inmates, and in marked contrast to other Civil War prisons, no specific regulations ex-

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isted for the conduct of the incarcerated. As one Confederate observed early in his confinement: "There are no prison rules for our guidance placed where they can be seen, and no official instructions as to how we are to act, or to whom we shall make known our necessities. A knowledge can only be gained from conversing with prisoners who have been a long time in the prison, or from actual observation, or from seeing punishment inflicted upon some poor wretch for a violation of an unwritten law. One can only do as you see others do, and if you blindly follow a willful or ignorant transgressor, you must take the punishment of a guilty person."

The security of Old Capitol Prison lay not in its boarded windows and locked doors but in the heavy guard that patrolled constantly on the streets outside. Two inmates were killed by these prison sentries. Jesse W. Wharton, the twenty-six-year-old son of a college professor, was slain in the spring of 1863 when he refused a guard's order to back away from a window. Wharton had been an officer in the Federal army but had resigned because his heart was not in the struggle. The following month, twenty-three-year-old Henry Stewart, son of a Baltimore physician, was shot in the thigh while attempting to escape. Stewart's leg was amputated, but he died the next day from complications. Prison gossip claimed that Stewart had bribed a guard to allow him to escape, but that the guard had reneged at the critical moment.

No prisoner ever loves his jailer. This truism aptly existed at Old Capitol, and it applied in particular to the four chief administrators of the compound.

The most detested of the quartet was General Joseph K. F. Mansfield, who was Military Governor of Washington during the first year of the war. Mansfield allegedly gave orders that all prisoners would be fed "side pork and hard biscuit, the worst that could be procured." When a subordinate protested that the majority of the inmates were civilian gentlemen not even formally accused of any crime, Mansfield snorted: "Damn them! They are all traitors, or they would not be there. They shall have nothing else but what I have ordered. That is good enough for them!"

Mansfield was killed in September, 1862, at the battle of Antietam Creek. When news of his death made the rounds of Old Capitol, many prisoners "hoped he would realize in the new existence to which he was introduced what it is to be a tyrant towards his fellow mortals in misfortune. This was the most charitable feeling entertained towards him."

The prison official mentioned most often in the writings of inmates was Superintendent William P. Wood. Born in 1820 in Alexandria, Va., and a former private in the Regular Army, Wood was commandant of Old Capitol throughout its wartime existence. He and Secretary of War Edwin M. Stanton were such close friends that a Washington provost marshal once sneered: "Wood was deeper in the War Office than any other man at Washington, and it was commonly said that Stanton was at the head of the War Office and Wood at the head of Stanton."

Wood was a small man in his early forties when he became civilian administrator of Old Capitol. He proved to be a veritable bundle of inconsistencies. On the one hand, he was flagrantly impudent of authority and seemed to delight in disregarding all orders from above. That he compiled a fortune from stealing money and other valuables of prisoners is substantiated in official reports. Small wonder that his superiors (with the exception of the powerful Stanton) regarded him with distrust and contempt.

On the other hand, Wood went out of his way to try and win at least the confidence of his prisoners. In his own, rather uncouth way, he proved indulging and sympathetic. He supposedly violated regulations and allowed mail to pass in and out of the prison; he was always disarmingly respectful to all inmates; and he explained every hardship imposed by stating that such were direct orders from his superiors.

The prisoners never held Wood in any esteem. He was their jailer—the source of their misery. He was also a "renegade Virginian" noted for loud views on both the abolition of slavery and the preservation of the Union. Inmates regarded as disgusting Wood's tactic of sending spies (posing as prisoners) into the cells to gather information. His alleged penchants for stealing and embezzlement were considered sadistic dishonesty. Lastly, and despite his Roman Catholic background, Wood was an avowed atheist. One Sunday morning in 1862, when Wood allowed a Confederate and a Union chaplain to hold separate church services in the compound, the Superintendent announced the fact by strolling through the halls and yelling cheerfully: "All ye who want to hear the Lord God preached according to Jeff Davis, go down to the yard; and all ye who want to hear the Lord God preached according to Abe Lincoln, go down to Number 16!"

Late in 1865, Wood became Chief of the United States Secret Service. He died in 1903 at the Soldier's Home in Washington.

Of the two other prison administrators who acquired large shares of denunciation from inmates, the most obnoxious was the permanent officer of the guard, Lieutenant Joseph Miller of the 10th New Jersey Infantry. Prisoners referred to him as "Bullhead," and one voiced the opinion that Miller was "like many other civilians who never before had any authority over their fellow-men," for he "arrogated to himself all the power, as well as authority, which he dared exercise with impunity, over the defenceless victims intrusted to his guardian care." Slightly less repulsive was Old Capitol's portly and pompous medical officer, Surgeon W. D. Stewart. Mrs. Greenhow regarded him as "a vulgar, uneducated man, bedizened with enough gold lace for three field marshals." However, the quality of Stewart's medical practice at Old Capitol must have been above-average, for embittered prisoners never singled it out for condemnation.

Life in Old Capitol early degenerated into boredom and personal uncertainty. Prisoners passed the time sitting dejectedly in their cells. Confederate soldiers could only pine for exchange or transfer to a supposedly better compound. Civilian political prisoners hoped for arraignment or release. Either was regarded as preferable to detainment without charge. With prisoners of war being continually shuttled in and out of Old Capitol, the anxieties of civilian inmates naturally increased with each succeeding day.

A few unusual events occurred to break the tedium of prison existence. On December 5, 1862, a Federal soldier convicted of murder was hanged in the prison yard. The condemned man was Private John Kessler of the 103rd New York Infantry. For several weeks thereafter, the gallows were left standing in the yard, where their presence added to the "terror" of the prisoners. In January, 1864, smallpox erupted inside Old Capitol. Yet as quickly as cases were detected, diseased prisoners were transferred to Washington's Kalorama Hospital. Such actions prevented the disease from reaching epidemic proportions as it did in other Civil War prisons. On the morning of Abraham Lincoln's death, an angry mob gathered in front of Old Capitol and remained there throughout the day. Yet no attempt was made to rush the building.

The blackest day in Old Capitol's history came on November 10, 1865—seven months after the Civil War ended. At 11:20 that Friday morning, as spectators perched in nearby house windows and treetops, another hanging took place in the prison yard. The condemned man was Captain Henry Wirz, former commandant of Andersonville Prison. He was the only war criminal to be executed as a result of America's bloodiest conflict. That Wirz was undeserving of such a fate makes the incident more a legal lynching than a military execution.

Arrested on May 10, 1865, the small and crippled Swiss officer was confined for seven months in Room No. 9 on Old Capitol's third floor. That summer a military court martial, violating every known concept of justice, arraigned Wirz on charges of murder, conspiracy and excessive cruelty. In the course of the trial, the prosecution introduced 160 witnesses, consisting mainly of deserters, bounty-jumpers, and men actually hired by agents of Secretary Stanton to present false evidence.

For example, one "star witness" gave severely damaging testimony, walked from the courtroom, and gleefully confessed to friends outside that everything to which he had sworn was "all a damned lie." Another key witness was Boston Corbett, a known religious fanatic who early in the Civil War had been under death sentence for desertion. Only five years after the Wirz trial, this man (who also claimed credit for shooting John Wilkes Booth) was adjudged hopelessly insane.

The Wirz trial made a mockery even of military court proceedings. Wirz's defense witnesses were dismissed before they could testify; his attorneys were intimidated and denied time to prepare their defense. In railroad fashion, Henry Wirz was found guilty on ten counts of murder and conspiracy.

But let it be remembered that this Confederate officer went to his death with heroism. He walked calmly to the scaffold; for eighteen minutes he sat quietly on a stool while the sentence and other pronouncements were being read. Then, with the halter around his neck, Wirz made a final statement: "I am innocent, and will die like a man, my hopes being in the future. I go before my God, the Almighty God, and He will judge between me and you." Then, a recent writer has summarized, "what heroism there was disappeared with the roll of the drum, the jerk of the halter, and the cheers of a nation gone mad."

Henry Wirz was the pound of flesh that a victorious North had to extract. Yet the injustice of his trial, and the illegality of his sentence, will forever remain black marks on the American judiciary system. It is one of the ironic coincidences of our national heritage that on the precise spot where Wirz was put to death now stands the U.S. Supreme Court building.

Less than three weeks after the Wirz execution, Secretary Stanton ordered Old Capitol closed. The dozen remaining prisoners were transferred elsewhere. By 1869 the entire Old Capitol compound had been demolished—as if the Federal government were eager to erase the historical building from view and memory.

In its four-year existence as a prison, Old Capitol contained a host of prominent prisoners: Rose Greenhow, Belle Boyd, John S. Mosby, Mrs. Mary Surratt, Southern governors Joseph E. Brown, John Letcher and Zebulon B. Vance, plus many others. The prison had an average monthly population of 1,011 inmates. Its most crowded period was November, 1863, when 2,763 prisoners passed through its doors. A total of 51 prisoners died in Old Capitol; 17 others made successful escapes.

The smallness of the last two statistics leads to a major and irrefutable conclusion: compared to other Civil War compounds, life in Old Capitol was reasonably pleasant. Captured Southern soldiers who spent time there considered Old Capitol far superior to such Northern prisons as Point Lookout, Fort Delaware and Elmira. While political prisoners wrote many and long tracts of the hardships and "cruel despotism" they were forced to

endure, they tended to overlook such luxuries at their disposal as coal-fire stoves in every room, the availability from the outside of food, whiskey, newspapers and playing-cards, and regular visitations from relatives and friends. Such leniencies as these explain why Old Capitol had no outbursts of violence and only a minimum number of escapes.

One can hardly deny that a large number of persons cast into Old Capitol were jailed without due cause and—moreover—detained for unjustifiably long periods of time. Even Provost Marshal William E. Doster was led to admit: "The great fault of this prison (and one for which the Secretary [of War] is and ought to be blamed) was that it operated like a rat-trap—there was a hole in but no hole out; in other words, plenty of provision for arresting people, but none for trying them or disposing of their cases.

"[Colonel Lafayette C.] Baker could arrest, the detectives could arrest, the provost marshal could arrest, the Secretary and each of his two assistants could arrest, but none of them could discharge without running great risk of getting into trouble with some or all of the others. . . ."

Nevertheless, and prisoners' memoirs notwithstanding, most of the civilians sent to Old Captiol were arrested for good reason. The large majority were, in truth, active saboteurs, Confederate agents, inciters of riots and desertion, and in many other ways guilty of giving direct aid to the enemy. Their confinement, even without official charges, was a necessary wartime precaution. The treatment they received was far more benevolent than the treatment they plotted or executed against the Union. For many inmates, Old Capitol was "the American Bastile." Yet, in its last years of existence, that grand old building deserved better tenants—and a far better fate—than it received.

Such was the indignity of civil war.

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SECRETARY LAIRD SPEAKS TO AFL–CIO

(Mr. BYRNES of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BYRNES of Wisconsin. Mr. Speaker, this week Secretary of Defense Melvin R. Laird became the first Secretary of Defense to address the AFL–CIO. His illuminating speech on the Vietnam situation is printed elsewhere in the RECORD.

Mr. George Meany, president of the AFL–CIO, introduced the Secretary and thanked him at the conclusion of his speech. Mr. Meany's remarks were both pertinent and interesting and, I would like to quote them herewith:

INTRODUCTORY REMARKS BY MR. MEANY

At this time it's my pleasure to introduce to you a member of the Cabinet, who has perhaps the most difficult job at the present time, second, I think, only to that of the President. I've known this gentleman for many years. When I first met him he was a State Senator in Wisconsin and he afterwards came to Washington, was a very distinguished member of the House of Representatives, and I feel that when he was put in charge of the Department of Defense, that the President secured the finest person for that job—capable of handling it and doing the very difficult day-to-day work in the Department of Defense under rather severe handicaps at times. I think the Congress bugs him once in a while and sort of throws some curves at him, but he's quite well able to handle it, and I'm delighted to present him to you, the Secretary of Defense, the Honorable Melvin Laird.

CONCLUDING REMARKS BY MR. MEANY

On behalf of the delegation, the officers of AFL–CIO, myself, I express our appreciation to the Secretary of Defense for his very enlightening and forward looking address here this morning. I'm sure that this is one group who understands that when you negotiate with an opponent you must negotiate from strength and I'm sure that this is one group who believes that unilateral withdrawal is not the answer. I am hopeful that the plan that President Nixon has of negotiating and at the same time keep the pressure on our opponents, I'm hopeful that it will bring results. Frankly, it's the best possible plan I've seen yet. I can assure Secretary Laird that in the days to come, in his difficult job of trying to bring peace, in bringing our boys home, he's going to certainly have the backing of the AFL–CIO and its people. Thank you very much.

AMENDMENTS TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, today I have introduced legislation which would first, make clear that the Law Enforcement Assistance Administration may make discretionary grants to units of general local government and State law enforcement agencies, or universities, and second, authorize $650,000,000 in appropriations for the Law Enforcement Assistance Administration for the fiscal year ending June 30, 1971.

I am sure that every well-informed person knows that we have a serious crime problem in our Nation today. More crimes are being committed today. Fewer crimes are being solved. Fear walks the streets. Since 1960 serious crime has increased 122 percent, and police solutions have declined 32 percent.

To meet this problem, we enacted the Omnibus Crime Control and Safe Streets Act of 1968. Title I of that act recognizes two basic facts of the crime problem—that law enforcement is primarily the responsibility of the States and the States are financially incapable of meeting this responsibility. Thus title I established the Law Enforcement Assistance Administration and authorized it to make block grants to the States.

Section 306 states that 85 percent of the Federal funds shall be allocated to the States according to population while the rest shall be allocated "as the Administration may determine."

The question arises as to how much discretion the Administration has regarding the remaining funds. What discretion does it have? To make grants regardless of population? Yes, of course, but may it make grants directly to units of general local government and State law-enforcement agencies, and universities as well as to the States?

Although the legislative history intimates an affirmative answer to the question, the language is open to either construction. This ambiguity should be eliminated. The bill I introduced today would eliminate the ambiguity and make clear that the Administration has broad discretion consistent with the purpose of the title.

The second section of the bill would authorize $650,000,000 in funds for fiscal year 1971. The program for fiscal year 1970 is to cost $300,000,000. However, the States have made requests for funds in excess of $1.1 billion for fiscal year 1971.

I would like to see that amount spent on the war on crime, but other demands of Government require that a smaller sum be sought. I believe that the figure of $650,000,000 is realistic.

We do not solve the crime problem by the simple enactment of a few laws. Progress will take time, effort, and money. Let us not forget the task we began last year. We must make the streets safe again.

TEXTILE PROBLEMS

(Mr. MANN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MANN. Mr. Speaker, today I have introduced legislation aimed at providing relief for the domestic textile industry of the United States.

I have patiently awaited results from trade negotiations between representatives of the Department of Commerce and Japanese officials. Several meetings have been held this year, but the Japanese have repeatedly refused to discuss voluntary cutbacks on textile products. In fact, this afternoon a representative

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of the State Department in Tokyo said that the latest discussions had achieved only "limited" concessions and that "We can't go on negotiating in this fashion." For these reasons, I believe we should enact legislation to provide protection for our textile industry.

Japan, of course, is not alone in providing unreasonably tough competition for our textile industry. Cheap-labor plants have appeared in Hong Kong, in Korea, and on Taiwan, and all are modern enough to provide competition. In many cases the modernity and technical know-how are the result of aid and guidance from the United States in its assistance to these countries while they were in an "underdeveloped" status.

The textile industry is one of the basic and most essential industries in our country. In addition to those employed directly in the manufacturing of textiles, some three million Americans are engaged in various support activities, such as supplying and transporting raw materials and selling goods. The industry makes a myriad of items that are indispensable to our defense forces and has been classified second only to steel in essentiality. While many people think of textile-apparel manufacturing as largely regional, 36,500 plants are located in all 50 States. Every State except Hawaii produces wool for the textile industry and 19 States grow cotton. All in all, the textile industry spends about $30 billion annually for products and services of the various industries which supply it and provide the transportation for its products. The industry has an annual payroll of $10.5 billion and pays some $750 million in Federal taxes in addition to millions of dollars in State and local taxes.

Textiles and textile-related industries together account for 75 percent of industrial wages in South Carolina, 70 percent of industrial employment, 68 percent of the annual product value, and some 50 percent of capital investment. South Carolina's textile industry has been called the most modern in the world. The spinning, weaving, finishing, knitting, and fiber plants spend around $500 million for plant expansion and modernization projects annually. No other State has a higher degree of textile concentration than South Carolina and that concentration is heaviest in Spartanburg, Greenville, and Laurens Counties—the Fourth Congressional District, which it is my privilege to represent.

What concerns the people of this area is not so much the current level of imports, but the steady and phenomenal rate of growth with no sign of a let-up. This year textile imports are showing a substantial increase over 1968, with shipments from Japan jumping 23 percent, the Republic of China 60 percent, Korea 51 percent, and Hong Kong 20 percent. Our total textile imports so far in 1969 stand at 2.1 million equivalent square yards, compared with less than 1.6 million yards last year. Of this total Japan has contributed 530 million yards, Hong Kong 300 million, China 140 million, and Korea 122 million.

The Japanese have been most skillful in the way they have concentrated on the U.S. open market. When restraints were placed on cotton textile imports under the long-term agreement on cotton textiles in 1962, they quickly switched to the unprotected man-made fiber and wool markets. This year Japanese man-made fiber textile exports to this country have jumped 51 percent, with yarns skyrocketing 140 percent. Even the cotton arrangement, which expires next year, has not produced the type of restraints we had hoped for since cotton textile imports have doubled in the last 5 years.

While complaining about the injustice of textile import quotas, even before they are imposed, the Japanese maintain a closed-door policy at home, shutting out U.S. goods and capital and erecting a bewildering maze of restrictive regulations. Foreign-owned firms can make wire, but not cable, cameras but not lenses, watches or clocks but not both. Imports of 120 items, including such U.S. specialties as computers and feather goods, are either banned or severely limited.

Japan, with the third largest gross national product in the world, accounts for 50 percent of our textile imports while the Western European nations, offering a market comparable to ours, takes only 5 percent of the Japanese output. One-quarter of all Japanese textile production is sold to the United States, and Japan has no less than 130,000 manufacturing companies employing 1.1 million workers—the country's biggest single worker group.

One of the best barometers of the problems facing our domestic textile industry is the fact that capital investments within the industry dropped from $1.1 billion in 1966 to $750 million last year. In spite of this drop in investments, wages have continued to rise. In fact, they have risen 46 percent in the last 10 years, so that the hourly wage rate in the United States industry is now $2.28 per hour. The hourly wage rate in Japan is now less than $0.50 per hour, and Japan has no wage and hours laws, overtime pay, workmen's compensation, antitrust acts, safety standards, or child labor laws.

It is simply unrealistic to assume that the United States should endure this inequitable situation any longer. Our trade deficit with Japan last year was $1.1 billion, possibly the highest deficit that the United States has ever registered with any nation. As I pointed out earlier, the prospects for an even greater deficit this year appear certain.

Profits in the textile industry, whether measured on sales or percent of equity, lag behind other manufacturing industries. Net profits after taxes, on sales, for 1968 were 3.1 percent, compared with the all-manufacturing average of 5.1 percent. Apparel industry profits were even lower, and long-range projects indicate that as many as 100,000 people per year will find themselves unemployed unless foreign competition is cut back. Already this year, four textile plants in my district have been forced to close while others watch profits shrink.

For all of the reasons I have given, Mr. Speaker, I feel that the legislation I have introduced today is imperative. All of us in South Carolina are hopeful that the Department of Commerce will continue to pursue voluntary cutbacks on foreign imports, but we must now consider the alternatives if such negotiations fail.

Recently two of the leading newspapers in South Carolina have pointed to the problems facing the textile industry. The State, of Columbia, S.C., published an article by its Washington correspondent, Lee Bandy, and the Greenville News, Greenville, S.C., editorialized on the subject. At this point I would like to have these items printed in the Record.

[From The State, Columbia (S.C.), Oct. 5, 1969]

Stans Forming Group for Textile Problems

(By Lee Bandy)

Washington.—Commerce Secretary Maurice H. Stans is in the process of setting up an intergovernmental committee to deal strictly with the textile import problem.

Formation of the panel is expected to be announced in the near future, reliable sources say.

The move is part of the overall program to put pressure on the Japanese and other textile-producing allies to negotiate voluntary agreements on imports.

Stans has been pushing for voluntary restraints, but thus far our trading neighbors refuse to budge. They claim the American industry is healthy and doing well.

The Nixon administration takes strong exception to that, citing figures showing imports on the rise at an alarming rate, specifically among man-made fibers.

Voluntary agreements exist on cotton textiles, but there is none for woolens or man-mades.

Stans hopes the administration can reach an arrangement with Japan to regulate the flood of textile imports before Nixon meets with Prime Minister Sato here next month.

The secretary says the "tidal wave of textiles from Japan to the United States" creates a very serious problem which colors the atmosphere between the two nations.

The matter of textiles overhangs every other issue in U.S.-Japanese relationships, he contends, adding:

"Resolution of the textile problem by a mutual agreement between the United States and Japan would go a long way toward improving relations between the two countries."

In the same breath, however, he warned the Japanese that if they show an unwillingness to curb imports, "Congress will take action to do so."

There are several bills pending, one of which is sponsored by Sen. Ernest F. Hollings, D-S.C., who successfully led a textile import quota bill through the Senate two years ago. It later died, however, in conference with the House.

House Ways and Means Committee Chairman Wilbur, D. Mills, D-Ark., also has a measure before his panel which would benefit any industry damaged by excessive imports.

Stans says he's prepared to start negotiations with the Japanese at any time. He hopes the Far Eastern trading partners will agree to meet with the administration team in Washington, Tokyo, Geneva, or anywhere "to consider the means of developing a satisfactory solution that will provide reasonable security to the American industry without doing any harm to the Japanese industry."

The secretary has assured Japan the United States seeks no roll-back in Japanese production or has any intention of trading the textile issue against any other.

He denied reports the administration would use the textile issue as a club to resolve the Okinawa matter.

In other words, Stans says there is no truth to stories the U.S. will demand import concessions in return for relinquishing the Pacific Island to the Japanese.

The U.S. is expected to run a trade deficit with Japan this year in excess of the $1.1 billion in 1968. Textile imports account for almost $500 million of that. During the first eight months of 1969, imports of Japanese textile imports rose 83 per cent over the same period last year.

"It is extremely important that the Japanese government understand the political, economic and social considerations that are involved" in the textile issues in this country, Stans said.

Its resolution, he added, would permit the two nations "to move forward progressively and effectively on a number of other fronts."

But the Japanese are not impressed. They consistently refuse to discuss the administration's ideas for a solution. A showdown is imminent.

[From the Greenville News, Oct. 1, 1969]

It's About Time To Legislate

Those who depend upon the textile industry—and that's a lot of Americans—have about "had" it with trying to get voluntary restraints on textile imports.

The Japanese, who hold the key to the situation if voluntarism is to solve the acute problem, apparently won't even listen to American proposals, let alone negotiate the issue. At least that's the impression gained when Japanese trade representatives packed up and went home a few days ago.

Unless the question can be solved at the highest level when President Nixon and Japan's prime minister get together in Washington in December, there's no hope of getting relief for domestic textiles from the voluntary restraint approach.

It is downright disheartening that months of effort by Commerce Secretary Maurice Stans have produced no sign of response or cooperation by the Japanese. Mr. Stans has made clear that this country does not propose to cut back on imports, and that the domestic textile industry can and will live with reasonable increases.

The main thing the domestic industry wants—and must have if it is to survive as a strong sector of the American economy—is an orderly and predictable flow of imports. Unless the industry can have reasonable assurances of what to expect in the way of foreign competition, it can neither plan nor produce. The result will be stagnation and chaos over wide areas.

But the Japanese apparently feel they can get away with unlimited inroads upon the American textile market, no matter what it costs in damage to a vital industry.

The time has come for the textile states to begin pushing for legislation to restrict textile imports. Perhaps that is what it will take to get results from the December talks.

Restrictive legislation is distasteful, and damaging to the cause of free trade among free world nations. But the United States cannot afford to be the only free trader, letting other nations keep all sorts of restrictions, while its own industries suffer.

As noted before the textile industry is especially important now because it is serving as an economic ladder for increasing numbers of Negro citizens who want to better themselves. That, plus the impact of the industry upon the economies of several states, ought to give textiles a fairly high place on this nation's priority list.

SIXTY-TWO PERCENT OF AMERICAN PUBLIC SUPPORTS LEGISLATION TO BAN THE INTERNAL COMBUSTION ENGINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 15 minutes.

Mr. FARBSTEIN, Mr. Speaker, on July 31, I introduced H.R. 13225, legislation to ban the sale of internal combustion engines. The purpose of this legislation is to force the American automobile industry to develop nonpolluting engines.

The results of a nationwide public opinion survey announced earlier this week indicate that the American public favors by almost 3 to 1 this legislation. The survey conducted by Opinion Research Corp., of Princeton, N.J., between September 26 and October 3, found that 62 percent of those polled favored doing away with gasoline-driven autos, 23 percent opposed, and 15 percent had no opinion.

The selected random sample of 1,015 households was conducted in 138 U.S. cities across the country, including Detroit, and encompassing all of the largest metropolitan areas in the country. Those polled were asked to respond to the following:

> Exhaust from the existing kind of automobile engine, that is, the internal combustion engine, causes air pollution. It has been suggested that legislation be passed to outlaw the sale of the internal combustion engine effective in 1975 in order to force auto makers to develop other engines. Would you favor or oppose such legislation?

The Opinion Research Corp. has conducted survey research for business and government as well as political candidates. One recent project was for the 1968 presidential campaign of Richard M. Nixon.

The poll, conducted by telephone, sampled 505 men and 510 women. The breakdown of results by sex is as follows:

[By percent]

	Favor elimination	Oppose elimination	No opinion
Male	55	34	11
Female	69	12	19
Total	62	23	15

Support for this legislation can only be interpreted one way—the American people, be they from Los Angeles or New York—are worried about the quality of the air they are breathing and want drastic action taken to do something about it now. The auto industry take heed.

The article reporting on this survey in yesterday's Christian Science Monitor follows:

Exhaust Ban Backed

Los Angeles.—Sixty-two percent of people polled across the nation said they favor outlawing the internal combustion engine to force carmakers to develop smogless power sources.

Opinion Research Corporation of Princeton, N.J., said it telephoned a random sampling of 1,015 households in 138 cities with this question:

"Exhaust from the existing kind of automobile engine, that is the internal combustion, causes air pollution. It has been suggested that legislation be passed to outlaw the sale of the internal combustion engine in 1975 in order to force automakers to develop other engines. Would you favor such legislation?"

Twenty-three percent of persons responding opposed the idea and 15 percent had no opinion.

NATIONAL PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Ryan) is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, I take this time to discuss one of the most important issues before the American people.

Americans now face a challenge so vast that many of our citizens and most of our leaders have totally avoided it.

This is the question of our national priorities.

Hundreds of residents of New York, Ohio, Illinois, California, Washington, Florida, and other areas of the Nation have written me of their concern.

They have pointed out that we must change our priorities.

And the fight to change our priorities may well be one of the major political conflicts of the 1970's and of American history.

A number of Congressman and I have been trying to bring the question of our priorities into open debate and into the political arena where it belongs.

More than 8 years ago, seeking a real priority for disarmament, I introduced legislation that led to the Arms Control and Disarmament Agency.

Throughout the 1960's I have been fighting the increasing influence of the military. I have spoken out repeatedly against Americanization and escalation of the Vietnam war. In 1964, I proposed a plan for the neutralization of Southeast Asia. Over the last 5 years, a handful of Congressmen and I consistently voted in direct opposition to the war.

More than a year ago, seeking a nationwide guaranteed annual income to replace our outmoded welfare system, I introduced the first income maintenance bill in Congress.

On issue after issue, from Vietnam to the antiballistic missile, to the supersonic transport, to housing, food stamps and social security, a few Congressmen and I have consistently pointed out that we are giving too much priority to the wrong things and not enough to the right ones.

Two years ago 10 of us stood up in the Congress to warn that our Nation was in a deepening crisis.

We said, "Never before in modern American history have our national priorities seemed more seriously unbalanced." And we called for an immediate end to the war, a reallocation of our resources and a "national movement for social reconstruction."

Our priorities are dangerously out of balance in two fundamental ways:

First, we are devoting most Federal expenditures to preparations for war and to war itself rather than to strengthening our society.

And second, in nonmilitary spending, we are devoting resources to relatively rich and to rural interests rather than to meeting fundamental needs in housing, education, medical care, jobs, pollution control.

More than 8 years ago the late Presi-

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dent Eisenhower warned that "we must guard against the acquisition of unwarranted influence, whether sought or unsought by the military-industrial complex."

And over the last 8 years, the military-industrial complex has become enormously powerful, our biggest national employer and our biggest spender.

The Pentagon has more civilian employees than any other area of Government—45 percent of all Federal civilian employees. And the military-industrial complex has come to employ one out of every 10 workers in the Nation.

In the decade from 1959 to 1968, direct military outlays of the United States totaled more than $551 billion.

As I have noted in the House, this is twice the amount spent for new private and public housing over the same decade. and nearly twice as much as Federal, State, and local governments allocated to all education.

In this fiscal year, more than $82 billion or 56 percent of controllable Federal funds are budgeted for the military-industrial complex. That $82 billion is just about equal to all the money we spend in a year on building all the new homes, apartment buildings, factories, warehouses, shopping centers, motels, schools, bridges, and highways throughout the whole United States.

To put it another way, military-related spending in this fiscal year is more than all Federal expenditures on health, hospitals, education, old-age benefits, low- and middle-income housing, welfare, unemployment, and agriculture.

And the military-industrial complex is strengthening its priorities every day through the increasing arms race and the continuing Vietnam war.

The Nixon administration is stepping up the arms race with the $10 billion program to develop the Safeguard anti-ballistic-missile system and billions more for new weapons systems including multiple warhead missiles.

We are pouring $30 billion a year into Vietnam; we have 3.4 million men under arms, 33 percent stationed on foreign soil, 511,000 in Vietnam alone.

In terms of all our priorities, we have put the military first. We have given relatively low priorities to aid for low- and middle-income families and urban dwellers.

We have created an enormous capacity for destruction. And so have others. But unfortunately, the ability to wreak mutual destruction is no guarantee against disaster. The only final security for all of us is in increasing the strength of our society and our way of life—freedom, equality, courage, productivity, and intellectual relevance.

But with our present priorities, as I have said for many years, we are increasing the militarism and sowing the very seeds of social despair, hopelessness, and failure which can lead to our destruction.

In the last decade we spent about $30 billion for agricultural subsidies and $35 billion for space exploration.

In contrast, over the same period, we spent less than $4 billion for Federal low- and middle-income housing programs—one-eighth as much as to stabilize farm prices. And nearly 8 million Americans still cannot afford decent housing; 3 million live in slums.

In this fiscal year, while we are spending more than 50 percent of our controllable Federal funds for the military-industrial complex, we are spending only about $13 billion, or about 9 percent, for programs to service and improve the health of Americans.

That $13 billion, incidentally, is less than we are losing to the rich in tax loopholes.

This year, as I noted in the House, we are spending about eight times as much to prop up farm prices as to help the poor get adequate diets. The total outlay for farm income stabilization programs comes to about $4 billion; the total for surplus commodities and food stamps, aiding the poor, comes to only $1 billion.

And farm subsidies often go to rich farmers. In 1967, as I noted in a speech in Congress, the Agriculture Department paid more than $4 million to the J. G. Boswell Co., of Kings County, Calif.; $3 million to Rancho San Antonio, of Fresno County, Calif.; and last year more than $116,000 to Senator JAMES EASTLAND's plantation in Mississippi.

Two years ago, when we spoke out in Congress, we warned of increasing despair and disruption in our society. We called for a "national movement for social reconstruction—a Marshall plan for the cities" and a wider distribution of American affluence.

Six months after that, the National Advisory Commission on Civil Disorders substantiated our warning. The Commission found unemployment, underemployment, and inadequate housing the three most intense causes of civil disorders.

The Commission said that it was "time to turn with all the purpose at our command to the major unfinished business of this Nation. It is time to adopt strategies for action that will provide quick and visible progress. It is time to make good the promises of American democracy to all citizens."

But we have not done that.

Two years after our warning in Congress, and a year after the Commission report, the National Urban Coalition reported this spring that we had made no progress on meeting pressing urban problems.

And the Nixon administration is emphasizing not new goals, but the same twisted priorities.

It has continued the war, although as I said early this year in Congress:

> The people of this nation through the political process have repudiated the very policy which still prevails.

In facing the arms race, we had hoped, as I said in March, that the new administration would take the opportunity to "reassess our national priorities." But instead the administration has supported the anti-ballistic-missile program and the "insatiable demands of the military-industrial complex."

The administration has talked of tax reform. But when we passed the tax reform bill in the House, the administration immediately set out to undermine it. We had closed many tax loopholes on the rich, but the administration wants the loopholes continued. We had changed relative tax burdens, but compared to our changes, the administration advocates higher taxes for middle-income citizens and lower taxes for corporations.

The administration has talked of economy. But it is planning enormously expensive space ventures, including a manned landing on Mars, which may cost up to $200 billion. And it has pledged $96 million in this fiscal year to subsidize the aircraft industry's supersonic transport airline, which the experts now say will cost the taxpayer $895 million before it gets off the ground.

While pouring funds into military programs and space, it has slashed funds and cut back on programs for domestic welfare and urban reconstruction.

It has cut housing funds. It has supported the principle of income maintenance but proposed a program that would be totally inadequate.

It has proposed to increase social security by 10 percent in stages at some future date. But that increase would leave 2½ million Americans enjoying retirement on some $60 a month. And it has fought a program to provide free food stamps so families earning $60 a month or less would have enough to eat.

The administration has talked about inflation and tried to combat it by cutting aid programs and increasing living costs of the middle class and the poor. It has failed to curb high interest rates. Yet the fact is, as experts have pointed out, that the costs of the war and the military budget are the major causes of inflation.

Two years ago, when we spoke out on our priorities, we launched a campaign for public awareness, open debate and a change in our national priorities.

In discussing Vietnam, I said recently:

> While our cities disintegrate and our country becomes increasingly disunited, a war which was ill conceived from the beginning rages on with undiminished fury.

In discussing the space program, I said:

> The primary role of Congress in connection with the space program should be to participate in the definition of national goals . . . Congress should determine which goals are worthy of the investment of public funds and which potential benefits are of great value to the nation.

In the battles for funds for housing, antipoverty programs, social security, income maintenance, antipollution programs, we have consistently emphasized the facts about our actual priorities today and the need to debate and set new priorities.

And our campaign has begun to take effect.

Last year we questioned and cut the bloated space budget, for the first time in a decade. By last December, the Wall Street Journal was calling for a reexamination of the space program.

This year, two Senators and eight Congressmen, including myself, initiated a major Congressional Conference on the Military Budget and National Priorities. Participants included military, scientific, and academic experts from all over the country.

Our conference set the stage for the first real congressional investigation and debate into the swollen coffers of the Pentagon and into the billions wasted each year by the military-industrial complex.

When it finally came to a vote in the House, we succeeded in rallying 93 votes against the anti-ballistic-missile system. The Senate almost defeated it. In the words of the United Auto Worker's Washington Report:

> It was the biggest massing of votes against a military proposal ever to hit Congress.

Four Senators and 32 Congressmen have now suggested Congress create a Joint Committee on National Priorities to conduct continuing broad investigations of the implications and objectives of American defense policy—providing a focus for research, study, and debate.

I am also introducing a bill to create a Temporary National Security Commission to study all aspects of defense policies in an effort to determine what current national defense policies are and the extent to which weapons systems conform to those policies. It is also supported by the four Senators and 32 Congressmen.

In Congress a number of us have pledged to make the setting of new priorities a major campaign issue whenever possible. And the setting of new priorities is going to be one of the major political issues of the 1970's.

As we noted 2 years ago, a successful movement for reconstructon and for new priorities must be national. It must find representation and power in Congress. It must have leadership.

But most important, it must fundamentally and ultimately rise from the people and the neighborhoods of America.

OCTOBER 15—DISSENT OR DISLOYALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, a great deal of advanced notoriety is being given to public manifestations of disloyalty planned for October 15.

The sponsors of the so-called moratorium protest frantically that they are helping American fighting men by forcing the President to accept peace on the enemy's terms—even surrender. They register indignation at any suggestion that their actions aid the enemy or at any comment that such activities are less than patriotic.

Many innocent people are in danger of being duped into participation in this disgraceful misconduct because they simply are not being told the whole story. Radio Hanoi and Radio Moscow have called for these activities.

Monday of this week, Radio Hanoi—the official voice of the enemy—heaped lavish praise on the heroic struggle against what was termed "this aggressive war right in the United States."

The enemy radio singled out with special praise their friends in New York, Washington, Oakland, and Berkeley. It also complimented the manifestation of solidarity showed by the friends in the United States on the death of Ho Chi Minh.

It is extremely important for all Americans to understand that Ho Chi Minh defeated France—not in Vietnam, but in Paris. This continues to be the tactic of the enemy today. Hanoi has repeatedly announced that it will win its war in Washington.

So that our people may better understand how these unconscionable demonstrations aid and abet the enemy, 2 days before the Hanoi broadcast, Tass International Service, the propaganda voice of Moscow, transmitting in English for American listeners, commended officials here in Washington in the following words:

> We appreciate the actions taken by the American people and officials in support of demands for an end to the aggressive United States war in South Vietnam, for a rapid and complete withdrawal of American troops from South Vietnam, for discontinuing support to the Thieu-Ky-Kiem administration and granting to the South Vietnamese population the right to decide its affairs itself.

Mr. Speaker, knowing these tactics no American and certainly no Member of this body can profess ignorance of the effect of the disloyal actions planned for October 15.

I include at this point in my remarks the full text of the enemy propaganda broadcast from Hanoi as published in the Foreign Broadcasting Information Service Bulletin of October 6 and which is available to all Members:

U.S. Students Urged To Accelerate Protests

Hanoi in Vietnamese to South Vietnam 0100 GMT 6 Oct. 69 S.

(Text) According to LPA, Mr. Tran Buu Kiem, chairman of the South Vietnam Liberation Students' Union, recently addressed a letter praising the American students and youth on the occasion of the 1969 fall struggle movement. The letter reads:

"While carrying out a firm resistance against the U.S. imperialists' aggressive war, the South Vietnamese youth and students are following, with keen sympathy, the struggle movement of their friends of the same ages, on the other side of the Pacific—regardless of whether they are white or black—against this aggressive war right in the United States. The heroic struggle of the friends in New York, Washington, Oakland, and Berkeley, has been much appreciated by the South Vietnamese youth and students.

"We greatly admire the active and massive participation of the American youths and students in this fall struggle movement just as other colorful and multiform activities, from the antidraft manifestations to (words indistinct) and from the protests against the participation of college administrations in the working out of the Defense Department's study plans, to the recent demonstrations in front of the U.N. headquarters. We hail the strong development of your struggle movement, just as (we hail) the American people's antiwar struggle, through various phases and under various forms, such as the congresses of the SDS and SMT, that is, the organization of Students for a Democratic Society, and the Students' Committee for the End of the Vietnam War (as heard) held in June, and the all-nation anti-war conference held in Cleveland in July this year.

"We are extremely touched by the warm sympathy and support you have reserved for the struggle of our people, the NFLSV and the Republic of South Vietnam Provisional Revolutionary Government. We are particularly touched by the manifestation of solidarity you have shown on the occasion of the death of President Ho Chi Minh, the venerated leader of the entire Vietnamese people. We want to take this opportunity to express our sincere thanks to all of you."

The letter of the South Vietnam Liberation Students' Union continues: "While you are holding meetings over there, the Nixon administration stubbornly continues to violently intensify the aggressive war in South Vietnam. This administration, along with issuing deceitful statements about deescalation, continues to actively step up its acts of war to the highest levels. Indeed, in July and August the B–52 sorties exceeded the average monthly sorties of the first 6 months of the year. On the one hand, this administration pretends to respect the right of self-determination of the South Vietnamese people, but on the other hand it continues to hold on to the Thieu-Ky-Khiem administration which actually represents no one and which is despised by the South Vietnamese people.

"At the Paris conference, the U.S. delegation has always sought to evade discussion of the reasonable proposals of the Republic of South Vietnam's Provisional Revolutionary Government and the DRV, while putting forward unreasonable ones which they knew beforehand were unacceptable.

"Recently, faced with the just demand of the Vietnamese people, the American people, and world's peoples—that the Americans must quickly and completely withdraw their troops from South Vietnam—the Nixon administration again announced the second troop pullout, describing it as a peace initiative. However, right in the United States, many people have termed this an old trick to soothe public opinion and conceal the scheme of prolonging the war and the U.S. military occupation in South Vietnam. The fact that you have given prominence to the slogan demanding quick withdrawal of all U.S. troops is sound proof that this trick has failed to deceive anyone.

"More than anyone else, you have seen that the replacement of a score of thousands of troops is insignificant, as compared with about half a million U.S. youths still remaining in South Vietnam. These U.S. youths are daily sowing (?death) in South Vietnam and will, in the long run, die uselessly for the democracy and freedom which they themselves and their relatives and beloved ones do not have.

"More than anyone else, you are aware that your interests and those of the American people and the United States do not lie in such a drop-by-drop troop pullout, but in the quick and complete withdrawal of U.S. troops from South Vietnam; not in the Vietnamization or de-Americanization of the war in South Vietnam, which is unpopular and costly in human and material resources, but in ending it. This is the only honorable way out for the United States, as the NFLSV and the Republic of South Vietnam's Provisional Revolutionary Government has often pointed out.

"If Mr. Nixon sincerely wants to live up to his promise to end the war, a promise which he made when he ran for office and when he took over the presidency, there is no other way than to respond to the 10-point solution of the NFLSV and the Republic of South Vietnam's Provisional Revolutionary Government by quickly withdrawing all U.S. and satellite troops from South Vietnam without imposing conditions and by abandoning the lackey Thieu-Ky-Khiem administration, leaving the South Vietnamese people to decide their own internal affairs without foreign intervention."

Finally, the letter said: "You are entering a new, seething, and violent struggle phase. We hope that you all will pool your efforts

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in achieving great success in this fall struggle phase, thus contributing to further accelerating the common movement of the American people against the war of aggression in Vietnam for peace, democracy, freedom, and justice.

"As for their part, the South Vietnamese youths and students pledge to stand shoulder to shoulder with you. We pledge to closely unite with the South Vietnamese people in overcoming all difficulties and hardships and continuing to accelerate the resistance struggle until final victory, in order to fulfill our responsibility to our country and to be worthy of your confidence and that of friends the world over.

"Once again, we hope that you will achieve broad solidarity, struggle perseveringly, and win great victories."

THE BOARD OF REVIEW: ACHILLES HEEL OF COAL MINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 3 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, the history of coal mine safety laws is a sad and sorry story of weakness, ineffective action and loopholes which have rendered past attempts almost meaningless. Year after year, death and injury have stalked the mines and thousands of men working underground have contracted the deadly pneumoconiosis from breathing excessive amounts of coal dust. Whenever attempts have been made to correct these unsafe and unhealthy conditions, powerful forces have blocked the way and have watered down the effectiveness of sound legislation.

For the first time this year, I believe that this Congress has a chance to enact meaningful legislation. I am confident that the final outcome will be a law which will provide genuine protection for the health and safety of the coal miners. We all realize that the Nation is demanding such action. I have received letters from every State in the Union, expressing the outpouring of support for the protection of the lives, limbs, and lungs of those who labor in the coal mines. We cannot turn our backs on the miners or the people of this Nation who are demanding that those human beings who work in this most hazardous occupation in the Nation be given genuine protection. Therefore, we must be aware of those aspects of the proposed legislation which could constitute loopholes to weaken effective enforcement.

NATURE OF THE PRESENT BOARD OF REVIEW

Under the 1952 Coal Mine Safety Act, which is the basic legislation under which we are for the most part now operating, there was established a Federal Coal Mine Safety Board of Review. This Board now has five members. The Chairman must be a graduate engineer with experience in the coal mining industry—and he usually has been a big coal operator. The most recent Chairman, who resigned this spring, was Dennis L. McElroy, a long-time coal operator and former vice president of Consolidation Coal Co. The four other members, appointed, like the Chairman, by the President of the United States, by law represent the interests of large and small coal operators and large and small mine workers. One of the present members is George C. Trevarrow of the Bituminous Coal Operators Association, who also has had very close connections with Consolidation Coal Co. The 1952 act requires that when any case arises before the Board involving a large coal mine, both the representatives of the large coal operators and the large mine workers must "participate."

CONFLICT OF INTEREST

There is a case pending now before the Federal Coal Mine Safety Board of Review, involving an appeal from a closing order issued against a large coal mine—Barnes & Tucker Coal Co. in Pennsylvania. One of the officials of Barnes & Tucker Coal Co. is George C. Trevarrow, Jr., the son of the Board of Review member. Despite this obvious conflict of interest, Mr. Trevarrow, Sr., must "participate" as a member of the Board of Review to hear and decide whether or not his son's coal mine is as unsafe as the duly-appointed Federal mine inspectors have found when they issued an order to close the mine.

These five individuals who make up the Board of Review are private-interest individuals, who are allowed to retain their private connections while they serve. They sit to hear appeals from coal operators—not from coal miners who feel that safety is being compromised. Their function seems to be purely economic rather than to protect human beings—they review the work of the Federal inspectors who are charged with the public interest responsibility of protecting the safety of the men who mine the coal, and they review orders which the coal operators feel might interfere with their interest in production.

THE RECORD OF THE PRESENT BOARD OF REVIEW

Defenders of the Board of Review concept make quite a point of the fact that the present Board has really not interfered very much with the operation of the Mine Safety Act, because they have judged only 22 cases in the last 17 years. In these cases, the Bureau of Mines was upheld in 10 cases, partially upheld in one case, and reversed in five cases; six cases were settled after a hearing. The point is that under the bill proposed by the Committee on Education and Labor the powers of the Board are vastly expanded. In addition, the present, basic law of 1952 is so weak in other respects that it is not really necessary for those who wish to escape the act to appeal to the Board of Review. On the other hand, as the provisions of the new law now proposed start to bite, the role of the Board of Review will loom as far more important and constitute the major loophole in the mine safety legislation. It is for this reason that I hope that the Congress will reject the entire concept of the Board of Review, as it was rejected in the other body by a rollcall vote of 53 to 24.

NATURE AND POWERS OF THE PROPOSED BOARD

Under the proposed bill, there is established a Federal Coal Mine Health and Safety Board of Review. The five members, appointed by the President, represent large and small mine operators, large and small mine workers, and a public Chairman. Of the five Board members, only the Chairman is required not to have any interest in or association with the coal industry for 5 years prior to serving; the other four Board members are not required to sever their connections with the coal industry or workers during their tenure. Three additional members are added to the Board for the purpose of reviewing health and safety standards, and to determine how money is to be spent on health and safety research.

A coal operator who is assessed a penalty by the Secretary of the Interior under section 111, for violating health or safety standards, may appeal to the Board of Review. The Board must give the coal operator a hearing, and "determine by decision whether or not a violation did occur or whether the amount of the penalty is warranted or should be compromised."

That is pretty strong medicine for me to swallow. Why should a group of private individuals, four out of five of whom are still connected with their private business, be given the power to come in and overrule a Member of the President's Cabinet? One of the advocates of the Board told me he did not trust the Cabinet officer who is charged with administering the law. The point is that under our system of government, we must have responsible government in the public interest, and we must be able to point the finger of responsibility instead of diffusing this responsibility among private citizens with private interests.

As with the present Board, the proposed Board of Review can receive appeals from coal operators if a Bureau of Mines inspector finds a coal mine unsafe and orders it closed. The Board of Review has the power to get such a closing order annulled. In those cases where the operator chooses, under the bill, to appeal first to the Secretary of the Interior, the Board may hear and decide appeals from the Secretary's order. The Board of Review is not "bound by any previous findings of fact" of either the Federal inspector or the Secretary of the Interior if an appeal is made directly to the Board.

In the cases where three additional Board of Review members are added, the Board under the proposed bill has these powers:

First. It holds hearings and makes recommendations to the Secretary where objections are raised to proposed health and safety standards issued by the Secretary of the Interior.

Second. The Board of Review is also charged with establishing "objectives" for the conduct of health and safety research. The Board also may "distribute funds" to the Secretaries of Interior and Health, Education, and Welfare to provide medical examinations for miners afflicted with pneumoconiosis; "reduce the royalty required" from the operators to fund research and medical examinations; and, finally, "make a study to determine the best method to coordinate Federal and State activities in the field of coal mine health and safety."

CONCLUSION

Retaining the Board of Review in the proposed legislation would make a joke out of the rest of the law. Such a board,

consisting of private-interest individuals with vast powers to veto otherwise effective provisions of the law, would drive a huge loophole by overriding the efforts of full-time public officials to enforce the law.

SOUTH VIETNAM—SEARCH FOR AN EXIT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. ROBISON), is recognized for 30 minutes.

Mr. ROBISON. Mr. Speaker, the rash of resolutions—introduced or contemplated—relating to President Nixon's patient search for an acceptable exit from Vietnam, make it incumbent upon us to restate our individual positions on this most difficult of all current issues before Congress.

I am as impatient with this misbegotten war as anyone.

We should never have gotten involved in it.

For—as someone recently wrote to the editor of the Wall Street Journal:

> A land war in Asia where we have no allies, no regime worth defending, no freedom of sensible military action, no hope of victory, and nothing to offer the kids we send over than death in vain, is an *idiotic venture* that violates every rule in the book.

I could not have said it better—and I wholeheartedly agree with President Nixon that "the time has come to end this war."

But, how? That is the question over which the Nation agonizes.

It is probably true that antiwar sentiment over Vietnam reached a peak last year. This was followed by a mood of, more or less, national resignation as administrations changed in Washington—an event that always seems to give the American people a sense that a page in history has been turned and their new President has, as it were, a blank sheet of paper on which to write.

Richard Nixon has been scribbling away at that task for 9 months, now, and it is understandable if the Nation, that has been remarkably patient with him, is most anxious to know what it is he has "written" concerning Vietnam.

There are those—largely motivated by political considerations, it seems to me—who claim he came into office possessed of a self-proclaimed "plan" for ending the war, and demand now to know where that "plan" is.

Well, there is not much point now in going over last fall's campaign rhetoric in an effort to see what Mr. Nixon said—or did not say—on that subject. For myself, I am satisfied that what he meant to imply was that, if elected, he would institute a new policy vis-a-vis the war in Vietnam—which had already become a bloody quagmire—and that he hoped thereby to bring the fighting, or at least our direct participation in it, to an early and acceptable conclusion.

Has that Nixon policy—not "plan"—been put into effect?

Some critics say not; Senator EDWARD KENNEDY for instance, sees no change. In fact, he recently charged that our "Vietnam policy of today is the discredited policy of the past," and he added that Mr. Nixon has merely "chosen to repeat the mistakes of the past."

Well, I think this is clearly wrong, and that we are following a new policy in Vietnam.

If I were to fault the President at all in this whole matter—and I shall not hesitate, for political reasons, to say he is wrong when I believe him to be wrong—it would be in his failure to articulate this new policy as well he might for the benefit of the American people.

Admittedly, this has been no easy task.

There has always been an inordinate amount of ambiguity about our involvement in Vietnam. This has probably been not only the most mistaken but also the least understood war we have ever stumbled into. There is no plausible explanation for it at all, anymore; unless, that is, one goes all the way back to our original, limited purposes in Vietnam, which then seemed like a logical extension of our whole post-World War II effort to help maintain some degree of order in a very unstable world.

As I say, no one really likes to go back over all this ground again, and I can understand why Mr. Nixon has avoided doing so, directly.

But there may be some value in doing it, for just a moment, in order to help us better understand the policy that, under our new President, we are now trying to get back to

For our new policy in Vietnam is only "new" in the sense that it is one we are going back to, after having unwisely deviated therefrom.

To be sure, our involvement started under the late President Eisenhower—though it had its roots in such as the so-called Truman doctrine.

But, and this is important to note, General Eisenhower always stuck by his basic position that if we were to look for a "solution" in Vietnam's tangled affairs it had to be a political not a military solution.

Of course, one can say we never should have interfered in Vietnam's internal problems at all—and most of us now wish we never had—but surely General Eisenhower never contemplated American armies in Asia, or a land war in Asia, or unilateral military intervention of any sort, but merely the supplying of money, material, and arms to help the French and later the South Vietnamese improve their chance to stand against externally supported aggression.

But policies change with personalities and, by the end of 1961, President John F. Kennedy had been persuaded that only military intervention on our part could "meet the challenge of Communist expansion now in Southeast Asia." The quoted words are taken from then Vice President Lyndon Johnson's memorandum of May 23, 1961, to President Kennedy. Mr. Johnson also therein declaring that we either had to then make "a major effort in support of the forces of freedom in the area or throw in the towel."

By the end of 1961—during which year the first American soldier was killed in open combat in Vietnam—the war there had taken a qualitative turn, insofar as the United States was concerned.

It took on a gradual quantitative change, too, as American forces in the south grew from the 3,164 advisers that were there, working with the military units of South Vietnam in 1961, to about 20,000 by the time of President Kennedy's tragic death.

President Johnson, taking over, could have reassessed our situation and the deadend nature of what we were getting into, but he, more than ever, saw our by-now common goal with the South Vietnamese in military terms and, in December of 1963, sent a New Year's message to General Minh—one in that series of temporary South Vietnamese leaders—pledging:

> We shall maintain in Vietnam American personnel and material as needed to assist you in achieving *victory*.

In this fashion, had the American involvement in Vietnam come to require an open-ended military commitment.

The rest is history which there is little point in repeating—but the lesson to be drawn therefrom is that one nation simply cannot fight and win a war for another nation. Put another way, this lesson is that, with all our vaunted power, we cannot "save" another nation whose people are either unwilling or incapable of saving themselves.

What we had forgotten—but what President Nixon has not—is that the only successful strategy to follow in any counterinsurgency effort is not one defining "victory" as destruction of the enemy but as construction of a viable state capable of winning and holding its own nationals' loyalties in such a fashion as to be capable, in turn, of holding its own against externally supported insurgency.

Thus, nothing could have more effectively or rapidly smothered the spark of true nationalism in South Vietnam, and stifled its war-weary citizens' self-confidence and initiative, than the overwhelming American presence that was built up in that unhappy little state during the past 5 years.

That the American people understood the nature of this blunder in foreign policy is amply demonstrated by their retirement of Lyndon Johnson to private life.

But as Mr. Johnson departed the Washington scene, he left Richard Nixon, as his successor, painfully few options.

They were, at best, three in number, for to have merely kept following the Johnson course was unthinkable.

First, Mr. Nixon could have further escalated the war—and our prosecution of it—in the hope of forcing a political settlement through military means.

The President—and wisely, in my view—has firmly rejected this seeming—and to some, appealing—"alternative." This is clearly a change, because this idea of a military victory was one that Lyndon Johnson, with his occasional vision of "nailing coonskins to barn doors," could never quite rid himself of.

Why is this wise?

Well, beating the Vietcong into submission, and then North Vietnam along with them, has always been well within our supposed military capabilities. I presume we could still do it, even though it would practically involve the leveling of most of South Vietnam—or whatever is left of it—as well as much of North Vietnam, with hundreds of thousands of civilian casualties.

To my mind, neither the Vietcong nor North Vietnam have ever posed such a threat to our own security as to justify such a use—or abuse—of our military power. Besides which, even if we attempted it, we could only do so at the risk of a far wider war than the one under whose weight we now groan, and could only end up, at best, with an unwanted colony, halfway around the world, whose unhappy and sullen people we would have to police and nurture for years to come.

Victory for us, in this tragic war, does not lie that way.

Mr. Nixon's second option would seem to be that of our unilateral withdrawal, in a mood of "hang the consequences."

To those who have always seen this war—or our involvement in it—as being immoral as well as illegal, this is still, and will always remain, our only honorable course.

I respect the sincerity of most of those who now demand, openly or in veiled fashion, our withdrawal in pure, precipitate terms; just as I understand those former hawks who now argue that, if we are to deny our troops in Vietnam any chance at a military victory, then—in all decency—we ought to just pull them out.

As I have said, I would have preferred that our troops had never been sent in—but they were.

Many Americans voted for Lyndon Johnson for President in 1964, with the thought that he would not further escalate a war that simply could not be won that way—but he did escalate the war.

And the grimmest statistic of all the grim ones we now must deal with in deciding on our future course is that, since Mr. Johnson made that decision, 38,461 young Americans—as of September 25—have given their lives supposedly in defense of freedom for the people of South Vietnam.

The Nation—and each and every one of us—has been diminished by the individual sacrifice each such life represents.

And this is a matter that weighs heavily on my mind—as I assume it does on Mr. Nixon's mind.

Though Lyndon Johnson, after his election by a landslide to the Presidency in 1964, could undoubtedly have managed an abrupt withdrawal from Vietnam, it is not so easy to do, now, if for no other reason than this.

These young men may well have all died in vain—a fact which would be certified to if we were now simply to scuttle and run from Vietnam.

What is the other alternative—Mr. Nixon's third, and last?

It is, as I see it, precisely the one he has chosen—that of working out a phased withdrawal from Vietnam; "de-Americanizing" the war—or "re-Vietnamizing" it, if you prefer; getting back, as rapidly as possible, to a point where South Vietnamese forces do at least all the ground-combat fighting still required, if the conflict is to go on, while we, as we did at the beginning, provide them with money, materiel, and arms plus, for awhile yet, such air and naval support as may be indicated to help them hold if the Vietcong and Hanoi decide to escalate, rather than deescalate, the level of combat on their side.

There can be no question—Senator KENNEDY's protestations to the side—but what this is a change in policy.

It is a policy of deescalation, as opposed to a policy of escalation.

And it is a policy that, I would like to think, the American people understand and, by a large majority, support, for it would seem to be our only hope of salvaging something from the tremendous—and so mistaken—investment of blood and treasure we have made in Vietnam.

But it is not a policy that can be implemented overnight.

If it is to be successfully applied at all, the President will need—as he has suggested—as broad and united a front in support thereof at home as is possible under the prevailing circumstances.

And one of the difficulties the President has faced in trying to secure that support, has been the fact that he has been required—in his attempts at explaining his policy—to speak to several different audiences at one and the same time: To Saigon, to Hanoi and Moscow, for instance, as well as to the American people.

In each such instance, it is natural enough, one supposes, that he has tried to put the best possible face on his policy; trying to reassure the South Vietnamese people that there will be no precipitate and disorderly American withdrawal, so that they will have time to remarshal their own strengths and to reassume the major burden of such combat as may continue—yet, at the same time, signaling to Hanoi that we are most anxious to scale down the level of that combat, while meanwhile attempting to reassure the American people that an end to this war can shortly be in sight.

Mr. Nixon's problems in this respect have undoubtedly been magnified by the recent rash of criticism of his policy—or the implementation of it—here at home.

A "moratorium" on such criticism has been suggested, and one can well understand why the President would like that.

However, as one who believes in the basic values of the widest possible national debate over Vietnam—provided the same remains within constructive bounds—I would much prefer to see the President now more clearly and positively present his policy to the American people, and aggressively defend it.

I would like him to spell out both the risks and the ramifications in his policy for the Nation in a way he has not yet really done.

Some of our people, from a reading of the President's words and those of his more outspoken critics, have apparently assumed that it is all over in Vietnam but for the leaving of it.

This is quite clearly not what Mr. Nixon has in mind, at all.

As I read his policy, it is one of doing all we can to encourage Hanoi—with or without Moscow's influence in that direction—to begin, at last, to truly negotiate at Paris for an end to the fighting and for arranging the details of an eventual political settlement.

Toward that end, he has not only renounced, as I have said, the idea of an imposed military "solution," but he has also proposed free elections organized by a joint commission—on a "coalition" basis—under international supervision, as well as the withdrawal of all U.S. and allied forces over a 12-month period. And he has declared our lack of intention to retain any military bases in Vietnam, along with our willingness to negotiate—at any time—a supervised cease-fire to facilitate the process of mutual withdrawal, our willingness to discuss—at any time—the 10-point program previously put forth by the NLF and Hanoi, and finally our willingness to accept any political outcome in the contemplated elections, provided the same are truly free in nature.

Some critics say this is not enough in these directions.

Just the other day, the New York Times expressed its disappointment that no "creative new White House approach" for ending the war has emerged during the 9 months Mr. Nixon has been in office. Well, it is a matter of opinion whether or not the President has moved as fast or as far as he could toward inducing Hanoi to contemplate a political settlement, but the Times seems, in its critique, to be ignoring the substantial degree of flexibility Mr. Nixon has given to our bargaining position so far, or the fact that Mr. Nixon has essayed nearly every such proposal the Times itself was advocating along such lines a few months back.

In fact, the only item involved in a political settlement of the war that Mr. Nixon says is not negotiable is, in his words, "the right of the people of South Vietnam to determine their own future free of outside interference."

This would, on its face, seem to be a reasonable restatement of what this war—even dating from our original limited involvement therein—has been all about.

Yet its constant critics—now zeroing in on Mr. Nixon—argue that our present policy as enunciated by the President implies the participation of the present Saigon regime in the mechanics of the search for that tantalizingly difficult political solution, and say neither the NLF or Hanoi can be expected to accept that anymore than we would be willing to accept in advance the dominance of the Vietcong's present provisional government.

It is as difficult for me to understand exactly what such leading critics as Senator KENNEDY's position on all this really is, as it seems to be for the Times, for instance, to understand Mr. Nixon's position, and discuss it objectively.

The Senator from Massachusetts seems to be saying, of late, that the President should demand and insist on the Thieu-Ky regime's acceptance of a coalition government with NLF representation now. His implication is that such a forced reorganization of Saigon's

government would automatically bring peace.

Hanoi's aim—as it always has been—is complete control of the South. It might accept a coalition government, whether or not imposed by us upon Saigon, as a step in that direction but not, I suggest, until after it has become convinced that the United States is not going to be forced, by the sheer weight of public opinion here at home, into a precipitated withdrawal of all our forces from Vietnam, regardless of what then happens—and regardless of the previous, tragic investment we have made in our ill-directed effort to preserve South Vietnam's last chance at self-determination.

Now, let me be understood: I am no happier with many aspects of the Thieu-Ky regime than anyone else. Though its claim to legitimacy is considerably better than that the Vietcong's provisional government could advance, or that of the government in Hanoi, for that matter, one could prefer other people than Thieu and Ky to deal with.

But, again, the problem is: There they are—and what do we do about them? Engineer their overthrow—or encourage dissident elements in the South to do so—thereby repeating one of our previous, and sorrier, acts of intervention into the affairs of this little nation?

I would surely hope not.

Yet at the same time, American boys are surely not dying in Vietnam in order to keep Messrs. Thieu and Ky in power, and we should thereby insist—as one hopes that, behind the scene, Mr. Nixon is—on Thieu and Ky assuming a negotiating stance equally as flexible as ours, on a true broadening of their political base, and on their instituting, at long last, those kinds of internal political and social reform without which no one can offer the people of South Vietnam the kind of government we have always hoped they would have a chance to choose.

It is, then, essential that when we say the only important thing in bringing the war to an end is what the South Vietnamese people want, we do our utmost to make sure that Thieu and Ky are only interested in the same thing, and not—as sometimes seems to be the case—only in their own futures.

From this distance, it is easy to criticize Thieu and Ky. At times they almost seem to invite U.S. criticism. But I have to believe that Mr. Nixon is as aware of this constant danger that our efforts can get sidetracked by petty politics—or politicians—in Saigon as anyone can be, and will do his best to remain faithful to our one peace objective as he, himself, has now restated it.

If this proves to be the case, we then come down at last to that one commodity which. above all, is presently most precious to Mr. Nixon in his goal of salvaging something from this misadventure for which he, personally, bears no blame.

That commodity is time.

How much time does the President have—more to the point, how much time will the American people give him—to see if he can yet work things out?

That depends on many factors—not the least of which is related to the nature of the swelling tide of criticism that will undoubtedly be aimed in his direction from now on.

If that criticism takes on a partisan tone along the lines just indicated by the present national chairman of the Democratic Party—who promised to "take the gloves off on Vietnam"; or if it follows the lead of the Wisconsin Democratic Party which, meeting in recent convention, adopted a resolution reading in part:

> President Nixon has done little to bring a just and honorable end to this ghastly conflict. His current proposals to withdraw 35,000 more troops from Vietnam and to temporarily suspend the draft calls are admittedly designed to defuse the anti-war movement. They are Nixon tricks, for which he is well known, to fool the people and to promote their apathy.

Then, Mr. Speaker, the American people can only become further divided and confused.

If, on the contrary, only constructive, nonpartisan criticism is aimed at Mr. Nixon and his policy, then one has to believe the national interest will be served, whatever the outcome for the President or the people of Vietnam.

It is in that sense, then, that I regard the recent proposal as made by Senator GOODELL, of my State—and the proposal soon to be made, so I understand, by the gentleman from Michigan (Mr. RIEGLE) and the gentleman from California (Mr. McCLOSKEY) and others here on our side of the Capitol.

These gentlemen, though in different ways, would seek to impose a deadline of sorts on the Presidential efforts; Mr. GOODELL by offering a resolution that, if passed, would prohibit the further use of Federal funds to maintain American troops in Vietnam after November 1, 1970, unless before then specifically authorized by Congress, and Messrs. RIEGLE and McCLOSKEY getting ready to introduce a resolution that would amend the so-called Tonkin Gulf resolution of August 10, 1964, by terminating the President's "warmaking authority," thereunder, as of December 31, 1970.

There is another proposed resolution that, so far as I know, has not been sponsored yet by any Member. This is one being circulated by the Friends Service Committee—as I believe it is called—which urges it be made the "sense of Congress" that the "continuous and orderly withdrawal of U.S. forces should proceed as expeditiously as possible until all American forces are removed from Vietnam," and goes on to state that—

> In no event shall American forces including air units or support personnel remain in Vietnam later than December 31, 1970.

Now, these kinds of proposals may well be counterproductive—as some have called them—insofar as they would relate to what Mr. Nixon is evidently trying to do, and I, personally, do not believe the President should be subjected to any such time limit within which to try to work out his policy, on which I shall comment more in a moment, but I do not object to such proposals being made nor question the motives of those advancing them.

Understand me, I am not defending these proposals—only their sponsors' right to submit them, following which we, of course, have a duty to consider them.

Out of that consideration here in Congress—as well as through the public discussions they have already precipitated—may well come a better public understanding of Mr. Nixon's policy and, it is even possible, the public support he has asked for.

For, if the President is trying to salvage a last chance at a political solution—meaning, in its broadest terms, a new election in South Vietnam in which all elements in this long conflict for control of that nation would participate, under international supervision guaranteeing its people a freedom of choice—he must, first, induce the NFL and Hanoi to accept that road toward an end to the fighting.

We have established, at Paris, our bargaining position.

It is a far more credible one than it was under Lyndon Johnson.

It should—under all prevailing circumstances but one—be attractive to both the NLF and Hanoi.

That missing circumstance is evidence of a clear U.S. determination to remain in Vietnam—albeit in a sharply modified military posture—as long as it may be necessary to do so in order to convince the NLF and Hanoi that they cannot pick up all the marbles by default.

Mr. Nixon has stated and restated that determination—though admittedly and, I think, unwisely, he fuzzed it up somewhat a few weeks back by trying to publicly outpromise former Secretary of Defense Clark Clifford as to the time needed to make his policy work out.

I believe that an issue was thereby raised, to which the President should now address himself.

It is all very well to hope—as we all hope—that the NLF and Hanoi can be induced to accede to a fair arrangement leading to a political settlement in which all sides take their chances, before the end of 1970.

But it is also necessary for the American people to understand the possibility that this may not happen, and that, if it does not, the President is proposing that we maintain a military presence in Vietnam beyond that date, if need be; a presence that, by then, hopefully would not involve more than, say, 200,000 troops, nearly all of whom would be there for air and naval support purposes, and not for ground combat, and all of whom, equally hopefully, could be volunteer forces.

This last point is, in my mind, of extreme importance, for I have never believed that American boys should be conscripted, against their will, to fight in a war that does not involve the security of the United States except in the most remote way possible, and that is being waged in pursuit of some international political purpose.

Again, let me be understood: I do not relish the thought of continuing any sort of American presence in Vietnam after the end of next year or, for that matter, 1 day longer than necessary to the working out of our original goal.

It is especially hard to accept that thought since it means that, for awhile

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at least, more American blood will be spilled on Vietnamese soil; posing a national dilemma of a sort we have never faced before, whereunder we contemplate a continuing sacrifice of American lives in order to salvage something from the larger sacrifice that has gone before.

Will the American people accept such a course—when so stated in such stark and tragic terms?

Frankly, I do not know—nor does the President.

But only the American people—and not the politicians nor the editorial writers—and not just the Dr. Spocks and the militant student groups—can answer.

Mr. Nixon—and the Nation—needs that answer, and needs it now.

Mr. Speaker, let us, each in our own way, search for that answer from our respective constituencies.

For my part, I hope these remarks of mine will encourage the people I am privileged to represent in this Chamber to search their hearts and minds with respect to this terrible problem we face, and to let me know what they think.

It would be better, I suggest, for each of us to attempt this than for us to spend our time debating whether or not we should put some sort of deadline on the President.

Deadlines or timetables are of no value now.

Indeed, they might well be counterproductive, as has been said, in that were we to impose one on the President, he would at once lose all chance at working things out in the manner he has chosen to try. For we would then simply be saying to the NLF and Hanoi: "We would like you to stop fighting and to begin to negotiate in earnest but, if you do not, before such and such a date, we will simply then go home and let you do what you will in South Vietnam."

Mr. Speaker, I do not believe the President needs to be pressured in this fashion in order to insure that he will pursue his announced policy as vigorously as possible, or to insist on the full cooperation of the Saigon regime in the implementation of that policy.

For no American could more fervently wish the end of this war than does Richard Nixon.

But what he needs to know—and what he is entitled to know—is whether or not the people he leads are still willing to give him a chance to work things out in an orderly way in a final effort for an acceptable conclusion in Vietnam.

If they are not, or if a substantial majority of them is not—then we should withdraw from Vietnam, at once.

The issue we face, as I see it, is as simple as that.

INTERNATIONAL POLICIES AND OVERSIGHT OF THE DEFENSE DEPARTMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan (Mr. Esch) is recognized for 10 minutes.

Mr. ESCH. Mr. Speaker, I rise to speak today only after a great deal of deliberation, coupled with no little frustration over the events that have transpired in this body during the past 7 days.

My deep concern is over the manner in which this body has fulfilled its responsibilities with regard to our international policies and oversight of the Defense Department. I believe that through our actions last week, we were derelict in our responsibilities to play a meaningful role in the shaping of our international and defense policies.

Let me first address myself to the recommittal motion on the defense authorization bill offered last week by the distinguished gentleman from Wisconsin (Mr. O'Konski). It essentially would have deleted all funds for research, development or deployment of an antiballistic-missile system. It was quite apparent to observers that this was an artificial motion made by a person who did not in fact favor it, as a parliamentary maneuver.

That vote, at best, was a contrived means of giving a false appearance of increased support for the administration's ABM proposal. At worst, it was a procedure developed to prevent the minority of Members from expressing on record either its objection of the deployment of the ABM or securing a meaningful record vote on the military authorization budget. In either case, it is a parliamentary procedure of which the House of Representatives and its leadership should be concerned.

Mr. Speaker, I have spoken out against the deployment of the ABM since early March. I recognize that the administration made its decision to request funds after thorough consideration and analysis. Yet others have made equally as objective analyses, and have concluded that deployment of an ABM is unwise and unnecessary. Upon careful study of both points of view, I found myself in agreement with those who dispute the need for an ABM, and I therefore oppose deployment. However, in light of the sincere conflict, I believe that our research in this field should continue. This point of view, which, I believe, is shared by a great many of my colleagues, was impossible to express on a record vote last week.

Although the failure to take a true vote on the deployment of an ABM is in my view unfortunate, the failure to go on the record with regard to limiting military spending is even more deplorable. Each of us in the House of Representatives has a direct responsibility to analyze and oversee military expenditures. I very strongly believe that major cuts could be made in our gigantic defense budget without in any way affecting the strength of our national defense. Indeed, I believe that a cutback in funds would force new efficiency on the military which would, in fact, result in an even more effective Defense Establishment. Yet, because of the nature of the recommital motion, once again the minority was silenced.

In many ways, however, the specific issue involved in last week's vote is less important than the principle involved. This is not the first time this has happened.

This vote parallels in many ways the vote on May 25, 1967, when the House was debating the extension of the Selective Service Act. There was a strong minority view held by Members from both sides of the aisle, that major reform was needed in the draft and that the act should be extended for only 2 years so that detailed review could be made and reform undertaken in the near future. That day, like last week, the gentleman from Wisconsin gained recognition through tradition as ranking minority member of the Armed Services Committee, to offer a recommital motion which was designed specifically to deny the minority an opportunity to express its support for reform. That day, like last week, the gentleman from Wisconsin was supported by the leadership of both parties.

History has proved that contrived motion to be unwise. Our President has called on the Congress, as we were trying to do 2 years ago, to enact a much-delayed reform of our draft system. Reform of the draft reflects both the will of the people and the best interests of the Military Establishment, and in my view it should not have been delayed through contrived parliamentary procedures for 2 years.

History has also recorded that the parliamentary maneuvering in the House last week was unwise and, indeed, this House has failed to be responsive to the will of the people by giving the Military Establishment a carte blanche approval for spending.

This whole procedure is not, however, the only matter which greatly disturbed me about the debate here in the House last week. During the closing minutes of debate the distinguished gentleman from Illinois (Mr. Arends) suggested that anyone who criticized the President with regard to Vietnam is doing so only to "advance their own political ambitions." The implication of his remarks was that criticism of the President was unpatriotic and was designed to further the cause of Hanoi.

Much as I respect the gentleman from Illinois and the position which he holds, I object to those remarks. I believe that a Member of the House of Representatives has a responsibility to represent his constituents. We have a responsibility which runs just as deep as that held by the President, to work for the betterment of the Nation and its international policies. We are not charged with the day-to-day operation of our foreign affairs, but we are charged with the responsibility of oversight of all Government activities.

No useful purpose is served by ill-advised charges from any political position that those not in accord somehow damage their country. What we debate is the wisdom of policy, not the courage, loyalty, or integrity of anyone.

As a Member of the House of Representatives, I have in the past felt responsible as a part of my duty in an independent branch of the Government to criticize the administration when I felt they were wrong—either domestically or internationally. That responsibility to express an independent point of view when a Democrat was in the White House has not changed now that a member of

my own party is in power. I have the responsibility to criticize and to suggest constructive alternatives no matter what the issue, no matter what the party in power.

Hopefully, my criticism and suggestions in the past have been made with a maximum degree of analysis and constructive intent and with a minimum degree of personal aggrandizement. It was with that attitude that a group of eight of us here in the House joined on July 10, 1967, to state our proposals for a gradual, reciprocal, identifiable deescalation of the Vietnam war—a proposal which was eventually adopted in large part by the President in working toward the Paris talks. It was with that attitude that I sent to the President on February 7, 1968, a series of questions about the failure of the Americans to involve the Vietnamese sufficiently in the defense of their own nation and our failure to insist on reform in Saigon to assure freedom for all the people of South Vietnam—programs which have now been undertaken by the President. It is in this same vein that I will continue to speak out on Vietnam when I believe that our policies are wrong or that I can make a constructive contribution to our policy decision.

Mr. Speaker, I have not joined this week with the gentleman from Michigan (Mr. Riegle) and the gentleman from California (Mr. McCloskey) in their proposal that all troops be withdrawn from Vietnam by December 31, 1970. In my view, their goal is laudable but their suggested means of achieving it impractical. To suggest any timetable would be for us to remove the flexibility which the administration needs in negotiating. To remove this flexibility would be for us to fall into the structured, locked-in Johnsonian procedures. Flexibility is, I believe, one of the most important factors in dealing with our difficult situation in Southeast Asia.

Neither have I joined with the 104 Members who have introduced a resolution in support of the President's announced plan "to remove troops at the earliest possible date." In my view, this resolution in intent is meaningless since our country, through its Chief Executive, has already committed itself to this goal.

Although I disagree with these proposals, I believe that the Members of the House who are making them have both a right and a responsibility to do so if they sincerely believe them. In the much quoted words of Voltaire:

> I disapprove of what you say, but I'll defend to the death your right to say it.

I believe that this administration has taken positive and significant steps to set a new course in Southeast Asia—and I applaud and associate myself with their efforts. Yet where I feel I may be constructive, today or tomorrow, I will continue to comment and criticize. I will continue to speak out actively on those issues, including Vietnam, on which I believe I can make a meaningful contribution without "cutting and running," "bugging out," "hauling down the flag," or seeking personal aggrandizement. I will not be silenced by the leadership of my party and I will fight their efforts to silence others whatever their view.

In his speech the gentleman from Illinois alluded to the concept of the late Senator from Michigan Mr. Vandenberg, that "politics ended at the water's edge"—implying that, if we as Representatives were responsible, we would not enter into debate in the field of foreign affairs—that we would silence all criticism of the President's policy.

However, if we examine carefully the attitude of the Senator, we find that he held just the opposite view—that, indeed, he felt a direct obligation to contribute constructively.

Listen to his words as he so eloquently spoke on January 10, 1945, on the responsibility which the legislative branch holds. His words echo back to us today and hold special meaning for the Members of this body and our Chief Executive:

> I venture to repeat, with all the earnestness at my command, that a new rule of honest candor in Washington, as a substitute for mystifying silence or for classical generalities—honest candor on the high plane of great ideals—is the greatest contribution we can make to the realities of unity at this moment when enlightened civilization is our common state. . . . I realize Mr. President, in such momentous problems how much easier it is to be critical than to be correct. I do not wish to meddle. I want only to help. I want to do my duty. It is in this spirit that I ask for honest candor in respect to our ideals, our dedications, and our commitments, as the greatest contribution which government can now make to the only kind of realistic unity which will most swiftly bring our victorious sons back home, and which will best validate our aspirations, our sacrifices, and our dreams.

Let the dialog and debate continue, then—it is the essence of the ideal for which we strive—the crucial difference that sets apart this land from others. And let us all seek a realistic unity.

Mr. ARENDS. Mr. Speaker, the gentleman from Michigan (Mr. Esch) graciously furnished me with a copy of the remarks he proposed to make on the floor of the House dealing with our international policies and our defense program.

In the course of his remarks he refers to the debate on the recently passed military procurement authorization bill. He voices objection to the remarks I made during the closing of the debate on this bill. He states:

> During the closing minutes of debate the distinguished gentleman from Illinois (Mr. Arends) suggested that anyone who criticized the President with regard to Vietnam is doing so only to "advance their own political ambitions." The implication of his remarks was that criticism of the President was unpatriotic and was designed to further the cause of Hanoi.

The gentleman from Michigan has entirely misconstrued my remarks. I would never make such a broad generalization as to say that criticism of the President by anyone was "to advance their own political ambitions" or that it was "designed to further the cause of Hanoi." He has lifted a phrase from my speech entirely out of context. What I said was:

> There are those in high places on both sides of the political aisle who would seek to advance their own political ambitions at the expense of our country's international status.

And I stand by that statement. There are, indeed, some, but certainly not everyone, who are critical of the President's efforts solely to advance their own political interests. This criticism is not "designed to further the cause of Hanoi," as the gentleman from Michigan interprets my remarks. I did not believe that anyone would ever have such a design. I do claim, however, that some of the criticism is of such character that its result in fact, although not in intent, furthers the cause of Hanoi.

The burden of my remarks was to emphasize the importance of all of us helping the President bring this war to an honorable settlement. As I stated in my remarks:

> The surest and quickest way to achieve an honorable settlement of this unfortunate war is to unite behind him—

The President—

> in his efforts.

ADMINISTRATION'S POLICIES ON VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. Arends) is recognized for 5 minutes.

Mr. ARENDS. Mr. Speaker, last Tuesday our distinguished minority leader, Mr. Gerald R. Ford, called special attention to the speech of our able Secretary of Defense Melvin Laird before the convention of the AFL–CIO at Atlantic City.

The speech dealt with the administration's policies with respect to Vietnam. I, too, urge every Member to read it. It will be found on page H9217 of the Congressional Record of last Tuesday—October 7—as a part of Mr. Ford's remarks.

I deem it also of importance that you be apprised of what George Meany said in introducing Secretary Laird to the convention, and especially what he had to say at the conclusion of the speech. I am accordingly making Mr. Meany's opening and closing remarks a part of the Record.

You will especially note that at the conclusion of Secretary Laird's speech Mr. Meany said that labor is "one group who understands that when you negotiate with an opponent you negotiate from strength" and that "unilateral withdrawal is not the answer" to the Vietnam situation. He said in reference to the administration's policies in Vietnam:

> Frankly it is the best possible plan I have seen yet.

The transcript of the opening and closing remarks of George Meany follow:

Opening Remarks of George Meany

At this time it's my pleasure to introduce to you a member of the Cabinet, who has perhaps the most difficult job at the present time, second, I think, only to that of the President. I've known this gentleman for many years. When I first met him he was a State Senator in Wisconsin and he afterwards came to Washington; was a very distinguished member of the House of Representatives, and I feel that when he was put in charge of the Department of Defense, that

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the President secured the finest person for that job—capable of handling it and doing the very difficult day-to-day work in the Department of Defense under rather severe handicaps at times. I think the Congress bugs him once in a while and sort of throws some curves at him, but he's quite well able to handle it, and I'm delighted to present him to you, the Secretary of Defense, the Honorable Melvin Laird.

Closing Remarks of George Meany

On behalf of the delegation, the officers of AFL–CIO, myself, I express our appreciation to the Secretary of Defense for his very enlightening and forward looking address here this morning. I'm sure that this is one group who understands that when you negotiate with an opponent you must negotiate from strength and I'm sure that this is one group who believes that unilateral withdrawal is not the answer. I am hopeful that the plan that President Nixon has of negotiating and at the same time keep the pressure on our opponents, I'm hopeful that it will bring results. Frankly, it's the best possible plan I've seen yet. I can assure Secretary Laird that in the days to come, in his difficult job of trying to bring peace, in bringing our boys home, he's going to certainly have the backing of the AFL–CIO and its people. Thank you very much.

IMPROPRIETIES AT VETERANS' ADMINISTRATION MEDICAL FACILITIES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

Mr. SAYLOR. Mr. Speaker, on some past occasions, it has been my reluctant duty to call to the attention of this House certain irregularities and improprieties in hospitals operated by the Veterans' Administration. I regret to report still another situation has arisen. The activities are serious in nature and have not met with the sort of response from officials in the Department of Medicine and Surgery that the condition warrants. Therefore, I feel that the matter must be publicly aired so that it may be corrected promptly.

Present activities in this particular Veterans' Administration facility, and there is no evidence to indicate that the hospital has received an order from the Chief Medical Director to stop such practices, involve full-time Veterans' Administration physicians treating patients in a hospital affiliated with a medical school and billing the patients so treated for their care. The patients then either pay the doctor directly or an insurance carrier does. The money is then deposited into a fund operated within the medical school for the payment of a multitude of services, such as supplemental travel allowance, dues in professional societies, malpractice insurance premiums and other fringe benefits believed to be of significant value to the medical profession.

The funds generated by this sort of activity by personnel in Veterans' Administration hospitals have at this one station alone totaled nearly $100,000. Central office did prohibit Veterans' Administration doctors from acting as disbursing agents of such funds but only after a General Accounting Office audit produced the information. The Veterans' Administration made no concerted effort to ascertain the facts.

My investigation reveals that there are similar funds for a variety of purposes in 34 other medical schools affiliated with Veterans' Administration installations, and this must not be allowed to exist. There are regulations which specifically prohibit a Veterans' Administration physician from assuming responsibility for care of a patient outside and beyond the Veterans' Administration hospital. This is not being observed.

Records which show how a physician's time is spent in and out of the Veterans' Administration, when such activity involves remuneration, were not maintained at the specific station involved to any degree at the time of the investigation, and are not being maintained properly in many stations throughout the 165-hospital system.

In the hospital under investigation, one "full-time" civil service employee was found to be acting as the chief of the laboratory service while holding the same "full-time" position in the medical-school-operated hospital across the street. There was no specific tour of duty regulation indicating the hours in which doctors were expected to be on duty. One physician served 6 months in the capacity of coroner without any approval from the station or central office in Washington.

This particular facility had a sharing agreement with the university hospital providing for cardiac surgery. At the suggestion of the medical school, the Veterans' Administration hospital referred service-connected patients having hospital insurance coverage and needing cardiac surgery to the university medical school hospital so that the insurance carriers could be billed at a higher rate than that provided in the sharing agreement, even though the law clearly provides that service-connected patients are the responsibility of the Veterans' Administration for full care and treatment at no expense to the veteran or a third party. The director of the hospital called this matter to the attention of central office on August 14. It was 27 days later—on September 11—when central office in Washington teletyped the station director informing him that such activity was illegal and prohibited.

Investigation shows that out of 5,000 full-time Veterans' Administration physicians, there are 679, or 13.6 percent, who are supplementing their income in one form or another by outside professional activities. Nineteen of these physicians received annual payments of more than $10,000 a year from outside sources. Six hundred and sixty have earnings below that figure. The median outside income is $2,000 per year involving nearly 4 workdays out of each 10-day work period for a full-time employee. The average Veterans' Administration salary for doctors engaged in this activity is $23,234 and the average income from "consultation and other" is $2,433. A few examples will suffice to show the discrepancies involved—one physician in a southern Veterans' Administration hospital is being compensated at the rate of $13 an hour; his outside activities are paid for at the rate of $175 an hour. Another doctor receives $125 an hour and a third at $120 an hour, and others in the vicinity of $100 to $115 an hour.

It should be borne in mind that 86 percent of the Veterans' Administration doctors do not participate in this activity which could lead to the conclusion that the leadership, or lack of it, in central office is letting the tail wag the dog.

The condition in the hospital which triggered the investigation was called to the attention of central office by the hospital director on April 14. One month later, on May 16, the regional medical director and an assistant chief medical director paid a visit to the station involved. Their appraisal of the seriousness of the problem is indicated by the fact that the action taken consisted of writing a one-page memorandum for the file. When this information came to light, there was an investigation by individuals from central office of the Veterans' Administration a representative of the General Accounting Office, and the staff of the Committee on Veterans' Affairs.

To this date, I have not been advised of any substantive correction despite the submission of a detailed and critical report by the chairman of the Committee on Veterans' Affairs, numerous conferences and several letters. The leadership in the Department of Medicine and Surgery after nearly 6 months has displayed no sense of urgency to correct this deplorable and dangerous condition. Despite the abuses shown in the time and attendance records, required by the Veterans' Administration's own regulations, central office has taken no steps to correct the deficiencies in this field. The number of funds of questionable character were determined at the request of the Committee on Veterans' Affairs, but the Department of Medicine and Surgery leadership was uninterested in ascertaining what activity on the part of the physicians generated the funds.

"Full-time" Veterans' Administration physicians have been receiving payments from medicare and medicaid. Perhaps the worst offense is that of a hospital in a community which involves "full-time" Veterans' Administration physicians who receive through a corporation or individually in the neighborhood of $200,000 in 1 fiscal year for the treatment of patients under medicare in a county hospital operated by local government funds. Central office has not conducted any survey of its own or indicated any interest in the amount of income that physicians, allegedly of a small number, may be receiving for care and treatment of patients eligible under medicare or medicaid.

Central office has issued no new regulations to supplement travel allowances above and beyond that authorized under existing law. Veterans' Administration regulation 00–67–12 specifically prohibits a Veterans' Administration doctor from assuming responsibility for care of patients outside the Veterans' Administration hospital. No effort has been made to alter this regulation or to enforce it. There have been no new definitions or guidelines formulated which define or

redefine teaching or the treatment of patients. Effort has not been made to determine if open heart surgery infractions, previously described, at one hospital extends to other localities.

Aside from advising the station involved that the activities with regard to cardiac surgery were illegal, the net significant result at this troubled station is the approval by central office of a contract which triples the cost of consultant and attending fees from $16,000 to $48,000. This fact was disclosed through committee staff interrogation which revealed money is now going to the medical school rather than individual doctors. Formerly individual consultants were paid $50 for each visit and attendings $25; now the medical school will determine the amount to be paid individuals.

Nearly 6 months have elapsed since these deplorable conditions were called to the attention of responsible officials in the Department of Medicine and Surgery. No action has been taken other than that which I have indicated. Committees have been appointed to study the matter and I deplore the total lack of urgency or concern on the part of responsible officials of the Department of Medicine and Surgery.

The Committee on Veterans' Affairs, on which I have the honor to serve, has worked diligently, carefully, and steadily to improve the quality of patient care in Veterans' Administration hospitals. This has involved cooperation with medical schools throughout the country. We believe that it has worked in the best interest of the medical schools, but I submit that by no stretch of the imagination did the Congress ever envision or expect practices to develop like those which I have just described.

Neither did the Congress expect to have irresponsible attitudes displayed by doctors of medicine and high-ranking physicians in the Department of Medicine and Surgery. The sole reason for the existence of the largest hospital and medical complex in the world operated by the Veterans' Administration is for the care and treatment of veterans who are entitled under law to such benefits. It seems to me from the activities I have described that at least some individuals have departed from that concept. In fact, I am beginning to doubt they even share this reasoning and basic intent of the law.

Mr. Speaker, I have introduced bills to correct these situations. The first is H.R. 12901, which would designate a layman as the Chief Medical Director's deputy. I think this would result in solving many of the problems which now face us by placing a trained layman at the helm for administrative purposes, and let the doctors practice medicine. My second proposal is H.R. 13503, which in effect says that sick and annual leave by employees of the Department of Medicine and Surgery shall be no less than or no more than that enjoyed by civil service employees in the classified services.

My third bill, H.R. 13758, is broader in its concept and has a number of provisions: A Veterans' Administration doctor—

First. May not assume responsibility for the medical care of any patient outside a Veterans' Administration facility—as prescribed in Veterans' Administration regulations but not observed;

Second. May not teach or provide consultative services which interfere with his duties as a Veterans' Adminstration physician;

Third. May not accept medicare and medicaid patients;

Fourth. May not accept money from outside sources beyond the travel allowances authorized for Federal Government employees; and

Fifth. May not engage in any professional service which has as its purpose the generating of money for a fund operated by a medical school.

H.R. 13758 further provides that:

First. Patients may not be transferred from Veterans' Administration facilities for the purpose of permitting insurance payments from commercial health carriers;

Second. Removes from medical schools the veto which now exists, by practice, over the appointment of professional personnel;

Third. Requires sharing agreements to be approved by the Comptroller General and audited regularly by that official; and

Fourth. Attempts to provide some guidelines for full-time employment of doctors. Inquiry, for example, on one station revealed that a "full-time" physician is away from his station 2 full days out of each 5-day workweek, yet he continues to be classified and paid as a "full-time" employee. Other employees are away 2, 3, 4, or 5 hours each day and still qualify as full-time employees. Really now, are such employees "full time?"

Not surprisingly, the Veterans' Administration has frowned on the first two proposals. I am sure it has no enthusiasm for the last one, and will shortly so advise our committee.

What is needed is positive leadership in the highest echelons of the Department of Medicine and Surgery—a following, if you please, of the highest ethics of the medical profession. Failing to display this will make it necessary for the Congress to proceed with legislative action. If steps are not taken on an administrative level in the immediate future I shall press for consideration of my three bills and a complete ventilation of the entire deplorable condition.

HARRY EMERSON FOSDICK

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Dr. Harry Emerson Fosdick, founding pastor of Riverside Church in New York City, died last Sunday at the age of 91. During his rich, full life, which extended over most of a century, he was a leading spokesman for those deep concerns of the spirit which have shaped the history of our time. His prophetic ministry at Riverside Church gave witness to his heartfelt mission: To render the Christian Gospel intelligible and meaningful in a world increasingly dominated by scientific and technological knowledge. He was, in fact, the first great urban preacher, in the sense of having been the first to relate faith to the complex realities of modern urban culture and society. Yet withal, he remained the warm, understanding, and compassionate counselor, able as few men have been, to unite a burning social conscience with a tender regard for persons. A sermonic craftsman, which is to say a master of simplicity and clarity, he brought his own deep feeling for life to bear in his retelling of the story of Jesus: The result was a book of permanent worth, at once scholarly and vibrant, "The Man From Nazareth," a truly ecumenical work.

The great battles of the early decades of this century over the fundamentalist-modernist conflict are largely over and done with. Yet, in retrospect, regardless of our changing perspective as we confront the issues of the past, it may be that Dr. Fosdick's greatest achievement will have been to provide an intelligent understanding of the Bible and of the Christian faith for men and women of today's world. His service in this regard can hardly be exaggerated. Finally, his most enduring legacy can never be measured: That patient, gentle, and sensitive pastoral care which was always at the heart of his ministry—in the words of another great American preacher, Phillips Brooks, "the communication of truth through personality." His passing impoverishes us all, even as the memory of his life and his continuing ministry through the influence of his sermons and books remain to inspire and strengthen us in "the living of these days." To his family I extend my deepest sympathy at this time in their and our loss.

Mr. Speaker, I include at this point in the RECORD an obituary of Dr. Fosdick which was prepared by Charles H. Whittier of the Library of Congress:

HARRY EMERSON FOSDICK

(By Charles H. Whittier)

Harry Emerson Fosdick was born in Buffalo, New York, on May 24, 1878, the son of Frank Sheldon Fosdick, a high school teacher, and Amy Inez Fosdick. Descended from people who came to Massachusetts Bay in 1635 seeking religious freedom, he carried this heritage forward as the leading spokesman for liberal religious belief in his time. In 1900 he received his B.A. from Colgate University, where he was a member of Phi Beta Kappa. Influenced by such men as President Andrew D. White of Cornell, whose *Warfare of Science and Theology* has become a classic, he determined to enter the ministry, receiving his doctorate in divinity summa cum laude at Union Theological Seminary (after a brief period at Colgate Theological School), where he came under the influence of Walter Rauschenbusch, pioneering advocate of the Social Gospel, and Rufus Jones, the beloved Quaker mystic.

What he later called "an overdose of mission work in the bowery" precipitated a short-lived nervous breakdown and severe depression. Following his recovery, he was ordained to the Baptist ministry in 1903, and was called to serve his first parish, the First Church, Montclair, N.J., in 1904. He remained at Montclair until 1915, while also teaching at Colgate Theological School. His

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unorthodox ideas and preaching fervor here won him growing attention.

During the First World War he visited the AEF Troops in France under the auspices of the YMCA. In 1919 he was called to the First Presbyterian Church in New York City, where he was assured of freedom to pursue his ecumenical goals. During this time he continued his teaching at Union (begun in 1908), which extended over a period of 33 years. His marriage to Florence Allan Whitney of Worcester, Mass., brought happiness during a time of mounting controversy in which he gave outspoken leadership to the Liberal movement in its conflict with the Fundamentalist position (as represented by William Jennings Bryan and the Scopes "Monkey Trial" in Dayton). His 1922 sermon, "Shall the Fundamentalists Win?", attracted national attention. Charged with heresies by the Fundamentalist wing of the Presbyterian denomination, he refused to compromise when the issue came to a head in the General Assembly of the Presbyterian Church, U.S.A., and resigned, delivering his farewell sermon to an immense congregation, March 1, 1925.

At this point, John D. Rockefeller, Jr., a Liberal Baptist layman, offered him the pastorate of the Park Avenue Baptist Church in New York City. He accepted with the condition that the Church open its doors to all creeds and move in closer proximity to Columbia University. In 1927 he preached to 6,000 people for the first time in the new building (contributed by Rockefeller), and for the dedication in 1931 he wrote his finest hymn, "God of Grace and God of Glory," one of many hymns now sung in almost every denomination. The Riverside Church, as his parish soon became known, was an early center of interracial, interdenominational, and international ministry. In the ensuing years, it became one of the great pulpits of America.

From 1922, he pioneered in radio ministry, and his "National Vespers" program was heard regularly by millions. He served as trustee of Colgate, Barnard, and Smith Colleges, and received innumerable degrees from some 20 Ivy League colleges and other universities. Fearless of controversy, he gave early and constant support to Alcoholics Anonymous, to the birth control movement associated with Margaret Sanger, and to the cause of the League of Nations. He was friend and counselor to President Wilson. All forms of bigotry, racism, and nationalistic excess were alien to his broad, humane concern. Through the spoken and written word (he was author of some 40 books), he sought to relate Christian faith to the scientific culture of the 20th century. His *The Meaning of Prayer* went through 38 editions. *The Man from Nazareth* made Christ real to millions; *On Being a Real Person* communicated psychological insight with religious truth.

Beginning in the 30's, he moved toward a vigorously outspoken pacifism, and associated himself with leadership of the "No Foreign War" campaign. Following Pearl Harbor, he concentrated on those personal problems which the war situation created. In 1945 he expressed public shock at the revelations of the death camps.

His retirement from Riverside in 1946 marked a new era of activity in church and civic concerns, and for a time he headed the Manhattanville Community Center. The publication of his autobiography in 1956, *The Living of These Days,* revealed an alert, warmhearted, and witty mind and spirit, outspoken on issues of the day well into his 80's. Mrs. Fosdick passed away in 1964, saddening his last years. His death (at 91), came at Lawrence Memorial Hospital, Bronxville, New York on Sunday of this very week (Oct. 5, 1969). He is survived by a brother, Raymond B. Fosdick, former President of the Rockefeller Foundation; a half-sister, Mrs. Ruth Fosdick Jones; two daughters (Mrs. Elinor Fosdick Downs and Dr. Dorothy Fosdick); two grandchildren; and one great-granddaughter, born on September 15 of this year (and whom he lived to see).

Mr. Speaker, I include at this point in the RECORD the obituary by Edward B. Fiske which appeared in the New York Times on October 6, and also an editorial from the Washington Post of October 7:

[From the New York Times, Oct. 6, 1969]

HARRY EMERSON FOSDICK DIES; LIBERAL LED RIVERSIDE CHURCH

(By Edward B. Fiske)

Dr. Harry Emerson Fosdick, founding pastor of the Riverside Church and a pivotal figure in the Liberal-Fundamentalist split in American Protestantism in the nineteen-twenties, died last night at Lawrence Hospital in Bronxville, N.Y. He had been taken there two weeks ago after having suffered a heart attack.

The author, hymn writer and renowned preacher was 91 years old. He had lived in an active retirement since 1946, writing books and espousing social, religious and sometimes political causes. His home was in the Rivermere Apartments, Alger Court, in Bronxville.

On the first Sunday of March 1925, a 46-year-old, bushy-haired preacher stood in the pulpit of Manhattan's First Presbyterian Church and told the congregation:

"They call me a heretic. Well, I am a heretic if conventional oratory is the standard. I should be ashamed to live in this generation and not be a heretic."

The speaker was Harry Emerson Fosdick, an apostle of theological liberalism who had already become a pivotal figure in American Protestant history.

As a radio preacher and author, Dr. Fosdick was to become counselor to two generations of Americans and a major force in the struggle to relate Christian teachings to the scientific culture of the 20th century.

As the founding pastor of Riverside Church and a professor at Union Theological Seminary, he would be a pioneer in ecumenism, race relations and the peace movement and would leave his mark on the style of virtually every American Protestant preacher.

BITTER CONTROVERSY

When he spoke these words, though, Dr. Fosdick was still embroiled in the first major struggle of his career—the bitter controversy between Fundamentalists and Modernists.

Liberals eager to reconcile religion with evolution and other new theories were laying siege to traditional Christian teachings such as the infallibility of the Scriptures, the truth of miracles and the doctrine of the Virgin Birth.

Conservatives reacted with intensified devotion to the "fundamentals" of the faith, including adherence to the literal language of the Bible, a rigid salvation scheme and stanch opposition to the intrusion of historical scholarship into the Biblical field.

"It was a day," said Reinhold Niebuhr, the theologian, "in which the old evangelical piety of American Protestantism, so vital in its earlier form and so potent in taming an advancing frontier, had hardened into a graceless biblicism and legalism."

ICONOCLASTIC STAND

In this polarized and tension-filled situation, Dr. Fosdick clearly stood with the iconoclasts. He rejected the world-view of the Fundamentalists and paid little attention to the doctrines that they regarded as the tests of orthodoxy.

Instead, he concentrated in his sermons and writings on other traditional teachings such as the divinity of Christ, the doctrine of immortality and, above all, the concept of "God's indwelling presence in the world and in man."

"For me," he wrote, "the essence of Christianity is incarnate in the personality of the Master, and it means basic faith in God, in the divinity revealed in Christ, in personality's sacredness and possibilities, and in the fundamental principles of life's conduct which Jesus of Nazareth exhibited."

Dr. Fosdick became a prime target of William Jennings Bryan and other Foundamentalist leaders in 1922 when he preached a sermon entitled "Shall the Fundamentalists Win?"

In it he charged that the Fundamentalists were trying to drive the liberals out of the churches and dismissed the doctrine of the Virgin Birth as "one of the familiar ways in which the ancient world was accustomed to account for unusual superiority."

OUSTER ATTEMPTED

The resulting furor led to concerted efforts to force Dr. Fosdick out of his pulpit. He was a convenient target not only because of his visibility but also because he had been ordained as a Baptist and had never formally subscribed to the tenets of the Presbyterian church that he was serving.

In 1923 the General Assembly of the Presbyterian Church in the U.S.A. directed the New York Presbytery to require the preaching of First Presbyterian Church to "conform to the system of doctrines taught in the Confession of Faith."

Dr. Fosdick handed in his resignation, but the congregation refused to accept it. The case came up again the following year, however, and this time he was asked either to become a Presbyterian minister or to resign.

He took the latter course because of his conviction that subscription to creeds was "dangerous to the welfare of the church and to the integrity of the individual conscience."

On March 1, 1925, he preached his farewell sermon to a packed church. A newspaper account of the event stated that "most of the women in the church were in tears, and many of the men struggled to hide their feelings."

AN "URBAN" PREACHER

In a sense, Dr. Fosdick was the country's first great "urban" preacher, a pragmatist who focused on the needs of those who were abandoning the spiritual mores of the frontier and the farm and seeking an accommodation of Christianity with the emerging urban culture.

He challenged theological obscurantism as a basis for this and made it possible for the cultured classes to appreciate the "intellectual respectability of the Christian faith," Dr. Niebuhr said.

Dr. Fosdick was well prepared for this task, for as a youth he had himself fought his way through Fundamentalism to a so-called "rational" faith.

He was born in Buffalo on May 24, 1878, to Frank Sheldon Fosdick, a high school principal, and Amy Inez Fosdick. He had a sister, Edith, and a brother, Raymond, who became president of the Rockefeller Foundation.

Harry Fosdick was educated in Buffalo schools and went on to Colgate University, from which he was graduated in 1900 at the age of 22.

As a youth he had absorbed the religious orthodoxy of the day, but at college he reacted against what he termed "the puerility and debasement of a legalistic and terrifying religion."

Under the influence of liberal thinkers such as Andrew D. White, president of Cornell University, he developed the foundation of his progressive theology and made the decision to enter the ministry.

He entered the Colgate Theological School in 1900 and the following fall transferred to Union Seminary, where his major intellectual influences were the works of Walter Rauschenbusch, the leader of the Social Gospel movement, and Rufus Jones, the Quaker thinker.

He began doing outside work on the Bowery, but the extra load led to a nervous breakdown, and he was forced to withdraw from the seminary in December, 1901.

Dr. Fosdick later described his illness as a "horrid experience" but "one of the most important factors in my preparation for the ministry."

"Many times in later years," he wrote, "I have faced people who started in to tell me the inner hell of their neurotic agony—the waves of melancholia, the obsessive anxieties, the desire for suicide and all the rest—and I have stopped them, saying: 'Don't you tell me, let me tell you how you feel.'

"One typical man, with wide eyes, exclaimed when I was through: My God! how did you know that?' "

ORDAINED IN 1903

After a trip to Europe, he returned to Union, was graduated summa cum laude and was ordained on November 18, 1903. He took his first post at the First Baptist Church in Montclair, N.J., and the following year he married Florence Allen Whitney of Worcester, Mass.

Each morning the young pastor locked himself in a room and soaked up philosophy, literature and history. This paid off in first-rate preaching, and during his 11 years in Montclair the congregation doubled its budget and constructed a new building.

In 1908 he also began teaching at Union, a connection that he retained until his retirement 38 years later.

During World War I Dr. Fosdick traveled among American troops in Europe for the Young Men's Christian Association. In 1918, after his return, he moved to First Presbyterian Church with the understanding that his duties would be limited to preaching.

Shortly after his forced resignation from the Presbyterian church, Dr. Fosdick was approached by John D. Rockefeller Jr. and asked whether he would be interested in serving the 800-member Park Avenue Baptist Church, which had recently built the structure at Park Avenue and 64th Street that is now occupied by the Central Presbyterian Church.

Dr. Fosdick's first response was negative. "I do not want to be known as the pastor of the richest man in the country," he said.

Mr. Rockefeller replied, "I like your frankness, but do you think that more people will criticize you on account of my wealth than will criticize me on account of your theology?"

CONDITIONS STIPULATED

Dr. Fosdick accepted the job on the conditions that church would eliminate sectarian restrictions on membership and would leave its exclusive residential area in favor of still another new edifice in the area of Columbia University. Thus was borne Riverside Church.

From the beginning the church was interracial, international and interdenominational—what Dr. Fosdick described as a "united Church of Christ in miniature."

It was tied to two denominations—Baptist and United Church of Christ—and while it was being constructed the congregation, in what was then a bold ecumenical gesture, held services at Temple Beth-El, Fifth Avenue and 76th Street, which had just merged with Temple Emanu-El and moved eight blocks south.

The cornerstone was laid in November, 1927, and, despite a serious fire in the course of construction, the neogothic structure with its 72-bell carillon was formally dedicated on February 8, 1931. For the occasion Dr. Fosdick wrote the hymn that he considered to be one of his major accomplishments:

"God of grace and God of glory,
On Thy people pour Thy power;
Crown Thine ancient church's story,
Bring her bud to glorious flower.
Grant us wisdom, grant us courage,
For the facing of this hour."

From the outset the ministry of Riverside Church extended well beyond the needs of its immediate membership, and Dr. Fosdick's congregation was truly national.

He had been one of the first preachers to see the possibilities of radio in reaching non-churchgoers, and in 1922 he had begun regular broadcasts.

Although Dr. Fosdick's theological ideas were advanced for his time, he was primarily a gifted popularizer rather than an original thinker.

He was, first of all, a superb craftsman. He wrote in his autobiography that "preaching for me has never been easy," and he used to spend as many as 15 to 20 hours of preparation on every sermon he delivered.

SUMMERS IN MAINE

Every summer he would withdraw to the large rambling house that he owned on Mouse Island in Boothbay Harbor, Me. There he would do his thinking and research, and emerge September with the outlines and background material for a year's preaching and lecturing.

His preaching voice was not heavy and although he occasionally thundered, his pulpit manner was undramatic. He was below average in height and somewhat rotund with a round face and thick dark hair that eventually grayed.

Dr. Fosdick's sermons were dotted with illustrations from literature, history and the arts, as well as from his own personal experience, and he was skilled at re-creating a scene from the past.

Preaching on St. Paul's farewell to the church at Corinth, for instance, he declared:

"You can imagine that group down by the Corinthian seashore gathered to say good-by. It must have been replete with many emotions, regrets, fears, happy memories, deep satisfaction, for Paul had tarried there a good while and was now taking leave of the brethren and sailing thence."

A FORM OF COUNSELING

Above all, though, he built his sermons around contemporary problems and viewed preaching as "personal counseling on a group basis."

"A good sermon," he said, "is an engineering operation by which a chasm is bridged so that the spiritual goods on one side—the 'unsearchable riches of Christ'—are actually transported into personal lives upon the other."

One former parishioner recalled, "I almost never left church after hearing him preach without some new idea that I could apply to my own relationship with people."

An American church historian said that Dr. Fosdick's influence on present-day preaching lay in his "intelligent understanding of Biblical materials."

"He showed, for instance, how the ways that Jesus dealt with people have been rediscovered by psychologists today," the historian stated.

Dr. Fosdick's topics included all the major social issues of his day. He was an early supporter of Margaret Sanger's birth-control movement and was both a backer of Alcoholics Anonymous and a vigorous opponent of Prohibition.

SUPPORTER OF LEAGUE

He was a good friend of Woodrow Wilson, whose League of Nations he vigorously supported, and he regarded himself as a liberal on social and economic issues.

"In the long fight . . . to make government the servant of all the people," he said, "I have been on the liberal side. The perils involved in the assumption of governmental responsibility for the welfare of the people are obvious—expanding bureaucracy, wild expenditures, crazy subsidies under political pressure, dependence on government as an exhaustless cornucopia, and many more—but the cure is not a return to Adam Smith's economic doctrines."

Some of his most controversial preaching stemmed from his pacifism, which grew out of his observations of World War I.

"In the first world conflict I saw war at first hand, and went through the disillusionment of its aftermath, confronting with increasing agony the anti-Christian nature of war's causes, processes and results," he stated.

"I could not dodge my conscience: I must never again put my Christian ministry at the nation's disposal for the sanction and backing of war."

ANTIWAR CRUSADE

In 1937 he joined Mrs. Franklin D. Roosevelt and Rear Adm. Richard E. Byrd in opening a national "No Foreign War Crusade." When war broke out in 1939 he continued to oppose American entry into the conflict.

After Pearl Harbor and full-scale American involvement, he concentrated in his preaching on the personal problems posed by the war and on the means of conducting it. He was a vigorous opponent of "obliteration bombing" of Germany, but later, after the disclosure of German prison camps and crematoriums, he called for stern punishment of Germany.

During these years Dr. Fosdick's theological liberalism underwent a process of mellowing. As a result of disputes with Dr. Niebuhr and others, he challenged some of his own optimism about the prospects for human progress.

In the mid-thirties he preached a famous sermon entitled "The Church Must Go Beyond Modernism." In it he declared that the battle against Fundamentalism had been won and urged modernists to abandon the polemics of the past and confidently move on to the new task of criticizing culture.

"We cannot harmonize Christ with modern culture," he declared. "What Christ does to modern culture is to challenge it."

In his younger days, Dr. Fosdick was an avid squash and tennis player, and later he took up golf.

Dr. Fosdick retired from the active leadership of Riverside Church in 1946 but immediately devoted himself to the establishment of a community center in Manhattanville, just off Morningside Heights.

From his home in Bronxville he continued to add to the list of books under his name, which numbered nearly 40 at his death. Among the most influential were "The Meaning of Prayer," which went through 38 printings, and "On Being a Real Person." Another was his autobiography, "The Living of These Days," published in 1956.

A WIDOWER SINCE 1964

Dr. Fosdick's wife died in 1964, when she was 84 years old. Surviving are a brother, Raymond B. Fosdick, former president of the Rockefeller Foundation; a half-sister, Mrs. Ruth Fosdick Jones of Portland, Me.; two daughters, Dr. Elinor Fosdick Downs of Bronxville and Dr. Dorothy Fosdick of Washington; two grandchildren, Dr. Patricia Downs and great-granddaughter, Margot Stephen Fosdick Downs, and a great-granddaughter Margot Ann Downs, born on Sept. 15.

"We're so happy that daddy lived to see her," a member of the family said.

A small private service will be held for members of the family at the Fosdick residence. A memorial service will be held at the Riverside Church at a date to be determined.

[From the Washington Post, Oct. 7, 1969]

HARRY EMERSON FOSDICK

Those who honor God by serving men seldom lead quiet lives. From the beginning of his mission of teaching and witnessing the Christian gospel, Harry Emerson Fosdick, dead this week at 91, was engulfed by controversy. He upset religious conservatives because, among other things he believed that Christianity was a movement, not a system;

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that conscience was more important than creed; that the title of believer had to be earned before it could be owned. In his long pastorate at the Riverside Church in New York, his teaching at the Union Theological Seminary, and in his writing which included nearly 40 books, Dr. Fosdick was reaching in service for those "who are trying to make religion practical, not simply a meditative exercise in spiritual blessedness."

As a pacifist, he understood that war was both anti-Christian and anti-human. "Our present chaos, far from refuting, bears witness to . . . inexorable laws in the ethical realm, with which we have been trifling. We are like a man who has walked out of a third-story window and then complains that he is badly shaken. He is shaken because he has transgressed laws that are unshakable. Consider, then what the last generation has been doing—our wars, our militant nationalisms, our imperialistic greed, our racial discrimination, our economic avarice, our dedication of science to destructive purposes." He likened war to a fire—you can prevent it or put it out, but a fire can't be won because fire is destruction.

Most of the opponents of Dr. Fosdick have long since disappeared into their triviality. Tribute is made to the great minister in the way his style of service is being imitated today by more and more clergymen who see that Christianity is just as concerned with this life as with the next life. Or as Dr. Fosdick once wrote, religion is best carried on by men who see it as something that is "not simply theistic theory but personal experience of (a) Presence."

THE WEST FRONT OF THE CAPITOL

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, we have not finished in this House with the important issue of the proposed costly extension of the west front of the Capitol. The bill is now over in the Senate, and some day it will be back here for our further consideration.

In that connection I wish to bring to the attention of my colleagues three items that have a direct bearing on the final decision we make. The first is an announcement from the American Institute of Architects, representing 80 percent of the members of their profession.

They say flatly that restoration of the Capitol in place of its extension is structurally feasible, and will cost around $10 million, which is a saving of $35 million from the proposed costly and elaborate $45 million extension.

Even in the language of Washington's inflated budget figures, $35 million assuredly is not hay.

Second is an editorial from the New York Times of October 6, and finally, in an article from the October 4, 1969, issue of Human Events, a publication which many Members of this Congress know read with some care.

I include them all at this point in the RECORD:

Architects Outline Capitol Restoration

WASHINGTON, D.C., September 26.—America's most important architectural landmark—the West Front of the U.S. Capitol—can be restored for far less than a massive addition, The American Institute of Architects said today.

Restoration and correction of structural weakness could be completed for around $10 million, AIA estimated for Congress, on the basis of consultation with engineers and restoration architects.

That would be considerably less than the $45 million or higher estimates for extending the West Front which would erase the last walls of the original capitol, Francis D. Lethbridge, AIA vice president, told Senate Appropriations Committee members.

The restoration also could be concluded without undue inconvenience or time, Lethbridge said. Some structural work would be needed under either restoration or an addition and should start immediately, he added.

"We say it can be done and there is no need for Congress to rush into" an expensive addition because it is "frightened" the Capitol may collapse, Lethbridge said. Mario E. Campioli, AIA, assistant architect of the capitol, has conceded he does not think the building is in immediate danger of falling down, Lethbridge said.

The House of Representatives has approved $2 million for detailed architectural drawings for a 4.5 acre addition. The new space would house restaurants, committee rooms and other functions.

Since 1955, AIA has opposed major changes in the Capitol which is widely considered an architectural masterpiece. Architects want a master plan for Capitol Hill which will protect its historic buildings and provide new buildings for orderly growth. A professional study of Congress' space needs should precede any major building or additions, said AIA.

The West Front extension would erase the last visible walls of the original Capitol and alter its "noble terraces," said Lethbridge. He is also chairman of the Joint Committee on Landmarks of the National Committee, appointed by the President of the United States.

AIA's "best estimate" on restoration cost follows consultation with structural engineer James Madison Cutts of Washington, soils engineer Charles Meyerson of Atlanta, Contractors George M. Rullman, Jr. and James W. Cox of Baltimore, architects F. Blair Reeves, AIA, of the University of Florida and Carl Feiss, FAIA, of Washington and others.

[From the New York Times, Oct. 6, 1969]

Capitol Crime

The so-called Architect of the Capitol, backed by an unthinking House, proposes to keep the nation's prime historic monument from falling down by erecting a $45-million extension for the most ludicrously expensive restaurant, cafeteria and hide-away office space in the world—and all of it behind a new and preposterous false front.

It must be made clear—since it is being deliberately muddled in Congressional minds—that there are other, more sensible, appropriate and less costly ways to hold up the walls, and more responsible ways to get that space. The dome will not come tumbling down around legislators' ears as the only alternative to the present plan. The West Front obviously needs strengthening and restoration immediately. But that is all it needs, and all it should have, in the interest of historical and esthetic integrity.

Professionals have shouted themselves hoarse in the face of the elaborate schemes and reports from the office of the non-Architect of the Capitol, whose ossified imperial style and dogged amateur taste must be giving his distinguished predecessors, Bulfinch and Latrobe, sepulchral fits. But the amateurs on Capitol Hill go right ahead.

The House has already voted $2 million to start the $45 million attack. That $2 million is exactly the sum of the first year's authorization of the Historic Preservation Act of 1966. The $32 million authorized by the Preservation Act for a three-year period is less for the whole country's heritage than the cost of the Capitol mutilation alone.

In the light of this Congressional delinquency toward historic preservation, Congressional generosity toward historic destruction is even more appalling. It is doubly appalling after the murder and embalming of the East Front, under the same auspices. The Senate can take corrective action now by backing the most direct kind of restoration. This would cost about $10 million, according to the American Institute of Architects, or less than one quarter the cost of the extension.

The Capitol is a public building, not a private club. It belongs to the nation. It will not be served by the profligate distortion of history and art.

[From the Human Events, Oct. 4, 1969]

"Repair" of the West Front: Another Boondoggle by Congress?

The controversy over what to do about the deteriorating west front of the U.S. Capitol is back in the news again, and this time it appears Congress is going ahead with a long-debated rebuilding project. Last week the House appropriated $2 million to begin architectural planning on the estimated $45 million restoration; the Senate, despite the threat of a floor fight, is expected to concur.

Everyone familiar with the Capitol is aware that the walls and buttresses along its west front, the only portion of the original structure remaining intact, are beginning to crack and crumble. And everyone agrees that something must be done about it.

The controversy comes over the question of what must be done, how, and at what cost. An important point is that the currently favored bill to shore up the west front involves considerably more than just shoring up the west front.

The $2 million in planning and the estimated $45 million in actual building costs would be spent not only on repairing the west front, but on *extending* it, a construction project that would move the existing wall out as much as 88 feet and create some four and one half acres of new floor space. Within the extended portion, as now planned, there would be: 43 large offices, 55 medium offices, five committee-conference rooms, two 270-seat dining rooms, two 400-seat auditorium-theaters, two escalators, 19 stairways and bathrooms containing a total of 40 pay toilets.

It is this boondoggle which has outraged opponents of the extension bill. Coming on top of the goodies congressmen have already voted themselves this year, the bill's foes believe such a multi-million-dollar scheme to further enhance the comforts of the congressmen could only strengthen the growing rebelliousness among middle-income taxpayers—particularly when the members are supposed to be fighting inflation.

"In this Congress, we have already done a number of things in our own interest," said Rep. Samuel Stratton (D.–N.Y.), a leading House opponent of the extension windfall. "We've raised our pay, increased our staffs, and boosted our retirement benefits. Do we really need to pay this enormous sum to create 56 [sic] hideaway offices for ourselves? That is the question."

Stratton and his allies also scoff at the projected $45-million construction price tag. Considering cost overruns on past Capitol projects and the fact that actual construction would not begin for over two years, they estimate the bill will be closer to $70 million. In cost per-square-foot, says Stratton, this project could become the most expensive building ever constructed by mankind.

The House foes have a powerful, authoritative ally in the prestigious American Institute of Architects (AIA), which has been promoting a simple restoration plan for the west front to repair, not extend, the crumbling wall. This approach would preserve the architectural design of the original building as well as be less costly, the AIA claims, noting that sandstone from the same Virginia quarry used in the original Capitol is still available.

But the Congressional Establishment is never to be deterred when on the scent of a succulent boondoggle. Typical of the profound arguments the Establishment brought to the important debate was this statement by House Speaker John McCormack (D.–Mass.):

"I can't say [the west front] will collapse today, but I can't say it won't. If it should collapse it would have a tremendously adverse effect on public opinion." To say the least.

"Everyone recognizes that something has to be done," rejoined opponent Stratton, "but do we really need anything this elaborate? Is the only way to save the west front to have this incredible four-and-a-half-acre expansion?"

Stratton's side lost in the final House vote on the bill, 177 to 94. The battle now moves to the Senate.

ELECTORAL REFORM DANGER

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALEY. Mr. Speaker, changes in any of the basic laws or in the Constitution of the United States should require the most careful study and thorough consideration. We should never forget that there are two sides to any issue and that the pros and cons of the issue, regardless of its character, should be carefully analyzed lest in the zeal to modernize or to reform we create even greater problems than those we seek to resolve.

Our Founding Fathers provided us with a living, viable, and flexible instrument when they wrote the Constitution of the United States. They weighed and reweighed every thought, every provision and the consequence of those provisions as they wrote the document. It was a time consuming process. They provided a method of change so that it could be adapted to meet the needs of modern men, the needs of change that would develop in the years to come.

We should seek to change where change is needed—but in our efforts to change the provisions of the Constitution, we should be as deliberate and as thorough in our approach to change and the consequences of that change as our Founding Fathers were in producing that Constitution.

The House of Representatives has passed and sent to the Senate of the United States the resolution which would become upon ratification by 38 States a constitutional amendment reforming the electoral college. There are those of us, including the editorial writer of the Sarasota Herald-Tribune, who are concerned about the consequences of the change we have proposed here in the House of Representatives.

In the attached editorial, "Electoral Reform Dangers," which appeared in the Sarasota Herald-Tribune of Sunday, October 5, 1969, we are cautioned to consider more carefully the consequence of the action this House has taken.

The editorial is a warning that should be heeded not only in its application to the issue of electoral reform but to future attempts to change our basic instrument of government and in our basic laws. The editorial merits careful attention:

Electoral Reform Danger

In the current discussions about amending the Constitution to change the way we elect a President, there has been an alarming lack of consideration given to one practical drawback of the direct election scheme under consideration.

The House has passed and sent to the Senate a plan to eliminate the electoral college entirely and provide for popular election of a President and Vice President—with the stipulation that if no candidate wins at least 40 percent of the total vote there shall be a run-off between the top two votegetters.

To us this looks like a potentially dangerous adventure, and we do not say this out of pious concern for the reduced role it would give the states.

The electoral college, like our bicameral Congress, was a compromise agreement worked out by the framers of the Constitution to get the big and little (in terms of population) colonies to relinquish much of their sovereignty to a central government.

The idea in Congress was to have all people (qualified, free, adult males) equally represented in the House, and each state equally represented in the House, and each state equally represented in the Senate. This pragmatic, non-egalitarian solution to a real political problem has worked out, over the years, but only because we have modified it from time to time.

(A cruel war was fought before the franchise was extended to men who had been slaves. It took only a peaceful amending to extend the vote to women. Another amendment gave people in the several states—not their respective legislatures—the right to choose their U.S. Senators.)

The Constitution can be changed when it needs to be, and we should not be afraid to exercise that most basic and essential of our political rights, the right to do so.

And clearly, the Constitution's framers had no foggiest notion that the electoral college would become only a sham, that the people themselves in every state would choose among Presidential candidates offered by national political parties. In an era when it could take weeks for a letter to get from Providence to Savannah and when most Virginians probably did not know the name of a single citizen of Connecticut, the founding fathers simply didn't conceive of every voting American expressing his direct choice of a chief executive. And most would have mistrusted the idea anyway, if it had been suggested.

So they fixed it so the people of each state would choose a number of their wise citizens—as many as each state had senators and representatives—and those electors would meet and pick us a President.

But what worked in the beginning is now a menace. We don't want electors, now faceless men, to do our picking for us. We'll pick our own, thank you, with no hanky-panky about electors switching from the candidates they pledged themselves to. And no deals or stalemates to throw the decision into the House of Representatives, as many thought might happen last time if third-man Wallace had siphoned off enough electoral votes to prevent either major-party candidate from getting an electoral college majority.

Thus the rush to reform and modernize. Thus we hear the reformists call for direct counting of all votes from everywhere. And the stand-patters wail that this would take away the extra political power enjoyed now by the small states. But little attention is paid to the danger of a close direct vote.

The political trauma that might result from a hung electoral college and a deal among state delegations in the House would be mild compared to what would happen if a nationwide vote resulted in a near tie.

Every vote would have to be recounted. Every vote, everywhere, could be challenged. The decision could be hung up in the courts for months.

Think it unlikely? Then recall 1960, when candidate Kennedy got 34,227,096 votes and candidate Nixon 34,108,546.

Under the electoral system, the election wasn't particularly close. JFK won in the electoral college, 303–219. But his popular margin was a tiny two-tenths of one percent: 49.7 to 49.5. A recount changing just one vote in a thousand from the Kennedy total to the Nixon total could have reversed the popular vote victory.

A whisker-close Presidential election under a direct vote system would invite a reexamination of the votes and voting rolls in every precinct in the nation—from Oneco or Laurel to the most boss-ridden wards of Chicago—whether the outcome there happened to be close or not!

We simply cannot afford, as a nation, the prolonged period of leaderlessness which the House-approved direct election plan could produce.

An amendment to award electoral votes on the basis of the plurality vote in each Congressional district—with or without going through the formality of the electoral college procedure—would be fair and democratic but would not invite chaos and interminable controversy in case of a photo-finisher.

Let us hope the elders in the Senate will think carefully on this matter.

PRIVATELY CONTROLLED TAX-EXEMPT FOUNDATION—FOUNDATIONS SHOULD BE CAREFULLY SUPERVISED AND CONTROLLED AND CARRY A FAIR SHARE OF THE TAX BURDEN

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it was my privilege to present a statement on October 3, 1969, at a hearing held by the Senate Finance Committee on H.R. 13270, the Tax Reform Act of 1969, which outlines the urgent need for reforms affecting privately controlled tax-exempt foundations. I want to take this opportunity to insert in the RECORD the text of my remarks for the consideration of the Members. My statement follows:

Statement of Hon. Wright Patman, on Tax Reform Bill, H.R. 13270, October 3, 1969

Mr. Chairman, I greatly appreciate your invitation to testify before this Committee on H.R. 13270, the House-passed tax reform bill. I shall direct my remarks principally to the important subject of privately controlled tax-exempt foundations.

It has been puzzling to me for some time why the majority of privately controlled tax-exempt foundations were established in the first place. The religious, charitable and educational contributions which are made by foundations can just as well be made by an individual. The fact that the foundation route is taken, immediately gives rise to a question as to the actual purpose for establishing the foundation.

A great many huge family fortunes have been continued in perpetuity through the private foundation route. Controlling interests in closely held corporations have been transferred to foundations with no apparent change in the continuity of direction and control through this technique. I don't be-

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lieve we really know the vast amount of tax dollars lost to this nation by tax avoidance through the vehicle of privately controlled tax-exempt foundations.

It appears to me that the time has come to look very closely at this problem, and to develop sufficient information so that the Congress can make a decision on the desirability of continuing the present concept of privately controlled tax-exempt foundations. Later on in my testimony, I shall speak further to this point.

At the outset, I would like to strongly endorse the provisions of H.R. 13270 dealing with privately controlled tax-exempt foundations. I hope this Committee takes no action to weaken the provisions affecting these organizations. This Bill is a step in the right direction and contains only the minimum reforms needed as shown by the experience of the Subcommittee on Foundations in dealing with this problem.

The Subcommittee on Foundations has been conducting a continuous and in-depth review of the activities of privately controlled tax-exempt foundations for a number of years. During this period, seven reports were issued and two hearings were held. As a result of our study, a number of abuses of the tax-exempt privilege were uncovered and recommendations were made to deal with them. Although these recommendations have heretofore been made public, I believe it important that they again be made a part of the record.

1. In my view, consideration should be given to a limitation of 25 years on the life of foundations instead of permitting them to exist in perpetuity.

2. Tax-exempt foundations should be prohibited from engaging in business directly or indirectly.

Foundations controlling corporations engaged in business, through the extent of stockownership in those corporations, should themselves be deemed to be engaged in that business.

3. Commercial money lending and borrowing by foundations should be banned.

4. Self-dealing transactions should be prohibited. A foundation should not be permitted to use its funds to grant benefits to a controlled company's employees. This is quite a competitive advantage.

5. Foundation or donor solicitation or acceptance of contributions from suppliers or users of goods or services should be prohibited.

6. A foundation should not be in the position of exercising control over any corporation, directly or indirectly. In my view, all foundations should be limited to ownership of no more than three percent of the stock of a corporation and should not be allowed to vote such stock.

7. Standards should be established with respect to foundation behavior in a proxy fight.

8. Another area that needs consideration is that of investments. There is a sharp difference between investing in securities and speculating or trading in securities. In other words, there is a difference between being a passive investor and an active securities merchant or gambler.

9. Is the tax law sound in permitting a deduction for charity to a person who merely transfers funds to a foundation that he himself controls, where the money has not as yet reached actual operating charities?

In my view, a contributor should not be allowed a deduction for payments to a foundation that he controls until the foundation actually uses the money for charity. The foundation should be recognized as being the alter ego of the controlling contributor. Income earned by the foundation should be taxable to the controlling contributor until put to charitable use.

10. Exemption should be denied if a foundation has been formed or availed of for tax avoidance purposes or to get financial benefits for the contributor. Conversely, a controlled corporation should not be allowed a contribution to a foundation, but instead the payment should be considered as a dividend to the controlling stockholder where the amount is significant and the foundation is unrelated to the business purpose of the corporation.

The tax law says that a foundation's earnings may not inure to the benefit of any private individual. It should be made clear that "individual" includes corporations and trusts.

11. Isn't there something out of gear with the tax law that, under the guise of charity, permits a taxpayer to actually enrich himself at the cost of all other taxpayers? One answer may to treat gifts to foundations in the same way as private gifts, and figure them at the cost of the property given or their value, whichever is lower.

12. In the case of corporations that are treated like partnerships (Subchapter S, Chapter 1, Internal Revenue Code) contributions to foundations should "pass through" to the stockholders and be included pro rata as contributions by the stockholders personally. In that way, the 20 percent and 30 percent limitations on contributions will be maintained. At present, through the mechanics of Subchapter S (Chapter 1, Internal Revenue Code), an extra 5 percent of the corporation's income becomes deductible by the stockholders.

13. For the purpose of figuring the accumulation of income, contributions to a foundation and all capital gains of the foundation should be considered as income, and not capital. Both the original contribution and the income from it are ordinarily available to the foundation without distinction.

This would eliminate a device for avoiding unreasonable accumulation of income: contributions from one donor-controlled foundation to other foundations controlled by the same donor.

14. For the purpose of computing the accumulation of income, amounts unreasonably accumulated in corporations controlled by a foundation should be added to the foundation's direct accumulation as if the two were one.

15. Corporations controlled by foundations should be subject to the unreasonable accumulation earnings tax in section 531 of the Code. At present, that tax is imposed where dividends are held back to save the existence of unreasonable accumulations for foundations otherwise exempt from tax.

16. Re gift and estate taxes,

(a) Exclude from the base for the marital deduction amounts left to foundations that are hence untaxed.

(b) While amounts given to foundations are not subject to gift and estate taxes, the rate brackets to be applied to amounts that are taxable should be the same as if the foundation amounts were part of the taxable gifts or estate.

17. Consideration should be given to a regulatory agency for the supervision of tax-exempt foundations.

18. A penetrating review of every application for tax exemption is needed.

19. All matters relating to the granting or denial of tax exemption, as well as revocations and penalties, should be made public.

20. The full content of foundation tax returns should be open to public inspection.

21. A national registry of all foundations should be published annually.

22. The tax returns of foundations should require disclosure of amounts spent for instigating or promoting legislation, or political activities, or amounts paid to other organizations for the purpose.

23. The returns should likewise require disclosure of amounts spent for TV, radio, and newspaper advertising.

24. The returns should call for a description of all activities, directly or indirectly engaged in by the foundation, in which commercial organizations are also engaged.

25. The program of field auditing returns of foundations should be greatly expanded.

26. Stiff penalties and revocation of tax exemption for improper or insufficient reporting would help curb abuses.

27. A reasonable tax on income of foundations should be assessed.

These and other reforms are vitally necessary.

H.R. 13270 contains provisions dealing with some of these recommendations; others still remain.

A glance at these recommendations indicates quite clearly that while tax reform is extremely important, there are many other facets of the activities of these organizations which bear close scrutiny. Further, although H.R. 13270 is less restrictive than H.R. 7053, which I introduced in the House of February 16, 1969, I support the provisions of H.R. 13270 as they relate to privately controlled tax-exempt foundations, since I believe they are a step in the right direction.

For instance, H.R. 7053 recommended a 20 percent tax on gross income, but H.R. 13270 establishes a tax at 7½ percent on net investment income. Further, my bill recommended restricting stock ownership by foundations in corporations to three percent. The bill under consideration by your Committee allows 20 to 35 percent.

To place this entire matter in perspective, I would like to give some over-all statistics on those foundations under study by the Subcommittee on Foundations.

In the ten-year period ending 1960, 534 foundations had total receipts from all sources of $6.9 billion. In the succeeding seven-year period (575 to 647 foundations were studied), their receipts totalled $8.6 billion, or, $1.7 billion (25 percent) more in a three-year shorter period. These same foundations more than doubled their accumulated (unspent) income from $1 billion at the end of 1960 to over $2 billion at the end of 1967 and their net worth increased from $6.8 billion to $10.1 billion, or about 50 percent.

During the period from 1951 to 1967, these foundations had $15.7 billion in total receipts. Of this amount, $7.3 billion or somewhat less than half came from such sources as business income, interest, dividends, rents and royalties. Of the balance, $4.1 billion came from capital gains on the sale of assets and the remainder, $4.3 billion from contributions, gifts and grants.

At the end of 1967, the 647 foundations under study had total assets at market value of $17.8 billion, as compared to some $10.2 billion at the end of 1960; an increase of almost 75 percent. The $17.8 billion valuation is 50 percent greater than the $11.8 billion of capital stock, surplus undivided profits and contingency reserves of the 50 largest banks in the United States. When one considers that these figures are for only 647 of the 30,000 foundations, even though most of the larger ones are included, the size of the problem strikes one in full force.

One of my greatest concerns is the impact of such organizations on the small businessmen of this country. Foundations, because of their tax-exempt status can unfairly compete with a business which does not enjoy the benefits of such privileges. Holdings by foundations in enterprises constitute a powerful influence in corporate control, in the market place and in proxy solicitations. Our last report shows that almost 25 percent, or, 154 of the 647 foundations studied, held sizeable amounts of stock from 5 to 100 percent in 313 corporations. The carrying value of these shares was $2.7 billion, with an estimated market value of $6.2 billion. The market value of all corporation stock holdings by these foundations amounted to the staggering sum of $13.1 billion, or, almost 80 percent higher than the holdings at the end of 1960.

As *Fortune* magazine of June 1969 states, "Philanthropy does get shortchanged however, when the corporate stock that a foundation holds for control purposes produces meager income." It cites the Lilly Endowment and the James Irvine Foundations as examples of disbursements representing only about one percent of its assets.

It would be interesting to take a look at what the foundations have done with their tax-free dollars. In the years 1951 through 1967, of the receipts of $15.7 billion, disbursements were $9.9 billion, of which $1.9 billion was paid out for expenses and $8 billion was distributed for contributions, gifts and grants. In other words, the foundations had distributed as contributions, gifts and grants only about 50 percent of what they had received; it cost them $25 in expenses for every $100 of contributions, gifts and grants made. However, this is an over-all average. When we look at 1967, we see that it cost the foundations $33 in expenses ($253 million) for every $100 in contributions, gifts and grants made ($745 million).

I am therefore constrained to view rather cynically the statements made by foundations' representatives that a 7½ percent tax on net investment income will seriously impair the ability of foundations to continue their philanthropic activities. This view is further supported when the record shows that the Rockefeller Foundation spent half as much just running its New York office—$5.4 million—as it spent throughout the entire nation in 1966. It spent more just running its New York offices—in salaries and the like—than it spent in "benevolence" in New York and California combined.

In fiscal years 1966 and 1967, the tax-exempt Ford Foundation lost $92,500 and $100,200 respectively in the operation of its cafeterias and dining room, and, of course, the taxpaying restaurant owners in New York City lost over several hundred potential customers.

In 1966 and 1967, the tax-exempt Rockefeller Foundation lost $44,500 and $47,200 respectively in the operation of its lunch rooms and taxpaying restaurant owners in New York City also lost several hundred potential customers.

Mr. Benson Ford received $15,000 for attending three meetings of the Ford Foundation.

I could go on and on giving examples of loose administrative practices, unconscionably high expenses, and free spending on the part of foundations. The reports issued by the Subcommittee on Foundations are replete with examples of complete disregard of the public interest in the operation of foundations.

If the foundation managers adopted a more prudent business-like approach to the cost aspect of their operations, exercised a more careful review of contributions, gifts and grants policies, and paid more attention to the kinds of income producing stocks in their portfolios, the 7½ percent tax, contemplated in H.R. 13270, would not be the burden they protest it would be. In fact, I would hazard a guess that tightening their belts would make more funds available for charitable purposes.

The provisions of H.R. 13270 were reviewed in depth by me. While much more remains to be done, the provisions relating to privately controlled tax-exempt foundations will have a salutary effect on the operations of such organizations. I strongly support its provisions.

As I have indicated, much remains to be done with respect to the control and supervision of the activities of privately controlled tax-exempt foundations. The foundation problems are far more numerous and serious than Treasury officials have been willing to admit publicly. During our subcommittee's 1964 hearings, I made the following statement, in part:

"The Secretary of the Treasury has testified that it is the Treasury's duty to be alert to all possible violations of law. The Secretary also says (1) he does not consider it proper for a foundation to engage in insider's stock deals, stock price manipulations, short sales, margin trading, speculation in commodity futures, or to act as an unregulated source of stock market credit, and (2) the SEC should be alerted to the possibility of a foundation's involvement in insider deals and stock price manipulations.

"Yet, testimony before this Subcommittee indicates the following:

"The IRS does not examine foundations to determine whether they are violating any Federal securities laws—including those relating to insider's stock deals, stock price manipulations, and unregulated sources of stock market credit.

"The IRS has not collected any information, as to the extent that foundations are involved in speculation and trading on margin.

"The IRS has not collected any data on the involvement of foundations in corporate proxy fights.

"The IRS does not examine foundations to determine whether their foreign operations may be in conflict with Government policies.

"The IRS does not examine foundations to determine whether the foundations are channeling income and corpus in a direction that may hurt competitors and investors.

"The IRS does not examine foundations to determine whether they are being used as a device for engaging in various trade practices which might be in violation of certain statutes administered by the Federal Trade Commmission or the Antitrust Division.

"Few of the persons in the IRS who examine foundation tax returns would be sufficiently familiar with the antitrust law to know whether the practices as cited may violate Section 5 of the FTC Act or the Sherman Act.

"The IRS does not examine foundations to determine whether there is a conflict of interest between the duties of a foundation's directors or trustees and their interests as officers, stockholders and employees of business corporations whose stock is controlled by the foundation.

"The Acting Commissioner does not know of any cases where compensation of officers, directors or trustees among the large foundations has been unreasonable or unjustified. Yet, Mr. Benson Ford received $15,000 for attending three meetings of the Ford Foundation.

"The IRS does not review a foundation's individual charitable donations.

"The IRS has no rule of thumb regarding the percentage of income that a foundation must spend for the purpose for which it was granted tax exemption.

"The IRS does not examine foundations to determine whether contributions are being made to the foundations by persons or organizations that supply goods or services to companies interlocked with the foundations.

"The IRS does not know how much money was spent overseas by U.S. foundations in 1963.

"The IRS does not examine foundations to determine whether they are making loans overseas that may be contributing to our balance of payments problem.

"This is the most impressive record of do-nothing that I have seen in my 36 years in Congress."

I regret to say that those observations are just as pertinent today as they were in 1964.

The fact that foundations are exempt from taxation does not mean that they are exempt from other Federal laws. Hence, antitrust law, FTC law, SEC law, etc. are applicable to foundations.

It is, of course, possible for a foundation to be used as a device for engaging in various trade practices which may be a violation of certain statutes administered by the Federal Trade Commission or the Antitrust Division. For example, contributions may be made to a foundation by (1) persons or organizations that supply goods or services to companies interlocked with the foundations, or (2) from persons or organizations that buy goods or services from companies interlocked with the foundation. The point is that if the company that is interlocked with a foundation is doing business with and by a contribution to the parent foundation they get the business because of that interlock, they are obviously getting an advantage.

In other words, a contribution can be made to a foundation for a business purpose rather than an elemosynary purpose. For example, under the Robinson-Patman Act, business concerns are prohibited from making disproportionate discriminatory discounts to particular buyers if the effect might be to substantially lessen competition or tend to create a monopoly. Hence, contributions to a foundation can be a method of getting around this provision of law.

Also, there is the business practice known as reciprocity, which may violate the antitrust laws. It involves tacit or actual agreement to do business with a firm if it reciprocates and gives business in return. Foundations may be parties to reciprocity arrangements. For example, a business affiliated with a foundation may say to one of its suppliers, "I will buy from you if you will contribute to such and such a foundation" or, "if you buy from me, such and such foundation will make you a business loan at favorable terms".

Our study indicates that many business suppliers and buyers have made sizable contributions to foundations controlled by customers. For example, we know that a number of suppliers of the Hilton Hotel chain are contributors to the Conrad N. Hilton Foundation, of Los Angeles. Mr. C. N. Hilton, Jr., Secretary of the Conrad N. Hilton Foundation, has acknowledged that, during the fiscal years ending February 28, 1952 through February 28, 1963, 29 donors—who were suppliers of goods or services to Hilton Hotels Corporation or its subsidiaries—made contributions to the Conrad N. Hilton Foundation in the amount of $61,695.18.

Does not this kind of situation appear to raise the specter of business reciprocity—We will buy from you if you contribute to our foundation?

If so, does it not raise a number of serious antitrust problems? Specifically, may it not involve a possible violation of the Robinson-Patman Act because it involves the inducement of discriminatory prices?

Or may it not involve a violation of Section 5 of the FTC Act as have other instances of business reciprocity because they involve "unfair methods of competition?"

Here is another case that we discussed in our hearings. The Rogosin Foundation of New York City, is controlled by the Rogosin family. The Rogosin family has also dominated Beaunit Corporation (formerly Beaunit Mills, Inc.), Rogosin Industries, Limited, and Skenandoa Rayon Corporation.

At December 31, 1952, the Foundation held 33½ percent of the nonvoting preferred stock of Beaunit Mills, Inc. (carrying value $2.7 million) as well as 5 percent of the common voting stock of the same corporation (carrying value $1.9 million).

Beaunit Mills, Inc., manufactures synthetic yarn, knits and weaves fabrices, and manufactures intimate apparel. The Goodyear Tire and Rubber Company of Akron, Ohio, has been a buyer of tire-cord yarn from Beaunit Corporation.

In March 1952, Goodyear made a cash do-

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nation of $150,000 to the Rogosin Foundation. Additionally, on March 10, 1952, Goodyear loaned $2.5 million to the Rogosin Foundation at 4 percent interest. The loan was to be paid off in installments due January 3–August 15, 1953, January 3–August 15, 1954, and January 3–August 15, 1955. According to the Foundation, payments on the loan were made on August 15, 1953, August 15, 1954, and August 15, 1955.

The Foundation states that it used the $2.5 million loan to purchase from Beaunit Mills, Inc., 30,000 shares of the latter's preferred stock. An identical number of shares of Beaunit Mills, Inc., preferred stock was pledged by the Foundation as collateral for the loan.

So, here we have the question as to whether this arrangement involves a price discount from Rogosin to Goodyear, for which Goodyear, the buyer, compensated Rogosin by making a contribution to the Rogosin Foundation. If this were the case, would it not seem to raise both tax and antitrust problems. First, it is a method whereby the buyer compensates the seller by making a tax deductible contribution to the Rogosin Foundation? Second, would not this practice, at best, be a distortion of the pricing and exchange process in a free enterprise economy? Third, might not this practice actually involve—(a) a violation of the Robinson-Patman Act because it involved discriminatory pricing, or (b) a violation of section 3 of the Federal Trade Commission Act because it is an unfair method of competition? Additionally, of course, Goodyear was acting as a source of unregulated credit.

Then there are the possible antitrust problems—actual or potential conflict of interest situations—that may stem from situations where board members of foundations also sit on the boards of business firms that compete with each other. As we all know, Section 8 of the Clayton Act provides that no person shall be a director of two or more competing corporations. Now, that Act does not apply to indirect interlocks, such as when a foundation has two board members, one of whom is also a board member of corporation A and the other member is on the board of corporation B (a competitor of A). While there is nothing illegal about such an arrangement under Section 8, there could be a special public interest problem when a foundation established for eleemosynary purposes becomes a vehicle for such indirect interlocks which might affect competition.

Here is another area that this panel should explore. Does a businessman in government pose a greater potential conflict of interest than the officials of foundations in government—such as, for example, McGeorge Bundy, President of the Ford Foundation, whose overlords, the Ford family, have immense commercial interests throughout the world, including the Middle East? It seems to me a bit inconsistent for the Congress to require a businessman to completely eliminate potential conflict of interest when, at the same time, it permits Mr. Bundy to wander in and out of the Government while retaining his $65,000 annual salary from the Ford Foundation. This was the case in June 1967 when Mr. Bundy became Executive Secretary to the National Security Council Committee on the Middle East.

Now, to turn to the stock market—there is ample evidence that many foundations are actively trading in the market with substantial portions of their funds. Judging from the content of their portfolios and the frequency of turnover, many foundations are concerned less with equity yields and inflationary trends than they are with the lure of capital gains to swell their principal funds. I might add that former Secretary Dillon testified that he shares my view that speculative gains for charity are not worth the risk of speculative losses, and that he knew of no case where directors or trustees of a foundation have reimbursed the foundation for losses incurred in speculation.

One of the operations that should be subjected to the close scrutiny of this Committee is that of the private pooling of investments by some foundations—in other words, the pooling of capital to trade in the stock market. For example, some of the Rockefeller foundations have informed us that they have a joint investment staff of 18 persons, not including secretarial, headed by Mr. J. Richardson Dilworth, which provides investment services with the cost shared by the various Rockefeller participants.

Does this not raise some potential problems—the possibility of speculative tactics, the possibility of a conflict of interest, the possibility of huge buying power that will have a strong impact on the prices of stock they deal in?

Secretary Dillon also testified that a foundation can be a source of unfair competition arising from active use of foundation assets by donors or trustees for private business ends, and that there are an infinite number of ways in which foundation assets or income can be used for the preferment of one set of private persons over another. The Seceretary agreed that (1) foundations' money-lending activities put them into unfair competition with private lenders and also give the foundations an element of influence over a wide range of business ventures, and (2) such activities may present problems, such as preferential rates of interest. All this is made possible by the fact that, at present, the only restraint on a foundation's moneylending appears to be that loans must carry a "reasonable" rate of interest and adequate security, and that nothing prevents the foundation from making loans to its founder or his family, the businesses under his control, or a donor.

I conclude with this thought: There is something fundamentally wrong in conditions which make such acquisition of economic power possible, and which tolerate its continuation. And it is the responsibility of Congress to correct those conditions.

The Internal Revenue Service has proven itself over the years unable to administer and enforce effectively the laws and regulations governing such organizations. For many years the Subcommittee on Foundations attempted to obtain a list of privately controlled tax-exempt foundations. Finally, in December 1968, after many delays and much prodding, such a list was submitted to the Subcommittee. This list contained the names and addresses of 20,262 foundations. Shortly, thereafter, almost 300 corrections were made to the list.

In attempting to broaden our study of such organizations, and after unsucccessful attempts to obtain the kinds of information we needed from the Internal Revenue Service, we undertook to obtain the information by communicating directly with the foundations. We are presently in the first stages of such a project. Of the first several thousand mailings made, about 1,000 have been returned with the notations, "Moved, not forwardable," "Addressee Unknown," "Addressee moved and left no forwarding address," "Insufficient address." In some cases we were advised that some foundations had been out of existence for years, one as long as ten years ago. The list furnished us by the Internal Revenue Service is replete with duplications and incomplete addresses and names.

If the Internal Revenue Service cannot even come up with the current addresses of the organizations for which they have responsibility, I shudder to think of the kind of audit and review that is being undertaken by them. Several years ago in one of our studies, we indicated that some of the larger foundations had not been audited for many years. In fact, as a result of prodding by the Subcommittee, some $28 million in assessments have been levied against a number of foundations.

The public is entitled to complete disclosure of information concerning these organizations which have been granted tax-exempt status. It is estimated that only 140 such organizations publish annual reports. The only other data is in the Form 990–A which is required to be filed with the IRS annually, which is admittedly limited in depth.

Recently, as a result of Congressional interest, there has been a great deal of scurrying around by the foundations to establish some kind of a self-policing organization. In view of the record, allowing such self-policing would be akin to having the fox guard the hen house or letting the goose watch over the shelled corn. Stronger Government action is urgently needed.

The proliferation in the number (2,000 new ones in the past year) of such organizations and in their increasing economic and other powers makes it necessary that their activities be given the closest scrutiny.

Accordingly, I introduced legislation in the House on September 9, 1969, (H.R. 13725) to establish an independent Government Agency to control and supervise the activities of privately controlled tax-exempt foundations. Because of its relevance to the deliberations of this Committee, I would like to request that the text of this bill be included in the record of these hearings.

The new Agency, "The Private Foundation Control Commission," would be headed by three Commissioners appointed by and reporting to the President. Commissioners will serve five-year staggered terms with a Chairman whose term as Chairman would be coterminus with the President's term.

As stated in the bill . . . "The establishment of a Private Foundation Control Commission is necessary in the public interest to:

(1) provide general leadership in the identification and solution of problems relating to private foundations;

(2) facilitate the enforcement of internal revenue laws and regulations relating to private foundations and aid in the development of a more equitable tax structure with respect to such foundations;

(3) develop and recommend to the President and the Congress policies and programs designed to ameliorate the problems relating to Federal taxation and regulation of private foundations; and

(4) establish and administer a comprehensive registration and reporting system for private foundations and to determine and centrally record the financial and other operations of such foundations in order to assist in the accomplishment of the foregoing objectives.

Under the legislation, no private foundation will be eligible for tax exemption unless it is registered with the Commission. The Commission would be authorized to revoke such registration under appropriate circumstances.

The Commission will be self-sustaining through assessing the foundations a registration fee and an annual maintenance fee. Such fees are not a substitute for the tax on net investment income of foundations included in H.R. 13270, the tax reform legislation recently passed by the House and under consideration by this Committee. The legislation is restricted to private foundations, which are defined in the legislation.

Mr. Chairman, I appreciate the time and courtesy afforded me in presenting this rather lengthy statement to the Committee. I would like to make it clear that my efforts are not directed to the elimination of all foundations as a constructive part of our democratic society. Rather, it is my hope that the corrective actions being considered

by the Congress will clean up the bad apples in the barrel and allow those privately controlled tax-exempt foundations which are operating in the highest and best public interest to continue their worthy efforts.

In a democratic society, the burdens of taxation should be shared equitably by all. Privileges granted to any particular group for any special purpose must be accompanied by the acceptance of the responsibilities that such privileges carry with them. With the passage of this tax reform bill, as it relates to privately controlled, tax-exempt foundations, as passed by the House, and my bill (H.R. 13725) which I consider to be a companion bill, it is hoped that these objectives may be attained.

THE PRESIDENT'S PLANNED ATTACK ON THE CONGRESS

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BARRETT. Mr. Speaker, I was shocked to read in the paper last night that President Nixon plans to attack the Congress through a statement next Monday to be "leaked" to the press for Sunday release. According to the report, the President will chide Congress for not acting on a number of administration legislative recommendations.

It is highly regrettable that the President chooses to put politics ahead of the needs of our country. If that is his plan, let me set the record straight. In my own field of housing, we did not receive the administration bill until July 15; 2 days later, the Subcommittee on Housing began its hearings. I would not call that a delay. It was only after those hearings began that we were able to get from the administration its recommendations on farm housing legislation. After 3 weeks of hearings, the subcommittee held 5 days of executive session and there were an additional 2 days of markup sessions in the full committee. A housing bill, H.R. 13827, was reported by a vote of 35–0. This, I believe, is good evidence that we have done our job well and carefully. The bill we have brought out is a balanced bill which will carry our programs in the field of Housing and Urban Development through the next fiscal year and which makes a number of important amendments to existing programs. This bill will come before the House shortly.

If there has been any delay, it has been on the part of the administration which did not submit its proposals until mid-July, the latest date that I can recall.

In the case of mass transit legislation, the administration did not make its recommendations until August 7. We will start hearings on that bill as soon as possible but before we do we want to have the administration comments on mass transit legislation introduced by more than 100 members which would establish a trust fund for this purpose. These views were requested back in March of this year but so far the administration has not bothered to reply.

Mr. Speaker, in view of these facts, the President's planned attack on the Congress strikes a false note. He knows full well that sound legislation takes time and that the committees of Congress must consider not only his proposals but many other related bills introduced by Members of Congress. It is our intention to produce the best legislation as possible as soon as possible and political press releases do not contribute to that goal.

THE DREAD "BROWN LUNG" DISEASE—A REPLY FROM HEW SECRETARY FINCH

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virgina, Mr. Speaker, there is a growing recognition that the American people will no longer put up with the threat of the dread, crippling "brown lung" disaease to the health of thousands of textile workers no more than the American people will continue to tolerate the threat of the dread, crippling "black lung" disease to thousands of coal miners.

Ralph Nader lifted the lid on several aspects of the "brown lung" problem in a letter dated August 9, 1969, to the Honorable Robert H. Finch, Secretary of Health, Education, and Welfare, the text of which I placed in the CONGRESSIONAL RECORD on page 23177 of the August 11, 1969, edition.

I am pleased to insert in the RECORD the text of Secretary Finch's reply:

SEPTEMBER 19, 1969.

Mr. RALPH NADER,
Washington, D.C.

DEAR MR. NADER: Thank you for your letter of August 9, 1969, regarding the problem of byssinosis in the textile industry.

It is clear that byssinosis is a serious occupational disease that has been too long ignored in the United States. For many yeara it was thought that the disease was not a significant problem in this country. That comfortable illusion no longer prevails.

Reports as early as 1961, indicated a high prevalence of respiratory symptoms among cotton mill cardroom workers. Further reports of disabling byssinosis among American cotton mill workers were submitted in 1967. And, in 1968, a survey of two cotton mills in the United States showed that 25 percent of the carders and 12 percent of the spinners were suffering from this lung disease. In the cotton mill operated at the Federal prison in Atlanta, 28 percent of the men in carding and spinning were found to have symptoms of byssinosis.

We do not have at this time any precise estimate of the total number of textile workers that may be afflicted by byssinosis. But it appears that thousands of workers may be adversely affected by cotton dust. I strongly agree that effective action must be taken to curb this occupational hazard.

You asserted in your letter the textile industry's unwillingness in the past to recognize the seriousness of the byssinosis problem. We have had indications that this is not the attitude of the industry today. The latest survey results I mentioned above were called to public attention some months ago by the Consumer Protection and Environmental Health Service. Since then, the Executive Council of the Textile Workers Union of America, the National Cotton Council of America, and the Committee on Health and Safety of the American Textile Manufacturers Institute, have expressed their concern and have asked the Public Health Service to provide more definitive information on the prevalence and control of the disease.

This in itself, of course, is hardly meaningful action to control byssinosis. But I am hopeful that it does reflect a growing recognition by both industry and labor that we can no longer tolerate this threat to the health of textile workers.

You urged a stronger Federal initiative in dealing with the byssinois problem. I believe that the Federal Government has a dual role to carry out in achieving this end. First, we must develop the additional information needed to curb the hazard in the mills. Second, we must have an effective mechanism for ensuring that this knowledge is applied.

In your letter, you cited the research of Dr. Arend Bouhuys and his associates. The Publice Health Service has helped support Dr. Bouhuys' work for the past five years. The Environmental Control Administration of the Consumer Protection and Environmental Health Service recently approved a new three-year research grant which will enable Dr. Bouhuys to continue his byssinosis studies. Other research necessary for the development of standards and control of the disease is under consideration now.

The National Institutes of Health currently is undertaking an examination and expansion of its research efforts in the entire field of pulmonary diseases, with special emphasis on the chronic pulmonary diseases.

Once criteria are developed to protect the health of workers, there must be a mechanism for putting them into effect. New legislation in this field is essential. The Occupational Safety and Health Act proposed to Congress by the President would provide this mechanism.

As you well know, byssinosis in only one of the occupational diseases and other hazards that confront American workers. We cannot build a comprehensive health program in this country without dealing with these job-related diseases and injuries.

I am forwarding a copy of your letter and my reply to the Department of Labor so that they will be appraised of your concern over their enforcement of the Walsh-Healy Act.

Thank you for giving me your views.

Sincerely,

ROBERT H. FINCH,
Secretary.

SANE, SENSIBLE SUGGESTION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, amid all the smoke over the use of marihuana, one fact stands out like the Washington Monument over the fog of the Potomac. As the following editorial from the October 4 Charleston, W. Va., Gazette so well points out, we do not have enough information in marihuana to know what we are talking about. I join the Gazette in congratulating my distinguished colleague from New York, the Honorable EDWARD I. KOCH, for his legislative proposal to establish a Presidential Commission to look into this problem and report back to the American people. I am pleased to have joined the gentleman from New York in cosponsoring this bill.

The editorial follows:

SANE "POT" IDEA FINALLY OFFERED

The sanest suggestion we've yet encountered on what should be done to handle the incidence of marijuana smoking among the nation's youth comes from Rep. Ed Koch, D-N.Y.

His proposal is simple and sensible: establish an authorative commission to study in detail the problem and to report back to the American people as soon as possible its conclusions. The congressman desires a report that will have the same impact on the Ameri-

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can public as did the 1964 Surgeon General's Report on Smoking and Health.

Not nearly enough is known about marijuana to answer even basic questions: Is it dangerous? Is it addictive? Does it damage the brain? What are its long-term effects?

For years the United States has been handling narcotics on the theory that stiffer laws and sterner punishment would decrease traffic in drugs and thereby reduce the number of addicts. The contrary has happened. The black market in narcotics has increased by leaps and bounds, and addiction in some sections of the country—notably urban ghettos—has reached epidemic proportions.

Isn't it about time a new tack was taken and new policies initiated? Might it not be desirable to turn the problem over to the medical profession? It is impossible imagine doctors making a bigger bungle than has already been made.

Meanwhile, a definitive study on marijuana is clearly needed.

LEAVES OF ABSENCE

By unanimous consent (at the request of Mr. Aspinall), leave of absence was granted as follows to:

Messrs. Aspinall, Haley, Edmondson, Taylor, Meeds, Saylor, Berry, Pollock, Wold, Camp, and Lujan during the week of October 13 to 18, 1969, inclusive on account of official committee business. These Members will be conducting field hearings and inspections in Alaska in connection with legislation involving Alaska native land claims.

By unanimous consent, leave of absence was granted as follows to:

Mr. Cederberg (at the request of Mr. Gerald R. Ford) for the week of October 13, 1969, on account of official business.

Mr. Charles H. Wilson (at the request of Mr. Moss) for today on account of official business for the Committee on Post Office and Civil Service Subcommittee on Census and Statistics.

Mr. Burton of Utah (at the request of Mr. Gerald R. Ford) for October 6 through October 13 on account of official business as a member of House Committee on Interior and Insular Affairs.

Mr. Watson (at the request of Mr. Gerald R. Ford) for today on account of official business as member of the Select Committee on Crime.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Ryan, for 60 minutes, on October 14; to revise and extend his remarks and include extraneous matter.

Mr. Koch, for 60 minutes, on October 14; to revise and extend his remarks and to include extraneous matter.

Mr. Helstoski, for 60 minutes, on October 14.

Mr. Scheuer, for 60 minutes, October 14.

Mr. Clay, for 60 minutes, October 14.

Mr. Moorhead, for 60 minutes, October 14.

Mr. Brademas, for 1 hour, on October 14.

Mr. McCarthy, for 1 hour, on October 14.

Mr. Waldie, for 1 hour, on October 14.

Mr. Stokes, for 1 hour, on October 14; to revise and extend his remarks and include extraneous matter.

Mr. Hechler of West Virginia, for 30 minutes today, and to include therewith extraneous material.

(The following Members (at the request of Mr. Esch), to revise and extend their remarks and to include extraneous matter to:)

Mr. Arends, today, for 5 minutes.

Mr. Robison, today, for 30 minutes.

Mr. Esch, today, for 10 minutes.

Mr. Duncan, on Monday, for 60 minutes.

Mr. Saylor, today, for 30 minutes.

(The following Members (at the request of Mr. Moss) to address the House:)

Mr. Farbstein, for 15 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Ryan, for 15 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Hanna, for 60 minutes, on October 13.

Mr. Bingham, for 60 minutes, on October 14.

Mr. Conyers, for 60 minutes, on October 14.

Mr. Sikes, for 30 minutes, on October 15.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mahon, to extend his remarks and to include certain tabulated material on appropriations business for this session of Congress.

Mr. Madden, and to revise and extend his remarks and include editorials in two instances.

Mr. Olsen to include extraneous matter in his remarks made in Committee today.

(The following Members (at the request of Mr. Esch) and to include extraneous matter:)

Mr. Ruppe in two instances.

Mr. Roudebush.

Mr. Fish in two instances.

Mr. Sandman.

Mr. Anderson of Illinois.

Mr. Schwengel.

Mr. Don H. Clausen.

Mr. Burke of Florida in two instances.

Mr. Kleppe.

Mr. Ashbrook in two instances.

Mr. Hogan.

Mr. Morse.

Mr. Wyman in two instances.

Mr. Price of Texas in two instances.

Mr. Reid of New York.

Mr. Cunningham in four instances.

Mr. Del Clawson.

Mr. Grover.

Mr. Quie.

Mr. Fulton of Pennsylvania in five instances.

Mr. Mathias.

Mr. Scott.

Mrs. Heckler of Massachusetts in two instances.

Mr. Pollock.

(The following Members (at the request of Mr. Burlison of Missouri), and to include extraneous matter:)

Mr. Annunzio in five instances.

Mr. Biaggi in three instances.

Mr. Rooney of New York.

Mr. Minish in three instances.

Mr. Stokes.

Mr. Edwards of California in two instances.

Mr. Burton of California.

Mr. Addabbo in two instances.

Mr. Rarick in three instances.

Mr. Rogers of Florida in five instances.

Mr. Gonzalez.

Mr. Flowers in three instances.

Mr. Ottinger.

Mr. Ryan in three instances.

Mr. Eilberg.

Mr. Pickle in two instances.

Mr. Marsh.

Mr. Chappell.

Mr. Wolff.

Mr. Fascell in two instances.

Mr. Boggs.

Mr. Daniels of New Jersey.

Mr. Bingham in two instances.

Mr. Corman.

Mr. Charles H. Wilson.

Mr. Rodino in two instances.

Mr. Koch in two instances.

Mr. Zablocki in two instances.

Mr. Monagan in two instances.

Mr. Edmondson in two instances.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park, and

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

ADJOURNMENT

Mr. BURLISON of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, October 13, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1239. A communication from the President of the United States, transmitting an amendment to the requests for appropriations transmitted in the budget for fiscal year 1970 for the Department of Transportation for the civil supersonic transport development program (H. Doc. No. 91–173); to the Committee on Appropriations and ordered to be printed.

1240. A letter from the Assistant Secretary of the Interior, Public Land Management, transmitting a copy of the river plan for the Rio Grande River, pursuant to the provisions of sections 3(a)(4) and 3(b) of the Wild and Scenic Rivers Act (H. Doc. No. 91–174); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1241. A letter from the Assistant Secretary of the Interior, Public Land Management, transmitting a copy of the river plan for that portion of the Rogue River under the administration of the Bureau of Land Management in Oregon, pursuant to the provisions of section 3(b) of the Wild and Scenic Rivers Act (H. Doc. No. 91–175); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1242. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report on the operation of section 401 of the Second Supplemental Appropriation Act, 1969 (Public Law 91–47), through September 1969, pursuant to the provision of the act; to the Committee on Appropriations.

1243. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the annual report of the Commission for 1968, pursuant to law; to the Committee on Foreign Affairs.

1244. A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed research and development contract with American Standard Inc., Melpar Division to study and improve the design of cutting assemblies of continuous mining machines for the purpose of reducing the production of respirable dust, pursuant to the provisions of Public Law 89–672; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL. Committee on Foreign Affairs, House Joint Resolution 894. Joint resolution to authorize appropriations for expenses of the United States section of the United States-Mexico Commission for border development and friendship, without amendment (Rept. 91–556). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 574. Resolution for consideration of H.R. 14127, a bill to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes (Rept. No. 91–557). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 575. Resolution for consideration of H.R. 4293, a bill to provide for continuation of authority for regulation of exports (Report No. 91–558). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 576. Resolution for consideration of H.R. 13000, a bill to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes. (Rept. No. 91–559). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Florida:

H.R. 14273. A bill to amend the Internal Revenue Code to permit individuals to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 14274. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increase in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 14275. A bill to amend the Internal Revenue Code of 1954 with respect to certain union negotiated pension plans; to the Committee on Ways and Means.

By Mr. DADDARIO:

H.R. 14276. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 14277. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record, to eliminate certain special requirements for entitlement to husband's or widower's benefits, to provide for the payment of benefits to widowed fathers with minor children, to equalize the criteria for determining dependency of a child on his father or mother, and to make the retirement test inapplicable to individuals with minor children who are entitled to mother's or father's benefits; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 14278. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 14279. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. MARSH:

H.R. 14280. A bill to provide for a study of weather modification activities, for the coordination and reporting of such activities, and for other purposes; to the Commission on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 14281. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Commission on Ways and Means.

H.R. 14282. A bill to amend title XVIII of the Social Security Act to provide payment for optometrists' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 14283. A bill to amend title 38, United States Code, to provide employment and relocation assistance for veterans; to the Committee on Veterans' Affairs.

By Mr. STAGGERS:

H.R. 14284. A bill to amend the Public Health Service Act to extend for 3 years the program relating to heart disease, cancer, stroke, and related diseases; to authorize training and clinical demonstration programs for related chronic diseases; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14285. A bill to amend the act of August 2, 1956, relating to safety devices of household refrigerators to extend the coverage of such act; to the Committee on Interstate and Foreign Commerce.

By Mr. STEED:

H.R. 14286. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 14287. A bill to amend title 38 of the United States Code to provide that the Administrator of Veterans' Affairs may provide certain treatment to veterans for disease; to the Committee on Veterans' Affairs.

By Mr. UTT:

H.R. 14288. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 14289. A bill to amend the act of March 4, 1921, to place the counties of El Paso and Hudspeth, Tex., in the mountain standard time zone; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 14290. A bill to amend the Federal Aviation Act of 1958 to authorize States and their political subdivisions to make and enforce certain rules and regulations to control and abate aircraft noise and sonic boom; to the Committee on Interstate and Foreign Commerce.

By Mr. KEITH (for himself, Mr. Biaggi, and Mr. Pelly):

H.R. 14291. A bill to amend the Fisheries Protection Act; to the Committee on Merchant Marine and Fisheries.

By Mr. BERRY:

H.R. 14292. A bill to improve farm income and insure adequate supplies of certain agricultural commodities by extending and improving the commodity program for corn, feed grains, and wheat; to the Committee on Agriculture.

By Mr. BINGHAM:

H.R. 14293. A bill to amend title 39, United States Code, to restrict the mailing of unsolicited credit cards; to the Committee on Post Office and Civil Service.

By Mr. BLACKBURN:

H.R. 14294. A bill to amend the Export Control Act of 1949 to provide for congressional approval of any economic boycott instituted by the President of the United States; to the Committee on Banking and Currency.

By Mr. BURKE of Florida:

H.R. 14295. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McCULLOCH:

H.R. 14296. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the provisions relating to discretionary grants to the State and to provide authorization of appropriations for fiscal year 1971; to the Committee on the Judiciary.

By Mr. MANN:

H.R. 14297. A bill to impose limitations on the quantity of textile articles imported into the United States; to the Committee on Ways and Means.

By Mr. MONTGOMERY:

H.R. 14298. A bill to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. MOSHER:

H.R. 14299. A bill to authorize a survey of the Black River and tributaries, Ohio, in the interest of flood control and allied purposes; to the Committee on Public Works.

By Mr. NEDZI (for himself and Mr. Pettis):

H.R. 14300. A bill to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes; to the Committee on House Administration.

By Mr. STAGGERS:

H.R. 14301. A bill to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDSON:

H.J. Res. 943. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

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By Mr. WOLFF (for himself, Mr. Edwards of California, Mr. Leggett, Mr. Lowenstein, and Mr. Ryan):

H.J. Res. 944. Joint resolution to create a Special Joint Congressional Committee on Oversight in Vietnam; to the Committee on Rules.

By Mr. KING (for himself, Mr. Gross, Mr. Devine, Mr. Scherle, Mr. Del Clawson, Mr. Watkins, Mr. Steiger of Arizona, Mr. Fountain, Mr. Rarick, Mr. Hall, Mr. Utt, Mr. Lennon, Mr. Colmer, and Mr. Ashbrook):

H. Con. Res. 401. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. OTTINGER (for himself, Mr. Anderson of California, Mr. Brown of California, Mr. Clay, Mr. Corman, Mr. Derwinski, Mr. Eilberg, Mr. Gray, Mr. Koch, Mr. Leggett, Mr. Long of Maryland, Mr. Moss, Mr. Roybal, Mr. St Germain, Mr. Charles H. Wilson, Mr. Wolff, Mr. Tunney, Mrs. Mink, Mr. Powell, and Mr. Pollock):

H. Con. Res. 402. Concurrent resolution to provide that failure of executive departments, agencies or instrumentalities of the Federal Government to respond within 60 days to requests from committees of Congress for reports on pending legislation shall create the conclusive presumption that such agencies favor enactment of the legislation and that enactment is consistent with the legislative program of the President; to the Committee on Rules.

By Mr. ROSENTHAL (for himself, Mr. Brown of California, Mr. Button, Mr. Burton of California, Mrs. Chisholm, Mr. Conyers, Mr. Edwards of California, Mr. Eckhardt, Mr. Fraser, Mr. Jacobs, Mr. Kastenmeier, Mr. Mikva, Mr. Olsen, and Mr. Ryan):

H. Con. Res. 403. Concurrent resolution urging the withdrawal now of U.S. Forces in Vietnam; to the Committee on Foreign Affairs.

By Mr. KING:

H. Res. 577. Resolution directing the U.S. Tariff Commission to make an investigation of competition between domestic and imported leather and leather goods; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 14302. A bill for the relief of Mr. Isauro Alandy and Mrs. Jennifer Alandy; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 14303. A bill for the relief of Giovanni Paolo Quagliariello; to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 14304. A bill for the relief of Munir W. El-Far; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H.R. 14305. A bill for the relief of Hassan Chaharsough Vakil, doctor of medicine; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

284. By the SPEAKER: Petition of Harold Lindemann, Eatontown, N.J., relative to enlargement of the U.S. Supreme Court; to the Committee on the Judiciary.

285. Also, petition of Mrs. L. Vail, et al., Lynden, Wash., relative to appointments to the U.S. Supreme Court; to the Committee on the Judiciary.

286. Also, petition of the Committee on Public Health and Welfare, Florida House of Representatives; relative to the proposals of President Nixon for welfare reform; to the Committee on Ways and Means.

SENATE—*Thursday, October 9, 1969*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Mighty God, Lord of the nations who by Thy providence didst guide our fathers to create a great nation, teach us to humble ourselves by remembering that where much is given much shall be required. Be with us to strengthen us that we may guard faithfully this good heritage, conserving and using wisely all things material for the well-being of the people, but cherishing most zealously all things spiritual, that the idealism and character of the fathers may be renewed in each generation. Remove from all men the hate and prejudice which turns man against man. Subdue the pride, greed, and anger which corrupts and blemishes the life. And so nourish us in righteousness and truth that Thy promised kingdom may be fulfilled in the brotherhood of man, for Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 8, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

(For the nomination this day received, see the end of Senate proceedings.)

APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. On behalf of the Vice President, the Chair, pursuant to Senate Resolution 33, as amended, 87th Congress, appoints the Senator from Illinois (Mr. Smith) to the Special Committee on Aging, in lieu of Senator Dirksen, deceased.

On behalf of the Vice President, the Chair appoints the Senator from New Jersey (Mr. Williams) and the Senator from New York (Mr. Javits) as advisers to the Third Inter-American Conference of Ministers of Labor on the Alliance for Progress, to be held at Washington, D.C., October 10–17, 1969.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read the nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees

be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC DEVELOPMENT ON INDIAN RESERVATIONS

Mr. MANSFIELD. Mr. President, there are indications that a "red power" movement is growing among young people on our Indian reservations. This is the movement emphasizing pride in Indian heritage and the need for Indians to take responsibility for their own destinies.

I believe there is a better way for Indians to achieve these goals than through a militant "red power" movement. The economic development that is taking place on reservations in Montana and elsewhere appears to be that way.

An article in the September issue of the Government Executive tells about such development on the Fort Peck Indian Reservation in northeastern Montana. Dynalectron Corp. helped these Indians to establish a tribal industry for repairing small military arms. But the corporation's role will be finished when the Indians train a cadre to operate the industry by themselves. They are moving rapidly in that direction.

Such economic development cannot be accomplished by the Indians all by themselves. They need the help of business, industry, and the Federal Government. But the Indians can do their share—and eventually they can assume full responsibility.

The Government Executive article, which contains a very good picture of my distinguished colleague, the Presiding Officer, the Senator from Montana (Mr. Metcalf), shows what can be done by Indians when they get the right kind of help and when they are given the incentive to take responsibility for their future.

Not only did this particular corporation help the Indians on the Fort Peck Reservation, but also, my distinguished colleague, the Senator from Montana (Mr. Metcalf), played a very important part in getting this project underway and was one of the most active and most prominent participants when the Fort Peck Indian-owned plant opened in April with a ribbon-cutting ceremony.

I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Industry-Indian-Government Joint Efforts Cut Welfare Cost and Revive Local Economy

(By Patrick J. McGarvey)

HIGHLIGHT

1—Dynalectron Corp. was largely instrumental in the formation of an Indian-owned plant in Montana that has reduced welfare payments dramatically.

2—While a restoration of Indian pride is evident through these efforts, the nationwide Indian situation remains grim.

3—The Bureau of Indian Affairs still labors under the paternalistic attitudes of the past although this, too, is changing.

4—Symptomatic of today's young Indian, a "Red Power" movement is taking hold on the reservations.

5—The Dynalectron effort at Fort Peck, Mont., suggests a new approach to the Indian problem by "winning the hearts and minds of the people."

Dynalectron Corp. has shattered the oft-stated myth about the heartless nature of American industry. In displaying and implementing a social conscience the firm also has pioneered a new concept of assisting the underprivileged that is well worth attention.

Heeding former President Johnson's advice for industry to assume social responsibility, Dynalectron became interested in the plight of the American Indian. Charles Gulledge, Dynalectron president, in an interview with *Government Executive* revealed that he was skeptical at first when the idea was broached to him by two men in his Aerospace Operations Division who had been working in remote areas on missile range work.

"If we were going to assume a responsibility for assisting in setting up a viable financial enterprise, we also realized that we were accepting a larger social responsibility toward the Indian tribes there. I wanted no mistakes, so I put some pretty high-priced legal and managerial talent to work on the project."

In October 1968 they assisted in the formation of the Fort Peck Tribal Industries at a remote reservation in northern Montana, lending legal and financial expertise to the tribe, which is the sole owner of the corporation. Dynalectron will make no money on th product nor does it plan to make any. It has lent the Indians its skill and expertise but plans to phase out as soon as the tribal members are trained and running their own show. Today Dynalectron personnel are working with the tribe in overall management, quality control, accounting and personnel. After the firm is on its feet, Dynalectron will continue to aid in marketing the products and services of the new organization.

WELFARE/UNEMPLOYMENT DOWN

The Fort Peck facility presently is working on a contract for the Air Force repairing carbines under a Small Business Administration contract that Dynalectron assisted the tribes in obtaining.

Although the project was initiated by Dynalectron, Gulledge spoke at length of the splendid cooperation he received from many parties. Within a six-month period the plant was brought from drawing board to full operation, and involved the efforts of Sen. Lee Metcalf (D–Mont.), the Small Business Administration, Bureau of Indian Affairs, Air Force, Office of Economic Opportunity, Trader's State Bank in Poplar, Mont., and the Sioux and Assiniboine tribes. The formal dedication of the plant took place on April 6, marking the on-time delivery of the first batch of carbines to the Air Force.

Plans for the future are looking brighter still. The Air Force, in signing the first contract, funded the operation at $700,000 with an option for an additional $350,000. Dynalectron men have drawn up a five-year plan in coordination with the Indian managers under training, and prospects for additional contracts seem good with the firm diversifying into assembly of electrical cables and other nondefense services.

Prior to the formation of Tribal Industries, the unemployment rate for the reservation was over 40 percent in the Summer and about 55 percent in the Winter. Fifty-four percent of the families were below the official poverty line of $3,000 a year. The new plant has a biweekly payroll of about $20,000 and is expected to add about $700,000 a year to the local economy. Local businesses report a 20 percent rise in sales since the plant opened. Moreover, welfare and unemployment compensation payments have dropped dramatically, and are expected to decrease about $300,000 in the near future.

With the ownership of the plant residing in tribal hands, a noticeable effect on local Indian morale and attitudes is evident. Plans are now underway for the tribe to purchase back land lost to them over the years in one way or another. Savings in the local bank are up markedly, and the men at the plant are apparently proud of their efforts, feeling as if their individual work contributes not only to themselves but also to the tribe as a whole.

CLASSIFICATION OF INDIANS

It would be unfair to industry and the Indians alike if it were claimed that a panacea has been found in these recent developments. The Indian problem is simply too complex, varying from area to area, to allow sweeping generalities.

In the last census there were just over a half-million Indians in the United States. About 300,000 of these people live on trust lands for which the Secretary of Interior is responsible.

Today the Bureau of Indian Affairs counts 263 Indian tribes, bands, villages, pueblos and groups in the country. Classification of Indians is generally handled in one of two ways: (1) by the way the Indians found their food or (2) by their language.

There are seven distinct groupings classified by food gathering techniques ranging from the woodsmen of the Eastern forest who traveled by foot or canoe and relied on hunting and fishing to the hunters of the Plains who hunted on horseback great areas of the West for buffalo.

In Washington and Oregon there were the northern fishermen and in California, Nevada and Utah there were planters. Shepherds dwelt in Arizona. Of course, in each of these cultures different social groupings and habits emerged. On the basis of common words or language, there are eight major Indian linguistic groups.

LEGAL STATUS OF INDIAN

There are many myths afoot concerning the legal status of the American Indian. He is not a ward of the Government as some would think. The Government is a trustee of Indian property, not the guardian of the individual Indian. Indians are not confined to reservations. They may move about freely as any other American citizens. There is no Federal payment to an Indian simply because he is an Indian.

The Indian is a citizen, although it was not until 1924 that he achieved this status. The right to vote has come even slower with his disenfranchisement finally being tested in the courts in 1948 and 1953. Since those cases, he has been fully franchised as all other Americans are.

Indians are subject to service in the military and many have distinguished themselves. In WWI more than 8,000 served, and in WWII they were represented by over 25,000 men in uniform.

The Indian is subject to Federal, state and local laws like non-Indians. If he lives on a reservation, however, only Federal and tribal laws apply, except in 13 states where Congress has provided that states shall have jurisdiction.

Indians may buy "firewater" at their own discretion. Here too, however, this right was not granted until 1953. On the reservations a local option ruling is in effect and some 55 reservations have legislated that their citizens may buy liquor.

Indians may own property. Today their lands are owned either by the tribe or by individual Indians. An Indian has trouble selling his land, however, for he must send a request to the Secretary of the Interior or his representative for a determination by them that the sale is in the Indian's best interest. If he wishes to hold individual title to his land, an Indian must also send a request to the Secretary of Interior for a determination that he is capable of managing his own affairs.

Indians pay local, state and Federal taxes the same as other citizens unless a treaty,

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agreement or statute exempts them. Most tax exemptions which have been granted apply to lands held in trust for Indians and to income from such land.

Indian tribes have their own government referred to as the tribal council, elected by vote of the adult members of the tribe. The council has the authority to speak and act for the tribe in dealings with Federal, state and local governments.

The role of the American Government has ranged the spectrum of emotions from punitive to paternalistic. To review the long history of broken promises to the Indian would be needless repetition. It is sufficient to say that the Indians moved to the reservations and whether they went peacefully, as the Cherokee did, or fought bitterly, as the Teton Sioux did, the result was the same. They were forced to live on land that the white man deemed worthless.

From the presidency of George Washington until 1849, Federal Indian policy was directed by the Secretary of War, which says much for the character of U.S.-Indian relations in that period. Since then, the Bureau of Indian Affairs (BIA), an agency of the Interior Department, has guided the destiny of the American Indian. For the most part it would not be inaccurate to say that the BIA over the years has misguided Indian Affairs. In fact, in an interview with *Government Executive*, some officials there admitted this.

Officially the BIA's duties are to protect the resources of the Indian, to see that his land is not stolen from him or sold when it would be in his best interests to hold it. In addition, the BIA provides schools, builds and maintains roads and irrigation projects and performs certain administrative chores, much like any city hall or county seat.

PATERNALISTIC ATTITUDE

Throughout the last 100 years, the BIA has carried out its tasks reasonably well given the resources with which it has had to work. In the process, however, it developed an attitude toward Indians that came to be known as paternalistic. This fatherly overprotection probably had several sources, but foremost among them was the shortsighted conclusion by the bureaucracy that it was easier to do the job itself than it was to teach a bunch of ignorant Indians to do it.

As a result the Indians received help, but never learned to help themselves. It was like giving morphine to a patient dying of cancer: It killed the pain but not the disease. The disease which was and is running rampant through Indian reservations is unemployment, which to some degree was the fault of the Indian. On the other hand, however, he was given little incentive to do otherwise. When the Pine Ridge Reservation in South Dakota was formed for the Ogala Sioux, the Indians called it "Wakpamini," which was the Dakota word for "place where you get something for nothing."

Since the early '60s the attitude has changed somewhat at BIA. Indian policy and BIA goals have been rephrased with generous dosages of positive thought. With an annual budget of about $250 million, BIA likes to think of itself as working with the Indian people and other agencies of Government to develop programs that will lead to Indian self-sufficiency. It advises Indian landowners how they can make the most of their resources. It provides educational and social services when these are not available from other sources. It informs Indian groups of sources of local assistance and it assists Indians who wish to leave reservations for economic improvement.

The three aims of the BIA are (1) higher Indian standards of living, (2) assumption by Indians and Indian tribes of the responsibility of managing their own funds and resources and (3) political and social integration of Indians.

Today there are approximately 290 Indian reservations under Federal jurisdiction. They range in size from tiny settlements in California of only a few acres to the Navajo Reservation of about 14 million acres. Other than the Navajo, there are only 10 reservations with more than a million acres. Slightly more than 50 million acres are in Indian use.

On this surface the figures are impressive. The gross value from agricultural production on Indian reservations in 1966 was about $170 million. This provided $56 million to Indian operators. Another $16 million was received by Indians from rents and royalties in 1966. Income from mineral rentals, bonuses and royalties in 1967 exceeded $30 million. In the same year, the sale of timber from reservations netted $15 million for the Indians. Another $4 million came from commercial, industrial and recreational use of Indian land.

"RED POWER"

The majority of Indian reservations, however, cannot support the Indian population. More intensive agriculture is needed, and industry and business are needed on or near Indian reservations to give diversification and incentive to the Indians. Their hope for the future lies in the balanced economic development of all their resources—natural, recreational and industrial.

BIA has several programs underway to assist in developing the natural resources on the Indian lands, to encourage industrial relocation to these areas and to provide employment assistance to Indians. These must be beefed up, however, to overcome the staggering apathy of Indians whose outlook and hopes for the future have too often been raised only to be dashed again by a loss of interest.

Symptomatic of the Indian attitude today is the emergence of a "Red Power" movement. As in other militant movements this one, too, represents a small but vocal minority of Indians. The leaders of this movement are college-trained young men who are most bitter. They describe most prominent Indians of today as "bootlickers, classic Indian finks."

Though the strength of the organization has declined in recent months it has attracted attention, not only among the startled highway travelers who have read bumper stickers announcing "Custer Died for Your Sins" but among growing numbers of young Indian people, more of whom are being taught to have a fierce pride in their Indian heritage.

Clyde Warrior, one of the leaders, claims that everyone over 30 years old should be kicked out of the BIA. Its ideas, he claims, date back to the paternalistic '20s and it has created in his opinion a neurotic, almost insane attitude toward joining the "mainstream." He claims the American dream is "Disneyland, garbage, a sham that should be exposed."

THE WHITE "DO-GOODER"

Like his brethren black power militants, Warrior wants nothing to do with the white liberal "do-gooder." "I don't know a single white man who's helped the Indians," he remarked. "Oh they're sincere and dedicated . . . and stupid."

The attitudes of such people he claims have fostered Indian dependence on society. "Take an Indian with no education and a house full of kids, and people say he's incompetent. He can't even manage his own life, let alone run a Government or a tribe. That's what the BIA's been saying for years. He's too stupid to do it himself, so we'll do it for him. The system perpetuates this thinking. It's so easy to justify it. And, it becomes easy for the Indian, too. He says: 'I'm just an Indian, I can't do any better.' He should be made to do better. Give the tribes the money and let them spend it. They'll make mistakes, sure, but they'll learn responsibility. You cannot have respect without responsibility."

So, far, the Red Power movement hasn't accomplished too much. The principal organizations involved in the drive—the National Indian Youth Council and the Coalition of American Indian Citizens—have a total membership of about 2,000 of the estimated 500,000 American Indians. Moreover there are internal splits; each group has factions that can't agree on whether Indians should try to preserve their racial identity at all costs or seek to assimilate themselves into white society. To date they have launched only a handful of self-help programs and protest demonstrations. Yet many students of Indian life agree that the mere existence of the two youth-dominated, action-oriented groups marks a sharp break with the Indian's traditional passivity.

As pride and hope have vanished, many Indians have turned to liquor. The result, of course, has been the disintegration of the family unit. Marriages break up at an alarming rate and the suicide rate is high on reservations. The situation is aggravated by the yawning generation gap in many Indian families. The old people refuse to live in this world; the youngsters know they're in it. They see it every day on television and in school.

Many young people want to leave. Some make it, but the success rate is very low. Many lack the money or the skills to settle in a new area. They run into constant discrimination in trying to find a job. Used to rural life, they have trouble adjusting to the urban areas where most jobs are found.

The economic development of Indian areas is tied to the cultural differences between Indians and whites. Many Indians simply do not aspire to be absorbed into the mainstream. They find urban American life frightening and distasteful and prefer to remain on familiar home ground.

Prior to 1955 BIA focused its attention on developing native industries such as sawmills, fisheries, cattle and agricultural pursuits. Two companies—Simpson Electric Co. and Bulova Watch—in the mid-1950s opened up assembly plants on Indian lands and found them eminently successful. They remain so today. They noted a high incidence of manual dexterity among Indians which suited their needs for assembling small electric components. Moreover, their reports describe Indians as intelligent, with good eyesight, excellent muscular coordination and patience.

The BIA has since the mid-1950s devoted a considerable portion of its efforts to inducing industries to locate on or near Indian lands. It is constrained somewhat by the monetary assistance it can offer in the form of on-the-job training program funds (PL 959) which defers some of the start-up costs for manufacturers. The remote inaccessible location of many reservations, moreover, is another deterrent. On the whole efforts in industrial development are just getting underway.

Reorganizations within the BIA have focused attention on the economic community in and near Indian lands. It admits that a major task is getting Indians and non-Indians in a locale to work together. It also has exerted efforts to develop tourism and recreation on and near Indian lands, viewing these as a natural economic potential that should be brought into full play by the Indians.

DOMESTIC PROBLEM

The Indian problem is not confined to the economic facts of life, which today are grim, but improving because of the efforts of firms such by Dynalectron. More fundamental problems exist in the fields of housing, education, health and police and legal protection on the reservations, and among the Indian community as a whole. Much needs to be done in these essential areas. President Nixon in his campaign promised to help. The recent

appointment of a new Indian Commissioner may signal the beginning of a new era. (We believe it only fair to allow the new Commissioner time to settle in, but we shall return to this subject in the future to assess anew the Indian situation.)

In the meantime, since the BIA spends a good deal of effort studying the Indian situation it might be worthwhile for it to consider studying the different effects that projects like Dynalectron's has on Indian attitudes as opposed to the Indian attitudes where assembly plants are established and the local Indian population recruited as the labor force.

It would seem to this writer that we have a situation here not unlike the Vietnam rural situation in which we have been attempting to "win the hearts and minds of the people." Identification with an organization such as the Fort Peck facility runs far deeper than a paycheck. It represents the restoration of Indian pride, which was at one time the measure of an Indian. Efforts like Dynalectron's afford the Indian groups an opportunity to maintain their ancestral identity and not be faced with an "either-or" situation wherein the only escape is to join the so-called "mainstream."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Clerk will call the roll.

The bill clerk proceed to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was vacated, and the Senate entered an order that at the conclusion of its business today it stand in adjournment until 10 a.m., Monday, October 13, 1969.)

EVERETT McKINLEY DIRKSEN—EULOGIES TO BE DELIVERED ON WEDNESDAY, OCTOBER 29, 1969

Mr. MANSFIELD. Mr. President, for the information of the Senate, a period will be set aside on Wednesday, October 29, for Members to deliver eulogies on the passing of our late and beloved colleague, the distinguished Senator from Illinois and former minority leader, Mr. Dirksen. I give this notice so that Senators will be prepared for that day and with that expectation in mind.

ORDER OF BUSINESS

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on October 8, 1969, the President had approved and signed the following act:

S. 574. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

SECOND ANNUAL REPORT OF THE NATIONAL ADVISORY COMMITTEE ON ADULT BASIC EDUCATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–176)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I transmit herewith the Second Annual Report of the National Advisory Committee on Adult Basic Education.

Adult basic education plays a vital role in making our democratic society viable and rewarding to all its members. Teaching the adult to read, write, and speak well leads to expanded job opportunities, enhanced self-esteem, a better home environment for school children and increased civic responsibility.

To help meet the needs for adult basic education, the National Advisory Committee has been reviewing the administration and effectiveness of the Adult Basic Education Program in the Office of Education and fifteen other federally supported programs which have adult basic education components. The Report describes this review and makes several recommendations concerning the Federal effort to serve the education needs of the more than twenty million adult Americans who have less than an eighth-grade education.

I have asked the Council for Urban Affairs, which has a special committee on education, to review these and other recommendations of the National Advisory Committee carefully, and to seek ways to improve the performance and coordination of all Federal adult basic education programs.

Richard Nixon.

The White House, *October 9, 1969.*

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Violation of a Fiscal Year 1969 Panama Canal Company Allotment

A letter from the President, Panama Canal Company, reporting, pursuant to law, a violation of a fiscal year 1969 Panama Canal Company allotment; to the Committee on Appropriations.

Report on Fiscal Year 1970 Outlay Limitations

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, on the operation of section 401 of the Second Supplemental Appropriation Act, 1969, limiting fiscal year 1970 budget outlays (with accompanying papers); to the Committee on Appropriations.

Report of the Foreign Claims Settlement Commission of the United States

A letter from the Chairman, Foreign Claims Settlement Commission, transmitting, pursuant to law, the Annual Report of the Foreign Claims Settlement Commission for the period beginning January 1, 1968, and ending December 31, 1968 (with an accompanying report); to the Committee on Foreign Relations.

Proposed Research and Development Contract With American Standard, Inc.—Melpar Division

A letter from the Director, Bureau of Mines, U.S. Department of the Interior, transmitting, pursuant to law, a proposed research and development contract with American Standard Inc.-Melpar Division, 7700 Arlington Boulevard, Falls Church, Va., to study and improve the design of cutting assemblies of continuous mining machines for the purpose of reducing the production of respirable dust (with accompanying papers); to the Committee on Interior and Insular Affairs.

Master Plan for the Rogue River Component of the National Wild and Scenic Rivers System

A letter from the Assistant Secretary for Public Land Management, Department of the Interior, transmitting, pursuant to law, a plan for the development, operation, and management of that portion of the Rogue River segment under the administration of the Bureau of Land Management in Oregon (with accompanying papers); to the Committee on Interior and Insular Affairs.

Plan for the Rio Grande National Wild and Scenic River

A letter from the Assistant Secretary for Public Land Management, Department of the Interior, transmitting, pursuant to law, a plan for the development, operation, and management of the Rio Grande River segment of the national wild and scenic rivers system under the administration of the Secretary of the Interior, through the Bureau of Land Management (with accompanying papers); to the Committee on Interior and Insular Affairs.

Reports on Sharing Medical Facilities and Exchange of Medical Information

A letter from the Administrator, Veterans' Administration under fiscal year 1969 programs for sharing medical facilities and for exchanging medical information (with accompanying reports); to the Committee on Labor and Public Welfare.

Report of the Federal Voting Assistance Program

A letter from the Secretary of Defense, transmitting, pursuant to law, the seventh report of the Federal voting assistance program covering the period from September 1967 to September 1969 (with an accompanying report); to the Committee on Rules and Administration.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the

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following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore:

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Florida, and authorizing the acquistion of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park; and

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the Board of Commissioners of the city of Millville, N.J., remonstrating against proposed legislation to limit the tax-exempt feature of interest paid on public bonds issued by State or local governments which was referred to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 150. Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week" (Rept. No. 91–452).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3007. A bill to authorize the transfer of the Brown Unit of the Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit; to the Committee on Interior and Insular Affairs.

By Mr. YARBOROUGH (for himself, Mr. TALMADGE, Mr. RANDOLPH, Mr. CRANSTON, Mr. HUGHES and Mr. WILLIAMS of New Jersey):

S. 3008. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Labor and Public Welfare.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS:

S. 3009. A bill to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. TYDINGS (by request):

S. 3010. A bill to authorize in the District of Columbia a program of public day care services; and to amend the District of Columbia Public Assistance Act of 1962 so as to relieve certain adult children of the requirement of support and to provide public assistance in the form of foster home care to certain dependent children;

S. 3011. A bill to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes; and

S. 3012. A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes; to the Committee on the District of Columbia.

By Mr. JACKSON (for himself and Mr. ALLOTT):

S. 3013. A bill to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JACKSON (for himself, Mr. ANDERSON, Mr. GRAVEL, Mr. MAGNUSON, Mr. MONTOYA, and Mr. STEVENS):

S. 3014. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HATFIELD:

S. 3015. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. HATFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3008—INTRODUCTION OF A BILL INCREASING THE AVAILABILITY OF GUARANTEED HOME LOAN FINANCING FOR VETERANS AND THE INCOME OF THE NATIONAL SERVICE LIFE INSURANCE FUND

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference a bill to increase the availability of guaranteed home loan financing for veterans, and to increase the income of the national service life insurance fund.

It would accomplish the first objective by permitting the investment of up to $5 billion of funds of the national service life insurance fund in mortgage loans for veterans. This injection of capital into veterans housing would be made at the rate of $1 billion a year for each of 5 years, and would mean a real shot-in-the-arm to home construction in general and for veterans in particular.

The bill would accomplish the second purpose because income to the national service life insurance fund from mortgage interest would be higher than the present income from Government securities.

On August 28, the Department of Commerce released its monthly economic indicators, showing a decline of four-tenths of 1 percent in the composite economic index. It was clear from the figures that this decline took place in the home construction industry, and that housing was bearing the brunt of the anti-inflation tactics of the stringent monetary policy and high-interest rates.

Mr. President, a few days ago, we heard the administration boast that the unemployment rate had gone up to 4 percent. This is the only administration in history that brags about creating more unemployment. Previously, if an administration could brag, it would be that it had reduced unemployment.

This administration boasts that we are increasing unemployment. At present, unemployment has increased by 4 percent. I can tell the administration in what industry unemployment is increasing the fastest. It is in the home construction industry. I have received that report in letters that small homebuilders, those who hire only six or eight employees, are suffering the most. In one county alone, six small homebuilders have already gone broke and their employees have lost their jobs. Others are laying off employees every day.

We are now feeling the impact of recordbreaking interest rates. There have been four increases in interest rates since the beginning of January. The first recordbreaking high-interest rate occurred in 1814, during the War of 1812, when the British forced our ships to rot in our harbors. The second significant increase occurred in 1864, when Lee was stalling Grant before Richmond, and Hood was stalling Sherman before Atlanta. As a result of the threat of the stalemate, the interest rates increased to the highest level ever. The third significant increase in interest rates occurred in 1919, as a result of World War I. The fourth increase was in 1929, during the boom period that preceded the great depression.

Today, we have the highest interest rates in the entire history of the United States. These high interest rates are crippling the American homebuilders, except in the few big money markets of the country.

Under the impact of these record-breaking high rates, construction of single-family dwellings dwindled to an annual rate of 1.3 million in August, and is headed down to 1 million. That number is a tragic contrast to the 2.6 million units a year we must build to meet the goal established in the Housing Act of 1968.

The Commission reported to the President that it would take the construction of at least 2½ million housing units a year to keep this Nation out of the slums. These 2½ million units must be built if we are to meet the goals established in the Housing Act of 1968. We have already decreased that quota by more than half and with every day that goes by it is plummeting even lower.

The special veterans housing program has been hard hit by interest inflation, along with all moderate- and low-income housing. Despite the legislation we have enacted in an effort to assure homeownership opportunities for veterans, interest rates have undermined it, as they have undermined all homebuilding.

Raising interest rates in an effort to outbid other borrowers is becoming a game of governmental leapfrog. We are asked, in effect, to raise rates for loans to students to give lenders a 10-percent return. Then we are told that mortgage rates must rise in order to outbid the students. Then the Federal debt is refinanced at higher rates in order to outbid all the other borrowers.

I believe we have gone as far as we can to help housing by raising interest rates. In the case of veterans housing,

the effect has been a decline, not an increase, in construction.

In May of 1968, the 6-percent mortgage ceiling still prevailed. Starts then were at an annual rate of 57,000 veterans homes. Then the mortgage rate was raised to 6.75 percent and in January of this year to 7.5 percent. But the current rate of veterans housing starts is down to 46,000 a year. An increase in the interest rate of 1.5 percent, in other words, has reduced construction by 11,000 units at an annual rate.

We need another answer to the housing depression besides new increases in mortgage rates. One answer that holds out hope for more veterans housing is the proposal sponsored in the House of Representatives by my colleague from Texas, the Honorable OLIN TEAGUE. It would make available up to $5 billion from the national service life insurance fund, over a period of 5 years, for investment in veterans home mortgages. This bill in the House is H.R. 9476. The same proposal was offered in the House on September 29 by Congressman PATMAN as an amendment to a VA interest rate bill. Unfortunately, it was ruled not germane to that measure.

The terms of the bill I am introducing today permit the VA Administrator to use the investment funds to purchase loans from the direct loan revolving fund; to sell participation certificates in mortgages held by the fund; and to utilize available funds in the loan guarantee and direct loan revolving funds to cover deficiencies in the investment fund.

This measure has wide support among veterans organizations, who recognize that higher lending rates are a death knell and not a stimulus to home purchasing by veterans. The Veterans of Foreign Wars adopted a resolution at its annual convention supporting the use of these insurance funds for veterans home mortgages, and I ask unanimous consent to have this resolution printed in the RECORD following the printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, the proposal is also supported by the National Association of Homebuilders.

I wish to acknowledge the leadership on this matter by my colleagues from Texas in the House, and to commend them for it. This measure is in the best interest of the Nation's veterans and will, at the same time, provide a new and useful approach to the financing of homebuilding.

In order to have the text of the bill before the Members of the Senate, I request that it be printed immediately following my remarks.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The bill will be received and appropriately referred; and, without objection, the text of the bill will be printed in the RECORD, as requested.

The bill (S. 3008), to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund, introduced by Mr. YARBOROUGH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter III of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1828. Investment of funds of the national service life insurance fund in first mortgage loans guaranteed under section 1810 of this chapter

"(a) When issuing a commitment to guarantee a proposed home mortgage loan under section 1810 of this chapter, the Administrator is authorized and is hereby directed to issue, if such is requested by the lender-mortgagee, a nonassignable commitment to purchase the completed loan from such lender-mortgagee. For each such commitment the lender-mortgagee shall pay a nonrefundable fee of not in excess of one-half percentum of the amount of the commitment. Such commitment shall provide for the purchase of the loan from the lender-mortgagee for the price specified in the commitment (which price shall be specified as a percentage of par) if the lender-mortgagee certifies to the Administrator, not earlier than sixty days subsequent to the disbursement of the loan proceeds but not later than twelve months from the date of the Administrator's issuance of the loan guaranty evidence, that—

"(1) it has not been successful in effecting a sale of the loan to a private investor at a price equal to or in excess of that specified in the Administrator's commitment;

"(2) it has not charged or collected from and will not charge or collect from the seller or builder of the property, or from any third person or entity, directly or indirectly, any discount (points) in excess of the difference between the face amount of the loan and the price specified in the Administrator's purchase commitment plus the origination fee charged by the lender-mortgagee and the commitment fee specified in this subsection (a);

"(3) the loan is not in default.

The purchase price specified in any purchase commitment issued under this subsection shall not be less than the average price for which one hundred and eighty day purchase commitments were auctioned by the Federal National Mortgage Association at the last Association auction preceding the issuance of the Administrator's purchase commitment, but in no instance shall the Administrator agree to pay more than par (unpaid principal balance plus accrued interest) nor less than 96 per centum of par for any loan purchased under this subsection. Insofar as practicable the Administrator shall utilize the purchase authorization in this subsection in those localities where the discount levels are determined by him to be substantially in excess of the discounts entailed in the Federal National Mortgage Association average auction prices for its one hundred and eighty day purchase commitments.

"(b) There is hereby established in the Treasury of the United States a revolving fund to be known as the national service life insurance investment fund (hereinafter called the investment fund). The investment fund shall be available to the Administrator for all operations under this section, including the payment of expenses and losses, except administrative expenses. From time to time, the Administrator shall notify the Secretary of the Treasury as to the amount of funds necessary to purchase loans as the consequence of commitments issued or to be issued, pursuant to subsection (a) of this section, and to purchase direct loans, pursuant to subsection (c) of this section, and the Secretary shall, as authorized by section 720(c) of this title, transfer such funds from the insurance fund to the investment fund, except that the aggregate of transfers pursuant to this subsection shall not, in the period between the enactment of this section and June 30, 1974, exceed $5,000,000,000, nor exceed in any fiscal year $1,000,000,000.

"(c) The Administrator shall utilize the funds transferred to the investment fund as provided in subsection (b) of this section to purchase loans pursuant to commitments issued as provided by subsection (a) of this section. In addition, the Administrator may utilize available funds of such investment fund to purchase (at par plus accrued interest) direct loan assets of the direct loan resolving fund and the entire proceeds of any such sale of direct loan assets shall be deposited in the direct loan revolving fund and be available thereafter for the purposes of that fund. The insurance fund shall be paid interest on all funds transferred to the investment fund at the same rate as the average interest rate on loans purchased by the Administrator less 1 per centum but in no event less than the average return on the other invested portion of the national service life insurance fund. All moneys received by the Administrator in the repayment of such loans shall be deposited in the investment fund and shall also be available, until June 30, 1975, for the purchase of loans pursuant to commitments issued as provided in subsection (a) of this section, and for the purchase of direct loans as provided for in the second sentence of this subsection, except that if the Administrator at any time determines that the balance in the investment fund is in excess of anticipated needs for the purchase of loans, he may so notify the Secretary of the Treasury, who shall then transfer such excess to the insurance fund. All collections of interest on loans purchased and all nonrefundable commitment fees received pursuant to the authority in subsection (a) of this section shall be deposited in the investment fund by the Administrator, who shall, after determining the amount to be retained in the investment fund as a reserve for expenses and losses, periodically notify the Secretary as to the amount of such interest collections available for transfer to the insurance fund and the Secretary thereupon shall effect such transfers. Such transfers shall constitute the payment of interest to the insurance fund. After June 30, 1974, all moneys received in the repayment of loans purchased pursuant to (subsection (a) of) this section and all interest collections on such loans, except for such sums which the Administrator determines to be necessary for retention in the investment fund as a reserve for losses, shall be deposited in the insurance fund. Interest collections so deposited shall constitute the payment of interest to the insurance fund.

"(d) In the event of a deficiency in the investment fund reserves for expenses and losses, the Administrator is hereby authorized and directed to transfer to the investment fund from available funds of the loan guaranty revolving fund or the direct loan revolving fund such sum or sums as may be necessary to defray such deficiency. For the purposes of this subsection the Administrator shall accord priority to the utilization of available funds of the direct loan revolving fund to the elimination of such deficiency notwithstanding the obligations of that fund in respect to advances theretofore made by the Secretary of the Treasury pursuant to section 1823 of this chapter.

"(e) The Administrator may sell, and shall offer for sale, any loan purchased under the authority of this section at a price determined by the Administrator, but not less than the price paid by the Administrator to purchase the loan (i.e., the percentage of the unpaid balance of the loan), plus accrued interest. The Administrator may, in respect to loans (originated under section 1810 and subsequently purchased by him, guarantee any loan) thus sold, guarantee

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any such loans subject to the same conditions, terms, and limitations as would be applicable were the loans guaranteed under section 1810 of this chapter.

"(f) Notwithstanding any of the foregoing provisions of this section, the Administrator, when authorized by appropriation Acts so to do, may set aside first mortgage loan assets of the investment fund as the basis for the sale of participation certificates pursuant to and in accordance with the provisions of the Participation Sales Act of 1966 (Public Law 89–429), and until June 30, 1974, the proceeds of any sale of such participation certificates shall be deposited in the investment fund and be available for the purposes of that fund. After June 30, 1974, the proceeds of any sales of such participation certificates shall be deposited in the insurance fund.

"(g) In the administration and management of the investment fund the Administrator shall, to the extent feasible, invest the funds thereof in loans which will represent a broad spectrum of the veteran homebuying population in respect to age, income, and location of the properties which will constitute the loan securities. In order to facilitate a more adequate supply of mortgage financing for veterans in the lower and middle income brackets the Administrator shall purchase only loans not in excess of $30,000 which are secured by single family dwellings only. The Administrator is authorized to adopt such standards, policies, and procedures and to promulgate such regulations as he considers necessary or appropriate for carrying out his functions and responsibilities under this section. In carrying out such functions and responsibilities the Administrator may contract with private entities for the servicing of any loans purchased by him for the investment fund provided that the servicing fee payable pursuant to any such contract shall not exceed the Administrator's estimate of the cost of the direct servicing of such loans by agency employees."

(b) The analysis of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following:

"1828. Investment of funds of the national service life insurance fund in first mortgage loans guaranteed under section 1810 of this chapter."

Sec. 2. Paragraph (1) of section 1811(c) of title 38, United States Code, is amended to read as follows:

"(1) he is unable to obtain from a private lender in such housing credit shortage area, at a discount charge for the purchase of existing housing to the home sellers or builders not in excess of the discount involved in the latest average auction price of the Federal National Mortgage Association's ninety-day purchase commitments, and for the purchase of a newly constructed or to be constructed home, at a discount charge to the home sellers or builders not in excess of the discount involved in the latest average auction price of the Federal National Mortgage Association's purchase commitments for the period of twelve to eighteen months."

Sec. 3. Section 720 of title 38, United States Code, is amended by adding at the end thereof the following new subsection (c):

"(c) The Secretary of the Treasury is authorized and directed to transfer from such fund to the investment fund established under section 1828 of this title such amounts as the Administrator may from time to time request pursuant to such section, and shall transfer from the investment fund to the national service life insurance fund, upon notification by the Administrator, such amounts as the Administrator determines are available for such transfer pursuant to the provisions of such section."

Exhibit 1

Resolution 359—GI Mortgage Interest Rates

Whereas, one of the rights granted to veterans under the GI Bill is guaranteed mortgages for the purchase of new or existing homes; and

Whereas, the Veterans of Foreign Wars has always advocated a statutory ceiling on interest rates on GI loans for veterans since the original 4% was established in the GI Bill for World War II veterans; and

Whereas, because of existing tight money and high interest rates, the GI home loan program, although still a program of considerable magnitude, has greatly dwindled because mortgage money for long term GI loans is not plentiful; and

Whereas, the Veterans of Foreign Wars strongly believes GI home loan assistance should be a meaningful benefit, which assistance is crucial to the Vietnam veteran during this period of a national housing shortage; and

Whereas, the present interest rate on GI home loans is 7½%, subject to a recommendation by the Commission on Mortgage Interest Rates, which has made a recommendation to the President which must be acted upon before October 1, 1969; and

Whereas, this Commission has recommended the present statutory ceiling established by Congress of 6% on the interest rate on VA mortgages should be permanently abolished; and

Whereas, the Commission on Mortgage Interest Rates has recommended that interest rates on GI mortgages should be determined in the market place without regard to any administrative or statutory ceiling or, in the alternative, if ceilings are established by the VA and Secretary of HUD, as at present, then discounts should be permitted between the borrower and the seller; and

Whereas, this recommendation by this Commission must be acted upon by the Congress; and

Whereas, the House Committee on Veterans' Affairs has completed hearings during this 91st Congress to provide for the use of a portion of the NSLI trust fund to be funneled into GI home loan mortgages; now, therefore

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that we urge Congress to provide for a statutory ceiling on GI loans coupled with authority for the Veterans Administrator to establish the rate within the maximum ceiling; and

Be it further resolved, that we strongly oppose the removal of the statutory ceiling as recommended by the Commission on Mortgage Interest Rates and its alternative recommendation that if there is a ceiling, discounts will be charged to veterans which would be nothing more than a license to pick the pockets of veterans; and

Be it further resolved, that we strongly recommend that a part of the NSLI trust fund be made available for GI home loans; and

Be it further resolved, that we recommend that the direct home loan program be greatly increased to provide more homes for veterans in small town and rural areas where home loan mortgage money is practically nonexistent.

(Adopted at the 70th National Convention of the Veterans of Foreign Wars of the United States held at Philadelphia, Pennsylvania, August 15 through 22, 1969.)

MORE HOUSING FOR VETERANS

Mr. CRANSTON. Mr. President, in passing the Housing Act of 1969, Congress set as its goal the construction of 26,000,000 additional housing units in the next decade. To date, little progress has been made toward this end.

Recent figures show that housing starts are down so far this year by nearly one-third. The President's Housing Secretary, in conceding that the outlook is even gloomier, stated that housing starts will probably be down 50 percent by the end of the year.

Housing is obviously one of the principal victims of the administration's anti-inflationary policies. Tight money policies mean little or no money for housing.

The Federal National Mortgage Association—Fannie Mae—has done an admirable job in making money available for FHA, VA, and other Government-guaranteed housing programs. But for Fannie Mae's activities, money for these loans would have long since evaporated.

Today, I am pleased to cosponsor legislation introduced by Senator Yarborough—S. 3008—which would inject new money into the mortgage market for VA-guaranteed housing loans. I congratulate Senator Yarborough, who has authored so much vital veteran's legislation, on his introduction of this measure. The bill would establish an investment fund which would utilize money transferred from the national service life insurance fund. The investment fund would pay interest on all money so transferred. It is contemplated that as much as $5 billion could be accumulated in the investment funds over a 5-year period. The money in the fund would be used to purchase both VA guaranteed and direct loans.

This bill would be an important step toward providing our returning veterans with some protection against the demoralizing effects of an inflationary economy. Vietnam veterans are encountering increased difficulty in finding reasonably well paying jobs in a depressed employment market. Making housing loans at reasonable interest rates more readily available to these veterans will aid significantly in their readjustment to civilian life.

The new program which S. 3008 would establish fits extremely well with the comprehensive veterans education and training bills which the Labor and Public Welfare Committee today unanimously ordered favorably reported, upon recommendation by the Veterans' Affairs Subcommittee, which I am privileged to serve as chairman.

In addition to making more money available for VA housing, the legislation would have the effect of allowing more of Fannie Mae's funds to be used for FHA and other Government-assisted housing programs. The Nation's housing shortage is approaching crisis proportions. I fervently hope that this legislation will have speedy congressional approval and executive implementation.

S. 3013—INTRODUCTION OF A BILL ESTABLISHING A PROGRAM FOR THE PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES THROUGHOUT THE NATION

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Senate Interior Committee (Mr. Allott) and myself, I introduce, for appropriate reference a bill to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

This measure was submitted and recommended by the Advisory Council on Historic Preservation, and I ask unanimous consent that the letter from the Chairman of the Council accompanying the proposed draft of legislation and a statement explaining it be printed in the Record at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter and statement will be printed in the Record.

The bill (S. 3013), to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes, introduced by Mr. Jackson (for himself and Mr. Allott), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The material furnished by Mr. Jackson follows:

Advisory Council
on Historic Preservation,
Washington, D.C., October 6, 1969.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "To amend the Act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes."

We recommend that the draft bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Advisory Council on Historic Preservation was established in accordance with title II of the Act of October 15, 1966. Section 202(b) requires that the Council submit annual reports to the President and the Congress and that it shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations.

At its meeting in Washington on July 20–21, 1967, the Advisory Council on Historic Preservation adopted resolutions favoring an expansion of its membership and participation by the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre). The Council reaffirmed its recommendation in favor of this proposal at its meeting in Washington on February 5–6, 1969.

EXPANDED MEMBERSHIP OF THE COUNCIL

The Council recommends that the Secretary of Agriculture, the Secretary of Transportation, and the Secretary of the Smithsonian Institution be afforded membership on the Council. It also recommends that the Chairman of the National Trust for Historic Preservation, like other statutorily designated members, be afforded the privilege of designating an alternate. Section 1 of the enclosed draft of bill offers the amendments necessary to accomplish these recommendations.

The Secretary of Agriculture's responsibility in historic preservation stems from his administration of tremendous acreages of Federal land which may contain historic or prehistoric ruins, or objects of antiquity. The Department of Transportation Act of October 15, 1966 (80 Stat. 931), transferred to the Secretary of Transportation duties and responsibilities respecting the highway and road building program of the Federal Government. Subsection 2(b)(2) of the Act declares it to be the national policy, in carrying out the provisions of the Act, to make a special effort to preserve historic sites. Section 15(a) of the Federal-Aid Highway Act of 1966 (80 Stat. 766) declares a similar policy. By virtue of the National Museum Act of 1966, approved October 15, 1966 (80 Stat. 953), the Secretary of the Smithsonian Institution has responsibility for a program of national and international research, training, and publication to assist the museum profession in preserving the cultural heritage of the Nation. In addition, the Smithsonian is the custodian of national collections in historic, art, and science.

Inclusion of the Secretaries of Agriculture, Transportation, and the Smithsonian Institution in the membership of the Advisory Council on Historic Preservation will thus strengthen the Council and facilitate its coordination responsibility by providing membership to a broader spectrum of the Nation's involvement in historic preservation.

PARTICIPATION IN THE ROME CENTRE

The International Centre for the Study of the Preservation and the Restoration of Cultural Property (Rome Centre) was established by UNESCO, in 1958, as an independent intergovernmental organization of professional conservators, to:

"(a) collect, study and circulate documentation concerned with the scientific and technical problems of the preservation and restoration of cultural property;

"(b) coordinate, stimulate or institute research in this domain, by means, in particular, of commissions to bodies of experts, international meetings, publications and exchanges of specialists;

"(c) give advice and recommendations on general or specific points connected with the preservation and restoration of cultural property;

"(d) assist in training research workers and technicians and raising the standard of restoration work." (Article 1, Statutes of the Rome Centre)

Clearly the Rome Centre is engaged in a program which, if the opportunity were available, would enhance the national policy of preserving this country's historical and cultural foundations. Beginning with the Antiquities Act of 1906 (34 Stat. 225), the Congress expressed its concern for the preservation of historic landmarks, historic and prehistoric structures and other objects of historic preservation situated upon lands owned or controlled by the Government of the United States and provided for the protection of these properties.

The Historic Sites Act of August 21, 1935 (49 Stat. 666), declared a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States. Moreover, important implementing authority was provided in that Act, including among others, the authority for the Secretary of the Interior to conduct a survey of properties possessing exceptional value as commemorating or illustrating the history of the United States.

In 1966, the Congress took cognizance of the ever-increasing threats to the preservation of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. The Historic Preservation Act of October 15, 1966 (80 Stat. 915), broadened the national policy to encourage preservation by private individuals. It strengthened and expanded the work then being done under the Historic Sites Act of 1935 by providing a grant program and encouraging the broadest participation at local, regional, state, and national levels, including the participation of the private sector. In establishing the Council, the Act of 1966 charged it with the duty of advising the President and the Congress on matters relating to preservation of such properties, recommending measures to coordinate public and private preservation efforts, and reviewing plans for Federal undertakings and the undertakings of others involving Federal assistance.

In view of the very clear national policy of historic preservation and the advisory and coordinating responsibilities now assigned to it, the Council, at its meeting of July 21, 1967, and on February 5–6, 1969, adopted resolutions recommending legislation which would authorize United States participation in the Rome Centre and which would recognize the advisory and coordinating functions of the Council with respect to such participation.

It is in these circumstances that the Council transmits, as section 2 of the enclosed draft of bill, language amending the Historic Preservation Act of 1966 so as to authorize United States participation in the Rome Centre.

Pursuant to section 2 of the proposed bill, the Council will make recommendations to the Department of State as to the individuals who will be designated as the official delegates and alternates to take part in the activities of the Rome Centre on behalf of the United States. According to the statutes of the Rome Centre, these individuals "should be chosen from amongst the best qualified technical experts of specialized institutions concerned with the preservation and restoration of cultural property."

In order to provide for the participation of the many public and private organizations concerned with the technical problems of preservation, the Smithsonian at the request of the Council will hold periodic meetings of qualified experts from such organizations to consider their professional problems and needs and to submit proposals to the Council and a list of specialists who might appropriately be designated as delegates or alternates to the Centre. The Council, pursuant to its existing authority, will make such recommendations as to delegates, policies, coordination, and other matters pertaining to the Rome Centre, as may be appropriate.

Through enactment of the enclosed draft of bill, the advisory and coordinating responsibilities of the Council will be utilized so as to obtain from United States participation in the Rome Centre the greatest possible benefit to the historic preservation programs of all agencies, public and private.

It is estimated that the United States contribution, for its first year of membership in the Rome Centre, will be approximately $62,000, and might increase during the next several years to approximately $90,000. Other expenses incident to United States participation in the activities and functions of the Centre are estimated at $7,500 in the years in which the Centre holds its biennial General Assembly, and at $3,500 in other years. On the basis of these estimates, enactment of this legislation would result in appropriation increases as follows: First year following enactment, $69,500; second year, $75,000; third year $89,500; fourth year $93,500; and fifth year $97,500.

A statement containing additional details about the Rome Centre, its organization, programs and activities, and the estimated cost of the United States membership is enclosed.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,
S. K. Stevens, *Chairman.*

The Preservation of Cultural Property—The Rome Centre

(Statement on amendment to the act of October 15, 1966 (80 Stat. 915))

I. THE PRESERVATION OF CULTURAL PROPERTY

The material evidence of our culture and history includes a wealth of historic buildings, monuments, museum objects, books, and archives, in the United States and abroad, which are rapidly deteriorating and

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which are irreplaceable. For both public and private custodians of cultural property there is an increasing need for new and improved techniques and a critical shortage of trained experts in conservation and restoration. Although the United States has highly qualified experts in the conservation of paintings, our competence in many other fields such as the preservation of metals, wood, or stone, particularly in outdoor environments, is quite limited; and in all areas the number of trained personnel is inadequate to prevent the destruction of a substantial portion of our cultural inventory. Centers for research and training in these specialized fields have been established in other countries, notably in Europe.

II. COOPERATION WITH CONSERVATORS OF OTHER NATIONS

There is widespread agreement that an essential step in the timely solution of this problem is to join with conservators of other nations in cooperative programs of training and research and, by coordination of separate efforts and exchange of information in the numerous areas of conservation, to make the most effective use of the special talents available in each nation. The International Centre for the Study of the Preservation and the Restoration of Cultural Property (Rome Centre) was established to provide for such cooperation on a world-wide inter-governmental basis. In response to communications from a great many public and private organizations concerned with conservation, the Department of State in October 1966 announced its support of United States membership in the Rome Centre.

III. SUPPORT FOR COOPERATION THROUGH THE ROME CENTRE

The proposed United States membership in the Rome Centre has the support of virtually every public and private organization concerned with conservation. Many of these organizations were represented at a meeting, held at the Smithsonian in January 1967, which reaffirmed and approved the proposal for Rome Centre membership.

In June 1967 the United States National Commission for UNESCO passed, unanimously, a resolution giving "its full support to United States membership in the Rome Centre, at the earliest possible date, as being consistent with and in furtherance of the interests of the United States in the preservation of cultural property both in this nation and abroad."

In addition, United States membership in the Rome Centre was a first priority recommendation of the Cultural and Intellectual Exchange Committee of the White House Conference on the International Cooperation Year, as atated in the ICY Report issued by the Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs, June 13, 1966.

On July 21, 1967, the Advisory Council on Historic Preservation adopted a resolution authorizing the Council's Chairman to sponsor legislation to effect United States membership in the Rome Centre. The proposed legislation was introduced in the Senate, but action on it was deferred during the 90th Congress.

IV. STUDY OF THE ROME CENTRE AND RECENT ACTIVITIES

In view of this widespread interest in action to secure for the United States the benefits of membership in the Rome Centre, the Smithsonian in April 1967 sent the Director of the National Museum and the Smithsonian General Counsel as United States observers to the fourth biennial session of the Centre's General Assembly. This provided additional useful knowledge, at first hand, of the procedures of the Assembly and the Council, the professional concerns of the individual delegates, the organization of the Centre's staff, its achievements, and its programs. In reviewing programs and activities, it was learned that although the United States is not yet a member of the Centre, its Director, Dr. Harold Plenderleith, spent several weeks in May 1967 in Honolulu assisting the Bernice P. Bishop Museum, the Honolulu Academy of Arts, and the East West Center at the University of Hawaii, in establishing a museum training program for museum directors from the Pacific and Southeast Asia.

Following the 1967 meetings of the General Assembly of the Rome Centre, a trip to flood-ravaged Florence, which so many Americans have given their time and money to save, gave evidence of the important role of the Centre during the rescue operations and its activities as the official coordinator of technical assistance, for UNESCO and the Italian government, in the restoration program estimated to take from five to twenty years to complete.

V. THE ORGANIZATION OF THE ROME CENTRE

The Rome Centre was established by UNESCO, in 1958, as an independent intergovernmental organization of professional conservators, to:

"(a) collect, study and circulate documentation concerned with the scientific and technical problems of the preservation and restoration of cultural property;

"(b) co-ordinate, stimulate or institute research in this domain, by means, in particular, of commissions to bodies or experts, international meetings, publications and exchanges of specialists;

"(c) give advice and recommendations on general or specific points connected with the preservation and restoration of cultural property;

"(d) assist in training research workers and technicians and raising the standard of restoration work." (Article 1, Statutes of the Rome Centre)

Membership in the Centre is open to any member state of UNESCO. The annual contribution of each member is an amount equal to one percent of its contribution to UNESCO.

The governing body of the Centre, its General Assembly, in which each member state has one vote, meets in Rome every two years to decide on the policies, activities, and budget of the Centre and to elect the members of the Council. The delegates to General Assembly "should be chosen from amongst the best qualified technical experts of specialized institutions concerned with the preservation and restoration of cultural property." (Article 5, Statutes)

The Council has five statutory members and eight members elected by the General Assembly. The statutory members are:

A representative of the Director-General of UNESCO;

A representative of the Italian Government;

The Director of the Institute Royal do Patrimoine Artistique, Brussels;

The Director of the Istituto Centrale del Restauro, Rome;

A representative of the Conseil International des Musees (ICOM)."

Every two years the General Assembly elects the eight other members of the Council. Although no two elected members may be of the same nationality, they are chosen on the basis of their individual professional qualifications. (Article 7e, Statutes). The United States delegate would be eligible for election to the Council at the first General Assembly after the United States joins the Centre. The Council meets as often as necessary during its two-year term to carry out the decisions and directives of the General Assembly and to review the budget and plan of work for the next period, as submitted by the Director.

The Director and the permanent professional staff are the Secretariat of the Centre. The Director is appointed by the General Assembly on the proposal of the Council, and the professional staff is appointed by the Council on the proposal of the Director. The Director and his assistants must be specialists in different branches of study and may not be of the same nationality.

The headquarters of the Secretariat, its offices, library, lecture room, and laboratory, are located in Rome near the Istituto Centrale del Restauro, with which it collaborates in teaching and research projects. Under a continuing agreement, the Italian government, in addition to contributing as a member of the Centre, provides the Centre's premises equipment, and utilities, the salaries of the Centre's administrative staff, and a number of scholarships for the training programs of the Centre.

VI. PROGRAMS AND ACTIVITIES OF THE ROME CENTRE

Although the Centre's staff and budget are still quite small relative to the demand for research, training, and advise, in all types of conservation, the effectiveness of the Centre as a planning and cordinating organization is evidenced by its continuing growth from an original membership of five to the present fifty member states. As a result of this increasing support during its first ten years, the Centre has made substantial progress in each of its five areas of activity: publication documentation, research, training, and missions.

Of particular interest to the United States were the Council meeting held in New York in September 1965, the consultative missions of the Director to Boston and Williamsburg in September-October 1965, the meetings organized in Rome in November 1965 for the United States Special Committee on Historic Preservation, the conference in Brussels in February 1966 on the Conservation of Stone in which an American expert participated, the rescue work in Florence, the technical meetings organized (with ICOM) in Washington and New York, and the Director's mission to Honolulu. On the other hand, it should be noted that since the United States is not yet a member of the Centre, American applicants for the Centre's courses on the conservation and restoration of historic monuments could not be accepted.

Although all of the Centre's activities are interrelated, the highest priority in the Centre's future growth will be given to expanding its courses for training specialists in conservation. To make the most effective use of available resources, this will be done, not by major additions to the permanent staff in Rome, but by organizing additional courses in collaboration with existing institutions and inviting foreign specialists to participate for limited periods as needed. It is contemplated that the Centre will concentrate on advanced training to produce individuals qualified to teach others their own specialty.

In general, the basic training prerequisite to these advanced courses will have to be provided on a national or regional basis. For this reason, the Director has devoted a number of missions to assisting in the establishment of regional museum training centers. With support from UNESCO, regional centers have been established in India and Nigeria, and are being developed in Mexico and Hawaii, while several others are in the planning stage.

VII. ESTIMATED COSTS OF UNITED STATES MEMBERSHIP IN THE ROME CENTRE

Under the established formula the maximum annual contribution of the United States to the Rome Centre during 1969 and 1970 would be 1 percent of its UNESCO contribution ($10,635,907) or $106,359. In April 1967, the General Assembly of the Rome Centre unanimously adopted a resolution limiting the contribution of any member state to 30 percent of the total. Based on

annual contributions of present members in the amount of $144,820, during 1969 and 1970, the annual contribution of the United States would be $62,066 during this period.

In addition to the 50-member States now participating, it is known that a number of countries are actively considering membership in the Rome Centre, and it is believed that several others might join following United States adherence. Additional support for the Centre will gradually bring the United States annual contribution nearer the $106,359 limit under the one percent formula. An informed estimate would place the actual figure between $65,000 and $90,000 during the next several years. Other expenses incident to United States participation in the activities and functions of the Centre are estimated at $7,500 in the years in which the General Assembly meets and at $3,500 in other years.

S. 3014—INTRODUCTION OF A BILL DESIGNATING CERTAIN LANDS AS "WILDERNESS"

Mr. JACKSON. Mr. President, on behalf of myself and five of my colleagues—Mr. ANDERSON, Mr. MONTOYA, Mr. MAGNUSON, Mr. STEVENS, and Mr. GRAVEL—I introduce, for appropriate reference, a bill to designate 14 new areas as part of the National Wilderness Preservation System.

All involve land within Federal wildlife refuges, and all have been studied and recommended for inclusion under provisions of the Wilderness Act. They include lands within:

The Hart Mountain National Antelope Refuge, the Malheur National Wildlife Refuge, the Three Arch Rocks, and Oregon Islands National Wildlife Refuges, all in Oregon; the Bering Sea, Bogoslof, Tuxedni, St. Lazaria, Hazy Islands, and Forrester Island National Wildlife Refuges, all in Alaska; the Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges in the State of Washington, and the Bitter Lake National Wildlife Refuge in New Mexico.

Maps of the proposed wilderness areas are on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3014), to designate certain lands as wilderness, introduced by Mr. JACKSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3015—INTRODUCTION OF THE DRUG ABUSE EDUCATION ACT OF 1969

Mr. HATFIELD. Mr. President, I am introducing today the Drug Abuse Education Act of 1969, a bill which would provide Federal funds to meet this Nation's critical problem in combating the use and abuse of dangerous drugs.

Writing in a provocative book, "The Drug Scene," Dr. Donald B. Louria said:

> The general public still appears to be appallingly misinformed regarding drugs, their abuse, the nature of their users and the genesis of the problem.

Mr. President, this bill seeks to dispel some of the ignorance surrounding the use of drugs. It would provide $29 million over a 3-year period to support the following kinds of activities:

First. Development of courses on drug abuse for elementary and secondary and adult education programs.

Second. Demonstration projects for testing the effectiveness of these courses.

Third. Dissemination of the results of the demonstration projects.

Fourth. Training in drug abuse education for schoolteachers, law enforcement officers, and community leaders.

Fifth. Development of community education programs on drug abuse, especially for parents.

Sixth. Aid to State education agencies in helping school systems plan drug abuse education programs.

In the House, the Select Subcommittee on Education, chaired by Congressman JOHN BRADEMAS, of Indiana, held hearings on the bill in Washington, New York, Los Angeles, Seattle, and Indiana.

Congressman BRADEMAS, who, along with Congressman LLOYD MEEDS, of Washington, has been one of the forces behind the legislation, said:

> The problem of drug abuse goes beyond law enforcement. It is also a problem with deep social and psychological roots. The first step in getting to these roots should be a comprehensive program of education on the dangerous effects of drugs.

Mr. President, the House Education and Labor Committee has reported this bill unanimously. The measure knows no partisan or philosophical boundaries. I hope that we shall act on this legislation in the Senate so that a concerted effort can be made to confront the alarming drug problem in our Nation.

At this point, I would like to insert a section-by-section analysis and the full text of the Drug Abuse Education Act of 1969.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and the section-by-section analysis will be printed in the RECORD.

The bill (S. 3015), to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Abuse Education Act of 1969".

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that drug abuse diminishes the strength and vitality of the people of our Nation; that such abuse of dangerous drugs is increasing in urban and suburban areas; that there is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse; and that prevention and control of such drug abuse require intensive and coordinated efforts on the part of both governmental and private groups.

(b) It is the purpose of this Act to encourage the development of new and improved curricula on the problems of drug abuse; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on drug abuse problems.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are hereby authorized to be appropriated $7,000,000 for fiscal year, beginning July 1, 1970, $10,000,000 for the fiscal year beginning July 1, 1971, and $12,000,000 for the fiscal year beginning July 1, 1972 for the purpose of carrying out this Act. Sums appropriated pursuant to this section shall remain available until expended.

SEC. 4. (a) From the sums appropriated pursuant to section 3, the Secretary of Health, Education, and Welfare, hereinafter referred to in this Act as the "Secretary", shall assist in educating the public on the problems of drug abuse by—

(1) making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations, for—

(A) projects for the development of curricula on the use and abuse of drugs, including the preparation of new and improved curricular materials for use in elementary, secondary, and adult education programs;

(B) pilot projects designed to demonstrate, and test the effectiveness of curricula described in clause (A) (whether developed with assistance under this Act or otherwise);

(C) in the case of applicants who have conducted pilot projects under clause (B), projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, and adult education programs;

(2) undertaking, directly or through contracts or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations, evaluations of the effectiveness of curricula tested in use in elementary, secondary, and adult education programs involved in pilot projects described in paragraph (1)(B);

(3) making grants to institutions of higher education and local educational agencies to provide preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders;

(4) making grants to local educational agencies and other public and private nonprofit organizations for community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and others in the community.

(b) In addition to the purposes described in subsection (a), the Secretary may make available not to exceed 5 per centum of the sums appropriated to carry out this Act for each fiscal year for payment of the reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of drug abuse education programs.

APPROVAL OF APPLICATIONS

SEC. 5. (a) Financial assistance for a project under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by

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such information as the Secretary deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) provides for carrying out one or more projects or programs eligible for assistance under section 4 and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 4, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

INTERAGENCY COORDINATING COUNCIL ON DRUG ABUSE EDUCATION

SEC. 6. (a) The Secretary shall establish an Interagency Coordinating Council on Drug Abuse Education which shall consist of the Secretary (or his designee) as Chairman, the Attorney General (or his designee), the Commissioner of Education, the Director of the National Institute of Mental Health, and with the consent of such other Departments or agencies as the Secretary may from time to time designate as having a substantial interest in the field of drug abuse education, representatives of such Departments and agencies.

(b) The Council shall advise in the coordination of the respective activities of the Federal Departments and agencies concerned in drug abuse education.

(c) The Secretary of Health, Education, and Welfare shall promulgate regulations establishing the procedures for consultation with other agencies and with other appropriate public and private agencies.

(d) The Secretary of Health, Education, and Welfare may not approve an application for assistance under this Act unless he has given the Interagency Coordinating Council an opportunity to review the application and make recommendations thereon within a period not to exceed sixty days.

ADVISORY COMMITTEE ON DRUG ABUSE EDUCATION

SEC. 7. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Drug Abuse Education, which shall—

(1) advise the Secretary concerning the administration of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recommendations regarding the allocation of the funds under this Act among the various purposes set forth in section 4 and the criteria for establishing priorities in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review applications and make recommendations thereon;

(4) review the administration and operation of projects and programs under this Act, including the effectiveness of such projects and programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this (act) to the Secretary for transmittal to the Congress; and

(5) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Drug Abuse Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education, mental health, and legal problems associated with drug abuse, young persons, ex-users, parents and others familiar with drug use and abuse. The Committee shall meet at the call of the Chairman or of the Secretary.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

SEC. 8. The Secretary of Health, Education, and Welfare and the Attorney General shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations and institutions of higher education in the development and implementation of programs of drug abuse education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of coping with problems of drug abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out a drug abuse education program.

PAYMENTS

SEC. 9. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 10. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 11. As used in this Act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

The section-by-section analysis furnished by Mr. HATFIELD follows:

DRUG ABUSE EDUCATION ACT OF 1969

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE. The short title of the bill is the "Drug Abuse Education Act of 1969."

SEC. 2. FINDINGS AND PURPOSE. (a) The bill states a congressional finding that drug abuse "diminishes the strength and vitality of the people of our nation," that such abuse is increasing, that there is "a lack of authoritative information and creative projects designed to educate students and others" in this area, and that government and private efforts are required to remedy the situation.

(b) The purpose of the bill: to encourage the development of new and improved curricula, to demonstrate their use and evaluate their effectiveness in model programs, to disseminate educational materials, to provide training programs for teachers, counselors, law enforcement officials and other public service and community leaders, and to offer community education programs for parents and others.

SEC. 3. FUNDING AUTHORIZATION. The bill authorizes appropriations for a 3-year period. The fiscal year 1971 authorization is $7 million; fiscal year 1972 is $10 million; and for fiscal year 1973, $10 million.

SEC. 4(a). PROGRAMS. The funds appropriated for this act may be utilized by the Secretary of Health, Education, and Welfare for the following:

1. *Research*. He may make grants or let contracts with institutions of higher education, other public or private agencies, institutions and organizations for:

(A) curriculum development and preparation on the use and abuse of drugs;

(B) pilot projects to test the effectiveness of such curricula;

(C) dissemination of curricular materials and other information to public and private elementary, secondary and adult education programs for applicants who have conducted pilot projects under (B).

2. *Evaluation*. He may make grants or contracts or other arrangements with institutions of higher education or other public or private institutions, agencies, etc. for evaluating the effectiveness of curricula developed in pilot projects described in 1(B), or conduct such evaluations directly.

3. *Training*. He may make grants to institutions of higher education and to local educational agencies for preservice and inservice training programs on drug abuse for teachers, counselors, law enforcement officials and other public service and community leaders.

4. *Community Programs*. He may make grants to local educational agencies and other public and private nonprofit organizations for community education programs on drug abuse (including seminars, workshops and conferences) especially for parents and others in the community.

(b) GRANTS TO STATES. The Secretary may utilize up to 5 percent of the funds appropriated to pay reasonable and necessary expenses of State educational agencies for planning, development and implementation of drug abuse education programs.

SEC. 5. APPLICATIONS.

(a) Applications for assistance under this act must—

(1) provide that the activities or services being assisted will be administered by or under the supervision of the applicant;

(2) provide for carrying out one or more projects or programs eligible for assistance under section 4, and provide for proper and efficient project management;

(3) assure that Federal funds under this act will be used to supplement, and to the extent practical, increase the level of funds

made available at the local level for this purpose, and not to supplant local funding;

(4) provide for necessary fiscal control and fund accounting procedures;

(5) provide for annual reports to the Secretary and such other reports as he may reasonably require.

(b) Applications from local educational agencies may only be approved by the Secretary if the State agency has been advised and afforded an opportunity to comment.

(c) Applications may be amended, subject to appropriate regulations.

SEC. 6. INTERAGENCY COORDINATING COUNCIL. No application for assistance may be approved unless the Secretary has afforded the Commissioner of Education, the Attorney General, the Director of the National Institute of Mental Health, and the head of such other Departments and agencies as the Secretary shall designate, 60 days to comment thereon. The Secretary of Health, Education, and Welfare may establish procedures for consultation with these and other Federal agencies.

SEC. 7. ADVISORY COMMITTEE. The Secretary of Health, Education, and Welfare shall appoint a 21-member Advisory Committee on Drug Abuse Education, consisting of persons familiar with education, mental health, and legal problems associated with drug control, ex-users, parents and others familiar with drug use and abuse. Committee members may be paid the standard WAE compensation.

The Commission shall—

(1) advise the Secretary on administration and operation of, and regulations for, programs assisted under the act;

(2) make recommendations regarding the allocation of funds under the act among the various purposes set forth in section 4, and criteria for establishing priorities, including those designed to achieve appropriate geographical distribution of approved projects;

(3) review applications and make recommendations on project applications;

(4) review the administration of programs under the act, and make recommendations to the Secretary (including recommendations for amendments to the act); and

(5) evaluate programs and projects under the act and disseminate the results of such evaluations.

SEC. 8. TECHNICAL ASSISTANCE. The Secretary of Health, Education, and Welfare and the Attorney General may make technical assistance available to local educational agencies, public and private nonprofit organizations and institutions of higher education in the development and implementation of drug abuse education programs. This assistance may include making available information or personnel.

SEC. 9. PAYMENTS. Payments under the act may be made in installments and in advance, or by way of reimbursement.

SEC. 10. ADMINISTRATION. The Secretary may utilize the services of other Federal or other public or private agencies, to be paid for or reimbursed by agreement.

SEC. 11. DEFINITIONS. This section defines terms used in the bill, in general conformity with other education legislation.

SENATE CONCURRENT RESOLUTION 39—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO WITHDRAWAL OF U.S. FORCES FROM VIETNAM

Mr. McGOVERN. Mr. President, I submit for myself and Senators CRANSTON, RIBICOFF, YOUNG of Ohio, CHURCH, HUGHES, and McCARTHY a concurrent resolution directing that all U.S. forces now be withdrawn from Vietnam, the pace to be limited only by steps to insure: first, the safety of our troops; second, the mutual release of prisoners of war; and third, the assurance of safety through arrangements for amnesty or asylum in friendly countries for those Vietnamese who might be endangered by our disengagement.

Such a complete disengagement is, I think, the last, best response to a war we cannot win and which our allies do not want to end. And it is the way to end the loss of American lives and resources assisting a political regime abroad which lacks the confidence of its own citizens.

Today, after more than 250,000 American casualties, 40,000 American lives lost, and an inestimable devastation of Vietnamese lives and property, we still preside over the most costly misadventure in our national experience. It is a tragic folly which now tests our capacity to admit error and to build from disaster the foundations for more enlightened judgments in the future.

Paradoxically, we continue to squander our Nation's financial and human resources in Vietnam, after wide acknowledgment that there is no way now to win the war for Saigon, that there is no way to gain on the battlefield or in Paris what that Government long ago forfeited—the allegiance of its own people and the control of its own land.

The Saigon regime today has no actual and little potential political base—its essential constituency is the American military presence on its soil. It is the military regime of Generals Thieu and Ky—not the interest of the peoples of the United States and Vietnam—which is served by continuing our military operations in Vietnam.

In the name of self-determination we entered this civil conflict which has now endured longer than the Revolutionary War, claimed more American lives than the Korean war, produced more American casualties than World War I, and unleashed more American firepower than in all the theaters and all the years of World War II.

It is time to say "Enough." It is time to acknowledge that nothing vital to American security can be salvaged by further military operations in Vietnam.

Our continued presence on the battlefield is today the greatest obstacle to the realization of our best national interests. This is the lesson of these recent years—that a military stalemate is more costly to our vital concerns than it is to those of the NLF or the North Vietnamese. It assures that the leaders of South Vietnam will take no action to build a truly representative constituency which can compete against the NLF for the political allegiance of the Vietnamese people. It deadlocks the Paris negotiations and prevents the scheduling of serious discussions on the release and exchange of prisoners of war. It diverts our energies and resources from critical domestic needs while it threatens a renewal of the divisions and disorders which went so far toward tearing our country apart over these last recent years. What is surely most unacceptable, it asks young Americans to be crippled, maimed, and killed—tomorrow and the next day and the next, with no foreseeable end—in the name of bargaining gains which will never be achieved.

Still, after years of tragedy and frustration, against all the dictates of commonsense and respect for human life, we pursue today a policy of wishful thinking and tired rhetoric.

We have in too great a measure surrendered control of American conduct to foreign capitals which are beyond our control and often unsympathetic to our own best interests. Reductions in the level of violence have been made contingent upon three remote developments—progress at the Paris negotiations, a lessening of the combat operations of the North Vietnamese, and the capacity of Saigon to assume the military burden now carried by American forces.

In the first two instances, we make American policy a prisoner of North Vietnam; and in the last instance, of Saigon. I reject the notion that either Hanoi or Saigon should hold a veto over American foreign policy.

The responsibility of the Congress is not to Saigon but to our own citizens and especially to the young. We can best meet that responsibility by placing the saving of lives above the saving of face. For many months I have believed that there is no other practical course except to begin the systematic removal of all our forces. That process should be completed within a year's time or less. The key question is this: Is the Thieu-Ky regime with all its corruption and repression worth the sacrifice of more thousands of young American lives? This resolution which I now introduce offers a clear no to that question. It is, I believe, a resolution born of patriotic concern for the national interest and a commonsense view of the alternatives that lie ahead.

This resolution calls for the disengagement and withdrawal of our forces in a schedule which is limited only by measures to insure, first, the safety of our men; second, the return of American prisoners of war; and third, the establishment of amnesty or asylum arrangements for those Vietnamese endangered by our disengagement.

It is time to end the slaughter and waste and to fashion a policy of commonsense. It is time for America to redeem both her youth and her ideals.

I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 39) submitted by Mr. McGOVERN, for himself and other Senators, relating to withdrawal of U.S. forces from Vietnam, was received, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. CON. RES. 39

Whereas the war in Vietnam has resulted in the loss of more than 40,000 American lives, in some 250,000 American casualties, in the depletion of American resources to the extent of over $100 billion, and in inestimable destruction of Vietnamese life and property, and

Whereas the war stands today as the

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greatest single obstacle to efforts to focus the country's financial, human and spiritual resources upon urgent domestic needs, and

Whereas spokesmen for the present Administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal, and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support, and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it, and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion: Now, therefore, be it

Resolved by the Senate, and House of Representatives concurring, that it is the sense of the Congress of the United States, That all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangements for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

AGREEMENT WITH RESPECT TO CERTAIN LANDS IN LEE COUNTY, SOUTH CAROLINA—AMENDMENT

AMENDMENT NO. 229

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to the bill (H.R. 9946) to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the board of education of Lee County, S.C.

(The remarks of Mr. Proxmire when he submitted the amendment appear later in the Record under the appropriate heading.)

POTATO RESEARCH AND PROMOTION ACT—AMENDMENT

AMENDMENT NO. 230

Mr. STEVENS. Mr. President, I would like to submit an amendment to S. 1181, so that the benefits of this bill may be spread more evenly among all the States in the Nation.

Mr. President, the proposed change in the wording of S. 1181 would simply extend the provisions of the act to Alaska and Hawaii. Alaska's potato industry is still in its infancy, but it is growing rapidly. Last year, potatoes moved from third to second place in value of agricultural products produced in my State.

Further, much research is taking place on new strains of potatoes for northern climates which may result in further production increases. Currently, research is underway on virus-free seed potatoes grown in Alaska which have been exported to Oregon and Washington. To date, the results have been very good, and are highly encouraging for the future of Alaska's potato industry.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 161

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from South Dakota (Mr. McGovern), I ask unanimous consent that, at the next printing, the name of the Senator from Wisconsin (Mr. Nelson) be added as a cosponsor of amendment No. 161 to H.R. 13270, to reform the income tax laws.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 9, 1969, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla. and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park; and

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

NOTICE OF HEARINGS ON S. 2108

Mr. EAGLETON. Mr. President the distinguished Senator from Texas (Mr. Yarborough), chairman of the Committee on Labor and Public Welfare, and of the Health Subcommittee thereof, has asked me to announce that the Health Subcommittee will hold hearings on November 12 and 13 on S. 2108, a bill sponsored by the Senator from Maryland (Mr. Tydings) and other Senators to expand, improve, and better coordinate the family planning services and population research activities of the Federal Government. I will have the privilege of conducting these hearings and all persons interested in testifying or submitting statements should contact Mr. James Murphy of the committee staff, room 4230, New Senate Office Building, telephone extension 7653.

NOTICE OF HEARINGS ON THE "USEFULNESS OF THE MODEL CITIES PROGRAM TO THE ELDERLY"

Mr. WILLIAMS of New Jersey. Mr. President, the U.S. Senate Special Committee on Aging will conclude its study of the "Usefulness of the Model Cities Program to the Elderly" with hearings to be conducted at 10 a.m., October 14 and 15, in room 4200, New Senate Office Building.

Representatives of the Model Cities Administration and the Administration on Aging will be among the witnesses. The study of model cities—which is being conducted by Senator Frank Moss for the full Committee on Aging—has involved field hearings in five cities and an earlier hearing in Washington, D.C.

NOTICE OF HEARINGS ON LAOS

Mr. SYMINGTON. Mr. President, the Subcommittee of the Foreign Relations Committee on U.S. Security Agreements and Commitments Abroad was scheduled to hold hearings on our relations with Laos during the week of October 13. Many members of the subcommittee plan to be out of town next week on official business however, and we are continuing work on the Philippine transcript. Therefore, the Laos hearings will be postponed 1 week, and will start October 20 instead of October 13.

NOTICE OF POSTPONEMENT OF HEARINGS ON BILL TO ESTABLISH A UNIFORM CODE OF ETHICS FOR ALL BRANCHES OF THE GOVERNMENT

Mr. CANNON. Mr. President, I announce, with regret, that the hearings which were scheduled to begin before the Subcommittee on Privileges and Elections on Tuesday, October 14, 1969, must be postponed to a more propitious time.

The bill which was to have been a prime cause for holding public hearings is S. 1993—to establish a uniform code of ethics for all branches, departments, and agencies of the Federal Government.

Letters to a variety of prospective witnesses whose testimony would have been of value to the subcommittee were mailed on September 18, 1969. To date, only one invitee has accepted the invitation to appear in person. Two others have agreed to furnish written statements. The remainder have not acknowledged the receipt of our letters.

Mr. President, in recent years there have been investigations in both Houses of the Congress pertaining to business and financial affairs and ethical conduct of officers and employees and, indeed, of Members. There has been nationwide interest in proceedings to determine qualifications and ethical sensitivities of nominees to the Supreme Court.

In 1964 I recommended that a code of ethics should have the force of law and should be enacted to require broad public disclosure of income, assets, liabilities, and judicial branches of our Government.

During the 1968 debate on S. 266 which was adopted as a code of ethics for the Senate, I offered an amendment which was agreed to by voice vote, expressing the sense of the Senate that there should be a Federal law on ethics—not a resolution or Executive order—and that the law should apply equally to all three branches.

The Department of Justice is unwilling to furnish a witness to appear personally. Neither the chairman of the Democratic nor the Republican National Committees acknowledged my invitation to testify. The American Bar Association has recently created a committee to study canons of legal ethics and that study will not be completed for several months. In short, only one witness is ready to testify

before the subcommittee to submit his views.

Mr. President, I sincerely hope that the absence of witnesses does not reflect merely a lack of interest. We are all busy and it may be that more time is required for thoughts on ethics to become crystallized.

Regretfully, therefore, I am compelled for the time being to postpone the hearings until a later date when, I hope, there will be a greater, more productive response to our call.

NOTICE OF HEARING: TRANS-ALASKA OIL PIPELINE

Mr. JACKSON. Mr. President, the Committee on Interior and Insular Affairs has scheduled a public hearing for October 16 on the Trans-Alaska Pipeline System's application to the Department of the Interior for an 800-mile right-of-way for a 48-inch oil pipeline from Prudhoe Bay to Valdez, Alaska. The hearing will begin at 10 a.m. in room 3110 of the New Senate Office Building.

Secretary Walter J. Hickel of the Department of the Interior in a September 30 letter to the committee stated that if the Interior Committees do not disapprove, the Department will modify Public Land Order No. 4582 withdrawing all of the public lands in the State of Alaska and grant Trans-Alaska Pipeline System the right-of-way permit and other necessary permits for construction of the pipeline. Mr. President, I ask unanimous consent that Secretary Hickel's letter of September 30, the proposed modification of Public Order No. 4582 to permit the granting of a right-of-way, and the proposed stipulations which would govern the construction of the pipeline be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JACKSON. Mr. President, the purpose of the October 16 hearing will be to take testimony from representatives of the Department of the Interior as well as from scientists, conservationists, and other concerned parties on the impact of the proposed pipeline on the ecology and environment of the public lands which this pipeline will cross. Testimony will also be taken on the adequacy of the proposed stipulations to insure proper development and proper protection of the public's interest in this matter.

Mr. President, the interplay and the relationship between "development" and "conservation" is an old problem that has acquired new significance in recent years. The answers of the past tended to stack the deck in favor of unimpeded and, often, unthinking resource development and exploitation. Historically, the competing and contending forces of the marketplace did not pay much, if indeed any, attention to conservation to the maintenance of environmental values, and to the needs of future generations.

Past practices and the old philosophy are not satisfactory any more. If resource development is to proceed, it must proceed in harmony with environmental values and sound conservation philosophy. Some of the problems of current concern which will be discussed at the hearing relate to the routing, the design, and the safety features of the proposed pipeline. Others are whether the production of oil on the fragile Arctic environment can proceed without pollution and without causing irreparable damage to other environmental resources.

During the course of Secretary Hickel's confirmation hearing in January of this year, the Secretary reached an agreement with the Senate Interior Committee that he would not modify Public Land Order No. 4582, the so-called land freeze order, without first consulting with the committee. As a result of this agreement, the committee has now been called upon to express its views on Trans-Alaska Pipeline System's application for the 800 mile pipeline right-of-way. The committee's primary interest in this matter, of course, relates to the protection of the rights of the Alaska native people pending a legislative settlement of the Alaska native land claim issue.

The committee, however, also exercises important legislative oversight responsibilities concerning the impact of technology and large-scale resource development on the quality of the environment and the management of the resources on the public lands located in Alaska.

Earlier in the year, at my request, officials and representatives of the major oil companies which are active in Alaska, met with members of the Senate Interior Committee, representatives of the Department of the Interior, and major conservation organizations to discuss ways to minimize the impact of oil development and technology on Alaska's unique scenic, wilderness, and fish and wildlife resources.

As a result of that meeting, the oil industry and representatives of major conservation organizations have formed ad hoc working committees which meet on a regular basis to discuss ways to minimize conservation and environmental problems associated with the proposed pipeline.

In my view these meetings mark an historic and unprecedented effort. Finding ways in which new technology and new development may proceed with a minimum amount of damage to the environment is one of the greatest challenges our Nation and the world faces.

As a result of these meetings and other activities, industry, Government, and private groups are now working together with the objective of planning a major resource development in a manner which will preserve and protect environmental and natural values for the enjoyment of future generations.

It is my view that the Interior Committees of both Houses and the Department of the Interior have an opportunity to establish a standard of excellence and a precedent which should guide all future resource development projects on the public lands.

In view of the uniqueness of Alaska's environment, in view of the dangers involved, and in view of the opportunity to insure orderly and proper development of Alaska's resources, it is my judgment that if the pipeline right-of-way is approved, the Federal Government should be prepared to commit the needed personnel and funds to provide proper oversight and control of the construction and maintenance of the proposed pipeline as well as any oil development activities taking place on the public lands in Alaska. The Senate Interior Committee held hearings on the Department of the Interior's manpower and funding requirements and capability to oversee oil resource development activities on public lands in Alaska on August 12, 1969. During the hearings, the Bureau of the Budget agreed to give serious consideration to the Department's request for additional funds and manpower to oversee pipeline construction and oil development activities. I have been informed that the President subsequently approved a supplemental request for additional funds for this purpose.

While the cost of proper control is relatively small, the stakes are very high. We have seen the impact of major resource development activities in the past. Too often they result in pollution, erosion, needless deforestation, poor land-use planning and management, and destruction of wildlife values. But there are other dangers also. The safety questions involved in a pipeline which holds over one-half million gallons in every mile of pipe are tremendous. This is especially true in Alaska's Arctic environment where earthquake conditions, extreme temperatures, permafrost, and new technology pose new and difficult engineering questions.

The parallel to the recent Santa Barbara oil spill is obvious. There, however, the Federal Government did not clearly anticipate the dangers involved. Here, the problems and the dangers are anticipated. In my judgment, it would be a violation of the public trust if the administration failed to provide all necessary funds, personnel, and conditions to insure proper development and to guard against a disastrous oil spill in one of the great river basins of Alaska.

Speaking for myself alone, I must confess that I would have very grave reservations about granting approval to the pipeline unless there are very clear assurances that all necessary precautions have been taken by the Federal Government to insure that proper Federal guidelines and controls are designed and implemented.

It is my understanding that the Department of the Interior has done a good job over the past few months in monitoring route selection activities and in preparing specifications for road and pipeline rights-of-way. The President's interagency task force has been active and we all look forward to receiving a report from the task force on its activities and recommendations. The pipeline applicant, Trans-Alaska Pipeline System, has hired and funded the work of ecologists, biologists, and geologists and has conducted extensive testing to insure that environmental and wildlife problems are eliminated or minimized. Copies of their studies and reports have been

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made available to the committee and will be included in the October 16 hearing record.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, D.C., September 30, 1969.
Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On June 9, 1969, the Bureau of Land Management received an application from the Trans Alaska Pipeline System for an 800-mile right-of-way from Prudhoe Bay to Valdez, Alaska.

As a matter of course, your Committee has been kept informed of major steps taken by the Department in processing this application. These steps include: (1) the set of 79 questions addressed to the Trans Alaska Pipeline System and their answers; (2) the August edition of proposed stipulations for the right-of-way which were distributed for outside review; and (3) the public hearings on the pipeline application held in Fairbanks on August 29–30.

The Department of the Interior has given careful attention to the interrelated problems—environmental, technological, social, and legal—involved with this project. The culmination of this effort is reflected in the enclosed set of stipulations designed to accompany and condition the right-of-way permit. The Federal Task Force on Alaskan Oil Development, which I established at the request of the President, has provided interagency coordination during this effort.

Enclosed also is a draft of a public land order which would modify PLO 4582 (the land freeze order) to allow for the lifting of the blanket freeze for the 800-mile right-of-way from Prudhoe Bay to Valdez.

During my confirmation hearings I agreed to refer to appropriate congressional committees matters affecting the Alaska land freeze. Upon receiving a reply indicating that you do not disapprove of this action, we will proceed to implement the attached land order.

Sincerely yours,

WALTER J. HICKEL.

MODIFICATION OF PUBLIC LAND ORDER No. 4582

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; as amended; 43 U.S.C. Sec. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos and Indians of Alaska, is hereby modified to permit:

1. The granting of rights-of-way under the Mineral Leasing Act of February 25, 1920 (41 Stat. 449, as amended, 30 U.S.C. Secs. 181 et seq.), for an oil pipeline system, including, but not limited to, pumping plant sites, access facilities, terminal facilities, catch basins, and any other structures reasonably necessary or convenient for transportation of oil by pipeline from fields in Northern Alaska to a deep water port in the Gulf of Alaska.

2. The issuance of any other permit or right-of-way as may be reasonably necessary or convenient for the construction, maintenance, or operation of the oil pipeline system described in paragraph above.

3. The sale of forest products and mineral materials as may be reasonably necessary or convenient for the construction, operation or maintenance of the oil pipeline system described in paragraph 1 above.

STIPULATIONS FOR THE TRANS-ALASKA PIPELINE SYSTEM

(Environmental Stipulations to be used in conjunction with existing laws and regulations for construction of the 48″ oil Pipeline and related facilities from Prudhoe Bay to Valdez, Alaska)

(Prepared by: Department of the Interior and the Federal Task Force on Alaskan Oil Development

LETTER OF ACKNOWLEDGMENT

This volume of stipulations represents the concerted efforts of the Department of the Interior and the Federal Task Force on Alaskan Oil Development, with the participation of State of Alaska agencies, to draw up guidelines that will provide exacting environmental protection during the construction and operation of the Trans-Alaska Pipeline.

In this endeavor, we have asked our bureaus and representatives to judge both the conceptual framework and individual stipulations by a yardstick that was both fair and firm, one that stressed equally the importance of environmental protection and resource development.

The participation in this project has been notably broader than the co-operative effort of the Government agencies formally involved. We have received substantial counsel for conservation and industry representatives, as well as from the interested public.

This wide participation and interest, as well as the depth of many contributions, underscore what is becoming a national commitment toward the proper use and protection of our natural resources.

It is a pleasure to acknowledge and thank those who have participated directly in this project, and particularly those not professionally involved who have contributed their sincerity and advice toward the responsible development of arctic Alaska.

WALTER J. HICKEL,
Secretary of the Interior.

A. Definitions

As used herein, the following terms have the following meanings:

"Authorized Officer" means the Alaska State Director, Bureau of Land Management, or the person designated or delegated to act in his stead with respect to the subject matter of this permit. As used herein, it is synonymous with "Superintendent in Charge," as that term is used in 43 CFR, Subpart 2234.

"Pipeline" means the Pipeline right-of-way; all or any part of the Pipeline system constructed thereon; and all structures, facilities, and appurtenances related thereto or used in connection therewith, whether located on or off the Pipeline right-of-way.

"Permittee" means each and every individual, person or company, including partnerships, corporations, joint ventures, associations, or any other business firms engaged in, or which shall become engaged in, the construction, operation or maintenance of the Pipeline, together with their employees, agents, contractors and subcontractors and the employees of each of them.

B. General

1. Acknowledgments of Permittee

Permittee, by accepting this permit and commencing activities pursuant thereto, acknowledges each of the following:

a. That, except where the approval of the Authorized Officer is required before Permittee may commence a particular operation, neither the United States nor any of its agents or employees agrees to or is in any way obligated to examine or review any plan, design, specification, or other document which may be filed by Permittee with the Authorized Officer pursuant hereto;

b. That the absence of any comment by the Authorized Officer or any other employee of the United States with respect to any plan, design, specification, or other document which may be filed by Permittee with the Authorized Officer does not represent in any way whatever any assent to, approval of, or concurrence in such plan, design, specification, or other document or of any action porposed therein;

c. That this permit, and the rights and privileges granted thereby, is subject to all valid existing rights in and to the land which is the subject of this permit, and that the United States makes no representations or warranties whatever, either express or implied, as to the existence, number, or nature of such valid existing rights.

2. Authorized Officer

The Authorized Officer, and such representatives of interested Federal agencies as he may designate, may inspect the exploration, construction, operation, or any other activities of Permittee at any time.

For purposes of information and review, the Authorized Officer at any time may call upon Permittee to furnish any or all data related to pre-construction, construction, or operation activities undertaken in connection with the Pipeline and its related facilities, including roads. Permittee shall furnish the requested data as promptly as possible, or as otherwise required under the terms of this permit or other applicable permits. Such data specifically include, but are not limited to, records of all geological data, soil core drillings and terrain temperature measurements made during pre-construction investigations; and engineering standards, basic data and technical criteria relating to the design, construction and operation of the Pipeline, pumping stations, safety devices and monitoring programs.

The Authorized Officer may require Permittee to make such modification of the alignment and installation of the Pipeline as he may deem necessary to protect stability of geologic materials, integrity of the Pipeline, fish and wildlife habitats, and the environment. He may also require Permittee to make adjustments of the above-ground heights and/or methods of installation of the Pipeline to prevent obstruction of access.

The Authorized Officer shall be afforded reasonable use of Permittee's communications systems.

In the event the Authorized Officer determines in his absolute discretion that Permittee has failed or refused to comply with the provisions of this permit, or any other permit issued in connection with the Pipeline, the Authorized Officer, by written order, may suspend or terminate any or all of Permittee's activities. Permittee shall not resume such suspended or terminated activities until given written authorization to do so by the Authorized Officer.

All decisions, orders and determinations of the Authorized Officer, unless otherwise indicated by him in writing, shall be appealable only to the Secretary of the Interior. During the pendency of any such appeal, the Authorized Officer's decision, order, or determination shall not be suspended, but shall remain in full force and effect until the Secretary of the Interior finally disposes of the appeal.

3. Changes in Conditions

Unforeseen conditions arising during construction and operation of the Pipeline may make it necessary to revise or amend these stipulations. In that event, Permittee and the Authorized Officer shall agree as to what revisions or amendments shall be made. If they are unable to agree, the Secretary of the Interior shall have final authority to determine the matter.

4. Equal Opportunity

By accepting this permit, Permittee agrees that, during the period of construction of the Pipeline and its related facilities and roads, and for so long as the Pipeline, or any portion thereof, shall be in operation, or for so long as this permit shall be in effect, whichever is the longest:

a. Permittee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Permittee will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Permittee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Authorized Officer setting forth the provisions of this equal opportunity clause.

b. Permittee will, in all solicitations or advertisements for employees placed by or on behalf of Permittee, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, color, or national origin.

c. Permittee will send to each labor union or representative of workers with which Permittee has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Authorized Officer, advising the labor union or workers' representative of Permittee's commitments under this equal opportunity clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. Permittee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor.

e. Permittee will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, issued pursuant thereto, and will permit access to Permittee's books, records, and accounts by the Authorized Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

f. In the event of Permittee's noncompliance with the equal opportunity clause of this permit or with any of such rules, regulations, or orders, this permit may be cancelled, terminated or suspended in whole or in part and Permittee may be declared ineligible for further Federal Government contracts or permits in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

g. Permittee will include the provisions of paragraphs a. through g. of this equal opportunity clause in every contract, subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each contractor, subcontractor or vendor. Permittee will take such action with respect to any contract, subcontract or purchase order as the Authorized Officer may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that in the event Permittee becomes involved in, or is threatened with, litigation with a contractor, subcontractor or vendor as a result of such direction by the Authorized Officer, Permittee may request the United States to enter into such litigation to protect the interests of the United States.

5. Liabilities and Responsibilities of Permittee

a. Any structure, property or land harmed or damaged by or during the construction, operation or maintenance of the Pipeline shall be reconstructed, repaired, rehabilitated and restored, as may be necessary, by Permittee as soon as practicable, so that the condition thereof, in the judgment of the Authorized Officer, is at least equal to the condition thereof immediately prior to such damage or destruction. Permittee further shall abate as soon as practicable any condition existing with respect to the Pipeline or its related facilities or roads, or with respect to the construction, operation or maintenance thereof, which may be causing harm or damage to any person, structure, property, land, stream or wildlife.

b. Permittee shall be liable to the United States for any damage suffered or cost or expense incurred by the United States in any way arising from or connected with any operation under this permit whenever such damage, cost or expenses results from any breach of the permit or from any wrongful or negligent act of Permittee. Immediately upon written notice by the Authorized Officer of the nature and amount of such damage to or cost or expense of the United States, Permittee shall reimburse the United States therefor.

c. Permittee further shall indemnify and hold harmless the United States against and from any and all demands, claims or liabilities of every nature whatsoever, arising directly or indirectly from or in any way connected with any or all of the following: 1) The construction, operation or maintenance of the Pipeline or of any facility, structure or road used in connection therewith, whether or not located on Federally-owned land; and 2) The use or occupancy, whether authorized or not, by any person whomsoever of any land owned by the United States which is the subject of any permit or right granted to Permittee; provided, however, that the provisions of this paragraph c. shall not be deemed to apply to injuries or damages to the extent caused by employees of the United States acting within the scope of their authority.

6. Bonding Requirements

Permittee shall furnish a bond or other security (hereinafter called "Bond") of such type and on such terms and conditions as are acceptable to the Authorized Officer, in the principal amount of five million dollars ($5,000,000), within thirty (30) days after issuance to Permittee of a permit for a right-of-way for oil pipeline purposes.

Said Bond shall have the purpose of: 1) ensuring the performance by Permittee of each and every obligation of Permittee under the terms and conditions of any permit issued to Permittee by the United States in connection with the Pipeline; and 2) providing for immediate payment to the United States of any cost or obligation incurred by the United States in performing any said obligation of Permittee which, in the absolute judgment of the Authorized Officer, Permittee has not performed satisfactorily.

Said Bond shall be maintained in force and effect during construction of the Pipeline, as for so long as the Pipeline is operated, and for so long thereafter as may be necessary.

7. Housing and Quarters

Permittee shall furnish, on a reimbursable basis, such representatives of the United States as may be designated by the Authorized Officer with meals, living quarters and office space during the periods of construction and operational activities. Permittee shall be notified in writing by the Authorized Officer at a reasonable time before need exists, regarding the number of individuals for whom such services and facilities will be required.

8. Public Improvements

Existing telephone, telegraph, and transmission lines, fences, ditches, roads, trails, and other improvements shall be protected in all phases of Permittee's construction operations under this permit. Damage to utilities and improvements shall be promptly repaired to a condition which is at least as good as the condition just prior to such damage.

All roads and trails needed for fire protection shall be kept free of logs, slash, and debris.

Construction activities will not be allowed within one-half (½) mile of all designated recreation sites (campgrounds, waysides, parks) unless authorized in writing by the Authorized Officer.

9. Federal, State, and Local Laws and Regulations

Permittee shall comply with all applicable federal, state and local laws and regulations thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, or maintenance of the Pipeline or any road construction in connection therewith.

10. Pipeline Standards, Design, and Compliance

All design, materials, and construction practices employed in the installation of the Pipeline shall be in accordance with safe and proven engineering practice for the arctic environment and in accordance with the following pipeline standards:

a. U.S.A. Standard Code for Pressure Piping, Liquid Petroleum Transportation Piping Systems (USAS B31.4–1966).

b. The Department of Transportation's proposed regulations on "Transportation of Hazardous Materials by Pipeline."

If either of said pipeline standards contains a provision which is inconsistent with a provision in the other standard, whichever provision is the more stringent shall be observed by Permittee. The plan and profile for the Pipeline shall be submitted for review and approval of the Authorized Officer prior to commencement of construction for any section of the Pipeline. The plan shall show the locations of pumping plant sites, block valves, stream crossings and other facilities; it shall also show those parts of the Pipeline to be constructed above ground, the dimensions of above-ground structures, and the general specifications and locations of all crossings across the Pipeline.

The design shall provide for automatic shut-off valves at each pumping station and additional valves using the best engineering judgment with due regard for the following: Terrain traversed, including associated drainage; population centers; wildfowl habitat and fishery habitat; public water supplies and significant water bodies including the Yukon River and other major rivers; and hazardous geologic areas.

All practical means will be utilized to avoid breaking or otherwise injuring the tundra or other organic layers in permafrost areas outside the Pipeline ditch area.

X-ray testing of weld quality and pressure testing of the completed Pipeline shall be conducted by Permittee prior to placing the system in operation.

During the construction of the Pipeline, Permittee shall protect the environment, stability of geologic materials, and integrity of the Pipeline and shall prevent undue interference with access over or across the Pipeline.

Permittee shall provide for continuous and suitable inspection of the Pipeline and related facilities by qualified inspectors to assure compliance with design and construction specifications.

11. Survey Monuments

In surveyed areas, Permittee shall mark and protect all survey monuments within or

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near the Pipeline right-of-way against destruction, obliteration or damage during the life of this permit. If any monuments, corners or accessories are destroyed, obliterated or damaged, Permittee shall hire a registered land surveyor to reestablish or restore at the same location the monuments, corners or accessories using surveying procedures in accordance with the "Manual of Instructions for the Survey of Public Lands of the United States, 1947 Ed.," and shall record such survey in the appropriate records. Additional requirements for the protection of monuments, corners, and bearing trees may be prescribed by the Authorized Officer.

12. Environmental Briefing

Prior to and during construction activities, Permittee shall provide for environmental and other pertinent briefings of construction and other personnel by such Federal employees as may be designated by the Authorized Officer. Such briefings shall include fire prevention and suppression training for all construction personnel. Permittee shall arrange the time, place and attendance for such briefings upon request by the Authorized Officer. Permittee shall bear all costs of such briefings other than salary, per diem, subsistence, and travel costs of Federal employees.

In addition, Permittee shall separately arrange with the State of Alaska for such similar briefings as the State may desire.

13. Construction Schedule

Prior to commencement of construction, Permittee shall submit a schedule of its construction activities. This schedule shall be in such detail as may be required by the Authorized Officer. During the course of construction this schedule shall be updated and resubmitted at 30-day intervals.

14. Surveillance and Maintenance

Permittee shall, during the life of the Pipeline permit and for so long as the Pipeline is in operation, conduct a surveillance and maintenance program applicable to the arctic environment in a timely manner and designed to provide for public safety, prevent damage to any resources adjacent to the Pipeline right-of-way, prevent erosion from the Pipeline right-of-way and maintain pipeline integrity. The surveillance and maintenance program shall include an effective communications system.

Records on construction, operation and maintenance activities shall be maintained by Permittee and regularly submitted as required to appropriate State and Federal agencies. Such records will include surveillance data, leak and break records, and necessary operational data.

Roads or air strips shall be maintained by Permittee to give maintenance crews access to valves, pumping stations, and other facilities.

15. Electronically Operated Devices

Permittee shall screen, filter, or otherwise suppress any electronically operated devices, that are installed as part of the Pipeline which are capable of producing electromagnetic interference radiations, to the extent necessary so that such devices will not adversely affect the functioning of existing communications systems or navigational aids. In the event that physical obstructions such as towers or buildings are to be erected as part of, or in association with, the Pipeline, their positioning should be such that they will not obstruct radiation patterns of line-of-sight communications systems, navigational aids, or similar systems.

16. Oil Spills

Permittee recognizes its prime responsibility for the protection of the public and environment from the contingency of oil spillage.

a. Reporting of Oil Leaks: All spills or leakage of oil or waste materials shall be recorded and reported by Permittee in accordance with 49 CFR, Part 180. Reports shall be filed with the Central Reporting Network as may be required by any joint Federal-State contingency plan which may be adopted and which pertains to the minimization of the effects of a spill of oil or other hazardous substances in Alaska or adjacent waters.

b. Containment of Oil Spills at Storage Tanks and Tank Farms: Permittee shall provide oil spill containment dikes or other structures around storage tanks at pumping stations and at the Valdez tank farm. The volume of the containment structures shall be at least: 1) one-hundred ten (110) percent of the total storage volume of the storage tanks in the relevant area, plus 2) a volume sufficient for maximum trapped precipitation and runoff which might be impounded at the time of the spill. Such structures shall be impervious so as to provide seepage free storage over reasonable periods of time.

c. Cleanup of Oil Spills: Permittee shall submit a contingency plan in conformance with the recommendations of the National Interagency Committee at least sixty (60) days prior to scheduled commencement of pumping. The plan shall: include oil spill control, disposal and cleanup; specify that the Interior agencies responsible for contingency plans in Alaska shall be among the first to be notified in the event of a Pipeline failure resulting in oil spill; provide for immediate corrective actions, including control and cleanup of oil spills and restoration of the affected resource; and spell out that the Authorized Officer shall approve any materials or device used to control or clean up oil spills and shall approve any disposal sites or techniques selected to handle oily matter. Detailed information must be included for major river crossings, lakes, populated areas, pumping stations and terminals. The contingency plan shall include separate and specific oil spill cleanup techniques for 1) terrestrial, 2) lake, 3) river and stream, 4) marine, and 5) estuarine spills. The plan must be approved by the Authorized Officer prior to pumping oil through the Pipeline.

If at any time, including without limitation during any phase of the construction, operation or maintenance of the Pipeline, any oil or other pollutant should spill or escape from the Pipeline, the control and total removal, disposal and cleaning up of such oil or other pollutant, wheresoever found, shall be at the expense of Permittee. Upon failure of Permittee to control, dispose of, or clean up an oil spill, or to repair all damages resulting therefrom, the Authorized Officer shall take such measures as he deems necessary to control the spill, clean up the spillage and restore the area to as near its original condition as possible at the full expense of the Permittee.

17. Excavations

In excavation operations, Permittee shall use construction methods that will provide maximum protection to animals and human beings.

18. Termination of Use

Upon revocation or termination of the Pipeline permit or abandonment of any section of the Pipeline, Permittee shall remove all above-ground Pipeline sections, and restore the land to the satisfaction of the Authorized Officer. Prior to capping the open ends of underground pipe sections, all oil and residues shall be removed from the pipe.

19. Pipeline Corrosion

Permittee shall provide detailed plans for corrosion resistant design and methods for early detection of corrosion. These will include: pipe material and welding techniques to be used and information on their particular suitability for the environment involved; details on the external pipe protection to be provided (coating, wrapping, etc.), including information on variation of the coating processes to cope with variations in environmental factors along the Pipeline route; plans for cathodic protection including details of impressed ground sources and controls to insure continuous maintenance of adequate protection over the entire external surface of the pipe; details of plans for monitoring cathodic protection current including spacing of current monitors; provision for periodic intensive surveys of trouble spots and regular preventive maintenance surveys and special provisions for abnormal potential patterns resulting from crossing of the right-of-way by other pipelines or cables; information on precautions to be taken in removing corrosive substances (e.g., saline water) from the crude prior to moving it to the pipeline. Permittee will also provide comments on the need for plans for periodic internal pitting surveys by electromagnetic or other means.

20. Seismic Monitoring

Permittee shall file with the Authorized Officer for approval a detailed plan for the monitoring of crustal strain and microseismic activity in the vicinity of the proposed Pipeline route.

Said monitoring network shall be constructed and in operation prior to use of the Pipeline.

The monitoring network shall include establishing of reference points on stable ground, placed at satisfactory intervals so as to form closed figures. Trilateration measurements shall be made at time intervals not to exceed six months and to a probable error not to exceed two parts per million. As data on creep locations and rates are accumulated, Permittee shall install recording or telemetering creep meters where movement is rapid. The monitoring network shall also provide for clusters of seismometers, with outputs telemetered to a central facility, where the Pipeline crosses major fault zones.

Data obtained from the network shall be provided to the Authorized Officer at regular intervals throughout the operational life of the Pipeline. Strain, creep, and microseismic data shall be used by Permittee to aid in the initiation of corrective measures to protect the Pipeline from breaking from tectonic strain.

C. Native training

Permittee shall enter into an agreement with the Secretary of the Interior regarding recruitment, testing, training, placement, employment and job counseling of Alaska Natives.

Continuously during Pipeline construction, Permittee shall conduct a pre-employment and on-the-job training program for Alaska Natives, adequate to qualify them for initial employment and for advancement to higher paying positions thereafter.

Permittee shall do everything within its power to secure the employment of those Alaska Natives who successfully complete Permittee's training program.

Permittee shall inform the Authorized Officer of its discharge of any Alaska Natives, and of the reasons therefor, in advance of such discharge wherever possible or, if advance notice is impossible, as soon thereafter as is practicable.

Permittee shall furnish the Authorized Officer such information and reports concerning Alaska Native employment as the Authorized Officer shall require from time to time.

D. Regulation of public access

After construction is completed, Permittee shall permit free and unrestricted public access to and upon the Pipeline and access road rights-of-way for all lawful and proper purposes except areas designated as restricted by Permittee with the consent of the Authorized Officer.

During construction Permittee may regulate public access and vehicular traffic as required to facilitate operations and to protect the public and wildlife from hazards associated with the Project. For this purpose, Permittee shall provide warnings, flagmen, barricades and other safety measures as necessary.

Provisions must be made for suitable permanent crossings where Permittee's Pipeline right-of-way and related access roads cross existing roads, foot-trails, winter sled trails, or other rights-of-way.

During construction, Permittee shall provide alternate routes for existing roads and trails as determined by the Authorized Officer, whether or not these roads or trails are recorded.

E. Pollution abatement

1. Pesticides and Herbicides

The use of pesticides and herbicides is limited to non-persistent and immobile types. An approved list of pesticides and herbicides, together with application constraints shall be obtained from the Authorized Officer.

2. Water Pollution

Permittee shall conduct its activities in a manner to prevent pollution of land and water, thereby protecting aquatic and terrestrial life.

Toxic material or sediments shall not be released in any lake or water drainage in such concentrations as would exceed acceptable water standards. Every effort shall be made to protect water bodies from damage by erosion and unnatural drainage conditions. In the design, construction and operation of the Pipeline, protection of water quality shall be of prime importance. Criteria for compliance will be the "Alaska State Plan—Water Quality Standards for Interstate Waters within the State of Alaska" as revised.

Unless waived by the Authorized Officer, dikes or cofferdams shall be installed to separate concrete work areas from lakes or streams during construction.

Mobile ground equipment shall be kept out of the waters of lakes, streams or rivers except for crossings within the right-of-way limits.

3. River and Stream Crossings

The Pipeline shall cross all rivers and streams completely underground unless a different means of crossing is approved in writing by the Authorized Officer.

4. Thermal Pollution

At all underground water crossings the Pipeline shall be placed at such depth and be so insulated that it will not degrade the water beyond standards set for thermal pollution in the State of Alaska.

If changes in the overburden take place so as to expose the pipe to natural water, the Pipeline will be additionally insulated from the water to the satisfaction of the Authorized Officer.

A standard stream crossing profile shall be filed in advance of Pipeline installation for review by the Authorized Officer.

F. Erosion control

1. General

The design of the Pipeline, roads, and associated structures shall include specifications for the construction of erosion control and drainage features that will minimize the concentration of water and thereby reduce erosive effects.

The erosion control measures such as water bars, contour furrows, water spreaders, diversion ditches, plugs, or other control measures shall be constructed to avoid induced and accelerated erosion and to lessen the possibility of forming new drainage channels resulting from construction activity on all Pipeline rights-of-way areas. All control measures must be designed with proper regard to minimize disturbance to the thermal equilibrium, thus minimizing the adverse effects of permafrost degradation.

The Authorized Officer shall be informed of all proposed erosion control measures.

2. Stream Banks

Excavated cuts through stream banks shall have side slopes that will not erode or slide.

Where practicable, unless otherwise approved by the Authorized Officer, temporary access over stream banks shall be made through use of fill ramps rather than by excavating through stream banks. Permittee shall remove such ramps upon termination of seasonal use or abandonment.

3. Water Crossings

At water crossings, the Pipe trench excavation shall stop an adequate distance from the water crossing to leave a protective plug (unexcavated material) at each bank. These plugs shall be left in place until the crossing grade is complete behind the plug and the pipe laying operation is begun. The plugs shall not be completely removed until absolutely necessary. The plugs shall be replaced with stable material on each bank as soon as the pipe is laid.

4. Disturbed Areas

Permittee shall conduct all construction, operation, and maintenance activities with minimum disturbance to vegetation.

Disturbed areas shall be restored by Permittee as nearly as practicable to their original condition as follows:

a. All disturbed areas shall be left in a stabilized condition. Stabilization practices shall include, as determined by the needs of specific sites: seeding; planting; mulching; and the placement of mat binders, soil binders, rock or gravel blankets, or structures.

b. Special attention shall be given to stream and river crossings so as to prevent erosion. Such measures shall not interfere with fish passage.

c. Material from the trench excavation in excess of that required to backfill around the pipe shall be disposed of in a manner approved by the Authorized Officer.

d. Seeding and planting shall be conducted during the first growing season and shall be repeated if unsuccessful on the first attempt. All other restoration shall be completed as soon as possible.

e. Unless other acceptable methods such as controlled burning or burial are approved by the Authorized Officer, all trees, snags, stumps or other woody material, not having commercial or construction value, shall be mechanically chipped and spread in a manner that will aid seeding establishment, soil stabilization and the minimization of permafrost degradation.

5. Disturbance of Natural Waters

All construction activities of Permittee which may create new lakes, drain existing lakes, significantly divert natural drainages, permanently alter stream hydraulics, disturb significant areas of streambeds, or appreciably degrade water quality, shall be prohibited unless approved in advance by the Authorized Officer.

6. Areas of Unstable Soils

Areas having soils that are susceptible to slides and slumps, excessive settlement, severe erosion and soil creep shall be avoided wherever possible. However, if these areas cannot be avoided, or are encountered unexpectedly, Permittee shall design its construction to insure maximum stability. Permittee will continue soil investigations in conjunction with construction activities. Such data shall be made available to the Authorized Officer upon his request.

The Authorized Officer may require special construction methods and/or rerouting, were unstable conditions are encountered.

7. Permafrost Degradation

Permittee shall conduct studies to determine: (1) the most feasible route and best construction design through permafrost areas so as to prevent permafrost degradation that could result in progressive geomorphic degradation, and (2) whether the Pipe should be buried or above ground. The potential effects of installing the pipe beneath the surface in moisture laden permafrost will be determined with regard to each segment of the Pipeline, and reports thereon shall be filed with the Authorized Officer prior to construction of each segment of the Pipeline. Construction methods shall be designed to prevent degradation of the permafrost in areas where such degradation would result in detrimental erosion or subsidence.

8. Off Right-of-Way Traffic

Permittee's vehicles shall not be operated outside the boundaries of the Pipeline, access or other roads, or other permitted areas, except with the consent of the Authorized Officer or when necessary to protect life, limb, or public property.

G. Sanitation and waste disposal

All waste generated in road or pipeline construction and operation shall be removed or otherwise disposed of in a manner acceptable to the Authorized Officer. All applicable standards and guidelines of the Alaska State Department of Health and Welfare, the United States Public Health Service and the Federal Water Pollution Control Administration shall be adhered to by Permittee. All incinerators shall meet the requirements of all applicable State and Federal laws and regulations and shall be used with maximum precautions to prevent forest and tundra fires. After incineration, material not consumed in the incinerator shall be disposed of in a manner approved in advance by the Authorized Officer.

Emissions from incinerators, pumps, motors, equipment and installations and other burning material, must meet the air quality standards of the United States Public Health Service and the State of Alaska.

The term "waste" as used in this stipulation means all discarded matter, including but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment. The best practicable portable or permanent waste disposal systems shall be used and shall be approved in advance by the Authorized Officer.

H. Small craft passage

The creation of any permanent obstruction on any waters to the passage of canoes, boats, or other craft under forty feet in length, is prohibited.

I. Aesthetics

Permittee shall consider aesthetic values in planning, construction, and operation of the Pipeline and its associated facilities and roads. All permanent structures shall be painted a color or colors that harmonizes with their natural setting. The Authorized Officer may require such plans as he deems necessary to protect aesthetic values.

J. Timber

1. Commercial Timber

Prior to clearing operations, Permittee will enter into a contract with the United States for the purchase by Permittee of all merchantable timber situated within the Pipeline right-of-way.

2. Noncommercial Timber

Clearing and grubbing limits shall be approximately 10 feet outside of the edge of any cut or fill. Unless other methods, such as controlled burning or lopping and burial, are agreed upon between Permittee and the Authorized Officer in the clearing plan as acceptable for a given segment, all trees, snags, stumps or other woody material not having value to Permittee shall be mechanically chipped and spread in a manner that will aid seeding establishment, soil stabilization and the minimization of permafrost degradation. Permittee shall identify right-of-way clearing boundaries on the ground for each construction segment prior to clearing operations.

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All timber and other vegetative material outside the right-of-way clearing boundaries and all blazed, painted or posted trees which are on or mark the clearing boundaries are reserved from cutting and removal with the exception of danger trees or snags designated as such by the Authorized Officer.

All trees, snags, or other woody material cut in connection with clearing operations shall be cut so that the resulting stumps shall not be higher than six (6) inches measured from the ground on the uphill side.

All trees, snags, and other woody material cut in connection with clearing operations shall be felled into the right-of-way and away from live water courses.

In areas where heavy equipment would be detrimental under the existing conditions, standard hand clearing operations will be used.

Logs shall not be skidded or yarded across any stream without prior approval of the Authorized Officer.

All debris, such as logs, chunks, and tops resulting from clearing operations and construction which may block stream flow, delay fish migration, contribute to flood damage, or result in streambed scour or erosion shall be removed.

No log landing shall be located within two hundred (200) feet of any live stream course.

Logs having a value to Permittee shall be neatly piled adjacent to the right-of-way clearing boundary if further use is contemplated by Permittee.

K. Wildlife

1. Hunting, Fishing, and Trapping

Permittee shall inform its employees, agents, contractors, subcontractors, and their employees, of applicable laws and regulations relating to hunting, fishing, and trapping.

2. Use of Explosives

At least thirty (30) days in advance of any underwater blasting Permittee shall submit to the Authorized Officer a plan for such blasting. The plan shall set forth blasting locations, types and amounts of explosives, date or dates of blasting, and the reason for the blasting.

No blasting shall be permitted underwater, or within one quarter (¼) mile of streams or lakes, without a permit from the Alaska Department of Fish and Game.

3. Buffer Strips

Except at approved crossings, the Pipeline shall be located so as to provide three hundred (300) minimum buffer strip of undisturbed land along all streams. Requests for exceptions to this provision shall be submitted in writing to the Authorized Officer at least thirty (30) days in advance of approval. The request shall include a description of the design criteria and time necessary to restore or enhance the stream habitat.

4. Fish Spawning Beds

"Fish spawning beds" means the areas, usually gravel, where anadromous and resident fish deposit their eggs.

Where channel changes cannot be avoided in designated anadromous fish spawning beds, new channels shall be constructed according to standards supplied by the Authorized Officer. Spawning beds shall be protected from sediment from all sources of construction activity. Where soil material is expected to be suspended in water as a result of construction activities, sediment settling basins shall be constructed to permit the removal of silt before it reaches the stream or lake. Special requirements may be made by the Authorized Officer for each stream system to protect spawning beds. Permittee shall repair all damage to fish spawning beds caused by construction, operation, or maintenance of the Pipeline.

5. Migration of Fish

Permittee shall provide for uninterrupted and safe upstream or downstream passage of fish. Any artificial structure or any stream channel change that causes a permanent blockage to migration of fish shall be provided with a permanent fish passage structure that meets all Federal and State requirements. The proposed design shall be submitted to the Authorized Officer at least thirty (30) days in advance of construction.

Unless otherwise provided for by appropriate State or Federal authority, culvert construction in water crossings shall meet the following minimum standards:

a. Water velocities at medium discharge will not exceed four (4) feet per second in any part of the culvert.

b. Installation shall be at zero gradient with the bottom of the outlet six (6) inches below the natural streambed to prevent erosion at the downstream end of the culvert.

c. Where necessary because of outfall erosion, a stilling basin shall be constructed at the outflow end of the culvert that is at least three (3) feet deep and twelve (12) feet long. The pool sides shall be stabilized with riprap or other appropriate method to prevent erosion.

d. Water shall be diverted around the work area in the streambed during installation of the culvert to reduce siltation.

e. Water diversion ditches or pumps shall be screened with a device approved by the Authorized Officer to prevent harm to migrating fish.

Abandoned water diversion structures shall be plugged and stabilized to prevent trapping or stranding of fish.

6. Seasonal Concentrations of Fish and Game

Key fish and wildlife areas may be closed to construction activities during periods of wildfowl nesting, migration, and spawning. The Authorized Officer shall provide Permittee written notice of closure.

From time to time, the Authorized Officer shall furnish Permittee a list of areas where closure may be required, together with anticipated dates of closure.

7. Big Game Movements

Permittee shall construct the Pipeline, both buried and above ground sections, so as to assure unrestricted passage and movement of big game animals.

L. Antiquities and historical sites

Permittee shall engage an archeologist approved by the Authorized Officer to provide surveillance and inspection of the Pipeline for archeological values.

If in connection with any operation under this permit Permittee excavates known or previously unknown archeological, paleontological, or historical sites, Permittee shall notify immediately said archeologist who shall investigate and provide an on-the-ground opinion regarding the protection measures to be undertaken by Permittee. The Authorized Officer may suspend that portion of permittee's operations necessary to preserve evidence pending investigation of the site by said archeologists or his representative.

Two copies of all survey and excavation reports shall be filed with the Authorized Officer.

M. Fire prevention

Permittee shall take all measures necessary or appropriate for the prevention and suppression of fires on the permit area and on other Federal lands. Permittee shall comply with all applicable laws and regulations, and with the instructions and directions of the Authorized Officer concerning the prevention and suppression of fires.

N. Campsites

Permittee or its contractors shall obtain special land use permits for each campsite from the Authorized Officer.

Upon abandonment or relocation of each campsite, the area shall be cleaned up and restored to a condition satisfactory to the Authorized Officer.

O. *Material Sites*

1. Purchase of Materials

Permittee shall make application in accordance with applicable regulations, to purchase construction materials, consummate a materials sale contract with advance payment, and submit a mining plan that must be approved before any materials are removed from the public lands.

Permittee shall utilize upland materials and existing material sites in place of clear-water stream materials when reasonably available. Gravel and other construction materials shall not be taken from stream or river beds or shores or outlets of lakes that are or could be considered as spawning areas unless approved by the Authorized Officer.

2. Vegetation Screen

Permittee shall not cut or remove any vegetative cover within a minimum five hundred (500) foot strip between roads and material sites unless authorized to do so in writing by the Authorized Officer. Permittee shall remove any debris created by its construction activities.

Where primary roads intersect the Pipeline right-of-way, a screen of vegetation native to the specific setting shall be established unless waived by the Authorized Officer in writing.

3. Layout of Material Sites

Material site boundaries should be shaped in such a manner as to blend with surrounding natural land patterns. Regardless of the layout of material sites, primary emphasis shall be placed on prevention of damage to vegetation and soil erosion.

4. Fish Protector

If material sites are approved adjacent to or in certain lakes, rivers or streams, the Authorized Officer may further require the construction of levees or berms to protect fish and prevent siltation of streams or lakes.

5. Restoration

All slopes shall be left in a stable condition.

Haul ramps, berms, dikes and other earthen structures shall be leveled, and other structures removed unless otherwise directed by the Authorized Officer.

Material pits in stream and river bottoms and channels shall be connected to the stream by channels constructed to allow flow of water through the pit at median stream stage.

Vegetation, overburden and other materials removed from surfaces of material sites shall be disposed of by Permittee at termination of use of the site in a manner approved by the Authorized Officer. Vegetative debris which has been put through a chipper shall be spread evenly over material site slopes, together with other organic materials and topsoil. Permittee, during the first growing season following termination of use of the site, shall revegetate material site slopes through seeding and planting with suitable plant materials unless otherwise directed by the Authorized Officer.

Upon completion of material site restoration, Permittee shall immediately remove all equipment, materials and supplies from the sites.

PARTICIPATING AGENCIES

Alaska

Federal

Department of the Interior

Regional Coordinator.
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Bureau of Commercial Fisheries.
Federal Water Pollution Control Administration.
Bureau of Mines.
U.S. Geological Survey.

Bureau of Indian Affairs.
National Park Service.

Department of Defense

Corps of Engineers, Alaska District.
Alaskan Command.

Federal Field Committee for Development Planning

State

Department of Fish and Game.
Department of Natural Resources, Division of Lands.
Department of Highways.

Washington

Federal Task Force on Alaskan Oil Development

Department of the Interior.
Department of Defense.
Department of Transportation.
Department of Commerce.
Department of Health, Education and Welfare.
Department of Housing and Urban Development.

WOODLAND PARK HOSPITAL IN PORTLAND, OREG.

Mr. PACKWOOD. Mr. President, the role of the suburban hospital in the United States is unique. It is far removed from the clatter and clutter of congested city core centers. The private suburban hospital reflects the change of the Nation's thinking, and approaches the community with quite new and fresh ideas, with warmth and friendliness.

Oregon is honored to claim a fine example of this new approach. Woodland Park Hospital in Portland has instituted what is called the newborn nursery experiment. The idea is so unique and appealing, it was written up in Good Housekeeping's October 1969 issue.

Mr. President, I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN WE KEEP IT?

Having a baby is a family affair at this Oregon hospital.

"Ours is funny-looking. I'd rather have one with hair," pipes a four-year-old, looking over the nursery for newborns at Woodland Park Hospital just outside of Portland, Oregon. Like most of the 50 states, Oregon has health laws prohibiting small children from visiting hospital patients, yet this youngster and many others have "visited" the brand-new members of their families, and their mothers, too.

This happy, homelike atmosphere is no accident. The suburban hospital's new maternity wing was carefully planned and designed so the whole family could get in on the excitement of having a new baby. Not only is this entire section on the ground floor, but the nursery faces a corridor which is open to youngsters and adults alike. There is a special kids'-eye-level viewing window where children can peer in at their new little brothers or sisters while proud papas and doting relatives ogle through the grown-up-height window next to them.

Aside from giving older children the feeling that they're being included in what used to be an adults-only secret, this early view of the baby makes it easier for them to be happy about the new addition when it finally comes home to stay.

Woodland Park's idea that a hospital should be friendly and family-centered rather than cold and impersonal is not unique. It's happening all over the country as more and more hospital administrators realize at long last that patients are also human beings who don't like to be separated from their families.

On weekends and after school hours, the brothers-and-sisters-only window is crowded with grinning kids and their friends. While grown-ups ooh and ah through the conventional nursery window. After inspecting the babies, youngsters may visit with their mothers by standing outside the one-story maternity wing and chattering through the windows—which the new mothers may open whenever they want to. Children like to report the day's events, and to make sure mother is fine. This everyday personal contact helps to keep the disruption of family life at a minimum when a new baby takes Mother away from home.

The staff and administrators of Woodland Park feel that relaxation and friendliness are a big part of the difference between a city hospital and a suburban one. This is reflected in open visiting house and the use of soft colors in the decor, but most of all in the atmosphere of the obstetric and pediatric wards.

Young patients—unless, of course, they're infectious—are urged to play together, either in their rooms or in the cheerful playroom. Or they can go visiting themselves—walking or being pulled in red wagons to gape at the infants in the nearby nursery. And parents are welcome to spend unlimited time with their hospitalized children.

By making everyone as much at home as possible. Woodland Park has gone a long way to prove that even a hospital can have a heart.

TAX REFORM

Mr. PACKWOOD. Mr. President, tax reform is vitally needed if we are to spread the tax burden more equitably among our people and close the loopholes which have for so long allowed—and even encouraged—tax avoidance. But in correcting certain inequities in the tax structure, we must be careful not to create new, equally undesirable inequities. For example, section 515 of H.R. 13270 provides for changes in the tax treatment of lump-sum distributions from company profit-sharing and retirement plans. It is aimed at the high-income-bracket corporate executive, but the damage that would be done to millions of middle-income workers who have planned in good faith for their retirement years would be incalculable.

Omark Industries, born and headquartered in Portland, Oreg., has for a number of years encouraged its employees to plan for their retirement years through the use of a company profit-sharing plan. Now the rug has been pulled from under them. Unless the Senate takes appropriate action to correct this new inequity, all their years of planning and preparation will have been in vain.

I commend for the Senate's reading, Omark's analysis of the section 515 change, along with a discussion of two other changes adopted by the House. I believe that Senators will find the comments and recommendations worthwhile and constructive contributions in our efforts to bring about tax justice.

I ask unanimous consent to have the analysis referred to printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF SECTIONS 515, 703, AND 521 OF H.R. 13270

LUMP-SUM DISTRIBUTIONS FROM PROFIT-SHARING PLANS—SECTION 515

Cancellation of capital gains treatment for lump-sum distribution from qualified pension and profit sharing plans results in a substantially increased tax expense for persons who choose to receive benefits in one payment over those who take payment in the form of an annuity. The reason given for such a change is that the capital gain treatment benefits high bracket taxpayers to a great extent. What this argument fails to recognize is that in order to stop a tax benefit for a few, the law would at the same time penalize all beneficiaries of such plans who desire to receive a lump-sum distribution.

Generally, beneficiaries of these plans will use the funds to supplement pensions and social security during the retirement years. Such deferred savings are desirable and should be encouraged because they make retired people more secure and independent. Even a small increase in tax expense which reduces these retirement funds is cruel and unjustified when the only reason is to tax certain high-bracket taxpayers who have managed to save substantial sums through such plans.

Any tax that reduces private retirement funds will inevitably place a greater burden on the public through increased social security and welfare expense. Such a tax is self-defeating because the small increase in revenue will be more than offset by the cost society must contribute to retired persons to make up the difference in their retirement income.

The effect of this change is to require anyone with a substantial nest egg in a qualified plan to take the benefits on an annuity basis. This severely restricts individual freedom of choice by use of the taxing power. Where possible, an individual would be better off to receive the employer's contribution directly each year and invest it, since taking it out year by year in relatively small amounts in effect is very long-term averaging.

INVESTMENT CREDIT—SECTION 703

Repeal of the investment tax credit has been proposed by the House on the basis that there is no longer a need to encourage investment in plant and equipment since American business has invested over $400 million since 1962. Also, the credit is considered inflationary and therefore undesirable during the current period of high inflation.

The above reasoning does not recognize that American business is now competing in a worldwide market. There is a continuing need for heavy investment in plant and equipment in order to retain our competitive position and to improve the balance of payments problem. The investment credit provides needed help in maintaining the rate of growth required. Repeal of the investment credit will result in an unhealthy slowdown in capital investment at a time when industry needs to improve and increase its productive capacity.

Continued substantial capital investment in efficient, labor-saving plant and equipment will in the long-term result in reducing inflationary pressure. Such investment allows management to eliminate high-cost labor which is the source of the wage-cost push inflation. The proposed repeal of investment credit would reduce the effectiveness of this deflationary device.

The effect of a slowdown of investment in plant and equipment will certainly result in fewer jobs being available for the presently unemployed and underemployed and for young people entering the labor pool each year. Coupled with this will be the lack of incentive for business to build new plants in or near deprived areas where the need for new jobs is especially acute. Such results are clearly undesirable in view of the present labor and social problems in this country.

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The House also stated that by repealing the investment credit it is possible to reduce the surcharge from 10% to 5% for the first six months of 1970. This has the effect of making investing businesses bear the burden of tax reduction instead of having all taxpayers share it equally.

ACCELERATED DEPRECIATION ON REAL ESTATE—SECTION 521

This section limits use of most accelerated methods of depreciating real estate to new residential housing and provides for recapturing as ordinary income all excess of accelerated depreciation over straight line depreciation when real estate is sold.

It is generally agreed that this measure would result in curtailment of construction and hits hardest at the building construction industry which is so vital to the economy of Oregon. The building industry and Oregon have already suffered because of present tight money policy. It is unfair to strike at a particular industry to cure tax abuse by some individuals. The present law provides a needed stimulus for construction; and, with section 1250, already has a tax reform provision that was enacted recognizing the special needs of this industry. The present availability of different depreciation methods allows a taxpayer to select the method best suited to his economic and physical use situation. Arbitrarily eliminating these methods to curb abuses by certain taxpayers greatly restricts exercise of good business judgment.

In the summary of the bill prepared by the staffs of the Joint Committee it is stated that the problem is that the present tax treatment of real estate has been used by some high income individuals as tax shelters. If this is true, it appears that the House Bill already provides a solution with the "limit on tax preferences". No more than 50% of a taxpayer's total income plus certain tax preferences could escape taxation. One of these tax preferences is the excess of depreciation claimed on real property over straight line depreciation. This effectively prevents tax abuse by the specific individuals mentioned, and does not indiscriminately affect all property owners. By also eliminating all accelerated depreciation and recapture of excess depreciation the House bill provides an over-kill which will adversely affect the Oregon economy.

In summary, this measure unfairly hits the already depressed building industry by discouraging new construction, it affects all property owners instead of the few who have been abusing the tax benefits, and the reform bill already has adequate restriction on accelerated depreciation through the limit on tax preferences.

NOISE—OUR LATEST POLLUTANT

Mr. DOMINICK. Mr. President, some time ago, I introduced a bill which was referred to the Subcommittee on Aviation of the Commerce Committee, which would have the effect of phasing out jet traffic at National Airport and shifting it over to Friendship and Dulles. I did so on the ground that there were three very good reasons: First, safety at National; second, air pollution, which is created by the enormous amount of pollutants which the jets pour out every day over Washington; and third, the enormous problem of noise from jets over the major areas of the countryside surrounding National Airport, including the District of Columbia itself.

Mr. President, noise is an extremely important problem. I was interested to find that yesterday my distinguished colleague from Oregon (Mr. HATFIELD) made a speech on the same subject, which he entitled "Noise: The Gathering Crisis." He refers in the speech to the problems we have of increased noise levels in all areas in the country.

I know the problem which it created with pilots in World War II. I was one of them. We flew year after year in that war and we now find out that our hearing has been affected by the constant noise level we endured during those years.

Of course, the noise level now, whether one be a pilot or a civilian walking along the street, has become increasingly difficult to sustain, so far as the human physique is concerned.

Mr. President, I do not believe that anyone prior to this speech, has called noise—publicly, at least—an actual pollutant. But that is what it is. It seems to me, it would be an effective way to describe the problem which faces the country.

Since the remarks of the Senator from Oregon contain some very fine statistics and a careful analysis of the problem, I think it would be of interest to all Senators. We are all interested in the environmental and pollution problems facing the country today, and I, therefore, ask unanimous consent to have the speech printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

NOISE, THE GATHERING CRISIS

(Speech by Senator MARK O. HATFIELD, before the Noise Abatement Council of America, October 8, 1969)

There is a bumper sticker now circulating which says: "Eliminate Pollution Before Pollution Eliminates You." Immediately we will think of studies which threaten a lack of water by 1980 and conjure up the words of California scientists stating that within 50 years their state will be uninhabitable for any form of life. Or we hold our breath for a moment remembering that 142 million tons of smoke and noxious fumes are dumped into the atmosphere each year. Momentarily we feel brief panic and then for one reason or another, we forget the threatening words of the bumper sticker and go about our daily duties in a comfortable shield of self-deception and false security. Unfortunately such an attitude has now brought us to a situation in which the rapidly deteriorating quality of our environment is the most hazardous challenge to not only our health and well-being but to our very lives and those of our children and grandchildren.

Environmental pollution may not pose the immediate destruction that nuclear war does, but I might remind you that the effects are the same and just as lasting. And I might remind you that destruction at the hands of our environment is as immediate as your and my lifetime. And finally, I might remind you that lack of inhabitable land, lack of food, lack of good water to drink and good air to breath are the very conditions under which men become desperate and resort to any and all means to preserve their survival. It is with these thoughts in mind that I state my firm conviction that pollution—all forms of pollution: air, water, and noise pollution, overpopulation, land and soil pollution—is the most challenging and the most crucial problem facing the man of the 20th century. And it is with these thoughts in mind that I firmly believe that if we do not meet this problem with all the creativity and ingenuity of our age, then within a very short time nothing else will matter, for there will be nothing else to worry about.

Your concern with environmental pollution has brought you here today in order to form an effective citizen's group to combat this onslaught on our planet before it is indeed too late. Your special concern is with the assault of noise pollution on our society and in your recognition of noise as a pollutant you have established yourselves as somewhat pioneers in combating the effects of noise on our society. It was therefore an honor to be invited to speak at this organizational meeting of the Noise Abatement Council of America. Had such groups been instrumental in educating the public to appreciate the inevitable results of uncontrolled air and water pollution and in effecting remedial action to combat these problems even ten years ago then we would not be faced with the present national crisis in these areas. Today let us pledge ourselves to the task of preventing noise becoming another uncontrolled threat to our existence.

The effects of noise, although long a problem, have only begun to receive the well-founded concerns of government, health, industrial and community organizations. We are already far behind the rest of the world in appreciating the scope of the problem. For our backwardness in the field of noise abatement the United States is now the noisiest country on this planet, and frankly, I hate to think that we are now carrying this lack of respect for civilized standards to other planetary bodies. Basically, noise pollution is reaching crisis proportions in the United States and I think that it is time that all of us wake up to this fact.

We should be concerned with noise as a problem because for over a century noise exposure of sufficient intensity and duration has been recognized to produce sensorineural hearing loss. But in spite of this knowledge, an over-exposure to excessive noise is the major cause of hearing loss in the United States today. In fact it is estimated that 10–20 million people in the United States have some degree of hearing impairment.

Everyone realizes that if he is exposed to a very loud noise such as an explosion he may very likely wind up deaf—at least temporarily. What is not so apparent is that the effect of noise is cumulative; it produces as Dr. Leo Beranek, whose work in acoustics is international in scope, an "acoustic fatigue". Repeated moderate noise builds up to produce the same effect as would a single loud noise. And even more important, is the fact that repeated noise is the only type, short of a shattering explosion, that produces *permanent* hearing loss. The importance of this is readily seen when one is considering the harmful effects of exposure to daily occupational noise.

Another matter of some concern is that the noise level of the United States is increasing at an astonishing rate. Over the past 25 years the average increase in noise level has been at one decibel per year. When one considers that damage to the ears can occur at sustained exposure to the ranges around 85 decibels and over, and given our present noise levels, it will not be too many years before noise levels in the United States became lethal. To quote Dr. Vern O. Knudsen, physicist and former Chancellor of the University of California, "If the noise we make keeps increasing at the present rate, it will be as deadly in thirty years in some of our downtown cities as were the ancient Chinese tortures for executing condemned prisoners."

We know of course that the most pronounced physical effect of noise is damage to the ear. Exposure to intense noise over varying durations causes partial and in some cases permanent hearing loss due to actual cell damage in the organ of the Corti located within the cochlea of the inner ear.

But noise has much farther reaching effects than just hearing damage. As Paul E. Sabine stated even back as far as the March 1944 issue of the American Journal of Public Health: "There is a wealth of reliable data from medical sources in support of the statement that sustained exposure to noise is a contributing factor in impaired hearing, chronic fatigue that lowers bodily resistance, neurasthenia, increased blood pressure, and decreased working and mental efficiency and that noise should rightfully be classified as an occupational hazard along with gases, fumes, dust, toxic liquids, and bacteria." To put this into, if nothing else, economic perspective, the total cost to industry in compensation payments, lost production and decreased efficiency due to noise is estimated at well over $4 billion per year. In relation to business a World Health Organization report states that before 1939 office noise was costing United States business $2 million per day through inefficient work. Today that figure is $4 million. The psychological and physiological effects of noise are difficult to assess but the correlation between noise and such things as sleep disturbances, hypertension due to the constant response of hormonal and neurological mechanisms to noise stress, interference with basic communication, the loss in efficient performance and even damage to property must be counted as a very real and a very enormous threat to our well-being, not to mention the economic repercussions.

The effects of noise cannot be fully appreciated until we have more thorough studies in the field. One effect which needs to be especially explored by sociolgists and criminologists is referred to in a recent Fortune magazine article. As related by Fortune: In the Bronx borough of New York City one evening last spring, four boys were at play, shouting and racing in and out of an apartment building. Suddenly from a second-floor window came the crack of a pistol. One of boys spawled dead on the pavement. The victim happened to be Roy Innis, Jr., thirteen, son of a prominent Negro leader, but there was no political implication in the tragedy. The killer, also a Negro, confessed to police that he was a nightworker who had lost control of himself because the noise from the boys prevented him from sleeping. This incident is extreme but worthy of our careful attention due to the implications it has on the worsening human problems which we are now experiencing in our cities.

Until recently the most authoritative voices about noise have come from within the industrial occupations due to the mere fact that noise has been a problem much longer in this area than in any other. Industrial management has become increasingly concerned with the adverse effects of noise on those persons who work under constant exposure to intense levels of noise—and I might add with due reason.

According to Dr. Glorig, director of the Callier Hearing and Speech Center in Dallas, Texas: "Industrial noise is now the most important single cause of hearing loss." Despite numerous research, training and regulatory programs now underway in some industries and in various Federal agencies, and despite the great strides accomplished in responsible noise abatement efforts in the occupational fields, there is still need for a vast amount of education in the field of occupational noise. For instance, B. F. Goodrich estimates that the total market for accoustical goods and products will reach $875 million by 1970, which if one takes into account all that this comprises is a very paltry sum.

Another example of the need for increased emphasis placed on occupational noise is the fact that permanent hearing loss caused by excessive exposure to noise is now a recognized occupation hazard and is compensable in only 35 states. I am always reminded of the basic lack of awareness in this field by an unfortunately true story which occurred when one of my aids was touring a textile factory in the South. When he commented on the high level of noise to which the workers were subjected, the manager hastened to assure him that immediate efforts were being made to correct the unpleasant conditions. "Next week the factory is playing country-western music over the loud-speakers at a level which will block out the noise of the factory."

The noise of our industries is put into further perspective when one considers them in light of "safe" noise levels. There are differences of opinion about permissible occupational noise levels. The American Academy of Ophthalmology and Otolaryngology states that our present knowledge of the relation of noise exposure and hearing loss is much too limited to propose safe amounts of exposure. However, the Academy recommends noise-exposure control and tests of hearing if there is habitual exposure to continuous noise at 85 decibels at a frequency of 300–1200 cycles per second. Noise is measured in a dimensionless unit called the decibel which is used to describe the levels of acoustical pressure, power and intensity.

The decibel expresses a logarithmic ratio between two sounds. In other words, the difference between a noise with a decibel rating of 60 and that with a rating of 70 is a relative increase of 10 times the lower level. The frequency of noise expressed in cycles per second is useful for rating noise hazards since some frequencies are more likely to cause hearing damage than others, with high pitched sounds more annoying than low pitched sounds. The British Medical Society recommends hearing conservation measures when noise exceeds 85 decibels in the 250–4000 cycles per second range.

The United States Air Force recommends ear defenders when personnel are exposed to 85 decibels in the 300–4800 frequency range. The American Standards Association has suggested permissible daily quotas of exposure to noise which they suggest should protect the worker from hearing loss. Over an eight hour working day they suggest a limit of 85 decibels at any frequency range above 700 cycles per second. In the Walsh-Healey Public Contracts Act the Federal government has adopted 90 decibels at any frequency range as a permissible safe occupational noise level.

Only recently has there been concern about the entire realm of urban and community noise although millions of Americans are affected each day by the repercussions of this type of noise. As Dougherty and Welsh commented in "Community Noise and Hearing Loss":

"The saving quality heretofore has been that community noise has been a short-term exposure as compared to an 8 hour day period in industry. As the power use of both home and street increase, steps must be taken to limit the noise output. Otherwise, total timed exposure will exceed industrial standards that actually rely on regular audiograms to prevent severe hearing loss."

Indeed the din in the cities at times far exceeds the noise levels considered "safe" for an occupational situation. A noise level of 100 decibels was once recorded on the Avenue of the Americas in New York City where the Transit Authority was building the extension of the 6th Avenue subway. Construction is perhaps the most irritating source of noise to the urbanite and the problem is intensified when once we realize that there are virtually no legal controls on the amount of noise that can emanate from a construction site. In the absence of any forms of control the consequences are logical—existing knowledge for noise control is not even applied.

Noise control costs money, and it is not reasonable to ask sympathetic construction firms to invest in noise control only to let unsympathetic firms underbid them on jobs by avoiding the noise control costs. Air compressors, pneumatic drills, power saws, concrete mixers and other machines involved in the construction or demolition of buildings are permitted in some urban areas between 7 am and 6 pm, six days a week and at night with special permit. Combined with the poor soundproofing in modern apartments, the sounds of congested traffic which can reach upwards of 90 decibels, and the multitudinous other sounds of "civilized living", the city dweller is caught in the midst of a cacophonic catastrophe".

Europe and such countries as Russia and Japan have for some time had strictly enforced noise abatement laws, including zoning and construction measures and national councils like the Swiss Anti-Noise Commission which deals with the basic medical, acoustic and technical questions of road, rail and water traffic; aircraft noise, noise in industry, building construction, homes, etc.; and legal questions.

The United States by contrast has few laws regarding noise abatement and even those that it has are barely enforced. For example, New York City is one of the cities that has strict noise laws against horn-blowing and even has a legal noise limit for the city of 88 decibels at 150 feet. If you have ever been to New York, I am sure that these laws will come as surprising news.

The final assault on the nation's well-being due to noise and the one which brings you here today is that of aircraft noise. Of all the fields of noise abatement that of air transportation has received the most attention by industry and government due to the obvious severity of the problem. The possible adverse effects of aircraft noise have been recognized for several years. In 1952 the Dolittle Report pointed out that "positive efforts should be continued by both government and industry to reduce or control aircraft noise nuisance to people on the ground and that substantial reduction of such noise is practicable."

Such firms as Pratt and Whitney, General Electric and Boeing have been involved for some years in the research and development of a "quiet" engine. According to sources within the field, we are five years away from a prototype which when operational will only reduce the perceived noise level at take-off and landing by 10%. The problem in this area is not so much a matter of money as lack of available technology. The sound of a jet taking off is approximately 130 decibels which is also the estimated maximum noise bearable to human years. A reduction of 10% will bearly scratch the surface of the noise problem in this area unless there is a major technological breakthrough.

Therefore in combating aircraft noise we also need to pursue abatement efforts in the aspects of aircrft operations and apply methods of compatible landuse around the airports. In the realm of flight patterns, airport design and placement, guaranteed buffer zones, adequate soundproofing of buildings in and around airports, extension of runways, legal controls, and so on, joint action will have to be taken by the Federal government, the airlines, and the community. With over 98% of our airports owned by some level of state government, it will be primarily up to the local government and the airport operators of the same to effect noise abatement controls. In addition airport operators should share the responsibility of enforcing the new Federal Aviation Agency noise standards to be announced this month and closely coordinating local efforts with such programs as the Aircraft Noise Alleviation Program established under the F.A.A. in 1961.

For examples of innovative noise control

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efforts I recommend such programs as that taken in the Los Angeles area in which community efforts and pilot programs have been established to abate noise at the Los Angeles International Airport. The Port of New York Authority has also carried out extensions costing several million dollars to the three runway at New York's Kennedy International Airport solely out of noise abatement considerations. Dulles International Airport in Washington is a good example of how zoning laws and design can be effectively employed to control noise levels emanating from aircraft.

But despite these examples, the fact remains that there is much left to do before we can successfully cope with aircraft noise. Your recognition of this fact has brought you here today. There are many questions which must be answered before actual work can even begin. The most important of these is funding of noise abatement efforts. Who is responsible? Should we ever obtain an operational "quiet" engine, the estimated cost of retrofitting our four engine commercial jets has been upwards of $300 million. This is perhaps the most touchy issue which will face you in your efforts to combat jet noise for the costs are formidable and the responsibility ill-defined.

Another problem of considerable concern is that of the sonic boom. Until recently the shock waves from the sonic boom was confined to occasional military flights scheduled to fly over unpopulated areas of the United States. However, since President Nixon's request for $96 million for the current fiscal year ending June 30, 1970 in order to finance the start of construction of two SST prototype aircraft it now appears that within the next 10 years we will be subjected to the sound of commercial sonic booms. I am opposed to the development of this aircraft. Aside from the obvious criticism of low cost-benefit considerations, I find it difficult to justify the vast noise disturbance of this aircraft in light of the small domestic value derived. The plane has no defense value, will cost the government a total of $1.29 billion, out of a total development cost of $1.51 billion, and its flights have been estimated to disturb 20 million groundlings every time the SST flies from coast to coast.

The repercussions of the noise problem have just begun to be understood and much has been done to alleviate the noise onslaught on our environment. For instance, New York City has a law requiring walls soundproof enough to reduce any airborne noise passing through by 45 decibels. Some construction companies have proved that buildings can be constructed quietly, by muffling blasting by special steel mesh blankets, welding instead of using the horrendous racket of riveting or bolting. New machines have been offered on the market which have a vast reduction in decibel rating over their old predecessors such as a new compressor which reduces the decibel level from 110 to 85 decibels and a new paving breaker that has had its sound reduced by ⅔.

New York, California, New Jersey, Minnesota, and other states have voted or have pending various legislation on noise abatement particularly in the realm of vehicular noise. Numerous local ordinances deal with specific noise problems of their area offering such things as prevention of transistor playing in public areas, zoning laws, etc. Some states have legislation which prohibits vehicles on its public highways that exceed certain established noise levels for that particular vehicle.

All of these are good beginnings but they cannot be assessed as anything more than just beginnings. What is needed are guaranteed standards for the man on the street, on his job, or in his home. In this category I would like to mention the Walsh-Healey Public Contracts Act which was signed into effect by Secretary of Labor Shultz on May 17, 1969. This Act provides for a limit of on-the-job noise levels at 90 decibels at any frequency. This regulation only applies to firms that have a $10,000 or better contract with the Federal government during the course of one year. The Walsh-Healey Act is a step in the right direction but again it is only a beginning. It only affects certain segments of workers and sets as a standard a noise level which is of debatable safety for an occupational level.

The real question at hand in the consideration of the noise level of our society is whether we are going to preserve the basic amenities of civilized life in the onslaught of technological advance.

As one noted figure in the noise abatement field, William H. Ferry, once said: "We have been neither interested nor successful in controlling noise because we have been neither interested nor successful in coping with technology."

Some 60 years ago Robert Koch, a bacteriologist and Nobel Laureate predicted: "The day will come when man will have to fight merciless noise as the worst enemy to his health."

That day is not so far away. The problem must be faced now before it is beyond our control. So I offer a few suggestions from my meager knowledge of the problem of what may prevent a continuation of the insult of noise on the future sensibilities of our nation. The problem of our "cacophonic republic" requires education, public awareness, increased research and greater application of economical acoustical materials, and a great deal of cooperation and coalition of effort between industry, business, government, health officials and community groups in order to find and carry out solutions to local, regional and national noise problems.

We need a uniform noise control standards for all industrial and office workers . . . a Walsh-Healey Public Contracts Act of more encompassing and more rigorous standards.

We need to educate consumer demand that will call for quieter jobs and products in order to make it desirable for industry to compete to produce both at less cost.

We need the City Code level to handle such noise sources as garbage collection, construction, loud speakers, and motor vehicles. We need a regional approach to the research and development of programs directed toward the alleviation of the noises that plague particular areas of the United States. Lastly we need the full cooperation of the Federal government in assisting, coordinating and financing these efforts to provide a quieter environment.

As Dr. William H. Steward of the Public Health Service once stated: "Those things within man's power to control which impact upon an individual in a negative way, which infringe upon his integrity, and interrupt his pursuit of fulfillment, are hazards to the public health."

Noise can and must be controlled as a danger to the public health and economy, but above all else we must commit ourselves to the control of the noise in our society on the basis of civilized standards.

THE REPORT BY DR. LUNA LEOPOLD ON MIAMI JETPORT

Mr. HOLLAND. Mr. President, on September 12, 1969, I wrote Secretary of Interior Hickel, asking that I be furnished a copy of the report on the proposed Miami jetport prepared by Dr. Luna Leopold. I did so since a number of newspaper articles prior to that date, September 12, indicated that the report or portions of the report had been made available to certain Members of the Senate and the press; and since the subject of the report directly affects my State of Florida and the Everglades National Park, of which I am frequently referred to as the father, I felt a copy of the report, or at least those portions of the report made available to others, should be furnished to me.

A letter dated September 15 received in my office on September 24 signed by a Mrs. Louise Bundy, Assistant to the Secretary of Interior, advised that—

> The Secretary appreciates your interest and a reply regarding this matter will be provided promptly.

On September 16, prior to receipt of the interim reply dated September 15 received in my office on September 24, my office again contacted the Department by telephone, at which time we were advised that the report was being printed and should be available "in several days."

On September 22, telephone contact was again made with the Department, at which time we were advised that the report would be available "shortly."

On September 30, telephone contact was again made with the Department at which time we were advised that a reply had been written but the language of the reply was objected to and it was being rewritten and if we had not received a reply by Thursday, October 2, we should again contact the Department.

On October 2 we again contacted the Department and were promised the report was forthcoming. However, it had not yet been received in my office this morning. Therefore, another telephone call was placed to the Department.

Mr. President, this is typical bureaucracy at its worst, for which there can be no excuse. Apparently the right hand does not know what the left hand is doing in this Department. Obviously, if it requires the efforts and time my office has spent to obtain a simple report, already completed, the more difficult problems confronting the Department could well require an eternity. Hopefully, Mr. President, administrative redtape apparently now strangling the Department of the Interior will be eliminated. May I say at this point, Mr. President, I am still awaiting the Leopold report.

CALIFORNIA CASUALTIES IN VIETNAM

Mr. CRANSTON. Mr. President, in the past week since last Thursday, October 2, the Pentagon has notified 11 more California families of the death of a loved one in Vietnam.

Those killed were:

Pfc. John M. Ananian, son of Mr. and Mrs. Christy M. Ananian, of San Francisco.

Sp4c. Mark L. Brown, son of Mr. and Mrs. Keith H. Brown, of Thousand Oaks.

Sp4c. Bryan J. de Mello, son of Mr. and Mrs. Richard M. Adams, of Palo Alto.

2d Lt. Robert G. Hartman, son of Mr. and Mrs. Maynard Hartman of Chico.

CBM George Mulrooney, husband of Mrs. Elsie L. Mulrooney of Coronado.

Pfc. Johnny Newsome, son of Mr. and Mrs. John H. Newsome, of Los Angeles.

S. Sgt. Michael A. Placentino, husband of Mrs. Kazuko Piacentino, of Seaside.

Pfc. James S. Rogers, husband of Mrs. Luann Rogers of Palmdale.

S. Sgt. Thomas J. Simeth, father of Master Thomas J. Simeth, Jr., of Salinas.

Pfc. Edward A. Ulibarri, husband of Mrs. Virginia Ulibarri, of Salinas.

Pfc. Timmy Valadez, son of Mr. and Mrs. William Valadez, of Los Angeles.

They bring to 3,826 the total number of Californians killed in the Vietnam war.

ESTHER MORRIS—EARLY FIGHTER FOR POLITICAL RIGHTS OF WOMEN

Mr. PROXMIRE. Mr. President, the Convention on the Political Rights of Women was opened for signature at New York on March 31, 1953. The convention was at that time signed by 42 countries, not including the United States, and entered into force July 7, 1954. Since that time a total of 55 countries have become signatories to this convention. Still not among them is the United States.

It is ironic and disturbing that this country, which has probably benefited most from the services of its women, and which has experienced a progressive suffragette movement, has failed to ratify this treaty.

One of the most interesting suffragettes from the pioneer days was Esther Morris. The pressure applied by Esther Morris and other suffragettes in the Wyoming Territory was a major factor in the passage of a woman suffrage bill for that territory in the fall of 1869. The provisions of the Human Rights Convention on Political Rights of Women go beyond merely entitling women to vote in all elections on equal terms with men, without any discrimination. It also provides that women shall be eligible for election to all publicly elected bodies and shall be entitled to hold public office.

Once again, as I have said many, many times on the floor, I may say that the only obstacle in the way of the United States taking the place it should take on the human rights conventions is the U.S. Senate. These human rights conventions have been recommended by every President that we have had in the last five or six terms. The human rights conventions do not require any action by the House; it is only the Senate which must act. We shamefully have not acted on the human rights conventions on genocide, political rights of women, and forced labor, and we are, unfortunately, in the minority of nations of the world failing to do so.

I ask unanimous consent that the article from the Christian Science Monitor, " 'Six-Foot Suffragette' Helps Win Vote in Wyoming," be inserted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Six-Foot Suffragette" Helps Win Vote in Wyoming

(By Barbara Hildenbrand)

Detroit.—One day just a shade over a century ago the stagecoach rumbled into the mining town of South Pass City, Wyoming Territory, carrying a troublemaking cargo—Esther Morris, all six defiant feet of her. She had come west from Illinois to join her husband and three sons in Wyoming.

She was a suffragette. And she was in the right place at the right time. For the Congress in Washington had just declared Wyoming a territory and soon delegates to the first territorial legislature would be elected.

As soon as she was settled, Esther set to work. She organized the women in the community to beg and badger their men for help in getting women the right to vote. She entertained legislative candidates in her home and extracted from them pledges of their support for woman suffrage.

Citizens of South Pass City, watching Esther going about her task, shook their heads and forecast failure. They nicknamed her "the six-foot suffragette."

The first territorial elections were held in September, 1869. And, to Esther's delight William Bright, who was a frequent guest in the Morris home and whose wife was a strong suffrage woman, became speaker of the upper house.

When the legislature convened in the fall of 1869 Bright introduced a woman suffrage bill. The anti-suffrage forces swung into action. But to everyone's surprise the bill passed the Senate by a vote of 6 to 2 (one abstention) and the lower house by 6 to 4 (one abstention).

Why was it passed?

There were many reasons. The pressure applied by Esther Morris and other suffragettes in the territory was a factor.

But perhaps the biggest reason was plain cussedness. The legislature consisted mostly of Democrats. The governor, John Campbell, was Republican. Presenting him with a suffrage bill which they assumed he would veto would, as one legislator gleefully put it, "get the governor in a fix" with the ladies.

For whatever the reasons, Governor Campbell found the woman suffrage bill on his desk on December 10, 1869. And he promptly signed it!

Why? Unknown to the legislature he sympathized with the suffragettes.

Now, for the first time anywhere in the world, women in Wyoming had the right to unlimited suffrage. What would they do with it?

National attention focused on the 1870 elections in Wyoming. There was no discernible feminine influence on the results. Women generally voted as their husbands or fathers did. And there were only a few hundred women of voting age in Wyoming at the time, anyway.

Then trouble struck from another direction. Men belatedly realized that women, as voters, could now sit on juries. Women voting was one thing, especially when there were not too many of them, but women sitting in judgment on men was something else again.

Some enraged husbands declared "they would never live with their wives again if they served on a jury."

But in the spring of 1870 the first jury including women sat in the Laramie City Court, and according to contemporary writing "became such a terror to evil-doers that a stampede began among them, and very many left the state forever."

Esther Morris was appointed Justice of the Peace in South Pass City, the first woman justice on record. In spite of her lack of legal training, not one of the more than 40 cases she handled was reversed by a higher court.

With the passing of time, passions cooled. And the men of Wyoming began to take pride in their record of successful suffrage. When their "voting women" became a stumbling block to their admission to the Union in 1889, Wyoming men gallantly wired Washington, "We will remain out of the Union a hundred years rather than come in without our women."

Finally the House and Senate voted by a narrow margin to admit Wyoming, woman suffrage and all. It would be another 30 years before Congress would allow all American women to vote.

When Wyoming celebrated its new statehood in Cheyenne on July 23, 1890, it was Esther Morris, still standing tall, who presented to the governor the flag honoring the occasion.

On the site of her office and home in South Pass City a monument has been raised to "Esther Morris, first woman Justice of the Peace, author of female suffrage in Wyoming"—a fitting tribute to the six-foot suffragette.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUBLIC POLICY AND PRIVATE FOUNDATIONS

Mr. GORE. Mr. President, within the confines of the legal system, a man may do what he will during his life. After life has expired, one should not have, and should not in life expect, power or control over the living. The dead hand must not rule.

Every person, whether great or small, is entitled to hope for immortality of spirit or progeny or for lasting intellectual and moral influence, but the power, the wealth, the vanity and the will of the person, however great or imperious, do not, or should not, survive the grave.

Is it sound public policy, then, for U.S. tax law to accord economic immortality to persons of wealth through the device of a private foundation?

Man has sought continuity, both for himself and for the institutions and ideas he holds dear. We appreciate the elemental continuity of our natural environment, the earth in space and its organic production and reproduction. Personal continuity is instinctual. Almost all of us almost all of the time want a degree of continuity for ourselves, animate physical continuity.

And in spiritual and cultural matters we seek perpetuity, a continuity without definite limits. Our religion teaches of personal spiritual perpetuity. We seek to assure the perpetuity of our social institutions, our governments, our churches, our educational system. And in order to preserve these institutions, we seek to perpetuate the ideas, moral and legal, that sustain them.

Generally, our concepts of continuity may be classified as falling into one of two broad categories: those that owe their existence to what we have done, the creations of homo sapiens, and those created by an extra-human agency.

We would like to think of the latter as unchangeable. For most of our historical, and perhaps much of our anthropological, existence, man has managed to live in harmony with his natural environment. Only recently have we come to realize that man's own activities may

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threaten the perpetual continuity of conditions essential to life. And we have taken steps to counter pollution of the air and water and ravages against plant and animal life as we seek to assure the perpetuity of life on our planet.

In his search for continuity, man creates entities and institutions without regard to lifespan and which are engineered, initially at least, to continue for an indefinite duration. At a given time we may think of our governments, our legal systems, our religious organizations and other social institutions as perpetuities because they are necessary for our social and community stability. Similarly we may regard as enduring forever those creations which are more individually oriented but which nevertheless contribute to cohesiveness in society, for instance, the arts, novels and histories, painting and sculpture, symphony and opera, or monuments commemorating the life of an individual or an event.

But these manmade creations, though created with perpetuity in mind, are seldom perpetuities. Governments are supplanted by new governments. Businesses change as economic conditions vary. Literature is often subject to the life styles of the moment.

Great social institutions are created and destroyed by complex historical processes. Each generation shapes and molds its institutions and the rules of its society to serve the purposes of the present. For each generation determines for itself, however imperfectly, what will best promote public policy under conditions existing at the time. As much as man may admire the judgment of his own generation, he is no more capable of binding his successors than he is willing to be bound by his predecessors..

Thus, collectively, we recognize that change is necessary, as well as inevitable. And although we may rightly seek to influence, we are under no illusions about our ability to dictate the ideas, the concepts, and the institutions of the future.

But somehow, perhaps because man is an acquisitive creature, this idea has not been so easily accepted when applied to property. Not all of us, perhaps, but most of us, seek to acquire for use by ourselves and our families a quantity of worldly goods, a laudable objective. When pressed, all must concede that you cannot take it with you. Yet frequently there is an unwillingness to accept the judgment of others about the use to which property will be put after the possessor is deceased. This has given rise to various devices and stratagems to control the ownership and to determine the use of property in perpetuity from the grave.

This is not a new phenomenon. Records show that certain of the Pharaohs donated money to colleges of priests who, for a portion of the income, pledged their order to use the remainder of the income from those funds for the perpetual protection and sanctification of their tombs. In 347 B.C. Plato left his academy and a productive endowment of land to his nephew who was required to administer the academy and the land for the benefit of Plato's followers; the nephew, in turn, left the property to the administration of Xenocrates for the benefit of the cult. Epicurus gave his gardens to 10 disciples to be administered by them and their successors as a retreat for Epicurean scholars.

In the mid-17th century the Duke of Norfolk set about preparing his last will and testament. He might simply have followed family and English tradition and have left the dukedom to his eldest son. But the times were uncertain, the monarchy had been overthrown in the Duke's lifetime, and the King had been beheaded. The Duke was intimately concerned in these events, and feared the present government might not weather restoration sentiment. If a king were restored, what would happen to families who had supported Cromwell and helped to depose the last king? To prepare for any contingency as far as the family title was concerned, the Duke provided that the dukedom could not be sold and that all property must remain intact, even after his death. Thereby his unborn descendants would be insured the estate as he left it.

In 1865 the Duke's testament came before the Chancery and Lord Chancellor Nottingham ruled:

> A perpetuity is the settlement of an estate or an interest in tail, with such remainders expectant upon it, as are in no sort in the power of the tenant in tail to dock by any recovery or assignment, but such remainders must continue as perpetual clogs upon the estate . . . they are against the reason and policy of the law, and therefore not to be endured.

The policy of the rule against perpetuities was explained in re Hollis' Hospital—1899—as "the principle that restraints on trade are contrary to public policy." Jarman's text on wills is more explicit:

> The necessity of imposing some restraint on the power of protracting the acquisition of the absolute interest in, or dominion over property, will be obvious if we consider for a moment, what would be the state of a community in which a considerable proportion of the land and capital was locked up. That free and active circulation of property, which is one of the springs as well as the consequences of commerce, would be obstructed; the improvement of land checked; its acquisition rendered difficult; the capital of the country gradually withdrawn from trade; and the incentives to every branch of industry restricted. Indeed, such a state of things would be utterly inconsistent with national prosperity.

It came to be a law of the land in England that a man could not suspend the ownership of property in perpetuity; full control had to be given to the inheritor. The precise rule is:

> No interest is good unless it must vest not later than twenty-one years after some life in being at the creation of the interest.

Thus did the common law dictate that individual desire concerning disposition of real property must yield to considerations of "public policy."

As a corollary to this rule, our society developed the rule that a private trust should not have a perpetual life. This rule, however does not apply to "charitable" trusts for a public purpose.

If the Duke of Norfolk were alive today, preparing a testament with a view to a disturbed future, he might consider a modern form of perpetuity for his property, a perpetuity sanctioned and positively fostered by society through tax exemptions, a perpetuity which could keep his family fortune or business intact, and allow his sons and the sons of his sons ad infinitum to have substantial control over and to derive substantial benefits from the property.

He might establish a private foundation.

Under our tax law a wealthy individual may select any charitable purpose, any purpose which might be considered beneficial to society—the relief of poverty, advancement of education, religion or government—and create a foundation with the stated objective of promoting such a purpose. The part of his estate placed in the foundation is tax deductible to the donor, and in the foundation, the estate and the estate's income is, insofar as present law provides, perpetually exempt from taxation. Significantly, he provides, or may provide, that the foundation shall be administered according to his guidelines and by members of his family. Foundation assets may include a corporate business, land, or other properties.

In this way, application of the rule against perpetual life for private purposes may now be avoided. But the evils to which that rule is directed are very much present. For the foundation is nothing more or less than a perpetuity with very important private benefits: the corpus may be inalienable, the purposes may be subjected to the conditions imposed by the founder in perpetuity, and that control may be placed in the hands of and used for the benefit of the descendants of the founder.

The Government cannot, Mr. President, and should not undertake to, absorb the total charitable obligation. Personal charity and organized charities are admirable and priceless and within limits should be encouraged. Nongovernmental organizations fill some of the gaps. Moreover, they are often more flexible and imaginative than the welfare bureaucracy. And as democracy encourages individuality of expression, so democracy should encourage a plurality of charitable ideals.

But we must recognize that encouragement of charitable giving through the tax system can have questionable results, particularly when the determination of what constitutes "charity" and the conditions attached to the so-called desirable contribution are determined solely by the donor. When a wealthy donor reduces his tax liability through his gift, he is, in practical effect, being allowed to prescribe the use of public funds that would otherwise be paid in taxes. And his own prescription for society's needs will prevail regardless of possible unfitness and changes including priorities established by Congress as the representatives of all the people.

Government is surely far from perfect. But it is the agent of society. Its elected representatives are responsible for making the decisions and establishing the priorities related to the spending of public funds. It is government that is held accountable, and rightly so.

If it were seriously proposed that Congress appropriate to each of the 1,000 wealthiest individuals in the country $1 million to distribute for whatever cause or causes that might appear to each of them to be worthy, I suspect that the public reaction would be highly critical. Yet this is exactly what happens under our present tax laws. And by using the foundation device the donor not only is permitted to spend the "tax money" currently associated with his "gift," he also vests the property and directs in perpetuity the spending of the "tax money" that would otherwise accrue to the Government from the corpus.

Our present tax law, and various State statutes related to charitable giving badly need revision and I expect to discuss this subject in greater detail on another occasion. The thrust of my remarks today is directed to the broader question of public policy aspects of the perpetual foundation.

Should Federal tax policy encourage and subsidize a form of property arrangement that allows wealthy individuals to control their estate in perpetuity? Should the dead control the living for all time to come through the selection of charitable purposes that may, or even that may not, have served the public weal at the time the foundation is created?

The social needs of today are not those of 175 years ago, and they may not be the same 100 years hence. In the fall of 1789 Thomas Jefferson wrote to James Madison:

> A subject which I would wish to develop a little more than is practicable in the hurry of the moment, . . . the question whether one generation of men has a right to bind another. It is a question of such consequences as not only to merit decision, but place also among the fundamental principles of every government. . . . I set out on this ground, which I suppose to be self-evident, "that the earth belongs in usufruct to the living;" that the dead have neither power nor rights over it. The portion occupied by an individual ceases to be his when he ceases to be, and reverts to the society.

Jefferson secured repeal of the statutes which established primogeniture and entail in the transmission of real property in Virginia. The result was to release from entail half to three-fourths of the large estates in Virginia.

I believe the principles enunciated by Jefferson were sound when he expressed them. They are sound today.

The private foundation, however, freezes the notion of the donor as to charitable interests into society forever. If the charter is specific, however obtuse, the trustees of the foundation are bound by it. More importantly, since the income of the foundation is tax exempt, the entire Nation is bound to follow and to contribute to the wishes of its donor. Thus a dead donor's wishes will be carried out at the expense of each succeeding generation, even though a new order of public priorities and changed conditions would have rendered the specific charitable purpose obsolete.

In a democratic society each generation should have the opportunity to make unfettered decisions concerning the social institutions which regulate their lives. They should be free to choose from the guidelines and the abundance of material left by previous generations. More often than not, much of the old will be accepted. For barring major change in the fabric of society, a formula for stability that has well served one generation will, with appropriate modifications, serve the next. Radical change becomes necessary only when one generation is unable or unwilling to provide for social change.

But, if the opportunity for change is restricted or prohibited then evolution may give way to revolution—in economics as well as in politics.

The second problem created by private foundations is the retention and the concentration of economic power in possibly unproductive hands. The assets of foundations are effectively isolated from the mainstream of economic activity. The wealth and economic activity they represent are removed from the tax base, already badly eroded by other provisions of favoritism. This is not an inconsequential matter. According to the report of a subcommittee of the House of Representatives, the assets of just 647 foundations amounted in 1967 to about $18 billion. We do not really know the total value of the assets controlled by the more than 30,000 foundations which have been identified.

History records that other societies have been faced with situations not dissimilar to that created for us today by the growth and proliferation in number and variety of foundations.

Charitable associations existed in the Roman Empire, and by 65 B.C. had become powerful politically as well as economically. Because so many of these participated in Cataline's conspiracy, Cicero persuaded the Senate to dissolve them as contrary to public policy.

In England, during medieval times, the ecclesiastical orders controlled more wealth than did the crown. Those who controlled these ecclesiastical orders also controlled two-thirds of the votes in the House of Lords, and one-third of the land of Great Britain. The income from these lands was some 2½ times that of the crown. The 200-year period between the reigns of Henry II and Henry VIII witnessed a running battle as the state sought to wrest control of this wealth from religious orders. The solution began to take shape in the Statutes of Mortmain, some enacted as early as the 13th century, which restricted the amount of property a man might give to charity.

When the Ottoman Empire fell, two-thirds of all real property in its domain was owned by religious organizations. The withdrawal of such property from full participation in the economy and from the tax rolls played a leading role in the empire's downfall.

I do not seek to minimize the good that is accomplished by foundations. Much good has been accomplished. Much good could have been accomplished by our Government through the use of such vast sums as are involved. That point aside the growth of foundations in both size and number has reached such proportions that they threaten to undermine economic democracy in our country.

Finally, from the standpoint of Federal tax policy, favored tax treatment of private foundations can be justified only on the basis that the public good is served. But it is clear that, while some public benefits are derived from private foundations, these entities also serve very private purposes of the donor: control of family businesses by relatives, provision of jobs for members of his family, economic and social power resulting from control of large sums of money, perpetuation of the donor's view of society's needs.

These private foundations constitute, therefore, a hybrid mix—part public welfare and part narrow private benefits, sometimes only serving idiosyncrasy. It seems clearly improper, then, to grant Federal tax benefits as if the public were the sole beneficiary of these arrangements and to leave essential determinations without safeguard or regulation.

In broadly supported public charities—churches, colleges, and universities, the Red Cross—we can feel assured that public instead of private interests are being served. The funds are quickly devoted to truly charitable purposes; expenditure policies can be changed to meet new needs and new public concerns. In short, the living—not the dead—control the funds available to these organizations. Therefore, when the Congress grants total tax exemption to these public charities, it can be relatively sure that tax expenditures by these groups will be clearly responsive to the needs of the people—as Congress itself must be in proceeding through the appropriations process.

But these guarantees are not present in private foundations. These organizations are not responsive to public needs, they may not properly serve public needs, and they may be even precluded from meeting changed public needs. A clear example of such a case has been presented to the Finance Committee in the hearings which it has conducted on the tax reform bill. The Irvine Foundation controls, through the Irvine Co., 18 percent of the land in Orange County, Calif. This is an area of rapidly developing residential development. Yet the Irvine Foundation, through the Irvine Co., has recently dedicated almost 50,000 acres of this land for "agricultural purposes" for a period of 10 years. Such an action cannot possibly benefit charity, and it is questionable whether it is in the best interest of the people of California. In any event, it is clear that the public is not being permitted to determine the use of almost 20 percent of an entire county. This is a startling example of the dead controlling the living, and it is duplicated in countless foundations in various ways throughout the country.

Therefore, insofar as Federal tax law is concerned, it is plainly inappropriate to afford the same benefits to private foundations as are made available to public charities. At the very least, there should be a limitation in time.

As a beginning, I propose that favorable tax treatment be accorded a private foundation created hereafter only if it has a limited lifespan—say 25 years, and that tax exemption for existing private foundations terminate within 25 years.

This proposed rule will provide a

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charitable deduction for Federal income tax purposes to a donor creating such a qualified foundation. Further, the foundation will be exempt from taxes for the duration of its 25-year life. But, at the specified time, the property must pass into the public domain.

This rule would provide a better balance between the interests of the public and private concerns. True, it may not be adequate treatment. It still grants significant tax benefits to wealthy individuals, I acknowledge, purely and practically because of such wealth, and it still provides a generous time during which their own wishes can have absolute priority in terms of expenditures for the public benefit, neither of which benefit is practically available to persons of ordinary means. But it also insures the funds will not be frozen for all time to come into a mold predetermined alone by the donor. At an appropriate time, there will be an opportunity for society of that day to reassess the priorities to which these funds should be directed. And should this not be?

Some donors of foundations have recognized the efficacy of my view that a specific termination date should be set for foundations. In 1928, Julius Rosenwald directed the dissolution within 25 years of the Julius Rosenwald Fund. In a letter to his trustees, he wrote:

> I am not in sympathy with this policy of perpetuating endowments and believe that more good can be accomplished by expending funds as Trustees find opportunities for constructive work than by storing up large sums of money for long periods of time. By adopting a policy of using the Fund within this generation, we may avoid those tendencies toward bureaucracy and in a formal or perfunctory attitude toward the work which almost inevitably develop in organizations which prolong their existence indefinitely. Coming generations can be relied upon to provide for their own needs as they arise.

I concur in the philosophy expressed by Mr. Rosenwald. I am willing now to grant by law an appropriate, fixed period of time for the furtherance of the donor's wishes. But thereafter control should pass to the living.

THE HAYNSWORTH AFFAIR

Mr. **PELL**. Mr. President, standards of conduct in government must be above the standards observed in other segments of our community. The people rightfully expect that some actions tolerated or permitted in the private sector will not be condoned in public service.

And, within the government, I believe, it is particularly important that the highest standards of conduct be observed by the judiciary, for those who are called upon to pass judgment must themselves be above reproach. And, indeed, among all men in government, the Justices of our Supreme Court should be called upon to demonstrate the nicest sense of ethics.

It is not just a question of doing right or wrong, for certainly wrongdoing cannot be tolerated. But for men in whom the highest trust is placed, even the appearance of a lack of sensitivity to ethical considerations must be avoided. If our country is to feel the confidence it should in the probity of our judicial system, then it is incumbent on each Justice to follow the course of Caesar's wife.

This is the standard that must be applied in considering the nomination of Judge Clement Haynsworth. Thus far no evidence has been brought to my attention that demonstrates actual wrongdoing or evil intent. But the record does show an absence of that nice sense of ethics which I believe should be required of all Justices of the Supreme Court.

For this reason, I oppose the confirmation of Judge Haynsworth to be a Justice in our Supreme Court.

BUSINESS EXECUTIVES MOVE FOR VIETNAM PEACE

Mr. **PELL**. Mr. President, last week, J. Sinclair Armstrong made a very telling statement before the Senate Appropriations Committee on behalf of Business Executives Move for Vietnam Peace.

Mr. Armstrong has had a singularly responsible and successful record in Government, where his last position was Chairman of the Securities and Exchange Commission, and in private business, as executive vice president of the United States Trust Co. of New York.

Mr. Armstrong has been in the forefront of the growing legion of businessmen concerned with the waste and drain upon our national vigor which is being produced by the Vietnam war.

He believes that it is up to Congress to rescue our country from the dilemma which it is in, and help the executive branch of our Government do what should be done.

I ask unanimous consent that this cogent statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BUSINESS EXECUTIVES MOVE FOR VIETNAM PEACE

(Statement of J. Sinclair Armstrong, on behalf of Business Executives Move for Vietnam Peace, before the Senate Appropriations Committee, September 25, 1969)

Business Executives Move for Vietnam Peace is an organization of 2,600 owners and executives of American business corporations in forty-nine states who seek by open and lawful means to bring about an end of U.S. participation in the War in Vietnam.

We commenced our activity in September, 1967, spurred by several members of the Senate, who asked us, amid all the groups crying out against the U.S. bombing and fighting in Vietnam, "Where are the businessmen?"

We are executives and owners of American business corporations. The men in our group have great responsibility for management of wealth, operation of business, provision of employment, and an evergrowing concern and responsibility for our communities and our country.

My own business experience is in law and finance, and includes four years of service as Commissioner (two as Chairman) of the Securities and Exchange Commission, two as Assistant Secretary of the Navy for Financial Management, and ten in my present position as Executive Vice President of the United States Trust Company of New York (for whose official views I do not purport to speak on this occasion).

As executives and owners of American business, our numbers are small, but we notice an expansion of interest in our cause and an increase in our membership this year. As the War which America repudiated in 1968 continues full of fight through 1969, there is little evidence of progress in negotiations with the governments and fighting organizations involved on either side.

As business executives, we see the War as unwinnable. As financiers, we see the destabilization of our domestic and international finances that it has brought about.

As citizens in our home communities, we see the blight that its excess costs visits on us in curtailment of resources for housing, education, health facilities, mass transport facilities, and productive employment.

As taxpayers, we feel the burden of its cost—the surtax, recently re-enacted—and the proposed repeal of the tax credit for investment in capital equipment by which goods are produced and America is kept modern.

We see the enormous cost of restrictive monetary and fiscal measures, and the record high interest rates—7½% on U.S. Treasury Notes—and curtailment of availability of credit, with the resulting drastic curtailment of vital housing and other construction.

We feel the inflation, the monthly increases in the cost of living, steadily up half of one per cent a month, with no end in sight.

In my testimony before the Defense Sub-Committee of the Committee on Appropriations of the House of Representatives on June 9 (which appeared in the Congressional Record, June 18, 1969), I mentioned the destabilizing effect of the excessive Vietnam and other defense costs, and predicted that, if they continued, there might have to be direct wage and price controls and allocation of materials.

Several days later, the Secretary of the Treasury mentioned this possibility. After that, President Nixon said "no" to wage and price controls. But how else, except by curtailment of war spending, can inflation be curtailed? Tight money and surtax have not succeeded.

A wise leader of organized labor, George Meany, recently returned to the wage and price control theme. Neither he, nor the President, nor we Business Executives believe that that course would be good for America. The economics of the situation tell us that the Vietnam War should be ended now, in the vital interests of our free American society.

THE APPROPRIATION REQUEST FOR SOUTHEAST ASIA OPERATIONS

The Budget of the U.S., FY 1970, pages 73 and 74, states $23,025 million as recommended budget authority ("NOA") for "special Southeast Asia" and $25,733 million (including $336 million "economic assistance") outlays for special Southeast Asia in FY 1970, and military personnel in Southeast Asia, 639,000 in FY 1970.

Secretary of Defense Clifford's Defense Budget and Posture Statement, delivered to the Congress in January of this year, which has not been changed by Secretary Laird so far as we know, calls for the level of operations and personnel requested in the FY 1970 Budget document, for Southeast Asia. Nor do we know whether any budget changes have been made since the President's recent troop withdrawal decisions. We are advised that no action in the House Committee has yet been taken.

Business Executives Move for Vietnam Peace urge this Committee to reject the request for NOA of $23 billion and rescind obligational authority heretofore granted to spend $25.73 billion on the Vietnam War in FY 1970.

We urge this Committee to hand this request back to the Administration, and to require a new estimate based on a planned, phased, complete withdrawal from Vietnam of all U.S. forces beginning at once.

We do not have sufficient detailed data nor any staff to estimate precisely what this reduced amount should be. In view of the diverse considerations involved in such a withdrawal and the difficulty of making a precise estimate of its cost (recalling my own experience as Assistant Secretary of the Navy for Financial Management and Comptroller of the Navy), I believe that $12.5 billion is a prudent estimate of the cost savings that could have been achieved this fiscal year if a start had been made. As a quarter of the fiscal year has run, $10 billion is a prudent estimate of achievable savings in FY 1970 if the War ended now.

In his article in the October 1969 issue of "Foreign Affairs" magazine (p. 52), Representative Jonathan B. Bingham refers to "experts" who proceed "on the assumption that an end to the War might produce savings of about $20 billion annually after two years."

We Business Executives urge this Committee to start now, by cutting the appropriation.

THE VITAL INTERESTS OF THE UNITED STATES CALL FOR PEACE IN VIETNAM NOW

The U.S. has no vital strategic or economic interest in Vietnam. That tiny country is no threat to U.S. security. We continue to waste our resources—men and materials—there for no vital security reason.

The President recently said that the time for ending the Vietnam War is now. So let us begin with the appropriation, for the War cannot go on without the money taxed from our people and appropriated by the Congress.

We Business Executives see little progress on the military or diplomatic fronts. The U.S. stated conditions of peace is free elections in Vietnam, supervised by an international authority. We are business executives not diplomats by profession. But we believe that North Vietnam will not accept that condition, in the light of U.S. failure to follow through on the similar 1954 commitment. Peace will wait a long time if the U.S. waits for supervised elections—Western style—in that rural Asian country. What is needed is a broadening of the Saigon regime and then a true coalition government of all Vietnam parties to the conflict.

We believe that the only course that will bring this about is announced, complete, total U.S. withdrawal, beginning now. Only then will the recently narrowed South Vietnam Government be broadened. Only then will it have to enter into coalition and make peace.

President Nixon could be a great President if he would act to bring this about. Former President DeGaulle's withdrawal of French forces from Algeria led to a decade of French greatness. World opinion, of our allies, neutral states, the great leaders of the U.N., such as U Thant, and of religion, such as Pope Paul, would acclaim the President, should he do the same for the U.S. in Vietnam. Congress should spur him on, encourage him, support him, in his effort to end the War now.

We Business Executives are not encouraged by recent events.

Many of America's business leaders have lost faith in our country's ability to solve our problems. The Vietnam War keeps us from confronting the domestic crisis which has split the country. Young people cease to respect our generation when we offer them no way out of a useless, unwinnable war, but expect them to fight and die in it.

And what a terrible waste of our most vital national asset—our young men—it is, with 45,000 killed and missing, and 250,000 wounded, and the pace of casualties continuing well over a thousand a week. A country that alienates its most sensitive, highly trained, and productive youth is critically weak.

We Business Executives believe that the failure of our Government to take the necessary measures to end the War signals weakness. The recent decline of stocks and bonds in the securities markets—a drastic drop this year—directly reflects lack of confidence among businessmen and the investing public in the ability of our Government to end the War.

The Administration seems to pursue a two-faced policy on Vietnam. One face is set towards Hanoi. Secretary Laird stated in a recent interview in Time Magazine that the U.S. strategy is to reduce our forces in Vietnam to about 250,000 and keep them out of combat as much as possible to "quiet dissent".

With domestic opposition adequately "managed", the Administration seems to hope that it can convince North Vietnam that it is able to wait indefinitely for a peace offer that will be acceptable to the Thieu Government of South Vietnam. In other words, the U.S. will sit in Vietnam a decade or more waiting for the North and Vietcong to admit defeat. The other face we see in the news and on the television screen at home. That face tells us that the war is proceeding to an orderly solution. The withdrawal of a few troops, hints of progress at the negotiations, and a temporary suspension of the draft seem to be part of a carefully orchestrated plan to convince Americans that we are on the track towards a rapid end of the War.

We Business Executives doubt that this strategy can end the War and thereby help cure inflation and the other adverse economic consequences of the War. The Administration's strategy fails to confront the three stubborn central facts:

1. There can be no negotiated settlement unless the present Saigon government is significantly broadened. In recent weeks it has been narrowed and the hold of General Thieu and the other military leaders has been strengthened.

2. Troop withdrawals have little overall significance unless they are rapid and deep. General Thieu has said publicly that his government cannot survive if the rate of withdrawal proceeds at any faster pace.

3. As long as U.S. policy continues to underwrite the Thieu regime and insists upon a settlement that the South Vietnam generals will accept, North Vietnam and the NLF are furnished no inducement to make peace, and have no alternative but to continue the War.

Business Executives appeal to the Congress to end this stalemate. The making of War is Congress's responsibility.

The Congress has the power to "lay and collect taxes", "to provide for the common defense", "to raise and support armies", and "to declare war" (none has been declared against Vietnam). U.S. Constitution, Article I, Section 8, "Powers of the Congress".

The President is "Commander-in-Chief of the Army and Navy" and "shall from time to time give to the Congress information on the state of the union and recommend to their consideration such measures as he shall judge necessary and expedient". Article II, Sections 2 and 3.

Constitutional responsibility for the War clearly falls on the Congress.

The decisions of the Congress on whether to continue the Vietnam War will have vital implications for the future. If the Congress says "no" to continuing the War, and denies the appropriations for it, free enterprise in a free economy will survive and prosper in America.

So we, Business Executives Move for Vietnam Peace, urge the Congress to review the Defense Posture and Budget for FY 1970 and revise the Budget so as to cut out the appropriations with which to continue the Vietnam War. We urge this in the vital interests of the United States.

BOARD OF EDUCATION, LEE COUNTY, S.C.

AMENDMENT NO. 229

Mr. **PROXMIRE**. Mr. President, as we all know, for many years the distinguished former Senator from Oregon, Wayne Morse, used to rise on the floor of the Senate and object to bills which would give away Federal land without compensation. Senator Morse is no longer a Member of this body, but the validity of his point, I think, is just as strong as ever. For that reason, I am concerned about a bill that is now on the calendar, and that I understand is about to be acted upon.

So I send to the desk an amendment to that bill, H.R. 9946, a bill which would convey to the Board of Education of Lee County, S.C., the Federal Government's reversionary rights in certain tracts of land.

The land involved was originally conveyed in 1945 by the United States to the South Carolina Department of Education. The conveyance was free of cost to South Carolina on the condition that the property would be used for educational purposes, but the United States retained the right to reclaim the land if the property was put to some other use. The Lee County, S.C., Board of Education put up a grade school on the property in 1953.

In order to comply with recent school desegregation decisions, Lee County now intends to construct a new high school on this property and presumably the old grade school would be torn down. Naturally, I am delighted to know of these efforts to implement integration in South Carolina's public schools. However, the board of education has informed the House Agriculture Committee that it will not be able to float the construction bonds for the new school as long as the United States right to reclaim the land—if not used for education—is superior to the rights of the mortgagees who will put up the construction funds.

Frankly, Mr. President, I am at a loss to understand why Lee County is unable to find mortgagees who would not insist on a disavowal by the United States of its legitimate rights to this land. The money is being put up to finance a school. As long as a school is on the land, the Federal Government has no right whatsoever to reenter and reclaim the land. The county stands behind the bonds, and the reverter can be kicked off only if the county reneges on its covenant with the Federal Government.

Mr. President, I am unaware of any other instance in which the Federal Government has been compelled to give up its rights at the insistence of private financiers. To do so, as H.R. 9946 would have the Government do, would represent a clear violation of the terms of the Federal Property and Administrative Services Act, which stipulates that Federal property may be conveyed without cost only if the property is to be used for school purposes. If it is used for some other community purpose—such as park or recreational use—the act stipulates that the purchase price shall be 50 percent of the fair market value of the land. Of course, if some private or industrial use is to be made of the property, a full 100 percent of fair market value is to be paid. This is the requirement of the "Morse formula."

Now we are asked to abrogate this time-tested formula by enacting H.R. 9946. Mr. President, I cannot consent to depriving the taxpayer of what right-

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fully belongs to him. Having conveyed this property free of cost, the Federal taxpayer is entitled to assurance that it will be used for educational purposes. This Senator, for one, serves notice that the Morse formula is still valid, and will be applied in the future.

However, Mr. President, I do not wish to stand in the way of integration. Accordingly, to insure that funds for the new school will be available, I hereby propose an amendment to H.R. 9946 which would subordinate the reversionary rights of the United States to the rights of the mortgagees on this property. The amendment reads as follows:

> On page 1, beginning in line 5 with the word "a" strike through the word "to" in line 9 and insert "an agreement subordinating all right, title, and interest of the United States of America in and to the land hereinafter described to a lien or liens to be executed by the said Board of Education of Lee County, South Carolina, its successors or assigns for the financing of consolidated public school improvements on the said land, which consists of"

My amendment would not unconditionally release the reversionary rights of the United States to this land. It would, however, insure that the necessary funds would be available to construct the new school. If this amendment is adopted to H.R. 9946, I would have no objection to the bill's passage.

We have discussed the amendment with the staff of the Senate Committee on Agriculture and Forestry. I am very hopeful that the Senators from South Carolina will agree to the amendment so that we can act on the bill for the benefit of the people of South Carolina.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed and will lie on the table.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

THE THREAT FROM GERMAN MEASLES

Mr. TYDINGS. Mr. President, it is a sad commentary on our society that we seem unable to provide some 50 million children throughout our nation with vaccine protection against German measles.

Rubella, as German measles is known, is itself a mild disease. However, it may cause serious impairment to an infant if contracted by a mother during the early months of her pregnancy. Unless adequate precautions are taken against the disease, children can be born blind, deaf, or with heart and brain defects.

During the 1964 outbreak of German measles, 2 percent of the children born in Maryland were adversely affected. Fifteen hundred children in our State were born with physical defects.

With rubella the cost in human suffering is thus great. The cost of medical treatment and special education is of course tremendous.

Fortunately, there is now a new and safe vaccine to protect against German measles which has been recently licensed by the U.S. Public Health Service.

According to a letter I recently received from Dr. William J. Peeples, commissioner of the Maryland State Department of Health, Maryland has approximately 930,000 children in the 1-to-12-years age group who should receive this vaccine now. Action is underway to provide these children with immunization during the coming school year. Yet, to meet Maryland's needs will cost $1,311,300. This is slightly more than $1 per child.

At this time the Federal Government through its immunization project grant can only furnish enough rubella vaccine to protect less than 8 percent of the Maryland children who need it. State and local governments will be unable to make up the difference.

The Subcommittee on Health is now considering legislation to provide additional Federal financial support for rubella control and other communicable diseases control programs. S. 2264 authorizes $60 million for fiscal year 1970 and $75 million for fiscal year 1971 to reaffirm and increase our nationwide effort to provide protection against communicable diseases.

The proposed legislation has my full support.

Unfortunately, it does not have the support of the administration. Testifying before the subcommittee, Dr. William Stewart, Surgeon General of the United States, and then Acting Assistant Secretary of the Department of Health, Education, and Welfare, stated that present grant authorizations are already adequate to cover the purposes of S. 2264 and that the administration is opposed to the proliferation of categorical grant programs.

I can understand Dr. Stewart's desire for administrative efficiency but am deeply disturbed by the administration's apparent insensitivity to the health of our children. The information I have from Dr. Peeples indicates that the present authority is not adequate and that S. 2264 is urgently required.

I have therefore written the President, urging him to reconsider the administration's position on S. 2264.

Surely we all have the health of our children foremost in our minds. Nothing should stand in the way of our efforts to insure that our children are vaccinated against rubella and that German measles no longer constitute a health danger.

In a democratic society that prides itself on technological skill and humanitarian concern, anything less is sheer hypocrisy.

I ask unanimous consent that Dr. Peeples' letter to me and my own to the President be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 8, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to urge the Administration's support for S. 2264, which authorizes $60 million in fiscal year 1970 and $75 million in fiscal year 1971 for communicable disease control programs.

I am concerned by our failure to have on hand sufficient vaccine to protect our children from the expected nationwide epidemic of German measles. S. 2264 would provide funds to acquire this vaccine and ensure that children born during the epidemic do not suffer the physical defects that German measles may bring.

According to Dr. William J. Peeples, Commissioner of the Maryland State Department of Health, approximately 930,000 children in Maryland should be vaccinated at this time. Yet present federal assistance to the state will cover only 8% of these children. The state and local governments will be unable to make up the difference.

On June 30, Dr. William Stewart, Surgeon General of the United States and then Acting Assistant Secretary of the Department of Health, Education and Welfare, testified against enactment of S. 2264. Dr. Stewart stated that present grant programs are sufficient to cover the German measles threat and that the Administration is opposed to the profit of categorical grant programs.

In view of the information given me by Dr. Peeples, I urge you to reverse the position stated by Dr. Stewart and place the Administration in full support of S. 2264.

I know you share with me the view that our nation, which prides itself on scientific advancement, must no longer permit children to suffer from diseases for which there are effective vaccines.

With best wishes,
Sincerely,

JOSEPH D. TYDINGS.

STATE OF MARYLAND,
DEPARTMENT OF HEALTH,
Baltimore, Md., September 23, 1969.

Hon. JOSEPH TYDINGS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: A new safe, effective vaccine to protect against German measles has been recently licensed for general use by the U.S. Public Health Service. The vaccine arrives at a time when health authorities predict an imminent nationwide epidemic.

Although rubella (German measles) is a mild illness, it may cause serious impairments to the infant if contracted by his mother during the early months of her pregnancy. The results of the most recent outbreak of German measles in 1964 were devastating. It is conservatively estimated that 2% of the children born in Maryland during that year were affected. These 1500 children were born with such problems as deafness, cataracts, mental retardation, or heart defects. Many of them were undersized and failed to grow normally. The costs in terms of human suffering is difficult to evaluate. Nevertheless, we do know that the cost of medical treatment, special education, and institutionalization will be tremendous.

The Sub-Committee on Immunization Practices of the Medical and Chirurgical Faculty of Maryland composed of representatives of the State and local health departments and of the private medical community has recommended that the vaccine be used for children between 1 and 12 years. This is in agreement with the recommendations of the Public Health Service Advisory Committee on Immunization Practices. It is hoped that by immunizing this age group

first we can stop the chain of transmission to the pregnant woman thereby decreasing the threat to the unborn child.

There are in Maryland approximately 930,000 children in the 1–12 year age group who should receive this vaccine now. Programs are being planned in Maryland in cooperation with the private medical community to immunize these children during the coming school year. But the cost of the vaccine alone without considering its administration will be a staggering $1,311,300.

At this time the Federal Government through the Immunization Project Grant can only furnish enough rubella vaccine to immunize less than 8% of the children in Maryland in the 1–12 year age group, many of whose parents cannot afford to purchase private medical care. The State and local subdivisions will be able to supply a limited amount of funds for the purchase of vaccine in addition to the large expenditure for personnel to plan and execute these rubella immunization programs.

However, there is currently a bill before the Senate, Senate Bill 2264 which requests federal funds for the Public Health Service Immunization Program. If such a bill is passed, more monies will then be available to purchase additional rubella vaccine for Maryland's children. I urge your support of this important legislation.

Sincerely,

WILLIAM J. PEEPLES, M.D.,
Commissioner.

STATEMENT BY RAND CORP. STAFF MEMBERS ON WITHDRAWAL OF TROOPS FROM SOUTH VIETNAM

Mr. CRANSTON. Mr. President, the New York Times contains an article written by its west coast correspondent, Steve Roberts, reporting that six Rand staff members, "all of whom have done research on Vietnam for the Federal Government, have urged the United States to make a unilateral withdrawal of its troops from South Vietnam within a year."

This declaration by Rand scholars is one more piece of important evidence of the nationwide disgust with our present course in the Vietnam war. Their conclusion—"an unconditional pullout was the only feasible alternative open to Washington"—matches much of our thinking within the Senate.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIX RAND EXPERTS SUPPORT PULLOUT—BACK UNILATERAL STEP WITHIN 1 YEAR IN VIETNAM

(By Steven V. Roberts)

SANTA MONICA, Calif., October 8.—Six staff members of the Rand Corporation, all of whom have done research on Vietnam for the Federal Government, have urged the United States to make a unilateral withdrawal of its troops from South Vietnam within a year.

In a letter to The New York Times, the six said, "Such disengagement should not be conditioned upon agreement or performance by Hanoi or Saigon—i.e., it should not be subject to veto by either side."

The six said that they were acting as individuals, not as employes of Rand, a nonprofit research corporation established by the Air Force in 1946. The corporation is now independent but still does 76 per cent of its work for the Defense Department.

The letter, written by men of considerable expertise who normally shun publicity, provided new impetus to the growing public demand for swift disengagement from Vietnam.

TWO YEARS IN SAIGON

Under contract to the Pentagon, the six have studied subjects ranging from the effectiveness of bombing North Vietnam to the interrogation of enemy prisoners. One of them, Daniel Ellsberg, spent two years working for the State Department in Saigon before joining Rand.

The group includes experts on Russia, China and Japan. One signatory, Melvin Gurtov, is the author of a forthcoming book on the future of American policy in southeast Asia. The other signers are Oleg Hoeffding, Arnold L. Horelick, Konrad Kellen and Paul F. Langer.

The letter writers concluded that negotiations could never bring peace to Vietnam and that an unconditional pullout was the only feasible alternative open to Washington. As one of the group commented: "Unilateral withdrawal is now respectable."

The letter listed four reasons, "apart from persuasive moral argument," for rapid American withdrawal:

"No. 1. Short of destroying the entire country and its people, we cannot eliminate the enemy forces in Vietnam by military means; in fact, military victory is no longer the U.S. objective. What should now also be recognized is that the opposing leadership cannot be coerced by the present or by any other available U.S. strategy into making the kinds of concessions currently demanded.

EXAGGERATION IS FOUND

"No. 2. Past U.S. promises to the Vietnamese people are not served by prolonging our inconclusive and highly destructive military activity in Vietnam. This activity must not be prolonged merely on demand of the Saigon government, whose capacity to survive on its own must finally be tested, regardless of outcome.

"No. 3. The importance to the U.S. national interests of the future political complexion of South Vietnam has been greatly exaggerated, as has the negative international impact of the unilateral U.S. military withdrawal.

"No. 4. Above all, the human, political and material costs of continuing our part in the war far outweigh any prospective benefits, and are greater than the foreseeable costs and risks of disengagement."

DISASTER IS DENIED

The North Vietnamese, the letter continued, have shown extraordinary "resiliency, determination and effectiveness even under extremely adverse conditions." Any hope that the enemy is weaking is "erroneous," it went on.

Moreover, the letter said, the North Vietnamese would never accept a settlement that "implied recognition of the authority of the Saigon government."

"Thus to make the end of U.S. involvement contingent upon such concessions is to perpetuate our presence indefinitely," it declared.

Unilateral withdrawal, the letter insisted, would not necessarily have the disastrous consequences predicted by supporters of American policy. Withdrawal could even produce "desirable political changes in Saigon" by eliminating support for a regime not backed by a majority of South Vietnamese and by allowing a "cohesive national consensus" to emerge.

The theory that a massive military effort in Vietnam would prevent "proxy victories" by the Soviet Union or Communist China "has long since been discredited," the letter added.

"Moreover, we regard the Vietnamese insurgency as having special characteristics that cannot be considered typical of or exerting decisive influence on other revolutionary movements in Asia or elsewhere," the letter said.

"We do not predict that only good consequences will follow for Southeast Asia or South Vietnam (or even the United States) from our withdrawal," it declared. "What we do say is that the risks will not be less after another year or more of American involvement, and the human costs will surely be greater."

DIRECT ELECTION OF THE PRESIDENT

Mr. CURTIS. Mr. President, one of the most outstanding and scholarly lawyers of Nebraska is Mr. Clarence A. Davis, of Lincoln. As a very young man, Mr. Davis carved out a brilliant career as attorney general of Nebraska. He has in a true sense been the "lawyers' lawyer." He is well known among the good leaders who make up the leadership of the American Bar Association.

Mr. Davis served during the Eisenhower administration as Solicitor of the Department of the Interior. Later, he was Under Secretary.

Mr. Davis has written an article entitled "Direct Election of the President." The article was published in the Nebraska State Journal of October 2, 1969. Mr. Davis' arguments call attention to some questions to which the proponents of direct election have no answer.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIRECT ELECTION OF PRESIDENT

(By Clarence A. Davis)

Do you want to have your vote for President nullified by a tombstone in Chicago, a vacant lot in Philadelphia, or by repeat voting of a Bowery Bum? If you don't, you better wake up to what this attractive sounding campaign for the direct election of president really means, for it may destroy your vote and end up destroying the American republic.

It minimizes the influence of the smaller states like Nebraska in their voice in the selection of a president. It opens the door towards turning this country into a vast democracy instead of a republic of sovereign states which its founders intended it to be.

Most of us were taught in grade school of the remark of Benjamin Franklin at the close of the Constitutional Convention in which he told excited inquirers: "We have given you a republic if you can keep it." Well, we are about to lose it, and lose it because of a very attractive sounding slogan which covers the ultimate destruction of our political system as we have known it.

This all grows out of the attack being made on the electoral college system. We have never voted directly for the President, but have voted for electors who later met and actually voted for the president. Each state has a definite number of electors.

This is being attacked as secondhand voting. The cry is raised that these electors have the power to vote for Joe Doakes instead of for the man who carried the state; that they are open to corruption and every other abusive charge that power greedy minds can imagine.

HOUSE DECIDES

If the electors do not have a majority for any one man, the election goes into the House of Representatives. The entrance of George Wallace into the Presidential picture is used as a horrible example of what might happen. If George Wallace had gotten, for instance, 30% of the votes and the votes had been more or less evenly divided between Nixon

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and Humphrey, the election would have gone to the House.

There is much wailing over this possibility, but in almost 200 years it has happened but once. In the same long period of years, as thousands of electors of the various states have met every four years to elect a president, there are only five instances where an elector failed to vote for president for the man who carried his state and even in those cases, he voted for a responsible man who might hava become a satisfactory president.

But the cry is that we must elect the president direct and that sounds attractive. I suppose if I stopped 100 people on the street someday and asked each of them, "Don't you think you ought to vote directly for the President of the United States?", probably 95 of them would say "Sure, of course" without any thought of the consequences which flow from this innocent statement.

The proposal is that we elect a president by direct vote of all of the people of all the United States. That sounds attractive. But it will not bear the light of day. It has the practical effect of turning over the control of the country to four or five large population centers and nullifying the votes cast in almost half of the states.

For instance, in last year's election Massachusetts gave Humphrey about 600,000 majority. Eleven western states, totals combined, voted for Nixon with a total majority that did not exceed that 600,000. So, the votes of all of Nebraska and most of its neighboring states would have been completely nullified by the large majority in Massachusetts, not to mention New York, Pennsylvania, or California.

I suspect the Daley machine in Chicago can turn in enough votes for its candidate to nullify the votes of the entire Mississippi and Missouri Valley. Hence, the opening sentence of this piece.

Under the present system, Nebraska is always assured of at least three votes in the Electoral College; other states differ according to increasing population, but at least they are states and they have a voice, which voice is entirely obliterated by the system of direct election.

FEDERAL CONTROLS

Furthermore, it is impossible to go to the system of direct voting without that being followed by other federal controls of our elections, and what other things I know not. But if we are to have direct election of presidents, we obviously will have to have federal election laws covering the times and places of voting, qualifications of voters, and the enforcement of election laws.

We clearly would have to set up a federal bureau of elections to hold and supervise all presidential elections. We would have to have federal clerks, federal counting boards, federal snoopers, and I suspect we would end up with not less than 25,000 additional federal employees to run our elections. We will have federal inspectors and federal clerks of election, federal counting boards in every county and sizable municipality within the United States.

It is a small wonder that we have now some five to six million federal employees and they have all grown out of just such innocent sounding phrases as direct election of presidents.

Furthermore, we would have obliterated the voice of the states in the selection of presidents. State lines would mean nothing and the candidates would obviously confine their campaigns to the vast metropolitan areas which, under this system of pooling of votes, would control the elections completely. The remaining states, for practical purposes, are disenfranchised and of no real consequence.

It is easily possible to secure a large enough majority in New York, Boston, Philadelphia, Chicago or Los Angeles to elect a president regardless of the wishes of the rest of the country. I for one am not yet ready to suppress the voice of large areas of this country and with it the great resources that comprise most of the western United States, and turn the control of this country over to the large metropolitan areas which of all areas in our country have shown the least capacity for good government.

The operation of such a plan, obviously, would require a federal compilation of voter lists. In other words, a list of all citizens entitled to vote. And once we have started down this road, how long will it be before there is a movement for a nationwide federal referendum on the acts of Congress utilizing these same federal voting lists; and how long before we will have initiative proposals from these same voting lists; and how long will it be before there will be a campaign to the effect that these little states are not entitled to two senators but senators should be proportioned to the number of voters in the state?

In other words, do we change the basic government of the United States of a republic of sovereign states into a nationwide democracy knowing that every attempted pure democracy throughout history has sown the seeds of its own destruction?

But it is said the electoral college has a couple of weaknesses, so we burn down the barn to get a couple of rats. On the contrary, we could prevent those weaknesses by electing the members of the electoral college by congressional districts compelled by law to vote as their district voted, without losing the identity of the states or the areas within the states or permitting them to be engulfed by the votes of metropolitan areas which in turn would perish in 30 days if Nebraska and small states didn't feed them.

ELECTION CONTESTS

And what about election contests? Do we tie up the whole question of who is elected president because somebody starts an election contest in Texas or Chicago? Under the present system at least, that contest only affects the result of that particular state and the rest of the nation can proceed normally. But a contest in New York or Chicago with their millions of votes under the direct election plan can tie up the whole election of a president of the United States?

Suppose a total recount was called for. The term of the President could expire before that could ever be completed. Admittedly there is localized fraud or at least irregular voting in many of our large cities regardless of political party, but the localized fraud can only affect the vote of that particular city or that particular state. Under a national totalizing system it can infect the whole country.

To become effective, of course, as an amendment to the federal constitution, this plan must have the approval of two-thirds of the Senate and of two-thirds of the states. I would assume it would never get that approval. I would assume the senators from the smaller states would protect their constituents by voting 'no,' and I certainly would suspect that the legislatures of those states are not about to nullify the votes of their citizens by acquiescing in the domination of metropolitan areas.

But you never can tell. Last week I was horrified that the House of Representatives did pass exactly this measure for the direct election of president and even Congressmen who should know better fell for the glamour of the catch phrase.

This direct election of president business is a perfect example of Madison Avenue type advertising designed to catch the unwary in the net of the wily big city politicians and the intellectual theorists and the enemies of the republic.

THE FIFTH ANNUAL CONFERENCE OF SOCIALIST SCHOLARS: THE "TOTAL BREAK WITH AMERICA"

Mr. DODD. Mr. President, the fifth annual conference of Socialist scholars took place on September 5 to 7 at Hofstra University, Hempstead, N.Y.

Although the evidence is that the conference of Socialist scholars has from the beginning functioned as an intellectual braintrust for the revolutionary left in this country, for some strange reason the conference was not covered by our daily or periodical press.

For the facts about this conference, I feel that we all owe a special debt of gratitude to Mrs. Alice Widener, the distinguished editor of U.S.A. In her closing remarks Mrs. Widener points out that for the fifth time in succession she was "all alone among members of the nonradical press in reporting on the annual conference of the Marxist braintrust in America."

One can only wonder why this should be.

A few quotations from some of the statements made at the conference should be enough to establish that what we are dealing with here is not a Fabian Socialist study group, committed to evolutionary change in the tradition of moderate socialism, but a revolutionary action organization committed to the total destruction of our society.

Mr. Martin Jay, a teaching fellow in social science at Harvard University, told the conference for example:

> Our movement is a movement which, in effect, is a total break with America.

Mr. Robin Blackburn, editor of the New Left Review of London, who was a guest of honor at the conference, called for the overthrow of "the hegemony of bourgeois culture and creation of a genuinely revolutionary counterculture."

He said:

> Such a culture is impossible to achieve without the violent overthrow of the capitalist regime.

And he added to this the thought:

> If the revolution is a complex totality, so must be the revolutionary party.

Mrs. Widener in her report on last year's Socialist scholars conference pointed out that the so-called scholars regard students "as the detonators for setting off revolutionary explosions." She said that the conference was now moving into phase 2 of its operations: "a phase in which they would take Students for a Democratic Society—SDS—out of undergraduate leadership, would fragment the student movement and merge it into a much more sophisticated, better disciplined, more militant international Marxist-Leninist apparatus, and would seek to overthrow capitalism in all the advanced industrial nations."

Mr. President, with Mrs. Widener's permission, I ask unanimous consent to have printed in the RECORD the complete text of her report on the Socialist scholars conference. I also ask unanimous consent to have printed in the RECORD the text of a letter which I wrote to the Director of Internal Revenue, asking how an organization committed to the violent

overthrow of our society could enjoy tax deductibility.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE TOTAL BREAK WITH AMERICA

(By Alice Widener)

Openly proud of their rapid progress toward destruction of our American way of life, the Socialist Scholars—Marxist revolutionary braintrust in our country—gathered together at Hofstra University, Hempstead, New York, September 5–7, to hold a Fifth Annual Conference.

Even if broadcasting networks' television cameras had been grinding and wire service reporters had been taking notes at the conference panel discussions, which they were not, no Socialist Scholar would have minced words this year about his real revolutionary role in "the movement."

Members of the tax-exempt Socialist Scholars Conference (SSC) know they have no effectively organized anti-socialist or anti-revolutionary opposition in our country today. They knew in 1965, when they formed the SSC, that their intellectual foes had been disarmed by the accusatory slogans "McCarthyism" and "Red-baiting" and "witch-hunt"; the Socialist Scholars knew too that the U.S. Department of Justice had been disarmed legally by a series of decisions favorable to Communists handed down by a Warren Court practicing lax interpretation, not strict construction, of the First and Fifth Amendments to our Constitution.

Also, the Socialist Scholars are certain this year, as they have been during the last five years, that almost nobody among the bewildered majority of Americans asking "How do they get that way?" about violent young revolutionaries in the United States, France, Japan, Mexico and other countries, would come up with the only correct answer: "Because they were taught that way."

So why should the Socialist Scholars mince words?

They didn't.

Take Socialist Scholar Martin Jay, for example, at present a Teaching Fellow in Social Science, School of General Education, Harvard University. He told a large audience of Socialist Scholars and radical students in the Multipurpose Room, Student Center, Hofstra University, during a morning panel session, Friday, September 5: "Our movement is a movement which, in effect, is a total break with America."

DEAR HERBERT

The topic of the SSC panel discussion in which Martin Jay took part was "Marcuse [Herbert]: His Works and Influence." The other panelists were Ronald Aronson, Assistant Professor of Humanistic Studies, Wayne State University; Paul Breines, University of Wisconsin, and Stanley Aronowitz, columnist for the radical news-weekly *Guardian*.

The very long paper presented by Ronald Aronson was in the form of an open letter headed "Dear Herbert." It shows precisely why Prof. Herbert Marcuse of the University of California at San Diego, a Socialist Scholar and author of "One Dimensional Man" and "Eros and Civilization," is the internationally recognized intellectual mentor of "Red" Danny Cohn-Bendit, who played a key role in the 1968 May-June rebellion in France, and of "Red" Rudi Dutschke in West Berlin. Ronald Aronson's paper shows too, in a most vivid, personal way, why and how Marcuse, an Old Leftist, has become the intellectual idol of the so-called New Left in influencing youths toward anarchism and hedonism.

For the Second Annual Conference of Socialist Scholars in 1966, Herbert Marcuse, then 70 years old, wrote a paper saying "the Marxian idea of socialism is not radical enough." He wrote to the Socialist Scholars, "We must develop the moral-sexual rebellion of the youth."

Marcuse's pupil, Ronald Aronson wrote in the paper he delivered at Hofstra University, September 5, 1969:

"DEAR HERBERT: . . . I want to begin by emphasizing that for myself and a few friends, studying with you was one of the decisive experiences of our lives. Your thought, personality, style of teaching and writings were overpowering . . . you helped us to take our stand in Western thought and still be Marxists . . . You introduced us to a perspective which was new and revolutionary, which made sense of our lives and helped us find our way as radicals. . . .

"You were never humble, and for that I thank you . . . No wonder we felt dominated by you. No wonder we argued after every class about what you meant, read and discussed your books as soon as they came out, quoted you against each other, made 'What would Marcuse think?,' our major intellectual principle."

Pursuing the Marxist-Leninist policy of "criticism and self-criticism," Ronald Aronson then took Marcuse apart in order to put him together again, attacking and supporting his theories, exposing faults and excusing them, discrediting him and justifying him. To the uninitiated listener, such "yes-no" argument is confusing; to the informed one, who knows Marxism, it is lucid. "But, strange to say," writes Aronson to Marcuse, "this weakness is also your strength. The 'good' aspects of your writing cannot be rescued by throwing the 'bad' overboard. To spell this out is to locate the historical place and limits of your thought—and experience."

Any non-Marxist who is appalled at or mystified by the anarchism and violence of revolutionary youth in our country and abroad, need only read Ronald Aronson's own account of his own life in the paper "Dear Herbert" to gain full understanding. Rhetorically, Aronson asks how it is possible for him to be himself "and live in America." Answering himself, he writes, "The only answer that makes sense to me is this: creating my dientity *and* becoming political. Being myself *and* in opposition. Seeing revolution as the way to liberate us all to live a life that is truly our own." He continues:

"What a leap I just took! A whole account of a life-search which doesn't once mention politics, and suddenly I proclaim the necessity for revolution."

He then calls on scholars to write a study—written "as Marx did"—to show "that fully-developed capitalism is necessarily totalitarian. . . . I mean that the corporations' pursuit of profits through the mass production and sale of commodities has spread to every geographic area, every inch of land, every population subgroup, every activity, every hour of the day."

Do American university presidents, corporation heads, government leaders and communications media executives really want to know how middle class American youths become violent anarchists wanting to bring down the system?

It is not possible to find an explanation more specific than that given in the following verbatim quotation from Professor Ronald Aronson's paper "Dear Herbert" presented to the Fifth Annual Conference of Socialist Scholars at Hofstra University, September 5, 1969:

"Only the sense of a wholly new way of life will do, the demand to be radical—myself—in working, in loving, in thinking, in feeling, in eating, in joking. Anything which separates me from myself oppresses, whether it comes from America or its radical opposition. Not only Nixon's patriotism oppresses, but also the idea of any community over the individuals. Not only bourgeois morality, but any morality which imposes thoughts from the outside. Not only the idea of self-sacrifice for a class society, but any kind of self-sacrifice for a cause beyond me. Not only the middle class postponement of pleasure, but any postponement of pleasure, coming from any source. Not only guilt about not fighting for my homeland, but also guilt of any sort, even towards black people. Not only middle class role playing is outrageous—but any kind of role playing, even the role of radical intellectual or heavy politico. I have become a revolutionary because America, while willing to sell me everything, won't let me be myself. Should I give up this or that part of myself to oppose America?

"Do you see now? It's not politics that are at stake, or my ideas. My whole being is at stake. To reclaim a part of it I have to reclaim it all—otherwise I'm just playing the game. I don't have the feeling of America slowly closing in on me, the need to retreat to some small corner in order to keep mankind's hopes alive. Even 'mankind' is just another oppressive phrase to me; just another abstraction threatening to suffocate me. My experience is of being lost in the Smiling sick sea and of need to Wrench myself out step by step; my need is to avoid and destroy all of Their categories in my life, to reject bull ——— in all its disguises, to let America have none of myself, to get whole, and to become a guerrilla."

ACADEMIC LICENSE

Does our American Constitutional First Amendment prevent Michigan taxpayers from trying to protect youth at Wayne State University from indoctrination by an Assistant Professor such as Ronald Aronson? Are the Governor of Michigan and regents and administrators of Wayne State University under the same illusion as were their counterparts in New Jersey in 1965? That is, do they really believe that a radical socialist professor or instructor seeking the overthrow of our capitalist system can keep or is willing to keep, his own "political beliefs" separate and apart from his classroom teaching?

Let's take a look at the Socialist Scholar's record:

In 1965, New Jersey State Senator Wayne Dumont, Jr., called for the removal from the Rutgers University faculty of Professor Eugene D. Genovese for having declared at a Rutgers campus "teach-in" on Vietnam, April 23, 1965, "Those of you who know me know I am a Marxist and a Socialist. Therefore, unlike most of my distinguished colleagues here this morning, I do not fear or regret the impending Viet Cong victory in Vietnam. I welcome it."

Largely on the assertion strongly put forth by Prof. Genovese and his defenders that his campus teach-in remarks were not made in a classroom, and that his campus political life and personal views were one thing, his academic classroom role another, the Governor of New Jersey declared, August 6, 1965, that "however offensive" was Genovese's statement, it did not constitute grounds for dismissal.

A month later, Prof. Genovese told the First Annual Conference of Socialist Scholars (McMillin Theater, Columbia University), "we must exert the moral leadership we are prepared to give young radicals. . . . The political separation—activitist and academician—is a matter of convenience. *That, we all know.*"

Now in 1969, the Socialist Scholars—among whom Ass't Prof. Ronald Aronson of Wayne State University is a leading member—are so confident of being able to play their real campus role with total immunity that they have formally abandoned the "convenience" of professing to separate their political and classroom activities.

The official invitation to the Fifth Annual Socialist Scholars Conference, issued May 1969, stated the organization is expanding its functions by recognizing that "any socialist organization—even one limited to intellec-

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tual work—is a political organization." The official SSC program for the conference at Hofstra University states:

"When the SSC was founded five years ago its declared purpose was to 'bring socialist scholars together in order to stimulate analysis, theory and criticism.' . . . the organization welcomed all who call themselves socialists . . .

"During these years . . . the need for an expansion of purpose and function has been general. . . . The SSC now seeks to provide an organizing focus for the effort to identify and establish the intellectual's role in the development of a socialist culture. . . .

"An expanded definition gives rise to additional activities."

One of these activities will be inexpensive reproduction and distribution of SSC papers in pamphlets "for assignment in the college classroom materials written from an explicitly socialist perspective . . ."

There you have it.

Sure of immunity, the Socialist Scholars no longer need the "convenience" of dissimulation concerning aims, methods and acts. They no longer need to put on a false front of academic objectivity; they no longer need to pretend that there is a separation between activities off-campus and on-campus, out-of-classroom and in-class.

Ronald Aronson's "Dear Herbert" probably will become a classroom assignment for students taught by Socialist Scholars who—as listed in the 1969 conference program—have infiltrated or penetrated the faculties of Wayne State University; University of Wisconsin; Harvard University; University of Maryland; Washington University; New School (for Social Research) New York City; Boston University; Hofstra University; John Jay College; McGill University (Montreal, Canada); Douglass College; Massachusetts Institute of Technology; University of California; Long Island University; Essex County College; University of Pennsylvania; State University of New York at Stonybrook; Amherst College; Yale University; Federal City College; Brandeis University; Richmond College, City University of New York; Brooklyn College.

THE MIND BLOWERS

Doubtless students studying with Socialist Scholars at the foregoing academic institutions, and dozens of others, will be given a classroom assignment to study Ronald Aronson's maxim that "revolutionaries need to engage the whole person; his activity, his imagination, his sense of lost hopes. Not tracing the structure of capitalism, but blowing people's minds."

That's what the Socialist Scholars are all about—blowing people's minds, and especially young people's minds. At SSC panel sessions, the devastating path of the intellectual hurricane blowing thousands of young American victims into a mindless culture of drugs, obscenity, pornography and anarchy was as discernible as the weather map path of hurricane Camille on its way to destroy Gulfport, Biloxi and Pass Christian.

At a September 5 panel session on "The Student Response to the American Century," Socialist Scholar James O'Brien of the Univeristy of Wisconsin traced the historic development of American socialism in this century, praising all socialists, regardless of faction, for the role they played in trying to destroy capitalism, from Walter Lippmann of the Intercollegiate Socialist Society (Harvard, 1913) to Mark Rudd of Students for a Democratic Society (Columbia, 1968); from John Dewey, author of "progressive education" to Herbert Aptheker of the present Communist Party, U.S.A. and Institute of Marxist Studies; from the late Norman Thomas, of the Socialist Party and Social Democratic Federation, to Michael Harrington, author of "The Other America" and a present leader of Americans for Democratic Action. All socialists—Communist, Trotskyite, Democratic, Christian or Maoist—have made invaluable contributions to the downfall of middle class ("bourgeois") culture and impairment of the American corporate structure, explained James O'Brien. Had his historically accurate paper been written by an anti-socialist, it probably would have been shouted down by the Socialist Scholars as a guilt-by-association tale told by a "McCarthyite" or "Bircher."

THE DEATH PERIOD

In commenting on his own paper, James O'Brien boasted, "Capitalism is in its death period, and some progressive capitalists acknowledge it."

Indeed some do, even as some wealthy German, French and British capitalists, Catholic, Protestant and Jewish, backed National Socialist Adolph Hitler during the early 1930's, hoping to ride on the crest of "the wave of the future."

In our country today, there are many "progressive capitalists" financing socialist attacks on our great corporations, the furnishers of essential services and the producers of consumer goods—from ethical pharmaceutical drugs to insecticides, from cigarettes to lipsticks, from automobiles to transistors, from computers to television sets and toys.

It is true that no human institution is faultless; and our great business corporations are not; but muckraking against American business always has been a socialist business, and from it sprang the current fad for "consumerism" which had its origin in the Communist-organized subversive Consumer's Union founded in 1935. It remained under Communist control until 1953, when changes in personnel were made and the organization was removed from the House Committee on Internal Security list of subversive organizations. There is no question that the American consumer needs legal protection against fraud, injury, unfair business practices and other criminal activities. But there is also no question that there exists in our nation today a deliberate campaign of vilification against American corporate enterprise by socialists, and especially Socialist Scholars, who, in turn, are turning thousands of young men and women in schools and colleges into members of a student-worker alliance such as nearly brought down France in May-June 1968.

THE DECISIVE LINK

The American business corporation was the main target of the Fifth Annual Socialist Scholars Conference at Hofstra University this month. And the scholars linked the radical student movement closely with the anti-corporation campaign. All Marxist-Leninists believe (and SSC guest of honor Robin Blackburn, editor of *New Left Review* in London reiterated it), "The theory of the weakest link is the theory of the decisive link." At the panel on "The Student Response to the American Century," Bruce Brown of Washington University said, "The university is the weakest link of capital corporate structure." Brown explained that the corporation is the "nuclear institution" around which American capitalism is organized, and he charged that in the United States "affluence is only attained through the surrender of control to corporate bureaucracy." Describing himself as a "revolutionary," Bruce Brown told the Socialist Scholars, "We must begin an anti-corporate struggle on its own terrain and not wait for a crisis." He went on to say that the term "youth" should be used to define "a group only in part defined by age, that is, a modality of society free of bureaucratic [capitalist] control."

Bruce Brown's statement explains the seeming paradox in a "New Left" American radicalism that professes rejection of "anyone over 30" but takes direction from Old Leftist septuagenarian Herbert Marcuse, and from middle-aged Herbert Aptheker of the Communist Party, U.S.A.

To make sure of not being misunderstood, Bruce Brown explained, "The student movement is the catalyst for extending revolution outside the campuses."

What the Socialist Scholars mean by saying they will introduce into the classroom teaching materials written from "an explicitly socialist perspective," was made clear in Bruce Brown's remarks. This "scholar" declared, "Marxism is the only theory of capitalistic development; to deny Marxism is to deny that capitalism still exists."

It won't exist very much longer in the United States, and neither will the American corporation, if the Socialist Scholars have their way. A year ago, I reported after having attended the Fourth Annual Conference of Socialist Scholars, at Rutgers University, that they regard students as the detonators for setting off revolutionary explosions, and that the Socialist Scholars were moving into "phase two" of their operations, a phase in which they would take Students for a Democratic Society (SDS) out of undergraduate leadership, would fragment the student movement and merge it into a much more sophisticated, better disciplined, more militant international Marxist-Leninist apparatus, and would seek to overthrow capitalism in all the advanced industrial nations.

SCHOLARS ON SCHEDULE

All is taking place on schedule. Control of SDS and rival factional radical student groups has been removed from undergraduates' hands and centralized in graduate student and adult organizations. The official Socialist Scholars conference program, September 1969, announces that SSC will join forces with the Bertrand Russell Peace Foundation in a series of public meetings on "Toward a Revolutionary Strategy for Advanced Industrial Countries." The first meeting is scheduled for late November in New York City and will discuss "Agencies for Social Change." Main speakers will include André Gorz, author of "Strategy for Labor" and editor of *Les Temps Modernes;* James O'Connor of San Jose State College, California; and Ernest Mandel, author of "Marxist Economic Theory" and editor of *La Gauche*. (A Belgian instigator of the 1968 May–June rebellion in France, Mandel is banned from that country but was guest speaker at the Fourth Annual Conference of Socialist Scholars, Rutgers University, September 1968.)

On Saturday, September 6, 1969, the guest of honor at the Fifth Annual Conference of Socialist Scholars, Robin Blackburn, British editor of the influential *New Left Review*, spoke at length in a panel session on "Recent European Theory and the American Left."

Mr. Blackburn explained, "Lenin is not difficult to accept by us Western revolutionaries." It is a mistake, he said, to allege that Lenin taught the necessity of one single revolutionary party. At certain stages of development—Blackburn said—Lenin favored the expediency "of a number of competing revolutionary groups." Blackburn continued, "If the revolution is a complex totality, so must be the revolutionary party." He called for overthrow of the "the hegemony of bourgeois culture and creation of a genuinely revolutionary counter-culture." There must be a decisive break with middle class (bourgeois) culture, he said, a break that is "the reverse of Puritanism." He said such a socialist culture "is impossible to achieve without the violent overthrow of the capitalist regime."

As I said earlier, the Socialist Scholars no longer mince words.

However, even Blackburn's call for "violent overthrow" was not explicitly socialist enough to suit him and his listeners, and so he went into great detail putting current affairs in such clear perspective that there is no longer the slightest necessity for continued discussion in general academic, governmental or law enforcement circles about the significance of the "youth movement" and its role in our nation's and other advanced industrial nations' affairs, now during the Vietnam War, or later, after it has come to an end.

"Youth culture," said Robin Blackburn, "takes out a segment of society from bourgeois society." He praised the hippies and yippies and all manner of freak-out youth, including the 300,000 at the Woodstock Festival in New York last month. He praised highly the American "underground culture" because "its explicit themes are anti-capitalist."

And so they are.

There is not a single underground newspaper or magazine in the United States which does not carry anti-capitalist political propaganda along with the obscenity and pornography.

Also, the United Nations World Health Organization has issued the strongest condemnation of marijuana as introduction to use of mind-blowing narcotics, there is scarcely a single Leftist in our country who does not oppose our laws against use and sale of marijuana.

At the Fifth Annual Conference of Socialist Scholars, I overheard two members—one from Fairleigh Dickinson in New Jersey and one from New York State University at Stonybrook—talk about the "outrageous pig-administration cooperation in marijuana repression" and go on to praise marijuana as a useful means of "liberating" students from "middle class authoritarianism."

The Socialist Scholar from Fairleigh Dickinson hastily added, "Of course, I don't approve of students using hashish and hard stuff."

Obviously, the speaker had in mind the death from narcotics use, this year, of Fairleigh Dickinson III, age 19, in a dormitory at Columbia University.

The Socialist Scholars in Adams Hall at Hofstra University, September 6, loudly applauded Robin Blackburn's analysis of youth culture. But they gave still more enthusiastic approval to Blackburn's analysis of current "anarcho-populism" in the advanced industrial nations. In the United States and elsewhere, he explained, anarcho-populism should be favorably regarded because it is undermining "the archaic institution of private property."

To foster anarcho-populism in our nation, the Socialist Scholars—aware of the multi-racial, culturally diverse nature of our population—strongly favor a multiplicity of radical groups and organizations among us. Indeed, the Socialist Scholars are assiduously promoting as many radical groups as possible, believing that in our big country with its big and regionally diverse population, variety is not only the spice of Socialist life but also its bread and butter. The Socialist Scholars are far too smart to put all their eggs in one Party basket. That is why they accorded as much attention to Ralph Schoenman, passionate Trotskyite and head of the Bertrand Russell Peace Foundation, as they did to Robin Blackburn, Marxist-Leninist who praises Stalin and Mao Tse-tung.

PEACE, PEACE?

At the SSC panel session on "Recent European Theory and the American Left," Mr. Schoenman opened his remarks with the salutation, "Comrades, friends, and all of us who are revolutionaries: . . ."

The most interesting thing about his presence at the Socialist Scholars Conference was the presence there of his associate in the Bertrand Russell Peace Foundation, U.S.A., executive secretary Arthur J. Felberbaum, Jr.

Several times, during discussion periods following panel sessions, Mr. Felberbaum went to the microphone to ask questions and offer comments. He is not an eloquent speaker, being more activist than scholar. In fact, he is so much an activist that he attended a "Pretty Boy Floyd Memorial Lecture" sponsored by Students for a Democratic Society and Movement for a Democratic Society at The New School (formerly New School for Social Research) in New York City, October 3, 1968.

The lecture took place in a closed-off section of the fourth floor cafeteria. Newspaper headlines throughout the world were reporting the terrible violence of the student revolution in Mexico City. Speakers at the Pretty Boy Floyd lecture were an innocent looking little blonde, Sara Murphy, who looked as if she wouldn't hurt a fly but talked cold-bloodedly in favor of the bloody Mexican student rebellion as a means of "bringing down the repressive Mexican Government," and a Spanish-speaking "Comrade Rafael" accompanied by two other Spanish-speaking revolutionaries.

Miss Sara Murphy said all had taken part in the violent student struggle as a means of forcing Mexican police and troops to discredit themselves in the eyes of Mexican workers, peasants and "petite bourgeoisie." Arthur Felberbaum, recently returned from Mexico City, said the rebellious Mexican students went into a new housing development in the city to force the troops and police "to shoot at unarmed students" and thus discredit themselves in front of uninvolved housing development residents "and bring the petite bourgeoisie into rapport with the revolution."

(That same evening, October 3, 1968, on the 11 p.m. CBS news, reporter Bert Quint, broadcasting from Mexico, fell into the Mexican revolutionists' propaganda trap and, during filmed scenes of the housing development shooting in Mexico City, talked about the Mexican authorities' "senseless shooting at unarmed students." There was not a hint in his news report that the revolutionary students had deliberately planned things that way, including the inevitable slaughter of civilians.)

At the Pretty Boy Floyd lecture, last October, Arthur Felberbaum charged that our Federal Bureau of Investigation works against the Mexican "people's movement" in concert with the "repressive" Mexican Government. He scoffed at its charge that "foreign revolutionaries" sparked the Mexican student rebellion. But Felberbaum's own description of his own involvement, plus that of other participants in the Pretty Boy Floyd lecture, appeared to be proof that there was sound basis in the Mexican Government's charge.

All during the lecture, Mr. Felberbaum and other participants made ugliest possible remarks about the F.B.I. and about American and Mexican police. This was to be expected by anyone familiar with the sinister significance of the lecture title "Pretty Boy Floyd." On June 17, 1933, murderous gangster "Pretty Boy" (Charles) Floyd took part in the "Kansas City Massacre" in which two detectives and the chief of police were killed, one F.B.I. agent was killed, and two F.B.I. agents were wounded.

What has all this Pretty Boy Floyd lecture incident of last year to do with the Fifth Annual Conference of Socialist Scholars this year?

Only that Ralph Schoenman, head of the Bertrand Russell Peace Foundation, and its executive secretary, Arthur J. Felberbaum, militant revolutionary activist, have teamed up with the Socialist Scholars to devise a revolutionary strategy for the advanced industrial countries.

The formal announcement of this alliance gives ample advance warning of its import. "Toward a Revolutionary Strategy . . ." it says; not 'Toward a Peaceful Evolutionary Strategy . . ."

Among the industrial nations, the United States is the most advanced. Thus it is the main target of the Socialists' revolutionary activities. The bull's eye in that target is exactly what the Socialist Scholars say it is—the capitalist American corporate structure. At the very center of the bull's eye is the American citizen's right, under our Constitution, to own private property. That right is essential to our life and liberty, and to our pursuit of happiness. These the Socialist Scholars wish to destroy.

Now, for the fifth time in succession, I have been all alone among members of the non-radical press in reporting on the annual conference of the Marxist braintrust in America, the Socialist Scholars. There is no mystery at all about their movement; it is what Martin Jay of Harvard University says it is—"a total break with America."

On campuses throughout our nation, Socialist Scholars are training our children to make that break. In virtually all our academic communities. Socialist Scholars are studying researching and teaching the most effective means for violent overthrow of our government and destruction of our way of life.

Is anyone anywhere going to do anything to thwart their activities? Or, is it possible the Socialist Scholars already have succeeded in "blowing" people's minds?

OCTOBER 1, 1969.

Mr. RANDOLPH THAOWER,
Commissioner, Internal Revenue Service,
Washington, D.C.

DEAR MR. THROWER: In a special report on the Fifth Annual Conference of Socialist Scholars, the well-known writer, Mrs. Alice Widener, states that the Socialist Scholars Conference enjoys tax exemption. If this statement is accurate, and if, in addition, the statements attributed by Mrs. Widener to various spokesmen at the Conference are also accurate, then I believe that some explanation is in order from the Internal Revenue Service.

Personally, I can conceive of no construction of the law which would grant tax exemption to an organization which calls for the violent overthrow of the government, and which functions as an integral part of the brain trust of the New Left movement.

I enclose for your examination a copy of Mrs. Widener's report, captioned "The Total Break With America".

I would be grateful if you could provide me with a statement of the facts in this matter.

Sincerely,

THOMAS J. DODD.

THE UNCOMFORTABLE PRESSURE OF INFLATION

Mr. CRANSTON. Mr. President, the American economy is an inflationary spiral. The morass of statistics which illustrate the unusually high interest rates, great increases in the Consumer Price Index for staple goods, and the rising costs of steel-mill products does not reveal how an economy out of control affects the individual wage earner in his ability to adequately provide for his family. Millions of Americans are now personally feeling the uncomfortable pressure of inflation while prices are raised by large corporations unable to be sensitive to the individual American consumer or wage earner.

The responsibility for control of the economy belongs to the President. Late last month, the Senator from Oklahoma (Mr. HARRIS) spoke to a convention of the industrial union department of the AFL–CIO. In his perceptive analysis of the state of the national economy, Senator HARRIS documented the administration's failure to control inflation in a way that will not injure the precarious financial position of the workingman. I now

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join the Senator from Oklahoma in his call for President Nixon to halt inflation and to use the moral force of the Presidency to speak out on behalf of the mechanic, the laborer, and the farmer.

I ask unanimous consent that the remarks of Senator HARRIS be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR FRED R. HARRIS, DEMOCRAT OF OKLAHOMA, CHAIRMAN OF THE DEMOCRATIC NATIONAL COMMITTEE, AT THE CONVENTION OF THE INDUSTRIAL UNION DEPARTMENT, AFL–CIO, ATLANTIC CITY, SEPTEMBER 25, 1969

Everyone here today knows that the American economy has enjoyed an unprecedented period of growth with relatively stable prices, for most of the past eight years.

By the end of 1968, business profits had doubled in eight years, and *real* spendable family income had increased by 32 percent. Unemployment, which stood at a staggering seven percent in 1960, was cut in half. Ten and one-half million jobs were added to the rolls and 12 million people were able to move above the "poverty line" during the years 1960–1968. Price performance for those eight years has been rated better than that of any other industrial nation in the world.

Even when the rate of price increase picked up in 1968, prices were still kept stable enough to permit the average wage earner in America to make real gains in spendable income.

Now, the American people face the hard economic fact that what has been a fundamentally healthy economy is in serious danger from unprecedented inflation and outrageously high interest rates. The economic gains of the past eight years may indeed be wiped away. Take one alarming example: The Consumer Price Index for meat, fish, and poultry has gone up almost as much in the past seven months as it did in the previous ten years. (From the base year of 1959 until December, 1968, the Price Index for meat, fish, and poultry increased by 14 points—to 114.4. By the end of July, 1969, that same index stood at 127.6—an increase of 13.2 points in *seven months*, and an annual rate of increase of 20 percent.) This is happening at a time when the producer of these commodities is also suffering.

Since this Administration took office, the period of stable prices has dramatically ended. The Consumer Price Index reflects many other distressing examples of what has happened to the American economy during the first half of 1969:

Mortgage interest rates rose during the first six months of this year at an annual rate of 14.4 percent.

The cost of medical care has increased during the same period at an annual rate of 8 percent.

The price of gasoline has increased 5.3 points since January—an annual rate of increase of 9.4 percent. If this trend continues, gasoline prices will increase more during 1969 than they did during the entire eight years between 1960 and 1968.

Since January, the price of copper has risen 24 percent, as primary copper prices have been raised *four times* in eight months.

Since January, the price of steel mill products has increased 4.5 points on the wholesale price index—an annual rate of increase of 7.1 percent. This is roughly equal in just nine months of this Administration to the percentage increase during the entire eight-year period from 1961 through 1968.

These figures do not include the August increase of 4.8 percent in rolled steel sheets—nearly 5 percent in the month of August alone. Rolled steel goes into every automobile and virtually every appliance Americans buy.

All during this rapid and alarming growth of serious economic disease, President Nixon has steadfastly refused to utilize the power of the Presidency and the moral authority of the office the American people gave him, despite the fact that inflation was one of the three principal issues he said were most important when he was a candidate.

In the American system, the Presidency has become the focal point, the single place for making clear the public interest, as distinguished from individual private interests.

Andrew Jackson once said: "When the laws undertake . . . to make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics, and laborers—who have neither the time nor the means of securing favors to themselves, have a right to complain of the injustice of their government."

It is the President of the United States who must deal with such injustice, who must speak out in the name of the people whose voice he is elected to be.

The individual American is essentially helpless without vigorous Presidential leadership in behalf of the public interest.

This is especially true in the basic industries, where price increases roll like ocean waves through thousands of products which the individual consumer buys.

Even General Motors could not—without the President's help—stop a steel price increase, and we have since seen a 4 percent auto price increase by General Motors for its 1970 models. The point, however, is not that General Motors was a good company in 1968 because it limited its price increases and is a bad company in 1969 because it announced a $125 per car average price increase. The point is that the rules of the game have changed and General Motors is playing the game by those new rules—namely, it is Administration policy not to interfere in pricing decisions even in industries as concentrated as the automobile industry.

The same has been true for interest rates—the big banker knows that it is Administration policy not to interfere with these decisions—and the small banker has no choice but to go along. That's why big bank profits are running 25% to 30% ahead of this same period last year.

With skyrocketing interest rates and radically unstable prices, we have seen, in eight short months, an economy that was fundamentally healthy for eight years become seriously endangered by inflation. And the middle-income fellow, the wage-earner, is paying the bill for this lack of leadership.

Seven days after his inauguration, President Nixon announced that the government would not intervene in price and wage decisions, that the fight against inflation would rest on fiscal and monetary policy without, and J. quote, "exhorting labor and management" to exercise restraint. Every American wage earner knows what the consequences are now, and are going to be, if this cost-price push is permitted to continue. Every American housewife knows what it means in the marketplace.

What is the Administration doing about this crisis?

While many of us were at work on the Senate floor trying to cut non-essential military spending, the President gave us no assistance in the fight.

I believe that working men would cooperate in restraints on wage increases if there were real restraints on the increase of prices for everything they have to buy. Yet, the President has not to this day spoken out against interest rate increases or price increases in the basic industries.

Instead, a few days ago, the Chairman of the Council of Economic Advisers said that *wage* increases would have to be trimmed next year. Whatever happened to concern about *price* increases? When the Nixon Administration recently advocated before the Senate Finance Committee, of which I am a member, that instead of granting the full tax reduction provided in the House bill for the overburdened middle and lower income taxpayers, we provide more relief for the wealthy and for the corporations, I was reminded that the late Robert LaFollette of Wisconsin once said that he was started upon his great liberal career by a commencement address of Chief Justice Ryan, who declared:

"The question will arise, and arise in your day though perhaps not fully in mine, 'which shall rule—wealth or man; which shall lead—money or intellect; who shall fill public stations—educated and patriotic freemen, or the feudal serfs of corporate capital?' "

The President must at long last face up to the responsibility which is his, and his alone.

The economic gains of the past eight years—gains for which you men and women of the AFL–CIO have labored more than any other group—must not be lost.

Too much depends upon the health of the American economy. If the President does not act decisively now to roll back interest rates, if he does not show determination to hold down prices, then price and wage controls may become the only alternative. It would be ironic indeed if the man who refused to use his office to protect a healthy economy were consequently forced to institute controls—in a last-ditch effort to rescue an economy he had allowed to deteriorate.

This Administration has been having trouble with its priorities. What I have been speaking of here—the health of the American economy—surely deserves a very high priority. The President's fiscal and monetary policies have clearly been inadequate. He *must* add the moral suasion of the Presidency to get this inflationary, high interest rate spiral under control.

The American people have asked no less of their government in the past. We must not accept less today.

AGRICULTURE — THE NATION'S LARGEST AND MOST IMPORTANT INDUSTRY

Mr. TALMADGE. Mr. President, I have always maintained that agriculture is the Nation's largest and most important industry. It is vital not only to our national economy, but to the health and well-being of every man, woman, and child in the country.

This is why I have been appalled in recent years by the increasing tendency to relegate agriculture and farmers virtually to second-class status in the American society. While other segments of the American economy have increased their incomes many times over in recent years, agricultural income has generally stayed the same and, in fact, has even suffered a loss. Farm production costs are six and seven times what they were a decade ago. But farm income continues to lag far behind. Food prices go up, and the farmer is blamed. Someone is getting it—such as some of the middlemen, but it is not the farmer, as any examination of farm products price trends readily shows.

I think it is incumbent upon all of us to recognize the importance of agriculture and to do everything possible to improve the farm situation. This applies to Government and to the private sector as well.

In Georgia, I am proud to say, top businessmen and agricultural leaders are working together through the Georgia Agribusiness Council to promote agriculture. In the magazine Top Op, a farm journal publication, there appears an excellent article of the splendid work being done by the Georgia council. I found this to be an extremely interesting and enlightening article. For example, it is stated that more than 30 percent of the manufacturing jobs in Atlanta are based on agriculture products, supplies, and services; that agribusiness provides two-thirds of the total income in the State of Georgia; and that agribusiness firms comprise 66 percent of all manufacturing in the State. I feel certain that the important role of agriculture is duplicated in the economy of many other States and urban areas.

I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGRICULTURE CAN TELL ITS STORY

(By Norman Cavender)

As the Sixties draw to a close, U.S. agriculture stands face-to-face with one of the thorniest problems in its history. But the right moves could turn the problem into an opportunity.

The situation is simple: Agriculture's voting power has withered away. As several USDA officials have recently pointed out, only 31 of the nation's 435 congressional districts have 25% or more people living on farms. And 21 states have not a single congressional district with as much as 15% farm population.

This is bad enough. But there's more to the problem. In many quarters, agriculture's public image is little better than that of the Mafia. Consider some typical examples.

A congressman from New York, questioned about agricultural conditions today, immediately lashes out at "fat-cat farmers getting rich on government subsidies." His remarks are reported to millions of newspaper readers.

A civil-engineering student at the University of Illinois, asked if he considered studying agricultural engineering, replies, "Get serious! There's no future in that."

A young woman picketing a Cincinnati supermarket is asked why she supports the boycott of California grapes. Her impassioned reply: "Why children are *starving* in those fields. They're dying like *flies*. And if a worker's child eats even *one* grape, the farmers *beat* him!"

A letter to the editor of a Philadelphia newspaper charges that a milk-marketing order "serves no function except to guarantee that the average Pennsylvania family will be robbed of $25 to $100 a year."

A *Life* magazine survey asks people what purchases they think are poor values for the money. The overwhelming choice for poorest value: food and beverages.

In the midst of public outcry over pollution, *U.S. News & World Report* lists the sources of pollution that are "spoiling the environment." Chief villain: agriculture, with 1.3 billion tons of pollution. The 2.3 million readers of *U.S. News* are not told that the major portion of agriculture's "pollution"—manure and crop residue—is exactly the same kind of "pollution" that Mother Nature has been turning back into the soil since time began.

The list could go endlessly. Never mind that the incidents distort the truth. The point is, the public believes such things. And it is this public that holds the voting power.

Now something is being done about it. The most impressive effort comes from Georgia, where urban business leaders have decided it is time to step in and help agriculture improve both its publicity and its profits.

The move began in 1963, when members of the Georgia Agricultural Alumni Association apprehensively studied reapportionment of the legislature, pending state elections, a newspaper's attack on agriculture, and public misunderstanding. The Association was prevented by its charter from tackling some of these areas, particularly when politics were concerned. So Clyde Greenway, executive director of the Sears, Roebuck Foundation, suggested the situation called for a new organization.

Greenway was not alone in this thinking. Other members decided some new moves had to be made. One was Phil Campbell, Georgia's Commissioner of Agriculture (now USDA Undersecretary of Agriculture). Another was Bill Sutton, vice president of Citizens & Southern National Bank. Campbell is a warhorse of the first rank, and the problems evident in 1963 were a bugle call to him. Sutton, an officer of the largest bank in the Southeast, knew agriculture's importance to the economy.

These men, and others like them, set up the Georgia Agribusiness Council. The concept was simple, but it had a touch of genius: Persuade business executives to use their talent and influence in fighting for agriculture.

The men hit the recruiting trail. With a little polite arm-twisting, many hours of time, and a great deal of cold, hard logic they got a membership nucleus from all over the state.

To strengthen its hand in Atlanta, the young GAC asked the Chamber of Commerce to furnish a report on agriculture's importance to that city. The results even opened some eyes at the Chamber of Commerce: *Over 30% of the manufacturing jobs in Atlanta were based on agricultural products, supplies, and services.*

A similar study was made for the state. Among its findings:

Agribusiness provided *two-thirds of the total income in the state.*

Agribusiness firms comprised 66% of all manufacturing firms in the state, 62% of Georgia's payrolls, and 68% of the expenditures for new plants and equipment.

"An Atlanta newspaper had reported that only 6.4% of the state's personal income came from farming," says Henry Simons, executive director of the GAC. "But that's only the tip of the iceberg. We have to show people the whole iceberg—all those businesses and jobs involved in producing, handling, and selling farm crops and farm supplies."

The GAC exposed the iceberg. Businessmen saw that problems on the farm shook the total economic framework of the state. So GAC picked up more support.

The Council now has 250 members, paying from $50 to $500 annual dues. The names include Southern Railway System, Georgia Power Co., Southern Bell Telephone and Telegraph Co., Ford Motor Co., and Shell Chemical. The membership list contains 33 banks and almost every type of agribusiness firm from electric-power suppliers to food retailers.

The influence available here is enormous. And it's the kind of influence the farmer lacks. For example, C & S National Bank is one of the nation's most respected financial institutions, and its president, Mills B. Lane, Jr., is an internationally recognized banking leader. Sutton, as an officer of that bank, gets a cordial reception behind doors that would be closed to the farmer.

Greenway, of Sears, Roebuck Foundation, can win an argument for agriculture when an individual farmer can't even get anyone to listen to him.

John Duncan, Washington-based executive of Southern Railway, can reach more influential people in a single day than the farmer can in a year.

These and other members of the GAC know how to use influence. And they're using it to help agriculture solve some of its problems.

Recently, for example, a state-commissioned study recommended broad tax changes. One of the recommendations would have wiped out a market advantage that the Georgia peach crop enjoys. The GAC quietly stepped in and persuaded state officials and members of the legislature to alter that portion of the tax package.

As for agriculture's problem with public relations, the GAC mounted a campaign that any politician would envy. First it assembled a roster of business leaders willing to hit the banquet trail and speak up for agriculture. Then it reached down into almost every county in the state and installed a local chairman, in each case picking the most influential man it could get. These local chairmen set up programs for civic clubs, schools, and other groups. The speakers are the GAC businessmen.

The Rotary Club in Savannah might pay little heed to a farmer or county agent. But it will sit up and listen as an executive of a major bank or manufacturing company tells it why agriculture is important.

"We don't forget the ladies," says Greenway. "We make a special effort to get to their clubs. Those women hold a lot of power. And if the farmer is going to get better prices, they're the ones who will pay them."

On top of this, the GAC prepares weekly columns on agribusiness for newspapers throughout the state. It puts out bumper stickers and pamphlets, and it produces radio and television spots to be used in station breaks.

The GAC is far more than a public-relations organization. Working with a 10-point action program, it wrestles with some of agriculture's toughest problems. The program:

Survey and develop new markets for Georgia's agricultural products.

Develop a system to value land for tax purposes according to use, rather than real estate value alone.

Bring in new processing plants to strengthen the market for farm products and boost the total agribusiness complex.

Determine the strengths and weaknesses of Georgia agribusiness, and recommend steps for growth.

Set up a Financial Advisory Service to strengthen the businesses that serve and support agriculture.

Develop a program to train competent personnel for agriculture and agribusiness.

Show the public the vital contributions agriculture makes to the country.

Pull together producers, processors, suppliers, financiers, transporters, wholesalers, and retailers to support agriculture.

Maintain a continuous watch on imports, particularly those that compete with Georgia farm products.

Publish a newsletter of political developments that affect agriculture.

This is an ambitious program. But the men are deadly serious about it, even though the organization is only three years old and not yet up to full membership.

The GAC has gotten its quickest cooperation from urban businessmen. In most cases, these executives recognize the importance of supporting agriculture. But in the rural areas, GAC has had a tough time getting cooperation. It has been difficult to convince the small-town businessmen that something needs to be done.

Recently Clyde Greenway paused in the midst of a busy week of travel and speeches and commented wearily, "I just don't know. The people closest to agriculture are the hardest to budge. We've gotten cooperation from rural areas, but not as much as we need."

Undersecretary of Agriculture Phil Campbell puts his finger on the problem. "The farmer *must* have a bigger voice," he says. "That voice could come from the people who buy from him, sell to him, finance his business, and transport his goods. After all, his business supports them. But you have two obstacles. People in the cities fail to realize

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the importance of agriculture. People in the rural businesses realize it, but don't recognize the need to do anything."

This is what the GAC is all about. And even with rural businessmen dragging their feet, it has made a major impact. Already, Oregon has set up a similar organization. At least five other states have requested information. And a national Agribusiness Council is getting underway, with Henry J. Heinz, II, president of H. J. Heinz Co., as president.

These organizations are recent on the scene. But there's a veteran on the West Coast. California agricultural leaders noticed in 1959 that only eight of the 120 state legislators were farm oriented, and less than 8% of the state's population came from agriculture. So they organized the Council of California Growers and gave it the single but vital job of improving agriculture's public image.

The Council surveyed the public and members of government to determine what they *thought* about agriculture. Then it launched a campaign to get the facts across.

At the entrance to almost every major city in the state, the Council erected billboards bearing the message, "Even in the space age agriculture is still our most important industry." It put agriculture's messages into record albums for the schools, video tape for the television stations, programs for radio, films and brochures for the public.

Periodic surveys prove that the Council is getting the message to the people. Today, most residents know that agriculture is the state's most important industry. When housewives throughout the U.S. picketed to protest food prices, a survey in California found almost no one who believed that the farmer was getting too much for his products.

The Council is providing factual information about the grape boycott, water problems, farm prices, and a host of other issues. "We're guided by a basic principle," says Leslie Hubbard, executive assistant. "All statements bearing the Council's return address must be completely accurate and true. This has paid off. The public has confidence in us, and reporters and editors know they can accept our statements without having to check them for accuracy."

This is the key. If agriculture can get the truth across, it can pick up widespread support. The grape boycott is a perfect illustration of the problem; it survives because the public doesn't know the facts.

For example, the Rev. John Speers, Angelican priest in Toronto, organized a "Grape-Boycott Day" this past May. Like millions of other people, he acted on what he *thought* were the facts. But shortly afterward, he visited the California vineyards. What he saw was totally different from what he had been led to believe. He returned to Toronto, repudiated the boycott, and announced that he would buy California grapes.

Hundreds of other persons—mayors, students, housewives, grocery-store managers have likewise withdrawn support from the boycott as the facts slowly surface. But many are still misled. People who grow, ship, and handle grapes are losing millions of dollars. And growers are laying out hefty sums to counter the propaganda: $400,000 for ads through J. Walter Thompson agency alone.

"The grape boycott is evidence of the total problem," says a Chicago manufacturing executive. "The public doesn't recognize its ties to agriculture. My wife and I were angry when our supermarket removed California grapes from the shelves. I don't believe any group has a right to tell us what we can or cannot buy. But you know who should have been angriest of all? The men who deliver milk, and cut meat, and bake bread, and sell vegetables. They should have marched in and demanded that the supermarkets put grapes back on the shelves. If it can happen to grapes, it can happen to any food. There's a vast army of people out there whose jobs depend on agriculture. If agriculture can reach these people, then it will have plenty of strength."

Organizations such as the one in Georgia are moving in this direction. But the job is a big one. In fact, it's difficult just to get special-interest groups working together. But the GAC proved it can be done. Not only does the GAC have the backing of businessmen, it receives enthusiastic support from Farm Bureau, Extension Service, Ag Alumni Association, and the state Department of Agriculture.

"Everyone has to pull together and get this job done," says Tommy Irvin, Commissioner of Agriculture. "Otherwise public opinion will squeeze off agriculture's research funds, support restrictive taxes, elect unsympathetic politicians, and even make the housewife balk at paying fair prices for the farmer's products. If this happens, our whole economy will suffer."

These things are already happening in some areas. But men of vision are proving that agriculture can do something about it.

GROUP AUTO INSURANCE—A WAY TO LOWER PREMIUMS

Mr. NELSON. Mr. President, most automobile owners are required by law to buy insurance.

Unfortunately, they are not protected adequately by law or regulation against two trends in the auto insurance industry: First, sharp increases in premiums for regular auto insurance policies; and second, refusal to insure at regular rates large groups of persons declared, often with no justification, "high-risk" customers.

In a speech at the recent convention of the Allied Industrial Workers in Chicago, the Senator from Michigan (Mr. HART) urged support and pledged his aid for a plan to offset the increasing cost of auto insurance.

Senator HART asked organized labor to continue its push for group auto insurance. In his speech he outlines how the consumer would benefit from such programs.

In essence, Senator HART suggested that auto insurance costs could be cut if companies insured by group rather than eliminate by group.

I ask unanimous consent that the text of Senator HART's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

GROUP AUTO INSURANCE—A WAY TO LOWER PREMIUMS

(By Senator PHILIP A. HART)

It has been observed that if you take free advice, you get what you pay for. In the case of speech topics, that observation should be amended to read that the audience could get more than it paid for . . . regrettably.

For example, it has been suggested that I talk this afternoon about auto insurance, credit rating, a certain hearing now going on in Washington dealing with a certain judicial appointment, and taxes.

Now if I took all that advice, you would get much more than you paid for, deserved, or, I suspect, could accept gracefully. This hall would be empty by the time I completed my in-depth discussion of all those topics some hours hence.

Let me hasten to assure you that I have no intention of visiting such cruel and unusual punishment upon so many people who I hope I can call friends.

The problem then becomes how to choose among the free advice without offending the friendly advice-givers.

I solved the problem this way.

I chose auto insurance because it gives me an opportunity to ask a favor of *you*.

I want your support in helping to make group auto insurance programs available across the nation.

This may sound like a small request and a boring topic, but stay with me for a moment.

The request is bigger than it sounds, for 36 states, either by regulation or law, have discouraged development of such programs.

The subject may sound boring, but it may spark your interest to learn that such a program can save you money.

Let me explain.

Rates for group auto insurance could be developed on the basis of the number, ages and driving experience of the persons in the group. A single average rate would be established and coverage would be guaranteed everyone in the group. The plan could include conversion options, non-cancellable clauses, and, if part of a labor contract, the employer could agree to pay part of the premium.

The benefits then would be:

1. Broader coverage.
2. Less restrictive underwriting.
3. Lower premiums.
4. Easier purchase and payment of premiums.

These benefits would counteract some of the undesirable trends now affecting the auto insurance industry.

Premium rates are rising in many states, rising rapidly. In fact, in 19 states rates have gone up more than 10 per cent since January 1.

I understand that average annual auto insurance payment is $200. A significant percentage of that premium goes to meet selling and administrative costs.

It has been estimated that group auto insurance, which eliminates some of those costs, could reduce rates 15 per cent or more—that's $30 a year or more, on the average.

And, of course, if group auto insurance were part of a labor-management contract, the saving to the employee could be even greater. How much greater? That depends on the contract.

Along with rising insurance premiums, the car owner is faced with the prospect of being denied auto insurance at regular rates as companies, in efforts to cut costs, write less and less auto insurance.

Companies are eliminating, often with no justification, large groups of so-called high-risk customers.

This approach is, of course, unfair to individual members of such groups who may be an extremely good risk for insurance.

Most states, of course, require auto insurance, so persons unfairly denied insurance at normal rates are forced to purchase what the law requires at higher rates.

Surely, the customer deserves some protection against this practice.

Group insurance would provide that protection. In short, insuring rather than eliminating by groups benefits the individual, and that is what consumer protection is all about.

It may seem to you that the fairness and the logic of the plan guarantees speedy acceptance across the country . . . but, as I indicated earlier, such is not the case. And this is where my request for assistance comes in.

To repeat, thirty-six states, not including my home state of Michigan, have laws or regulations discouraging development of group auto insurance programs.

Economic benefits aside, aren't these laws and regulations, in effect, barriers to collective bargaining?

Probably only with strong support from such consumer-oriented organizations as unions can we reverse these moves against group auto insurance.

I urge you to renew the fight to make group auto insurance available in all states. If you do, I pledge to seek federal legislation if such legislation is required.

Among those opposing the availability of group insurance are some independent agents. I think they err in taking that position.

Companies who sell auto insurance directly, bypassing agents, are taking a larger and larger share of the market. The independent agent will be in a more competitive position if he can offer group plans.

Keep that point in mind. You may have to make it many times as you embark on the effort to ensure that everyone can buy required auto insurance at equitable rates.

A CANDLE FOR COLORADO

Mr. METCALF. Mr. President, utility corporations distribute much irrelevant and misleading information while withholding data that should be readily available to stockholders, customers, and regulators. A case in point is Public Service Co. of Colorado, having headquarters in Denver.

Six years ago the head of Public Service Co. of Colorado, Robert Person, was also president of Edison Electric Institute, the trade association of the investor-owned utilities. He and EEI managing director Edwin Vennard arranged for the production and national distribution of the film entitled "The Power Within," designed to incite viewers to demanding congressional cutback of the Rural Electrification Administration. The film, filled with innuendos and falsehoods that I have previously mentioned, was also designed, according to the manual accompanying it, to "prepare a path for further education or action, as your company desires."

Detailed instructions distributed by the power industry covered methods by which letters to Members of Congress could be made "to appear spontaneous to the reicipient and not as though it were a planned concerted effort by any one interested group."

High level personnel of Public Service Co. of Colorado spent many days arranging the diffusion of this propaganda through its service area, as I have previously reported to the Senate. The company did not list one penny of the many thousands of dollars it spent on this political operation as a political expenditure. Nor, for that matter, did any other power companies report their expenditures on "The Power Within" as a political expense, as can be easily verified by their form 1 reports on file at the Federal Power Commission.

Recently this same company was challenged on these same issues—distribution of the irrelevant and withholding of the pertinent—by a stockholder. At the company's annual meeting, he noted the bland dismissal as "business expenses" of the company's extraordinary expenditures for advertising, promotion, golf balls, smokers, road shows, and country club memberships and its elaborate presentation to stockholders on the company's role in the community. He contrasted these examples with the company's failure to report to the stockholders, in accordance with the law, a $4.7 million lawsuit pending against the company.

Mr. President, I understand the difficulties faced by one or many ordinary utility stockholders who seek to change company policy. I voted my 10 shares of stock in a utility against its proposal to make an additional 200,000 shares of stock available for option by insiders. The head of the company, who has already received more than half a million dollars in windfall profits from options, decided the issue his way at the annual meeting last June. Management of the utility ratifies management's desires by casting proxies of absent owners of large blocks of stock.

Nevertheless, I believe recognition should be given to the Denver businessman, Gerald R. Armstrong, who is trying to obtain a voice in utility management for the small stockholder. Mr. Armstrong was without electricity, having refused to pay his bill in protest of company policy. I sent a candle to Mr. Armstrong. I suggest that others who support his effort do the same, perhaps in care of Cervi's Rocky Mountain Journal, 1326 Delaware Street, Denver, Colo. 80204, the local newspaper which perceives that a utility stockholder's attempt to cut out executive featherbedding and increase reporting of hard financial data is, indeed, newsworthy.

Mr. President, I ask unanimous consent to have printed in the RECORD articles from Cervi's Journal concerning Mr. Armstrong's efforts. I also ask unanimous consent that a canned editorial, "The Scent of Bondage," distributed free by Industrial News Review to 11,000 editors on behalf of Public Service Co., of Colorado, be printed in the RECORD.

The editorial is a part of the utility's campaign to portray itself as a wild pony. This is necessarily an expensive campaign. It will take a great deal of education, and perhaps several viewings of "The Power Within," for the ordinary ratepayer to understand that a utility monopoly is really standing out on the prairie all alone, nostrils aquiver and mane flying, while the Gerald Armstrongs and other big bad wolves close in with their candles.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Denver (Colo.) Cervi's Rocky Mountain Journal, Apr. 30, 1969]

PSCO EXPOSED ON PRESS BRIBES—HUGE ADVERTISING, PROMOTION JUNKETS PAID FOR BY PUBLIC

(By Douglas Bradley)

More than $1 million was spent by the Public Service Co. (PSCo) on institutional and electricity advertising last year with newspaper and broadcasting media, it is disclosed by the utility's accounts. Additional large sums were expended by the PSCo on advertising natural gas and on promotions to build a reservoir of goodwill and predisposes the corrupt to wink at the utility's transgressions.

Still other expenditures were made by the PSCo during the year that involved junketing which ranged from such things as country club memberships for executives to a ludicrous unending flow of golf balls, men's smokers and the importation of road shows.

Sizable expense accounts, month after month, for PSCo executives, shrouded in aggregate and undetailed amounts, effectively hide from stockholder and customer the facts on what channels the utility's funds are diverted to and who the beneficiaries are.

No protest from the public is possible since nearly all the media expression sources have been bought and harnessed.

In the annual report, the consolidated accounts write off $52,166,997 as "other operating expenses." PSCo purchases of gas and power, maintenance and repairs, depreciation, taxes etc. are separately dealt with in the accounts.

A PSCo stockholder, Gerald R. Armstrong, who was cut off at the recent annual meeting when he tried to raise questions on the utility's munificence in so many directions, charged that the extravagence is being paid for by unwilling stockholders and unwitting customers.

"These expenses are cutting down our dividends and adding to the staggering burden imposed on users of electricity and natural gas," Armstrong said.

At the annual meeting, President Robert T. Person hinted that applications will be made to the Public Utilities Commission for an increase in the rates now paid by the public for gas and electricity.

When and if such applications are made, the Public Utility Commission may cause investigation to be made into the PSCo's enormous budget for advertising and promoting its effectual monopoly.

Two of the main beneficiaries of the PSCo's advertising budgets are the Denver Post and the Rocky Mountain News. Both newspapers covered the annual meeting; neither mentioned the accusations of waste raised.

Stockholder critics accused PSCo of unjustified expenses in the advertising and promotion programs on the grounds that since the PSCo represents a monopoly, in effect, the area it serves . . . "what is PSCo trying to sell by advertising other than itself, and with whom does it pretend to compete for the consumer's dollar?"

President Person had an explanation for the advertising:

"It has the purpose of creating a specific demand for the increased use of appliances that use our services," he told the stockholders.

"Institutional advertising is directed toward the public to create goodwill. We also promote the state of Colorado as a desirable place in which to live and to do business."

Person did not have similar rationale to advance to the stockholders in regard to all the intriguing et cetera shown in PSCo's accounts—nor was Armstrong permitted time to get into this. He got as far as Person's personal expenses and the many country club memberships for executive personnel before being choked off.

Armstrong questions ruled "after time" concerned the purchase of more than 900 golf balls bought by the utility; the hiring of a time-keeper for a basketball game; the bringing to Denver of an Illinois road show; and the spending of more than $1,700 on a lost study of the utility's operation.

There were several "shows" that stockholder Armstrong wanted to query at the annual meeting but the particular one arousing his curiosity was a GE club smoker on March 15, 1966, in which transportation and printing expenses were listed at $863, and talent for the same even extracted from the utility a sum of $1,200.

In the $1,700 study, the PSCo hired Gordon O. Jacobs of San Francisco to advise the company on how to run its advertising department. For some reason, the PSCo was unable to turn up a copy of Jacobs' report.

The total advertising payoff to the Denver Post during 1968 was around $100,000. The Rocky Mountain News had to be satisfied

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with a lesser amount. The institutional advertising expense of the utility averaged out to $4,700 monthly for the Post. The PSCo gave the News a disparaging average of $2,500 a month.

Other press media received correspondingly less down to a $75 monthly average for the Rocky Mountain Herald.

Few daily and weekly publications are left out. Industry house organs, union and church, craft and quasi-professional periodicals have reaped a quota.

The names are repetitive in the year-long accounts. A typical group of payments taken in part from the March 1968 allotments are as follows:

Aurora Star, $86.40; Intermountain Jewish News, $115.20; Police & Fire Journal, $33.80; Tri-County Firemen, $15; TV Guide, $244; Colorado Farm Bureau, $37.48; Daily Journal $119.70; Lowry Airman, $44.80; Arvada Enterprise, $140.16; Denver Leader, $42; Denver Lutheran Forum, $23.81; Westminster & District 50 Journal, $201.60; Jeffco Publications, $141.12; North Denver Tribune, $60.

The Denver Post managed to maintain a healthy consistency. In June 1968, it was $7,731.14, dropping a little the following month to $6,987.17.

In contrast, the Rocky Mountain News ranged from $3,954.55 in January to $3,341 in June, but by August it was climbing back up to $5,213.60.

The variances between the two daily newspapers reflect not only the circulation figures but also the opinion held by PSCo management that the Post is a stauncher supporter of the utility's policy and tries harder to adhere to the PSCo line.

Some of the July payments by PSCo for advertising are interesting:

Colorado Trumpet (Republican Party newspaper) $44.80; Mining Record, $50; Jefferson Sentinel, $93.68; Mullins Outdoor Signs, $1,760; Aurora Advocate, $138.77; Colorado Transcript, $142.75; Guestguide Publications Inc., $40; Peace Officers Magazine, $100; Western Farm Life, $205.80; Colorado Labor Advocate, $323.40.

Guestguide did not always show a measly $40. The previous month (June) it scored with a check for $1,195 for advertising. A German-language newspaper published out of Kansas and called the Volkszeitung Tribune also collected intermittently during the year—in June for $52.50.

The broadcasting media is far from overlooked. High payments in July ranged from $4,150 for one station to $60 for a smaller outfit. Here are some PSCo checks for the month:

KLZ–TV, $3,225; KWGN, $3,480; Mullins Broadcasting (KBTV), $4,150; KOA Stations, $3,022; KADX, $214; KBTR, $380; KDEN, $731; KDKO, $315; KFSC, $60; KGMC, $288; KHOW, $624; KIMN, $720; KLAK, $900; KLIR, $330; KLZ-Radio, $432; KOSI, $540; KTLN, $848; and KQXI, $75.

Apart than advertising, expenses under scrutiny by the critical stockholders included a number of items presenting incongruity such as the following:

To Mack McGinnis, the sum of $10 for one year's presentation of comedy and comments for Robert T. Person; Rocky Mountain Management Club, dinner for members and guests $433.50; a GE bowling tournament at the Crown Bowling Center, $150; training of selected PSCo employees in nuclear engineering fundamentals at Colorado State University, $7,074; Eugene L. Telgman, timekeeper for basketball game, $106; Colorado Jaycees, sustaining membership, $750; Urban America Inc., support, $500; 30 dozen golf balls, $725; softball entry fees, $840; Jack E. Carver, talent fee for five television commercials, $610.

A legal counsel firm kept busy by the PSCo against plaintiffs bringing suit or threatening to so do, was paid $30,000 "on account" in June 1968. The firm was Lee, Bryans, Kelly & Stansfield.

The personal expense element included almost every PSCo executive on the roster. Much of the expense information submitted was clouded.

For example, President Person's meetings with the Atomic Energy Commission in the spring of last year involved a check being written for him amounting to $2,328. How he spent the money was not available to the stockholders.

The list of challenged items on expenditures is long. The information available to the public about the public utility's conduct is not public enough, was the comment of stockholder Armstrong.

Some stockholders believe there are clues to the PSCo motives in a couple of 1968 expense items listed:

One item records a payment to N.W. Ayer & Son Inc. of a first contribution to current electric companies' advertising programs of $14,199; and the second lists one quarter's subscription of $7,200 to the Edison Electric Institute.

It was only last year that the institute awarded PSCo honors for its Cabin Creek project now under challenge in the federal courts by the contractor who built it.

[From the Denver (Colo.) Cervi's Rocky Mountain Journal, Apr. 23, 1969]

Anyone for Golf? Stockholder Clubs PSCo Expenses

(By Douglas Bradley)

If the Public Service Co. could harness the vigor of its stockholders, it could add up to a lot of excess energy. In a severe endurance test at the annual meeting last week, several hundred of the stockholders bravely withstood historic lantern slides, an exercise in computer graphs, a firm on the utility's nuclear plant construction, and long-winded management monologues.

Relieving the almost three-hour tedium were some stockholder questions and comments that the PSCo plainly tried to inhibit. There was also a hint of takeover aims casually dropped into the news hopper by a stockholder's question.

Said that (primed?) stockholder: "Other companies have joined with PSCo in the past. Wouldn't it be better for our company now if it joined with other Colorado companies? Wouldn't it make for a bigger and finer company?"

Answered President Robert T. Person: ". . . We realize that there could be a coming together of the PSCo with other companies. These matters are under continuing investigation. . . . At any rate, all stockholders should be apprised that management is interested in this type of progress and growth."

A stockholder not rehearsed by management, Gerald R. Armstrong, credit executive and real estate investor, had to wait more than two hours as he noted, to press some reform proposals upon the company.

By the time Armstrong came to speak, many in the fatigued audience were champing to call it a day. A claque of employees, with dutiful cheers and applause, endorsed Person's ruling that short-circuited Armstrong as out-of-order, not germane, or otherwise over his time limit.

Armstrong, in three proposals, urged that stockholders should be allowed to elect the utility's auditors annually; that comprehensive reports on the annual meetings should be mailed to stockholders unable to attend; and that the utility's corporate by-laws should be available to stockholders on demand.

The support he drew dismayed management. In the tally, more than 326,000 shares were voted in favor of each Armstrong proposal. But it was insufficient to upset management's notion on who "owns" the company.

Armstrong claimed the utility's refusal particularly to publish stockholder complaints in its annual report and proxy material, and the withholding of by-laws, is detrimental to good management-shareholder relationships.

Person said Armstrong had been provided with a copy of the by-laws.

Armstrong: "It took four letters and one telegram to get a copy. At the outset all I received was three recipes for preparing salmon. I think this was inappropriate at a time when I wanted to talk turkey." (laughter).

Person said that stockholders with constructive reasons for needing a copy of the by-laws in future would not be denied them.

Armstrong had a comment about the comparatively small attendance. He said:

"The PSCo has 25,000 stockholders—many of them institutional investors. It seems curious the utility picks the third Wednesday of April for its annual meeting.

"That date coincides with the annual meeting of American Telephone & Telegraph which also attracts institutional investors. The phone company registers the date of its meeting with the New York Stock Exchange—the PSCo does not. The phone meeting represents competition for the PSCo.

"I think our management is fondest of the absentee stockholders who give it their proxies."

Armstrong got a disagreeable stare when he inquired how many stockholders voted against the management-sponsored slate of directors (proposed by a Mr. Virtue) and how many shares this represented.

"We do not record this information," Person told him coldly.

Armstrong's persistence in demanding data eventually moved the chairman to warn the stockholder that he was in danger of becoming an un-person.

Any implication that Armstrong might be bodily removed posed some problems. In addition to his own stock in the utility, he represented a number of other shareholders. He also turned up at the annual meeting with a burly private bodyguard, an attorney and a woman secretary.

Armstrong's questions challenged the prudence of management in bond sales and ethics on Person's expenses.

The stockholder noted that PSCo accepted a 1968 bid on $25 million worth of first mortgage bonds at 6.75 per cent interest, and boasted in the annual report that it was a good rate. Commented Armstrong:

"At the same date, the Wall Street Journal reported the current rate on utility bonds was 6.6 per cent. Why did we have to pay higher rates for our bonds?"

Person: ". . . We sold them at the most attractive rate available and being commanded in the over-all bond market at the time . . . You are well aware of the fluctuations in interest rate paid at any given time."

Some murmured scepticism arose. In the $25 million transaction a decimal point error is costly to the stockholders and to the consumers.

On Person's individual expense account, Armstrong invited him to justify an approximately $10,000 item relating to travel and country club dues.

Person protested his expenses were presented with back-up detail. When the questions got into Person's personal messenger service to the Denver Country Club, Armstrong's battery-powered microphone started raising static.

"I don't know why you won't provide electric microphones like other companies," Armstrong complained. A mirthless stockholder nearby had an answer: "But then they couldn't jam you without jamming the other mikes."

Armstrong to Person: "Let's get back to your expense account. These expenses for getting your golf clubs from this building to the country club seem unusual. If we're good enough to pay the membership fee, can't you carry the clubs with you?"

Person (exasperated): "First of all, you know very well that a messenger did not deliver my golf clubs to the Denver Country Club from my office. The voucher will show, I am sure, that some posters were delivered by Speedy Delivery Service—I believe.

"I do belong to the Denver Country Club and any items relating to business are charged as company expenses and the balance I pay for personally. The charges run about 50–50."

Armstrong was not satisfied and returned to the fray:

"How do justify our corporation having to pay your country club membership and (Vice President Paul) Brookover's at Cherry Hills Country Club and at the Denver Athletic Club, and other executive memberships at Hiwan Country Club?" he demanded, and stirring a yell of laughter when he added:

"It looks like the shareholders are being clubbed to death."

Person: "I won't make the obvious remark in answer to your question (renewed laughter). Let me simply say that in the course of our operation, which are very extensive and go in many directions, and recognizing the various matters in connection with company business, it is not uncommon to have these types of facilities available. Only club expenses pertaining to business operations are submitted to our accounting department . . ."

Stockholder questions on the failure of PSCo to disclose in proxy material that litigation against the utility over its Cabin Creek pumped storage plant has not yet been settled, were answered by Person that the policy statements had been prepared in accordance with advice from counsel. The chairman also pointed out that Cabin Creek had won an industry award for exceptional performance.

A rattled PSCo engineering executive, told by Person to answer Armstrong's questions on "missing megawatts of energy" said the stockholder had lost him.

"If Cabin Creek is as functional as claimed," Armstrong observed later, "the excess production of electricity could have been sold—say to rural electric cooperatives and neighboring states starved of electricity.

"That is, of course, if PSCo management had the real benefit of PSCo investors at heart. Such a policy also would help the consumers of electricity because the profit generated could have been reflected in cheaper rates."

Publicity released by PSCo on its safety record prompted another question from Armstrong on a recent threat by the International Brotherhood of Electrical Workers Local 111, to place a picket line around the downtown PSCo building following a dispute over safety.

The question was answered by another PSCo vice president:

"I'm not certain how you know about this," he stammered. "There was an occasion when the (union) business manager said he would place a picket line around the front of our building . . . This did not concern our own employees but was in connection with a private contractor.

Person touched fleetingly on the decision made by Denver District Court that voters were cheated in the PSCo franchise election by being denied their right to vote. The case was dismissed without PSCo being subjected to penalty . . . "but I believe we can anticipate an appeal."

The earlier historic slide show at the annual meeting managed to link most people in Denver's venerable past (plus one Abe Lincoln) with PSCo's developing glory . . . "Fantastic," muttered a director apparently taken by surprise.

Management, embattled during the past year by consumers over high Denver power charges, was concerned in projecting for stockholders higher rates and income anticipated. Person used color charts to explain the charge extracted from electricity users by PSCo in 1968.

No stockholder thought to ask how much the soporific picture shows cost. Person in his address did raise the subject of promotional costs for enlightening the public on the utility's proper role in the community.

Arising out of that, a *Cervi's Journal* story on the utility next week will deal with how the PSCo channeled a lot of its money in selfless pursuit during the year.

[From the Denver (Colo.) Cervi's Rocky Mountain Journal]

Charge Against PSCo Filed With SEC, PUC

A stockholder of the Public Service Co. (PSCo) has filed formal charges against the utility with the Securities & Exchange Commission (SEC) alleging violations of the regulating federal act.

Gerald R. Armstrong of Denver asked the SEC to order the PSCo to reconvene its annual meeting because it suppressed vital information from the stockholders and made illegal decisions as a consequence.

In separate action, Armstrong also registered a protest with the Public Utilities Commission (PUC) about PSCo expenditures.

The SEC headquarters in Washington confirmed that Armstrong's complaint had been received. A spokesman would only comment: "The matter is being looked into."

In Armstrong's complaint, he accused the PSCo of violating the Securities Exchange Act (Rule 14A–3) on solicitation of proxies. The rule states that in information to be furnished security holders, material data must not be omitted as shall make a company's financial statements misleading.

Armstrong points out to the SEC that on April 16 last at the utility's annual meeting, he asked if there were any law suits pending against the corporation. He was told to research the annual report.

He goes on to assert that neither in the annual report nor proxy statement is there reference to a $4.7 million suit in the U.S. District Court filed against the PSCo by its contractors on the Cabin Creek project.

"As the outcome of such a law suit could seriously and considerably affect the future market values of the stock and shareholders' dividends, there was a misrepresentation to the shareholders," the Armstrong indictment reads.

"I now request that you take that action necessary to cause the Public Service Co. to re-issue its proxy statement to include the details of this litigation, reconvene its annual meeting, and nullify the actions taken in the previous meeting."

In the PUC state agency protest, Armstrong alleged infringements of the Colorado statutes.

Drawing attention to the utility's expenditures on such things as country club memberships and other boondoggling, the Denver stockholder said that such expensive frills violated the spirit as well as the terminology of regulations designed to protect the public from the consequences of improper utility management.

In the protest Armstrong asked the PUC investigate rates charged to Denver area residents by the utility.

"The PSCo is wrongfully spending funds causing its rates and charges to be excessive, unjust and unreasonable," the protest stated.

"These expenses include membership fees in the Denver Country Club, Cherry Hills Country Club, Hiwan Country Club, Boulder Country Club and Denver Athletic Club . . .

"These memberships for the most part, are in organizations which prohibit membership to minority persons, and, therefore, are not in the best interest of all citizens served by this utility."

Armstrong also cited PSCo extravagance in advertising and promotion fields.

[From the Industrial News Review, Feb. 17, 1969]

The Scent of Bondage

A unique advertisement over the name of an investor-owned power company (Public Service Company of Colorado) has appeared in Western Farm Life. It contains no word about electric energy, nor does it discuss rates, taxes, or the invasion of private business by government competition or bureaucratic regulation. It talks about wild horses, and it is entitled "The Free Breed." However, only the extremely myopic will miss the point.

Speaking of the wild horse, it says, "There still lives a breed unvanquished and untempted by the relief of surrender. Efforts to tame it have only made it more wary and wise to the ways of oppressors. The scent of their bondage has only made the smell of freedom sweeter to its nostrils. Again and again it has tossed off their frayed fetters with a proud snort of contempt, and it has eluded their dogged pursuit like a mocking phantom. The free breed survives on the instincts created and strengthened by the relentless threat of subjection. Only when the memory of that threat fades does the smell of freedom seem stale. Hopefully, one day that memory will be strong enough that it needn't be revived by danger."

The people of the United States have lived in freedom and security for so long that they have become amenable to strictures and controls that would have been unacceptable a few years ago. Like the wild horse, we have been a free breed, but if the time comes when we can no longer distinguish between the scent of bondage and the smell of freedom, we may find ourselves wearing a halter with a lead rope fast in the iron grip of government. Many of the controls that are proposed today in the name of such things as electric power reliability, economic security, safety and law and order, have the smell of danger to those who value freedom.

THE BUSINESS AND PROFESSIONAL WOMEN'S CLUB OF HOUSTON, INC., SALUTES THE APOLLO 11 CREW AND THE ENTIRE NASA TEAM

Mr. YARBOROUGH. Mr. President, the three-man crew of Apollo 11—Neil Armstrong, Edwin "Buzz" Aldrin, and Michael Collins—have received many tributes since their successful voyage to the moon. They have been honored at many celebrations, not only in this Nation, but in other nations, as well.

The many accolades they have received are certainly well deserved. With all the publicity given official parades before hundreds of thousands of people and given to appearances with many official dignitaries, it could be easy to overlook some of the tributes that have come from different citizens and citizen groups of this Nation.

In Houston, the home of the Manned Spacecraft Center, the Business and Professional Women's Club of Houston, Inc., has adopted a resolution expressing the club's appreciation and thanks to the men of Apollo 11 and to all the people of the NASA team which participated in the program which took man to a safe landing on the moon and a safe return to earth.

We should commend fine women like Miss Chattie Slayton, president of the Business and Professional Women's Club of Houston, Inc. Her interest and support along with the interest and support

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of the members of her organization like the support of all citizens are essential to a national program of the magnitude of the space program.

Mr. President, I ask unanimous consent that the resolution of the Business and Professional Women's Club of Houston, Inc., and the names and titles of all the women who signed it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the successful landing on the moon by Apollo 11 has opened new space horizons almost beyond the imagination and ushered in a new era in man's continuous progress forward; and,

Whereas, this magnificent achievement has developed a new feeling of understanding and brotherhood among the peoples of the world, thereby creating a greater sense and comprehension of unity and peaceful relations:

Now, therefore, in tribute to the Apollo 11 crewmen and the untold thousands of persons on the team of the National Aeronautic and Space Administration participating in the program which culminated in the successful moon landing, to the fulfillment of President John F. Kennedy's dream of a new age in science and exploration, and to our late United States Congressman Albert Thomas, who guided the establishment of the Manned Spacecraft Center in Houston; Be it resolved that the business and Professional Women's Club of Houston do officially and publicly express its appreciation and thanks, and do cause an entry thereof to be made in its permanent official records.

Passed this 7th Day of August, A.D. Nineteen Hundred Sixty-Nine.

Business and Professional Women's Club of Houston, Inc.; Miss Chattie Slayton, President; Miss Pansy Root, President-Elect; Mrs. Erin C. Holzhauser, First Vice President; Mrs. Louella Breedlove, Second Vice President; Miss Frances Lea Tucker, Immediate Past President.

Miss Edna L. Root, Treasurer; Miss Alyce Leatherwood, Corresponding Secretary; Directors: Mrs. Lucille O. Miller, Miss Frances Rummell, Mrs. Dorothy M. McCord, Miss Billye N. Russell; Mrs. Ethel M. Roberts, Assistant Treasurer; Mrs. Minnie Leigh Shields, Parliamentarian; Miss Virginia D. Cooper, Recording Secretary.

THE BROILER INDUSTRY IN GEORGIA

Mr. TALMADGE. Mr. President, I have pointed out with pride on numerous occasions the importance of the broiler industry to my State of Georgia. Georgia produces more broilers than does any other State in the Nation. The broiler industry is the source of more farm income in Georgia than is provided by any other agricultural commodity.

I am pleased to note that the broiler industry continues to make progress nationally. I noted with interest a recent study from the U.S. Department of Agriculture which lists the principal sources of cash receipts from farming in the 50 States. Broilers are the major source of cash receipts for farmers not only in my State of Georgia, but in four other States as well: Alabama, Delaware, Maine, and Maryland. Moreover, in two other States, Arkansas and North Caroline, broilers constitute the second highest source of cash receipts from farming.

Mr. President, the progress made in recent years by the Nation's broiler industry has been little less than sensational. One fact will serve to dramatize the point. Broiler production and consumption in the United States are today more than seven times what they were at the end of World War II. I think this fact proves beyond a shadow of doubt that the American people like chicken.

The congressional Committees on Agriculture have begun work on extending the present general farm program. Hearings have been held in the other body, and the Senate Committee on Agriculture and Forestry, on which I have served for 13 years, will begin hearings in the not-too-distant future. We found out long ago that the same type of farm program will not work best for all agricultural commodities. Each commodity is best served by a program that fits its particular needs. As we take a hard look at how well or how poorly this or that program has served this or that commodity, I think we would be well advised to consider the fact that the modern broiler industry has made important progress without a Government program. I am by no means recommending such a course for any other commodity. I am merely proposing that we look into all systems fairly and objectively and study what makes them work—and how well they work—as we evolve farm legislation for the future.

THE TAX REFORM BILL, H.R. 13270

Mr. COOPER. Mr. President, my experience in the Senate has instilled in me a tremendous respect for the difficulties of legislating in this complex technological age in which we live. It is a respect shared, I am sure, by all Senators no matter how long or short their service in the Senate. No bill, no committee activity, no legislative activity is immune from the pressures of complexity, of the uncertainty of the ramifying impact that all legislation now has and yet, that, to the fullest extent possible, must be considered during the legislative process. Essential to achieving comprehensive consideration, which is a paramount responsibility to our constituents and to the public, is the flow of information of the highest quality to the Congress.

Consequently, as legislators, we must continually ask ourselves if the information reaching Congress is the most complete and balanced information that is available; we have a duty to determine if there are any barriers to the flow of such quality information, and if so, we must remove them.

The Federal income tax law has had the effect of regulating the flow of information, particularly information from non-profit organizations established under section 501(c)(3) of the code, which by its terms, prohibits such organizations from engaging in any "substantial" efforts to influence legislation. The real effect of the provision has been to greatly restrict, and in some instances actually prevent organizations which possess important information from making it available to Congress in any meaningful or systematic manner. In addition, the Internal Revenue Code locks many organizations into this section 501(c)(3) status by granting a contribution deduction only to donors of such organizations. A full discussion of the operation and effect of these provisions of the Code is presented in an article in the Oregon Law Review that has been inserted in the CONGRESSIONAL RECORD of Thursday, September 4, on page 24540. I commend it for your attention.

I might point out that there do not appear to be any material revenue consequences from this provision, nor would there be if it were deleted. It is certainly not an issue of tax reform aimed at equalizing tax burdens and closing loopholes.

The tax reform bill, H.R. 13270, the subject of extensive hearings before the Committee on Finance, reaffirms this restriction on information flow and in some important areas expands on it. Such a restriction is counterproductive and serves no public purpose, for in the conduct of their duties as legislators, Senators and Representatives can act wisely only if all sides of the issue are aired before them.

On Friday, October 3, I offered an amendment to H.R. 13270, amendment No. 224, to remove the barriers to the flow of information to Congress that prevail in the present and proposed income tax laws. The general aim of the amendment is to change the definition of section 501(c)(3) organizations and the activities in which such organizations can engage. Also proposed is a corollary change in the limitations restricting the applicability of section 170(c)(2)(D) regardng charitable deductions. I ask unanimous consent that the text of these amendments be printed at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOPER. Mr. President, when considered in the context of other sections of the Internal Revenue Code and the bill, H.R. 13270, the restrictions on the conveyance of certain information I have mentioned are even more disturbing. Section 162(e) of the Internal Revenue Code establishes a clear tax stimulus for profitmaking organizations to influence any legislation that may affect their operations. It so stimulates by permitting an income tax deduction for any expenses incurred by these organizations to convey information to and influence Congress. This, of course, can only lead to the overrepresentation of some interests while others remain underrepresented.

It is useful here to consider a somewhat analogous situation in the courts which also must be sensitive to the institutional factors regarding representation and information flow that form an essential part of the judicial decisionmaking process. In recent years the complexity of issues in litigation has prompted the courts to reconsider such things as standing to sue and parties of interest. In these important respects the courts are removing narrow definitional and procedural barriers and permitting broader participation in order to achieve justice among the complex forces that operate in our contemporary society.

The legislature is subject to much the same pressure and must similarly expand participation in the legislative process. I hope that Senators will consider these amendments in that light.

EXHIBIT 1

On page 85, after line 15, insert the following new section:

"DEFINITION OF SECTION 501(C)(3) ORGANIZATION

"SEC. 102. (a) IN GENERAL.—Section 501(c) (relating to list of exempt organizations) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"'(3) Corporation, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, educational, or public or social welfare purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no part of the activities of which is participating in, or intervening in, any political campaign on behalf of any candidate for public office, or attempting to influence the general public or segments thereof with respect to legislative matters, elections, or referendums.'

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1969."

On page 122, strike out lines 10 through 19, and insert:

"(b) DEFINITION OF CHARITABLE CONTRIBUTION.—Section 170(c)(2) (relating to definition of charitable contribution) is amended—

"(1) by striking out 'or educational' in subparagraph (B) and inserting in lieu thereof 'educational, or public or social welfare'; and

"(2) by striking out subparagraph (D) and inserting in lieu thereof the following:

"'(D) no part of the activities of which is participating in, or intervening in, any political campaign on behalf of any candidate for public office, or attempting to influence the general public or segments thereof with respect to legislative matters, elections, or referendums.'"

On page 44, strike out lines 10 through 14, and renumber the succeeding paragraphs.

On page 44, beginning with line 25, strike out all through line 20, on page 46, and redesignate the succeeding subsections.

NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH TO THE SUPREME COURT

Mr. CANNON. Mr. President, during the past several weeks I have followed very closely the deliberations of the Committee on the Judiciary in attempting to assess the judicial and moral qualifications of Clement F. Haynsworth, Jr., to sit on the U.S. Supreme Court.

While the inquiry is still in process and all of the facts are not before us, there has been sufficient testimony and other data given to cast serious doubt on this nominee's sense of judicial propriety with respect to his business and financial interests.

I believe that the nominee's honesty is not in question, but the people of this country in recent years have come to expect a greater than average moral conscience in public servants in general and jurists in particular. Candidates for the highest court in the land should be noble and dedicated men of impeccable integrity.

Doubt has been cast upon whether Judge Haynsworth possesses these qualifications. He has participated on several occasions in court decisions affecting corporations in which he personally had direct or indirect financial interests.

Weakness in ethical conscience attacks the very foundations of judicial temperament and has a corrosive effect upon public confidence in the judicial system.

I bear, as a U.S. Senator, a part of the responsibility for considering carefully the qualifications of a nominee whose appointment is subject to the "advise and consent" of the Senate. Once a Justice is confirmed by the Senate, the action is virtually irreversible.

On the basis of information presented to the Senate during the hearings of the Judiciary Committee, as well as from other sources, I must conclude that Judge Haynsworth exercised poor judgment in not disqualifying himself from sitting on the bench when cases before the court presented a conflict of interest or an apparent conflict of interest for him.

Therefore, when the Haynsworth nomination comes before the Senate for confirmation, I will be morally impelled to vote against it.

SHORTENING THE SHADOWS

Mr. STEVENS. Mr. President, Alastair Down, deputy chairman of British Petroleum Co., Ltd., recently addressed the Alaska State Chamber of Commerce.

BP is one of the pioneers of oil exploration in northern Alaska. During the last 12 years BP has expended $75 million on its Alaskan operations.

Mr. Down directed his comments to the coming decade of development in my State. He spoke of the need to shorten the shadows which may retard this development.

I commend his remarks to the Senate as an example of the desire and ability of a major petroleum company to aid in meeting the problems of a growing State.

I ask unanimous consent that Mr. Down's remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS TO THE ALASKA STATE CHAMBER OF COMMERCE BY ALASTAIR F. DOWN

Gentlemen, I am most grateful for your warm welcome and your hospitality and am very conscious of the honour in being asked to take part in this important decision on Alaska's future.

All of you must have been involved at least as citizens of Alaska in the great excitement last month over the sale of new leases on the North Slope. You must have felt that every oilman in the world was flocking into your State. Indeed we have sometimes been likened to sheep and there may be some truth in this but it does not mean that oil companies are all the same.

Every oil company is different—in its history, its size and its world coverage. British Petroleum is unique in that it started off in the Middle East and has been developing outwards ever since. We are happy to be in Alaska and proud to be so closely associated with the discoveries and the development of the North Slope.

During this Convention you are discussing Alaska's second decade. BP has, of course, been working in Alaska during the whole of your first decade and we can claim to have been pioneers in the exploration of the northernmost part of the North Slope. We put in the first commercial drilling rig in 1963 and we pioneered the geological reconnaissance which led us to take up the important leases in Prudhoe Bay. We did take an interest in southern Alaska but our hunch has always been that the big prospects were on the Northern Slope and despite a number of disappointments we have maintained our faith in the area which has now been fully justified. Over the past 12 years we have spent some $75-million on our Alaskan operations. A large part of this has, of course, been spent this year; but before the discovery well at Prudhoe we drilled more wells and spent more money than any other oil company on the North Slope. The money we have spent is large or small depending on how you look at it. I am sure that in terms of your first decade, it is fairly large but of course in terms of the next decade it is relatively small, as we face the huge task of developing Alaskan reserves, exploring in the new acreage and building what must be one of the world's biggest single investment projects—the 48 inch Trans Alaskan Pipeline.

Both the State of Alaska and The British Petroleum Company are clearly on the threshold of a new era of development and productivity, and for both of us the central factor in this new era will be the reserves of crude oil now known to be lying beneath the Alaskan Arctic plain.

Whatever priorities you set for the next decade I do not think I will be considered bold in saying that the development of your petroleum resources must be high on the list. I might even go so far as to say that your first priority is to ensure the right conditions—I nearly said climate but that might be asking too much—for the smooth and rapid development of the North Slope bearing in mind all the important environmental interests which must be protected.

An indication of the significance of the North Slope reserves was given in the recent lease sale when an all time record was set. And now after several months of secrecy concerning the drilling operations information is becoming available which enables us to evaluate more meaningfully the discoveries that have been made and the influence that these will have on the future position of Alaska in the U.S. oil industry.

Undoubtedly a lot of oil has been discovered at Prudhoe Bay. As you know BP announced only this week that DeGolyer and McNaughton estimated "an ultimate proved oil reserve, recoverable by primary methods, of at least 4.8 billion gross barrels", in BP's acreage at Prudhoe Bay. I think the chances are that the same firms earlier estimate of the total reserves of the Prudhoe field as some 10 billion barrels of recoverable oil is, therefore, a realistic one to take at the moment. The Prudhoe field is a major discovery in anybody's terms and represents a substantial addition to U.S. reserves.

It is among the ten largest fields ever discovered, and is the largest outside the Middle East and Venezuela. It is for example comparable in size to the Agha Jari field in Iran and certainly larger than the East Texas field discovered in 1930. The prices paid for acreage on the North Slope in the recent land sales will ensure that rapid progress is made with further exploration to establish whether

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or not other fields exist in the areas now opened for exploration.

Where will all this oil go? Much speculation has been evident in recent months on this subject and references have been made for example to the possibility of deliveries being made to Japan and even to Europe if a route through the arctic islands can be found. My own view, however, is that the natural home for this oil is the U.S. market.

Over the past decade the U.S. oil import controls, which restrict imports in the interests of National Security, have created a market for U.S. oils which has been largely insulated from the fluctuating supply and demand pattern in the international market. These controls have enabled the U.S. to maintain a position of near self-sufficiency in oil. But when combined with other factors such as, for geological reasons, the higher finding costs of oil, U.S. flag shipping costs, higher production costs, state prorationing of production, etc. the result has been to preserve stable but higher delivered crude oil prices relative to the outside world.

On the other hand natural gas wellhead prices are low in the U.S.A. and the weighted average price for crude oil and marketed natural gas is not very different from the rest of the world when distance from the market is taken into account. Nevertheless there is a significant premium for domestic crude oil sold in the U.S.A. compared with prices which would be obtained in direct competition with international crudes. For so long as this situation prevails it is clearly sound commercial sense to deliver North Slope oil to the U.S. market and the generally higher returns thus gained will be reflected not only in the oil companies' cash flow which is needed to maintain the rate of investment in the facilities to handle all the new oil but—more important to you—in the royalty and tax payments to the State. Providing, therefore, that Alaska and the Lower 48 are capable of absorbing total North Slope availability I do not believe that this oil will be exported.

What then is the liklihood of the U.S.A. absorbing total production from the North Slope? We foresee a continuing increasing demand in the U.S. for oil products for which, during most of the next decade, there is no real substitute in sight. Recently there has been a consensus among the experts that the prospects of adequate oil reserves being found in the U.S. to support this demand were diminishing. Eighteen months ago before the discovery of oil on the North Slope the history of the fifties was repeating itself, that is a possible domestic crude oil scarcity was foreseen. A closer look was again being taken at the prospects of producing synthetic oil from coal or shale and the possible need to relax the control over oil imports into the U.S.A.

The timely discovery of oil in Alaska has considerably changed the picture because it has added very significantly to the U.S.A. prospects for oil production. It means that for some time domestic production should be able to increase in line with demand although I do not at this stage foresee a situation where imports will be backed out.

The Prudhoe discovery is significant by any standard, but the U.S.A. consumes in one year a quantity of oil equivalent to half the indicated total reserves in the Prudhoe field, and demand is growing at such a rate that North Slope production will probably do no more than meet market growth for a few years. Not only will the U.S. market in my opinion be capable of absorbing total North Slope production, therefore, but in view of the fact that U.S. crude production outside Alaska is likely to level off or decline beyond the early 1970's, North Slope supplies will probably only succeed in deferring by 3 or 4 years the date by which either additional U.S. crude will need to be found or produced synthetically or increased imports considered. Such is the significance of this discovery for the U.S. oil industry. For the State of Alaska the impact as we all know is much more drastic.

Until recently BP has been the only major international oil company without an established marketing operation in the U.S.A.—whereas U.S. companies are strongly entrenched in Britain and in Europe. Since the introduction of the U.S. oil import regulations we in BP have tended to regard ownership of substantial supplies of U.S. domestic oil as a prerequisite for our entering the U.S. market—and we lacked such supplies.

For BP the Prudhoe discovery is the key which has opened this door and as you know the BP Oil Corporation has acquired the Sinclair refining and marketing assets mainly on the U.S. east coast and has arranged to amalgamate with The Standard Oil Co. of Ohio. We intend that the Prudhoe field should be developed efficiently and rapidly in order to provide the basis for a new major competitor on the U.S. oil scene. You will see therefore that BP's and Alaska's hopes and interests are closely linked.

This development is now going ahead urgently involving development drilling, additional seismic work, the construction of local gathering systems and an Arctic Ocean supplies jetty. But considerable priority is for transport facilities for the existing large potential production.

As you know, a decision has been taken to build a pipeline right across the State to Valdez to enable us to ship crude oil all the year round to any part of the world but, of course, primarily to other parts of the U.S.A. I know you have recently had a detailed presentation on the pipeline. What is important to repeat today is the cost, which initially will be nearly $900-million. In fact the BP/Sohio company alone is expecting to incure nearly $500-million of expenditure in the next three years on its development work and its share in the pipeline. Ultimately it is envisaged that this pipeline will be expanded to carry up to 2 million bpd of crude oil at an additional capital cost of $400/500-million.

This pipeline project will rank as one of the outstanding engineering feats of modern times, and to bring it to fruition we have gathered together some of the best qualified engineers available in the oil industry today. However, building a pipeline does not consist solely of engineering. We have to obtain right-of-way and construction and operating permits and this requires paying due regard to all the other interests that may be involved. Most of the land which this pipeline will cross is federally owned and subject to the "land freeze." Therefore, instead of negotiating with hundreds of different land owners, as would probably be the situation in the Lower 48, we have in this instance been concerned with obtaining virtually all of our permits from the Federal and State governments. TAPS has made formal application for right-of-way both in Juneau and Washington and has made presentations at formal public hearings. We have worked closely with officials both in the State and Federal governments in an effort to further our common desire to speed up the process of decision making. In all this activity we have been positively assisted by the Alaskan Chambers of Commerce and I can assure you, Gentlemen, that we value your support and encouragement. We must also thank the Federal Government and State authorities for their considerable cooperation.

All our plans for development of the field and for pipeline construction are being made with full regard to the need to preserve the natural environment of the area. We have become acutely conscious of the fundamental difference between the arid desert or dense jungle regions in which the bulk of our previous exploration activity has taken place, and the delicate tundra vegetation which so precariously protects the subsoil of the arctic plain and supports the wild life which is so valuable to Alaska and to the rest of the world.

In this context I should like to emphasize the point which has been rather overlooked by some conservationists that preservation of the ecology of the area is in any case very much in our own interest since the continuing reliability of much of the necessary field and pipeline engineering work can only be ensured if the stability of the surrounding soil is left relatively undisturbed.

To this end we have undertaken all manner of studies and experiments designed to find out the best ways of achieving our objectives within the limits of conservation. We have tapped the best brains in the world on this subject, we have studied the animal and bird migratory habits in the region, we have asked for work to be done on possible use of hovercraft, we have curtailed all seismic work in the summer months. I ask you to accept our total sincerity on this score and to believe that everything that can possibly be done to preserve the natural beauty of your State is being done.

Beyond the Alaskan shores the industry is exploring many alternative means of getting North Slope oil to the market and currently BP is financially and physically concerned in the Manhattan arctic experiment which if successful will be the first step towards the establishment of a commercial route through the Northwest Passage to the U.S. east coast. If our dreams come true in this respect we shall be faced with the equally formidable problem of constructing a deep water oil terminal on the exposed north Alaskan coast and protecting it from the polar pack ice that descends into the area during winter. I am sure I need not emphasize the magnitude of such an undertaking and in the meantime there is no doubt that for the immediate future the way to get North Slope oil to the market is by the pipeline to Valdez.

We have foreseen that the volumes of crude oil available from the North Slope via the Trans Alaska Pipeline will exceed demand for this oil in the U.S. west coast market, and we are also therefore actively studying the feasibility of a trans-U.S. pipeline from Puget Sound to the huge midwest/Chicago market and possibly onwards to the east coast.

Thus the North Slope discovery should bring immense stimulus to the Alaskan economy. It should bring increased and unprecedented wealth to Alaska: from your individual point of view it must mean more business; from the State's point of view an economic activity within which to plan your progress; and for the Alaskan natives the prospect of permanent worthwhile employment within their own natural environment.

There will, of course, be problems. The sudden surge in activity in your State may create political, social or economic strains which will require a constant clear focus on your objectives to ensure that the right decisions are taken.

Your objective, as witnessed by the theme of this Convention, must be the steady progress of the Alaskan economy. The huge reserves of oil found on the North Slope offer a good foundation upon which to plan your progress. But the oil up there has no value, it only becomes wealth when work has been done to bring it to the market as quickly as possible. The oil companies are already putting every possible effort into their projects for this purpose and I believe that your objective will be achieved by your full cooperation with us in speeding the development of North Slope oil.

The oil companies have the organization and technical knowhow to do the job but they will need to commit themselves to an exceedingly high level of expenditure which will involve generation of finance on an unprecedented scale. The nature of the industry and the project itself is such that large sums of money will have to be borrowed on an extremely long-term basis and we shall therefore need to convince the investors that circumstances exist, and will continue to exist, in which we are able to generate the funds necessary to service and repay our debts. The investors know that the producing end of the oil industry is at the best of times a risky business and in particular that the cost of producing and transporting oil in the Arctic environment is at this stage very much a question of informed guesswork. Furthermore, apart from the physical imponderables, we have to contend with the uncertain future of market prices, of U.S. import controls, of depletion allowances, expensing of intangible drilling costs, investment credits, increases in severance tax and a host of possible other changes in taxation. All these tend to cast shadows on our future ability to repay loans and therefore render more difficult and more costly the task of raising the necessary finance.

Much of the work we are doing at the moment is designed to shorten some of these shadows. As our knowledge grows we are able more accurately to forecast our costs in the field, on the pipeline and in the market and we are trying to see more clearly what will happen to market demand and prices in the next few years. Many of these uncertainties are far beyond our control and it is here, Gentlemen, that we look to your cooperation, guidance and support. It is vital that the oil companies and the business community in Alaska work together to ensure a stable and progressive economic climate both in Alaska and the U.S.A. as a whole in which to develop our future. We must do all we can to minimize the economic doubts that might threaten our financial capacity to carry out the development program and the confidence of investors in that program. At the same time we need your help in opening up the North Slope areas by the building of permanent roads and airstrips, of public amenities and other infrastructures which will promote the growth of industrial communities and in particular the native community in the area, provide attractive living conditions for those concerned or associated with the project, and—most important—job training opportunities. Time is of the essence of the project and that is why I say there should be priority for petroleum in your State.

Gentlemen, the part that will be played in the U.S. economy by the North Slope oilfields is a subject of mutual concern and interests; our individual future prosperity is inexorably linked with the careful economic development of this asset. I am sure we shall work admirably together to this end and I look forward to a long and mutually rewarding association with you.

AUTHORIZATION OF FUNDS FOR A "WORLD FREEDOM FIGHTER" AIRCRAFT

Mr. **FULBRIGHT**. Mr. President, the House Committee on Armed Services included an item of $52 million in the military procurement authorization bill, passed by the House last Friday, to prepare for the production of a fighter aircraft that, in Pentagonese, has been dubbed the "World Freedom Fighter," a plane for which there is no U.S. defense requirement. The money, Representative ROBERT SIKES told the House last Friday is for the development of an inexpensive aircraft that we can furnish our allies around the world through sales and the military assistance program.

This is a proposal for back-door foreign aid and the subsidy to tool up for producing this plane should not be charged off to the defense budget but to the foreign aid program, if the taxpayers are forced to foot the bill at all.

Earlier this year the House committee added a $14 million item to a supplemental authorization bill for this project, but the proposal was not adopted by the Senate Committee on Armed Services. Gen. Duward L. Crow, Director of Budget for the Air Force, told the House Committee on March 12:

> The proposal was made to the Air Force, basically to improve the capability of the United States to compete more successfully in the world markets. The aircraft that we are discussing—the F–5—has been extremely successful in the past, but, in its present configuration, we feel its competitive position is slipping. The improved version should enhance the possibility of sales worldwide.

Representative SIKES echoed this argument during the House debate. He said:

> By the development of a modern, high-performance aircraft, the United States will have the opportunity of reclaiming, or at least competing for, a substantial portion of the foreign military sales market which recently has decreased considerably.

The chairman of the House committee stated during the hearings that—

> The re-tooling subsidy would hasten the modernization of the free world air forces, particularly those countries to which we have a heavy commitment, such as Korea, Vietnam, Thailand, Greece, and Turkey.

In addition, he said Spain and Nationalist China are "interested in this aircraft."

After the House passed the bill, I wrote to the distinguished chairman of the Committee on Armed Services (Mr. STENNIS), pointing out that this matter properly came under the jurisdiction of the Committee on Foreign Relations. I ask unanimous consent that the text of the letter be printed in the RECORD at the end of my remarks.

The **PRESIDING OFFICER**. Without objection it is so ordered.

(See exhibit 1.)

Mr. **FULBRIGHT**. Mr. President, when Secretary of Defense Laird appeared before the Committee on Foreign Relations on the foreign aid bill, I questioned him about the proposal. He was very emphatic that the House committee acted on its own and not in response to an administration request. He said:

> As far as the $14.5 million, I want to make that very clear that this was not a request of the Department of Defense or the Air Force. This was not approved by the Bureau of the Budget or the Air Force. This request came from the Congress, and it was on the initiative of the House Armed Services Committee . . .

Yet, on September 24 Deputy Secretary of Defense David Packard, in a letter to the House Armed Services Committee, said that the Defense Department "would need between $40 million to $60 million" in development funds and $4 million for procurement of long lead-time items this fiscal year in order to supply 325 "appropriate fighter" aircraft to "Korea, Taiwan, South Vietnam, and other countries over the next 5 or 6 years." Incidentally, this clearly indicates that the Secretary is not contemplating getting out of Vietnam in the foreseeable future.

In minority views on the military procurement bill, seven members of the House committee stated:

> The funds were added to this year's authorization bill on the strength of a limited conversation with the Deputy Secretary of Defense on the day of the bill markup to which the members of the Armed Services Committee were not privy . . . if the Department of Defense wanted this program, it could have been included in the fiscal year 1970 budget request in one of the numerous revisions made by the new Secretary of Defense.

It seems highly unusual that a decision that there was a need for these funds was made by the Defense Department on the very day of the committee's markup. I ask unanimous consent to have printed at this point in the RECORD the letter from Deputy Secretary Packard contained in the House report.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C. September 24, 1969.

Hon. L. MENDEL RIVERS,
Chairman, House Armed Services Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Following our discussion this morning, this will confirm our request that your committee consider making the necessary adjustments in its action on the miltary procurement authorization bill in order to permit the Department of Defense to proceed expeditiously with the development of a new free world fighter aircraft by the Air Force.

Over the past few months we have been studying the question of how we can provide an appropriate fighter for our free world allies, and in particular, South Vietnam. We believe we will need about 325 for Korea, Taiwan, South Vietnam, and other countries over the next 5 or 6 years. In order to do this we should begin development of a relatively simple and inexpensive fighter in fiscal year 1970. We have rechecked the figures and we believe we would need between $40 million and $60 million R.D.T. & E., depending on when appropriations are available to us, and $4 million for long-leadtime items for fiscal year 1970. We believe this is an important program and we hope your committee will approve this program in connection with its action on the bill.

Sincerely,

DAVID PACKARD.

Mr. **FULBRIGHT**. Mr. President, this proposal to subsidize the manufacture of a fighter plane which we do not need for our Armed Forces but which would be suitable only for giving or selling to foreign countries, poor ones at that, would establish a far-reaching precedent for our foreign policy. The Committee on Foreign Relations has devoted much study over the past few years to the Government's arms sales and grant policies. It found much wanting with our policies and will, no doubt, make further changes this year in connection with its work on the foreign aid and military sales bills. The Congress should not give its stamp of approval to subsidizing arms aid to foreign countries through the Defense budget, as the House committee has proposed, without the most careful study by the committees responsible for

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foreign policy matters—the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations.

Yet, in the hearings before the House Armed Services Committee earlier this year on this matter, Chairman Mendel Rivers said:

The other committee—

Meaning the House Committee on Foreign Affairs—

is not knowledgeable in this field, and incapable of discussing these things on the floor. This is the reason I think our committee should get more and more into the foreign military assistance. It is our jurisdiction.

I do not wish to become involved in the jurisdictional disputes of the House of Representatives, but I wish to make it clear that the Committee on Foreign Relations has primary jurisdiction over all matters involving the military aid and sales programs.

Since this proposed subsidy has not been submitted as an administration measure in keeping with standard procedure, the committee has not studied the matter. In view of this, I hope that the Senate conferees will refuse to accept the item. In the event funds for the project are included in the conference report, I will object to the Senate's consideration of the report until there has been a thorough study of the matter by the Committee on Foreign Relations, including testimony from officials of the Departments of Defense and State, and company officials.

I ask unanimous consent to have printed at this point in the Record the pertinent excerpts from the additional views of several members of the House Armed Services Committee and a news item from the New York Times of September 30.

There being no objection, the items were ordered to be printed in the Record, as follows:

Freedom Fighter

Delete $38 million from freedom fighter program. This is merely another name for the program proposed by the majority of the members of the House Armed Services Committee earlier this year in the fiscal year 1969 supplemental authorization bill. In that bill, the committee authorized an unrequested $14 million for a sole source contract to develop an improved F-5 aircraft then identified as the F-5-21. The Department of Defense was opposed to the program then, as was the Department of the Air Force. In fact, no one in Government appeared to be willing to come forward and support the proposal.

In theory, the development of an inexpensive, uncomplicated fighter-type aircraft for use by some of our less fortunate, free world allies is sound. However, this should be done in the routine manner and not as an afterthought.

The funds were added to this year's authorization bill on the strength of a limited conversation with the Deputy Secretary of Defense on the day of the bill markup to which the members of the Armed Services Committee were not privy. It is significant that the total added to the program—$52 million—was equal to the amount deleted from C-5A procurement. We are not objecting to the inclusion of $14 million once previously approved by the committee for R. & D., but do believe that the added $38 million is ill-advised.

Surely this requirement has been known for some time and if the Department of Defense wanted this program, it could have been included in the fiscal year 1970 budget request in one of the numerous revisions made by the new Secretary of Defense.

Freedom Fighter Aircraft

In committee I moved to strike $36 million from a $52 million item not in the committee print, the budget or in any formal Air Force communication for an alleged World Freedom Fighter Aircraft. The $52 million surplus arose the day of our committee mark-up as a result of DOD determination not to go ahead with a 5th C-5A squadron. The funds were for long leadtime procurement.

It was stated at the time this item was voted on that the World Freedom Fighter plane was not necessarily the F-5-21 Freedom Fighter Aircraft of Northrop Aviation, but could be any airplane of any company. This has got to be the most bizarre $52 million authorization to ever come out of a congressional committee.

If the United States needs a cheap jet airplane to sell only to foreign governments, let's ask the foreign governments to foot the bill. We've never paid Air Force money in the past to develop a new airplane the Air Force could not use!

Moreover, the project has escalated fourfold since it was last presented to this House.

If you will refer to the Record of March 27, last, at page 7895, you will see that the cost of the more definitive F-5-21 Freedom Fighter only cost $14 million at that time to modify the F-5A's and F-5B's now selling like hotcakes worldwide. *Neither the Air Force nor the Department of Defense has ever asked for these development funds.* My chairman stated last March as follows:

"* * * You will notice in the report that the committee added $14 million to the authorization bill for modifying the F-5-Freedom Fighters—aircraft into an improved version which will be called the F-5-21. By taking advantage of the several improvements that have been funded by Canada, Norway, and the Netherlands, at a cost of more than $50 million, and by installing the increased thrust J85-21 engines, a significant increase in military effectiveness will be attained while retaining the desirable low-cost, high-utilization rates and excellent maneuverable qualities of the F-5 aircraft * * *

As Representative Arends stated on page 7897:

* * * First. Why should the United States invest $14 million at this time in an aircraft not in the U.S. inventory? * * * *By minor United States investment* we can take advantage of these and other advances now available to modify the F-5 into an improved production version.

The September *Air Force Space Digest* describes the F-5 as follows:

F-5A, B Freedom Fighter

Lightweight supersonic all-purpose fighter, being furnished U.S. allies under military assistance program, including South Vietnamese AF, and more than a dozen others. Canadair is producing improved versions, 115 for RCAF and 105 for Royal Netherlands Air Force. None is operational in U.S. Air Force, except in training foreign pilots at Williams AFB, Ariz. F-5A is single-seater; F-5B accommodates 2-man crew for training or combat missions. It carries up to 6,200 pounds external stores—armament or fuel—and can take off or land from sod field. Freedom Fighter evolved from USAF T-38 Talon jet trainer. Contractor: Northrop Corp., Norair Div. Powerplant: 2 General Electric J85-13 turbojets, 4,080-pound thrust with afterburner. Later version, including Canada's CF-5, employs J85-15 engine with 4,300 pound thrust. Dimensions: span 26 feet, 5 inches, length 45 feet 11 inches, height 13 feet. Speed: 1,000 miles per hour. Ceiling: over 50,000 feet. Range: combat, 400 miles; ferry, 2,100 miles with external tanks. Armaments, 2 M39 20-millimeter cannon in nose. Can carry Sidewinder missiles or 2,000-pound bomb, or rockets in combination. Crew: F-5A, one; F-2B, two. Maximum gross takeoff weight: over 20,000 pounds. Primary using commands: U.S. allies.

I say there's no need for the United States to spend this $52 million at all.

The Air Force is strangely silent on the airplane. Under date of June 6, I sent the following letter to Air Force Secretary Robert C. Seamans, Jr.

June 6, 1969.

Hon. Robert C. Seamans, Jr.,
Secretary of the Air Force,
Department of the Air Force,
Washington, D.C.

Dear Mr. Secretary: There was presented before my House Armed Services Committee an amendment to the supplemental authorization bill to provide funds for the construction of F521 aircraft.

At your earliest convenience, I would appreciate having a complete analysis of this subject—past costs of F5 aircraft for foreign nations sales that have been made; original funding which was used; history of the proposed new funding; location where the aircraft will be constructed; proposed customers for the new aircraft; and position of the Department of the Air Force on this proposed contract and justification therefor.

Your many courtesies are appreciated.

Very sincerely,

Robert L. Leggett,
Member of Congress.

To date, I am still waiting for a reply.

As I understand the current state of the record, the Air Force has orally requested $52 million for development of a World Freedom Fighter aircraft, which may or may not be the Northrop Freedom Fighter and moreover, the Air Forvce to this date has presented no written justification or the method whereby they will spend $52 million of our American tax dollars.

Robert L. Leggett.

House Group Scores Fund Allocation for Fighter

(By Warren Weaver, Jr.)

Washington, Sept. 29.—A group of House members attacked as "ill-advised" today the last-minute provision of $52-million for development of a fighter plane that had been consistently opposed by the Pentagon but was a favored project of Representative L. Mendel Rivers, Democrat of South Carolina.

In one of several critical postscripts to an Armed Services Committee report made public today, Representative Robert L. Leggett, Democrat of California, declared: "This has got to be the most bizarre $52-million authorization to ever come out of a Congressional committee."

The money was added to the military authorization bill by the committee last Wednesday at the behest of Mr. Rivers, its chairman. There had been no previous request for money for the so-called "freedom fighter" from the Pentagon, but Mr. Rivers announced he had an oral expression of interest from the Defense Department that day.

In today's report, the chairman included a letter from Deputy Defense Secretary Davis Packard, dated last Wednesday, noting a discussion with Mr. Rivers earlier in the day and asking the committee to "consider making the necessary adjustments" to develop the new fighter aircraft.

In the same recasting of the military bill, the committee cut $52-million from the authorization for the C-5A supertransport so that the money for the F-5-21 fighter plane did not increase the over-all spending figure under consideration by the committee.

The new fighter, to be built by the North-

rop Corporation, would not be used by the Air Force at all but would be supplied to what Mr. Packard called "our Free World Allies, and in particular South Vietnam." Representative Leggett found the whole project objectionable.

He wrote in his separate report: "If the United States needs a cheap jet airplane to sell only to foreign governments, let's ask the foreign governments to foot the bill. We've never paid Air Force money in the past to develop a new airplane the Air Force would not use."

The House members who submitted a joint statement opposing the F-5-21 were Mr. Leggett, and Representatives Lucien N. Nedzi, Democrat of Michigan; Otis G. Pike, Democrat of Suffolk County; Robert T. Stafford, Republican of Vermont, and Charles W. Whalen Jr., Republican of Ohio.

Some House members have privately attributed Mr. Rivers's sponsorship of the "freedom fighter," at a time when the Defense Department opposed the project, to a solicitude toward the Northrop Corporation, but others who have watched the Armed Services chairman for years doubt any special treatment is involved.

"You've got to give Rivers credit," one of his colleagues said. "This is not an example of preferential treatment for Northrop. He has this kind of a relationship with a lot of the big defense contractors."

The F-5-21 is only one of 10 or more controversial items in the military bill that will come under attack when the measure reaches the House floor on Wednesday, but its critics are not overly optimistic about making any changes in the provisions approved by Mr. Rivers' committee.

Their best opportunity appears to be a move to strike from the bill $1-billion for additional Navy ships, over and above any Pentagon request, that was inserted by the committee last week.

An effort will also be made to drop $345.5-million for deployment of the Safeguard anti-missile system. Debate on this issue took the Senate several weeks this summer, but the forces opposed to the ABM failed by a single vote to kill the program.

The military bill the Senate finally approved totaled $20-billion. The version that the House will consider authorizes $21.3-billion in expenditures, as a result of additions made by the House Armed Services Committee.

Generally, there are fewer Pentagon critics and more supporters of the Armed Services Committee in the House than there are in the Senate, and this week's House debate is not expected to take more than two or three days, compared with eight weeks in the Senate.

Exhibit 1

Hon. John Stennis,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I urge the Committee on Armed Services to delete two items from H.R. 7757, both of which come under the jurisdiction of the Committee on Foreign Relations.

As you know, the bill contains a $14,000,000 authorization, the first increment of a total of $62,000,000, proposed for retooling the Northrup Corporation's production facilities for F-5 fighter aircraft, to be sold or given to foreign countries under the military assistance and sales program. There is no United States military requirement for this aircraft and the item was not requested by the Department of Defense.

During recent years the Committee on Foreign Relations has given a great deal of study to the military aid and sales program, with particular attention to grants and sales of sophisticated weapons such as jet fighters to developing countries. Many corrective policy changes have been brought about as a result of this study and the Committee will undoubtedly recommend further changes as a result of its work on foreign aid legislation this session.

The proposal to subsidize a manufacturer of aircraft, suitable only for use by foreign countries, is unprecedented and involves grave questions of foreign policy which should receive careful consideration by the Committee on Foreign Relations, which has jurisdiction over foreign aid matters. I hope your Committee will delete the proposed $14,000,000 authorization so that our Committee can study in depth the many serious issues involved.

The second item, although seemingly a minor personnel matter, would be a first, and perhaps irrevocable, step in the transfer of funding for United States participation in international military headquarters (NATO, SEATO) from the military assistance program to the regular Department of Defense budget. The Department's regular budget for FY 1970 contains a $31,250,000 request for international military headquarters, thus removing it from the foreign aid program. In 1967 the Senate considered and rejected a similar Department of Defense proposal. If the issue is to be re-opened it should be considered by the Committee on Foreign Relations, which has basic jurisdiction. I urge the Committee to reject the requested personnel authority.

I will appreciate having this letter printed in the Committee's hearing record on H.R. 7757.

Sincerely yours,

J. W. Fulbright,
Chairman.

PUBLIC DISCLOSURE BY SENATOR AND MRS. CHARLES McC. MATHIAS, JR.

Mr. MATHIAS. Mr. President, Mrs. Mathias and I believe that one way to renew confidence in the institutions of Government is to share with the public all information that may throw light upon the interest or disinterest of those who participate in making public decisions.

Therefore, last April, in addition to filing the confidential financial reports required under the Senate rules, we voluntarily made available to the press and the public a listing of our assets, our creditors, our net worth, and our income in 1968 over and above congressional pay and allowances. Periodic changes will be reflected in each annual report.

This is the practice which Mrs. Mathias and I followed last year, when I was a Member of the other body and a candidate for the Senate. It is the type of full, public disclosure, not now required by law, which I believe every elected Federal official and candidate should make.

I ask unanimous consent to have printed in the Record our statement of financial disclosure for 1968 and a letter of April 22, 1969, transmitting this report to the chairman of the Select Committee on Standards and Conduct.

There being no objection, the items were ordered to be printed in the Record, as follows:

April 22, 1969.

Hon. John Stennis,
Chairman, Select Committee on Standards and Conduct, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to Senate Rules XLII and XLIV, I have heretofore submitted the information required. In addition to that disclosure, Mrs. Mathias and I wish to follow the practice that we have established and to make a listing of our assets, our creditors and our income over and above Congressional pay and allowances. A copy of this voluntary report is enclosed for your information and additional copies will be submitted to the Congressional Record and to the press.

Very truly yours,

Charles McC. Mathias, Jr.,
U.S. Senator.

Disclosure of Financial Interests of Senator and Mrs. Charles McC. Mathias, Jr., April 22, 1969

ASSETS

Equity in Federal Retirement System.
Life Insurance.
Livestock and Farm Machinery.

Real estate

House: RFD 2, Frederick, Maryland.

House: 3808 Leland Street, Chevy Chase, Maryland.

Half interest in 40-acre farm in Frederick County, Maryland.

Half interest in 306 Redwood Avenue, Frederick, Maryland.

Lease for 373-acre farm, expiring in 1973.

Stocks

Farmers and Mechanics National Bank.
Capitol Hill Associates.
Citizens Bank of Maryland.
Foote Mineral Company.
Frederick Medical Arts.
G. D. Searle & Company.
Glaxco Laboratories, Ltd.
Investors Loan Corporation.
Massachusetts Investors Growth.
The Detour Bank.
The Great Atlantic & Pacific Tea Company.
Warner-Lambert Pharmaceutical Company.
Maryland National Bank.

LIABILITIES

Debts due on mortgage, collateral and personal notes to: Farmers & Mechanics National Bank, Frederick, Maryland; Bank of Charles Town, Charles Town, West Virginia; and Walker & Dunlop, Washington, D.C.

Net worth computed to April 16, 1969, $143,602.55.

Year 1968:

Investment income	$1,330.62
Interest	52.52
Honorariums	1,550.00
Net rents	1,566.65
Legal fees	1,702.08

PRESENTATION OF AWARD OF MERIT BY THE DEFENSE DEPARTMENT TO A DISTINGUISHED NEVADAN

Mr. CANNON. Mr. President, I ask unanimous consent to have printed in the Record an article about an outstanding Nevadan.

Mrs. Jessie Beck of Reno, Nev., was presented last October with the Award of Merit by the Department of Defense for her outstanding service in writing to literally hundreds of servicemen who are serving overseas. She receives a half dozen or so letters a day from marines at Con Thien and Army men at Cam Ranh Bay. Recently the men of the carrier *Hancock* made her an honorary member of their 164th and 165th Fighter Squadrons. Because of her dedication to making the lot of some of our lonely men overseas easier, I wish to give her special recognition by having the account of her activities made a matter of special record. The account

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was published in the Wednesday, September 10, 1969, issue of the Reno Evening Gazette.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. JESSIE BECK

A lady gambler and great grandmother, who spends her off hours writing "her boys" in Vietnam, was back at her letter writing an hour after being named a Distinguished Nevadan Monday.

Mrs. Jessie Beck of Reno began her gambling career 30 years ago as one of the first women running a roulette table in Nevada. She now owns the keno game and other gambling concessions in one of Reno's largest casinos.

She started writing letters and sending packages to servicemen in Vietnam five years ago. The Award of Merit, the highest award the Defense Department can give a civilian, was given her last year.

"I write because I think those kids are pretty wonderful and I know some of them do not get much mail," Mrs. Beck explained. "Some of them are away from home for the first time and need help.

"Then I watch movie reels on tv, and my heart goes out to them," she said. "I would go over and fight by their side, but I'm afraid I would only get in the way.

"I don't like fighting. I don't like war. I only wish there was more I could do for them."

Mrs. Beck's first letters and packages went to a man who had worked for her in Reno. Her letters and the food, books, playing cards and kool aide she sent were passed from man to man in his company and beyond.

Soon letters with Vietnam postmarks started appearing in her mailbox with increasing regularity. There are now more than 500 names on her mailing list.

"I try to write to each man personally, but I got caught behind because of business and visitors last month and had to type sort of a newsletter." There was a personal post script on the bottom of each of those newsletters when they went out.

Mrs. Beck, white-haired but still very active, has two sons, five grandchildren and two great-grandchildren.

A native of Sweetwater, Texas, she came to Reno at the invitation of Harold Smith Sr. to run the roulette table at Harolds Club. A few months later, when several men who worked the craps table became ill, she became the first woman craps table boss in Nevada.

Mrs. Beck's late husband, Fred, ran the keno and poker games at Harolds on a concession basis. She took over the operation when he died in 1954.

She is still in the club almost every night, but has not actually run a game for several years.

Mrs. Beck, who does her letter writing from a special apartment she maintains on the top floor of the Arlington Towers apartment, was presented the Award of Merit last October in Reno by Sen. Alan Bible.

It was awarded to her by the Defense Department after literally hundreds of servicemen she had written to overseas deluged congressmen and senators in Washington with letters about her.

Mrs. Beck bears the same surname as another illustrious Nevadan, Miss Jessie Beck.

A teacher for whom a Reno elementary school is named Miss Jessie Beck taught for 43 years in Nevada schools, retiring in June 1941. She died in January, 1961.

A half dozen or so letters a day reach Mrs. Beck from Marines at Con Thien, Army men at Cam Ranh Bay and the pilots of the Carrier Hancock who made her an honorary member of Fighter Squadrons 164 and 165.

Some of the letters she receives talk of Vietnam, but most she said, are filled with talk of wives and children and sweethearts.

She answers them by writing at nights and Sundays. Her letters, which she said are never too personal to be passed around are unabashed patriotism laced with humanitarianism.

"I write every day unless I get atuck at the office until after midnight. It would be all right, but I write long letters."

An hour after she was presented the Distinguished Nevadan Award by Gov. Paul Laxalt at the state capitol in Carson City, Mrs. Beck was back in her Reno apartment writing a letter.

Five of the men whom Mrs. Beck had written have died in Vietnam. "It takes a long time to get over it," she said.

Many of the men on her mailing list come to visit Mrs. Beck when they return to the United States.

"The only thing I enjoy more than writing to them is saying welcome home to them." Mrs. Beck, a well-known and respected business woman, never fails to see they are well taken care of in Reno.

With the exception of some help from her employees in wrapping packages at Christmas time, Mrs. Beck's campaign is a one-woman operation with all the expenses paid from her pocket.

All of the letters she has received from "her boys" are in a file near Mrs. Beck's desk.

"I wouldn't take a million dollars for those letters. I cry every time I read some of them, but when I get old, they are going to make me very happy."

THE VIETNAM PROTEST MARCH

Mr. COTTON. Mr. President, a nationwide march is being organized for October 15 as a demand that the President immediately withdraw our forces and stop the war in Vietnam.

It is a march against our country.

It cuts the ground from under our President, encourages our enemies, and reduces the chances for a negotiated peace.

It asks the President to abandon 500 Americans languishing in the prisons of North Vietnam.

It asks the President to abandon numberless thousands of non-Communist Asians to be tortured and slaughtered.

It asks the President to break the word of his predecessor and of this Government and to betray the 40,000 heroic Americans who have given their lives.

It is a step toward substituting mob psychology for the reasoned policies of a government elected by the people of this constitutional Republic.

The President is seeking an orderly withdrawal of our forces and an ultimate disengagement of this war.

During the 3 weeks that the North Vietnam Communists occupied the city of Hue, they murdered 2,000 old and young men and women and little children, and buried them in mass graves. When we reoccupied the city, American press representatives described the digging up and reburial of many of the victims. They reported that many had been beaten to death with clubs so they did not have a whole bone in their bodies, and some showed clear evidence of having been buried alive. Do those who march want the lives of a million more such victims on their conscience?

It may well be that under our present policy we shall eventually occupy a single port in South Vietnam under the guns of our Navy and the protection of our Air Force. There we could evacuate the innocent victims should South Vietnam lose the war. There we would remain a thorn in the side of the Communists until they release to us American prisoners.

What must be in the minds of the fathers and mothers of our soldiers in the hands of the enemy when they hear this demand that we abruptly abandon them, I can only imagine.

I cannot imagine what is in the minds of Senators and Representatives who approve of this demonstration and will even allow their office facilities to be used in promoting and organizing the proposed October 15 march.

FREEZE ON CONSTRUCTION FUNDS FOR SMALL WATERSHED PROTECTION AND FLOOD PREVENTION PROGRAMS

Mr. HARRIS. Mr. President, I recognize the need for a concerted, bipartisan effort to curb the current inflationary spiral in this great country of ours. However, I am much concerned about the current freeze order on use of appropriated funds and cutbacks in Federal construction work. In a statement issued September 4, President Nixon announced a 75-percent reduction in Federal construction and strongly urged State and local governments to cut drastically their construction plans in order to release construction workers and equipment for badly needed housing projects. He further stated that if local response proves insufficient, he would need to restrict the commitments for construction that can be financed by Federal grants.

I am particularly concerned about cutting back on grants for resource development programs such as the small watershed protection and flood prevention programs. My concern is twofold.

First, these projects are locally directed and partially financed from local funds. Millions of dollars of State and local money have been committed with the expectation that the Federal share would be available when needed. Bonds have been issued. Interest is being paid. In many cases, State appropriated funds are lost if not obligated within a specified time. Sponsors have acquired hundreds of easements which will expire if construction work is suspended. A stop-and-go policy on these construction grants will make it increasingly more difficult, and in some cases impossible, to convince State legislatures that continued support is a wise investment.

In the private sector, many contractors have made large investments to continue construction of project measures currently underway or scheduled for early completion. In Oklahoma alone, almost $12 million worth of construction work, involving about $7 million of Federal funds and almost $5 million of State and local funds, is ready to go. Suspension of this work will result in heavy losses to local contractors and put many workers on the unemployment roles. Cutting back construction programs of this nature will certainly prove to be false economy and also greatly erode public confidence in the resource development stance of the Federal Government.

Second, and equally important, these small upstream watershed programs

provide such an array of social and economic benefits that funding should be significantly increased—not reduced. For example, the first national water assessment shows $1.7 billion flood and sediment damages occur each year throughout the country. Of this total, $1 billion, or 59 percent, occurs in rural upstream areas. The January 1969 Annual Report of the President's Council of Economic Advisers points out that the greatest incidence of poverty in the Nation is in the rural areas—23 percent compared with 16 percent in central cities.

Not only do these projects provide direct employment in their installation but they also greatly stimulate the economy of the rural communities. Almost 20 percent of the projects in the great State of Oklahoma include structures for rural community water supply, and this percentage is increasing each year. An equal number include recreation facilities as a project purpose. Often these multiple-purpose measures are the one stimulant needed to put new life into presently dying rural communities.

My remarks here are in no way intended as criticism of efforts to curb the inflationary spiral which is plaguing our Nation's citizens. However, I do wish to emphasize that greater priority is needed for resource development programs because of their immediate and long-range social impact, not only in the local areas in which needed measures are installed but also throughout the Nation.

By improving the economy of rural areas, we can reverse the out-migration of unemployed or underemployed people and our rural youth to already overcrowded, poverty stricken urban areas. By providing and increasing job opportunities in rural areas, we also provide the means for improved housing for millions in esthetically pleasing environments away from the smog and congestion of central city areas.

I hope all Senators will join me in urging the President not to impose any cutback in Federal grants particularly for the small watershed protection and flood prevention programs. I also urge each Senator to encourage the removal of the current restrictions imposed by the Bureau of the Budget on expenditures of appropriated funds and strongly support a substantial increase in subsequent appropriations for these programs consistent with the needs in upstream areas of our Nation.

STATEMENT BY JAMES M. HESTER, PRESIDENT, NEW YORK UNIVERSITY, ON THE TAX REFORM ACT OF 1969

Mr. GOODELL. Mr. President, the Committee on Finance has just concluded extensive and informative hearings on the important matter of tax reform.

I invite the attention of Senators to a statement submitted to the committee by James M. Hester, president of New York University, on certain aspects of the Tax Reform Act—H.R. 13270—affecting charitable contributions to higher education. A tremendous amount of interest and concern has been expressed on this subject by the members of the academic community. President Hester's remarks are an important and useful contribution to this dialog.

Also I take this occasion to congratulate Dr. Hester on his appointment as chairman of a task force on priorities in higher education recently announced by President Nixon. This task force of distinguished citizens, among them two other New Yorkers—Sebastian Martorana, vice chancellor for Two-Year Colleges, State University of New York, and Albert L. Nickerson, director, Mobil Oil Corp.—has been given the critically important charge of advising the President on higher educational priorities for the 1970's. I am sure that Senators join me in wishing them every success. We all look forward to having their recommendations on ways to provide innovative and constructive educational programs for the future.

Mr. President, I ask unanimous consent that the text of President Hester's statement to the Committee on Finance be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE TAX REFORM BILL FOR THE SENATE FINANCE COMMITTEE

(By James M. Hester, president, New York University)

I am grateful for the opportunity to present, for your consideration, the views of New York University on certain provisions of H.R. 13270, the tax reform bill, and I should also like to express my personal satisfaction with the thoughtful and comprehensive response of the Congress to the demands of the public for basic reforms in our system of taxation. I am confident that your deliberations will greatly advance the cause of equity in taxation.

The provisions of the tax reform bill with which New York University is principally concerned are those which would effect basic changes in the treatment of charitable contributions. Many of the provisions in this area are meaningful reforms, and we heartily endorse the elimination of those incentives which have encouraged charitable contributions solely as a means to increasing the donor's after-tax net worth. Yet we feel that in some respects the bill would reach too far, destroying those legitimate incentives which stimulate private support for our colleges and universities and thus severely jeopardizing this nation's capacity to meet the educational challenges of tomorrow.

GIFTS OF APPRECIATED PROPERTY—LTP AND ALLOCATION

Our primary concern is with the provisions which make the appreciation element of gifts in property a "tax preference" item for purposes of both the limitation of tax preferences and allocation of deductions. The House Ways and Means Committee recognized that permitting the donor to deduct the full fair market value of gifts to schools, hospitals and other publicly supported charities serves as a crucial stimulus to make substantial gifts, but by making appreciation a preference item most of the benefit of that stimulus will be lost. As you are well aware, most of the support for any private educational institution comes from a relatively small number of alumni and friends, and large gifts are typically made in the form of appreciated property. It is a doubtful proposition at best that reform would be served by deeming a contribution of appreciated property a preference akin to the receipt of tax-free interest, and to endanger the quality of higher education on this premise seems a rash course indeed.

There is a fundamental difference between making a gift of appreciated property and those other transactions which are considered tax preferences under the bill for purposes of LTP and allocation of deductions. Allowing a donor to deduct the full fair market value of his gift, upon meeting the restrictions set forth in the bill as to the type of property contributed, will encourage him to contribute by reducing the net cost of such gift to him, but it does not permit him to profit; his net worth will have been reduced. Tax-free interest and capital gains, on the other hand, represent untaxed income, while accelerated depreciation and farm losses are tax benefits arising out of profit-seeking activities which produce an increase in net worth through lessening of tax. In short, the donor of appreciated property is "preferred" only in the sense that the source of part of his deduction is attributable to untaxed *appreciation*, not untaxed income. Granted that it may be less painful for the owner of substantially appreciated securities to make a contribution than for one who makes an equivalent cash gift, each has acted charitably because each has reduced his net worth. The donor of appreciated property is preferred only in that he possessed such property and in that the law recognizes that its contribution, at less net cost to him than its full value, serves a desirable social purpose.

While there is considerable doubt, therefore, as to whether fairness requires that the appreciation element be included among the items of tax preference, there is none whatsoever about the immediate and drastic effect of such inclusion. While precise calculation of the cost to higher education is impossible, uncertainty about the net cost of major contributions, which would be dependent upon all items of income and deduction which bear upon the LTP and allocation formulas, would induce hesitancy in any case and outright refusals to give in many. It would surely create a climate in which expert income-and-deduction juggling would reduce the cost of contributions, and college and university fund-raisers could rarely advise prospective major donors as to the real cost of their gifts. Indeed, we have already observed a reluctance to consider major gifts pending the resolution of this problem.

Finally, it is not at all inconceivable that severe diminution of the private sector's incentive to support higher education through contribution'a would be a first step to vast expansion of public assistance programs. Private institutions like New York University can maintain their activities only so long as they can sustain a constant flow of contributions. Lessening of private support would require increased public support or radical retrenchment of education services essential to our society. The decision that the public has to assume an obligation to provide substantial support for institutions heretofore privately sustained is not one that should be made by indirection, especially on the dubious premise that tax equity demands it.

GIFTS OF FUTURE INTERESTS IN APPRECIATED PROPERTY

In recent years New York University has benefitted from a significant number of gifts of future interests in property. By permitting donors to reserve income from contributed property for life, we are able to attract important gifts from persons of relatively modest means—gifts which such persons simply could not afford to make without the benefits of retained income and an income tax deduction for the present value of the remainder interest. The bill, in denying a deduction for the fair market value of a future interest in appreciated property unless the donor elects to include the appreciation in income, would effectively destroy all incentive to use this plan.

As to the portion of the appreciated prop-

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erty which may be considered to fund the life income interest, the donor reaps an unwarranted benefit in avoiding tax on the appreciation. But the solution posed by the bill goes beyond correction of the abuse. What is necessary is not a blanket denial for all gifts of future interests in appreciated property, but rather a separation of the transaction into two elements, similar to the treatment afforded "bargain sales." Thus a portion of the donor's basis in the entire property should be allocated to the life-income interest, and he would be taxable on the appreciation attributable to that portion, but his fair market value deduction would be preserved as to the remainder interest.

PERCENTAGE LIMITATION ON GIFTS OF APPRECIATED PROPERTY

The House bill imposes a special limitation of 30 percent of a taxpayer's "contribution base" on the deduction for gifts of appreciated property, while the general limitation on gifts to churches, schools, hospitals and publicly supported charities is 50 percent. It is at least questionable whether gifts of cash and property which has not appreciated in value are entitled to such comparatively favorable treatment, but even assuming that they are, the 30 percent limitation should have reference to the appreciation, not to the entire value of the gift. Under the bill, a donor with a contribution base of $10,000 who makes a contribution in property worth $5,000 in which he has a basis of $4,900 would be limited to a $3,000 deduction, but were his basis $5,000, he would be entitled to the full $5,000 deduction. The inequity is obvious and should be remedied.

TAX ON FOUNDATION INVESTMENT INCOME

Under the House bill, private foundations, in addition to becoming vulnerable to a variety of penalties for overstepping their charitable bounds or indulging in certain proscribed investments, are liable for a 7½ percent tax on "net investment income." New York University depends heavily on foundation grants for support of many of its programs. We assume that this 7½ percent levy would have the effect of reducing the amounts of funds which we might expect to receive from these foundations. Furthermore, such a tax would seem to bear no relation to costs incurred in supervising the activities of foundations; in effect it would create an anomalous special class of partially tax-exempt organizations. Accordingly, we endorse the Treasury recommendation to reduce the suggested tax to two percent, an amount which bears a reasonable relation to the anticipated increased costs of governmental administration and supervision.

THE "CLAY-BROWN" PROVISIONS AND THE URBAN UNIVERSITY

In mounting an assault on the "Clay-Brown" situation in which the purchase of a business or other income-producing property by an exempt organization is financed out of future profits, H.R. 13270 permits debt-financed acquisitions to escape the unrelated business income tax where "all the use" of the acquired property is related to the performance of the acquiring organization's exempt purposes. It also excepts acquisitions of neighborhood land provided that it is contemplated that the land will be used within 10 years in furtherance of such exempt purposes, and if the intended future use requires that any structure on the land at the time of acquisition be demolished or removed.

Meeting one or the other of these exceptions may prove most difficult for the growing urban university. If New York University, for example, has an opportunity to purchase, at an attractive price through debt-financing, an apartment hotel for eventual use as a dormitory, it may not be possible, for financial or other reasons, to make an immediate complete conversion to dormitory use, yet eventual use would not contemplate demolition. As a result, until conversion has been completed, a percentage of rentals derived from both students and hold-over tenants would be subject to tax.

Perhaps the most equitable solution to this problem would be to tax only revenues from persons whose occupancy is not in furtherance of the acquiring organization's exempt purposes. Or, in recognition of the fact that demolition provides unequivocal evidence of intent but is an inappropriate requirement, it could be deleted, permitting the exception to be satisfied if the building were completely converted to educational purposes within 10 years.

TAX REFORM ACT OF 1969—SUMMARY OF ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, today the Committee on Finance began its first day of executive sessions on H.R. 13270, the Tax Reform Act of 1969.

Our first decision was with respect to the proposed tax treatment of interest earned on State and municipal obligations. Because of the continuing rise in interest rates and because of the deterioration of the marketability of these bonds, the committee decided not to subject State and local bond interest to Federal income tax under either the minimum income tax or the allocation of deductions rule as provided in the House bill.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 9, 1969]

STATE AND LOCAL BOND INTEREST AND TAX REFORM

Senator Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee had agreed that it would not subject State and local bond interest to federal income tax. This was the first decision reached by the Committee in their deliberation on the tax reform bill of 1969. The Committee also agreed to delete that provision in the House bill which would provide a subsidy for State and local governments which choose to issue their bonds on a taxable basis and pay competitive market rates of interest on them.

The Committee decided to retain the provision in the House tax reform bill which subjects interest earned on so-called arbitrage bonds to federal income tax. Arbitrage bonds are those which are sold by the State and local government, the proceeds of which are reinvested in higher yield federal or corporate securities. The Committee felt that these bonds serve no useful governmental purpose but were an unhealthy consequence of the record-high interest rates existing in the Country today.

Finally, the Committee added to the bill a provision which will require in the future that State and local bond interest be reported on the tax return *for statistical purposes only.*

The Chairman indicated that because of the gap in knowledge as to who the recipients of this interest are there had been considerable speculation that these bonds are purchased primarily for their tax avoidance potential. He stated that this attiude overlooked the more obvious point that the purchaser of State and local governmental bonds had already borne a tax in the form of a return for his investment.

[From the press release of the Committee on Finance, U.S. Senate, Oct. 9, 1969]

STATEMENT MADE BY HON. RUSSELL B. LONG, CHAIRMAN, COMMITTEE ON FINANCE, ANNOUNCING THE COMMITTEE DECISIONS WITH RESPECT TO THE TAX TREATMENT OF INTEREST PAID ON STATE AND LOCAL GOVERNMENT BONDS

The Finance Committee acted this morning to delete those provisions of the House tax reform bill which would indirectly tax the interest earned on State and local government bonds. Under this action the limit on tax preferences and the allocation of deduction provisions of the House-passed tax reform bill will not apply to this bond interest. The provision extending a Federal subsidy to State and local governments which choose to issue their bonds on a taxable basis were also deleted.

The Committee felt that if there was ever a time for ending the tax exemption on this interest income, 1969 is not the year to do it. Interest rates are at the highest level in over 100 years.

Because of this, taxable investment opportunities have attracted money away from the State and local government bond market. This in turn has caused interest rates on some State and local bonds in recent months to rise three times as swiftly than interest rates generally. On the other hand, provisions in many State Constitutions severely limit the interest that State or local governments may pay on their obligations. These factors have made it very difficult for States and municipalities to raise the funds they need to finance the improvements they desire for their citizens.

The tax bill has added to this difficulty by further reducing the net income a purchaser of these bonds might earn. This causes a widening of the gap between the net yield on taxable corporate and Federal securities on the one hand and tax-exempt State and local governmental securities on the other.

Good tax policy considerations and public policy considerations alike demand that the total tax structure—Federal, State and local, combined—be explored in determining the advisability of tax reform aimed at a Federal tax on State and local bond interest.

The Committee on Finance did explore these aspects.

During the hearing before the Finance Committee, a distinguished panel of Governors representing the National Governors' Conference was followed to the witness table by a distinguished panel of Mayors which, in turn, were followed by a distinguished panel of County officers. These dedicated officials presented irrefutable evidence of the impact the House tax reform bill has already had on their functions.

Their capital improvement programs cannot be initiated. Their bond issues have been authorized but the bonds cannot be sold. Bonds they have already issued are rapidly depreciating in value, causing considerable losses to their holders.

These witnesses reminded the Committee that the House tax reform bill would raise only $80 million annually in revenues for the Federal Treasury through the tax on their bond interest. Then they carefully demonstrated that State and local taxes would have to go up by $200 million a year to pay for it.

State and local tax structures generally are regressive—they fall more heavily on the poor than on the rich. Sales taxes, property taxes, gasoline taxes—these are the levies that would need to be hiked at State and local levels to pay the higher yields demanded by purchasers in anticipation of a Federal tax on their bond interest. These are the taxes that hit hardest at the poor.

Based on the testimony we received, the Committee on Finance concluded this morning that the provisions of the House bill taxing State and local bond interest constituted a very inefficient tax reform and should not be enacted. The Committee is hopeful that the action it has taken on this subject will restore confidence to the tax-exempt bond market and enable State and local governments to get on with the important work of improving services and facilities for their own citizens.

ARBITRAGE BONDS

The Committee agreed to retain that provision in the House Tax Reform bill which would tax the interest earned on so-called "arbitrage bonds." However, the provision was modified to make it somewhat more objective.

Arbitrage bonds are bonds issued by a State or local government, the proceeds of which are reinvested in higher yield Federal or corporate securities.

The Committee felt that State and local governments should not use their tax exempt privilege for the purpose of gaining a higher return on other investments in this day of record-breaking interest rates.

The Committee action consists primarily of the addition to the bill of a definition of the type of bond to which the House bill referred but did not identify. It is made clear in this definition that bonds issued by a State and local government to provide funds for the financing of residential housing, sports facilities, airports, docks, wharves, mass commuting facilities and park facilities, air and water pollution control facilities, sewage or solid waste disposal facilities, or for facilities of the local furnishing of electric energy, gas or water would not be treated as arbitrage bonds, and the interest on bonds issued for these purposes would remain tax-exempt. These are the purposes for which an exception was provided when Congress acted last year to tax the interest earned on industrial development bonds.

REPORTING OF TAX-EXEMPT INTEREST

The Committee also agreed to a provision which in the future would require that individuals and corporations receiving tax-exempt State and local bond interest must report their bond interest on their tax returns *for statistical purposes only.*

This will provide information as to where, in the income classes, interest on these bonds is received. This will indicate whether there are individuals with large amounts of this income who are avoiding the payment of any Federal taxes.

Today this interest is not reported on tax returns for any purpose. No one knows who receives this interest at the present time and this gap in our knowledge has led to considerable speculation that these bonds are purchased primarily for their tax exemption.

The statistical knowledge gained by requiring that tax-exempt interest be identified on the tax return will permit a more national discussion of the question of whether these bonds are used primarily as a tax-avoidance device.

It is certainly true—although tax-purists are unwilling to concede it—that the purchaser of State and local bonds have already borne a tax, a tax in the form of a lower return on their money.

ANTIWAR DEMONSTRATIONS

Mr. THURMOND. Mr. President, a carefully orchestrated tide of voices is now rising throughout the country demanding what amounts to immediate withdrawal from Vietnam. I notice that these self-appointed spokesmen no longer even mention the need for reciprocal moves from Hanoi. They want the United States to withdraw now—whatever the consequences. They cast aspersions upon the Thieu government, and they demand some kind of coalition that will admit to power the very subversive elements that the United States, South Vietnam, and our allies have been struggling against for many years.

Even though some eminent persons have lent their names to this protest movement, it is very disturbing to examine the makeup of the groups that are actually doing the work. Coordination of the activities is being done by the New Mobilization Committee To End the War in Vietnam. The Washington weekly, Human Events, has revealed that the steering committee of "New Mobe" includes such people as Arnold Johnson, the public relations director of the U.S. Communist Party; Irving Sarnoff, an identified Communist who took the 5th amendment before the House Committee on Un-American Activities rather than say whether or not he was a Red; Sylvia Kushner, a radical activist in her own right and for many years the wife of Sam Kushner, who has served on the Communist Party's National Committee and as Los Angeles editor of the People's World, the west coast Communist Party newspaper; and Otto Nathan, charged by the State Department in 1955 with having been a German Communist who has a "consistent and prolonged adherence to the Communist Party line on a variety of issues."

The steering committee also includes Dave Dellinger and Rennie Davis, two of the people now on trial in Chicago on grounds of violating the U.S. antiriot law during the 1968 Democratic convention. Fred Halstead, an avowed Trotskyite, is also included, along with Robert Greenblatt. Human Events says that Greenblatt's bias was revealed last year when he went to Paris bearing a letter of introduction from Tom Hayden to a North Vietnamese, a Colonel Lao. The letter from Hayden introduced Greenblatt as a trusted worker in the cause and ended with this thought for Colonel Lao: "Good fortune. Victory."

Mr. President, this New Mobilization Committee is working hand and glove with the Vietnam Moratorium Committee, and does not attempt to conceal its relationship. I am sorry to say that certain Members of this body are vigorously supporting the Vietnam Moratorium Committee. Perhaps they have not examined its relationship with the New Mobilization Committee. I hope they will do so and withdraw from this effort.

The New Mobilization Committee does not hesitate to propagandize openly for the Vietcong. It is viciously anti-American. Theodore White has quoted Sam Brown as saying the following:

> We've recognized the true nature of the United States. We saw the United States attack Cuba, it attacked the Dominican Republic, it attacked South Vietnam. The Communists are now a fragmented force; the United States is now the great imperialist-aggressor nation in the world.

This is not a peace movement. These people do not direct any antiwar protests against North Vietnam. They attack only the leaders of the American people.

The mood of the country is outraged now at the conduct of the war, but I warn that the country will be even more outraged if we surrender. The consequences will be so terrible for the people of South Vietnam, and the blow to American credibility will be so great that the balance of peace among the great powers may be irreparably dislodged.

Mr. President, we must not misjudge the temper of the Vietnam dissent. As reported recently in the Washington Post, a thorough study has been conducted of the supporters of the senior Senator from Minnesota (Mr. MCCARTHY) in his bid last year for the Democratic nomination in New Hampshire. The opinions of the Senator on Vietnam are well known. It was a great surprise, then, when this study showed that his supporters backed a harder line against Hanoi by a 3 to 2 margin. In other words, for every two "doves" in his camp, there were three "hawks" who were disgusted that the policy of the Johnson administration declined to seek victory in Vietnam. Although the news media played up the young supporters who were eager to project a liberal and radical image, the bulk of the Senator's support came from those who were deeply disturbed over the artificial and unreasonable restrictions placed upon the military conduct of the war.

This study was conducted by the survey research center of the University of Michigan, one of the most prominent such institutes in the field. It must also be noted that it was a study of past and present attitude, rather than an attempt to predict how voters might react in a future election.

We are now in the midst of another campaign. There is no doubt that the proponents of this campaign against the Vietnam war are seeking to manipulate public opinion, and to influence the course of events with regard to the war. It would be disastrous if Hanoi—or our own leaders—misread the nature of the discontent of the American people. Just as the news media misread the nature of this discontent last year, there is today a calculated attempt to misread and misinterpret the situation.

Let there be no mistake. The American people will not accept surrender. They will not agree to discard the sacrifice of American blood for a hollow diplomatic agreement. This war must be ended, but it must be ended on honorable terms. We cannot exclude the possibility that it still may be necessary to seek military victory. The President cannot limit his options solely to the conference table. So far, the Paris negotiations have given little comfort to those who have expected a significant breakthrough.

On the contrary, the delaying tactics of the Paris conference give us reason to think that the Communists are waiting for the Americans to get tired and go home. The more they listen to the chorus of dissent, as controlled and manipulated by certain news media, the more they take heart and confidently wait for a unilateral pullout. The President was correct when he said that he would not allow himself to be influenced by protest demonstrations, but there must be more to it than that. The President must retain his options to lift the military re-

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strictions that have mired us deeper and deeper in stalemate.

The unproductivity of the Paris conferences comes as no surprise when we study the general outlines of the war, and our gradual involvement in it. It is not true that the United States has escalated the level of the war. Our military action, such as it has been, has been a passive response to Communist initiatives. It is true that our response has been of a greater magnitude than the Communist initiatives. But in every case the disparity is the result of the unfavorable ratio necessary in a restricted action. It is well known that, for a relatively small investment, the Communists have tied up a considerable part of the U.S. defense effort. When the classic doctrines of military tactics and strategy are nullified by unreasonable and shortsighted restrictions, it is not surprising that the American effort ballooned to alarming and wasteful proportions. We cannot fight a war when the enemy is allowed to keep his sanctuaries and supply lines. We cannot fight when the enemy has a guarantee that his home territory is not subject to infiltration and devastation.

With this pattern established, Hanoi had very little difficulty in engaging the United States in wasteful actions which did little to advance the cause of South Vietnamese independence. Moreover, Hanoi waited until it had the backing of the Soviet Union before it began any major new initiative. The Soviets, by advancing or withholding support, had a fundamental control over Hanoi's actions, and, by the same token, over the United States' actions. Our foreign policy since World War II has been marked by a series of reactions to Communist expansion, with no contrary effort to reduce or weaken Communist-held areas. Our policy in Vietnam was no different. We were gradually led into deeper and deeper involvement because of our unwillingness to initiate actions to reduce Communist expansion. Vietnam has been coexistence with a vengeance.

This unfortunate understanding of the Vietnam conflict struck me recently when I came across an extremely interesting study of events in Vietnam made by the Institute of International Studies of the University of Plano, in Plano, Tex. The institute's study is basically a chronology of events. However, there is one significant difference between this chronology and any other that I have seen. This study recognizes the significance of international participation in the Vietnam situation. I have seen no other study, for example, that includes references to the diplomatic activity between Moscow and Hanoi, based upon sources in Soviet publications.

The institute's study itself draws no conclusions. It merely presents a chronology. Nevertheless, a broad pattern emerges when the Soviet involvement is recorded. Nothing becomes clearer than the fact that Soviet support and assistance is critical to the prolonging of this war. Significant agreements between Hanoi and Moscow preceded every step that North Vietnam took to escalate the war. The pattern of U.S. activity is one of reaction to the Soviet-North Vietnamese joint initiatives.

The chronological study breaks down into two periods. November 1960 is the great watershed of events. The chronology concludes with the formation of the Provisional Revolutionary Government in June 1969. The Communists regard this event as a termination to the struggle. The "provisional government" is a preparatory stage for a gradual takeover. The Communists are convinced that the "peacenik" movement in the United States will force American withdrawal.

It is significant that this provisional government was recognized less than 5 days later by the Soviet Union. It is also significant that the proclamation of this "shadow government" coincided with the opening of the International Congress of Communist and Workers' Parties in Moscow.

To anyone who has studied worldwide Communist theory, the establishment of the provisional government is a key event. In the Communist mind, the so-called provisional government is the legal government of South Vietnam, "the true representative of the people." The Thieu government is an usurper, a corrupt imperialist lackey in Communist terminology. The fact that the provisional government is self-appointed does not matter to the Communists. By definition it is the "real government," awaiting only the withdrawal of American aid from the Saigon government. It signifies that, in the Communist mind, the Vietcong's job of "liberation" is almost completed, and a civilian Communist takeover is only a matter of patience.

The period 1961–69, therefore, requires the closest study. Escalation of the war took place following that watershed date of November 1960. Previous to this date, the action both in North and South Vietnam consisted of limited local conflict. From the Geneva accords in 1954 until June 1957, when the French completed their withdrawal of the last French forces, the government of South Vietnam was faced with open guerrilla warfare.

The significance of November 1960 is this: In that month, Ho Chi Minh went to Moscow and obtained an agreement for a 5-year plan of open and massive support from the Soviet Union and some of her allies. On the basis of this long-range strategic plan, the Vietcong and the National Liberation Front were organized in the South, and a constant flow of equipment and troops began from the North.

Think of it: The November 1960 agreement was announced the following January—almost simultaneously with the beginning of the new administration in the United States—and less than 1 week later the Vietcong movement was proclaimed in the South.

With the establishment of the Vietcong in January 1961, the situation in the South gradually deteriorated. After the assassination of Diem in November 1963, the Vietcong began a massive offensive the following February. Meanwhile, the Soviets stepped up their level of aid to Hanoi and support that made such offensives possible. It is significant that U.S. ground forces did not pass the 50,000 mark until June 7, 1969—5 months after the Soviets openly declared that they would aid and support Hanoi in the war effort.

Throughout 1966, the Soviets continued to force the United States to step up the level of defense for South Vietnam. A five-man Soviet mission led by CP Central Committee Secretary Shelepin visited Hanoi in January to arrange for increased Soviet military aid; by March Congress was approving an additional $4.8 billion for the defense of the South. In August, the Soviets announced training of North Vietnamese fighter pilots in the Soviet Union, and in October a new aid agreement was signed.

Mr. President, I offer these as examples. The chronology begins with a synopsis which shows these events in greater detail. Anyone can examine the record for himself. The United States was invading no territory. It was attempting to defend the South against attacks by invasion and infiltration. The disparity between the Soviet level of assistance and the U.S. level of assistance was made possible only because of the mode of warfare adopted by the Johnson administration.

Let there be no doubt about it: The real force we are fighting in Vietnam is the Soviet Union. The war against South Vietnam could not go on without Soviet help and assistance. If North Vietnam does not withdraw from its aggressive policies, then the only way to stop the war is to take measures to interdict the outside assistance.

I support the President in his program of "Vietnamization" of the war. We should increase our support for the Thieu government's program of taking over the war. But we must also let North Vietnam know at the conference table that, if the aggression does not end, no U.S. policy will interfere with the necessary steps to close the sanctuaries and supply lines.

Mr. President, because of the extreme interest in this subject at this time, I ask unanimous consent that the chronology of the Vietnam conflict, prepared by the Institute of International Studies of the University of Plano, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SYNOPSIS

I. January 1954–November 1960. "Peace" Conferences and Limited Local Conflict.

A. May 1954–June 1957. French Withdrawal Period.

B. June 1957–November 1960. Growing Guerrilla Warfare.

II. November 1960–January 1969. Development of Open International Conflict.

A. November 1960–November 1, 1963. Diem Period.

B. November 1963–February 1965. Period of Expanded Subversion.

C. February 1965–June 1968. Period of Direct International Action.

D. June 1968 to Present. Period of Repetition of "Peace" Conferences, with expanded hostilities.

SIGNIFICANT ACTIVITIES LEADING TO INITIAL ATTACKS

1954

May 8–July 21: *Geneva Conference on Indochina.*—Participants: United Kingdom and the USSR (joint chairmanship), France, the United States, Communist China, Cambodia, Laos, Vietnam and Vietminh regime. July 20–21 agreements: 1. Vietnam to be partitioned along 17th Parallel into North and South Vietnam; 2. Restrictions are imposed on foreign military bases and personnel and on shipment of armaments; 3. Countrywide election leading to the reunification of North and South to be held by July 20, 1956; 4. An International Control Commission (ICC) to be established.

The U.S. and Vietnam did not sign the agreements, but the U.S. made a declaration that 1. "it will refrain from the threat or the use of force"; 2. "would view any renewal of aggression with grave concern"; 3. "shall seek to achieve unity through elections."

July 20: Geneva Agreements on cessation of military activities in Vietnam go into force.

October 11: Communist Vietminh regime formally takes over control of Hanoi and North Vietnam.

1955

June–July: North Vietnam government delegation visits the USSR and Communist China and signs agreement on USSR and China's economic and technical aid to North Vietnam.

July 18: USSR-North Vietnam accord on aid without compensation in form of equipment, materials, and consumer goods, for a sum of 400 million rubles.

August 16: Last French High Commissioner in Vietnam departs.

October 23: National referendum deposes Bao Dai, former Emperor and since March 7, 1949, head of State of Vietnam. Ninety-eight per cent of the votes express preference for Premier Diem.

1957

June: French naval and air force mission withdrawn.

October 22: Bombing of U.S. MAAG and USIS installations in Saigon; U.S. personnel injured.

COMMUNIST ACTION

1958

March 12: USSR-North Vietnam protocol signed in Hanoi on mutual supplies of goods by USSR and North Vietnam for 1958, also agreement on trade and navigation.

1959

July 8: Communist guerrillas attack Vietnamese Military Base at Bien Hoa, killing and wounding several U.S. MAAG personnel.

1960

May 5: United States announces that at request of Government of South Vietnam, U.S. Military Assistance and Advisory Group will be increased by the end of the year from 327 to 685 members.

November 6–December 2: North Vietnam party and government delegation headed by Chairman of CC of Workers Party of Vietnam, President Ho Chi Minh, in USSR.

USSR INVOLVEMENT

1961

January 19: Announcement of signature in Moscow of USSR-North Vietnam agreement on economic and technical aid and on trade for 1961–1965.

January 29: Radio Hanoi praises establishment of "National Front for Liberation of South Vietnam (NFLSV)" founded December 1960. "Sacred historical task" of the NFLSV is "to overthrow the U.S.-Diem clique" and "to liberate the South."

May 11–13: U.S. Vice President Johnson in South Vietnam. Joint Communique on May 13 on additional U.S. military and economic aid.

COORDINATION WITH USSR

June 26–July 5: North Vietnam delegation headed by prime minister and member of Politburo of CC of Workers Party of Vietnam, Phan-van Dong, visits USSR.

July 4: Joint Soviet-Vietnam communique signed in Moscow.

September 1–4: Series of attacks by 1,000 Communist guerrillas in Kontum Province. 41 engagements in August.

September 18: Communist forces of 1,500 men attack and seize capital of Phuoc Thanh Province, 60 miles from Saigon.

October 18: State of emergency is proclaimed in South Vietnam by President Diem.

LEADING TO

November 16: Following recommendations in Taylor report, President Kennedy decides to bolster South Vietnam's military strength, but not to commit U.S. combat troops at this time.

USSR COOPERATION AND SIGNIFICANT EVENTS

1962

February 14: Signature in Hanoi of USSR-North Vietnam protocol on trade exchange in 1962, and on shipment to North Vietnam in 1962; on credits extended by USSR in agreement of 23 December 1960.

1963

November 1: Military coup against Diem regime. Diem and brother Ngo Dinh Nhu assassinated. Council of generals headed by Maj. Gen. Duong Van Minh declares that fight against Communists must be carried on to a successful conclusion.

December 7: Protocol on USSR-North Vietnam trade for 1964 signed in Moscow.

December 14: U.S. military spokesman in Saigon reports on stepped up guerrilla attacks on hamlets.

1964

February 4–6: Vietcong offensive in Tay Ninh province and Mekong Delta.

August 2: USS Maddox is attacked in international waters off coast of North Vietnam by North Vietnamese torpedo boats.

August 5: President Johnson's message to Congress. Joint resolution: "To promote the maintenance of international peace and security in Southeast Asia."

SOVIET INVOLVEMENT

1965

February 10: Joint declaration of USSR and North Vietnam reaffirming that USSR would extend to North Vietnam necessary aid and support. Both parties agreed to carry out regular consultations on the matter.

March 4: Declaration of A. Gromyko to U.S. Ambassador F. Kohler in connection with new attacks of U.S. Air Force on Territory of Vietnam on March 2.

May 25: Soviets announce construction of anti-aircraft missile sites underway around capital of North Vietnam.

June 7: U.S. military authorities disclosed that number of military (American) personnel in South Vietnam has passed 50,000 mark (Army 21,500; Marines 15,500; Air Force 9,500; Navy 3,500).

USSR FORCES U.S. AND ALLIED ACTION

1966

January 7–12: Five-man Soviet mission led by CP Central Committee Secretary Aleksandr N. Shelepin visits Hanoi and arranges for increased Soviet military aid to North Vietnam.

March 1: Congress approves additional $4.8 billion for the Vietnam war.

March 1: President Johnson renews his offer of aid to North Vietnam; exhorts Hanoi to negotiate.

March 2: Secretary McNamara reveals that U.S. forces in South Vietnam reached total of 215,000 men, with 20,000 on their way.

July 5: Australian Prime Minister Harold Holt endorses U.S. policy in Asia, including bombing of North Vietnam.

USSR ACTIONS FORCE

August 28: The USSR announces training North Vietnamese fighter pilots at an unidentified Soviet airbase.

October 3: The Soviet Union announces new aid agreement with North Vietnam providing for both military and economic assistance. Washington officials cite evidence that Russian advisers might at times be operating Hano's air defenses.

October 13: President Johnson rules out ending the bombing of North Vietnam without an indication that Hanoi will, in turn, de-escalate its military activities.

COMMUNIST

November 10: North Vietnam announces that the USSR, China, and other Commnist countries have pledged increased aid, both military and economic.

AID AND ALLIANCE FORCES ACTION

1967

July 15: Vietcong stage massive mortar attack on US air base at Danang killing 13 Americans and wounding 150. Shelling destroys 11 planes and damages 10 more.

August 3: President Johnson announces raising of maximum limit of US personnel in South Vietnam to 525,000. South Korean officials tell AP that Seoul government has "agreed in principle" to send about 17,000 reservists to man supply lines in South Vietnam.

September 3: South Vietnam's presidential elections take place. Approximately 4.8 million voters participate . . . 81 per cent of registered voters. General Thieu wins presidency, receiving about 35 per cent of vote.

USSR FORCES ESCALATION

September 23: Soviet Union and North Vietnam sign an aid agreement, which provides for increased deliveries of military equipment (both air defense weapons and small arms), vehicles, petroleum, and other materials designed to bolster Hanoi's economy. Kosygin pledges to support North Vietnam "till total victory" but declares that "perspectives for a peaceful settlement of the Vietnamese question have been opened recently."

October 17: Australia announces that it will increase size of its Vietnam force from 6,300 to 8,000. New Zealand announces that it will send an additional 170 infantrymen to join the 370 already there.

SIGNIFICANT COMMUNIST ACTIVITIES WHILE U.S. WAS TRYING TO ESTABLISH A BASIS FOR A NEGOTIATED PEACE

1968

January 30–31: The Communists launch simultaneous attacks on major South Vietnamese cities, including Saigon (January 31) where they temporarily invade the grounds of the US Embassy.

February 6: Dang Quang Minh, Chief National Liberation Front representative in Moscow, states that the NLF aim in its latest attacks was to overthrow the Saigon government.

February 18: The Communists shell more than 30 bases and outposts across South Vietnam.

March 5: Communists shell US base at Camranh Bay for first time in war.

March 31: President Johnson . . . "no attacks on North Vietnam except in area north of the demilitarized zone where enemy build-up directly threatens allied positions." Bombing pause includes 90 percent of North's population, but complete bombing halt could come "if our restraint is matched by restraint in Hanoi."

April 18: The US proposes 10 more sites for diplomatic contacts with North Vietnam: Ceylon, Japan, Afghanistan, Pakistan, Nepal, Malayasia, Italy, Belgium, Finland, and Austria.

April 19: North Vietnam rejected the ten new sites proposed.

May 5: Vietcong shelled Saigon and a dozen other South Vietnamese cities and infiltrated small sniper and suicide squads into the capital. Communists had launched 119 mortar and rocket attacks throughout South Vietnam and ground attacks at 14 locations.

May 13: US and North Vietnamese delegations met in first formal session in French

Foreign Ministry's International Conference Center in Paris. North Vietnamese chief delegate, Xuan Thuy, repeated accusation that Vietnam war had resulted from US aggression and brought up Hanoi's four-point program, and described it as "the basis for a correct political settlement of the Vietnam problem."

Ambassador Harriman replied, stating the US's objective of preserving "the right of the South Vietnamese people to determine their own future without outside interference or coercion." He asserted: "Since March 31, we have sought a sign that our restraint has been matched by the Democratic Republic of Vietnam. We cannot conceal our concern that your Government has chosen to increase numbers of troops and supplies from the North to the South."

June 3: North Vietnamese Politburo Member, Le Duc Tho visits Moscow on route to Paris peace talks. Le Duc Tho arrived in Paris and accused the US of "jeopardizing the progress of the talks" by its refusal to "cease unconditionally the bombing and all other acts of war."

June 4: Forty Vietcong rockets struck Saigon in heaviest bombardment of capital during the war. US officials reportedly linked attacks to Paris talks.

July 4: Soviet Union announced signing of a new military and economic aid agreement with North Vietnam. No details or figures given. Department of State has estimated that Soviet aid to North Vietnam in 1967 totalled about $700 million.

COMMUNIST ACTIVITIES CONTINUE

October 31: In a final meeting between Ambassador Bunker and President Thieu in Saigon an effort was made to get Saigon to agree to a halt in bombing and to expanded talks in Paris. There were sharp disagreements during meeting, which lasted some 7 hours, ending only 3 hours before Johnson announced bombing halt. The shelling of Saigon and Hue by Vietcong rockets, killing 34 persons during the night of October 31 Saigon time, when the meeting was held, reportedly increased domestic pressure on Thieu to reject terms for expanded Paris talks.

December 31: U.S. Department of Defense announced U.S. casualties in eight years of Vietnam War as 30,543 killed and 192,372 wounded (99,643 seriously wounded) and 1,243 missing in action. Close to 50 per cent of these totals were losses in 1968: 14,521 killed and 46,655 seriously wounded.

TERMINAL POINT

1969

January 25: First session of formal peace negotiations. No results.

June 5: Twentieth session of peace negotiations. Still no results.

June 5–17: International Congress of Communist and Workers' Parties held in Moscow.

June 8: Provisional Revolutionary Government of the Republic of South Vietnam established.

CONCLUSION

For the convenience of the reader, the main events leading to escalation of the war or "controlled responses" are lifted from the chronology and listed by date of event. President Nixon's statement that the USSR is furnishing 80 to 85 per cent of the supplies for Vietnam is verified by intelligence and Soviet statements and actions. Agreements and political decisions to meet the increased demands invariably were made in Moscow. The importance of the bombing halt to movement of supplies is shown by the following statement and verified in the chronology.

January 1969: Vietnam, the New Phase, World Marxists Review, By Ivan Shchedrov, *Vietnam Victory of 1968.*

February and May 1968, the biggest frontal offensive of the war compelled the United States in March to announce a bombing restriction, limiting the bombing of southern DRV provinces, and in May the United States made contacts with North Vietnam and the Paris talks began.

In October 1968 the White House announced a total bombing halt as of November 1.

The Socialist States and world democratic opinion see these as an important victory for Vietnam.

The opening blasts of the United States bombing of North Vietnam date to August 5, 1964, when United States aircraft made their first massive strike; regular bombing was resumed in February 7, 1965 and continued without interruption until November 1, 1968. Washington hoped that the differences between the socialist countries (USSR and China) coupled with Vietnam's remoteness from the Soviet Union would hamper timely and effective help. North Vietnamese leaders emphasize that it was the Soviet Union that helped most in creating the modern defense system and training of Vietnamese in the use of sophisticated weapons.

CHRONOLOGY OF VIETNAM CONFLICT

1954

May 8–July 21: *Geneva Conference on Indochina.* Participants: United Kingdom and the USSR (joint chairmanship), France, the United States, Communist China, Cambodia, Laos, Vietnam and Vietminh regime. July 20–21 agreements: 1. Vietnam to be partitioned along 17th Parallel into North and South Vietnam; 2. Restrictions are imposed on foreign military bases and personnel and on shipment of armaments; 3. Country-wide election leading to the reunification of North and South to be held by July 20, 1956; 4. An International Control Commission (ICC) to be established.

The U.S. and Vietnam did not sign the agreements, but the U.S. made a declaration that 1. "it will refrain from the threat or the use of force"; 2. "would view any renewal of aggression with grave concern"; 3. "shall seek to achieve unity through elections".

* May 7: Units of the Communist Peoples' Army occupy Dien Bien Phu area.

* June 22: North Vietnam Communist government announces new "national policy" in Hanoi.

July 7: Head of State and former Emperor Boa Dai appoints Ngo Dinh Diem Prime-Minister of Vietnam.

* July 20: Geneva Agreements on cessation of military activities in Vietnam go into force.

August: Flood of refugees from North to South starts (about 1,000,000).

October 11: Communist Vietminh regime formally takes over control of Hanoi and North Vietnam.

October 24: President Eisenhower commits American assistance to be channeled directly to South Vietnamese Government (not through French authorities as before).

1955

January 1: United States promises direct assistance for the support of Vietnamese Armed Forces.

February 5: Announcement of Premier Diem's extensive land reform program.

February 12: The U.S. Military Assistance Advisory Group (MAAG) takes over training of South Vietnamese Army.

February 19: Southeast Asia Collective Defense Treaty (SEATO) goes into force.

March 7: U.S. and South Vietnam sign agreement which supplements existing economic cooperation agreement of September 1951.

March 29: Armed revolt in Saigon by Binh Zuyen political bandit group.

April 17: South Vietnamese Government appeals to U.N. against North Vietnamese Communists, who, in violation of Geneva Agreements, prevent northerners from migrating to South Vietnam.

May 10: Premier Diem forms new Cabinet.

May 16: U.S. signs agreements with Cambodia for direct military aid.

* June–July: North Vietnam government delegation visits the USSR and Communist China and signs agreement on USSR and China's economic and technical aid to North Vietnam.

July: Communists initiate first overt propaganda move in South Vietnam by distributing literature signed by "National United Front."

July 1: France relinquishes command over Vietnamese Navy.

July 7: French transfer Nha Prang Airbase to Vietnamese control.

*July 18: USSR–North Vietnam accord on aid without compensation in form of equipment, materials, and consumer goods, for a sum of 400 million rubles.

July 20: Government of South Vietnam rejects North Vietnamese Government's invitation to discuss the elections, on the grounds that in North Vietnam the people would not be able to express their will freely and that falsified votes in North Vietnam could overrule the votes in South Vietnam.

*August 2: Direct North Vietnam and China railroad communications opened.

August 16: Last French High Commissioner in Vietnam departs.

October: Binh Zuyen is defeated as an organized armed insurgent force.

October 23: A national referendum deposes Bao Dai, former Emperor and since March 7, 1949, head of State of Vietnam. Ninety-eight per cent of the votes express preference for Premier Diem.

October 26: A republic is proclaimed by Ngo Dinh Diem, first President of South Vietnam.

December 12: U.S. Consulate in Hanoi is closed.

1956

January: South Vietnamese Army units occupy Tay Ninh, Cao Dai political center. Agreement of February 28 legalizes Cao Dai religious practices and forbids its political activities.

February 12: Tran Van Soai, leader of Hoa Hao faction, surrenders. Ba Cut, another Hoa Hao leader, captured April 13; breakup of Hoa Hao armed insurgency.

March 4: General elections for South Vietnam's first National Constituent Assembly (123 members), victory of political parties supporting President Diem.

*March 12: USSR Ambassador to North Vietnam, M. V. Zimyanin, presents credentials to Ho Chi Minh, President of North Vietnam.

*April 2–6: Visit to North Vietnam of first deputy Chairman of USSR Council of Ministers. A I. Mikoyan, and Chairman of Presidium of Supreme Soviet of Uzbek SSR, Sh. R. Rashidov.

April 6: Vietnam Government announces it will continue to cooperate with the ICC and reiterates its position of supporting Vietnam-wide elections at such time as conditions in Communist North Vietnam permit free voting.

*May 5: Accord on mutual deliveries of goods between USSR and North Vietnam signed for 1956.

July 4: Constituent Assembly approves constitution providing strong executive. President, five years, veto power, may rule by decree when National Assembly (4 years) not in session.

July 6: U.S. Vice President Richard Nixon visits Vietnam, and declares, "the military march of communism has been halted."

July 30: Vietnamese liaison mission to ICC established.

September 19: French Air Force transfers Tourane Airbase to Vietnamese.

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*Communist sources.

*October 16: Delegation of National Assembly of North Vietnam headed by Chairman of National Assembly of North Vietnam, Ton Diek-Thanh, visits USSR.

October 26: South Vietnam's first constitution promulgated.

1957

January 3: International Control Commission reports that neither North nor South fulfilling their obligations under 1954 armistice.

*February 15: USSR-North Vietnam cultural agreement signed in Hanoi.

*March 11: USSR-North Vietnam agreement on non-trade payments signed.

*March 30: USSR-North Vietnam mutual deliveries accord signed for 1957.

*April 27: North Vietnam Ambassador to USSR Nguen Van Kinh handed his credentials to deputy chairman of Presidium of USSR Supreme Council M. P. Tarasov.

May 5–19: President Diem visits United States. President Eisenhower and President Diem declare that both countries will work toward "peaceful unification."

*May 20–24: Chairman of Presidium of USSR Supreme Soviet K. Ye. Voroshilov visits North Vietnam.

June: French naval and air force mission withdrawn.

*July 13–17 and August 21–28: President of North Vietnam Ho Chi Minh visits USSR on route to Europe and back.

July 29: United States establishes consulate in Hue.

*October 18–26: Delegation of USSR Supreme Council headed by A. B. Aristov visits North Vietnam.

October 22: Bombing of U.S. MAAG and USIS installations in Saigon; U.S. personnel injured.

*November 1–22: President of North Vietnam Ho Chi Minh visits USSR.

*December 25: USSR-North Vietnam cultural collaboration agreement signed for 1958.

*December 26: USSR-North Vietnam agreement on establishment of telephone and telegraph communications and on postal and parcel exchange signed.

1958

January 4: Communist guerrilla band attacks plantation north of Saigon; steady increase in Communist armed activity since mid-1957.

*February 21: USSR Ambassador to North Vietnam, I. I. Sokolov, presents credentials to President Ho Chi Minh.

*February 26: USSR-North Vietnam agreements on mutual supplies of printed matter, records and editions of *Sovetskiy Soyuz* (Soviet Union), a periodical in North Vietnam in Vietnamese language in Hanoi.

*March 12: USSR-North Vietnam protocol signed in Hanoi on mutual supplies of goods by USSR and North Vietnam for 1958, also agreement on trade and navigation.

*May 17: North Vietnam liaison mission to ICC withdrawn from Saigon.

September 10: France and South Vietnam sign agreement of aid for Vietnam Government's agrarian reform program—1,490 million francs.

November 19: Cambodia signs trade and payments agreements with North Vietnam.

1959

*February 1: USSR-North Vietnam agreement on considerable expansion of exchange of industrial goods signed in Moscow.

*March 6: Plan for USSR-North Vietnam cultural and scientific collaboration for 1959 signed in Hanoi.

*March 7: Accord signed on the USSR economic and technical aid to North Vietnam for the construction of industrial projects for the implementation of "other measures" and on scientific and technical cooperation.

*March 27–April 1: North Vietnam Party and government delegation headed by Deputy Prime Minister and Minister of National Defense of North Vietnam, Wo Nguen Giap (en route to Hungarian People's Republic) visits USSR.

May 13: Japan signs W.W. II reparations and loan agreements with South Vietnam.

*June 5: USSR-North Vietnam consular convention signed in Hanoi.

July 2–August 1: President of North Vietnam, Ho Chi Minh visits USSR.

July 8: Communist guerrillas attack Vietnamese Military Base at Bien Hoa, killing and wounding several U.S. MAAG personnel.

July 10: In Belgian Communist publication, *Fed Flag,* Ho Chi Minh states "we are building socialism in Vietnam . . . we still have to bring to a close the middle-class democratic and anti-imperialistic revolution."

August 30: Second national elections give the National Revolutionary Movement and other pro-Government political parties overwhelming majority in National Assembly in South Vietnam.

October 30: A campaign against Communist guerrillas in country's southern-most region, the Camau Peninsula, resulted in heavy guerrilla losses.

November 14: France and Vietnam sign agreements for settlement of financial claims between the two countries . . . and for a French loan of 7 billion (old) francs (about $14 million) and credit of 11 billion (old) francs (about $22 million).

1960

April 17: North Vietnam protests to Chairman of 1954 Geneva Conference (Britain and USSR) against a "formidable" increase of personnel in the American Military Assistance and Advisory Group in South Vietnam; and accuses the U.S. of creating "a U.S. Military Base for the preparation of a new war."

May 5: United States announces that at request of Government of South Vietnam, U.S. Miltiary Assistance and Advisory Group will be increased by the end of the year from 327 to 685 members.

June–October: Communist guerrilla activities in South Vietnam increase.

June 1–2: U.S. top level policy conference on Southeast Asia (in Hawaii).

*June 15: Announcement of USSR-North Vietnam accord signed in Moscow concerning further economic collaboration and expansion of perennial tropical cultures and their industrial processing. USSR to extend to North Vietnam a long range credit of 350,000 rubles.

July 20: Vietnamese National Assembly delegation leaves Saigon for 6-week visit to the United States.

*August 31–September 12: USSR party and government delegation headed by member of Presidium CC GPSU, Secretary of CC CPSU N. A. Mukhitdinov, in North Vietnam.

October 26: President Eisenhower assures President Ngo Dinh Diem in a letter of good wishes on South Vietnam's fifth anniversary that . . . "United States will continue to assist Vietnam in the difficult yet hopeful struggle ahead."

November 5: John F. Kennedy elected President of U.S.

*November 6–December 2: North Vietnam party and government delegation headed by Chairman of CC of Workers Party of Vietnam, President Ho Chi Minh, in USSR.

November 10: South Vietnam Government sends letter to ICC charging that Communist attacks in Kontum-Pleiku area in October (1) involved regular army forces from Communist North Vietnam through Laos, (2) constituted open aggression which was well prepared, commanded by high-ranking officers, and conducted by regular forces trained in North Vietnam, and (3) employed weapons made in North Vietnam and other Communist countries.

November 11: Military coup attempt against President Diem's regime. Paratroop battalions led by Col. Nguyen Van Thi and Lt. Col. Vuong Van Dong beseige presidential palace. Thi declares that struggle against the communists will be intensified, that President Diem is guilty of autocratic rule and nepotism.

November 12: Loyalist troops enter, subdue rebels. Estimated 200 soldiers and civilians are killed.

November 13: U.S. State Department expresses satisfaction at failure of coup and hopes "rapid implementation of radical reforms."

November 16: Ngo Dinh Nhu, President Diem's brother, announces plans of far-reaching reform program based on reports of the Ford Foundation.

*December 15–25: North Vietnam government delegation headed by Chairman of Council of Ministers, Chairman of North Vietnam State Planning Commission, Nguyen Thuy Chin, in the USSR.

*December 23: Agreement on Soviet economic and technical aid to North Vietnam for fulfillment of first 5-year plan for 1961–65; agreement on mutual deliveries of goods for 1961–65; protocol on trade turnover for 1961 signed in Moscow.

1961

*January 2–18: North Vietnam delegation headed by deputy prime minister Ngyuen Thuy Chin visits Moscow.

*January 19: Announcement of signature in Moscow of USSR–North Vietnam agreement on economic and technical aid and on trade for 1961–1965.

January 29: Radio Hanoi praises establishment of "National Front for Liberation of South Vietnam (NFLSV)" founded December 1960. "Sacred historical task" of the NFLSV is "to overthrow the U.S.-Diem clique" and "to liberate the South."

*January 31: North Vietnam and Czechoslovakia agreement signed in Peking and extending to North Vietnam credits for 141,700,000 rubles over 7 years to cover industrial equipment and technical aid given by Czechoslovakia.

February 6: President Diem announces his administrative reform program.

February 7: President Diem announces he will be candidate for reelection; elections to be held on April 9.

*March 2–5: North Vietnam delegation headed by foreign minister, Ung Van Khiem visits USSR.

March 10: National Front for the Liberation of South Vietnam announces guerrilla offensive against Government April 9 elections.

April 3: U.S.-Vietnamese Treaty of Amity and Economic Relations signed in Saigon.

April 4: President Diem appeals to ICC for "immediate and energetic investigation" of growing Communist terrorism and subversion.

April 9: President Diem elected by overwhelming majority.

May 5: President Kennedy declares that consideration is being given to use of U.S. forces to help South Vietnam.

May 11–13: U.S. Vice President Johnson in South Vietnam. Joint communique on May 13 on additional U.S. military and economic aid.

June 4: President Kennedy and Premier Khrushchev, in Vienna.

June 12: Communist Chinese Premier Chou En-Lai and North Vietnamese Premier Phan Van-dong accuse U.S. of aggression and intervention in South Vietnam.

*June 26–July 5: North Vietnam delegation headed by prime minister and member of Politburo of CC of Workers Party of Vietnam, Phan Van-dong, visits USSR.

*July 4: Joint Soviet-Vietnam communique signed in Moscow.

August 2: President Kennedy declares U.S. will do all it can to save South Vietnam from Communism.

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*Communist sources.

XUM

September 1–4: Series of attacks by 1,000 Communist guerrillas in Kontum Province. 41 engagements in August.

*September 9: Soviet note to British government protesting "dangerous developments" in South Vietnam.

September 17: British advisory mission leaves for South Vietnam.

September 18: Communist forces of 1,500 men attack and seize capital of Phuoc Thanh Province, 60 miles from Saigon.

October 1: Military experts of SEATO meet in Bangkok, Thailand. Adm. Harry D. Felt declares no immediate prospect of using U.S. troops, but plans call for use of American troops.

October 2: President Diem declares "It is no longer a guerrilla war."

October 11: President Kennedy announces sending Gen. Maxwell D. Taylor.

October 18: State of emergency is proclaimed in South Vietnam by President Diem.

November 16: Following recommendations in Taylor report, President Kennedy decides to bolster South Vietnam's military strength, but not to commit U.S. combat troops at this time.

December 8: U.S. State Department publishes "white paper" on "clear and present danger" of Communist conquest of South Vietnam.

December 14: U.S. President Kennedy pledges increased aid to South Vietnam.

*December 29: Protocol of third session of Soviet-Vietnam commission on scientific and technical collaboration signed in Moscow.

1962

*January 4: A joint U.S.-South Vietnamese communique defines "broad economic and social program" and "Measures to strengthen South Vietnam's defense in military field."

February 7: Two U.S. Army air support companies totaling 300 men arrive in Saigon bringing total of U.S. military personnel in South Vietnam to 4,000.

February 8: U.S. reorganizes its South Vietnam command, establishes U.S. Military Assistance Command, Vietnam under Gen. Paul D. Harkins.

*February 14: Signature in Hanoi of USSR-North Vietnam protocol on trade exchange in 1962, and on shipment to North Vietnam in 1962; on credits extended by USSR in agreement of 23 December 1960.

February 24: Communist China declares her security seriously threatened by war waged by the U.S.; . . . demands withdrawal of U.S. personnel and equipment from South Vietnam.

February 27: Two planes of North Vietnam Air Force bomb Presidential palace in Saigon. President Diem not injured.

*March 17: Tass reports: Soviet ministry note charges the U.S. with creating "a serious danger to peace" by its "inference" in South Vietnam in contravention of Geneva agreements.

March 22: "Operation Sunrise," a plan to eliminate Vietcong Guerrillas in South Vietnam begins.

April 20: National Assembly pledges support to President Diem's plan on "strategic hamlets."

*April 21: USSR-North Vietnam cultural and scientific collaboration plan for 1962 signed in Moscow.

*April 23: Plan for scientific collaboration for 1962 between USSR Academy of Sciences and State Committee of Sciences of North Vietnam signed in Moscow.

May 22: President Diem promulgates the protection of morality law, which prohibits all dancing and makes prostitution and "unnatural methods" of birth control illegal.

June 2: Canadian and Indian members of ICC find North Vietnam guilty of subversion and covert aggression against South Vietnam. Polish delegation rejects charge.

June 26: South Vietnam's National Assembly votes to extend its term of office to August 1963; impossible to hold elections now.

July 6: U.S. Secretary of Defense Robert McNamara declares he is encouraged by increased effectiveness of U.S. aid to South Vietnam.

July 15: Protocol of fourth session of Soviet-Vietnam commission on USSR-North Vietnam scientific technical collaboration signed in Moscow.

*July 13–17 and July 25–26: North Vietnam foreign minister Ung Van Khyem visits USSR on route to Geneva and back.

*September 15: Accord on further development of USSR and North Vietnam economic cooperation signed in Moscow.

October 26: National Assembly extends by one year President Diem's emergency powers to rule by decree.

November 8: South Vietnam withdraws its Ambassador to Laos as a result of Laos' establishment of diplomatic relations with North Vietnam.

*November 4–20: USSR government delegation headed by Deputy Minister of USSR foreign trade, I. T. Grishin, visits North Vietnam to participate in opening of Soviet trade and industry exhibition in Hanoi.

*November 19: Protocol signed in Hanoi concerning trade exchange between USSR and North Vietnam in 1963. Both parties exchanged letters about Soviet shipments to North Vietnam in 1963 on credit according to the agreement of 23 December 1960.

December 6: South Vietnamese Government protests to ICC against introduction of Chinese-made weapons and ammunition; large cache discovered.

December 29: Saigon announces that 4,077 strategic hamlets have been completed of total of 11,182 to be built.

1963

January 9–11: Adm. Harry D. Felt confers with Gen. Paul D. Harkins and says, "I am confident the Vietnamese are going to win the war."

*January 10–20: Delegation of USSR Supreme Soviet headed by member of Commission for foreign affairs, Secretary of CC of CPSU Yu. V. Andropov, visited North Vietnam.

March–June: Pathet-Lao attack on Kong Le's forces.

March 6: U.S. military sources report that Vietnamese Navy has taken over patrol of South Vietnam's coast for U.S. Seventh Fleet.

April 8–10: SEATO Ministerial Council meeting in Paris (to discuss Communist threat to Southeast Asia).

April 10: SEATO Ministerial Council meeting in Paris calls on parities to Geneva Conference to keep Laos out of conflict.

April 14: Under Secretary Harriman says U.S. must not become involved in conflict in Laos.

April 17: President Diem proclaims an "open arms" campaign.

April 22: Secretary Rusk calls the situation in South Vietnam "difficult and dangerous."

May 8: Riot erupts in Hue; involves Buddhist celebration; 12 persons killed.

June 3: Buddhist demonstrations in Hue; martial law proclaimed.

June 7: President Diem appeals for calm and makes concession to Buddhists.

June 11: Buddhist monk commits suicide by burning himself to death.

June 15: Tentative agreement between Buddhist leaders and President Diem to end discrimination and meet Buddhist demands.

June 16: Government troops use tanks, tear gas to suppress riots in Saigon.

June 27: President Kennedy appoints Henry Cabot Lodge Ambassador effective September 1963.

July 11: Ambassador Nolting issues statement assuring support to Diem.

August 21: Martial law proclaimed throughout South Vietnam.

August 22: Foreign Minister Vu Van Mau resignation. Ambassador to U.S., Tran Van Chuong resigns. Department of State issues statement deploring action against Buddhist pagodas.

August 26: U.S. Ambassador Lodge presents credentials.

August 29: French President de Gaulle issues policy statement on South Vietnam; says "this people must exercise its activity in independence from foreign influence or interference."

August 30: French Ambassador to U.S. Herve Alphand explains de Gaulle's statement as a long-range French solution which would reunify North and South Vietnam.

September 2: Times of Vietnam charges CIA had planned coup for August 28 to overthrow Diem. President Kennedy says, "in last two months the Government has gotten out of touch with the people."

September 5: President Diem declares that "the Government considers the (Buddhist) affair closed."

September 8: David Bell, Administrator of U.S. Agency for International Development, warns that U.S. Congress may cut back aid to South Vietnam unless Diem government changes policies.

September 9: President Kennedy states that he doesn't think helpful to reduce U.S. aid to South Vietnam; it might bring about collapse similar to that of Chiang Kai-shek government in China after W. W. II. Lodge confers with President Diem.

September 14: Presidential decree announces end of martial law September 16.

September 21: President Kennedy orders Secretary McNamara and Gen. Taylor to go to South Vietnam on September 24 to October 1.

September 27: 123-member National Assembly elected.

October 2: Secretary McNamara and Gen. Taylor report to President and National Security Council.

October 7: Mme Ngo Dinh Nhu, sister-in-law of President Diem, arrives in New York to begin a three-week visit.

October 8: U.N. General Assembly agrees to send fact-finding mission to South Vietnam.

* October: Speaking at General Assembly of U.N., Soviet Ambassador N. T. Fedorenko stressed USSR "Solidarity with Vietnam patriots in their struggle for independence and unification of country."

October 24: U.N. Mission on Buddhist situation arrives—Saigon.

October 27: Buddhist monk burns himself to death in Saigon . . . seventh such death since June 11.

November 1: Military coup against Diem regime. Diem and brother Ngo Dinh Nhu assassinated. Council of generals headed by Maj. Gen. Duong Van Minh declares that fight against Communists must be carried on to a successful conclusion.

November 2: Military leaders in South Vietnam set up provisional government headed by former Vice President Nguyen Ngoc Tho.

November 4: Premier Nguyen Ngoc Tho announces formation of mixed military-civilian Cabinet. U.S. recognizes new provisional government.

November 9: U.S. announces resumption of import aid to South Vietnam, suspended in August.

November 14: President Kennedy states his confidence in General Harkins.

November 15: U.S. military spokesman in Saigon reports that 1,000 U.S. servicemen will be withdrawn from South Vietnam, beginning December 3.

November 20: Secretary McNamara and Secretary Rusk confer in Honolulu with Lodge and Gen. Harkins.

November 22: President Kennedy assassinated in Dallas. Successor Johnson affirms on November 24 that the U.S. intention to continue its military and economic support of South Vietnam's struggle against the Communist Vietcong.

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*Communist sources.

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*December 7: Protocol on USSR—North Vietnam trade for 1964 signed in Moscow.

December 14: U.S. military spokesman in Saigon reports on stepped up guerrilla attacks on hamlets.

December 19–20: U.S. Secretary McNamara and Director of CIA McCone in Saigon to evaluate new government's war effort against Vietcong.

1964

January 2: Secretary Rusk announces Vietnamese Army group seized 300,000 rounds of small arms ammunition, mortars, recoilless ammunitions made in China.

January 6: Government decrees three-man military command over Vietnamese forces and government (consisting of Maj. Gen. Duong Van Minh, chief of state, Maj. Gen. Tran Van Don, and Maj. Gen. Le Van Kim).

January 27: U.S. Secretary McNamara states situation in South Vietnam "continues grave" but that "the survival of an independent government in South Vietnam is so important to the security of Southeast Asia that all measures must be taken to prevent Communist victory."

January 30. Military coup by Maj. Gen. Nguyen Khanh, ousts government of Maj. Gen. Duong Van Minh.

February 4–6: Vietcong offensive in Tay Ninh province and Mekong Delta.

February 7: Secretary Rusk reiterates that "If the agreements which have already been reached and which have been signed by those in the North would be fulfilled, there could be peace in Southeast Asia."

February 8: Maj. Gen. Khanh, announces formation of new Vietnamese government, himself as Premier, Maj. Gen. Duong Van Minh as nominal Chief of State.

March 7: General Khanh announces one-year reform program.

March 8–12: McNamara and Taylor in Saigon.

March 22: Vietnam Military Council gives unanimous vote of confidence to Premier Khanh.

March 23: Plan for Soviet-North Vietnam scientific and cultural collaboration signed.

April 13–15: SEATO Ministerial Council communique declares defeat of Vietcong is "essential" to the security of Southeast Asia.

April 25: General Westmoreland to replace Gen. Harkins.

May 2: Explosion in Saigon Harbor sinks U.S. aircraft transport ship.

May 12: Secretary Rusk asks NATO members to give greater support.

May 12–13: Secretary McMamara and Gen. Taylor make fifth on-the-spot review of South Vietnam.

May 22: Secretary Rusk stating choices says, "to expand the war can be the result if the Communists persist in their course of aggression."

*June 2. Announcement of signature in Moscow of plan for scientific collaboration for 1964 between USSR Academy of Sciences and North Vietnam State Committee of Sciences.

June 12: President de Gaulle calls for end to all foreign intervention.

June 23: President Johnson announces appointment of Gen. Taylor to be Ambassador and Alexis Johnson Deputy Ambassador to South Vietnam.

*July 11–13: North Vietnam delegation, headed by member of politburo of CC of Workers Party of Vietnam, deputy Chairman of the North Vietnam National Assembly, Hoang van Hoan visited USSR on way to Cuba.

August 2: USS Maddox is attacked in international waters off coast of North Vietnam by North Vietnamese torpedo boats.

August 4: Destroyer C. Turner Joy and destroyer Maddox attacked by North Vietnamese PT boats.

August 4: President Johnson orders "air action" against "gunboats and certain support facilities in North Vietnam."

August 5: President Johnson's message to Congress. Joint resolution: "To promote the maintenance of international peace and security in Southeast Asia."

August 5: U.S. sends reinforcements to Tonkin Bay.

* August 5: Soviet representative to Security Council, P. D. Morozov criticized and termed "aggressive" the U.S. actions in Gulf of Tonkin.

* August 6: TASS declaration in connection with "aggressive action" of U.S. in Gulf of Tonkin.

August 7: Congress approves Southeast Asia resolution (Senate 88–2; House 416–0). General Khanh declares state of emergency.

* August 7: Soviet representative to Security Council, P. D. Morozov attacks U.S. presentation of military activities against North Vietnam shoreline as defensive measures.

August 11: President Johnson signs Southeast Asia resolution (Pub. Law 88–408).

August 16: General Khanh elected President by Military Revolutionary Council; ousts Duong Van Minh.

August 25: General Khanh promises liberalization of regime after repeated protests by Vietnamese.

August 27: New Vietnam Constitution is withdrawn; Revolutionary Council disbands; General Khanh, Duong Van Minh, and Tran Thien Khiem named provisional leaders.

August 29: Nguyen Xuan Oanh names acting premier to head caretaker government for two months. He states General Khanh suffered mental and physical breakdown.

September 3: General Khanh resumes premiership. Taylor sees him "rested and recovered"; he dissolves triumvirate and restores Duong Van Minh as chief of state.

September 13: Bloodless coup by Brig. Gen. Lam Van Phat against Khanh.

September 13: Forces loyal to Gen. Khanh regain control.

* September 14: New USSR Ambassador to North Vietnam, I. S. Shcherbakov, presents credentials to President Ho Chi Minh.

September 18: U.S. Defense Department reports U.S. destroyers in Tonkin Gulf fire on and presumably hit four or five hostile targets.

September 19: Vietnam Government makes sweeping changes in military command following abortive coup of September 13.

September 26: Vietnam High National Council formally inaugurated and charged with preparing new constitution.

October 20: Revolutionary Council presents new Vietnam constitution.

October 21: U.S. charges Cambodian troops crossed border.

October 26: Vietnam Revolutionary Council elects Phan Khac Sun chief of state.

November 1: Tran Van Huong named Premier.

* November 5–12: North Vietnam delegation, headed by member of Politburo of CC of Workers Party of Vietnam, deputy Chairman of North Vietnam National Assembly Hoang Van Han visited the USSR.

* November 9: North Vietnam party and government delegation headed by member of Politburo of CC of Workers Party of Vietnam, prime minister Pham Van Dong, visited A. N. Kosygin.

December 4: South Vietnam military leaders announce support of Premier Tran Van Huong.

December 20: Military stage purge; dissolve civilian High National Council (provisional legislature).

December 21: General Khanh supports power of military versus U.S. appeals; declares Vietnam forces would not fight "to carry out the policy of any foreign country."

December 24: Terrorist bombings in Saigon kills two Americans and wounds 52 Americans and 13 Vietnamese.

1965

*January 5: Publication of letter of USSR Foreign Minister A. Gromyko of 30 December 1964 to North Vietnam Foreign Minister Suan-Thuy affirming USSR support of "national liberation war" in South Vietnam.

January 8: South Korea sends 2,000 military advisors.

January 13: Defense Department confirms that two U.S. planes were shot down over Laos.

January 27: Premier Huong ousted. Gen. Khanh asked to solve political crisis.

January 28: Gen. Khanh nominates Nguyen Xuan Oanh acting Premier.

*February 1: Announcement of forthcoming visit of A. N. Kosygin to North Vietnam.

*February 6–10: Sojourn in Hanoi of USSR delegation headed by Kosygin.

February 6: Kosygin arrives in Hanoi.

*February 7. Publication of TASS declaration in connection with escalation of "aggressive action of U.S." in Indochina.

February 7: Communist guerrillas stage attack on U.S. outpost. U.S. planes strike targets in North Vietnam. U.S. dependents evacuated from South Vietnam.

*February 7–8: Formal negotiations in Hanoi between Kosygin and Ho Chi Minh.

February 8: South Vietnamese Air Force planes accompany U.S. air mission into North Vietnam. President Johnson indicates that further developments depend on Communist response. Indian Foreign Ministry requests a new Geneva Conference.

February 8: Kosygin announces Soviet willingness to aid North Vietnam if she is invaded.

*February 9: Protest of USSR government against "new serious provocations of U.S. armed forces in North Vietnam."

February 10: Vietcong blow up U.S. military billet at coastal city of Quinhon, killing 23 soldiers.

*February 10: Joint declaration of USSR and North Vietnam reaffirming that USSR would extend to North Vietnam necessary aid and support. Both parties agreed to carry out regular consultations on the matter.

February 11: Secretary General U Thant calls for international negotiations on Vietnam inside or outside the U.N.

February 15: Chinese Communists threaten to enter war if American troops enter North Vietnam.

February 16: South Vietnamese Armed Forces Council announces that Phan Huy Quat has been named new Premier.

February 18: South Vietnamese Army and Marine units stage bloodless coup in Saigon and oust Gen. Khanh.

February 19: Khanh regains temporary control of government.

February 20: Armed forces council demands resignation of Khanh.

February 21: Khanh bows to council demands for resignation.

February 24: Premier Phan Huy Quat announces South Vietnam's determination to end war with honor.

February 25: North Vietnamese officials state negotiations would be considered if American troops withdrawn.

February 27: State Department issues white paper detailing charges of aggression on part of North Vietnam.

February 28: U.S. and South Vietnamese officials declare that President Johnson has decided to open continuous limited air strikes against North in order to bring about negotiated settlement.

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*Communist sources.

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March 1: President Quat rules out peace until North Vietnamese stop their infiltration into South Vietnam.

March 4: Declaration of A. Gromyko to U.S. Ambassador F. Kohler in connection with new attacks of U.S. Air Force on territory of Vietnam on March 2.

March 6: Two U.S. Marine battalions sent for limited duty.

March 8: U Thant proposes U.S. and USSR, Great Britain, France, Communist China, and North and South Vietnam participate in preliminary conference.

March 9: U.S. rejects U Thant's offer until North stops its aggression.

March 12: Soviet Ambassador to UN, N. T. Fedorenko, transmitted to Chairman of UN Security Council Usher (Ivory Coast), Soviet declaration to U.S. government of March 4, 1965.

March 22: U.S. discloses that it has provided South Vietnamese army with certain types of nonlethal gases.

*March 23: Russian Communist Party Secretary Brezhnev hints of Russian participation in the war.

*March 24: Soviet Union initiates common action with UK demanding immediate cessation of US aggression against North Vietnam.

*March 25: New exchange of letters between Soviet Foreign Minister Gromyko and North Vietnam foreign minister Suan Thuy on matter of repeated aggressive actions of U.S.

March 25: In public statement President Johnson held out to North the prospect of economic aid if peace is secured.

*March 26: USSR Ambassador to U.S., A. F. Dobrynin meets in Washington with Secretary Rusk. During meeting the situation in Southeast Asia is discussed.

*March 29: N. T. Fedorenko, Soviet Ambassador to UN, transmits to Chairman of UN Security Council A. Usher, a note of protest of USSR to U.S. dated 26 March 1965 in connection with use of poisonous gases by U.S. in South Vietnam.

March 29: Bomb explodes outside U.S. Embassy in Saigon, causing heavy damage and casualties.

April 1: Seventeen non-aligned nations meeting in Belgrade, Yugoslavia, appeal for immediate negotiations.

April 2: U.S. announces intention of sending several thousand more troops.

April 7: President Johnson in Johns Hopkins University speech stresses our willingness to negotiate, and suggests a billion aid program for Southeast Asia.

April 8: USSR proposes international conference to guarantee Cambodian neutrality.

April 8: Peiping announces that U.S. peace offer is a trick.

April 11: North Vietnam officials denounce Johnson's offer to negotiate.

April 12. Gordon Walker is unsuccessful in British attempts to meet with officials in Hanoi and Peiping over Southeast Asia.

April 14: U.S. urges Hanoi to consider plea of 17 non-aligned nations.

*April 10–17: Important and large North Vietnam party and government delegation, headed by First Secretary of CC of Workers Party of Vietnam, Le Duan, visits USSR.

* April 18: Joint Soviet-Vietnam communique published concerning visit to Moscow of North Vietnam party and government delegation headed by LeDuan.

*April 21: Accord on USSR-North Vietnam cultural collaboration for 1965 signed in Hanoi.

May 4: President Johnson requests $700 million supplemental appropriations.

May 5: House approves by 408–7.

May 5: SEATO condemns Communist aggression in Vietnam war.

May 6: Senate passes $700 million by 88–3.

May 6: Two U.S. Marine Battalions sent to Vietnam; first combat units to be deployed to South Vietnam.

May 12: Red Chinese Chief of Staff calls for preparation for atomic war. President Johnson declares that Peiping prevents Hanoi from agreeing to talks.

May 18: U.S. halts bombing missions on North Vietnam.

*May 15: USSR Deputy Foreign Minister M. V. Zimyanin received Australian Ambassador J. R. Rowland and delivered to him a declaration of protest concerning intended Australian military participation in Vietnam war.

*May 3–5 and May 15–16: North Vietnam delegation headed by Deputy Chairman of National Assembly of North Vietnam, Hoang Van Hoan, visits USSR.

May 19: U.S. resumes air attacks on North Vietnam.

May 25: Soviets announce construction of anti-aircraft missile sites underway around capital of North Vietnam.

June 1: President asks Congress to authorize $89 million for expanded program of economic and social development in Southeast Asia.

*June 4–10: North Vietnam delegation headed by member of Politburo of CC of Workers Party of North Vietnam, deputy prime minister Le Than Nguy, visits USSR to negotiate economic collaboration with USSR and other Warsaw Pact countries. Conference in Moscow with Kosygin on 8 June.

June 7: U.S. military authorities disclose that number of military (American) personnel in South Vietnam has passed 50,000 mark (Army 21,500; Marines 16,500; Air Force 9,500; Navy 3,500).

June 7: Senate adopts amendment adding $89 million to foreign aid bill in accordance with President's request. (42–26)

June 8: State Department spokesman says U.S. military command authorized to send American troops into combat alongside Vietnamese if such "combat support" is requested.

June 9: White House issues statement that "There has been no change in the mission of U.S. ground combat units in Vietnam in recent days or weeks."

June 12: Spokesman announced that Premier Quat had decided to hand back reins of government to military following Chief of State Suu's refusal to approve proposed cabinet changes.

June 16: Secretary McNamara announces new troop movements to Vietnam; to over 70,000 total.

June 17: Four-nation British Commonwealth peace mission to find an end to Vietnam war.

June 24: New South Vietnamese Government under Brig. Gen. Nguyen Cao Ky announces measures including formal state of war, extension of Saigon's curfew, and price controls.

*June 24: Soviet Premier Kosygin refuses to meet with Commonwealth peace mission.

June 25: Communist China rejects any visit by Commonwealth peace mission to Peiping.

June 25: President Johnson declares that "bilateral diplomacy" yielded "no results."

June 25: Prime Ministers of British Commonwealth outline objectives of their Vietnam peace mission.

June 28: U.S. troops participate in their first major attack of the war.

July 1: North Vietnam formally rejects request by Commonwealth for talks in Hanoi.

July 4: Rusk says U.S. had asked Hanoi "what would be stopped if we stopped the aerial bombing", but that "we've never had a reply."

July 8: White House announces that Ambassador Taylor has resigned and will be replaced by Henry Cabot Lodge.

July 10: President Johnson declares that in Vietnam "we committed our power and honor."

*July 10: Signing of agreements and related documents between USSR and North Vietnam governments following prolonged negotiations in Moscow.

July 12–18: U.S. begins large scale buildup of its forces in South Vietnam.

*July 13: Publication of official agreements of July 10, 1965, extending Soviet Aid for additional strengthening of defense capacities of North Vietnam in view of increasing escalation of "United States imperialist aggression."

July 14–21: Lodge and McNamara arrive in Saigon, confer with Taylor, Westmoreland, and Premier Ky.

July 15: A "voluntary censorship" of news is requested of journalists by U.S. Military Assistance Command, Vietnam.

July 15: Harriman begins informal talks in Moscow with Kosygin.

*July 16: Announcement of forthcoming visit to the USSR of North Vietnam delegation headed by deputy chairman of National Assembly member of Politburo of CC, Hoang Van Hoan.

July 20: McNamara leaves Vietnam after receiving requests for additional U.S. troops. He states "in many respects there has been a deterioration" since his last visit 14 months ago.

July 28: Ambassador Goldberg delivers note to U Thant from President Johnson asking the UN to employ its "resources, energy and immense prestige" in finding ways "to halt aggression and bring peace in Vietnam."

*August 7: Accord between USSR and North Vietnam on deliveries of Soviet Railroad equipment to North Vietnam signed in Moscow.

August 11: Soviet Union indicates it would have no part in any American efforts to involve the UN in Vietnam.

*August 14–28: Sojourn in the USSR of a delegation of National Assembly of North Vietnam headed by Hoang Van Hoan.

August 18: Senate approves $1.7 billion supplementary appropriation for military operations in Vietnam.

August 19: Defense Department reports 561 Americans killed, 3,024 wounded, and 44 missing in Vietnam between January 1, 1961, and August 16, 1965.

August 23: White House pamphlet entitled "Why Vietnam."

August 24: The House Republican Committee on Planning and Research issues "white paper" criticizing the Administration's actions in Vietnam. It accuses the Johnson Administration of "an uncertain policy," "lack of candor," and "misleading statements."

*September: Delegation of North Vietnam, headed by Hoang Van Hoan visits Communist China, North Korea and Mongolian Peoples Republic.

*October 4–5 and October 28: Sojourn in the USSR en route to North Vietnam and Koean Democratic Peoples Republic and on way back, of delegation of Hungarian Socialist Worker's Party headed by member of Politburo of CC, 1 Hungarian CP, deputy chairman of Council of Ministers of HWP, I. Fok.

October 21: Defense casualty report states: Vietcong deaths in 1965 totaled about 25,000; 830 U.S. military personnel killed between January 1961 and October 16, 1965.

October 23: U.S. forces in South Vietnam reached total of 148,300: 89,000 Army, 8,000 Navy, 37,000 Marine, 14,000 Air Force, 300 Coast Guard.

November 2: R. Morrison, 32, a Quaker of Baltimore, commits suicide by fire in front of Pentagon "to express his concern over the war in Vietnam."

November 9: Roger Allen LaPorte, 22, of pacifist Catholic Worker movement burns himself in front of UN headquarters in New York as protest against the war. Dies November 10.

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*Communist sources.

November 11: McNamara announces "it will be necessary to add further to the strength of U.S. combat forces in Vietnam."

November 17: State Department confirms that North Vietnam peace feeler had been made May 20, 1965.

November 18: Defense casualty report 108 U.S. soldiers slain in week ending November 15, bringing to 1,095 slain since January 1961.

November 27: Vietcong release two U.S soldiers captured November 24, 1963.

November 28–29: McNamara states that Vietcong's "expressed determination to carry on conflict . . . can lead to only one conclusion . . . that it will be a long war."

December 1: Gromyko declares peace talks would be conditioned on halting of U.S. air strikes against North and withdrawal of U.S. troops.

*December 6–22: Sojourn in the USSR of North Vietnam economic government delegation headed by member of Politburo of CC of Workers' Party of North Vietnam, Deputy Prime Minister, Le Thanh Nghi.

December 9: Ho Chi Minh calls President Johnson's offer of unconditional talks "absolutely unacceptable."

December 15: Air Force planes bomb and destroy North Vietnamese thermal power plant at Uongbi in first U.S. raid on major North Vietnamese industrial target.

December 17: U.S. sources confirm that Ho Chi Minh relayed an offer to hold talks.

December 18: North Vietnamese statement calls reports of Hanoi's peace feelers "sheer groundless fabrications."

December 25: A one-day Christmas truce agreed to by U.S. and Vietcong.

December 26: U.S. and South Vietnam offensive operations resumed in face of resumption of heavy Vietcong attacks; however, suspension of air raids on North continued.

December 28: Vietcong propose four-day cease fire for January 20–23, 1966, to mark Vietnamese lunar New Year, U.S. troops not included.

December 29. U.S. dispatches high-ranking emissaries to various capitals of the world in an attempt of achieving negotiated settlement.

*December 29: Announcement of forthcoming visit to North Vietnam of the USSR delegation headed by Secretary of CC of CPSU, A. N. Shelepin.

1966

January 1: Pope Paul VI makes public messages he had sent on December 31 to Moscow, Peiping, Hanoi and Saigon urging their leaders to seek an end to Vietnam war.

January 2–3: Ambassador Goldberg and Vice President Humphrey return from foreign tours.

January 7–12. Five-man Soviet mission led by CP Central Committee Secretary Aleksandr N. Shelepin visits Hanoi and arranges for increased Soviet military aid to North Vietnam.

January 8: Senator Mansfield and four other Senators file report with Foreign Relations Committee based on trip to South Vietnam and other countries.

January 9: Yale Professor Lynd returns after visit to North Vietnam.

*January 13–14: North Vietnam economic delegation headed by member of Politburo of CC of Workers Party of Vietnam, Deputy Prime Minister Le Thanh Nghi, visits USSR.

January 15: Secretary Rusk and Ambassador-at-Large Harriman meet with Premier Ky.

January 16: U.S. and South Vietnam communique states, "positions of two Governments were consistent in all fundamental respects."

January 16: Communist China denies Soviet-supported rumors that Peiping is impeding trans-shipment of Soviet military equipment through China to North Vietnam.

January 19: The President sends Congress a request for additional $12.76 billion supplemental funds primarily for Vietnam expenses.

January 20: Secretary McNamara reports loss of 351 planes and helicopters in Vietnam in 1965.

January 20–23: Vietnamese lunar New Year cease-fire marked by many clashes.

January 24: Ho Chi Minh states in a message to world communist leaders that U.S. must accept Hanoi's four-point peace formula and recognize NLF "as the sole genuine representative of the people of South Vietnam."

January 24: President Johnson submits budget for fiscal 1967; defense expenses to total of $57.05 billion. Also $9.1 billion new obligational authority. Vietnam expenses for FY 67 are estimated at $10.5 billion.

January 24: Senate Foreign Relations Committee hears three hours of testimony from Secretary Rusk in closed hearing.

January 31: President announces resumption of U.S. air strikes against North Vietnam.

January 31: Secretary Rusk summarizes "tragically negative responses from Hanoi."

February 1: UN Secretary Council meets to consider U.S. draft resolution calling for Council action to arrange an international conference to bring peace to South Vietnam and Southeast Asia.

* February 1: Soviet Ambassador to UN, N. T. Fedorenko protests Security Council meeting called by U.S. to discuss situation and accuses U.S. of lack of sincerity and of diversionary tactics to camouflage escalation of "aggressive war."

* February 1: Publication of Soviet protest on renewed U.S. air force bombardment of North January 31.

February 2: North Vietnamese foreign ministry formally rejects any UN action.

February 2: Security Council agrees by 9 to 2 vote (USSR and Bulgaria opposed; France, Mali, Nigeria, Uganda abstaining) to consider the war.

February 5: Defense Secretary McNamara refuses on grounds of security to testify publicly before Foreign Relations Committee of the Senate.

February 6: President Johnson in Honolulu for discussions with Premier Ky.

February 8: President Johnson states his determination to fight against aggression as well as for social construction in Vietnam.

February 8: Vice President Humphrey leaves Honolulu for Saigon with Premier Ky.

February 10: Former Ambassador G. Kennan urges orderly end to Vietnam conflict.

February 11: President Johnson disavows any desire to escalate. However, he adds "additional troops" will be sent as militarily required.

February 17: General Taylor testifies that U.S. intends to wage limited war.

February 18: Secretary Rusk's testimony before the Senate Foreign Relations Committee places emphasis on SEATO pact as legal basis for U.S. commitments in Vietnam.

February 19: Senator Robert F. Kennedy states National Liberation Front should be included in any post-war Saigon Government.

February 20: South Korea announces it will send an additional division and a regiment to South Vietnam.

February 21: Vice President Humphrey criticizes Sen. Kennedy's suggested inclusion of NLF into Vietnam coalition government.

March 1: Congress approves additional $4.8 billion for the Vietnam war.

March 1: President Johnson renews his offer of aid to North Vietnam; exhorts Hanoi to negotiate.

March 2: Secretary McNamara reveals that U.S. forces in South Vietnam reached total of 215,000 men, with 20,000 on their way.

March 5: Gen. Taylor proposes mining of Haiphong Harbor.

March 6: Communist China accuses the Soviet Union of pressing North Vietnam to negotiate.

March 8: Australia announces intention of tripling its force from 1,500 to 4,500 by June 1966.

March 9: U.S. planes carry out heaviest bombardment of the war.

March 10: South Vietnamese Government removes Lt. Gen. Nguyen Chan Thi as District Commander in Hue.

March 11: Vice President Humphrey bars settlement that would give Vietcong role in a coalition government not earned in free elections.

March 10–16: Protests in Hue and Danang ensue over dismissal of Gen. Thi.

* March 13: TASS protests alleged U.S. use of poisonous substances against the North Vietnamese troops.

March 18: South Vietnam government votes to make no concessions to Buddhist demonstrators.

March 23: General strikes occur in Danang and Hue.

March 25: Premier Ky announces committee to draft constitution to be followed by elections.

* March 31: 10,000 Buddhists demonstrate in Saigon.

April 2–5: Anti-government demonstrations intensify in Saigon and spread to other leading towns in South. Premier Ky threatens the use of troops and flies to Danang to quell rebellion.

April 11: Defense officials acknowledge that Buddhist demonstrations have hampered operations against Vietcong.

April 12: B–52s from SAC base in Guam bomb North Vietnam for the first time.

April 12–14: National Political Congress (boycotted by Buddhist and Catholic organizations) meets in Saigon and adopts program designed to meet Buddhist demands.

April 16: South Vietnam military National Leadership Committee sets elections for a Constituent Assembly in August.

April 18: Senator Mansfield proposes "direct confrontation across a peace table" between U.S., China, North and South Vietnam; plan rejected by Peiping April 21, and Hanoi on April 22.

April 22: Pauline Frederick, NBC, quotes Soviet informant as stating that North Vietnam would be willing to enter into peace negotiations if U.S. would halt bombing of North Vietnam.

April 24: Communist MIG–17s appear in strength for the first time in the air war in North Vietnam.

April 26: Ho Chi Minh and Premier Pham Van Dong appear before National Assembly reaffirming Hanoi's four-point peace plan.

April 30: U.S. officials in Saigon set rate of North Vietnamese infiltration of the South at 5,500 men per month.

May 1: U.S. battalion drives Communist units into Cambodia.

May 2: Secretary McNamara predicts increase in U.S. troop strength.

May 3: U.S. forces fire on Vietcong in Cambodia.

May 7: Premier Ky declares he has no intention of resigning.

May 13: Communist China charges five U.S. planes "flagrantly" intruded over Yunnan Province May 12.

*May 13–14: Rumanian Communist Party and government delegation headed by member of Presidium of CC of Rumanian CP, first deputy Chairman of the Council of Ministers E. Bodnaras, visits USSR returning from North Vietnam.

May 15–23: Vietnamese government troops regain control of Danang from pro-Buddhist army units.

May 16: U.S. protests to Cambodia concerning Vietcong's use of its territory.

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*Communist sources.

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May 20–23: Saigon police and army units break up massive Buddhist demonstrations.

May 22: Harold Brown, Secretary of the Air Force, states that President Johnson decided against expanding list of bombing targets in North Vietnam.

*May 28: Plan for North Vietnam-USSR cultural and scientific collaboration for 1966 signed in Moscow.

May 31: Buddhist leaders and South Vietnam government officials begin talks in Saigon.

June 3: South Vietnam requests UN observers at Constituent Assembly elections scheduled in September.

June 6: South Vietnam ruling military National Leadership Committee of 10 generals expanded to include 10 civilians.

June 8: Buddhist leader Tri Quang begins fast.

June 16: South Vietnam moves troops into Hue to deal with Buddhist disorders.

June 18: President Johnson declares the U.S. would persist in using "the ground, naval and air strength required to achieve our objective."

June 20: Premier Ky signs decree setting September 11 election of constituent assembly.

June 23. South Vietnam government troops seize principal Buddhist stronghold in Saigon.

June 26: Secretary Rusk states that there are "no prospects for early peace" in Vietnam.

June 29: American planes attack oil installations in areas of Hanoi and Haiphong.

June 30: President Johnson calls for unconditional peace talks.

July 2: State Department estimates 40,000 Chinese workers are in North Vietnam .

July 5: Australian Prime Minister Harold Holt endorses U.S. policy in Asia, including bombing of North Vietnam.

July 6: Several captured American pilots paraded through streets of Hanoi.

July 7: Warsaw Pact nations issue declaration that they are ready to send "volunteers" to Vietnam.

July 8: Chief of State, Lt. Gen. Nguyen Van Thieu states that allies should invade North Vietnam if necessary in order to end the war.

July 10: Defense Department announces U.S. forces will expand to 375,000 by the end of 1966 and to 425,000 by spring of 1967.

July 11: U.S. reported to be carrying out over 100 air strikes a day over the Communist infiltration routes in Laos.

July 14: Secretary Rusk warns Hanoi against trying captured U.S. pilots as war criminals.

July 15: 18 U.S. Senators sign statement calling on North to refrain from any act of vengeance against captured airmen.

July 16: U.N. Secretary General U Thant urges North Vietnam to exercise restraint in treatment of American prisoners.

July 19: North Vietnamese Ambassadors in Peiping and Prague report that captured American pilots will go on trial in Hanoi.

July 20: President Johnson warns Hanoi that American people would regard war-crime trials of American prisoners as "very revolting and repulsive" and that they would "react accordingly."

July 23: Ho Chi Minh declares there is "no trial in view" for American prisoners.

July 24: North Vietnam official publication Nhan Dan reiterates Hanoi's four points as "sole basis" for settling the Vietnam problem.

July 25: Premier Ky urges allied invasion of North Vietnam as sole alternative to a long war.

July 30: B–52 bombers initiate first of series of attacks on growing North Vietnam troop concentrations in and around demilitarized zone.

July 31: Premier Ky states that he will not be candidate for President in 1967.

August 3: Thailand proposes an all-Asian peace conference.

August 3: A House Appropriations Subcommittee makes public testimony of May 11 by Secretary Rusk in which he said that U.S. observes a no-bombing buffer zone along the North Vietnam border with Red China.

August 7: Former Vice President Nixon in Saigon suggests that 500,000 American troops are needed to shorten the war.

August 9: Premier Ky expresses a willingness to negotiate an end of the war with North Vietnam provided "they would be willing to compromise" by agreeing to accept 17th parallel as border and "to withdraw their agents and soldiers from South Vietnam."

August 13–14: At end of two days of conference with Westmoreland in Texas, President Johnson warns that while a Communist military takeover in South Vietnam is impossible, there will be no quick victory.

August 18: North Vietnam denounces proposed all-Asia peace conference to settle the Vietnam war.

August 24: President Johnson endorses proposals for an all-Asian conference.

August 28: The USSR announces training North Vietnamese fighter pilots at an unidentified Soviet airbase.

September 5: President Johnson says U.S. troop withdrawal from South Vietnam is dependent upon a pull out of Communist forces.

*September 5–13: Visit to the USSR of North Vietnam economic delegation headed by member of Politburo of CC Workers Party of Vietnam, Deputy Chairman of Council of Ministers of North Vietnam, Le Thanh Nghi.

*September 11: South Vietnam voters (80.8 per cent of those eligible) elect a 117 member constituent assembly to draft new constitution.

After election of September 11, CC of National Front for Liberation of South Vietnam issues declaration stating that the Constituent Assembly holds no power and that the National Front for Liberation is the only representative of South Vietnam.

September 22: Ambassador Goldberg states that the U.S. will halt bombing of North Vietnam when it receives assurances, privately or otherwise, that Hanoi will respond by a reduction of its war effort.

September 22–October 2: North Vietnam economic delegation headed by member of Politburo of CC of Workers Party of Vietnam, deputy chairman of Council of Ministers, Le Thanh Nghi, visits USSR.

September 24: Communist China and North Vietnam reject U.S. peace proposals put forward by Ambassador Goldberg.

October 3: The Soviet Union announces new aid agreement with North Vietnam providing for both military and economic assistance. Washington officials cite evidence that Russian advisors might at times be operating Hanoi's air defenses.

October 4: Ambassador F. Kohler warns that an American blockade of North Vietnam would raise risk of military confrontation with USSR.

October 6: North Vietnam rejects UN Secretary General U Thant's appeal for mutual de-escalation of the ground war, but endorses his call for cessation of U.S. bombing of North Vietnam.

October 10: The Soviet Union declares that end to the U.S. air raids on North Vietnam is key to improved Soviet-American relations.

October 13: President Johnson rules out ending the bombing of North Vietnam without an indication that Hanoi will, in turn, de-escalate its military activities.

October 14: U.S. pilots fly a record 175 missions over North Vietnam.

*October 18: Visit to the USSR of North Vietnam economic delegation headed by member of Politburo of CC of Workers Party of Vietnam, Deputy Prime Minister, Le Thanh Nghi.

October 24: The Manila Conference opens. Premier Ky tells the conference that South Vietnam will press a program of political-economic reform.

October 25: The U.S. and five other nations assisting South Vietnam offer to withdraw troops from South six months after Hanoi disengages itself from the war.

October 26: President Johnson pays surprise visit to Camrahn Bay and pledges full support to U.S. forces.

October 27: Hanoi and Peiking reject the Manila Conference troop withdrawal offer.

*October 27–November 3: President of Cuba, O. Dortico Torrado, Raul Castro, members of Politburo of CC of CP of Cuba, and Deputy Prime Minister of Defense Valle Timenes, visit North Vietnam and USSR.

November 5: Secretary McNamara states that the number of U.S. troops in Vietnam will continue to grow in 1967.

November 10: North Vietnam announces that the USSR, China and other Communist countries have pledged increased aid, both military and economic.

November 18: Secretary Rusk states that the U.S. might agree to short holiday truce in December.

November 25: Vietcong offers to observe 48-hour truces at both Christmas and New Year.

December 2: Premier Ky announces the U.S. troops will be stationed in Mekong Delta where operations previously were conducted solely by South Vietnam Army.

December 2–5: U.S. bombers stage heavy raids in the immediate vicinity of Hanoi.

December 8: Pope Paul urges combatants in Vietnam to extend holiday truces into an armistice and begin peace negotiations.

December 12: New York *Times* reports that the Soviet Union has sent North Vietnam 100 new MIG–17s and 21 jet fighters, thus doubling the size of Hanoi's air force.

December 13: Soviet press agency Tass claims that U.S. planes attacked residential areas of Hanoi.

December 14–15: U.S. officials admit that U.S. planes bombed military targets in Hanoi but deny Soviet charges.

December 16: Communist China charges that American planes bombed its Embassy in Hanoi. Rumania follows suit December 17.

December 19: U.S. asks Secretary General U Thant to take whatever steps he considers necessary to bring about cease-fire talks.

December 21: North Korean pilots reported to be flying MIG jet fighters in North Vietnam and training Hanoi's pilots.

December 30: Britain invites North and South Vietnam to begin cease-fire talks on British territory.

December 31: Secretary General U Thant calls on the U.S. to halt "unconditionally" its bombing of North Vietnam.

December 31: U.S. troop strength in South reaches 389,000. U.S. battle deaths in Vietnam reached 6,644, while total wounded reached 37,738.

1967

January 1: National Liberation Front announces that it will observe a seven-day truce during Lunar New Year celebration of February 1967. U.S. planes down seven Communist MIG fighters, North Vietnam's biggest daily loss of war.

January 3: South Vietnam accepts British proposal of December 30. North Vietnam rejects it.

January 3: North Vietnamese Premier Pham Van Dong asserts that Hanoi's four points are not "conditions" for peace talks but constitute a "basis for settlement" and "valid conclusions for discussion."

January 3: Thailand announces its intention to send troops to Vietnam.

January 5: North Vietnam's chief diplomatic representative in Western Europe states that if U.S. will "definitely and unconditionally" stop bombing his country, Hanoi will "examine and study" proposals for negotiations.

January 8: Ambassador Lodge predicts "sensational" military gains in 1967 and that open peace negotiations would probably never take place. U.S. and South Vietnamese troops begin Operation Cedar Falls in Mekong Delta, largest single offensive of war.

January 10: Secretary General U Thant rejects view that Vietnam is vital to U.S. security and dismisses so-called "domino theory," and the view that the NLF in South Vietnam is stooge of Hanoi.

January 13: General Wheeler, Chairman of Joint Chiefs, says U.S. will not bomb MIG bases in North Vietnam.

January 17: South Vietnam proposes talks with Hanoi on extending Lunar New Year truce.

January 20: Senator Stennis calls for intensification of bombing of North Vietnam; predicts that over 500,000 troops will be needed in South Vietnam by the end of 1967.

January 23: Secretary McNamara lists enemy strength in South Vietnam at 275,000, including 45,000 North Vietnam regulars.

January 25: President presents budget for FY 1968. For Vietnam estimates expenditures at $21.9 billion. Total defense for FY 68 estimated at $73.1 billion.

January 28: North Vietnam's Foreign Minister asserts, "only after the unconditional ending of bombing and other acts of war being carried out by the U.S. against North Vietnam that there can be talks between the two countries."

February 2: The USSR charges Communist China with hampering its aid shipments to North Vietnam.

February 8: The Lunar New Year's truce begins.

February 8: Premier Kosygin, in London for discussions, says that an unconditional halt in the U.S. bombing of North Vietnam is necessary to enable negotiations to take place.

February 8: In message to Pope Paul, President Johnson expresses the hope that New Year's truce can be extended and open the way for negotiations.

February 9: Secretary Rusk tells that the U.S. will not cease bombing North Vietnam until Hanoi shows willingness to reduce its military effort in South Vietnam.

February 10: State Department voices "serious concern" over reports that North Vietnam has taken advantage of New Year's truce to increase its supplies to Communist forces in South Vietnam.

February 11: Izvestia terms an end of the U.S. bombing a first step to the limiting of military operations in Vietnam.

February 12: Allies resume ground action with the end of the truce, but U.S. planes do not bomb the North.

February 13: Premier Kosygin ends visit to Britain.

February 14: The U.S. bombs North Vietnam after a pause of nearly six days.

February 14: Radio Hanoi declares that there can be no bargaining on North Vietnam's demand that the U.S. halt the bombing "unconditionally and for good."

February 15: Secretary McNamara declares that bombing has been effective but major military objectives of the war must be achieved in South Vietnam.

February 23–24: 25,000 Allied troops begin Operation Junction City in a wide area near South Vietnam-Cambodia border.

February 24: Secretary McNamara states that the U.S. might bomb new targets in North Vietnam.

February 27: U.S. planes begin to drop mines in North Vietnam rivers.

March 1: The Senate by 75 to 19 passes resolution tied to $4.5 billion military spending bill pledging support to President Johnson.

March 6: Premier Kosygin declares that the recent U.S. escalation of the war will result in a corresponding increase in Communist aid to Hanoi.

March 10: U.S. war planes bomb North Vietnamese Thainguyen iron and steel works for the first time.

March 15: President Johnson announces Bunker will replace Lodge as Ambassador to South Vietnam.

March 16–20: The House and Senate pass $12.2 billion supplemental FY 67 defense money bill for Vietnam. Senate 77 to 3; House 385 to 11.

March 20: President Johnson arrives in Guam for meetings with South Vietnamese officials. Premier Ky opposes coalition government in South Vietnam which would include Vietcong.

March 21: North Vietnam's Foreign Ministry discloses that President Johnson and Ho Chi Minh exchanged letters in February. Ho rejected President's call for peace talks unless the U.S. halted bombing and all other acts of war against North Vietnam.

March 22: U.S. officials announce plans to base B–52 bombers in Thailand for use in Vietnam.

March 27: South Vietnam's government approves new constitution voted by Constituent Assembly March 18.

March 28: Secretary General U Thant discloses that on March 14 he proposed to both sides a "standstill" truce in Vietnam. The U.S. and South Vietnam approved the plan but Hanoi rejected it.

April 3: State Department expresses concern that North Vietnam is brainwashing captured American pilots to obtain propaganda statements.

April 8: Saigon announces it will observe one-day truce on Buddha's birthday, May 23.

April 11: U.S. officials state that the Soviet Union and Communist China have apparently worked out an agreement to speed flow of Soviet aid to North Vietnam.

April 18: Saigon, in response to a Canadian proposal, suggests that one means of bringing about peace might be a withdrawal by both sides from the demilitarized zone. Hanoi had already rejected Canadian proposal.

April 19: The U.S. proposes that both sides pull back military forces ten miles from the demilitarized border zone as a first step toward peace talks. North Vietnamese on April 21 rejected proposal, calling it a "trick". The NFL on April 23 denounced the U.S. proposal.

April 20: U.S. planes bomb two power plants inside Haiphong for the first time.

April 24: U.S. planes attack two North Vietnamese MIG bases marking the first strike against such installations.

April 24: Communist China claims to have shot down two U.S. Jets over Kwangsi Province bordering North Vietnam.

April 27: Vietcong announces in radio broadcast that it will observe a 48-hour truce for Buddha's birthday, May 23.

April 30: Communist China rejects recent appeal by Secretary General Brezhnev for unity in aiding North Vietnam and the Vietcong.

May 1: Secretary Rusk lists 28 peace proposals "made by ourselves and others" which North Vietnam had turned down.

May 1: Senate Republican Policy Committee releases staff study critical of many aspects of U.S.-Vietnam policy.

May 3: President Johnson states that he has no "imminent" plans to substantially increase U.S. fighting strength in Vietnam.

May 5: Marines capture third and final peak of Hill 881.

May 8: Administration officials state the U.S. did not bomb immediate Hanoi area from mid-December to late April in an unsuccessful effort to open negotiations with North Vietnam.

May 11: Secretary General U Thant expresses fear that "the initial phase of World War III" is being fought in Vietnam.

May 14: South Vietnam's Chief of State Thieu states that 50,000 American or allied troops will be needed 10 to 20 years after end of Vietnam war to guard against future aggression.

May 14: Gen. Lewis Walt, U.S. Marine Commander in Vietnam, states that more allied troops are needed there.

May 18–19: U.S. and South Vietnamese forces for first time move into demilitarized zone while U.S. planes bomb a power plant one mile north of the center of Hanoi.

May 19: South Vietnam's Chief of State Thieu declares his candidacy for President.

May 21: General Wheeler states that the U.S. commanders in Vietnam have strict orders to stay out of North Vietnam even if engaded in "hot pursuit."

May 22: President Johnson calls on North Vietnam to help negotiate a way "out of this bloody impasse."

May 30: Secretary McNamara authorizes Navy to spend $800,000 for "exploratory" demothballing of battleship *New Jersey*.

June 11: U.S. jets attack North Vietnamese airfield at Kep.

June 12: South Vietnam releases 39 sick and wounded North Vietnamese prisoners.

June 12: U.S. military spokesmen state that U.S. planes have destroyed 115 North Vietnamese aircraft, roughly equal to the strength of the North Vietnamese combat air force in 1965.

June 15: Premier Ky states that 600,000 U.S. troops are needed in Vietnam.

June 20: U.S. formally expressed regret for damages caused to Soviet ship *Turkestan* on June 2 off the North Vietnamese port of Campha.

June 22: The Defense Department announces that the total U.S. troop strength in South Vietnam is 463,000 as of June 17, U.S. combat deaths stand at 11,099 and number of wounded totals 67,083.

June 23–25: President Johnson and Premier Kosygin hold two days of conference at Glassboro, New Jersey, with no success toward reaching an agreement on solution of the Vietnam War.

June 26. Communist Chinese fighters attack and down a U.S. F4C Phantom jet south of Hainan Island.

June 30: U.S. planes had damaged Russian merchant ship *Mikhail Frunze* in Haiphong Harbor.

June 30: Premier Ky withdraws from Presidential race to seek vice presidency on ticket headed by Thieu.

July 2: Secretary McNamara arrives in Saigon.

July 9: Secretary McNamara comments that more progress has been made in the last nine months than in the previous six years.

July 11: Secretary McNamara states U.S. will continue to "provide troops which our commanders consider necessary."

July 12: Chief of State Thieu rules out a general mobilization of South Vietnam because of problems of training and equipping additional troops.

July 15: Vietcong stage massive mortar attack on U.S. air base at Danang killing 13 Americans and wounding 150. Shelling destroys 11 planes and damages 10 more.

July 16: The U.S. admits that U.S. planes may have bombed Soviet ship *Mikhail Frunze* in Haiphong Harbor on June 29.

July 22: Presidential Advisors Gen. Taylor and Clifford leave for tour of the Far East.

July 22: Premier Ky announces that South Vietnam will increase the size of its armed forces. He repeats his view that 600,000 American troops are needed in Vietnam.

July 27: Premier Ky announces after talks with Gen. Taylor and Clifford that South Vietnam will increase the size of its armed forces by 65,000 men to approximately 685,000.

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*Communist sources.

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July 30: Secretary General Thant says that the Vietnam war cannot end until the U.S. recognizes that it is "a war of national independence" rather than a war of Communist aggression.

August 3: President Johnson announces raising of maximum limit of U.S. personnel in South Vietnam to 525,000. South Korean officials tell AP that Seoul government has "agreed in principle" to send about 17,000 reservists to man supply lines in South Vietnam.

August 4: U.S. planes fly 197 missions over North Vietnam, exceeding record of 175 set October 14, 1966.

August 5: Presidential Advisors Clifford and Gen. Taylor return from two-week trip to capitals of the "Manila countries." Clifford states that the "bombing of North Vietnam should be carried on at its present level or possibly at an increased level."

August 11: South Vietnam's Defense Minister Gen. Cao Van Vien states that bombing of North Vietnam will not itself stop the infiltration into South Vietnam and that the war will last another 20 to 30 years unless the infiltration is halted.

August 11: U.S. Senators of both parties call for withdrawal of U.S. troops unless Saigon regime assures free elections in September.

August 11: U.S. planes destroy center span of North Vietnam's most important railway bridge linking Hanoi with Haiphong and Communist China.

August 12: U.S. Army Chief of Staff Gen. Harold K. Johnson says planned dispatch of 45,000 additional troops to Vietnam should be enough "to carry through a solution."

*August 15: North Vietnamese economic delegation arrives in Moscow.

August 17: Gen. Wheeler testifies that the U.S. has to bomb targets repeatedly to make sure the level of destruction is maintained.

*August 17: Member of Politburo, CC SPSU, Chairman Soviet Trade Union A. N. Shelepin meets with North Vietnam trade union delegation.

Deputy Head of North Vietnam economic delegation calls on USSR Deputy Minister of Defense, Marshall I. Kh. Bagramyan (head of Rear Services).

August 18: U.S. officials announce that Communist strength in South had been declining by about 2000 men per month since January 1967.

August 20: U.S. planes set a new one-day record of 209 bombing missions over North Vietnam.

August 22: Communist China accuses the U.S. of a "bold war provocation" in ordering bombing of North Vietnamese targets close to its border.

August 23: President Johnson names a 20-man commission to observe elections in South Vietnam.

August 27: Chief of State Thieu said he would meet with individual members of NLF to discuss problems but would not recognize them as equals or as an official negotiating group.

August 29: Chief of Staff of the Army, Gen. Harold K. Johnson, tells Senate Preparedness Subcommittee that the U.S. should bomb Haiphong Harbor.

September 1: Vietcong radio broadcasts a new national liberation front political program to overthrow Saigon government to establish a "national union democratic government" composed of the "most representative persons" among various social, religious, ethnic, and political groups.

September 3: South Vietnam's presidential elections take place. Approximately 4.8 million voters participate . . . 81 per cent of registered voters. General Thieu wins presidency, receiving about 35 per cent of vote.

September 6: President Johnson's 22-man panel of election observers report that the South Vietnam elections were generally fair.

September 7: Secretary McNamara announces that the U.S. will build anti-infiltration barrier along DMZ between North and South Vietnam.

September 11–12: U.S. planes bomb North Vietnam port of Campha for the first time September 11, and attack four previously untouched targets in Haiphong on September 12.

*September 12: Soviet-North Vietnamese Commission on Science-Technology Cooperation in Moscow. North Vietnam economic delegation arrives in Moscow.

September 14–16. North Vietnamese Defense Minister Gen. Vo Nguyen Giap warned that "our fight will be more violent in the days ahead," that the NLF would "step up their armed and political struggle, make the great people's war develop to a new degree."

*September 16: Secretary Gen. L. I. Brezhnev receives head of permanent mission of NLFSV in Moscow.

September 21: About 1,200 Thai troops land in Vietnam as first contingent of 2,500 troops expected.

*September 22: Premier Kosygin talks with Deputy Premier of North Vietnam Le Than Kghi in Moscow.

September 23: Soviet Union and North Vietnam sign an aid agreement, which provides for increased deliveries of military equipment (both air defense weapons and small arms), vehicles, petroleum, and other materials designed to bolster Hanoi economy. Kosygin pledges to support North Vietnam "till total victory" but declares that "perspectives for a peaceful settlement of the Vietnamese question have been opened recently."

September 24: Departure of North Vietnam economic delegation from USSR.

September 26. North Vietnam rejects idea of North Vietnam rendering definite assurances that it will negotiate in return for a U.S. bombing halt.

September 29: President Johnson declares that the U.S. will stop bombing of North Vietnam "when this will lead promptly to productive discussions."

October 2: South Vietnam's Constituent Assembly approves election of Nguyen Van Thieu as President.

October 3: North Vietnamese official newspaper Nhan Dan rejects President Johnson's San Antonio proposals.

October 17: Australia announces that it will increase size of its Vietnam force from 6,300 to 8,000. New Zealand announces that it will send an additional 170 infantrymen to join 370 already there.

*October 18: USSR-North Vietnam plan for scientific cooperation signed in Moscow.

October 25: U.S. planes bomb North Vietnam's largest air base, Phucyen, for the first time.

October 29: Thailand's Interior Minister tells newsmen that his country will send 12,000 additional troops to Vietnam as soon as the U.S. provides arms and equipment.

October 31: Thieu inaugurated as President of Republic of Vietnam. Names Nguyen Van Loc as Premier.

*October 31: North Vietnam delegation arrives in Moscow.

*November 3: Ho Chi Minh awarded Order of Lenin but refuses to accept it until U.S. troops are driven out.

November 10: Premier Kosygin tells members of the National Liberation Front that the USSR will provide front with all necessary support in its struggle against "American aggression."

November 11: President Johnson suggests that Vietnam peace talks take place aboard a neutral ship in neutral waters.

November 14: North Vietnamese rejects President Johnson's offer to conduct negotiations at sea.

November 15. Gen. Westmoreland arrives in Washington; tells newsmen, "I have never been more encouraged in my four years in Vietnam."

November 16: U.S. planes bomb Haiphong's shipyard No. 2 for the first time.

November 17: President Johnson tells newsmen that the U.S. has no plans to increase its Vietnam troop strength beyond 525,000.

November 17: U.S. planes bomb Bacmai airfield near the center of Hanoi for the first time.

November 19: Gen. Westmoreland states that Communist strength in Vietnam could be sufficiently sapped by 1969 to permit withdrawal of some U.S. troops.

November 20–21: Heavy fighting between Allied and North Vietnamese troops rages around Dakto in Central Highlands.

November 21: Gen. Westmoreland says that the Vietnam War has reached a point "when the end begins to come into view."

November 24: The U.S. Command in Saigon issue revised estimate of Communist strength in South; 223,000 to 248,000 men plus an additional 75,000 to 85,000 political cadres.

November 30: The U.S. Senate passes by 82 to 0 a "sense of the Senate resolution," calling on President to "consider taking the initiative" in bringing Vietnam question before UN Security Council.

Dcember 5: State Department issues statement that the U.S. would not oppose a UN invitation to National Liberation Front to appear before Security Council.

December 9: UN Secretary General U Thant tells newsmen that the NLF had sought to send representatives to UN "on the same basis as the Algerian NLF ten years ago" and that it was his impression that NLF "did not want to come to the Security Council."

December 19: President Johnson states that talks between the Saigon Government and members of NLF "could bring good results."

December 20: President Thieu tells newsmen that his government would never recognize the NLF as a legal body but that he would be willing to talk to individual NLF members.

December 21: President Johnson and Thieu issue joint statement in Canberra, Australia, in which Thieu expressed willingness to "discuss relevant matters with any individuals now associated with so-called NLF while making it clear that his government could not regard the front as an independent organization in any sense."

December 24: The 24-hour Allied Christmas truce goes into effect.

December 26: South Vietnam's Foreign Minister Tran Van Do states in Paris that South Vietnam forces will employ the doctrine of hot pursuit if Communist troops used Cambodia as sanctuary from which to cross border into South.

December 29: Prince Sihanouk says that Cambodia will not intervene militarily to stop U.S. troops pursuit of Communist forces if Communist units had crossed Cambodian frontier into outlying regions difficult to control.

December 30–31: Allies announce a 12-hour extension of 24-hour New Year's truce in response to plea by Pope Paul.

January 1: President Johnson says that he is "quite encouraged" by Prince Sihanouk's offer to permit American troops to cross the Cambodian border in pursuit of Communist units.

Radio Hanoi broadcasts a December 24 statement by North Vietnam's Foreign Minister Nguyen Duy Trinh that Hanoi "will hold talks with the U.S. on relevant questions" after the U.S. has "unconditionally" halted the Northern bombing and all other acts of war against North Vietnam.

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*Communist sources.

1968

January 2: The Allied New Year's truce ends and the U.S. resumes the bombing of North Vietnam.

January 4: Secretary Rusk tells that the U.S. will explore fully North Vietnam's statement.

January 6: President Thieu states that Saigon and Hanoi should be the principal parties to any peace talks.

January 15: President Thieu declares that South Vietnam "should have the central role in any development relating to the events in Vietnam" and that "peace efforts should be made by the Saigon Government."

January 16: Mai Van Bo, North Vietnam's chief diplomat representative in Paris, tells newsmen that before peace talks could be held, the U.S. must stop the bombing and "other acts of war."

January 17: President Johnson says in his State of the Union message that North Vietnam "must not take advantage of our restraint as they have in the past" if the U.S. halted the northern bombing.

January 22: The State Department acknowledges that a combined U.S.-South Vietnamese patrol had entered Cambodian territory on January 18 in the heat of battle with a Vietcong unit that had fled into that country.

January 29: The Allies cancel their 36-hour Tet Truce in South Vietnam's five northernmost provinces.

January 30–31: The Communists launch simultaneous attacks on major South Vietnamese cities, including Saigon (January 31) where they temporarily invade the grounds of the U.S. Embassy.

January 31: President Thieu declares martial law throughout South Vietnam as the Communists continue their attacks on Allied bases and major cities, 44 provincial capitals plus 25 airfields.

February 1: Secretary McNamara presents his final posture statement to the Congress He warns that the combat strength of North Vietnamese forces in South Vietnam "may increase sharply in the next few months".

February 4: Secretary Rusk expresses the view that the recent Communist attacks on South Vietnamese cities showed "they are not seriously interested at the present time in talking about a peaceful settlement."

February 6: Dang Quang Minh, Chief National Liberation Front representative in Moscow, states that the NLF aim in its latest attacks was to overthrow the Saigon government.

February 7: North Vietnam reportedly uses tanks for the first time in the Vietnam war in an attack upon the U.S. Special Forces Camp at Langvei. The Camp fell on February 8.

February 8: Radio Hanoi quotes North Vietnamese Foreign Minister Trinh as saying that negotiations "will begin as soon as the U.S. has proven that it has really stopped unconditionally bombings and all other acts of war."

February 10: U.S. planes raid the Haiphong area for the first time in a month. The U.S. pilots sighted two and possibly three Soviet made IL–28 jet bombers on Phucyen airfield near Hanoi.

February 13: Pentagon announced that the U.S. will airlift 10,500 additional troops to Vietnam in compliance with General Westmoreland's request.

February 14: Secretary Rusk announced that all U.S. attempts to launch peace talks "have resulted in rejection" by North Vietnam.

February 16: President Johnson says that the Joint Chiefs of Staff had made no recommendations for the use of nuclear weapons in Vietnam and that Hanoi is not any more ready to negotiate than it was three years ago.

North Vietnam releases three captured American pilots in the celebration of the Tet New Year.

February 18: The Communists shell more than 30 bases and outposts across South Vietnam.

February 27: Communist armored vehicles sighted within 50 miles of Saigon.

March 1: A South Vietnamese government source states that South will increase armed forces by 125,000 to 150,000 men by June 1968 instead of the previously announced 65,000.

March 4: According to the Defense Department figures total U.S. troop strength in South as of February 24, 1968, was 495,000. U.S. combat deaths stood at 18,799 (January 1, 1961–February 24, 1968) and wounded totaled 115,114 and 983 U.S. servicemen were missing and 238 were listed as captured. Communists killed since January 1, 1961, totaled 300,262.

March 5: Communists shell U.S. base at Camranh Bay for first time in war.

March 11: President Thieu appoints new chiefs for eight of 44 provinces to reduce corruption.

March 11–12: Secretary Rusk testifies before Senate Foreign Relations that Administration is examining its Vietnam policy; that Tet offensive has set back Allied effort, but that abandoning Vietnam would be "catastrophic—not just for Southeast Asia but for the United States."

March 13: South Vietnamese director general of information, Nguyen Ngo Linh announces that South is forming a "North Vietnam Liberation Army" to wage guerrilla warfare in North.

March 14: In speech Ky calls on Vietnamese people to liberate North. A Saigon spokesman says that Ky's office is organizing liberation army to invade North, and Ky states to newsmen that he will accompany it if and when it marches north.

March 15: About 50,000 U.S. and South Vietnam troops launch largest operation of war in five provinces west of Saigon.

March 19: North Vietnam's representative in France, Mai Van Bo starts a week of talks with the Swiss ministers in Bern; reportedly tells Swiss that DRV is "seriously prepared" to begin peace talks if U.S. halts bombing of the North.

March 21: President Thieu tells over television that South will increase armed forces by 135,000 to 900,000.

March 22: President Johnson intends to nominate Westmoreland to replace retiring Army Chief of Staff, H. K. Johnson in July 1968.

March 22: Ky states that an invasion of North is militarily advisable but "against the policy of the government for the time being."

March 25: Gen. C. Abrams, U.S. Deputy Commander in Vietnam, arrives unannounced in Washington for talks on increase of South's Armed Forces.

March 26: President Thieu removes four more province chiefs as part of his drive against corruption.

March 31: President Johnson . . . "no attacks on North Vietnam except in area north of the demilitarized zone where enemy buildup directly threatens allied positions." Bombing pause includes 90 per cent of North's population, but complete bombing halt could come "if our restraint is matched by restraint in Hanoi."

April 1: Soviet agency TASS gave first Communist reaction to partial U.S. bombing halt: "by refusing to fully discontinue the barbaric bombing, the U.S. continues to ignore legitimate demands of North on a full and unconditional cessation of bombing and all other acts of war."

U.S. planes bombed North Vietnam targets 205 miles north of and 90 miles south of Hanoi. Pentagon described raids as "within the framework of" President Johnson's new restrictions.

April 2: President Thieu said his government had agreed to President Johnson's order for a reduction in the bombing and added "that if North Vietnam does not respond with a corresponding goodwill gesture, it will be hard for us to accept any more goodwill gestures in the future."

April 3: U.S. Command in Saigon announced that 20,000 Allied troops were advancing on U.S. Marine Base at Khesanh to lift the 75-day siege of that fortress. The operation, which began in secret on April 1 reached Khesanh on April 6.

North Vietnam offered to meet with U.S. representativs to determine unconditional cessation of bombing and all other acts of war against Vietnam so that talks may start.

President Johnson sent reply to Hanoi same day suggesting Geneva as meeting site.

Moscow called North Vietnam's proposal "a realistic way toward ending the war" and added that "a further development depends on whether the U.S. stops bombing and other acts of war against North Vietnam fully and unconditionally and whether it takes a positive view of well-known proposals of North Vietnam and the South Vietnamese National Liberation Front on ways of settling conflict."

April 3: Peking called the partial bombing halt a "smokescreen" to cover further intensification of the war and urged the Vietcong to continue fighting.

South Vietnam's Vice President Ky indicated that his country would never accept a coalition government with the Vietcong as a condition for peace.

April 4: North Vietnam charged that U.S. planes bombed an area close to Laotian border far above 20th Parallel. Pentagon ordered investigation.

North Vietnam's Premier Pham Van Dong stated that terms of settlement "should be based on our four well-known points." He called the Tet offensive the turning point of the war.

April 5: An NLF Broadcast made no mention of North Vietnam's offer to hold talks to arrange a complete cessation of bombing. But said that Vietcong forces would "pursue the struggle until complete victory."

April 5: South Vietnam's President Thieu stated that "when there are real negotiations, the Republic of Vietnam will have to play the principal role."

April 6: U.S. casualties in Vietnam since January 1, 1961, reached 21,054 killed and 131,058 wounded; for the week ending April 6, 279 killed and 3,190 wounded; South 407 killed; Communist 2,251 killed.

April 7: Gen. Westmoreland stated "The spirit of the offensive is now prevalent throughout Vietnam, with advantage being taken of the enemy's weakened military position."

April 8: President Johnson announced that he had received reply from Hanoi to his proposal for direct contact, and hoped "to work out promptly" the time and the place for the talks.

April 8: Secretary Clifford denied North Vietnam's charge of April 4 that U.S. planes had bombed north of the 20th Parallel.

April 10: President Johnson announced appointment of Gen. Abrams to replace Gen. Westmoreland as US Commander in Vietnam.

The Allies announced launching of largest operation of war—Operation Complete Victory—involving 100,000 troops and aimed at eliminating Communist troops from the entire III Corps area.

Secretary Rusk said that North Vietnam's infiltration into South was "continuing at an increased rate."

President Thieu announced that he initiated bill calling for general mobilization and for armed forces of over 1,000,000 men.

April 11: Hanoi proposed Warsaw as site

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for initial USDRV contact. White House Press Secretary Christian, indicated U.S. favored neutral site. A TASS dispatch publicized Hanoi's suggestion for Warsaw.

Secretary Clifford stated that decision had been made for South Vietnamese forces to take over a greater share of fighting.

April 15: President Johnson, in Honolulu, for talks with top U.S. officials on strategy and with President Park of South Korea, urged Hanoi to agree to peace talks in a setting "where both sides have representatives and communications."

April 17: Administration sources said that North Vietnam had built several new roads into South Vietnam from Laos and South Vietnam itself to improve their ability to move troops, heavy weapons and supplies into combat areas. An official North Vietnamese publication described the "new situation" in the war as an opportunity to "strengthen our forces" and shift "the ballance of power more rapidly in our favor."

April 18: The U.S. proposed ten more sites for diplomatic contacts with North Vietnam: Ceylon, Japan, Afghanistan, Pakistan, Nepal, Malaysia, Italy, Belgium, Finland, and Austria.

April 19: North Vietnam rejected the ten new sites proposed.

Administration sources indicated that infiltration from North Vietnam had been so heavy in 1968 that about ⅔ of men in enemy main force units in South were believed to be native North.

April 20: Members of North Vietnamese delegation suggested Paris and New Delhi as sites.

April 22: South Vietnamese forces in Saigon and 11 surrounding provinces were placed on full alert because intelligence reports indicated an attack by 10,000 enemy troops on capital was near.

April 25: The U.S. and North Vietnamese diplomats met in Vientiana, Laos, over problem of site for preliminary peace talks.

April 27: U.S. sources in Saigon stated that U.S. reconnaissance aircraft had sighted 10,000 North Vietnamese trucks moving down Ho Chi Minh trail in Laos into South Vietnam during first 25 days in April. This figure was 2,000 more than previous monthly record.

April 28: U.S. Command announced that Allied forces began a large-scale offensive against Communists in the Ashau Valley on April 19 with intention of thwarting North Vietnamese buildup which would threaten city of Hue.

April 30: Secretary Clifford stated that for some weeks prior to March 31, the level of the traffic in North had increased and level was carried on through President's speech down to present time.

May 1: President Thieu declared, "We will never accept the peace solution set forth by the communists," and he formulated his five points:

1. any peace settlement needs de-escalation by both sides.

2. bombing of North Vietnam is only a measure to cope with aggression of the North in the South, and Hanoi cannot be allowed to differentiate between the two.

3. peace talks must be carried out quickly and successfully; Communists not allowed to take advantage of curtailment of bombing.

4. in formal peace talks Republic of Vietnam will automatically play a principal role.

5. Republic of Vietnam will not accept so-called South Vietnam National Liberation Front as valid participant.

Vice President Ky said, "We should not forget that for the Communists, there is no question of good will, and peace negotiations or agreement is nothing but a form and a stage of war."

May 3: South Vietnam's Foreign Minister Tran Van Do responded that Paris was acceptable and that a liaison officer from his government would observe meeting but would not sit in on the actual negotiations.

May 4: Secretary Rusk stated U.S. regarded a halt of Communist infiltration into South Vietnam and other countries in the area as necessary for "an honorable peace in Southeast Asia."

American casualties for week ending May 4 were 383 killed and 1,501 wounded; South Viet 242 killed and 894 wounded; Communists 3,326 wounded.

The NLF issued appeal to citizens of Saigon to "rise up and atage armed revolts . . . destroy all police and security posts . . . attack and annihilate ènemy . . . destroy all of the enemy's facilities . . . those who do not have rifles must use knives or hammers."

May 6: North Vietnam troops participated in fighting inside Saigon for the first time.

May 5: Vietcong shelled Saigon and a dozen other South Vietnamese cities and infiltrated small sniper and suicide squads into the capital. Communists had launched 119 mortar and rocket attacks throughout South Vietnam and ground attacks at 14 locations.

May 7: An "Administration official" told White House correspondents that North Vietnam had infiltrated more than 100,000 troops into South since start of TET offensive, and between 6,500 and 7,000 of Hanoi's troops had entered South during first five days of May. U.S. troops moved into Saigon to assist South Forces against Vietcong units still fighting in city.

May 7: Colonel Ha Van Lau, deputy to chief North Vietnam negotiator at Paris, Xuan Thuy, arrived in Paria and described himself as "optimistic" over upcoming talks.

U.S. delegation to Paria: Ambassador Averell Harriman, Cyrus Vance, General Goodpaster, H. Habib of the State Department, Jordan of White House Staff, and Davidson, special assistant to Harriman.

May 8: President Johnson stated in speech welcoming Thai Premier Thanom Kittikachorn, that the U.S. still bases its Vietnam policy on offer made at Manila in 1966 to withdraw American troops "as the military and subversive forces of North Vietnam are withdrawn, infiltration ceases, and the level of violence subsides."

NFL representative in Chinese capital had atated that the Front, while welcoming U.S.-North Vietnamese peace talks in Paria, was "determined to fight until final victory."

Premier Kosygin received North Vietnam representatives to Paris peace talks in Moscow.

May 9: Both U.S. and North Vietnam delegations arrived in Paris for preliminary peace talks scheduled to begin on May 10.

Radio Hanoi broadcast the text of letter from President Ho Chi Minh to Nguyen Huu Tho, chairman of NLF. Ho urged Vietcong to "increase the resolve to fight and win" and "fight continuously and on all battlefields, in order to win yet bigger victories."

President Thieu stressed a hard-line toward negotiations and stated, "We will never cede an inch of land to the northern Communists, we will never set up a coalition government with the NFLSV."

May 10–11: U.S. and North Vietnamese delegates met in Paris for the first time and agreed to begin substantive negotiations on May 13.

May 11 U.S. casualties for week ending May 11 totaled 562 killed and 2,225 wounded. Number killed was highest toll for any week of war.

May 13: U.S. and North Vietnamese delegations met in first formal session in French Foreign Ministry's International Conference Center in Paris. North Vietnamese chief delegate, Xuan Thuy, repeated accusations that Vietnam war had resulted from U.S. aggression and brought up Hanoi's four-point program, and described it as "the basis for a correct political settlement of the Vietnam problem."

Ambassador Harriman replied, atating the U.S.'s objective of preserving "the right of the South Vietnamese people to determine their own future without outside interference or coercion." He asserted: "Since March 31, we have sought a aign that our restraint has been matched by the Democratic Republic of Vietnam. We cannot conceal our concern that your Government has chosen to increase numbers of troops and supplies from the North to the South."

May 16: A high-ranking Vietcong defector, Lt. Col. Tran Van Dao, said the Allies should intensify the Vietcong War to improve their bargaining position at negotiations in Paris. He warned against a coalition government that would include the Vietcong, saying that this would be an instrument for a Communist takeover of South Vietnam.

May 17: U.S. Command in Saigon announced that Operation Delaware, the offensive aimed at clearing enemy troops out of the Ashau Valley, had been completed.

May 18: At the third session of the Paris peace talks, Ambassador Harriman asked North to admit that it had troops in South in order to establish "some basis from which we can properly consider your demand for cessation of our bombing." He stated that North Vietnam had 95,000 troops in South, 72,000 of which were in regular North Army units with the remainder in Vietcong units.

North Vietnamese chief delegate, Xuan Thuy, pressed U.S. for unconditional halt to bombing and other acta of war against North Vietnam.

U.S. casualties during week ending May 18 totaled 549 killed, second highest weekly total of war; wounded 2,282; South Vietnamese, 475 killed and 1,476 wounded; Communist, 4,765 killed.

May 21: President Johnson sent to Congress a request for supplemental appropriations to cover increased costs of war. The new defense needs were set by President at $3.9 billion for FY 68.

General Westmoreland stated North Vietnam infiltration totaled 15,000 in April 1968.

May 22: At fourth negotiation session at Paria neither side budged from previous positions.

May 23: British Foreign Secretary Stewart completed two days of talks in Moscow on Vietnam peace. No progress was made. Gromyko insisted on demand that U.S. cease bombing North Vietnam, while Stewart represented the American view that Hanoi must give a sign of restraint before bombing could be halted.

May 24: Soviet delegation returns from North Vietnam.

May 25: Vietcong renewed its attacks on Saigon as sharp fighting broke out on outskirts of city.

New cabinet of Premier Huong was officially announced, strengthening power of President Thieu.

May 27: Thai Premier Thanom Kittikachorn said Thailand would send 5,000 combat troops to South Vietnam in July at request of President Johnson.

At fifth negotiating session in Paris, North Vietnam chief delegate Xuan Thuy made a statement almost admitting the presence of North troops in South Vietnam. Ambassador Harriman declared that North Vietnam had infiltrated over 200,000 North Vietnamese into South Vietnam since Fall of 1964.

May 28: South Vietnamese House passed general mobilization bill short of what President Thieu had asked for.

South Vietnam Premier Tran Van Huong appealed to Hanoi to help "find an appropriate solution to the war." He suggested direct negotiations between North and South Vietnam.

President Johnson told newsmen that North Vietanm was infiltrating men and supplies into South "at an unprecedented rate" while pressuring the U.S. at Paris to stop all bombing of North Vietnam without any reciprocal action.

In joint communique issued by President Johnson and by Australian Prime Minister Gorton, support was pledged to "a strong military posture" in Vietnam and to "intensive diplomatic efforts to obtain peace."

May 29: North Vietnam spokesman at Paris, Nguyen Thanh Le, accused President Johnson of using "hypocritical, false, lying words," in his statement of May 28 asserting that North Vietnam had been sending men and supplies into the South at an unprecedented rate.

May 30: General Westmoreland reported to President Johnson that Communist forces were "approaching a point of desperation" in Vietnam, placed number of North Vietnamese troops in South Vietnam at 90,000.

May 31: Following sixth formal negotiating session at Paris, which produced no visible progress, a North Vietnamese spokesman announced that Le Duc Tho, a member of the Politburo of Lao Dong (Communist) Party of North Vietnam was coming to Paris to join DRV delegation.

June 1: 438 Americans were killed and 3,670 wounded in week ending June 1; South Vietnam 345 killed and 1,163 wounded; Communists killed 4,737.

June 3: North Vietnamese Politburo Member, Le Duch Tho visits Moscow en route to Paris peace talks. Le Duch Tho arrived in Paris and accused the U.S. of "jeopardizing the progress of the talks" by its refusal to "cease unconditionally the bombing and all other acts of war."

June 4: Forty Vietcong rockets struck Saigon in heaviest bombardment of capital during the war. U.S. officials reportedly linked attacks to Paris talks.

French Communist newspaper, L'Humanite, published interview with North Vietnam's General Giap, who stated that President Johnson's decision to limit bombing of North Vietnam on March 31 stemmed from the "tragic defeat" suffered by Americans during Communist Tet offensive. Giap declared: "To have peace in Vietnam, the Americans should end their aggression and withdraw their troops."

The South reported that desertions from South Vietnamese Army climbed to an average of 9,000 per month in February, March, and April 1968 as compared to average of 6,000 per month in 1967.

June 5: Seventh formal session of Paris talks produced no results.

June 8: U.S. casualties in Vietnam week ending June 8, 380 killed and 2,739 wounded; South 392 killed, Communist 2,134 killed.

June 9: On his visit to U.S. troops in the field before leaving Vietnam to assume post as Army Chief of Staff, General Westmoreland stated, "Our side is getting stronger whereas enemy is getting weaker."

June 10: Following meeting with President Johnson in Washington, Ambassador Harriman remarked concerning Paris talks: "There is nothing new to be hopeful about."

June 11: Communists shelled Saigon, killing at least 19 Vietnamese civilians and wounding 106. Since the shelling began regularly on May 5, the Communists have killed at least 128 and have wounded 519. Today's barrage consisted of 30 122mm Soviet-built rockets.

Le Duc Tho, North Vietnamese Politburo Member, in Paris described as an "absurdity" the cessation of U.S. bombing of North in return for reciprocity on the part of Hanoi.

June 12: At eighth session of Paris negotiations, Ambassador Harriman raised issue of Vietcong shelling of Saigon and asserted that "this is a situation which could have the most serious consequences for these talks," North Vietnamese delegate Xuan Thuy replied that: "If the U.S. pulls out of Saigon the combat will cease around Saigon."

Soviet newspaper Izvestia, in article on U.S.-Soviet relations, asserted that Vietnam War had "frozen" increasing contacts, exchanges, and trade between the two countries.

June 13: U.S. and South Vietnamese officials in Saigon reportedly stated that Vietcong appear determined to launch another major ground attack upon Saigon.

June 16: General Creighton Abrams, US Commander, said that "we have the means to stop" Communist rocket attacks on Saigon.

June 18: A record total of 120 North Vietnamese and Vietcong soldiers surrendered to South Vietnamese troops in a Saigon suburb.

June 19: Ninth negotiating session at Paris saw no visible progress.

President Thieu signed South Vietnam's first general mobilization law to draft 200,000 men by end of 1968 for a total of 190,000.

June 24: North Vietnamese delegation headed by deputy Premier Le Thanh Ngi arrived in Moscow to open talks on Soviet military and economic assistance to North Vietnam in 1969.

June 26: Tenth negotiating session at Paris produced no progress.

June 27: U.S. command in Saigon announced that U.S. troops were withdrawing from base at Khe Sahn, which had survived a 77-day seige beginning in January 1968.

June 28: U.S. officials in Washington reported that flow of military supplies to North Vietnam by rail through Communist China had been interrupted and that the last shipment to reach North Vietnam entered the country on June 14. The officials reportedly expressed uncertainty over whether the cause of the disruption lay in renewed fighting between Red Guard factions in South China or in a Peking decision to punish Hanoi for negotiating with the U.S. at Paris.

June 29: Politburo Member Le Duc Tho left Paris to return to Hanoi.

July 1–7: U.S. B–52s staged heavy raids against Communist positions in the North just above demilitarized zone.

July 3: North Vietnam announced that it would release three captured American pilots for humanitarian reasons. At 11th negotiating session at Paris, Ambassador Harriman expressed gratitude and voiced hope that the gesture "indicated a willingness to move toward a peaceful settlement." The U.S. would probably respond by arranging release of more North Vietnamese prisoners in Allied hands. The three pilots left Hanoi August 2 and arrived in New York August 4.

July 4: Soviet Union announced signing of a new military and economic aid agreement with North Vietnam. No details or figures given. Department of State has estimated that Soviet aid to North Vietnam in 1967 totaled about $700 million.

July 5: U.S. forces found three major caches of enemy weapons as they swept area around Saigon. Included in caches were 60 rockets and 1,100 rocket grenades.

July 5: Radio Moscow asserted that transport of supplies to North Vietnam by rail through Communist China had come to a standstill because of strife between contending factions in China's Cultural Revolution.

July 6: South Vietnam Premier Tran Van Huong stated that no unconditional cease-fire was acceptable to Saigon, and that one condition for a cease-fire would be the withdrawal of all Communist forces from South Vietnam.

New York Times reported information received in Hong Kong that Soviet military aid to North Vietnam had resumed its movement through Communiat China after a "brief stoppage" in June.

July 9: Reports received in Hong Kong indicated that Premier Chou En-lai in speech delivered in mid-May acknowledged that factional fighting in Liuchow, Kiangsi province, had paralyzed movement of military and economic supplies to North Vietnam.

President Thieu proposed meeting between President Johnson and himself. Johnson announced he would meet with Thieu in Honolulu around July 20.

July 10: The 12th negotiating session at Paris produced no progress.

A broadcast from Soviet Union repeated that main purpose of talks was to arrange unconditional cessation of bombing of North Vietnam. Moscow accused the U.S. of deliberately delaying, trying to use the talks to improve its military position in Vietnam.

July 10–11: North Vietnam's deputy premier, Le Thanh Nghi, and Communist China's deputy premier, Li Hsien-Nien, had pledged mutual support between their countries. Nghi was in Peking for talks on Chinese military and economic assistance to North Vietnam.

Vietnam Alliance of National, Democratic and Peace Forces criticized U.S. for lack of progress in Paris talks. Alliance accused the U.S. of "deliberately stalling" talks to gain time.

July 12–14: Saigon placed on full alert against an expected "third wave" Communist attack. Reports circulated that 1,000 Vietcong commandos had infiltrated city to launch assault.

July 14: Secretary Clifford arrived in Saigon and said that the U.S. would provide South Vietnamese armed forces with more weapons and firepower "even at expense of our forces."

July 15: North Vietnam delegate Nguyen Thanh Le stated in Paris that "the official talks have made no progress, they have not moved an inch, and there is no glimmer of hope."

July 16: North Vietnamese chief delegate Xuan Thuy noted that "there have been no rocket attacks on Saigon for several weeks." He then accused U.S. of staging heavy bombing raids in Saigon area, arming South Vietnam and increasing tonnage and number of sorties of the air attacks on North Vietnam.

July 17: Communique of NLF Central Committee Presidium summarizing the tasks of the Front stressed the aim of "completely defeating" the U.S. and "overthrowing the puppet administration."

Secretary Clifford told reporters at Danang that "the reason for the lull in the fighting is some of the North Vietnamese divisions have been withdrawn north of the DMZ for refitting and refurbishing; . . . "They will return to combat in greater force and greater effectiveness."

The 13th negotiating session at Paris produced no progress.

July 19: First units of a 10,000 man Thailand division left for Vietnam. A total of 1,650 troops left, to be followed by 3,350 more in about a month. Remainder scheduled to leave in October. Thailand already has over 2,000 soldiers in South.

July 20: At news conference following meetings with President Thieu in Honolulu, President Johnson stated his Administration's determination "to defend South Vietnam" while pursuing "every avenue that might lead to peace."

July 20: Presidents Johnson and Thieu issued joint communique. Johnson promised "the continued support and assistance . . . as long as such aid is needed and desired." The two men "called on the authorities of Hanoi to respond to the substantial de-escalation initiated on March 31 and open the door to serious peace negotiations." They concluded that Hanoi had shown "no response" to the bombing limitation.

The two Presidents "affirmed that the Republic of Vietnam should be a full participant playing a leading "role in negotiating a political settlement of the conflict.

U.S. casualties in Vietnam for week end-

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ing July 20, 157 killed and 2,014 wounded; South 156 killed and 580 wounded; Communist 1,549 dead. U.S. troop strength remained 536,000.

July 22: President Thieu stated in a Saigon news conference that if the Communists de-escalated war "they should state very clearly what steps they are taking in the de-escalation . . ."

July 23: Total of 30 US planes reported shot down over North Vietnam since March 31, compared to 133 during same period last year. However, more missions being flown over North Vietnam: 130 per day, compared to 103 in 1967 and 65 in 1966.

President Johnson in a speech reaffirmed support of Saigon government and declared that he was determined neither to impose a coalition government "or any kind of government" on the South nor "let the totalitarians impose a Communist government of their direction either."

North Vietnamese and Communist China signed an agreement providing for military and economic assistance from Peking to Hanoi in 1969. No figures were disclosed. The U.S. government has estimated that value of the Chinese aid to North Vietnam in 1967 was about $250 million.

July 24: The 14th negotiating session at Paris produced no progress.

July 27: U.S. casualties in Vietnam for week ending July 27 totaled 193 killed and 1,086 wounded; South Vietnamese, 243 killed and 781 wounded; Communist, 1,146 dead. Total U.S. killed in combat since January 1, 1961, reached 26,290. Total South Vietnamese killed in 1968 reached 15,078, while the 1961–68 figure reached 68,215. Total Communists killed in 1968 reached 124,938, and total since 1961 reached 374,083. U.S. troop strength reached 537,000.

July 27: Thai Communist guerrillas attacked with small arms the U.S. air base at Udorn, Thailand. This marked first assault on any of the American bases in Thailand.

July 31: President Johnson stated: "The number of North Vietnamese soldiers entering South Vietnam is now greater than at any other time" and estimated 30,000 or more in July, and "even more . . . will come in August." And he said we have "every reason to believe that the enemy is preparing a massive attack on our forces." Because of this the President said, he could not order cessation of bombing.

The 15th session at Paris produced no progress.

August 3: U.S. casualties for week ending August 3, 171 killed and 1,050 wounded; South Vietnamese 250 killed and 738 wounded; Communists 1,461 killed. U.S. troop strength 538,000.

August 7: At 16th negotiating session in Paris, Ambassador Harriman stated the President has no basis to take the additional risks that a complete bombing cessation would entail. He declared that Hanoi had increased its infiltration into South Vietnam to "an unprecedented rate."

Ambassador Harriman informed North Vietnamese officials that the U.S. would release 14 captured North Vietnamese seamen.

U.S. sources in Saigon stated captured Vietcong documents and prisoner interrogations indicated that the Communists had called off several planned attacks on Saigon during period from early June to mid-July.

August 8: The U.S. Command announced that the Allied Forces had begun another drive into Ashau Valley with objective of destroying enemy supply and staging areas.

August 9: Vietcong command issued communique claiming massive military gains in first half 1968. Vietcong claimed it had inflicted 380,000 casualties on "enemy," including 133,000 U.S. casualties.

August 10: Republican Presidential nominee Richard Nixon received a briefing from President Johnson on Vietnam War. At the news conference following briefing, Nixon stated that "under no circumstances" should the U.S. stop bombing of North Vietnam without receiving a quid pro quo.

U.S. casualties in Vietnam for week ending August 10 were 173 killed and 1,050 wounded; South Vietnam, 178 killed and 839 wounded; Communist 2,102 dead. U.S. troop strength 543,000.

August 11: U.S. B-52 bombers hit North Vietnam's targets just above DMZ for the first time in three weeks.

August 11: North Vietnamese delegate Nguyen Tanh Le attacked Republican Presidential nominee Nixon for his recent statements on Vietnam. Le charged Nixon "would be ready to use atomic arms to bring Hanoi to its knees."

*August 13: North Vietnam's Politburo Member Le Duc Tho arrived in Paris after six weeks of consultations in Hanoi. On his way back to negotiations he stopped in Moscow for two days of talks with Soviet Leaders.

August 14: The 17th negotiating session at Paris saw no change in the positions of either side.

August 17: U.S. killed for week ending August 17 totaled 159; 609 wounded; South 258 killed and 738 wounded; Communists 2,129 dead. U.S. troops strength 543,000.

August 18: Communist forces launched 19 separate attacks on South Vietnamese cities and allied fortifications.

August 19: Speaking to national convention of Veterans of Foreign Wars, President Johnson ruled out a cessation of U.S. bombing of North Vietnam until Hanoi showed willingness to de-escalate war.

Communist forces withdrew from Tay Ninh, leaving over 200 dead in a one-day battle.

August 20: Vietcong shelled 13 towns and military installations in Mekong Delta and launched ground attack on five of these. Heavy fighting also continued in Tay Ninh Province.

August 22: Vietcong shelled Saigon for the first time in two months.

August 24: U.S. casualties for week ending August 24 were 308 killed and 1,144 wounded; South Vietnamese killed, 495 and wounded 1,833; Communists killed 5,329. U.S. troop strength 539,500.

August 27: State Department announced that Ambassador Harriman had been instructed to tell the North Vietnam negotiators in Paris "to stop miscalculating or trying to interfere in internal American affairs and get down to serious business of making peace in Southeast Asia."

August 28: Democratic National Convention adopted its party platform for the 1968 election. Vietnam plank advocated cessation of bombing of North Vietnam "when this action would not endanger the lives of our troops in the field. This action should take into account the response from Hanoi." It also called for the negotiating of "an immediate end or limitation of hostilities and the withdrawal from South Vietnam of all foreign forces—both U.S. and allied forces and forces infiltrated from North Vietnam." For a political solution, the platform called for the encouragement of all parties in South Vietnam to agree to a postwar government "determined by fair and safeguarded elections, open to all major political factions and parties prepared to accept peaceful political processes."

At 19th Paris negotiating session, North Vietnam delegate Xuan Thuy rejected U.S. demand, as presented by Ambassador Harriman, that North refrain from interfering in internal American political affairs.

August 30: Radio Hanoi broadcast an "official appeal" by NLF Command for Central Vietnam calling on Communist forces in central Vietnam to "hit, destroy, annihilate the enemy in the new general offensive now under way."

August 31: U.S. casualties in Vietnam for week ending August 31 were 408 killed and 2,513 wounded; South Vietnam's, 484 killed and 1,868 wounded; Communist 5,292 dead. U.S. troop strength 537,500.

September 3: Two Vietcong terrorist bombings in Saigon wounded 11 South Vietnamese. One grenade exploded in front of the U.S. Agency for International Development headquarters.

September 4: The 20th negotiating session at Paris produced no progress.

September 5: Secretary Clifford told news conference that he saw a "basis for hope" that "we'll begin to get progress at Paris."

U.S. intelligence officers in Saigon stated that the Communists could launch full-scale attack on the capital no earlier than September 15.

September 6: Three terrorist bomb incidents were reported in Saigon. One explosion killed seven South Vietnamese civilians and injured 15.

U.S. casualties for week ending September 7, 195 killed and 1,400 wounded; South Vietnamese, 325 killed and 1,081 wounded; Communuist, 1,664 killed. U.S. troop strength 535,500.

September 10: President Johnson told American Legion Convention in New Orleans that bombing of North Vietnam "will not stop until we are confident that it will not lead to an increase in American casualties."

South Vietnamese Government reported that "indiscriminate" enemy shelling of 31 provincial capitals in August had killed 115 civilians and wounded 471.

September 11: The 21st negotiating session at Paris produced no progress. South Vietnam and American forces repulsed assault on Tayninh, a provincial capital 50 miles northwest of Saigon and 10 miles from Cambodia.

South Vietnam's general mobilization has drawn more than 220,000 additional men into armed forces, "about 30 percent above what we expected," according to a Saigon official. Total includes 63,000 draftees and 161,000 volunteers. This has boosted armed forces to more than 755,000 men, with 800,000 expected by end of year.

September 14: U.S. casualties for week ending September 14 totaled 217 killed and 1,485 wounded; South Vietnamese, 286 killed and 1,269 wounded; Communists, 2,886 killed. U.S. troop strength 535,500.

September 15: A military spokesman in Saigon stated Allied forces had uncovered 38 tons of enemy supplies in two days of operations.

September 18: The 22nd negotiating session at Paris produced no break in the deadlock.

September 20: South Vietnam President Thieu expressed conviction that "next year Vietnamese armed forces will be able to take more responsibility for mobile operations."

September 21: U.S. casualties for week ending September 21 totaled 290 killed and 1,762 wounded; South Vietnamese, 473 killed and 1,262 wounded; Communists, 3,380 killed. U.S. troop strength 538,500.

September 24: Congressman Melvin Laird stated current plans of the Johnson Administration call for reducing American troops in Vietnam by about 90,000 men by June 30, 1969.

Presidential candidate Richard Nixon stated, "The more we can conduct the war . . . with less men the better." But he said requirement for "fighting forces" in Vietnam remains same and "there will be no reduction until there is a change in the enemy's attitude."

September 25: The 23rd negotiating session at Paris produced no visible progress.

September 27: South Vietnam President Thieu said in Danang that South Vietnam's rural development program had "more or less" recovered from blows of the Communist Tet offensive.

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*Communist sources.

September 28: At least two battalions of U.S. Marines pushed on for the 12th day in the Demilitarized Zone in longest sustained American operation there since war began. American and South Vietnamese forces have entered DMZ about a half dozen times previously, but none of these operations lasted more than two days.

U.S. casualties for week ending September 28 numbered 247 killed and 1,779 wounded; South Vietnamese, 316 killed and 1,230 wounded; Communists, 3,398 killed. U.S. troop strength 538,500.

September 29: Secretary Clifford stated that there were "bits and straws" of progress in Paris negotiations.

George Ball, former Ambassador to UN, stated with respect to Paris negotiations: "Within the past month or so I have been beginning to feel that we are on the verge of a breakthrough."

September 30: Speaking on nationwide television, Vice-President Humphrey declared: "As President I would stop the bombing of the North as an acceptable risk for peace because I believe it could lead to success in the negotiations and thereby shorten the war . . ."

US battleship New Jersey, taken from mothballs for duty in Vietnam, saw its first action in shelling Communist targets in the DMZ, nine to twelve miles inland.

Former Vice-President Nixon said that he was "pleased" at emphasis Secretary Clifford placed on de-Americanizing the Vietnam War through speeding up training and equipping of South Vietnamese forces but stated that "after election to the Presidency I intend to advance this program far more vigorously than has the present Administration."

October 1: U.S. military spokesmen in Saigon said that Communist killed in the Vietnam War since January 1, 1961 had surpassed 400,000 mark—401,589 as of September 21, 1968.

October 2: The 24th negotiating session at Paris saw no apparent progress.

October 3: Speaking to UN General Assembly, Soviet Foreign Minister Gromyko declared that first stop toward peace was unconditional cessation of U.S. bombing and other acts of war against North Vietnam.

October 7: Former Vice-President Nixon told reporters following briefing with Secretary Rusk that there had been "substantial improvement" in Vietnam military situation. He reported "no significant change" in Paris negotiations but said that some hope remained for break in talks before November election. He described as "completely inaccurate—fabrications" reports that Harriman and Vance were seeking total U.S. bombing halt; he asserted that Rusk had assured him on that point.

October 8: U.S. Marines and South Vietnamese troops reoccupied Khesanh, scene of a seige in early part of 1968. U.S. spokesmen in Saigon said that the return to Khesanh was only temporary and was designed to locate North Vietnam's supply caches in area. In another action, Marine units moved into southern half of DMZ and discovered arms caches, including one containing 200 rounds of ammunition for Soviet-built 152 mm artillery. This was first discovery of ammunition for these guns, which the Communists to date had not used in South Vietnam.

Administration sources reportedly stated that President Johnson would not halt bombing of North Vietnam without reciprocity even if this meant that he would leave office in January 1969 with the negotiations still deadlocked.

October 8: U.S. Mission in Saigon reported that from January 1, 1968 through October 5, 1968, Communist terrorists had killed 4,150 civilians, injured 9,379 and kidnapped 6,538.

The 25th negotiating session at Paris produced no progress.

October 10: President Johnson and Prime Minister Keith Holyoake of New Zealand issued joint communique in Washington stating that the situation in Vietnam had improved in recent months but that North Vietnam "still shows no disposition to scale down the fighting." The two leaders asserted that a just peace calls for "both a strong military posture and intensive diplomatic efforts."

October 10: U.S. military officials in Saigon stated that recent Allied discoveries of Communist rice caches threatened some North Vietnamese units operating west of Saigon with starvation.

October 11: Two representatives of NLF arrived in Paris to set up an information bureau.

October 12: U.S. casualties for week ending October 12 were 177 killed and 1,278 wounded; South Vietnam, 176 killed and 690 wounded; Communists, 1,527 killed. U.S. troop strength 538,500.

October 14: North Vietnam's Politburo Member Le Duc Tho left Paris unexpectedly for Hanoi via Moscow and Peking. North Vietnamese officials said he was flying home for "routine consultations." Later reports indicate he flew home for consultations on the developments toward expanded talks to include Saigon and NLF.

President Thieu sent South Vietnam's National Assembly a proposed budget for 1969 providing for outlays of 130 billion plasters ($1.1 billion) according to parliamentary sources. Defense expenditures accounted for 85 billion plasters or 65 percent of budget. Sources said that the size of the regular South Vietnamese forces and militia would total 801,000 by the beginning of 1969 and 816,000 by the end of year. Government projected government income in 1969 at 80 billion plasters with U.S. aid supplying 25 billion plasters of this total.

October 15: U.S. civilian and military officials in Saigon said enemy main force units had pulled back or were driven back from all of South Vietnam's major cities for first time since Tet offensive. The withdrawal did not appear to be a peace gesture.

October 16–31: Series of meetings held in Saigon between President Thieu and U.S. Ambassador Bunker in effort to reach agreement on halt in bombing of North Vietnam and on expanded talks in Paris.

October 16–17: Reports circulated in Washington, Paris, Saigon and Canberra that the U.S. is on verge of totally halting bombing of North Vietnam.

Official U.S. statements in Washington, Paris, and Saigon gave no clue as to status of heightened diplomatic activity. White House Press Secretary Christian issued statement that "There has been no basic change in the situation: no breakthrough."

In Paris, Ambassador Harriman said after the 26th negotiating session on October 16 that he saw "no straws in the wind." North Vietnamese delegate Xuan Thuy declared that the "26th meeting was just like the 25 preceding ones."

October 17: U.S. officials in Washington disclosed that the U.S. still expected specific assurances from North Vietnam that it would respond in a positive manner to a cessation of bombing.

Administration officials in Washington reportedly stated that South Vietnam's President Thieu had endorsed latest U.S. diplomatic probes to North Vietnam on bombing issue. However, many South Vietnamese officials viewed current activity with skepticism. Vice-President Ky allegedly opposed any cessation of air attacks.

Orr Kelly of the Washington Star listed the following North Vietnamese pullbacks: 1. Two divisions have withdrawn north of Benhai River which separates North and South; 2. A third has moved into Cambodia or Laos from Central Highlands; 3. Portions of two divisions have withdrawn into Cambodia from Tay Ninh City area west of Saigon.

October 18: Administration officials in Washington reportedly said that Hanoi and not Saigon held key to acceptance of new U.S. proposal to halt bombing of North Vietnam.

October 19: Former Vice-President Nixon proposed a mutual security pact of "the Asian nations themselves."

South Vietnam President Thieu stated that there had been "no breakthrough in negotiations over a U.S. bombing halt," and called for specific assurances by Hanoi that it would de-escalate the war in return.

George Wilson reported in Washington Post that according to Administration sources, as many as 60,000 Communist troops had withdrawn from the South over last several weeks. This included elements of five North Vietnamese divisions.

The number of U.S. troops killed in week ending October 19 totaled 100, wounded 587; South Vietnamese, 132 killed, 624 wounded; Communist, 1,440 killed. U.S. troop strength 535,500.

October 21: Thai Premier Thanom Kittikachorn voiced opposition to a complete halt to the bombing of North Vietnam.

October 20–22: U.S. and North Vietnam observed a truce for 36 hours in an area of about 288 square miles along North Vietnam's coast 145 miles north of DMZ for purpose of facilitating release of 14 North Vietnamese seamen captured by U.S. in 1966.

October 22: President Thieu issued statement that he does not oppose the cessation of the bombing of North Vietnam if "North Vietnam seriously intends to join us in de-escalating the war."

Pentagon officials said that reports that North Vietnam had withdrawn as many as half of its troops in last three weeks were exaggerated; Hanoi pulled out approximately 40,000 troops, about one-third of the 120,000 to 130,000 estimated to be in the South, a few miles over the border into sanctuaries from which they could easily return.

October 22: Radio Hanoi acknowledged U.S. release of 14 captured North Vietnamese sailors.

October 24: President Johnson stated that there had been "no basic change," in negotiations over bombing cessation.

South Vietnam announced that it would free 140 Vietcong prisoners within ten days as "a humanitarian gesture." Vietcong recently freed eleven government soldiers.

October 25: Secretary Clifford asserted that North Vietnam had withdrawn 30,000 to 40,000 troops from the South but that 80,000 still remained, and that it was "too soon to be able to attach any significance to the lower level of combat."

Vietcong's Liberation Radio called on the U.S. to stop bombing of North Vietnam unconditionally.

About 200 Communist troops attacked U.S. base north of Saigon near Cambodian border.

U.S. casualties for week ending October 26 included 109 killed and 717 wounded; South Vietnamese, 103 killed and 578 wounded; Communists, 1,995 killed. U.S. troop strength 534,000.

October 27: Former Vice-President Nixon said that the imposition of a coalition government on South Vietnam would constitute a "thinly disguised surrender."

October 27–31: Radio Hanoi denied that North Vietnam is prepared to accept U.S. conditions in return for bombing halt.

October 28: South Vietnam President Thieu and New Zealand Prime Minister Keith Holyoake issued a Communique following their discussions in Saigon. It stated that "The so-called National Liberation Front cannot be considered as an independent entity distinct from North Vietnam in international peace negotiations."

North Vietnam delegation in Paris cancelled its weekly news conference for the second straight week

October 29: The U.S. had planned to an-

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nounce on October 29 that bombing would be halted on October 30 and that expanded talks would begin November 2.

General Abrams held secret conferences with President Johnson at the White House.

The U.S. B–52 bombers had made heavy strikes against enemy troops massing in Tay Ninh province northwest of Saigon.

October 30: The 28th negotiating session at Paris saw no outward signs of a breakthrough in the deadlock.

North Vietnamese newspaper Nhan Dan said that U.S. "propaganda campaign about a so-called breakthrough in Paris will end in a flop." It called for an unconditional halt to bombing.

According to "informed sources" in Washington in recent weeks, North Vietnam had withdrawn the 320th Division and the 164th Artillery Regiment from the I Corps area into North. In addition, three infantry regiments in Hue area have been sent into Laos or North.

Authoritative sources in Washington asserted that General Abrams had told President Johnson that he could accept a bombing halt under present conditions.

October 31: In a final meeting between Ambassador Bunker and President Thieu in Saigon an effort was made to get Saigon to agree to a halt in bombing and to expanded talks in Paris. There were sharp disagreements during meeting, which lasted some seven hours, ending only three hours before Johnson announced bombing halt. The shelling of Saigon and Hue by Vietcong rockets, killing 34 persons during night of October 31 Saigon time, when the meeting was held, reportedly increased domestic pressure on Thieu to reject terms for expanded Paris talks.

October 31: President Johnson announced the U.S. would cease "all air, naval, and artillery bombardment of North Vietnam" as of 8 a.m. Washington time, November 1. The President said that in the course of the Paris talks the U.S. negotiators said that the U.S. would stop air attacks "when that would lead to prompt and productive talks, in which the Government of Vietnam was free to participate." The President added that the U.S. had stressed that it could not halt the bombing "so long as by doing so we would endanger the lives and the safety of our troops." In the past week, the U.S. had begun to get confirmation of the essential understanding that we had been seeking with the North Vietnamese on the critical issues between us."

Following President Johnson's announcement a "close associate" of Vice-President Ky reportedly commented, "We were informed last night, but we didn't go along with it. We are very unhappy." And President Thieu declared: "As long as we have no sign of good will from Hanoi that they will start talks directly with us, that they would agree to de-escalate the war and not maintain that the National Liberation Front is a separate entity at the peace conference, we cannot halt the bombing." When asked if a cessation would take place before the American presidential election, Thieu said: "Frankly, I don't care about the election but about the good will of Hanoi . . . I can't decide for President Johnson but I never believed the U.S. would do it."

State Department denied reports that President Johnson knew when he announced bombing halt that South would boycott the expanded peace talks in Paris.

November 2: South Vietnam President, Ngyen Van Thieu, announced the decision to boycott the expanded Paris talks if the NLF will be included as a separate delegation.

November 3: Hanoi and NLF agree to expanded talks.

November 5: The U.S. Government initiated to postpone the expanded talks scheduled to start on November 6.

November 5: The National Liberation Front delegation arrived in Paris.

*November 6: Secretary General L. I. Brezhnev receives head of NLF mission in the USSR.

*November 7: North Vietnam Worker's Party Delegation arrives in Moscow.

*November 8: South Vietnam President Thieu proposes two-sided conference headed by South Vietnam.

November 9: South Vietnam government reports to ICC that populated places were shelled in 14 provinces, and in Saigon area and city.

November 10: Communist guns shell DMZ area.

November 12: The U.S. lost its first plane since the halt of bombing of the North.

Secretary Clifford warned South Vietnam that U.S. might proceed without Saigon.

November 13: The U.S. Government charge that Communist operations in DMZ violated the U.S.-Hanoi agreement of bombing halt.

November 14: U.S. and South Vietnam troops repulsed 1000 North Vietnamese regulars near Saigon.

November 15: Hanoi spokesman in Paris, Nguyen Thanh Le, accused the U.S. of continuing reconnaissance flights over the North.

November 17–18: City of Danang attacked by North Vietnamese.

November 18: Le Duc Tho arrives in Paris from Moscow.

November 21–27: North Vietnam delegation, headed by Deputy Prime Minister, Le Thanh Nghi, in Moscow.

November 26: Joint communique by USSR and North Vietnam delegation in Moscow, cooperation stressed; the agreement covers exports to North Vietnam of equipment, food, fertilizers, armaments, munitions and other materials.

December 2–5: Ambassador-at-Large W. A. Harriman returned to the U.S. to brief President Johnson and President-elect Nixon.

December 7: South Vietnamese Senate and House endorse government's decision to participate in the Paris peace talks.

December 8: Vice-President Nguen Cao Ky arrives in Paris to participate in expanded peace talks.

December 9: North Vietnam and NLF delegation stop off in Moscow on way to Stockholm International Conference on Vietnam. Soviet Committee of support to Vietnam (deputy chairman, Major General of Aviation, G. N. Zahkarov), meets for a conference.

December 11: There was no agreement reached on the "table issue" at the Paris talks.

December 13–15: Stockholm International Conference on Vietnam, main resolution: "Vietnam–69—international mobilization."

December 16: The NLF delegates to the Paris peace talks arrived in Moscow for a meeting and conferences with the Secretary of CC CPSU, M. A. Suslov, Secretary of CC CPSU, B. N. Ponomarev, Deputy Chief of International Department of CC CPSU, R. A. Ulyanovskiy and Deputy Minister of Foreign Affairs, N. P. Firyubin.

December 20: Eighth anniversary of NLFSV celebrated in the USSR. Significance of the Soviet support strongly stressed.

December 31: U.S. Department of Defense announced U.S. casualties in eight years of Vietnam War as 30,543 killed and 192,372 wounded (99,643 seriously wounded) and 1,243 missing in action. Close to 50 percent of these totals were losses in 1968: 14,521 killed and 46,655 seriously wounded.

1969

January 25: The first session of formal peace negotiations between the U.S. and South Vietnam on one side, and the FLN and North Vietnam on the other, was held in Paris. It produced no positive results.

Eighteen subsequent sessions held before June 1969 produced no visible progress.

May 8, 1969: National Liberation Front of South Vietnam presents 10-point program at peace negotiations in Paris.

May 23: Representatives of Central Committee of NLF and Vietnam Union of National Democratic and Peaceloving Forces hold clandestine meeting in South Vietnam to discuss planned Congress of Representatives of Peoples of South Vietnam. Purpose of Congress: creation of a Provisional Revolutionary Government of the Republic of South Vietnam.

June 5, 1969: Twentieth session of peace negotiations between the U.S. and South Vietnam and the NLF and North Vietnam held in Paris. No results were produced.

June 5–17: International Congress of Communist and Workers' Parties held in Moscow (75 CP participated).

June 6–8: Congress of Representatives of Peoples of South Vietnam held in a secret location within Communist-controlled territory in South Vietnam.

June 8: Provisional Revolutionary Government of the Republic of South Vietnam established.

June 13: The Provisional Revolutionary Government of the Republic of South Vietnam is officially recognized by the Soviet Union.

The International Congress of Communist and Workers' Parties expresses unanimous support of the Provisional Revolutionary Government of the Republic of South Vietnam.

Eleven other Communist and non-Communist countries recognize the new Provisional Revolutionary Government of South Vietnam.

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*Communist sources.

A SOUTH DAKOTA COLLEGE PRESIDENT SPEAKS FOR THE CHURCH

Mr. McGOVERN. Mr. President, the current issue of Look magazine contains a succinct but compelling statement about the contemporary church, written by Dr. Donald Ward, president of Yankton College at Yankton, S. Dak.

Because of the general interest in the issues raised by President Ward, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNDERGROUND CHURCH IS NONSENSE

(By Donald B. Ward)

TODAY'S CHURCH IS A MESS, BUT GOING UNDERGROUND IS NO SOLUTION

So now they're building underground churches.

Many priests and ministers claim theirs are outmoded, irrelevant and meaningless in today's world so they quit and "go underground."

My reaction? Underground, schmunderground!

Yes, today's church is a mess. Lord, how it needs to update its liturgy, compose timely hymns, pray in today's language, be thoroughly honest with itself, jostle the status quo.

But an underground church? Nonsense. What the avant-garde boys want is an idealized church, perfectly fulfilling every mandate of Jesus, with the Holy Spirit hovering constantly. That dream church will forever be "out there" in some utopian future. Our New Testament forebears discovered this—that Jesus was not coming back to set up that perfect congregation, and that they would have to live with the highly imperfect model that had been given them. Thus, Christian eschatology was born.

The bright, young, abdicating ministers want a perfect Christian community in which Jesus' ideal of selfless love and noble sacrifice

is followed to the letter. They can forgive all our sins except that we *are* sinners and therefore cannot possibly be that ideal congregation. Their visionary church simply doesn't fit our chaotic, mixed-up world. And the underground church had better learn this quickly and rejoin the stumbling, fumbling church on the corner. The underground church will not save the world, for it does not really exist.

The trap they have so easily entered is to call the church an "it." "It" is outmoded; "it" is irrelevant, etc. The church is not "it"; it is *they, we, us, you, me*, the *people*. Our Roman Catholic friends are learning this painfully as the authoritative *it* struggles to become, agonizingly, the living *we*.

My minister friend, Ralph Hoffman, looked out over his congregation one Sunday as they sang *Onward Christian Soldiers*. At the second stanza, "Like a mighty army moves the Church of God," Dr. Hoffman assessed his "mighty army" in the pews before him. The incongruity was pathetic. He saw a ragtag army of remnants: people who had reached bottom or suffered some severe crisis—a deeply sorrowful new widow, a man with terminal illness, another losing his job in a company economy move, an alcoholic, a young girl pregnant out of wedlock. That was his church: certainly not an army, but a remnant; most certainly not an "it," but "they," "him," "her," "us."

The avant-garde ministry calls that church irrelevant, outmoded. But there is nothing irrelevant or outmoded about ministers or concerned laymen who agonize with suffering, seeing people through their dark days.

"This is the world Christ loved," said John XXIII, "and man must be saved where he is, not where he ought to be." Human compassion is human compassion, whether it is manifested in a frightened right-wing community in Idaho, in Ozzie and Harriet suburbia or in a ghetto on Chicago's scenic West Side. How does the dedicated minister reach his ragtag remnants where they are? He faces them, whether they are farmers, steelworkers or ad executives, and he talks and he listens. He doesn't go underground.

Just how sick are our churches? Every congregation has its pockets of gangrene and flashes of fitness. But isn't it a matter of individual attitudes and personal relationships rather than one big institutional disease? Our church—that Edwardian pile of granite where my wife Vera and I teach Sunday school—has everything from apathy to euphoria. Our membership runs the gamut (or is it gauntlet?) from disgruntled intellectuals through sincere idealists to uneducated sentimentalists. How can one single dogma or theology fill everyone's bucket of need? We have our squabbles, but we are still held together by a common spiritual bond, so we struggle on.

Our missionaries do battle in urban ghettos and overseas, leaving the headlines to VISTA and the Peace Corps, whose activities were begun by the church long before the Government nationalized them. Missionaries haven't worn starched collars, Mother Hubbards, flat heels or pince-nez for decades. They're as hip a bunch of swingers as ever taught a Turkish farmer to use insecticides.

Discouraged ministers must not go along with the hippie assumption that you make the relevant scene only by dropping out. Staying aboard and working *with* Establishment people, teaching them to see true value through the facade of our walnut-paneled, town-and-country-sedan, trimmed-hedge existence is the greater challenge. Hippiedom provides the easy way out—reject and forget. But Jesus was no dropout. Our modern defectors threaten to take along with them those idealists who are desperately needed to fight our common sin. With their help, faith and true commitment will come easily in an underground church made up of the zealots, the theologically aware, the sensitively educated elite. Will they seek a smug, snug harbor, untouched by reality's biting winds? Who is really abdicating responsibility to the institution?

And that's another complaint. The church is too "institutionalized." But if the underground church catches on, part of the collection will have to pay for light and heat. A budget rears its ugly head and, lo! Institutionalized!

I ask for a return to dialogue between the undergrounders and our ecclesiastical brick piles. We want our bright young ministers and priests to return, certainly not to conform but to suffer with us, exult with us, help us make the evolution of Sunday liturgies move a little faster. (Remember when organ music was avant-garde—nay, even heresy?) We want them to help us break through the surface amenities, minister to a compendium of complaints, help us unalienate the young, orient us to the prime movement of our lives and, above all, teach us what it means to be truly human.

BALTIMORE URGES ENACTMENT OF URBAN AND RURAL EDUCATION ACT

Mr. MURPHY. Mr. President, I have been placing in the RECORD endorsements that I have received from educators all over the country in support of S. 2625, the Urban and Rural Education Act of 1969.

I have received a letter from Superintendent Thomas D. Sheldon, of the Baltimore City public schools, saying:

> The enactment of your bill will bring school districts such as Baltimore a step closer to full funding under ESEA and allow us to provide services that we know will work to improve the condition of so many of Baltimore's children.

I ask unanimus consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BALTIMORE CITY PUBLIC SCHOOLS,
Baltimore, Md., August 20, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: We have read with a great deal of interest your Urban and Rural Education Act of 1969 and appreciate your asking for our responses to it.

That there is a need for appropriations in addition to funds currently received for the benefit of disadvantaged children there can be little doubt. Your remarks for the record reveal your clear understanding of that fact.

The per pupil expenditure in Baltimore under present ESEA-Title I appropriations is constantly diminishing at a time when costs are increasing at a rate of 8% to 10%. For FY 1969, the ESEA authorization for Baltimore City was $16.6 million; the actual appropriation amounted to $7.3 million, 44% of the authorized amount. For FY 1970, that gross appropriation will be further reduced to $6.4 million, nearly $1,000,000 lower than last year. This gap between authorization and appropriations together with the increasing number of children being served has worked to lower drastically the per pupil expenditure. In FY 1966, the first year of the program, we were able to spend $241 per eligible child (28,287); in FY 1969, that sum was down to $135 per child (54,121); for FY 1970, the projection is $124 per child.

As regrettable as that steadily diminishing rate of expenditure is, it still presents a picture far better than the reality of our local situation. For FY 1969, the number of eligible children in Baltimore was 54,000, under current guidelines for determining eligibility. In fact, however, we know that well over 100,000 children in Baltimore City are entitled to receive the beneficial services of the kinds of ESEA-Title I programs that could be made available were there adequate financing. (The primary reason for this unfortunate situation is the reliance on the 1960 Census for defining "low income" families. Having to use this constant when all other elements are inconstant obviously adds to the difficulties of depressed areas such as are found in Baltimore.)

Your remarks in the Record contained an explicit reference to the "strenuous effort" made at the local level by the citizens of Baltimore. Not enough can be said about that effort, which resulted, for example, in overwhelming voter approval last November of the largest School Loan for construction in the United States, $80,000,000. And Baltimore's financial difficulties are at least as severe as any large urban center in our country. Our citizens have demonstrated beyond doubt their willingness to sacrifice to the limits for their schools, but our needs outstrip their capacity to pay.

In the context of such data as shown above, your attempt to have added 30% of regular Title I funds in the first year (without precondition) and 40% thereafter (with State approval) for eligible districts can only be endorsed with the most sincere kind of hope. The enactment of your bill would bring school districts such as Baltimore a step closer to full funding under ESEA and allow us to provide services that we know will work to improve the condition of so many of Baltimore's children.

It may be of value to you to know that the National School Boards Association is presently working on proposals concerning the entire matter of federal funding for public education. The thinking of that organization has reached a stage of development where, I am sure, members of Congress will be receiving material related to their work. Perhaps that material will be of value to you as a result of your work with your Urban and Rural Education Act of 1969.

My best wishes to you on behalf of your effort to further improve public education in our country.

Sincerely,
THOMAS D. SHELDON,
Superintendent.

TOWARD MORE ADEQUATE SOCIAL SECURITY—I

Mr. WILLIAMS of New Jersey. Mr. President, with the announcement that the House Committee on Ways and Means will open hearings on the social security legislation later this month, it has become clear that the Congress will have an excellent opportunity to end inadequacies which have persisted for too long in that essential, but still imperfect, program.

As chairman of the Special Committee on Aging, I intend to offer on these pages within the next few weeks information and exhibits which arise primarily from that committee's study of the "Economics of Aging: Toward a Full Share in Abundance." The committee and its subcommittees, at hearings in Washington, D.C., and in the field, are gathering weighty evidence about the intensity and pervasiveness of a retirement income crisis in this Nation.

I believe that every American has a stake in the committee study, and I will

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draw upon it heavily in the weeks to come.

The committee study is also mentioned in the exhibit I offer today for the RECORD. It is a letter expressing the views of the AFL-CIO in regard to the inadequate and off-target social security proposals offered by President Nixon in draft legislation submitted on September 30. I believe that Mr. Bert Seidman has offered a cogent and timely analysis of the deficiencies in the administration proposal. I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., September 29, 1969.

Hon. HARRISON WILLIAMS,
Chairman, Senate Special Committee on Aging, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I am writing to convey to you the views of the AFL-CIO on pending proposals for social security changes.

Recently, the Administration recommended a 10% increase in benefits to be effective April 1, 1970. From February 1968, the date of the last social security increase, to August 1969, the consumer price index rose by 8.1%. Thus, a 10% increase will not even close the cost of living gap and will once again leave social security beneficiaries the victims of rising living costs.

The Administration proposal did include a recommendation for adjusting benefits automatically in accordance with increases in the cost of living. Though keeping purchasing power up-to-date, such a provision would do nothing to raise present low benefits to a level of adequacy. What is needed is major improvements in the benefit structure before adoption of a cost of living escalator clause in order to avoid the danger of condemning most beneficiaries to a permanent and inadequate low level of benefits.

In addition, even if benefits were kept in line with the cost of living, there would be a gradual worsening of retirement benefits relative to earnings, since earnings grow in accordance with the overall growth of the economy whereas benefits do not reflect such gains from growth. For as your Committee pointed out, in its excellent report, "The Economics of Aging," the gap between the incomes and living standards of older people and those of the rest of the population is getting worse rather than better.

Fortunately, the prospects are good for passage of a social security bill that will provide a higher benefit increase and other improvements not recommended by the Administration. These favorable prospects are due in large measure to your leadership and the efforts of the Senate Special Committee on Aging to highlight and document the plight of our elderly population and to chart the course on what needs to be done.

The AFL-CIO, its members, and retirees appreciate your efforts and we expect in the years ahead to be one of your strongest allies in the fight to bring economic justice and dignity to our senior citizens.

Kindest personal regards.

Sincerely,

BERT SEIDMAN,
Director, Department of Social Security.

BUSINESS EXECUTIVES MOVE FOR VIETNAM PEACE

Mr. McGOVERN. Mr. President, I invite the attention of Members of Congress to the statement of J. Sinclair Armstrong, on behalf of Business Executives Move for Vietnam Peace—the testimony of Mr. Armstrong before the Committee on Appropriations of the U.S. Senate on September 25.

I ask unanimous consent that Mr. Armstrong's testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BUSINESS EXECUTIVES MOVE FOR VIETNAM PEACE

Statement of J. Sinclair Armstrong, 45 Wall Street, New York, N.Y., 10005, on behalf of Business Executives Move for Vietnam Peace, on the Appropriation Request for the Vietnam War

Business Executives Move for Vietnam Peace is an organization of 2,600 owners and executives of American business corporations in forty-nine states who seek by open and lawful means to bring about an end of U.S. participation in the War in Vietnam.

We commenced our activity in September, 1967, spurred by several members of the Senate, who asked us, amid all the groups crying out against the U.S. bombing and fighting in Vietnam, "Where are the businessmen?"

We are executives and owners of American business corporations. The men in our group have great responsibility for management of wealth, operation of business, provision of employment, and an evergrowing concern and responsibility for our communities and our country.

My own business experience is in law and finance, and includes four years of service as Commissioner (two as Chairman) of the Securities and Exchange Commission, two as Assistant Secretary of the Navy for Financial Management, and ten in my present position as Executive Vice President of the United States Trust Company of New York (for whose official views I do not purport to speak on this occasion).

As executives and owners of American business, our numbers are small, but we notice an expansion of interest in our cause and an increase in our membership this year. As the War which America repudiated in 1968 continues full of fight through 1969, there is little evidence of progress in negotiations with the governments and fighting organizations involved on either side.

As business executives, we see the War as unwinnable. As financiers, we see the destabilization of our domestic and international finances that it has brought about.

As citizens in our home communities, we see the blight that its excess costs visits on us in curtailment of resources for housing, education, health facilities, mass transport facilities, and productive employment.

As taxpayers, we feel the burden of its cost—the surtax, recently re-enacted—and the proposed repeal of the tax credit for investment in capital equipment by which goods are produced and America is kept modern.

We see the enormous cost of restrictive monetary and fiscal measures, and the record high interest rates—7½% on U.S. Treasury Notes—and curtailment of availability of credit, with the resulting drastic curtailment of vital housing and other construction.

We feel the inflation, the monthly increases in the cost of living, steadily up half of one per cent a month, with no end in sight.

In my testimony before the Defense Sub-Committee of the Committee on Appropriations of the House of Representatives on June 9, (which appeared in the Congressional Record, June 18, 1969), I mentioned the destabilizing effect of the excessive Vietnam and other defense costs, and predicted that, if they continued, there might have to be direct wage and price controls and allocation of materials.

Several days later, the Secretary of the Treasury mentioned this possibility. After that, President Nixon said "no" to wage and price controls. But how else, except by curtailment of war spending, can inflation be curtailed? Tight money and surtax have not succeeded.

A wise leader of organized labor, George Meany, recently returned to the wage and price control theme. Neither he, nor the President, nor we Business Executives believe that that course would be good for America. The economics of the situation tell us that the Vietnam War should be ended now, in the vital interests of our free American society.

The appropriation request for Southeast Asia operations

The Budget of the U.S., FY 1970, pages 73 and 74, states $23,025 million as recommended budget authority ("NOA") for "special Southeast Asia" and $25,733 million (including $336 million "economic assistance") outlays for special Southeast Asia in FY 1970, and military personnel in Southeast Asia, 639,000 in FY 1970.

Secretary of Defense Clifford's Defense Budget and Posture Statement, delivered to the Congress in January of this year, which has not been changed by Secretary Laird so far as we know, calls for the level of operations and personnel requested in the FY 1970 Budget document, for Southeast Asia. Nor do we know whether any budget changes have been made since the President's recent troop withdrawal decisions. We are advised that no action in the House Committee has yet been taken.

Business Executives Move for Vietnam Peace urge this Committee to reject the request for NOA of $23 billion and rescind obligational authority heretofore granted to spend $25.73 billion on the Vietnam War in FY 1970.

We urge this Committee to hand this request back to the Administration, and to require a new estimate based on a planned, phased, complete withdrawal from Vietnam of all U.S. forces beginning at once.

We do not have sufficient detailed data nor any staff to estimate precisely what this reduced amount should be. In view of the diverse considerations involved in such a withdrawal and the difficulty of making a precise estimate of its cost (recalling my own experience as Assistant Secretary of the Navy for Financial Management and Comptroller of the Navy), I believe that $12.5 billion is a prudent estimate of the cost savings that could have been achieved this fiscal year if a start had been made. As a quarter of the fiscal year has run, $10 billion is a prudent estimate of achievable savings in FY 1970 if the War ended now.

In his article in the October 1969 issue of "Foreign Affairs" magazine (p. 52), Representative Jonathan B. Bingham refers to "experts" who proceed "on the assumption that an end to the War might produce savings of about $20 billion annually after two years."

We Business Executives urge this Committee to start now, by cutting the appropriation.

THE VITAL INTERESTS OF THE UNITED STATES CALL FOR PEACE IN VIETNAM NOW

The U.S. has no vital strategic or economic interest in Vietnam. That tiny country is no threat to U.S. security. We continue to waste our resources—men and materials—there for no vital security reason.

The President recently said that the time for ending the Vietnam War is now. So let us begin with the appropriation, for the War cannot go on without the money taxed from our people and appropriated by the Congress.

We Business Executives see little progress on the military or diplomatic fronts. The U.S. stated condition of peace is free elections in Vietnam, supervised by an international authority. We are business executives, not diplomats, by profession. But we believe that North Vietnam will not accept that condition, in the light of U.S. failure to follow through on the similar 1954 commitment. Peace will wait a long time if the U.S. waits for supervised elections—Western style—in that rural Asian country. What is needed is a broadening of the Saigon regime and then a true coalition government of all Vietnam parties to the conflict.

We believe that the only course that will bring this about is announced, complete, total U.S. withdrawal, beginning now. Only then will the recently narrowed South Vietnam Government be broadened. Only then will it have to enter into coalition and make peace.

President Nixon could be a great President if he would act to bring this about. Former President DeGaulle's withdrawal of French forces from Algeria led to a decade of French greatness. World opinion, of our allies, neutral states, the great leaders of the U.N., such as U Thant, and of religion, such as Pope Paul, would acclaim the President, should he do the same for the U.S. in Vietnam. Congress should spur him on, encouraging him, support him, in his effort to end the War now.

We Business Executives are not encouraged by recent events.

Many of America's business leaders have lost faith in our country's ability to solve our problems. The Vietnam War keeps us from confronting the domestic crisis which has split the country. Young people cease to respect our generation when we offer them no way out of a useless, unwinnable war, but expect them to fight and die in it.

And what a terrible waste of our most vital national asset—our young men—it is, with 45,000 killed and missing, and 250,000 wounded, and the pace of casualties continuing well over a thousand a week. A country that alienates its most sensitive, highly trained, and productive youth is critically weak.

We Business Executives believe that the failure of our Government to take the necessary measures to end the War signals weakness. The recent decline of stocks and bonds in the securities market—a drastic drop this year—directly reflects lack of confidence among businessmen and the investing public in the ability of our Government to end the War.

The Administration seems to pursue a two-faced policy on Vietnam. One face is set towards Hanoi. Secretary Laird stated in a recent interview in Time Magazine that the U.S. strategy is to reduce our forces in Vietnam to about 250,000 and keep them out of combat as much as possible to "quiet dissent".

With domestic opposition adequately "managed," the Administration seems to hope that it can convince North Vietnam that it is able to wait indefinitely for a peace offer that will be acceptable to the Thieu Government of South Vietnam. In other words, the U.S. will sit in Vietnam a decade or more waiting for the North and Vietcong to admit defeat. The other face we see in the news and on the television screen at home. That face tells us that the war is proceeding to an orderly solution. The withdrawal of a few troops, hints of progress at the negotiations, and a temporary suspension of the draft seem to be part of a carefully orchestrated plan to convince Americans that we are on the track towards a rapid end of the War.

We Business Executives doubt that this strategy can end the War and thereby help cure inflation and the other adverse economic consequences of the War. The Administration's strategy fails to confront the three stubborn central facts:

1. There can be no negotiated settlement unless the present Saigon government is significantly broadened. In recent weeks it has been narrowed and the hold of General Thieu and the other military leaders has been strengthened.

2. Troop withdrawals have little overall significance unless they are rapid and deep. General Thieu has said publicly that his government cannot survive if the rate of withdrawal proceeds at any faster pace.

3. As long as U.S. policy continues to underwrite the Thieu regime and insists upon a settlement that the South Vietnam generals will accept, North Vietnam and the NLF are furnished no inducement to make peace, and have no alternative but to continue the War.

Business Executives appeal to the Congress to end this stalemate. The making of War is Congress's responsibility.

The Congress has the power to "lay and collect taxes", "to provide for the common defense", "to raise and support armies", and "to declare war" (none has been declared against Vietnam). U.S. Constitution, Article I, Section 8, "Powers of the Congress."

The President is "Commander-in-Chief of the Army and Navy" and "shall from time to time give to the Congress information on the state of the union and recommend to their consideration such measures as he shall judge necessary and expedient". Article II, Sections 2 and 3.

Constitutional responsibility for the War clearly falls on the Congress.

The decisions of the Congress on whether to continue the Vietnam War will have vital implications for the future. If the Congress says "no" to continuing the War, and denies the appropriations for it, free enterprise in a free economy will survive and prosper in America.

So we, Business Executives Move for Vietnam Peace, urge the Congress to review the Defense Posture and Budget for FY 1970 and revise the Budget so as to cut out the appropriations with which to continue the Vietnam War. We urge this in the vital interests of the United States.

A HAPPY ENDING

Mr. GRIFFIN. Mr. President, some time ago I commented on the Senate floor about the difficulty of a new administration obtaining control of the machinery of government.

In connection with those remarks I placed in the RECORD three articles written by Mr. Willard Edwards, the distinguished columnist of the Chicago Tribune, dealing with a State Department matter.

There has been a happy ending to the story Mr. Edwards recounted. I ask unanimous consent that another column by Mr. Edwards, published in the Chicago Tribune of October 7, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARASSMENT STORY ENDS HAPPILY

(By Willard Edwards)

WASHINGTON, October 6.—Happy endings to stories of federal employe harassment are rare.

It is comforting, therefore, to report that the Nixon administration has rectified the shameful injustice accorded a distinguished state department career officer just before the Johnson administration left office last January.

The subsequent ordeal of John D. Hemenway, 42, former chief of the Berlin section, was described in this space some weeks ago. Fired Jan. 17, 1969, he spent more than eight months fighting for his rights. He has now won the battle altho hold-over state department officials resisted him to the end.

Hemenway reported for duty today as special assistant to Warren G. Nutter, assistant secretary of defense for international security affairs. The post carries a higher grade than the one from which he was ousted and an increase in salary from $18,974 to $21,589.

Much more important, to Hemenway, is the cope of his new duties, affording him the display of talents which earned him official evaluation during a long career as a matter of the complexities of German affairs. The shift from Foggy Bottom to the Pentagon, he feels, is like leaving darkness for light, tangled intrigue for constructive effort.

The documented record is abundantly clear that Hemenway was dismissed as a foreign service officer because of ideological disputes with two superiors, Alfred Puhan, now ambassador to Hungary, and Alexander C. Johnpoll, acting director of German affairs.

They did not share his views of communist designs in Europe and were resentful when, in several instances, his prescience was demonstrated by following events. When the then United States ambassador to Germany, George C. McGhee, and the present minister in Berlin, Brewster Morris, strongly recommended Hemenway's promotion, they were ignored.

Instead of promotion, Hemenway was given notice of dismissal without retirement annuities after 24 years in government, counting his military service.

In one of his last acts in office, Secretary of State Dean Rusk indorsed the discharge, upholding findings that Hemenway, despite a brilliant record, had been "aggressive and tenacious" in presenting his views, an attitude deemed intolerable under the state department code.

When complaints from Congress about this outrage were sent to the White House last July, they first were relayed to the state department, which promptly responded that Hemenway had been given a fair hearing and no injustice could be found.

Then the case came to the attention of Clark Mollenhoff, deputy counsel to the President, a celebrated journalist recently enlisted by Nixon as a trouble-shooter. Mollenhoff has a low boiling point when he encounters inequities. He made an exhaustive inquiry and reached the conclusion that a dedicated public servant had been victimized for honest policy differences with his superiors.

As in the case of Otto F. Otepka, another victim of state department intrigue, it was evident that reinstatement in the state department was not the answer. An entrenched bureaucracy continues to wield power there. An officer, reinstated over its protests, would be reduced to futility.

Finally, the defense department post was located. It offered Hemenway an opportunity to serve his country in a field where his skills are outstanding.

For him, personally, it is a happy outcome. But another aspect of this case is less pleasing. The state department had triumphed again, as it did with Otepka, in ridding itself of a courageous and talented officer who would not conform.

INCREASES IN OIL AND GASOLINE PRICES

Mr. KENNEDY. Mr. President, I have received a great many requests for copies of my correspondence with the Director of the Office of Emergency Preparedness regarding the recent increases in the price of oil and gasoline. This correspondence provides important insights into the administration of the oil import program. I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SEPTEMBER 5, 1969.

Mr. GEORGE A. LINCOLN,
Director, Office of Emergency Preparedness, Executive Office Building, Washington, D.C.

DEAR MR. LINCOLN: On March 5, 1969, I wrote to President Nixon requesting him to

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inform me what measures his administration was taking with regard to the substantial increases in the price of gasoline and crude oil. I pointed out that "under Section 6a of Presidential Proclamation 3279, as amended, which established the oil import program, the Office of Emergency Planning (now Office of Emergency Preparedness) is required to maintain surveillance over the program and 'in the event prices of crude oil or its products or derivatives should be increased . . . such surveillance shall include a determination as to whether such increase or increases are necessary to accomplish the national security objectives' of the applicable statute and order." I specifically asked the President: "Has the OEP, in accordance with its duties under the law and proclamation, begun its determination as to whether the price rises are 'necessary' in the interests of national security? Has it reached a conclusion, and if so, what conclusion? What steps will be taken if the rises are found not to be 'necessary'?"

Mr. Bryce Harlow, Special Assistant to the President, replied on behalf of the Administration on March 19. He stated that the Director of the OEP was required to determine "whether increases in the price of crude oil, its products, and derivatives are necessary to achieve the national security objectives of the proclamation and the applicable statute. After consultation with the Secretaries of State, Defense, Treasury, Commerce, Labor and Interior, the Director is required to inform the President of circumstances which in his opinion indicate the need for further Presidential action. The Director will meet his responsibility of advising the President with respect to the current gasoline and crude oil price situation after consulting with the Secretaries named above if, in his opinion, the facts so warrant. In addition, the Office of Emergency Preparedness will naturally take part in the announced over-all review of the Oil Import Program."

In short, Mr. Harlow made it clear that the OEP could not simply await the findings of the Cabinet Task Force on Mandatory Import Controls but must make an immediate investigation of the recent price rises. Accordingly, I am now writing to inquire what action your Office has taken to determine whether the recent increases were "necessary to accomplish the national security objectives" of Presidential Proclamation 3279. I would like to know what consultations have been made with the Cabinet officers concerned and what conclusions have been reached. In view of the time which has elapsed since my original inquiry, I would appreciate your response as soon as possible.

I thank you for your assistance.

Sincerely,

EDWARD M. KENNEDY.

SEPTEMBER 17, 1969.

DEAR SENATOR KENNEDY: This is in response to your inquiry received September 5 regarding your March 5, 1969, letter to President Nixon concerning oil prices. Mr. Bryce N. Harlow's reply called attention to the comprehensive review of oil import controls and to the Office of Emergency Preparedness surveillance responsibility.

Many of the factors going into the overall study are also important for our surveillance. This relationship is especially significant because of the long period during which the oil import policy had not been subject to a basic review.

As of the beginning of September, available figures indicate that much of the gasoline price increases between January and March have been eliminated. According to OIL DAILY, the wholesale price of regular gasoline went from 16.6¢ a gallon in January to 17.7¢ in March and to 17¢ in September. Platt's Oilgram reported 16.9¢ for January, 17.4¢ for March, and 16.8¢ for August. Its September information is not available yet.

Average service station prices of regular gasoline, taxes excluded, had a similar pattern. The Oil and Gas Journal reported 23.1¢ for January, 23.9¢ for March, and 23.5¢ for September. Oil Daily had 22.9¢ for January, 24.4¢ for March, and 23.5¢ for September. Platt's Oilgram had 23.5¢ for January, 24.3¢ for March, and 23.5¢ for August.

The surveillance of the program is a continuing one, and this reply should not be regarded as indicating a curtailment of that effort. However, recent price changes have not been such as to support a finding on which a recommendation to the Cabinet officers could be developed.

Sincerely,

G. A. LINCOLN,
Director.

SEPTEMBER 26, 1969.

Mr. G. A. LINCOLN,
Director, Office of Emergency Preparedness, Executive Office Building Annex, Washington, D.C.

DEAR MR. LINCOLN: Thank you for your response to my inquiry of September 5. I am delighted to learn that the OEP is maintaining surveillance of gasoline prices and that these prices have apparently declined since March 1969. However, your response made no mention of crude oil prices. Since my letter to President Nixon in March 1969 and my letter to you expressly referred to price increases in crude oil, I had expected you to deal with that matter.

It is my understanding that the substantial increases in March have not been rolled back. I therefore request that you provide me with the results of your surveillance of crude oil prices as soon as possible.

Sincerely,

EDWARD M. KENNEDY.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF EMERGENCY PREPAREDNESS,
Washington, D.C., October 3, 1969.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your letter of September 26, 1969 concerning crude oil. Crude oil prices have not receded significantly from the increased level reached earlier this year. As seen in the attached table, the U.S. Bureau of Labor Statistics Wholesale Price Index (1957–59 equals 100) recorded crude oil in January 1969 at 99.7. Crude oil rose to 104.8 in April, and was 104.5 in August. The second column of the table lists the Wholesale Price Index for all industrial commodities. This indicator was 112.8 in August as compared with 110.9 in January 1969.

Looking at longer time frames, the August 1969 crude oil price index was 7.5 percent above the average for 1960, the first full year of the control program. In that period, the Wholesale Price Index for all industrial commodities increased 11.4 percent. Since 1966 the year before the most recent oil emergency, the crude oil price index increased 7.2 percent, and the price index for all industrial commodities increased 7.7 percent.

The current study by the Cabinet Task Force on Oil Import Control is the first general review of oil import policy undertaken in many years. I anticipate that in the course of this review there will be developed additional material useful to me in the performance of my responsibility for surveillance. Meanwhile, the price trends for gasoline and crude oil have not by themselves made possible an evaluation of their relationship to the national security.

I am mindful that the surveillance responsibility is a continuing one and assure you that it is given careful attention.

Sincerely,

G. A. LINCOLN,
Director.

[Attachment]

WHOLESALE PRICE INDEXES; U.S. BUREAU OF LABOR STATISTICS—CONTINUED

[1957-59=100]

	Crude oil	All industrial commodities
1954	91.0	90.4
1955	91.1	92.4
1956	91.6	96.5
1957	101.0	99.2
1958	101.2	99.5
1959	97.8	101.3
1960	97.2	101.3
1961	97.5	100.8
1962	97.0	100.8
1963	97.3	100.7
1964	96.9	101.2
1965	96.8	102.5
1966	97.5	104.7
1967	98.6	106.3
1968	99.4	109.0
1969—		
January	99.7	110.9
February	99.9	111.4
March	103.7	112.0
April	104.8	112.1
May	104.7	112.2
June	104.5	112.2
July	104.5	112.4
August	104.5	112.8

THE WHITE REACTION

Mr. BYRD of West Virginia. Mr. President, in the third article of a five-part series, the Evening Star of Washington examined the reactions of whites in Los Angeles to the growing demands of black militants. The article, which appeared Wednesday, October 8, states:

> Whites generally believe that separate societies are the way things are—and will be for the foreseeable future.

This article, as the two before it, tells of the deep frustrations felt by America's white majority—a majority which shoulders the heaviest portion of the tax burden, but which now feels alienated from the Government it supports.

Reporter John Mathews, the author of this part of the series, notes that—

> Government has responded to riots with an outpouring of new facilities and services.

He adds that attitudes among the races are nonetheless, "changing for the worse."

I ask unanimous consent that the third article in this series be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WHITE REACTION

(By John Mathews)

LOS ANGELES.—A year and a half ago, the President's riot commission warned that "our nation is moving toward two societies, one black, one white—separate and unequal." That prediction is rapidly becoming reality here in America's most endless metropolis.

Whether whites are unabashedly racist, passively moderate or liberal, one common belief prevails in this city where the pressure cooker that is urban America first blew its cover four years ago in the Watts riot.

Whites generally believe that separate societies are the way things are—and will be for the foreseeable future.

While the riot commission's warning of a black-white division is well on the way to being realized, Los Angeles has gone even beyond that pessimistic prophecy. The city and the county that take pride in being the most racially heterogeneous area in the 50 states—with the exception of Hawaii—actually encompass more than two societies. Los Angeles exists as well with a separate

brown society of Spanish-speaking Americans, a yellow society of Oriental-Americans, and a red society of American Indians, plus many subgroups.

But the black-white breach, like that in other cities, is the cutting edge here. "They live over there and we live over here," was the way a factory worker in the blue-collar suburb of Southgate characterized life in Los Angeles.

"Over there," separated from his community by an industrial buffer zone lining Alameda Street and only a mile away, is the Negro section of Watts. Just south of it is the city of Compton, a community in which blacks are a majority.

Among community leaders and officials anxious to defuse this movement toward irrevocably separate societies, gloomy resignation is the order of the day.

"I don't see integration in my lifetime," said Thomas Bradley, the Negro city councilman who failed to unseat Mayor Sam Yorty last May after a campaign charged with racial issues. "Some whites are open and flexible and willing to meet the change which is coming in this country, but another element is sort of teetering. This is the element that is capable of being frightened. . . . They made the difference in my election."

A veteran worker in the field of race relations, Julius M. Klein, deputy director of the Los Angeles County Commission on Human Relations, thinks that government has responded to riots with an outpouring of new facilities and services into Watts. But attitudes are changing for the worse. "There's been increased polarization: Whites who are opposed are more crystalized in their opposition and minorities are vocal," he said.

That doesn't mean every white Angeleno is fired up by the racial situation. Such an impression would be grossly misleading. In this land of endless summer—and instant winter less than an hour's drive away in the mountains—many people are immersed in their own lives and insulated from the realities of city life. To them, racial issues are faint abstractions.

But the uninvolved and the untouched are the real outsiders here. For the dominant white majority in this booming county of 7.5 million people, race is as immediate and personal as the smog that stings their eyes.

Perhaps the most dramatic sign of change comes from one group, the white liberals. Many of those veterans of nearly forgotten campaigns for fair housing legislation and other instant racial remedies today are attempting to reconcile their principles with the reality of their personal lives.

Where they live and send their children to school is part of that dilemma. West of Watts is such an area.

Across the Harbor Freeway that links the city with San Pedro and the bustling port of Los Angeles, blacks are buying homes in the upper-$20,000 to lower-$30,000 price range. In time, blacks undoubtedly will be the majority there. Already, whites are leaving. Scattered "for sale" signs can be seen imbedded in the thick carpets of carefully edged and trimmed dichondra lawns.

On a quiet street in the Morningside Park section of Inglewood, one white tells about his changing neighborhood. He's a former social studies teacher in his early 30s. For seven years, he's tried to make integration succeed in his community. He hasn't put out his "For Sale" sign yet, but he plans to within the year.

"You know, many of the liberals who agonized the most were among the first to leave. We've lived here much longer than most people our age do and we would move in any case. But frankly, I have no intention of living in a black ghetto.

"What has happened here is that desegregation took place, but integration didn't. But why should we be able to accomplish something no one else in any other area of the country has been able to accomplish?"

A young liberal, who is now getting his doctorate in political science and is launching a new firm with friends to provide expertise on urban problems—including integration—has two children in the neighborhood elementary school—now more than 70 percent Negro. "The school is fine," he says. "My daughter won the citywide spelling bee and the runner-up was a Negro boy also from her school." But, he adds, the situation in the junior and senior high schools is different.

"The black kids come from awful substandard schools and then are lumped together. (The city school board turned down a plan recently to eliminate de facto segregated secondary schools.) The teachers don't know how to react. The white kids feel the black kids are favored and the black kids feel they are discriminated against—and they are both probably right."

Leafing through his files to find documents detailing the yearly changes in his community, he reflects on one aspect of the early stages of integration that is peculiarly the liberal's dilemma.

Many black children have had an inferior education or don't get the extra educational support at home that many white children profit from, he says.

The result: "My kids are getting a good education, but the social experience is a mixed bag. If the experience of the white child is constantly that he is superior, he gets an inflated sense of his own superiority and a distorted view of what Negro children are like. There's a small elite development at Judy's school and unfortunately it's disproportionately white."

Back up the freeway in his downtown office, a liberal lawyer, who has moved from his Monterey Park section where Japanese and Chinese-Americans are the incoming minority, supplies a common local definition for racial integration: "Integration is the time between the first Negro moving in the neighborhood and the last white moving out."

"It's terrible," he says. "Whites are going to keep on running and they are not going to let themselves be taxed to support the Negro population explosion. They won't even support the white population explosion." He gives as his reason for moving out of Monterey Park the rejection of a school bond issue, engineered mainly by older and retired whites within the community.

In a flight of legalistic fancy, he says, "The only way to integrate may be a law that no block or any city can have more than a certain percentage of a minority. That may sound unconstitutional, but if you want integration, then you have to make it constitutional."

Like many liberals immune from direct personal contact with the problems of racial integration, the lawyer is searching for involvement in what he considers meaningful social causes.

"The reason liberals hated Lyndon Johnson was that he took away all their old causes, like civil rights acts, federal school aid, medicare. We fought for fair housing, got it, then lost it here in California, but on a national basis it's established. I'm working on public transportation now. I did a study and even got a certificate of appreciation from Mayor Yorty" (which he takes off the wall to show the visitor).

As liberals learn to live with their dilemmas, other whites also look warily at the outward movement of blacks from Watts and Compton and of Spanish-Americans from the barrios of East Los Angeles.

Most whites are able to retreat from a transitional area and to regroup in another insulated white suburb. In Inglewood again, an angry white woman in a Spanish-style stucco house typifies the panic aspect of white flight.

Moments after answering her door chimes, she launches into a string of racial epithets and stereotypes about her new neighbors, punctuating her narrative with "they . . . they . . . they . . ."

"It begun in 1962 when they began moving in," she says. "This was a beautiful neighborhood. We worked like dogs to get good schools and you should see them now. All the good teachers are leaving. The principal quit last year . . .

"We never had racism here. Why Watts started I'll never know . . . I've been broken into four times since that riot. My car was stolen and they used it in a robbery. On July 6, they broke in through my kitchen—walked right over the begonias—took my TV and all my jewelry. I'm scared they'll start drilling a hole and come through the roof."

She ends the conversation. "You bet I'm selling and I'm moving to any place where it's all white, like Glendale," a suburb in the hills north of the city.

Ironically, the white exodus serves as something of a racial safety valve preventing drawn-out tensions. But there are whites with limited incomes and younger families where the breadwinner is just beginning the tortuous seniority ladder who are not as mobile. Here lies the potential for volatile racial friction. Jesse Unruh, the state's leading Democrat and likely challenger next November to the state's conservative Republican Gov. Ronald Reagan, described the situation of the blue-collar white this way:

"The white majority is all over the lot. I don't think it's just racism, but the people feel threatened in many ways . . . People feel the tax bite, particularly the guy on the periphery of the ghetto, who can't sell his house and sees the schools deteriorate.

"This guy sees his tax money taken, then turns on the TV set and there's a black militant with a beard leading a campus riot or people throwing bricks through windows.

"He's really got something to be scared about, because he just made it himself. He's got two kids, probably two jobs. His wife works too and every time taxes go up, he feels it. Medicaid doesn't benefit him because he's just above the poverty level, and that's true of other government programs.

"Then he hears, what I like to call the 'hilltop liberals' tell him he should be tolerant and understanding and be willing to give more of his taxes to take care of minority problems."

Lower-income whites do feel an economic squeeze here, but the economy, compared to other industrial cities, is one of abundance and plentiful employment. Blue-collar whites see many more black, brown and yellow faces now on their production lines, but they do not yet feel their jobs are threatened by quota systems or militant campaigns to increase minority workers.

In fact, if there is one positive aspect to be found in the racial situation here, it is a general acknowledgement, cutting across class lines that minorities in the past have been discriminated against in the job market. Now, they should be given a fair shake—to a point.

An engineer approaching retirement, who worries about street crimes and housebreaks in his West Inglewood neighborhood, actually defended riots when asked about minority employment. "It's unfortunate we had to have lots of riots, like the one in Watts, to make people wake up. I think they've had a positive effect, because they've awakened the general public and lawmakers that if a colored person is qualified, he should get a job."

But in another breath he makes clear that equal employment opportunity can be pushed too far. "What gets me is that every time you turn around, you've got to hire colored. My office had four colored secretaries and only one was any good. When it came to firing them, like you do the white girls, they cried prejudice, discrimination."

Other whites in other areas, only a short freeway ride from the central city, are not so aroused. The farther removed from the Negro, the less the racial antagonism—or even concern—over social issues.

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About 15 miles from downtown Los Angeles, up in the rough, scrubby foothills of the Verdugo Mountains where the smog days are few and far between and the houses in the community of Glendale perch precariously over the ridges, a young mother in her mid-30s mows her lawn. She is the classic California beauty with her sunbleached hair and her aggressively healthy, athletic figure.

"I really live for my family and my house," she says. "I worked for 20 years and now I'm retired from that world." Questions about race relations and social problems are gently turned away with talk of coyotes, rattlers, raccoons and 12 varieties of hummingbirds that inhabit her hillside retreat. When she is asked for whom she voted in the presidential election, she pauses and replies, 'Which election do you mean?"

To the east in the lush suburb of San Marino, a pleasant woman who lives in an opulent house of sleek modern design with a facade that stretches at least 100 feet on a quietly elegant street, has definite opinions. "The colored people," she says, "are very grateful for the opportunities they have been given in the last few years. We all know they were denied opportunities in the past. I'm perfectly willing to give them a fair shake. . . . I've never discriminated against help in my house. It's just these subversives who are creating discrimination. It really doesn't exist."

Asked her opinion of the state of relations between the races, she answers: "I have this friend who was in the knit shop with me the other day. Her chauffeur drove her down, a really lovely, lovely chauffeur . . . and she said something like, Darling John will be back to get me. It was beautiful, this type of rapport."

A neighbor on a nearby street, where the $100,000-and-up houses are surrounded by handsome live oaks, magnolia, palm trees and varieties of tropical and semi-tropical plants, has a somewhat more realistic view of the world. She speaks of race and other issues that agitate whites, regardless of income groups—issues like campus unrest, the generational conflict and taxes.

"The generation gap only exists because all those professors are telling children that their parents are squares, a bunch of jerks," she says. "You know, we have drugs right here in San Marino High School. If I had a child now, I'd be scared to let him go to school, any school."

She regards the tax system and inflation as great levelers, insidious instruments designed to eliminate class distinctions. "What's going to happen to all these beautiful homes? We were able to accumulate money over the years to get all of this, but how are the young people going to be able to do it?" she asks.

"My husband works like a dog just to pay his taxea and I can't get anyone to work for me for less than $25 a day," she continues. "I'd say only one half of 1 percent of the people around here have live-in help and most women do their own house cleaning, even washing all those windows."

A thoughtful lawyer downtown has a more global view of the malaise afflicting his neighbors up in the hills. "It's not just the black revolution my generation is scared to death about," he says. "But, it's the youth revolution, the sex revolution, the woman revolution. It's a revolution taking place in the relationships between people."

For him, the conflict between generations gets down to basic goals. "My generation wanted security; we were the depression babies. This generation, because they have the pill and affluence, want freedom."

What the new generation of whites does with that freedom is not yet known. Its predecessors have exercised their freedom as a freedom of choice: the right to live in separate societies of their own choosing.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Mr. William Mooney, a member of our staff, be granted the privilege of the floor during the debate on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, as the chief sponsor of S. 2718, I appreciate this opportunity to explain the amendment to H.R. 12829, dealing with ammunition recordkeeping. It may interest my colleagues to know that I do not own a firearm and, in fact, have not fired one in more than 30 years. I am not a member of the National Rifle Association or any other group which may have a special interest in this legislation. I am, however, interested in justice for America's law-abiding sportsmen.

My amendment is sponsored by 47 Senators, and reflects, I think, a nationwide feeling that, in 1968, Congress enacted an unnecessary and unworkable provision dealing with sporting ammunition.

I am sure the opponents of the bill will point out that the Senate has already considered and defeated similar, although not identical, legislation last year. It will be argued that hearings have not been held on my bill and that the Judiciary Committee, which had jurisdiction last year, has not been involved.

In September 1968, the Senate did reject by a 41-to-36 vote a Judiciary Committee amendment to redefine ammunition in the 1968 Gun Control Act to exclude shotgun, rifle, and .22-caliber rimfire ammunition. This, however, is a new Congress, and Treasury has administered this part of the 1968 Gun Control Act for almost a year. I should point out further that there are several new Senators in this body who may have differing views on this issue. Finally, I wish to emphasize the fact that eight Senators who last year voted against the committee amendment have decided to cosponsor my bill this year. In other words, if the same Senate lineup existed today as we had on September 16, 1968, the vote would be 44 to 33 in favor of the amendment, a fact which I think reflects a realization that the present law has been proved unworkable and that it should be changed.

Extensive hearings were held last year on the gun control legislation. I think the Senate knows what the issues are, and I see no need at this time for additional hearings on a subject which every Senator understands.

I submit, Mr. President, that the ammunition registration provisions of the 1968 gun control law do not work. Let me explain why.

Under the law, recordkeeping on ammunition requires that a dealer record the following information: The date, manufacturer, caliber, gage or type of component, quantity, name, address, date of birth, driver's license, or other means of identification. In other words, there are eight or nine separate pieces of information which a sportsman must give if he is to buy a box of shotgun shells or other sporting ammunition.

The dealer who must retain this information for 2 years is not required to pass it on to the Federal Government. He must hold it for examination by Federal agents, although, I am told, nothing is really accomplished by examining the dealer's ammunition record. I can understand this. I have seen the form. The dealer uses a bound book with a series of lines on each page; and as his customers come in, they fill out their personal information on the first blank line. So there is no opportunity to rearrange the information alphabetically or any other way; and if anybody really started out to try to locate the particular purchase of ammunition, he would have a real job on his hands.

Let us now examine for a moment the futility of ammunition registration requirements. A firearm has a number. It can be checked and traced from the manufacturer through the retailer to the initial purchaser. The Treasury Department has indicated that the firearms provisions in the 1968 act have been helpful. On the other hand, an ammunition cartridge has no serial number and cannot be traced in the same way a firearm can. Perhaps we could put serial numbers on ammunition. Maybe we should. If such a serial number were to be put on every piece of ammunition, certainly it could not survive the firing, and therefore checking back would be impossible. However, even if we could, we would soon run out of workable numbers, since this Nation produced almost 6 billion rounds of civilian-type ammunition last year, and I am not including the ammunition used for military purposes. It would take several thousand more employees in the Alcohol, Tobacco, and Firearms Division of IRS to go through these records and check the registration against the records before the dealers store them away.

The matter is further complicated, and I think Congress failed to appreciate this fact last year, when we consider that on the average 300,000 separate ammunition transactions take place each day in the United States. This represents some 109,500,000 transactions annually on sales of 5.9 billion rounds to be recorded by the Nation's 143,903 licensed dealers. Assuming that each transaction takes about 2 minutes, this represents approximately 365,000 man-hours, or 15,208 man-days expended by ammunition dealers annually in serving their customers in an exercise of futility. Related to this is the fact that these records are almost never reviewed by the Treasury Department. When we consider that we require these 365,000 man-hours at a time when the Treasury Department, as outlined in a letter from Secretary Kennedy to me last week, "knows of no instance where any of the recordkeeping provisions relating to sporting type ammunition has been helpful to law enforcement," we are engaged in nothing less than harassment of sportsmen and bureaucratic boondoggle.

I ask unanimous consent that two letters from Secretary Kennedy favoring my bill be printed in full at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

> THE SECRETARY OF THE TREASURY,
> *Washington, D.C.*
>
> Hon. WALLACE BENNETT,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR BENNETT: This is in response to your request for the views of the Treasury Department on the enactment of the ammunition records amendment to H.R. 12829. The amendment was made by the Finance Committee and includes the text of S. 2718. The latter bill would modify the recordkeeping requirements now imposed by Chapter 44 of Title 18, United States Code, for sporting type ammunition. This would be done by amending section 4182 of the Internal Revenue Code.
>
> The Department has found that the records required of transactions in sporting type ammunition, *i.e.*, shotgun, rifle and .22 caliber rimfire ammunition, is of little value in law enforcement.
>
> Indeed, the Department knows of no instance where any of the recordkeeping provisions relating to sporting type ammunition has been helpful in law enforcement.
>
> In short, the recordkeeping controls are not effective as a law enforcement tool. They do, however, because of the volume of transactions in sporting ammunition tend to generate criticism from sportsmen and others and detract from the effective enforcement of other provisions of the firearms laws.
>
> You should note that the amendment discussed here does not affect the recordkeeping requirements concerning pistol and revolver ammunition nor does the amendment affect the existing controls over interstate shipment and sales by licensees to prohibited persons.
>
> The Department recommends the enactment of the amendment to H.R. 12829 which would eliminate the recordkeeping requirements of certain sporting type ammunition.
>
> With best wishes,
> Sincerely yours,
> DAVID M. KENNEDY.

> THE SECRETARY OF THE TREASURY,
> *Washington, October 2, 1969.*
>
> Hon. WALLACE BENNETT,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR BENNETT: In my letter to you of September 26, 1969, recommending the enactment of the amendment to H.R. 12829, I set forth the reasons therefor, and noted in passing that the amendment discussed does not affect the recordkeeping requirements concerning pistol and revolver ammunition.
>
> I have been advised that the aforesaid observation is not entirely accurate. An exception has been called to my attention in that one of the types of ammunition proposed to be excluded from the recordkeeping requirement, .22 caliber rimfire, is usable in handguns as well as shoulder arms. Although my letter to you of September 26 should be read with this clarification in mind, the position of the Department on the amendment to H.R. 12829 remains the same, for the reasons stated therein.
>
> With best wishes,
> Sincerely yours,
> DAVID M. KENNEDY.

Mr. BENNETT. Mr. President, once shells have been purchased, they lose their identity; and the only thing that registration does by way of identification is to show that someone has purchased ammunition.

The Treasury Department took this position in 1963, when Mr. John W. Coggins, Chief Counsel stated:

> It has been found impractical to effectively administer the provisiona of this Federal Firearms Act relating to ammunition.

On another occasion, the General Counsel of the Treasury Department said:

> Ammunition is not serially numbered and is very hard to identify. Those provisions make it impractical to administer. Further, we know of no instance where any of those provisions have been helpful in controlling the interstate flow of firearms or in law enforcement.

These quotes appeared in last year's debate in the CONGRESSIONAL RECORD, volume 114, part 20, page 26894.

The present Secretary of Treasury has taken the same position. In the letter sent to me last week he said:

> The Department has found that the records required of transactions in sporting type ammunition, *i.e.*, shotgun, rifle, and .22 caliber rimfire ammunition, is of little value in law enforcement.
>
> Indeed, the Department knows of no instance where any of the recordkeeping provisions relating to sporting type ammunition has been helpful in law enforcement.
>
> In short, the recordkeeping controls are not effective as a law enforcement tool. They do, however, because of the volume of transactions in sporting ammunition, tend to generate criticism from sportsmen and others and detract from the effective enforcement of other provisions of the firearms laws.

The Justice Department took a similar position on July 24, 1969, when Associate Deputy Attorney General Donald E. Santarelli appeared before the Juvenile Delinquency Subcommittee. I quote from his statement:

> Another aspect of the Gun Control Act of 1968 that has raised substantial problems relates to recordkeeping. As the representatives from the Treasury Department indicated, there is substantial reaction to the requirements in the 1968 Act for detailed recordation of all transactions involving sporting ammunition. Licensees, especially small dealers who lack clerical personnel, object to the burden imposed on them by the recordkeeping requirements. Sportsmen and shooters object to the burden and annoyance of providing required information and identification and filling out the forms. It is further argued that such recordation is meaningless to law enforcement since sporting ammunition is fungible and, thus, not easily identified. Furthermore, the hundreds of thousands of daily transactions in sporting ammunition create a volume of records almost impossible to deal with.
>
> Careful consideration should be given to this subject in view of the widespread dissatisfaction with its implementation and the questionable effectiveness of its enforcement.

Mr. Randolph W. Thrower, the present Commissioner of the Internal Revenue, had this to say:

> With regard to ammunition transactions, it is only fair to report to the Subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way, particularly in view of the multitude of sales in only sporting ammunition. Whatever manpower would be required to provide adequate checking and policing of this information would, in our view, be better utilized in enforcing the other more critical provisions of the gun laws.
>
> While we do not question the value of prohibitions on sales of ammunition to proscribed persons, we have serious question as to the contribution to enforcement made by keeping records on sales of sporting ammunition, *i.e.*, ammunition for shotguns, ammunition for use only in rifles, and .22 caliber rimfire ammunition.

I would also like to set the record straight regarding the testimony of Assistant Secretary of the Treasury Eugene T. Rossides before the Juvenile Delinquency Subcommittee last July. The Senator from Connecticut seems to have taken the position that Treasury has changed its position based upon Mr. Rossides' testimony that before changes are made in the 1968 Gun Control Act, we should allow it to operate. I have talked to Mr. Rossides about this, and he has assured me that his testimony referred only to legislative proposals that would impose licensing and registration upon all Americans who own a firearm. In his testimony, he clearly pointed out that Commissioner Thrower of IRS would comment on the actual enforcement provisions. As I noted above, Mr. Thrower indicated, on the same day, that the registration provisions on sporting ammunition do not work and should be changed.

Mr. Rossides fully supports this proposal, and the IRS position was fully coordinated at the Treasury Department. To claim that Treasury has switched its position is an incorrect and very misleading assertion. I would like to point out that from 1963 to this day, Treasury has been consistent in its position that ammunition registration is unworkable. I believe if any Senator doubts this, he should read Mr. Rossides' testimony in full.

It is very clear, Mr. President, that those who are now required to administer the law are convinced that recordkeeping on sporting ammunition is of no value and has been of no assistance in the fight against crime. I think Congress should admit this fact and reduce this burden on our legitimate sportsmen.

The legitimate gunowner is harassed; he is inconvenienced; and I assure you, Mr. President, he is unhappy. I have thousands of letters and signatures on petitions in my office, as I am sure other Senators do, from legitimate sportsmen who demand that these provisions be eliminated.

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They should also be changed because the end result is a clear example of bureaucratic usurpation of congressional authority—the end result being a type of backdoor gun registration. In section 922(b)5 of the 1968 Gun Control Act, the Treasury Department is required to record the name, address, and age of persons purchasing all types of ammunition. Under section 923(g), the Treasury Secretary was charged with drawing up the regulations. It is my belief, Mr. President, that Congress, in the first section, dictated the information that was to be required. However, in 1968, under the previous administration, the regulations were vastly expanded.

Consequently, a citizen purchasing rifle, shotgun, or .22-caliber rimfire ammunition is now required to give not only his name, age, and address, but his driver's license number, the quantity of ammunition purchased, the caliber or gage of his firearm, or type of component part, and other identification if necessary. When a man gives his name, his age, his address, and the caliber or gage of his firearm to a dealer who must make that available to Federal agents upon request, that, in my opinion, is a type of backdoor registration, and Congress soundly voted down firearms registration last year.

Mr. President, this amendment was originally attached to the interest equalization tax bill so that it could receive consideration prior to the fall hunting season, which is now upon us.

The IET bill, as it has become known, expired on September 30. During this time, the Treasury has managed to obtain voluntary withholding and cooperation from the securities, banks, and others involved in the interest equalization tax.

However, we are now moving into the second week without an interest equalization tax law and great concern is growing in the Treasury and among the financial community. It will not take much to break the egg that is now a volunteer tax, and then it could become a very difficult, multi-million-dollar problem putting it together again.

Just yesterday a gentleman visited my office. He had acted in good faith on the assumption that the tax would be renewed. They have been negotiating a contract for the borrowing of a substantial amount of money abroad. In their prospectus they indicated they would have the interest equalization tax. They are going to find themselves in violation of the law if this tax is not passed before their loan is finally completed; and in self-defense they may have to drop the loan. Of course, I do not want to be responsible for that.

Under these circumstances and after a visit home to discuss the problem with sportsmen and with wholesale and retail dealers in ammunition, I am persuaded that in order to get any bill out at all it is necessary at this time to extract from it all reference to .22-caliber rimfire ammunition from the bill.

This should eliminate most of the emotional opposition and, at the same time, take care of the most serious problem of shotgun and rifle ammunition registration, the purchases of which tend to pile up at the beginning of each hunting season, and create minor crises in the stores of dealers who are trying to serve sportsmen.

I was assured by the distinguished majority leader (Mr. Mansfield) that if the change were made, the bill would be brought up just as soon as feasible, and that is just what happened.

Mr. President, I still believe that the registration should also be removed from .22-caliber ammunition and to that end, I may offer another amendment when another House-passed bill comes along. If the Senate will act now on this abbreviated bill, I think we will relieve the pressure on the interest equalization problem and also relieve the greatest burden from the dealers and the sportsmen; and I am sure this new relief will be most welcome if they can get it now.

Mr. President, the modified amendment, eliminating any reference to .22-caliber ammunition, does not change the recordkeeping provisions on all other handgun ammunition and on destructive devices. In other words, a person who seeks to purchase a box of shells for a .22, .25, .32, .38, or .45 caliber pistol must comply with the provisions in the law and the regulations. The other prohibitions in the 1968 gun law dealing with the sale of ammunition to minors, felons, and persons mentally incompetent are not changed by this amendment.

We are simply removing an unworkable, unnecessary harassment upon the sportsmen of America; and while I will be very pleased if the amendment passes, I wish to point out that the real winners today will be those many Americans who abuse their constitutional right to own a firearm.

Mr. DOLE. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, let me express my appreciation for the efforts of the Senator from Utah in taking the lead in what I consider to be a very important matter. Certainly, as he pointed out, registration of .22-caliber ammunition, as well as other kinds of shotgun ammunition, serves no useful purpose. It is a method of harassment. I certainly join in supporting the Senator's present efforts and hope that we can take care of the other, with reference to the .22-caliber ammunition, later on.

Coming from the State of Kansas—it is probably true in every other State in the Nation—we found that those engaged in the sale of ammunition are literally covered up with bookwork and keeping records—something we never realized would happen.

I had not heard the statement until today, but I agree, this is, in effect, back door gun registration.

Mr. President, I urge my colleagues to approve the provision of the tax equalization bill which would remove the irritating and unncessary registration for sporting ammunition.

Registration entangles millions of dealers and sportsmen in a web of redtape for no sufficient reason. The treasury department acknowledges that such regulation serves no valuable end in law enforcement. Its chief effect is to waste the time and try the patience of America's gun sportsmen and the dealers who supply them. Registration of rifle and shotgun ammunition does not restrict the Mafia and the gangs. It merely places an unnecessary burden on many highly responsible and public-spirited citizens.

I was pleased to join with Senator Bennett in sponsoring this measure when it was introduced as a separate piece of legislation, and I reiterate my support at this time.

Mr. BENNETT. I thank the Senator from Kansas very much for his kind comments.

Mr. MANSFIELD. Mr. President, I have listened with interest to the speech just made by the distinguished Senator from Utah (Mr. Bennett). I think that he has stated the case candidly, frankly, and honestly. Perhaps it should be made clear that it was in the interest of positive action with the least possible obstruction, and with consideration for the vitally needed interest equalization tax measure, that .22-caliber rimfire ammunition was removed by Senator Bennett from the amendment as it was reported from the committee.

In its present form, Mr. President, the gun-law amendment added to this measure will remove what the vast majority of my constituents and I consider an unnecessary burden on the law-abiding gunowner—on the hunters and sportsmen, on those whose use of a weapon is accompanied largely by proper training and a great measure of responsibility.

I wish at this time to offer my sincere commendation to the distinguished senior Senator from Utah (Mr. Bennett). May I say that he responded with quick dispatch to correct what is considered a raw abuse of agency authority in administering the Gun Control Act of 1968. On February 4 of this year he introduced S. 845 charging that, contrary to the intentions of Congress, registration of ammunition was being compelled by regulation under the 1968 gun law. Registration, I might add, is precisely what the Congress expressly voted down on its merits. I joined as a cosponsor of S. 845 and, on February 17, expressed here in the Chamber my concern for such action by an agency that had no such authority.

For the most part, I agree with gun legislation; I agree especially in its stated objective: to assist Federal, State, and local law-enforcement agencies in their fight against crime and violence. At the same time, I do object when a Federal agency—when any Federal agency—misinterprets or misconstrues the law in the name of enforcement. That is why I joined as a cosponsor of S. 845 in the first place. In doing so, I sought to strike down regulations that, in my opinion, fall squarely beyond any authority granted by Congress under the law. As I said, Congress voted down registration; and registration, in my opinion, is precisely what the Treasury regulations call for.

Getting down to specifics, under section 922(b)(5) of the law, the gun dealer is required to record the name, age, and address of the buyer of ammunition. That is all that is required. Nothing

more. Yet the regulations issued by the Secretary of the Treasury in my judgment go considerably beyond the Gun Control Act and, for that matter, the specific intent of Congress. They call for the following: First, date; second, manufacturer; third, caliber, gage, or type of component; fourth, quantity; fifth, name; sixth, address; seventh, date of birth; eighth, mode of identification, driver's license, and so forth.

It hardly needs saying that these requirements set forth on an extensive form go well beyond the "name, age, and address" of the law and cover a good deal more territory.

What is also clear is that insofar as these regulations affect ammunition and components used in rifles and shotguns, the burden imposed on the law-abiding gun owner is nothing short of onerous. In Montana, for example, the use of a shotgun of rifle by the criminal and unfit is a rarity indeed. I imagine that that is the story across most of the land.

What has resulted from the application of these ammunition regulations against rifles and shotguns has largely been counterproductive. Hunters and sportsmen have been compelled to wait inordinately long periods of time at great inconvenience. In turn, the agency involved has been compelled to process an overabundance of paperwork—which is in the vicinity of something like 300,000 pieces of paperwork every day of the year—devoting long man-hours to a task that no one can say for sure has been of any assistance whatsoever in the fight against crime and violence. By adopting this amendment to the gun law we will provide for its more efficient administration. By adopting this amendment the hunter and sportsman will be relieved of an onerous burden. By adopting this amendment, the gun law of 1968, its implementation and administration, will be vastly improved.

Senator Bennett is to be commended for his foresight and legislative skill, and especially for his diligence in attempting to correct a feature of the gun law that I think needs correcting.

Mr. President, I ask unanimous consent that certain past statements of mine on this and other features of gun legislation be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Congressional Record, Feb. 4, 1969]

S. 849—Introduction of Bill—Guns and Criminals

Mr. Mansfield. Mr. President, like so many others, I am alarmed with the increasing use of firearms by criminals in our society; I am appalled by the criminal's quick resort to a gun when deciding to commit his insidious acts. In this respect, the Congress saw fit last fall to make it more difficult for the lawless and untrained to obtain weapons. It is my belief that in its implementation this law—the Gun Control Act of 1968—will serve more effectively as time passes to cut down on the inordinate flow of firearms into the hands of the criminal and the incompetent, the drug addict, and the alcoholic. For the present, however, the ease with which any element of our society has been able to obtain weapons precludes the dramatic effects this legislation can expect to bring in the future.

But there remains another approach to curtailing gun crimes—an approach that says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence. This approach is contained in an amendment to the Gun Control Act of 1968 which would provide a mandatory additional prison sentence for criminals who choose to resort to firearms.

For a first offender the penalty would be 1 to 10 years in prison. For a subsequent offense—25 years. This proposal varies from the present law in two major respects. Under no circumstances can the sentence imposed against the criminal gun user be suspended or assessed concurrently with the sentence applied for the commission of the crime. In other words, the criminal will be compelled to serve additional time in prison solely for deciding to use a firearm. Second, under the provisions of this proposal, a subsequent offender will be compelled to serve 25 years to for his choosing to use a gun. It seems to me no leeway or discretion is needed in the case of a criminal gun user who employs this weapon of violence a second time.

I agree that in providing mandatory sentences on the congressional level, questions will be raised. But just as the ease of gun accessibility by the lawless reached national proportions justifying congressional action with the 1968 gun law so does the penalty for the criminal use of guns warrant equally close attention and careful consideration by the Congress. To put it frankly, gun crimes have become a national disgrace.

It is in this light that I offer this proposal for a mandatory prison sentence against perpetrators of violent gun crimes. It will serve, I hope, as a focal point. For ultimately it is up to the criminal. In the first instance, it is he who decides to resort to a gun. If he finds the penalty so severe as to deter its use, only then can society be protected from the violence it produces.

AMENDMENT OF GUN CONTROL ACT OF 1968

Mr. President, I introduce, for appropriate reference, a bill to amend the Gun Control Act of 1968 and ask unanimous consent that its text be printed in the Record.

The Vice President. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"(a) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, 'shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than 10 years.' In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than 25 years and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

Gun Control Legislation—Additional Cosponsors of Bill

Mr. Mansfield. Mr. President, on February 4, the distinguished senior Senator from Utah (Mr. Bennett) introduced S. 845. It seems to me to indicate that registration by another name is being required by a regulation of the Internal Revenue Service. This regulation covers ammunition for pistols, rifles, shotguns and some components, including primers, propellent powders, cartridge cases, and bullets.

Under sections 992(b)(5) and 923(g) the dealer is required to record the name, age, and address of the buyer of firearms or ammunition, while section 923(g) authorizes the Secretary of the Treasury to issue regulations relative to record keeping by dealers. The regulations issued by the Secretary of the Treasury call for far more than sections 922 and 923 require and, in my judgment, go considerably beyond the intent of Congress in passing the Gun Control Act of 1968.

For example, the regulations issued by the Secretary of the Treasury call for the following: Date; manufacturer; caliber, gage, or type of component; quantity; name; address; date of birth; and mode of identification, driver's license, and so forth.

It seems to me that this goes far beyond "the name, age, and address" of the law and covers a good deal more territory which, in effect, amounts to registration.

If there is to be registration, let it be in the open and on the table, and let everyone be aware of it. Congress, in my opinion, opposed registration under the Gun Control Act of 1968, and this regulation, in my judgment, would go far beyond what Congress intended.

This is back-door registration and should be corrected. In my judgment, it is necessary to correct an unnecessary burden and a deceptive form of registration and to bring the regulations in line with the intent of Congress at the time the bill was passed.

I ask unanimous consent that I be registered as a cosponsor of Senator Bennett's bill, S. 845.

The Vice President. Without objection, it is so ordered.

Mr. Byrd of West Virginia. Mr. President, will the Senator yield?

Mr. Mansfield. I yield.

Mr. Byrd of West Virginia. Mr. President, I ask unanimous consent that my name also be added as a cosponsor.

The Vice President. Without objection, it is so ordered.

Testimony Before the Juvenile Delinquency Subcommittee of Judiciary Committee, Statement of Senator Mike Mansfield, Democrat of Montana, July 23, 1969

Let me first thank you for your invitation, Mr. Chairman. I appreciate having this opportunity to testify at the beginning of this series of hearings on firearms legislation and especially on my bill, S. 849.

The gun law thus far has asked a sacrifice on the part of the law-abiding gun owner in return for what hopefully will be a measure of control over the inordinate flow of weapons into the hands of the lawless and untrained, the addict, the incompetent and the criminal. Providing such legislation at the Federal level has provoked numerous questions and the debate still rages on.

What is clear so far is that the burden imposed by the present law on the law-abiding gun owner has not been distributed equally. We in Montana, for example, seldom experience the use of guns by the criminal and unfit. At the same time we Montanans pride ourselves in the responsible use of weapons for sport and even for self-defense. Unfortunately, that is not the case elsewhere in the land. Our large metropolitan centers have been wracked by crime and violence perpetrated by hoodlums having no notion of the responsible use of weapons. Yet we in Mon-

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tana are asked to bear the full measure of the burden of gun legislation. What we stand to benefit from its hoped-for objective—a reduction in gun crime—is greatly disproportionate when viewed solely within the geographical confines of Montana. Nevertheless, may I say that in Montana the sacrifice asked by this law has been made. It has been made by Montanans though to some the whole notion of gun legislation may be repugnant. It has been made simply because Congress recognized that the ease with which guns are made available to the lawless has become not only a state and local problem, but a national problem as well.

And just as Congress recognized that the ease of gun accessibility by the lawless has reached national proportions justifying Congressional action, so does the penalty for the criminal use of guns warrant equally close attention by the Congress. And that is just what my bill, S. 849, aims to do.

Gun crime is a national disgrace. And with this bill I offer another approach to curtailing the gun crime rate—an approach that says to the criminal in terms that are clear and simple that his resort to a gun will be met automatically with punishment that fits such an act of violence. In contrast to the present gun law, no burden is imposed on the law-abiding gun owner. No sacrifice is asked. The burden falls squarely where it belongs—on the criminal and the lawless; on those who roam the streets, gun in hand, ready and willing to perpetrate their acts of violence.

I am no expert in crime control. I am not even a lawyer. But I know there is something wrong when the FBI tells us that while our gun crime rate continues to spiral upward, our prison population shrinks proportionately. I hope this trend is reversed. I would think an assured prison sentence for criminals who choose to resort to firearms would help establish such a reversal or at least stem the tide. That is the purpose of my bill.

Under its provisions, for a first offender the penalty would be 1 to 10 years in prison; for a subsequent offense—a mandatory 25 years. The proposal varies from present Federal law in two major respects. Under no circumstances can the sentence for using a firearm be suspended or assessed concurrently with the sentence for the commission of the crime itself. The criminal gun user will be sentenced solely for his choice to use a gun. Moreover, the subsequent offender will be compelled to serve 25 years for making such a choice. In this regard, it just seems to me that no leeway or discretion is necessary when it is found that a criminal has chosen a second time to use a firearm lawlessly.

I would add that for the most part I agree with gun legislation; especially in its stated objective; to assist Federal, State and local law enforcement agencies in their fight against crime and violence. At the same time I do object when a Federal agency—when any Federal agency—misinterprets or misconstrues the law in the name of enforcement. That is why I joined as a co-sponsor of the bill, S. 845, offered by the distinguished Senator from Utah, Mr. Bennett, to strike down the ammunition regulations issued by the Secretary of the Treasury pursuant to the Gun Control Act of 1968. In my opinion those regulations fall squarely beyond any authority granted by Congress under the law. Indeed, Congress voted down registration; and registration, in my opinion, is precisely what the Treasury regulations call for.

On February 4, the distinguished senior Senator from Utah (Mr. Bennett) introduced S. 845. It seems to me to indicate that registration by another name is being required by a regulation of the Internal Revenue Service. This regulation covers ammunition for pistols, rifles, shotguns and some components, including primers, propellent powders, cartridge cases, and bullets.

Under sections 992(b)(5) and 923(g) the dealer is required to record the name, age, and address of the buyer of firearms or ammunition, while section 923(g) authorizes the Secretary of the Treasury to issue regulations relative to record keeping by dealers. The regulations issued by the Secretary of the Treasury call for far more than sections 922 and 923 require and, in my judgment, go considerably beyond the intent of Congress in passing the Gun Control Aot of 1968.

For example, the regulations issued by the Secretary of the Treasury call for the following: Date; manufacturer; caliber, gage, or type of component; quantity; name; address; date of birth; and mode of identification, driver's license, and so forth.

It seems to me that this goes far beyond "the name, age, and address" of the law and covers a good deal more territory which, in effect, amounts to registration.

If there is to be registration, let it be in the open and on the table, and let everyone be aware of it. Congress, in my opinion, opposed registration under the Gun Control Act of 1968, and this regulation, in my judgment, would go far beyond what Congress intended.

This is back-door registration and should be corrected. In my judgment, it is necessary to correct an unnecessary burden and a deceptive form of registration and to bring the regulations in line with the intent of Congress at the time the bill was passed.

With that said, let me again reiterate that I think the objectives sought by the 1968 law are wholly correct. I hope they are met; though it is premature now to make a judgment on that score.

And it is only to complement the objectives of the existing law that I offer my proposal for mandatory jail sentences against perpetrators of violent gun crimes. The message it brings to the criminal gun user is clear. For ultimately the decision to resort to a firearm is up to him. If he finds the penalty so severe as to deter his use of this deadly weapon, only then can society be protected from the violence it produces. The State of Alaska I understand has already adopted such an approach. Other states are in the process of joining the effort. Mr. Chairman, I urge you and your subcommittee—already so distinguished for your leadership in this area—to steer this proposal through the full Judiciary Committee and on through the Senate.

By offering mandatory jail terms in return for gun violence at the Federal level, the Congress will provide, I believe, a splendid model for all fifty states to follow.

Mr. BENNETT. Mr. President, yesterday, when I opened the debate on H.R. 12829, I indicated I would include in the RECORD a summary of the minor and technical changes made in the interest equalization tax bill. Inadvertently, this summary was not included in the RECORD. Therefore, I ask unanimous consent that the summary be included in today's RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF OTHER INTEREST EQUALIZATION TAX AMENDMENTS

In addition to the two major provisions, the House bill contained a series of minor modifications of the existing provisions of the interest equalization tax. These modifications were accepted by the committee with a few technical amendments. In addition, the committee adopted technical amendments regarding the treatment of certain lease obligations for purposes of the tax.

The minor modifications made by the House bill are as follows:

(1) Under present law the tax applies where an American transfers money to a foreign trust which then acquires otherwise taxable foreign stock or debt obligations. The bill strengthens this provision by presuming that upon a transfer of funds to a foreign trust, the trust made a taxable acquisition of foreign stock or debt obligations unless, and to the extent, the transferor proves to the Treasury that such an acquisition has not occurred.

(2) An exclusion is presently provided for loans by a U.S. person to a foreigner for the purpose of constructing a foreign mineral facility, where a substantial portion (35 percent) of the minerals or ores processed in the facility are extracted outside the United States by the U.S. person or by an affiliated company. The bill modifies this rule to provide that the exclusion will be applicable where the U.S. person's loan covers only part of the cost of constructing the facility, if more than 50 percent of the minerals processed in the proportionate part of the facility represented by the U.S. person's loan in relation to the total cost of the facility are extracted by him or an affiliated company.

(3) Under present law, an exclusion is provided for acquisitions of debt obligations arising in specified export credit transactions. The exclusion is lost, however, if the debt obligations are subsequently transferred other than to specified persons or in specified ways. The bill adds an affilitated company to the permitted transferees.

(4) U.S. dealers in foreign stock or debt obligations presently may acquire these securities without payment of tax (through a credit or refund) if they resell them to foreign persons within a prescribed time. A similar rule applies in the case of U.S. underwriters who resell to foreign persons. The bill provides that certain foreign branches (engaged in the commercial banking business) of U.S. corporations which, in effect, are treated to a limited extent as foreign persons for purposes of the tax (they may acquire foreign stock or debt obligations free of the tax up to a specified amount) also are to be treated to the same extent as foreign persons for purposes of the dealer and underwriter resale exclusions.

(5) Present law provides that a domestic company engaged in the business of financing sales of products manufactured by affiliated companies in the United States or abroad may elect to be exempt from the tax on the foreign debt obligations it acquires as the result of its financing activities. The bill modifies or eliminates certain restrictions in this provilson which have made it unworkable, but retains the basic framework of the provision including the concept that the financing company must obtain the funds it uses in its business from foreign sources.

(6) Under present law, a transaction tax return must be filed prior to the sale of foreign stock or debt obligation which was subject to tax when acquired, if the sale occurs prior to the time for filing the regular quarterly interest equalization tax return. The bill clarifies the application of this requirement to U.S. dealers or underwriters by providing that they need not file a transaction tax return with respect to sales of foreign securities under the dealer or underwriter resale exemptions.

(7) The bill conforms the reporting and recordkeeping requirements for "nonparticipating firms" to the procedures established by the Interest Equalization Tax Extension Act of 1967 in connection with the exemption for prior American ownership and compliance. This amendment generally conforms the requirements imposed on these firms to those imposed on "participating firms" insofar as specified types of sales or acquisitions of foreign stock or debt obligations are concerned, and confirms that nonparticipating firms must continue to file quarterly information returns.

(8) The bill prescribes a $1,000 penalty for each failure to file (or inadequate filing) by a nonparticipating firm pursuant to the requirements imposed under the conforming amendment discussed above.

The committee adopted two minor amendments to the financing company provision (No. 5 above) to further implement the purpose of the changes made by the bill; namely, to increase the workability of this provision. One amendment provides that a financing company may loan out amounts represented by accrued foreign taxes which are payable within 3 years, rather than one year as under the House bill. The other amendment provides that a financing company may own debt obligations acquired in the course of carrying on its financing business (such as loans to employees) in addition to the other types of debt obligations the company is allowed to own under the House bill.

The committee also added technical amendments to the bill regarding the treatment of a lease obligation as a debt obligation for interest equalization tax purposes where the lease is entered into principally as a financing transaction. These amendments also provide that export leases are to be treated in a manner similar to export sales under the existing export credit exemption and under the financing company provision.

Mr. DODD. Mr. President, by now, the Senate is aware that the amendment offered by the senior Senator from Utah to repeal the ammunition controls of the Gun Control Act of 1968 will no longer include .22-caliber rimfire ammunition. Senator BENNETT's amendment to H.R. 12829, the Interest Equalization Tax Extension Act, has been modified so that now only rifle and shotgun ammunition would be exempted from the control provisions of the 1968 act.

I have considered Senator BENNETT's action very carefully, because I realize that if one side moves toward conciliation, then the other side should be willing to compromise as well.

I have considered the fact that Senator BENNETT's modification does indeed remove from contention 70 percent of the ammunition which he originally sought to exempt.

I have asked myself whether or not controls on rifle and shotgun ammunition might indeed be a burden on legitimate sportsmen, and I have asked myself whether or not, if I agreed to the Bennett modification, I might gain the support of those in the State of Connecticut who have looked askance at my efforts in the field of responsible firearms controls.

I have considered all these facts, Mr. President, and I have considered them well, but the conclusion rings through loud and clear: we must oppose the remains of the Bennett amendment as emphatically as we opposed the original amendment.

In the first place, ammunition controls are a significant law enforcement tool. Second, the controls are not burdensome to legitimate sportsmen or anyone, except felons, drug addicts, and other undesirable types. Third, and most importantly, one cannot just write off the lives of over 1,600 Americans. That is how many people were murdered last year with the bullets and shells Senator BENNETT would remove from the Gun Control Act.

And one cannot write off the tens of thousands of our citizens who will be assaulted, wounded, and subjected to armed robbery with the bullets and shells Senator BENNETT would have us remove from the Gun Control Act.

The pending amendment to repeal ammunition controls must be defeated.

While much has been said about the substance of the Bennett amendment, and while much more will be said today, I must state that there is also a procedural question of some magnitude involved here which deeply disturbs me.

Speaking quite frankly, I find the way in which the amendment to repeal ammunition controls reached the floor rather repugnant. My feelings on this point are underscored by the statement which the senior Senator from Utah made awhile ago indicating that while he has modified the pending amendment, he will again try to exempt .22-caliber ammunition from the control provisions of last year's Gun Control Act by offering "another amendment to another House-passed bill when one comes along".

This statement is disturbing, because it indicates that those who would repeal ammunition controls are unable and unwilling to work through traditional Senate channels.

Instead, they must resort to subterfuge, thereby bypassing the very committee which has had jurisdiction over this subject matter for several years.

Let me review briefly the history of the amendment which is before us today.

On February 4, 1969, Senator BENNETT introduced S. 845, a bill to repeal the ammunition controls of the Gun Control Act of 1968.

The amendment was referred to the Judiciary Committee and then to its Subcommittee To Investigate Juveline Delinquency.

This was an entirely proper referral, because it was the Subcommittee To Investigate Juvenile Delinquency which, through 6 years of work, handled the significant firearms control legislation which was enacted last year. It is this very legislation, of course, which established the ammunition controls under discussion today.

In mid-July, the subcommittee announced that it would hold hearings on several bills which would amend last year's Gun Control Act. Among the bills scheduled to be considered was S. 845. Among the witnesses scheduled to be heard was the senior Senator from Utah, the author of the bill.

On July 18, Senator BENNETT wrote to me, as chairman of the subcommittee, asking that S. 845 be removed from consideration during the forthcoming hearings because the bill was to be withdrawn.

Senator BENNETT stated that his reason for withdrawing the bill was the firm opposition to the bill of the distinguished chairman of the Committee on the Judiciary of the House of Representatives.

On July 29, 11 days later, Senator BENNETT introduced S. 2718, a bill very similar to S. 845, which, at Senator BENNETT's request, was referred to the Finance Committee.

Mr. President, the referral of S. 2718 to Finance makes no sense at all, for the Finance Committee has never had jurisdiction over legislation to control the irresponsible sales of firearms and ammunition to felons, juveniles, drug addicts, and the like. The bill is in no way germane to the functions of the Finance Committee.

I did not object to the referral of this bill to the Finance Committee, because at that time the Subcommittee To Investigate Juvenile Delinquency was deeply involved in legislation concerning narcotics control, prison reform, pornography control, and several other matters.

And, of course, I felt certain that the Finance Committee would hold hearings on the bill, at which time those of us who had an interest in the bill would be called upon to testify. I felt so certain that hearings would be held that my testimony was prepared well in advance.

I was gravely disturbed, therefore, when the bill to repeal the ammunition controls of the 1968 Gun Control Act was attached as a "Christmas tree" amendment to H.R. 12829, the Interest Equalization Tax Extension Act, which had already passed the House, without a single minute of hearings being held on the amendment.

I would point out that the Gun Control Act of 1968 had a history of hearings totaling 35 days and involving 154 witnesses. In addition, there were six executive sessions held by the Subcommittee To Investigate Juvenile Delinquency and five executive meetings of the full Judiciary Committee. And, because the bill had interstate aspects to it, it was referred to the Senate Commerce Committee so that that committee could render its judgment on the final product.

Mr. President, it strikes me that this is the proper way to legislate: by holding public hearings and extensive debate within the appropriate committees of Congress.

The amendment we are considering today went to the wrong committee and the way it was handled constitutes a mockery of the legislative process. There were no hearings on the amendment and apparently there was no debate on the subject within the committee. There was certainly no attempt to seek the concurrence of the Judiciary Committee, which does have jurisdiction, as we sought the concurrence of the Commerce Committee on the Gun Control Act.

This abortion of the legislative process is intolerable and I ask the Senate to look at it for what it is, a blatant attempt to ram down the throats of the great majority of the American people legislation they really do not want.

I ask the Senate to reject this procedure for the dangerous precedent it sets, and at the appropriate time, I shall move to table the pending amendment.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. KENNEDY. Mr. President, I acknowledge first of all the adjustments that have been agreed upon by the distinguished Senator from Utah and the majority leader eliminating the rimfire .22 ammunition from the pending proposal. I think this meets to a great extent one of the outstanding needs of the country—the control of sales of ammunition to insure that it will be kept out of the hands of juvenile delinquents, criminals, addicts, and mentally deranged individuals.

XUM

Those of us who had very serious reservations about the Bennett amendment in the first place are encouraged by the exclusion of the .22 caliber rimfire ammunition.

We were very much confused by the alleged report from the distinguished Senator from Utah in the newspapers in which he expressed his view that the amendment in and of itself did not cover ammunition for handguns, when in fact the ammunition reported by the Finance Committee quite clearly covered .22 rimfire pistol ammunition, which is used in many handguns.

A legitimate question was therefore raised in the minds of many of us as to whether its own sponsors fully understood the amendment. And it is understandable that they would not, since we know, as the distinguished Senator from Connecticut has pointed out, that no hearings were held. It is thus very questionable whether even the members of the Committee on Finance, with their expertise on matters of finance and taxation, had any fundamental grasp of the nature of the amendment, because the report and the amendment themselves were inconsistent, and the amendment was contradictory to the explanations given by the prime sponsor.

Nevertheless, as we understand it now, an effort was made by the distinguished Senator from Utah to correct the amendment in order to insure that the .22 rimfire ammunition was not included. That ammunition, as the distinguished Senator from Connecticut has pointed out, is the cause of so many of the deaths in our country and is easily usable in many handguns.

I point out at this time that the Subcommittee on Juvenile Delinquency of the Judiciary Committee really is the expert committee in the field of gun legislation. Obviously, members of that committee, as happens in so many other cases which come before the Senate, have different views and different opinions. For example, the distinguished Senator from Nebraska (Mr. Hruska), is a member of that committee, and he has perhaps been the most enthusiastic spokesman for those interests that have attempted over a period of time to weaken any legislation on gun control and ammunition.

The Senator from Nebraska is very effective and has been a forceful spokesman for these interests. He is an extremely knowledgeable person, as is the distinguished Senator from Connecticut. However, as the Senator from Connecticut pointed out, the Subcommittee on Juvenile Delinquency has jurisdiction of this matter.

What we would like to see happening is what we were reminded about last year at the time the Subcommittee on Juvenile Delinquency was meeting and trying to acquire quorums and to get the subject matter considered before the full committee. We were told then that we ought to wait and give careful and full consideration to the matter.

For so many years the distinguished Senator from Connecticut held hearings on gun legislation and found that the Senate would adjourn the next year without having considered the matter, and he would then have to reschedule hearings and again hear witness after witness.

In those days it was always those who wanted to weaken the legislation and eliminate any kind of restrictions that were interested in following the due procedures of the committee system and of the Senate to insure that all people who had opinions about these matters would be heard.

Is it not ironic that once the shoe is on the other foot, so to speak, our friend, the distinguished Senator from Utah, says, "We are ready to vote this afternoon or at any time. And we are prepared to offer the handgun amendment on a tax bill some time in the future."

Once the ball is in their court, then it is so ironic to see all these procedures go by the board. Now they say, "Let us get right to it."

This is something that the Members of the Senate ought to be fully aware of. I think that the statement the distinguished Senator from Connecticut has given to the Senate is extremely helpful. I hope that included in his records would be the number of days of hearings on which his committee has held hearings over the last 9 years on the matter of gun control and the related question of ammunition.

I hope the Record will show the dates of those hearings, the witnesses who testified, and, as the distinguished Senator has pointed out, the efforts that were made to include the Commerce Committee which has related jurisdiction in the matter to make sure they were informed and that their interests were carefully protected.

It is interesting to me that in the limited time I have been a Member of the Senate, we have heard about the proper procedures and about being respectful of the committee system. That seems to be well and good only so long as it works to the advantage of those holding a particular viewpoint.

Mr. President, I could not agree more with the distinguished Senator from Connecticut that this is not a matter that should have ever been considered by the Finance Committee.

Obviously a Senator is right in proceeding to introduce any amendment he desires on any related matter. However, to report an amendment out of the Finance Committee as if the matter had been thoroughly considered and deliberated, or were a measure urgently necessary to meet an outstanding need in our country, is just perpetrating a fraud on the Senate.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. PERCY. Mr. President, I would not want to get into the jurisdictional dispute on the matter. The amendment is pending. I would like to deal with the amendment on the basis of merit and from the standpoint of my best experience.

The distinguished Senator from Massachusetts knows that I supported every gun control measure in which he was interested, even back in the days when very few Senators were supporting that type of legislation.

Mr. DODD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. DODD. Mr. President, the reason we are discussing the procedural aspect is that I said I would offer a motion to table.

Mr. KENNEDY. The Senator from Connecticut indicated that he was going to make a motion to table. That is why we were discussing the procedure. However, I would welcome the comments of the Senator on the substance of the matter as well.

Mr. PERCY. Mr. President, knowing the point would be made, I wanted to make my comments in the Record. I would sponsor such legislation that I felt was needed and necessary.

I feel, since legislation has been passed, that we should take the benefit of experience we have had, and whenever we have amendments that become burdensome or meaningless as far as the true meaning of the law is concerned, we should have no hesitation in backing away from those amendments.

As I understand the situation, in this case we are not talking about guns; we are talking about ammunition. We are talking now about the Justice Department and the Treasury Department which have agreed that the regulations are useless, that they are a burden to the storekeeper and to the consumer, and that they serve no real purpose. In my own State I have talked with both sellers and buyers of ammunition to determine whether or not these regulations have any effect on the end result we were trying to achieve with control legislation. I find them of no help and only a burden.

It is for this reason that I have joined in cosponsoring the amendment of my distinguished colleague, the Senator from Utah.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. KENNEDY. What burden is placed by these regulations? Will the Senator from Illinois enlighten me on that factor? What burden is placed on legitimate interests about which he is so concerned? What burden is placed on the person who goes into one of these stores and attempts to buy the ammunition that is not placed on a housewife who attempts to charge something in a store or goes to a supermarket and cashes a check and has to show a license? What is this great burden about which we are always talking?

Mr. DODD. Mr. President, will the Senator yield?

Mr. KENNEDY. I will not yield at this point.

We hear these expressions about the great burden it has caused the sportsmen of this country. If there is a legitimate burden, the Senator from Utah has not been able to present us with any witnesses who say that there has been. Representatives of the sports clubs have not testified before the Subcommittee on Juvenile Delinquency, nor have any representatives of the NRA who are so active and so vociferous on these matters. I think this is the kind of question that should be answered. The Senator from Illinois says the regulations were passed, a burden was imposed, and we are trying to eliminate it. But are we just supposed to take the statements that were made in the Committee on Finance, without having any opportunity to question these people?

Mr. PERCY. If I may reply to the distinguished Senator, I do serve as the ranking minority member of the Committee on Small Business. I engaged in small business years and years ago. I am constantly aware of the fact that Government continues to impose upon the small shopowner a tremendous burden of paperwork. We overwhelm them with paperwork. If we just take Federal regulations alone, we find that the small shopowner, who is open from 9 to 6 in the evening, spends hours and hours and weekends working and struggling through this pile of paperwork.

I was quite willing to see that in this case, recognizing the national interest, what we are trying to protect is the small shopowner from unnecessary paperwork.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. KENNEDY. Is this the same kind of paperwork that a grocery store owner has to go through when someone comes in to cash a check? They have to check someone's license for residency and number and name. That is done at a gasoline station and at a supermarket. That is done when one buys groceries. The only thing this regulation provides is that it has to be done when one buys ammunition.

Mr. DODD. Mr. President, will the Senator yield?

Mr. KENNEDY. I am having a dialog with the Senator from Illinois, and if he would like to respond, I will then yield.

Mr. PERCY. My point is this: Have we proved or solved anything by the particular regulation we have imposed?

Mr. KENNEDY. Will not the Senator agree that once we have the regulations, the burden is on the other person to prove that they are not functioning?

Mr. MOSS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MOSS. The Senator asked a legitimate question, and I think I can supply some information on it. The Senator asked if someone who went to a store and wanted to cash a check does he not have to show his driver's license and residence? Yes. He is seeking credit and has to prove certain things. If he is going to a liquor store, he has to prove he is of age, and he may have to show his driver's license for that.

But this is over and beyond that. He not only has to prove residence and age to the satisfaction of the seller, but, also, he must actually fill out a form, and the form has all this information on it. The form must then be filed by the seller, and somebody has to stack all those forms up for some reason.

Mr. DODD. Mr. President, will the Senator yield?

Does the Senator have one of those forms?

The PRESIDING OFFICER (Mr. Spong in the chair). The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. I think we would like to get the form that the purchaser supposedly has to fill out. The seller has to comply with certain regulations and has to keep some records. But I think that this is a good question of the Senator from Connecticut. We would like to see the form that the purchaser supposedly has to keep.

Mr. MOSS. It is a regular Federal form.

Mr. KENNEDY. For the purchaser or the seller?

Mr. MOSS. The seller keeps it. The purchaser fills it out. The seller has to file it. Let me answer.

Mr. DODD. If the Senator can produce that form, I will quit. There is no such form.

Mr. MOSS. That sounds like an easy offer, and I will be glad to take it up.

Mr. DODD. It is.

Mr. MOSS. The Senator asked another rhetorical question, but I think there is a good answer to it. He asked if anybody had said this was burdensome. I hold in my hand petitions signed by 5,240 citizens of my State, who say, "Respectfully request you make every effort to persuade Treasury Department and Congress to eliminate registration requirements on the purchase of shotgun and rifle ammunition."

That is the sort of problem it is causing. The people in my State are getting ready for the opening of the duck season this Saturday. They are already standing in line, trying to buy shotgun shells, because of the burdensome requirement to fill out these forms. What can be more innocuous than buying a couple of boxes of shotgun shells if you are a sportsman?

Next week will be the opening of the deer season, and 180,000 people in my State will go into the mountains to seek deer, and they must buy ammunition. Next week they are going to be lined up the same way. And what does it accomplish? It does not accomplish a thing. It does not accomplish anything to have their names filed on forms and those forms filed someplace. The little shopkeeper, to whom the Senator from Illinois referred, already has a lot of burdens and paperwork, and he will have one more form he has to make sure is filled out and properly indexed. It does not accomplish anything.

So why should we do a futile thing? That is my position. It is futile to do this, and it creates only frustration and delay and all sorts of bother for the people involved—the buyer and the seller.

Mr. DODD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. PERCY. Who has the floor?

Mr. KENNEDY. I have the floor.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. DODD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. DODD. Yesterday, I sent out a number of our staff with the instruction to buy some of this ammunition and keep a record carefully of what happened. I think it would be of interest to the Senate to know what her experience was.

I have in my hand photostatic copies of two sales slips. She made two purchases. Both were in Maryland, across the line. All she had to do was go in and ask for this ammunition. All she gave was her name and address, and she showed her automobile license, and she paid the money and got the ammunition.

Mr. KENNEDY. Did she have to fill out any form?

Mr. DODD. None at all.

Mr. KENNEDY. And these are the same regulations that are in effect, and this person did not have to fill out any form?

Mr. DODD. No. This is so all over the country.

Mr. KENNEDY. Is this the burden?

Mr. DODD. This is the burden.

Also, we sent out another member of our staff to make a check, which is also of interest. We obtained the list of persons who had purchased ammunition during the last 3 months at the Suitland Trading Post in Suitland, Md., and we have the list here. It took 1 hour to run these names through the criminal identification files of the Metropolitan Police Department of Washington, D.C., yesterday.

Here are the names of people who purchased ammunition in the last 3 months just over the line in Maryland. Twenty-one percent of them had records for felonies, which run all the way from riots, felonious assault, and so forth. The list includes all kinds of things. Twenty-one percent of the people who bought this ammunition just over the line in Maryland in the last 3 months were criminals. They were people who could not buy ammunition in the District of Columbia because of the ordinances imposed here by the Commissioners. So they go across the line into Maryland and buy it.

We are asked, "What is the need for this requirement?" We do not need a relaxation of the controls. We need better controls or we will have an epidemic of killing all over again and it will increase and get worse.

Nobody talks about the number of people who have been killed with this kind of ammunition. There were 1,600 people murdered last year in this country by the same type ammunition this legislation would seek to exempt from controls. I am not talking about accidents, mistakes, or suicides. I am talking about homicides. Certainly that is a sizable figure.

We hear complaints about this great burden. What a great burden to ask someone to give his name, address, and age. That is very little, indeed, to ask in the face of the grave situation that is facing this country today.

Mr. KENNEDY and Mr. PERCY addressed the chair.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Mr. President, as I understand what the Senator from Connecticut has just said——

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Mr. DODD. Mr. President, will the Senator yield once more briefly?

Mr. KENNEDY. I yield.

Mr. DODD. Mr. President, here is the ammunition record book. I am told this book is typical of the book most of these stores have. They use similar books to record the data. It is an inexpensive ledger. That is all they are required to keep and that is all they keep.

Mr. KENNEDY. Mr. President, as I understand from what the Senator from Connecticut has pointed out this afternoon, there is no requirement under any of the regulations which are in existence now that the purchaser has to fill out any form at all. Is that correct?

Mr. DODD. The Senator is correct. There is no form at all for the purchaser to fill out.

Mr. KENNEDY. The purchaser has no obligation other than to show what the Senator from Connecticut has mentioned: the equivalent of a driver's license that would show name, age, and residence of the purchaser. Is that correct?

Mr. DODD. The Senator is correct.

Mr. KENNEDY. What we are really doing is asking the purchaser to assume the same inconvenience or burden that it is necessary for any housewife to assume who wishes to cash a check when she goes to the grocery store or to the gas station and has to show a driver's license.

Mr. DODD. The Senator is correct.

Mr. KENNEDY. As I understand the position of the Senator from Connecticut, we are balancing that slight burden on the purchaser against what the Senator from Connecticut has pointed out, and which has been demonstrated time and time again in the hours and days of hearings before the Subcommittee on Juvenile Delinquency, that without any regulations the gates are being opened for juveniles, addicts, felons, and mental incompetents to purchase the kinds of ammunition that can be used in crimes and disorders. Is that right?

Mr. DODD The Senator is correct.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. KENNEDY. I shall yield to the Senator in just a moment.

Mr. DODD. When the Senator from Utah dropped from the amendment that part thereof dealing with .22 caliber rimfire ammunition he said, that he would try to exempt those bullets at a later date. This is not an abandonment of the effort to exempt .22 caliber rimfire ammunition, which is the bullet that killed 3,000 people in this country last year. It has killed many people over the years but last year 3,000 people were killed by that type of ammunition. The weapon which fires that ammunition is known to law enforcement officials across the land as the "Saturday night special." It is the murder gun, that is cheap, and is easily procured, easily concealed, and used unlawfully on a vast scale.

As to how frequently it is used in holdups and assaults, I do not know; but I have the figure for murders. This is the ammunition that is used for the 3,000 murders I mentioned.

We are told, "We will drop the effort to exempt this ammunition today but we will be back tomorrow." They are not content with 1,600 murders a year from shotguns and rifles. They want to do away with regulation on .22-caliber rimfire ammunition which is used in handguns concealed so easily, and used so frequently by hoodlums all over the country.

This is a dreadful thing. The people of this country would be in tears if they knew all the facts, and if the people of the country would come down and speak they would overwhelmingly say, "No. Do not exempt this ammunition from control."

The little inconvenience of giving one's name, address, and age in order to buy bullets is not very much to ask. I have heard talk here about registration. We went all through that a year ago. Many of us thought we had to go to that extreme. We do not have ammunition registration. We have the simple matter of asking an individual, "How old are you, son?" We must be sure he is of age to buy ammunition. We are trying to prevent children from getting these dreadful weapons and the bullets for them in their hands and misusing them. There is no requirement of police check, no asking for fingerprints, no request that they come back in 30 days to get the bullets. There is nothing of that kind. Purchasers walk in, give the information, pay their money, and walk out with the ammunition, as if one were buying a spool of thread, liquor, or cigarettes, in a good many places across the land.

Mr. KENNEDY. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I wish to ask a question. It seems to me the Senator from Connecticut and the Senator from Massachusetts are, in effect, arguing against their point by saying, as the Senator from Connecticut did, that it is as simple as buying a spool of thread; that one simply goes in and shows his driver's license, pays his money, and it is done. On the other hand, he said we need this because we have to keep this out of the hands of those who would go around killing people, that it is awful, and, therefore, if they jot their names down in a book or on a form they will not go around killing people.

If it is as simple as all that how is this going to check the use of ammunition in the commission of crime in this country in any way?

Mr. KENNEDY. Mr. President, I make two answers to the Senator's comment. First of all, we use this system very widely today in terms of alcoholic beverages. For example, certain States sell alcoholic beverages to persons who are 18 years of age and other States sell alcoholic beverages to persons who are 21 years of age. Therefore, any time a youth asks for alcoholic beverages, he must show a driver's license to establish his age. That works pretty well. It does not meet all the problems, but it works pretty well in the States. Some States have an age limit of 18 and it works pretty well, and in States where the age limit is 21 it works pretty well. It does serve as an important factor in determining violations of the law by those whom the law prohibits from making a purchase.

Second, it adds another kind of opportunity, because, as I understand, many jurisdictions, like the District of Columbia have lists of convicted felons on computer cards, and in a matter of minutes it is easily determined if someone who was a known felon has purchased ammunition. Thus the bill helps supply this kind of information to law enforcement agencies.

All we have to do is look through the Crime Commission report of 1967 and see that law enforcement personnel throughout the country believe this is a very useful instrument for preservation of law and order.

And yet the proponents say, "What a burden it is." But why can we not go ahead and have a hearing? That is the point Senator from Connecticut and I make. If this is supposed to be a burden, why do we not have an opportunity to listen to the responsible administrative officials tell us why? We receive letters and hear comments that in letters and conversations with officials in the Department of the Treasury it is said the regulations do not work and that they support an amendment. Why are they not willing to come here and be questioned? Why does this always have to be just, so to speak, between individual Members of the Senate? Why cannot we have some hearings?

Mr. PERCY. Will the Senator from Massachusetts yield at that point?

Mr. KENNEDY. I yield.

Mr. PERCY. I agree fully, once again, that if we can pass regulations that we can prove will help the problem, I would be for them.

But we have testimony, not in private conversations, not in private letters, but in public hearings by Mr. Randolph W. Thrower, Commissioner of Internal Revenue of the Treasury Department, before the Subcommittee to Investigate Juvenile Delinquency in the Senate, saying the following:

> With regard to ammunition transactions, it is only fair to report to the subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way, particularly in view of the multitude of sales in only sporting ammunition. Whatever manpower would be required to provide adequate checking and policing of this information would, in our view, be better utilized in enforcing the other more critical provisions of the gun laws.
>
> While we do not question the value of prohibitions on sales of ammunition to proscribed persons, we have serious question as to the contribution to enforcement made by keeping records on sales of sporting ammunition, *i.e.*, ammunition for shotguns, ammunition suitable for use only in rifles, and .22 caliber rimfire ammunition.

Furthermore, Mr. President, in public testimony by Donald E. Santarelli, Associate Deputy Attorney General of the Department of Justice, before the same committee, Mr. Santarelli said:

> Another aspect of the Gun Control Act of 1968, that has raised substantial problems, is that relating to record keeping. As the representatives from the Treasury Department indicated, there is substantial reaction to the requirements in the 1968 Act for detailed recordation of all transactions involving sporting ammunition. Licensees, especially small dealers who lack clerical personnel, object to the burden imposed on them by the record keeping requirements. Sportsmen and shooters object to the burden and annoyance of providing required information and identification and filling out the forms. It is further argued that such recordation is meaningless to law enforcement since sporting ammunition is fungible and, thus, not easily identified. Furthermore, the hundreds of thousands of daily transactions in sporting ammunition create a volume of records almost impossible to deal with.
>
> Careful consideration should be given to this subject in view of the widespread dissatisfaction with its implementation and the questionable effectiveness of its enforcement.

Mr. President, my only concern is this: Many times we think we have passed a law and solved a problem, but it is a delusion to think that we have solved this problem by passing this particular law.

It is for this reason that I support the amendment of the Senator from Utah. I appreciate the Senator from Massachusetts yielding to me.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Mr. President, we can see from the record of last year that we voted to include this kind of provision on ammunition which is being struck out by the Senator from Utah, and that it was of sufficient importance for us to see that it was included. I am sure that some of us may have a change of heart on these kinds of matters, but the only thing that we are saying here is that if we are going to have representations made later, which the Senator from Illinois (Mr. PERCY) has made, and people change their minds about these things, why do we not at least have an opportunity to question the people who are affected by the regulations? That is, really, the thrust of what the argument is.

I should like to ask the Senator from Illinois whether he feels that the burden is a burden on the purchaser or is a burden on the shopkeeper? Who really has the burden that he is so concerned with?

Mr. PERCY. I think it is a burden on both.

Mr. KENNEDY. The Senator thinks it is a burden on both.

Mr. PERCY. I am more concerned not just with the burden but with the end result. I do not think we have solved the problem with this particular provision of law.

Mr. KENNEDY. Who has ever represented that we have solved the problem? However, it falls upon the proponents, it seems to me, to prove that we should undo what the 90th Congress did. No one is suggesting that the 1968 act answers the problem, but now the Senator says there is this burden, one on the purchaser and one on the seller. What burden does the Senator from Illinois see on the purchaser this year that was not on him last year that would require him to change his mind?

Mr. PERCY. I would think this: We have clear-cut testimony from the very department responsible—the Justice Department—saying that this is a meaningless regulation, that it is impossible to enforce, and that it does not really lead to any desirable end result. What we passed before was hopefully intended to lessen the killing and injury to the people of this country, but here we have the agency responsible for administering the law which says it is meaningless, that they do not need it or want it. Let us use our manpower—it is always limited—in areas where a decent return on the investment can be made rather than one of futility.

Mr. KENNEDY. This is the same Justice Department that has retreated on the Voting Rights Act, that said the bill would not work, but then, when they said it, they still came to the Judiciary Committee and said it and received cross-examination on it. Why should the Justice Department say last year it will work and this year say it will not? Why will they not come up here and be asked about it? Why will they not do that, I ask my friend from Illinois?

Mr. PERCY. I do not know, but——

Mr. KENNEDY. Would he not welcome it?

Mr. PERCY. That testimony was given in the hearings.

Mr. DODD. If I may interject there, that testimony was never given in the hearings, I am sure. I held them.

Mr. BENNETT. May I answer that question? This testimony was given in the hearings before the Subcommittee on Juvenile Delinquency, in July of this year.

Mr. KENNEDY. That was on a totally different bill.

Mr. BENNETT. On this bill?

Mr. DODD. No, No; it was not.

Mr. BENNETT. On the question of ammunition.

Mr. DODD. That bill was withdrawn from the committee. We held no hearing on it.

Mr. BENNETT. That was the basic question of registration of ammunition.

Mr. KENNEDY. Does the Senator have it right there?

Mr. BENNETT. Yes.

Mr. KENNEDY. Would the Senator enlighten us about the testimony there? Will the Senator tell us what matter was being heard before the committee at that time? Of course, we have no record before us. No one of us has a record on this side. No one else has it.

Mr. BENNETT. I have the statement of Commissioner Thrower, Commissioner of Internal Revenue, before the Subcommittee To Investigate Juvenile Delinquency.

Mr. KENNEDY. On what bills?

Mr. BENNETT. S. 100, S. 849, 977, 2433——

Mr. DODD. That is not this bill.

Mr. BENNETT. May I finish, please? In that statement, Commissioner Thrower said:

> It is only fair to report to the subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way particularly in view of the multitude of sales in only sporting ammunition. Whatever manpower would be required to provide adequate checking and policing of this information would, in our view, be better utilized in enforcing other and more critical provisions of the gun laws. While we do not question the value of prohibitions on sales of ammunition to prescribed persons, we have serious questions as to the contribution to enforcement made by keeping records of sales of sporting ammunition.

Now, the fact that a specific bill to repeal a requirement on ammunition was not then before the committee does not invalidate the fact that the Treasury Department representative made this statement before the committee. I am sure they would make it again today.

Mr. DODD. I can answer that. I presided over those hearings. That bill was not before us. Commissioner Thrower did not address himself to it. I have the record here in front of me. He was not asked about that. It was not before us for consideration. Whatever statement he made about it did not pertain to S. 845, because that bill had been withdrawn.

Mr. BENNETT. That is true, but it is pertinent to the question before us today.

Mr. DODD. Now that is not the question that the Senator is talking about here, in answer to the Senator from Massachusetts. I tell the Senator, it is not so.

Mr. BENNETT. OK.

Mr. KENNEDY. What kind of procedure is this, I am wondering, for hearings on an unrelated matter, from which we get some paragraphs of testimony on a matter which is not even before that committee, to be trotted out as the administration's position on a bill which is not before the committee? What kind of procedure are we coming to?

Mr. BENNETT. The administration has stated its position in letters to the Senator from Connecticut (Mr. DODD), and in letters to me, so there is not any question——

Mr. KENNEDY. Why do they not come up and testify? That is all we are asking. We want to know whether the administration has any kind of position on matters of significance and importance, and after all the time that has been spent on the question by our subcommittee, will they not come up and be questioned on this?

Mr. BENNETT. I think it is unfair to——

Mr. KENNEDY. Why is the Senator from Utah so reluctant to permit the committee that has the proper jurisdiction to hold hearings? The chairman said he would do it in a short period of time and that we would report something out. This is the committee that reported the original gun bill here.

Mr. BENNETT. May I reply to that?

Mr. KENNEDY. Yes.

Mr. BENNETT. It became perfectly obvious to the Senator from Utah that the chairman of the House Judiciary Committee made it clear that even if the committee on this side, and the whole Senate, had approved this kind of legislation and it had been handled by the Judiciary Committee, he would not even take it up. So our problem was to find a way to take it up, and that way was to make use of the jurisdiction the Finance Committee has over taxes, which are involved in this problem——

Mr. KENNEDY. Involved in this problem? Involved in which problem? Involved in the regulations——

Mr. BENNETT. I misstated myself. The Finance Committee has jurisdiction over Internal Revenue Service, which has responsibility for enforcing this legislation.

I am sure that if the Senator from Massachusetts were in the same position the Senator from Utah found himself in on a piece of legislation on which he was being blocked by the unwillingness of sombody either in this body or the other body even to give consideration to his

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proposal, he would find some way to get around that roadblock.

Mr. KENNEDY. I can certainly give every assurance to the Senator from Utah, that I would not have done so when we have the proper and appropriate committee of this body, which is willing, as I stated on the floor here, and as was stated to the proponents, that it would have hearings. It is the same committee that has reported out gun control legislation time and time again. It was indicated to the Senator from Utah that the commitee would have hearings. I would certainly give that assurance. I would not violate what everybody has always said, that in the Senate we have a committee system, and this is the only way the Senate is going to function. We ought to abide by that principle. But apparently we do not when it comes to regulation of ammunition.

I would like to ask the Senator from Utah how many times the Finance Committee has exercised jurisdiction over gun control.

Mr. BENNETT. I think this is the first time.

Mr. KENNEDY. This is the first time.

Mr. BENNETT. I would like to ask the Senator from Massachusetts how many times he has brought an amendment out that has not had hearings.

Mr. KENNEDY. Not had hearings?

Mr. BENNETT. Yes. That is what the Senator said to me, that here we are bringing forth an amendment without hearings on it.

Mr. KENNEDY. Name one time when I brought one out that has not gone through the committee process anywhere in the Senate, reverse a law passed only a year ago, and is critical to a complex scheme of regulation. This is the matter before us now. The burden is on the Senator from Utah, not on me. The Senator from Utah is the one who is trying to convince the Senate.

Mr. BENNETT. I have been able to convince almost a majority of my colleagues——

Mr. KENNEDY. No one questions that the Senator has the required cosponsorship on this matter. The question comes down to whether we are just going to say, so all the Senate knows and all the American people know, that whenever we have the votes we can go through without any kind of adherence to the Senate's practices, without any kind of committee procedure at all, without respecting the established committee system.

When we are voting on this matter this afternoon, I am going to be extremely interested in how my colleagues vote. Some of them have talked about this tradition to a younger Member of this body, and we go through all the indoctrination that we should go through the system. The Senator from Utah has, on his own admission, said that the matter does not belong in the Finance Committee, but that he is going through it for expeditious reasons.

Mr. BENNETT. I did not say it does not belong in the Judiciary Committee.

Mr. KENNEDY. Would the Senator have done it this way if he had not been given assurance it would not be considered in the House? I thought the Senator said the reason for bringing it up in the Finance Committee was that the House committee chairman said he would not consider it.

Mr. BENNETT. I did this to get action on the bill, which is perfectly legitimate.

Let me read some of the jurisdiction of the Finance Committee. It has jurisdiction over the National Firearms Act. the Federal Firearms Act, so far as it involves tax on shotguns. It has jurisdiction over excise taxes on ammunition and on firearms. So——

Mr. KENNEDY. If the Senator will just wait a minute, if we could get the precise language, as I do not have it before me. The Senator is talking about the taxing jurisdiction. He is not talking about the present regulation of arms or ammunition. Would the Senator find for me, within the rule book, where the jurisdiction over this particular matter is in the Finance Committee?

Mr. BENNETT. The Senator from Utah will be glad to do that. It will take a minute or two to get that.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MOSS. We previously had a discussion over whether a form had to be filled out. I have been trying to get one. The distinguished Senator from Connecticut said he would quit if I found one. I will not hold him to that.

Mr. DODD. I want to be held to it.

Mr. MOSS. I have a letter from the Utah State Employees Association on this subject, and enclosed with it is a form that has to be filled out to purchase ammunition. Here it is. It says, record of ammunition sold, date of sale, store number, customer's name and address, date of birth, mode of identification—driver's license, specify what other—caliber, gage, or type of component, manufacturer, sold by, the clerk's name to be signed. So there is a form to be filled out.

Mr. DODD. On those statements, I do not have to quit. That is the seller's form. There is no question about that.

Mr. MOSS. We are talking about who provides the form.

Mr. DODD. I said show me such a form that the purchaser has to fill out.

Mr. KENNEDY. The Senator from Utah mentioned 52,000 duck hunters who were standing in line waiting to fill out forms. Here we find it is actually the seller who is filling them out.

Mr. MOSS. I suppose it can be done two ways. I will concede that the buyer can stand there and dictate each of these items to the seller, and the seller can write them down, and admittedly the seller has to sign the clerk's name. Or it can be done the other way, and the purchaser is told, "Here is the form. You fill it out and come back and we will sell you a box of shotgun shells."

Mr. KENNEDY. Do not the sellers in Utah, when they sell any ammunition, fill out a sales slip?

Mr. MOSS. Not when a customer pays cash.

Mr. KENNEDY. For the purpose of information?

Mr. MOSS. They do not have to give name, address, and kind of caliber. They ring it up on the cash register and the purchaser pays for it. And what would one do with the form when he fills it out?

Mr. KENNEDY. Does the Senator agree with the Senator from Connecticut that the purchaser himself does not fill out any form?

Mr. MOSS. Yes; I would say he may not have to fill out a form by actually writing it, but he has to provide the information.

Mr. KENNEDY. Is there anything in the regulations adopted in accordance with the Gun Control Act of last year that requires the purchaser of ammunition to fill out a form?

Mr. MOSS. That is my understanding; there is a form required. At least, these people signing petitions tell me that. They have been through the trouble of buying ammunition.

Mr. KENNEDY. I think that is important, because we have heard the Senator from Illinois talk about the burden on the purchaser. I think we are talking, not about the seller, but the hunter, the individual. We were listening to the burden placed on that person to fill out a form in compliance with the regulations. As I remember the discussion, the question was whether there was any obligation on the purchaser himself to fill out any form, or any form required by the regulations. I think what we have proved by this colloquy is that no such form is required. The form that is necessary is for the seller himself, and he has to keep a record. If there is a form required, this is the kind of thing we would get into in a hearing.

Mr. DODD. Yes.

Mr. MOSS. I have given the Senator the specific information, coded with the number: Part 178 of Code of Federal Regulations, "Commerce Firearms and Ammunition," 178.25, effective December 16, 1968, published in the Federal Register.

There are eight items: date, manufacturer, caliber, gage, type of component, quantity, name of purchaser, his address, his date of birth, mode of identification, driver's license or otherwise. Then it must be signed by the seller.

This is directly from the Treasury Department. So this is the requirement we are talking about. Now, this is different from going to buy other things of the type the Senator has been talking about.

He speaks of going in the grocery store. When I go shopping I do not have to list, for example, that I want a Norbest turkey, who packed it, what my address is, and how old I am. Even on items that are controlled rather carefully, as I indicated, like liquor or tobacco, where there is an age limit, the only requirement is that the buyer, through proper identification, convinced the seller that he is of proper age. He does not have to fill out anything. He pays his money, and he goes with the product.

Here we are requiring a lot of data to be recorded. I do not know what is done with it afterward. I understand there is some doubt as to what is done with it. But most important of all, how does it control the situation? If I come walking in and show, by my driver's license, that I am old enough, and I give

my name and address and say I want Remington 30–30, after I get the whole thing filled out and walk away with my box of shells, how is that going to control what I do with them? I might give them to my neighbors. I might carry them around in my pockets for 3 years. I might do any number of things. It does not control at all what those shell are to be used for. So all that has been accomplished is to create a delay, and, as the Senator from Illinois says, some kind of a conviction that we had some control to help cut down on crime. But it does not accomplish that at all.

Mr. KENNEDY. Mr. President, I think there are two points here. First, the question as to what is the burden on the purchaser, I think, this dialog has cleared up quite well. It was illustrated well, I think, by the example given by the Senator from Connecticut, and I think it has been established here this afternoon that it does not really add any additional burden on him. It does add some additional paperwork as far as the seller himself is concerned, but the question of the regulations and how they could be altered or adjusted is certainly a reasonable area for inquiry by the Subcommittee on Juvenile Delinquency; and if that card itself could be restructured or changed or altered—as perhaps it should be, I am not prepared to say whether it should or not—it certainly seems to me that it is not inappropriate for the committee that has jurisdiction to hold some hearings on that subject, and listen to sportsmen, law enforcement officers, manufacturers, small businessmen, and others to find out.

They might say, "Well, we could achieve the purpose of the law more easily if we just altered that card a little, like this or that, and then it would not really be an additional burden." Why is it so unreasonable? When we have regulations in the law that have only been on the books for some 10 months, and we have no testimony, why is it so unreasonable to have the committee which has jurisdiction hold some hearings on it, with the assurance of the chairman of that committee that the Senate will be able to respond? Why is that so unreasonable?

Mr. MOSS. Mr. President, if I may respond. Of course, I believe that under normal circumstances we would have hearings, and all sides should be heard. But, as the Senator pointed out, this has only been on the books now for a matter of 6 or 8 months, or effective that long.

Mr. DODD. It has been in effect for almost a year.

Mr. MOSS. Well, I was going by the date when this legislation became effective, December 16, 1968.

Whether or not it is acceptable in my State is clear right here. I have bales of petitions. Everyone who is a sportsman—and that is nearly everyone in my State—has run into the problem, and they are signing these and sending them in. Every day's mail brings me 200 or 300 more.

Mr. KENNEDY. The point is that even though the Senator from Utah has the cosponsorship, has 51 or 52 votes, why is it so unreasonable to say that we ought to be able to have some hearings on this matter? I ask him, why is that such an unreasonable request?

Mr. MOSS. I think the answer has been given by my senior colleague. First of all, there is the problem, of course, of getting legislation through both Houses of Congress. This one looks very doubtful on the other side, where it has to go through the Committee on the Judiciary.

Secondly, we are right up against the problem now. As I said earlier, our people are standing in line now, trying to buy a box of shotgun shells. They either have to fill out the form or stand there and tell the clerk all these items that I read off, and he has to write them all down on a piece of paper, before he is allowed to go to the shelf and get the box of shotgun shells and give it to the man who has the money ready to pay him.

When he has the sale made, and the form is in his hands, he has to do something with the form. I guess he has to mail it to the Treasury. They are the ones who made the requirement. And when all is said and done, you have not accomplished anything except to require 10 or 15 minutes to make a sale that ought to take less than five.

So we are just piling up a futile requirement that accomplishes nothing. It does not accomplish anything. We wonder why our people are restive about the bureaucracy and the long hand of the Federal Government reaching into everything. When we compel them to do something that does not make sense, of course they rebel.

Mr. KENNEDY. As I understand these petition forms, they are not unlike the forms that were conceived and sponsored last year by the NRA. The ones I received from the Senator are all identical.

Mr. DODD. If the Senator will yield, I think I can resolve that problem. I have in my hand a copy of the regulations, published in the Federal Register which sets out word for word just what has to be done under the Gun Act. It specifically says, on page 14 thereof what the licensed dealer has to do. The very form that has been read over and over here is the one that is set out in the regulations as the form the seller has to fill out, and not the purchaser.

Here it is. It not only spells it all out, but it requires the licensee to keep a ledger like the one I have in my hand and which they do keep anyway as prudent businessmen.

Mr. MOSS. Where does the seller get the information?

Mr. DODD. He finds the requirements in the regulations.

Mr. MOSS. No; to put on the form.

Mr. DODD. The licensed dealer obtains the information.

Mr. MOSS. The seller gets it from the buyer, does he not?

Mr. DODD. The seller obtains the name, age, and address of the buyer.

Mr. MOSS. How would the seller know the name? How would he know the address?

Mr. DODD. He would ask it.

Mr. MOSS. Well, of course; he gets the information from the buyer.

Mr. DODD. And the age the same way, and that is all he has to obtain from him.

Mr. MOSS. Plus what he wants to buy, how many shells he wants, what caliber or gage, what manufacturer's shells he wants, and all the rest of it. And the date of birth, and so on.

Mr. DODD. Well, he would have to ask some questions if he wants to sell anything.

Mr. MOSS. No; I can go in the supermarket and pick something off the shelf, and walk by the cash register and pay for it, and I do not have to give my age or anything else.

Mr. KENNEDY. Mr. President, on the various forms that have been sent in and signed here, it says, "We, the undersigned citizens, respectfully request that you make every effort to persuade the Treasury Department and Congress to eliminate registration requirements on purchases of shotgun and rifle ammunition."

Has the Treasury Department had any hearings on these regulations?

Mr. MOSS. They did, through publication in the Federal Register and receiving comments. This is the form that was published in the Federal Register, and had to be published for 30 days before it became effective.

Mr. DODD. The Treasury Department did have hearings on the proposed regulations.

Mr. KENNEDY. Was that done before the regulations were established?

Mr. DODD. Yes; before they were promulgated.

Mr. KENNEDY. Mr. President, can the Senator from Utah describe the nature of the hearings held by the Treasury Department?

Mr. MOSS. I do not have firsthand knowledge, but I know the procedure, and I know that there is a time when people can be heard.

Mr. KENNEDY. I understand they held those hearings before issuing the regulations.

Mr. DODD. Yes.

Mr. KENNEDY. They took into consideration various matters and then promulgated the regulations.

Mr. DODD. That is exactly what happened.

Mr. KENNEDY. Does the junior Senator from Utah or the senior Senator from Utah know whether there have been any additional hearings held by the Treasury Department on suggestions to revise the current regulations?

Mr. BENNETT. I understand that the regulations have not been changed since written by the previous administration.

Mr. KENNEDY. That was not my question. My question was whether, in view of the talk about their being dissatisfaction with the current regulations, the Treasury Department has held any hearings on the matter. Do we have any help and assistance from the Treasury Department?

Mr. BENNETT. I do not think the Treasury Department is under the obligation to hold hearings. I think it has checked the situation in the field.

Mr. KENNEDY. Does the Treasury Department hold hearings prior to estab-

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lishing regulations and publishing them in the Federal Register?

Mr. BENNETT. I think the Senator from Connecticut said that the Treasury Department held hearings before the regulations were written in the first place. It has not changed those regulations since, I think, hoping that we could change the law so that the regulations would be automatically reached.

Mr. KENNEDY. The point I am making is that I understand the Treasury Department, after laws are passed and prior to issuing regulations, holds certain hearings. They did so in this instance, and they took into consideration the different viewpoints and then issued certain regulations. Now the Senators from Utah say the regulations are not functioning because of letters or an exchange of individual correspondence—to my knowledge the Finance Committee has not received it—to the effect that the regulations are not working.

I am asking whether the Treasury Department, because of their anxiety about the regulations and their belief that they do not work, has tried to change the regulations.

Mr. BENNETT. Mr. President, the information we got was that if this measure were passed, that would take care of the matter, and there would not have to be any further regulations.

Mr. KENNEDY. No effort has been made in the Treasury Department, at least none that can be testified to, and no witnesses were heard either before Congress or the Treasury Department on these regulations to express dissatisfaction, which is really a routine matter. When the Treasury Department imposes regulations which some term unsatisfactory, it can, as is done in other departments, hold hearings to discover if there is legitimate dissatisfaction, and they can offer to change the regulation. If that does not satisfy the situation, they then offer recommendations to Congress.

They made no effort to do this at all in this case. The Senator cannot show us where the Treasury Department was so worked up that they made any effort to accommodate the situation the junior Senator from Utah talks about with relation to forms that must be filled out.

We have no record of hearings. We have a questionable exercise of jurisdiction. I note that the chairman of the Committee on the Judiciary is present. We know how important it is to maintain the integrity of the committee system. And we have the assurances of the chairman of the Subcommittee on Juvenile Delinquency that he will see that we have expeditious action.

Mr. DODD. Mr. President, I should like to ask the Senator from Utah a question. Perhaps we can resolve the matter. Would the Senator be willing to agree that we not deliberate this matter further today, but that the amendment be referred to our subcommittee? We will hold hearings beginning on Monday morning, and we promise to conclude them in a matter of 4 or 5 days. The matter will then be referred to the Finance Committee for approval or disapproval.

The Finance Committee can hold hearings if it desires. We will then have had hearings before our committee which has jurisdiction and also before the Finance Committee, which I am willing to give concurrent jurisdiction. We will have heard from people on both sides of the issue. We will have the hard facts and the information we need. It will be far better than the attempt to emasculate the gun bill in this fashion.

One Senator says that a long form has to be filled out, and another says that it is not the case. There have been no hearings and we have no hearing record. That is why the facts are in conflict.

Mr. KENNEDY. Mr. President, I think it is a thoroughly accommodating gesture by the Senator from Conneeticut. I would hope that sufficient questions have been raised during the course of the debate this afternoon to show that this is a very reasonable request.

As I understand it, the Senator from Connecticut would hold hearings and he would be willing to schedule them on Monday. He would then be willing to refer the measure to the Finance Committee, and that committee could then act on the measure.

Mr. DODD. The Senator is correct. I am sure that we can do that. That course of action would also get around the objection of the Senator concerning the House Judiciary Committee.

Mr. BENNETT. Mr. President, no attempt would have ever been made to take the measure out of the jurisdiction of any committee if there had been any opportunity to get the measure passed by both Houses.

To go back at this time as a matter of procedure and to retreat from this point and have hearings before the Judiciary Committee and then refer the matter to the Finance Committee and then have it brought back to the floor and return to the same situation in which we are now would seem to me to be an exercise in futility and a complete waste of time.

I think that everyone understands the problem.

I think there was testimony before the Senator's committee on this subject. I do not know whether it was directed to the specific bill before the committee at this time.

I do not think we would get any more information. I think it is perfectly within the pattern of the operation of the Senate that an amendment like this could be offered on the floor without even having committee consideration. This measure had committee consideration by the Finance Committee and was reported by the Finance Committee. The Finance Committee is buried in the job of writing a tax bill. We can assume that after the tax reform bill gets to the floor of the Senate, the committee will be deeply involved in that matter for the length of time it will take to debate and consider the matter. There will be no opportunity then to get further Finance Committee deliberation of this measure for a long time to come.

I see no reason why we should turn around and go back to this process again in order to get back to where we are now.

Mr. DODD. Mr. President, we would not have to do it again. We have not done it at all.

Mr. KENNEDY. Mr. President, the Senator from Connecticut has been very reasonable in his suggestion as to a way in which to get by this impasse.

I know that the distinguished chairman of the House Judiciary Committee, Representative CELLER, has been represented here as being an obstructionist. I think that is an unreasonable and an unfair characterization.

Mr. BENNETT. Mr. President, I did not say that. I said that he would not take up this bill or any bill affecting gun legislation at this session of the Congress.

That does not call him an obstructionist. It represents a policy he is following that constitutes an effective block to this kind of legislation.

I think that if the Senator from Massachusetts were in my place, he would have done as I have done and tried to find a way around the block.

Mr. KENNEDY. Mr. President, does not the Senator believe that if the Committee on the Judiciary passed the measure, the House would be under a compulsion to give the matter some consideration? Would not the position of the Senator be stronger if the measure went through the route suggested by the Senator from Connecticut and hearings were held before the Judiciary Committee and then the Finance Committee considered it, and the matter was then considered on the floor of the Senate? If the House of Representatives then failed to take action, the Senator could come back to this forum and demand some kind of action. It would be a stronger position to be in than to make some comments on information that the Senator is privy to, but of which I am unaware.

Mr. BENNETT. It is in the RECORD.

Mr. KENNEDY. Certainly it would be a good deal more understandable if we had gone that route and failed to get any kind of action and then come back to the consideration of this matter through the Committee on Finance. Does the Senator think that the request of the Senator from Connecticut is an unreasonable one?

Mr. BENNETT. I think it is an unnecessary waste of time. We have come to this position. The Senator from Connecticut says he is going to make a motion to table it. Let us have him make his motion, and let us find out how strong my position is. I am perfectly willing to leave it to the decision of the Senate. If the Senator from Connecticut delays his motion too long, I may have to make a similar motion, even though I vote against it, in order to bring to a close what I think is superfluous and unnecessary debate.

Mr. DODD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. DODD. I do not know that Representative CELLER ever made any such statement, and if the Senator from Utah does, I think it would be helpful to all of us if he would tell us when and where.

Mr. BENNETT. This word came to me early in the year, at the time I asked the Senator from Connecticut to abandon consideration of 845. It has been

confirmed within the last 48 hours. He is going to object to the House consideration of this bill if it comes there.

Mr. DODD. This is a different matter. With this amended bill and the way it is being handled in the Senate, I can understand his objection, and I think he is right. There has been no hearing in the Senate and no hearing in the House. It would be run through the Senate as a Christmas tree present, on a bill to which it is wholly unrelated.

I wonder whether the Senator is sure that the chairman of the House committee ever said he would obstruct any amendment that came to that body from the Senate. I would have grave doubts about that.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. KENNEDY. As to the point made by the Senator from Connecticut about "this word," does the Senator from Utah have a letter from Representative CELLER?

Mr. BENNETT. The Senator from Utah has no letter.

Mr. KENNEDY. Does he have any quotation that has appeared in a reputable newspaper?

Mr. BENNETT. The Senator from Massachusetts pays no attention to letters. He has just announced the insufficiency of the letters from the Treasury Department, so why should the Senator from Utah be concerned about his getting a letter?

Mr. KENNEDY. I was wondering about the basis for the representation that the Representative from New York said there would be no action. Is it in the RECORD?

Mr. BENNETT. It is not in the RECORD. But the Senator from Utah is satisfied. If the Senator from Massachusetts is not satisfied and would like to talk to the Representative from New York, the chairman of the committee, he may do so. But so far as the Senator from Utah is concerned, after many months of trying to work this problem out, we have come to this point; and the Senator from Utah is perfectly content to have the Senate make its decision, rather than go back and go through the chairs again and return to this point.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield?

Mr. CANNON. Mr. President, will the Senator yield?

Mr. KENNEDY. I think the Senator from Nevada asked me to yield before. I yield to the Senator from Nevada.

Mr. CANNON. What is the purpose of obtaining the information in the form that is required?

Mr. KENNEDY. The purpose for obtaining the information on the form?

Mr. CANNON. The form that is required under the regulation.

Mr. KENNEDY. It is to meet what has been outlined day after day, month after month, year after year, in hearings of the Subcommittee on Juvenile Delinquency, conducted by the distinguished Senator from Connecticut, and which has been outlined in the Crime Commission report. It is the facility which mental incompetents, juvenile delinquents, and known felons have to acquire ammunition and arms. That is the thrust and the purpose of the inclusion of that requirement in the gun law of last year and for the propounding of these regulations.

Mr. CANNON. If that is the purpose, may I ask the Senator this question: Is there a question in the form that asks a man if he has ever been convicted of a felony? Is any such question in that form?

Mr. KENNEDY. There is provision in terms of age, in terms of name and address. Certainly a felon will hesitate before he puts that information on the record in connection with a purchase of bullets.

Mr. CANNON. I did not ask about age. I asked about a felony.

Mr. DODD. I can say there is not, and I do not think there should be.

Mr. CANNON. Mr. President, who has the floor?

Mr. KENNEDY. I have the floor.

Mr. CANNON. I am confused.

Mr. DODD. I think I can help.

These regulations were written pursuant to the passage of the Gun Control Act and as required by the act. They were written by the Secretary of the Treasury in order to make it impossible, if we can, for, as the Senator from Massachusetts pointed out, juveniles, mental incompetents, felons, and addicts to get——

Mr. DOMINICK. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. It is my understanding that the Senator can yield only for the purpose of a question, not for the purpose of allowing everybody else to make speeches.

The PRESIDING OFFICER. The Senator from Colorado is correct.

Mr. CANNON. My question was this: Where is anything in this form that indicates whether a person has or has not ever been convicted of a felony? I do not find anything in the form that relates to a felony.

Mr. KENNEDY. Whether we should have that requirement might be one of the things to be gone into in hearings, if we were permitted to consider this matter in committee.

Mr. CANNON. The only thing I can find in relation to the purposes stated is the question on date of birth. I do not know why a person has to have the person's name or the name of the manufacturer if they are concerned about the date of birth.

Mr. KENNEDY. Perhaps the point that the Senator from Nevada makes about the question of the felony should be on there. Perhaps we ought to have a hearing and find out whether the law enforcement people of this country feel it would be useful to have that on there, and whether it might properly be required. That is the kind of thing I would hope we could look into. Perhaps it should be on the form, and that may be one of the matters the committee would go into.

Mr. CANNON. Is it now the law that it is unlawful to sell to a person who has been convicted of a felony? Is that a provision in the law?

Mr. KENNEDY. To knowingly sell, I believe.

Mr. CANNON. And is it in the law that it is unlawful to knowingly sell to a person under the age of majority?

Mr. KENNEDY. That is correct.

Mr. CANNON. Under what age—18 or 21?

Mr. KENNEDY. It depends on the weapon. On the long gun it is 18, and on the handgun it is 21.

Mr. CANNON. So where the majority is 21 in some States, they can sell to someone under the age of 21?

Mr. KENNEDY. We establish it. It is a national regulation. It is 21 for handguns and 18 for the long guns.

Mr. CANNON. Does the Senator feel that this form helps to achieve the purpose he has intended or that it imposes an unreasonable burden on people who want to buy ammunition for sporting purposes?

Mr. KENNEDY. As we brought out in the dialog, there really is very little additional burden on any purchaser when he goes in to buy ammunition.

It is the belief of principal law enforcement personnel that this is helpful in identifying the violators and felons. An example of that was cited earlier by the distinguished Senator from Connecticut—the fact that 21 percent of the District of Columbia people who bought ammunition in Maryland had a felony background. I think it is helpful to illustrate that.

I think it is useful and it is helpful. If we are going to change that requirement, I think we should find out by hearings how helpful and useful it has been and can be. I believe it is helpful. I think a case has been made.

Mr. CANNON. The Senator says this is useful in determining law violators who get access to this ammunition. How is that helpful to law-enforcement people? Are these forms turned over to the law-enforcement people?

Mr. KENNEDY. They can be. For example, in the District of Columbia they have computer lists of the names of known felons. When someone who is a known felon buys ammunition, they can check this. It depends on the law-enforcement agency as to whether they are doing this or not.

Mr. CANNON. Who keeps the records on this? Who keeps these records which are filled out by the hundrdes of thousands at the local stores?

Mr. KENNEDY. They are available to law-enforcement personnel. It is up to them.

Mr. CANNON. Are they furnished to the law-enforcement agencies?

Mr. KENNEDY. It is up to the law-enforcement personnel if they want to pursue them. That is one of the questions here. Is the law being adequately used?

Mr. CANNON. If they want to go and examine them?

Mr. KENNEDY. That is correct.

Mr. CANNON. But the forms are not furnished them?

Mr. KENNEDY. They are available.

Mr. CANNON. What does the Senator mean?

Mr. KENNEDY. Just the common understanding of the word "available."

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Mr. CANNON. Does the Senator mean the forms are there for the law-enforcement agencies if they want the forms?

Mr. KENNEDY. The Senator is correct.

Mr. BENNETT. Mr. President, may I answer the question?

The PRESIDING OFFICER (Mr. Stevens in the chair). Does the Senator from Massachusetts yield?

Mr. KENNEDY. Mr. President——

Mr. BENNETT. I can answer the question in two words. The law requires dealers to keep the records 2 years.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. CANNON. There is no requirement that these forms be furnished to the law-enforcement agency. Is that correct?

Mr. KENNEDY. The Senator is correct, except that such agencies may inspect them on request.

Mr. CANNON. Is there any requirement on the law-enforcement agency to go and examine these forms at any time?

Mr. KENNEDY. There is no requirement, as such, but any agency doing its job should do so, at least on a spot check basis.

Mr. CANNON. Does the law require the dealer to keep the records for 2 years, then burn them, throw them away, or do what he wishes with them?

Mr. KENNEDY. I understand they have to keep them for 2 years as a minimum. What happens after that I do not know.

Mr. CANNON. This is helpful to the law-enforcement agency only if the law-enforcement agency decides they are going to go to every gun dealer in the city and examine all the records of sales.

Is there any provision that the records are kept in alphabetical order?

Mr. KENNEDY. No.

Mr. CANNON. Does the Senator think that the law-enforcement officer in one of the cities in my State, where hundreds of thousands of boxes of ammunition are sold in a year for sporting purposes, is going to go through an alphabetized list to see who furnished that information? Does the Senator believe that is going to happen?

Mr. KENNEDY. No. I believe what could very well happen there would be what could now happen in the District of Columbia. The District has a computerized system of names and addresses of known felons. Although it depends widely on the disposition of the law enforcement personnel this can give an additional kind of help in prosecution. Spot checking would be very easy. And, it would limit the sales of ammunition with respect to juveniles, felons, drug addicts, mental defectives and so forth, because they would be deterred from identifying themselves for the record.

Certainly if they so choose, the law enforcement agencies can check through the list and prosecute. They could be doing that at the present time. It is not widely done but this is one of the reasons gun control has been recommended by the Crime Commission. The Crime Commission has made a long study about how to alleviate problems involved in law and order, and gun control was high on its list. I think it is probably a useful step. If it is not, I think it would be helpful to find out why.

I think the Senator should have his law enforcement personnel in from Nevada and other States come here so we can find out.

Mr. CANNON. If we can save them a trip back here, I would be glad to give the Senator correspondence about the matter from a number of my constituents. It would save them a trip back here. They explain it pretty well in a letter with an airmail stamp.

Mr. KENNEDY. That could be a part of the record, but we have no record now.

Mr. CANNON. Other than what the Senator has just said, is there any other useful purpose in this recordkeeping exercise?

Mr. TYDINGS. Mr. President, will the Senator yield for the purpose of a few questions that might get to the heart of the questions that the Senator from Nevada is asking?

Mr. KENNEDY. I yield.

Several Senators addressed the Chair.

Mr. DOMINICK. Mr. President, may we have order?

Mr. KENNEDY. Mr. President, I yield for a question to the Senator from Maryland.

Mr. TYDINGS. I am directing this question to the Senator from Massachusetts.

Mr. DOMINICK. To whom is the Senator from Massachusetts yielding?

Mr. KENNEDY. I yield to the Senator from Maryland.

Mr. PASTORE. For a question.

Mr. TYDINGS. Is it not a fact that, during the debate last year that took place in this Chamber when the question of keeping records on the sale of ammunition came up, was debated, and was carried, the reason or one of the reasons why the issue carried was that there are provisions in the law—specifically section 922(b) which prohibits any licensed gun dealer to sell ammunition to a minor, section 922(b)(2) which prohibits any licensed gun dealer to sell ammunition to any person in violation of local law, section 922(d)(1) which prohibits any licensed gun dealer from selling to any person under indictment, section 922(d)(2) which prohibits any licensed gun dealer from selling ammunition to any fugitive, section 922(d)(3) which prohibits any licensed gun dealer from selling to any known drug user, section 922(d)(4) which prohibits any licensed dealer from selling to any mental defective—which could be more easily enforced; and, as a matter of fact, are almost impossible of enforcement unless the licensed gun dealer took the very minor step of requiring the name, address, and age of the individual; and was it not further brought up in the course of the debate that the mere fact that the fugitive, minor, narcotic addict, or mentally defective individual knew he would have to give his name, address, and age to a licensed gun dealer might dissuade that person from buying ammunition; and was that not debated and was that not one of the issues on which the Senate based its judgment in adopting this measure?

Mr. KENNEDY. That is correct. I yield the floor.

Several Senators addressed the Chair.

Mr. DOMINICK. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. Mr. President, I shall be very brief in connection with this matter and I shall be happy to yield to anyone who wishes to ask a question or two.

The thing that I think should be placed in summary form is the requirement that every small or large ammunition dealer must keep a record. This has been referred to by the Senator from Nevada (Mr. Cannon). The record has to be kept for a minimum of 2 years. The record is not forwarded to the Treasury Department. No copy of the record goes to the local police officials. There are no standard forms for use. Many of the records are kept on plain lined paper. There are no separate sheets for each sale. One would have to look through them all to find any one purchase. The records probably are not filed alphabetically in most cases. All I can see that they have is a mountain of paper, which certainly does not prevent crime.

It strikes me that in giving one's name, address, age, and producing a driver's license, there is nothing that would prevent anybody from going in and getting the ammunition. This requirement is no deterrent to any criminal. Therefore, we have not passed anything in the way of helpful legislation to deal with the problem of reducing the use of firearms in the commission of crimes. Since we have not cured anything, let us get rid of it. Why burden everyone with the problem, whether it is this paperwork or the desire of a sportsman to go hunting?

In the Select Committee on Small Business one of the most tremendous problems we have discovered in the entire country, is the number of separate forms and the great amount of papers that small businessmen have to fill out, at great expense and loss of time. Where the forms are not useful, they should not be required.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. CANNON. I would like to ask the Senator if there is anything on the form, in the information that is required, that would be helpful to achieve the purposes the Senator from Massachusetts said were intended, other than the age of the person?

Mr. DOMINICK. No. I was going to say, age is the only information furnished.

Mr. CANNON. And could not age be ascertained from the driver's license or any other card without necessity for requiring name, address, rank and serial number, as we used to say in the service.

Mr. DOMINICK. The Senator is correct. Anyone can say anything he wants to say as long as he has a name matching the card he produces.

Mr. CANNON. Is there anything indicating the man has been convicted of a felony, that he is a narcotic user, or likely to be a narcotic user, or anything

that might lead one to believe the purchaser is going out to commit a felony?

Mr. DOMINICK. No, and I might say if those questions were added it probably would be self-incrimination, which would be unconstitutional.

Mr. CANNON. Does the Senator believe that the Treasury Department would come in and say it does not believe this provision is helpful for the purpose intended in the law? Does the Senator think they would say that, if it were not so?

Mr. DOMINICK. No, sir, I do not. That is a good point to bring up.

Mr. BENNETT. Will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. BENNETT. Suppose this process turned up the fact that a convicted felon had actually purchased ammunition? Is there anything that the Treasury Department could do about it? Could it take that ammunition away and throw him in jail for buying ammunition just because he was a convicted felon?

Mr. DOMINICK. That is another thing I was going to say. I am glad the Senator brought it up. I do not believe there is anything in the law that would permit the Treasury Department to take such action. The fact that he has brought some ammunition does not mean that he is going out to shoot his next door neighbor. This registration is not under oath. It adds no new violation for which a felon could be prosecuted. The paperwork provides no new tool for law-enforcement officers.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. The Senator knows that I have taken a position very strongly for gun control. I am also the ranking member of the Small Business Committee which is deeply interested in the proliferation of paperwork. Let me tell the Senator what troubles me.

Mr. PASTORE. Will the Senator please speak louder so that we can hear him?

Mr. JAVITS. I will.

Mr. PASTORE. We want to be in on it.

Mr. JAVITS. Two questions trouble me. One, it is not the judgment of the Senator that, by adopting this amendment, we are beginning to erode the Gun Control Act? People like myself, who strongly favored that legislation would be deeply concerned about that. This amendment, in and of itself, may not be a consequential matter, but it begins to erode by peripheral means—through an unrelated revenue bill—the Gun Control Act—a bill, which was not any too strong to begin with

Mr. DOMINICK. Let me answer that question first. There is no erosion when we get rid of a piece of deadwood that has been attached to the bill which is not accomplishing a thing in the way of the intent of those in favor of gun control. These regulations are in fact building more opposition to gun control. Though I do not favor gun registration, it seems to me this present requirement is counterproductive.

Mr. JAVITS. That is the Senator's opinion, and I respect it, but he is not very favorable to gun control. I do not share his view.

Mr. DOMINICK. No. I might say, however, that this is the opinion the Department of Justice and one other agency——

Mr. BENNETT. The Treasury Department.

Mr. DOMINICK. Yes, the Treasury Department. We have already made the record on that, thanks to the Senator from Utah.

Mr. JAVITS. Second, would it not be desirable to have someone examine this situation in order to check on the concerns which the Senator from Maryland (Mr. Tydings) expressed in his leading question. Such information would be useful in terms of identifying prohibited purchasers at least to find who they are, and get after the dealer?

If present regulations are onerous, if they are not really required or can be simplified, at least, we should seek to find some way to reconcile the necessity of ascertaining prohibited purchasers and the need for simplifying recordkeeping. That sort of study is preferable to adding this provision and insisting on forcing it through. Should not we, at least, try to reconcile this objective to the broader purposes?

Mr. DOMINICK. I would say to the Senator from New York that we are entering into the hunting season on a nationwide basis, and that we already have substantial evidence that this particular series of certificates is not doing anyone any good but is creating enormous animosity all around the country. If we really want to try to do something which we think would be more effective, then we should hold hearings and vote on it after we have eliminated these perfectly useless regulations. I see no point in retaining a provision which accomplishes no end except filling out more papers. Later on we can do something more about it, if that is the will of Congress.

Mr. JAVITS. The Senator from Colorado has a right to call this a "useless regulation," but I would say——

Mr. DOMINICK. Yes, the Senator from Colorado feels that way. That is the reason I stated it. I cannot see anything useful in it.

The Senator from Connecticut and the Senator from Maryland have not pointed out a single case where this type of certificate has been useful to law-enforcement officers in arresting or sentencing anyone, or preventing the commission of a crime.

Mr. JAVITS. I thank my colleague from Colorado. I cannot agree with him, but I thank him for his frankness.

Mr. PASTORE. Mr. President, will the Senator from Colorado yield on that very point?

Mr. DOMINICK. At this time, Mr. President, I yield to the Senator from Pennsylvania, and then I will come back to the Senator from Rhode Island.

Mr. SCOTT. Mr. President, would not the Senator agree that no law enforcement purpose is served by the present system and that it has operated in a way which serves merely to harass the law-abiding sportsman?

Mr. DOMINICK. I would certainly agree, yes.

Mr. SCOTT. Would the Senator not agree that if this provision were repealed, in no way would enforcement of criminal law be impeded to the disadvantage of law enforcement officers?

Mr. DOMINICK. That is totally correct. There are still prohibitions in the law, as referred to by the Senator from Maryland, concerning the prohibition against selling to minors, delinquents, and so forth. In addition this provision would not affect the regulations on the sale of ammunition for handguns. It affects only rifle and shotgun shells.

Mr. SCOTT. Mr. President, I am a cosponsor of the amendment of the distinguished Senator from Utah (Mr. Bennett) to the tax equalization legislation before this body. This rider repeals the burdensome rifle and shotgun ammunition sales registration requirements of the Gun Control Act of 1968. I joined as a sponsor of this amendment and support it now because I believe that provision of the Gun Control Act places an unfair burden on the great majority of law-abiding citizens in this country including over a million Pennsylvania sportsmen. I am particularly concerned about the seemingly endless forms which sportsmen have had to fill out for the Alcohol Tax Division of the Internal Revenue Service. I have long been concerned that the present methods of enforcement go beyond the intent of Congress and serve no useful purpose. I have been informed by the Secretary of the Treasury that this information has not been properly utilized in Washington due to the impossible task of working with the millions of registration statements. In addition, it is not possible to trace this sport ammunition in an accurate way. I want to assure sportsmen that they are not being treated like criminals. Several months ago, I promised Pennsylvania sportsmen that I would do everything possible to eliminate these registration requirements before the hunting season began. In urging your support of this measure, I am cognizant of the controversy involved, but I urge that the burdensome and bureaucratic ammunition sales registration system now imposed does nothing to control crime or criminals. No law enforcement purpose is served by the present system which as operated in a way which merely harasses the law-abiding sportsmen. I urge that this body repeal those provisions of the Gun Control Act of 1968 which provides for sportsmen's registration requirements for high-powered rifle or shotgun ammunition.

I recognize that the only way a divided Democratic leadership would move this legislation on the floor was to remove .22 caliber rimfire ammunition from the amendment. I want to assure the sportsmen of Pennsylvania that I will continue to work to repeal those registration requirements as well as the ones I urge the Senate to repeal today.

Mr. DOMINICK. Mr. President, I am happy to yield now to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I was a little surprised at the assertions which were made by the Senator from Colorado, who used the rationale that up to this time not one criminal has been turned up as having gone into an am-

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munition purchase shop to buy these long-gun bullets.

Mr. DOMINICK. I did not say that, if I may say so to the——

Mr. PASTORE. Will the Senator repeat again for my benefit what he did say?

Mr. DOMINICK. I said that I had not heard from any of the opponents where this particular provision had helped the police to arrest someone because of this registration.

Mr. PASTORE. On that same score, could it not be that the chances are this law has worked and criminals have been deterred from purchasing these long-gun bullets?

Mr. DOMINICK. Only if one assumes that every criminal is a creep or an imbecile. I certainly do not think so.

Mr. PASTORE. I think they are despicable and imbecilic. They are creeps. I think they should stop buying long-gun bullets. I think we should do everything to stop them from buying long-gun bullets. That is exactly what we should try to do.

Mr. DOMINICK. I could wave the flag in the same way.

Mr. PASTORE. I am not waving the flag. I am waving a little logic.

Mr. DOMINICK. So am I. If the Senator can point out where the certificates are doing anything in the way of preventing anyone from buying bullets, if they want to buy bullets, I should like to hear it.

Mr. PASTORE. I shall have my turn when the Senator sits down.

Mr. KENNEDY. Will the Senator from Colorado yield for a question?

Mr. DOMINICK. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Was not the Senator on the floor when, earlier in the afternoon, the distinguished Senator from Connecticut pointed out that yesterday the personnel on his staff went to a sports shop over the Maryland line and recorded for a period of 1 hour the names of purchasers of ammunition which would be included in the Bennett amendment, and then researched police records in the District of Columbia—and found that 21 percent of the District of Columbia residents who had purchased that ammunition over there in Maryland were felons.

It seems to me, Mr. President, that if we require the names and addresses of purchasers of ammunition from a driver's license, a draft card, a credit card, or whatever, it is most difficult not to agree that law enforcement personnel would be greatly assisted, in finding criminals if they are interested in doing so, felons and potential felons would be deterred, and the cause of crime prevention furthered. To say otherwise, Mr. President, is indefensible, in my opinion.

Mr. DOMINICK. I say, it is unusual that members of a Senator's staff had to go down, and the police did not. I do not think we can prove anything by the fact that a criminal bought some ammunition. This provision will not keep criminals from obtaining ammunition.

Mr. KENNEDY. Yes, but that is the point. This has only been the law for 10 months. What we are really doing is changing it before it has ever been given a trial.

Mr. DOMINICK. Is the Senator asking me a question?

Mr. KENNEDY. Yes; I am asking a question.

Mr. DOMINICK. Let us ask a question; let us not make a speech.

Mr. KENNEDY. Is it not so? Is it not so that the staff went down there and located this?

Mr. DOMINICK. I do not know.

Mr. KENNEDY. And that 21 percent of those people had committed crimes? And is it not so, further, that this provision has not been given a reasonable period of time so that the law enforcement people of this country could give it a full chance? And is it not so, further, that it would be useful——

Mr. DOMINICK. Before the Senator goes so far in his question, will he give me a chance to answer?

Mr. KENNEDY. I will finish it in just 1 second.

The PRESIDING OFFICER. Does the Senator yield for the question?

Mr. DOMINICK. I yield for a question.

Mr. KENNEDY. Is it not so that, in order to ascertain whether this provision would be beneficial to the law enforcement personnel of this country it would have been helpful, to have had them testify before a committee of this body? Would it not have been helpful to have heard their testimony? Then we would not have to be speculating on whether this provision deters crime and whether the forms ought to be changed.

Mr. DOMINICK. Let me answer before the Senator starts making more speeches. First, I have no reason to doubt that the staff of the Senator from Connecticut went there and made this investigation.

Second, I have not seen it, so I do not know what it says.

Mr. KENNEDY. Will the Senator yield?

Mr. DOMINICK. No; I refuse to yield until I finish answering the Senator's question.

Third, I have no doubt somebody found that they had some kind of record whether just arrests or actual convictions, and that the percentage was 21. I do not know what kind of crimes they committed, whether they were for parking, speeding, armed felonies, or what they were.

Fourth, I do not know that this has a single thing to do with what we are talking about, because the police did not find them, they have not used the registration forms, and there has been no case cited to show that this provision has any effect on law enforcement procedures.

As far as hearings are concerned, the Senator from Connecticut, the Senator from Massachusetts, or any other Senator whose committee has jurisdiction over the matter can hold all the hearings they want. I will be delighted to come in and testify. But let us go ahead now and have a decision on this question.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. CANNON. Is it not a fact that we have here eloquent testimony—more eloquent than could be produced in any committee hearing—against this kind of recordkeeping by reason of the statement of what has already been found there by the recordkeeping? If 21 percent of the people who bought ammunition in that place in Maryland were convicted felons, I do not know what other evidence one could find to show that this provision of the law is completely unreasonable, irresponsible, and ineffective. Is that not a fact?

Mr. DOMINICK. I presume the Senator from Nevada is asking my opinion on this. All I can say is that I cannot see that this provision is going to be useful in that way. It has not prevented felons from purchasing ammunition. It would probably be unconstitutional to require a person to write down whether or not he was a convicted felon. I cannot see where the police have inspected these records and really used them. So I would tend to agree with the Senator from Nevada.

Mr. DODD. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. DODD. The Senator from Nevada complains that we detected only 21 percent of the purchasers with criminal records. Before the Gun Control Act was passed, similar checks a year ago showed that 70 percent of such purchasers had criminal records. I am sure the Senator from Nevada will be interested in that. He says the law is no good.

Mr. DOMINICK. Does the Senator intimate that a year ago, before the law went into effect, Maryland had the same requirement?

Mr. DODD. Before the Gun Control Act was enacted substantial numbers of Washington residents with criminal records were buying guns and ammunition in Maryland.

Mr. DOMINICK. Is the Senator from Connecticut saying that Maryland had the same requirements for registration of ammunition a year ago?

Mr. DODD. No; the State did not have that requirement.

Mr. DOMINICK. I am having trouble hearing the Senator.

Mr. DODD. No; Maryland did not have similar requirements, obviously. Those requirements were the result of the gun bill passed 10 months ago.

Mr. DOMINICK. How did the police know that 70 percent of the people buying ammunition at that particular gun store a year ago were felons?

Mr. DODD. Because we obtained the records under the provisions of the Federal Firearm Act and gave them to the police.

Mr. DOMINICK. But the Senator indicated that they did not have records.

Mr. DODD. We had Federal investigators find out who were buying guns and ammunition. They obtained names and addresses and gave them to the police of the District of Columbia. The records showed that 70 percent of them had felony arrest records.

Mr. DOMINICK. Then I submit to the Senator from Connecticut that the same procedures could be used now with as much effectiveness, without burdening the dealers with a lot of paperwork that law enforcement officers are not using.

Mr. KENNEDY. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield for a question.

Mr. KENNEDY. For a question. Does the Senator now agree that if those 21 percent were felons, they violated the law, and under the provisions of the gun law they can be prosecuted and sentenced to a substantial fine and period of imprisonment?

Mr. DOMINICK. I presume they can. I think it is going to be an interesting case, but I have not heard any one in the 21 percent charged. Furthermore, the same information could be obtained without these regulations, as I just pointed out.

Mr. KENNEDY. I wish the Senator from Maryland were present so he could correct me if I am not right, but I understand there is a distinction. To purchase in the District of Columbia, one has to show a permit for the purchase of ammunition or firearms. That is not a requirement in Maryland. Therefore, I understand what happens is that the felons themselves go into Maryland and violate the law in purchasing the ammunition, and possibly even firearms. But by doing so they violate the Federal law, for which they can be prosecuted.

Whether they will be prosecuted by the Internal Revenue Service, whether there are sufficient personnel to prosecute them, whether other Federal agencies can be persuaded to prosecute—obviously, it has not been done on the 21 percent—still they could be prosecuted because they violated the law. Is that correct?

Mr. DOMINICK. As far as I know, either the dealer or the purchaser can be prosecuted. I do not know which; maybe both. But I would say to the Senator from Massachusetts that this could be done without requiring all this useless paperwork. The Senator from Connecticut just pointed out his staff was able to get the same information before these regulations were put into effect. So why should we keep this kind of recordkeeping system in effect when we are not sure we can use the provisions at all?

Mr. KENNEDY. I think the Senator will agree that those who have violated the law can be prosecuted; that it is a question of whether there is a will and whether there are adequate law enforcement personnel and sufficient personnel to prosecute. But they are liable under the provisions of the law.

Mr. DOMINICK. If I may answer the question this way, those people can be prosecuted regardless of whether or not we have the form. All we are talking about is the form. We are trying to get rid of an unconscionable burden so far as the dealers are concerned, and one that is a source of annoyance to purchasers. If there are adequate personnel to investigate and prosecute these people it can be done without this form. It would not take any more personnel. This amendment does not affect any other provision of the law to which the Senator from Massachusetts is referring. It only eliminates the paperwork.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. PASTORE. We were talking about date of birth, color of one's eyes, and all that sort of thing. As I read the amendment, the effect of it, if enacted, would mean that anyone could go into any ammunition retail shop—anyone—and buy all the ammunition and all the bullets for long guns that he wanted to buy, without accountability to anybody. Is that correct?

Mr. DOMINICK. No, we are not.

Mr. PASTORE. What are we doing?

Mr. DOMINICK. I am simply saying that you would no longer have to keep these records, that the basic law with regard to felons and juveniles is still in effect; and this amendment does not exempt .22 ammunition, interestingly enough. I wish it did.

Mr. PASTORE. And anyone can go in, whether he is a felon or not, and buy bullets for long guns?

Mr. DOMINICK. No, it is against the law.

Mr. PASTORE. And the seller would not be responsible?

Mr. DOMINICK. No; it is against the law.

Mr. PASTORE. What is against the law?

Mr. DOMINICK. To sell it to a juvenile or to a convicted felon. It is still against the Federal law. All that this does is eliminate the need for the useless recordkeeping.

Mr. PASTORE. How are they ever going to find out, unless they keep the records?

Mr. DOMINICK. That is easy enough. The same way that they do it now; the same way the staff of the Senator from Connecticut found out last year in the store in Maryland.

Mr. PASTORE. How do you do it now? How do you put that purchaser on record that he is in the wrong place at the wrong time, to do the wrong thing, unless you ask him questions?

Mr. DOMINICK. You investigate, find the people buying and check back in the criminal files. These records are not going to help get convictions.

Mr. PASTORE. We do not want him even to go in there. We want to discourage him from going there. That is the purpose of this law.

Mr. DOMINICK. Surely, but this obviously is not doing that.

Mr. PASTORE. We want to discourage that criminal from going in, because he knows if he goes in, he is trapped.

Mr. DOMINICK. The best way to do that would be simply to confiscate all the guns in the country, and refuse to sell ammunition to anyone, which, as a matter of fact, I think was suggested in the debate last year.

I yield to the Senator from Utah.

Mr. MOSS. Is there any requirement in the law at the present time for the seller to ascertain and put on the record whether or not the purchaser is a felon, or whether he has been convicted of any crime?

Mr. DOMINICK. There is nothing whatsoever, except the age statement; and I think if we made that a requirement, the answer would probably be in violation of his constitutional rights on the grounds of self-incrimination.

Mr. MOSS. These records are kept 2 years, and after that time there is no record at all regarding who bought ammunition prior to that time?

Mr. DOMINICK. That is absolutely correct.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. MURPHY. My last experience in connection with this issue was when a representative of the Treasury Department said to me:

> We do not know what to do with these forms.

Does anyone know what happens to the little black book the Senator from Connecticut showed? Does it stay in the store? Is it registered somewhere? I cannot see, if it stays in the store, what possible good it does. If it does not stay in the store, how does the filling out of the form accomplish what the Senator from Connecticut desires? I do not understand that. Does the Senator from Colorado know what happens to the form?

Mr. DOMINICK. Yes, I can say to the Senator from California that the form stays in the store. They are required to keep it for not less than 2 years. They are not kept alphabetically, and trying to find out even whether or not an individual registered is a difficult problem for anyone, including, I am sure, the staff of the Senator from Connecticut. The form does not go to the Treasury Department or any other law enforcement agency.

Mr. MURPHY. I might add one comment that was made by one of the best known dealers in Los Angeles, when he said he had some of the place where, to sell a 75-cent box of ammunition, it cost him about $2.50 in processing and time of his employees. I do not know whether that was the intent of Congress or not, but that is apparently the effect of the law as it is working out, and I concur that, while I am probably the last person in this Chamber who would condone felons having guns, I have not yet heard a single argument put forward that, in my opinion, would stop the criminal. All it does is furnish a further example of impeding the good citizen, and not doing anything to impede the criminal.

I thank my distinguished colleague.

Mr. DOMINICK. I thank my friend from California. I might say that an amendment that I offered in the District of Columbia Committee, which was adopted and has been put into effect by only one judge, as far as I know, would have far more effect on doing something about the crime situation here, and hopefully we can get it enacted elsewhere in the country, and that was to say that if anyone commits a felony in which a gun is used, and is convicted of it, the judge has the right, at his option, to give him an indeterminate sentence up to life, regardless of whether he used the gun or not.

That is the quickest way to stop the use of guns in the commission of crime. It punishes criminals, not law-abiding citizens.

Mr. MURPHY. I concur.

Mr. DOMINICK. Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I had

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not intended to speak on the matter before the Senate, but, having come to the Chamber and listened to the debate, I think I have a word or two to say with reference to this particular amendment, in view of some of the logic I have heard used in the debate this afternoon.

First of all, I admit to my colleagues from Utah, Colorado, and Nevada that there may be an element of inconvenience to the citizens of their particular States with reference to this matter, because the use of long guns for hunting purposes might be a little more prevalent in that part of the country than in New England, which is much more urbanized.

When we passed this gun control law, we realized fully that we were not going to eliminate crime completely. You can never eliminate crime by law, just as you can never strictly eliminate segregation by law. These are human problems, and they have to be met with human considerations.

I think that sometimes we reach the point where the decent citizens of this country have to make a small sacrifice, or undergo a small inconvenience, in order to protect the common good. If we knew that every one was honest, if we knew that a gangster, or a criminal, or an Oswald would never use a long gun to shoot a President of the United States, and could be sure of that, we would not have to pass any law.

We passed this law in good faith. We realize this is an inconvenience upon the legitimate sportsman. We know that. We know that it is an inconvenience to the dealer in ammunition and guns. We know that; we have always known it. But after all, the rate of crime is rising in this country in an astronomical spiral. Guns are getting into the hands of outlaws. They are getting into the hands of criminals, gangsters, and sometimes people who are mentally unbalanced. I think that was the case with Oswald.

A minor is prohibited under the law from buying liquor, and a retail liquor dealer is prohibited from selling liquor to a minor. That does not mean that a minor does not sometimes sneak in, because he is an overgrown boy and looks 22 when he is only 16.

Mr. President, we know all these elements are involved here, but what are we doing today? We are taking a shotgun approach, if I may coin a phrase. A shotgun approach. We have not had any hearings at all on whether or not this law has worked in the last 9 months it has been on the books. We know this is cumbersome upon the Treasury, and we know it is cumbersome on the Justice Department. We know that. They would seek to free themselves of this responsibility if they thought that Congress would go along with it.

By the same logic, if we are not going to make sure that a certain amount of interrogation is going to go on, on the part of the dealer, to ascertain that he is dealing with a respectable citizen, Mr. President, we are opening the floodgates to abuse.

We have had this experience. This is not new. We know that when you pass a law or institute a regulation, that does not make a situation 100 percent pure. We know that.

But what does the gun law do? What does it actually do?

The law puts the dealer on notice that before he can be convicted of knowingly having sold to the criminal, he has a responsibility to the decent people of this country, to ask a few questions.

What are the questions he asks?

Mr. MOSS. Mr. President, will the Senator yield?

Mr. PASTORE. In just a moment.

He asks for the name, he asks for the address, and maybe eight or nine other questions. What sacrifice is that?

The point I make today is that somewhere along the line someone has to begin to make a little sacrifice if we are to clean up crime in this country.

I pick up a newspaper every day and wonder where a 16-year-old kid gets a gun that he is able to put to the head of a bus driver and shoot out the brains of a man with four or five children. How does he get the gun? I know he could get it from someone else. But are we going to make it easier for him to get it?

Before the gun law, I know that one could send an application to any gun dealer in the country and get a pistol through the mail. I know that we would not be touching short arms or pistols in this amendment. But, by the same token, why should we not extend the application of the law to the long gun as well? What is so sacrosanct about the long gun that an exception has to be made?

I know that a sportsman uses the long gun and does not use a pistol. I have many friends who are hunters.

I have talked with these fine people about this matter. I have said: "You owe it to your community and to the goodness of your community to make a little sacrifice. You can get all of this material that you need. All you have to do is to go in and prove who you are."

There is not a hunter in the Senator's State of Utah who is not known by his dealer. It is almost automatic when they go in. However, when some stranger comes in who would use the gun lets say to assassinate a President, he could be discovered.

The effect of this statute now, as I understand it—and we are talking about records—would be that we are actually saying that almost anyone can go in and get bullets for long guns, except 22 rifle bullets, because of a compromise that was made beforehand.

All I am saying, and all that the Senator from Connecticut is saying is: "Well, gentlemen, maybe you do have a case. Maybe your situation is different from the situation in my State or in my part of the country." We are asking why we do not call upon the Treasury Department, not merely to have an exchange of letters, but to interrogate them as to their reasons for wanting this provision taken off the books.

Let us call in the dealers and find out how much of an inconvenience it has been. Let us call in J. Edgar Hoover and find out from him what he thinks about it. Let us call in the chief of police of our States and ask him how they feel about it. Let us see if we cannot crystallize this matter so that we can all act responsibly.

What kind of bill is before us? It is an equalization tax bill. That has to do with taxes. The amendment is attached as a rider. I heard the argument to the effect that, if we agree to the amendment, some Representatives have said that it would not be considered at this session. Maybe it will be and maybe it will not be. Let us give it a try. Where the public interest is involved, I think we all have to assume some responsibility.

I realize that this provision causes inconvenience to the dealer to some extent. It does inconvenience the decent citizen to some extent. However, by the same token, I think he owes it to our good society, to the people of the country, and to the law-enforcement agencies of the country to make some sacrifice so that we can put our hands on the gangsters, criminals, and assassinators to the fullest extent we can.

We cannot stop these activities completely. However, let us slow them down.

Mr. DODD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I commend the Senator from Rhode Island on his very fine speech. I think I have a duty here that I must perform.

I am authorized by the chairman of the House Judiciary Committee, Representative Celler, to say that he never made any such statement as has been attributed to him on the floor of the Senate this afternoon. I am authorized, in addition, to say that, in the judgment of Representative Celler, if the bill passes with this amendment attached to it, it will certainly not get through the House for several weeks, and probably not at all.

I think that clears the record. I hope that it does clear the record with respect to the statement attributed to Representative Celler concerning any gun legislation.

Mr. PELL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. PELL. Mr. President, I associate myself with the remarks of my senior colleague from Rhode Island. They express, better than I could, the views that are in my heart.

The proposal of the Senator from Massachusetts and the Senator from Connecticut is excellent. I intend to support it.

Mr. MOSS. Mr. President, I have listened with interest to the usual eloquent statement of the Senator from Rhode Island. I always enjoy listening to him, and ordinarily I agree with him.

I agree with the first part of what he has said on this occasion; namely, that it would be a little more inconvenient to the dealer and to the buyer, in that it would pile up records, but that such a sacrifice ought to be made to achieve a purpose.

That is where I must leave him, because he did not indicate in any way that any purpose would be achieved.

He said that if a stranger were to walk into an ammunition store and he happened to be the potential assassinator of a President, the store would have some records. However, the form does not give any information other than his name and address, the kind of shells he bought, who the manufacturer is, and the number of boxes he purchased. The form would be signed by the clerk who furnished the supplies.

In the first place, such information is not furnished for the record. Second, the record is not available; it is not kept where it can readily be available to a law enforcement officer, even if it contained the information.

If the purchaser is a known felon, or one who the dealer has any way to identify as a felon, there is already a law which provides that the dealer shall not sell ammunition to him.

If the person is a known minor, or one who can be ascertained from his driver's permit to be a minor, the seller already knows that he should not sell to him. He may ask him to show his driver's permit or other identification.

My point is that this provision is utter futility. It is costly and time consuming, and it does not accomplish anything.

I may say to the Senator from Rhode Island (Mr. Pastore) and other Senators who feel strongly about this that I am perfectly willing to have full hearings on any other phase of the bill except this. This provision has proved to be ineffective, repugnant, and useless.

Again, I hold up my sheaf of petitions which have come from the sportsmen of my State. They have spoken, and they have spoken unanimously and loudly, that they think this provision is an imposition. They do not want it. It is not effective to achieve any kind of control over felons or incompetents who use guns or buy ammunition.

Mr. DODD. Mr. President, it seems to me that we have gone the full sweep of the clock, so to speak, in the arguments for and against the amendment. It has been argued that the amendment is too burdensome; that it will create a situation which will require thousands of pieces of paper; that it will cause long lines of purchasers who will not be able to get their commodities; and that it will cause great inconvenience to them.

Then we get around to the position that the provision is not doing any good; that it is not detailed enough; that it asks for more burdensome information. I think that that pretty well sums up the situation.

This provision is an attempt to help law-enforcement people, as the Senator from Rhode Island has so well said, to prevent undesirables from purchasing ammunition for the guns which they should not get and cannot get under the Federal Gun Control Act.

All the local law-enforcement officials we have talked with say that this is a good provision. The act requires the Secretary of the Treasury to make the information available to local law-enforcement people.

Mr. President, because this amendment, in my judgment, was referred to the wrong committee, because no hearings were held on it, and because it is not germane to the provisions of the tax measure to which it was appended, I move to table the pending amendment.

Mr. BENNETT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded, to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Connecticut to table the modified committee amendment beginning on page 20, line 21. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from California (Mr. Cranston), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), and the Senator from West Virginia (Mr. Randolph) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Hartke) and the Senator from Washington (Mr. Magnuson) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) would vote "nay."

I also announce that, if present and voting, the Senator from West Virginia (Mr. Randolph) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Kansas (Mr. Dole), the Senator from Ohio (Mr. Saxbe), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Michigan (Mr. Griffin) is absent because of death in the family.

The Senator from Kansas (Mr. Pearson) and the Senator from Arizona (Mr. Goldwater) are detained on official business.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Saxbe), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 19, nays 65, as follows:

[No. 118 Leg.]

YEAS—19

Bayh
Brooke
Case
Cooper
Dodd
Fong
Goodell
Hughes
Javits
Kennedy
McCarthy
McGovern
McIntyre
Pastore
Pell
Ribicoff
Smith, Maine
Tydings
Williams, N.J.

NAYS—65

Aiken
Allen
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cotton
Curtis
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Gravel
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McClellan
McGee
Metcalf
Miller
Moss
Mundt
Murphy
Packwood
Percy
Prouty
Proxmire
Russell
Schweiker
Scott
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—16

Allott
Cranston
Dole
Goldwater
Griffin
Hartke
Magnuson
Mondale
Montoya
Muskie
Nelson
Pearson
Randolph
Saxbe
Thurmond
Tower

So Mr. Dodd's motion to table the modified committee amendment was rejected.

Mr. BENNETT. Mr. President, I move that the vote by which the motion to table was rejected be reconsidered.

Mr. JACKSON. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. HOLLAND. Mr. President, I should like to address two questions, if I may, to the author of the amendment.

Mr. BENNETT. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. Do I correctly understand, inasmuch as I could not be in the Chamber to hear all the debate, that the Senator withdrew that part of his amendment which related to the .22-caliber rimfire ammunition, for the reason announced that it could be used or made interchangeable for rifles or pistol ammunition?

Mr. BENNETT. The Senator withdrew that part of his amendment but, in fairness to the other Members of the Senate, the Senator stated that at some time in the future he intended to bring it up again.

Mr. HOLLAND. If the Senator will yield, so that I may ask him one more question, I note a part of his amendment reads "ammunition suitable for use only in rifles." As I understand that wording, that means if this ammunition is suitable for use both in rifles and handguns. It is not covered by his amendment as it now stands. Is that correct?

Mr. BENNETT. The purpose of removing the .22-caliber bullet, which is interchangeable, is that if there should by any chance be any other gage that is interchangeable and that is sold mainly for rifles, but might properly be used in handguns, the Senator would assume that its major use would apply. The .45-, .38-, .32-, .25-caliber ammunition, which is designed chiefly for use in handguns, is still covered by the law and the amendment does not affect them.

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Mr. HOLLAND. I thoroughly agree with the Senator as far as his answer goes, but his amendment reads "ammunition suitable for use only in rifles." My understanding of that would be that wherever the ammunition is suitable for use both in rifles and in handguns, it is not covered by his amendment.

Mr. BENNETT. The Senator is not aware of any ammunition that is suitable for use in rifles or handguns, except the .22 caliber. Now, if the Senator from Florida has any knowledge of any other caliber, I would appreciate knowing about it.

Mr. DODD. I think I do.

Mr. HOLLAND. I certainly have in the past known some such ammunition. My sole question is, if there is any such ammunition now suitable for use in both rifles and handguns, my understanding is that the wording of the Senator's amendment makes his amendment inapplicable to such ammunition. Am I correct?

Mr. BENNETT. That is obviously its intent.

I thought the Senator from Connecticut said he knows, or was about to say he knew about some.

Mr. DODD. There is a new gun called the "Enforcer" a pistol. It uses .30-caliber ammunition, which is also used in rifles.

Mr. BENNETT. If that is the case, then, before the amendment of the Senator is voted on, he must offer an amendment to the effect that it refers to ammunition used chiefly in rifles other than .22. We have eliminated the .22. I think we must protect the .30-caliber rifle ammunition against the possibility that some manufacturer comes out with a pistol to use it.

Mr. HOLLAND. If the Senator will yield again, I hope the Senator will not offer such an amendment, because I think, as noted, his amendment very clearly is inapplicable to ammunition that is usable in both rifles and handguns. I think his amendment is good if so interpreted. That is the reason for my question. I hope he will leave his amendment just as it is worded.

Mr. BENNETT. The Senator's purpose is to protect the right of a man using a rifle for hunting to get ammunition without having to go all through this rigmarole. As I say, if somebody comes along, or has come along recently, and manufactures a pistol to use rifle ammunition, I do not think the bill should, by its wording, make it possible to eliminate everything we have done. Somebody else can come along with a pistol that is gaged to fit another rifle bullet, and thus wipe out the exemption we have worked out for rifles.

So if it is the impression of the Senator from Florida that that kind of action is possible, then the Senator must change his amendment, or this has been an exercise in futility.

Mr. HOLLAND. Mr. President, I do not even know whether .32 rimfire ammunition is still manufactured, but as a young man I had .32 rimfire ammunition for my first rifle and others used it in .32 rimfire pistols. There may not be any .32 rimfire pistols now, but I am sure, as stated, his wording does protect against any such possibility.

I do not want the language to release ammunition from the bill which is designed for and can be used in pistols, and I do not think anybody else does.

I hope the Senator will leave his language just as it is. If we find out later there are some hardships under it, we can consider further correction; but I do not believe it is the Senator's desire to release from the operation of the bill ammunition used in pistols or handguns. If that is his position, I cannot join in that position.

Mr. BENNETT. At the same time we cannot be in a position so that a private gunsmith downtown can manufacture a series of pistols that will take the range of rifle ammunition and take it into the Treasury and say, "See, here I have a handgun which will use .30–.30 rifle shells, and therefore the Treasury must reinstate this."

Mr. HOLLAND. I would certainly not accept any such subterfuge as that, but I would not want to open the door, because I do not claim to know all about all handgun or all pistol ammunition or all rifle ammunition, and I doubt if there is any Senator on the floor who does. I do not want to be in a position of making it possible for pistol ammunition to be released from coverage under the present bill by the Senator's amendment. I certainly agree with him that no such subterfuge as he has described should be acceptable, or should be considered as taking a great deal of other ammunition out from under the operation of the amendment.

Mr. BENNETT. Then, would the Senator from Florida join the Senator from Utah in saying that it is the intent of the Senate that such subterfuge or the very occasional development of a special weapon, a handgun to take a rifle ammunition, shall not be used to negate the intent of the bill?

Mr. HOLLAND. Yes, I would be agreeable to that; but I think it could be more easily done by putting in the words "commercially manufactured" before "rifles," so as to make it read "ammunition suitable for use only in commercially manufactured rifles," because I think that meets the point that the Senator has just mentioned.

Mr. BENNETT. I thought of that approach myself, and maybe it does, but again the words "commercially manufactured," it seems to me, let in the individual manufacturer who manufactures special guns and sells them out of his shop. Should we say "rifles generally available"?

Mr. HOLLAND. "Rifles generally available on the commercial market."

Mr. BENNETT. "Rifles generally available on the commercial market."

Mr. HOLLAND. I am agreeable to that wording, and I would be much better pleased with the amendment if that wording were added.

Mr. BENNETT. I think that improves the amendment.

The PRESIDING OFFICER. Will the Senator reduce that amendment to writing?

Mr. HOLLAND. "Generally available on the commercial market."

Mr. BENNETT. Let me reduce it to writing. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I send to the desk, an amendment to the committee amendment and I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 21, line 5, after the word "rifles," it is proposed to insert "generally available in commerce."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment, as modified by unanimous consent on yesterday.

Mr. BENNETT. Mr. President, let us vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment as modified.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as modified and amended.

Mr. JACKSON. Mr. President, on that question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, as I understand it, the question before the Senate is the amendment of the distinguished Senator from Utah, to the committee amendment. Is that correct?

The PRESIDING OFFICER. The Chair is informed that the vote will be on the language of the committee amendment, beginning on page 20, line 21, through page 21, line 7, as modified and amended.

Mr. KENNEDY. Mr. President, I wish to speak for only a very short period of time.

First of all, I wish to state again a word of appreciation to the distinguished Senator from Utah for changing his initial amendment to take out the coverage of handgun ammunition. I think that was extremely helpful and important, and I commend him for his action.

The Senator has indicated earlier today that at some other opportunity, he will introduce an amendment to prevent the 1968 act from applying to handgun ammunition as well. I certainly hope all of us will be given reasonable notice and reasonable time to prepare for such an eventuality and that the usual and proper course of Senate procedure will be followed.

Mr. President, I certainly hope that the amendment, as modified, will be defeated by the Senate today. During the course of earlier discussion, we heard the statement of the distinguished Senator from Connecticut, who is the chairman of the Juvenile Delinquency Subcommittee, indicating that he would be glad, starting on Monday, to have hearings on this amendment; that he would even be willing to have the amendment, after it was considered by the Juvenile Delinquency Subcommittee and the Committee on the Judiciary, go to the Committee on Finance for whatever consideration they might wish to give, and then to have the matter considered by the Senate.

Mr. President, it seems to me that that is an extremely reasonable offer by the chairman of the Juvenile Delinquency Subcommittee. His subcommittee has been historically charged by this body with making recommendations on gun control and ammunition control. It is this subcommittee that has held lengthy hearings, over a period of the last 8 years, on gun control legislation. It has been fair in its hearings. It has been willing to bring to its hearings those who have supported gun legislation and those who have been opposed to it.

The point has been made by the chairman of the subcommittee and the other members of that subcommittee on the floor this afternoon that, first of all, the provisions which will be abolished by the amendment of the Senator from Utah have been in effect for less than 10 months, that they have never really been given a reasonable period of time to be tested by the people of this country. Further, it is clear that if there is a hardship placed upon the sportsmen and the sellers of ammunition, the Treasury Department itself might have had some kind of hearings relative to a possibility of a change of regulations, and an opportunity given to modify the procedures it has adopted.

But as the matter comes before us today, the Treasury Department has had no such opportunity. So, Mr. President, we are asked to vote today, with no Treasury Department hearings on rulemaking proceeding, no Senate hearings, and with the committee which has the primary jurisdiction not having been consulted, although the chairman of the appropriate subcommittee indicates openly that he is willing to have expedited hearings, to bring the matter to the floor, and to treat it on its merits.

But, Mr. President, we hear from those on the other side of the issue that they cannot go through the Judiciary Committee, because it is represented that the chairman of the House Judiciary Committee will refuse to consider gun legislation this year. I am reliably informed on inquiry today, Mr. President, that the chairman of that committee, Mr. CELLER, has indicated no such thing, and that quite to the contrary, he has indicated that he will fight, if this amendment is added to the interest equalization bill, to see that the interest equalization measure is deferred. I can understand, Mr. President, why he would take such action.

I think all those who have taken the floor during the last week or so and who have talked about the importance to the financial community of passage of the interest equalization tax measure should be on full notice now, that every effort will be made in the House of Representatives, and every parliamentary technique will be utilized in that body, to be sure that action is deferred on interest equalization this year as long as this extraneous amendment is on the bill. The responsibility for delay is clearly upon the movers of this amendment. And, Mr. President, we can understand why the delay is certain.

The distinguished Senator from Utah would be in a stronger position if he had accepted the offer of the distinguished Senator from Connecticut and had come before the Juvenile Delinquency Subcommittee, had the hearings been held and the matter properly considered in committee and on the floor of the Senate, than to force a vote on the matter in the Senator now, having attached it to another important bill, and then cause a great delay in the House of Representatives, on the other measure, which the Treasury Department says endangers our balance-of-payments problem.

But nonetheless, Mr. President, no such orderly effort has been made. The proponent of the amendment comes before the Senate and says that the committee that has been charged with this responsibility traditionally and historically will be ignored. He says, "We have the horses, we have the votes"—which was shown by the action on the last amendment, I must admit and he further states—"and therefore we are going to set aside the committee system and go ahead and have action by the Senate this afternoon."

Therefore, Mr. President, I think this amendment should be defeated simply on the basis of Senate procedure. On the question of the substance of the amendment, on the realization that this law which we are about to vote to repeal has not been given a reasonable period of time to be tested, that we have never really had an opportunity to cross-examine any Federal officials charged with making it work, either those representatives of the Treasury Department or the Internal Revenue Service, before any committee of this body, and to determine their point of view and their attitude and the effectiveness of that law this amendment should certainly be defeated.

So we are asked, now, to act on this measure. A great deal has been said this afternoon as to how much of a burden this registration requirement imposes on the sportsmen of this country. We have had no representatives of the sportsmen indicate what kind of a burden it is. There has been no opportunity to amend the present regulations, to see whether with some changes the regulations could be made capable of carrying through the spirit of the law passed last year without imposing an extraordinary burden on the sellers of ammunition.

We are simply asked to repeal the action this body took last year. We are asked to repeal it without hearings. We are asked it repeal it without having the appropriate subcommittee and committee deliberate and consider the question or have an opportunity to express themselves on it. We are asked to repeal it without having an opportunity to question those who have had the prime responsibility for enforcing it in the Treasury Department. We are asked to repeal it without listening to law-enforcement officials who believe the law does have an important effect in helping to reach the problems of crime and violence. We are asked to repeal it this afternoon, Mr. President, as an afterthought on a bill to which it has no relevance.

For those reasons, Mr. President, I certainly hope that the amendment of the Senator from Utah will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

Mr. DODD. Mr. President, I do not want this matter to come to a vote without making a statement for the RECORD. I shall not read it, but I do ask unanimous consent to insert it at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. DODD

Mr. President, on its merits, I object strenuously to the Bennett amendment to exempt from the control provisions of the Gun Control Act of 1968 the ammunition for rifles, the weapon of the urban sniper, and the ammunition for shotguns, which, along with its sawed-off sister, is the weapon of the armed robber.

Just a year ago, this body, by a 41–36 vote, adopted effective and enforceable controls over the sale of all ammunition as an integral part of a legislative effort to assist in curbing the spiralling crime rate in the United States.

That Act, the Gun Conrtol Act of 1968, has been in effect since last December. The ammunition controls in the law require Federally licensed dealers record the name, age and address of all purchasers of all ammunition. The Act also prohibits the sale of ammunition to juveniles and minors, to criminals, to narcotics violators and to mental incompetents.

The recordkeeping provisions are absolutely necessary to prevent the sale of ammunition to these prohibited persons.

There is no doubt in my mind as to the crime deterrent value of the ammunition recordkeeping provisions of that Act nor is there any doubt in the minds of law enforcement agencies.

Now we are confronted with a determined effort by the well-intended, I am sure, but misinformed, to strip from the Act its effective ammunition controls, the controls that keep bullets out of the hands of criminals.

We are faced with this attempt despite the fact that 1969 is a "law and order" year and despite the fact that the ammunition provisions of the Gun Control Act are an essential and integral part of a "law and order" Federal statute.

While there are those who argue that the ammunition controls in the Federal law are not essential in any effort to curb gun crimes, I know of no firearm that can be fired without ammunition.

And without ammunition, the gun loses its deadly character. Without ammunition, the gun becomes five times less lethal and falls into the club and brass knuckle category.

It seems logical and reasonable, therefore, to control the sale and distribution of ammunition.

Yet, in this year when "law and order" are paramount in the public mind, the propo-

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nents of this amendment do not equate controlling the sale of ammunition with an effort to curb crime.

They argue that Federal controls on rifle and shotgun ammunition are not going to affect the incidence of crime.

The sponsor of the ammunition amendment has said that he has withdrawn .22 caliber bullets *at this time*. However, he has already announced his plans to "hook it" onto the next House-passed tax measure which comes his way.

For future reference, I would remind the Senate that since 1960 almost two million inexpensive, .22 caliber, "Saturday Night Specials" have been imported into the United States and *they fire .22 caliber rimfire ammunition.*

During the last week I have discussed the facts concerning .22 caliber ammunition and the incidence of crime.

There are additional considerations which have a direct bearing on crime in America, which apply not only to .22 caliber ammunition, but which apply to all other rifle bullets and shotgun shells as well.

Since the Act requires a dealer to record the name, age and place of residence of each person to whom he sells ammunition as well as firearms, records which are available for inspection by law enforcement officers, *ammunition controls would deter criminals from attempting to purchase bullets.* Persons who intend to commit unlawful acts will be deterred from purchasing ammunition because they will not want to identify themselves and leave a record of the transaction.

Since the National Violence Commission estimated that there are now some 90 million firearms in private hands in the United States, *ammunition control is the only way in which the Gun Control Act can affect firearms already privately owned.* As these weapons are impotent without ammunition, it is only common sense to regulate the flow of that ammunition to felons, juveniles, drug addicts, and other irresponsible persons, who may already own firearms.

Since evidence of the purchase of ammunition used in a crime may be an important element of proof, *ammunition controls would assist investigation of crime.* Investigation of crime by law enforcement officials should be greatly benefited by records of ammunition sales, particularly where police suspect a particular individual of a specific firearms crime.

Preventing the sale of ammunition to persons with criminal records is impossible without requiring dealers to keep records of ammunition receipts and sales.

During Subcommittee hearings on firearms controls on July 24th of this year, Commissioner Randolph Thrower of the Internal Revenue Service told us:

"Many cases are being made involving felons who give false information while purchasing guns. During one month nine cases were made in the New York-New England States in which defendants were charged with knowingly making false statements on Form 4473 when purchasing a firearm. In Florida, seven felons were charged at one time, each with giving false information on Form 4473 when purchasing a firearm. Most of our 4473 cases involve active criminals."

If, as Mr. Thrower says, the fact that several dozen criminals have already been apprehended for giving false identification for the purchase of firearms, then why should we remove these same identification requirements from ammunition. The same kind of case can be made under the Gun Control Act for the criminal who buys ammunition under false pretenses.

The recordkeeping requirement ensures that dealers exercise a high degree of care in ascertaining whether a potential purchaser is barred by criminal record from buying ammunition.

Yet Senator Bennett would have us remove these recordkeeping requirements.

Mr. President, these are persuasive and telling arguments for keeping ammunition recordkeeping controls in the Gun Control Act of 1968, and they are a sound basis on which to reject the Bennett ammunition amendment.

An intact Gun Control Act of 1968, as an aid to state and local law enforcement, has been recognized by both the Treasury Department and by the Internal Revenue Service.

Both agencies were represented in hearings held by the Juvenile Delinquency Subcommittee in July, to which I have just referred, and both agencies attested to the Act's effect as an aid to law enforcement.

Assistant Secretary of the Treasury, Eugene T. Rossides, told the Subcommittee:

"In summation, it is the view of the Department that, on the basis of 7 months' experience, the Gun Control Act of 1968 is working reasonably well and is providing the needed suport for State and local controls for which it was designed. We respectfully suggest that controls under the Gun Control Act of 1968 be given a full opportunity to prove their worth."

Commissioner Thrower of the IRS said: ". . . I strongly believe the new gun law is an effective law enforcement tool which will go a long way in assisting local law enforcement authorities in coping with the crime problem within their own borders."

Mr. President, in view of the limited time that the provisions of the Gun Control Act have been in effect, we should not prematurely adopt any limiting amendments to that Act.

This is especially true with respect to the ammunition controls.

The argument has been made that sportsmen are the only ones who use rifles and shotguns, but I ask Senators to consider:

President John F. Kennedy and Dr. Martin Luther King, Jr., were killed by rifle bullets, which Senator Bennett would exempt;

Medgar Evers was killed by a shotgun, the ammunition for which Senator Bennett would exempt.

To render the controls over ammunition for rifles and shotguns ineffective, as the Bennett amendment would do, is tantamount to wrecking that one element of control in the Federal law, which deals directly with those 90 million guns owned, and, unfortunately, abused, in substantial numbers each year in this country.

Armed crimes continue to soar in America. The most recent FBI report shows that during the first *six* months of 1969:

Murder was up eight percent.

Armed robbery was up twenty percent; and,

Aggravated assault was up ten percent.

Last year alone, 3,000 Americans were murdered with .22 caliber ammunition, and 1,228 were murdered with shotguns and 328 were murdered with rifles of larger caliber than .22 caliber.

Let me read a few reports gathered by the Subcommittee concerning the use of a shotgun by murderers and criminals:

From the Baltimore News American, February 11, 1969: "Thug Kills Attendant, Steals Cash Register."

"Cambridge, Feb. 11—An attendant in one of the two service stations which remain open all night here was found shot to death at 3:30 A.M. today and the station's cash register is missing.

"State police said Earl Harry Pitman . . . was shot in the head at close range by a shotgun."

From the Washington Post, June 20, 1969: "D.C. Man, 22, Guilty in Bank Robbery with a Sawed-Off Shotgun."

From the Baltimore News American, April 23, 1969: "Conviction of Bank Robber Gang Cost Taxpayers $9,000."

"The Baltimore State's Attorney today charged a subject with participating in five of the six holdups that led to the legend of "The Shotgun Gang," which operated usually with at least one sawed-off shotgun."

From the Philadelphia Evening Bulletin of July 6, 1969: "Camden Youth Held in Slaying of 2 Policemen."

"A 21-year-old man was arraigned yesterday on charges that he shot and killed two young Camden policemen . . . with blasts from a 12-gauge shotgun."

From the Atlanta Constitution, August 18, 1969: "Bus Driver Hit; Shotgun Killers of 4 Sought."

"A shotgun sniper wounded an Atlanta bus driver early Sunday in the latest of a series of five unsolved shootings that have left four Atlantans dead."

From the Baltimore News American, September 17, 1969: "Man, 55, Shot to Death; Four Wounded in City with a 12-Gauge Shotgun."

From the Washington Post, February 26, 1969: "Three Juveniles Accused of Bank Holdup."

"The three, all 16 years old, disarmed a guard, used a rifle and shotgun to force employees and customers to lie on the floor and escaped with $8,000."

This is just a random sampling of the reports that have come across my desk of the 1,228 people that were murdered by shotgun and the many more thousands who were shot and robbed by shotgun in the year that just passed.

Federal controls on the sale of ammunition are essential if we hope to reverse this trend.

To adopt the Bennett amendment and to remove these controls on rifle and shotgun ammunition would help perpetuate this trend.

The major argument put forth by the proponents of the Bennett amendment is that as we approach the hunting season, the ammunition controls will be burdensome to the American sportsman.

Mr. President, under the Gun Control Act, the American sportsman is treated in the same fashion as is any other citizen. He has to prove his name, age and address, just like anyone else. To call this requirement burdensome is ridiculous.

Consider these facts:

The Act requires that the licensed dealer obtain and record the name, age and place of residence of the ammunition purchaser.

In addition, the Act makes it unlawful for the purchaser to furnish to the licensed dealer any false or fictitious statement either orally or in writing or to furnish any false or misrepresented identification to the licensee.

The Act is clear and concise on these points.

The regulations implemetn these requirements and nothing more.

I fail to see any burden in the above requirements, and I believe that most reasonable citizens would agree with me. Yet the proponents of this measure violently and blindly argue that such a small requirement is burdensome.

Surely such is not the case.

The requirement that purchasers of ammunition furnish identifying information and that the dealer record the name, age and address of the purchaser is *necessary to implement the prohibitions on the sale of ammunition to minors and in the case of rifle and shotgun ammunition to juveniles.*

By obtaining identification, the dealer obtains and records the name, age and address through credible means (such as a driver's license) to be reasonably sure that he does not sell to a minor or a juvenile.

Germane to the argument that the ammunition recordkeeping provisions are burdensome on the American sportsman is an apparent misconception of the Act's provisions and the regulations to which Senator Bennett referred in his floor remarks upon introduction of his amendment.

He stated: "Under the Gun Control Act of 1968, the Secretary is required to record the name, age and address of a person buying any type of ammunition. But, as the regulations came from the Treasury last year, a person is now required to give his name, address, date of birth, date, manufacture, caliber, gauge, or type of component, quantity of ammunition purchased and a driver's license or other type of identification."

Mr. President, the Senator from Utah is misinformed on the specific recordkeeping provisions of the law and the regulations designed to implement those provisions.

The first half of Senator Bennett's statement is a reflection of *the dealer's responsibilities under the Act. That refers to the information that the Federal licensee must obtain from the purchaser.*

The second half of Senator Bennett's statement concerning additional information that he asserts must be provided by the purchaser, *refers to information that is required to be kept by the dealer,* but it amounts to prudent recordkeeping for any businessman, and there is no burden placed upon the purchaser.

The requirements of the letter of the law are clear, reasonable and just.

Any misconception that has arisen in that regard is unfortunate in that it has served to distort the intent of the Act and its provisions.

I would now briefly refer to the charge that the ammunition controls of the Gun Control Act are nothing more than "backdoor registration."

The charge is absurd.

First, there are no registration provisions in the Gun Control Act of 1968.

With specific regard to ammunition controls, when the purchaser furnishes his name, age and address, *this information is retained by the dealer at his place of business.*

This is not registration.

There is no *central recordization* as would be the case in a registration scheme.

Second, there is no way to register ammunition *as it is not serially numbered.*

The argument about registration is contrived and has no basis in fact.

Finally, it is charged that the Treasury Department has gone beyond the letter and the intent of the law in promulgating rules and regulations relative to ammunition controls.

Quite the opposite is true.

In promulgating regulations to implement the ammunition controls of the law, the Internal Revenue Service has in effect *limited* the definition of ammunition by excluding from coverage shot for shotgun shells and unprimed hulls (the actual shells once fired and then retained) for such weapons. This limiting of the definition is found in Internal Revenue Service regulations.

In addition, gun clubs which distribute ammunition to members for their use are not considered to be dealers "in the business of selling ammunition" and thus are not subject to the recordkeeping provisions of the Act.

These are two specific examples not of *broadened* regulations but rather of the *limiting* of ammunition controls by the administering and enforcing agency, the IRS.

Mr. President, ammunition controls must be retained in the Federal gun laws.

I would remind those 40 Senators who voted with me to include these controls in the 1968 Act that these provisions must be given a reasonable test and should not be quietly interred by a slick parliamentary maneuver, without public hearings, and without reference to the wave of violence that has engulfed America.

Congress should not deceive the public by listening to the contrived arguments of an industry whose sole motive is the profit it derives from the indiscriminate and uncontrolled sale of billions of bullets to all comers, including murderers, addicts, juveniles and the insane.

Let us serve the public interest.

Let us reject the Bennett amendment and help keep bullets out of the hands of criminals.

Let us give a vote of assurance to a public hounded by fear and threatened by crime and violence in our streets.

Mr. DODD. Mr. President. Let us understand that this is the beginning of the end of the gun control law. That is the intention of those who have been opposed to it for a long time. They have said publicly the way to cut this thing down is first to go after the ammunition control part of it. They have stated that in their official publication, and have said it over and over again.

They are well on the way toward getting that first step accomplished. At this time, when everyone is talking about law and order, reducing violence in our streets, and reducng the crime rate.

It is absolutely astonishing and bewildering that the Senate could turn back the clock in the face of existing statistics on homicides and murders.

I remember that when we passed a gun control bill last year, people said it was a weak bill. Some of us who had worked on it knew better. It was not a perfect bill.

I wish that some who were advocating registration a year ago were here today to help us. It is senseless to talk about the control of firearms and do little or nothing about the sale of ammunition. A gun without a bullet is nothing but an ornament.

We cannot have effective gun control without control over ammunition. Without controls more and more people will be victimized on the streets. More and more holdups will occur. More and more lives will be ruined.

It is a great pity, but this is the direction in which we will go. We must defeat the pending proposal if the overwhelming public interest is to be served.

Mr. MOSS. Mr. President, few votes taken in the Senate this year will be more closely watched in the State of Utah than the vote on this amendment. In Utah we are a State of sportsmen and hunters. Next weekend, 180,000 deer hunters will go into the hills of Utah for the annual deer hunt.

But this year, when those hunters purchase ammunition for the deer hunt, or to have target practice, they will be faced with the requirement to fill out forms and register, giving their name, address, age, amount and type of ammunition, in order to purchase sporting ammunition. This happened this week as we prepared to open the duck season and shotgun shells became a necessity.

Long lines develop at the more popular locations, and the annoyance of standing in line to purchase ammunition is added to the foolish requirements to register the purchase.

Perhaps more important than the inconvenience to the hunters is the burden placed upon the small businessman who, in addition to operating his store, must now keep registration documents with all their incumbent paperwork and detail and the requirement to forward these documents on to the Treasury Department. Business is tough enough today without the small businessman spending hours on unnecessary paperwork.

When those hunters, standing in line to register their purchases, ask why the delay, most people will be at a loss to tell them.

They are not standing in line because Congress has passed a bill requiring them to do so. Last year, when the gun bill was being considered, the Senate specifically defeated the provision which would have required registration for purchase of ammunition or firearms. Although the gun bill did pass over my objection, it did not contain the registration requirement.

But what Congress specifically forbade, the Treasury Department has accomplished by administrative order. Using the age requirement contained in the bill as the excuse, the Treasury Department requires complete registration of each ammunition purchase. This is absolutely ridiculous.

Most States require a certain age for purchase of such items as liquor and cigarettes. But no State requires registration of each purchase as part of the proof of age. Identification, such as a driver's license, is usually required to be shown, and that ends it. The person required to establish age has been shown the proof, and nothing must be written down, such as the amount and size of the purchase. And certainly bales of forms are not sent to the Treasury Department for permanent record.

Not only is the registration requirement contrary to the will of the Congress, and foolish in its intent, it is also worthless as far as accomplishing what proponents of registration think they will achieve. The gun bill passed last year was supposed to reduce crime and violence in this country. Of course, it has not done so. Crime continues to increase in our big cities and in our States. The simple fact is that criminals violate laws, and they certainly will not start obeying laws because we pass one that restricts the use of guns. I think this argument, which the proponents of gun legislation continue to use, is the weakest point in a very weak case.

All we are attempting to do with this amendment is to remove ammunition, used only for sporting and hunting activities, from the registration requirement.

The citizens purchasing sporting ammunition are not criminals. They are law-abiding people who enjoy the sport of hunting and shooting. To require them to register each purchase as though they were buying their shells for some illegal act is wholly unnecessary.

To give you an idea of the feeling in my State on this issue, let me show you some petitions which I have received from Utah. These started to arrive from sporting goods stores a few days ago. Not knowing that this measure would

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come up for a vote as soon as it has, the petitions were to be mailed by November 1.

But I have already received more than 5,200 signatures supporting the amendment. I have received signatures from private citizens, from union groups, from civic organizations from all walks of life. People have not only signed petitions at the sporting goods stores, they have taken them to friends and neighbors to sign, and then have mailed the petitions to me. By November 1, I know I will receive several thousands more signatures supporting this position.

I am delighted that we are voting on this amendment today. I commend my colleague from Utah (Mr. Bennett) for accelerating our consideration of the bill by obtaining Finance Committee approval of it as an amendment to the interest equalization bill. We have all tried several ways to get our measure up for a vote, and he has succeeded. I support the amendment; I am a cosponsor. I will vote for it, and I urge my fellow Senators to do the same.

SPORTING AMMUNITION SHOULD BE REMOVED FROM THE PROVISIONS OF THE GUN CONTROL ACT OF 1968

Mr. CHURCH. Mr. President, today I am pleased to join with the distinguished Senator from Utah (Mr. Bennett) in support of our amendment to repeal the provisions of the Gun Control Act of 1968 in relation to registration requirements for sporting ammunition at time of purchase. Our amendment, if enacted, would eliminate the registration provisions as they affect sporting rifle and shotgun ammunition.

Under the law as it presently exists, persons who purchase ammunition must give name, address, and date of birth; date of purchase; manufacturer; caliber; gage, or type of component; the quantity of ammunition purchased; and the purchaser's driver's license or other type of identification must be shown.

I have opposed gun registration since I first came to the Senate in 1957. I opposed the passage of the Gun Control Act of 1968, together with the ammunition registration provisions which it contained. These provisions have proved nothing more than a harassment to the average sportsman and gun dealer. By the Treasury Department's own admission, they have been of no assistance whatsoever in combating crime.

I would support repeal of all the ammunition provisions of this act. However, it has become clear in recent days that such a proposal would fail passage by the Senate. For that reason, I support the present amendment which repeals the provisions on all but pistol and .22 caliber rimfire ammunition. With the hunting season upon us in the West, I support this legislation now in hopes that its passage will help remove a portion of the needless harassment that has been heaped on western sportsmen and gun dealers by the Gun Control Act of 1968.

Passage of this amendment will be welcomed by thousands of sportsmen in the West and throughout the United States.

Mr. BROOKE. Mr. President, Senate bill 2718 as reported from committee would do a great deal to emasculate the historic Gun Control Act passed by the 90th Congress. That law, which I strongly believe is supported by most of the Nation's citizens as well as its legislators, was discussed at great length. It was pieced together last year as the result of a great amount of effort and thought by a good many of us in this Chamber.

If we are to pass S. 2718 with the ammunition control amendment, we will have done a great injustice—not only to ourselves, but to the Nation. For, let there be no mistake about it, this amendment even in its revised form, would severely impair the 1968 Firearms Act by removing the Federal controls over the sale of ammunition for shotguns and rifles. The decision by the sponsors of the bill to remove .22 caliber ammunition from the amendment, while a step in the right direction, represents no noteworthy acknowledgment by the sponsors that ammunition registration is necessary and desirable. In fact, in my mind, it makes it all the more important that we vote down the revised amendment, lest its approval establish a dangerous precedent in the removal of these limited controls. All of the types of ammunition we are dealing with in this amendment are potentially fatal; to lessen the restrictions is an abrogation of our obligation to the Nation.

It was my strong hope and belief that this body had finally realized that one of the most important ways of preventing crime and discouraging acts of violence was to require the registration of the tools used for those acts so that the identity of both the user and his weapons could be more readily established. The U.S. Senate should not turn back from the historic and laudable course which it charted for itself in the passage of firearms and ammunition control legislation just a year ago.

A look at the facts of the situation shows, in the light of the amendment presently under discussion, that tragically we either have not learned or have forgotten those lessons.

In 1968, there were approximately 10,000 recorded cases in which individuals were killed by ammunition from a firearm. Most of the bullets for these weapons were sold over the counter to individuals, many of them hardened criminals, who did not have to present any identification. These bullets were bought by men whose aim was not to hunt, but to kill.

Since the passage of the 1968 Gun Control Act, the Government has been able to monitor more closely, and in some cases to limit, the sale of ammunition by simply maintaining records of all purchasers of ammunition. At the same time, it has been more effective in keeping ammunition out of the hands of juveniles and undesirable elements who either do not know how to use these potential weapons of destruction or intend to use them to commit a crime.

What, then, is the argument for eliminating the provision of the firearms legislation that places these limited controls over the sale of ammunition? It is contended that this provision inconveniences and unfairly burdens law-abiding sportsmen who wish to purchase ammunition for lawful purposes.

Mr. President, what is the inconvenience of having to give one's name and address or show a driver's license in order to purchase ammunition? How much extra time does this take for the average person while making his purchase? If it takes 2 minutes, is this a great infringement on personal liberties when we know that this limited information check might, just might, keep the ammunition out of the hands of a person who is dangerous to others when he has such equipment? Is this an infringement on personal liberties when this limited form of registration might help prevent the murder of a neighbor, a loved one, or even of one's self? I strongly contend that this provision of the 1968 Firearms Act is no significant infringement of liberties. It is significant as a means to limit serious crime in this Nation. No case has been made to justify abandoning the provision before it has been fairly tried.

A distinquished colleague, the senior Senator from Connecticut, who will long be remembered as a man who brought some sense and order to firearms traffic in this Nation, stated the facts of this matter quite succinctly and candidly when he wrote, in a letter to the President, that:

> Any attempt to reduce the capability of law enforcement officials to cope with criminals while increasing the capability of any lunatic, juvenile delinquent, felon, or zip-gun owner to once again purchase these deadly items with no questions asked must be prevented.

If we are to pass this bill without giving serious consideration to its ramifications, we will have committed a grave disservice to the American people. At a time when there is a great demand to disarm the criminal, we are debating here today a measure which will only serve to rearm him. To me, this measure represents a most dramatic folly in the long-proclaimed efforts to bring "safety to the streets." Indeed, it would seem more logical for the Senate to consider tighter restrictions on the sale of ammunition, perhaps including the prohibition of sale to any nonresident of the State, rather than to consider, as is now the case, the repeal of the modest ammunition controls now in force.

The arguments in favor of controls on the sale of ammunition—that the controls tend to deter criminals from attempting to purchase ammunition, that they are the only way effectively to control firearms already privately owned and in circulation, that the controls assist in the investigation of crime—are so well known that it seems a needless waste of time for this body to have to reconsider them. But, despite these arguments and despite the sheer force of logic, we are once again being required to bring up this matter which I had thought was long since resolved.

If a sufficient number of Senators do see a need to decimate a vital section of the 1968 Gun Control Act, then let there be hearings in an appropriate committee to prove the validity of such an action. To those who are interested in them, there are facts and theories in the area of law enforcement that are available

and show the great dangers resulting from unlimited, open-market sale of ammunition. I believe I understand some of those facts as they have been proven time and time again by simple records and surveys. Let us not now pass a bill which would take away from our law enforcement officials one of their most promising tools in helping to protect the average citizen from the gun-wielding criminal.

Mr. President, I strongly urge this body to consider the alarming consequences of this amendment, and to reject this unwise proposal.

Mr. McGEE. Mr. President, on the surface, the amendment to H.R. 12829 would modify ammunition recordkeeping requirements for the 1968 Gun Control Act. But, there are two points even more important than mere modification. It is to these two points that I wish to address myself, Mr. President.

The first of these two points is that the effect of the modification would correct what is an obvious absurdity about gun controls and about the habits of sportsmen in Wyoming. In no sense do the present requirements for recordkeeping in regard to sale of ammunition aid in crime control. The irritation and make-work of the current requirements to keep the names, addresses, and other information about ammunition buyers causes more contempt than it does control.

Those of us from the West, and I would hope others as well, take not only pleasure but pride in being able to hunt and shoot safely without petty rules distracting from our pursuits. Certainly the current regulations spawned by the Gun Control Act of 1968 regarding ammunition are a detraction from the concept of sound legislation at best and petty legislation at worst.

Too many sporting goods dealers, hardware merchants, hunters, and others from Wyoming have complained acidly about the time and expense, not to mention useless effort, required for compliance with the recordkeeping provisions of the Gun Control Act.

The second of my two points directs itself to the argument that our amendment to the bill before us can be used to open a loophole in the 1968 Gun Control Act. It does not seem to me, Mr. President, that good sense of our amendment can be described as opening any kind of a hole in the Gun Control Act. Nowhere is there any evidence to support the notion that writing one's name, address, and age down every time he buys a box of ammunition goes in the direction of controlling crime. To remove the ludicrous provisions for recordkeeping required by the Gun Control Act seems to me the very opposite of opening loopholes.

Besides I am not at all certain that the Gun Control Act of 1968, which I voted against, is all that much of a model of wise legislation. While I am philosophically opposed to viewing the law as something in which to find loopholes, I think the Senate should be very careful about accepting the proposition that the Gun Control Act of 1968 is something sacred and above modification. The amendment before us is an effort to recover some sense of reality and intelligence about the rather silly regulations adopted to control the sale of ammunition. I urge that we accept the amendment to H.R. 12829.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma(Mr. Harris), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), the Senator from West Virginia (Mr. Randolph), and the Senator from Maryland (Mr. Tydings), are necessarily absent.

I further announce that the Senator from Indiana (Mr. Hartke), and the Senator from Washington (Mr. Magnuson) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) would vote "yea."

I also announce that, if present and voting, the Senator from West Virginia (Mr. Randolph) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Kansas (Mr. Dole), the Senator from Ohio (Mr. Saxbe), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Michigan (Mr. Griffin) is absent because of death in the family.

The Senator from Kansas (Mr. Pearson) is detained on official business.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Kansas (Mr. Dole), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Saxbe), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 65, nays 16, as follows:

[No. 119 Leg.]

YEAS—65

Aiken
Allen
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cotton
Curtis
Dominick
Eagleton
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gore
Gravel
Gurney
Hansen
Hart
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Moss
Mundt
Murphy
Packwood
Percy
Prouty
Proxmire
Russell
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—16

Brooke
Case
Cooper
Dodd
Fong
Goodell
Hughes
Javits
Kennedy
McCarthy
McGovern
Pastore
Pell
Ribicoff
Williams, N.J.
Williams, Del.

NOT VOTING—19

Allott
Bayh
Cranston
Dole
Eastland
Griffin
Harris
Hartke
Magnuson
Mondale
Montoya
Muskie
Nelson
Pearson
Randolph
Saxbe
Thurmond
Tower
Tydings

So the committee amendment as amended was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I ask for third reading.

The PRESIDING OFFICER (Mr. Gravel in the chair). The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

GIVE LAW-ABIDING SPORTSMEN A BREAK

Mr. HANSEN Mr. President, all of us are aware of the unnecessary burden placed on law-abiding hunters and skeet and target shooters by the interpretation of the Gun Control Act of 1968, which has required registration of ammunition sales. This has created so many headaches of paperwork for small ammunition dealers in areas of Wyoming and other States that they have either dropped or are considering dropping ammunition from their line of merchandise.

In Wyoming, wild game often is a meaningful supplement to the annual diet of most families, especially the low-income families. These same low-income families often do not have the money or the means to travel great distances to city stores to buy the ammunition they need for hunting, or to drive predators away from their livestock. We can give the law-abiding sportsmen a break by endorsing the provisions of the ammunition amendment to the interest equalization tax bill.

The Treasury Department has found this ammunition registration requirement to be of little value in deterring crime. But I have no quarrel with those Senators from States which do have problems stemming from firearms and ammunition sales. Wyoming and many other States do not have such problems, and we do not have the need for registration and licensing of either firearms or ammunition.

We see no reason in Wyoming why we should not be allowed within the State to decide the sort of firearms and ammunition laws we should have to meet our special needs. And we see no reason why the States with special but different requirements cannot meet their goals within the realm of their own legislatures. I hope that the Senate will give support to the law-abiding gun users of this Nation.

Mr. HRUSKA. Mr. President, the Gun Control Act of 1968 made important changes in Federal firearms policy by controlling interstate sales of firearms. This enabled individual States to impose

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effective controls designed to meet local conditions.

Not every section of that law was meritorious and effective, however. It included provisions controlling interstate transactions in all firearms ammunition and imposing strict recordkeeping requirements upon dealers in ammunition.

I opposed the inclusion of sporting ammunition in last year's law for two reasons. First, I felt that the provisions of the act relating to sporting ammunition would impose an unwarranted burden upon sportsmen and upon dealers; and, second, I believe that the recording requirements were unenforceable and could not effectively control interstate transactions in sporting ammunition.

Mr. President, the idea of recording transactions in ammunition is not new. Pistol ammunition has been subject to Federal regulation ever since the enactment of the Federal Firearms Act of 1938. The ammunitions provisions of the 1938 law, however, have not been enforced.

Mr. John W. Coggins, Chief Counsel's Office, Internal Revenue Service, explained the failure to enforce the law in testimony before the House Interstate and Foreign Commerce Committee in 1963. Mr. Coggins told the committee that—

> It has been found impracticable to effectively administer the provisions of the Federal Firearms Act relating to ammunition.

Mr. G. D. Belin, General Counsel of the Department of the Treasury, in testimony before the same committee objected to the wisdom of ammunition control by explaining:

> Ammunition is not serially numbered and is very hard to identify. These factors make those provisions of the Act relating to ammunition impractical to administer. Further, we know of no instance where any of those provisions have been helpful in controlling the interstate flow of firearms or in enforcement.

It is unfortunate that notwithstanding the testimony of these knowledgeable witnesses who were in a position to know the shortcomings of ammunition regulations, Congress, in 1968, saw fit to include sporting ammunition in registration requirements.

The reactions of those charged with administering ammunition regulation has not changed.

On July 23, 1969, Mr. Randolph W. Thrower, the new Commissioner of Internal Revenue, addressed himself to this subject in testimony before the Senate Subcommittee to Investigate Juvenile Delinquency. In his statement, Mr. Thrower said:

> With regard to ammunition transactions, it is only fair to report to the subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way, particularly in view of the multitude of sales in only sporting ammunition.

Mr. Thrower went on to say:

> We have serious questions as to the contribution to enforcement made by keeping records on sales of sporting ammunition. . . .

The problems inherent in the enforcement of the ammunition provisions of the act were further highlighted by Mr. Donald E. Santarelli, Associated Deputy Attorney General. Mr. Santarelli told the subcommittee that "ammunition is fungible and, thus, not easily identified. Furthermore, the hundreds of thousands of daily transactions in sporting ammunition create a volume of records almost impossible to deal with."

It is clear that the ammunition provisions enacted in 1968 constitute little, if any, improvement upon the unenforceable provisions included in the 1938 act.

Mr. President, many of the predictions made during final debate of the 1968 Gun Control Act regarding regulation of ammunition sales by opponents thereof, have now materialized.

It was foretold that great harrassment, inconvenience, and unnecessary added costs would be imposed on law-abiding users of firearms for sporting purposes. It was pointed out that the prescribed procedures would be undue and unnecessary restriction and burden; and the results thereof would not in any way contribute to the fight against crime, violence, or the criminal misuse of guns.

All of these things have come to pass and to be plainly evident.

The sheer volume of paperwork now required is staggering, all at great expense and time, as well as annoyance to the merchant as well as the customer.

Estimated sales transportations of .22-caliber ammunition per day are on the order of a quarter of a million. To this must be added shotgun shell sales to millions of hunters. It is estimated that total daily transactions during hunting season could readily reach a half million.

During the debate, attention was called to the many small town and rural merchants who had stocked such sporting ammunition for the convenience of their customers. Many did not even deal in firearms. But there would be large numbers of such businesses which would cease to thus accommodate the hunter. The reasons are plain: the voluminous, expensive, and in vain paperwork; the cost of the Federal license; and the potential of severe criminal penalty in case of a sale to a person prohibited by the law to buy, notwithstanding every good faith and reasonable effort to avoid making such illegal sales.

All of these forecasts have come about in numerous places and in a large total, according to reports; and have led to substantial inconvenience and added expense to thousands of lawful users.

All of these factors should at all times be considered against the background that: The required sales records serve no useful purpose; the Federal authorities are not able to process or check individual sales records in any meaningful way because of the astronomical number of transactions; the provisions regulating ammunition have not been helpful in controlling the interstate flow of firearms or in enforcement.

These provisions are not enforceable. It is most reasonable, therefore, to see that sportsmen and dealers are relieved of the unnecessary recordkeeping burdens placed upon them by the Gun Control Act of 1968. I believe that sporting ammunition should be excluded from Federal Control.

The Senator from Utah (Mr. Bennett) introduced a bill, S. 845, to exempt certain sporting ammunition from the provisions of the Gun Control Act of 1968. I welcomed the opportunity to join the distinguished Senator from Utah, and many other Senators, as a cosponsor of this very good bill. S. 845 was assigned to the Committee on the Judiciary for consideration.

Subsequent to the introduction of S. 845, the chairman of the House Judiciary Committee made it known that his committee did not intend to consider any firearms legislation this session. This action, of course, spelled doom to S. 845.

To avoid this roadblock, Senator Bennett withdrew S. 845 and introduced a substitute bill which was designed to fall within the jurisdiction of the Committee on Finance instead of the Judiciary Committee. This bill, S. 2718, of which I am also a cosponsor, would amend the Internal Revenue Code in such a way as to relieve dealers of the burden of keeping records of transactions in sporting ammunition. The content of that bill is now contained in section 5 of the pending bill.

Although this amendment will not go as far as many of us would like, I believe that it will be an improvement over existing law. S. 2718 will relieve the dealer from the excessive paperwork that is now required of him for each and every sale of sporting ammunition. It will also relieve the sportsmen from the interrogations by dealers each and every time they purchase sporting ammunition.

And most important of all, this amendment will in no way impair the objectives of the Gun Control Act—namely to keep the firearms out of the hands of the wrong people; and to reduce misuse and criminal use of firearms.

Mr. President, the Bennett amendment is a good one. I urge favorable action on it.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 12829) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BENNETT. I move to lay that motion on the table.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Long, Mr. Anderson, Mr. Gore, Mr. Williams of Delaware, and Mr. Bennett conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, if there is a Senator who did not get the message, there will be no further votes this afternoon.

ORDER FOR ADJOURNMENT TO TOMORROW VACATED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order which would convene the Senate tomorrow at 12 o'clock noon be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. MONDAY, OCTOBER 13, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock Monday morning, October 13, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR RECOGNITION OF SENATOR COOK, SENATOR DOLE, AND SENATOR JAVITS ON MONDAY, OCTOBER 13, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the disposition of the Journal on Monday, October 13, 1969, the distinguished Senator from Kentucky (Mr. Cook) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Kentucky, the distinguished Senator from Kansas (Mr. Dole) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I would like approximately 20 minutes on Monday morning. Could the Senator in some way accommodate me?

Mr. MANSFIELD. Would the Senator like to come in at 20 minutes to 10?

Mr. JAVITS. If the Senator wishes. I would hope not.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Kansas (Mr. Dole), the distinguished senior Senator from New York (Mr. Javits) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, OCTOBER 13, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of remarks of the senior Senator from New York on Monday, October 13, 1969, there be a brief period for the transaction of morning business, with a time limitation of 3 minutes for matters relating to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF THE INTERSTATE OIL AND GAS COMPACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 189, Senate Joint Resolution 54. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A joint resolution (S.J. Res. 54) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I ask the distinguished majority leader if he will be good enough to tell us of the future order of business.

Mr. MANSFIELD. Mr. President, it will be a pleasure to respond to the request of the distinguished minority leader.

Following the oil compact bill on Monday, we will turn to Calendar No. 447, Senate Joint Resolution 158, a joint resolution to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

Following that, it is anticipated that we will take up the OEO—somewhere in there; it will be available—plus Calendar No. 445, S. 1508, a bill to improve the judicial machinery. Then it is anticipated that we will take up Calendar No. 329, S. 2696, a bill to provide for continuation of authority for the regulation and expansion of exports.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. I did not hear the Senator mention the two so-called potato bills, S. 1181 and S. 2214. Both have been on the calendar a long time. I am not familiar with any prolonged objection that is planned, but I have not really tried to find out about it. I think I would have heard of it.

Mr. MANSFIELD. I overlooked mentioning those two bills, which will be considered in tandem, so to speak, sometime next week—I hope the early part.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Whitten, Mr. Natcher, Mr. Hull, Mr. Shipley, Mr. Evans of Colorado, Mr. Mahon, Mr. Langen, Mr. Michel, Mr. Edwards of Alabama, and Mr. Bow, were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

OPERATION INTERCEPT

Mr. MANSFIELD. Mr. President, beginning on the afternoon of Sunday, September 14, and continuing to this day, nearly 2,000 agents of the combined Customs and Immigration Agencies have been stopping and searching northbound passengers and vehicles at 31 land points and 27 airports.

The results of this operation have been mixed. I understand that in the United States drug prices have increased, which would seem to indicate that Operation Intercept is stemming the flow, at least temporarily, especially of marihuana. In some cities the price doubled within a few days. But these short-range benefits must be balanced against the ill will created among the inconvenienced travelers, mostly Mexican, and a sharpening of the drug debate at home.

Although Mexican authorities have, to the best of their ability, cooperated with our Government, the reaction of private Mexican citizens has been sharp. The bulk of those inconvenienced by Operation Intercept are Mexicans, mainly those who cross the border daily to work. There are newspaper accounts of vehicles backed up for several miles and of long lines of people waiting in the heat to undergo the humilitation of a search.

In protesting, the Mexican Confederation of National Chambers of Commerce is trying to counter Operation Intercept with "Operation Dignity." The confederation charges that Intercept seeks to prevent Mexicans from crossing the border.

Delays encountered at the border cause economic hardship, again mostly for the Mexicans. Felix Belair, writing in the New York Times of September 24, said:

> Enforcement officials readily agree that total inspection of all northbound vehicles and persons at the border amounts to noth-

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ing less than limited economic sanctions against Mexico.

Critics of Operation Intercept also point to the lack of tangible results. During the first week, agents stopped 2,384,079 people at the 31 land points. Of these, 903,460 crossed on foot; the remainder were in 529,047 vehicles. The Washington Post of September 23 reported that of the first half million persons coming from Mexico, not a single marihuana smuggler was found. Another story a week later told of 33 persons arrested and 405 seizures of an "unspecified amount of marihuana and other drugs." Compared to the scope of the operation, pickings have been small.

Finally, the charge is made that the professional smuggler is unaffected by Intercept. When the operation is over, he will resume business as usual, while the legitimate economic interests of ordinary Mexican citizens may be harmed permanently, and I might say some American citizens as well.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "The Bureaucratic Error," published in the St. Louis Post-Dispatch of October 3, 1969, and also an editorial entitled "Is Intercept Worth the Price?" published in the Missoulian of Missoula, Mont., of October 3, 1969.

There being no objection, the editorals were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Oct. 3, 1969]

THE BUREAUCRATIC ERROR

Mexico has privately retaliated against Operation Intercept, the Nixon Administration's Western tourist roundup aimed at the marijuana traffic, with Operation Dignity. This is an effort by Mexican chambers of commerce in border towns to keep Mexicans from going to shop or work in the United States.

Dignity is, no doubt, one of the principal Mexican concerns, since the effect of Operation Intercept is to put the country's entire border and anyone crossing it under dire suspicion of carrying marijuana. Indeed, President Gustavo Diaz Ordaz was sufficiently irritated to refer to the border searches as a "bureaucratic error" in welcoming America's astronauts to Mexico City.

Dollars also are involved, however, and we suspect few Americans comprehend what the traditionally open border means to Mexico. It means a kind of tourism that in 1967 procured one billion dollars for Mexico, or 87 per cent of that country's total export earnings, or enough to stabilize Mexico's balance of trade.

Now the State Department admits it failed to consult "sufficiently" with Mexican officials before Intercept was launched. We do not know whether sufficient consultation would have prevented a drive apparently aimed at proving how strongly the Administration stands against marijuana. Surely, however, American customs could have clamped down on the traffic more selectively and efficiently than by clogging the border with tourists waiting to be searched. "Bureaucratic error" seems a kindly word for an affront to a neighbor.

[From the Missoula (Mont.) Missoulian, Oct. 3, 1969]

IS INTERCEPT WORTH THE PRICE?

"Operation Intercept" against drugs along the Mexican border is intercepting very little and the question is how long it can continue and at what cost.

The operation successfully is stifling the entry of illegal drugs—particularly marijuana, plus some hashish, heroin and cocaine—into the United States. Word of the operation got out long in advance, so those going south of the border to pick up the stuff had quit by the time the operation began.

So drugs aren't being intercepted in any quantity because very few people are trying to bring them through. Presumably the drugs will remain in Mexico until the heat lifts, after which business will resume.

Probably "Operation Intercept" is worth a try just to measure its consequences. We hope federal narcotics agents and independent researchers are hard at work making such measurements, because they are important.

The cost of the operation falls into four categories:

1. Maintaining the manpower and equipment, the operation requires. How long the federal government can keep this up is unknown. It likely will keep the heat on hard for awhile, then let border inspections taper off, though not to the easygoing extent of yesteryear, with periodic unannounced intensive crackdowns.

2. The harm to U.S.-Mexican relations. Mexicans commuting daily into the United States are up in arms over the delays at crossing the border. Mexican business interests are upset over the drop in trade. The clampdown cannot continue at its present intensity without injuring relations between the two countries. Whether the Mexican national and state governments will be coerced by "Operation Intercept" into doing their own drug policing (which is what our government wants them to do) is doubtful.

3. Most important, as the operation cuts off pot supplies, where will American drug users turn and with what consequences? Marijuana users are predicting that the clampdown will increase consumption of habit-forming narcotic drugs as well as use of LSD and speed. That could be dangerous and terribly costly. "Operation Intercept" might succeed, but the patient probably will be more apt to die. This danger requires careful measurement.

4. Even before "Operation Intercept" began there was some evidence that organized crime was strongly intensifying its attempts to penetrate the illegal drug scene. The Mafia always has had a hand in the heroin smuggling and selling racket, but could not control the pot, LSD, and speed business because of the overwhelming amateur competition. If "Operation Intercept" aids Mafia penetration and control of drug areas it hitherto has shunned, the consequences could be incalculably bad.

All this presents a complex moral and legal dilemma to the federal government. It is right when it seeks to crack down on any illegal drugs, including marijuana.

Yet if its clampdown on pot increases the use of more destructive drugs and simultaneously assisted organized criminal domination of the drug underground, with all the sinister possibilities which criminal domination would bring, then the operation assists the moral and legal degeneration which until now has been an intimate but largely dormant part of much of the illegal drug scene.

If the operation produces the adverse consequences outlined above, the best thing would be to abandon it quickly and try to find less damaging ways to curtail the importation and use of illegal drugs.

Mr. MANSFIELD. Mr. President, I suggest that the best way to face up to this particular problem, and it is a problem for both countries, would be to meet with representatives of the Government of Mexico on an equal and dignified basis and then work together toward a positive solution.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. Mr. President, yesterday afternoon the seriousness of Operation Intercept was brought to my attention. It was reported to me that as a result of this operation much of the good will which has been built up over recent years between Mexico and the United States, and it is a splendid example of good will between nations, was being seriously jeopardized.

On receiving this information, I called the top officials of the United States and reported what I had been told. I was advised that action would be taken very promptly to straighten out this situation because we cannot afford the ill will of Mexico, and this operation was proving to be extremely embarrassing and costly to our good neighbors to the south.

Mr. President, I might as well say that the President advised me the administration would go to work as rapidly as they could to solve this situation. About 2 hours ago I received a call from the administration, to the effect that they had met with Mexican authorities this morning, that great progress has been made on reaching an agreement satisfactory to both countries, and that we might expect within a matter of hours—although probably not today—a formal announcement that a solution had been found through the mutual cooperation and participation of both countries.

Mr. President, I wish to commend both the Mexicans and our own administration for recognizing this serious problem and salute them both for the speedy solution that they worked out.

Mr. MANSFIELD. Mr. President, I, too, wish to commend the administration for the good news which the distinguished senior Senator from Vermont (Mr. AIKEN) has just given to us. I am glad to note, if I interpret his statement correctly, that the representatives of the Mexican Government, who have been meeting with officials of the Department of Justice, are making good and satisfactory progress. It looks as if it might be possible that a solution on a dignified, mutually acceptable, and mutually agreeable basis will soon be announced. If it is, I think the distinguished Senator from Vermont will be entitled to a great deal of credit for what all of us hope will be a happy solution.

Mr. AIKEN. Mr. President, the Senator from Vermont is not asking for any credit, but will consider it most satisfying if this problem can be solved without delay. I have every reason to believe that within the next 24 hours we may have even better news.

Mr. MANSFIELD. I am delighted.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I, too, am delighted to hear what the Senator from Vermont has reported with respect to

this matter. I believe the majority leader has properly assessed the matter with regard to stopping the flow of narcotics or is not an addictive drug. into this country, although there is an argument as to whether marihuana is

I wish to point out to the Senator something I think we could do ourselves. My interest in this problem has been reawakened. When I was attorney general of New York, I served as the chairman of the attorney general's committee on this subject. In that capacity, I served with the Senator from Iowa (Mr. HUGHES), who is now doing such a splendid job as the chairman of the Subcommittee on Alcoholism and Narcotic Drugs of the Committee on Labor and Public Welfare.

One of the elements of the agreement with the Mexicans is very likely to be the availability of some helicopters and other equipment to engage in surveillance over the raising of narcotic-producing plants. I understand this is illegal there, too. The administration will want to know whether we look with favor on that kind of a cooperative surveillance effort, as contrasted with the rather awkward and difficult Operation Intercept.

I just wanted to call that to the attention of the majority leader. His views and those of the ranking minority member of the Committee on Foreign Relations will be critically important if it should be possible to achieve an agreement such as the one to which the Senator from Vermont has referred.

Mr. AIKEN. Mr. President, if the Senator will yield further, for another minute, I want to say that the majority leader has been instrumental over the years in building up the excellent relations which exist between the United States and many countries, but particularly between Mexico and the United States.

In fact, our majority leader is respected in virtually every country in the world and enjoys unquestioned credibility in each of them.

Our distinguished majority leader has played a substantial part in reaching the solution to the present agreement. Perhaps I have spoken out loud, or out of turn—I do not know about that——

Mr. JAVITS. Never.

Mr. AIKEN. But the main thing is the result and it looks as though we will get results in this present episode within the next few hours.

Mr. MANSFIELD. Mr. President, as always, the senior Senator from Vermont (Mr. AIKEN) is too modest about his participation and influence in matters of this nature.

I note that we have in the Chamber at this moment the distinguished Senator from Iowa (Mr. HUGHES). I recall reading a few weeks ago something to the effect that he was conducting hearings having to do with alcoholism and drug addiction.

If I recall correctly, the Senator heads a subcommittee operating out of the parent Labor and Public Welfare Committee. If I recall further, now that the ranking minority member of the committee is in the Chamber, the Senator from Iowa is chairing the subcommittee, making the study, the inquiry, the investigation, without any funds or any staff to help him. Is that correct?

Mr. JAVITS. That is correct, and he is doing a fine job.

Mr. MANSFIELD. He certainly is doing a fine job. He is doing a magnificent job. No one is more capable of so doing than he.

If I may, I should like to suggest—I have never done this before in my 17 years of service in the Senate—that the Committee on Labor and Public Welfare might well see fit to appropriate or allocate some of its money to this particular subcommittee which is facing up to the evils of alcoholism and drug addiction. These problems are two of the most significant facing our society today and the great interest and involvement into these social problems that the Senator from Iowa has demonstrated should be utilized to their fullest so that the substantial progress we all seek can be best achieved.

Mr. President, so far as I am concerned, let me say that I would be more than willing, either in open session before the Committee on Rules and Administration, or in any other way, to try to get at least a substantial amount of money for the carrying out of the activities of the subcommittee which the Senator from Iowa (Mr. Hughes) is chairing, to the end that he can put his expertise and knowledge—as he has up to this time—to better use in finding solutions to the problems of alcoholism and drug addiction, which are not becoming less prevalent, but more prevalent in this country with the passing of each day.

Mr. HUGHES. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HUGHES. I should like to thank the Senator from Montana for calling attention for the second time to the fact that the subcommittee I chair has no funds, but to point out that the chairman of the Committee on Labor and Public Welfare has given me the utilization of mailing privileges, and telephone privileges, and has in fact been supplying some daily expenses as we have traveled around the country. But, we have been hustling, trying to pay our travel expenses, in most instances.

It is true, we are operating on limited funds. When we get to publication, I am not sure where we will be; but with the help of the able Senator from New York (Mr. JAVITS) and the distinguished majority leader, and others, I have enough faith and enough hope, with the Nation facing these two great problems, that we will find a solution and the money, at least, to print the results of what we come up with.

Mr. President, concerning the border incident, let me point out another set of circumstances.

As the Senator from New York indicated, there is great controversy over the drug cannabis, or marihuana, and the fact that Operation Intercept was primarily hitting at marihuana.

It should be pointed out that much of the border conflict there is hitting at pills manufactured in the United States, being shipped to Mexico, and coming back, plus the question of whether some of those pills are going to Mexico or are just being turned around at the border and coming back.

So, they are not hitting at marihuana alone. Also, the fact that question has been raised, that by driving prices of marihuana so high in this country, more people will be turning to "speed" and other narcotic drugs, which will have a much more dangerous effect than that of marihuana. But that question is not one that the administration or the subcommittee can answer in line with the laws of both Mexico and the United States.

We must enforce the laws to the best of our ability. As the Senator from New York (Mr. JAVITS) has indicated, he certainly will have the cooperation of this Senator, although I might be in disagreement with him on some of his philosophical views. We are trying to do the best we can with the law as it now exists.

I want to thank the distinguished majority leader once more for pointing out the needs of the subcommittee.

Mr. MANSFIELD. We will try to put a little substance in that faith the Senator is talking about, and that we are operating on.

Mr. JAVITS. I will, too.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS, INCLUDING MINORITY AND SUPPLEMENTAL VIEWS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the adjournment of the Senate today and until 10 o'clock a.m. on Monday next, all committees be authorized to file reports, including minority and supplemental views thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10 O'CLOCK A.M., MONDAY, OCTOBER 13, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock a.m. on Monday next.

The motion was agreed to, and (at 5 o'clock and 27 minutes p.m.) the Senate adjourned until Monday, October 13, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nomination received by the Senate, October 9, 1969:

DEPARTMENT OF JUSTICE

Clarence M. Coster, of Minnesota, to be an Associate Administrator of Law Enforcement Assistance, vice Wesley A. Pomeroy, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 9, 1969:

U.S. MARSHALS

Harlan R. Hosch, of Illinois, to be U.S. marshal for the eastern district of Illinois for the term of 4 years.

Leon B. Sutton, Jr., of Tennessee. to be U.S. marshal for the eastern district of Tennessee for the term of 4 years.

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EXTENSIONS OF REMARKS

PROPOSED REVISIONS OF RULES GOVERNING INTERSTATE COMMERCIAL VEHICLE DRIVER QUALIFICATIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. ASHBROOK. Mr. Speaker, on June 2, 1969, the Department of Transportation, through its Federal Highway Administration Department, proposed a complete revision of part 391 of the motor carrier safety regulations pertaining to qualifications of drivers of commercial motor vehicles engaged in interstate or foreign commerce.

I believe the Department of Transportation would be well advised in implementing these rules to proceed carefully as many are far-reaching and arbitrary and would work hardships on drivers with good records and qualifications.

Because of their importance to the commercial motor vehicle area of the transportation field, I insert at this point in the RECORD the proposed revisions and other pertinent pronouncements as they appeared in the Federal Register of June 7 and August 23, 1969:

[49 CFR Part 391]

[Docket No. MC–7; Notice No. 69–13]

MOTOR CARRIER SAFETY REGULATIONS

QUALIFICATIONS OF DRIVERS; NOTICE OF EXTENSION OF TIME TO FILE COMMENTS

On June 2, 1969, the Federal Highway Administrator issued a notice of proposed rule making which proposed a complete revision of Part 391 of the Motor Carrier Safety Regulations pertaining to qualifications of drivers of commercial motor vehicles engaged in interstate or foreign commerce (34 F.R. 9080). The notice specified that interested persons should submit their comments on the proposed rule within 90 days of its publication in the FEDERAL REGISTER.

The Administrator has received a petition for extension of time for filing comments. Upon consideration thereof, he has extended the time to file timely comments for 32 days, to the close of business on October 6, 1969.

Issued on August 19, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69–10100; Filed, Aug. 22, 1969; 8:50 a.m]

[49 CFR Part 391]

[Docket No. MC–7; Notice 69–9]

QUALIFICATIONS OF DRIVERS

NOTICE OF PROPOSED RULE MAKING

The Federal Highway Administrator is considering a complete revision of Part 391 of the Motor Carrier Safety Regulations, relating to qualifications of drivers of commercial motor vehicles engaged in interstate or foreign commerce.

Accident experience in recent years has demonstrated that reduction of the effects of organic and physical disorders, emotional impairments, and other limitations of the good health of drivers are increasingly important factors in accident prevention. Technological advances in equipment and highway engineering, together with increased knowledge in the areas of highway safety and the various skills that today's commercial motor vehicle drivers must possess, make it necessary that criteria for determining whether individuals are qualified to drive commercial motor vehicles be upgraded. The mobility of the modern labor force requires access to more information by which a potential driver's ability, training, mental attitude, and experience in the operation of commercial motor vehicles can be determined. Medical advances, improved diagnostic techniques, and modern man's increased exposure to the regulations' physical qualifications for driving commercial motor vehicles. These factors have impelled the Administrator to consider revising Part 391.

The proposed changes to Part 391 fall into five broad, general areas:

The first area relates to the record and history of professional drivers. The driver qualifications under consideration would require every prospective driver to submit information concerning his driving record, his prior employers, his accident experience, and the status of his driver's license to the motor carrier for which he seeks to drive. He must also furnish information concerning his experience in driving motor vehicles. The carrier would be required to test the skill of prospective drivers by giving an adequate road test under controlled conditions, and a written examination to test the applicant's knowledge of the applicable motor carrier safety regulations.

The second general area relates to the minimum physical qualifications for drivers. The proposed revision would substantially tighten the existing regulations by including guidelines for the evaluation of persons in high-risk medical categories and would provide for giving the examining physician full information about the responsibilities of and the exacting demands made on present-day commercial drivers.

The third general area relates to the in-service record of each driver and continued surveillance of his performance while he is on the job. In order to assure continued attention to these factors, the proposal would require an annual review of each driver's record, investigation of the accidents in which he is involved, if any, and more frequent physical reexaminations under the same criteria as apply to the preemployment examination. In addition, the proposal provides a means for resolution of disagreements between medical examiners in special cases.

The fourth area relates to a difficult problem facing both the Administration and the motor carrier industry. That problem is when, and under what circumstances, permitting a driver to continue to drive involves too great a risk to the interests of public safety. Therefore, the proposed revision would establish rules requiring removal from service of any driver who is convicted of serious offenses involving a motor vehicle or alcohol or drugs, or whose license to operate a motor vehicle has been suspended or revoked. The rules would also require motor carriers to consider, on an annual basis, whether the driving record of each driver in their employ indicates that the driver has exhibited a disregard for public safety. These rules are intended not only to promote safety in the public's interest, but also to protect the lives of drivers who are subject to them.

The fifth area relates to revisions of an editorial nature. A large number of changes have been proposed for the purpose of increasing the clarity of Part 391. In addition, the proposal would transfer two provisions which relate to the driving of motor vehicles from Part 391 to Part 392.

During the past year, particularly while revision of Part 391 was under consideration, the Administrator received a number of suggestions that the minimum age for drivers (now set at 21) be lowered. The Administrator realizes that the present age limit applies only to drivers of commercial motor vehicles engaged in interstate or foreign commerce. He recognizes the complex mechanical characteristics and the demanding operational requirements of modern commercial vehicles. Most of such vehicles in intercity service are articulated trucks which have sophisticated air, electrical, and mechanical systems, such as complex transmissions. Operating these vehicles safely requires both experience and an unusual degree of judgment. These vehicles frequently operate under all conditions including wet and otherwise slippery pavements, adding to the need for experience and judgment on the part of those who drive them to avoid serious and costly accidents. However, in order to give the fullest possible consideration to the views of those who favor reducing the existing minimum age, the Administrator particularly invites interested persons to comment on this issue.

Interested persons are invited to submit written data, views, or arguments, pertaining to the proposed rule. Comments must identify the docket (No. MC–7) and must be submitted in three copies to the Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety, Room 302A. All comments received before the close of business 90 days after this notice is published in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Administrator proposes to revise Part 391 of Title 49, CFR to read as set forth below and to amend Part 392 of Title 49, CFR as set forth below.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

Issued: June 2, 1969.

F. C. TURNER,
Federal Highway Administrator.

I. Part 391 of Title 49, CFR is revised to read as follows:

PART 391—QUALIFICATIONS OF DRIVERS

Subpart A—General

Sec.
391.1 Scope of rules in this part; additional qualifications.
391.3 Definitions.
391.5 Familiarity with rules.
391.7 Aiding or abetting violations.

Subpart B—Qualification and Disqualification of Drivers

391.11 General qualifications for all drivers.
391.13 Special qualifications for drivers hired after December 31, 1969.
391.15 Disqualification of drivers.

Subpart C—Background and Character

391.21 Application for employment.
391.23 Investigations and inquiries.
391.25 Annual review of driving record.
391.27 Record of violations.

Subpart D—Examination and Tests

391.31 Road test.
391.33 Equivalent of road test.
391.35 Written examination.
391.37 Equivalent of written examination.

Subpart E—Physical Qualifications and Examinations

391.41 Physical qualifications for driving.
391.43 Medical examination; certificate of physical qualification.
391.45 Persons who must be medically examined and certified.
391.47 Conflict of medical evaluations.
391.49 Waiver of certain physical defects.

Subpart F—Files and Records

391.51 Personnel files.

Subpart G—Exemptions

391.61 Single trip drivers.
391.63 Drivers furnished by other motor carriers.

AUTHORITY: The provisions of this Part 391 issued under sec. 204, Interstate Commerce Act, as amended (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655); delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

Subpart A—General

§ 391.1 Scope of rules in this part; additional qualifications.

(a) The rules in this part establish minimum qualifications for persons who drive motor vehicles as, for, or on behalf of motor carriers. The rules in this part also establish minimum duties of motor carriers with respect to the qualifications of their drivers.

(b) The rules in this part, and in other parts of this subchapter, do not prevent a motor carrier from imposing more stringent or additional qualifications, requirements, examinations, or certificates than the qualifications, requirements, examinations, or certificates that are imposed by those rules.

§ 391.3 Definitions.

As used in this part—

(a) The term "motor carrier" includes a motor carrier and the agents, officers, representatives, and employees of a motor carrier who are responsible for or concerned with the driving of a motor vehicle or the hiring, supervision, training, assignment, or dispatching of drivers.

(b) The term "Director" means the Director of the Bureau of Motor Carrier Safety.

§ 391.5 Familiarity with rules.

Each motor carrier shall know, and be familiar with, the rules in this part.

§ 391.7 Aiding or abetting violations.

No person shall aid, abet, encourage, or require a motor carrier or a driver to violate any provision of this part.

Subpart B—Qualification and disqualification of drivers

§ 391.11 General qualifications for all drivers.

(a) A person shall not drive a motor vehicle unless he is qualified to drive a motor vehicle. A motor carrier shall not require or permit a person to drive a motor vehicle unless that person is qualified to drive a motor vehicle.

(b) A person is qualified to drive a motor vehicle if he—

(1) Is at least 21 years old;

(2) Can read, write, and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to understand oral and written directions in the English language, to respond to official inquiries, and to make entries in the English language on reports and records;

(3) Can, by reason of experience, training, or both, safely drive the type of motor vehicle he drives;

(4) Can, by reason of experience, training, or both, insure that the cargo he transports (including baggage in a passenger-carrying motor vehicle) has been properly located and distributed in or on the motor vehicle he drives;

(5) Is familiar with blocking, bracing, chains, cables, boomers, dogs, and other methods of securing cargo in or on the motor vehicle he drives;

(6) Is physically qualified to drive a motor vehicle in accordance with § 391.41;

(7) Has in his possession a medical examiner's certificate issued pursuant to § 391.43;

(8) Knows the current rules and regulations of the Federal Highway Administration pertaining to safe operation of motor vehicles and the statutory provisions pertaining to safe operation of motor vehicles which are administered by the Federal Highway Administration (including the Transportation of Explosives and Other Dangerous Articles Act, if he is, or may be, assigned to handle or transport explosives or other dangerous articles as defined in that Act);

(9) Has prepared and furnished the motor carrier that employs him with the list of violations or the certificate required by § 391.27; and

(10) Is not disqualified to drive a motor vehicle pursuant to § 391.15.

§ 391.13 Special qualifications for drivers hired after December 31, 1969.

(a) A person who has not been continuously employed by a motor carrier as a driver for a period which began before January 1, 1970, shall not drive a motor vehicle unless he is specially qualified to drive a motor vehicle. After December 31, 1969, a motor carrier shall not require or permit such a person to drive a motor vehicle unless that person is specially qualified to drive a motor vehicle.

(b) A person is specially qualified to drive a motor vehicle if he—

(1) Is qualified to drive a motor vehicle pursuant to § 391.11;

(2) Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with § 391.31, or has presented an operator's license or certificate of driver's road test which the motor carrier that employs him has accepted as equivalent to a road test in accordance with § 391.33;

(3) Has successfully completed a written examination and has been issued a certificate of written examination in accordance with § 391.35, or has presented a certificate of written examination which the motor carrier that employs him has accepted as equivalent to a written examination in accordance with § 391.37; and

(4) Has completed and furnished the motor carrier that employs him with an application for employment in accordance with § 391.21.

§ 391.15 Disqualification of drivers.

(a) A driver who is disqualified shall not drive a motor vehicle. After December 31, 1969, a motor carrier shall not require or permit a driver to drive a motor vehicle if that driver is disqualified.

(b) After December 31, 1969, a driver is disqualified if—

(1) He has, within the preceding 3 years, been convicted of or forfeited bond or collateral upon any of the following charges:

(i) A felony, the commission of which involved the use of a motor vehicle;

(ii) A crime involving the manufacturing, knowing transportation, knowing possession, sale, or habitual use of amphetamines, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug;

(iii) Operating a motor vehicle under the influence of alcohol, amphetamine, a narcotic drug, a formulation of an amphetamine or a derivative of a narcotic drug;

(iv) Leaving the scene of an accident which resulted in personal injury or death; or

(v) Three or more moving traffic violations.

(2) Any license, permit, or privilege to operate a motor vehicle which he has held has been suspended, revoked, withdrawn, or denied and has not been reinstated or reissued by the authority that suspended, revoked, withdrew, or denied it; or

(3) He fails to comply with the Motor Carrier Safety Regulations or Hazardous Materials Regulations of the Federal Highway Administration.

Subpart C—Background and character

§ 391.21 Application for employment.

(a) No person, other than a person who has been continuously employed by a motor carrier as a driver for a period which began before January 1, 1970, may drive a motor vehicle unless he has completed and furnished the motor carrier with an application for employment that meets the requirements of paragraph (b) of this section.

(b) The application for employment shall be made on a form furnished by the motor carrier. Each application form must be completed by the applicant, must be signed by him, and must contain the following information:

(1) The name and address of the motor carrier;

(2) The applicant's name, address, date of birth, and social security number;

(3) The addresses at which the applicant has resided during the 3 years preceding the date on which the application is submitted;

(4) The date on which the application is submitted;

(5) The issued State, number, and expiration date of each unexpired motor vehicle driver's, chauffeur's, or operator's license or permit that has been issued to the applicant;

(6) The issuing State of each expired motor vehicle driver's, chauffeur's, or operator's license or permit that has been issued to the applicant during the 3 years preceding the date the application is submitted;

(7) The nature and extent of the applicant's experience in the operation of motor vehicles including the type of equipment (such as straight trucks, tractors, and semitrailers, or tractors, and full trailers) which he has operated;

(8) A list, in reverse chronological order, of the date and nature of any motor vehicle accidents specifying fatalities or personal injuries, in which the applicant was involved during the 3 years preceding the date the application is submitted;

(9) A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the 3 years preceding the date the application is submitted;

(10) A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation or suspension has occurred;

(11) A statement certifying that the applicant holds a valid license which entitles him to operate a motor vehicle;

(12) A list, in reverse chronological order, of the names and addresses of the applicant's employers during the 3 years preceding the date the application is submitted, together with the dates he was employed by, and his reason for leaving the employ of, each employer; and

(13) The following certification and signature line, which must appear at the end of the application form and must be signed by the applicant:

This certifies that this application was completed by me and that all entries on it and information in it are true and complete to the best of my knowledge.

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(Date) (Applicant's signature)

(c) A motor carrier may require an applicant to provide information in addition to the information required by paragraph (b) of this section on the application form.

(d) Before an application form is submitted the motor carrier shall inform the applicant that the information he provides in accordance with subparagraph (12) of

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paragraph (b) of this section may be used, and the applicant's prior employers may be contacted, for the purpose of investigating the applicant's background as required by § 391.23.

§391.23 Investigations and inquiries.

(a) Each motor carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a driver who has been continuously employed as a driver by the motor carrier for a period which began before January 1, 1970, at the time it employs him:

(1) An inquiry into the driver's driving record during the preceding 3 years, including an inquiry to the appropriate agency of every State in which the driver held a motor vehicle operator's license or permit during those 3 years; and

(2) An investigation of the driver's employment record during the preceding 3 years.

(b) The inquiry to State agencies required by subparagraph (1) of paragraph (a) of this section shall be made in the form and manner those agencies prescribe. A copy of the response by each State agency, showing the driver's driving record or certifying that no driving record exists for that driver, shall be retained in the carrier's files as part of the driver's personnel file.

(c) The investigation of the driver's employment record required by subparagraph (2) of paragraph (a) of this section must be made within 30 days of the date the driver is employed. The investigation may consist of personal interviews, telephone interviews, letters, or any other methods of obtaining information that the motor carrier deems appropriate. Each motor carrier must make a written record with respect to each past employer who was contacted. The record must include the past employer's name and address, the date he was contacted, the method by which he was contacted, and his comments with respect to the driver. The record shall be retained in the motor carrier's files as part of the driver's personnel file.

(d) The motor carrier's findings resulting from its investigation of every recordable accident, as defined in § 394.2(a) of this subchapter, in which the driver was involved shall be retained in the motor carrier's files as part of the driver's personnel file.

§ 391.25 Annual review of driving record.

At least once in each year, each motor carrier must review the driving record of each driver it employs to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a motor vehicle pursuant to § 391.15. In reviewing a driving record, the motor carrier must consider any evidence that the driver has violated applicable provisions of the Motor Carrier Safety Regulations. The motor carrier must also consider any evidence that the driver has violated laws governing the operation of motor vehicles, and must give great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public.

§ 391.27 Record of violations.

(a) After December 31, 1969, each motor carrier shall require each driver it employs annually to prepare and furnish it with a list of all violations of motor vehicles laws and ordinances (other than violations involving only parking) of which the driver has been convicted or on account of which he forfeited bond or collateral during the preceding year.

(b) If a motor carrier accepts a certificate the list required in accordance with paragraph (a) of this section. If the driver has not been convicted of or forfeited bond or collateral on account of any violations which must be listed, he shall so certify.

(c) The form of the driver's list or certificate shall be prescribed by the motor carrier. The following form may be used to comply with this section:

Motor vehicle driver's certification

I certify that the following is a true and complete list of traffic violations (other than parking charges) for which I have knowingly been convicted or forfeited bond or collateral during the last 12 months.

Date	*Offense*
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Location	*Type of vehicle operated*
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If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violations required to be listed during the last 12 months.

------------------	------------------
(Date of certification)	(Driver's signature)
------------------	------------------
(Motor carriers name)	(Motor carrier's address)
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(Checked by: signature)	(Title)

(d) Each motor carrier shall retain the list or certificate required by this section in its files as part of the driver's personnel file.

Subpart D—Examinations and tests

§ 391.31 Road test.

(a) Except as provided in § § 391.33 and 391.61, no person, other than a person who has been continuously employed by a motor carrier as a driver for a period which began before January 1, 1970, may drive a motor vehicle unless he has completed a road test and has been issued a certificate of driver's road test in accordance with this section.

(b) The road test shall be given by the motor carrier, or a person designated by it. The test shall be conducted by a person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he is capable of safely operating the motor vehicle, and associated equipment, which the motor carrier intends to assign to him.

(c) The road test must be of sufficient duration to enable the person who conducts it to evaluate the skill of the person who takes the test at handling the motor vehicle and associated equipment which the motor carrier intends to assign to him. At a minimum, the person who takes the test must be tested while driving the type of motor vehicle the motor carrier intends to assign to him on his skill at performing each of the following operations:

(1) The pretrip inspection required by § 392.7 of this subchapter;

(2) Coupling and uncoupling of combination units;

(3) Placing the vehicle in operation;

(4) Use of the vehicle's controls;

(5) Operating the vehicle in traffic and while passing other vehicles;

(6) Turning the vehicle;

(7) Braking, and slowing the vehicle by means other than braking; and

(8) Backing and parking the vehicle.

(d) The motor carrier shall provide a road test form on which the person who conducts the test shall rate the performance of the person who takes the test at each operation or activity which is a part of the test. After he completes the form, the person who conducted the test shall sign it. The original of the signed form shall be retained in the carrier's files as part of the personnel file of the person who took the test.

(e) After the road test is completed, the person who conducted it shall complete a certificate of driver's road test in substantially the form prescribed in paragraph (f) of this section. The original of the certificate shall be retained in the motor carrier's files as part of the personnel file of the person who took the test. One copy of the certificate shall be given to the person who took the test.

(f) The form for the certificate of driver's road test is substantially as follows:

Driver's name____________________________
Social Security No________________________
Operator's or chauffeur's license No________
State _________________________________
Examining motor carrier___________________
Date tested______________________________
Type of power unit________________________
Type of trailer(s)_________________________
If passenger carrier, type of bus___________

This is to certify that the above-named driver was given a road test under my supervision on ___________ 19__ consisting of approximately ________ miles of driving.

It is my considered opinion that this driver Does ( ), Does Not ( ), possess sufficient driving skill necessary to operate safely the type of motor vehicle listed above.

Signature of examiner_____________________
Title __________________________________
Address of examiner_______________________

§ 391.33 Equivalent of road test.

(a) In place of, and as equivalent to, the road test required by § 391.31, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept—

(1) A valid operator's license which has been issued to him by a State that licenses drivers to operate specific categories of motor vehicles and which, under the laws of that State, licenses him to drive motor vehicles of the type that the motor carrier intends to permit him to drive; or

(2) A copy of a valid certificate of driver's road test issued pursuant to § 391.31 within the preceding 3 years.

(b) If a driver presents and a motor carrier accepts a license or certificate as equivalent to the road test, the motor carrier shall retain a legible copy of the license or certificate in its files as part of the driver's personnel file.

(c) A motor carrier may require any person who presents a license or certificate as equivalent to the road test to take a road test or any other test as a condition to his employment as a driver.

§ 391.35 Written examination.

(a) Except as provided in §§ 391.37 and 391.61, no person, other than a person who has been continuously employed by a motor carrier as a driver for a period which began, before January 1, 1970, may drive a motor vehicle unless he has successfully completed a written examination and has been issued a certificate of written examination in accordance with this section.

(b) The written examination shall be given by the motor carrier or a person designated by it on a form prescribed by the motor carrier. The examination shall be administered by a competent person.

(c) The examination shall consist of questions designed to test the examinee's knowledge of Parts 390–397 of this subchapter. At least 30 questions, which can be answered in either multiple-choice or true-or-false form, shall be asked. A person who correctly answers at least 70 percent of the questions has successfully completed the examination.

(d) If the examinee successfully completes the examination, the person who administered it shall advise the examinee of the correct answers to any questions he failed to answer correctly and shall complete a certificate of written examination in subastantially the following form:

This is to certify that the driver whose signature appears below, has successfully completed the written examination under my supervision in accordance with the provisions of section 391.35 of the Motor Carrier Safety Regulations.

------------------	------------------
(Signature of driver taking examination)	(Date of examination)

(Location of examination)

------------------	------------------
(Signature of examiner)	(Title)

(Address of examiner)

(e) A copy of the certificate required by paragraph (d) of this section shall be given to the person who was examined. The motor carrier shall retain in the personnel file of the person who was examined—

(1) The original of the certificate required by paragraph (d) of this section;

(2) The questions asked on the examination; and

(3) The person's answers to those questions.

§ 391.37 Equivalent of written examination.

(a) In place of, and as equivalent to, the written examination required by § 391.35, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept a valid certificate of written examination issued pursuant to paragraph (d) of that section within the preceding 3 years.

(b) If a motor carrier accepts a certificate as equivalent to the written examination, it shall retain a legible copy of the certificate in its files as part of the driver's personnel file.

Subpart E—Physical qualifications and examinations

§ 391.41 Physical qualifications for driving.

(a) No person may drive a motor vehicle unless he is physically qualified to do so and has on his person a medical examiner's certificate, issued pursuant to § 391.43, that he is physically qualified to drive a motor vehicle.

(b) A person is physically qualified to drive a motor vehicle if he—

(1) Has no loss of a foot, a leg, a hand, a finger, or an arm, or has been granted a waiver pursuant to § 391.49;

(2) Has no impairment of the use of a foot, a leg, a hand, a finger, or an arm and no other structural defect or limitation which is likely to interfere with his ability to control and safely drive a motor vehicle, or has been granted a waiver pursuant to § 391.49;

(3) Has no established medical history or clinical diagnosis of diabetes mellitus that requires insulin for control, or has required insulin treatment within the preceding 12-month period;

(4) Has no clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by a syncope, dyspea, collapse, or congestive cardiac failure;

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and safely drive a motor vehicle;

(6) Has blood pressure no higher than 160/90 mm. Hg.;

(7) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle;

(8) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, or muscular disease which interferes with his ability to control and safely operate a motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychoneurotic disorder likely to interfere with his ability to drive safely;

(10) Has visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separatetely corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, form a field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;

(11) Has hearing not less than 10/20 in his better ear at whispered voice tones without a hearing aid, or a similar level as shown by an audiometric testing device (25–30 decibel loss at 500, 1,000, and 2,000 c.p.m.);

(12) Does not use an amphetamine or a narcotic or other habit-forming drug; and

(13) Does not consume alcoholic beverages to excess.

§ 391.43 Medical examination; certificate of physical qualification.

(a) Except as provided in paragraph (b) of this section, the medical examination shall be performed by a licensed doctor of medicine or osteopathy.

(b) A licensed optometrist may perform so much of the medical examination as pertains to visual acuity, form field of vision, and the ability to recognize colors as specified in subparagraph (1) of § 391.41(b).

(c) The medical examination shall be performed, and its results shall be recorded, substantially in accordance with the following instructions and examination form:

Instructions for Performing and Recording Physical Examination

The examining physician should review these instructions before performing the physical examination. Answer each question yes or no where appropriate.

The examining physician should be aware of the rigorous physical demands and mental and emotional responsibilities placed on the driver of a commercial motor vehicle. In the interest of public safety the examining physician is required to certify that the driver does not have any physical, mental, or organic defect of such a nature as to affect the driver's ability to operate safely a commercial motor vehicle.

Medical history. The purpose of this physical examination is to detect the presence of physical, mental, or organic defects of such a character and extent as to affect the applicant's ability to operate a motor vehicle safely. The examination should be made carefully and at least as complete as indicated by the attached forms. Careful and detailed inquiry regarding past illness may reveal the cause of defects found upon physical examination. Knowledge concerning the etiology of certain defects may result in the rejection for employment or continued employment of a driver. Such data may also indicate the need for making certain laboratory tests or a further, and more stringent, examination. Defects may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these defects should be discussed with the applicant and he should be advised to take the necessary steps to insure correction, particularly of those which, if neglected, might lead to a condition likely to affect his ability to drive safely.

If, in the opinion of the examining physician, the defects are of such nature as to require additional physical examination, it shall be specified on the certification.

General appearance and development. Note marked overweight, or obesity. Note any posture defects, perceptible limp, anemia, tremor, or other form of nervousness, such as might be caused by chronic or excessive alcoholism, thyroid intoxication, or other illnesses. The Motor Carrier Safety Regulations provide that no driver shall use a narcotic or other habit-forming drug or consume alcoholic beverages to excess.

Head-eyes. When other than the Snellen chart is used, the results of such test must be expressed in values comparable to the standard Snellen test. If the applicant wears corrective lenses, these should be worn while applicant's visual acuity is being tested. If appropriate, indicate on the Doctor's Certificate by checking the box. "Qualified only when wearing corrective lenses." In recording distance vision use 20 feet as normal. Report all vision as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, visual fields, ocular muscle imbalance, color blindness, corneal scar, exophthalmos or strabismus, uncorrected by corrective lenses. Monocular or aphacic drivers are not qualified to operate commercial motor vehicles under existing Motor Carrier Safety Regulations.

Ears. Note evidence of mastoid or middle ear disease, discharge, symptoms of aural vertigo or Meniere's Syndrome. In recording hearing, record 20 feet as normal distance for conversational voice and record deviation from normal as fraction with 20 feet as denominator and actual distance as numerator.

Mouth. Note evidence of any disease or infection.

Throat. Note evidence of disease, irremediable deformities of the throat likely to interfere with eating or breathing, or any laryngological condition which could interfere with the safe operation of a motor vehicle.

Thorax-heart. Stethoscopic examination is required. Note murmurs and arrhythmias, and any past or present history of cardiovascular disease, attacks, or seizure of a variety known to be accompanied by syncope, dyspnea, collapse, enlarged heart, or congestive heart failures.

Electrocardiogram is required when findings so indicate.

Blood pressure. Record with either spring or mercury column type of sphygmomanometer. If the blood pressure is consistently above 160/90 mm. Hg, fixed hypertension must be considered to be present and the driver would not be qualified to operate a motor vehicle.

Lungs. If any lung disease is detected, state whether active or arrested; if arrested, your opinion as to how long it has been quiescent.

Gastrointestinal system. Note any diseases of the gastrointestinal system.

Abdomen. Wounds, injuries, scars, or weakness of muscles of abdominal walls sufficient to interfere with normal function. Any hernia should be noted; if present, state how long and whether it is retained by an adequate truss.

Abnormal masses. If present, note location, if tender, and whether or not applicant knows how long they have been present. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

Tenderness. When noted, state where most pronounced, and suspected cause. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

Genito-urinary. Urinalysis is required. Acute infections of the genito-urinary tract, as defined by local and State public health laws, indications from urinalysis of uncontrolled diabetes, symptomatic albumen in the urine, or other findings indicative of health conditions likely to interfere with the control and safe operation of a motor vehicle, will disqualify an applicant from operating a motor vehicle.

Reflexes. If positive Rhomberg is reported indicate degrees. Pupillary reflexes should be

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reported for both light and accommodation. Knee jerks are to be reported absent only when not obtainable upon reinforcement and as increased when foot is actually lifted from the floor following a light blow on the patella; otherwise as normal.

Extremities. Carefully examine upper and lower extremities. Record the loss or impairment of a leg, a foot, a toe, an arm, a hand, or a finger. Note any and all deformities, the presence of atrophy, semiparalysis or paralysis, or varicose veins. If a hand deformity exists, determine whether sufficient grasp is present to enable the driver to secure and maintain a grip on the steering wheel. If a leg deformity exists, determine whether sufficient mobility and strength exists to enable the driver to operate properly the various pedals. Pay particular attention to and record any impairment or structural defects which may impair the driver's ability to operate a motor vehicle safely.

Spine. Note deformities, limitation of motion, or any history of pain, injuries, or disease, past or presently experienced in the spine and the lumbar region of the spine. If findings so dictate, X-ray examination should be used to diagnose such conditions as herniated lumbar discs, spondylolsthesis, scoliosis.

Hemorrhoids and back trouble. Hemorrhoids, back trouble, or other conditions causing discomfort should be evaluated carefully to determine the extent to which the condition might be handicapping while lifting, pulling or during periods of prolonged driving that might be necessary as part of the driver's duties.

Laboratory findings. Urinalysis is required, as well as such other tests as the medical history or findings upon physical examination may indicate are necessary. A seriological test must always be made if the applicant has a history of luetic infection or present physical findings indicate the possibility of latent syphilis.

Diabetes. If insulin is necessary to control a diabetic condition, the driver is not qualified to operate a motor vehicle. If mild diabetes is noted at the time of examination and it is stabilized by use of a hypoglycemia drug, and a diet that can be obtained while the driver is on duty, it should not be considered disqualifying. However, the driver must remain under adequate medical supervision.

The physician must date and sign his findings upon completion of the examination.

Examination to Determine Physical Condition of Drivers

Driver's name ------------------------------------
Address --
Social Security No.--------------------------------
Date of birth---------------------------Age ------

☐ New certification.
☐ Recertification.
☐ Interim certification.

Health history

Yes	*No*	
☐	☐	Head or spinal injuries.
☐	☐	Seizures, fits, or convulsions.
☐	☐	Extensive confinement by illness or injury.
☐	☐	Cardiovascular disease.
☐	☐	Tuberculosis.
☐	☐	Syphilis.
☐	☐	Gonorrhea.
☐	☐	Diabetes.
☐	☐	Gastrointestinal ulcer.
☐	☐	Nervous stomach.
☐	☐	Rheumatic fever.
☐	☐	Asthma.
☐	☐	Kidney disease.
☐	☐	Muscular disease.
☐	☐	Suffering from any other disease.
☐	☐	Permanent defect from illness, disease, or injury.
☐	☐	Psychoneurotic disorder.
☐	☐	Any other nervous disorder.

If answer to any of the above is yes, explain:

Physical examination

General appearance and development:
Good -------- Fair -------- Poor --------
Vision: For distance: Right 20/ ------
Left 20/ ------
☐ Without corrective lenses.
☐ With corrective lenses if worn
Evidence of disease or injury: Right -------
Left --------
Color Test ------- Horizontal field of vision:
Right -------- Left --------
Hearing:
Right ear at 20 ft. ------ Left ear at 20 ft. ------
Disease or injury ----------------------
Audiometric Test (complete only if audiometer is used to test hearing):
------ decibel loss at 500 c.p.m. ------ at 1,000 c.p.m. ------ et 2,000 c.p.m.
Mouth: ------------------------------
Throat: ------------------------------
Thorax:
Heart ------------------------------
If organic disease is present, is it full compensated? ----------------------
Blood pressure:
Systolic -------- Diastolic ------
Pulse:
Before exercise ----------------------
Two minutes rest after exercise --------
Lungs: ------------------------------
Abdomen:
Scars ------ Abnormal masses ------
Tenderness ----------------------
Hernia: Yes ------ No ------
If so, where? ----------------------
Is truss worn? ----------------------
Gastrointestinal:
Ulceration or other disease: Yes -------- No ------
Genito-Urinary:
Scars ------ Urethral discharge ------
Reflexes:
Rhomberg ------------------------------
Pupillary ------ Light R ------ L ------
Accommodation R ------ L ------
Knee Jerks:
Right: Normal -------- Increased --------
Absent --------
Left: Normal -------- Increased --------
Absent --------
Extremities:
Upper ------------------------------
Lower ------------------------------
Spine ------------------------------
Laboratory findings:
Urine: Spec. Gr------Alb------Sugar-----
Blood serology---------------------------
Chest X-ray------------------------------
Electrocardiograph -----------------------

(Date of examination)	(Address of examining doctor)
(Name of examining doctor (Print))	(Signature of examining doctor)

NOTE: This section to be completed only when visual test is conducted by a licensed optometrist.

(Date of examination)	(Address of optometrist)
(Name of optometrist (Print))	(Signature of optometrist)

(d) If the medical examiner finds that the person he examined is physically qualified to drive a motor vehicle in accordance with § 391.41(b), he shall complete a certificate in the form prescribed in paragraph (e) of this section and furnish one copy to the person who was examined and one copy to the motor carrier that employs him.

(e) The medical examiner's certificate shall be substantially in accordance with the following form:

Doctor's Certificate

I certify that I have personally examined ---------------------------- in accordance with the Motor Carrier Safety Regulations (49 CFR §§ 391.41–391.49) and with knowledge of his duties, I find him qualified under the regulations.

☐ Qualified only when wearing corrective lenses.

A completed examination form for this person is on file in my office at ----------- ------------------------------------

(Address)

(Date of examination)	(Name of examining doctor (Print))

(Signature of examining doctor)

(Signature of driver)	(Address of driver)

NOTE: The following section of the form is to be completed only when visual examination is conducted by a licensed optometrist.

(Name of optometrist (Print))	(Date)
(Signature of optometrist)	(Address of optometrist)

NOTE: Stocks of doctor's certificates in the possession of carriers or their suppliers as of the effective date of this order may be used until Jan. 1, 1972, provided the information required by § 391.48 is entered thereon.

§ 391.45 Persons who must be medically examined and certified.

The following persons must be medically examined and certified in accordance with § 391.43 as physically qualified to drive a motor vehicle:

(a) Any person who has not been medically examined and certified as physically qualified to drive a motor vehicle;

(b) Any driver who has not been medically examined and certified as physically qualified to drive a motor vehicle during the preceding 12 months; and

(c) Any driver who incurs a physical or mental injury or impairment which affects his ability to perform his normal duties.

§ 391.47 Conflict of medical evaluations.

(a) If, having performed medical examinations of a person pursuant to § 391.43, two or more medical examiners disagree as to whether that person is physically qualified to drive a motor vehicle, the Director, on application of that person or a motor carrier, may determine whether that person is physically qualified to drive a motor vehicle.

(b) An application under this section must be supported by a finding that the person is physically qualified to drive made by—

(1) A medical officer of the U.S. Government;

(2) The medical advisory committee to the motor vehicle administrator of the State in which the person is licensed to drive; or

(3) An advisory committee established by the medical association of the State in which the person is licensed to drive.

(c) An application under this section must demonstrate to the Director's satisfaction that, before the finding required by paragraph (b) of this section was made, the medical officer or committee was fully aware of the person's complete medical history and of the nature of the work the person would perform if he were found physically and otherwise qualified to drive a motor vehicle. At a minimum, the medical officer or committee must have been informed of the type, size, and weight of the vehicles the person would drive, the distances he would traverse, the number of hours he would spend in an on-duty status, and the related duties (such as loading, unloading, climbing onto and descending from vehicles, and making repairs enroute, if he would be required to do so) that the person would perform.

(d) If the Director determines that the person is physically qualified to drive a motor

vehicle, a medical examiner's certificate may be issued to that person pursuant to § 391.43.

§ 391.49 Waiver of certain physical defects.

(a) A person who is physically qualified to drive under § 391.41(b) (1) or (2) only if a waiver of a defect specified in those paragraphs is granted, and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle, other than a motor vehicle which transports passengers or must be placarded or marked in accordance with § 177.823 of this title (relating to placards or markings upon vehicles which transport explosives or other dangerous articles), if the Director has granted an application for a waiver with respect to that person.

(b) An application for a waiver must be submitted jointly by the person who seeks a waiver of his physical disqualification (the individual applicant) and by the motor carrier that will employ him if the application is granted. The application must be addressed to the Director, Bureau of Motor Carrier Safety, Sixth and D Streets SW., Washington, D.C. 20591.

(c) An application for a waiver must contain—

(1) A description of the type, size, and special equipment (if any) of the vehicles the individual applicant intends to drive, the general area and type of roads he intends to traverse while driving, the distances over which he intends to drive, the periods of time he will be on duty while driving, the nature of the commodities or cargo he intends to transport, the methods he will use to load and secure those commodities or cargo, and the nature and extent of his experience at operating motor vehicles of the type he intends to drive;

(2) An agreement by both applicants that the motor carrier will promptly file with the Director such reports as he may require, including reports about the driving activities, accidents, arrests, license suspensions, revocations, or withdrawals, and convictions which involve the individual applicant; and

(3) An agreement that, if a waiver is granted, it authorizes the individual applicant to drive in interstate commerce only when employed by the motor carrier that joined in his application.

(d) An application for a waiver must be accompanied by—

(1) At least two reports of medical examinations made pursuant to § 391.43, at least one of which was conducted by a medical examiner selected and compensated by the motor carrier, each of which includes the medical examiner's opinion concerning the individual applicant's ability to operate safely a motor vehicle of the type he intends to drive;

(2) A copy of the certificate of driver's road test that was issued to the individual applicant pursuant to § 391.31;

(3) A copy of the certificate of written examination that was issued to the individual applicant pursuant to § 391.35; and

(4) A copy of any certificate of a medical examiner that was issued to the individual applicant pursuant to §391.43.

(e) Each application for a waiver shall be signed by both the individual applicant and the motor carrier. If the motor carrier is a corporation, the application shall be signed by an officer of the corporation. If the motor carrier is a partnership, the application shall be signed by a partner. If the motor carrier is an individual proprietorship, the application shall be signed by the proprietor.

(f) The Director may deny the application or he may grant it in whole or in part and issue a waiver subject to such terms, conditions, and limitations as he deems consistent with safety and the public interest. A waiver is valid for a period not in excess of 2 years, and it may be renewed upon submission of an application pursuant to this section.

(g) If the Director grants a waiver, he will notify each applicant by a letter which sets forth the terms, conditions, and limitations of the waiver. The motor carrier shall retain the letter (or a legible photographic copy of it) in its files as long as the individual applicant is employed by that motor carrier and for 3 years thereafter. The individual applicant shall have the letter (or a legible photographic copy of it) in his possession whenever he drives a motor vehicle or is otherwise on duty.

(h) The Director may suspend a waiver at any time. The Director may revoke a waiver after the persons to whom it was issued are given notice of the proposed revocation and a reasonable opportunity to be heard.

Subpart F—Files and records

§ 391.51 Personnel files.

(a) Each motor carrier shall keep a complete personnel file for each driver it employs.

(b) The personnel file for each driver must include—

(1) The medical examiner's certificate of his physical qualification to drive or a legible photographic copy of the certificate;

(2) The Director's letter granting a waiver of his physical disqualification to drive, if a letter was issued under § 391.49(g);

(3) The motor carrier's findings resulting from each recordable accident in which he was involved, as required by § 391.23(d); and

(4) The list or certificate relating to violations of motor vehicle laws and ordinances required by § 391.27.

(c) In addition to the matters referred to in paragraph (b) of this section, the personnel file for each driver who has not been continuously employed by the motor carrier for a period that began before January 1, 1970, must include—

(1) The form on which his performance on the driver's road test was evaluated, as required by § 391.31(d), if he took a road test;

(2) The certificate of driver's road teat, issued to him pursuant to § 391.31(e), if a certificate was issued to him;

(3) The license or certificate which the motor carrier accepted as equivalent to the driver's road test, if a license or certificate was so accepted pursuant to § 391.33;

(4) The questions asked and the answers he gave upon the written examination required by § 391.35, if he took a written examination required by § 391.35;

(5) The certificate of written examination, issued pursuant to § 391.35(e), if he took a written examination;

(6) The certificate accepted as equivalent to a written examination, if a certificate was so accepted pursuant to § 391.37;

(7) His application for employment completed in accordance with § 391.21;

(8) The responses of State agencies to the motor carrier's inquiries concerning his driving record pursuant to § 391.23(b);

(9) The record of the motor carrier's investigation of his employment record pursuant to § 391.23(c); and

(10) Any other matter which relates to his qualifications or ability to drive a motor vehicle safely.

(d) Except as provided in paragraph (e) of this section, each driver's personnel file shall be kept at the motor carrier's principal place of business for as long as the driver is employed by that motor carrier and for 3 years thereafter.

(e) Upon a request in writing to, and with the approval of, the Director, a motor carrier may keep one or more of its drivers' personnel files or parts of files at a regional or terminal office that the Director approves.

Subpart G—Exemptions

§ 391.61 Single trip drivers.

(a) A motor carrier may employ a person to drive a motor vehicle for one round trip having a duration of 7 days or less without complying with the rules in this part if, with respect to that person, the carrier has in its files—

(1) A copy of his driver's medical examiner's certificate issued pursuant to § 391.43;

(2) A copy of his certificate of driver's road test issued pursuant to § 391.31 or a license that, pursuant to § 391.33, may be accepted as equivalent to the road test; and

(3) A copy of his certificate of written examination issued pursuant to § 391.35 within the preceding 3 years.

(b) A motor carrier that employs a driver referred to in paragraph (a) of this section need not comply with Subpart C of this part with respect to that driver. Before it permits that driver to drive a motor vehicle, the motor carrier must obtain his name, his social security number, and the identification number, type, and issuing State of his motor vehicle operator's license. The motor carrier must retain that information and the copies of certificates specified in paragraph (a) of this section in its files for 3 years.

§ 391.63 Drivers furnished by other motor carriers.

(a) A motor carrier may use a driver without complying with the rules in this part with respect to that driver if—

(1) The driver is regularly employed by another motor carrier who is subject to the rules in this part; and

(2) The motor carrier who employs the driver furnishes a certificate that the driver is fully qualified to drive a motor vehicle under the rules in this part.

(b) A motor carrier that obtains a certificate in accordance with subparagraph (2) of paragraph (a) of this section shall retain that certificate in its files for 3 years.

II. Part 392 of Title 49, CFR is amended—

1. By adding the following new section to Subpart A:

§ 392.9 Eyeglasses to be worn.

A driver whose visual acuity meets any of the minimum requirements of § 391.41 of this subchapter only when he wears corrective lenses shall wear properly prescribed eyeglasses at all times while he is driving.

2. By amending the title of Subpart E to read: "Subpart E—Accidents and License Revocations; Duties of Driver"; and

3. By adding the following new section to Subpart E:

§ 392.42 Notification of license revocation.

A driver who receives a notice that his license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn shall notify the motor carrier that employs him of the contents of the notice before the end of the business day following the day he received it.

[F.R. Doc. 69-4874; Filed, June 6, 1969; 9:45 a.m.]

[49 CFR Part 392]

[Docket No. MC-7; Notice 69-10]

DRIVING OF MOTOR VEHICLES

NOTICE OF PROPOSED RULE MAKING

The Federal Highway Administrator is considering a revision of §§ 392.1–392.5 and 392.10(a) Part 392 of the Motor Carrier Safety Regulations in Title 49, CFR relating to the rules for operating commercial motor vehicles in interstate or foreign commerce.

Only minor changes have been proposed in §§ 392.1, 392.2, and 392.3.

A proposed amendment to § 392.4 deals with amphetamine, narcotics, and other dangerous drugs. These substances can affect a user's behavior and his ability to operate a motor vehicle safely. Therefore, their use presents a hazard to the public. Recent information indicates that the use of these dangerous drugs has increased sharply and may be a factor in a number of motor vehicle accidents. These considerations prompted

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the Administrator to propose this amendment.

Recent experimental work indicates that alcohol impairs certain skills and aspects of behavior which are considered relevant to the safe operation of a motor vehicle. This conclusion is substantiated by investigations which show that immoderate use of alcohol is a major cause of highway crashes. These considerations lead the Administrator to propose that § 392.5 be amended to regulate consumption of alcoholic beverages more explicitly by prohibiting frequent or habitual users from operating motor vehicles and by prohibiting a driver from going on duty or operating a motor vehicle if he has consumed an alcoholic beverage within the preceding 8 hours. Further, possession of alcohol would be regulated by prohibiting a driver from having an alcoholic beverage in his possession while he is on duty or operating a motor vehicle.

A proposed amendment to § 392.10(a) deals with railroad grade crossings and drivers' actions after coming to a stop.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed rule. Comments must identify the docket (No. MC-7) and Notice No. 69-10 and must be submitted in three copies to the Federal Highway Administration. Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety, Room 302A. All comments received before the close of business 90 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Administrator proposes to revise §§ 392.1–392.5 and to amend § 392.10(a) of Part 392 of Title 49, CFR as set forth below.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 1655, and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

Issued on June 2, 1969.

F. C. TURNER,
Federal Highway Administrator.

§ 392.1 Compliance required.

(a) Every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of motor vehicles or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in, comply with, and know the rules in this part and any Acts, rules, or regulations which this part incorporates.

(b) Nothing contained in Parts 390–397 of this subchapter prohibits a motor carrier from requiring and enforcing more stringent rules and regulations relating to safety of operation.

§ 392.2 Applicable operating rules.

Every motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. However, if a regulation of the Federal Highway Administration imposes a higher standard of care than that law, ordinance, or regulation the Federal Highway Administration regulation must be complied with.

§ 392.3 Ill or fatigued operator.

No driver shall operate a motor vehicle, and a motor carrier shall not require or permit a driver to operate a motor vehicle while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him to begin or continue to operate the motor vehicle. However, in a case of grave emergency where the hazard to occupants of the vehicle or other users of the highways would be increased by compliance with this section, the driver may continue to operate the motor vehicle to the nearest place at which that hazard is removed.

§ 392.4 Narcotics, amphetamine, and other dangerous substances.

(a) No person shall operate, or be in physical control of, a motor vehicle if he possesses, is under the influence of, or is a habitual user of, any of the following substances:

(1) A narcotic drug or any derivative thereof;

(2) An amphetamine or any formulation thereof (including, but not limited to, "pep pills" and "bennies");

(3) Any other substance, to a degree which renders him incapable of safely operating a motor vehicle.

(b) No motor carrier shall knowingly require or permit a driver to violate paragraph (a) of this section.

(c) A person may not violate paragraph (a) of this section even though he is or has been entitled by law to use any substance specified in that paragraph unless that substance was administered to him by or under the instruction of a physician who has advised him that the substance will not affect his ability to operate a motor vehicle.

(d) As used in this section, "possession" does not include possession of a drug which is manifested and transported as part of an intransit shipment.

§ 392.5 Intoxicating liquor.

(a) No person shall—

(1) Consume an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor within 8 hours before going on duty, or operating, or having physical control of a motor vehicle; or

(2) Consume an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor while on duty, or operating, or in physical control of a motor vehicle; or

(3) Operate a motor vehicle, if he frequently or habitually consumes intoxicating liquor in amounts that render him under the influence of an intoxicating liquor; or

(4) Be on duty or operate a motor vehicle while he possesses an intoxicating liquor regardless of its alcoholic content. However, this subparagraph does not apply to possession of an intoxicating liquor which is manifested and transported as part of an intransit shipment.

(b) No motor carrier shall require or permit a driver to—

(1) Violate any provision of paragraph (a) of this section; or

(2) Be on duty or operate a motor vehicle if, by his general appearance or by his conduct or by other substantiating evidence, he appears to have consumed an alcoholic beverage within the preceding 8 hours.

§ 392.10 Railroad grade crossings; stopping required.

(a) Except as provided in paragraph (b) of this section, the driver of a motor vehicle specified in subparagraphs (1) through (6) of this paragraph, shall not cross a railroad track or tracks at grade unless he first: Stops the vehicle at least 50 feet from and not closer than 15 feet to the tracks; thereafter listens, and looks in each direction along the tracks for an approaching train; and ascertains that no train is approaching. When it is safe to do so, the driver may drive the vehicle across the tracks in a gear that permits the vehicle to complete the crossing without a change of gears. The driver must not shift gears while crossing the tracks.

* * * * *

[F.R. Doc. 69-6675; Filed, June 6, 1969; 8:45 a.m.]

WOMEN VERSUS BIG TRUCKS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. SCHWENGEL. Mr. Speaker, during our recent hearings on the big truck bill, we had the pleasure of hearing the testimony of Mrs. Walter Varney Magee, president of the General Federation of Women's Clubs. Mrs. Magee's organization represents over 11 million members, and thus, her testimony is representative of the views of a sizable number of women in this country.

At the time of our hearings, Mrs. Magee made an eloquent statement in opposition to the big truck bill. Mrs. Magee recently addressed a meeting of the national board of her association on this subject. As can be seen from her remarks on that occasion, the members of her Association have clearly vindicated the position which she took before the Roads Subcommittee, and indicate the extent of the opposition throughout the country to this legislation.

Her remarks follow:

REMARKS BY MRS. WALTER VARNEY MAGEE BEFORE THE FEDERATION OF WOMEN'S CLUBS

I wish all of you could have shared with me the day-by-day evidence that has crossed my desk showing your support—and public approval—of the General Federation of Women's Clubs oppositions to bigger trucks on our highways as proposed in House Bill 11870. It's been tremendous.

In July, your President testified in opposition to the bill at a hearing before the Subcommittee on Roads of the House Public Works Committee. That testimony was treated generously in Associated Press and United Press wire stories. As a result I've received hundreds of clippings reporting the Federation's opposition to increasing the size of trucks on our highways as hazardous to highway safety.

These stories in turn have generated dozens of letters of commendation and support from the general public—letters from men, if you please, as well as from women. Then there has been a continuing flood of letters from you, your state legislative chairman and from individual club members reporting your activities to let your Congressmen know that our members are backing the resolution opposing bigger trucks which was adopted at our convention in Cleveland.

In addition, there's been a very flattering evaluation of our influence by an official of the American Automobile Association. Speaking in opposition to the big truck bill during AAA convention in Chicago last week, he expressed the belief that the 12,000,000 members of the automobile association agreed that an increase in the size of trucks would make them seriously incompatible with other highway uses.

Now listen to this further quote from him in a Chicago paper: "Probably more effective, he said, will be the reactions of the members of the General Federation of Women's Clubs. He said the Congressman listened respectfully as a federation officer opposed the bill at the hearing."

We're campaigning for highway safety when we oppose bigger trucks and we intend to keep the momentum going until we defeat the proposal now before Congress. Mrs. Northrup, chairman of our legislative committee, will have suggestions later for our continuing campaign.

Now, let no one take us lightly as did one trucking executive. He was quoted in an article in the National Observer as saying:

"I suppose all of these women want their new hats delivered by balloon or something. I'm afraid that if the gals want a wide selection of hats this fall, and want them on time, they'll just have to live with trucks."

Well—let him have his joke about our hats. That's a worn-out old saw. But, this is to let him know we can't live with bigger trucks!

We're already concerned for safety reasons with the size of present-day trucks. I testified before the Public Works Committee of the House of Representatives that no statistics can allay our concern that our fears would be intensified if even larger vehicles up to 70 feet in length, and particularly double-bottomed ones, were permitted on our highways and streets.

The Director of the Federal Highway Administration, in testimony on the big-truck bill before the same committee had this to say, and I quote: "There can be no denying that many drivers on the highways, including myself, are apprehensive about passing or approaching trucks. Caution is certainly appropriate in all such circumstances, as indeed it is in every case of highway driving."

This same Federal Highway Administrator recommended to the Public Works Committee that if the bill is passed, its effective date should be delayed for three years to enable the Highway Administration to develop and promulgate appropriate safety standards.

He admitted that they do not have, quote, "sufficiently reliable evidence to determine whether longer or heavier vehicles would pose additional safety hazards to American drivers."

I say to the department: let them put first things first, and that's safety on our highways, before they make recommendations on bigger trucks. I'm sure you all agree with me.

Finally, we don't need trucks 70 feet long carrying 80,000 pounds to get our hats—as the trucking executive suggested. It's not impossible to get them by balloon.

MALTESE INDEPENDENCE: A TRIBUTE

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. POWELL. Mr. Speaker, I rise to direct the attention of this body to an occasion which is too important for us to allow it to go by without notice. I refer to September 21, a date which marked the end of the fifth year of independence for the island of Malta. And it is with all due respect and regard, that I extend my belated greetings to Prime Minister Borg Olivier and Ambassador Arvid Pardo.

As an independent member of the Commonwealth, Malta was able to look upon the ending of 150 years of British protection not as a step toward revolution and fumbling recovery, but as one of evolution and forward development. Accompanying political independence in 1964 was the challenge of attaining economic independence, an effort which required and still requires continuing perseverance and planning. Of special significance in this endeavor was a move in late 1966, when a proposed 50-percent cut in British defense expenditures on Malta threatened to cut off the island from a vital source of revenue. But farseeing negotiators of both nations sought to devise a plan to compensate for the resulting unemployment caused by the cut and to divert Maltese energies toward development of their own resources; thus it was hoped that Malta could expect to assume a more autonomous economic outlook. And the planners met their task well.

By late summer of 1967, an agreement had been reached for an active plan for gradual reduction of British forces, with attendant plans to offset the monetary setback. Incentives for foreign investment were devised, as well as schemes to promote tourism, in an effort to create new jobs for those lost with the British forces, and to further enhance the domestic economy. Benefits such as 10 years of exemption from income tax and duty-free raw materials and machinery are but two of several successfully enticing provisions. Add to these incentives a stable political climate, an abundant and willing supply of labor, and Malta's strategic location within easy reach of the markets of southern Europe, north Africa, and the Middle East—and it is no wonder that substantial inroads have been made by foreign investment—including the United States—with profitable results for our Mediterranean friend as well. Active government programs are striving to increase tourist facilities; and to enrich the appealing surroundings, as well as to combat the problem of soil erosion, a vigorous reforestation program accounts for the planting of some 50,000 trees last year.

And taking a glance at another asset, the natural beauty of this picturesque isle, not to mention the myriad sights which are vestiges of Malta's multifaceted origins, one can easily explain the promising role tourism will play in bolstering the economy. It is interesting to note that this tiny archipelago of the Mediterranean has been occupied and thus influenced by a wide variety of peoples—to name a few, by the founding Phoenicians, through the Romans and Greeks, the French, Spanish, and finally the British—and the resulting fabric from these interwoven cultural influences is bound to be fascinating, yet it is distinctively Maltese. The capital city of Valetta offers the view of the limestone structures which the Knights of Malta built in the 16th century; or if the Hilton is more to your liking, you may visit Spinola Point overlooking Balluta Bay. There is the swinging spot of Sliema for those who work at having a good time, or the northern rural bays for those who want to get away from it all—and one town of the area is aptly named: Paradise.

But being an island has not left Malta isolated by any means. Entering the United Nations just 2 months after attaining independence, Malta has made her voice heard within that body, offering new ideas and proving herself a power not to be taken lightly within the forum of the world community. Moreover, her role within the network of NATO, carried over no doubt from her gallantry in World War II, provides further evidence of her strategic importance on an international scale.

The road to independence is never an easy one—but if the efforts thus far are any indication of the diligence, ingenuity, and skill which can be found in this thriving young nation—the future cannot help but look bright. To the Government and the citizens of Malta, I salute you on this, your fifth anniversary of independence.

WISCONSIN ATTORNEY GENERAL VERSUS ORGANIZED CRIME

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, I would like to include as part of my remarks an editorial by the Wisconsin State Journal of September 25, 1969. The editorial speaks highly of the efforts of Wisconsin's attorney general to combat organized crime.

Wisconsin is extremely fortunate to have Bob Warren as its attorney general. He concentrates on getting results; on not only identifying problems but, most importantly, on solving them. Congress is still deliberating on President Nixon's proposals for fighting organized crime, but Attorney General Warren has fashioned a comprehensive legislative program to improve Wisconsin's ability to halt organized crime and he is working with the tools at hand and taking those important first steps which have been needed for so long.

At this point I would like to include the State Journal editorial for the benefit of my colleagues:

WARREN VS. ORGANIZED CRIME

Organized crime can be described like the weather: everybody talks about it, but no one does anything.

Various politicians have warned about the influence of the Mafia in Milwaukee and elsewhere in the state. FBI reports and other sources have been cited, but no action has been taken.

Now it appears that someone is doing something. Atty. Gen. Robert W. Warren has been quietly moving against the corporate holdings of Frank Balistrieri, Milwaukee.

One outfit known as Alfie's, Inc., has already been shut down after action by the attorney general's office. Actions are pending against two others.

The efforts of Warren and his staff have been carefully coordinated with those of the district attorney in Milwaukee County. The legal efforts can hardly be considered major assaults on organized crime.

But Atty. Gen. Warren deserves respect for beginning to do something. First, the legal actions are the first of their kind in the state.

Second, Warren has been extremely careful not to issue a multitude of press releases. Only the briefest of statements on the pending actions have been made—a sharp contrast to some other recent officeholders who were generous with their press releases but delivered nothing in terms of action on suspicious organized crime operations.

It would be premature to suggest that organized crime is being licked.

But Atty. Gen. Warren's efforts and the national crime effort being undertaken by the Nixon Administration could be the worst news in a long, long time for the underworld here and elsewhere.

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CUTBACKS IN FEDERAL SUPPORT FOR MEDICAL RESEARCH

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DADDARIO. Mr. Speaker, a thoughtful letter by Dr. T. Stewart Hamilton, executive director of the Hartford Hospital, in response to an editorial appearing in the September 22, Hartford Times deserves the attention of the Members of Congress. I commend this letter and the editorial to your attention because it so very well illustrates the great harm that can come through underfunded medical research:

HARTFORD HOSPITAL,
Hartford, Conn., September 23, 1969.

THE EDITOR,
Hartford Times,
Hartford, Conn.

DEAR SIR: Your editorial of September 22, 1969, deploring cutbacks in Federal support for medical research sounded a much needed warning. Deliberately slowing the momentum of research directed at human betterment will have adverse effects both short and long range.

While we can't guarantee that every research effort will result in a discovery such as polio vaccine, we can be sure that without research and investigation there will be no discovery and little progress. If we as a nation are truly interested in the improved health and welfare of our citizens we must support worthy programs to that end. I sincerely hope our representatives in Congress will continue to do all in their power to assure adequate financing for the nation's ongoing programs in medical research.

Sincerely,

T. STEWART HAMILTON, M.D.,
First Vice President and Executive Director.

AS NIXON SAID (10–5–68) WE'RE "CUTTING MUSCLE"

The federal government seems glad enough to spend more billions on the development of big bombers and the construction of more aircraft carriers.

But the ax has come down hard on the National Institutes of Health—through which Uncle Sam backs medical research in the nation's great hospitals, universities, and laboratories.

The Nixon administration budget planners are standing firm on their plan to knock $290 million off the allowance for medical research. That will mean a reduction of 15 per cent, and—one by one—the directors of the big long-range projects are announcing plans to fold up their operations.

Medical research costs, like the costs of everything else, are going up. If there is less money for them, instead of more, the undertakings will simply have to halt. In many cases, of course, it will mean that millions already spent will be wasted because an almost-finished research project is usually of very little value.

Last October 5, speaking as a presidential candidate in New York, Richard Nixon put the case very well, indeed:

"Scientific activity simply cannot be turned on and off like a faucet. The withdrawal of support disperses highly trained research teams, closes vital facilities, loses spinoff benefits, and disrupts development momentum. . . ."

The Johnson administration, Mr. Nixon said, had "struck at the lifeline of our future progress . . . the National Science Foundation budget was decreased by one-fifth; the National Institutes of Health funds were reduced by an estimated 25 per cent . . . fund reductions are idling masses of equipment purchased at great cost in previous years.

"In the name of economy, the current (Johnson) administration has cut into muscle. The United States must end this depreciation of research and development in its order of national priorities."

Would that the Nixon of 1969 might remember the words of the Nixon of 1968.

HOLD OUT FOR CLEAN WATER

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. OBEY. Mr. Speaker, the action last week by the House Committee on Public Works in recommending an appropriation of $600 million to aid local units of Government in construction of sewage treatment projects is a significant step in the right direction. But $600 million is not nearly enough to cover our need. The more than 200 Members of Congress, including myself, who have joined with various citizens groups in an effort to secure full funding of $1 billion for sewage treatment construction have been cheered in recent weeks by expressions of support by the Nation's press. A great many newspapers have offered editorials demanding that the full $1 billion be made available by the Congress and the administration.

An example of this concern for the preservation of our environment appeared in the September 29 issue of the Appleton, Wis., Post-Crescent. I commend it to my colleagues:

HOLD OUT FOR CLEAN WATER

In the past several years an alarmed America has been making a lot of noise about its dirty air, water and land—all of which are getting dirtier. But this country has not done nearly enough to clean itself up.

As we mess up our world with the waste products of our living, we talk, talk, talk. But we will not get anywhere until we put up the money.

Look back to 1965 when Congress set clean water as a national goal, and decided that it would cost money to reach that goal. Ever since the federal bureaucracy has been blowing its horn about clean water, and stirring up the populace.

Yet Congress and the administration have repeatedly failed to budget the amounts authorized. If President Nixon's proposed allocation for 1970 goes through, less than one-third of the $2.1 billion authorized over the past three years will have been approved.

That is a very poor performance, especially when you look at the volume of our waste problem. Right now municipal ties are waiting for $2.2 billion in federal funds so that they can construct improvements to their sewage treatment plants. The $214 million Nixon has asked is less than one-tenth of the amount needed.

Finally a great deal of pressure is being applied to budget $1 billion for 1970, the full authorized amount. A coalition of interested groups is waging a war for clean water in Washington. More than 200 congressmen now have signed up to support the full $1 billion figure. Meanwhile there are indications that Nixon will again try to take the middle road, suggesting that the budgeted amount be raised to about $600 million.

That kind of compromise just isn't enough now. It is already too late to compromise, for pollution, peace and population are the chief problems facing this world. Even the full $1 billion is only a fraction of what is needed. We urge the clean water crusaders to hold out.

A MORATORIUM ON DISSENT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BOB WILSON. Mr. Speaker, I would like to take this opportunity to share the attached October 5 editorial from the Los Angeles Times with my House colleagues:

A MORATORIUM ON DISSENT

It is never easy to ask for, or to achieve, a moratorium on dissent from government policies. In a democracy the freedom to criticize is possibly the most important of all rights, the essential and accepted method for promoting peaceful change. It is a right not to be treated lightly, either by those who use it or those who ask forbearance on its use.

President Nixon and the Republican congressional leadership no doubt are fully aware of the difficulties and even the dangers involved in requesting a temporary suspension on criticism of the Administration's Vietnam policies. They have done so nonetheless, both directly and implicitly. Almost certainly their effort will come to nothing. But it is worth examining the reasons for that effort.

Basically what they are seeking is an appearance of unity—or, more properly, a major reduction in visible disunity—in regard to what the Administration is trying to achieve in the Paris talks. If this could be done, it is hoped that it would be easier to convince North Vietnam to negotiate seriously on a political settlement of the war.

Up to now there have been no such negotiations. Instead Hanoi has given every appearance of believing that time is on its side and that stalemate works in its favor. It feels that political pressures within the United States will force this country either to quit the war entirely or, at the least, to make the major concessions the Communists have been insistently demanding. Chief among these is abandonment of the Thieu government, a step that would probably have the effect of opening the way to a full and early Communist takeover of South Vietnam.

The Nixon Administration has been trying to make clear to the Communists that it will not walk away from the war or compromise its minimum demand that the people of South Vietnam have the right freely to determine their own political future. Its main problem is making its announced determination to persevere credible to the Communists.

Credibility, however, is undercut by strong and vocal anti-war sentiment at home. This is not just the view of the U.S. government, it is also the view of Hanoi. The Vietnamese Communists have always placed major emphasis on the political side of their wars, and they are doing so now. What happens in the United States is a primary influence on what happens in Paris.

Hence the painful dilemma facing the Nixon Administration. So long as there is no progress in Paris, opposition to the President's Vietnam policies is likely not only to continue but to grow. But so long as that opposition continues, the Communists have reason to believe they are following the right course in refusing to compromise their harsh demands. Why should they make any meaningful concessions at the conference table to an enemy who, they beleive, will sooner or later be forced by domestic pressures to accept Communist terms?

For that matter, why should opponents of the Vietnam war in the United States suspend their criticisms now?

They can and do claim that it was only because of the vigor of their protests that the United States ended the bombing of North Vietnam and began withdrawing troops from South Vietnam. (The often heard assurances from many of these critics that Hanoi would negotiate seriously or begin its own pullout of troops once these actions were taken, are now conveniently forgotten.) With these victories behind them, why should the critics let up?

The Republican leader in the Senate, Hugh Scott, says that the protestors should be talking to Hanoi, for it is Hanoi that is chiefly responsible for prolonging the conflict. He's right, of course, but that doesn't make any difference. Among the critics there are those who don't want North Vietnam to change its position, and those who think it is futile even to try to get such a change. The U.S. government in any case is the logical target for their pressures.

Some Americans, a rather small minority, still think the war should be prosecuted with all the strength at our command. But most are eager for peace, weary with the conflict and with our allies. The issue that divides this majority is how quickly can the United States quit the war.

There are many who feel that a greatly accelerated withdrawal of U.S. forces is vitally necessary, both to avoid prolonging the mistake of involvement and to prevent even deeper divisions within this country. The thrust of their critcism is that the President is not doing enough to reduce the U.S. role in the war.

There are many others, including Administration policy-makers who believe that the pace of withdrawal must be guided by a healthy concern for the political consequences that will follow. These include not only the consequences in Asia that might result from too hasty a pullout, but also those at home that might emerge in the reflective morning that is sure to come once the nightmare of the war has passed.

It may be maladroit to ask for or expect a moratorium on war dissent. But it is proper to ask for responsibility in dissent, in the form of due concern for the implications of what the dissenters are demanding. The future must be considered along with the present. We cannot ignore the one to satisfy the other.

DR. THEOPHILUS S. PAINTER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. PICKLE. Mr. Speaker, Dr. Theophilus S. Painter, 80, former president of the University of Texas and one of America's foremost geneticists, died last Sunday in Texas. He had been on an antelope hunting expedition with his two sons.

Dr. Painter, a member of the National Academy of Sciences, had spent almost his entire professional career at the University of Texas. He joined the faculty in 1916 as an adjunct professor of zoology and rose to become a widely recognized professor, known particularly for his pioneering investigations of chromosomes in the salivary glands of fruit flies. In addition to his role as teacher-researcher, Dr. Painter served as acting president of the University of Texas from 1944 to 1946 and as president from 1946 to 1952. Although he retired from the faculty in 1966 with the title of professor emeritus of zoology, Dr. Painter continued to come to his laboratory where he participated in graduate seminars and pursued various plant chromosomal studies.

Dr. Painter achieved national distinction for his work in genetics research in 1934 when he was awarded the Giraud Elliot Medal given by the National Academy of Sciences to the Nation's outstanding scientist.

I remember Dr. Painter as the unifying force that helped nurture the university through the difficult times after World War II. He was a warm man, brimming with progressive ideas that he translated into action. His mark will last forever at the University of Texas.

STOP PORNOGRAPHY NOW

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. PRICE of Texas. Mr. Speaker, I wish to join with the gentleman from Illinois (Mr. ERLENBORN) and other Members in sponsoring the Sexually Provocative Mail Regulation Act of 1969. The impetus for this act has grown out of the increasing nationwide concern over the extensive flow of pornographic and obscene materials through the U.S. mails. I have received many telephone calls, letters, and telegrams from citizens in the 18th Congressinoal District of Texas and from concerned individuals throughout the State on this subject.

In this Congress I have already introduced legislation designed to stop and control pornography; the Sexually Provocative Mail Regulation Act will close the legal door even further.

The U.S. Post Office Department estimates that more than $500 million worth of obscene material is sold to young people through the mail each year. J. Edgar Hoover, Director of the Federal Bureau of Investigation, warned more than a year ago:

> The publication and sale of obscene material is big business in America today . . . It is impossible to estimate the amount of harm to impressionable teenagers and to assess the volume of sex crimes attributable to pornography, but its influence is extensive.

FBI statistics show that sexual violence is increasing at an alarming pace, and Mr. Hoover states that pornography in all forms is a major cause of sex crimes, aberrations, and perversions.

In addition to the irreparable social damage that is caused by pornography, the flood of these materials into the homes of most of our citizens constitutes a clear invasion of our constitutionally guaranteed right of privacy. I feel that it is in this area that the real value of the Sexually Provocative Mail Regulation Act lies.

The act would prohibit the use of the U.S. mails to send sexually provocative materials to any home unless the occupant in writing specifically requested the materials from the sender; in addition, it would prohibit the mailing under any circumstances to minors in the 36 States and the District of Columbia, which already have laws on the books prohibiting the dissemination of obscene materials to minors.

In my judgment, clear benefits to both our citizens and our Nation would accrue from the prompt enactment of this Sexually Provocative Mail Regulation Act. The flow of unsolicited hard-core pornographic advertisements through the U.S. mails would be immediately and constitutionally halted. In addition, the remaining 14 States which have not enacted legislation would by virtue of this new law be encouraged to pass appropriate laws designed to protect our young from the harmful influences of sexually provocative materials.

I believe that this approach complements our traditional Federal-State relationship. I believe further that through the utilization of this joint effort, the tide of unwanted pornography which is presently flooding homes across the country can be stemmed and controlled. I urge all of my colleagues to support this nonpartisan effort to clear our country of this filth.

SPACE GOALS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the President's Space Task Group report has outlined an orderly and progressive program for space in the decade ahead. An editorial in the Patriot Ledger of September 20, 1969, emphasizes the need to pay adequate attention to the development of space for utilitarian purposes. This excellent editorial points out that one of the prime objectives stated by the task group report is to utilize the Nation's space capabilities to the service of the Nation and all mankind. This editorial succinctly presents the findings of this group and highlights its significance. The editorial follows:

[From the Quincy (Mass.) Patriot Ledger, Sept. 20, 1969]

SPACE GOALS

In the moonglow of the lunar landing, manned planetary expeditions have a spectacular allure. But fortunately, President Nixon's Space Task Group has decided not to mount a crash program for a Mars landing.

The group, headed by Vice President Spiro Agnew, has presented three alternatives to the President—each proposing a Mars landing in the 1980s. But the over-all emphasis is on a more balanced space program directed toward greater mastery of our spatial environment between earth and the moon.

President Kennedy's pledge to go to the moon within the decade of the Sixties provided an important focus to the National Aeronautics and Space Administration's program. There is less glamor in a "balanced" space program. Yet this is what the nation should have now, while keeping an eye on Mars for the future.

The options given the President range from a Mars landing in 1983, to a Mars landing in 1990 or later, depending on the size of the budget allocated to NASA. But dur-

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ing this period, NASA's over-all program will have five balanced objectives: application of space technology to the direct benefit of mankind; operation of military space systems; unmanned exploration of the solar system and beyond (including follow-up manned lunar expeditions); development of new capabilities for operating in space; international participation and cooperation.

Too little attention has been given to applications of space technology to the direct benefit of man, and it is good to see a new emphasis in this important area. The report points out: "Programs directed toward the application of the nation's space capabilities to a wide range of services, such as air and ocean traffic control, worldwide navigation systems, environmental monitoring and prediction (weather, pollution) earth resources survey (crops, water resources, oceanography) and communications have great potential for improving the quality of life on this planet earth."

The applications program has direct relevance to the fifth goal of international cooperation. In his address to the United Nations this week, President Nixon pledged that the United States would share with other nations the benefits of such programs.

Moreover, the application of space technology to problems here on earth should make the space program more meaningful to citizens, and should help answer the question, "why go into space when we have so many problems here on earth?"

Also deserving emphasis in the new space objectives is the development of new capabilities for operating in space, including the development of a manned space station and laboratory, and a reusable "space shuttle" vehicle that can "carry passengers, supplies, rocket fuel, other spacecraft, equipment, or additional rocket stages to and from orbit on a routine aircraft-like basis." The development of a launch vehicle that can be returned to earth, refueled and reused will be a great step toward a more economic space program.

MORALITY REVOLUTION—THE CASUALTIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. RARICK. Mr. Speaker, most parents these days find it difficult to say "No" to the activities and freedoms desired by their children.

As a result of permissiveness, pornography, dope, alcohol, and the early overexposure to sex not only threatens to destroy the morality of our country, but is rapidly engulfing one generation of our youth.

Parents who see no harm in their children being entertained by uncensored movies, television, or prurient books should check the hospital rosters for the devastating effect on adolescents.

And contrary to what self-styled experts promise as the preventive values of sex education and drug awareness, both morgues and hospitals reveal an increase in youthful casualties resulting from the war against morality—the sexual revolution.

More laws, financial outlays and extended liberal theories of education cannot offset the damage already done.

Any corrective action by this body must consider that the problem was created by liberal court decisions which have all but abolished the power of local and State officials to protect the youth through strict community controls.

Parents must exert authority over their children to keep them away from unwholesome environment and unsavory associations. Those parents concerned over their children's well-being will not be persuaded by the excuse, "Everybody's doing it."

Mr. Speaker, a moving story of what can happen to unrestrained children written by Alice Widener appeared in a special supplement to the Eagle of Yakima, Wash., on September 4, 1969. I insert it in the RECORD at this point:

SHE WAS ONLY 15

(By Alice Widener)

NEW YORK CITY.—From a nearby private hospital, a friend of mine, a young doctor, telephoned and said, "I saw the lights on and thought perhaps if you were still at work you'd let me come over for a cup of coffee." He sounded so tired and depressed that I said yes. A few moments later, he was at my front door, dressed in crumpled whites, his eyes bloodshot with fatigue, his long-fingered hands shaking.

"I guess I won't make it," he blurted out. "My chief just chewed me up. I doubt he'll recommend me for the appointment I've been longing for."

SHE WAS ONLY 15

"I couldn't help it," he explained slowly. I know a doctor is supposed to keep his emotions under control, but I just couldn't help crying. I tried so hard to save her. She was only 15 and I got emotionally involved when she was brought in two days ago. She looked so defenseless. This afternoon, I thought she'd made it. Then, an hour ago, she expired." He buried his face in hands. In despair he looked at me. "When she went, I just couldn't keep back the tears. I just couldn't."

We sat quietly a while and then I said I don't believe the chief would punish him in any way. "He has to teach you to have best possible control over yourself. I'm sure he felt terrible after he chewed you up. Probably, when he was alone, he cried too. You'll see. You'll get the hospital appointment. He was just helping you fortify yourself with self control for your future great career."

The young doctor is generally considered to be outstanding at the hospital. He's going to be a surgeon.

We talked some more and then, suddenly, he poured out his heart. I wish every parent and teacher and clergyman in America could have heard him.

"IT'S FRIGHTENING"

"Lately, I've been on gynecology and obstetrics. It's absolutely frightening to see what's going on—the wards and private rooms are filled with young girls—from as young as 13 to 16 and 17. Their insides are torn to pieces. It's impossible to describe the repair jobs we have to try to do. These girls suffer from the results of every kind of sexual abuse. It used to be that doctors treated prostitutes in such condition. But now we have to treat young girls from the best families for every kind of harm inflicted on them. Every day, we see girls in their teens with diseases and infections and torn-to-pieces insides due to over-indulgence, or sex abuses by drug-crazed youths. The most expensive private rooms in the hospital—at $125 a day—are filled with girls from good homes enjoying every advantage in life. If this is the New Morality, then all I can say is that the end result is sheer brutality. How can these girls ever bear healthy children, or be healthy themselves? In their early teens, they're worn out."

There was little I could say, so I turned on the hi-fi and we listened to George Szell's marvelous recording of Richard Strauss' symphonic poem, "Death and Transfiguration."

It was comforting. At two o'clock in the morning, my young doctor friend said good bye. "She wasn't the first patient I lost," he said softly, "but she was the first girl one. She was brought in after a botched abortion. Lying there this afternoon, she looked so pure—such fine features, delicate skin. She rallied and said a little hello. I was so happy. We thought she'd made it."

He smoothed his rumpled white jacket and squared his shoulders. "Thanks," he said. "Thanks a lot. My chief's right, I'm going to tell him so. Next time, I won't cry." A great sigh shook his slender body. "Tell me," he said, "do people know what's going on?"

THE AVERAGE NEGRO

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. LONG of Maryland. Mr. Speaker, in this time of the militant left and the militant right, I found a letter in the Baltimore Sun this morning both refreshing and thought provoking. I should like to share this letter with my colleagues by including it in the CONGRESSIONAL RECORD:

THE AVERAGE NEGRO

SIR: S. Smulian is mistaken. He knows no more now where the average Negro stands than he did before reading the Black Manifesto. As in the past the Smulians are listening to the wrong persons. The average Negro who is moderate does not take the Manifesto stance. I know because I am Negro, or black as it is now fashionable to say. I have many friends and do a lot of talking about things I feel are important. This racial crisis is one.

Very few subscribe to that document. Some who do, do it out of desperation. Without spiritual hope they feel the only activity that matters is acquiring things. Deserted by those in positions to help, they reluctantly go along with Manifesto people in the hope of getting a bit of the glitter that is so highly touted in all places everywhere.

Most of us hoped that Manifesto would be given the short shrift it deserved. None were more surprised and outraged than we, when we saw august bodies of churchmen coming to terms with the holders of it. That money is not going to filter down to the needy masses and change their lives. To think so is to commit one's self to a folly as monstrous as sympathizing with Castro when he was hiding in the mountains and canebrakes of Cuba.

In spite of the dignity-assaulting conditions we have lived under, we, the black moderates, have found life darkly promising and limitedly productive. In the last few years, thanks to the wise restrained leadership of moderates, we have seen a brightening of the promise and an expansion of our productiveness. It has been done without the adoption of any foreign ideology such as this Manifesto seems to be based on.

We should like, God willing, our years to end and the years of our children and grandchildren to develop without that kind of spiteful adoption. We now stand on the doorsill of opportunity. If we could so advance, surrounded by dimness and limitation, surely our posterity can go in and dwell in the midst of brightness and expanded production.

The small powerless group of black moderates do not speak loudly. They are afraid. They do not think the police will protect them from the revenge loud talk would bring. So they look over their shoulders, verbally spar and feel their way, lest they say the right thing to the wrong persons. Then they dare to hope that enough white persons of goodwill will love their country if not their black brothers sufficiently to let democracy work every day.

It was, after all, the white man's failure to keep faith with the moderate leadership when it had sole control that has given the Manifesto people their leverage. The present administration in Washington is already a classic case in point. We feel that balloting will take care of that in time. We are not so hopeful that "Manifestoitis" can be handled so easily if it gets the upper hand.

No, the position of the Black Manifesto is not the stand of the average black.

FRANCES CHARLES.

BALTIMORE.

RESPONSIBILITIES OF THE U.N. TOWARD THE AFRICAN NATIONS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. REID of New York. Mr. Speaker, several Members of the House and Senate on both sides of the aisle recently had the privilege of meeting with the Honorable S. N. Odaka, Minister of Foreign Affairs of the Republic of Uganda, and chariman of his country's delegation to the United Nations General Assembly.

Prior to his brief visit to Washington, Mr. Odaka addressed the U.N. General Assembly about the responsibility of that organization toward the African nations. I think his thoughtful remarks are perceptive and relevant to the review of our African policy now underway at the State Department and the White House. I include Foreign Minister Odaka's speech in the RECORD at this point:

STATEMENT BY THE HONOURABLE S. N. ODAKA, M.P., MINISTER OF FOREIGN AFFAIRS AND CHAIRMAN OF THE DELEGATION, AT THE PLENARY MEETING OF THE 24TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Madam President, allow me to congratulate you most warmly on your election to the high office of President of this Assembly. Your election reflects the important role the women of Africa are determined to play in the international community. We wish you a most successful term of office.

For the first time in several years, the General Assembly is not admitting a new member. The absence this year of the admission of a new member does not reflect work well-done, but rather a regrettable setback for the United Nations in its sacred task of ensuring that colonialism is dead. This Session must therefore, ensure that this setback is a temporary one. We must ensure that the still unfinished task of bringing freedom and human dignity to all people is not forgotten but is carried on and successfully completed.

Indeed Madam President, the urgent problem facing Africa is precisely the issue of colonialism and racial discrimination. The forces of colonialism in Africa are becoming more entrenched. The South African Regime has strengthened its arsenals of war. With this ever increasing strength the South African Regime has gone further to consolidate its abominable rule of tyranny over the territory of Namibia completely ignoring the overwhelming opinion of mankind as expressed in numerous resolutions of the United Nations. Indeed, the United Nations itself has been brought into ridicule by its failure to implement its decisions over Namibia and save it from the grabbing hand of the Pretoria Clique which wishes to usurp it and permanently enslave its people.

To the North, in spite of the gallant struggle being waged by the freedom fighters in Mozambique, Angola and Guinea Bissau, Portugal has built up confidence and is now striving to consolidate herself since she sees this as the only way to continue to exploit the riches of Africa and thus save her crumbling economy. Any success she has achieved in fighting the forces of African Nationalism has only been carried out through the massive economic and military assistance she obtains from her allies. It is the same assistance that sustains the economy and military strength of South Africa. It is for this reason that we appeal to all countries who profess to be opposed to the evils of colonialism and racial discrimination to stop giving military and financial assistance to Portugal and South Africa.

The South African Regime has also made a determined and persistent thrust Northwards. On the one hand, it is seeking to strengthen its allies in Rhodesia and the Portuguese controlled territories of Angola and Mozambique and on the other, it is out to establish puppet regimes in Independent African States through deceit and subversion. We do not consider these gestures as genuine, friendly and calculated to achieve the dignity of the black man on our continent. These gestures are calculated to extend the unacceptable philosophy of the superiority of one race. To make matters worse, those who resist this pressure and stand firm on the principles of equality and human dignity are being threatened with increasing subversion and open aggression from South Africa and Portugal.

This year, Portugal has attacked Guinea and has threatened lives and property in that State. This is in addition to the constant attacks that have been made on Zambia and the United Republic of Tanzania. We have no doubt that these acts of aggression will continue unless strong measures are taken by the Security Council to contain the situation. The stage is thus being created for the final confrontation between the minority racist regimes and the Independent African States. The world, however, cannot afford to stand by as passive observers. It is not for the love of war but because of their commitment to the principles of human equality and dignity that Independent African States are opposed to colonialism and racial discrimination which is being practised in South Africa. It is also on the basis of their commitment to these universally accepted principles that Independent African States appeal to other members of the United Nations for support. The dignity of all men is destroyed when a section of humanity is denied its rights. Above all, without an acceptance of, and a commitment to the principles of human equality and self-determination, there can be no basis for peace and justice in the world.

In April this year, the Heads of State and Government of East and Central Africa, desirous to spell out their attitude and purpose in relation to the problems existing in Southern Africa adopted in Lusaka a Manifesto. Earlier this month, this Manifesto was unanimously adopted by the Organization of African Unity Assembly of Heads of State and Government. The Lusaka Manifesto is an affirmation of the principles of justice, equality and human dignity. In it, the African Leaders have stated that they wish to make clear beyond all shadow of doubt, their acceptance of the belief that all men are equal and have the right to human dignity. These are the same sentiments to which the United Nations Charter is committed. The Manifesto defines the attitude of Independent African States to the racist regime in South Africa and to the philosophy of apartheid. It explains in very clear terms the alternatives before Independent African States and before the Liberation Movements in Southern Africa. The Manifesto high-lights the serious situation existing in the region and the threat to, and deep concern of the Independent African States. It is for this reason that the Organization of African Unity Assembly of Heads of State and Government charged its current Chairman, the President of Cameroon with the duty of presenting this Manifesto to the United Nations General Assembly. We sincerely hope that this Assembly will fully appreciate the spirit in which this Manifesto was conceived and re-affirm their belief in the principles to be found in the United Nations Charter by adopting this Manifesto. These principles have almost been lost sight of in Rhodesia.

In Rhodesia as we had foreseen and feared, we are now witnessing the final abandonment by the United Kingdom of her responsibility. Another apartheid styled regime is being created in Rhodesia while the United Kingdom is passively sitting with her arms folded in complacency. It is now four years since the Unilateral Declaration of Independence, and all we have heard from the United Kingdom is that force must not be used and that sanctions will soon bring about a change of heart among the racists and eventually lead them to return to legality and accept majority rule. We say the world has waited long enough. Sanctions have failed owing to the support which the South African Regime, Portugal and other countries have given. At the same time Smith and his colleagues have in fact entrenched their positions and they are adopting even more extreme measures to safeguard white supremacy and the enslavement of the Africans who constitute the majority in that country.

While Smith is introducing an apartheid styled constitution all that the United Kingdom Government is prepared to do is to remove her futile representative and suitably honour him for his services. From now, Rhodesia is no different from South Africa and it is only overall action against all the minority regimes in Southern Africa which can hope to be successful. The United Nations should therefore, not listen to, and be deceived by those who preach half-hearted measures. We urge the Security Council to seriously face its responsibilities and take strong measures to halt the fast deteriorating situation. Until this is done, Independent African States have no choice but to support the Liberation Movements in their armed struggle against these regimes. The Security Council as the primary organ of the United Nations charged with the maintenance of international peace and security has a responsibility to perform and should have sufficient courage to take the necessary action. The racists should not be allowed on the one hand to reject the cherished principles of justice and equality and on the other benefit through friendly international relations which are based on these very same principles. Without action by the Security Council, peace in Africa will remain threatened.

The failure of the members of the Security Council, particularly the permanent members who are responsible for peace and security in the world to divorce themselves from siding with those who threaten peace and security is the main reason for the continued worsening of the world situation and the inability of the United Nations to perform its functions effectively. As we approach the twenty-fifth anniversary of the United Nations, the role of the Security Council is a matter that needs examination.

It is most disturbing to find that in all ma-

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jor conflicts threatening international peace and security, the permanent members of the Security Council who should always be on the side of peace are the ones fanning the flames of war. When those most responsible for peace and security are so committed on the side of war, how can they at the same time effectively play the role of mediator and peace-maker? Is it any wonder that the United Nations has become powerless and is not playing a major role in the preservation of peace and security? We must emphasize that the permanent members of the Security Council must play an impartial role. The taking of sides in any major conflict is bound to aggravate the situation and spread tension rather than to establish conditions for the settlement of disputes. Looking at the major conflicts in the world, what lessons can we learn? The tragic civil war in Nigeria, the Middle East Conflict and the war in Viet Nam, all clearly point to one sad lesson. In Nigeria, as in the Middle East and Viet Nam, the major powers who are the permanent members of the Security Council, and who should be on the side of peace are actively involved with one party or another in all these wars.

The situation in Nigeria is being greatly aggravated by the presence of foreign interests on both sides of the civil war. This fact has been admitted by the two sides in the civil conflict. We believe that a peaceful solution can be achieved through negotiations so long as outside powers are not involved.

The situation in the Middle East could also be quickly solved if all the Big Powers were firmly committed to finding a peaceful and just solution. Again, it is most regrettable that some of the members of the Security Council are not devoid of self-interest in this matter and are for selfish reasons actively arming the warring parties. How then can these powers help to find peace? We patiently wait to hear of any success that may be achieved through the talks of the Big Powers now taking place.

Similarly, in the case of the Viet Nam war, we find that the failure of the permanent members of the Security Council to have a common approach to peace is largely responsible for the continuation of this most tragic and costly war. Mankind has waited most patiently to hear the results of the Paris Peace Talks. We, therefore, cannot emphasize enough the urgency and the necessity of reaching an agreement and establishing lasting peace in Viet Nam.

Madam President, the problems of achieving peace and security in the world require realism on the part of the permanent members of the Security Council. It is an inescapable fact that no permanent solution to the problems of disarmament, just as those of world peace can be found while a large section of mankind is excluded from this world body. This year when mankind salutes the great scientific achievement of setting the first man on the moon, it is high time that a sense of realism was adopted towards the major problems facing mankind here on earth. It is unfortunate to pretend that a government which controls and represents the largest nation in the world does not exist. Most important of all this same nation now possesses means of mass destruction. We must again state that it is in the interest of peace and security that the Peoples Republic of China be admitted and become a member of the United Nations.

Madam President, the problems of peace are also the problems of human development. His Holiness, The Pope, on his arrival in Uganda for his historic visit, appropriately stated that, "Development is the new name for peace." As we approach the Second Development Decade, we should bear in mind these wise words. It is impossible to have any lasting peace when the world is divided into the rich and the poor. Poverty cannot be eradicated by the poor alone While it is imperative that the developing countries play their role, a great responsibility rests with the economically advanced regions. That is why, we have persistently called upon these countries to eliminate the discriminatory obstacles which impede the development of the poor regions.

Permament Members of the Security Council who are primarily responsible for peace and security are also members of ECOSOC, the principal organ of the United Nations for economic and social development. It is, therefore imperative, that these countries should be on the side of both peace and development. It is a fact that poverty still remains the most noticeable and regrettable characteristic of this world in this modern age. Next year, we shall not only be celebrating the Silver Jubilee of the formation of this Organisation, but perhaps what is most significant and vital to Africa is that we shall be entering the Second Development Decade. It is therefore fitting that we examine the role of the United Nations and see how we can eliminate areas of weakness and make the United Nations and its agencies more effective. The developing countries are making great attempts to help themselves and to up-lift their standard of living. In our continent, the Organisation of African Unity and regional bodies such as the East African Community have attempted to increase trade among member countries and promote regional cooperation in economic and social spheres. The practical meaning that the United Nations can give to this activity is to realise that Africa wants to play her full role in eradicating social and economic evils. We wish to see the United Nations playing a bigger role and working closely with the Organisation of African Unity in meeting Africa's aspirations in economic spheres.

This year, the Organisation of African Unity has played an increasingly effective role in economic and social development. The Organisation of African Unity, however, should be helped by the United Nations and its agencies. This help can be channeled through growing participation in the Organisation of African Unity's institutions such as the African Development Bank and greater cooperation from E.C.A. We in Uganda look at the United Nations and its agencies for active assistance in building our infra-structure. The United Nations and its agencies should not be merely contented with producing Feasibility Studies which yield no productive results. We expect them to cooperate in the provision of development finance. It is in this way that we shall appreciate the role of multilateral agencies. It is by determined efforts to understand Africa's development needs that the United Nations economic role will be measured in the coming development decade.

It is imperative to educate world opinion on the growing problems created by a continuing divided world of the poor and rich. In order to do this, the United Nations and particularly its Secretariat and officials should themselves fully appreciate the problems they are required to tackle. The Senior officials of the United Nations and its agencies should make it a point to familiarise themselves with the problems of development, by physically visiting us in our environment, discussing development priorities and examining how best they can assist in meeting our goals.

It is paradoxical that while policy-makers find it necessary to come here every year and discuss these issues, very few visits are made by top officials of the United Nations Secretariat and the United Nations Agencies to developing countries where these problems could be examined on the spot.

In the Second Development Decade we expect the United Nations and its agencies to move away from pre-occupation with theory and instead, actively deal with practical problems to be found in the field. The top officials of the United Nations, the World Bank, the United Nations Development Programme and all the major agencies of the United Nations should make it a point of visiting all the developing countries regularly for this purpose.

Uganda welcomed the initiative taken by the President of the World Bank to send the Pearson Commission on International Development to discuss the role of the World Bank in meeting the challenge of economic development. We want to see other organisations such as the United Nations Industrial Development Organisation following this example. We in Uganda are confident that industrialisation is essential to our development. We are, therefore, most anxious to see UNIDO effectively on its feet and familiar with our programmes and actively assisting us to meet the challenge of development.

We consider that here is a lot of potential in Africa for the good of mankind. In order to fully utilize this potential, the world must take Africa seriously. In the case of the problems that face us in Southern Africa, we expect cooperation and understanding. In the Nigeria conflict we expect permanent members of the Security Council to be on the side of peace. In the case of economic development, we expect the developed countries not to build obstacles and apply restrictive measures but to be the vanguard for increased trade and cooperation between developed and developing countries. The future of mankind is interdependent and no section can be left behind and ignored without seriously affecting the well-being and prosperity of the rest. This is the only way we can make the Second Development Decade meaningful.

THE APPROPRIATIONS BUSINESS OF THE SESSION

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. MAHON. Mr. Speaker, the House yesterday passed the eighth of the annual appropriation bills for the current fiscal year 1970.

One bill has been signed into law—the Treasury-Post Office bill.

Two bills are awaiting conference action.

Five bills are pending in the other body.

There are five regular bills for 1970 remaining to be reported. They depend significantly on related authorization legislation that has not been finalized by Congress. Thus the delays.

For the general information of Members and others, I include a summary picture of the appropriation and spending actions of the session thus far:

The Appropriations Business of the Session

Recommendations on the spending side of the budget are handled mostly in appropriation bills, dealing—in this session—with supplements to fiscal 1969 and with the main budget for the current fiscal year 1970. A handful of items relate to fiscal 1971. And a number of actions with impact on the pending budget have been taken in bills out of the legislative committees—the details of which are reported on in the latest (October 8) budget scorekeeping report of the Joint Committee on Reduction of Federal Expenditures.

THE APPROPRIATION BILLS

House actions on budget authority

The House has acted on 8 of the 13 fiscal 1970 regular appropriation bills. The 8 bills involved consideration of about $49.5 billion of the President's budget requests for new appropriations and other budget (obligational) authority. Against this total, the Committee on Appropriations recommended about $49.3 billion—a net reduction, overall, of $203 million in round figures.

But the House, through floor actions in the 8 bills, made net additions of $725 million to the committee recommendations, with the result that the 8 bills—as finally voted in the House—are *above* the related budget requests by some $522 million in new spending authority. The principal floor additions occurred on the Labor-HEW bill, increased $922 million above the committee total.

HOUSE ACTION ON BUDGET EXPENDITURES

In terms of *expenditures*—or more precisely, budget outlays—it is tentatively estimated that House actions to date in the 8 appropriation bills voted on would result in *increasing budget expenditures* for 1970 by roughly $337 million.

The late passage of the Second Supplemental Bill for fiscal 1969, in which reductions were made, resulted in some spill-over effect of the reductions in relation to expenditures for fiscal 1970 which began July 1, in consequence of which it is tentatively estimated that the $337 million increase is diminished, on the basis of final passage of the Second Supplemental, to about $262 million *above* the budget projections.

FISCAL 1969 SUPPLEMENTALS

In respect to fiscal 1969 supplementals at this session, budget requests for new budget spending authority totaled nearly $5.9 billion. Amounts approved by Congress totaled $5.4 billion, a reduction of nearly a half billion dollars—$461.9 million—from the budget requests.

APPROPRIATIONS UNREPORTED

Some $83 billion of new budget spending authority requests are pending in connection with the five regular appropriation bills for fiscal 1970 still unreported. These are:

	Millions
District of Columbia (Federal funds)	$190
Transportation	1,994
Defense	75,278
Military construction	1,917
Foreign assistance	3,679

They depend significantly on related authorization legislation still pending.

Senate actions on budget authority

The Senate has passed three of the regular appropriation bills for fiscal 1970—Treasury-Post Office, Agriculture, and Interior. They involve $10,673 million of new budget spending authority requests, against which the Senate voted $11,305 million, a net *increase* of $632 million above the budget.

One of the three bills has cleared Congress.

Final action on 1970 appropriation bills

One bill for fiscal 1970, the Treasury-Post Office appropriation bill, has been signed into law. As enacted, it appropriates $8,783 million of new budget (obligational) authority on a *gross* basis, a reduction of about $38.5 million from the related budget requests.

But on the net basis used in the budget, that is, counting *estimated* postal revenues as offsets to postal appropriations rather than as budget receipts, the *net* amount enacted is roughly $2,276 million. But this does not take account of the revised estimate for postal revenues that was projected in the summer review of the 1970 budget, released September 17; that review now assumes enactment of new postal rate legislation effective January 1, 1970, valued at $315 million, and makes a slight refinement of the estimate otherwise.

THE APPROPRIATION AND LEGISLATIVE BILLS IN RELATION TO THE BUDGET

Folding in the various spending actions in legislative bills that bear on the budget with those in the appropriation bills for fiscal 1970, the latest (October 8) budget "scorekeeping" report of the Joint Committee on Reduction of Federal Expenditures projects a more comprehensive picture of congressional actions or inactions thus far on the budget. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriation-wise and expenditure-wise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures (backdoor bills, bills that mandate expenditures, and so on).

In relation to budget authority

On this overall basis, for fiscal year 1970, the October 8 "scorekeeping" report shows a net increase by the House *above* the budget requests—in terms of budget authority—of $915 million. For the Senate, the figure *above* the budget requests is $895 million.

In relation to budget expenditures

In relation to budget expenditures, for fiscal year 1970, the October 8 "scorekeeping" report shows a net increase by the House *above* the budget projections of about $778 million. For the Senate, the figure *above* the budget projections is about $786 million.

These increases are in the face of the action of Congress in July in adopting an overall budget expenditure ceiling for 1970 in the Second Supplemental Appropriation Act, directing a *cut* of at least $1 billion below the $192.9 billion expenditure budget for fiscal 1970 projected in the President's April 15 budget revision—a figure to which the President holds in the summer review of the 1970 budget.

The approximate totality of pending fiscal 1970 new budget (obligational) authority requests

Congress does not annually act upon all of the appropriations or new budget (obligational) authority requests. Something in excess of $81 billion or so of the grand total currently estimated for fiscal 1970 arises from previous permanent-type legislation, that does not *require* action in bills this session (interest, social security and other trust funds, etc.).

About $132.6 billion of the 1970 total is *presently* involved in the form of *specific* budget requests in connection with the 13 regular annual appropriation bills—$49.5 billion in the eight bills acted on by the House and $83.1 billion in the five bills not yet reported.

Another major part of the total would be a $3-billion allowance in the total for the July 1, 1969, civilian and military pay increase.

The *gross* total in the April 15 budget revision, relating to fiscal 1970, was $219.6 billion. The Summer Review of the Budget reflects many changes in details and identifies several of them, but does not include a new grand total. But the total remains in this vicinity. The October 8 "scorekeeping" report—distributed to all Members—supplies more details.

SUMMARY OF APPROPRIATION BILL TOTALS

Here is a summary as to the appropriation bills of the session thus far:

SUMMARY OF APPROPRIATION BILL TOTALS OF NEW BUDGET (OBLIGATIONAL) AUTHORITY, 91ST, CONG., 1ST SESS. AS OF OCT. 9, 1969

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

	New budget (obligational) authority (all figures are slightly rounded)		
	Bills for fiscal 1969	Bills for fiscal 1970	Bills for the session
A. House actions:			
1. Budget requests considered	$5,400,007,000	$49,539,081,000	$54,939,088,000
2. Amounts approved by House	4,819,213,000	50,061,570,000	54,880,783,000
3. Comparison with corresponding budget requests	−580,794,000	+522,489,000	−58,305,000
B. Senate actions:			
1. Budget requests considered	5,850,305,000	10,673,133,000	16,523,438,000
2. Amounts approved by Senate	5,495,669,000	11,305,760,000	16,801,429,000
3. Comparison with corresponding budget requests	−354,636,000	+632,627,000	+277,991,000
4. Compared with House amounts in same bills	+676,457,000	+852,486,000	+1,528,943,000
C. Enacted:			
1. Budget requests considered	5,850,305,000	2,314,714,000	8,165,019,000
2. Amounts enacted	5,388,358,000	2,276,232,000	7,664,590,000
3. Comparison with corresponding budget requests	−461,947,000	−38,482,000	−500,429,000

[1] For fiscal year 1970, in the revised (April) budget, total new budget (obligational) authority was tentatively estimated at $219,600,000,000 ($205,900,000,000, net of certain budget presentation adjustments) of which $138,900,000,000 was for action by Congress and $80,700,000,000 would become available under permanent law.

Note: House actions to date on appropriation bills for 1970 are tentatively estimated to increase outlays (expenditures and net lending) budgeted for 1970 by approximately $337,300,000. In addition, it is estimated that outlays budgeted for 1970 will be reduced by about $75,000,000 based on the enacted amount of the second supplemental, 1969.

Prepared Oct. 9, 1969, in the House Committee on Appropriations.

SUMMARY OF CHANGES REFLECTED IN BOTH APPROPRIATION AND LEGISLATIVE BILLS

Following is a table from the October 8 "scorekeeping" report of the Joint Committee on Reduction of Federal Expenditures. It capsules changes from the budget requests and estimates to that date in both the appropriation bills and various legislative bills:

Summary Highlights

The new administration has made various revisions in the January budget estimates, in three steps, as shown in the summary table on page 2.

These actions changed the estimated surplus for fiscal 1970 from $3.4 billion in the January budget to $1.8 billion as a corrected budget to $5.8 billion in the updated estimates, and finally to $5.9 billion in the revised estimates being considered by the Congress. Without the new taxes proposed in the budget this estimated surplus of $5.9 billion would become a deficit of approximately $3.9 billion.

House action to date (October 8) reflects a net increase of $915 million in the 1970

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estimates for budget authority and a net increase of $778 million in the 1970 estimate for outlays.

Senate action to date (October 8) reflects a net increase of $895 million in the 1970 estimates for budget authority and a net increase of $786 million in the 1970 estimate for outlays.

SUPPORTING TABLE NO. 1.—ACTIONS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF OCT. 8, 1969)

[In thousands of dollars]

	Congressional actions on budget authority (changes from the budget) [1]			Congressional actions on budget outlays (changes from the budget) [1]		
Items acted upon	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1970:						
Appropriation bills (changes from the budget):						
Treasury, Post Office, and Executive Office (H.R. 11582, Public Law 91-74)	−42,382	−34,519	−38,482	−37,000	−30,600	−34,000
Agriculture and related agencies (H.R. 11612)	−160,907	+675,236		[2] +53,000	+556,000	
2d supplemental, 1969 (H.R. 11400)				−110,000	−82,000	−75,000
Sec. 401 outlay ceiling [3]					(−1,900,000)	(−1,000,000)
Independent Offices and Department of Housing and Urban Development (H.R. 12307)	−471,325			−113,000		
Interior and related agencies (H.R. 12781)	−15,810	−8,090		−15,300	−11,800	
State, Justice, Commerce, the judiciary and related agencies (H.R. 12964)	−130,070			−71,000		
Labor and Health, Education, and Welfare and related agencies (H.R. 13111)	+1,078,365			+521,000		
Legislative branch (H.R. 13763)	−26,850			−7,900		
Public works (H.R. 14159)	+301,469			+7,500		
Subtotal, appropriation bills	+532,490	+632,627	−38,482	+227,300	+431,600	−109,000
Legislative bills with spending authorizations (changes from the budget):						
Civil service retirement benefits (H.R. 9825, S. 2754)	N.A.	N.A.	††N.A.	+86,100	[4] +94,700	†† [4] +94,700
Defense: overseas mailing privileges (H.R. 8434)	+8,900			+8,900		
Veterans readjustment benefits (Public Law 91-22)	+1,362	+1,362	+1,362	+3,952	+3,952	+3,952
Veterans hospital care for 70-year-olds (H.R. 693)	+3,400			+3,400		
Veterans care in State homes (H.R. 9334)	+2,803			+2,803		
Veterans care in community nursing homes (H.R. 692)	+5,954			+5,954		
Veterans outpatient care (H.R. 3130)	+8,000			+8,000		
Veterans nursing home care (service connected) (H.R. 2768)	+1,500			+1,500		
Veterans non-service-connected benefits (H.R. 372)	+8,538			+8,538		
Additional district judges (S. 952)		+1,473			+1,473	
Additional clerks for House Members (H. Res. 357)	+3,600		+3,600	+3,600		+3,600
J. F. K. Center (H.R. 11249)	+5,000	+5,000	††+5,000	+5,000	+5,000	††+5,000
Appalachian highways (H.R. 4018)	+20,000					
Food for needy children (H.R. 11651)				+100,000		
Veterans education assistance (H.R. 11959)	+206,500			+206,500		
Veterans Vietnam insurance (S. 2003)		+1,700			+1,700	
Veterans additional $5,000 insurance (S. 1479)		+45,000			+45,000	
Veterans double indemnity insurance (S. 1650)		+100,000			+100,000	
Veterans dismemberment insurance (S. 2186)		+10,000			+10,000	
Veterans increased dependency and indemnity compensation (S. 1741, H.R. 13576)	+61,565	+52,840		+61,565	+52,840	
Navajo Indian road (S. 404)		+5,000				
Savings bond interest (H.R. 14020)	†+18,000			†+18,000		
Travel per diem (H.R. 337)	+27,000	+40,000		+27,000	+40,000	
District of Columbia delegate in House (S. 2163)		+145			+145	
Subtotal, legislative bills	+382,122	+262,520	+9 962	+550,812	+354,810	+107,252
Total, fiscal year 1970	+914,612	+895,147	−28,520	+778,112	+786,410	−1,748
Fiscal year 1969:						
Appropriation bills (changes from the budget): 2d supplemental, 1969 (H.R. 11400)	−580,794	−354,636	−461,948	−464,000	−254,600	−325,000

[1] Accurate estimates of the cost impact of congressional actions on mandatory spending legislation are frequently difficult to obtain—especially for outlays. Cost estimates are obtained from various sources, including committee reports, floor debates, Government agencies and informal staff contacts. Sometimes cost estimates on new legislation are not available. What is reflected in this congressional action table is the best that the staff has been able to put together. Occasionally it is necessary to revise an estimate as more current information becomes available.

[2] Reflects floor action increasing milk funds by $120,000,000, but does not reflect effect of $20,000 limitation on subsidy payments adopted by House. The Appropriations Committee assumed a reduction in Public Law 480 spending which if not realized will result in higher spending than estimated.

[3] The 2d Supplemental Appropriation Act, 1969, carried an overall expenditure limitation for fiscal 1970 which was different in all 3 versions. The House-passed version set the ceiling at the Apr. 15 budget figure of $192,900,000,000 with provision for increases or decreases depending upon actions or inactions of the Congress affecting the budget. The Senate version made a flat reduction of $1,900,000,000 in the overall ceiling but exempted certain items from the ceiling. The enacted version made a flat reduction of $1,000,000,000, provided for increases or decreases depending upon action or inaction of Congress affecting the budget, and granted up to $2,000,000,000 of flexibility in the ceiling to the President for certain uncontrollable items.

[4] Updated estimate based on revised assumptions of number who might retire under the new law.

†Committee action.

††Cleared for signature.

N.A.—Not available.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Goshen, Ind., News; the Franklin, Ind., Journal; and the Evansville Press, Evansville, Ind., in the State of Indiana. The editorials follow:

[From the Goshen (Ind.) News, July 31, 1969]

HIGHWAY GIANTS

The trucking industry is back before Congress this year with a bill to permit the operation of heavier and bigger trucks on the nation's interstate highway system. Congress, as it did with a similar measure last year, should reject the proposed changes.

Foremost among the opponents of the legislation is the American Automobile Association, whose executives testified recently before the House Public Works Committee. The AAA's opposition is based on two points. The first is that bigger trucks will constitute a hazard on the highways because their bulk diminishes the visibility of other drivers and their length makes passing more risky.

The second point the AAA stresses is that the increased weight of tractor-trailers and tractor-two trailers will punish pavements and bridges and increase not only the costs of upkeep but also the construction of new roads built to withstand the heavier loads.

Highway costs warrant concern, but the argument Congress should find most persuasive is the likelihood of greater danger on the nation's already unsafe roads. A 70-foot truck, more than eight feet wide and weighing as much as 15 tons, is an intimidating object. To allow such snorting behemoths on the public roads is not in the public interest.

[From the Franklin (Ind.) Journal, July 26, 1969]

BIGGER TRUCKS?

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's roads, has lately come up with a new argument to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead an axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in

the gale-force winds frequently created in passing or being passed by trucks.

[From the Goshen (Ind.) News, July 31, 1969]

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But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

[From the Evansville (Ind.) Press, July 18, 1969]

THE TRUCK BILL AGAIN

Congress, which last year shelved a bill to permit longer, wider and heavier trucks on the interstate highway system, is engaged now in studying a somewhat modified version.

The new bill would lift the present 75,280-pound weight limit, extend the width limit from eight to eight-and-a-half feet and impose a length limit of 70 feet. This last provision was absent from last year's bill.

The trucking industry argues an axle-spacing formula set out in the new bill would permit more even weight distribution, thus easing the strain on bridges and highways despite heavier loads and greater length.

These factors, the truckers contend, also would promote safety by permitting improved braking ability for big rigs and better road visibility for their drivers.

The industry's primary interest in the bill, of course, is the greater "economic return" larger vehicles would provide for truckers and lower per unit hauling costs for customers—a legitimate interest, certainly.

But that interest must be weighed against the public's interest in the use of the interstate system—a $60 billion, taxpayer-financed project—and the other highway arteries onto which it empties.

Executive Vice-President George Kachlein of the American Automobile Association, which opposes the bill, charges the extra truck weights permitted (up to 108,500 pounds for a nine-axle truck) would cost $1.8 billion for road repairs in 10 years.

And even if the bigger rigs could operate safely on the interstate, millions of miles of feeder roads on which some of them would have to travel are far below the interstate's design and safety standards. Congress has been warned by the National Association of County Engineers, the National Association of Counties and other opponents.

Further, the improved safety factors of the bigger rigs are projected rather than proved. And the sight of a passing truck 15 feet longer and tens of thousands of pounds heavier than the 55-foot vehicles now permitted throughout most of the east seems unlikely to steady the nerves of the average motorist.

On balance, the truckers' interest are outweighed by the public interest in safe and economic use of the highways. The new bill should join the old one on the congressional shelf.

DOING WHAT THE ENEMY WANTS?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. WYMAN. Mr. Speaker, at a time when the wire services report that Hanoi and the Vietcong have "appealed to the American people over the heads of their negotiators in Paris" to continue efforts at dissension and protest on the home front, the following letter from a New Hampshire boy stationed in Vietnam is worth pondering. It appeared in the Manchester, N.H., Union Leader issue of September 29, 1969:

NEW HAMPSHIRE SOLDIER WRITES FROM SOUTH VIETNAM: "WE'RE DOING JUST WHAT THEY WANT US TO DO"

(NOTE.—The following letter was written by "Swede," a New Hampshire boy stationed in Vietnam for almost two years. For obvious reasons his identity cannot be disclosed.)

DEAR MR. LOEB: Yesterday I received a few papers from you, one of them Aug. 29. In February I will have been in Vietnam for 21 months and I want to give my full support to an article on page 17 of that newspaper titled, "Let's Face Up to Vietnam". It was well written and very true.

I realize that U.S. citizens are tiring of this war and are tired of hearing about it. That is the price of a prolonged war and we elected the men who are dragging it on and on, at a great loss to the American public. As the article stated, the war should have been won in the early stages.

We are now doing just what North Vietnam wants us to do. Crumble and crawl any way we can. Troop withdrawal will strengthen the enemy's cause.

I hope the American public is not ignoring the fact that as long as the bombing of the North has been stopped the North has had freedom of movement for shipment and resupply to the South by way of the Cambodian border, etc., to the South.

They are probably planning a deadly devastating blow to the South when troop withdrawal reaches a peak. I'm astonished that our leaders are playing into their hands and have done nothing to stop it.

Surely freedom is worth the price we have already paid in lives lost. I know my friends who have died here wouldn't want to see the U.S. crawl away defeated.

If Nixon and other government officials are worrying about votes . . . I think, if we win this war honorably and quickly, they will get many more votes than if they let the killing of American troops drag on and on, as the Communists planned.

The American Public may grow sick of the war and accept anything from the other side to end it. But it will be ended only for the U.S. not for Asia, and our allies who believe in our help—not for Asia.

We will either come out of this war a crawling broken nation or a strong proud nation as we have been in the past.

Also on the front page of this edition is a story of enemy retreat near Que Son Valley. The enemy had heavily entrenched bunkers here and those five men who refused to enter any further into that valley a second time were not alone. They represented their whole company in the refusal. As a result of poor leadership Major Ramsey was released from his duty and a new commander took over the company.

When Ho died the North asked for a three day truce. The U.S. government stated they would go along with Saigon on the decision. Saigon said no truce. But my company stopped all operations for those three days and I presume that all American operations stopped for those three days. I'd like to know why the U.S. government didn't acknowledge this.

While we stopped operations, enemy movement continued as usual. When politicians finally decide to stop playing games with American lives at stake, and let the military run it, we will be victorious. If not, politics will bring our great nation to the brink of a great defeat and the greatest blunder in American history.

PRICE TESTIFIES ON BEEF PRICES

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. PRICE of Texas. Mr. Speaker, during this past week, the House Government Operations Subcommittee on Special Studies has been conducting hearings to determine to what extent, if any, in increases in the price of beef during the first 7 months of 1969, were caused by factors such as the activities of Federal agencies, as opposed to free market forces.

I testified on this issue before the subcommittee. I pointed out that meat is not one of the major consumer items in the cost of living index that has reached an all-time high during the current inflationary round. According to market record, there were 35 prior months which had higher beef costs than did July. In 84 past months, consumers paid more for pork, and in 16 previous months the price of lamb was higher.

I also compared the rise in beef prices since the early fifties with that of other consumer items. The record is clear that through the years, beef prices have risen slower than the prices of dairy products, fruits and vegetables, rent, homes, clothing, medical care, recreation, public transportation, and many other items.

Based on its price record, beef is a real bargain. Over the past 20 years, general inflation has brought about price increases for all goods and services of more than 40 percent. Despite this radical increase, beef today sells at more favorable prices than existed 18 years ago.

Today, 1 hour's labor buys 3½ pounds of beef; 10 years ago the same labor bought less than 3 pounds of beef; and 20 years ago, the consumer purchased approximately 1 pound of beef for 1 hour of labor. During the past 20 years, per capita disposable income increased 50 percent. Yet today, the average American family spends only 17 percent of its disposable income on food, as compared to the 1959 figure of 25 percent. When one considers that 2.3 cents out

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of each disposable dollar is spent on beef, the favorable position to today's consumer becomes obvious.

I advised the subcommittee that the modern consumer also benefits from the fact that he is purchasing better quality beef for his money than at any other time in our Nation's history. Over two-thirds of today's beef has spent time in a feedlot, compared to 40 percent only a few short years ago. This feedlot finishing creates increased beef tenderness, flavor, and desirability. With new trimming and packaging techniques, created by specific consumer demand, there is less waste and actually more edible meat per pound of beef than ever before.

Basically, I think that when consumers complain about the high cost of beef, they fail to realize that beef costs are more of a reflection of the cost of marketing beef than they are a reflection of the basic price of beef at the producer's level. The marketing cost of getting a choice steer from the ranch to the table has increased 15 percent in the last 8 years. In the food processing and distributing industries, labor costs alone have increased well over 45 percent when compared to the standard 1957–59 averages. In addition, the cost of land, labor, equipment, and money has risen dramatically over the last few years. Finally, the modern, convenient, "see through" packaging coupled with the increasing variety of cuts that the consumer is demanding has increased the price between the beef producer and the dinner table.

Mr. Speaker, the price of beef is more a reflection of the cost of marketing beef than it is the cost of producing beef. It is for this reason that I suggest that those complaining about the so-called high price of beef examine the problem more closely. If they do so, they will discover that the causes of the problem lie elsewhere than the farm, the ranch, or the feedlot.

As a contribution to the public discussion of the various causes of the price of beef I am inserting the testimony I presented to the subcommittee. I hope the information contained therein will help clarify the issues. It follows:

TESTIMONY OF CONGRESSMAN ROBERT D. PRICE OF TEXAS BEFORE THE HOUSE GOVERNMENT OPERATIONS SUBCOMMITTEE ON SPECIAL STUDIES, OCTOBER 7, 1969

Mr. Chairman, I am a member of the House Agriculture Committee and Subcommitte on Livestock and Feed Grain. I appreciate being afforded the opportunity to testify before the Subcommittee today. I have been a farmer and rancher most of my adult life, and I represent the 18th District of Texas now feeding about 2 million heads of fat cattle. As I understand it, the purpose of these particular hearings is to ascertain to what extent, if any, the increases in the price of beef during this year have been effected not by the operations of the law of supply and demand, but by other factors such as the activities of Federal agencies.

I submit that the rise in beef prices has resulted from the operations of supply and demand coupled with other factors which do not include the activities of Federal agencies.

As regards the beef producer, the average retail price of Choice-grade beef was $70.55 per hundred weight in 1951, while during the price peak last July, Choice-grade beef was sold at only $75.26 per hundred weight. This is an increase of less than 7 percent in 19 years. Moreover, the average price of Choice-grade slaughter steers actually has fallen since 1951; from $35.24 per hundred weight in 1951 to $30.54 in August, 1969. It is even lower today.

As regards the final consumer, during the first two quarters of this year, average retail meat prices on all cuts rose from 90 cents a pound in January to a July high of $1.01. Since July, there has been a significant decline in meat prices. The USDA's estimate for last month was 99.4 cents, which represents a price decline of approximately 2 percent. Live prices have dropped from the 34 range to 28–28.6 price today!

It should be noted that meat is not one of the major consumer items in the cost of living index that has reached an all-time record price peak during the current inflationary round. According to market record, there are 35 prior months which had higher beef costs than did July. In 84 past months, consumers paid more for pork, and in 16 previous months the price of lamb was higher.

The members of the Subcommittee will be interested to know that on the whole, the average level of prices for steer beef on the hoof is 17 percent lower than it was during the price peaks of the early 1950s; pork on the hoof is 29 percent cheaper; and lamb is 26 percent less expensive.

It is also instructive to compare the rise in beef prices since the early fifties, with that of other consumer items. The record is clear that through the years beef prices have risen slower than the prices of dairy products, fruits and vegetables, rent, homes, clothing, medical care, recreation, and public transportation.

Based on its price record, beef is a real bargain. Over the past twenty years, general inflation has brought about price increases for all goods and services of more than 40 percent. Despite this radical increase, beef today sells at a more favorable price than existed 18 years ago: Today, one hour's labor buys 3½ pounds of beef; ten years ago the same labor bought less than 3 pounds of beef; and twenty years ago, the consumer purchased approximately 1 pound of beef for one hour of labor. During the past twenty years, per capita disposable income increased 50 percent. Yet today, the average American family spends only 17 percent of its disposable income on food, as compared to the 1959 figure of 25 percent. When one considers that 2.3 cents out of each disposable dollar is spent on beef, the favorable position to today's consumer becomes obvious.

The modern consumer also benefits from the fact that he is purchasing better quality beef for his money than at any other time in our nation's history. Over two-thirds of today's beef has spent time in a feed lot, compared to 40 percent only a few short years ago. This feed lot-finishing creates increased beef tenderness, flavor and desirability. With new trimming and packaging techniques, created by specific consumer demand, there is less waste and actually more edible meat per pound of beef than ever before.

Basically, I think that when consumers complain about the high cost of beef, they fail to realize that beef costs are more of a reflection of the cost of marketing beef than they are a reflection of the basic price of beef at the producer's level. The marketing cost of getting a choice steer from the ranch to the table has increased 15 percent since 1961, 85% since 1951, and 190% since 1945. In the food processing and distributing industries, labor costs alone have increased well over 45 percent when compared to the standard 1957–1959 averages. In addition, the cost of land, labor, equipment, medicine and money has risen dramatically over the last few years. Finally, the modern convenient see-thru packaging coupled with the increasing variety of cuts that the consumer is demanding has increased the price between the beef producer and the dinner table.

What all this means is that ranchers and commercial feed lot operators have been faced with costs of production which have almost doubled in the past twenty years. As a result, many beef producers are being forced to sell their product at or below their break-even point. What it boils down to that even with today's higher beef prices, the cattle industry is increasingly becoming characterized as a low-yield investment.

The cattle industry is meeting this cost-price squeeze head on. Cattle producers have brought in professional managers and animal nutrition specialists to run their business; they are reacting faster to changing market conditions; and, they freely acknowledge that they must continue to update their operations if they are to survive.

I think it is of vital importance to note that the cattle industry is meeting this challenge and altering its traditional modes of operation within the free market system. Cattlemen are not asking for price supports, they are not asking for Federal subsidies. They are willing to rely on competitive market forces to establish the price level, and they are willing to succeed or fail on that basis. This is truly the spirit of American enterprise and American ingenuity. This rugged individualism, typified by the American cattle producer, is what has helped make our country great.

Mr. Chairman, the current price of beef is supported and buoyed up by a great national craving for red meat. This amazing national appetite is not only maintaining the price of beef, it is giving cattle producers some relief from the cost-price squeeze that plagues the industry.

The American appetite for beef seems to know no bounds. In 1960, the average U.S. citizen ate 85 pounds of beef. In 1968, he ate over 109 pounds, and a further increase in per capita consumption is forecast for 1969. This trend is not a new one; over the past twenty years, the consumption of beef has increased approximately 70 percent. Beef is surely one of the staples—if not *the* staple—of the American diet. In this connection, according to a recent USDA survey of American eating habits, 93 percent of the housewives interviewed said they served beef at least once a week. Only 85 percent served chicken once a week; and only 41 percent fed their families pork chops on a weekly basis.

Because the cattle industry operates in a free market, the price a cattleman ultimately receives for his product is determined by the price the consumer is willing and able to pay at the retail level. The consumer is presently demanding a lot of beef in terms of both quantity and quality. The American cattle industry has met this demand, and can continue to meet this demand, but only on a basis which permits the industry to realize a reasonable return on its investment. If, however, the price of beef does not continue to follow its present course in the market, the cattle industry will have no alternative but to reallocate operations and divert resources to more profitable uses. If this occurs, production will be reduced, and beef prices will be driven skyward.

In conclusion, as I mentioned earlier, the price of beef is more a reflection of the cost of marketing beef than it is the cost of producing beef. It is for this reason that I suggest that those complaining about the so-called "high price" of beef examine the problem more closely. If they do so, they will discover that the causes of the problem lie elsewhere than the farm, the ranch, or the feed lot.

COUNT CASIMIR PULASKI

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. STOKES. Mr. Speaker, the President of the United States has designated October 11 a day to commemorate Count Casimir Pulaski, the Polish-born nobleman who became one of the premier heroes of the American Revolutionary War.

Count Pulaski's burning dedication to freedom manifested itself early in his life when he was exiled from his native land for his active role in one of Poland's recurring uprisings against the Russians. Undaunted, he came to America and volunteered his services to General Washington. Washington, sensing the young Count's great capacity for leadership, placed him in command of the newly formed American cavalry. It was a decision the general would not regret. Although he was only in his early thirties, Pulaski molded his corps into one of the finest fighting units in the American Army. He rose to the rank of brigadier general, and was one of Washington's most trusted and capable officers until he died on October 11, 1779, as a result of wounds received in the battle for Savannah.

The life and death of General Pulaski should recall two things for modern America. The first is the tremendous contribution the people of Poland and their ancestors have made to the intellectual, industrial, and moral growth of our Nation. Their tireless efforts and unselfish dedication to the American ideals should always be recognized as one of the finest chapters in our history.

Secondly, we should remember that General Pulaski was one of millions of Americans of all ethnic groups who have sacrificed their lives to the concept of freedom for all men. Unfortunately, many Americans have yet to grasp this concept, despite the blood of those who have given this ultimate gift to our country. We must do so, and we will, so that General Pulaski and all soldiers of freedom like him will not have died in vain.

TWENTY MILLION DOLLARS OF MODERN MEDICAL EQUIPMENT STANDS IDLE IN VA FOR LACK OF PERSONNEL

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. TEAGUE of Texas. Mr. Speaker, in April and May of this year the Subcommittee on Hospitals of the Veterans' Affairs Committee held extensive hearings to determine the current overall status of the Veterans' Administration's medical program. During the course of these hearings, the VA chief medical director and other eminent independent medical experts, testified that the personnel ceiling imposed by the Revenue and Expenditures Control Act of 1968 had resulted in serious staffing shortages at Veterans' Administration hospitals throughout the country.

There had been hope that this serious deficiency in the medical treatment program for our Nation's veterans would be corrected as a result of the fiscal year 1970 budget submitted by President Johnson which authorized over 4,000 new positions for the VA medical program. But hope dimmed when the new administration sent its revised budget to Congress in April eliminating these proposed new positions for the VA medical program. The problem was further compounded after Congress, at the President's request, removed the restrictive personnel ceilings contained in the 1968 Revenue and Expenditures Control Act. In signing the second supplemental appropriations bill for 1969 on July 22, 1969, which also repealed the personnel ceiling provision of the law, the President announced that he was administratively reimposing personnel ceilings on all agencies and departments. This has resulted in a further loss of 634 more positions at the Veterans' Administration.

Mr. Speaker, I am very disturbed at the apparent failure of the administration to recognize that the Veterans' Administration's workload has skyrocketed as a result of the military discharge rate which will approximate 1 million new veterans in this current year. I am proud that the House of Representatives has a clear perspective of this problem. When this body considered the VA appropriation for fiscal year 1970 on June 24, we restored nearly all of the reductions made in the revised budget submitted in April.

Mr. Speaker, it is especially disturbing to me that much-needed medical facilities have been constructed and equipped during the past 2 years to meet the increased medical needs of our returning veterans and that, today, they stand unstaffed and unoccupied because of unrealistic and unwise staffing ceilings which the Bureau of the Budget has imposed on the Veterans' Administration.

Mr. Speaker, here stands over $20 million of modern medicine's most advanced technological equipment—installed and waiting—to perform lifesaving and life-prolonging miracles for thousands of sick veterans who are suffering with kidney disease, heart disease, blindness, and numerous other ailments which require intensive medical treatment.

In all honesty, Mr. Speaker, I am completely baffled that the administration is letting these precious lifesaving assets gather dust. I hope the President will take some immediate corrective action to enable the Veterans' Administration to use these facilities which have already been constructed and equipped to perform their intended purposes.

Mr. Speaker, I want to call my colleagues' attention to the following list of medical facilities which are not operative today in the VA medical system because of current policies that preclude staffing these units:

MEDICAL CARE FISCAL YEAR 1970

[Specialized new medical services for which construction and equipping are substantially completed but which cannot be placed in operation, due to staffing limitations]

	Units ready for operation		Cost		
	As of Aug. 15, 1969	Between Aug. 15, 1969, and June 30, 1970	Construction	Equipment	Total
Alcohol treatment units:					
Albuquerque, N. Mex	1				
Brockton, Mass	1		$3,500	$4,844	$8,344
East Orange, N.J	1		10,108	19,577	29,685
Indianapolis, Ind	1		9,683	3,852	13,535
Los Angeles, Calif	1		23,978	6,523	30,501
Lyons, N.J	1		19,019	8,709	27,728
Minneapolis, Minn	1		19,477	21,738	41,215
Nashville, Tenn	1		4,414	17,709	22,123
Northampton, Mass	1		24,825	13,667	38,492
Salem, Va	1		23,370	32,515	55,885
Subtotal	10		138,374	129,134	267,508
Blind clinics: Northampton, Mass	1		25,680	21,204	46,884
Cardiac catheterization:					
Augusta, Ga	1			23,443	23,443
Charleston, S.C	1			160,208	160,208
Wilmington, Del	1		24,962	139,430	164,392
Subtotal	3		24,962	323,081	348,043
Clinical radioisotope:					
Jefferson Barracks, Mo	1		$3,658	$41,795	$45,453
Prescott, Ariz	1		5,138	25,490	30,628
Tuskegee, Ala	1			12,632	12,632
Wilkes-Barre, Pa	1			53,242	53,242
Subtotal	4		8,796	133,159	141,955
Day hospital treatment:					
Boston, Mass	1		15,266	18,422	33,688
Bronx, N.Y	1			5,164	5,164
Chicago, Ill. (WS)	1		12,822	5,852	18,674
Dallas, Tex	1			3,463	3,463
Kansas City, Mo	1		9,921	3,959	13,880
Miami, Fla	1		(1)	12,000	12,000
Salt Lake City, Utah	1		27,005	4,456	31,461
Seattle, Wash	1				
St. Louis, Mo	1		24,000	6,401	30,401
West Haven, Conn		1	24,500	5,000	29,500
Subtotal	9	1	113,514	64,717	178,231

Footnotes at end of table.

MEDICAL CARE FISCAL YEAR 1970—Continued

[Specialized new medical services for which construction and equipping are substantially completed but which cannot be placed in operation, due to staffing limitations]

	Units ready for operation		Cost		
	As of Aug. 15, 1969	Between Aug. 15, 1969, and June 30, 1970	Construction	Equipment	Total
Electron microscopy:					
Allen Park, Mich	1			$57,260	$57,260
Boston, Mass	1		$24,500	70,000	94,500
Long Beach, Calif	1		10,463	64,593	75,056
New Orleans, La	1		23,301	70,245	93,546
Richmond, Va	1		18,800	67,629	86,429
Salt Lake City, Utah	1		5,067	63,812	68,879
Washington, D.C	1			71,930	71,930
Subtotal	7		82,131	465,469	547,600
Epilepsy centers: West Haven, Conn	1		5,950	14,565	20,515
Hemodialysis units:					
Chicago, Ill. (Res.)	1		110,000	108,598	218,598
Little Rock, Ark		1	105,000	83,000	188,000
Minneapolis, Minn	1		100,000	144,109	244,109
San Juan, P.R	1		(1)	103,628	103,628
Subtotal	3	1	315,000	439,335	754,335
Intensive care Units:					
Albany, N.Y	4	1	15,883	27,140	43,023
Albuquerque, N. Mex	13		160,000	92,585	252,585
Allen Park, Mich	6		218,000	35,206	253,206
Ann Arbor, Mich	12		140,000	65,538	205,538
Atlanta, Ga	4		171,000	93,205	264,205
Baltimore, Md	7		22,888	73,030	95,918
Batavia, N.Y	2	2	18,488	8,953	27,441
Birmingham, Ala	28		317,000	153,510	470,510
Boston, Mass	23		274,000	150,567	424,567
Bronx, N.Y	16		418,000	174,605	592,605
Brooklyn, N.Y	21	8	386,000	27,659	413,659
Buffalo, N.Y	13		160,000	95,559	255,559
Charleston, S.C	14		139,000	90,649	229,649
Cheyenne, Wyo	8		113,000	38,147	151,147
Chicago, Ill. (WS)	19		130,000	134,139	264,139
Chicago, Ill. (Res.)	24		154,857	128,401	283,258
Cincinnati, Ohio	13		10,600	81,183	91,783
Clarksburg, W. Va	4	8	128,000	98,283	226,283
Cleveland, Ohio	17		349,000	106,024	455,024
Dallas, Tex	15		23,043	38,094	61,137
Dayton, Ohio	11		185,000	106,172	291,172
Denver, Colo	13		107,000	25,308	132,308
Des Moines, Iowa	9		144,000	54,398	198,398
Durham, N.C	17		130,000	138,436	268,436
East Orange, N.J	21		196,000	121,729	317,729
Fargo, N. Dak	4		30,000	26,603	56,603
Fort Wayne, Ind	6		70,000	31,033	101,033
Fresno, Calif	3		60,000	52,769	112,769
Hines, Ill	9		(1)	37,000	37,000
Houston, Tex	26		310,000	154,189	464,189
Indianapolis, Ind	16		266,000	153,493	419,493
Iowa City, Iowa	9		302,000	41,367	343,367
Kansas City, Mo	14		184,000	129,015	313,015
Lake City, Fla		4	25,000	22,000	47,000
Little Rock, Ark	18		190,000	110,811	300,811
Long Beach, Calif	8		80,000	183,325	263,325
Los Angeles, Calif	9		186,541	99,752	286,293
Louisville, Ky	10		110,000	69,120	179,120
Madison, Wis	9		12,292	68,456	80,748
Manchester, N.H	2		25,000	12,408	37,408
Miami, Fla		6	(2)	237,888	237,888
Minneapolis, Minn	13		134,939	138,204	273,143
Nashville, Tenn	5		160,000	117,452	277,452
New Orleans, La	26		284,000	144,610	428,610
Oklahoma, City, Okla	21		202,000	130,738	332,738
Omaha, Nebr	27		311,000	186,793	497,793
Palo Alto, Calif	8		114,000	107,913	221,913
Philadelphia, Pa	21		92,000	70,192	162,192
Phoenix, Ariz	12		19,218	65,378	84,596
Pittsburgh, Pa. (U.D.)	16	2	278,000	280,730	558,730
Portland, Oreg	12		86,600	145,361	232,961
Prescott, Ariz	6		60,000	40,109	100,109
Providence, R.I	10		280,000	36,845	316,845
Reno, Nev	1		80,000	37,855	117,855
Salt Lake City, Utah	16		71,000	96,443	167,443
San Francisco, Calif	9		24,972	37,821	62,793
San Juan, P.R		26	(1)	188,046	188,046
Seattle, Wash	8		60,000	25,901	85,901
Sepulveda, Calif	1		59,585	104,839	164,424
Shreveport, La	22		222,000	112,402	334,402
St. Louis, Mo	15		307,000	118,019	425,019
Syracuse, N.Y	1		93,000	94,739	187,739
Temple, Tex		8	20,000	45,000	65,000
Tucson, Ariz	8		91,000	88,128	179,128
West Haven, Conn	14		93,596	77,980	171,576
West Roxbury, Mass	1		70,000	52,177	122,177
White River Junction, Vt	8		60,000	16,800	76,800
Wichita, Kans	2	5	20,000	12,000	32,000
Wilkes-Barre, Pa	17		74,000	79,749	153,749
Wilmington, Del	3	10	181,000	59,554	240,554
Wood, Wis	2		19,150	78,752	97,902
Subtotal	782	80	9,529,652	6,379,279	15,908,931
Mental hygiene clinics:					
Hines, Ill	1		(1)		
Northport, N.Y	1				
Subtotal	2				
Open heart surgery:					
Atlanta, Ga		1	(1)	$25,000	$25,000
Memphis, Tenn	1		(1)	183,369	183,369
Subtotal	1	1		208,369	208,369
Organ replacement:					
Denver, Colo	1		$140,000	38,520	178,520
Durham, N.C	1		24,974	58,899	83,873
Los Angeles, Calif	1		24,113	42,477	66,590
Nashville, Tenn	1		16,629	35,059	51,688
St. Louis, Mo	1		24,500	19,383	43,883
Subtotal	5		230,216	194,338	424,554
Prosthetics treatment centers:					
Richmond Va	1		38,773	4,087	42,860
San Francisco, Calif		1	25,000	20,315	45,315
Subtotal	1	1	63,773	24,402	88,174
Pulmonary emphysema:					
Allen Park, Mich	1		14,441	68,511	82,952
Atlanta, Ga	1		(1)	26,126	26,126
Castle Point, N.Y	1		22,298	27,928	50,226
Charleston, S.C		1	(1)	5,084	5,084
Des Moines, Iowa	1			6,758	6,758
Fresno, Calif		1	15,000	6,000	21,000
Gainesville, Fla	1		(1)	13,198	13,198
San Juan, P.R		1	(1)	18,000	18,000
Seattle, Wash	1		15,872	33,810	49,682
Wadsworth, Kans	1		8,070	9,909	17,979
Wilmington, Del		1	18,544	25,000	43,544
Subtotal	7	4	94,225	240,324	334,549
Pulmonary function units:					
Alexandria, La	1				
Charleston, S.C	1		(1)	48,628	48,628
Gainesville, Fla	1		(1)	13,680	13,680
Louisville, Ky	1		4,845	20,836	25,681
Montgomery, Ala	1		13,474	19,745	33,219
San Juan, P.R		1	(1)	27,000	27,000
Sioux Falls, S.Dak	1			7,286	7,286
Vancouver, Wash	1		6,086	1,702	7,788
Wichita, Kans		1	4,000	13,700	17,700
Subtotal	7	2	28,405	152,577	180,982
Reference laboratories:					
Hines, Ill. (adrenal hormone determinations)	1		(1)	28,837	28,837
Memphis, Tenn. (cytogenetics immunoelectrophoresis)	1		(1)	15,853	15,853
San Francisco, Calif. (TB and other mycobacteria)		1	25,000	20,000	45,000
Subtotal	2	1	25,000	64,690	89,690
Speech pathology program:					
Albany, N.Y	1		5,000	23,509	28,509
Alexandria, La		1	5,200	15,000	20,200
Columbia, S.C	1		5,043	28,214	33,257
Hines, Ill	1		(1)	20,000	20,000
Long Beach, Calif	1		24,993	5,792	30,785
Martinez, Calif	1		11,723	5,864	17,587
Oteen, N.C	1			1,675	1,675
Shreveport, La	1		840	31,928	32,768
Subtotal	7	1	52,799	131,982	184,781
Stereotactic brain surgery:					
Durham, N.C	1		24,723	94,908	119,631
Long Beach, Calif	1		22,861	100,800	123,661
Syracuse, N.Y	1		22,058	108,694	130,752
Subtotal	3		69,642	304,402	374,044
Supervoltage therapy:					
San Juan, P.R	1		(1)	104,125	104,125
Grand total			[2] 10,808,119	9,395,152	20,203,271

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[1] Costs not separately identified, included in replacement hospital funding.

[2] Consists of alterations and equipment costs. $10,669,271 funded from medical care and construction costs of $9,534,000 funded from construction of Hospital and domiciliary facilities.

VOLUNTARY PRAYER IN PUBLIC SCHOOLS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. ROUDEBUSH. Mr. Speaker, the Supreme Court has outlawed voluntary prayer in public schools, while permitting a flood of pornography and obscene literature to be unleashed upon the public.

As a countermeasure we have been offering five children's prayers in the CONGRESSIONAL RECORD each week for recitation by schoolchildren at the start of their day.

Our first prayer this week was offered by Mrs. Beth Miller, a kindergarten teacher at the Elmwood School in Peru, Ind.

I wish to thank Mrs. Miller for submitting this prayer for the benefit of schoolchildren throughout the United States.

The prayers for this week follow:

I

Be Thou with me every day
In my work and in my play,
When I learn and when I pray
Hear me, Holy Jesus. Amen.

II

Heavenly Father, hear our prayer;
Keep us in Thy loving care.
Guard us through the livelong day,
In our work and in our play.
Keep us pure and sweet and true,
In everything we say and do.

III

(*Seventy-fifth Psalm*)

Unto Thee, O God,
Do we give thanks.
Unto Thee do we
Give thanks: for
That Thy name is near
Thy wondrous works
Declare.

IV

Thank You
for the world so sweet,
Thank You
for the food we eat,
Thank You
for the birds that sing . . .
Thank You,
God, for everything.

V

For flowers that bloom about our feet,
Father, we thank Thee;
For tender grass so fresh and sweet,
Father we thank Thee;
For song of bird and hum of bee,
For all things fair we hear and see,
Father in heaven, we thank Thee.

COURTENAY HEMENWAY

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. MONAGAN. Mr. Speaker, I am sad to report the passing of Courtenay Hemenway, who for over 50 years was a positive force in the moral and academic education of young Americans.

A longtime master at the Choate School in Wallingford, Conn., Courtenay Hemenway taught President John Kennedy, Ambassador Adlai Stevenson, and Ambassador Chester Bowles. While serving for 18 as chairman of the history department, he also taught a variety of subjects, among them English, French, German, Latin, Spanish, mathematics, and science. In addition he was credited with the development of Choate's system of individual schedule providing the utmost flexibility and opportunity for advancement for each student.

Courtenay Hemenway's nonpedagogical activities were no less strenuous and rewarding. He coached the Choate hockey team for many decades, playing goalie daily until he was near 60. The Choate hockey rink is appropriately named in his honor. Mr. Hemenway was also an enthusiastic participant in State and local politics and for years he was a prominent figure in the Wallingford Democratic Party.

American society is the richer for the strength of character and dedication which Courtenay Hemenway contributed for so many years.

TAX-EXEMPT ORGANIZATIONS ENGAGING IN IMPROPER POLITICAL ACTIVITIES

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BLACKBURN. Mr. Speaker, this morning I had the privilege of appearing before the Senate Finance Committee concerning the Tax Reform Act of 1969 and specifically the section on tax-exempt organizations. During the past few months, I have made an in-depth study of such organizations, and I found that they have engaged in political activities which are highly improper considering their tax-exempt status.

For the information of my colleagues, I am hereby inserting a copy of my testimony into the RECORD:

TAX-EXEMPT ORGANIZATIONS AND H.R. 7432

(Statement of Hon. Ben Blackburn before the Senate Finance Committee, October 8, 1969)

I appreciate your affording me the opportunity to appear before your Committee. We are all aware of the need for tax reform and the elimination of the abuses now occurring under the present Internal Revenue Code.

I would like to discuss the tax abuses of organizations enjoying special tax-exempt status under existing provision of law. Many of these organizations engage in political activities which by reason of tax privileges are being subsidized by the Federal Treasury. My purpose in being here today is to call the Congress' attention to some examples of political activities which I personally, and many others, consider to be improper activities by groups enjoying special tax privileges and to suggest possible ways of preventing future abuses.

Tax-exempt organizations are classified under Section 501(c) of the Internal Revenue Code of 1954. Under this section, 17 types of organizations are excluded from taxation. I would like to discuss those found under Section 501(c)(3) and Section 501(c)(5).

The organizations operating under the provisions of Section 501(c)(3) of the Internal Revenue Code exist for purposes of charity, scientific research, religious functions, public safety, promotion of literary or educational endeavors or the prevention of cruelty to children or animals. The Internal Revenue Code further provides that no substantial part of the activity of any such organization (generally referred to as a "foundation") is to carry on propaganda or otherwise attempt to influence legislation. The Internal Revenue Code further prohibits participation in political campaigns.

In my opinion some organizations have flagrantly violated this section of the Code. The violations have been tolerated due to ambiguity in construing the phrase, "substantial part." It has been commonly held by I.R.S. and other authorities in this field that 10% or more of the funds of any organization would be considered a "substantial part." 10% of the Ford Foundation's assets as of 1968 would be approximately $3,060,436, whereas 10% of some small church group could amount to less than $500.

Tax-exemption is a privilege. There are many different spokesmen for groups presenting their views on legislation before both Houses of Congress. Most of these spokesmen do not enjoy tax-exempt status. The government should not subsidize one group's political activities, by allowing any tax-exempt organization to engage in lobbying activity.

As an example of this misuse of privilege, I would like to direct the attention of the Committee to a group which was recently formed to actively lobby against the ABM proposal, The Coalition on National Priorities and Military Policy. This organization is supported primarily by contributions from religious organizations. Its headquarters is in space granted to it in the Methodist Building at 100 Maryland Avenue, N.E. This group has lobbied against the proposed ABM system. A few days ago a representative from this group came to my office and presented my staff with further information concerning its opposition to the 1968 Military Authorization Bill. Attached as Exhibit A is a copy of the material which I received, along with a list of the organizations. The business of the nation's defense can in no logical way be related to religious undertakings.

I would also like to invite to your attention the National Students Association (NSA). I have closely reviewed the tax returns of this group. The group is clearly and heavily engaging in political activity. In fact, political activity has become such a large part of the group's activity that a subsidiary organization, the National Students Institute has been formed to conduct the non-political activities the NSA was previously performing. It appears that the National Students Institute, which is now a tax-exempt organization, will serve the function of raising funds through soliciting tax-deductible contributions and then contributing these funds to the National Students Association. The national convention of the National Students Association has advocated the abolishment of the House Un-American Activities Committee (now the House Committee on Internal Security), the repeal of the McCarren Act, passage of Civil Rights legislation, the admission of Red China to the United Nations and various "Vietnam Summer Activities." Attached as Exhibit B is documentation of these activities. Furthermore, I was distressed to learn that the new National Students Institute, as incorporated under laws of the District of Columbia, has a Board of Directors identical to that of the new tax-paying NSA. Its bylaws are very similar and it utilizes the same facilities as the NSA. The NSA has not filed tax returns for the past two years, and no explanation is forthcoming from the IRS.

The 1965 and 1966 returns of this organization list its specific grants and their purposes. Present reporting laws are wholly inadequate for any person to know whether or not the National Students Association is engaged in legal activities under its tax-exempt classification. The NSA granted in 1966 to the Southern Student Union Relations $36,317.18, the Fast for Freedom Fund $20,365.39, the Student Stress $890.52, and Southern Literacy Project $363.75. These are just a few of the specific grants listed by this organization which dispensed a total of $551,397 in 1966. The Library of Congress has advised me that it is impossible to discover the purposes or functions of the recipient organizations. A close examination of the tax returns does not provide sufficient information. For the Committee's information, attached as Exhibit C are copies of the NSA's tax return for 1965 and 1966.

Briefly, one more group I would like to bring to your attention is the National Education Association (NEA). This group, which is organized for the promotion of education has endorsed numerous political positions including Home Rule for the District of Columbia and fair housing legislation. I do not feel that this activity is related to the promotion of education.

I know that the members of this Committee have followed the revelations of various activities of tax-exempt foundations. In the hearings on Tax Reform before the House Ways and Means Committee, Representative John Rooney of New York presented a clear picture of the misuse of tax-exempt funds. In Representative Rooney's race in the Democratic primary, he was opposed by one Frederick Richmond.

Mr. Richmond is head of the Richmond Foundation. During the election, Mr. Richmond's foundation gave numerous grants to different ethnic groups within the Congressional District. The campaign staff of Mr. Richmond was also the staff of the Foundation. In Mr. Rooney's statement he revealed that some of the expenses of the campaign were paid out of the Foundation funds under the title of such things as printing expenses and stationery accounts. Finally, Mr. Richmond encouraged his contributors to give directly to the Foundation, thus making their contributions deductible on their income tax returns. I would advise members of the Committee to read Mr. Rooney'a testimony since it gives one of the best examples of political activities by tax-exempt groups.

In July of 1967, the Ford Foundation made a grant of $175,000 to the CORE Special Purpose Fund of New York to be used for: (1) a youth training institute; (2) an adult training institute; and (3) a voter registration drive. This grant was supplemented in 1968 with another $300,000. These funds were actually used in voter registration drives in Cleveland, Ohio. Many political analysts believe that because of the registration activity by CORE through the financing of the Ford Foundation, Carl B. Stokes was elected Mayor of Cleveland, Ohio, in 1967. By such activity the Ford Foundation through its economic power, augmented by special tax privileges, is having a decisive political power which is resulting in the election of political candidates. No more effective political influence can be found!

I have stated many times that in the political arena all combatants should operate under the same set of rules. I know that every member of the Committee would object strongly to having a tax-exempt group pour funds into his opponent's campaign. Under the Tax Reform Act recently passed by the House, foundations are precluded from engaging in voter registration drives except when the foundation supports voter registration drives in five states. Thus, the Ford Foundation, for example, can avoid the effect of the legislation by supporting five different voter registration drives in five different states.

No discussion of political activities by tax-exempt groups would be complete without some attention to labor organizations as classified under Section 501(c)(5). From mutual experience in politics, I think we would all agree that money is the mother's milk of a political campaign. To the degree that one candidate receives direct or indirect financial or material support for his campaign from a source that enjoys financial subsidy through a special tax privilege, to that degree the equality of rules between two political candidates is greatly upset. Labor unions do not deny the use of union dues for political activities. When a member of a union pays his dues, he is paying for political action. The organization insists that their political activities are carried on by a separate organization known as the Committee on Political Education (COPE). However, as it was reported during the last election, the full staff of the national office of the AFL–CIO was brought to work for COPE and on the local level union officials were employing their union staff to engage in campaigning for favored candidates. Numerous cases have come before the Federal Judiciary in which union members have objected to political use of dues for political activity. For the information of the Committee the cases are as follows: *United States* v. *Anchorage Federal Labor Council* 193 F. Supp. 504 (1961); *United States* v. *Planters Local #481 et al* 172 F. 2d 854 (1949); *United States* v. *International Union United Automobile, Aircraft and Agricultural Implement Workers of America* 352 U.S. 567 (1957); and *United States* v. *CIO* 335 U.S. 106 (1947).

There is a contention that political funds are contributed voluntarily. To work on an American flag ship, a seaman must be a member of the International Seafarers Union. Members of this union have been compelled at times to "contribute" (or as the union leaders would say, have voluntarily given) ⅓ of their income to political activities. I think it is insulting the intelligence of Congress to argue that these funds are granted voluntarily. Not even politicians devote ⅓ of their income to political campaigns.

The Internal Revenue Code provides that all 17 types of organizations classified under Section 501(c) cannot engage in support or opposition to any political candidate. However, for some strange reason, the IRS has consistently ignored the mandate of the law. Attached as Exhibit E are copies of letters sent by the Internal Revenue Service to one Mr. Reed E. Larson and one Mr. F. R. Dickerson attempting to explain why only labor unions are exempt.

The Federal Corrupt Practices Act provides that neither corporations, or trade organizations, or labor unions are allowed to contribute funds to the support or opposition of any political candidate or party. It seems that the IRS is not aware of the Corrupt Practices Act which is enforced by the Justice Department. In Baltimore, a Grand Jury hearing is now being conducted concerning campaign contributions by the Seafarers International Union to various candidates for Senatorial seats. I think it would be appropriate for the Congress to demand that the IRS investigate the tax-exempt status of the Seafarers Union.

During the course of my testimony today, I have cited several problems which exist under the present IRS Code. When the members of the Committee examine the tax returns of tax-exempt organizations, you will see that it is virtually impossible to determine how these funds are being used. I propose that the Committee require a full explanation of the purpose of each grant, contribution or gift made by a tax-exempt organization along with the identities of the chief officers and executive directors of recipient organizations. The law should provide criminal sanctions should such officers or executive directors use funds for purposes other than those permitted by law. Only by requiring full disclosure from tax-exempt organizations can we possibly curb the misuse of funds.

Earlier this year, when I appeared before the House Ways and Means Committee on this matter, I outlined for them the legislation which I was introducing. My ideas are contained in H.R. 7432. Essentially this bill is divided into two sections. The first section pertains to organizations classified under Section 501(c)(3). I will not take credit for the ideas found in this section since they were originally proposed by the Subcommittee on Tax-Exempt Organizations of the American Bar Association. The Subcommittee recommended that all organizations classified under this section shall have the right to defend themselves whenever their tax-exempt status is threatened. Furthermore, they should be permitted to appear before Congressional Committees and submit reports to them concerning matters of direct interest to the organization. By direct interest I specifically mean the purpose for which the organization was granted exemption.

The second purpose of my bill is to prevent any tax-exempt organization from directly or indirectly contributing any material support for the promotion or opposition to any candidate or any political party. I would sincerely urge the Committee to give consideration to my proposal. My bill, H.R. 7432, is attached as Exhibit F. I would request that the Committee review the House language with regard to voter registration drives conducted by tax-exempt foundations. In my opinion the present language is inadequate.

Finally, if meaningful control over the use of special tax-exempt funds is to be achieved, more complete reporting laws are essential. Criminal sanctions are a necessary adjunct to such control where abuse of funds for nonpermissible purposes is discovered.

Mr. Chairman, I believe that you and the members of your Committee are anxious to provide the American people with needed tax reform. I appreciate your affording me the time to make this brief contribution.

Exhibit A

COALITION ON NATIONAL PRIORITIES AND MILITARY POLICY, WASHINGTON, D.C.

Executive committee

Joseph S. Clark, Chairman; Sanford Gottlieb, 1st Vice Chairman; Frances Neely, 2nd Vice Chairman; Herman Will, Jr., Treasurer; Harry Applewhite; Michael Beard; and Patricia Samuel.

Coordinator: Wiley Patterson Reis.

Affiliated organizations

American Baptist Convention; American Friends Service Committee; Americans for Democratic Action; Anti-Pollution League.

Christian Church (Disciples of Christ), Department of Church in Society; Committee for Community Affairs; Council for Humanist and Ethical Concern; Church of the Brethren.

Executive Council of the Episcopal Church; Federation of American Scientists; Friends Committee on National Legislation; International Union United Automobile, Aerospace & Agricultural Implement Workers of America, UAW.

Mennonite Central Committee; National Council of Churches, Department of International Affairs; National Federation of Temple Sisterhoods; SANE.

Southern Christian Leadership Conference; Teachers Committee for Peace in Vietnam; Union of American Hebrew Congregations; Unitarian Universalist Association, Department of Social Responsibility.

United Church of Christ, Council for Christian Social Action; United Methodist Church, Board of Christian Social Concerns; United Presbyterian Church, U.S.A., Office of Church and Society; United States Catholic Conference, Division of World Justice and Peace.

William Penn House; Women's International League for Peace and Freedom; Women Strike for Peace, and the World Federalist Youth, U.S.A.

The Coalition is a coordinating body for national religious, peace, liberal and scientific organizations which seek to reverse the militarization of America's policies and resources. It serves the representatives of its affiliated organizations as a channel for communication and cooperative action to oppose deployment of new weapons systems, to support arms control and disarmament agreements and to redirect resources into programs to meet human needs at home and abroad.

The Coalition does not present policy positions for its affiliated organizations unless specifically agreed upon, since its function is not the making of policy but the coordination of action.

The Coalition is financed by contributions.

COALITION ON NATIONAL
PRIORITIES AND MILITARY POLICY,
Washington, D.C., September 24, 1969.

DEAR CONGRESSMAN: We understand that the Department of Defense Authorization bill will be reported by the House Armed Services Committee on Thursday and may come to the floor next week.

We appeal to you to participate in that most vital debate. If you are not already convinced of the need for major cuts, we urge you to give serious consideration to the broad cross section of amendments that will be offered. We ask this because we are deeply uneasy over the fact that last year a comparable bill passed the House in one day with only two hours allocated to general debate.

Surely the House would lay itself open to the charge of irresponsibility if a similar timetable were adhered to now when so many questions are being raised about U.S. priorities and the size and direction of the U.S. military establishment—so many questions, in fact, that the Senate spent two months discussing the bill. Couldn't the 435 Members of the House spend at least two weeks discussing these basic issues which affect so many aspects of their constituents' lives?

The American people are discouraged over the conflicts racking our society. Many are turning away from the legislative process. They need reassurance that their representatives in Congress are willing to come to grips with major problems—including the problems of the ever expanding arms race and the U.S. propensity toward unilateral military involvements. Some of our membership look forward to coming to the gallery and hearing you deliberate over the Department of Defense Authorization bill. Please do not disappoint them.

Most sincerely,
JOSEPH S. CLARK
Chairman.

TWO GIANT RALLIES PLANNED

Two rallies—one in New York City, the other in Los Angeles—have been planned for June 25.

The rallies will focus on the ABM and American militarism.

In New York, George Wald, Nobel Prize winner, and Jerome Wiesner, the science advisor to President Kennedy, will speak at Madsion Square Garden. Members of Congress and several top entertainers will also be on hand.

Plans for the Los Angeles event are still underway, and details will be announced later.

The New York City rally will begin at 7:30 p.m. Tickets—priced from $1 to $10—are available at the boxoffice or from Hannah Weinstein, 101 W 57th Street, New York, New York.

AN ERROR OF OMISSION

Because of an oversight, *the names of three organizations affiliated with the Coalition on National Priorities and Military Policy were omitted from the listing in the first edition of this newsletter last week.*

They are: The Federation of American Scientists, the Mennonite Central Committee and the *Department of International Affairs of the National Council of Churches.*

They're not listed this week either because the cover sheets were printed in advance in sufficient quantity for three weeks. But the omitted groups will be in week after next. In the meantime, our apologies.

GOP SENATOR SUSPECTS ABM PRESSURE

Although he's not charging cause and effect, Republican Senator James B. Pearson of Kansas told the New York Times last week that after he broke with the Administration on the ABM issue, the following things happened:

*An Army general told a plane manufacturer in Kansas that if the ABM were defeated, the Pentagon might not be able to go through with an airplane contract.

*The Agriculture Department decided that it would not publicly endorse a rural job development bill sponsored by Pearson, despite the Department's private expressions of support for the bill.

*The White House decided in Pearson's favor in a dispute involving the moving of some federal offices—but failed to give the Senator advance notice of the decision.

Pearson is one of some 15 Republican Senators who are opposed to the ABM.

ABM HARD SELL TO LABOR FLOPS

A Nixon Administration hard sell has failed to convince the 29-member AFL–CIO Executive Council to support the ABM.

The Washington Post reported that AFL–CIO President George Meany was "skeptical, to put it mildly" to pleas by Defense Secretary Melvin R. Laird and Secretary of State William P. Rogers to back the ABM.

Rogers and Laird met with the Council in early May.

ABM INFORMATION CENTER,
UNITED METHODIST CHURCH,
Washington, D.C., July 14, 1969.

DEAR CONGRESSMAN BLACKBURN: Enclosed for your use are several items pertaining to the Safeguard Anti-Ballistic Missile System which we hope will be helpful to you in the ABM debate.

(1) Bibliography of selected information pertaining to the ABM which has appeared in the *Congressional Record* over the past several months.

(2) Series of remarks by various Senators, prominent scientists, union and church leaders explaining why they oppose deployment.

(3) Rebuttal to the Administration Press Packet on the ABM, prepared by an independent group of citizens including Dr. Jeremy J. Stone, a member of the Institute for Strategic Studies and currently working under a grant for the Social Science Research Council of New York.

If we can be of any assistance to you, please let us know.

Sincerely,
ABM INFORMATION CENTER STAFF.

Exhibit B

STUDENT DIMENSIONS: EDUCATION, COMMUNITY, SOCIETY

1963–64 Codification of Policy of the United States National Student Association

Desegregation in Public Schools

MANDATE:

The Sixteenth National Student Congress mandates the National Affairs Vice President to:

1. Work through regional chairmen to set up regional interracial conferences on desegregation in education;
2. Assist in establishing regional interracial conferences to initiate action within the educational community in cooperation with the Southern Student Human Relations Project in Atlanta;
3. Distribute to all member schools and interested parties pertinent information concerning the work of Southern Human Relations Project and the regional interracial conferences;
4. College data including periodical reports where integration problems exist with at least a bi-annual report to be sent to USNSA member schools, and immediately notify the appropriate regional chairman of any school integration problem of which he is made aware;
5. Continue to program student exchange to further the cause of integration;
6. Establish a liaison with the appropriate religious, governmental, and private organizations dealing with the questions of desegregation at all levels of education insofar as they apply to the above stated principles in regard to education;
7. Distribute information concerning legislation and judicial decisions affecting desegregation in the public schools, such as that concerning the filling of desegregation plans by segregated school districts;
8. In cooperation with regional interracial conferences, inform member schools and individuals of the methods of filing desegregation suits and to make legal information available at these conferences;
9. Encourage and support appropriate nonviolent direct action for purposes of school desegregation where all other methods have failed.

Omnibus Civil Rights Bill

FACT: Today some states make arbitrary and discriminatory use of voter qualifications to prevent minority groups from exercising their privilege of franchise. Physical intimidation, economic reprisal, and coercion are commonly employed when such groups attempt to register and vote.

Widespread job discrimination blocks opportunities for the economic advancement and wellbeing of Negro citizens. The burden and deprivations of unemployment fall twice as heavily upon the Negro population as they do upon the white.

In the seventeen Southern and border states and Washington, D.C., 92.1 percent (June, 1963, Southern School News) of the Negro students are still restricted to segregated schools. Most lack adequate financial resources to instigate litigation to secure their constitutional right to equal protection of the laws. In other areas, de *facto* segregation imposes deprivations and inequalities fully as unjust.

The federal government is presently subsidizing unequal and segregated facilities through federally financed and federally-assisted programs.

In many parts of the nation, Negro citizens are not permitted full and equal access to public facilities licensed by the state and open to the public in general.

Many communities are faced with difficult problems of transition as old mores and patterns of discrimination are broken down and a new pattern of integrated community life begins to emerge.

PRINCIPLE: The denial of full freedom and equal rights of citizenship is inconsistent with fundamental justice, with the democratic process, and with the dignity of the human individual. The government of a free people has a clear moral duty to achieve a maximum realization of equal opportunity for all its citizens.

DECLARATION: USNSA urges the passage of the Omnibus Civil Rights bill H.R. 7152 with the following amendments:

Under Title I:

1. Fair elections requirements would be broadened to include state as well as federal elections.

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2. The waiting period between the filing of a voting complaint and the entering of a voting suit by the Attorney-General would be limited to a period of not more than seven days.

3. Federal judges appointed by the chief judge of the circuit would be required to decide on voting cases within 60 days to prevent delaying tactics.

4. Voting referees would be chosen by the chief judge of the circuit court.

Under Title III:

1. Every school board would be required to submit to the federal circuit court a comprehensive school desegregation plan that initiates compliance with the Supreme Court decision in Brown v. Board of Education by September, 1964.

a. New titles will:

(1) provide for the assurance of adequate protection from mob violence and police brutality;

(2) provide a fair employment practices commission.

ACTION:

USNSA supports the above pending legislation and urges that:

1. The student governments of all member schools endeavor to acquaint their student bodies with the importance of this legislation and the provisions which it contains.

2. All member schools conduct letter writing campaigns to inform congressmen and public officials of student support for the bill.

MANDATE:

The Sixteenth National Student Congress mandates the National Affairs Vice President to send copies of this resolution to members of the 88th Congress and to appropriate federal and private agencies. The National Affairs Vice President is authorized to cooperate fully with other groups in efforts to further the passage of this legislation and shall send information concerning the bill to member schools.

Washington March

FACT:

Throughout the country, unemployed citizens of all races are deprived of the economic security that is necessary for even a minimal standard of living. The widespread denial of equal rights and opportunities to minority groups has focused the attention of the nation on the problems of political and social discrimination. Economic issues are inextricably linked with this discrimination in the important areas of housing, education, employment, voting, and public accommodations. Nationwide concern for these conditions that force many citizens to exist at a subsistence level and for the prevalence of discriminatory practices that suppress the attempts of minority groups to better their social, political and economic status has led many individuals to join in a Washington march for "Jobs and Freedom."

PRINCIPLE:

A basic principle of a democratic, free society is the right of the people "peacefully to assemble and to petition the government for a redress of grievances." The United States National Student Association has specifically endorsed the right of individuals to use non-violent demonstrations to express concern and create awareness of existing social and economic injustices.

DECLARATION:

The August 28th march is an appropriate exercise of this principle. The United States National Student Association strongly supports this effort to center public attention on the related problems of discrimination and economic deprivation. In addition, USNSA urges all citizens to unite in a sincere effort to remedy the present situation as manifested by widespread unemployment and poverty, and the denial of equal rights and opportunities to minority groups.

In order that students may squarely face the social and economic problems of our times, they must consider the specific concerns of this march:

1. All pending civil rights legislation.
2. Police brutality.
3. The allocation of federal funds to institutions and projects that discriminate.
4. The application of the Fourteenth Amendment.
5. The enforcement of Brown v. Board of Education.
6. The Manpower Development and Training Act.
7. The adequacy of present minimum wage legislation.
8. The extension of the Fair Labor Standards Act.

MANDATE:

The Sixteenth National Student Congress mandates the President of the Association to appoint a three member delegation of this Congress to represent the United States National Student Association at the march in Washington. This delegation shall inform leaders of the demonstration and representatives of the news media of the full content of this resolution.

Discrimination—Americus, Ga.

FACT:

On August 8, 1963, three SNCC field secretaries—Don Harris, Ralph Allen, and John Perdew—were arrested while participating in a non-violent demonstration in Americus, Georgia. Two local citizens, Sally Mae Durham and Thomas McDaniels, also were arrested at the time. Harris, Allen, and Perdew were charged with eight counts including "inciting to insurrection." The maximum sentence for such conviction under such a charge is death and the three prisoners are being held in a separate jail until the grand jury in November. The bond has been set by the magistrate, C. M. Bradley, at $5,000.00 for each of eight peace warrants sworn out by citizens in Americus. This totals $120,000.00.

On August 17, Zev Aelong, a CORE worker, also was arrested on charges of "inciting to insurrection" while participating in a non-violent demonstration. He too faces a possible death penalty upon conviction.

Collin McGee, Thomas Douglas, Carol Bonner, Thelma Young, Lois Baker, Geneva Dutley, Annie Plesh, Geraldine Battle, Homer Smith, Mary Wolfson, Jodie Harris and Rosalie Rushing, as well as Allen and Perdew are the parties involved in the following:

1. Circumstances of arrest:

a. Multiple brutalities dating from July 19.

b. Recently, burns indicating use of cattle prodders, bandaged demonstrators, many needing stitches.

c. Police authorities seen carrying and using clubs.

2. Conditions of confinement:

a. Very crowded and mixed sleeping quarters.

b. Deplorable sanitary conditions (no water available for drinking or bathing, little ventilation, and plumbing facilities out of order).

c. Very unhealthy diet.

DECLARATION:

USNSA reaffirms its stand taken at the Fifteenth National Student Congress in "The Role of the Federal Government in Civil Rights." This resolution, citing the violation of civil liberties of students and citizens in the civil rights movement "as a result of the deliberate neglect, collusion, or active participation of local officials or policement" urged "immediate action by the Justice Department under section 241 and 242 of Title 18 of the United States Code.

EXHIBIT B

1967–1968 CODIFICATION OF POLICY OF THE UNITED STATES NATIONAL STUDENT ASSOCIATION

National Teacher Corps

FACT:

The National Teacher Corps was established on May 13, 1966, with an initial appropriation from Congress of $9.5 million. Since that time 1600 persons (300 experienced teachers and 1300 recent graduates) have been selected from over 10,000 applicants and are presently undergoing the pre-service training.

Upon completion of the pre-service training, these Corpsmen will work in poverty and slum area schools while at the same time the teacher-interns will study for advanced degrees in education or related fields at nearby universities.

"They will extend teaching beyond the classroom, and look for new ways to involve parents in the mysteries of the learning process. They will work with adult education programs and with local health and welfare agencies, with youth organizations, social clubs, and civic groups." (NTC Brochure.)

At present, needed appropriations for the National Teacher Corps are bogged down in the Senate Appropriations Committee. Without these appropriations no salary funds are available for the Corpsmen except through already over-taxed school budgets in slum areas. The appropriations are necessary to insure that each Corpsman will be able to obtain a job in a slum area school district.

PRINCIPLE:

In our world of rapidly advancing technological changes, it is important for all men to have the opportunity to receive adequate education. USNSA supports efforts to assure the maximum amount of education to all individuals. (BPD—XVIII, Equal Educational Opportunities-Free Public Higher Education.)

DECLARATION:

USNSA reaffirms its support for the National Teachers Corps as a valuable supplement to the educational process in slum area school districts because it provides experienced and new teachers with opportunities to assist slum area children in new and relevant ways. Furthermore, USNSA feels that the NTC program will suffer if Congress fails to appropriate funds for salaries, since local school districts in slum areas cannot afford to hire additional teachers.

Therefore, USNSA expresses its belief that the Chairman and the members of the Senate Appropriations Committee should approve the appropriations for the National Teacher Corps and submit them to the floor of the Senate with a recommendation for passage.

MANDATE:

The Nineteenth National Student Congress mandates the Educational Affairs Vice President to prepare copies of this special resolution and submit them to all interested parties.

Home rule for the District of Columbia

FACT:

Washington, D.C. was granted a Charter in 1802. For almost 75 years, the citizens practiced local self-government as had been anticipated by the drafters of the Constitution. Now, however, the legislative and fiscal responsibility for the District of Columbia rests with Congress. A limited amount of this authority has been delegated by Congress to a three-man Board of Commissioners who are appointed by the President.

Washington, D.C. has a population greater than that of 11 states (Alaska, Delaware, Hawaii, Idaho, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming). And each of these states has a governor and an elected state legislature to administer local affairs; each is represented in Congress by two Senators and at least one Representative. The District of Columbia, however, enjoys neither representation in Congress nor local self-government.

Among the results of this situation are these:

A significant number of school buildings in the District are in such a bad state of repair as to be unsafe for use. The Superintendent of schools has stated that more

money is spent for a child in white sections than in Negro areas. Half-day sessions and crowded classrooms are commonplace (the school population is 90% Negro; 10% white).

Housing in Washington is inadequate. According to a report issued by the National Capital Planning Commission in April, 1966, 25% of the District's residents live in a state of "abject poverty, total deprivation." In the same report, 41% of the housing is called "inadequate"; 104,700 people live in "substandard" housing (lacking such common amenities as bathrooms); some 114,000 people are said to pay "too much rent." Other facts brought out in the report are that there are 27,500 families eligible for public housing for which there is no room; 5,800 families are on public housing waiting lists; there is no minimum wage for male employees except government workers; unemployment in the Negro slums is estimated to be as high as 10%; and underemployment (long hours for sub-poverty-line pay) is indeed much higher.

Welfare benefits are totally insufficient. Thousands of school-age children have been forced to stay home from school during cold weather because of inadequate clothing.

Medical facilities for the poor are not adequate. Even in serious cases, waits of 8–12 hours are frequent.

Some city jails are, in fact, barbaric "human stockyards," in which up to 500 people have been crowded into a single room, 150' x 180', sometimes for months, awaiting trial—with no work or recreation.

The Metropolitan Board of Trade has thrown the weight of its powerful lobby against efforts to secure home rule for the District of Columbia and is, by far, the most effective local obstruction to reform. It opposes urban renewal, higher real estate taxes, and increased welfare payments.

In February, 1966, the "Free D.C. Movement" was organized by the Student Non-Violent Coordinating Committee and the leaders of other civil rights groups. The Movement has demanded that Washingtonians have the right to elect their own local government and has instituted action programs to implement its goal.

At present, the United States Senate District Committee favors self-government for the District; the House District Committee does not favor such a change.

PRINCIPLE:

"The role of the student involves a commitment to an educational process that extends beyond classroom training . . . A student operating in this role . . . must be prepared to face the challenges of modern life and he must be willing to confront the crucial issues of public policy that affect him beyond the classroom and that determine the course of his society . . . USNSA recognizes the great value of student involvement in programs of political and social action and the integral connection of these programs with the educational process . . . And in this connection the student should be concerned . . . with those great problems and issues of our national . . . life." (BPD–XIII Student and the Total Community.)

DECLARATION:

USNSA affirms its support for the "Free D.C. Movement," and its goal of home rule under the mayor-city council system for the District of Columbia. USNSA commends the leaders of the "Free D.C. Movement" for their efforts in this area. Furthermore, USNSA applauds the efforts of those members of Congress who have been in the vanguard of the home rule movement; particularly, Senators Morse (D-Ore.), Kennedy (D-N.Y.), Tydings (D-Md.), and Representatives Multer (D-N.Y.), and Mathias (R-Md.).

MANDATE:

The Nineteenth National Student Congress mandates the Educational Affairs Vice President to give all forms of legitimate assistance to groups seeking to secure home rule for the District of Columbia under the mayor-city council system.

The Nineteenth National Student Congress further mandates the Educational Affairs Vice President to send copies of this resolution to all appropriate parties concerned.

[Excerpts from form 990–A]

EXHIBIT C

Return of organization exempt from income tax—1965 or other taxable year beginning Oct. 1, 1964, and ending Sept. 30, 196

United States National Student Association, employer identification No. 23-1421976; 2115 S St., NW., Washington, D.C.

Enter the name and address used on your return for 1964 (if the same as above, write "Same"). If none filed, give reason. United States National Student Association, 3457 Chestnut St., Philadelphia Pa. 19104.

Pt. II: Information required pursuant to sec. 6033(b) and other applicable sections of the Internal Revenue Code, must be submitted in duplicate as part of your return. This part will be made available to the public.

4. Interest		
9. Other income (attach schedule.—Do not include contributions, gifts, grants, etc. (See line 17.)		$81.61
10. Total gross income (lines 3 to 9, inclusive)		90,576.42
11. Expenses of earning gross income from column 3, Schedule A		90,658.03
		116,570.60

DISBURSEMENTS MADE WITHIN THE YEAR OUT OF CURRENT OR ACCUMULATED INCOME FOR PURPOSES FOR WHICH EXEMPT, AND ACCUMULATION OF INCOME

12. Expenses of distributing current or accumulated income from column 4, Schedule A		
13. Contributions, gifts, grants, scholarships, etc. (See Instruction 13)		
14. Accumulation of income within the year (line 10 less the sum of lines 11, 12, and 13)		(25,912.57)
15. Aggregate accumulation of income at beginning of the year	(20,396.17)	
16. Aggregate accumulation of income at end of the year	(10,861.68)	

RECEIPTS NOT REPORTED ELSEWHERE

17. Contributions, gifts, grants, etc., received (See Instruction 17)	761,497.04
18. Less: Expenses of raising and collecting amount on line 17, from column 5, Schedule A	
19. Net contributions, gifts, grants, etc., received	761,497,04

DISBURSEMENTS MADE OUT OF PRINCIPAL FOR PURPOSES FOR WHICH EXEMPT

20. Expenses of distributing principal from column 6, Schedule A		142,772.54
21. Contributions, gifts, grants, scholarships, etc.:		
(a) Paid out in prior years	(2,254,259.89)	
(b) Paid out within the year (See instruction 21)		533,542.90

SCHEDULE A.—ALLOCATION OF EXPENSES (SEE INSTRUCTIONS FOR ATTACHMENTS REQUIRED)

1. Item	2. Total	3. Expenses of earning gross income	4. Expenses of distributing income	5. Expenses of raising and collecting principal	6. Expenses of distributing principal
(a) Compensation of officers, etc	$15,001.12	$11,327.77			$3,673.35
(b) Other salaries and wages	69,783.14	24,187.65			45,595.59
(d) Taxes	4,028.27	1,847.58			2,180.69
(e) Rent	5,275.38	1,754.40			3,520.98
(f) Depreciation (and depletion)	1,275.75	772.60			503.15
(g) Miscellaneous expenses (attach sch.)	163,979.48	76,680.60			87,298.88
(h) Totals	259,343.14	116,570.60			142,772.54

SCHEDULE B.—BALANCE SHEETS (SEE INSTRUCTIONS)

	Beginning of year		End of year	
	(A) Amount	(B) Total	(C) Amount	(D) Total
ASSETS				
2. Accounts receivable (see instructions)		$32,024.45		$20,805.47
(a) Less allowance for bad debts	$24,710.89		$41,303.26	
3. Notes receivable (see instructions)		24,710.89		41,303.26
10. (a) Less accumulated depreciation (and depletion)	26,107.18		27,382.93	
11. Land	16,745.28	9,361.90	27,382.93	
13. Total assets		103,718.79		170,815.38
		169,816.03		232,924.11
LIABILITIES AND NET WORTH				
15. Contributions, gifts, grants, etc., payable		137,009.22		100,759.47
17. Other liabilities (attach schedule)				35,000.00
18. Capital stock: (a) Preferred stock		53,202.98		108,026.23
22. Accumulated income or earned surplus: (b) Attributable to gains from sale of assets	(20,396.17)		(10,861.68)	
23. Total liabilities and net worth		(20,396.17)		(10,861.68)

1. Date of current exemption letter April 20, 1954.

2. Attach a detailed statement of the nature of your charitable, business and all other activities.

3. Have you attached the information required by:

(a) Instruction 17. Answer. Yes.

(b) Instruction 17. Answer. Yes.

4. Have you filed a tax return on Form 990–T for this year? Answer. No.

5. In what year was your organization formed? Answer. 1947.

In what State or country? Answer. Wisconsin.

8. If you acquired capital assets out of income attach itemized list and amount thereof. Exhibit G. Answer.

9. Have any changes not previously reported to the Internal Revenue Service been made in your articles of incorporation or bylaws or other instruments of similar import? Answer. No.

10. Have you had any sources of income or engaged in any activities not previously reported to the Internal Revenue Service? Answer. No.

11. Did you hold any real property for rental purposes with respect to which there is an indebtedness incurred in acquiring the property or in making improvements thereto or which was acquired subject to a mortgage or similar lien? Answer. No.

12. Have you during the year advocated or opposed (including the publishing or distributing of statements) any national, State, or local legislation? Answer. No.

13. Have you during the year participated in, or intervened in (including the publishing or distributing of statements) any po-

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litical campaign on behalf of or in opposition to any candidate for public office? Answer. No.

14. After July 1, 1950, did—The creator of your organization, or A contributor to your organization, or A brother or sister (whole or half blood), spouse, ancestor or lineal descendant of such creator or contributor, or, A corporation owned (50 percent or more of voting stock or 50 percent or more of value of oil stock) directly or, indirectly by such creator or contributor—

(a) Borrow any part of your income or corpus? Answer. No.

(b) Receive any compensation for personal services from you? Answer. No.

(c) Have any part of your services or assets made available to him? Answer. No.

(d) Purchase any securities or other property from you? Answer. No.

(e) Sell any securities or other property to you? Answer. No.

(f) Receive any of your income or corpus in any other transaction? Answer. No.

15. Do you hold 5 perecnt of any class of stock in any corporation. Answer. No.

Exhibit C

U.S. NATIONAL STUDENT ASSOCIATION E.I. NUMBER 23–1421976, YEAR ENDED SEPT. 30, 1966

Page 1, line 21—Contributions, gifts, scholarships, etc.

Algerian Scholarship Program	$76,928.35
Fourteenth I.S.R.S	436.37
African Freedom Fund	2,976.62
Domestic Programs	18,556.45
Latin American Representation, 1964–1965	108.85
Southern Student Human Relations	4,020.60
SCOPE—Ford Directory	22,426.01
Fund for the Advancement of Education	2,106.04
College Community Tutorial Project	6,772.53
Literacy Project	930.00
Student Stress	6,680.10
Angolian Scholarship Program	11,990.76
Polish Exchange	7,894.16
Representation in Latin America	901.85
Foreign Student Hospitality at National Student Congress	12,131.52
Publications Program	43,020.45
Vietnamese Flood Disaster Fund	1,500.00
Sports Affairs	13,320.19
Arab Student Leadership Seminar	508.49
Student International Responsibility Project	2,016.03
Director Campus Program	2,537.59
Publication Civil Rights	988.04
Nigerian Student Cultural Festival	641.01
Kenya Student Scholarship	4,163.44
Director of Cultural Affairs	2,400.61
Seminar on Cooperative Management in Israel	3,584.40
International Affairs Vice President	19,630.89
International Student Conference Dues	36,111.10
Overseas Representation	1,807.55
Technical Assistance	32,351.58
Middle East African	34,734.09
Film Festival	700.96
Algerian Scholarship Program	3,388.46
Southern Adult Education Fund	3,143.86
Fast for Freedom Fund	34,218.96
Student Services	7,011.65
Student Stress	17,720.10
Asian Student Affairs	7,682.03
Christmas Freedom	7,790.00
Sports Affairs	2,239.80
Latin American Representation	29,005.76
Eighteen Year Old Vote	3,000.00
Film Festival	1,264.32
Tutorial Assistance Center	47,495.36

[Excerpts from form 990–A]

EXHIBIT C

Return of Organization Exempt From Income Tax—1965 or Other Taxable Year Beginning Oct. 1 1965, and Ending Sept. 30, 1966

U.S. National Student Association, employer identification No. 23-1421976, 811 S. St. NW., Washington, D.C.
Enter the name and address used on your return for 1964 (if the same as above, write "Same"). If none filed, give reason. Same.
Pt. II: Pt. I (pp. 1 and 2) information required pursuant to secs. 6033, 6001 and other applicable sections of the Internal Revenue Code. Note: 1 copy of pt. I and 2 copies of pt. II must be filed.

4. Interest
9. Other income (attach schedule.—Do not include contributions, gifts, grants, etc. (see line 17)) exhibit A $145.27
10. Total gross income (lines 3 to 9, inclusive) 143,722.45
11. Expenses of earning gross income from col. 3. schedule A 143,555.73
18,456.07

DISBURSEMENTS MADE WITHIN THE YEAR OUT OF CURRENT OR ACCUMULATED INCOME FOR PURPOSES FOR WHICH EXEMPT, AND ACCUMULATION OF INCOME

13. Contributions, gifts, grants, scholarships, etc. (see instruction 13)
14. Accumulation of income within the year (line 10 less the sum of lines 11, 12, and 13) 10,524.00
15. Aggregate accumulation of income at beginning of the year (deficit exhibit B) .... ($10,861.68) 31,202.20
16. Aggregate accumulation of income at end of the year (deficit exhibit 8) .... (36,776.43)

RECEIPTS NOT REPORTED ELSEWHERE

17. Contributions, gifts, grants, etc., received (see instruction 17)
18. Less expenses of raising and collecting anount on line 17, from col. 5, schedule A 647,632.10
19. Net contributions, gifts, grants, etc., received 647.00

DISBURSEMENTS MADE OUT OF PRINCIPAL FOR PURPOSES FOR WHICH EXEMPT

20. Expenses of distributing principal from col. 6, schedule A 170,036.92
21. Contributions, gifts, grants, scholarships, etc.:
(a) Paid out in prior years .... (2,787,802.79)
(b) Paid out within the year (see instruction 21) exhibit D 551,397.53

SCHEDULE A.—ALLOCATION OF EXPENSES (SEE INSTRUCTIONS FOR ATTACHMENTS REQUIRED)

1. Item	2. Total	3. Expenses of earning gross income	4. Expenses of distributing income	5. Expenses of raising and collecting principal	6. Expenses of distributing principal
(a) Compensation of officers, etc	$7,693.00				$7,693.00
(b) Other salaries and wages	65,287.49				65,287.49
(g) Miscellaneous expenses (attach schedule)	115,512.50	18,456.07			97,056.43
(h) Total	188,492.99	18,456.07			170,036.92

SCHEDULE B.—BALANCE SHEET

	Beginning of year		End of year	
	(A) Amount	(B) Total	(C) Amount	(D) Total
ASSETS				
1. Cash		$20,805.47		$31,382.48
2. Accounts receivable (see instructions) exhibit I	$41,303.26		$68,291.21	
(a) Less allowance for bad debts		41,303.26		68,291.21
10. Depreciable (and depletable) assets (attach schedule) F	27,382.93		89,275.09	
(a) Less accumulated depreciation (and depletion)	27,382.93		89,275.09	
12. Other assets (attach schedule) exhibit E		170,815.38		15,733.25
13. Total assets		232,924.11		115,499.50
LIABILITIES AND NET WORTH				
14. Accounts payable (see instructions) exhibit I		100,759.47		33,985.92
16. (b) Mortgages payable		35,000.00		
17. Other liabilities (attach schedule) exhibit E		108,026.32		118,236.01
22. Accumulated income or earned surplus:				
(a) Attributable to ordinary income	(10,861.68)			
(b) Attributable to gains from sale of assets exhibit B		(10,861.68)		(36,766.43)
23. Total liabilities and net worth		232,924.11		115,455.50

1. Date of current exemption letter, April 20, 1954.

3. Have you attached the information required by:

(a) Instruction I? See phamphlet. Answer. Yes.

(b) Instruction J? Answer. Yes.

4. Have you filed a tax return on Form 920–T for this year? Answer. No.

5. In what year was your organization formed? Answer. 1947.

In what State or country? Answer. Wisconsin.

9. Have any changes not previously reported to the Internal Revenue Service been made in your articles of incorporation or bylaws or other instruments of similar import? Answer. No.

10. Have you had any sources of income or engaged in any activities not previously reported to the Internal Revenue Service? Answer. No.

11. Did you hold any real property for rental purposes with respect to which there is an indebtedness incurred in acquiring the property or in making improvements thereto or which was acquired subject to a mortgage or similar lien? Answer. No.

12. Have you during the year advocated or opposed (including the publishing or, distributing of statements) any national, State, or local legislation? Answer. No.

13. Have you during the year participated in, or intervened in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office? Answer. No.

14. After July 1, 1950, did—

The creator of your organization, or

A contributor to your organization, or

A brother or sister (whole or half blood), spouse, ancestor or lineal descendent of such creator or contributor, or

A corporation owned (50 percent or more of voting stock or 50 percent or more of value of all stock) directly or indirectly by such creator or contributor—

(a) Borrow any part of your income or corpus? Answer. No.

(b) Receive any compensation for personal services from you? Answer. No.

(c) Have any part of your services or assets made available to him? Answer. No.

(d) Purchase any securities or other property from you? Answer. No.

(e) Sell any securities or other property to you? Answer. No.

(f) Receive any of your income or corpus in any other transaction? Answer. No.

15. Do you hold 5 percent or more of any class of stock in any corporation? Answer. No.

Exhibit C

U.S. NATIONAL STUDENT ASSOCIATION E I NUMBER, 23–1421976, FOR FISCAL YEAR ENDED SEPTEMBER 30, 1965

Specific purpose grants expenditures

Southern Student Human Relations	$36,307.18
Ford Foundation Directory	23,834.22
College Community Tutorial Project	8,183.81
Student Stress	890.52
Southern Literacy Project	363.75
Film Festival	228.72
Wellington Self-Government	404.19
Books for Equal Education	621.60
Overseas Press Club	1,563.05
Fast for Freedom Fund	20,365.39
Student Services	4,775.84
Specific purpose grants expenditures—Con.	
Student Stress	$353.84
Student Leader Delegate	2,080.25
New Building and Moving Cost	56,907.84
College Editors' Conference	10,833.33
Research Travel	38.64
International Pilot Project	3,047.96
Algerian Scholarship Program	3,919.19
U.S. Department of State Bureau of Education and Cultural Affairs, Algerian Scholarship Program	88,124.04
Angolan Scholarship Program	8,124.04
Nigerian Scholarship Program	1,245.00
Polish Exchange Grant	4,880.44
Student International Responsibility Project	3,000.00
Scholarship—Foreign Student	1,500.00
Program Director	5,983.50
Representation in Latin America	29,471.77
Special Assistance for Foreign Student Organizations	7,923.98
Foreign Student Hospitality	20,280,09
Publications Program	7,117.84
Representative to Viet Nam	2,131.35
Vietnamese Flood Disaster Fund	3,537.00
Sports Affairs	11,588.66
Publications Department	6,206.27
Arab Student Leadership Seminar	$18,039.38
Specific purpose grants expenditures—Con.	
Student International Responsibility Project	3,268.93
East African Press	5,599.06
Special Assistant to International Vice President	692.66
Director Campus Programs	3,514.03
U.N.E.A. Representative Switzerland	1,043,10
Dubrovnick Seminar	677.80
Nigerian Student Cultural Festival	8,830.55
American Student—Publications	2,935.87
Swaziland Student Union	750.00
Scholarship Assistances	8,950.94
Director of Cultural Affairs	5,949.60
NSA Overseas Representation	33,624.19
Twelfth I.S.R.S	1,472.20
Thirteenth I.S.R.S	22,831.97
Technical Assistance	3,507.01
I.S.C. Delegates	16,267.82
International Affairs—Vice President	3,718.09
Indonesia-Malaysia, problems and prospects	3,000.00
Latin American Representation	8,786.89
Other anticipated	4,249.51
Total	533,542.90

EXHIBIT D

PERIOD OCT. 1, 1966, TO SEPT. 30, 1967

Division, NATAFF program, SD	FF monitor	Status	Duration		Total value	Unpaid, beginning of period	Changes during year		Unpaid, end of period
			From—	To—			Approved or (reduced)	Payments or (refunds)	
The University of Chicago, Chicago, Ill. Survey and analysis of the responses of Chicago Catholics to Archbishop Cody's 1967 campaign for racial integration (67–133).			Feb. 24, 1967	Feb. 23, 1968	$100,000	0	$100,000	0	$100,000
Citizens' Committee for Children of New York City, Inc., New York, N.Y. Study papers and a conference to consider the feasibility of children's allowances as an income security measure (67–156).			Mar. 24, 1967	Mar. 23, 1968	45,000	0	45,000	$45,000	0
Citizens Crusade Against Poverty, Washington, D.C. Creation of a training institute for community development workers (66–410).	Edley, C. F	A	Aug. 19, 1966	Oct. 3, 1968	883,500	187,500	508,500	187,500	508,500
Community Progress, Inc., New Haven, Conn. Community development program for residents of New Haven's middle ground and urban renewal areas (62–328).	Miller, S. M	A	June 13, 1962	Feb. 28, 1968	5,050,000	300,000	0	0	300,000
CORE Special Purpose Fund, New York, N.Y. Support of Cleveland activities including Youth Training Institute, adult training program, and voter registration drive (67–446).	do	a	July 21, 1967	July 20, 1968	175,000	0	175,000	75,000	100,000
State of New Jersey, Trenton, N.J. Support for the development of a comprehensive manpower system in the State of New Jersey (67–374).	Feldman, M. J	a	July 19, 1967	July 18, 1968	250,800	0	250,800	0	250,800
PERIOD OCT. 1, 1967, TO SEPT. 30, 1968									
The Community Resources Institute, Washington, D.C. Partial support of Cabinet Committee Hearings on Mexican-American Affairs, El Paso, Tex. (68–111).	Miller, S. M	a	Oct. 1, 1967	Jan. 31, 1968	5,000	0	5,000	5,000	0
CORE Special Purpose Fund, New York, N.Y. Support of Cleveland activities including Youth Training Institute, adult training program, and voter registration drive (67–446).	do	a	July 21, 1967	July 26, 1969	475,000	100,000	300,000	175,000	225,000
Cornell University, Ithaca, N.Y. Program to extend and expand a research project on migrant labor at the School of Industrial and Labor Relatiors (68–086).	do	a	Dec. 21, 1967	Dec. 20, 1969	55,500		55,500	20,000	35,500
Cornell University, Ithaca, N.Y. Research on race relations (68–141).	do	a	July 1, 1967	Dec. 30, 1968	16,714		16,714	15,214	1,500
Council of Southern Mountains, Inc., Berea, Ky. Interim administrative support for experimental activities in economic and community development in Appalachia (68–112).	do	a	Jan. 11, 1968	July 10, 1968	35,000		35,000	35,000	0
University of Detroit, Detroit, Mich. Summer training institute for clergymen and laymen working to counteract white racist hostility. (68–666.)	Cooney, T. E	A	June 21, 1968	June 20, 1969	77,000		77,000	38,500	38,500

Exhibit F

September 2, 1966.

Hon. Sheldon Cohen,
Commissioner, Internal Revenue Service,
Washington, D.C.

Dear Mr. Cohen: As you know, for the past ten months the National Right To Work Committee has been the subject of an intensive investigation by the Internal Revenue Service for the purpose of determining whether the Committee is entitled to retain its tax exemption status under section 501 (c) (4) of the Internal Revenue Code.

During the course of this investigation your representatives have made an intensive effort to find some evidence of political activity on the part of the National Right To Work Committee. They have quite frankly advised us that this is what they are looking for, and in this connection they have scrutinized all of our expenditures for printed material, staff travel, legal services, and membership promotion, have asked us for a breakdown of the activities of staff personnel

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particularly during the period preceding the 1964 national elections and even subpenaed the books of those printers who have done business with us. We have been expressly told by your representatives that if they turned up any evidence of political expenditures or political activities by our staff on paid time our exemption could be cancelled.

We are, of course, well aware that as an exempt organization, we cannot engage in any political action, and we have scrupulously avoided any involvement in politics of political activities. The only purpose of the National Right To Work Committee is to promote the principle of voluntary unionism. By reason of this we have incurred the enmity of union officials who have publicly expressed their intent to bury us by one means or another.

This brings us to the point of this letter. Are not labor unions, as tax exempt organizations under section 501(c)(5), subject to the same restrictions on political activities as the National Right To Work Committee and other exempt organizations? And, if this is so, why is it that labor unions can openly and flagrantly use the monies collected from membership dues to make contributions to political candidates, and assign their staff personnel to electioneering activities on behalf of union endorsed candidates? That they do all of these things on a large scale is, of course, well known and well documented. Just by way of example, in *International Association of Machinists* v. *Street*, 367 U.S. 740 (1961), the defendant unions stipulated that the dues monies collected from their members under compulsory union shop agreements were "used in substantial amounts to support the political campaigns of candidates for the offices of President and Vice President of the United States, and for the Senate and House of Representatives of the United States . . . and candidates for state and local offices." 367 U.S. 740, 745, footnote 2. In May of this year the newspapers in Washington reported a public announcement by Charles Della, president of the Maryland-District of Columbia AFL–CIO, that that organization would contribute the sum of $200,000 to support the campaign of Carlton Sickles for Governor of Maryland. Enclosed is an article written for the May 1966 issue of *Commonweal* magazine by Sidney Lens, a long-time union staff official, which points out, among other things, that the United Auto Workers Union recently donated $20,000 to the campaign of Senator Paul Douglas of Illinois. The article goes on to point out:

"Equally important is manpower. Around election time labor mobilized thousands of workers from the shops as well as many full-time organizers. The offices of the auto union, perhaps the most active of all politically, become depopulated by as much as one-half of the regular staff, all working the hustings for union-endorsed candidates. These are men, it should be noted, with considerable organizational talent, usually far above the caliber of ordinary Democrats. . . . Union-leased autos, painted over with the names of union-endorsed aspirants, plastered with signs, participate in parades and make tours with loudspeakers blaring their message. In small towns especially, such as Peoria, Illinois, or Muncie, Indiana, big unions like steel or auto can mobilize thousands of members to fill a meeting hall or listen to an open-air speech. On the first Tuesday in November innumerable union men, paid from the union treasury, can be seen driving voters to and from the polling booths, acting as watchers to assure an honest count, and calling on 'sure' voters who have not yet cast a ballot. Thus by concentrating on marginal areas, by doling out $1,000 to $5,000 for Congressional hopefuls who need just a little push to put them over, labor can make an important contribution."

Also enclosed is a recent article by one of the well known labor columnists, Victor Riesel, who points out that the AFL–CIO has assessed its 13.7 million members at a nickel a head for a special election fund of $850,000 to be spent for compaign activities in this year's national elections.

Since the Internal Revenue Service insists that the National Right To Work Committee must strictly observe the rule against political activity, and since the flagrant political activities of labor unions are largely ignored, it would seem that a double standard is applied under the Internal Revenue Code. As the public becomes more and more aware of this selective enforcement of the law the effect can only be to break down respect for the law, a trend which seems to be rapidly undermining the foundations of orderly society.

We feel that you can quickly restore public confidence in the integrity of the Internal Revenue Service by issuing directives to your agents and offices throughout the country to undertake a sweeping investigation of the political activities of organized labor in this year's state and national elections, and revoke the tax exemption status of any union that engages in such political activities.

Very truly yours,

REED E. LARSON,
Executive Vice President.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., September 28, 1966.
Mr. REED E. LARSON,
NATIONAL RIGHT TO WORK COMMITTEE,
Washington, D.C.

DEAR MR. LARSON: Thank you for your letter of September 2, 1966, with attachment, concerning the political activity of labor unions.

You asked whether labor unions, as tax-exempt organizations under section 501(c)(5), are subject to the same restrictions on political activities as other exempt organizations. Although certain sections of 501(c) of the Internal Revenue Code and their implementing regulations contain various definitions, limitations, and prohibitions relative to political and legislative activities, there is no such proscription with respect to a labor organization otherwise qualifying for exemption from Federal income tax under section 501(c)(5).

The qualifying character of a labor organization, as the term is used in section 501(c)(5), is that it has as its principal purpose the representation of employees in such matters as wages, hours of labor, working conditions and economic benefits, and the general fostering of matters affecting the working conditions of its member. *As a matter of law, a labor organization does not lose its right to exemption under section 501 because it engages in political activities*, unless by reason of the organization's improper activities it can be established that the organization is not sufficiently engaged in the union or labor activity to be characterized as a labor organization in the sense that that term is used in section 501(c)(5).

As you may know, contributors to labor organizations are not entitled to a charitable deduction; however, under certain conditions payments may qualify as a business expense under section 162. With respect to the deductibility of dues paid to a labor union or trade association as a business expense, the Revenue Act of 1962 amended section 162 by adding a new subsection (e) which provides for the deduction of ordinary and necessary expenses paid or incurred in taxable years beginning after December 31, 1962, for certain activities directly connected with legislation or proposed legislation of direct interest to the taxpayer. In no event shall a deduction be allowed for that portion of a special assessment or similar payment (including an increase in dues) made to any organization for any activity which does not constitute an appearance or communication with respect to legislation or proposed legislation of direct interest to the organization.

We appreciate your concern in this matter and want to further assure you that the Service is primarily interested in applying the internal revenue laws fairly and uniformly in all cases. We do everything we can to administer the applicable law and regulations without regard to the political leanings of any taxpayer or organization.

We trust this information will be helpful for your purposes.

Sincerely yours,

S. B. WOLFE,
Director, Audit Division.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., Otcober 10, 1969.
Mr. F. R. DICKERSON,
President, Roper Industries, Inc., Commerce, Ga.

DEAR MR. DICKERSON: Thank you for your letter of September 6, 1966, concerning the political activities of organized labor and the tax-exempt status of the National Right to Work Committee and the Sierra Club.

The records of the National Office disclose that the National Right to Work Committee has qualified for tax-exempt status under section 501(c)(4) of the Internal Revenue Code, while the Sierra Club is exempt under section 501(c)(3), and labor unions frequently qualify under section 501(c)(5).

The Internal Revenue Service maintains a program of periodic audit and review of the operations of tax-exempt organizations. If it is determined as a result of the audit program that any tax-exempt organization is engaged in activities to an extent proscribed by that section of the Code under which it has been held exempt, we will take appropriate action to revoke or modify our prior ruling. This is a factual question in each case, and the Service must examine all of the operations for the years involved.

You expressed concern regarding the possible nonuniform application of restrictions on political activities for various tax-exempt organizations. It should be noted that, although certain sections of 501(c) of the Code and their implementing regulations contain various limitations and prohibitions relative to political and legislative activities, there is no such proscription with respect to a labor organization otherwise qualifying for exemption from Federal income tax under section 501(c)(5).

The qualifying character of a labor organization, as the term is used in section 501(c)(5), is that it has as its principal purpose the representation of employees in such matters as wages, hours of labor, economic benefits, and the general fostering of matters affecting the working conditions of its members. As a matter of law, a labor organization does not lose its rights to exemption under section 501 because it engages in political activities, unless by reason of the organization's improper activities it can be established that the organization is not sufficiently engaged in the union or labor activity to be characterized as a labor organization in the sense the term is used in section 501(c)(5).

As you may know, it is the responsibility of the Service to administer the Federal income tax laws enacted by Congress as efficiently and impartially as possible. We have no power to amend the laws or to act contrary to their provisions. Your concern in this matter is appreciated and we want to further assure you that the Service is interested in applying the internal revenue laws fairly and uniformly in all cases. We do everything we can to administer the applicable regulations without regard to the political leanings of any taxpayer or organization.

We trust this information will be helpful in explaining the varying limitations or organizations qualifying for tax-exempt status under different sections in the Code.

Sincerely yours,

FORREST P. NEAL,
Chief, Technical Coordination Branch.

H.R. 7432

A bill to amend the Internal Revenue Code of 1954 to deny tax exemption to organizations which endorse political candidates, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 501 of the Internal Revenue Code of 1954 is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following new subsection:

"(e) APPEARANCES, ETC. WITH RESPECT TO LEGISLATION.—

"(1) None of the following activities by an organization described in subsection (c)(3) shall be deemed 'carry on propaganda, or otherwise attempting, to influence legislation':

"(A) Appearances before, submission of statements to, or sending communications to, the committees, or individual members, of Congress or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization.

"(B) Communication of information between the organization and its members of contributors with respect to legislation or proposed legislation of direct interest to the organization.

"(2) For purposes of this paragraph, matters of direct interest to the organization include—

"(A) those directly affecting its exemption under this section;

"(B) those directly affecting the deduction of contributions to such organizations under sections 170, 642, 2055, 2106, 2522;

"(C) those directly affecting any exempt purpose or function for which the organization was organized and is operating, in the case of an organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under this section) from the United States or any State or possession or political subdivision thereof, or from direct or indirect contributions from the general public.

"(3) Activities described in paragraph (1) shall not include any attempt to influence the general public, or segments thereof, with respect to legislative matters, elections or referendums."

SEC. 2. Section 170(c) is amended by adding the following new sentence at the end thereof: "For purposes of this subsection, the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' in paragraph (2)(D) shall be subject to the qualifications set forth in section 501(e)."

SEC. 3. Section 2055(a) is amended by adding the following new sentence at the end thereof: "For purposes of this subsection, the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' in paragraphs (2) and (3) shall be subject to the qualifications set forth in section 501(e)."

SEC. 4. Section 2106(a)(2)(A) is amended by adding the following new sentence at the end thereof: "For purposes of this subparagraph, the phrase 'carrying on propaganda, or otherwise attempting to influence legislation' in clauses (ii) and (iii) shall be subject to the qualifications set forth in Section 501(e)."

SEC. 5. Section 2522 is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and by inserting after subsection (b) the following new subsection:

"(c) CARRYING ON PROPAGANDA, OR OTHERWISE ATTEMPTING, TO INFLUENCE LEGISLATION.—For purposes of this section the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' in paragraph (2) of subsection (a) and in paragraphs (2) and (3) of subsection (b) shall be subject to the qualifications set forth in section 501(e)."

SEC. 6. The amendments made by the preceding sections of this Act shall be applicable to taxable years beginning after the date of enactment thereof and to estates of decedents dying after the date of enactment thereof.

SEC. 7(a) part 1 of Subchapter F of Chapter 1 of the Internal Revenue Code of 1954 (relating to exempt organizations) is amended by adding at the end thereof the following new section:

"SEC. 505. EXEMPTION DENIED TO ORGANIZATIONS ENGAGED IN POLITICAL ACTIVITIES.—

"(a) PROMOTION OF POLITICAL CANDIDACIES.—Any organization described in section 501(c) which—

"(1) endorses or opposes directly or indirectly, any political candidate, or

"(2) expends directly or indirectly any of its funds to promote the candidacy of any political candidate, or

"(3) provides goods, services or anything of value to any political party or political organization, shall not be exempt from tax under section 501 for the taxable year in which it so endorses or so expends funds, and for the three succeeding taxable years; provided further, that activities prohibited by this section shall not be exempted from these prohibitions by being termed 'educational'.

"(b) CERTAIN POLITICAL ACTIVITIES.—Any organization described in section 501(c)(3) which—

"(1) makes any contributions of goods, services or anything of value to any person or organization when there is reason to believe that part or all of such contributions will be used—

"(A) to promote or oppose the candidacy of any political candidate, or

"(B) to support, directly or indirectly, any political party or political organization whose purpose is to provide candidates for political office or to promote the candidacy of persons for political office.

"(2) has any officer or employee who is actively engaged in a political campaign (within the meaning of section 7324 of title 5 of the United States Code) during his hours of employment by the organization.

shall not be exempt from tax under section 501 for the taxable year ending after the date on which it so endorses, makes such a contribution, or has such an officer or employee and for the three succeeding taxable years.

"(c) POLITICAL CANDIDATE.—For purposes of this section, the term 'political candidate' means any individual whose name is presented for nomination for or election to public office.

"(b) The table of sections for such part I is amended by adding at the end thereof the following:

"SEC. 505. Exemption denied to organizations engaged in political activities."

SEC. 8. The amendments made by section 7 of this Act shall apply to acts occurring after the date of the enactment of this Act.

RESTORING CLEAN WATER

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. FISH. Mr. Speaker, congressional antipollution policy started in 1965 with the Water Quality Act. The 1966 Clean Water Restoration Act made a commitment to the States and municipalities to help finance construction of needed sewage treatment plants. Authorization under this act increases each year, amounting to $1 billion for fiscal year 1970.

It is not uncommon that appropriations fall short of authorization. On the strength of the 1966 act, however, several States with serious water pollution problems started to do something about them. As appropriations year after year failed to match the sums authorized, States and municipalities which could not postpone their antipollution efforts were obliged to prefinance the Federal share.

In the debate on the appropriation for this year in the House on Wednesday, October 8, no question was raised over the policy of Federal responsibility in attacking water pollution. No question was raised of need. In fact the issue was whether administration requests should be increased three times or almost five times.

The debate on the appropriation bill makes it clear Congress is committed to an antipollution effort. Over and over during the debate, however, it was stated that more than $600 million could not be spent this fiscal year. This was not because no States were undertaking an ambitious program against pollution; the committee report clearly indicates the contrary. The sole reason is the fact that the formula contained in the 1966 act fails to match the efforts of the larger industrial States with the greatest pollution problems, while many States cannot use what the formula makes available to them which is returned in the form of a carryover. Congress should move quickly to change this formula so that the States with the greatest need will receive adequate funding.

Not even a billion dollar appropriation would make up the deficits incurred by several States in reliance on the basic statute. New York State alone has incurred $150 million of State prefinancing and $158 million of local prefinancing for a total of $308 million. The rules with respect to the carryover provisions should be changed. The Secretary of the Interior should be authorized to reallocate carryover funds to States and municipalities which have prefinanced the Federal share of sewage treatment plants.

NATO RICE WITH VIETCONG

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. RARICK. Mr. Speaker, today's announcement that our soldiers in Vietnam found NATO rice in a Communist food cache is profoundly disturbing.

The American people are disgusted at products and food given in foreign aid ending up sustaining the Communist enemy.

I not only hope that the proper authorities stop this food diversion but that the American people be advised who the culprits are.

Mr. Speaker, I insert an AP release at this point:

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Stray NATO Rice

Saigon, October 7.—An enemy rice cache found by the U.S. 25th Infantry Division included one 10-pound bag marked as the property of the North Atlantic Treaty Organization. American officers are wondering how it got from Western Europe to the Vietnam war zone.

CONGRATULATES ELKS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. CHAPPELL. Mr. Speaker, in a day when criticism is rampant about the patriotism of many organizations, it is most refreshing to see an organization actively and openly expressing its patriotism. Such an organization is the Benevolent and Protective Order of Elks of the United States of America, which has adopted a resolution in which they call for a return of law and order in our land.

The Clermont-Groveland Lodge No. 1848 has seen fit to forward me a copy of this resolution which I am attaching to this statement. In their firm belief that our country's citizens must speak out for discipline and loyalty to our form of government, these men are urging our support of the principles and ideas in their resolution.

I support this resolution, Mr. Speaker, and I urge every Member of Congress to read it, to listen to the voices of these concerned citizens and uphold their principles which they advocate.

I congratulate the Elks Club of Clermont-Groveland. I am pleased to be a member of the great Order of the Elks.

The resolution follows:

Benevolent and Protective Order of Elks of the United States of America, 1969

Whereas, the members of the Benevolent and Protective Order of Elks, numbering a million and a half American gentlemen who believe in God and revere our country's flag and realize the necessity to preserve the Constitution of the United States of America and the Bill of Rights, which have served to establish the finest system of government in the world, and

Whereas, we deplore the presence of crime in our streets, violence and disorder on our campuses, and lack of respect by a minority of our people for our Country's flag and the rights of others, and

Whereas, we abhor the anarchy and chaos in our schools and communities with a continuance of riots, demonstrations, and disorders which bring about malicious destruction of property and danger to the personal safety of our people, and

Whereas, we and all other loyal Americans, having displayed much patience and forebearance, are angered, dismayed and disgusted with the illegal acts of radicals, extremists, trained agitators and militants, and

Whereas, we desire to express our concern for the future of our society and particularly our youth, the majority of whom are decent and law-abiding.

Be it hereby resolved, that we stand for discipline of those who defy our laws, with the knowledge that public order is essential to achieve a solution to our domestic problems;

That we call for the full support of our membership for our law enforcement agencies and courts, and full cooperation in the enforcement of their duties in the prosecution of those who have caused, instigated or aided violations of our laws and disorder in our schools and communities;

That we favor intelligent dissent, properly used and presented, but not as an excuse for violence or destruction;

That we demand the arrest and prosecution of those dissidents, radicals and militants who engage in criminal acts of riot, disorder and rebellion against the laws of our Country;

That we demand the expulsion from school of those participating in violent demonstrations, riots or the disruption of classes and the operation of schools, colleges or universities, public or private, whether on or near the school premises, and we demand the revocation of scholarships, grants or other monetary aids of a public nature extended to those participating in such acts.

Be it further resolved, that this resolution be distributed to all Lodges of our Order where it is to be read on the floor of the Lodge at an appropriate session, posted in a prominent place in the Lodge quarters, reproduced in the Lodge bulletin and given publicity through the local news media so that not only the members of our Order but also all the citizens of our Country will know that the Benevolent and Protective Order of Elks of the United States of America respects the laws of our land and supports those charged with their enforcement.

Adopted by the Grand Lodge of the Benevolent and Protective Order of Elks in Convention assembled in Dallas, Texas on July 14, 1969.

Edward W. McCabe,
Grand Exalted Ruler.
Franklin J. Fitzpatrick,
Grand Secretary.

JORDAN HONORS OKLAHOMAN FOR OUTSTANDING SERVICE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. EDMONDSON. Mr. Speaker, I was pleased to read in a recent article appearing in the AID "Front Lines" report, that Mr. Elbert Bowen, area adviser for the Agency, has been awarded the Jordanian Star Medal, third class, by the Jordanian Minister of Agriculture.

The Jordanian Government presented the Star Medal for Mr. Bowen's outstanding contributions in adaptation of the "summer fallow" method of wheat production for lands such as those in Jordan where there is only minimum rainfall and no satisfactory system of irrigation. In addition to his contributions in wheat production, Mr. Bowen also submitted new methods to increase national vegetable crops and improve systems of farm economic research. Since completing his work in Jordan, Mr. Bowen and his wife have moved to Recife, Brazil, where he is currently serving as area agricultural officer.

Mr. Bowen is to be commended for his very valuable contribution not only to AID and the Jordanian nation, but also for exemplifying the very best traditions of the United States in peaceful cooperation and assistance to its neighbors around the world.

Mr. Bowen is the son-in-law of very close family friends in Pawhuska, Okla. And has many friends in Nowata, Okla I know many of his fellow Oklahomans share my pleasure in seeing this well-deserved recognition come to an outstanding public servant.

COLUMBUS DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. BIAGGI. Mr. Speaker, on this occasion honoring the birthday of Christopher Columbus, over 500 years ago, we recall once again the heroism and the insight of this most remarkable man.

We do so under new circumstances, however, for now, at last, after many years of consideration and public pressure, Congress has designated Columbus Day a Federal holiday, as of the year 1971. All America hails this decision.

There were many heroes in history prior to Columbus. There have been many since. Undoubtedly, there will be many more. Yet few if any can be said to have dared the same kind of odds as he. John Charles Frémont, the "Pathfinder" of the American West, had the advice of Indian guides to serve him on his journeys. Charles Lindbergh, although traveling alone without guidance, in his famed trans-Atlantic flight, was at least familiar with the location of the continents. The current-day astronauts, engaging the awesomeness of outer space, have all the assistance of modern technology and brilliant scientific minds. Not so, however, in the case of Columbus. If ever a man departed into the complete unknown, it was he.

Through his discovery, Columbus opened another world to the lovers of freedom—a new world in which they could unite in the construction of a new and beautiful land, the United States of America.

Here they were to build a country in which every new-born babe would have the unheard of luxury of economic opportunity, together with the inherent rights and privileges endowed upon all men by their Creator.

No sooner was our country in existence than certain Americans began thinking in terms of honoring Columbus, as the father of the new world. That is to say, back as early as the 1790's, when Washington was President and the country was fairly swarming with distinguished persons, such as Franklin, Jefferson, Hamilton, Patrick Henry, and all the rest, even in the midst of all that glory, the people turned back in their thoughts to Columbus, whom they singled out for special commendation.

Although he died believing he had merely found another passage to the East Indies, and never dreamed he had discovered a new world, to him, nevertheless, the entire credit for this stupendous achievement belongs.

The poet Santayana has written:

Columbus found a world, and had no chart,
Save one that faith deciphered in the skies;
To trust the soul's invincible surmise
Was all his science and his only art.

In the same spirit, we must, as Americans, maintain the courage of Columbus. We must, as Americans, discover the great secrets of mankind, in order to solve the problems of our universal destinies.

NEW PAMPHLET ON WOMEN'S RIGHTS AVAILABLE FROM EEOC

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, when one considers the Equal Employment Opportunity Commission, one nearly always thinks in terms of racial equality, and I suppose this is quite logical. However, we should not forget that there is, on the horizon, a certain, sometimes down-trodden group of individuals whose employment opportunities are frequently limited due to factors other than legitimate concerns, such as ability, education, skill, and so forth. I refer, of course, to women. While it is difficult to deny that "you've come a long way, baby," it is also true that we still have a good deal of ground to cover as far as full employment rights for women are concerned. Thus, I am pleased to bring to the attention of my colleagues and the public the recent publication by the Equal Employment Opportunity Commission of its pamphlet on discrimination on the basis of sex. It is titled "Towards Job Equality for Women" and is available on request from the EEOC, 1800 G Street NW., Washington, D.C. 20506.

Summarized in the report are the employment rights of women, as well as the provisions of the 1964 Civil Rights Act which are concerned with discrimination based on sex on the part of employers, unions, and employment agencies.

Since publication, I should add, the commission's guidelines have been amended to insure that State regulations dealing with the occupations women may hold, the hours they may work, and weights they may lift do not constitute justification for limiting women's work opportunities. The enactment of the amendment was the result of the decision of the commission under its prior guideline.

HON. JOSEPH Y. RESNICK

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ALBERT. Mr. Speaker, it was with a deep feeling of shock and regret that I learned of the death of our former colleague from New York, the Honorable Joseph Y. Resnick.

In the 4 years that Joe Resnick served in this House I came to know him well. On occasion we disagreed but never was there any doubt of Joe Resnick's deep commitment to the causes in which he believed and to the high ideals of this House.

All of us who knew him will miss him. The history of this House is richer because he served here and our lives are richer because we knew him. We are all deeply saddened that his outstanding career in business and in public service has been cut off in his prime.

Mrs. Albert joins me in extending deepest sympathy to his wife and family.

A TRIBUTE TO CASIMIR PULASKI

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. RODINO. Mr. Speaker, this forthcoming October 11 will be the day when we have the privilege of paying tribute to the great Polish soldier and hero of the American Revolution, Casimir Pulaski, a fiery, exuberant champion of liberty. The American cause of 1776 attracted many talented supporters from many foreign lands, but none could be said to excel Pulaski in fighting spirit, military ability, or democratic purpose.

As a citizen of Poland, Pulaski had grown to manhood under harsh political circumstances. Surrounded by large and powerful neighbor countries, Poland was constantly under assault, generally dominated by foreign rulers, and often involved in revolt. In 1768 the Polish Government under King Stanislaus II was the tool of Russia, and Polish patriots took up the revolutionary cause, seeking independence. Initially successful, with the powerful military assistance of Pulaski, they established the Confederation of Bar. In time, however, they were overcome, and Pulaski, in company with many others, was driven into exile. His journeys taking him to France, in 1775, he there was advised of developments in America. At that point, of course, the American patriot forces, were preparing to resist British domination, and Pulaski saw in this a full-scale duplication of Poland's struggles against the wiles and machinations of her neighbors. Won to the American cause, instantly and without hesitation, Pulaski contacted Benjamin Franklin, who in turn referred him to George Washington.

Pulaski arrived at Boston during the summer of 1777 and soon was involved in some of the most important fighting of the Revolution. Serving as a volunteer under Washington he participated with distinction that September in the battle of Brandywine. The following month he served again at Germantown. An expert on cavalry operations, he was at first unable to exploit this capability for want of an effective American cavalry force. Such a force was raised, however, in the winter of 1777 and Pulaski became its commander. Almost at once the cavalry saw service at Trenton, where it performed with distinction. At Flemington, N.J., in conjunction with the famed "Mad Anthony" Wayne, the cavalry engaged in a major foraging expedition, to feed the troops encamped at Valley Forge.

At the insistence of Washington, Congress granted Pulaski permission to organize an independent cavalry corps in 1778. The following year he was ordered with his corps to South Carolina, with the object of bringing his talents to bear in behalf of forces under General Lincoln. On October 9, 1779, with victory in sight, the American cavalry charged the British lines in dramatic assault. Pulaski was there, of course, at the front—urging forward his fine, fierce horsemen. calling upon them to overrun the foe, to drive them from their works. In the midst of the fray, he fell, seriously wounded. Removed at once to an American ship, anchored off the Carolina coast, he was examined by doctors, who, however, were unable to save his life.

So it was for this great American hero—who never even lived to see his adopted country under peaceful conditions. To Pulaski, who had known Poland as a land of turmoil and violence, the American colonies appeared in the same light. And yet, the storm and the fury was all but a stage in the life of America—a stage that was to be followed by peace, prosperity, and great achievement. Pulaski, who sensed this for both America and for his native Poland, is honored by all that has occurred in this land since his death. Moreover, the time is sure to come when the same will be the case so far as Poland is concerned, when, finally, Pulaski's dream comes true, and Poland, too, shall take her place among the free nations of the world.

THE PUBLIC BURDEN

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. BURKE of Florida. Mr. Speaker, today I am introducing legislation which further involves our Federal tax system, in finding solutions to ease the public's burden. It is my hope that this proposal will strongly suggest that our two congressional tax committees utilize the tax system rather than turning over administration of health care delivery to the Federal bureaucracy as some are suggesting today.

Under our present system, taxpayers may deduct as medical expenses those expenses in excess of 3 percent of their adjusted gross income. In addition, they may take a special deduction for a percentage of health insurance premiums. A taxpayer who furnishes medical support for a parent 65 or over is also governed by the 3- and 1-percent rules.

Prior to the enactment of Public Law 89–97—medicare—taxpayers 65 and over could deduct their medical expenses, without regard to the 3- and 1-percent rules, and taxpayers furnishing medical support for a dependent parent age 65 or over were not limited to the 3- and 1-percent rules as far as such expenses were concerned.

This bill would remove the 3- and 1-percent limitations and would permit any taxpayer to deduct the full amount of medical expenses and drug expenses paid for the medical care of the taxpayer, his spouse, and dependents.

In addition, it would further provide that the taxpayer could claim such de-

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ductions for a person age 65 or over who would otherwise be a dependent except that for this purpose the taxpayer would not have to furnish one-half the support of the elderly person.

END ELECTORAL COLLEGE

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. BOGGS. Mr. Speaker, 3 weeks ago, the House made history by approving and sending to the Senate House Joint Resolution 681, which provides for the direct election of the President of the United States. It may prove to be one of the most important pieces of legislation passed by this or any other Congress, for it may lead to the greatest alteration in our electoral system in our history. Many of us hope so, because it is vitally important that the Senate pass this measure and that it be ratified by the various States.

The reasons why it is important that electoral reform be swiftly carried out are admirably set forth in a recent editorial in the New Orleans States Item. Though this subject has been a topic of constant commentary and discussion, I believe this editorial offers fresh insights, and I am happy to call it to the attention of my colleagues:

END ELECTORAL COLLEGE

The unresponsive Electoral College method of selecting a president should be abolished in favor of a direct vote of the people, this newspaper believes.

In our estimation, the reform is long overdue and, in fact, almost comes too late.

Only by the barest margin was the 1968 presidential election decided by the people, through the Electoral College, and not by a House of Representatives subject to pressures from third-party candidate George W. Wallace.

There are a number of logical reasons for a direct vote in a presidential race.

Most important, perhaps, direct selection of a president will make the vote of the individual much more meaningful at a time when he feels the frustration of anonymity against a backdrop of increasing political complexity.

More specifically, every vote will count. It will not, as is now the case, be lost at the state level under a winner-take-all system. Thus, a Republican in a hard-rock Democratic industrial state in the Northeast is assured that his vote will count. The same applies for the lonely Democrat in a hidebound Midwestern state dedicated to Republicanism.

The change will force presidential candidates to beam their appeal to the entire nation, not just to a strategically selected group of states computer-calculated to produce an Electoral College victory. It will be extremely difficult for a candidate to "write off" a section of the country or to concentrate on the big-city vote at the expense of all else.

Abolishing the Electoral College will rule out the possibility that a third-party candidate would ever find himself in a position to throw the selection of a president into the House of Representatives.

As was pointed out in an earlier editorial, the power to pick a president in 1968 could conceivably have shifted from the 72 million Americans who went to the polls to the shoulders of one third-party candidate. Such a dangerous set of circumstances should not be allowed to materialize again.

A direct vote will assure that a man who receives the largest popular vote will go to the White House. It is a fact that in three presidential elections, the man who ultimately was sworn in as president actually received fewer votes than his opponent. But he captured more Electoral College votes.

The reform would rule out the possibility that an elector, supposedly with a mandate from his state, would decide to vote his personal convictions instead. This too has been done.

The critics see pitfalls in making the historic change. We believe the opportunity to make the choice of a president far more responsive to the voice of the people outweighs the dangers envisioned.

The Senate should follow the recommendations of President Richard M. Nixon and the lead of the House of Representatives in approving a constitutional amendment to allow for direct elections. We would then hope that the necessary 38 states would ratify the 26th Amendment.

DECLARATION OF HIS MAJESTY THE KING OF THE BULGARIANS

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. GROVER. Mr. Speaker, several years ago, the young King in exile of Bulgaria, visited the United States. During that time, I had the pleasure of meeting His Excellency and was most impressed with his zeal and dedication to the welfare of his people. Recently, he has issued a declaration regarding the situation in his country today, 25 years after the Communists' coup d'etat. I believe it is a most telling statement explaining what happens to a people when they lose their freedom. I believe my congressional colleagues, indeed, all Americans, should read this revealing statement. For this reason, I am pleased to include this review in the RECORD:

DECLARATION OF HIS MAJESTY THE KING OF THE BULGARIANS

The Communist regime in Bulgaria is preparing to celebrate the 25th anniversary of its seizure of power. A quarter of a century of political assassination, persecution, intellectual and religious oppression will be praised as the dawning of a new Utopia.

The present leaders of Bulgaria try to spread the myth that on September 9, 1944, there had been a "popular revolution". The historic truth is that during My minority whilst the country was governed by a Regency Council and Parliament, the Communists, with the help of the same foreign army which now occupies Czechoslovakia, staged a military coup d'etat. Bulgaria, until 1944, was making overall progress and was about to emerge undamaged from the Second World War, in which it did not take a direct part. Indeed, until Soviet troops invaded Bulgaria, diplomatic relations between Sofia and Moscow had remained unbroken.

Then as now, the Communists were a tiny minority—barely 8 per cent—without the political standing or popular support to gain power by legal means. When it was free, our country, which many of us remember, was a State where the law was respected, and neither class distinction nor racial discrimination existed with no demand for a change in the political system. The coup directed from abroad by George Dimitroff (whom My Father had pardoned a few years earlier), was certainly not brought about by a call for reform. If the totalitarian regime in Sofia dares to dispute this, let it hold truly free elections.

Twenty-five years after the coup d'etat the Bulgarian people, cruelly exploited by arbitrary economic measures, continue to be deprived of their basic human rights and freedoms. We believe that in a liberated Bulgaria, property, and above all the farmers' land, should be returned to its legal owners, or where, because of modern agricultural needs and methods, this proves difficult, fair compensation should be paid. This does not mean a turning back of the clock, but the laying down of sound economic foundations for the future.

The reactionary Sofia regime has done away with the Constitution of Tirnovo and all its guarantees. The country's energy is squandered, its labour and wealth wasted on the imperialistic goals of international Communism. Inspiration is poisoned, artists and writers are forced to follow cramping political directives. The truth is distorted and only fear, through the countless abuses and privations, holds back the people's resentment. Born in deceit, nurtured in lies, the Communist regime will celebrate, on September 9 amidst irrealities and more lies, nothing but its utter failure.

Is it possible to ask the Bulgarian people to celebrate this anniversary, which recalls its thousands of victims, its prisons, its concentration camps, the so-called people's courts, poverty and the suppression of civil rights and liberties?

The little that has been accomplished in 25 years—insignificant compared to the progress in economically independent countries—is not due to the regime's efforts, but to the people's toil. Even if the Communist party were to fulfill their vain promises to raise the standard of living, this could never satisfy the Bulgarians, because nothing can compensate for their loss of freedom.

Our people are tough and will survive. They possess great qualities and our beautiful homeland has the resources to rise again and take its place in a strong and united Europe. This is why We encourage Western tourists to visit Bulgaria, to see that the country deserves better, to sense, despite continuing oppression, its increasingly evident desire for freedom. The example of our neighbours' independent policies heartens us, but so long as an outdated ideology with nineteenth century tinges guides Bulgaria's retrogressive leaders—at a time when man has conquered the moon—that is no hope of change, for the evils of servility, disregard of professional opinions of experts and economic exploitation for the benefit of a foreign power will continue to plague our country.

Nevertheless, the desire for revenge and feeling of hatred must be overcome to achieve true national reconciliation and unity. With the support of all the Bulgarian people—for right is on our side—we shall create together a just and modern government. We Bulgarians look confidently to the future convinced that freedom, justice and welfare will finally triumph in our land.

This is the ultimate goal in the life of He who is still King of the Bulgarians and whose thoughts are constantly turned towards Bulgaria.

HON. JOSEPH Y. RESNICK

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. EDWARDS of California. Mr. Speaker, it is with great sadness that I

read Tuesday of the death of former Congressman Joseph Y. Resnick. Congressman Resnick and I were neighbors in the Cannon House Office Building during my second term in Congress. He was a friend, a help, and a valuable addition to this House.

In addition Congressman Resnick was a courageous and intelligent legislator. All of us remember the valuable service he performed in his investigation of the Arnheiter case and his determined stand in defense of American farmers.

In addition Congressman Resnick supported the best interests of the Nation in his drive for civil rights and his advocacy of a congressional code of ethics.

Congressman Resnick had been vastly successful as a businessman prior to winning election to Congress from Ellenville, N.Y. He and his brothers, Harry and Louis, built the Channel Master Corp. from a $7,000 firm to a corporation with 1,100 employees and sales of $45 million. It is to Congressman Resnick's credit that the fact of having made money was to him but an opportunity to further serve his fellow man. And when he left Congress, he did not cease his efforts to improve the lot of all mankind.

We will miss Congressman Resnick and I personally want to offer my condolences to his wife, Mrs. Ruth Lehrer Resnick and their three sons and a daughter. All of our lives were enriched by Congressman Resnick, and we will be diminished by his loss.

A TRIBUTE TO THE LATE WENDELL L. WILLKIE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. BRADEMAS. Mr. Speaker, October 8 marked the 25th anniversary of the death of an extraordinary figure in modern American life, Wendell L. Willkie.

As a native of Indiana, the State of Wendell Willkie's birth, I have always naturally been interested in Mr. Willkie and his contributions to our country.

Moreover, I remember as a boy walking with some relatives of mine in Elwood, Ind., Mr. Willkie's hometown, who had known him as a young man.

I remember, too, in the presidential campaign of 1940, Mr. Willkie's visit as the Republican presidential nominee to my hometown of South Bend, Ind., and from my front porch watching his drive down Michigan Avenue, the main street in the city.

Although a Democrat and a strong supporter of President Roosevelt, I was nonetheless moved even then to respect Wendell Willkie for his deep sense of responsibility to the Nation which overrode his sense of loyalty to his party.

Wendell Willkie made great contributions—and, Mr. Speaker, I do not make this observation invidiously—toward bringing the Republican Party into the 20th century, and if, as some of us Democrats may at times think, our Republican friends still have a distance to go, we can all as Americans be grateful to Wendell Willkie for what he contributed not only to his party, but to the Nation and the world.

PEACE IS ATTAINABLE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. BURTON of California. Mr. Speaker, Miss Theresa Ann Callahan wrote as a student at Marymount High School in Palos Verdes, Calif., a paper entitled: Peace is Attainable.

A copy of this paper was recently sent to me and after reading it, I should like to share it with my colleagues.

I would note that Miss Callahan is now 20 years old and a junior majoring in languages at UCLA. She is the daughter of Mr. M. R. Callahan, international vice president, Hotel and Restaurant Employees and Bartenders International Union.

I was struck by her thoughtful concern for peace, a concern which millions of our citizens share.

The item follows:

PEACE IS ATTAINABLE

Today's world is not a peaceful one. Rivalries and conflicts erupt into violence with alarming regularity. The emergence of a new leader in any unstable nation, for example, is overshadowed by the dire threat of a retaliatory coup; nations are aligned in opposing camps; and, as guerrilla warfare is waged in the jungles of Southeast Asia, nuclear war is literally at our fingertips. Yet today, as perhaps never before, men are seeking to establish universal peace. Plans for peace, although characterized by extreme idealism, are nevertheless significant representations of the spirit of our times. The practical problem, of course, is to determine a *workable* plan for peace. In this respect, our generation has the advantage of being able to draw from the resources of some of the greatest thinkers of all time, for a concern that peace be established is in no way peculiar to our age. Among those individuals and groups whose contributions toward world peace should be acknowledged are Immanuel Kant, Pope John XXIII, and the Society of Friends.

Any discussion of world peace demands that several important considerations be kept in mind. First of all, the Society of Friends recommends that a capacity for flexibility be supported. Structures and policies for the maintenance peace may become outmoded, and therefore must be subject to revision. An outstanding example of this flexibility occurred when the League of Nations was replaced by the United Nations. Likewise, theories such as balance of power, counterforce, and deterrence through arms buildup—although relevant to one age—may be discarded in another.

Secondly, the importance of international cooperation cannot be underestimated. In 1795, German philosopher Immanuel Kant declared such cooperation is not merely advisable, but essential: "Reason without exception condemns war . . . and makes a state of peace an absolute duty; and since this peace cannot be effected or be guaranteed without a compact among nations, they must form an alliance of a peculiar kind, which might be called a pacific alliance (*foedus pacificum*)." Kant's world federation of states had as its aim the avoidance of war; today's United Nations has a wider and more positive role. In addition to its essential purpose of consolidating peace, the United Nations also carries out important international duties in the economic, social, cultural, educational, and health fields.

The question of whether or not the member nations of an international league must subordinate their jurisdiction to a higher authority is a complex one. Every significant peace plan based on the establishment of such an organization provides that each member nation will retain its sovereignty. In reference to his proposed alliance of republican states, Kant insisted that "this alliance does not tend to any dominion over a state, but solely to the certain maintenance of the liberty of each particular state, partaking of this association, without therefore being obliged to submit, like men in a state of nature, to the legal constraint of public force." Pope John XXIII also emphasized the limitations of supranational organizations, stating, "The world-wide public authority is not intended to limit the sphere of action of the public authority of the individual state, much less to take its place." However, the very nature of cooperation dictates that some authority must be delegated; the guiding principle is that of subsidiarity. Pope John XXIII outlined this principle when he asserted: "The world-wide public authority must tackle and solve problems of an economic, social, political or cultural character which are posed by the universal common good. For, because of the vastness, complexity, and urgency of these problems, the public authorities of the individual states are not in a position to tackle them with any hope of a positive solution."

The most important consideration in determining a plan for universal peace is the basis upon which the peace will be constructed. In his encyclical *Pacem in Terris*, Pope John XXIII called for a peace "founded on truth, built according to justice, vivified and integrated by charity, and put into practice in freedom." According to truth, states have been endowed with an *equal* natural dignity; intense nationalism, often cited as the greatest stumbling-block to the establishment of world peace, must be eliminated. Furthermore, justice requires that nations forget their differences and recognize instead the solidarity which unites them. The Society of Friends advocates this solidarity by their proposal that the essential unity of nations should be promoted by regarding the world as a unit. Charity should be demonstrated by unselfish and productive collaboration, that socio-economic inequalities may be resolved. Above all, relations among nations must be conducted in freedom.

Respect is another essential condition for world peace. Based on equality, this respect must be extended to every human being—despite the ideology to which he is committed. Universal and inviolable respect is the foundation of the brotherhood of man.

Finally, a true peace is a lasting one. Kant maintained that "no treaty of peace shall be esteemed valid, on which is tacitly reserved matter for future war." His qualification is valid, for peace is no mere suspension of hostilities; today the term properly describes a lasting condition of harmony among nations. In order to achieve this state, men must abandon the negative attitude that war is inevitable.

If the norms outlined above are fulfilled, a plan for peace can be formulated. According to this plan, a union of nations with universal membership would be established. Theoretically, this organization should be a world community, a family of nations not completely unlike the United Nations. Nationalism would be replaced by internationalism; each member nation, however, would be recognized as an equal, sovereign nation. Although critics might point out that aggressive competition culminating in warfare seems to arise from the very existence

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of a structure composed of independent and sovereign states, the problem is not to eliminate competition, but to prevent the resolution of the conflict by warfare. The adoption of a meaningful plan for total disarmament would solve this problem. Moreover, the alignment of nations into opposing camps would be abolished since, ideally, every nation would be concerned with the common good. All member nations would have an equal voice in the deliberations of the community; there would be no powerful nations endowed with a crippling veto power. The organization would be less of an alliance for defensive action, and more of a structure having as its goal the establishment and security of peace through international understanding, appreciation and cooperation. As Burton suggests, the community of nations would provide "a forum from which there can be a promotion of ideas and theories, the spread of knowledge regarding the basic principles of international peaceful conditions, and the advocacy of suitable national policies."

Incorporating the proposals of the Society of Friends, it should be characterized by the willingness of its member nations to unite in areas of mutual concern—language, population, scientific and technical information. Because peace is more than the absence of war, those conditions conducive to peace (social and economic stability, education, culture, and political rights) would be established on a world-wide basis. Peace as the active inter-relation among states further demands that communication and mutual assistance among nations be an indispensable part of any peace program. The nations of the world would, in the words of Albert Palmer, "wage peace with the same unified heroic determination, knowledge of resources and clarification of objectives, the same clear-headed planning that a good general uses in waging war."

The success of this plan, of course, depends upon the adoption of the fundamental qualifications previously stated: the peace must be based on truth, justice, charity, freedom, respect, and a conviction that the peace is a lasting one. If these requirements are fulfilled, peace will be not only attainable; it will be inevitable.

THE LATE HONORABLE JOSEPH Y. RESNICK

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ADDABBO. Mr. Speaker, the news of the sudden and untimely passing of our former colleague, Joseph Y. Resnick, came as a shock to us.

Joe did not return to the 91st Congress and he was missed, but now we have lost a friend as well as a colleague. The image which Joe Resnick achieved in his two terms in the House was merely a reflection of his life. Joe was a fighter, afraid of no man and of no idea. He was dedicated to the people of the 28th Congressional District which he represented and he was deeply concerned with national issues.

His experience as a businessman of great success was a great asset for Joe Resnick as a Member of Congress. He possessed sound judgment and he knew the plight of those less fortunate. He battled on behalf of the small farmer, the small businessman, and the members of oppressed minorities. He wanted to help the disadvantaged and he devoted his energies to the civil rights movement.

The history of American politics will record the colorful and exciting events which marked Joe Resnick's career and those of us who were privileged to know Joe and to work with him will not forget his warm and outgoing personality.

As a friend Joe was loyal and without fault. This is the greatest loss of all for those of us who knew Joe as our friend.

My sincere condolences to his lovely wife and family.

PULASKI DAY

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. CUNNINGHAM. Mr. Speaker, this week we observe the 190th anniversary of the death of a gallant fighter for freedom, Gen. Casimir Pulaski, the great Polish-American hero of the Revolutionary War period. He died on the field of battle during the siege of Savannah on October 11, 1779.

In appreciation of his services to the cause of American freedom and independence it has become customary to pay a well-deserved tribute to the memory of this gallant soldier who left his native Poland and came to the American Colonies to join in their struggle for a righteous cause. Pulaski participated in the battles of Germantown and Trenton, and also was with the main army at Valley Forge in the winter of 1777–78. He was only 31 years of age when he lost his life at Savannah.

Freedom-loving Americans observe each year the anniversary day of the death of this brave patriot. We have named that day Pulaski Day and observe it in many parts of our country with appropriate ceremonies, as we acknowledge the debt we owe to him as one of the great fighters for the cause of American democracy.

Americans of Polish descent are justifiably proud of General Pulaski's role during our Revolutionary War period. He hated tyranny and fought against it, first in his native Poland which sought to free itself from the domination of Russia, and later with the American Colonies. To him, it was a struggle for mankind's freedom from tyranny and he gave his life for that struggle.

Mr. Speaker, when we honor the memory of General Pulaski, we also honor all Americans of Polish descent who helped in the development of America as a great nation and fought in its wars for its freedom and security. They have contributed of their talents and their energy toward our cultural and religious life, our political institutions, and our economic growth. I salute them and voice my fervent hope that General Pulaski's ancestral home, Poland, will soon be liberated and its people will once again live in freedom.

SGT. CARL JOHNSON

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. RUPPE. Mr. Speaker, recently I heard a radio commentary on the dilemma our Nation faces in Vietnam. One assertion made was that the American fighting man lacks the will, or perhaps the dedication, of soldiers in previous conflicts. In my opinion, such an assertion is categorically wrong. I have served during periods of conflict and I have been to Vietnam as a Congressman. In my opinion the fighting man of today is equal in every measure to the fighting men of World War I, World War II, and Korea.

Daily, in Vietnam, young men are risking their lives. They do this, not because they agree with every aspect of our policy, but because they have a strong sense of duty. Often our men not only do what is expected of any good soldier, but engage in selfless acts of genuine heroism.

One such hero is Sgt. Carl Johnson of Wakefield, Mich. Sergeant Johnson, like most American soldiers, did not enjoy the fighting. In the lines of his last letter, which he never finished, Sergeant Johnson wrote:

> Something I never wanted to do in my life is kill. Each and every guy over here is lonesome and does a lot of crying. We all are scared thinking how close we are to death and never knowing which one is going to be next. Like me, now, I do a lot of praying as I heard say prayers will help sometimes.

Like most of our boys, Sergeant Johnson was determined to make it home. In his last letter he also wrote:

> I know I've got to make it back home, because I haven't got much longer to go and they will be waiting.

But Sergeant Johnson did not make it home. On the night of June 22, 1968, while serving as a radar team leader of a radio tower in a combat area, an enemy rocket passed close to his position. Sergeant Johnson ordered his senior radar operator to take cover and began to estimate the enemy location. As a second rocket passed just below his platform, it became clear that the enemy was attempting to knock out the tower. Sgt. Carl Johnson, a man with a will to live and a short time left in Vietnam, did not break and run for cover. He continued to disregard his own safety in order to relay information to the tactical operations center. As the third rocket exploded in the upper portion of the tower, Sergeant Johnson was mortally wounded.

A close friend of Carl Johnson's wrote:

> Sure he could have left the tower or laid down on the floor also. Because he didn't, more men are alive now, and there was less injury because of Carl's actions. The enemy position was knocked out.

Carl was posthumously awarded the Bronze Star Medal with a first Oak Leaf Cluster for heroism. But that is not the point. As his mother wrote in a letter to me:

> Medals and scraps of paper are just the mortal objects that will in time wither away into the meaningless form from which they came.

Carl Johnson, in his devotion to duty and the safety of his fellow men, demonstrates the high caliber of America's fighting man. While our policies may go astray and our Nation may be divided, there can be no doubt that the heart of America's strength and security is in its Carl Johnsons, is in its men.

ELECTORAL COLLEGE REFORM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. RYAN. Mr. Speaker, House Joint Resolution 681, to provide for the direct election of the President and Vice President through a constitutional amendment was overwhelmingly approved by the House on September 18 by a vote of 339 to 70. I hope that the Senate will soon act, and also approve direct election. Now that President Nixon has expressed his support of the concept, other support for electoral reform should follow.

The New York Times has conducted a survey of sentiment in the 50 State legislatures, of which three-fourths must approve of the proposed constitutional amendment. The results of that survey should dispose of the argument often used against direct election to the effect that it could not be ratified by 38 States. According to the survey, 30 State legislatures already seem likely to approve the direct election plan.

I urge my colleagues to read the following article by Warren Weaver, Jr., which was published in the New York Times on October 8. It is an insightful article which certainly should convince the skeptics that public sentiment favors direct elections.

The article follows:

A SURVEY FINDS 30 LEGISLATURES FAVOR DIRECT VOTE FOR PRESIDENT

(By Warren Weaver, Jr.)

WASHINGTON, October 7.—What had seemed the most serious obstacle to replacing the Electoral College with a popular-vote choice of the President—ratification of the reform plan by 38 state legislatures—may not be so serious after all.

There are already 30 legislatures that appear, according to their leaders, either certain or likely to approve a constitutional amendment embodying the direct election plan if it passes its final Congressional test in the Senate.

In six other states, the picture has not crystallized enough for a reading, one way or the other. Six legislatures are leaning toward opposition to the direct plan and eight appear solidly opposed.

These are the results of a check of political sentiment in the 50 state capitals by The New York Times. The results reflect the current judgment of more than 200 legislative leaders of both parties and most of the Governors.

The survey was conducted to test the validity of the argument that the direct election amendment should not be approved by Congress because there is so much opposition at the state level that it could never be ratified. President Nixon took this position last February but reversed himself last week.

If the legislative leaders' predictions are correct and if backers of direct election are able to win over the legislatures where opinion has not now gelled, then the backers would have to turn around only two more states to obtain the necessary three-quarters or 38 of the 50.

Congressional sponsors of the direct plan, anticipating Senate approval, have already begun planning a state-by-state campaign for ratification, with the assistance of such organizations as the American Bar Association, the United States Chamber of Commerce and the American Federation of Labor and Congress of Industrial Organizations.

Opposition to the direct election system appears strongest in the South, the Middle West and the Mountain States. In both the first two areas, however, about half the states either favor the direct plan or are neutral.

Under the present system, a Presidential candidate who carries a state gets all its electoral votes, however narrow his victory. The candidate with a majority of the electoral vote wins; if no one has a majority, the decision is made by members of the House of Representatives on a one-state, one-vote basis.

Under the direct plan as approved by the House, the candidate with the largest popular vote wins, no matter which states he carries or loses, as long as he gets at least 40 percent of the vote. If he falls short of 40 per cent, he goes into a runoff with his closest competitor.

Of the 50 Governors, 19 favor the direct plan and 8 oppose it, with the remaining 23 either undecided or not prepared to take a public position. The Governors have no official role in the ratification process, but their political influence may be important in some states

THE MOUNTAIN STATES

In the sparsely populated Mountain States, only Wyoming was listed as somewhat favorable. Idaho, Montana and Nevada were regarded as somewhat opposed and Colorado and Utah as strongly opposed.

Critics of direct election say it would reduce the political influence of the smaller states, whose electoral-vote count, though small, is larger than they would be entitled to on a strict population basis. The counter-argument is that their influence is already so small a cut is not really important.

In the south, the Alabama and South Carolina legislatures were reported to be opposed and those in Mississippi and Virginia somewhat opposed. In the Middle West, the strongly opposed states were Kansas, Nebraska, North Dakota and South Dakota.

The survey cast considerable doubt on the likelihood of the direct election amendment's winning ratification in time to become applicable to the 1972 election. The House-passed amendment sets an effective deadline of Jan. 21, 1971, for the final state ratification to make the plan effective in 1972.

Senate sponsors of the direct plan would like to extend this deadline somewhat, to May or June of 1971, to allow more time to line up states. In the light of President Nixon's recent endorsement of the cause, Republican insistence on the early deadline may be relaxed.

Nineteen of the legislatures do not have regular sessions scheduled until January of 1971 or later, although in some cases there may be special sessions during 1970. Trying to obtain ratification in a number of states in the first two weeks of a new session would undoubtedly be difficult.

New York, New Jersey and Connecticut are among the nine states whose legislatures are reported as strongly favorable to the direct plan. Governors Rockefeller of New York and John N. Dempsey of Connecticut are known to favor the direct plan, and both gubernatorial candidates in New Jersey have endorsed it.

The traditionalist argument against direct election was typified by a remark by State Representative Clifford B. Hearn Jr., a Delaware Democrat, who said:

"If the Electoral College system was good enough for John M. Dickinson and George Read, it's good enough for me." He referred to two Delaware signers of the Constitution.

In at least two states, Illinois and Pennsylvania, there was evidence that some Negro legislators would oppose the direct plan. State Representative K. Leroy Irvis, majority leader of the Pennsylvania House, said his opposition was based on "a very purely selfish reason."

"The Negro people are collected in the North and East in urban areas," Mr. Irvis said. "The only way they can have any political clout is through their vote in presidential elections. If by being the balance of power they can swing an election, they have a leverage which popular election removes."

Likewise, the 18 Negroes in the Illinois legislature are likely to vote against the direct election amendment on the ground that it would dilute black political influence in the state.

An illustration of how a small state would lose political power under the direct plan came from the speaker of the unicameral Nebraska Legislature, Jerome Warner, who estimated that his state's national influence would decline from 0.9 per cent now to 0.7 per cent with direct election in force.

Opposition to the direct plan in the Alabama Legislature reflects a well-founded suspicion that some of its features were designed to frustrate any further Presidential ambitions that George C. Wallace may entertain.

Had the version of the plan approved by the House required a majority of the popular vote for a winner, the entry of a third-party candidate like Mr. Wallace could almost insure a runoff in any close election. For this reason, the winning plurality was lowered to 40 per cent.

Reaction to direct election in the South is by no means uniformly hostile, however, four states—Arkansas, Florida, North Carolina and Tennessee—were reported somewhat favorable to the reform, and two that were listed as undecided—Georgia and Louisiana—include some active supporters of the plan.

Ratification will become an issue only if the Senate approves the amendment. It is presently stalled in the Judiciary Committee, awaiting final action on the nomination of Clement F. Haynsworth Jr. to the United States Supreme Court.

Although the Senate vote on the amendment may be close, Senator Birch Bayh, Democrat of Indiana, and other backers of direct election believe the plan will get the necessary two-thirds majority, particularly in the light of President Nixon's personal recommendation that the Senate go along with direct election.

PORNOGRAPHY IN THE MAIL

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, last week the Postmaster General announced that he had used his administrative authority to deny the use of rental boxes to eight dealers who have

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been either arrested or indicted on charges of violating Federal or State pornography statutes. I hail this responsible action on the part of Postmaster General Winton Blount, for the problem of pornographic mailers has been mounting in recent months.

My office has been flooded with letters from constituents who are appalled and harassed by the rising flow of obscene literature through the mails which intrudes into the household and often is sent directly to minor children. In addition to my own bills to curb this smut, legislative proposals have been submitted by over 200 Members of Congress in hopes of discouraging trash mail by penalizing the mailer. In the interim, while the House Committee on Post Office and Civil Service is studying possible corrective measures through hearings begun in August, I commend Postmaster General Blount for his affirmative action to deny recognized dealers in obscene mail the convenience of post office box service. It is to be hoped that continued vigilance on the part of postal officials will serve to discourage smut mailings until remedial legislation is enacted.

THE PADRE'S LOG

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. DEL CLAWSON. Mr. Speaker, the U.S. Naval Air Facility at Cam Ranh Bay issues a publication entitled the "Sandpiper Familygram." The issue for September 1969 was of particular interest because of the discussion of Vietnam in a column "The Padre's Log." It is written by Lt. Samir Jamil Habiby, now a Navy chaplain and formerly the pastor of a church in my congressional district. I commend the positive approach to the subject and the note of optimism Lieutenant Habiby sounds.

The column follows:

THE PADRE'S LOG

DEAR FRIENDS: A great deal has been said about "Vietnam." All too often the type of headlines that capture our attention do not give the full story, and we become confused and misinformed. Sometimes this confusion is actually our own doing. We just don't seem to find enough time to look into issues at great length.

A good friend recently wrote to me to say how much the Familygram meant to her—"it gives a fresh and constructive news of some of the local important developments in Vietnam and human interest stories, which we rarely hear about here at home." This unsolicited comment related to the stories of the Familygram dealing with Vietnam and the phenomenal development of the Vietnamese Naval Training Center at Cam Ranh Bay with which NAF has been intimately involved.

The Familygram is, of course, limited in its scope since it is designed to inform the families and friends of the Naval Air Facility of our experience here at Cam Ranh Bay, a small portion of the overall developments in Vietnam.

Our religious heritage has always stressed the great virtue of honesty. As a Chaplain, who had grown up in the developing countries of the Middle East, I cannot help but express my great admiration for the tremendous steps forward by the people and Government of the Republic of Vietnam, in spite of the very heavy casualties suffered by them at the hands of the enemy.

A similar proportion of casualties, particularly in terms of village leaders and professional men and women, in well-developed nation, would be so crippling that it would take several generations to overcome. Yet here in the short space of a few years the South Vietnamese, with American and Allied help have not only been able to stem the tide of aggression and subversion, but have been able to build firm foundations for an emerging free way of life. Albeit, there is a great deal to be done, and conditions are far from perfect, nevertheless, great progress has been made. This has allowed for the rapid "Vietnamization" of the war in the past few months.

All of this is to say that the long darkness of the tunnel is being replaced by the bright light ahead. The time spent here by those of us stationed in Vietnam has not been in vain nor wasted. Measured in terms of the future, it is my earnest belief the great sacrifices will ultimately bring forth an abundant harvest of peace and stability in Southeast Asia.

I know that these months of separation from loved ones and the anxiety and loneliness this entails causes us to wonder whether it is worth it. The happy smile on a Vietnamese child's face in a refugee resettlement, the visible excitment of Vietnamese boys and girls walking to school, the eager, intelligent and keen mind of a Vietnamese sailor or cadet, and the developing sense of national pride can perhaps bring comfort and strength to all of us during this time of separation. This has been for me a a great source of personal comfort and strength.

THESE IMPROVEMENTS ARE LONG OVERDUE

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. KLEPPE. Mr. Speaker, yesterday I joined with 38 of my colleagues in introducing legislation providing for a 10-percent across-the-board increase in social security benefits.

The bill (H.R. 14329) is identical with that recommended by the President except that the increased benefits would become effective January 1, 1970, rather than April 1. There are also minor technical changes.

The bill provides future automatic cost-of-living increases. This means social security recipients will not have to wait for Congress to act every time living costs go up. Benefits will increase automatically.

The retirement test would be modified to permit the annual exempt amount of earnings to rise from $1,680 to $1,800. The taxable earnings base would be increased from $7,800 to $9,000 in 1972. Changes in contribution schedules would remove the present deficit in the health insurance fund and at the same time reduce total OASDI taxes below the level scheduled under present legislation between the years 1971 and 1976. Increased benefits for widows and widowers are provided. Also recommended is an option for retirement for men at 62, rather than 65. Under present law, women are permitted to take the earlier retirement.

These improvements are long overdue.

THE CHANGING FACE OF THE PEACE CORPS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, to many Americans, the Peace Corps has always been a group of youthful idealists capable of performing minor miracles in the underdeveloped countries of the world. This mud hut and miracle myth has been largely responsible for the unquestioned popularity of the Peace Corps over the past 8 years. It has also been the source of volunteer frustration and disillusionment as the distance between Madison Avenue and Monrovia became apparent.

Fortunately, the Peace Corps has not been a hapless victim of self-deception. To have operated under the myth rather than the reality would have foreclosed the possibility of responsive change. It is just as important that all Americans confront the realities of the Peace Corps and learn that this is a dynamic rather than a static organization; that it is comprised of fallible humans rather than infallible superhumans; that it has made mistakes, suffered growing pains and profited from the experience.

All this is brought home in an article by Ross Baker entitled "The Peace Corps Matures," which appeared in the October 5, Washington Post. Mr. Baker has done a great service to Americans by departing from the traditional Sunday-supplement treatment of the Peace Corps and instead, "telling it like it is." He traces the history of the Peace Corps with a finger of fact rather than a wand of fancy. He tells of the agency's failings and of its changing response to the changing conditions of the third world and our own changing perceptions of third world needs. One of his most telling statements is that the new approach of the Peace Corps "represents an effort to meet the 'felt needs' of the host country rather than the altruistic fancies of Americans who see in the Peace Corps a sort of neomissionary endeavor."

He discusses the new directions being plotted by Peace Corps Director Joseph Blatchford in response to these felt needs. The third world is asking for more development experts and fewer generalists. The challenge to the Peace Corps is in providing this expertise without completely sacrificing the youthful idealism and people-to-people aspects that have made it a unique arm of American foreign assistance. Can the Peace Corps achieve maturity without developing hardened arteries or arthritis? Or, as Mr. Baker puts it:

> The Peace Corps had undergone a process of institutional maturation and runs the risk of any agency reaching maturity. The risk is that innovation becomes less attractive and routine replaces inspiration. The Peace Corps has been held back from bureaucratic old age by the youth of its staff. If it becomes less attractive to young staff personnel, its fate is sealed, for then it will be just another government agency with overseas operations.

Mr. Speaker, I for one am confident that Mr. Blachford, who is both young and competent, will avoid the pitfalls which Mr. Baker warns against. I think the Peace Corps can become an effective and mature organization and still retain its unique and youthful character.

At this point in the RECORD I include the article by Ross Baker and commend it to the attention of my colleagues. The article follows:

THE PEACE CORPS MATURES

(By Ross K. Baker, assistant professor of political science at Rutgers. Baker is an authority on Africa. In the preparation of this article, he had the help of his wife, a former Peace Corps volunteer)

Shortly after its establishment in 1961, the Peace Corps became the beneficiary of a Madison Avenue windfall when the Advertising Council agreed to give it free advertising. Early Peace Corps recruiting appeals were for young idealists to undergo two years of privation by living in primitive housing, subsisting on a daily bowl of rice and deriving their psychic income "by grooving with the people" of the developing world.

Most Peace Corps volunteers would readily admit that their two years overseas were no weekend at the Waldorf, but few ever lived in mud huts and fewer still have lived solely on rice. One of the first things that many volunteers learn is that a hair shirt is not necessarily part of the Peace Corps wardrobe.

Peace Corps teachers and community development, public administration and cooperative workers in places like Ghana, Liberia and the Ivory Coast often find themselves living in fairly substantial accommodations, some of which were formerly occupied by colonial or expatriate personnel whose living standards were supposed to be avoided like the plague under early Peace Corps dogma. There are, to be sure, countries where volunteers do undergo considerable privation, but this is by no means widespread.

If modest comfort in the form of running water, screened windows and indoor toilets has been the lot of so many volunteers, how does this comport with the self-abnegation and rigor popularly associated with the Peace Corps? The answer, no doubt, lies in the necessity for organizations to have sustaining myths. The Peace Corps' myth is the young college graduate armed only with a bachelor's degree and a heart full of compassion and dedication, teaching young Dayaks, Quechua Indians or Ethiopian farmers the gems of "American know-how," cooperation and diligence.

TEACHERS ON PEDESTAL

Almost anyone at Peace Corps headquarters (known to overseas personnel as "Peace Corps/Washington") would admit that the myth has long outlived the reality, although much of the relative opulence of Peace Corps life is no fault of the organization, if any fault there is.

The Ivory Coast provides a striking example of the host country's determination to accord the volunteers a status relevant to its own needs rather than to the lingering delusions of volunteer suffering. The Ivorian government has placed education in the forefront of its national goals and the position of teacher is an elevated one. Unable to meet its own educational needs, the Ivory Coast relies heavily on foreign teachers, principally from France, who receive fat expatriation allowances and hardship differentials which allow them to live princely lives.

Peace Corps teachers, however, until very recently were required to live as closely as possible to the standard of the humblest Ivorian. While their French counterparts drove to their classes in automobiles, the volunteers trudged, hitchhiked or bicycled. The volunteers consequently were widely regarded as second-class teachers and their effectiveness as models of achievement was impaired. How successful could these teachers be, the Ivorians reasoned, if they could not afford even a motorbike? The motorbikes were not long in coming.

Peace Corps/Washington is not always that sensitive to the clash of myth and reality, however. A rural construction program in the Ivory Coast came to grief when volunteers were sent to villages of concrete houses to teach the villagers how to build concrete houses. In villages which still needed hard housing, other volunteers sat for weeks awaiting the shipment of supplies.

HOSTESS INSTRUCTION

In many ways, the Ivory Coast is a microcosm of the confrontation that is forcing the Peace Corps to tailor its programs more to the needs of the host country than to the images of its own public relations. Harold Fleming, the Peace Corps director in that West African state, says that volunteers expecting squalor and primitive conditions found instead a capital city with superhighways, supermarkets and luxury hotels which serve hamburgers.

Rather than teaching young children basic French in mud hut villages, they found themselves teaching the wives of government workers how to set a Western-style table and how to prepare the European foods that will impress their husbands' bosses. Ivory Coast volunteers tend to feel defensive when corpsmen from less-developed countries question the purity of their endeavor.

This type of situation might be anathema to early Peace Corps purists but it represents an effort to meet the "felt needs" of the host country rather than the altruistic fancies of Americans who see in the Peace Corps a sort of neomissionary endeavor. The changes have occurred in a rather undramatic fashion over the last eight years; the appointment of a new director, Joseph Blatchford, by President Nixon may signal a more radical change in direction for the corps.

To understand these gradual changes and assess the impact of the new director, one must remember that the Peace Corps bears a Kennedy administration birthmark; it was a Kennedy organization just as surely as the CCC was a Roosevelt organization. In the early days, the premium was on involvement and dedication. The technical skill of a volunteer was less important than his ability to establish rapport with people in the developing world.

It was strongly felt that a liberal arts graduate with enthusiasm could be taught any necessary skills. The principal Peace Corps effort was in teaching (as it continues to be with lesser intensity), and teaching could be imparted without unduly long training.

The Peace Corps has been chronically short of volunteers with agricultural and construction skills. Its recruiting personnel tended to aim at campuses where the much-beloved "generalist" with his potential bachelor's degree dwelt. The archetypal Ivy League recruiter had little credibility in the shops and factories of America.

A CLEVER SOLUTION

By 1964, THE Peace Corps was up against the serious problem of how to meet the technical needs of the developing world with a recruitment base of liberal arts graduates, the only group to which the Peace Corps seemed to appeal. The solution to the A.B. generalist's lack of expertise was an idea of such transcendental cleverness and public relations appeal that it revived the Peace Corp's flagging morale. It was also a manifestation of the cultural arrogance which had chronically affected the organization. Community development was the panacea.

Students of development had noted that one characteristic of an underdeveloped society was that its people had not mastered the ability to work together toward a common goal; that the area of personal concern usually did not extend beyond the bounds of one's own family. Peace Corps planners reasoned that a young American with his tradition of community endeavor, placed in such a static and atomized situation, could encourage the people to work together for the common good.

The focus of the community development effort was in Latin America, where it was sold as a natural corollary of the Alliance for Progress, which was itself an appeal for self-reform. The result was a qualified catastrophe.

Volunteers in the program tended more to be objects of curiosity than inspiration; their status in most villages was ambiguous in the extreme. They had no attachment to any official agency; they had no funds or equipment and possessed no visible technical skills. If they were able to overcome popular suspicion and the hostility of local politicians, they often had problems in divining precisely what the needs of the people were and how they could be met.

The object, after all, was not to dig the well but to convince the local people that the well was necessary and then to get them to dig it. In most cases, it was simply too much for a volunteer to cope with the suspicion and apathy of centuries. The failure of many of the projects embittered the volunteers involved.

QUICKLY TAUGHT SKILLS

The Peace Corps leadership under Jack Vaughn, Sargent Shriver's successor, continued to grapple with the problem of whether to tailor programs to fit liberal arts graduates or to tailor the graduates to meet the skill requirements of the developing nations. The idea was advanced by Brent Ashabranner, Vaughn's deputy, that generalists could quickly be taught certain skills which would enable the corps to continue its reliance on college graduates while providing a higher level of technical expertise and response to the needs of the host countries.

Poultry-raising was such a program. The attempt was moderately successful, as were programs placing volunteers with business administration backgrounds in government ministries and others with less definable skills in rural cooperatives.

Most Peace Corps country directors would probably admit that a good volunteer can succeed even in a weak program. Programs such as the rural cooperative venture in Ghana, which "turned off" some volunteers, have been molded by others into moderate success. Ghana is an interesting case in this regard.

Under ousted Kwame Nkrumah, there had been a major effort to organize farm cooperatives. The cooperatives, however, became ridden with graft and corruption, the organizers absconding with the farmers' money. The cooperative concept was thus in great disfavor among Ghanaian farmers.

Despite this, volunteer Ross Cox of Los Angeles, who lives in the town of Swedru, has managed to overcome the suspicions of local cocoa farmers and has established a cooperative for the purchase and culture of cocoa seedlings. He has also been the motive force behind the construction of two schools under the Peace Corps' School Partnerships Program, which matches local funds with money raised in American high schools.

Eugene Martin, the Peace Corps director

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in Ghana, admits that Cox is an exceptional volunteer and suggests that the corps has not done enough to attract the blue-collar worker, the mid-career expert and the technician. This belief is shared by Blatchford, who said upon assuming his new post as Peace Corps director that the day of the generalist may be over except in teaching.

PROBLEMS OF MATURITY

The statement was greeted with a shudder by most old Peace Corps hands. If the corps puts a premium on maturity and expertise, they reason, how can it be differentiated from the Agency for International Development, which is in the business of supplying technical assistance? What, moreover, will happen to the corps' basic concept of volunteer service?

It is widely felt by Peace Corps veterans that older volunteers with skills needed by the developing nations will be unsuitable for a number of reasons. First, people of mature age and established position will simply not be able to leave their jobs for two years. Second, their decreased ability to make the severe cultural adjustments will render them ineffective regardless of their skills. The cost of supporting older volunteers with greater personal needs will be excessive, and even if the Peace Corps is willing to spend the money for more comfortable homes and cars, this will increase the gap between them and the people they must serve.

On the other hand, advocates of the generalist approach may be taking their "audience" for granted. The Peace Corps has never recruited under ordinary circumstances. For the first three years, it benefited from New Frontier glamour. After the death of President Kennedy, recruitment was sustained by the intensification of the Vietnam war with its attendant draft calls. The Peace Corps does not offer ironclad protection, but draft boards are usually loath to call a volunteer who has been chosen for a program. There is a strong probability that Peace Corps recruitment will be a casualty of peace in Vietnam.

Defenders of the expertise approach are also awaiting the results of a new program in Guinea, where a diverse group of older technicians, Job Corps graduates and amateur mechanics is attempting to restore public transportation in the capital, Conakry. The effort is being led by Henry Norman, who faces the difficult task of using volunteers with limited language skills in a politically sensitive environment.

Guinea expelled the Peace Corps in 1966. Norman did a selling job on both the government of Guinea and on the Peace Corps itself. Then he canvassed garages and union halls for enough recruits to put the program in the field.

LEFT IN MIDDLE

Other changes are making the Peace Corps a far different organization from what it was in 1961. Volunteers of today are more or less the same kind of people they were in the early days, but their position in the spectrum of American youth has changed considerably.

No longer are volunteers the vanguard of their generation. They are no longer the most activist or the most committed. Their entire generation has shifted leftward and has left the potential Peace Corps applicant somewhere in the vague liberal middle.

Few SDS members join the Peace Corps. Black volunteers are becoming more difficult to find. More volunteers proportionally are coming from small denominational colleges and fewer from the seats of campus radicalism. Activists who do go overseas for the Peace Corps often find themselves thwarted.

They are technically employees of the host governments, many of which are conservative. Volunteers who protest against the practices of the autocratic or oligarchic governments to which they are accredited tend to find themselves out of a job. Feedback from campus revolts in the United States combined with program weakness overseas have given rise to dissident volunteer groups such as the Volunteer Action Committee in Liberia, which sought to increase volunteer participation in running that country's programs.

Unorthodox behavior or bizarre or even casual dress are frowned upon by many local authorities. At a conference at Bassa, Liberia, in June, the Liberian Secretary of Education attacked volunteer teachers for their shabby attire, charging that the students found their appearance at variance with the exalted status of teachers.

The Peace Corps has undergone a process of institutional maturation and runs the risk of any agency reaching maturity. The risk is that innovation becomes less attractive and routine replaces inspiration. The Peace Corps has been held back from bureaucratic old age by the youth of its staff. If it becomes less attractive to young staff personnel, its fate is sealed, for then it will be just another government agency with overseas operations.

THE ART OF CRUELTY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. BURKE of Florida. Mr. Speaker, man's inhumane treatment of man has been well documented, as has man's inhumane treatment, at times, to animals.

Today, I am joining with several of my colleagues in the House in cosponsoring a bill which was originally introduced in the Senate by Senator JOSEPH TYDINGS. The bill originally sponsored in the House is H.R. 12438.

I strongly concur in the purpose of this legislation aimed at eliminating the cruel practice of "soring" which is practiced widely on show horses and more particularly on the Tennessee walking horse. It defines the procedure of soring and makes it unlawful for anyone to ship or otherwise move such horses in commerce, for the purpose of showing or exhibition.

The so-called art of soring is one of the most flagrant inhumane acts of cruelty involving the mistreatment of animals.

It is an art, indeed—an art in the practice of cruelty.

The purpose of soring is to achieve a more pronounced, very sprightly gait or kick—known as "the big lick"—whereby the horse kicks out his front foot as he steps.

The most widely used method of soring a walking horse is the placement of oil of mustard, which is a blistering chemical agent, on the feet of the horse. Added to this, a chain is placed around its ankle for additional weight.

The chain scrapes against the area where the chemical has been applied when the horse attempts to throw the chain off and unless the horse is treated very carefully after being worked out, a more painful sore results, in addition to possible serious and permanent scarring.

It is understandable that trainers would like to achieve the big lick in the shortest possible time but this does not give them license to practice soring, which is totally inhumane, merely to serve the interests, financial or otherwise, of those involved in the training and exhibition of horses.

The bill charges the Agriculture Department with the responsibility of inspecting the records of such commerce and sets penalties for the exhibition of horses which have been sored.

The truth of the matter is that soring is actually illegal in most States but I feel that the enactment of this legislation will provide the necessary impetus to bring about the elimination of soring practices.

The big lick can in fact, be achieved without undergoing the process of soring, although it may require a much more lengthy period of time which includes patient and diligent training, but the time element involved should be of no consequence when we consider the other question involved—namely, the manner in which the Tennessee walking horses are treated.

We are now forced to address our efforts to the moral, as well as the legal aspect of outlawing this inhumane practice.

REPORT ON A BILINGUAL PILOT PROJECT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, in 1967 the Congress passed the much needed Bilingual Education Act. That act, an amendment to the Secondary Education Act of 1965, was a searching attempt to resolve the difficult problems faced by students with language and cultural backgrounds different from and conflicting with those of their fellow students.

Recently, Dr. Francesco Cordasco, professor of education at Montclair State College in Paterson, N.J., provided me with a report of a pilot project undertaken to provide educational assistance to students speaking a foreign language and who had cultural conflicts. He also enclosed a review of the project which appeared in the Paterson News.

Since the report and the review will be of great interest to the many Members whose districts are concerned with problems of bilingual education, I am including the material for their consideration.

The report and review follow.

MONTCLAIR STATE COLLEGE,
Upper Montclair, N.J., September 9, 1969.

The following abstract of "A Bilingual Experimental Project in Paterson"[1] has a twofold crucial importance: it clearly establishes that the *Project* was undertaken in full observation of, and congruence with Congressional intents wisely expressed in the Bilingual Education Act of 1967;[2] and it illustrates the success which derives from the application of the main tenets of the Bilingual Act.

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[1] The Model Cities Division of the State Department of Community Affairs sponsored the bilingual experimental project in the City of Paterson in conjunction with the Educational Committee of INCCA (Inner-City Committee for Action) for a six-week period, from July 7 to August 15.

The results of the *Pilot Project* graphically show that "The child with language and cultural conflicts will not progress noticeably in the existing structure of our school system unless his language and background are sufficiently employed by sensitive bilingual teachers. In fact, he will regress, reverse and retard himself in a classroom which is non-sensitive to his needs." If the criteria which governed the *Pilot Project* are widely applied, they will furnish a prototype for both educational reform and progress which promise great benefits to the thousands of Spanish-speaking children, and particularly Puerto Rican children, in American mainland schools.

Sincerely yours,
FRANCESCO CORDASCO,
Professor of Education.

SIX WEEK PILOT PROJECT SHOWS MARKED IMPROVEMENT OF SPANISH SPEAKING CHILDREN UNDER BI-LINGUAL SENSITIVE APPROACH

Under favorable bi-lingual learning conditions tests and methods used during this six week project proved that the children's capacity improved 20% in English and 30% in Spanish in just six weeks, a larger growth than similar tests showed in an all-year school situation.

Very high absenteeism, tardiness and educational retardation is in direct proportion to the emotionally charged social tensions of the ghetto. Where educational systems are not yet able to meet the serious language needs of the foreign-speaking child, the emotional conflicts are aggravated and prevent learning.

A teacher not sensitive or prepared for the child with a language conflict was shown by tests to help continue the educational retardation of the child.

Present educational trends of Spanish-speaking children in urban areas will produce a generation of severely educationally retarded students.

Eighty-four percent of the 12 year olds tested were not able to function in English at a 3rd grade level.

Ninety-four percent of the 11 year olds tested were not able to function in English above a 3rd grade level.

Eighty-two percent of the 10 year olds were functioning below a 3rd grade level.

Sixty-four percent of the 9 year olds were functioning below a 2nd grade level.

Under a favorable, sustained bi-lingual teaching approach, the educationally retarded child would take at least three years to achieve his age level potential.

RESULTS OF A BI-LINGUAL EXPERIMENTAL PROJECT IN PATERSON RELEASED

A. Background

Paterson Model Cities Agency with the cooperation of the State Department of Community Affairs, sponsored a bi-lingual experimental project in the City of Paterson in conjunction with the Educational Committee of INCCA (Inner-City Committee for Action) for a six-week period, from July 7 to August 15.

The Committee, aware of the great number of foreign-speaking families, especially those who are Spanish, in our urban areas, applied for funds to investigate and test methods of dealing with the child suffering from language and cultural conflicts.

Two-hundred forty children were selected in cooperation with the Paterson Board of Education on the basis of language retardation, lack of experience needed for academic learning, aggressive behavior tendency to be slow in learning, lack of self-concept, feeling of rejection by society, and lack of interest in academic achievement.

A selected staff of 25 bi-lingual teachers utilized Public School No. 11 and employed both Spanish and English achievement, I.Q., as well as psychological tests under the guidance of selected consultors for the Pilot Project. The Education Committee of INCCA herein releases conclusions drawn from this most important project for the benefit of educators, counselors, and parents.

B. Attendance

Whereas in INCCA's 10 recreational type programs throughout the city of Paterson with 2,000 children the participation of the Spanish-speaking child went from 30% to 5%, the child in this special project, which was mostly educational, maintained a remarkable 91% daily attendance for the six-week period. Most of the participants had a history of tardiness, absenteeism, and general lack of interest in academic achievement in the City of Paterson. This Special Spanish Component maintained the highest daily average attendance compared to other components including the City's Title I Programs.

C. Testing

Academic and psychological tests were administered prior to and after the program. The following conclusions are stated:

1. Goodenough-Harris "Draw A Man" Test was used as a pre- and post-test drawing cautious psychological conclusions. From the figures in the pre-test, there is evidence of strong scenes of violence, badly fragmented life figures, and evidence of unusual sexual preoccupation. Many embellishments which are not called for in the administration of the test were added to the figures. This is an indication of the child projecting inner conflicts, fears, and tensions, which make learning highly improbable. The entire pre-test is suggestive of social, economic and educational deprivation.

Many psychological areas are suggested, but these would have to be investigated in context with other testing procedures. In the post-test application of this test the figures show a trend toward less bizarre presentations, less embellishment of objects not called for, diminished sexual preoccupations and scenes of violence. The life figures are less fragmented. Not all poor results have been eliminated, but the whole picture tends towards a more normal presentation. Considering the fact that about five weeks elapsed between the two tests, the upward shift and results are very encouraging. Possibly contextual and factual testing results will show a similar shift.

The child in a favorable learning environment will so diminish his emotional and psychological conflicts that learning will definitely be more possible.

2. The Inter-American Test of General Ability was also used in this project. Form AS was administered in Spanish at the beginning of the six-week period, and Form BS was administered in Spanish at the end.

The results of these tests showed an approximate 30% increase in the total scores, which is considered a notable improvement in such a short period.

Forms CE and DE respectively were administered in English at the beginning and end of the six-week period. The results of this test showed a 25% upward shift in the scores over the first testing results.

The only class where there was no significant growth was the result of a serious teacher weakness due to lack of control, lack of interest in presentation of materials and sensitivity to the child. This factor became evident in all tests taken by these same children which indicated that a teacher who is not prepared or sensitive will help continue the educational retardation of students with language conflicts.

D. Observations

Nutritional deficiencies evident in the children at the beginning of the program had to be supplemented by a proper diet to improve the attention and response level of the children.

Parent participation is essential to the total learning process of the child and this can only be successfully achieved where the parent feels that the child's school is also his school.

Proper selection and judicious use of many texts and techniques are imperative on the part of the system and the teacher because of the varied ages and abilities of children with language conflicts.

E. Conclusions

The child with language and cultural conflicts will not progress noticeably in the existing structure of our school system unless his language and background are sufficiently employed by sensitive bi-lingual teachers. In fact, he will regress, reverse and retard himself in a classroom which is non-sensitive to his needs. He will likewise retard the progress of other students in the class who normally would function satisfactorily.

Diagnostic tests in the child's native language must be part of the system to measure more adequately the native ability of the child and his concept in his own language before testing or grading in English. Testing in English alone tends to categorize the child and prejudice the teacher against the student. The child must first be aware and proud of his own language and culture with a strong pride in himself before "integration" is possible with other conflicting cultures and traditions.

Of the many possibilities of teaching the child with language-cultural conflicts, the bi-lingual school technique for a period of a minimum of three years is judged the most beneficial. Where this is not possible a sufficient portion of the school space and curriculum should be allocated to the child in an ungraded class situation. In both situations his progress is not to be measured by standard classroom techniques, and the teachers should not be under pressure to make this child conform to a grade structure which is impossible and beyond his ability.

The Goodenough-Harris "Draw A Man" Test was used as a measure of intellectual maturity and as a pre- and post-test device. The pre-test scoring was very lenient in order to give the Spanish-speaking child the advantage of dubious scores.

All dubious scores were moved to the next highest category. In the post-test use the scoring was very rigid. All dubious scores were assigned the next lowest score. *In the CP comparison of the pre- and post-test results there is a significant shift in scores upward of approximately 20% improvement overall.*

A complete report will be made available upon request by writing to: INCCA Education Committee, care of 100 Fair Street, Paterson, New Jersey 07501.

[From the Paterson News, Sept. 8, 1969]

PILOT PROJECT BENEFITS SPANISH-SPEAKING CHILDREN

(By Pat Patterson)

Juan can read and make progress in school when the right kind of teaching techniques are used by the right kind of teachers.

This was demonstrated here this summer during a six week pilot project for Spanish-speaking children, conducted by the education commission of the Inner-City Committee for Action (INCCA).

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[2] The Bilingual Education Act (1967) is an amendment to the Elementary & Secondary Education Act (1965). See F. Cordasco, "The Challenge of the Non-English Speaking Child in American Schools," *School & Society* (March 30, 1968), pp. 198–201; and F. Cordasco & E. Bucchioni, *Puerto Rican Children in Mainland Schools: A Source Book for Teachers* (New York: Scarecrow Press, 1968).

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The bilingual program was sponsored by the Paterson Model Cities Agency with the cooperation of the New Jersey Department of Community Affairs. Results achieved were so exciting, there is a good chance this city could become the site for a full scale bilingual school that would serve as a model for all other cities facing the same problems in meeting the educational needs of large numbers of foreign speaking children with language and cultural conflicts. The state Department of Community Affairs has shown interest in staffing a bilingual school in this area if a building were to be made available.

Francesco Cordasco, professor of education at Montclair State College, was enthusiastic over the project and its accomplishment.

"If the criteria which governed (this) pilot project are widely applied," he said, "they will furnish a prototype for both educational reform and progress which promise great benefits to the thousands of Spanish-speaking children, particularly Puerto Rican children in American mainland schools."

The summer project developed as an outgrowth of the INCCA day camp as an educational experiment. Aware of the great number of Spanish-speaking children having difficulty in school, INCCA's education committee applied for and was given a grant through the Model Cities Agency to investigate and test methods for dealing with these children.

A specially selected staff of 25 bilingual teachers was recruited, headed by Miss Sheila Walters. Classes were set up in Public School 11 for 240 children selected in cooperation with the Paterson Board of Education. They were chosen on the basis of language retardation, lack of experience needed for academic learning, aggressive concept, tendency to be slow in learning, lack of self concept, evidence of feeling rejected by society and a lack of interest in academic achievement.

Academic and psychological tests were administered at the outset of the program and again at the end. Both Spanish and English achievement, IQ and psychological testing were done under the guidance of John Sepp, psychometrician, and Mrs. Janet Sucl, consultant from Montclair State Teachers College.

The program ran from July 7 through Aug. 15, concurrent with INCCA's 10 recreational type programs throughout the city. In the recreation program, participation by Spanish speaking children showed a steady decline, from 30 per cent down to 5 per cent. But the children taking part in the largely educational pilot program, conducted inside a school building, maintained an unbelievable daily attendance record of 91 per cent throughout the entire period. These same children had histories of tardiness, absenteeism and general lack of interest in the regular school program. This Spanish component also maintained the highest daily average attendance in comparison to other components including the city's Title I programs conducted by the Board of Education.

In one of the psychological tests, the children were asked to draw a man.

At the outset, many of the drawings showed indications of violence, figures were badly fragmented, indicating the children's tensions, inner conflicts and fears and reflecting their social, economic and educational deprivation.

At the end of the program, the figures drawn by the children showed less fragmentation, fewer scenes of violence and more normal presentation, all within a space of little more than five weeks.

In general ability, in a test administered in Spanish, the children showed a 30 per cent increase in their total scores by the end of the program.

At the beginning of the program the children also were tested in English and again at the end, and showed a 25 per cent upward shift in their scores over the earlier testing results.

In scoring the initial tests, leniency was applied to move dubious scores to the next highest category. At the conclusion the process was reversed, with rigid scoring and all dubious scores assigned to the next lowest. A comparison of results showed a significant upward shift in all scores upward of approximately 20 per cent overall improvement.

Analyzing the achievements of the project, the INCCA committee reached the following conclusions:

That the child with language and cultural conflicts will not progress noticeably in the existing school structure unless his language and background are sufficiently employed by sensitive bi-lingual teachers. On the contrary he will regress, reverse and retard himself in a classroom non-sensitive to his needs, and will likewise retard the progress of other students in the same classrooms.

That diagnostic tests in the child's native language must be a part of the system to measure more adequately his native ability. He must first be made aware and proud of his own language and culture with a strong pride in himself before integration is possible with other conflicting cultures and traditions.

The committee also concluded that the educationally retarded child would require at least three years under a favorable, sustained bi-lingual teaching approach to achieve his age level potential, and that under present educational trends, Spanish-speaking children in urban areas will produce a generation of severely educationally retarded students.

Of the children in the project, 84 per cent of the 12 year olds and 94 per cent of the 11 year olds were unable to function at or above a third grade level; 82 per cent of the 10 year olds were functioning below a third grade level and 64 per cent of the nine year olds were functioning below a second grade level.

The program also proved that a teacher not sensitive to or prepared for the child with a language conflict will help continue his educational retardation.

The only participating class that showed no significant growth was one whose teacher showed lack of control, lack of interest in presentation of materials and lacked sensitivity to the child. This was reflected in all of the tests taken by these children, in comparison with others in the program.

Professor Cordasco, after analyzing the project and its results agreed with the committee, saying that its results "graphically show" that unless the child's language and background are sufficiently employed by sensitive bi-lingual teachers he will regress, reverse and retard himself.

He noted that the project was undertaken "in full observation of and congruence with the intent of the Congress expressed in the Bilingual Education Act of 1967 (an amendment to the 1965 Elementary and Secondary Education Act) and said it illustrates the success which derives from the application of the main tenets of (this) Act."

Professor Cordasco is the author of numerous source books and papers on the education of non-English speaking children, including: Puerto Rican Children in Mainland Schools, published last year.

COLUMBUS DAY

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. CUNNINGHAM. Mr. Speaker, on Sunday, October 12, we observe the 477th anniversary of the discovery of America by the intrepid Italian navigator, Christopher Columbus. Nearly five centuries have gone by since that historic event in human affairs which began a new era for all mankind, but most especially for us who live in the Western Hemisphere.

In the course of history, mankind has come to recognize Columbus as a great navigator, explorer, and dreamer, but also as a dedicated and religious man who by his exploits inspired countless generations to great deeds. I believe that much of our heritage of freedom and justice is due in large measure to the courage, the determination, and the ideals of Columbus.

It is to be regretted that to this day we have not yet given to Christopher Columbus the full recognition to which he is entitled. During the 90th Congress I introduced a bill to designate October 12 of each year as a legal holiday and that it be known as Columbus Day in recognition of the achievements of the great navigator. I also suggested that this day be observed as a day of rededication to the ideals of peace, justice, and democracy which have helped make America the great Nation that it is today.

I believe the time has come to make Columbus Day more meaningful, and for this reason I commend our fellow Americans of Italian origin for their efforts each year in observing this day in accordance with the ideals and dreams envisioned by Columbus. We join with them on this day in paying tribute to Columbus. We recall with pride and appreciation the magnificent contribution and the invaluable role of Italian-Americans in the growth of development of America. We salute them for their loyalty and their patriotism.

ST. THOMAS THE APOSTLE CATHOLIC CHURCH CELEBRATES ITS CENTENNIAL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. MIKVA. Mr. Speaker, it is an honor to bring to the attention of my colleagues the centennial celebration of St. Thomas the Apostle Catholic Church, Chicago, Ill. As a member of the honorary committee for the parish centennial, I commend this fine church for its contribution to the spiritual and social life of Chicago's Hyde Park.

During a time when many institutions have abdicated their responsibility to our central cities, it is heartening to observe the persistent ministry of St. Thomas the Apostle Catholic Church. For 100 years it has ministered to a unique international and interracial community and contributed to its growth and stability. In a recent letter to me, the Reverend Thomas J. Fitzgerald, pastor of the church, indicated how the parishioners view their role in Chicago:

> We take pride in the unique quality of our parish, situated as it is in the shadow of the University of Chicago, in a community distinctively international and interracial in character. Being a Hyde Parker yourself, I'm sure you can understand how we feel as we complete our first hundred years here. During that time St. Thomas has sought to translate the Word of God into social action and community good, and we're still trying. The parish has had an unusually large share of distinguished parishioners. But from the beginning, as now, it has constituted a broad cross section of society: God's people in extraordinary variety.

I pay tribute to the church and extend to its parishioners my best wishes on the occasion of their parish centennial.

COAST REDWOOD BICENTENNIAL DISCOVERY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, tomorrow, October 10, marks an anniversary of great significance to the people of my district and the entire 15-county redwood region of California and Oregon. On that date 200 years ago, the exploring party of Don Gaspar de Portola first recorded the existence of the tree that has since come to be known as the coast redwood.

It was a foggy morning two centuries ago when the bold Spaniards set out to continue their search for Monterey Bay. At a point near the present-day town of Watsonville, Fray Juan Crespi wrote in his diary that the group had come across "Tall trees of a red color, not known to us. In this region there is a great abundance of these trees and because none of the expedition recognizes them, they are named palo colorado (redwood) from their color."

The discovery ranks with that of the better known discovery of gold in 1848, for the economic value harvested from our renewable redwood forests over the years has far surpassed the value of all the gold ever mined in the Golden State. In addition, these most famous of trees provide the basis of an increasingly important tourism and travel industry. And in their tangible values, the coast redwood forests, both old growth and young, offer inspiration that is without price.

The Portola party of 1769 returned to San Diego in defeat. They had failed to find Monterey Bay. But unknowingly, they had discovered the tree that is the tallest of all species, the fastest growing of American conifers and the largest plant on earth with an economic value.

Today, after 200 years, the redwood industry manufactures products worth a quarter-billion dollars annually. It employs 20,000 people directly. And with the application of modern forestry practices, we know that this level of production can be maintained for many centuries in the future.

In view of this historic anniversary, I am inserting into the RECORD at this point California State Assembly Resolution No. 243, and a resolution from the board of forestry in the State of California relative to Redwood Discovery Day:

ASSEMBLY CONCURRENT RESOLUTION NO. 243—RELATIVE TO REDWOOD DISCOVERY DAY

(Filed with Secretary of State, Aug. 9, 1969)

Whereas, The coast redwood of California is the tallest and most famous of trees and in combination with the redwood of the Sierra has been declared the official tree of the State of California; and

Whereas, Sequoia sempervirens is also the largest useful plant on earth, providing more than a quarter-billion dollars worth of products each year, direct employment for 20,000 persons, and economic stability to many communities in the 15-county redwood region; and

Whereas, Outside the 175,000 acres of Sequoia sempervirens forever saved in governmental parks and reserves, the commercial forests are being managed by enlightened practices that will assure a supply of redwood timber in perpetuity at the present annual level of harvest; and

Whereas, The recent creation of a Redwood National Park has focused the attention and concern of peoples around the world on the need to both wisely use this great renewable resource and to carefully preserve outstanding specimens; and

Whereas, The year 1969 is being observed as the bicentennial of the beginnings of many events of historical, cultural and economic significance to the State of California, including the discovery of the coast redwood in Santa Cruz County by Fray Juan Crespi, diarist and chaplain of the Don Gaspar de Portolá expedition; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim Friday, October 10, 1969, as Redwood Bicentennial Discovery Day in honor of the bold men of the Portola party and in recognition of the continuing bounty, esthetic and economic, provided to all citizens by our official state tree; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION

Whereas, the official tree of the State of California, the coast redwood, (Sequoia sempervirens), was first identified on October 10, 1769; and

Whereas, this most useful of trees has made important contributions to the cultural, economic and spiritual lives of our citizens, presently supporting a dynamic industry employing 20,000 workers who annually turn out products worth more than a quarter-billion dollars; and

Whereas, this most famous of trees has been deserving of the unequaled program of cooperative preservation that today accounts for one hundred seventy-five thousand (175,000) acres of Sequoia sempervirens in public parks and reserves; and

Whereas, this fastest-growing of commercial conifers is capable of regenerating itself naturally, and with the application of modern forest management practices may be expected to provide for man's product need for limitless centuries into the future;

Now, therefore, be it resolved, the California State Board of Forestry, in regular session this 18th day of September, 1969, in the City of San Diego, does hereby give recognition to the bicentennial year of the discovery of Sequoia sempervirens, and extends greetings to the men and women of the redwood timber products industry, the Save-the-Redwoods League, the California Department of Parks and Recreation, the California Division of Forestry, and the many other citizens who have made possible the continuing bounty of aesthetic and economic values from the redwood forests; and

Be it further resolved, that copies of this resolution be forwarded to the Governor, the Director of Conservation, the Secretary for Resources, the Save-the-Redwoods League, the California Redwood Association, and the Director of the Department of Parks and Recreation, the Congress of the United States, the Secretary of the Interior, and the Secretary of Agriculture.

Approved.

W. B. CARTER,
Chairman, State Board of Forestry.

Attest:

F. H. RAYMOND,
Executive Secretary, State Board of Forestry.

Dated San Diego, Calif., September 18, 1969.

GEN. CASIMIR PULASKI

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. MINISH. Mr. Speaker, it is my honor to pay tribute to the memory of Gen. Casimir Pulaski, the Polish nobleman who fought and died in America to help the colonists gain their freedom and liberty.

Pulaski was born in Podolia, Poland, the eldest son of Count Joseph Pulaski, in 1748. When he was a very young man, Poland underwent a severe internal political battle, and Pulaski threw himself into the struggle. In 1769 he joined his father in the Confederation of Bar, which consisted of a group of Polish noblemen who had pledged themselves to the salvation of Poland. Pulaski rose to become a leader in the movement, and at 25 years of age was a hero to his countrymen. When a proscription was placed upon his head, Pulaski was forced to leave Poland.

It was in Marseilles, France, that he met Benjamin Franklin, then U.S. Ambassador to France. Franklin wrote to General Washington about the young man when Pulaski decided to participate in America's struggle. Pulaski arrived in the middle of July 1777 and within 2 months was elected by Congress as "Commander of the Horse, with the rank of Brigadier." The following March Pulaski requested permission to organize an independent corps, which was granted. The corps was later known through the Colonies as the "Polish Legion." The horsemen in this corps bore the famous Polish lance, a new weapon on this continent. Pulaski fought with great valor and distinction in the battles of Brandywine, Warren Tavern, Germantown, Trenton, and Haddonfield. The Polish Legion in the battles at Little Egg Harbor, Charleston, and other engagements were most noteworthy.

Perhaps Pulaski's most distinguished service was rendered in the siege of Savannah, after having been made commander of the entire cavalry, both French and American. During an ebb in the battle, Pulaski hoped to rally his men and rushed into the thick of the action. Wounded in his right thigh, he was car-

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ried from the field of battle fatally wounded, and died on October 11, 1779. Thus at the age of 31 years ended the life of a nobleman who left a life of ease and complacency for a career of hardship. This gallant son of Poland had enthusiastically espoused the American cause. He served that cause with zeal, ardor, and fidelity. He was known as the founder of the American cavalry, and his corps of lancers and light infantry has since become famous under the name of Pulaski's Legion.

Since the American Revolution, many Poles have immigrated to the United States. They have given their lives and their energy for the freedom and development of our country. They have become an integral part of America, fighting as soldiers, working in factories and at essential jobs, becoming farmers, miners, and lumberjacks. They hold all kinds of positions in the civic, social, political, and cultural life in America. I hope that our Nation, in recognition of the services rendered to us, not only by General Pulaski but by many others of Polish-descent, will give Poland all possible assistance so that she may again attain her liberty and freedom, which rightfully belongs to her. We must not rest until the promises of freedom and independence for Poland are redeemed.

CIVIL DEFENSE ROLE IN HURRICANE CAMILLE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. CONTE. Mr. Speaker. The damage that Hurricane Camille inflicted upon the gulf coast has been recorded throughout the Nation. It took a very heavy toll both in lives and in property.

However, as a result of advance disaster preparations, many lives were saved. And efforts taken in the aftermath of the storm helped to bring order out of chaos.

Civil defense units deserve a great deal of credit for the work they performed before, during, and after Hurricane Camille. At this time, I include an article that appeared in the Civil Defense Information Bulletin for September 1969. The following article discusses the role played by civil defense units during the crisis:

THE CIVIL DEFENSE ROLE IN HURRICANE CAMILLE—DIRECTOR DAVIS INSPECTS THE DEVASTATION

In the wake of the greatest storm ever to smash into the Gulf Coast, John E. Davis, National Director of Civil Defense, made a personal, on-the-scene inspection of the devastation and of the efforts underway to cope with it.

He returned convinced that advance disaster preparations had saved thousands of lives even though the 200 mile-an-hour winds, floods, and killer tornadoes from Hurricane Camille had taken a heavy toll of life and property.

Four days after Camille pounded into Louisiana and Mississippi, Director Davis flew into Gulfport, Mississippi, to confer with Mississippi Governor John Bell Williams at the governor's temporary disaster headquarters in the National Guard airport building, and tour the stricken Gulf areas.

With Governor Williams, an Army Air Corps veteran of World War II, directing the flight pattern of an Army helicopter, Director Davis "hedge hopped" over the disaster area from Gulfport to Pass Christian, Bay St. Louis, and Biloxi . . . over the smashed remnants of what Dr. Robert Simpson, head of the National Hurricane Center in Miami, termed "the greatest storm of any kind that has ever affected this nation.

—Homes flattened or wrenched from their foundations, often just a bare outline of where a building had been.

—Huge sea-going freighters grounded or lifted onto levees like toy ships.

—Tall pines, live oaks, magnolia and palm trees uprooted, split in half, and sprawled across powerlines.

"Unbelievable. Just unbelievable," commented Director Davis as the helicopter flew over the damage.

But from the air, and again back on the ground, there were signs everywhere of the huge and complex recovery job.

Air Force, Navy, Army, and Civil Air Patrol planes airlifting emergency supplies of food, clothing, medicine, heavy equipment, including civil defense generators.

Bulldozers shoving aside debris to open key roads.

Buses and trains lined up to move more of the injured and homeless inland.

And people—civil defense, Red Cross, Salvation Army, National Guard and regular military personnel, volunteers—people working to help other people.

"We need help and we need advice," Governor Williams told Director Davis as they worked their way through the debris on what a few days before had been the main street of Pass Christian. "We are trying to coordinate communication services and search and rescue operations. It must be done now and can be done with the resources we have here now. The big task right now is to pull it all together."

One of the many people working to "pull it all together" was Wade Guice, Civil Defense Director of hard-hit Gulfport. At the Gulfport civil defense emergency operation center, Mr. Guice, weary from hours without sleep, described local disaster problems for Director Davis.

"The biggest immediate problem," Mr. Guice said, "is lack of managers—trained people—for the magnitude of a disaster like this one."

He stressed the great job performed by the Gulfport Chapter of the National Defense Transportation Association, citing examples of NDTA members commandeering and driving taxis, buses, "anything on wheels with a motor," to evacuate people from the lowlands.

Mr. Guice said that, despite early warnings hours before the hurricane reached the coast, many people flatly refused to leave their homes.

"They had lived through other hurricanes, and just didn't believe this one was any different," he said. "You can bet that those who survived won't take that chance again."

As he conferred with Director Davis, Mr. Guice received word that the Gulfport water system was back in service. It was one of the few pieces of good news he had received in a week of tragedy.

"We're up on our knees now," he exclaimed. "Things are beginning to look up a bit."

Upon his return to Washington, Director Davis said he was convinced the advance disaster preparations made by civil defense authorities in the Gulf area were responsible for saving thousands of lives.

"Sure, mistakes were made," he said. "They always are in anything as overwhelming as Camille. But I just want to say that those people on the scene did one terrific job. And they're still doing it."

The next day Director Davis flew to southwestern Virginia to inspect flood damage along the James River, and meet with General George Lincoln, Director of the Office of Emergency Preparedness, Virginia Governor Mills Godwin and other State and local officials for a firsthand report on recovery actions being taken after the flash flooding that hit parts of West Virginia and Virginia before Hurricane Camille finally swirled out into the Atlantic.

MIDDLE-ROAD POLICY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. RHODES. Mr. Speaker, there are those in this country who would integrate all our schools today at the point of a bayonet if necessary.

There are others who oppose integration of our schools with equal fervor, regardless of the law of the land.

Fortunately, President Nixon is aware that either course can foment trouble, stir resentments to the point of violence, and, in so doing, defeat the goal of integration.

The Arizona Republic recently commented on the President's "middle course" in an editorial which I commend to my colleagues:

MIDDLE-ROAD POLICY

At his recent press conference, President Richard Nixon convincingly defended his approach to school desegregation as a practical middle course steered between two extremes—one demanding "instant integration," the other seeking "segregation forever."

No matter what approach the administration chose, there would be criticism. Therefore, the only question worth considering is what policy offers the best prospect of long-range success.

Viewed in that manner, the answer is that the administration's middle-road approach is the most promising. For, as Asst. Atty. Gen. Jerris Leonard recently said, even a Supreme Court order demanding instant integration could not speed it up.

It has been 15 years since the U.S. Supreme Court ruled that racially segregated school systems were unconstitutional. To the "instant integrators," this was viewed as a green light to force racial integration in every school district along precise racial and ethnic lines. To them, education was—and is—less important than a precise racial mix.

Yet while the Supreme Court's 1954 ruling outlawed segregated school systems, it has since done little to clarify whether an end to segregation meant that school districts must actively pursue compulsory integration.

Congress, in the 1964 Civil Rights Act, noted that desegregation "shall not mean the assignment of students to public schools in order to overcome racial imbalance." It specifically rejected federal efforts to force busing of students, or requiring students to attend schools against their choice, or their parents' choice, in order to overcome racial imbalance.

Many Southern communities are still resisting desegregation efforts. And extremists on the other side—the most outspoken critics of the administration's policies toward school segregation—are demanding compulsory integration.

Yet if we have learned anything in recent years about racial relations, it is that harmony cannot be achieved by forcing people together against their will. Many Northerners continue to criticize Southern segregation. But already in this new school term, there has been bitter conflict between blacks and whites in schools in Pittsburgh, Chicago, Boston, Kansas City, Riverside, Calif., and New Brunswick, N.J.

In persuading a federal court to give 30 Mississippi districts more time to complete their desegregation, the administration was persuaded that cutting off federal educational funds to recalcitrant school districts harms both black and white students.

It understands that even though Congress or the courts might order instant integration, it could—and would—still be thwarted by litigation, school closings, and boycotts.

It realizes that any "victory" won at the point of federal bayonets would be a hollow victory indeed.

In questions of racial harmony, as in so many other questions, moderation—no matter how much that word is despised by militants—remains the one course that promises genuine success. For people must be led by government, not pushed or cajoled. And it is clear that the majority of parents, in the North as well as in the South, are opposed to compulsory integration.

The administration understands this. That is why it has tailored its policy on school segregation to a moderate middle course which alone can insure justice and equality for all Americans.

TWO SCORPIONS IN A BOTTLE

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. MORSE. Mr. Speaker, since the mid-1950's when the United States and the Soviet Union both achieved a strategic nuclear arms capability, it has been the principal object of political leadership on both sides to avoid using these weapons. The arms race has been politically stalemated from the very moment this point was reached. Yet in the 15 years this stalemate has existed, strategic contingency plans and weaponry has escalated in vast proportions.

As top adviser to two previous administrations, McGeorge Bundy has observed these developments at close hand. In his article in the current issue of Foreign Affairs, Mr. Bundy has charged that this escalation has persisted because our political leaders have lacked the public political support to take a position to the contrary.

As a recent editorial in the Boston Sunday Globe notes, however, Mr. Bundy believes that "it has fallen to Mr. Nixon to come to terms with the politics of parity," and that, to his enormous credit, the President has taken up the task, despite a tenuous political base for this position. It is a reflection of the President's determination and commitment to peace that he has urged, as McGeorge Bundy reports, strategic parity as both "inescapable and acceptable."

In June, the President invited the Soviet Union to take part in the strategic arms limitation talks with the hopes of moving ahead on this front, and I am indeed hopeful that a U.S.S.R. response will be forthcoming soon.

The commentary in the October 5 Boston Globe is an encouraging indication of progress, and I am including it here in my remarks for the careful attention of my colleagues:

[From the Boston Sunday Globe, Oct. 5, 1969]

TWO SCORPIONS IN A BOTTLE

Secretary of State William P. Rogers and Soviet Foreign Minister Andrei Gromyko after several recent meetings have not yet, as this is written, reached agreement on a date to start the arms reduction talks which both their countries have off and on been saying they wanted for the past year and a half.

Yet surely a date should and will be set soon. That is the only possible conclusion to be reached from reading a brilliant article in the current "Foreign Affairs" magazine by McGeorge Bundy, who was a top adviser to Presidents Kennedy and Johnson. It would be hard to find a man who knows more than he about the demands—and limitations—of the nation's security.

A year ago, Mr. Bundy was admitting that he had been very wrong about the war in Vietnam. His latest statement, entitled "To Cap the Volcano," will remind many a reader of the little child in the fable who first broke the news that the emperor had no clothes on.

"The neglected truth," he writes, "about the present strategic arms race between the United States and the Soviet Union is that in terms of international political behavior that race has now become almost completely irrelevant. The new weapons systems . . . will provide neither protection nor opportunity in any serious sense. Politically the strategic nuclear arms race is in a stalemate. . . .

"In light of the certain prospect of retaliation there has been literally no chance at all that any sane political authority, in either the United States or the Soviet Union, would consciously choose to start a nuclear war. This proposition is true for the past, the present and the foreseeable future. For sane men on both sides the balance of terror is overwhelmingly persuasive."

Think-tank analysts who write about "acceptable" damage and the loss of dozens of great cities, are, writes Bundy, "in an unreal world." He adds that we have somehow forgotten "that already 15 years ago we were scorpions in a bottle, able to sting each other only at the price of death."

"Beyond a point long since past," Bundy continues, "the escalation of the strategic nuclear race makes no sense for either the Soviet Union or the United States," and it would not even if the nuclear strength of the two nations were reversed: "A stalemate is a stalemate either way around."

It is not that Mr. Bundy downgrades those in charge of our strategic forces; he says they "place us all in their debt." But he denies that their necessary contingency plans are seriously considered.

"The object of political men—quite rightly—is that these weapons should never be used. I have watched two Presidents working on strategic contingency plans, and what interested them most was simply to make sure that none of these awful events would occur."

And yet there is a rub. "Presidents and Politburos may know in their hearts that the only thing they want from strategic weapons is never to have to use them . . . but they do find it prudent to expose them for the political irrelevance they are.

"The same political leaders who know these terrible weapons must never be used . . . still do not hesitate to authorize system after system . . . I know of no escape from the conclusion that both in his sensible abhorrence of nuclear conflict and his persistent attachment to still more weapons systems the political leader is reflecting his constituency. The fault is less in our leaders than in ourselves."

How to overcome this situation? To Bundy, the strategic arms limitation talks (SALT) presented the great opportunity for both realists and sophisticates on both sides to become convinced that "enough is enough." It cannot be a one-way street, he writes, but each side "must move from a zealous concern for its own advantage to a sober acceptance of parity."

For "any war between serious nuclear powers would be as bad to 'win' as to 'lose,' so that relative numbers of weapons have never been decisive . . ."

Mr. Bundy believes that "it has fallen to Mr. Nixon to come to terms with the politics of parity," and in an interesting comment he says that "according to informal but authoritative reports from Europe he (Mr. Nixon) has been eloquent in reminding friends abroad that strategic parity is now both inescapable and acceptable." Mr. Bundy suggests, however, that the President does not yet see any solid political base for this position here at home.

If this is so, then the people themselves must create such a base, by speaking out and letting Congress know about it. Mr. Bundy is right in believing there would be "solid support for the kind of reassessment that could lead to a decision that the United States, on its own will take a small step away from the nuclear arms race."

And we liked very much Mr. Bundy's last sentence: "That small step, too could be a giant leap for mankind." Now the question is, "Will Mr. Nixon take it?"

CONGRESSMAN RODINO AIDS CONSTITUENT MARASCO

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. FASCELL. Mr. Speaker, in connection with the recent incident involving eight Green Berets, I think it is important to note the major role played by our distinguished colleague, Congressman PETER RODINO.

As we all know, the Green Berets were accused of murdering an alleged South Vietnamese double agent. When the incident first occurred the Secretary of the Army, Stanley R. Resor, announced his decision that a trial of the charges of murder and conspiracy to murder would be held. Several weeks later, in an unusual reversal, the Secretary ordered the dismissal of all charges against the men on the ground that they could not receive a fair trial.

One of the men involved in this unfortunate incident was Capt. Robert F. Marasco, a resident of the 10th Congressional District of New Jersey, which is most ably represented by Congressman RODINO. Each of us can well understand the extreme difficulties involved in handling a military case of this nature—but Congressman RODINO immediately acted in behalf of his constituent and was largely responsible, in my judgment, for bringing to light the inequities of the charges and the manner in which the Army handled the entire situation. Congressman RODINO took every possible

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action in behalf of Captain Marasco, and exemplified the acute sense of duty which motivates him.

I congratulate Congressman RODINO for his perseverance in this important case and thank him for the role he played in reversing the Department of the Army's decision.

MINNESOTA EXPERIMENTAL CITY

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. QUIE. Mr. Speaker, for the past 3 years the idea of building an experimental city to serve as a focal point in testing technological and social changes applicable to urban areas has been nurtured in the minds of a group of distinguished Americans.

With the help of the University of Minnesota, the State and Federal Governments and the business community, the concept of an "instant city" has been honed and polished until it has come into sharper focus.

Guiding light behind the idea since its inception has been Mr. Otto A. Silha, executive vice president and publisher of the Minneapolis Star and Tribune Co., and chairman of the steering committee for the experimental city project.

He has been capably assisted by Prof. Walter Vivrett of the University of Minnesota School of Architecture, project director.

The first phase of the project, concluded in June, was financed jointly by the Department of Commerce, the Department of Health, Education, and Welfare and the Department of Housing and Urban Development with 12 private firms contributing 25 percent of the $320,000 cost.

Reporting on the work of a University of Minnesota project team in completing phase 1 of the project, Mr. Silha addressed a public conference at the University on June 6.

Everyone interested in finding solutions to the national urban crisis will be intrigued by the concept of an experimental city as he describes it. I am pleased to insert his speech in the CONGRESSIONAL RECORD, as follows:

THE EXPERIMENTAL CITY AND ITS PARTNERSHIP FOR PROGRESS

(By Otto A. Silha)

Today marks a significant milestone for what many now consider one of the most important and far-reaching undertakings ever launched in America—the planning and eventual building of an experimental city for the United States.

This first public conference is also the occasion for release of the Phase I "Progressive Report" on the Minnesota Experimental City and we are pleased as well to make several announcements of considerable significance for the MXC project in the months ahead. But more on these points later.

Let me express the hope that your day here will prove to be a valuable experience and that you will leave with a greater appreciation for the project and—especially—for what it can mean for Minnesota, the Midwest, and indeed for our entire nation as a partial but vital solution to many of our rural and urban problems.

Since mid-1966, when an experimental city was initially proposed, the energies of the University of Minnesota, the State and Federal governments, and of our business community have been harnassed in developing, during Phase I, the theoretical foundations of this entirely new kind of city.

The project has maintained from the beginning a certain magnetic quality, attracting the brainpower, experience, and talent of more than 170 workshop participants from all over America and symbolized today by our Steering Committee. I would like to digress for a moment to introduce those members of the Steering Committee who are with us this morning:

Gaylord W. Anderson, Director, School of Public Health, University of Minnesota.

Dr. James C. Cain, Professor of Clinical Medicine, Mayo Clinic, Rochester, Minnesota.

Max L. Feldman, Engineer, G. E. TEMPO (Center for Advanced Studies) Santa Barbara, California.

Mrs. Rita E. Hauser, U.S. Representative, Human Rights Commission of the United Nations, New York, N.Y.

Walter W. Heller, Regents' Professor, Department of Economics, University of Minnesota.

Martin E. Marty, Professor, Divinity School, University of Chicago.

Malcolm C. Moos, President, University of Minnesota.

Joseph A. Pechman, Director, Economic Studies, Brookings Institution, Washington, D.C.

Roger Revelle, Head, Center for Population Studies, Harvard University, Cambridge.

General B. A. Schriever, U.S.A.F. (ret.), B. A. Schriever Associates, Arlington, Virginia.

Mrs. Muriel S. Snowden, Associate Director, Freedom House, Inc., Roxbury, Massachusetts.

Wayne E. Thompson, Vice President, The Dayton Corporation, Minneapolis.

Walter K. Vivrett, Professor, Architecture and Planning, University of Minnesota.

William L. C. Wheaton, Dean, College of Environmental Design, University of California, Berkeley.

Other Steering Committee members unable to be with us today include:

Walter M. Beattie, Jr., Dean, School of Social Work, Syracuse University.

Harrison Brown, Professor, Geo-Chemistry, California Institute of Technology, Pasadena.

Arthur S. Flemming, President, Macalester College, St. Paul.

R. Buckminster Fuller, Engineer and Professor, Southern Illinois University, Carbondale.

Harvey S. Perloff, Dean, School of Architecture and Urban Planning, University of California, Los Angeles.

Athelstan Spilhaus, President, Franklin Institute, Philadelphia.

O. Meredith Wilson, Director, Center for Advanced Study in Behavioral Sciences, Stanford University, Palo Alto.

Paul N. Ylvisaker, Commissioner, Department of Community Affairs, Trenton, New Jersey.

Whitney M. Young, Jr., Executive Director, National Urban League, Inc., New York. (I'm glad to say Gleason Glover of the Urban League is representing Whitney Young here today.)

As a result of nearly three years of counsel and direction by these prominent Americans, and the work of a competent staff at the University, the State of Minnesota is in the forefront of an effort to find workable alternatives to the solution of our national urban crisis. No other large scale study of the potential of a new kind of city is currently under way in the United States. The importance of this effort is further underscored by the fact that the Minnesota Experimental City is the first research project in our nation's history to receive joint funding from three departments of the Federal government—the Department of Commerce, the Department of Health, Education and Welfare, and the Department of Housing and Urban Development. In addition, twelve private corporations, nine of which are headquartered in Minnesota, have demonstrated their commitment to the City by contributing more than 25% of the $320,000 required to complete Phase I of the project.

At the outset, to give greater focus to the project, let me briefly review with you the 1969 nomenclature of "the cities."

The Minnesota Experimental City is frequently confused with the Model City program, which is essentially a much-needed extension of what we have come to know in previous years as urban renewal, a super coordination effort involving the many departments of government which deal with the problems of the city.

Let me emphasize that the Model Cities program basically involves the replacing of slum areas with new construction, along with attempting to deal simultaneously with the overwhelming "people problems" in these dense urban settings.

A second designation for urban development which has come into the vocabulary recently is the "New Town." There are now in construction or on drawing boards, more than 250 "New Towns" in the United States. The two with which you are probably most familiar are Reston and Columbia, both of them in the greater Washington, D.C., areas. Jonathan in Carver County is the nearest counterpart in this part of the country.

Actually, in oversimplified terms, the New Town is a real estate development. They are all primarily in the private sector and many of them are spearheaded by large corporations.

Interestingly enough, almost all of these planned "New Towns" are located around the "rims" of the United States. You can trace the concentration starting from the Boston area in New England down along the East Coast into Florida, across the Gulf Coast into Texas, through Arizona and then up the West Coast of California. Very few of them are mapped out for the Midwest.

I want to make the distinction now between the Model Cities, the New Cities and the Conference subject—the Experimental City. The key phrase which I prefer to use in describing the Experimental City is that it will comprise an *overleap* in research and in seeking more alternatives in dealing with the problems of the city.

This experimental overleap would offer an opportunity to start anew rather than deal with the entangling restrictions of every sort—power, transportation, sewer lines, to name a few—which are ever present when we attack the problems of the established city or even the environs of an established metropolitan area.

The Minnesota Experimental City has been conceived as a totally new city in which innovations—technological, social, economic, and physical—could be developed, experimented with, and evaluated. Such a city concurrently could lead the way to a more humanized order of urban living. In short, the objective of the Minnesota City is to improve dramatically the quality of life by providing a major advance in man's ability to shape his environment.

We know that today's urban systems are complex and interacting; thus only through a new city is a total systems experiment possible. The Minnesota Experimental City, located some 100 to 150 miles from any existing urban center and housing eventually some 250,000 people, will provide that opportunity.

The fragmented experiments possible in existing urban settings are no substitute for what we envision here. Tradition and the

status quo can be—and frequently are—deadly enemies of human progress but, in a new city, it will be possible to experiment in a coordinated way with a wide myriad of human and environmental factors.

Thus, we look upon the Experimental City as a national proving ground for demonstrating our social, economic and physical capabilities for building cities that can be truly responsive to man's changing needs. The real premise of the City, then, is that 1) man can creatively mold his environment; 2) that we can uniquely unite the technological resources of the private sector with the authority of the public sector; and, finally, that we can do much more to serve people by harnassing and reorienting the social, economic and physical forces about us.

And, what is the great force compelling us to forge ahead . . . people. Dr. Patrick Moynihan, President Nixon's urban adviser, has repeatedly spoken of the need to deal boldly and imaginatively with the American population explosion. America's population trend is irreversible—despite a birthrate of only one per cent, the United States will grow by 100 million people in the next thirty years.

We must find the means to locate these Americans in other than existing urban centers. In short, as Dr. Moynihan says, we need to build in the United States one city the size of Tulsa, Oklahoma each month for the next thirty years just to keep pace with our population explosion.

The question of numbers aside, we are also rightfully concerned with the "quality of life" for our people.

The MXC project proposes to create near the geographic center of the North American continent a new city which will serve in 1976 as a symbol of the progress of two hundred years of an evolving democratic society—its people, institutions, and technology.

In several of our MXC workshops, participants stressed the importance of the City subscribing to a set of community and human values consistent with these principles:

(1) That citizen participation in evaluation and change be encouraged so as to develop mechanisms for achieving further progress.

(2) That social interaction within and among age, religious, racial and ethnic groups and subgroups be fostered.

(3) That personal integrity, individuality and freedom of choice be upheld.

(4) That protection and security be assured; and

(5) That the City will provide for creative and renewing experiences for its inhabitants.

Hence, the search for innovation will not be limited to physical hardware and physical arrangements; equal significance will be given to the need for genuinely new and progressive social institutions and social arrangements.

The Minnesota Experimental City, by its very nature, would have a number of inherent advantages, including:

(1) Lower land costs, particularly if the ultimately selected site is removed from an area currently under development or if it were already in the public domain.

(2) Housing of diverse types and sizes could be built into the communities to accommodate the full life cycle, and to experiment with intermixes of different income, age, and ethnic groups.

(3) Fewer legal and regulatory restrictions would deter innovation in construction technology; and

(4) Community attitudes would be more conducive to change and experimentation; far fewer economic or socio-psychological commitments would manifest themselves as barriers to change.

As an instant city, defined to mean a ten-year development effort from the beginning to substantial completion, the Experimental City would permit a coordinated application of social and physical know-how in a working demonstration of what man can achieve if he so desires.

Later today you will be receiving a progress report on the work accomplished during Phase I. For the first time in the history of man, we are advancing the concept of building a complete city from an ecological base. In reading the report, you will note that our past Steering Committee deliberations and MXC workshops have generated some exciting concepts for intensive investigation, research and/or development during Phase II. Here are but a few of the ideas:

The feasibility of free public mass transportation being built into The City the way an elevator is built into a building.

The possibility exists for co-ordinated testing and experimentation with MXC ideas in the near-term future. We find an emerging interest in conducting experiments wherever possible in existing communities, including our central cities. For example, certain experimental ideas may be suggested for the Model City area of Minneapolis.

The whole concept of research on "the new" and people's capacity to absorb new ideas and new things. The "marketing" aspects of new ideas constitute a whole new field for concentrated research.

A "situation room" or an "information transfer" room may be constructed for use in the planning and design stages of The City, but also as an experiment for early application in existing cities.

Development of the first air world transportation center for the United States.

The educational possibilities of the project itself. Can a new kind of university "without walls" be built into the project as it unfolds? We believe so.

What new horizons can be explored in supplying food to a city?

Again, these are only some of the interesting thoughts which have developed in the first planning stage of MXC. Many more are discussed in the formal report.

Minnesota has demonstrated a traditional concern for the quality of life. Thus it is fitting that we should be instrumental in leading the way toward a new and better environment. However, the tasks ahead are enormous. Only through a level of cooperation unique in our nation's history can the Minnesota City come into fruition. The cornerstone of this cooperation has already been set in the project's unique tripartite partnership of private enterprise, the academic community, and government evidenced during the first phase.

Many major companies joined the University and the Federal agencies in providing the funding needed to complete Phase I. The following contributed $10,000 or more toward the initial research:

The Dayton Company; The H. B. Fuller Company; Honeywell, Inc.; IBM; Minneapolis Banks' Clearing House Association; Minneapolis Star and Tribune Company; Northern Natural Gas Company; Northern States Power Company; Northwestern Bell Telephone Company; Polaroid Corporation; Boise-Cascade Corporation; and Control Data Corporation.

Even greater support and cooperation will be necessary as we now move into Phase II which encompasses actual experimental and development work . . . work designed to evaluate untried concepts and systems in a laboratory environment, to experiment with small scale models, and to investigate anticipated operational problems. Phase II is roughly estimated to cost some four million dollars and the Steering Committee is rightfully encouraged by the continuing high level of interest in both the public and private sectors and by the financial commitments already secured from private industry.

We have every reason to be encouraged. This morning I publicly announced that the Minnesota City project has received grants from the private sector totaling $500,000 for Phase II work—including a $100,000 cash grant from the American Gas Association in conjunction with an additional AGA grant of $250,000 in stipulated research. Most of the companies mentioned previously have already contributed $25,000 each for Phase II.

As you can see, the private sector has played and will continue to play a major role in the conception and development of the Minnesota City. But, more than that, our business community is demonstrating a steadfast commitment to a better life for all our people in the years to come.

In addition, I understand that the Ford Foundation has poised for approval the University's grant request for $46,000 to conduct an on-site research evaluation of the evolution of the new town of Jonathan in Carver County. Surely such research efforts there will provide many insights and improve our capability to deal with the manifold problems to be encountered in building the Minnesota City.

Developments in the public sector also have been impressive and encouraging. Before adjourning last week, the 1969 Minnesota Legislature, by concurrent resolutions of the House and Senate, authorized an interim legislative study of the Minnesota Experimental City, its needs and requirements, to be undertaken by a standing committee in each respective body. Such a study, to be underwritten by legislative funds, will be the first of its kind in the nation and will be instrumental in getting positive legislative action in the 1971 session. Important areas such as the formation of a semi-public corporation—with both public and private financing—to actually build the city, the granting of condemnation and bonding powers to the corporation, insurance ratings, building codes, school aid payments and taxation, and innumerable questions affecting the public health and safety need to be researched with recommendations made.

In directing its standing committees to report back these legislative recommendations by January of 1971, the Legislature has taken a major stride in advancing the feasibility of the Minnesota City. Only through a positive legislative response can we ultimately succeed and this 1969 action is a significant breakthrough with far-reaching ramifications.

We are gratified by this interest and cooperation shown by the members of the Legislature and by the considerable assistance given to us by Minnesota's Executive Branch. The Governor, the Attorney General and the operating departments have been most helpful and we are assured of their continuing support during Phase II.

At the Federal level prospects are equally bright. Since taking office, Vice President Agnew—the President's liaison with the cities of America—has held two sessions with the nation's leading urban experts on the topic of "new towns." I was privileged to have been invited to the May session and it appears to me that we are witnessing in Washington a greater awareness than ever before that the new cities concept can be a viable solution to many of our current ills.

In Washington the MXC project enjoys the support of our congressional delegation. And, in addition, we have visited with several cabinet-level officials as well as with the Vice President to discuss the City and our plans for Phase II. We are now in the process of preparing our Federal grant applications and, hopefully, we can look forward to broadened Federal support in the months ahead.

From this brief overview I hope you will conclude with me that we are well on the way toward the day when people will live in the Minnesota City. To those who have so generously and enthusiastically supported the project, we can only say "thank you" with the hope that it will continue to merit your confidence and support in the future;

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to the "doubters" we must also express a certain gratitude for, throughout history, they have impelled man to think the unthinkable and conquer the unconquerable. And, so it is with the Experimental City.

In less than two months Americans will witness the culmination of our multi-million dollar lunar program with the landing of our astronauts on the moon. Once again, man will have achieved the impossible.

If American technology and know-how can overcome this incredibly complex and difficult challenge, surely we can grapple more successfully with our people-problems here on earth. What we so desperately need is the resolve to do so. . . and that means we must re-examine our priorities.

Vice President Agnew, writing in the foreward of *The New City*—just recently published for Urban America by the National Committee on Urban Growth Policy—commented:

". . . the problems faced by American cities seem an unending chain of crises. Not only are suggested solutions few, but the general ability to think through the intricate maze of political, technical and geographic relationships is almost totally lacking.

"Everyone concerned knows that something must be done. Without cities of a new kind, cities which exist to serve human life and not detract from it, our complex civilization cannot survive. . . ."

Let me conclude by observing that, with the completion of Phase I, we have begun to cut through this intricate maze and we are proposing, by the creation of the Experimental City, one real alternative to the decay of urban America and the decline of our civilization.

At the close of today's conference, I trust you will agree.

Thank you for coming.

A MEMORABLE MAN HAS GONE TO REST

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. FLOWERS. Mr. Speaker, my hometown of Tuscaloosa and the entire State of Alabama lost one of its most valued and respected citizens in the death of Luther Davis, Sr., on October 3. Fortunately for us, he was able to live a long and useful life which stands as an example of service that should be brought to the attention of the House and to others. Therefore, it is my privilege, under unanimous consent, to offer for insertion in the RECORD the following article from the Tuscaloosa News:

A MEMORABLE MAN HAS GONE TO REST

His hair had turned to silver long ago. His eyes had dimmed. His shoulders stooped slightly to reach his walking cane. But Luther Davis, Sr., still had that dapper look, that friendly disposition, that softness of voice that marked him as a memorable man.

Now Luther Davis, ex Tuscaloosa mayor, ex Tuscaloosa druggist, one of Tuscaloosa's longest and most faithful boosters is dead at 88.

In 1967 he retired after serving as a druggist 66 years. In 1949 he stepped down as Tuscaloosa's mayor, a position he held against all comers for 25 years.

A born philosopher, a natural vote-getter, a man rich in the knowledge of human nature . . . a pretty fair doctor without being one . . . a typical gentleman of the old school . . . a gentle and kind man. That was Luther Davis.

In 1901 he left a cotton field in Hale County and came to Tuscaloosa. In 1906 he went into partnership with Dr. Sidney Leach and opened a drugstore downtown. He was elected to the City Commission in 1926.

"I gave up politics," said he, "because I got tired of hearing folks ask for more than we could possibly do."

His philosophies of life are as memorable as he.

"We're all better off than we think we are."

"We all give and provide things to make life easier for our children when we shouldn't do it for their own sakes."

"It is best to let the young folks have a few obstacles to overcome. It makes better men and women out of them."

"I have always respected the right of the other man to have his own opinions and I have always hoped he would also give me that right. It has worked out pretty well."

Luther Davis will long be remembered in Tuscaloosa. Many will miss his everyday walks along the sidewalks, his friendly wave as he passed store windows.

Two years ago he went home "to rest awhile."

Now he's gone to rest forever.

But his memory lingers.

POSTAL CLERKS MARK GOLDEN JUBILEE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, I should like to take this opportunity to join in tribute to the members of Locals 511 and 575, United Federation of Postal Clerks, Fall River and New Bedford, Mass. The Fall River Herald News expressed the appreciation of all the citizens of Greater Fall River on the occasion of the 50th anniversary celebration of this outstanding group of Federal employees. I certainly concur with the sentiments of this editorial and submit it for the attention of my colleagues:

POSTAL CLERKS MARK GOLDEN JUBILEE

A group of men who work behind the scenes to expedite the delivery of mail will observe a golden jubilee here Saturday.

The members of Locals 511 of this city and 575 of New Bedford will mark the 50th anniversary of their association with the United Federation of Postal Clerks. They plan to meet aboard the USS Massachusetts, to visit the Marine Museum and to enjoy dining and dancing at White's.

National union officials will join in paying tribute to the clerks on this happy anniversary.

President James C. Simpson of the Fall River local points out that the public's contact with postal clerks is minimal because the few who serve at the windows of the main post office represent an extremely small portion of the staff. Behind the scenes there are scores of well-trained men seeing to it that the letters dropped into the corner mailbox or the parcels weighed, insured and stamped in the post office, are properly and speedily dispatched into the main stream of the department's delivery system so they will reach the adddessee safely and without delay.

Simpson and his associates have reason to mark the golden jubilee of their association with the United Federation of Postal Clerks for they have served their nation, their home communities and their fellow citizens well.

All Greater Fall Riverites are appreciative of these federal employes' efforts and on this gala occasion say to them—well done.

AMON G. CARTER FOUNDATION, FORT WORTH, TEX.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the other day representatives of the Amon G. Carter Foundation of Fort Worth, Tex., appeared before the Senate Committee on Finance to testify in behalf of their foundation. Under leave to extend my remarks in the RECORD, I wish to include a copy of the statement of Mr. Amon G. Carter, Jr., president of the foundation, as follows:

STATEMENT TO THE COMMITTEE ON FINANCE, U.S. SENATE

(Submitted by Amon G. Carter Foundation, Fort Worth, Tex.)

Amon G. Carter Foundation, a non-profit Texas corporation organized and operated for charitable, religious, literary, and educational purposes, sometimes hereinafter styled "Foundation," hereby respectfully requests modification of certain provisions of H.R. 13270 dealing with the taxation and regulation of "private foundations," as defined in said H.R. 13270. H.R. 13270 will sometimes hereinafter be referred to as "the Bill" or "the House Bill."

The provisions of the Bill as to which such modification is urged are:

Those limiting the percentage of the total voting stock in a business corporation which may be owned by a private foundation, requiring the disposition of so much of said stock as is in excess of the specified limit, and imposing penalties and sanctions for failure to comply with these requirements, whether or not it is legally impossible for the private foundation to dispose of the stock.

FACTS

Amon G. Carter Foundation was incorporated as a non-profit Texas corporation in 1945. It has no capital stock. It was organized to support charitable, religious, literary, and educational undertakings. Shortly after its organization, it was classified as an organization exempt from Federal income taxes under what is now Section 501(c) (3) of the Internal Revenue Code of 1954, and it has continuously maintained that exempt status and its right so to do has never been questioned.

At its organization, Foundation received substantial gifts from Amon G. Carter, Sr. and his former wife, Mrs. Nenetta Burton Carter, from whom he was then divorced. Foundation functioned primarily under the direction of Amon G. Carter until his death in 1955.

By his will, which was duly admitted to probate in 1955 and which has never been in any respect contested or modified, Amon G. Carter bequeathed and devised to the Foundation all of the stock which he owned at his death in Carter Publications, Inc., under provisions which prohibited the Foundation from in any manner disposing of the stock so devised except under specified circumstances for the length of time shown in the excerpt from the will hereinafter set forth. The pertinent provisions of the will are as follows:

"2. The Foundation shall not sell, exchange,

mortgage, or pledge, or in any manner dispose of, encumber or hypothecate my stock in Carter Publications, Inc. for the length of time hereinafter set forth, except with the unanimous consent of all who are then directors of Foundation.

"(a) Foundation may, at any time, join all other stockholders in Carter Publications, Inc., in a sale of all of its capital stock; or

"(b) Foundation may join with the number of other stockholders then required by law in completely liquidating Carter Publications, Inc., if it has sold substantially all of the assets directly employed by it in its business. If, but only if, my stock in Carter Publications, Inc. is disposed of by Foundation in accordance with either of these exceptions, then the purchase rights granted in the subsequent paragraphs of this Article shall be completely extinguished without any right to compensation from or claim upon the proceeds of such disposition inuring to any of those to whom such purchase rights are hereinafter given.

"3. The restrictions set forth in the preceding paragraph 2 shall continue in full force and effect until June 23, 1994, or until twenty (20) years after the death of the last survivor of such of the following named as are living at my death: Amon G. Carter, Jr. (my son), Ruth Carter Johnson (my daughter), James M. North, Jr., B. N. Honea, and Harold V. Hough (all of Fort Worth, Texas, and now stockholders in Carter Publications, Inc.), and any child of any of these five (5) who may be living at my death, whichever period is shorter, and for six (6) months thereafter, but no longer; which six months' period is hereinafter referred to in this Article as the 'option period.' "

The stock in Carter Publications, Inc. so received under the Amon G. Carter will, with stock dividends subsequently received amounts to 26,257 shares, which is more than 20% of the authorized, issued and outstanding capital stock of Carter Publications, Inc. of 120,000 shares. The restrictions on disposition cannot be expected to expire prior to 1994.

Carter Publications, Inc. is the owner and publisher of the Fort Worth Star-Telegram, one of the important newspapers in the State of Texas, and also owns and operates a television and radio station. It was developed from a very small beginning into a successful and valuable organization under the direction and control of Amon G. Carter, with the assistance of a small group of individuals who were actively connected with its operation and who were minority stockholders in Carter Publications, Inc. For many years prior to his death. Amon G. Carter and members of his family, including his former wife, Mrs. Nenetta Burton Carter, had complete stock control of Carter Publications, Inc. All of those associated in the development of the enterprise, except B. N. Honea, have died and their stock holdings have been acquired by Carter Publications, Inc. and retired.

The present capital stock of Carter Publications, Inc. consists of 120,000 shares of a par value of $100 each. 29,951 of these shares are owned by Foundation; 69,043 by members of the Carter family, which term includes Mrs. Nenetta Burton Carter, Amon G. Carter, Jr. and Ruth Carter Johnson (the children of Amon G. Carter and Nenetta Burton Carter), and the children of Amon G. Carter, Jr. and Mrs. Ruth Carter Johnson. B. N. Honea and members of his family own 21,206 shares of the stock; the attorney for Carter Publications, Inc. owns 148 shares; and another employee and director owns 12 shares. All of the shares owned by Foundation were acquired under the will of Amon G. Carter except 2,000 shares which Foundation acquired prior to the death of Amon G. Carter from the estate of a deceased daughter. Eliminating this 2,000 shares and the increases therein by stock dividends, the remainder of the Carter Publications, Inc. stock held by Foundation, which was acquired under and was subject to the provisions of the Amon G. Carter will, exceeds 20% of the outstanding capital stock of Carter Publications, Inc.

Since shortly after the death of Amon G. Carter, Sr., Foundation has been managed and controlled by a self-perpetuating board of three directors, consisting of Amon G. Carter, Jr., Mrs. Ruth Carter Johnson, and Mrs. Katrine Deakins, who, during the lifetime of Amon G. Carter, Sr., was his confidential and executive secretary and who is more familiar with his plans and wishes than any living person.

No member of the Carter family has ever received any compensation or other financial benefit of any kind or character from Foundation. Amon G. Carter, Jr. and Mrs. Ruth Carter Johnson serve without compensation and devote a considerable portion of their time to its affairs.

The book value of the assets of Foundation at the end of the first period after it received the residue of the Amon G. Carter Estate was approximately $25,000,000. The book value of its assets on July 31, 1969, was over $33,600,000, and the market value of these assets at that time was between $45,000,000 and $50,000,000. Since its organization, the Foundation has made gifts and grants of approximately $16,500,000, and in addition, has about $5,000,000 in assets in Amon G. Carter Museum of Western Arts and its contents. The establishment of this museum was required by the provisions of the will of Amon G. Carter. It is operated for public use and without any admission charge and will ultimately go to the City of Fort Worth. The recipients of the gifts made by Foundation are churches, educational institutions, hospitals, and similar organizations such as the Carter Blood Center in Fort Worth, Texas, and numerous other qualified and worthwhile recipients. The Foundation's activities, both financial and charitable, have been conducted with a minimum of expense. The Foundation has consistently disbursed, for charitable and related purposes, all or more of its income than present laws direct it to disburse. It has no accumulation of such earnings.

The Carter Publications, Inc. stock bequeathed to Foundation was valued for estate tax purposes at $1,125,000. The company has regularly paid cash dividends for many years. Its present dividend rate is $8.37 per share. During the period of administration on the Amon G. Carter Estate, it received $501,244 in cash dividends on the stock owned by the decedent at death, and the total cash dividends received by Foundation on Carter Publications stock from 1956 through 1969 amounted to $2,398,103. This stock was valued at $81.00 per share at Amon G. Carter's death, so the present cash dividend rate is more than twenty per cent (20%) per year on the value of the stock at Carter's death.

Foundation's holdings of the stock in Carter Publications, Inc. acquired from the Amon G. Carter Estate cannot, as shown by the excerpt from the Amon G. Carter will quoted above, be disposed of for a great many years except under the limited circumstances specified in the will, which, in effect, would require the disposition by all stockholders in Carter Publications, Inc. of all of their stock in that company or the sale by Carter Publications, Inc. of all of its assets and its complete liquidation. The properties of Carter Publications, Inc. are very valuable with necessarily a very limited number of possible purchasers, and even if its stock or its properties could be sold, the prospective purchasers would probably be limited to one of the several newspaper chains which in the past have acquired newspaper properties in various sections of the country. To place the ownership of the Fort Worth Star-Telegram and the television and radio station associated with it in the hands of any such purchaser would deprive North Texas and West Texas of an enterprise which has for almost half a century been devoted primarily to the development of those areas, and promote further an undesirable concentration of the ownership of news media throughout the United States. Further, any such disposition would require the cooperation of all of the stockholders in Carter Publications, Inc. and it is entirely beyond the power of the Foundation to secure such cooperation.

Foundation has been advised and believes that it would be impossible to secure a judicial determination which would remove the restrictions contained in the Amon G. Carter will upon the disposition of Carter Publications, Inc. stock which was bequeathed by said will to Foundation. Such a judicial determination would, in effect, be a rewriting of a plain and unambiguous will which was admitted to probate approximately fifteen years ago and the provisions of which have never been contested or in any respect modified. For the same reasons, it appears impossible for Foundation to dispose of any portion of the stock in Carter Publications, Inc. received under the Carter will within the two-year and five-year periods specified in Section 4943(c) (4) (B) and (C) of the Bill. Thus, the Bill, as presently drafted, would not only impose very severe sanctions and penalties on all concerned, but would destroy this very worthwhile organization.

SUGGESTED MODIFICATION

It is believed that if there is added to Section 4943(c) (4) (D) the following provision:

"No holdings of a private foundation shall be classified as 'excess business holdings' for so long as, by the terms of the applicable instrument (in effect on January 1, 1969) by which the private foundation acquired such holdings, it is prohibited from disposing in any manner of such holdings without the consent of a person or persons who are not 'disqualified persons,' as defined in Section 4946(a), if, in a proper judicial proceeding to which the highest law officer of the State having jurisdiction is a party, it is determined that such prohibition cannot be modified so as to permit such disposition without such consent," it will remedy the existing situation which, as aforesaid, would accomplish very inequitable results not intended by the authors of the Bill.

The provision above quoted is submitted without pride of authorship, and any other provision which would accomplish the intended result would be satisfactory to the Foundation and to any other foundations similarly situated.

The relief suggested is substantially similar to the relief presently afforded by the Bill in those provisions of the Bill dealing with accumulated income and affording relief in those cases where the governing instrument provides for the accumulation of a part of the foundation's income over an extended period. See in connection with this relief provision the statement of Hon. Edwin S. Cohen, Assistant Secretary of the Treasury for Tax Policy, found on Page 32 of the government publication entitled "Statement of the Hon. David M. Kennedy, Secretary of the Treasury," where Assistant Secretary Cohen said:

"There is, however, a permanent exemption from the income pay-out rules of those organizations which are required by their governing instruments to accumulate income and which find it impossible to effect a change. It appears that the provision pertaining to disposition of business holdings is too stringent and should be changed to conform to the income pay-out rule."

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WITHDRAWAL NOW

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. ROSENTHAL. Mr. Speaker, 14 Members of the House today introduced a resolution calling for withdrawal now from Vietnam with the pace of departure to be limited only by the need to protect our forces.

Our resolution also expresses our conviction that the United States should assist in the protection of those South Vietnamese who are endangered by our disengagement.

A similar resolution was also introduced today by Senators Alan Cranston of California, George McGovern of South Dakota and Abraham Ribicoff of Connecticut.

House sponsors of the resolution, the text of which follows, were:

George Brown of California; Daniel Button of New York; Phillip Burton of California; Shirley Chisholm of New York; John Conyers of Michigan.

Don Edwards of California; Bob Eckhardt of Texas; Donald M. Fraser of Minnesota; Andrew Jacobs of Indiana.

Robert Kastenmeier of Wisconsin; Abner J. Mikva of Illinois; Arnold Olsen of Montana; William F. Ryan of New York; Benjamin S. Rosenthal of New York.

House Concurrent Resolution 403

Whereas, the war in Vietnam has resulted in the loss of more than 40,000 American lives, in some 250,000 American casualties, and in the depletion of American resources to the extent of over $100 billion, and inestimable destruction to Vietnamese life and property.

Whereas, the war stands today as the greatest single obstacle to efforts to focus the country's financial, human and spiritual resources upon urgent domestic needs, and

Whereas, spokesmen for the present Administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that goal, and

Whereas, the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support, and

Whereas, the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it, and

Whereas, the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion.

Now therefore be it resolved by the House, and the Senate consenting, that it is the sense of the Congress of the United States:

That all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, and that the United States should assist in the provision of asylum in friendly countries for those Vietnamese who might be endangered by our disengagement.

NEWSPAPER-OF-THE-AIR

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. HOGAN. Mr. Speaker, WETA/channel 26, Washington's public television station, should be congratulated for their immediate and excellent response to the recent Washington newspaper pressmen's strike.

On the evening of Thursday, October 2, as the House remained in session to debate military appropriations, WETA-TV launched a revolutionary new program entitled "Newspaper-of-the-Air" in response to an emergency community need. The program was broadcast in color from 7 to 8 p.m. and again from 10 to 11 p.m.

Fortunately for the residents of the Washington metropolitan area, the pressmen's strike was resolved late that same evening. However, WETA-TV was prepared to continue the program on a daily basis for the duration of the strike.

"Newspaper-of-the-Air" was coordinated and programed with the aid of editors and reporters from both the Washington Post and the Washington Star.

On the October 2 program, 13 experienced newspapermen covered the full gamut of the day's most important news events in the fields of foreign and national news; District of Columbia, Virginia and Maryland news; entertainment, sports and other features. Reporters also contributed incisive news analyses and special reports.

I commend WETA–channel 26 for arranging such an excellent broadcast on such short notice. It is even more remarkable in view of the budget limitations which characteristically distinguish public television broadcasts from commercial operations. The entire staff deserves our thanks for their dedicated efforts.

The only real problem encountered with this experiment in television programing was that of communicating its availability with such little leadtime. Although press releases and telegrams announcing the program were sent to all government leaders, it was virtually impossible to notify the general viewing public of the broadcast in advance of air time.

I have been informed by WETA-TV staff members that if such a communications emergency should ever arise again channel 26 will resume this news program. They are already formulating plans to have time available to make immediate announcement of the program in case of a news emergency.

It is particularly appropriate today, as the House opens debate on additional funding for educational television, that WETA–channel 26 and the Washington Star and Washington Post staffs be congratulated for offering this public service.

STATEMENT OF JOHN G. GUIMARRA, JR., GENERAL COUNSEL, GUIMARRA VINEYARDS CORP., EDISON, CALIF.

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. MATHIAS. Mr. Speaker, John G. Giumarra, Jr., one of my constituents, on September 30, 1969, presented testimony before the Senate Subcommittee on Migratory Labor. I believe his remarks present a fair appraisal of the activities of the United Farm Workers Organizing Committee in raising the issue of pesticides to bolster its presently sagging grape boycott.

The remarks follow:

Statement of John G. Giumarra, Jr., General Counsel, Giumarra Vineyards Corp., Edison, Calif., Before the Senate Subcommittee on Migratory Labor, Washington, D.C., September 30, 1969

I am John G. Giumarra, Jr., a resident of Bakersfield, California, and General Counsel of Giumarra Vineyards Corporation. We are grape growers in the Arvin and Delano regions of Kern County and are one of the many targets of the United Farm Workers Organizing Committee boycott effort.

Despite that boycott effort and intensive efforts by UFWOC to organize our workers and other farm workers in California and across the nation, our crops—and the total crop of the table grape industry—have been harvested and marketed in each of the past four years. Our 1969 crop is similarly flowing to market right now as Mr. Cesar Chavez and UFWOC trumpet their strike and boycott calls before this committee and in the marketplaces of the nation.

This crop is moving because UFWOC has failed in each and every phase of its campaign and is now resorting to cynical and desperate tactics to keep its cause alive.

UFWOC has failed in the fields where it has been unable to win over the workers and unable to halt the production or harvest of grapes.

UFWOC has failed with the boycott because the consumers of America want grapes and will eat them if they are for sale. UFWOC has further failed in the marketplace because the stores of America have stood up under the worst kind of coercion, refusing to serve as arbiters in a dispute which is not of their making and refusing to deny freedom of choice to the consumer.

Now, as this hearing has established beyond doubt, Mr. Chavez and UFWOC, in a last ditch effort to buoy up their cause, have recklessly leveled the false charge that the grape growers are poisoning the American people. Mr. Chavez has come to Washington to testify before the highest legislative body in the land in an attempt to use this revered place as the staging ground for an effort which could well destroy the table grape industry and the livelihood of the farm workers for whom he professes such deep concern.

That tactic has failed because of the diligence this Subcommittee has shown in pursuing the truth. His defamatory charge against this industry is based on the flimsiest possible evidence—Mr. Chavez' single laboratory analysis and one four-pound sample from nearly a billion pounds of California table grapes. And indeed even this test was demonstrated to be inaccurate.

Let us look at that evidence:

Dr. Paul E. Porter, a world renowned chemist and unimpeachable expert in pesticides, has refuted beyond question the charge that California table grapes are contaminated by aldrin. His scientific expertise brought down to language everyone can understand proves that the test cited to this committee on August 1 was either in error, or that the grapes were deliberately doctored by someone.

Even disregarding for the moment the scientific technicalities of the matter, the irrefutable fact is that aldrin is not used on California grapes.

Anthony A. Bianco, Jr., who grew the grapes in question, swears he has never used aldrin on any crop.

Mr. Allen Lemmon of the California State Department of Agriculture showed that aldrin isn't used on grapes and that his department's tests of grapes on the farm, in the transportation process and in the markets, have never turned up aldrin.

The people who apply pesticides for the growers, and the agricultural commissioners of every county in California state that aldrin isn't used on grapes.

Finally, the Food and Drug Administration, with its broad scale tests and its widely recognized array of technical experts, processes and equipment have totally cleared the California table grape crop of charges that it is contaminated by aldrin—or that it is contaminated in any way whatsoever by pesticides, herbicides and what Mr. Chavez calls "economic poisons" of any kind.

This then is the evidence that disposes of UFWOC's pesticide and which destroys the credibility of Mr. Chavez' own testimony before this committee and the dangerously irresponsible propaganda he is spreading in his travels about the country.

But this is only part of the story. The contrived pesticide issue represents a final desperate move in Mr. Chavez' campaign to grab control of the nation's food production. The pesticide scare was obviously launched to shore up UFWOC's sagging boycott. UFWOC's stated concern for the farm worker and consumer is no more than a cynical weapon in its arsenal of trickery and deceit.

The first I personally heard of pesticides as an issue between the growers and UFWOC was about a year ago from Mr. Cohen himself. We were litigating a matter in Superior Court in Bakersfield, California, when Mr. Cohen warned me that UFWOC was considering launching the pesticide campaign which has now materialized. At that time, however, he stated that UFWOC was being restrained from doing so by the AFL–CIO because such a campaign might destroy the industry. Mr. Cohen insisted that UFWOC could raise the issue in the future if the industry continued its refusal to negotiate with UFWOC and that if UFWOC did, the grape industry would be faced with another cranberry situation. And he warned that we couldn't beat this tactic because, he said, in the cranberry situation every time the Food and Drug Administration or the industry advised the public that cranberries were safe, sales of that commodity plunged even lower.

The ironic part of all this is that apparently not only the AFL–CIO but Mr. Chavez himself opposed the use of this tactic by his followers.

On June 10, 1969, Mr. Cohen walked into the office of the South Central Farmers Committee in Delano, California, and engaged in a conversation with Mrs. Eleanor Schulte, the committee's office manager.

(At this point, Mr. Chairman, I would like to submit for the record Mrs. Schulte's affidavit regarding that conversation.)

Mrs. Schulte notes therein that Mr. Cohen said his purpose was for Mrs. Schulte to pass along to the growers the conversation that took place between them.

I will also quote three brief paragraphs from Mrs. Schulte's affidavit:

(Quote) "The Board of UFWOC (He [Cohen] mentioned the names of Larry, Dolores and Phil whom I assume to be Larry Itliong, Dolores Huerta and Phil Veracruz [All UFWOC officials]) had met the previous night and voted to mount an all-out campaign this year on the boycott, including the pesticide issue. Cesar did not want to push the pesticide issue, and tried to restrain the others but finally agreed to go ahead with it if necessary. The only alternative to this intensive campaign will be for the growers to negotiate. Cesar wants to avoid this intensification because it will be so destructive to both sides." (End quote)

(And quote) "He spoke of the 'cranberry scare' and said that every time the Department of Agriculture issued a bulletin denying pesticide poisoning in cranberries, it only made the situation worse. He said we couldn't fight the pesticide issue . . ." (End quote)

(And again I quote) "He said that the union had had conversations in the past with John Giumarra, Jr. and that 'we told him we would make the boycott a national issue and he laughed. Then we told him that we would bring up the pesticide issue, and he laughed, but we did all these things'."

Yes, Mr. Chairman and members of the committee, they did do all these things and more.

They have lied to the American people. They have deliberately distorted fact. They have libeled this industry and this commodity. And they have demonstrated the most vicious irresponsibility the agricultural community of this nation has ever witnessed.

For example, consider the next document I will ask to be made part of this record. It is a handbill put out by UFWOC urging "Don't Eat Grapes." This handbill and thousands like it are flooding the country in a deliberate effort to frighten the American consumer and to destroy this industry.

In it, UFWOC charges the growers with using pesticides of a kind, and I quote, "developed by the Nazis during World War II" which "works just like war gases in its effect on human beings."

I am not a technical expert in pesticides but I do read the English language and I understand deliberately misleading propaganda when I see it. The same handbill says "There are no inspection procedures and no safeguards to protect consumers from dangerous pesticide residues remaining on grapes." The testimony before this committee yesterday and today demonstrate the utter falsity of UFWOC's claims.

By the way, if UFWOC wants to talk about gases, I'd like to tell you of an incident in our vineyards near Delano on August 26. A picking crew reported to a field for work and within a few moments many of the workers complained of feeling ill. Their eyes were watering and they were coughing. One worker attempted to use a portable field toilet which is provided for our workers, but was driven out in several seconds, tears streaming from his eyes.

The Hornkohl Laboratories of Bakersfield, chemical and testing engineers, were asked to analyze the problem because we fully anticipated that UFWOC would charge the incident up to pesticides in some fashion. A Hornkohl chemist, L. H. McAuley, said he was unable to remain in the toilet building for more than three seconds because of what he described as "a very pungent odor and burning effect of the eyes."

Laboratory tests (And I am submitting the Hornkohn certificate for the record, Mr. Chairman) showed that the portable toilet had been sprayed with an organic chemical with an aldehyde base. Aldehyde, I am told, is an abrasive agent, a basic ingredient in tear gas.

When Mr. McAuley attempted to leave the area with his sample, he was accosted by UFWOC supporters on the road outside the vineyard and warned to get rid of his sample. He refused, however, and was safely escorted from the area by one of our ranch officials. Moreover, while Mr. McAuley was taking his samples, the same UFWOC group harangued the workers in the field with shouts asking: "Do your eyes burn?" "Do you have tears in your eyes?"

All I can say, Mr. Chairman, is that before Cesar Chavez and UFWOC came to the valley, our workers were not tear gassed in the fields.

Mr. Chavez knows that the pesticide issue is false. He is completely willing to have it go away—even without resolution on his terms—if he can whip the growers into submission and take his first step toward control of America's food production.

Proof that he is willing to throw away the pesticide issue is evidenced in the next document I now submit for the record.

In June and July of this year, 12 table grape growers entered into negotiation with UFWOC under the supervision of the Federal Mediation and Conciliation Service. Those negotiations failed. The evidence stemming from those negotiations demonstrates beyond question that UFWOC was willing to throw away the pesticide issue to get its first contracts with the table grape industry.

The document I submit is an August 6 press release by the labor relations consultant who represented the 12 growers in the negotiations. It states that UFWOC submitted an offer in writing through the Federal Mediation and Conciliation Service which read as follows:

"That we are prepared to give a moratorium to the whole industry on the pesticide campaign for a limited time in exchange for an acceptable contract covering all workers, all crops."

Mr. Chairman, in closing I would submit the following:

The United Farm Workers Organizing Committee purports to represent the farm workers yet the majority of those workers have not chosen UFWOC as their collective bargaining agent. The charges by UFWOC on wages, working conditions, pesticides and the rest only obscure the real issue.

We, the growers, favor federal legislation that would allow the farm workers in the vineyards of California, and, indeed, the nation, to state whether they want UFWOC as their representative, or some other union, or no union at all. This should be part of a comprehensive legislative program dealing with the whole issue of employer-employee relations in agriculture and the right of the American consumer to the free flow of food from the farm to market.

Only if the Congress takes action can this controversy be ended forever.

WHY WE SHOULD GET OUT OF VIETNAM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. KOCH. Mr. Speaker, I have read with great interest a statement made by our colleague, Peter N. Kyros, which has appeared today in the Maine Times. Because I believe it will be of equal interest to our colleagues, I am setting forth a copy of it:

Why We Should Get Out of Vietnam

Whatever our motive may have been and may be for having committed half a million troops to a military struggle in Vietnam, we must face an excruciating reality. The military struggle has not simply become a stalemate, it is a war which we can *never* win.

Above and beyond all discussion of firepower, kill ratios, destruction of Vietcong infrastructure, and pacification, we are faced with a very basic fact: the North Vietnamese and the Vietcong are dedicated to the struggle, one which they are prepared to fight to the last man. We are not, thank God.

Let no one say that we have not fulfilled our commitment. Half a million troops sent, 38,000 lives lost, and 100 billion dollars spent are evidence enough of our steadfast commitment.

A second basic fact is our inability to eliminate guerrilla insurgency. It is possible to defeat guerrillas in countries such as Malaya, the Philippines, and Bolivia, where infiltration can be successfully dealt with and where there is no continual supply of local recruits. Vietnam, however, is a country where young men are not afraid to die in fighting the Saigon army, known for decades to be corrupt. It is also impossible to stop North Vietnamese from going South, in what they believe to be a continuation of Ho Chi Minh's campaign to unify Vietnam and drive out foreign troops.

It is estimated that between ten and fifteen men trained in counterinsurgency are required to secure an area from one guerrilla. Unable to prevent the recruitment and infiltration of these guerrillas, we are also unable to make the overwhelming manpower commitment necessary to secure the countryside from insurgency.

North Vietnam and the Vietcong will continue to have the option, should they suffer heavy losses in unit warfare, to return to Stage I of insurgent tactics—a return to guerrilla operations alone. We would be unable to match such a development, just as we would be unable to match a second option available to the insurgent forces: expansion of the war into Laos and Northern Thailand.

We have learned several military lessons from the conflict in Vietnam, and history may judge that the costs were not excessive, if the lessons are remembered. We have learned that we cannot indefinitely commit our men to a far-off struggle, against dedicated opponents who believe they are fighting for their very survival. We cannot commit half a million men indefinitely to one small military theatre, and continue to be prepared for other global confrontations. And we have learned that power is not synonymous with capability, nor firepower a guarantor of victory.

There is no question as to the courage of our men, or as to their performance and heroism under fire. But this is not the kind of war for them to fight, and we should not ask them to continue.

We can rain bombs upon the factories of North Vietnam—and their factories will be dispersed and rebuilt in untargetable units. We can attack petroleum supplies, cutting down on motor vehicle traffic—and the North Vietnamese will walk. We can crater roads—and labor gangs will have the holes patched in several hours. We can close the Ho Chi Minh trail for several hours—until the tide of infiltration and supplies resumes its flow.

It is time that people understand what many of our best military people already know: we cannot successfully wage a guerrilla war against men who are fighting in their own land for their own beliefs, and who have since their earliest years been fighting against corrupt governors and foreign troops. For us to lose such a war is no cause for shame. But it is inevitable.

If the war is futile—and it is—then why do we continue? We must stop. 38,000 lives, a quarter of a million injuries, and 100 billion dollars will not be vindicated by more lives, more wounds, and more money. Almost 300 young men from Maine have died. There must be no more—no "reduced" casualty rates of 100 or 150 deaths a week, 5,000 or 8,000 men per year.

We have admitted that South Vietnam may never become a viable democracy, worthy of all the blood shed on that sad country's soil. But we have fought on, believing the struggle necessary to buy time for our efforts to stabilize a Southeast Asia emerging from colonialism. It is time we also recognize the error of these assumptions.

We may talk of fighting for the South Vietnamese people's right of self-determination. But to the vast majority of Asians, we are Westerners killing Orientals. We may have the support of certain governments in the war—the Thais, the South Koreans, and some Laotians and Malaysians. But we are slowly alienating the two nations in Asia with true future potential: Japan and India.

While we will never exhaust the North Vietnamese, we could succeed in making Chinese-style communism, and possible offers of help, increasingly more attractive to them. The continued war, then, is not only militarily futile; it is also increasingly more damaging politically.

It is difficult, if not excruciating, for us to face the fact that we may have lost a war. If this were a conflict in which our national security were truly at stake, I am sure all Americans would fight on, regardless of the odds. Fortunately, our nation will suffer no permanent damage by admitting that we are unable to fight indefinitely a guerrilla war in a far-off corner of the world.

It is obvious that mainland China is unable to embark upon expansionist policies at a time when that nation is faced with chronic disintegration of its domestic rule. While the Communist government of mainland China will no doubt find satisfaction in the withdrawal of American forces, the leaders and people of Vietnam are not about to enter into a stellite relationship with China replacing the once-dominant Western influences. The historical antagonism between Vietnam, Cambodia, and Laos will also militate against any pro-Chinese, anti-Western alliance of these nations.

The nations of Southeast Asia have for centuries been dealing with China, and we can expect that they will be able to continue this balancing act in the future, even should Vietnam be united under a Communist government. By continuing to support an elitist, military government in Vietnam, however, we only retard the movements in other Southeast Asian nations towards broadly-based governments capable of dealing with the realities of mainland China.

The realities of Vietnam are such that we should get out, now. The issue is not whether to get out, but how.

Essentially, we get out by getting out. Even if we are only now recognizing the futility of remaining, our adversaries have known since the first Tet offensive that victory is in their grasp. The prospect of compromise, so basic to our own principles in resolving conflicts, is alien to the other side. Why should they surrender by negotiation anything which they can accomplish by fighting? We must bite the bullet, and realize that our hopes for compromise are delusions born of our incurable optimism.

We have, however, an obligation to the South Vietnamese who fear for their lives at the hands of the Vietcong. While recognizing that the present Saigon government will never reach accommodation with its enemies while we are supporting this government, we also owe this government a chance to do what the South Vietnamese should have had the opportunity to do years ago: negotiate for their own future, without unrealistic reliance upon U.S. military support.

We should immediately take the only action which is morally acceptable to the young men who are courageously fighting at our nation's behest: end all offensive operations, and take every millitary action with only one goal in mind: keeping casualties to a minimum. If this means withdrawing from exposed positions in the northern tier of South Vietnam, so be it. Our air and artillery power can be used to full advantage for protective purposes, but protective purposes alone.

We should, in order to protect those who fear reprisal, establish protectorates, or enclaves in Saigon and possibly Danang, Hue, or several other urban areas. The Vietcong should be advised, however, that these protectorates are for protection alone, and that U.S. military presence will be withdrawn entirely should there be effective guarantees against such reprisals.

We should halt offensive operations immediately, and we should advise the Saigon government of our firm intention to withdraw all military forces, except those needed for the protectorates, within a brief period—60 to 90 days. During this time, we should do everything possible to see that the Saigon government meets with nationalist and Vietcong groups to establish the future of the country. We should not involve ourselves in these discussions at all, and should make every effort to see that the North Vietnamese are not involved either. In this way we can hope, although perhaps not expect, that the future of South Vietnam can be determined by the Vietnamese themselves. In order to promote such an arrangement, we can make clear our willingness to provide economic assistance—an offer in which the Vietcong have shown interest. Should it be obvious that these discussions are really headed in a direction which will provide for a peaceful Vietnam we could extend our withdrawal date by a slight margin if warranted.

We should insist on one sole non-negotiable condition from North Vietnam, a condition on which we can expect unified public opinion in the United States and the world. We should insist that as we leave Vietnam, all our prisoners of war held by Hanoi and the Vietcong leave also. At the same time, we should do everything possible to see that North Vietnamese presently held as prisoners are permitted to return to their own homes as well.

As we withdraw from Vietnam, and withdraw we must, we come to the end of an era, an era in which we believed it possible to impose a Pax Americana upon local insurgencies, even 10,000 miles away. It is also, however, the beginning of a new age, an age in which the forces of nationalism emerge not only against Western-oriented elite governments in Asia, but against Soviet domination in Eastern Europe.

The United States should, and will, remain a Pacific power. Since the beginning of this century, our nation has accepted the fact that we must not simply seek commercial advantages in trans-Pacific trade, but that Hawaii, the Philippines, Australia, and other Pacific lands are destined to have close relations with the United States, Hawaii having now become a part of this nation. We must realize, however, that to oppose nationalist forces in Vietnam is to oppose the tide of history.

We need not fear nationalist, revolutionary movements in Southeast Asia. Less than 50 years ago, revolution took place on our own borders, in Mexico. President Kennedy was later to return to Mexico to stress our common revolutionary heritage, and the harmony which has grown up between our neighboring countries.

An even more recently example of successful accommodation to revolutionary nationalism has been France's experience with Algeria. After long years of fruitless struggle which had divided the French nation as the war in Vietnam divides ours, the French withdrew. A government came to power spouting Marxist slogans, but one which was

nonetheless willing to find accommodation with France.

We should remember that we fought our own "war of national liberation" less than 200 years ago. During that war, the British statesman William Pitt sought to convince his country of its folly: "You cannot conquer America," he said. He continued: "If I were an American, as I am an Englishman, while a foreign troop was landed in my country I would never lay down my arms,—never! never! never!"

We, as Americans, should realize that the Vietnamese nationalists will never lay down their arms. Just as we have not forever remained enemies to the British, so we will not always be enemies to the Vietnamese, if we will only stop killing each other.

I hope most fervently that President Nixon will adopt a course of action similar to that which I have described, and I will give the President my fullest support should he do so. After all, he has inherited our nation's war, not of his own making, which he has committed himself to bring to an end.

I believe there is no other course of action which will halt the loss of life and bring our nation together once again. The President still has the opportunity to avoid the divisiveness which has surrounded our Vietnam involvement in recent years, and I want to do everything possible to make our withdrawal possible for him.

TESTIMONY ON TAX REFORM: PART II

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. PRICE of Texas. Mr. Speaker, yesterday I inserted in the RECORD the first of a series of excerpts from the testimony on tax reform I submitted to the Senate Finance Committee. Today I am inserting the second installment in this series, an installment concerning the proposed revisions in the tax treatment of capital gains.

I believe that the traditional tax treatment of capital gains has proven to be a key underpinning in our national economic development. Since the early twenties, Congress has based its capital gains tax policy on the belief that it is the national economic interest to encourage individuals to invest in productive enterprises. This is but a reflection of the basic economic fact that capital must be encouraged to flow into new commercial ventures if society is to benefit from new technological trends and more efficient modes of production and distribution.

Through the years, the capital gains tax structure has been an integral part of the genius and the guiding force of our Capitalist system. Due to its position of economic importance to our national health, I do not think that it should be revised at this time.

I insert in the RECORD, at this point, that portion of my testimony to the Senate Finance Committee which relates to capital gains:

CAPITAL GAINS

Mr. Chairman, as passed by the House of Representatives, the provisions of the Tax Reform Act of 1969 dealing with the treatment of capital gains affects substantial changes in the present law. I feel that these changes, on the whole, will weaken our economic structure under the guise of reforming it, and their operation could cause irreparable damage to the nation's capacity for economic growth in coming years.

It is fundamental that an adequate level of investment must be maintained as a necessary precondition to continued national prosperity. What is not settled, however, is what the proper level of investment should be under varying economic conditions, and what combination of federal restraints should be utilized to insure that the proper level of investment is reached and maintained.

In recent testimony before this committee, Secretary of the Treasury David M. Kennedy made some pointed observations about the capital gains provisions of the Tax Reform Act of 1969. Secretary Kennedy noted that the Act is, "weighted in favor of consumption, to the potential detriment of the nation's productive investment." He concluded that the House passed version could impede economic growth in the years ahead by curtailing the incentive to make productive investments.

I fully agree with Secretary Kennedy's assessment of the impact to the national economy that would be caused by the new capital gains tax structure. In my view, the negative effects of the changes would manifest themselves in three ways.

First, the incentive for the businessman to take commercial risks would be reduced; and the supply of essential investment funds would be seriously curtailed. Since the early twenties, Congress has acknowledged through its taxation policy that there are distinct differences between ordinary income and income realized on true capital assets. The Congress has based its policy on the belief that it is in the national economic interest to encourage people to invest in productive enterprises. Capital must be encouraged to flow into new commercial ventures if society is to benefit from new technological trends and discoveries. This is part of the genius and the guiding force of our capitalist system.

It is axiomatic that the willingness of an individual to assume commercial risks depends to a considerable extent upon the prospect he sees for a suitable return on his investment. Obviously, then, if higher tax rates were levied on the gains an individual derived from his investments, the incentive of the individual to even get involved in a risk enterprise would be reduced. Consequently, if the tax treatment of capital gains is altered so that capital gains received less favorable treatment as is contemplated in the House passed Tax Reform Bill, then the flow of investment capital to new ventures will be reduced. This would not be in the interest of the consumer, the businessman, or the nation.

Second, if the changes in the treatment of capital gains become effective, the investment in modern plant and equipment would decline. This is not a desirable consequence from a view of long term, national economic growth. As I mentioned earlier, the Administration has expressed the view that the tax reform bill involves too great an allocation of tax benefits to consumption and not enough tax benefits to investment in productive equipment and capacity.

It is well settled there is a clear need for an adequate level of investment to promote long-run economic prosperity. At present, the Federal government has available an adequate array of fiscal and monetary tools by which it can attempt to influence and control the level of aggregate private investment. It does not need more investment controls, especially of the type contained in the House passed tax reform bill.

Third, any increases in the taxation of capital gains would adversely affect both the national level of investment and the allocation of investment funds. Economists generally agree that in order to achieve the optimum allocation of our economic resources, the mobility of investment capital should be encouraged. Accordingly, if investment funds are to be allocated among various commercial ventures with maximum value, it is essential for investors to have access to and be able to transact business in a liquid and orderly market. For this reason, tax measures which hamper investment liquidity and impair capital mobility are clearly undesirable. Moreover, in our free enterprise system, individuals should not be deterred from making desirable shifts in the composition of their asset holdings as their needs and expectations change.

In looking at capital gains in perspective, it is clear that in coming years, new capital and new investments must be generated if our economy is to meet the demands placed upon it by our growing population and our expanding technology. In the face of these demands, the traditional structure of incentives which has proven itself through the years should not be casually or hastily dismantled.

THE PRESIDENT'S ERROR

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. BINGHAM. Mr. Speaker, I agree with those who say that the kind of national commitment that led to a landing on the moon is what we need for the achievement of more important goals here on earth.

But it is quite something else to suggest, as President Nixon has, that the dazzling success of the Apollo 11 mission signals a new capability in us mortals to solve the problems of mankind.

The following pithy comment by Reinhold Niebuhr, which appeared in the September 15 issue of Christianity and Crisis, is worth pondering:

THE PRESIDENT'S ERROR

(By Reinhold Niebuhr)

After the successful moon shot, the triumphant President, speaking at a White House reception for foreign exchange students, exulted: "Any culture which can put a man on the moon is capable of gathering all the nations of the earth in peace, justice and concord." He was so persuaded by this conclusion, weighted with error, that he repeated this hope and promise in all the capitals of Asia.

The error of the President has persisted in Western culture since the 18th century. Quite simply, it is the error of identifying the self with the mind. When the mind considers, studies and conquers nature, then it is pure mind. The self with its pride, passion and interests does not enter when man frees himself from the limitations of nature. But when there is the problem of relating man to man and nation to nation, then the mind becomes the servant of the self's hopes, ambitions, pride and fears. Reason cannot simply annul or reduce the self's ideologies. An ideology is, in fact, a corruption of the reasoning process in the interest of self, individual or collective.

The bright young students, insofar as they numbered many foreigners, could not help but observe critically that the President's fond hopes betrayed an American ideology. Was it not the USA that placed a man on the moon; and did not his hopes and ambitions

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suggest that it would be this nation, accoutered with this newfound "redeemer" status, that would lead all the nations to a triumphant "peace and concord"? Was this but another version of the "American Century"? No doubt there were as many skeptics in the capitals of Asia as among the foreign students at the reception.

We are unquestionably a powerful nation. And we also may be a virtuous one, even though our virtues may be more ambiguous than we can imagine in our inveterately high self-esteem. But surely we cannot assert our leadership by the constant reiteration of a long-exposed error about the self and its mind. For social and moral progress is more difficult than the mere conquest of nature.

The histories and social studies of two centuries prove the vanity of a hope and promise that has become the cornerstone of the "American Century."

THE GROWING USE OF VIOLENCE AS A POLITICAL TACTIC

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. ASHBROOK. Mr. Speaker, the use of force and violence which our Nation has experienced in recent years has had a snowballing effect due largely, I believe, to refusal of involved authorities to call upon the laws and enforcement facilities available to them. Every school administrator who allowed his offices to be occupied, every clergymen who permitted his services to be disrupted, every official who acquiesced in the face of threats of violence—all, in my opinion, encouraged inadvertently the use of unlawful coercion, or the threat thereof, to gain desired ends.

The October 1969, issue of Religion and Society carried an excellent example of how violence has been adopted in various areas of our society in an article entitled "The Growing Use of Violence as a Political Tactic." Authored by Allan C. Brownfeld, a lawyer, lecturer and writer, this account puts to rest the proposition that the term, "law and order" is but a code phrase to be used for political advantage. As Mr. Brownfeld's treatment amply illustrates, the malady is very real and will not be cured by semantical dodges. Only an aroused public will effect corrective action, and articles such as the above-mentioned should be constantly called to their attention until conditions in this area change for the better. For this reason I insert "The Growing Use of Violence as a Political Tactic," by Allan C. Brownfeld in the RECORD at this point:

THE GROWING USE OF VIOLENCE AS A POLITICAL TACTIC

(By Allan C. Brownfeld)

Violence, in a short period of time, has moved from an occasional aberration and disturbance to a political tactic, endorsed by many leaders of the New Left, by leaders of the new black nationalist movement, and by others who feel disaffected and disillusioned.

This tactic has resulted in many overt and covert acts, the full import of which is yet to be understood and assimilated. There are, of course, the major incidents, such as the take-over of Columbia University and the disorder which was precipitated in Chicago. These bear careful analysis. But there are many, often unreported, incidents, of what their perpetrators term "sabotage."

The Institute of Science and Technology at the University of Michigan was rocked by an explosion late October 14. The bombing was the thirteenth to hit the Detroit area since August and came only two weeks after extensive damage forced the closing of a semi-secret C.I.A. recruiting office in a downtown Ann Arbor office building.

Ann Arbor Police Chief Walter Krasny has claimed the series of bombings may be the work of "anti-establishment militants" at the University of Michigan, while Detroit officials blame "hippies" for the explosions. *The National Guardian* reported that "Reaction to the bombings in the Ann Arbor radical community has ranged from quiet amusement to fantasy to increased discussion regarding the nature and timing of revolutionary chaos and terrorism and their possible relation to politicization of young people and/or mass repression of the radical movement. While some feel that such violence will help increase the consciousness of students, others feel that the level of awareness is now so low that the bombings will do little . . . ."

The Cleveland riots of July 1968, according to federal investigators, were the product of a black nationalist conspiracy. Key figure in the conspiracy, the experts say, was Fred "Ahmed" Evans, a local black power leader who has been linked with the pro-Peking Revolutionary Action Movement. In May 1967, Det. Sgt. John Ungvary, head of the Cleveland police department's subversive squad, said that terrorists under Evans' direction were plotting a "black revolution" to coincide with "a war between Red China and the United States."

Evans, who was arrested during the riots, was charged with shooting to kill. "If my carbine hadn't jammed I would have killed you three," police quoted him as saying. "I had you in my sights when my rifle jammed." Evans told police that he and seventeen others had organized the sniper attacks that resulted in the deaths of three policemen. Told that three of his snipers had been slain, Evans said, "They died for a worthy cause." Phil Hutchings, militant head of the Student Non-Violent Coordinating Committee, told newsmen that the Cleveland outbreaks were "the first stage of revolutionary armed violence."

This was confirmed by negro mayor Carl Stokes who viewed the violence this way: ". . . it was not at all related to any kind of honest reaction to an environment, not at all. This was a planned, deliberate and previously contrived plot to damage . . . The acts of the people the other night were just deliberately contrived lawlessness and determination to commit violence among this small group."

Violence is often proclaimed as the only means by which society can truly be cleansed. The Rev. William Sloane Coffin, convicted last summer of conspiring to violate draft laws, delivered his first sermon of the academic year at Yale University in praise of change, even if change comes in violent ways. He told three hundred persons, mostly students, that "life is change, growth, love and readiness to suffer." The Rev. Coffin warned that the current condemnation of violence by political leaders may also be condemnation of change. He stated: "Jesus, when he threw the money changers out of the temple was no more violent than (Columbia radical student leader) Mark Rudd."

The day before the 1968 election about three hundred white and negro students seized the Administration Building at San Fernando Valley College about four hours. Several youths with knives held prisoner about thirty-five administrators, including the college president. Shortly after the elections, plainclothes police halted a brief outbreak of violence at San Francisco State College. Two arrests were made after members of a small gang wearing stockings over their heads ransacked offices and set small fires in the restrooms of several buildings. A strike by an extremist minority of the eighteen thousand students closed down the campus as a protest against suspension of Black Panther George Murray, English department instructor, who had called on black students to carry guns on campus.

Courses in how to stage community demonstrations and how past revolutions have been planned and carried out are listed in the curriculum of evening adult education classes advertised for Junior High School 271 in the controversial Ocean Hill-Brownsville School district of New York. Among the teachers listed for the courses is Herman B. Ferguson, who is in jail awaiting appeal of a prison sentence for conspiring to murder moderate civil rights leaders. Another instructor is Robert Carson, head of the Brooklyn Chapter of the Congress of Racial Equality. He withdrew the chapter from the national CORE because he considered the parent group insufficiently militant.

Student protestors, emulating black power militants, are turning from non-violent demonstrations to "Che Guevara-like tactics of organized guerrilla warfare." Dr. Edward E. Sampson, associate professor of psychiatry at the University of California campus in Berkeley, told a national symposium on violence. He said that on college campuses as well as in the ghetto, militant leaders are turning from the spontaneous violence of a few years ago and now are using violence as a carefully planned political tactic. He stated: "The tactics here are to force the police or the national guard into an area ostensibly in order to prevent violence. What actually occurs, of course, is that their presence easily provokes spontaneous violence."

Following the teachings of Mao Tse Tung and Guevara, the militants find in violence "a radicalising effect on predisposed but otherwise as yet uncommitted or barely committed people." Guerrilla warfare has already started on college campuses. "Several burnings have taken place at Stanford University and at Berkeley. These may be the work of small bands of organized protestors. This move to more secretive hit and run guerrilla warfare is definitely the future direction of protest in this country. Things are going to get much worse before they get any better."

For some time, negro extremists have urged a Castro-like revolution in America. Castro's newspaper *Granma* quoted Stokely Carmichael that "Brothers, we see our right connected with the patriotic struggle of the peoples of Africa, Asia and Latin America against foreign oppression, especially United States oppression." *Granma* published an interview with Carmichael in which he said that "Fidel Castro is a source of inspriation" and that Cuban communism has a special importance "because it is the nearest system." Carmichael said that "We are moving toward urban guerrilla warfare within the United States" and linked the purposes of his guerrilla warfare to communist objectives: "When the United States has fifty Vietnams inside and fifty outside, this will mean the death of imperialism."

A long distance call between H. Rap Brown in New York City and a Castro functionary in Havana was broadcast throughout Latin America on August 13, 1967. Brown told Havana, "Our rebellion is against the power and structure of white America." He bragged that black power now is proficient in the terrorist urban tactics of the Viet Cong, and said of the summer: "Each city in America which has a large Negro population can predict with confidence that it will have a rebellion. . . . We live in the stomach of a monster and we can destroy him from within."

Ex-convict Eldridge Cleaver, the presidential candidate of the Peace and Freedom Party, did not hesitate to state that violence was his goal. In a talk before a group of San Francisco lawyers he stated: ". . . you're all chasing dollars, but there are other people who are chasing dollars to buy guns, to kill judges and police and corporation lawyers. . . . We need lawyers today who have a lawbook in one hand a a gun in the other . . . so that if he goes to court and the case doesn't come out right, he can pull out his gun and start shooting. . . . I hope you'll take your guns and shoot judges and police. Kill some white people or make them act in a prescribed manner."

Violence has been defended by groups and individuals who had been generally respected in their communities. Washington, D.C. provides a case in point. The Black United Front, an organization of negro leaders, issued a statement describing the slaying of a district policeman as a "justifiable homicide." The statement said, in part: "The methods of self-defense used by the family charged with the alleged slayings of the honky cop is justifiable homicide in the same sense that police are allowed to kill black people and call it justifiable homicide."

Several hours later, Mayor Walter E. Washington, himself a negro, asserted that "The Black United Front resolution with respect to the slaying of Officer Stephen A. Williams . . is inflammatory, irresponsible and unfortunate. . . . If this community is to thrive and prosper, it must do so within the framework of law. As citizens we must continue to work together—black and white, policeman and civilian—so that law and order, with justice will be the code for all."

Director of Public Safety Patrick V. Murphy called the Black United Front's resolution "very dangerous" and "not well founded." He said the resolution could not "help but be inflammatory," and he said he did not think it spoke for "any significant number of citizens." Murphy asserted that police department evidence suggested nothing like justifiable homicide and that anybody with different evidence had a responsibility to come forward. "I think it's tragic that such a statement should be made concerning a policeman who has given his life protecting other citizens."

The Black United Front statement was adopted unanimously in July, 1968, by about 450 persons at a meeting at Douglas Memorial Church. The group was formed in January, 1968, as a civil rights coalition of moderates and militants by Stokely Carmichael, now its co-chairman. The Rev. Channing Phillips, the Democratic National Committeeman from Washington, D.C., and a board member of the Front was asked whether he approved of the front's statement. "Well, I was there and the vote was unanimous," Mr. Phillips said. "Both the officer and the citizen deserve protection from this system that provides for the deaths of both."

The Rev. Walter E. Fauntroy, vice chairman of the City Council and a member of the board of the Black United Front, also refused to repudiate the statement.

If violence has become an acceptable tactic for black extremists, it has also become an essential part of the tactical approach of the New Left, made up primarily of middle class, white college students.

Steve Weissman, a student leader speaking at Stanford University, stated: "What the University has done is to get us to think for a number of years that social problems can be solved by rational discussion. . . . There's no conversation between us and C.I.A. We're on different sides. I hope people will now see that force is a part of this world. . . . "

Steve Kindred, a member of the Students for a Democratic Society at the University of Chicago, noted that "This University owes quite a lot of reparations. This whole society owes quite a lot of reparations. With what the University's done, and the way it's followed in the footsteps of the other major institutions of this society, it may burn some day. It doesn't deserve not to burn."

Joel R. Kramer, President of the *Harvard Crimson*, expressed the view that ". . . if students are to have any of the real power, they know they must take it forcibly, or at least use force to focus public attention on their claims. . . . Force is becoming a popular student tactic because students are learning that it works."

A leaftlet prepared in Toronto, Canada, and reported to have been distributed to chapters of Students for a Democratic Society throughout the country contains instructions on how to make Molotov cocktails and incendiary time bombs.

Urging sabotage as "the next logical step toward obstruction and disruption of the U.S. war machine," the leaflet says that it is ludicrous to think that demonstrations closing down an induction center for a few hours will really hurt Selective Service. "On the other hand," the leaflet says, "is there anyone who doubts that a small home-made incendiary device with a timing mechanism planted in a broom closet at the Oakland induction center could result in fire and smoke damage to the entire building, thus making it unusuable for weeks or months? One person with a fair knowledge of chemistry could build a device easily and cheaply and could plant it with almost no chance of being detected."

S.D.S. has between 250 and 300 chapters at colleges and universities and claims a membership of 35,000 to 45,000.

In the violence at Columbia University private papers representing ten years of research were taken from the files of Orest A. Ranum, an assistant professor of modern history, and burned.

Supporters of the strike are said to have been antagonistic toward Mr. Ranum since he issued a paper opposing the student position early in the crisis when five buildings were occupied by student demonstrators. Leaders of S.D.S. disavowed the destruction of Mr. Ranum's research. "We deplore the burning of the professor's papers," one S.D.S. leader said, "but we deplore the provocation of the University even more." Of the burned papers, Mr. Ranum said: "All of this is personally irreplacable."

Discussing the motives and tactics of the radical students, Professor Robert Lindsay Schuettinger of Catholic University, said this: "These people . . . do not wish to communicate. They are uninterested in reason, or reform, or betterment or progress or democracy or freedom of speech. They are interested in making war. Their war is not the civilized warfare of our traditions; they do not attempt to exempt women or children; they do not hesitate to lie, to break treaties, to steal private property. What occupying army, for instance, would have treated President Grayson Kirk's Columbia office as did the hooligans who broke in and destroyed his personal books, papers and paintings? The Nazi and Communist armies as a general rule did not act like that; we would have to go back to the Vandals, the Huns and the Mongols for precedents. . . . There is a real question, in fact, whether demonstrations . . . have a place in a well-run university at all; a demonstration, after all, cannot say, 'On the other hand.' "

The New Left's leading philosopher, Professor Herbert Marcuse of the University of California, has made a case for what he terms "socially useful destructiveness." It is his thesis, expressed in his book, *The One Dimensional Man,* that by providing man with an abundance of food, clothing, and material comforts, this society robbed the individual of his desire for intellectual growth and self-expression. Since it is obvious that a socialist revolution will not be brought about by the now docile masses, Marcuse abandons the proletariat as the medium for the desired social upheaval. Instead, he finds much promise in students and the "oppressed" minorities. Using what he terms "socially useful destructiveness," they will apply the pressure necessary to obliterate our bourgeois-industrial state. What would come after the revolution? It would be rule by an elite, for Marcuse would replace democracy with a dictatorship controlled by those who rigidly adhere to his Marxist views. According to the professor, majority rule would be replaced by the "morality" of a presumably infallible minority.

The violence which occurred at the Democratic National Convention in Chicago provided a case in point. As far back as November 16, 1967, the *Village Voice* reported the leader of the Youth International Party, Jerry Rubin, as saying: "See you next August in Chicago at the Democratic National Convention. Bring pot, fake delegates' cards, smoke bombs, costumes, blood to throw and all kinds of interesting props. Also football helmets."

Early in 1968 the National Mobilization Committee Against the War in Vietnam headed by David Dellinger organized a Chicago project committee and placed Rennie Davis in charge with instruction to work closely with Tom Hayden, leader of S.D.S., and Jerry Rubin, of the Progressive Labor Party and also of the Youth International Party, more commonly known as Yippies.

Dellinger and Hayden held a press conference in New York on June 29 and were quoted by the *National Guardian* as saying: "We are planning tactics of prolonged direct action to put on the Government and its political party. We realize that it will be no picnic but responsibility for any violence that develops lies with the authorities, not the demonstrators."

Early in August, Rennie Davis appeared before a meeting of the Chicago Peace Council held at the Lawson Y.M.C.A. He displayed two large three foot by three foot maps of the area surrounding the International Amphitheater, noting locations where police, National Guard, F.B.I. and other security forces would be situated during the proceedings. He stated that if trouble starts at the convention, among other things "The Loop will fall," implying the demolition of the downtown Chicago area.

The violence which occurred in Chicago was predicted almost precisely by the August 9 Intelligence Division Report of the Chicago Police Department. That report concluded with this statement: "Due to the talk around the office of the National Mobilization Committee and the general attitude of Rennie Davis and Tom Hayden, the reporting investigator feels that the night of 28 August 1968 there will be widespread trouble through efforts of Davis and Hayden. It is felt that there will be trouble in the Loop area and possibly on the South and West Sides. This would be done in an effort to draw the police away from the Amphitheater."

Chicago was just the beginning. Addressing a rally in Grant Park, Tom Hayden urged youths to go home and create "100, 200, 300 Chicagos." He cried: "If they want blood to flow from our heads, the blood will flow from a lot of other heads around this city and around this country. We must take to the streets, for the streets belong to the people. . . . It may well be that the era of organized, peaceful and orderly demonstrations is coming to an end and that other methods will be needed."

Those other tactics discussed by Tom Hayden have already become a reality in the fall of 1968. A new publication, *Mayday,* has appeared. Making light of the violence which has shaken a number of campuses, it led off its fourth issue with this verse: "Sabotage: This is Number One and the Fun Has just

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Begun." Edited by Andrew Kopkind, James Ridgeway, and Robert Sherrill, its November 8, 1968, issue included the following: "The war began last winter on the Western front, in the rainy season. The guns of February were four Molotov cocktails, thrown at the Naval ROTC building on the Berkeley campus of the University of California. The shots were not heard round the world .... But 'war' is not always a recognizable object .... The first attack on the Berkeley ROTC building was followed by the burning of a similar center at Stanford. At about the same time, electric power cables strung over the Berkeley hills were cut. Then, three giant electric towers in Oakland were blown to the ground, leaving about 30,000 houses without power and stopping work at the Lawrence Radiation Laboratory at Berkeley. A few days after the tower was destroyed, a University of Colorado drop-out student turned himself in to publicize his 'crime.' 'I had to do something to stop their machines—so maybe they would listen, so that this war would be stopped,' he said."

The violence has mounted. The Stanford ROTC building attacked last winter was hit again a few months later and destroyed. On September 18, a Naval ROTC hall at the University of Washington in Seattle was blasted, with damage estimated at $85,000. Five days previously, a Naval ROTC building at Berkeley was dynamited and an ROTC hall at the University of Delaware was hit by a Molotov cocktail. In Eugene, near the University of Oregon, a series of explosions destroyed the Naval and Marine Corps Training Center in late September. Damage was put at $106,000; trucks, a personnel carrier, a crane, and a radio tower were destroyed.

The mounting violence in American cities and on American campuses caused Canadian Prime Minister Pierre Elliott Trudeau to express concern over the possibility of large scale rebellion in the United States and the fear that disturbances might spread into Canada and Mexico.

Trudeau, making his first major statement on relations with the United States since he took office, said North America is more threatened by internal disorder than external pressure. "I am not predicting what the outcome will be, but I am saying that in my scale of values I'm less worried about what might happen over the Berlin Wall than what might happen in Chicago, New York and perhaps our own great cities of Canada," the Prime Minister said.

Addressing students at Queens University, Trudeau said that strife in American cities "might seriously lead to large rebellions and large disturbances of civil order and social stability in North America. And I believe that if in the next half dozen years or so there were to be great riots, beginnings of Civil War in the United States, I'm quite certain they would overflow the borders and they would perhaps link up with the underprivileged Mexican and the underprivileged Canadian."

The growing acceptance of violence as a tactic by black militants and new left activists poses threats to the democratic values of dissent and free speech. One man's freedom has traditionally ended where another man's freedom began. One man cannot use his freedom to deny that same freedom to other men. Where violence takes the place of dialogue and debate, the very concept of freedom and democracy is in serious jeopardy.

One of the most eloquent replies to the advocates of violence came from Dean Clarence Ferguson of the Howard University Law School. Speaking to the students at this predominantly negro institution, Dean Ferguson stated: "I feel our system is amenable to change with less than a confrontation. I believe within the system are the resources for alleviation. . . . Unlike every revolution throughout the world, this revolt, of both poor people and of students, is a revolt to get in, not out. It is a revolution that appreciates the good things of the American system. It still believes the American dream is a valid dream. . . . They want in. They insist on a sharing role—in curriculum planning, discipline, distribution of aid. They are saying they are excluded from the system and they want to be part of it. . . . Instinctively they know there is a wide gap between what we say and what we practice. Many of them make it plain that reforms have to go beyond law and technique to a reorientation of our values and a change in attitudes. . . . The students know that if you enforce every civil rights bill up to the hilt tomorrow morning, you wouldn't change the ghetto situation. The social changes needed are beyond the power of mere legalisms and minor renovations in the present system."

But whatever changes are needed, either in the cities or on the campus, they must come about through the democratic process, when the will of the majority has been made known, or when the responsible officials have acted. They must not come through coercion, through threats, and through violence.

Unless we understand the use of the tactic of violence, and unless we oppose it forcefully, refusing to permit it to succeed, we may yet face the upheaval predicted by Prime Minister Trudeau. Thus far, all too often, we have compromised with it, and apologized for condemning it. A society of law cannot exist if citizens take the law into their own hands and violently coerce their fellow citizens into particular courses of action. Violence is no more acceptable as a political tactic than is a social aberration. In both instances, it is harmful both to those using it and to those forced to endure it.

IUD PRESIDENT STRESSES LABOR UNITY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Pittsburgh Press, Sept. 28, 1969]

IUD PRESIDENT ABEL WINS PRAISE OF 61 AFL–CIO UNIONS—STRESSES LABOR UNITY, MAPS FUTURE GOALS

(By Edward Verlich)

ATLANTIC CITY.—Crimson flooding his cheeks, a smiling, embarrassed I. W. Abel rose halfway out of his chair on the podium at Trimble Hall in the Claridge Hotel here and made a half bow.

It was about all the acknowledgment the humble molder from Canton, Ohio, could muster.

The action was in response to 400 cheering, standing, clapping delegates—leaders of 61 international unions—who unanimously resolved:

"The delegates to this convention join with the industrial Union Dept. Executive Committee and Executive Board in expressing to our president, I. W. Abel, our deep gratitude for leading the department out of its darkest depths to the threshold of its greatest achievements."

Less than two years ago, the president of the 1.2-million-member United Steel Workers didn't want the job as president of the 5.6 million-member Industrial Union Dept. (IUD) of the AFL–CIO.

In his own words, "I did not welcome the development that resulted in my selection as president (of the IUD). I would have preferred—and I still prefer—a completely united labor movement."

REUTHER PULLOUT

Mr. Abel's reference was to the pullout by Walter Reuther and his United Auto Workers (UAW) from the IUD presidency and AFL–CIO.

But, in the words of Nicholas Zonarich, a former steelworker from New Kensington and the IUD's longtime director of organization, "The job sought the man."

Mr. Zonarich said the IUD was about in the same shape after the UAW pullout as that McKeesport steelworker's house that was blown down by a tornado a few years ago.

The steelworker came to union hall and announced, "The wind blow my house down. What CIO do for me now?"

Faced with a treasury that depleted from $3½ million annually to $650,000 due to Mr. Reuther's exodus, Mr. Abel cut financial corners. But he managed to maintain essential services such as co-ordinated bargaining, the elaborate method by which the old CIO unions that make up the IUD—balance the increasing power of conglomerate companies.

He induced four international unions to return to the fold. That picked up the treasury and the membership ranks.

Now, as chairman for the first time of the IUD convention, he had to provide leadership and direction for the 5.6 million workers represented by the industrial unions.

"TOO MUCH DIVISION"

"There has been too much division in the labor movement," Mr. Abel said in his keynote address. "We must never forget that we are an arm of the AFL–CIO . . ."

With the stage set, he charted the course for the industrial union.

"There has been a growing concentration of corporate wealth, as signified in the creation and growth of conglomerates. And I say that this constitutes a real threat to the collective bargaining process," the IUD chief declared.

"It does so because it tilts the balance scales in favor of industry," he said.

Merging companies into conglomerates is the type of structure that lends itself to "strike-breaking and union-busting," he added.

Mr. Abel said workers are not sharing adequately in the fruits of their labors.

In the last nine years, corporate net profits have increased 94 per cent—corporate dividends up 78 per cent. Yet, weekly wages went up only 33 per cent and in terms of real buying power, only 10 per cent.

Ironically, Mr. Abel said, workers now are being told there has to be trade-off in jobs to slow down inflation.

"The worker, who has been denied his share of profits, now is being told he must continue to lose ground by being laid off from work," he added.

The Abel leadership could be seen in the resolutions passed by the convention.

In his keynote address, he called for Federal legislation on occupational health and safety. He cited the figures—14,500 workers killed annually on the job; 2.2 million workers disabled; 7 million more injured; more than $1 billion in wages lost; 225 million man days of productivity.

"We need Federal standards because the states are completely ineffective," he said.

SAFETY PUSH

The delegates unanimously passed a resolution of occupational health and safety after lengthy floor debate on the need for action and no more lip service as far as worker safety is concerned.

On health care, Mr. Abel said a national health insurance system financed out of the Federal Treasury is needed.

He said he doesn't care what the American Medical Assn. (AMA) calls such a program. He asked the AMA, "If you call such a program to provide medical care for people socialized medicine, what do you call it if you deny such care to people?"

IUD has scheduled a conference for November on the crisis in health care.

The IUD, Mr. Abel said, is insisting Congress extend the Voting Rights Act of 1965 for another five years when it expires next August.

If the act isn't extended, some states again would try to "subvert Democracy," he added. Nixon Administration proposals would allow states to make it impossible or at least "very difficult for Negroes to register and vote," he charged.

One of the greatest challenges of our time is the "spread of automation and technological change," Mr. Abel said.

"Spurred by tax concessions, industry has been modernizing the means of production at a fantastic rate. New automated plants are replacing vast and complex operations with a corresponding reduction in needed workers," he said.

To prevent "jobless chaos" he called for a four-day, 32-hour work week with no loss in pay, he emphasized. He asked the 61 IUD unions to make the shorter work week their primary objective in bargaining and legislation.

HO CHI MINH—A REALISTIC VIEW

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. MARSH. Mr. Speaker, the late Ho Chi Minh has been referred to by some as "father of his country."

Whatever descriptive appellation history may assign him, there is not likely to be any bracketing with George Washington, whose attributes and achievements earned that honored designation in the United States of America.

The contrast is set forth effectively in an article by John P. Roche which appeared in the Boston, Mass., Record-American on September 16, 1969. As I believe it will be of interest to the House, I include it in these remarks, as follows:

A WORD EDGEWISE—THE TRUTH ABOUT HO CHI MINH

(By John P. Roche)

The death of Ho Chi Minh has touched off a lot of absurd rhetoric. One Congressman suggested he was the Vietnamese equivalent of George Washington and Abraham Lincoln, while a favorite description leaned heavily on the word "mystic." As far as Ho's mysticism was concerned, I am not prepared to argue—provided those who use the term would also apply it to Adolf Hitler, Sirhan Sirhan, and the organizers of the Spanish Inquisition.

However, I do find the analogy with George Washington and Abraham Lincoln too much to take. Without for a second denying Ho Chi Minh's dedication, courage, and strategic genius, the stark fact is that he became the "Father of His Country" by murdering the other candidates. The Stalinists preempted the cause of Vietnamese nationalism by their ruthless willingness to destroy non-Communist competition, particularly Marxist revolutionaries who rejected Moscow.

If George Washington had operated differently, he might have been a model for Ho. If, for example, in 1765, Patrick Henry had been found dead in a ditch with a bullet hole in the back of his neck; and in 1767 Thomas Jefferson had been found hanging from a barn rafter, an apparent suicide; and in 1771, John Adams had been found drowned in Boston harbor; and in 1775, Alexander Hamilton and James Madison—on their way to a secret meeting at Mt. Vermont—had been captured by the British—if our colonial history had been highlighted by such incidents, George Washington could have been an excellent preceptor for Ho Chi Minh.

For this was the basis of Ho's "mystical" commitment to Vietnamese nationalism. It was brought home vividly to me a few years ago when a friend introduced me to a Vietnamese who was on the lam from everybody. At that point in time, both Ho Chi Minh and President Diem had a price on this man's head. He was an authentic Vietnamese nationalist, a one-time leader of the Cao Dai resistance to the French in the Mekong delta. His story was incredible—but verifiably true.

In early 1947, after Ho broke with the French, the top leadership of the Viet Minh (which then had substantial non-Communist forces) was allegedly called to a meeting near Hanoi. The word came to Dr. Xuan (a pseudonym) and he set out on the long, dangerous journey. Shortly before he reached the secret meeting place, French security agents seized him. French intelligence officers told him he had been betrayed by the Communists and tried to get him to sing. He thought it was a trick, refused to reveal anything even under torture, and was sentenced to death.

On the day of his execution, a French officer appeared with a squad of Senegalese. The French officer looked at him and suddenly called him by his real name. They had been classmates and friends at the famed Ecole Polytechnique in Paris! The officer instructed him quickly: "Everything is chaotic around here; we will march you down towards the place of execution. When we reach a certain corner I will distract the soldiers and you take off. Good luck."

To make a long story short, he escaped, and keeping what the French intelligence officers had told him in mind, made no contact with the Viet Minh. Later in Paris he met others who told him there had been no meeting, that he had been deliberately led into a trap. One of those who had set the stage was now himself a refugee from General Giap's secret police (Giap was then Minister of the Interior); he had been denounced as a "Trotskyite."

The best estimates are that in 1946–47 about 10,000 key non-Stalinist Vietnamese nationalists were murdered. When it came to being the Father of His Country, Ho Chi Minh took no chances on paternity suits. And what makes the New Left acclaim for "Uncle Ho" savagely ironic is that they are precisely the sort of undisciplined, unrealiable, talky types who were featured on the execution lists as "Trotskyites." In pragmatic terms, however, one has to hand it to Ho: after 1947, he had very little trouble with his intellectuals.

BIRDS IN A GILDED CAGE

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. GALLAGHER. Mr. Speaker, the announcement yesterday that the Pentagon has funded a $600,000 study to determine the effectiveness of birds as an instrument of modern warfare should caution all Pentagon watchers. Those who have tried to impose fiscal control over the Pentagon now realize they have budgeted budgies. Alfred Hitchcock, who directed "The Birds," will be named Assistant Under Secretary for the Office of Ornithology Operations and I can reliably report to the House that Burt Lancaster is now under contract to four-star as "The Bird Man of the Pentagon." The American eagle really has something to scream about this time. When we are budgeting birdseed for the ghettos and hanging an albatross around the neck of those who continue to urge innovative social action programs, the "gilded cage" across the Potomac continues to feather its nest and hatch such bird brain schemes. Research leading to a mynah bird conducting search and destroy missions is no more absurd than a massive funding for an SST to go from Watts to Harlem in 2 hours. They both represent a tragic waste of national resources at a time when we are alleged to be restructuring our priorities.

Mr. Speaker, unless the Washington Post story is a hoax, this is no laughing matter. All of us, hawk, dove, and owl, have an equal stake in an effective Department of Defense. Until the nations of the world are truly ready to beat their swords into plowshares, military preparedness, including advanced research and development, needs the full support of the Congress.

Mr. Speaker, in the name of sanity, the Pentagon must clip the wings of this contract at once. It is not "old fogeyism" to insist that this pilot project be promptly grounded. To protect the necessary solid steel in the Pentagon, the "bird in the gilded cage" must not be allowed to cast discredit on the whole operations of the Department of Defense.

The article describing this incredible plan appeared in the Washington Post of October 8, 1969, and I insert it at this point:

BIRDS ALERTED FOR WAR

(By Thomas O'Toole)

Would you believe that war is for the birds?

So much so that hawks and doves might fight side by side or that parrots, ducks, chickens, pigeons and even mynah birds could be drafted to help defend the flag in some future war?

Whatever you might think of the scheme, the Pentagon is all for it. Consider the description of the $600,000 contract the Defense Department has with the Psychology Department of the University of Mississippi:

"This program is based," the contract reads, "on the supposition that birds will eventually replace humans for activities that are dangerous, difficult, expensive or boring."

Among the activities the Pentagon has in mind are "aerial photography, gunnery, steering of missiles, detection of mines and search and destroy operations."

Just how the Pentagon plans to get birds to do all these things is anybody's guess, but it does mean to try.

"Much of the research will relate to complex forms of stimulus control," the contract with the University of Mississippi reads, "for example, visual search, auditory pattern recognition, pursuit and tracking, controlled locomotion and operation of manipulanda while flying."

"This is not a development contract," explains a Pentagon spokesman. "What we're trying to do here is to see if birds can be trained to do certain things."

The Pentagon admits it won't be able to use all birds in its research but it would like to train most species of wild birds for combat

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flying. "Especially crows, ravens, jays, hawks and vultures," the contract goes on, including "doves, parrots, mynahs, chickens and pigeons."

The use of warbirds is not a new one, though its past is hardly glorious.

The most serious attempt to use bird-like creatures was in a program called X-Ray, in which bats carrying incendiaries were to be flown into Tokyo during World War II. The idea was to get the bats to roost in the eaves of Tokyo's wooden buildings, where the bombs would go off when the bats flipped upside down to sleep.

"The trouble with that one," said one scientist who worked on Project X-Ray, "was that it almost burned down an Air Force base in New Mexico." X-Ray never made it to Japan.

The latest scheme for warbirds came to roost when the Pentagon circulated a letter advertising for ornithologists to work on it.

"I read it, I re-read it, and I read it again," one scientist said, "and I still couldn't believe it. It's insane."

Critics notwithstanding, the Pentagon is going ahead with its bird scheme.

"This program is just getting started," it says. "Hopefully, it will go on for 10 or 20 years."

The project is supported by a three-year "Project Themis" contract, at $200,000 a year. Project Themis is a program aimed at beefing up basic research in universities that have not had strong science programs.

REPUBLIC OF CHINA CELEBRATES 58TH ANNIVERSARY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. WOLFF. Mr. Speaker, tomorrow marks the 58th anniversary of the founding of the Republic of China. In honor of this important anniversary of a close and dear friend of the United States, I feel we should recall the courage and tenacity which has marked the 58 years of this nation.

On October 11, 1911, Dr. Sun Yat-sen and a courageous band of followers lit the spark of revolution which led to the overthrow of the Manchu dynasty. After the tides of revolution had subsided, these dedicated and hearty souls set about to establish a nation which embodied the precepts of liberty and justice. In effect, the Republic of China began in much the same way that the United States had—sparked by courage and reared in compassion.

The Republic of China, as we know, has continued its fight against slavery and injustice. In its 58 years, it has continually demonstrated that its foundations are built on a truly universal concept of freedom and justice. Living in the shadows of communism, it has stubbornly and admirably flourished with a strongly anti-Communist ideology, an ideology which refuses to be intimidated by brute forces of communistic evils.

Evil, slaughter and intimidation have never diminished the country's convictions or prevented it from showing the world that it is determined to live up to the highest ideals it has set for itself.

This nation has grown and prospered imbued with the convictions that it can triumph over the greatest of odds.

Mr. Speaker, it is with great satisfaction that I have the opportunity to pay tribute to the Republic of China on its anniversary. I am sure that I speak for all of us when I wish them continued brightness and a future which will bring the ideals of humanity and courage within the grasp of all mankind.

A FREEZE ON SHIPMENT OF REPLACEMENTS OF VIETNAM COULD BREAK THE PRESENT IMPASSE ON PEACE TALKS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. PUCINSKI. Mr. Speaker, during the month of October, the United States will have to send approximately 49,099 replacement troops to Vietnam.

In November, it is estimated we will have to send another 45,298 and in December, 45,020. Thereafter, if there is no break in Vietnam, we will be replacing American troops at the rate of roughly 40,000 a month.

I believe that a "freeze" on the shipment of all new troops to Vietnam, without replacing those troops that are rotated back home at the conclusion of their 1-year tour in Vietnam, could capture the imagination of the rest of the world and serve as a new basis for meaningful peace discussions in Paris.

In other words, as our soldiers complete their 1-year tour of duty in Vietnam and are sent back home, I would suggest that we announce a policy of not sending replacements to Vietnam for those soldiers who are returned home.

It occurs to me, Mr. Speaker, that this sort of an announcement by the United States would convince the free world and out adversaries that the United States does indeed want to disengage as rapidly as possible. It should bring pressure on Hanoi to agree to a cease-fire and commence meaningful peace talks.

If the North Vietnamese Government refuses to enter into meaningful peace negotiations within the framework of this sort of a "freeze" on shipment of new troops, then of course the United States would have to review, within a reasonable time, other means of bringing this conflict to a successful military conclusion.

We have tried all other means to get peace talks moving. But we have never said we will stop sending troops to Vietnam.

I believe that such a total freeze is possible and practical. The Defense Department is already embarked on a limited program of freezing troop shipments to Vietnam.

In an Associated Press dispatch from Saigon earlier today, the U.S. Command announced that five Air Force units in Vietnam are being demolized and that the transfer of two units to Vietnam is being called off.

The headquarters said this would reduce the Third Air Force's manpower authorization in Vietnam by 2,541 men, but an Air Force spokesman said that about half of these represents the two F-4 Phantom fighter-bomber squadrons that are not being sent to Vietnam.

The Air Force said that as with all other units being pulled out of Vietnam under President Nixon's withdrawal programs, only those men who have completed their normal year's tour in Vietnam will be sent home. The rest will be transferred to other units in the country.

I believe this last point, Mr. Speaker, is very important.

Mr. Nixon has announced the withdrawal of 65,000 troops from Vietnam, but this announcement has not brought any support from a single nation in this world and has only given the Communists a propaganda vehicle to denounce our sincerity.

The world has not responded to the President's withdrawal announcement because everybody knows that while we are withdrawing troops from Vietnam, we are at the same time sending replacements. I have previously made this point and I am making it again today that if the President really wants to capture the imagination of the world and force the major powers to take an active hand in bringing meaningful peace discussions to Vietnam, we ought to, at least for a reasonable time, completely freeze the shipment of new troops to Vietnam.

If the Communists fail to respond and if they should launch a new offensive in the wake of the President's freeze announcement, he can always cancel the freeze and send emergency troops to Vietnam as replacements.

At the conclusion of my remarks, I shall include a table of estimates on the number of soldiers whose tour of duty will be completed in the next 12 months and who will have to be replaced by fresh troops if the conflict continues.

We will have to send to Vietnam approximately 53,861 replacement troops in the 12-month period beginning October 1.

It is true that under my proposal, in 12 months there would be no American troops left in Vietnam.

But this is only if we were to continue to freeze for 12 months with no response of a similar withdrawal program from North Vietnam. I believe President Nixon ought to take this one more risk for peace. If, after a reasonable time, there is no meaningful similar response from the Communists, then the President will have to make whatever judgment is necessary to bring this conflict to a successful military conclusion. This could well mean the resumption of the bombing of the north to remove the pressure from South Vietnam as we reduce our ground forces. But it would be my hope that with a genuine offer of disengagement incorporated into a freeze on shipment of new American troops, hopefully we might find the basis for a peaceful solution without the need for further escalation.

It is quite apparent from our present policy in Vietnam that those troops being withdrawn are not necessarily being replaced by fresh troops in the same units. There is now a substantial consolidation going on in Vietnam and as soldiers complete their 1-year tour of duty and are sent home, their remaining units are being consolidated with other units to maintain a level of military efficiency.

My plan in effect would mean that we

are willing to risk a freeze on 49,000 new troops to Vietnam in October to test whether or not the Communists are willing to meet on some middle ground for a meaningful peace solution in Vietnam.

In the announcement by the Associated Press from Saigon today, a spokesman for the Air Force said that 100 positions of airmen who have served 1 year and are being rotated back home will be eliminated at the 7th Air Force Headquarters in Saigon. It is obvious from this dispatch that the United States could risk a freeze on 49,000 new troops during the month of October without doing any violence to our security in Vietnam.

I would hope that if the President would announce such a freeze, we would demand that the Soviet Union, the other major powers, the Security Council of the United Nations, and all other interested parties would impress upon North Vietnam the necessity for meaningful negotiations in Paris with no further delay.

Following is the best available estimate on the number of troops that will have completed their tour of duty each month for the next 12 months and who will have to be replaced under our present policy of replacing those who are rotated home at the completion of their 1-year tour in Vietnam.

I want to emphasize that we in no way want to interfere with the orderly return of these soldiers who are entitled to come back home at the conclusion of their 1-year tour. It is the freeze on replacements that I believe is a risk we ought to take to get the Paris Peace Talks off of dead center.

Table of replacements necessary in Vietnam:

	Army	Navy	Air Force	Marine	Total
1969:					
October	32,105	1,316	10,219	5,459	49,099
November	31,530	1,013	7,461	5,294	45,298
December	25,727	2,053	10,131	7,109	45,020
1970:					
January	25,246	991	7,803	7,172	41,212
February	21,047	1,863	10,590	5,318	38,818
March	24,603	1,450	6,214	8,033	40,300
April	28,144	1,279	5,832	7,545	42,800
May	34,805	1,152	5,651	6,345	47,953
June	30,028	1,557	7,034	7,716	46,335
July	32,652	2,059	1,547	7,240	43,498
August	19,028	1,850	8,154	7,327	36,359
September	33,880	1,866	15,931	5,492	57,169
Total	338,795	18,449	96,567	80,050	533,861

RURAL DEVELOPMENT CENTER AT TIFTON, GA.

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. HAGAN. Mr. Speaker, oftentimes problems come before us which we recognize but are unable to change. Therefore, when it was learned that some learned and conscientious people understood the need for dealing more effectively with problems of the Georgia coastal plains and the people residing in that region, I thought their efforts merit my colleagues' attention. This group of people, the regents of the university system of Georgia, on July 1 of this year established the rural development center at Tifton, Ga. Although this center is not within my congressional district, I earnestly believe its purpose and goals will go far in helping to bring better living conditions, improved cultural facilities and a better life to our rural population.

The rural development center is administered by the College of Agriculture of the University of Georgia. The concept was developed by the regents of the university system in an effort to underscore the need for dealing more effectively with problems of the Georgia coastal plains and the people residing in that region. Programing for the center will be of a cooperative nature involving the facilities and resources of the University of Georgia, Abraham Baldwin Agricultural College, and other units of the university system.

Dr. S. E. Younts, associate dean of the College of Agriculture, University of Georgia, is director of the center. He comes to the position from the American Potash Institute with offices in Atlanta where he served as regional director and vice president.

The programs of the center are to be directed toward the full development and utilization of the vast resources existing in the coastal plains area. The idea for such a center grew from recognition of conditions as they currently exist in both the rural and urban society of the State of Georgia and of our Nation. The term "rural development" came into being to emphasize the needs for giving attention to agricultural efficiency, agri-industry, community development, and manpower training.

Rural America is the scene of declining population. Some 70 percent of the people in this country live on 1 to 2 percent of the land area. Many of those in the rural areas cannot find alternatives to moving to the large urban areas. For the most part this migration is costly in that it represents a loss to the rural community in terms of earning and purchasing power and, in many cases, a loss in leadership.

There have been vast technological changes in agriculture and dramatic increases in the amount of capital employed in farming along with extensive consolidation of farms and increased automation. With this has come a rapidly decreasing demand for farm labor. These have all changed the structure of rural America.

Other technological changes outside of agriculture have also had a very pronounced effect on the rural communities. New modes of production, transportation, and communication have greatly increased the market areas served by the industrial complex. For example, an economically viable community today needs to be about 100 times as large as was the case 50 years ago.

Advances made in the last two decades have been of such nature as to very effectively destroy jobs in the rural areas. The result has been massive migrations of people from the farms and the small villages to the larger urban areas. These people are often poorly trained and poorly educated. Therefore, they find themselves almost totally helpless in being able to cope with their new urban environment. Yet it appears that they have no other alternative than to move to the urban centers.

Georgia population approximates 4,470,000. There are some 83,000 farms where 300,000 people live—6.8 percent of the total. Rural means more than farming and when we include people in the small towns and open areas not engaged in farming we find that about half of the State's population is classified as rural. As is the case in many other areas of America, the balance is shifting rapidly in favor of urban numbers.

Three-fourths of Georgia's urban population resides in six metropolitan areas. In cities social problems are intensified with crowding of people on limited land areas. In these urban areas traffic jams become more of a problem with each passing day, pollution problems intensify, more crime and to a great extent more of just plain malcontent is resulting. The solution to these is fast becoming one of the supreme challenges of this century. Billions of dollars will be spent in cities in this country over the next few years trying to solve problems of housing, poverty, slums, welfare, education, health and recreation. Many of which have their genesis in the rural community.

Rural problems include below average production for many crops, low per capita income, shortage of dynamic leaders, lack of opportunity, poor public facilities, meager services, weaknesses in local governments, lack of adequate education, and poor housing. All of these work together in causing rural people to look elsewhere for something more desirable.

The rural and urban segments of our society have long been at odds but are being dramatically intensified. Billions will be spent to improve urban conditions, but it may prove to be equally important to look to conditions in the rural areas for answers to some of the problems. With population densities in some of our urban centers reaching 15,000 people per square mile, it seems that one of the solutions to the urban crush would be for more people to live in the rural areas. Governmental leaders are stressing the need to strengthen rural and smalltown communities. Rural development on a planned basis seems to be a more practical solution to unplanned urban explosion. In helping to develop the rural development center concept, Mr. J. W. Fanning, vice president for services at the University of Georgia, made this statement:

> For the past three decades everybody was trying to go to town. During the next three decades, they are all going to try to move back to the country.

The authors of the rural development concept have been labeled as dreamers. The doubters are asking, "How can the strong tide toward urbanization be reversed? After all going to town has an aura of excitement that lures the young, the old, the poor, and the well-to-do." Dreamers have scaled the seemingly impossible before, and the rural development center has been given a foundation for a program that has favorable odds for success. If there is a principal goal it would have to be to make the rural communities more attractive as places of residence for more people. This would serve to bring a better balance between the rural and urban populations of the State of Georgia. Perhaps a better way to state the primary goal is "to provide an alternative." Forcing people to live in urban or rural areas, for that matter, is not good. There should be attractive opportunities in both locales to allow a person to make intelligent and soundly based choices in where he wishes to live and work.

Four initial thrusts will comprise the program of the rural development center. These are:

First. Agricultural and forestry production efficiency;

Second. Marketing and utilization;

Third. Community development; and

Fourth. Manpower training and utilization.

On the basis of current knowledge and information the need for additional and more intensive research and educationally oriented programs for the coastal plains area of Georgia becomes apparent. The coastal plains area comprises almost two-thirds of Georgia's land area and 51 percent of the farms are located in this region. In terms of total farm sales for the State 57 percent occur in this region and if poultry is excluded total farm sales in the region amount to 78 percent of the total sales of farm products in the State of Georgia. On a per capita basis there is a large income gap—$1,000 per person, or a total loss of $1.828 billion per year to the coastal plain of Georgia.

In order to initiate and undertake the program activities for the rural development center there is to be constructed at Tifton, Ga., in conjunction with Abraham Baldwin Agricultural College and the Coastal Plain Experiment Station, a facility that will provide office space for necessary staff, laboratory space, equipment, meeting and conference rooms, mass communication, information storage and retrieval, land area and other necessities for training, for applied research and for demonstrations. It is expected that the building program will be accomplished in two steps. The initial building is expected to be finished for use by mid-summer of 1970.

In addition to a director, the center will have three assistant directors; a program specialist; specialist in animal and plant production; marketing and utilization, supported by specialists in sociology; economics; community development; industrial development, particularly as it relates to the agricultural economy; communications; data handling and processing; conference and short-course planning and coordination; and liaison with other elements in the College of Agriculture, the university and the university system.

The rural development center concept is the product of many fine minds. The task now is to fit all of the ideas, dreams, and hopes into a workable and effective program. Time is of the essence. The tempo of the past must be quickened if rural Georgia and rural America is to be moved forward toward the wish of the dreamer—to get a bigger share of the good life in the form of better schools, better communities, improved cultural facilities and just plain pleasant living.

The rural development center program represents a gigantic hope. The center will be staffed with competent specialists, but they alone cannot do the job. It must be a cooperative venture, a venture that captures the fancy, the energy and the involvement of the total populus of the coastal plains region of Georgia.

HEARINGS TO BE HELD ON ECONOMIC PROBLEMS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. MINISH. Mr. Speaker, I am most gratified at the prospects that the Banking and Currency Domestic Finance Subcommittee, on which it is my honor to serve, will conduct a series of hearings across the country on the general economic problems over which it has jurisdiction: Interest rates and monetary policy, housing, the availability and price of mortgage credit, consumer prices, and small business problems.

Our distinguished chairman, the Honorable Wright Patman, that redoubtable champion of the public interest throughout his long public service, wisely recognizes the need to obtain data and opinions firsthand from the recipients of Washington policy decisions and to allow them to be heard and to participate in establishing economic policies. The people are unhappy and uncertain, weighed down by a disquieting sense of being buffeted by impersonal forces, unable any longer to be the masters of their own destiny. High taxes, high interest rates, the high cost of food, housing, medical care, and other basic items bear most heavily upon low- and middle-income groups. The average factory worker's "real" income has declined $1.09 per week in the past year, and, with the unemployment rate now at 4 percent the specter of being thrown out of work looms large before him. The American people are too knowledgeable to accept the discredited "trickle down" policies that cause recessions and depressions. They demand realistic and decisive steps to stop inflation and serve the public interest.

George Mason at the Constitutional Convention declared that the House of Representatives was "to be the grand depository of the democratic principle of the Government." That is precisely the point of these proposed hearings. The people, who are so largely excluded from the decisionmaking processes, would be able to speak their minds to their representatives on these vital issues. I urge our colleagues to alert their constituency to the planned hearings and to encourage them to respond to this rare opportunity to voice their opinions on the problems that directly affect their present and future well-being.

ABUSE OF TAX EXEMPTIONS

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. BLACKBURN. Mr. Speaker, this morning I testified before the Senate Finance Committee on the subject of the abuse by some tax-exempt organizations of their privileges.

So that this matter may be called to the attention of all Members of the Congress, I place my testimony in the Record at this point:

Statement of the Honorable Benjamin B. Blackburn, a Representative in Congress From the Fourth Congressional District of Georgia

Mr. Blackburn. Thank you Senator, I appreciate that kind of welcome.

Mr. Chairman, I appreciate your affording me the opportunity to appear before your committee. Of course, I have submitted my principal statement for the record and I will try to shorten it in my verbal testimony and only hit the highlights.

We, of course, have been hearing a great deal of testimony this morning relative to abuses of tax exempt organizations. The field in which I wish to direct my attention is the use of tax exempt funds for partisan political activities, and I would like to include in my discussion not only foundations but all tax exempt organizations, whether they be for religious or labor activities.

Many of these organizations engage in political activities which, by reason of their tax privileges, are being subsidized by the Federal Treasury. My purpose in being here today is to call the Congress' attention to some examples of political activities which I personally and many others consider to be improper by groups enjoying special tax privileges and to suggest possible ways of preventing future abuses.

I would like to discuss those funds under Section 501(c)(3) and Section 501(c)(5).

The Internal Revenue Code provides that "no substantial part" of the activity of any such organization is be used to carry on propaganda or otherwise attempt to influence legislation. Many organizations avoid this language because there is some ambiguity in the definition of the term "substantial part." As an example of this misuse of privilege, I would like to direct the attention of the committee to a group which was recently formed to actively lobby against the Anti-Ballistic Missile proposal, the Coalition on National Priorities and Military Policy. This organization is supported primarily by contributions from religious organizations. Its headquarters are located in a building here in Washington. This group has lobbied against the proposed ABM system. A few days ago a representative from this group came to my office and presented my staff with further information concerning its opposition to the

1969 Military Authorization Bill. I am attaching as an exhibit a copy of the material that I received. The business——

Senator Talmadge. Mr. Chairman, may I ask a question at this point?

Mr. Blackburn. Yes, sir.

Senator Talmadge. Was that organization financed by a foundation?

Mr. Blackburn. It is financed by a number of religious organizations, which themselves, are classified under the same section of the Internal Revenue Code.

Senator Talmadge. And the language of the House bill precludes their lobbying activity?

Mr. Blackburn. No, sir, it would not. The House bill, as I recall, and you understand I am not on the Ways and Means Committee so I am not as intimately familiar wtih it as I would like to be, would permit appearing before Congressional committees but it would prevent propaganda, that is attempting to sway public opinion.

Senator Talmadge. Your point is you don't think the Ways and Means Committee language goes far enough in preventing political activity and lobbying by tax exempt groups?

Mr. Blackburn. No, sir, I do not. I think that I draw a distinction between lobbying in the sense of making appearances before members of Congress in their offices or before Congressional Committees and presenting a view. I think that any group should have that right as a matter of the extension of free speech. But to use tax exempt dollars to propagandize the American public is a radically different thing and I think this should be definitely prevented.

I would like further to invite the attention of the committee to the National Student Association. Gentlemen, if you want to see tax returns which reveal very little I would suggest that you look into the returns which have been filed by this group. I am attaching some copies to my testimony. In fact this group—

Senator Talmadge. How is that group financed?

Mr. Blackburn. Primarily by foundation grants.

Senator Talmadge. For what purpose, do you know?

Mr. Blackburn. Promoting educational activities among the students of the country. Of course, they have no reluctance in taking positions on partisan political matters. In fact, this National Student Association has recognized that its blatant political activity would cost it its tax-exempt status, so now they have set up a parellel organization known as the National Student Institute, which will be the tax-exempt organization. It will solicit the funds as a tax-exempt organization, and then we strongly suspect that the funds that are contributed to the National Student Institute will then be funneled into the National Student Association to be used for political and——

Senator Talmadge. Do you know which foundations are making those grants?

Mr. Blackburn. I think the Ford Foundation is one of their major contributors but I don't—I can get the information.

Senator Talmadge. You could get it and supply it for the record, I presume?

Mr. Blackburn. Yes, sir, I will.

One of the things I would like to call to the attention of the members of the committee is the fact that looking over the list of the recipients of National Student Association's funds, we found listed numbers of organizations which have no identities. No one can find—the Library of Congress has done extensive research and they can't find—who these organizations are that have been receiving $25, $30, $40,000 a year from the National Student Association. And you understand for the last two years they haven't even bothered to file a tax return which is a matter that I think should direct itself not only to this committee, but to the Internal Revenue Service.

Now, the reason I make such a point of this is the fact that the whole reporting procedure for tax-exempt organizations is, not to say, deficient but wholly inadequate. They can list the name of an organization, and we don't know who the principals are. Some of them may well be principals in the donor organization. The purpose for which the money has been granted doesn't appear on the tax return of the organization. So we know from looking at the returns that money is given to a group that may bear any name, XYZ Charities, whatever you want to call it. But we don't know what the purpose of the grant is and we don't know who actually handles the money or what it actually goes for. So if there is one grave area in which the Congress must give further attention it is in the area of requiring more complete reporting from recipient as well as donor organizations to show who handles the money by name, and the purpose for which the money was granted. Then if it is found, as a matter of fact, that the recipient organization and the managing individual have used the money for other purposes, in my opinion, there should be criminal sanctions.

Some feel perhaps that loss of tax privileges or perhaps civil penalties would be enough against the organization. But I frankly feel that some criminal sanctions would be required because if a person takes money and abuses it, he should be held accountable under the criminal laws.

Senator Fannin. Congressman, so far as money I am certainly in agreement with you. But also isn't it true that many of these organizations use vast manpower, staffs that work on these programs and they are just as much in violation as if they contributed money.

Mr. Blackburn. Well, I can give you a current example. In Atlanta, Georgia, we just had an election for mayor and for school board. The National Education Association, which again is a tax-exempt organization enjoying special tax privileges, organized for the purpose of promoting education among the teaching profession and promoting the teaching profession which are worthy objectives. I have attached a copy of the return of that organization, and it doesn't bother to even list the funds that it has received or spent or who they went to or anything else. It is practically a blank piece of paper. But in a news story appearing in the *Atlanta Constitution* within the past week, a report filed or issued by the National Education Association was highly critical of some of the individuals who are incumbents on the Atlanta school board. Well, obviously, this report is going to have political repercussions in the sense that here is a report which supposedly has been issued by a non-partisan, non-politically oriented organization which is highly critical of some individuals who are running for office.

Without question the staff people who were working for the National Education Association were being paid with tax-exempt dollars; they were being paid for supposedly educational purposes. But a staff member admitted, as quoted in the paper, that the report was issued with political implications. In other words, they were telling the people of Atlanta, "don't re-elect certain members of the school board because they are not doing the proper thing in our opinion."

In my opinion this is clearly political activity, and one of the—and I recall the testimony of the gentleman preceding me from Illinois in which he stated in his opinion the use of tax exempt dollars for political purposes is very small by these organizations, I would have to differ with him very greatly. In fact, I would have to differ with him on two scores. First of all, nobody really knows to what extent staff personnel are used for political purposes and, second, the biggest functioning political organizations in this country are the labor unions, and if I recall from—and they make no bones about this, they don't attempt to cover this up. It is just that the Internal Revenue Service completely ignores their political activity.

Senator Fannin. And the Congress.

Mr. Blackburn. And the Congress has been ignoring it. But I don't think the Congress should be ignoring it.

Senator Fannin. I agree with you, and I have introduced a bill in that regard.

Mr. Blackburn. Senator, I have read your bill, and if you will forgive me for being presumptuous, I don't think your bill goes far enough.

Senator Fannin. You stated that in the first part of your testimony and I will agree with you.

Mr. Blackburn. I would like at this point to read into the record the provisions which I would suggest relative to prohibitions against partisan political activity by a tax exempt organization. And here again I want to be sure that everyone understands that when I use the term "tax exempt organizations" I mean all tax exempt organizations, whether they be foundations, religious organizations or labor unions. I would prohibit the promotion of political candidates. I would define, any organization described in section 501(c), which, (1) endorses (you understand that the labor unions have no reluctance to endorse political candidates, in fact they have no reluctance to endorse candidates for the Supreme Court or oppose them) or opposes, directly or indirectly political candidates or (2) expends directly or indirectly (and this would attack the use of staff personnel) any part of its funds to promote the candidacy of any political candidate or (3) provide goods, services or anything of value to any political party or political organization, shall not be exempt from tax under Section 501 for the taxable year in which it so endorses or so expends funds and for the three succeeding taxable years, provided further that activities prohibited by this section shall not be exempted from these prohibitions by being termed "education." Of course, that is the guise under which many political activities are carried out.

Senator Fannin. This would also include registration, where, of course, we realize they just go into districts they desire and it is not a blanket registration, it is a specialized registration. That would also be included under your recommendation?

Mr. Blackburn. I would strongly recommend that the language be clear that that would be prevented because we do know that the registration drives are channeled in certain areas of the cities.

Senator Fannin. Thank you.

The Chairman (presiding). Thank you very much, sir.

Senator Gore. Could I ask one question?

Congressman, could I ask you to exercise your imagination a bit?

Mr. Blackburn. I do it rarely.

(Laughter.)

Senator Gore. Well, change parties and you will be encouraged to do so more.

Mr. Blackburn. We are finding out it requires it when we are in control.

Senator Gore. I really want to ask you a serious question: Could you imagine the possibility that a family who was associated with and in indirect ways had control of, distribution of, a fund from a multimillion dollar foundation might very well succeed in identifying themselves with good and worthy causes in one important state after another, one rich state after another, might very well succeed to public favor in almost direct proportion to the distribution of the funds from a multi-billion foundation.

Mr. Blackburn. Senator, I can well recognize that possibility. I suspect the possibility might exist.

Senator Gore. It is possible for a common man, whether a Republican or Democrat, to recognize this, isn't it?

Mr. Blackburn. It certainly is and no matter what the partisan flavor of the individ-

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ual or family concerned, I don't think it is a proper use of tax exempt dollars. In fact Representative Rooney—I don't know if he has appeared before your committee or not, but he appeared before the Waya and Means Committee, pointed out how Mr. Richmond, whose family controlled the Richmond Foundation, ran against him in the Democratic primary and it turns out that the staff of the Richmond Foundation was also the campaign staff of Mr. Richmond. The Foundation would make it a point to go into certain areas of the city and perhaps purchase a building and donate it to the residents of the area for charitable purposes and, of course, Mr. Richmond, the political candidate, would be very prominent there in handing over the keys to the building, and otherwise participating in the ceremonies. I think that no matter whether you are a Democrat of Republican, you will concede Mr. Rooney was facing unfair competition in the funds that the foundation controlled.

Senator **Gore**. It might even be possible for scions of such a family to move to sparsely settled states and become political figures.

Mr. **Blackburn**. I have heard it speculated.

Senator **Bennett**. Sparsely settled like New York.

(Laughter.)

Senator **Gore**. Or Arkansas or West Virginia.

Mr. **Blackburn**. It is entirely possible, Senator.

Senator **Talmadge**. Congressman, will you file for the record as part of your testimony the specific instances of any further specific charges of political activity on the part of these exempt organizations?

Mr. **Blackburn**. I will, and I want to thank you, Senator. Your questions were well put, Senator Gore.

The **Chairman**. Congressman, while you are at it some man told me of a situation that may have happened or might not, it is hearsay, but he thought he was familiar with it. Here were two men who set up foundations and part of their charitable purpose was to give young people a chance to get a college education. Let's say one is Mr. Black and the other is Mr. White, so Mr. Black sends Mr. White's son to college and Mr. White sends Mr. Black's son to college. Abe Ribicoff has been trying to get some kind of tax advantage for the ordinary American so he can deduct some of the expenses of putting his own son through college. But that is the way to do it you might advise those people.

Senator **Gore**. Mr. Chairman, how dare you criticize such a charitable purpose.

(Laughter.)

Senator **Gore**. Education, educating your neighbor's son.

Mr. **Blackburn**. I think this goes——

The **Chairman**. On a reciprocal basis.

Mr. **Blackburn**. I think this goes to the point that I was making earlier, gentlemen, and that is that the reporting procedures for these tax exempt organizations are wholly deficient. We have got to have them report the names of the recipients, not only organizations, but the individuals who receive funds. If this were done, this sort of thing would turn up very quickly in a study.

The **Chairman**. Thank you so much.

Mr. **Blackburn**. Thank you.

THE PARADOX OF PLENTY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. FISH. Mr. Speaker, the President's report contained in the Rockefeller Foundation Quarterly 2 is a brief, concise, and thoughtful message. "The Paradox of Plenty" points up the problems which challenge an affluent society today. While making giant strides in scientific knowledge, and in industrial and agricultural technology, we have left gulfs and inequities which now must be faced.

The provocative remarks of J. George Harrar, president of the Rockefeller Foundation, attributing to uncontrolled population growth at least a share of the blame for the difficulties in improving the quality of life, should be of interest to all Members of Congress and his speech is inserted in the Record for their consideration:

The President's Report: The Paradox of Plenty

We live in an age characterized by paradox. Man's accumulated scientific knowledge has increased his ability to find remedies for ancient ills, but it has also added new and difficult problems to those that he must solve; many of the dread diseases that threatened man's life have been brought under control, but lengthening life spans and longer childbearing periods have caused population numbers to soar; more people than ever before are attending college, but greater inequalities in educational opportunities are found both in our cities and in our rural areas; we have been able to solve many problems requiring quantitative solutions, but continue to fail to find qualitative answers. Agricultural technology has never been more advanced, but more people in the world face malnutrition and hunger than ever before; never before has the world seen the high standard of living reached by certain industrial nations such as the United States, but never has the gulf between the rich and the poor been so wide; never have so many average citizens been so aware of what is happening on the other side of the world, or even on the other side of the moon, but many remain in ignorance of fundamental social problems of their own communities; never have so many people been able to enjoy the modern methods and conveniences of a technological civilization, but never has frustration born of environmental pollution and ecological imbalance been so acute; and never before has there been such widespread revulsion against war, but wars continue and their weapons become ever more lethal. We will need to utilize all our intelligence and imagination to help understand and solve these paradoxes.

If we were obliged to characterize the last quarter of a century by a single phrase, I think we could most accurately choose the words "kaleidoscopic change." And many would now say that the greatest impact on society is that made by the massive change in population growth that has manifested itself in almost every part of the world.

Even countries that are relatively affluent and have high rates of economic growth and development are beginning to feel some of the unfortunate results of unregulated human reproduction: environmental deterioration, urban congestion, and intolerable pressures on almost all social institutions.

Millions of Americans are crowded into cities that are totally unable to meet their needs for housing, transportation, employment, education, medical services, and cultural and recreational opportunities. As these cities burgeon and increase in complexity, the demand for municipal services grows larger, and the cost of living and local taxes continue to rise without commensurate improvement in the structure and organization of the metropolitan areas. Indeed, there is evidence that in many cases disruption and deterioration of civic life is taking place.

We cannot, of course, place the blame for the deterioration of our environment solely on population growth. A variety of socioeconomic factors have also played a significant role in bringing about this situation. Nevertheless, a careful examination of the current scene suggests that many of our national problems have been exacerbated by a rapidly expanding population concentrated in high density areas. More and more we are coming to realize that when populations are allowed to expand beyond the maximum that a country's social and material resources can support, it is impossible for a society to concern itself effectively with the quality of life. In these circumstances, moral considerations, aesthetic values, attempts to improve standards, and efforts to provide opportunities to deepen and enrich human existence tend to give way to quantitative questions of how to handle expanding numbers of people. Many sensitive and concerned individuals are convinced that the tool which excessive population growth takes of the quality of our existence is outweighing any temporary economic advantages.

Paradoxically, this awareness of the multiple effects of uncontrolled population growth has suddenly burst upon a society that is struggling to make it possible for every individual human being to develop his maximum potential. Our willingness to accept the painful truth of the extent of inequality in our society and our readiness to take steps to eliminate it, together indicate a trend toward yet another major change in our attitudes and in the human climate. Our society, originally founded on the ideal of providing equal justice and opportunity for all, has shockingly failed to live up to this idea. Large segments of our population, primarily black Americans, have been in practice excluded from many of the rights, privileges and opportunities enjoyed by others in the society. Belated efforts to remedy these injustices are now taking place. The interests of minorities are becoming a national concern, and minority voices are being listened to as never before.

Under the very best of circumstances, however, there will be a time lag simply because it is not possible instantaneously to correct a situation that has taken generations to develop. There will need to be great understanding and forbearance on all sides, and all sectors will have to interact and work together toward mutually defined goals. Deep-seated attitudes cannot be eliminated, nor age-old wrongs righted, by threatening demands for concessions on the one hand and capitulation and surrender born of guilt or fear on the other. Rather, constructive changes in attitudes and practice can come about only through appreciation of the need for change and in the period of time necessary for such appreciation to deepen into moral conviction and fructify into socially beneficial action. The proof of our understanding and of our determination and readiness to work in concert to remedy the errors of the past will come partly through measurable and increasingly rapid progress toward the goal of providing equal opportunity for all Americans. In this effort, American minorities will have to participate as fully and constructively as the majority.

THE NEW PRESIDENT OF SARAH LAWRENCE COLLEGE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. OTTINGER. Mr. Speaker, Dr. Charles R. DeCarlo, a close personal friend, a respected businessman and an outstanding civic leader recently assumed the presidency of Sarah Lawrence College.

It is typical of Dr. DeCarlo that at a time when college presidents throughout the nation are embroiled in turmoil and sometimes violent change, he would leave the security and relative calm of the business world to take on a new challenge.

But Charles DeCarlo is no ordinary man, and he is certain to be an extraordinary college president. His career, both in business and in his community, has been distinguished by sensitivity to social change, an active concern for the well-being of his fellow man, and a strong creative and innovative drive.

By way of introducing Dr. DeCarlo to my colleagues in the Congress, I present herewith for the Record an interesting profile of him published in the September 30 edition of the Westchester Business Journal:

Dr. Charles DeCarlo: Businessman Becomes President of a College

(By Penny Singer)

What prompts a top executive to leave the technological market place at the height of his career to assume the duties of a college president, in an era when college presidents jobs are going begging?

The man in question, Charles Raymond DeCarlo, is unusual. The college, Sarah Lawrence in Bronxville, is unusual. At the age of 47, Dr. DeCarlo has been an executive of IBM since 1951; he has also been a mathematician, scientist, teacher and an author. When he left IBM, he was director of automation research, an area far removed from the stress on humanities that has always been Sarah Lawrence's keystone.

But Dr. DeCarlo is a many-faceted man. During the past few years he has become increasingly interested in the problems of American society and higher education. In contributions to books, magazines and seminars he has been speading his views on the dehumanizing aspects of technology.

"The cult of efficiency, of doing everything by the scientific method, of automated everything possible, leads to the myth that men and machines are interchangeable. A certain amount of efficiency will enable us to make something different of work; more play is needed, more risk-taking. Leisure will have to assume more relevance; we are only half way to humanity."

The switch from technology to humanity was bound to follow.

"After spending 25 years in pursuit of degrees and business, I had a growing feeling that we're all to much under the domination of technology. At IBM I played the role of an acceptable maverick, a gadfly. Most people use large organizations to escape from the freedom that is theirs for the taking. What we need are people better educated in the liberal arts. For me, it's a shift of values. I want to work in the humanities stream now. I'm terrifically concerned with social change and the logical place to be involved with social change is to work with young people. They are more sensitive to the demands of the future. That's where the action is."

RELEVANT

One of the re-occuring themes on Dr. DeCarlo's articles on education and social change is the futility of forcing students through educational structures they do not find relevant.

"Too much business and technological education is short sighted. After five or ten years on the job, people find a tremendous need for further development of themselves, some of fulfillment, if you will. Business must find a way of breaking down enormous operations into something smaller in scale for a more humanistic approach."

Dr. DeCarlo stressed that business must re-examine goals and attitudes, especially "the brilliance of the means to the problems of the ends. It's a dangerous trend for measure of business ends to intrude into college processes of management. The academic world and the business world should be divided. Of course a college president has to be concerned with the mechanics of salaries, fund raising; in this area experience in the business world is invaluable. But we cannot be so tied to the idea of technical knowledge that we ignore the other side of human development."

CURIOSITY

Much education, be believes, kills curiosity, and disregards a students experience and feelings. "If a college has to have a motto," he said, "it ought to be feel." First of all I want our students to feel a sense of self worth, if they feel secure, then they can feel for others."

In his opening address to students Dr. DeCarlo asked that they "attack problems honestly and openly, acknowledge that problems of sex, drugs and color exist, then we can deal from strength."

FAMILY

Dr. DeCarlo, a native of Pittsburgh, is the son of an Italian father and an Irish mother which combines "the lucidity of the Latins with the passions of the Irish," which, as he succinctly puts it leads to fulmination. Tall, blonde and handsome, he has been described by associates as a complete "Renaissance Man, a good amateur poet, a fantastic gourmet cook and the best platform speaker around." He enjoys classical music and wide range conversation. His wife is a cellist with the Westchester Symphony and the mother of his four children. The DeCarlos resided in Scarsdale before they moved into the president's house on the Sarah Lawrence campus. Their oldest daughter is a student at UCLA, the two younger children attend public school in Yonkers. The children find it "great fun" to be living on the campus, as does their father who emphasizes that he wants to be available to students at any time.

He has a bachelor's degree in engineering and Ph.D in mathematics from the University of Pittsburgh where he taught. He also taught at the American Studies Institute in Salzburg, Austria. His writings, which include the book "Education in Business and Industry," argue for resistance of the dehumanizing aspects of technology by emphasis on the conservative, humane values of the liberal arts."

And that's what it's all about at Sarah Lawrence. Dr. DeCarlo doesn't much care about turning Sarah Lawrence girls out to be housewives or technicians. "I believe a college whose values are essentially grounded in femine attitudes and visions must be of great and continuing importance to the society, for the feminine instincts are characterized by caring qualities, concern for beauty and form, reverence for life, empathy in human relations, and a demand that men be better than they are." Does it mean that the hand that rocks the cradle rules the world? "Exactly," he said, in blanching at the cliche.

A TRIBUTE TO CASIMIR PULASKI

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. BIAGGI. Mr. Speaker, on Saturday, we have the pleasure of honoring the name of the Polish hero, Gen. Casimir Pulaski, whose memory is one of great significance to friends of liberty in every land.

Here was a man who loved the democratic cause without restraint and without concern for national boundaries. As the beneficiaries of his courageous conduct, the people of America have hailed him as hero in the past and will do so once again this Saturday, October 11, on the 190th anniversary of his death resulting from wounds sustained during the seige of Savannah.

Unlike the Boston merchant or the farmer of the Piedmont, unlike the fishermen on the Carolina coast or the backwoodsmen of western Pennsylvania, Casimir Pulaski was not himself a victim of British oppression, in the year 1776. Indeed, he was at that moment far removed from oppression of any kind.

Of noble birth, of wealth and family distinction, he was free to live in peace wherever he chose. And yet, in those tumultuous times, peaceful complacency was not the mark of a man, and Pulaski, it must be remembered, was a giant among men.

Having fought against Russian domination of Poland, and having as a result been driven from his native land, Pulaski ventured to France, where he was advised of the approaching American Revolution. Fired by the spirit of the American cause, and perceiving therein the same basic principles as his own, Pulaski threw in with the American Colonies.

A cavalry officer of considerable ability, he offered his services to Benjamin Franklin who in turn referred him to George Washington. By the summer of 1777 Pulaski was in America, ready for battle, and in September of that year he took his place in the American line, as a volunteer at Brandywine, where his conduct earned him instant recognition as an outstanding military leader.

At Germantown and Trenton he was again brilliant, and his foraging expeditions prevented starvation at Valley Forge. Granted command of a full cavalry corps, he ravaged the enemy in New Jersey, after which he was dispatched to Georgia. Once again brilliant and courageous, Pulaski assaulted the British position at Savannah, and was wounded at the height of the attack. Two days later he died.

The hero of the two continents and the advocate of liberty in every land, Casimir Pulaski is deserving of the highest praise by freedom-loving people everywhere.

POPULATION EXPLOSION

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. RUPPE. Mr. Speaker, it took three centuries for 100 million people to populate this great Nation. It took only 50 years to add the second 100 million. Within the next 30 years we will add the third 100 million people. Simultaneously, our population is experiencing a great migration from depleted countryside areas to increasingly crowded metropolitan areas. What does all this mean for our country?

We do not face the specter of mass starvation as do underdeveloped nations

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that will double and even triple their populations between now and the end of the century. We do, however, face potential erosion in the quality of life as our lakes and streams become more polluted, our highways and beaches more jammed, and our schools and social institutions increasingly less able to provide adequate service. President Nixon has expressed the opinion that many of our social problems may relate to the fact that we have had only 50 years in which to accommodate the second 100 million Americans. Furthermore, we have jammed this new population into metropolitan areas.

In northern Michigan, and in other countryside areas of our Nation, there is yet room to grow and lead the good life. However, these areas lack industry and tax base and their populations are migrating to the cities—where the jobs are. Meanwhile, the cities are under increasing social pressure and many are on the border of becoming ungovernable.

I have introduced legislation to create a National Commission on Balanced Economic Development that would uncover the ways and means of reversing the migration trend from rural to urban areas. Granted, this is only a first step—but we had better start taking a few small steps soon. The hour is getting late.

Recently, I was struck by a letter to the editor from one of my constituents, Mr. Maurice L. Hartung, of East Jordan, Mich. The letter appeared in the Petoskey News Review. I read this letter after having spent a weekend with my family on a lovely isolated lake in Michigan's Upper Peninsula. The tranquillity of that unspoiled location clashes dramatically with the vacation described by Mr. Hartung. Unfortunately, given present trends, family outings amidst the serenity of a northern Michigan lake are rapidly giving way to the racket, rudeness, and hubbub of an overcrowded shoreline in more densely populated areas. It concerns me deeply that Mr. Hartung's vacation, not my weekend, may be the harbinger of the future. I include Mr. Hartung's letter in the CONGRESSIONAL RECORD:

DEAR EDITOR:

"Jammed is the only Word for people and cars at Petoskey State Park on Sunday"!!! Baloney!

We just returned from the north central New Jersey sea coast and I wish I had some black and white pictures that you could use but mine are in color.

But I can give you a word picture of what jammed at the beach is like!

First off they have the fabled Board Walk—no this is not the one at Atlantic City! We're quite a ways north. I'm told it runs several miles south as far as Ocean City. On the beach side it is hemmed in by a chain link fence. Every little ways is a stairway leading down to the beach. A guard stands or sits by the gate and collects $1 per person going onto the beach unless you are fully clothed and carrying a fishing pole or poles. If you are just going down to the beach for a picnic it it still $1 each or show your month or season sticker!

Now you wish to go to the beach for a picnic! You take the family and pay your admission spread your blanket and lay out your food and people running by kick sand in it! Oh no not purposely! People are just so darn thick that it can't be helped! And so you decide that maybe swimming would be more fun. You go down to the edge of the water "in designated areas only please"—that means not far from where a life guard is stationed! Now the water gets deep quickly and if you get out 50 feet you are up to your armpits! If you go further the guard blows his whistle and believe you me it is best to come back, always! Now you come back from your swim to find your beach towel missing. You inquire of a neighboring group and the man happened to see where it went and when you go after it you find that a tow head boy of about 10 or 11 years has collected about a dozen beach towels! Now what he planned to do with them, I really don't know! But he nearly got mobbed as returning owners tracked him down! You lose money, jewelry and what have you!

After people have left the beach—they chase you out of the water at 5:30 and three guys with metal detectors begin looking for money and jewelry and when the thing goes beep beep they stoop over with a fire shovel with a mesh bottom and sift the stuff out of the sand and put it in their pockets! And a city official with a crew of boys starts in to collect the million or so bits of refuse from all the parties held that day! The sand by now—even after cleaning—is a good healthy percent cigarette butts! A little way down the beach a bunch of hippies are playing catch with a ball and seeing me with a movie camera yell at me to take pictures of the "International Champs"!

Now if you were fortunate and came early you may have been able to park near the beach! If you came to spend the 4th of July weekend and went anywhere during the day you may have had to go six blocks from the beach to park!

Forty foot lots often had two houses with a drive way between! And if there was ever a garage in the rear of each house it has long since been converted into an upstairs apartment with tools and junk stored on ground floor! and over the 4th people slept in their cars because there were no more rooms!

One more thing about the beach! Every few minutes an airplane passed over towing a big long sign announcing attractions at night clubs, hotels, bars, etc. The one I liked best was, by far, the most appropriate to the conditions we noted. It read "You look burned! Cool it with noxzema!"

And these people thought they were having fun! How I'd like to have transported them all to Northern Michigan for a few minutes where they could sit on nice green grass to have their picnic. Miles of shore line free to the public. Room to park your car. And, *room to spread out!*

Well we did have a good time there. What with the arrival of a brand new grandson and meeting some very wonderful people and seeing new things.

But when we arrived home to find the delphiniums in full bloom, waving gently to us in the breeze I can assure you we wouldn't trade these few acres for the whole coast of New Jersey!

How fortunate to live in Northern Michigan. And all it takes to make you realize it more and more as the years go by is to just take a two weeks vacation every year and see where and how others live!

CUBAN MIG FLIGHT HIGHLIGHTS NEED TO DEPLOY ADDITIONAL MILITARY UNITS TO SOUTH FLORIDA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

The Russian Mig, flown by a Cuban military officer, that recently flew from Cuba past Key West and the Florida Keys and landed at Homestead Air Force Base literally beside the President's plane, Air Force One, demonstrates most vividly the need to maintain full military operational capability at Key West Naval Base complex, the Key West Aerospace Defense Command, and at Homestead Air Force Base.

This is not the first instance that aircraft have underflown our radar and landed at South Florida air installations.

We must not forget that there is a serious, well organized and equipped Communist activity in Cuba that seeks to work throughout the Caribbean and Latin America. It has been emphasized that the Key West Naval Base complex, comprised of Navy, Army, and Air Force activities, is the main defense structure defending the southeastern approaches to the United States. It would seem reasonable, therefore, that the Commander in Chief and the Secretaries of Defense, Navy, Army, and Air Force would take every precaution to protect against such incidents or others of greater magnitude.

However, recently we have had a series of cutbacks in naval activity around the country. At the Key West Naval Base, the ship's repair facility was ordered closed with little apparent regard to the part that it has played and might play again in the event of a crisis in the Caribbean or elsewhere. Three submarines and the sub tender, U.S.S. *Bushnell,* have been ordered decommissioned—to depart Key West. To date, no announcement has been made of replacement. The *Bushnell* has been homeported at Key West since 1952. It had been involved in two wars and had seen Cuban duty.

In 1964 $10½ million was provided for runway extensions and major aviation facilities to insure Key West Naval Air Station capability to handle any aircraft now operating with the fleet. In 1965 a dredging project costing $3.2 million increased the channel turning basin and depths in order to accommodate nuclear attack submarines.

These are but a few of the many improvements made to the military establishment at Key West. The Key West Naval Base complex has the capability of handling additional air and naval units.

Would it not be wise and simultaneously in the best defense interests of this country to have assigned at the Key West naval complex additional military units fully equipped and ready to cope with any contingency, large or small, that might arise in the Gulf of Mexico, the south Atlantic, in Cuba, the Caribbean, and South American areas?

Are additional Air Force attack or radar-equipped units needed to provide scanning patrol defense and attack functions?

Would it not be wise to home port additional naval and Air Force units at Key West?

Would it not be better to be prepared in this area, one that still contains a hazard and has a base which guards one of the most vital spots in this hemisphere?

The Air Force has admitted the weakness in our defense programs in the

South Florida area, and with announced cutbacks, it can only be worse—not better. Whatever is needed in additional air squadrons, missile battalions, naval vessels, submarines, radar, other tracking facilities, personnel, operational facilities, or other more modern equipment should be provided.

The 12th Congressional District of Florida in which the Homestead Air Force Base and Key West Naval Base complex are located is the closest to Castro's Cuba and the entrance to the Caribbean, Central and South America. As the Representative of this district, a member of the Foreign Affairs Committee, and chairman of the Subcommittee on Inter-American Affairs, I urge our military services to immediately take such actions as would seem advisable to strengthen our defenses in the Caribbean and to the southeastern approaches to the United States; that they reverse their decision to deploy vessels and personnel from the Key West Naval Base; that they redeploy to the Key West area additional air and naval units and personnel and that they embark on an improvement and modernization program.

NEIGHBORHOOD DEVELOPMENT PROGRAM

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. MINISH. Mr. Speaker, the Housing and Urban Development Act of 1968 authorized the neighborhood development program as an important part of the Federal Government's urban renewal effort. The neighborhood development program was designed, to quote from the law, "to facilitate more rapid renewal and development of urban areas on a more effective scale and to encourage more efficient and flexible utilization of public and private development opportunities by local communities in such areas." Conversion to the neighborhood development approach was to be at the option of the local communities.

Late last year, the Department of Housing and Urban Development began a concerted campaign to encourage cities to convert their urban renewal efforts to the neighborhood development program. Neighborhood development, the communities were told, would provide for a smooth flow of Federal funds and flexibility of movement between one urban renewal project and another. It would allow for starting needed urban renewal activity by obtaining funds quickly without waiting for HUD to finance each individual project area. Communities, under the NDP, would not be required to prepare detailed plans for each project prior to acquisition—a general plan would be acceptable.

For many cities the process of converting from the conventional urban renewal system to the NDP was complicated and cumbersome. In Newark, N.J., which has applied for an NDP grant of approximately $47 million, any change in an urban renewal project, no matter how slight, requires an amendment to that project with hearings before the planning board, the municipal council, and the public. Approval must be obtained from the Newark Housing Authority Board and from the Department of Housing and Urban Development. Additionally, there must be an amended loan and grant contract and perhaps a change in the cooperative agreement with the city. Needless to say, a change back to the conventional urban renewal system at this late date would involve an equally difficult and cumbersome process. Despite the difficulties inherent in conversion to NDP, most cities, including Newark, agreed with HUD and with the Congress that the neighborhood development program concept offered great dividends for substantial coordinated progress in urban renewal.

Under the previous administration, 30 cities were approved for NDP conversion. HUD's attitude toward NDP since the advent of the new administration has been, to say the least, extremely confusing. Only five cities have been approved for NDP since January 20, 1969. They are: Cheyenne, Wyo., Muskogee, Okla., Tulare, Calif., Saint Paul, Minn., and Highland Park, Mich. The administration claims it has only approved NDP applications of cities which were well along on the application process by January 20, and these were approved shortly after the new administration took office. Yet the record shows that three NDP's were approved in June of 1969, the last on June 20—5 months after the change in administrations.

When HUD witnesses appeared before the House Subcommittee on Housing Appropriations in April of this year, the following statement was submitted in the Department's name:

> The Neighborhood Development Program provides a means to make an immediate start on improvement and redevelopment of large impoverished areas. This new approach will allow cities to schedule renewal as they do capital expenditures, speed up renewal activity, and respond more effectively to the needs of local citizens.

During the same session, Mr. Lawrence Cox, Assistant Secretary for Housing and Renewal Assistance, speaks of the NDP:

> I really feel that it was a rather sketchy and not well thought out approach.

Such testimony is hardly likely to result in adequate funding of the neighborhood development program. Moreover, the quoted passage is not atypical. Nowhere in this year's appropriation hearings, in either the Senate or the House, does HUD make a genuine attempt to press for sufficient NDP funds to satisfy even the minimum needs of our cities.

Secretary George Romney of HUD notified the Congress last week that while "the administration supports the NDP concept" and regards it as "a flexible tool to aid cities in achieving their renewal objectives," the program will now be subject to "management controls" due to inadeqaute funding. Yet the record shows HUD has neither requested nor fought for adequate funding.

The city of Newark provides a good example of the way in which HUD has mismanaged the NDP. Newark was given repeated verbal assurances by HUD all throughout 1969 that their NDP would be approved and fully funded. In early September, HUD officials informed Newark that they should not expect approval of their NDP application in its present form. The city, HUD explained, could expect a fund cut of up to 90 percent. Now HUD denies any decision has been reached on Newark's NDP application.

Clearly, the Department of Housing and Urban Development has failed to administer the NDP as Congress intended. The House Banking and Currency Committee, of which I am a member, has responded to HUD's failure to satisfactorily implement the neighborhood development program by providing in the recently reported Housing Act of 1969 that 35 percent of the total urban renewal money for fiscal year 1971 shall be reserved for neighborhood development. Further, the committee reserved $400 million of fiscal 1970 funds for NDP.

Mr. Speaker, HUD must be put on notice that the Congress will not stand idly by while its will is thwarted and its mandate is ignored. More than 300 communities have indicated a desire to initiate, or convert to, NDP. Applications for NDP were filed, after HUD's encouragement, with the recognition that NDP offered a coordinated means by which to accelerate the reconstruction of our urban centers. The proposed changes announced by HUD, in defiance of congressional intent, will lead to delay, confusion, and expense for cities throughout the Nation. I urge Members to make their indignation known to the appropriate officials in HUD in order that this situation may be corrected promptly.

SID W. RICHARDSON FOUNDATION, FORT WORTH, TEX.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Mr. E. W. Sampson, president of the Sid W. Richardson Foundation of Fort Worth, Tex., appeared before the Senate Committee on Finance the other day and presented a statement recommending some changes to the House-passed tax revision bill. Under leave to extend my remarks in the RECORD, I wish to insert a copy of Mr. Sampson's statement, as follows:

STATEMENT TO THE COMMITTEE ON FINANCE, U.S. SENATE

(Submitted by Sid W. Richardson Foundation, Fort Worth, Tex.)

Sid W. Richardson Foundation, a nonprofit Texas corporation organized and operated for charitable, religious, literary, and educational purposes, hereby requests modification or elimination of certain provisions

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of H.R. 13270 dealing with the taxation and regulation of "private foundations" as defined in said H.R. 13270 now under consideration by the Committee on Finance.

DEFINITIONS AND ABBREVIATIONS USED

Sid W. Richardson Foundation will hereinafter be referred to as "Foundation." H.R. 13270 will sometimes be referred to as "the Bill." The late Sid W. Richardson will be referred to as "Richardson," and Perry R. Bass, Richardson's nephew and his partner for many years prior to Richardson's death, will be referred to as "Bass."

REQUESTED MODIFICATIONS OR ELIMINATIONS

The provisions of the Bill as to which modification or elimination is requested are:

1. The provisions of Section 507(b)(2), which define the term "substantial contributor."

2. The provisions of Section 4946(b) of the Bill, defining the term "Foundation Manager," insofar as it affects permitted stock holdings in a corporation under Section 4943(c)(2) of the Bill.

FACTS

Foundation was incorporated as a Texas non-profit corporation in 1947. It has no capital stock. Its articles of incorporation, which have never been modified, provided that the Foundation should be managed and controlled by a self-perpetuating board of directors. It was organized at the instance of Richardson, and he, Bass, Richardson's two sisters, and a brother-in-law were the original directors. Its present directors are: Bass, his wife, H. B. Fuqua (Chairman of the Board of the Fort Worth National Bank and unrelated), E. W. Sampson, and M. E. Chappell, the latter two of whom are long-time executives of Richardson and Bass organizations, but are unrelated to Richardson or Bass.

Shortly after its organization, Foundation was classified as exempt from income taxes under what is now Section 501(c)(3) of the Internal Revenue Code of 1954, and it has continuously preserved that exempt status and is now so classified.

Prior to Richardson's death, which occurred on September 30, 1959, Foundation's only contributors were Richardson and Bass. In lieu of Richardson and Bass individually or their various enterprises making direct contributions to charitable, religious, and educational undertakings, those just referred to contributed to Foundation, which in turn distributed substantially all of these contributions to appropriate educational, religious, and charitable undertakings. From organization through the calendar year 1961, Foundation received from the sources indicated contributions of $800,500.00, and through 1961, it had disbursed in contributions $804,747.46. Of this total amount, Bass contributed, directly and as his share of contributions made by enterprises jointly owned by him and Richardson, a total of $147,500.00. In several years during this period, Bass' direct contributions exceeded $5,000.00, so that under the Bill as presently drafted, he would be classified as a "substantial contributor." See Section 507(b)(2) of the Bill. Other than as above stated, Bass has made no contributions to Foundation, either directly or indirectly.

Richardson, who was a bachelor and a very active and successful business man, after making certain specific provisions in his will for various members of his family (which provisions have no bearing on the problem dealt with herein), left the residue of his estate and the income received from it during its administration to Foundation. The administration of the estate was closed as of January 1, 1962, and the entire residue delivered to Foundation at that time, although the obligations of the estate and a considerable portion of the death duties (which aggregated some $48,000,000.00) had not been paid. Foundation immediately borrowed $30,000,000.00 to pay off the balance of the unpaid death duties and certain claims, and subsequently has proceeded to pay off these obligations subject to which it received the residue of the Richardson estate and to carry on the religious, charitable, and educational activities which it was organized to support. Bass, Howell E. Smith, Richardson's brother-in-law, and John B. Connally, who, at Richardson's death, was employed by the Richardson and Bass organizations, were the independent executors of that Richardson estate.

At the close of the year 1962 (the first year that Foundation had possession of the residue of the Richardson estate), the net book value of Foundation's assets was $71,051,714.52. At the close of the calendar year 1968, the net book value of these assets was $72,852,530.52, and the market value of certain of its investments in excess of book value was $19,038,208.47, resulting in what might be called an increase in actual value over carrying value to $91,990,738.99.

From the time Foundation received the residue of the Richardson estate until the close of the year 1968, its net income, exclusive of capital gains, amounted to $16,303,138.19, but its contributions and firm commitments to make contributions during the same period largely exceeded this net income, so that, considering its firm commitments, it had a deficit in accumulated income at the close of the year 1968 of $1,339,179.73.

The greater portion of Foundation's contributions and commitments were to institutions such as Rice University at Houston, Texas, Austin College at Sherman, Texas, St. Luke's Episcopal Hospital at Houston, Texas, Texas Wesleyan College at Fort Worth, Texas, the Boy Scouts of America Longhorn Council, Fort Worth, Texas, Texas Christian University at Fort Worth, Texas, Trinity University at San Antonio, Texas, the University of Texas, at Austin, Texas, and Howard Payne College at Brownwood, Texas.

It is clear from the above that under Section 507(b)(2) of the Bill as presently written, Bass would be classified as a "substantial contributor" to Foundation, and because of this fact and the fact that he is presently, as he has been since its organization, a director of Foundation, he would be classified as a "disqualified person" under Section 4946(a) of the Bill for all of the situations dealt with in the Bill, such as those dealing with "excess holdings" (Section 4943), as well as those imposing taxes on self-dealing.

It is equally evident that in bringing the Foundation into existence in 1947, and by naming Bass and his brother-in-law as two of the independent executors of his will, and by the continuation of Bass as a director of Foundation, Richardson intended that members of his family who were familiar with his wishes and the interests which he wanted his fortune to serve should have an important voice in the management of the Foundation which received the residue of his estate.

DISCUSSION

The facts above summarized show that Foundation has had two entirely separate periods of existence. The first period began with the Foundation's incorporation and extended to the year 1962 when Foundation received the residue of the Richardson estate. During this period, Foundation might be likened to a private community chest which contributions from Richardson, Bass., and their common interests, and distributed the amounts so contributed to qualified and acceptable donees—religious, charitable, and educational undertakings. All amounts contributed during this period—those contributed by Bass and the interests with which he was identified, as well as those contributed by Richardson and the interests with which he was identified—had been disbursed prior to January 1, 1962. This closed the "private community chest" era of the Foundation. Since that time, Foundation has received no contributions other than the residue of the Richardson estate which was received under the terms of his will. Leaving for subsequent discussion the fact that Bass is a director of Foundation, it is wholly unconscionable and inequitable to treat Bass or anyone else as a "substantial contributor" under the section of the Bill above referred to, because that definition applies no matter how long ago such contribution was made. This results in an untenable, retroactive confiscation that violates all concepts of equity and fairness.

The same undefendable, retroactive operation of the Bill will follow as to the determination of "permitted holdings" in a corporation by a foundation if the present provisions defining a "Foundation Manager" as a disqualified person (Section 4946(b)(1) of the Bill) remain unmodified.

It is submitted that the situation so presented requires, in fairness and in equity, and to avoid retroactivity of a taxing provision that virtually all citizens abhor, modification of the Bill so that the holdings of Bass should not be taken into consideration in determining whether or not this or any other similarly situated foundation has "permitted holdings."

It is intended by the modifications in the Bill hereinafter suggested to remove the provisions of the Bill which, as now written, classify Bass or anyone similarly situated as a "substantial contributor" to a foundation for purposes only of determining whether Foundation has "permitted holdings," but it is not intended thereby to relieve Bass or any other officer, director, or trustee, or any individual having powers and responsibilities similar to those of an officer, director, or trustee of a foundation, so long as such person remains in such position with the foundation from the application of the provisions of Section 4911 of the Bill imposing taxes, penalties, and sanctions on "self-dealing."

SUGGESTED MODIFICATIONS

It is believed that the objections to the present Bill herein pointed out can be removed by the following:

The following should be substituted for Section 507(b)(2)(A) and (B):

"(A) Any person who (by himself or with his spouse) contributed or bequeathed to a private foundation in any one calendar year beginning on or after January 1, 1965, more than $5,000.00, and

"(B) Any person who (by himself or with his spouse) contributed or bequeathed the greatest amount to the foundation in any one calendar year, on or after January 1, 1965."

To prevent Bass or anyone else similarly situated from being classified as a "disqualified person" because of the fact that he has continuously been a director of Foundation since its organization, and thereby resulting in having his holdings and those of his family taken into consideration in determining "excess holdings," it is believed that the following addition to Section 4946(b)(1) should be made, so that the entire subsection 4946(b)(1) would read:

"An officer, director, or trustee of a foundation (or an individual having powers and responsibilities similar to those of officers, directors, or trustees of a foundation), except that in the determination of 'permitted holdings' there shall be excluded as a disqualified person an officer, director, or trustee of a foundation (or an individual having powers and responsibilities similar to those of officers, directors, or trustees of a foundation) who occupied such capacity at the organization of the foundation prior to January 1, 1965, and who thereafter has continuously held such office or had such powers and responsibilities."

SENATE—*Monday, October 13, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father whose word declares: "It is a good thing to give thanks unto the Lord, and to sing praises unto Thy name, O Most High: to show forth Thy loving kindness in the morning and Thy faithfulness every night." We adore Thee in the beauty of the world, in the goodness of the human heart, in the faithfulness of friends, and in Thy thought within the mind. Our pause is our prayer and Thy presence is the answer. As the days of a new week open, invest Thy servants in this body with wisdom and grace sufficient for their tasks. Above differences and divisions, above conflict and confusion, may they know the deeper unity of those whose minds are stayed on Thee. Anoint the people of this good land with Thy spirit that they may help open for all men the gates of the kingdom everlasting whose Builder and Maker is God. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of October 9, 1969, Mr. Nelson, from the Committee on Labor and Public Welfare, reported favorably, on October 10, 1969, an original bill (S. 3016), to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, and submitted a report (No. 91–453) thereon, which bill was placed on the calendar, and the report was printed.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 9, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 10, 1969, the President had approved and signed the following acts:

S. 713. An act to designate the Desolation Wilderness, Eldorado National Forest, in the State of California; and

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1242) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the corporation for public broadcasting, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended; agreed to the conference by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Blatnik, Mr. Jones of Alabama, Mr. Wright, Mr. Fallon, Mr. Cramer, Mr. Harsha, and Mr. Grover were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, was read twice by its title and referred to the Committee on Commerce.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Kentucky (Mr. Cook) for a period of not to exceed 1 hour.

Mr. KENNEDY. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. COOK. I yield.

Mr. KENNEDY. I thank the Senator.

WAIVER OF CALL OF THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that, following the remarks of the senior Senator from New York (Mr. Javits), there be a period for the transaction of routine morning business and that statements in relation thereto be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. McGOVERN. I thank the Senator.

THE VIETNAM MORATORIUM

Mr. McGOVERN. Mr. President, the Vietnam moratorium scheduled for Wednesday of this week will, in my judgment, prove to be the greatest nationwide outpouring for peace ever experienced in this country; but it is important that it not be confused with the senseless violence on the part of so-called radicals that took place in the city of Chicago last week.

The Wednesday moratorium was conceived and organized by the finest young people in this Nation. It is a national town meeting of conscience against the destructive war in Vietnam. It is the peaceful, constructive, and patriotic expression of dissent in this Nation. It is joined by millions from every political persuasion; and, by every account, it reflects the judgment of most of the American people. No one should confuse the Wednesday moratorium with the kind of mindless, destructive activity which took place last week in Chicago. The moratorium seeks to end violence, not to expand it; it seeks serious discussion, not the screaming of slogans; it believes in the decency and good sense of the American people, not the shallow ideology and viciousness of recent demonstrations in the parks and streets of Chicago.

(At this point Mr. McGovern assumed the chair.)

THE NOMINATION OF JUDGE HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. COOK. Mr. President, as a firm supporter of the confirmation of Judge Haynsworth, I welcome Senator Bayh's "bill of particulars" which he released to the press Wednesday afternoon. Both the opponents and the supporters of Judge Haynsworth can now stop dealing with ghosts, rumors, and innuendos and address themselves to what the judge's principal foes conceive to be the reasons for opposing his confirmation.

I have carefully reviewed the bill of particulars, and my studied conclusion is that the mountain of opposition has

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labored, and given forth a mouse of justification. The principal item in the bill is a rehash of the new time-worn details of Carolina Vend-A-Matic and the Darlington Corp. case—a criticism that was exploded by the chairman of the American Bar Association Committee on Judicial Selection, and by the leading authority on judicial disqualification in the country, during the very first week of the hearings before the Senate Judiciary Committee. Another charge reiterated in the bill of particulars is the claim that Judge Haynsworth should have disqualified himself in several cases in which he held stock in a parent corporation, and a subsidiary of the parent was a party litigant before his court. Unfortunately, instead of carefully analyzing the very real problems that exist in this area, Senator BAYH has contented himself with stating the bald conclusion that Judge Haynsworth's refusal to disqualify himself was a violation of the statute and of the Canons of Ethics. I find this conclusion wholly unsupported, either in reason or in precedent.

Finally, analyzing as carefully as I can that section of the bill entitled "Demonstrated Lack of Candor," I can only say that I am left with the firm feeling that any lack of candor there may be is not that of Judge Haynsworth.

I think the Senate Judiciary Committee, and the Senate as a whole, is entitled to something more than just rhetoric on this matter, and I would therefore like to take up these three principal charges in the bill of particulars in detail.

1. CAROLINA VEND-A-MATIC

This history of Carolina Vend-A-Matic has been told and retold both in testimony before the Senate Judiciary Committee, and in media coverage of the nomination of Judge Haynsworth. The best answer to Senator BAYH's rehash of these same facts in his bill of particulars is to be found in the statements of two witnesses who testified before the Senate Judiciary Committee in connection with its hearings on the nomination:

> We believe that there was no conflict of interest in the *Darlington* case which would have barred Judge Haynsworth from sitting and we also concluded that it was his duty to sit. (Testimony of Lawrence E. Walsh, Chairman of the American Bar Association Committee on Judicial Selection, and himself a former federal judge, Transcript, Hearings before the Senate Judiciary Committee, Nomination of Honorable Clement F. Haynsworth, hereinafter called "Transcript", p. 243.)

The second witness, John P. Frank, probably the leading authority on the subject of judicial disqualification in the country, rejected the argument now revived by Senator BAYH with these words:

> It follows that under the standard federal rule Judge Haynsworth had no alternative whatsoever. He was bound by the principle of the cases. It is a judge's duty to refuse to sit when he is disqualified, but it is equally his duty to sit when there is no valid reason not to . . . I do think that it is perfectly clear under the authority that there was literally no choice whatsoever for Judge Haynsworth except to participate in that case and do his job as well as he could. (Transcript, 199–200.)

Senator BAYH's purportedly factual discussion of Carolina Vend-A-Matic contains several statements which can only be described as disingenuous.

> (a) He stated that he orally resigned from the vice presidency in 1957, but the corporation records show he was listed as vice president until 1963 and indeed regularly attended meetings of the board of directors and voted for slates of officers through the years.

The obvious import of this statement is that the fact that Judge Haynsworth regularly attended meetings of the board of directors, and voted for slates of officers through the years, tends to support the conclusion that he knew he was carried on the corporate records as a vice president of the corporation until 1963. Anyone who has had any familiarity with closely held corporations and the methods by which they conduct their business, will not be overly impressed by this logic. But more important, it is undisputed that Judge Haynsworth submitted a written resignation of his position as a director of Carolina Vend-A-Matic in October 1963, pursuant to a resolution of the Judicial Conference of the United States disapproving of judges holding either directorships or offices in corporations organized for profit. If he had realized that he was carried on the corporate books as a vice president at this time, is there any doubt that he would also have resigned his office as vice president?

He goes on to state:

> (b) "Although the judge claims he was an inactive officer, the minutes of the corporation indicate that such was not the case. Directors were active in locating new business and Judge Haynsworth took an active part in directors' meetings, often making motions himself. While he was director of Carolina Vend-A-Matic, he took part in decisions to buy and sell land to himself and other directors on the profit sharing trust."

There is no requirement of judicial conduct that a judge owning an interest in a business be completely inactive in that business. The statement with respect to Judge Haynsworth's activity in the affairs of Carolina Vend-A-Matic was originally made in the context of the 1963 investigation conducted by Chief Judge Sobeloff, and was directed to the issue of whether Deering-Milliken personnel in charge of granting concessions to vending machine companies might have known of Judge Haynsworth's connection with Carolina Vend-A-Matic, and tended to favor it for that reason. Judge Sobeloff concluded that this was emphatically not the case, and none of the facts contained in Senator BAYH's statement contradict that conclusion in the slightest. Since they do not bear on that conclusion, they can only be described as red herrings, which tend to prove or disprove nothing in connection with Judge Haynsworth's judicial conduct while on the court of appeals for the fourth circuit.

He proceeded to say:

> (c) "In 1957, after Judge Haynsworth assumed the bench, the gross sales of CVAM and its subsidiaries increased tremendously."

Mr. President, at this point I ask unanimous consent to have printed in the RECORD two letters, one addressed to the Senator from South Carolina (Mr. HOLLINGS) and the other addressed to the chairman of the Committee on the Judiciary, the Senator from Mississippi (Mr. EASTLAND), from the president of the largest vending machine company in South Carolina, who emphatically states that he does not know of any instance when Judge Haynsworth ever involved himself in the acquisition of business for Carolina Vend-A-Matic.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ATLAS VENDING CO., INC.,
Greenville, S.C., September 5, 1969.

Hon. ERNEST F. HOLLINGS,
Senate Office Building,
Washington, D.C.

DEAR MR. HOLLINGS: There have been a lot of rumors in our newspapers lately concerning Judge Haynsworth, his business connections and ethics. Let me take this opportunity to speak in his behalf.

It seems to me his having an interest in a vending company should not be a deterring factor in his being appointed to the Supreme Court. As in the past, any person who owned stock in a vending company seemed to leave a bad taste in the mouths of the people. Speaking as an independent operator and in behalf of independent operators like Carolina Vend-A-Matic, we are a business like any other business, part of a free enterprise. A business whose ethics are up to or surpass any other business in this nation and we resent being classified as a "Bobby Baker Case". I cannot, however, speak for the ethics of the national vending companies.

I am probably the oldest vendor in this area and probably know more about the operation of my then competitor, Carolina Vend-A-Matic than any other person in this area in which they operated. I own and operate Atlas Vending Company, Inc. here in Greenville, South Carolina and have been doing so for over thirty years. Carolina Vend-A-Matic was a competitor of ours and during the time this company was Carolina Vend-A-Matic the stockholders and the management did nothing unethical in obtaining new business or in holding old business. As you know, they are now known as A.R.A. Service and Judge Haynsworth is not a stockholder in the present company. I had the greatest regard for Carolina Vend-A-Matic, its employees, and its management for the ethical manner in which they conducted business. If all the other companies or competitors could come together around a conference table I am sure they would feel that the good points of Carolina, in the way in which they conducted business would certainly overcome and outweigh any competitive "jealousy". All of the vendors in this area, which at that time were several in number, had equal opportunity to obtain business. We got some of the business, others got some, and Carolina got some. Judge Haynsworth to my knowledge was never an officer of Carolina Vend-A-Matic and at no time used his position to gain new business. To the best of my knowledge the Presidents of Carolina Vend-A-Matic were Francis Marion and Gene Bryant.

The persons who were the stockholders of Carolina are well known to me. They are men af great means who are honorable and respectable business men who would never stoop to gaining wealth by using their position or their influence in unethical measures.

The reason that Carolina and myself and others have grown and gained in the vending industry is due largely and for the most part to the change in the times in the textile industry. The textile plants approached vending seeking more modern means to feed their people. They needed better quality food, with less time involved in feeding in order to gain through production. The textile plants are looking out for their people. The business is gained through competitive bidding. A textile firm will often have as many as five to

twenty bids on which to base their decision. These bids are reviewed by employee committees, personnel, and management in order to come to a decision in the best interest of all concerned. This leaves little room for personal or political gain.

My reason for writing this letter is that I can no longer sit still and see the charges being made by the news media and the attempts by them and others to dig into the past and use facts in such a way as to throw reflection on Judge Haynsworth with no knowledge of the person whom they are talking against or the great injustice which they are doing to our nation. It seems that personal and political gain is clouding the minds of some and closing their eyes to the truth. Now is not the time for self, we must put our nation first and our nation needs a good Supreme Court.

We have been visited recently by a Charlotte reporter who asked questions regarding Judge Haynsworth's past vending affiliations. One of his questions dealt with whether or not Carolina Vend-A-Matic had the vending for the Deering-Milliken Plant in Darlington, South Carolina. My reply to him was that at that time neither I nor Carolina could go beyond our own county because of our volume of business and that it was some years later that we were able to spread into other areas within our state.

The dignity and reputation of a man like Judge Haynsworth must and will be spoken with truth. The people of this nation should be proud to have a man of his character in the Supreme Court. I, personally and wholeheartedly, support President Nixon's choice of this man; but, Senator, it will be a grave injustice if his record is not wiped clean before his appointment and it must be done by people who know him and who have been in contact with him. People from other states and in other capacities should not be judging a man for their own benefits.

My only aim in writing this letter is to see that the reputation of this man does not fall into the hands of a few and to do my part to see that he becomes a part of the Supreme Court of the United States. I would be willing for and would urge you to use this letter, any or all of it, at your discretion before the Judiciary Committee or in any other way it might be beneficial to Judge Haynsworth's appointment and this nation. I will also be available, at my own expense, to come to Washington and appear before the committee on his matter. We need Judge Haynsworth in the Supreme Court and we need the slate wiped clean. Please use this letter to that end.

Sincerely,

ALEX KIRIAKIDES, Jr.

ATLAS VENDING CO., INC.,
Greenville, S.C., October 6, 1969.

Re: Judge Clement F. Haynsworth, Jr.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: Sometime ago I wrote to Senator Thurmond and to Senator Hollings about the slanders which are being circulated in the press about Judge Haynsworth and Carolina Vend-A-Matic Company. I am disappointed that those letters did not get into the record of the hearings, as I am now informed. I am so disturbed about the matter, however, that I, at least, want you to know about it.

I have been in the vending business in Greenville for many years. I operate complete food vending services in many industrial plants. Many of them are textile plants, for that is still the principal industry in the area. A number of my installations are in plants affiliated with Deering-Milliken.

Because of the growing recognition that vending services provide the most pleasant and most efficient means of providing food and refreshment for industrial employees, the industry throughout the United States has experienced phenomenal growth. In the Southeast general industrial expansion has made the growth of all vending companies even more spectacular. The experience of Carolina Vend-A-Matic was not in the least unique to it. My own business experienced comparable growth. A vending business in Spartanburg, just thirty miles to the West, had similar experiences. It is simply the case of having a service to offer at a time of a rapidly rising demand for that service.

While all of the vending services in thia area have prospered, the competition has been keen. I competed with Carolina Vend-A-Matic for locations in textile plants and other industrial plants. Sometimes I got the business; sometimes they got the business; sometimes somebody else got it.

The practice in the area was to make these awards on the basis of open bidding. The business was awarded after a careful comparison of the bids. Of particular importance was the location of the plant in relation to the vending company's service centers and the existence and location of a commissary operated by the vending company. If, considering all of these factors, an appraisal of the bids would show that I was the one in position to render the best service, I got the business; if not, it went to the bidder who was.

This business was not developed on the basis of anyone using anyone's influence on anybody. I know that Judge Haynsworth's name was never used in an attempt to influence anybody. As a very active competitor, I knew what was going on in the business, and I would have heard of it if it had been. Carolina Vend-A-Matic under the direction of Mr. Wade Dennis operated in an honest and honorable fashion. They did a good job and were tough competition, but I and the other competitors had nothing to complain about it.

I do resent all of the aspersions being cast upon the industry as a whole, upon Carolina Vend-A-Matic, and the attempts to reflect upon Judge Haynsworth's character and reputation. I have known him since we were boys together. He is an honorable man fully deserving the very high reputation he has enjoyed until some people with their very unjustified slanders have attempted to impair it.

I would be very happy to come to Washington to discuss this matter with you and the members of the Committee, or with anyone else with whom you would like me to talk, but I do think that someone should speak up and tell the truth in the face of all of the misinformation being circulated in the press.

Yours very truly,

ALEX KIRIAKIDES, Jr.,
President.

Mr. COOK. Mr. President, one may hope that this is not the sort of reasoning process which will commend itself to the Senate Judiciary Committee, or to any other deliberative body which seeks to proceed in a rational manner.

Insofar as the six other cases involving purported customers of Carolina Vend-A-Matic referred to in Senator BAYH's statement, the conclusion is inescapable that the judge was equally under a duty to sit in these cases as he was in the case involving Darlington Corp. It is worth noting parenthetically that the inclusion in this group of cases of the Kent Manufacturing Corp. appears to have been a mistake. There appears to be no connection between Kent Manufacturing Corp., a Maryland corporation which manufactures fireworks, and was the litigant referred to by Senator BAYH, and the Kent Manufacturing Co., a woolens manufacturer in Pennsylvania which operated the Runnymeade plant in Pickens, S.C.

I turn now to Senator BAYH's claim that Judge Haynsworth should have disqualified himself in five cases in which he sat during his 12 years as a judge of the court of appeals, because, according to the "bill of particulars," "he had a substantial stock interest in litigants before him." One of these cases is the Brunswick case, to which I will come in a moment; the others are *Farrow* v. *Grace Lines, Inc.*, 381 F. 2d 380 (1967), *Merck* v. *Olin Mathieson Chemical Corp.*, 253 F. 2d 152 (1958), *Darter* v. *Greenville Community Hotel Corp.*, 301 F. 2d 70 (1962), and *Donohue* v. *Maryland Casualty Co.*, 363 F. 2d 442 (1966). Senator BAYH does not say what he means by "a substantial stock interest in litigants"; but I think it important to present to the Senate precisely what the facts were in each of these cases. In two of them—Grace Lines and Donohue—the judge did not hold stock in the party litigant, but he held a small amount of stock in a corporation which in turn had a controlling interest in the litigant. In Merck, I have been unable to find even this type of connection between a litigant and any company in which the judge held shares. Here are the facts with respect to these five cases:

Senator BAYH claims that Judge Haynsworth had a substantial interest in the Greenville Community Hotel Corp. when that corporation appeared before his court in 1962. In 1962, Judge Haynsworth had absolutely no interest in the Greenville Community Hotel or in any company having any interest in that corporation. On April 26, 1956, one share of the Greenville Community Hotel Corp., worth $21, was transferred to Judge Haynsworth so he could be a director of that corporation, a position he held until he went on the bench in 1957. On New Year's Day 1958, he received a check for 15 cents for the 1957 dividend. Thinking he no longer owned the one share, he sent the check to Alester G. Furman, Jr., who had originally transferred the one share to him. Furman returned the check and Judge Haynsworth listed it on his tax return. The share was later transferred to Furman who sold it on August 1, 1959, for the same $21. Yet Senator BAYH claims Judge Haynsworth had a substantial interest in the corporation in 1962.

Senator BAYH also charges that Judge Haynsworth had a substantial interest in Brunswick Corp. when it appeared before his court in 1967. Both Judge Winter and Judge Haynsworth testified before the committee that the court of appeals agreed on the disposition of Brunswick Corp. against Long on November 10, 1967. While the written opinion in Brunswick had not yet come down, it is difficult to see how he had any substantial interest in the outcome of the case. Whether Brunswick won or lost the case could not possibly have made any material difference to its stockholders.

Brunswick had outstanding 18,479,969 shares of common stock. If the full $90,000 of future rents for all 7 years of the unexpired term of the lease had been recovered by the plaintiff, it would have only received $90,000 which is less than ½ cent per share of Brunswick's 18,479,969 shares of stock outstanding. This, as was pointed out in the Judiciary Com-

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mittee, would translate into one-half of 1 cent per share on the 1,000 shares of stock owned by Judge Haynsworth, or the grand total of $5.

Senator BAYH claims that Judge Haynsworth should have disqualified himself in 1967 in Farrow against Grace Lines, Inc. because of his substantial interest in one of the litigants. Judge Haynsworth owned no stock in Grace Lines, but he did hold 300 shares of the parent corporation, W. R. Grace & Co. Grace Lines, Inc. was one of 53 subsidiaries owned by W. R. Grace & Co., and it contributed less than 7 percent of the parent company's 1967 revenue of $1,576,000,000. In this same year W. R. Grace & Co. had 18,252,335 shares of common stock outstanding. Judge Haynsworth's 300 shares gave him a .00001 interest in the common stock of this company. Even if the plaintiff's claim of $30,000 against Grace Lines had been awarded, the effect of that judgment on a company with a yearly revenue of over a billion and a half dollars would have been extremely minute. Assuming that the common stockholders were held solely liable for this amount, such a judgment would have reduced the value of Judge Haynsworth's entire holdings by a grand total of 48 cents.

Judge Haynsworth had no direct interest in either of the litigants in Donohue against Maryland Casualty. He did own 67 shares of common stock and 200 shares of preferred in American General Insurance Co., a corporation in which Maryland Casualty was one of at least 12 subsidiaries. It is of course difficult to measure the effects of a judgment against the subsidiary of a corporation such as American General with total consolidated assets of $888,857,336, total income of $356,602,892, and a consolidated net profit of $26,672,196. It is highly doubtful that an adverse judgment would have any sufficient effect on Judge Haynsworth's fractional interest in such a mammoth corporation. Indeed, Judge Haynsworth's interest amounted to 0.0059 percent of the 3,279,558 outstanding shares of preferred and 0.0015 percent of the four and a half million shares of common stock.

Finally, Senator BAYH suggests that Judge Haynsworth should have disqualified himself in Merck against Olin-Mathieson Corp. because he owned shares in Monsanto Chemical Corp. The only connection between Olin Mathieson and Monsanto I have found in public records is remote—

Olin-Mathieson was formed in 1954 by a merger of Olin Industries, Inc., with Mathieson Chemical Corp. Mathieson Chemical was formed in 1892 as Mathieson Alkali Works, Inc., a producer of various chemical products. In September 1929, Mathieson Alkali Works sold its small organic chemical plant located at Newark, N.Y., to Monsanto Chemical Co., for 6,490 shares of Monsanto stock. At the time, Monsanto had 398,286 shares of stock outstanding. Monsanto dismantled the plant and moved it to St. Louis. During 1929, Monsanto stock was traded between 96 and 101. Monsanto stock has since split several times. I have been unable to determine if Olin-Mathieson still owns the shares received by Mathieson Alkali from Monsanto in 1929. If it does, then Olin-Mathieson and Judge Haynsworth both own stock in Monsanto—and not by any fair use of words can Judge Haynsworth be said to own an interest in Olin-Mathieson.

I think it is vital that we consider these cases in some depth, in the context of the nearly 3,000 cases in which Judge Haynsworth sat during the 12 years that he was a judge of the court of appeals. Indeed, discouraging as the campaign of rumor, innuendo, and slander against Judge Haynsworth has been, I think that many thoughtful people are seriously concerned about the allegations of "conflict of interest," and I think that perhaps there is an opportunity for some constructive action by both the Senate Judiciary Committee and the Senate as a whole in exploring this subject in connection with the confirmation of Judge Haynsworth. I would suggest that there are two different points of view on this question of "conflicts of interest"—what might be called a layman's point of view or the commonsense point of view, on the one hand, and the lawyer's point of view on the other. I do not mean to suggest that these should necessarily reach different conclusions; indeed, I would suggest quite the opposite. But I do suggest that both methods of approach to the question can contribute to the discussion, and to the ultimate resolution of the issues which confront us.

Let us start with the layman. What do we want of our judges?

First, we want no bribery, no corruption, and no improper use of judicial influence. There has not only been none here, but there has not been even the slightest hint of it, and Senator BAYH's bill of particulars so states. I will therefore not dwell longer on this point.

But we want more than this from our judges. We do not want them to be in a position where it might reasonably be thought that their decision in a particular case is influenced by the possibility of personal gain resulting from deciding the case one way, as opposed to deciding it another way. We do not think that members of the Federal judiciary, given life tenure and income, sworn to uphold the Constitution and to faithfully enforce the laws, would in fact be influenced in this manner, but we do not want them put in a position where any question can arise. This is the principle of "conflict of interest" about which we have heard so much during the confirmation hearings.

If we now analyze these cases upon which Senator BAYH relies in terms of these commonsense principles, I do not think that anyone can seriously doubt that Judge Haynsworth must be given a clean bill of health. He not only was not in fact influenced by any personal interest in deciding the cases, but no reasonable person could think that he was influenced by such interest.

Now let us turn to the legal approach to conflicts of interest. And, make no mistake about it, we deal in an area where there is a governing statute, where the American Bar Association has promulgated canons of judicial ethics, and where there are decided cases. Senator BAYH's bill of particulars limits itself to stating conclusions. To deal with a question in this way is virtually useless; like so many other areas of the law, careful analysis is required.

First of all we have a governing statute, section 455 of title XXVIII, United States Code. On the question of disqualification for interest, that statute reads as follows:

> Any Justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest . . .

Now, there are several things that are worth noting about this language. In the first place, the basis for disqualification is not a substantial interest in a litigant, but a substantial interest in the case itself. As a matter of original inquiry, one would think that a judge considering whether or not he should disqualify should take into consideration not merely the amount of his interest in the litigant, but the potential effect on the litigant of a decision one way or another in the case.

The only case I can find bearing directly on the point is *Lampert* v. *Hollis Music, Inc.*, 105 F. Supp. 3 (1952), in which a judge of the eastern district of New York stated that where the amount of stock in a litigant held by the judge was minimal, disqualification was not required under the statute.

I do not think any competent lawyer would dispute the conclusion that if we dealt only with the language of the Federal statute, and the Lampert case, Judge Haynsworth would not have been required to disqualify himself in any of these cases we are discussing.

However, the American Bar Association Canons of Judicial Ethics speaks, not in terms of the judge having a substantial interest in the case, but instead of not "performing or taking part in any judicial act in which his personal interests are involved." Since we do not find the word "substantial" modifying "interests" in this language from canon 29, it is certainly fairly arguable from the language itself that a much smaller interest would require disqualification under canon 29 that would require disqualification under the Federal statute. I add that these canons were reviewed, reestablished, and printed only last year—not in 1957, 1958, 1961, or 1962, but in 1968, after these so-called violations occurred.

This brings us right up against a point which Judge Walsh alluded to in his testimony before the committee, but on which I have seen almost no public discussion since that time. It is raised by the very natural question,

> If the American Bar Association has imposed a stricter standard for disqualification than that imposed by the federal statute, why shouldn't federal judges adhere to the stricter of the two standards?

I think the natural tendency of all of us at this point is to feel, in effect, that "nothing is too good for our boys," and that therefore the very strictest standard of disqualification is none too strict for Federal judges. My considered judgment is that this natural initial reaction is entirely wrong, but that it is so very natural that it has tended to distort the entire debate on disqualification. Participants of the discussion on both sides

have looked upon judicial disqualification as if it were at least in part a matter of morality, and that therefore the more a judge disqualified himself, the more upright and honorable the judge was.

But at least in our Federal system, this is not so. We have it on the authority of several Federal courts of appeals that a judge is obligated to sit in any case in which he is not disqualified by law. There are very good reasons for this rule: disqualification can have a disruptive effect on the normal process of trial and appellate review of law suits, and is by no means a value which is to be preferred over all other values in our judicial system. The law as developed in the Federal cases not only does encourage judges to bend over backward to disqualify themselves in a case by reason of interest, but it most emphatically requires each judge to decide as objectively as he can whether or not he is disqualified in any particular case. To the extent, then, that there is any conflict between the Federal statute and the American Bar Association Canon of Ethics, the Federal statute must prevail.

Senator BAYH concludes, without giving us the benefit of his reasoning, that Judge Haynsworth violated canon 29 when he sat in these cases. I am not at all sure that I agree with that conclusion. Formal opinion No. 170 of the American Bar Association states that a judge shall not sit in a case in which he owns stock in a party litigant. In three of the cases we are discussing here—Farrow, Merck, or Donohue—Judge Haynsworth did not own stock in a party litigant. And in Greenville Community Hotel, the judge did not own such stock at any time during the litigation.

But one may ask, Is not ownership of stock in a corporation which in turn has a controlling interest in a party litigant not the same as the case in which the judge owns stock in the litigant itself? No opinion from the American Bar Association Ethics Committee has passed on this point, and the principal case in the field, *Central Pacific Railway* Co. v. *Superior Court,* 296 Pacific 883, dealing with the State statute phrased in terms similar to the prohibition of canon 29, has held otherwise.

I suggest that there are very practical reasons for drawing some sort of a line between ownership in a party litigant, and ownership of a corporation which in turn controls a party litigant. For a judge to determine whether or not he owns stock in a corporation which is a party litigant in his court is a relatively easy matter; for him to determine whether or not he owns stock in a corporation which in turn owns stock in another corporation which is a party litigant in his court may be far more difficult.

Furthermore, the effect of an adverse judgment on a subsidiary corporation may be but a drop in the bucket so far as the parent corporation is concerned. For example, the New York Times recently stated that W. R. Grace & Co.—in which Judge Haynsworth held 300 shares at the time he sat in a case involving Grace Lines, Inc., its subsidiary—has a total of 99 subsidiaries in the United States and in foreign countries.

How do we make sense out of all of this? If there is one point I would like to make today, it is that the question of disqualification is not an easy one, with the governing rule so plain that he who runs may read. Reasonable people—reasonable lawyers—indeed, reasonable judges—could reach diametrically opposite conclusions in a particular fact situation. Another point which I have already made will bear repeating—in the federal system, no merit badges are given to the judge who reaches over furthest to disqualify himself in a doubtful situation. Decision in a disqualification case is just like any other decision that involves the application of governing principles of law to a particular fact situation; the judge calls it as he sees it, without any preference for one result as opposed to another.

Judge Haynsworth can be subject to legitimate attack for failure to disqualify himself, in my opinion, only if his failure to do so in a particular case represents an unreasonable application of these standards. The fact that another judge might, in the same situation, have gone the other way sheds no light on the issue of what was the proper conclusion.

On the question of whether Judge Haynsworth can be faulted for failing to disqualify himself for interest in the Grace Line and the Donohue cases, I suggest that the answer is a resounding "No."

In view of the fact situations outlined above relating to the Merck case and the case of Darter against Greenville Community Hotel Corp., Senator BAYH's charges with respect to these cases can only be described as trivial.

With respect to the judge's purchase of stock in the Brunswick case, he has frankly confessed to a lapse of memory, and I think all concur in his judgment that his purchase of the stock at the time he did was an error. While he did not utilize information coming to him in the judicial capacity for purposes of speculation, his purchase of the stock at the time he did, without further explanation from him, could have given rise to the appearance of such an improper utilization of judicial information.

And in the case of canon 26, which proscribes utilization of such information, there is no countervailing requirement which requires him to hew as close to the line as possible. In purchasing stock, he must give full latitude not only to the proscription of canon 26, but to the appearance that would be created by conduct which does not itself violate the canon.

However, remembering that this was a lapse of memory, not of morality, and that it must be placed in context of 12 years on the Federal bench, participating in nearly 3,000 decisions, it would require more of a perfectionist than I am, or than I think more of my fellow Senators are, to suggest that Brunswick is a reason for voting against confirmation.

Finally, I turn to the charges of "demonstrated lack of candor."

Senator BAYH's charge of "demonstrated lack of candor," suggesting as it does conduct bordering on perjuring, or at least an attempt to conceal damaging facts, is a most serious one. Upon analysis, however, reasonable people may well conclude that if there is a "demonstrated lack of candor," it is not that of Judge Haynsworth.

Paragraph I of this portion of Senator BAYH's statement is entitled "Denial of Active Participation in the Business of Carolina Vend-A-Matic." However, the two quotations from the judge's presentation to the Senate Judiciary Committee make it crystal clear, in the very context quoted by Senator BAYH, that the judge was addressing himself to his participation in the securing of new vending machine locations for the company, and to his detailed knowledge of specific locations of vending machines. Such an inquiry, as evidenced by the question of both chairman and Senator TYDINGS, was undoubtedly material in considering the question of whether the judge should have disqualified himself in the Darlington Corp. case, since one of the claims against Judge Haynsworth was that he might have let the prestige of his office be used to influence those who had control over the award of vending machine sites.

However, when we come to the "fact" under this heading, the fact proven is not that Judge Haynsworth knew anything about vending machine sites, but instead that he regularly received director's fees from that corporation until October 1963, and that the board of directors had passed a resolution 2 months after the judge's ascension to the bench stating generally that directors had been active in obtaining new locations for the company's vending machines. Judge Haynsworth freely volunteered to the committee that he had received director's fees, and so the fact that he did so can scarcely be urged as showing a "lack of candor" on his part. The quotation from the corporate resolution, referring to directors generally, would not be accepted by any fairminded man as contradicting the judge's express and detailed statement that he, at least, played no part in the obtaining of new business sites.

I have already dealt with the substance of paragraph II, under the heading of disqualification generally. Whatever questions of interpretation may be raised by the question of whether minor stockholding in a parent corporation requires disqualification when a subsidiary is a party litigant, that inquiry is not advanced by arguing whether a witness' particular form of expression can be stretched to include a subsidiary corporation, as well as one in which stock is directly owned.

Senator BAYH's paragraph III statement gives the impression that Judge Haynsworth, on September 17, 1969—during the very time that the hearings were going on before the Senate Judiciary Committee—testified before a subcommittee of the Judiciary Committee that he had not retained his directorships in Carolina Vend-A-Matic and the Main Oak Corp. after he ascended the bench in 1957. However, a cursory examination discloses that the quoted testimony, referred to by Senator TYDINGS in his examination of Judge Haynsworth

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on September 16, was actually given by Judge Haynsworth before Senator TYDINGS' subcommittee on June 2, 1969. Placed in this context, before any issue had arisen in connection with the Supreme Court nomination, a confusion of dates of resignation is certainly understandable.

Lastly, I wish to touch upon Senator BAYH's charge that Judge Haynsworth violated canon 26, which prohibits the making of investments in "enterprises which are apt to be in litigation in the court." The bill of particulars cites several cases, and one can only infer from it that Senator BAYH believes that if in fact a litigant does come before a judge's court, whatever the probabilities of its doing so might have been prior to the filing of the case, canon 26 is thereby automatically violated. Such a reading of the canon is demonstrably nonsense. It would mean that a judge who sought to disqualify himself for interest in a case would be acting too late to save his ethical reputation, since the mere fact that a party litigant in which he had an interest was before his court meant that he should have anticipated the arrival of the litigant, and sold his stock before that day arrived. Indeed, Senator BAYH's expansive construction of the canon would have it violated in the case of a judge of the Court of Appeals for the Fourth Circuit when in fact the litigation takes place in the second circuit. More should not be necessary to show the frivolous nature of this charge.

We have since the time of Judge Haynsworth's nomination witnessed a wave of opposition to his confirmation, couched in terms of "conflicts of interest," but motivated far more by disagreement with some of the decisions he has rendered as a judge of the Court of Appeals for the Fourth Circuit. Yet, I know that some of my fellow Senators, while not questioning his decisions, have been genuinely troubled by these vague and ill-defined allegations of "conflict of interest." I have done my best to analyze these charges as scrupulously as possible, and I have now presented to you the conclusions which I believe the record supports. I think Senator BAYH's bill of particulars was a significant development in the debate over Judge Haynsworth's confirmation, because it has finally enabled those of us who support him to focus on particular charges, subject them to the light of reason, and thereby show how little substance there is to them. I think the Senate as a whole will conclude, just as the Judiciary Committee concluded the other day, that the bill of particulars should be dismissed, and Judge Haynsworth confirmed to the high office to which he has been nominated.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. THURMOND. Mr. President, I commend the able and distinguished Senator from the great State of Kentucky for the magnificent presentation he has made, and for the devastating answer he has given to those who oppose confirming the nomination of Judge Haynsworth for the Supreme Court. I hope every Member of this body will read his speech. It answers every conceivable question that could be raised against Judge Haynsworth, and shows him to be, just as those of us who come from South Carolina know him to be, a man of character and integrity, a man who is incorruptible, a man who lives by a high code of ethics, and a man who will make this country an able and distinguished Supreme Court Justice.

The distinguished Senator from Kentucky is to be commended for his courage in taking the stand he has taken. He sees here a man charged wrongfully, and has attempted to answer the charges; and I say he has answered them fully, totally, and completely. But it takes courage to stand up against some of the forces opposing Judge Haynsworth—which include some of the most powerful forces in America today. But right is right, and right will prevail.

Those who know Judge Haynsworth best have the greatest respect for him as a man, as a lawyer, and as a distinguished judge. The members of the South Carolina bar know him to be a man of high ethics and unimpeachable character, and a man who, before his appointment to the circuit court of appeals, was one of the outstanding lawyers in the United States.

Judge Haynsworth has made an enviable record upon the circuit court of appeals. In doing so, he has not pleased some of the forces which oppose him. Of course not. His decisions have been for them and against them. He has traveled the middle of the road. He has been objective. He has been neutral, so to speak, in taking either side of a philosophy.

The fact that the county officials, of their own volition and at no one's request, have endorsed this distinguished lawyer and judge to be a member of the Supreme Court, when they have to run before the people, and 98 percent of them know their very political lives are at stake, to my mind speaks very highly for Judge Haynsworth. The members of the Fourth Circuit Court of Appeals, none of whom other than Judge Haynsworth come from South Carolina, have unanimously endorsed him. Even since these attacks have been made upon him, they have studied the record on the alleged conflicts of interest and the alleged violations of the code of ethics, and have unanimously, every one of them, endorsed him. These are outstanding men in this Nation, and outstanding lawyers. They would not put their personal reputations on the block if they did not feel that an injustice was being done to this fine lawyer and distinguished judge.

Moreover, the American Bar Association, upon reading and learning about the various charges brought against this distinguished gentleman, went back in session, I believe yesterday, and considered categorically every charge made against him. They have turned them all down, and reiterated their previous position that Judge Haynsworth's appointment should be confirmed.

Mr. President, I again commend my distinguished friend and colleague from Kentucky, with whom I have the pleasure of serving upon the Committee on the Judiciary, and to say to him that the stand he is taking is a high stand, a stand on the high road, and a stand for statesmanship and truth.

Mr. HOLLINGS. Mr. President, will the Senator from Kentucky yield?

Mr. COOK. I yield to the junior Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I wish to express my personal gratitute for the stand taken by the distinguished junior Senator from Kentucky, in the light of the record made before him. I allude, of course, to the significance of the timing of this particular stand by a Senator who, for the good of this body if for no other reason might well be disposed to let this matter pass without comment.

Specifically, the Senator from Kentucky took his stand at a time when the chairman of the Democratic Party has taken a party position against the confirmation of this appointment. He takes his stand at a time when certain segments of the leadership in his own party have requested the President to withdraw the appointment, and at a time when far more senior, and highly respected, Members of this body have joined in that request for withdrawal.

Therefore, the Senator from Kentucky could not have taken the stand he has taken lightly. I am sure that, on the contrary, having sat as a member of the Committee on the Judiciary and listened to all the witnesses, and having reviewed the record, his conscience would not permit him to sit silent longer.

He has gone into every facet of this case. He is interested, as am I, in public confidence in the U.S. Supreme Court. I am sure this distinguished Senator would feel as I do that if a competent, outstanding appointment were made from his State, and subjected to charges of wrongdoing loud and long; and if it were a fact that he had been subjected to such charges without exploring the truth, without getting into the facts, he would resolve that to allow that situation to go by the board unchallenged would be demeaning to the Court itself, and, more than anything else, to the reputation of the U.S. Senate as the greatest deliberative body in the world.

So, I express my admiration for the courage of the Senator from Kentucky.

Specifically the Senator referred in his statement to the increase in sales of the Carolina Vend-A-Matic Co. I will make only a few comments. To refer to the record, at the time that Judge Haynsworth was asked about this matter, he answered, "I am a lawyer and not a salesman."

The inference and the innuendo is that after the judge was elevated to the bench, by the use of his influence he increased the sales of the vending company. It is an absolutely false statement.

The fact is otherwise. From 1949 to 1963, I traveled hundreds of thousands of miles in the United States seeking new industry for South Carolina. You name the State, and I was there. We obtained $1 billion in new industry and many thousands of new jobs as a result.

At no time did Judge Haynsworth ever confer with me with respect to any industry in South Carolina. He had served as an attorney prior to that time. However, in 1957 he had left his firm and became a member of the Fourth Circuit

Court of Appeals. Many new industries and jobs were secured prior to and during his tenure on the bench and never did he have any role. Additionally, the 1954 decision was being felt by industry in the South with respect to segregated feeding facilities. The industry in toto did away with what we used to call the stoke wagons that would carry around soda pop, sweetbreads, and everything else to those employees of industries. It was an approach to integrated feeding.

The result was that—and not just when the judge went on the bench—that every vending company increased its sales in South Carolina.

I thank the Senator from Kentucky for including the letters written to both the Senator from Mississippi (Mr. EASTLAND) and me by Alex Kiriakides, Jr., of Atlas Vending Co., Inc., the major competitor of Carolina Vend-A-Matic, which contain the true historical facts on the matter of the growth of all vending business in South Carolina.

One would hope that Senators and mature men would confine themselves in the making of their judgment on the facts themselves and not on innuendos.

The fact is that at no time was any unethical conduct or influence exerted on the part of Judge Haynsworth with respect to the vending business. It was a matter of competitive bidding.

That is the only thing in the record. The Senator from Indiana says that Judge Haynsworth went on the bench and the sales increased; ergo, the judge used his judicial capacity to influence the sales. It is a completely false statement.

If the Senator from Kentucky would please refer to the section of the "bill of particulars" entitled "Demonstrated Lack of Candor," authored by Senator BAYH. This section suggests conduct bordering on perjury, and is a most serious charge.

For the past several weeks, has the Senator, as a participating member of the Committee on the Judiciary, ever had the feeling that Judge Haynsworth was not leaning over backward toward a full disclosure of all information to the Judiciary Committee?

Mr. COOK. As a matter of fact, at all times he gave us everything he could. There was some discussion and an apparent feeling on the part of the distinguished Senator from Indiana (Mr. BAYH) that he was not getting all he wanted. However, I can only say that when we are calling for corporate records of a corporation that the judge has had nothing to do with since the early sixties, it is not possible to get all the books and records unless the committee subpenas the records. Without subpena, people are not going to give the committee everything it wants. Judge Haynsworth had nothing to do with the business at that time.

In talking about Carolina Vend-A-Matic, if Judge Haynsworth had been a better and more intelligent investor, when he sold his interest in Carolina Vend-A-Matic in 1964 for, I think it was, $450,000—and we all understand that is a tremendous amount of money—he would have kept the stock in the new corporation, ARA, because the same holdings today that he sold for less than a half million dollars would have been worth $1,650,000 in today's market.

Mr. HOLLINGS. Is it not a fact, with respect to the matter of insensitivity being charged to the judge, that up until the 1963 Judicial Conference which adopted a resolution restricting appellate judges from participating as directors and officers in publicly held corporations, that many judges served as officers or directors of publicly held corporations until the fall of 1963?

Mr. COOK. It is a fact that many judges had to retire from such positions in major corporations at that time.

Mr. HOLLINGS. Senator, is it not a fact that in 1957, due to his sensitivity, Judge Haynsworth resigned from his post as an officer-director of publicly held corporations and only retained his position in two closely held private corporations plus one small trusteeship?

Mr. COOK. The Senator is correct.

Mr. HOLLINGS. Mr. President, is it not a fact that when the policy came from the Judicial Conference with respect to not holding posts as officer or director, because of the sensitivity of Judge Haynsworth, he resigned as officer and director of all publicly held corporations and also sold all of his stock at a price which reflects a loss in today's market of $1 million?

Mr. COOK. The Senator is correct.

Mr. HOLLINGS. Is it not a fact that in 1963, due to the sensitivity of Judge Haynsworth, after Judge Sobeloff and his group had fully investigated and exonerated the judge concerning the accusations with respect to lack of propriety, disqualification, and even bribery, in the Carolina Vend-A-Matic matter, at the behest of Judge Haynsworth, he said, "No. I want you to also refer it to the Justice Department."

Mr. COOK. The Senator is correct. I might suggest to the Senator and to the others who would listen to the debate that I am not sure where we go from here.

I am not sure whether we should say to the judges of the United States, "Sell all your stocks. Don't hold any." Perhaps the logical thing to do is to tell them, "If you have money, invest it in U.S. bonds."

Now at the district level, a large number of the cases coming before the court involve the United States as a defendant. Suppose someone were to file suit claiming that this country had misused its authority. The result would be that all of the certificates and bonds would be put in jeopardy.

Would we then have to find someone who could sit on such a case because all of the judges would have invested in bonds and would not be able to sit?

Mr. HOLLINGS. The Senator is correct. With respect to an appellate body, the Senator served in a judicial branch of our Government as an outstanding judge. As an appellate judge, is it not a fact that one of the complaints we have as trial attorneys in going up on appeal to the circuit court of appeals does not concern the holding of a stock interest by a judge, but the general persuasion where they jockey the panels where we find, for example, that three corporate judges have been placed on the panel to hear a corporation matter?

Mr. COOK. Well, it has been known to happen; yes.

Mr. HOLLINGS. That has happened to me, prior to Judge Haynsworth taking over in that district.

Was he not praised by the Senater from Maryland (Mr. TYDINGS), working on his Subcommittee on Improvements in Judicial Machinery, as a leader toward developing the random panel selection in the fourth circuit?

Mr. COOK. Yes.

As a matter of fact, let me cite an example.

Mr. HOLLINGS. I wish the Senator would elaborate on that, for the benefit of Senators.

Mr. COOK. I should like to give an example, because I think it is interesting.

We checked the records when he sat on these cases, and examined the charges of the various representatives of the AFL–CIO.

But I might suggest that had they looked at when Judge Haynsworth sat on Farrow against Grace Lines, they would have had found that if he had removed himself from that case, he would have to be assigned to two labor cases. And had he done so, the charge probably would have been made that he had gone out of his way to remove himself from insignificant cases to put himself on cases involving labor unions.

Mr. HOLLINGS. Is that not the best authority and the best testimony that he had a duty to sit on the so-called Carolina Vend-a-Matic case; that there was no option; that he had a duty to do so?

Mr. COOK. If I may correct the Senator—he should have sat on Darlington Mfg. Co. against NLRB.

Mr. HOLLINGS. Finally, with respect to appearances, they are merely impressions as gained from some or a few of the facts. That is all an appearance is. Is it not true, that when all the facts are in, no longer does the appearance subsist, but we refer to all the facts as that exist? And is that not our duty as Senators? Because people can raise questions and blow smoke and make charges, is it not our duty, as Senators, to look behind that and see all the facts and get the truth, rather than sit back and say that because of all these appearances his effectiveness is ruined? Is it not our duty to review and find these facts and bring the truth to this body, so that we can do justice not only to this appointment but also to this body and to the Supreme Court?

Mr. COOK. That is so.

Mr. HOLLINGS. I appreciate the Senator from Kentucky doing that this morning.

Mr. COOK. I say to the Senator from South Carolina that, oddly enough, there are many fields, particularly the fields of civil rights, in which Judge Haynsworth and I do not have a great deal in common. But this has nothing to do with the decision the Senate must render. Our authority is based upon the authority to advise and consent as created by the Constitution. The authority to appoint was, of course, given to the President. If it is the responsibility of this body to now decide that a person should be selected on the basis of whether he fits their ideological conceptions and not whether he is qualified,

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then I say we have destroyed that authority in the President. Rather than destroy it in this case, let us face it the way we should face it. If we feel that it is now our responsibility to pick a candidate because he is a liberal or because he is a moderate or because he is a conservative, then let us place before this body a constitutional amendment to place in the Senate of the United States the authority to appoint members of the Supreme Court of the United States. Consideration was given to placing this authority in the Senate but was decided against.

I might suggest that if we now say that because this country is moving in one direction or another, we must deny a man this seat because he does not ideologically fit in that pattern, then I ask the American people, "Is not every facet of the American society entitled to be represented on the Court," even though I may personally disagree with him?

Mr. **KENNEDY**. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. **KENNEDY**. How does the Senator conceive our responsibility? Are we supposed to be just a rubberstamp to the President?

Mr. COOK. Not at all.

Mr. **KENNEDY**. The Constitution clearly points out that this is a question of advise and consent. Would the Senator not agree with me that there is a different standard that should be applied in terms of the judiciary than should be applied, say, to Cabinet officials, whose term is, in effect, coterminous with that of the President of the United States? Does the Senator not agree with me, therefore, that the kind of review we would give in a judicial appointment, and the standard we would apply, would be different?

Mr. COOK. I agree.

Mr. **KENNEDY**. So I gather, from what the Senator has said, that the function of the Senate is not to be just a rubberstamp. Would the Senator not agree with that as well?

Mr. COOK. I agree with that.

Mr. **KENNEDY**. Therefore, I gather from the thrust of the Senator's argument that we have a responsibility to exercise our own, independent judgment. Is that not correct?

Mr. COOK. That is correct.

But I would say to the Senator that, if that be the case, declare it on that basis, and every man should stand up and declare it on that basis. But one should not use another motive or another reason to go around the fact that one wants it declared on an ideological basis; and if one does, he should honestly take that position.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The time of the Senator from Kentucky has expired.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may ask one question of the Senator from Kentucky and make a short statement.

Mr. DOLE. Mr. President, I yield 5 minutes of my time to the Senator from Kentucky.

Mr. ERVIN. I ask the Senator from Kentucky if the so-called bill of particulars, known as the Bayh bill of particulars, does not consist largely of conclusions rather than facts.

Mr. COOK. It deals totally with conclusions.

Mr. ERVIN. And is it not honeycombed with conclusions that are not supported by the evidence taken before the committee?

Mr. COOK. It is.

Mr. ERVIN. I should like to make this statement: I think the Senator from Kentucky expressed my only misgiving concerning Judge Haynsworth, and that is the fact that he did not have a perfect memory and that when he purchased the Brunswick stock, he was forgetful of the fact that the Brunswick case had been argued and decided some 6 weeks before, but the opinion had not been written and had not been handed down.

I spent 15 years of my life in discharging what Walter Malone, the poet judge of Memphis, Tenn., called judging one's fellow travelers to the tomb. I spent 2 years as judge of a criminal court. I spent 7 years as a judge of the North Carolina Superior Court, which is our court of general jurisdiction and which tries most important civil and criminal cases. I spent more than 6 years as an associate justice of the Supreme Court of North Carolina. In these various capacities, I decided or participated in the decision of thousands of cases.

As a member of the supreme court, I spent many weeks studying many cases and writing opinions on them. Out of all these thousands of cases, if my life depended on it, at this moment I could not name more than a dozen or so of the litigants. I can remember the points of law involved. And this is perfectly natural, because judges—especially judges of appellate courts, who never see the parties litigant—are interested only in the points of law involved. As a consequence, they do not retain in their minds the names of the litigants.

As a result of my own experience, it is perfectly understandable to me why Judge Haynsworth had this unfortunate lapse of memory. That is the most that can be said about it. It did not affect his decision. The decision had already been made, and it was altogether concurred in by every member of the court of appeals, as well as by two U.S. district court judges—one who had heard it originally, and one who sat on the court of appeals and helped to decide it.

Mr. COOK. Certiorari was denied by the Supreme Court, also.

Mr. ERVIN. I want to commend the able and eloquent Senator from Kentucky upon a most accurate and illuminating exposition of what the testimony revealed in respect to the charges made against Judge Haynsworth on conflict of interest and ethical grounds.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, may I take this brief opportunity to commend the distinguished junior Senator from Kentucky for a most thoughtful and searching and painstaking analysis of a most difficult problem which confronts the Senate in performing its constitutional function, the problem of whether to advise and consent to the nomination of an Associate Justice of the Supreme Court by the President of the United States.

In these brief moments, I have no desire to restate the splendid points made by the junior Senator from Kentucky. I would make just these observations, because I know them firsthand.

Mr. President, I know the junior Senator from Kentucky to be a junior member of the Committee on the Judiciary and a member of the freshman class of 1969. I know him to serve with great diligence. I know him to be a most conscientious, thorough, and painstaking legislator. I know firsthand some of the dilemma he faced in trying to reach his judgment and conclusion in this case. I am bold enough to suggest it was not an easy task for a conscientious Member of this body. I know he listened carefully to the testimony before the Committee on the Judiciary. I know at times he had doubts. I know at times he was concerned about some of the charges and allegations that were made. I know that on occasion he was incensed in his private way about some of the innuendo that flowed from some of the charges leveled here and elsewhere.

But, Mr. President, I have observed today the product of the deliberations of a great man, and certainly a great colleague. Rather than taking a rigid position based on superficial reasons, or colored reasons determined by philosophical and ideological slant, our most illustrious and distinguished colleague did what I commend all of us do, and that is to examine in detail and depth these "appearances" of impropriety. In my judgment, we should get to the bottom of the barrel and find out with what Judge Haynsworth is being charged and what the facts are, rather than running with the pack or deciding the matter on some liberal or conservative bias, let alone from some geographical bias.

I believe we should all do as he has done. We should make the painful, searching analysis that leads us to an objective judgment. I think we should stop this business of hiding behind the cliche of appearances of impropriety because the appearances of impropriety dealt with in the canons of judicial ethics are created by the person himself and not by a Member of this body. I may create an appearance of impropriety by my words and phrases but I suggest there is no impropriety that has been perpetrated by the distinguished designee for this high post.

Justice Holmes once said, and I believe that all of us would agree he served with great distinction on our High Court:

> Lawyers and legislators have the unhappy faculty of devoting their entire adult life to the proposition of shoveling smoke.

I do not impugn the motives of any of my colleagues in their diligent and inquiring prosecution of this question of whether or not we should advise and consent to the confirmation of the nomination of Judge Haynsworth. Nor do I say that they are shoveling smoke. I rather say we must at all costs guard against it because in the discharge of this constitutional responsibility, in the discharge of this higher duty we have created, as a result of the debate in the Fortas nomination, we cannot afford to shovel smoke. We have to look at the facts and never have the facts been more cogently, clearly, and relatively presented on this issue than has been done this morning by the Senator from Kentucky.

I commend the distinguished Senator.

Mr. HRUSKA. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. HRUSKA. Mr. President, I endorse what has been said by several of our colleagues with reference to the distinguished part the junior Senator from Kentucky is taking in the consideration of the nomination of Judge Haynsworth. He has been perhaps the most faithful in attendance at the sessions during the 8 days of hearings before the Committee on the Judiciary. He has shown by his questions during the hearings a sincere desire to bring out all the facts in a fair way, not out of context. He did not use suspicion or innuendo, or take matters outside of the record in which they were contained. Instead he has made an effort to elicit and have recorded all the facts. The remarks made here this morning likewise show him to be a man who devoted a great deal of study to the facts of this case and to the historical background against which they must be considered.

Mr. President, the so-called bill of particulars has been answered on at least two occasions already. It is going to be answered on future occasions because when the cold analysis of reasoning and all of the facts are applied to that alleged bill of particulars, it will be found to consist of some things taken out of context, of some taken outside of the hearing record, of inaccuracies of statement, and some of bold and erroneous conclusions.

I would not want to detract one iota from the sincerity, diligence, and the integrity of the distinguished junior Senator from Indiana in his efforts to oppose this nomination. Unfortunately, however, I cannot accept the bulk of the conclusions and information of the bill of particulars as being founded in fact and fair interpretation of facts. In due time in connection with other matters, I shall explain in detail the reasons.

Reference has been made to the canons of ethics again and again as grounds for attacking this nomination, and reference will be made in the future. This issue should be answered. These canons of ethics, that are recited so often here, have been in existence between 40 and 45 years. Why is it that in 1963 that the Judicial Conference of the United States had to approve and promulgate a rule flatly saying no member of the Federal Judiciary shall sit on a board of directors or occupy any other office in an corporation engaged in business for profit? It was because the canons of ethics in that regard were so unclear and ambiguous that it remained for the Judicial Conference in 1963 to clarify them.

Let us consider that title 28, section 455, which prohibits a Federal judge from participating in any case in which he has a substantial interest. Why was that amended in 1949 to make it applicable to appellate judges? Up until that time it applied only to trial judges. The court did not deem the canon sufficient to apply to such situations, and the Congress stepped in to deal with it definitely and without equivocation.

It remained for the Congress and the firm hand of the Judicial Conference of the United States to offer judges some degree of certainty. Until then ambiguity impaired the ability to perceive the rule. This question will be explored further, but I shall suggest now that this reflects upon the ways in which the canons of ethics have operated.

In order to create an illusion of rectitude, key phrases are being chanted again and again in discussion of the nomination. References are made to "appearances of impropriety," and "every judge must be beyond approach." Still another is, "He should avoid giving reason for suspicion of misusing the power of his office." The inference is that the nominee has failed in all these respects.

No man can be without appearance of impropriety, nor can he be beyond reproach, nor can he be above suspicion, if the deficiency is to be found solely in accusations and charges without reference to whether they are true or untrue. If they are untrue and without foundation, merit, or relevance, I submit that they cannot be used to put a man into a state of reproach or put him under suspicion, or to give him the appearance of impropriety.

When we get through with this bill of particulars, it will be seen that such is the case with most of the allegations in that bill.

It would be grossly unfair to subscribe to the idea that the mere making of a statement puts a man under suspicion or reproach. We cannot refrain from testing the veracity, fairness, and applicability of the attacks, charges, diatribes, and accusations. If, merely because they have been asserted, attacks make any nominee guilty, or disqualify him, then the canons of ethics, standards of ethics, standards of good behavior have become instruments of persecution. In fact, it would be a fair bid to reinstate the institution of witch-hunting or witchcraft which I thought we had gotten rid of 300 years ago.

I know of no better way to illustrate this than to point out that canon 25 is quoted in the bill of particulars. It says that a judge should avoid giving grounds for any reasonable suspicion that he is utilizing the power or prestige of his office unfairly and improperly.

Then the fantastic conclusion is reached that the rise in gross sales of the Vend-A-Matic Co., after Judge Haynsworth assumed the Federal bench, justified the suspicion that the prestige of his office was used to promote the well-being of that corporation.

The record contains no evidence to this effect. There is no reference made by critics to the fact that the vending machine business in the past 15 years has been one of the fastest-growing businesses in America. There is no reference to the fact that there are other vending machine companies in that same area that prospered in as great or greater a measure as the Carolina Vend-A-Matic.

Since when are we to make a judgment on the basis of such a suspicion?

If we are governed by such attacks and upon the suspicion that they create, then indeed, we are defying the most fundamental proposition of our jurisprudence; namely, that a man is not guilty until he is proved to be guilty.

Although this presumption of innocence resides in our criminal laws, let me suggest that there are some sanctions even more cruel than 90 days, 6 months, or 1 year in jail. There is an effort to apply sanctions here in these proceedings of confirmation which are more cruel than the jail sentence or the fine; namely, casting discredit upon a judge who has served with honor and respect for 12 years on the circuit bench and before that was engaged in an honorable and highly respected career as a practioner of the law.

Viewing innuendoes, suspicions, reproaches, which are sought to be foisted upon him without proper factual backing, I should think that many men would rise up in righteous indignation and declare that the Senate of the United States should not be a party to any such proceeding, that it is unjustified and not factual.

Mr. President, once more I commend the Senator from Kentucky (Mr. COOK) for the fine job he has done in pointing out the facts and uncovering errors. His efforts will certainly be elaborated upon in greater detail in the days ahead.

Mr. GOLDWATER. Mr. President, I was amazed, yesterday afternoon, to be told by one of the press organizations in this country to comment on a story in Newsweek magazine which infers that I would oppose the appointment of Judge Haynsworth.

I merely want to put the record straight. I have no idea where they gathered that information because I have been going across this Nation for the past week or so making speech after speech, and going on television, where I have backed Judge Haynsworth all the way.

I think this is purely a political objection which has been raised to him, which I have so stated across America.

Mr. President, I merely wanted the opportunity to reaffirm on the Senate floor the fact that I have always supported Judge Haynsworth and I intend to support him.

I ask unanimous consent to have printed in the RECORD some remarks I had prepared on the Newsweek article.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> It is nothing new in my experience—and I am sure the same goes for the majority of my colleagues—to find it necessary from time to time to put the record straight after some of our more enthusiastic and

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partisan ax-grinders of the press represent our alleged views.

Last night I was amazed to have a reporter call and tell me that *Newsweek* magazine was carrying a story quoting me to the effect that I had called President Nixon and urged him to withdraw the nomination of Judge Haynsworth for Associate Justice of the United States. This is the last issue on which I ever thought my views might be mistaken.

For the past two weeks newspapers, magazines, radio stations and TV commentators have been calling my office every day and asking how I planned to vote on the Haynsworth nomination. The press representatives whom I talked to were told that I supported the President's nominee 100% and would vote for his confirmation on the Floor of the Senate. The same answers were given to reporters and commentators and other interested citizens who inquired of my staff members on how I would vote.

Where *Newsweek* magazine dreamed up the quotes they attributed to me in their magazine which is out today I do not know. I merely want my colleagues to know that they were made up out of the whole cloth and are completely untrue.

Mr. GRIFFIN. Mr. President, regardless of the judgment which any Senator may finally reach with respect to the nomination of Judge Haynsworth, no Senator who listened here today could help but be impressed by the presentation of the distinguished junior Senator from Kentucky (Mr. COOK).

As he knows, because we have discussed our views in private, I do not agree with all his arguments, or all his conclusions; but that does not lessen or diminish my great respect for the dispassionate, thoughtful, and logical presentation he has made. He has proven himself to be a brilliant advocate as well as an able and distinguished Senator.

Mr. FANNIN. Mr. President, it has been my pleasure to note the excellent presentation made this morning by the Senator from Kentucky (Mr. COOK). He has done a masterly job of putting cogency in harness with the facts he has marshaled, and I believe his judicial experience and objective approach to the issue confronting us will stand as a model of reason.

Particularly, I respect his lack of invective against those with whom he disagrees. It is unfortunate that this mood is not universally shared by several Senators who are in opposition to the President.

In addition, I think the RECORD should bear an outstanding brief prepared by Mr. Clark Mollenhoff, deputy counsel to the President. Mr. Mollenhoff is widely known and respected in Washington as a newsman and a lawyer. He is the recipient of the coveted Pulitzer Prize for excellence in his field.

Mr. Mollenhoff, who shares the confidence of many in this Chamber, has assembled the record of a most comprehensive and thorough investigation into the charges that have been leveled at Judge Haynsworth. The conclusion Mr. President is inescapable. Critics of the President, still smarting from the public embarrassment they suffered over the unfortunate Fortas affair last year, have seized upon almost nonexistent and insignificant events as a convenient stick with which to beat the President and his supporters. This has, in fact, been privately admitted to me and to members of my staff by some of the most vocal critics of the President.

In order that we all may have the benefit of this well-researched and calmly reasoned information, I ask unanimous consent that the report by Mr. Mollenhoff be printed in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE HAYNSWORTH CASE

(By Clark R. Mollenhoff, Deputy Counsel to the President)

GENERAL POSTURE POSITION

There is no justification for a comparison of the activities of Judge Clement F. Haynsworth with those activities of former Justice Abe Fortas, that resulted in Fortas submitting his resignation. Those who contend there is any similarity in the ethical questions raised in connection with Judge Haynsworth and Justice Fortas simply have not done their homework on the facts. Last May, the American Bar Association, in a letter to Senator John J. Williams of Delaware, made a finding that Justice Fortas acted "clearly contrary" to the canons of judicial ethics in his dealings with financier Louis E. Wolfson.

The A.B.A. in the letter to Senator Williams stated: "The conduct of Mr. Fortas while a Supreme Court justice, described in his statement of the facts, was clearly contrary to the canons of judicial ethics even if he did not and never intended to intercede or take part in any legal, administrative or judicial matters affecting Mr. Wolfson.

Fortas resigned without making a public disclosure of all the facts in this matter.

By contrast, the Haynsworth nomination has been supported by the A.B.A. and his handling of the Darlington case has been defended by the A.B.A. and other leading authorities on judicial conflicts of interest problems.

(See detailed statement on Judge Haynsworth and Justice Fortas.)

This statement is being issued to focus attention on important aspects of the Haynsworth controversy that have been overlooked or given too little attention. There has been wide circulation of false statements, outrageous charges and innuendoes regarding Judge Clement Haynsworth that have represented the most vicious character assassination effort in the last 20 years.

The clearest example of the use of false statements and innuendoes was the nine-page "bill of particulars" circulated by Senator Birch Bayh. Efforts to counter this inaccurate and distorted document have been only partly successful because of the hit-and-run tactics used by Senator Bayh, and because of the lack of interest of many newsmen in pursuing the details of the factual, the legal and the ethical questions involved.

It is unfortunate that there has been so little interest in presenting the full factual details essential to exposure of the false charges and vicious innuendoes leveled against Judge Haynsworth by Senator Bayh and others. (This is a sharp contrast to the aggressive manner in which many rightfully pursued the exposure of a few irresponsible legislators 15 or 20 years ago.)

Only one network and one local television commentator have exhibited an interest in a depth discussion of the cases and issues made available through the White House during the last week. Coverage of Senator Marlow Cook's "bill of correction" was much too abbreviated for full understanding of the "inaccuracy and misrepresentation" that Senator Cook characterized "an unjustified attack upon a public official unparalleled in recent American history."

Senator Bayh has refused to debate his charges with Senator Ernest Hollings, of South Carolina, on national television. Senator Hollings has repeatedly issued the challenge to Senator Bayh to meet him in debate on the Haynsworth case "in the name of fair play and in the interest of the good name of the Senate." If Senator Bayh has any faith in his case, he should not reject this opportunity for a confrontation on the issues with Senator Hollings.

Judge Haynsworth has revealed his financial holdings in a detail that has few if any parallels in the history of judicial confirmations. Fair play dictates that each area of controversy be explored in full detail with continued emphasis on the testimony of those who have testified or expressed public confidence in Judge Haynsworth.

In judging the fitness of Judge Haynsworth and the validity of the charges leveled by Senator Bayh, there should be emphasis on these points:

1. President Nixon has examined the allegations against Judge Haynsworth and in a letter to Senator Hugh Scott has stated: "There is nothing whatsoever that impeaches the integrity of Judge Haynsworth. There is no question as to his competence as a Judge. There is no proper faulting of his posture vis-a-vis civil rights or labor. It would be very wrong to allow unfounded allegations to deny this country the distinguished service of Judge Haynsworth on the Supreme Court."

2. On Friday, October 10, 1969, the six other judges of the Fourth Circuit, with full knowledge of the Bayh charges, stated their "unshaken confidence" in the ability, the honesty, and the integrity of Judge Haynsworth. Those judges are Simon E. Sobeloff, Herbert S. Boreman, Albert V. Bryan, Harrison L. Winter, J. Braxton Craven, Jr., and John D. Butzer.

3. Many Senators who have said they intend to vote against confirmation of Judge Haynsworth state they have found nothing dishonest or unethical in his record, but feel compelled to oppose him only "because there is considerable public doubt about him." The public doubt has been created to a large extent by the continued circulation of false and misleading statements, and irresponsible accusations.

4. The spokesman for the American Bar Association and also a leading authority on judicial conflicts of interest have stated that Judge Haynsworth under the standard federal rule should not have disqualified himself, and had a duty to sit on the so-called Darlington cases. Senator Bayh has continued to rehash the Darlington cases and similar cases despite the views of the A.B.A. and of a leading authority. (There are in fact three Darlington cases, and in only one of these cases did Judge Haynsworth grant the relief requested by the company. As Senator Cook noted: "In the final and determinative Darlington case, Judge Haynsworth concurred in the decision in favor of the union.")

5. Senator Cook has fully and adequately answered the Bayh allegations that Judge Haynsworth should have disqualified himself in at least five cases because of a "substantial" stock interest in the litigant. Exemination of the records shows Bayh's charges represent gross distortion of the term "substantial" interest. Detailed examination of the facts demonstrates the absurdity of even the suggestion of illegal or unethical conduct by Judge Haynsworth in these cases. (See the accompanying information sheets for details on these cases.)

6. Senator John J. Williams, of Delaware, has exploded the so-called Bobby Baker aspects of the case as unfounded "guilt by association." There is no substance to the charges. There were three superficial contacts between Judge Haynsworth and Bobby Baker, the last one in September, 1958—five years before the Bobby Baker scandals broke into the open.

CAROLINA VEND-A-MATIC

The Bayh charges of a conflict of interest involving customers of Carolina Vend-A-Matic represent *a rehash of an issue that has already been rejected* by the testimony of a representative of the American Bar Association, as well as by John P. Frank, a leading authority on conflicts of interest.

Senator Bayh's repetition of this charge is no more than a continued insinuation that the increased profits of Carolina Vend-A-Matic were in some manner tied to Judge Haynsworth's elevation to the Fourth Circuit Court of Appeals.

Former Federal Judge Lawrence E. Walsh, chairman of the A.B.A. Committee on Judicial Selection, has testified there was "no conflict of interest in the Darlington case that would have barred Judge Haynsworth from sitting and we also concluded that it was his duty to sit."

John P. Frank, a leading authority on judicial disqualification, stated that "under the standard federal rule Judge Haynsworth had no alternative whatsoever (in the Darlington case). It is a judge's duty to refuse to sit when he is disqualified, but it is equally his duty to sit when there is no valid reason not to . . . I do think that it is perfectly clear under the authority that there was literally no choice whatsoever for Judge Haynsworth except to participate in that case."

Senator Bayh makes no charge that Judge Haynsworth performed even one questionable act to solicit business for the food vending firm. He only insinuates that the increased profits of Carolina Vend-A-Matic must have been somehow related to the fact that Judge Haynsworth was a federal judge.

It can be stated that there is no evidence that Judge Haynsworth ever did one thing to solicit business for Carolina Vend-A-Matic. In fact, all of the evidence is to the contrary.

Judge Haynsworth testified that he did nothing to promote or solicit business for the food vending firm, and that the management of the business was left in the hands of Wade Dennis. That testimony is unchallenged.

The corroboration of Judge Haynsworth's testimony is impressive:

1. *Chief Judge Sobeloff* conducted an investigation in 1963 to determine the validity of an allegation that Deering-Milliken personnel in charge of granting concessions to vending companies might have known of Judge Haynsworth's connection with Carolina Vend-A-Matic and tended to favor it. Judge Sobeloff concluded *this was emphatically not the case*, and there are no facts in Senator Bayh's statement that contradict that conclusion in the slightest.

2. *Attorney General Robert F. Kennedy* reviewed that case and agreed with the Sobeloff opinion. *Attorney General John Mitchell* reviewed it and had the same view.

3. *Wade Dennis*, who became General Manager of Carolina Vend-A-Matic in 1957, states that "Judge Haynsworth did not involve himself in any way in the management or direction of the company, and in no case did he participate directly or indirectly with the solicitation of any business, or intervene in our behalf with any client . . . he would have had no way of knowing what account we served or who we were in the process of trying to sell." Virtually all business was gained "by sales efforts followed by bidding among competing companies."

4. The Dennis statement is supported by the letter from the *leading competitor, Alex Kiriakides, Jr., of Atlas Vending Company, Inc.*, of Greenville, South Carolina.

Kiriakides of Atlas Vending has written a letter to the Senate Judiciary Committee stating his concern over what he called "the slanders which are being circulated in the press about Judge Haynsworth and Carolina Vend-A-Matic." Kiriakides makes these important points:

a. The food vending business in South Carolina and in the United States has had a phenomenal growth, and "the experience of Carolina Vend-A-Matic was not in the least unique to it."

b. His own business, Atlas Vending, experienced comparable growth, as did others in the area.

c. He competed with Carolina Vend-A-Matic for locations in textile plants and other industrial plants, and the practice in the area was to make the awards on the basis of open bidding.

d. The business was not developed on the basis of any one using anyone's influence on anybody. "I know that Judge Haynsworth's name was never used in an attempt to influence anybody," Kiriakides said. "As a very active competitor, I knew what was going on in the business, and I would have heard of it if it had been."

e. "Carolina Vend-A-Matic under the direction of Mr. Wade Dennis operated in an honest and honorable fashion," Kiriakides said. He is willing to speak up to stop the "unjustified slanders" of Judge Haynsworth.

Senator Bayh has not produced any evidence to contradict this record. If he has it, he should have produced it.

The same principle applies to Bayh's contentions that there was some "conflict of interest" in Judge Haynsworth sitting on cases involving six other "customers" of Carolina Vend-A-Matic. The Bayh cases follow:

1. Homelite v. Trywilk Realty Co., Inc., 272 F2d 688 (1959) Gross sales to Homelite by CVAM in 1959 totaled $15,957.22.

2. Kent Mfg. Corp. v. Commissioner of Internal Revenue 288 F2d 812 (1961) CVAM gross sales to Runnymeade, a subsidiary of Kent, in 1961, totaled $21,323.63.

(It is worth noting that the inclusion of Kent Manufacturing Corporation in this group was a mistake. There is no connection between Kent Manufacturing, a Maryland corporation which manufactures fireworks which was the litigant mentioned by Senator Bayh, and the Kent Manufacturer in Pennsylvania which operated the Runnymeade plant in Pickens, South Carolina.)

3. Textile Workers Union of America v. Cone Mills Corp. 268 F2d 920 (1959). CVAM gross sales to Cone Mills and its subsidiaries Carlisle Mill and Union Bleachery in 1959 totaled $97,367.12.

4. Leesona Corp. v. Cotwool Mfg. Corp., Deering Milliken Research Corp., and Whitin Machine Works 315 F2d 895 (1963) CVAM gross sales to Deering Milliken plants in 1963 totaled $100,000.

5. Leesona Corp v. Cotwool Mfg. Corp., Deering Milliken Research Corp., and Whitin Machine Works 308 F2d 895 (1962) CVAM gross sales to Deering Milliken in 1962 totaled $50,000.

6. Textile Workers Union of America v. Cone Mills 290 F2d 921 (1961) CVAM gross sales to Cone Mills and its subsidiaries in 1961 totaled $174,314.92.

We agree with Senator Cook's comments on these cases:

"*Kent Manufacturing Corporation* v. *Commissioner of Internal Revenue* should be summarily dismissed because as I pointed out CVAM had never had direct or indirect business dealings with the litigant Kent Manufacturing Corporation or with any other company or individual associated with that company. This serious yet completely untrue accusation is another of the tactics used to discredit Judge Haynsworth by publication of false information.

"There are two *Textile Workers Union of America* v. *Cone Mills Corporation* cases listed by the "Bill of Particulars." *In both of these cases Judge Haynsworth voted against the company and in favor of the union.*

"There are also two *Leesona Corporation* v. *Cotwool Manufacturing Corporation* cases listed. In both, *only procedural questions* were raised, and Judge Haynsworth merely affirmed the District Court's decision which required the proceedings which had been begun in South Carolina to wait until a related case in Massachusetts had been concluded.

"In *Homelite* v. *Trywilk Realty Company, Incorporated*, Judge Haynsworth did rule in favor of the company allowing it to rescind a lease agreement made with Trywilk Realty since the *realty company had fraudulently represented to Homelite* that the partially constructed building leased by it had sewer connections.

The conclusion is inescapable that Judge Haynsworth had an equal duty to sit on all of these cases involving purported customers of Carolina vend-a-matic as in the Darlington Corporation case. There is no reason to believe that the testimony of the ABA or of such leading "conflicts" experts as John Frank would be any different on any of these cases.

FIVE CASES OF "SUBSTANTIAL INTEREST"

Bayh's charge that there are "at least five cases" in which Judge Haynsworth held a financial interest "substantial enough" to require disqualification under 28 USC 455 and to "constitute impropriety" under the canons of judicial ethics.

1. Brunswick Corp. v. *Long 392 F2d 348 (1967)*

A technical mistake. The Circuit Court unanimously agreed to a disposition of the case on all issues on November 10, 1967. While the written opinion did not come down until February 2, 1968, it is difficult to see how Judge Haynsworth could have had any substantial interest in the outcome of the case when he bought stock in December, 1967.

Whether Brunswick won or lost the case could not possibly have made any material difference to its stockholders, and I have heard no allegation that there was any manner in which Judge Haynsworth could have enriched himself unjustly through this stock purchase.

Senator Cook noted the insignificance of the case (even if the whole $90,000 had been recovered). It would have been less than one-half cent per share on Brunswick's 18,479,989 shares of outstanding stock or less than $5 on the 1,000 shares of stock Judge Haynsworth purchased.

2. Farrow v. *Grace Lines, Inc. 381 F2d 380 (1967)*

There was no substantial interest in the litigant, Grace Lines. There was no direct interest in the stock of the litigant, Judge Haynsworth held 300 shares of stock in W. R. Grace & Co., and Grace Lines was one of 53 subsidiaries owned by W. R. Grace. Grace Lines contributed less than seven percent to the parent company's 1967 revenue of $1,576,000,000.

An award of the entire $30,000 demanded would have been insignificant. Assume the whole judgment, and assume common stockholders liable, it would have reduced Judge Haynsworth's holding by 48 cents. In fact, it was a $50 judgment by a lower court jury that was simply upheld by a unanimous opinion in the Fourth Circuit.

3. Merck v. *Olin Mathieson Chemical Corporation 253 F2d 156 (1958)*

Senator Bayh suggested that Judge Haynsworth was engaged in illegal and unethical conduct in taking part in a case in which he had a "substantial interest" in one of the litigants. The truth is that Judge Haynsworth never owned any Merck stock and never owned any Olin Mathieson stock. Bayh now says his staff researcher misread a business transaction, and that this charge "is an error."

4. Darter v. *Greenville Community Hotel Corp. 301 F2d 70 (1962)*

See the memorandum attached noting that Judge Haynsworth had no stock in Green-

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ville Community Hotel Corp. in 1962, and had held no stock since 1958.

The case of the Greenville Community Hotel Corporation demonstrates the absurdity of Senator Bayh's allegations that Judge Haynsworth was involved in conflicts of interest because of a substantial interest in corporations that had business before his court.

Senator Bayh charged that Judge Haynsworth had "a substantial interest" in the Greenville Community Hotel Corporation at a time that the Corporation came before his court in 1962.

We can state categorically that Judge Haynsworth had absolutely no interest in the Greenville Community Hotel Corporation or in any company having any interest in that corporation in 1962. The facts are:

On April 26, 1956, before the Judge was on the Court, one share of the Greenville Community Hotel Corporation stock worth only $21 was transferred to Judge Haynsworth so he could be a director of that corporation. He held that position until he went on the bench in 1957. On January 1, 1958, a short time after he went on the bench, he did receive a check for 15 cents for the 1957 dividend.

Judge Haynsworth, thinking he no longer owned that one share of stock, sent the check to Alester G. Furman, Jr., who had transferred the one share of stock to him two years earlier. Furman then returned the 15-cent check to Judge Haynsworth and Judge Haynsworth listed that 15-cent check as income on his tax return. That share was later transferred to Furman, who sold it on August 1, 1959, for $21. Yet, here in October of 1969, Senator Bayh is charging that Judge Haynsworth had a substantial interest in the corporation in 1962, is in violation of the law, and is engaged in what he contends is "impropriety." Either Senator Bayh did not know all the facts when he made his statement and was lax if not irresponsible in making the charge, or he knew the facts and deliberately distorted.

This is only one of the thoroughly absurd charges that have been made by Senator Bayh and other critics. Each of these cases will be dealt with in detail in the days ahead. It should be apparent to anyone who examines this charge that Senator Bayh and other critics are grasping at straws. It is unfortunate that they have filled the air with so many charges that it is difficult to get through with an explanation demonstrating the lack of substance in each of the alleged "conflict of interest" cases.

5. *Donohue* v. *Maryland Casualty Co.*
363 F2d 442 (1966)

6. *Maryland Casualty Company* v. *Baldwin*
357 F2d 338 (1966)

(Note: Both cases five and six involve Maryland Casualty Company.)

This sixth case was added after Senator Bayh was forced to admit error in using the cases of Merck v. Olin Mathieson Chemical Corporation and Darter v. Greenville Community Hotel Corp.

Senator Bayh contends that Judge Haynsworth held a substantial interest in American General Insurance Co. and should have disqualified himself in both cases in which Maryland Casualty Company was a litigant, because it is a subsidiary of American General Insurance.

Judge Haynsworth did own 67 shares of common stock and 200 shares of preferred stock in American General Insurance Company, a corporation in which Maryland Casualty was one of at least twelve subsidiaries.

It is difficult to measure the impact of a judgment upon a corporation with total assets of $888,857,336, total income of $356,602,892, and consolidated net profits of $26,672,196.

There is doubt if an adverse judgment could have any significant effect on Judge Haynsworth's fractional interest in such a mammoth corporation. Senator Cook has pointed out:

"The Judge has only .0059 percent of the 3,279,559 shares of preferred stock, and an even smaller .0015 percent of the 4,500,000 shares of common stock."

In all of these cases, we have nothing from Senator Bayh except the general contention that he believes there was "a substantial interest" in a litigant that violated the federal law, 28 USC 455, and required disqualification.

Unless Senator Bayh is holding back some important evidence, it would appear that all of his so-called "new charges" are devoid of substance.

He states there is no charge of dishonesty on the part of Judge Haynsworth. He says the question is not whether Judge Haynsworth is dishonest, but simply whether Judge Haynsworth meets "the demanding ethical standards required of an Associate Justice of the Supreme Court." If there is lack of candor, it is not on the part of Judge Haynsworth. If there is lack of public confidence in the judiciary it is not because of any acts by Judge Haynsworth.

If there is lack of confidence in the judiciary it is rather because of the elevation of Abe Fortas to the Supreme Court. If there is lack of confidence in the present nominee, it is because of the perfidy of those who have made false accusations and who continue to circulate false information about Judge Haynsworth.

JUDGE HAYNSWORTH AND JUSTICE FORTAS

When future historians of the Supreme Court of the United States come to write about the nomination of Judge Haynsworth to that court, they are bound to conclude that one of the most important facts in connection with the nomination is that it was made only three months after the resignation of Justice Fortas from the Supreme Court. Because of that fact, it was inevitable that Judge Haynsworth would be subjected to the most microscopic scrutiny to determine whether he should be confirmed as a justice of the court. So long as that scrutiny is confined to matters which genuinely relate to his qualifications to be a Supreme Court justice, and does not degenerate into reckless character assassination, one cannot quarrel with this result.

But one must have the most serious quarrel with those who say that because accusations were made against Justice Fortas, and he resigned, that therefore since accusations have been made against Judge Haynsworth, he should not be confirmed. If our Anglo-American system of justice means anything, it means that a man is judged by facts which are either proven or can reasonably be inferred, and not on the basis of accusations alone. Because of this, the case of Justice Fortas differs significantly from the case of Judge Haynsworth.

Life magazine last spring printed an article indicating that Justice Fortas, while a member of the Supreme Court of the United States, had received a substantial payment from the Wolfson Family Foundation, whose guiding genius was Louis Wolfson. Although Justice Fortas returned the money that he had reecived approximately a year after he had received it, during the intervening period of time Louis Wolfson had been investigated by the Securities and Exchange Commission, and indicted on numerous criminal charges by a federal grand jury in New York. It was further revealed that the money paid to Justice Fortas had been paid pursuant to a contract which had called for payments to him of $20,000 a year for the remainder of his life, and for additional payments of $20,000 per year after his death to Mrs. Fortas so long as she should live.

Justice Fortas issued a statement to the effect that the money was paid him for assistance that he would render to the family foundation and its charitable activities during the summer recess period of the Supreme Court, but that because of the press or work, he had found that he was unable to discharge this obligation, and therefore returned the money. He further stated, in his letter to Chief Justice Warren, that although Mr. Wolfson had on several occasions sent him material relating to the former's problems, and had discussed them with Justice Fortas, the latter had not interceded or taken part in any legal matter affecting Mr. Wolfson.

Title 18, § 205, provides in part as follows:

"Whoever, being an officer of the United States in the Executive, Legislative, or Judicial Branch of the Government . . . otherwise than in the proper discharge of his official duties—

(2) acts as agent or attorney for anyone before any department, agency, court, court-marshall, officer . . . in connection with any proceedings, application, request for a ruling, or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest—

shall be fined not more than $10,000 or imprisoned for not more than two years, or both."

By reason of all of these facts, Senators on both sides of the aisle called for an explanation from Justice Fortas. Feeling that the two statements issued by the Justice did not adequately dispel legitimate concern as to whether there might have been a violation of this criminal statute, the typical public reaction, both inside and outside of Congress, was "explain or resign".

Justice Fortas chose to resign, and therefore any fully inquiry into the circumstances of the Wolfson transaction became moot. The ultimate resolution of the question was made, not by the Senate, but by Justice Fortas himself.

In the case of Judge Haynsworth, charges have been made that he failed to disqualify himself in cases before his court in which he had a "substantial interest". Title XXVIII, § 455 of the United States Code provides as follows:

"Any Justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest . . . or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein."

Judge Haynsworth, like Justice Fortas, has been asked by the Senate Judiciary Committee to explain the circumstances surrounding these charges.

Unlike Justice Fortas, however, Judge Haynsworth has made the fullest sort of disclosure, not merely of facts and records involving his judicial activities in any way, but of facts and records pertaining to private business transactions whose connection with his judicial activities would appear to be remote at best. In fairness to Justice Fortas, it should be pointed out that the confirmation hearing of Judge Haynsworth before the Senate Judiciary Committee is a readily available forum in which the facts and circumstances can be fully investigated, while no such forum was readily available to Justice Fortas. This difference, however, results from the fact that Judge Haynsworth is a nominee to the Supreme Court requiring confirmation by the Senate, while Justice Fortas was a sitting Justice of the Supreme Court at the time the charges against him were made.

It is thus not accurate to speak of an "appearance of impropriety" in the Fortas case, and a similar "appearance of impropriety" in the Haynsworth case. The resignation of Justice Fortas prevented any examination into, or resolution of the "appearance of impropriety" in his case. Judge Haynsworth's furnishing of voluminous records does permit a

careful and factual resolution of the charges against him on their merit.

Finally, the charges made against Justice Fortas were quite different from those made against Judge Haynsworth.

Under all the circumstances, Justice Fortas was called upon to explain a situation which might involve a violation of a criminal statute. It is not unreasonable for the public to insist that holders of high office not only refrain from violating the criminal law, but also either avoid the appearance of violating it, or be prepared to explain themselves when such appearance is present.

Judge Haynsworth has been charged with failing to disqualify himself when required to by statute—a statute which not only does not impose any criminal penalties, but requires a careful judgment by a judge in each case where it might be applicable. At least three Courts of Appeals have held that a judge is as much under a duty to sit where he is not disqualified, as he is under a duty to disqualify himself where required to do so. A judge interpreting the disqualification statute may not "bend over backwards" and disqualify himself in cases where it might "appear" that he should do so, even though upon analysis he were to conclude that he should not.

Therefore, while it may not be enough for a judge to show that upon careful legal analysis he has not violated a criminal statute, even though he "appeared" to have done so, a judge is required to sit in a case in which he is not disqualified, even though upon superficial analysis it might appear that he is in fact disqualified.

The PRESIDING OFFICER. Under the order of last Thursday, the Chair now recognizes the Senator from Kansas (Mr. DOLE).

SENATE RESOLUTION 271—SUBMISSION OF A RESOLUTION CALLING ON NORTH VIETNAM TO END THE WAR

Mr. DOLE. Mr. President, ending the war in Vietnam is the Nixon administration's prime concern. President Nixon has repeatedly stated that our limited but fundamental objective is to assure the people of South Vietnam the basic right to determine their future free from outside interference.

Publicly and at the Paris talks, the United States has offered proposals to bring peace and self-determination, and we have expressed willingness to discuss any other proposals having the same objectives.

The United States has proposed, and agreed to accept the results of free elections organized by joint electoral commissions, composed of representatives of both sides under international supervision.

We have offered to negotiate a supervised cease-fire to diminish the intensity of the conflict. In the absence of such a cease-fire, new orders have gone out to American field commanders to minimize military and civilian allies' casualties, to gear combat actions to enemy actions, and to adopt a policy described by General Wheeler as one of "protective reaction." We have called for a mutual withdrawal of all non-South Vietnamese troops, which action by their side need not be formally announced. We have commenced reduction of the U.S. presence in South Vietnam by removing over 60,000 U.S. troops—this is 20 percent of our combat troops and 12 percent of the total allied troops. Future withdrawals will be considered based on three criteria: progress in the Paris talks, military progress in the war, progress in Vietnamization of the war.

It is time for North Vietnam to respond to these initiatives. The United States is waiting. The world is waiting, and the people of Vietnam, North and South, have been waiting and suffering for 30 years. The time has come for peace. In the name of peace, I shall introduce a resolution later today calling on the Government of North Vietnam and the National Liberation Front to enter serious negotiations to end this war.

This resolution urges the Government of North Vietnam and the National Liberation Front to:

First. Acknowledge that a just and mutually agreed settlement is the best hope for lasting peace;

Second. Show at the Paris peace talks the same flexibility and desire for compromise which the allies have clearly demonstrated over the past year;

Third. Agree to direct negotiations between representatives of the National Liberation Front and of the Government of the Republic of Vietnam, as proposed by the latter;

Fourth. Withdraw their insistence on allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam before genuinely free elections could be held—and I think a very important point in this resolution;

Fifth. Provide information on the status of U.S. prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention.

Mr. President, by passing this resolution, the Senate can make known to the Government of North Vietnam and the National Liberation Front that this country is determined to negotiate a settlement in Vietnam.

We can convince Hanoi that there is nothing to be gained by waiting and waiting and waiting, and that they should proceed to a negotiated settlement.

Mr. President, we all want peace and an end to this tragic conflict. As President Nixon has said:

> The people of Vietnam, North and South alike, have demonstrated heroism enough to last a century. They have endured an unspeakable weight of suffering for a generation.

They deserve a better future.

We ask the North Vietnamese and the National Liberation Front to show a sign of concern for the people of Vietnam. We ask that they demonstrate that they care about a better future for all Vietnamese.

In this spirit, I ask the Members of this body—who have not done so—to join me in calling for an affirmative response from the North Vietnamese Government and the National Liberation Front.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Colorado.

Mr. DOMINICK. I congratulate the Senator from Kansas. I have the pleasure of being a cosponsor of this particular resolution. I think it is a very worthwhile effort. If I may say so to the Senator, it strikes me that all we have heard up to date has been from people who are, in general, critical of either the United States or the South Vietnamese, and are not critical of the North Vietnamese or the Vietcong. I think this has been totally without balance.

For example, I received a letter from my son who said, "Why don't we hear more about what has happened at Hue?"—where, when they went to that city, the ancient capital of Vietnam, they found graves dug in which the Vietcong, in the process of taking over during the Tet offensive, had literally buried people alive in mass graves; had lined up others, hitting them with mattocks, and buried them. Over 2,500 people were murdered by the Vietcong in that offensive alone. But do we hear anything about that at all? Not a bit. We hear about the inhumanity of the South Vietnam, or the corruption, or the problems that we have with our own intervention.

It seems to me we must do something to restructure a good deal of the thinking that has gone on; to recognize that we have gone one step after another in an effort to try to get a negotiated peace. We have not yet been able to reach it.

I may say to the Senator from Kansas that I have a statement on this matter myself. I know that, prior to my giving it, other Senators would like to make comments on the Senator's resolution.

I certainly hope that what the Senator from Kansas has done here today, and those of us who have joined with him, both Democrats and Republicans, will bring a focus of attention on some of the problems we have with the other side, which has remained intransigent and which has been unwilling up to the present time to make any kind of concessions toward getting to a peace, which is what we all want.

Therefore, I again congratulate the Senator from Kansas.

Mr. DOLE. I thank the Senator from Colorado. There has probably been a false impression created in this country about what has happened in the Senate as a result of the recent flurry of withdrawal resolutions. I certainly have no quarrel with anyone's desire to end this conflict. But we only help Hanoi when it is said that only the United States should do something or that only the South Vietnamese should do something. It is my hope this resolution will alert the American people to the fact that some of us recognize that North Vietnam is the enemy and it is time they reacted to the U.S. initiatives.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. COOPER. Mr. President, I am not a sponsor of the resolution of the distinguished junior Senator from Kansas. I am not a sponsor of any of the many resolutions which have been proposed regarding the war in South Vietnam. As a member of the Foreign Relations Committee, I hope I can view each one of them objectively.

Since 1965 I said time after time on

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the Senate floor that the United States should cease the bombing of North Vietnam as a way in which, it was hoped, we could reach negotiations. I said also that while no one could say whether those negotiations would be successful it was a condition precedent to negotiations, and I hoped that fruitful negotiations would follow.

It is well that the Senator has presented his resolution, because I know, and we all know, that the chief reason why we have not been able to make progress in the negotiations has been due to the intransigence and the intractability of the North Vietnamese and the Vietcong. I think it is proper and good for the Senate and the American people to keep the fact in mind as we approach the subject of Vietnam in an effort to see if we can help the President bring the war to a close. I shall speak my own views in some detail later.

Mr. DOLE. The distinguished Senator from Kentucky is recognized as one of the experts in this area, and is a member of the Committee on Foreign Relations. When the Foreign Relations Committee meets to consider the other resolutions before that committee I trust it may also consider this resolution.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. HANSEN. Mr. President, the resolution submitted by the junior Senator from Kansas is timely, indeed.

It is time that the onus for continuing this war were put where it belongs—on the back of the Communist government of Hanoi.

Mr. President, the United States has taken every step for peace possible, short of betraying our ally, South Vietnam.

Let me read here what this administration has proposed in our attempts to reach a decent peace. They are measures consistent with the principles of all parties:

> As soon as agreement can be reached, all non-South Vietnamese forces would begin withdrawals from South Vietnam.
>
> Over a period of 12 months, by agreed-upon stages, the major portions of all U.S., allied and other non-South Vietnamese forces would be withdrawn. At the end of this 12-month period, the remaining U.S., allied and other non-South Vietnamese forces would move into designated base areas and would not engage in combat operations.
>
> The remaining U.S. and allied forces would complete their withdrawals as the remaining North Vietnamese forces were withdrawn and returned to North Vietnam.
>
> An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.
>
> This international body would begin operating in accordance with an agreed timetable and would participate in arranging supervised cease-fires in Vietnam.
>
> As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.
>
> Arrangements would be made for the release of prisoners of war on both sides at the earliest possible time.
>
> All parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia, and the Laos Accords of 1962."

The above was excerpted from the President's speech of May 14. His position has not changed.

Neither has that of Hanoi. Despite every effort made by this administration, the North Vietnamese have refused to enter into any meaningful negotiations.

Perhaps it is time the President's critics began to put the blame where it belongs—not with the United States, but with North Vietnam.

Mr. DOLE. I thank the Senator from Wyoming. He has recited the eight points stated by the President on May 14. That clearly states that American position. I agree that if the critics would review what was said on May 14, and review what we have done in an effort to negotiate an end to the war, they may want to join with us in taking the monkey off our back and putting it where it belongs, on the back of the North Vietnamese and the Vietcong.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Kansas for offering this resolution, of which I am very pleased to be a cosponsor, calling on the North Vietnamese to show that they truly want peace.

I fervently hope that the resolution will be broadcast on all radio and television stations throughout the land, and will be run in all our newspapers and magazines, so that those Americans who see American surrender as the only road to peace will be aware that there is another side—a very serious side.

Mr. President, all across our land many young people, who, not having stopped to analyze what this war is all about, are calling for the United States literally to "bug out" on its commitments—young people who would rather have peace than honor or principle, who would surrender today to what would mean that they would be slaves tomorrow; who just do not understand what is involved.

Mr. President, it is time they heard the other side. It is time they became aware that it is the United States that has truly sought an honorable peace, and that it is the Communists of North Vietnam who have been totally intransigent, who have in fact called on the United States to surrender unconditionally, and who have in fact called on the United States to lose its principles and the great reputation it has throughout this world, to desert its allies, and to betray its principles.

Mr. President, I cannot believe that is what our young people really want. I believe, instead, they act and speak from ignorance, an ignorance that has bred fear and uncertainty.

I think there is no excuse for that ignorance. The facts are available. I believe that if they will look at the facts, the facts will change their minds.

Mr. President, the United States is not fighting an innocent foe with clean hands and honorable intentions. We are fighting a foe who is guilty of torture and mass murder, and of mistreatment of American prisoners. The facts are there to be seen by those who wish to see them. It is time that those who would surrender took a look at those they would surrender to. It is time they reconsidered.

Last Friday, the Washington Post's front page was plastered with pictures of people carrying Vietcong flags on the streets of Chicago. Those people say they are opposed to our present policies. Why are they opposed? President Nixon is moving with all the speed he can muster toward an honorable settlement in Vietnam, but he cannot proceed if he is undercut at home by elements of irresponsible criticism. Therefore, I suggest that Americans who wish to show their support for our President, in his effort to win a just and honorable peace, can fly the American flag and display it in every appropriate way on October 15, to let Hanoi and the world know we stand solidly in support of our President.

I commend the Senator from Kansas for his speech and his resolution.

Mr. DOLE. Mr. President, I commend the Senator from Arizona for his excellent suggestion with reference to flying the flag on Wednesday of this week. With reference to publicizing this resolution, I can only assure the Senator that it will be published in the CONGRESSIONAL RECORD. I am not optimistic that it will receive wide publication outside the RECORD, because the liberal media in this country is not interested in this aspect of the Vietnam war.

I hope those who are concerned with winning the Vietnam war will read the Senator's comments and this resolution very carefully.

Mr. GOLDWATER. Mr. President, I, too, wish to commend the distinguished Senator from Kansas, not only for his remarks but for the introduction of his resolution. I am happy to have my name on it as a cosponsor.

Several questions enter my mind after listening to the Senator's presentation. The first is, what kind of peace are these people talking about? If they think for one moment withdrawing our troops unilaterally is going to create peace in this world, they are crazy. That is the surest way to enlarge the war and start new wars all over the world. Why the people who advocate unilateral withdrawal cannot understand that, I do not know.

Sometimes, as I look upon this radical left, I wonder how they can be made up so largely of academic people, and yet never seem to have read their history. I do not know what they base their judgments on.

The question comes to my mind, who speaks for youth? I do not see many youthful faces in the pictures of the Chicago demonstration. I see some middle-aged, fuzzy-haired people who have long since ceased to be young.

Mr. President, I think these questions have to be answered. While driving to work this morning, I heard on the radio a remarkably disturbing statement that the mayor of New York has proclaimed that black bunting will be flown on the government buildings on Wednesday, that the flags will stand at half mast, and that the bells will toll.

Mr. President, who speaks for the people of New York City? I do not think the mayor speaks for them, because I do not think, if you took a poll in New York City, as fuzzy as we think that place to be at times, you would find that the majority of the people would agree with the mayor when he says:

> We are going to turn tail and pull out of Vietnam, regardless of what happens.

It is this kind of things going on in the country that disturbs me. Americans historically, whether they have agreed with him or not, have backed the President of the United States when we are in war. That is exactly what we are in today, and I think it is high time our own colleagues in this body and some other people around the country stand ready to back the President as those of us who back him on this floor stand ready.

I again thank the Senator from Kansas, and am happy to be included with his cosponsors.

Mr. DOLE. I thank the Senator from Arizona for cosponsoring the resolution. It is a well-reasoned resolution, it does not seek to chastise anyone, but simply states the case as it is. Mr. President, we are telling it like it is, the only group holding up peace in this war are the National Liberation Front and the North Vietnamese.

I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I commend and thank the distinguished junior Senator from Kansas for an excellent presentation and an outstanding resolution. I join with the Senator from Kansas and other Senators today in cosponsoring this resolution, because I believe that it can, if properly understood, make a significant contribution to intelligent thinking about future American policy in Vietnam.

I am convinced that many people on all sides of this issue of paramount importance are thinking less carefully and less objectively than they perhaps should, without carefully weighing and measuring the many alternative policies available to us, being swayed by prejudices and emotions.

The substance of the resolution introduced today is that the Government of North Vietnam and the National Liberation Front are urged to take steps that might, in concert with steps already taken and yet to be taken by the United States and the Government of South Vietnam, assist in bringing to an end this tragic conflict and working toward a fair and lasting peace.

Mr. President, there is nothing essentially new about urging Hanoi and the National Liberation Front to adopt a more flexible position on the battlefield and in Paris. The Government of the United States and other governments and organizations have, for many years, been urging just such flexibility. But I feel that the timing of this resolution may be of considerable importance, most particularly with respect to public debate on the war here in the United States and in this body; because I am convinced that the strategy of Hanoi and of the National Liberation Front is predicated almost entirely on their estimate of the direction that the public opinion will take in the United States in the next weeks and months just before us.

Every man, woman, and child in the United States who knows about Vietnam wants an end to the war in Vietnam. The terrible cost of the war in human casualties, in diverted resources, in spiritual and intellectual anguish, has been immense. I cannot believe that there is a single American who does not want an end to this conflict.

But not everyone in this country means the same thing when he speaks of "an end to the war." It is my hope that the resolution introduced today by the Senator from Kansas can help every American understand more clearly that an end to the war means more than just the withdrawal of American troops, and that, when they speak of an end to the war, a great many Americans, perhaps a majority of Americans, do really mean an end to the war. Some, however, do not mean an end to the war, but, rather, an end to American involvement in the war.

Mr. President, a growing number of Americans seem to be thinking of the war in Vietnam only in terms of the immediate domestic cost to ourselves. The terrible killing and wounding of American men, the diversion of great physical wealth from programs urgently needed here at home, and damage to the moral and spiritual fiber of our society—these costs are indeed incalculable, and they must constantly be weighed against our commitment to the people of South Vietnam.

Mr. President, in considering the total context of the dilemma in which we find ourselves, we must keep in mind that the United States of America has gone the extra mile. We will have unilaterally withdrawn at least 20 percent of our combat troops by December 1969. We have made the offer of internationally supervised elections, and we are moving toward the de-Americanization and Vietnamization of that effort. We have stopped the bombing. We have reduced the level of combat hostilities and activities in that troubled area. We have done all those things which must be considered as the last, best, good-faith effort to show to the Asian people the desire of the United States really to end that war—not merely to end our part in the combat, to withdraw unilaterally, and disengage and leave that great part of the world to the cannibalism of another Maoist adventure or another exercise in elimination by a totalitarian regime.

The junior Senator from Kansas has done a magnificent thing today, at an appropriate time, by formally proposing that the Senate call on North Vietnam and the National Liberation Front to take some steps toward meeting our efforts—our multiple efforts thus far—to end this terrible conflict, so that we can turn our full attention to the general grievances of mankind.

Mr. DOLE. I thank the Senator from Tennessee, not for myself, but for all Americans, particularly those young Americans who are now fighting in South Vietnam. Sometimes, in the game of resolutions and debate, we overlook those heroic Americans who are daily risking their lives in Vietnam.

I deeply appreciate the comments of the Senator from Tennessee.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. DOLE. I am pleased to yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I warmly commend the distinguished Senator from Kansas for submitting this resolution, for having spoken so well on it, and for having also stirred such favorable reaction.

If I were among the youth who received an invitation to the October 15 events, I think I should want to ask myself some questions. The right of dissent is enormously important in this country. We must all defend and welcome it. The right to hear all sides is immensely important. I hope that during this time there will be a recognition of the true nature of the enemy, of the adversary. I hope that Americans will not have any difficulty deciding what side they are on.

But if I were one of those young people, I think I would ask myself, "Where was I 6 months ago?" and "Where do I stand now?"

The Senator from Kansas has pointed out that 6 months ago, these young men were in a state where for 7 years they would have been undecided, frustrated, and uncertain of their future; uncertain whether they would be called into the Armed Services or not. Now that period has been shortened to 12 months. Six months ago, we had a maximum number of men in Vietnam. That number is being reduced substantially every week.

Six months ago, or at least prior to May 14, there were no offers of peace terms from the United States. Now there are, and they are the most generous ever offered by a nation. I think I would like to say, "Hurry up, Hanoi." I would like to see that statement appear on some of the placards. I would like to see on some of the placards some of the suggestions made by the distinguished Senator from Kansas.

As the Senator well pointed out, throughout all this furor very little compassion has been shown the prisoners of war. His proposal that we receive information on the status of the U.S. prisoners of war and that we make certain that they are being treated humanely in accordance with the provisions of the Geneva Conventions seems to have been overlooked.

Those who would propose all sorts of precipitate departure seem to have forgotten that some of their fellow Americans are imprisoned under conditions which we have good reason to believe are far less than humane. Some Americans who have advocated precipitate departure seem to have forgotten the massacres that have ensued.

Some of those who advocate precipitate departure should remember, as the Senator from Kansas has pointed out, that the enemy should withdraw its insistence on an allied surrender. Yet they demand an overthrow of the Government of South Vietnam and say that genuinely free elections can be held. Are those who demand this blind to what happened the last time, when another administration presided at the time of the overthrow of another Government of Vietnam, and chaos ensued? Many lives that were lost then would not have

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been lost had their been an orderly transfer of government.

Perhaps the Government of South Vietnam has not been perfect, but I do not know of any government which is. The South Vietnamese Government has installed some persons who, in my judgment, should not be in it; but then I know of other governments whose behavior has not been perfect. It is necessary to have a viable government in being if a country is to have true peace. If the people do not like a government, then they ought to have free elections and choose another government.

What I am pleading for is to encourage young people, on October 15, to ask themselves one question: "Whose side am I on?" There can be but one answer. I know their answer. They are all on our side; they are all Americans. Then, being on our side, let them direct some of their energies to the enemy, who stands in the way of peace.

The Senator from Kansas has justly, fairly, and temperately worded the resolution. He simply asks the enemy to consider now its obligation to help to bring about peace and end this terrible war. I again say that that is responsible, that it is evidence of our recognition of the nature of the adversary.

Again, I congratulate the Senator from Kansas on his sagacity in making this proposal, which to my mind does much to bring the whole matter of our national debate into better proportion.

Mr. DOLE. I appreciate the comments of the Senator from Pennsylvania. The purpose of the resolution is not to antagonize those who may have a different view; but, as the Senator from Pennsylvania has said, more eloquently than I can, its only purpose is to bring the question into proper perspective. Let us look at both sides.

Yes, maybe we have made mistakes. Maybe South Vietnam has made mistakes. But what about North Vietnam? It takes two to make an agreement.

I informed President Nixon this morning that I planned to submit this resolution. He was pleased to see this initiative. He said, as he has before, that only Hanoi stands in the way of peace.

Perhaps there ought to be a movement on the part of North Vietnam. Maybe they should make some movement or response that would indicate they want to bring an end to this tragic conflict. That would please everyone—everyone in America, and everyone in the rest of the world.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the lapse of the 2 hours which constitute the morning hour, the Senate proceed under the orders as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to take this opportunity, as one of the cosponsors of the Senator's resolution, to add my voice to the chorus of approval and commendation which he is hearing today following his very excellent presentation.

Lest there might be some who think that this is merely a partisan exercise, I believe it is most appropriate to call attention to what the former Vice President, the Hon. Hubert H. Humphrey, said following a visit to the White House last Friday. He was reported as saying that he believed "the President is proceeding along the right path" in seeking peace in Vietnam. Then he added, most appropriately:

> We have only one President at a time, and I think the worst thing we can do is to undermine the position of the President.

Needless to say, it is not often that the former Senator from Minnesota and the former Vice President receives any praise or indication of approval from this side of the aisle. But I am glad to commend Mr. Humphrey for his responsible and statesmanlike attitude, and I wish to commend what he said to others in both parties who continue to carp and to criticize, for whatever reasons, with the unfortunate effects of undermining the President in his earnest efforts to achieve peace.

In addition, I wish to call attention to a suggestion made by the distinguished minority leader a week ago. While no campaign is organized as such, he suggested on nationwide television that it would be a good idea that if those who support the President's earnest effort should demonstrate their support by turning on the lights of their automoblies on October 15. I hope many Americans will follow the minority leader's suggestion.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from California.

Mr. MURPHY. Mr. President, I join with the distinguished Senator from Kansas and commend him for the presentation of the resolution. I am pleased that I have had the opportunity to be in the Chamber and listen to the remarks of my colleagues with regard to the situation in Vietnam. It seems to me that, as months have gone by and years have gone by, we in America have been subjected to possibly the greatest propaganda attack that has ever been staged on a people, to the extent that at times we forget how the war in Vietnam started and why we are there. We forget the nature of the enemy. We forget where the enemy resides.

We talk about the National Liberation Front. Why do we not say "the Communists"? That is what they are.

We have youngsters in school who give the Communist salute, the clenched fist. They do not know what they are doing, because it has not been explained to them. How are our people to know, unless the truth is told?

As a result of the resolution of the distinguished Senator from Kansas, much of the discussion that has been lacking in this Chamber is now coming forth.

We speak about the nature of the enemy. I recall the start of the Vietnam war, in the Plain of Jars, where, by stealth, the stomachs of the South Vietnamese were slit during the night. I was in South Vietnam when they held the election of the government about which we hear so much. I recall that we heard the same things about the government in Korea. I recall that we heard the same things about the government in China, the Nationalist government—the same government that is now doing so well in Taiwan and is having such success that it no longer needs our help. These same cries of corruption were made, and I recall them vividly.

Let me say something about the way it is approached in South Vietnam. The week before we went there to watch the elections, over 1,000 South Vietnamese were either murdered or kidnaped in order to frighten the people away from the polls, to keep them from voting in the election. While I was there—I have told this story in the Chamber—had I been on schedule, two plastic bombs were set in the exact location where I would have been in the town of Tuy Hoa. It would have been a good idea to blow up a United States Senator, to scare the people of South Vietnam. Thirty-nine people were hurt when these bombs went off. Two men lost their lives. Thirty-seven people came back after having their wounds dressed and voted. I said then—and at every opportunity I have had—that I have never seen a people with a greater determination for democracy than the South Vietnamese. Now we hear voices which say, "Walk away and leave them."

Let me read some figures I have.

Mr. President, the innocent people of South Vietnam live in daily terror of murder and torture from their Communist brethren in the north. Let me cite some random reports:

September 30—an indiscriminate Vietcong mortar attack killed five civilians and wounded 12 others in the Cam Nam village. Farther to the south, in Rinh Din Province, a Vietcong sapper squad entered the hamlet of Chanh Tru, went into the market area, and assassinated one identified civilian. After killing the man, the sappers went to his house and blew up and burned his wife and his child.

September 28—an unknown number of Vietcong entered Dong Luc hamlet and assassinated the deputy hamlet chief. Why? To take a life? Of course not. To strike terror into the whole country, to terrorize them into the acceptance of the imposition of the Communist-atheist government from the north. These people do not want it, and they have fought valiantly in order to keep from its imposition. We have joined them.

As of September 8, official reports indicate that 22,500 South Vietnamese civilians have been the victims of Vietcong terrorists since the first of this year.

Mr. President, the time has long passed when this contrived confusion in America should be allowed to go unchallenged. It is time that our young people—yes, our older people—insist that the true story be told as to the actual reason why we are there, the reason why we dare not leave, and as to the will of these people for democracy. Certainly there is corruption. There is corruption in Washington. There is corruption in California—very

little, I am proud to say, since the new administration there. But these are the things we must bear in mind.

I would hope that the press and the communications media would spread this word to the young people who are being hoodwinked, who are being used, and who are being misled, just as the people in my industry, in Hollywood, were misled years ago, and joined in an effort to create chaos in this Nation, which they did not understand.

We have to get to the basic facts, we have to understand what has been done. What is the United States attempting to do? Why do we allow people around the world to call us imperialists? We have no imperialistic design. We know where the imperialism is. It is in Communist Russia. If Communist Russia would stop supplying the arms to North Vietnam, the war would be 90 percent finished the minute they would do that.

The same applies with respect to the Middle East. I had the privilege last week of listening to the Prime Minister of Israel, Golda Meir. She said three times that it is time that we recognize the enemy and point out the enemy.

So I am pleased that the distinguished Senator from Kansas has submitted this resolution. If I have any complaint, it is that the resolution is too mild. I think it should be strong and firm and direct so there can be no misunderstanding.

I hope the people of this great country, along with our distinguished colleagues, joint the Senator in saying this resolution is the embodiment of the desires and feelings of the people of this country with regard to the valiant little country we have been trying to help in Southeast Asia, South Vietnam.

Mr. DOLE. I thank the Senator. I hope this resolution will put the matter in proper perspective. I believe strongly that because of the one-sided media coverage on the question of Vietnam there has been a false impression created. At least with the consideration of this resolution by the Committee on Foreign Relations, the matter will be placed in a different light.

I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I commend the distinguished junior Senator from Kansas for conceiving and submitting this resolution. I am not one of the cosponsors but I shall vote for the resolution if it emerges in its present form or in an amended form that does not cause it to lose its spirit and purpose.

I am going to support the resolution because I approve its spirit and purpose, although I have strong doubts and misgivings as to its method of putting into effect that spirit and that purpose.

I call attention to the fact that the resolution urges the enemy—and that is what they are, North Vietnam—to take certain steps. Now, it is definitely an exercise in futility to urge the enemy to act as we would have him act. My preference would be that the resolution state that it supports the President in demanding that North Vietnam take certain steps. If we urge North Vietnam to act in certain ways, it possibly may be inconsistent with the proposals now being made in Paris by our peace negotiators. If we urge him to take certain action, of necessity, it would invite a reply by North Vietnam, and receiving a reply from North Vietnam that then would occasion another reply by the Senate. So we would find ourselves supplanting the regularly and duly constituted authorities in seeking to negotiate with North Vietnam.

But I am so strongly in favor of showing support for the President's efforts to end the war in Vietnam, and I am so strongly in favor of having a bipartisan or nonpartisan approach to this problem, which is a problem for the entire country and the entire world, that I will support the resolution.

However, I would ask the distinguished junior Senator from Kansas to give serious consideration to the method by which he is getting across the idea that it is North Vietnam and not the United States and not the Republic of South Vietnam, that is preventing us from having meaningful negotiations in Paris.

It would be far better to support the President's policies, and by our resolution to say we support those policies, rather than for the Senate to enter into foreign relations; that is, negotiations with a foreign power to the extent of urging them to take certain action.

I believe the action of the Senate should be action endorsing and supporting the President, critical of North Vietnam, and backing the President in insisting on action by North Vietnam rather than for the Senate to urge a course of action on North Vietnam.

I am so strongly in favor of taking a stand behind the President's efforts to end the war in Vietnam that I will support the resolution.

Mr. DOLE. Mr. President, I appreciate the remarks of the distinguished Senator from Alabama. I share his views and am certain nothing the Senate does is going to bind the enemy, and they are the enemy. They have made no effort to end the war in Vietnam. In the last paragraph of my resolution I do, in effect, state support of the President's position because he has said time and time again everything is negotiable in this war except the right of self-determination.

I could not agree more that this should be a nonpartisan or a bipartisan effort. I deplore the tactics of some who now make it partisan. I deplore more that some of the American people seem to feel that only a handful in this body speak for America. The real purpose of the resolution is to let the American people know, if we can, that a rather sizable number of Senators understand who the enemy is and that we are determined to make our voices heard.

I yield now to the Senator from Oklahoma.

Mr. BELLMON. I thank the Senator from Kansas and I compliment him on the leadership he has taken in providing a vehicle for Senators to show we do support the President and that we are united in the effort in South Vietnam. The resolution provides a very important function in that it places the emphasis where it belongs, and that is on the North Vietnamese, who keep the war going.

This war will end immediately, as soon as the north stops sending troops and supplies into the south in an effort to disrupt the Government of South Vietnam and take over by force.

I believe the resolution makes it plain that this Nation is willing to stop its involvement there as soon as the north agrees to let the people of the south make their own decisions, run their country, and conduct their affairs the way we expect the people of the world to do.

I believe the Senator has provided a great service to the American people in helping to make plain that a large number of Senators silently back President Nixon and the policy he is following over there, and that we do not believe we should, as has been said here today, bug out and let the Communists take over that nation.

I have visited South Vietnam on two occasions, in 1965, and again in July of this year. I have been extremely impressed with the progress being made there on three fronts. First, on the military front I was impressed to find the South Vietnamese are now operating the most sophisticated weapons we have there, our helicopters, artillery, transport vehicles, jet aircraft, and rivercraft. These military operations are all being taken over in a competent way by the armed forces of South Vietnam. They are rapidly reaching the point where they will be able to supply security for their people.

I am happy with the progress on the political front. In 1965 the governments there were falling one after another, but since the election of Thieu the government has had a high degree of stability. The participation in that election was high. More than 80 percent of the people voted in spite of threats against their lives and safety, which is a far better record than we have here.

I was impressed with the progress on the economic front in July. Large numbers of South Vietnamese were free to go to their farms and their lands and conduct their lives in a regular fashion because they had the security which had been denied them earlier when the Vietcong were operating throughout the country and terrorizing villages.

To me the important point is, whether or not the opponents of the President recognize it, the war is ending and coming to a conclusion. The war there started with infiltration from the North. Acts of atrocity were committed against leaders of the South Vietnamese Government.

The war will probably not end the way we like to see wars end, with the signing of documents and the sudden cessation of hostilities. Last week's record shows that the level of casualties to Americans in South Vietnam was the lowest during that week of any during the past 3 years. The record will also show that most of the larger, organized North Vietnamese military units are no longer active in South Vietnam. This indicates that the war is rapidly coming to a conclusion, and together with the fact that we can withdraw 60,000 combat troops is another evidence of the fact that the level of hostilities is declining.

Therefore, I feel that this resolution will help to point out that our national

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leader, President Nixon, is on the right track, that the war is coming to a conclusion, that we are accomplishing our objectives there, that it is only a matter of time until the South Vietnam Government will be able to provide security for its people, and we will be able to disengage our military forces and see a stronger country emerge in South Vietnam.

Mr. DOLE. I thank the distinguished Senator from Oklahoma and am pleased to have his comments. As he stated, he and the Senator from Alaska have been in Vietnam and have observed what has happened there. They have firsthand knowledge of the situation.

Again I say, the efforts being made here by the Senator and others, who are cosponsoring the resolution put the entire matter in its proper perspective and will let the American people know that there are two sides to the issue, and that there is a new direction in Vietnam.

I am now happy to yield to the Senator from Colorado.

THE PRESIDENT ON VIETNAM

Mr. DOMINICK. Mr. President, I am deeply distressed during these troubled times in our Nation's history to hear the discordant voices of some in this body seeking to discount and discredit the great efforts being made by President Nixon toward peace in Southeast Asia. I wonder whether such utterances, which refer to our continuing withdrawal of troops and lowering of draft calls as "tokenism" and "an exercise in politics," are not in fact doing more to hinder than to help us reach the goal we all seek: A permanent solution to the Vietnam war?

I am certainly not attempting here to impugn the motives of anyone, because I sincerely believe we all share an intense desire to see that tragic conflict in Southeast Asia ended.

President Nixon said most eloquently in his televised report to the country on May 14:

> I want to end this war. The American people want to end this war. The people of South Vietnam want to end this war. But we want to end it permanently so that the younger brothers of our soldiers in Vietnam will not have to fight in the future in another Vietnam someplace else in the world. The fact that there is no easy way to end the war does not mean that we have no choice but to let the war drag on with no end in sight.

He also said in that report to the Nation:

> We can have honest debate about whether we should have entered the war in Vietnam. We can have honest debate about how the war has been conducted. But the urgent question today is what to do now that we are there.

I agree wholeheartedly with that statement. I have stated repeatedly in this Chamber, at public meetings, and on national network television programs, that it was a tragic mistake for the United States to commit ground troops to fight in Southeast Asia. President Nixon, I am sure, feels the same way. In fact, during his news conference on Guam following the safe return of our Apollo 11 astronauts, he said:

> Future U.S. policy in Asia would aim to avoid military intervention which could involve the country in situations such as Vietnam, while encouraging Asian nations to assume greater defense responsibilities.

I believe that President Nixon is earnestly working to put just such a policy into being. But I am tired of hearing members of the other party who had the responsibility for Vietnam for 8 years criticizing the President because he has not gotten us completely out of Vietnam in 8 months.

Mr. GOLDWATER. Mr. President, will the Senator from Colorado yield at that point?

Mr. DOMINICK. I yield.

Mr. GOLDWATER. I apologize to the Senator for interjecting at this point, but I believe that we are laboring under a false apprehension in this country as to what President Nixon has actually done.

The Senator from Colorado has been in the military and he knows that our backup strength is always greater than our ground forces, in a ratio of 5 or 6 to 1. In the Air Force, that varies, but generally it is 20 to 1. That is 5 or 6 men in the backup strength to 1 who is subjected to a possible casualty. In the Air Force the 20 to 1 applies to the pilot, the radarmen, and so forth.

Everyone knows that there were 500,000 men in Vietnam and that the President has brought home 50,000. It is my humble opinion that very few of the men left in Vietnam will be exposed to the possibility of casualties, except in the Air Force. The possibility of casualties in the Air Force is much less than for ground forces.

I think that we must get this difference broken down. I have made statements publicly, which have not been challenged, on this point. I just want to bring it up, and emphasize that what a majority of my colleagues seem to be looking at is the figure of roughly 500,000 men. That number of men is not subject to daily exposure to enemy fire.

The President has done a remarkably fine job of carrying out his promise to bring the men home who have been exposed to the possibility of becoming a casualty; namely, the ground forces and the Marines.

I want to inject that thought into this debate and I thank the Senator from Colorado very much for letting me do so.

Mr. DOMINICK. I thank the Senator from Arizona. He is making a valuable contribution to this discussion.

Mr. President, we are making progress toward disengagement in all of Southeast Asia. For example, following his meeting with President Nixon on July 29, the Thailand Prime Minister announced that the 47,000 U.S. troops in Thailand would be gradually withdrawn. And that is being done. But I disagree that we should try to impose on the President any timetable for complete withdrawal, either from Saigon or elsewhere. That should be at his discretion.

At his news conference on September 26, the President rejected the idea of an arbitrary cutoff, saying:

> I know they were made with the best of intentions. However, it is my conclusion that if the Administration were to impose an arbitrary cutoff time, say the end of 1970, or the middle of 1971, for the complete withdrawal of American forces in Vietnam, that inevitably leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective that I am trying to achieve of ending the war before the end of 1970 or before the middle of 1971. I think this is a defeatist attitude, defeatist in terms of what it would accomplish. I do not think it is in the interest of the United States.

The Wall Street Journal, in its editorial on October 2, brought out some very valid points on the subject of imposing an arbitrary cutoff. I ask unanimous consent that this editorial, entitled, "The Measure of Tragedy," be printed as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MEASURE OF TRAGEDY

Emotionally all Americans recognize the Vietnamese war as a tragedy, but intellectually they have trouble grasping the concept. They cling to the typically American belief that if they find the right combination of levers there will be an easy way to end the agony.

In this respect Senator Charles E. Goodell's resolution calling for the withdrawal of all U.S. forces by December 1970 is better than most. The policy it would mandate is absolutely cogent: Wash our hands of the affair and hang the consequences. We think the Senator vastly underestimates those consequences, but the starkness of his proposal is an important contribution to intelligent debate. At least he proposes an alternative that does exist.

We're not at all sure the same thing can be said for more "moderate" proposals for ending the war. Some apparently serious people seem to believe, for example, that it can be ended by offering to give the Vietcong a "fair share" of political power in the South, which we imagine would be somewhere around 20%. Some people even profess to think that once this is done free and honest elections can follow.

This is, among other things, an insulting underestimation of our antagonist. He is not a bandit who can be bought off with a few cabinet posts. He is a zealot who religiously believes that the majesty of history entitles him to rule Indochina. From his standpoint, the only honorable thing to do with partial power will be to use it as a stepping-stone in his drive for total power, and he will continue that drive by all means including shooting and killing whenever he deems the moment ripe.

To end an encounter with that kind of foe through an honest compromise simply does not fit the tragic themes the script has followed so far. Our role and our honor, of course, call for continuing to strive for such a compromise. But we need not delude ourselves; it is likely to prove a mirage.

To Senator Goodell's credit, he recognizes as much. Also to his credit, he is responding to the gut question: If no compromise settlement is forthcoming, what do we do then? Further, his answer of complete and unilateral withdrawal would end the American casualties in this particular war. But we very much doubt it would provide a happy ending.

The Communists would take over South Vietnam by military force, which would be a cheap enough price if the international effects stopped there. But just as the American debacle at the Bay of Pigs helped prompt the Soviet initiatives leading to the Cuban missile crisis, so we expect American defeat in Vietnam would encourage the adventurists throughout the Communist world. We do not know whether the next crisis would break out in Thailand, Berlin, South America or elsewhere, but we do feel that over the

long run a show of American irresolution is likely to result in worse crises, not easier ones.

A Communist take-over in Saigon also would be likely to make American domestic discord worse—not better as is so often and so glibly suggested. Judging by what happened subsequent to Communist victory in North Vietnam and during Communist occupation of Hue during 1968, we can assume their victory in the South would lead to the massacre of several hundred thousand South Vietnamese whose crime was putting their trust in the United States of America. Those who talk about whether continued war is "politically acceptable" might also ponder whether the American people will reelect a President who presides over such a spectacle.

Reelection of any particular President, to be sure, is only symptomatic of the broader political-social costs at issue. Yet precisely in these broad terms, we see little in world history to suggest that military defeat is good for a nation's domestic problems, and little in the bitter aftermath of the Korean War stalemate to suggest that this nation is one of the exceptions. Some generals are already saying they could have won the war if unleashed. And as is being more widely recognized, white-working-class America is already seething with discontent against the prevailing establishment. For our part, we have no desire to see what, say, George Wallace could do with a stab-in-the-back theme.

If these are the likely costs of traumatic withdrawal, it's easy to understand why the Nixon Administration is withdrawing only gradually and carefully. If negotiations continue to yield no result, it seems likely the Administration will continue to pare down U.S. combat forces—looking less to complete withdrawal than to maintaining a smaller and less burdensome force, but still one large enough to help the South Vietnamese prevent a Communist victory.

This course too has obvious risks. For one thing, as Joseph Alsop has been pointing out recently, the Communists might again send full divisions across borders to fall on the smaller U.S. forces. At worst, there could be an outright military defeat. At best, careful withdrawal guarantees no quick end to the war, only a reduction in the U.S. participation.

The Administration's evident course obviously is no happy one, but it looks a little better when you also look clearly at the alternatives. It makes more sense if you understand there is no magic combination of levers, that there is no easy way out, that this war is indeed a tragedy in the full sense of that word.

Mr. DOMINICK. Mr. President, a United Press dispatch from Saigon, datelined October 6, 1969, quotes Vietnamese President Thieu as saying in a speech to the National Assembly:

> South Vietnam is determined to replace the bulk of the U.S. fighting units in 1970.

This certainly indicates that we are making progress in getting the South Vietnamese to take over entirely their own defense.

Other critics of the President's efforts to end the war have suggested that he should impose a unilateral cease-fire, directing our troops to fire only if fired upon. President Nixon answered that proposal at his news conference on June 19, saying:

> I have checked the situation with regard to our operations as compared with the enemy's since this Administration took over. I find that our casualties are in direct ratio to the level of enemy attacks. We have not escalated our attacks. We have only responded to what the enemy has done.

In his column in the Washington Post of October 7, 1969, the noted columnist David S. Broder satirically discusses the current situation under the title: "A Risky New American Sport: 'The Breaking of the President.'" I ask unanimous consent that Mr. Broder's article be printed at this point in the RECORD as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

CAMBRIDGE, Mass.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the student's views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear freinds, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, and President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

Mr. DOMINICK. Mr. President, in the October 13, 1969, issue of Newsweek, Mr. Stewart Alsop has made an excellent assessment of the problems confronting President Nixon and the leaders of the free world over the war in Vietnam. I ask unanimous consent that Mr. Alsop's article, entitled "The President On Vietnam," be printed in the RECORD as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRESIDENT ON VIETNAM

(By Stewart Alsop)

WASHINGTON.—"I'm not going to be the first President to preside over an American defeat."

President Nixon has made this declaration, or something like it, to many recent visitors. He made it to the Republican Congressional leaders who discussed Vietnam policy with him last week, and he also made it to this reporter, who saw him briefly and unexpectedly after a White House talk with Presidential aide Henry Kissinger. To all his visitors, the President has made it clear that he has given a great deal of very hard thought to the courses open to him in Vietnam, and that he has now arrived at certain conclusions which he is not at all likely to change.

The basic conclusion is simple—that a

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"humiliation" of the United States in Vietnam, or even a defeat which could be disguised for a year or two, would have genuinely disastrous consequences both abroad and at home. What worries him most are the consequences at home.

If the American people were told that the loss of Vietnam would lead to the loss of Thailand, or the Philippines, or Indonesia, he has remarked rather ruefully, a great many of them would respond with a "ho hum." The great danger, he feels, is that as a result of a humiliating defeat by a small agrarian country, the United States would lose, not merely the respect of the rest of the world, but its own self-respect and self-confidence. As a result, the United States, the "main prop" of the whole non-Communist world since Britain ceased to be a great world power, would abandon its world responsibilities, and turn angrily in upon itself.

UNDERSTANDING

The President is further convinced, partly as a result of his travels abroad since he became President, that the leaders of the non-Communist world understand this danger thoroughly, although some of them for political reasons criticize the American role in Vietnam. The President has remarked to visitors, for example, that Indira Gandhi of India told him that the last thing India wanted was to see American humiliated in Vietnam. Golda Meir of Israel ("What a woman—I'm glad she's on our side," he remarked recently) also fully understands the disastrous world implications of an American defeat in Vietnam, and so do the Western European leaders.

He tells of one European who "talks very dovish for home consumption," but who told the President in private that an American defeat in Vietnam would be a great disaster for Europe. Already, the President points out, there is heavy pressure on him to bring several divisions home from Europe, and in the wake of an American defeat in Vietnam, the pressure to abandon Europe entirely would become heavier still.

The President has no illusions at all about the extent to which the "leadership groups" in the United States now favor a policy of extrication from Vietnam at any cost. He is unhappily aware, for example, that no single college president has taken a firm stand against the demand for "immediate withdrawal" from Vietnam by the Oct. 15 moratorium movement.

MAJORITY

He is also, of course, aware that the Majority Leader of the Senate, the chairman of the Democratic National Committee, and all five Democratic senators with Presidential aspirations—as well as several influential Republicans—have endorsed the moratorium. But he appears to be convinced that a majority of the Congress—and a majority of the people—are on his side.

For example, he believes that if the Goodell resolution to withdraw all U.S. troops from Vietnam next year ever comes to a vote, it will be beaten and beaten very badly. The Senate is perfectly aware, he has told visitors, that if such a resolution passes, Henry Cabot Lodge might just as well be summoned back from Paris, since there will be no hope at all of a negotiated settlement.

The President points out to visitors that he has offered to negotiate on all points; that the American Government has proposed an international electoral commission including Communists; and promised also to abide by the results of any election, even if the Communists win it. Moreover, the Saigon government has agreed to these propositions, something, he says, that would have been hard to imagine even a few months ago.

Abroad, he has said, even the peace groups have been pretty quiet, because it is so generally realized that it is the Communist side that is really refusing to negotiate. He is not sure that enough has been done to explain his policy at home.

He denies that he has "fallen into the Johnson quagmire," and although he refuses to criticize the former President, he says that the Johnson policy has now been turned right around. Already, he points out, some 15 per cent of the American combat troops are on their way home. The President never talks in specific terms of further withdrawals—perhaps because on that point he has not made up his own mind—but those who have seen him have little doubt that the 1970 withdrawals will be much heavier than this year's.

When the American people realize that his policy is to reach a compromise settlement if possible, and, if that is impossible, to withdraw in such a way as to give the people who have fought on our side a fighting chance to survive and prevail, a majority of Americans will support the policy, or so the President believes. In any case, he says, he is not going to be influenced in his policy by violence or demonstrations, and he is not going to be influenced by his standing in the polls either.

Hanoi, he says, certainly expects that what happened to President Johnson will happen to him—and Hanoi could even be right. But he will be President and Commander in Chief for more than three more years—that is one basic difference between his situation and President Johnson's. And even if his standing in the polls falls lower than President Johnson's, he tells visitors, he is simply not going to accept humiliation or defeat for the United States, come what may.

CONVICTION

A President can never be entirely candid with close friends, let alone casual visitors and political acquaintances. A President who knows his business uses words not only to express his meaning, but to produce an effect. One effect that President Nixon certainly wants to produce is to persuade the Communists that it is no use waiting for South Vietnam to fall into their laps; and that it will therefore be in their interest to begin at long last to negotiate seriously.

Moreover, it is in the President's political interest to appear staunch and resolute, especially since there is a clear risk that his policy of sharply cutting back the American commitment in Vietnam might have a bad military or political result. For such reasons, a certain skepticism about the President's neo-Churchillian tone has seemed justified. But after careful inquiry, I am convinced that the prospect of American humiliation and defeat during his Presidency really *is* intolerable to Richard Nixon, and that he really does mean what he says.

Mr. DOMINICK. Mr. President, I think it is time that these critics realize that this administration is trying its best to achieve peace in Vietnam just as soon as possible, but in order to accomplish that, it must be able to retain all of its options.

One such option is to make greater use of our air and sea technology. We can continue withdrawing our ground troops providing we use our airpower to cut off supplies to the enemy forces from North Vietnam. This would not involve accelerating the ground war, but would rather serve to reduce it.

While I am not advocating that it be one, another option that the administration has and should keep is the option to seal off Haiphong harbor to stop the flow of military supplies coming in there.

Our area of superiority in any landlocked place such as Southeast Asia lies with our airpower and our naval power. We do not have that kind of superiority in ground combat, and therefore must maintain our options to use our superior capabilities.

The fact that we have these options, whether we use them or not, is valuable for our side at the bargaining table. That is where we need all the cards in our hand, especially now that there seems to be more prospect for progress toward peace. As the President said in his news conference on September 26:

> The United States has made a far-reaching and comprehensive peace offer, a peace offer which offers not only mutual withdrawal of forces, internationally guaranteed cease-fires, internationally supervised elections in which we will accept the results of those elections and the South Vietnamese will as well, even if it is a Communist government, and by making that offer we have reversed the whole tide of world public opinion.

Mr. President, I think it is time to demonstrate our unified desire for peace.

Mr. President, while we were engaged in this debate, I had delivered to my desk a copy of a proposed speech by the Senator from Utah (Mr. Moss). In the process of the speech he says that we are not going to work and that the combination of peace talks in Paris, Vietnamization of the battlefield, and cautious U.S. troop withdrawals is not working. He says it has not worked because the South Vietnamese Government has not broadened its base. In what way? What is he talking about? He is talking about bringing Communists into their government. This is the one thing we have been trying to prevent—at least, not to put them in unless it is done by free elections. This is something that the South Vietnamese have stated and that we ourselve have guaranteed. And yet we still hear nothing from North Vietnam in order to get moving on peace negotiations, in order to be able to do something about a breakthrough at Paris.

In order to be able to persuade the enemy that we have options other than unilateral withdrawal, I would recommend that we talk more about the other options that we have available to us, and less about the total and immediate unilateral withdrawal by us.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. DOLE. I am glad to yield to my distinguished colleague from Kansas.

Mr. PEARSON. I thank my distinguished colleague. While I was necessarily in committee as the only member of the minority in the Commerce Committee, I had read the speech of my colleague with a great deal of interest and a great deal of pride. He has outlined, in a most succinct and persuasive way the President's position, particularly with regard to the May 14 speech, and then reiterated those points in a formal fashion in the resolution he has submitted today with so many cosponsors. I think he sets forth his purpose in a most simple form. He states in his speech that—

> By passing this resolution, the Senate can make known to the government of North Vietnam and the National Liberation Front that this country is determined to negotiate a settlement in Vietnam.

Mr. President, to say I am unhappy and troubled by this war is only to reiterate what I believe most people in Kan-

sas feel, and it is manifested by the hopes and aspirations of my colleague from Kansas. It takes seconds to break a peace. It takes years to get that peace again. I think this is a commendable contribution to that cause. I again commend my colleague.

Mr. DOLE. Mr. President, I submit the resolution and ask unanimous consent that it be printed in the Record; and I also ask unanimous consent that the names of the sponsors and cosponsors be listed.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution and the names of the sponsors and cosponsors will be printed in the Record.

The resolution (S. Res. 271) relating to peace in Vietnam, was received, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S. Res. 271

Resolved, That it is the sense of the Senate that the Government of North Vietnam and the National Liberation Front are urged to take promptly the following steps:

(1) Acknowledge that a just and mutually-agreed settlement is the best hope for a lasting peace;

(2) Show at the Paris peace talks the same flexibility and desire for compromise which the Allies have clearly demonstrated over the past year;

(3) Agree to direct negotiations between representatives of the National Liberation Front and of the Government of the Republic of Vietnam as proposed by the latter;

(4) Withdraw their insistence on Allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam before genuinely free elections could be held;

(5) Provide information on the status of U.S. Prisoners of War held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention.

Further Resolved, That it is the sense of the Senate that the United States must maintain its one fundamental goal in Vietnam of peace, with self-determination for the South Vietnamese people.

The names of cosponsors of Senate Resolution 271 ordered to be printed in the Record, are as follows:

The Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Delaware (Mr. Boggs), the Senator from Nevada (Mr. Cannon), the Senator from Kentucky (Mr. Cook), the Senator from Nebraska (Mr. Curtis), the Senator from Colorado (Mr. Dominick), the Senator from North Carolina (Mr. Ervin), the Senator from Arizona (Mr. Fannin), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Florida (Mr. Gurney), the Senator from Wyoming (Mr. Hansen), the Senator from South Carolina (Mr. Hollings), the Senator from Nebraska (Mr. Hruska), the Senator from Idaho (Mr. Jordan), the Senator from Wyoming (Mr. McGee), the Senator from Maryland (Mr. Mathias), the Senator from Iowa (Mr. Miller), the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), the Senator from Kansas (Mr. Pearson), the Senator from Illinois (Mr. Percy), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Scott), the Senator from Maine (Mrs. Smith), the Senator from Illinois (Mr. Smith), the Senator from Alaska (Mr. Stevens), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower).

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I want to commend the distinguished Senator from Colorado and associate myself with his very timely and lucid remarks today.

In all matters dealing with the tragic war in Vietnam and the perplexing problems of national defense and national security, the distinguished Senator from Colorado has brought to our deliberations a voice of reason.

I remember it was not too long ago that he appeared on the Senate floor, at considerable risk to his health, to take part in one of the important debates on national security. That indicated in some measure his deep concern and his dedication to duty as a U.S. Senator.

I subscribe fully to what the distinguished Senator has said with regard to the need for support of President Nixon in his sincere and continuing efforts to secure peace in Vietnam.

I ask unanimous consent that two newspaper articles be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Nashville (Tenn.) Banner, Oct. 8, 1969]

NIXON HAD NO PART IN CREATING SORRY MESS IN VIETNAM

Democratic senators, et al., tuning up with their national chairman for louder blasts at President Nixon's Vietnam policy, would have done well to have heeded instead the sage counsel of Majority Leader Mike Mansfield. By more than inference it was advice—inseparable from the opinion he expressed:

"I think the President is doing everything he can, according to the best advice he can get, to get out of Vietnam. It is not a partisan issue. It is something we must all try to work toward a solution of, and I am hopeful it can be accomplished in the not too distant future."

If such party colleagues as National Chairman Fred Harris, Sen. Edward M. Kennedy (Senate Whip), J. William Fulbright, et al., heard it, they gave no sign. By Harris' signal-calling, October is the big month for a frontal policy assault—with no holds barred. Characteristically they were talking when they should have been listening; and when they could have been examining for previous party shoals the cross-currents on which they were blithely embarking.

Republican Chairman Rogers C. B. Morton wound up and let them have it Tuesday squarely between the eyes. He recalled some facts about when, how, and by whom, the United States got involved militarily in that war. The quotes suffice, as a matter of record, with which the nation is acquainted:

"Democratic administrations committed over a half million U.S. troops to a war in Vietnam.

"It was Ted Kennedy who supported President Kennedy's escalation in Vietnam, and Fred Harris who supported Hubert Humphrey on Vietnam, and Hubert Humphrey who supported President Johnson's proposals.

"It is President Nixon who has ordered 60,000 out of Vietnam, and who has cut draft calls by 50,000."

Raucous voices in the Harris-Fulbright-Kennedy corner won't be restrained by any appeal to reason or statesmanship issued by the Senate Majority Leader, though Senator Mansfield could wish his party Whip would grow to a stature of judgment and maturity suited to that office. In the interest of a nation confronting a matter that transcends partisanship, he devoutly could wish that.

He counselled wisely, but has been ignored by these colleagues.

In the eyes of a nation that knows the score—and the record cited—hardly can they ignore the fact that they have been hit by their own boomerang of political mischief.

How did the United States get into that war?

In his "Editor's Notebook" column on Sept. 28, John S. Knight, head of the Knight Newspapers, published the significant background of that involvement:

"Some readers have questioned my statement that the late Ngo Dinh Diem, first president of South Vietnam, was 'largely an American creation, promoted by the late Francis Cardinal Spellman and financed by the Hon. Joseph P. Kennedy.'

"Former Sen. Wayne Morse of Oregon explains that 'it was Cardinal Spellman who arranged for a public relations firm to build up Diem as the Catholic puppet of South Vietnam, and that Diem's brother, the Catholic bishop of Saigon, beat a path to Spellman's door to promote the war'.

"Drew Pearson reported that Cardinal Spellman enlisted the support of Joseph P. Kennedy, a heavy contributor to Spellman's charities, to hire the Harold Oram public relations firm, at a fee of $3,000 a month, to represent Diem as 'the man who could save Vietnam.' The Cardinal helped organize 'the American friends of Vietnam' to promote Diem and American aid.

"Ironically, when Ngo Dinh Diem proved to be a liability to the Kennedy administration, he was assassinated in 1963 and without protest from the U.S. government.

"The unpopular Ngo Dinh Diem, noted for highhanded edicts enforced by corrupt subordinates, was once described by Lyndon Johnson as 'the Winston Churchill of Southeast Asia.'"

Subsequent to such a start of this thing, the late President John F. Kennedy committed the first 16,000 U.S. troops. And it might incidentally be recalled that it was then-Defense Secretary Robert Strange McNamara and his successor, Clark M. Clifford, who over so many years, conducted the war in a manner that denied to the military any victory which is the one essential of combat.

This is the sorry story of U.S. involvement in that stinking mess, for none of which can Richard Nixon or his administration bear the slightest blame.

[From the Washington Star, Oct. 10, 1969]

CRITICS ASKING UNITED STATES TO SURRENDER

(By David Lawrence)

For the first time in American history, some members of Congress as well as a number of protesting groups are demanding that the United States run up the white flag and yield to the enemy in Vietnam after many American lives have been sacrificed for a great principle—to repel aggression and aid weaker nations to determine their own destiny.

No public opinion poll has directly asked the question whether the American people

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favor surrender. The customary queries have been whether the war is being handled properly or if it should be brought to an end, without reference to how this could be achieved. The issue has not been clearly put to the people. If it were, undoubtedly Americans would reject any humiliating policy amounting to "peace at any price."

Resolutions are being offered in Congress and are being supported by various organizations which plan "demonstrations" in many cities on October 15 to insist that the United States make peace at once. Not a single one of these proposals requires as a condition any reciprocal action to be taken by the North Vietnamese. In Paris this week, both North Vietnam and the Viet Cong have deliberately ignored peace efforts made by the United States, and are offering no concessions whatsoever.

The forthcoming "Protest Day" in the United States—next Wednesday—is being hailed by the Communists as a sign that the American people are willing to surrender. Seventeen senators and 47 House members are supporting the projected "demonstrations."

The chief American delegate at Paris, Henry Cabot Lodge, has been pleading in vain for talks that would accomplish constructive purposes, but the opposing delegations at the Paris conference have been turning a deaf ear. The negotiators of the North Vietnamese government instead are placing of American opposition to the war. One of the Hanoi representatives say that support is snowballing in the United States in behalf of the Communists.

Almost every week some members of the Senate and the House call for a more and more rapid pullout of American forces by President Nixon, but not one of them imposes any condition on the enemy to take the action necessary to assure peace in South Vietnam. Timetables are being specified by senators for the withdrawal of the American troops, yet no stipulation is made that the enemy must also remove its military forces from South Vietnam.

Meanwhile, there is much talk about a "coalition government" being set up which could replace the present government in South Vietnam and make it easy for North Vietnam to move in and assume command. Secretary of Defense Melvin Laird recently stated President Nixon's policy as follows:

"We hold firmly to a single objective for Vietnam: permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese."

The advocates of peace at any cost would, in effect, allow the South Vietnamese government to be destroyed. Yet it has mobilized a large army, and what some members of Congress seem to be asking is that this force surrender to the enemy.

A Gallup Poll recently showed 52 percent approval when the question concerned "the way President Nixon is handling the situation in Vietnam." One wonders how much bigger the percentage would be if an answer were obtained on the following question:

"Do you want the United States to surrender in Vietnam, and thereby ignore the sacrifices that have been made by tens of thousands of troops of the United States and our allies who have been killed or wounded in an effort to protect the right of peoples to select their own form of government?"

All the so-called "antiwar" statements being made inside and outside of Congress are unquestionably encouraging the North Vietnamese and the Viet Cong to prolong the war. If this fact, which has been stated by high authorities, were to be reiterated and made plain to the American people, they would surely not support any resolution in Congress that could mean surrender. For to do so would tell the Soviets and the Red Chinese that America would no longer help countries to resist aggression whether in Asia, Europe or Latin America.

Mr. DOMINICK. Mr. President, I thank the Senator from Michigan for his kind remarks.

Mr. DOLE. Mr. President, before I yield the floor, I want to say that we have 34 cosponsors. I urge Senators who have not done so to join with me. Let me state simply that, as far as I am concerned, this resolution brings the entire matter into proper perspective, and when the Foreign Relations Committee has hearings on other resolutions, I trust it will consider this one.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, I congratulate the Senator from Kansas on his initiative in preparing this resolution, of which I am happy to be a cosponsor. It seems to me it should help bring this matter into perspective. Surely, if we are to have Foreign Relations Committee consideration of resolutions dealing with Vietnam, it seems to me the resolution of the Senator from Kansas and Senators supporting it are entitled to the same consideration.

As a member of the Foreign Relations Committee, I shall be happy to make sure that if the witnesses are available, or if the Senator from Kansas will supply them, or if Senators who have cosponsored the resolution want to be heard, they will be heard by the Foreign Relations Committee.

Mr. President, I ask unanimous consent to include at this point in the Record two recent news article from Joseph Alsop. He has had a whole series of articles in connection with Vietnam recently. I think it should be said of Mr. Alsop that he, more than any other American reporter, has extensively covered the terrain of Vietnam.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Vietnamization Working Well but Limits Must Be Understood

(By Joseph Alsop)

At this strange juncture, President Nixon is actually being denounced for saying that he does not wish to be the first American President to lose a war. Maybe, therefore, truthfulness is tactless.

Yet the hard, on-the-spot facts in Vietnam make it a duty to tell the plain truth, which is that the President can perhaps lose the war if he handles his "Vietnamization" program in the wrong way. It is a fine program, and it is working very well indeed, so far. But it has its own clear limits, and these must be understood.

This reporter had better confess at the outset that he went to Vietnam unhappily convinced that the U.S. troop withdrawals already made, in the name "Vietnamization", must certainly have caused heavy military setbacks. Happily, however, that pre-judgement turned out to be entirely erroneous.

No troop withdrawal, of course, can ever be a net plus until a war has been successfully ended. The now-withdrawn brigade of the 9th Infantry Division, for instance, that had been operating in Dinh Tuong province in the delta, had genuinely become superfluous in Dinh Tuong. But there were other provinces where this brigade of the 9th Infantry would surely have greatly accelerated the terrible erosion of the whole VC structure, which is now the key feature in Vietnam.

On the other hand, there is much more to be said for making the South Vietnamese feel they must carry the main burden on their own, without big brother to come to their aid at all times. And above all, the two troop withdrawals to date have not exceeded prudent limits.

If the President is not over-hasty, moreover, further very massive withdrawals of U.S. units in Vietnam will eventually become both safe and prudent. The test, in all cases, must be whether erosion of the local VC structure has finally reached the point of no return.

But there are also two big fakes in the announced theory of "Vietnamization", as distinguished from the practice to date. To begin with, it is faking to pretend that providing M–16 rifles has given the South Vietnamese army's divisions the same fighting power as American divisions.

Even with the aid of the U.S. helicopter companies left behind after Vietnamization, the ARVN divisions have far less mobility than the better U.S. divisions. They also have only about one-quarter of the mobile artillery support; for the other three-quarters of every ARVN division's artillery is tied down in fixed positions. This tied-down artillery in fact supports the territorial forces, rather than the division's regiments and battalions. That is the first fake.

The second fake, which is much more dangerous, lies in the fact that the enemy now has 233 maneuver battalions in South Vietnam, against only 168 ARVN maneuver battalions. The numbers are about even in the delta. But in the other corps areas, accordingly, the disproportion ranges from about five-to-three all the way up to nearly two-to-one. The disproportion, therefore, means that some (though not many) U.S. units will have to stick around until Hanoi ceases its massacre of the south.

Where Hanoi has two maneuver battalions against one ARVN battalion, after all, nothing on earth will prevent an eventual breakthrough by Hanoi's battalions. And the worst of it is that the President is obviously strongly tempted to leave ARVN to fight on these terms, in precisely the provinces where the situation is now most favorable.

Some key people in the administration, reportedly including the State Department leaders, are apparently arguing, in effect, that you cannot Vietnamize without accepting some setbacks. But these people plainly are unable to envision the kind of setback they are talking about.

In the provinces in question, the VC structure has been almost wholly uprooted from the populated areas. The people are living in peace for the first time in many years, with their own elected hamlet and local governments, under the sole protection of the little RF companies and PF platoons of the territorial forces. But let big enemy units once break through into these new areas of peace; and everything that has been built up will be smashed down for good.

It will be smashed down for good because the people have put their confidence in their government and the U.S. government; if they see the territorial forces and the elected hamlet and village governments massacred before their eyes, that confidence will never be restored again. So the other test of prudent American troop withdrawals until Hanoi ceases to invade the south is whether the people who have given us their trust will still be adequately protected.

Hanoi's Infiltration "Drop" Reflects Manpower Losses

(By Joseph Alsop)

Imagine the United States shipping off to a foreign war, in a single year, and with only a minimal chance of ever coming home again, all the able-bodied young men who reached draft age in 1965, 1966 and 1967!

It is something this country has never done, thank God, so it is pretty hard to imagine. Yet it is almost the exact equivalent of what Hanoi did in the year 1968, when the exports of North Vietnamese military manpower were enormously increased to sustain the Tet and subsequent offenses—all of which were military disasters.

To cite the underlying facts very briefly, North Vietnam, with its much smaller population than ours, is officially estimated to produce an annual "year-class" of about 125,000 able-bodied young men. Thus three year classes are 375,000 men.

Throughout 1968, North Vietnam's manpower exports to the war in the South (usually miscalled "infiltration") ran at the average rate of around 29,000 men per month. Thus that year's total export of manpower by Hanoi was just under 350,000 men, or hideously close to three entire year-classes, as stated above.

This is the essential context in which to judge all the current double-talk about "reduced infiltration," and peaceable "signals" from Hanoi, and so on and on. Any government that was not wholly inhuman and irrational, would be inclined to stop, look and listen after throwing almost three entire year-classes of its young men down the drain, to no good military purpose.

This is, in fact, what Hanoi has done this year. In the first six months of 1969, the North's manpower exports were cut back to around 10,000 men per month. Since then, they have been again cut back, so that they have recently been fluctuating between 3,500 and 4,000 men per month.

Hanoi's theory, justifying the cutbacks, was the famous reversion to "protracted war," waged by small units with low losses. This was advocated by the Chinese, and quite probably by Gen. Vo Nguyen Giap, at the time of the U.S. intervention in 1965. Unfortunately, for Hanoi, the theory of reversion to "protracted war," which might well have worked very well in 1965, seems to be working very badly indeed in 1969.

In the ways described in the last report in this space, the Vietcong structure in South Vietnam, Hanoi's most precious asset, is everywhere being eroded at a serious rate. In a few provinces and districts, this V.C. structure has in fact been just about destroyed already.

In all provinces, continuance of the present rate of erosion will leave the V.C. structure crippled, or even in danger of final collapse, by some time next spring. Yet the Vietcong structure in the South is, by definition, the essential, indispensable apparatus that Hanoi must depend upon to wage "protracted war." You can hardly carry on a guerrilla war without guerrillas.

There is a rather direct link, moreover, between the erosion of the V.C. structure and the reduced rate of North Vietnamese manpower exports. Because exports are so far down, the enemy's big units in South Vietnam are in general cruelly depleted. Battalions with no more strength than a reinforced company, regiments with no more strength than a reinforced battalion, have become all too common. No wonder, since so few replacements have been coming in!

Because the big units are so depleted, too, they are generally in refuge in remote base areas, or they have broken down into small groups of men with no mission except survival. Hence they are no longer performing one of their main functions. This is to take the brunt of the fighting, and thereby to give some protection to the V.C. structure.

Such, then, in simplest terms, is the problem that now faces Ho Chi Minh's quarreling heirs in Hanoi. If they do not greatly increase their manpower exports, the V.C. structure in the South will have no protection at all, and will continue to be eroded as at present. But if they do increase their manpower exports to mount another offensive effort, they are pretty sure to expend still another year-class—and once more to no purpose.

It is anyone's guess what Hanoi will do. There is only a single fragment of solid evidence to date: the return from North Vietnam of the 559 Transport Group, which used to be in the Ashau Valley. The 559 group has been heavily augmented, and has been sent down to Chepone, on the Laos trail.

This points to what can only be called another February-March spasm of effort by the North. But with any luck at all—unless President Nixon's troop withdrawals are over-hasty—the new spasm should produce even fewer results than the spasm in February-March of this year. If so, Hanoi will again confront the same old dilemma after the spasm is over.

Mr. MUNDT. Mr. President, here we have the eyewitness report of a reporter who has talked with more people in Vietnam, covered more areas in Vietnam, and spent more time on the scene in Vietnam than any other American reporter. So it would appear that his observations should be relevant to this general discussion of Vietnam policy and should carry far more weight than the comments of editorial writers and commentators with far less personal experience in Vietnam, Mr. Alsop.

I am sure that most Democrats and most Americans were pleased to see the titular head of the Democratic Party reject the bugout policies of his party's national chairman last Friday.

I am sure our former colleague and the former Vice President, the Honorable Hubert Humphrey, spoke for the great majority in his party when he declared his support for the President of the United States.

Mr. President, I ask unanimous consent to have printed in the Record the questions from the press and the answers by Vice President Humphrey after he met with President Nixon Friday morning.

There being no objection, the press conference transcript was ordered to be printed in the Record, as follows:

[A release from the office of the White House Press Secretary, Oct. 10, 1969]

The White House Press Conference With Former Vice President Hubert Humphrey

Former Vice President HUMPHREY. The President knows that I have, along with himself, a deep concern over our situation in Southeast Asia. I think the President is proceeding along the right path. I had the privilege of discussing with him some of the things that he is doing and contemplating, and I thought it was mighty kind and thoughtful of him to ask me to come on in and just review the whole situation.

Q. Did you give him assurances of your public support if the Administration were to decide on a systematic withdrawal of all combat forces?

Former Vice President HUMPHREY. I think the President knows that I will support to the best of my ability a reduction in forces—"systematic" is a very important word—withdrawals. But I am not trying to outline the President's policy for him.

We only have one President at a time, and I think the worse thing that we can do is to try to undermine the efforts of the President. I do think he appreciates suggestions and ideas that we may present, and I took the liberty of presenting some.

Q. Do you have any concern that the debate over Vietnam may be getting too partisan?

Former Vice President HUMPHREY. I don't want it to be partisan. I hope it won't be. I am sure that all of us know that there are honest differences over Vietnam. There have been for a long time. It is nothing new. I don't think anybody can hush those differences, but I believe that we have to give the President time to carry out his proposals, to carry out his plan and his policies.

Q. Are you for the 60-day moratorium?

Former Vice President HUMPHREY. No. I don't believe the President has asked for that. The American people are not going to be hushed. What is important is that any suggestions we have be made in a constructive way and not in a destructive way.

I don't have anything more to say, gentlemen, except I think it was a very helpful and rewarding morning.

The PRESS. Thank you.

Mr. MUNDT. What a far cry they are from the cringing calls for surrender from a few in his party.

Regardless of political differences I may have with Mr. Humphrey, I have only respect for his decision to support our President.

When the bugout vote is counted, Hubert Humphrey, at least, will not be there.

Mr. DOLE. I thank the Senator from South Dakota, and I am pleased to hear his response with reference to calling of witnesses. I certainly hope there will be some there when this resolution is considered.

The facts are indisputable. There is a new direction to our Vietnamese policy.

If there is to be criticism for following past policies, for not changing, for being inflexible and unresponsive, let this criticism be directed at the North Vietnamese and the Vietcong.

They have not made reasonable suggestions. They have not made meaningful gestures. They have not expressed willingness to reach viable compromises.

Surely the critics see these facts. They are not blind or unintelligent. What then do they want? Is it tyranny in South Vietnam? Is it peace at any price? Or is it something more subtle? Perhaps a new national pastime has grown out of the experience of Lyndon Johnson.

Do not be mistaken. These techniques worked before, and they can work again, but I, for one, do not intend to sit quietly while these game-playing critics attempt to break our President with attacks which flagrantly ignore the facts.

Mr. STEVENS. Mr. President, I would like to take a few moments to speak in support of Senator DOLE's resolution urging North Vietnam to demonstrate a desire and spirit of willingness to work for a settlement of the conflict in Vietnam.

It is time for North Vietnam and the NLF to acknowledge that a mutually agreed settlement is the best hope for a lasting peace. It is time for both sides to agree to direct negotiations between representatives of the NLF and the Government of the Republic of Vietnam. Now

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is the time for all of us here to focus on the present administration's efforts to achieve peace, and to discuss what further steps can be taken.

In this spirit I urged all Alaskans to use October 15 as a day to make themselves aware of President Nixon's efforts for peace and recommended that city, borough, and village councils in my State meet on that day to discuss what further efforts can be made toward peace in Vietnam and throughout the world. I urged that Alaska's educational institutions permit students to hold discussions in their classes on how peace can be achieved and recommended that churches hold special services to pray for peace. The Governor of Alaska joined me in this effort.

The Nation has been divided regarding support for the Vietnam war—we cannot be divided in our support of efforts toward peace. It is only through peaceful means that we can reflect on the efforts that have been made and what more we must do to achieve peace.

Therefore, I hope that all 100 Senators will join in support of the Dole resolution and express their resolve that a lasting peace be reached in Vietnam.

Mr. GURNEY. Mr. President, I have joined with the Senator from Kansas (Mr. DOLE) in this resolution on the Vietnam war.

I commend Senator DOLE for his splendid leadership in sponsoring this resolution. His resolution puts the spotlight in that troubled area and in this unhappy war exactly where it belongs.

The cold, white glare of the searching beam of light should be on the Communist government of North Vietnam and its puppet in the south, the National Liberation Front, for they are the ones who are frustrating all efforts at peace. They are the ones who want the war to continue and who have no desire to stop the killing in South Vietnam. They have proved this intention beyond a scintilla of doubt by their words and deeds and actions.

President Nixon has made concrete proposals for bringing peace in Vietnam since coming to office.

President Nixon has proposed free elections in the south with Communist participation, supervised by an international commission. What fairer proposal could be made? But Hanoi has rejected this out of hand.

President Nixon has withdrawn substantial numbers of troops from Vietnam. He proposes to withdraw more as time goes on. Again the Communists, Hanoi, and the NLF have made no response whatever, except to insist that all American troops be withdrawn forthwith.

What if the President followed this course? First, it would amount to an abandonment of an ally to whom we had made a commitment. It would amount also to an abandonment of another ally in the same area, Thailand, for they are being pressed night and day by the same Communist aggressors. Second, and even more, it would unleash a blood bath in South Vietnam. For the Communists would rush in and murder, wholesale, all people in South Vietnam who have placed faith in and relied upon the United States.

Why do I predict this? The evidence is there in year after year of coldblooded murder by the NLF in South Vietnamese Government officials, teachers, and citizens.

President Nixon wants to end the war more than any one person in the United States. Not only first and foremost, because he is humane and wants to stop the killing of American soldiers as well as others and be able to get on with urgent other business of this Nation, but also because the whole future of his Presidency depends upon ending the war in Vietnam.

But he does not want to be the leader of this Nation who lost a war, who abandoned an ally, who knuckled under to Communist aggressions in this confrontation in Southeast Asia, which would certainly mean repercussions around the world and could well promote Communist mischief in many other places and spell trouble and possible engagement and disaster elsewhere.

While we are engaged in this debate, we should also take cognizance of the past history of this war.

In the first place, let us never forget that it was the Communists who began this war. They began the guerrilla warfare against South Vietnam. They began the murder. They began the sabotage.

The Communist troops of North Vietnam are the ones in the south. No allied troops are in the north—no South Vietnamese, no Americans, no South Koreans, no Thais, no Australians, no New Zealanders.

The Government of the United States under President Nixon and Lyndon Johnson has made so many overtures of peace that we have lost count of the number of times. Bombing halt after bombing halt was made my President Johnson. Each time, the Communists used these halts to resupply their troops and means to wage war and step up the fighting.

Peace emissaries, of the United States, time after time, have sought to get the message to the Communists that the Nation wanted peace. Always the response has been a deaf ear.

In short, all the evidence that we have is that the Communists do not want peace, except on one condition, a peace imposed by conquest of South Vietnam and its puppet NLF, upon South Vietnam. This means but one thing, that a Communist government rule in South Vietnam and one more free nation would fall to the determined advance of Communism at the expense of people who want to be free and rule their own destiny.

One last and most important point.

Why is it that these people who desire to end this war now, why is it that they never seem to aim criticism at Hanoi and its puppet, the NLF?

They constantly carp at and castigate the Thieu government, blaming it for all kinds of short comings and wrong intentions.

We never hear a word of criticism about Hanoi, the government that started the war, the government that continues the war, the government that has never indicated on a single occasion during all these long years of warfare, a desire to end the war to bring peace to southeast Asia.

If the voices in this Nation who are being heard so loudly these days, and have been heard so loudly in the past, heaping criticism on South Vietnam, and also President Johnson and now President Nixon for not ending the war. Voices could have been directed with equal sound and frequency against Hanoi and the NLF, in my view, the United States would be a lot closer to ending this war.

Senator DOLE's resolution which I have joined raises that direct point.

I hope our colleageus here in the Senate, as well as others, who want peace right now would also raise their most effective voices against Hanoi.

There is no question but that Hanoi listens to them and hears them loud and clear. Their equal criticism of Hanoi along with South Vietnam must bear some fruit.

Let us make this a two-way, instead of a one-way street.

Again, in closing may I commend my colleague from Kansas, Senator DOLE. He has performed a great service here today, in placing the blame for continuance of war in South Vietnam for the sabotage of peace efforts by President Nixon, exactly where it should be, on the doorstep of the Communists, Hanoi, and the NLF.

Mr. TOWER. Mr. President, several days ago the distinguished junior Senator from Iowa (Mr. HUGHES) submitted a resolution calling on the United States to issue a series of ultimatums to the South Vietnamese Government. He suggested the South Vietnamese be given 60 days to comply under the threat of a U.S. withdrawal.

On the surface, the junior Senator's resolution may have appeared to have merit.

Things, however, are not always as they appear on the surface.

I, for one, cannot understand why some Americans keep looking for excuses to pull out on their commitments, to bug out on their allies, because, in truth, that resolution and most of the other recently offered resolutions on Vietnam have been bugout resolutions.

I believe the resolution offered by the junior Senator from Iowa would only improve the position of the enemy during the 60-day period and then call for a humiliating and complete withdrawal from our commitments.

To call on a nation to give up even minimum censorship requirements in wartime is to ask it to telegraph its punches to the enemy.

To ask it to release its political prisoners in wartime is to ask it to agree to lay itself open on yet another front.

I believe Hanoi should be called upon to become more democratic, more free, and more humane, with the warning that if this does not happen in 60 days, the United States will consider military options available to it which would encourage Hanoi to seriously seek peace.

Mr. President, after all the surrender

resolutions of recent weeks, I am most pleased to see the resolution submitted earlier today by the junior Senator from Kansas (Mr. DOLE). I commend him for his efforts and I support his resolution wholeheartedly.

Mr. THURMOND. Mr. President, it is a pleasure for me to cosponsor the resolution on the Vietnam war which was introduced by the distinguished Senator from Kansas. Senator DOLE has not been here very long, but he has already made an outstanding contribution toward the achievement of our Nation's goals. His resolution on the war reflects wisdom and understanding of our Nation's security. I value his counsel, and I strongly endorse his resolution.

Mr. President, the Senate passage of this resolution will reaffirm our Nation's firm desire for peace. We have clearly demonstrated our willingness to negotiate for an honorable peace. It is time for Hanoi to respond to our initiatives. Passage of this resolution should convince North Vietnam that this distinguished body stands behind President Nixon in negotiating a lasting peace.

Mr. President, I also am pleased that the distinguished Senator from Kansas has included a demand to Hanoi to provide humane treatment of our men who are prisoners of war. I know our Nation is united on this point in the resolution.

Mr. President, approval of this resolution by the Senate will go a long way in contributing to unity in this country which we need so much today. I recommend my colleagues give this support to our President.

Mr. MILLER. Mr. President, in recent days, several resolutions have been introduced advising President Nixon on what he should do in the Vietnam war. They range from setting a specific timetable for withdrawal to a demand that South Vietnam abolish its present government and create a temporary coalition government; otherwise, we will pull out. All, while well intentioned and well meaning, serve only to harden the position of Hanoi and delude it into thinking that if it holds out long enough, it will get everything it wants without the need for reciprocal action; that its aggression will finally pay off. It would seem to me that there is a need for the Senate to spell out in no uncertain terms what we expect from Hanoi, to demonstrate and point out in unequival terms that it is time for our enemy to demonstrate a genuine desire for peace. We see little evidence—in fact, no evidence, that Hanoi is willing to concede anything. In fact, two reports indicate a hardening of attitude;

First. North Vietnamese reaction to our pressing for details on our prisoners of war is—as the Washington Post reported on October 10—"A veiled suggestion that prisoners' families might now have to participate in the antiwar campaign at home before Hanoi would inform them about the prisoners' status."

Second. North Vietnamese reaction to establishment of a provisional coalition government in South Vietnam appears now to exclude anyone who supports the present Saigon government and of former South Vietnamese soldiers, if a report in the New York Times of October 10 is accepted. If this is accurate—and I think it is—it would make a mockery of any proposal to abolish the present Saigon government and replace it with a coalition government. It is apparent that Hanoi demands nothing less than a provisional government in its own image. It is time that American public opinion be mustered behind the phased withdrawal policy of President Nixon, a policy which provides the opportunity for the South Vietnamese to be trained to protect themselves when we are out of South Vietnam—hopefully, by the end of 1970. It does not do any good to say that we had the opportunity for 5 years to train the South Vietnamese so they could stand alone and take over this task. That goal was only partially achieved. President Nixon cannot be blamed for what occurred or was done or not done prior to January 20 of this year. But since January 20 he and his administration have been moving to lessen and ultimately end the American casualties and our combat involvement in South Vietnam. He and his administration have made the "Vietnamization" of the war a No. 1 priority. And there are favorable indications that the South Vietnamese will be in a position to take over all combat efforts by the end of 1970—unless, the North Vietnamese invaders seek to mount another major offensive.

Do those who suggest a specific timetable—60 days hence or 100 days hence—really believe this would break the impasse blocking the peace negotiations?

In the entire course of human conflict and negotiation has there ever been a time when one side announced beforehand precisely when it was going to withdraw without any reciprocity by the other side? This cannot be called negotiation. It is another name for surrender.

What do those who advocate such a course think will happen if the President announces a specific timetable for withdrawal?

Do they think Hanoi will stop killing American boys?

Do they think that Hanoi's negotiators are going to suddenly become paragons of reasons and good will toward men?

Do they think Hanoi is going to have a change of heart when it discovers it can ride to domination on the vehicle of the good intentions set up by a specific timetable?

Suppose that President Nixon followed this advice and ordered an immediate and unilateral U.S. troop withdrawal? Would those who advocate such a course be counted on the side of the President if North Vietnam then overran South Vietnam and unleashed a blood bath in which thousands upon thousands of persons friendly to Saigon were massacred? Or would they blame the President and use such a tragedy as a political weapon? Are those who advocate unilateral withdrawal willing to take the consequences if this should occur?

I am not putting up a strawman or a red herring, because the past actions of the North Vietnam and the Vietcong speak for themselves—in the thousands ruthlessly murdered or buried alive in the trench graves when Hanoi's troops controlled Hue, and in the thousands upon thousands—some estimates place them in excess of 50,000—massacred after the French pulled out of Vietnam in the 1950's. If the advocates of such a unilateral and immediate withdrawal are willing to share the responsibility of what could happen, so be it. But if they are not, then they should be willing to support the President on his phased withdrawal, which offers the promise of South Vietnam being able to prevent such tragic occurrences.

Hope for peace is not mechanical, step-by-step walk away from responsibility that a specific timetable would inevitably become. Hope is humane. Hope does not set up inflexible schedules. Hope does not make American soldiers the unwilling victims of an enemy who, if they knew in advance when and how we were to withdraw, would try to kill as many of our men as they could while they waited to go home.

Do these advocates of unilateral, immediate withdrawal wish to talk of morality? Then I suggest it is immoral by any standard known to Western man to suggest that such a course would be "honorable."

Do such advocates talk of rationality? Then I say it is irrational to suggest that this conflict will be honorably ended by some mechanistic, lock-step, unthinking, uncaring timetable.

Do they talk of national interest? Then I say nothing we do at home, nothing we build, no school, no hospital, no program to feed the hungry, clothe the naked, and comfort the afflicted will save this Nation if we end this conflict in any other way than with honor, and that means a reasonable guarantee that the people of South Vietnam will be free to choose their own government and determine their own future, free from outside aggression.

The President of the United States wishes as much as anyone to turn the great and powerful forces of creativity to our domestic problems.

To be involved in any war is a profound tragedy: But to unilaterally pull out, leave after all we have done, just to get out, with no commitment on the part of the aggressors to stop their aggression, and without giving our new President a fair chance to carry out his plans, would be worse.

So I would suggest that this is the time for us to back the President—and to let Hanoi know that we do so. We should insist upon some sign from Hanoi that it wants peace as much as we do. The determination of the American people can be expressed through adoption of the resolution which Senator DOLE, along with myself and others, have introduced today, expressing the sense of the Senate that meaningful specified measures should be taken by the Government of North Vietnam to demonstrate a genuine desire for peace.

David Broder, the Washington Post's increasingly perceptive political writer, wrote a column which appeared in the October 7 issue of the Washington Post,

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"The Breaking of the President," one which, I believe, ties in with our resolution.

I would like to quote a section of it:

> It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.
>
> The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like and discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used . . .

Mr. Broder then makes this indisputable point:

> But when you have broken the President, you have broken the one man who can negotiate the peace.

And he adds:

> Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

These are powerful and timely considerations for every American to ponder.

On this same general subject, I would now like to pose several questions relating to the Americans held prisoners of war by North Vietnam. I offer them in the context of the year 1957 when North Vietnam and 119 other nations signed the Geneva Conventions pertaining to the treatment of such prisoners:

First. Has Hanoi released the names of those Americans held prisoners?

Second. Has Hanoi permitted neutral inspection of its prisons and the treatment of its prisoners?

Third. Has Hanoi released the sick and wounded?

Fourth. Has Hanoi permitted the exchange of letters and packages?

Fifth. Has Hanoi protected the American prisoners from public abuse?

The answer to each of these questions, of course, is "no."

In the meantime, thousands of relatives of these prisoners suffer in a "limbo of anguish," a term used by Air Force Magazine editor Louis R. Stockstill to describe this tragedy.

This deplorable situation cannot and should not be overlooked in our desparate search for peace. If Hanoi were able truthfully to answer "yes" to those questions, then perhaps public opinion in this country would be convinced that Hanoi wants peace also.

All of us await a genuine response from North Vietnam.

I ask unanimous consent that the article, entitled "The Forgotten Americans of the Vietnam War," which was published in the October issue of Air Force Magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRISONERS OF WAR—THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

(By Louis R. Stockstill)

(EDITOR'S NOTE.—On the following pages you will find one of the most important articles ever published in this magazine. Telling you this may seem redundant. If an article is unimportant, we should not be publishing it at all. At the same time, we have always acknowledged to ourselves that not all readers are interested in everything we print. Our job is to supply a balanced buffet table—not intravenous feeding.

(But the matter of our American servicemen who have sacrificed their freedom, their health, and the peace of mind of themselves and their families in behalf of freedom for others—this is a matter that concerns us all. By the hundreds, these men languish in North Vietnam prisons and in Viet Cong jungle camps—unprotected by the Geneva Conventions which are supposed to guard the rights and persons of all prisoners of war. That the bulk of these American prisoners are airmen brings their plight a little closer to us, perhaps. That others have lost life and limb in the same cause is even more saddening. But death and wounds are irretrievable, and all we can do is to make suitable provision for the wounded and the survivors of the dead. The prisoners, on the other hand, are alive and are retrievable. We can do something about them. We must.

(The author, who has done such a thorough and painstaking job, served for many years on the staff of The Journal of the Armed Forces, ultimately as its Editor. Lou Stockstill has devoted his professional life to the examination and explanation of the problems of the armed forces of the United States. He is now a freelance writer in Washington. This article represents, in our judgment, the finest effort of his distinguished career. It explains the POW problem better, and in more detail, than anything published to date. It includes some concrete suggestions as to what you can do to help.

(Read it, and let your conscience be your guide.)

Once a month, from her living room high up in an Arlington, Va., apartment building, removed from most brutalities of life except her own thoughts, Gloria Netherand walks a long hallway to the mail chute and deposits a letter.

She watches it drop from sight on the first leg of a journey into an unknown void halfway around the world. The letter begins "Dear Dutch." But whether Dutch will read it, or someone else will read it, or whether it will go unopened is impossible to say.

Gloria and Dutch have been married eighteen years, but she doesn't know—hasn't known for a long time now—if he is alive or dead. And if alive, she doesn't know where he is or how he is.

For more than two years she has written the monthly letters—limited to six lines each, according to current Communist rules. None are answered; none are returned.

But, in the pattern of "dreadful uncertainty" that characterizes her daily life, she never fails to write.

"I realize," she says, "that there is just a fifty-fifty chance he is alive, but I feel that I cannot afford to let anything go undone."

Capt. Roger M. Netherland, USN, who was shot down over North Vietnam in May 1967, is one of the senior US pilots missing in the Vietnam War. Flyers reconnoitering the site where his burning plane plunged to the ground believe they heard his voice. But no word has come through since.

"When you are married to a flyer," Gloria Netherland says, "you learn to live with potential disaster. But you expect it to be black and white, not like this. I can't think of him as being gone, but it is very difficult for me to think of him as a prisoner."

She says, "The worst day for me was not the day they came to tell me he had been shot down. The worst day was the day his clothes and books and personal things came back. To have to unpack a man's life is not an easy experience.

"And if he is gone, I will have to do it all again. There will be another complete healing period to go through."

Gloria Netherland is but one of hundreds of wives and parents who live on an emotional roller coaster of grief, hope, faith, anxiety, and raw courage. For some, the waiting has lasted more than five years.

Their husbands and sons are the forgotten men of the Vietnam War—approximately 1,400 men captured by the enemy or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam, others by the Viet Cong in the jungles of the South. A few are interned in Laos and Red China. Files of 981 men have been stamped with the heart-wrenching legend "MIA"—missing in action.

Some 3,000 "next of kin"—wives, children, and parents—in every state now endure what one calls "this limbo of anguish."

The other side has revealed tragically little about these "casualties" of the war. North Vietnam and the Viet Cong, defying international agreements and basic codes of humanitarianism and decency, have consistently refused to discuss the whereabouts of the missing men. Similarly, they have dribbled out only limited and distorted information about selected prisoners in infrequent propaganda movies tailored to their own purposes, often peddling doctored film to foreign outlets. Many wives quite rightly believe that "our husbands are being sold for so much propaganda."

On the shoddy pretext that US captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisons. Yet such inspections are required under the Geneva Conventions, signed by North Vietnam in 1957 and by 119 other governments.

Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps, but has refused to:

Identify the prisoners it holds;

Release the sick and wounded;

Allow proper flow of letters and packages; or

Protect US prisoners from public abuse.

The Viet Cong and Communist forces in Laos have followed Hanoi's lead by imposing an even more rigid blackout.

The curtain of secrecy the enemy has thrown around the prisoners and missing men has, until recently, been duplicated to some extent by the US government. But this is now changing. A brighter spotlight has been turned on the problem. The change has been wrought by the Nixon Administration. The United States government has now opened up some of its previously closed files of information on the imprisoned and missing men. New initiatives and a tougher approach are the order of the day. Further steps may be in prospect.

NEW HOPE FOR POWS

For the first time, Administration officials are waging an open fight for the prisoners. The diplomatic maneuverings which shielded many aspects of the problem from public view during the Johnson Administration—although perhaps rightly so for that time—have now been partially cast aside. The United States is speaking out.

Two of President Nixon's top Cabinet officers have embarked on a strong public offensive in which they stress concern for, as well as facts and figures about, the treatment of the US prisoners and missing men.

"I don't understand how the North Vietnamese can be so lacking in humanity that they won't even give us the names of the prisoners they have," declares Secretary of

State William P. Rogers. "All they have done is to be more intransigent, more unreasonable, and more inhumane."

Secretary of Defense Melvin R. Laird says there is "clear evidence that US prisoners are not being treated humanely," and that conditions in the prison camps are "shocking."

Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Their assistance could be crucial. Many citizens may never have asked themselves how, or if, they can help. Many still may not be aware of the full story of our forgotten men.

Here then are the sobering facts about the prisoners and the missing, the details of the obscure existence they live, the way they are used and abused by Hanoi. And here, too, is an account of what the US is doing to aid the men and their families, and suggestions as to how you might lend a hand:

Of the known prisoners—the 401 the armed forces have been able to positively identify as captured—192 are Air Force, 140 are Navy, forty-six are Army men, and twenty-three are Marine Corps personnel.

Nearly 1,000 others are missing in action and thought to be captives. The largest number missing from any single service is 516 from the Air Force. More than 260 are missing in the Army, more than 100 in the Navy, and ninety-four in the Marine Corps.

The prisoners and missing men range in rank from private to colonel, or Navy captain. They include such men as Col. Robinson Risner, of Oklahoma City, one of the top AF pilots, and Navy Lt. Cmdr. J. S. McCain, III, son of the US Commander in Chief, Pacific, Adm. J. S. McCain, Jr.

Several of the known prisoners have now been behind bars more than five years. More than 200 have been imprisoned or missing for more than three and one-half years, more than 500 for over two years.

Some military intelligence the United States has gleaned about these men must be kept secret or couched in guarded language to protect the prisoners.

Nevertheless, accounts of torture and inhumane treatment have emerged. The widely publicized story of the capture, escape, evasion, and rescue of Navy Lt. (j.g.) Dieter Dengler in 1966 presented stark examples. Captured by the Pathet Lao but eventually turned over to North Vietnamese soldiers, Dengler was spread-eagled by his captors and at night left to the mercy of jungle insects, tied to a tree for harassment target practice, repeatedly beaten with fists and sticks (once into unconsciousness) for refusing to sign a statement condemning the US, and tied behind a water buffalo and dragged through the bush. The once 180-pound flyer weighed ninety-eight pounds following his escape and rescue.

STORIES OF MALTREATMENT

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Viet Cong jungle camps.

Most recent evidence about those imprisoned in North Vietnam discloses that many have been tortured by being deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected scars, and burned with cigarettes. At least one had his fingernails ripped from his hands. The broken bones of another, set by Communist doctors and still in a cast were rebroken by guards.

It is difficult to know how typical these examples may be. But, regardless of the continuing secrecy in certain areas, substantial information is available on some prisons and the basic treatment of some prisoners. Portions of the record are cloaked in "it is believed" language, some is official hard fact, and some has come from those foreign news sources Hanoi has permitted to peek into selected prison keyholes.

Prisoner treatment, of course, varies, and often the enemy attempts to camouflage the worst conditions. With that in mind, consider these details about three types of prisons—a jungle camp operated by the Communist Pathet Lao; a Viet Cong jungle camp; and a North Vietnamese institution known euphemistically as the "Hanoi Hilton."

The Pathet Lao camp is a bamboo stockade of primitive thatched huts. Prisoners are fed twice a day, mostly rice but with occasional supplemental foodstuffs. Many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed outside to empty toilet pails, prisoners are confined inside the huts, often locked in crude wooden foot blocks or handcuffs. Barbaric treatment, including beatings is not unique. Prisoners are forced to listen to Radio Hanoi.

The Viet Cong prison or jungle camp houses fewer than a dozen men. The prisoners are fed three times a day, again mostly rice, supplemented by some meat, fish, or vegetables. They are supplied with soap and toothpaste, fifth-rate medical treatment, pills thought to be antimalarial, and even occasional vitamin injections for those in most obvious need. Between meals, prisoners are allowed to smoke, exercise, or just sit. About once a month, they are furnished news of the outside world. They have been told, for example, of the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy, of the release of the *Pueblo* crew and the election of President Nixon. They are allowed to write occasional letters, but have no way of knowing the effort is futile. No letters have ever arrived in the US from prisoners held by the VC. To maintain the pretense of a mail-exchange, however, at least one prisoner in this camp was permitted to receive two letters over a ten-month period.

DAILY ROUTINE IN HANOI

In the North Vietnam prison camp (in central Hanoi), daily routine is more formalized. Prisoners are awakened between 5:00 and 6:00 in the morning by a gong, followed by a thirty-minute Radio Hanoi (English language) broadcast piped into their cells. At mid-morning they are taken out to empty toilet buckets. About 11:00 a.m., seventeen to nineteen hours after they last ate, they are fed the first of two daily meals. Food consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice.

One former prisoner said, "The main diet is based around bread, and during the summer we got a squash soup and pig fat." Prisoners receive three daily cigarettes and sometimes, possibly for propaganda purposes, have been given sweets. (Propaganda films staged by Hanoi have shown tables laden with food, including mounds of fresh pineapple and bananas. But no one was eating.) After the morning meal—picked up on a wooden tray and eaten in their individual cells—prisoners are allowed to "nap" on their bare-board bunks until 2:00 in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4:00 and 6:00 p.m., they are fed the second and final meal of the day. The day ends around 9:00 p.m.

Each prisoner is provided with two sets of pajama-like clothing, two blankets, and toilet articles. Each is allowed to shave twice a week and wash his clothing once a week.

CONSTANT INDOCTRINATION

Brainwashing efforts do not follow the hard-line techniques employed during the Korean conflict, but prisoners are subjected to constant lower-key indoctrination. Not only does Radio Hanoi bombard their cells with slanted news and propaganda a full hour out of each day, but prisoners also are furnished with Communist propaganda periodicals and are lectured on the "history" of Vietnam and the provisions of the 1954 Geneva Accords as conveniently interpreted by their captors. Sometimes men reportedly are taken from the prison to visit state institutions where they can "learn" more about North Vietnam's "culture."

Attempts also are made to induce them to write or record statements expressing sympathy with the North Vietnamese cause and condemning U.S. involvement in the war.

Within the confines of the prison, the captives generally are isolated from contact or communication with more than one or two other prisoners who may share the same cell. Many men are kept in solitary confinement. As they are moved around in the prison to pick up food, empty toilet buckets, wash, etc., they are carefully shepherded so that one prisoner or group of prisoners seldom encounters another.

At infrequent intervals, certain prisoners have been allowed to write to their families, although few letters ever reach home.

That the prisoners are allowed to write at all, and that they are accorded other elemental amenities, may likely be because the so-called "Hanoi Hilton" is anything but typical.

PROPAGANDA SHOWPLACE

U.S. officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. While foreign newsmen have "seen" prisoners, who have been transported to a central location for that express purpose from at least eight other camps, the "Hilton" is the lone place outsiders have been allowed to enter. And it is the only prison from which U.S. prisoners have ever been released. Obviously, the open-door policy at only one prison creates real doubt that the North Vietnamese can afford to let the world, and in particular the neutral nations, see the conditions that prevail elsewhere.

No prisoner has ever escaped from the prisons of North Vietnam. Those who have managed to struggle back to freedom from the VC jungle camps add up to fewer than two dozen (the specific number is classified). And the Communists have been extremely callous when it comes to returning American prisoners. To date only a handful has been set free. Sixteen have been released by the Viet Cong, nine by Hanoi.

Procedures followed by Hanoi in releasing prisoners are particularly meaningful since North Vietnam has been the bellwether in establishing what might be regarded as over-all policy guidance in the treatment of prisoners elsewhere. And it is in North Vietnam that the greatest number of men are believed to be imprisoned. Of the more than 1,400 captured and missing, nearly 800 (mostly pilots) were downed over North Vietnam. The Defense Department believes "a substantial percentage of the missing" may be prisoners.

POW RELEASES FOLLOW PATTERN

All the prisoner releases by Hanoi—two last year and one this August—have followed a similarly disturbing pattern. First, they have been but token gestures, letting just three men out at a time. Second, they have been accompanied by blatant propaganda announcements in the guise of either "humanitarianism" or "good will," or coupled with some "special" day. Third, the names of the men to be freed are withheld for periods of more than a month, thus creating untold agony for thousands of hopeful next of kin. Fourth, releases are carried out through dissident US intermediaries instead of the International Committee of the Red Cross, the traditional go-between in matters affecting war prisoners.

As a condition of each of the three prisoner releases, Hanoi has insisted that US pacifist groups be sent to North Vietnam to take custody of the prisoners and accompany them out of the country.

After a protracted wait, the identities of the prisoners are presented to the world in a staged ceremony. Finally, they are allowed to depart for home with their pacifist coun-

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trymen, who are merely used by Hanoi in a grossly overt effort to foment further unrest among American citizens and abet militant critics abroad.

The first two prisoner releases took place last year. Three men were released in February, three more in July. All six were "short termers"—that is, men who had been held prisoner for relatively brief periods of time.

The February 1968 group consisted of two Air Force officers, Lt. Col. Norris M. Overly and Capt. John D. Black, and twenty-three-year-old Navy Lt. (j.g.) David P. Matheny. None had been in captivity as much as six months. Lieutenant Matheny had been captured only four months earlier.

The three prisoners released in July 1968 were all Air Force officers: Maj. James F. Low and Capt. Joseph V. Carpenter, imprisoned for seven and six months, respectively, and Maj. Fred N. Thompson, captured less than four months before.

The man designated by Hanoi as the principal go-between for the releases is a fifty-four-year-old pacifist named David Dellinger. Chairman of an organization known as the National Mobilization Committee to End the War in Vietnam, he has traveled frequently to Communist bloc nations and to North Vietnam. Currently, he is under indictment on charges of conspiring to incite a riot in Chicago during last year's Democratic Convention.

As the main contact in the prisoner releases, Dellinger, in turn, has named other US pacificists to act as "escorts" in bringing the prisoners out of Hanoi.

THREE RELEASED IN AUGUST

The most recent release—three men, again—came in August of this year and illustrates how completely Hanoi milks the prisoner situation for its own purposes. However, it marked a minor breakthrough of sorts. For the first time, North Vietnam released prisoners who had been held captive for fifteen to twenty-eight months.

The new policies of the Nixon Administration may have had something to do with the release of the longer-term prisoners. Publicity about two of the men had been widely aired by DoD several months earlier.

Like the two preceding releases, the third also was carried out under the banner of David Dellinger. On this occasion, he designated a somewhat ragtag escort group. The group was substantially larger than any previously dispatched. There were four escorts. They took along three cameramen.

Leader and spokesman was Rennard C. Davis, twenty-nine, National Coordinator of Dellinger's National Mobilization Committee. A member of Students for a Democratic Society, Davis is also under indictment on charges growing out of the Chicago riots. He had to obtain a court ruling in order to leave the country.

With Davis in the escort group were Linda Sue Evans, twenty-two, an SDS regional organizer; Grace Paley, forty-six, a member of antiwar and antidraft organizations; and James Johnson, twenty-three, Negro, former GI who served a stockade term for refusing to fight in Vietnam. The three cameramen, from an underground movie-making outfit, were identified as Robert Kramer, thirty-six, an SDS member during a stint at Columbia University; Norman Fruchter, thirty-two; and John B. Douglas, thirty-one.

TEAM FLEW TO HANOI

The seven-member team flew to Hanoi in mid-July, about two weeks after North Vietnam announced plans to release the prisoners. For the next couple of weeks they received Hanoi's "grand tour," were escorted on a 500-mile trip into the DMZ, met with the Prime Minister, and were ultimately entertained at a farewell party well-oiled with rice liquor and propaganda.

At the farewell ceremony, according to details churned out by the North Vietnam News Agency (VNA), the prisoners were "handed over . . . to the American antiwar delegation" with a Madame Bui Thi Cam denouncing the "monstrous crimes" perpetrated by the "US imperialists" who had destroyed towns and crops and "massacred . . . women, children, and old folk."

She said US pilots "caught in the act of committing grave crimes" are not entitled to the protection of the Geneva Conventions, but are, nevertheless, treated "in accordance with the humanitarian policy of the government."

James Johnson, accepting the prisoners "on behalf of the American antiwar delegation," said, "We know, as these pilots must know, that all over the world the United States has been branded an outlaw nation." His statement, running some 500 words, might almost have been written by Hanoi.

The North Vietnam News Agency said, "The three released American military men then took turns in expressing, each in his own [way], their deep gratitude to the Vietnamese People, the DRVN government, and the Vietnam People's Army, for this humanitarian act as well as for the humane treatment all of them had received throughout the period of their detention."

The names of the prisoners were revealed. Two were Navy men: Lt. Robert F. Frishman, captured twenty-one months earlier, and Seaman Douglas B. Hegdahl, imprisoned for two years and four months. The third was Air Force Capt. Wesley L. Rumble, held for fifteen months.

The prisoners and their escorts left Hanoi on August 5. Arriving in Vientiane, Laos, that night, they were seen for the first time by US newsmen. They were described as "pale and gaunt," clad in "dungarees and sandals."

The press accounts noted that Frishman, acting as spokesman for the prisoners, selected his words "carefully." He said only that he was happy "to be returning home, to be back with my country and my wife."

There then followed a question-and-answer session. Here are revealing excerpts from Frishman's interrogation by the newsmen:

Q. How was the treatment you received . . .?

A. I received adequate food, clothing, and housing.

Q. Would you describe it as humane treatment?

A. Sir, I believe I have answered that question.

Q. Did they make any attempt to indoctrinate you or brainwash you in any way?

A. I have no comment.

Q. Was their treatment better at all when they decided you were going to be released?

A. As I say, my treatment has been adequate.

Q. Are you concerned that other prisoners might be harmed by something you might say here?

A. Yes. I in no way want to jeopardize any of the other people who have been . . .

The sentence trailed off.

When the prisoners arrived in Bangkok the following day, Frishman was quoted as saying. "It's great to be back." Nothing more. At some point during the return journey, Frishman had indicated the desire of all three men to be furnished with military clothing. "We left in uniform," he said. "We intend to return in uniform." The clothing was rushed to Frankfurt, last stop before New York.

ARRIVAL IN NEW YORK

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance on the hot, noisy flight line was deeply saddening.

When the general passengers and the pacifist escorts had disembarked, the families of the prisoners were allowed to board the plane for a brief reunion away from the eyes of the curious. Twenty minutes later, the men and their families began emerging.

There was no brass band, no flags, no clamoring throng to welcome them. Only a cluster of newsmen, cameras, government representatives, police, and a small crowd of onlookers.

Lieutenant Frishman, followed closely by Seaman Hegdahl, was first off the plane. Both wore their new uniforms, the Navy blue contrasting starkly with their drawn, pallid faces. Captain Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men and their families were led to a small platform, barren but for a gaggle of intertwined microphones. Uncertainly at first, and then with alert precision they returned the salute of Air Force Col. Milt Kegley standing nearby.

They were ashen in color. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. They smiled, but somehow their smiles seemed macabre; not forced, but not exactly real; joyful surely, but with an underlying tautness; perhaps nearer to tears than laughter.

Lieutenant Frishman once again spoke for all three men, repeating what by now had become his stock statement. They were happy to be home, they had received "adequate food, clothing, and housing" from their captors.

He, himself, had been seriously wounded. The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said.

THE ARM WAS WASTED

It hung at his side, the loose sleeve of his jacket emphasizing that the arm was wasted, thin, far shorter than the other. When the suggestion had been made to him earlier that, "They'll fix it better at home," he replied, "Oh, no. They won't. It's impossible now."

Now, as he extolled the "adequate" treatment he and the others had received, and praised the North Vietnamese for saving his arm, Frishman voiced the "hope that there will be some more releases."

At his side, Douglas Hegdahl, once a robust heavyweight, continued to smile, his face almost skeletal. A reporter asked how much weight he had lost. He had "no comment."

But then Frishman addressed the microphones. "I lost forty-five pounds; Seaman Hegdahl lost sixty pounds," he said. It was the first detailed confirmation of their deprivations.

A newsman asked Frishman why the North Vietnamese had selected him for release in preference to some other prisoner.

"I am sure they released me for some reason . . . this reason I do not know," he said.

What about the welfare of other prisoners still held by Hanoi?

"No comment," Lieutenant Frishman said.

PRESS SESSION QUICKLY ENDED

The session with the press was over quickly, the final questions muffled in the roar of a nearby jet. The men were tired; they had been traveling for thirty-six hours.

"I want to be with my wife now," Lieutenant Frishman said. He placed his good arm around her. The prisoners and their families moved off the platform.

As Frishman turned, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, and his chin were sharply drawn, haggard. So were Hegdahl's.

If the two men had been well-treated, there was nothing in their appearance to verify it. The almost corpse-like pallor of their skin, tightly stretched, almost translucent, mutely testified to long seclusion from the sunlight.

The men and their families moved to waiting transportation for the short trip to the medical-evacuation plane and the final leg of their journey to military hospitals. I turned with the other newsmen to walk back into the International Arrivals building for the meeting with the pacifist escorts.

We waited for an hour in a small, stuffy room intensely illuminated by bright klieg lights.

Finally, the pacifists straggled in, having been delayed in customs. The four escorts and the three cameramen gathered on a platform at one end of the room. By any standards, they were unprepossessing in appearance.

The leader and spokesman, Rennie Davis, was the most presentable, dressed in neat trousers and shirt, hair slightly long but combed and parted.

Peering from time to time at notes reclutched in his right hand, Davis began a recitation of what the seven-member team had seen and done in North Vietnam. His monologue had little to do with the prisoners. It mainly emphasized the "devastation" that US bombing forays had inflicted on a "determined" and "unbeatable" people now instilled with a "mood of victory." The North Vietnamese believe, he said, that they have President Nixon "trapped."

He introduced Grace Paley, a short frumpy woman in a cotton dress. She said North Vietnam considers U.S. prisoners criminals, but relates them to "show good faith" and as a demonstration of their "humanitarian" treatment.

PRAISE OF HANOI'S TREATMENT

Next up was Linda Sue Evans, young, blonde, wearing tightly fitting, flared blue jeans. "We believe," she said, "that North Vietnam should win." She praised Hanoi's "humane" treatment of the prisoners.

The young Negro, Johnson, principal pacifist speaker at the Hanoi ceremony, was next. He said with obvious pleasure that the North Vietnamese "feel they have defeated the United States."

Davis opened the press conference to questions.

"Are our prisoners being mistreated?" he was asked.

He had seen no such evidence. The group had met a "total of twenty-five to thirty all told," and had been informed by the prisoners that they had been protected within the very villages they had bombed, been given immediate medical attention, and "better" food than is provided for their guards.

He said continuing concern is voiced about the treatment of U.S. prisoners, but he is more concerned about the treatment of prisoners from the other side held in camps in South Vietnam.

Davis was asked to comment on a statement by Secretary of Defense Laird that Hanoi's treatment of prisoners is in "flagrant violation" of the Geneva Conventions.

Davis said he thinks North Vietnam "legally regards the United States as an outlaw nation." (An interesting comment. James Johnson had used the same "outlaw" phrase in his Hanoi remarks, but attributed it to the pacifists themselves.)

"You say our prisoners are being treated humanely," I asked Davis. "How many prison camps did you visit?"

Repeatedly, he sought to evade a direct answer, but I kept hammering "how many prisons" at him. Finally he admitted he had "no information at all" about any of the prison camps.

The press conference produced nothing of any kind about the status of U.S. prisoners held by North Vietnam. The pacifists had returned believing what they wanted to believe. They brought back no list of prisoners held by Hanoi, no hint that North Vietnam might consider changing its policy on prisoners.

Except for some fifty letters Hanoi had permitted them to carry home, they had returned only with an array of sugar-coated propaganda. They had swallowed whole as much as possible and stuffed the rest into their luggage.

The press conference could only raise serious doubts about the value of continuing to allow Hanoi the luxury of using such groups to bring back tiny numbers of prisoners. Some Administration officials, even some wives and families of prisoners and missing men, also are beginning to question the validity of this practice.

At the current exchange rate, it would take well over 400 years to get all of the men home. And the current release procedures, in the words of the Washington, D.C., *Evening Star*, are "a little like Oriental water torture—and just as humanitarian."

Twenty-five days after Frishman, Hegdahl, and Rumble reached New York, I went to Bethesda Naval Hospital in Maryland to hear the two Navy men tell about their prison life. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations where he was removed from the truck and stoned by the populace. When he reached the prison, he was refused medical treatment and told he "was going to die in four hours," unless he talked. He "finally passed out" and was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm but failed to remove missile fragments. It was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets . . . the scab would come off . . . the wound would drain again." One of his legs was left with "a seeping sore," still draining when he reached the United States almost two years later.

During much of his ordeal, Frishman was isolated in a tin-roofed cell, vented by "a few holes." In forty-five-degree winter weather, he froze. In summer, it was "like an oven." Sometimes, he was forced to sit on a stool in the stifling room—"just sit . . . and sit"—until he passed out.

Early this year when interviewed by *L'Europeo*, his captors wrote out what he was to say and then "practiced" it with him.

Did they try to "fatten" him in his final weeks of imprisonment, I asked?

"Yes, they did." On July 4 they took him before the camp commander who "had a real nice table with some fruit on it. . . . I knew then that I was going home."

SOLITARY CONFINEMENT

Hegdahl, too, had been subjected to solitary confinement—in all, for more than a year. The longest stretch lasted "seven months and ten days."

He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed also was plundered before it was handed to him.

For propaganda purposes, he was photographed "reading" a US magazine which he was allowed to hold "just long enough for them to take the picture."

Frishman said he was threatened before his release. If he embarrassed North Vietnam, they would "have ways of getting even with me," he was told. He was cautioned "not to forget that they still have hundreds of my buddies."

But those still imprisoned want the facts out in the open, he said. One told him "not to worry about telling the truth," that if it means more torture, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

While North Vietnam's claims of "humane" treatment of the prisoners have failed to stand up to public scrutiny, it is equally apparent that Hanoi's policies and those of the Viet Cong have been cruelly lacking in compassion for the families of the prisoners and missing men.

Take Andrea Rander, whose husband, Army SSgt. Donald Rander, is held by the Viet Cong. He was first reported missing during the January Tet offensive last year. Four weeks later she was officially notified that he had been wounded and imprisoned. She has been waiting almost two years for a letter that has never come. She has great difficulty, she told me, in making decisions. "I keep putting everything off. I keep telling myself I will wait until Donald comes home. It's my way, I guess, of convincing myself that he will be back."

SPORADIC LETTERS

Billie Hiteshew, wife of AF Maj. James Hiteshew, who was captured by North Vietnam in March of 1967, has lived with the problem longer, but at least she has heard from her husband. She receives sporadic letters, including two this year. And she has seen photographs of her husband. Shortly after his capture, CBS purchased a film of Hiteshew—confined in a hospital with a broken leg and arm—being interviewed by Felix Greene, a British antiwar journalist. She watched her husband say he agreed with Senators who feel "we need to take another look at our foreign policy," a view she had never heard him express or even hint at before.

Evelyn Grubb's only knowledge of her husband came from a similar Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by AF Maj. Wilmer "Newk" Grubb, was shot down in January 1966 while a Christmas bombing halt was in effect. Hanoi gloatingly publicized his capture, conveniently obscuring the true nature of his mission. The day Mrs. Grubb heard of his capture, it was snowing, two of her three sons were ill, and she was three months pregnant. Each time she writes she tells him about their sons (there are now four; one he has never seen), and sends photographs of all of them stapled to the letter so he will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In four years, she has had no further official word of her husband.

Elizabeth Hill is another wife I talked with. Only twenty-three, she was married to AF Capt. Howard J. Hill (both are AF "brats") in August 1967. Two weeks later he returned to Southeast Asia, and just before Christmas was shot down. Nine months passed before she learned that his capture had been confirmed. As she told me this, she smiled. "I can't help smiling," she apologized. "After Howard was missing for so long, I just have to smile when I say he is a prisoner." She has written faithfully for almost two years, but there has never been an answer.

Although regular exchange of mail between prisoners and their families is guaranteed under the Geneva Conventions (even when two countries are not formally at war), the Communists have permitted only a trickle of letters to flow out of North Vietnam.

Efforts of the American Red Cross and the International Red Cross to improve the situation have been essentially futile in the face of Hanoi's obstinance.

NO INSPECTIONS PERMITTED

Not only has North Vietnam rejected Red Cross efforts to establish improved flow of mail and packages to and from US prisoners, and to permit inspections of their prison camps, but they persistently have refused to even acknowledge the existence of, or accept mail from, their own men held as prisoners in South Vietnam. The latter camps are regularly inspected by the neutral Interna-

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tional Committee of the Red Cross, and names of all captured North Vietnamese and Viet Cong soldiers are prepared for Hanoi and the VC, but are spurned.

Although the Red Cross has tackled the problem again and again through all potential channels (even seeking help from the USSR)—and keeps on trying "all the time," according to ARC Vice President Robert Lewis—most of the effort has fallen on deaf ears.

Mr. Lewis says the Red Cross also has made it clear that it is prepared to send representatives to Hanoi at any time to accept released prisoners, but the North Vietnamese prefer to stick to their practice of using dissident go-betweens.

MAIL FOR PRISONERS

Mail for all prisoners and missing men is sent through a variety of channels and addresses. Some is handled by the Red Cross, some is mailed direct to foreign post offices, but little is known to have reached the men to whom it is addressed.

Letters written by the prisoners themselves have fared somewhat better because of their propaganda value. But none ever has arrived in the States from prisoners held by the Viet Cong. And fewer than 100 men held by North Vietnam have been allowed to write over the past five years. The average for this small group has been less than two letters a year.

Currently the letters from prisoners are written on a prescribed form, about five by seven inches, which makes its own envelope when folded. Six lines are provided for the message. Instructions tell the prisoners to write "legibly and only on the lines" and "only about health and family." The form states that "Letters from families should also conform to this pro forma."

Not all wives and parents abide by the advice, but many, like Gloria Netherland, do. Forms are provided by the armed forces. All carry a mailing address in the Vietnamese language reading: "Camp of detention for US pilots captured in the Democratic Republic of Vietnam."

But for most families, whether they use the six-line form letter or a longer page, the return on their investment is slim at best.

For families of men listed as "missing," even the lack of mail might be bearable if Hanoi and the VC would release the names of all prisoners. But they have consistently refused. Some U.S. Senators say Hanoi "could devise no subtler cruelty."

While no solution to either the mail problem or the list of missing is in sight, the U.S. armed forces, meanwhile, do what they can to ease the plight of the next of kin.

It is not a simple job, nor has it always received top marks in every area, but as the list of prisoners and missing has grown and as the services have learned from past mistakes and found out more about what the families want and need, they have moved increasingly into programs that now garner well-deserved praise.

All of the wives I talked with feel that their husband's service, as one put it, "is doing everything humanly possible."

NOTIFYING NEXT OF KIN

In the early days when a man was captured or turned up missing, next of kin sometimes were advised by telegram. This impersonal approach proved highly unsatisfactory and has long since been abandoned.

Today when catastrophe strikes, a service representative is sent to the home to call on the family, break the news in person, give whatever details are immediately available, and offer solace and assistance as he can provide.

Either this representative or another is thereafter permanently assigned as an "assistance officer" for all future contacts. He makes sure the families are informed of breaking developments, if any; answers their questions, or refers the queries to someone who can; and ensures that they receive such legal, financial, or other aid as they may require.

The main Air Force effort is performed from the personnel center at Randolph AFB, Tex. Service is available twenty-four hours a day, seven days a week, and next of kin may make collect telephone calls any time, day or night.

Families are told everything the services can tell them about the circumstances surrounding the capture or disappearance of the man. Any subsequent news is passed along as quickly as it is received.

On a broader front, all services have put together special informational programs for the next-of-kin to keep them informed about over-all prisoner developments. These most often take the form of newsletters. But the Army's Adjutant General, Maj. Gen. Kenneth G. Wickham, writes a personal, individually prepared letter to each Army family once a month.

The letters and newsletters are supplemented by personal meetings with individual family members or with groups. This practice was instituted early by the Navy, but has now been made uniform for all services, under expanded policies of the Nixon Administration.

Beginning this past spring, group meetings were instituted under the aegis of a joint Defense/State/military team, with families from several services attending at a central location for each given area. At the meetings, the next of kin receive a full briefing on the prisoner problem.

Much of what they can be told is not new, but it has demonstrated to the satisfaction of many, if not all, of those attending that the government is giving the prisoner problem priority consideration, and sincerely wants, and is trying, to help in every way possible.

MEETINGS WITH NEXT OF KIN

The meetings have been spread all across the country. Scheduled mostly at Air Force bases, they are generally held in Service or Officers Clubs, in an informal atmosphere, with local volunteer-wives serving coffee or punch to the families—normally about 100 wives and parents.

One meeting held at Bolling Air Force Base near Washington, D.C., was attended by Ambassador Henry Cabot Lodge (home to report to the President). He told the group what was happening at the Paris peace table. Another briefing session was conducted at the Pentagon itself. Defense Secretary Laird met and talked with the families.

One member of the briefing team, Deputy Assistant Secretary of Defense Richard G. Capen, Jr., said, "We are always frank about telling the families there have been no great breakthroughs. I review the over-all situation; Frank Sieverts [State Department representative] discusses the Paris talks and other State Department efforts conducted through diplomatic channels. Then we spend the remainder of the time, about an hour or an hour and a half, responding to questions."

Mr. Capen says reaction to the briefings has been excellent. Sometimes "wild suggestions" are offered or family members give vent to angry frustration. ("Some cannot understand why we learn so little about the men.") But the meetings, Capen feels, have been extremely useful and have helped to partially satisfy the yearning of many families for some closer contact with their government in Washington.

He has been through many heartrending conversations, but what remains most vividly in his mind is the meeting at which one wife stood up and declared, "I want my husband back, but I don't want to give my country away to do it."

Most of the families, he says, "have real understanding and appreciation of the problems. We want to assure them that when the men do come back, we will be in a position to say we did all we could." He thinks most of the families now feel, if they didn't before, that this is the case.

In addition to the programs designed for the next of kin, the armed forces also carry out certain procedures for the prisoners and missing men themselves.

All, for example, are considered for promotion at the time they normally would have been considered if not in captured or missing status. Their full pay and allowances are continued indefinitely, and they receive whatever general pay increases are authorized for others on active duty. Allotments the men provided for their families are increased as needs dictate.

New laws also have been enacted, and others are being sought, to protect rights of the men that might otherwise be jeopardized.

The military "savings deposit" program, for example, encouraged overseas servicemen to bank a portion of their pay in high-interest accounts as a means of cutting down on the US gold-drain. But the law contained no provision for men who were captured or reported missing. This inequity was corrected only to have a second develop. The maximum that can accumulate in such accounts is $10,000. Anything above that amount draws no interest. With deposits of some men now approaching or exceeding the ceiling, the Defense Department recently asked Congress for authority to invest "excess" amounts in the purchase of US saving bonds and notes.

Yet, despite these and other continuing efforts on behalf of the men and their families, it is all too apparent that the combined activities of the armed forces, the State and Defense Departments, the American and International Red Cross, and the efforts at the Paris talks have reunited few prisoners with their loved ones. Nor has there been any new hope for proper medical care of the sick and injured, neutral inspection of prison camps, full disclosure of the names of all captives, or proper flow of mail.

The new Nixon Administration initiatives are helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, are likely to produce desired action.

An occasional newspaper editorial is not enough. Limited news coverage of developing prisoner stories is not enough. An infrequent letter-to-the-editor is not enough. A statement inserted in the back pages of the CONGRESSIONAL RECORD is not enough. A business-as-usual attitude on the part of the American public can only make apparent to Hanoi that these men who have given so much to their country have indeed been forgotten by those for whom they made the sacrifice.

Some wives of the prisoners and missing men have reached the same conclusions. Some are taking steps to counter public apathy, and to arouse the Congress.

Mrs. James Bond Stockdale of Coronado, Calif., wife of a senior Naval officer held by North Vietnam, has encouraged other wives to send telegrams to the North Vietnamese delegation in Paris, and helped to organize prisoner families. Mrs. James Lindberg Hughes of Santa Fe, N.M., wife of a captured Air Force lieutenant colonel, and Mrs. Arthur S. Mearns of Los Angeles, wife of a missing Air Force major, also have been urging the Congress and others to act.

Many of the wives are essentially satisfied that the services and the Administration are doing all they can. But some feel, as Evelyn Grubb says, that "there is a bargaining point for everything; we have to find it." The wives are convinced that more public pressure is essential.

Some have been particularly critical of the inaction by Congress. "Usually," Mrs. Stockdale has said, "they put something in the

Congressional Record and then forget about it."

A check of the *Record* discloses that this practice was, until very recently, more or less standard. But there is hopeful evidence of a growing change—partly as a result of appeals by the wives, partly as a result of the more open discussion policy encouraged by the Administration.

In August, shortly before Congress went into brief summer recess, forty-two Senators banded together in a strong statement condemning North Vietnam for its "cruel" treatment of the prisoners and their families. Instigated by two opponents of our Vietnam policies, Charles Goodell (R-N.Y.) and Alan Cranston (D-Calif.), the declaration says if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure."

"Neither we in Congress, nor the Administration, nor the American people as a whole, nor indeed the families directly affected, will be swayed by this crude attempt."

Those signing the statement included both Democrats and Republicans representing thirty-three of the fifty states. Three names that might have added weight but were absent from the list of signatures were those of war critics J. William Fulbright (D-Ark.), George McGovern (D-S. D.), and Eugene McCarthy (D-Minn.).

The Senate statement ended with a specific plea to "the governments, the statesmen, and the ordinary men and women around the world" who spoke out in 1966 against Hanoi's proposed "war-crimes trials"—a plan that was abandoned by North Vietnam after a wave of world protest.

The Senators said those who protested in 1966 should "make their voices heard once more. Then, as now, the issue was not political but humanitarian—and Hanoi responded to the force of world public opinion. If that force can again be mobilized, this too may contribute to inducing from Hanoi greater respect for human decency and for the rule of law." On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and an attempt "to deceive public opinion."

In the House of Representatives, Congressman William L. Dickinson (R-Ala.) sent a letter to his colleagues asking that they join him, after the August recess, in making floor statements protesting the treatment of our war prisoners.

Whether these moves are one-shot efforts remains to be seen. What members of both houses seem to have overlooked is the potential force of a Joint Congressional Resolution condemning Hanoi's prisoner policies.

Whatever action Congress may take, what will count most significantly is the time and effort the American people are willing to expend in helping solve the problem.

In my numerous interviews with government officials, representatives of the Red Cross, members of the armed forces, and next of kin of the prisoners, I ask each person what he or she thought would be the most effective attack that could be launched.

They agreed that a four-pronged letter campaign could produce dramatic results. The letters should be directed to:

Representatives of foreign nations;

Newspapers and magazines in foreign nations;

Members of the US House and Senate; and

Xuan Thuy, chief North Vietnamese negotiator in Paris.

The letters to the foreign nations and the press in those nations should urge that pressure be brought to bear on Hanoi to live up to the spirit of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should demand the same points. And those individuals who are not necessarily in sympathy with the war should make it clear that proper treatment of the prisoners is nevertheless an overriding consideration. All should note that continued intransigence on the part of Hanoi will only stiffen the resolve of the American public, not weaken it.

Letters to members of Congress (addressed to the Representative from your own congressional district and to either or both of your US Senators) should call for a Joint Resolution demanding proper treatment for the prisoners and missing men, and stressing the solidarity of the nation in this aim.

HOW YOU CAN HELP

If you want to help, send a postcard to AIR FORCE/SPACE DIGEST at 1750 Pennsylvania Ave., N.W., Washington, D.C. 20006, and you will be mailed a list of Washington, D.C., addresses of ambassadors of foreign nations whose assistance could be crucial, together with a list of selected foreign newspapers and publications.

Letters to Xuan Thuy can be addressed, in simplified form, as follows: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards," the position of North Vietnam is "totally inexcusable," Secretary of State William Rogers says. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men many Americans have forgotten, you can. Your letter could be the one that spells the difference.

OCTOBER 15: A PERIL

Mr. FANNIN. Mr. President, on several occasions I have expressed my concern about the national strike we are faced with on October 15. I am aware that the more elite name by which the leaders of this movement prefer to be described is "Moratorium," but I wonder if many becoming involved realize the hazards they risk in leading this Nation into the throes of anarchy.

There apparently is no dearth of those, Mr. President, who are willing to lend their names to the success of this effort. I cannot judge their motive and do not attempt it. I only question their wisdom. It is extremely questionable to me, Mr. President—to put it in the mildest terms I can manage—to be lending one's name and endorsement to organizations whose leadership councils are shot through with Marxist elements; elements whose philosophy and ideals I believe to be extremely inimical to the best interests of the United States.

Mr. President, I have tried to be quiet and simply put forth the information which had come to me and suggest that those who have inadvertently become wrapped up in these causes may wish to disentangle themselves. However, the publicity given to this affair seems to be mounting and there are apparently few quieting voices from those who believe this soon will border on total disorder.

I wonder, Mr. President, how many of those who have endorsed this movement are aware that the public relations director of the Communist Party, U.S.A., Arnold Johnson, is actively involved in its leadership? How many who have lent their names to ads appearing in major newspapers are knowingly joining with the wife of a Communist Party national committeeman, Sam Kushner, who served as west coast editor of the Communist Party newspaper People's World?

Are they aware that Irving Sarnoff, who has served as a member of the district council, southern California of the Communist Party, U.S.A. is a member of the new "MOBE" steering committee also? Sarnoff is also listed among those who attended the World Peace Assembly in East Berlin this past June.

These are just some of the backgrounds of a few of the people who serve on the steering committee of the New Mobilization Committee.

The new MOBE as it is called, is located in the same office building as the Vietnam Moratorium Committee. I detailed activities of that group in the RECORD of September 30, 1969. The offices are one above the other at 1029 Vermont Avenue NW., here in Washington. They freely admit connections between the two committees. A leader of Vietnam Moratorium Committee, Dave Hawk, is a member of the steering committee of the new MOBE.

Sam Brown, about whom much has been written and publicized, is the chairman of the VMC. He is quoted by Theodore H. White, author of "The Making of the President 1968," as saying:

> We've recognized the true nature of the United States, we saw the United States attack Cuba, it attacked the Dominican Republic, it attacked South Vietnam. The Communists are now a fragmented force; the United States is now the great imperialist-aggressor nation in the world.

Are those who have lent their names to Sam Brown and his crew of anarchists, willing to agree that the "United States attacked Cuba?"

Are they willing to be blamed with "attacking" the Dominican Republic or the Republic of South Vietnam? Do they share Mr. Brown's view that the United States is the great "imperialist-aggressor nation in the world?"

In my view, Mr. President, the activities scheduled for October 15, under the auspices of the Vietnam Moratorium Committee have been carefully coordinated with similar activities in Communist-controlled Cuba and other Latin countries. The same plan has been set in motion by student groups active in Communist causes in Canada. These are no idle coincidences. How does it happen that the magic date of October 15 began to appear in print some 5 days after the breakup of the world peace assembly in East Berlin last June? Before that, no one had heard October 15 designated as a special day.

Mr. President, in all good conscience, I cannot stand idly by while sworn enemies of the United States—not simply youthful dupes—are actively seeking to bring this country to a standstill. I must protest, and I do so with all the moral force I can muster. These times are not only troublous, they are perilous and I feel threaten the foundation of all that America and Americans hold dear.

Mr. President, I ask unanimous con-

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sent that a report on the National Anti-war Conference held in Cleveland, Ohio, this past July, compiled from newspaper reports and eyewitness accounts, be printed in the RECORD at this point, along with a list of U.S.A. participants in the World Peace Assembly held in Communist-controlled East Berlin last June. These documents will, I believe, Mr. President, show without a reasonable doubt where the strategy for a national strike was developed and will also tell a great deal about the manner in which these interlocking so-called "peace" groups are used to do the work of those who are hostile to the United States, our freedom and our Constitution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Report on the National Antiwar Conference

During the late Spring of 1969, a group of approximately 30 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference held in Cleveland, Ohio, July 4–5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), a Communist-oriented organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among those persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., W.E.B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the War in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting the U.S. Armed Forces. Delegates and observers to the Conference were predominantly Caucasian; only about 30 Negroes were in attendance.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League For Peace and Freedom; Sidney Lens (Sidney Okun), leader of the now defuuct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a communist, but I am not the Soviet-type communist." Speaking at Yale University in 1965, Dellinger stated that although he was not a communist, he would not disassociate himself from known communists.

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council; Sidney M. Peck, MOBE Co-Chairman; Irving Sarnoff, Chairman, Southern Califonia Peace Action Council; David Dellinger, MOBE Chairman; LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Education Secretary; Arnold Johnson, Public Relations Director of the CPUSA; Jack Spiegel, Organizational Director, Chicago District, United Shoe Workers of America; David Hawk, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. Of the aforementioned Conference participants, five have been identified under oath as members of the CPUSA, namely: Peck, Sarnoff, Wolins, Johnson and Spiegel.

There were a number of other indivuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; and Gene Tournour, W.E.B. DuBois Clubs of America.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the Conference itself was marked by periods of dissension. At the outset of the Conference, it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which involved considerable conflicting views with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall anti-war action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extends the "Washington action" demand beyond troop withdrawals and advocates civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall anti-war actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War. Another source of friction was the question of who was eligible to receive delegate status. The Steering Committee held that only the Steering Committee itself would make the final determination of any appeal stemming from decisions of the Conference's Credentials Committee.

During part of the second and final day of the Conference, the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969 stated that the resolution was "vague" and gave "support" to "all factions, covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

(1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.

(2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.

(3) Support plans of the Vietnam Moratorium Committee for a "moratorium on campuses" on October 15, 1969.

(4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" which is scheduled to commence on that day.

(5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairmen; and Rennard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected the following persons to administer that project: Sidney M. Peck and Stewart Meacham, Co-Chairmen; and Fay Knopp and Abe Bloom, Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the Steering Committee adopted a new name for the organization which will be responsible for planning and directing the forthcoming Fall demonstrations. It was designated the New Mobilization Committee to End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities."[1]

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOBE has increased the size of its Steering Committee. It has also instituted a number of the organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE rescheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehensive over the SDS project which they deemed foolhardy and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen."[2]

World Assembly for Peace, East Berlin, June 21–24, 1969

PROVISIONAL LIST OF PARTICIPANTS FROM UNITED STATES

[International organizations and movements]

All-African Trade Union Federation; All-African Women Conference; All-African Youth Movement; American Friends Service (Quakers); Arab Lawyers Union; World Constitution and Parliament Association, Selma Brackman (U.S.A.).

U.S.A.

Richard (Dick) Gregory, entertainer, author, lecturer, Chicago.

Mrs. Lillian Gregory.

Stanley Faulkner, lawyer.

Valeri Mitchell, student, Peace Action Council, Los Angeles.

Harlan Weltzel, Episcopal priest, Peace Action Council, Clergy & Laymen Concerned of Los Angeles.

Irving Sarnoff, railroad mechanic; chairman, Peace Action Council, Los Angeles.

Antonia March, church secretary, Women Strike for Peace, Los Angeles.

John Joseph Donaldson, student, Radical Student Union, Los Angeles.

Michael Markwart Pannwitz, family planning consultant; Committee of Returned Volunteers, Los Angeles.

Sara Pannwitz, teacher; Committee of Returned Volunteers.

Peggy Jo Boylen Best, student; Seattle Women's Strike for Peace, Washington.

Janell Aldon Kilgoro, entertainer; Dow Action Committee (DOW), (COLAS), L.A. Committee of Latin American Solidarity, Los Angeles.

Susan Boronstein, student: W.E.B. Du Bois Club, Philadelphia.

Karen Ackerman, student; Du Bois Club, Philadelphia.

Sonia Kaross, press and peace groups; American-Russian Institute, Women for Peace, California.

Alan E. Flanigan, professor of enginering; president, Society for Cultural Relations USA–USSR (Los Angeles); Committee of Concern on Vietnam, Santa Monica, Calif.

Marion Fay, journalist; Committee for International Peace Action, San Francisco.

Estelle Cypher, teacher, Women Strike for Peace, Washington.

Dr. Herbert Apthekor, writer, historian, member of Presidium of World Council of Peace.

Dr. Carlton Goodlett, physician and surgeon; Committee for International Peace Action, San Francisco; Member of Presidium of World Council of Peace.

Rose Epstein, teacher; United for Peace, Fine Towns Forum, New York.

Joseph Walker, journalist, 'Muhammad Speaks' Newspaper, N.Y.

Jarvis Tyner, National Chairman, W.E.B. Du Bois Club of Amer., New York.

Rudolph Oppenheim, buyer and store manager; Methodist Federation.

Jean Taylor, clerk, Salem Methodist Church, New York.

Shirley Keith Viel, anthropologist; English-speaking Comm. MPDL, Paris.

Eleanor Ohman, artist; secretary, Committee for International Peace Action, San Francisco.

Thomas Fleming, journalist; Black War Resisters, Calif.

Clara J. Brown, black American Civil Rights Activists.

Richard Morford, clergyman, Organizing Committee for World Peace Assembly.

John Donaldson, student; Radical Student Union, Los Angeles.

Mary Clarke, peaceworker; coordinator, Women Strike for Peace, Los Angeles.

Barbara Bick, editor; Women Strike for Peace; editor, National Newsletter National Office.

Antonia March, church secretary; Women Strike for Peace, Los Angeles.

Martin Hall, writer; Peace Action Council of Southern California.

Beatrice Milwe, Women Strike for Peace, Women International League for Peace and Freedom, New York.

Regina Pustan, medical doctor; Deutsch-Britische Gesellschaft.

Harlan Weltzel, clergyman; Peace Action Council Clergy and Laymen Concerned, California.

Mary-Angie Dickerson, social worker; Organizing Committee of the World Assembly for Peace, New York.

Pauline Rosen, teacher; Women Strike for Peace, New York.

Adele Halkin, photographic stylist; Women Strike for Peace.

Jules Ramney, artist, bookkeeper, lecturer; Peace Action Council, Black Unitarian Caucus, Los Angeles.

Taimi Halonen, Women Strike for Peace, Seattle Women Act for Peace, Washington.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. After we have completed these speeches under the unanimous agreement, will there be a period for the transaction of routine morning business?

The PRESIDING OFFICER. After the Senator's statement, there will be a period for the transaction of routine morning business, under a 3-minute limitation.

Mr. JAVITS. Then, Mr. President, I ask unanimous consent that my time be extended to accommodate the following two matters, and I ask the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. BYRD) of the majority leadership to give me their attention:

First, to accommodate what the Senator from Georgia (Mr. TALMADGE) tells me is a routine matter of adjusting a Senate bill to a House bill, and then the conference report on the insured student loan bill, which will be brought up by the Senator from Rhode Island (Mr. PELL) and myself, and then that I may proceed for the 20 minutes which was previously provided for me.

I might explain that this was simply to accommodate other Senators.

Mr. KENNEDY. Yes. Mr. President, we would like to ask the Senator how much time that would take. I do not have any reason to object, but I know there are other Senators who wish to speak on the conference report on student loans, for example.

Mr. JAVITS. Does the Senator wish to speak himself?

Mr. KENNEDY. Yes, I had planned to speak on it.

Mr. JAVITS. How long?

Mr. KENNEDY. Well, several minutes, certainly.

Mr. JAVITS. Mr. President, I ask unanimous consent that my time, then, be extended to accommodate both of these matters, an additional 20 minutes. Will that be enough for the Senator?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I now ask unanimous consent that I may yield, respectively, for the purposes mentioned to the Senators to whom I have referred, as well as other Senators who may come into the debate, and that I may then obtain the floor, after those two items are disposed of.

The PRESIDING OFFICER. Is there

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[1] "New Mobilizer," September 5, 1969, p. 1.

[2] "The Militant," July 18, 1969, p. 7.

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objection? Without objection, it is so ordered.

Mr. JAVITS. I yield to the Senator from Georgia.

INCREASED DEPENDENCY AND INDEMNITY COMPENSATION FOR WIDOWS AND CHILDREN

Mr. TALMADGE. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 1471, a bill to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes.

The Presiding Officer laid before the Senate the amendments of the House of Representatives to the bill (S. 1471) to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes, which were to strike out all after the enacting clause and insert:

That section 402 of title 38, United States Code, is amended to read as follows:

"§ 402. Determination of pay grade

"(a) With respect to a veteran who died in the active military, naval, or air service, his pay grade shall be determined as of the date of his death.

"(b) With respect to a veteran who did not die in the active military, naval, or air service, his pay grade shall be determined as of—

(1) the time of his last discharge or release from active duty under conditions other than dishonorable; or

(2) the time of his discharge or release from any period of active duty or training or inactive duty training, if his death results from service-connected disability incurred during such period and if he was not thereafter discharged or released under conditions other than dishonorable from active duty.

"(c) The pay grade of any veteran described in section 107(b) of this title shall be that to which he would have been assigned upon final acceptance or entry upon active duty.

"(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a pay grade higher than that specified in subsection (a) or (b) and any subsequent discharge or release from active duty was under conditions other than dishonorable, the higher pay grade shall be used if it will result in greater monthly payments to his widow under this chapter. The determination as to whether an individual has served satisfactorily for the required period in a higher pay grade shall be made by the Secretary of the Department in which such higher pay grade was held.

"(e) The pay grade of any person not otherwise described in this section, but who had a compensable status on the date of his death under laws administered by the Veterans' Administration, shall be determined by the head of the department under which such person performed the services by which he obtained such status (taking into consideration his duties and responsibilities) and certified to the Administrator. For the purposes of this chapter, such person shall be deemed to have been on active duty while performing such services."

SEC. 2. Section 403 of title 38, United States Code, is amended by striking out the last sentence of the section.

SEC. 3. Section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

"Pay grade	*Monthly rate*
E–1	$167
E–2	172
E–3	177
E–4	187
E–5	193
E–6	197
E–7	206
E–8	218
E–9	[1]228
W–1	211
W–2	219
W–3	226
W–4	238
O–1	211
O–2	218
O–3	234
O–4	247
O–5	272
O–6	306
O–7	332
O–8	363
O–9	390
O–10	[2]426

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $245.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $457.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $20 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 4. Section 421 of title 38, United States Code, is amended to read as follows:

"§ 421. Certifications with respect to pay grade

"The Secretary concerned shall, at the request of the Administrator, certify to him the pay grade of deceased persons with respect to whose deaths applications for benefits are filed under this chapter. The certification of the Secretary concerned shall be binding upon the Administrator."

SEC. 5. Section 401 of title 38, United States Code, is amended by striking out the text thereof beginning with "(1)" and continuing through "(2)".

SEC. 6. The table of sections at the beginning of chapter 13 of title 38, United States Code, is amended by (1) striking out

"402. Computation of basic pay."

and substituting in lieu thereof:

"402. Determination of pay grade."

and (2) by striking out

"421. Certifications with respect to basic pay."

and substituting in lieu thereof:

"421. Certifications with respect to pay grade."

SEC. 7. Section 322 of title 38, United States Code, is amended by (1) inserting "(a)" immediately before "The"; and (2) adding at the end thereof the following new subsection:

"(b) The monthly rate of death compensation payable to a widow under subsection (a) of this section shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 8. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

And, amend the title so as to read: "An Act to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes."

Mr. TALMADGE. Mr. President, a majority of the Subcommittee on Veterans' Legislation of the Committee on Finance have indicated that the House amendments are acceptable and that a conference on the bill would not be necessary. Accordingly, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

EMERGENCY INSURED STUDENT LOAN ACT OF 1969—CONFERENCE REPORT

Mr. PELL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustments payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 91–560)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following "That this Act may be cited as the 'Emergency Insured Student Loan Act of 1969'.

"INCENTIVE PAYMENTS ON INSURED STUDENT LOANS

"SEC. 2. (a)(1) Whenever the Secretary of Health, Education, and Welfare determines that the limitations on interest or other conditions (or both) applicable under part B of title IV of the Higher Education Act of 1965 (Public Law 89–329) to student loans eligible for insurance by the Commissioner of Education or under a State or nonprofit private insurance program covered by an agreement under section 428(b) of such Act, considered in the light of the then current economic conditions and in particular the relevant money market, are impeding or threatening

to impede the carrying out of the purposes of such part B and have caused the return to holders of such loans to be less than equitable, he is hereby authorized, by regulation applicable to a three-month period specified therein, to prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) a special allowance to be paid by the Commissioner of Education to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of disbursed principal (not including interest added to principal) of all eligible loans held by such holder during such period, which balance shall be computed in a manner specified in such regulation; but no such percentage shall be set at a rate in excess of 3 per centum per annum.

"(2) A determination pursuant to paragraph (1) may be made by the Secretary of Health, Education, and Welfare, on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas or classifications of lenders, within the limit of the maximum rate set forth in paragraph (1).

"(3) For each three-month period with respect to which the Secretary of Health, Education, and Welfare prescribes a special allowance, a determination required by paragraph (1) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

"(4) The special allowance established for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this Act. The holder of a loan with respect to which any such allowance is to be paid shall be deemed to have a contractual right, as against the United States, to receive such allowance from the Commissioner.

"(5) Each regulation or amendment, prescribed under this Act, which establishes a special allowance with respect to a three-month period specified in the regulation or amendment shall, notwithstanding section 505 of the Higher Education Amendments of 1968, apply to the three-month period immediately preceding the period in which such regulation or amendment is published in the Federal Register, except that the first such regulation may be made effective as of August 1, 1969, and notwithstanding other provisions of this section requiring a three-month period, may be made effective for a period of less than three months.

"(6)(A) The Secretary of Health, Education, and Welfare shall determine, with respect to the student insured loan program as authorized under part B of title IV of the Higher Education Act of 1965 and this Act, whether there are any practices of lending institutions which may result in discrimination against particular classes or categories of students, including the requirement that as a condition to the receipt of a loan the student or his family maintain a business relationship with the lender, the consequences of such requirement, and the practice of refusing to make loans to students for their freshman year of study, and also including any discrimination on the basis of sex, color, creed, or national origin. The Secretary shall make a report with respect to such determination, and his recommendations, to the Congress on or before March 1, 1970.

"(B) If, after making such determination, the Secretary finds that, in any area, a substantial number of eligible students are denied a fair opportunity to obtain an insured student loan because of practices of lending institutions in the area which limit student participation, (i) he shall take such steps as may be appropriate, after consultation with the appropriate State guarantee agencies and the Advisory Council on Financial Aid to Students, relating to such practices and to encourage the development in such area of a plan to increase the availability of financial assistance opportunities for such students, and (ii) he shall, within sixty days after making such determination, adopt or amend appropriate regulations pertaining to the student insured loan program to prevent, where practicable, any practices which he finds have denied loans to a substantial number of students.

"(7) As used in this Act, the term 'eligible loan' means a loan made on or after August 1, 1969, and prior to July 1, 1971, which is insured under title IV–B of the Higher Education Act of 1965, or made under a program covered by an agreement under section 428(b) of such Act.

"(b) The Commissioner of Education shall pay to the holder of an eligible loan, at such time or times as are specified in regulations, a special allowance prescribed pursuant to subsection (a), subject to the conditions that such holder shall submit to the Commissioner, at such time or times and in such manner as he may deem proper, such information as may be required by regulation for the purpose of enabling the Secretary of Health, Education, and Welfare and the Commissioner to carry out their functions under this Act and to carry out the purposes of this Act.

"(c)(1) There are hereby authorized to be appropriated for special allowances as authorized by this section not to exceed $20,000,000 for the fiscal year ending June 30, 1970, $40,000,000 for the fiscal year ending June 30, 1971, and for succeeding fiscal years such sums as may be necessary.

"(2) Sums available for expenditure pursuant to appropriations made for the fiscal year ending June 30, 1969, under section 421(b) (other than clause (1) thereof) of the Higher Education Act of 1965 shall be available for payment of special allowances under this Act. The authorization in paragraph (1) shall be reduced by the amount made available pursuant to this paragraph.

"INCREASED AUTHORIZATION FOR THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

"SEC. 3. Section 201 of the National Defense Education Act of 1958 is amended by striking out '$275,000,000 for the fiscal year ending June 30, 1970, and, $300,000,000 for the fiscal year ending June 30, 1971' and inserting in lieu thereof '$325,000,000 for the fiscal year ending June 30, 1970, and $375,000,000 for the fiscal year ending June 30, 1971'.

"INCREASED AUTHORIZATION FOR THE EDUCATIONAL OPPORTUNITY GRANT PROGRAM

"SEC. 4. Section 401(b) of the Higher Education Act of 1965 is amended by striking out '$100,000,000 for the fiscal year ending June 30, 1970, and $140,000,000 for the fiscal year ending June 30, 1971,' and inserting in lieu thereof '$125,000,000 for the fiscal year ending June 30, 1970, and $170,000,000 for the fiscal year ending June 30, 1971'.

"INCREASED AUTHORIZATION FOR THE WORK-STUDY PROGRAM

"SEC. 5. Section 441(b) of the Higher Education Act of 1965 is amended by striking out '$250,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971' and inserting in lieu thereof '$275,000,000 for the fiscal year ending June 30, 1970, and $320,000,000 for the fiscal year ending June 30, 1971'."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows: Amend the title so as to read: "An Act to authorize special allowances for lenders with respect to insured student loans under title IV–B of the Higher Education Act of 1965 when necessary in the light of economic conditions in order to assure that students will have reasonable access to such loans for financing their education, and to increase the authorizations for certain other student assistance programs.".

And the Senate agree to the same.

Claiborne Pell,
Ralph W. Yarborough,
Jennings Randolph,
Harrison Williams,
Edward M. Kennedy,
Walter F. Mondale,
Thomas F. Eagleton,
Winston L. Prouty,
J. Javits,
Peter H. Dominick,
George Murphy,
Richard S. Schweiker,
Managers on the part of the Senate.

Carl D. Perkins,
Edith Green,
John Brademas,
Hugh L. Carey,
Will D. Hathaway,
Phillip Burton,
Frank Thompson,
James H. Scheuer,
Louis Stokes,
William L. Clay,
William Ayres,
Albert H. Quie,
Ogden Reid,
John N. Erlenborn,
Marvin L. Esch,
John Dellenback,
William A. Steiger,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PELL. Mr. President, I am happy to present to the Senate the conference report on the Emergency Insured Student Loan Act of 1969. The House and Senate conferees met in four sessions of conference and agreed on this report. As is often the case, the conference report is, in my opinion, a better bill than that which was submitted to the conference by either House.

Since this is the first conference report which I, as chairman of the Subcommittee on Education, have submitted to the Senate, I would like to express my appreciation to my fellow conferees both from the Senate and the House for their assistance in making this conference such a great success. I would also like to express my thanks to Mr. Peter LeReoux of the Legislative Counsel's office for his able assistance in putting the report together.

Mr. President, as chairman of the Senate conferees I now present a statement which explains the conference report and discusses the intent of the conference with respect to the agreements which were made.

The House bill providing for market adjustment allowances amended the Higher Education Act of 1965. The Senate amendment providing incentive allowances was an independent act which did not amend existing law. The House recedes from its disagreement with the Senate amendment. The conference report contains an independent act. The special allowances, due to the emergency situation, are provided for by a new enactment.

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The House bill provided for payments to lenders based on a determination by the Secretary of Health, Education, and Welfare that the limitations on interest or other conditions have caused the return to the lenders under the student insured loan program to be less than equitable. The Senate amendment made the determination of the Secretary dependent upon whether the limitations on interest or other conditions impede or threaten to impede the carrying out of the purposes of the student insured loan program. The House recedes from its disagreement with the Senate amendment, with an amendment, which requires the Secretary to make both findings prior to setting a return for special allowances. He must find first, that economic conditions and the limitations on interest impede or threaten to impede the carrying out of the purposes of the student insured loan program; and second, that such conditions and limitations have caused the return to lenders to be less than equitable.

The House bill provided that the allowances would be called "market adjustment allowances." The Senate amendment provided that the allowances would be called "incentive allowances." The House recedes from its disagreement to the Senate amendment, with an amendment, which provides that the allowances will be called "special allowances."

The House bill required that the amount of the allowance to be paid to the lender be computed in a manner specified in regulations. The Senate amendment provided that the amount of the payment to the lender would be determined as of the close of each 3-month period unless a different method of determining the amount is set forth in regulations. The Senate recedes from its amendment on this part.

The House bill provided that the allowances apply retrospectively to the 3-month period preceding the publication of the regulation. The Senate amendment provided that the allowances would be effective prospectively for the 3-month period beginning after the publication of the regulation. The Senate recedes from its amendment.

The Senate amendment provided that the Secretary would prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to the act do not, as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan. The House recedes from its disagreement with the Senate amendment with an amendment which provides that:

First, the Secretary of Health, Education, and Welfare shall determine, with respect to the student insured loan program as authorized under part B of title IV of the Higher Education Act of 1965 and the act, whether there are any practices of lending institutions which may result in discrimination against particular classes or categories of students, including the requirement as a condition to the receipt of a loan that the student or his family maintain a business relationship with the lender, the consequences of such requirement, and the practice of refusing to make loans to students for their freshman year of study, and also including any discrimination on the basis of sex, color, creed, or national origin. The Secretary shall make a report with respect to such determination, and his recommendations, to the Congress on or before March 1, 1970.

Second, if after making such determination the Secretary finds that, in any area, a substantial number of eligible students are denied a fair opportunity to obtain an insured student loan because of practices of lending institutions in the area which limit student participation, he shall take such steps as may be appropriate, after consultation with the appropriate State guarantee agencies and the Advisory Council on Financial Aid to Students, relating to such practices and encourage the development in such area of a plan to increase the availability of financial assistance opportunities for such students, and he shall, within 60 days after making such determination, adopt or amend appropriate regulations pertaining to the student insured loan program to prevent, where practicable, any practices which he finds have denied loans to a substantial number of students.

In light of the record vote on the Senate floor at the time of Senate debate on the measure, it was with great reluctance that the Senate conferees accepted the amendment of the House. Therefore, the Senate conferees wish to make certain that the intent of the conference with respect to this provision is made clear.

The language of the conference report carries out the original intent of the Senate that lenders should not require students or their families to conduct business activities with the lender as a condition for receiving a student loan. However, the language of the report does require that there be a finding that such an activity results in a substantial number of students being denied a fair opportunity to obtain loans prior to the adoption of regulations to prevent that practice. The conference report contains language which states the regulations are to "prevent, where practicable, any" such practices. The phrase "where practicable" was used in order to make sure that the practices of credit unions and other similar lenders which have, as a condition precedent to receipt of a loan, requirement of membership, are not precluded from continuing such requirement. Subparagraph (B) of paragraph (6) of section 2(a) of the bill is intended to discourage banks from requiring students or their families to carry out any business activity other than that related to the administration and repayment of the loan. The authority contained in such subparagraph (B) is sufficient to prevent that practice if it results in a substantial number of students in any area from obtaining insured loans.

The House bill defined eligible loans to be those loans made under the insured loan program after June 30, 1969, and prior to July 1, 1971. The Senate amendment defined eligible loans to be those made after August 15, 1969, and prior to July 1, 1970. The House recedes from its disagreement with the Senate amendment, with respect to the starting date, with an amendment which provides that the starting date for eligible loans is August 1, 1969. The Senate recedes from its amendment with respect to the terminal date. Eligible loans are defined in the conference report as those made after August 1, 1969, and prior to July 1, 1971.

The House bill authorized a permanent appropriation of such sums as may be necessary to pay allowances to lenders. The Senate amendment provided for an authorization of appropriations of $15 million for the fiscal year ending June 30, 1970. The House recedes from its disagreement to the Senate amendment with a substitute amendment which provides that there are authorized to be appropriated $20 million for the fiscal year ending June 30, 1970, and $40 million for the fiscal year ending June 30, 1971, and such sums as may be necessary in succeeding fiscal years to pay special allowances on loans made prior to July 1, 1971.

The House bill explicitly gave lenders a contractual right to allowances. The Senate amendment directed the Commissioner to pay allowances to lenders. The Senate recedes from its amendment.

The House bill required lenders to submit such information to the Commissioner as may be necessary to enable him to pay the allowances. The Senate amendment required the lenders to provide such information as may be necessary to enable the Commissioner and the Secretary to carry out their functions under the act. The House recedes from its disagreement to the Senate amendment.

The Senate amendment amended the authorization of appropriations for the national defense student loan program by increasing the authorization from $275 million for the fiscal year ending June 30, 1970, to $325 million for such year, and increasing such authorization from $300 million for the fiscal year ending June 30, 1971, to $375 million for such year. The House bill contained no such provision. The House recedes from its disagreement.

The Senate amendment amended title IV–A of the Higher Education Act of 1965 to increase the authorization of appropriations for the educational opportunity grant program from $100 million for the fiscal year ending June 30, 1970, to $150 million for such year, and increase such authorization from $140 million for the fiscal year ending June 30, 1971, to $200 million for such year. The House recedes from its disagreement with an amendment which provides that the authorization for the educational opportunity grant program is $125 million for the fiscal year ending June 30, 1970, and $170 million for the fiscal year ending June 30, 1971.

The Senate amendment provided for an increase in the authorization of the college workstudy program under title IV–C of the Higher Education Act of 1965 from $250 million for the fiscal year ending June 30, 1970, to $275 million for such year and an increase in such authorization for the fiscal year ending June 30, 1971, from $285 million to $320 million. The House recedes from its disagreement to the Senate amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I know that the Senator from Massachusetts (Mr. Kennedy), who had a very important part in this bill, and perhaps the Senator from Vermont (Mr. Prouty), who also had a very important part in it, will wish to be heard on the matter. So I shall be brief.

Mr. President, the conference report on the Emergency Insured Student Loan Act of 1969, H.R. 13194, is a modified version of the administration's bill, S. 2721, which I introduced on July 29 for myself and Senators Bellmon, Dominick, Murphy, Prouty, and Schweiker, all members at that time of the Senate Committee on Labor and Public Welfare. Later joining as consponsors were Senators Goldwater, Thurmond, Miller, Percy, Stevens, and Montoya.

On August 7, the Senate Education Subcommittee, under the chairmanship of the distinguished Senator from Rhode Island (Mr. Pell) conducted hearings and on the following day the measure was reported from the full committee. Within a week, on August 12, the bill was approved by the Senate with but one dissenting vote.

However, due to unfortunate parliamentary delays and the Labor Day recess, the House was unable to consider the proposal until September 15, when, under suspension of the rules, it was approved by an overwhelming 322-to-60 vote. A motion to adopt the Senate bill number, S. 2721, was rejected, so it then became necessary for the Senate to approve again its version of the bill under the House number. This was done on September 16.

After a lengthy conference with the House, a report has been agreed to which has the support of all the Senate conferees. The program of incentive allowances of up to 3 percent to lenders will be effective until the end of the next fiscal year, retroactive to August 1 and expiring concurrently with the authorizations contained in the Higher Education Act on June 30, 1971. The Senate provision prescribing for procedures to prohibit lenders from requiring that the student or his family conduct business with the lender was modified in conference so as to preserve the concern of the Senate that such discrimination not exist but also recognizing the special problems of credit unions and labor organizations and the difficulties in administering the provision in an equitable and efficient manner.

Authorizations were increased for the Federal direct-loan program—national defense student loans—as well as the work-study and educational opportunity grant—EOG—programs, thus strengthening other Federal student-aid activities which complement the guaranteed student loan effort.

In conclusion, Mr. President, I wish to say that I am satisfied, as the author of the bill, that the fundamental thrust of the bill has been preserved through the conference. It is true that we ran into some difficulty with the House of Representatives in seeking to sustain the Senate's position on the amendments, which essentially were those of the Senator from Massachusetts (Mr. Kennedy), but even those were compromised out fairly. There are additional authorizations provided for the NDEA, that is, the national defense student loan aspect, for educational opportunity grants, and even for college work-study programs. There is a compromise on the provision respecting banks which makes it a precondition to these insured student loans that they have done some business with the student or his family. I think that was fairly compromised out.

But the fundamental thrust of the bill remains, and 750,000 students will be able to go to college and get loans through the financial program because of this very brilliant innovation, which comes essentially from the administration. We have got to give credit where credit is due.

I have been for this underwriting of policy with respect to rules for college commitments and other things. It has worked very well, and I think we have simply got to use it more in this time of inordinately high interest rates. We cannot let society be crushed by a financial situation like this, while we are trying to repair it.

I think the Senator from Rhode Island (Mr. Pell), the chairman of the conference, is entitled to our gratitude, certainly to mine at least, as the man who brought the bill in. It is a happy day for me. I commend him for handling it with such skill and such fidelity to the wishes of the Senate.

Finally, may I say, Mr. President, that I should like to include in this commendation my colleagues of the minority. We had voted against, as members of the minority, some of the committee provisions which we compromised, but never by so much as the drop of a nod was that fact conveyed to the House conferees, but the Senate conferees stood firm to their utmost in supporting the Senate position, whether or not we had supported that position in this Chamber. I think that is an excellent attitude for conferees, and I am glad to have had the privilege, as ranking minority member of the committee, of speaking in support of the conference report as far as those members are concerned.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, to add to what the distinguished Senator from New York has just said, some of us in the minority were opposed to certain provisions of the bill, but when we went to conference, we worked long and arduously to maintain the Senate position.

I think all the conferees on both sides were dedicated to bringing out a bill of this character, because we knew it was so desperately needed if many thousands of young people were to have a chance for a college education. So, as one of the conferees, I am happy to support the report. I think those of us on both sides, particularly the distinguished Senator from Rhode Island (Mr. Pell), who has rendered yeoman service as chairman of the conferees, felt the same way. I am very happy to support the work of the conferees. I know it will be in the great interest of higher education in this country.

Mr. KENNEDY. Mr. President, will the Senator yield to me?

Mr. PELL. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all I commend the distinguished Senator from Rhode Island (Mr. Pell) for his work as chairman of the Education Subcommittee in the Senate, and for the leadership which he has provided on the matter which is before the Senate this afternoon. Senator Pell took over the chairmanship after the recent departure of the very distinguished former Senator from Oregon, Mr. Morse, who has left his mark on so many of the education bills during the last decade, and before.

The emergency nature of the legislation challenged us. We had time only for a very limited period of hearings.

As a member of that committee, I point out that every consideration was given to the matter by the members of the subcommittee and the full committee. They brought their views to bear on the legislation.

When the matter came up for consideration on the floor of the Senate, two amendments had been added to it in committee. Those amendments were in dispute. But the Senate approved both by rollcall votes.

These were controversial matters in the conference. One related to the increase in authorizations for other Federal student assistance programs, and the other related to provisions that would prohibit banks from requiring as a condition for the receipt of such loans that a student or his family actually do other business with the bank.

The chairman of the committee, during the many hours of conference, conducted himself always in a most fair and reasonable manner and with a firmness that provided leadership in maintaining the position of the Senate.

I was the sponsor of two amendments. In commending the leadership of the Senator from Rhode Island, I am sure that I speak for the Senator from Minnesota (Mr. Mondale) who was most helpful in increasing the national defense student loan program and on the other matters, as well as the Senator from Missouri (Mr. Eagleton), one of the strongest supporters of the amendment I offered to prohibit banks from loaning on the basis of some kind of other banking activity.

I commend the distinguished chairman of the committee for the leadership he has provided. I also extend a word of appreciation to the distinguished Senator from New York (Mr. Javits). There are very few Senators who possess his legislative skill and ability.

We can all remember times during conferences between the House and the Senate when the legislative craftsmanship of the Senator from New York has

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been called up to establish the kind of working compromise which can and must be reached in these important conferences.

I also extend commendation to the Senator from Vermont (Mr. PROUTY) and the other minority members for their attitude and constructive comments during conference.

Mr. President, I am pleased that the House and Senate conferees have reached agreement on the emergency special incentive bill to expand the guaranteed student loan program. Prompt action today by the House and Senate will finally clear the bill for the President's signature.

Under the guaranteed student loan program, the Federal Government guarantees repayment of loans by lenders to students—as long as the interest rate charged to the student does not exceed 7 percent. The present bill would authorize the Secretary of Health, Education, and Welfare to pay lenders an incentive bonus of up to 3-percent interest, above the 7-percent statutory maximum, in order to encourage participation. The maximum rate charged to students would remain at 7 percent.

Mr. President, I am especially pleased that the conferees acted positively on two amendments which I added to this bill in the Committee on Labor and Public Welfare and which were passed in the Senate by rollcall votes. I would like to discuss briefly both of these amendments, and review the understanding of the conferees regarding the conference language.

The first Senate amendment increases the authorizations for the three other Federal student assistance programs—national defense student loan program, the college work-study program, and educational opportunity grants. The House conferees agreed to the Senate passed increases for the national defense student loans of $50 million in fiscal 1970, and $75 million in fiscal 1971. The House conferees agreed to the Senate passed increases in the college work-study program of $25 million in fiscal 1970, and $35 million in fiscal 1971. The House conferees accepted half of the Senate passed increases in the educational opportunity grant program, resulting in increases of $25 million for fiscal 1970, and $30 million for fiscal 1971.

Mr. President, I believe that these increases are significant. Congress has demonstrated concern and a recognition that we are in an emergency situation across the board on Federal student assistance programs. We have recognized that the current authorizations are inadequate for each of these programs. We have indicated a desire to move ahead not just on the guaranteed student loan, which helps middle income students, but also on the other programs directed to the lower income students.

The need for the increases is clear. At the present time money available for the three major programs of student aid—NDSL, EOG and college work study—is only 61 percent of the total requested by the Nation's colleges and universities. The estimated $503 million available for the coming academic year is higher than the $430 million allocated in 1966, or even the $490 million allocated in 1969. But the total still falls far short of the $814 million requested or the $682 million approved by regional panels that review the requests.

There are specific needs for each of the three programs.

For this academic year, institutional requests for national defense student loans are $318 million—enough to serve 650,000 students. Only $155 million is available—enough to serve only 400,000 students. This leaves 250,000 students unable to receive desired loans. For next year, institutional requests will be even higher than $318 million—perhaps an estimated $370 million, considering that requests rose by $48 million this year. Yet authorization for this year is only $275 million. Authorization for next year is only $300 million. The Senate amendment, accepted in conference, would increase authorization to $325 million this year and $375 million next year.

For this academic year, institutional requests for educational opportunity grants are $120 million—enough to serve 225,000 new students. Available funds are only $54 million—enough to serve only 100,200 new students; 125,000 new students are unable to receive EOG's. For next year institutional requests will be even higher than $120 million—perhaps an estimated $155 million, considering that requests increased by $37 million this year alone. Yet authorization for next year is $100 million. The conference-approved amendment would increase this authorization to $125 million, and next year's authorization to $170 million. These increases were one-half of those passed in the Senate.

For this academic year institutional requests for college work study are $275 million—enough to serve approximately 600,000. Only $170 million is available—enough to serve only about 400,000 students. For next year, institutional requests will be even higher than $275 million—perhaps an estimated $315 million, considering that requests increased by $42 million this year. The authorization for this year is only $250 million, and for next year $285 million. The Senate amendment accepted in conference would increase this year's authorization to $275 million. It would increase next year's authorization to $320 million.

Mr. President, the need to help lower-income students is clear. Fifty percent of college students come from the top quartile of family income. Only 7 percent come from the lowest-income quartile.

Moreover, the number of students is growing rapidly. At present there are almost 6 million college students. Enrollment will pass 8 million by 1976. The present rate of increase in the number of students attending institutions of higher education is over 8 percent. This reflects the fact that today 40 percent of young Americans enter college.

For these reasons, Mr. President, I think that it is highly significant that the conferees agreed to move ahead on all Federal student assistance programs.

Mr. President, the second amendment which I offered in committee, which passed by a record vote of 72 to 21 in the Senate, and which to a substantial degree was accepted by the conferees, would prohibit discrimination by lenders in making guaranteed student loans. One abuse, in particular, which the amendment is designed to prevent is the practice by some lenders of requiring, as a condition for a student's receiving this attractive 7-percent loan, that either the student or his family do additional banking business with the lender.

The Senate-passed version directed the Secretary of Health, Education, and Welfare, to establish procedures to prevent such requirements. The final version agreed to by the conferees directs the Secretary of Health, Education, and Welfare, to make a comprehensive investigation of discrimination in the guaranteed student-loan program. He must report to Congress no later than March 1, 1970. If he finds that there is discrimination of any kind which denies a substantial number of students the fair opportunity to receive insured student loans, the Secretary must adopt or amend regulations to prevent these practices.

Mr. President, if the Secretary carries out the mandate of Congress with regard to this discrimination, the design of the original Senate amendment will be met.

I am concerned, as I know my colleagues in Congress are concerned, that the guaranteed student-loan program should be a "student program," not a "banking program." Every student should have a fair opportunity to receive an insured student loan. Banks should not be using the program as a means of increasing "good will" with preferred customers—handing out the attractive 7-percent loans only where there is further banking activity with the student or his family.

When the Federal Government is offering lenders a chance to earn up to 10 percent on these loans, when the Federal Government is giving an absolute guarantee which in itself is worth 1 or 2 percentage points on interest, when the desire is to help all students—in this situation lenders should not be making additional requirements.

I am convinced, Mr. President, that most lenders who participate in this program do so with a sense of public obligation and public conscience. I am hopeful that there will not be too many occasions when the Secretary finds it necessary to enforce regulations and sanction lenders.

For the most part, banks have added these requirements and conditions of further banking activity only during the last year or two when the pressure on interest rate has been severe. As Mr. William Simmons, head of the Insured Loan Division in the Office of Education, testified before the Senate Committee:

> I think in the past year, and particularly since January, (there has been) more and more of what you say, this creeping in of the requirement that they (borrowers) be a customer, they be a good customer, they be a senior or a junior, at least they have a contract relationship for up to five years.
>
> All of these restrictions are coming into this program for those who have not withdrawn. I am convinced, however, if we can provide this market adjustment allowance and payment, we can return these lenders to the program and open it up again as it was up until about a year ago.

Commissioner Allen made the same observation:

> We have been advised by many lenders who participated heavily in the 1968–69 program that their activity at the 7 percent rate must either be halted entirely or restricted to children of favored customers, on the grounds that they are unable to "break even" in the current market period.

Now that the pressure on interest rate has been relieved, by giving the Secretary discretion to pay lenders an additional 3 percent, Congress has a right to expect that banks will cease from making these requirements. That is why the Senate conferees were willing to let the Secretary make a 5-month study of the situation, after passage of this bonus act. But that is also why we expect the Secretary to take steps and establish sanctions on those few lenders who continue to abuse the program.

To avoid any confusion, Mr. President, I would like to explain the sense of the conferees of what is meant by the phrase "where practicable" in the nondiscrimination amendment. This was not meant to be a loose phrase which could be seized upon by the Secretary of Health, Education, and Welfare to avoid enforcing regulations. Rather it was meant to exempt certain specific situations where lenders have certain membership or other requirements for doing any business with the lender. For example, credit unions and labor unions have minimal membership requirements. Many banks require that a borrower have his residence within the standard "banking area." Other analogous requirements, applied to all persons doing any banking activity with the lender, may come up. These are acceptable, and exempted by the phrase "where practicable."

Mr. President, the guaranteed student-loan program has been increasing rapidly—from $77 million in fiscal year 1966 to $672 million in fiscal year 1969. For the month of August, the total of loans guaranteed was $154 million to 152,000 students—the highest month ever in the history of the program. Passage of this special allowance will allow even greater expansion of the program.

We in Congress have an obligation to see that as the program expands there is no discrimination or other abuse. I intend to follow this matter very closely. I think that the Federal commitment to student assistance is important. I am pleased that Congress is acting positively on the student loan program today.

Finally, Mr. President, I again compliment the distinguished and able Senator from Rhode Island (Mr. PELL). The Senator from Rhode Island must be extremely proud that the first legislative measure he has guided so skillfully through the conference committee and on the floor of the Senate will provide an opportunity for hundreds of thousands of students who labor under financial hardship to acquire loans. It will also provide for expanding the work-study program, the educational opportunity grant program, and the national defense student-loan program—creating additional opportunities for students. I commend the Senator from Rhode Island for his contribution.

Mr. JAVITS. Mr. President, I thank the Senator from Massachusetts (Mr. KENNEDY) for his very kind expression regarding me.

Mr. PELL. Mr. President, I thank my colleagues for the very kind and undeserved words.

I often felt during the conference as if I had a bear by the tail. I must also underline the fact that each member of the conference, no matter how they voted on amendments when they were considered by the committee, and by the Senate, presented a united front to the House in the conference. This is an example which I hope will often be followed in the future. I thank the Senators very much.

Mr. YARBOROUGH. Mr. President, I urge the Senate to adopt the conference report on the Emergency Insured Student Loan Act of 1969.

In this measure, we have tried to cope with the impact of high interest rates upon student financing of higher education. A special allowance up to 3 percent of the loan, will be provided to lenders by the Treasury, to make student loans competitive with other types of credit transactions.

It was the addition of this special subsidy that prompted the Senate to include language in its bill to protect prospective borrowers from discriminations designed to produce other business for the lender. The Senate conferees faithfully reflected the Senate vote of 72 to 21 to prohibit requirements that a borrower, or his family, do other business with the lender in order to get a student loan.

Although the conference modified the language somewhat, I believe we have retained this basic protection. The Secretary of Health, Education, and Welfare is directed to determine the existence and extent of such practices, as well as discriminations against freshmen, and for reasons of sex, color, creed, or national origin. If such discriminations are found, the Secretary is directed to consult with State guarantee agencies, and the Advisory Council on Financial Aid to Students. On the basis of those consultations, he shall make regulations to prevent, where practicable, any practices which he finds have denied loans to a substantial number of students.

The words "where practicable" are intended to give him leeway in devising regulations for credit unions, or other lenders who in their charters or bylaws restrict their activities to members, and do not do business with the general public.

I also call to the attention of the Senate the authorization increases in other forms of student assistance. The national defense student loan program is increased from its present authorization for fiscal year 1970 of $275 million to $325 million. The authorization for fiscal year 1971 is increased from $300 million to $375 million.

Educational opportunity grant authorizations are increased from the present $100 million for fiscal 1970 to $125 million, and from $140 million to $170 million for 1971.

Work-study funds are increased from $250 million for the fiscal year 1970 to $275 million, and from $285 to $320 million for 1971.

These increases reflect the conferees' approach that student aid involves a series of programs. As prospective students crowd to the campuses, and education costs continue their rapid rise, all forms of student aid must rise. I hope the Senate Appropriations Committee will give special attention to the higher level of authorization included in this conference report. Now we need appropriation of funds, not only for the special interest subsidy provided by the bill, for all the forms of student financial aid covered in it.

Finally, I urge all lending institutions to recognize the public service they are being invited to share, and for which they will be compensated by the Federal Government. Without the participation of help of many commercial lenders, higher education in America would be far less available than it is today. The Office of Education estimates that 920,000 more students will be in college in fiscal year 1970, having borrowed $800 million under this program, if the interest subsidy is provided. That is a large share of the 8-million estimated enrollment. Without the help and cooperation of lending institutions, this large number of students could be denied a college education.

But I think the other student aid programs should be enlarged also, and they have been under the Kennedy amendment adopted by the Senate and held, for the most part, in conference.

Mr. MURPHY. Mr. President, as a coauthor and as a conferee of the Insured Student Loan Emergency Amendments of 1969, I am pleased that we are finally completing action on this much-needed measure. I support the conference report.

I have received many letters and phone calls in my office from distressed students. One, in particular, that I recall was from Gary Lockwood, of Anaheim, Calif., who is a student at Brigham Young University. Mr. Lockwood called my office three times, indicating that he would not be able to continue his education without a guaranteed student loan. I contacted the bank involved in Salt Lake City, and the president of the bank was most cooperative. I was pleased that we were able to get the loan approved for Mr. Lockwood.

One wonders, however, Mr. President, how many students across the country were denied loans because of congressional delays in enacting this legislation which, as its name implies, was designed to meet an emergency.

It was estimated by the Office of Education that as many as 200,000 youngsters applying for the guaranteed loan program might be turned down. I certainly hope that this was not the case. Secretary Finch and the administration tried to see that this was not the case by urging that lending institutions across the country make the loans, and many of the banks did respond to this plea.

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The legislation will allow the Secretary of Health, Education, and Welfare to provide an incentive allowance above the present 7-percent simple interest rate authorized by the guaranteed student loan program. The incentive allowance, which may not exceed 3 percent, may be paid whenever the Secretary determines the statutory interest limitation or economic conditions are preventing students from getting loans. With the Federal Government paying the incentive cost allowance, there will be no additional cost to the student.

The guaranteed student-loan program was enacted in 1965 for the purpose of providing assistance in financing college expenses for those students from moderate income families who had been excluded from loans and other assistance under the various other Federal student assistance programs. Senators will recall that as a part of the Higher Education Amendments of 1968, we were forced to raise the maximum statutory interest rate from 6 to 7 percent. As a result, 730,000 students received loans last year totaling $670 million. In my State, for fiscal year 1969, 76,054 students received loans totaling over $69 million. Thus, this is a most important program both in the country and in California.

Mr. President, financing higher education is a real struggle for many students and parents. The enactment of the measure today will do much to help meet the rising costs for higher education, and I urge its prompt enactment by the Congress.

Mr. MONDALE. Mr. President, I am very happy that the House and Senate conferees finally reached agreement last week on a bill to expand the guaranteed student loan program and improve other student assistance programs. I urge my colleagues to adopt the conference report today and send this bill to the President for his signature.

Currently, the Federal Government guarantees repayment of loans by banks and other lending institutions to students under the guaranteed student-loan program. A ceiling of 7 percent exists on the interest rate which can be charged to the student under this program. The current bill will provide for an incentive bonus of up to 3 percent to be paid to banks and other lending institutions by the Secretary of Health, Education, and Welfare. This 3-percent interest subsidy, above the 7-percent statutory maximum, is designed to encourage expansion of the program. Under this bill, 7 percent would remain as the maximum rate charged to students.

Two very important principles contained in the Senate version of this bill have been retained. First, the current bill includes increased authorizations for the national defense student-loan program, the college work-study program, and the educational opportunity grant program. The House conferees agreed to the Senate provisions adding a total of $125 million in authorization increases for the national defense student loan program, $60 million in authorization increases for the college work study program, and accepted one-half—or a total of $55 million—of the Senate increased authorizations for the educational opportunity grant program.

These increased authorizations are terribly significant. They will permit the funding of these other student assistance programs at a level consistent with institutional requests. The inclusion of these improvements signifies that Congress is aware of an emergency in all student assistance programs, and wants to improve not only the guaranteed student-loan program, but also other grant and loan programs as well.

Second, this bill retains the principle established in the Senate-passed version which would prohibit discrimination by lending institutions in making guaranteed student loans. The bill requires the Secretary of Health, Education, and Welfare to determine whether discrimination—on the basis of color, national origin, or sex or in the form of requiring an applicant—as a condition for receiving a guaranteed loan, to do additional banking with the lending institution—exist in the guaranteed student-loan program. The Secretary is further required to report his findings and recommendations to Congress by March 1, 1970, and to prevent any discriminatory practices which he has found deny a substantial number of students the chance to receive a guaranteed student loan.

I believe this nondiscrimination provision is a central issue in this bill. The bill is a "student bill." This provision will insure that lending institutions receiving a Federal guarantee and a Federal subsidy do not use this program as a tool to generate more business or evade the interest ceilings.

I believe that most lending institutions, in the public interest, will not discriminate in their allocation of guaranteed student loans now that a Federal interest subsidy assures an equitable return on the loan. This provision will simply protect students against the possibility that the program is misused.

I am pleased that Congress has acted to improve the guaranteed student-loan program and the other Federal student assistance program, and I intend to watch very closely the progress that takes place as a result of this bill.

Mr. PELL. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

LATIN AMERICA: WILL WE MEET THE CHALLENGE OF THE 1970'S?

Mr. JAVITS. Mr. President, I rise on this occasion to talk about United States-Latin American relations on this the 477th anniversary of Columbus' discovery of America. The America Columbus discovered, of course, was the Caribbean—the Bahamas which he named San Salvador and Haiti. This should remind us that we began this great adventure of the Americas together—and since that time, for better or for worse, our fortunes have been linked.

I also wish to welcome to Washington the ministers of labor and other distinguished guests who are delegates, as I am, to the Third Inter-American Conference of Ministers of Labor on the Alliance for Progress. I hope the Conference will be fruitful and will lead to strengthened labor movements, social security systems, and labor ministries throughout Latin America.

As we survey the past and look to the future, it is clear that United States-Latin American relations are in ferment. On an even larger scale, relations between the developed world and the developing world are in ferment, and our mutual actions in the coming years will determine whether the new wine will be good or bitter.

If 1969 has been the year of study, then 1970 must be the year of action. We are in debt to Robert McNamara for commissioning the report of the Commission on International Development entitled "Partners in Development" and to Lester Pearson and his distinguished staff for preparing it. We are eagerly awaiting the Jackson study on the capacity of the United Nations system in development assistance; Raul Prebisch is preparing a study under the auspices of the Inter-American Development Bank. And finally President Nixon, in response to my amendment to the Foreign Assistance Act of 1968, has just named a Presidential task force under Rudolph Peterson of the Bank of America to review and to give new direction to our own foreign assistance program. These studies should enable us to define new priorities for the critical decade of the 1970's—the second development decade.

But I think it would be naive to assume that the full burden for development rests with such developed countries as the United States. In many developing countries, the governments in power must first endeavor to strengthen their ties with their own people as a necessary first step. Our experience has taught us that in the United States, as in Latin America, nations can only be as strong as their people, and as the local institutions these peoples establish and work through to fufill local needs.

In Latin America, those who resort to the tactics of highjacking, kidnaping, and political murder in the attempt to further extremist ends only debilitate the freedom they allegedly seek. Expanded cooperation among Latin American countries must also precede concerted joint efforts abroad, if progress is to be made. Among other things our neighbors to the South should more clearly define their national and regional aspirations, revitalize their self-help measures, increase their awareness of the high costs of unchecked population expansion, revise outmoded land tenure systems and initiate new money and credit policies if a more meaningful life is to be created for their citizens.

I have been encouraged to note that the 21 governments of Latin America—in an unprecedented step of cooperation—have joined together in drawing up a document, the Latin American Consensus of Viña del Mar, setting forth their aspirations in the trade and aid fields. This cooperation is to be welcomed and perhaps signals the day when these 21 governments—or many of them—will take additional steps needed to form a truly great Latin American common market.

It is clear to all of us that time is short, and that we will either make this new mutual commitment to walk forward together, or our paths may increasingly diverge and cumulative mutual recriminations may progressively move us apart. The pressures for a new and sterile neoisolationism are as strong in the United States as are the pressures that could lead to greater fragmentation in the countries of Latin America.

To avert these dangers, I call upon North America, Central America, the Caribbean, and South America to commit themselves to a decade of mutual cooperation during the 1970's—a decade which should be characterized by greater self-help measures by the countries of Latin America and by a renewed commitment by the United States to cooperate with Latin America in the implementation of these self-help measures. I visualize this hemispheric commitment as going beyond even the worldwide planning effort toward better relations between the developed and developing countries underway within the World Bank family and the United Nations system. Hopefully, Governor Rockefeller's report, which will not be released until after the President speaks on October 31, will form a key building block in our policies.

I have developed a seven point program which, I believe, addresses itself to priority areas that our policymakers should consider. Here are my specific recommendations:

First. Tariff preferences: I call on the Nixon administration to reaffirm the U.S. Government's commitment to the prompt establishment of a system—and to work to get it adopted—through which the developed countries of the world would grant nonreciprocal, nondiscriminatory generalized tariff preferences to the developing countries.

I propose that a new organization comparable to the General Agreement on Tariffs and Trade be created to oversee this global preference scheme. Perhaps this new organization could be formed from the appropriate sections of the GATT and UNCTAD which have already carried out considerable work in this area.

Under my proposal, all developed countries would agree to grant all developing countries across the board tariff preferences in amounts equal to, in the first instance, historic trade amounts. As it is development we are seeking to sponsor, the formula adopted should make provision for preferential entry, in reasonable amounts, of manufactures and semimanufactures of developing countries including those that may not now be produced or exported by them. Moreover, provisions for further orderly growth of these exports should be built into the scheme. Appropriate burden sharing provisions would also have to be worked into this formula.

What I would like to emphasize at this time is that all the developed countries would join the United States in the granting of such preferences. I am not envisioning a unilateral U.S. tariff concession, but tariff concessions taken in concert with all other developed countries. As the global tariff preferences come into effect, the developed countries would move toward the elimination of the special preference systems—and I have in mind those of the United Kingdom and the EEC—which now exist. These would no longer be needed.

The United States first committed itself to a global preference scheme at the Conference of American Presidents held in Punte del Este in April 1967, and again accepted this basic commitment at the second meeting of the U.N. Conference on Trade and Development held in New Delhi in early 1968. The Latin American states continue to push the United States to reaffirm this commitment to a nondiscriminatory global system of tariff preferences, and I urge this administration to do so now, thereby maintaining the momentum among many developed and developing countries for the establishment of such a system. It must be recognized that pressures for the establishment of regional preferential systems remain strong—that some developed countries continue to promote reverse schemes, thereby attempting to maintain trade spheres of influence—and that such pressures will become stronger if a global nondiscriminatory system of tariff preferences for the developing world is not soon established.

I would caution that if developing countries which now enjoy special trade preferences in developed country markets, such as France and the United Kingdom, do not opt to relinquish these preferences as a global-preferences scheme is put into effect, the United States may be compelled within the reasonable future to offer preferences to only those developing countries which do not already enjoy preferences in other industrialized country markets. The countries of Latin America and eight other nations do not presently enjoy preferential tariff access to any industrialized country markets.

Second. Agricultural development: It is clear to all of us that agriculture is not making its maximum contribution to the development of Latin America. Perhaps, outside of the area of population control, this is the most pressing problem facing Latin America. Overcoming this problem of low productivity in agriculture is crucial. Consequently, urgent consideration must be given by the United States and Latin America to new efforts at regional and international cooperation in the agricultural area which would in a more dynamic way:

Establish as the primary assistance goal of the United States for rural Latin America the support of measures directed toward doubling the income of subsistence and small farm operators in the next decade and toward requiring medium and larger landowners to put their inadequately utilized land resources to work;

Double U.S. capital development support for sound, repayable loans which concentrate on creating new work opportunities for rural low-income workers and small farm operators;

Provide loans capable of increasing by 50 percent the existing supply of technically trained agricultural people in 10 years;

Help to establish a rural development insurance corporation to guarantee World Bank, AID, IDB, and Latin American private sector capital and bank loans for crop and livestock production and marketing projects to operators on small- and medium-sized farms who do not otherwise possess adequate loan security; and

Help to create pride in rural life through primary and secondary school education.

Latin America now produces over 95 percent of its food requirements and has increasingly effective institutions evolving. In addition, the fact that only one-third of its arable land resources are now in use and these operate at an exceedingly low level of technological advancement points out its future potential. Increased emphasis must immediately be placed on expanding the Latin American food production capacity to the maximum in the decade ahead. The U.S. aid program should continue to accord this area priority treatment—and increased development assistance funds may be necessary to implement my suggestions.

Third. Private investment: I have long been convinced that private foreign investment can play a greater role than it already has in the developmental process. ADELA and PICA are proud examples of my own efforts in this area. I am hopeful that Congress will provide the authority under this year's foreign assistance legislation to establish an overseas private investment corporation.

Philippe de Seynes, Under Secretary General of the United Nations, has just written me that a regional Latin American foreign investment panel sponsored by the U.N.–OAS–CIAP and the Inter-American Development Bank may be convened in early 1970. Mr. de Seynes informs me that this meeting, which is a highly welcomed initiative, will bring together high-level government representatives with senior executives of major industrial and financial enterprises in the industralized countries and in Latin America to consider specific measures for increasing the flow of foreign private investment to countries of the region. While this may not be the topic of the conference, I am convinced that we must begin looking toward the formulation of a hemispheric or worldwide charter spelling out the rights and obligations of recipient countries and private foreign investors with the eventual end of providing the protection of international law to such investors. The role of private investment in regional economic integration schemes also deserves priority explanation.

I have become increasingly convinced that as we move toward a world of multinational corporations—a world increasingly characterized by such joint ventures—we must give more attention to the development of investment guarantee programs that will not only partially protect the capital of developed countries invested in the developing world, but will also guarantee the risk

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capital invested by indigenous private investors in developing countries. Indeed, it would be wise if our own measures help to strengthen the role of private enterprise in Latin America precisely by strengthening private Latin American entrepreneurship.

Fourth. Military assistance: I recommend that military assistance programs and U.S. military missions in Latin America be subordinated to our political, economic, and social objectives in Latin America.

I do strongly believe, however, that our Latin American military missions can be reduced and that it is a rationalization that is essential. Large military missions are not only costly, but often counterproductive from a political point of view. In Latin America today, most of the population live under military rule—unfortunately, a far greater number than in 1960. Given the conspicuousness of our military programs and military missions, many Latin Americans are convinced that these programs contributed to the rise of the military in Latin America over the past decade. That the military continues to intervene in the political affairs of most Latin American countries, and that we helped train the military are indisputable facts. That some military posture is natural in Latin America and that we, not the U.S.S.R., should help reasonably is less understood. But, the overall impact of our programs in Latin America must be to show clearly that military aid is ancillary and only supportive to aid to the people for economic, political, and social development. The fact is that we have alienated large segments of the civilian population in various Latin American countries, that antimilitary political groups have rioted against the United States as a symbol and even against our Presidential emissary to express their discontent with our policy and with their own military governments. This has resulted in a serious loss of influence by the United States on many major issues. Here is an aspect of our policy urgently in need of both clarification and better understanding at home as well as in Latin America.

In making this suggestion, I realize that while the role of the military may be changing in Latin America, none of us can afford to forget the words in both the new and old OAS Charter which state:

> The solidarity of the American States and the high aims which are sought through it, require the political organization of those States on the basis of the effective exercise of representative democracy.

Fifth. Voluntary programs: Municipalities and voluntary programs should be encouraged substantially to expand ongoing people-to-people programs and city-to-city programs to strengthen the personal bonds presently linking our two continents. More communities should commit themselves to this modern day version of the good neighbor policy. I commend for instance efforts such as those going forward under the Inter-American Commission for Women of the OAS through which the League of Women Voters in the United States cooperates in the training and organization of South American women.

The ties between the Americas also can be strengthened by increased tourist travel between the two hemispheres. I am encouraged to see that an unprecedented number of Latin Americans have been visiting the United States. With a proper investment in tourist facilities, there is no reason why a steadily increasing flow of North Americans should not spend their holidays in Latin America. Before this can happen however, Latin American governments must give increased emphasis to the creation of an appropriate tourist infrastructure in terms of hotels, travel facilities between cities, and better informational service, among other things. A greater commitment on the part of Latin American governments to tourism could assist the development of their economies as well as to further North American-Latin American understanding.

Looking far down the road, I can envisage the day when bilingualism will be the order of the day in both North and South America. This world is rapidly shrinking, as many of us are realizing—and this is particularly true of New York politics—that fluency in Spanish is a definite asset. This will be increasingly the case for the businessman, the student, the politician, and the peoples of our two hemispheres. The communications revolution will hasten this process.

Also, it is just a question of time before an inter-American satellite becomes operational. Since 1966, I have been pressing for the establishment of a continentwide Pan-American television satellite system to promote especially better interchange between the Americas in education and culture. I understand that the Nixon administration is giving this proposal serious consideration. I promise this distinguished forum that when such a system becomes operational, I will make my maiden speech—in Spanish—over this network. Seriously, though, closing the communications gap—this giant barrier to meaningful understanding—is one of the most urgent tasks we have before us to strengthen the inter-American system.

Sixth. Additional U.S. aid: The U.S. Congress must recognize that by geography alone, Latin America has a special relationship with the United States. The strengthening of this relationship will be increasingly important to the United States for economic, social, and moral reasons. Also, as the case of Cuba so clearly shows, its weakening could have definite detrimental aspects to our national security as well. The Congress should revive an earlier initiative and allocate additional resources ranging from $250 to $500 million over a specified time period above and beyond present allocation levels, to strengthen the drive for Latin American economic integration. The drawdown of such new resources would be contingent on measures Latin America takes to implement the declaration of Presidents made at Punte del Este, "to create progressively, beginning in 1970, the Latin American Common Market, which shall be substantially in operation in a period of no more than 15 years." I realize that the decisions facing Latin American countries on economic integration are complex and difficult and that only they can make them. But early action is urgent for accelerated development, and the United States should be ready with substantial funds to assist during the transitional period. This investment would be most wise to help attain greater economic independence and social and political stability with tangible and intangible benefits for the United States far exceeding the cost.

It should be noted that encouraging progress has been made in this direction, particularly in regional integration schemes. The additional $250 to $500 million I am urging the Congress to provide would be used to support these and subsequent Latin American moves toward regional integration. These funds, in conjunction with the increased funds being made available to Latin America by the World Bank and the Inter-American Development Bank, would be used to support such worthy initiatives as the Central American Development Bank, the Andean Development Corporation, and the Caribbean Development Bank when it becomes operational.

Seventh. Special drawing rights: Finally, the developed countries of the world should give special consideration to the idea of linking their creation of special drawing rights—SDR's—in the IMF with assistance to developing countries. The multilateral creation of SDR's in addition to expanding the supply of international liquidity, also offers the opportunity to finance transfers of real resources to developing countries. I am aware of discussions of this proposal that have taken place at the recently concluded IMF–IBRD annual meeting, and urge that this matter be given prompt international attention.

While my seven points do not deal with population control, let me emphasize that I fully support the priority accorded this area in the Pearson commission report and commend Bob McNamara's recent announcement that the World Bank family will be undertaking accelerated efforts in this area.

In assessing the prospects for the implementation of these recommendations, I also realize that many in the Congress and elsewhere may have another point of view. But I believe that our priorities as a great nation would be ill-served if the AID program and particularly the Alliance for Progress bore, through cuts, the brunt of our concern over the U.S. budget. Furthermore, I do not share the feeling of those, who, because of their revulsion against the Vietnam war, feel that we should draw back from our AID commitments, from the alliance and related international development activities.

It is my contention that part of the U.S. disillusionment with the progress Latin America has made and with the AID programs in general results from a misreading of the development process. We have failed to realize—and I believe that we similarly misread the discontent erupting in our cities—that the process of social and economic development is inherently destabilizing. Those

who revolt are not utterly without hope; those who revolt are the ones who have begun to achieve, who have begun to hope, whose expectations are rising, who are involved. Our problem, be it in our cities or in our Latin American development programs, is to meet more rapidly the rising expectations while fully expecting instability. David Bronheim, a distinguished economist, has recently testified before the Foreign Relations Committee, that "the problem then is not how to preserve stability, but rather how to keep the instability within a range that does not threaten growth."

It is a test of the greatness of our Nation that we maintain our developmental assistance in spite of this instability—again whether it be in our own cities or in Latin America. Having promoted development and having reaped the perhaps unexpected but transitional "reward" of increased instability—I repeat, the transitional "reward"—we should not now abandon the effort. We should continue what was started, not because our national honor is at stake, but because it is necessary and, yes, because it is hoped and expected of us not only by the developing countries, but also by the other developed countries of the world which are following our lead.

The United States has just successfully landed the first man on the moon. This act, more than any other, will usher in the decade of the 1970's. It signifies the fulfillment of one of the major commitments made by President Kennedy in the early 1960's. Another of these commitments made in the early 1960's, the commitment to the first development decade will not be adequately fulfilled by the end of this year.

In consequence, it is especially imperative that we maintain our commitment to economic and social development of the developing countries of the world in the decade ahead. Congress must recognize that for the United States to continue its world leadership role, it must maintain an assistance program at a level at least proportionate to those of other developed countries of the world. Indeed, our standing in the world community depends as much on this as it does on our landing of the first man on the moon.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Senator will state it.

Mr. JAVITS. Do I still have time remaining?

The PRESIDING OFFICER. The Senator has 5 additional minutes remaining.

Mr. JAVITS. I have a little morning hour business. If it is convenient I will deal with it now.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Will the Senator first suggest the absence of a quorum so that Senators will know we have arrived at the period for the transaction of routine morning business?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that it not be charged to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank the Chair.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The Chair wishes to state that in accordance with the previous order the Senate will proceed now to the consideration of routine morning business.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A MESSAGE FROM THE PRESIDENT—URGENCY OF LEGISLATIVE PROPOSALS (H. DOC. NO. 91–178)

Mr. KENNEDY. Mr. President, I ask unanimous consent that the message received today from the President of the United States urging enactment of various proposals of the President submitted to the 91st Congress, since the jurisdiction of so many committees is involved, be ordered to lie on the table, and that the message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Congress of the United States:

In the nine months since Inauguration, a number of issues have arisen clearly calling for the Congress and the Administration to work together.

One such issue was the extension of the surtax, where our economic security was involved. Another was authority to build the Safeguard ballistic missile defense, where the national safety was the issue. On both occasions, when the time came to be counted, Congress subordinated partisan concerns and voted the country's interest.

The continuance of this working partnership between a Congress heavily Democratic and a Republican Administration, on occasions where great issues are involved, is imperative for the good of our country. I hope this partnership will survive the "spirit of party" that grows more evident weekly in the National Capital. Yet, in recent days, the call to partisan combat has grown more compelling.

I am aware that members of the Administration have criticized the Democratic-controlled Congress for "dragging its feet" in the enactment of legislation, for holding hearings thus far on only half the Administration proposals before it, for having enacted but a single appropriations bill for fiscal 1970, a full quarter of the way through the fiscal year. From Capitol Hill there have come similar charges—that the Administration has been laggard in proposing legislation, that the Executive Departments have been slow in giving the Congress the reports it has requested, that some of the most far-reaching Administration proposals have only lately been sent to the Congress, and so cannot be acted upon by the end of the year.

If a working partnership between men of differing philosophies and different parties is to continue, then candor on both sides is required. There may be merit in both charges; neither the Democratic Congress nor the Republican Administration is without fault for the delay of vital legislation.

But, in my view, the American people are not interested in political posturing between the Executive Branch and Capitol Hill. We are co-equal branches of government, elected not to maneuver for partisan advantage, but to work together to find hopeful answers to problems that confound the people all of us serve.

Both the President and Congress have been commissioned by the same American people, for a limited time, to achieve objectives upon which the great majority agree. For our part, we are willing to travel more than half-way to work with Congress to accomplish what needs to be done. The time for staking out political claims will come soon enough.

Let us resolve, therefore, to make the legislative issue of the 1970 campaign the question of who deserves greater credit for the Ninety-First Congress' record of accomplishment, not which of us should be held accountable because it did nothing. The country is not interested in what we say, but in what we do—let us roll up our sleeves and go to work. Before us are urgent legislative priorities.

The legislative program of this Administration differs fundamentally from that of previous administrations. We do not seek more and more of the same. We were not elected to pile new resources and manpower on the top of old programs. We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century.

Some months ago, a Washington columnist wrote in some pessimism that if ours is not to be an age of revolution then it must become an age of reform. That is the watchword of this Administration: *REFORM*.

REFORM OF THE DRAFT. I have asked Congress to make the most extensive changes in the way we select young men for military service since the draft became an accepted feature of American life. We have the administrative power—and we will exercise it if Congress fails to act—to make far-reaching reforms in the selective service system, reducing the period of prime vulnerability for young Americans from seven years to 12 months. However, we need Congressional approval to shift from the inequitable requirement of choosing the "oldest first" to the more just method of random selection. I asked Congress five months ago for this power;

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I ask again today. Basic fairness to our young people is the prime reason for this recommendation. I see no reason why this vital piece of legislation cannot be enacted *now*.

REFORM OF THE WELFARE SYSTEM. Last summer I asked Congress to make the most sweeping changes in the American system of welfare since the beginning of the New Deal. Last week legislation went to Congress outlining the proposal I have made for a new family assistance system to replace the demeaning and bankrupt system that now exists.

Under the present system, sometimes a father must desert his wife and children to make them eligible for benefits. Under the present system, some mothers with three children must survive with only $39 a month for the entire family to live on.

The family assistance system is built on a different set of principles. It provides incentives for families to stay together. It provides economic rewards for men and women on welfare who enter training programs and search out jobs. It provides a floor under income that assures the minimum necessary for food and clothing and shelter.

The present system has led this country into a morass. It has laid a heavier and heavier burden on the American taxpayer. It has loaded the relief rolls with more and more families even in times of rising prosperity and low unemployment. I ask that Congress begin hearings on the new family assistance system at once. The welfare system should be abandoned as quickly as we can discard it and a new system established in its place.

REFORM OF THE TAX CODE. In April I recommended to Congress the most comprehensive set of tax reforms in many years. Subsequently the House of Representatives responded with an even more far-reaching proposal of its own. The national momentum behind tax reform—to make the code more fair and equitable, to shift part of the burden from those who have borne too much for too long to the shoulders of others who have not carried their fair share—must not be allowed to dribble away while a partisan wrangle goes on over who deserves the political credit. We will give Congress as much assistance and as many hours of labor as it requires to enact extensive and responsible reform in this calendar year.

I do ask, however, that Congress, in acting on this major reform, not compromise this Administration's effort to combat the most unjust tax of all, inflation. Specifically, I ask that Congress not convert this historic tax reform legislation into a sharp tax reduction that would unbalance the Federal budget and neutralize our campaign to halt the rising cost of living. I ask again that Congress repeal the seven percent investment tax credit, and extend for another six months the income tax surcharge at one-half the present rate. To fail to take these steps would be an abdication by Congress of its vital role in controlling inflation.

REVENUE REFORM. For the first time in the history of this government, we have recommended a national policy of permanent sharing of the Federal income tax revenues with the States and lesser political units in the country. For years, political students and leaders have contended that governments at the State, county and local levels have lost their creativity and lost the capacity to respond because they lack access to the great source of growing revenues available to the Federal government. I have recommended that Congress set aside a rising portion of Federal revenues each year and transmit them directly back to the States and communities to spend as they see fit and not as Washington sees fit. This concept has been debated by both parties and recommended by their majorities for years. The time has come to move it off the plain of discussion to make it a reality. I urge the Congress to move.

POSTAL REFORM. For more than a decade the American people have complained increasingly of the rising cost of postal service accompanied step by step with declining service. Today the United States postal system is inferior to that of many countries of Western Europe; it is grossly inadequate to the needs of our society. The nation has known this for years. I have acted in that knowledge—recommending that the existing postal system be scrapped, that a government-owned corporation replace the United States Post Office, that business principles replace partisanship in its management, and that merit and performance—rather than political affiliation—be the new criteria for appointment and advancement. Three years ago this month the Chicago postal system, a microcosm of the national system, collapsed under a flood of mail. The rapid delivery of mail is not a partisan issue. Distinguished leaders, of both parties, have endorsed the precise reform I have recommended. There is no reason why the Congress cannot enact the most complete reform of the United States Post Office in the Nation's history—by the close of this session.

I am aware of the setback which postal reform sustained in a House Committee on October 8. That action must be reversed. I shall persist in behalf of both the taxpayers and the mail users in this country to press for this urgently needed reform. I still believe enactment should come by the end of this session of the Ninety-First Congress.

Here I must again urge responsible Congressional action, and promptly, on the proposed increase in postal rates for all three classes of mail. When this Administration entered office in January, it confronted a deficit in the postal budget for fiscal year 1970 of more than $1.2 billion. We are already three months into that fiscal year—and this deficit is being underwritten by the taxpayers, rather than the users of the postal service, who should rightly bear the cost. I recognize that such a measure is hardly a political delight. Yet it is required in the interest of equity and fiscal integrity. I request the Congress to face up to this task.

MANPOWER REFORM. The history of the 1960's chronicles an intense political debate that has resulted in the old centralism of the thirties losing converts to the new federalism of the seventies. More and more progressive men in both parties have become convinced from the failures of programs run from Washington that important areas of government decision-making must be returned to the regions and locales where the problems exist.

I have attempted to take that conclusion out of the forum of debate and into the arena of action—Congress. I have recommended that management of a Federal program—the multi-billion dollar manpower training program—be consolidated, and turned over in a three-stage operation to the States and communities to run in a way that fits the needs of the immediate areas involved. No reform of this magnitude has been attempted since centralism became the dominant national trend at the depths of the depression. This recommendation represents the beginning of a revitalized federalism, the gradual transfer of greater power and responsibility for the making of government decisions to governments closest to the people. I urge swift Congressional action.

SOCIAL SECURITY REFORM. I have requested an across-the-board increase of ten percent in Social Security benefits to compensate elderly Americans for the losses they are suffering because of an inflation they could do nothing either to prevent or avoid. In addition, I have proposed a new reform, an escalator in Social Security to insure that benefits will rise correspondingly whenever the cost of living goes up. When this reform is enacted, never again will those Americans least able to afford it be made to bear the brunt of inflation. These necessary steps can and should be taken by Congress before the end of this year.

One word of caution. I know the political temptations here. Why not balloon the benefits now, far above 10 percent, for political rewards in 1970? I remind the Congress that it is long since time that we stopped the political over-reactions which fuel the inflation that robs the poor, the elderly, and those on fixed incomes. I urge Congress to hold to this ten percent figure—and let the new escalator protect older Americans against the possibility of future inflation.

A second reform I have proposed is to alter the system of social security to encourage and reward the workers who want to go on working past age 65—rather than discourage them. I ask Congress to enact this measure without delay.

REFORM OF THE GRANT-IN-AID SYSTEM. Among the first major pieces of legislation I asked of Congress was authority to make uniform the requirements for participation in many grant-in-aid programs that have proliferated in the last five years. If we are granted the power to draw these programs together, to group them by function—setting far more simple regulations—then States and communities will participate more and Congress' original purposes will be better served. We need that authority *now*. I know of no reason for delay.

ELECTORAL REFORM. While I originally favored other methods of reforming the electoral college system, I have strongly endorsed the direct popular election plan approved by the House. I hope the Senate will concur so that final favorable action can be completed before the end of this session. This must be done if we are to have this needed reform amended to the Constitution in time for the presidential election of 1972.

D.C. GOVERNMENT REFORM. For years there has been broad support for granting the people of Washington, D.C., the same right to Congressional representation other Americans have always prized, and the right to conduct their public business themselves. The Federal city has been a federal colony far too long. Months ago I presented to Congress a program to bring about the orderly transfer of political power to the people of this community. I recommended a constitutional amendment giving the District of Columbia at least one Representative in the House and such additional Representatives as Congress may approve, and providing for the possibility of two United States Senators. I urged Congress further to grant the city one non-voting Congressional representative in the interim, and recommended creation of a commission to prepare and present to Congress and the President a program to improve the efficiency and competence of the District government—looking to the day of complete self-government. Favorable action has been taken by the Senate. I ask that this work be completed before the end of the year.

OEO REFORM. I have provided the Office of Economic Opportunity with a new director, a new structure, and added responsibilities as the research and development arm of the nation's effort to deal with the problems of the poor. OEO is now strengthening its present operating programs, including the Community Action Agencies, VISTA, Legal Services, Neighborhood Health Centers, Family Planning, Emergency Food, Rural, Older Persons, Indian and Migrant Programs. In addition, there is new emphasis on research, the evaluation of existing Federal social programs, and developing and testing new approaches in community and economic development, manpower and education to assist the poor to move into the economic life of the nation. I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life. Here again, there is no need or justification for further delay.

In recent years the Federal Government has suffered a precipitous decline in public confidence. The reason can be found in the chronic gap that exists between the publicity and promise attendant to the launching of a new Federal program—and that program's eventual performance. If confidence in government is to be restored, the gap must be closed.

This is the purpose of the foregoing proposals and great goal of this Administration—not to establish some new arithmetical record for the number of programs proposed, but to do more than other Administrations have done—to devise new approaches, to make the worthy old programs work, and to make old institutions responsive. It is for this that we prize the mechanics and engineers of government who retool and improve its machinery as much as we do the planners and the idea men who develop new programs and new agencies. There is little publicity and less glamor in the labor of the mechanics and engineers of government but, with billions in tax dollars invested in scores and scores of on-going Federal programs, the need is certainly greater. Let us together make government's performance and responsiveness more commensurate with its size.

REFORM OF FOREIGN AID. Our foreign aid program, sent to Congress in May, differs from earlier programs in three significant ways. First, it would place greater emphasis on technical assistance, especially in the areas of agriculture, education and family planning, where the return would be greatest when measured in terms of national and human development. Second, the new program would create an Overseas Private Investment Corporation to provide a greater thrust for the channeling of private investment to the low-income countries. Third, it would increase the share of our assistance contributed through multilateral institutions.

I know of the economic miracles which foreign aid has helped create in Western Europe and in parts of Asia. I know also that our program is far from perfect. With this in mind, I have recently appointed a Presidential Task Force on International Development, charged with proposing new approaches to aid for the 1970s.

One fundamental question must be faced as Congress prepares to vote on this issue: will we in the United States live out our lives in comparative affluence, while denying reasonable help to those who are our neighbors in the world community and who are struggling to help themselves achieve a better life? To enable us to answer this question positively, I have requested $2.7 billion—the smallest request in the history of the U.S. aid program but an amount vitally needed to maintain our relationship with the developing world.

In addition to the reforms already cited, I have made other recommendations that call for new commitments by the Federal government, and offer more hopeful avenues of progress than the paths of the past.

Specifically, I have asked Congress to:

—establish a national computer Job Bank, which would enable the unemployed and the employer to come together through a computer matching system. The bank would have "branches" in every major labor market in the country. No longer would men have to go without work solely because they did not know where to find jobs.

—commit this country to the most extensive improvement of the nation's air facilities in history. Under this program, the annual Federal appropriation for improving air facilities will rise from $3 million a year—the average of the last decade—to $250 million annually over the next decade. I have proposed further aid for airport development of $2.5 billion dollars in Federal funds in the next ten years to be matched dollar-for-dollar by the States and local governments. This will mean an added $5 billion in funds for airport development. It will mean a running start on the national effort to build for the doubling of airline traffic expected by 1975 and its tripling by 1980.

—commit this country to the redevelopment of the nation's deteriorating public transportation system by providing an unprecedented measure of Federal support. In the six-year period ending with fiscal 1970, some $800 million will have been authorized by Congress to aid the nation's deteriorating public transit industry. I have proposed raising that commitment to $3.1 billion over the next five years and to a total of $10 billion over the next twelve.

—enact the most extensive improvements in the Federal-State unemployment system in a decade, with coverage extended to an additional 4.8 million workers, mostly low-income, with an automatic extension of benefits to workers during times of high unemployment.

—enact the strongest mine health and safety bill in history, one which empowers the Secretary of the Interior to upgrade health and safety standards for coal mines as the technology develops.

—establish a national occupational health and safety board, with power to set standards to protect workers.

—empower the Equal Employment Opportunity Commission to bring suit in a Federal District Court to enforce federal laws against discrimination.

—ban literacy tests as a prerequisite for voting throughout the United States.

NEW INITIATIVES

THE HUNGRY. For many years, in this richest of societies, we have heard rumors of malnourished children and hungry men and women. Now we know these rumors are true. This realization has prompted us to a commitment—that we eliminate every vestige of hunger and malnutrition from America. I have asked Congress to help us assure that every American family can have a nutritionally complete diet; I have asked that the poorest members of our national community be provided with food stamps free of cost.

The Senate has shown a willingness to join in this commitment and has acted with dispatch. I urge the House to move so as not to prolong any further the day when the ancient curse of malnutrition and hunger is eliminated in this most modern of nations.

POPULATION. There is a widely-recognized correlation between population growth and poverty in the under-developed nations of the world. I have asked Congress to support our endorsement of those individuals and organizations seeking voluntary answers to this global question in other lands.

To approach this question as it applies at home, I have called on Congress to create a national commission to undertake now a study of how the nation is to provide for the 100 million new Ameri-

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cans expected before the turn of the century.

Beyond this, I have asked that a new philosophy become American government policy. We will interfere with no American's freedom of choice; we will infringe upon no one's religious convictions; but we shall not deny to any American woman the family planning assistance she may desire but cannot afford. That is the goal I ask Congress to support.

THE CONTROL OF CRIME

There is no greater need in this free society than the restoration of the individual American's freedom from violence in his home and on the streets of his city or town. Control and reduction of crime are among the first and constant concerns of this Administration. But we can do little more unless and until Congress provides more tools to do the job. No crisis is more urgent in our society. No subject has been the matter of more legislative requests from this Administration. Yet, not a single one of our major recommendations on crime has been acted upon favorably. I have not even received yet the budget appropriation for the Department of Justice for this fiscal year which is three months old. In light of the rising crime statistics in the country—and in the Nation's Capital—I again call upon Congress to become a full-fledged ally in this national campaign.

ORGANIZED CRIME. To intensify the national effort against organized crime, I have asked for an arsenal of new legal weapons:

— a doubling of existing resources for the organized crime effort;

— authority for Justice Department agents to enter any community and shut down large-scale gambling operations;

— a modern general witness immunity statute under which witnesses in Federal criminal cases could be compelled to testify under threat of a prison sentence for contempt;

— finally, because organized crime would shrivel up without its enormous gambling resources, and because illegal gambling on a large scale cannot go on without cooperation of corrupt law enforcements, I have asked Congress to make corruption of local authorities who are tied in with such gambling operations a Federal crime. I must stress the great urgency of these measures. Let the Congress act—*now*.

D.C. CRIME. To deal with the increase in crime in the District of Columbia I have asked for an expansion and strengthening of the entire system of law enforcement and criminal justice, including a fundamental reorganization of the courts. I have stressed the urgent need for more police, more judges, more prosecutors, more courtroom space, a new public defender's office, better penal and rehabilitation facilities and reform in the procedures for dealing with juvenile offenders. Crime in the District of Columbia continues to rise to new records with each month. We cannot contain or control it with existing resources; we need more men and money; we need a speedier trial system and, as important as any other measure, the power to keep hard-core criminal repeaters in the District of Columbia off the streets, so they are not committing five and six crimes before they are ever brought to trial. The Congress should act—*now*.

NARCOTICS. In the Federal effort against the illicit narcotics trade, I have submitted a major revision of all Federal narcotics laws and requested more men and money to deal with a problem that long ago outstripped the capacity of government at every level. Existing manpower and resources are stretched to their elastic limits—they are demonstrably inadequate. We have to have the cooperation of Congress to attack this terrible problem. Let's get at it—*now*.

PORNOGRAPHY. To prevent the use of the Nation's postal system for the mailing of unsolicited sex-oriented materials to families that do not want the material and to children to whom it might do psychological harm, I offered three legislative proposals that will protect American citizens from the barrages of the filth peddlers, and will also be consistent with the decisions of the U.S. Supreme Court interpreting the First Amendment. These bills are still in Congress. I ask that they be promptly enacted.

These are among my major legislative proposals in these first nine months in office. I believe they speak directly to the needs of a Nation in distress. I can see no legitimate reason why—with good will and cooperation between us—we cannot make the great majority of these urgently needed programs law before the end of the year. We should have all of them—as well as the others now pending—on the statute books well before the Ninety-First Congress enters the history books.

To that end, I again pledge the cooperation of this Administration.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1969*.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED INTERCHANGE OF JURISDICTION OF CIVIL WORKS AND NATIONAL FOREST LANDS

A letter from the Secretary of the Army and the Under Secretary of Agriculture, transmitting, pursuant to law, notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and national forest lands at Libby Dam and Reservoir in Montana (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF DEFENSE CONTINGENCY DISBURSEMENTS

A letter from the Secretary of Defense, reporting, pursuant to law, disbursements made against the "Contingencies, Defense" Account from current and prior fiscal year obligations during fiscal year 1969; to the Committee on Appropriations.

REPORT ON PROPOSED CONSTRUCTION PROJECTS FOR THE ARMY RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, with respect to certain construction projects proposed to be undertaken for the Army Reserve; to the Committee on Armed Services.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the review of U.S. policies and procedures for obtaining NATO cost sharing of military construction projects in Europe, Department of Defense, B–156489 (with an accompanying secret report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of internal audit activities, exclusive of the Internal Revenue Service, in the Department of the Treasury, October 13, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION ESTABLISHING A PROGRAM FOR THE PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES THROUGHOUT THE NATION

A letter from the Chairman, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION TO AMEND TITLE I OF THE ACT OF NOVEMBER 15, 1966

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend title I of the act of October 15, 1966 (80 Stat. 915) (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF THE NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

A letter from the Chairman, National Advisory Council on Education Professions Development, transmitting, pursuant to law, a report of the National Advisory Council on Education Professions Development, October 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION TO LIBERALIZE THE PROVISIONS OF LAW GOVERNING THE PAYMENT OF INCREASED DISABILITY COMPENSATION

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to liberalize the provisions of law governing the payment of increased disability compensation as a result of examination or hospitalization in a nongovernmental hospital (with accompanying papers); to the Committee on Labor and Public Welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MOSS, Mr. MURPHY of New York, Mr. SPRINGER, and Mr. KEITH were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mrs. HANSEN of Washington, Mr. KIRWAN, Mr. MARSH, Mr. FLYNT, Mr. MAHON, Mr. REIFEL, Mr. McDADE, Mr. WYATT, and Mr. BOW were appointed managers on the part of the House at the conference.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the City Commission of the City of Traverse, Mich., remonstrating against proposed legislation to limit the tax-exempt feature of interest paid on public bonds issued by State or local governments; to the Committee on Finance.

A letter, in the nature of a petition, from Jacob Kisner, of New York, N.Y., praying for the enactment of legislation relating to the establishment of a Department of Peace; to the Committee on Foreign Relations.

A resolution adopted by the Florida House of Representatives, Committee on Public Health and Welfare, supporting President Nixon's welfare reform with the exception that it proposes that all administration and control remain in the hands of the States subject to minimal Federal guidelines; to the Committee on Labor and Public Welfare.

A resolution adopted by the City Council of the City of Worcester, Mass., opposing the so-called Postal Corporation; to the Committee on Post Office and Civil Service.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STEVENS:

S. 3017. A bill for the relief of Jerry J. McMutcheon, of Anchorage, Alaska; to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself and Mr. SCOTT);

S. 3018. A bill to amend section 104 of the Truth-in-Lending Act; to the Committee on Banking and Currency.

(The remarks of Mr. METCALF when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SYMINGTON:

S. 3019. A bill for the relief of Dr. Abelardo B. Sanchez; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself and Mr. BELLMON):

S. 3020. A bill to repeal the so-called Connally Act; to the Committee on Commerce.

(The remarks of Mr. PROXMIRE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PERCY (for himself and Mr. SMITH of Illinois):

S. 3021. A bill to amend the River and Harbor Act of 1958 to authorize the appropriation of $5,728,000 for the repair and modification of certain structures along the Illinois and Mississippi Canal in the State of Illinois; to the Committee on Finance.

By Mr. BYRD of West Virginia (for Mr. RANDOLPH) (for himself and Mr. BYRD of West Virginia):

S. 3022. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Finance.

(The remarks of Mr. BYRD of West Virginia when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON (for himself and Mr. McGOVERN, Mr. MONDALE, and Mr. SAXBE):

S. 3023. A bill to create an Office of Defense Review; and

S. 3024. A bill to establish a Temporary National Security Commission; to the Committee on Armed Services; and

S.J. Res. 160. A joint resolution to create a joint congressional committee to review, and recommend changes in national priorities and resources allocation; to the Committee on Government Operations.

(The remarks of Mr. NELSON when he introduced the bills and joint resolution appear later in the RECORD under the appropriate heading.)

S. 3018—INTRODUCTION OF A BILL REPEALING THE EXEMPTION OF UTILITIES SUBJECT TO STATE REGULATION FROM THE CONSUMER CREDIT PROTECTION ACT OF 1968

Mr. METCALF. Mr. President, on behalf of the senior Senator from Pennsylvania (Mr. SCOTT) and myself, I introduce for appropriate reference a bill to repeal the exemption of utilities subject to State regulation from the provisions of Public Law 90–321, the Consumer Credit Protection Act of 1968.

According to the paragraph which our amendment would delete, the provisions of title I, which deal with consumer credit disclosure, do not now apply to "transactions under public utility tariffs, if the Federal Reserve Board determines that a State regulatory body regulates the charges for the public utility services involved, the charges for delayed payment, and any discount allowed for early payment."

Truth-in-lending legislation was before the Congress for many years prior to passage of the Consumer Credit Protection Act of 1968. None of the bills introduced during those previous Congresses carried the paragraph quoted above, which is section 104, paragraph (4) of the act. Nor was there testimony before either the Senate or House Banking and Currency Committee in support of the above amendment. In fact, it did not appear in either the Senate or House bill, as originally approved by the Senate and House in the 90th Congress, being included instead during the Senate-House conference.

The distinguished chairman of the House Subcommittee on Consumer Affairs (Mrs. SULLIVAN) expressed her reservations about the amendment during the hearing on consumer credit regulations last March. She said—I quote from part 2 of the Subcommittee on Consumer Affairs hearing, page 393:

> Mrs. SULLIVAN. This is a rather technical question; but important: In the case of utility bills, the law exempts from the annual percentage rate disclosure requirements the so-called discounts for cash, which are often actually penalties for late payment, where such charges or rebates are regulated by a governmental agency.
>
> I was not too happy with that provision which was put in the bill in the conference committee. I had been against it because I learned that in about half the cases where the electric company or the gas company bills you for both a net and a gross amount, depending upon whether the bill is paid before or after a specific date, it is not a discount from the bill for prompt payment as many people believe, but instead it is a penalty for late payment—really a credit charge. And the annual percentage rate of that charge is often very high. I think we have to watch that, and at least encourage consumers in the States to make certain that their State utility regulatory agencies actually do oversee and regulate such charges.
>
> The utility company runs very little risk on its late bills, because no one wants to risk having the service cut off. Very few other creditors have a similar club to hold over the head of their slow paying customer. Where these are late payment penalties instead of discounts for prompt payment, they are often regulated under State law only in the sense that the utility company files its tariffs with the regulatory agency, but very little attention, if any, is paid by the regulating agency to the reasonableness of the late payment charges.

Later in the hearing, it developed that neither the Congress nor the Federal Reserve Board had actually determined that the State regulatory authorities exercised regulatory function in the credit field. The Board witness agreed with a member of the subcommittee that the established exemption might well be inappropriate, as indicated by the following colloquy between the Congressman from Texas (Mr. GONZALEZ) and Frederic Solomon, Director of the Division of Supervision and Regulation of the Federal Reserve System:

> Mr. GONZALEZ. Perhaps just an explanation of section 104, the exemptions, subsection 4, transactions under public utility tariffs. If the board determines that a State regulatory body regulates the charges, et cetera, suppose there is no State regulatory authority, such as in my State?
>
> Mr. SOLOMON. Let me read a provision, if I may, Mr. Congressman. The feeling there was that the situations were quite similar in those situations where, as in the State of Texas, there may not be a State regulatory authority, or there may be a State regulatory authority, but it may not apply within a particular city.
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> And therefore it was felt that the best way to carry out the purpose of this provision as well as it could be understood at the time, and subject always to review and further consideration, was to apply it generally to those public utility situations that were under some kind of surveillance from some kind of regulatory authority. So the provision related to that was phrased in the regulation as follows. This is an exemption in section 226.3(d) of the regulation on page 10 of the mimeographed copy:
>
> "TRANSACTIONS UNDER PUBLIC UTILITY TARIFFS
>
> "Transactions under public utility tariffs involving services provided through pipe, wire or other connected facilities, if the charges for such public utility services, the charges for delayed payment, and any amount allowed for early payment are filed with, reviewed by, or regulated by an agency of the Federal Government, a State, or a political subdivision thereof."
>
> It was felt that this was the most workable way of implementing what was believed to be the purpose of the exemption in the statute itself.
>
> Mr. GONZALEZ. Suppose there is no such legal regulatory supervision?
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> Mr. SOLOMON. It was our impression, as best we could get the information, that there would almost always be some kind of agency with which there would be a filing, or some

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instance where this could be complied with, not necessarily extensively regulated, but at least some kind of filing. That was the impression we had. We may be mistaken about it, but we hope that would be the case.

Mr. Gonzalez. I am afraid it isn't.

Mr. Solomon. It may well be wrong.

Mr. President, the paragraph which our bill would repeal sounds reasonable. It appears to prevent conflicting jurisdiction. Actually, though, as the House hearings indicated, State commissions do not have the resources for regulation of utility finance charges. Those State commissions have already been given many assignments by their State legislatures, without, in some instances, commensurate staff and appropriations, as was indicated by the commissions in their reports to the Senate Subcommittee on Intergovernmental Relations. I do not believe that the Congress should casually pass on to the State commissions additional responsibilities which will require them to divert some of their modest resources to yet another field or, in the alternative, to incur the displeasure of consumers who complain that the commissions are not doing their assigned job or regulation.

In addition, I am concerned by the criticism levied by small businessmen at section 104(b). I have heard from fuel oil marketers in Pennsylvania, New York, and Connecticut who compete with electric and gas utilities for the heating market. The electric and gas utilities are exempt from the Truth-in-Lending Act. The oil heat industry is not. As one of the oil heat officials said, as the law now stands it penalizes the independent businessman and favors the utilities.

Mr. President, in elaboration of this complaint by fuel oil marketers, I ask unanimous consent to insert at the conclusion of my remarks an article on this point which appeared in the July 28 issue of U.S. Oil Week.

It is my intention to ask for a hearing on the bill today introduced, whenever the Banking and Currency Committee of either House considers proposed amendments to the Consumer Credit Protection Act of 1968.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the article will be printed in the Record.

The bill (S. 3018), to amend section 104 of the Truth-in-Lending Act, introduced by Mr. Metcalf (for himself and Mr. Scott), was received, read twice by its title, and referred to the Committee on Banking and Currency.

The article presented by Mr. Metcalf follows:

Gas Company Charges Tom Jones 142 Percent Interest

Tom Jones uses natural gas to cool his home in suburban Kensington, Md.

Jones is executive vice president of the National Oil Jobbers Council representing thousands of fuel oil marketers faced with the twists and hazards of conforming to the new Truth-in-Lending law.

Writing to New York Attorney Sam Borenkind last week Jones noted that the Washington Gas Light Co. doesn't have to reveal its finance charge for those customers who don't elect to take advantage of premium billing.

Utilities were exempted from Truth-in-Lending in a closed door final meeting on the bill.

But if Washington Gas Light were covered, this is what the bill would have to say:

"A cash discount (FINANCE CHARGE) of $.32 may be deducted from the total (Deferred Payment Price) $4.42, which equals a cash price (Amount Financed) of $4.10, (this is an ANNUAL PERCENTAGE RATE of %) if paid within 20 days.

"Actually, because of the size of the finance charge, the annual percentage rate would not have to be stated, but if it were, calculating on the FTC system, it would equal 142.25%," Jones said.

(Divide .32 by amount financed—$4.10—which equals 7.8% for 20 days.

Divide 7.8 by 20, giving you the daily rate of .39%.

Multiply that by 365 and you get 142.35%, which is rounded off to the nearest quarter of a percent or 142.25%.

"The law most definitely penalizes the independent businessman, favors the utilities which are exempt from compliance, and I hope we can jointly work out something to exempt jobbers from compliance," he added.

The bill looks like this:

[Not printed in the Record.]

S. 3020—INTRODUCTION OF A BILL REPEALING THE CONNALLY HOT OIL ACT

Mr. PROXMIRE. Mr. President, I had originally intended to propose an amendment to Senate Joint Resolution 54, consenting to an extension of the interstate compact to conserve oil and gas. However, the Senator from Oklahoma (Mr. Bellmon) has convinced me that I could better secure my original objective by introducing a bill to repeal the Connally Hot Oil Act, chapter 15A of title 15 of the United States Code.

I am, therefore, pleased to introduce on behalf of the Senator from Oklahoma (Mr. Bellmon) and myself a bill to repeal the Connally Hot Oil Act.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3020) to repeal the so-called Connally Act, introduced by Mr. Proxmire (for himself and Mr. Bellmon), was received, read twice by its title, and referred to the Committee on Commerce.

NEED FOR WHOLESALE PRICE INDEX REFINEMENT

Mr. PROXMIRE. Mr. President, one of the most distinguished economists and original thinkers in the country is Gardiner C. Means. In the 1930's he and Adolph Berle wrote a classic economic textbook entitled "The Modern Corporation and Private Property." There, for the first time, a detailed analysis of the divergent and conflicting interests of managers and owners of large corporations was made.

In the 1950's, Gardiner Means was closely associated both with the development and demonstration of what is now known as administered prices and administered price inflation.

Now Gardiner Means has performed an analysis of the years 1964 to 1969 and has described in some detail the nature of the price rises in what to him are three distinct periods during those years. He terms the periods "reflation," in which the largest price rises were in the competitive industries; a period of administered price inflation, in which the fastest price rises were for the goods of concentrated industries; and a recent period since December 1968 which he calls "compound inflation" or where prices in both groups of industries rose.

In Sunday's Washington Post there was an article published, written by Bernard Nossiter, entitled "New Clues Are Uncovered to Causes of Inflation," in which the tentative results of Mr. Means' study of the period are given.

But, as the article points out, Mr. Means has had to base his findings on the broad industry groupings of the wholesale price index. In order to confirm or to rebut the thesis and findings or, more correctly, to determine for the country what the real situation is, a more detailed and sophisticated breakdown of the price increases industry by industry is needed. There is, for example, a need to break out the price behavior in the steel and oil industries from their broader classifications.

I believe this should be done. It can be done. As vice chairman of the Joint Economic Committee, I have asked our staff to work with the Labor and Commerce Departments in order that they may further refine the wholesale price index data so that a more meaningful breakdown can be made.

One of the criticisms of this administration is that it has failed to act against the administered price increase. That is the kind of action President Kennedy took, as well as President Johnson. Many economists support it. Some oppose it. However, the argument recently heard is that we are suffering from a kind of inflation which is not susceptible to competitive factors, or to a diminution in demand which one gets by increasing taxes or by tightening credit. As I said, this study by Mr. Means, which may or may not be right, so far as the analysis by the Joint Economic Committee goes, is the kind of economic policy we should follow.

I ask unanimous consent that the article by Mr. Nossiter describing Gardiner Means' analysis be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New Clues Are Uncovered to Causes of Inflation

(By Bernard D. Nossiter)

[Charts not printed in Record]

The growing outcry over rising prices is taking on a new dimension. An increasing number of leaders, political and otherwise, are beginning to call for wage and price controls, an extreme measure normally regarded as unthinkable except in an all-out war.

At the same time, a number of Democratic Party figures, including Joseph Califano, the former Johnson aide, think they have found a weak point in the Nixon Administration because of its rhetoric dismissing wage-price guidelines.

This ferment represents a significant shift in the debate over inflation. Until recently, the issue had been posed in these terms: Are prices rising because the Federal Reserve has created too much money, or because government spending on Vietnam and civilian programs has built up too much demand?

Now, the question is being put thus: Is inflation the consequence of misguided government policies, fiscal or monetary, or is it the result of an abuse of private power? Behind the revived discussion of guidelines and controls is an implicit view that the nation's economic analysts have looked too long at Washington and not nearly enough at the decisions made in executive suits and union headquarters.

THE QUESTION OF POWER

The three accompanying charts are an effort to ground the new discussion in fact; to look at the industries in which prices have been rising and see whether some clues about the sources of inflation can be deduced.

The graphs are the work of Gardiner C. Means, a distinguished 73-year-old economist whose product has always been regarded uneasily by his professional confreres because it has touched on the disagreeable question of power.

In the '30s, in collaboration with A. A. Berle, he revolutionized thinking and public policy toward large corporations by observing that ownership and management were no longer an identity. In the '50s, Means produced a powerful analysis demonstrating that the inflation of that era was largely the product of administered price industries, led by steel.

He is, in effect, the unacknowledged godfather of the Kennedy-Johnson wage-price guidelines and his findings were the theoretical rationale for President Kennedy's famous confrontation with Chairman Roger Blough of U.S. Steel.

The story suggested by Means' new charts will provide little comfort to advocates of the either-or stripe; to those who fix responsibility exclusively on government and to those who pin it entirely on private power.

THREE-PHASE INFLATION

Means believes that there have been the three distinct periods in the current inflation, the one that began in 1965 and still persists. The first, lasting nearly two years, he gives the old New Deal label "reflation."

Here, the government was seeking to reduce high unemployment and did so with a variety of techniques. The most notable were a big tax cut and enlarged spending for both the war and civilian purposes.

The second period, which ran through last year, Means describes as an "administered price inflation." Here, increases were generated by the large corporations and the powerful unions with which they dealt. Whether the inflation was fueled by union wage demands or by corporate price decisions is a question difficult to disentangle. Means has not attempted to do so.

In the third period, the march of prices during 1969, Means concludes that both government policy (and "government" here embraces the nominally independent Federal Reserve as well as executive fiscal powers) and private decision-making are responsible. This he calls "compound inflation."

If Means is right, a remarkably sophisticated mix of public policy is in order. His analysis indicates that inflation cannot be choked off by exclusive reliance on fiscal and monetary restraint without recreating at least the high levels of unemployment of the 1950s. By the same token, inflation can't be stopped by pursuing only the centers of private power. A judicious mix of both is needed.

Indeed, some perception that this is so may explain why some members of the Nixon administration are beginning to soften their antiguidelines pronouncements and may be tinkering with a variant of this approach.

THE GAMUT OF INDUSTRY

To understand Means requires an understanding of the structure of American industry. He distinguishes between three broad types of industry and argues that their price behavior depends on the extent of their power over their market.

At one extreme are the competitive industries, beloved by economics textbooks. These are the industries like farming in which no one firm is big enough so that its actions can affect the prices or output of its fellows.

At the other extreme are the concentrated industries like steel, aluminum, autos and electrical machinery. Here, a few companies account for the bulk of the sales. They are not immune to the classical forces of supply and demand but they, or their price leaders, have considerable discretion within broad limits.

Thus, what U.S. Steel or General Motors or General Electric (and their generally well-organized unions) do about pricing and output will powerfully affect the decisions of their handful of near-peers. These are the industries—"oligopolistic" in the economists' idiom—that administer prices.

In between is a broad range of industries with more firms than the auto industry but far fewer than the number of cotton farms. The pulp and paper industry is a typical member of this mixed branch.

Both in theory and in practice, an expansive fiscal policy (tax cuts, more spending) or easy money will push up competitive prices. In textbook terms, effective demand is outstripping supply. Prices in competitive industries, Means has demonstrated in the past, are sensitive and change rapidly with changes in demand.

Prices in concentrated industries, however, are a different animal. Corporate executives, essentially conservative, make changes more slowly and in order to achieve a targeted rate of return. Thus a burst of effective demand may or may not move up prices in oligopolistic industries. Moreover, corporate managers may raise prices even in the absence of extra demand.

RESULTS ARE TENTATIVE

Means' charts are based on the wholesale price index rather than the more familiar consumer price index. Broad price changes show up in the wholesale index before they appear at the retail level. Moreover, the wholesale index is distorted less by changes in the quality of products.

For this exercise, Means has used very broad industry groupings, and his findings are therefore more tentative than conclusive. Thus the steel industry is subsumed under the bigger Metal and Metal Products heading; oil is part of the larger Fuel and Power group and the like. A more detailed breakdown, industry by industry, is needed to confirm or rebut Means' findings.

This is a task that the Joint Economic Committee or the Senate Antitrust and Monopoly Subcommittee might profitably undertake. Federal agencies—the Labor and Commerce Departments or the Federal Reserve—have the resources to do the job but have traditionally shied away from politically sensitive questions like administered prices and wages.

In the Means graphs, the height of each bar is the percent of price increase during the period under examination. The width of each bar reflects the industry's weight or importance in the index. Thus the area of the bar, the height times the width, is a graphic representation of the contribution of each industrial grouping to inflation.

In the reflation period, the overwhelming role of the competitive industries is apparent. Farm products went up 17.2 per cent and processed foods, 13 per cent. Conversely, the concentrated machinery group goes up less than 5 per cent and the concentrated motor vehicles sector even fell.

During the administered inflation period, the picture changes dramatically. The price advances are largely in the concentrated sector. One important competitive industry, farm products, actually declined 5 per cent. An exception to the pattern is the competitive lumber and wood products industry. A housing boom shot up prices by 26 per cent.

The present compound inflation offers still another pattern. Here, price advances are registered indiscriminately among competitive and concentrated groups.

Means' work has already been circulated among a handful of financial executives and a few Democratic Senators and Congressmen with a penchant for fresh approaches to economic problems. Whether his attack will have the potent effects on policy-making that it did with a Democrat in the White House is a large question.

Moreover, even an Administration willing to acknowledge the importance of administered prices and wages can rightfully ask: What institutional mechanism can really contain this power?

Guidelines are crude, and capriciously applied. There is another family of solutions requiring leading corporations and unions to give advance notice and justify changes in prices. But there are many political, administrative and theoretical objections to this approach.

In the end, any President, even one so little bound to ideology as Mr. Nixon, would have some difficult calculations to make. To deal with classical inflation and restrain the competitive sectors, how high a price in unemployment is bearable? To deal with administered inflation, how much opposition can any President take from centers of power at union and corporate headquarters?

S. 3022—INTRODUCTION OF THE ORDERLY TRADE EXPANSION ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, on behalf of my able senior colleague (Mr. Randolph) I ask unanimous consent that a statement by my colleague be printed in the Record at this point, and that I be permitted to introduce a bill for him in his behalf and in mine.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Randolph

On behalf of myself and Senator Byrd of West Virginia, I introduce a bill to empower the President with effective authority to negotiate with supplying countries mutually beneficial agreements to regulate the rate of increase in future imports of flat glass, steel, glassware, footwear, electronic components, and man-made fibers. This bill is designed to recognize the legitimate interest of both the foreign and domestic producers of these commodities in the continuing participation in the growth of U.S. markets. It provides ground rules of considerable flexibility which will strengthen the long-range participation of both groups in this market.

Mr. President, the bargaining power which the President needs for effective international trade negotiations with other countries which have a major stake in the American market is provided by provisions of this measure. It would impose mandatory quotas upon imports of these six products equal to the average of the quantity and value imported during the period 1966 through 1968. Annual adjustments would be made to increase the quota in proportion to the growth experienced in domestic consumption of the commodities which are being regulated. If the threat of a shortage of supply develops, the Secretary of Commerce would investigate and would be empowered to set aside the statutory quota to prevent an artificial shortage.

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The statutory quotas would not apply in the case of any country which chose to negotiate an agreement with the President to set mutually agreeable limits on the rate of growth of imports.

The mandatory quotas which the statute would otherwise impose would become a hard fact which would provide incentive for our trading partners to come to the bargaining table. Once there, the President would have considerable discretion as to the arrangements to be agreed upon to provide satisfactory assurance to the United States that exports to this country would be controlled in a reasonable manner. The objective would be an acceptable limitation on the rate of increase in U.S. imports in order to avoid disrupting domestic markets to such a degree that domestic producers could not continue to keep their work force intact and participate in supplying the American public with basic commodities.

Mr. President, this measure is of particular importance to the State of West Virginia. The bill lists six basic industries as being import-sensitive, and specifies import limitations on the products of such industries. These are: steel, electronics, flat glass, shoes, glassware, and man-made fibers. The latest U.S. Government data shows that the steel industry employs 16,000 workers in West Virginia; glassware, 7,000; flat glass, 2,500; electronic components, 1,200; footwear, 485; and man-made fibers, about 2,500 workers. All together, these nearly 30,000 workers represent about one out of every four manufacturing jobs in West Virginia. Neither from the point of view of the State of West Virginia, nor of the Nation, can we responsibly remain passive in the face of the rapid inroads which imports of steel, electronic products, flat glass, glassware, footwear, or man-made fibers are making on the domestic market.

We are not proposing by the bill introduced today to roll back imports of the affected products to an injurious degree. We do not believe that modest reduction in imports which the use of the average of 1966 through 1968 imports represents constitutes as significant a loss of U.S. market opportunity when we think of the impact of the rapid rise of imports.

Additionally, this bill does not ignore the problems of other import-sensitive industries. Section 7 establishes a general procedure with clear-cut guidelines under which the Tariff Commission upon petition of the affected industries or workers will investigate the level of import penetration in the petitioning industry. The objective of such an investigation is to determine whether imports are comparable to those in the basic industries in the bill, each of which has been seriously harmed by excessive volumes and increases in imports in the past few years. If the Commission under very carefully drawn guidelines finds that the level of import penetration is comparable to that of the named industries, its finding will result in the imposition of mandatory quotas limiting imports to the average of the three years 1966 through 1968. Also, in the event of such a finding, the President will be authorized to enter into negotiations with the suppliers of such foreign merchandise with a view to agreeing upon mutually beneficial limitations upon future increases in imports.

Mr. President, I believe that this bill will be fair to all parties. Above all, it backs up the policy of the President to seek to adjust serious import problems through negotiation. Its provisions make the word "negotiations" means something by putting real bargaining power into the hands of the President. When its provisions are operative, the avoidance of mandatory quotas in damaging import situations will be within the powers of foreign producers themselves. By agreeing to negotiate with our President, they can eliminate the threat of quotas. They will find our President a fair negotiator; but, they will find that they will have to be willing to bargain with a President who holds real bargaining power.

Mr. BYRD of West Virginia. Mr. President, I join in the introduction of the bill to provide our President with effective power to solve damaging import problems through realistic negotiations with supplying countries. These problems are broader than just the textile import problem which the Secretary of Commerce is laboring so valiantly to solve. The lesson to be learned from the Secretary's frustrations in Europe and Asia is that other countries care not a whit for the problem of injury to American industries, or loss of jobs in America to Americans. As long as they can continue to bolster employment in their countries at the expense of American workers, they have no desire to come to the bargaining table. What the President and Secretary Stans lack, Mr. President, is meaningful bargaining power. This we must provide through realistic legislation. The President has some authority on woolen textiles, but he needs a clear-cut grant of power on man-made fiber textiles. This the bill we introduce today would supply.

Important as the textile problem is, there are other major industries just as badly affected by damaging imports. The bill being introduced today identifies six major industries, each of which supplies substantial employment in West Virginia, which are suffering from rapidly increasing imports. They are steel, flat glass, pressed and blown glassware, electronic components, footwear, and manmade fibers. My colleague has pointed out that these industries employ more than 29,000 workers in West Virginia—nearly one out of every four manufacturing jobs. What has excessive import competition meant to employment in these domestic industries?

A recently published study of the Trade Relations Council of the United States supplies the answer. In 1966, the latest year for which complete U.S. Government data were available for use in such a calculation, the foreign trade deficit in steel mill products represented the equivalent of 27,000 jobs lost to the American economy. For flat glass, the trade deficit represented a loss of 2,000 jobs in the United States. In pressed and blown glassware, our once hefty trade surplus had disappeared by 1967, and the employment once created by our favorable trade balance has been lost. In electronic products, the burgeoning trade deficit in radio and television sets in 1966 represented a net loss of 13,000 jobs in the United States. Each imported set represented a loss of employment in component production also, so the total job loss resulting from our foreign trade in consumer electronic products and components was much greater than the 13,000 jobs. In fact, in these two industries there occurred an absolute loss of 60,000 jobs between December 1966 and December 1968. Regarding footwear, in the first half of 1969 seven New England shoe factories closed, with imports an important factor in each case. Total imports of foreign leather shoes entering the United States in 1969 totaled 36 percent more than in 1967. Since 1960 shoe imports have increased by 600 percent; imports equalled almost 28 percent of total domestic production in 1968. These increases represent jobs lost in our domestic industry, both in the manufacturing plants and in the tanneries in West Virginia, which supply the leather. The decreased use of leather hides as between 1968 and 1967 resulted in a loss of employment equal to 38 weeks of lost production in one tannery alone in my State.

In cellulosic manmade fiber production, one of the more technologically advanced industries in our State and in the Nation, our foreign trade deficit in 1966 was the equivalent of 600 jobs lost.

So, in sum, our six West Virginia industries lost more than 50,000 jobs nationally due to adverse foreign trade balances in 1966—and the number has grown since then. This is nearly twice our total employment in West Virginia in these industries.

States like West Virginia need industries to provide jobs for their people. We cannot afford to have these job-creating centers of activity damaged or driven out of the State by sheer neglect on the part of the National Government to lay down some reasonable ground rules as to the rate at which foreign goods will be allowed to take over our markets. We badly need solutions to these problems. The bill being introduced today will give the President the bargaining tools he needs to cope with these problems. More importantly, it will serve notice on our trading partners that we owe as much to our own people as we do to theirs, and that we are not going to hand over our markets to foreign goods and foreign jobs. We intend to keep a fair share for our own people.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3022), to provide for the orderly expansion of trade in manufactured products, introduced by Mr. Byrd of West Virginia (for Mr. Randolph) (for himself and Mr. Byrd of West Virginia), was received, read twice by its title, and referred to the Committee on Finance.

S. 3023, S. 3024 AND SENATE JOINT RESOLUTION 160—INTRODUCTION OF BILLS AND A JOINT RESOLUTION ON DEFENSE, NATIONAL SECURITY, NATIONAL PRIORITIES AND RESOURCE ALLOCATION REVIEW

Mr. NELSON. Mr. President, in the first 9 years of this decade, $500 billion went into the military expenditures of this country, while the problems of poverty, hunger, and urban unrest intensified.

During this past year, however, several Members of the Senate made it clear that the special privileged position of the military and its industrial allies would no longer be ignored. Throughout several weeks of the summer, Members of the Senate carefully examined a $21 billion military procurement authorization bill for fiscal 1970 and battled over money for an anti-ballistic-missile system, super tanks, super airplanes, and more aircraft carriers.

Although the dissenting Senators came close to cutting large chunks of money from the budget, numerous fights ended unsuccessfully. The victory, however, was that the established tradition of rushing multi-billion dollar military bills through Congress was broken.

An examination of the Congressional Record shows that, over the previous 9 fiscal years of this decade, the House of Representatives never spent more than 1 day each year discussing military construction authorization proposals. The longest period of time ever spent on military procurement authorization in the House was 3 days for fiscal 1968. In the Senate, the record was not much better. Military construction debate was generally 1 or 2 days each year until fiscal 1969, when 6 days were spent. On military procurement, the Senate spent its longest debate—8 days—in fiscal 1968. Generally the floor debate was never more than 2 days.

It must be made clear, however, that, when the statistics were compiled, it was counted as a day, even if the discussion of the military procurement or construction bill was brought to the floor for a vote or if it was just briefly discussed.

Clearly, the statistics show a shocking indifference on the part of Congress. With the increased development of highly sophisticated, complicated weapons systems, Congress and the public have been willing to accept the judgments of the military with insufficient review. In our highly specialized society, it was just naturally assumed that the expert knew what is best. This unquestioning reliance on the military to determine policy that was clearly the responsibility of the Congress has been unwise. While the Senate committees responsible for military and foreign affairs have tried their best to keep up with the overwhelming amount of work directed at them, the pressures have been enormous. I believe that an information source outside and independent of the military would be valuable to the committees and the Congress as a whole.

Instead, Congress has been faced with the massive Military Establishment. This country now has military installations around the world, including 429 major and 2,972 minor overseas military bases operated by more than a million men. The sprawling military bureaucracy controls millions of acres and expends more money annually than any other single organization on earth.

In facing the massive defense structure, Congress faces the country's largest employer—one out of every nine jobs is in the defense area. There are some 1.3 million civilian defense workers and 22,000 prime contractors and 100,000 subcontractors who are regularly involved in defense production. Defense Department awards in fiscal 1968 accounted for 81.4 percent of all contracts let by the Federal Government.

The soaring defense expenditures have risen from $13 billion in 1950 to $43 billion in 1960 and to more than $80 billion this year. And even if the war is ended, the administration has already announced the dark news that there will be no peace dividend and that the $30-odd billions spent annually for the war in Vietnam will not be transferred to the tightly squeezed domestic programs, but will be eaten up by the growing military demands.

The growing rate of runaway military spending was described in a recent issue of Fortune magazine in a discussion of the military-industrial complex, when one writer observed that, "under the pressures of the Vietnam war, civilian control over military spending has diminished, efficiency has decreased, and a large amount of 'gold plating' of the forces has taken place under the guise of meeting the needs of war. Unless brought under control, these trends can easily drive the defense budget to more than $100 billion within a few years."

In his recent book, entitled "The Economy of Death," Richard Barnet made an even more depressing observation when he wrote:

> Unless some crucial assumptions behind present defense policy are explicity rejected, the Pentagon's escalator will soon take the American public on a ride toward a $200 billion annual budget. Senator Stuart Symington, veteran member of the Armed Services Committee and former Secretary of the Air Force, points out that even a serious try at building a "thick" anti-ballistic missile system would cost about $400 billion. In five years a $200 billion defense budget is likely to sound as austere as $80 billion does today. As for those who wish to return to the $50 billion Eisenhower budget, the staggering size of which prompted the retiring President to utter his famous warning against the "military-industrial complex," such would-be budget-cutters are viewed in the Pentagon as proponents of unilateral disarmament.

The obvious question is, What then happens to the vital domestic needs of the Nation? Today, of every 100 tax dollars paid to the Federal Government, approximately $4 is spent for education, $1.85 for community housing and development; $1.25 for the preservation and utilization of our natural resources; $8.60 for health—including $6.70 for medicare and medicaid; $6 for commerce and transportation; $3.50 for agriculture; $2.60 for space; $2.50 for all programs of international assistance; and $1 for all other social services. The rest of the money—approximately $66—goes to pay for past wars, present conflicts, and future military preparedness.

What emerges is a picture of a nation whose economic welfare and gross national product are tied to warfare.

Several years ago, before Vietnam was a household word, Fred J. Cook in his book entitled "The Warfare State" aptly observed that there had been a civilian abdication of responsibility to the military and that "the legislature constantly defers to the military as the only source of supreme knowledge in the infinitely complicated world of modern arms."

If Congress is going to take its responsibility for reviewing military expenditures and challenge the alarming trend of a runaway military establishment, it must have its own authoritative, objective sources of information. It is no longer acceptable for the Pentagon, with its parochial view of the world, to set the definition, design the objectives, and establish the national priorities, while the Congress nods its trusting approval.

Any challenge to the massive military-industrial structure will require a new system—a new modernized approach which uses the modern systems analysis techniques and computers that feed information that can be studied and judged.

Every Senator here knows that it is difficult to attempt to face a massive, complicated defense budget with an undermanned and overworked staff. It is also difficult for the staffs to seek the necessary information from the very agency the Senator is attempting to scrutinize and regulate.

John Stuart Mill once said:

> The proper office of a representative assembly is to watch and control the government.

That is what this Congress must and will do.

Fortunately, the Senate, with the aid of an excellent staff of the General Accounting Office, was able to uncover waste and inefficiency in the military procurement programs. But the GAO staff is also undermanned, overworked, and suffering from a lack of appropriations. It, too, has other responsibilities. GAO oversees all the Government's programs and, like many of us, does not have the necessary technical understanding of many of the complicated weapons programs the military argues it needs.

To give Congress the assistance it needs, I am introducing three bills today. These bills are an outgrowth of a conference on the military budget and national priorities that was held in Washington on March 28 and 29 this year. Several members of both the House and the Senate participated in 2 days of meetings with leading scientists, weapons experts, and foreign policy scholars.

The bills introduced today, cosponsored by the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), and the Senator from Ohio (Mr. Saxbe), establishes some of the mechanism that the conference indicated would be helpful for giving Congress a better understanding of the complex military weaponry questions coming before it.

TEMPORARY NATIONAL SECURITY COMMISSION

The first of our bills, "To create a Temporary National Security Commission," would establish a Commission consisting of five Members of the House of Representatives and five from the Senate, who would then appoint six eminent citizens to serve with them. The Commission would include no more than a single member of any one standing committee of either the House or the Senate. A representative of the Comptroller General would be a 17th member, so that his available knowledge of fiscal aspects would serve the Commission and thus avoid duplicate effort.

The Temporary National Security Commission would be given until the end of the 92d Congress to perform a thorough combing over of the defense operation in all aspects and the national security operations as well.

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Duties of the Temporary Commission would be to study—

(a) . . . (1) what the national policy in the area of defense is now formulated to be and to evaluate such policy, and in the light of such policy whether the national interest is being properly served by the existing agencies of Government; (2) whether existing projected weapons systems, military installations and fiscal performance of such agencies properly serve national policy in the area of defense; (3) to what extent the defense establishment as an institution dwarfs individual judgment in the making and execution of policy; (4) whether relationships between agencies of the Government responsible for procurement and suppliers of goods and services require modification.

(b) to make recommendations to Congress with respect to legislation upon the foregoing subjects, including the justification and improvement of policy for national security and the effectiveness of procedures and organization in those agencies of the Government which function in the area of defense.

In sum, it is our thought that no aspect of defense or national security should be overlooked.

The concept of such a Temporary Commission of investigation sprang from the celebrated Temporary National Economic Committee set up in 1938 under Senator O'Mahoney, which conducted a study about concentration of economic power. The extensive reports that grew out their investigations are still widely respected today.

The findings of the Temporary Committee of 1938–41 gave impetus to the antitrust prosecutions of that period. They generated the atmosphere for judicial decisions which achieved reforms in such areas as resale price maintenance, the basing-point system of pricing and the patent system. The Commission studied the process of corporate mergers which were dealt with in later legislation, such as the Celler-Kefauver Act of 1950.

Note must be taken of the fact that the President on June 30 announced the establishment of a blue-ribbon panel to conduct a year's study of the Department of Defense. The President is to be applauded for perceiving the need for such a study. But this blue-ribbon panel highlights a very serious constitutional question; namely, the extent of congressional oversight of activities in the executive branch. It is our considered view that such a review of the Department of Defense would be far more fitting constitutionally, if it were conducted by the Congress.

The Temporary Commission offered in our bill would conduct a more detached analysis of defense mechanisms than a panel responsible to the same chieftains as the Department of Defense; namely, the President and the Secretary of Defense. Our Temporary Commission has a more extensive mandate than the President's panel which would survey only the Department of Defense and would concentrate on such activities as organization and management, defense research and procurement policies and practices. That leaves untended the far more profound and sensitive areas, such as national defense policy, military performance and the capability of weapons systems to fit their purposes. In these areas the Temporary Commission that we advocate would serve a broader purpose and one most vital to our national interest.

OFFICE OF DEFENSE REVIEW

The second bill creates an Office of Defense Review. This would be responsible to the Congress and provide the Congress with an intimate and ongoing knowledge of defense and national security affairs as they occur. The analogy for this is the General Accounting Office. However, the Office of Defense Review would apply itself to such vital matters as the conformance of weapons systems to defense policy, and the performance of such weapons themselves in light of declared objectives and national defense policy. The bill also provides that fiscal data relating to defense and national security, already known to the General Accounting Office, and deemed to be of interest to the Office of Defense Review shall be provided to it by General Accounting.

The Office of Defense Review would have ongoing and continuous responsibilities. A special feature of this plan for an Office of Defense Review is the requirement that it prepare a congressional defense budget, independent of the one prepared by the executive branch. Such a concept, a congressional budget, is not new to political scientists. The purpose here is to bring to bear in the processes of congressional budgetary review the creative powers within Congress and thus highlight disparities between the congressional and executive thinking on each matter.

A prime function of the Office of Defense Review would be constant aid to congressional committees such as the Committees on Armed Services dealing with defense and national security. The immensity and sensitivity of these great functions are such that the Congress, in order to uphold its coordinate role, should be constantly conversant with them, and thus better able to offer guidance quickly.

An Office of Defense Review should also be ready to answer questions of individual Members on matters of defense and national security. Should computers be secured, it would be possible for Congress to have its own memory banks, where data of concern to Congress, arrayed in the fashion that congressional oversight best demands, could be made instantly available.

A Director and Assistant Director of the Office of Defense Review are provided in the bill. These offices would be analogous to the Comptroller General and Assistant. They would be appointed to hold office for 4 years.

There are many other reasons for setting up the Office of Defense Review. The imperatives of the vast national defense and security effort and also the present questioning of values and performance in this area, likewise the need to reassert congressional oversight generally over executive functions, and the sophistication of techniques, the size of the operations, taken all together, are strong reasons for the establishment of Defense Review as a substantial and continuing congressional function.

The Temporary National Security Commission, being recommended in legislation simultaneous with this, should recommend new devices and ways of reviewing defense and security. However, in setting up a task force for defense review, we feel that the provision of a permanent congressional mechanism for this purpose cannot wait for the conclusion of the Temporary Commission's work more than 3 years from now. The need to review the defense and security apparatus is now.

THE JOINT COMMITTEE ON NATIONAL PRIORITIES

The third proposal is a joint resolution to create a Committee on National Priorities. This, of course, goes beyond defense and national security, for it implies an overview of all national objectives and policies wherever the Government is concerned. Recently the concept of priorities has been highlighted by the growing size and significance of the military in relation to all other national activities.

This proposal provides for a Committee on Priorities of 14 members, seven from the House and seven from the other body. It would include no more than a single member of any one standing committee of either body. The members would select their chairman and vice chairman. Those offices would rotate from Congress to Congress, which is a somewhat experimental device for selection of committee leadership.

The Committee would submit to the Congress at the end of each calendar year a proposed government budget of income and expenses for a period of not less than 5 years. While this might not go to the depth and detail of line items, it would reveal to Congress the future magnitudes of projects to which Congress may be induced to commit the Nation because of innocuous costs in the first year.

It is felt that such budgetary foresight will induce the Committee on Priorities to evaluate much more closely the need for weapons systems, and especially their implications within the framework of national policy. The Department of Defense does now prepare a 5-year budgetary forecast. That, however, does not necessarily correspond with future plans of other departments, nor is it made in light of national priorities. It should be checked by an independent forecast, representing a principle of congressional budgetary control that was alluded to in our comment about the Office of Defense Review.

The Committee on National Priorities would request from executive agencies and departments posture statements on their respective operations and objectives. These would help to establish priority among governmental objectives. They would enlighten the Committee, and invite criticism from the Committee. Such data and the Committee's evaluation would be passed on to Congress.

The plan provides that the Committee on Priorities shall propose legislation relating to national objectives and recommendations for action to the Congress.

The question has been raised as to whether such a Joint Committee on National Priorities may not duplicate in some measure the activities of the presently operating Joint Economic Committee. The Joint Economic Committee has established for itself a notable reputation for creative achievement. It has broadly construed its mandate in the sphere of economics. For example, we note with great interest the Joint Economic Committee's excellent report issued this year on the subject, "The Economics of Military Procurement." Certainly a Committee on Priorities would be concerned with this very same subject. However, a Committee on Priorities would be concerned with the whole gamut of national affairs, not only economic but many other matters such as national defense and security per se, conservation, health, education, communications, transport, perhaps even judicial matters, to name a few.

I ask unanimous consent that the bills and the joint resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. The bills and joint resolution will be received and appropriately referred; and, without objection, the bills and joint resolution will be printed in the RECORD.

The bills (S. 3023), to create an Office of Defense Review; and (S. 3024), to establish a Temporary National Security Commission; introduced by Mr. NELSON (for himself and other Senators), was received, read twice by their title, and referred to the Committee on Armed Services; and

The joint resolution (S.J. Res. 160), to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation, introduced by Mr. NELSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations; and the bills and joint resolution were ordered to be printed in the RECORD as follows:

S. 3023

A bill to create an Office of Defense Review

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. The Congress finds that expenditures for military purposes are ever mounting and constitute a large fraction of total government outlays and, therefore, that it is greatly in the national interest that provisions for defense and national security be subject to continuous Congressional review to insure, for example, that arm's length relationships prevail between defense procurement agencies and suppliers of goods and services, that defense procurement costs be properly estimated in advance of commitments and reported currently, and that the performance of weapons systems and the merit of military installations be evaluated before and after procurement in order that there can be a determination as to whether they serve national policy in the area of defense and national security. To effectuate such a review, the Congress needs the assistance of an office with a continuing mission to provide reports giving independent evaluations of defense and national security matters. Such an agency could also significantly aid the Armed Services Committee of the Senate and of the House of Representatives in meeting their immense responsibilities with respect to evaluation and oversight in the area of defense.

ESTABLISHMENT OF THE OFFICE OF DEFENSE REVIEW

SEC. 2. (a) There shall be created an establishment of the Government to be known as the Office of Defense Review (hereafter referred to in this Act as the "Office"), which shall be independent of the executive departments and under the control and direction of the Director of Defense Review (hereafter referred to in this Act as the "Director"). The Director is authorizd to adopt a seal for the Office.

(b) There shall be in the Office the Director and an Assistant Director of Defense Review (hereafter referred to in this Act as the "Assistant Director"), each of whom shall be nominated by the President from a slate of candidates submitted to him under section 5(d)(4) of this Act by the Joint Board of Defense Review, and appointed by him with the advice and consent of the Senate. The Assistant Director shall perform such duties as may be assigned to him by the Director, and during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The Director and the Assistant Director shall be an "employee" within the meaning of such term as used in section 8331(1) of title 5, United States Code, and service performed by them shall be creditable service for all purposes of subchapter III (relating to civil service retirement) of chapter 83 of such title.

(e) The term of office of the Director and the Assistant Director shall be four years and, unless removed under subsection (f), an individual appointed to such office is not ineligible for selection under section 5(d)(4) of this Act.

(f) The Director or Assistant Director may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Director or Assistant Director has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment.

FUNCTIONS OF THE OFFICE

SEC. 3. It shall be the function of the Office, under the direction of the Director—

(1) to determine whether projected weapons systems and military installations accord with national policy in the area of defense;

(2) to determine whether the actual performance of procured weapons systems and installations in the area of defense is in accord with originally declared objectives and national policy in the area of defense and national security;

(3) to prepare for the Congress a defense budget for each fiscal year which shall be independent of that prepared by the executive branch and shall be available in the course of the appropriations process in Congress, for comparison with the executive defense budget;

(4) to prepare optional defense budgets based on alternative assumptions concerning policy and weapons systems for defense and national security;

(5) to report to the Armed Services Committees of the Senate and the House of Representatives, to other appropriate congressional committees, and to the Joint Board of Defense Review on all of the matters listed in paragraphs (1) through (4), together with (A) recommendations for conduct of national defense and security, and (B) one summary annual report to be submitted in advance of the submittal to the Congress of the annual budget of the executive branch;

(6) to provide information to individual Members of Congress, upon request, concerning matters of defense and national security; and

(7) to recommend to the Joint Board of Defense Review improvements in the operating efficiency of executive departments of the Government in the area of defense and national security.

POWERS OF THE OFFICE

SEC. 4. (a) In the performance of its functions under this Act, the Office is authorized—

(1) to make, promulgate, issue, rescind and amend rules and regulations governing the manner of the operations of the Agency;

(2) subject to the civil service and classification laws, to select, appoint, employ and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act and to prescribe their authority and duties;

(3) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment and facilities; and

(4) to establish such security requirements, restrictions, and safeguards as it deems necessary in the interest of national security, exercising due care to protect classified information, sensitive intelligence sources and methods, and, in this regard, shall seek the advice of the Director of Central Intelligence, and

(A) to arrange with the Civil Service Commission for the conduct of such security or other personnel investigations of the Office's employees and contractors, actual or prospective, as it deems appropriate, and

(3) if any investigation under paragraph (A) develops any data reflecting that the individual who is the subject thereof is of questionable loyalty, to refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Office.

(b) Upon the request of the Director—

(1) the head of any department or agency in the executive branch shall furnish to the Director copies of any report submitted by such department or agency to the Comptroller General of the United States if the Director deems such report to be of consequence in the area of defense and national security, and

(2) the Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch if the Defense Review Director deems such analyses to be of consequence in the area of defense and national security.

(c)(1) The Comptroller General of the United States shall submit to the Director reports of all exceptions taken by the Comptroller General to the financial or other activities of any department or agency in the executive branch in the area of defense and national security, and also reports of any settlements or conclusions reached by the Comptroller General with respect to such exceptions.

(2) The Comptroller General shall transmit to the Director copies of all reports prepared by the Comptroller General pursuant to section 283 of the Revised Statutes (31 U.S.C. 103).

JOINT BOARD OF DEFENSE REVIEW

SEC. 5. (a) There is hereby established a Joint Board of Defense Review (hereafter referred to in this section as the "Board") to be composed of three members of the Senate to be appointed by the President of the Senate and three members of the House of Representatives to be appointed by the

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Speaker of the House of Representatives. In the case of the members appointed from each house of the Congress, the majority party shall be represented by two members and the minority party represented by one member. No standing committee of the Senate or House may be represented by more than one member on the Board at any time.

(b) Members of the Board shall serve for terms of no longer than a total of five sessions of Congress. The Board shall select a chairman and vice chairman from among its members. Members of the Board shall receive no additional compensation on account of their service on the Board but shall be reimbursed for travel and other expenses incurred while performing work as members of the Board.

(c) A member of the Board may, when unable to attend a meeting of the Board, authorize another such member to act for him in his absence. A vacancy in the Board shall not affect the power of the remaining members to execute the functions of the Board, and shall be filled in the same manner as the original selection. Four members shall constitute a quorum of the Board. Decisions of the Board shall be taken by majority vote and a tie vote shall be decided according to the vote of the chairman, or, in his absence, the vice chairman.

(d) It shall be the function of the Board—

(1) to receive reports from the Director relating to his activities,

(2) to aid the Director in the interpretation of national defense policy,

(3) otherwise to counsel and advise the Director in the performance of his duties, and

(4) in the event of a vacancy in the office of Director or Assistant Director, to submit to the President the names of five individuals who, in the judgment of the Board, are qualified to hold such office.

S. 3024

A bill to establish a Temporary National Security Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. The Congress finds that the immense demands upon our national resources for purposes of defense and security have become a matter of deep concern in our society and that there is evidence that institutional momentum, rather than conscious policy, governs decisions relating to defense and national security. The Congress also finds that there is increasing criticism being made of the Federal agencies responsible for national defense and security with respect to their choices of weapons systems and procurement policies and practices. The Congress further finds that the rising costs of the military and the changing international situation, as well as the factors previously mentioned, require that a complete study and review of the national defense sector be immediately undertaken as a first step toward the solution of these problems.

ESTABLISHMENT

SEC. 2. There is established a commission to be known as the Temporary National Security Commission (hereafter referred to in this Act as the "Commission").

DUTIES OF COMMISSION

SEC. 3. It shall be the duty of the Commission—

(1) to make a full and complete study and investigation of all activities with respect to national security and defense, including, but not limited to, the operation of all agencies established in the National Security Act of 1947, and any legislation subsequent thereto providing for the coordination for national security or constituting the national military establishment, with a view to determining—

(A) what are the current national policies and objectives in the area of defense and security and, in view of such policies and objectives, whether the national interest is being properly served by the existing agencies of Government;

(B) whether existing and projected weapons systems, military installations, management procedures and fiscal performance of such agencies conform to national policy in the area of defense;

(C) to what extent the defense establishment as an institution affects individual judgment in the making and execution of policy; and

(D) whether the relationships between agencies of the Federal Government responsible for procurement and suppliers of goods and services require modification; and

(2) to make recommendations (including suggested legislation) to the Congress with respect to subjects covered in paragraph (1) particularly with regard to the improvement of policy for national security and the effectiveness of procedures and organization in those agencies of the Federal Government which function in the area of defense.

MEMBERSHIP

SEC. 4. (a) Number and Appointment.—The Commission shall be composed of 17 Members as follows:

(1) Five members of the House of Representatives to be appointed by the Speaker of the House of Representatives, three from the majority party and two from the minority party.

(2) Five members of the Senate to be appointed by the President of the Senate, three from the majority party and two from the minority party.

(3) Six individuals from private life to be appointed, with due regard given to insuring a balance of political viewpoint, by the members of Congress appointed under paragraph (1) and (2).

(4) One representative of the General Accounting Office to be appointed by the Comptroller General of the United States.

A vacancy in the Commission shall not affect the power of the remaining Members to execute the functions of the Commission and shall be filled in the same manner as the original appointment was made. At no time may any one standing committee of the Senate or the House of Representatives be represented by more than one individual chosen pursuant to paragraph (1) or (2). Individuals from private life appointed under paragraph (3) shall be appointed for the life of the Commission and shall be of acknowledged eminence in fields of study or activity of national importance.

(b) Compensation and Travel Expenses.—(1) Except as provided in paragraph (2), Members of the Commission shall each be entitled to receive $150 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) A Member of the Commission appointed under paragraph (1), (2), or (4) of the subsection (a) shall receive no additional compensation on account of his service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) Quorum.—Nine Members of the Commission shall constitute a quorum, and actions by the Commission shall be determined by a majority vote of the Members present.

(d) Chairman.—The Chairman and Vice-Chairman of the Commission shall be elected by the Members of the Commission from among those Members appointed under paragraph (1) and (2) of subsection (a).

(e) Meetings.—The Commission shall meet at the call of the Chairman or a majority of its Members.

(f) Any Member of the Commission may, if unable to attend a meeting of the Commission, authorize another Member to act and vote for him in his absence.

STAFF OF COMMISSION

SEC. 5. (a) Staff.—The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(b) Applicability of civil service laws.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) Security requirements.—The Commission shall establish such security requirements, restrictions, and safeguards as it deems necessary in the interest of national security. The Commission may arrange with the Civil Service Commission for the conduct of such security or other personnel investigations of the Commission's employees, consultants, and contractors, actual or prospective, as it deems appropriate. If any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty, the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Commission.

POWERS OF COMMISSION

SEC. 6. (a) Hearings and Sessions.—The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) Subpena Power.—

(1) The Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by section 3. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a District Court under the Federal Rules of Civil Procedure for the United States District Courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

(c) Immunity.—No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the

testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(d) Powers of Members, Subcommittees and Agents.—When so authorized by the Commission, any Member, subcommittee, or agent of the Commission may take any action which the Commission is authorized to take by this section.

(e) Obtaining Official Data.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman or Vice-Chairman of the Commission such department or agency shall furnish such information to the Commission. During the course of its investigations and deliberations, and in making its reports, findings, and recommendations, the Commission shall exercise due care to protect classified information, sensitive intelligence sources and methods, and, in this regard, shall seek the advice of the Director of Central Intelligence. For the purposes of this subsection, the term "classified information" means information which is, for reasons of national security, specifically designated by a department or agency of the United States for limited or restricted dissemination or distribution.

(f) The Commission is authorized to enter into contracts with qualified educational institutions, other public or private organizations or agencies, or individuals for the preparation of studies related to the Commission's duties, except that any contract entered into under this subsection shall require that the services contracted for be completed before January 1, 1973.

AUTHORIZATION

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

REPORTS

SEC. 8. Before January 1, 1971, or as soon thereafter as is practicable, the Commission shall transmit to the President and to the Congress preliminary reports of the studies and investigations carried on by it, together with its findings and recommendations, and shall transmit to the President and to the Congress before January 1, 1973, the final reports on the studies and investigations carried out by it pursuant to this Act, together with its final recommendations transmitted by it pursuant to this section at the time of such transmittal, except that the Commission shall withhold from the text of reports and recommendations made available to the public or transmitted to the Congress any part thereof the release of which, in the Commission's judgment, would be detrimental to national security.

TERMINATION

SEC. 9. The Commission shall cease to exist on December 31, 1972.

S.J. RES. 160

A joint resolution to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation

Whereas national objectives, to the extent that they are affected by action of the Federal Government, ought to be more clearly formulated; and

Whereas national objectives can be realized only if all competing demands for priority in the allocation of resources disposed of by the Federal Government can be reconciled on a continuing basis; and

Whereas the immense demands upon national resources for purposes of defense and national security have become a matter of deep concern in our society; and

Whereas the Congress can meet its constitutional obligation as a coordinate branch of the Government more fully if it will consider the overall relationship of the many separate legislative demands: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That there is hereby created a joint congressional committee to be known as the Joint Committee on National Priorities (hereafter referred to in this joint resolution as the "joint committee") to be composed of seven Members of the Senate to be designated by the President of the Senate and seven Members of the House of Representatives to be designated by the Speaker. Of the seven Members appointed from each house of the Congress, the majority party shall be represented by four members and the minority party shall be represented by three members. No one standing committee of the Senate or the House of Representatives may be represented by more than one Member on the joint committee at any time.

SEC. 2. (a) The joint committee, acting as a whole or by subcommittee, is authorized—

(1) to suggest national objectives and, on a current and continuing basis, to examine these objectives as they are affected by actions of the Federal Government;

(2) in the light of the examinations undertaken in paragraph (1), to suggest national priorities and to recommend, on a continuing basis, the allocation of resources disposed of by the Federal Government to such national priorities;

(3) to obtain from the departments and agencies in the executive branch annual posture statements on the operations and objectives of the departments and agencies as they relate to such national priorities and to assess such statements;

(4) to suggest legislation that will contribute to the attainment of national objectives; and

(5) to recommend courses of action, based on its findings and investigations, in the national interest to departments and agencies in the executive branch, to the States and political subdivisions thereof, and to regional agencies.

(b) The joint committee shall, before the close of each calendar year, submit to the Congress a posture statement on national priorities, which shall include a proposed Federal budget of income and expenditures covering a period of not less than the five consecutive fiscal years next succeeding the calendar year in which the posture statement is submitted.

SEC. 3. (a) A vacancy in the membership of the joint committee shall not affect the powers of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original appointment was made. The joint committee shall select a chairman and a vice chairman from among its members; except that no member may serve as chairman or vice chairman for longer than one Congress.

(b) An individual is not eligible to be a member of the joint committee after such individual has served as such a member for a total of eight sessions of Congress. For the purpose of the preceding sentence, service on the the joint committee for a full session of Congress or part of a session shall count as one session of service.

SEC. 4. In addition to the reports required under section 2, the members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives on the results of the joint committee's studios and investigations, together with their recommendations with respect to matters within the jurisdiction of the joint committee.

SEC. 5. In carrying out its duties, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, to make such expenditures as it deems advisable. The joint committee may make such rules respecting its organization and procedures as it deems necessary. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of section 192 and 194 of title 2, United States Code, shall apply in case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section. The cost of stenographic service to report public hearings shall not be an excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate. The cost of stenographic service to report executive hearings shall be fixed at an equitable rate by the joint committee. Members of the joint committee, and its employees and consultants, while traveling on official business for the joint committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

SEC. 6. The joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The joint committee is authorized (1) to utilize the services, information, facilities, and personnel of the departments and establishments of the Government and (2) to contract with educational institutions, public or private agencies or organizations, or individuals for the conduct of research or studies with respect to matters within the jurisdiction of the joint committee.

SEC. 7. The joint committee shall establish such security requirements, restrictions and safeguards over its records as it deems necessary in the interest of national security, exercising due care to protect classified information, sensitive intelligence sources and methods, and, in this regard, shall seek the advice of the Director of Central Intelligence. All committee records, data, charts, and files shall be the property of the joint committee and shall be kept in the offices of the joint committee or other places as the joint committee may direct under such security safeguards as the joint committee shall determine in the interest of the common defense and security.

SEC. 8. The expenses of the joint committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 641

Mr. ERVIN. Mr. President, I ask unanimous consent that, at the next printing, the name of my colleague, the Senator from North Carolina (Mr. JORDAN) be

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added as a cosponsor of S. 641, to amend the Consolidated Farmers Home Administration Act of 1961 in order to permit borrowers obtaining loans under such act to employ attorneys of their own choice to perform necessary legal services in connection with such loans.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2893

Mr. MOSS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. Williams) be added as a cosponsor of S. 2893, to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 158

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate Joint Resolution 158, to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 271—SUBMISSION OF RESOLUTION ON PEACE IN VIETNAM

Mr. DOLE, for himself and other Senators, submitted a resolution (S. Res. 271) on peace in Vietnam which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Dole when he submitted the resolution appear earlier in the Record under the appropriate heading.)

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 231

Mr. MURPHY. Mr. President, I rise today to submit an amendment intended to be proposed by me to H.R. 13111, a bill making appropriations for the Departments of Labor, Health, Education, and Welfare for fiscal year 1970. My amendment is very simple. It will have the effect of increasing by $20 million the total amount of funds made available for parts C, D, and F of the Education Professions Development Act, with the additional $20 million earmarked for the development of personnel in vocational-technical education. Currently the U.S. Office of Education has indicated an intention to spend only $5,750,000 for training vocational education personnel. There is ample evidence that this sum is totally inadequate, and my amendment proposes to earmark the additional funds so that our educational system can begin to attract new personnel to the field of vocational-technical education, and in order that existing vocational personnel might be upgraded and retrained.

Mr. President, my colleagues in the Senate who are concerned about the problems posed by inreased inflation may question my introduction of this amendment. I share their concern and I must admit that I have been hesitant about supporting increased spending at this time. I am, however, persuaded that there is an overwhelming and critical need for additional training funds to meet the personnel needs in vocational and technical education. These needs are especially severe in my own State of California.

I introduce my amendment at this time in order to bring this matter to the immediate attention of my colleagues. The Senate Labor-HEW Appropriations Subcommittee, so ably chaired by the distinguished Senator from Washington (Mr. Magnuson) will begin hearings on H.R. 13111 this month. In the interim, however, I hope that the other Members of the Senate will investigate the training needs for vocational-technical personnel in their own States and will come to the support of my amendment.

There is no lack of facts to substantiate the need for increased and improved vocational-technical education programs throughout the country. These facts have been presented to Congress before, and they clearly and persuasively indicate that education in the United States does not meet the needs of the majority of American youth. For example: 80 percent of American youth in 1966 left school before graduation from college, but less than 20 percent had acquired skills with which to enter the job market; and 60 percent of the students attending high school left to enter the world of work rather than going on to college, yet less than one in four was enrolled in a vocational education program while in high school.

In light of these facts our national educational priorities have been incorrectly set: 14 Federal dollars were invested in universities in 1966—proportionately more in subsequent years—for every $1 invested in vocational education programs; and 4 Federal dollars were invested in remedial training programs during that same year for every $1 invested in preventive vocational education programs.

To correct this imbalance, Congress voted last year to authorize an expenditure of over $750 million beginning in fiscal year 1970 for a new and improved vocational education program. I am pleased to have been the author on the Senate side of part G of the 1968 amendments which provides funds for cooperative vocational education programs. This technique for preparing persons for work has much potential, and is a great untapped resource for vocational education, as well as for other education.

Aware of the fact that neither innovation nor expansion can occur unless there is sufficient professional teaching and administrative personnel, Congress made provision in the 1968 amendments for the training of vocational education personnel. The training component of the 1968 Vocational Education Amendments—an amendment adding part F to the Education Professions Development Act—authorized a 1970 expenditure of $35 million for training purposes. I ask unanimous consent, Mr. President, that a fact sheet describing the components of part F be printed in the Record immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. MURPHY. Mr. President, those of us in the Senate who worked to perfect the Vocational Education Amendments of 1968 were hopeful that the newly authorized programs would be adequately funded in 1970. We were heartened when the House Appropriations Committee increased President Johnson's and President Nixon's budget allowance for vocational education, and we were even more encouraged when the full House of Representatives voted to add more than $131 million to the committee bill, making a total of $488 million.

Mr. President, neither the House committee nor the full House, however, increased the funds for the training of vocational education personnel—and these are key people who must administer the $488 million of programs and staff the schools. The thrust of the Vocational Education Amendments of 1968 is to modernize vocational-technical training, to make it available to individuals, and areas, not now being served. These changes cannot take place unless there is an adequate supply of trained teachers, coordinators, and administrators. The new vocational education programs may be doomed to failure if Congress does not act now to provide additional training funds for vocational personnel. New institutions can be built and new teaching methods devised, but the schools cannot operate and the new curriculums cannot be implemented without an increased supply of adequately trained vocational education personnel.

The needs for training and retraining vocational and technical education personnel are just as startlingly clear as the needs for establishing new and better schools. The facts are these:

Enrollments in the public vocational-technical education program are rising and will continue to rise at an accelerated rate, requiring many new teachers. Information available to the Office of Education indicates that enrollments in public vocational-technical education programs will probably reach 8,555,000 in 1969 and increase to 17,250,000 by 1975. Past experience has shown a teacher-student ratio of about 1 to 50 which would mean that the 1969 teaching force would be approximately 171,400. If the ratio remains the same, the teaching manpower requirement in 1975 based upon the above enrollment projections would be 345,000. Other professional and paraprofessional support personnel needed to staff vocational education programs throughout the country would be in addition to the above estimates.

Producing additional teachers is a problem since most universities do not offer the proper teacher training programs in vocational-technical education. Although universities and colleges in most States offer teacher training in vocational education areas such as homemaking, industrial arts, agriculture, and trade and industrial education, few offer training in teaching the more technical occupational skills and in new and emerging occupational areas. Very few universities and colleges offer comprehensive advanced degrees designed to develop leadership personnel for vocational-technical education.

Further, the problem of shortage is compounded by the fact that many States have not had the staff or financial assistance necessary to properly assess their needs. The State boards of vocational education, in nearly one-half of the States have not been able in the short time since the enactment of the vocational education amendments to submit a prospectus or plan to make them eligible for funding under section 553 of part F. This includes some States which most desperately need to update and expand vocational education programs.

In the States which have accomplished this assessment, however, the response has been overwhelming. Tentatively eligible requests for financial assistance from educational agencies and institutions for 1970 fiscal year funds from States which have submitted a plan as of August 1 deadline totaled $34,772,633, or slightly under the amount of the authorization. These facts underscore the need for massive financial and technical assistance to institutions of education and State boards of vocational education if these training needs are to be met.

So that you may fully appreciate the need for training additional vocational technical education personnel and for retraining presently employed staff, I would like to present a case study by bringing to your attention the problems faced by the State of California in the area of recruiting, training, and retraining vocational-technical education personnel.

The information and statistics I am about to present were supplied by the State department of education in California.

The State of California currently has some 9,500 vocational and technical education teachers who will be attempting to meet the skill development needs of approximately 1,000,000 secondary, postsecondary, and adult students in California. Earlier in my remarks, Mr. President, I quoted Office of Education figures which indicated that the usual ratio of students to teachers, nationwide, was 50 to 1. In California that ratio is close to 100 to 1, an appalling state of affairs. We cannot deny that the shortage of personnel is a very severe problem.

It is not the only problem, however. Two additional factors compound the issue. One problem revolves around the fact that our rapidly advancing technology has left currently employed teachers far behind in up-to-date knowledge of their subject matter. Recent studies, entitled, "Profiles of Trade and Technical Teachers," by Melvin L. Barlow and Bruce Reinhart, substantiate this claim. The median age of trade and industrial education teachers employed in 1966–67 was 45.9 years, and the median age when they began teaching was 36.8 years. The majority of these teachers at that time, and I am certain that the situation has not changed, had been away from active participation in the occupation for which they were giving instruction for approximately 8 years. The study concludes it was safe to assume that many of them had "not kept current with changes occurring in the technology of teaching." A second study completed in 1969, in which 286 leaders responsible for vocational education programs at the local level in California were contacted, found that the highest priority for the improvement of instruction was "the maintenance of teacher exposure to the latest developments in their subject area, both technical and pedagogical."

The second problem concerns the fact that existing vocational education personnel are simply not adequately trained to cope effectively with the special needs of the major minority groups within the State—the Mexican-Americans, Negroes, and others—who constitute enrollments in vocational education in increasing numbers. A study currently being completed by the University of California underscores this fact.

The State of California Department of Education is very concerned about these problems and desires to take immediate steps to meet the needs of retraining existing personnel and recruiting and training new teachers. They desperately need additional assistance, however, in order to accomplish this.

The State department of education has outlined the vocational-technical education needs of the State of California and carefully constructed a plan of operation to meet those needs. This plan, I have been informed by officials in California, was submitted to the Bureau of Educational Personnel Development for funding. In order to be implemented the California plan requires an expenditure of over $4 million during the next 3 years, with $892,000 needed for 1970–71. Over this 3-year period, nearly 2,000 persons would be trained or retrained. Overall the emphasis would be on improving the quality of teaching in vocational education areas, alleviating the shortage of qualified teachers, and developing a cadre of "master teachers" to teach in places where there are high concentrations of disadvantaged, handicapped, and minority students.

Mr. President, at the current level of resource allocation, there would be no hope of funding the California State comprehensive plan. The 3-year request submitted by the State of California by itself is nearly four-fifths of the total request for part F in 1970.

At the present level of funding—$5,750,000—I have been informed—and somewhat reluctantly—that the Vocational Education Training Branch of the Bureau of Educational Personnel Development could fund projects under section 552 involving 160 persons, projects under section 553 involving 3,825 participants, and continue projects from 1969 involving 70 teachers. If my amendment were adopted and $20 million was made available to the Vocational Education Training Branch, however, the situation would change. Instead of 4.055 participants nationwide, projects could be funded in which 13,495 persons were trained or retrained to be vocational technical education teachers. This is a substantial number and would constitute a good effort to meet current needs.

Mr. President, the failure of American education to meet the job entry needs of today's youth continues to constitute a serious waste of human resources. Vocational education must become an integral part of the educational experience of those students who are planning to enter the job market without continuing their education at the college level. It cannot and should not be assigned a second-class status. The need for vocational education experience is particularly acute for the members of minority groups, for the handicapped, and for those seeking to break the cycle of poverty. For these people the lack of job entry skills may prove the crucial obstacle in a society with an increasing demand for a skilled labor force and an ever-decreasing need for unskilled workers. The proposed level of funding for vocational personnel funding is too low to make an impact, too inadequate to begin to meet the vocational education training needs.

One of the most important and rapidly growing educational institutions in our society is the junior college. These institutions, many of which call themselves comprehensive community colleges, have developed at the rate of one per week, and they offer unusual opportunities to prepare persons for the world of work by offering the 13th and 14th year of education. California, as my colleagues know, has been the pioneer and leader in the community college movement. The last time I checked, there were approximately 90 community colleges in the State, and it was expected that there would be 100 by the early 1970's. Of the total student freshman and sophomore population in California, approximately 85 percent are enrolled in community colleges. Secretary Finch and the administration are aware of the importance of community colleges.

Prof. John Nealon of Rutgers University, in a recent study, entitled, "The Outlook for Adequate Faculty in Public Postsecondary Vocational Education," reported:

> The essential facts are that of the entire working force, less than 15% have baccalaureate or advanced degrees. The balance are employed in the occupational areas where the formal education required of the average worker is shifting upward at an increasing rate. A 12th grade education soon will no longer suffice and the great body of our working force will require one to two years of postsecondary training to be considered for the more desirable and higher paying paraprofessional positions.

Professor Nealon developed statistics showing the types and number of teachers that must be prepared for vocational education programs at the postsecondary level alone. He finds that by 1974 we must almost double our present efforts in preparing personnel for postsecondary programs of vocational-technical education.

The Vocational Education Amendments of 1968 was a landmark bill chartering a new direction for vocational education. Educators with whom I have spoken are challenged by both the act's great potential and the societal problems to which the bill is addressed. But as

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magnificent a blueprint as it is, the key to the act's success will not be its form, but its implementation. And this means that meeting the personnel needs is crucial to the success of the entire vocational education program. We simply cannot vote funds for bricks and mortar, experimental programs, books, and equipment without providing adequate money to train teachers to serve in those schools to run those programs to use that equipment.

An appropriation of $20 million for the training of vocational education personnel will be a move in the right direction.

Mr. President, I ask of my colleagues that between now and the time H.R. 13111 is reported to the Senate floor, they investigate the situations in their own States. I am certain that each of you will find the shortages just as acute, the inadequacies of present vocational and technical education personnel just as severe as those I found in California. I believe there will be unanimous agreement as to the critical nature of this problem. I hope the Senate will support an appropriation of $20 million for vocational education personnel training for fiscal year 1970.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 231) was referred to the Committee on Appropriations.

EXHIBIT 1

DESCRIPTION OF PROGRAMS AUTHORIZED UNDER PART F OF THE EDUCATION PROFESSIONS DEVELOPMENT ACT

Part F of EPDA contains two major sections: Section 552—Leadership Development Awards, and Section 553—Exchange programs, Institutes, and Inservice education for Vocational Education teachers, supervisors, coordinators and administrators.

The Leadership Development Awards are to be made to individuals through sponsoring universities and will provide experienced vocational education teachers with an opportunity to update their occupational competency and knowledge in order to be able to raise the standard of vocational education in their own schools. In addition, an attempt will be made to effect improvements in and increase the number of those institutions of higher education that have comprehensive vocational and technical programs in schools of graduate study.

Section 553 authorizes the award of grants to State boards of vocational education to carry out cooperative arrangements for the training and retraining of teachers between schools, private business and industry, and other educational institutions. Such grants will support the leadership efforts of State boards of vocational education in updating and expanding vocational and technical educational opportunities for all, with particular emphasis on minority, poverty, anc handicapped groups.

EXHIBIT 2

NUMBER OF TEACHERS OF POSTSECONDARY VOCATIONAL EDUCATION, NATIONALLY

Program	1970		1974			
	Number of teachers	States reporting	Number of teachers	States reporting	Numerical increase	Percent increase
Agriculture production	386	30	498	33	112	29.0
Agriculture off farm	518	33	727	35	209	40.5
Distribution and market	1,301	42	2,094	43	793	61.0
Home economics, consumer and home	290	26	627	33	337	116.0
Home economics, gainful employment	400	33	1,042	34	642	160.5
Office	5,445	44	7,638	43	2,193	40.0
Public service	128	23	335	24	207	162.0
Technical	6,484	44	8,896	44	2,412	37.0
Trades and industry	7,118	42	8,844	42	1,726	24.0
Health	4,826	43	6,666	43	1,840	38.0
Total	26,896		37,367		10,471	[1] 39.0

[1] Average.

Source: U.S. Office of Education, State Plans for Vocational Education, 1969.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 232 THROUGH 239

Mr. JAVITS. Mr. President, I submit a series of amendments to H.R. 13270. These amendments would change certain provisions in H.R. 13270 relating to the tax treatment of foundations, charitable contributions, small business, handicapped, and other areas. These amendments are in conformity with and implement my testimony before the Senate Finance Committee. I wish to elaborate just briefly on certain of my amendments affecting foundations.

My amendment calling for special tax incentives for the handicapped would give cognizance to the special needs of our handicapped citizens. It would provide the disabled an income-tax deduction of up to $600 to cover transportation to and from work and would also allow the disabled the same additional $600 income tax deduction now given to the blind. Under this bill, the disabled taxpayer in order to qualify for the additional $600 exemption must suffer from a loss of one or more extremities, or 40 percent or more of the loss of ability as defined under the Schedule for Rating Disabilities of the Veterans' Administration. I estimate that some 300,000 disabled persons would qualify under this legislation at a maximum cost to the Government of about $130 each, or $40,000,000 per year.

One of these amendments changes section 506 to provide for a filing fee instead of a tax of 2 percent of a private foundation's net investment income with a minimum fee of $250 and a maximum fee of $10,000. This amendment makes it clear that the charges being assessed against private-foundation income are user fees and not taxes. This will have particular significance in States which base their taxes on the Federal tax base. In addition. I would like to make it clear that lest we establish an undesirable precedent, we are not taxing foundations but merely asking them to bear the estimated costs associated with the increased reporting requirements found elsewhere in H.R. 13270.

Another amendment deals with the definition of a private foundation. I have given this matter considerable thought. I originally had considered that the best way to approach this question was by adding a third category, the public service organization. However, on the basis of discussions I have had with many individuals highly knowledgeable in this area, I now believe that the best approach is to limit the concept of the private foundation to those foundations which are under the control of those persons who would be in a position to provide benefit to themselves through improper use of the foundation. This amendment would therefore carry over the concept found in H.R. 13270 of excluding from the definition publicly supported foundations and in addition would exclude those foundations which are under the control of an independent body.

Another of my foundation amendments deals with the House provision requiring distribution of all current income or a fixed percentage of assets if that be more. My amendment basically permits accumulation of income when it is reasonable in light of the foundation's exempt purposes. To insure against investment by the foundation in assets which are unproductive or not sufficiently productive, a new class of assets called an "accumulating investment asset" is created which ultimately would require the payment of a tax should these assets be held for an unreasonable duration.

The last of my foundation amendments provides, in my judgment, a more rational treatment than the House provisions, which would limit the foundation's ability to own more than a fixed percentage—generally 20 percent—of an interest in any business entity. My amendment imposes a tax of 100 percent of the value of excess business holdings. Excess business holdings will occur where a foundation, together with its disqualified persons, own effective control of any business entity and where the foundation is operated in such a manner that the needs of the business take precedence over the exempt purposes of the foundation. In this regard my amendment provides three levels of presumptions with respect to whether business needs take precedence over exempt purposes: First, where effective control of a business entity is owned for less than 10 years it is rebutably presumed that such needs do take precedence; second, where effective control of a business entity is owned for more than 10 years it is rebutably presumed that such needs do not take precedence, and third, after 25 years, the latter presumption becomes conclusive. Special rules are provided in the case of business entities which are acquired by will, gift, and so forth.

I am also offering an amendment calling for two new types of information to be provided as a regular part of the Secretary of the Treasury's annual report. Specifying the required publication of the information called for by this

amendment would make the public aware of the cost to the Treasury of tax preferences and permit a clearer insight into the allocation of public resources. This information must be publicly available if the public is to intelligently call the attention of the Congress to take appropriate action where needed.

Mr. President, I testified with respect to all of these amendments before the committee, and inasmuch as the committee is now considering the measure, in all fairness, in accordance with the promise which I made to the committee, they should have the text of my amendments before them.

Mr. President, I am convinced if we ever passed the bill as it came from the other body, it would affect all of our foundations, charitable contributions, hospitals, community chests, and so forth. I do not blame the other body. Many things they did were good. That is why we have a bicameral legislature. However, it is important that these matters be straightened out.

They have now begun to realize what would happen in this situation from the outcry from many deserving people in our land who have given their lives and volunteered their efforts, but many of these provisions would inhibit them in their philanthropic acts.

I ask unanimous consent that these amendments be printed in full in the RECORD.

The PRESIDING OFFICER. The amendments will be received, printed and appropriately referred; and without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 232 through 239) were referred to the Committee on Finance, as follows:

AMENDMENT NO. 232

At the end of the bill add the following new section:

"SEC. —. INFORMATION TO BE INCLUDED IN SECRETARY'S ANNUAL REPORT

"(a) REVENUE LOSSES.—The Secretary of the Treasury shall include in his annual report to the Congress estimates of the losses in revenues for the fiscal year for which such report is submitted which result under the provisions of subtitle A of the Internal Revenue Code of 1954 and other laws of the United States from—

"(1) the exclusion of items of income for purposes of the taxes imposed by such subtitle,

"(2) the deductions allowed under such subtitle,

"(3) the deferral of the imposition of the taxes imposed by such subtitle, and

"(4) such other special tax provisions in such subtitle or in other laws of the United States as the Secretary considers appropriate to carry out the purposes of this subsection.

"The Secretary shall include in such report only those revenue losses which in his judgment are significant and can be ascertained with reasonable accuracy.

"(b) TAX EXPENDITURES.—The Secretary of the Treasury shall include in his annual report to the Congress estimates of the indirect expenditures made and to be made by the Government through the application and operation of the Federal income tax laws for the fiscal year for which such report is submitted and for the preceding and succeeding fiscal years. Such indirect expenditures shall be related, insofar as possible, to budget outlays as set forth in the Budget of the United States Government for the same fiscal year for which such report is submitted. Such indirect expenditures shall be based on the revenue losses described in subsection (a), but, for purposes of this subsection, such losses may be qualified in such manner as the Secretary considers appropriate to carry out the purposes of this subsection."

AMENDMENT NO. 233

On page 5, delete lines 1 through 7 and insert in lieu thereof the following:

"PART II—PRIVATE FOUNDATIONS

"Sec. 506. Filing fee for private foundations.
"Sec. 507. Tax on termination of private foundation status.
"Sec. 508. Special rules with respect to section 501(c)(3) organizations.
"Sec. 509. Private foundation defined.

"SEC. 506. FILING FEE FOR PRIVATE FOUNDATIONS.

"(a) IMPOSITION OF FILING FEE.—A filing fee of 2% of the net investment income of every private foundation (as defined in section 509) is hereby imposed for each taxable year subject to the following limitations:

"(1) MINIMUM FILING FEE.—The minimum filing fee imposed hereby is $250.00.

"(2) MAXIMUM FILING FEE.—The maximum filing fee imposed hereby is $10,000.00."

AMENDMENT NO. 234

At the end of the bill add the following new section:

"SEC. ——. COMMUTING EXPENSES OF DISABLED TAXPAYERS; ADDITIONAL PERSONAL EXEMPTION.

"(a) COMMUTING EXPENSES.—

"(1) ALLOWANCE OF DEDUCTION.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

"'SEC. 218. TRANSPORTATION OF DISABLED INDIVIDUAL TO AND FROM WORK.

"'(a) GENERAL RULE.—In the case of a disabled individual, there shall be allowed as a deduction expenses paid during the taxable year for transportation to and from work to the extent that such expenses do not exceed $600.

"'(b) DISABLED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term "disabled individual" means an individual who is blind (as defined in section 151(d)(3)) or who has lost or lost the use of one or more of his extremities to such an extent that he is unable during the entire taxable year to use, without undue hardship or danger, a streetcar, bus, subway, train, or similar form of public transportation, as a means of traveling to and from work. A taxpayer claiming a deduction under this section shall submit such proof that he is a disabled individual as the Secretary of the Treasury or his delegate may by regulations prescribe. The regulations so prescribed shall provide that—

"'(1) if the taxpayer is a veteran with a service-connected disability, a certification from the Veterans' Administration that his disability (to the extent based upon or attributable to loss or loss of use of one or more of his extremities) has a rating of 40 percent or more under the Schedule for Rating Disabilities of the Veterans' Administration (Federal Register, vol. 29, No. 101, part II) shall be deemed conclusive proof that he is a disabled individual for purposes of this section; and

"'(2) in any other case, a certification from the United States Public Health Service or any local office thereof that the taxpayer's disability (to the extent based upon or attributable to loss or loss of use of one or more of his extremities) has a rating of 40 percent or more as determined in accordance with such schedule shall be deemed conclusive proof that he is a disabled individual for purposes of this section.'

"(2) CLERICAL AMENDMENT.—The table of sections for such part VII is amended by striking out

"'SEC. 218. CROSS REFERENCES.'

and by inserting in lieu thereof the following:

"'SEC. 218. TRANSPORTATION OF DISABLED INDIVIDUAL TO AND FROM WORK'.
"'SEC. 219. CROSS REFERENCES.'

"(b) ADDITIONAL EXEMPTION.—

"(1) IN GENERAL.—Section 151 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

"'(f) ADDITIONAL EXEMPTIONS FOR DISABILITY.—

"'(1) FOR TAXPAYER.—An additional exemption of $600 for the taxpayer if he is a disabled individual.

"'(2) FOR SPOUSE.—An additional exemption of $600 for the spouse of the taxpayer if the spouse is a disabled individual and if the taxpayer is entitled to an exemption under subsection (b) for such spouse.

"'(3) DISABLED INDIVIDUAL DEFINED.—The term "disabled individual" means an individual who during the entire taxable year of the taxpayer has a loss or loss of use of one or more of the extremities. A taxpayer claiming a deduction under this subsection shall submit such proof that he (or his spouse) is a disabled individual as the Secretary of the Treasury or his delegate may be regulations prescribe. The regulations so prescribed shall provide that—

"'(A) if such individual is a veteran with a service-connected disability, a certification from the Veterans' Administration that the disability (to the extent based upon or attributable to loss or loss of use of one or more of the extremities) has a rating of 40 percent or more under the Schedule for Rating Disabilities of the Veterans' Administration (Federal Register, vol. 29, No. 101, part II) shall be deemed conclusive proof that such individual is a disabled individual for purposes of this section; and

"'(B) in any other case, a certification from the United States Public Health Service or any local office thereof that such individual's disability (to the extent based upon on or attributable to loss or loss of use of one or more of the extremities) has a rating of 40 percent or more as determined in accordance with such schedule shall be deemed conclusive proof that such individual is a disabled individual for purposes of this section.'

"(2) CONFORMING AMENDMENTS.—

"(A) Paragraph (1) of section 3402(f) (relating to withholding exemptions) is amended by adding at the end thereof the following new subparagraph:

"'(G) one additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151(f)(1) (relating to the disabled) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit.'

"(B) Subparagraph (D) of such paragraph (1) is amended by striking out '(C), or (F),' and inserting in lieu thereof '(C), (F), or (G)'.

"(C) Subparagraph (E) of such paragraph (1) is amended by striking out 'and' at the end thereof:

"(D) Subparagraph (F) of such paragraph (1) is amended by striking out the period at the end and inserting in lieu thereof '; and'.

"(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b)(1) shall apply only to taxable years ending after the date of the enactment of this Act. The amendments made by subsection (b)(2)

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shall apply only with respect to payments of wages made after the date of the enactment of this Act."

AMENDMENT No. 235

On page 15, delete lines 10–24 inclusive; on page 16 delete lines 1–6 inclusive and insert in lieu thereof the following:

"(2) an organization which—

"(i) is publicly supported within the meaning of section 170(c)(2); or

"(ii) is governed by a body whose members serve without compensation (except to the extent permitted by section 503(c)(2)) and who are not under the control directly or indirectly of any disqualified person (as defined in section 4946);"

AMENDMENT No. 236

On page 25, delete lines 20–25 inclusive; delete pages 26, 27, 28, 29, 30, 31, 32, and 33; on page 34 delete lines 1–16 inclusive and insert in lieu thereof the following:

"SEC. 4942. TAXES ON UNREASONABLE ACCUMULATIONS OF INCOME.

"(a) IMPOSITION OF TAX.—In addition to other taxes imposed by this chapter and the fee imposed by Sec. 506, a tax is hereby imposed on the accumulated income of a private foundation for any taxable year or for any prior taxable year and not actually paid out before the end of the correction period are—

"(1) unreasonable in amount or duration in order to carry out the exempt purposes of such private foundations; or

"(2) used to a substantial degree for purposes or functions other than those relating to the exempt purposes of such private foundation.

"(b) RATE OF TAX.—In any case in which a tax is imposed under subsection (a), the tax shall be 100% of the amount of accumulated income so determined thereby.

"(c) TAX ON THE MANAGEMENT.—In any case in which a tax is imposed under subsection (a), there is hereby imposed on any foundation manager who participates in the making of such accumulation with the knowledge that such accumulation will be subject to a tax under subsection (a), a tax equal to 50% of the amount of accumulated income so determined by subsection (a). Where, under the preceding sentence, more than one foundation manager is liable for a tax with respect to the same accumulated income, the liability for such managers for tax under this subsection shall be joint and several.

"(d) ACCUMULATED INCOME.—For the purposes of this section, the term accumulated income means, with respect to any private foundation for any taxable year, the aggregate amounts of adjusted net income for the taxable year and prior taxable years, reduced by the aggregate amount of qualifying distributions made before such time.

"(e) ACCUMULATING INVESTMENT ASSETS.—

"(1) GENERAL.—There shall be included in adjusted net income for any taxable year 2% of the aggregate fair market value of each asset of the foundation which is not being used (or held for use) directly in carrying out the foundation's exempt purpose reduced by such asset's acquisition indebtedness (as defined in Section 514(c)(1)) and further reduced (but not below zero) by the income specifically derived from such asset.

"(2) VALUATION.—For the purposes of paragraph (1), the fair market value of securities for which market quotations are readily available shall be determined on a quarterly basis. For all other assets, the fair market value shall be determined at such times and in such manner as the Secretary or his delegate shall by regulation prescribe.

"(f) ADJUSTED NET INCOME.—

"(1) DEFINED.—For purposes of this section the term 'adjusted net income' means the excess (if any) of—

"(A) the gross income for the taxable year (determined with the modifications provided by paragraph (2)), over

"(B) the sum of—

"(i) the deductions (determined with the modifications provided by paragraph (3)) which would be allowed to a corporation subject to the tax imposed by section 11 for the taxable year, plus

"(ii) the amount of the tax imposed by section 511 for such year, plus

"(iii) the amount of the fee imposed by section 506 for such year.

"(2) INCOME MODIFICATIONS.—The modifications referred to in paragraph (1)(A) are as follows:

"(A) section 103 (relating to interest on certain governmental obligations) shall not apply, and

"(B) capital gains and losses from the sale or other disposition of property shall be taken into account only in an amount equal to any net short-term capital gain for the taxable year.

"(3) DEDUCTION MODIFICATIONS.—The modifications referred to in paragraph (1)(B)(i) are as follows:

"(A) no deduction shall be allowed other than all the ordinary and necessary expenses paid or incurred for the production or collection of gross income or for the management, conservation, or maintenance of property held for the production of such income, and

"(B) section 265 (relating to expenses and interest relating to tax exempt interest) shall not apply.

"(4) TRANSITIONAL RULE.—For purposes of paragraph (2)(B), the basis of property held by the private foundation on December 31, 1969, and continuously thereafter to the date of its disposition shall be deemed to be not less than the fair market value of such property on December 31, 1969.

"(g) QUALIFYING DISTRIBUTIONS DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualifying distribution' means—

"(A) any amount paid out to accomplish one or more purposes described in section 170(c)(2)(B), other than any contribution to (i) an organization controlled (directly or indirectly) by one or more disqualified persons (as defined in section 4946) with respect to the foundation, (ii) a private foundation, or (iii) an organization which would be a private foundation if it were a domestic organization, or

"(B) any amount paid out to acquire an asset used (or held for use) directly in carrying out one or more purposes described in section 170(c)(2)(B).

"(h) TREATMENT OF QUALIFYING DISTRIBUTIONS.—Any qualifying distribution made during a taxable year shall be treated as made out of the accumulated income if any of the foundation. Where a qualifying distribution reduces the accumulated income of the foundation below zero, such deficit of accumulated income may be carried forward to the five next succeeding taxable years.

"(i) CORRECTION PERIOD.—The term 'correction period' means, with respect to any foundation for any taxable year, the period beginning with the taxable year and ending 90 days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (b)) under section 6212, extended by—

"(1) any period in which a deficiency cannot be assessed under section 6213(a), and

"(2) any other period which the Secretary or his delegate determines is reasonable and necessary to permit a distribution of accumulated income taxable under this section."

AMENDMENT No. 237

On page 313, delete lines 17 through 23 inclusive; delete pages 314, 315, and 316 inclusive; on page 317, delete lines 1 through 14 inclusive: Renumber remaining sections accordingly.

AMENDMENT No. 238

On page 127, delete lines 11 through 23 inclusive; page 128, delete lines 1 through 2 inclusive; page 130, delete lines 3 through 6 inclusive; page 131, delete lines 14 through 24 inclusive; page 132, delete 1 through 2 inclusive; page 135, delete lines 3 through 23 inclusive; delete page 136 inclusive; page 137, delete lines 1 through 19 inclusive: Renumber remaining sections accordingly.

AMENDMENT No. 239

On page 34, delete lines 18–25 inclusive; delete pages 36, 37, 38, 39, 40, and 41 inclusive; page 42, delete lines 1–21 inclusive, and insert in lieu thereof the following:

"(a) IMPOSITION OF TAX.—There is hereby imposed at the end of the correction period on the excess business holdings of any private foundation in any business enterprise a tax equal to 100 per centum of the value such excess holdings.

"(b) EXCESS BUSINESS HOLDINGS.—A private foundation shall be deemed to have excess business holdings with respect to any business entity if

"(1) the holdings of the private foundation together with the holdings of all disqualified persons constitute effective control of such business entity; and

"(2) the business needs of such business entity are allowed to take precedence over the exempt purposes of the private foundation.

"(c) BUSINESS NEEDS PRESUMPTIONS.—Where a private foundation meets the requirements of subsection (b)(1) with respect to any business entity there shall be

"(1) a rebutable presumption that where such requirements have been met for less than ten years, the needs of such business entity take precedence over the exempt purposes of the foundation;

"(2) a rebutable presumption that where such requirements have been met for ten years or more but less than twenty-five years, the needs of such business entity do not take precedence over the exempt purposes of the foundation;

"(3) where such requirements have been met for twenty-five years or more, the presumption of subsection (2) shall be conclusive.

"(d) SPECIAL RULES WITH RESPECT TO PROPERTY ACQUIRED BY WILL, GIFT, BEQUEST, ETC.—Interests in any business entity received by a private foundation by will, gift, bequest, etc. shall be considered for the purposes of this section to be held by such foundation for the shortest of the following periods; provided that, the foundation does not at the time of receipt of such interest have effective control of the business entity.

"(1) the date from which such interest is actually received if received by the foundation from other than a disqualified person;

"(2) the date from which the foundation first held an interest in such business entity; provided that, the donor of such interest was at all times during such period a disqualified person with respect to the foundation as a result of an interest owned by such donor in such business entity; or

"(3) the date from which the donor of such interest first acquired an interest in such business entity; provided that, as a result of the acquisition of such interest, the donor became and at all times during the period a disqualified person with respect to such foundation.

"(e) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

"(1) BUSINESS HOLDINGS.—In computing the holdings of a private foundation, or a disqualified person (as defined in section 4946) with respect thereto, in any business enterprise, any stock or other interest owned, directly or indirectly, by or for a corporation,

partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

"(2) CORRECTION PERIOD.—The term 'correction period' means, with respect to excess business holdings of H.R. 13270–6, a private foundation in a business enterprise, the period ending 90 days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (b)) under 6212, extended by—

"(A) any period in which a deficiency cannot be assessed under section 6213(a), and

"(B) any other period which the Secretary or his delegate determines is reasonable and necessary to permit orderly disposition of such excess business holdings.

"(4) FUNCTIONALLY RELATED BUSINESS.—The term 'business enterprise' does not include a trade or business—

"(A) which is not an unrelated trade or business as defined in section 513, or

"(B) which is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which is related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exempt purposes of the organization."

PUBLIC TRANSPORTATION ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 240

Mr. WILLIAMS of New Jersey, for himself, Mr. CRANSTON, Mr. HARRIS, Mr. HART, Mr. INOUYE, Mr. MONDALE, and Mr. TYDINGS, submitted an amendment, intended to be proposed by him, to the bill (S. 2821) the Public Transportation Assistance Act, which was referred to the Committee on Banking and Currency, and ordered to be printed.

ECONOMIC OPPORTUNITY ACT—AMENDMENT

AMENDMENT NO. 241

Mr. JAVITS submitted an amendment intended to be proposed by him to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear later in the RECORD under the appropriate heading.)

REFORMS OF INCOME TAX LAWS—AMENDMENTS

AMENDMENTS NOS. 242, 243, AND 244

Mr. MILLER submitted amendments intended to be proposed by him to the bill (H.R. 13270) to reform the income tax laws, which were referred to the Committee on Finance and ordered to be printed.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 228

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Montana (Mr. MANSFIELD), the Senator from Nevada (Mr. CANNON), the Senator from Nebraska (Mr. HRUSKA), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from California (Mr. MURPHY), the Senator from South Carolina (Mr. THURMOND), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) be added as cosponsors of my amendment No. 228, in the nature of a substitute to Senate Joint Resolution 158, to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAVITS URGES $100,000,000 IN DISASTER RELIEF FOR MEDICAL SCHOOLS; CHAIRS EMERGENCY MEETING OF ALL STATE MEDICAL SCHOOL DEANS

Mr. JAVITS. Mr. President, I invite attention to a conference I had yesterday with 12 medical schools in New York State which are facing a major disaster. One of them is in danger of closing almost any day.

My proposal would urge Congress to make a special disaster relief provision for all medical schools in the country—94 of them—for $100 million, to carry them over the dreadful emergency period which arises out of the reforms we made, and which the States followed, in medicaid and medicare, and the cutdown in the research funds which the hospitals had been relying on from the National Institutes of Health and other research projects.

Mr. President, it just does not make sense to have our medical schools on the brink of disaster when their contributions to the health of the Nation are so vital. I know of at least three distinguished institutions in New York State—the New York Medical College, the New York University School of Medicine and Albert Einstein College of Medicine of Yeshiva University—facing an acute financial crisis which is threatening their very survival. I also understand that numerous medical schools and research institutions in the Nation are reported to be cutting back their programs because of reduced medicaid reimbursements and Federal research grants. Even our great State-run institutions, which are attempting to develop and expand to meet pressing needs, are finding it difficult to obtain funds from State sources to enable them to meet their responsibilities.

To meet the fiscal crisis—a crisis with the gravest moral and humanitarian implications—facing medical schools and research institutions in New York State, I have called this emergency meeting of the deans of all 12 medical schools throughout the State. What I hope will come out of this meeting are a set of recommendations and a bill of particulars to present to Health, Education, and Welfare Secretary Finch, listing all the vital programs of these institutions that are being cut back or eliminated altogether as a result of the drastic cuts in medicaid reimbursements and Federal funding. These recommendations and particulars will also be presented to the New York State Health Department, but I must stress that the primary responsibility for meeting this emergency rests squarely with the Federal Government. This, of course, is true for every State in the union. The effects of research cuts reverberate throughout a medical school, affecting teaching and graduate training as well as science. When budget cuts slice deeply into funds for research-training grants and fellowships, the effect is to dry up the supply of future teachers who will be needed to produce the larger numbers of doctors that both the present and earlier administrations have said our Nation must have. The administration must provide the funds if we are to solve the health manpower problem.

I believe that the proposed Federal budget for health programs, so vital to the continued existence of our medical schools, and at a time when their resources are greatly needed by all America, is insufficient in our ordering of priorities. My survey of the 1970 budget for the Department of Health, Education, and Welfare shows why medical schools—which have a major part of their support furnished through Federal grants—are in such dire financial straits.

We have a $15,600,000 appropriations shortfall for institutional and special project grants, a $44,000,000 appropriations shortfall for construction and renovation of educational facilities and a $20,000,000 appropriations shortfall for health-research construction grants, to mention but a few.

Then let us look at but some of our more established research programs. The National Cancer Institute estimated it needed $203,741,000, but only $180,725,000 is scheduled to be appropriated—a $23,000,000 shortfall. And yet last year there were 615,000 new cancer cases and cancer mortality is steadily increasing.

The National Heart Institute estimated it needed $186,708,000, but only $160,513,000 is scheduled to be appropriated—a $26,000,000 shortfall. And yet diseases of the heart and circulatory system are the major cause of death in the United States and account for 54 percent of all deaths.

The National Institute of Child Health and Human Development estimated it needed $85,065,000, but only $75,852,000 is scheduled to be appropriated—a $10,000,000 shortfall. And yet uncontrolled population growth is one of the most critical problems of our time, affecting the health and well-being of everyone. I could go on and on, for each of the divisions of the National Institutes of Health, but the story is all too clear from these few examples.

Student assistance programs—which include traineeships, scholarships, and opportunity grants—were reduced by the Bureau of the Budget by $21,500,000.

As an emergency measure—to avoid the pending financial disaster of our medical schools—I would recommend that we act now to appropriate no less than $100,000,000 to offset the States reduced appropriations. Such funding would be similar to disaster relief programs we have previously enacted to

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meet the ravages of flood and hurricane, only this time it is our entire Nation that faces disaster—a health crisis—if our medical schools cannot meet the existing financial crisis.

If we are to meet the critical shortage of physicians—estimated at 52,000 this year—we must allocate sufficient resources to establish a Federal commitment to assist schools of medicine in increasing their output of physicians as rapidly as possible. We in Congress have passed the laws to help us to accomplish this goal. Now we must be certain that there are increased appropriations to meet this objective, not cutbacks which place the medical schools in financial straits, causing them to curtail programs or contemplate closing down altogether.

The Carnegie Commission has reported that it will take $500,000,000 to begin to put our Nation's medical schools on the road to recovery. While I understand the necessity to reduce Federal spending as a curb to inflationary pressures; I believe we must reorder our priorities so that Federal support of medical research and education is sufficient to meet the challenge of a burgeoning health crisis. I believe that Federal funding for our medical colleges is an investment in the health care of the people and that we cannot afford to permit it to regress.

DR. STIMMEL ON METHADONE MAINTENANCE PROGRAM

Mr. JAVITS. Mr. President, the Special Subcommittee on Alcoholism and Narcotics recently concluded hearings—under the able leadership of the Senator from Iowa (Mr. HUGHES)—at the Mount Sinai Medical Center in New York City.

I have long been concerned about the problem of heroin addiction—a matter of much anxiety and yet, paradoxically, little action by our Nation. I have long stressed that narcotic addiction and drug abuse—a complex myth-ridden field—has been grossly underfunded by the Federal Government. What is required is a Federal commitment—adequately funded—to State, local, and private programs of research, experimentation in narcotics prevention; and for rehabilitation and after-care services.

The enormity of the problem in New York City alone staggers the imagination. The city has records of some 42,000 heroin addicts but that does not include addicts not in prison nor in voluntary treatment and it was testified that the number of addicts is more accurately nearer 100,000. The economic impact—the cost to citizens and taxpayers—exceeds $1 billion a year.

The efforts of Mount Sinai—without Federal assistance—to help the addicted individuals in its community—East Harlem where there are over 200,000 people and one out of every 100 is a known heroine addict—through utilization of a methadone maintenance program was testified to by Dr. Barry Stimmel, Chief Resident Medicine and Instructor in the Department of Medicine at Mount Sinai School of Medicine. In view of the controversy surrounding methadone maintenance, and the urgent need to establish a Federal commitment to meet the burgeoning problem of narcotic addiction and drug abuse, I commend Dr. Stimmel's testimony to my colleagues and ask unanimous consent to have it printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY GIVEN AT THE U.S. SENATE SPECIAL SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS, NEW YORK, N.Y., OCTOBER 4, 1969

(By Dr. Barry Stimmel, chief resident, Medicine/Instructor Department Medicine, co-director methadone maintenance program, Mount Sinai Medical Center and School of Medicine)

Senators: The purpose of my appearing before this committee hearing today, as I understand it, is to try and explain how an institution without any specific federal, state, or city grants can become deeply involved in a problem of immense social importance and can succeed in initiating a functioning program to combat the problem. I am referring of course to the subject of narcotic addiction. I am certain that by this time you must be saturated with statistics related to the prevalence of heroin usage throughout the country, and especially in the New York City area, which has been said to house more than one half the nation's heroin addicts.[1]

In order to stress the enormity of this problem I would like to focus on the number of addicts in one small section of New York City:—that of East Harlem which contains only 8 of the more than 80 health districts in the borough of Manhattan. In East Harlem, where there are over 200,000 people, approximately 1 out of every 100 is a known addict.[2] Does this seem surprising? Well it is an estimate that is quite a conservative one. It is almost impossible to arrive at a statistically significant figure but just to engage in some thought, I reviewed the records of the emergency room in Mount Sinai Hospital over a month's period of time. Approximately 1 out of every one hundred patients seen in the hospital's emergency room is an addict who is clinically ill with hepatitis. It is fairly well established that ⅓ to ½ of all addicted persons have abnormal liver functions without clinical signs of hepatitis. Furthermore, a significant percentage have no hepatic abnormalities at all so that the actual number of heroin addicts is far greater than that reported.

Other medical complications of heroin addiction in addition to liver disease are frequent and often fatal; antibiotic resistant bacterial pneumonias, tetanus, and infection of the valves of the heart are just a few. The death rate in these patients is inordinately high, as many as 25% of all addicts dying before reaching their 40th year.[3] In addicts under 30 years of age, 16 deaths per 1000 have been reported.[4]

However, of equal importance are the social effects of drug addiction upon the addict as well as society. Although an addict may be on heroin continuously for 20% of his adult life, studies have shown that he is socially disabled for 80% of this time.[5] An addicted individual loses respect not only for the society around him, but more importantly for himself. He is unable to function, is depressed, is defensive and is disgusted by his illness far more than those who view him. And he reacts—he reacts in the one avenue open to him, more heroin, more frequently. Economically this means supporting a habit of $40 to $75 per day. He utilizes whatever means are available to him to obtain drugs. He lies, "pushes" drugs to others, robs, hustles and prostitutes himself to obtain the "stuff." Estimates of up to 60% of the robberies in New York City are attributed to persons on drugs. Up to 52 convictions per 100 man years of addiction have been reported.[6]

For these reasons drug addiction is everybody's "bag." It is a disease, not a crime and something that should be dealt with by both laymen and physicians alike. Complacency with cancer is unheard of, yet heroin metastasizes for more rapidly.

What then can be done to alleviate this problem? Many methods are in practice today ranging from intense psychoanalytic therapy to the use of narcotic substitutes to the actual dispensing of heroin, as in existence in Great Britain. Most of these programs have been difficult to evaluate and none have been shown to be a cure for drug addiction. However, certain immediate goals can be easily visualized: First, help the addict become physically well by removing the germ infested equipment with which he literally poisons himself; second, show him that he is indeed able to be a functioning member of society—able to stay with his family and not be interred in a closed, artificial community; that he is not forced to steal and degrade himself to feed his habit; third, support him with whatever means necessary to keep him from getting overly anxious and slipping back to his illness and finally, enable him to develop sufficient self-respect and free himself of all drug escapes entirely.

After careful consideration the Mount Sinai Medical Center felt that a Methadone Maintenance Program might be the answer to the first three of these goals and could assist the addicted individual in eventually achieving the last. Methadone Maintenance to date appears to be the only method of treating, note, I did not say curing, drug addiction that has been scientifically and objectively evaluated with published results open to all who are interested. I wish to briefly emphasize certain figures which may have been stated earlier in this hearing. They are taken from reports based on the work of Drs. Vincent Dole and Marie Nyswander and represent a patient load of up to 1200 patients.[6, 7]

After the first year of Methadone treatment, over 85% of patients are no longer addicted to heroin. Eighty-eight percent (88%) of patients in the program have arrest free records as compared to 36% of patients in a detoxification center. At the end of two years, 85% of the patients are working or in school as compared to 28% at the start of the program, and the number of patients on welfare decreased from 40% to 15%. All this is done without removing the addicted individual from his family unit. Furthermore, Methadone does not cause euphoria, and the patients are now able to function at a greatly improved level. However, most important, in the dosage of Methadone administered the euphoric effects of heroin are blocked, thereby eliminating the desire to illicitly obtain the drug.

In February 1969 the Department of Medicine in the Mount Sinai Hospital Medical Center, Mount Sinai School of Medicine, operating on a "shoe string" budget, started its out-patient Methadone Program. The staff consisted of a receptionist, a research assistant who is a former addict, two internists on a part time basis and a psychiatric consultant. The physical layout was quite small. It was felt that official notification of the opening should not be released until a measure of community acceptance became manifest. Within one week over 30 applications were filed; within two weeks close to 100 and within three weeks upwards of 200 applications had been received and no further application forms were handed out due to inability of the staff to keep pace with the investigative load.

The criteria for admission were simple: (1) the absence of a mixed addiction; (2) heroin addiction greater than four years duration (3) patients over 21 years of age. Due to the large number of applicants, parents and married patients were given priority. The clinic is open from 9 AM to 7 PM to enable working patients to be seen after hours. An answering service functions from 7 PM to 9 AM for any patients who might run into unexpected difficulty. All patients accepted to the program are carefully monitored according to the criteria suggested by Drs. Dole and Nyswander. New patients receive a complete medical evaluation including psychiatric consultation when indicated and associated conditions are treated by use of other hospital facilities. Three new patients are added each week to the program. At the present time 65 patients are being maintained on Methadone. Since the first patient was placed on Methadone in March, 1969, only one patient has been dropped from the program and that was within the first week of treatment. The age of the patients ranges from 21 years up to 47 with the mean being in the late twenties. It is felt by both patients and staff alike that the program has been quite successful. Despite the lack of outside funds and a direct affiliation with any large drug addiction center, the Mount Sinai Medical Center has shown that it is not only possible, but feasible for all voluntary hospitals, with proper training, to become effectively involved in the treatment of addiction with Methadone. This would eliminate the need for the establishment of costly "de noveau" structure for the treatment of addiction and take the problem back into the hospitals in the involved community.

Yet, as of the present, we have been forced to temporarily stop enrolling new patients. The reason for this is simple. There is no money, in spite of the apparent concern of everyone in both business and the community over drug addiction. Methadone programs are finding it increasingly difficult to obtain funds. This is due to ignorance—ignorance not only of the lay, but also of the professional community which believe that Methadone is being falsely promoted as a cure to drug addiction. Methadone is not a panacea but it is an effective means of placing the addict on the road to recovery.

One of the most frequent complaints of the community is that Methadone is being used to narcotize the less fortunate individuals in our society. Some feel that it is merely another form of addiction. It is true that Methadone is an addictive drug; however, it does not cause euphoria and loss of control as does alcohol, nor lethargy as do barbituates. It does enable the addict to enter society as a functioning member. In fact, if the number of addicts who as potential Methadone patients were compared to the number of people in this country who are on the numerous tranquilizers which are habituating and legally dispensed by physicians, those on Methadone would not be in the majority.

Methadone is not the answer for all addicted patients; the adolescent addict for example represents a whole new challenge in the fight against drug addiction. The in-resident homes such as Day Top Village, Exodus House, Phoenix House, and Odyssey House, just to mention a few, also represent valid approaches to drug addictions. But to accept one concept is not to preclude the effectiveness of Methadone.

How expensive is it to run a Methadone clinic? To merely dispense Methadone cost about 12¢ per day per patient. However, with paramedical and medical support which is essential to any well run clinic the cost per patient per year is $1000. Does this seem expensive? Compare it to the $1000 the addict steals in one month's time to feed his habit; compare it to the amount of money that is being spent on the 40% of addicts on welfare; compare it to the price one puts on the safety an individual does not experience when walking down the street in a ghetto neighborhood and compare it to the price of a human being's self-respect. There really is no comparison. Only one tenth of the money that insurance companies pay out each year on robberies committed in the City of New York could adequately finance Methadone clinics in most voluntary hospitals.

Methadone represents a successful initial attempt to enable the drug addict to become a useful functioning member of society. Methadone Maintenance is the only method to date that has been objectively evaluated and found to be effective. It should be expanded to include functioning clinics operating out of every large voluntary hospital in the city. Drug addiction is everybody's problem. The Methadone Maintenance Clinic at the Mount Sinai Medical Center is one of the fruitful attempts of the Medical Center to combat a rapidly spreading disease. The next question to be asked is what are you going to do about it?

FOOTNOTES

[1] Traffic in Opium and Other Dangerous Drugs. U.S. Government Bureau of Narcotics 1968.

[2] Amsel, Z., Narcotics Register—Development of a Case Register 1969.

[3] Valiant, G. E., 12 year Follow Up of Narcotic Addicts: The Natural History of a Chronic Disease, NEJM 1966 275:1282–1289.

[4] Duvall, H.S., Locke, G., Brill, L., Follow-up Study of Narcotic Addicts, Public Health Rep. 1963, 78:185.

[5] Valiant, G. E. Ibid.

[6] Dole, V. P., Nyswander, M. E., Wayne A., Successful Treatment of 750 Criminal Addicts, JAMA 1968 206:2207.

[7] Progress Report of Evaluation of Methadone Maintenance Treatment Program, as of March 31, 1968. JAMA 1968 206:2712–2714.

VIETNAM MORATORIUM

Mr. PELL. Mr. President, on Wednesday, October 15, many college students and faculties around our country will take part in a peaceful day of protest to the war in Vietnam. And here I speak as one who has long opposed our Vietnam war policies, and who no longer feels so lonely. But I must add that, if vilence or unlawful actions occur, the Vietnam moratorium will do more harm than good.

I believe that the October 15 moratorium appears to be a constructive step toward providing a peaceful outlet for legitimate protests on our Nation's campuses and in our communities.

In addition to voicing their deep concern about the war, these young people also want to demonstrate there is still a place in our society for peaceful and rational protest rather than the violent approach of the Students for Democratic Society—SDS—and the Students for Democratic Action—SDA.

The students want to work within the framework of the democratic process in an effort to activate a broad cross section of the community.

In doing so, their efforts should be viewed by the people of our Nation, not as a "radical student reaction" to the war but as an honest expression of the views of the many who are against the war in Vietnam.

For those of us with responsibilities in decisionmaking in our national affairs, it is necessary indeed that we better understand the agonizing crisis which faced so many of our young to whom the war seems neither right nor reasonable.

To them, Vietnam is not an academic issue. Rather, it is, in all likelihood, an imminent experience whereby their country may well demand that they be willing to die and be prepared to kill for a cause which they believe to be morally wrong.

It is unrealistic to expect our campuses to be models of scholarly detachment from current political issues. In fact, it would be odd if discussion of the war did not take place in our classrooms.

President Mason W. Gross of Rutgers University said:

> We ought always as a university community, to examine and debate among ourselves, in the freest and fullest way, all the great problems—war and peace, foreign and domestic policies, our national priorities, and the universities' responsibility to the community . . . demonstrate positively and dramatically the role of the university as teacher, as guardian of civilized values, and as the critical and moral intelligence which compels the community to ponder its courses of action.

If political protest in the colleges must not be repressed, neither should it be imposed. University authorities have adopted varying attitudes toward the moratorium. In the California State College, faculty members who dismiss their classes will risk "formal disciplinary proceedings." On the other hand, at Rutgers, classes have been canceled for the day.

Most colleges will open, which I believe is the right course to follow. As Robert F. Goheen, president of Princeton University, has said:

> It is not right to force participation in this sort of protest.

But there should be no penalties for those who do engage in it as long as they do so in a peaceful manner.

It is vital that our younger generation should find that when they conduct themselves with dignity and in a law abiding manner, their views are treated with respect. They will discover that it is not only through mindless screaming and violence that they can gain a national forum. If this enterprise is scorned or ignored, many students may be more tempted to listen to the radicals who denounce American democracy as a fraud.

Wisely, the moratorium leaders have decided not to restrict their activities to the campuses. They also plan to go out into the wider community, which may help contribute to restoration of communications between students and parents, friends, and neighbors. Hopefully, mutual understanding will be fostered. Sam Brown, moratorium organizer, has promised—

> We will try to engage people in conversation rather than in polemics.

Obviously, there are dangers involved. I emphatically denounce violence and earnestly implore respect for the views of others. It is important we behave responsibly.

If it contributes toward calming our campuses, informing our people, and leading toward peace, the moratorium will have achieved much. We must all

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Footnotes at end of article.

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seek to avoid the perils in order to realize the promises.

For all these reasons, I believe the Vietnam moratorium is an excellent idea. If our people—old and young—who believe our National Government must press more vigorously for dissolution of our involvement in Vietnam stand fast together, it will be a constructive day.

I also hope that those who participate in the moratorium give consideration to our moral commitment in Vietnam which is that our withdrawal does not result in the slaughter of any Vietnam citizen because of his identification with us—no matter whether the identification is for reasons of patriotism or cupidity. I would hope that the advocates for withdrawal of our forces would also advocate recognition of responsibility to arrange asylum for those who seek it in fear of their lives.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield?

Mr. PELL. I yield.

Mr. JAVITS. Mr. President, I identify myself with the views of the Senator from Rhode Island on the Vietnam moratorium. I had serious doubts about it. I did not want to be a party to those who would go in for draft-card burning or flag burning, or anything like that. But I think, for this day, they are entitled to our support. I announced mine this morning.

I am very glad to hear that the Senator from Rhode Island has pretty much the same reaction.

The people of this country are entitled to this opportunity and I am going to join them as another guarantee that it will be kept the way it is represented—to wit, a peaceful and honorable protest under the first amendment.

I hope very much that they will be vigilant to keep out all those who would destroy our Constitution, and destroy our laws, under the guise of a protest against the Vietnam war. It is unnecessary to that protest. It would only destroy the protest itself.

I thank my colleague from Rhode Island.

Mr. PELL. I thank my friend and colleague from New York very much for his comments.

LAWYERS COMMITTEE OF PRESIDENT'S COMMISSION FOR THE OBSERVANCE OF HUMAN RIGHTS YEAR 1968 EMPHASIZES HUMAN RIGHTS ARE MATTERS OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, a report prepared by the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968 has just now been published. This committee of distinguished lawyers was appointed by President Johnson and headed by former Supreme Court Justice Tom Clark. A full list of its distinguished membership is attached. This report is entitled "A Report in Support of the Treatymaking Power of the United States in Human Rights Matters." It was the general conclusion of this report that after a "thorough review of judicial, congressional, and diplomatic precedents, that human rights are matters of international concern; and that the President, with the U.S. Senate concurring, may, on behalf of the United States, under the treaty power of the Constitution, ratify or adhere to any international human rights convention that does not contravene a specific constitutional prohibition." I have already substantiated in previous statements that these conventions do not contravene constitutional prohibitions. Mr. President, in later statements, I intend to detail point by point specific recommendations and observances of this committee. At this time, I ask unanimous consent that the forwarding letter by the Chairman, Justice Tom C. Clark, be inserted in the RECORD at this point, followed by the list I previously referred to.

There being no objection, the letter and list were ordered to be printed in the RECORD, as follows:

AUGUST 20, 1969.

Hon. W. AVERELL HARRIMAN,
Chairman, the President's Commission for the Observance of Human Rights Year 1968, Washington, D.C.

DEAR MR. CHAIRMAN: I have the honor to submit the report of the Special Committee of Lawyers on the treaty-making power of the United States in Human Rights Matters.

As you noted in your letter transmitting the final report of the Commission to President Nixon:

"The whole of government must recognize its commitment to human rights and thereby seek to articulate its policies and programs in human rights terms. A touchstone of our commitment will be the ratification of additional human rights conventions through action by the Administration and the Senate."

The United States, in successive Administrations of both political parties, has taken the lead in working for a world in which human rights are the birthright of all. Nevertheless we have ratified only two of the more than a score of human rights conventions. Distinguished members of the legal profession have raised thoughtful questions relating to the constitutional competence of the United States to bind itself internationally on human rights, and the Special Committee of Lawyers has addressed itself to this question.

Our formal conclusions may be found at the beginning of our report. I would like to reiterate here, however, our finding, after a thorough review of judicial, Congressional and diplomatic precedents, that human rights are matters of international concern; and that the President, with the United States Senate concurring, may, on behalf of the United States, under the treaty power of the Constitution, ratify or adhere to any international human rights convention that does not contravene a specific Constitutional prohibition. The Special Committee of Lawyers would further commend the examination of proposed human rights conventions to their colleagues in the legal profession as a matter of high priority.

Respectfully yours,

TOM C. CLARK,
Chairman, Special Committee of Lawyers.

COMMITTEE MEMBERS

Hon. Tom C. Clark, Chairman, Associate Justice (Retired), U.S. Supreme Court.

Morris B. Abram, President, Brandeis University.

Terence H. Benbow, Attorney at Law, New York City.

Bruno V. Bitker, Attorney at Law, Milwaukee.

John H. Carey, Attorney at Law, New York City.

Dean Clarence Clyde Ferguson, Jr., Howard University Law School.

Professor Richard N. Gardner, Columbia University Law School.

William T. Gossett, Attorney at Law, Detroit.

Hon. Sarah T. Hughes, U.S. District Court.

William P. Rogers,[1] Attorney at Law, Washington, D.C.

Frederick M. Rowe, Attorney at Law, Washington, D.C.

Bernard G. Segal, Attorney at Law, Philadelphia.

Whitney North Seymour, Attorney at Law, New York City.

John R. Stevenson,[2] Attorney at Law, New York City.

Hon. John Minor Wisdom, U.S. Circuit Judge, U.S. Court of Appeals.

Mr. PROXMIRE. Mr. President, I hope the series of speeches that I have given now for 2 years will begin to bear fruit and that the Committee on Foreign Relations will report these human rights conventions to the Senate, and that the Senate will act. It has been the only obstacle standing in the way of their ratification. The President has supported them. It is only the Senate that has stood in the way of their ratification.

ORDER OF BUSINESS

Mr. MOSS. Mr. President, I ask unanimous consent that I may proceed for not to exceed 12 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Utah is recognized for not to exceed 12 minutes.

THE ONLY WAY OUT OF VIETNAM

Mr. MOSS. Mr. President, I have concluded that the present combination of peace talks in Paris, Vietnamization of the battlefield, and cautious U.S. troop withdrawals is not working.

It is not working because the North Vietnamese and Vietcong will never accept a cease-fire or free elections as long as the present Saigon government remains in power.

It is not working because the Government of South Vietnam is corrupt and repressive, and, unless it broadens its base, it will never gain the support of its people.

It is not working because the Government of South Vietnam will refuse to broaden its base as long as our troops are protecting it.

It is not working because Vietnamization really means trying to achieve a military solution by proxy.

It is not working because at this rate it will be years and maybe never before South Vietnam can completely take over the fighting.

It is not working because no matter how "unified" our country becomes, the Communists can outlast us in a waiting game and they know it.

But most important, it is not working because a year from now an end to the war still will not be visible. A year with more GI casualties and still no end.

I recommend, therefore, that the United States must cease all offensive military action in Vietnam at once and proceed to withdraw all combat forces as swiftly as can be done without endangering American lives. Our combat forces should fire only in self-defense.

The Government of South Vietnam should be notified that we will continue to aid it with materiel and civilian advice and skills, but that we will no longer participate in any offensive military action. If the Government of South Vietnam does not have broad enough civilian support or military strength to govern, then it must give way. We will protect American lives, but no longer will we seek to kill Vietnamese.

This conviction on my part has come only after the agony of long soulsearching and conscience wrestling. I now believe this is the only way to end the bloodshed of American boys in Vietnam. We have tried other courses without success. Now we must acknowledge our inability to control the battle, to prop up governments, and to dictate the course of events in Southeast Asia. We have not been defeated. We, of course, could stay in Vietnam forever. We could never be driven out. But it would be futile. As a great nation we must face reality.

It is my belief that we became involved in Vietnam for the highest of motives. Our thinking was conditioned largely by events in Korea, where we intervened to halt aggression by a militant neighbor. Painful and costly as it was, we succeeded in Korea and today South Korea prospers and is free. But in Vietnam we tried to stem invasion without success, and we found antigovernment forces everywhere throughout the countryside. And no government has emerged in South Vietnam to command allegiance as did Syngman Rhee in South Korea. The domestic rebellion against the government of South Vietnam has intermingled with invasion from the North to produce a wholly unstable and unmanageable condition in South Vietnam. We have tried to help stabilize this unhappy country and have poured in our blood and treasure without stint. Today we are no closer to our goal of a peaceful and free South Vietnam than we were in 1965. At this point we must be honest with ourselves and with the South Vietnamese. We must halt our participation in the war. South Vietnam must chart its own course, without our troops. We should continue to assist economically and should indicate our willingness to assist in the relocation of persons whose lives might be endangered after our troops have left.

In the beginning, I, like the great majority of Americans, felt that our action in aiding South Vietnam with military advisers, and later with combat troops, was right and would succeed. The optimistic reports of the military through 1965 and 1966 kept this feeling alive.

By 1967 my doubts had set in and in January of 1968 I visited South Vietnam where I was caught in the Tet offensive. Under that severe combat situation, I tended to feel primarily the urgency of staying alive, and I returned still unwilling to abandon our military effort. Throughout 1968 and 1969, I have continued to seek information and informed opinion as my apprehension mounted and my conviction solidified. I applauded President Nixon's announced withdrawal of troops and felt concern only when he qualified his action to a small fraction of our combat forces and reiterated U.S. policy to force the Vietcong and the North Vietnamese to a negotiated settlement. It is my judgment that never will we get a satisfactory settlement—or even any settlement. The Vietcong will never agree. President Nixon should know this. Our only course is to withdraw under conditions of maximum safety for our military personnel. Every day's delay now brings more casualties and mounting dissent. We must disengage at once.

Mr. McGOVERN. Mr. President, will the Senator yield to me?

Mr. MOSS. I am happy to yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I want to take just a moment to commend the Senator from Utah for what I believe to be a most honest, frank, and unequivocal statement of the dilemma that now faces us in Vietnam and the only practical course that is now left to us, which is to disengage from that conflict.

The Senator has very properly pointed out that we have been allied for many years with a political regime in South Vietnam that refuses to take the steps that would give it the confidence and support of its own people. This is not to say anything derogatory about the bravery or the sacrifice of those troops that have fallen in battle, either among the South Vietnamese forces or among our own young men who have fought over there under terribly difficult circumstances for a long period of time. But it is to say that the central lesson of our experience in Vietnam is that we cannot save a political regime abroad that does not have the respect of its own people; that is so corrupt and so oppressive that it is unable to inspire its own people to fight for it.

I do not know how we explain to the parents of young Americans who have fallen over there, supposedly in defense of freedom, that the present regime in Saigon has stayed in power by jailing its critics, non-Communists and Communists alike. There are an estimated 20,000 political prisoners held in the jails of Saigon, including the runnerup contender for the presidency in the election held in South Vietnam.

He said what the Senator from Utah is saying today. He is in jail for 5 years because of it. American troops are still there, being asked to sacrifice their lives and to accept that kind of regime. It will not work. There is no evidence that 1 year, 2 years, or 5 years from now we will be in any better position than we are today.

The Senator from Utah is correct in saying that the withdrawal process is not painless. It is not a sure thing. It is not risk free. Neither is there any evidence that we will be one bit better off many months, many casualties, and many deaths from now.

Mr. President, I ask unanimous consent, with the permission of the Senator from Utah, to have printed at the end of my remarks a statement published in yesterday's Washington Post. The article bears the signatures of six experts of the Rand Corp. As the Senator from Utah knows, this is a group that the Pentagon relies on heavily for military judgment. These six men have come to the conclusion, as the Senator from Utah is aware, that there is no other practical course ahead of us now than to remove our troops. They draw attention, as he has done, to the conflict of interest that exists between the government in Saigon and our own national interest.

I shall read a couple of sentences:

> The primary interest of the present Saigon leadership is to perpetuate its status and power, and that interest is served not by seeking an end to hostilities through negotiations but only by continuing the war with U.S. support. Their interest—

Meaning the interests of Saigon—

> Is thus directly opposed to ours.

I shall read the final paragraph:

> We do not predict that only good consequences will follow for Southeast Asia or South Vietnam (or even the United States) from our withdrawal. What we do say is that the risks will not be less after another year or more of American involvement, and the human costs will surely be greater.

So I congratulate the Senator from Utah for his realism, his honesty, and his dealing so squarely with the position that Americans are going to be underscoring on Wednesday of this week, namely, that the time has come for us to take this terrible burden off our backs and put our own national interests first, the interests of the people of this country first, and to free ourselves from a political regime in Saigon whose interests are increasingly divergent from our own.

Mr. MOSS. I thank the Senator from South Dakota.

Mr. President, I ask unanimous consent that the letter from which the Senator from South Dakota has read be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 12, 1969]

A CASE AGAINST STAYING IN VIETNAM

Now that the American people are once again debating the issue of Vietnam, we desire to contribute to that discussion by presenting our own views, which reflect both personal judgments and years of professional research on the Vietnam war related matters. We are expressing here our views as individuals, not speaking for the Rand Corporation, of which we are staff members; there is a considerable diversity of opinion on this subject, as on other issues, among our Rand colleagues.

We believe that the United States should decide now to end its participation in the Vietnam war, completing the total withdrawal of our forces within one year at the most. Such U.S. disengagement should not be conditioned upon agreement or performance by Hanoi or Saigon—i.e., it should not be subject to veto by either side.

It is our view that, apart from persuasive

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[1] Secretary of State William P. Rogers terminated his active participation in the work of the Committee after he was designated Secretary of State by President-elect Nixon, December 12, 1968.

[2] Mr. Stevenson assumed his duties as Legal Adviser to the Department of State on July 14, 1969.

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moral arguments that could lead to the same conclusion, there are four objections to continued U.S. efforts in the war:

1. Short of destroying the entire country and its people, we cannot eliminate the enemy forces in Vietnam by military means; in fact "military victory" is no longer the U.S. objective. What should now also be recognized is that the opposing leadership cannot be coerced by the present or by any other available U.S. strategy into making the kinds of concessions currently demanded.

2. Past U.S. promises to the Vietnamese people are not served by prolonging our inconclusive and highly destructive military activity in Vietnam. This activity must not be prolonged merely on demand of the Saigon government, who capacity to survive on its own must finally be tested, regardless of the outcome.

3. The importance to the U.S. national interest of the future political complexion of South Vietnam has been greatly exaggerated, as has the negative international impact of a unilateral U.S. military withdrawal.

4. Above all, the human, political, and material costs of continuing our part in the war far outweigh any prospective benefits, and are greater than the foreseeable costs and risks of disengagement.

The opponent's morale, leadership, and performance all evidence his continuing resiliency, determination, and effectiveness, even under extremely adverse conditions (in no small part because of his conviction that he fights for a just and vital cause). Estimates that the opponent's will or capacity (in North or South Vietnam) is critically weakening because of internal strains and military pressures are, in our view, erroneous. Even if a new strategy should produce military successes in Vietnam, substantially reduce U.S. costs, and dampen domestic opposition, Hanoi could not be induced to make any concessions (e.g., cease-fire or mutual withdrawals, so long as they implied recognition of the authority of the Saigon government. Thus, to make the end of U.S. involvement contingent upon such concessions is to perpetuate our presence indefinitely.

Our participation in the war will also be unjustifiably prolonged if we tie total withdrawals to basic changes in the policies and character of the South Vietnamese government. The primary interest of the present Saigon leadership is to perpetuate its status and power, and that interest is served not by seeking an end to hostilities through negotiations but only by continuing the war with U.S. support. Their interest is thus directly opposed to ours. For the same reason, the present Saigon government is not likely to seek the long-awaited improvements and "broadening" of its base. The United States should not obstruct favorable political change in Saigon by unconditional support of the present regime. Yet, we believe, the United States should in no way compromise or postpone the goal of total withdrawal by active American involvement in Vietnamese politics. Such interventions in the past have only increased our sense of responsibility for an outcome we cannot control.

Our withdrawal might itself produce the kinds of desirable political changes in Saigon that the U.S. presence seems to have inhibited, including the emergence of a cohesive nationalist consensus; and it might give better focus to our alliance relationships elsewhere in the world by bringing our Vietnam policy into line with the President's declaration in Guam on the limits of our partnerships.

As for global U.S. interests, the original rationale for a large scale U.S. military effort in Vietnam—the prevention of proxy victories by the USSR or Communist China—has long since been discredited. Moreover, we regard the Vietnamese insurgency as having special characteristics that cannot be considered typical of or exerting decisive influence on other revolutionary movements in Asia or elsewhere. We do not predict that only good consequences will follow for Southeast Asia or South Vietnam (or even the United States) from our withdrawal. What we do say is that the risks will not be less after another year or more of American involvement, and the human costs will surely be greater.

Daniel Ellsberg,
Melvin Gurtov,
Oleg Hoeffding,
Arnold L. Horelick,
Konrad Kellen,
Paul F. Langer,
Santa Monica, Calif.

Mr. MOSS. Mr. President, I thank the Senator from South Dakota for his observations. He has long been a leader in the endeavor to have the United States disengage itself from Vietnam. I have followed carefully his speeches on the subject. In part, they are what has brought me to my final conclusion.

Mr. President, several Senators have asked me to yield to them, so I ask unanimous consent that we may continue for 10 minutes more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I yield to the distinguished Senator from Texas.

Mr. YARBOROUGH. Mr. President, I congratulate the distinguished Senator from Utah for his statement and the position he has taken. I agree with him. I have not had to change my views, because I have never made a speech in support of our policy in Vietnam in all the years that it has been followed. I have thought it was wrong from the beginning. I think it is wrong now.

We helped to pressure the British out of India. We helped to pressure the Netherlands out of Indonesia. But when it came to Vietnam, we reversed our policy. We have been utterly inconsistent. We pressured the French to stay in Vietnam, and we continued to fight even after their defeat at Dienbienphu. Then we gradually interjected our forces into Vietnam under the guise of sending advisers to the military forces of South Vietnam.

Why we should have attempted to retain a colonial power in South Vietnam when we had helped to get the Dutch out of Indonesia and the British out of India is a mystery to me; it simply does not make sense. Furthermore, it is utterly incompatible with our policy in other areas of Asia.

We have apparently attempted to take the place of the French in South Vietnam. Of course, we did not state this as our purpose, but that is what has happened. The people of Vietnam historically have fought long and desperately against foreign powers. They fought the Japanese and the French. Many military leaders have stated that they did not see how the Vietnamese could fight these wars. They have had to use women and children to fight them. This shows their desire to be relieved of a foreign invader. I think that should have some impact on our conscience as a people when we continue a war after women and children have fought and died to prevent a foreign power from occupying their country.

I think the statement of the Senator from Utah is correct. I agree with the position he has taken. I commend him for the long and careful study that brought him to this conclusion. It has strengthened my own opinions of this matter. I think his statement will be of great benefit to all the American people.

Mr. MOSS. I thank the Senator from Texas for his comments.

I am happy to yield to the distinguished Senator from Kansas.

Mr. DOLE. I do not wish to quarrel with the Senator's conclusion. We all have a right to reach our own conclusions. The Senator suggests it has been difficult for him to reach this conclusion; that he has reached it only in the last few days or weeks.

I wonder what the Senator believes our position should be in Southeast Asia. Should we become a second-rate power? Should we dismiss the 40,000 young men who have lost their lives in Vietnam?

I remind the Senator from Utah that that is not compatible with the history of our great country. I understand that George Washington had a few problems in the early days of this country. I understand that there were censorship and political prisoners in America as recently as World War II.

I think that many of us who make judgments about corruption in South Vietnam or other problems in South Vietnam may not have sufficient information. I certainly do not have the information to say on the Senate floor or anywhere else that the Government of South Vietnam is corrupt, that it does not represent the people. But I have spoken with persons who have been there and who indicate that there is a change in South Vietnam, that there is respect for the government, that reforms are taking place.

I would only say to the Senator from Utah that there is a difference in the war today compared with conditions a year ago. There is a new direction in the war compared with a year ago. There is a strategy for peace in Vietnam.

Maybe the withdrawal of 20 percent of our combat troops is insignificant to some persons, but I think it is significant. President Nixon has not escalated the war; he has done everything he could to deescalate the war.

I hope that by his statement the Senator from Utah did not intend to be critical of President Nixon's statement, because on page 3, the President indicates that he is having the same struggle that the Senator had in reaching a very difficult conclusion.

I would only say, on behalf of the President, that the demonstration on Wednesday is not needed for his benefit. He wants peace as earnestly as President Kennedy wanted peace and President Johnson wanted peace.

I nope that on Wednesday we might demonstrate against our enemy, the North Vietnamese, and see if we can get some response from the enemy.

I would hope that the Senator from Utah might join in sponsoring the resolution I introduced along with 34 other Senators this morning to call upon the North Vietnamese, the National Liberation Front, to make some affirmative response toward the settlement of this war without further conflict and bloodshed.

Mr. MOSS. Mr. President, I appreciate the comment of the Senator from Kansas. Certainly, I wish I could feel there would be response from Hanoi to any resolution agreed upon by the Senate or issued by our Government.

But as I recall, we have been calling upon Hanoi to negotiate now for about 4 or 5 years. In fact, the whole thrust of the Paris peace talks is to obtain response from the North Vietnamese and the Vietcong who are also at the table. We have not been able to obtain any progress and I do not think we ever will.

Mr. DOLE. Mr. President, if the Senator from Utah were from North Vietnam and represented Hanoi at a time when 20 or 30 U.S. Senators were saying, "Do not do anything. We will get out anyway," what response would he make?

Mr. MOSS. I do not know what response I would make. But as I said in my statement, I do not think the enemy will ever negotiate, no matter how unified we are. They have been fighting for their objective for over 20 years. We can never outlast them in a waiting game.

I would also consider it from the point of view of the American troops who are there now and the American citizens at home. How long must they wait for a negotiated settlement?

The Senator from South Dakota asked what we would say to the 40,000 men who have already lost their lives. I say that we should feel humble and grateful to them. However, certainly we will not redeem the situation in any way by losing an additional 40,000 men. We cannot bring back these 40,000 lives tragically lost, but we can save the lives of those half million men still in Vietnam.

The Senator from Kansas asked me if I meant my statement to be critical of President Nixon. I pointed out in my statement that I applaud the President for the steps he has taken to withdraw some of our combat personnel from Vietnam. But I want the rate of withdrawal greatly increased.

I would like to see an immediate cessation of all offensive operations and a concentration only on withdrawing our troops as rapidly as possible without endangering American lives.

It is the only reasonable course we can follow, as I tried to point out. I had hoped, along with most other citizens that we could succeed in our objectives to stabilize Vietnam. I had hoped that a broad-based position could be established in South Vietnam so that we could then withdraw.

But it has not worked. It is a colossal failure. We will lose more and more American lives and spend more and more American money the longer we stay there. And still we will be no closer to our objectives.

Mr. DOLE. Mr. President, I share the view of the Senator from Utah—and every other American does—that we should end the fighting in Vietnam as quickly as we can.

I am afraid, however, that an impression of panic may have been created in America because of the many statements that have been made on the Senate floor. If I were an enemy in the Government of Hanoi and knew that someone here would rise and defend Hanoi and uphold the role of Hanoi in Vietnam, I would want to wait, thinking that sooner or later enough public opinion would be aroused that the United States would have to withdraw.

I know that the Senator feels as I do about the men who have lost their lives. I know something about war and about the tragedies of war. I point out on behalf of President Nixon that he does have a strategy for peace. In all fairness, we cannot expect him to end in 8 months what someone else could not end in 4 or 5 years.

The President wants peace as strongly as does the Senator from Utah, President Kennedy, President Johnson, or anyone else.

I recognize that no brownie points are to be gained from talking about slowing down the withdrawal. However, in the long run, talking about Southeast Asia and our role there, if we do as the Senator advocates and come home, how many more men will we lose in future years in some other conflict?

I do not know. Perhaps the Senator from Utah is right. However, speaking for those 40,000 who have lost their lives, we owe a great deal of gratitude to them.

Mr. MOSS. I thank the Senator. But I must disagree with the Senator. The American people have not panicked. In growing numbers they simply see the futility of our present course. And they are not too proud to change that course.

I do not think it is a partisan matter. I think it rises far above partisanship. I intend to support the President in achieving peace. It does no good to search for scapegoats. There is blame enough for all of us. What we need is a way out.

I have pointed out what I think we should do now to disengage. I hope the President will listen.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. YOUNG of Ohio. Mr. President, I thank the Senator for yielding to me.

I congratulate the distinguished Senator from Utah on his address and the position he has taken regarding our involvement in an ugly civil war in South Vietnam.

The question has been asked concerning what our role should be in Southeast Asia. The United States does not have a mandate from Almighty God to police the entire world. I speak with firsthand knowledge of Vietnam. I was in South Vietnam in October of 1965 for nearly a month. Last year I spent nearly a month in South Vietnam and in Laos. I have been in every area of South Vietnam.

I know that the Saigon militarist regime of Ky and Thieu is not representative of the people of South Vietnam. I know that we are involved in an ugly, undeclared, and immoral war in South Vietnam.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the Senator from Utah have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, it is not only my judgment that we are involved in a civil war, but I can also voice statements made to me by our generals in South Vietnam and in Thailand when I was there, substantiating that fact.

General Westmoreland informed me that the bulk of the Vietcong fighting us were born and reared in South Vietnam. Gen. Richard Stilwell, then General Westmoreland's chief deputy, informed me that 80 percent of the Vietcongs fighting us in the Mekong Delta were born and reared in the Mekong Delta, which is south of Saigon. I told him, "Well, we are involved in a civil war." He did not like that. He answered, "Well, it could be termed an insurrection."

The fact is that it is well known in South Vietnam that the militaristic rule of Saigon is not representative of the majority of the people in South Vietnam. It represents 20 percent of the people at most. I know the Senator from Utah is aware that both General Thieu and Air Marshal Ky were born and reared in North Vietnam.

There is no truth in the assertion that our enemy is North Vietnam. The head of the National Liberation Front of South Vietnam is a Saigon lawyer. He is not a Communist.

The fact is that Americans have been sent there by ship and plane. American troops in South Vietnam should be returned home this year in the same manner in which they were sent there—by ship and plane.

Until all our forces can be returned home, we should very wisely follow the advice of Generals Gavin and Ridgway to the effect that we should withdraw our remaining forces there to our coastal enclaves where they would have the umbrella of our airpower and the protection of the 7th Fleet.

Many more than 46,000 Americans have already lost their lives in Vietnam. In addition, 8,000 Americans have been killed in South Vietnam from what the Pentagon terms as accidents and injuries. We never had that credibility gap, so-called, in World War II, as the Senator from Utah knows from his service.

Also, approximately 500,000 civilians—women, children, and old men—have been killed or maimed for life by our bombing and artillery fire. In hospitals in Vietnam I saw pitiful little children, burned and maimed.

I am one who will be very glad to demonstrate next Wednesday for peace. I will be glad to join in that demonstration against our involvement in the longest war ever waged by our Republic, the most unpopular war ever waged, an undeclared war at that, and the bloodiest foreign war, costing the most lives—priceless lives of American youngsters—in a little faraway country which is of no importance whatsoever to the defense of the United States.

I do not have any secret plan to end

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the war in Vietnam. However, a good plan, an excellent plan, would to bring our forces home just as soon as possible.

Here we are trying to maintain in power a corrupt regime, as the Senator has stated. It is well known that Vice President Ky has an unlisted account in Hong Kong and another one in Switzerland. We know from the public press that Madame Thieu, the wife of the President of the Saigon regime, recently bought an expensive villa in Switzerland.

Let us withdraw. Let us get out of this war the same way we got in—by ships and planes. The Saigon regime was originally put in power because they refused to permit neutralists and many Buddhists and others to vote. If the soldiers in the ARVN forces, the so-called friendly forces—I say too friendly to fight, when we examine the statistics and see that week after week more Americans have been killed and wounded in combat there than these so-called friendly forces—cannot then maintain the Saigon government, we had better leave at least one plane to take Ky and Thieu out of the country to rendezvous with their bank accounts and to join Madame Thieu in her lavish villa. But we should get out, just as the Senator has said.

I again compliment the Senator from Utah upon the fine statement he has made today.

Mr. MOSS. I thank the Senator.

I yield to the Senator from New York.

Mr. KENNEDY. Mr. President, will the Senator withhold for a brief moment?

VISIT TO THE SENATE BY THE MINISTER OF FINANCE OF THE FEDERAL REPUBLIC OF GERMANY

I do not want to interrupt the dialog which is taking place, but we have a distinguished visitor from the Federal Republic of Germany, the Minister of Finance, Mr. Strauss, who is in the Chamber, and he is on an extremely tight schedule. If it is convenient, I wonder whether the distinguished Senator from Utah would be kind enough to indulge a short recess, without losing his right to the floor when the Senate reconvenes. It would be appreciated by the leadership. It is only intended to have a 4-minute recess, which would provide an opportunity for the Members of the Senate to extend greetings to this very distinguished visitor to our country.

Mr. JAVITS. The Senator from Utah had yielded to me. May I just finish? I know Franz Joseph Strauss, and I am delighted to welcome him.

Mr. MOSS. I yield.

Mr. JAVITS. I shall address myself to this subject tomorrow with the Senator from Rhode Island (Mr. PELL).

Is it not a fact that what the Senator from Kansas (Mr. DOLE) has done today—and with the very impressive list of cosponsors—is to pose the issue: Either you are going to pursue a strategy of trying to euchre, pressure, influence the North Vietnamese to make peace in Paris, or you are going to pursue a unilateral strategy, wherever it may hit, whatever it may hit, whomever it may influence; but you are going to turn the combat responsibility over to the South Vietnamese in a reasonable time, ready or not; and this is the real issue before the Senate of the United States.

Mr. MOSS. As I understand it, the resolution of the Senator from Kansas is another plea to the North Vietnamese and the Vietcong to negotiate. But my response to Senator DOLE was that we have been pleading, pressing, and pushing for years. Every avenue I know of has been tried to get this kind of negotiation. We have tried bombing them to the negotiating table. That did not work. Now we are trying negotiation. But I think that is an absolute stalemate. The enemy will never negotiate, and I do not think we can force him to, no matter what resolutions we pass, no matter how we wait. Therefore, I suggest my action—a unilateral strategy as the Senator from New York puts it.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate stand in recess for 4 minutes in order that Senators may greet our distinguished visitor, and that I be granted the floor when the Senate reconvenes.

The PRESIDING OFFICER (Mr. INOUYE in the chair). Without objection, it is so ordered.

RECESS

Thereupon, (at 2 o'clock and 6 minutes p.m.) the Senate took a recess until 2:10 p.m.

[Applause, Senators rising.]

During the recess, Minister of Finance Franz Josef Strauss was greeted by Members of the Senate.

On the expiration of the recess, the Senate reassembled and was called to order by the Senator from Hawaii (Mr. INOUYE).

The PRESIDING OFFICER. (Mr. INOUYE in the chair). The Chair recognizes the Senator from Utah.

Mr. THURMOND. Mr. President, will the Senator yield for one-half minute?

Mr. MOSS. I yield to the Senator.

Mr. THURMOND. Mr. President, yesterday, Sunday, October 12, 1969, Dr. Strauss, the distinguished Minister of Finance of the Federal Republic of Germany, delivered the dedication address in Columbia, S.C., at a new coliseum at the University of South Carolina. On that occasion he made a deep and lasting impression on the people of my State.

Mr. President, I ask unanimous consent that the address by Dr. Strauss be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ECONOMIC, SCIENTIFIC, TECHNOLOGICAL AND POLITICAL PARTNERSHIP BETWEEN THE UNITED STATES OF AMERICA AND EUROPE

(By the Chairman of the Christian Social Union and Federal Minister of Finance, Dr. H. C. Franz Josef Strauss)

For many years, we have witnessed promising beginnings of a partnership between the United States and Europe in a number of fields: economic, scientific, technological and political. But unfortunately, although we should have known better, we have not been able to establish a genuine and full partnership between the United States and Europe. The reason is that such a partnership requires more than mere cooperation in settling and overcoming mutual difficulties. The idea of an "Atlantic partnership" which once gave rise to high hopes of new forms of progress on both sides of the Atlantic has disappeared in the welter of day-to-day political routine. This is all the more deplorable as such a wider partnership between America and Europe—which would turn the North Atlantic Ocean into an inland sea—would enable us to tackle effectively the great problems of our century. But such a "transatlantic community" presupposes the existence of partners and Europe today is not a partner.

For a time, the world was fascinated by the European experiment. The rapid emergence of the Common Market seemed to raise the curtain on an early sweeping integration of Western Europe which would then be able to speak with one voice. In the meantime, however, it has become evident that a dialogue between the United States and Europe has remained an illusion, even where fields are concerned which have become community matters under the Treaty of Rome. Realization of the United States of Europe has been bogged down in a community narrowly confined to economic objectives and strictly limited to its original members. The conviction that close economic cooperation could not fail to lead to political integration has been demolished. The history of the United States itself shows that political union can overcome economic rivalries more easily than economic union can overcome conflicting political interests.

To enable a dialogue to begin between the United States and Europe the O.E.E.C. was established in 1948. Its task was to coordinate European reconstruction which was financed from Marshall Plan funds. O.E.E.C., however, was not a genuine European partner of the United States, because the relationship between you and us, between the United States and Europe, was in fact a rather one-sided relationship between donor and donee. But in a real partnership there must be give and take. And this presupposes partners of more or less equal size and strength—or at least the possibility of the two being complementary to each other. A giant and a dwarf generally make bad, or even ridiculous, partners, much as the well-known duet of Pat and Patachon.

O.E.E.C. was succeeded by O.E.C.D. and the latter, with its large number of committees and working parties and its broader membership including the United States, Canada and Japan in addition to the old O.E.E.C. members, has grown into a predominantly multilateral institution, drowning the transatlantic dialogue. Neither of these bodies could furnish the organizational basis for responsible American-European initiatives.

Smiliar considerations apply to other international institutions such as GATT, the Bretton Woods institutions, the United Nations development assistance organizations where North America and Western Europe cooperate on a broader basis. Here, the emphasis is on the mutual coordination of national policies and—in certain conditions—on jointly agreed procedures in dealings with third parties.

In some sectors, cooperation on national and supernational levels is well-tried so that a partnership between Europe and the United States might evolve as European integration progresses.

1. TRADE BETWEEN THE UNITED STATES AND THE FEDERAL REPUBLIC OF GERMANY

Trade relations between two countries are reflected in their balances of payments. Up to 1967, the balance between the Federal Republic of Germany and the United States was characterized by large German deficits.

1968 was the first year in which a German surplus was achieved owing to a very large increase in our exports. While the balance on current account between the United States and Germany was just about in equilibrium

in 1967, it showed a German surplus of DM 3,500 million in 1968.

In recent years, the United States has been the largest supplier to Germany and the second largest buyer of German goods. In 1968, 13.5 percent of total German imports came from the United States and 10.7 percent of all German exports went to the United States.

The exchange of goods between Germany and the United States, in DM million, was in 1965 imports 9,195.9 exports 5,740.6 with a deficit of 3,445.3 was in 1966 imports 9,177.4 exports 7,177.7 with a deficit of 1,999.7 was in 1967 imports 8,555.6 exports 7,859.1 with a deficit of 696.5 was in 1968 imports 8,849.6 exports 10,833.3 with a surplus of 1,983.8.

The pattern of German external trade was temporarily influenced by the Law Concerning Measures to Protect the Economy from Adverse Effects of External Trade and Payments (taxation of experts and a tax relief for imports). As a result, exports scheduled for 1969 were for a large part already effected in November and December 1968 so as to bypass taxation. In the first quarter of 1969, exports dropped considerably, but then a recovery set in and exports rose again substantially. As far as imports are concerned, they at first slowed down somewhat in the last quarter of 1968, but in the course of 1969 there was a marked increase in imports from the United States.

2. TRADE BETWEEN THE UNITED STATES AND WESTERN EUROPE

Trade between the United States and Western Europe is on the increase. Whereas the increase in United States exports to Europe has in the past years been absorbed by EEC and EFTA in equal proportions, the increase in United States imports has largely come from EEC countries which goes to show their greater economic efficiency.

The pattern of United States trade with Europe, in U.S. $ million. Was in 1966 imports 620.30 of which—from EEC, 341.51; from EFTA, 244.74; exports, 753.02. Of which to EEC, 438.70; to EFTA, 234.95.

In 1967 imports, 651.60. Of which from EEC, 370.04; from EFTA, 240.71. Exports, 816.11. Of which to EEC, 465.15; to EFTA, 264.51.

In 1968 imports, 819.10. Of which from EEC, 487.40; from EFTA, 283.97; exports, 884.17. Of which to EEC, 499.51; to EFTA, 297.84.

Both imports from, and exports to, Europe accounted for approximately 30 percent of total United States imports and exports.

3. NUCLEAR RESEARCH

In the field of reactor development, industrial cooperation has evolved in the form of a general exchange of know-how between Siemens and Westinghouse as well as between AEG and General Electric. In addition, Siemens has recently acquired North American Rockwell's one-third participation in INTERATOM; in exchange, North American Rockwell is said to have received a certain amount of Siemens shares.

There is a licence agreement between Gulf General Atomic and Gutehoffnungshutte under which the latter can utilize the results of Gulf's research work in building reactors in Germany.

Attempts are made to secure cooperation with the United States in developing an Incore Thermionic Reactor (for supplying spacecraft and launchers with power from a reactor). Germany may be in a position to develop a terrestrial prototype of such a reactor, but it cannot test it in space for lack of the necessary launchers.

4. SPACE RESEARCH

There are three agreements on bilateral cooperation in this field: (a) the research programme agreed upon with the National Aeronautics and Space Administration on 17 July 1965 for developing and launching a satellite for measuring the energy spectrum and the flux of electrons and protons in the inner Van Allen belt (Satellite project Azur); (b) a Memorandum of Understanding with the National Aeronautics and Space Administration on developing and launching a satellite for probing phenomena in the upper atmosphere (ionosphere and exosphere), aeronomy satellite; (c) a Memorandum of Understanding with the National Aeronautics and Space Administration on developing and launching a solar probe for studying the solar plasma and interplanetary matter.

In all three cases, the United States make available the necessary launching rockets.

The joint projects just mentioned also comprise an extensive NASA training programme for German engineers.

5. DATA PROCESSING AND MARINE RESEARCH

Germany is at present substantially extending its research activities in these fields and some form of useful cooperation may be expected to evolve sooner or later.

6. ARMS INDUSTRY AND TECHNOLOGY

The origins of cooperation between our two countries in this field date back to the German-American Agreement on the Purchase of Military Equipment by the Federal Republic of Germany in the United States under which the United States agreed to furnish the initial equipment of the newly established Federal German armed forces. In subsequent years, Germany has again and again effected large-scale arms purchases in the United States. These purchases play an important part in the offset arrangements between our two countries. The fact that German firms were charged with maintaining and repairing the arms supplied, and produced equipment under United States licences, has resulted in close cooperation between the arms industries of our two countries. A recent example is the licensed production of the Bell UH–1 D and CH 53 helicopters in Germany. Cooperation which may properly be called American-European has evolved in the case of larger weapon systems which require standardization on the basis of NATO criteria, e.g., the licensed production of the F 104 Starfighter and of the air-defence missile system Hawk as well as the installation of the NADGE system.

As not all German arms requirements could be satisfied by American supplies, a limited German arms industry had to be created. It has since designed and produced the "Leopard", a modern battle tank for which interest has been shown also abroad. The experience thus gained enables us to contribute on an equal footing to the joint American-German project of a Main Battle Tank (MBT or Kpz 70).

Necessarily, international partnership in arms production, as in other fields, demands that both sides should have something to offer. But as yet American-European, and particularly American-German, arms trade has been a "one-way" affair. While Germany purchased and still purchases many thousand millions dollars worth of arms in the United States, German arms exports to the United States have so far been more or less limited to a few 20 mm guns manufactured by Rheinmetall.

One of the reasons for this is that it is not Germany's ambition to build an arms industry which could compete with anything like yours. In the interest of offset, we shall continue to buy as many as possible of the arms we need in the United States. "As many as possible" means, of course, as far as the equipment offered meets our special requirements and as far as the price is within our means.

Moreover, it is only in a limited number of fields of arms technology that a small country like Germany can reach a level permitting it to cooperate with your great country as an equal partner. We have, for instance, been able to gain some experience in vertical/short takeoff and landing (V/STOL) aircraft technology which we are now contributing to a joint American-German V/STOL aircraft technology programme. In addition, the National Aeronautics and Space Administration is interested in the technological concept embodied in the German V/STOL transporter Do 31, and is studying whether and to what extent V/STOL aircraft can be used for civilian feeder lines.

But real partnership with your country in the field of arms technology will not materialize until the small German arms industry has been integrated with that of other European countries so that yours will have one opposite number. Dealing with a bigger partner will certainly be more profitable for you. If the European arms industries—for the benefit of our Alliance—are to contribute to the technological superiority of the free west, they will have to start by establishing closer cooperation among themselves.

An important step in this direction is the agreement between the Federal Republic of Germany, the United Kingdom and Italy on the joint development and production of a Multirole Combat Aircraft (MRCA). It is regrettable that France did not find it possible to join. The MRCA programme opens up new possibilities for a genuine partnership between Europe and America in the field of arms technology. For an American contribution will be of great importance. In particular, I have in mind how far your industry is ahead in the field of electronics which is becoming increasingly important in modern high-performance aircraft.

But even a European arms industry will neither be in a position nor wish to compete with the arms industry of a world power like the United States. Rather, its role would be that of supplementing and strengthening the potential of the American arms industry in the interest of our western defensive alliance.

7. DIRECT GERMAN INVESTMENT IN THE UNITED STATES

Direct German investment in the United States is grossly inadequate as a basis of a useful and sound partnership between our two countries. In 1968, it accounted for 8 percent of the total volume of German investment abroad. The share of German investment in total direct foreign investment in the United States was 3.2 percent (or DM 318 million). This is a poor show compared with American investment in the Federal Republic of Germany which amounted to $3,077 million in 1966 and to $3,487 million in 1967.

Between 1 September 1961 and 30 June 1968, the United States invested DM 7,500 million in Germany. New investment by German business in the years 1964–1968 on the other hand, amounted to DM 844 million.

The reasons for this relative inactivity on the part of German business abroad are twofold:

(a) it is undercapitalized;

(b) it twice lost its capital invested abroad.

It is evident that German external trade and payments relations are based on an expanded exchange of goods rather than on capital transactions. The reverse is true in the case of other large industrialized nations. Admittedly in recent years, when the Federal Republic achieved large balance of trade surpluses, German external accounts were to a great extent balanced by capital exports, particularly in the form of portfolio investment. This way of balancing a country's external accounts by lendings may be justified in the case of a temporary imbalance, but in the case of structural trade surpluses capital exports in the form of direct private investment should have preference. In fact, it is closer financial interrelation between countries which is the basis of genuine partnership, that is, of a mutual ex-

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change of technological and organizational information. Direct investment furthers the integration of national economies and favours the international division of labor; the resulting growth benefits all concerned. That is why the 1969 Tax Adjustment Law encouraged German investment abroad by fiscal measures. They might be supplemented by credit policy measures which are under discussion at present; the problem here is to avoid the devil of interventionist controls and the deep sea of massive subsidies.

3. THE ATLANTIC ALLIANCE

It is indispensable for the preservation and defense of the freedom of the West that we Europeans should in future bear our fair share in the Alliance which is commensurate with our strength and our economic resources. The conviction that the security of the United States requires the continued existence of the Atlantic defensive alliance is still valid. If Western Europe were drawn into the Soviet orbit, that would be the beginning of the end of a free United States. Yet, we Europeans have no right to expect our American friends and allies to be forever responsible for Europe's freedom and destiny. Rather, it is our duty to strengthen our continent ourselves in order to relieve the United States of some of its many tasks. This is possible only if NATO is transformed from a defensive alliance for United States protection of the free European nations into an American-European pact. And such a pact of two continents can only be brought about if first the west European partners of the United States get together to form a group within the Alliance with the aim of joint political action as the result of co-ordination and co-operation among themselves. The first task of such "grouping"—to give it a deliberately undramatic name—should be to take stock of the confused European situation.

(a) *The Kremlin's strategy*

The Kremlin's strategical plans remain clearly discernible, although some people are trying to revive their pipedreams and to cover reality again by a veil of error, delusion and cant. During the night which preceded August the twenty-first, nineteen hundred and sixty-eight the Soviets by occupying Czechoslovakia consolidated the "cordon stalinaire" around their European sphere of influence, and thus unmistakably disproved the theory that in wise restraint of their way they might be disposed to transform their empire into a "commonwealth" of sovereign states. Their military action was buttressed by a political doctrine pronounced "ex cathedra" by Leonid Bezhnev. This doctrine lays down the law that the Soviet Union has the right to intervene in any socialist country of the communist camp wishing to shape life within its frontiers and contacts with others outside too much according to its own needs. At the same time, when it seems opportune and expedient to do so the Soviet Union seeks to intimidate by ruthless threats any "capitalist" state not bowing to this doctrine unquestioningly—a case in point was its announcement that it would invoke the so-called enemy clauses of the United Nations Charter against Bonn to bring it to heel. The Soviets want a divided Europe and ultimately a Europe under their control, and for this purpose they find it very useful to talk of German revanchisme and of a—fictitious—German threat.

(b) *The main functions of the Atlantic Alliance*

In this situation, and for quite some time to come, the Atlantic Alliance has two main functions. One is to maintain the military balance which so far has prevented aggression and black mail, and will continue to do so in the future. The other is to maintain the political unity of action among European countries and between Europe and the United States. If the Alliance should fail to fulfill these functions, the Soviets will sooner or later by subtle political manoeuvres find the weak spot which they can explicit to divide us and ultimately bring us under their control. In the foreseeable future, maintenance of the Alliance will remain the only effective response to the undiminished challenge from the East and thus the only guarantee of our common security. But the Alliance must be adjusted to changes and developments in the world. The only way to do this is by strengthening the European element of the Alliance. Europeans must cooperate more closely in the field of defence, and must step up their military effort, gradually integrating their armed forces. On this basis, a new shape of the Alliance will have to be worked out with the United States within the framework of NATO reform.

(c) *European security conference and European peace system*

To moot this subject in the supposed interest of Western security throws a glaring light on the pipedreams and illusions of some Western—and particularly Western German—politicians. I regret that I have to include the outgoing Federal German Foreign Minister and many of his party friends. In my view, the old socialist dream of an All-European security system that could be built if all European nations left both NATO and the Warsaw Pact, would mean the end of the Western world. It is therefore a hopeful sign that the scheme of a so-called European security conference and European peace system has been coldly received in the United States and France. To my mind there is every justification to fear that it would only put the seal on the status quo and the division of Germany. One must be grateful to Mr. Alistair Buchan, Head of the Imperial Defence College and formerly Director of the Institute for Strategic Studies, for countering the idea of a European security conference advocated by the former Soviet Ambassador in London, Mr. Ivan M. Malsky, and refuting the claim that the forces of peace were stronger in Europe today than the forces of war, pointing to the following facts:

1. that the Soviet invasion of Czechoslovakia has increased the number of Soviet troops permanently stationed in Europe by 20 per cent;

2. that the military budget of the Soviet Union has been steadily increasing in the past four years whereas that of West-European countries has remained at the same level;

3. that military circles have obviously gained greater influence in the Kremlin than they had before

Likewise, Mr. D.E.T. Luard, Labour M.P.: for Oxford, rightly emphasized that what the Soviet Union hoped to achieve at a European security conference was restoration of its damaged prestige, stabilization of its western front, enhancement of the status of the Soviet zone of Germany, recognition of the Oder-Neiße line and disposition of the United States to withdraw its forces from Europe, whereas this conference was not likely to yield anything of any benefit to the West. As matters stand, we West-Europeans cannot but urgently appeal to our American friends to keep vigilant guard with us so that the dangers lurking behind this seducing facade may be recognized in time. If the Soviet Union were honestly interested in European security and in reinforcing world peace, it would have to be more explicit about, or at least to give some indication of, the steps which it would be prepared to take itself with a view to solving this problem. But before this has happened, any innocent acceptance of such Eastern proposals would mean playing with fire and might jeopardize the freedom of all of us.

(d) *Common strategy for the defence of Europe*

In the immediate future, the most important task is to work out a common strategy for the defence of Europe. Its principal objective must be the maintenance of peace.

What we need in the future is not a military defense concept, but a political security concept in line with the progress of technology. Strategy and technology will have to concentrate on the one task which will count in future, that is, credible and effective deterrence. The credibility and effectiveness of deterrence will be exclusively determined by three inseparable elements of equal importance:

The chain of deterrence must have no gaps. Any gap closed by conventional means only will destroy the whole deterrent effect.

The deterrents must be adequate and at least equivalent to the potential of the enemy.

The use of the deterrents in case of aggression must be compulsory. Only then will deterrence be credible.

(e) *Nuclear division of labour between Europe and the United States*

A concept of European security which meets these requirements is conditional upon a "nuclear division of labour" and, at the same time, closer co-operation between the United States and its European allies. But such a more sophisticated strategy which would imply that United States power would not need to be brought to bear at the very first moment, cannot be applied unless Europe is able to protect itself. The larger countries of Western Europe have the human, financial and therefore economic resources to create their own joint and efficient defence. What is lacking is the determination to do so. There is no room in Europe today for a purely national defence policy; such a policy would be entirely out of the question where nuclear strategy is concerned, for this calls for planning space which just does not exist within the narrow confines of individual European countries. That is why in the long run we need a European defence organization. It is the only chance Western Europe has of becoming a potentially equal and autonomous military partner of the United States within NATO in the foreseeable future. The first step could be for Great Britain and France to pool their nuclear arms, creating the core of a European nuclear force to which the other European countries could make appropriate contributions. In this initial stage of the community, the order to use nuclear weapons could only be given by the existing authorities in whose territories parts of the nuclear arsenal were located. In this way, it would be possible very soon to get two effective western strategic systems which would be complementary, but autonomous, with one headquarters in Washington and the other on the European continent. I should like to emphasize that this concept would not give Germany national control over nuclear weapons. The aim must always be to transfer control over the use of weapons from national authority to community authority, to a central government. Only, such an authority must first exist, and it could only be embodied in the sovereign figure of the President of a European Federation And for this stage to be reached, it will be necessary to accept solutions along the lines just set out.

It is difficult to understand why this idea should be attacked on the grounds that it involves the danger of creating a third nuclear power which—independent from the United States and the Soviet Union—could trigger nuclear chaos. The fact that Britain and France are nuclear powers in Europe seems to be completely overlooked. Actually, creation of a European nuclear force would reduce the number of existing nuclear powers by one, and eliminate the risk of national panic accidentally precipitating a collision.

If this project of an American-European partnership is to be realized, which I consider essential to preserve our freedom, then all of us—you, ladies and gentlemen, your government and all Europeans have one great common objective, that is: to promote untiringly

and unconditionally the political integration of Western Europe so that a genuine American-European partnership may result to our mutual benefit. Only then will the presently precarious state of our security and of world peace give way to stable conditions.

VIETNAM

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. MOSS. Mr. President, I realize we are technically in the morning hour and that my time has been extended two or three times by unanimous consent. I am happy to go on as long as the Senate agrees. I appreciate the comments of my colleagues, which have been pointed and thoughtful. However, I do not want to trespass on the time of other Senators.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a question?

Mr. MOSS. I am happy to yield.

Mr. YARBOROUGH. Did the Senator hear the figures on the total American casualties in the Vietnam war which the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), stated at Salt Lake City on Saturday evening?

Mr. MOSS. Yes.

Mr. YARBOROUGH. The casualty figure is over 290,000.

Mr. MOSS. Total casualties; that is correct.

Mr. YARBOROUGH. Does the Senator know what the total casualties were in the war in Korea?

Mr. MOSS. I do know the number except I know they are less than the total in South Vietnam.

Mr. YARBOROUGH. At the present rate our casualties in the Vietnam war will in a few more weeks exceed the casualties of World War I.

Mr. MOSS. I think that is a correct figure, which gives some measure of the magnitude of the war we are carrying on.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MOSS. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I now yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, I have read the Senator's statement and I have heard the remarks and comments of Senators today. I hasten to agree with the general feeling.

We have discussed this matter quite frequently. There is nothing Congress can do to end this war. There is nothing Congress can do to bring these troops back. It is a matter for the Executive. I have had the feeling in the last 10 days, and the remarks of Secretary Rogers over the weekend would seem to indicate, that the administration is beginning to feel the urgency—I think approximately 8 months too late—of getting the troops out of Vietnam. They realize what the great majority of American people felt some months ago, that, when the decision was made to make this a political war and not a military war, it was all downhill for us. When we gave up the option of bombing the harbor, when we gave up our option of cutting off supplies, we violated all rules of warfare. Those of us who attended military academies have been taught—and it has been taught for centuries, I suppose—that the way to defeat an enemy is to isolate the battlefield and then destroy those troops there. We gave up this option several years ago. There was nowhere to go except this continuing guerrilla warfare which requires something like a 6-to-1 ratio. We have never been able to do it successfully. We know our troops individually have been victimized by the very nature of the Vietnamese. They have been exploited in everything. We know we must get out.

But I do feel, and it is one of the reasons I joined the Senator from Kansas (Mr. DOLE), that the administration is beginning to feel this urgency and it is only through them that we can act. I have no desire to let up on the pressure because I cannot help feeling that pressure is what has put them in this frame of mind, which I believe is correct. I want to see this reflected in the time they ask for and I want to see these troops on the way home and as scheduled to assure an orderly withdrawal so that no GI's life is put in peril by these actions. The only place that schedule can come from is over in the Pentagon and from the White House. So, while we can point out what they should do, there is only one place it can be done. I think our pressure is well put.

I do not support the moratorium, as many Senators do.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOSS. Mr. President, I ask unanimouse consent that I may proceed for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, I do not support the moratorium, as I said on the floor, because, well intentioned as these young people are who put this matter together, and I have had letters from college presidents and others and I know how well intentioned Senators are, I question their ability to keep it out of the hands of the "crazies" who have moved into the area, not because of the war but because they are looking for a cause any place to cause disruption and revolution. I despair of their ability to handle the situation. It is for that reason I do not join.

Second, they ask for 2 days in November, and 3 days in December. If it does not work there is no problem, but if it does work, and nothing is going to happen to get all of our troops out of there if we start today, in 6 months we would have a week of trouble when we can least afford it next spring.

I commend the Senator from Utah. He, as I, looks forward to the day we can get down to the really important things in this country and leave behind the sad memory and the mistakes of Vietnam.

I thank the Senator.

Mr. MOSS. I thank the Senator from Ohio for his comments about the conduct of the war. I, too, think there have been some mistakes in the conduct of the war but I think, as I said in my statement, that we have tried to pattern our experience largely on Korea where we also fought a limited war, and finally came to negotiate a cease-fire. We thought all along we could achieve the same thing in Vietnam but we were wrong. We have not been successful, however, because of bad military tactics, but because of the political realities of South Vietnam.

I agree that the orders, whatever they are, are going to have to come from the Executive and military to move things. But I do not think we are without great influence in Congress. We can express a point of view. In the final analysis, we have to fund the war so they must come back to this reservoir of power if they want to continue this war.

Mr. President, this represents my point of view. I have tried to state it carefully and in a restrained manner. I appreciate the motivation of all Members of this body, who I am sure are struggling to find what they consider to be the proper solution to concluding the bloody conflict that goes on in Vietnam.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MOSS. I am happy to yield to the Senator from Tennessee.

Mr. GORE. Mr. President, I have listened with interest to the very learned remarks of the distinguished Senator from Utah. I congratulate him upon his contribution and upon the contributions of other Senators which he has drawn forth.

Perhaps the Senator will recall that the senior Senator from Tennessee was the first person in this Chamber to express the conviction that the policy of phased withdrawal was not a path to peace but rather a program that would prolong the war. I reached this conclusion, in essence, because the policy of gradual withdrawal, incremental or phased, over a period of time, was tied to the survival of the Thieu-Ky regime in Saigon.

I felt and still feel that the best avenue to peace is the utilization of the overwhelming presence of the United States in South Vietnam to persuade a coalescence of the forces, factions, factors, and personalities in Vietnam. Unless the people who live there, whose country it is, are willing to live together in peace, there is no way that a country even as powerful as the United States can enforce a peace.

Mr. MOSS. I thank the Senator from Tennessee and all other Senators who have made these observations. I agree with the Senator from Tennessee that ultimately the decision of what happens there must come back to the people of South Vietnam themselves.

As I said in my original statement, the longer we stay there with military forces and prop up a government that does not command the allegiance of the people, the fighting will continue and no peace can come.

Perhaps when we withdraw, the present government will collapse, if it has not broadened its base. Then that government must give way to some other government; but, eventually, there has to be a government in Vietnam that will command the allegiance and respect of the great majority of the Vietnamese people. When that is done, then peace will be restored.

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I think that our worrying about the composition of that government has now become quite irrelevant. It is just the fact that there must be a government which will command the allegiance of its people. But it is not for us to decide what that government will be. That is for the Vietnamese to decide.

Mr. GORE. I suggest to the able Senator that the credibility of our whole democratic system is being put to a severe test.

Mr. Lyndon B. Johnson was elected President of the United States on a commitment to the American people, a promise, that American boys would not be sent into a land war in Asia to do what Asian boys should do for themselves.

Shortly after his election, I learned that plans were underway to send combat forces to Vietnam. I went to the White House, in an effort to dissuade President Johnson from committing ground troops to a land war in Asia. He reviewed the war with me. To make it brief, he said that President Eisenhower had sent advisers, that President Kennedy had sent more advisers, technicians, and aides, but that this was not enough and that he, President Johnson, must either withdraw the advisers, technicians, and aides, or send in combat troops.

He then made a very pointed remark to me, which I quote:

> I am not going to be the first President to run.

I did not think that should be the question. I thought the question was the adoption of a wise policy for the United States under all these circumstances.

To make a brief analogy, Mr. Richard M. Nixon was elected President of the United States on a promise, specific and stated, a commitment to the American people to end the Vietnam war.

Six months after his election, there were more men in Vietnam than on the day of his inauguration. In the 9 months since his inauguration, we have had more than 68,000 American casualties in Vietnam.

Now President Nixon is quoted as having said—although he did not say this to me, as President Johnson did—but he is quoted widely as saying:

> I am not going to be the first American President to preside over a defeat.

That should not now be the question, either. But after these two commitments to the American people, President Nixon is now pursuing the same policy, and making the same defense for policies and failures, as did former President Johnson.

What are the American people to do?

I do not like to set legislative deadlines. Frankly, I think that is a meat-ax approach. But, if the representatives of the people have no choice other than between a meat-ax approach and the continued meat grinding of our sons, it will be a hard choice, and the outcome may be unpredictable.

Yes, Mr. President, the credibility of our society, of the democratic process, of popular government is now being put to a severe test.

We are proud to say that the people are the masters of their destiny, but when they make a decision upon the basis of commitments from people seeking highest office, and when those commitments are violated, it raises doubts. It creates hopelessness and frustration. This lends itself to extreme action.

I say to the Senator that debate in the Senate may be strident, but strident debate is not so costly as the lives and bodies of 68,000 American boys.

Mr. DOLE. Mr. President, will the Senator from Utah yield?

Mr. MOSS. I yield.

Mr. DOLE. Let me say, in response to the Senator from Tennessee, that I have often heard recitals on the floor of the Senate about how we became involved in South Vietnam. I believe the Senator from Tennessee voted for the Gulf of Tonkin resolution and in fact, all Senators did except two. That indicated, to me, at that time, that there was some support from the Senator from Tennessee for U.S. policy in Vietnam.

In debate, at least by inference, it has been indicated that President Nixon has not changed policy. The repeated statement has been made that there were more troops in Vietnam in February or March than when President Nixon came into office in January. As has been pointed out in this Chamber, those troop movements were programed, as the Senator knows, last year. The point is that every Senator wants the war to end. There is a difference of opinion on how it should be ended. I happen to believe that President Nixon is on the correct course for peace, and that he does have a strategy for peace. He did not say he was going to end the war on January 21, 1 day after having been sworn in on January 20. Further, I would remind the Senator from Tennessee that Mr. Nixon is the first President since we became engaged in war in Vietnam to bring our boys back alive, to reduce the number of troops, and to deescalate the fighting.

I would guess that President Nixon has access to almost every fact there is to know about Vietnam. I would also say, as President Truman said so well: that President Nixon knows, "the buck stops here."

It is easy for me or other Senators to go around making judgments and criticizing, because we do not make the hard decisions. I know that everyone regrets and deplores the loss of one single life in South Vietnam.

We also deplore the injuries suffered by many of our boys. One can go to Walter Reed Hospital and find young men of 18, 19, and 20 years of age with arms gone, legs gone, and a variety of injuries. General MacArthur said we should never become involved in a land war in Asia. The Senator pointed out what President Johnson did. President Kennedy sent the first combat forces there. President Johnson sent troops there. President Nixon came into office in 1969, and he has had 8 short months to end the Vietnam war.

I ask the Senator from Tennessee, if he were the Hanoi government, and every day on the Senate floor Senators were saying, "We are not going to do anything but bring the boys home," how would he react?

I would guess the Senator from Tennessee supported negotiations. Many critics were for negotiations 8 or 10 months ago. Now some critics are saying, "Negotiations are not working; we must do something about it. We must withdraw on a unilateral basis." If we look at the war we can see there has been a change in the direction of our policy toward the war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GORE. Mr. President, I ask unanimous consent that the Senator from Utah may continue for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MOSS. I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, it is not a question now of the Tonkin resolution. It is not a question of who erred and how tragically. The real question now is a policy for peace. Like other Senators, I wish peace, I wish to aid President Nixon in achieving peace; and I suggest that his policies are contradictory and self-defeating, and I hope that by calling attention to that fact, the policies will be altered.

The President says, on the one hand, that he is for self-determination by the people of South Vietnam, and he adds that this is not negotiable. But then, secondly, he says that he stands firmly behind and beside Mr. Thieu, who in turn says that he must run such elections as are held. Indeed, he says, no elections can be held until 2 years beyond some as yet unspecified date. He says, moreover, that there will be no coalition government, "not even for a reconciliatory government."

So, on the one hand, President Nixon's policy proclaims self-determination by the people of South Vietnam, but, on the other hand, he says, in effect, You must keep Mr. Thieu.

Mr. President, we must have a policy for peace, and that policy can be found within the framework of the Geneva accords, to which we once adhered, but to which neither we nor the other side has remained loyal.

This is in no sense, in my view, an expression of partisanship.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GORE. In just a moment. I said the same thing when President Johnson was our Chief Executive.

The thrust of the sentiment in this country is for a settlement of the war; and to tie the United States to the survival of the Thieu regime and to equate peace for America——

Mr. DOLE. That is the statement of the Senator from Tennessee.

Mr. GORE. With the political success of President Thieu is not a program for peace but one to prolong the war.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GORE. I do not have the floor.

Mr. MOSS. Mr. President, I am glad to yield to the Senator from Kansas. Then I would like to conclude.

Mr. DOLE. Mr. President, I generally share the sentiments of the Senator from Tennessee, but do not believe he is stating President Nixon's position when he equates peace with support of the present Thieu regime.

On May 14, President Nixon set forth eight specific proposals for peace, they were not tied to any regime.

Mr. GORE. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. GORE. I took the floor and praised that speech, but then President Nixon went to Midway and tied us to Mr. Thieu.

Mr. DOLE. I do not know about that, but I am sorry I missed a speech in which the Senator praised President Nixon. We have had the other side of this issue presented almost daily and, starting today, we will have the other side presented. This is not a Republican or a Democratic proposition; it is not a partisan issue. I just happen to believe that there has been a one-sided presentation on the Senate floor and by the American media. One would believe there is panic in the U.S. Senate and America and that we will do anything to get out of Vietnam. This is not an accurate impression, and the people of the United States should be properly informed.

Mr. MOSS. Mr. President, in my statement I think I tried to make it perfectly clear that this was not a partisan issue. It rose above partisanship. The Senator from Kansas seems to think it is, in some way, and that he is called upon to defend the President's point of view.

I praised President Nixon for the withdrawal of such forces as came out of Vietnam. My only statement was that I felt it had been temporized too much and that it was qualified. I want him to state categorically and immediately that all offensive action will cease.

I am not saying that in criticism of any political party or any political leadership. I am just trying to state the position I think the United States should take. I am doing it on the floor of the Senate, in the presence of my colleagues, because I think the President must eventually listen to the Senate as he must listen to the people when they demonstrate peacefully.

I do not want us to degenerate into a partisan wrangle. I want us to stop the killing in Vietnam.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if the Senator will yield, I want to join the other Members of this body who commended the Senator from Utah this afternoon. I think he has presented, in a very concise and reasoned and thoughtful way, a sound and useful proposal. I am certainly hopeful that it will receive consideration by those who are developing our policy and recommendations. I think the Senator has obviously given the matter careful thought and consideration. He has made a useful contribution to the whole dialog on a difficult and complex problem, as has been brought out there this afternoon. It is a many-faceted problem. I think the Senator has shown an incisiveness and a reasoned thoughtfulness which will help many of us in this body.

I join the other Senators in commending him for his statement.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. YARBOROUGH. The question for consideration raised by the Senator from Tennessee is why, in view of the overwhelming sentiment of the American people we have not been able to disengage in Vietnam. We wonder why we had three candidates for the Presidency in the 1968 election, all of whom were war candidates. The problem is that we do not have a democratic system of nominating a President. Unfortunately, our political conventions are controlled by cliques. What we need is greater democracy in nominating the President. We need national preferential presidential primaries. I feel that if we had had national preferential presidential primaries, some candidate would have come forward and said, "I will settle the war." President Eisenhower did in 1952, and he won overwhelmingly on that platform. Had we had any candidate last year who unequivocally had promised to end the war, he would have won by a landslide.

I have felt this sentiment over the country, and I am hopeful that the reforms that the Democratic Party has proposed, and reforms which have been talked of in the Republican Party as well, will take place. I hope that both parties will reform their nominating procedures before 1972, to provide a greater voice for the people of this country in the nomination of candidates for the Presidency.

I thank the Senator for his great contribution today.

Mr. MOSS. Mr. President, I yield the floor.

SWEDEN: OUR GOVERNMENT GUILTY OF AFFRONT TOWARD A GREAT AND STABLE EUROPEAN NATION

Mr. YOUNG of Ohio. Mr. President, Olof Palme, recently chosen as Prime Minister of Sweden, is the most outspoken critic of the heads of government of any European nation against our policies in Vietnam. He has denounced the United States as an aggressor in Vietnam.

Palme is leader of the Social Democratic Party. He received a bachelor's degree at Kenyon College, Gambier, Ohio. He studied law in Sweden. He is still a young man, and his rise to power in 10 years has been spectacular.

Recently, he stated:

> I am not anti-American but I denounce United States aggression in Vietnam. I sorrow that a country such as the United States where I attended college and where I have many affectionate friends has been an aggressor in a civil war in south Vietnam on the side of a minority opposed to national liberation.

Formerly, as Minister of Education he participated in Stockholm in an anti-American demonstration walking side by side with the Ambassador from North Vietnam. Recently he directed a grant of $40 million as foreign aid from Sweden to North Vietnam.

Prime Minister Palme has also been outspoken in his denunciation of the fascist colonels who crushed democracy in Greece, and he has assailed his powerful neighbor, the Soviet Union, for its aggression against Czechoslovakia. This wise young national leader recently reiterated Sweden's support for the admission of Communist China to the United Nations.

To date, President Nixon has refused to nominate an ambassador to Sweden. That post has been vacant since the departure of Ambassador William W. Heath on January 23, 1969, 3 days after President Nixon took office.

What valid reason can there be for this administration's continuing affront to the Swedish people in refusing to normalize diplomatic relations between the United States and Sweden? How can Nixon administration officials or our Secretary of State justify this policy when they continue diplomatic, economic, and even military support of fascist dictatorships in Greece, Spain, Haiti, Brazil, Argentina, Paraguay, to name a few of the nations ruled by fascist tyrants?

Can it be claimed that Sweden is engaged in hostile action against the United States? Has she alined herself with our so-called foes? Of course not. The fact is that Sweden historically has been neutral. Sweden has not been involved in a military conflict since 1814. As stated, Prime Minister Palme has publicly denounced leaders of the Soviet Union for their aggression in Czechoslovakia. Sweden is neither a member of NATO nor the Warsaw Pact nations.

As for Sweden's policy of nonalinement, is her friendship toward the United States less valuable and less sought after than that of such nonalined nations, so-called, as Switzerland, Finland, Burma, Indonesia, and Tanzania, to name a few neutral nations with whom we maintain cordial diplomatic relations?

Is Sweden's democratic form of government repugnant to our sensibilities? Manifestly not. The fact is Sweden is one of the world's freest societies, a nation with a long tradition and history of freedom and democracy.

Does the President delay naming an ambassador to Sweden because the Swedish Government disagrees with our involvement in a civil war in South Vietnam? The fact is that the United States maintains excellent diplomatic relations with a number of nations whose chiefs of state are extremely critical of our fighting an immoral, undeclared war in Vietnam—a war that has caused the death or maiming by our bombing and artillery fire of at least 500,000 Asian civilians—women, children, and old men. Among these nations are India, Pakistan, and France, not to mention the Soviet Union and other Eastern European nations giving active diplomatic, economic, and military support to the National Liberation Front, the VC, and to North Vietnam.

Does the President refrain from appointing an ambassador to Sweden be-

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cause Sweden has offered asylum to American servicemen, many of whom in good conscience believe that they cannot participate and kill in what they consider an immoral war? Evidently not, because the United States maintains extremely friendly relations with Canada, our neighbor to the north, which has also opened its doors and provides safe refuge and, in fact, hospitality and friendship to hundreds of young Americans who are evading the draft for conscientious reasons and refuse to serve in what millions of Americans regard as our involvement in an undeclared, unpopular, and immoral war.

The Prime Minister of Sweden recently stated:

> We shall continue to repeat simple but important truths. That the longing of peoples for freedom cannot be beaten by violence. . . . That peoples have the right to decide over their own destiny.

These are truths which were, in fact, embodied in 1776 in our Declaration of Independence.

Mr. President, Sweden is increasingly taking on a greater role in foreign affairs. Sweden is a dynamic young country with one of the world's highest standards of living. The per capita income in Sweden is surpassed only by one Nation—the United States. President Nixon's failure to name an ambassador to Sweden constitutes a continuing unwarranted and unconscionable insult to the Swedish people. In the long run, it will prove harmful to our Nation.

Olof Palme will officially become Prime Minister of Sweden tomorrow. President Nixon could make no finer expression of the traditional friendship between the United States and Sweden than by announcing his intention to name an American ambassador to Sweden without further delay.

ADMINISTRATION RESEARCH CUTS THREATEN NATION'S HEALTH

Mr. YARBOROUGH. Mr. President, our Nation is facing a crisis in the field of health care. Every day we fall further behind in the race to provide adequate care for those who are ill and injured in our society. Earlier this year President Nixon correctly assessed the situation when he warned:

> The Nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by government and the private sector.

But rather than stepping up health programs, the administration has wielded a cruel ax and severely cut the existing programs, intensifying the imminent disaster and callously disregarding the lives and hopes of those Americans suffering from diseases.

In the October 13, 1969, issue of the Washington Post, reporter Victor Cohn, in his front-page article entitled "U.S. Scientists Fear Further Cuts in Aid," brilliantly illuminates the disaster which threatens our Nation. Drastic reductions in Government research grants will seriously deplete our future supply of Ph. D's. and M.D.'s. At a time when we desperately need to increase the number of doctors, researchers, and teachers, the administration has effectively undermined our medical schools and laboratories. As Mr. Cohn points out, health and science budgets are 40 percent less than in fiscal year 1967 and the Department of Health, Education, and Welfare forecasts no research increases until 1973, to take up the losses in the past 3 or 4 years.

The situation is worsening every day. Within the past month, 360 valuable monkeys were exterminated at the National Cancer Institute. This was done because the money had been cut off. These were monkeys being used in research on cancer virus to determine whether cancer is transmitted in such a fashion.

It will be necessary to do away with dogs, monkeys, baboons, and other valuable animals. Much time will be lost, because these animals had been infected with virulent germs to determine what germs were transmissible.

We have lost out on research and are turning back the clock.

Sixty cents of every dollar in such research comes from the Federal Treasury. Thirty-five cents of every dollar that goes to support the medical schools in the United States comes through the Institutes of Health.

These are moneys appropriated by Congress. These are the moneys that this administration is cutting back.

The Institute of Doctors and Dentists meeting in New York expressed their dissatisfaction to me. We are facing a crisis that has not been faced at any time since the Federal Government started to put money into the medical schools to try to build up the number of doctors and dentists in our country.

Never before have we had such a shortage of doctors and dentists.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, the Nixon administration has ordered cutbacks this year and the termination next year of the chronic disease programs, involving cancer, respiratory ailments, diabetes, arthritis, heart and stroke and neurological and sensory disorders.

Mr. President, these programs were started under the leadership of former Senator Lister Hill to find out the cause and cure of cancer, heart disease, stroke, and respiratory ailments, including the alarming increase in emphysema. All the hopes and dreams of millions of suffering Americans, plagued by these diseases are being shattered by the reckless dissolution of health facilities by this administration condemning them to a slow death or permanent disability without the possibility of a remedy through research.

These millions of Americans live in the hope that a breakthrough in research will come any day or week or month.

The Framingham, Mass., study to determine the effects of smoking, high blood pressure, obesity, and blood cholesterol on the heart and blood vessels has been terminated. National Institutes of Health grants have been cut 25 percent since 1965. In addition the administration ax has fallen on 19 clinical research centers across the country, completely abolishing them.

Mr. President, nine of those 19 clinical research centers were engaged in research on infant illness and infant mortality. The United States ranks 15th with respect to infant mortality rates among the countries of the world. Fourteen other countries have a better record than we do on infant mortality.

In some nations of Western Europe, the number of deaths per thousand births is only half the number in our country. Yet this administration is closing out the research that was started largely under the leadership of Senator Lister Hill. They have abolished 19 clinical research centers in our country.

Mr. President, these and many other health cuts have been made by the Nixon administration in the name of economy. But it is a false economy. The long-range loss to our society is impossible to assess in strict dollar figures, but these cuts will surely sap the manpower reserve in our Nation. Furthermore, the research that is being stopped before completion means that a large body of scientific knowledge will lie dormant until the work is resumed.

Mr. President, we just cannot cut off the research funds and then start all over again at a later date. We are dealing with valuable animals that have already been infected by viruses to see what effect the viruses will have and whether they are transmissible. The scientists will have to do it all over again.

This is a careful selection process that requires close observation to be sure that the animals are free of disease so that we will know what effect certain viruses and medicines will have on them.

Mr. President, I ask unanimous consent that the article entitled "U.S. Scientists Fear Further Cuts in Aid," by Victor Cohn, in the October 13, 1969, issue of the Washington Post be printed at this point in the RECORD.

The article specifies all of the places where the Nixon Administration is undercutting our vital national health programs. The article lists the names and locations of center after center where funds have been cut down or abolished. I commend the article to the attention of Senators and hope that the article will be read in the paper or in the CONGRESSIONAL RECORD tomorrow.

There being no objection, the article as read, to be printed in the RECORD, as follows:

U.S. SCIENTISTS FEAR FURTHER CUTS IN AID

(By Victor Cohn)

"We are witnessing a mindless dismantling of the American scientific enterprise."

These words—spoken at a recent meeting of the American Chemical Society—represent a deep new fear among American scientists and medical researchers.

They fear that what a year ago still seemed a temporary "leveling off" in federal support of research and training in science and medicine has become an annual pole-axing.

They report that:

A combination of cuts, "hold-downs" and inflation has meant a 20 percent cut in the

last two years in academic research—basic and advanced studies at universities, hospitals and similar centers. In many fields, it means a more than 40 per cent cut since fiscal 1967, the year science budgets began leveling off.

Fiscal 1970, the budget year that began July 1, "will obviously be the worst year yet," though Congress has not completed action yet on any appropriation bills.

Fiscal 1971 budgets, by advance word, will be no better, or provide only "minimal increases." In fact, a five-year plan now being drafted at the Department of Health, Education, and Welfare sees no research increases for nearly four years—not until mid-1973.

The greatest effect, leaders in science and medicine agree, will be on the future supply of Ph.D.s and M.D.s.

In recent interviews, Dr. Lee A. DuBridge, President Nixon's science adviser, Dr. William McElroy, director of the National Science Foundation, and Dr. Philip Handler, president of the National Academy of Sciences, agreed that the next 20 years will need armies of experts to clean up pollution, man health centers, staff university faculties and build new urban and industrial technologies—and that present federal policies will not provide them.

DuBridge, in testimony to the House Science Subcommittee, spoke of "our faltering scientific enterprise" and warned of "huge" and "serious" gaps in "fruitful and important fields."

A "CRITICAL STAGE"

"Our research in terms of real effort is declining," he said in an interview. "Our scientific corps is not growing as it needs to grow—when our population is increasing and the needs of the country are so clear and glaring. We're at a very critical stage."

Handler—new head of "the Academy," a group that advises the government on many issues—said, "A crisis is facing all American science. It is a very black picture."

McElroy—new head of the NSF, the government's main agency supporting basic research—said, "The crisis is not here. It can still be avoided if we start growing modestly. I think we're on the edge. The way things are going, I see a real possibility of collapse."

"Collapse" to McElroy means not just failure to build new buildings and buy new telescopes or medical electronics—"this has already been happening." It means "loss of young people," who are "already being forced to turn to other fields," and then loss of faculties, "which has not yet happened but will begin."

For "the way things are going," the scientists point to what has happened so far.

The Nixon budget asked $500 million this year for NSF—it provides nearly a fourth of the government's $2.1 billion support of academic science and training. A House Appropriations Subcommittee cut this to $420 million. With $20 million in left-over funds, this would make $440 million, compared with $420 million in fiscal 1969.

Even if NSF winds up with more, however, say $450 million out of a conference committee, this would mean just a 6 per cent increase. McElroy and many others say: "General inflation costs us about 5 per cent a year. Increasing scientific and medical sophistication costs another 5 per cent, and increasing salaries—because we mainly have young investigators—costs another 5 per cent. So we need about 15 per cent more a year to stay even."

The Nixon budget allotted the National Institutes of Health just $1.64 billion compared to last year's $1.93 billion for biomedical and health projects, study and training. It allotted $462 million of this as "regular" research grants, which may wind up as $425 million, affected by the President's recent order to slice an extra $3.5 billion from federal budgets.

MEDICAL SCHOOLS HIT

"The main effect," says one health scientist, "is on medical schools. The entire medical school, not just the research labs. And on output of future doctors, teachers and researchers."

According to Dr. John Cooper, head of the Association of American Medical Colleges, these schools today get "upwards of 40 per cent" of their total income from federal research and training grants. For some the figure is "50, 60 or even 70 per cent." They are also being hit by cuts in Medicaid, which they need to help pay for low-income patients in their research and teaching hospitals.

Some specific effects:

Nine medical schools are now, Cooper states, "teetering on the edge of insolvency"—drawing on thin reserves or other university funds to stay open, unable to accept poor black students or obey demands to "expand" to provide the U.S. more doctors. Cooper declined to name affected schools. But in New York City last week the New York Medical College said its "continued existence is threatened." Medicaid cutbacks have caused a $1.3 million annual deficit at its Flower and Fifth Avenue Hospitals.

All NIH Sept. 1 grant renewals were cut by around 5 per cent to save $14 million. Funds for new grants were cut by 10 per cent, to save $18 million, and "I am concerned that even these cuts may go deeper," says Cooper. Some units are already making deeper cuts. The National Institute of Arthritis and Metabolic Diseases has been making 15 per cent slashes in many programs, to save funds for renewals and new awards.

In all, there will probably be less than 10,000 NIH grants in effect by the end of fiscal 1970, compared with 12,324 in 1965.

To save some $9 million a year, five major programs to attack chronic and crippling diseases—specifically, heart disease, stroke, cancer, arthritis, diabetes, neurologic and sensory diseases and lung diseases—are to be phased out. "Ironically," comments one doctor, "these programs were started by Congress to translate basic research into help for patients. These cuts will wipe out many unique staffs, staffs that took years to put together."

To save $4 million, 19 of 93 "clinical research centers"—small 4-to-10-bed advanced units in hospitals—are to be similarly abolished.

To save $400,000, a world-famous National Heart Institute program to study factors contributing to heart disease is being ended. This is "the Framingham study," following Framington, Mass., men and women to learn how smoking, high blood pressure, obesity, blood cholesterol and other things affect the blood vessels and heart. "Heart researchers in and out of NIH are sick about this decision," said a recent issue of Washington Report on Medicine and Health.

Nearly 400 monkeys—carefully followed for five years to study virus-caused cancer—are to be killed by the National Cancer Institute. Animal centers at many hospitals and universities also will suffer.

Doctors at NIH's big Clinical Center, its own research hospital at Bethesda, report that "in many wards we are so low on nurses and other workers that we are turning away patients we could and should care for."

Cuts in NSF and other federal support in the physical sciences—report professors in those fields—will have similar effects in physics, astronomy and other areas. "Studies of human behavior are on starvation rations," says one professor. Important work in organic chemistry—though it is basic to all medicine and biology—is being eliminated as "non-health-related" by NIH's National Institute of General Medical Sciences.

All this affects "knowledge we need for future technological progress," say men like Handler, McElroy and DuBridge. But "it is not merely a matter of support of research," McElroy emphasized—"It is a matter of the support of our universities."

"And of people," he added. "A research grant is the way you train a graduate student today."

Research grants, training grants and "clinical research" units, says Dr. Cooper, are "really part of the training of future faculty, the people who go into academic medicine. These are the very people needed to produce the health manpower to meet the crisis President Nixon says will exist."

An $18 million cut in NIH training grants and fellowships—from a $196 million total last year—means training programs have already been "wiped out" in some medical school departments, according to a report in Science.

EFFECT OF DRAFT

The draft and cuts in scholarship and loan funds add to the problem. The total effects will be "catastrophic," says Dr. John Knowles of Massachusetts General Hospital. Nobel prize-winning biologist Dr. Albert Szent-Gyorgyi says "the cuts are having a demoralizing effect" on the young and "shutting the way to science for many."

Dr. John Siegel at one of the clinical research centers to be closed—an acute injury and illness unit at Jacobi Hospital in New York City—asked, "Who will be our researchers in 10 years when we need to learn more about disease?"

A Health Manpower Act was voted by Congress in 1968, but funds to help medical schools have never been approved. Cuts in "neurologic and sensory diseases," a specialist points out, mean lack of funds to train speech pathologists and audiologists to help children with speech, hearing and learning troubles.

REQUEST UNANSWERED

A University of California zoology professor reports that two professors trying to learn how to manage the polluted environment "have spent between them about 40 man-hours negotiating with a major U.S. agency for a joint program to train one graduate student. The request to date has not been answered. You cannot imagine the bitterness I feel at the absurd discrepancy between the demands made on our time by the press and by politicians, which contrast so sharply with our inability to get funds."

Alarm in the scientific community is growing. In the Sept. 26 issue of Science, organ of the American Association for the Advancement of Science, scientist-editor Dr. Philip Abelson called on scientists for "political action": "They have the wit and energy. to develop the political clout necessary, and they should get about that business."

Many scientists, among them Harvard's Dr. George Wald, blame the country's defense and war bill for the problem. Dr. S. E. Luria, distinguished MIT biologist, contrasts the nearly $4 billion-a-year support for space exploration alone—which he considers "scientifically trivial"—with the tiny sums shared by "hundreds of projects."

Dr. Roger Egeberg, HEW's health chief, said at a recent House subcommittee hearing that "I will see if I can't make a crisis" over the low priority for health funds. NSF's Dr. McElroy has personally visited 25 senators and representatives, "and I ask them why don't they want to support the development of science and technology, and the exploration needed to keep young people, which are the future of America."

TAX REFORM LEGISLATION

Mr. BYRD of Virginia. Mr. President, the Senate Finance Committee has now completed 5 weeks of public testimony on

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the Tax Reform Act of 1969, and has had 2 days of executive sessions.

The committee has scheduled daily executive sessions through October 31. Senator LONG, chairman of the committee, has expressed the hope that a tough schedule of work can be adhered to, so that a motion to report the bill to the Senate can be entertained on Friday, October 31.

I ask unanimous consent that the agenda, as established by Chairman LONG, be inserted in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, the pending tax legislation is immensely complicated. It affects every segment of our population. Its basic purpose is not tax reduction, but tax equity. This is an important objective.

In seeking this objective, the Congress has an obligation to understand the proposals and to be sure that we do not unjustly penalize the many in order to strike at the few.

For example, representatives of the independent colleges throughout the United States, of which there are about 1,500, have testified that the legislation in its present form will penalize charitable contributions and will seriously cripple such schools. If true, this would increase the burden on tax-supported colleges.

Hospital and church officials say their institutions will likewise be crippled.

Representatives of States, counties, and cities say the cost of local government will be increased if the Congress changes the status of State and local bonds.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I be permitted to continue for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, so I say this bill must be handled carefully and thoughtfully. We should understand what we are doing.

I shall cooperate fully in an endeavor to bring this bill to the floor of the Senate by October 31.

I am prepared to devote whatever time is necessary as a member of the Finance Committee to see that the tax legislation is completed by October 31.

I have the feeling that the uncertainty regarding what will or will not be done in regard to taxes is affecting the entire economic life of our Nation.

A college president told me yesterday that contributors are reluctant to make commitments. I have received the same information from church officials and from various philanthropic organizations.

The business community and the farmers urgently need to know whether the investment tax credit will be repealed. Until they know, they cannot determine the extent of their investments in new machinery, machinery which in turn creates jobs for the people.

The business community as a whole is affected by the uncertainty which exists.

Handling such major tax legislation in such a relatively short time presents a problem of some magnitude for the Finance Committee.

But the final decisions cannot be made by the committee. The final decisions must be made on the floor of the Senate.

I feel that the sooner this tax legislation can be brought to the Senate floor, the sooner we can dispel the uncertainty which is having a bad economic effect on our Nation—and which could lead to increased unemployment.

EXHIBIT 1

COMMITTEE ON FINANCE—SCHEDULE FOR EXECUTIVE SESSION, H.R. 13270—THE TAX REFORM ACT OF 1969

MONDAY, OCTOBER 13

Sec. 201. Charitable Contributions.

TUESDAY, OCTOBER 14

Sec. 221. Limitation on Interest Deduction.
Sec. 231. Moving Expenses.
Sec. 311. Income Averaging.
Sec. 321. Restricted Property.
Sec. 331. Deferred Compensation.
Sec. 515. Total Distribution under Pension Plans.
Sec. 541. Pension Plans of Subchapter "S" Corporations.

WEDNESDAY, OCTOBER 15

Secs. 341–342. Multiple Trusts.
Sec. 401. Multiple Corporations.
Secs. 411–414. Conglomerates.
Sec. 421. Stock Dividends.
Secs. 431–432. Foreign Tax Credit.

THURSDAY, OCTOBER 16

Secs. 441–444. Financial Institutions.

FRIDAY, OCTOBER 17

Secs. 211–213. Farm Losses, etc.
Sec. 531. Cooperatives.

MONDAY, OCTOBER 20

Sec. 521. Real Estate Depreciation.
Secs. 451–452. Depreciation Allowed Regulated Industries.

TUESDAY, OCTOBER 21

Secs. 511–516. Capital Gains.
Sec. 461. Alternative Capital Gain Rate for Corporations.

WEDNESDAY, OCTOBER 22

Hearing on Foundation (Peter G. Peterson).

THURSDAY, OCTOBER 23

Sec. 501. Percentage Depletion, etc.

FRIDAY, OCTOBER 24

Sec. 301. Limit on Tax Preferences.
Sec. 302. Allocation of Deductions.

MONDAY, OCTOBER 27

Sec. 101. Private Foundations.

TUESDAY, OCTOBER 28

Sec. 101. Private Foundations.
Sec. 121. Other Tax Exempt Organizations.

WEDNESDAY, OCTOBER 29

Secs. 701–705. Extension of Tax Surcharge and Excise Tax; Repeal of Investment Tax Credit, etc.

THURSDAY, OCTOBER 30

Secs. 801–805. Tax Reductions, Low Income Allowances, etc.

FRIDAY, OCTOBER 31

Review of bill as Amended; Miscellaneous Amendments. Vote on the question of reporting the bill.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL INDIAN POLICIES: A NATIONAL DISGRACE

Mr. MONDALE. Mr. President, on Tuesday in Albuquerque, the senior Senator from Massachusetts (Mr. KENNEDY) addressed the annual convention of the National Congress of American Indians. His speech is a thorough, thoughtful analysis of the devastating effect our national American Indian policies have had on the Indians themselves—when, in fact, we pretend that these policies are designed to help enrich the quality of the lives of the 600,000 American Indians.

Senator KENNEDY stated that much of the blame for the national disgrace of our Indian policies must be placed at the door of the Bureau of Indian Affairs. He points out, for example, that the Bureau has one employee for every 18 Indians. This is some indication of the sheer size of the bureaucracy which has grown up inexorably since the Bureau was founded over 100 years ago.

I share Senator KENNEDY'S view of our national Indian policies. I serve with him on the Subcommittee on Indian Education and have, with the subcommittee, visited Indian reservations across the Nation. What we have seen is shocking and presents us with a major national challenge. We need a Select Committee on American Indian Affairs; we need a White House Conference on American Indians; we need to alert the people of the country to how much has gone so wrong for so long. We need, too, an Indian Development Corporation; increased funding for Indian education programs; reorganization of the Indian responsibilities within the Federal Establishment. But most of all, we must begin to listen to the Indians and let them tell us what they need. We have had task force after task force, study after study, report after report—yet Indian voices have not been heard as these analyses have been assembled. Just as we must listen to the Indians themselves, so we must turn over the management of their schools and their lands to the Indians themselves.

I ask unanimous consent that Senator KENNEDY'S remarks be printed in the RECORD. They deserve wide circulation and consideration.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY BEFORE THE NATIONAL CONGRESS OF AMERICAN INDIANS, ALBUQUERQUE, N. MEX., OCTOBER 7, 1969.

I was pleased and honored to be invited to speak to you today, as you meet in Annual Convention to celebrate the twenty-five years of life of the National Congress of American Indians. I count it a special privilege to be among you, the representatives of more than one hundred American Indian tribes from all across the country. I hope to talk with many of you, to listen to you speak of your frustrations and your hopes; of your disappointments and your dreams; and your reverses and your gains. I hope to learn of your wants, and your needs—and how these wants and needs have been denied you for generations and generations. And I hope to hear how you, the American Indians, believe the indignities and the injustices you have suffered for so long can finally be put right.

But there are many specific reasons, too, that it is such a pleasure to be among you today. Like many Americans, I realize just how profound a debt not only this country, but the world, owes the rich heritage of your culture. Benjamin Franklin carried his admiration for the Iroquois Confederacy to the Albany Union. Thomas Jefferson and his fellow Federalists made frequent reference to the spirit of democracy in Indian political structures, a spirit fostering maximum order with minimum coercion. The pattern of states within a state we call federalism; the notion of our elected leaders as servants of the people, and not masters; the insistence that society must respect individual diversity—these were American customs long before 1492. We owe much more than this to your rich heritage, a heritage which has found its way into our folklore, our music, our games, and into all aspects of our lives.

I come not from a western state, but an industrialized, eastern state. Yet, my state of Massachusetts has many reminders of its Indian past. In the State House in Boston hangs a gold-leaf model of a fish, called the Sacred Cod. This fish is sacred because it kept our early settlers from starvation. And it was Indians who taught those settlers how to catch the cod. Thanksgiving is now a national holiday. It commemorates the occasion when the Pilgrims in Plymouth gave thanks for the Indian Massassoit, who taught them to plant and harvest food for the winter. Thus, while Massachusetts is an eastern state, it has many cultural ties with you and your heritage. Your concerns cannot be viewed as local only to the American west; they are concerns for all of us, whether we be from the east, the south, the north, or the west.

My work on the Senate Subcommittee on Indian Education has brought me into the villages, the homes, the reservations, and the schools of American Indians. It has taught me of the resilience of your way of life, which for so many generations has been the target of a determined, Federal effort to stamp it out. Yet you are the fastest growing minority in this country. You still speak 300 separate tongues. Fifty percent of your children who go to school speak their native language in your homes. You have preserved in the face of grave challenges, yet not without difficulty. Our Subcommittee visited the Alaskan natives last spring, and we saw firsthand some of these difficulties. We saw entire villages without modern sanitary facilities of any kind. And we found out there was no way for the Indians to get them. That is why, shortly after this visit to Alaska, I sponsored special legislation to provide Federal funds for construction of these facilities in 155 native villages. But we have learned much more than this in our Subcommittee's work. We have learned that Indian Education programs are traditionally under-funded. Consequently I was gratified when the Senate accepted last month my amendment to add $4 million to the BIA education appropriation. And this is why I am glad to be a member of the Subcommittee, because I have learned so much. I hope to help you teach all Americans some of what I have learned—how much we have to do, as a Nation, to bring into balance our human and legal obligations to the American Indian.

There is one final reason, a personal reason, I am glad to be among you today. Senator Robert Kennedy sought your advice; he talked not to you, but with you; he cared deeply about your welfare and your well-being. His oldest child, Kathleen, lived among you the summer before last. I know how much your friendship meant to him, and how it gave him inspiration and spirit. As I have carried on the work he began on the Indian Education Subcommittee, I have learned why it meant so much to him. So, I, too, welcome your friendship and your trust.

These are the reasons I am so honored to be with you this morning. I have come to understand how much more we have to learn from you, even today—an interest in people, rather than things; a strong sense of community; a need to share our lives with others; a dignity in harsh surroundings; a sympathetic, non-exploitive love for nature; and taking the measure of a man not by what he has, or looks like, or says, but by what he is.

You and I know these things. But too many other Americans do not.

Why is it that some people see only idleness and despair among our Indian people, but fail to see the fierce sense of individual pride and strong expression of autonomy and freedom?

Why is it that some people see only problems in cultural differences, but fail to see that these differences are not problems, but assets?

The answer to these questions, sadly, is that the Federal Government's Indian policies have been continuing national failure of major proportions.

These policies have swung between harsh policies of starving the Indians into submission, or kinder policies of "helping them" become non-Indians. If either policy succeeded, the Indians would then be off our consciences, and out of our pocketbooks. The underlying motive for both of these policies has been a continuing greed—a desire to exploit Indian land and physical resources. This motive has been stimulated by a self-righteous intolerance of cultural differences.

For too long, the dominant Indian policies of the Federal government have brought destruction to Indian communities; a continuing life of poverty for most Indians; a steady growth of a large and ineffective bureaucracy; a destruction of our natural resources; and perhaps, the most tragic, a nation both uninformed and misinformed about American Indians, past and present. This policy has permitted and encouraged prejudice, racial intolerance, and discrimination towards Indians.

These policies have also had a severe impact on the education of most Indian children. The schools fail to understand, or appreciate—and in fact, often tear down—the cultural differences. The Indian child then defends himself and his integrity as an individual by defeating the purposes of the school. The school in turn blames its failure on the Indian child, and reinforces his defensiveness. The ultimate result is a dismal record of absenteeism, drop-outs, negative self-image, low achievement, and ultimately, academic failure.

The government's policy has also had a devastating impact on the education of Indian children. The schools fail to understand, or appreciate—and in fact often denigrate—cultural differences. The Indian child defends himself and his integrity as an individual by defeating the purposes of the school. The school blames its failure on the Indian child, and reinforces his defensiveness. This depressing spiral generates a painful and unrewarding experience, which then sustains a self-fulfilling prophecy of accumulative failures. The ultimate result is a dismal record of absenteeism, drop-outs, negative self-image, low achievement, and ultimately, academic failure for many Indian children. The failure of the schools perpetuates the cycle of poverty, and undermines the success of all other programs aimed at bettering the lives of American Indians.

Senator Robert F. Kennedy called the facts illustrating our national Indian policies failure, "the cold statistics that illuminate a national tragedy and a national disgrace." Let me site just a few of these statistics from a 1963 government survey:

First. The Standing Rock Sioux had 500 out of 880 head of household unemployed, with a yearly family income of $190.

Second. On the Blackfeet Reservation in Montana, the permanent unemployment rate was nearly 75 percent, with an annual income of less than $500 per family.

Third. On the Choctaw Reservation in Mississippi, the unemployment rate was 86 percent. Only 170 adults, out of 1,225 had jobs.

Fourth. On the Hopi Reservation in Arizona, the unemployment rate was 72 percent.

Fifth. For all of the Pueblo Indians in New Mexico, the unemployment rate was 77 percent.

Sixth. Of the 19,000 adult Indians in Eastern Oklahoma, between the ages of 18 and 55, an estimated 10,000 were unemployed, and more than half of these 10,000 received no unemployment insurance, or any other welfare assistance at all.

How well have we faced up to the problem these statistics outline? Since 1962, we have created about 10,000 new jobs on or near Indian reservations. But only 4,700 of these new jobs are held by Indians. Out of a labor force of about 100,000 Indians, more than 50,000 are still unemployed. The average Indian income is about $1500. Our nation gets visibly upset when the *national* unemployment rate exceeds *4 percent*—yet we *tolerate* an Indian unemployment rate of 50 percent. Is this the best we can do? We have failed, and we continue to fail. We have yet to face up to the full dimensions of the disgrace of unemployment among Indians. Until we do, all the secondary implications of it will grind down on the lives of American Indians.

Let me cite a few of these secondary implications.

Housing. Indian housing is without a doubt the worst in the nation: 50,000 Indian families live in unsanitary, dilapidated dwellings, many in huts, shanties, even abandoned automobile bodies.

Health. Health conditions among American Indians continue to be the worst in the nation. Indians have the highest infant mortality rate in the nation—32 percent, against a national rate of 24 percent. The tuberculosis death rate among Indians is five times the national rate. Thousands of Indian children are afflicted with permanent hearing loss due to chronic ear infections; 80 percent of all Alaskan native children have ear diseases. Only one doctor is available for every 900 Indians. The ultimate consequences of these health conditions are that life expectancy of the Alaskan native is only 35 years and for the total Indian population only 44 years. The national average in the U.S. is 65.

Education. The educational performance of Indian children is the worst in the nation. Drop-out rates are twice the national average. Achievement levels are 2–3 years behind white children. More than 75,000 Indian adults cannot read and write at a fifth grade level. More than 16,000 school age Indian children do not go to school at all.

Throughout the 1960s, we have been groping toward a more enlightened national policy. The result, however, is measured more in terms of words than action. Studies, task forces, and commissions have come forth with their solutions for "the Indian problem". But the crucial ingredient has always been missing—Indians speaking for themselves about what is wrong, what they want and need, and what our policies should be. The Declaration of Indian Purpose, drawn up in 1961 by Indians, was largely ignored. Meanwhile, the Federal Government continued to churn out studies, reports, messages to Congress—all of them a white man's charade.

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What must be done? A great deal, without question. More than I can discuss today. But let me make five specific suggestions, for consideration by you in your national conference.

First. A national policy for Indians developed by Indians. If the Federal Government is ever to set more enlightened policies, it is necessary that you define for us what those policies should be. How best can this be done? I would recommend a White House Conference on Indian Affairs. A White House Conference would have the necessary stature to command the attention of the Federal government and general public. We have had White House Conferences on Civil Rights, on Natural Beauty; we will have one next year on Aging. It is time we had one for Indians. It would provide for broad scale participation of Indians in extensive deliberations at tribal, regional, and national levels, leading up to the White House Conference itself. The report of this Conference—with policy, legislative, and program recommendations—could serve as the blueprint for reform and change over the next generation. You passed at your last convention a resolution recommending such a conference. I hope you do so again this year. Because you want it, and because it is so important, I will introduce a bill to authorize and finance a White House Conference on Indian Affairs in the near future, and will work for its passage.

Second. A select Committee on the Human Needs of American Indians. I think the Congress has failed to understand the human needs and aspirations of the American Indian. We have not recognized the failure of our national policies, nor have we faced up to the extent and severity of the problems which this policy has caused. I recommend that a Select Committee on the Human Needs of the American Indian be established in the U.S. Senate. There is no reason why a Select Committee on the Human Needs of the American Indian could not achieve similar results. I note that you have a resolution pending before your Convention to recommend such a Select Committee. I urge you to adopt it, and I assure you if it is adopted, I will do everything I can to bring it about.

Third. Re-Organization of the BIA. I hope you give careful consideration to the NCAI Position Paper on Reorganization of the Bureau of Indian Affairs. I congratulate your President, Mr. Wendell Chino, for his leadership on this fundamental problem. In the last analysis, the success of more enlightened policies depends upon implementation of them.

The Bureau of Indian Affairs is notorious for its resistance to reform, to innovation, and to discharging its responsibilities in a competent and sensitive fashion. No other agency of government is so burdened by such a history. Felix Cohen, a noted authority, has pointed out that BIA's present organization was designed to prevent accountability to the Indian communities being served; to frustrate and prevent Indian criticism and communication; and to facilitate the termination of services.

A few examples:

The Indian Affairs Manual fills 33 volumes and 6 feet of shelf space. In it, in addition to the more than 2,000 BIA regulations, are 389 treaties, 5,000 statutes, 2,000 Federal Court decisions, and 500 opinions of the Attorney General.

There is one BIA official for every 18 American Indians.

The BIA has presided over the loss of 90 million acres of Indian lands, and most of the proceeds—presently amounting to $330 million—are held in trust accounts for the Indians by the BIA. The Indians are stymied in their efforts to win control over their money—which is theirs by right—and until recently, the BIA refused to put these funds in interest-bearing securities.

If the annual budget of the BIA and other Federal programs for Indians were divided up among Indians, the average annual income would rise from the present $1500. per family to $6500. per family.

I am equally convinced that the BIA is incapable of reforming itself. It presently has the authority to contract out almost all its functions to Indian tribes; to make BIA officials accountable to Indians; and to reorganize itself. Yet if one thing is certain, it is that internal reorganization of BIA must be imposed from without the system—from higher up in the Department of Interior, or from the White House itself, but with participation by Indians themselves. It is here, particularly, that a White House Conference might do what has needed doing for a hundred years.

Four. Location of BIA. An equally serious and more emotional question is the location of the BIA—whether it should stay within the Department of Interior or whether some or all of it should be moved out. For myself, I would agree with your Resolution Number 6 that the Department of Interior, even under the best of circumstances, is unsatisfactory.

In the past, organizational changes have almost always been put forward as a way of getting the Federal government out of the Indian business. This has poisoned the well of constructive discussion and dialogue. Much of the information about why the Bureau should be removed from the Interior Department is not well known, and has not been brought together in a systematic way. This, too, would be an important task for the White House Conference.

The conflict of interest problems within the Department of Interior are far more serious than have been generally recognized.

For example:

Interior's Bureau of Mines opposed Indian interests, in seeking minerals at a low price from the Navajos;

Interior's Bureau of Reclamation has repeatedly opposed the Paiute Indians as they seek to protect Pyramid Lake, on their Pyramid Lake Reservation; furthermore, the Bureau authorized construction of the Garrison Dam which destroyed the Sioux reservation at Fort Berthold.

Indian tribes in the State of Washington were promised perpetual fishing rights by the Government in exchange for Indian lands. Yet Interior's Bureau of Sport Fisheries and Wildlife has severely restricted these rights.

This conflict of interest problem cuts two ways. It works to inhibit effective economic development of Indian resources by compromising the Indian's bargaining power in leasing his physical resources. At the same time, it forces neglect of the Human Resource programs of the BIA. These human resource programs comprise 80 percent of the BIA budget. Yet why should the Department of Interior manage education programs? Are they experts in educational standards? Have they ever used modern educational specifications to build Federal schools? Are they trained to understand the emotionally damaging consequences of institutionalizing six year old children? Why do they permit non-educators to make many of the important educational decisions?

The answer, of course, is not difficult. The Department of Interior has no expertise, or even much interest, in these matters. Your position paper calls it a "lack of empathy." It is probably far more serious than that.

Presently before our Senate Subcommittee on Indian Education are five proposals for relocating the BIA. They are reprinted in your program, with the NCAI positions on each outlined with them. It is my hope to come away from this convention with some feeling about how you, as a national community view these proposals, and any others as well. You might study them, and then vote on them in your councils. It would be an important contribution to our work in the Subcommittee if you then let us know how you voted. You can send us resolutions, letters, or any other indication of your feeling. But we want to know what you think.

My own views on relocation have not yet crystallized. But the minimum step must be raising the Commissioner of Indian Affairs to an Assistant Secretary's level. Perhaps we should go further—such as transferring the human resource programs into the Executive Office of the President, where OEO and the Peace Corps are located, for some set period of time while we undertake a crash program, on the highest level, to better the lives of all American Indians. After this set time, we would have a much better perspective on where the human resource programs—and the remaining BIA functions—should reside.

Fifth. An Indian Development Corporation. I would suggest you give careful consideration to the concept of an Indian Development Corporation, to be established by legislation as a public corporation under Indian control, with authority to issue as much as $200 million in bonds backed by the full faith and credit of the U.S. Government. The Corporation would be charged with the responsibility for maximum development of Indian resources, and a major effort to create new jobs for Indians in a short period of time. Nearly all of BIA's functions might well be transferred to the new corporation, after it was firmly established. This concept will require a great deal of thought, but I think it has great promise.

I note that the NCAI, with two foundation grants, has contracted for an intensive examination of this Indian Development Corporation concept. As you do, I await its results with high anticipation. It would be a great pleasure for me to sponsor the necessary legislation in the Congress and to work with you for its passage. I have seen the worth of this concept, as it is now actually operating in the Bedford-Stuyvesant slum of New York City. It has brought new income, new pride, and new homes to the blacks in Bedford-Stuyvesant; there is no reason its successes cannot be your successes. I pledge to you my assistance in preparing introducing, and fighting for the legislation.

Sixth. Education for American Indians. The Subcommittee on Indian Education is due to make its final report, two years in the making, at the end of this month. We have had many meetings, and have listened to many of you here today, in our hearings. I cannot now predict what our final recommendations will be, but let me suggest some of the positions I have been arguing for.

First, that Indians control Indian Education. There should be a national Indian Board of Education, which does not advise, but controls. It should have the authority to set standards and criteria for the Federal schools. It should have power to make contracts with public schools, to guarantee that Indian parents who choose to send their children to public schools can do so without prejudice to their culture and language. This means that local and state boards, too, should control education programs in their own areas.

Second, that Indians receive an exemplary education. Head Start, adult education, scholarships, vocational and technical training, special summer programs—we need to focus all these on Indians if they are to make up the lost ground.

Third, that Indian Education programs are adequately funded. Improving quality will take at least double the funds we now devote to Indian Education.

There is much, much more, of course, which our report will detail. But I think the thrusts are plain—control, quality, and funding.

I have made six specific suggestions. You will put forward others here at your convention. The difficult issue we now face is: how to give them practical effect. For we need no more studies; we need action. We need no more buck-passing; we know where the blame lies. We need no more promises; we know they are empty. We need no more Presidential Task Forces; we know they always have only a token Indian on them. As an Eskimo boy told me last spring in Fairbanks, Alaska: "We don't need more Indian experts; we need more expert Indians."

The United States Government accorded you rights and obligations as sovereign peoples—yet these rights have been steadily eroded. This inexorable erosion has been swept under the rug for generations. But I think now, there is slowly growing in this country an awareness that as a nation, we have many wrongs to right. You must help to spread this awareness, for it is a critical element in our democratic process.

In 1963, representatives from NCAI met with President Kennedy in the Rose Garden at the White House. He told them that their problems were:

> An opportunity and a challenge for us all, in making sure that the American Indians have every chance to develop their lives in the way that best suits their customs and traditions and interests.

Those words can serve as a beacon, as we seek the course they light.

VIETNAM WAR NOT A POLITICAL PARTISAN ISSUE AT THIS TIME

Mr. SCOTT. Mr. President, I ask unanimous consent that an editorial published recently in the Philadelphia Evening Bulletin be printed in the Record. The editorial expresses the concern of responsible people that the Vietnam war not become a political partisan issue at this time.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Politics and Vietnam

President Nixon's efforts to assemble a united front in support of his endeavors to end the war in Vietnam imposes a considerable responsibility on every citizen.

Not only must the individual subject the President's policies to flexible, day-to-day scrutiny, but he ought to be wary of attempts by some to use the war for raw political gain.

For combative Democrats, for example, the prospect of Mr. Nixon being able to end a war generally laid to Democratic Administrations can be positively unnerving, especially with the advent of the 1970 congressional elections.

The thought of peace, or, more probably, a steadily diminishing war, coinciding with the elections is one likely to bring out the politician rather than the statesman in even the most stable Democratic Representative or U.S. Senator.

The politician might try to placate the statesman by rationalizing that since Mr. Nixon is trying to end the war as fast as he can, there is nothing wrong with trying to win some of the credit that would undoubtedly come by prodding the President to move even faster.

The concerned citizen may not know whether he is hearing the statesman or the politician when, for instance, U.S. Senator and Democratic National Chairman Fred Harris, of Oklahoma, says: ". . . it is time to take the gloves off . . . we've got to escalate the pressure on the Administration . . ."

And some Republicans, differing philosophically with Mr. Nixon and in political trouble on purely local issues, might find it advantageous to divert voter attention through criticism of Mr. Nixon's policies. In areas where there is a demand for immediate disengagement, they might find it especially profitable.

One of the more reassuring things about the 1968 presidential primary elections and the pre-convention dialog on Vietnam was the obvious sincerity with which some of the presidential aspirants questioned the war and the morality of the U.S. commitment to it. There are men of good will who think the U.S. was wrong to be in Vietnam and should get out as fast as possible and in any way possible.

Thus, on the conscientious citizen rests the responsibility of weighing today's Vietnam utterances for purely partisan and personal political overtones. Shrillness should not be taken for soundness. And credence ought not to be given those who heap criticism upon Mr. Nixon's obvious steps toward peace, but fail to offer any alternatives.

THE WISDOM OF SENATOR ELLENDER

Mr. McGOVERN. Mr. President, one of the most remarkable and indeed one of the wisest men to serve in the U.S. Senate is the distinguished senior Senator from Louisiana (Mr. Ellender). It has been my privilege to serve as a member of his Committee on Agriculture and Forestry during my entire 6½ years in the Senate. We have also served together this past year on the Select Committee on Nutrition and Human Needs, of which I have the honor to be the chairman.

Of course, Senator Ellender and I have some differences of opinion in certain areas of politics and government, but I have come to a profound admiration for many of his perceptions and insights in the all-important field of American foreign policy and national security.

For many years he has been making trips to various parts of the world to see for himself those forces that are moving around the globe. I am tremendously impressed with his early, acute perception of the weaknesses and dangers in our foreign policy, especially in our relationships to the Soviet Union and Southeast Asia. As early as 1955, Senator Ellender saw clearly the self-defeating nature of much of the cold war rhetoric and policy involving the Soviet Union. As he put it in one of his early reports:

> It seems to me that we have as much to fear from ignorance, prejudice, selfishness, and bias in our own Nation as we have from a similar condition on the part of the Russian leadership.

Senator Ellender believes that much of our difficulty with the Soviet Union stems from the failure on our part to understand their legitimate fears of a rearmed Germany, the NATO block and the ring of military bases with which we have surrounded Russia for the past 20 years.

In the September 27, 1969, issue of the New Republic, Stephen S. Rosenfeld has written a thoughtful summary of Senator Ellender's travels and his observations. I am convinced that every Member of Congress would profit from reading Mr. Rosenfeld's account of our colleague.

As we have all learned, the war in Vietnam is perhaps the most regrettable overseas involvement in our national history. Consider, then, these early warnings by Senator Ellender, as reported in Mr. Rosenfeld's article.

> Visiting Vietnam in that year (1956), Ellender was informed by US officials that a new agrarian reform code "demonstrates in the village the (Vietnamese) Government's concern for rural people." Ellender concluded that "our aid effort here, instead of being directed to activities designed to raise living standards, is being used to fill the coffers of the Vietnamese Government." The United States, he found, was supporting "a rather large information and propaganda program on behalf of the Government of Vietnam . . . another indication of the scope of our activities and the extent to which we have shouldered the burden of purely local governmental functions." Returning in 1961, he wrote: "My fear is that the cry of 'communism' is being used to pull our leg. . . . The people in (anti-Diem) areas permit, in fact invite, I was told, some infiltration from the north in order to strengthen their opposition to Diem. In Saigon, also there are many dissidents who do not like President Diem's tactics in administration. . . . It is my belief that much of the trouble stems from within. . . . Boiling discontent threatens to erupt at any moment. . . . Some feel that we should send American troops here. I would not do so under any circumstances."

Mr. President, I ask unanimous consent that Mr. Rosenfeld's excellent article including the bibliography of Senator Ellender's works be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New Republic, Sept. 27, 1969]

The Travels of Allen Ellender

(By Stephen S. Rosenfeld)

The Congress harbors no more relentless and singleminded traveller than the 79-year-old senior Senator from Louisiana. For more than two decades, Allen J. Ellender has—to be precise—*trotted* the globe in pursuit of evidence of various follies of American policy. Since 1955 his findings have been recorded in nine public-reports covering 184 country visits. That these "books" (the Senator's word) have received slight notice, that a few highly mockable episodes and lines have alone been culled out by the media, and that other Senators have been hailed recently for insights he arrived at a decade or more ago—all this is accepted by Ellender with gentle regret. He attributes the lapse chiefly to his reputation as a Southern conservative in domestic, especially racial, affairs.

In a real sense, all Ellender's trips have begun at home, on the isolated and then "poor" farm, Hardscrabble Plantation in Terrebonne Parish, where he grew up. While other boys were in school, he was weighing sugar and keeping the books for the family enterprise. His formal schooling, before undertaking graduate studies at Tulane, spanned only four months. To this day he believes that a nation's strength is measured not by its military or industrial power but by its capability of producing what he refers to in tandem as "food and fiber." Ellender came to the United State Senate in 1937; only Richard Russell is now senior to him. He heads the Agriculture Committee—his chairmanship, his back-home occupation (farmer), his hobby (cooking) and his occasional metaphors ("seeds of freedom," "grassroots information") fit nicely.

As a Depression legislator Ellender was a natural follower of the New Deal, which he

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trimmed to the shape of his own constituency and his own Puritan Ethic: it was the Federal Government's obligation to help the poor, but especially the rural poor and, among them, the poor who manifested some talent at helping themselves. Simple misery is not an adequate qualification for aid: "I lose patience with people who are poor and won't take advice." The New Deal political formula—an expectation of gratitude and loyalty in exchange for services rendered—informed his foreign outlook when, after his wife's death in 1949, he began taking his long trips abroad.

At first he travelled with other Senators and with a staff, but he soon sloughed off both; they cramped his go-go style and kept him from screening every grain of his findings himself. An assertively unbookish and self-reliant man, he has consistently neglectd the works of other observers (and stubbornly opposed USIA programs aimed at intellectuals). The only investigative method he knows and trusts is look and listen. This gives his reports 19th-century simpleness, as well as a certain rustic charm.

To each US post on his itinerary Ellender customarily sends an advance questionnaire. (Only the CIA is spared; a member of the Congressional group that ostensibly oversees the CIA, he treats the agency tenderly and, one gathers, confines himself overseas merely to asking whether CIA and State Department political reporting overlap). Upon arrival at a post, he checks out the questionnaire. Prevented once from debarking in Tanganyika (for having remarked at an earlier stop that "I have yet to see any part of Africa where Africans are ready for self-government"), he summoned American diplomats to the boiling airplane in which he was penned and grilled them until takeoff. His energy is fantastic—"when I get interested in something I don't stop." He sits up late at night making jottings in tiny notebooks which he pouches back one by one for transcribing. He writes his own reports, including as appendices in agate type the copious data furnished him on, for instance, "Project 02-18-041. To assist in increasing the snappper catch, a US fisheries adviser is spending two months in [then-British] Guyana demonstrating modern snapper fishing aids."

Ellender prose has the sophistication of a seed catalogue. He discovers water in the canals of Venice; "I was told," he reports. that "there is very little free love in Russia." He is square and unselective: "The worker using a huge knife cuts the macaroni into 8-inch lengths." "Ceylon," we learn, "is a small island located near the southern tip of India;" chez Chiang Kai-shek. "the Chinese food served was the best I have ever tasted." But there is an impressive amount of hard information and interesting observation. The wheat, to be sure, comes unseparated from a great deal of chaff, some diverting, most tedious: In Sudan, "I have never witnessed such cruelty to animals in my life. Huge sticks, cut from green acacia trees, were used to beat the cattle." In Haiti, "I sampled four different kinds of tropical fruit that he uses in ice cream. All were delicious, except one; I did not think much of avocado puree for ice cream."

His first published report, on his 1956 trip, bore the title "Report on Overseas Operations of the United States Government." He has since visited every American mission. His interest has expanded to cover foreign aid, propaganda, military activities, diplomacy and overall policy. At the same time he has kept up surveillance of embassy administration, perusing (and publishing) titles of all publications subscribed to by each USIS, listing each vehicle in the embassy motor pool, inquiring after rent and car cost, demanding justification for each employe and expenditure. Ellender has a copy of a memo, stamped "Confidential," in which the Army's Assistant Chief of Staff advises 22 attachés on the Senator's 1957 itinerary to restrict the release of information and report immediately ("air pouch") on his visit.

At his worst an insensitive lintpicker, at his best Ellender rummages beyond a hunt for waste and duplication into a kind of political and economic cost-efficiency analysis. Over the years he has developed a keen sense of how programs proliferate, often by feeding on each other, until the dimensions of the American presence can scarcely be measured, let alone còntrolled. For example, in Guatemala in 1957 he found USIS spending two-thirds of its resources selling the aid program: ". . . unconscionable . . . to expend such a great effort in trying to tell the people that the foreign-aid program is going to solve their problems. Nothing could be further from the truth." In Japan a year earlier, he found that US "planners" (generally "eager") had imprudently undertaken a protein project specifically rejected by the Japanese parliament and that the US information program had then been turned to counter the resultant bad publicity.

A few months ago, the Senator reported that the presence of military assistance advisory groups (4,056 officers and men in 48 countries) often "marks us as warmongers." "I am convinced," he complained, "that the personnel attached to these military missions are instrumental in influencing host governments to build up their armed forces and weaponry at our expense." Earlier he had contended that MAAGs were not wanted in some Latin countries "but we seem to persist in remaining there." He illustrates the breadth of the American presence in one country, Japan, by listing the agencies represented there besides State: Atomic Bomb Casualty Commission, AEC, Agriculture, Bureau of Reclamation, Defense (embassy attaches and non-embassy advisers), FAA, Foreign Broadcast Information Service, General Accounting Office, Immigration and Naturalization Service, Maritime Administration, National Institutes of Health, National Science Foundation, Trade Center, Treasury, Customs, Travel Service, Information Service, Internal Revenue Service, and Library of Congress.

The concern over far-flung and far-reaching national "commitments" which many Americans have evinced since the Vietnam war is old hat to Ellender. He has worried about the open ended nature of some formal agreements and about their subtle revision by events. "Unless we make it clear to the Government of the Philippines that our mutual security program is not a long-range effort, we may find ourselves placed in the position of being compelled to maintain the program in order to fulfill at least moral commitments made by our officials in the field," the Senator wrote in 1956.

Visiting Vietnam in that year (1956), Ellender was informed by U.S. officials that a new agrarian reform code "demonstrates in the village the [Vietnamese] Government's concern for rural people." Ellender concluded that "our aid effort here, instead of being directed to activities designed to raise living standards, is being used to fill the coffers of the Vietnamese Government." The United States, he found, was supporting "a rather large information and propaganda program on behalf of the Government of Vietnam . . . another indication of the scope of our activities and the extent to which we have shouldered the burden of purely local governmental functions." Returning in 1961, he wrote: "My fear is that the cry of 'communism' is being used to pull our leg. . . . The people in [anti-Diem] areas permit, in fact invite, I was told, some infiltration from the north in order to strengthen their opposition to Diem. In Saigon, also, there are many dissidents who do like President Diem's tactics in administration. . . . It is my belief that much of the trouble stems from within. . . . Boiling discontent threatens to erupt at any moment. . . . Some feel that we should send American troops here. I would not do so under any circumstances."

Periodically, Ellender stubbed his toe. He found "great progress" in Trujillo's Dominican Republic. In Haiti, "despite the filth, the people seem happy and content." South Africa's Verwoerd was "thoroughly realistic." Very often, nonetheless, he picked up the scent of danger—corruption in Rhee's Korea, American military influence in Greece, landholding anachronisms in Ceylon, regionalism in Nigeria.

For its proximity and resources Ellender has always deemed Latin America of first importance. Anticipating the Alliance for Progress, he recommended in 1958 that the US condition its loans on tax reform and "compel" American businessmen to pay fair wages, limit profits and participate in development. More distant distress moves him less. He was ready to write off India until he spotted last year some bootstrap progress—made in part, he submits, in response to his own arms-first spur. (Ellender has never hesitated to offer technical and political advice to world leaders, but generally holds that it would be inappropriate to claim credit when policies he has recommended pay off.) Africa strikes him as unsuitable for major American aid, because of its shortage of trained cadres on the one hand and its access to European help on the other—a judgment he made long before it silently became American policy.

The Senator has toured the Soviet Union five times. The mayor of Omsk threw him a 67th birthday party in 1957. I happened across his tracks in 1962 at a Volga dam whose chief engineer was positively bubbling over him. Once, denied use of an embassy phone by Ambassador Bohlen "because of strict objections at the Washington level," he strode out to the street, dialed the Kremlin from a pay phone, and almost instantly got an appointment with Mikoyan. ("I asked Mikoyan how General Zhukov was making out as a member of the Presidium. . . . He smiled. He said the general was a fine man and was doing well for his country. This on September 9, 1957, barely a month before Zhukov's ouster!") Ellender has expounded dutifully on the struggle between "state socialism" and "free enterprise." Nevertheless, he concedes that "communism has brought a new way of life to a people once left far beyond progress." His earlier desire to "demonstrate that communism cannot hold a candle to democracy in furthering the cause of individual freedom or bringing a better way of life" has not been abandoned. But it now must share room in his mind with his very direct and "Russian" interest in peace.

Until he met simple Russians on the street, Ellender confesses, he had obediently accepted the cold-war premises and budgets of successive Presidents. But in 1955, he says, "I went to Minsk, Orel, Odessa, Volgograd. The damage there from the Germans was useless, wanton. If only you were to *see* it." It hit him that the United States had deeply alarmed Russians by creating NATO, re-militarizing Germany and building a "ring" of bases and clients around the Soviet Union. The way to dispel the Russian people's fear, he determined, was to pursue an active detente policy and to communicate directly with the people through unslanted radio broadcasts and extensive personal exchanges. Ellender recalls a moment at Yalta when a crowd gathered around him, "looked at my clothing, stroked my suit, they were amazed." The people's envy, he reasoned, would put pressure on their leaders to conduct more moderate policies. He takes the general run of Soviet development since then, on both the foreign and domestic sides, as validation of this idea.

Harry Truman's picture has the place or honor among the hundreds on Ellender's office walls, yet he blames Truman, though not alone, for engraining "the spending habit." In the heat of the Korean War, he wrote, Truman made the fateful post-Marshall Plan decision to give the "wonder drug" of American money to "the rest of the world," diverting spending from economic to military channels and then involving the United States practically everywhere in the name of "mutual defense" against communism. "The marriage between our Departments of State and Defense, which occurred during and soon after World War II, has been subverted. The leadership was allowed to pass to the Defense Department." Right or wrong, this analysis is astonishingly Fulbrightian, and that of many who wouldn't be caught dead agreeing publicly with Allen Ellender.

This is nothing to him. His views are his own. To the American diplomat who had escorted him to see Mikoyan, Ellender said: "The trouble with you ——— diplomats is, you have a chip on your shoulder. You see something good in Russia and you pass it over, you see something bad and you criticize. My approach was objective and that's why Mikoyan helped me." In his last report he wrote: "I can personally recall hearing a member of the Joint Chiefs of Staff tell me that nothing had changed in the quality of Russian life, that no decentralization or loosening of any controls had taken place over the last two decades. The spokesman admitted that he had never been inside Russia. It seems to me that we have as much to fear from ignorance, prejudice, selfishness, and bias in our own Nation as we have from a similar condition on the part of the Russian leadership." That in sum is what Allen Ellender has learned in 20 years of globe-trotting.

The collected works of Allen J. Ellender have appeared as Senate Documents: No. 31, 85th Congress, 1st Session, Report on Overseas Operations of the US Government, March 4, 1957; No. 78, 85th, 2nd, Review of US Foreign Policy and Operations, Feb. 13, 1958; No. 20,* 87th, 1st, Report of US Government Operations in Latin America, Feb. 19, 1959; No. 20,* 87th, 1st, Report on US Foreign Operations, March 15, 1961; No. 73, 87th, 2nd, Report of US Foreign Policy and Operations, March 1, 1962; No. 8, 88th, 1st, Report on US Foreign Operations in Africa, March 23, 1963; No. 18,* 90th, 1st, Review of US Government Operations in Latin America, April 5, 1967; No. 77,* 90th, 2nd, Review of US Government Operations in South Asia, April 5, 1968; No. 91-13,* 91st, 1st, Review of US Foreign Policy and Operations, March 26, 1969.

The starred documents are available at no cost from the Senate Document Room, Washington, D.C. 20510.

GOLDEN SPIKE HIGHWAY, UTAH

Mr. MOSS. Mr. President, on September 26, I wrote Secretary of Transportation Volpe, requesting that a portion of Interstate Highway 15 in Utah be named the Golden Spike Highway. This request was made because of the successful Golden Spike Centennial Celebration which was held in Utah on May 10 of this year.

Secretary Volpe was the main speaker at that celebration, and he knows firsthand the importance the celebration has had and will continue to have for the tourist industry of our State.

The Utah news media has overwhelmingly endorsed the idea, and has given its support to it. Three daily newspapers have editorially commented on the proposal.

I ask unanimous consent that three editorials, published in the Deseret News, the Ogden Standard-Examiner, and the Provo Daily Herald be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Deseret News, Oct. 1, 1969]

A Golden Spike Road

When the centennial of the driving of the Golden Spike was observed last May, Utah gained some valuable attention all over the country.

But since then, most Americans have forgotten about the spot where the rails joining the East and the West were "wedded."

That's a shame, since there's still much at Promontory Summit and the visitors center there to interest visitors to Utah, particularly those who still thrill to railroading's romantic past.

To keep capitalizing on the Golden Spike celebration, the Utah Travel Council and others suggest the Interstate 15 from Ogden to the Idaho border be named the Golden Spike Highway. Senator Frank Moss is urging Secretary of Transportation John Volpe to go along with the idea.

As Senator Moss observed, naming of this section of I-15 the Golden Spike Highway would enhance efforts to attract tourists and new industry. We second the motion.

[From the Ogden (Utah) Standard-Examiner, Sept. 30, 1969]

Interstate 15: Golden Spike Highway

It would certainly be appropriate if the name "Golden Spike Highway" would be officially placed on Interstate Highway 15 in Northern Utah when the final segment in Weber County is opened later this fall.

Sen. Frank E. Moss, in a letter to Transportation Secretary John Volpe, has asked for official approval of the plan.

Secretary Volpe was the principal speaker on May 10 at the Golden Spike Centennial Celebration at Promontory Summit.

We know, from talking with him that day, that the secretary was certainly impressed by our area.

He had flown from the East in a government airplane, then hopped to Promontory by helicopter.

"I had no idea," he said, "that this country was so beautiful, as well as so steeped in railroad history. I expected, in coming to Utah, to see nothing but desert. I'm certainly surprised."

Sen. Moss suggested that the "Golden Spike Highway" be used for the stretch of Interstate 15 from Ogden northward to the Idaho border.

We would go a bit further.

The 30 miles of Interstate 15 in Davis County should be included, too.

By designation of the Utah Travel Council and Gov. Calvin L. Rampton, the four counties of Davis, Weber, Box Elder and Morgan have been grouped together as the Golden Spike Empire for tourist promotion purposes.

Authorities of the four counties have been discussing a formal organization. This effort was spurred last week when the Brigham City Council and Box Elder County Commission hosted a dinner in Ogden to talk over mutual plans for the future.

It was agreed then that Antelope Island and the new Great Salt Lakes State Park would share honors with the Golden Spike National Historic Site as the primary attractions in our area. The century-old railroad construction sites in Weber Canyon—beside Interstate 80N, which will join Interstate 15 in Riverdale—will also play on eventual role.

All these development programs make the designation of Interstate 15 as the Golden Spike Highway a natural. Secretary Volpe, we're confident, will lend a sympathetic ear to Sen. Moss' suggestion.

[From the Provo (Utah) Daily Herald, Oct. 1, 1969]

Proposed Gold Spike Highway

Utah's drive to increase tourism in the state would receive a publicity boost if a move to designate a "Golden Spike Highway" is successful.

Under the move initiated by the Utah Travel Council and various citizens the Interstate Highway 15 from Ogden north to the Idaho border would be named the Golden Spike Highway.

Following up on the suggestion, and with Gov. Calvin L. Rampton also behind the proposal, Sen. Frank E. Moss has asked Secretary of Transportation John Volpe for permission to attach the Golden Spike designation to the Ogden-Idaho Border segment of the highway.

"We are seeking ways to continue to capitalize on the Golden Spike celebration in promoting the tourist attractions, not only for the entitre state, but especially the areas of Ogden, Brigham City, Tremonton and Promontory," Sen. Moss wrote.

Interstate 15 which runs north and south through Utah, passes within a few miles of the Promontory Summit, where the transcontinental railroad link was forged May 10, 1869.

The Herald believes there is merit in the proposal Sen. Moss has presented to the secretary of transportation. But why not extend the publicity to the whole state and name the entire Interstate 15 through Utah the Golden Spike Highway?

It's an idea which, we believe, would warrant discussion and consideration.

THE OCTOBER 15 MORATORIUM

Mr. PERCY. Mr. President, I invite the attention of the Senate to a statement issued on October 10 by Robert A. Goldwin, dean of St. John's College in Annapolis, Md., regarding the stand taken by his institution on the October 15 Vietnam moratorium.

Dean Goldwin was long associated with the University of Chicago, where he made a major contribution in dealing with contemporary problems. His statement appears to me to be one of moderation and reason as regards the role of the educational institution in the moratorium and the role of the student body.

I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Robert A. Goldwin, Dean, St. John's College Community, October 10, 1969

As you all probably know, October 15 has been designated as a day of Moratorium, at which time many people throughout the nation intend to demonstrate their opposition to United States policy in Vietnam. Some tutors and students have asked me about the position of the College with regard to the Moratorium. The purpose of this letter is to express my understanding of the matter.

Some tutors have told me that they plan to observe the Moratorium by not attending their classes on October 15. In conversation with them it became clear that their demonstration against United States policy in Vietnam was in no way meant as a demonstration against St. John's College. They assured me that they would explain this to their students. In most cases, these tutors

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also plan to make up the lost time by holding classes on some later day.

I wish to assure students who intend to participate in the moratorium that absences for the purpose will be excused. I urge such students to make arrangements with their tutors or one of the Assistant Deans, in advance of October 15. No student who makes arrangements in advance will be penalized or punished in any way for absence on that day.

The position of the College is based on the fact that we are an educational institution: as an educational institution we take no sides whatever on controversial political issues. On the other hand, every individual member of this community is completely free to take whatever political position he wishes. When he does so, as in the present case, he acts as an individual and not as a spokesman or representative of this college.

In my opinion it is especially important in time of conflict and dissension that there be institutions that maintain a stance of dispassionate impartiality. I firmly believe that the refusal of the College as to take a stand on controversial issues is the foundation of the extraordinary freedom that exists within this college for individuals to express any political opinion they believe in. We refuse to take a collective, institutional stand not because we do not care, but because we are committed to the preservation of the conditions under which entirely free inquiry may take place.

It is clear to me that the range of political opinions on this campus, among faculty and students, is very great. No one can speak for all of us when he takes sides on any controversial issue. But on one point, I think, we can all agree: whenever any of us expresses a political conviction, the College has the right to expect it to be stated clearly, argued reasonably, and defended honorably. As long as this is the case, St. John's College will continue to serve as a model to the nation in this respect as in many other respects.

TAX REFORM ACT OF 1969—ACTION OF THE COMMITTEE ON FINANCE

Mr. LONG. Mr. President, on Friday, October 10, the Committee on Finance acted in executive session on a number of provisions of the Tax Reform Act of 1969, H.R. 13270, including the maximum tax on earned income, the tax on deferred compensation, the 6-month holding period on capital assets, and the repeal of the 7-percent investment tax credit.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 10, 1969]

COMMITTEE DECISIONS, TAX REFORM ACT OF 1969

Senator Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee had taken the following action in executive session on H.R. 13270, the Tax Reform Act of 1969.

50 Percent Maximum Tax on Earned Income.—The Committee agreed to delete Section 802 of the House-passed tax reform bill. This provision would have reduced the maximum tax on earned income from 70 percent (77 percent with the surtax) to 50 percent.

This action removes the distinction created by the House bill, based on the source of income, and increases the revenue to be gained by the bill by $200 million in 1970.

Deduction for Gasoline Tax.—The Committee decided *not to approve* an administration suggestion that the Federal income tax deduction be disallowed in the case of State and local gasoline taxes. Before the Committee acted, the Treasury Department modified its original suggestion so that those who commute not more than 10 miles per day could continue to deduct the State and local tax paid on the gasoline they purchase to travel to and from work. As already reported, the Committee rejected this suggestion.

Capital Gains Holding Period.—The Committee agreed that it would retain the provision in present law which requires taxpayers to hold a capital asset for 6 months if the gain from the sale of the asset is to qualify for favorable capital gains tax treatment. In taking this action, which was recommended by the Treasury Department, the Committee rejected the feature which would have extended the holding period to one year. The Committee did not act on the provision to repeal the maximum capital gains rate of 25 percent.

The Treasury Department indicated that there was some question as to whether the extension of the holding period would increase revenues by the $150 million they had previously estimated. They indicated that on reconsideration they felt the revenue increase estimated under the House bill might not be nearly so large.

Deferred Compensation.—The Committee agreed to delete the provision of the House bill (Sec. 331) which would have imposed a tax on amounts received as deferred compensation based on the rates which would have been applied if the deferred amount had been received in the year in which earned. This action carried out a recommendation made by the Treasury Department.

Investment Tax Credit.—The Committee agreed that the rules in the House bill for repealing the 7 percent investment tax credit would be modified to conform to the Committee's previously announced decisions (of September 19, 1969) with respect to the repeal of the credit. In addition, the Committee made one change in its September 19 decisions.

This single change related to the special transitional exception for railroad rolling stock. Under the prior announcement this exception was to apply to all "rolling stock." Under the Committee's decision of today, this exception *is not to apply* to locomotives (other than passenger train locomotives), flat cars, or railroad cars for the hauling of automobiles.

OPERATION INTERCEPT

Mr. MONTOYA. Mr. President, there is no doubt that the objectives of the administration's program "Operation Intercept" to diminish and prevent the flow of narcotics and dangerous drugs from Mexico to the United States is worthwhile.

I am aware of the fact that a Presidential task force strongly urged the United States to undertake a major law enforcement effort along the United States-Mexico border. I am told scores of border crossing points have been established where small independent groups of smugglers transport drugs into the United States by airplane, helicopter, automobile, and boats. The demand for drugs is rapidly increasing inside the United States, and of course unfortunately, smuggling is increasing, also. Everything one reads these days indicates the seriousness of the narcotics and dangerous drug problem in the United States, especially among our youth.

According to a Department of Justice spokesman, Mexico officials agreed to cooperate in implementing Operation Intercept. However, the tremendous negative effect this operation has had on the overall economy along our borders seems to indicate that despite the justification for such an enforcement plan the United States neglected to accurately assess the impact on tourism, commerce, and our overall United States-Mexico relations. Furthermore, it seems the administration failed to accurately assess the amount of money and manpower required for such a large scale enforcement program.

The United States should provide the necessary personnel and funds, and the needed up-to-date equipment and facilities to improve the inspection program and allow for a free flow of pedestrian and vehicular traffic. The people living along the border areas have been upset, and justifiably so, by the effect this law enforcement activity has had on industry, commerce, and tourism. In addition the residents have suffered many personal inconveniences, such as long traffic delays and repeated customs inspections.

The U.S. Government should immediately take whatever action is necessary to reduce the inconvenience to law abiding citizens in the area with appropriate assurances and action. Equally important, the United States should act to relieve any strain in our relations that developed with Mexico as a result of this enforcement plan.

The joint communique issued by the United States and Mexico Governments is a step in the right direction. Operation Cooperation as it is now called, and the revisions promised in the operation, hopefully will help to renew our close working relationships with the Mexican people. The communique states that the Mexican Government plans to step up their enforcement activities along the border. I am very much pleased by this development and look forward to the results of the late October talks, which should eliminate whatever communications and policy gap remains between the two nations.

STATEMENT BY RAND CORP. STAFF MEMBERS FAVORING TOTAL WITHDRAWAL OF U.S. TROOPS FROM VIETNAM WITHIN 1 YEAR

Mr. GOODELL. Mr. President, six staff members of the Rand Corp., all of whom have done research on Vietnam for the Federal Government, have urged that the United States completely withdraw its forces from Vietnam within 1 year.

Their proposal—for complete disengagement within 1 year—is one with which I am in total agreement.

On September 25, I introduced the Vietnam Disengagement Act (S. 3000) that would require such complete withdrawal within 1 year.

The Rand Corp. is one of the oldest and most respected research institutions organized to study problems of national security. The Rand staff members who have made this proposal have made extensive studies for the Pentagon on the war in Vietnam, on subjects ranging

from the effectiveness of bombing North Vietnam to interrogation of enemy prisoners.

It is extremely significant that men with such expertise—men who normally shun publicity—have urged this withdrawal timetable. It is another piece of evidence that swift disengagement from Vietnam is the only policy that makes sense.

The Senator from California (Mr. CRANSTON) has already placed in the RECORD, on October 9, a New York Times article on this proposal.

On Sunday, October 12, the Washington Post published a letter written by these six Rand staff members, setting forth the reasons for their withdrawal plan. It is one of the most cogent pieces of reasoning I have read on why it is essential that the United States disengage its troops from this terrible war within the next year.

Mr. President, I ask unanimous consent that the text of this letter be printed in the RECORD. I also ask unanimous consent that an article written by Joseph Kraft on this proposal, which was also published in Sunday's Washington Post, be printed in the RECORD.

There being no objection, the letter and the article were ordered to be printed in the RECORD, as follows:

A CASE AGAINST STAYING IN VIETNAM

To the Editor, the Washington Post:

Now that the American people are once again debating the issue of Vietnam, we desire to contribute to that discussion by presenting our own views, which reflect both personal judgments and years of professional research on the Vietnam war and related matters. We are expressing here our views as individuals, not speaking for the RAND Corporation, of which we are staff members; there is a considerable diversity of opinion on this subject, as on other issues, among our Rand colleagues.

We believe that the United States should decide now to end its participation in the Vietnam war, completing the total withdrawal of our forces within one year at the most. Such U.S. disengagement should not be conditioned upon agreement or performance by Hanoi or Saigon—i.e., it should not be subject to veto by either side.

It is our view that, apart from persuasive moral arguments that could lead to the same conclusion, there are four objections to continued U.S. efforts in the war:

1. Short of destroying the entire country and its people, we cannot eliminate the enemy forces in Vietnam by military means; in fact "military victory" is no longer the U.S. objective. What should now also be recognized is that the opposing leadership cannot be coerced by the present or by any other available U.S. strategy into making the kinds of concessions currently demanded.

2. Past U.S. promises to the Vietnamese people are not served by prolonging out inconclusive and highly destructive military activity in Vietnam. This activity must not be prolonged merely on demand of the Saigon government, whose capacity to survive on its own must finally be tested, regardless of the outcome.

3. The importance of the U.S. national interest of the future political complexion of South Vietnam has been greatly exaggerated, as has the negative international impact of a unilateral U.S. military withdrawal.

4. Above all, the human, polictical, and material costs of continuing our part in the war far outweigh any prospective benefits, and are greater than the foreseeable costs and risks of disengagement.

The opponent's morale, leadership, and performance all evidence his continuing resiliency, determination, and effectiveness, even under extremely adverse conditions (in no small part because of his conviction that he fights for a just and vital cause). Estimates that the opponent's will or capacity (in North or South Vietnam) is critically weakening because of internal strains and military pressures are, in our view, erroneous. Even if a new strategy should produce military successes in Vietnam, substantially reduce U.S. costs, and dampen domestic opposition, Hanoi could not be induced to make any concessions (e.g., cease-fire or mutual withdrawals), so long as they implied recognition of the authority of the Saigon government. Thus, to make the end of U.S. involvement contingent upon such concessions is to perpetuate our presence indefinitely.

Our participation in the war will also be unjustifiably prolonged if we tie total withdrawals to basic changes in the policies and character of the South Vietnamese government. The primary interest of the present Saigon leadership is to perpetuate its status and power, and that interest is served not by seeking an end to hostilities through negotiations but only by continuing the war with U.S. support. Their interest is thus directly opposed to ours. For the same reason, the present Saigon government is not likely to seek the long-awaited improvements and "broadening" of its base. The United States should not obstruct favorable political change in Saigon by unconditional support of the present regime. Yet, we believe, the United States should in no way compromise or postpone the goal of total withdrawal by active American involvement in Vietnamese politics. Such interventions in the past have only increased our sense of responsibility for an outcome we cannot control.

Our withdrawal might itself produce the kinds of desirable political changes in Saigon that the U.S. presence seems to have inhibited, including the emergence of a cohesive nationalist consensus; and it might give better focus to our alliance relationships elsewhere in the world by bringing our Vietnam policy into line with the President's declaration in Guam on the limits of our partnerships.

As for global U.S. interests, the original rationale for a large scale U.S. military effort in Vietnam—the prevention of proxy victories by the USSR or Communist China—has long since been discredited. Moreover, we regard the Vietnamese insurgency as having special characteristics that cannot be considered typical of or exerting decisive influence on other revolutionary movements in Asia or elsewhere. We do not predict that only good consequences will follow for Southast Asia or South Vietnam (or even the United States) from our withdrawal. What we do say is that the risks will not be less after another year or more of American involvement, and the human costs will surely be greater.

DANIEL ELLSBURG.
MELVIN GURTOV.
OLEG HOEFFDING.
ARNOLD L. HORELICK.
KONRAD KELLEN.
PAUL F. LANGER.

SANTA MONICA, CALIF.

BREACHING THE CODE—RAND ANALYSTS' PROTEST ON VIETNAM RAISES BASIC QUESTION OF RESPONSIBILITY

(By Joseph Kraft)

SANTA MONICA, CALIF.—When six analysts from the Rand Corp. drop their slide rules and open their mouths to protest about Vietnam, something important has happened.

For the Rand protest, expressed in letters to the editors of The New York Times and The Washington Post, goes beyond the issue of Vietnam to the central moral problem of American public life. It raises the question of the responsibility borne by officials and analysts for the actions and policies of the governments they serve.

Rand, which has its headquarters in Santa Monica, is one of the oldest and most professional of the research institutions set up by the government after World War II to analyze problems of national security. It derives about 75 per cent of its annual budget from the Department of Defense. It does extensive work with classified material. It has recently begun to do a series of special studies for Henry Kissinger and the National Security Council. Its existence depends on having funds from, and good relations with, the federal government.

In the past, Rand analysis have repeatedly questioned prevailing government policies behind closed doors. Individual Rand staff members have participated in public discussions. But the six men involved in the present letter—Daniel Ellsberg, Melvin Gurtov, Oleg Hoeffding, Arnold Horelick, Konrad Kellen and Paul F. Langer—go way beyond the tradition. For they speak out as a group in direct opposition to a government policy which they had not before challenged. They published their letter over strong opposition from some of Rand's chief executives. And they did so at some risk to their future careers.

The basic argument on Vietnam unfolds in three stages. The first point is that Washington has committed itself to a Saigon regime that does not want peace. As the letter says: "The primary interest of the present Saigon leadership is to perpetuate its status and power, and that interest is not served by seeking an end to hostilities through negotiations but only by continuing the war with U.S. support."

The second point is that the other side cannot be made to negotiate on Saigon's terms. The letter says: "Even if a new strategy should produce military successes in Vietnam, substantially reduce U.S. costs and dampen domestic opposition, Hanoi could not be induced to make any concessions—so long as they implied recognition of the authority of the Saigon government."

The argument concludes with the proposition that, since the United States cannot bring either Hanoi or Saigon to negotiate, this country's best option is to walk away from the war. The letter says: "We believe that the United States should decide now to end its participation in the Vietnam war, completing that total withdrawal of our forces within one year at the most."

There is nothing shocking in these views. They are shared by many high officials in this and previous administrations. What is remarkable is that only a handful of those who have come to believe these ideas have said so in public.

Most have suppressed their true beliefs. They have preferred to play inside politics. They have subscribed to the basic Washington mystique that fidelity to a President transcends fidelity to convictions on even the most critical issues. They have followed the code of the apparatchik.

The Rand letter is chiefly important as a repudiation of the apparatchik code. The public protest breaches the bureaucratic tradition of mute service even when policy conflicts with conscience. And that crack in the old mystique requires a rethinking in two areas.

For one thing, the federal government is going to have to develop a more open policy in its relations with outside sources of expertise. The days are gone when good men, with an implicit faith that the United States was on the right side of the Cold War, signed up to do unquestioning research for the national security establishment. If the govern-

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ment wants to have the advice of good men, it is going to have to accept a wide range of questions about basic policy objectives. There is going to have to develop between Washington and the analysts much more of a give-and-take relation.

Conversely, a new obligation is imposed upon those disposed in the past to damn anybody with close ties to the government. Out of that shallow practice there have come sweeping attacks on many institutions doing work for government. But the fact now made manifest in the Rand protest is that these institutions are not uncritical mouthers of a monolithic line. They are not Dr. Strangeloves writ large. And thus, more than ever, there is an obligation on those of us with doubts about the government policy not to suspend our disbelief but to be careful, selective and discriminating in criticism.

REGIONAL AIR SERVICE PROJECTED IN ANALYSIS BY EDWIN I. COLODNY, VICE PRESIDENT OF ALLEGHENY AIRLINES

Mr. RANDOLPH. Mr. President, for many, many years I have endeavored to promote the value and importance of local service air carriers in the development of our national transportation networks. The regional carriers perform a vital function in bringing commercial air service to smaller communities throughout the United States. It is my firm belief that they will exercise an increasingly vital role in the future. The citizens of West Virginia are deeply interested in and concerned with the progress and advancement of local service carriers. We are served by Allegheny Airlines and Piedmont Airlines. The interstate and intrastate operations of these carriers are important to the traveling public and shippers of our Mountain State.

Edwin I. Colodny, executive vice president of legal affairs and marketing services for Allegheny Airlines, presented a thought-provoking paper at the International Symposium on Air Transportation in Nashville, Tenn., on August 21. His analysis, "Regional Service in the 1970's," outlines the service of local carriers to the traveling public and projects future developments in the next decade. Mr. Colodny cogently analyzes many of the complex problems to be faced and resolved if regional carriers are to continue their growth and to meet increased travel demands for smaller communities and lower density market areas.

I feel that his comments should be brought to the attention of Members of Congress who will be involved in the development policies and programs under which local service carriers operate.

Mr. President, I ask unanimous consent that the paper entitled "Regional Service in the 1970's" be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

REGIONAL SERVICE IN THE 1970'S

(By Edwin I. Colodny, executive vice president, legal affairs and marketing services, Allegheny Airlines, Inc., Washington, D.C., August 21, 1969)

The name of the product is travel. The local service carriers—nine in number—sold 22 million persons over $400 million worth in 1968. An additional $30 million in non-passenger service—cargo and mail was also dispensed.

A decade ago—1958—only 4 million passengers were carried by the locals, with commerical revenues totaling $62 million.

To accomplish this impressive record, the local service industry has expanded both the quantity and quality of its service: cities served increased from 420 to 558; points served exclusively by the locals increased from 207 to 289; population served increased from 110 to 141 million; available seat miles increased five-fold; investment in modern equipment has replaced obsolete piston aircraft; total assets increased from $56 million to $800 million.

The federal government has fostered development of the local service industry through two major policies: route grants which have authorized more service at cities large and small; subsidy payments to support services at the smaller cities.

The local service industry, by the end of 1968, dramatically decreased its dependence on federal subsidy—from over 50% of commercial revenues in 1958, to less than 10% of commercial revenue in 1968.

Yet this growth has not produced a level of earnings adequate to produce a consistent reasonable return on investment.

There are some, both within and without the industry, who are pessimistic with regard to the regional carriers' future. Speculation centers around mergers with trunklines as the only long-range solution, or sharp increases in subsidy, or take-overs such as the Hughes-Air West transaction.

While all of us share concern for the economic health of the regional carrier industry, in my opinion it would be a sad mistake if the pessimists were to carry the day, particularly if they were to influence regulatory policy in a way which would curtail, or terminate, those policies which are essential to structuring a sound regional air carrier system for the 1970's.

Let's have a quick look at the general economic trends which the experts project for the next decade: growth in population from 200 million to 226 million by 1980; growth in gross national product (GNP) from $865 billion in 1968 to $1.7 trillion by 1980; growth in personal consumption expenditures at a rate even faster than GNP.

Domestic air travel forecasts are equally optimistic. The ATA projects an average annual growth rate between 10 and 12%, producing a market of 177 billion revenue passenger-miles by 1975, and 300 billion by 1980.

Domestic cargo traffic is also projected to increase rapidly—from 1 billion ton-miles in 1965 to 6 billion by 1975, and 30 billion by 1980.

These projections are highly significant, because they indicate a continuing growth potential available to all segments of the industry—trunklines, locals, and all-cargo carriers.

Despite the impressive growth record of the regional carriers over the past decade, these nine carriers carried only 6.3% of the total domestic passenger-miles in 1968. This is about the same as Delta Air Lines' share of the industry. The trunkline growth in July was 875 million revenue passenger miles—50% greater than total local service traffic in the same month.

Despite a CAB program to strengthen the local carrier route system, its share of the domestic market has increased by only one-half of one percentage point between 1966 and 1968.

If the share goes no higher than 7% by 1975, the regional industry can expect to serve about 12 billion revenue passenger miles in that year, slightly more than double the 1968 level of 5.5 billion.

I believe our policy aim should be higher than this. *By 1975, the regional carriers should have a goal of 10% of domestic passenger-miles, with an average passenger trip of approximately 350 miles.* This should equate to some 50 million originating passengers, and 18 billion passenger-miles. This would mean a doubling of passengers, and a tripling of passenger-miles.

In addition, *the majority of the regional carriers should be operating without federal subsidy support by 1975.*

To achieve these goals, it is imperative that federal policy be in harmony with the objectives.

If the regional carriers are to become self-sufficient, subsidy-free operations, three things must occur, each of which is dependent on affirmative federal action:

(1) average passenger journey must increase significantly over the current level of 250 miles;

(2) access to a greater share of the denser markets must be provided; and

(3) very low traffic producing points should be served by smaller aircraft, or in some instances be eliminated from certificated status.

The high cost of short-haul air service is an accepted fact. Its cost characteristics are further aggravated by inflation, as well as traffic delays in certain major metropolitan areas. This is true whether the carrier be trunk or local.

It is essential, therefore that the *quality* as well as the *quantity* of air carrier growth be examined. The growth in air travel in many short-haul markets *must* be constrained.

The investment in aircraft required to provide increasing volumes of seats to serve many of these markets cannot be justified. Even more important, we cannot justify the use of our limited airport capacity at many cities for such travel. Many cities within a two to three hour drive of New York cannot look forward to better New York air service unless a successful V/STOL system makes an appearance.

Fortunately, we have developed a national system of interstate and defense highways. Some 28,000 miles of the 42,500 mile system are now open to traffic, 67% of the total. All but 2,000 miles of the remaining 14,000 is in process. $37 billion has been spent thus far to provide decent surface transportation. With the cost of short-haul air travel at such high levels, we should not attempt to maintain high growth rates in air travel over short distances where the highway system offers a reasonable alternative. As a matter of fact, the interstate highway system has drastically improved accessibility of many areas to alternative air service. Many small cities which are within one hour's drive of frequent service at another city's airport cannot compete with the airport having a full pattern of service to multiple destinations.

Concurrently with a restraining of the growth rate in short-haul travel, the federal policy should continue to provide the regional carriers with a larger share of the longer-haul markets. As noted earlier, a route strengthening program was commenced in 1966.

The CAB's route policy has permitted expansion of regional carriers in the past two years in two ways: 1) better markets by permitting competitive nonstop service in many dense short-to-medium-haul pairs of points; and 2) long-haul extension to major terminals, in order to provide new single-carrier services from intermediate size cities to their ultimate destinations.

Examples of these policies are the certification of Allegheny in several important Pittsburgh markets including New York, Boston, Chicago, Louisville, Nashville and Memphis; certification of Mohawk in several important Buffalo/Rochester/Syracuse markets; extension of Piedmont to New York and Chicago; extension of Ozark and Southern to Washington and New York; extension of Texas International to Los Angeles; and extension of North Central to Denver.

The advent of the highly efficient, passenger appealing family of twin jets such as the DC-9 and B-737 has made this new policy viable. The need for better service at many intermediate size cities can now better be met by regional carriers. The carriers have the equipment and the know-how. These markets, served without subsidy eligibility, are profit potential markets due to the density of traffic available and longer length of haul. The regional industry average length of haul increased from 210 miles in 1965 to 250 miles in 1968, with average passengers per mile increasing from 18 to 26. This is still a long way from the trunkline industry, which averaged 57 passengers per mile and a 753 mile journey in 1968.

There are many opportunities for further route strengthening for the regional carriers. The policy of the CAB should not only be continued, but accelerated, particularly in these situations where the issue is not whether to authorize a new carrier, but which carrier to select. The traffic potential reflected in all the forecasts, whether government or industry, indicates an ample ability to permit the regional carriers expansion without in any way impairing the financial integrity of the trunkline industry.

Looking ahead five years, it is not unreasonable to foresee regional carriers providing service at both east and west coasts. The considerations which supported the extension of Ozark from the mid-west to the east coast may well support extension from these same points to cities such as Los Angeles.

As a matter of fact, two carriers, Air West and Frontier, now serve border to border, and Ozark and Texas International are two-thirds transcontinental.

What about the other end of the spectrum, the low traffic generating points? What is their future in the next decade? As an industry, the regional carriers are extremely mindful of their responsibilities to the smaller cities of this country. Overall, the record is excellent. Service has been improved and expanded at most cities. But there still remain a large number of points which can be served only with heavy losses, and heavy subsidy in relation to the public benefit. As of the end of 1968, there were 74 domestic points receiving year-round service which generated 10 or less daily passenger enplanements. This is one out of six of the airports served. Less than 175,000 passengers—less than 1% of the industry total were boarded at these points. The average per departure was *less than three passengers.*

The question must be asked—does the policy of the Federal Aviation Act require a scheduled certificated service at all of these points? Is it in the public interest to impose this burden on the balance of the certificated air transport system, whether such burden reflects itself in outright federal subsidy, cross-subsidization of such services by those which are profitable, or by fare policies which unduly hinder lower fares where they are economically warranted?

The answer to such questions is obviously neither easy to come by, nor necessarily uniform in applicability. But one point does seem obvious—we should not assume that service by a subsidized certificated carrier is necessarily the best way to meet the public need. The CAB has been re-examining the matter of service to lower traffic producing points. This should be applauded and encouraged for several reasons:

(1) this is a time for reviewing our national priorities, including those relating to all modes of transportation;

(2) at a time of economic tightness, it is essential that non-productive services be curtailed or eliminated, particularly where tax dollars are supporting such services;

(3) in some instances, the need for certificated service by a local service carrier has probably disappeared, due to such reasons as a decline in economic activity, or the impact of new highways;

(4) the air taxi/third level group of carriers are in a period of expansion, and to the extent that rational development and integration of such services into the national air transport fabric can be accomplished, it should be encouraged.

(5) Part 399.11(d) of the Board's Statements of General Policy encourages local service carriers to request suspension of service at points which are not generating sufficient traffic.

Allegheny has commenced on its own to implement a means of improving service at certain low traffic generating points, and at the same time eliminating the losses associated therewith.

It has long been apparent that larger aircraft such as the Convair and Fairchild series designed for markets which serve greater traffic flows could not be utilized to provide an economically viable service. It has also been apparent that the traditional segment type service, where the city is served as one of several points between major terminals, is not necessarily designed to provide adequate service at such cities. Frequency and timing of schedules are invariably a compromise when attempting to satisfy three, four or five points all on the same flight.

The Allegheny Commuter program attempts to harness the cost and service values of smaller aircraft under a program which substitutes the air taxi for Allegheny, but under definitive guidelines which relate to the quality and quantity of service, with Allegheny remaining identified with service to the community and providing certain resources and a measure of financial stability not otherwise available. Equally important, Allegheny retains the obligation to resume service at the community in the event the operator suspends service for any reason.

Since the initial experiment began at Hagerstown in October 1967, the Allegheny Commuter has been introduced at five other cities. As of May 1969, almost 50,000 passengers have been carried by Allegheny Commuter flights at these six points. No subsidy is paid for Allegheny Commuter services. And Allegheny's subsidy need has been reduced by $323,000 annually.

The CAB has favorably received this program. It should continue to encourage this, as well as other means of utilizing the air taxi segment as an integral part of the domestic industry. Such encouragement should include an early review of the present 12,500 pound limitation on aircraft. A better standard for the 1970's would be passengers instead of pounds. If the forecasts are near accurate, it is likely that air taxi operators will have to utilize aircraft with 20 to 25 passenger capacity within the next few years.

According to a spokesman for the third level carriers, 101 different carriers now serve 359 of the 538 cities listed in the *Official Airline Guide*. One hundred ten points are dependent on scheduled air taxi/third level service.

The industry, as well as the CAB, must be sensitive to any suggestion that the local service carriers are no longer interested in serving smaller cities. A review, such as is suggested here, should not be so interpreted, however. In some instances air taxis are already providing service in competition with the locals, and are in a position to offer adequate replacement service. In other instances, the interstate highway system is the competitor. Part 399 of the CAB's Policy Statements requires the carriers to act in those instances where service by a local carrier no longer appears warranted. The industry and the CAB should jointly accept responsibility for administering this policy in order to reduce unnecessary economic burdens on either the private or public sectors.

In summary, I believe that there is sound basis for confidence in the future of the regional carriers. With a projected growth from 150 million passengers in 1968 to 425 million by 1980, there is ample room for accommodating an expanded role for both the regional carriers and the air taxi/third level group without impairing the health of any group, including the trunk carriers. In the long run, market demand will provide a meaningful base for route policies which will permit economic self-sufficiency without federal subsidy support. The contribution of the air taxi group as part of the total regional air transport system will strengthen regional services in the next decade. It is important that national transport policy recognize the contribution which these carriers can make and encourage their growth in a controlled but positive environment.

Recognition of changing conditions in the needs of our population for air transportation is one of the great virtues of the regulatory concept embodied in the Federal Aviation Act. We have confidence that this will continue to be reflected in the administration of this Act.

RAIL PASSENGERS AND THE RAIL CRISIS

Mr. PELL. Mr. President, it had often been said that consumers were the least organized and least represented group in the Nation. The appearance of Ralph Nader and the passage of former President Johnson's successful legislative program for consumer protection have somewhat offset those weaknesses.

Railroad passengers have for many years suffered from the same underrepresentation and disorganization which have beset the consumer in past years.

However, I believe that there are now a man and an organization capable of doing for the railroad passenger what Ralph Nader has done for the consumer. Mr. Anthony Haswell is that man, and the National Association of Railroad Passengers is that organization.

Since 1967, Mr. Haswell and the ever-increasing membership of the National Association of Railroad Passengers have been vigorously fighting for the maintenance and improvement of rail passenger service. Mr. Haswell and the National Association of Rail Passengers have presented their case to congressional committees and have argued persuasively before the Interstate Commerce Commission against the discontinuances of intercity trains. Their efforts deserve the commendation of the many Americans who believe that rail passenger service is a viable and economical mode of travel which should be encouraged by the Federal and State governments and continued by the railroads. As a member of the advisory board of the National Association of Rail Passengers, I am particularly proud of the fine work undertaken by Mr. Haswell and the association.

I ask unanimous consent that an article entitled "'Crank from Chicago' Fights Death of Passenger Trains," written by Stephen Aug, and published in the Sunday Star of September 28, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Star, Sept. 28, 1969]

CRISIS ON RAILS: "CRANK FROM CHICAGO" FIGHTS DEATH OF PASSENGER TRAINS

(By Stephen M. Aug)

There are some segments of the railroad industry in which the name Anthony Has-

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well is synonymous with "that crank from Chicago."

But to his supporters, several regulatory agencies and apparently a growing number of congressmen, Haswell appears to be offering one of the few rational approaches to one of the most highly emotional transportation problems to develop in years—solving the crisis of the disappearing passenger train.

As founder in 1967—and chairman of the National Association of Railway Passengers, Haswell has been leading virtually a one-man battle against the efforts of the multi-billion-dollar railroad industry to divest itself of its unprofitable passenger business.

Although the association, with about 3,500 members, now provides $15,000 to $20,000 a year in membership dues, Haswell—38-year-old bachelor heir to a Dayton, Ohio, department store fortune—has spent about $150,000 of his personal funds fighting his cause.

OPPOSES DISCONTINUANCES

He has taken active part in opposition to railroad attempts to discontinue such famed trains as the California Zephyr; City of San Francisco and the Sunset Limited. The Interstate Commerce Commission sought him out for its year-long study of the costs of railroad passenger service which resulted in a call to Congress for some form of help to preserve rail passenger service.

And, while the Association of American Railroads could persuade one senator and one representative to introduce legislation calling for federal subsidies for railroads forced to operate money-losing passenger trains, a measure strongly endorsed by Haswell's group found 13 cosponsors when Sen. Joseph D. Tydings, D-Md., introduced it in the Senate, and 18 cosponsors when Rep. Brock Adams, D-Wash., proposed it in the House. The measure would provide $195 million to the Department of Transportation over four years to buy new passenger equipment and lease it to the railroads.

CAUSE APPEARS POPULAR

This doesn't mean Haswell is a power to be reckoned with. Apparently it means he's fighting a popular cause.

It began when Haswell, as a young lawyer in 1959 at his first job with the Illinois Central Railroad law department, used to watch from his office window as trains came and went through the IC station.

"The New York Central Railroad used the IC station for its three train a day between Chicago and Cincinnati," he recalled in a recent interview. "Suddenly, across my desk came a notice saying it was applying to the Indiana Public Service Commission to discontinue all passenger service between Chicago and Cincinnati. I was shocked. It suddenly occurred to me that the railroads were trying to discontinue all their passenger service."

But the Indiana commission declined to permit the end of the Chicago-Cincinnati service, and now, 10 years later, Haswell is trying to stop the New York Central's successor—Penn Central—from eliminating the last train over that route, the James Whitcomb Riley.

Haswell resigned from his railroad job in 1963, served for a time the following year as a public defender in Cook County, Illinois, and since then has devoted full time in the railroad passenger's cause.

The chief villains, Haswell contends, are the Southern Pacific, Missouri Pacific and—with the exception of its Chicago-area commuter service—the Chicago & North Western. But he also has a "good-guys list:" Seaboard Coast Line; Atchison, Topeka & Santa Fe; Great Northern; Illinois Central and Southern.

Haswell contends that some railroads—like Penn Central—which have not tried actively to discourage passengers, have simply let their business drift away. "The passenger business has to be aggressively managed," he said, with continual advertising, well-maintained equipment, courteous personnel. "The moment you quit managing it, it's going to go to pot in a hurry and the costs will spiral. Most railroads have allowed this to happen.

"To put passenger service down the drain you don't have to take affirmative action. You just have to walk away from it—and this is what the industry has done."

Haswell believes there are three specific markets for long-distance trains:

1. Between such huge population centers as New York-Chicago and Washington-Chicago. "Two thousand people a day fly one-way New York to Chicago, while perhaps 100 to 200 take the train. I'm convinced that 10 percent of the people up there flying are there not because they want to be, but because the alternate service is unsatisfactory."

2. New York-Florida, Chicago-Florida. "What you have there are Florida vacationers. Unlike businessmen they have a great deal more time to themselves," he said. He contends Seaboard Coast Line has made the run profitable because it capitalizes not only on winter travel, but on summer-time low-priced package trips that keeps the trains full year-round.

3. Summer vacations on long Western runs. "The train travel itself is an integral part of the vacation in terms of viewing the scenery," he said. Haswell contends the western train service has to be trimmed to one train between Chicago and San Francisco, one between Chicago and Los Angeles and one between Chicago, the Twin Cities and Pacific Northwest.

He would also have somewhat less luxurious service between New Orleans and Los Angeles and Kansas City and the Pacific Northwest.

CALLED "A FANATIC"

There are those in the railroad industry who consider Haswell "a fanatic." One ranking railroad official said. "He has an uncritical belief in the preservation of passenger service—whether it's needed or not. He's a preservationist. He doesn't have a completely logical open mind."

On one thing both Haswell and the industry agree—passenger service is costing the railroad vast sums of money. "It is a serious economic situation, and we who want passenger trains must work for solutions.

Is there a future for the trancontinental passenger train? The industry says "no," because people don't want to spend the time or the money.

But Haswell says "the values—the usefulness—of the California Zephyr for example will not change in 20 years. They won't change as long as there's a railroad and the Rocky Mountains."

OAKLAND, CALIF., URGES ENACTMENT OF SENATOR MURPHY'S URBAN AND RURAL EDUCATION ACT

Mr. MURPHY. Mr. President, I have been placing in the CONGRESSIONAL RECORD endorsements that I have received from across the country of S. 2625, the Urban and Rural Education Act of 1969, which I introduced on July 15.

Today, I am pleased to place in the RECORD a letter I received from my home State. Superintendent Benbow, of the Oakland Public Schools, said:

> Your description of the nation's troubled urban school systems is a very exact description of Oakland's school system. . . . I think I am not exaggerating when I say that the situation in Oakland is ominous and that the schools in their present weakened condition offer little hope for improvement.

Thus, Oakland is one of the troubled school districts of the Nation to which my bill is addressed. I ask unanimous consent that Superintendent Benbow's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OAKLAND PUBLIC SCHOOLS,
Oakland, Calif., August 13, 1969.

Hon. GEORGE MURPHY,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: I have read with much interest and appreciation your address to the Senate on July 15, 1969, on the occasion of the introduction of the Urban and Rural Education Act of 1969.

You have most ably described the background and the urgency of the need and there is little that I can add except to say that your description of the nation's troubled urban school systems is a very exact description of Oakland's school system.

Superficially, one might say that a city such as Oakland should be able to help itself more effectively, but that time has passed. The very same conditions which have brought the schools to crisis have pretty well paralyzed the will of the community to help.

The citizens of Oakland are deeply divided in many ways and much of this seems to be centered on what to do with the schools. This situation has effectively defeated all efforts to raise locally the money that is necessary to rehabilitate the school program and to provide the highly specialized and expensive help needed for our very large number of disadvantaged children.

The state legislature has been unable to provide the help for the urban areas which almost everyone admits is needed.

I think I am not exaggerating when I say that the situation in Oakland is ominous and that the schools in their present weakened condition offer but little hope for improvement.

Please be assured that we deeply appreciate your efforts on our behalf and will do all we can in support.

Respectfully yours,
SPENCER D. BENBOW,
Acting Superintendent.

DEVELOPMENT OF SOVIET NAVAL STRENGTH

Mr. JACKSON. Mr. President, one of the crucial questions facing America today is the adequacy of our defense. For the past decade our first line of deterrence has been our Polaris submarine fleet. In recent years the Soviet Union has made significant progress in developing its naval forces, particularly those which could be used to counter our Polaris force or which increases their sea-based striking power. As a part of their program to surpass the United States, they are continuing to produce newer and better nuclear submarines.

The Soviet Union's nuclear power submarines, which used to be content to stay close to Europe and Asia, are now moving increasingly closer to our shore. Elements of their surface fleet just recently cruised off the beaches of Cape Kennedy on their way to Havana.

In an interview recently, Russian Admiral Sergeyev stressed the increased power of the Soviet naval fleet. He said that the creation of a powerful Soviet navy had its beginnings under Lenin. Then the admiral recalled an old song:

> Over all oceans, over all countries, we unfold the red banner of labor.

Admiral Sergeyev added:

> What was a dream then, now has become reality.

The United States must heed these bellicose warnings; to ignore them is an invitation to disaster. In this connection, I ask unanimous consent to have printed in the RECORD an editorial which calls attention to statements by Secretary of Defense Laird and by Admiral Rickover that advances by the Soviet Union threaten our retaliatory capability. The editorial was published in the Norfolk, Va., Ledger-Star, August 30, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COUNTERING THE MISSILE SUBS

Twice in recent months, intimations have come from knowledgeable American officials that the missile-carrying submarine may lose some of the protection it has enjoyed by reason of its capacity to remain submerged for long periods and its ability to fire and then move to a new position before an enemy could deal with it.

The first such publicly disclosed comment was a statement by Defense Secretary Laird in March, when he said he did not believe the existing immunity from attack would last much beyond 1972.

Now has come the release of testimony by the chief architect of the U.S. nuclear sub force, Vice Admiral Hyman Rickover, who points to the looming need of a new kind of escort submarine for the missile-firing type. He said the Soviets, rapidly overtaking the U.S. in submarine strength, could threaten the invulnerability of the Polaris by 1973 or 1974.

However inevitable it may have been that the A-sub would bring development of enemy means to offset its advantages—under the historically demonstrable theory that any new weapon stimulates the creation of counter-weapons—it is nevertheless a matter of concern that this may happen soon, may indeed already be happening. For beyond a doubt the potent U.S. force of Polaris subs, with their nuclear-tipped rockets, has given this country an important margin of protection. This has been the extra striking power the U.S. could exert even if somehow its land-based missile complex was crippled.

Nor is the new concern greatly lessened by such beliefs as that of the civilian expert who answered Mr. Laird's view by attributing the Defense Secretary's observations to intuition and uneasiness rather than any hard evidence of a Soviet anti-Polaris breakthrough. This expert, who is a member of the Naval Research Advisory Committee, said he knows of no such actual developments in submarine warfare.

Yet even granting a degree of over-emphasis on Mr. Laird's part (he was intent on selling the anti-ballistic missile to Congress at the time), he is nevertheless in a position to know a great deal about the matter. And obviously, so is Admiral Rickover. If such men as these, even supposing they have no precise, factual data, are making educated guesses that the end of Polaris' special advantage is in the offing, their views cannot be complacently dismissed.

The possible danger and the cost of ignoring such a Soviet potential are simply too great.

CONSERVATION OVERKILL IN THE GRAND CANYON

Mr. GOLDWATER. Mr. President, I am always gratified when Senators from the East take a particular interest in the scenic wonders of Arizona, especially the Grand Canyon. However, those with an intimate knowledge of the canyon and the surrounding area and its related problems are inclined to feel that the bill introduced recently by the Senator from New Jersey (Mr. CASE) may do more harm than good.

It may surprise some Senators to understand that although conservation is a highly laudible pursuit, it is also a pursuit which may be overdone. I believe this is true so far as Senator CASE's bill is concerned.

The Phoenix Gazette, which is published in my hometown of Phoenix, Ariz., says that Senator CASE's bill to expand the acreage of the Grand Canyon Park to 2.1 million acres is an exercise in conservation overkill. Just one of the problems that would be created involves the proper management of wild game. Arizona pioneers have never forgotten the problems in Kaibab National Forest in the 1920's, when the lack of sound game management resulted in a vast overpopulation of deer which virtually destroyed the area.

There are other objections which I feel I must raise to Senator CASE's bill, objections which I will raise if and when it comes before the Senate for consideration. Meanwhile, I ask unanimous consent to have printed in the RECORD an editorial entitled "Too Large a Park," published in the Phoenix Gazette of October 6, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOO LARGE A PARK

Although Sen. Clifford Case, R–N.J., may deserve admiration for his concern over the scenic wonders of the Grand Canyon, his proposal to expand the national park there to three times its present size amounts to conservation overkill.

Under provisions of a bill introduced by Case, the park would be enlarged from its present 673,575 acres to more than 2.1 million acres, taking in a vast area from Lee Ferry to Lake Mead. That is too much park.

Even if all the extra land involved already belonged to the federal government, Case's proposal would be a bad one. It would seal off vast acreage, including much of the Kaibab National Forest, from multiple use, a move that would seriously damage the economy of Northern Arizona. Since hunting is prohibited in national park areas, sound game management would be impossible, and the Kaibab might once again be the scene of the horror of the 1920s, when an overpopulation of deer virtually destroyed the area.

Worse yet, Case's bill provides for 50,000 acres of state land and 40,000 acres of privately owned land to be taken into the park. With 72 percent of Arizona already in the federal domain, no additional acreage should be added except for the most urgent reasons. The park expansion envisioned by Case is not urgent.

This is not to say that the Grand Canyon National Park shouldn't be expanded. Sen. Barry Goldwater, who knows the canyon better than most men, has introduced legislation that would expand the park by 255,250 acres, most of it already held by the federal government. Moreover, Goldwater's bill, backed by the entire Arizona delegation, takes into careful consideration the other needs of the area, including game management. Like Case's bill, it prohibits major dams and provides other protection. It does not, however, provide a park so vast that it would be virtually unmanageable.

If Sen. Case really has the interests of the Grand Canyon at heart, he will withdraw his bill so the Senate can proceed on Sen. Goldwater's sound legislation.

THE HAWAIIAN VIEW OF THE WORLD

Mr. INOUYE. Mr. President, on this 10th anniversary of Hawaii statehood, I thought it would be of interest to Members of Congress—particularly those who had supported the effort which gave us statehood—to share a recent address by our Governor, Hon. John A. Burns, to the 95th annual convention of the American Bankers Association. I believe Governor Burns expresses so well the Hawaiian view of the world and their role in it.

While each of our 50 States is unique, we in Hawaii feel that we have certain special characteristics which set us apart and make us a bridge for understanding the larger world.

Mr. President, I ask unanimous consent that Governor Burns' speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY GOV. JOHN A. BURNS BEFORE THE AMERICAN BANKERS ASSOCIATION, HONOLULU INTERNATIONAL CENTER

It is with genuine pleasure that I welcome today to our State of Hawaii all you who are here for the 95th annual Convention of the American Bankers Association.

It is certainly an honor for our Islands that your prestigious organization has chosen this Pacific State for your major national assembly during our Statehood Decennial Year.

The list of distinguished leaders of our country's financial business, governmental and news media institutions who have gathered here in connection with your sessions adds luster to our own happy 10th Statehood Anniversary celebrations.

I am delighted to say to all of you, in the ancient and beautiful language of these Polynesian Islands, "E komo mai"—Come in! The House is Yours!"

You will, I am sure, find time to tour our State and go far beyond the immediate comforts and convenience of modern Waikiki to the still more beautiful regions of our wonderful Neighbor Islands. You will see there what we call the "Other Hawaii"—the Islands of legend and song, where an environment of surpassing beauty is within reach of all of you.

You will discover—perhaps to your astonishment—that we who live in Hawaii view the world beyond our Islands with different eyes and somewhat deeper insights. It was with both good humor and a special perception that a speaker remarked recently:

"In Hawaii, New York is the Far East and the Land of the Rising Sun, while China, Japan, Korea, the Philippines, and other nations of Asia are the lands of the Golden West, where opportunities abound."

While Paris, London, Philadelphia, Chicago, Denver, and San Francisco are deep in sleep or close to it, Hawaii is wide awake, pondering the world's events, reading Today's News Today in the nation's latest afternoon paper, and still discussing at dinner tables the newest crises and newest solutions to the problems of our globe.

And while London, New York, and Chicago are roaring with the traffic noises of giant cities starting a new day, Hawaii is still at rest and hears only an occasional song of a sleepy bird and the soft, steady thunder of our ever-present surf.

We in Hawaii are in the Center of the Sea, in the quiet vastness of the awesome Pacific, geographically unique, like no other State in the Nation. It is most logical, therefore, that our outlook, our political and social philosophy, our culture, our thinking, our

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habits of work, and recreation will, in many ways, be refreshingly different to those of you who may not be familiar with our history and our special place in this world.

We are more than a collection of Islands; we are an Island people—a free people—of all races, colors, creeds, and cultures. We are an amalgamation, a fusion, of East and West. We are not a *collection* of differences; rather, we are a *melding* of differences, forming what some have called—in their enthusiasm for the process and the product—a Golden People.

Because we are different, although still thoroughly American, we view the world an outlook different from that of our fellow citizens of our Mainland Sister-States.

We are a Pacific Frontier State. Here in Hawaii, we have known the full fury of war and the sweet and precious blessings of peace. Our young and dear Island sons have offered their lives—just as many of your sons have given theirs—for the defense of freedom of alien peoples in alien lands, in past and present conflicts.

It was from these same lands—Japan, China, the Philippines, Korea, and the countries of Southeast Asia and the Pacific, that the parents and grandparents of our citizens came, seeking the security and blessings of America. We have been the second "Golden Door" to the United States for thousands of Asian immigrants.

Here in Hawaii, we have suffered the same anguish of spirit over the Vietnam War which you yourselves have suffered. We have been much closer to it, geographically and militarily, than any other State. With our memories of Pearl Harbor, we have a special sensitivity to the many implications which flow from the changing tides of battle and the deep yearnings of millions for an end to brutal conflict.

Here in Hawaii, we developed long ago the profound conviction that all mankind is one family; that no man, no State, no nation, is an Island complete unto itself; that there is no peace for us when anyone, anywhere, is at war; and that peace, prosperity, and progress are available to all who will struggle and work together to gain these gifts offered to us.

We have learned that unity is not achieved by voluntarily alienating ourselves from others or by withdrawing from regions of struggle because the effort is extremely difficult.

We in Hawaii yearn for, and work for, the development of a spirit of community in the Pacific basin. We seek to inspire and promote a Pacific Community of Nations, a spiritual unity of peoples of diverse ethnic origins.

We see this as our special role and duty and destiny by reason of the precious gift of American freedom given to us; by reason of our unique geographical location; by reason of our total blending of the cultures of East and West in our interracial unity and harmony; by reason of our extraordinary prosperity and attractive physical and social environment, and by reason of our proven history of dedication to man's highest ideals.

It is to this land of Aloha, this American-Polynesian-Asian-European society, that I welcome all of you today. I hope you will have time to learn something of our history, and to review some of our many modern developments which are playing so important a part in the promotion of a sense of unity among Pacific peoples.

You will find our prosperity is real and solidly based—the result of good programs of planning and economic development. You will find our spirit of Aloha, a treasured inheritance from the Hawaiian people, is genuine and all-pervasive in spite of the new pressures of expansion. You will find that our local concerns are not primarily for wealth or economic power or the superficial image of a painted and promoted pseudo-paradise.

Rather, Hawaii wants to be of service to the world. We want to lead by the power of good example, by the perfecting of our Island society. We want the shining light of our prosperity, our remarkable social advances and our compassion for all the lesser developed regions of the Pacific to inspire others so they will honor and cherish the basic principles of justice, freedom, and mutual assistance which have made our country so great.

You are bankers, and financial specialists, and great men and women in the world of commerce and trade. I invite you to consider whether Hawaii's aspirations to improve our world strike a responsive chord in your hearts.

Is Hawaii a State in which your valuable contributions of time, talent, and investment can further the cause of peace and global unity, an end to wars, and a flowering of prosperity and progress? Is this where your heart lies . . . in the vibrant center of an ocean whose very name means peace?

Please consider these things in the brief time you will be with us. And, meanwhile, it is my earnest hope that your convention will be eminently successful, and that all of you will have a most enjoyable and profitable visit with us.

Mahalo.

THE PRESIDENT'S MESSAGE ON THE PACE OF CONGRESS

Mr. McCLELLAN. Mr. President, this morning the President forwarded to Congress a message discussing the pace of action on the administration's legislative program. While the message was formally sent today, advance copies were made available to those of us most immediately concerned with parts of it. Over the weekend, I had an opportunity to study and evaluate the message.

Mr. President, I cannot speak for all Senators on this side of the aisle, but I will say that I intend to take the President's message in the nonpartisan spirit in which it was apparently written. The President is right when he observes that we have not always acted with due dispatch on each of his proposals, and he is right, too, when he observes that executive departments have been slow—often very slow—to report on various measures. The facts, which I shall place in the RECORD at the conclusion of my remarks, speak for themselves. Nevertheless, the President made his most cogent point when he said:

> Let us resolve . . . to make the legislative issue of the 1970 campaign the question of who deserves greater credit for the 91st Congress' record of accomplishment, not which of us should be held accountable because it did nothing. The country is not interested in what we say, but in what we do—let us roll up our sleeves and go to work.

Mr. President, a substantial part of the President's message was devoted to the control of crime, and a large segment of that was devoted to organized crime. This session of Congress has thus seen the introduction in this area of 10 major measures—three of which the President singled out in his message. I shall place in the RECORD at the conclusion of my remarks a brief analysis of each of these bills, but I am pleased now to report to the Senate that the Subcommittee on Criminal Laws and Procedures, of which I am chairman, has completed its preliminary study of these measures, and we are now ready to move to mark up and then to bring the major provisions of these bills to the attention of the full committee and the Senate itself. We are now awaiting only the printing of a committee print, a document which I am informed should be in our hands shortly.

Mr. President, it is true that we have taken some time in processing these measures. But let me suggest that it is not only important that things be done quickly, but also that they be done well. We have extensively explored the ramifications of these proposals in hearings with all those who desired to testify, circulated the measures on our own initiative throughout the United States for critical comment from learned scholars, and attempted to work as closely as possible in fashioning workable tools with those in the Federal law enforcement community who will ultimately bear the responsibility to implement whatever we do in this field. As a result of this process, I am pleased to report that the 10 separate measures have now been consolidated into a single overall bill, embracing 11 major titles and presenting for consideration an integrated, comprehensive, organized crime control program, a program that I feel confident will find the approval of a large majority of Senators.

Mr. President, in closing my message the President pledged his "cooperation" in securing the enactment of these "urgent measures." I now pledge to this body that I will do all in my power to see that these proposals are presented to the Senate for action as soon as it is practicably possible. My hope is that we can see favorable action this session. I intend to do all I can to fulfill that hope.

I ask unanimous consent that the following documents be printed in the RECORD.

First, an analysis of the major organized crime proposal referred to the Subcommittee on Criminal Laws and Procedures.

Second, the time schedule of the work of the Subcommittee on Criminal Laws and Procedures.

Third, an analysis of S. 30 as reworked and ready for subcommittee action, the Organized Crime Control Act of 1970.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Analysis of the Major Organized Crime Proposals Referred to the Subcommittee on Criminal Laws and Procedures

S. 30 (Mr. McClellan, Mr. Ervin, Mr. Hruska, January 15, 1969) is a comprehensive revision and strengthening of the evidence gathering process in organized crime investigations. It contains the following provisions:

Title I: revamps the grand jury system and authorizes, subject to careful safeguards, the issuance of grand jury reports;

Title II: authorizes the granting of immunity to obtain testimony over objections of self-incrimination;

Title III: provides for civil contempt proceedings to deal with recalcitrant witnesses;

Title IV: eliminates outmoded evidentiary restrictions in prosecutions of those who give false testimony in grand jury or court proceedings;

Title V: makes possible, subject to constitutional protections, depositions from witnesses in danger of reprisal;

Title VI: extends to such witnesses physical facilities in which they may be protected;

Title VII: strengthens the evidentiary rules surrounding the admissibility of vicarious admissions in conspiracy cases; and

Title VIII: provides for the imposition of increased punishment (up to 30 years) for convicted "habitual" criminals, "professional" criminals, and "organized crime" leaders.

S. 974 (Mr. Tydings, February 7, 1969) creates within the Department of Justice the position of Assistant Attorney General for Organized Crime and provides for his supervision over other activities relating to organized crime cases.

S. 975 (Mr. Tydings, February 7, 1969) is a general immunity statute which would compel witnesses to testify or produce evidence in certain cases even though such testimony or evidence may be self-incriminating, but provides that no witness shall be prosecuted as a result of such compelled evidence except for perjury or contempt.

S. 976 (Mr. Tydings, February 7, 1969) would provide increased sentences of up to 30 years for certain persons over the age of 21 who are considered dangerous to the public and who are being sentenced for a felony committed as part of a continuing criminal activity in concert with one or more persons.

S. 1623 (Mr. Hruska, March 20, 1969) would prohibit the investment of certain illegally gained income in any business enterprise affecting interstate or foreign commerce and provides for a penalty up to $10,000, 10 years imprisonment, or both. Injunctive relief to prevent violation of the act may be sought in United States district courts by the government or a person threatened with damage. In addition, an individual who has actually suffered injury is entitled to treble damages.

S. 1624 (Mr. Hruska, March 20, 1969) would amend the Internal Revenue Code of 1954 in regard to taxes and wagering, and facilitate the collection of such taxes by complying with *Marchetti* v. *United States*, 390 U.S. 39 (1968), and *Grosso* v. *United States*, 390 U.S. 62 (1968). The *Marchetti* and *Grosso* decisions held that a defendant charged with failure to register and purchase a wagering occupational tax stamp, or failure to pay an excise tax under title 26 of the United States Code could use his privilege against self-incrimination as a complete defense against such charges. S. 1624 is designed to eliminate the hazards of self-incrimination which underlie the *Marchetti* and *Grosso* decisions. The bill would also raise the annual occupation tax from fifty dollars to one thousand dollars for principals and to one hundred dollars for their subordinates.

S. 1861 (Mr. McClellan, Mr. Hruska, April 18, 1969) would prohibit the infiltration of legitimate organizations by racketeers or the proceeds of racketeering activity, where interstate or foreign commerce is affected. Criminal penalties include a fine of up to $10,000, imprisonment of up to 20 years, or both, and forfeiture of all interest in the affected enterprise. Civil remedies to prevent violation of the act are available to the government and may be brought in United States district court.

S. 2022 (Mr. Hruska, Mr. Dirksen, Mr. Eastland, Mr. McClellan, Mr. Mundt, April 29, 1969) would assist the States in the control of illegal gambling and is divided into three titles. Title I would make it unlawful for two or more persons to obstruct the enforcement of the criminal laws of a state to conceal an illegal gambling business if one of the persons is an employee charged with executing the criminal laws of such state and one of the persons participates in or derives revenue from an illegal gambling business violation of Title I is punishable by a fine of not more than $20,000, imprisonment for not more than 5 years, or both. Title II would make it unlawful to participate in an "illegal gambling business" which is defined as a violation of a state law involving 5 or more persons participating in any betting, lottery, or numbers activity, which has been in operation over 30 days or has a gross revenue of $2,000 in any single day. Title III makes clear that the act is not to occupy any field in which the provisions operate to the exclusion of any state law.

S. 2122 (Mr. McClellan, Mr. Ervin, Mr. Hruska, May 12, 1969) is a general immunity statute which would prescribe the manner in which a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination and defines the scope of immunity to be provided such witness with respect to information provided under an order. The bill provides that no testimony, information or derivative evidence may be used against such witness in any criminal case except for prosecution for perjury or contempt. S. 2122 repeals all previously enacted immunity statutes and it should be noted that the bill grants a witness immunity from "use" of the compelled evidence rather than immunity from prosecution.

S. 2292 (Mr. McClellan, Mr. Hruska, May 29, 1969) provides that in all proceedings under the authority of the United States no claim regarding the inadmissibility of evidence obtained as the result of an allegedly illegal act shall be considered if there is five years between the allegedly illegal act and the event evidence of which is to be introduced. The bill further provides that as regards any claim of inadmissibility of alleged illegally obtained evidence, no information may be disclosed unless such information is relevant to the determination of the admissibility of such evidence and is in the interest of justice.

Time Schedule of the Work of the Subcommittee on Criminal Laws and Procedures

January 15, 1969: Introduction of S. 30, "Organized Crime Control Act," by Senators McClellan, Hruska and Ervin.

February 5, 1969: Letter to the Attorney General informing him of forthcoming hearings on subject of organized crime legislation.

February 7, 1969: Full Committee requested report from the Attorney General on S. 30. (Received May 8th.)

February 7, 1969: Introduction of bills by Senator Tydings: *S. 974*, to create a position of Assistant Attorney General for Organized Crime; *S. 975*, to provide for granting of immunity; and *S. 976*, to provide for increased sentences.

February 20, 1969: Acknowledgment of Chairman's letter of Feb. 5th . . . "will be in contact with you again in the very near future."

February 20, 1969: Full Committee requested reports from the Attorney General on—S. 974 (Received August 5, 1969); S. 975 (Report on given in Asst. A. G. Wilson's statement before Subcommittee on June 4, 1969); S. 976 (Report on given in Asst. A. G. Wilson's statement before Subcommittee on June 4, 1969).

March 17, 1969: Letter to Attorney General re *Alderisio* and *Spinelli*. (Reply received April 11th.)

March 18, 1969: Hearings on S. 30 and related bills with the Attorney General not testifying on specific provisions, but merely testifying generally:

Detailed analysis of S. 30 promised within 15 days or 3 weeks. (Received May 8th.)

Crime charts submitted to Attorney General for verification. (Received June 3d.)

Data on La Cosa Nostra requested. (Received June 3d.)

Information on *Alderisio* and *Spinelli* again requested. (Received April 11th.)

March 19, 1969: Transcript of hearings sent to the Attorney General for correction (pp. 11–61). (Received April 29th.)

March 20, 1969: Introduction of bills by Sen. Hruska: *S. 1623*, to prohibit the investment of illegally obtained income, and S. 1624, wagering tax amendments. (S. 1624 administration proposal.)

March 27, 1969: Full Committee requested report from the Attorney General on 1623. (Received Asst. A. G. Wilson's testimony, June 3d.)

March 27, 1969: Full Committee requested report on S. 1624 from Attorney General. (Received May 16, 1969); Treasury (Received June 3d, in testimony).

April 18, 1969: Introduction of S. 1861, "Corrupt Organizations Act," by Senators McClellan and Hruska.

April 23, 1969: President's Message on Organized Crime—Commends recommendations of National Com. on Reform of Fed. Criminal Law on Immunity (submitted to President March 17, 1969). Seeks "swift enactment" of S. 1624. Asks for legislation on syndicated gambling and police gambling corruption. Approves objectives of S. 30. Notes Attorney General examining legislation dealing with infiltration of organized crime into legitimate business.

April 29, 1969: Introduction of S. 2022, to outlaw syndicated gambling and gambling corruption by Senators Hruska, Dirksen, Eastland, McClellan and Mundt. (Administration proposal.)

May 12, 1969: Introduction of S. 2122, "Federal Witness Immunity Act," by Senators McClellan, Hruska and Ervin. (Reflecting Administration proposal.)

May 19, 1969: Full Committee requested report (within 20 days) from (follow-up request on June 30th for report by July 14th)—Attorney General (Received June 3d testimony); Atomic Energy Commission (Received July 15th); Civil Aeronautics Board (Received July 15th); Federal Communications Commission (Received July 16); Federal Deposit Ins. Corp. (Received July 18, July 24); Federal Maritime Commission (Received July 16th); Federal Power Commission (Received June 2d); Federal Trade Commission (Received July 16); Interstate Commerce Commission (Received July 14th); National Labor Relations Board (Received July 17th); National Transportation Safety Board (Received July 15th); Railroad Retirement Board (Received May 28th, July 16th); Securities and Exchange Commission (Received July 15th); Subversive Act. Control Board (Received July 15th).

May 29, 1969: Introduction of S. 2292, to regulate suppression of evidence, by Senators McClellan and Hruska.

June 2, 1969: Full Committee requested report on S. 2292 from the Attorney General. (Received Sept. 9th.)

June 3, 1969: Assistant Attorney General Wilson testified.

Report on S. 1861 promised in about 3 weeks. (Received Aug. 11th.)

Report on S. 974 promised "shortly." (Received Aug. 5th.)

June 4, 1969: Transcript of hearings sent to Mr. Wilson for corrections (pp. 336–390). (Received July 24th.)

June 6, 1969: Letter to Asst. A. G. Wilson setting out questions per hearings of June 3d (on S. 30 and S. 976). (Received July 18th.)

September 3, 1969: S. 1624 circulated for subcommittee approval or comment.

September 13, 1969: Printed hearings received.

October 9, 1969: Organized Crime Control Act ready for mark-up by Subcommittee.

Analysis of S. 30 as Reworked and Ready for Subcommittee Action, the Organized Crime Control Act of 1970

OUTLINE OF BILL

Title I. Grand Jury

Source: Title I of S. 30 as originally introduced.

Endorsed: Department of Justice.

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Title II. Immunity

Source: S. 2122.

Endorsed: National Commission on Reform of Federal Criminal Law; President in his message on "Organized Crime" Department of Justice.

Title III. Recalcitrant Witnesses

Source: Title III of S. 30 as originally introduced.

Endorsed: Department of Justice.

Title IV. False Declarations

Source: Title IV of S. 30 as originally introduced.

Endorsed: Department of Justice.

Title V. Witness Facilities

Source: Title V of S. 30 as originally introduced.

Endorsed: Department of Justice.

Title VI. Depositions

Source: Title VI of S. 30 as originally introduced.

Endorsed: Department of Justice.

Title VII. Admissibility of Declarations

Source: Title VII of S. 30 as originally introduced.

Endorsed: Department of Justice.

Title VIII. Regulation of Litigation Concerning Sources of Evidence

Source: S. 2292.

Endorsed: Department of Justice.

Title IX. Syndicated Gambling

Source: S. 2022.

Endorsed: President in his message on "Organized Crime" Department of Justice.

Title X. Corrupt Organizations

Source: S. 1623 and 1861.

Endorsed: Suggested by President in his message on "Organized Crime" Department of Justice.

Title XI. Special Offender Sentencing

Source: Title VIII of S. 30 as originally introduced, and S. 976.

Endorsed: Department of Justice.

WISCONSIN ART PROFESSOR WINS INTERNATIONAL AWARD

Mr. PROXMIRE. Mr. President, I was delighted to learn recently that Paul S. Donhauser, associate professor of art at Wisconsin State University, has become the first American ever to win one of the highest awards of the international competition of artistic ceramics, which was held this year at Faenza, Italy. In the past, these biennial competitions have been exclusively dominated by Europeans.

Actually, this competition provided a double victory for Wisconsinites. In addition to Dr. Donhauser's coveted award, first place in a separate worldwide student competition went to David Debyl, a student at Wisconsin State University.

Mr. President, I ask unanimous consent that Dr. Donhauser's letter of October 6, 1969, to me, and an accompanying news article, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WISCONSIN STATE UNIVERSITY,
Oshkosh, Wis., October 6, 1969.

Mr. WILLIAM PROXMIRE,
U.S. Senator,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I thought you might be interested in knowing that I was just selected as the first American to ever receive one of the highest awards at the 27th International Competition of Artistic Ceramics, currently being held at the International Museum of Ceramics, Faenza, Italy. In addition, one of our students, David Debyl of Neenak, won first place in a separate worldwide student competition. Thus, for the first time in the history of the international show, teacher-artists and students from the same school were given these top honors.

I received the award at the last session of the Council of European Nations which was meeting at Faenza. It was at that time I felt extremely proud of being an American citizen and also representative of our state of Wisconsin.

I am a naturalized citizen who came to this state in 1948 from Germany. Since that time, this land has given me ample opportunities to work my way through school and compete for a career. The international award is really just a manifestation of my gratitude for having had these opportunities and privileges. It is for that reason that I write you, hoping that you can share with me indirectly, at least a short moment of happiness and pride in this event.

Thank you for allowing me to take a few minutes of your time.

Sincerely,

PAUL S. DONHAUSER,
Associate Professor of Art.

DR. PAUL DONHAUSER HAS INTERNATIONAL AWARD

Artists and art critics of five nations have selected the work of Dr. Paul S. Donhauser, associate professor of art at Wisconsin State University-Oshkosh, for the third highest international award at the 27th International Competition of Ceramics at Faenza, Italy.

According to Faenza Mayor-President Elio Assirelli, this is the first time that an award of this importance has been given to an American. In the past, the biennial international competitions have been dominated by Europeans.

Dr. Donhauser will receive the award Saturday at the International Museum of Ceramica in Faenza. For the competition, he submitted five stoneware ceramic pieces created during the past year. His work was screened by the international jury from Italy, France, Belgium, Germany and Switzerland. They also recommended one of his pieces be purchased by the International Museum for its permanent collection.

Donhauser left Oshkosh Wednesday for Italy to attend the state ceremony where the Faenza Municipal Administration and the Art Council of Europe will make the award. The WSU-O professor will receive the "Prize of the Ministry of Education in Honour of Gaetano Ballardini" and the sum of 500,000 lire.

In addition to the competition for professionals, a competition for students was won by a former WSU-O student. David Debyl, Neenah, was awarded a first prize for a large stoneware bowl and a cash prize of 50,000 Italian lire. Because Debyl was a student of Dr. Donhauser, his teacher will receive a gold medal.

Although five other WSU-O students submitted work for judging by the international jury, it is not known at this time whether or not their work has been accepted. This will be known at the time Donhauser returns.

Dr. Donhauser came to WSU-O in the fall of 1965. He received his baccalaureate and master's degrees from the University of Wisconsin and his doctorate from Illinois State University.

Over the past three years, Donhauser's work has appeared in numerous local, state, and national exhibitions and has won several awards. His work has been shown at the Everson Museum in Syracuse, the Milwaukee Art Center, Evansville Museum of Art and Science, Springfield Museum in Illinois, in Wichita, Kans., Peoria Art Center, Joslyn Art Museum, Des Moines Art Center and many other galleries, museums, and art centers.

In addition to his activities in the teaching and ceramic field, Donhauser is currently completing a book entitled "History of American Studio-Pottery."

SENATOR SCOTT PAYS TRIBUTE TO ITALIAN AMERICANS ON COLUMBUS DAY

Mr. SCOTT. Mr. President, I pay tribute to Pennsylvania's Italian Americans today on Columbus Day 1969, which was celebrated this past Sunday. During the last Congress, I supported legislation establishing Columbus Day as a national holiday.

This will be a long overdue tribute to the Italian Americans who have contributed so greatly to the progress of our Nation.

Nearly five centuries ago, Christopher Columbus sailed into the Western Hemisphere. Since that time, more than 12 million of his countrymen have followed him to these shores.

Establishment of Columbus Day as a national holiday is a long-overdue tribute to the discoverer of the New World and to the millions of Italian Americans whose ancestors made a new life in America and, in the process, contributed so greatly to the progress of our Nation.

Each year brings increasing recognition of the great contributions to a growing America which have been and are being made by our citizens of Italian origin. The music of Italian names fills the roll-call of achievement in nearly every area of American life. The Italian Americans have made a tremendously rich contribution to the United States and it is high time that we take action to recognize their contribution.

Our citizens of Italian descent have enriched our national heritage and our way of life through business, the professions the arts, politics, science, and sports. In every type of endeavor, the names of Italian Americans are prominent and respected.

Some of the more familiar are:

Philip Mazzei, friend of Thomas Jefferson, whose writing greatly influenced the drafting of our Declaration of Independence.

Constantino Brumidi, who painted the magnificent frieze in the great rotunda of the Capitol Building in Washington.

Charles Barsotti, who established the first Italian daily newspaper in America.

Enrico Fermi, who made possible the use of atomic power, the peaceful uses of which are continually creating exciting new possibilities.

Walter Alessandroni, Pennsylvania's late attorney general, who made outstanding contributions to government and law enforcement.

Anna Moffo, another Pennsylvania, whose glorious singing has made her name known throughout the world.

Michael A. Musmanno, Pennsylvania's late supreme court justice, who was one of the Commonwealth's and the Nation's most respected jurists.

PROGRESS THROUGH PARTICIPATION

Mr. STEVENS. Mr. President, the Secretary of the Interior, Walter J. Hickel, and the new Commissioner of the Bureau of Indian Affairs, Louis Bruce, each spoke before the National Conference of American Indians in Albuquerque, N. Mex. Their appearances before this group were highly significant in the highlighting of the positive approach the Nixon administration is taking in its dealings with our first citizens.

The remarks of Secretary Hickel show that this administration is both responsible and responsive to the needs and desires of the American Indians.

Mr. President, I ask unanimous consent that the texts of Secretary Hickel's and Commissioner Bruce's speeches be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

REMARKS BY SECRETARY OF THE INTERIOR WALTER J. HICKEL BEFORE THE NATIONAL CONGRESS OF AMERICAN INDIANS, ALBUQUERQUE, N. MEX., OCTOBER 8, 1969

To have the opportunity to address the group that represents so many of America's first citizens is indeed an honor for the Secretary of the Interior.

It is good to have the opportunity to get away from Washington, D.C. and out in the land, with you—America's first citizens.

It is good to join you in celebrating this 25th anniversary of the NCAI.

Through your organization, America's Indians, individually and collectively, have made great strides. Unfortunately, the NCAI and all of the other Indian groups, for too long have been trying to carve out their niche alone.

Government, in my judgment, has not met its responsibilities in helping you to secure your goals. In this respect, and before I go any further, I want to make one thing crystal clear: This Administration is dedicated to improving—not destroying—that special relationship that exists between Government, the Indians, and the land.

We are not a pro-termination Administration.

Several weeks ago, I was quoted in the press to the effect that "Hickel is for termination."

Let me set the record straight here this afternoon so that there will not be any further misunderstanding. Neither I nor this Administration have a pro-termination policy.

Such a policy can only be established by the Indian community itself, through a clear mandate on the part of your people.

Another way of putting it is that I personally, as Secretary of the Interior, and the Bureau of Indian Affairs, which is under my jurisdiction, do not intend to tell you what to do. Rather, we will listen to you, work with you, and implement the policies which, through mutual understanding, will be designed to further improve your state in life.

I also want you to know that President Nixon agrees with me completely in this line of policy thinking. He put it so well when he said that he will "help the Indian people reach the goals that they themselves have set and will set."

Not all the publicity surrounding the Secretary's job has been the most favorable as we build this new Administration.

One cartoon I saw showed one Indian saying to another:

"If you liked Custer, you'll love Hickel."

I hope that such cartoons will soon read:

"If you *like Indians*, you'll love Hickel."

I have searched long and hard to find the right man to represent all of America's Indians as Commissioner of Indian Affairs. In some areas, this delay has caused a rightful concern.

Happily, out of our search, and with your help—came Louis R. Bruce. He is a man many of you know and have worked with as a founder of this National Congress of American Indians.

And I want to tell all of you that Commissioner Bruce has my support and my ear.

I have told the Commissioner that I will insist that the American Indians have an important place in determining and making Indian policy, and implementing Indian programs.

There will be no plans concerning Indians without having Indians in the planning.

There will be no programs for Indians without Indians running the programs.

I believe in Indian participation while I was Governor of Alaska, and I had many Indians on the staff in my Administration.

All American Indians can be assured that I have lost none of my beliefs. I know that you have the ability—and I intend to utilize your talents.

Let me issue you an invitation to work with us, to begin to take action now for a rewarding future.

In our planning, I have taken two steps. First, I have announced the establishment of an Advisory Committee made up of your chosen representatives and Interior Department representatives.

Second, I have named Morris Thompson, an Alaskan Indian (who is sitting right here), as my Special Advisor on Indian Affairs in Washington.

He will remain here in Albuquerque this week and will be available to meet with you.

Only you know who your best spokesmen are. Tell Morris who they are. And tell him what items the Committee should face up to.

When he returns to Washington, Morris, Commissioner Bruce, Assistant Secretary Harrison Loesch and I will sit down and set up a meeting of the Advisory Committee.

We want this first meeting to be soon. And at each meeting we want your chosen representatives telling me the policies you want implemented.

We will also be in constant touch with the Vice President's Council on Indian Opportunity so our programs will be coordinated. I know that Vice President Agnew's aid will be invaluable.

There must be no conflicts with individuals or agencies, no interests greater to Interior than improving the quality of life for the American Indian.

First, there must be a general rise in the quantity and quality of education, and Indians must participate in that rise.

Indians must direct school boards. Indian parents and tribal leaders should be involved in school affairs.

Indian curriculums must be geared to the needs—both occupational and cultural—of the Indian.

And, we should remember that education can be both vocational and academic.

Good education is a community effort. And the school must be part of the community. This is being done at Rough Rock. It can be done elsewhere.

Next, we must make sure that unemployment doesn't start when education ends.

It is time to stop thinking merely of "economic development." Let's start thinking in terms of jobs.

For those reservations that don't want industry, we must make other plans.

Together we can develop plans so that Indians themselves contract to provide services in and around the reservations. We can establish more employment for Indians by having them meet the need of other Indians.

It is important that we build for the future as well as the present. It is important that we build for pride.

Without quality, as well as quantity, there can be no pride in your home.

Without challenge and diversity, there can be no pride.

Without pride in your home, it is doomed to a life of neglect and disrepair. We must work together to build that house.

As important as jobs and education and housing are, land and water daily affect each and every one of you. But the needs and problems vary from tribe to tribe and area to area.

As trustee for Indian Tribes, I have a duty to protect and defend your rights against all efforts to diminish or destroy them.

I will fulfill that duty.

Many of you know that as your Secretary, I have fought hard to get a generous settlement of the Alaskan land claims.

I have worked for legislation to get surplus government lands for the Indian tribes, with favorable legislative reports from our Department on such projects as Cheyenne River, Fort Berthold Laguna, Pueblo, Standing Rock, and Taos Pueblo.

And I have called a hearing at the request of the Fort Mojave Indians. They will be heard.

There are many other concerns in protecting the Indian land rights. I have been greatly troubled by the threat to Pyramid Lake in Nevada. I had an opportunity to see the Lake and to meet with the Pyramid Lake Indians prior to a meeting with the Governors of California and Nevada concerning the use of water in this basin.

There has been some misunderstanding of this complex matter, but I want you all to know that I am standing firm on providing sufficient water for the preservation of Pyramid Lake and protecting the rights of the Pyramid Lake Tribe.

I want to thank you for the Pyramid Lake Resolution No. 31 that passed last year's NCAI convention and was sent to me. It helped me adopt my policy.

Let me use this meeting to pledge to you that the American Indian will not be the "Forgotten American" in this Administration.

I worked hard as Governor of Alaska to improve native conditions there, and now as your Secretary, I have the same will to bring full citizenship to all American Indians.

There are many other needs—needs for all Indians, needs for just one tribe, needs for just one Indian.

The challenge to meet the needs is ours—yours and mine. I gladly accept that challenge and I know that you do, too.

With your ideas and your trust, we can make words come to life.

I can help. But, in the final analysis, the future of the Indians—America's First Citizens—must be shaped *by* the Indians, *for* the Indians.

ADDRESS BY COMMISSIONER OF INDIAN AFFAIRS LOUIS R. BRUCE AT THE 25TH ANNIVERSARY CONVENTION OF THE NATIONAL CONGRESS OF AMERICAN INDIANS, ALBUQUERQUE, N. MEX., OCTOBER 9, 1969

President Chino, Vice Presidents, and friends. I am especially happy to be here at the 25th Anniversary Convention of the National Congress of American Indians.

In the past I have joined you around the table as one of the charter members of the National Congress of American Indians. Our efforts then were to develop a forceful voice for the American Indians and to work to improve the legal, economic, and social conditions of our people. Today, I come as your Commissioner of Indian Affairs. The intensive efforts which you need to make and which I need to pursue are more pressing now than at any time in our history.

I have accepted the challenge of being the Commissioner of Indian Affairs fully realizing the tremendous task which I have undertaken. As Commissioner I want to get Indians fully involved in the decisions affecting their lives; then to get the Bureau of Indian Affairs to be totally responsive to Indian needs; and to develop a climate of understanding throughout the United States which will permit the full development of Indian people and their communities without the threat of termination. All of these tasks are of equal importance and must be pursued with diligence and at once.

I want to underscore, at this point, that I accepted the appointment of Commissioner, with the commitment and understanding that this administration was not going to become a termination administration and that I would have the fullest high-level cooperation in my efforts to reorganize the Bureau of Indian Affairs. I have been given these assurances.

Secretary Hickel strongly emphasized this in his speech last night, and Assistant Secretary Loesch has stated publicly on several occasions that this is not a termination administration.

Indians have had a unique relationship with the Federal Government since its inception. The core of this relationship has been the trust status of Indian lands. Because of the existence of the "Trust Land Status", Indian tribes have continued to exist and provided some degree of continuity for their culture and some identity for their members.

I, like you, hold this trust sacred, not just because I am an Indian who has invested much time and effort to protect it, but also because I believe sound government policy dictates this view as derived from the Federal treaties, public laws, and court opinions.

We propose to undertake an extensive study of the Federal trust relationship to make it a more flexible instrument for Indian development while fully protecting Indian resources. I will invite Indian people, as well as other experts in Indian law; corporation law; and property law, to assist us in defining the best way to obtain this flexibility. This means a new role for the agency will become necessary to serve you.

Beginning with the Indian Citizenship Act of 1924, services available to all other citizens, in some measure, began to apply to Indians. Particularly since 1934, the landmark legislation enacted by the Congress, which resulted in the many new social and economic development programs to assist the disadvantaged, have been of benefit to Indian citizens. They have derived benefits from these programs, not so much on the basis of their being Indians, but more on the basis of their being citizens in need, who by most standards qualify for such programs.

In the 1970 fiscal year, it is estimated that the combined expenditures of all Federal agencies assisting Indian people will be approximately $500 million. At least one-half of these monies will come from agencies outside the Bureau of Indian Affairs.

The dramatic increase in kinds and levels of services from the Federal Government has had an extensive impact upon the lives of Indian people as well as the Bureau of Indian Affairs and has contributed to more meaningful and comfortable lives for thousands of Indians.

Yet as far as I can determine to date, the organizational structure and personnel deficiencies of the Bureau of Indian Affairs have prevented it from helping Indians organize to get optimum Indian utilization of this new array of programs and services.

The Department of Interior and the Bureau of Indian Affairs will seek to serve as a spearhead for developing other agency programs for Indians. It is our intent to stimulate, facilitate, and support the direct involvement and planning between the Indian people and other agencies and departments.

What I have in mind, is the development of a strong inter-governmental relations unit in the Washington office of BIA. This office will take the initiative and work with other agencies and departments, to insure that old as well as new programs, are designed to meet Indian needs. This unit also will work Regional and State offices, and local tribal groups to assure that Indians are getting their fair share of these programs.

This means the Bureau staff must work aggressively at the local level with tribal groups, State agencies, and Federal and regional counterparts to develop and assist in implementing a viable plan for the development of Indian communities and people. If Bureau funds are minimal and the community needs are maximum, our staff will be expected to search out additional program monies from other public or private sources.

What I am emphasizing is the fact that a primary role for the Bureau staff will be to improve the conditions of American Indian people by utilizing resources from the public as well as private sectors.

Under our administration, the thrust of the Bureau will be to advocate and create improved conditions of Indian life and to activate Indian involvement in all matters affecting their lives.

In order to do this, we must have a Bureau of Indian Affairs structure, from headquarters to the agency level, which will support and direct the development of this role.

I have taken the initial step by first attempting to pull my own team together. At this point, I have sent forward a number of names of persons who would join me in my efforts to restructure the Bureau. Among the names are a number of persons whom you know and respect as Indians and who have a long history of fighting for our Indian rights. I would welcome any suggestion you have about appointments at all levels within the Bureau of Indian Affairs.

I have had an opportunity to talk extensively with many of you here at this convention, and you have given me many good ideas about how to undertake a plan of restructuring. I shall certainly follow your good advice and counsel.

I can pledge to you, that we will do everything in our power to make the Bureau a more flexible organization which will be responsive to Indian needs.

In restructuring the Bureau of Indian Affairs, I should not like to commit myself to any particular method of operation we will be using an internal working group on the immediate matter of redirecting Bureau functions and staff roles. On the broader issues of policy affecting Indian people, I shall call together Indian persons and Indian groups as well as other persons to look at specific issues which need new direction and new definition. Areas like education from pre-school throughout adulthood; tribal governments; the basic rights of Indian people and legal services; the development of economically viable Indian communities; the identification of methods to make the broad range of community services available to Indian people; ways to enhance the development and creation of community institutions, and Indian control of such institutions; improved use of heirship lands, and a true look at Indian heritage, accomplishments, and contributions.

One of my special interests is Indian youth. They are the largest and fastest growing segment of our Indian population, and our greatest asset for the future of Indian people. Over the years, we have made great strides in education and training but we have also ignored many of the pressing problems that come about as our communities change. For example, many of our young people are growing up without homes or communities. We need to look at this and find ways for them to feel more secure in their development and environment. We will be looking towards new and different alternatives of education not only for the very young, but also on the secondary post-graduate, and graduate levels. To help in these plans, I am forming a special youth advisory committee responsible to my office. As we form our other committees, advisory groups, and task forces, young people will be asked to serve as an important part of these.

We will be asking a number of young Indian people to work with us in bringing insights and understanding to their problems.

No one person can hope to achieve the many things I have talked to you about. It will require negotiations and building of relationships and commitments to Indian people and their future and by we the Indian people for our future. In a sense, an Indian Commissioner is a tightrope walker, he must look clearly at the goal of improving the conditions of Indian people, the trust relationship and protecting and developing the natural resources and water rights of our people. To do all this, the Indian Commissioner must operate as a part of the governmental process bouncing on the tightrope, and yet, keeping his feet firm, his eye sharp, and maintaining the cooperation and support of this entire process and the Indian people.

You are my biggest asset in this job. I intend to maintain and continue open dialogue with Indian interest organizations, like NCAI, as well as Indian tribes and individual Indian people, so that on the difficult issues, I will have Indian understanding and support.

We invite you to join us as full partners in discussing, planning, and implementing programs and services to improve all the facets of Indian life.

President Nixon has pledged that "progress through participation on the part of the Indians is now the basis of this administration's efforts to make progress in every area of Indian affairs." Secretary Hickel also has underscored this pledge and I am determined that my performance as your Commissioner will warrant your confidence, patience, and support in achieving a program which will be beneficial to all of us.

MISCONDUCT OF ARMY GENERALS

Mr. YOUNG of Ohio. Mr. President, it has been disheartening to Americans to read in the newspapers in recent days and to hear via television and radio the scandalous accounts of the dishonest actions of Maj. Gen. Carl C. Turner in buying revolvers and guns from the Chicago Police Department claiming he was buying them for Government use. Then, this general appropriated these weapons, purchased by him under false pretenses for his own use and personal profit. In addition, he sought to defraud our Government by not reporting this income for tax purposes. Now that his nefarious actions have been exposed after a lapse of years, on advice of his lawyer he has belatedly filed an income tax return for the year 1966.

Could it be ignorance on the part of this general? I doubt it. It was a dishonest act from the outset. Thoughtful citizens must have a feeling of shock and outrage about the operations of General Turner.

It is evident that he is a disgrace to the Army, of which he was the top police officer. President Nixon was amply justified in summarily dismissing him as Chief of U.S. Marshals, a job he took following retirement from the Army.

Furthermore, it appears he was a co-

conspirator and certainly he aided and abetted in cheating servicemen along with a group of corrupt Army sergeants who drained U.S. service clubs and cheated their fellow servicemen throughout the world by "skimming" the "take" from slot machines, stealing liquor, and paying themselves exorbitant salaries. Instead of exposing and prosecuting them, the best that can be said for General Turner is that he covered up and concealed their crimes.

Mr. President, as a member of the Committee on Armed Services I have on a number of occasions listened to the testimony of top generals and admirals of our Armed Forces, including that of Gen. Harold K. Johnson, former Chief of Staff of the Army. I have had cause to wonder whether there is something deficient and defective and inferior in the education and training given to cadets at the U.S. Military and Naval Academies. I hope not. However, it might be well to consider having a subcommittee of the Committee on Armed Services make a thorough investigation of both the U.S. Military and U.S. Naval Academies. Frankly, I have been so well impressed by the appearance and testimony of Air Force officers, and from personal knowledge of the operations of the Air Force Academy, that I feel that it is our outstanding service academy.

It comes as no surprise to me that Gen. Harold K. Johnson, former Chief of Staff of our Army, now comes to the defense of his choice of William O. Wooldridge in July 1966, to become the first sergeant major of the U.S. Army. He admits he made this selection despite the fact that Wooldridge during his period of service in our Army was apprehended and found guilty by court-martial of committing a crime, and sentenced to a term of hard labor for breaking into two telephone coin boxes in London and stealing the money from those coin boxes.

Gen. Harold K. Johnson is now on the defensive and is hard put indeed to justify his decision disregarding Wooldridge's criminal record and selecting Wooldridge as the oustanding sergeant of many thousands of truly distinguished sergeants in the U.S. Army.

Frankly, his decision should not be cause for surprise. Having observed him and listened to his testimony in executive and open sessions of the Committee on Armed Services, I had every reason to question his intelligence and doubt his judgment. As an example, I cite the fact that he stated in committee, and the records will confirm this, that "Russia is our sworn enemy and its leaders are sworn to bury us." When I listened to him so testify, I concluded that he was parroting untruthful, ludicrous propaganda of the John Birch Society and the Liberty Lobby, so-called. I suspected he was very likely a member of that lunatic right-wing extremist fringe group, the John Birch Society, so-called.

Knowledgeable men and women in our country are aware that of the many wisecracks of Nikita Khrushchev, the one which most Americans remember best is "We will bury you." Taken in full context, Khrushchev made it crystal clear at the time that he did not mean war. He said:

> I don't mean war. I mean competition. You say your system is best. We say our system is the best. Let's compete and see which is best.

General Johnson either was uninformed of that or purposely attempted to distort the meaning of Premier Khrushchev's statement for propaganda purposes.

I consider that General Johnson has been derelict in the performance of his duty in the high position in the Army which he held. His selection of Wooldridge and his recent actions in supporting and defending malfeasance and criminal acts have gone a long way toward causing the American people to question the judgment and integrity of all the generals of our Armed Forces. That is most unfortunate, especially at a period of our history when many Americans, for good reason, are questioning the judgment of our military and naval leaders.

TIME IS RUNNING OUT FOR THE BIG THICKET OF SOUTHEAST TEXAS

Mr. YARBOROUGH. Mr. President, in a penetrating and timely article published in the Living Wilderness, Mr. Orrin H. Bonney accurately depicts the danger confronting one of the Nation's last great wilderness areas—the Big Thicket of southeast Texas.

At one time, this beautiful and unique wilderness consisted of more than 3.5 million acres. Today, however, the Big Thicket has been reduced by insensitive and careless industrial operations to only 300,000 acres—one-tenth its original size. With every day that passes, the Big Thicket, which is the last refuge for many species of wildlife and has many unique combinations of plant growth, is reduced by 50 acres.

To save the Big Thicket from being completely destroyed, I have introduced S. 4, which would create a 100,000-acre Big Thicket National Park. This proposal has gained the support of civic and conservation groups throughout the United States. We must act now if future generations are to have the benefit of this beautiful area. Time is running out on the Big Thicket.

Mr. President, I ask unanimous consent that Mr. Bonney's article, entitled "Big Thicket—Biological Crossroads of North America," published in volume 33, No. 106, of the Living Wilderness, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Big Thicket: Biological Crossroads of North America

(By Orrin H. Bonney)

Big Thicket, near the great population centers of Dallas, Houston, and the Beaumont-Orange-Port Arthur complex of East Texas, was once a sweeping expanse of about 3.5 million luxuriantly forested acres. It has been whittled down to less than one-tenth of its former size. But the 300,000 remaining acres contain great beauty, and habitats that are ecologically unique.

Most of its wilderness was raped decades ago, but Big Thicket has remarkable recuperative powers. Stumps decayed, and dense undergrowth recaptured the sites of old sawmill towns. And fortunately, there are areas that axe and machine have never reached.

Today, the last 300,000 acres of Big Thicket are under renewed attack. The entire acreage is privately owned, most of it by five lumber companies. Lumbermen, pipeline companies, and real estate promoters are racing to carve up Big Thicket at the dismaying rate of 50 acres a day. It is now or never if significant parts of Big Thicket's last 300,000 acres are to be preserved.

Citizen groups in Texas are preparing a comprehensive plan for preserving the values of Big Thicket and East Texas piney woods. With full details to be developed, the plan proposes, in essence, the following:

1. Unique specimen areas of Big Thicket to be preserved in their natural and untouched state. These would give the public an opportunity to observe, and scientists to study, the ecological progress of nature in the area. These should be under the jurisdiction of the National Park Service.

2. Wildlife areas of sufficient size and forest cover to be provided for restoration, habitat, and protection. Not only would this enable a species such as the rare ivory billed woodpecker to survive, but ultimately it would provide a reservoir of abundant game which would help stock outlying hunting territory and leased hunting preserves. These wildlife areas should be under the jurisdiction of a State or Federal bureau, preferably under the U.S. Fish and Wildlife Service.

3. Timber management areas to be established for timber harvest and multiple use under concepts similar to the U.S. Forest Service and with all conflicting use and developments prohibited. These should be under U.S. Forest Service and forest industry jurisdiction. The forest industry of East Texas cannot survive encroachments of subdivisions, weekend homes, the construction of concrete canals, the drainage of woodlands, and false notions of what combinations of trees will produce the best forest.

4. Rivers and streams with a wide corridor on both sides to be preserved in their natural beauty, accessible to canoeists for primitive camping our forefathers once enjoyed. The Neches River corridor should encompass the entire floodplain.

5. Highways bordered with a deep corridor of natural forest, preferably one-half mile each side, to provide access and sightseeing to Texas' greatest tourist attractions, so long unnoticed. The streams and adjoining corridors could be preserved by State and Federal laws within the concepts of the National Wild and Scenic River System Act. The highway corridors could be part of highway planning, State and Federal.

6. Recreational facilities, including camping, boating, horseback riding, and hiking, to be provided to reasonably handle the masses of visitors who will inevitably visit this beautiful section of Texas to enjoy its lakes and great out-of-door features—but with such areas set apart so that the unique units will not be trampled, developed, endangered, and destroyed. Since timber management, hunting, and grazing are compatible with most of the recreational objectives, these could be under the jurisdiction of the U.S. Forest Service.

This plan is by no means as complex as it may appear. While U.S. Senator Ralph Yarborough of Texas has introduced a bill (S. 4) to establish a Big Thicket National Park of "not less than 100,000 acres," this does not appear to be sufficiently comprehensive to protect all that should be protected of this unique area—as Senator Yarborough himself hopefully would agree. A proper test of public opinion both in Texas and in the Nation with regard to the comprehensive plan outlined above would undoubtedly be welcomed

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both by Senator Yarborough and by U.S. Senator Alan Bible of Nevada, who heads the Senate Committee on Interior and Insular Affairs, which is considering the Yarborough bill.

Time is running out for Big Thicket. The whole Nation stands to lose if this "biological wonderland" falls to the axe and the developer.

ADDITIONAL ALABAMA CASUALTIES IN THE VIETNAM WAR

Mr. ALLEN. Mr. President, on September 26 I placed in the RECORD the names of 908 Alabama servicemen who were listed as casualties of the Vietnam war through July 16. In the period from July 17 through October 3, the Department of Defense has notified 34 more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 942.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names and the next of kin of 34 Alabamians.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM, JULY 17 THROUGH OCTOBER 3, 1969

ARMY

Second Lt. Dan B. Yarbrough, son of Mrs. Ralphina B. Yarbrough, 803 Osceola St., Wetumpka 36092.

Cpl. M. Beverly, son of Mr. and Mrs. Robert E. Beverly, 1605 North Ward St., Greensboro 36744.

Cpl. Daniel A. Bolduc, husband of Mrs. Linda N. Bolduc, 621 Borland St., Geneva 36340.

SSg. Raymond H. Hardin, husband of Mrs. Eula D. Hardin, 38 Gunter St., Riverside Drive, Montgomery 36104.

Sfc. George W. Pierce, husband of Mrs. Florence J. Pierce, Rt. 5, Box 40, Anniston 36201.

Pfc. Virgil L. Castle, son of Mr. Oza L. Castle, c/o Mr. Jackie Bass, 512 Glenndale Ave., Florence 35630.

Pfc. Billy W. Earp, husband of Mrs. Margie G. Earp, 1303, 5th Ave., SE Decatur 35601.

Sp4. James L. Johnson, son of Mr. and Mrs. William D. Johnson, Rt. 1, Eldridge 35554.

Sp4. Richard M. Wise, son of Mr. and Mrs. Marvin Wise, Box 125, Dora 35062.

Pfc. Thomas D. Jones, husband of Mrs. Barbara L. Jones, 6512 Court F, Fairfield 35064.

Sfc. William N. LaGrone, husband of Mrs. Betty M. LaGrone, Chalkers Trailer Court, Daleville, 36322.

Sp4. Bobby Riddle, husband of Mrs. Peggy J. Riddle, Rt. 2, Box 322–C, Selma, 36701.

Pfc. James C. Tosh III, son of Mr. and Mrs. James C. Tosh, Jr., 4801 Chaudron Dr., Mobile, 36618.

SSg. Sam J. Small, Jr., husband of Mrs. Georgia M. Small, 554 South Franklin St., Mobile, 36603.

Pfc. Carl C. Harris, son of Mrs. Hattie R. Williams, 1503 Hardaway St., Montgomery, 36106.

Pvt. Dennis L. English, son of Mr. Sammy English, Rt. 5, Box 274, Russellville, 35653.

WO1 Barry B. Coers, huband of Mrs. Patricia A. Coers, 107 Forrest St., Headland, 36345.

Sfc. Ralph E. Johnson, husband of Mrs. Mary L. Johnson, Rt. 2, Box 316–A, Jacksonville, 36265.

Cpt. Richard C. Miller, son of Mr. and Mrs. Richard L. Miller, 400 Gale St., Jacksonville, 36265.

Pfc. Gary C. Harwell, son of Mr. and Mrs. Herman L. Harwell, Rt. 2, Box 506, Athens, 35611.

SSg. Lewis E. Wood, husband of Mrs. Madeline J. Wood, Rt. 3, Guntersville, 35976.

Pfc. James D. Darwin, husband of Mrs. Martha J. Darwin, Rt. 1, Dutton, 35744.

Sgt. Donald W. Churchwell, husband of Mrs. Nancy Churchwell, Rt. N, Box 85, Birmingham, 35217.

Pfc. Johnnie R. Miller, son of Mr. and Mrs. J. D. Miller, Rt. 1, Box 148, Mt. Olive, 35117.

Pfc. David W. Smith, son of Mr. and Mrs. George W. Smith, Rt. 3, Box 280, Opelika, 36801.

WO1. David R. Jackson, husband of Mrs. Mary W. Jackson, 211 Terrace St., Sheffield, 35660.

MARINE CORPS

Pfc. Gwyman Stribbling, son of Mr. and Mrs. Evans Fox, 2228 29th Ave., North Birmingham.

Cpl. John C. Whiteside, son of Mrs. Gladys W. Whiteside, Rt. 5, Box 231, Fayette.

Pfc. John R. Watts, son of Mr. and Mrs. William E. Watts, 6152 Court M. Ensley, Birmingham.

Lcpl. William F. Davis, Jr., son of Mr. and Mrs. William F. Davis, Rt. 1, Vina.

Pvt. Johnny R. McKenzie, son of Mrs. Margaret Clapper, Rt. 5, Box 231, Phenix City.

1st Lt. Robert E. Lavender, husband of Mrs. Theresa M. Lavender, 3794 South Court St., Montgomery.

AIR FORCE

Capt. Kenneth J. Hamrick, husband of Mrs. Louise M. Hamrick, 620 Parkman, Selma, 36701.

NAVY

Fn. (Fireman) Lonnie R. Parker, son of Mr. and Mrs. Johnie Parker, 1029 Barnes Dr., Bessemer.

BITTERNESS IN VIETNAM

Mr. McGEE. Mr. President, in his continuing reports from Saigon, Crosby Noyes, of the Washington Evening Star Thursday spelled out a point which bears attention; namely, that to those on the scene, who are fighting for survival, the most extreme critics here in America are quite literally "The enemy." Those are strong words—almost as strong as those used by some of the more critical elements here at home. Those who hope for defeat in Vietnam advocate sheer lunacy from the standpoint of the overwhelming majority of people on the scene, no matter what their nationality, reports Noyes.

I ask unanimous consent that Mr. Noyes' report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BITTERNESS IN VIETNAM MAKES WAR CRITICS "ENEMY"

(By Crosby S. Noyes)

SAIGON.—It is distressing, though not particularly surprising, that many of those who are fighting and working in Vietnam have come to refer to parts of the American press and some political leaders as "the enemy." They mean it, furthermore, just as literally as when they speak of the Viet Cong in the rice paddies and the government in Hanoi.

This is not a military-civilian or even a hawk-dove antagonism. The differences are much deeper than these terms would imply. And the enmity, quite certainly, is mutual.

The bitterness encountered in Vietnam is the bitterness of men who feel that they have been betrayed. They have come to believe in the job that they were sent out here to do. Far beyond the rhetoric of any political speech or newspaper editorial, they understand what has been accomplished here—and at what cost—and what remains still to be done. For them, "the enemy" is anyone who stands between them and the objective.

Anti-war sentiment they understand well enough, particularly among the young people who are being asked to bear most of the sacrifices that the war entails. Other aspects of American policy such as the stopping of the bombing of North Vietnam, the peace talks in Paris, the Vietnamization of the war and the withdrawal of American troops, they have accepted dubiously as elements of a higher diplomacy.

But it has been hard for them to accept the fact that some Americans—including some who hold positions of authority—should be actively working against the success of the American effort here.

It is only recently that they have come to realize that there are a considerable number of Americans who pray that the war in Vietnam may be lost for what they consider to be the most high-minded and patriotic reasons. The main reason, quite simply, is the hope that a defeat in Vietnam will demonstrate once and for all the futility, if not the immorality, of using American power to change the political and military equations in such areas of the world as Southeast Asia.

This is perhaps a tenable point of view in Washington, but it is not congenial to people who are fighting a war of survival. And since the objectives of the two groups are directly contradictory, it is inevitable that they should have very different ideas about the course American policy should take in the future.

To the overwhelming majority of people in Vietnam—regardless of their nationality—the ideas of the American opposition add up to sheer lunacy.

As they see it, the United States, after four years and an immense sacrifice of blood and treasure, has achieved a position of clear military and political superiority over an implacable and determined enemy. To them, it is simply unthinkable that this position should be abandoned in the illusion that the chances of a peaceful settlement of the conflict would be improved.

Nor is the military position by any means the only one being threatened.

In the course of the same four years, the political strength of the government in Saigon has been significantly increased. After a long series of military coups following the assassination of Ngo Dinh Diem, the present government has remained in power since 1965.

During this time, a national constitution has been promulgated, a national assembly and other democratic institutions have been created, and elections have been held on both the national and local levels.

With all this, it may be that the regime presided over by Nguyen Van Thieu is something less than a model of liberal democratic government.

Below the top level, there is undoubtedly some corruption, as there is in most governments. Newspapers and politicians who have been sympathetic to communism have been dealt with severely. Nevertheless, in the opinion of the most competent observers here, the Thieu government is the most secure, the most effective and the most widely supported of any that South Vietnam has ever had.

And the result is that this same government is now the object of the most unbridled attack from opponents of the war that has been seen since the days of Diem. People in

Washington who know literally nothing about Thieu or the realities of Vietnamese politics rise daily to denounce the Saigon regime as corrupt, repressive and unrepresentative.

The common theme is that it is the Thieu government, rather than the leaders in Hanoi, Peking and Moscow, who represent the real obstacle to peace in Vietnam. In order to remove this obstacle, it is suggested that the Saigon regime must somehow be coerced into stepping out of the picture to make way for a "coalition" with the Communists, who would then, presumably, conclude an honorable peace.

Fortunately, nothing of the sort is likely to happen. At this point, it is most improbable that the Thieu government can be forced by anyone into surrendering South Vietnam to Communist rule, no matter how loudly and insistently "the enemy" may demand it.

ADEQUATE POWER FOR THE PACIFIC NORTHWEST

Mr. MAGNUSON. Mr. President, I commend to all Senators a speech delivered by the senior Senator from Oregon (Mr. HATFIELD) before the Board of Realtors in Portland on October 1, 1969. I was particularly pleased to see the Senator's emphasis on what I consider to be one of the great problems in the Pacific Northwest—that is, the problem of providing adequate power to meet the needs of the future without damaging our environment or our ecology.

I think that the Senator from Oregon has spoken persuasively and with great insight on this pressing problem.

It is also of significance to notice the impact of the President's decision to curb construction projects; particularly as it affects the ability to meet our power requirements. I commend this speech to the Senate because it stresses the necessity for reexamining our national priorities in light of domestic demands. These are demands which must be answered now if we are not to seriously detract from our quality of life.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR MARK O. HATFIELD BEFORE BOARD OF REALTORS, PORTLAND, OCTOBER 1, 1969

When I was elected Governor in 1958, Oregon was in an economic slump. We had a high unemployment rate; our people had less than the national average per capita income; we had a great outflow of our young brainpower from the State, and we were dependent, primarily, upon one industry for our livelihood.

My administration went forward vigorously with an economic development program and, I think, we proved that Oregon could make progress by diversifying and increasing employment opportunities and still improve the livability of our environment. Our industrial base had broadened, our per capita income has increased, and this has brought with it the means to enjoy more leisure time.

During the period I was Governor the Oregon State Sanitary Authority became increasingly active in both air and water pollution control.

The 1959 session of the Legislature gave responsibility to the Commission in air pollution control similar to what it had in water pollution control.

These laws were strengthened in each succeeding legislative session while I was Governor.

Air quality control programs were adopted in Portland and most of the Willamette Valley during this period. More than $6 million was invested in air quality control facilities; more than $86 million was spent in water pollution control during the same period.

The population of Oregon served by sewage treatment increased from 90% in 1956 to 98% in 1966. The pulp and paper industry installed year around primary treatment facilities and commenced installation of secondary treatment.

This was done during a period of extensive additions to our economic base.

I have continued to work for legislation which would provide for the outdoor recreation needs of all our people. Last year, I sponsored a bill (which passed the Congress) to create the Mount Jefferson Wilderness Area, composed of 100,000 acres in the Central Cascades. I have introduced legislation to create the Eagle Cap Wilderness Area in the Blue Mountains of Wallowa County. Hearings on this bill are planned for La Grange later on this year. I have introduced legislation to provide for a study of the Cascade region north of Crater Lake for the purpose of determining the feasibility of a national park in that region.

As a member of the Senate Interior Committee, I shall continue to work for the greatest development and use of our remaining lands for the recreational use of our growing population.

But today, despite the great progress Oregonians have made, despite the fact that Oregon has continued to enjoy economic advancement—along with increased opportunities for recreation and a way of life which has made our State the envy of the Nation—the dangers of which I have warned in the past are upon us.

Today, there are those who would place a moratorium on the continued growth of this area. Today there are those who would relegate Oregon to a role of playground for the rest of the Nation. There are many who seem willing to ignore the fact that with a loss of vital payrolls, we would also lose the money-in-pocket to enjoy such a playground.

Where are those among us with the vision to see that, with proper planning and money, Oregon can have economic advancement and maintain an environment that enhances the life of its citizens?

We are literally at a crossroads, a point in time where an improper turn will within a very short period affect each of you, as well as every other citizen of our state and nation.

You have read in recent weeks of the National Administration's announced intention, to curtail federally-funded public works and other new construction, and to withhold funds for these purposes by some 75 per cent.

The full impact of this announcement is difficult to assess in the absence of details applying to specific projects or programs. But it is clear that any curtailment of federal construction money at this time will irreparably damage both the economy and the environmental excellence of our state.

The Mayor of Salem was in my office recently pleading for federal funds for sewage systems so that the Willamette River could be made a decent waterway. I continually read in the newspapers of the crisis conditions in other cities of our State which just do not have the tax monies to make their rivers usable for either industry or private citizens.

If federal money is curtailed (which follows a three-year period of budget cuts and stretchouts) then our vital flood-control projects, power generation plants, navigation, irrigation, recreation, and all water quality control and other water resource facilities in the Columbia River Basin will be dangerously damaged. These cutbacks affect the economy; they affect the livability of our state, and not only the health of our people, but the esthetics—the quality of life in our state.

Because of the fact that the major part of our land is federally-owned, its forests and water resource development programs are largely federally-managed, Oregon perhaps to a greater degree than any other State will suffer from these federal cutbacks.

Our air is becoming unbreathable, our water is becoming unusable, our cities are rapidly becoming unlivable. But there is no reason why we must let our environment deteriorate in this way. Our nation's financial resources and technical knowledge are more than sufficient to prevent this—if we but use them wisely. We find ourselves presently confronted with this crisis because of our past folly and irresponsibility. Our own values and priorities must be reoriented if we are to renew the fabric of our society and its physical environment.

In the FY69 budget, only $250 million dollars were appropriated for programs of research and investigation relating directly to environmental quality. The sum total of money is equal to the cost of only three days of the war in Vietnam.

I certainly recognize the urgent necessity for halting the terrible inflationary spiral we are caught in. But I seriously question cutting back on the kind of federal investments which have in the past demonstrated tangible monetary returns and which have provided sound economic development—and at the same time they have allowed balanced and maximum use of our natural resources.

Consider one potential wealth-producing area of investment, alone.

The U.S. Army Corps of Engineers, for water resource development, had a backlog of some $8½ billion in construction work throughout the Nation; the total today is $10 billion. In the Pacific Northwest, the total authorized but unconstructed federal civil works programs amounts to about $40 billion. And construction costs keep going up. Any delay would add some $2 billion a year to the eventual total costs! Just in the interest of sound fiscal investment and management of our tax money, we cannot permit these cutbacks to happen.

Our national budget is dominated by military expenditures, and our Nation's internal strength is being severely depleted by the continuing war in Vietnam. Thirty billion dollars a year (or about one out of every five of your tax dollars) goes to pay for this effort. This means that today, alone, some $82 million is being spent on the Vietnam war.

The experts tell us it will cost the Nation from $12 to $15 billion to make our air again fit to breath, and that we should spend from $25 to $30 billion in the next five years to clean up our rivers, streams, lakes and bays.

Somehow we seem to find all the money necessary to spend in Vietnam, but we cannot allocate sufficient funds to meet our pressing environmental needs at home. As we spend billions to devastate the land of Vietnam, our own land suffers gravely from neglect. We just must reverse the present trend. In Oregon alone this will take billions of federal dollars.

We can spend $700 million for the initial stages of the multi-billion dollar Anti-Ballistic Missile system, but the Administration allocates a similar amount for the Nation's Corps of Engineers budget—when we have a $10 billion backlog of construction!

We can spend $1 billion dollars for a nuclear aircraft carrier (the U.S.S.R. has none) and provide a pittance for our model cities program—only $287 million has been authorized for 1971.

We allocate meager sums of money for housing at a time when the cry for decent

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housing for middle- and low-income families fills the land. Housing, without doubt, is one of our most serious domestic needs.

Mr. Edward P. Cliff, Chief of the Forest Service, has testified that current demand for timber products in the United States is over 13 billion cubic feet annually. He expects the demand to almost double by the year 2000 to 28 billion.

We are producing half of our national housing goal of 2.6 million houses a year. One billion cubic feet of lumber products produces about 100,000 houses.

Chief Cliff has also testified that with sufficient funds to manage our National Forests properly, they would be capable of producing 21 billion cubic feet a year. This, along with privately-owned forests, will meet our housing needs.

More than adequate funds for intensive forest management are generated from the sale of timber. Congress has not, however, appropriated a sufficient amount to permit the harvesting of timber up to the full capability of our forests. The instability of our lumber markets is due substantially to this.

These administration cutbacks for domestic programs leads me to keep pounding away in the Senate on the urgent need to reorder our spending priorities in this country.

We need this federal money for housing, we need money for water and power resource development in Oregon and in the whole country. We need to change our priorities for Government spending.

It is not difficult to establish a case for a revision of national priorities in spending. At the present time about $53 of every $100 paid in federal income taxes goes directly to the Department of Defense. Further, about $5 is devoted to veterans' payments, and almost $11 goes to pay interest on our national debt, incurred from past wars. (Incidentally, we have spent one thousand billion dollars on military spending since World War II.)

Thus we find our Government spending about $70 out of every $100 it collects in taxes to pay for the cost of past and present wars and for defense and military weaponry for the future.

The $30 remaining out of the $100 in taxes must be meagerly divided between housing, education, health, social services, space, agriculture, commerce, transportation, international assistance and natural resource development.

Only $1.26 of the 100 tax dollars goes to water resource development programs which are so vital to Oregon's economy.

There can be no question about the need for a strong national defense, and I am a strong believer in this goal. But let me remind you of the words of one of our Nation's greatest national and military leaders, Dwight David Eisenhower. He said:

"Every addition to defense expenditures does not automatically increase military security. Because security is based upon moral and economic strength as well as military strength, a point can be reached at which additional funds for arms, far above bolstering security, may weaken it."

When President Eisenhower left office, defense expenditures totaled about $45 billion annually. Today, the figure is in excess of $80 billion. Perhaps you will agree that the words of Eisenhower apply to our day, and that continued military expenditures must not be left unchallenged and unquestioned. I am pleased to note that the Chairman of the Federal Reserve Board just last Saturday said we should cut our military expenditures by 10 to 15 billion dollars.

Remembering the comparatively insignificant sum of money allocated to natural resource programs, it is ironic to note that almost without exception, such programs not only build the economy and enhance the environment, but make a profit for the federal treasury.

Therefore, is it not better to place priorities on the enhancement of life rather than its destruction?

Our federal forest programs annually return to the federal and local treasuries sums far in excess of expenditures.

The Federal Columbia River System power program can be similarly measured. The Nation is getting a good return on its investment, even when only cold dollars and cents are considered.

Power revenues have been in the past and will continue to be sufficient to amortize the federal investment, while at the same time paying the cost of other important benefits along the way.

Clearly this is a wealth-producing program for Oregon, even if we disregard myriad additional benefits, such as flood control, navigation, irrigation, recreation and water quality improvement.

The contribution of the federally-operated Columbia River Power System to the well-being of this area, and the Nation, is of such magnitude and importance that any thought of its diminution through neglect by the Federal Government is totally incomprehensible to me.

I very much fear a polarization of attitude is developing between Oregonians. The average citizen, the housewife and the wage-earner all have a tremendous stake in this matter. And it is unfortunate that this polarization of attitude is taking place.

Those of us who suffered from loss of jobs, the slowdown or shutdown of industries and businesses from a cutting off of our power resources during the Columbus Day storm of 1962 well know the meaning of a "brownout" or a "blackout". We need no reminder of the adverse economic impact which can result from the curtailment of electrical energy from these important public works.

We know, too, that the electroprocessing and other industries of this area which are direct customers of Bonneville Power are among our principal payroll producers. These industries both in the Northwest and across the Nation will be immediately and directly affected by any power curtailment.

Bonneville has warned that they cannot renew existing contracts with these firms. Unless there is a reversal in the current trend of government spending, the electroprocessing industry in the Northwest as we know it today may be gone by the late 70's.

The list of nationally and internationally known firms with home offices or substantial branch operations in our state is long and imposing. Tektronix, Field Emission, Omark, 3–M, Reynold, Harvey, Hanna, Weyerhauser, Georgia-Pacific—these are only a few of the industries who have found the quality of our environment powerfully attractive in encouraging executives and others to come to Oregon.

When I was governor, I warned in countless speeches about the continued need for sound long-range planning, lest the environmental factor be overlooked and diminished. The existing balance between the economy and the environment could be knocked askew—either through a disregard of fundamental facts or the unwillingness of government, business or individual citizens to jointly participate in programs designed to maintain Oregon's livability and to insure continued economic progress.

In my final address to the Oregon Legislative Assembly I spoke of the population increase, the advancement in our educational system, the job development programs which had resulted in more than 180,000 persons being added to our business and industrial payrolls, the new plans and expansions totalling over 700, the development of more than 30 new state parks and waysides, stronger pollution control, and initiation of a comprehensive long-range water study.

All of these programs combined during the period 1959 to 1967 when I was governor to help assure that our important economic-livability balance was maintained.

Today, despite the gains we have made, the dangers of which I warned then are upon us now.

In recent weeks I have written to and conferred personally with President Nixon on these matters, particularly stressing the magnitude of their importance—not just to Oregon, but to the entire Nation.

For instance, our Northwest aluminum plants produce ingots and other forms which are, in turn, shipped to plants in Michigan, Kentucky, Iowa, Ohio, Pennsylvania, Illinois, California, New Jersey, Indiana and Arizona. Any curtailment of production in Oregon—because of construction cutbacks and potential brownouts—would adversely affect other areas as well.

During 1967, Northwest electroprocessing plants served directly by Bonneville Power employed over 13,000 people with total wages and salaries of over $106 million. Total direct and indirect regional employment, attributable to industries served directly by BPA, is estimated at 41,000.

These industries bought materials and supplies totalling about $105 million from our Pacific Northwest industries. Freight payments were about $52 million. Payments for electric power purchased were about $46 million. State and local taxes paid by these plants approximated $10 million. Net plant additions during 1967 exceeded $97 million. In total, Northwest electroprocessing plants served by Bonneville spent $417 million within the region in the single year of 1967.

Clearly then, if Bonnneville's forecast of cutbacks in electric power (which was announced even before the recent Administration threat of 75% curtailment in new construction), becomes a reality, Oregon, the Pacific Northwest and the entire Nation will suffer immense damage.

The warnings are clear, there is still time to reverse the trend, to take the right road and to avoid the consequences of shortsightedness.

We are not faced with an either-or situation on this matter of power-generating projects versus environmental protection or enhancement.

Aside from the necessity for proper planning, the compatibility of power generation programs and environmental protection has been reinforced through establishment of appropriate policies at all levels of government and throughout the private sector.

The Federal Water Quality and Clean Air Act guarantees this king of environmental protection and improvement. At the same time, if implemented by federal money, it can make possible the strengthening of our economy and the creation of new wealth—wealth which I maintain is necessary for the enjoyment of a higher than average standard of living, wealth which is necessary for purchasing new homes, as well as money for leisure and time pursuits so important to our way of life.

Unfortunately, because of military spending and the inflation which has resulted in such inordinate purchases of weaponry, the money has not been available in the federal budget to meet our important resource needs.

Spending for water resource and power-generating plants can go hand-in-hand with providing needed recreational development. On the mainstream of the Columbia, the building of dams and reservoirs has opened the great out-of-doors to additional millions of people. On tributary streams the private utilities have also made provisions for the recreation needs of our citizens.

But those who criticized and attempted to block plans for construction of Bonneville Dam 30 years ago have counterparts in our day. Just as in the early thirties, there was an unwillingness to face the facts of life which made the building of Bonneville a necessity. We find a similar unwillingness to face facts today.

The growth of Oregon, population-wise, to more than double its size in 1937, and the forecast of an additional increase over the next two decades to a point where Oregon alone will have nearly three million people (with corresponding increases in the demand for electrical energy for everything from toasters to irrigation systems) make inescapably obvious the course we must take. We just cannot take a pill and make these people disappear—they are here and their needs must be provided for.

In addition to the increase in costs which construction delays have brought to date, we must add losses which accrue through failure to meet timetables. The failure to make federal funds available, for instance, for Lower Granite Dam completion, or for the complete installation of additional generators at The Dalles Dam, will sacrifice flood control and power generation vitally needed and will compound total future costs not only to our region but the entire Nation.

In the case of the Dalles Dam, the Federal Government has invested almost a quarter of a billion dollars. Yet the present cutback on installation of final generating units comes at a time when the project is nearing the point of generating maximum returns on investment.

Instead, a lack of funds means that some of the turbines and generators now on order will have to be stored if delivered on schedule.

Budget matters, beyond the restoration of recent cuts and threatened curtailment by the Administration, are within the realm of Congress and its appropriations committees. I shall continue to fight the strongest battles before these committees. But this, in itself, is not enough.

We in the Northwest delegation must continue to make these administration budget-cutters realize that we in Oregon and the Northwest are not wholly provincial—that our water resource developments, our forest programs, our electical-generating capabilities are inescapably tied to other areas of the Nation and that the well-being of all of our citizens is at stake.

Therefore, there must be an increased public awareness, an increased public demand, if you will, an upswelling of public opinion directed toward the administration, demanding that America's needs be met financially in areas other than military.

There should be no pitting of one group against another through a blind ignorance of the facts or an absence of accurate data with which to support our cause.

There must be a recognition on the part of all of us that unless we move ahead now, confidently and vigorously, toward meeting our electrical energy requirements, we will have sacrificed this region's opportunity for greatness.

And at the same time we will have created unnecessary hardship for our Oregon citizens as well as in other areas of the Nation.

With sound planning and adequate financing, we CAN meet the environmental and economic needs of our people in Oregon.

But we cannot speak with divided voices. We must unite if we are to safely meet the crisis that we face. If we do we will move steadily towards economic stability and the maintenance of Oregon's livability which we treasure.

THE TONIC OF WILDERNESS

Mr. NELSON. Mr. President, for years this country, happily on its way toward urbanization, industrialization, and prosperity, saw nature as something to be conquered and exploited. Judging from articles I read in newspapers and magazines and from the mail I get from citizens who have seen the effects of this attitude on our streams and air, it is evident that there is grave public concern about this problem.

This concern over the environment has led me to propose a national "teach in" this spring that will enlist the energy and involvement of our young people in the solution to this national crisis.

An editorial published in the Madison, Wis., Capital Times indicates the particulars that concern the citizens of Madison, calls for a halt to the plunder of the American landscape, and points up the need for a Federal agency to oversee the environmental implications of all Federal policies and projects. I am optimistic that legislation now close to congressional enactment to create an Office of Environmental Quality and a Board of Environmental Quality Advisers will be a major step toward filling this need.

The article, although using local examples, hits upon a national concern. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Is America Destroying Its "Tonic of Wildness"?

"We need the tonic of wildness," wrote Henry David Thoreau. ". . . We need to witness our own limits transgressed, and some life pasturing freely where we never wander."

Whether our own children will experience that "tonic" is now an open question. For the American landscape, even that part which has traditionally been protected from commercial exploitation, is under assault from all sides.

The Sierra Club, that fierce guardian of the nation's dwindling wildlands, has been fighting an uphill battle for several years to keep the Walt Disney organization from turning Mineral King Valley in California's Sierra Nevada mountains into a year-round alpine ski resort.

The 1,500-acre tract of towering sequoias, crystal lakes and protected wildlife may yet succumb to the polluters and private profiteers, despite a recent federal court injunction which blocks development temporarily. The prospect is doubly outrageous, in view of the fact that Mineral King is publicly owned (officially designated the Sequoia National Game Refuge), and is in the stewardship of the National Forest Service.

The Everglades National Park in Florida, the last such aquatic wilderness on the Eastern Seaboard, also appears doomed by a jetport under construction just to the north.

In Michigan's upper peninsula, Sylvania, a 29-square mile wilderness tract which is part of the Ottawa National Forest, is threatened with permanent degradation by the U.S. Department of Agriculture, which wants to turn it into a recreation area.

Closer to home, a Navy Communications installation, ironically dubbed "Project Sanguine," promises to disrupt the beauty and the ecology of the Chequamegon National Forest in Northern Wisconsin.

Conservation groups, and aroused citizens who have never before been moved to action, have raised anguished cries of protest in all of these cases.

A mini-battle along the same lines is underway here in Madison to prod city purchase and preservation of an 11-acre glaciated park and pond on the city's Far West Side.

In each of these instances, and in hundreds of related battles across the country, the issue is basically the same: whether man will continue to gorge and gobble and pollute the land that sustains us all, until we have nothing left but a sterile desert of asphalt and throwaway cans.

Surely it is time to call a halt to such plunder of the American landscape.

We need to establish a federal conservation "ombudsman" agency, empowered to safeguard the nation's vanishing natural resources from further debasement.

And fundamentally, we need to develop a strong set of environmental ethics, to nurture an affection and respect for the natural landscape that will override our willingness to degrade it with cancerous Disneylands. The time is now.

IMPORTANCE OF SOUTHEAST ASIA AND THE INDIAN OCEAN

Mr. McGEE. Mr. President, the Washington Evening Star, on October 9, 1969, through correspondent Maxwell Grant, in Melbourne, published a significant dispatch reporting on a key foreign policy and defense address by Prime Minister John Gorton.

The Australian Prime Minister's remarks point up his government's continued emphasis upon the importance of Southeast Asia and the Indian Ocean. In his speech, a radio and television address to the Australian nation, the Prime Minister said his nation will continue to take a vital interest in the Southeast Asian region. I ask unanimous consent that the Star's report on the speech be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Gorton Reaffirms Policy on Australia-United States Defense

(By Maxwell Grant)

Melbourne.—Prime Minister John Gorton, in a key speech for the Oct 25 national election, has placed heavy emphasis on Australian defense and foreign policy.

Speaking last night on nationwide radio and television, Gorton made it clear Australia—under his leadership—would increase her defense capacity and continue to take a vital interest in the Southeast Asian region.

The highlights of his speech were these:

Australian troops will remain in Vietnam until South Vietnam is assured of the right to choose its own government. Australian withdrawal with be phased in with a continued reduction of U.S. forces if it occurs.

Armed forces will be maintained in the Malaysia-Singapore area. The capacity for swift additional assistance for Australian regional security pacts in the Asian area will be supported, but Russian participation or establishment of Russian military or naval bases in the region will be opposed.

Australia will not sign the nuclear non-proliferation treaty until she is sure it is effective.

The Royal Australian Air Force will get new fighter, reconnaissance and strike aircraft. The Navy will get new ships, including light destroyers.

There will be continued cooperation with America to build bases in Australia.

The draft will be continued to keep the army up to at least its present strength of nine battalions.

Money spent on defense will be progressively increased in the year ahead "for to do less would weaken our security and invite the suspicion of our allies both within the region and without."

Several times Gorton referred to the importance of the Indian Ocean;

"We believe that broad considerations of Australia's geopolitical position and national development point to the conclusion that naval support facilities in Western Australia will also be required in the future.

"Our fleet numbers will increase and we will have to take an increasing interest in the Indian Ocean as the British withdraw."

He said that Learmonth Airfield, in West-

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ern Australia, is to be expanded to an operational base on the Indian Ocean.

PRAISES LINK TO UNITED STATES

Gorton praised the American-Australian alliance, saying "our alliance with the United States under the ANZUS pact is "vital to our defense. It requires that we should be true allies, that we should be prepared to give, as well as expect to receive, assistance.

"Therefore, we shall continue to cooperate with the United States in the construction of bases for our joint defense, bases of value to us both, in Australia."

The prime minister's defense statements contrasted sharply with those of the leader of the opposition Labor party, Gough Whitlam, who went on the election trail with his policy speech a week earlier.

Whitlam said a Labor government would withdraw troops from Vietnam before the end of June 1970.

A recent Gallup Poll showed more than 55 percent of Australians favor immediate withdrawal.

Whitlam said that if he were prime minister, Australia would sign the non-proliferation treaty.

There would be regional arrangements for the standardization of defense equipment, abolition of the draft, reform of conditions for the permanent army and negotiations to replace the F111C aircraft Australia has ordered from America.

MINORITY REASSURED

Gorton's statement will reassure the minority Democratic Labor party, which was alarmed at what was called External Affairs Minister Gordon Freeth's soft line towards Russia in a speech on Aug. 14.

Though lacking in detail, Gorton's speech will certainly satisfy the DLP and prevent their implied earlier threat to take second preference votes away from the Liberals. In this election, those preferences could be crucial in getting John Gorton and his Liberal-Country party coalition back into office.

OPPOSITION TO THE WAR IN VIETNAM

Mr. MONDALE. Mr. President, on Wednesday, October 15, many persons throughout the Nation will gather to express opposition to our continuing involvement in Vietnam. Not since the civil rights march of 1963 have so many Americans felt the need to express publicly and visibly their views on national policy.

An editorial published in the Minneapolis Tribune of October 12 eloquently expresses the hope that this moratorium on the war in Vietnam will hasten the end of a senseless and tragic war—a war which few Americans understand or support. I ask unanimous consent that the editorial, entitled "Wednesday's Demonstrations on Vietnam," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WEDNESDAY'S DEMONSTRATIONS ON VIETNAM

As Wednesday draws closer, one recalls the Civil Rights March of 1963 and how it touched the consciences and hearts of millions of Americans.

Across this land, on Wednesday, there will take place marches and demonstrations and vigils, this time not for civil rights but for peace.

The 1963 march, despite fears of violence, was peaceful—and successful. Various types of civil-rights and social legislation followed. The nonviolent nature of the protest was one reason for its success.

Despite the expected participation of radicals (such as members of the SDS) on Wednesday, we believe most demonstrations probably will be orderly and peaceful. We hope so, for violence can only detract from the purpose of the marches, that of demonstrating to fellow Americans and to the President the growing desire of many citizens to end the Vietnam War.

The President has said he won't be influenced by the demonstrations . . . but in a democracy can a President not be influenced by a large outpouring of the people?

More and more one hears across the land the voices of opposition to the war, a war from which our leaders now apparently would withdraw if a means could be found for saving face, a war which is hurting Vietnam more than it is helping a war no longer believed vital (if it ever was) to our basic national interests, a war whose casualties are being felt in neighborhood after neighborhood, town after town . . . a war which is causing the nation to postpone or reduce vital programs.

A war which has hindered efforts to close the gap between the races, between the generations and between the rich and poor.

A war which has brought serious inflation.

A war which has made more difficult any efforts to achieve an international easing of tensions.

President Johnson in March 1968 halted the escalation of American involvement in Vietnam. President Nixon has begun the process of disengagement. We support those troop withdrawals he has ordered. We wish they were larger.

Some of Wednesday's marchers will be demanding an immediate withdrawal of all U.S. troops. After 15 years of propping up South Vietnam, and even granting all the faults of that country's present leadership and efforts, we do not believe an instant pullout is a reasonable course for our nation. Indeed, such a pullout is not feasible in terms of logistics.

We believe that it is possible to draw up a timetable for a systematic withdrawal of all combat troops, and we believe such a timetable could encompass a period of 12 to 18 months.

It does not seem to us that a decision for such a timetable will be made by the American military or diplomatic establishments in Vietnam. They appear to be yet thinking in terms of victory—even though the President has said that victory is not our goal anymore. The decision to withdraw rests with the President.

But Mr. Nixon still seems to be listening closely to advisers like Gen. Wheeler, Gen. Westmoreland, Ambassador Bunker and others of the victory school. President Johnson did, too, but persuasive men like Clark Clifford came along to influence a change in presidential policy. We are not sure who will be the Clark Clifford of the Nixon administration. The tone and content of some of Mr. Nixon's statements, so similar to those of Mr. Johnson before he changed course, are greatly disturbing to millions of citizens.

Therein lies the importance of Wednesday's marchers, demonstrations and vigils. If conducted peaceably and with dignity, they can help lead other Americans to reconsider the course this country is on in Vietnam. They can help influence national policy.

To march for peace does not detract for one moment from the bravery and sacrifice of those nearly 40,000 Americans who have died in Vietnam. They died, as young Americans have died in generations past and may die in future generations, serving our country.

The question now is whether their sacrifice is served by hurling more young Americans into continuing combat in an Asian land war no longer considered vital to American security.

A majority of Americans, according to a recent Gallup Poll, believe it was a mistake to send troops to fight in Vietnam. The real question now is how to extricate our men from that mistake.

Present approaches to extrication—Mr. Nixon's three conditions for troop withdrawals—depend on responses from Saigon or Hanoi. We believe the time is here for a policy geared to the needs of our own country. This means an end to American participation in the fighting within a reasonable time.

President Nixon, like many others, has talked of "no more Vietnam." If this concept is good for tomorrow, it is good for today.

On Wednesday, the marchers will be telling the nation: Let's end what has become a wrong war in the wrong place at the wrong time. Will the nation and our President be listening? We hope so.

THE CHICAGO RIOTS

Mr. PERCY. Mr. President, the Senate Permanent Subcommittee on Investigations met today to hear testimony from Police Superintendent James B. Conlisk, Jr., of Chicago, regarding the transfer of weapons to the former provost marshal general of the Army. As a member of this subcommittee and as a Senator from Illinois, I wish to comment briefly on a matter that has taken the highest priority in the work of Superintendent Conlisk and his men, constituting the reason why he could not appear before our committee as originally scheduled; namely, the hit-and-run guerrilla forces who have sought to spread havoc in Chicago for the past week.

I wish to commend the Chicago police and the Illinois National Guard for the calm and professional manner in which they responded to repeated provocations from these Maoist "Red Guards." They have skillfully prevented widespread violence and destruction and at all times shown an unwavering devotion to duty.

The outrages that have occurred on the streets of Chicago this past week, and the alert manner in which they have been curbed, presents an essentially different pattern of challenge and response from the well-publicized and well-studied disorders that occurred during the Democratic National Convention of 1968.

The rights of free speech, peaceful protest, and lawful assembly are guaranteed by our Constitution and, as such, are inviolable and sacrosanct. Full freedom to espouse a cause or to denounce injustice is the hallmark of our democracy.

What happened in Chicago, however, is a perversion of these basic rights. Young people who destroy the property, seriously injure, and threaten the lives of innocent citizens, young people who seek to confront authority for the sake of confrontation, may indeed seem mad. But it is clear that their wanton behavior has a clear-cut purpose.

For surely it is the intent of the rioters to destroy, as the main victim of their criminal attack, the free institutions of our democratic society. This radical "Weatherman" element of the SDS is truly Students for the Destruction of Society. It is essential that we repulse this evil challenge to America.

Governor Richard B. Ogilvie and Mayor Richard J. Daley joined together to meet this challenge and have moved

responsibly to insure that the right of our citizens to live just and orderly lives is preserved.

THE PSEUDO CONSERVATIVES

Mr. McGEE. Mr. President, whatever they may be, the solutions to this Nation's problems at home and abroad are not simple. No one needs to make that point—or, at least, we would think that no one needed to make that point. Yet, simplistic solutions to our problems seem to abound, especially at the far reaches, left and right, of our political spectrum.

A more expert commentator than I, Paul Goodman, recently observed that "alienation is a powerful motivation, of unrest, fantasy, and reckless action." It is, however, as he added, "a poor basis for politics, including revolutionary politics."

Yet alienation impels large segments of our population these days toward their reckless "solutions" to the problems which confront man in these United States. Dispose of one or two evil sources, or smash the forces behind civil commotion, and the job will be done, in their view. Ironically, the left and right extremists go about their tasks with much in common. While one strives to bring about the collapse of what it views as a corrupt and reactionary "establishment," the other campaigns day and night to shift power away from what it sees as an entrenched "liberal" and even "traitorous" power structure.

Why consider the complexities of any problem, the total ramifications of any decision, or the various people involved in any clash of ideas? There is no need, for the answers are obvious, at least to those who subscribe to the extremist line. At fault, it is obvious, is the establishment. Or is it the international Communist conspiracy?

Much comfort is to be gained, apparently, in the refuge of shibboleth and cant. One can draw the line easily between the good guys and those with corroded motives and impure purposes. It is nice, apparently, to have a handy whipping boy so you can look at the social disorders, minority problems, the polarities among our people and all the other uncertainties and dislocations in our political world and know who is to blame. Charge it off to an invidious plot by Reds or their unconscious dupes, or chalk it off to another manifestation of the stupidity and cupability of the establishment.

Simple approaches such as this, I want to emphasize again, are the stock in trade at both ends of the political spectrum. The extremists from the left and right are more like each other, it would seem, than any group of concerned citizens seeking to find their way to the solution of today's many problems in a reasonable, fair way.

For those of us who count ourselves as being somewhere in the middle, the irony entwining the two extremes is heightened by the realization that they are self-perpetuating in their pattern of operations. They feed on each other, with each act of extremism at one end being countered by a reaction. Sometimes, one might think they exist for no other reason than to supply adherents with an all-purpose refuge in a confusing world.

The deceptive element about these extremists is the facade of legitimacy surrounding them. On the left, many of the complaints about social injustices are valid and in need of action and change—but violent confrontation does not accomplish these ends.

On the right, the reality of the Communist threat gives their argument some plausibility. But to attribute all social unrest within the country to this one reason is nonsense and worse, providing no movement toward solutions that would remove the conditions of unrest.

In past weeks, a handful of radicals from the left have engaged the attention of an entire Senate Committee investigating their activities. I doubt whether the are worth the time and expense, but I must grant that some clarification of their activities is needed.

The left has received much attention—only some of it deserved. Therefore, Mr. President, I shall direct my remarks today to the radical activities of the rightwing, to those we could call the "pseudo conservatives."

These factions of the right have historically been with us, from the early frontier vigilante groups in the West, and the Ku Klux Klan in the South, to the Minutemen of today. They have tried to legitimize their causes with words like Americanism, Christianity, patriotism, liberty, conservatism, morality, and Constitutionalism, but their activities have scarcely ever earned such descriptive nomenclature for them. Anyone outside the limits of their brand of patriotism is suspect. They function in such a fundamental state of isolation that the answers to everything they see wrong with the Nation appear simple. Return to the "good old days" when things were cut and dried. But those days were never so simple. We cannot turn back the population clock. Runaway technology has contributed to the complexities of our times, yet we cannot give up the conveniences that technology has provided.

Until recently, one of the favorite targets of the pseudo conservative right was the Warren court. Now that it is gone, and student activism has been reduced during the summer, I wonder that the rightists did not run out of evil sources to blame. But, of course, they did not, finding a ready target in sex education programs coast-to-coast, injecting an unfortunate ideological competition into a subject which should at all times be considered more sanely and reasonably—not as a Communist plot.

Communist as a threat to the free world has been in the forefront of my attention ever since my entrance into the Senate. I made myself clear in a book I wrote and published last year, but I cannot believe that everything causing the unrest in this country is a direct result of actions taken by the leaders in Moscow or Peking.

Psychologists call this gullible way that the right has of thinking the paranoid style of thought. It is based on suspicion and conspiracy, fantasy, and fear. Everything and everyone opposed to them is immediately assumed to be part of a Communist plot to overthrow the Government—or at least to undermine America's will to resist takeover.

It should be obvious that this distorted style of thinking is indicative of a distorted judgment—the same sort of judgment common to fanatics who believe they can solve the Nation's ills by political assassination, or the suppression of legitimate protest, for character assassination, I submit, is but a step removed from the unspeakable crime which we have sadly been witness to too often in the turbulent 1960's.

An example of this way of thinking probably reaches the desk of every Member of Congress. I recently received a letter commenting on my book, "The Responsibilities of World Power." I should like to quote from the letter; some of the most blatant statements go like this:

> The horrible fact is, Mr. McGee, that most liberals in your party are truly and sincerely sympathetic to the supposed theoretical attributes of Communism . . . our entire foreign policy, is a fundamental sympathy towards—and a corresponding antipathy toward opposition against—Communism.

Generally, I suspect that this sort of argument is immediately seen through by the average American. Even this sort of "big lie" is hard to swallow. But one of the soft sells of the rightwing—the law-and-order theme—has been subscribed to by many American people anxious about the current wave of national unrest and the very real and appalling incidence of crime and violence.

There is an obvious connection between the candidates flaunting law-and-order themes and the fear of social revolution created in the mind of the American people. The argument is that we must have order by any means, regardless of the law protecting personal rights. Adolf Hitler promised pre-World War Germany as much—and delivered an order of sorts for a time.

Since the early 1960's, activities of the rightwing have increased, especially over the period of the 1964 elections. Today, the movement continues.

About the war in Vietnam, the rightwing argues, again apparently the simple and expedient solution; namely, that we could win if we wanted to win. Indeed, we could—I do not doubt we could crush our adversary if we were willing to risk mankind's survival in the aftermath.

On the domestic scene, the rightwing has been a consistent objector to civil rights, fair housing laws, and voters' rights laws. They claim that the riots in the cities and on the campuses are the result of Communist instigation.

Their far-right views are concerned with keeping full participation in American life limited to a chosen, privileged few. Any threat to their special interest is given an interpretation as a threat to the rights of everyone.

The "law and order" theme has fit into this rightwing interpretation as the mainstay in their current wave of fear. Whenever a threat can be pointed to, it follows that the right to reduce or eliminate that threat belongs to a group sanctioned by the majority of people.

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In a war, the Armed Forces are given the sanction by the people to commit acts of inhumanity to protect the society and country threatened. This is a hard fact of life. Ordinarily, acts of violence by police and other official groups would not be condoned by many Americans, but with the right sanctions—violence can be "as American as apple pie," and can be exercised in lieu of reason.

This is one way radicals on both the left and the right work together to create the fear that causes millions of Americans to ally themselves, to one degree or another, with one extrème or the other.

The influence of the rightwing has extended to the mass media, and especially to the radio, where evangelistic rightwing radicalism is espoused throughout the Nation.

In a number of instances where the "fairness doctrine" of the FCC has been cited in complaints against the blatantly biased material on these programs, nothing has been accomplished to improve the programing.

A new group formed last year calls itself the "League for Liberty," a name inconsistent with its activities. It is this league's announced purpose to police the airwaves by pressuring advertisers to sponsor programs in line with its way of thinking.

A number of rightwing organizations have formed their own secret intelligence apparatus to collect histories on known "enemies" to their cause. The efficiency of J. Edgar Hoover's FBI to do its job must be in question in their circles.

One of the outgrowths of these activities is the so-called "Biographical Dictionary of the Left" which lists any liberal whose views might constitute a threat to the right's paranoid mentality.

Ironically, the radical right has not missed learning from the Communists—no doubt under the rule that "fire must be used to fight fire."

The Minutemen, one of the most extreme of the rightwing organizations, has built an organization patterned after the Communist "cell" structure. It involves an organizational safeguard system of small, independently administered groups which never know enough to destroy the entire organization if they should be caught.

The Hydra-like growth of the rightwing is shown by the splintering of new groups from old ones—forming some 17 new organizations last year alone.

One new movement reminiscent of nazism is the Francis Parker Yockey movement. It is reliably reported to have taken over the resources and membership lists of the Youth for Wallace political organization of last year.

After a political infight, Willis A. Carto, apparently the force behind the Liberty Lobby, emerged in control. Now some 17,000 young supporters of Wallace are, unknowingly, affiliated with the ranks of a secret group which sports relics of the Nazi regime, including SS uniforms and swatiskas.

Carto is a little known man who shuns interviews with reporters, refuses to have his picture taken, and does not participate in the open activities of the Liberty Lobby. Yet he knows the power of the purse strings he controls. The Liberty Lobby was among the top 25 reported lobbying spenders on the Hill last year.

Today, both the comforts of life and the problems in our country are shared by more people than ever before through the means of the mass media. But today, we can also suffer the uncomfortable feelings of the poor, the hungry, and the oppressed in our own homes whenever we pay attention.

If we sense shame for what we see, then it is time we did something to improve the conditions instead of fomenting ideological discord and fostering a system of thought that would perpetuate misery for the unchosen.

We should realize that if the capacity for success and wealth is passed from one generation to another, and it is, then so is the capacity for poverty and failure passed in the same way.

But before we can progress satisfactorily, we must do something about the balance of extremists in this country. We have got to stop this action-reaction cycle. We must remove the power these radicals have to rock the boat, and even dump us all in the drink.

Sydney Hook, professor of history at New York University, no softy on extremists, aptly put it when he said:

> A handful of men who are prepared to fight, to bleed, to suffer and, if need be, to die, will always triumph in a community where those whose freedom they threaten are afraid to use their intelligence to resist and to fight, and ultimately to take the same risks in action as those determined to destroy them.

The key is word in his statement is "intelligence"—the intelligent use of restraint on extremists. We must beware of becoming as bad as those we would restrain. As Hook puts it:

> There is always the danger that courage alone may lead us to actions that will make us similar to those who threaten us. But that is what we have intelligence for—to prevent that from happening! It is this union of courage and intelligence upon which the hope of democratic survival depends.

One of the facts of this great Nation is that no group of extremists have been able to gain control, or influence the Government for any length of time without a cry of protest from the people.

Hook concludes:

> Intelligence is necessary to overcome foolishness. But it is not sufficient to tame fanaticism.

I do not applaud the flagrant use of force to put down force, or violence to meet violence, but there must be limits to what the mass of people who occupy the great middle ground will take from the extremists. We must exercise the intelligence to preserve the right of freedom without threat from the way we choose to preserve it. A riot among the people does not justify a riot among the police, for example. Nor does a campus demonstration justify slamming the gates of the university to our young people.

For those of us who refuse the false security of a fanaticism, it will be a serious watch. Had there been a more diligent watch on the Rhine, Hitler may never have despoiled the world with his brand of fanaticism. Each of us must stand his own watch and stand ready to fight for reason.

TO CONTROL SPENDING CONGRESS NEEDS OFFICER OF ECONOMIC ANALYSIS IN JOINT ECONOMIC COMMITTEE

Mr. PROXMIRE. Mr. President, it is time for the creation of a top flight, highly qualified staff unit in the House-Senate Joint Economic Committee to produce for the Congress detailed studies of the relative costs and priorities of administration proposals.

I have written to Representative WRIGHT PATMAN, the committee chairman, asking him to seek funding in the House for such a unit in order to bolster congressional control over the Federal budget by making objective studies available.

I have based my proposal on the need of Congress for more highly sophisticated and higher quality information than is now available to it. For example:

Congress should make its own analysis of the economic costs and benefits of the SST. Is it worth the cost? Should it be built now? Should the taxpayer or private companies foot the bill? How do the benefits compare with the costs and with the benefits and costs of other programs such as air pollution programs, health clinics, or low cost housing?

We need to know whether the huge costs of manned space flights produce such large benefits as to be worth the vast differences in costs of instrument flights?

What is the annual cost of the operation of the Navy's eight antisubmarine warfare carriers? Could the funds be spent more efficiently for other military or civilian programs?

We desperately need a highly qualified group of analysts to provide the facts so that Congress can determine which programs should have the highest national priority, the costs and benefits to be gained from them, and the alternative programs and their costs.

I propose that the Joint Economic Committee set up a staff of about eight to 10 highly qualified economists, statisticians, and program experts to provide Congress and its Members with the economic and budgetary analysis it needs to make intelligent decisions and to judge executive branch proposals.

Congress has ceded far too many decisions to the executive branch. Indeed, Congress, with its modest staff resources, is too often at the mercy of executive department decisions. The bureaucracy, armed with enormous staff, reports, information, analysis, and studies, too often finds little difficulty in wresting policy initiatives from the legislative branch.

As our society becomes more complex and our technology more advanced, and as the Federal budget grows ever larger, the Congress must initiate or approve policies for which we, as individual legislators, have too little knowledge.

As the need for comprehensive and systematic analysis has grown, and as

the need for public decisions on complex and highly technical matters has expanded, we have provided the executive branch with the staff and resources to deal meaningfully with many of these matters.

But we have failed to provide the Congress with the facts and resources necessary to make informed decisions based on an understanding of costs, benefits, and other important economic facts. My proposal, at almost no cost, is an important step in returning the policy initiative to the Congress where it belongs.

THE PESTICIDE PERIL—LXIV

Mr. NELSON. Mr. President, in the battle over the continued use of persistent pesticides, the agricultural industry has often taken the lead position in favor of chemical pesticides to control insects. The industry representatives have claimed that without DDT and other persistent pesticides, entire crop production could be seriously damaged.

However, more and more agricultural spokesmen are both becoming alarmed by the ill effects to our total environment from pesticides and seeking out alternative methods of control. In an article published recently in the Wisconsin Agriculturist magazine, a leading farm publication in our State, various nonchemical methods of pest control are suggested to the farmer as safe, effective alternatives. The article states:

> Chemical control of insects may someday be second best.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEEK BETTER WAYS TO CONTROL INSECTS—PESTICIDES MAY NOT BE NECESSARY

Chemical control of insects may someday be second best.

Chemical insecticides are looked at as temporary and emergency insect controls, says Charles Koval, University of Wisconsin insect control specialist. Scientists are continuously searching for better ways.

An example of an insect control method to replace insecticides is the use of attractants. Attractants draw desired insects from large areas into traps. These may be food, habitat or sex attractants—or combinations of these.

Artificial foods can be substituted for natural foods. This food bait is treated with a non-tonic insecticide that kills insects drawn to the trap.

Habitat ammonia bait draws flies to a jar where they deposit their eggs, thinking it is a natural place for egg laying. With this method, millions of eggs can be destroyed, greatly reducing the population of the next fly generation.

Insects' natural mating instinct can be used to trap male insects. Lesser peach borers now cause much damage in Wisconsin cherry orchards. However, one female borer in a trap draws large numbers of males within a half mile radius.

This leaves few males to fertilize eggs and greatly reduces borer populations. With the development of synthetic materials to replace the live females in the traps, this will be one of the cheapest insect control methods available, says Koval.

WORKED ON SCREW WORM

The sterile male technique also offers hope of reducing populations of certain insect species. This method gained fame when it was used to control the damaging screw worm in the South.

With the sterile male technique, large numbers of male insects are sterilized with radiation. They are then released to mate. Since the males are sterile, none of the females they mate with lay fertilized eggs.

Sound waves can be used to kill insects that would be difficult to control with other methods. This method is used most to control insects in stored grain.

The volume of the sound is not important. But the frequency is. Sounds of certain frequencies kill some insect species.

Development of new plant varieties offers another method of insect control. Scientists can select varieties that are unfavorable for insects. Some plant varieties "taste bad." Others prevent young insects from developing.

An example of an insect resistant plant is the gingko tree. This tree is virtually free from insect attack, points out Koval.

Planting time control of certain crops avoids insect infestations. This method takes advantage of the knowledge of an insect species' life cycle.

Winter wheat planted before a certain date in the fall will not be damaged by the Hessian fly. Spacing radish plantings a week apart avoids loss of the whole crop to maggots.

Systematic insecticides are the preventive medicine of insect control, says Koval. They prevent a buildup of insect populations while most insecticides are applied after large insect populations are noted.

These insecticides are absorbed through the roots and kill the insects when they eat the plant material. They produce no surface residue or wind drift to damage other crops. And the insecticides do not persist in the soil. The systemic insecticides are selective so that they do not kill beneficial insects.

PHYSICAL BARRIERS

Aluminum foil laid around some plants controls aphids (plant lice). The method reduces aphid populations up to 95 percent more than chemical controls. Aluminum foil is now used experimentally with gladiola to control aphids that spread viruses.

Banding elm trees to control canker worms is no new method. Sticky bands are applied to elm trees, These bands trap and kill the female worms when they crawl up to lay their eggs.

A simple and cheap method of insect control for most homeowners is the washing method. A high pressure stream of water from a garden hose knocks insects off shrubs and bushes. It is particularly effective for aphids and spider mites, says Koval.

This untimely removal from their source of food often upsets the insects' life cycle so much that they die.

NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH TO THE SUPREME COURT

Mr. COOK. Mr. President, for a better understanding of what much of America thinks, regarding Judge Clement Haynsworth, I ask unanimous consent that a number of articles and editorials be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Casper (Wyo.) Star-Tribune, Sept. 28, 1969]

CRITICS OF JUDGE HAYNSWORTH

The Senate hearing on confirmation of Judge Clement F. Haynsworth Jr., to be a Supreme Court Justice, has proved even more interestingly revelatory about his opponents than about the judge.

George Meany, AFL–CIO president, says Haynsworth is anti-labor and therefore unfit to serve. There are many judges who have rendered verdicts that Meany could interpret as against labor and doubtless Meany considers all of them unfit to serve. It sounds very much like the old stand—"if you are not for me, you are against me."

The American Bar Association endorsed Judge Haynsworth as "highly acceptable," and found no conflict of interest in his ruling in a controversial case in 1963.

Senator Ted Kennedy showed his prejudice in questioning whether the South Carolinian was enough of "a man of the times" for a court some view as "the last bastion for social change in America."

It may be a fact that in recent years the Supreme Court has been a powerful force for social change in America, a role that many judges and lawyers consider to be outside its judicial function under the Constitution.

It is plain that the foes of Haynsworth oppose him as a conservative. It seems equally plain that Haynsworth was appointed because he has a middle ground record and because President Nixon felt, we think rightly, that the people want judges, not lawmakers, on the court.

[From the Orlando (Fla.) Sentinel, Oct. 5, 1969]

THE LIBERAL U.S. SENATE

The nation should not be surprised that Judge Clement F. Haynsworth's nomination to the Supreme Court is running into a filibuster by liberal senators and the TV networks.

The United States Senate since the 1964 election that also saw Lyndon Johnson elected over Barry Goldwater in a landslide has been the most liberal political body ever inflicted on a non-Socialist country.

That same 1964 election swept into Senate office many ultraliberals. These are men whose whole political life is mortgaged to the hippie-yippie change-everything-for-the-sake-of-change element that has brought this country five years of chaos.

Richard Nixon pledged to slow down this mad march to the left in his presidential election campaign. The most effective tools at his command are Supreme Court appointments.

President Nixon merely fulfilled his promises to the Americans who voted for him last November in his two Supreme Court nominations. So it is not surprising that every liberal senator and every liberal lobby should jump with both feet on Judge Haynsworth.

After all, Haynsworth is a Southerner. The liberals fear and hate Southerners, the vast majority of whom are conservatives.

Haynsworth as a judge has handed down some decisions in the civil rights and labor union fields that—remarkable in this day and age—took into consideration the constitution of the United States and the rights of the majority. The liberals feel and hate anyone who stands up for middle America.

These ultra liberals of the United States Senate, supported almost hysterically by TV network news broadcasts and the great labor union and civil rights lobbies, may yet get their pound of flesh. They may yet deny the confirmation of Judge Haynsworth to the Supreme Court. We hope not.

But many of these same liberal senators who came to office in 1964 must face the voters again next year. We predict that the majority of the voters in this country are fed up with the mistakes of 1964 and will turn the rascals out in 1970.

[From the Seattle (Wash.) Post-Intelligencer, Sept. 30, 1969]

COURT VACANCY

A Post-Intelligencer View: Senate confirmation of Judge Haynsworth to the vacant

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seat on the U.S. Supreme Court should be accomplished without further delay so he may be present when the Court begins its Fall Term Oct. 6.

We wonder how many men of 56 years, which is the age of Judge Clement F. Haynsworth, could have survived so well the hostile and exhaustive probe to which he was subjected for eight days by the Senate Judiciary Committee. In the end, the inquisitors were able to produce nothing to shake President Nixon's confidence—or ours—in the "qualifications and integrity" of the man he nominated to fill the Supreme Court seat vacated by the resignation of Abe Fortas.

All kinds of slurs and innuendoes were cast at Judge Haynsworth by his critics. It was alleged he ignored the "appearance" of judicial purity in failing to disqualify himself from two cases in which he had a remote personal interest. It was alleged he showed apparent favoritism in cases involving former law clients. Liberal senators joined civil rights and labor leaders in contending his rulings proved him biased against their causes. It was hinted that his Supreme Court nomination was a post-election payoff to Sen. Strom Thurmond (R-S.C.).

None of the politically-motivated aspersions jelled into anything solid. We concede that Judge Haynsworth may have been less than discreet in the two cases mentioned, but not even his strongest critics charged that he did or could have profited personally from his decisions in them. And so far as the rest of his many decisions during 12 distinguished years on the Fourth U.S. Circuit Court of Appeals are concerned, nothing was proven at all except that he is a legal conservative who goes strictly by the book.

This is precisely the kind of judicial philosophy President Nixon was after in making his nomination. Judge Haynsworth has made a full, frank and convincing response to those who did their best to discredit him. He should be confirmed with no further delay so that he may take his seat as the ninth member of the Supreme Court when it begins its fall term Oct. 6, as the President hopes and expects him to do.

[From the Richmond (Va.) News Leader, Oct. 3, 1969]

Haynsworth's Opponents Prove President's Good Judgment

(By Holmes Alexander)

A handclasp acquaintanceship with Judge Clement F. Hanysworth, which is all that I have, is sufficient for some appraisal.

He is poised and self-contained, quick with quiet humor, fond of tested friendships, outgoing to vouched-for newcomers, distant to pushy strangers. He is an old-fashioned gentleman who knows that old-fashionedness and gentility are the ornaments of his race but also the targets of the plug-uglies.

At first it appeared that President Nixon, in nominating Judge Haynsworth to the Supreme Court, had rustled the magnolia leaves and come up wih an unwordly recluse, a grammarian of the archives, so steeped in founder fatherism and so sheltered from the crassness of the counting houses that his very unreality would make him invulnerable. In demand as a replacement for Justice Abe Fortas was somebody with the legendary character of Caesar's wife, above reproach and beyond gossip, however boresome and unbelievable such a somebody might be. Still, Haynsworth seemed to be such, and it appeared that Senatorial opposition was confounded in advance.

Not so, however, for the Judge from Greenville, S.C., had not taken to a monastery when he joined the Circuit Court, had not broken off community relations with the merchants and manufacturers of his town, had not salted his considerable family fortune in a vault where it would wither in airless inflation. He made investments, and kept his friends, and he didn't need anybody to tell him how to mind his private conscience.

All this came out as Democratic Senators Bayh and Tydings, Kennedy and Hart, discovered that they had human clay to dig in. The spade work had to be done with the instruments of inuendo and allusion. The point was to prove that Haynsworth was of a sort with Abe Fortas and ought to be given the same treatment, eye for an eye, tooth for a tooth. But Fortas had consorted with a crook, had sold his services as a lecturer, had played sidedoor White House politics and covertly practiced law while on the bench, and there was no such sludge in the Haynsworth clay. He invited the probing Senators to resolve any doubt about his fitness in favor of the Supreme Court, and not to confirm him if that would lower the tone of the high bench.

As the hearings went on, it no longer seemed regrettable that Haynsworth hadn't proved to be made of airy immunity. Had he been wholly unattackable, the true and intended points of attack might not have been so noticeable. Ted Kennedy, prompted by notes from his staff, complained that Haynsworth was not in the "mainstream" and couldn't understand the unhappiness of modern youth. Old George Meany called the Judge anti-Labor, and Roy Wilkins said he was anti-Negro.

Well, the cat was out. The opposition did not doubt Haynsworth's honesty. No, but Kennedy feared the generation gap. According to a study in the October issue of "Psychology Today" magazine, it amounts, in a large part, to a cult of "privatism" on the part of youth. This study, based on in-depth interviewing, shows youth as withdrawing into itself and away from society. The movement is called "less than heroic—at its logical extreme—selfindulgence. . . ." For a Supreme Court Justice to be out of sympathy with anti-social indulgence doesn't seem a disqualifying trait.

Meany was worried that Haynsworth would be an anti-union Justice, that is, not for the privileges that union bosses have but corporation managers don't; not for the Congressional right to limit crippling stoppages which companies couldn't get away with. Wilkins thought that Haynsworth on the Supreme Court might not agree that a utopian equality had commenced since the passage of recent Civil Rights laws.

This was what was left of the opposition to Haynsworth when he was opened to attack, and it was something that did him more credit than harm. I mean, how could an old-fashioned gentleman not have misgivings about antisocial youth, labor's special privilege and artificial racial equality? In the end, the opposition only proved how well and wisely the President had picked.

THE DILEMMA IN VIETNAM

Mr. YOUNG of North Dakota. Mr. President, like almost everyone else, I am deeply concerned about the war in Vietnam, particularly the forthcoming demonstrations and other actions which tend to make the President's task of finding an honorable and just conclusion to this war more difficult.

I was strongly opposed to getting involved in this war in the first place and spoke out against this possibility of our involvement as far back as 1954. How we got into thie war is no longer an issue, but the right way out is. An editorial entitled "We Can't Quit Vietnam at Expense of Bloodbath," published in North Dakota's largest newspaper, the Fargo Forum, on October 7, 1969, is an unusually good appraisal of the dilemma in which we find ourselves. It is one of the best editorials I have read on this subject.

I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

We Can't Quit Vietnam at Expense of Bloodbath

The enigma of Vietnam defies editorializing, but not to strive for opinion and solution is to despair.

We don't despair.

The war will continue until it is over; antiwar protests will continue until it is over; death and anguish will continue; so will debate. Political parties and ideologies will be fractionalized, and the fractions splintered.

President Richard Nixon wants to end the war. So does Sen. Eugene McCarthy, and Sen. William Fulbright, and Sen. Mike Mansfield, and all the rest.

We ask ourselves: Have we sacrificed the lives of 40,000 Americans and killed a vast number more of the Vietnamese people for nothing?

Should we pick up our men and leave Vietnam right now, admit we have made a horrible mistake, leave the South Vietnamese to the will of the Communists?

We do not know if the majority of the people in this country believe it has all been a grisly, horrible mistake, although many suspect it has been.

Those who protest the war are certain it has been. They are carrying out their convictions, as they must, but they may be making a horrible mistake, and helping to extend the war by giving the enemy false hopes of eventual military victory.

On Oct. 15 there will be a Vietnam moratorium. Students, clergy, businessmen and anyone who has the conviction that the United States is wrong in Vietnam will hold rallies, demonstrate, and try to make converts of the rest of us who hate the war as much as they do but do not have the same overriding conviction that this country is stupid and wrong-headed at the least, or war-mongering and purely imperialistic at the worst.

What many of us are afraid of is this: That if we walk out of Vietnam post-haste, South Vietnam will be over-run from the north. History has told us what happens to the losers in a Communist revolution. There is a blood bath, with men, women and even children murdered indiscriminately.

If we should make the admission that we have committed a horrible error in Vietnam, will history repeat itself in Vietnam? If those Vietnamese who have fought with us against the Communists or social revolutionists, or whatever name we want to give them, are lined up to be murdered, then what is our recourse?

Most of the arguments for immediate withdrawal stop short of answers to this eventuality.

Would we turn around again and attack the Communists, and would this then lead to a broadening conflict and World War III?

We do not believe that President Nixon was just mouthing words when he spoke of internationally-supervised election in Vietnam "in which we will accept the result of those elections and the South Vietnamese will as well, even if it is a Communist government."

The United States, we believe, has seized the peace offensive in Vietnam.

Would it be better to continue the peace talks, continue troop withdrawals, go to almost a purely defensive action in Vietnam, or would it be better to get out fast? Would the consequences of a quick withdrawal be worse than a gradual wtihdrawal?

If the "withdraw today" approach would not lead to a catastrophic lengthening of the war for the South Vietnamese, with an eventual blood bath and enforced Communist regime, we would all be marching with the Vietnam Moratorium group on Oct. 15.

President Nixon has scheduled withdrawal of troops at a rate which he believes will not sacrifice the safety of our men and the South Vietnamese.

Maybe he should be even more daring, take more chances for peace, even though our efforts so far have received nothing but derision at the Paris peace talks.

We hope that those carrying the "Peace now! not later" signs on Oct. 15 will have some influence on the Hanoi regime, even though they are aimed at our government. But we are afraid they will not influence Hanoi.

ALASKA PIPELINE

Mr. NELSON. Mr. President, Secretary of the Interior Walter Hickel has notified the Senate and House Committees on Interior and Insular Affairs that, if they do not disapprove, he will take action to permit the construction of an 800-mile pipeline to transport oil from northern Alaska—north of the Arctic Circle—to the shipping port of Valdez in the southwest part of the State. For the Secretary, two important steps will be involved: One, along the Alaska pipeline route, lifting the Federal freeze on public lands; and two, granting a permit to the Trans Alaska Pipeline System for construction rights-of-way across these public lands.

Preparatory to the proposed pipeline clearance, an interdepartmental task force led by Under Secretary of the Interior Russell Train has issued 34 pages of stipulations designed to assure that pipeline construction and operation will not damage the arctic environment. Secretary Hickel has approved the stipulations.

The Secretary and Under Secretary are to be commended for the effort they have undertaken to see that the environmental implications in this matter will be taken into account.

This Thursday, the Senate Committee on Interior and Insular Affairs will hold public hearings regarding Secretary Hickel's notification of intent to allow the pipeline to proceed, and the Senator from Washington (Mr. Jackson), the committee chairman, is due a great deal of credit for his continuing efforts to assure that this crucial conservation matter has a thorough airing before the Nation. Such congressional review of industry proposals involving our public lands has long been needed, and in my view, must become a pattern for the future as an important part of a national policy to protect the quality of our environment.

The discovery of oil on the Alaska north slope and ensuing intensive plans for its extraction and shipment to market is a development of enormous environmental implications.

Already, 43 wells have been drilled on the ecologically fragile tundra in efforts to tap an oil reserve estimated to be in excess of 20 billion barrels. The timber need alone to provide material for piling and other oil-related construction may total up to 100 million board feet. Any marks of construction activity—such as roads, trash, buildings, oil rigs—that are not carefully removed after their purpose is served will remain for decades, perhaps centuries, in the "cold storage" arctic environment.

As another measure of the vast scale of the arctic development, the Prudhoe Bay-Valdez pipeline now proposed for clearance will have a capacity of carrying one-half million gallons a mile. Should soil erosion, an earthquake, or some other activity cause the pipeline to break, the resulting oil flood over thousands of acres of frozen arctic tundra could make the oil blowout in the Santa Barbara Channel pale by comparison.

Although the extensive Federal task force study has been undertaken, and as pointed out earlier, a set of stipulations made, there still appear to be some important unanswered questions. For instance, information apparently is still not complete on the question of whether the "hot" pipeline buried in permanently frozen arctic soil will cause serious erosion. In addition to the esthetic and ecological concerns, there is the possibility that an erosion-caused shift in the pipeline could cause a break in the pipe.

Furthermore, the Department of the Interior apparently has not yet been furnished a profile of the pipeline route, showing exactly where the pipeline will be buried and where it will be above ground.

In addition to the proposed Prudhoe Bay-Valdez line, a second such pipeline, from the north slope to the Mackenzie River, in Canada, extending to U.S. refineries, is also under study by the oil companies.

The search for means to get oil out of the Arctic also includes a proposal to utilize icebreaking supertankers to force their way through the Northwest Passage to the Eastern United States. A tanker breakup or leak could cause an environmental disaster reminiscent of the one that developed from the *Torrey Canyon* accident off Great Britain.

It is also abundantly clear that the oil development only marks a beginning for the opening of the Arctic on a gigantic scale. As an example, on September 10 the sale of oil leases brought the State of Alaska $900 million. The release of these massive new funds into a region rich in other natural resources is certain to have a dramatic and far-reaching effect on the pace of economic development.

In this broad context, the pending Alaska pipeline decision takes on a tremendous significance, not only in and of itself, but because of the beginning it represents for the opening of the Arctic. Completing and putting the pipeline into operation will be the action that, for better or for worse, flings open the door to vast and permanent change in Alaska and the Arctic.

Also, although they might appear to be separate issues, oil development and the settlement of the claims of Alaska's native people are closely related issues, and what happens on one is almost certain to affect the status of the other. In fact, the Alaska land freeze was established to provide time for Congress to define the rights of the native claimants. The claims matter is still pending in legislation before Congress.

As pointed out in a recent excellent series of articles written by Robert Cahn, a Pulitzer Prize-winning reporter, and published in the Christian Science Monitor, conservationists are not dogmatically opposing the Alaska oil pipeline. But, as he noted, they are "requesting that the go-ahead be held up until the potential environmental effects can be more adequately considered by the Government and the public."

On this point, it is worth noting that for millions of years, this gigantic oil deposit has rested undisturbed beneath the Arctic. In an incredibly short span of time—25 to 30 years—we can, and probably will, drain it off. But if we do not move with utmost caution now, to be sure that in the press for action, we do not overlook some aspect that holds the potential for future disaster, we could, in these few short decades, leave a trail of waste and destruction that will take centuries, perhaps thousands of years, to undo.

Thus it is essential that before going ahead with the pipeline, we be absolutely sure all the facts are in, and certain that a pipeline beginning will not put us on the road to tragic consequences. It is hoped that the hearings this Thursday will give a good indication of where this important matter stands, and will provide the public with the fullest possible picture, including the full report made to the President recently by the Federal task force.

I ask unanimous consent that Robert Cahn's Christian Science Monitor series of articles on Alaska oil development and the environmental, economic, and social implications be printed in the Record, together with his article of October 7.

Mr. Cahn recently spent 2 months looking into this important matter, including 4 weeks in Alaska, and his articles represent an extremely well done, comprehensive, and significant piece of work. Environmental reporters such as Mr. Cahn are performing a major public service in presenting to the Nation these illuminating reports on issues that are of grave and immediate concern to all of us.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Alaska's Oil: A Nation's Dilemma—Alaska Sits on Great Oil Gusher

(By Robert Cahn)

Prudhoe Bay, Alaska.—Inside the small blue shed, the gold-painted wheel on the wellhead glints in the Arctic sunlight. The wheel is turned tight now, shutting off the well before it can start into production. The needle of a gauge stands at the 1,500 mark, registering the pounds per square inch of pressure from the oil deep beneath the wooden floor.

Some time in the not-too-distant future, possibly by 1972, that wheel and others nearby will be turned on. The first surge of oil from what may turn out to be the largest field ever discovered on the North American continent will start flowing through a 48-inch pipeline that will extend 800 miles from Prudhoe Bay on the ice-filled Arctic Ocean to the all-year Port of Valdez on the Gulf of Alaska.

POLITICAL TIME BOMBS

From Valdez, tankers will carry the oil to the West Coast, while other tankers may ply the Northwest Passage, bringing oil from the Arctic to the eastern United States.

XUM

This, at least, is the projection of the oil companies.

Exactly when the oil will start flowing, what will be the route and construction details of the pipeline, what protections will be taken against pipeline breaks or tanker spills, what irreversible harm might be done to the land and the wildlife, are matters of utmost concern these days to the oil industry, conservationists, Alaska state officials and Alaskan natives (Eskimos, Indians, and Aleuts), the United States Department of the Interior, and several other federal agencies—not to mention the White House and a number of other oil-producing nations around the world.

The federal executive decisions inherent in opening up this last great national-wilderness section of America are political time bombs. The impact of a disastrous Alaskan oil spill, for instance, coming in the midst of the 1972 election campaign, could be a tremendous setback for a President who had preached environmental protection the previous four years.

It could be especially embarrassing to an administration which, at the time of the Santa Barbara oil spill, blamed the previous administration for allowing companies to open up the Santa Barbara offshore oil field without holding public hearings, making adequate geological studies, or weighing environmental hazards against potential benefits.

The pressure of Santa Barbara can already be seen in the hurried scheduling by the Department of the Interior of public hearings in Fairbanks Aug. 29 and 30 to let all sides in the Alaska pipeline controversy get their arguments into the record. Interior officials had indicated earlier that public hearings would not be necessary.

Additional pipeline hearings may be held in Washington by the Interior Department as well as by congressional committees.

PUBLIC APATHY RECALLED

In bygone years when the public was apathetic about the environment, and before "Santa Barbara," the formal application of a consortium of oil companies for a right of way across federal lands to build a pipeline undoubtedly would have received relatively quick favorable response from government. The nation's defense needs for additonal domestic oil, and the lure of lease bonuses and royalties to fatten federal income, would have run roughshod over any cries from conservationists—as happened at Santa Barbara.

The recent environmental awakening by the public has caught many people by surprise. An extensive article on the Arctic oil rush in Fortune magazine last April made matter-of-fact reference to the pipeline without even mentioning the growing controversy. And the oil companies were so confident of getting the permit that they placed orders with Japanese steel companies for $300 million worth of pipe, with the first delivery scheduled for this September in Valdez, the proposed terminus of the pipeline.

The Alaska oil situation is extraordinary in many ways.

The pipeline right-of-way application runs headlong into another controversy over land claims of Alaskan natives and a land "freeze" ordered by Stewart L. Udall, former secretary of the interior.

Mr. Udall banned development or change in ownership of the millions of acres of federal land in the state until the controversy over lands claimed by natives is settled.

COMPLICATION ADDED

Mr. Udall's successor, Secretary Walter J. Hickel, further complicated things at his nomination hearings last December. In his eagerness to please the Senate Interior Committee, Mr. Hickel promised that he would not take any action in lifting parts or all of the land freeze until he had discussed each proposed "exception" with the committee.

Secretary Hickel is thus committed to bringing the pipeline proposal before the Senate committee, which may then decide to schedule hearings on its own.

President Nixon could, of course, abrogate the unprecedented commitment of Secretary Hickel as being against the traditional separation of powers between the executive and legislative branches. But the White House has chosen for the time being to let the situation continue. The Interior Department recently went before both Senate and House Interior Committees before lifting the freeze to allow construction of a 53-mile section of road along the proposed pipeline route north of Livengood.

The President first took official cognizance of the Alaskan oil situation last May 9 when he directed Secretary Hickel to expand an Interior Department Alaskan-oil task force into a governmentwide group, and to consult with people outside of government.

REPORT DEADLINE SET

"It is urgent that we consider now the ways in which we can explore and develop, without destruction and with minimum disturbance, the oil resources of northern Alaska," Mr. Nixon said in his memo to Secretary Hickel. A date of Sept. 15 was given for a preliminary report to the White House.

The President had received a telegram a few weeks earlier from a group of Alaskan and national conservation leaders assembled at the Sierra Club's wilderness conference, where Alaskan oil development was the central topic of discussion.

The conservationists urged the President to appoint "a blue-ribbon committee to review the impact on Alaska's environment of massive oil development and timber harvesting, along with the web of new transportation facilities they will bring. This committee should carefully study the effect these changes in the environment will have on the lives of Alaskans and all Americans."

Although a "blue-ribbon" committee has not yet been appointed by the President, the intergovernmental task force led by Interior Undersecretary Russell E. Train has worked diligently in the past two months seeking to spell out the technical and environmental regulations for oil companies to follow in building a pipeline without harming the environment.

Experience in the Arctic during the last 20 years has shown that those engaged in oil exploration have frequently produced harmful effects on the environment in the forms of erosion from seismic testing and gouging out of the tundra with heavy vehicles, or leaving thousands of 55-gallon oil drums scattered over the wilderness, or indiscriminate killing of wildlife.

The oil companies, currently on the defensive in their urgent push for the pipeline permit, have some strong arguments supporting their request for immediate approval. They gambled millions in wildcat oil exploration before the first strike in 1968. They are willing to invest more than a billion dollars in the pipeline and terminal facilities, even before the extent of the oil reserves is known.

They are spending large sums on ecological and technological research to minimize environmental damage and prevent a break or oil spill.

The development of this oil field will greatly aid Alaska's economy and relieve a shortage in domestic oil production which is expected to hit the West Coast in 1972, the year the proposed pipeline is scheduled for completion.

Secretary Hickel has taken the position that he has no other choice than to allow construction of the proposed pipeline once he is assured it can be done safely, without damaging the environment unduly and without abridging the rights of Alaskan natives.

The federal government has given no indication yet that it intends to consider the pipeline decision in the context of the larger question of the entire development of federal lands in the Arctic, whether or not a pipeline is the best or only practical way to get the oil out, or whether there is great urgency to use up these mineral resources now.

ALASKA'S OIL: A NATION'S DILEMMA—OIL COMPANIES TOOL UP FOR PLUNGE INTO ALASKAN VENTURE

(By Robert Cahn)

PRUDHOE BAY, ALASKA.—Our small amphibian plane had not shut down its engine before a uniformed security guard drove alongside in a pickup truck. Every unscheduled plane is checked immediately at Prudhoe Bay, where the "tight hole" security of the Arctic oil rush is specially rigid.

As soon as we identified ourselves and proved that the visit had been okayed by oil company officials, the guard became a guide. We would be allowed to see everything in the immediate vicinity, the guard explained. He would show us the Sag River State Well No. 1, where the oil strike announced in June, 1968, substantiated rumors that the Prudhoe Bay field might be one of the biggest in history.

But it was doubtful, the guard said, that we could visit any active operations. A number of VIPs were visiting on this day, so no officials were available to escort us to any rig site.

LAND SALE SCHEDULED

The reason for this tight security is that the first major Arctic North Slope lease sale on state land since the 1968 strike is scheduled for Sept. 11. The fiercely competitive bidding on 431,104 acres of potential oil-producing land may top $500 million—excluding royalties. All of the money will go to the State of Alaska, which at present has a total annual budget of only $200 million. "Who found what where" and even "who didn't find what where" are top secret matters.

The first estimates a year ago were that this oil field might reach 5 billion barrels, rivaling the east Texas field discovered in 1930. Current estimates range from 10 or 20 billion up to 100 billion barrels.

It is, of course, possible that these estimates are far too high. But any visitor to Prudhoe Bay rapidly realizes that someone must know something positive, or else the oil companies are throwing their money around just for the fun of it.

The area near the airstrip is base camp for the Atlantic Richfield Company (ARCO), which is in partnership with Humble Oil Company and the BP Oil Corporation (British Petroleum) to build the 800-mile pipeline across Alaska from Prudhoe Bay to Valdez.

WILDERNESS URBANIZED

A former high Alaska state official once said: "We are building a Fifth Avenue on the tundra." Prudhoe Bay may not yet be Fifth Avenue. But it has come a long way toward urbanization in a short time. Until recently, all that could be seen on the flat, barren Arctic coastland covered by snow and ice most of the year, was an occasional Eskimo fishing or hunting, and an abundance of migrating caribou, plus bears, wolves, birds, and other wildlife.

Today there are 15 oil rigs in the Prudhoe Bay area, with about 40 men at each rig, plus several hundred men on construction jobs at the base camp. Many other rigs poke out into the sky at widely scattered parts of the 56 million acres of land between the Brooks Range and the Arctic Ocean which has been labeled the North Slope.

ROUND-THE-CLOCK ACTIVITY

The bustle of construction pervades the 24-hour-daylight atmosphere in the summer days of midnight sun. The weather is mild, in the mid-50's. But there were snow flurries the day before—a reminder that in winter,

temperatures here plunge to −50 or −70 degrees F.

At the airstrip cargo was being disgorged from two giant Hercules planes, each carrying 20 tons of equipment. Nearby stood a chartered jet plane which had brought in the board of directors of Atlantic Richfield, and a small plane carrying United States Sen. Mike Gravel (D) of Alaska and Birch Bayh (D) of Indiana.

As we drove through the area, our guide pointed out the construction under way: permanent quarters for 225 men ("with wall-to-wall carpeting"), a cement plant, a crude-oil topping plant, a hangar, garage, welding shop, recreation hall, and sewage disposal plant.

STEAK AND FRESH VEGETABLES

Graders leveled the gravel on the airstrip. Mammoth Sky Crane helicopters waited for their next assignment—they had just come back from lifting an entire derrick and rig across the marshy tundra to a new site.

At the mess hall, workers went through the cafeteria line. The food was many degrees above standard cafeteria fare. The men filled their plates with steak, turkey, fresh vegetables, fresh strawberries—the best that money can buy to stoke the mammoth appetites of those who work 12-hour shifts, seven days a week.

The only place where there was no activity was at the small blue building which covered the wellhead where Sag River State Well No. 1 had come in. Until the pipeline can be built to take the oil out, the valves will-remain shut.

EXPENSES COMPARED

At the invitation of Senator Gravel, this correspondent was able to accompany the two senators on a short helicopter ride to a new ARCO well just getting started. On the way we passed a number of oil derricks, several gravel pads for helicopter landings, another landing strip, and a gravel spit on Prudhoe Bay for unloading barges. Much of the marshy land below us was scarred where the landscape had been gouged by seismic exploration or by tracked vehicles moving across the tundra.

At the new Southeast Eileen well, we watched as a drill churned through the permanently frozen ground.

Oil drilling in the Arctic is difficult and expensive, oil company officials explained. Wildcat wells which in Texas might take three or four days to drill take three weeks or a month here. The first 2,000 feet of drilling on Southeast Eileen would give the most trouble. Once through the layer of ice-rich soil, drilling would be easier. They were hopeful that at the 8,000-foot level they would hit oil. But it could be a dry hole.

Forty-three wells have been started on the North Slope since 1963, most of them within the last year. Earlier drilling by the Navy in the 1940's and 1950's of 37 exploratory wells in the federal government's naval petroleum reserve No. 4 to the east, was unsuccessful in terms of large-scale commercial finds. ARCO's own exploration south of Prudhoe Bay along the Sagavanirkok River at Susie Unit No. 1 was a $4.5 million dry hole.

INITIAL TESTS RUN

In February, 1968, however, ARCO's Prudhoe Bay No. 1 well struck gas at 8,500 feet. Later, the company disclosed that in initial tests the Prudhoe well had flowed at a rate of 1,152 barrels of oil a day.

Then came the strikes at ARCO's Sag River State No. 1, and British Petroleum's Put River No. 1—all in the Prudhoe Bay area. All wells now are capped until a way can be found to get the oil to market economically.

"We figure the field can produce 150,000 barrels a day per billion barrels in the field," said Louis F. Davis, ARCO's executive vice-president for development. "The 48-inch pipeline we will build can take 2 million barrels a day. We are going to start with 700,000 barrels a day."

Mr. Davis and Senator Gravel both expressed dismay that the Department of Interior has delayed in lifting the land freeze and granting the right-of-way permit to go ahead with the pipeline which by 1972 is expected to carry oil from Prudhoe Bay to the year-round port of Valdez on the Gulf of Alaska. From Valdez, tankers will transport the oil to refineries on the West Coast.

COOPERATION PLEDGED

"The oil companies have hundreds of millions invested," said Mr. Davis. "One year's delay would be very costly, both in interest and in delayed profits." Mr. Davis said the oil companies were willing to cooperate with the government "in any reasonable way" regarding environmental and safety regulations set down by the government.

Senator Gravel said he saw no reason for the government to hold up the pipeline decision. "The federal government should be able to act as fast as industry," he said. "The pipeline can be supervised as we go along."

Some other members of Congress, and a number of leading national conservation leaders, are urging extreme caution before giving the go-ahead for the pipeline. They are not yet assured that it can be built without damaging much of the fragile Arctic wilderness. And they are requesting more research and public consideration of potential hazards of the pipeline, as well as its relationship to Alaska's plans for development of the entire Artic area, before any decision is made that irrevocably sets a pattern for the future.

ALASKA'S OIL: A NATION'S DILEMMA—ALASKAN PIPELINE ROUTE—THREAT TO WILDERNESS?

(By Robert Cahn)

ALONG ALASKA PIPELINE ROUTE.—Flying over the northern route of the controversial 800-mile pipeline which would move oil from the mostly icebound Arctic Ocean to a year-round port on the Gulf of Alaska, one can get a better perspective on the basic points of contention.

It is vast country, millions of uninhabited acres, certainly big enough to include a 48-inch diameter pipeline that is planned to be 95 percent underground.

The scars of exploration for a pipeline route, cutting through the forests or across the tundra, are easily visible from the air when you look for them. But in the scale of the Alaskan Arctic they are really, in themselves, insignificant.

"No one could object to a single road going through the length of California," comments Secretary of the Interior Walter J. Hickel, who as governor of Alaska authorized a temporary "ice highway" last winter for transporting supplies to oil-company installations up at Prudhoe Bay on the Arctic Ocean.

As governor, Mr. Hickel favored the pipeline. As Interior Secretary, his current position is that before a permit is issued, sufficient assurance must be given that no permanent damage be done to the land and the wildlife.

The vastness of the Arctic north, however, also provides the basis for opposition to the pipeline. This is wilderness, the largest continuous wilderness left in the nation. It has mountains, glaciers, tundra and taiga, pristine lakes and rivers, wolves, bears, hundreds of thousands of migrating caribou, and a great variety of birds and other wildlife.

Civilization, except for native villages (and the new North Slope oil activity), now ends at Livengood, 74 miles north of Fairbanks. From there on you can go for hours without seeing a person, or house, or store, or telephone pole.

It isn't the single 100-feet-wide right-of-way through this wilderness that is the chief danger, say pipeline opponents. To build a pipeline, a road is needed. Alaska is demanding that the road be built to all-year highway standards and turned over to the state.

Highways sprout motels, service stations, cafés, and connecting roads. They bring people in ever-increasing numbers. Some of the people will get off the roads and cut up the tundra with their jeeps and snow vehicles, and the erosion can quickly expand ruts into wide ditches in this fragile country. And wildlife will lose out to hunting, or poaching, or just to human intrusion.

WHAT OPPONENTS ARGUE

With all of this at stake, argue the opponents, why should there be such a rush for a decision, especially when it is going to be made for one industry and a few companies? Where, they ask, is the overall resource development and management plan for this northern sector of the nation's largest state?

There may be short-term economic gains in taking out all the oil over the next 20 years, they admit. But should not economic factors be weighed against what might be best for future generations?

A flying trip over the proposed pipeline route has become a priority item for government officials now involved in the controversial decision on the proposed pipeline. In recent weeks, Secretary Hickel, Interior Undersecretary Russell E. Train (who heads the intergovernmental task force on Alaskan Arctic oil development), Transportation Secretary John A. Volpe, and other high officials have flown over the Arctic to Prudhoe Bay, the center of the 1969 oil rush and starting point of the pipeline route.

My opportunity to have an on-the-scene view of the route came with an invitation to go along on an inspection trip with David M. Hickok, assistant to the chairman of the Federal Field Committee for Development Planning in Alaska.

"SWATH" FOLLOWED

Taking off from Fairbanks, we followed the swath cut northward through the taiga (coniferous forest) by the exploratory crews of the Trans Alaska Pipeline System, (TAPS). They have been seeking the stable soils in the permafrost (the term for water-rich ground below the surface that has remained below freezing two or more years).

Looking down on the wooded hilly area that lies north of Fairbanks to the Yukon River, you can see the route mostly because a bulldozer preceded the soil-drilling rig, knocking down the trees and brush and often scraping off the protective vegetative mat above the permafrost. Following the path of the bulldozers, a soil-rig crew has made tests with a small drill. What is learned from the samples taken from the permafrost is the basis for determining where the pipeline is to go.

ORDER MODIFIED

If the pipeline is to be buried, the soils must be stable enough to keep the mammoth, heavy sections of pipe with hot oil inside from sinking, or to prevent the soil around the sides of the pipe from eroding Thus the TAPS geologists must avoid extremely ice-rich permafrost and seek out areas that have high gravel content.

For a 53-mile route north of Livengood to the Yukon, Secretary Hickel has just modified the "land-freeze" order imposed by Stewart L. Udall, former secretary of the interior, to allow TAPS to build a road. Secretary Udall had ordered all federal land in Alaska withdrawn from development or change in ownership until disputes over Alaskan natives' claims on much of the land could be settled.

Secretary Hickel has publicly warned his successor as Governor of Alaska, Keith H. Miller, that inasmuch as the state has authority over the highway right-of-way, the performance on this road construction "will bear direct relevance to our subsequent response to the 800-mile pipeline application."

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The road section "will be regarded as a showpiece to the nation that the fundamental questions arising from the impact of modern technology upon a delicate ecosystem can be resolved without detrimental effects upon the environment or the native peoples," Mr. Hickel said.

EXPENDITURE ESTIMATED

TAPS plans to spend $11 million on this 53-mile road section, build it to state-highway standards, and then turn it over to the state after the pipeline is completed.

The pipeline is supposed to be buried under the Yukon River, and no permanent bridge now is planned. North of the Yukon, we followed the route across the tundra to the middle fork of the Koyukuk River, and into the Arctic Circle.

Then we entered the magnificent Brooks Range, which crosses Arctic Alaska on an east-west line, and followed the pipeline route along the stream bed of the Dietrich River to its source land. Then up over a high pass to the Atigun River.

Now we were on the "north slope" of the Brooks Range, from which all the land, even the flat area near the coast, derives its name. Alongside a small lake a few colorful tents marked a campsite, and our pilot set the amphibian plane down for a stop. We were going to visit with a team of scientists hired by the TAPS to study the ecology of the area.

Alaska's Oil: A Nation's Dilemma—Alaska Pipe Plan Sparks Crash Ecological Research Program

(By Robert Cahn)

On the North Slope, Alaska.—Dr. William W. Mitchell came walking across the tundra carrying a long, narrow cloth sack. Inside were specimens of plants, grasses, sedges, and dwarf willows. As part of an ecological study team he was returning to this base camp in the foothills of the Brooks Range after a day gathering specimens along the route of the oil pipeline proposed to cross Alaska from north to south.

In a small but significant way, Dr. Mitchell and a number of other scientists are playing an unusual role in what is becoming one of the nation's major resource development concerns over proposals to build a massive 48-inch pipeline 800 miles across Alaska to open up the recent North Slope oil discovery.

RESEARCH UNDERTAKEN

Oil companies are sitting on what may be the biggest oil field on the continent. But without a pipeline, they cannot get the oil out of the icebound Arctic and on its way to market. The application of the Trans Atlantic Pipeline System (TAPS), a subsidiary of one British and two American oil companies, to build this pipeline has drawn criticism from conservationists who believe that it will irreversibly damage the environment in this vast wilderness area.

TAPS has hired Dr. Mitchell and others to undertake basic and applied research on various problems associated with pipeline construction and operation and the potential effect on vegetation and wildlife in the Arctic.

On an Arctic inspection tour with David M. Hickok, assistant to the chairman of the federal field committee for development planning in Alaska, I had an opportunity to see some of this research firsthand. We had been flying over part of the pipeline route from Fairbanks to Prudhoe Bay, when Mr. Hickok asked pilot Theron Smith to set the two-engine Grumman Goose down on a small, unnamed lake about 130 miles south of Prudhoe Bay.

SLOW TO RECOVER

Here we found the TAPS ecological team at work. Dr. Mitchell, for instance, was seeking more knowledge of what takes place when natural disturbances occur in this wilderness country, such as rivers changing course. He was looking for species of plants or grasses that can pioneer under natural conditions.

Dr. Mitchell sends the specimens back to his laboratory at the University of Alaska agricultural experimental station at Palmer, Alaska. There some of the plants will be grown out and the seeds planted in test areas where the carpetlike tundra has been scraped off to stimulate disturbances such as might occur in pipeline construction.

His work is important for what it can contribute to solution of a major Arctic problem. Scars of erosion from damage done to the tundra 10 or 20 years ago can still be seen throughout the Arctic. The tundra, an entire ecosystem of plants, grasses, sedges and dwarf trees, is slow to recover from intrusion—especially when the permafrost below it is exposed and starts to erode.

The other members of this ecological team were Canadian and English. Dr. Peter W. Elliott, of the University of Lethridge in Alberta, was surveying small mammals, and Dr. Peter J. McCart and Vernon Pepper of Regina University in Saskatchewan, were studying fish. Dr. Bryan Sage, an expert on birds and leader of the team, was in Washington at the time of our visit. He is in charge of environmental studies for BP Oil Company (British Petroleum).

OTHER RESEARCHERS AT WORK

The team was put together hurriedly early in the summer, and Dr. Sage had not been able to get scientists for two key jobs—soil studies, and large mammals.

Dr. Mitchell and his associate were somewhat dubious as to how much could be accomplished in eight weeks this summer. They felt that about all they could do would be to describe the nature of the plant, fish, and wildlife communities they observed as a standard against which to measure potential damage after the pipeline is built.

Elsewhere on the North Slope and at the University of Alaska at Fairbanks, other environmental and engineering research is taking place, most of it sponsored by the oil industry.

"Oil companies have shown incredible determination to do a good job of conservation," says Dr. Kenneth Rae, vice-president for research of the University of Alaska, which is coordinating much of the research work. "I think that sufficient research is going on for safeguards in building the pipeline."

While Dr. Rae and many others are applauding the oil companies for spending hundreds of thousands of dollars on research, some individuals remain skeptical. Conservation leaders say the oil companies are just "running scared." The oil industry sponsored research is being done, conservationists add, largely to allay public fears that the building of the pipeline, a possible break or leak after it goes in, or the opening up of the area to development and wide public use could irreparably damage the Arctic wilderness.

Dr. David R. Klein, leader of the university's Alaska Cooperative Wildlife Unit, says of the million dollars spent by oil companies in the last year on research, that most of it has been for engineering studies connected with pipeline construction, and only $100,000 of it has been on studies oriented to ecology or biology.

MORE TIME URGED

"Engineers think of solving problems by the amount of time and money you put into it," says Dr. Klein. "But with ecology you are dealing with time cycles, and can't have a rush program. We shouldn't be rushed into such an important decision as the pipeline, and have to act fast to meet the pace set by the oil operations. It wouldn't hurt to delay the decision until the basic environmental problems have been solved."

Until early this year, the federal field committee had the responsibility for coordinating the activities of various government departments with regard to planning for Arctic resource development. Mr. Hickok had obtained agreements from federal and state agencies to cooperate with TAPS on phases of environmental research.

But lack of funding and manpower prevented extensive federal and state studies and coordination of activities. A crash program of research was started this summer after an inter-governmental task force on Alaskan oil development, headed by Interior Undersectretary Russell E. Train, assumed responsibility for coordinating federal programs.

Alaska's Oil: A Nation's Dilemma—Alaska Wilds Not Big Enough To Hide the Trash

(By Robert Cahn)

Brooks Range, Alaska.—Visiting the north slope of the Brooks Range in the Arctic, it was easy to see why the conservation-minded are opposing the 800-mile pipeline sought by the oil industry to get its oil to market.

One can readily understand the theory that the vast, virtually uninhabited 100,000 square-mile area north of the Arctic Circle can include a single pipeline and the road necessary to build it.

But if past is prologue, the conservationists have good reason for concern over the increase of man's industrial activity in this Arctic wilderness.

The concern was brought vividly to mind for me after I had spent a night and day camping alongside a small lake in the foothills of the Brooks Range, which crosses Alaska just north of the Arctic Circle.

Probably fewer than 50 people had ever walked beside this lake, one of hundreds in the area. It had no name, but was dubbed "Lake 2900" (the elevation was 2,900 feet) by the scientists who were temporarily making camp alongside it as they did ecological research for the Trans Alaska Pipeline System.

BEAUTY READILY APPRECIATED

I had learned in my few hours here to appreciate the beauty of tundra, the carpet of mosses, sedges, grasses, wild flowers, and dwarf willows that in summer emerges from under a winter snow mantle to cover the treeless slopes, valleys, and flatlands. The tundra is really a miniature world of its own.

On a short walk just before leaving the camp, I discovered the marks of civilization. Less than a mile from the pristine lake, I came across the abandoned camp of an oil exploration crew. Oil drums, gasoline cans, wooden boxes, and other trash were strewn about on the tundra, where they had been discarded. The trash pile seemed to be saying: "What's the harm in a few old barrels among millions of desolate acres of land."

Later, in flying over the parts of the north slope, I saw other piles of trash. I was told by veterans of the Arctic that some of the trash had been there for years—in the Arctic deep freeze, oil drums and wood do not decay easily.

It was not all the responsibility of oil companies. Some of the trash was left by government study teams, such as the United States Geological Survey. And the Navy had never done anything about cleaning up the small mountains of trash left at Umiat and other places on the Naval Petroleum Reserve No. 4 during the oil explorations of the 1940's.

STREAM BEDS STRIPPED

I also saw the widening erosion caused by seismic exploration crews, or by heavy vehicles pushing across the soft tundra after the snow had left. I saw signs of pollution in the streams and in the ponds behind the oil construction camps.

And I had been informed by state and federal officials of how gravel for construction had been taken out of stream beds without prior knowledge of how it might affect fish spawning.

Officials spoke of cases of grizzly bears being shot when attracted to garbage dumps near the oil construction camps, and how the wolf and white fox were hunted down in winter by the oil camp workers.

In perspective, of course, these comparatively few signs of civilization in such a large area were perhaps of minimal harm—so far. And I found signs to indicate that some oil companies, especially those seeking the permit for the pipeline, are trying to reverse prior practices and to set high standards for protection of the environment.

When I flew in a helicopter from the Atlantic Richfield Company (Arco) field headquarters at Prudhoe Bay to a new Arco oil well being drilled a few miles away, no litter of any sort could be seen on the Arco-leased state land. Arco uses helicopters to place freight pallets on the tundra, then sends men on foot to collect oil drums and other trash—much of which was left by others before Arco arrived on the scene.

EROSION UNDERESTIMATED?

Arco officials also pointed out to me a small tract of damaged tundra which was being seeded with 39 varieties of grasses in an experiment to seek ways of revegetation. The company is building a sewage disposal plant at Prudhoe Bay. And Arco is compelling strict enforcement of rules against vehicles getting off the few roads into the tundra.

Dr. Max C. Brewer, director of the Navy's Arctic Research Laboratory at Barrow, and one of the leading authorities on Arctic resources, feels strongly that some of the people planning the pipeline, and some federal officials involved in the pipeline decisions, may be underestimating the significance of the erosion problem in the Arctic.

He has pictures to show of 20-foot-deep ditches developing in a few hours out of what had been just a narrow scarring of the tundra by a heavy vehicle.

"STIPULATIONS" PROPOSED

Dr. Brewer also says that much of the damage has occurred in the past because the oil companies have not assumed responsibility for the activities of their contractors.

Geophysical companies which do the exploration for the oil companies have torn up much of the tundra with their rigs and explosive charges, and have left their litter behind. They are doing a job as fast as they can, and cutting costs where they can.

Once it appears that a good place has been found for drilling, construction people are given contracts to move in their massive equipment to prepare airstrips and erect buildings and put in roads.

"Unless control is obtained over the contractors, we can expect no change," warns Dr. Brewer.

The Department of the Interior, which has the power to issue the pipeline permit, believes it has the answer to this problem. A task force headed by Interior Undersecretary Russell E. Train has prepared a 117-page book of "stipulations" which it expects the pipeline system representatives to accept if a permit is to be issued.

Stipulation No. 4 requires that the pipeline permittee, the Trans Alaska Pipeline System (TAPS), "shall be liable for damages from many wrongful or negligent acts" done in building the pipeline. And the Interior Department is demanding that TAPS post a $50 million performance bond from which will be paid out whatever is necessary to restore and rehabilitate any damaged area.

The specific stipulations relating to timber cutting, pollution, cleanup of spills, construction, fire prevention, use of explosives, protection of wildlife, use of pesticides and damaging the ground are unusually severe. If agreed to, and if followed, they should go a long way toward preventing permanent damage to the Arctic environment.

The stipulations, however, do not satisfy the conservation leaders. They point out that no one yet knows if the tundra can be restored, or how much erosion will take place before it is restored. They know that even the best stipulations are unenforceable without the manpower to inspect the work continuously. And neither the state nor the federal government had a single employee continuously in the north slope last winter.

Interior Underscretary Train indicated to a Senate subcommittee earlier this month that the department is requesting 142 additional positions and a supplemental budget of $3,150,000 for studies and inspection work relative to the north slope oil development. But the administration has yet to agree to this additional employment and funding.

Alaskan's Oil: A Nation's Dilemma—Alaskans Contemplate Oil Impact

(By Robert Cahn)

Juneau, Alaska.—"When it crosses the Yukon River, the pipeline will be 25 feet under the surface, set into 10 feet of bedrock."

The lights had been turned off in the ballroom of the Baranof Hotel during the weekly meeting of the Juneau Chamber of Commerce. All attention was focused on the speaker, David Henderson, who was giving details of the 800-mile-long pipeline proposed to cross the main body of Alaska from north to south.

Anything connected with the new oil rush has great interest all over Alaska. And it held special significance for the many state employees included in the audience here in the capital. The pipeline, they realized, would hasten economic development of the North Slope oil. And it would pour into the depleted state treasury added millions, maybe billions, from sale of leases and from royalties.

Mr. Henderson, a tall, sparse Englishman, was appearing on this summer day in a public-relations role although he is really an engineer. His chief job is directing pipeline field development in the trans-Alaska pipeline system (TAPS), a consortium representing one British and two American oil companies which have extensive leases in the North Slope.

RIGHT-OF-WAY ASKED

TAPS applied last June to the Department of the Interior's Bureau of Land Management for a right-of-way across federal land to build the pipeline. And TAPS also asked that the "land freeze" imposed by Stewart L. Udall, former secretary of the interior, to protect native land claims be modified to allow construction of the pipeline. No action on either count has yet been taken by the federal government.

With a pointer, Mr. Henderson traced the route of the pipeline from Prudhoe Bay on the Arctic Ocean to the year-round Port of Valdez on the Gulf of Alaska, from whence the oil would go by tanker to the West Coast.

A geological team had bored holes every 1½ miles over the northern 600 miles, seeking the best soil conditions, Mr. Henderson told the audience. TAPS was especially concerned about avoiding "ice lenses," large sections of pure ice hidden under the tundra.

Soil conditions were the key to selecting the route. The requested route had avoided the 2,700-foot-high Anatuvak Pass through the Brooks Range in favor of the 4,700-foot-high Dietrich Pass, even though it would be more difficult and more expensive. The soils in Amatuvak Pass were not adequate for the heavy pipe.

INSULATION INCLUDED

The pipeline will be four feet in diameter, inner measurement, with special insulation to cut down the spread of heat. All except 50 miles of the pipeline will be buried, much of it in permafrost, and surrounded by gravel fill. The pipe that must go above ground will be supported by concrete piles and will be in relatively short sections so as not be become a barrier to the large herds of migrating caribou. Where necessary along migration routes, ramps or underpasses will be provided.

And extensive safety measures are being taken to detect and electronically "sense" major leaks along the route, and to automatically trigger a shutdown of the pipeline.

When the short talk ended, the lights came back on, and Mr. Henderson answered questions.

"How much will the pipeline cost?" (Answer: including the port facilities at Valdez, about $900 million.)

"How hot will the oil be inside the pipe?" (Answer: from 160 to 170 degrees, the temperature of the oil as it comes out of the ground.)

CONSTRUCTION SCHEDULE?

"What is the construction schedule?" (Answer: TAPS hopes to start building a road from Livengood to the Yukon River this September, preparatory to putting in the pipe next year. The road from the Yukon to Prudhoe Bay should be built in 1970. Some pipe will be arriving in Valdez this fall, and other sections will go by barge to Prudhoe Bay. TAPS hopes to have the pipeline in operation by 1972, when a shortage of oil is expected on the West Coast.)

"What will be the pipeline capacity?" (Answer: about 500,000 barrels a day at the start, with a maximum capacity of 2.6 million barrels.)

Surprisingly, no one in the audience asked about possible harm to the environment. Mr. Henderson admitted later in an interview that when he had given the same talk in Anchorage, he had been severely tested by conservationists wanting to know how the pipeline could be built without damaging the fragile Arctic tundra or endangering the wildlife.

SOLUTIONS SIGHTED

Mr. Henderson said that despite the fears of conservationists, he felt most of the environmental problems could be worked out satisfactorily.

"It is possible we will find points of conflict between conservationists and engineers which may need further study next year," he said.

He acknowledged that TAPS still had to deliver to the Bureau of Land Management more exact route information, and other technical data. And he expected that a good deal of negotiating would be necessary before agreement could be made on the construction stipulations which the Department of the Interior were planning to impose on TAPS.

He was also worried over the growing strength of conservationists who were seeking to have the pipeline permit delayed, or even denied, unless better assurances could be given that the Arctic wilderness would not be ruined by the impact of the pipeline.

Although most of the Juneau Chamber of Commerce members remained blissfully unconcerned with the controversy surrounding the pipeline proposals, many individuals in Fairbanks, Anchorage, and Washington are acutely aware that many obstacles remain to be worked out before—or even, if—pipeline construction gets under way.

Alaska's Oil: A Nation's Dilemma—Alaskan Oil Dollars Could Relieve Widespread Poverty

(By Robert Cahn)

Juneau, Alaska.—It's no wonder that Alaskan Gov. Keith H. Miller, most state officials, and the entire congressional delegation in Washington are so anxious to prevent any delay in approval of the application for a pipeline across the state that will start

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oil flowing from the Arctic to the marketplace.

Dollars. By the millions. Maybe even billions.

For a decade, the nation's biggest state in area has been one of the poorest in revenues. It has not been able to tap its large store of natural resources, nor build a large agricultural or industrial export base. Thus it has for years lagged in funds for schools, roads, and other public services.

The state's stopgap economy has been largely dependent on federal revenues. Most of the natives (Eskimos, Indians, and Aleuts), who constitute 20 percent of the population, are living in poverty. Alaska has never even been able to afford a capitol building—the Governor and his staff work out of the old federal building here (the federal government has a fancy new structure).

BONUS MONEY SIGHTED

Now all this is changing. The sale of oil leases this week on a small part of state land in the Arctic was expected to bring from $500 million to $2 billion in bonus money to the state treasury. When the pipeline is completed, more than $50 million is expected the first year in oil royalties and state taxes.

These figures are only the beginning. The state will lease more of the land it already holds and will select additional public land which in turn can be leased. And as a special provision of the Statehood Act, Alaska will get to keep 90 percent of all revenues from oil leases and royalties on federal lands (instead of the 37½ percent allowed to other states having public lands with mineral resources).

Every billion of oil revenue would be equivalent to about $3,600 for each of Alaska's 275,000 citizens. It is figures like this that have produced rumors and all kinds of wild schemes about what the oil bonanza will do to Alaska.

Although the state does not yet have firm long-range plans for resource development or for spending increased revenues, steps are being taken in several directions to remedy the situation.

TASK FORCE NAMED

Governor Miller has appointed an oil-impact task force to advise him on the challenges ahead. The Stanford Research Institute has been hired to make a comprehensive study of Alaska and come up with long-range plans for development, as well as recommendations based on economic and social needs of the state in the next three to five years.

At the same time, the state's Legislative Council, a bipartisan interim committee of the State Legislature, has contracted with the Brookings Institute of Washington, D.C., to manage an Alaska policy conference.

The Brookings staff will consult with knowledgeable Alaskans about major trends in the state and will hold four seminars in the effort to develop a program that can be acted upon at the next session of the Alaskan Legislature starting in January, 1970.

While the planning gets under way as to how to spend the oil money, Governor Miller and Alaskan members of Congress are seeking to expedite the application of the Trans Alaska Pipeline System (TAPS) for the 48-inch pipeline that is to run across Alaska from the Arctic Ocean to the Gulf of Alaska.

SCRUTINY CRITICIZED

Governor Miller feels that the Department of the Interior is being too stringent in its scrutiny of the application and in making excessive demands on the oil companies for construction requirements.

He says the issues of potential damage to the environment that have been raised by conservationists can be worked out satisfactorily as the construction takes place. The state can adequately supervise the construction and still protect the environment, Governor Miller contends.

DAMAGE PONDERED

The Arctic region of Alaska, which is the main concern of conservationists who fear the pipeline will damage the environment or open up wilderness to excessive use and exploitation, has been neglected by the federal government, which still controls most of the land. Although extensive research funds have been provided for the Antarctic, comparatively little money has been allowed for Arctic research or protection.

Thus when the need has arisen to make relatively sudden decisions about the future of this vast and mostly wilderness area, neither the federal nor state government has known enough to be able to give satisfactory answers as to how much the proposed 48-inch oil pipeline would damage the Arctic environment.

David M. Hickok, natural-resources officer of the Federal Field Committee for Development Planning in Alaska, says that the development of Arctic oil should provide a national focus on all the economic, social, and scientific values of this new national frontier.

It is imperative that there be a national statement of policy and goals for the Arctic closely correlate with Alaska objectives, says Mr. Hickok.

Other priorities, he adds, should include a vigorous, coordinated effort to solve rationally Alaska's transportation problems, and an all-out effort to identify, establish, and dedicate land and water areas for wilderness, park, and wildlife values.

Not the least of the concerns should be a just settlement of the claims of the natives, and the full participation of the indigenous population in Alaska's progress.

ALASKA'S OIL: A NATION'S DILEMMA—ALASKAN PIPELINE PUSH THREATENS MORE DELAY ON CLAIMS

(By Robert Cahn)

WASHINGTON.—While Alaska's spectacular sale of oil-field leases has the spotlight, the controversy continues over the oil companies' application to build a mammoth pipeline across the state.

But somewhere, lost in the shuffle, is the disputed claim of 55,000 Eskimos, Indians, and Aleuts to 90 percent of Alaska's land.

Since most of the natives have not been actively opposing the Arctic oil development or the pipeline, the tendency in Alaska and in Congress has been to consider the native claims and the pipeline controversies separately.

Yet the natives' desire for land settlement, after a century of delay, has become so strong that it may force a compromise or informal agreement with the natives on their claims before the pipeline application clears its congressional hurdles.

ISSUES CONNECTED

The two issues are definitely linked by the land "freeze". imposed by former Secretary of the Interior Stewart L. Udall in 1962 and strengthened just before he left office early this year. Mr. Udall issued administrative orders halting the transfer of federal lands to the state or individuals in areas covered by native protests—until such time as Congress defined the rights of native claimants.

This "freeze" blocked the state's program of acquiring by selection additional amounts of the 103 million acres of federal land that Alaska was granted by the Statehood Act.

In his confirmation hearings before the Senate Interior Committee last December, Interior Secretary-Designate Walter J. Hickel promised the committee he would not lift the freeze for the duration of the 91st Congress unless Congress settled the conflict. He also promised to bring before the Senate committee any proposed exceptions to the freeze. (The oil pipeline can be considered as an exception.)

WEDGE FOR CONSERVATIONISTS

Most observers say that if the freeze were not in force, the application for the 800-mile pipeline would have received administration approval with only slightly more fuss than that made over earlier major pipeline construction in the "lower 48."

But conservationists have made the most of the delay caused by the native-claims complication to state with vigor their concern over possible environmental damage to the Arctic. And it is the search for answers to the environmental issues that has in turn delayed Secretary Hickel's bringing before congressional committees the question of this exception in the land freeze.

The Alaskan natives have seen a hundred years of congressional buck-passing. In the 1867 purchase of Alaska from Russia (for $7.2 million), the United States gained sovereignty over the land but did not settle land ownership by individuals. The Alaska Organic Act of 1884 let Indians keep lands they claimed and were using but left to future legislation the problems of acquiring title.

STUDY ORDERED

Even the Alaska Statehood Act of 1958 left the issue unresolved. Meanwhile, a very few natives were able to get title to 160-acre allotments of nonmineral lands, and the Tlingit-Haida Indians were awarded $7.5 million in settlment when the government took their land for other uses.

Sen. Henry M. Jackson (D) of Washington made an effort to get a settlement moving early in 1968. As chairman of the Senate Interior Committee, he requested the Federal Field Committee for Development Planning in Alaska to make a thorough study of the native-claims issue, the social and economic conditions of the Alaska natives and the resources of Alaska and then propose a basis for settlement.

The 585-page field-committee report issued last February brought out in dramatic statistics the need for a settlement that would help improve conditions for the natives.

SETTLEMENT PROPOSED

Among the committee's findings were the facts that joblessness among native adults is 50 to 60 percent in spring and fall, as compared with 5 to 11 percent among all Alaskans; incomes of rural natives average $500 to $600 a year, including value of food gathered; and that health and housing are far worse for natives than for the nonnative population.

The settlement proposed by the field committee suggested giving native villages about 5 million acres, making available 160 acres of land to each nonvillage native who desired it, and having the federal government give to a native development corporation $100 million cash and up to $1 billion from leases or sales of minerals and land resources.

COMMUNAL GRANT LOOMS

Later, the U.S. Department of the Interior, the state, and the Alaska Federation of Natives (AFN) each put forth settlement plans. All parties generally agree that some sort of land grant will be given to villages, to be distributed communally rather than individually. The 40 million acres requested by AFN, representing a majority of the natives, undoubtedly will be compromised downward.

There is also agreement that there should be some kind of federal monetary settlement for native lands taken in the past and for sweeping the slate of all native claims. Both the state and the Interior Department go along with the AFN request for $500 million, which the natives maintain should go to a dozen regional-development corporations over a nine-year period.

The major obstruction appears to be over

the refusal of the state to give the natives rights to the leasable minerals (oil, gas, and coal) on the lands they will get, though the state is willing to give up rights for locatable hard-rock minerals (such as gold). The AFN has demanded a 2-percent "override" on all revenue from state and federal oil leases.

BETTER BREAK URGED

Many members of Congress feel the state should be more generous with the natives, especially since Congress was so generous with Alaska in the Statehood Act. Not only was Alaska given the right to select 103 million acres of federal public lands, but the state was awarded 90 percent of the resource revenues from the remaining federal land (other states with large federal land holdings receive only 37½ percent).

The native leaders contend that without control of the minerals on the land they would have no adequate safeguard that the land would not be developed in a way that would be harmful to their interest.

From the various proposals, the Senate Interior Committee is expected to approve a compromise bill within a few weeks. The committee hopes to obtain favorable action on the floor this year. The House Interior Committee, however, has indicated that it wants to hold additional hearings this fall in Alaska and thus probably will not be able to take up the bill until next session.

LEGAL CLAIM TOUTED

A number of factors contribute to the positions of the various interested parties.

The natives, backed by their new attorneys, former Associate Supreme Court Justice and UN Ambassador Arthur J. Goldberg and former attorney general Ramsey Clark, maintain they have a good legal claim to the land based on an original use and occupancy.

The natives require large amounts of land for villages because of their hunting and fishing occupations. And the natives are asking for the royalties on the oil because, without it, they would be giving up claim to 90 percent of the wealth of almost of all Alaska for only $500 million.

That would average out at "somewhere in the neighborhood of $1.30 an acre," commented Emil Notti, president of the AFN, at last month's Senate committee hearings.

IRONY DESCRIBED

"If the state of Alaska gets the $1 billion that is being talked about for 431,000 acres [the Sept. 10 sale of oil leases actually brought the state $900 million] we would be accused of making another Manhattan Island deal," Mr. Notti added.

At the Senate hearings, Mr. Clark noted the irony of state and Interior offers of income from gold but not from oil.

"I wonder, if this were 1896 (the gold-rush period), whether the proposal would be that the natives could have the leasables—because no one knew of oil, then—but not the locatables, the gold," Mr. Clark said.

The native position was also toughened at the August congressional hearings by the statement from Mr. Notti that they had not given up their claims to lands already selected by the state, but for which the state had not yet obtained full title. This might include the oil-rich Prudhoe Bay area.

Other natives near the Yukon River have objected to the proposed pipeline because of their concern over the consequences a pipeline break might have on their fishing resources.

GOVERNOR REVERSES POSITION

At the Senate hearings, Gov. Keith Miller reversed an earlier position and came out against sharing of oil revenues with the natives. His attorney general had informed him it would be illegal, he said. The natives could share in revenues as citizens of the state. But to give them an overriding royalty would be unfair to the other citizens of the state.

"I find the $500 million compensation figure is commensurate to the native losses, and I can see no justification for additional compensation," he said.

The Nixon administration has two problems in trying to meet the proposals of the native federation. The Bureau of the Budget is always opposed to earmarking of revenue funds, as would occur if they were to agree to an override on federal oil revenues.

"REPARATIONS" ASPECT QUESTIONED

But of larger concern to the administration would be the example that might be set in giving a large cash settlement and royalties that could be considered a reward for past injustices. Some black leaders might then argue: "If all that money can be given to 55,000 Alaskan natives, what about the demands of 20 million blacks for two centuries of injustice and inequality?"

Secretary Hickel, who left the governorship of Alaska to become Interior Secretary, would like to see a settlement that will not harm his political future in the state. But he is under pressure to go along with the administration position.

With the conflicting positions, it is possible that either Senator Jackson or Mr. Goldberg will be required to serve as unofficial "brokers" to bring the factions together for a settlement acceptable to all.

ARCTIC LEASES MAY FUEL DEVELOPMENT OF ALASKA BEYOND FRONTIER ECONOMY

ANCHORAGE, ALASKA.—"Alaska will never be the same again," Gov. Keith Miller, a Republican, told 600 of the world's major oil tycoons after their bids for Arctic oil leases added $900 million to the state's coffers.

In the one hour of sealed bidding Wednesday, the state collected $100 million more than it had spent in the 10 years since it entered the Union.

The oil boom of record proportions may lift Alaska from a frontier economy. Among the problems which need to be solved:

Though Alaska is more than twice as big as any other state, it has only 4,000 miles of paved roads. Travel is expensive and difficult and many Alaskans never leave their native villages.

Many of its native children—Indians, Eskimos, and Aleuts—still are flown thousands of miles to the "lower 48" states to attend Bureau of Indian Affairs schools because schools in their own villages would be too costly and few teachers are available.

State taxes are extremely high, but the standard of living in many areas is very low. Southeast Alaska must bring milk by boat from Seattle because there is no land for livestock. The federal government owns 97 percent of Alaska's land.

High prices and a grievous housing shortage tend to inhibit population expansion, and only 280,000 people live in Alaska. Of those, 120,000 live in Anchorage.

Governor Miller cautions:

"There should be no mistaken impressions that all of Alaska's financial difficulties will disappear. We can't spend money just because we have it. The funds must first be appropriated by the Legislature."

ALASKA'S OIL: A NATION'S DILEMMA—ALASKAN OIL ACTIVITY POSES ENVIRONMENTAL QUESTIONS FOR NIXON

(By Robert Cahn)

WASHINGTON.—As if President Nixon didn't have enough problems these days, another one is about to be dropped on his desk.

And it's his own fault this time. Mr. Nixon asked to be cut in on this one last May when he requested an intergovernmental task force be set up to look into the problem of how the oil resources of the Alaskan Arctic could be developed without major disturbance to the environment. He said he wanted a preliminary report by Sept. 15. The report is not expected to be released to the public, however.

The immediate decision—on whether to lift an Alaskan land "freeze" and thus pave the way for an 800-mile-long, 48-inch diameter pipeline to get oil from the Arctic Slope to the ice free Port of Valdez—is not directly up to the President.

This decision will be made by Secretary of the Interior Walter J. Hickel. But the ultimate responsibility for future problems arising from lifting the freeze and for granting a right-of-way permit to construct the pipeline does lie with the President.

ENVIRONMENTAL ISSUES

These decisions deeply involve questions of conservation and the environment. So far, the administration's record in this area has been good, although it has been built on reactions to events set in motion under a previous administration. The Arctic oil problem presents a major environmental issue requiring a Nixon administration go-ahead which could later become a political liability.

The decisionmaking divides into two phases. The first involves ordering an exception to an administrative freeze which forbids changes in ownership or use of all federally held public land in Alaska until disputed native land claims are settled.

This freeze status imposed by former Interior Secretary Stewart L. Udall can be lifted, or exceptions to it made, by Secretary Hickel. Mr. Hickel has agreed to take up all such exceptions with the Interior committees of the Senate and the House of Representatives before making his actions final.

LAND "THAW" DEMANDED

A consortium of three oil companies comprising the Trans Alaska Pipeline System (TAPS) is demanding immediate action to lift the land freeze. TAPS also seeks a right-of-way construction permit to be issued as soon as it completes its required mapping surveys, expected within a month. It has already started building an $11 million access road, and the first section of pipe are due for delivery this month.

The oil companies are prepared to invest about $1 billion in the pipeline, which will be a common carrier to tap the Arctic Slope oil strike. Unless they can get the permit soon, say TAPS officials, they will be unable to supply oil to the West Coast of the United States by 1972, when a consumer shortage is supposed to occur.

The policy position already stated by Secretary Hickel, and accepted by most of the members of the intergovernmental task force led by Interior Undersecretary Russell E. Train, is that the development of Arctic oil and preservation of the quality of the Arctic environment are not necessarily incompatible.

RECOMMENDATION NOT EXPECTED

The preliminary task force report going to President Nixon, however, will not make recommendations or conclusions. It will be a detailed review of the entire situation with a summary of the environmental, social, and legal problems involved.

The report will point out that there are still a number of unknowns, especially concerning damage to the fragile tundra and potential erosion effects inherent in placing a hot pipeline in permanently frozen ground. A project of this magnitude has never been attempted in the Arctic.

PROCEDURES DRAFTED

No one knows, for instance, how great a problem earthquakes would be. The report will say that the proposed pipeline crosses seven major faults. Or what would happen if a mechanical failure, an earthquake, or some other cause produced a long breakdown or major pipeline break that would shut down the system for several days during —50 degree weather? At that tempera-

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ture, the motionless oil would turn into plastic within three days.

Despite these unknowns, the task force has assembled a very stringent set of road and pipeline construction procedures (or "stipulatings" as they are called) which fill two inch-thick volumes. Task force officials feel that as long as the TAPS engineers agree to follow these proposed construction stipulations, there is no apparent legitimate reason to disapprove the pipeline application.

The oil companies have not yet agreed to accept all the proposed stipulations with the hundreds of specifications telling them how to operate.

The stipulations also provided that TAPS furnish in advance certain detailed information about how it will proceed with its work. And the stipulations say that the "authorized officer" (who will be the federal Bureau of Land Management field director or his representative) can shut down the construction at any time if he feels the stipulations are not being followed.

STANDARDS URGED

TAPS spokesmen say that in place of many of the specifications, the Interior Department should lay down general performance standards.

"Let them tell us the results they want as far as protecting the environment and building the pipeline safely, and leave us with the responsibility of deciding the means by which it should be done," says a TAPS official.

High Interior officials seem reluctant to accept the performance standards formula, and are still demanding agreement by TAPS to specific stipulations, along with strict Bureau of Land Management inspection for all phases of the construction.

The State of Alaska strongly backs the TAPS position and is concerned that the federal government will delay the Arctic oil development. Having scraped along as a poor "cousin" with little income since statehood, Alaska is eager to convert the buried treasure into a rich source of revenue. The North Slope oil field may be the largest ever discovered on the continent, possibly exceeding 20 billion barrels.

GOVERNOR ADDS VOICE

State officials charge that the federal government is trying to install a new colonialism under the guise of protecting the environment. Gov. Keith H. Miller says the state is perfectly able to supervise construction of the pipeline and protect the land and the wildlife, and can do the needed planning for the future of the Alaskan Arctic.

Many conservationists in Alaska and in the "Lower 48" are seeking a delay in granting the pipeline application. Several conservation group leaders are encouraging their members to write President Nixon urging him to appoint a "blue-ribbon" citizens committee on Alaskan development, which would consider the larger national interest involved in the pipeline decisions.

The conservation viewpoint is that not enough is yet known about potential damage to the environment for a pipeline decision to be made in a hurry. They also seek concrete evidence of federal and state planning to preserve the wildlife and potential wilderness or national park areas in the Arctic before industrial and commercial development makes too many inroads.

WHOLE PICTURE SOUGHT

The conservationists ask: Why the sudden rush to follow a schedule dictated by one British and two American oil companies? Let's take the time now to look at the whole picture, they say, before it is too late, and avoid repeating the environmental mistakes the nation made a century ago in the process of opening the West.

President Nixon has other task forces looking into the whole long-range picture of oil production and import quotas. It is probable that he will want to know: How urgent is the demand for oil to be delivered to the West Coast by 1972? How does this fit into the entire national and international oil situation with its important economic and political considerations?

And what about the possibility of other methods for transporting oil to market? The tanker Manhattan already is exploring the possibility of using the Northwest Passage to take the Arctic Slope oil to the east coast of the United States. Maybe new icebreaking tankers also could go through the Bering Sea to the West Coast? Maybe nuclear submarine tankers could be developed?

PRESIDENT MAY ORDER WAIT

It is considered probable that the White House will not object to a Hickel recommendation that the land freeze be lifted provided Congress is statisfied that native claims are not being endangered.

Mr. Nixon, however, may tell Mr. Hickel to wait a while before issuing the pipeline right-of-way permit, at least long enough so that policy studies of the national interest can be made. He might even want to have the new Cabinet-level Environmental Quality Council consider the long-term policy for Arctic development.

But with the huge investment already made in Arctic oil development, and with what may be the nation's richest oil strike waiting to be tapped and sped on to market, few observers believe that the pressures for development can be withstood for very long.

Conservationists are hoping, however, that for once development will be carried out with proper concern for the environment and that the natural heritage of future generations will not be endangered for a temporary gain during the 20 years it will take to drain this oil pool.

[From the Christian Science Monitor, Oct. 7, 1969]

ALASKAN OIL-LINE PLAN DRAWS RISING CONSERVATION DRUMFIRE

(By Robert Cahn)

WASHINGTON.—As the time for a decision on the 800-mile oil pipeline across Alaska nears, the voices of concern from conservation groups grow louder.

Conservation leaders are not dogmatically opposing the 48-inch pipeline that a consortium of oil companies proposes to construct across Alaska from Prudhoe Bay oil fields to Valdez. But they are requesting that the go-ahead be held up until the potential environmental effects can be more adequately considered by the government and the public.

A federal intergovernmental task force led by Undersecretary of the Interior Russell E. Train has issued its regulations for environmental protection in bulding the pipeline, and the Trans Alaska Pipeline System (TAPS) has agreed to abide by the 34 pages of "stipulations."

Interior Secretary Walter J. Hickel has given his approval of the stipulations and has formally notified the Senate and House Interior Committees of his intention to lift the land freeze on public lands along the pipeline route and to grant construction rights of way to TAPS.

OWNERSHIP FROZEN

The land freeze which prevents changes in use or ownership of public lands in Alaska was imposed by former Interior Secretary Stewart L. Udall to protect the claims of native inhabitants of Alaska. Mr. Hickel had promised the Senate Interior Committee in his confirmation hearings last January that he would submit to them any proposed exceptions to the freeze.

Mr. Hickel has sent the House and Senate Interior Committees a proposed public land order which would permit granting of rights of way to TAPS to construct the pipeline. The proposal states that "upon receiving a reply that you do not disapprove of this action, we will proceed to implement the attached land order."

The Secretary of Interior had previously said he would not grant the permits until he was satisfied that safeguards to the environment would be adequate and that rights of the native peoples would not be threatened.

The House Interior Committee, which had announced it would hold no meetings in October, reversed itself last Tuesday when it received word from Mr. Hickel that he was ready to lift the land freeze and issue the construction grant.

A special meeting of the committee is scheduled for Oct. 8, two days before members leave for Alaska to hold hearings on the native claims problems. A committee source said the committee planned to take action on the Hickel request before leaving for Alaska.

The Senate Interior Committee, however, is not in any rush to act on the request. Sen. Henry M. Jackson (D) of Washington, its chairman, says he is far from satisfied with the situation and will hold hearings prior to committee action. Scientists, conservation leaders, and Alaskan native leaders are expected to testify on the impact of the proposed pipeline.

NIXON ORDERED STUDY

"The pipeline raises very serious questions concerning safety, the need for statewide land use, the future development of the north slope of Alaska, and the impact oil development will have on the native people of Alaska and the land-claim legislation pending before Congress," Senator Jackson said.

It is possible that the White House may want to bring the matter before the Cabinet-level Environmental Quality Council before the permit has been issued. A study of the problem ordered by President Nixon was delivered to the White House Sept. 15.

The stipulations worked out by the Train task force are the most stringent set of regulations ever imposed by the government to protect the environment. After extensive discussions with representatives of the oil companies, Mr. Train stuck fast to his demands for point-by-point requirements rather than the general "performance standards" the oil companies desired.

TAPS wanted the Interior Department to set down its standards and leave to the oil companies the responsibility of deciding how the pipeline would be built to meet these standards.

Mr. Train also held the demands that the authorizing officer of the department (the head of the Bureau of Land Management in Alaska) be given the authority to suspend or terminate construction of the pipeline at any time the office believes provisions of the construction permit are being violated.

The stipulations, however, are still vague about one key point that concerns conservation groups—the possibility that a "hot" pipeline buried in the permanently frozen ground will cause widespread erosion. The regulations say that "construction methods shall be designed to prevent degradation of the permafrost in areas where such degradation would result in detrimental erosion or subsidence."

Interior Department officials admit that a joint committee of oil company and U.S. Geological Survey experts is still studying the permafrost situation. Also, TAPS has not furnished the Interior Department with a profile of the pipeline route, indicating exactly where the pipeline would be buried and where it would be above ground. It is not known whether or not TAPS will follow the original proposal that only 50 miles of the pipeline would be above ground.

The erosion effects could also be a factor in pipeline safety, which troubles many

conservationists. Large-scale shifting of the pipe due to erosion could cause a break in the pipe which carries 500,000 gallons of oil per mile.

WILDERNESS THREAT SEEN

Stewart M. Brandborg, executive director of the Wilderness Society, says members of his group across the United States are aroused over the potential threat oil development poses to the nation's last great wilderness area.

"Even though the stipulations may be as good as might be expected after hurried preparations. I think it is a tragedy to lift the land freeze before the nation has had the opportunity to receive the results of intensive studies from scientists," Mr. Brandborg said. "We are going ahead to open the way for construction of the pipeline before we have had an adequate assessment of the facts. We don't know the effect on the Alaskan environment, its animals, its magnificent streams, and other answers to questions that have been raised by Alaskans and people throughout the country."

Other conservationists are questioning the need for such a rush in pushing the pipeline permit through. TAPS officials say they must get the permit immediately to let contracts so that construction can start next spring.

Michael McCloskey, staff director of the Sierra Club, is critical of the hasty action being taken by Mr. Hickel.

"No report has been issued by the interdepartmental task force which President Nixon set up to study the environmental impact of the pipeline proposal," Mr. McCloskey said.

"All we have is a set of stipulations. This pipeline will have a permanent effect on the entire ecology of Alaska. The possibilities for mistakes in engineering and construction are tremendous. Full public scrutiny of the proposals must precede any action."

The State of Alaska, which controls the Prudhoe Bay area and other sections along the pipeline route, was represented on the Interior Department task force but has not yet adopted any regulations to protect its areas.

In a related development, the Interior Department is preparing an order by the secretary aimed at preventing exploration for oil during thaw periods when the Arctic tundra can be damaged by vehicles. The department is also planning environmental protection regulations that could be applied to all oil exploration, drilling, and construction activity in Alaska's federal lands.

THE PROPOSAL TO MINT AN EISENHOWER SILVER DOLLAR

Mr. DOMINICK. Mr. President, the Senate will soon be considering my proposal to mint a 40-percent silver dollar coin, bearing the image of our late President Dwight David Eisenhower. I have previously introduced S. 2582 to mint 100 million Eisenhower silver dollars a year for 3 years. S. 2822 was then introduced which provided for the minting of a clad cupro-nickel coin containing 75 percent copper and 25 percent nickel. No hearings were scheduled or held on either of these proposals. On October 7, 1969, Senate Joint Resolution 158 was introduced. It provides for the minting of the cupro-nickel dollar coin bearing the image of our late President Dwight David Eisenhower. No hearings were held on this proposal, and it was reported by the Committee on Banking and Currency on the following day, October 8. I, therefore, proposed amendment No. 228, which is, in effect, a substitute for Senate Joint Resolution 158.

This substitute was cosponsored by the following 20 Senators, all of whom cosponsored S. 2582: Mr. MANSFIELD, Mr. ALLOTT, Mr. BIBLE, Mr. CANNON, Mr. CHURCH, Mr. CURTIS, Mr. DOLE, Mr. FANNIN, Mr. GOLDWATER, Mr. HANSEN, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. JACKSON, Mr. MAGNUSON, Mr. METCALF, Mr. MUNDT, Mr. MURPHY, Mr. STEVENS, Mr. THURMOND, and Mr. TOWERS.

I ask unanimous consent that my proposed substitute be printed in full at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 228

Strike out all after the resolving clause and insert the following:

"That (a) section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended—

"(1) by inserting 'one-dollar pieces,' after 'pursuant to this section' in subsection (a);

"(2) by redesignating paragraphs (1), (2), and (3) in subsection (a) as paragraphs (2), (3), and (4), respectively, and by inserting before redesignated paragraph (2) a new paragraph as follows:

"'(1) the dollar shall have—

"'(A) a diameter of 1.500 inches;

"'(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts copper; and

"'(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper; and

"(3) by inserting at the end of such section the following new subsections:

"'(d) The dollars initially minted under the authority of subsection (a) shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

"'(e) Commencing on January 1, 1970, and until such time as the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted, or December 31, 1972, whichever is earlier, the Secretary shall cause to be minted and issued dollars authorized by subsection (a) at a rate of not less than one hundred million coins annually.'

"(b) Effective on January 1, 1973, or on such earlier date as the President shall by proclamation declare that the supply of silver available to the Treasury for coinage purposes is exhausted, section 101 of the Coinage Act of 1965 is amended to read as follows:

"'SEC. 101. The Secretary may coin and issue one-dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"'(1) The dollar shall have—

"'(A) a diameter of 1.500 inches;

"'(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"'(C) a core of copper such that the whole coin weighs 22.68 grams.

"'(2) The half dollar shall have—

"'(A) a diameter of 1.205 inches;

"'(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"'(C) a core of copper such that the whole coin weighs 11.34 grams.

"'(3) The quarter dollar shall have—

"'(A) a diameter of 0.955 inch;

"'(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"'(C) a core of copper such that the weight of the whole coin is 5.67 grams.

"'(4) The dime shall have—

"'(A) a diameter of 0.705 inch;

"'(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"'(C) a core of copper such that the weight of the whole coin is 2.268 grams.'

"Amend the title to read as follows: 'A joint resolution to authorize the minting of clad silver dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.'"

Mr. DOMINICK. Mr. President, the proposed substitute provides for the initial minting of 100 million 40-percent silver dollars annually for 3 years, commencing January 1, 1970, or until "the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted. Thereafter, the Eisenhower dollar may be minted from 75-percent copper and 25-percent nickel alloy. This substitute combines S. 2582 and Senate Joint Resolution 158.

Mr. President, I am concerned that this country will soon have no prestige coin with any intrinsic value. I am concerned that we might choose to honor a great American with a clad coin that will not only be unattractive but have no real value. In my opinion, we would do a tremendous disservice to the memory of this man by taking such action.

As Senators are aware, we are at present selling our remaining supply of silver at the rate of 1½ million ounces per week through GSA. We have sufficient silver remaining to mint up to 300 million Eisenhower silver dollars. When that silver is exhausted, a cupro-nickel coin could be minted, should the Department of the Treasury so desire, and a need in commerce is shown. We could make no better use of our silver which remains than to mint the Eisenhower silver dollar.

Mr. President, I point out that the last two sales brought a price of over $1.80 per ounce. If a 40-percent silver dollar coin were minted and issued over the counter of the Federal Reserve banks, it would yield $3.16 per ounce for our silver. This would mean a net increase to the Treasury and the taxpayers, to which this silver belongs, of over $120 million. This silver is going to be sold. The only question is whether we get $1.80 an ounce for it on the open market or $3.16 an ounce by minting the Eisenhower dollar. The American people own this silver and we should see that they get the highest possible return from the sale or use of their property.

I would further point out that under the GSA sales program conducted from May 27, 1969, through September 30, 1969, approximately one-half of all the silver sold went to brokers and speculators who in turn shipped and sold it overseas at a considerable profit. In the last 9 weeks of sales, from August 5 through September 30, 1969, a total of 13,713,000 ounces of silver was sold. Of this, only 5,100,000 ounces was sold for industrial use and 8,613,000 ounces was sold to brokers and speculators. Of this last amount, it appears 7,965,000 ounces

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has found its way overseas. It is clear that this silver is not being purchased to fill any gap in industrial use of our domestic production of silver. It is going to speculators and brokers.

Mr. President, in this country we consume approximately 100 million ounces more silver a year than we produce from our mines. These sales from the Treasury are supposed to fill this gap to prevent importation of foreign silver, which would cause a deficit in our balance of payments on this commodity. But this country is now and has been for the past few years a net exporter of silver. In 1968 we exported a net of 55 million ounces of silver. This includes refined bullion or base bullion and coins. The current silver sales are clearly increasing our net exports at an alarming rate.

Mr. President, the Treasury does not even know how much silver it has left for sales or coinage. Even the highest estimates show clearly that at the current rate of sales all our silver will be gone within 1 year. Over half of this silver that will be sold will be shipped out of this country. A year from now, we will have to repurchase all of this silver at two to three times the current price. This tremendous price increase will compound our balance-of-payments deficit two to three times. We do not have to suffer this loss. Simple arithmetic shows clearly we are going the wrong direction by continuing our silver sales. It has been charged that this silver coin will not circulate, and our experience with the Kennedy half-dollar would bear this out. This coin may not circulate freely. It will be, however, a treasured keepsake and memorial for many older citizens and children of the country who hold the memory of Dwight David Eisenhower in high esteem. This is no reason for failing to mint the coins, but is, in fact, an even greater argument in its favor.

A similar practice is used by the Post Office, which derives substantial revenue from the sale of numerous issues of commemorative stamps which are purchased by citizens. The Post Office makes a profit because it sells the stamps but is not compelled to perform a service in delivering mail.

Likewise, if the Treasury mints an Eisenhower silver dollar, which fails to circulate, it is in effect, collecting a voluntary tax from the citizens who hold these coins. These people are denying themselves the use of goods or services which the coins could otherwise command.

Mr. President, I wish to quote from the Treasury Task Force report submitted to the Joint Commission on the Coinage on May 12, 1969, which recommended minting a dollar coin:

> The chief argument against minting a clad cupro-nickel dollar coin is that for a number of decades there has been no commercial need for such a coin in major commercial areas outside the West. Moreover, the banks generally feel that they can operate satisfactorily with more half-dollar coins rather than a new dollar coin.
>
> Although the need for a dollar coin at this time is obviously not crucial, the steady expansion of the vending machine industry would indicate a potentially significant demand in the not too distant future. But whether or not there is an immediate commercial use for the coin, the almost certain strong public demand for the coin as a collector's item should make a very useful contribution to the Government's financing needs.

The Treasury concedes that the almost certain demand for the coin as a collector's item will add significantly to the Government's financing needs. There is not a drastic need for this coin in circulation in the immediate future. By the time that need arises, the Treasury, under my proposal will be authorized to mint a cupro-nickel dollar which should circulate freely. It will not compete as a commemorative coin because of the minting of the silver dollar.

Mr. President, every condition is right at this time for taking the action I propose. We will get over $120 million in additional revenues. We will honor a great man. We will not compound our approaching balance of payments deficit in this commodity and we will have the necessary circulation of coins when the need arises.

INTERNATIONAL DISARMAMENT AGREEMENTS

Mr. RIBICOFF. Mr. President, in view of the continuing concern over U.S. policy toward certain international disarmament agreements, I ask unanimous consent that a recent speech by Mr. William Foster be printed in the RECORD.

Mr. Foster, who served for 8 years as head of the U.S. Arms Control and Disarmament Agency, makes some critical recommendations. He urges that the United States ratify the Geneva Protocol, support the British draft treaty banning chemical and biological warfare agents, and move ahead in banning underground nuclear testing.

I support these recommendations. In a speech to the Senate on August 7, I expressed my concern that the United States had not, after 45 years, yet ratified the Geneva protocol prohibiting chemical and biological warfare.

At that time, Congress was involved in the passage of eight amendments imposing strict limitations on the production, stockpiling, and delivery, of chemical and biological warfare agents. The unanimous adoption of these amendments by the Senate should have established a sense of Congress to the administration.

But still the administration has not moved to ratify the protocol, nor has it voiced either its support or opposition to the British treaty banning biological warfare agents. Instead, the administration responded to the recommendations of many Congressmen and public leaders by making another "review."

In March, President Nixon directed the U.S. delegation to the 18-Nation Disarmament Conference in Geneva to "explore any proposal to prevent the use of and eliminate stockpiles of chemical and biological weapons."

In June, President Nixon directed the executive branch of the Government "to undertake a comprehensive review of all aspects of chemical and biological warfare."

We are still waiting for this review to be concluded. We are told that it will be finished in several weeks.

I urge the administration to act quickly in this area of concern to all mankind.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

UNFINISHED BUSINESS

(By Hon. William C. Foster, Former Director, U.S. Arms Control and Disarmament Agency, October 9, 1969)

First of all, I would like to express congratulations to our host on this tenth anniversary of his excellent initiative: the Strategy for Peace Conference. Mr. Stanley, I am sure that I speak for all of us in saying that we are most indebted to you for pursuing this manifestly worthwhile endeavor, which is a real stimulus to thought and imagination in important sectors of public life. And with our congratulations, please accept also our best wishes for continuing success.

Let me say also how pleased I am to participate in this program with Senator Pell, whom I have been privileged to know for a long time. He is a real authority on arms control, and he is a gentleman whose friendship I have always valued greatly, both professionally and personally.

Working in the arms control field, one is apt to acquire what the French call a *"déformation professonnelle,"* which in this instance takes the form of always looking forward the future—often in rather optimistic terms. The reason for this is quite simple: everything we have been able to achieve in arms control had previously been regarded with considerable skepticism, but somehow it managed to get done anyway. I don't mean to suggest that we have accomplished miracles in arms control—those lie ahead—but I do believe that progress has been made in a number of ways.

When the Arms Control and Disarmament Agency—or "ACDA" as we call it—got started, in 1961, there were many skeptics and many grave doubts, not only about Soviet policies and intentions but about arms controllers' intentions. And I confess that one of my own principal concerns, especially during those early years, was that ACDA should gain "respectability," first of all within the U.S. Government itself. In this connection I was rather pleased to note last year that we had been paid a compliment by none other than General Curtis Le May. It was a somewhat back-handed compliment, but after all you can't have everything in this life. In his book "America is in Danger" the General and then vice-presidential candidate recalled that when ACDA was established, there were some who feared it might become "a haven for reds and crackpots." And General Le May added: "Fortunately, I do not think this has happened." Well, as they say, one should be thankful for small blessings.

Anyway, I think it is apparent that ACDA has gained not only respectability but even a modest degree of renown. Nowadays it is common to find the name of ACDA in newspaper articles and editorials—sometimes even in abbreviated form—with no apparent need being felt to explain what it is.

During these years an educational process on our working with the Soviets evolved, so that finally, with Administration and Congressional support, we and the Soviets together led most of the rest of the world to certain agreements such as the Limited Test Ban, the non-armament of Outer Space, the nuclear Non-Proliferation Treaty, and perhaps soon, a treaty to keep the nuclear arms race off the seabed. Most important of all, of course, we led the Soviets from a position of outright refusal to discuss a 1964 U.S. proposal for a freeze on further expansion of strategic nuclear delivery vehicles, to where

the Soviet government now seems intrinsically as much interested as we are in discussing limitations on strategic arms. I say "intrinsically". As we all know it is the Soviets who, most recently, have been delaying the start of these talks. But, if as a private citizen I may indulge in a little private speculation, I think the reason for their delay is not related to strategic weaponry but rather to their border problems with the Chinese. When they are hoping for productive discussions with the Chinese on this subject but are unsure whether such discussions are possible, I imagine the Soviets must feel that it is psychologically a bad moment to begin such a momentous and visible bilateral discussion with the United States. Anyway, I hope most profoundly that whatever the cause of delay may be it will soon be removed. It hardly seems necessary to say that every day which has gone by has made this problem a little more difficult to resolve; and I certainly wish my successor, Gerard Smith, all possible success in this historic but infinitely complex undertaking.

One of the most encouraging aspects of arms control agreements, of course, is the fact that even a small agreement makes additional measures easier because each side does thus acquire a certain additional measure of confidence that the undertakings will be lived up to. And the arms control agreements have been lived up to. This is not really surprising, because any agreement reached must necessarily have been in the basic interest of the parties. We cannot dictate agreements to the Soviets nor they to us.

Now, for most governments, arms control agreements are already beginning to form a pattern. I would cite as evidence of this fact that an arms control treaty for the seabed is widely regarded as a logical *sequel* to the Non-Proliferation Treaty, with its pledge to pursue negotiations toward ending the nuclear arms race. By the same token, almost all governments in the world have urged the United States and the Soviet Union to get started with the SALT talks—partly on the grounds that these too are a logical sequel to the Non-Proliferation Treaty and in fact are an obligation imposed by the NPT. Carrying this line of reasoning one step farther, a number of governments have urged us to get on with SALT because they believe that successful results in these bilateral talks will have a profoundly beneficial effect on the multilateral arms control negotiations which are conducted in the disarmament conference at Geneva. They have expressed the belief, for example, that if the United States and the Soviet Union can agree to place limits on certain weapons *systems*, the requirements for nuclear testing can thus at last be circumscribed and it will be possible to negotiate a treaty banning underground tests.

But needless to say, we cannot sit back and wait for the beneficial results of the SALT talks to be felt, for they may be a long time in coming; and there are arms control measures which are badly needed and on which action can and should be taken now.

Under the heading of "unfinished business," I would now like to list five specific issues related to arms control, in which I hope all of us here in this room will take a personal and active interest, bringing to bear as much influence as we can to promote their fulfillment.

No. 1: The United States should ratify the Geneva Protocol of 1925, which prohibits the first use in war of chemical and biological weapons. This is the principal international instrument related to chemical and biological warfare. The United States initiated it, and the United States signed it; but our pride of authorship became an embarrassment when the Senate failed to vote on it, in 1926. Indeed until recently our approach to the Protocol was for the most part one of awkward silence.

Now, after 45 years, there seems to be hope that the Protocol will be re-submitted to the Senate for its consent to ratification. Except for Japan, the United States is the only major power which has withheld ratification; and our adherence is needed to strengthen the Protocol and thereby reduce the likelihood that poison gas or germ warfare might be used in a future conflict. Ratification, also, would set a desirable precedent by making us a party to an arms control agreement that includes Mainland China as a party.

Other, more comprehensive measures related to chemical and biological warfare also are needed. But I believe that our ratification of the Geneva Protocol is the next logical step for us to take; and I most sincerely hope that President Nixon will submit it to the Senate.

No. 2: In July of this year, at the disarmament conference in Geneva, the United Kingdom presented a draft convention which would ban the production and stockpiling of biological warfare agents, as well as their use even in retaliation. The United States has reserved its position on the substance of this British proposal pending the outcome of the inter-agency review of CBW which has been going on in Washington this summer. I believe that the U.S. should give the British convention its full support. Biological warfare agents, because of the impossibility of predicting or controlling their action, are a danger to all mankind. Our biological warfare program adds nothing to our security. On the contrary, our security would be enhanced if we acted to discourage the proliferation of biological warfare capabilities, which we don't need but which others might seek to develop in the absence of treaty restrictions. The British proposal would enable us to divest ourselves of a useless and pernicious liability. It deserves, and needs, our full support.

No. 3: We should move ahead now, without waiting for the results of the SALT talks, on banning underground nuclear tests.

The Limited Test Ban Treaty, negotiated in 1963, does pose restrictions on nuclear test operations, and has been especially effective in alleviating the contamination of our environment with radioactive debris. As an arms control measure, however, it has not made, nor was it expected to make, a serious dent in the strategic arms race. Underground tests in unlimited numbers and sizes are still permitted, and the development and testing of nuclear weapons continues apace.

Agreement on a comprehensive test ban—which would effectively curtail nuclear weapon development—continues to be stymied on the verification problem. The Soviet Union maintains that national capabilities alone are adequate for verification purposes, while the United States insists that national capabilities must be supplemented by a small on-site inspection quota to give the necessary confidence that the treaty was not being violated. The U.S. has provided detailed data to show that below a certain yield level (some ten's of kilotons in rock) current remote detection techniques cannot unambiguously distinguish nuclear explosions from earthquakes. The Soviets, without refuting the U.S. technical data, still maintain that national capabilities are adequate. Here the matter rests, and the interesting and frustrating aspect of this dilemma is that neither side is necessarily wrong. The crux of the problem is how much assurance is adequate, and this is a political rather than a technical decision.

The Soviets' willingness to rely on their national capabilities undoubtedly is based on their greater access to information on activities in an open society like the U.S. and hence on a lesser need to rely on remote sensing techniques. Also weighing heavily in the equation is their inherent concern about the risk involved in permitting foreign inspectors into their country. In addition, they may see little military significance in the relatively small amount of cheating which might escape detection. On the other hand, the U.S., being a nation made up primarily of foreigners in the first place, is less concerned about inspection by outsiders. But we traditionally credit the Soviets with superman capabilities in the fields of deception and secrecy, and base our analyses on the worst possible contingency, however improbable it may be. Particularly in arms control matters, we devote most of our attention to verification provisions and the risk of undetected violations. Now there is nothing wrong *per se* in analyzing the risk of a possible treaty violation; the mistake lies in letting the analysis stop at that point and ignoring the security risk, which could be manyfold greater, of a situation without the arms control agreement. Few worthwhile enterprises are devoid of all risk, and arms control is no exception. What matters is not that there are risks associated with a particular measure, but rather how do these risks compare with the risks of not having the measure. In the case of the CTB, it is hard to believe that the security risk posed by the relatively few tests the Soviets might be able to carry out without being detected by national means would exceed the security risk of unlimited numbers of Soviet weapon tests that are permitted in the absence of a CTB.

Of course, it can be pointed out that without a CTB the U.S. also could continue testing and thereby counterbalance the Soviet tests. But would this really counterbalance the security risk or would it merely add fuel to the nuclear arms race? It is generally recognized now that this action/reaction approach, responding to bigger and deadlier weapon developments with still bigger and even more deadly weapons, provides less rather than more security and at a price that is staggering. Somewhere the spiral must stop, and a CTB would be a major step toward halting the qualitative nuclear arms race. Of course, it would make things much easier if the Soviets would attest to their interest in arms control by accepting a nominal quota of on-site inspections. But I believe that on our side the time has come for a hard look at the necessity for on-site inspections. Now is also the time for a hard and realistic look at the security risk of not having a CTB.

No. 4: It has been over a year since the Non-Proliferation Treaty was opened for signature. So far 91 countries have signed the treaty, and 21 have also ratified, but progress in recent months toward worldwide adherence has been slow indeed. I was pleased to note that the President in his United Nations speech on September 18 stressed the hope that the Non-Proliferation Treaty would soon enter into force. Of equal importance to the ultimate success of the Treaty is that countries with advanced industrial and technological capacity that have not already done so become parties to the Treaty at the earliest opportunity. Various factors may have contributed to their delay in acting on the Treaty—election campaigns in Germany, Israel and Australia, for example, or parliamentary considerations in Japan. In the interest of mankind, however, and the universal desire for continued progress in other fields of arms control, the decision dare not be put off indefinitely, but must be faced squarely and urgently. We should do everything we can to make our friends in those countries realize that the Non-Proliferation Treaty will promote the peaceful uses of nuclear energy, and that by enhancing the general security it will enhance their own.

XUM

No. 5: One element that augurs well for arms control is the increased Congressional interest in the subject.

Witness the extensive bipartisan sponsorship of resolutions calling for a mutual moratorium on the flight testing of re-entry vehicles such as MIRVs. There were over 100 sponsors or co-sponsors of these resolutions in the House, and almost half the Senate has sponsored them. Extensive hearings, particularly by the House Foreign Affairs Subcommittee on National Security Policy, contributed greatly to an increased understanding of the issues involved. These resolutions have yet to come up on the floor.

Witness the imaginative and helpful initiatives for arms control on the seabed, led by the distinguished Senator from Rhode Island who is here tonight.

Witness the depth of the Senate consideration this year of the Military Procurement Authorization Bill. The ABM fight, of course, attracted the most public attention. But the extent of Senate opposition to CBW was startling. Before the bill ever reached the floor, the Senate Armed Services Committee, in what is virtually unprecedented action, eliminated the entire FY 1970 DOD request for CBW research and development. Subsequently, during the floor debate, the McIntyre amendment, containing additional CBW restrictions proposed by several Senators, passed by a unanimous 91–0 roll call vote. Moreover, resolutions calling for resubmission to the Senate of the 1925 Geneva Protocol have extensive sponsorship in both Houses.

I would cite also Congressional awareness of the urgent need to begin the Strategic Arms Limitation Talks with the Soviet Union.

Never, since the Arms Control and Disarmament Agency was established in 1961, have I seen Congressional enthusiasm for arms control as an objective of national security policy at such a high pitch. Indeed, during the early years of the Agency, it was hard to persuade Congress that the pursuit of arms control was in our national interest. The effort was subjected to distorted and unjustified attacks from various segments of the public, leaving the lingering suspicion in the minds of some Members of Congress that our activity was a sellout of our security.

A number of factors have contributed to this change, including the dedicated and informed efforts of people like yourselves. It is extremely important that the enthusiastic pursuit of arms control objectives by the Congress be kept up. We should do everything we can to encourage this Congressional interest.

Having now said my five issues worth, I would just like to thank you again, Mr. Stanley, and ladies and gentlemen, for this opportunity to be with you, and to wish you an enjoyable and productive session, which I know you will have.

DOUBLE STANDARD MORALITY?

Mr. HANSEN. Mr. President, I wish to place in the RECORD—in pain, dismay, and, I admit, considerable anger—my thoughts about the abominable events of the past weekend in Chicago.

There, the Students for a Democratic Society ran shrieking through a part of the city, throwing rocks, wielding clubs, chains, pipes, and other weapons to destroy property and maim human beings.

I shall mention just one horrible result of their lawlessness, their havoc, their brutality. They clubbed down and left paralyzed the assistant corporation counsel of the city of Chicago, Richard Elrod.

Who are these people who have visited this disgrace upon the American scene?

They give themselves the seemingly high-minded label of Students for a Democratic Society. What appalls me more than the vicious acts of the Students for a Democratic Society is the fact that this organization is encouraged and applauded by men of supposedly high intelligence and good judgment.

There is an incredible wave of opinion today in our so-called intellectual circles. It is the philosophy of the New Left. This "new morality" holds that it is moral to leave a city official of Chicago lying paralyzed on the sidewalk, but that it is immoral to take the position that the United States should continue to discharge its responsibilities to the people of South Vietnam. Can there be any logic in that kind of "morality"?

Today I ask those in positions of responsibility in Government and in the news media, along with all other friends of the Students for a Democratic Society, to look into their consciences and determine whether they want to continue to approve and applaud the actions of these young terrorists.

And I say to all who have encouraged or even tolerated these "Red guards" of our society: For God's sake, let us try to show the young people of America that the wave of the future does not lie in using rocks and clubs and chains and pipes for political purposes.

I know that the overwhelming majority of the young people of America abhor the brutality of the Students for a Democratic Society. It is time that we, who are supposed to be leaders, let them know that we, too, stand against such outrageous conduct and that we stand for decency and honor and reason and genuine concern for our country.

ADM. JOHN HARLLEE

Mr. THURMOND. Mr. President, recently Adm. John Harllee retired as Chairman of the Federal Maritime Commission, ending 37½ years of distinguished Government service.

Admiral Harllee was born in Washington, D.C., on January 2, 1914, to the late Mrs. Ella F. Harllee and the late Brig. Gen. William C. Harllee of the U.S. Marine Corps. He attended Western High School, Washington, D.C., and was graduated from the U.S. Naval Academy in 1934.

Mr. President, during World War II, Admiral Harllee served as a commanding officer in the Southwest Pacific. The Silver Star and the Legion of Merit were among the awards he received for his outstanding service to his country.

After the war, he served with the Navy's congressional liaison unit and was commander of the U.S.S. *Dyess*. He attended the Naval War College and was graduated with the grade of excellent from the senior course.

Admiral Harllee again served his country during the Korean war. Among his official duties were executive officer of the cruiser *Manchester*, commander of Destroyer Division 152 which included a month's tour as commander of the surface ships on the Formosa patrol, chief of staff of Destroyer Flotilla 3, and commander of the attack cargo ship U.S.S. *Rankin*.

Mr. President, in 1959, Admiral Harllee voluntarily retired from the Navy to become involved in the Ampex Corp., a private industry in Redwood City, Calif. Admiral Harllee then became vice president of E. I. Farley & Co., in New York City. He resigned this position in 1961 to accept an appointment by President John F. Kennedy to the Federal Maritime Commission. He was named Chairman in August 1963. In July 1965, he was renamed Chairman and was sworn in by President Lyndon B. Johnson for his second term, which was the first 5-year term granted by the Commission.

Among Admiral Harllee's awards for achievement are the Man of the Year Award, the Golden Quill Award, the Order of Maritime Merit, and the Honorary Port Pilot Award.

Admiral Harllee is married to the former Jo-Beth Carden and they have one son, John Harllee, Jr. His family is one of South Carolina's most prominent, and it is a great privilege for me to pay tribute to him today.

Mr. President, Admiral Harllee has proven himself a great leader and a dedicated patriot. He is a man whom we should all be proud to call an American.

THE WHITE REACTION

Mr. BYRD of West Virginia. Mr. President, growing racial tensions are evident in every part of our country. And, as the Evening Star of Washington noted in an article on Thursday, October 9, they are just as evident here in the Nation's Capital.

The article—the fourth in a five-part series entitled "The White Reaction"—was written by Mr. Woody West. It states that, with 70 percent of the population black, many of the whites in the District of Columbia "live in small enclaves, like the ethnic minorities of another era."

According to the article, there are many whites "who no longer talk of grand goals of integration." Instead, they worry about the increasing crime rate and the inadequate education provided by their public schools. The author states:

> The magnitude of those problems cannot be overstated. Each relates specifically to race.

This article, like the three that preceded it, is of paramount significance. It tells of problems that cry out for solutions.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Washington Evening Star, Oct. 9, 1969]

THE WHITE REACTION

(By Woody West)

In the Nation's Capital, where whites are the minority for the first time in a major American city and where the slightest racial friction reinforces fears in cities across the country, white attitudes today are complex, contradictory and intensely emotional.

There are whites in Washington who remain convinced race relations are becoming more honest, and therefore better.

There are white militants who identify with the black revolutionaries. "We burned, we were mad," said one white woman while recalling the April 1968 riots.

There are whites who continue to hold tenaciously to the principles of the past when integration and the civil rights movement made whites and blacks intimate allies. "I will not yield from integration as a goal," says Joseph L. Rauh Jr., the vice chairman of Americans for Democratic Action and long active in liberal causes. "I believe in integration as a religion. I'm not open-minded about it; it's my religion."

There are whites who live in small, tense enclaves, like the ethnic minorities of another era.

There are whites who no longer talk of grand goals of integration or civil rights objectives. Now they talk of crime and growing racial polarization.

There are whites who have given up and fled, carrying with them feelings of anger or sorrow at a city in which they no longer wish to live.

Yet there also are white couples, mainly young, who are moving into Washington. They reject the premises and the pessimism of their elders. They are confident about the future.

If these diverse groups make neat generalizations impossible, one thing is clear about whites in Washington today. They live in a city where racial questions are more immediate, more personal and more subtly complicated than anywhere else in America. And, like many whites across the country, they are asking new, highly subjective questions about their roles.

Perhaps the strongest impression after interviewing whites in all sections of Washington is a sense of the overwhelming problems in the city. Two are paramount—crime and the public schools. The magnitude of those problems, and the fear, concern and doubts they generate, cannot be overstated. Each relates specifically to race.

For middle-class whites—and for many middle-class blacks as well—schools are the key issue.

Despite significant increases in congressional support of public schools during the last five years, the payoff in terms of better quality is not apparent. Citywide reading scores continue to decline below national averages, although some individual schools maintain a superior level. Dropout rates are among the highest in the nation.

And, like schools around the nation, Washington's are afflicted with the larger problems of the society: unrest, tension, turmoil and crime. Many white parents and their children must cope with problems that grow out of association with blacks from impoverished neighborhoods and different cultural backgrounds.

Schools thus present a critical challenge along racial lines. Added to this are the genuine fears that exist among whites because of the increasing crime rate in Washington. It doesn't matter that the majority of victims are black; to a majority of whites in Washington, as in other cities, crime and the Negro appear synonymous.

Because of these problems and the preoccupation with black militancy, many whites face the future with an air of resignation, resentment or rejection. They find themselves in a difficult dilemma. They want to stay in Washington, they dislike suburban living, they believe in racial equality, but they feel engulfed in problems that defy immediate solutions—and problems that directly affect their families.

Listen, for instance, to one white professional man. He's living in the new Southwest section where the Negro slums were razed to make way for the townhouses and apartment buildings. Seven years ago, he was one of the first to move there. Now he and his family are leaving.

"I see no future for whites in the District of Columbia," he said. "I feel they're going to tax me to death. They're not going to raise assessments in ghettos because the landlords will just raise the rents.

"To me, it's the whole tone. Take the attitude toward our black mayor. White liberals say he's a 'Tom,' but I think he's a competent administrator and politician. To have the mayor deprecated is a very serious matter. The District will be a supplicant for a long time and spitting in the eye of white businessmen and Congress doesn't help.

"Whites feel the police aren't going to protect them. The police aren't going to trifle with blacks because they are afraid of touching off a riot."

Then he touched on an especially sore point for himself and others like him.

"For 20 years, most of the whites who don't want to live with Negroes have been moving out," he said. "The majority of those remaining are well disposed toward blacks. Now all they see are blacks wanting to get back at them. But they are getting back at the wrong whites who didn't move to the suburbs—and we resent that.

"I'm really sick and tired of living in Washington. I'm tired of the tension, the constant discussion, the din in the papers. Everything is tinged from the standpoint of race. I'm tired of that. I really want out. You're just too much in the thick of it here in Washington."

Others express similar thoughts, even if they have no plans to leave the city. Their withdrawal takes another form.

On Capitol Hill, a white woman who had been active in Democratic ward politics said, "I don't do anything in politics any more because I don't have any credibility." She explained:

"If Bruce Terris (the Democratic party city chairman) says to lick 14 envelopes and I do it, I get a call from some militant who says, 'What are you looking for, a confrontation?' They just don't want us.

"I get tired of facing the tensions. It's easier to opt out, finish furniture, take care of the kids, instead of trying to prove my credibility all the time.

"These days I'm more discouraged. Somehow, before the riots there was still a certain amount of hope. I thought the riots would cleanse everything, but it's made the middle-of-the-road person sort of sit back."

Or even retreat, she might have said. That's what has happened to some whites who have seen their communities drawing farther apart along racial lines.

The Torosians, Tom and Peggy, were talking about that kind of development in their section of Capitol Hill. He's a Presbyterian minister who helped develop the Capitol Hill Group Ministry, a co-operative effort of 10 predominantly white churches working for better relations with the largely black community.

"A lot has happened in the neighborhood since the riots," Mr. Torosian said. "Before, we had integrated community groups. Now when we have an integrated attendance at a meeting, there's very little communication. There are really two communities here, living side by side. A lot of whites are very afraid. They figure that last time they (the rioters) hit commercial areas and they think next time they will hit their houses. Everybody's got dogs."

Her husband had another thought.

"The polarization is not all negative," he said. "There is a feeling of dignity on the part of the blacks, a greater willingness to speak up as equals. Whites feel inadequate and terribly guilty these days. They can't lead, they don't know how to help. The blacks say, 'Well, give us your money,' and this just intensifies the whites' guilt."

Then Mrs. Torosian said: "There is really very little communication between low-income blacks and middle-class whites. The only thing we do now is shop together at the same Safeway. Three years ago, when we first came here, we had great parties thrown by the Emergency Recreation Committee (a group that played a key role in pointing up the inadequacies of the city's Recreation Department). Last summer, we went to a party at St. Mark's, I think it was for the community laundry project. There were black tables and white tables and very little mixing even on the dance floor."

Confronted with these kinds of neighborhood situations and other community problems, some whites have left. Yet even among those, there is an ambivalence. Looking back on their decision, they often express regret and a feeling that, no matter how bad the present, they should have stayed.

"I personally feel very badly about leaving because it's important for me to live what I preach—and I'm not doing it now," said one man who had left Washington two years ago for the Maryland suburbs.

He had been in the midst of a struggle to maintain a certain kind of city, a city of integration, and he had lost. More militant whites tend to look disparagingly on such people. They regard them as classic fair-weather friends, "phony liberals" who espouse noble principles but do not live them.

Yet whatever the personal reaction, or rhetoric, many whites in Washington have gone through agonizing decisions over whether to stay or leave, to keep a child in a virtually all-black public school or send him to a private one, to continue working actively in neighborhood groups or stay on the sidelines.

Probably nowhere in the city are these strains more easily identifiable than in the quiet, pleasant section of the upper Northwest, along 16th St. For more than a decade, that area has been the center for a group called Neighbors Inc. It was created by whites living there with two basic goals: to stop the flow of whites to the suburbs that began with the 1954 school desegregation decision and to demonstrate that integration was workable and desirable.

Neighbors Inc., which has attracted national publicity over the years, has had mixed success. The area remains highly desirable, but the degree of integration is lessening. All the schools now have black majorities, some of them overwhelmingly so.

"The prior question is, what were the odds, and what would have happened without Neighbors?" says Bob Green, a Labor Department official who has lived there for seven years. "They substantially slowed the rate of change against enormous odds. But this area will be completely black—and how long that will take, I don't know—and probably lower-income black.

"A group like Neighbors can defer, deflect, but how the hell are you going to contain the pressure? Where are those poor blacks from the inner city going to go. We, as a society, don't know how to span the cultural and economic gap. That's the problem."

At the moment, Green and his wife are facing a personal decision themselves. As with so many others, it involves the public schools.

"We only pass this way once," he said, "and I don't have the right to sacrifice my kid to a cause. If things are as grim at Paul Junior High as I have reason to believe they are in terms of the cultural gap, then I'll have two alternatives—private school or move."

Again and again, whites interviewed for this article expressed similar concerns. "There's very little problem with elementary schools for most white parents," one mother said, "but when you hit that junior high level, where the kids are beginning to hit this agonizing process of identification and who they are, then it gets difficult."

One of the best examples of the kind of anguished reflection that many white residents face can be seen in the Caplan family, Marvin and Naomi. Caplan was one of the founders of Neighbors Inc., and he and his wife spent a decade of work in the area and still live there.

XUM

"We support integration," said Mrs. Caplan, "not segregation, either for blacks or for whites." This year, they transferred two of their children from predominantly black schools to ones with a greater racial balance.

"If we could have showed that it did work—and I think we did—it would give the general principle greater impetus. We didn't win on school integration, and we went through a lot of hell on that. When you put 10 years into something, you want something to happen."

Caplan had the last word. "In something like this," he said quietly, "you have to keep your expectations minimal and expect no great victories."

Like so many others, they singled out the schools as a crucial factor in white attitudes about the city. Some whites spoke of the problems, emotional and otherwise, of white children in an overwhelmingly black school. They were experiencing what so many Negro children felt so long in similar racial situations where they were the tiny minority. Added to this are the problems that flow out of differing home and economic conditions, and black-white tensions within the schools themselves.

Because the schools are so volatile an issue, and attract so much attention, it isn't surprising to find whites who blame the press for exaggerating—and thus exacerbating—the situation.

"There's too much concentration on day-to-day kinds of reporting of the terrible things going on in the schools," one young white housewife said indignantly. "At Draper School, for instance, we read about policemen in the school, but we don't hear about the mothers volunteering to tutor kids in reading. People should not accept somebody else's judgment of a school, or the impression they get from newspapers or television. The should go to the school themselves, talk to parents with children there."

She was speaking as a concerned parent about immediate problems and attitudes of the present. When it comes to looking beyond today and assessing the future of a capital city that is becoming increasingly segregated, in reverse, the answers are even harder to find.

One who takes a longer view is Ben Segal, Mayor Walter Washington's special assistant and a veteran fair housing worker.

"So much of my life has been spent working for integration that I still have to see it as a necessary and important objective," he says. "Obviously, in a city like Washington where 70 percent of the population is black, integration in the old sense is gone. Separatism has taken over, but a change has taken place that is healthy. The whole paternalistic relationship has gone, and that's just as well.

"In a community like Washington, whites have to recognize they can't run the show and shouldn't. As long as they don't feel their honor is shattered by not being top dogs, whites can work—but not in a leadership capacity."

A different appraisal, with a wider focus, came from Dr. Michael Halberstam, a physician and writer who is particularly interested in such subjects as white racism and guilt. Halberstam looks toward the young as the hopeful key to the future.

"A great development is what I call the negrification of youth," he said, "even young white racists who are negrified and don't realize it. When white kids in the neighborhood play basketball, they use the patois of the black ghetto, they walk like hip black kids, they listen to the same songs, wear some of the same clothes.

"It's really significant how complete has been the acceptance of the Negro life style and how blase these kids are going to be in 10 or 20 years in things we consider significant now.

"That's all bound to have a tremendous effect in time."

SCIENTISTS FEAR NEW CUTS IN FEDERAL FUNDS

Mr. KENNEDY. Mr. President, today's Washington Post carries a detailed story which summarizes the concern of the American scientific community over the short- and long-range efforts of the cuts being imposed in Federal scientific research projects. The impact of these cuts appears far greater than was first imagined, and far greater than the Director of the National Science Foundation and the Chairman of the National Academy of Sciences said when they testified before our Subcommittee on the National Science Foundation last spring.

I have said many times before, and let me repeat today: We do ourselves grave damage as a nation if we shortchange the funding of our scientific enterprise. Scientific and technical knowledge is the major component in the engine of American technological success. If we shortchange it today, then tomorrow we suffer not only economically but also as a people, for the richness of our society will diminish.

I ask unanimous consent that this be printed in the RECORD at this point.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

U.S. SCIENTISTS FEAR FURTHER CUTS IN AID

(By Victor Cohn)

"We are witnessing a mindless dismantling of the American scientific enterprise."

These words—spoken at a recent meeting of the American Chemical Society—represent a deep new fear among American scientists and medical researchers.

They fear that what a year ago still seemed a temporary "leveling off" in federal support of research and training in science and medicine has become an annual pole-axing.

They report that:

A combination of cuts, "hold-downs" and inflation has meant a 20 per cent cut in the last two years in academic research—basic and advanced studies at universities, hospitals and similar centers. In many fields, it means a more than 40 per cent cut since fiscal 1967, the year science budgets began leveling off.

Fiscal 1970, the budget year that began July 1, "will obviously be the worst year yet," though Congress has not completed action yet on any appropriation bills.

Fiscal 1971 budgets, by advance word, will be no better, or provide only "minimal increases." In fact, a five-year plan now being drafted at the Department of Health, Education and Welfare sees no research increases for nearly four years—not until mid-1973.

The greatest effect, leaders in science and medicine agree, will be on the future supply of Ph. D.s and M.D.s.

In recent interviews, Dr. Lee A. DuBridge, President Nixon's science adviser, Dr. William McElroy, director of the National Science Foundation, and Dr. Philip Handler, president of the National Academy of Sciences, agreed that the next 20 years will need armies of experts to clean up pollution, man health centers, staff university faculties and build new urban and industrial technologies—and that present federal policies will not provide them.

DuBridge, in testimony to the House Science Subcommittee, spoke of "our faltering scientific enterprise" and warned of "huge" and "serious" gaps in "fruitful and important fields."

A CRITICAL STAGE

"Our research in terms of real effort is declining," he said in an interview. "Our scientific corps is not growing as it needs to grow—when our population is increasing and the needs of the country are so clear and glaring. We're at a very critical stage."

Handler—new head of "the Academy," a group that advises the government on many issues—said, "A crisis is facing all American science. It is a very black picture."

McElroy—new head of the NSF, the government's main agency supporting basic research—said, "The crisis is not here. It can still be avoided if we start growing modestly. I think we're on the edge. The way things are going, I see a real possibility of collapse."

"Collapse" to McElroy means not just failure to build new buildings and buy new telescopes or medical electronics—"this has already been happening." It means "loss of young people," who are "already being forced to turn to other fields," and then loss of faculties, "which has not yet happened but will begin."

For "the way things are going," the scientists point to what has happened so far.

The Nixon budget asked $500 million this year for NSF—it provides nearly a fourth of the government's $2.1 billion support of academic science and training. A House Appropriations Subcommittee cut this to $420 million. With $20 million in left-over funds, this would make $440 million, compared with $420 million in fiscal 1969.

Even if NSF winds up with more, however, say $450 million out of a conference committee, this would mean just a 6 per cent increase. McElroy and many others say: "General inflation costs us about 5 per cent a year. Increasing scientific and medical sophistication costs another 5 per cent, and increasing salaries—because we mainly have young investigators—costs another 5 per cent. So we need about 15 percent more a year to stay even."

The Nixon budget allotted the National Institutes of Health just $1.64 billion compared to last year's $1.93 billion for biomedical and health projects, study and training. It allotted $462 million of this as "regular" research grants, which may wind up as $425 million, affected by the President's recent order to slice an extra $3.5 billion from federal budgets.

MEDICAL SCHOOLS HIT

"The main effect," says one health scientist, "is on medical schools. The entire medical school, not just the research labs. And on output of future doctors, teachers and researchers."

According to Dr. John Cooper, head of the Association of American Medical Colleges, these schools today get "upwards of 40 per cent" of their total income from federal research and training grants. For some the figure is "50, 60 or even 70 per cent." They are also being hit by cuts in Medicaid, which they need to help pay for low-income patients in their research and teaching hospitals.

Some specific effects:

Nine medical schools are now, Cooper states, "teetering on the edge of insolvency" —drawing on thin reserves or other university funds to stay open, unable to accept poor black students or obey demands to "expand" to provide the U.S. more doctors. Cooper declined to name affected schools. But in New York City last week the New York Medical College said its "continued existence is threatened." Medicaid cutbacks have caused a $1.3 million annual deficit at is Flower and Fifth Avenue Hospitals.

All NIH Sept. 1 grant renewals were cut by around 5 per cent to save $14 million. Funds for new grants were cut by 10 per cent, to save $18 million, and "I am concerned that even these cuts may go deeper," says Cooper. Some units are already making deeper cuts. The National Institute of Arthritis and Metabolic Diseases has been making 15 per cent slashes in many programs, to save funds for renewals and new awards.

In all, there will probably be less than 10,000 NIH grants in effect by the end of fiscal 1970, compared with 12,324 in 1965.

To save some $9 million a year, five major programs to attack chronic and crippling diseases—specifically, heart disease, stroke, cancer, arthritis, diabetes, neurologic and sensory diseases and lung diseases—are to be phased out. "Ironically," comments one doctor, "these programs were started by Congress to translate basic research into help for patients. These cuts will wipe out many unique staffs, staffs that took years to put together."

To save $4 million, 19 of 93 "clinical research centers"—small 4-to-10-bed advanced units in hospitals—are to be similarly abolished.

To save $400,000, a world-famous National Heart Institute program to study factors contributing to heart disease is being ended. This is "the Framingham study," following Framingham, Mass., men and women to learn how smoking, high blood pressure, obesity, blood cholesterol and other things affect the blood vessels and heart. "Heart researchers in and out of NIH are sick about this decision," said a recent issue of Washington Report on Medicine and Health.

Nearly 400 monkeys—carefully followed for five years to study virus-caused cancer—are to be killed by the National Cancer Institute. Animal centers at many hospitals and universities also will suffer.

Doctors at NIH's big Clinical Center, its own research hospital at Bethesda report that "in many wards we are so low on nurses and other workers that we are turning away patients we could and should care for."

Cuts in NSF and other federal support in the physical sciences—report professors in those fields—will have similar effects in physics, astronomy and other areas. "Studies of human behavior are on starvation rations," says one professor. Important work in organic chemistry—though it is basic to all medicine and biology—is being eliminated as "non-health-related" by NIH's National Institute of General Medical Sciences.

All this affects "knowledge we need for future technological progress," say men like Handler, McElroy and DuBridge. But "it is not merely a matter of support of research," McElroy emphasized—"It is a matter of the support of our universities."

"And of people," he added. "A research grant is the way you train a graduate student today."

Research grants, training grants and "clinical research" units says Dr. Cooper, are "really part of the training of future faculty, the people who go into academic medicine. These are the very people needed to produce the health manpower to meet the crisis President Nixon says will exist."

An $18 million cut in NIH training grants and fellowships—from a $196 million total last year—means training programs have already been "wiped out" in some medical school departments, according to a report in Science.

EFFECT OF DRAFT

The draft and cuts in scholarship and loan funds add to the problem. The total effects will be "catastrophic," says Dr. John Knowles of Massachusetts General Hospital. Nobel prize-winning biologist Dr. Albert Szent-Gyorgyi says "the cuts are having a demoralizing effect" on the young and "shutting the way to science for many."

Dr. John Siegel at one of the clinical research centers to be closed—an acute injury and illness unit at Jacobi Hospital in New York City—asked, "Who will be our researchers in 10 years when we need to learn more about disease?"

A Health Manpower Act was voted by Congress in 1968, but funds to help medical schools have never been approved. Cuts in "neurologic and sensory diseases," a specialist points out, mean lack of funds to train speech pathologists and audiologists to help children with speech, hearing and learning troubles.

REQUEST UNANSWERED

A University of California zoology professor reports that two professors trying to learn how to manage the polluted environment "have spent between them about 40 man-hours negotiating with a major U.S. agency for a joint program to train one graduate student. The request to date has not been answered. You cannot imagine the bitterness I feel at the absurd discrepancy between the demands made on our time by the press and by politicians, which contrast so sharply with out inability to get funds."

Alarm in the scientific community is growing. In the Sept. 26 issue of Science, organ of the American Association for the Advancement of Science, scientist-editor Dr. Philip Abelson called on scientists for "political action": "They have the wit and energy to develop the political clout necessary, and they should get about that business."

Many scientists, among them Harvard's Dr. George Wald, blame the country's defense and war bill for the problem. Dr. S. E. Luria, distinguished MIT biologist, contrasts the nearly $4 billion-a-year support for space exploration alone—which he considers "scientifically trivial"—with the tiny sums shared by "hundreds of projects."

Dr. Roger Egeberg, HEW's health chief, said at a recent House subcommittee hearing that "I will see if I can't make a crisis" over the low priority for health funds. NSF's Dr. McElroy has personally visited 25 senators and representatives, "and I ask them why don't they want to support the development of science and technology, and the exploration needed to keep young people, which are the future of America."

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

EXTENSION OF THE INTERSTATE OIL AND GAS COMPACT

The **PRESIDING OFFICER.** The Chair lays before the Senate the unfinished business, which will be stated by title.

The **ASSISTANT LEGISLATIVE CLERK.** A joint resolution (S.J. Res. 54) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The Senate resumed the consideration of the joint resolution.

Mr. MOSS. Mr. President, Senate Joint Resolution 54, which is sponsored by the distinguished and able senior Senator from New Mexico, (Mr. ANDERSON), would grant the consent of Congress to a 2-year renewal of the interstate compact to conserve oil and gas. The measure was the subject of public hearings by the Senate Interior Committee, and was reported favorably on May 23 by unanimous vote of the committee.

Senator ANDERSON's resolution is the latest in a long series of legislative measures giving congressional consent to renewal of the compact which was initially signed in Dallas, Tex., on February 16, 1935, by six of the oil-producing States. In fact, Senate Joint Resolution 54 is the 11th such measure.

The purpose of the compact, and the sole purpose of the compact, is to authorize the participating States to cooperate in prevention of the physical waste of oil and gas. Article II of the compact states in precise words:

> The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

All of its activities are under the direct supervision of the Department of Justice, and section 2 of Senate Joint Resolution 54 requires the Attorney General to make annual reports to Congress as to whether those activities have been consistent with article V of the compact. Article V provides:

> It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

The Attorney General consistently has given the compact operations a clean bill of health. The report filed in April of this year is no exception.

Mr. President, as I mentioned, the compact first came into being in 1935, with six States of Colorado, Illinois, Oklahoma, Texas, California, and New Mexico as charter members, so to speak. It was the direct result of the chaotic and wasteful conditions in domestic oil and gas production in the early 1930's. Petroleum was literally being pumped onto the surface of the ground, and with prices of 10 to 25 cents a barrel, often was allowed to sit there and waste away. Gas was being flared—that is, burned at the wellhead. Precious and vital natural resourcse were being wasted, profligately.

Joint action by the primary oil-producing States was essential, and the 74th Congress approved the proposed compact the States had worked out. Its purpose was then, and is now, the conservation of oil and gas by prevention of the physical waste thereof.

Since initial approval of the compact by the 74th Congress, successive Congresses have on successive occasions approved extensions for periods of 2 or 4 years, after having looked into and found that the activities of the States under the compact were achieving success in fulfilling the avowed mission of preventing physical waste through local State action.

Twenty-nine States, which account for the overwhelming bulk of oil and gas production within the United States, now are members of the compact.

The text of the provisions of the compact, and its legal history, are set forth in full in Senate Joint Resolution 54.

Member States agree to enact and enforce State legislation to prevent waste of oil and gas, and article VI provides for each member State to appoint one representative to a commission, designated the Interstate Oil Compact Commission, the duty of which shall be "to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be dis-

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closed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial, it shall report its findings and recommendations to the several States for adoption or rejection."

The Commission has no power of compulsion. Its sole purpose is to assist the States, industry, and the public in general in promoting the conservation program, the compact providing, by its terms, that—

> The commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas.

Thus, the only authority for carrying out the conservation program rests with the members States.

Any State may withdraw on 60 days' notice, but no State has ever exercised this privilege. Rather, membership has steadily increased from the original four sponsoring States to a total of 29 active States; that is, States in which oil or gas is now produced, and four associate members—that is, States in which there are excellent prospects that oil or gas will be produced.

In closing, Mr. President, I would like to say a word about the amendment that I understand is to be offered by the able Senator from Massachusetts (Mr. KENNEDY). This amendment is not germane to Senate Joint Resolution 54. The sole purpose of the resolution is to grant the consent of the Congress to a 2-year renewal of the compact. The compact and its operations have nothing whatever to do with the mandatory oil import program, to which the Senator's amendment is addressed.

The import program has not been the subject of hearings or committee consideration in the context of Senate Joint Resolution 54.

Therefore, I hope the amendment, if it is offered, will not be agreed to because I think it would impair the renewal of the compact. Congressional consent is necessary at this time for the 29 States to continue the program of conservation of oil and gas.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MATHIAS in the chair). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

> At the end of the joint resolution insert the following new section:
>
> "SEC. 4. Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended to read as follows:
>
> "'(b)(1) Upon request of the head of any department or agency, upon application of an interested party, or upon his own motion, the Director of the Office of Emergency Preparedness (hereinafter in this section referred to as the "Director") shall immediately make an appropriate investigation, in the course of which he shall seek information and advice from other appropriate departments and agencies, to determine the effects on the national security of imports of the article which is the subject of such request, application, or motion. If, as a result of such investigation, the Director is of the opinion that the said article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, he shall promptly so advise the President.
>
> "'(2) If the President determines that the article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, he shall report to the House of Representatives and the Senate the action he deems necessary to take, and the reasons therefor, to adjust the imports of such article and its derivatives so that such imports will not so threaten to impair the national security. Such action of the President to adjust such imports shall become effective at the end of the 90-day period following the date on which such report is submitted to the House of Representatives and the Senate, unless before the end of the 90-day period either House adopts a resolution stating in effect that that House does not favor the action deemed necessary by the President. The President shall report to the Congress, one year after the date on which such action becomes effective, on the effectiveness of such action in achieving the objectives of this section.
>
> "'(3) For purposes of paragraph (2), in the computation of the 90-day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The report referred to in paragaph (2) shall be delivered to both Houses on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session.
>
> "'(4) Any action of the President under paragraph (2) to adjust the imports of an article and its derivatives shall cease to be effective two years from the date on which such action becomes effective under such paragraph, except that, if before the expiration of such two years, the President submits another report under such paragraph with respect to such article and its derivatives, such action shall remain in effect until the expiration of the 90-day period applicable under such paragraph to such other report. For purposes of applying this paragraph to any action taken by the President under this subsection (or under corresponding provisions of prior law) before the date of the enactment of this paragraph, such action shall be treated as having been taken by the President one year before the date of the enactment of this paragraph.
>
> "'(5) The President may modify any action taken by him under paragraph (2) during the period such action is in effect except that no such modification may be made which substantially increases the restrictions on the imports of the article and its derivatives.'"

Mr. KENNEDY. Mr. President, I know the distinguished Senator from Utah has indicated that there is a question of gemaneness with respect to the amendment to the interstate compact which I have sent to the desk. I know in my informal discussions with the distinguished Senator and with other members of the Committee on Interior and Insular Affairs that they raise questions as to the germaneness of the amendment and whether it should be attached to this particular legislation or whether it should be attached to some measure which springs from the House of Representatives. I am prepared to enter into a discussion of the question of germaneness, as well as to discuss the substance of the measure which is before the Senate.

Mr. President, I wish to press for consideration of my amendment. I shall explain it to Members of this body. Obviously, any Senator who wishes to express his views in terms of its germaneness will be recognized.

Mr. President, the amendment which I have offered is a very simple amendment. It reaches to the heart of the oil import program, which has been on the books since the Presidential proclamation of 1959, and which has worked a particular hardship to those of us in New England. For although we comprise only 6 percent of the population of this great Nation, we consume about 21 percent of all heating oil.

I rise today to exercise the legitimate prerogatives of this body and the House of Representatives. We know that under the Presidential proclamation pertaining to the oil import program, there are very limited reviews of that program which so dramatically affects the cost of gasoline and oil to consumers of this Nation.

We know the Office of Emergency Preparedness is charged with the responsibility of reporting to the President when it finds that the oil import program is working in and of itself to increase the cost of oil to consumers. Yet we find that the OEP has been woefully negligent in making such reports to the President and to the American people.

Mr. MOSS. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. MOSS. I appreciate what the Senator's objective is. I would agree that this matter should be considered by Congress. However, I said in my opening statement, that I do not believe it is an appropriate amendment for this joint resolution before us. At an appropriate time, I will have to raise a point of order. But I do want the Senator from Massachusetts to have the opportunity to present his point of view.

I want to say one other thing to the Senator. This involves the import problem. There are other committees that would be involved, to some degree. But, I would assure the Senator that, to the extent that the Committee on Interior and Insular Affairs and the Subcommittee on Minerals, Materials, and Fuels, of which I am chairman, has jurisdiction, we would be willing to hold open hearings so that the whole matter will be laid out fully. In this way, this issue would not have to be taken up by way of an amendment directly on the floor without any basis of hearings, with what I think is probably a fatal lack of germaneness to the pending matter.

All we are doing in Senate Joint Resolution 54 is granting consent to the States to continue a compact under which the States have been operating for 32 years; I do not think that an amendment to the Trade Expansion Act could be engrafted on it and not have the resolution fatally flawed.

I wanted to state this in advance to the Senator that he would understand the position taken by the committee.

Mr. KENNEDY. Mr. President, I express my appreciation to the Senator from Utah for considering and indicating that hearings would be held on this question. I realize that these may be jurisdictional in the Committee on Interior and Insular Affairs as well as in the Finance Committee.

Let me point out a few reasons why I think this amendment is relevant to the question now before us. As explained by the distinguished Senator from Utah, the compact is concerned with the conservation of oil and oil resources. Certainly, the question of the conservation of oil and oil resources is related to the oil import program, whose sole justification is to assure adequate supplies of oil to meet our national security needs.

Although I am certainly mindful and respectful of the Senator from Utah, let me also say that the amendment would not, in and of itself, affect to any extent the tariffs on oil, or the amounts of oil that could actually be imported. All we would really be doing is prescribing a procedure by which the executive would be given the responsibility of informing Congress as to the justifications for the continuation of an oil import program.

Mr. COTTON. Mr. President, the subcommittee of the Committee on Appropriations of which I am the ranking minority member is just about to meet, so I must leave the Chamber. I expect to be able to return before the amendment introduced by the able Senator from Massachusetts is disposed of, but for fear I might not be able to return, I commend the distinguished Senator for offering the amendment. I believe it is necessary and highly appropriate to the bill. There is no question it is desperately needed. We need to avail ourselves of the opportunity to focus attention on our problem and to make certain Congress is not bypassed and ignored. I associate myself fully with the remarks of the Senator from Massachusetts. The measure is vital to New England and to other parts of the country. I shall support it to the best of my ability.

Mr. KENNEDY. Mr. President, I wish to express my appreciation to the Senator from New Hampshire, who has been one of the real watchdogs in this body over the years, insuring that there will be a fair and equitable policy on the entire question of oil distribution and oil importation. Certainly, having his approbation and support this afternoon is heartening.

Does the Senator agree with me that it certainly is not inappropriate for Members of this body, in a program which reaches questions of national security, to expect the executive department of this country to file reports annually with the Congress and the Senate to justify extension of this program; and does the Senator agree with me that this would be helpful and useful in explaining to his constituents, my constituents, and the consuming public the national security implications of such a program and the reasons for it?

Mr. COTTON. I most emphatically agree with the Senator that this is an appropriate amendment to the bill and that these reports should be filed. There already is a moral obligation to file them, but this should be a directive by the Congress that we be kept informed, with special emphasis on the defense aspects of the problem.

I agree with the Senator. I think it is wholly germane, wholly appropriate, and highly desirable.

Mr. KENNEDY. Mr. President, would the Senator not agree with me, as well, that the thrust of the amendment introduced today is to keep Congress informed and in this way to keep the American people informed of the reasons for continuation of the old import program. Would we not agree that, by implication, President Nixon's appointment of a task force to study the whole problem assumes that there are not sufficient kinds of safeguards at present. My amendment, if it is successful, would really negate the reason to have a task force and special kinds of commissions established, because Congress would be informed of the program and would be made aware of its impact.

Mr. COTTON. I certainly do agree with the Senator. I recall that the Senator from New Hampshire, who has been in the Senate for 15 years, had as one of his first duties as a freshman Senator, to represent the New England Senators, on a committee of two, under the leadership of the most distinguished brother of the Senator from Massachusetts, later to be President of the United States, to seek, at that time, from the Eisenhower administration, action on the import problem. Where did we go? We went to the Office of Defense Mobilization, which indicates that this is vital to American defense. Through the years, as the Senator has so rightly stated, under both Democratic and Republican administrations, Congress has had a very difficult time attempting to assert itself, to be heard, and to be informed on this vital problem.

I most assuredly agree with the Senator and trust that his amendment will be adopted.

Mr. KENNEDY. I thank the Senator from New Hampshire.

Mr. HANSEN. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. HANSEN. If I may, I should like to say to the distinguished Senator from Massachusetts that I am not unmindful of the fact that a great many people are very much interested in the amendment he has proposed. Along with the distinguished Senator from Utah, I, too, would like to serve notice that, at the proper time, I should like to raise a point of order. It will be my contention that the Senate can amend a revenue measure, but that it cannot originate one. History in this regard is rather clear. That is substantially the contention that will be made. The national security provisions to the trade laws of the United States have been acted upon by Congress in 1954, 1955, 1958, and 1962. In each case, the legislation which continued the national security provisions, originated in the House of Representatives. As I have said before, the Senate can amend a revenue measure, but it cannot originate one. The Senator's amendment affects the tariff, and tariff legislation has historically been considered revenue legislation.

I think that perhaps the Senator from New Mexico (Mr. ANDERSON) may have—if this be not an inappropriate time—a message to bring to the floor, to our distinguished colleague from Massachusetts, from the Finance Committee, and that this would probably be the appropriate time.

Mr. ANDERSON. Mr. President, I have no wish to break into the speech of the Senator from Massachusetts. When he has finished his direct address, then I must raise a point of order against the inclusion of his amendment in the measure to grant the consent of Congress to a renewal of the interstate oil compact.

Mr. KENNEDY. I thank the Senator from New Mexico.

Mr. President, the thrust and purpose of the amendment, as I have stated, would provide a procedure by which the President of the United States would make an annual report to Congress about the reasons for continuation of the oil import program, and that every 2 years he would be required to submit his import control plan to the Congress with a demonstration that it was essential in the interests of national security. If neither Congress or the Senate acted within 90 days—a procedure which is followed routinely in the Executive Reorganization Act and elsewhere—then the import controls would be continued.

It is the position of the Senator from Massachusetts that it is important and essential that we have these periodic reviews, and that we in Congress and the Senate should be able to review programs, such as an oil import program, which costs consumers billions and billions of dollars. If there are arguably justifiable reasons for the continuation of the oil import program, we in Congress and the Senate should be informed of them and be given the opportunity to evaluate them. It is really only for that reason that the amendment is introduced, and it is for that reason that I would hope it would be considered.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MOSS. Mr. President, as I said before, at the appropriate time I will have to raise a point of order.

I wanted to point out to the Senator that the resolution before us is a very simple matter of granting consent to States to adopt conservation practices on their own initiative. I would like to read just one, short paragraph from the report filed by the Interstate Oil Compact Commission. That is the commission which is set up by the compact among the States. This statement is from the official report of the Attorney General of the United States which was pre-

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sented by Governor Docking, of Kansas, chairman of the commission, at the hearings, the subcommittee of which I am chairman held in May.

I quote that paragraph:

> It is clear that this Compact not only falls far short of earlier proposals for a central agency to control oil production, but in fact provides neither machinery nor power to coordinate State action. First, there is no Federal participation nor any coordination of oil imports associated with the plan. Again, the Compact does not provide for a uniform system of conservation laws among the States; its thrust is in the opposite direction. Each State, agreeing to conserve oil and gas by prevention of physical waste, binds itself only to enact laws to prevent certain generalized kinds of waste. But the substance and form of such laws are nowhere specified: each State is free to adopt whatever policy measures it deems best. And while the Commission established under the Compact may make recommendations on conservation practices, each State is explicitly left free to adopt or reject them in whole or part as it sees fit.

The reason I read that paragraph from the Attorney General's report is to point out that the amendment proposed by the Senator from Massachusetts is wholly alien to the compact, in that it endeavors to establish, as a part of the resolution, a measure whereby the President of the United States must report annually to the Congress on programs initiated under the Trade Expansion Act. Programs would expire every 2 years, and Congress would exercise a degree of control by having veto power. The amendment moves into a field entirely different from that of the resolution, since it has to do with imports of petroleum products.

I also want to underline that the kind of conservation we are talking about here is prevention of the physical waste of oil and gas, such as allowing the gas to be flared out and escape into the atmosphere, or allowing oil to stand and seep away or otherwise be destroyed. The resolution's purpose is simply to facilitate control by the various States of the physical conservation of oil and gas.

For that reason, and for the reason that the subject matter of the amendment properly belongs in the jurisdiction of another committee, at least in part—at least, the jurisdiction is shared with another committee—and for the reason that we have not held hearings on the proposal—and are perfectly willing to hold hearings—that I think the amendment must be rejected.

Although I think my other colleagues may want to address themselves to the point, I renew my assertion that I must raise a point of order at the appropriate time.

Mr. KENNEDY. Mr. President, on the question of conservation, I should like to read from the 1967 report of the Attorney General on the resolution consenting to the interstate compact to conserve oil and gas. It states, on page 43:

> In sum, the conservation regulatory system accomplishes an indirect and partial balancing of overall crude oil supply, which permits higher prices to be established than would normally prevail if no controls existed.

I think that very directly pertains to and is related to the whole question of the oil import program.

I think the amendment is relevant.

I am very appreciative of the expression by the Senator from Utah indicating that hearings would be held. I think such hearings would be extremely helpful and useful to the Members of the Senate.

I understand the Senator from Utah cannot speak for the Finance Committee. We have had some informal assurances that there would be consideration of this amendment in that committee when the Trade Expansion Act is considered. I was just wondering if the Senator from Wyoming, who is a member of the committee, could give us any kind of enlightenment on that suggestion.

Mr. HANSEN. I thank the distinguished Senator from Massachusetts.

Mr. President, on behalf of the Finance Committee and, more specifically, for the senior Senator from New Mexico (Mr. ANDERSON), a very distinguished member of that committee, I am privileged to report to my colleague from Massachusetts that just this afternoon the Committee on Finance has indeed indicated its willingness to consider the amendment that has been proposed by the Senator from Massachusetts.

I have in my hand a letter addressed to the chairman of the Finance Committee by the senior Senator from Massachusetts; and if I may, I would like to read the last paragraph of the letter. The letter states:

> I know that you are heavily involved with the tax reform measure at the present time and that the Finance Committee schedule is full, but there may very well be an area where you would like to hold hearings when the opportunity arose, and if such hearings were held I certainly would consider withdrawing the amendment.

The letter is signed, EDWARD M. KENNEDY.

This afternoon the Finance Committee indicated it would indeed be pleased to hold hearings on the measure of the Senator from Massachusetts. Hearings probably would have been held sooner, but inasmuch as the President sent his message on social security reform to the Congress before he submitted his message on trade, the priorities in the Finance Committee were fixed in that order.

With assurances on my side, and with the senior Senator from New Mexico, I am prepared to say now that the Finance Committee will be very pleased to hold hearings on the Senator's measure.

I may ask if, in light of those circumstances, it might be the intention of the Senator from Massachusetts to withdraw his amendment at this time.

Mr. KENNEDY. It would be my intention so to do.

I want to express my appreciation to the Senator from Utah, as well as the Senator from New Mexico and the Senator from Wyoming. I did, as the Senator from Wyoming mentioned, write to the distinguished chairman of the Finance Committee and indicated to him the scope of and the reason for the amendment, and tried to give him notification that this amendment would be forthcoming.

With the assurances of the Senator from Utah, as well as the Senator from New Mexico and the Senator from Wyoming on this question, I certainly feel that we have an opportunity for hearings in both those committees. If we can get such hearings within a reasonable period of time, taking into account that there are demanding measures before both of those committees. I would certainly be prepared to withdraw the amendment.

Mr. ANDERSON. Mr. President, I might point out that this amendment is subject to a point of order under the Constitution. It involves an amendment to the Trade Expansion Act of 1962, the subject of which is the raising of revenue. Such legislation should originate in the House, and would be in order only if offered to a House bill proposing to raise revenue.

I am sorry to differ with the Senator on this point. He came into my State a few days ago and made a very fine address before a wonderful audience. I hope we can work out our differences.

Mr. KENNEDY. Mr. President, if I may have the attention of the Senator from New Mexico, I am withdrawing my amendment. With the kind assurances that have been given by the members of the Committee on Finance and by the Committee on the Interior for hearings on this matter I am willing to withdraw the amendment.

Mr. ANDERSON. I think that is a very fine action on the Senator's part.

Mr. MOSS. I thank the Senator from Massachusetts.

Mr. President, I assume that the bill is open to amendment. If no amendments are to be offered, I ask for third reading.

The PRESIDING OFFICER The joint resolution is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 54) was ordered to be engrossed for a third reading, and was read the third time.

Mr. MOSS. Mr. President, before the question is put on the joint resolution, it having been read the third time, I am happy to yield to the Senator from Wyoming, who has a brief statement he would like to make about the joint resolution.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Utah. I express my appreciation to him for his leadership in presenting again for the consideration and approval of Congress a matter that I think has worked extremely well, has served the best interests of the people of the United States and, I suspect, at the same time might also be accurately prescribed as one of the most misunderstood compacts we have ever had.

It has not been anything new for Congress to authorize several States, or two or more States, to get together and, by compact, seek to achieve goals and objectives that they might not otherwise be able to attain on an individual basis. The interstate oil compact is just such a compact. It came into being because of the concern, dismay, and frustration of people who were witnessing a great waste of our natural resources.

It was not uncommon, in the early

years of the development of the great oil industry in the Southwest, to see natural gas being flared. It was being burned and wasted, its energy irretrievably lost. It was not uncommon, in times of surplusage of oil, to see oil pumped from the ground and left standing in pools. The pools would sometimes overflow, and there could be contamination of streams, and a great amount of waste would result because the price was so low as to make it most difficult to find any economic way of disposing of it.

These are some of the things that brought about a conviction among representatives of the oil States that steps should be taken to cut down on this unconscionable waste. As a consequence, Congress authorized several States to get together and, through a compact, set down rules and regulations by which such wasteful measures could be brought under control.

As a former Governor of the State of Wyoming, it was my privilege to participate as a representative of one of the 29 active State members in the Interstate Oil Compact Commission. We found that, though some people believed it to be the case that the commission was a vehicle whereby production could be curtailed and regulated, that was not true; and that, though some people considered it a vehicle whereby a certain price could be maintained, that also was not true.

Actually, all that the commission did was offer the participating States an opportunity to get together to review the specific pieces of State legislation which had been enacted from time to time, to find out what measures had been found suitable, desirable, and efficacious by State governments to meet a series of situations, no two of which may have been identical; and, out of the whole welter of State legislation, there came into being a very great volume of law, which has been useful to a number of States.

For example, I ask the Senator from Utah if it is not true that in recent years the State of Pennsylvania, in searching through all of the laws that had been passed by the participating States, found some guidelines that would be useful to that State in coping with a rather unique situation—which was not unique in that it had never been experienced, except for the State of Pennsylvania.

Under the IOCC, various conservation measures were made available to the different States. These measures served as recommendations which could or could not be adopted by each State. The recommendations of the commission were applicable to the States in varying degrees. Each State was able to use the suggestions of the commission which were applicable to its particular land situation and ownership pattern.

This concept provides a definite advantage over the situation that would occur if the Federal Government had taken it upon itself to impose national conservation measures. This, to my mind, would be an unworkable situation, because if the National Government holds complete control over each State's conservation measures, those practices could not be tailored to the particular land situation within the State. The specific local need could not be served.

So Pennsylvania drew upon the experience of some of the other States which were members of the compact, to come forth with regulations which would prevent the physical waste of these natural resources, and that has been the thrust, over the years, of the Interstate Oil Compact Commission.

As the Senator from Utah has so accurately stated, it has no authority to compel anybody to do anything. It cannot fix prices, and it cannot control production. All it can do is suggest, by example, what has been done among the various States in order to reduce physical waste.

In supporting the distinguished Senator from Utah this afternoon, it would be my purpose to urge the Members of this body to enact, without further delay, the authority which will permit the continuation, for these 29 States and such others as may wish to become members, of the authority to work together in an effort that, I submit, has been most successful. It has served our country well, and serves the purposes of national security well. It serves well that great body of conservationists who deplore the waste of any natural resource.

In 1955, Congress agreed to the extension of the Compact provided that the Attorney General would report periodically to the Congress as to whether or not the compact was living up to article V.

Article V states:

> It is *not* the purpose of the Compact to authorize the States joining herein to limit the Compact to limit the production of oil and gas for the purpose of stabilizing or fixing the price thereof or create or perpetuate monopolies or to promote regimentation, *but* it is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limits.

The eighth report of the Attorney General was made in April of 1969. The Justice Department made a detailed study of the files and records of the compact. Judicial staff members were present at all regular commission meetings.

The Justice Department report noted the continuing role of the commission as a forum for study and discussion on conservation, and as a convenient focal point of Federal-State liaison. Attorney General John N. Mitchell stated in the report that the termination of the compact would not significantly change the basic competitive effects of current Government regulation, although it would adversely affect State and Federal efforts at conservation in those areas most constructive and uncontroversial.

Although it is only natural that private industry be an intricate part of the compact, the 1968 report of the Attorney General pointed out that private industry performed a role of the expert adviser and that there was no cause for concern related to the role which private industry played in the work of the commission.

Mr. MOSS. I thank the Senator from Wyoming for his great contribution. He, having served as Governor of one of our great oil producing States, is well aware of the functioning of the compact from the point of view of the States as well as from his position on the Committee on Interior and Insular Affairs, of the U.S. Senate. What he has stated is of great importance here, and should be heeded by the Members of this body.

I, too, hope that we can proceed with all due speed today to continue this consent that we have granted to the States in years past.

I am happy to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, first let me say briefly that I share the views expressed by the Senator from Utah, the Senator from Wyoming, the Senator from New Mexico, and others who have spoken in support of Senate Joint Resolution 54.

I am proud to say my State of Kansas is one of the major oil and gas producing States. The industry contributes much to the economy and welfare of the State of Kansas. In 1968, the value of oil and natural gas production in the State was about a half billion dollars and there were 27,800 people employed. Direct tax collections by Kansas counties from oil and gas production in 1966 totaled $17,144,000, which went primarily for the State's public schools.

The resolution we are now considering is important to the oil and gas industry, but it is also important to all Americans. The interstate compact to conserve oil and gas was originally signed on February 16, 1935. Twenty-nine States, which account for practically all of our oil production in the United States, are members of the compact. My State of Kansas was an early signatory of this compact.

During the 1930's, there was a needless waste of this valuable natural resource because of the depression and overproduction. The compact was formed to conserve our oil and gas reserves by the prevention of physical waste. At this time, when the problems of our environment are of growing interest to the American people, I think it fitting that we reaffirm our faith in early efforts to preserve our great natural resources.

So I concur in what has been stated by the Senator from Wyoming and the Senator from Utah, that this is a very important resolution which should be passed at the earliest possible time, and I am happy to support the efforts of the Senator from Utah.

Mr. MOSS. I thank the Senator from Kansas for his remarks. He does indeed represent one of the great oil and gas producing States of the Union, and it is most appropriate that we hear from him.

I yield now to the Senator from Oklahoma.

Mr. BELLMON. I thank the Senator from Utah, and congratulate him for the work he has done in bringing to a vote the measure to renew the IOCC for another 2 years.

As Governor of the State of Oklahoma, I worked actively in behalf of the IOCC from the inception of that fine organization. I realize that, for those who have not had an opportunity to observe the

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work of the compact at firsthand, it may be somewhat difficult to understand.

As is said in the report prepared by the Senator from Utah and others, this is a forum that serves a vitally important purpose, not only in oil States and oil-producing areas, but also in other parts of the country that depend upon petroleum as a major source of energy.

The existence of the compact and the adoption of the body of law which it has developed and promulgated among the various States has done a great deal to reduce the cost of petroleum production, and that lower cost is reflected in the lower costs the consumers pay.

I think it is important to dwell upon the fact, as the Senator from Wyoming has done, that the compact has no policing powers. It is strictly a voluntary body that serves as a place for States to gather and discuss mutual problems and arrive at workable solutions of problems.

The compact has no role in pricing or controlling imports or production.

I believe the Interstate Oil Compact Commission serves as an ideal pattern to follow with respect to products that cross State lines and produce wide-ranging benefits for all.

I commend the distinguished Senator from Utah for being able to bring the matter to a vote today.

Mr. MOSS. Mr. President, I thank the Senator from Oklahoma who represents one of our great petroleum producing States. He, too, served as a Governor of his State. He knows at firsthand of the operation of the compact and what it has meant to our country in the prevention of physical waste of oil and gas. He knows that it serves as a guideline to the States and that it acts only in a fact-finding and an advisory capacity. He knows that the Commission operates, and operates very effectively, in the public interest.

Mr. President, I wish to pay tribute to the great leadership displayed by the distinguished Senator from New Mexico (Mr. ANDERSON), the author of the pending resolution.

The Senator from New Mexico has displayed great statesmanship over the past two decades as a Senator not only in this field but also in the field of conservation. We acknowledge his leadership and our debt to him for the guidance he has given the matter now pending before the Senate.

I hope that we can now vote on Senate Joint Resolution 54 and that it will be passed by the Senate.

Mr. McGEE. Mr. President, passage of Senate Joint Resolution 54 to extend the consent of Congress an additional 2 years for the Interstate Compact To Conserve Oil and Gas is of utmost importance to my State of Wyoming, to the 29 member States, and to the national security of this country.

During its 34 years of existence, this interstate compact has grown from its initial six State membership to a membership of 29 petroleum-producing States. These States have executed an agreement to renew and extend the compact from September 1, 1967, to September 1, 1971.

This is surely a sufficient testimonial to justify congressional action granting consent to an extension and renewal of this interstate compact until September 1, 1971.

The purpose of the compact is to assist in the conservation of our valuable reserves of oil and gas by the prevention of waste. The Commission established under this compact provides a medium of exchange whereby the several States and the petroleum industry can share views and technical knowledge regarding conservation practices and related problems. The Commission not only provides a continuous forum for the study of State conservation laws and their administration, but also is equipped through its various committees to assemble technical information and recommendations for the benefit of the States and other interested parties. I, therefore, urge the enactment of Senate Joint Resolution 54 so that the work of this Commission may be continued without interruption.

I might add in closing that it is my hope that the Senate will pass this resolution as reported by the Committee on Interior and Insular Affairs. The primary objective of this measure is to promote and maintain effective conservation practices in the oil and gas industry and the participating States. Any amendments which would make substantive changes or additions to this resolution or which would add extraneous matters would likely cause further delay or possibly prevent its passage. I agree with the committee report on this resolution that this is not the proper legislative vehicle by which to require consideration of the extremely complex and far-reaching oil price structure and the mandatory oil import program.

The PRESIDING OFFICER. The joint resolution (S.J. Res. 54) having been read the third time, the question is, Shall it pass? (Putting the question.)

The joint resolution (S.J. Res. 54) was passed as follows:

S.J. Res. 54

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of two years from September 1, 1969, to September 1, 1971, of the interstate compact to conserve oil and gas, which was signed in the city of Dallas, Texas, the 16th day of February, 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and Legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which prior to August 27, 1935, was presented to and approved by the Legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above-named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1967, to September 1, 1969, consented to by Congress by Public Law Numbered 90–185, Ninetieth Congress, approved December 11, 1967. The agreement to extend and renew said compact for a period of four years from September 1, 1967, to September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming, as been deposited in the Department of State of the United States, and reads as follows:

"AN AGREEMENT TO EXTEND THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"Whereas, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact To Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado, and Kansas, the original of which is now on deposit with the Department of State of the United States, a true copy of which follows:

" 'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

" 'Article 1

" 'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

" 'Article II

" 'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

" 'Article III

" 'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

" '(a) The question of any oil well with an inefficient gas-oil ratio.

" '(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

" '(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

" '(d) The creation of unnecessary fire hazards.

" '(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

" '(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

" 'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

" 'Article IV

" 'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commence; and providing for stringent penalties for the waste of either oil or gas.

" 'Article V

" 'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote

regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

" 'Article VI

" 'Each State joining herein shall appoint one representative to a commission hereby constituted and designated as "The Interstate Oil Compact Commission", the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

" 'The Commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

" 'No action shall be taken by the Commission except: (1) by the affirmative votes of the majority of the whole number of compacting States represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

" 'Article VII

" 'No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

" 'Article VIII

" 'This compact shall expire September 1, 1937. But any State joining herein may, upon sixty (60) days notice, withdraw herefrom.

" 'The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory states.

" 'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.'

"Whereas, the said Interstate Compact to Conserve Oil and Gas has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1967; and

"Whereas, it is desired to renew and extend the said Interstate Compact to Conserve Oil and Gas for a period of four (4) years from September 1, 1967, to September 1, 1971:

"Now, therefore, this writing witnesseth:

"It is hereby agreed that the Compact entitled 'An Interstate Compact To Conserve Oil and Gas' executed in the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, a correct copy of which appears above, be, and the same hereby is, extended for a period of four (4) years from September 1, 1967, its present date of expiration, to September 1, 1971. This agreement shall become effective when executed, ratified, and approved as provided in Article I of the original Compact.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing state may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"Executed by the several undersigned states, at their several state capitols, though their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"The State of Alabama
"By George C. Wallace, Governor
"Dated: Aug. 11, 1966
"Attest: Mrs. Agnes Baggett, Secretary of State (Seal)
"The State of Alaska
"By William A. Egan, Governor
"Dated: July 13, 1966
"Attest: Hugh J. Wade, Secretary of State (Seal)
"The State of Arizona
"By Samuel P. Goddard, Governor
"Dated: March 8, 1966
"Attest: Wesley Bolin, Secretary of State (Seal)
"The State of Arkansas
"By Orval E. Faubus, Governor
"Dated: May 3, 1966
"Attest: Kelly Bayant, Secretary of State (Seal)
"The State of Colorado
"By John A. Love, Governor
"Dated: January 13, 1966
"Attest: Byron A. Anderson, Secretary of State (Seal)
"The State of Florida
"By Haydon Burns, Governor
"Dated: June 28, 1966
"Attest: Tom Davis, Secretary of State (Seal)
"The State of Illinois
"By Otto Kerner, Governor
"Attest: Paul Powell, Secretary of State (Seal)
"The State of Indiana
"By Rodger D. Branigin, Governor
"Dated: May 31, 1966
"Attest: John D. Bottorff, Secretary of State (Seal)
"The State of Kansas
"By Wm. H. Avery, Governor
"Dated: December 1, 1965
'"Attest: Paul R. Shanahan, Secretary of State (Seal)
"The State of Kentucky
"By Edward T. Breathitt, Governor
"Dated: June 6, 1966
"Attest: Thelma L. Stovall, Secretary of State (Seal)
"The State of Louisiana
"By John J. McKeithen, Governor
"Dated: November 22, 1965
"Attest: Wade O. Martin, Jr., Secretary of State (Seal)
"The State of Maryland
"By J. Millard Tawes, Governor
"Dated: October 10, 1966
"Attest: Lloyd L. Simpkins, Secretary of State (Seal)
"The State of Michigan
"By George Romney, Governor
"Dated: May 19, 1966
"Attest: James M. Hare, Secretary of State (Seal)
"The State of Mississippi
"By Paul B. Johnson, Governor
"Dated: April 27, 1966
"Attest: Heber Ladner, Secretary of State (Seal)
"The State of Montana
"By Tim Babcock, Governor
"Dated: Feb. 14, 1966
"Attest: Frank Murray, Secretary of State (Seal)
"The State of Nebraska
"By Frank B. Morrison, Governor
"Dated: Jan. 31, 1966
"Attest: Frank Marsh, Secretary of State (Seal)
"The State of Nevada
"By Grant Sawyer, Governor
"Dated: June 17, 1966
"Attest: John Koontz, Secretary of State (Seal)
"The State of New Mexico
"By Jack M. Campbell, Governor
"Dated: Nov. 6, 1965
"Attest: Alberta Miller, Secretary of State (Seal)
"The State of New York
"By Nelson A. Rockefeller, Governor
"Attest: John P. Lomenzo, Secretary
"Dated: Nov. 28, 1966
of State (Seal)
"The State of North Dakota
"By William L. Guy, Governor
"Dated: Dec. 19, 1966
"Attest: Ben Meier, Secretary of State (Seal)
"The State of Ohio
"By James A. Rhodes, Governor
"Dated: July 25, 1966
"Attest: Ted W. Brown, Secretary of State (Seal)
"The State of Oklahoma
"By Henry Bellmon, Governor
"Dated: November 15, 1965
"Attest: James M. Bullard, Secretary of State (Seal)
"The Commonwealth of Pennsylvania
"By William W. Scranton, Governor
"Dated: Sept. 16, 1966
"Attest: W. Stuart Helm, Secretary of the Commonwealth (Seal)
"The State of South Dakota
"By Nils A. Boe, Governor
"Dated: Sept. 26, 1966
"Attest: Alma Larson, Secretary of State (Seal)
"The State of Tennessee
"By Frank G. Clement, Governor
"Dated: April 16, 1966
"Attest: Joe C. Carr, Secretary of State (Seal)
"The State of Texas
"By John Connally, Governor
"Dated: October 11, 1965
"Attest: Crawford C. Martin, Secretary of State (Seal)
"The State of Utah
"By Calvin L. Rampton, Governor
"Dated: April 11, 1966
"Attest: Clyde L. Miller, Secretary of State (Seal)
"The State of West Virginia
"By Hulett C. Smith, Governor
"Dated: July 14, 1966
"Attest: Robert D. Bailey, Secretary of State (Seal)
"The State of Wyoming
"By Clifford P. Hansen, Governor
"Dated: Jan. 18, 1966
"Attest: Thyra Thomson, Secretary of State" (Seal)

Sec. 2. The Attorney General of the United States shall continue to make an annual report to Congress, as provided in section 2 of Public Law 185, Eighty-fourth Congress, for the duration of the Interstate Compact to Conserve Oil and Gas as to whether or not the activities of the States under the provisions of such compact have been consistent with the purposes as set out in article V of such compact.

Sec. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

Mr. MOSS. Mr. President, I move to reconsider the vote by which the Senate passed the joint resolution.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

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The motion to lay on the table was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a treaty, was communicated to the Senate by Mr. Leonard, one of his secretaries.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR SCOTT CALLS FOR REFLECTION ON NATURE OF VIETNAM WAR CRITICISM

Mr. SCOTT. Mr. President, we are all aware, and I know President Nixon is most of all aware that the feeling of the American people is increasingly of the view that our involvement in Vietnam was a tragic mistake. Disillusionment over this war—which must be ended—is admittedly and justifiably great. Again, no person is more aware than the President that six out of 10 Americans, according to one recent poll, think the United States made a mistake in sending troops to fight in Vietnam. The President is acutely aware of this judgment. The American people know how we got into this. They know that the President inherited it as the greatest challenge which he faced, and is facing.

We spent 6 years moving into this war; and the Nixon administration has had only 8 months to move out. The American people recognize that the President is doing all he can in a most difficult situation, which is not being made any easier for him.

Nevertheless public opinion, approving the way the President is handling the quest for peace, according to the above recent poll, has moved up 7 percent—from 45 percent to 52 percent—since mid-September, to a point where it soon may become an even more significant majority. In mid-September 40 percent of the people disapproved of the way the war was being handled. Since that time that figure has dropped to 32 percent. I am certain that the American people will continue to approve the significant moves toward peace by way of deescalation and other avenues, and will continue increasingly to support our President's very real efforts toward peace.

With regard to the October 15 moratorium, I want to make my feelings quite clear. I have expressed my concern that the debate which often ensues from such marches or confrontations takes on the form of an ultimatum, an unwillingness to understand the significance of our deescalation. That type of activity, in the form of demands or arbitrary timetables, has the effect of telling Hanoi that they have nothing to talk about at Paris. It may run counter to our efforts, and the American people's desire to end this war just as quickly as possible. Instead it may well prolong our involvement.

We will take note of the events of October 15. I will listen; I wall watch. The inheritance of this war, this terrible war, should give us all reason to be deeply concerned. Certainly there are reasons which many, many Americans may see as cause to demonstrate peacefully for peace. I understand the frustrations—for 7 long years—which have led up to this event. I have suggested, and I suggest again, that most Americans will want to demonstrate against our true enemy—Hanoi.

I am concerned that this event and the hearings which will follow in the Foreign Relations Committee, will attempt to unload responsibilities for an inherited war on the wrong administration. I am concerned that this moratorium may take on political aspects which high-level debate ought to be careful to avoid at this time.

I am concerned about, and support, constructive debate and suggestions. The President has listened, and is listening, to all sides. But he, and only he, is our prime negotiator. I think the debate must take place in this context. There is every reason to demonstrate concern. No one is more concerned than the President. He knows that this war must end. He has demonstrated his desire for a quick end to the war. He has acted.

So I think it proper to pose a question: to those who will march, to those who would attempt, through, in some cases, political motives, to put the onus on the only President who has begun to move us out of this war:

Which side are you hurting? I think it is proper to ask the 32 percent of the American people who disapprove of our efforts toward peace to reflect on the nature of their criticism. Some of those who disagree feel, of course, that 60,000 troops withdrawn is "tokenism." Some feel this stopping of future draft calls for October and November is "tokenism." The answer to these critics is that there is much to these significant moves toward deescalation. There is a lull, the casualties are down to a 2-year low, the infiltration from North Vietnam is down. These are realities.

Those who speak out in harsh criticism of our present and continuing efforts have no monopoly on the cause of peace. They have no means to help attain that peace. But there is great danger that they may hinder our search for a final and just solution to the war. Every time we are hopeful that diplomatic or military developments toward that peace we all seek are on the horizon, there appears on that horizon statements or activity which lead Hanoi to believe she can wait a little longer; that there is a chance that this Nation will totally surrender. This is a difficulty we must accept to a great degree in an open society involved in confrontation on the battlefield and at the negotiating table with a closed sysem. Hanoi does not have the same problem, and may well misinterpret our free use of our freedom of speech, our American democratic way of debating issues, as a sign that we are weakening. I am quietly asking the American people, the students, my colleagues, to consider whether they are not contributing to Hanoi's misinterpretation. I asked last week for 60 days of quiet and solitude for the President to seek peace. I was not attempting to shut off debate or discourage peaceful demonstrations for peace. But I was asking all concerned—distinguished Senators, Members of the other body, student leaders, and all American people, to stop and think, to consider the effects and the nature of that criticism.

I ask that we be responsible in our discussions, tolerant of our negotiators, and more understanding of the very real problem they face—Hanoi.

It is hardly the time to attempt to embarrass an administration which has done so much more to end this war than previous administrations. Infinite care must be taken so that those who criticize, those who enjoy the right of free speech and demonstration, do not damage the cause for which we all work—an end to this war, with honor, with justice for all sides, and most of all, with all the speed which the situation permits.

We are moving toward peace. I, too, want to move faster; but let us try to understand what is at stake. Let us all reflect, and perhaps, hesitate, before we hasten to add more to the burdens and challenges which President Nixon now faces.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 449.

The PRESIDING OFFICER. The bill will be stated by title.

The Bill Clerk. A bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the Senate proceeded to consider the bill.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, if the distinguished acting majority leader will yield, I should like to ask him at this time concerning the further order of business for today and thereafter.

Mr. KENNEDY. Mr. President, it is the intention of the leadership, now that the Economic Opportunity Amendments of 1969 have been laid before the Senate and is the pending business; that after it has been disposed of, the Senate proceed, in accordance with the recommendation of the leadership as the distinguished majority leader indicated last Thursday, to the consideration of Senate Joint Resolution 158, the minting of the Eisenhower dollar.

I believe that we will then consider two other measures, S. 1181, and S. 2214 which deal with potatoes. They should be disposed of shortly. That will leave the calendar quite clear.

ORDER OF PROCEDURE

Mr. MURPHY. Mr. President, is it the intention to have or will it be possible to have an agreement that the vote not take place before noon tomorrow? This would give me time to prepare some objections to one section of the bill.

Mr. KENNEDY. Mr. President, I hope that we can make a good beginning on this matter this evening. We could perhaps come in earlier than noon tomorrow.

I think that the determination of when the first vote might come is a matter on which the chairman of the subcommittee (Mr. Nelson) should be consulted. However, I think the request is not unreasonable. I would not suggest that we propound a unanimous-consent request. but I think we could give such assurance, if it were agreeable with the distinguished Senator from Pennsylvania, the minority leader.

Mr. MURPHY. I wish the Record to show that I asked that the measure not be taken up at this time because the majority report appeared in my office only a few days ago, at a time when several Members of the majority were out of the city. Inasmuch as it is impossible for me to be in the city beginning at 3 o'clock tomorrow afternoon, I ask that consideration of it be held off.

In order to accommodate the concern for speed which has suddenly arisen on the opposite side of the aisle, I withdraw my objection to bringing up the measure. If there is to be a vote before noon, I ask unanimous consent that my remarks may be made part of the Record in the appropriate place.

Mr. KENNEDY. In response to the distinguished Senator from California, I wish to say that the majority leader, the Senator from Montana (Mr. Mansfield), announced on Monday, October 6, that the OEO bill would be coming up as soon as reported indicating that perhaps it would be by the end of that week. He reiterated this on Wednesday, October 8. On Thursday, October 9, when it was determined to have no session on Friday, he said it would come up today, if it had been reported by then, and it was in fact reported on Friday.

This was notice to the Members of the Senate, of at least 1 week's standing. Some Senators have changed schedules to be present for this debate, as the schedule had been announced by the majority leader, and on reliance upon that announcement.

It is also relevant that the Appropriation's Subcommittee on Health, Education, and Welfare, of which the chairman is the Senator from Washington (Mr. Magnuson), is now preparing to wind up its hearings; therefore, this adds a sense of expedition to Senate consideration of the OEO amendments.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. HOLLAND. I call the Senator's attention to the fact that the two potato bills, so-called, have been on the calendar since September 18, and that the committee and the Senator from Florida have several times requested their consideration. We are ready for their consideration at any time. When does the acting majority leader expect to take up those bills?

Mr. KENNEDY. I think the majority leader, at the suggestion of the distinguished Senator from Florida, indicated that they would be considered, hopefully, in the early part of this week. I would think action would be taken thereon within the next day or two.

The potato bills will be the pending business following the OEO amendments and the Eisenhower coin authorization.

Mr. SCOTT. If the Senator will yield to me, I would like to press a bit for action on the Eisenhower coin measure, which I do not think should take too long. Tomorrow is the late President's birthday, and I have had some discussions with the majority leader in regard to the hope of bringing the measure up at least on or before the late President's birthday; and I was hopeful that we could dispose of it.

I understand the Senator's concern with respect to the potato bills, and we are all concerned in getting them disposed of.

Mr. KENNEDY. I have just indicated to the Senator from Florida that they will be the business following the Eisenhower coin measure.

Mr. HOLLAND. So far as the Senator from Florida is concerned, he certainly supports the Eisenhower measure and would not want to stand in its way. He does call attention to the fact, however, that these two bills have been on the calendar a long time. They both have bipartisan support. They came out of the Committee on Agriculture and Forestry with a unanimous report, and I think they have been held up too long already. I would hope that the acting majority leader would let us have action on these bills at the earliest possible time.

Mr. KENNEDY. I think the question is well taken. I agree with the distinguished Senator from Florida, and I can, again, give him every assurance that after the Eisenhower coin measure, they will be the order of business.

Mr. SCOTT. I would like to point out that on October 9, the Senator from Montana (Mr. Mansfield) stated that following the oil compact bill he intended to turn to the Eisenhower dollar, and to take up the OEO matter following that. We have now agreed to lay down the OEO bill, and I would not want the Eisenhower dollar to be further deferred. But I think the potato bills should follow immediately after that.

Mr. KENNEDY. It is the leadership's intention to so proceed.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from California.

Mr. MURPHY. I have not had the question resolved that I asked the acting majority leader. I would like to propose a parliamentary question.

Mr. KENNEDY. As I understand the Senator's request, it is that no votes on the pending measure be taken prior to noon tomorrow.

Mr. MURPHY. That was my request, yes.

Mr. KENNEDY. Let me just say that while it is difficult for the leadership to give any definite assurances on what the Senate will do in any given set of circumstances, if it is agreeable to the Senator from Pennsylvania and the manager of the bill, I think that we could pretty much assure the Senator from California that no votes will be taken prior to noon tomorrow.

Mr. MURPHY. I think the chairman of the subcommittee could give that assurance, if he so desired, and I do not think it is an undue request.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. I will give that assurance to the Senator from California. I am the ranking minority member of the committee, and, if necessary, I will debate the bill until noon tomorrow. So the Senator has his assurance.

Mr. KENNEDY. That is the prerogative of any Member of the Senate; and if the Senator from New York wants to give that assurance, he can do so, as can any other Member of the Senate. I will guarantee there will be no vote before noon tomorrow, even if that means a colloquy with the Senator from New York.

Mr. MURPHY. I thank the Senator.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. SPARKMAN. Mr. President, I want nothing to happen to prevent our consideration of the Eisenhower measure tomorrow, and I will state why.

I received a letter from President Nixon a week or 10 days ago urging us, if we possibly could, to get the bill out of the committee and to the floor of the Senate. He said he hoped that he could sign it into law not later than the 14th. The Committee on Banking and Currency reported the bill immediately after that, and it was placed on the calendar Wednesday or Thursday, and I would hope that we could take it up and dispose of it.

This was originally a part of the coinage bill generally. The Senator from Utah (Mr. Bennett) and I prepared a joint resolution taking the Eisenhower coinage out of the bill, and that is what will be before the Senate. That is what we are asking for.

The Senator from Montana (Mr. Mansfield) told me the other day that the Senator from Colorado (Mr. Dominick) was going to offer his substitute on the floor. We discussed it in the committee, but we reported the measure without it. The Senator from Colorado is going to offer it on the floor, and it will come up on Tuesday, which is the late President Eisenhower's birthday. I do, by all means, want to dispose of that matter before the Senate adjourns tomorrow night.

Mr. SCOTT. I hope the Senator from Colorado may be heard on that, but that he would not wish to be heard at too great length, so that we could dispose of it tomorrow.

Mr. DOMINICK. We cannot dispose of it tomorrow, so long as the OEO bill is pending. I made this point to the Senator from Massachusetts earlier. If we could get to the silver dollar measure first tomorrow, we could dispose of it.

Mr. SPARKMAN. Senator Dominick told me that he thought an hour would be sufficient for his substitute.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, we are faced with a situation, not a theory.

Mr. President, the Senator from California is exercising the right of any Senator. He is not delaying the bill. He had made other arrangements. We will protect him until tomorrow. There is going to be only a general statement on the OEO bill this afternoon. Why not dispose of the silver bill now?

Mr. DOMINICK. I am not ready.

Mr. JAVITS. I am sorry.

Mr. President, I withdraw that suggestion because the Senator from Colorado informs us he is not ready.

Mr. DOMINICK. I will be ready tomorrow.

Mr. JAVITS. Perhaps we could dispose of it tomorrow if the Senator from Colorado would cooperate to that extent.

Mr. SCOTT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. SCOTT. Mr. President, will the Senator yield to me briefly.

Mr. KENNEDY. I yield.

Mr. SCOTT. Mr. President, I would like to sound out the possibility of our convening tomorrow at 10 o'clock and then proceeding to an agreement for 2 hours debate on the OEO bill, with the vote to occur not later than 12:30 tomorrow.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, it is the intention of the leadership to have the Senate convene at 10 o'clock tomorrow morning.

Mr. BYRD of West Virginia. Mr. President, may we have order so we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, I would like to ask the indulgence of the ranking minority member of the Committee on Labor and Public Welfare. It is the intention of the leadership to have the Senate convene at 10 o'clock tomorrow morning to continue the debate on the OEO bill, to make every effort to accommodate the request of the Senator from California, and it is hoped to have votes in the early part of the afternoon. It is my hope we can complete action on the OEO bill tomorrow afternoon. Next we would bring up the Eisenhower coin authorization bill. As we proceed through the day, I wish to indicate to the distinguished minority leader, we certainly want to be accommodating in terms of the birthday anniversary of President Eisenhower. We are hopeful we can complete the business before, but if by midafternoon we find we are unable to do so, I can give my assurance to the distinguished minority leader that I will be flexible in its consideration, although it should be remembered that unanimous consent will be required to set the OEO bill aside if it is not concluded. I hope we can finish the OEO bill early in the afternoon.

Mr. SCOTT. Mr. President, I appreciate the statement of the acting majority leader. I would like to take advantage of the suggestion of the acting majority leader that if we find progress to be slow on the bill now pending, we might ask that it be set aside temporarily and take up the Eisenhower dollar, and, of course, accommodate those who have any concern.

Mr. JAVITS. Mr. President, I would not wish by my silence to agree to that arrangement. The Senator from Alabama (Mr. Sparkman) and I are under great time pressure, too. In the face of reality, the Senator from Wisconsin (Mr. Nelson) will go ahead; and I will speak on the bill tonight. Let us see how we get along. I will try to work out something to present to our leader, the Senator from Pennsylvania (Mr. Scott).

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. KENNEDY, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. MONDALE. Mr. President, I ask unanimous consent that Mr. Sidney Johnson be permitted on the floor during the consideration of the OEO bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I make the same request for Mr. John Scales.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that the professional staff members of the Committee on Labor and Public Welfare be admitted to the Chamber during the consideration of S. 3016, the proposed Economic Opportunity Amendments of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BROAD CONSENSUS ON EXTENDING OEO

Mr. NELSON. Mr. President, the Labor and Public Welfare Committee has reported to the Senate a truly bipartisan bill to extend the Office of Economic Opportunity through June 30, 1971, as the administration has requested.

This is a responsible and realistic bill, which represents a meeting of minds of widely differing shades of opinion.

Through painstaking work in subcommittee and committee, the differences have been progressively narrowed down to the point where the bill before the Senate today represents a broad consensus, acceptable to many Senators in both the majority and minority, to the broad range of organizations interested in this legislation, and consistent with the goals which the administration has developed itself.

Obviously, a bill which seeks to achieve such a broad base of acceptance cannot be totally satisfactory to any one group. But at the same time, if we are to continue in a responsible way to deal with the problems of poverty which concerns all Senators and which concern the Nation, we must design legislation which can command the support of persons of many different points of view.

This is such legislation. We will outline it in detail to the Senate, and we hope the Senate will then ratify it and send it on to the House.

A 2-YEAR EXTENSION

Briefly summarized, the bill reported to the Senate by the Labor and Public Welfare Committee is a straight 2-year extension of the Office of Economic Opportunity, with no major substantive changes in its programs. It authorizes the budget which the administration requested, program by program, and then proposes modest additional authorizations for eight selected programs, based on testimony before the Subcommitee on Employment, Manpower, and Poverty during our public hearings.

For fiscal 1970, the bill authorizes $2.048 billion as requested by the administration, plus $292.1 million in additional authorizations, for a total of $2.34 billion.

For fiscal 1971, the bill authorizes $2.148 billion plus $584.2 million in additional authorizations, for a total of $2.732 billion.

The administration had requested an open ended authorization for the second of the 2 years, using the phrase "such sums as may be necessary" for the authorization. Senators in both the minority and majority felt that a definite authorization was preferable. Representatives of OEO suggested a basic second year authorization 10 percent higher than the first years, or about $2.253 billion. However, the committee after, careful consideration agreed on the figure of $2.148 billion as a suitable second year basic authorization.

Each of the funding items in the bill has already been the subject of careful negotiation and compromise. There are no "pie in the sky" figures in this bill. Each can be carefully justified, and the Senate can be assured that these funds, if appropriated, can be responsibly and productively spent.

EARMARKING WITH FLEXIBILITY

The bill also steers a careful middle ground between the twin goals of giving the administration administrative flexibility while at the same time preserving the right and the responsibility of the Congress to direct how public funds shall be spent. This, too, was accomplished through careful negotiation and compromise.

The administration would have preferred a simple, lump sum authorization with no directive from the Congress as to how the money would be allocated within the eight titles of the Economic Opportunity Act. The committee felt that to grant such a lump sum authorization would be to fail to meet the responsibilities of the Congress, and would lead to confusion and uncertainty as to the future of the various programs operated by OEO, by its local agencies, and by other Federal agencies to which it has delegated programs. A lump sum authorization, the committee felt, would make legislative oversight extremely difficult.

The committee resolved this difference by specifically earmarking funds for many of the the successful OEO "special emphasis" programs.

However, for each program, the amount earmarked by the committee is the precise amount which the administration requested in its budget presentation. Any additional authorizations in the bill are handled separately and clearly identified as additions.

Furthermore, in two major areas, the committee's earmarking is so broad as to leave the administration considerable latitude in deciding precisely how the funds shall be allocated. These areas are in community action and in work and training programs, both areas where it seemed desirable to give the administration an authorization ceiling and then let it decide how best to allocate the funds within the various activities operated under that title.

A 15-PERCENT FLEXIBILITY GIVEN

Most important of all, in resolving this matter we combined the earmarking of funds with a new flexibility feature which both the minority and majority in the committee, and representatives of the administration, found to be very desirable.

Under this feature, the Director of OEO is authorized to reduce any earmarked authorization figure by up to 15 percent, and reallocate the funds saved in that manner to any other authorized program within his agency. Furthermore, the director may make a number of such reductions, group the savings together, and allocate them to other authorized programs.

In this manner, for instance, he could greatly increase funds for research, pilot programs and evaluation, an area which the administration has said it wants to emphasize, by reducing other programs by up to 15 percent.

WHAT BILL DOES NOT DO

It might be helpful to discuss some of the things which this bill does not do.

It does not attempt to revoke the reorganization of OEO recently ordered by the President. The committee intends to maintain legislative oversight over OEO and its programs as a part of its continuing responsibilities, but this bill does not seek to deal with the reorganization question.

It does not seek to change any orders which have been issued to delegate OEO programs to other agencies, such as the delegation July 1 of the Job Corps to the Labor Department and the Headstart program to the Department of Health, Education, and Welfare.

It does not seek to restore funds for the Jobs Corps or the Neighborhood Youth Corps programs which were cut by the administration.

It does not preclude or prejudge the welfare reform or comprehensive manpower proposals which the administration recently sent to Congress.

It does not make any major substantive changes in OEO programs, or direct OEO into any major new areas. Programs on alcoholism and drug rehabilitation, already mentioned in the act, are more sharply defined as special emphasis programs, as proposed by Senator Dominick and Senator Hughes, and protection against delegation of the legal services program to another Federal agency is written into the bill. Other than that there are no changes in OEO programs.

In short, this bill is essentially what the administration requested—a 2-year extension of OEO with no major substantive amendments. The principal changes in the bill merely involve funding levels. The administration itself revised the funding levels from previous years; such revisions are inevitable whenever a program is extended and should not be considered substantive changes in the act.

AREAS OF AGREEMENT

As I said at the outset, this bill has been progressively revised, section by section, in an effort to reach the broadest possible consensus.

So far as I know, the only areas of difference remaining among Senators who have participated in discussions on the bill involve the question of how much should be added to the basic administration authorization request for the various programs.

Even these additional authorizations have been repeatedly compromised in committee, so I believe the range of differences is extremely narrow.

We members of the committee who requested the additional authorizations are prepared to justify them here on the floor.

The Senate will, of course, have a further opportunity to review the precise authorizations when the appropriations bill comes to the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. BYRD of West Virginia. Does the bill leave with the Governors of the several States the prerogative of vetoing the list of workers?

Mr. NELSON. We leave the veto power that is in the bill in the hands of the Governor of a State, without change from the current provision.

FIVE YEARS OF OEO

Mr. NELSON. Mr. President, we have now had 5 years of experience with the Office of Economic Opportunity. We all know that this new agency, which was given an extremely difficult task which no other agency had been able to resolve, encountered a great many difficulties in the early years of its life.

Two years ago, our committee made an unusually exhausive review of the OEO, and our committee made quite a few amendments in the act. The benefits of these revisions, and the benefits of 5 years of practical experience, are beginning to be felt in OEO.

The comprehensive audit of OEO, conducted by Comptroller General and the General Accounting Office under a 1967 amendment sponsored by Senator Prouty, has further increased our understanding of this agency working in this challenging area. The GAO audit will lead to further improvements.

The administration has made an impressive argument in favor of a 2-year extension of OEO.

As the new Director of OEO, Mr. Donald Rumsfeld testified before our subcommittee:

> A 2 year extension, the President believes, will improve the management of this program by allowing longer range planning and making possible more orderly and efficient allocation of funds. It will lead to better recruiting by guaranteeing to those whose talents are needed that the commitment to deal with these problems exists. It should improve the potential for results by insuring the continuity and flexibility that an innovative agency needs. The extension will give greater assurance to those who initiate experiments that even though a particular program may not prove successful, the lessons learned will be put to use, and the larger effort will continue.

Mr. President, I am impressed by the statement, "the lessons learned will be put to use."

I think this is exactly what Congress had in mind for OEO. And of course if the lessons learned are to be put to use, it is important not to terminate worthwhile programs abruptly before they have had a chance to demonstrate their potential.

The new Director of OEO has provided our committee with strong assurances of his desire to strengthen the administration of OEO, and to emphasize research, evaluation, and experimentation.

THE DIMENSIONS OF POVERTY

In assessing the justification of the various funding authorizations contained in this bill, it is helpful to compare the real needs of the Nation with the relatively small number now being served. I think anyone reviewing the testimony as to the needs would come to see this bill as a very modest investment toward helping to correct some of the deepest ills of our society.

For example, the latest figures developed by the Budget Bureau and the Census Bureau tell us that there are 25,400,000 Americans living in poverty. This bill would invest approximately $100 for each such person, and would use the money largely for job training, medical and dental care, remedial education, and legal counseling. It is important to remember that more than 75 percent of this OEO budget goes for the highly acceptable purposes of job training, health, and education.

To cite another example, a total of 667,000 children were served by the Headstart program in 1969. Unless we increase the authorization as proposed in this bill, the number served in 1970 will drop to 488,000 because the administration wants to shift over to more effective—but more costly—year round programs. But experts have testified before our subcommittee that there are about 6 million disadvantaged children who really need the kind of help Headstart can give them.

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Mr. PERCY. Mr. President, will the Senator yield for a comment?

Mr. NELSON. Yes; I yield.

Mr. PERCY. I very much appreciate your permitting this interruption. I must leave the floor, but I would not like to do so without commending the committee for the exceptionally fine work that has been done in carefully reviewing the OEO program. The committee has unemotionally looked at the program, the innovations, and the reforms that have been proposed by the administration, and is supporting what I consider to be a well thought-out program.

We know that the war on poverty has been the butt of criticism, some of it justified, because it has been a new program. I think the committee, in supporting the bill, however, has strengthened the war on poverty and its administration. It has demonstrated its dedication to eradicating poverty in this country to the extent we possibly can. It has strengthened the existing programs that have proven themselves of value by transferring, and intending to continue to transfer, these programs and others to agencies that are permanently established to fulfill their purpose thus leaving OEO as the innovative and creative body designed to pioneer and break new ground.

The distinguished chairman has mentioned the Director of the OEO and his appearances before the committee. Mr. Donald Rumsfeld served as Congressman from my district for many years and is a longtime friend of mine. Almost more than any other man in Government, I admire him for taking on this job, for the administrative skill he brings to it, and his sense of dedication.

Those who have criticized him—and there have been some since none of us in public life are free from criticism—I think have not seen him from the standpoint or the vantage point that I see him. I have observed the deep feeling of conviction in Don Rumsfeld needed for carrying forward a program that has now been, well thought through. In its reform features, this program can perform better in the future than it could perform in the past.

Also, I believe we, and OEO are very fortunate to have Mrs. Carol Khosrovi serve as Director of Congressional and Intergovernmental Relations. She has served with the minority whip in the past, with Representative ROBERT TAFT, and with me for 2½ years as my legislative assistant.

Mr. NELSON. Mr. President, let me interject that the committee has been very pleased with the cooperation of Mrs. Khosrovi, who is a very talented person, and very helpful to the committee.

Mr. PERCY. I had fought hard not to lose her, but am pleased that, again, a woman has been placed in a very high position of responsibility.

She is a perfectly amazing person from the standpoint of her knowledge of government, her dedication, her administrative skill, and her soft heart and hard head as she carries these programs through. So I believe administratively we and OEO now have the tops in fine people.

I think Congress can now play a very important role. It is right for us to oversee and criticize, but it is wrong for us not to commend and point out programs that have been successfully executed. I hope that from time to time, in our oversight responsibility, we will give attention to those programs that are being successfully carried forward, because morale within the organization is a very important factor. That is why the 2-year extension, giving a degree of permanency to OEO that it has not had in the past and would not have with a 1-year extension, is extremely important to OEO in attracting good people.

I again commend the committee for the fine work it has done, and pledge my support for this report and for the bill, and any assistance that I can offer in these areas of great need.

Mr. NELSON. In behalf of the committee, I thank the senior Senator from Illinois.

This bill is the result of a good many days of cooperative, bipartisan effort on the part of both the minority and the majority, with each side making substantial and important contributions; and, on the whole, I think it is an excellent bill.

Mr. PERCY. Mr. President, if I might make one further remark. I noticed a comment in a syndicated column recently that the Director of the OEO had refurbished an office. The article gave the impression that the office was now rather elaborate. I believe that statement was based on total misinformation. The offices of the war on poverty are, at least some of them, threadbare. They are certainly not lavish by any standards; and I did want to the opportunity simply to assert that, from my standpoint, there has been no expenditure on behalf of the executive staff that is not fully warranted. Certainly the description that I read and my knowledge of the office that the Director maintains are 180 degrees opposed.

Mr. NELSON. I thank the Senator.

Mr. President, the Follow Through program can serve less than one-fourth of the children eligible for it.

A hunger expert told our subcommittee that there are 15 million chronically hungry or malnourished poor people in America. The emergency food and medical services program in this bill, even if fully funded, would invest slightly over $10 for each of those hungry people, in the hope of bringing them into some established food program, tiding them over an emergency, and accumulating some new knowledge on how to prevent such hunger in the future through better nutrition programs and more nutritious food.

The increased funding we have recommended for the legal services program is described by the American Bar Association as "absolutely the minimum acceptable."

The OEO estimates that 5 million medically indigent women would like family planning assistance. This bill would enable OEO to serve 280,000, and that would bring the number served by all such family planning programs, public and private, to an estimated 750,000—once again, just a fraction of the need.

And you could go through this bill program by program and make similar comparisons. These authorizations are the bare minimum needed to make some impact on a desperate nationwide problem, the minimum needed if we are even to measure the effectiveness of such programs to make intelligent decisions on what to do in the future.

In summary, let me say to the Senate again:

This is moderate, responsible legislation, which has gone through the traditional process of public hearing, debate, discussion, negotiation and compromise. The result is a new bill which will meet the minimum requirements which the administration and the committee have determined to exist.

I hope that the Senate will act promptly on this legislation, and send it over to the House of Representatives.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD at this point, together with tables listing the programs for which funds are earmarked, the amount requested by the administration, and the amount earmarked for each of the 2 fiscal years.

There being no objection, the requested items were ordered to be printed in the RECORD, as follows:

TABLE 1.—ECONOMIC OPPORTUNITY ACT BUDGET FOR FISCAL YEARS 1969 AND 1970 OFFICE OF ECONOMIC OPPORTUNITY

[In millions of dollars]

	Fiscal year 1969 program distribution	Fiscal year 1970	
		Johnson budget	President Nixon's budget
Title I:			
Pt. A (Job Corps)	280.0	280.5	180.5
Pt. B (work and training)	632.7	721.8	709.8
Pt. D (special impact)	22.0	46.0	46.0
Title II (community action programs)	933.0	1,032.7	1,012.7
Sec. 222(a)(1), Headstart	(322.9)	(338.0)	(338.0)
Sec. 222(a)(2). Follow Through	(30.0)	(60.0)	(60.0)
Sec. 222(a)(3), legal services	(42.0)	(50.0)	(58.0)
Sec. 222(a)(4), comprehensive health services	(54.2)	(90.0)	(80.0)
Sec. 222(a)(5), emergency food and medicaid services	(23.5)	(17.0)	(25.0)
Sec. 222(a)(6), family planning	(12.6)	(15.0)	(15.0)
Sec. 222(a)(7), senior opportunities and services	(4.9)	(3.8)	(8.8)
Title III:			
Pt. A (rural loans)	6.0	12.0	12.0
Pt. B (mirgant and seasonal farmworkers)	27.3	34.0	34.0
Title VI (administration and corodination)	15.0	16.0	16.0
Title VIII (VISTA)	32.0	37.0	37.0
Total	1,948.0	2,180.0	2,048.0

TABLE 2.—PROPOSED "ECONOMIC OPPORTUNITY AMENDMENTS OF 1969" APPROPRIATIONS AUTHORIZED FOR FISCAL YEAR 1970

[In millions of dollars]

	Fiscal year 1970 allocations based on President's budget (sec. 3(b))	Fiscal year 1970 additional appropriations authorized (sec. 3(c))	Fiscal year 1970 total authorization if fully funded
Title I, pts A and B (work and training)	890.3		890.3
Title I, pt. D (special impact)	46.0	7.0	53.0
Title II, Community action programs:			
Headstart	338.0	120.0	458.0
Follow Through	60.0		60.0
Legal services	58.0	16.0	74.0
Health services	80.0	40.0	120.0
Emergency food and medical services	25.0	75.0	100.0
Family planning	15.0		15.0
Senior opportunities and services	8.8	1.6	10.4
Funds not earmarked	427.9		412.9
Funds reserved for new programs:			
Alcoholic counseling and recovery		(10.0)	10.0
Drug rehabilitation		(5.0)	5.0
Title III, pt. A (rural loans)	12.0		12.0
Title III, pt. B (migrant and seasonal farmworkers)	34.0	7.5	41.5
Title IV, pt. B (day dare projects)		25.0	25.0
Title VI (administration and coordination)	16.0		16.0
Title VII (VISTA)	37.0		37.0
Total	2,048.0	292.1	2,340.0

TABLE 3.—PROPOSED "ECONOMIC OPPORTUNITY AMENDMENTS OF 1969" APPROPRIATIONS AUTHORIZED FOR FISCAL YEAR 1971

[n millions of dollars]

	Fiscal year 1970 allocations based on President's budget (sec. 3(b))	Fiscal year 1971 additional authorized appropriations (sec. 3(c))	Fiscal year 1971 total authorization if fully funded
Title I, pts. A and B (work and training)	$890.3		$890.3
Title I, pt. D (special impact)	46.0	$14.0	60.0
Title II—Community action programs:			
Headstart	338.0	240.0	578.0
Follow through	60.0		60.0
Legal services	58.0	32.0	90.0
Health services	80.0	80.0	160.0
Emergency food and medical services	25.0	150.0	175.0
Family planning	15.0		15.0
Senior opportunities and services	8.8	3.2	12.0
Title II funds not earmarked	427.9		397.9
Funds reserved for new programs:			
Alcoholic counseling and recovery		(15.0)	15.0
Drug rehabilitation		(15.0)	15.0
Title III, pt. A (rural loans)	12.0		12.0
Title III, pt. B (migrant and seasonal farmworkers)	34.0	15.0	49.0
Title V, pt. B (day care projects)		50.0	50.0
Title VI (administration and coordination)	16.0		16.0
Title VII (VISTA)	37.0		37.0
Total	2,048.0	584.2	2,632.2
Additional unearmarked portion of fiscal year 1971 authorization if fully funded to be used in Director's discretion			100.0
Total			2,732.2

SECTION-BY-SECTION ANALYSIS OF ECONOMIC OPPORTUNITY AMENDMENTS OF 1989

SECTION 1. SHORT TITLE

Section 1 of the bill provides that this legislation may be cited by the short title of "Economic Opportunity Amendments of 1969."

SECTION 2. EXTENSION OF ECONOMIC OPPORTUNITY ACT

Section 2 extends the duration of the authority of the Director of the Office of Economic Opportunity to carry out programs under the Economic Opportunity Act for 2 years beyond the existing law's expiration date of June 30, 1970.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS

Section 3(a) authorizes appropriations of $2,048 million for fiscal year 1970 and $2,148 million for fiscal year 1971 for carrying out the Economic Opportunity Act. (For authorization of additional appropriations for specified programs, see sec. 3(c).)

Section 3(b) sets forth the basic amounts to be earmarked for specific programs under the Economic Opportunity Act out of appropriations made pursuant to subsection (a). Amounts are earmarked by title or parts thereof; and, in the case of title II, part of the amounts for that title are earmarked with portions to each of the special emphasis programs set forth in section 222(a). For both fiscal years 1970 and 1971, the same amounts are earmarked for each of the items each year. (The amounts earmarked add up to a total of $2,048 million, earmarked for each of the 2 fiscal years. With respect to fiscal year 1971, this would leave $100 million unearmarked if the appropriations authorization of $2,148 million is fully funded.)

If the sums appropriated fall short of the total ($2,048 million) necessary to fund fully each earmarked category, then the amounts specified for each item must be prorated by reducing ratably each of the amounts.

All of the bill's provisions with respect to earmarking are subject to section 616 of the Economic Opportunity Act, which (as amended by section 4 of the bill, described below) authorizes up to 15 percent of the funds earmarked for any category to be transferred to any other program or activity under the Economic Opportunity Act.

Following are the amounts which subsection (b) earmarks for the various purposes of the Economic Opportunity Act.

(1) $890,300,000 for parts A and B of title I (work and training programs).

(2) $46 million for part D of title I (special impact programs).

(3) $1,012,700,000 for title II (urban and rural community action programs), of which $338 million shall be for the Project Headstart program, $60 million for the follow through program, $58 million for the legal services program, $80 million for the comprehensive health services program, $25 million for the emergency food and medical services program, $15 million for the family planning program, and $8,800,000 for the senior opportunities and services program.

(4) $12 million for part A of title III (rural loan programs).

(5) $34 million for part B of title III (assistance for migrant, and other seasonally employed farmworkers and their families).

(6) $16 million for title VI (administration and coordination).

(7) $37 million for title VIII (domestic volunteer service programs—VISTA).

Section 3(c) authorizes these additional appropriations (over and above appropriations authorized above) for specified programs under the Economic Opportunity Act.

(1) $7 million for fiscal year 1970, and $14 million for fiscal year 1971, for special impact programs (title I–D).

(2) $120 million for fiscal year 1970, and $240 million for fiscal year 1971, for Project Headstart.

(3) $16 million for fiscal year 1970, and $32 million for fiscal year 1971, for legal services.

(4) $40,000,000 for fiscal year 1970, and $80,000,000 for fiscal year 1971, for comprehensive health services.

(5) $75,000,000 for fiscal year 1970, and $150,000,000 for fiscal year 1971, for emergency food and medical services.

(6) $1,600,000 for fiscal year 1970, and $3,200,000 for fiscal year 1971, for senior opportunities and services.

(7) $7,500,000 for fiscal year 1970, and $15,000,000 for fiscal year 1971, for assistance for migrant and seasonal farmworkers (title III–B).

(8) $25,000,000 for fiscal year 1970, and $50,000,000 for fiscal year 1971, for day care projects (title V–B).

SECTION 4. AMENDMENT TO PROVIDE INCREASED FLEXIBILITY IN USE OF FUNDS

Section 616 of the Economic Opportunity Act provides that, notwithstanding any limitation on appropriations for any program or activity under this act or any act authorizing appropriations for such program or activity, up to 10 percent of the amount appropriated, or allocated from any appropriation, to carry out any such program may be transferred to be used in carrying out any other program or activity under the act.

Clause (1) of section 4 of the bill would amend the above-described provisions by increasing the percentage which may be transferred from 10 to 15 percent of the allocation for any program.

In addition, clause (2) of section 4 of the bill would remove the existing law's restriction which prevents the transfer of funds to other programs in such a manner as to result in increasing by more than 10 percent the amounts otherwise available for any program or activity.

SECTION 5. ADEQUATE LEADTIME

Section 5(a) amends the Economic Opportunity Act to provide for advance funding of programs under the Economic Opportunity Act by authorizing the inclusion of the appropriation for a particular fiscal year in the appropriation act for the preceding fiscal year.

Subsection (b) of section 5 of the bill makes clear that, in the transition from the present funding pattern to the advance funding pattern, the amendment made by subsection (a) (as described above) is applica-

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ble even though during the first year of the changeover the appropriation bill or bills may contain two separate appropriations—one for the then current fiscal year as well as another making the advance appropriation for the succeeding fiscal year.

SECTION 6. PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

Section 6 adds language to section 222 (a) (1) of the act to provide that persons who are not members of low-income families may be permitted to receive services in Headstart projects. That provision would be implemented pursuant to regulations prescribed by the Director. The amendment further provides that, where a family's income is, or becomes through employment or otherwise, such as to make payment appropriate, a family which is not low income may be required to make payment, in whole or in part, for services provided in a Headstart project.

SECTION 7. TECHNICAL AMENDMENT REGARDING OBLIGATION OF APPROPRIATIONS

Section 7(a) contains a technical amendment to the Economic Opportunity Act to make clear that a proposed contract, agreement, grant, loan, or other assistance under the act shall be obligated, if finally approved, out of the appropriation for the fiscal year current at the beginning of the 30-day period afforded the Governor for his consideration, rather than at the end of the review period.

Subsection (b) confirms past practice in accordance with the above-described amendment.

SECTION 8. NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

Section 8 amends section 222(a) of the Economic Opportunity Act by adding two new programs:

The proposed new paragraph (8) establishes an "Alcoholic Counseling and Recovery" program designed to discover and treat the disease of alcoholism. The program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic.

The Director shall reserve and make available for carrying out the Alcoholic Counseling and Recovery program not less than $10 million for fiscal year 1970 and not less than $15 million for fiscal year 1971 out of the sums appropriated, or allocated from appropriations, for title II of the Economic Opportunity Act.

The proposed new paragraph (9) establishes a "Drug Rehabilitation" program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants, such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize their reentry into society rather than their institutionalization.

The Director shall reserve and make available for carrying out the Drug Rehabilitation program not less than $5 million for fiscal year 1970 and not less than $15 million for fiscal year 1971 out of the sums appropriated, or allocated from appropriations, for title II of the Economic Opportunity Act.

SECTION 9. AMENDMENT WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

Section 9 provides that the authority of section 602(d) of the Economic Opportunity Act (authorizing delegation of the Director's powers to the heads of other Federal agencies) shall not apply to the legal services program authorized under section 222(a) (3) of such act. Section 9 further provides that the Director of the Office of Economic Opportunity shall not delegate the legal services program to any other existing Federal agency.

SECTION 10. CREDITING SERVICE OF A VISTA VOLUNTEER

Section 10(a) of the bill amends subsections (b) and (j) of section 8332 of title 5, United States Code, to provide that, if a person who has been a VISTA volunteer later becomes a Government employee subject to civil service retirement, the period of service as a VISTA volunteer shall be credited (i.e., the time is credited if the employee pays into the fund to cover such period).

Section 10(b) amends section 833 of the Economic Opportunity Act by adding a new subsection providing that any period of service as a VISTA volunteer shall be credited in the same manner as civilian employment by the U.S. Government for subsequent service to which the Foreign Service and civil service retirement systems are applicable, and, except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the Civil Service and Foreign Service laws.

Section 10(c) provides that amendments made by this section shall be effective as to all former volunteers employed by the U.S. Government on or after the effective date of this legislation.

SECTION 11. AUDIT REQUIREMENT

Section 11 of the bill amends section 243 of the Economic Opportunity Act for adding a new subsection providing that the Comptroller General of the United States or his representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under title II of the act.

SECTION 12. USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAM

Section 12(a) provides that the Director of the Office of Economic Opportunity shall establish procedures and make arrangements designed to assure that facilities and equipment at closed Job Corps centers will be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations for special youth programs.

Such agency must have satisfactory arrangements for utilizing the facilities and equipment for conducting programs, especially for low-income disadvantaged youth, such as the following examples: Special remedial programs; summer youth programs; exemplary vocational preparation and training programs; cultural enrichment programs, including music, the arts, and the humanities; training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and youth conservation work and other conservation programs.

Subsection (b) provides that the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administration of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor, to achieve the objectives of this section.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. MONDALE. As a majority member of the Committee on Labor and Public Welfare and the Subcommittee on Poverty and Manpower, I know I speak for all of the members on our side of the table when I express our appreciation to the distinguished Senator from Wisconsin for the remarkable way in which he conducted the hearings and developed the legislation which enjoys such broad bipartisan support here today. I think the committee bill advances the objectives underlying the Economic Opportunity Act objectives which we continue to work for, and hopefully achieve. To achieve these objectives we are acting on this measure today and hopefully will pass it tomorrow. I wish personally to join other Senators in commending the Senator from Wisconsin for his gifted and creative leadership.

Mr. President, I rise to express my support for S. 3016, a bill reported by the Senate Labor and Public Welfare Committee to extend the Office of Economic Opportunity. This bill, which extends the authorizations for the Economic Opportunity Act for 2 years, and provides increased funds for its most successful programs, will strengthen and improve desperately needed antipoverty efforts. It provides the administration with substantially increased flexibility, and with the 2 year extension it requested, while authorizing modest, yet vitally needed increased funding for programs such as Headstart, legal services, comprehensive health services, and emergency food and medical services.

The need for this legislation was graphically portrayed by witness after witness testifying before the Subcommittee on Employment, Manpower, and Poverty, and is perhaps best summarized in the following passage from the report of the Committee on Labor and Public Welfare on this bill:

> Despite the apparent affluence of the Nation as a whole, poverty, and the social problems which go with it, remains a deeply serious problem in America and demands the urgent attention of the federal government. . . . Although there are (and perhaps always will be) differences of opinion as to the precise manner in which to attack the problems of poverty, there is almost universal agreement that vigorous governmental action is needed, and that substantial resources must be committed to the fight.

While other problems and other programs such as the war in Vietnam, inflation, and the moonshot compete for the Nation's attention and the Nation's resources, we cannot afford to ignore the problems of poverty. Although important progress has been made in recent years, over 25 million Americans are still mired in poverty and deprivation. Our country simply cannot tolerate this tremendous destruction and waste of human resources. We need to invest more into efforts to prevent and remedy the conditions of malnutrition, cultural deprivation, financial need, ill health, that plague the poverty stricken. I believe that S. 3016 will strengthen and improve our efforts to eradicate poverty in America, and I ask my colleagues to support it.

The committee bill adopts President Nixon's budget proposals for OEO and then adds additional funds for Head-

start, legal services, comprehensive health services, emergency food and medical services, migrant and seasonal farmworker programs, senior opportunities, day care, and special impact programs. I support the increased authorizations for all these programs, and would like to discuss several of them in particular.

HEADSTART

In addition to the $338 million requested by President Nixon for Project Headstart, the committee bill adds a $120 million extra authorization for fiscal year 1970 and a $240 million extra authorization for fiscal year 1971.

The need for these immediate yet modest authorization increases for Headstart became evident during recent hearings which the Employment, Manpower, and Poverty Subcommittee held on S. 2060, a bill I introduced entitled "The Headstart Child Development Act of 1969." These hearings revealed the crucial effects of the first years of life, the ways poverty and deprivation can prevent children from reaching their full potential, and the effectiveness of Project Headstart and other early childhood programs which provide health care, nutritional aid and education stimulation to impoverished children. They clearly indicated that while we may not have discovered all the solutions to all early childhood problems, we do know how to prevent a great deal of nutritional, health, and intellectual damage from occurring.

During these hearings the subcommittee learned about the effectiveness of current Headstart efforts, and about the administration's plans to substitute full year Headstart programs for many of the summer Headstart programs which are currently being funded. The hearings further revealed the pilot-like nature of the Headstart program. It became evident from testimony presented that Headstart is barely scratching the surface of need by serving only about 10 percent of the 6 million disadvantaged children under age 6 who should be offered Headstart opportunities.

In its congressional presentation, further supported by the administration's testimony on S. 2060, OEO said:

> Evaluative evidence gathered so far suggests that full year programs are more effective than summer in fostering sustained developmental gains.

On the basis of this knowledge, the administration proposes, and I strongly support, plans to substitute full year Headstart programs for many of the summer Headstart programs currently being funded. This proposal is based at least in part on one of the major recommendations of the Westinghouse Learning Corp.'s study on Headstart effectiveness. That recommendation states that summer programs "should be phased out as early as feasible and converted into full year or extended year programs."

However, because Headstart programs cost approximately $800 more per child than summer programs, if this substitution occurs without increasing the budget, a sustantial reduction in Headstart opportunities will be required. The administration estimated, for example, that approximately 180,000 fewer Headstart opportunities would be available during fiscal year 1970 if conversion progresses as they expect and if no more funds are provided.

The committee concluded that a cutback in the number of children served by this program cannot be justified. Increased authorizations recommended by the committee are designed to permit the conversion of summer programs to full year programs to occur without requiring a decrease in the number of children served. I strongly urge my colleagues in the Senate to retain this very important provision, and then work with me to gain the necessary appropriations so that Headstart program is not cut back any further.

Mr. President, I think it will be observed that this is a modest objective. We are not asking that the number of children being served by Headstart be increased at all. We are simply struggling to keep the same number within the program. Despite the admitted and unargued need for a program that reaches some 6 million children who are estimated to be disadvantaged, this program, even with the increased authorization, would reach only about 600,000 children in this country.

I applaud President Nixon for helping to draw national attention to the critical importance of the first 5 years of life by pointing out that most of our institutions do little or nothing to furnish nutritional, educational, cultural, health, or any other kind of assistance to children who are in their most formative years of life.

Thousands and perhaps millions of American children now start school in the kindergarten or the first grade so far behind that they will never catch up or have a chance for a meaningful life.

If we really want to defeat poverty, reduce welfare loads, bring assistance to those who are poverty stricken, and afford an equal opportunity for all Americans, as we have said so often, we must begin a real effort in the first 5 years of life and give every child a real chance.

We are not doing so today. Fortunately, there are long overdue efforts, of which Headstart is one, to begin to do this. Surely this is no time to roll back our efforts and reduce the number of children being served.

I hope, therefore, that the increased authorization recommended by the committee will be adopted and will be matched by full funding so that we may sustain the effort now underway with the current number of children being served.

Mr. President, I would like to turn now to the legal services recommendations contained in the pending legislation.

LEGAL SERVICES

In addition to the $58 million requested by the administration for legal services, the committee bill adds an extra $16 million authorization for fiscal year 1970 and an extra $32 million authorization for fiscal year 1971.

I believe it is extremely important that the legal services program—perhaps the most successful of the OEO programs—be improved and strengthened. The American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association have stated in testimony before the subcommittee in regard to the need for increased authorizations for legal services that "it has been and remains our opinion that a level of $90 million is necessary to meet the immediate need for legal services."

The committee report discussing these increased authorizations reveals very clearly the need for an expanded program. It notes, for example, estimates that only 15 percent of the poor have access to legal services' or VISTA's lawyers, and that many of the country's metropolitan areas have no organized legal aid services. It shows, moreover, that last year OEO received applications from over 100 communities, totaling $40 million, for new legal services programs which it had to turn down for lack of funds. I urge the Senate to retain these authorization increases for legal services so that the work of this program can be expanded and improved, and so that the Council on Legal Education Opportunity can receive more adequate funding for its programs designed to make available to disadvantaged students opportunities for law study and to facilitate their entry into the legal profession.

One of the remarkable efforts we have in this country today is that being undertaken by the American Association of Law Schools in cooperation with the American Bar Association to expand OEO legal services, to maintain and insure its integrity, and to bring into play the remarkable abilities and qualities of American law schools and their faculties to make legal representation for the poor a reality.

The attitude and the spirit of this effort is perhaps best summarized in the committee report on pages 19 and 20. It is a statement by Mr. John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defendants. He said this:

> I think one of the very important concepts of the legal services program, Mr. Chairman, is the idea of broad services to the poor. We are trying to convince the poor that in these legal services offices they have a true advocate who will take on anyone who opposes them and who picks on them unjustifiably. That includes everybody from the corner merchandise house that sells a shoddy TV, to General Motors, if necessary. It includes everybody from the welfare case worker who makes an unlawful recommendation to discontinue benefits to the Department of Health, Education, and Welfare itself, if necessary.
>
> I think this is terribly important. *I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society.* We know from documented reports by various presidential commissions and by hearings that you yourself have participated in *that the poor by and large have little confidence in our society, in its structure, in its institution, in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets and that there is violence on our campuses.* (Italic supplied.)
>
> What we are trying to do in this program is to have a peaceful vehicle where these disputes can be taken from the strife torn campuses in the streets and the fire and burnings that are taking place and give these people a peaceful forum in which the grievances that they have against society can

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> be aired, where their position can be set forth and where nobody can interfere with that lawyer's sole obligation to represent his client, not a local city, not a local unsympathetic mayor who may not believe in their cause and not an unsympathetic chief executive of a State government.

Mr. President, these are the words of the official representative of the American Bar Association. I congratulate him, and I congratulate the American Bar Association for its spirited and inspired advocacy of the size, the integrity, and the spirit of the program.

Mr. DOLE. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I am glad to yield for a question.

Mr. DOLE. I am sorry that I have not heard all the remarks of the Senator from Minnesota, but I am wondering if he knows what percentage of the money in this program is used to pay attorney's fees in divorce cases and separate maintenance cases?

Mr. MONDALE. We had extensive hearings. I would have to check the record to see if it specifies the percentages in that area. I do not know.

Mr. DOLE. The point I make is that much of what the Senator from Minnesota has said is true. The lawyers perform a very specific service. But in effect we have the Federal Government subsidizing home wrecking. I think in some States it is very high. We have had 70 to 80 percent of the funds used for divorce cases and separate maintenance cases. So we had the Federal Government involved not in keeping people together but in breaking up families. I am wondering if this is the purpose of the program.

Mr. MONDALE. Is the Senator's question whether the purpose of the act is to break up families?

Mr. DOLE. The legal services portion, yes.

Mr. MONDALE. If that is the main purpose?

Mr. DOLE. I am asking the Senator the question because we subsidize lawyers to file divorce cases; and I recognize that in some instances, in order to get support, it is necessary to file a case for divorce or separate maintenance. While the Senator is lauding the program, I think it is well to point out that it is not quite all that rosy.

Mr. MONDALE. I think there are a few programs which have inspired the support of the public at large and of both political parties more than the OEO legal services.

Mr. DOLE. I know the lawyers like it.

Mr. MONDALE. I point out to the Senator that this is one of the few programs which the President, himself, asked to be increased in the budget which he sent to Congress. He asked for a $16 million increase in the budget for legal services.

The American Bar Association, which is not known as an extreme left wing, anarchical, or socialist organization interested in breaking up homes, sent this letter today, and I should like to read it to the Senator from Kansas:

> DEAR SENATOR MONDALE. In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might arise. These provisions are consistent with the positions of the ABA and NLADA.
>
> The American Bar Association has consistently opposed amendments to the Economic Opportunity Act which would restrict the independence of legal services lawyers providing a full range—

I emphasize that.

> of legal services to the poor. In appropriate cases, such services might involve legal action against government agencies in seeking significant institutional change, commonly described as law reform. We should not deny to the poor access to the courts in any legitimate area affecting their interests.

I emphasize that.

I do not want to stand on the floor of the Senate and advocate divorce, but it is a rather common aspect in the normal litigation of the courts. The American Bar Association has said:

> We should not deny to the poor access to the courts in any legitimate area affecting their interests.

They conclude:

> I hope you will oppose any amendments to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures or otherwise restrict the range or scope of cases in which poverty lawyers may represent the poor.
>
> Sincerely yours,
>
> BERNARD G. SEGAL.

Mr. Segal is the president of the American Bar Association.

Mr. President, if this country and its institutions, including the U.S. Government, are to have any credibility with the poor, surely we must begin with the principles of our system of justice. Our court systems and our laws should mean the same to all people, rich or poor. All citizens should have the same chance to have their cases advocated independently and fully, regardless of their capacity to pay for a lawyer. This is true not only in terms of personal, individual litigation which directly affects the health and the future of a family, but also in terms of law reform.

I was pleased when I asked Mr. Rumsfeld, the Director of the Office of Economic Opportunity, whether he agreed with the OEO legal services programs as they affect law reform. He said this, as set forth in the hearings on his nomination, at page 28:

> Mr. RUMSFELD. As you know, I support the legal services program. I am pleased with the recommended increase. I also agree with you when you suggest that there have been and will be instances where, by providing proper legal service for the poor, suits may result which might involve, for example, the Federal, State or local government if in fact the attitude of the individuals involved in this suit is that level of Government has not been responsive and has not been fulfilling its statutory obligations.
>
> That can be controversial. In my judgment that does not make it bad. In fact, there are many of our institutions that are not perfectly responsive to the needs of the individuals they serve, and that they go through a process continuously of change. This might be one of the kinds of things that might help an agency of the Federal Government to recognize that what they are doing in fact at the point of contact does not compare with what they thought they were doing.

Mr. President, I ask unanimous consent that the letter from the president of the American Bar Association, to which I referred earlier, be printed at this point in the RECORD.

There being no objection, the ordered to be printed in the RECORD, as follows:

> AMERICAN BAR ASSOCIATION,
> *Washington, D.C., October 13, 1969.*
>
> Hon. WALTER MONDALE,
> *Old Senate Office Building,*
> *Washington, D.C.*
>
> DEAR SENATOR MONDALE: In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might arise. These provisions are consistent with the positions of the ABA and NLADA.
>
> The American Bar Association has consistently opposed amendments to the Economic Opportunity Act which would restrict the independence of legal services lawyers providing a full range of legal services to the poor. In appropriate cases, such services might involve legal action against government agencies in seeking significant institutional change, commonly described as law reform. We should not deny to the poor access to the courts in any legitimate area affecting their interests.
>
> I hope you will oppose any amendments to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures or otherwise restrict the range or scope of cases in which poverty lawyers may represent the poor.
>
> Sincerely yours,
>
> BERNARD G. SEGAL.

Mr. MONDALE. Mr. President, this is not the time, it seems to me, to go into detail about the most impressive OEO program which is being undertaken today by the law schools of this country. I would simply ask unanimous consent that as this point a review of the COEO programs, as set forth in the committee report, be printed in this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The committee has heard excellent testimony about the work of the Council on Legal Education Opportunity, called "CLEO." CLEO is conducting programs designed to make available to disadvantaged students opportunities for law study and to facilitate the entry into the legal profession of members of disadvantaged groups. This will increase the availability of legal services to the poor by members of those groups. The committee is very impressed with these efforts, and feels that it would be highly appropriate for the Office of Economic Opportunity to continue supporting the summer remedial institutes and to begin exercising its existing authority to help the students meet the costs of the subsequent phases of their studies. Part of the reason the committee earmarked and increased authorizations for the legal service program was to make additional funding available for these purposes. The committee believes, therefore, that a portion of any increased appropriations for legal services should be used for CLEO.

Mr. MONDALE. Mr. President, of equal importance to the integrity and effectiveness of the legal services program is the provision of the committee bill which would prohibit delegation of legal services from OEO to any existing Federal agency or department. This nondelegability provision is based on the committee's conclusion that legal services' attorneys must be free to represent their clients in actions against Government agencies, and that by retaining legal services in OEO possible conflict-of-interest problems and constraints are held at a minimum.

As the committee report indicates, the idea of the delegation of legal services to the Department of Health, Education, and Welfare or the Department of Justice presents grave conflict of interest possibilities. The American Bar Association, the National Legal Aid and Defender Association have urged the administration to retain legal services in OEO in order to assure the professional quality and independence of the program. The committee bill would assure this independence, and I hope the Senate will retain this nondelegability provision in the bill.

The administration says it has no intention of delegating these OEO legal services into any other existing agencies and this provision merely ratifies the current policy of the administration.

Mr. President, I would now like to turn to the migratory labor provision of the act.

MIGRATORY LABOR

In addition to the $34 million requested by the administration for migrant and seasonal farmworker programs under title III–B of the Economic Opportunity Act, the committee adds $7.5 million for fiscal year 1970 and $15 million for fiscal year 1971.

The story of migrant and seasonal farmworker exclusion from most Government programs is known too well. It is documented in the committee report. Title III–B of the Economic Opportunity Act is one of the promising Government programs providing assistance to migrant workers, yet it reaches barely 20 percent of the 1 million migrant farmworkers and their families.

The work of the Subcommittee on Migratory Labor, which I am privileged to chair, has indicated the need for strengthened programs for migrant and seasonal farmworkers, particularly for programs focusing on reemployment, readjustment, and resettlement attempts by migrant workers who face job displacement in the future. I am hopeful the Senate will retain this needed authorization increase for title III–B, and work for adequate funding of this program during the appropriations process.

EMERGENCY FOOD AND MEDICAL SERVICE

Mr. President, I have had an opportunity to visit many migrant camps in Texas, Florida, California, in my own State, and elsewhere. I had an opportunity over the last year to hold extensive hearings on the conditions of the migratory labor force of this country. I do not think any section of our society works harder and receives less in pay and security than does the migratory work force of this country. One of the few things this country has done to be of minimal assistance is the funding under section 3(b) for programs of assistance for migrant and seasonal farmworkers. It is a modest program and surely inflation dictates improvement in the funding level of the 3(b) program. The authorization increase not enough but it continues some progress and momentum in this most important program which is often overlooked but for which there is profound and compelling need.

Mr. President, another very important improvement in this measure is to increase funding for the emergency food and medical services program. The committee bill adds $75 million to the administration's $25 million request for this program for fiscal year 1970, and an additional $150 million for fiscal year 1971.

This program is desperately needed. The President has wisely pointed to the widespread hunger and malnutrition in this country, and it is a national disgrace.

We have agreed to legislation in the Senate which needs to be passed by the House of Representatives, and needs to be funded, to make a substantial step forward in meeting the problems of malnourishment in this country. I am glad we took that step but all of these programs depend on the existence of workers to help find and bring food assistance to the poor. Those who need help most are the last ones who receive help. They are the aged who suffer in silence, the mentally ill, the disabled, the people who have been so suppressed and denied that they are disoriented and unable to state their cases. They are the ones who lead what might be called a shadow life.

We have seen how the present programs work. Although we have had food stamps for years, seven States still have no food stamp program, 400 counties still have no food stamp program, and of the 1,140 counties that do have a food stamp program, over 700 of them have only token programs which deliver food stamp assistance to fewer than 20 percent of those who need food assistance.

We have had some experience with outreach programs under the emergency food programs which shows that where there is an ability and a commitment to find and qualify persons who need food stamp assistance, that the percentage of those participating rises dramatically. Without that help, even with a good theoretical national program, it remains a token effort at feeding the hungry.

LEADERSHIP OF PRESIDENT CHUNG HEE PARK IN THE REPUBLIC OF SOUTH KOREA

Mr. MILLER. Mr. President, an excellent article by columnist Jack Anderson appears in today's Washington Post on the Korean situation.

He points out that President Chung Hee Park has led the Republic of South Korea to a remarkable economic expansion rate, which last year was second only to that of Japan.

Under his leadership, moreover, South Korea has attained one of the finest armies in Asia; and the two ROK divisions which have been fighting side by side with United States and South Vietnamese ground forces against the Communist aggressors from North Vietnam have acquitted themselves most capably and with great honor.

When I first met President Park nearly 4 years ago, during my visit to our military forces in South Korea, I was especially impressed by his realism and his dedication to a just and lasting peace in the Far East. He, along with President Marcos of the Philippines, exercised great leadership in calling the Manila Conference of the seven nations fighting as allies in South Vietnam—a conference which held out hope that all peace-loving nations of the Far East would some day join together to secure a just and lasting peace.

Meanwhile, however, the warlike attitude of the leaders of North Korea has, as in the case of the intransigience of the leaders of North Vietnam, continued to prevent peace-loving peoples from living in peace. President Park's realism has kept the people of his country alert to the dangers of renewed Communist aggression, while, at the same time, they have moved steadily ahead toward the goal of good government and economic self-sufficiency. In fact, upon my return to the United States in 1966, I pointed out that South Vietnam could, indeed, have a bright future after Communist aggression had been stopped, and I pointed to South Korea as an example of why such optimism was justified.

It requires strong and imaginative leadership to inspire a people, recovering from a costly war and invasion of their homeland and threatened by a renewal of more of the same tragedy, and to cause them to lift themselves up by their own hard work and dedication. That leadership President Park has brought to his people. I know many of us, who have had an opportunity to witness what it has meant, hope that it will be continued.

I ask unanimous consent that the article, "New North Korean Move Hinted," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> NEW NORTH KOREAN MOVE HINTED
>
> (By Jack Anderson)
>
> TOKYO.—While world attention is riveted on Hanoi, Americans in Asia are keeping a wary watch also on remote Pyongyang, where North Korea's obstreperous Kim Il Sung no doubt is planning some new humiliation for the United States.
>
> Intelligence estimates warn that, even now, he is probably preparing a new provocation. The next incident, indeed, may be more serious than anything he has pulled in the past—perhaps the slaughtering of a few hundred American GI's in their beds at one of the base camps near the DMZ.
>
> Such an outrage not only is possible but probable, in the view of those who study the intelligence that leaks out of Kim's tight little dictatorship.
>
> His aim, they say, is to pressure the U.S. to pull its forces out of South Korea and to organize a Vietnam-style uprising against the Seoul government. As in Vietnam, the resistance would be waged in the name of freedom and democracy, complete with a liberation front made up of non-Communist figureheads.
>
> Once the liberation front takes over the South, if Kim's strategy can be implemented, "peaceful unification" of the country would

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be negotiated between Pyongyang and Seoul. This would be followed, of course, by the communization of Korea.

TWO-BIT MAO

Kim Il Sung is a moonfaced, bush-league Mao Tse-tung, who has imposed a ruthless Communist rule upon his bleak, mountain citadel. Every time he can get away with humiliating the U.S., it magnifies his importance in world eyes.

The continuing incidents also have the strategic purpose of making the American presence in South Korea as painful as possible, thus bringing pressure upon Washington to pull out. His calculated strategy, say the analysts, is to stage harassments that will cause the U.S. maximum embarrassment without provoking military retaliation.

After the seizure of the spy ship Pueblo, the U.S. command took elaborate precautions to prevent another incident. But the calculating Kim easily downed an EC–121 spy plane on one of its milk-run missions when he was ready to tweak Uncle Sam's whiskers again.

Frantic new precautions have been taken, but intelligence experts warn that he probably has another outrage ready to spring whenever the timing is right. The only question, in their opinion, is how President Nixon will respond. If he lives up to the bold words of his campaign—when he implied that he would never as President endure a Pueblo humiliation—there could be serious fighting again in Korea.

KIM'S REVOLUTION

Kim Il Sung is encountering considerable difficulty, meanwhile, fomenting revolution in the South. He has trained 39,200 guerillas, by U.S. intelligence count, in the subversive skills necessary to mount a resistance movement across the 38th Parallel. They belong to elite North Korean military units, such as the 124th Army unit, 283d Army unit, Foot Reconnaissance Army unit, 17th Reconnaissance Brigade and Guerilla Guidance unit.

As fast as they have infiltrated into South Korea, however, they have been killed and captured by alert border and coastal patrols. An intelligence report estimates that "over 85 per cent of their separate infiltration attempts" have failed.

The report warns, however, that "one alternative course of action they may resort to in the future is simultaneous multiple strikes at the major installations in coastal areas by large-size teams, when the political developments in ROK (Republic of Korea) seem to be favorable to them."

Their purpose, according to the report, would be "to create maximum social disorder."

To whip up a Vietnam-style revolution in South Korea, however, the Communists really require a Saigon-style government in Seoul. The heartening fact is that the Seoul government is strong, stable and, aside from a small vocal minority, popular.

Under President Chung Hee Park, the once-backward South Korea has achieved a remarkable economic expansion rate which last year was second only to Japan of the world's 130 nations. He has set a personal example of austerity to encourage his people to pull themselves up by their sandal straps.

KOREANS IN VIETNAM

At the same time, he has fashioned one of the finest armies in Asia. Few American units have been more rugged in combat than the two divisions he has sent to Vietnam. He has indicated privately, by the way, that he is willing to leave his South Koreans in Vietnam to help facilitate the American withdrawal.

It is hardly surprising, therefore, that the North Korean dictator is eager to expedite Park's departure from the Seoul government. Because of the Communist threat, Park has been persuaded to seek a third term. This requires a constitutional amendment, which is now grinding through the democratic processes. The final decision will be up to the South Korean people who will vote on the issue in a few days.

Kim has been bombarding South Korea with radio appeals calling upon the people to thwart the constitutional bid.

"It is inevitable," cries Radio Pyongyang, "for students and youth in the South to engage in the struggle against the plot of the government for prolonged political power."

"The people of the South," screamed another typical broadcast from the North, "can put an end to the plot of the constitutional amendment and overthrow the lackey of American colonialism only by means of force."

Backing up his words, Kim has also sent infiltrators into the South to stir up the people against the constitutional amendment. The North Korean efforts, however, are more likely to increase rather than decrease the vote for the controversial constitutional amendment.

BROOKLYN, IOWA—A TYPICAL SMALL TOWN

Mr. MILLER. Mr. President, what is a small town?

It is where human values are to be found—and appreciated.

It is where, in the words of one historian:

"To be an American is almost a moral condition."

It is where human relationships, with their warmth, their agonies, their cohesiveness, still exist.

It is where the sources of spiritual energy still flow.

It is where the importance of knowing, trusting, and helping your neighbor is a way of life.

A small town is people, traditions, and roots.

Mr. President, one such small town is Brooklyn, Iowa, the subject of a warm and understanding feature article by Sid Moody of the Associated Press. In the article, reprinted widely in the Nation's press, Mr. Moody caught the essence of the small town when he wrote:

> Brooklyn is roots. For its own people. And Brooklyn and the other small towns like it are roots for much that has nurtured the strength of the American character.
>
> That is a comforting thing to know.

Mr. President, for the benefit of those who have never known what a small town is like, or perhaps have forgotten, I ask unanimous consent that the article, entitled "Brooklyn People Are Kind, Decent, Helpful," which was published in the Columbus, Ohio, Dispatch of September 28, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS IS THE IOWA BUNCH, IN AMERICA'S HEARTLAND—BROOKLYN PEOPLE ARE KIND, DECENT, HELPFUL

(EDITOR'S NOTE.—Under the high Western sky, on the limitless plains the town of Brooklyn, Iowa, like many another small town, plays out the ancient cycle of life. Children are born; they grow up and raise their own families; old people die, leaving behind legacies of hard work, compassion and help. Old values may be questioned elsewhere in an age of despair, but here in the heartland of America, a stability remains. Here is a place for roots in a time of rootlessness.)

(By Sid Moody)

BROOKLYN, IOWA.—Population: 1,415 persons. Or maybe 1,414.

Floyd Griffith was buried the other day at 74. They saved the funeral flowers for the Sunday services the next day at the Presbyterian church.

Or maybe still 1,415. Kenneth Brannian down at the implement store and his wife, Esther, had a baby about the same time. A boy.

Nobody's really counted noses since the last census. But nobody thinks it will change much.

Ebb and flow. Of time. Of people. And a balance. A stability.

The corn the first settlers planted in the 1850s to break the virgin sod of the prairie still grows row upon row, clothing the hills in emerald corduroy.

Out beyond the fields, a doubting nation searches for the ideals and innocence of its youth. In Brooklyn, Iowa, they know about riots and urban rot and the fury of the young and the folly of war. But somehow these things sound as distantly as the thunder drumming dully along the horizon.

Brooklyn's problems are tied up with the cycle of life, with the music of time. Raising crops. Raising a family. Living. Solutions: hard work, concern, fellowship. Brooklyn is coping not unlike the way its grandfathers did and probably not unlike the way its grandchildren will.

In an age of despair and anxiety, that is refreshing.

Brooklyn, Iowa is where . . . candy boxes for the four-times-weekly picture show at the old Opera House lie unmolested all day on the sidewalk until someone bothers to bring them inside; where most houses have an American flag, where, one resident said, "Infidelity is the worst thing you can do here, I guess. And don't go to an out-of-town barber."

Brooklyn is also people.

Mrs. E. J. Stirniman: "I was born in Brooklyn in 1893. You can't keep that a secret in your home town."

Dressed in a blue print dress and white apron, white-haired, eyes intent behind her glasses as she pricked a banana cream dessert on the stove with a toothpick, she looked like vintage Norman Rockwell.

"They paved the street in town in 1919, and they haven't needed much fixing since. Electricity was about 1916. We had gas before. It kept going out."

Her husband, a retired engineer who had traveled the world for the Caterpillar Tractor Co., was playing pinochle in the next room with a grandson.

"I've lived everywhere," she said. Berlin. Sydney. Hawaii. Russia. I came back home during the war. The center of the country seemed safest. And the eats are about the best in the country. And we had been uprooted so many times, I thought the kids ought to have roots."

Brooklyn is where . . . you can stand on a corner at 10 p.m. and watch the lights go out after the television weather forecast. "This is a farm town," says Frank Morlan, 33-year-old publisher of the weekly Brooklyn Chronicle.

"They've either lived on the farm, have family on it or make part of their living off the farmers. When the weather is bad, people start getting edgy. Advertising even falls off."

Brooklyn is where . . . the Rev. Bernard Kamerick, pastor of St. Patrick's Catholic church, gave this very very brief sermon the other Sunday when it hit 99 degrees: "Hell, it's hot and that's where we'll all go if we don't behave ourselves."

Richard Frantz: One of Brooklyn's two lawyers, age 33, was born in an Iowa town smaller than Brooklyn.

"When I got out of law school, I didn't consider Iowa at all. I wanted to go to the big city. One thing is the wage difference and people want to see what's over the hill."

Frantz took a job with Standard Oil of Indiana in the Chicago general offices and moved into a bedroom suburb 35 miles from the Loop: Park Forest, one of William Whyta's anthill targets in his book "The Organization Man."

"You could have lived there 15 years, but no one thought of it as home. At best it was a permanent motel, a place you stopped on your way someplace else. At first, though, we had a ball. But after six years, I wanted to get out and go into my own practice. I was commuting three hours a day on the Illinois Central. It took a while to adjust to the way people treated women. If you gave up your seat, they looked at you like some oddball.

"It was hard to get people involved. Interracial things, for instance. It wasn't so much people were against it. They just didn't want to get involved. Here, if you see the church door needs fixing, you do something about it. There's pride in the community.

"Brooklyn doesn't have all the answers. You lose the ability as a professional man here to do what you please. Oh, you could sit on the porch with a scotch and soda in your hand, but you'd better not.

"But I firmly believe—and I didn't in my time—that growing up in a small town enables an individual to develop his fullest potential. That's a bunch of words, but take my son. He plays Little League not because he's a great athlete, but because there aren't many teams. He's not competing against 1,000 kids. There or in class, and isn't going to be pigeonholed, isn't predetermined as not college material. His possibilities aren't cut off. You aren't killing somebody early in his life.

"No, this isn't paradise. But if you want to feel like a place is home, to feel if you put in time to work you'll be successful without worrying whether your boss likes you, if you're willing to take a gamble, this is a place to find out your capabilities.

"Yes, gamble. I'd come back home from Chicago and tell my father, who's a farmer, about all the deals and speculation, and he'd say: 'Gee, those fellas really gamble.' But he's the biggest gambler in the world. He plants his corn, gambles it will rain, not hail and the price stays up. And weather can wipe out a year's work in minutes."

So "Rich" Frantz came home to Small Town U.S.A. to gamble on being his own man.

Brooklyn is where . . . if there are less than six persons at the movie, the show is canceled and where one night a man dashed out into the street and called a friend inside so there could be a quorum in the audience; where if you have money, you don't put it in Cadillacs "because," Morlan says, "people will think you have it made and will give their business to someone else they think needs it more."

Clem DeMeulenaere: The mayor, 82 last Fourth of July, born in Belgium. There are a number of Belgians around Brooklyn—townspeople call them "Belgiums." They are immaculate farmers.

"In Belgium if you're born poor, you stay poor all your life. When my family got here, they called us greenhorns. We weren't good enough for American girls. They thought we were too dumb to hold office. I went through the seventh grade and then three months in the winter. That's all us big farm lugs ever got. I used to have an inferiority complex.

"Now I think I'm as good as anybody. One of my son's a doctor over in Grinnell and pays more income tax than I ever made in my life. My son-in-law bought a combine for $15,000. That's more than I paid for all the machinery I ever bought."

A widower, Clem—what everyone calls him—has been in 48 states since retiring from the lush farm in back of his large house on Des Moines St. An old photo of his parents, mother in lace and father with handlebar moustache, hangs in a huge gilt frame in the parlor next to pictures of Presidents Roosevelt, Kennedy and Johnson. Clem's one of the Brooklyn Democrats, which didn't keep him from being elected county supervisor several times. He flew the flag for several days after the moon landing.

Brooklyn is where . . . the churches have a night men's softball league. The Presbyterians were short and the Catholics loaned them some players—but not their best ones.

Mrs. Laverne Hand: A tornado smashed a barn, hog house and grain bin on the Hand farm one Sunday evening recently when the family was in Waterloo on an outing. When they got back, neighbors had already gathered. Forty men pitched in to clean up the rubble and 22 women brought food. It's an old tradition, as old as the frontier. They call them "good neighbor deeds."

When Mrs. Hand lost her father-in-law of a heart attack two years ago, neighbors tractored over to cultivate his corn.

"I don't know what we'd do without them," said Mrs. Hand. She put an ad in the Chronicle thanking everybody after the tornado. Frank Morlan refused to take any money for it. "You've had enough trouble," he told her.

Junie Mannatt: Brooklyn's success story. Age 43. Usually in work shoes and pants and open-neck shirts, but about the only man in town who reads the Wall Street Journal, except for Clint Fowler, president of the town bank, who is also one of the few who wears a business suit to work.

"I always wanted to drive a truck," says Mannatt, so he quit college after one year and, with $60 of his own and the rest borrowed from his grandfather (he was too young to get a loan from the bank), bought one. He paid for it in eight months and bought another. And another.

He hauled grain, coal, livestock. Once when there was a local shortage of baling wire, he drove to Missouri, stopping at every town he came to, to buy up wire. Then he'd phone one of his trucks following him and say where to pick up a load.

"Farmers were so hungry for wire back home they bought it right off the truck.

"In 1954 some guys over in Victor got together $100,000 to put up a cement plant. I only had about $25,000, but by mixing bag by bag I got mine in first. I even sold the concrete to the Victor guys for their foundation." He bought them out in 1960 and now has eight plants in eastern Iowa.

"I'm not smart, but I can hire the brains. It takes a banker who believes in you, but you can't be afraid to work. Forget about having 50 cents in your pocket, and be honest and sincere with the people you deal with.

"If I was afraid of sticking my neck out, I'd still be driving that old truck. I still have the fever, though. I bought a $35,000 rig the first of June. I got in it and drove it up to Tama just to hear that Diesel purr."

Junie Mannatt now has 100 trucks, grosses $4 million in cement hauling and mixing a year, has several farms with more than 1,000 head of cattle—he bought one farm when he went to a farm auction since he'd never seen one and decided to buy the farm because the price seemed ridiculously low—which it was—and thinks "if you stand still you're dead."

Faith and Chester Hess: He farms more than half a square mile—farms are getting bigger and require as much as $100,000 in machinery. Hess plowed with horses until 1946. He now has two big tractors—with radios playing music to plow by—and wants to buy a third. Faith thinks the last time Chester sent her to Las Vegas it was to get her out of town so he could buy the last tractor.

Chester was smiling in the living room, one end of which was covered with trophies the children had won in 4–H. Faith had some friends in for home-made apple pie and ice cream after dinner. The talk was gossipy and good-humored. They mentioned a friend who had married a woman after courting her 35 years.

"And you know," said Faith, "she can't cook."

Outside the moon shone down on the cornfields and fireflies twinkled in the dark and a heifer stirred down by the barn.

Brooklyn is where . . . people say there isnt much crime except hot rodding kids, but Lyle Ziegler says there is, "just like everywhere else. Breaking and entry. Someone peeled a safe the other night." The last time he fired his bone-handled revolver was last fall, a warning shot at a drunk he was chasing through the Odd Fellow's Cemetery.

Brooklyn is where . . . people worry about the youth drain. Of the eight couples Father Kamerick has married since he came to Brooklyn last summer only one settled in town. Of Clem DeMeulenaere's 22 grandchildren, only one farms.

Blair Barclay: A 1967 graduate of Brooklyn's high school. There were 67 in his class; 32, including Barclay, went to college. He wants to be a veterinarian like his father, whose death of a heart attack last year was a community loss still felt.

"If anything happens to the country, I can always live off the farm. You can't live off a piece of cement. I've seen the cities. A small town guy can go to town and see what it's like. A city guy can't the other way. You can make yourself out here. There are going to be a lot of developments in agriculture. A normal family can live off 80 acres. People here have four and five hundred. The pioneering's not over yet."

Drugs here are not a problem, but a junior high boy caught with a cigaret is. Sex education not an issue, since farm children know the facts of life about the same age they learn to add one and one. Blair Barclay can snort at talk of generation gaps since the man he goes to when he has a problem is Gene Bush, a former blacksmith, now a metal worker, who is over 90.

And Brooklyn is where not everything is rosy. One woman, at least, said if a Negro walked into her church, she'd walk out. Not everyone was happy when a local girl joined a nude group—in protest over at Grinnell College, even though the protest was against Playboy magazine.

And there is the future. Some small towns in the Midwest are dead or dying. The signs are obvious: empty store windows, rusting gas pumps, grass in sidewalk cracks.

Brooklyn's stores, on the other hand, are leased. It's hard to find a house even remotely shabby. There may be two families in town receiving welfare and they had to be found: They didn't come looking for a handout.

What saved Brooklyn from the fate of some of her doomed neighbors are things tangible and intangible. For one, the new Interstate just south of town brings in a few big city tourists curious to see a rural Brooklyn. It means you can live in Brooklyn and still get to Des Moines and Iowa City, where the jobs are. The town is finding itself with a new species: the commuter.

Survivial means little things. "Like the town owning its own utilities," says Burt Gilette. "That gives us 15 jobs instead of one man from Iowa Southern coming into town Saturdays to collect bills."

"It may take only five or six people," said Junie Mannatt. "Boosting the town. Working for a park. Or a town pool." Or being a Junie Mannatt, who encouraged a young doctor to open his practice, who put up a garage for young Larry Anderson when he came to

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town back from Vietnam and said he wanted to open a body shop because, even though he was a college graduate, he could be his own boss that way.

It takes things as unsophisticated as "Booster Tuesday" when at 9 p.m. the announcer over at KGRN in Grinnell draws a number. If the holder of the number is in a store in Brooklyn when it is read on the air, he wins whatever is in the jackpot.

The money is actually credit at Brooklyn stores. The merchants used to give cash until one winner took the money and said:

"Now I can go over to Iowa City and buy some things."

And it takes pride. Pride in self. In community. In effort.

And it takes a sense of heritage. An awareness, articulated or not, that there are certain things one is expected to do for and with one's neighbor in a small community, and these things have long been known.

Dorothy and Maynard Lang: They farm the same land her great-grandfather bought in 1862 when he walked out from Ohio. They live in the rambling home he built in 1882. Her grandfather remembered seeing Indians race their ponies across the field near where Maynard Lang now milks his herd of Ayrshire cows.

The Langs are frugal. They are remodelling their house, a room at a time, each winter. Mrs. Lang sews her own clothes. "I haven't been in a dress shop in two years."

Her husband buys second-hand equipment and instead of erecting a silo for $6,000 or $7,000, he put up a concrete silage bunker for a fraction of the cost. They work hard 365 days of the year.

"I guess I'm independent," Lang said. "I want to be my own boss. I can't see riding around and around in a tractor all day. I want to see what I can do to improve the quality of my herd. My net worth isn't in my pocket, but I'm putting three kids through college, so I must be doing something right."

"We don't have all of the things our city friends do," his wife said. "But we have quiet. Birds. Lightning bugs. A boy running in and out of the house with no fat on him, all muscle."

Her youngest boy, barefoot and blond, had just raced into the house crying "Mom! Mom! Smokey got out!" and then dashed out into autumn in search of the missing family dog.

He is the fifth generation on the Lang's farm. Roots.

Brooklyn is roots. For its own people. And Brooklyn and the other small towns like it are roots for much that has nurtured the strength of the American character.

That is a comforting thing to know.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. JAVITS. Mr. President, I believe it appropriate, in opening the debate on the extension of the Economic Opportunity Act, that the minority have an opportunity to be heard on the questions which have been raised in respect of this bill.

First, Mr. President, I would like to pay my tribute to Senator Gaylord Nelson, chairman of our subcommittee, for the fairness, conscientiousness, and senatorial courtesy which he exhibited throughout, and which I hope will carry through to the enactment of the bill.

I am particularly impressed with the fact that the chairman of the subcommittee, recognizing that the 2-year extension was offered by the administration—which I introduced as the ranking minority member—was willing to espouse that and any aspect of the administration's program or approach which was consistent with the philosophy adopted by the majority, without any concern that it might be "credited" to the administration. That is a very creditable attitude when we have a divided affiliation between the administration and the Senate, and I wish to compliment my colleague on it.

There may be, as the debate goes on, much more emphasis on the negative than on the positive. Therefore, to get the record clearly in focus, I would like to lay out the tremendously important areas where we agree and where there is no contest.

First, the bill would provide for a 2-year extension of the authorization for appropriations beyond June 30, 1969, when the previous authorization expired. The leadership taken by the President on June 2 in recommending a 2-year extension and the fairness of Mr. Nelson and other members of the majority have been crucial factors in reaching the broad accord represented by the bill before you. Such an extension is clearly required. As the President stressed in his statement of June 2:

> A two-year extension will have a number of advantages. From a management standpoint, by allowing longer-range planning it will make possible a more orderly and efficient allocation of funds. From a recruiting standpoint, it will guarantee to those whose talents are needed that the Nation's commitment is a continuing one. Furthermore, an innovative agency has a special need for both continuity and flexibility. It is in the nature of experiments that some succeed, and some fail: a two-year extension will give greater assurance to those whose function it is to experiment that even though a particular program may fail, the lessons learned will be put to use, and that the larger effort of which it is a part will continue.

Second, there has been basic agreement as to the general role that the Office of Economic Opportunity should play in the total antipoverty effort. The President expressed that role in his June 2 message as follows:

> The primary role of the Office of Economic Opportunity should be innovative: to search out new knowledge and initiate new programs, serving as an "incubator" for experimental efforts.

The report of the majority of the committee accepts that role. On page 5, thereof, it states:

I think that these last words of the report are especially important ones: "to prod other agencies into action." When he appeared for confirmation, I asked the Director if he would consider himself as the advocate for the poor in other agencies. He agreed that he would.

> The OEO is supplemental and experimental. Despite claims which may have been made for it, it was never designed to be an all-inclusive program to abolish poverty. Neither the programs which it operates, nor the funds which Congress has appropriated to it have the capacity to lift 25 million American citizens out of poverty.

A corollary to the axiom that OEO is to be primarily an innovative office is the concept that it is healthy and normal for programs begun in OEO to be subsequently delegated or transferred to other agencies for operation. Under previous administrations, approximately 10 programs or activities were delegated to other agencies, a major portion of them to the Departments of Labor and of Health, Education, and Welfare. The present administration has followed that practice with respect to the Headstart program and the Job Corps program. As the committee report notes, on page 6:

> OEO was not intended to be a traditional agency and there are many who feel that it should not retain responsibility for operating established programs on a permanent basis. In this view, if it were to become simply another permanent operating agency, it would lose its vital character as an innovator and as a goad, assigned to probe into new areas and to prod other agencies into action on neglected problems.

Third, there appears to be basic agreement that community action agencies should continue to have a crucial role in antipoverty efforts undertaken by the Office of Economic Opportunity and by other agencies and departments of the Federal Government. While there has been understandable concern over the future of these agencies—especially in light of the absence of the authorization of funds that this bill would provide—the commitment of the administration to a continued and expanded role for the community action agencies has been made clear by statements of the President and actions taken by the Office of Economic Opportunity. That commitment was most recently confirmed in a response to a letter to the President which Senator Nelson and I joined in sending early last month. The President's reply to me which was expressed in an identical letter to Senator Nelson, reads as follows:

> Dear Jack: Thank you for your September 9 letter. I welcome the opportunity to reaffirm this Administration's determination to conduct meaningful OEO programs.
>
> As stated in my February 19 message, I intend to see that "the vital Community Action Programs (are) pressed forward." Nothing since that time has altered the Administration's resolve to improve and strengthen the Community Action Agencies now serving throughout the country. These Agencies will be improved to play a more vital role in mobilizing local resources, involving the poor in program planning and operation, and in training new neighborhood leadership.
>
> The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of government-wide evaluation. Facts that will come out of this office will assist all agencies within the Administration in evaluating the effectiveness of their programs for the poor.
>
> It is my determination to strengthen the Office of Economic Opportunity and its community action arm in contributing to the goal of providing full economic opportunity for every American.
>
> Sincerely,
>
> Richard Nixon.

It seems to me, Mr. President, that this is both for Senator Nelson and for myself a most important confirmation with respect to the community action agencies and their continued role.

The fourth matter, Mr. President, as to which we are of one mind, relates to the basic authorizations for appropriations set forth in section 3(a) of the bill. Interestingly enough, both the administration's positions for fiscal 1970 and for fiscal 1971 were, in substance, accepted. The amount authorized for fiscal 1970 is $2,048,000,000; and for fiscal 1971, the committee added an unallocated $100 million for a total of $2,148,000,000.

Those are the areas of broad agreement, Mr. President. The areas of disagreement relate to three, perhaps four, major subjects.

The first is as to the question of the earmarking. An effort has been made to earmark, by titles, and, in some cases, by programs, the $2.048 billion authorized for 1970, and the same amount of $2.048 billion—leaving $100 million unallocated—for fiscal year 1971. The administration objects to the earmarking, Mr. President, notwithstanding—and I say this in all fairness—that not all of the funds for community action under title II are specifically earmarked. However, the administration objects to the earmarking on the ground that it wants the greatest possible freedom of action, especially in the second year, because by then it expects the innovative and developmental aspects of the new character of OEO to come out, and it wants the agency to have the opportunity to express it in terms of its requests for appropriations.

Mr. President, in sustaining my position as representing the administration on its bill on the Senate floor, I shall move to strike the earmarking for the second year.

The second item of importance, Mr. President, are the so-called add-ons in what are, generally speaking, the same categories for which there was earmarking of specific programs covered by title II. The majority of the committee, against the votes of the minority, has added on for programs which they consider to be of special interest, $292,100,000 for fiscal 1970, and $584,200,000 for fiscal 1971. Mr. President, the minority will move to strike some of those add-on provisions. I do not know that I shall be able to join the minority in respect to the second year, but in any case, the minority will move to strike the add-on provisions for the first year.

The third item, Mr. President, which immediately stems from the earmarking and the add-ons, is the so-called flexibility section. That will be found in section 4 at pages 5 and 6 of the bill; section 4 of the bill was included because—as a result of the earmarking and the add-ons—the minority sought higher figures for flexibility, both as to what could be taken out of one program, and as to what could be added as a maximum to another. I think the case for greater flexibility under this section 4 is very strong, Mr. President, in view of the innovating character of the OEO which has now been accepted.

Finally, Mr. President, there may be some differences of view between the majority and at least one Member of the minority, perhaps supported by many others, with respect to the legal services aspect of the poverty program.

I know of no other differences, and it seems to me, in sum, that the areas of agreement far exceed the areas of disagreement; but I do not wish in any way to derogate from the importance, also, of the areas in disagreement, upon which the Senate will have an opportunity to pass.

Finally, Mr. President, I think it is most creditable, and a really splendid demonstration of the development of thinking here in the Senate, that we have pounded into reasonable form the concept of the war on poverty; that we have found ourselves in accord with the administration in the major concept of the innovative nature of this agency, and in agreement upon the fact that, as programs matured and were ready, they should be transferred to line agencies and departments.

On the broad concept of the order of magnitude, and the amounts of money which should be involved, I know all of us feel that much more should be involved, and we look to appropriations to deal with hunger and food programs and many other programs to supplement this effort.

But, considering the character of our budget situation and our views as to priorities, we apparently have achieved a general meeting of the minds on the order of magnitude, in any event, which should go into the particular programs under the Economic Opportunity Act in a direct way.

Mr. President, I close as I began, by emphasizing the positive, the broad areas in which we agree as to the nature of the agency, the funding of the agency, and the length of time for which the agency should be extended. I also would like to add to the very creditable and satisfactory areas of agreement the role of the community action agency, which we agree is critically important. We wish to see those agencies continued to innovate and involve the poor in a way which I think is unique and very creditable to our country.

As to the areas of difference, I am sure the Senate will speedily deal with them, and I am confident that the end result will be a bill of which the Senate can really be proud in respect to the war on poverty, which was so auspiciously inaugurated and was so long overdue in the United States.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. I would like to say that, as chairman of the subcommittee, it has been my pleasure in working with the distinguished senior member of the Poverty Subcommittee and the Labor Committee, to find that it has been possible to weld together this very constructive measure because of the genuine dedicated cooperation of the senior Senator from New York, and because of his genuine capacity to make sensible compromises in the interest of the accomplishment of the end we all seek.

I think it is correct to say that though there remain some differences about the bill, I do not think any of them involve any major, fundamental principle, in that, by and large, they are simply details over which each of the members may have minor differences. But I want to take this opportunity to thank the senior Senator from New York. It would not have been possible to put this bill together and get it before the Senate without his very important cooperation.

Mr. JAVITS. I certainly thank my colleague, and I agree with him that our differences are not to the basic fundamentals of the bill. We are greatly in agreement, and I credit him very heavily for his tact, diplomacy, and skill in bringing that about.

Mr. President, I ask unanimous consent that the entire letter from the President of the United States addressed to me be printed in the Record, and I note that a counterpart of the same letter, dated September 16, 1969, was sent to Senator Gaylord Nelson.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> The White House,
> *September 16, 1969.*
>
> Hon. Jacob K. Javits,
> *U.S. Senate,*
> *Washington, D.C.*
>
> Dear Jack: Thank you for your September 9 letter. I welcome the opportunity to reaffirm this Administration's determination to conduct meaningful OEO programs.
>
> As stated in my February 19 message, I intend to see that "the vital Community Action Programs (are) pressed forward." Nothing since that time has altered the Administration's resolve to improve and strengthen the Community Action Agencies now serving throughout the country. These Agencies will be improved to play a more vital role in mobilizing local resources, involving the poor in program planning and operation, and in training new neighborhood leadership.
>
> The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of government-wide evaluation. Facts that will come out of this office will assist all agencies within the Administration in evaluating the effectiveness of their programs for the poor.
>
> It is my determination to strengthen the Office of Economic Opportunity and its community action arm in contributing to the goal of providing full economic opportunity for every American.
>
> Sincerely,
>
> Richard Nixon.

AMENDMENT NO. 241

Mr. JAVITS. I send to the desk an amendment for printing under the rule.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. I ask unanimous consent that the supplemental views of certain Senators and the individual views of the Senator from California (Mr. Murphy) on the bill as reported to the Senate be printed in the Record as a part of my remarks.

There being no objection, the supplemental and individual views from the committee report (No. 91–453) were ordered to be printed in the Record, as follows:

Supplemental Views of Messrs. Javits, Prouty, Dominick, Murphy, Schweiker, Saxbe, and Smith

The bill reported by the committee would extend the authority for appropriations under the Economic Opportunity Act for 2 years beyond June 30, 1969, as recommended by

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the President. A bill to implement the President's recommendation was introduced by Senator Javits on June 12, 1969.

In his statement of June 2, 1969, the President reaffirmed the administration's commitment to the continuation of the Office of Economic Opportunity and stated his determination to make the Nation's antipoverty efforts function more efficiently and serve the poor more effectively. He stressed that a 2-year extension would provide a "better framework within which the necessary improvements in the antipoverty program can be made."

The initiatives taken by Director of OEO Donald Rumsfeld and others responsible for the programs authorized under the Economic Opportunity Act signal an expansion and improvement, rather than a dilution, of the efforts of the Federal Government to combat poverty.

The administration has properly viewed the Office of Economic Opportunity as an innovative agency, willing to experiment with and serve as a proving ground for new programs to benefit the poor. While OEO is the only Federal agency whose special concern is the poor, other Federal departmenta and agencies have given increased attention to the problems of poverty.

The recent breakthroughs by the administration in proposing major welfare reforms and in efforts to combat hunger and malnutrition are testimony to that fact. Moreover. programs delegated from OEO by this and previous administrations have found a secure and sympathetic home in other departments of the Federal Government.

The administration has taken care to insure that OEO will have a continuing role in the emerging governmentwide strategy against poverty: the Director will retain an overview of delegated programs; community action agencies will continue to be involved in programs at the local level; the placement of OEO regional offices has been undertaken with a view toward coordination with similar offices of other agencies involved in programs for the poor; and OEO will have the authority and capacity to conduct governmentwide evaluation of programs affecting the poor.

The establishment of the Urban Affairs Council and the designation of Director Rumsfeld as special assistant to the President with Cabinet rank are further indications that the poor will have an increasing voice in national councils. In light of these developments, it is appropriate that the agency focus its resources on innovation so that new programs can be developed and, upon maturity, be given an established place in the total Federal antipoverty effort.

While the Office of Economic Opportunity should be free to innovate, we share the commitment of the administration to a continuing operational role for community action agencies and endorse efforts now underway to make those agencies more efficient and responsive to the needs of the poor. The administration has made it clear that community action agencies will continue to be involved in the operation of existing programs such as Headstart and in providing outreach and education, as a part of a new, coordinated attack on hunger and malnutrition. The monitoring and evaluation of community action agencies now being conducted is long overdue. In order to assume an expanded role in the total antipoverty effort, community action agencies must be strengthened; as the President has emphasized, it is the poor who are hurt most when poverty funds are stolen or programs are inefficiently administered.

We support the administration's current efforts and proposed plans to give the States a greater role in antipoverty programs. For too long they have been denied the meaningful participation authorized under the Economic Opportunity Act, with the result that the Federal Government has lost important allies in the fight against poverty. As Director Rumsfeld has noted, existing legislation provides in numerous instances for an active State role. We are encouraged by the Director's plans to give life to those provisions by appropriate regulations. We note favorably his creation of a new division of State and local governmental relations in the Office of Economic Opportunity and the budget increase requested by the administration for the funding of State economic opportunity offices. We believe that the Economic Opportunity Act includes adequate provision against arbitrary actions in the course of State administration.

We commend the Director for conducting a reorganization of the agency in order to improve efficiency, clarify missions, improve management controls and permit the flow of work from the research stage through the development and program stages. We are pleased that programs for rural areas and for older persons will be brought into the mainstream of program development. We note also that the Director of Legal Services will be directly responsible to the Director of OEO and that the agency is making efforts to give further definition to the mission of the legal services program. In that connection, we question the necessity of section 9 of the committee bill preventing the delegation of that program to any existing agency, in light of Director Rumsfeld's testimony before the Subcommittee on Employment, Manpower, and Poverty to the effect that no such delegation is contemplated.

While the actions taken thus far by the administration suggest that much can be done to improve the poverty program without special amendment to the Economic Opportunity Act, we have taken the initiative in proposing and supporting amendments where we felt that they were required to authorize new programs or to improve further the administration of existing programs. An amendment introduced by Senator Dominick to establish a special emphasis program for the discovery and treatment of drug abuse and addiction is included as a part of section 8 of the committee bill. Senator Prouty's amendment to authorize the Comptroller General to audit and examine books, documents, papers, and records pertinent to financial assistance received by any agency under title II of the act is included as section 11 of the bill. We have given our support in committee to amendments introduced by other members authorizing advance funding, establishing a new special emphasis program on alcoholic counseling and recovery, providing civil service credit for VISTA volunteers, providing that children who are not members of low-income families may be permitted to receive services in Headstart projects, clarifying existing Law, and insuring that closed Job Corps centers are used for special youth programs.

We are deeply concerned with several aspects of section 3 of the committee bill. The section provides for authorization of appropriations as follows: Under subsection (a) there would be authorized $2,048 million for the fiscal year ending June 30, 1970, and $2,148 million for the fiscal year ending June 30, 1971. Under subsection (b), $2,048 million of the sums authorized under subsection (a) would be earmarked for certain programs and activities for each year. Under subsection (c) (as an addition to the amounts authorized for all programs under subsection (a)) amounts would be authorized for each of eight specific EOA programs of special interest to committee members.[*] These add-ons would total $292.1 million for fiscal year 1970, and $584.2 million for fiscal year 1971.

We support the ceiling of $2,048 million for fiscal year 1970, the amount requested by the administration for that fiscal year. It represents an increase of approximately $100 million over the estimated expenditures for fiscal year 1969. We also support the authorization of $2,148 million for fiscal year 1971, representing a further increase of $100 million over the previous year.

We submit that the earmarking provisions of section 3(b) are inconsistent with the concept of the Office of Economic Opportunity as the principal innovative agency in an emerging governmentwide antipoverty effort. OEO must be free to develop new programs and to determine for each fiscal year which existing programs should be emphasized to accomplish the purposes of the act.

The necessity for flexibility has been recognized to a limited extent, by a majority of the members of the committee in section 4 of the bill. That section would amend the law to permit the Director to transfer 15 percent of funds allocated or appropriated for a particular program or activity to another program or activity. It would also eliminate any restriction on the total amount that can be transferred into another program or activity. Under present law, transfers from a program are limited to 10 pecent of the amount allocated or appropriated and no program may be increased by more than 10 percent.

However, when combined with earmarking, the transfer provisions will still not operate to permit meaningful changes in programing, especially in the case of fiscal year 1971: In each case where the bill earmarks a program at a certain level for fiscal year 1970, the bill provides for earmarking at the same level for fiscal year 1971. Under the 15-percent transfer provision, the Director could operate a program earmarked at $100 million at a level of $85 million during fiscal year 1970 and add $15 million to one or a number of other activities. Subsequently, the Director might consider it advisable to operate the earmarked program at a level below $85 million for fiscal year 1971, in order *(a)* to provide funds for a new program, *(b)* substantially increase funds for a particularly successful existing program, (c) to avoid duplication of effort between the earmarked program and activities undertaken by other public or private agencies from additional funding sources, or *(d)* because of a combination of such considerations. However, he would be powerless to do so since the 15-percent transfer authority would once again be applied to the earmarked amount of $100 million.

We submit that the administration must be permitted to make programing decisions in the light of previous experience and the total Federal anti-poverty strategy, not on the basis of the previous year's budget request.

As noted above, section 3(a), which we support, would authorize a total of $2.048 billion for fiscal year 1970. We do not consider advisable the authorization of additional amounts for specific programs for fiscal year 1970 under section 3(c) since as a practical matter we doubt that the administration would be able to make effective use of such amounts by the time they would actually become available later in this fiscal year. In this connection, we point out that the administration's budget submission (covered by the authorization contained in section 3(a) of the committee bill) already requests $89 million more for these specific programs for fiscal year 1970 than provided in fiscal year 1969.

We recognize that the administration may require additional authorizations for fiscal year 1971 (beyond the $2.148 billion authorized under section 3(a)) in order to take further initiatives during that year in the

specific program areas covered by section 3(c). Accordingly, while we have differed with other committee members as to the amounts of some of those increases, we have generally given our support to that section as it applies to fiscal year 1971.

We share the commitment of the administration to a renewed, revised, and expanded attack on poverty in the framework of a 2-year extension of the authority under the act. Subject to the exceptions we have noted, we consider the committee bill as a general expression of bipartisan support for the President's recommendation for such an extension and of confidence in the administration's ability to make the new tenure a meaningful one.

Jacob K. Javits.
Winston L. Prouty.
Peter H. Dominick.
George Murphy.
Richard S. Schweiker.
William B. Saxbe.
Ralph T. Smith.

INDIVIDUAL VIEWS OF MR. MURPHY

I am deeply concerned over the direction in which the legal services program has been allowed to move. In many States, including California, legal services organizations have diverted their major thrust from legal aid and assistance to the needy and turned that thrust toward political activism through the filing of law suits against governmental agencies and departments. I believe the issues presented in these law suits can and should be raised through legally constituted political channels.

I am considering introducing an amendment to the bill that directs the program toward legal assistance and away from law reform.

Mr. JAVITS. Mr. President, I yield the floor.

OEO IS WORKING

Mr. YARBOROUGH. Mr. President, very shortly we will be considering the authorization bill for the Office of Economic Opportunity for 1970. As we all know, the OEO program is vital to millions of underprivileged Americans throughout the Nation. Unfortunately, all too often the critics of OEO obtain more attention than do the many successes of this very important program. This is why I was pleased to receive a letter from Mrs. R. E. Conner, president of the Galveston, Tex. chapter of the League of Women Voters, supporting the OEO programs.

Because of the great respect I have for the views of the League of Women Voters, I ask unanimous consent that the letter to which I have referred to dated October 2, 1969, be printed in its entirety at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

League of Women Voters,
Galveston, Tex., October 2, 1969.

Hon. Ralph W. Yarborough,
U.S. Senate,
Washington, D.C.

Dear Senator Yarborough: We want to urge your support for the continuation of programs authorized under the Economic Opportunity Act of 1964 (S. 1809). We also strongly urge that you vote to renew these programs for two years.

As you know, the League does support the O.E.O. and we do not consider its activities in the past as failures. The Agency has had a relatively short time to work on ways to improve opportunities for people. Much more time is expected to be used up in working with medical research problems. It has been and should continue to be an experimental agency and this aspect of its work is one of its greatest assets. It is necessary to find out what will *not* work as well as programs that succeed.

Here in Galveston, our C.A.C. is just off and running after a series of false starts, and with one-quarter of our population in the under $3000 per year bracket, we really need the C.A.C.

Sincerely,

Mrs. R. E. Conner,
President.

TAX CONVENTION WITH THE NETHERLANDS—REMOVAL OF INJUNCTION OF SECRECY

Mr. KENNEDY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive G, 91st Congress, first session, the tax convention with the Netherlands, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Kingdom of the Netherlands for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on estates and inheritances, signed at Washington on July 15, 1969, and the related protocol signed on the same date.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention and protocol.

The purposes of this convention are the same as those of the twelve other estate tax conventions now in force between the United States and other countries, namely, to minimize the burdens of double taxation at death and to prevent fiscal evasion with respect to taxes on estates and inheritances. In accomplishing these purposes, the convention departs from the pattern of our existing estate tax conventions in order (a) to take into account problems which employees of international businesses assigned to foreign countries have encountered under previous conventions, (b) to follow the direction indicated by the Foreign Investors Tax Act of 1966 in assisting our balance of payments by minimizing deterrents to foreign investment in the United States, and (c) to conform to the extent practicable with the provisions of the Draft Double Taxation Convention on Estates and Inheritances published in 1966 by the Organization for Economic Cooperation and Development.

The convention contains four principal innovations:

1. The seven year domiciliary rule, whereby a decedent who is considered by each country as having been domiciled therein at death will generally be deemed to have been domiciled only in the country of which he was a citizen if he had been resident in the other country for less than seven years without the intent to remain there indefinitely.

2. As a corollary of the seven year domiciliary rule, the convention provides that if a citizen of one country was resident in the other country seven or more years, the country of citizenship grants a credit for the death taxes of the other country. In these cases, jurisdiction to tax real property and business assets will be retained by the country in which such property is situated, with the other country providing appropriate credits.

3. The convention exempts tangible and intangible personal property (to the extent such property is not a business asset of a permanent establishment) from taxation by either country if the decedent is neither a domiciliary nor a citizen of such country. This exemption complements on a bilateral basis the liberalized treatment afforded foreign investors in the United States by the Foreign Investors Tax Act of 1966, aids our balance of payments by removing deterrents to investments in the United States, and reduces estate tax formalities for Dutch investors in the United States.

4. Under the convention, the Netherlands provides treatment analogous to the relatively liberal United States exemptions which the Federal estate tax law grants to estates of foreigners, by granting Americans who are not residents of the Netherlands (and who are taxable only on real estates and business assets situated in the Netherlands) an exemption for small estates and an exemption which corresponds to our marital deduction.

The related protocol, containing ten numbered paragraphs, sets forth understandings concerning certain matters of interpretation and application of the convention.

The convention and protocol have the approval of the Department of State and the Department of the Treasury. The Treasury will provide a detailed technical explanation of the convention at the time of the hearings before the Senate Foreign Relations Committee.

I recommend that the Senate give early and favorable consideration to the convention and protocol with the Netherlands.

Richard Nixon.
The White House, *October 13, 1969.*

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 51 minutes p.m.) the Senate adjourned until tomorrow, October 14, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate October 13, 1969:

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[*] Special Impact, Project Headstart, Legal Services, Comprehensive Health Services, Emergency Food and Medical, Senior Opportunities, programs for migrant and seasonal farmworkers and Day Care.

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DIPLOMATIC AND FOREIGN SERVICE

Lewis Hoffacker, of the District of Columbia, a Foreign Service officer of class I, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

LINE

To be major

Abbey, Edward F., 726100956.
Abbey, Wayne T., 567400844.
Abbott, Charles E., 551366622.
Abel, Richard F., 282249932.
Abram, Gerald D., 440320580.
Achor, John N., 309322027.
Acosta, Javier F., 557367065.
Acres, Robert D., 415389057.
Adamek, Eugene A., 069260936.
Adams, Floyd P., 226467050.
Adams, Francis R., Jr., 048268043.
Adams, James E., Jr., 238460150.
Adams, Paul P., 409521550.
Adams, Ralph E., 533308516.
Adams, Richard B., 229408685.
Adams, Robert S., 004347237.
Adkisson, Robert B., 552420553.
Adsit, Guy D., Jr., 433462396.
Aicher, Thomas E., 484364976.
Aiken, James R., 326309292.
Ainsworth, James, Jr., 022247662.
Albers, Bernard F., 513328530.
Albers, Robert J., 505468454.
Albright, Townsend L., 142221949.
Album, Hyman H., 119263256.
Alder, James W., 173243141.
Aldrich, Richard B., 024285313.
Aldrich, William S., 237423388.
Aldrich, William B., 487343215.
Alexander, Michael H., 481349617.
Alexander, Robert M., III, 420362238.
Alexander, Ronald S., 207241041.
Alexander, William D., 415506063.
Allee, Robert S., 437406486.
Alleman, Donald L., 208200012.
Alleman, Fred L., 504341082.
Allen, Marshall E., 252400088.
Allen, Maurice W., 464500503.
Allen, McVerlin, 332242517.
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Almeter, Francis J., 096309717.
Alser, Donald J., 347328821.
Altieri, Michael A., 215284530.
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Ames, Frederick P., 445265091.
Amesbury, Harry A., Jr., 542283776.
Amundson, John D., 470349830.
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Anastasio, Emil R., 072266894.
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Ando, Joe K., 457520149.
Andraitis, Arthur A., 289268079.
Andrews, Herbert L., Jr., 208263927.
Angel, Harvey D., 568280202.
Ankenbrandt, Gerald D., 228423869.
Ankerstar, Bradley D., 483344477.
Ansberry, Thomas H., 297261729.
Anthony, Alexander E., Jr., 245386342.
Appel, Bernard, 106246566.
Apperson, Earl A., 492340148.
Applebaugh, Robert G., 137262504.
Archer, James B., 544289921.
Armand, Fredrick M., 140265302.
Armstrong, Dwight A., 336285374.
Armstrong, Spence M., 526542957.
Arnet, Charles D., 298282877.
Arnold, Albert G., 565362941.
Arnold, Carrol B., 355260848.
Arnold, Edwin A., 001266683.
Arnts, Donald F., 107267176.
Arundel, Lawrence C., 215389126.
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Ashley, Paul D., 556383769.
Ashley, Wendell R., 424426725.
Ashlock, Larry I., 484260878.
Attebury, John C., 340268465.
Aunapu, Donald S., 267423721.
Austin, Larry M., 415427378.
Avery, Beatrice B., 070229348.
Avey, Donald B., 559389620.
Avila, Miguel A., 582600035.
Aviles, Arturo, Jr., 561387589.
Axelton, Larry E., 485366826.
Aycock, James W., Jr., 257464432.
Babin, Shirly A., 570404626.
Bachman, Kenneth J., 393305921.
Bacik, James J., 048261387.
Bacik, Joseph D., 282269282.
Backhaus, Murray D., 507348341.
Baechle, William, 121260148.
Baertsch, Robert J., 502260067.
Bagwell, William L., 410486870.
Bailes, Onnie L., Jr., 457485499.
Bailey, William L., Jr., 418420531.
Baird, David M., 286343954.
Baird, Kenneth R., 365326651.
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Baird, William F., Jr., 453524581.
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Baldwin, Charles C., 134208254.
Balish, Donald G., 199266399.
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Ballard, Arthur T., Jr., 249442908.
Ballentine, William G., 399246143.
Baltzell, Robert E., 382324850.
Bandarrae, Frederick J., II, 556424771.
Banick, Theodore J., 333269600.
Banks, Marlon C., 413461628.
Banks, Webb F., 409422207.
Bannon, John P., 047221547.
Barger, Philip J., 233564039.
Barker, Ronald L., 369326465.
Barnard, Michael W., 400449407.
Barnes, Donald W., 423327133.
Barnes, Gordon L., 385327704.
Barnes, Robert C., 182227569.
Barney, Robert L., 542306122.
Barnum, Dale C., 577360445.
Barott, Philip J., 469349442.
Barron, Richard A., 256449951.
Barry, William R., 479340044.
Bartek, Adelbert P., 460526525.
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Bartels, Allan E., Jr., 298264381.
Bartels, Peter H., 554429989.
Bartenetti, John G., 537261210.
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Barton, Larry K., 496342842.
Bartosh, John F., 203227237.
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Bass, Gordon, 463469049.
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Bates, Bobby J., 415543294.
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Bates, Wayne E., 577387850.
Batson, Billy W., 430580055.
Batson, Clinton E., 012281702.
Bauer, Eugene L., 305322016.
Baugh, William J., 289285585.
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Baumgartner, Daniel J., 121266980.
Baxter, Edward G., 392324703.
Baxter, James L., 207244696.
Bayless, Thomas H., 415463417.
Beall, Charles B., Jr., 521865676.
Beall, George S., 256527518.
Beamer, Harold P., 230382094.
Beardall, James H., 104285472.
Beardsley, Ralph J., 384303894.
Beberstein, Robert G., 296261511.
Beck, Robert J., 397300804.
Beckers, Lyle L., 503342981.
Beckley, Jerry S., 197262916.
Beer, Carl N., 214301913.
Berry, Raymond E., 573328821.
Beezley, Marvin H., 484305136.
Behrend, Curtis L., 482326148.
Belcher, John T., 478325032.
Belden, David L., 477321927.
Belinne, Francis, 058281039.
Bell, Clarence P., 428560923.
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Belli, Robert E., 159288127.
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Benedict, Ronald J., 175263378.
Benet, Lorenzo P., Jr., 032248162.
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Bennett, Robert J., 187228810.
Benson, Albert E., Jr., 536289126.
Benson, Edgar C., Jr., 326229886.
Benson, Lonnie D., 534325102.
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Benson, Walter C., 123248977.
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Bertrand, Clarence J., 460540773.
Beyer, Robert C., Jr., 056265469.
Blanco, Frank A., 149263790.
Bibb, Kenneth C., 458465750.
Biehn, Paul T., 405344405.
Biehn, Roland E., Jr., 543361954.
Biggar, Kaye H., 536302013.
Biggs, Gerald L., 343284857.
Biggs, Richard J., 527323433.
Bill, Donald E., 515306581.
Billings, Wilbur D., 215281885.
Billingsley, Vincent H., 258341415.
Billington, George R., 228365548.
Billman, Charles M., Jr., 279303681.
Bills, Alfred E., 348262398.
Billy, George J., 083247437.
Bilott, Raymond L., 155240220.
Birchman, Clifton A., 457406978.
Bird, John R., 411440263.
Bird, Lewis L., Jr., 025284177.
Birt, Joseph A., 206286733.
Bischoff, Keith M., 298288109.
Bissell, Nolan A., Jr., 579444924.
Bittaker, Joe R., 261445082.
Bitton, John B., 519284048.
Bittrolff, Eugene E., 026264759.
Bjorkman, Paul H., 475324644.
Black, William H., 511324540.
Blackwell, Eldred E., 433465050.
Blackwell, Pat L., 549465630.
Blackwell, William B., 410509542.
Blahauvietz, Kay G., 479401017.
Blair, Richard L., 313328024.
Blake, Donald P., 318282024.
Blake, Jule J., 336286882.
Blakely, Norman D., 415506302.
Blaker, William A., 515267174.
Blanchard, Lawrence C., Jr., 438344683.
Blandford, James C., 250449686.
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Blaufuss, Philipp R., 478340224.
Bliss, Alonzo O. III, 217288495.
Bliss, Theodore E., 010265669.
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Block, Emil N., Jr., 281223930.
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Bloom, James M., 505381106.
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Blue, Donald M., 309325890.
Blum, Joseph J., 485367292.
Bobbitt, Jack W., 266425594.
Bock, Lowren A., 288304208.
Bockelman, Harold L., 284286347.
Boe, Harold T., 485283637.
Boggess, Lawrence L., 480344036.
Bogiages, Christos C., Jr., 101287572.
Boice, Russell T., Jr., 179269350.
Boivin, Richard H., 152262764.
Boland, Joseph F., 135267442.
Bolstad, Richard E., 470240837.
Bolte, Wayne L., 481342410.
Bond, Doyle H., Jr., 257483736.
Bonderer, Lawrence F., 497383568.
Boockholdt, John C., 416420438.
Boone, Joe, 447282006.
Boone, Orville B., Jr., 183268730.
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Boos, Albert G., III, 116261247.
Borel, James C., 435445899.
Borkholm, Christian A., Jr., 450427976.
Borne, Louis F., Jr., 434448640.
Bors, Joseph C., 082284357.
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Bott, Ernest G., 371340915.
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Bowden, John W., 452340060.
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Bowles, John E., 460364325.
Bowman, Alfred C., Jr., 579460896.
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Boyd, Jack L., 257484205.
Boydstone, James B., 429564183.
Boye, Duane E., 509324594.
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Boyland, John S., 525624071.
Boyle, Thomas E., 378300797.
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Bradfield, Sidney C., 572383918.
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Bradshaw, Claude J., Jr., 231400407.
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Braeden, Cecil H., 321303909.
Brame, Albert W., 420408120.
Brandt, Paul E., 577462892.
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Branson, Duane C., 527380428.
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Bray, John R., Jr., 235506316.
Bregman, Morton, 230420417.
Breslin, Leo H., 180241123.
Brewer, Allen J., 008205196.
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Brigman, David A., 413466316.
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Brocks, James H., 419289019.
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Bronner, Richard E., 144266790.
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Broussard, William F., 315301168.
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Bruckner, Donald G., 078249782.
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Bruner, Gordon C., 466401740.
Bryan, Leslie A., Jr., 338283811.
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Buck, Irving L., 173303808.
Buck, Norman C., 187267660.
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Buehler, Daniel W., 183288764.
Bull, Ernest R., Jr., 248489426.
Bulmer, Gail T., 158246334.
Bumgardner, Mark L., 479282008.
Bunn, Eustace M., Jr., 259502657.
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Burch, Charles L., 461404986.
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Burcham, Roy D., 466463593.
Burchard, John C., 454527229.
Burdsall, Gary E., 158221932.
Burger, Arthur F., 156248813.
Burger, Donald W., 521381740.
Burhans, Edmund D., II, 102247045.
Burington, Jesse H., 476222264.
Burke, David P., 559440212.
Burke, Donald M., 293287603.
Burke, Michael D., 437360689.
Burnett, James L., III, 431529464.
Burnfield, Watson D., 287281935.
Burns, Charles D., 380327787.
Burns, Ralph W., Jr., 522403597.
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Burr, Daniel S., 379309039.
Burr, Myron W., 044266473.
Burt, John W., 339284001.
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Bussey, Richard J., 022243007.
Butler, Alva J., 528446469.
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Butt, Robert A., 446303187.
Butterfield, Robert L., 564403428.
Butts, Clinton E., 429549911.
Buxton, Harris H., II, 105269378.
Buyher, Loren L., 526402382.
Buys, Earl M., Jr., 456483849.
Byarlay, Starr A., 509341542.
Byrum, Paul B., Jr., 249446229.
Cagle, Ned L., 526365838.
Cahill, Harley R., 439426637.
Cahoon, John E., Jr., 414466607.
Calbi, Vincent D., 115265635.
Caldwell, Robert W. Jr., 455563095.
Calhoun, Cecil O. Jr., 258462625.
Calkins, George W., 097265591.
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Callahan, Hiram J., 289289804.
Callahan, Joseph T. Jr., 026267942.
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Camille, John S., 444320784.
Cammalleri, Joseph A., 112281139.
Campis, Joel R., 420406819.
Canady, Robert M., 256408397.
Cannon, Floyd L., 555342925.
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Canon, Truman L., 267320681.
Canterbury, George A. Jr., 278283421.
Cappel, Richard J., 026281077.
Capper, Calvin W., 533307833.
Carew, Gene A., 501261519.
Carey, William C., 228404544.
Carino, James P. Jr., 120266281.
Carlino, Victor J., 437484637.
Carlson, Eugene R., 501261190.
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Carpenter, Robert L., 223408545.
Carroll, Malcolm H. Jr., 492345829.
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Carson, David P., 012266318.
Carson, James D., 291261757.
Carter, George M., 340283077.
Cartwright, James W., 538288982.
Carwile, Elford L., 227368423.
Casey, Robert E., 311308883.
Cassell, Jack R., 284300616.
Cassiday, Donald M. Jr., 482361556.
Cassingham, Delmar E., 562442592.
Casteel, John H., 277304320.
Castner, William R., 229387375.
Caulkins, Donald S., 018247398.
Cavanaugh, Donald E., 512284137.
Caylor, Ronald N., 521440647.
Celand, Alfred J., 282289920.
Chaffee, Philip, 184269849.
Chaikin, Howard M., 479343841.
Chain, John T. Jr., 161285418.
Chambers, John L., 505361641.
Chamblee, Thurman, Jr., 243504726.
Chambless, Loyd E., 453425469.
Chan, Keylor, 526407141.
Chandler, Charles M., 578442152.
Chapin, Richard C., 126260283.
Cheney, Everett A., 484383678.
Cherry, Billy O., 419388637.
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Chess, William E., 309306458.
Choate, Robert N., 414488151.
Chrisman, Clifford C., 329289666.
Christensen, Lowell H., 385321737.
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Christensen, Robert B., 117266202.
Christian, William C., 266421204.
Christianson, Perry A., 519200041.
Christopher, Archie D., 241544667.
Chumard, Robert L., 206282750.
Ciemniecki, Leonard F., 152260483.
Clark, Arthur C., 553441390.
Clark, Clifford D., 335266244.
Clark, Henry F., 452405780.
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Clark, Zack C., 242466540.
Clary, Richard B., 063266578.
Clayton, Robert B., 261469762.
Clemens, Donny D., 524285253.
Clemens, Ralph O., Jr., 336248799.
Clements, Ronald M., 256502418.
Cleveland, Edward Y., 266448769.
Cleveland, Raymond H., 247506424.
Cleveland, Stuart E., 202263091.
Clever, Larry A., 554444712.
Clinger, Harold C., 286300888.
Clinton, James W., 068225965.
Clonts, Darold W., 526323167.
Coan, Richard H., 397262299.
Cobb, Billy J., 261481880.
Cobb, Jerry D., 466461153.
Cockayne, William A., 057268885.
Cody, Thomas J., Jr., 577464519.
Coffee, Richard, 409584624.
Coffield, Dallas B., Jr., 228366569.
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Collins, Charles W., 265489255.

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Collins, Jesse E., Jr., 443326896.
Collins, John B., 577462014.
Collins, Michael J., 314306131.
Colman, Thomas M., 522408989.
Coltman, William C., 198245729.
Colvin, Alfred E., 305321845.
Combee, Harbin D., 253481276.
Comfort, Earle H., 091249705.
Comley, Ronald E., 184261034.
Compton, Jack B., 568362796.
Conklin, Philip W., 723017131.
Conley, Edward C., 201261076.
Conley, John L., II, 579449996.
Conn, Donald N., 562426503.
Connelly, Gerald H., 533307621.
Conoor, Lester E., 414426675.
Conover, Charles B., 334167628.
Conroy, James E., 477325467.
Conry, James M., 245469789.
Constantine, William M., 496345511.
Coody, Leslie H., Jr., 426522731.
Coogan, Charles O., 074269749.
Coogan, Edward R., 210223191.
Cook, James, 536227279.
Cook, James A., 565440246.
Cooke, William M., 265242541.
Cooney, Wilson C., 209242396.
Coons, Ezra D., 527388214.
Cooper, David D., 467389318.
Cooper, James W., 401403339.
Cooper, James M., 511227142.
Coppi, Quintin J., 022248633.
Corbell, Robert R., II, 450489830.
Corbett, Lon P., 466409489.
Corbin, Richard B., Jr., 211260123.
Cordle, Robert L., 253480544.
Corey, Charles J., 364344348.
Cork, Clifford D., 497348643.
Corlett, Robert M., 051287727.
Cornett, James E., 442221316.
Cornett, Paul, 381307671.
Corrigan, William J., 269305897.
Coryell, Kendrick S., 443323326.
Cosentino, Henry J., 500282559.
Cotter, John P., 059281523.
Cotter Lawrence R., 563429079.
Coulter, Richard P., 116263946.
Courington, George D., 416449971.
Coutlakis, Gus P., 237407423.
Coville, David W., 049245975.
Cox, Clyde D., 462522214.
Cox, Eldon W., 231381414.
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Cox, Roy L., 524424048.
Crabb, James W., 445307533.
Crabtree, C. L., 413440835.
Crafton, William T., III, 406443392.
Craig, John E., II., 487385349.
Craig, Michael P., 291284153.
Craig, William P., 438500926.
Crandall, Edmund H., 132287932.
Crane, William M., 529383576.
Crase, Roland B., 362308108.
Craton, Karl L., 254541223.
Crawford, Jack R., 199241531.
Crawford, Michael B., 545441121.
Cregger, Arthur E., 235449416.
Crew, Jerald L., 484405765.
Crews, Marvin A., 553402465.
Crider, Manley W., Jr., 452485052.
Crist, Richard A., 513303578.
Criswell, Robert L., 566406191.
Crooker, Clifford R., 007308794.
Crotty, Patrick B., 102247985.
Crotty, Paul V., 491282608.
Crouch, James L., 449505201.
Crowell, William R., 508368881.
Crowley, Harry L., Jr., 267421330.
Crowley, Lawrence W., 277289481.
Crum, Arthur F., Jr., 184261696.
Crum, William P., 540346209.
Cruson, James E., 519342906.
Cullen, Edward R., 488322113.
Cummings, James T., 244464242.
Cummings, Richard L., 360260238.
Cummings, William F., 052267925.
Cunningham, Lawrence R., 201260531.
Cupka, Albert G., Jr., 027267603.
Curney, John M., 186240586.
Curtis, Donald R., 507347494.
Curtis, Thomas H., 519308712.
Curzon, Daniel J., 577441694.
Cushing, Stanley R., 093204159.
Cushwa, Phillip C., 490306548.
Cusick, Paul B., 302248507.
Czech, Donald R., 290287316.
Dabrock, William M., 491346274.
Dahl, Arne M., 728076188.
Dalley, Robert R., 421421843.
Dalley, William R., 224405435.
Dally, James H., 446227168.
Dalsley, Roger W., 534308213.
Dale, Howard C., 516360300.
Dale, Jack N. M., 499322875.
Daleski, Richard J., 375300642.
Daley, Thomas S., 391302447.
Daloia, Silvio, Jr., 148269441.
Dalrymple, Ronald K., 410462390.
Dalton, Windal K., 237483672.
Daly, Gerald J., 026262843.
Daly, Joseph M., 162285313.
Dame, Jan G., 528289461.
Dander, Vernon A., 526524947.
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Dannenbring, Robert E., 504286638.
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Darcy, Gerald P., 455520891.
Darrow, Lyle E., 271285847.
Dater, Walton F., Jr., 044285493.
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Davis, Charles T., Jr., 064264228.
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Davis, Frank R., 546422413.
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Davis, Roy L., 276229335.
Davis, William R., 463488140.
Davison, Russell L., 084285123.
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Deberry, Charles W., 450488576.
Debus, David L., 392285914.
Decell, George M., III, 428344720.
Decordova, Kenneth E., 447307480.
Dede, Vernon L., 504181695.
Degenhardt, Norman A., 376267043.
Degraaf, Jan W., 073282032.
Delauter, Donald R., 217286201.
Delk, Derrill R., 264469925.
Dell, John J., 142261706.
Delong, George W., 282303748.
Delorenzo, Robert A., 559422890.
Demarino, Rocco A., 118262899.
Demianovich, Max, 178284778.
Demke, John F., 528368874.
Dempster, David P., 073282536.
Dencklau, Everett E., 484344521.
Denezza, Eugene J., 183263743.
Denham, Walter S., Jr., 002301360.
Dennany, James E., 380325498.
Denninger, Valentine L., 079269892.
Dennis, Lawrence V., 532308884.
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Denson, James E., 220264392.
Denson, Lee A., Jr., 048263226.
Dent, Frederick R., III, 293306304.
Derbin, Anthony W., Jr., 126260133.
Desaulniers, Eugene R., 024266167.
Desrochea, Robert R., 003247640.
Dethlefsen, Merlyn H., 481381093.
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Devoll, Nathaniel O., 387300473.
Dewilde, David A., 139262964.
Dewitt, Robert D., 360284376.
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Diessner, Oscar G., Jr., 560440839.
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Dodd, Claude S., Jr., 246460479.
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Donald, William R., Jr., 010269786.
Donath, Harold M., Jr., 040263159.
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Douglass, William W., Jr., 001242006.
Dowd, Theodore, 056286222.
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Drake, Carl W., 273304905.
Dramesi, John A., 143266658.
Dreyer, Christian F., Jr., 577460193.
Drislan, John J., 026261971.
Dromsky, Boleslaw J., Jr., 175264386.
Drumheller, Ernest C., 228482274.
Drury, Richard T., 348247777.
Dudgeon, Cecil E., 494325572.
Duff, Clarence M., 404348356.
Duffack, William C., 505326394.
Duffer, Harold E., 309260840.
Duffy, James F., 035205318.
Duffy, Robert T., 070309979.
Duke, Robert R., 380307725.
Dulong, Perry L., 386322565.
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Dunham, Richard A., Jr., 062269565.
Dunn, Richard F., 401400996.
Dunn, Robert D., 538229199.
Dunsavage, William P., 211265472.
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Dyer, Robert J., 541246508.
Dysart, Glenn D., 486323509.
Eagle, James D., 245466351.
Eaglet, Robert D., 287269391.
Eassa, Donald A., 567406871.
East, Jerome A., 263427443.
Eastabrooks, Willis E., 512286924.
Easton, Lester E., 293303746.
Eaves, William L., 456460487.
Ebert, David G., 341263516.
Edgell, Robert E., 282284318.
Edsall, Philip V., 516383900.
Edwards, Richard C., 254567777.
Eglinton, William S., 143261013.
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Eigel, Thomas J., 494365327.
Eiler, Jerome E., 468324980.
Elam, Lewis A., II, 261482518.
Elder, Joe D., 410509425.
Elliott, Cater M., 428569441.

Elliott, Donald A., 361266624.
Elliott, John E., 342248945.
Elliott, Joseph, 192228029.
Ellis, Bobby M., 408485709.
Ellithorpe, Robert C., 419349528.
Elmer, James D., 361260966.
Ely, Frank E., 452545541.
Embry, James C., 400405417.
Emery, Eugene E., Jr., 228321406.
Emmons, Robert H., Jr., 268289395.
Endrei, Peter E., 107249299.
Engel, George W., Jr., 473266076.
Engelbeck, Ranald M., 478326465.
Enger, Earle M., Jr., 476342086.
Engle, Joe H., 509321098.
Erb, Eugene A., Jr., 077288951.
Erl, James P., 501289182.
Ericson, Bill D., 511367846.
Ernst, Donald L., 443288062.
Ernst, Fred H., 516268322.
Ernst, William L., 128261766.
Erp, Glen D., 477367531.
Erp, James F., 525625285.
Espenshied, John L., 295282020.
Estes, Thomas B., 400429073.
Evans, Donald L., 311324823.
Evans, Jack A., 288327549.
Evelan, Gerald S., 187247777.
Everett, Randall W., III, 577449778.
Everley, Carl B., 186245292.
Everman, Russell D., 287301540.
Evers, Robert L., 215305296.
Eversole, Donald L., 297289961.
Evett. Donald E., 534247589.
Fada, Charles V., 481384261.
Faha, Frank T., 543361223.
Fair, Roy V., 255542022.
Fales, Philippe B. V., 526542952.
Falk, Neil R., 065289386.
Fall, William A., 289280625.
Fantaski, James F., 168267239.
Farmer, Norman L., 464488506.
Farrell, Gerald J., 378288668.
Farrell, William H., 254488001.
Farrimond, George F., Jr., 528387739.
Farris, Robert H., 006226954.
Faurer, Theodore M., 179267649.
Fava, Donald G., 331284432.
Fay, Elvir A., 452502207.
Fay, Peter G., 023262185.
Feaster, Richard V., 534323524.
Feldmann, John E., 102280844.
Felock, Joseph W., Jr., 115289647.
Feltman, Gordon, 156242708.
Fender, Johnny C., 235520864.
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Ferguson, William R., 557424427.
Fernald, Richard T., 020268736.
Fernow, Austin O., 481323239.
Ferrell, Floyd J., Jr., 305328888.
Ferrell, Robert O., 224442063.
Ferrier, James E., 310306313.
Ferry, Charles D., II, 151245862.
Fetherston, David E., 336204866.
Fickling, Ralph L., 579469452.
Fidler, Joseph E., 233504924.
Field, Edsel R., 472329068.
Field, Kenneth W., 274260805.
Fields, Thomas E., 454526531.
Figge, Freddie W., 513322124.
Filbey, Hugh L., 197222190.
Fillmore, Leland R., 528344110.
Finch, Charles L., 446321236.
Finck, George C., 097266868.
Fine, Frederick R., 519360929.
Firmin, Wade E., 433469068.
Firth, Benjamin A., 296302698.
Fischer, Charles E., 455529701.
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Fischer, Raymond R., 063268542.
Fiser, John E., 726099214.
Fisher, Duane W., 540344861.
Fisher, Edward J., 048265219.
Fisher, Philip R., Jr., 412508199.
Fisher, Robert F., 237443596.
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Fitzgerald, Larry D., 568421570.
Fitzsimmons, James M., 111247628.
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Fleming, David A., 564364690.
Fleming, Raymond J., 379325785.
Flemings, Frederic J., Jr., 014261225.
Flentje, Stanley K., 506325844.
Fletcher, Markwell A., Jr., 262480604.
Fletcher, Robert M., 253383765.
Flood, Donald A., 236487983.
Flournoy, Dale R., 463460498.
Fluty, William L., 557385952.
Foeh, Adolph W., Jr., 452485843.
Foisy, Donald B., 533302636.
Foley, Brendan P., 107245219.
Folts, Lavens D., 259525975.
Forbrick, John W., 565307872.
Ford, Clifford G., 472228589.
Ford, Douglas J., 544282910.
Fordham, Wyndell F., 252423963.
Foreman, Martin P., 202268001.
Forgan, David W., 355266055.
Forgas, James A., 348248796.
Forman, Richard T., 144261818.
Fornia, Robert F., 536265599.
Forrest, James C., 518283345.
Forshee, Loahman E., 435361968.
Fortenbury, John S., 431522322.
Fortmann, Morris K., 470329067.
Foster, James P., Jr., 251529704.
Foster, Raymond L., 449487225.
Foster, Warren W., 001266857.
Fouts, Joe C., 266387889.
Fowl, Alvin F., 300360229.
Fowler, Leo E. 539261029.
Fowler, Samuel R., Jr., 579405714.
Fox, Charles R., 282306494.
Fox, Robert S., 317287841.
Fraker, Donald D., 520305261.
Francis, Bob L., 525506183.
Francis, James R., 509301308.
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Frankenberg, Raymond, 037209004.
Franklin, Irl L., 510287152.
Franscini, Lucien S., III, 561442712.
Frantz, Harry R. 208265254.
Franz, Thomas E., 040269199.
Frasca, George A., 063268409.
Frazee, Donald W., 028263425.
Frazier, William J., Jr., 451647424.
Fredeen, Lowell A., 395281876.
Freeman, Albert M., 521400573.
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Freer, Allen C., 084266135.
Freund, Thomas C., 464444725.
Frey, Frank T., 478287912.
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Friese Richard E., 544345516.
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Frogge, James H., 410507157.
Frost, Alan C., 542348179.
Frost, Robert E., 301266197.
Fulk, James W., 308326137.
Fulton, Robert H., Jr., 236484215.
Funston, Neal L., 502307784.
Furukawa, Stanley Y., 575260950.
Gaasch, Kenneth H., 487387238.
Gabel, Grant E., 375302862.
Gage, Howard D., 426481670.
Gagliano, Joseph A. N., 394301787.
Gaillardetz, Roger P., 012268643.
Gallop, Richard W., 027229612.
Gamlin, Richard A., 490303376.
Gangol, Anthony J., 494341022.
Gannon, Patrick T., Sr., 264308712.
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Garrett Lewis E., 535305415.
Garris, Samuel B., 224404008.
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Gavitt, William F., Jr., 039209883.
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Geiger, Robert B., Jr., 563385520.
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George, Benjamin W., 187248985.
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Gerblick, Paul, 398286091.
Geren, Billy G., 430547149.
Gibbons, James R., 177264372.
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Gillory, Byron M., 723121594.
Gilmore, Robert F., 049247079.
Gilmore, Wiley C., 452486015.
Gioia, John, 109247104.
Glamm, David W., 123247075.
Glenn, Lloyd F., Jr., 224344670.
Glenny, Clinton M., 562445240.
Glock, Ronald R., 397281005.
Glover, John A., 401402851.
Glover, John A., 011283981.
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Goble, Lloyd N., 442344992.
Goddard, Dean S., 458449875.
Godec, Robert F., 524320163.
Godstrey, Kenneth H., 149263885.
Goertz, Robert D., 539282765.
Goldberg, Norman, 114246675.
Golder, Theodore W., 550424019.
Goldfarb, Levi, 028265054.
Goldhamer, Morris M., 183265851.
Goldsborough, Larry G., 728059131.
Goldstein, Stanley E., 105263019.
Golemboski, Richard R., 112282529.
Golka, Chester R., 176282497.
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Gollnick, William H., 469261414.
Gomez, Kerry, 580446481.
Gonzales, Don T., 525568685.
Good, Paul R., 282305989.
Goodall, Sim W., 457605492.
Goodhart, Thomas C., 287283154.
Goodreau, Richard J., 375301968.
Goodwyn, Robert T., III, 424509225.
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Gordon, Robert C., 223403556.
Gorgas, William S., 400405385.
Gorman, Charles A., 457521449.
Gorman, James L., 544382426.
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Gossett, Robert W., Jr., 464361417.
Gould, Gerald L., 537308549.
Graber, Jack L., 514261508.
Grabowsky, Richard F., 025248094.
Grace, Joe B., 457466085.
Grachek, Joseph E., Jr., 347269459.
Gradyan, Frank J., 300226408.
Graf, Richard A., 100220814.
Graham, James L., 142244061.
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Grammer, George E., Jr., 224363917.
Grant, Robert C., 248467019.
Grassberger, Robert E., 493321117.
Graves, David C., 274284065.
Gray, Allen W., 489345216.
Gray, Charles W., 577445270.
Gray, Jay D., 499241853.
Gray, Russell W., Jr., 248522092.
Graybill, Paul V., Jr., 306301414.
Greco, Joseph J., 524347025.
Green, Joe B., 459520112.
Green, Merrill A., Jr., 205260650.
Green, Roy L., 465824127.
Greenan, Robert E., 352243070.
Greene, Howard J., 025240197.
Greene, Robert M., 568380738.
Greenley, Charles H., 572400226.
Greenwood, Charles D., 543286836
Gregan, James E., 372284351.

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Greig, Cyril L., 133222909.
Greisen, Paul H., 524306036.
Greseth, Bendyne S., 473300950.
Gresham, Elwin L., 536243572.
Grice, Robert H., 250626789.
Griffes, William H., 437424307.
Griffith, Earl L., 168268862.
Griffith, Glenn A., 535300823.
Griffith, Tedd N., 181249259.
Griffiths, Robert B., 215325049.
Griggs, Francis V., 314368064.
Griggs, James L., Jr., 284308169.
Grigsby, Donald E., 424449247.
Grill, George W., Jr., 484327023.
Grillo, Thomas Jr., 208247291.
Grimaud, Maurice L., 554440097.
Grimmig, Paul L., 262460705.
Grimsley, Phillip W., 254546461.
Grischkowsky, Edgar R., 518349398.
Gromek, John M., 402422078.
Grosh, Karl H., 429627050.
Gross, David I., 015242848.
Gross, William J., 306301965.
Grubb, Roderic R. 509301173
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Grutzik, Robert L., 579429505.
Grygotis, Joseph E., Jr., 137264697.
Guemmer, Arthur P., 504282633.
Guenther, Gordon P., 470341065.
Guest, Richard P., Jr., 146300996.
Guidutti, Albert C., 559427650.
Guillory, Mark M., 438508680.
Guimont, Roy A., Jr., 042240881.
Guinchard, Claude J., 215388333.
Guinn, Gregory S., 467309971.
Gulley, Charles B., 428543252.
Gumbrecht, George E., 064267756.
Gunn, Hugh T., 480363297.
Gunter, Eugene B., Jr., 243422540.
Gunter, Lucian A., III, 224388509.
Gurkin, David C., Jr., 244483369.
Gustafson, Charles J., 264425437.
Gustafson, Wallace S., Jr., 473348315.
Guthals, Wesley J., 508366273.
Guzik, Francis L., 114243445.
Guzman, Miguel A., 167288667.
Haag, Edward W., 190247528.
Haag, Richard G., 391305398.
Haas, Phillip E., 479345706.
Haber, Fredrich J., 388267819.
Habr, Joseph G., 512281194.
Hackler, Richard L., 306344080.
Hackman, Richard A., 306322646.
Haddad, Albert G., 022243804.
Hadl, Frank M., Jr., 197266799.
Haeusler, Dean R., 028262975.
Halle, John, 207268426.
Hailey, H. M., Jr., 462441805.
Halbach, Eugene I., 396285458.
Haldeman, Robert B., 169260641.
Hale, Jerry W., 230408581.
Haley, John W., III, 450488507.
Hall, Charles E., 563425277.
Hall, Earl R., 463462932.
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Hall, Ronald K., 329282558.
Hall, Wilson J., 462385925.
Halley, John T., 303344513.
Hallisey, Alfred J., 124262571.
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Halpern, Paul F., 002227635.
Halsey, Jesse W., 238389076.
Halsey, Samuel A., Jr., 238209759.
Halverson, Arthur J., 526387605.
Hamann, Robert A., 055285915.
Hamel, Norman A., 030244061.
Hamer, Breeden F., Jr., 250405773.
Hamer, James E., 301285715.
Hamill, William G., 522363606.
Hamilton, Eugene D., 416409366.
Hamilton, Eugene M., 517328033.
Hamilton, Richard A., 220308022.
Hamilton, Robert M., 268264060.
Hamilton, Wallace J., 530185609.
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Hammett, Bobby F., 428563959.
Hammock, Paul R., 571386450.
Hampton, John A., 526542954.
Hamrin, Robert S., 331286234.
Hancher, Fred, 165264049.
Hancock, Jerry B., 409506584.
Hancock, Murray J., Jr., 550409917.
Hancock, Pascal E., 408446245.
Haney, Robert E., 344209367.
Hanley, Donald L., 183269208.
Hanley, Edward E., III, 004326993.
Hanna, Hugh E., Jr., 525642925.
Hanna, Robert K., 542329351.
Hannah, Gerald J., 481367365.
Hanrahan, Edward B., 055263545.
Hansen, Charles J., Jr., 255483926.
Hansen, Edmund L., 143248034.
Hansen, Lowell K., 542343740.
Hansen, Russell K., 478405160.
Hansen, Walter, 075243324.
Hanson, Jerry L., 481328452.
Hanson, Troy L., 388343787.
Harbour, Charles R., 526265032.
Harclerode, Donal W., 509281168.
Harding, Donald E., 441269523.
Harding, James C., 126266821.
Harding, Ralph M., Jr., 542349864.
Hardister, Joseph E., 239503751.
Hargis, Rex D., 511284728.
Hargrove, Donald R., 516340667.
Harlin, William F., Jr., 459525182.
Harlow, Carlos D., 450469626.
Harms, William R., 065289930.
Harner, Everett D., 358288497.
Harper, Dennis M., 538300778.
Harrington, Neal J., 033243697.
Harris, Frederic J., 475306944.
Harris, Jerry L., 483287872.
Harris, Lyell F., 396300323.
Harris, Richard G., 565366522.
Harrison, John M., 282264499.
Harrison, Paul L., 546424106.
Harrod, Franklin D., 428468617.
Harrop, Steve J., 519363591.
Hart, Richard H., Jr., 360265057.
Hartman, Bernard D., 309342958.
Hartman, Charles W., 049241102.
Hartman, Roy E., 162289870.
Hartnett, John D., 021245910.
Harvey, Charles E., 249463857.
Harwell, Aubrey L., 462343252.
Harwood, Robert K., Jr., 26447805.
Hashimoto, Richard A., 511284881.
Haskett, William R., 386306649.
Hass, Paul H., 249460324.
Hastings, Grover W., 306363255.
Hatfield, Wesley J., 234443957.
Hathcock, James R., 460641984.
Hathorn, Reginald H., Jr., 438504291.
Hawkes, Joseph M., 518289389.
Hawkins, Benjamin R., 213320736.
Hawkins, Douglas W., 030241843.
Hayes, Harry D., 243360010.
Hays, Cloyd A., 458528640.
Hazard, Richard F., 059222536.
Head, Richard H., 459500082.
Head, William, 437502331.
Healea, Fred E., Jr., 507365190.
Healy, Charles M., Jr., 113266487.
Healy, Francis V., 312328420.
Heap, Larry A., 529484731.
Heard, Allan P., 262446849.
Heath, Charley W., 506342786.
Heath, Gerry C., 303385552.
Heathcute, James A., 298282465.
Hebenstreit, Karl F., 053268906.
Herberer, Ray H., 559401771.
Heberly, Elwood A., 541341225.
Hedges, Eugene M., 072265145.
Heermann, Henry W., 114260018.
Heglar, Dewey L., Jr., 259460813.
Heifner, Charles T., 413529218.
Heilman, Leo G., 515327633.
Heitkamp, Dennis M., 467485694.
Hejde, Daniel I., 503322880.
Helinski, Florian D., 396287705.
Helm, Walter L., 057269886.
Helmer, Donald L., 725104922.
Helmer, Richard G., 229345953.
Helms, Patrick G., 275266505.
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Hemming, Alfred O., 043241230.
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Hendrick, Hal W., 055261598.
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Henry, George A., Jr., 493360513.
Henry, Reynold N., 203200095.
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Henson, William E., 467387604.
Herbst, Roland G., 348261433.
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Hernandez, John E., 269288829.
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Hetland, Joel S., 397269637.
Heye, James F., 460482914.
Hibarger, Robert W., 226346753.
Hibbard, Derrick C., 068268006.
Hicke, Thomas A., 388301624.
Hickey, Zachariah J., 424446743.
Hickman, Eugene T., 086249620.
Hicks, George T. E., 074289490.
Hiestand, David E., 169260986.
Higginbotham, Jon D., 254561340.
Higgins, Harry E., 313247761.
Highsmith, Charles C., 335265500.
Hightower, David B., 402402327.
Hilgenberg, John F., 391329394.
Hill, Henry C., 460464285.
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Hill, Vaughn E., 375309593.
Hille, John C., 453484257.
Hillhouse, Chester K., 430548178.
Himmer, Jerome D., 030248577.
Hines, William H., 436522400.
Hines, James E., 449464490.
Hinken, David F., 514280775.
Hinkle, Roy C., 117266923.
Hinman, Delman D., 562402295.
Hinman, Robert B., 543328885.
Hinnant, James H., Jr., 244429056.
Hinote, Martin A., 264464959.
Hinson, Joshua M., 260341839.
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Hipp, Joe W., 430540407.
Hippler, Robert R., III, 438426887.
Hobbs, Leon D., 536284378.
Hodges, Seth B., 511367726.
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Hoffhlen, Nils R., 308284434.
Hoffmeyer, William D., 213347184.
Hoger, James R., 502201104.
Hogue, Herbert R., 254343791.
Holasek, Dale N., 489424105.
Holberg, Weston L., 530149950.
Holdeman, Richard L., 312325754.
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Hollingsworth, Clyde E., 463460476.
Hollis, Donald R., 261389563.
Hollopeter, Billy W., 507367031.
Holloway, David H., 230387835.
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Holmgren, Marcus M., 528342190.
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Holt, George, Jr., 014288715.
Holte, Roger L., 501263957.
Holtzclaw, Harold W., 401347093.
Holubeck, August A., 279288763.
Holzwarth, Vernon A., 503348145.
Houd, William M., 249463352.
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Horn, Richard A., 007289535.

Hornbarger, Harold A., 460521753.
Hoskinson, Robert E., 540325288.
Hosman, Stuart B., 552309372.
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Houston, Fred K., 300302930.
Howard, Archer H., 011267229.
Howard, Worth D., 559409656.
Howe, Bruce H., 543329608.
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Howerton, Rex D., 441329963.
Howle, Anderw R., 113268916.
Howshar, Thomas H., Jr., 520320091.
Hoyer, Lowry D., 541360821.
Hrdlicka, David L., 476280663.
Hruby, Robert L., 462444303.
Hubbard, Lawrence R., 512261726.
Hubrich, Max L., 113265048.
Hudelson, James E., 541347655.
Hudson, John W., 240445814.
Hughes, Dale L., 432560949.
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Hugo, Walter D., Jr., 207243116.
Hugo, William L., Jr., 174267796.
Hull, Wendell R., 405422981.
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Humphries, James F., Jr., 248523940.
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Hunger, Francis D., 528305761.
Hunt, Dick T., 289245824.
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Hurst, Gerald B., 246427064.
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Hurt, Thurston L., 404488954.
Husbands, Herman H., 240481702.
Huson, Albert C., 541349898.
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Huxtable, Lloyd J., 440329855.
Hylton, Robert E., 057269961.
Hyre, Frederick G., 271240030.
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Ihle, Bruce R., 146247511.
Ingold, Larry G., 241529573.
Ingram, Campbell B., 240489523.
Intille, Michael J., 207266211.
Irving, Bruce, 541249648.
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Irwin, Glen G., Jr., 530181901.
Isaacson, Wayne G., 502325053.
Iseman, Billy E., 247462195.
Itzen, Donald A., 470461776.
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Jacoboski, Alois L. Jr., 389223774.
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James, Clifford A., 531326087.
James, Don L., 530166278.
James, Edward C., 559441167.
James, Robert N., 350260100.
Janes, Norman W., 429520213.
Jankowski, John A., 277305553.
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Januska, Charles J., 258284758.
Jarnagin, Jerry L., 409428276.
Jarvis, George M., 424428972.
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Jaspers, Glenn J., 268302506.
Jassmann, Franklin E., 542369466.
Jefferis, Joe A., 282282678.

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Jefferson, James D., 352248642.
Jenkins, Frank W., 145268364.
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Jennings, Hollis L., Jr., 224388504.
Jennings, James M., 291267699.
Jensen, Arnold A., 554428881.
Jensen, Earl E., 463369175.
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Johnson, Andrew L., 125227973.
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Jones, Frederic G., 351243729.
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Julius, Ronald J., 473368859.
Jumper, Howard D., 467501428.
Jundt, Charles H., 058286850.
Juneo, Robert A., 477308110.
Jurosky, George F., 203242573.
Kaats, Gilbert R., 557404587.
Kadera, Ronald R., 559427422.
Kalbfeisch, Darrel K., 518381711.
Kamhoot, Norman B., 516326597.
Kamp, James J., Jr., 559426423.
Kanauka, Algirdas V., 058264686.
Kane, Raymond A., 101224040.
Kaneski, James A., 516344243.
Kanouse, Wayne E., 201245252.
Karch, Clifford A., 344260608.
Karimoto, Mickey M., 575367624.
Karras, Nicholas P., 088289825.
Kasbohm, James R., 367249664.
Kasper, Richard L., 160267611.
Katz, Stephen E., 119264729.
Kauffman, Richard H., 277284266.
Kautz, James G., 507382897.
Kean, Hubert T., Jr., 024202112.
Kean, Jerry J., 356267101.
Keating, John E., 135282578.
Keating, Robert S., 196223380.
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Keeter, Carroll D., 517341382.
Keith, William R., 275320861.
Keller, William M., 552402670.
Kelley, Robert R., 524366296.
Kelley, Robert E., 049240301.
Kellum, Donald A., 267449194.
Kelly, Charles A., 304328676.
Kelly, Gary G., 437444687.
Kemps, Robert R., 245486199.
Kendall, Lisle G., Jr., 447263917.
Kenefick, Loren L., 396281164.
Kennedy, Eugene C., 354264007.
Kennedy, Robert E., 250386831.
Kennedy, Stanley O., Sr., 379340571.
Kennedy, Terry A., 514266280.
Kern, David C., 485405611.
Kerns, Harold E., 274267973.
Kerr, Henry F., Jr., 026268984.
Kerr, John B., Jr., 046248100.
Kersey, George A., Jr., 494344878.
Kerwick, David R., 084266419.
Kerzon, Warren J., 560309517.
Kesley, William E., 243545755.
Kessler, Alan, 566429081.
Kickham, James A., 488308321.
Kiefer, Herman E., III, 135262284.
Kilborn, John M., 145263911.
Killen, Carrol W., 402300198.
Kimball, Harry H., 003164719.
Kimber, Bruce, 397325931.
Kimsey, Harvey L., 510302756.
Kincaid, Don B., 395343168.
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Kinder, Morris B., 493363824.
Kinder, Richard J., 537301434.
King, Cliff, A., Jr., 531309536.
King, Gerard F., 122248490.
King, Norwood J., 246480375.
King, William J. L., 378349982.
Kinkele, John W., 572346377.
Kinnebrew, Robert K., 526268523.
Kinneer, Billy L., 323265337.
Kinsley, Otho V., Jr., 526365010.
Kippenberger, Jerome A., 489348341.
Kirchgessner, Thomas E., 363308728.
Kirker, Kenneth A., 024245336.
Klaus, Charles G., II, 210263185.
Klaus, James G., Jr., 285309800.
Klein, John E., 524407127.
Klepper, Stanley D., 439446240.
Klimek, Robert A., Jr., 321265862.
Kline, Wilson J., 162242975.
Kling, David P., 164289013.
Kludnicki, Richard H., 381322564.
Knagenhjelm, Ludvig W., Jr., 064222758.
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Knickerbocker, Stanley P., 368329230.
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Knox, Lawrence E., 279289983.
Knutson, Don R., 501321234.
Kobelas, Stephen G., 146246871.
Koelling, Richard W., 118264485.
Koentop, Preston E., 289340400.
Koerkenmeier, Leo J., 526542967.
Koestner, James E., 182221393.
Kolm, Fred S., 508324527.
Konyn, Bernard J., 395261066.
Koontz, Esco G., 344244091.
Kopf, John R., 577500213.
Kopp, Donald G., 462442145.
Koppen, Eldridge C., Jr., 353289459.
Koppin, John A., Jr., 361265502.
Korte, Quentin W., 291229849.
Kossler, David J., 183280234.
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Koval, Frank N., 284280706.
Kowalewski, Casimir L., 072268930.
Kowalewski, Stephen L., 204269043.
Kozuma, Harry T., 576285769.
Kraska, Peter W., 471341336.
Kraus, Edwin J., 500323561.
Krause, Donald G., 525668831.
Kreider, Bruce N., 184280680.
Kristic, Norman, 362326043.
Kristoff, Edward J., Jr., 133226766.
Kroenke, Leon J., 508365533.
Krone, Norris J., Jr., 578420772.
Krumback, Randall L., 505386253.
Krutz, Robert D., 427540552.
Kubala, Ferdinand J., 461467953.
Kuhn, Thomas C., II, 261488397.
Kuiper, Richard L., 481343017.
Kulla, Vernon M., 55942621.

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Kulp, Charles G., Jr., 229367789.
Kurrus, Elmer E., Jr., 408466851.
Kurtak, John S., 062285686.
Kusel, Jimie, 146261736.
Lachance, James G., 563403886.
Laffey, Thomas P., 395302756.
Laffitte, Morgan B., 264403157.
Lahaye, John L., 399304369.
Laird, James R., III, 179288681.
Lake, Jerome G., 386282300.
Lally, John J., 570382216.
Lamb, Franklin A., 541228552.
Lambert, Alfred L., 527543957.
Lambrides, Paul D., 220285016.
Lamm, William W., Jr., 243469473.
Land, Charles P., 313307008.
Landen, Wayne O., 520360151.
Landerdahl, John A., 343305561.
Lang, Allen D., 469343341.
Lang, Kenneth E., 385243871.
Lange, Gerald J., 284324206.
Langlais, John I., 473320691.
Langston, Donald W., 486345820.
Langston, Jack C., 248441545.
Lankford, Ralph P., 271300125.
Lantz, Zane L., 283320920.
Larson, Edward, 533287451.
Larson, Oliver W., 392283560.
Larson, Roland E., 410486702.
Lasagne, Theodore D., 567405352.
Latham, Robert F., 251541068.
Laurendine, Walter C., 424285605.
Lauritsen, Terry N., 550420285.
Lavery, Henry L., III, 122244095.
Lavoie, Robert P., 042284061.
Law, Richard O., 529400875.
Lawrence, Robert, 536305830.
Lawson, Jack P., 185264022.
Lawson, Knute F., 263504875.
Lawton, Robert E., 059261294.
Lawton, Ronald G., 573425837.
Layne, Thair D., 519326075.
Lear, Joe B., 554384474.
Leblanc, Arthur R., Jr., 032248697.
Leclercq, Francis K., 330289329.
Lee, Gary A., 249428202.
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Lee, Maurice F., 563342131.
Lee, Phillip M., 404446238.
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Lee, Robert L., 529364382.
Leech, Charles E. G., 180263299.
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Leetun, Darel D., 502267872.
Legrand, Alphonse F., III, 433489517.
Legros, James R., 436503112.
Lehman, John H., 127240540.
Lejk, Richard A., 216308843.
Lemley, Roy, 426485182.
Lemon, John A., 385327979.
Leonard, George F., 566428892.
Leslie, John W., Jr., 517344495.
Lester, Roy F., Jr., 493383015.
Leuthold, Kenneth D., 517767950.
Levine, Edgar G., 267485056.
Levis, Charles A., 033241793.
Lewandowski, Dale J., 290286194.
Lewis, Gordon E., 572343507.
Lewis, James R., Jr., 152241331.
Lewis, Reed E., 525662137.
Light, Jack S., 510249002.
Lilly, Carter H., 302269496.
Lilly, Warren R., 451466842.
Lindeke, Robert L., 133266764.
Lindsay, Horace V., Jr., 231286784.
Lindsay, Malcolm W., 361240539.
Lindsay, Willard M., 519388816.
Lindsey, Walter L., 460382145.
Lineberger, Jason R., 241465298.
Linihan, William E., II, 479327362.
Link, William T., 407346645.
Linn, Edward M., 294287466.
Lipe, Charles G., 121265150.
Lippincott, Henry F., Jr., 185283656.
Lipscomb, Charles L., 429580726.
Lisk, Carl N., 482309797.
Litke, Donald P., 524386925.
Litwack, David, 145285114.
Livie, George H., 539241699.
Livingston, Jerry D., 525543015.
Locke, Claude B., III., 451466141.
Lockley, Stanton G., 240387390.
Lockwood, Edward J., Jr., 282341233.
Lockwood, Robert F., 378286289.
Loftus, Francis J., 082265950.
Logan, John L., Jr., 514281538.
Logan, Robert, 165261067.
Loggins, Aaron B., 427566891.
Loken, Robert F., 542307465.
Loney, Charles W., 478300453.
Long, David, J., Jr., 122247304.
Long, Howard B., 472240612.
Lopez, Antonio, 015285118.
Lorenz, James F., Jr., 280305270.
Lorey, Richard W., 290288784.
Loucks, Charles, 104249048.
Louis, Seymour, 112269351.
Loveland, William F., 294289596.
Lovering, Peter B., 001242032.
Lowe, Bobby F., 411540111.
Lowery, Donald A., 213246244.
Lowrey, Keith W., 339289317.
Lozovoy, George V., 551369258.
Lucas, Edward S., 044264205.
Lucas, Fred A., 456486226.
Luck, Glenn M., 525707053.
Luedeke, Kenneth D., 297268801.
Lund, Max R., 528385913.
Lundin, Robert L., 505328025.
Lundy, Albro L., Jr., 555424053.
Luse, Charles G., 348263382.
Lustig, Charles L., 346268638.
Lutterman, Gerald H., 323268536.
Luttrell, James H., 291287929.
Luttrell, Willis W., Jr., 450543007.
Lyle, Roger H., 381287291.
Lynch, Francis L., 094265471.
Lynch, George P., Jr., 577440374.
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Lyon, Richard F., 096261466.
Lyons, Billy S., 430587851.
Lytle, Richard W., 264422684.
Maack, Ralph W., 147262488
Mach, Franklin C., 470325820.
Mack, Jerold R., 728096144.
Mackesy, John T., 058269174.
Mackey, Leo P., 028244578.
Mackinnon, Donald S., 313322560.
Macklin, Paul R., 119260655.
Mackrell, Roy J., 166247308.
MacLaren, Alan R., 028266611.
Macomber, Thomas E., 484346406.
MacPherson, John C., 477303318.
MacPike, Kenneth A., 264420765.
Madison, James A., 420424533.
Madison, Raymond A., 525609445.
Maggard, Harold C., 400388412.
Magner, Harold G., 305428291.
Magness, Walter L., 255503755.
Magnusson, Robert E., 477327925.
Maguire, Robert J., 149267983.
Maheras, James G., 265444018.
Malo, Armand D., 525544021.
Malkiewicz, Terry L., 560389615.
Malley, James E., 403402286.
Malloy, Donald L., 571385809.
Mandell, Harold, 457524544.
Mangum, George S., 436449890.
Manley, John H., 374305977.
Mann, Harry A., 550409032.
Manning, Ervin C., 411461629.
Mannion, Thoma J., Jr., 500326869.
Mansell, Gerald E., 276288516.
Mansfield, Charles R., 510282135.
Marble, Vern L., 528325283.
Marchant, Joe F., 461467609.
Margiotta, Franklin D., 137267206.
Markey, Frank N., 535269570.
Markey, John P., 081246409.
Markey, William L., 002225146.
Marler, Donald D., 268302403.
Marquardt, Martin W., 128262919.
Marrs, Robert J., Jr., 234406512.
Marsh, Donald D., 414544893.
Marshall, Ira G., 456526051.
Marston, James S., 213325551.
Martin, Edward P., 523400261.
Martin, Frederick A., 570422459.
Martin, James R., 288281988.
Martin, John H., 472280008.
Martin, John T., Jr., 463528564.
Martin, Leland M., 228249033.
Martinez, Clyde E., 437360613.
Martinez, Gilbert, 567423968.
Martini, Ralph J., 104246046.
Marts, Morton P., 040267951.
Marscarella, Thomas J., 434449202.
Mashaw, Lawrence A., 415488341.
Mashburn, Wayne M., 242505611.
Mason, Charles R., 316340044.
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Massie, Jerry D., 499322139.
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Mather, Alvin E., 514281663.
Mathews, Bruce A., 523427260.
Mathews, Royce L., 564387490.
Mathias, Duane M., 472326236.
Mathias, Lawrence D., 215389128.
Mathis, Harvey J., 260388063.
Mathison, Arthur M., 516324162.
Matsuoka, Donald S., 576321286.
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Mattiucci, John E., 116200571.
Mattoon, Harry E., 343228474.
Maturo, Jimmy L., 405320548.
Maupin, Robert E., 452522241.
Mauser, William T., 398209757.
Max, Karl J., 194226620.
Maxwell, Robert D., 230403514.
May, Curtis D., 292323106.
May, Ronny J., 465488471.
May, William T., 202247549.
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McAdoo, William T., 549400245
McAneny, John D., 129260835.
McBratney, Robert M., 18922021
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McCachren, Robert J., 279309176
McCain, James M., 462560022.
McCarthy, James D., 578340140.
McCartney, Keith D., 480288392.
McCarthy, George F., 513326259.
McChristian, Lester S., Jr., 431527946.
McClellan, Roy A., 526320679.
McClure, Roger E., 272289699.
McConnell, James R., 479347706.
McCormack, John N., 109248416.
McCoy, Ronald T., 223408674.
McCrane, Francis C., Jr., 135282861.
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McDowell, Joseph C., 453542333.
McGill, Robert, 386324680.
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McGowan, Patrick T., 399242425.
McGowin, Alex L., 420525473.
McGrath, Daniel H., 085267075.
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McIntyre, John R., Jr., 579489009.
McKay, John G., Jr., 163269931.
McKean, Kenneth R., 129262876.
McKenzie, Jerrold L., 506342389.
McLamb, Harry L., 258528621.
McLaughlin, Edward A., Jr., 022262809.

McLaughlin, Howard J., 311327372.
McLean, James P., 205248401.
McLeod, Louis H., Jr., 227260782.
McMahon, Roger J. F., 378342243.
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McManus, Malcolm S., 419487736.
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McMillan, Ronald L., 340269726.
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McNeil, Charles T., 296280960.
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McNutt, Glenn L., 210282053.
McNutt, Thomas V., 384322626.
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McRae, Arley W., 263505187.
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Mecham, Ray, 529340865.
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Medley, Porter N., Jr., 224344495.
Meeter, Dudley F., 359240484.
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Meine, Frederick G., 335281009.
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Mellor, John A., 062268502.
Melroy, Dana L., 127247464.
Melton, James F., 237444565.
Melville, Milton A., 528400265.
Mercuro, George J., 158205974.
Meredith, Robert N., 389286462.
Merrill, Bennie L., 434400586.
Merritt, Dossey C., 265446089.
Meservey, John W., 294281904.
Messersmith, Robert J., 287268922.
Messick, David T., 522361224.
Metcalf, Charles D., 480347946.
Metzner, Alexander, Jr., 056286960.
Meyer, George R., Jr., 126260453.
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Michaud, Carroll R., 436423435.
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Migia, Juan H., 576326145.
Mikulas, Jimmy F., 460549856.
Miles, George S., 524363972.
Miles, John D., 150244961.
Millar, William L., III, 249460022.
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Miller, Donald D., 317304301.
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Miller, Herbert, 490324990.
Miller, Jerry D., 530186136.
Miller Jim W., Jr., 248428994.
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Miller, William B., Jr., 561445006.
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Mills, Henry K., Jr., 536286993.
Mills, Robert J., 311306530.
Millspaugh, Gene A., 357248356.
Minich, Keith J., 303344608.
Minnich, Earl A., Jr., 356229057.
Mirehouse, James H., 516368895.
Mish, Terrence L., 204268558.
Mitchell, Lloyd L., Jr., 373205790.
Mitchell, Wallace E., 556388887.
Mitchum, Joseph J., 248469411.
Mitri, Charles Louis, 149263667.
Mixson, Leonard F., Jr., 249461168.
Mize, Scott W., 567422926.
Mizner, Arthur C., 199260420.
Moake, Milton D., 341269836.
Mobley, Larry L., 439405881.
Moehling, Wayne A., 328267985.
Moeller, Theodore G., 155261816.
Moffitt, Richard E., 371347868.
Mol, Hendrick D., 141263043.
Mon, Henry B., 137283622.
Monk, James G., 462424956.
Monk, Ronald E., 266425937.
Montague, Leonard A., 061306215.
Montemayor, Daniel A., 456522066.
Monti, Charles A., 008224685.
Mooney, Melton J., 432626305.
Mooney, Stewart W., 263443809.
Moore, Curtis D., 408462913.
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Moore, Hayden C., 357249820.
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Moore, Joseph D., 255543753.
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More, Michael W., 479328592.
Moore, Morgan C., 516362393.
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Moore, Richard A., 482343991.
Moore, Robert W., 327243328.
Moore, Rolland W., Jr., 524406141.
Morelli, Anthony, 124246809.
Morgan, Charles R., 252429307.
Morgan, Clark R., 407369396.
Morgan, Harold I., 562407459.
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Morgan, Jesse A., Jr., 225405446.
Morgenstern, Michael H., 556366124.
Moriarty, Marshall W., 409506035.
Morris, Aubrey, 337249290.
Morris, Bascome F., 552429154.
Morris, Eugene C., 413461183.
Morris, Gerald T., 399289386.
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Morris, James K., Jr., 250461211.
Morris, John H., Jr., 413467335.
Morris, Miguel H., 528368672.
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Morris, Thomas E., 247525613.
Morton, Irving F., 049226656.
Moses, Clinton H., 565340772.
Moses, Dayton, III, 454503495.
Mosley, Bruce H., 508347132.
Moss, Carlton H., 391302079.
Moss, Gerald L., 551449280.
Mourning, John R., 344284983.
Mouw, Robert D., 470386012.
Moyer, James K., 556363166.
Muck, Donald I. J., 541342261.
Mueller, Donld D., 499326854.
Mueller, Melvin D., 398289628.
Mueller, Robert K., 363324785.
Mullen, Albert M., Jr., 458403696.
Muller, Karl H., 117268822.
Mulligan, Donald E., 537286134.
Mulligan, Robert G., 541286419.
Mumford, Willard R., 216306173.
Munch, Samuel A., Jr., 241448173.
Mund, Harold H., 386289362.
Munro, Robert D., 003226507.
Munsch, Albert S., Jr., 551408579.
Munsie, Lawrence, Jr., 285261399.
Murphy, Eugene, 119244161.
Murphy, Gerald, E., 241460400.
Murphy, Joseph P., III, 428565624.
Murphy, Lee E., Jr., 525600563.
Murray, James R., 428524983.
Musgjerd, William A., 501280125.
Musgrove, William D., Jr., 532303551.
Mushalko, George, 206264209.
Musser, Herman W., 456520344.
Mutrie, Henry W., 041268612.
Myers, Allen G., III, 231369223.
Myers, Carl W., 314349922.
Myers, George F., 204283853.
Nagel, Donald M., 322267814.
Nagle, Bruce A., 215308500.
Nagle, Charles J., 025207923.
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Napoli, Anthony, 082263808.
Nardi, Gary L., 565307884.
Nash, Charles L., 010260276.
Nash, Thomas R., 448286654.
Nathan, Jay I., 178264544.
Nay, Robert E., 565346561.
Neal, Gene E., 426584533.
Nebel, Louis, 053265153.
Neff, Joseph J., 179266669.
Negri, Robert P., 103287468.
Neiswanger, Jerry D., 312328608.
Neitzke, Frederic W., 457521394.
Nellis, Raymond C., 283300603.
Nelson, Eugene R., 373281195.
Nelson, Frank L., 535321546.
Nelson, Fred E., Jr., 515244145.
Nelson, Keithe E., 501287253.
Nelson, Minor W., 459522102.
Nero, James J., 488368572.
Newhart, William H., Jr., 210224149.
Newnham, William F., 302281585.
Nichols, Clayton S., Jr., 258422848.
Nicholson, Eddie N., 454560396.
Nickens, Walter M., 299222167.
Nicks, William L., 525641361.
Nielsen, Henry R., 271287102.
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Nims, Donald K., 543347289.
Nipps, Donald O., 201261294.
Nishiyama, Ken, 559429704.
Nisivoccia, Gerald D., 155261222.
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Nixon, Paul P., 224400344.
Nixon Richard R., 243420936.
Noble, James H., 554426911.
Noe, Charles G., 293283244.
Nolan, Robert E., Jr., 111208314.
Noonan, Richard A., 048245595.
Normile, Thomas H., 456444265.
Norris, Darrell E., 280304744.
Norris, James M., 271285127.
Notman, William R., III, 263606263.
Nottoli, Robert N., 394305768.
Novetzke, William E., 502264370.
Nunn, John R., 483288549.
Nunn, Larry L., 517388618.
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Oakley, Ronald K., 290289686.
Obenauf, James E., 460645169.
O'Connell, William T., 144220054.
O'Connor, James B., 440364360.
O'Connor, John, 463523231.
O'Day, William J., 337267483.
Odell, Jesse K., 465342387.
Oderman, Dale L., 534328500.
Oelke, Robert J., 475343730.
Officer, Lyn R., 262480064.
Ogles, George W., 411428321.
Oglukian, Raymond L., 241380009.
Ohnemus, John J., 282260942.
O'Keefe, John P., 541385376.
Oken, Arthur J., 078305525.
Okimoto, Frederic S., 352265911.
Oldham, Roy L., 404406895.
Olds, Ernest A., 339282027.
Olimb, Curtis A., 477322430.
Oliver, George W., 145246744.
Oliver, George W., 266420362.
Oliver, Lewis M., 124268682.
Oliver, Marvin D., 558329507.
Oliver, Marvin E., 267420787.
Olman, Lothar A., 354222414.
Olsen, Martin G., 368326274.
Olsen, William A., 361264726.
Olson, Robert E., 483387853.
O'Malley, Edmund P., Jr., 331266246.
Opitz, Stephen J., Jr., 144244549.
Orbock, Edward J. C., Jr., 208244219.
Orenic, Edward J., 353202387.
Oryall, Orland O., 399189419.
Osborne, Clement D., 521364743.
Osborne, Edwin N., Jr., 229365393.
Osgood, Jerry W., 426585203.
Oshima, Raymond M., 576246402.
Osinski, Charles A., Jr., 141267867.
Oswald, John H., 483287931.
O'Toole, William F., 491342102.
Ott, Emmett E., 519304205.

XUM

Overby, Ronald C., 517327500.
Overland, Richard M., 473366343.
Overstreet, Roger D., 553426331.
Owen, James T., 397261679.
Owen, Lyle D., 506402117.
Owen, Richard A., 009205125.
Owen, William R., 526384130.
Oyama, Robert E., 575322036.
Pachura, William S., 330284656.
Pack, Boyce G., 572402610.
Padgett, James P., 262461992.
Paige, Forrest W., 015265117.
Painter, Charles E., 246467123.
Pair, Lee R., 457541852.
Palmberg, Roger V., 388305740.
Palmer, Edward J., Jr., 151228529.
Paluso, Charles F., 446306995.
Panarese, Edward R., 025225866.
Parandes, George, 149244676.
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Parman, Robert R., 498249763.
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Partridge, George R., 257461403.
Paschall, Jim B., 449507564.
Pascoe, Richard M., 563401916.
Pate, John C., 429567391.
Patrick, Paul C., 264525225.
Patterson, Frederick H., 178242539.
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Paul, Frederick F., 070266189.
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Pealer, Carroll E., 201247332.
Pearman, John D., 243464135.
Pearring, Jerome R., 556340063.
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Pearson, Robert L., 520263147.
Pedersen, Howard M., 474360779.
Pedroff, Peter S., 302243677.
Peko, Paul E., 193285552.
Pellow, Charles D., 305320582.
Pelto, Ernest E., 376280741.
Pendergast, James F., 035220794.
Penfield, Eugene A., 014288297.
Penn, Bernard C., 338263725.
Penney, Ralph S., 447386377.
Pennington, Albert N., 430522381.
Penny, Robert B., 079265162.
Perelstein, Erwin S., 110287256.
Perry, David L., 313301132.
Perry, Margaret J., 508205931.
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Perry, William R., 564428052.
Petersen, James D., 566408349.
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Petranick, Albert G., 060243756.
Petry, James S., 310340347.
Pettit, Gene C., 144243956.
Pfeifer, Norman D., 514325556.
Pheney, James F., 495326138.

Phillips, Dan L., 435523711.
Phillips, James H., 439465581.
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Picht, Clyde W., 528402273.
Pickering, Harold, 014246932.
Pickett, John R., 410502529.
Pieper, Bruce C., 160282614.
Pierce, Donald A., 535304745.
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Pilkinton, Bobby R., 410509276.
Pilley, Charles F., Jr., 229441404.
Pink, Gordon S., 081328641.
Piper, James F., 001260117.
Piper, Joseph B., 523387036.
Pippen, Charles J., 450445209.
Pisoni, Charles E., 328266617.
Pitstick, Gerald F., 274309931.
Pitts, Harvey C., Jr., 144264002.
Pitzer, George E., 398288660.
Pixton, Jerry R., 547424130.
Pizarro, Lawrence M., 563447958.
Pladars, Zigurds, 284302541.
Planchon, Auguste J., 001309708.
Platt, Edward G., Jr., 263425649.
Plumb, Glenn E., 282440800.
Plumb, William C., II, 262442560.
Plummer, Robert H., Jr., 538280429.
Plymale, Jay C., 234461752.
Pochurek, Leonard J., 299286649.
Poe, Ralph D., 439402299.
Pohle, John F., 449642010.
Pointer, Peter L., 210263592.
Pokrant, Edmund R., 175245457.
Pollock, Arnold H., 216289127.
Polyanski, Stanley J., 216342789.
Pomel, Roy E., 535305876.
Pool, Jimmy B., 448288359.
Poore, Jack A., 247348419.
Pope, Joe D., 432543864.
Poskie, David L., 399308457.
Postgate, John W., Jr., 165267717.
Pottebaum, James J., 504261283.
Potter, Dudley M., 190281221.
Potter, Jerome, 087221651.
Potter, William A., 293203951.
Potts, James K., 534305872.
Pound, Merritt B., Jr., 254480010.
Powell, John W., 309365573.
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Powell, Merrill T., 528402101.
Powell, Robert M., 354200680.
Powers, Richard J., 077289513.
Pozas, Henry L., Jr., 526345265.
Prather, Gerald L., 256488510.
Pratz, James A., 361249898.
Prentice, John J., 470324719.
Preyss, Albert E., 116263096.
Price, John C., 097260512.
Price, Richard M., 425680790.
Prichard, George L., 203263027.
Priest, James L., 504244171.
Priest, Robert D., 478349189.
Prieto, Ronald A., 065267548.
Prislusky, Victor T., 113247116.
Proctor, Armond C., 217301044.
Proctor, Francis G., 214301319.
Provencio, Arthur T., 527326678.
Prowell, James S., 328266593.
Pruett, Leland H., 495343060.
Pruitt, John H., 241449999.
Pugnale, Ovidio, 283289837.
Pulliam, Guy E., 246467563.
Pulos, Christo, D., 519209155.
Purcell, Robert L., 569363306.
Purnhagen, Tom G., 282303621.
Pursley, Edward E., 562405624.
Pursley, Raymond J., 202249859.
Purves, John D., Jr., 397282216.
Purvine, Bruce M., 545429909.
Purvis, Albert D., Jr., 032240588.
Pusey, Frank D., 250527857.
Pyle, George W., 422360504.
Quinlan, John D., 222165235.
Renehan, Patrick L., 577445285.
Renshaw, Alan B., 526542949.
Rensvold, Rand E., 486368570.
Retherford, Thomas, 457640803.
Revello, Pete A., 427363827.
Revill, Lawrence A., 451446416.
Rexroad, Loel, F., 235506178.

Reyland, John M., 494262286.
Reynard, Nathan H., 279286202.
Reynolds, James D., 166261895.
Reynolds, Richard C., Jr., 456447287.
Reynolds, Robert J., 511349760.
Reynolds, Robert E., 235547740.
Riccio, Charles A., Jr., 040240224.
Rice, George P., 472303516.
Rice, Raymond D., 497265729.
Rice, Ronnie C., 452825503.
Rich, Carroll J., 259468068.
Richards, Thomas C., 573364941.
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Richardson, Floyd D., 456441295.
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Richman, Marvin, 115266810.
Richmond, Kenneth W., 467502642.
Riddle, John D., 309344657.
Riddlebarger, Samuel E., 577460909.
Rider, James G., 457466406.
Ridgeway, Edward W., 509268636.
Riecke, Richard N., 436480543.
Rieden, Henry D., 322282942.
Riegel, Robert W., 217322545.
Riggs, Claude E., Jr., 430564191.
Riggs, Douglas C., 539286834.
Riggs, Warren Y., 233508757.
Ring, Richard L., 532267188.
Riojas, Ralph D., 466500627.
Rist, Monroe D., 199240948.
Ritenour, Donald L., 292289981.
Rittenhouse, Ray D., 444364110.
Ritter, Jack L., 284286799.
Rix, James H., 524361962.
Roach, Artis W., 525583144.
Roberds, Richard M., 557428980.
Roberson, Daniel P., 257548990.
Robersin, Daniel P., 257548990.
Robertson, Gerald A., 518386771.
Robertson, Glenn L., 445343410.
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Robertson, Malcolm B., 390282349.
Robichaud, Robert P., 001289387.
Robinette, Patrick L., 530165371.
Robinson, Joe C., 237545484.
Rodden, Bernard J., Jr., 163280044.
Rabinowitz, Keith N., 396283916.
Radder, Paul E., Jr., 276288253.
Radel, Andrew A., 048861715.
Raff, Theodore L., 525681763.
Rafter, Eugene J., 306322349.
Rager, Clarence A., 441322336.
Ragland, Fowler O., 412545848.
Ragland, Joseph E., 526542950.
Ragland, Ralph E., 505525079.
Rahn, John Q., 255424940.
Raley, David E., 400442299.
Ralph, Thurlow H., 511287230.
Ramage, Victor G., 256405201.
Ramlow, Ronald C., 276283354.
Ramsey, Charles N., 251508162.
Ramsey, Donald W., 461562408.
Randall, Horace J., 411481421.
Rands, Carroll C., 388302382.
Ranson, Robert L., 542369343.
Ranum, Gordon L., 534327219.
Ranz, Dale M., 495349739.
Raper, John A., 244404042.
Ratcliff, Kenneth E., 377360139.
Rathgeber, John W., 194263918.
Rauscher, Norman F., 540367610.
Ray, Hugh J., Jr., 406423513.
Ray, Kenneth L., 570368958.
Ray, Walter J., Jr., 522440139.
Rayfield, Robert S., 421265778.
Rayment, Donald W., 019243688.
Raymer, Irvine K., 406425335.
Raymond, Robert M., 025249812.
Read, Traverse A., III, 415488534.
Reagan, George, 128249015.
Reames, John W., 224380645.
Reaves, Charley E., 239320951.
Rebalsky, Norman, 201229394.
Rebsch, Willis J., 466427517.
Rebtoy, Donald L., 374307832.
Redding, Carl J., 366303535.
Redding, Robert J., 554442561.
Reece, Harold M., 169261509.
Reed, Anthony D., 509241952.

Reed, Donald D., 019264036.
Reed, Joseph L., 001249665.
Reed, Thomas B., 370362011.
Reed, Walter J., Jr., 216360431.
Reeder, Johnnie R., 435464832.
Reeves, Richard P., 249542505.
Regan, James C., 550408678.
Regan, Maurice D., 425467841.
Reinbold, Buddie R., 573384094.
Reiner, David H., 292305447.
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Ryan, Vernon E., 233502923.
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Salmi, George L., Jr., 533288134.
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Samay, Raphael S., 012267396.
Sams, Warren N., Jr., 256523076.
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Schaeffer, Gordon B., 137265431.
Schafer, Glayden L., 272304482.
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Schaffner, Daniel C., 525640778.
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Schamens, Kenneth W., 397285912.
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Schmid, John, Jr., 452444587.
Schmid, Wilbert A., 397323862.
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Schoep, John C., 505344125.
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Schuler, Wendell L., 475343457.
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Sclater, Arthur L., Jr., 418404250.
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Semple, Richard G., 577421994.
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Sherling, Andrew M., 578425012.
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Shockley, John F., 481301699.

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Silver, Ivan R., 056261776.
Silvis, John W., 498222802.
Simmonds, Darrell D., 459525495.
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Skvorak, Richard A., 559448502.
Slade, Clyde M., 035202907.
Slattery, James M., 334269808.
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Snider, Rex K., 234544040.
Sniegowski, John W., 332266788.
Snook, Richard A., 010269603.
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Snyder, Charles A., 251643417.
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Solvold, Ralph, 049245405.
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Spanbauer, Robert N., 396283533.
Spangrud, Casper T., 527542509.
Sparks, Kenneth D., 330288079.
Spatafura, James R., 076243034.

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Spearman, Jerry D., 525547599.
Spears, Richard D., Jr., 015266900.
Spears, Thomas R., 232521046.
Speed, Marvin E., 408462956.
Speedy, Robert P., 519387730.
Speidel, Gerald C., Jr., 228421245.
Spence, James B., 423405927.
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Spires, George E., II, 264369826.
Spraker, Ralph E., 519340395.
Sprick, Duane R., 508344956.
Springs, James P., Jr., 247546888.
Squires, Robert W., 517347586.
Stafford, Robert J., 559403111.
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Stricker, Billie G., 317309406.
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Stroup, David M., 356266681.
Stuart, Linis L., 223366312.
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Tagliareni, Russell J., 137265952.
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Tanaka, Abraham K., 575268434.
Tarleton, Bobby L., 250465287.
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Taylor, George R., 251420700.
Taylor, John R., 393304531.
Taylor, Vess J., 458521409.
Teague, Reily R., 466424070.
Tebbs, Robert B., 520242033.
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Teeter, Gerald E., 432507013.
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Tesh, Jimmy H., 237486995.
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Tibbs, John W., 404347306.
Tiger, Paul M., Jr., 154247477.
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Toeniskdetter, Robert L., 495326591.
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Tomlinson, Albert S., 527207473.
Toneck, Jerry L., 553387184.
Tonge, James M., 249488601.
Tonini, Gervasiu, 191243465.
Tooke, Richard E., 436403602.
Torbert, Donald N., 224363111.
Torgersen, Thomas A., 244441380.
Torrey, Charles C., 462360711.
Totman, James M., 306321659.
Totten, David K., 379321031.
Tourangeau, Clifton E., 536283293.
Towne, Richard M., 005266955.
Trainer, Jerry D., 490324580.
Trainer, Maxie L., 227364741.
Treherne, Richard L., 284307136.
Tresler, Willard T., 009227640.
Trippe, William R., III, 564409438.
Trout, Clifford E., 135244103.
Traux, Edwin L., 313327360.
Tsuda, James M., 573427597.
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Turner, Jack A., 260381480.
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Turoski, Richard F., 126266576.
Tutless, Peter J., 037201083.
Tuttle, Leon E., 520325616.
Tuzzolo, Frank G., 120261507.
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Ulbinsky, Raymond J., 202247257.
Underhill, James C., 305428218.
Urevich, Ralph J., 096285523.
Urich, Ronald K., 110266277.
Urschler, Regis F. A., 168289834.
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Usui, Edwin S., 575306476.
Uus, Henno, 073261458.
Vale, Lewis G., 405463226.
Valentine, John, 178265621.
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Vallenari, Joseph L., 555426357.
Vallentiny, Edward, 382305814.
Valor, Norman H., 315307327.
Valori, Dante, A., 105267277.
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Vander, Wey Clarence E., 507360200.
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Vanhook, James R., 312306892.
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Verfurth, Jan E., 430581556.
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Verrelli, David M., 200264857.
Villafranco, Roland V., 121286093.
Villines, William F., 567423478.
Violette, Joseph L. N., 007286301.
Virant, Richard A., 299289160.
Vizzone, Joseph R., 348202132.
Vodicka, Ronald J., 340263220.
Voehl, Richard K., 070262982.
Volkmann, Thomas L., 571400497.
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Ward, James E., 380320264.
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Warner, Glenn A., 208240621.
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Weber, Lee E., 387325134.
Weeks, Richard V., 570421171.
Welda, Ralph E., 440300502.
Weigel, Robert D. P., 308303833.
Weiss, Bernard L., 146246060.
Wejroch, Joseph L., Jr., 367325616.
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West, Charles W., 442328471.
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West, Dennis G., 262481510.
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Westhausen, Gary H., 477303830.
Wetzel, Richard W., 208262236.
Wetzel, Wilbert J., Jr., 434442244.
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Weyant, Terry P., 165247033.
Whalen, James P., 059265643.
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Whitaker, William E., 005284925.
White, Alford M., Jr., 231362895.
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Whitener, James C., 535320473.
Whitman, John F., 356268803.
Whitney, Richard K., 138282011.
Whittaker, Loyal M., 721140066.
Wickwar, Richard N., 482321843.
Wilby, Walter L., 186226671.
Wilde, Thomas A., 476269479.
Wildt, Joseph L., 289240924.
Wilkerson, Clarence Y., Jr., 415462704.
Will, Kenneth J., 315240995.
Williams, Billie J., 450524816.
Williams, Bob F., 539300437.
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Williams, Douglas L., 270223254.
Williams, Frederick R., 328283961.
Williams, Leroy S., 101241625.
Williams, Oscar E., Jr., 421424501.
Williams, Perry, 543261090.
Williams, Richard L., 303368972.
Williams, Stanley P., 214327765.
Williams, Walter C., 418387686.
Williamson, Alan R., 529403274.
Williamson, James E., 452369315.
Williamson, Thomas C., Jr., 465482731.
Willingham, James F., Jr., 414429984.
Wilmot, Charle L., Jr., 162289987.
Wilson, Bobby J., 257322283.
Wilson, Charles A., 403408011.
Wilson, Edward N., 511281742.
Wilson, Juandell W., 464408982.
Wilson, Powell J., Jr., 521328483.
Wilson, Samuel W., 518309523.
Wilson, Thomas E., 245486426.
Wilson, Thomas, 439366226.
Wilson, William R., 450601197.
Wilson, William C., 429646480.
Wiltse, George A., 566425584.
Wilz, John P., 502161452.
Wimberly, Johnie H., 144264982.
Winborn, Sam R., Jr., 258482560.
Wing, Richard L., 133308469.
Wingertzahn, James R., 198244642.
Wink, Frank R., 063287074.
Winkler, Roy N., 136267905.
Winter, John R., 528408033.
Winters, Edgar J., 024242368.
Wise, Robert J., 573404365.
Wissert, James L., 504261397.
Witte, Robert E., 313327446.
Woche, Pal R., Jr., 387305504.
Wojahn, John R., 397329134.
Wolfe, John W., 315407972.
Wolfe, Richard H., 290282492.
Wolford, George F., Jr., 561445812.
Wolverton, James R., 444306181.
Womack, John H., Jr., 728011828.
Womack, Vernon L., 446280351.
Wood, David B., 471309687.
Wood, John H., 525589500.
Woodcock, Gerald E., 346241828.
Woodhull, Richard G., Jr., 263429599.
Woodnal, Robert F., 394246799.
Woods, John D., 302223559.
Woods, Thomas W., 515260898.
Woodson, Sidney B., 463540781.
Woodworth, Richard D., 358269211.
Wooley, Patrick V., Jr., 438167161.
Woolwine, David F., 230367745.
Worrick, Mark J., 184243219.
Wortman, Llewellyn F., Jr., 006306260.
Wray, Billy E., 458341823.
Wright, Duggins, F. L., 408502908.
Wright, William H., 116260496.
Wyant, Dalbert B., 281265950.
Wyatt, James G., 284262215.
Yamada, Hisao, 575302224.
Yamamoto, Toru, 575282987.
Yankowski, Nicholas, 191269050.
Yarrington, Arthur, 156243439.
Yates, Mannifred, 405440851.
Yeabower, John A., 725091345.
Yeager, James A., 369328248.
Yeatman, Robert E., 420362315.
Yelton, William V., 521520694.
Yingst, H. Sheldon, 168265579.
Yiskis, Norman L., 566348934.
Young, James G., 093266929.
Young, John F., 402429478.
Young, Perry R., 577464228.
Youngstedt, Gene L., 511306562.
Yunker, Marie D., 521322991.
Zacharias, Jon E., 395283076.
Zahhos, Danny, 473322408.
Zampino, Robert J., 276260827.
Zani, Robert C., 030242094.
Zarndwiec, Felix L., 490305817.
Zeitler, Frank J., 140285218.
Zeller, Eldon W., 509289246.
Ziel, George R., 728055825.
Zieleziensk1, Joseph A., 139281903.
Zielinski, Chester A., Jr., 361248835.
Ziker, Allan A., 183244561.
Zimmerman, Robert G., 308289174.
Zinnecker, Bennet H., 505360892.
Zopf, William D., Jr., 309342712.

CHAPLAINS

Barcome, Earl W., 457681823.
Barrett, Bruce E., 407403391.
Bartos, Francis J., 167348053.
Bause, George H., Jr., 173261644.
Bizer, Waldemar A., 336200882.
Black, Bobby C., 406420576.
Braun, Serran R., 272240088.
Brown, Preston C., Jr., 250286919.
Browne, Vincent T., 116264463.
Bubb, Wilbur W., 190222602.
Buckalew, Lester T., 252407619.
Chilton, Donald O., 094209598.
Condon, Thomas W., Jr., 466344153.
Czarnota, Reynold A., 176207206.
Doonan, John A., 034181173.
Elliott, Francis L., 129183215.
Francis, Donald K., 579346346.
Hall, Darrell E., 414185835.
Halloran, Jerome D., 470225391.
Hayes, Harold E., 567388234.
Hines, Dale A., 367287893.
Jay, Mearle H., 205124078.
Landers, Allen G., 491265037.
Leonard, John F., 018226170.
Madden, Wayne E., 201247804.
McDonald, Paul F., 481240045.
McManus, Robert T., 158322076.
Moreau, Ernest P., 017208591.
Mundinger, Carl S., Jr., 408428596.
Myers, James T., 206120663.
Nason, Howard E., 029241806.
Nebiold, Emilio, 075124139.
Nelson, Sigurd J., 337226727.
O'Connor, Maurice J., 064204419.
Reed, William H., 407200532.
Rice, Frank A., 438380355.
Roberts, John B. G., Jr., 159226333.
Schneider, Edward L., 453248636.
Smith, Eldon R., Jr., 305220550.
Smith, Malcolm E., 267226206.
Sprowl, Richard E., 100221401.
Wragg, Paul H., Jr., 266428899.
Wyzykowski, John M., 114209429.

DENTAL CORPS

Amy, Donald H., 161289583.
Baer, Marvin L., 466484072.
Battock, Richard D., 522386830.
Beardslee, Eric E., 426648416.
Berte, Joseph J., 098306452.
Boyle, William D., Jr., 519343246.
Burch, Robert A., 408487937.
Calem, Herbert M., 117264203.
Costley, Albert W., Jr., 451648203.
Dertien, Donald C., 508362355.
Franciose, Angelo, 233621604.
Fracis, Evan D., 519343919.
Gibson, Ronald M. E., 218308316.
Goldberg, Paul L., 219349096.
Granger, Dale T., 079265152.
Grayson, Frank W., 451504536.
Grochowski, Daniel C., 193303491.
Infeld, Paul, 276300412.
Krenzel, Daniel J., 501349126.
Krusee, Paul A., 516362385.
Labarge, Robert L., 380325135.
Lee, Lawrence M. H., 575301748.
Lehman, Carl A., 419580242.
Leichtman, William S., 384362356.
Marks, Thomas C., 459582161.
McKinney, James F., 512289078.
Miller, Charles D., 504300272.
Morgan, John P., 310248790.
Orman, Albert G., 133329839.
Richardson, William D., 402466335.
Shiller, Edwin B., 261507698.
Skweir, Michael J., Jr., 175265985.
Steed, Donald L., 430469613.
Wee, Clifford G. H., 576306715.
Wysocki, Stanley F., 121263600.

MEDICAL CORPS

Beard, Jeff H., 421424714.
Bell, Eldon E., 533343497.
Bennett, Raymond S., Jr., 296302247.
Biggs, Howard E., 548404221.
Bratton, Jack L., 315305195.
Burney, Robert E., II, 265406854.
Casanovaroig, Ramon, 300384532.
Christensen, Dennis W., 529347897.
Clemenz, Frederick W., 304327760.
Dehart, Roy L., 412549957.
Epstein, Leonard I., 167260630.
Evans, Robert E., 529409023.
Felton, Owen L., 389303683.
Flamm, Melvin D., Jr., 571346971.
Franks, Bert M., 458481711.
Gams, Richard A., 077309022.
Heimbach, Richard D., 334302219.
Hodgson, Corrin J., 470340792.
Johnson, Floyd G., 723031952.
Markham, Sanford M., 513305642.
Martins, Albert N., 081263496.
Mauk, Bryant D., 421423063.
McLelland, Claude A., 456464545.
Morrison, Robert C., 465462825.
Olson, Ross G., 503340725.
Panettiere, Frank, 104286473.
Peck, Sander, 069289569.
Perez, Guerra Francsico, 580581425.
Plecha, Fred R., 269263248.
Price, Richard R., 526406953.
Reynolds, Ralph D., 302288758.

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Rogers, John R., 394321076.
Self, Robert G., 403465081.
Shapiro, Stephen R., 060281600.
Shirley, Louis A., 426388147.
Stell, Joe S., 456480371.
Turk, Robert P., 147240896.
Urban, James G., 391326596.
Vanvonderen, Vernon R., 390320281.
Vause, David., 245467082.
Voyagis, Constantine M., 185283835.
Weber, Carl H., Jr., 244503881.
Whitcomb, Ned J., 395320819.
Williams, Ariel L., Jr., 381204357.
Wood, Edward H., 266441386.
Workmon, Frederick C., Sr., 567422816.
Wyatt, Wendell I., 513288642.

NURSE CORPS

Abeles, Lila R., 117265787.
Bailey, Mary J., 185245424.
Ball, Evelyn F., 439468457.
Barry, Mary E., 519282729.
Bennett, Leland R., 069246112.
Boatright, Mary A., 236387760.
Borden, Mary B., 043225957.
Byron, Lois J., 299229572.
Calvert, Dorothy C., 352264930.
Cantwell, Martha E., 426505455.
Cater, Lucy R., 220301968.
Conroy, Sara J., 178301370.
Corbett, Joan E., 113240066.
Dean, Charlene R., 443340601.
Deffner, Mary R., 187207419.
Ellis, Pauline V., 267521676.
Engle, Raye C., 170241610.
Farrell, George E., II, 091246488.
Farrell, Patricia A., 120249506.
Florence, Susie A., 406425628.
Flowers, Patricia M., 050223290.
Frederick, Brooks V., Jr., 514262471.
Furfure, Joseph A., 131163942.
Garza, Juanita, 463425823.
Gilbertson, Joan C., 397309155.
Giniewski, Mary T., 170243322.
Googe, Marjorie C., 193205390.
Harris, Nancy Susan, 538285181.
Hause, Helen E., 382303553.
Health, Lois M., 001242457.
Hettinger, June M., 180205891.
Hosmer. Marilyn E., 002249610.
Huffman, Marcia C., 502363856.
Jones, Florence L., 222128940.
Jorgenson, Mary C., 475245533.
King, Norda M., 535265003.
Kirby, Dennis J., 112289422.
Klajnowski, Martha G., 194224366.
Lane, Jerry, 074240441.
Lawrence, Annie L., 065265495.
Logan, Bertha A., 541248879.
Lynch, Mary C., 032248568.
Maine, Hugh C., 102266233.
Martinsen, Margaret M., 535266073.
Matheson, Billie G., 24534408.
Matheson, Joan A., 121228933.
McAllister, Biddie R., 420366009.
McFarlin, Margaret R., 030189315.
McIlquham, Corrine J., 353162257.
McLaughlin, Mary L., 027222581.
Merrow, Jean T., 181264554.
Miyagawa, Cora H., 576280788.
Moran, Barbara M., 037206558.
Moyer, Donald S., 132222704.
Mumper, Monna L., 162264303.
Nakatani, Lilly A., 419526707.
Navarro, Pete, 460525244.
Newman, Lawrence S., 119167666.
Obarr, Joyce E., 430527658.
Ohrt, Valerie A., 052226668.
Overacre, Robert C., 722017146.
Parcells, Phyllis P., 047269889.
Pratt, Leroy O., 113240628.
Richardson, Evelyn G., 420444966.
Santacroce, Anthony F., 053264805.
Sargent, Arlene M., 472242672.
Spirek, June J., 374307381.
Staudenmaier, Herbert V., 503264592.
Steiner, Marion H., 403320848.
Swansburg, Russell C., 297280688.
Thornburg, Colleen, 491303379.
Watson, Herbert T., 074187379.
Welsh, Dorothy M., 198247262.
Wetherby, Shirley M., 101267303.
White, Betty J., 490408517.
Whittemore, Earl C., Jr., 112166215.
Williams, Ethel M. B., 247581601.

MEDICAL SERVICE CORPS

Bauer, Robert A., 339228724.
Collom, James D., 318286272.
Corley, Horace A., 437306671.
Corum, B. H., 422407522.
DeMuth, William J., Jr., 393263868.
Dickson, Lonnie J., 433380294.
Dunn, Norwood C., 242524619.
Farringer, John R., 188209775.
Garron, Leonard J., 441281568.
Grady, Eddie L., Jr., 432509705.
Graves, Frederick J., 005264328.
Greaser, Robert C., 233427674.
Harman, George W., 205165438.
Hegele, Jack D., 290184316.
Hentz, David E., 033224585.
Kaplan, Burton, 030226609.
Kelley, Ronald L., 563404451.
Kelsey, Donn R., 482241324.
Kratzsch, Paul F., 034224536.
Lensch, John P., 573367112.
Lund, Richard A., 469322060.
McAfee, Charles A., 409385199.
Pence, James M., 407342588.
Penner, Norman R., 549383074.
Pomeroy, Gary J., 3326281901.
Reevesman, Sanford L., 381286045.
Rosenbaum, Samuel F., 426581201.
Schusselle, Jerry H., 512327494.
Snyder, Richard A., 074243841.
Tager, Robert M., 444223331.

VETERINARY CORPS

Blackman, Daniel A., 256541194.
Britz, William E., Jr., 330285609.
Brown, Richard J., 523324770.
Jones, Norman D., Jr., 341224893.
McKinney, Hubert E., 418385100.
Olson, Roland C., 475344138.
Pryor, William H., Jr., 232529740.
Shannon, Robert D., 257309793.
Smith, Malcolm C., Jr., 449520641.
Sturges, Dewey V., 521420670.
Tom, Henry K., Jr., 460448092.

BIOMEDICAL SCIENCES CORPS

Burns, Carol H., 051285786.
Casimiro, Paul S., 558362925.
Chipser, Joseph F., 163208827.
Gallagher, James T., 233485785.
Gunter, James J., 427527755.
Hartley, James E., 265340038.
Hill, Sherwood S., 205265702.
Kellogg, Robert S., 578420209.
Margolis, Hannah S., 075287435.
Maxwell, Muriel O., 011243494.
McKinney, Vernor L., 317262978.
Meade, John P., 106245106.
Page, Carolyn T., 373282468.
Rubin, Martin G., 011260943.

HOUSE OF REPRESENTATIVES—*Monday, October 13, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

There will be glory and honor and peace for everyone who does good.—Romans 2: 10.

Eternal God, our Father, without whose blessing all our labor is in vain, grant that in the decisions we make we may be mindful of Thy presence and eager to do Thy will. Inspire us with a faith that never falters, a faithfulness that never fails, and a fidelity that never fades as we endeavor to do our duty for the good of our country.

Kindle in the hearts of all men a true love for peace, a sincere desire for the triumph of truth, and an increasing concern for the welfare of all mankind. So may Thy kingdom go forward, Thy will be done, and love live in the hearts of Thy children.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, October 9, 1969, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on October 10, 1969, the President approved and signed bills of the House of the following titles:

H.R. 4152. An act to authorize appropriations for certain maritime programs of the Department of Commerce; and

H.R. 10420. An act to permit certain real property in the State of Maryland to be used for highway purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12829. An act to provide an extension of the interest equalization tax, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12829) entitled "An act to provide an extension of the interest equalization tax, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long, Mr. Anderson, Mr. Gore, Mr. Williams of Delaware, and Mr. Bennett to be the conferees on the part of the Senate.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 12829, EXTENSION OF INTEREST EQUALIZATION TAX

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. CELLER. Mr. Speaker, reserving the right to object, this bill has come over from the other body and it provides principally for interest equalization, but

there has been tagged onto it an utterly irrelevant provision. That is a practice that has been used by the other body on quite a number of our bills; that is, the other body frequently takes a bill we passed in the Chamber and adds to it, as an amendment, another bill which has nothing to do with the measure we passed.

When that is done, when an utterly irrelevant bill is tagged onto a bill we have passed, the bill then goes to conference. By this technique this House is deprived of the opportunity of holding hearings, for example, on the bill that was offered as an amendment to the measure we originally passed.

The appropriate committee that would have jurisdiction over the amendment is bypassed. The Members, in a certain sense, buy a pig in a poke. They do not know exactly what is contained in the amendment offered, which is really a new bill offered by the Members of the other body.

This kind of a practice has been going on for quite a number of years. It is time to call a halt. We should strike a blow for liberty, as it were, rebel against this practice. We are either men or mice. We are either lions or sheep. We should not be any longer dumb-driven cattle to bow under and knuckle to this kind of a practice. The two bodies are coequal. This is not equality. It is making us vassals and the Members of the other body masters.

I have spoken with the chairman of the Rules Committee, the distinguished gentleman from Mississippi (Mr. Colmer), and he agrees with me that the rules of the House should be changed so that we would not be presented with a bill which we passed, on which there was added an utterly irrelevant and nongermane provision.

We provide in this Chamber that one cannot amend a bill unless the amendment has some relevancy. That rule does not, unfortunately, prevail in the other body. The fact that it does not prevail is used by Members of the other body to put their pet measures into bills that we have passed.

For that reason, Mr. Speaker, I must reluctantly object to the bill going to conference. I hope the chairman of the Ways and Means Committee will reject the so-called ammunition amendment, which has naught to do with interest equalization and refers to a change in the Gun Control Act.

Let the process be normal. If the chairman rejects the so-called gun control amendment, I pledge here and now suitably to hold hearings on that ammunition amendment and permit the House to work its will normally and not in the contemplated "shotgun" manner.

I therefore object.

The SPEAKER. Objection is heard.

APPOINTMENT OF CONFEREES ON H.R. 12781, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1970

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

Mr. ANDERSON of Illinois. Mr. Speaker, reserving the right to object, I make the reservation merely for the purpose of asking the gentlewoman from Washington whether or not this request has been cleared with the ranking Republican member of the subcommittee, the gentleman from South Dakota (Mr. Reifel).

Mrs. HANSEN of Washington. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. In reply to the distinguished gentleman from Illinois may I say that the ranking minority member conferred with me at some length. We went over all matters to be discussed. The gentleman is in his district today or would be present. It has been cleared with the ranking minority member and all members of the subcommittee.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentlewoman from Washington for that explanation, and I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

Mr. GROSS. Mr. Speaker, further reserving the right to object, may I ask the gentlewoman from Washington if, within her knowledge, there are any amendments attached by the other body to this bill which may not be germane to the bill?

Mrs. HANSEN of Washington. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. In reply to the distinguished gentleman from Iowa, there are no nongermane amendments proposed by the other body which are pending for consideration by the conference committee.

Mr. GROSS. I thank the gentlewoman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington? The Chair hears none, and appoints the following conferees: Mrs. Hansen of Washington and Messrs. Kirwan, Marsh, Flynt, Mahon, Reifel, McDade, Wyatt, and Bow.

APPOINTMENT OF CONFEREES ON S. 1689, CHILD PROTECTION ACT OF 1969

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S.1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. Staggers, Moss, Murphy of New York, Springer, and Keith.

TAX REFORM

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. VANIK. Mr. Speaker, the average taxpayer of America must be chagrined at the "happenings" on the Senate Finance Committee on tax reform. The first decisions protect tax privilege at every turn.

It would be a shame if the reasonable efforts of the Ways and Means Committee and the House of Representatives to close tax loopholes were subverted. If our efforts to close loopholes are imperfect—the burden for creating acceptable alternatives must shift to the Senate Finance Committee.

The entire Nation is watching.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE REPORT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a report on H.R. 13950, the Coal Mine Safety Act.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DISTRICT OF COLUMBIA GOVERNMENT REFORM

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, this weekend I received a message from President Nixon urging that Congress and the administration work together on a series of programs.

On page 5 of his message he says:

> The Federal city has been a federal colony far too long. Months ago I presented to Congress a program to bring about the orderly transfer of political power to the people of this community.

The President then goes on to state that he has presented to Congress bills for a nonvoting delegate, for a charter commission on self-government and a proposal for a constitutional amendment to grant to the city representation in Congress.

I have joined with a number of my colleagues in support of the constitutional amendment to give voting representatives in Congress to the District of Columbia and this bill is presently pending in Judiciary Committee.

I was particularly concerned, however, with his statement that work should be

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completed before the end of the year on the nonvoting delegate bill and the charter commission bill, both of which have passed the Senate.

There are 25 members authorized on the District of Columbia Committee. On the nonvoting delegate bill, I joined with four of my Democratic colleagues on the committee and 10 Republican members on the committee to introduce this bill. This makes 15 votes for the bill, which I count as a majority.

On the charter commission bill, six of us Democratic members on the committee joined on this bill with 11 Republicans on the committee which made 17, and I count that as a majority of 25.

Since receiving the message this weekend, I have been attempting to contact my colleagues to be certain their position is still the same. I want to state this morning to the President and to the Republican leadership that I have already been able to reach the gentleman from Indiana (Mr. JACOBS), the gentleman from Minnesota (Mr. FRASER), and the gentleman from Michigan (Mr. DIGGS) and we publicly state today that we will vote this day or any other to pass out the charter commission bill and the nonvoting delegate bill from the House District of Columbia Committee.

There is presently one Republican vacancy on the committee so there are only 24 members. As I count, there are at least 10 Republicans for each bill, and therefore if the gentleman from Minnesota (Mr. FRASER), the gentleman from Indiana (Mr. JACOBS), the gentleman from Michigan (Mr. DIGGS), and I vote for this bill, that gives a majority this morning for each of these bills if the Republican leadership wants to pass them.

Rule 4 of the rules governing procedures of the Committee on the District of Columbia provides:

> No bill or other matter shall be brought up for hearing or other consideration except with the approval of the chairman or by a majority vote of a quorum of the committee. A majority of the committee shall constitute a quorum, except that less than a quorum shall be competent to hold hearings.

I would suggest to the President that he contact the Republican members of the committee and tell them they can pass the bill this week. In fact, if he gives me a little more time, I am certain I can obtain support from three or four more of my Democratic colleagues and he will have an overwhelming majority.

Mr. President, the next move is up to the Republican leadership.

CONFERENCE REPORT ON H.R. 13194, HIGHER EDUCATION ACT AMENDMENTS ON INSURED STUDENT LOANS

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education:

CONFERENCE REPORT (H. REPT. 91-560)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Emergency Insured Student Loan Act of 1969'.

"INCENTIVE PAYMENTS ON INSURED STUDENT LOANS

"SEC. 2. (a)(1) Whenever the Secretary of Health, Education, and Welfare determines that the limitations on interest or other conditions (or both) applicable under part B of title IV of the Higher Education Act of 1965 (Public Law 89-329) to student loans eligible for insurance by the Commissioner of Education or under a State or nonprofit private insurance program covered by an agreement under section 428(b) of such Act, considered in the light of the then current economic conditions and in particular the relevant money market, are impeding or threatening to impede the carrying out of the purposes of such part B and have caused the return to holders of such loans to be less than equitable, he is hereby authorized, by regulation applicable to a three-month period specified therein, to prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) a special allowance to be paid by the Commissioner of Education to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of disbursed principal (not including interest added to principal) of all eligible loans held by such holder during such period, which balance shall be computed in a manner specified in such regulation; but no such percentage shall be set at a rate in excess of 3 per centum per annum.

"(2) A determination pursuant to paragraph (1) may be made by the Secretary of Health, Education, and Welfare, on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas or classifications of lenders, within the limit of the maximum rate set forth in paragraph (1).

"(3) For each three-month period with respect to which the Secretary of Health, Education, and Welfare prescribes a special allowance, the determination required by paragraph (1) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

"(4) The special allowance established for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this Act. The holder of a loan with respect to which any such allowance is to be paid shall be deemed to have a contractual right, as against the United States, to receive such allowance from the Commissioner.

"(5) Each regulation or amendment, prescribed under this Act, which establishes a special allowance with respect to a three-month period specified in the regulation or amendment shall, notwithstanding section 505 of the Higher Education Amendments of 1968, apply to the three-month period immediately preceding the period in which such regulation or amendment is published in the Federal Register, except that the first such regulation may be made effective as of August 1, 1969, and notwithstanding other provisions of this section requiring a three-month period, may be made effective for a period of less than three months.

"(6)(A) The Secretary of Health, Education, and Welfare shall determine, with respect to the student insured loan program as authorized under part B of title IV of the Higher Education Act of 1965 and this Act, whether there are any practices of lending institutions which may result in discrimination against particular classes or categories of students, including the requirement that as a condition to the receipt of a loan the student or his family maintain a business relationship with the lender, the consequences of such requirement, and the practice of refusing to make loans to students for their freshman year of study, and also including any discrimination on the basis of sex, color, creed, or national origin. The Secretary shall make a report with respect to such determination, and his recommendations, to the Congress on or before March 1, 1970.

"(B) If, after making such determination, the Secretary finds that, in any area, a substantial number of eligible students are denied a fair opportunity to obtain an insured student loan because of practices of lending institutions in the area which limit student participation, (i) he shall take such steps as may be appropriate, after consultation with the appropriate State guarantee agencies and the Advisory Council on Financial Aid to Students, relating to such practices and to encourage the development in such area of a plan to increase the availability of financial assistance opportunities for such students, and (ii) he shall, within sixty days after making such determination, adopt or amend appropriate regulations pertaining to the student insured loan program to prevent, where practicable, any practices which he finds have denied loans to a substantial number of students.

"(7) As used in this Act, the term 'eligible loan' means a loan made on or after August 1, 1969, and prior to July 1, 1971, which is insured under title IV-B of the Higher Education Act of 1965, or made under a program covered by an agreement under section 428 (b) of such Act.

"(b) The Commissioner of Education shall pay to the holder of an eligible loan, at such time or times as are specified in regulations, a special allowance prescribed pursuant to subsection (a), subject to the condition that such holder shall submit to the Commissioner, at such time or times and in such manner as he may deem proper, such information as may be required by regulation for the purpose of enabling the Secretary of Health, Education, and Welfare and the Commissioner to carry out their functions under this Act and to carry out the purposes of this Act.

"(c)(1) There are hereby authorized to be appropriated for special allowances as authorized by this section not to exceed $20,000,000 for the fiscal year ending June 30, 1970, $40,000,000 for the fiscal year ending June 30, 1971, and for succeeding fiscal years such sums as may be necessary.

"(2) Sums available for expenditure pursuant to appropriations made for the fiscal year ending June 30, 1969, under section 421(b) (other than clause (1) thereof) of the Higher Education Act of 1965 shall be available for payment of special allowances under this Act. The authorization in paragraph (1) shall be reduced by the amount made available pursuant to this paragraph.

"INCREASED AUTHORIZATION FOR THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

"SEC. 3. Section 201 of the National Defense Education Act of 1958 is amended by striking out '275,000,000 for the fiscal year ending June 30, 1970, and, $300,000,000 for the fiscal year ending June 30 1971' and inserting in lieu thereof '$325,000,000 for the fiscal year ending June 30, 1970, and $375,000,000 for the fiscal year ending June 30, 1971'.

"INCREASED AUTHORIZATION FOR THE EDUCATIONAL OPPORTUNITY GRANT PROGRAM

"SEC. 4. Section 401(b) of the Higher Education Act of 1965 is amended by striking out '$100,000,000 for the fiscal year ending June 30, 1970, and $140,000,000 for the fiscal year ending June 30, 1971' and inserting in lieu thereof '$125,000,000 for the fiscal year ending June 30, 1970, and $170,000,000 for the fiscal year ending June 30, 1971'.

"INCREASED AUTHORIZATION FOR THE WORK-STUDY PROGRAM

"SEC. 5. Section 441(b) of the Higher Education Act of 1965 is amended by striking out '$250,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971' and inserting in lieu thereof '$275,000,000 for the fiscal year ending June 30, 1970, and $320,000.000 for the fiscal year ending June 30, 1971'."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows: Amend the title so as to read: "An Act to authorize special allowances for lenders with respect to insured student loans under title IV-B of the Higher Education Act of 1965 when necessary in the light of economic conditions in order to assure that students will have reasonable access to such loans for financing their education, and to increase the authorizations for certain other student assistance programs.".

And the Senate agree to the same.

CARL D. PERKINS,
EDITH GREEN,
JOHN BRADEMAS,
HUGH CAREY,
WILLIAM D. HATHAWAY,
PHILLIP BURTON,
FRANK THOMPSON,
JAMES H. SCHEUER,
LOUIS STOKES,
WILLIAM L. CLAY,
WILLIAM AYRES,
ALBERT H. QUIE,
OGDEN REID,
JOHN N. ERLENBORN,
MARVIN L. ESCH,
JOHN DELLENBACK,
WILLIAM STEIGER,
Managers on the Part of the House.

CLAIBORNE PELL,
RALPH W. YARBOROUGH,
JENNINGS RANDOLPH,
HARRISON WILLIAMS,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
THOMAS F. EAGLETON,
WINSTON L. PROUTY,
J. JAVITS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the text of the House bill and inserted in lieu thereof a new text. It also amended the title of the House bill. The House recedes from its disagreement to the amendments of the Senate and agrees to the same with amendments to the text of the bill and to the title. This statement describes the recommendations of the committee of conference with respect to each of the substantive differences between the House bill and the Senate amendment.

The House bill and the Senate amendment differed as to the type and manner of computing the allowances to be paid under the bill. The House bill made the payments dependent on a determination by the Secretary that the limitations on interest or other conditions have caused the return to the lender "to be less than equitable." The Senate amendment made the determination of the Secretary depend on whether limitations on interest or other conditions "are impeding or threatening to impede the carrying out of the purposes" of the insured student loan program. The agreement reached in conference requires that the criteria in both the House bill and the Senate amendment must be met.

The House bill provided that the allowances which will be paid would be called market adjustment allowances. Under the Senate amendment, they would be called incentive allowances. The substitute agreed upon in conference provides that they will be called special allowances.

Under the House bill, the amount of the allowances would be fixed retrospectively with respect to the 3-month period preceding the publication in the Federal Register of a regulation prescribing the amount of the allowance. The Senate amendment provided that the amount of these allowances would be prescribed prospectively for the 3-month period beginning with the first day of the calendar month following the publication in the Federal Register of a regulation prescribing them. The conference substitute provides that these allowances will be prescribed retrospectively as in the House bill.

The House bill and Senate amendment differed as to the duration of the period during which the program would be in effect. The House bill provided that an allowance could be paid on loans made after June 30, 1969, and before the regular expiration date of the Higher Education Act of 1965—that is, June 30, 1971. The Senate amendment provided that payments could be made with respect to loans made after August 15, 1969, and prior to July 1, 1970. The conference substitute provides that the beginning date of such period shall be August 1, 1969, and that such period would have a duration coextensive with that of the Higher Education Act of 1965, as in the House bill. The House bill, unlike the Senate amendment, authorized the continuation of allowances for loans made during such period for the duration of such loans. This authorization is retained in the conference substitute. The Senate amendment authorized the appropriation of $15 million for payment of allowances during fiscal year 1970. The House bill authorized for fiscal year 1970 and succeeding fiscal years such sums as are necessary to carry out the program. The conference substitute authorizes the appropriation of $20 million for fiscal year 1970, and $40 million for fiscal year 1971. In addition, as in the House bill, appropriations are authorized to pay allowances over the life of loans made during such period.

The House bill amended the existing Higher Education Act of 1965. In contrast, the Senate amendment was a new and independent enactment. The conference substitute adopts the approach of the Senate amendment in this regard, which results in a number of minor technical differences. For example, the Senate amendment, unlike the House bill, did not explicitly state that the right to receive a market adjustment allowance is a contractual right. This provision of the House bill is contained in the conference substitute. The House bill relied on the authority already contained in the Higher Education Act of 1965 with respect to the right of the Commissioner to require the submission of information. The Senate amendment contained a new provision. The conference agreement adopts the Senate provision on this matter.

The Senate amendment contained a provision requiring the Secretary of Health, Education, and Welfare to prescribe procedures which would prohibit lenders from requiring as a condition, precedent or subsequent, for making an insured student loan that the student or a member of his family must carry out any other business activity with the lender. The House bill contained no comparable provision. The conference substitute provides that the Secretary of Health, Education, and Welfare must determine whether there are any practices of lending institutions participating in the insured student loan program which may result in discrimination against particular classes or categories of students. The Secretary's review of lending practices is to be comprehensive and include, but not be limited to, determinations with respect to practices which may result in discrimination on the basis of sex, color, creed, or national origin and determinations with respect to the practice of requiring a student or his family to have a business relationship with the lender, and to the practice of refusing to make loans for a student's freshman year. The Secretary will make a report to the Congress with respect to his determinations and his recommendations on or before March 1, 1970. In addition to any recommendations for legislative or administrative action, the managers on the part of the House expect the Secretary's report to provide a detailed analysis of such lending practices and the consequences of such practices. If after making his determination with respect to such practices the Secretary further finds that there are a substantial number of eligible students who are denied a fair opportunity to obtain an insured student loan because of such practices, he is required to take appropriate steps (after consulting with appropriate State guarantee agencies and the Advisory Council on Financial Aid to Students) relating to such practices, and to encourage the development in the area of a plan to increase the availability of financial assistance opportunities for students. He is also required, within 60 days after making the determination referred to above, to adopt appropriate regulations pertaining to the student insured loan program to prevent, where practicable, practices which he finds have denied loans to a substantial number of students.

The Senate amendment amended title II of the National Defense Education Act of 1958 to raise the amount authorized to be appropriated for contributions to student loan funds from $275 million for fiscal 1970 to $325 million; and for fiscal 1971 it raised the present authorization of $300 to $375 million. The conference substitute adopts this provision of the Senate amendment.

The Senate amendment also amended title IV of the Higher Education Act of 1965 to raise the authorization of appropriations for college work study programs from $250 million for fiscal 1970 to $275 million, and also raised such authorization for fiscal 1971 from $285 to $320 million. The substitute agreed upon in conference adopts the Senate provision.

The Senate amendment also amended title IV of the Higher Education Act of 1965 to raise the authorizations of appropriations for educational opportunity grants from $100

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million for fiscal 1970 to $150 million. For fiscal 1971, it raised such authorizations from $140 to $200 million. The conference substitute raises the authorization for fiscal 1970 to $125 million, and for fiscal 1971 to $170 million.

The committee of conference amended the title to reflect the above-described action of the committee.

CARL D. PERKINS,
EDITH GREEN,
JOHN BRADEMAS,
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WILLIAM D. HATHAWAY,
PHILLIP BURTON,
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OGDEN REID,
JOHN N. ERLENBORN,
MARVIN L. ESCH,
JOHN DELLENBACK,
WILLIAM STEIGER,
Managers on the Part of the House.

IS A LITTLE BIT OF PREGNANCY ACCEPTABLE TOO, MR. PRESIDENT?

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, I fervently hope that the 515,000 Americans who lost their jobs in the last 60 days paid close attention to the recent Senate testimony by Secretary of the Treasury Kennedy. He stated that a 4-percent rise in unemployment was "acceptable" to the administration. He also said the administration believed it was necessary to continue its disastrous policies that might force unemployment even higher.

Here we have a picture of more than half a million Americans thrown out of useful employment in a very short period, and the Government of our country blandly dismisses this as acceptable. What would we say if a doctor dismissed a little bit of cancer as acceptable? Or a smidgin of cholera morbus? Or a touch of heart disease? Or just a teensy-weensy bit of pregnancy? How does a 4-percent rate of leprosy strike you?

I wonder if our profound Secretary of the Treasury has any realization of how his "acceptable" level of unemployment will strike people who have lost their jobs. Well, after all, the men now running our Government have little knowledge or understanding of the daily struggle for life. The unemployed are only working people, are they not? Forgotten Americans, I believe the President called them during his campaign. They are forgotten, all right.

One representative of the Government, Mr. Weidenbaum, expressed his pleasure over soaring unemployment figures, while a White House spokesman says, "We are not happy with the increase in unemployment." Take your choice. Both are as solid as empty jugs.

Are they unhappy or happy over the highest interest rates in a generation? Are they dancing joyfully in the White House over the disaster overtaking housing, the stock market, and the average worker? Or do they sit in sackcloth and ashes, dolefully mourning such turns of events? Do they clink champagne glasses as unemployment lines lengthen? Is it all part of their master plan? Let us in on the secret. Perhaps it is just like the President's secret method for ending the war.

In the President's war against inflation, the only casualties are working people across the land. Their wounds and agony are his success in the battle against too much prosperity. Some war. Some success. We shall end inflation, all right. And when millions upon millions of Americans are without work, money or hope, President Nixon will triumphantly bestride the ruins of our economy and joyfully proclaim "We have won the war against inflation." And against full employment and national well-being, too. And the massed bankers, corporation presidents, and boards of directors will cheer him to the echo. And the average working person? What will they say in their millions? Why, they will be too busy to say anything. There is no time when you are on your way to the polls to vote.

CAPT. JAMES M. SPRAYBERRY, THIRD ALABAMIAN TO RECEIVE CONGRESSIONAL MEDAL FOR HEROISM IN VIETNAM WAR

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. NICHOLS. Mr. Speaker, last Thursday President Nixon awarded the Nation's highest military award to four Army men. One of those who received the Congressional Medal of Honor was a young man from my hometown of Sylacauga, Ala. Capt. James M. Sprayberry is only the third Alabamian to receive the Congressional Medal for heroism in the Vietnam war, and the first to live to receive it.

I know I speak for all Alabamians and all Americans when I say we are proud of this young man and the part he has played in the fight against communism. The actions for which Captain Sprayberry received the Congressional Medal are outlined in the citation which accompanied the award. Mr. Speaker, I include that citation in the RECORD at this point, and also editorials from the Sylacauga Advance and the Birmingham News lauding Captain Sprayberry:

CITATION

The President of the United States of America, authorized by act of Congress, March 3, 1863 has awarded in the name of The Congress the Medal of Honor to Captain James M. Sprayberry, United States Army for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Captain (then First Lieutenant) James M. Sprayberry, Armor, United States Army, distinguished himself by exceptional bravery on 25 April 1968 in the Republic of Vietnam while serving as Executive Officer of Company D, 5th Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile). On this date his Company Commander and a great number of the men were wounded and separated from the main body of the company. A daylight attempt to rescue them was driven back by the well-entrenched enemy's heavy fire. Captain Sprayberry then organized and led a volunteer night patrol to eliminate the intervening enemy bunkers and to relieve the surrounded element. The patrol soon began receiving enemy machine gun fire. Captain Sprayberry quickly moved the men to protective cover and without regard for his own safety, crawled within close range of the bunker from which the fire was coming. He silenced the machine gun with a hand grenade. Identifying several one-man enemy positions nearby, Captain Sprayberry immediately attacked them with the rest of his grenades. He crawled back for more grenades and when two grenades were thrown at his men from a position to the front, Captain Sprayberry, without hesitation, again exposed himself and charged the enemy-held bunker killing its occupants with a grenade. Placing two men to cover his advance, he crawled froward and neutralized three more bunkers with grenades. Immediately thereafter, Captain Sprayberry was surprised by an enemy soldier who charged from a concealed position. He killed the soldier with his pistol and with continuing disregard for the danger neutralized another enemy emplacement. Captain Sprayberry then established radio contract with the isolated men, directing them toward his position. When the two elements made contact he organized his men into litter parties to evacuate the wounded. As the evacuation was nearing completion, he observed an enemy machine gun position which he silenced with a grenade. Captain Sprayberry returned to the rescue party, established security, and moved to friendly lines with the wounded. This rescue operation, which lasted approximately seven and one-half hours, saved the lives of many of his fellow soldiers. Captain Sprayberry personally killed twelve enemy soldiers, eliminated two machine guns, and destroyed numerous enemy bunkers. Captain Sprayberry's indomitable spirit and gallant action at great personal risk to his life are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army.

[From the Sylacauga (Ala.) Advance, Oct. 9, 1969]

OUR MEDAL OF HONOR RECIPIENT

All Sylacauga can indeed be proud of its first Medal of Honor winner, Capt. James Michael Sprayberry. Wednesday he received the nation's highest award for valor from President Nixon at the White House.

Capt. Sprayberry, 22, is a graduate of B. B. Comer School and attended Alexander City Junior College. His parents are the O. H. Sprayberrys and his wife is the former Nancy Herd.

Already a recipient of the Silver Star and Purple Heart medals, Capt. Sprayberry was recommended for the Congressional Medal of Honor for his efforts in Vietnam April 25 and 26, 1968.

His daring night rescue of an ambushed platoon was called by the 1st Cavalry Division's commanding general, "the bravest single act that I have heard of during the time I have commanded the 'First Team'."

A report of the incident stated:

"The action began late in the afternoon when the company's 1st Platoon and the company post (CP) started down a thickly vegetated finger of a steep mountain. The platoon had almost reached a major enemy supply route, when enemy automatic weapons fire rang out from two sides.

"Sprayberry, working on a Medevac pad some 300 meters east of the pinned-down platoon, sent the 3d Platoon forward to relieve pressure on the 1st Platoon. Murderous enemy fire drove the platoon back and Sprayberry decided to attempt the rescue under darkness.

"Around 8 p.m., the young lieutenant loaded himself down with as many fragmentation grenades as he could carry, and led a volunteer rescue party up the road. They moved only a short distance before they came under machinegun fire from a bunker alongside the road.

"Sprayberry spotted the flashes and, after making sure his men were under cover, he crawled toward the bunker. When he got within 15 meters of the bunker, he hurled a grenade at the enemy. He then spotted several spider holes along the road and threw grenades into these until his supply ran out.

"Without Sprayberry's personal courage and his initiative the entire first platoon and the command element would have been in a critical situation."

Capt. Sprayberry lay down his life for his friends just as surely as if he had lost it . . . and "greater love has no man." We applaud him for his valor and rejoice with his family and friends that it is being recognized in a fitting manner. Sylacauga will also want to honor him when he returns home.

[From the Birmingham (Ala.) News]

ABOVE AND BEYOND

Most men, when called to the service of their country, serve it honorably and courageously. Now and then, cast into a role which the heat of combat dictates, a man in uniform will perform acts of valor which surface without premeditation, but are a measure of the human instinct to survive and to protect those nearby.

Sheer chance, more often than not, casts a man into circumstances from which particular acts of courage emerge. Few men become heroes by deliberate choice. But a special few do respond in ways, when the heat of battle rises, that set them ever so slightly apart from their fellows.

Such a man is Capt. James M. Sprayberry of Sylacauga, decorated this week by President Nixon with the Medal of Honor, the nation's highest award for valor in combat.

Capt. Sprayberry, we would guess, did not set out to become a hero. But he was a willing one when the need arose for him to perform acts which mark him as an honored member of a legion that has answered above and beyond the call of duty.

MANIFESTATIONS OF DISLOYALTY: AMERICANS ARE WATCHING

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, I rise to call attention once again to the Red-directed general strike called for Wednesday. This shameful betrayal of our fighting men in Vietnam is weakly camouflaged as a "moratorium" or a "protest" or a "dissent," but it all adds up to a deliberate effort to give aid and comfort to the enemy.

The Vietcong "foreign minister" in Paris joins other Communists to praise the organized disruptions.

Americans are not fooled. The great silent majority who work, who pay taxes, who fight our wars, and who elect public officials, are watching. They understand that when Americans are dying in combat, aid to the enemy is immoral and treasonable—not patriotic. Let us all understand that Wednesday marks a polarization, when those who support our fighting men and those who aid the enemy are sorted out and identified.

The Veterans of Foreign Wars have called on loyal Americans to fly the flag on Wednesday in a silent show of support of our men in Vietnam. The American War Dads have called on President Nixon to demand unconditional enemy withdrawal from South Vietnam, and in the alternative to remove the political handcuffs from our forces and permit them to end the war and bring peace through victory—in the American tradition.

I include current news clippings summing up these very plain divisions between Americans and the enemy as part of my remarks:

[From the Washington (D.C.) Evening Star, Oct. 9, 1969]

BITTERNESS IN VIETNAM MAKES WAR CRITICS "ENEMY"

(By Crosby S. Noyes)

SAIGON.—It is distressing, though not particularly surprising, that many of those who are fighting and working in Vietnam have come to refer to parts of the American press and some political leaders as "the enemy." They mean it, furthermore, just as literally as when they speak of the Viet Cong in the rice paddies and the government in Hanoi.

This is not a military-civilian or even a hawk-dove antagonism. The differences are much deeper than these terms would imply. And the enmity, quite certainly, is mutual.

The bitterness encountered in Vietnam is the bitterness of men who feel that they have been betrayed. They have come to believe in the job that they were sent out here to do. Far beyond the rhetoric of any political speech or newspaper editorial, they understand what has been accomplished here—and at what cost—and what remains still to be done. For them, "the enemy" is anyone who stands between them and the objective.

Anti-war sentiment they understand well enough, particularly among the young people who are being asked to bear most of the sacrifices that the war entails. Other aspects of American policy such as the stopping of the bombing of North Vietnam, the peace talks in Paris, the Vietnamization of the war and the withdrawal of American troops, they have accepted dubiously as elements of a higher diplomacy.

But it has been hard for them to accept the fact that some Americans—including some who hold positions of authority—should be actively working against the success of the American effort here.

It is only recently that they have come to realize that there are a considerable number of Americans who pray that the war in Vietnam may be lost for what they consider to be the most high-minded and patriotic reasons. The main reason, quite simply, is the hope that a defeat in Vietnam will demonstrate once and for all the futility, if not the immorality, of using American power to change the political and military equations in such areas of the world as Southeast Asia.

This is perhaps a tenable point of view in Washington, but it is not congenial to people who are fighting a war of survival. And since the objectives of the two groups are directly contradictory, it is inevitable that they should have very different ideas about the course American policy should take in the future.

To the overwhelming majority of people in Vietnam—regardless of their nationality—the ideas of the American opposition add up to sheer lunacy.

As they see it, the United States, after four years and an immense sacrifice of blood and treasure, has achieved a position of clear military and political superiority over an implacable and determined enemy. To them, it is simply unthinkable that this position should be abandoned in the illusion that the chances of a peaceful settlement of the conflict would be improved.

Nor is the military position by any means the only one being threatened.

In the course of the same four years, the political strength of the government in Saigon has been significantly increased. After a long series of military coups following the assassination of Ngo Dinh Diem, the present government has remained in power since 1965.

During this time, a national constitution has been promulgated, a national assembly and other democratic institutions have been created, and elections have been held on both the national and local levels.

With all this, it may be that the regime presided over by Nguyen Van Thieu is something less than a model of liberal democratic government.

Below the top level, there is undoubtedly some corruption, as there is in most governments. Newspapers and politicians who have been sympathetic to communism have been dealt with severely. Nevertheless, in the opinion of the most competent observers here, the Thieu government is the most secure, the most effective and the most widely supported of any that South Vietnam has ever had.

And the result is that this same government is now the object of the most unbridled attack from opponents of the war that has been seen since the days of Diem. People in Washingtou who know literally nothing about Thieu or the realities of Vietnamese politics rise daily to denounce the Saigon regime as corrupt, repressive and unrepresentative.

The common theme is that it is the Thieu government, rather than the leaders in Hanoi, Peking and Moscow, who represent the real obatscle to peace in Vietnam. In order to remove this obstacle, it is suggested that the Saigon regime must somehow be coerced into stepping out of the picture to make way for a "coalition" with the Communists, who would then, presumably, conclude an honorable peace.

Fortunately, nothing of the sort is likely to happen. At this point, it is most improbable that the Thieu government can be forced by anyone into surrendering South Vietnam to Communist rule, no matter how loudly and insistently "the enemy" may demand it.

[From the Washington (D.C.) Post, Oct. 13, 1969]

VC WOMAN ENCOURAGES U.S. PROTEST

PARIS, October 12—Nguyen Thi Binh, who serves as foreign minister for the Vietcong, said today that President Nixon had reneged on his pledge to the American people to bring peace to Vietnam, and that American antiwar forces were fighting to save the honor of their nation.

"I am sure that American mothers and women whose sons and husbands have been pushed into this unjust war of aggression in Vietnam and all other people will never accept President Nixon's tortuous arguments" that he cannot announce in advance details for the U.S. troop pullout, she said in an interview with United Press International.

She said American troops must leave "totally and unconditionally" and that this was a "legitimate demand conforming with our national rights as well as with the aspirations for peace of the American people and other peoples."

"Monsieur Nixon declared during the presidential campaign that if he were elected President, he would end the war in Vietnam in six months," she said: "Now eight months have elapsed and Monsieur Nixon has spared no effort to violate the security and sovereignty of the Democratic Republic of (north) Vietnam.

"Nixon's promise to end the war is no different from the words of Monsieur Johnson some years back when he claimed that he could 'see the end of the tunnel.'"

Mme. Binh hailed the antiwar movement in the United States as standing "for the happiness of the American youth and the honor of the United States."

NEWS RELEASE OF DEPARTMENT OF LOUISIANA, VETERANS OF FOREIGN WARS

Veterans of Foreign Wars Department of Louisiana today urged that all citizens fly the United States Flag on Oct. 15 as a "silent" counteraction to demonstrations planned that date by a vocal minority of

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dissidents opposing President Nixon on the issues of the Vietnam war.

Speaking for V.F.W., Department Commander Leonard Gray, Alexandria explained that "the 'Vietnam Moratorium Committee Movement for Student Protest Throughout the Nation' has asked for student protest, disruptive actions and other demonstrations keyed toward immediate capitulation to the Communist demands in Vietnam."

Commander Gray said "these demonstrations will seek to undermine the bargaining position of the President in the Paris talks and thus will further endanger the lives of our fighting men in Vietnam. The demonstrators will be joined by a minority coalition of Senators and Congressmen who will deliver the dissenters' message of surrender in the halls of Congress."

Terming the planned demonstrations as "shameful", Commander Gray urged "the 'silent majority' of patriotic Americans to prominently display the Flag of the United States before their homes, at their business and on the streets."

"The Flag has always been a symbol of patriotism, loyalty and courage. By flying it on Oct. 15, Americans will be showing they still have confidence in our government and are willing to show it publicly."

[From the Washington (D.C.) Sunday Star, Oct. 12, 1969]

END OR WIDEN VIETNAM ROLE, WAR DADS ASK

ST. JOSEPH, Mo.—The national convention of The American War Dads has adopted a resolution calling for a speedy end to the Vietnam war.

The resolution urges President Nixon to demand a ceasefire and immediate withdrawal of North Vietnamese and American troops from South Vietnam.

If a cease-fire and troop withdrawal are not agreed to within a specified time, the resolution says, military action should be taken to crush Communist aggression against South Vietnam.

Failing that, the resolution suggests blockading the Communist port at Haiphong and resumption of U.S. bombing of military targets in North Vietnam.

Delegates attending the organization's 27th annual convention yesterday also urged the President not to yield to those advocating a coalition government for South Vietnam.

The new national president of the organization, Charels Hodges of Macomb, Ill., has been empowered by the convention to seek the cooperation of other patriotic groups and veterans organizations to seek a conference with President Nixon and present the resolution to him in person.

THE RISING TIDE OF FOREIGN FOOTWEAR IMPORTS

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I take this time to report to the Members of the House that the August imports of leather and vinyl footwear totaled 13.9 million pairs, an increase of nearly 15.5 percent ahead of last year.

Leather and vinyl imports were 28.9 percent of an estimated domestic output of 48 million pairs. Shipments from Japan and Italy, in excess of nearly .7 million pairs each over last August, counted for most of the gains in men's and women's leather and vinyl footwear.

Mr. Speaker, I am including in this statement the statistics put out by the Foreign Trade Committee of the National Footwear Manufacturers Association, Inc., which indicates where these imports are coming from and the high percentage of imports generally from Spain that have risen by 62 percent, and Taiwan by 72 percent, and other countries by 20.4 percent.

The growing problem of the importation of footwear is a real threat to the footwear industry in this Nation, and I trust and hope and pray that the meeting we had with President Nixon at the White House a few weeks ago will bear fruit, and bring some relief to the footwear industry in our country.

The statistics follow:

U.S. FOOTWEAR IMPORTS, JANUARY–AUGUST 1969

August imports of leather and vinyl footwear totaling 13.9 million pairs were nearly 15 and a half percent ahead of last year. Leather and vinyl imports were 28.9% of an estimated domestic output of 48.0 million pairs. Shipments from Japan and Italy, in excess of nearly .7 million pairs each over last August, accounted for most of the gains in men's and women's leather and vinyl footwear.

To-date imports of leather and vinyl footwear of 139.1 million pairs have increased to nearly 14% ahead of last year. Average value per pair (f.o.b.) increased by 15.7% to $2.06 per pair. Shipments from foreign ports were 36% of domestic output, estimated at 390.8 million pairs and 26% of new supply (domestic output plus imports).

August gains of 23% for Spain and 7% for Taiwan indicate a softening of pace. Italy's increase of 24% indicates her grip continues strong in the market place. Japan's increase of 13% over last August has moved her another notch closer to last year's record. Details are shown below.

Shoes and slippers (leather and vinyl)	January–August				
	1969 pairs (thousands)	1968 pairs (thousands)	Percent change pairs 1969–1968	Percent share of total 1969	Percent share of total 1968
From—					
Japan	45,212.4	45,770.9	−1.2	32.5	37.4
Italy	44,329.3	42,361.3	+4.6	31.9	34.7
Spain	14,513.5	8,948.3	+62.2	10.4	7.3
France	2,144.2	2,210.4	−3.0	1.5	1.8
China T. (Taiwan)	17,457.0	10,149.3	+72.0	12.6	8.3
Other countries	15,425.5	12,812.6	+20.4	11.1	10.5
Total pairs	139,082.0	122,252.7	+13.8	100.0	100.0

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[In thousand pairs; thousand dollars]

Type of footwear	August 1969 pairs	Percent change August 1969/August 1968	8 months, 1969			Percent change 1969/1968	
			Pairs	Dollar value	Average dollar value per pair	Pairs	Dollar value
Leather and vinyl, total	13,238.8	+13.9	134,438.6	282,248.2	$2.10	+13.0	+31.3
Leather excluding slippers	6,227.3	+20.3	69,628.1	231,543.9	3.33	+15.4	+32.3
Men's, youths', boys'	2,111.0	+15.7	20,480.8	84,466.0	4.12	+29.1	+42.0
Women's, misses'	3,654.7	+27.4	43,238.3	132,723.7	3.07	+6.8	+25.8
Children's, infants'	181.6	−6.8	4,086.8	6,338.3	1.55	+94.2	+115.1
Moccasins	61.4	+30.1	450.9	547.0	1.21	−2.5	+9.1
Other leather (including work and athletic)	218.6	−9.7	1,371.3	7,468.9	5.45	−2.1	+13.6
Slippers	44.6	−.4	224.3	443.1	1.98	+3.2	−6.5
Vinyl supported uppers	6,966.9	+8.9	64,586.2	50,261.2	.78	+10.5	+27.5
Men's and boys'	797.3	+31.7	6,608.6	7,465.0	1.13	+22.1	+40.8
Women's and misses'	5,454.2	+7.0	50,989.9	38,243.5	.75	+6.9	+24.0
Children's and infants'	551.0	−2.5	5,753.1	3,918.8	.68	+35.4	+42.8
Soft soles	164.4	+28.3	1,234.6	633.8	.51	+13.7	+17.3
Other nonrubber types, total	652.8	+55.1	4,643.4	4,677.0	1.01	+41.2	+87.6
Wood	88.9	+391.2	662.7	1,578.7	2.38	+271.9	+300.6
Fabric uppers	468.9	+25.0	3,435.3	2,477.1	.72	+22.2	+33.2
Other, not elsewhere specified	95.0	+245.5	545.4	621.2	1.14	+82.8	+160.0
Nonrubber footwear, total	13,891.7	+15.4	139,082.0	286,925.1	2.06	+13.8	+32.0
Rubber soled fabric uppers	3,252.0	−12.9	30,773.0	23,028.1	.75	−11.0	+10.3
Grand total, all types	17,143.7	+8.7	169,855.0	309,953.2	1.82	+8.3	+30.1

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: National Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquiries to the association, room 302, 342 Madison Ave., New York, N.Y. 10017.

THE AMERICAN FLAG SHOULD BE FLOWN ON MORATORIUM DAY

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, I urge that on Wednesday, October 15, all citizens fly the American flag, including those who participate in moratorium day events.

In addition to display at all homes and business places, our flag should be given the greatest possible prominence in parades and gatherings related to Vietnam policy.

This would demonstrate visibly the unity that exists among almost all Americans in support of troop withdrawals from Vietnam. While some differ over the timetable and other details, they are united behind the basic objective.

Each march protesting the war and calling for disengagement should be led by someone carrying the flag, and as many following as are able should also carry flags. By this means, every marcher would proclaim that the withdrawal of American troops from Vietnam accords with our highest patriotic traditions, and reaffirms all that the flag stands for.

Americans gathering in prayer for our young men who have been killed by hostile action should certainly have in their midst the flag of the country for which these men sacrificed all. The courage, conviction, determination, and devotion of these young heroes should be honored by displaying the colors of the country which elicited the supreme sacrifice from them. If these men are not to have died in vain, it is because America will live on all the stronger, renewed, and secure in the knowledge of her limited but vital role in the world.

Each American should also display the flag at home. Traditionally, we have reserved this for Independence Day, Memorial Day, and Veterans Day, when we honor others who have sacrificed on behalf of their country. We cannot do any less for the brave men of the Vietnam war who have certainly given nothing less.

As on so many occasions in our history, our National Emblem would thus become the unifying symbol of national will and purpose in a time of critical decision.

The flag display I suggest would bring under common bond our President, who has clearly expressed his own determination to withdraw all combat troops at the earliest practicable date, and those who wish to encourage him in the fulfillment of this objective.

Those who support troop withdrawal act in the highest patriotic traditions of America. Therefore they should proudly display the flag that, through the years, has been recognized worldwide as the standard of peace.

I have today wired this suggestion to the moratorium committee.

THE 12TH OF OCTOBER

(Mr. CÓRDOVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CÓRDOVA. Mr. Speaker, historians the world over have long engaged in controversy over who was first to cross the ocean from what is now Europe to the Western Hemisphere. But who first crossed the Atlantic is obviously not as important as who first left Western man's footprint definitely marked upon the sands of our shores. There is no question that this was done by a man who was born and bred in Genoa, who sailed the Atlantic under the sign of the Cross, leading the Spanish crews of a Spanish fleet of three vessels sailing under the flags of Ferdinand and Isabella. This man, known to his contemporaries and to all of the Spanish-speaking world as Cristóbal Colón, and to most of our countrymen as Christopher Columbus, not only crossed the Atlantic and discovered this hemisphere on October 12, 1492, but he founded the first settlement in the island of Hispaniola.

Our fellow citizens of Italian ancestry are rightly proud of the Italian birth and breeding of Cristóbal Colón, and annually commemorate his feat. All of the Hispanic peoples of America, including millions of American citizens celebrate October 12 annually as the "Día de la Raza", the "Day of the Race." The race that they are talking about is not ethnic, it is cultural. It includes blacks, Indians, whites, and yellows. They are speaking of the Hispanic race, which simply means the peoples of Spanish language and culture, the descendants of the men and women whom Cristóbal Colón first brought to America, and those who for centuries have followed him across the Atlantic to settle in what were once the domains of Spain and the descendants of the people who were already here.

The 12th of October, thus, is not only an anniversary of the extraordinary feat accomplished almost five centuries ago under the leadership of a man of great tenacity and faith, but also a day in which hundreds of millions of people of different nationalities and colors, throughout the world, can rejoice in the bonds of a common culture and a common language: the language and the culture which Cristóbal Colón and those who followed him brought to this Hemisphere. Among these hundreds of millions are my constituents, your fellow-citizens from Puerto Rico—the only place under the American flag, incidentally, where Columbus ever trod—and the many thousands of constituents of dozens of my colleagues in this body, in the Southwest and the Northeast, in the South, and the Middle West, and in the Rockies and the Pacific coast. Theirs is a language and a culture which enriches the heritage of our Nation, a language and culture of which we are proud, which now contributes, in a measure, but can contribute immeasurably, if only we would make use of it, to the mutual understanding and the mutual respect of all of the peoples of the Western Hemisphere.

AMERICAN BAR ASSOCIATION REAFFIRMS SUPPORT OF JUDGE HAYNSWORTH

(Mr. EWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, the American Bar Association's Committee on the Judiciary has reaffirmed its position in support of the nomination of Clement F. Haynsworth to the U.S. Supreme Court. This apparently came as something of a shock to the press which has appeared to take great joy in viewing the nomination with alarm. The action of the bar should also undercut those in the other body who continue to deal in innuendo and unfounded accusations.

But, Mr. Speaker, some members of the press do not give up easily. All the way to town this morning I heard the WTOP–CBS news announcers continue to refer to the fact that the bar committee had "reluctantly" approved Haynsworth. What kind of yellow journalism is that? What is "reluctant" about a "substantial majority" of a 12-man bar committee approving a nominee? When did the bar committee ever say anything about being "reluctant?"

It has been no secret that the flaming liberals have been disappointed because Judge Haynsworth has been unwilling to bend the Constitution to suit every radical who comes into court. Consequently, they have been out to get him ever since the rumor leaked out that he was being considered.

Mr. Speaker, the only real crime of which Judge Haynsworth stands guilty is the plain and simple fact that he is a moderate from South Carolina in the heart of the southland. For this crime he is being made to suffer the worst character assassination imaginable.

The whole episode is disgraceful and sickening. The bar committee has approved him twice. The Senate Judiciary Committee has approved him. It is now time for the Senate to promply affirm Judge Haynsworth and allow him to take his seat on a Supreme Court that is in great need of his services.

BILL TO AMEND NATIONAL CAPITAL PLANNING ACT OF 1952

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Speaker, I address the House today on a most urgent matter.

Last Thursday and Friday, several articles appeared in the Washington Post and the Washington Evening Star concerning another attempt by the executive branch to usurp the powers of the Congress by Presidential Executive order.

These articles report the plans of the administration, drawn up by Mr. Daniel P. Moynihan, the President's adviser on urban affairs; Mr. Philip G. Hammer, recently resigned Chairman of the National Capital Planning Commission; and Mr. James Banks, the principal housing adviser to the Commissioner of the District of Columbia, to dissolve the National Capital Planning Commission.

The Commission these gentlemen propose to dissolve by Presidential edict or by "fait accompli" was established by

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Federal statute in July of 1952. As cited in section 1–1001 of the National Capital Planning Act of 1952, the purpose of the act is to "aid in providing the Congress from time to time with information and advice requisite to legislation." It says further:

> The general objective of this chapter is to enable appropriate agencies to plan for the development of the Federal establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining States and local governments to exercise appropriate to their functions.

The act directs the Commission to develop a comprehensive plan for the Nation's Capital, which plan shall include the Commission's recommendations or proposals for Federal and District developments or projects in the District of Columbia and its environs. It also requires the Commission to report to Congress annually on the first Monday of December the lands acquired during the preceding fiscal year, the method of acquisition, and the cost of each tract.

Mr. Speaker, in preparing the National Capital Planning Act of 1952, the Congress in its wisdom also provided that the Commission be composed of, in addition to other designated persons, the chairmen of the Committees on the District of Columbia of the Senate and House of Representatives, and five eminent citizens appointed by the President.

It appears that it was clearly the intent of Congress in creating the National Capital Planning Commission that it should be an instrument to serve the purposes of the Congress to insure that the city retained a Federal character.

The announced purpose of Mr. Moynihan and company, on the other hand, is to remove the congressional influence on preserving the character of the city by planning for the Nation's Capital. Instead, they propose to turn over the bulk of the planning powers to the purely local District of Columbia government.

Mr. Moynihan has not yet decided the fate of the Federal interest. His concern, it seems, is to redefine the intent of the Constitution and the acts of Congress and to put his own brand of government in control of the planning affairs of the Nation's Capital.

It is this kind of reasoning that disturbs me, Mr. Speaker. Does not Mr. Moynihan realize that the purpose of this city is unlike that of all other cities in the United States? Washington, D.C.'s main business is government; it is the Seat of Government of the United States. Washington, D.C., is a city designed as the Capital City, not a business city like New York or San Francisco, or an industrial city like Birmingham or Detroit. People in Oshkosh, Wis., or Albuquerque, N. Mex., have no desire to plan the city of Boston or Seattle, but they do have a definite interest in the city of Washington, D.C. It is their city; their Capital City. It was established by the Constitution, not for the citizens of Washington, but for all the people of this Nation.

Mr. Speaker, most of the Members of this Congress know too well the problems besetting this city. We know them better than Mr. Moynihan. We represent the interest of citizens all over this country, and we are charged by our electorate to know what goes on here. Those of us on the District of Columbia Committees are vitally concerned with what goes on here. We are concerned, Mr. Speaker, about this proposal for several reasons.

First, we know that we have tried to give the citizens of this city more voice in their own local affairs. A good example is the act of Congress which created an elected School Board for the District of Columbia. The antics of this Board has been a shock to the Congress and a sad experience personally to me, as I sponsored the legislation which created it.

Second, we have had the bitter experience of trying to separate the Federal functions from local functions. We know that planning for this city is an extremely frustrating and confusing affair. Based on the present ineptness of the local city government, we cannot foresee the wisdom of turning over more responsibilities to a government that has yet to master the affairs it presently has. I feel that my views on this point are shared by many of my colleagues.

Mr. Speaker, I can appreciate the anxiety of Mr. Moynihan to make bold social changes in urban life and to use Washington, D.C., as a model. But I would suggest that Mr. Moynihan first study the history of the Federal City, examine the problems of other capital cities, and finally come to the Congress and consult with some of the Members here who are charged with the responsibility of providing funds for his pet social projects, before he goes off into left field again.

In a letter to the President on Friday, October 10, I urged him to cancel Mr. Moynihan's project to dissolve the National Capital Planning Commission. Today, I am introducing a bill to amend the National Capital Planning Act of 1952 to provide for additional ex-officio Members of Congress on the Commission. I have long been of the opinion that new life should be breathed into the Commission, and that this infusion should come from area Congressmen from Maryland and Virginia. My bill will provide for two Members from each State, from the two specified congressional districts in each State closest to the Nation's Capital, whose congressional districts are now included in the planning district included in the act. The bill also provides for changes in redistricting and elections at large of these Congressmen, should that come about.

Mr. Speaker, it is my firm belief that the proposed action to dissolve the National Capital Planning Commission should be nipped in the bud. I see no better way to express the opposition of the Congress to this proposed arbitrary change in the law, than a strong interest by the Congress in strengthening the Commission as embodied in my bill.

Mr. Speaker, I urge early consideration and adoption of this legislation.

PRESIDENT OUTLINES NATIONAL NEEDS WHICH MUST BE MET

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, in his call for a "working partnership between a Congress heavily Democratic and a Republican administration," President Nixon has set forth in detail the need for early action on a long list of urgently needed programs. Tax reform, social security benefit increases, draft reform, and reform of the welfare system deserve the very highest priority now.

Although the President did not say it in his even-tempered message, the Congress has been dragging its feet on the administration's requests for the tools which are needed now to fight the Nation's shameful and growing crime rate. The law-abiding citizens of America are outraged at the shocking rate of crime, both organized and unorganized. They want the illicit narcotics trade stopped and the "pushers" placed in prison. They are tired of the flood of pornographic mail which finds its way into their mail boxes. The people want an all-out war on crime and the criminal now.

Because the present farm program runs through 1970, the President may have decided not to include a plea for new or revised agricultural legislation. Nevertheless, it is not too early to start putting together a farm program for the 1970's. The House Agriculture Committee, of which I am a member, has been working diligently on this and I am hopeful that we can report out a sound, workable program within the next few months.

All in all, I think the President has done an excellent job of cataloging the national needs which must be met. It is a call for action which must not be ignored.

ELECTORAL COLLEGE REFORM

(Mr. MacGREGOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MacGREGOR. Mr. Speaker, President Nixon's influence on the question of electoral college reform is being seen as an important factor in the outcome of that vote in the Senate.

An editorial in the Baltimore Sun for October 2 cites reasons for that paper's support of the reform proposals, and discusses the President's role in this issue.

I insert that editorial in the Record:

Election Amendment

President Nixon's endorsement of the constitutional amendment providing for the election of the President and Vice President by direct popular vote may help some of his fellow Republicans in the Senate to make up their minds in favor of it, too. The House of Representatives has approved the proposal by the strong vote of 339–70, well above the required two-thirds majority. The House majority, moreover, was drawn from Republicans as well as Democrats.

The amendment now is in the Senate Judiciary Committee, and its sponsors intend to bring it before the entire Senate within the next several weeks. It is clear, as Mr. Nixon said, that unless the Senate follows the House's lead "all opportunity for reform will be lost this year and possibly for years to come."

The direct election amendment is clearly preferable to the proposal to count electoral votes by congressional districts, which was advanced in the House as an alternative to the popular vote and was rejected. It is preferable also, in our view, to the proposal to divide each state's electoral vote in proportion to the popular vote in the state, a method which Mr. Nixon had first supported as the amendment most likely to be ratified by the states. The manner in which Mr. Nixon now has revised his position to one of full support for the direct election plan indicates that it is gaining momentum steadily.

3M ITEM'S A STAR-SPANGLED SELLER

(Mr. MacGREGOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MacGREGOR. Mr. Speaker, for the benefit of those few who would like to have us believe that patriotism is dead in America, I am placing in the Record today the text of an article from the Minneapolis Tribune last week entitled "3M Item's a Star-Spangled Seller." This article provides considerable evidence that the patriotic spirit is still very much alive in America.

The Minnesota Mining & Manufacturing—3M—Co., using only a word-of-mouth advertising campaign, has sold in 5 months almost 1.26 million small reflectorized American flags suitable for sticking on car windows or bumpers.

These flags, which have been distributed at cost, were originally produced as a gift for the 3M Co.'s 37,000 domestic employees. But the word soon spread and others expressed an interest in obtaining quantities of the flag sticker.

As President Harry Heltzer said in his personal message to the 3M employees which accompanied the flag:

> It is not old-fashioned to be patriotic.

Given the tremendous demand for this item, most Americans would seem to agree with Mr. Heltzer's judgment.

The article follows:

3M Item's a Star-Spangled Seller

(By Dick Youngblood)

Good old-fashioned patriotism is alive and doing a land-office business at Minnesota Mining and Manufacturing (3M) Co.

Without benefit of any but word-of-mouth advertising, the company since late May has sold upwards of 1.26 million little reflectorized American flags suitable for sticking on car windows or bumpers.

It hasn't meant a lot of money, mind you—3M says it's selling the flags for cost—but a gross of nearly $60,000 in less than six months is nothing for anybody to dissent about.

What's more, 246,570 copies of a small brochure containing the words of the "Star-Spangled Banner" and the Pledge of Allegiance, along with statements of some famous Americans about the flag, have brought in another $2,000 or so.

"The results amazed us," said J. C. Landen, head of the traffic-control products department in 3M's Reflective Products Division. Why the hefty response, he was asked?

"People are taking a position for or against something more than ever before," he reasoned. "I think a lot of people who have taken this country for granted for so long are now saying, 'Put me on record, I love America'."

Whatever the reason, something that started strictly as an internal employee program has blossomed into a going, nationwide operation.

Each spring, all of 3M's 37,000 domestic employees receive some kind of sticker, bearing such messages as "Safety Pays," from the company.

What with "the flurry of American-flag activity this spring," Landen said, including Reader's Digest's successful program of sending a small flag with each of one month's issues, it was decided that the flags would be nice for the employee enclosure this year.

President Harry Heltzer sent along a personal message:

"It seems to me that it is not old-fashioned to be patriotic," the message said in part. "I invite you, as an American, to display the enclosed American flag as an expression of respect for what the flag signifies."

More than 500 letters of appreciation poured into 3M headquarters in St. Paul.

"It gives me personal gratification to know I am employed by a leader, not only of industry, but also in promoting America," wrote one female employee.

Largest purchase was made by a major aircraft and missile manufacturer, Lockheed Aircraft Corp. in California, which bought an initial 24,000 flags and had so much employee response that it ordered another 30,000.

Based on such response, the company determined in May to make the flags generally available. The only advertising was spread word-of-mouth by the sales force and other employees.

Within three weeks, sales had mounted to about 850,000.

NATIONAL BLOOD DONOR MONTH

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, on September 24, the gentleman from Kentucky, Tim Lee Carter, introduced House Joint Resolution 911 which would authorize the President to proclaim January of each year as National Blood Donor Month.

I am reintroducing the resolution, with cosponsors, for him today, as he found it necessary to be in Kentucky.

One of the most vital community services millions of our citizens perform is donating blood through the American Red Cross and other blood donor programs.

When blood is needed, following natural disasters, accidents, or during the treatment of diseases, time is paramount. If blood is not available, and has to be brought in from elsewhere, the few hours can often mean the difference between life and death.

Fresh blood has a short life—21 days. Although it can then be fractionalized and its component parts used in the treatment of various medical problems, the large new supplies of fresh blood must be supplied constantly. Its need cannot be anticipated—it must be available when disaster or illness strike.

By giving the President authority to proclaim 1 month of each year as National Blood Donor Month, attention can be focused on this need, to make Americans aware of the obligation they have to keep the blood banks supplied. January is a month which normally finds many donors unable to give blood because of colds and the like. But, because of accidents and illness, it is a time of great need. So it was selected as the month which should be designated as the National Blood Donor Month.

To show my support for this resolution, I donated a pint of blood this morning at the District of Columbia Blood Donor Center, 2025 E Street NW. I encourage my colleagues to also support this resolution with action, as well as your votes.

VIETNAM

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, the President of the United States has asked for 60 days, as I understand it, for a sort of respite in order to give him time to try to work out a solution in Vietnam. As one of the ranking members of the Committee on Foreign Affairs on the Democratic side, I am going to support the President in his request. I think he has a right to have some time to work on this. Frankly, I am debating. I am supposed to leave very shortly for Brussels, as chairman of the House delegation to the North Atlantic assembly, and I am debating whether I should go or whether I should stay here and singlehandedly break up the design of a few self-appointed emissaries of Hanoi to make it appear that the House of Representatives is on their side; that is, on the side of Hanoi, and if I decide to go, I hope that somebody is left behind who will make a test vote as to whether the House supports this position by simply moving to adjourn when the time comes.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Yes, I yield to the gentleman from Illinois.

Mr. MIKVA. I happen to be one of the people who expect to take part in the special orders tomorrow. Is the gentleman suggesting that I am an emissary of Hanoi?

Mr. HAYS. No, I would not suggest that. I think you are just an unwitting tool in an effort which is to their advantage, because the only people who can get any benefit out of this kind of performance, trying to make it appear that the majority of this House supports that position, are the North Vietnamese, because it is certainly doing something that Hanoi wants done. The proof of the pudding is in the eating.

Mr. MIKVA. That is the gentleman's opinion.

Mr. HAYS. I suggest that the gentleman should get his own time.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from South Carolina.

Mr. RIVERS. As a member of the NATO delegation and as a member of the distinguished gentleman's committee or delegation to the North Atlantic Treaty Organization, if you cancel your plans, count me in with you.

Mr. HAYS. I thank the gentleman. I do not think it will be necessary because I think there are a few Members here who

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will make sure that if this performance goes on, there are 218 Members who are here to listen to them at all times, and I do not think there are 218 of them in this Congress who want to listen to it.

CRITICISM OF VIETNAM WAR

(Mr. FRASER asked and was given permission to address the House for 1 minute.)

Mr. FRASER. Mr. Speaker, I listened with interest to the preceding speaker, who seems to be the self-appointed guardian of the House with respect to the motives of Members when they get up to speak their convictions. I have listened to that Member before, and I know the House is able to judge his words appropriately.

I just want to say that is the kind of plea we have heard before that has left this Nation in the situation it is today. We have heard this kind of statement made for the last 4 years, that if anybody criticizes the conduct of this war or questions the premises of the war, what he is doing is helping the other side.

I think the time has come for us to accept our responsibility as representatives of the people of the United States by speaking our minds honestly and without fear of those who react as the gentleman who just spoke here in the well of the House reacted.

I, for one, was uncertain as to the role I would play tomorrow afternoon, but the gentleman has settled it for me. I shall participate and say what I think needs to be said in order to help protect the security and protect the interests of the people of this Nation.

PRESIDENT SHOULD BE SUPPORTED IN HIS EFFORTS TO OBTAIN PEACE

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, in order that Members of the House who are so gung ho about what is going to happen tomorrow evening might better understand the situation, I want to show the other side of the coin. I do this by reading a letter that came to my desk this morning, from a constituent. The writer speaks as one who really has something at stake in this business:

OCTOBER 10, 1969.

Representative LESLIE ARENDS,
Washington, D.C.

DEAR REPRESENTATIVE ARENDS: We are the parents of three sons—two of them of prime draft age and one currently serving in the Air Force. This tells you that we are vitally concerned in the swift termination of the Vietnam War.

However, neither we nor our sons feel that a unilateral withdrawal from Vietnam is any solution to the problem, nor does it do anything to ensure the peace and freedom of either Americans or other nations. We are strongly opposed to the stand of some senators and representatives to support the protest for peace next week, especially the activities for Wednesday. This is tying the hands of our president and weakening whatever strength our government may have had at the peace talks. Hanoi interprets this peace pressure on our president as a clear indication that they can demand any terms they want and afford to wait for them. We have much greater confidence in the wisdom, understanding, and integrity of the president in this trying situation than we do in the many self-styled experts in and out of Congress who undertake to undermine his position and sabotage his efforts. We urge you not to be among those who are either so undiscerning as to be inadvertently helping the enemy or so unethical as to use this vital issue as a political screen.

We do not know what your stand on next week's protests is. The papers merely mention the numbers of senators and representatives who are supporting it, but do not list names. However, no doubt a careful reading of the news coverage next week will reveal them. We would like you to know that we do not intend to support at the polls you or any other senator or representative from the state of Illinois that knowingly or unknowingly persists in playing into the hands of the Communists or anarchists by trying to force a peace-at-any-price settlement in Vietnam. Had our president been given the support he should have, we feel he could by this time have negotiated an acceptable peace, or at least been much closer to it. Only a very stupid enemy would make any concessions at the peace table with a vociferous minority working as a fifth column within the country accomplishing its purposes for it.

We see in these peace protests at best an unreasoned, unthinking, unintelligent pressure that can ruin any real progress towards peace, and at worst a determined and wilful participation the insidious plans of the subversives, radicals, anarchists, and Communists who are so much in control of things in our country these days. We urge you to take a constructive, patriotic stand on this and all other issues.

Sincerely,

——— ———.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I think that is a good letter.

I think it is fair to say that the so-called student leaders, the protesters, the SDS crowd do not want peace in Vietnam, and when they say they do, they are lying through their teeth. They want something to raise hell about. If there were to be peace in Vietnam tomorrow, they would be protesting something else, because they are Communists and anarchists and want to bring down this Government.

Mr. ARENDS. I could not agree more with the gentleman.

I want to say this letter came from a very dedicated and patriotic American. These parents have something at stake—they have three boys. Who else can say the same thing?

THE PRESIDENT'S LEGISLATIVE PROPOSALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. ALBERT). The Chair lays before the House a message from the President of the United States.

CALL OF THE HOUSE

Mr. HUNGATE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 216]

Abbitt
Anderson, Tenn.
Annunzio
Ashbrook
Ashley
Aspinall
Barrett
Beall, Md.
Berry
Bevill
Biaggi
Biester
Blatnik
Bolling
Bow
Brademas
Brasco
Brinkley
Brock
Broyhill, N.C.
Burke, Fla.
Burleson, Tex.
Burton, Utah
Button
Byrne, Pa.
Cabell
Cahill
Camp
Carey
Carter
Casey
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Cleveland
Cohelan
Collier
Collins
Conte
Conyers
Corbett
Coughlin
Cowger
Culver
Cunningham
Dawson
Delaney
Dent
Dickinson
Diggs
Donohue
Dorn
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Fish
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Hagan
Haley
Halpern
Hanna
Harrington
Harsha
Hastings
Hathaway
Hechler, W. Va.
Helstoski
Henderson
Hollfield
Hosmer
Howard
Hull
Hunt
Hutchinson
Jarman
Johnson, Calif.
Jones, Tenn.
Kee
King
Kirwan
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Lennon
Lipscomb
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
Madden
Mailliard
May
Meeds
Melcher
Miller, Calif.
Minish
Mizell
Mollohan
Moorhead
Morse
Murphy, N.Y.
Myers
Nelsen
Nichols
Nix
O'Hara
O'Konski
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Philbin
Pickle
Pollock
Powell
Pucinski
Quillen
Railsback
Randall
Reifel
Rhodes
Roberts
Rogers, Fla.
Rooney, N.Y.
Rostenkowski
Roth
Roudebush
Roybal
Ruth
St Germain
St. Onge
Sandman
Saylor
Scherle
Shipley
Skubitz
Smith, Iowa
Snyder
Staggers
Steiger, Ariz.
Stokes
Sullivan
Symington
Taft
Taylor
Teague, Calif.
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Watkins
Watson
Watts
Weicker
Whalley
White
Wilson, Charles H.
Wold
Wolff
Wydler
Wylie
Wyman
Zion
Zwach

The SPEAKER. On this rollcall 220 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE PRESIDENT'S LEGISLATIVE PROPOSALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-178)

The SPEAKER laid before the House the following message from the President of the United States; which was read and was referred to the Committee

of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

In the nine months since Inauguration, a number of issues have arisen clearly calling for the Congress and the Administration to work together.

One such issue was the extension of the surtax, where our economic security was involved. Another was authority to build the Safeguard ballistic missile defense, where the national safety was the issue. On both occasions, when the time came to be counted, Congress subordinated partisan concerns and voted the country's interest.

The continuance of this working partnership between a Congress heavily Democratic and a Republican Administration, on occasions where great issues are involved, is imperative for the good of our country. I hope this partnership will survive the "spirit of party" that grows more evident weekly in the national capital. Yet, in recent days, the call to partisan combat has grown more compelling.

I am aware that members of the Administration have criticized the Democratic-controlled Congress for "dragging its feet" in the enactment of legislation, for holding hearings thus far on only half the Administration proposals before it, for having enacted but a single appropriations bill for fiscal 1970, a full quarter of the way through the fiscal year. From Capitol Hill there have come similar charges—that the Administration has been laggard in proposing legislation, that the Executive Departments have been slow in giving the Congress the reports it has requested, that some of the most far-reaching Administration proposals have only lately been sent to the Congress, and so cannot be acted upon by the end of the year.

If a working partnership between men of differing philosophies and different parties is to continue, then candor on both sides is required. There may be merit in both charges; neither the Democratic Congress nor the Republican Administration is without fault for the delay of vital legislation.

But, in my view, the American people are not interested in political posturing between the Executive Branch and Capitol Hill. We are co-equal branches of government, elected not to maneuver for partisan advantage, but to work together to find hopeful answers to problems that confound the people all of us serve.

Both the President and Congress have been commissioned by the same American people, for a limited time, to achieve objectives upon which the great majority agree. For our part, we are willing to travel more than half-way to work with Congress to accomplish what needs to be done. The time for staking out political claims will come soon enough.

Let us resolve, therefore, to make the legislative issue of the 1970 campaign the question of who deserves greater credit for the 91st Congress' record of accomplishment, not which of us should be held accountable because it did nothing. The country is not interested in what we say, but in what we do—let us roll up our sleeves and go to work. Before us are urgent legislative priorities.

The legislative program of this Administration differs fundamentally from that of previous administrations. We do not seek more and more of the same. We were not elected to pile new resources and manpower on the top of old programs. We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century. Some months ago, a Washington columnist wrote in some pessimism that if ours is not to be an age of revolution then it must become an age of reform. That is the watchword of this administration: *REFORM.*

REFORM OF THE DRAFT. I have asked Congress to make the most extensive changes in the way we select young men for military service since the draft became an accepted feature of American life. We have the administrative power—and we will exercise it if Congress fails to act—to make far-reaching reforms in the selective service system, reducing the period of prime vulnerability for young Americans from seven years to 12 months. However, we need Congressional approval to shift from the inequitable requirement of choosing the "oldest first" to the more just method of random selection. I asked Congress five months ago for this power; I ask again today. Basic fairness to our young people is the prime reason for this recommendation. I see no reason why this vital piece of legislation cannot be enacted *now.*

REFORM OF THE WELFARE SYSTEM. Last summer I asked Congress to make the most sweeping changes in the American system of welfare since the beginning of the New Deal. Last week legislation went to Congress outlining the proposal I have made for a new family assistance system to replace the demeaning and bankrupt system that now exists.

Under the present system, sometimes a father must desert his wife and children to make them eligible for benefits. Under the present system, some mothers with three children must survive with only $39 a month for the entire family to live on.

The family assistance system is built on a different set of principles. It provides incentives for families to stay together. It provides economic rewards for men and women on welfare who enter training programs and search out jobs. It provides a floor under income that assures the minimum necessary for food and clothing and shelter.

The present system has led this country into a morass. It has laid a heavier and heavier burden on the American taxpayer. It has loaded the relief rolls with more and more families even in times of rising prosperity and low unemployment. I ask that Congress begin hearings on the new family assistance system at once. The welfare system should be abandoned as quickly as we can discard it and a new system established in its place.

REFORM OF THE TAX CODE. In April I recommended to Congress the most comprehensive set of tax reforms in many years. Subsequently the House of Representatives responded with an even more far-reaching proposal of its own. The national momentum behind tax reform—to make the code more fair and equitable, to shift part of the burden from those who have borne too much for too long to the shoulders of others who have not carried their fair share—must not be allowed to dribble away while a partisan wrangle goes on over who deserves the political credit. We will give Congress as much assistance and as many hours of labor as it requires to enact extensive and responsible reform in this calendar year.

I do ask, however, that Congress, in acting on this major reform, not compromise this administration's effort to combat the most unjust tax of all, inflation. Specifically, I ask that Congress not convert this historic tax reform legislation into a sharp tax reduction that would unbalance the Federal budget and neutralize our campaign to halt the rising cost of living. I ask again that Congress repeal the seven percent investment tax credit, and extend for another six months the income tax surcharge at one-half the present rate. To fail to take these steps would be an abdication by Congress of its vital role in controlling inflation.

REVENUE REFORM. For the first time in the history of this government, we have recommended a national policy of permanent sharing of the Federal income tax revenues with the States and lesser political units in the country. For years, political students and leaders have contended that governments at the State, county and local levels have lost their creativity and lost the capacity to respond because they lack access to the great source of growing revenues available to the Federal government. I have recommended that Congress set aside a rising portion of Federal revenues each year and transmit them directly back to the States and communities to spend as they see fit and not as Washington sees fit. This concept has been debated by both parties and recommended by their majorities for years. The time has come to move it off the plain of discussion to make it a reality. I urge the Congress to move.

POSTAL REFORM. For more than a decade the American people have complained increasingly of the rising cost of postal service accompanied step by step with declining service. Today the United States postal system is inferior to that of many countries of Western Europe; it is grossly inadequate to the needs of our society. The nation has known this for years. I have acted in that knowledge—recommending that the existing postal system be scrapped, that a government-owned corporation replace the United States Post Office, that business principles replace partisanship in its management, and that merit and performance—rather than political affiliation—be the new criteria for appointment and advancement. Three years ago this month the Chicago postal system, a microcosm of the national system, collapsed under a flood of mail. The rapid delivery of mail is not a partisan issue. Distinguished leaders, of both parties, have endorsed the precise reform I have

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recommended. There is no reason why the Congress cannot enact the most complete reform of the United States Post Office in the nation's history—by the close of this session.

I am aware of the setback which postal reform sustained in a House Committee on October 8. That action must be reversed. I shall persist in behalf of both the taxpayers and the mail users in this country to press for this urgently needed reform. I still believe enactment should come by the end of this session of the Ninety-First Congress.

Here I must again urge responsible congressional action, and promptly, on the proposed increase in postal rates for all three classes of mail. When this Administration entered office in January, it confronted a deficit in the postal budget for fiscal year 1970 of more than $1.2 billion. We are already three months into that fiscal year—and this deficit is being underwritten by the taxpayers, rather than the users of the postal service, who should rightly bear the cost. I recognize that such a measure is hardly a political delight. Yet it is required in the interest of equity and fiscal integrity. I request the Congress to face up to this task.

MANPOWER REFORM. The history of the 1960s chronicles an intense political debate that has resulted in the old centralism of the thirties losing converts to the new federalism of the seventies. More and more progressive men in both parties have become convinced from the failures of programs run from Washington that important areas of government decision-making must be returned to the regions and locales where the problems exist.

I have attempted to take that conclusion out of the forum of debate and into the arena of action—Congress. I have recommended that management of a Federal program—the multi-billion dollar manpower training program—be consolidated, and turned over in a three-stage operation to the States and communities to run in a way that fits the needs of the immediate areas involved. No reform of this magnitude has been attempted since centralism became the dominant national trend at the depths of the depression. This recommendation represents the beginning of a revitalized federalism, the gradual transfer of greater power and responsibility for the making of government decisions to governments closest to the people. I urge swift Congressional action.

SOCIAL SECURITY REFORM. I have requested an across-the-board increase of ten percent in Social Security benefits to compensate elderly Americans for the losses they are suffering because of an inflation they could do nothing either to prevent or avoid. In addition, I have proposed a new reform, an escalator in Social Security to insure that benefits will rise correspondingly whenever the cost of living goes up. When this reform is enacted never again will those Americans least able to afford it be made to bear the brunt of inflation. These necessary steps can and should be taken by Congress before the end of this year.

One word of caution. I know the political temptations here. Why not balloon the benefits now, far above 10 percent, for political rewards in 1970? I remind the Congress that it is long since time that we stopped the political over-reactions which fuel the inflation that robs the poor, the elderly, and those on fixed incomes. I urge Congress to hold to this ten percent figure—and let the new escalator protect older Americans against the possibility of future inflation.

A second reform I have proposed is to alter the system of social security to encourage and reward the workers who want to go on working past age 65—rather than discourage them. I ask Congress to enact this measure without delay.

REFORM OF THE GRANT-IN-AID SYSTEM. Among the first major pieces of legislation I asked of Congress was authority to make uniform the requirements for participation in many grant-in-aid programs that have proliferated in the last five years. If we are granted the power to draw these programs together, to group them by function—setting far more simple regulations—then States and communities will participate more and Congress' original purposes will be better served. We need that authority *now.* I know of no reason for delay.

ELECTORAL REFORM. While I originally favored other methods of reforming the electoral college system, I have strongly endorsed the direct popular election plan approved by the House. I hope the Senate will concur so that final favorable action can be completed before the end of this session. This must be done if we are to have this needed reform amended to the Constitution in time for the presidential election of 1972.

D.C. GOVERNMENT REFORM. For years there has been broad support for granting the people of Washington, D.C. the same right to Congressional representation other Americans have always prized, and the right to conduct their public business themselves. The Federal city has been a federal colony far too long. Months ago I presented to Congress a program to bring about the orderly transfer of political power to the people of this community. I recommended a constitutional amendment giving the District of Columbia at least one representative in the House and such additional representatives as Congress may approve, and providing for the possibility of two United States Senators. I urged Congress further to grant the city one non-voting Congressional representative in the interim, and recommended creation of a commission to prepare and present to Congress and the President a program to improve the efficiency and competence of the District Government—looking to the day of complete self-government. Favorable action has been taken by the Senate. I ask that this work be completed before the end of the year.

OEO REFORM. I have provided the Office of Economic Opportunity with a new director, a new structure, and added responsibilities as the research and development arm of the nation's effort to deal with the problems of the poor. OEO is now strengthening its present operating programs, including the Community Action Agencies, VISTA, Legal Services, Neighborhood Health Centers, Family Planning, Emergency Food, Rural, Older Persons, Indian and Migrant Programs. In addition, there is new emphasis on research, the evaluation of existing Federal social programs, and developing and testing new approaches in community and economic development, manpower and education, to assist the poor to move into the economic life of the nation. I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life. Here again, there is no need or justification for further delay.

In recent years the Federal Government has suffered a precipitous decline in public confidence. The reason can be found in the chronic gap that exists between the publicity and promise attendant to the launching of a new Federal program—and that program's eventual performance. If confidence in government is to be restored, the gap must be closed.

This is the purpose of the foregoing proposals and great goal of this Administration—not to establish some new arithmetical record for the number of programs proposed, but to do more than other Administrations have done—to devise new approaches, to make the worthy old programs work, and to make old institutions responsive. It is for this that we prize the mechanics and engineers of government who retool and improve its machinery as much as we do the planners and the idea men who develop new programs and new agencies. There is little publicity and less glamor in the labor of the mechanics and engineers of government but, with billions in tax dollars invested in scores and scores of ongoing Federal programs, the need is certainly greater. Let us together make government's performance and responsiveness more commensurate with its size.

REFORM OF FOREIGN AID. Our foreign aid program, sent to Congress in May, differs from earlier programs in three significant ways. First, it would place greater emphasis on technical assistance, especially in the areas of agriculture, education, and family planning, where the return would be greatest when measured in terms of national and human development. Second, the new program would create an Overseas Private Investment Corporation to provide a greater thrust for the channeling of private investment to the low-income countries. Third, it would increase the share of our assistance contributed through multilateral institutions.

I know of the economic miracles which foreign aid has helped create in Western Europe and in parts of Asia. I know also that our program is far from perfect. With this in mind, I have recently appointed a Presidential Task Force on International Development, charged with proposing new approaches to aid for the 1970s.

One fundamental question must be faced as Congress prepares to vote on this issue: will we in the United States live out our lives in comparative affluence, while denying reasonable help to those who are our neighbors in the world community and who are struggling to help themselves achieve a better life? To enable us to answer this question positively, I have requested $2.7 billion—the smallest request in the history of the U.S. aid program but an amount vitally needed to maintain our relationship with the developing world.

In addition to the reforms already cited, I have made other recommendations that call for new commitments by the Federal government, and offer more hopeful avenues of progress than the paths of the past.

Specifically, I have asked Congress to:

—establish a national computer Job Bank, which would enable the unemployed and the employer to come together through a computer matching system. The bank would have "branches" in every major labor market in the country. No longer would men have to go without work solely because they did not know where to find jobs.

—commit this country to the most extensive improvement of the Nation's air facilities in history. Under this program, the annual Federal appropriation for improving air facilities will rise from $93 million a year—the average of the last decade—to $250 million annually over the next decade. I have proposed further aid for airport development of $2.5 billion in Federal funds in the next ten years to be matched dollar-for-dollar by the States and local governments. This will mean an added $5 billion in funds for airport development. It will mean a running start on the national effort to build for the doubling of airline traffic expected by 1975 and its tripling by 1980.

—commit this country to the redevelopment of the nation's deteriorating public transportation system by providing an unprecedented measure of Federal support. In the six-year period ending with fiscal 1970, some $800 million will have been authorized by Congress to aid the nation's deteriorating public transit industry. I have proposed raising that commitment to $3.1 billion over the next five years and to a total of $10 billion over the next twelve.

—enact the most extensive improvements in the Federal-State unemployment system in a decade, with coverage extended to an additional 4.8 million workers, mostly low-income, with an automatic extension of benefits to workers during times of high unemployment.

—enact the strongest mine health and safety bill in history, one which empowers the Secretary of the Interior to upgrade health and safety standards for coal mines as the technology develops.

—establish a national occupational health and safety board, with power to set standards to protect workers.

—empower the Equal Employment Opportunity Commission to bring suit in a Federal District Court to enforce federal laws against discrimination.

—ban literacy tests as a prerequisite for voting throughout the United States.

NEW INITIATIVES

THE HUNGRY. For many years, in this richest of societies, we have heard rumors of malnourished children and hungry men and women. Now we know these rumors are true. This realization has prompted us to a commitment—that we eliminate every vestige of hunger and malnutrition from America. I have asked Congress to help us assure that every American family can have a nutritionally complete diet; I have asked that the poorest members of our national community be provided with food stamps free of cost.

The Senate has shown a willingness to join in this commitment and has acted with dispatch. I urge the House to move so as not to prolong any further the day when the ancient curse of malnutrition and hunger is eliminated in this most modern of nations.

POPULATION. There is a widely-recognized correlation between population growth and poverty in the under-developed nations of the world. I have asked Congress to support our endorsement of those individuals and organizations seeking voluntary answers to this global question in other lands.

To approach this question as it applies at home, I have called on Congress to create a national commission to undertake now a study of how the nation is to provide for the 100 million new Americans expected before the turn of the century.

Beyond this, I have asked that a new philosophy become American government policy. We will interfere with no American's freedom of choice; we will infringe upon no one's religious convictions; but we shall not deny to any American woman the family planning assistance she may desire but cannot afford. That is the goal I ask Congress to support.

THE CONTROL OF CRIME

There is no greater need in this free society than the restoration of the individual American's freedom from violence in his home and on the streets of his city or town. Control and reduction of crime are among the first and constant concerns of this Administration. But we can do little more unless and until Congress provides more tools to do the job. No crisis is more urgent in our society. No subject has been the matter of more legislative requests from this Administration. Yet, not a single one of our major recommendations on crime has been acted upon favorably. I have not even received yet the budget appropriation for the Department of Justice for this fiscal year which is three months old. In light of the rising crime statistics in the country—and in the nation's capital—I again call upon Congress to become a full-fledged ally in this national campaign.

ORGANIZED CRIME. To intensify the national effort against organized crime, I have asked for an arsenal of new legal weapons:

—a doubling of existing resources for the organized crime effort;

—authority for Justice Department agents to enter any community and shut down large-scale gambling operations;

—a modern general witness immunity statute under which witnesses in Federal criminal cases could be compelled to testify under threat of a prison sentence for contempt;

—finally, because organized crime would shrivel up without its enormous gambling resources, and because illegal gambling on a large scale cannot go on without cooperation of corrupt law enforcements, I have asked Congress to make corruption of local authorities who are tied in with such gambling operations a Federal crime. I must stress the great urgency of these measures. Let the Congress act—*now.*

D.C. CRIME. To deal with the increase in crime in the District of Columbia I have asked for an expansion and strengthening of the entire system of law enforcement and criminal justice, including a fundamental reorganization of the courts. I have stressed the urgent need for more police, more judges, more prosecutors, more courtroom space, a new public defender's office, better penal and rehabilitation facilities and reform in the procedures for dealing with juvenile offenders. Crime in the District of Columbia continues to rise to new records with each month. We cannot contain or control it with existing resources; we need more men and money; we need a speedier trial system and, as important as any other measure, the power to keep hard-core criminal repeaters in the District of Columbia off the streets, so they are not committing five and six crimes before they are ever brought to trial. The Congress should act—*now.*

NARCOTICS. In the Federal effort against the illicit narcotics trade, I have submitted a major revision of all Federal narcotics laws and requested more men and money to deal with a problem that long ago outstripped the capacity of government at every level. Existing manpower and resources are stretched to their elastic limits—they are demonstrably inadequate. We have to have the cooperation of Congress to attack this terrible problem. Let's get at it—*now.*

PORNOGRAPHY. To prevent the use of the nation's postal system for the mailing of unsolicited sex-oriented materials to families that do not want the material and to children to whom it might do psychological harm, I offered three legislative proposals that will protect American citizens from the barrages of the filth peddlers, and will also be consistent with the decisions of the U.S. Supreme Court interpreting the First Amendment. These bills are still in Congress. I ask that they be promptly enacted.

These are among my major legislative proposals in these first nine months in office. I believe they speak directly to the needs of a nation in distress. I can see no legitimate reason why—with good will and cooperation between us—we cannot make the great majority of these urgently needed programs law before the end of the year. We should have all of them—as well as the others now pending—on the statute books well before the Ninety-First Congress enters the history books

To that end, I again pledge the cooperation of this Administration.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1969.*

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PRESIDENT'S MESSAGE

Mr. GERALD R. FORD. Mr. Speaker, Sunday was Columbus Day, but it should be with no sense of discovery that Congress receives President Nixon's message detailing the tremendous amount of work yet to be done by the 91st Congress.

It should, however, be with a sense of public-minded cooperation and a spirit of deep determination that Congress considers the tasks remaining as spelled out by the President.

I personally pledge that I will bend every ounce of my energies to the goals enunciated by the President, and I fervently hope that the Democratic leadership of the Congress will do likewise in a spirit that eschews partisanship in favor of what is best for the country.

I think the President has set a splendid example for the Congress by displaying in his message exactly the kind of nonpartisian spirit now needed to get the Congress moving on the President's program and to get this country moving ahead.

I agree with the President that—

> Neither the Democratic Congress nor the Republican Administration is without fault for the delay of vital legislation.

It is because I wished to proceed affimatively and positively with the President's program that I have repeatedly refused to call the 91st Congress a "do-nothing Congress" and have counseled waiting until the final scorecard is in before we judge the 91st.

The 91st Congress is potentially a great Congress, and the President has made clear how the 91st can achieve greatness.

The route to greatness for the 91st Congress is to enact President Nixon's excellent reform proposals—his proposals which would turn the country into new directions, away from centralism to a new federalism and away from recognized failures to new successes.

I have spoken of the Nixon administration throughout the country as a reform administration—and that is what we must have at this juncture in our history. But we cannot have those reforms unless the Congress implements the President's program.

I therefore join with President Nixon in urging the 91st Congress to act on the administration program—and act now.

(Mr. ARENDS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ARENDS. Mr. Speaker, we have just heard an appeal from our President for cooperation from this Congress effectuating his program of reform. I hope that this Congress will heed his appeal and be responsive by expeditious action on his recommendations. As he so well said, all of us were "elected not to maneuver for partisan advantage, but to work together to find hopeful answers to problems that confound the people all of us serve."

At the conclusion of the last Congress the majority leader of the other body said:

> I think perhaps we have passed too much legislation, spent too much money. I think it is time to reorganize and tighten our belts.

This is precisely what the Nixon administration proposes we do. The premise of President Nixon's program is to do that which is fundamental. It is to revise, to eliminate, to consolidate and to coordinate that we may have a more efficient and more economical government responsive to the needs of our people.

Let us do that which is fundamental. Let us put first things first. While we may have our differences in matters of detail, there should be no difference between us for achieving the much-needed reforms that our President has recommended to us. On many of his recommendations there is no reason why we cannot proceed without further delay. I refer particularly to what needs to be done to combat inflation and to combat crime.

(Mr. ANDERSON of Illinois (at the request of Mr. Arends) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, the President has sent us a message outlining a vast legislative area in which this Congress needs to get down to work.

He has done it without rancor and without partisanship, recognizing that the slow pace of this Congress can be blamed not only on the Democratic majority of this Congress, but also, to some extent, on the approach of his administration, which has been reasoned and careful; certainly less frantic than the opening sessions of recent administrations.

But, Mr. Speaker, regardless of who is at fault for the slow pace of this Congress, the fact remains that little has been accomplished in the way of substantive legislation.

And much remains to be done.

Without question, the President is right when he says:

> The American people are not interested in political posturing between the executive branch and Capitol Hill.

And when he says that he and we "have been commissioned by the same American people to achieve objectives on which the great majority agrees."

Mr. Speaker, we now have much, in fact most of the President's legislative program for this year. We have had a great deal of it for quite a while.

I urge that the entire Congress be allowed to work its will on most of that legislation before the end of this session. The Nation will be better off and the Congress will have lived up to its obligations.

Mr. BROWN of Ohio. Mr. Speaker, the President has sent to this Congress a list of national priorities, priorities which if acted upon will benefit our Nation for decades to come.

They are measures on which reasonable men will find it difficult to disagree in principle.

They recognize that new problems and changing conditions in this age of rapid change demand new answers and new solutions.

Mr. Speaker, this Congress has a great opportunity. It can help the President chart the new directions this Nation must take or it can continue to attempt to cope with the challenges of the seventies using the outmoded and never very successful methods of the thirties.

It can deal realistically with the needs of the people or it can continue to drift along the same old path, substituting new funds for new answers and bigger programs for better ideas.

Mr. Speaker, the times are too perilous, the need for new answers too great for any of us to be willing to settle for only a bigger status quo, for any of us to drag our feet, for any of us to put political considerations first. I urge that we join with the President now—today—and get on with the job the people have entrusted both to him and to us.

Mr. MacGREGOR. Mr. Speaker, by now most of us have read the message the President has sent to the Congress over the weekend outlining the issues he deems to be of greatest significance.

Mr. Speaker, there can be little disagreement over the importance of these issues, though reasonable men may differ over how best to deal with them.

It is the duty of the President to inform us of what he considers to be the Nation's problems, to send us the proposed legislation he thinks can solve these problems.

This he has done.

In some cases he has done it only recently. In others we have had that legislation for a considerable period.

Regardless, we now have it before us.

It is now up to this body to consider the proposals most carefully, and to send to him for signing as expeditiously as possible the legislation we think can best meet those needs.

Now is no time for partisan recriminations or dilly-dallying.

Now is the time to put our shoulders to the wheel and get on with the job.

Mr. STEIGER of Wisconsin. Mr. Speaker, in a most conciliatory manner the President of the United States has asked the Congress to get on with the job of legislating the best answers he and we can devise to the problems besetting our land.

I earnestly hope this body can respond in kind, recognizing that the needs of the people come before politics or partisanship.

Mr. Speaker, there are grave problems to be solved in our land, and grave questions that seek meaningful answers.

We do need to reform the draft system to make it fair and equitable; we do need to reform the welfare system to provide incentives to work and incentives to keep families together, we do need to provide the States and localities with revenues adequate to meet their growing needs, we do need new answers to the problems of hunger, and population, and crime.

We do need to end the inflation.

We do need to reform our postal service.

We do need to extend OEO and enable the agency to fulfill its innovative role as set by the President.

We need to do these things and we need to do much more.

Mr. Speaker, the time is growing short. I urge that we get on with the tasks before us.

(Mr. McCLORY (at the request of Mr. Arends) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, I have been most interested to review carefully the message of President Nixon which we have received today in the House of Representatives. The President has drawn attention to a large number of legislative proposals upon which the Congress has failed to act. I am pleased to know, however, that the subject of tax reform and electoral college reform have already received action by the House. The delays which these measures are encountering in the other body require it to take action.

In reviewing the programs to which the President has made reference, I have taken particular note of those subjects which are pending before the House Judiciary Committee upon which I serve. While my committee has been diligent in covering the usual subjects to which it is assigned, I wish to call attention to the extensive hearings on such subjects as conglomerate mergers, the Newspaper Preservation Act, extension of the Voting Rights Act, and electoral college reform.

However, I am hopeful that in response to the President's message the committee can take up those bills relating to organized crime to which the President made reference. Also, I hope that revision of the Bail Reform Act may be considered, and that bills relating to pornography and to the District of Columbia government may receive early attention.

The subject of crime in America deserves top priority. In that respect, Mr. Speaker, I note that the President's budgetary request for $20.9 million for operation of the National Institute of Law Enforcement and Criminal Justice was reduced by the House $7½ million. It is my hope that the Senate will restore the full amount which the administration requested.

In connection with our efforts to reduce crime we must not lose sight of the fact that adequate funding of existing programs is perhaps even more essential than the establishment of new programs. Indeed, the President alluded to this subject in his message when he stated:

> I have not even received yet the budget Appropriation for the Department of Justice for this Fiscal Year which is three months old.

The reduction of crime in America is essentially the task of local and State law enforcement officials. The National Institute provides the guidance and cooperative link between the Federal Government and local and State governments which can serve this objective.

Mr. Speaker, the President has spoken convincingly and fairly in outlining the tasks which lie ahead of him and us before the 91st Congress adjourns in December. I am confident that the Judiciary Committee will do its part in taking action on measures which the administration deems essential in fulfilling its commitment to the national interest.

SCHEDULED TRANSPORTATION SYSTEM IN DANGER

(Mr. HAYS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HAYS. Mr. Speaker, you will recall that on several past occasions I have brought to your attention the fact that our scheduled transportation system is in grave danger. You are well aware and join me in being justly proud that our country has the finest air transportation system in the world. However, I am most fearful that we will lose this leadership, and even in time destroy this system if we do not learn to live by the rules.

Supplemental airlines, so-called "nonskeds," are a great and growing threat to our aviation leadership. A broad authorization containing many loopholes, lax enforcement of regulations by Government agencies, and illegal promotional sales activities by tour and travel promoters have allowed these supplementals to skim the cream off some of the most profitable scheduled airline markets. With no schedules to meet, and no unprofitable routes to maintain, the "supplementals" have ceased to be supplemental to our scheduled airlines. They are now competitors for most of the world's air traffic on a most favored basis. And the continuing violations of CAB regulations by them have reached such a magnitude that organized crime—the Mafia—is alleged to have become involved.

Concern in this accelerating crisis has now spilled over into the international scene as evidenced by an article written by Robert Porter in the London Sunday Telegraph of September 28, which follows:

PROFIT OF £5,000 BY SHADY FLIGHTS

(By Robert Porter)

An intensive Government inquiry is taking place into the alarming growth of air charter flights running close to the law. I understand that at least six charter flights have been stopped on the tarmac in the last two weeks by Board of Trade inspectors who have discovered irregularities.

Some flight operators and shady air brokerage companies are flouting the laws regarding group charter flying and are making up to £5,000 profit on each trip.

The companies are breaking the law because they totally disregard the strict regulations governing charter flying.

SPURIOUS CLUBS

Legally, these cheap group affinity flights are available only to clubs formed for at least two years, whose main purpose must be something other than flying. People taking part must have been members for at least six months.

The illegal operators run spurious clubs and allow individual travellers to join at any time. They issue back-dated membership cards and have networks of agents throughout the country who pass on to them the names of people wishing to join a charter flight.

They operate from back-street offices. These have no staff and only a telephone answering device on which would-be passengers leave details of their requirements.

MAFIA BACKING

The Association of British Travel Agents and the International Air Transport Association are also conducting searching inquiries into the whole structure of charter flying operations. In Italy and America Mafia racketeers are reported to be involved.

One American charter airline is said to be financed by Mafia money. In Italy, International Air Transport Association investigating offcers have helped crush a charter racket based in Rome that was also Mafia backed. The most common form of charter flying in Britain is group affinity travel.

The cost is remarkably low. The cheapest scheduled airline fare to New York is £125 return and at certain times of the year this can rise to as much as £212.

Compared with this, some travel groups offer flights for as little as £49 return.

Charter flying now accounts for between 25 and 35 per cent of transatlantic air travel. One British charter line already has five Boeing 707s, each able to seat 188 people, fully booked from May to September next year.

UNUSUAL TITLES

Clubs have sprung up all over the country with all kinds of unusual titles. An example of this is the Trowbridge Caged Bird Society, which arranged about a dozen charter flights to America last year on Boeing and V.C.-10 jets. For £74 return, passengers had free meals and free use of the bar.

The Canadian, American and Overseas Re-Union Association, operating from Manchester, is running more than 20 flights to America next year and other flights to Israel, Australia and South Africa.

The Midland Football and Sports Club has at least 20 flights to America planned next year.

These clubs and many others are all run properly and stay strictly within the law.

The boom in charter flying is so great that the crooked element has moved in to other clubs.

A leading London group travel organizer said to me that he had been approached by crooked agents and brokers. They sent him details of charter flights and asked him to refer passengers to them.

The passenger would receive his airline ticket, with a spurious club membership card backdated six months. The agent would have chartered the aircraft for about £52 a seat and would be selling these seats for up to £85.

AIRLINES WORRIED

An International Air Transport Association spokesman in Geneva said to me: "We are very concerned at the way the law is being flouted. We are on to these rackets and we are taking action.

"It may well prove necessary to tighten international regulations governing this kind of travel."

Airline members of the Association are meeting in New York this week to discuss the charter question. Many travel agents, who feel that group charter flying has provided wonderful opportunities for people with limited incomes, hopes that the reputable clubs will not be made to suffer because of the actions of racketeers.

PROFILE OF GEN. CREIGHTON J. ABRAMS, A GREAT FIELD COMMANDER

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I have long been an admirer of Gen. Creighton J. Abrams, our top field commander in Vietnam. He is a down-to-earth, no-nonsense, soldier's general, who believes in getting the job done efficiently, and without fanfare. He has been most effec-

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tive in Vietnam, though he has received a minimum of press attention or credit for his achievements.

It has been especially unfortunate that General Abrams should have received far more press attention, and that his name should have become far more of a household word, in connection with the recent Green Beret case, than in connection with the very sizable achievements he has made in bringing a difficult and unpopular war at a successful conclusion.

I have been particularly distressed to read some recent press accounts that are suggesting that now that the Green Beret case had been dropped—as I emphatically agree it should have been dropped—General Abrams may be sacked because of his role in pressing the original charges in this case.

I sincerely trust this will not be the case, Mr. Speaker. Whether General Abrams was right or wrong in this instance—and none of us still has all the facts, even in our Armed Services Committee—it would be a monumental mistake to pull him out of his field command just at the time when his special knowledge and skills are most desperately needed; that is, as we begin the very complex and dangerous retrograde movement of bringing our troops home from Vietnam without at the same time impairing the ability of the South Vietnamese people to defend themselves against aggression from the North and to determine by themselves the shape of their own political future. We would be cutting off our nose to spite our face to fire General Abrams.

Mr. Speaker, at the very moment this question is being mentioned in the press stories, it is perhaps providential that there should have appeared in the Sunday New York Times magazine section, for October 5, 1969, a brilliant article on General Abrams' accomplishments in Vietnam, and the unique contribution he has made to this difficult problem. Even the Green Beret case itself is mentioned.

I strongly recommend this article, by Kevin P. Buckley, to my colleagues as required reading, and under leave to extend my remarks, insert it at this point in the Record:

GENERAL ABRAMS DESERVES A BETTER WAR

(By Kevin P. Buckley)

SAIGON.—A highly placed American civilian official sat talking with some friends recently after a day's work in Saigon. He was vaguely bothered—even more so than usual. Earlier in the day, he had taken part in a conference attended by Gen. Creighton A. Abrams, known in the military tongue as COMUSMACV, or Commander, U.S. Forces, Military Assistance Command Vietnam. Abrams had been only one of several Saigon luminaries at the meeting but hours later the general still fascinated the official. "Abrams is one of the most impressive men I've ever met," he said, swirling a martini. "You know, it's too bad. Abrams is very good. He deserves a better war."

That is an apt assessment of the man and his problem. There is a universal opinion in Vietnam that Abrams is an exceptional man. Even civilians who harbor a visceral mistrust of anyone in uniform are struck by his candor, humor, self-effacement and common-sense skepticism.

These qualities are especially striking considering the rough, tough, top-sergeant aura that Abrams, at 55, projects. Sitting or standing, there is nothing of the ramrod about him. He slouches in a chair and fixes people with a beetle-browed stare from a weathered face. He moves about with a hunched gait that accentuates his short stockiness. There is always cigar smoke nearby. Physically, he evokes the military men of the "Grin and Bear It" cartoons. A former colleague at MACV said affectionately:

"Chances are, if he was in civilian clothes, sitting on a park bench, a cop would tell him to move along:"

Quite apart from his personal characteristics, he has displayed considerable brilliance in conducting the war. But at the stage at which he inherited command the problems were so thick and tangled that even brilliance could only dent them. Solutions demanded much more—indeed, the impossible: an undoing of all the wrong approaches, mistakes, and betrayals, military and political, going back to the early fifties, which constituted his legacy.

Abrams is not a man to complain about his inheritance. He insists that problems be faced in the present tense, without recourse to hindsight or regret. But recently he did comment privately on his difficult task. A close friend suggested to him that of all American commanders, going back to George Washington, he had the most awkward problems. Abrams grinned, drew on his cigar and said: "I try not to think about that too much. I have to avoid chronic depression."

If a West Point seminar were to examine present conditions in Vietnam, especially compared with conditions in June, 1968, when Abrams took over after more than a year as Gen. William C. Westmoreland's deputy, it would have to conclude that things are going well: American units—increasingly assisted by South Vietnamese forces—have the upper hand almost everywhere throughout the country. Nearly everywhere the enemy has been splintered into small groups. Constant allied pressure in the form of ambushes, interdiction of infiltration routes, raids on ammunition and supply caches and more accurate air strikes makes it increasingly difficult for enemy forces to group for an attack. Increased night patrolling has deprived (though hardly completely) the Vietcong and the North Vietnamese Army (NVA) of hours which they once owned completely. Even the gloomiest prophets agree that there is much less chance now that the enemy could duplicate the countrywide military trauma he inflicted at Tet, 1968—at least in the near future.

Indeed, one measure of progress some commanders here like to cite is that the same North Vietnamese Army unit which fought inside Hue for a month in January-February, 1968, was last seen defending Hamburger Hill last May. From Hue to Hamburger Hill—that is certainly progress, military style. But is it really progress?

A high-ranking officer at MACV recently tried to explain how, in fact, the war had improved. He said that at the beginning of the American build-up American forces had to operate like fire brigades—dashing from one trouble spot to another. Now, he explained, there were forces everywhere and without hopscotching around the country they could inflict great damage on the enemy. He was asked what difference that made if the fire still smoldered—and occasionally flared—and could often kill 150 or more firemen a week. Was there a time in sight when the fire in any one place would be out for good?

No, he said, and explained: "You must realize this is a bottomless pit. It will take 10 years to finish it."

Abrams' tactical decisions as commander have changed the war very much. His personality and intellectual bearing have done so even more. The whole tone of the war—in Vietnam at least—has changed since Abrams has been running it. Westmoreland's war was a monolithic, ever-growing, ever-confident enterprise filled with optimistic generalities. Westmoreland, a Central Casting West Pointer, set the tone for the whole chain of command. Critics of the war were "nigglers," who would be proven wrong when "victory was achieved," which was just around the corner. Tet shattered that illusion. Abrams became commander six months later.

His personality suited the new era. In style, he was as typical of a squared-away West Pointer as U.S. Grant. He did not make optimistic predictions. The critics were even more plentiful and better-armed, but Abrams disarmed them by nodding slowly when they made their points, shrugging and saying, yes, there were plenty of problems. He talked about the importance of "price indices" in the city marketplaces, even though people were used to hearing only about "kill ratios" as measures of progress. One of his first rulings as commander was that there would be no air strikes by U.S. planes in urban centers without his personal approval. During the Tet and May offensives, officers far down the chain of command had called in air strikes in Saigon as if a block of civilian homes were a row of trenches. It was not his idea alone—nor completely altruistic. When things that had been going on elsewhere for years happened in Saigon they drew attention around the world. Civilians in Washington, joined by the Embassy in Saigon, had pressed for the ruling soon after Tet and again after the heavy bombing in May. But Abrams implemented these desires with a flat, no-exception order.

Soon the story went around about the briefing he had attended in I Corps for a recap of the Tet attacks. As usual, the briefers emphasized the positive. Abrams listened, then said: "Gentlemen, we got our ——— handed to us," and left the room.

His skepticism, his broad approach to the complicated war began slowly to sift down through the whole structure. As time went on, it was clear that, for the first time, everyone in Vietnam had a hero.

The U.S. approach to the war has changed drastically since Abrams first arrived in May, 1967. Then, the rallying cry was Lyndon Johnson's exhortation to "bring back the coonskin." Now, thousands of deaths and billions of dollars later, the aims are less triumphant and the rhetoric is chastened. President Nixon has pledged self-determination for the people of Vietnam, even if the "enemy" is to have some say in the determination. When Abrams arrived, U.S. troops were still pouring in. Now that tide has turned, 25,000 have been withdrawn, another 35,000 soon will be, and Nixon has expressed the "hope" that one-half of the original U.S. troop strength will be withdrawn by the end of next year.

The Abrams era is marked by a new rallying cry for the war, the latest in the long succession of magic-ingredient terms such as "strategic hamlets," "winning the hearts and minds of the people," "war of attrition" and "coonskin." The word is "Vietnamization," or the gradual (and the pace is crucial) handing over of the burden of fighting the war from the Americans to the Vietnamese.

No one can say at this point exactly what it means because it is still in many ways a slogan. Its eventual content is being determined daily in the White House as the President weighs the immediate political cost at home of prolonged U.S. bloodshed against what something a good deal less than "victory" in Vietnam would mean eventually—both to the balance of world power and to U.S. domestic attitudes. (Will a national magazine, for example, someday run 12 pages of passport photos of the people who "sold out" Vietnam?)

At one extreme, "Vietnamization" is defined as a disguised U.S. defeat—an attempt, as one observer here has put it, "to pull away the tablecloth and leave the whole table setting in place—on the first try. If something goes wrong, you can blame the wreckage on the instability and flimsiness of the crockery." At the other extreme, "Vietnamization" is interpreted as a cover word for an even longer American involvement than Washington apologists now imply—a disguised affirmation of the supposedly forsaken policy of total military victory. The final resolution will probably be somewhere in the middle. And Abrams is at the center of the debate.

Abrams runs the war from a windowless office in the rambling prefabricated steel building which houses MACV headquarters, about 3 miles from downtown Saigon and adjacent to Tansonnhut Airport.

The headquarters complex, popularly known as "Pentagon East," was built in 1965. Like the war, it is being constantly adapted. One can never be sure an office will be in the same place it was on the last visit. The baffling lettered corridors are filled with officers carrying attaché cases of sheaves of paper, striding briefly in starched fatigues. Vietnamese janitors dozing in the stairwells at lunch time are all that jar the otherwise perfect ambience of air-conditioned efficiency. The war can seem far away in some of the offices where desks are heaped with readouts from the computers which keep track of reports flowing in from the field. But a glance out the window at the concrete-coated, sand-bagged bunkers brings back the fact that MACV is the nerve center for a gigantic war, even if there are portable barbecue grills on the carefully tended grass.

The MACV over which Abrams presides is surely as efficient a headquarters as the U.S. can contrive at this time for a war effort. It embodies the might and sophisticated technology of the whole Vietnam war, which is, of course, waged against an enemy whose rudimentary headquarters are constantly on the move deep in the jungles of Vietnam or Cambodia. If wars were won on the basis of modern management, the coonskin would have been on the walls years ago. Publicly, MACV exudes nothing but optimism. Privately, there is considerable frustration.

Not long ago one staffer completed his tour at MACV and summed up his feelings: "Often it reminded me of the caucus race in 'Alice in Wonderland.' Everyone runs in circles, no one really gets anywhere, and when the race is over, everybody gets a medal."

Abrams's office is Spartanly simple: an Army-issue desk, a long wooden conference table, flags of the U.S. and Vietnam and his own four-star flag. The walls are bare except for large maps of the four corps areas of Vietnam and an black and white aerial photograph of the instant of impact of a bomb on a bridge.

Abrams spends much of each working day (seven days a week) in that office and most of the crucial tactical decisions of the war are made there. His schedule is rarely firm. Fluid developments in the field usually keep a day from working out as it has been planned. But virtually every day he leaves MACV by helicopter or a small jet for short-notice visits to American or South Vietnamese Army (ARVN) bases in the field where he examines local conditions in great detail.

In the evenings, he sometimes has dinner in an officers' mess at MACV. More often, he dines in the small, sparely decorated villa just off Tansonnhut which he shares with a colonel and a warrant officer on his staff. There, clad in sport clothes, he often entertains friends from the military and the diplomatic and press corps as well as visiting V.I.P.'s.

Abrams has a reputation as an excellent host and the dinners are usually distinguished by a good deal of humor originating with him. He enjoys ridiculing military foibles. Once he entertained a group of visitors with a long story about a budget meeting he had attended at the Pentagon. One participant had to leave for the lavatory during the discussion, "and while he was away, he lost several million dollars."

His humor is often self-deprecating. He had to cut short an interview recently with a journalist to go to a meeting with Ambassador Ellsworth Bunker. He jumped up, grabbed his hat and brief case and stormed out the door, saying he was sorry but he had to rush. Then he stepped back into the office and deadpanned: "If you'll excuse me." (Abrams and Bunker, despite widely different lifestyles, enjoy a cordial relationship and agreement about approaches toward the war.)

Abrams's principal indulgence, aside from cigars, is music. He has an extensive, thoroughly indexed stereo collection at his villa—with plenty of Beethoven, Tchaikovsky and Mozart, as well as opera and Mahalia Jackson. Though he calls himself an "alley cat," his taste is predominantly classical. Soon after he became commander, the Armed Forces Radio Network doubled its classical music programing. A diplomat who welcomed the change asked Abrams if he had been responsible for it.

"No, I wasn't responsible," Abrams said, "I just gave them the benefit of my unwelcome advice."

He also relaxes by reading. Recent favorites include "Responsibilities of World Power" by Senator Gale McGee, "The Lessons of History" by Will and Ariel Durant, "The First Circle" by Alexander Solzhenitsyn, "Never Call Retreat" by Bruce Catton, and an exotic cookbook by William C. Roux called "Fried Coffee and Jellied Bourbon."

But his real love is music. "Listening to music relaxes me," he says. "I can sit there and listen while all the fractious things of the moment subside and I can think without the pressures of all these things—just think, try to look ahead, try to look back and try to interpret what's happening."

He often uses terms such as "orchestrate" and "achieve a harmonious blending" when talking about the way he runs the war. Soon after he became commander, he visited the Delta on an inspection tour and at the end of the day got together with his staff and the local commanders in an officers' mess. It was a vintage Abrams scene. The men discussed the patterns and techniques of the war, what was going right and what was going wrong. After a short silence, Abrams, with a gin and tonic in one hand, a cigar in the other, spoke: "You know, before I came over here this last time I was in Boston and saw Leinsdorf conduct Beethoven's Fifth," he said. "Now that's the way the war should be run. He calls on his strings," he said, gesturing with one hand, "and he gets a little bit of strings. He calls on his drums," he went on, gesturing with the other hand, "and he gets a little bit of drums. That's the way we should do it. "A little bit or air support just when it's needed, not a ——— hour of air support, A little bit of artillery, not a ——— hour of artillery."

But the musical comparison has its limitations, as Abrams is quick to point out: "It's very different. The war is pretty vicious, certainly noisy . . . and it's different because of the sorrow and anguish."

Abrams will not have the luxury of most battlefront commanders in being judged solely as a tactician. Given the terms of the war in Vietnam, that would be challenge enough, but he must also cope with the enormously complicated and risky problems of the broader context of Vietnamization. Thus he is like a conductor who must strive for excellence against great odds and, at the same time, supervise the replacement of his best musicians with others of inferior training and uncertain capacities.

On the battlefield, Abrams has succeeded in bringing the war under control to a degree it never was before. He has accomplished this largely by developing flexible tactics that are adaptable to the different kinds of warfare that go on in different parts of the country. When he took over, tactics were very much of a one-note variety from the whole orchestra: Kill the enemy. Abrams has altered the pitch for different places and different problems, and has even developed something like solo capabilities.

He did not invent the new tactics. They evolved over a period of time, sometimes as outgrowths of techniques begun by Westmoreland. In the jargon of MACV, Abrams has benefited from a variety of "rising curves." For example, he has had considerably more helicopters at his disposal than his predecessor had, and therefore greater troop mobility. He inherited a rising curve of improved intelligence, which he then proceeded to develop. In the past, because of grievously imperfect intelligence, there was considerable "blind bombing"—targets were often selected days in advance of delivery, almost on a regional allocation basis. "It was like Orvieto in 'Catch 22,' " said one civilian who worked in the provinces three years ago. "They missed the target, but had a great bombing pattern." Abrams recast the whole system so that now the B–52's can be redirected in flight to hit targets very soon after intelligence information produces them. They still often hit nothing, but much less often than in the past.

But Abrams has done far more than ride the crest of the rising curves. His greatest accomplishment has been to break the basic logic by which the war had been fought. Despite the rhetoric about its being a political war and a contest for people's hearts and minds, MACV usually went about it in strictly conventional military terms—as if they were fighting World War II all over again. Tactics were based on finding enemy forces, preferably in large groups, and fighting them. The kill count was all-important. Invariably, more enemy than Americans would be killed in the pitched battles, so all battles were judged as victories.

Abrams altered the basic approach. He discerned that there were several different wars going on in Vietnam. In each of them, the enemy had different objectives which must be answered by different tactics.

Thus when Abrams visited 101st Airborne Division units which were operating in the lightly populated flatlands outside Hue, he asked novel questions: How successful was tax collecting by the Vietcong? How many terror incidents, such as assassinations of hamlet chiefs, had there been? What success, or failure, had there been in identifying members of the Vietcong infrastructure? In turn, these units moved away from classical military operations to "cordon" tactics. They would seal off a large area and just wait while Vietnamese police combed the hamlets and barren surrounding countryside looking for hidden VC.

When he visited the 101st Division units which were operating in the thickly jungled mountains along the Laotian border, or the First Air Cavalry and First Infantry Divisions in the jungles along the Cambodian border west of Saigon, his questions usually concerned intelligence: Which enemy units were maneuvering in the area? What were their routes? What supplies had been found? What could be known about their whole system of movement from discoveries in the jungle, even when no enemy soldiers were seen?

Attempting to fight the war on terms that count often proves frustrating. Some months ago, Abrams visited a Marine unit in I Corps. The briefer set out with great enthusiasm to describe how Marine armored vehicles had

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cornered a group of Vietcong in a paddy field and killed them all, thus producing a good "body count." There were even photographs to prove it. As Abrams scanned the photographs, he saw armored vehicles arrayed across a wide expanse of paddy and it was obvious that their caterpillar tracks had ruined a substantial harvest.

"How are the people in that area going to eat?" he demanded. There was no answer, of course. Abrams then assailed their "victory," telling them that killing a dozen Vietcong was not worth the damage they had done to the civilians whose food they had destroyed.

His fiat could not, of course, change the whole system abruptly. But officers tend to pay attention to the criteria of the commander. Col. George S. Patton III, commander of the 11th Armored Cavalry Regiment, for example, had as his motto: "Find the ——— and pile on," meaning, "Find the enemy and bring in reinforcements to destroy them," but one day he sullenly told his staff the rules had been changed. The new motto, he said, was: "Find the ——— and win their hearts and minds."

(There is, however, such a thing as invincible ignorance. Last Christmas, Patton sent out cards which read: "From Colonel and Mrs. George S. Patton III—Peace on Earth." Glued to the cards were color photos of dismembered Vietnamese soldiers stacked up like cordwood. Abram's card was in the first mailing. He stopped Patton before he did it again. Patton likes to say he doesn't hats the enemy, but, "I do like to see the arms and legs fly." At his farewell party before leaving Vietnam, he frolicked with a peace medallion around his neck while he cradled the polished skull of a Vietcong with a bullet hole above the left eye in his arms. Patton, after only a year and a half as a colonel, is on the latest generals' list, and Army insiders say he is a sure bet to get his star.)

Abrams disdains the popular—but mostly outdated—terms that describe tactics such as "search and destroy" because they no longer fit the war as it is fought. Over the last year, a fairly constant pattern has developed. Much of the time, there is only "light and scattered action" reported in the MACV communiques. At times, the shooting matches are so rare that a military spokesman confirms that there is a "lull." At such times, peace hopes flare, the lull is discussed in Congress—and when it ends, there are the inevitable recriminations. Most of the hopes and the recriminations are baseless.

Even when there is little or no shooting, there is furious activity on both sides—mostly in the border areas or on infiltration routes leading toward cities or bases. In the populated areas of Vietnam, something like peace prevails most of the time. More accurately, it is stillness—in which the eventually conclusive political struggle is taking place. In the field, small bands of enemy soldiers constantly attempt to throw out forward supply lines by planting caches of ammunition, food and medicine. Other small groups maneuver through the countryside, trying to pick up the supplies and eventually coalesce into groups that are large enough to attack a town or a U.S. position.

Abrams calls his tactics "getting into the enemy's system," and they involve maneuvering just as intensive as that of the enemy. Indeed, "getting into the system" means matching enemy activity as much as possible, finding and destroying the supply caches before they can be used, extrapolating from the cache sites the routes used by the enemy, and then ambushing these routes.

In the past, U.S. battalions virtually joined arms with other battalions and swept through large areas often finding nothing, or just a few enemy soldiers who could not get out of the way. The target was always the enemy soldier and not so much the system which sustained him. Abrams has broken the patrolling units down into companies (of about 100 men) or even squads (of as few as six men). He has sprinkled the busy areas of the country with hundreds of small "fire support bases" and "landing zones" (called LZ's). Carved out of the jungle or scrub underbrush in the middle of no man's land, these camps—enclosed by barbed wire and bunkers and equipped with artillery and mortars—serve as bases for patrols. The surrounding countryside for at least 100 yards is usually scraped clean of foliage so that enemy motion can be detected.

Other ground patrols originate from larger, more permanent bases. In all, hundreds of patrols fan out each day. This constant harassment all over the country usually succeeds in preventing the enemy from amassing enough strength for significant attacks. In all the clouds of semantics that emanate from the Pentagon and MACV, "preemption" probably comes closer than anything else to describing the effect of the Abrams tactics.

When the two milling forces, like giant insects with thousands of probing antennae, collide there is one of those obscure but bloody "contacts" that rarely attract any attention unless a correspondent happens to be along. But with thousands of troops involved in so many patrols each day—all necessary to prevent the enemy from starting something big—there are many collisions. Inevitably, there are many casualties, as well. Even in a week of "lull," more than 150 Americans have been killed. This slow accretion will soon put the total of U.S. dead over the 40,000 mark.

"The basic price of admission to this war is well over 100 U.S. casualties a week," said one of Abrams's fellow generals. He touched on one of the most important bitter truths of the war. Merely to stave off big trouble, casualties must run at a level that more and more Americans find insupportable.

It may seem paradoxical—or impossible—outside Vietnam, but Abrams's tactics, given the framework of the war, actually keep casualties at the barest minimum. Abrams has said that, if ordered to, he could reduce casualties to 50 per week—but he would insist on the option of resigning after a few weeks because the cost of abruptly lowering casualties by reducing American patrolling would very shortly be enormous casualties.

The case of Hamburger Hill illuminates the dilemma. The battle was consistent with prevailing tactics to the degree that, as usual, U.S. troops fought the enemy when they found him. It was just another collision—possibly harder than most because the enemy troops were fresh and strongly dug into almost unassailable positions atop a precariously steep hill—but basically the same. It was different—just as chain-reaction auto wrecks involving dozens of cars are different—in that vastly more troops than usual were involved on both sides. It was like 10 or 15 of the normal "contacts" compressed into one. Heavy casualties occurred in one small place in a brief time—and therefore the otherwise typical, obscure battle in the distant jungle became notorious.

Abrams is very sensitive to public reaction to episodes like Hamburger Hill. In its wake, he told his field commanders to persist in their hard fighting tactics, but he also ordered them to skirt, if at all possible, similar occasions of compressed "contact" which arouse strong passion in the press and the Congress and further erode the patience he feels is required for a satisfactory solution in Vietnam.

His tactics in defending the cities, especially Saigon, are also tuned to public opinion. Another enemy offensive into the capital or incessant rocketing from a distance would be disastrously embarrassing in the United States and in Paris—and could be calamitous in terms of public confidence in the Government here.

About the time he became commander, Saigon was being rocketed in many locations fairly regularly. There were dire rumors, unfounded but believed, about an enemy plan for "a hundred rockets a night for a hundred nights." People were jittery and sandbag entrepreneurs made a quick killing.

On Westmoreland's last day in Vietnam, several Soviet-manufactured 122-mm. rockets, wtih 41-pound warheads, crashed into Tu Do Street. Others landed near the Presidential Palace and in working-class neighborhoods. Westmoreland was consistent to the last. He brushed them aside, saying the attacks were "of no military significance." They were not—to the extent that they did not hit military installations, just civilian homes. A few days later, in his single public prediction as commander in Vietnam, Abrams promised that the rocket attacks on Saigon would stop. Soon after, they did, though an occasional lucky round still comes in.

Abrams quickly revamped the defense organization for Saigon by creating a joint U.S.-Vietnamese command. He also directed sweeping military operations all around the city and on its approaches as part of what the Army calls a "zero risk" defense system. Zero will never be achieved, but Abrams has reduced the risk to a fraction of what it once was.

The war is filled with paradox. At present, the military tactics which sustain the U.S. position against disaster can also be accused of undermining America's best interests. Thus one of Abram's best tactical moves became one of his most controversial in political terms.

About the time of the total bombing halt last November, several North Vietnamese regiments withdrew from I Corps area into North Vietnam. At the same time, Abrams received firm intelligence that other enemy units were massing on the western approaches to Saigon. He hurriedly moved the entire First Air Cavalry Division with its more than 400 helicopters from I Corps, where it had been operating since the Tet offensive, to positions along the Saigon approaches.

That move was later denounced by Averell Harriman, who said that it strongly contributed to missing a chance for getting substantial peace talks started. In Harriman's view, the North Vietnamese withdrawal from the north should have been somehow reciprocated. Instead, Abrams had taken advantage of the NVA withdrawal to bring the First Air Cavalry south for more fighting.

In Vietnam, Harriman's view seemed uninformed. Abrams himself never commented on it. But one officer at MACV said: "We were bewildered. We sent him all the reports but I guess he just didn't believe them. He still doesn't." Bewilderment often became hostility. Diplomats shared in the resentment. They felt betrayed because they believed that Harriman knew better but glossed over facts to make his point. The controversy is an illuminating example of the contrary motions of U.S. diplomacy in trying to achieve a solution in Vietnam.

Abrams's tactics of "getting into the enemy's system" surely have succeeded for the most part in damping down potential trouble spots, but they are far from perfect. From time to time, the enemy troops succeed in eluding U.S. pressure enough to bring about what has come to be called a "high point." A "high point" means concerted attacks by rockets and mortars against many positions for two or three nights. Sapper attacks and ground probes often accompany the shellings. The shellings rarely do much damage, but consistently inflict enough casualties—a few here, a few there, in addition to the basic "price of admission"—to make the war all the more costly in American blood.

The ground assaults against hamlets, especially those recently pacified have often

been more successful. Local militia defend these hamlets, while U.S. units are posted near the border, and ARVN units are in between, bringing more hamlets under Government control. The ground attacks against heavily defended U.S. positions are invariably one-sided slaughters. In one case, almost 300 NVA were killed and only one American was wounded. But on most occasions, the sappers who try to breach the ferocious perimeter defenses succeed in killing a few Americans—and push the weekly death total that much higher.

However brilliant and rational the tactics, their execution in combat is basically not susceptible to reason. During one of the first large-scale American operations in the Ashau Valley, Saigon briefers marked the area on wall maps with their gleaming silver pens, which telescope out to become yard-long pointers. The purpose of the operation was to "devalue an enemy supply and staging area." In the Ashau, the maps were often propped against sandbags. Battalion commanders marked them with clean lines showing which hills the 1st Air Cav recon patrols would ascend.

On those hills themselves, things weren't so pat. The briefers rarely, if ever, cared to describe such scenes as the one when the young soldiers went about "devaluing" the place. One saw an NVA soldier emerge from a bunker yards ahead of him and dart off into the green darkness. Instinctively, as if he were throwing a rock, the soldier threw a hand grenade at the mouth of the bunker. It exploded on the lip—and he took the blast of his own grenade in his groin. The most carefully drawn plans often go askew, as when combat squads are inserted by helicopter into canals where the water is neck-deep on the tallest soldier and fatally deep for his shorter companions.

Indeed, battles in Vietnam often seem ancient, despite the centuries of military history studied by the men who designed them. In small-unit actions in thick elephant grass, the men often might as well be fighting with swords, and sometimes they do fight with knives. Flak jackets are little more than suits of armor with a different design because of improved metallic technology. When fire bases are attacked, the U.S. Army, the most modern, scientific and well-equipped in the world, must engage in sieges that have been repeated since the beginning of warfare—with some modern but basically unessential variations. The bases are all equipped with "starlight scopes" and PSP radar, which Abrams says have been the most helpful bits of technology to be developed during the war. These costly products of laboratories very often do spot enemy. More often they do not. The NVA or VC run at the barbed-wire ramparts under cover of barrages from "catapults," the most modern mortars developed by China and the Soviet Union. Instead of scaling ladders, they carry wire-cutting shears. The U.S. fights them off with boiling oil—and virtually pours sheets of hot lead on their heads. The defenders ignite "phu gas," 55-gallon drums of jellied gasoline resembling napalm, planted just outside the wire. Overhead, there are "cauldrons" in the form of helicopters and airplanes armed with "miniguns." The miniguns can saturate an area the size of a football field with bullets in a matter of seconds. Artillery inside the camp fires cannister rounds at point-blank range, filling the air with the equivalent of millions of hot darts.

The slaughters are often the source of amazement to American field commanders. "I don't know why they want this place so badly," said one colonel after a two-day siege in which hundreds of NVA and 17 Americans had been killed. "They must want it. There must be something important about it. So we'll stay here and they'll never get it."

Will this "attrition" break the enemy? Sooner or later it must. But the best intelligence analysts say that if the Hanoi leadership is willing to take the losses, it can go on for a long time. Indeed, it may happen that the "attrition" of American will to go on fighting the war may outrace the "attrition" of the enemy's ability to go on waging it.

The American leadership in Vietnam, both civilian and military, believes it has a winning strategy—with the familiar caveat of "just a little more time." "We can still pull this off if we don't have a French reaction at home," said one senior U.S. diplomat.

When Abrams was named commander, the pessimists were jubilant. Most of the evidence indicated that his tactics would demand a bigger orchestra, with beefed-up trumpets, cymbals and bass drums. In World War II, he had snarled his way across Europe with Patton's Third Army in a tank called "Thunderbolt." He was Patton's star pupil, and he had been Westmoreland's understudy. Was this the man for a political war?

But things had changed, Abrams, who had seen fit to employ certain tactics in Germany, thought others were necessary in Vietnam. He had been through some instructive experiences, such as commanding Federal troops at the integration battles in Alabama and Mississippi in the early nineteen-sixties. "I cannot recall any situation when the opportunity was greater to slip off the gangplank into the quicksand," Abrams said recently. "There couldn't be too much force, or too little. It was a time when you didn't use a sledge hammer when a tack hammer would do better."

Abrams was different in another way. He was not part of the "Club" which had been running the war. The Club was a collection of officers of similar personal style and professional approach. Personally, they were gleaming and "squared away." Professionally, they favored quick strikes and stunning blows which inflicted huge damage on the enemy in set-piece battles. The password was "Airborne" and the badge the "jump wings" worn above the heart which attest that a man has endured arduous physical training and has jumped from an airplane at least five times. In the ranks, the wings amount to a virility symbol. In the higher echelons, they are the badge of an American military version of an "old boys' " network. One of its graybeards is Maxwell Taylor, who was one of Westmoreland's strongest patrons in the military establishment. The Airborne Club was in its ascendency in the early sixties—at the same time "counterinsurgency" was a phrase Army careerists repeated into their shaving mirrors in the morning. Around that time, the club and some members of Special Forces (the Green Berets) realized they spoke with the same accent. In its original conception, Special Forces was to be a very small, highly trained band of specialists who would work in great secrecy in true guerrilla style. Then the Airborne Club, intoning counterinsurgency, embraced Special Forces, which, with John F. Kennedy's blessings, mushroomed into anything but its original design. It became a sort of super Ranger group with bastardized counterinsurgency rhetoric. The "Airborne" part of Special Forces suddenly took on great importance, though in its original conception a parachute was just a way of getting somewhere to begin work.

When Col. Robert B. Rheault (Airborne) was relieved of command of Special Forces in Vietnam recently, and charged with murder along with seven other Green Berets, some observers noted that his successor was not Airborne. He tried to become Airborne, but broke his ankle badly on his fourth jump in one hour. He was subsequently sent home for medical reasons, and replaced by a longtime, Airborne, Special Forces officer. Some observers saw a pendulum swing, somewhat erratically, in those-moves.

Abrams is known to have been insistent in bringing about the prosecution of Rheault and the others. His reasons are not yet known—and may be asked of him in court. One certainty is that as a square-shooting, traditional soldier, he was shocked when some of the "dirty tricks" customary in Green Beret activity became known to him forcefully. He has his own club—"The Old Scruffies"—who believe battles should be fought with feet planted firmly on the ground and that making a fetish out of jumping out of airplanes is puerile. Rheault could never join The Old Scruffies. When the case broke in the newspapers, Westmoreland intervened from Washington to order that the men be allowed to telephone their families. There may be trouble in Clubland.

It may well be much more than that. Abrams is said to have threatened to resign if the charges were dropped. Army apologists say his purpose involved enhancing the sense of law in Vietnam. Others say the motive was less noble. Whatever his reasons, Abrams has committed his prestige to the prosecution of the case—which has already grown helter-skelter into the most embarrassing, at least, episode of the war. The Army seems to have proceeded with little sense of consequences. Each step in the case has blown the case even bigger. Now much more could be at stake than was originally necessary—while the alleged death of a man recedes into unimportance. The similarities in process between the Green Beret case and the blundering, Topsy-like growth of the war are easily apparent.

Quite apart from this episode, one effect of the changing of the clubs was an opening toward a new approach to the war by the less dashing, more fundamental Abrams. His original single assignment as deputy in Vietnam had been to study the Vietnamese fighting forces and say how they could be improved. That task continues with even more urgency now.

Abrams quickly realized that most Vietnamese military problems were really political problems. In many ways, the ARVN has always been more of a political party than a fighting force. Until very recently, a requirement of all ARVN officers was a baccalaureate, which restricted military careers to a tiny crust of the society. The only military career for peasants, or even lower-middle-class men, who were opposed to the VC and wanted to do something was in the Regional Forces or Popular Forces (R.F.-P.F.), essentially the militia or national guard. They should have been a major factor in the armed services, certainly in a civil war. But the ARVN considered them politically untrustworthy yokels, and U.S. advisers consistently took their ARVN counterparts' lead and ignored "those funny little Ruff-Puffs." Thus the country's militia never had any training worth the name, received decades-old weapons—if any at all—and was almost completely cut out of air support, artillery support and even ground reinforcements when attacked. It was no wonder that their military efforts were comic.

There was never any lack of dismay at this state of affairs among some Americans, but no one ever listened to them seriously until Abrams. His study convinced him something had to be done about the R.F.-P.F. They have been getting training, weapons and better logistics, and their improvement has been enormous. But past neglect is easily overcome, and the capabilities of the crucial Ruff-Puffs still leave much to be desired.

Their neglect was symptomatic of all the wrong approaches to the war which have resulted in the present unpredictable state of the ARVN and the continuing inability of the Government to cope with its political threat. Abrams has demanded so much that the ARVN has improved considerably, but no one, Abrams included, dares promise very much. The roots of trouble are too deep.

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"I know all I can expect from that guy is good news," Abrams said recently about an American adviser to an ARVN division. "That guy has been lying to me for two years, but if the news is bad, I'll hear about it through some other channel." Another time, Abrams said: "Some of those guys just tune out on me," as he described the frustrations involved in conveying his urgency about the problems to U.S. officers.

There was a major tuning-out of the advisory effort in 1965 when the ARVN had lost the war and U.S. combat units began arriving. But even after the crisis passed, the ARVN was not tuned in again. The reason was U.S. over-confidence—in which the ARVN basked.

One high-ranking officer who was close to the problem said: "We thought, hell, we're here in strength, and we'll finish it. The idea of bolstering the ARVN was always there, but no one ever did much about it. There was a feeling that with all that American strength, we really didn't have to bother with building up the ARVN that urgently."

At a recent MACV meeting, Abrams and his staff discussed the increasing North Vietnamese infiltration into the Delta area of Vietnam, where they never before had gone and where there was only one remaining American brigade. A worried aide asked what could be done about this threat: Would American troops have to return? Abrams slammed his fist on a table and emphatically said the U.S. would not do anything about it, and that the ARVN could cope with the threat if they wanted to.

The Americans fighting the war now were small children when the old mistakes were made. Many of the troops were too young for the Army when negotiations to end the war began in Paris. More and more, the American troops in Vietnam share, in even stronger manner, the feelings of the U.S. about the war. Their bitterness is even more intense now when some units are being withdrawn—but not all. "I'm in favor of letting the Vietnamese fight the war," said one soldier recently, "But I'm still here."

Thus Abrams was deeply concerned when Alpha Company's temporary refusal to fight made headlines around the world. He visited the area the day after the story broke in the newspapers to see what had gone wrong firsthand.

There is probably nothing that can be done about G.I. attitudes toward the war. If anything, the cynicism will probably increase in the future, but chances are that the Alpha Company incident will not be repeated very often nor surpassed. There is little or no threat of mutiny in the U.S. Army because of several factors which control the unhappy feelings: firm leadership, loyalty to buddies and the recognition that one's chances of being a free and healthy man after Vietnam are best developed by doing things the Army way. "They can have my body for a year but they can't have my mind," said one soldier recently at a fire base near the Cambodian border. His attitude is typical.

Abrams has had two sons serve in Vietnam and he has a genuine interest in the welfare of his fighting men. Recently, he was reviewing action during a "high point" and mentioned that U.S. casualties had been modest. He interrupted his narrative to interject: "No casualty is modest, no casualty is modest."

Abrams can be ferocious at briefings, especially at the stagy, formalized variety, which are as staple a part of military life as prayer is in monastic communities. One MACV officer who has witnessed many scenes of outrage offered three ruless for pleasing Abrams: "Be informal; be prepared; be to the point." The rules provide good insight into Abrams's style of operating.

"Just tell me something I can use," Abrams once thundered at two MACV briefers who had begun what promised to be a long contrapuntal dissertation, filled with what he considered extraneous information—bolstered by a slide show.

He is not the kind of man who believes everything he hears. "Whenever we get a report of some good news, we wait 24 hours and then, if we're really lucky, it turns out to be 25 per cent correct," he said recently.

"He is not at all reluctant to raise his voice at briefings," said an officer who has attended quite a few, "and he can needle people. He can be very sarcastic in a funny way, and sometimes he can appear to be funny when he is being very serious. You have to get tuned to his manner."

A case in point was a routine daily briefing some time ago in which the briefer, in running through a long list of the day's incidents, mentioned that a river patrol boat had strayed into Cambodia. This was the second time that a boat had strayed so far off course—and the case was found to have the same embarrassing political repercussions, if not worse.

"Now, wait a minute, wait a minute," Abrams interjected. "Now, isn't there something we can do about that?" he asked, his voice rising slightly. "Can't we put a sign up on the river, or maybe a big red light right at the border—to stop this?" A witness recalled that "there were titters at first, but then people caught on that he was quite angry and they stopped."

What Abrams does with the information is as important as the demands he makes on its quality. "He grapples with problems," said a former associate. "You can almost see him wrestling with questions. This is fairly uncommon. Most of the time if any of the generals have any uncertainty about something, they look at one shoulder, then the other, reassure themselves all the stars are there, and plunge ahead.

"Abrams has doubts. He knows he is fallible, and that the system is fallible. He takes his time. But then, *pow*—when the decision is made there is no doubt about it."

Abrams maintains daily communication with the Pentagon by phone or cable and frequently talks to the White House—though Nixon does not share in the day-to-day quarterbacking of the war as Johnson did. His reports to the President are technically only reports—data on which policy decisions can be made. But the reports necessarily become advocacy as well. Abrams surely has strong feelings about what should happen. His job is to win a war—or, at least, euphemistically, to bring about a satisfactory military solution. He could not live with a policy decision that militated against these ends, or he would risk contradicting his whole career and conscience.

Abrams prefers to keep his feelings and opinions private. He has never sought to explain himself or the war to the American people. He considers himself a public servant, working within the system, who realizes that the Government's problems are bigger than his. A former colleague at MACV said: "Abrams could be the commander of the legions, but never the proconsul. It's not his style. He is the soldier doing a job, following orders." The details of his reporting—and the nature of his advocacy—remain secret. To what degree his advice has been overruled, if it was at all, cannot be known precisely now. He has surely advised caution in U.S. withdrawals, just as the Saigon Embassy consistently has. He participates in drafting the Embassy telegrams on topics which involve fighting. If he cannot sign the Embassy telegram on some point, he sends his own, and Henry Kissinger gets two from Saigon that day.

Not long ago, Abrams was guest of honor at a dinner party at the Caravelle Hotel in downtown Saigon. After dinner, he stood with one of his Vietnamese friends, another military man, on the terrace, 10 flights up, overlooking Saigon. Abrams gazed at the city and said that it was beautiful at night: "Much too beautiful to give to the Vietcong."

THE RISKS OF TOO HASTY WITHDRAWAL FROM VIETNAM

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, in the next day or two we will see here in Congress and around the country a massive demand for faster troop withdrawals from Vietnam, a public protest against the phased and deliberate withdrawal procedures, based on South Vietnam's ability to defend its own future, which are being followed by President Nixon.

Before we get too much colorful rhetoric on this floor and elsewhere in connection with this so-called Vietnam moratorium, it might be well for those who call for these hasty withdrawals to realize the risks and harm their course entails, how it could easily throw away all that 39,000 American men have given their lives to insure.

Under leave to extend my remarks, I include a column by Mr. Joseph Alsop that appeared in this morning's Washington Post:

VIETNAMIZATION WORKING WELL BUT LIMITS MUST BE UNDERSTOOD

(By Joseph Alsop)

At this strange juncture, President Nixon is actually being denounced for saying that he does not wish to be the first American President to lose a war. Maybe, therefore, truthfulness is tactless.

Yet the hard, on-the-spot facts in Vietnam make it a duty to tell the plain truth, which is that the President can perhaps lose the war if he handles his "Vietnamization" program in the wrong way. It is a fine program, and it is working very well indeed, so far. But it has its own clear limits, and these must be understood.

This reporter had better confess at the outset that he went to Vietnam unhappily convinced that the U.S. troop withdrawals already made, in the name of "Vietnamization", must certainly have caused heavy military setbacks. Happily, however, that pre-judgment turned out to be entirely erroneous.

No troop withdrawal, of course, can ever be a net plus until a war has been successfully ended. The now-withdrawn brigade of the 9th Infantry Division, for instance, that had been operating in Dinh Tuong province in the delta, had genuinely become superfluous in Dinh Tuong. But there were other provinces where this brigade of the 9th Infantry would surely have greatly accelerated the terrible erosion of the whole VC structure, which is now the key feature in Vietnam.

On the other hand, there is much more to be said for making the South Vietnamese feel they must carry the main burden on their own, without big brother to come to their aid at all times. And above all, the two troop withdrawals to date have not exceeded prudent limits.

If the President is not over-hasty, moreover, further very massive withdrawals of U.S. units in Vietnam will eventually become both safe and prudent. The test, in all cases, must be whether erosion of the local VC structure has finally reached the point of no return.

But there are also two big fakes in the announced theory of "Vietnamization", as distinguished from the practice to date. To begin with, it is faking to pretend that providing M–16 rifles has given the South Vietnamese army's divisions the same fighting power as American divisions.

Even with the aid of the U.S. helicopter companies left behind after Vietnamization, the ARVN divisions have far less mobility than the better U.S. divisions. They also have only about one-quarter of the mobile artillery support; for the other three-quarters of every ARVN division's artillery is tied down in fixed positions. This tied-down artillery in fact supports the territorial forces, rather than the division's regiments and battalions. That is the first fake.

The second fake, which is much more dangerous, lies in the fact that the enemy now has 233 maneuver battalions in South Vietnam, against only 168 ARVN maneuver battalions. The numbers are about even in the delta. But in the other corps areas, accordingly, the disproportion ranges from about five-to-three all the way up to nearly two-to-one. The disproportion, therefore, means that some (though not many) U.S. units will have to stick around until Hanoi ceases its massacre of the south.

Where Hanoi has two maneuver battalions against one ARVN battalion, after all, nothing on earth will prevent an eventual breakthrough by Hanoi's battalions. And the worst of it is that the President is obviously strongly tempted to leave ARVN to fight on these terms, in precisely the provinces where the situation is now most favorable.

Some key people in the administration, reportedly including the State Department leaders, are apparently arguing, in effect, that you cannot vietnamize without accepting some setbacks. But these people plainly are unable to envision the kind of setback they are talking about.

In the provinces in question, the VC structure has been almost wholly uprooted from the populated areas. The people are living in peace for the first time in many years, with their own elected hamlet and local governments, under the sole protection of the little RF companies and PF platoons of the territorial forces. But let big enemy units once break through into these new areas of peace; and everything that has been built up will be smashed down for good.

It will be smashed down for good because the people have put their confidence in their government and the U.S. government; if they see the territorial forces and the elected hamlet and village governments massacred before their eyes, that confidence will never be restored again. So the other test of prudent American troop withdrawals until Hanoi ceases to invade the south is whether the people who have given us their trust will still be adequately protected.

IF WE ARE GOING TO PROTEST, WHY DON'T WE PROTEST TO HANOI?

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, with all the busy little preparations now afoot for our day of national protest on October 15, I wonder why it is that nobody in charge has ever thought about protesting to Hanoi instead of to President Nixon.

Why is it that with these professional protesters, our country is always wrong, and the other side always right? If these protesters seek a more rapid end to the tragic fighting why do they not ever address the other side, why do they not ever find something amiss in the other side to find fault with? Why is it always us?

Roscoe Drummond raises that point very succinctly in his column in the October 11 issue of the Christian Science Monitor, and I believe Members may find it interesting reading:

WHY NOT PROTEST TO HANOI?

(By Roscoe Drummond)

WASHINGTON.—All the protests don't have to be made by those who blame the President for not withdrawing faster from Vietnam.

Most Americans know that it takes two to make peace, and that thus far the North Vietnamese and Viet Cong have shown no interest in it. This is why Mr. Nixon suggests that the Oct. 15 student protesters ought to aim at Hanoi which is the real barrier to peace, not at Washington.

Is this suggestion a tactical retort or is it serious?

Obviously the peace-at-any-price student and senatorial protesters are not going to make an equal protest to Hanoi because they want instant, unilateral United States withdrawal regardless of the consequences. That's their right, good judgment or not.

But is there a valid, meaningful, significant protest which other Americans could make to Hanoi?

There is.

Why shouldn't the Congress of the United States lead a massive protest against North Vietnam's illegal and inhuman mistreatment of American prisoners of war?

PRISONER MISTREATMENT

The first step would be for the Senate and the House to pass—and, one would hope, unanimously—a joint resolution demanding that Hanoi cease its cruelties and crimes against enemy prisoners in proven violation of the Geneva convention by which it is bound through its signature in 1957.

Could it be passed unanimously—or nearly unanimously—so that it would be impressively expressive of the unity of the nation? Why not? Such a resolution has been introduced in the House by Rep. William L. Dickinson (R) of Alabama, and already has more than 200 cosponsors.

Are those senators like Fulbright, McGovern, McCarthy, Cooper, Muskie and others, who applaud the peace-at-any-price Oct. 15 protest, going to refuse to join in supporting a congressional resolution bringing home to Hanoi that the American people are acutely revolted at its inhumane and continuing maltreatment of captured United States servicemen?

NEEDLESS IGNORANCE

Surely those who want the President to get out of Vietnam faster than he deems prudent are not indifferent to the cruel, unneeded suffering of American servicemen in North Vietnamese hands and to the painful anguish of American wives, parents, and children who are kept in needless ignorance of the fate of their husbands, sons and fathers.

Here are the precise commitments of the Geneva convention and how North Vietnam is violating them:

1. It is required to identify the prisoners it holds. Hanoi refuses.

2. The treaty requires that sick and injured prisoners be returned. Hanoi has returned nine in five years.

3. The convention provides that impartial inspections of prisoner-of-war facilities by such a body as the International Red Cross be permitted. Hanoi refuses. Washington and Saigon welcome such inspections.

4. There is supposed to be a free exchange of mail. Hanoi refuses.

The records show 1,350 United States servicemen listed as prisoners or missing in action, and many missing in action may be in North Vietnamese prison camps. Some 200 of them have been unaccounted for longer than three and a half years without their families even being allowed to know whether they are alive or dead.

IMPATIENT

Many Americans are divided and impatient, about getting out of the war, but most Americans are united and increasingly impatient with this cruel and callous maltreatment of American prisoners.

Congress should speak out. The voice of the American people ought to be heard through the voice of Congress, and it wouldn't hurt if we let every senator and congressman know that this is what most Americans would like.

Would this be a meaningless gesture?

Not necessarily.

It is evident that Hanoi is sensitive about American public opinion, especially when it thinks it can manipulate it to its own needs. Therefore, it might consider doing something about prisoners rather than to keep building a resentful and revolted opinion in the United States.

It was the prisoner-of-war issue which long prevented serious negotiations on the Korean peace, and it was a breakthrough on the prisoner issue which made ultimate agreement possible.

COLUMBUS—THE SUPREME PATHFINDER COMMEMORATED

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, in view of the very recent triumph in the form of Apollo 11, it is altogether fitting to place special emphasis on Columbus Day this year, for all great ventures since his epochal discovery have been compared to what he accomplished. Time has only added luster to his deeds, enriching our own modern ventures accordingly.

Just as the astronauts set forth on a supremely dangerous venture into the unknown, so did he. Just as they braved uncounted perils and prevailed, so did he, laying the foundation for the world and society we enjoy today. By his actions, he set an example of courage, adventure, and pioneering which have always been emulated and never surpassed.

We have been able to follow on almost a minute-by-minute basis the course of the flight to the moon. Can we begin to imagine what it was then, as this irrepressible explorer put his faith, reputation, and life on the line in the interests of pushing back man's frontiers ever further? Mocked, abused, and vilified, he persevered, without a national effort behind him. There was no mission control, thousands of technicians, and the wealth of an entire society backing him. There were those who had a vested interest in the failure of his attempt. Among those closest to him there was vile treachery. And even then, after his success was attained, he reaped a harvest of imprisonment, poverty, and disappointment. Not for him a future of triumph and acclaim.

So it is that any society or group of explorers must take a cue from and defer to this incomparable man from Genoa. It is directly due to him that the Western World took its earliest shape and form. Every great leap into the unknown springs from his pathfinding and quests. If ever the spirit of one man rode along with the astronauts, it was that of Christopher Columbus.

If ever we are to continue such successful treks into the unknown, it will be with the full knowledge of the debt we owe him. It is well to recall that he was motivated by faith in what too many ignore today. We could do much worse

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than recall his example and do more than pay lipservice to it.

IT IS TIME FOR ACTION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I find no grounds to quarrel with President Nixon for his message urging greater activity from Congress. It was moderate in tone rather than critical, and offered cooperation rather than censure. Let us not cloud the issue by attempting to read something which does not exist into the record of this year's session of Congress. Hopefully by the end of the session we will have a much more imposing record to point to but at the moment, the session is a disappointing one. The House has passed a number of important measures, but legislative action has not been completed on most of them.

It is an inexcusable fact that passage of appropriations bills is delayed more than ever before in history and that practically every agency of Government is operating under serious handicap because of budget uncertainties. There is no way to dress this up and make it appear other than it is—a very disappointing situation.

The Congress still has an opportunity to develop an acceptable year's record but time is very short. I think it important to look at the facts and realize the President is right in asking for action. He has correctly accepted a part of the responsibility because his programs were late in reaching Congress. Cooperation now is important for everyone.

NEW FARM AND FOOD-AID PROGRAMS

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, in major respects our Federal food programs, those relating to both production and distribution, fall short of their potential in terms of both public service and the more narrow interests of agriculture.

Food production programs are currently oriented almost exclusively to individual commodities. They are very high cost for the results achieved, and at the same time have caused farmers to rely upon Government for a major part of crop income. This trend, in my view, impairs the long term health of American agriculture. It is high time to embark on a definite planned phaseout of these individual commodity programs.

In their place I recommend two separate but complementary approaches: First, a general cropland adjustment program not tied to individual commodities; second, a program of personal assistance available only to farmers of low income.

Food distribution programs for low-income families have now emerged from a trial period nationally and are ready for expansion and reform. The need is self-evident. Although food is so abundant in this country that the Federal Government spends many millions of dollars a year to curb production, Federal food-aid programs for poor families succeed in serving only a small percentage of those eligible.

This situation in our bounteous land is a national disgrace. We have spent billions of dollars to feed the hungry of the world with food from U.S. larders, while at the same time not even recognizing the hunger of our own people. It is a sad commentary on the governing institutions which permit such a situation to develop.

What is needed now is a firm commitment, as President Nixon stated, "to put an end to hunger in America itself for all time." Such a commitment can succeed only if we in Congress are willing to recognize the existence of hunger and malnutrition—both nationally and in our own districts—and act in an adequate manner.

In this respect, Illinois, my home State, is hardly a paragon of virtue. I do not speak representing a State which has solved its own hunger problems and is ready to offer advice to those who have been derelict.

I am sorry to report to you that Illinois has a lower average percentage of participation by the poor than all other States. Meanwhile, last year 4,248 Illinois farmers received over $34.8 million for participating in Federal programs to restrict the production of food. See CONGRESSIONAL RECORD of May 21, 1969, page 13287, and June 26, 1969, pages 17462–17471, for data on each county in the United States.

Nationally, where the food stamp program operates, only 16 percent of those eligible on an average are served. Where the surplus distribution program operates, only 22 percent of those eligible are served. These figures show that we have hardly begun; they also show the magnitude of the job yet to be done.

It is a strange paradox that many people are in want nutritionally in our land of abundance. Perhaps its most shocking aspect came to light last spring. At that time, 424 counties, some with very high concentrations of poverty, were discovered not to be participating in either the food stamp or surplus distribution programs. Among them were counties in which payments to farmers not to grow food were extremely high. See CONGRESSIONAL RECORD of May 12, 1969, pages 11977–11983, for list of counties. This, despite the fact that free food under the surplus food program is immediately available from the Department of Agriculture to any county willing to distribute it.

The low percentage of poor families served is especially shocking in some of the leading food-producing States in our country, such as Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

In these very States where the poor simply are not reached, both the number of farmers receiving Federal checks in excess of $5,000 and the total amounts received last year skyrocketed—in one case by as much as five times the previous year.

In many counties where participation in Federal food-aid programs was abysmally low, payments to farmers for nonproduction was unconscionably high. Thirty-one counties which purport to have food-aid programs actually feed less than 1 percent of those who are poor; yet at the same time, wealthy farmers in these counties receive millions of dollars in farm payments.

The low percentage of participation in counties where Federal food-aid programs do exist results from several factors.

The surplus distribution program provides for the distribution of surplus foods to accredited recipients. The Federal Government pays for the food for delivering it to county warehouses. The county or other unit of local government needs only pay for warehousing the food and distributing it to those who are hungry. Yet as Secretary Hardin has pointed out in his testimony before this committee, problems abound with the program and it can by no means be adjudged a success.

Usually there is only one warehouse in each county. Access to a family may be granted only once a month during limited, specified hours. It is difficult for the poor to get there on time at the right time. A strong man might be able to load into his car the bulky 34 pounds of food which make up the average monthly supply distributed. But most of the poor in this country are not strong men, nor do they have cars. The sick, the aged, the infirm, women and children find it difficult to find transportation to the warehouses, and next to impossible to get back with their burdens. Often they must pay others to drive them to the distribution points and pick up the heavy commodities, thus even further depleting what little money they have.

A poor person who gets the surplus food packages home must deal with still other problems. A family depending upon this food for its total monthly supply will find that it generally runs out on the 22d day of the month.

Furthermore, the food is presented in unappetizing, Government-issue packages. Some powdered milk items are widely disliked because they taste bad and are lumpy. Some of the contents of the food package are difficult to prepare and instructions are often difficult to understand.

Finally, the contents of the food packages vary greatly from season to season, among the States, and even among counties. Poor families often do not know what will be in the package until they pick it up. State and county officials may refuse certain items included by the Department of Agriculture, even though the poor recipient might desire the food. Few counties give out all 22 items of food.

Food stamps represent a big improvement over surplus distribution because they utilize the merchandising convenience of private food stores, but here, too, participation by those in need is extremely low.

The food stamp program is designed for those with a small, but steady income. A family must participate in the program on a regular monthly basis in order to continue to receive benefits. Thus, those whose incomes fluctuate from

week to week are prohibited from participating.

The poor who can afford to participate generally must spend between 37 and 50 percent of their monthly income for the food stamps. This compares with 17 percent spent by the average American for food. Such an expenditure for the entire month's allocation of stamps must be made all at one time, rather than every 4 or 5 days as most housewives do. Since many must spend as much as 50 percent of their income for food, saving this much money for a monthly expenditure constitutes an extreme additional financial burden upon the poor, a burden which most Americans do not have to face.

Although a poor family must often spend a large proportion of its income for food stamps, it will receive sufficient stamps to provide it with only two-thirds of the food supply needed for the month. This incredible situation can only be described as Government-mandated hunger.

Finally, since the accreditation process for those eligible to receive food stamps is closely linked to welfare eligibility requirements, the food stamp program suffers from many of the same deficiencies and variations which plague State and local welfare systems.

Even in homes served by stamps or surplus distribution, the nutrition level still may be unsatisfactory. Education on how to purchase and prepare nutritious meals may be lacking and the source of many problems.

To help meet these immediate major problems in our food distribution programs to poor people, I have six specific suggestions. Except for the first one, which I feel should be acted upon immediately, I suggest that pilot studies of the others be authorized as a means of measuring their practicality for national applications.

My suggestions are:

First. Require that benefits be made available uniformly throughout each participating State. This would effectively bring all counties of the United States under Federal food-aid programs.

Second: Discontinue Government warehousing of surplus food items and Government-issue packaging and utilize private food stores as points for the distribution of items on a surplus list. Under my proposal, vouchers would entitle those eligible to select approved items from regular merchandise stocks. Stores would be reimbursed by the Government.

Third. Utilize private food stores for the sale of food stamps and delivery of surplus food vouchers. Private food stores are readily accessible to every area, urban and rural, and by their very nature constitute a highly efficient distribution and service system. All are open at least 8 hours a day, 6 days a week and are well situated for customer convenience. Furthermore, they have demonstrated their ability efficiently and conveniently to handle all types of coupons redeemable for merchandise.

Supplementing the distribution of stamps and vouchers at food stores, we should provide those who are in poverty and regularly receiving monthly Government or retirement checks—thus having a set income—with food stamps through the mail. This part of the system could thus be automated, reducing costs and allowing the concentration of our limited manpower on those whose incomes fluctuate monthly.

Elimination of special Government-issue packaging and warehousing would serve two important purposes. It would partially reduce costs, and it would remove a stigma experienced by child and adult alike, the stigma associated with the presence of "poor people" food packages in the home and standing in "poor people" lines at Government warehouses.

Fourth. Require that the local unit of government certify those eligible for food stamps and/or surplus distribution quarterly and in some cases at greater intervals, with vouchers or stamps issued more frequently to the poor than at present. Under this system, weekly purchase of food stamps could readily be accomplished.

Fifth. Permit concurrent operation of both the food stamp and surplus distribution programs in counties. All poor people would be eligible to purchase food stamps, but those of extremely low income would also be made eligible for surplus food vouchers.

This would serve two important purposes; It would give extra free food to those who have the greatest need for it; it would create a highly flexible means of stimulating consumption of selected items that may from time to time become in heavy surplus. To illustrate, a price-depressing glut of potatoes, apples, rice, wheat, or butter could readily be put to good use by this means. This would also, I feel, make it unnecessary to provide some food stamps without charge, as many have called for, while at the same time assuring the poor an adequate diet.

Sixth. Require that each eligible family must include at least one person with competence in food purchasing and preparation. Those already competent could meet this requirement by passing a written test. Others could establish eligibility by attending special courses offered through local schools or classes similar to those now being sponored on a pilot basis by the U.S. Department of Agriculture.

These suggestions, hopefully, would help to assure that benefited families get maximum nutrition from these programs.

When Secretary Hardin testified before this committee earlier this year, he stated his own awareness and that of the Department of Agriculture of many of these problems which I have discussed today, and he presented many suggestions for coping with them, several of which are similar to those I have listed and in a few cases are already underway on a pilot basis.

In one instance, a group of Illinois State and local officials and representatives of the private retail foodstores in the Chicago area sought my help in setting up an appointment for them to meet with Secretary Hardin and Assistant Secretary Lyng so that they could present a plan for a program which will utilize vouchers permitting those qualified to shop at regular retail food stores. Subsequently, other meetings were held in Chicago between these officials and USDA specialists, and I am glad to report that a forward-looking pilot program is now being developed for testing in the Chicago area. This pilot voucher system would permit expectant mothers, or mothers with infants, who were qualified to participate in the supplemental food program, to shop for selected nutritious foods at their neighborhood food stores and "pay" for their purchases with vouchers. Thus, the program would use the considerable experience, knowhow and efficiency of retail foodstores to distribute nutritious foods to needy mothers.

H.R. 9009

My second set of recommendations deals wtih long-term farm legislation. Even with expanded food-aid programs for needy families, general adjustment legislation assisting agriculture generally and marginal farmers particularly will be needed for the next few years at least.

Present programs are not satisfactory in terms of cost-effectiveness, impact on the agricultural economy, and assistance to marginal farmers. Despite very high cost, they do not effectively control production. At the same time, they have caused direct Government payments to represent an inordinately high portion of crop income.

Cotton farmers now get about half their crop income from the U.S. Treasury, wheat farmers one-third, and feed grains farmers one-fourth.

I believe there is a better way. A suggestion I have made is embodied in H.R. 9009, and I hope this committee will be able to give it serious consideration. Identical legislation has been introduced by 24 other House Members and 20 Senators.

It has three primary objectives:

First, to provide special assistance to the farmer whose income is low because his farm operation is very small. There are over half a million farmers whose individual gross annual sale of farm products is no more than $5,000 and whose off-farm income is no more than $2,000 according to the latest census statistics. From this gross income must come all the expenses of running a farm. These people need help, and present programs do not adequately provide it.

H.R. 9009 provides for retraining grants of up to $1,000 for these farmers, and also adjustment assistance of up to $2,500 a year for not more than 2 years; loans under existing credit programs to ease the transition to off-farm employment; and compensation for acreage allotments surrendered to the Secretary of Agriculture for permanent cancellation. These aids would help submarginal and marginal farmers gain skills to secure off-farm income and thus to better themselves whether they continue to farm part time or not.

Second, to phase out acreage controls, base acreages marketing quotas processing taxes, and direct payments for wheat, feed grains, and cotton over a 5-year period. Total payments under these programs would be limited in 1971 to 80

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percent of the amount spent in 1969, and each succeeding year thereafter would be reduced by 20 percent of the present level of spending so that by 1975 no payments would be made.

During this period, and in the future, marketing loans for wheat, feed grains, cotton, and soybeans would be available at 85 percent of each commodity's average market price over the 3 previous years. Thus, the Commodity Credit Corporation would once again function as was originally intended, as a convenience to orderly marketing. At present, CCC acts more as a permanent storage center for surplus crops which have piled up year upon year, causing immense storage problems and costs, much waste, and adverse influence on market prices.

Third, to phase-in an extensive program of land retirement emphasizing the retirement of entire production units. This program would be operated by the Secretary of Agriculture on a competitive bid basis in order to obtain the maximum benefit for the taxpayer's dollar. As annual limitations gradually eliminate present commodity programs, all of which involve annual retirement of only a percentage of the land on each farm, cropland will be pulled out of production under competitive long-term contracts.

The cost of implementing H.R. 9009 would obviously depend upon the scale of land retirement undertaken by the Secretary of Agriculture. By the end of the 5-year phaseout, I would estimate that the new farm program would cost less than half of the present level of spending.

If, as I recommend, extensive reforms and expansion of the food stamp and surplus distribution programs are undertaken, utilization of food would increase. This in turn would reduce the need for cropland adjustment.

H.R. 9009 is people-oriented. Present programs are crop-oriented. My proposal provides effective adjustment aid to farmers who have the most pressing personal financial need. Present programs give income support to commodities and yield many payments of astronomical size to individual farmers, which in turn, give the big operator resources with which to get still bigger, often at the expense of the small farmer.

In my opinion, H.R. 9009 makes sense both political and economically, and is in tune with the times. It affords a sensible way for the Congress to resolve a serious dilemma.

An extension of the Agricultural Act of 1965 without substantial change is most unlikely. At the same time a radical change of existing law would be very difficult for many members of the Committee on Agriculture to support, in light of the individual constituencies served. My proposal provides a way out.

Because it is long term, my proposal gives individual farmers and the agricultural economy abundant time to make adjustments. At the same time it provides assurance of substantial reform within the 5-year term.

All of us, I am sure, want to see the day when farmers get all their crop income from the private market, instead of getting a major part from the U.S. Treasury. All of us want farmers to be free to plant whatever crops they wish, without the influence of Government inducements.

All of us want the abundance of our farmland made available to low-income people. We cannot countenance hunger in a land of plenty.

The proposals I have made here today would, over a 5-year period, restore American agriculture to a sound private-market base and crop-selection freedom to the farmer.

My proposals on food-aid to poor families would cost money, perhaps a great deal of money. But they would end the unconscionable paradox which finds our Government spending millions to curb food production while many of its citizens go hungry.

TO REDESIGNATE THE DEPARTMENT OF THE INTERIOR AS THE DEPARTMENT OF RESOURCES, ENVIRONMENT, AND POPULATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. BUSH) is recognized for 15 minutes.

Mr. BUSH. Mr. Speaker, I requested a special order today so that members of the Republican Task Force on Earth Resources and Population could discuss the merits of H.R. 12000 to redesignate the Department of the Interior as the Department of Resources, Environment, and Population. This bill was cosponsored by the distinguished gentleman from Connecticut, Congressman DADDARIO, and the gentleman from Ohio, Congressman MOSHER, a member of our task force. These gentlemen are to be commended for recognizing the significance of the interrelationship of our environment, natural resources, and the population growth rate.

Members of our task force have submitted an identical bill. H.R. 12000 has been referred to the Subcommittee on Executive and Legislative Reorganization of the full Committee on Government Operations.

The chairman of that subcommittee, the gentleman from Minnesota (Mr. BLATNIK), is well known for his leadership and concern in correcting the abuses of our environment and we are hopeful that his subcommittee will give this bill a high priority.

I would like to enter into the RECORD at this point, Mr. Speaker, a section of the report of the Subcommittee on Science, Research, and Development to the Committee on Science and Astronautics, entitled "Managing the Environment." This section is entitled "Human Ecology," and the most significant part states:

> It is apparent to the subcommittee that the population explosion is fundamental to the requirement for environmental management.

The article on "Human Ecology" follows:

HUMAN ECOLOGY

> Environmental quality management is a political issue today in the Western World because of our affluence. The standard of living is high and the plethora of things which money can buy serves to accentuate the values in the landscape which cannot be purchased but must be planned for.
>
> In the world as a whole, including the emerging nations with their great expectations and populations, environmental management is essential to food supply and rapid economic development. A tailoring of management practice to each situation will be required. In fact, control of environmental quality which is too rigid or too elaborate may set back the emerging countries.
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> It is apparent to the subcommittee that the population explosion is fundamental to the requirement for environmental management. Population must come under control and be stabilized at some number which civilization can agree upon. Otherwise, the best use of natural resources will be inadequate and the apocalyptic forces of disease and famine will dominate the earth. In an epilog to his recent book "Ecology and Resource Management" (McGraw-Hill, New York, 1968) Kenneth E. F. Watt states:
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> "It would be tragic if readers of this book conclude that the problem of expanding human populations versus finite resources can be solved merely by increasing the efficiency of utilization of the resources. Ultimately, such a one-sided approach would reduce men everywhere to the role of pitiful scavengers, constantly combing the litter of a ravaged biosphere in search of scraps overlooked in prior searches by vast hordes of fellow scavengers. Increase efficiency of resource management, unaccompanied by internationally practiced birth control, can only lead our species rapidly down a one-way street to oblivion. Unless a massive worldwide program of birth control is begun *now*, no amount of efficiency in resource management will suffice for the needs of humanity."
>
> Finally, environmental quality is an issue because of our richness in technology. Despair might be warranted in facing these complex problems, if this were not an age of greatly increased scientific knowledge to understand, management skills to organize and operate, and technology to accomplish virtually any task, once it is identified. The fortuitous situation of having the power to cope with the problem should stimulate the courage and willpower to get on with the job.

Our task force, Mr. Speaker, has conducted informal hearings since early June. We have made available to our colleagues the highlights of these hearings. Twenty-two hearings were held. These hearings have been very meaningful and educational. The first action the task force took was to cosponsor the bill to establish a Commission on Population and the American Future requested by President Nixon. The support of H.R. 12000 is the second action of the task force.

The task force is not wedded to the specific reorganization recommendations of this bill, but recognizes the bill as an excellent vehicle with which to conduct hearings for the record.

The young people of this country are mad and militant over our priorities. They realize that we are chewing up our environment at such a pace that they may not have the joys of nature to share with their children that we all enjoyed.

We need to focus more attention on the environmental consequences of all our activities inside and outside of government. We need public awareness and we need congressional awareness. It must be recognized that our inability to manage our environment is due largely to our lack of understanding the significance of our rapid population growth rate.

No one can honestly say how many people the earth can accommodate but we certainly can say that we have proven incapable of managing our environment and our society at the rate at which the population is presently increasing.

Obviously we cannot change direction overnight. Solving this problem is going to take significant planning. It will take new attitudes. It will mean, for many of us, biting the bullet.

The inquiries and responses of subcommittee hearings on this legislation could be the most salient thrust this Congress and the public receive in learning what should and can be done to correct the imbalance of our ecological system.

I encourage Mr. BLATNIK's subcommittee to conduct hearings as soon as possible and offer the research work of our task force to his subcommittee.

Mr. MOSHER. Mr. Speaker, I am pleased to associate myself today with the remarks of the distinguished gentleman from Texas (Mr. BUSH) and the other Members of his Republican Task Force on Earth Resources and Population, of which I am a member.

As one of the original sponsors of this legislative initiative, it is especially gratifying to me that the Task Force has chosen as one of its first policy recommendations to support the concept and rationale as outlined in H.R. 12000.

Before proceeding, Mr. Speaker, it is proper that we should recognize and acknowledge the fact that the first impetus for this legislative proposal came several months ago from my good friend and colleague on the other side of the aisle, the gentleman from Connecticut (Mr. DADDARIO), with the able staff assistance of Mr. Phil Yeager, counsel to the Science and Astronautics Committee. It was Congressman DADDARIO, whose judgment I greatly respect, who originally put this legislation together to dramatize the need for viewing the problems of environment, resources, and population together as a whole, and to reorganize our Federal Government structure to that end.

Mr. Speaker, it is clear that environmental, natural resource and population problems are intimately interrelated, so that policymaking and management, including support of research and technological development should be coordinated for all three of those areas.

So crucial have become these problems, genuine coordination is now imperative. The need is immediate.

And that need obviously implies some very significant restructuring and reassignment of missions in our Federal agencies.

Therefore, our task force is introducing a bill which would concentrate responsibility for environmental, natural resource and population problems in a renamed and reorganized Department of the Interior.

We propose the transfer of several existing functional units to the new, enlarged Department of Resources, Environment, and Population, in addition to those functions already being performed by the Interior Department.

Those which our bill would transfer to the new Department are the Bureau of Census, the Environmental Sciences Services Administration, the Forest Service, the Soil Conservation Service, the Appalachian Regional Commission, the Atlantic-Pacific Oceanic Canal Study Commission, the Tennessee Valley Authority, the Environmental Control Administration, and the National Air Pollution Control Administration.

Of course, Mr. Speaker, we recognize that adequate hearings and discussion may indicate why there should be other transfers, or that some of these changes we are proposing may not be necessary, to achieve the ultimate purpose of the bill we are introducing today.

Thus, we do not pretend that this legislation is perfectly conceived in its introductory form.

Moreover, we fully recognize the many, many difficulties always faced in any such major reorganization proposal. We obviously may be stirring up a bureaucratic hornets nest, and we are raising very difficult questions as to consolidation of congressional committee jurisdictions.

So be it. I repeat that the need for some such coordination is imperative in the Nation's interest. It is already past due.

Our bill may not be the precise or final answer to this crucial need, but we submit it is an important, necessary first step.

Mr. HORTON. Mr. Speaker, the President sent a message to the Congress today asking us to roll up our sleeves and to get to work. One of the new initiatives of this administration has been the visible attention given to population matters. The President said:

> There is a widely-recognized correlation between population growth and poverty in the under-developed nations of the world. I have asked Congress to support our endorsement of those individuals and organizations seeking voluntary answers to this global question in other lands.
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> To approach this question as it applies at home, I have called on Congress to create a national commission to undertake now a study of how the nation is to provide for the 100 million new Americans expected before the turn of the century.
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> Beyond this, I have asked that a new philosophy become American government policy. We will interfere with no American's freedom of choice; we will infringe upon no one's religious convictions; but we shall not deny to any American woman the family planning assistance she may desire but cannot afford. That is the goal I ask Congress to support.

I believe that hearings on H.R. 12000 would add significant substance to this goal.

Mr. Speaker, much has been said in this Chamber over the last 9 months about the quality of our environment. Many of us have felt rather frustrated in developing meaningful legislation that would effectively correct our misuse of our environment.

The task of improving the quality of our environment is infinitely complex and that is due to the fact that our environment is a complex system made up of highly interrelated parts. There is no single solution but the bill, H.R. 12000 that we are discussing today does make visible a very important fact. The fact that our environment, our natural resources, and our population growth are interrelated; that our inability to manage our environment is a result of our misuse of natural resources in satisfying the increased demands of our rapid population growth.

The gentleman from Connecticut (Mr. DADDARIO) and the gentleman from Ohio (Mr. MOSHER), the original sponsors of this legislation, are to be congratulated on their awareness of this interrelationship. The increase and urbanization of our population has created new and larger demands for goods and services. These demands have stimulated greater industrialization and new technology, further whetting the individual appetite for a higher standard of living.

It is difficult to believe that individual demands for more and better goods and services will diminish. Nor can we expect that individual demands for freedom of movement, fresh air, clean water, and a chance to be with nature will diminish. Fulfillment of these human desires is dependent upon our ability to live within nature's ecological boundaries and a recognition of the fact that the earth's resources are limited. The world cannot go on indefinitely expanding both its demands upon the earth's resources and its total population. Since individual demands cannot be expected to diminish, then the number of individuals must be limited.

The President has a Cabinet-level Council on Environmental Quality and this Congress has passed legislation to form an independent Council on Environmental Quality. We will also be considering a Commission on Population Growth and the American Future, requested by the President in his population message. All these are good and necessary but we as a Congress cannot afford to sit back and wait for council reports and Commission reports. We owe our constituents a continuing pursuit for solutions to these problems that create the deterioration of our environment.

I wish to encourage the Government Operations Subcommittee on Executive and Legislative Reorganization to conduct hearings on H.R. 12000 just as soon as possible. We need to get moving fast and this would be an excellent beginning.

For the benefit of my colleagues I offer the following article for the RECORD:

[From the Science Teacher, January 1969]

THE FUTURE OF MAN'S ENVIRONMENT[1]

(By Robert W. Lamson)

> In thinking about and acting to influence man's future environment, we must consider many factors—the physical, biological, and social; the "man-made" as well as the "natural." Man's future environment will include the human populations, the cities and institutions which man has created, as well as the physical, chemical, and non-human biological systems—the oceans, continents,

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[1] This article represents only the views of the author and not those of the Department of the Interior.

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river basins, and the populations of various species of plants, fish, insects, birds, and animals upon which man depends for his survival and well-being.

If we wish to protect and improve the social, physical, and biological aspects of our environment, we must attempt to answer and act upon the answers to the following three critical questions:

What are the trends which are helping to modify or create the natural and man-made environments which man will inhabit during the next half century?

What is the possible range of these alternative future environments?

What might be done to influence these trends so as to shape the future in desired directions?

This article discusses these questions, specifically as they concern the United States.

TRENDS AND CONDITIONS CONFRONTING THE UNITED STATES

Important trends which will affect man's future environment include population growth and distribution, resource supply and use, output of wastes, and growth and use of technological and organizational power.

Population growth and distribution. The current world population of about 3.5 billion could double and reach 7 billion or more by the year 2000 if current trends continue. Projected United States population for the year 2015 ranges between 325 and 483 million. In just 50 years, the nation's population could grow by 125 to 280 million over today's population of about 200 million.

Throughout the world, people have been moving from rural areas to more densely populated urban areas, and in the United States, a very large percentage of the growing population lives and is projected to live on a very small percentage of the land.

Supply and use of resources. The United States contains a supply of renewable and non-renewable natural resources which is not unlimited, which can be depleted, but which can also be expanded and upgraded through application of scientific research, and used more efficiently through better management.

Use of many resources in the United States is projected to increase even more rapidly than population, due to increased per capita demand for resources caused by increased industrialization and use of technology, urbanization, rising levels of income and individual expectations, increased leisure, and outdoor recreation. Increasing demand for resources sometimes involves a requirement for higher quality resources, for instance, water.

Output of wastes. Output of wastes—solid, liquid, and gaseous—is increasing for the nation and per capita, thereby intensifying the threat of pollution to our air, land, and water. Sources of pollution include cities, industries, farms, heat from power generation, automobiles, recreation, mining, boating, and commercial shipping. The types, sources, and amounts of wastes will tend to increase with the growth of population, industry, and use of technology and resources. Many types of wastes are also projected to increase more rapidly than will population.

The factors which help to increase demands for resources, for clean water, pure air, and unlittered land, also help to increase the output of wastes, thereby making demands more difficult to satisfy. While we have placed increasing demands upon the environment, we have also increased our dumping of wastes into it.

Although we may not be in immediate danger of exhausting our supply of many types of resources, we are in danger, because of declining quality, of jeopardizing our usable supply.

Growth of technological organizational power. By applying our knowledge and experience to solve practical problems, we are increasing our technological and organizational ability to:

1. Push back many of the contraints of nature, of distance, time, and disease, and of our formerly low capacity to manipulate the environment;

2. Shape and create widespread, intense, and long-lasting changes in the natural environment; some of these changes could be irreversible and adverse to man's long-term survival, health, and well-being;

3. Create "artificial" or man-made environments (for instance, cities and manned satellites), and to live in new environments (under the ocean and on the moon);

4. Perceive, predict, and monitor as well as to control, influence, or manage environmental changes, for example, via new techniques (systems analysis), tools (microscopes, telescopes, satellites, and computers), laws (domestic rules as well as international agreements concerning conservation, use of resources, and technology), and institutions (river basin commissions);

5. Increase rapidly the production of food and energy, transform raw materials into finished products through industrial processes, and transport people, goods, energy, and information.

Changing proportion of "natural" and "man-made" aspects of the environment. As a result of population growth and of using our increased technological and organizational power, more and more of man's environment is becoming man-affected or man-made, except where special provision has been made to keep the influence of man and his machines at a minimum (for example, in wilderness areas and natural areas created to provide a base line for ecological studies).

The primary threats to man's physical and psychic survival, to his health and well-being, now increasingly stem from his own creations, from the environments which he has created or altered, from the natural forces which he has harnessed, and from the institutions, techniques, and tools which he has invented in order to remove the constraints of space, time, and low capacity to manipulate the environment.

Man no longer has the margin for error which space, time, and his relative lack of power once provided for his ecological mistakes.

He must, therefore, take care, in his relation to the environment and in his actions to shape it, that he does not make himself and his society more vulnerable to sabotage, disruption, and disaster—for example, if a small element of the system which he designs does not perform perfectly, if his shaping of the environment should have adverse effects, or if disturbances in the environment, such as floods, earthquakes, and hurricanes, should affect the areas in which he has settled.

We have had some sharp, recent experience with systems which created potentially disastrous effects when a small part of the system failed—for instance, the Northeast power failure and the Torrey Canyon tanker disaster.

In attempting to use our power to influence the environment, we should design for a range of contingencies—for the optimist when all works well and for the pessimist when must goes wrong. The test of our technical creations is not how well they perform when all parts work are designed, but how well the system runs and how widespread the damage is when a part of the system fails.

Since the environment influences man himself, and since man has increased power to influence his environment, man is, in many ways, through intent as well as inadvertence, and perhaps in ways he does not understand, increasingly influencing his own genetic, physical, and psychological nature—and that of his children—through the environments which he creates.

Because man's increased power to manipulate the environment has created a total environment which is increasingly man-made and in which man's margin for error is reduced, his only protection now is knowledge and wisdom in using his technological and organizational power. Man's ability to create adverse effects may be greater than his ability to perceive, judge, prevent, and control them. As a result of his inability to control wisely the purposes to which he puts his power, man may find that he is creating effects in his "natural" and "man-made" environments, as well as in himself, which he cannot control and which are adverse and irreversible.

RANGE OF ALTERNATIVE FUTURE ENVIRONMENTS

In attempting to look at the "natural" as well as the "man-made" aspects of man's future environment, one can project a number of possible alternatives, ranging from optimistic to pessimistic.

The many elements which will make up man's future environment vary with respect to: (1) probability of occurrence; from impossible to inevitable or zero to 100 percent; (2) popularity, or the extent to which the event is desired by the public or by specific groups, today or in the future; and (3) desirability.

The actual future environment which man will inhabit depends upon the nature and enfolding of the various trends which are helping to shape the environment and upon man's actions to influence these trends.

The crucial problem in looking at the future is to decide what is desirable among the range of possible future events and then to work for it, taking into consideration the probability that the future event will occur, the difficulty and costs of bringing it about, and the consequences of not doing so.

Within the range of possible future social and ecological environments, many pessimistic possibilities could be realized in the absence of adequate policies to prevent their occurrence.

For example, problems of external defense, international order, and war could become worse, with general nuclear war one pessimistic possibility for rapidly decimating our population, and, at the same time severely damaging our natural environment and our cities.

Large-scale loss of life due to ecological and technological disasters is not impossible, particularly if large and densely concentrated populations depend upon an ecology and large-scale systems of technology and organization which are highly vulnerable to disruption, breakdown, and misuse.

In the absence of adequate policies to protect against such natural hazards as storms, earthquakes, and floods, larger numbers of people could become vulnerable to disaster.

Other possible adverse effects of misusing our technological power have been mentioned, for example, global ecological imbalances and more intense and widespread disasters caused by:

1. Environmental pollution which upsets the chemical-thermal balance of the earth's atmosphere because of increased burning of fossil fuels, pollution of the upper atmosphere, and impairment of the cycle by which the carbon-oxygen balance in the atmosphere is maintained, through photosynthesis, by plants on land and in the ocean;

2. Soil depletion and increased salinity of the soil;

3. Poorly planned, large-scale, environmental engineering projects which trigger world-wide ecological effects—rapid or slow—which are adverse to man and irreversible.

Increasing pressures to mass produce and construct, in a short time, large numbers

of new buildings and housing units could cause a decline in diversity, quality, and choice in our cities. Without proper protection, the quality of the countryside, also, could continue to deteriorate because of junkyards, billboards, power lines, overenriched lakes ruined by algae growth fed by wastes from cities and farms, polluted streams, and erosion of hillsides and of the many new inadequately protected construction sites.

The cumulative and mutually reinforcing effects of many environmental changes on the ecology and on man's physical and pyschic health are potentially dangerous but not well known.

For example, we do not know enough about the long-term ecological, somatic, and genetic effects of various chemicals used in fertilizers, pesticides, and herbicides; of such environmental contaminants as radioactive wastes and lead; of the concentration of various poisons through the food chain, or of their cumulative and interactive effects. Nevertheless, the outpouring of toxic materials into the environment is already great and increasing.

Even though the nation's economy, our gross national product, and our per capita income will continue to grow, individual standards of living could decline because of inadequate policies and programs to protect the environment. Since the social, physical, and biological aspects of man's environment interact, deterioration of the non-human environment could help to create economic and social decline.

Moreover, failure on the social and political level could, in turn, contribute to deterioration of our physical and biological surroundings. For example, the educational system could fail to transmit to succeeding generations the cultural values which underlie the nation's political system as well as the attitudes and skills essential to maintaining environmental quality.

Internal order as well as ecological balance and environmental quality could break down or become more difficult to maintain. Or, their maintenance could be based more and more on "external controls" and repressive measures, on the threat of punishment and constriction of freedom.

Man's actions to avert the various environmental threats which now confront him will help to determine whether or not his future environment will be one in which he can thrive as well as exist.

Depending on his actions to prevent the occurrence of future pessimistic possibilities, and to realize optimistic ones, man could enjoy more widespread and heightened values of, for example: natural beauty, clean air, water, and unlittered land; cities which are beautiful, exciting, and a joy to live in; rising levels of living; tranquility and silence; privacy as well as sociability; diversity, individuality, and choice; justice and security; political freedom, the opportunity to influence and participate in the decisions which affect his welfare and that of his children; democratic, representative government; and the opportunity to develop his personality to the maximum extent.

We must remember that the optimistic projections will not automatically come about without human effort. Nor will we prevent the pessimistic projections from coming true if we do not work at it. In fact, projections can become self-denying or self-fulfilling prophecies, depending upon their effect on human attitudes, effort, and will.

When people view any particular future alternative as necessarily inevitable, such an attitude tends to generate self-fulfilling or self-denying prophecies, depending on whether we see the inevitable as optimistic or pessimistic. For example, a pessimistic projection which is viewed as inevitable can become a self-confirming prophecy through reducing any effort to prevent its occurrence, thereby increasing the probability that it will come true. An optimistic projection which is viewed as inevitable can become a self-denying prophecy through reducing the effort devoted to bringing it about, thereby reducing the probability of its coming true.

On the other hand, if the future is regarded as open and subject, to some extent, to human manipulation, then this will tend to leave room for the creative exercise of human wisdom, will, and effort.

CONTROL OR INFLUENCE OF TRENDS

Having outlined some of the important trends confronting the United States, and a range of alternative environmental outcomes associated with these trends, the question arises: Should we attempt to "adjust" to the trends, or to "influence" and "control" them, or both?

Assuming that "adjustment," by itself, is not an adequate guide if we wish to promote economic growth, individual well-being, and environmental quality, we then need to consider what can be done to "control"—or at least to "influence" the various trends which will affect man's future environment. What can be done to make more probable the optimistic rather than the pessimistic projections?

Technological and organizational power. It is crucial that we control the uses of our increasing technological and organizational power to affect our environment since to date, we have used this growing power in an unbalanced way:

To limit deaths, but not, at the same time and in the same degree, to limit births. As a result, no matter how efficient the technology, skill, and organization devoted to producing, expanding, and making more efficient use of resources, population now outpaces production in many parts of the world, with tragic results.

To use, destroy, and deplete resources for immediate benefit, without sufficient regard for the resource needs of future generations and without providing adequate knowledge and skills to compensate for the depletion.

To pollute our land, air, and water, but not to prevent pollution, clean it up where it occurs, and restore the damaged environment.

To promote economic and population growth, but not to protect and promote environmental quality.

To create and apply new knowledge and powerful technologies without, at the same time, acting to prevent and limit the damaging side effects of using this knowledge and technology.

There is a need now to restore the balance in our use of science and technology—in our attitudes, laws, and institutions. For science and engineering, by themselves, cannot save us from our lack of wisdom and vision in using science and in managing our technological power.

Additional technological power and efficiency, applied in the same manner that we have applied them in the past to our environment and to the forces of nature, will not necessarily save us from our lack of balance and wisdom in using that power.

We need, therefore, to perceive, predict, evaluate, influence, and control the effects of using our technological and organizational power so that the optimistic rather than the pessimistic possibilities will come to pass.

To carry out the research, planning, and operational programs to perform those activities, we need to create the necessary laws and institutions, in government, at the federal, state, and local levels, as well as in the private sector, in universities and industry.

We need to use our technological power in such a way as to affect the trends which, if unchecked, would realize the pessimistic possibilities. In other words, we need to influence population growth and distribution, the supply of and demand for resources and services, and the output of wastes.

Population growth and distribution. Problems of population increase as well as density could seriously jeopardize the ability of this and other nations to meet, concomitantly, their national goals for security, economic growth, welfare and well-being, resources, conservation, and environmental quality.

There is, therefore, a need to develop a population policy based on analysis to determine:

1. What, if various alternative projections for future population growth and distribution were to come true, the effects would be on the success and costs of our policies:

A. *To supply and conserve resources* (land, water, air, food, minerals, energy, timber, wildlife, wilderness, outdoor recreation and park areas, open spaces, natural beauty, silence, etc.)

B. *To provide services* (transportation, health, welfare, housing, sanitation, education, etc.); and

C. At the same time, *to protect and promote environmental quality;* that is, to prevent further pollution of our land, air, and water, to clean up what pollution remains, to restore the damaged environment, to rebuild our deteriorated cities and to create new ones;

D. To solve these problems within the existing framework of government and political and personal values (to protect and strengthen freedom of choice and representative, popular government and to limit the extent of intrusion of government into the personal lives of citizens).

2. Which, if any, of the various alternative projections for future population growth and distribution we should regard as goals for population policy, and the costs and benefits of achieving each; and

3. How, by what methods, we could achieve each goal. Programs for action to influence population growth rates and distribution could be based on such analyses.

Alternative goals for population growth might include, for example: (1) to insure that all American families will have access to information and services that will enable them to plan the number and spacing of their children, and thereby, to insure that any future American child will be a "wanted child"; (2) to achieve population growth in the United States which would increase more rapidly or more slowly than is projected; and (3) to stabilize United States (and world) population at less than its present size, or double its present size, or greater by a factor of 2.5, 3, or 4. Here, the question arises: At what level and when should this stabilization occur—in 40, 60, 75, 100, or 200 years?

Supply and use of resources and services. To help satisfy the increasing demands for resources, there is a need to increase the available supply, through research and exploration programs, and to make more efficient use of the existing supply through improved conservation, management, and pricing.

Moreover, if our aim is to increase individual well-being and standards of living, access to resources and services, as well as to promote overall economic growth, then the question arises whether we should attempt to limit the rate at which demand grows as well as to "satisfy" increasing demands for resources and services. This would require us to limit the rate at which population grows and puts pressure on our not unlimited ability to provide resources and services.

Control of waste output. If we are to protect the environment adequately, we must bring under control and manage the wastes of our society which threaten to poison and bury us and to destroy the ecological systems upon which we depend. We must, therefore, prevent, limit, manage, and control waste and pollution at each step in the process by which our economy and industry transform energy and materials, from raw materials through to finished products, to ultimate use and disposal.

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This requires us to create more efficient and less wasteful industrial and economic processes, and to provide for use, reuse, recovery, and recyling of the waste products—solid, liquid, and gaseous—which are generated at each stage in our economic system.

PERSONAL AND POLITICAL VALUES AND CONTROL OF TRENDS

To control and influence the trends outlined above requires "management" and control of people and institutions as well as of the environment. What is the relation between: (1) "management" of the environment and of the "trends" which will affect the environment, and (2) personal and political values?

"Environmental management" involves the monitoring and manipulation of physical, chemical, and non-human biological systems—the oceans, river basins, watersheds, airsheds, industrial, agricultural, and municipal wastes, and populations of various species of fish, birds, animals, insects, and plants.

But such objects are only part of the environmental quality problem. Human persons, their attitudes, ideologies, practices, social systems, and institutions are also part of the problem of maintaining environmental quality. They must also be part of the cure.

If more "efficient environmental management" involves human persons, attitudes, and institutions, then what are the implications of "efficient environmental management" for such values as freedom, privacy, autonomy of personality, dispersal of power and pluralism (particularly under conditions of rapidly increasing population), industrialization, urbanization, and use of technological power to manipulate the environment?

How can the United States promote environmental quality, and, at the same time, protect and promote various important personal and political values under conditions in which an additional 100 million people are projected to be added to the United States population in a short 30 years?

If the United States is to control the effects of its citizens' actions on the environment, and at the same time, to protect their personal and political values, there will be a need to rely, to a large extent, on internal psychological controls—rather than on the external threat of law or punishment. And, if such internal controls are to be used with a rapidly expanding population, then great reliance must be placed on education for conservation and environmental quality—at each stage of a person's life—in the home, through school, and in other areas of activity.

The need to promote and to reconcile "environmental quality" and "environmental management" with such values as freedom, privacy, and autonomy of personality, dispersal of power, and pluralism is one which places a critical responsibility on the educational system in general, and on the teachers of science in particular.

CONCLUSION

Our current environmental crisis is due to man's misuse of power—to one-sided use of his capacity to control the forces of nature and to his lack of understanding of himself and his lack of wisdom in using his power.

Much remains to be done for environmental quality—in many areas—in terms of attitudes and education, laws and institutions, research, planning, and operational programs.

Science teachers who convey the attitudes and skills needed to protect and promote environmental quality are on the forefront of man's effort to restore balance and harmony—within himself, within nature, and between himself and nature.

We must restore wisdom and balance in our actions, in the use of our power, and in nature. Time is short. Much of our damage to the environment is irreversible what we destroy cannot be restored and is lost forever.

The accelerating damage which we do to nature and to ourselves will not wait for us to catch up, nor will it wait while we refine our understanding of this damage.

We must learn, and science teachers must help future generations to learn, to restore the balance:

Between our power and our wisdom in using that power

Between our power to create and our power to destroy and disrupt

Between our efforts to prevent injury and our efforts to heal the damaged environment

Between our efforts to understand environmental problems and our actions to prevent and correct these problems

Our power has exceeded our wisdom.

Our power to destroy the environment has surpassed our power to correct the damage, to conserve and create.

Our efforts to prevent have lagged behind our efforts to cure.

Our cures have been too little and too late.

And, we have often allowed the quest for more perfect knowledge to deflect us from acting now with what knowledge we have.

Mr. LUKENS. Mr. Speaker, I wish to reemphasize the point made by the distinguished gentleman from Texas (Mr. BUSH) regarding the attitudes of young Americans. We were part of the Republican campus study tour group last spring and we know just how upset our young people are about our deteriorating environment. It is encouraging that so many young people seem to understand the complexities of our environment.

However, we need more than just understanding. We need more young people involved in the science of ecology. Dr. William McElroy, Director of the National Science Foundation, testified at one of our Earth Resources and Population Task Force hearings. Dr. McElroy expressed hope that the Foundation would be able to play a more aggressive role in creating more interest among young people to pursue the science of ecology.

Education is a marvelous cure for many ills. It seems to me that we could make some significant strides in overcoming our environmental quality problems by increasing the educational input on the subject to our young people. Our secondary schools should consider adding curriculum on the problems of our environment and the relationships of population growth and resource depletion. Our colleges and universities should consider adding environmental studies to their basic college requirements. Personally I would like to see more scholarships offered in this field of study.

I do not believe that there is much dispute over the fact that environmental degradation, depletion of natural resources, and rapid population growth are all interrelated. This whole conglomerate of problems offers an ecological epitaph of the world that needs to be avoided. We can solve these problems with more education and participation of our young Americans. Let us stimulate this education and participation.

Mr. WOLD. Mr. Speaker, I would like to make a point in regard to the significance of the interrelationship between mineral resources and population growth.

There is a direct relationship between the depletion of mineral supplies on the one hand and the increased rate of population growth and the demands for a higher standard of living and improved quality of life on the other. Presently the United States contains 6 percent of the world population, but uses about 30 percent of the world's mined minerals. With the world population expected to double in the next 30 years and the intensified effort of the developing countries to improve their living standards, there will be increased demands for minerals during the remainder of this century. As this demand for minerals increases, the quality of ores can be expected to decrease. This will create the necessity for more energy output to extract needed minerals from their ores, further depleting available energy fuels. Increased population and technology will create more demands for power.

I believe it is important that we become very aggressive in our search for solutions to living within this entire phenomena of ecology. Immediate hearings on this legislation would definitely be a step in the right direction.

I offer for the RECORD at this time an article entitled "The World Is Running Out of Raw Materials" from the New York Times of June 22, 1969:

THE WORLD IS RUNNING OUT OF RAW MATERIALS

(By Water Sullivan)

Those who wish to dramatize the population explosion point out that, if present growth rates continue, the mass of humanity in a few centuries will exceed the entire mass of the earth. What that shows, of course, is that there is a limit to the population that this planet can support. But what is that limit?

At a recent committee meeting of the American Association for the Advancement of Science a leading government scientist pointed out that there has never been a broad scientific study of this essential problem in all of its ramifications.

The psychic effects of crowding are often mentioned. It is known that some mammals under crowded conditions undergo hormonal changes that cut their birth rate. But if we can make the deserts bloom and thin out our more congested cities, we can greatly increase world population without this becoming a limiting factor.

Perhaps our political institutions are incapable of bringing about such a revolutionary redistribution of the population. This is uncertain, but what is definitely known is that the raw materials needed to support modern civilization are limited.

If we are to rebuild our economy, irrigate the deserts, industrialize the underdeveloped nations, vast amounts of energy will be required and, unless we can harness the power of the hydrogen atom, that energy depends on limited supplies of fuel.

To what extent, then, is world population limited by our finite reserves of fuel, metallic ore and other raw materials? A book recently published by Dr. Charles F. Park Jr., professor of geology and of mineral engineering at Stanford University, indicates that the world population may already be far beyond the level that, in the future, could be supported by this planet's resources.

Dr. Park's analysis is featured in the current issue of "Focus," a publication of the American Geographical Society. It is entitled: "Affluence in Jeopardy."

He says that we have taken false comfort in the argument that ample mineral resources lie under the sea or deeper in the ground. The world is already beginning to run short of some materials of great importance to a technological society, such as mercury, tin, silver and cobalt. The big drain, however, will come if and when the world population reaches its projected level for the year 2000 (roughly double that of today) and the nations of Asia, Africa and South America become fully industrialized.

In 1967 the United States had a per capita consumption of about one ton of iron. If global consumption reaches that level by the year 2000 and the population has doubled, the world's annual demand for iron will be 12 times what it is today.

In 1967 the American per capita use of copper was 16 pounds. If, by the year 2000, world requirements reach this level, the global demand will be 11 times what it is today, which Dr. Park, as an ore specialist, calls "staggering."

If the same formula is applied to lead, the needs will rise 16-fold. As it is, readily accessible lead ore in this country has fallen to such a level that most lead for American industry has to be imported. By the year 2000, according to Dr. Park, it "would be a difficult and probably an impossible task to obtain the indicated amounts of copper and lead."

Furthermore, he points out, these projections do not allow for any increase in per capita consumption by highly technological societies, such as that in the United States. Such stagnation is highly unlikely.

Those who believe atomic energy will prevent disastrous poverty, starvation and civil unrest during the coming century note that cheap electric power could be used to desalt seawater, irrigate the deserts and extract minerals from our waste materials. Our daily refuse would be sent to special plants for sorting by electric and other means, instead of being buried, burned or dumped at sea.

Dr. Park concedes that iron could be salvaged in this way, but he despairs of recovering such critical substances as silver and mercury. Some 31 per cent of American silver consumption (46.5 million ounces) goes into photographic film. The second most important industrial use is in electrical and electronic equipment (24 per cent). Other uses include silverware and jewelry (17 per cent), brazing alloys and solder (12 per cent) and batteries (7 per cent).

Mercury is used in temperature and pressure recording devices. Such substances, Dr. Park argues, are irretrievably lost in the vast amounts of daily refuse. "One cannot conceive of the reclamation of mercury from broken thermometers."

He also is pessimistic about substances. Mercury is unique in being the only metal that is liquid at room temperature. It is possible, however, that photosensitive plastics may some day replace the silver nitrate used on film. Aluminum, which is comparatively plentiful, can repace many uses of copper. There are substitutes for some uses of cobalt, but only cobalt is suited to the making of permanent magnets.

Thus Dr. Park argues that the popular concept of a constantly expanding economy and an upgrading of other nations to our living standards is a sure path to disaster, unless radical checks in population can be achieved. Ocean resources and deep-lying deposits can be exploited but only at high cost, not only in dollars, but in energy, and our fuels are limited.

He scoffs at the export of people to other planets as impractical. Some believe mineral resources on the moon can be brought to earth, but this will depend on whether the moon has undergone the internal heating and differentiation that, on earth, has extracted from the primordial mixture of materials the veins of pure ore found on earth.

His argument also leads one to conclude that the long-term destiny of mankind depends, not only on halting the growth of population, but learning how to extract energy from the fusion of hydrogen isotopes. This fusion releases the unruly power of the hydrogen bomb.

Those in this country and abroad seeking to harness the fusion reaction are optimistic, but the solution to this problem is not in sight. Success would provide ample energy for the remaining lifetime of the earth and should enable man, under wise leadership and assuming some method of population control, to work out ways to live in equilibrium with his environment and its resources.

Mr. REID of New York. Mr. Speaker, today I am introducing, with the gentleman from Texas (Mr. BUSH) and nine other members of the Republican Task Force on Earth Resources and Population, a bill which would require the Federal Government to apply space age systems techniques to solve the national problems of environmental pollution, national resource development, and population. The legislation was originally introduced by the gentleman from Connecticut (Mr. DADDARIO) and the gentleman from Ohio (Mr. MOSHER).

Under our legislation, the Department of Interior would be radically restructured and expanded, renamed the Department of Resources, Environment, and Population, and given principal Federal responsibility in all three areas. Although it has been apparent for several years that population and environmental quality are inextricably related, this bill is the first major congressional initiative for considering the population problem as part of the overall environment-resource crisis facing America today.

At the present time, responsibility for population planning, environment quality, and pollution control is distributed among several agencies of the Federal Government, including the Bureau of the Census, the Environmental Science Services Administration, the Soil Conservation Service, the Environmental Control Administration, the National Air Pollution Control Administration, and a variety of independent agencies. Our bill would centralize responsibility in these areas within the new Department of Resources, Environment, and Population. I would hope that the reorganized Department could work closely with the President's Environmental Quality Council and that the Council and the Department could together launch a coordinated attack on environmental problems.

Too often, we assume that the problem of feeding an additional 70 million persons per year is the only problem we face as the world's population increases. In fact, it has been predicted that the shortage of mineral resources will become serious sooner than the food shortage.

As the population of the United States increases and the standard of living in this country rises, the demand on our natural resources—coal, mineral ores, even water—may outgrow our supply. It is possible, through modern agricultural techniques, to increase the productivity of our farmlands; but not even modern science can make it possible to dig coal or mine iron ore where the supply has been exhausted. Before the supply of certain metals is actually exhausted, we will be forced to use lower and lower quality ores; as the refining process becomes more complicated, we will undoubtedly place increasing demands on our supply of water and energy fuels in our effort to extract the metals we need and then dispose of the resulting pollutants.

Clearly, we must begin planning, and acting, now if we are to prevent the creation of a vast garbage dump in America and restore the environment of this nation to the high quality we once enjoyed. If we are to accomplish our goals, consideration of all the problems involved—population, natural resources, control of pollution—must be the responsibility of one agency. I support this legislation enthusiastically, and I would hope that the Committee on Government Operations and the Congress will give it early consideration.

Mr. BUSH. Mr. Speaker, I have some additional articles here that I feel will be of real interest to my fellow colleagues. These articles offer some of the best commentary on this entire subject and I recommend that they be read. I offer the articles for the RECORD at this time:

PEOPLE, POLLUTION, AND RESOURCES

(By Dr. John C. Calhoun, Jr., vice president for programs, Texas A. & M. University)

It doesn't make much difference whose predictions you take about population growth. All of them indicate a rather dramatic increase in numbers of people. The more conservative estimates put the U.S. figure in the year 2000 at something like 340,000,000. It was only a few years ago that our population was just one half that amount and one way to look at the problem in a relative sense is to visualize that every city in our country as of about 1965 will have to be duplicated by about the year 2000.

One of the major concerns before our planners and thinkers is the magnitude of this growth. Where will these people live? Where will we obtain the raw material to sustain them? How many people can we effectively handle on our globe? After all, we live on a finite planet having fixed resources, a limited atmosphere and other finite dimensions. Although most of the predictions seem to be optimistic about our ability to cope with this situation, it may mean some changes in our entire social system, not only with respect to population itself, but with respect to the use and management of resources.

Numbers of people, of course, are the key to our transition. When we had fewer people it was much easier to make allocations of land for parks or homes, for dams or mines, for recreation or highways. So long as populations were scattered, the various uses did not interfere with one another. Now they do. Interactions become important only when the different demands upon resources come into conflict and this is first of all a function of the numbers of people. The numbers of people and their increasing needs raises the question of allocating resources to a new level.

The effect of this growth is felt by all parts of our economy, not just by those who are in favor of park lands or wilderness areas. In a speech two years ago, Mr. James Boyd, President of the Copper Range Company, noted that the mineral people also were having problems in this area. I quote him, ". . . The rapidly increasing population is steadily encroaching on the mining domain. In the past, the availability of land in the more highly mineralized parts of the world was not a particular problem. Today, competing uses for land are becoming more and more urgent . . . Populations are taking up

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more and more of the land surface, thus limiting the areas in which prospectors can operate . . ."

But, the numbers of people is only part of the question. People are motivated in one way or another by two basic forces which must be noted. One of these is the urge to a higher standard of living and the second is an urge to a higher quality of living. To a degree, these two goals are interlocked and there was a time when most of us may have equated a higher standard of living with a higher quality of life. Today, however, these two issues definitely are separated in our thinking, and there are those who argue that our higher standard of living has produced a lesser quality of life.

What these two issues recognize are two different kinds of uses for our resources. The use of a resource for energy production, for construction material, or for industrial sites may produce the most effective means of advancing our gross national product. Using the same resource for a recreational area or for aesthetic enjoyment may most effectively enhance our living. In some cases, we might be able to do both with the same resource, but many times these uses represent a conflict.

Throughout man's long history he has expressed a continuing desire to know and possess nature. This force had its origin in our dimmest beginnings and has grown to the point where it now absorbs a considerable portion of our energies. In fact, we now have this usage organized. It is a goal of our research. We travel even though the wind doesn't blow and the soil produces not just by the chance of nature but by the organized use of genetics, fertilizers, and irrigation. Man cannot yet command a sunny day but he stands on the threshold of modifying the weather in a very real way. Even the ordinary appearing rocks of the earth have succumbed to man's manipulation and we make use of the nuclear forces than bind them together.

This kind of progress is imperative and essential. All nations on the earth wish to emulate our nation in the development of their technology and industrial economy. They, and us too, desire also to achieve the more mundane aspects of this development—the city blocks of concrete and the hard-surfaced roads between them, and air filled with radio waves and television signals, labor saving devices in our homes and offices, and refrigerators filled with packages of frozen foods.

Essentially all of this is a part of our production economy. The system which we have established is one which gathers resources from many places, changes them into machines, usable materials and goods, and passes them on to the consumer. Society is, in effect, an enormous organism with a prodigious consuming ability which our industrial capacity serves.

The production of these needed goods is highly organized and economically motivated. Our production and manufacturing system has evolved to its present efficiency and sophisticated because of years of research, development and operational improvements. Industrial and economic complexes exist for providing this consumption input. In magnitude and interaction these systems are very important to our culture. We have an instrumentation complex, a chemical manufacturing complex, a food processing complex and a defense industry complex to name a few. They are institutionalized to a high degree and together they make up our stable economy.

This is one side of the picture and we cannot continue to have a growing standard of living without continuing to feed resources into this technological organism. The United States has, in fact, a resource accumulation effort which not only encompasses the nation, but straddles the earth. With six percent of the world's land area and six percent of the world's population, for example, we use on the average about twenty percent of the world's total mineral production and twenty-five percent of the world's consumption of energy. I am sure similar statistics could be quoted in other resource areas.

This marvelous system for producing consumer goods and using technological advances has brought about our focus upon the second issue, a concern for the quality of life. Although this issue has been pinpointed in terms of pollution, what we ordinarily think of as pollution is only part of the problem. Our concern for this question includes not only water pollution and air pollution, but such things as sonic boom noise and other noises, automobile safety, excessive use of drugs, the loss of individual privacy, the loss of natural wildlife areas and similar subjects. As was said earlier, the increasing numbers of people brings the problem up because these people have to have some place to live and work. If we build highways for them to communicate we must tear down trees and go through park areas. If we build up cities for them to live along the shore, we may perhaps destroy bays or marine breeding areas. One part of the quality of living issue, therefore, derives from the mere pressures of numbers of people.

Secondly, however, there are a large number of by-products, wastes, and negative impacts which accompany the resource production and manufacturing process which I described. The smelting of ore produces large clouds of particulates; the generation of power creates a thermal by-product. Fuel combustion and power generation yield sulphur dioxides as part of the combustion process. Sulfide wastes are a by-product of paper production and a gaseous residues of many refinery operations. One of the most alarming side effects is the DDT dissemination which has accompanied agricultural production. In general, industries have done much to reduce undesirable by-products and waste effluents. Their actions are limited, however, by the economics of production and manufacturing. A single company cannot afford to adopt waste control measures if its competitor does not do likewise. An action to control an undesirable effluent may be acceptable to one industry but may be a disadvantage to another. For example, a decision to limit the burning of fuels to those having low sulfur content could have an adverse effect upon whole segments of the economy not engaged in burning fuel. Our industrial complex interlocks so well that waste control decisions in one part may have a leverage action to affect many other parts.

In any event, the adoption of operations to control industrial waste or eliminate by-products will add to the cost of production. Sometimes the technology for waste control doesn't exist or needs to be improved. Who is to pay for the research? Is the total cost of control to be passed on to the consumer? Perhaps the question should be, "Is the consumer ready to accept this added cost?"

My basic point is that there are waste effluents or undesirable by-product activities associated with almost all parts of our resource production and manufacturing system. In some places the elimination of these wastes and by-products have been woven into the economic structure and into industrial competitive positions, but we have not done this on an across-the-board basis.

A third aspect of this issue is that our consuming society doesn't consume completely. Society doesn't quite use any of the inputs that come to it from our producing and manufacturing system. Part of the effluent is in the form of human waste, part of it is in the form of material waste and cast-offs from consumptive goods and services. As standard of living and per capita consumption goes up, per capita waste product will go up also and this has been well documented.

The exhaust from the automobile or the worn out automobile itself, the cellulose material from our vast packaging economy, the large volume of food and animal waste accompanying industrialized food production and processing—all contribute to the five pounds of solid waste per day per person that go out to our disposal systems.

Now, in contrast to the highly organized industrial and economic complex for providing the input of goods to society, the handling of the waste is largely a service operation. We have not developed a system for gathering waste, treating it, and placing it back in the environment which matches the complex distribution and marketing system that exists for producing consumer goods. We need "supermarket" waste disposal just as we need supermarket retail outlets and department stores.

And because waste handling is primarily service oriented while the production of goods is profit oriented, there is a dichotomy between these two activities. In only a minor way does recovery from waste go back into our production system. We need to consider better ways to tie the handling of waste into our economic system. Perhaps we ought to contract waste services to profit-making concerns, subject to publically determined specifications and thereby place waste handling on a competitive basis. Maybe we ought to handle waste disposal systems the same way we handle public communication and transportation services.

Overriding the whole problem of waste handling, of course, is the matter of how we fit this into our political system. Several years ago Arthur S. Miller had a comment which is germane to this. He said, "What technology has done is to create a true national economy through the development of rapid communication systems and even more importantly through the growth of huge industrial combines which straddle the continent and which are the main units of functional federalism. But that national economy is superimposed upon a decentralized political system—the fifty allegedly 'sovereign' states." The situation with respect to handling of wastes is even worse because not only do we have a waste disposal system that is disjointed with respect to our political system, it is also separated from the economies of production.

There is a fourth aspect to the quality of life problem which arises from the uses we make of our technological capabilities. We drive our automobiles for pleasure as well as for profit. We are not charged individually for the carbon dioxide or other effluents we put into the atmosphere. The television set is there and even though we do not like to have our entertainment interrupted with large numbers of advertisements, it is served to us that way so that's the way we take it. Machines are noisy and because the machines exist we accept the noise along with the machine. In short, as we move ahead in our technological age, even the individual makes a contribution to the negative aspects of the quality of life by some of the things he does. They may not be negative so far as he himself is concerned but they can be negative to society as a whole. Those of us who are non-smokers know the meaning of this problem when we sit in a smoke-filled room in which we give those who smoke the privilege of enjoying themselves.

These then, it seems to me, are the three fundamental forces at work with which we must deal and for which we must find satisfactory rationalizations. First, the pressures of the numbers of people, second the continuing urge to advance our standard of living and, third, the urge to increase and enhance the quality of our living, which carries with it a commitment to an improved quality of our environment.

The rationalization of these forces lies in the question of managing natural resources. In the final analysis, the only thing we have to work with are the resources that were provided on the earth, although we may rearrange them into new forms. We may take the resources from the rocks and forests and translate them into the resources of the city, but all we have done is to move resources from one place to another, perhaps upgrading them in the process. Somehow, we must manage our limited resources to satisfy the space demands of people, the standard of living demands, and the environmental quality demands. Although I do not have answers for rationalizing the forces at work, I can suggest a few steps that need to be taken.

The first thing we must do is to clarify all of the many uses that we may need for our resources and attempt to place these uses in perspective with respect to overall national and social goals. We are just now recognizing all of the uses that ought to be considered. We have tended to limit our concern to providing living space, to resources for producing the essentials of life, and to maintaining our technological economy. We are now willing to admit that parts of our environment must be reserved for life forms other than man, for recreation and aesthetics and even for scientific experimentation. At least one of the things we have accomplished in the last few years is to bring these many uses into open discussion and recognize their value.

A second step we need to take is to examine our overall resources situation and assess what we have. We know too little about our total resource system and its ecological relationships. Because we do not know the current state of many environmental situations, we have no way of evaluating what has happened after we undertake alterations. It is past time to establish base line measurements for our natural evnironment so we will know where we have been and what we have done. Because we do not have sufficient understanding of ecological relationships, it is almost impossible to analyse a projected course of events and predict what might occur. It is as though we were trying to embark upon a cross country trip without a road may, compass or roadsigns or without knowing where we started from. Although in recent years we have started a few overall inventories, such as the public land law review commission and the evaluation of public lands for wilderness areas, we have not undertaken a total assessment of what is available for satisfying the total uses we recognize.

As a third step we need to examine our system for making decisions with respect to resource allocations. At the present time, our decision making structure is highly decentralized. Individual decisions with respect to pieces of large resource systems are placed in the hands of different mission agencies or political entities. When the people in the San Francisco Bay area a few years ago approached the problem of waste effluent into the Bay they found a very large number of individual political and other units having some decision making capacity. In some places, we have organized regional groups such as the river basin planning groups, port authorities, and other action agencies. We are also beginning to construct some checks and balances such as those between the Department of Interior and the Corps of Engineers relative to estuarine problems. We have not yet arrived, however, at a general working procedure that will consider all potential uses, all kinds of alternative resource management routes backed up by a generally accepted moral position that we will use each and every part of our environment and its resources for the highest possible good.

We do not have a history of considering many alternative developments to a given resource situation. We do not have a history of spending the energy and funds needed to evaluate alternatives. Generally speaking, we place decisions in the hands of mission oriented action groups who rightly consider each resource with respect to their own mission. But most of the missions are relatively narrow. This generally puts us in the situation of arguing the pros and cons of a single resource management program rather than the merits of several alternative programs. The decision maker usually makes a commitment based only on a single proposed course of action. Although I do not have specific organizational recommendations to make in this area, I think the problem needs attention both at the federal and local levels.

One of the things that would help is the proposed Office of Ecology at the federal level. This unit could carry forth the necessary investigative and inventory work with respect to our environment and resources so that we would have some yardsticks against which to measure our actions. Another possible favorable action would be the creation of an overview federal group to consider all the plans and proposals that are advanced for the use of our resources with approval authority for the more general recommendations of all mission agencies related to resources management.

As a third step, we must move in the direction of making the side effects of resource production processes and the adverse by-products a part of the cost of production. Whether we do this by a taxing system, use charge or some other device is a matter to be decided by analysis and perhaps by trial and error. We must make these desirable actions a part of our system of economics. Coupled with this, we need to take steps to devise technological systems and managerial systems for developing a sophisticated waste disposal complex that will match the resource production and utilization system.

These kinds of steps will not, of course, provide us with the answers to each and every detailed question in every individual local situation of resource management. Whether we use a particular valley as a wild river or as a waste disposal stream can be decided only in the context of the individual situation and its particular characteristics. Likewise, there will be no general panacea for determining whether a particular tract of land should be maintained as a recreational forest or be open to commercial forest development. No formula will give us a means of computing whether a particular aquatic habitat should be devoted to recreation or to fish breeding. These determinations can be made only after all parameters have been considered and all possible uses have been examined. The important thing, it seems to me is that we recognize the need to consider all possible used, all possible valued, all possible alternatives, and to hear all voices, both majority and minority, as to what can be done for any particular situation.

In summary, I see our present situation as bringing to the surface three basis parallel issues which combine to make our resource management decisions much more complex and much more important. These issues are: first, the increasing numbers of people and their need for space and a proportionate share of the earth's environment; second, a continuing urge to improve our standard of living; and third, a growing awareness that we must maintain and enhance our quality of life. All of these pressures bear upon the resource itself and upon the job of the resource manager. This management has been done historically from mission bases which consider generally only a relatively narrow spectrum and uses and priority within the boundary conditions of a highly sophisticated economic and industrial complex. The future must consider all kinds of uses, all kinds of values, and all kinds of alternatives. Somehow, we must develop a system of decisions which will allow us to handle each individual problem within the context of total environmental goals and a review system that provides the maximum end use.

[From the New York State Conservationist, December 1967]

NATURAL RESOURCES AND THE CULT OF EXPANSION

(By Durward L. Allen, professor of Wildlife Ecology, Department of Forestry and Conservation, Purdue University)

As proprietors of North America, we have custody of a great freehold. How we handle it will identify us in times ahead. Probably the most exacting demands on our skill and conscience are in dealing with replaceable natural assets, those that can be improved in use through biological processes—soils, waters, forests, ranges, wildlife, and scenic beauties.

Historically, the management of renewable resources has been a threshold of frustration and delay. Accomplishments, often good in themselves, fitted only by chance into any reliable outlook for tomorrow. There has seemed to be no plan at work, nor even a comforting philosophy.

Despite the difficulties, we must invoke what foresight we can in resource use, and in terms of major issues I think we have much to work with. Our context is the field of human, or resource, ecology. This is a developing scientific discipline concerned with relationships of humanity to the total environment. Characterististically, it involves synthesis and generalization. Inevitably it includes conceptual trial and error.

The ecologist is aware of his limitations, but he is learning to distinguish rights from wrongs. I suspect he knows considerably more now than anyone can apply. If this is true, then a weak link in our resource management effort is the information function that should be telling the customers what they need to know. Information people strive with great diligence to sell the conservation idea. But it probably is good for anyone to have an occasional review of premises and a more critical focus on the issues.

WHAT IS THE OBJECTIVE?

To put first things first, what is the objective of our concern with the resource environment? What do we want for mankind now and in the future?

I suppose the only reasonable answer is this: *We are after the best possible living standard for every individual.* Such a statement identifies a worthy goal but does not define it. How could anyone describe an idealized life pattern for the future? This involves personal attitudes, and for each of us standards are likely to change with time. For my part, I cannot accept a common viewpoint: I doubt that the output and consumption of material goods is a satisfactory measure of living standard. It is part of our well-being, but there probably are more fundamental things. Surely, good health is the greatest beneficence that modern science has to offer. No doubt a quality existence includes being well fed, well clothed, and well housed; but space and pleasant surroundings must also be high on the list. In social terms, we take for granted all the freedoms that are a part of human dignity. Freedom from work is not one of these.

SOLVING RESOURCE PROBLEMS

Resource problems are characteristically a national concern. At local level they frequently are obscured and fragmented by provincial attitudes and politics. It seems right to expect of any government that it consider responsibly the needs of the whole public and use our unmatched technology to plan ahead for human welfare. Surely a century hence is not beyond our limits of responsibility.

Assuming that there is a science of environmental relationships, how does it go about its problem solving? Probably you could not get the same answer from any two people. However, I think there are basic aspects of the population-resources equation

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on which many thoughtful persons could agree:

First, we are dealing with a strictly limited quantity, the finite earth, its space and raw materials.

To this we apply our atom-age culture, a variable of bewildering complexity that includes our industry, science, and all we do to make resources useful.

Another variable is the number of people who divide the benefits, today's steeply ascending curve of population.

Finally, a living standard is resolved from relationships of the other three. The concept can be represented this way:

$$\frac{\text{Resources} \times \text{Culture}}{\text{Population}} = \text{Living Standard}$$

It is common knowledge that over half the earth's inhabitants are perpetually hungry, and that on this continent we have the highest living standard of any major area. The relationships I have cited are inherent in some calculations by sociologist Philip M. Hauser, of the University of Chicago. Hauser states that all the goods and services now available in the world would support about half a billion people at our level of living. Yet the total population of this planet now numbers 3.4 billions!

Since the resource professional is trying to raise living standards, and since he is working with an earth whose space and raw materials are fixed, it behooves him to consider how many people he is trying to serve. He must be concerned with what is happening to human numbers.

WHERE TO PUT POPULATION

Gross trends of this kind are illustrated by some figures the United Nations published several years ago: In 1700, the earth's population was growing at such a rate that it would double in 178 years. By 1800, the gain had stepped up a bit; numbers were doubling in 154 years. By 1875 the rate was 98 years and in 1960 it had declined to 41 years. If the trend continues, by the year 2000, the people of the earth will be doubling their number in 23 years.

Obviously this is geometric expansion, an exponential curve, numbers building at compound interest. The biologist recognizes it as the kind of increase expected in any animal population that invades an unoccupied area or finds access to a new resource base. In North America we have done both. The continuing availability of usable resources is primarily a result of today's burgeoning technology. In addition, we are hard at it, draining, irrigating, filling, cutting, bulldozing—making huge investments to "develop" and populate the blank spaces on our map.

That the demographic results of this process are not fully appreciated was impressed on me vividly several years ago. A group of resource specialists were standing on Hoover Dam, looking down into the partially filled reservoir that is Lake Meade. In response to a philosophical question, a civil engineer who was our guide said this:

"With the population of this country doubling in 35 years, don't we have to keep ahead of the game and see that what those people will need is ready for them? Here in the Southwest that means making available every acre-foot of water that can be stored for use. I think we can't fall down on this one almost regardless of what it costs."

A voice in the rear took issue with him. "You're leaving out something important. Because every time you carry out one of these big developments, with each new acre you irrigate and make habitable, you're adding to the total population and to the demand it will make on all resources. You are developing a bigger problem that will take more billions in public money on the next go-around!"

Strangely enough, this relationship of the population to the resource base is sometimes denied—which seems something like a claim that two human beings can occupy the same space at the same time.

Our great cultural advances have been influential around the world. Most significant are those in medical science. We know that birth rates may vary regionally and periodically, but the overshadowing cause of population increase has been the decline in death rates. A single discovery—the use of DDT to control the insect vectors of typhus and malaria—brought about a spectacular population build-up in the tropics after 1945. Nearly all our help to "have-not" nations has contributed to their population problems.

We are keeping people alive, even if we cannot feed them or make them comfortable. Last year there were about 125 million births, and roughly 60 million deaths. This is a worldwide gain of 65 million people—or is it a gain?

THE NATURAL MAN

In natural communities of living things, there are automatic checks on the numbers of any species. These controls may operate with some lag, but they are effective. It is said of most mortality factors that they are "density dependent," a characteristic that is evident as we watch the ills develop in high populations of animals—food depletion, the spread of disease, fighting and social breakdown, pollution of the habitat. Various causes of mortality interact and may be mutually reenforced. The most basic and predisposing factor is social stress itself, which tends to increase as the square of the population.

One of the rapidly growing fields of biological endeavor is that of animal behavior. Such studies are richly rewarding in revealing the key to many ecological adjustments. Individuals in a population are organized and socialized according to patterns fixed in the germ plasm quite as realistically as are structural features. Orderly social relationships are a means of spacing individuals and dividing up the habitat for efficient use. They are a mechanism for mitigating strife within a species and holding competition to useful levels. They have a highly critical survival value.

THE POLICY OF EXPANSION

Possibly some will claim that man is an entirely different kind of being, largely immune to biological controls. This is implicit in our common attitude toward population and the economic system. Particularly here in North America, we appear to be embarked on a policy of more and more of everything from now on. Every small town wants to be a big city, and every chamber of commerce is dedicated to bringing in more customers, attracting more industry, getting more land taxed for more dollars, and developing every natural asset for more business.

This outlook, of course, originated from the unquestioned fact that these activities built the strength of our nations. Part and parcel of the expanding economy has been the expanding population, acted upon by an elaborating technology. Economists commonly take a short-term view in their recommendations to promote growth in business activity and an annual increase in Gross National Product. This, of course, is what every office holder requires during his own tour of duty.

The result is a general assumption that expansion is forever, and that science will provide the material means of outrunning the increase of human numbers. In 1965 a survey for the Population Council of New York showed that barely more than half of U.S. citizens feel any real concern about the nation's population growth. Their complacency feeds, no doubt, on daily exposure to the outlook for "progress"—food from the oceans, which could nourish billions of hothouse humans; the desalination of sea water to turn every desert into cropfields; the industrialization of all "backward" areas via unlimited nuclear energy. Orthodox specialists and purblind writers commonly issue their stirring forecasts in terms of the vast numbers of people that can be served. *This thinking could lead to the epic folly of our time.*

NOTHING EXPANDS FOREVER

The truth is that nothing expands forever, and that continuing strength in our industrialized society will depend on a new outlook. Attitudes that seemed to work in our earlier history no longer apply in a well-populated continent.

Ahead, we may confide, is a time when social and political progress will catch up with and direct our applications of biological and physical science. By intelligent choice we will have an optimum world population living on a pay-as-you-go regime of resource use. This somewhat visionary prospect has, in reality, no respectable alternative. Professional endeavors in every applicable discipline need to get oriented toward such a goal. The time is now because exponential curves wait for no man, and, degradation of habitat is in many cases irreversible.

In the seethe of overgrown cities we see abundant evidence of biological disruption. The signs are social, psychological, physiological, pathological. Increasing crime rates, the befuddlement of youth, soaring costs of government, the growth of every kind of insurance and welfare plan—a basic ecological response is suggested in all these trends. They bespeak a social adaptation syndrome quickened by population stress.

Overcrowded man must be specialized, organized, controlled, and protected from his fellow men. He gets little gentling in a worn and soiled environment. He seems more content and thrifty when having access to variety and distance, even silence and solitude. The mass production of anything—even human beings—means standardization. There was respect for his own kind of Robert Frost's statement, "I'm against a homogenized society because I want the cream to rise."

CURBING POPULATION

It is unthinkable that we should fail to cope with the population problem in decades ahead. Our only approach is through the birth rate—it must be effectively reduced over most of the world, as we continue to promote good health and prolong life among all peoples. There is reassuring evidence that once a high level of education and material prosperity is attained, a lowering of the birth rate will be automatic. Hence, such accomplishments will be, in a measure, self-perpetuating.

Today's challenge is to make known at home and abroad the overriding urgency of what must be done. A few far-sighted people have fought on this front for several decades. They deserve an uprising of support that can originate only in North America.

If a downward trend in population could be achieved, the imperative demands of our proliferating economy should ease. This need not be a disaster in any sense. Economists are becoming increasingly interested in the mechanisms that such situation would involve. Economist-demographer Joseph J. Spengler of Duke University points out that favorable economic trends are not dependent on steadily increasing numbers of people. In effect, a limited population could stimulate demands for goods and services almost indefinitely through better living. Spengler ended an address to the Industrial Conference Board in New York this way:

"In the future, economic growth will depend mainly upon invention, innovation, technical progress . . . Population growth will probably play an even smaller role than I have assigned it in earlier discussion. It is high time, therefore, that businessmen cease looking upon the stork as a bird of good omen."

QUALITY CONTROL OF ENVIRONMENT

It goes almost without saying that the best anyone can possibly do in damping the population boom will not be soon enough. Meantime a line is to be held; there is a program of quality control to be applied with judgment and courage to the human environment. In North America we have great possessions that will cost us little to keep but much to lose.

The most perishable amenities of this world are its open spaces and quietudes, its greenery, pure waters, natural rivers, wetlands, wildlife, and choice scenery, its dwindling modicum of true wilderness. Substantially, these are what President Johnson has characterized as "natural beauty." Nationally they are the out-of-doors we use for recreation. Locally they may be the charm of a pleasant countryside or well-groomed city.

Since pioneer times this landscaping has graced our inherited estate as a luxury we could afford. Its dollar value is difficult to pin down. It is vulnerable to attrition by piecemeal decisions, which assume that a little more of one thing or a little less of another won't really matter.

NEEDED: CITIZENS CONSERVATIONISTS

This public attitude is an honest one. Our leadership in resource affairs is largely a thin line of mercenaries, where there should be backing in depth by citizen volunteers. Most of today's universities are centers of technology, rather than philosophical thought. The vast majority of young people go through school with no exposure to the biological realities of human existence or the natural world. They assume the duties of citizenship with little understanding or feel for the order among living things—a necessary basis for workable attitudes toward human and resource husbandry.

Holding or salvaging the most fragile values in our environment has become an emergency issue—first in time because the headlong impetus of our makework enterprise has no built-in controls. Our history and success has fostered a certain arrogance toward the native wildness of our homeland. North Americans are commonly so bemused with the charm of bringing straight lines and square corners to the chaos of nature—our bulldozerkampf—that they have no idea where it should stop. Among choices to be made, it seems essential to dissipate our wasteful momentum in doing more of everything we know how to do, useful or not. In the resolution of values, man's mastery of the earth will pay him greatest tribute when he achieves the forbearance to leave some of it alone.

LOOK SKEPTICALLY AT GREAT PROJECTS

The essence of resource planning is to identify investments of lasting worth. Important strategy probably is to look skeptically at great public projects calculated to change the face of the land, replumb river systems, and make new areas "productive." Water projects are notoriously destructive of flora and fauna and the natural scene. They require our grandest gorges and pristine rivers, the winter range of big game, the drowning of geological and archaeological treasures, the loss of recreational open space. People in our great Northwest may well ask themselves a particular question:

"What is a salmon run worth for all time to come?"

A common motive in impounding waters is flood control. Yet the temporary nature of such benefits on silt-laden streams is seldom recognized. As reservoirs fill with sediment, their storage capacity is lost. In the floodplain below a dam, temporary protection from overflow encourages a build-up of structures and settlement. What problems are being created for solution at public expense when spring runoff can no longer be contained in the silted-up reservoir? Hopefully, the Water Resources Planning Act of 1965 can bring a more long-range appraisal to bear on projects of this kind.

One may say realistically that the essence of good research management is not so much in costly works as in avoiding mistakes. Much of today's necessary investment is for overdue clean-up of pollution and repair of damage—a situation that should change as our estate becomes more orderly.

POLICY OF PINCHOT AND ROOSEVELT

It might logically be assumed that the doctrine of conservation would be sufficient guide in the management of our natural wealth, and perhaps it should be. More than sixty years have gone by since Chief Forester Gifford Pinchot and his colleagues developed this idea with the encouragement of President Theodore Roosevelt. They said it was to be a new government policy providing for ". . . use of the natural resources for the greatest good of the greatest number for the longest time."

The good of the majority and the longest time—this viewpoint assigns our generation a limited equity in resource property. It says that people of the future have a right to use what we leave, and thereby our children many times removed should have a share in critical decisions. They will be at least as well qualified as we are to dam the Grand Canyon, cut old-growth redwoods, and subdivide the last seashore.

It was the short-range view that stirred Pinchot and Roosevelt. They saw the sackage of a continent taking place under an assumption that everything belongs to the first-comer. The pelf of the land was being burgled off, with profits-in-our-time the only criterion of success. We know now that some of those early gains were borrowed from capital, with the debt left to a later generation. We ourselves have made payments on this account in reclaiming damaged lands and sickened waters.

The first decade of this century is recognizable as the period of changeover to a new outlook and a new morality in the management of national assets. It was also a notable action period. In the face of bitter opposition, Roosevelt set aside many areas from the public domain for use as forests, parks, and wildlife refuges.

The conservation idea caught on as a principle and slogan. Semantics became much involved in its ideology. For half a century we have argued about the difference between exploitation and development. One is bad and the other good, by someone's definition. In our latter-day sophistication, almost any operation may be labeled righteously as conservation. The farther we get from the Pinchot-Roosevelt era, the easier it is to say that, after all, conservation means different things to different people.

History is witness that major accomplishments in the natural resources field have depended in gross disproportion on the inspiration of a few. Great works have not been the option of political parties, but of men whose common ground was a feeling for their own kinship to the earth. Through the years, there have been such people in government and in citizen organizations. We have made fitful progress toward national controls—even international efforts, as in our migratory bird regulations.

THE ACTION OF F. D. R.

The presidency of Franklin D. Roosevelt was our second period of great concern and action on behalf of responsible resource use. During the thirties, Roosevelt brought men like Ding Darling and Hugh Bennett to Washington and gave them encouragement to do their jobs. An economic crisis demanded new adventures in public works. A devastating drought brought home to all the plight of ailing soils and watersheds, impoverished wildlife, mistreated grasslands and forests.

Congress and the president acted, and the public approved. But the technology of the day was found wanting. The ecology of living resources was little understood; needed facts and techniques were not to be had. Largely on a trial and error basis, management projects muddled ahead.

What Pinchot had perceived thirty years before was now evident to many—that we have continuing incentive to study and improve the soils, forests, grasslands, waters, commercial fish, and other sources of supply for our industrial brawn. Of course, something similar can be said for making best use of nonreplaceable wealth.

The great awakening of the thirties was lost in a world of conflict, and thereafter it recovered only briefly before the budgetary competition of the cold war caught up. During the forties and fifties, despite inadequate support, resource management technology made progress in our governments, in states and provinces, and in educational institutions. Local and national conservation organizations continued to build their memberships, and public awareness of important problems showed steady gain.

In the United States, the Outdoor Recreation Resources Review Commission was created in 1958. It submitted its special report to the President and Congress in 1962. In its philosophical tenets the report suggested that:

"Leisure is the blessing and could be the curse of a progressive, successful civilization." And again that, "The fact that we live in a world that moves crisis by crisis does not make a growing interest in outdoor activities frivolous, or ample provision for them unworthy of the Nation's concern."

NEW LIGHT ON POPULATION

The most significant happening of the past twenty years has been the emergence of the population issue into full high-level acknowledgment. For long the going was hard; but able technical leadership, crusading citizens, and growing editorial confidence brought it off.

The portent of a changing attitude in government came in 1961. In March, following his inauguration, President Kennedy made it clear that he understood the problem and favored its open discussion.

On January 4, 1965, in his State of the Union Message, President Johnson declared a policy of far-reaching significance: "I will seek new ways to use our knowledge to help deal with the explosion of world population and the growing scarcity of world resources." This statement was the basis of administrative communications to embassies and all missions of the Agency for International Development.

In his speech commemorating the twentieth anniversary of the United Nations, the President made a forceful appeal to the world:

"Let us in all our lands, including this land, face forthrightly the multiplying problems of our multiplying populations and seek the answers to this most profound challenge to the future of the world. Let us act on the fact that less than five dollars invested in population control is worth a hundred dollars invested in economic growth."

This statement defined the issue clearly. It committed the United States to domestic action and world co-operation. As a new departure in the quest of mankind for peace, decency, and the abundant life, there is little question that it ranks with the founding of the conservation concept itself in 1907.

THRESHOLD OF THE FUTURE

The way is opening ahead, but the vast bulk of humanity is not informed. In fact, on this continent the best educated people in the world are bumbling ahead under an expanding economy slogan that still largely ignores space values, fails to distinguish between quantity and quality, and regards overflowing masses of human beings as a consumer base essential to "prosperity." We still have the hang-on attitude toward land that the "highest use" for any acre is to

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make it yield dollar tribute in the form of something that can be used up and replaced.

This is our wastrel era, which people of the future are unlikely to admire. On a different plane, and under a different rationale, it is as much a me-first, dollars-for-today program as was that of the exploiters in the late 19th century.

We have conned ourselves into a state of mind whereby it is popular to dignify the "user" and deride the "preservationist." It seems a doubtful hazard that too much of anything is going to be preserved; many things could be over-used.

Economic projections by Joseph L. Fisher and Neal Potter of Resources for the Future are commonly accepted as essentially favorable. These indicate that the predicted doubling of population by the year 2000 will not be accompanied by major shortages of material goods in North America. As for the world, these authors ". . . venture the view that living levels in most countries can increase over the coming years, with diets improving slowly and energy and mineral use more rapidly. The process depends heavily on education, motivation, favorable government policies, and social adaptations."

The importance of the latter qualifications is evident when we consider a statement by the Food and Agriculture Organization of ~~the United~~ Nations in the Third World Food ~~Survey of~~ 1963. "By 1975 world food supplies would need to be increased by over 35% merely to sustain the world's population at its present unsatisfactory level of diet."

Raymond Ewell, Vice-President for Research at the State University of New York, says that if present trends continue, mass starvation can be expected in several far-eastern countries by the early 1970's and that it will be widespread over Asia, Africa, and Latin America by 1980.

It is evident that there are grave hazards on the one hand and possibilities for great technological progress on the other. It should be remembered that the projections previously referred to are for "resources and raw materials," and that supplying the world as they suggest would require what amounts to an international pooling of capital and natural assets. It would entail the total mobilization of science and the intensive development of all lands and waters for maximum yield of subsistence products. . . .

What such a program would do to this earth as a quality habitat can only be left to the imagination. And if we actually could work our way through to the year 2000 by such heroic measures, what then? Does anyone think the process might be repeated from the new population level?

In our forecasting and analyses we give great emphasis to material goods and dollar values—things we know how to measure. One wonders if it really is asking too much for us of the present generation to share the enlightenment of John Stuart Mill in 1848:

"A population may be too crowded, though all be amply supplied with food and raiment. It is not good for man to be kept perforce at all times in the presence of his species."

MAN MUST COPY NATURAL WORLD RELATIONSHIPS

Inevitably we come back to the proposition that in man's future there is to be an ecosystem whose basic relationships will resemble those in the natural world. In our world too, the healthy developments will be toward stability—a state in which input equals output. It is evident that we are going to have population control. The question is how soon, and how much we will have left to work with when it becomes effective. Our science can rise to its potential as the boon and salvation of mankind only when the frantic demands of the population emergency are abated.

As a general guideline, if we are able to muster the control to preserve and improve in reasonable degree the esthetic features and recreational open space of this continent, it is likely that many other aspects of the resource management program will fall into place. As a critical reality, any major accomplishment of this kind will require support by millions of informed citizens; and on that score, the difficulties are increasing.

In reflecting on his mission, Secretary of the Interior Stewart Udall expressed the qualms of an outdoorsman:

"We have developed a whole new generation of sedentary city-bound citizens, wheedled by spectatorship and the air-conditioned advantages of glassed-in living into acquiescing to the diminution of the spaciousness, the freshness, the green splendor of the American earth."

This is indeed a basic jeopardy in efforts to preserve and restore the quality and variety in our habitat. The prime obstacle of decades past, a stone wall of disregard, could easily become the roadblock of complete unfamiliarity.

We have a vital problem of communication. People must be kept in touch with the out-of-doors and conscious of their privileges as owners of it. Our up-to-date conservation story tells of human numbers, quality living, quantities of resources. It describes how we monitor our status and progress by careful inspection of our range. The story will have to be told by spokesmen who know whereof they speak. I have no doubt that all of us who take on this critical information job can be most effective if we hold ourselves keenly aware of a fateful mission—that the message concerns the greatest challenge with which mankind has yet had to deal.

[From the New York Times Magazine, Jan. 9, 1966]

Three Hundred Million Americans Would Be Wrong

(By David E. Lilienthal)

By the year 2000, just one generation away, the population of the United States will probably be about 300 million—100 million higher than it is now and 200 million higher than it was in 1920. Yet, in comparison with many undeveloped nations, population growth would not seem to be a serious problem in America.

Certainly this vastly increased population will not lack for food. While population growth in Latin America, for example, has brought per capita food production below pre-World War II levels, we in the U.S. worry about overweight, spend huge sums to restrict farm production and give away enough food to prevent famine in poor nations throughout the world. In contrast to less developed nations, we have enough space, too. Just fly over this country and see the huge, sparsely populated areas that could easily accommodate additional tens of millions.

Great differences in resources, technology and education help explain why Americans regard overpopulation as a menace only to other peoples. It can't happen here, they think. I used to think so, too; I don't any more.

During the past 10 years, much of it spent overseas, I came to the easy conclusion that if we succeeded in tripling or quadrupling food production in hungry nations—and in some areas in which I worked we did just that—the problem of overpopulation could be solved. But gradually I learned I was mistaken to believe that increased food production was the complete answer to the crisis of population abroad. Gradually, I also learned that America's overflowing cornucopia has obscured a deeper crisis developing here: a population of at least 300 million by 2000 will, I now believe, threaten the very quality of life of individual Americans.

An additional 100 million people will undermine our most cherished traditions, erode our public services and impose a rate of taxation that will make current taxes seem tame. The new masses, concentrated (as they will be) in the already strangling urban centers, cannot avoid creating conditions that will make city life almost unbearable. San Francisco, to take a still tolearble example, once was one of my favorite cities—cosmopolitan, comfortable, lovely. Now the high-rise buildings have sprouted like weeds and suburban blight is advancing on the Golden Gate. The value of real estate has increased while people's enjoyment of life declines.

Historically the United States owes much of its vigor and power to population growth. (Only 50 million people rattled around in America in 1880.) Large markets, skilled manpower, huge factories, a country able to spend billions on war, space and social welfare—all this, plus 75 million passenger cars—is surely a consequence of rising population. But no economy and no physical environment can sustain infinite population growth. There comes a point at which a change in quantity becomes a change in quality—when we can no longer speak of "more of the same." And another 100 million people will, I fear, make just that change in the joy of life in America.

It is probably true as the population will grow, so will the dollar value of our output. U.S. wealth, measured by Gross National Product, is now $670 billion; barring a major economic setback, total output will be doubled in about two decades. With G.N.P. climbing at the rate of $40 billion a year, the U.S. probably can afford to build the schools, housing projects, roads and other necessities of life for 300 million Americans.

But if our resources are mainly spent merely to survive, to cope with life in a congested America, then where is the enjoyment of living?

Our teeming cities are not pleasant places today; imagine them by the middle of the next century when the areas of some might be 100 times larger than they are now. This is the real possibility envisioned by Roger Revelle, director of the newly established Center for Population Studies at the Harvard School of Public Health. And it will be to the cities that tomorrow's millions will flock. Or consider the picture, drawn with characteristic wit, by economist John Kenneth Galbraith: "It is hard to suppose that penultimate Western man, stalled in the ultimate traffic jam and slowly succumbing to carbon monoxide will be especially enchanted to hear from the last survivor that in the preceding year Gross National Product went up by a record amount."

Nor does the nightmare consist only of traffic jams and a bumper-to-bumper way of life. As we have seen in the history of the last 25 years, public services only the Federal Government can provide will continue to expand. Moreover, state governments, until now unable (or unwilling) to pay their share of the bills, show signs of awakening to their responsibilities. But bigger government efforts do not produce better results for human beings: they are simply a way of getting a job done where no more feasible methods exist.

Even today, most of the nation's most serious problems are caused largely by the pressures of a too rapidly rising population. In the next generation, the problems may become unmanageable. Take four basic needs: education, water, air and power.

The quality of education is closely related to the problem of numbers. Within the next five years, we are told, the number of high school students will rise to 15 million (a 50 per cent increase over 1960), forcing hundreds of communities to consider imposing stiff new taxes. Many taxpayers will refuse to accept the added burden and their children will attend even more crowded classes. Far-sighted citizens will approve new school bond issues, but the increased financial drain probably will not result in an improved education.

Our standard of democracy entitles everyone to free schooling through high school. But our educational standards are rising.

Two-year junior colleges, many of them supported by cities and states, loom as the next step in our system of free, universal education. Along with the surge in enrollment at traditional four-year colleges and universities, higher education is expected to attract about 12 million students in 1980 (triple the 1960 figure).

Merely building the physical facilities for such huge increases is a formidable prospect. Creating a sympathetic atmosphere for education, and filling the need for qualified teachers is a much more staggering problem. Of course, we may argue for the radical reform of U.S. education. We may plead for overhauling the existing system of teacher training, as James B. Conant has eloquently done. But I see few signs we are about to undertake such vast changes in the machinery of U.S. education; nor does it seem possible, even if the mood for drastic reform was overwhelming, simply to order new procedures, new goals and new solutions and then put them into practice. Good teachers cannot be turned out by fiat. We do not live in a planner's paradise. Ask Robert Moses.

With increased urbanization and industrialization, demands on the water supply will be much greater than most Americans have remotely imagined. The drought in the northeast United States last summer was an indication of shortages even greater to come. And though engineers and scientists can, and will, tap new sources of water and devise ways to purify polluted rivers like the Hudson, the cost will be fantastic—hundreds of billions of dollars. Add to the current strain the pressure of a 50 per cent increase in population and the result may well be a chronic water shortage that can hardly be solved at any tolerable price.

Imaginative but impractical water schemes have been proposed, such as one to bring to the United States the almost limitless supply of far northern water, carrying it a thousand miles and more to our own boundaries. Assuming that Canada would agree to the politically prickly diversion of her waters, the cost is estimated in the neighborhood of $100-billion. But it has taken more than a generation of hot dispute and interminable litigation to decide priorities of water among our own sister states of the West. How much greater the difficulties of diverting Canada's water to care for U.S. needs?

As for nuclear-powered desalination plants, quite apart from the cost of constructing the huge installations we would need and the pipelines to carry the water inland, there is the additional problem of safety in disposing of radioactive waste. Technicians may solve the problem, but at what social cost? The conversion of precious open spaces into atomic garbage dumps?

Just as easily accessible water supplies dwindle, air pollution will increase. Air pollution is the result of congestion, industrialization and the multiplication of automobiles—factors in direct relation to population density in urban areas. Los Angeles is not an industrial city, yet at times its air is hardly fit to breathe. And with the spread of industry in the sprawling cities of the nation, more and more places will be Los Angelized.

We have long assumed that at least the air we breathe is free. It won't be for much longer as we expand our efforts to purify the atmosphere. In California, for example, an aroused public finally insisted that automobile manufacturers install exhaust filters to trap toxic chemicals. Keeping automobile fumes and industrial poisons out of the air we breathe is going to be an increasingly costly business. By the year 2000 the high cost of breathing will be a real issue, not just a phrase.

Packing too many people into an urban area increases the cost of providing still another essential of everyday living: electric power. Even more serious, such concentrations of people may make absolutely reliable electric service more and more difficult to maintain. I doubt if it was a mere coincidence, for example, that New York City needed 10 hours to restore electricity after the recent Northeast power failure while smaller communities were able to turn on their lights in a much shorter time. Growth is desirable up to a point; then the advantage of size diminishes and the multiplication of complexity multiplies the headaches. And by 1980 we can expect at least a 300 per cent increase in the nation's electrical energy needs. Most of this will flow into urban areas. The present difficulties of maintaining absolutely reliable service to such concentrations of people and industry, and holding down costs, will thus be magnified.

As chairman of T.V.A. and the Atomic Energy Commission, and in my present work in Asia and Latin America, I have become familiar with the problems of producing and distributing electricity on a large scale. Indeed, it was T.V.A. a generation ago that pioneered the concept that the greater the use of electricity the lower the cost per kilowatt hour. This is still generally true. But for great cities the exact contrary is coming to pass. To *distribute* electricity in a large densely populated area such as New York is more costly than in smaller urban markets. Huge generating power plants produce ever lower generating costs; but to bring this power to the consumer in massive concentrations of population grows more and more expensive. Consequently, the price of this essential of modern life probably will go up in the great cities as population growth continues.

Without realizing it, we are fast approaching what may be called the population barrier beyond which lie unpredictability and, I fear, problems of unmanageable size. Consider, for example, the relationship between population growth and the poor.

The Federal Aid to Dependent Children program has doubled to more than four million cases during the last decade, while the costs have soared from about $600 million to more than $1.8 billion. Even more depressing than the numbers of families who cannot survive without welfare assistance is the phenomenon known as the "cycle of dependency."

More than 40 per cent of parents whose children receive A.D.C. funds themselves had parents who received relief checks. This cycle is sad but not surprising. Poor people tend to have more children than they want or can afford, and the children have less chance to receive the education and training they need to break the pattern. Thus, even the third generation appears on relief rolls in the U.S., the most socially mobile nation in the world. In America, reports the National Academy of Sciences in a recent study, "The Growth of U.S. Population," "the burden of unwanted children among impoverished and uneducated mothers . . . is much like that experienced by mothers in underdeveloped countries."

Since the poor cannot contribute their share of the mounting costs of education, medical care, public housing and similar necessary government enterprises, the money must be supplied by the rest of the population through taxation. But the most painful loss is not measured in dollars but in human resources. And one measure of the potential loss is the fact that one-fourth of America's children are the offspring of poor parents.

Belatedly, we are helping poor couples who need and want financial and medical help in family planning. The White House Conference on Health in November gave high priority to birth control as part of Federal efforts to halt the cycle of dependency and poverty. Tax-supported activities in 40 states, combined with such large-scale private efforts as Harvard's Center for Population Studies and the $14.5 million grant by the Ford Foundation for basic research by the Columbia-Presbyterian Medical Center and the Population Council, herald new progress in a long-neglected field.

We tend to patronize the poor by preaching to them about birth control; though poverty-stricken parents with four, five or six children are the most publicized aspect of population growth, they are by no means the most important numerical aspect of the problem. As a matter of simple arithmetic, the four-fifths of the nation's families who earn more than the poverty-line income of $3,000 a year—and who can afford two, three or four children—produce a greater total of children than the one poor couple out of five which may have six youngsters.

In fact, the latest census information reveals that though poor families may have more children than do better-off families, the difference is much smaller than many people believe. According to the National Academy of Sciences analysis, in 1960 married women 40 to 44 years old in families with incomes below $4,000 and above $4,000 differed in the average number of children by less than one. The postwar baby boom, for example, was more pronounced among middle- and upper-income families than among the poor.

Thus, these relatively well-off families are the ones mainly responsible for our rapidly rising population curve. They and their children are the ones who will account for most of the 100 million additional Americans by the end of the century.

How many children a couple should have is a decision only they should make; a government inducement or deterrent—a tax, for example—is morally repugnant and politically impossible. We cannot penalize the poor in order to limit the size of their families while we allow more prosperous parents to have as many children as they want. The large majority of middle- and upper-class parents need no birth control help from government, nor will they welcome outside advice on so personal a matter. Yet it is this group of families who will want to have three, four or more children for the very natural reason that they like children and can afford to support them. The question is, can the *country* support them?

Any notion that The Pill or some other scientific device is the sole and complete answer is very dubious. At a symposium on birth control not long ago, Dr. Stephen J. Plank, a professor in the Harvard School of Public Health, cautioned against "the facile assumption . . . that we may be able to contracept our way to the Great Society." Birth control, he said, is a question of motivation rather than technology alone.

The neglected arithmetic of the population problem facing us is depressing. Look at this table showing the birth and death rates over the past quarter-century in the United States:

Year	Births	Rate (per 1,000 pop.)	Deaths	Rate (per 1,000 pop.)
1940	2,360,399	17.9	1,417,269	10.8
1945	2,735,456	19.5	1,401,719	10.6
1950	3,554,149	23.6	1,452,454	9.6
1955	4,047,295	24.6	1,528,717	9.3
1960	4,257,850	23.7	1,711,982	9.5
1964	4,027,490	21.0	1,798,051	9.4

Although the birth rate has been declining since the mid-50's, while the death rate has remained relatively stable, the drop in the birth rate is too little and too late to prevent an oversized population. The surge in the number of births over deaths continues (2.3 million were added to the population in 1964).

Or examine these low and high population projections prepared by the Census Bureau:

Year	Low	High
1970	206,000,000	211,000,000
1985	248,000,000	276,000,000
2010	322,000,000	438,000,000

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The high figure would be reached if birth rates returned to the levels of the early 1950's. The low estimate—enormous as it is—is based on the possibility that the rates may decline by 1985 to the comparatively low levels of the early World War II years.

One theoretical way out of the dilemma would be to say that since America can no longer sustain complete "family freedom," some form of compulsory birth control is, regrettably, necessary. It would not be the first time in our history that government intervened to restrain individual impulse in the name of collective welfare. Yet, where children and parents are concerned, I do not believe we can yet advocate the sacrifice of one freedom for the sake of preserving another. Such a "solution" would make no sense at all, theoretically, practically or ethically.

Government policies and private programs must make plain the kind of life we all face if economically comfortable families reproduce at rates they personally can afford. With equal urgency we must make plain the dangers if poor families have children in numbers they cannot afford.

Obviously, a stationary population—one in which the birth rate matches the death rate—is out of the question for many years to come. It is probably not feasible, nor even desirable. All we can hope to achieve is a slower rise in the size of our population rather than the present steep increase. What is needed is a far more drastic cut in the birth rate—a voluntary curtailment of the right to breed. It is needed, but I have no great conviction that it will happen.

For though scientific ingenuity may be able to solve many of the technological problems we are only beginning to understand people always change more slowly than technology. It is easier, after all, to design a new industrial process than redesign a cultural tradition. Yet that is the order of change we face if we are to preserve life's dignity and quality. Confronted by the crisis of population growth, we must, at present, appeal to private conscience for the sake of the general good.

FECUND FUTURE

At the estimated 1965 U.S. birth rate of 19.5 per 1,000 of population, a woman who reaches the age of 45 will have an average of three children. To achieve a stationary population, in which parents only replace themselves, the average number of children would have to drop to about 2.1. If childbearing gradually declined to this level by 1980—a highly unlikely possibility—the U.S. population would then be about 250,000,000, and by 2020 the population would hit 300,000,000 and remain unchanged thereafter. At that point the birth rate would have declined to 14 per 1,000 and the death rate would have climbed to 14 per 1,000 (because a nongrowing population includes a much higher percentage of the aged).

On the other hand, if present fertility and mortality trends continue, a long-range projection by the National Academy of Sciences foresees that in about 650 years there will be one person per square foot throughout the United States, and in less than 1,500 years the weight of the U.S. population will exceed the mass of the earth—that is, 6,588,000,000-000,000,000,000 tons!

[From the Washington (D.C.) Post, July 20, 1969]

IT'S THE RICH DOING CROWDING

(By Jean Mayer)

(NOTE.—Professor of nutrition, lecturer on the history of public health and member of the Center for Population Studies at Harvard, Dr. Mayer has been chosen by President Nixon to organize the October White House Conference on Food, Nutrition and Health. His article is excerpted from the Columbia University Forum.)

One theme of this essay is that food is only one of the elements in the population problem. Admittedly, at present, it is a major factor in some parts of the world, but there are large areas where the national food supply is a minor factor and others where it is not a factor at all. Furthermore, considering the world as a whole, there is no evidence that the food situation is worsening and there is at least a likelihood that food may at some time (20 or 30 years from now) be removed altogether as a limiting factor to population.

Yet to deny that the population problem is basically one of food for survival is not to deny that there is a population problem; it is in fact to remove the appearance of a safety valve and also to reveal the problem in its generality. For were we really to starve when the population reaches a certain magic number, this in turn would cause a drastic increase in child and infant mortality, decreased fertility and a shortening of the average life span.

In other words, it would cause the increase in population to be self-limiting. If the world can continue to feed—however badly—an ever-increasing number of people, this safety valve (however unpalatable, it *would* be a safety valve) is missing. And if lack of food is not a component of the definition of overpopulation, rich countries become candidates for overpopulation.

Another theme is that there is a strong case to be made for a stringent population policy on exactly the reverse of the basis Malthus expounded. Malthus was concerned with the steadily more widespread poverty that indefinite population growth would inevitably create. I am concerned about the areas of the globe where people are rapidly becoming richer.

For rich people occupy much more space, consume more of each natural resource, disturb the ecology more and create more land, air, water, chemical, thermal and radioactive pollution than poor people. So it can be argued that from many viewpoints, it is even more urgent to control the numbers of the rich than it is to control the numbers of the poor.

That the magnitude of the population problem has increased dramatically in recent years is well publicized. Scholars have estimated that after hundreds of thousands of years of slow growth, the population of the world reached the quarter billion mark some time around the beginning of this era. It doubled to 500 million by 1650. Two centuries later, it reached the billion mark.

The next doubling took 80 years, with a population of two billion in 1930. It would appear that the world is on its way to the next doubling, to four billion in 45 years, by 1975; and a population of eight billion may well be reached within the following 30 or 35 years unless rates of growth are drastically decreased. The present growth rate would lead to a population of 500 billion by the year 2200 and give the surface of all continents a population density equal to that of Washington, D.C. at present.

This increase has been due not to an increase in birth rates but to a decrease in death rates. Around 1700, life expectancy at birth of European populations was about 33 years, and had increased little in the previous 300 to 400 years. By 1950, life expectancy in Western and Central Europe and in the United States had increased to 66–69 years, an crease of over 100 percent.

This decrease in mortality rates is no longer confined to populations of European stocks. In 1946, the death rate of the Moslem population of Algeria was higher than that of Sweden in 1775. In 1954, in spite of generalized guerrilla war on its territory, the death rate of this population was lower than that of Sweden in 1875. A similar telescoping of the drop in death rates is going on all over the world.

From a demographic point of view, it must be noted that a drop in the death rate, with birth rate unchanged, not only results in an increase in the rate of population growth but also produces an acceleration in the rate of growth itself: a decline in age specific mortality rates in ages prior to the end of the childbearing age has the same demographic effect as an increase in the birth rate. In the United States, 97 out of every 100 newborn white females reach the age of 20; 91 reach the age of 50. In Guatemala, only 70 reach the age of 20; 49 that of 50. If the death rate in Guatemala fell within the next decade to somewhere near the 1950 United States level, a not unlikely development, this alone would increase the number of women reaching the beginning of the childbearing period by 85 per cent.

Because of the high proportion of young people in underdeveloped countries generally—a country like Costa Rica has twice the proportion of people under 15 that Sweden has—this drop in the death rate in the prechildbearing period has now and will have in the next few years a gigantic effect on the birth rate. Brazil had 52 million people in 1950, 71 million in 1960 and 83 million in 1966. If present rates prevail, it should have 240 million by the year 2000, or 14 times the 1900 population. With a drop in mortality in the young age groups, the increase could be even more spectacular.

DEPRESSION A FACTOR

The significance of the demographic trends within this country is not generally appreciated. The United States, with a population of 200 million, has at present 1/16th of the earth's population on 1/16th of the land area. Though a number of underdeveloped areas are piling up population faster, we are accumulating about 2.2 million people per year, more than any increase before 1946. The rate of growth seems unimpressive, 1.1 for the year 1967 (the highest rate reached was 1.8 in 1946 to 1957). If the rate prevailing over the past five years persists, the population of the United States will reach 300 million by the year 1990.

What most of us have tended to ignore is that the so-called baby boom of the postwar era followed a period of depression and very low birth rates: from 1920 to 1933, the birth rate had fallen steadily from 27.7 per 1000 in 1920 to 18.4 in 1933. The absolute decline in births was less steep, because the numerical base of women of childbearing age was still growing. When the birth rate started rising in the early '40s, the increase was applied to the still large number of women born between 1916 and 1924. Since 1945, the baby boom that has been so well publicized had actually been taking place on the basis of the shrinking group of women of childbearing age born since 1924.

As of 1963, the last of the undersize groups had entered the reproducing age. From 1964 (when the first girls born in the big postwar years reached the age of 18), the number of women in the childbearing age has started increasing rapidly. While in 1940 there were 32 million women 15 to 44 years of age, in 1950, 34 million, and in 1960, 36 million (a very slow increase), there will be 43 million in 1970 and 54 million in 1980

While the birth rate is declining (and while a better index, the age-standardized general fertility rate based upon women of childbearing age only, is also declining), the sheer existence of the number of women and girls alive now means that even in the unlikely event that the fertility rate fell to the historical lows of the depression years and never departed from it, the population of the United States would still more than double in the next century The reader will, I trust, give me credit for not minimizing the problem of total population either at home or for the world at large

DENSITY MEANS LITTLE

With this picture of ever-increasing numbers of people, the first reaction among a portion of the public is that we are running out of space, that the "population density" is becoming dangerously high.

This concept of "population density"—number of people per unit surface—has underlain the concept of "overpopulation" in the past. It is not very useful except where the primary resources are extractive (mining) and where the most primitive types of agriculture (independent of industry for fertilizers, machines, etc., and hence essentially dependent on area) and forestry prevail. It also presupposes that there is no industry to absorb surplus manpower.

It is a concept of dubious value where nonextractive industries are dominant and where trade is possible. The high density band from Boston to Washington has an area of 14,000 square miles, an aggregate population of over 30 million (or over 2000 persons per square mile) and very limited natural resources. The median family income is $1000 more than for the United States as a whole. Can this area be said to be overpopulated from a material standpoint?

To those who object that this area is part of a larger and less densely populated whole, one might point to prosperous Holland, or Belgium, or even Hong Kong, which, although trade with its hinterland is very meager (imports from mainland China represent only 17 percent of total imports), not only houses 3.1 million people on 398 square miles (12,700 per square mile) but has shown an unexcelled increase in national product of 7 to 10 per cent per year—a doubling of real output within ten years.

Once one argues that a certain population density should be preserved, such as density with respect to capital, for example, one is dealing with a much more complex concept. From it follows the idea that some sparsely settled countries need rapid increases in population, preferably through immigration, for optimal use of resources. The mental image of population density entertained by most people is, in any case, complicated by esthetic and social considerations, and "high density" is more likely to be ascribed to Calcutta than to Paris, to Costa Rica than to Denmark.

This leads us to the second and more popular concept, that overpopulation can best be appraised with respect to food resources and that the present rate of increase in the world's population is rapidly carrying us to the brink of or to actual starvation. It is my contention that this is not happening.

Furthermore, I do not consider that my belief, which I shall now endeavor to justify, makes me an "optimist" as compared to the legions of conservationists, social scientists, etc., who have embraced a Malthusian "pessimism." If anything, this view makes me even more pessimistic about our chances of limiting the world's population at an early date: famine or the threat of famine is perhaps the worst method of limitation, but it would work.

A SHORT-LIVED THREAT

World War II was not a Malthusian check. In spite of the horrendous numbers of soldiers and civilians killed, in spite of the massive genocide perpetrated by the Nazis, food production decreased much more than population. By 1945, intake per capita was 16 per cent lower than the 1934–38 average. The creation of the Food and Agriculture Organization, a specialized United Nations agency that was endowed during its first years with particularly articulate spokesmen, dramatized the worldwide concern over the food situation.

The difficulties inherent in getting agriculture going while industry and the means of communication were not yet rebuilt led to a generalized feeling of pessimism. Cereals, oils, meat, dairy herds were, in succession, the objects of great attention, the conclusion being in each case that prewar levels of production and consumption were not going to be reached for years. The chaotic state of international trade accentuated shortages, which UNRRA and various emergency agreements attempted to cope with on an ad hoc basis.

And yet very quickly the situation improved. The oil shortage vanished first; while the gigantic ground nut scheme of the British government, which was supposed to mitigate it, was taking off to a very slow start, the reappearance in the channels of trade of adequate amounts of fats and oils eliminated the motivation for the scheme itself.

U.S. production of cereals and animal products, which had grown during the war in spite of the lack of abundant manpower and the diversion of the chemical industry to military purposes, had to be slowed down as surpluses started accumulating and, with their appearance, the threat of a collapse of agricultural prices loomed. By 1952–3, the worldwide rate of per capita production of food had overtaken prewar rates.

Since then, the average rate of increase in the production of food for the world at large has been 3 per cent per year while the population has increased on the average 1.7 per cent. In document No. 8148, the State Department estimates that if individual consumption levels remained at the 1955–7 level, the world at large would show by 1975 an annual surplus of 40 million tons of wheat and 70 million tons of rice. (This estimate is based on the postulate that there will be no increase in rice production in Europe and North America and no increase in wheat production in North America.

Actually, this slight but steady gain of food production over population is part of a secular trend. E. S. and W. S. Woytinski, in their monumental "World Population and Production," estimate that since 1850 the increase in output has been more rapid than the increase in population.

MALNUTRITION WIDESPREAD

As chairman of the National Council on Hunger and Malnutrition in the United States, I have been talking of these evils at home for years. I have done extensive work in malnutrition in Asia and Africa and have just returned from a trip to Nigeria and Biafra, where I went to study the famine and the means to alleviate it. I am, therefore, as well aware of the widespread character of malnutrition as anyone in the world.

Caloric undernutrition is still found in many parts of the world, and not always as a result of war or civil disorder, earthquakes or floods, invasions of insects and other parasites or abnormally prolonged droughts. Protein deficiency—kwashiorkor where it occurs without accompanying caloric deprivation; marasmus when both caloric and protein intakes are inadequate—is encountered in varying degrees of prevalence among the young children of most countries of Asia and Africa and in many of Central and South America.

Vitamin A deficiency is perhaps underestimated as a threat to the life, and the sight, of children of most of the same areas where protein deficiency is also seen. Riboflavin deficiency, thiamine deficiency (beriberi in its various forms) and a number of other deficiencies are still very much with us. Still, there is no evidence that the situation is getting worse.

The food balance sheets on which postwar pessimism was based are imperfect instruments. As an officer of FAO, I spent considerable time attempting to gauge such unknowns as figures for waste at the retail level and within families, and that portion of the food supply that does not move within the channels of trade (food grown by the farmer for his family is very inaccurately known, particularly as regards fruits and vegetables, which tend to be underestimated). The nutritional standards against which available supplies are gauged are themselves being refined.

As the results of additional experimental and clinical work become available, it is realized that a number of such standards—those for protein and calcium among others—were probably unnecessarily high. Even without such re-evaluation, the evolution of food balance sheets, the only instruments we have to judge the race between food and population, make it apparent that most regions do show the same slow increase of per capita supplies exhibited by the world at large.

It must be recognized, of course, that many of the worst nutritional scourges of mankind have been historically due as much to ignorance and to callousness as to lack of nutrients as such. Thousands of children die of protein deficiency in areas where the proteins which would save them do in fact exist and are often consumed in sufficient amounts in the very households where infants and toddlers die for lack of them. A faulty understanding of a child's needs may be the main reason he is denied some of the food consumed by his father and older siblings.

As for man's inhumanity to man and its contribution to starvation, it could be illustrated by thousands of examples: cereals being shipped from Ireland under the protection of naval guns during the famine; stocks being withheld during the Congo famine to keep prices up; crop destruction policies in South Vietnam; the food blockade of Biafra.

LAND KEPT IDLE

Certainly, as far as food is concerned, ours is not one world. The U.S. Government rents 20 million acres from our farmers so that they will not grow food on them. A study made at Iowa State University a few years ago suggests that 62½ million acres ought to be similarly retired so that surpluses will not continue to be created in relation to the present market, Australia, Canada, New Zealand, Argentina and France have been, or are at present, involved in similar efforts to restrict production.

Nor is this idling of food production restricted to highly developed countries. A recent study estimates that Ghanaian farmers work only an average of two hours a day in the cocoa area, the wealthiest agricultural area of the country.

It is fair to say that in most areas of the world, the race between food and population would be more favorable to the development of adequate nutrition if the rate of population growth was decreased. But I believe that there are no grounds for saying in 1969 that the nutritional state of the world is getting worse. It is not.

And I believe that improvement in communication, availability of surpluses in certain countries, the existence of solid international organizations and the gradual improvement in international morality make large-scale famines, such as the Irish or the Bengali famines, less likely to occur in this era—except perhaps in Red China, because of its alienation from the two richest blocs of countries. (It appears, moreover, that the food situation in China has improved considerably in the past two years, making the recurrence of famine there, as in India, more remote.)

Bad as it is, the present is no worse than the past and probably somewhat better. But what of the future? In absolute numbers, the increase in population is likely to accelerate for some time. Can the food supply be kept up? My contention is that, for better or for worse, it can and will.

First, let us consider conventional agriculture. FAO's figures indicate that 3.4 billion acres are at present under cultivation. This represents less than 11 per cent of the total land area of the world. Some experts— Prasolov, Shantz, Zimmermann—estimate the area that can eventually be made arable at from 13 billion to 17 billion acres Colin Clark, director of the Agricultural Economics Research Institute of Oxford, uses the figure of 19 billion acres, but counts double-cropped

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tropical lands twice, (He considers, incidentally, that if the lands were farmed as well as the Dutch farmers work their acres today, it would support 28 billion people on a Dutch diet; if Japanese standards of farming and nutrition were used, this area would support 95 billion people.)

THE FERTILIZER PHENOMENON

The biggest potential increase of food production does not, however, come from extension of the area under cultivation, but from the increase in the use of fertilizers. The phenomenal increase in food production in this country has actually been performed with a reduction in acreage farmed.

By pre-World War I standards of cultivation, it took 1½ acres to support an American. If such standards prevailed today, we would need to add at least 40 million acres to our farm area every ten years, or the equivalent of an additional Iowa every decade.

In fact, we use fertilizers instead. One ton of nitrogen is the equivalent of 14 acres of good farmland. The use of between 200,000 and 300,000 tons of nitrogen (and corresponding amounts of other necessary elements) per decade has obviated the need to discover another Iowa.

And our use of fertilizer is less intensive than it is in Japan, where it is well over twice ours, or in Western Europe. (Incidentally, in spite of its already high standards of cultivation, Japan is still increasing its agricultural production at a rate of 3 per cent per year.)

India, Africa and most of Latin America use only an infinitesimal fraction of Japanese or Western amounts of fertilizer, or none at all. Garst has estimated that an expenditure of $10 an acre per year for fertilizers would alone add 50 to 100 per cent to the low yields in underdeveloped countries. Applying this investment to an area of 1.5 billion acres would be equivalent to adding at least 750 million acres to the crop areas of these countries, the equivalent of a continent bigger than North America.

It is interesting to note that this primacy of fertilizers was recognized relatively late. In this country, the recognition dates back only to World War II, and has accelerated since the Korean conflict. In Japan, it dates back to 1950 or thereabout. And the leaders of the U.S.S.R. only recently realized that a large-scale increase in fertilizer output would be easier and more rewarding than the extension of cultivation to the "virgin lands."

There are many other advances in agriculture that have yet to be applied on a large scale. The identification of necessary trace elements and their incorporation into fertilizers and feeds have opened vast areas to cultivation and husbandry in Australia and elsewhere. Selective breeding of plants and animals has permitted the development of species with superior hardiness and increased yields. In the greater part of the world such work has hardly begun.

Advances in animal health and nutrition have permitted the mass production of milk and eggs in indoor conditioners on a scale that was unimaginable a few years ago. The City of Los Angeles, for instance, is now an important and efficient dairy area. In some large installations, computers programed to calculate the cheapest method of providing a diet of known energy and known content in ten essential amino acids, total protein and other nutrients automatically set the controls that will mix basic staples providing the cheapest adequate poultry diet as they are informed of the latest commodity prices.

Herbicides increase yields; pesticides prevent losses from rodents, insects and fungi. In many underdeveloped countries, one-quarter of the crop is lost before it reaches the consumer. Certain methods of preservation of foods by radiation have just been approved by the Food and Drug Administration. The control of weather by seeding clouds for rain, speeding cloud formation by heating lakes by atomic energy, the desalinization of brackish water by various methods are entering the realm of practical feasibility.

FOOD FROM PETROLEUM

Powerful though these methods of "classical" agriculture are, I believe that they will, within the lifetime of most present inhabitants of this planet, be left far behind as methods of food production. The general public is still unaware of some new developments, their promise and the extent of the means likely to be expended in the next decade in bringing the results of research to practical application.

Large-scale manufacture of food from petrochemicals started during World War II, when the Germans manufactured synthetic fats to feed forced labor groups. These fats did not conform to desirable standards of taste or safety (they contained a high proportion of branched-chain fatty acids not normally found in nature and probably not fully metabolized, and retained a petroleum-like odor). After the war, interest in "synthetic" fats persisted for a while during the years when it appeared that a shortage of natural fats was likely to be protracted.

During the '50s, little or no work was done in this field, but recently some of the larger international oil companies have again become actively interested, and pilot plants are now in operation. Fatty acids, triglycerides (the constituents of our common oils and fats) and fully metabolizable simpler compounds, such as 1.3-butanediol, may soon be manufactured at very low cost for human food and animal feeds. While the promise of abundant and cheap atomic power, widely heralded for the morrow in the more immediate postwar period, has shown itself slow to be realized, it is coming, and it may well be that oil will be increasingly a raw material for food and plastics rather than a fuel.

As a potential source of food production, photosynthesis can be used much more efficiently in algae than in higher plants. With proper mineral fertilization and with the proper rate of removal of the finished products, one square meter may serve to support algae production sufficient to feed one man. And a large proportion of the calories produced—as much as one-half—are derived from protein; vitamins are also produced into the bargain. Several universities are working with a number of species, chlorella in particular, and large industrial firms are yearly becoming more interested.

The problems entailed in passing from the theoretically feasible to the economically feasible are formidable, but their solution is likely to be hastened for an unexpected reason. Interplanetary travel of long duration and the organization of distant stations require not only recycling of oxygen and waste water; they necessitate the fabrication of food and its integration into the recycling of oxygen, water and excreta.

Over the next two decades, an increasing fraction of the several billion dollars that the United States and the Soviet Union will spend every year for space travel is going to be channeled into life support systems. The money spent in the aggregate on new methods of food production will probably, during that period, dwarf the cost of the Manhattan Project.

In many ways, we may have in space exploration what William James called "the moral equivalent of war." We will probably also have in it the technological equivalent of war without the corresponding losses in men and resources. The usable "fallout" of such research is likely to be enormous. Certainly, if economically harnessing of photosynthesis, through biological units or directly, can be realized under the hostile interplanetary, lunar or martial conditions, it should become relatively easy to put it into effect on earth.

All this is no longer science fiction. It is as much of a reality as the Federal income tax. Obviously, a breakthrough in this field could for centuries altogether remove food as a limiting factor to population growth.

A POOR BATTLEGROUND

I hope I have said enough to show how dangerous it may turn out to link the population problem so closely to food, as so many writers have done. These have generally been conservationists and social scientists rather than agricultural or nutritional scientists, concerned—rightly—with the effects of crowding which they had observed. At the same time, not sure that the public and governments would agree with them that there was cause for concern and action based on these grounds, they have turned to the threat of a worldwide shortage of food as an easily understood, imperative reason for a large-scale limitation of births.

Had they consulted nutritionists, agriculturists and chemists, they might have chosen a more appropriate battleground. For if we can feed an ever-increasing number of people—even if we feed them as badly as many of our contemporaries are fed—their argument fails. And yet there is a need for the establishment as soon as possible of a sound population policy for the world at large.

There is, of course, another good reason for not tying population control to food. This tie eliminates from contention rich countries, and in particular surplus countries such as ours. Our population is increasing faster than it ever has; our major nutrition problem is overweight, our major agricultural problem is our ever-mounting excess production.

Does anyone seriously believe this means that we have no population problem? Our housing problems; our traffic problem; the insufficiency of the number of our hospitals, of community recreation facilities; our pollution problems, are all facets of our population problem.

I may add that in this country we compound the population problem by the migratory habits of our people: from rural farm areas to urban areas and especially to "metropolitan" areas (212 such areas now have 84 per cent of our population); from low-income areas to high-income areas; from the East and Midwest to the South and Southwest; from all areas to the Pacific Coast; from the centers of cities to suburbs, which soon form gigantic conurbations, with circumstances everywhere pushing our Negroes into the deteriorating centers of large cities. All this has occurred without any master plan, and with public services continually lagging behind both growth and migrations.

Let us conclude with one specific example: Four million students were enrolled in U.S. colleges and graduate schools in 1960; six million in 1965. The Census Bureau estimates that eight million will seek admission or continued enrollment in 1970; six million in 1975; 12 million in 1980. No one questions our ability to feed these youngsters. But are we as a Nation at all prepared for a near doubling of the size of our colleges and universities in 11 years?

PARKS REFLECT TRENDS

Let us now examine the other argument, that in certain ways the rich countries are more immediately threatened by overpopulation. A corollary of this is that the earth as an economic system has more to fear from the rich than from the poor, even if one forgets for a moment the threat of atomic or chemical warfare.

Consider some data from our own country. We have already said that "crowding" is certainly one of the pictures we have in mind when we think of overpopulation. The increased crowding of our cities and our conurbations has been referred to, but what of the great outdoors?

In 1930, the number of visitor-days at our national parks was of the order of three million (for a population of 122 million);

by 1950, it was 33 million (for a population of 151 million); by 1960, it was 79 million (for a population of 179 million); by 1967, 140 million (for a population of 200 million). State parks tell the same story: a rise in visitor-days from 114 million in 1960 to 179 million in 1960, an increase in attendance of over 125 per cent for a rise in population of less than 20 per cent.

Clearly, the increase in disposable income (and hence in means of transportation and in leisure) becomes a much more important factor in crowding and lack of privacy than the rise in population.

Not only does the countryside become more rapidly crowded when its inhabitants are rich; it also becomes rapidly uglier. With increasing income, people stop drinking water as much. As a result, we spread 48 billion (rustproof) cans and 26 billion (nondegradable) bottles over our landscape every year. We produce 800 million pounds of trash a day, a great deal of which ends up in our fields, our parks and our forests. Only one-third of the billion pounds of paper we use every year is reclaimed.

Nine million cars, trucks and buses are abandoned every year, and while many of them are used as scrap, a large though undetermined number are left to disintegrate slowly in backyards, in fields and woods and on the sides of highways. The eight billion pounds of plastics we use every year are nondegradable materials. And many of our states are threatened with an even more pressing shortage of water, not because of an increased consumption of drinking fluid by the increasing population but because people are getting richer and using more water for air-conditioning, swimming pools and vastly expanded metal and chemical industries.

That the air is getting crowded much more rapidly than the population is increasing is again an illustration that increase in the disposable income is perhaps more closely related to our own view of "overpopulation" than is the population itself. From 1940 to 1967, the number of miles flown has gone from 264 million to 3334 billion (and the fuel consumed from 22 million to 512 million gallons).

The very air waves are crowded. The increase in citizen-licensees from 126,000 to 848,000 in the brief 1960–7 interval is again an excellent demonstration of the very secondary role of the population increase in the new overpopulation. I believe that as the disposable income rises throughout the world in general, the population pressure due to riches will become as apparent as that due to poverty.

I trust that I have demonstrated how dangerous it is to link constantly in the mind of the public the concept of overpopulation with that of undernutrition. I believe that it is dangerous to link it necessarily with poverty. It is absurd on the basis of any criterion of history, economics or esthetics.

Some countries are poor and densely populated. A few countries are poor and so sparsely populated that economic development (e.g. road building, creation of markets) becomes very difficult. It is easy to demonstrate that a couple with many children will be unable to save and invest.

It is perhaps also true that, as the comparison to 19th century France, England and Germany suggests, at a certain stage of development, too low a birth rate (as in France then) decreases the ambition and labor of part of the population so that the savings expected from the decreased birth rate never materialize. (Losing wars because of a smaller population and having to pay a heavy tribute, as happened to the French at the conclusion of the 1870–71 war, also nullified this advantage.)

TAXING THE ECOLOGY

The fact is that we are not yet in one world and that while in general it is true that population increases make improvement in nutrition and in delivery of social services more difficult, the relation of changes in wealth to changes in population has to be examined in each area on its own merits.

We have seen, furthermore, that there is more to the problem of population than the decrease in income consequent to over population. We have seen that the increase in disposable income creates a population problem that is becoming every day more acute. The ecology of the earth—its streams, woods, animals—can accommodate itself better to a rising poor population than to a rising rich population. Indeed, to save the ecology, the population will have to decrease as the disposable income increases.

If we believe, like Plato and Aristotle, in trying for excellence rather than in rejoicing in numbers, we need a population policy now for the rich as well as the poor. Excellent human beings will not be produced without abundance of cultural as well as material resources and, I believe, without sufficient space. We are likely to run out of certain metals before we run out of food; of paper before we run out of metals. And we are running out of clear streams, pure air and the familiar sights of Nature while we still have the so-called "essentials" of life.

Shall we continue to base the need for a population policy on a nutritional disaster to occur at some hypothetical date when it is clear that the problem is here, now, for us as well as for others? Shall we continue to hide the fact that a rational policy may entail in many countries not only a plateauing of the population to permit an increase in disposable income, but a decrease of the population as the disposable income rises?

[From U.S. News & World Report, Mar. 17, 1969]

WORLD'S NO. 1 WORRY—TOO MANY PEOPLE

In a world full of dangers, one danger is coming to be feared more than any other.

The danger is overpopulation.

The chart on these pages shows why alarm is rising.

The world today contains about 3.5 billion people. That is double the population of 50 years ago and three times that of a century ago.

By the year 2000, according to projections made by the United Nations, the world's population will be about 6 billion.

That means that in the next 31 years the world will acquire 2.5 billion additional people—an increase of more people than existed on this earth only 20 years ago.

How to feed these added billions of people is only part of the problem that such a startling population explosion presents.

Increasing upheaval: What officials and experts are beginning to realize is this: The more people there are and the more crowded their living conditions become, the greater grows the likelihood of violence and upheaval.

Riots, revolutions and wars are foreseen as almost inevitable products of the overpopulation that lies ahead.

This is noted: Most of the huge population growth will occur in those parts of the world that already are overcrowded, that are poorest and least able to feed and support more people.

These also are the areas where unrest is greatest today, and where pressures of expanding population already are contributing to revolution or aggression.

At present, 2.5 billion people—or 70 per cent of the world's population—live in underdeveloped regions of Asia, Africa and Latin America.

By the year 2000, there will be about 4.7 billion people—or 77 per cent of the world's population—in such regions. China, which is already bursting at the seams with nearly 740 million people, will have more than 1 billion. India, hungry and riotous with 540 million today, will have a billion people by the turn of the century.

Asia will contain, all told, 3.46 billion inhabitants, which is almost as many as the world contains today.

Africa, even less developed than Asia, will have a total population of 768 million by 2000—more than double its present population.

Latin America, struggling now to support 280 million, will have about 638 million.

Developed areas: By contrast, the more developed areas of the world—Europe and North America—will grow much more slowly in population than the already crowded and underdeveloped areas.

Europe, now supporting some 450 million people fairly comfortably, will have about 527 million by the year 2000. The United States, where some 200 million people live in relative affluence today, will have about 318 million by that time. Soviet Russia, growing at about the same percentage rate, will see its population increase from about 240 million now to 353 million.

The noncontributors: Along with rapid population growth in underdeveloped countries will come another significant change: a growing proportion of young people. Thus a larger share of the population will be dependent and nonproductive—demanding food and other necessities of life but contributing little to producing those necessities. The result will be to limit the ability of backward economies to meet the needs of their expanding populations.

Lauchlin Currie, once an official of the U.S. Government and now an adviser to the Government of Colombia, recently said this:

"I regard the rate of growth in the population of the underdeveloped countries as the single most important obstacle to development and, hence, the single most important problem of the world, even outranking the threat of nuclear warfare in terms of ultimate dread possibilities."

[From U.S. News & World Report, Mar. 17, 1969]

BIRTH CONTROL NOW, COUNTRY BY COUNTRY

Concern over an ever-expanding population is turning worldwide attention to diverse aspects of a growing debate—the argument over "artificial" birth control and family planning.

For example: Just how widespread is the practice of limiting births, whether legal or illegal? Do laws for or against contraception mean much, actually? What is the attitude of people in other countries toward self-regulated family planning, regardless of religious or governmental directives?

For answers, members of the staff of "U.S. News & World Report" in world capitals checked into the situation. Their findings:

LONDON

Big social changes—including the legalization of abortion—recently have been introduced in Britain.

The Abortion Act, which went into effect in 1968, makes it possible for a woman to have a free abortion in a National Health Service hospital. The only requirement is that two physicians must first agree that such treatment is necessary to the woman's physical or mental well-being.

In essence, medical cricles agree, this makes it possible for almost any woman to have an abortion, since it is nearly always possible to find two doctors who would agree on such a course.

In the past, abortions were theoretically illegal, but were permitted in many cases. Latest estimates are that from 15,000 to 50,000 abortions a year are being performed in Britain.

Another big change is the increasing presence of Family Planning Association centers. These give free advice—and free supplies such as the birth-control pill—to applicants. Today there are 780 such clinics throughout the country, paid for by volun-

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tary subscriptions but often supplied with free offices by local governments.

About 500,000 women and men received advice from these centers last year. Tens of thousands of others sought advice from doctors.

It is estimated that more than three fourths of British married couples practice some form of birth control. Reliance on the pill, now used by about 1 million British women, is increasing rapidly. Only half of that number had used the pill in 1966.

Interest also has been expressed in Britain about an "abortion pill," which is under development. Medical circles say such a pill is expected to be ready for distribution in a few years.

PARIS

Since 1920, France has had a law making it a criminal offense to give out birth-control information, and putting contraception and abortion on the same criminal footing. This law was revised last year to permit the sale of contraceptives.

The French Movement for Family Planning, founded in 1956, is credited with the recent growth of popularity of the birth-control pill. It is estimated that 500,000 women in France now use this form of contraception and that 1 million will be using it by 1970.

A recent book by a group of young doctors says that the most important step toward birth control is education. They say: "Everyone has heard of the pill, but only one woman in 1,000 knows exactly what contraception is about."

There is no real sex education in French schools, and contraception remains largely a taboo subject.

After the pill, the next most favored method of contraception in France is the intrauterine loop. Women who prefer the loop do so because it can become a permanent method once it has been inserted by a doctor. However, the loop has to be checked every six months, and cannot be used by all women.

A recent test of loop insertions revealed 8.4 per cent expulsions, 0.2 per cent infections, 4.1 percent heavy bleeding, and 2.22 per cent pregnancies. Other tests indicated that pregnancies during use of the pill were only 0.15 per cent.

Abortion is forbidden in France. However, official figures show that there are about 250,000 induced abortions annually. Unofficial sources put this figure at a total of 1 million.

The Conseil National de l'ordre des Medicins, France's highest medical authority, last year rejected proposals from a commission on population problems to liberalize the law against abortions. The law is even less likely to be changed since the latest Papal Encyclical on birth control.

BONN

Contraceptives of all kinds are easily available in West Germany. The pill has been in use since 1962 and is gaining in popularity. About 1.4 million women—13 per cent—in the age group from 16 to 45 take the pill.

Abortions are illegal, except when decreed by doctors to save the life of a mother or for other ethical reasons. Nevertheless, the abortion rate in West Germany is described as alarmingly high. For every 1 million live births, unofficial estimates indicate that there are 200,000 to 1.5 million abortions annually.

Sprays, the loop and other devices are no longer in favor, since they are considered too bothersome and not 100 per cent effective.

Recent polls show that the majority of all young West German couples desire at least two children, but prefer to space them according to their professional and family plans. Even young Catholic couples say: "We prefer to have the pill and not play Roman roulette."

ROME

In Italy—right on the Vatican's doorstep—any kind of "artificial" birth control is illegal, but the practice flourishes just the same.

In a nation where nearly 100 per cent of the people are at least nominal Roman Catholics, abortion is widespread and use of the pill is becoming more and more popular. There is no evidence to show that the papal encyclical on birth control has caused any diminution of these practices.

In fact, it is noted by an official of the Italian equivalent of the Family Planning Association that the encyclical produced such a flood of publicity in the Italian press—where the actual advertising of contraceptive devices is also illegal—that it might have even acted as a spur to their use.

Despite the ban on contraceptive devices, the pill is easy to get in Italy. This is because it can legally be prescribed as a remedy for any woman suffering from any gynecological disorder. There are at least eight different brands of the pill on sale in Italian drugstores.

Doctors appear in general to have no compunction about prescribing the pill, even when they know it will be put to contraceptive use. Drugstores are similarly permissive. It is not uncommon for pharmacists to sell the pill across the counter without a prescription.

Use of the birth-control pill still tends to be confined mainly to the more educated, middle-class Italians. The loop is relatively unknown here.

Abortion, though outlawed, has been practiced for centuries among rich and poor alike. One source estimates that at least 1 million abortions are carried out in Italy each year. An illegal abortion is said to cost about $128 at current rates, and clinics where such operations are performed are easy to find.

Thus, despite the church ban on birth-control devices—and the ostensible illegality of them—Catholic Italy has a birth rate not much higher than Britain's.

STOCKHOLM

Birth-control methods, including legal abortion and sterilization, have long been used in Sweden and elsewhere in Scandinavia.

Experience in Sweden shows clearly that sex education in schools and easy access to contraceptives at low cost do not guarantee effective birth control. Social misfits, mentally retarded people and many youngsters fail to use contraceptives—often under the influence of liquor.

Widespread use of the pill in recent years has been charged with an alarming increase in venereal diseases. Reported cases of gonorrhea after the vacation period in 1968 were running up to 50 per cent higher than a year ago. Syphilis, too, is spreading again.

At the same time, the pill has failed to reduce the number of illegitimate births and abortions. In Sweden, the total of illegitimate births rose from 11,500 in 1960 to 18,000 in 1966.

Under a liberal abortion law, applications for legal abortions climbed from a temporary low of 4,085 in 1960 to 7,360 in 1967. As many as 95 per cent of all applications were granted last year, as against 62 per cent in 1960. Legal abortions are free under Government welfare programs.

Contrary to popular belief, Sweden does not permit abortions for foreigners except in emergency cases. Many American women who have tried to get legal abortions here have been rejected.

Despite the liberal attitude prevailing in Scandinavia, the number of illegal abortions is surprisingly high—up to 20,000 a year in Sweden.

A Swedish law of 1941 also permits sterilization for eugenic, social or moral reasons. Over the past 15 years, about 25,000 persons have been sterilized—90 per cent on medical grounds.

BUCHAREST

Communist governments in Eastern Europe encourage people to have more children by paying subsidies to mothers of big families, and by providing nurseries and kindergartens where working mothers may leave their children. In Russia, for example, more than 3.5 million mothers of four or more children are drawing monthly state subsidies.

Many different kinds of contraceptives are available. So is instruction in their use by gynecologists and midwives. However, contraceptives often are of poor quality and are not produced in sufficient quantity.

Accordingly, there is widespread incentive to resort to abortion. Recognizing this, and hoping to keep down the number of abortions performed on the sly under dangerous medical conditions, most Communist governments have adopted easy abortion policies. The one exception is Rumania, where—in 1966—abortions were outlawed except for rare cases.

Except in Poland and East Germany, a fee is charged for voluntary abortions, while abortion on medical grounds is free in all countries.

The Soviet Union recently decided to begin mass manufacture of intrauterine devices, after its Health Ministry ruled against the pill as a contraceptive for health reasons.

CAIRO

Despite having one of the world's most serious population problems, Egypt's Government has not given birth control high priority.

And, without Government action, little can be done in this field, since the masses of people with the largest families—the peasants—do not have the knowledge or means to act on their own.

At present, both the pill and intrauterine devices are slowly being introduced. About 300,000 women are taking the pill, but this is still less than 4 per cent of the "target group"—fertile women with at least two children—that the program is trying to reach. Experts say it is unlikely that this number will ever increase very much, because of shortages in the supply of pill ingredients, and because so little is being done to promote the desirability of birth control. Use of the loop also is on a very modest scale.

Unlike the situation in Catholic countries, there is no major religious obstacle to overcome in mainly Moslem Egypt. But there are superstition and suspicion to cope with. Many Egyptians—including "intellectuals"—believe that Western emphasis on the desirability of birth control is just a plot to keep underdeveloped countries such as Egypt from becoming big countries.

OTTAWA

Growing use of the pill and other birth-control measures, in spite of strong laws against the sale of contraceptives and against the dissemination of birth-control information, is believed to be a major cause of Canada's declining birth rate in recent years.

The laws are generally disregarded, except in areas where the Catholic Church is strong, such as in rural parts of Quebec Province. No one has been prosecuted in Canada for the illegal sale of contraceptives since 1961.

The birth-control laws, as well as Canada's law prohibiting abortion, are being changed. New provisions of the Food and Drugs Act will permit sale and dissemination of birth-control medicines, instruments and information.

A new law on abortion will permit establishment of a "therapeutic-abortion committee" in each hospital. The committee would be empowered to approve abortions in any case where continued pregnancy "would or would be likely to endanger life or health."

MEXICO CITY

Birth-control work in Mexico consists of training and research programs and clinics throughout a country where the population is growing at a rate of 3.5 per cent a year. Control methods are the pill, intrauterine devices, injections and the rhythm method—for those who prefer it, and their number is small.

It is estimated that 1 million women are using the pill. Results are described as highly satisfactory, with only minor side effects which decrease with use.

The programs are sponsored by private organizations. The Mexican Government, anxious to avoid conflicts with the Roman Catholic Church, is not involved.

Use of the intrauterine loop is growing, although one doctor describes it as "good for some women and not for others."

Clinics in Mexico now are working with three types of contraceptive injections—effective for one month, two months or three months. The results are reported good, especially with women who are incapable of remembering to take pills regularly.

The rate of abortion in Mexico is estimated at one for each live birth.

RIO DE JANEIRO

Latin-American women are showing increasing determination to limit the size of their families by whatever means are available.

Abortion is the most common form of birth control, especially in the big cities, but the pill is catching up, particularly in the middle and upper income groups. Intrauterine loops are the most controversial, and the rhythm system is the most discredited.

The Brazilian Family Welfare Society estimates that 4,000 abortions a day—about 1.5 million annually—are performed in Brazil. This works out to be one abortion for three live births.

The ratio is reversed in neighboring Uruguay, where there are three abortions for each live birth. Other South American countries fall in between.

Brazil has a constitutional ban on the distribution of contraceptives or birth-control information through the mails or in public. But doctors say that family-planning clinics are allowed to operate without interference, in the hope that they will reduce the abortion rate.

The loop is widely used in Chile, where one doctor devised a low-cost loop made of nylon fishing line. The pill is described as the overwhelming favorite among Argentine women, most of whom use some form of birth control.

The Family Welfare Society in Rio de Janeiro estimates that 1.5 million Brazilian women—almost 10 per cent of the 18 million women of childbearing age—use the pill and many other contraceptives.

TOKYO

In Asia, most countries are trying to contain populations which are increasing 3 per cent or more a year. But finding effective ways is proving difficult.

Two or three years ago, the intrauterine device was hailed as revolutionary—the cheapest, easiest way to cut the number of births to reasonable levels. Asia, with at least 2 million insertions, has become the largest market in the world for the loops.

Today, enthusiasm for the loops has waned. Results have been less than satisfactory. Some programs have been supplemented with the more expensive, more controversial pill.

Experts ask, what are the alternatives? Older contraceptive methods are unreliable. Injections and experiments with "immunization" are inadequately tested. The conclusion now being reached by leaders in family planning:

Induced abortion may be the only effective means of reducing population, particularly in areas of the world where education standards are low and poverty is widespread.

In three Asian countries, abortion is already considered the most dependable check on spiraling populations.

Japan pioneered, legalizing the operation in 1948. Abortion by qualified doctors gets major credit for reducing the birth rate to a modest 1 per cent gain per year—one of the lowest in the world.

In two neighboring countries, abortion is illegal but widely practiced. An estimated one out of every three pregnancies in South Korea is now terminated by abortion. The cost is $3 to $8. In Taiwan, abortion—costing about $6—is at least as important as the loop in curbing population growth.

Family-planning programs have been under way in Taiwan since 1964, with the aim of reducing the population growth rate from 3 to 2 per cent a year. Results of a program to insert 600,000 loops by 1970 have been mixed. Many women complain about them for one reason or another, and the retention rate is only 60 per cent after 18 months.

The Republic of Korea has had comparable experience with a program begun in 1962. Over 1 million loops have been inserted, but at least 2 out of every 10 are removed for various reasons.

Both countries are supplementing their IUD programs with pills, a more complicated and costly procedure.

BANGKOK

In South Asia, the world's most critical area of population growth, only three countries—India, Pakistan and Singapore—have national programs aimed at controlling births. Malaysia is beginning one.

The Philippine Republic has no program, and is further inhibited because about 85 per cent of its population is Catholic and leans toward the "conservative" wing of the Church.

Thailand, a relatively underpopulated country by Asian standards, but one which is beginning to feel the pinch of population versus agricultural productivity, has no program yet. Indonesia, a nation of more than 110 million people and a high-density population in some areas, has no program worth mentioning.

Pakistan and India—both growing rapidly—have had major birth-control programs for years. But neither has made much of a dent in its birth rate.

Pakistan aims to have 5 million couples of childbearing age practicing birth control regularly by 1970. Right now, it looks as if the goal will be met. Some 2.4 million couples have begun some form of birth control: the loop, the pill or conventional contraceptives. In addition, 180,000 men and women have been sterilized.

India's program is 15 years old, but the population is nevertheless growing at a rate of about 2.5 per cent a year—and threatens to climb to 3 per cent, which could mean disaster.

At first, the loop was seen as the answer to India's control needs, but results have been disappointing. Now, sterilization is being stressed, and a "finder's fee" of $1.33 is being offered to anyone who brings a person to a clinic for the simple operation.

CONGRESSIONAL RESPONSIBILITY FOR DEFENSE AND NATIONAL PRIORITIES

The SPEAKER. Under previous order of the House, the gentleman from Michigan (Mr. Conyers) is recognized for 15 minutes.

Mr. CONYERS. Mr. Speaker, this morning at a news conference our colleague, George Brown, spoke for myself as well as for Congressmen Phillip Burton, Bob Eckhardt, Don Edwards, Don Fraser, Bob Kastenmeier, Abner J. Mikva, Benjamin S. Rosenthal, and William F. Ryan in announcing the forthcoming introduction of legislation to create an Office of Defense Review, a Joint Committee on National Priorities, and a Temporary Commission on National Security.

As one of the first Members of this House to vote against military appropriation increases, George Brown conveyed eloquently the urgency we all feel in making the Congress more responsive to the needs of his Nation and capable of reasserting a leadership role. Since his statement articulately describes the immediate events surrounding the need for structural change in Congress, I would like at this point to place his remarks in the Record:

Remarks of Congressman George Brown

The most urgent challenge confronting Congress today is the reassertion of its constitutional function controlling the power to declare war. Over the next few days great attention will focus on Vietnam and the insanity of the tragic adventurism which seems to be our major national pursuit. Many Congressmen endorsed resolutions supporting current efforts to redirect thinking on Vietnam and overall military/foreign policy. Yet last week many of these same men stood mute when the House of Representatives went through the motions of debating and passing a military authorization bill of $21.3 billion. During general debate the procurement bill was discussed at a rate of $5.3 billion per hour. Efforts to cut the bill were repeatedly defeated. The military authorization bills make up 70% of Congressional control over Federal expenditures. If Congress gives up 70% of its power, it obviously is unable to bring decisive weight on other areas and programs that so desperately need support.

At a time when at least ten million Americans are victims of hunger or chronic malnutrition and at least double that number exist in substandard housing, we wonder about the order of priorities in this "most affluent nation". We see something gravely wrong when the supposed representatives of the people can devote only one and one quarter minutes to an amendment eliminating purchase of twenty-three additional planes which have serious defects and are part of an overall strategy which was rejected by many military analysts. One Congressman found that just *one* of these planes, the $43 million C5A, would build four and one half schools in his district each capable of educating 1,000 people annually for 30 years.

At a time when a recent Gallup Poll indicated that a majority of American people feel that the military budget is too large, we must seriously question a Congress which approves almost exactly what the Pentagon requests. Indeed Congress tends towards extreme overgenerosity; in the House, an extra billion dollars for ship procurement was added to the original DOD request.

Who are we to be making these statements? We are men who have opposed involvement in Vietnam and S. E. Asia from its very beginning. We have consistently voted against appropriations for that war and against an escalating military budget.[*]

However, votes are not control. We can no longer remain silent about the inability of Congress to assert its constitutional responsibilities.

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[*] 1966 Vote in Vietnam Supplemental 393–4, Brown, Burton, Conyers, Ryan voting Nay. 1967 Military Procurement bill 401–3, Brown, Edwards, Fraser voting Nay. 1968 Military Procurement bill 363–15. 1969 Military Procurement bill 311–44.

XUM

Despite the greatest outcry since World War II about the size and content of the military budget, many members have remained almost totally oblivious to the growing malaise and increasing dissent outside the insulated halls of Congress. We can no longer ignore the need for structural change which would make Congress responsible to the needs of our society and capable of providing leadership. As men in public office we bear special responsibility to address ourselves to problems of institutional failure. For these reasons we have authored these bills.

The three bills which are being introduced in the House by Representatives Mikva, Ryan, Eckhardt and in the Senate by Senators Nelson and McGovern would create three new informational and auditing bodies directly responsible to Congress rather than to the Executive Branch. They result from a meeting last March of the Congressional Conference on Military Budget and National Priorities which brought together scholars, economists, former government leaders and members of Congress to assess the fundamental nature of change in American government and to ask some basic questions about economic, political and corporate institutions.

Because of the urgency of these questions and the crucial need to link the generalities surrounding the Vietnam war and military policies to the specifics of institutional change we have published the complete deliberations of the Conference. The book titled *American Militarism 1970,* will be released tomorrow by Viking Press.

A chapter dealing with new leadership in Congress discusses the necessity for a Congressionally-responsible Office of Defense Review, for a Joint Committee on National Priorities to examine total demands on the Federal budget, and for a Temporary Commission on National Security to determine the real security components of this nation.

The need for such new structures can no longer be ignored. Last week five dissenting members of the Armed Services Committee made a responsible effort to cut or slow down programs which are excruciatingly expensive and are extremely dubious in effectiveness. The results of their efforts are important for anyone interested in the future of representative government.

The House Armed Services Committee did not furnish its printed hearings—2,666 pages in length—to the House membership until three days before debate began. With barely any time to become acquainted with the voluminous material Congressmen consistently voted on items they knew nothing about. Crucial material was either "classified" or "top secret". Arguments on weapons systems which are of critical importance in the arms race were decided on emotional arguments such as the distinguished Chairman's argument that "if we can go to the moon we can build the ABM". Debate on an amendment to cut back on the controversial air defense system was allotted 45 seconds per man. Virtually all votes on these amendments were by division or teller—a means by which no record is kept of how individual members acted.

The simple fact is that responsibility for our enormous military budget, larger than China's total GNP, results not from uniformed military but from civilian leadership. The military-industrial establishment is not a conspiracy. It is an enormous, self-perpetuating institutional organism receiving such a disproportionate amount of Federal funds that it overwhelms all opposition. Decisions on issues such as the war in Vietnam and the ABM are generated from institutional momentum rather than as a result of conscious policy. Reassertion of control over this enormous bureaucracy is certainly not the job of Congress alone. But it must start here. Congress must translate public anxieties into political understanding. It is why we are here today—to try to begin that process.

The three bills which have been introduced today by Congressmen Bob Eckhardt, Abner Mikva, and William F. Ryan with 29 cosponsors would create an Office of Defense Review, a Joint Committee on National Priorities and a Temporary Commission on National Security.

The bills are being offered in the other body by Senators Gaylord Nelson, George McGovern, Walter F. Mondale, and William B. Saxbe.

GENESIS OF NEW PROPOSALS

The genesis of the three bills goes back to a conference on the military budget and national priorities that was held in Washington on March 28 and 29 of this year. Many Members of the House and also Members of the other body served as sponsors of the conference. Many scholars participated, eminent in the fields of political science and pure science. A consensus of the conference developed amongst the congressional sponsors. On June 1, 36 of the Members of this body and nine of the other body issued a report which outlined the problems of the military budget and offered six recommendations for reasserting control of that budget and providing congressional leadership. In attempting to implement the recommendations of that report, we undertook a comprehensive review of the need for structural change within Congress. We found that Congress itself has by inaction contributed to Executive growth, to inflation of the Defense Department and to congressional decline. I would like to include parts of that study in the Record:

RESTORING CONGRESSIONAL PREROGATIVES

It is our purpose to re-assert the function of Congress as a co-ordinate branch of the government. We believe that the intention of the Founding Fathers, when they devoted Article I to the Congress, was to establish this body at a level no less than that of the Executive or the Judicial.

Unfortunately, many signs point to the dismal fact that Congress does not today enjoy that eminence.

An acute observer of our government today is Professor Alfred deGrazia. In his monograph, "Toward a New Model of Congress," published by the American Enterprise Institute in 1966, he stated:

"It is the consensus of the men who have undertaken the present study of Congress that the institutions of American government are currently being changed in a manner that is unsatisfactory. They believe, indeed, that in the course of the very attempt to cope with the major issues of our age three additional problems have been created.

"The first of these is the danger represented by an excessive reliance for the handling of all issues on an escalating bureaucracy, consisting of huge agencies of permanent civil servants who are not made effectively responsible to the larger society. The second is the danger of the kind of militarism that arises in the course of efforts to solve the issues of foreign affairs and their related domestic aspects. The third problem results from the increase of presidential personalism: the exaltation of an office above its stated powers and the capacities of the incumbent, which poses a veritable threat of dictatorship—or whatever one may wish to call the phenomenon of the people's overly great dependence upon the magical qualities of a person occupying an outstandingly prominent office.

"Thus to the list of the major problems of our age must be added these three problems of government, which are uniquely characteristic of contemporary times. As these problems worsen, the fate of Congress and the whole concept of the legislative way of life are thrown into jeopardy. But on the other hand, the very solution to these problems lies in the strengthening of Congress. For if Congress can be made to work well—that is, if it can be sufficiently powered, properly staffed and financed, and rationally directed—then not only will the American democratic republic continue to stand, but it will prove fully adequate to its tasks of government both now and in the future."

Dr. James A. Robinson, a notable authority on the subject of Congress, observed that "Much of the decline must be attributed to the profound change in the requirements of public policy making, and to the failure of Congress to alter its organization to cope with the new demands made upon it." Further, he says, "It is not known what Congress' primary sources of information were at the beginning of this century, but as already noted it is clear that today its primary source is the executive branch. Indeed, Congress has no independent information sources." ("Decision making in Congress" American Enterprise Institute 1966.)

Today it is commonplace for a Secretary of the Department of Defense to hand down pronouncements on U.S. foreign policy. At the same time, on matters of defense, Congressmen are expected to vote on details that they are not supposed to know about. Deliberations of the Congressional committees on defense affairs are constantly conducted in executive session, preventing public scrutiny of many defense problems. Requests to the Congress for authorization of expenditures for weapons systems contain little reference to policy. At least this is true of the committee reports that finally enlighten Congressional members in advance of their voting. Here, if anywhere, the relationship of weapons systems to policy should be plainly stated.

It is highly significant that the Executive Branch operates about 4,000 computers, many of them in the area of defense, while Congress has but one or two.

Congress should reassess the posture of our national defense and national security, and examine the several agencies and departments active in those areas. We want national priorities to be defined so that defense does not secure an irretrievable first priority, monopolizing our national resources, both human and material.

There is no doubt that the three legislative proposals come at a time when many abuses, errors and shortfalls have disclosed numerous and substantial faults in the area of defense and national security.

If it appears that they take advantage of a weak moment in the history of defense in the U.S., they certainly occur during a weak period in the history of the Congress. They are intended to redress that weakness.

Reasons to question activities in the area of defense and national security are not hard to find. We will not dwell on the recent sinking of the submarine "Guitarro" at her dock in Vallejo, or the tragic landing in the Bay of Pigs, or the evident effort to cover up billions of dollars in over-spending for the C–5A transport plane, or the U.S.S. Pueblo and EC–111 plane incidents. In a recent subcommittee report on the precipitate mass production of the tank and missile system, the following observation appears, "Under such circumstances the Project Manager became more of a captive than a manager of his project, . . ." How characteristic that observation is of the widespread subordination of individual decision to the inertial force of the defense Frankenstein. This condition is deplorable enough when it occurs at the technical level of project management. Yet the condition is even more so when it touches on selection of a massive weapons system such as the FDL, fast deployment logistics vessels, which would have a great deal to do with national policy. In this case, the system was plainly chosen without any

national decision to proceed with the highly provocative national policy that the FDL vessels would have implemented.

Even at the top-most levels where the very broadest decisions of national policy are supposedly to be made, there is very little evidence that individual leaders express judgments independent of the institutions to which they are attached.

Needless to say, the diminution of individuals in the face of institutional immensity, and the paralysis of independent judgment have consequences that go far beyond the disposition of our military resources. To a great extent the totality of our national resources, both human and material, have been subordinated to military priorities. Thus the whole subject of national priorities is laid wide open.

TEMPORARY NATIONAL SECURITY COMMISSION

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. Ryan) is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, civilian control over the military is a fundamental precept of a democracy. Yet, since World War II civilian control has eroded as American society has become increasingly militarized, and the military-industrial complex, of which President Eisenhower warned, has achieved greater and greater power.

In the belief that Congres must exercise control over military policy and use available technical and scholarly expertise in analyzing the military budget and the policies which determine our priorities, two Senators and eight Members of the House initiated the congressional conference on the military budget and national priorities which was held in Washington last March 28 and 29.

Our conference set the stage for the debates on the military budget which later occurred in both the Senate and the House. Upon the conclusion of the conference we issued a report which made a number of recommendations for restoring democratic control over the military budget. The report of the congressional sponsors and excerpts from the conference deliberations have been published in book form by the Viking Press. The title is "American Militarism 1970," and I commend it to my colleagues.

We have put certain recommendations of the conference into legislative form and have introduced three bills today intended to reassert civilian control over the military.

Today I have introduced, together with 28 of my colleagues in the House and four Members of the Senate, a bill to create a Temporary National Security Commission. Simultaneously, the same Members of Congress have introduced two other bills. One would create an Office of Defense Review. The other is a joint resolution to create a Joint Congressional Committee on National Priorities.

The establishment of the Temporary National Security Commission will enable Congress to assert its proper role in the determination of foreign and military policy. The post-World War II assumptions upon which our national security establishment is predicated need to be reassessed. The world has been radically transformed since the late 1940's. The Temporary National Security Commission would examine the institutional structure of the military-industrial complex, the relation between military policy and the economic interests which depend on the Military Establishment, and the economic and social impact of the military-industrial complex.

Although the United States has a greater military influence around the world than any other country, we feel insecure. While we have been powerful militarily, our prestige and our position of leadership have suffered because of our misguided intervention in Vietnam. It is time for a complete reevaluation of the foreign policy considerations upon which military decisions have been made.

This legislative package should provide Congress with the means to analyze the national security establishment and reassess the role of the military within the overall framework of national priorities. The tragic war in Vietnam and the ABM issue have awakened the American people to the imbalance in our national priorities, and they are deeply concerned about the magnitude of the military budget and the neglect of urgent domestic needs. The military-industrial complex, powerful as it is—in this fiscal year some 56 percent of controllable Federal expenditures are budgeted for it—is no longer sacrosanct. The long fight in the Senate over the ABM and other weapons systems and the serious effort in the House to amend the military procurement authorization bill, although they did not succeed, made it clear that Congress is beginning to reassert its constitutional role.

On October 15, there will be a day of moratorium to protest the continued sacrifice of life and treasure 10,000 miles from our shores in a war which has never been justified to the American people. The outpouring of citizen concern over Vietnam, the ABM, and our distorted priorities, makes it imperative that Congress bring under control the vast array of executive agencies which are responsible for our national security.

The first step is to study all aspects of national security and military policy including the agencies established in the National Security Act and subsequently. That is the purpose of the bill to set up a Temporary National Security Commission.

The Temporary National Security Commission would consist of 17 members, five Senators and five Members of the House of Representatives, who would then appoint six eminent citizens to serve with them. These should be persons of the highest professional and technical capacity, some scientifically trained in matters relevant to defense, and others who are experienced in international affairs. The Commission would include no more than a single member of any one standing committee of either the House or the Senate. A representative of the Comptroller General would be the 17th member so that his fiscal knowledge would be available to the Commission.

The Temporary National Security Commission would cease to exist at the end of the 92d Congress and make its final report before January 1, 1973.

It is expected that the Commission members must necessarily be privy to some classified material and intelligence, and the bill cautions that on sensitive matters of national security the Commission shall heed the counsel of the Director of Central Intelligence.

The Commission would be expected to make a widespread study of defense and security areas. The bill does not stipulate exactly which agencies and departments are to be encompassed, for it is wise not to handicap any investigation by prior judgment which would limit its scope. However, the bill does specifically require a study of those agencies and departments established in the National Security Act of 1947. These include the National Security Council, the Central Intelligency Agency, and the one-time National Security Resources Board, predecessor of the Office of Emergency Preparedness. Likewise, all components of the National Military Establishment provided in the 1947 act would be included.

The Commission would study the foregoing agencies and their activities with a view to determining—

First, what are the current national policies and objectives in the area of defense and security and, in view of such policies and objectives, whether the national interest is being properly served by the existing agencies of Government;

Second, whether existing and projected weapons systems, military installations, management procedures, and fiscal performance of such agencies conform to national policy in the area of defense;

Third, to what extent the defense establishment as an institution affects individual judgment in the making and execution of policy; and

Fourth, whether the relationships between agencies of the Federal Government responsible for procurement and suppliers of goods and services require modification.

The Commission would be required to make recommendations—including suggested legislation—to the Congress particularly with regard to the improvement of policy for national security and the effectiveness of procedures and organization in those agencies of the Federal Government which function in the area of defense.

In sum, it is our thought that no aspect of defense or national security should be overlooked.

The concept of such a temporary Commission of investigation springs from the celebrated Temporary National Economic Committee set up in 1938 under Senator O'Mahoney, which conducted a study into the concentration of economic power. The extensive reports that resulted from that investigation are still admired.

The findings of the temporary Committee of 1938–41 gave impetus to the antitrust prosecutions of that period. They generated the atmosphere for judicial decisions which achieved reforms in such areas as resale price maintenance, the basing-point system of pricing and the patent system. The Committee studied the process of corporate mergers which were dealth with in later legislation such as the Celler-Kefauver Act of 1950.

We have not overlooked the fact that

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the President on June 30 announced the establishment of a blue-ribbon panel to conduct a year's study of the Department of Defense. It is significant that the President perceived the need for such a study, and it should be useful to him. However, it is our considered view that Congress must be involved in any review of the Department of Defense. Congress has a constitutional duty in this area. Unfortunately, Congress has failed to exercise to the fullest extent its responsibility—a failure which has contributed to the present crisis.

The Temporary National Security Commission would be in a position to conduct a more objective and detached analysis than the President's blue-ribbon panel which is responsible directly to the President and the Secretary of Defense.

Furthermore, our proposed commission would have a more extensive mandate than the President's panel which would survey only the Department of Defense and would concentrate on such activities as organization and management, research and procurement policies and practices.

The Temporary National Security Commission would serve a broader purpose, for it would examine defense policy in relation to foreign policy objectives, military performance, and the capability and relevance of weapons systems to their purpose. All aspects of national security would be scrutinized.

Certainly Congress not only has the right to know, but it must be fully informed in the areas of national security and defense policy. This is basic. The proposed Temporary National Security Commission is a minimal instrumentality to assist Congress in this vital area of national concern.

The following is a list of Senators and Members of the House of Representatives who have joined in sponsoring the bill to create a Temporary Commission on National Security:

LIST OF SPONSORS

SENATE SPONSORS

George McGovern (S. Dak.).
Walter Mondale (Minn.).
Gaylord Nelson (Wis.).
William B. Saxbe (Ohio).

HOUSE SPONSORS

William F. Ryan (N.Y.).
George Brown, Jr. (Calif.).
Phillip Burton (Calif.).
Shirley Chisholm (N.Y.).
William L. Clay (Mo.).
John Conyers, Jr. (Mich.).
Charles C. Diggs, Jr. (Mich.).
Bob Eckhardt (Tex.).
Don Edwards (Calif.).
Donald M. Fraser (Minn.).
Jacob H. Gilbert (N.Y.).
William J. Green (Pa.).
Augustus Hawkins (Calif.).
Henry Helstoski (N.J.).
Robert W. Kastenmeier (Wis.).
Edward I. Koch (N.Y.).
Robert L. Leggett (Calif.).
Allard K. Lowenstein (N.Y.).
Abner J. Mikva (Ill.).
Patsy T. Mink (Hawaii).
William S. Moorhead (Pa.).
Richard L. Ottinger (N.Y.).
Bertram L. Podell (N.Y.).
Benjamin S. Rosenthal (N.Y.).
James H. Scheuer (N.Y.).
Louis Stokes (Ohio).
Robert O. Tiernan (R.I.).
Lester L. Wolff (N.Y.).

Mr. Speaker, I include at this point in the RECORD the text of the bill to establish a Temporary National Security Commission:

H.R. 14323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. The Congress finds that the immense demands upon our national resources for purposes of defense and security have become a matter of deep concern in our society and that there is evidence that institutional momentum, rather than conscious policy, governs decisions relating to defense and national security. The Congress also finds that there is increasing criticism being made of the Federal agencies responsible for national defense and security with respect to their choices of weapons systems and procurement policies and practices. The Congress further finds that the rising costs of the military and the changing international situation, as well as the factors previously mentioned, require that a complete study and review of the national defense sector be immediately undertaken as a first step toward the solution of these problems.

ESTABLISHMENT

SEC. 2. There is established a commission to be known as the Temporary National Security Commission (hereafter referred to in this Act as the "Commission").

DUTIES OF COMMISSION

SEC. 3. It shall be the duty of the Commission—

(1) to make a full and complete study and investigation of all activities with respect to national security and defense, including, but not limited to, the operation of all agencies established in the National Security Act of 1947, and any legislation subsequent thereto providing for the coordination for national security or constituting the national Military Establishment, with a view to determining—

(A) what are the current national policies and objectives in the area of defense and security and, in view of such policies and objectives, whether the national interest is being properly served by the existing agencies of Government;

(B) whether existing and projected weapons systems, military installations, management procedures and fiscal performance of such agencies conform to national policy in the area of defense;

(C) to what extent the defense establishment as an institution affects individual judgment in the making and execution of policy; and

(D) whether the relationships between agencies of the Federal Government responsible for procurement and suppliers of goods and services require modification; and

(2) to make recommendations (including suggested legislation) to the Congress with respect to subjects covered in paragraph (1) particularly with regard to the improvement of policy for national security and the effectiveness of procedures and organization in those agencies of the Federal Government which function in the area of defense.

MEMBERSHIP

SEC. 4. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 17 members as follows:

(1) Five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, three from the majority party and two from the minority party.

(2) Five Members of the Senate to be appointed by the President of the Senate, three from the majority party and two from the minority party.

(3) Six individuals from private life to be appointed, with due regard given to insuring a balance of political viewpoint, by the members of Congress appointed under paragraph (1) and (2).

(4) One representative of the General Accounting Office to be appointed by the Comptroller General of the United States.

A vacancy in the Commission shall not affect the power of the remaining Members to execute the functions of the Commission and shall be filled in the same manner as the original appointment was made. At no time may any one standing committee of the Senate or the House of Representatives be represented by more than one individual chosen pursuant to paragraph (1) or (2). Individuals from private life appointed under paragraph (3) shall be appointed for the life of the Commission and shall be of acknowledged eminence in fields of study or activity of national importance.

(b) COMPENSATION AND TRAVEL EXPENSES.—(1) Except as provided in paragraph (2), Members of the Commission shall each be entitled to receive $150 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) A Member of the Commission appointed under paragraph (1), (2), or (4) of the subsection (a) shall receive no additional compensation on account of his service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) QUORUM.—Nine Members of the Commission shall constitute a quorum, and actions by the Commission shall be determined by a majority vote of the Members present.

(d) CHAIRMAN.—The Chairman and Vice-Chairman of the Commission shall be elected by the Members of the Commission from among those Members appointed under paragraph (1) and (2) of subsection (a).

(e) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its Members.

(f) Any Member of the Commission may, if unable to attend a meeting of the Commission, authorize another Member to act and vote for him in his absence.

STAFF OF COMMISSION

SEC. 5. (a) STAFF.—The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(b) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) SECURITY REQUIREMENTS.—The Commission shall establish such security requirements, restrictions, and safeguards as it deems necessary in the interest of national security. The Commission may arrange with the Civil Service Commission for the conduct of such security or other personnel investigations of the Commission's employees, consultants, and contractors, actual or prospective, as it deems appropriate. If any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty, the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full investigation, the results of which shall be furnished to the Commission.

POWERS OF COMMISSION

SEC. 6. (a) HEARINGS AND SESSIONS.—The Commission may for the purpose of carryin out this Act hold such hearings, sit and

act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) SUBPENA POWER.—

(1) The Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by section 3. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a District Court under the Federal Rules of Civil Procedure for the United States District Courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

(c) IMMUNITY.—No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(d) POWERS OF MEMBERS, SUBCOMMITTEES AND AGENTS.—When so authorized by the Commission, any Member, subcommittee, or agent of the Commission may take any action which the Commission is authorized to take by this section.

(e) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman or Vice-Chairman of the Commission such department or agency shall furnish such information to the Commission. During the course of its investigations and deliberations, and in making its reports, findings, and recommendations, the Commission shall exercise due care to protect classified information, sensitive intelligence sources and methods, and, in this regard, shall seek the advice of the Director of Central Intelligence. For the purposes of this subsection, the term "classified information" means information which is, for reasons of national security, specifically designated by a department or agency of the United States for limited or restricted dissemination or distribution.

(f) The Commission is authorized to enter into contracts with qualified educational institutions, other public or private organizations or agencies, or individuals for the preparation of studies related to the Commission's duties, except that any contract entered into under this subsection shall require that the services contracted for be completed before January 1, 1973.

AUTHORIZATION

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

REPORTS

SEC. 8. Before January 1, 1971, or as soon thereafter as is practicable, the Commission shall transmit to the President and to the Congress preliminary reports of the studies and investigations carried on by it, together with its findings and recommendations, and shall transmit to the President and to the Congress before January 1, 1973, the final reports on the studies and investigations carried out by it pursuant to this Act, together with its final recommendations transmitted by it pursuant to this section at the time of such transmittal, except that the Commission shall withhold from the text of reports and recommendations made available to the public or transmitted to the Congress any part thereof the release of which, in the Commission's judgment, would be detrimental to national security.

TERMINATION

SEC. 9. The Commission shall cease to exist on December 31, 1972.

OFFICE OF DEFENSE REVIEW PROPOSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 15 minutes.

Mr. MIKVA. Mr. Speaker, today I am introducing for myself and 27 of my colleagues in the House a bill to establish an Office of Defense Review. A similar bill is being introduced in the other body. The bill is designed to meet a need which House Members of both parties have been feeling increasingly since the beginning of this year, and which was demonstrated most vividly 2 weeks ago when we considered the military procurement authorization bill for fiscal year 1970. That need is for a source of independent, technically qualified evaluation of Defense Department programs, planning and weapons systems as represented in the DOD requests presented to the Congress. It is our hope that a statutorily authorized Office of Defense Review will adequately meet that need.

PURPOSE OF OFFICE OF DEFENSE REVIEW

The Office of Defense Review, as contemplated in the bill we are introducing today, would be an agency of the legislative branch of Government, reporting directly to a joint congressional board, the Joint Board of Defense Review. It is envisioned as a permanent part of the congressional machinery, with permanent responsibility for evaluating for Congress the defense proposals of the Pentagon. Its responsibilities would not overlap those of the Armed Services Committees of each House, since its work would be more basic—a combination of the Bureau of the Budget in the executive branch and the General Accounting Office which now functions as the permanent investigating arm of Congress. The ODR would have specific responsibility for preparing for Congress alternative defense budget proposals, based on a range of planning assumptions about United States foreign policy and military posture. It would provide a range of choices from which Congress could select, rather than the present take-it-or-leave-it approach.

PROVIDE INFORMATION TO CONGRESS

One of the most important functions of the Office of Defense Review would be to furnish to interested Members of Congress a detached, objective evaluation of weapons systems proposals advanced by the Department of Defense. In this respect, it would serve as a kind of augmented legislative reference service, concentrating specifically on legislative proposals relating to the national security community and national defense policy. Hopefully, the ODR would be able to furnish to Congressmen who are not members of the Armed Services Committee enough information on Pentagon proposals—and enough in advance of the consideration of those proposals—to make intelligent evaluation and debate possible. The staff of the Office of Defense Review would be trained in much the same techniques as employees of the Pentagon's Systems Analysis Office, and would be cleared to deal with material of the highest security classification. The ODR would work not for any one Member of the House or for any one committee, but would make its services available to any Member who desired to use them.

SCOPE OF INQUIRY AND CONCERN

It is proposed that the scope of the ODR's inquiries and investigations would be limited not merely to evaluating the finished product of the Pentagon—its budgetary and weapons systems proposals—but would include more fundamental concerns such as strategic planning, the validity of planning assumptions, the relations of military planning assumptions to overall U.S. foreign policy goals, and the contribution of individual weapons systems to U.S. national security. These are the kinds of fundamental questions which, all too often, no individual Congressman and no committee has had the time to ask. These are the kinds of unexamined assumptions which have led to the tremendous overemphasis on defense spending at the expense of both other elements of foreign policy and our domestic social and economic programs. One of the purposes of the ODR would be to help correct this imbalance in our national priorities.

JOINT BOARD OF DEFENSE REVIEW

The Office of Defense Review would not be left to operate on its own and wage its own battles with the behemoth of the executive branch. It would receive both support and guidance from a joint Board composed of three Members from each House of Congress. The members of the Board would select their own Chairman and Vice Chairman, and both parties would be required to be represented among the Members from each House. One of the continuing functions of the Board would be the supervision of the operations of the Office of Defense Review. Presumably it would also make known to the Congress the need for any necessary changes in the ODR's statutory charter.

GENESIS OF THE OFFICE OF DEFENSE REVIEW

The idea of creating an Office of Defense Review originated in the conference on the military budget and national priorities which was held in March and was attended by Members of the House and Senate. At that conference it became

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clear that the responsibilities of Members of Congress and of the existing Armed Services Committees precluded the in-depth, comprehensive review of the assumptions behind national defense programs which was a direct constitutional responsibility of the Congress. Because of the lack of searching, comprehensive investigation, many programs were being carried out which either did not serve the purposes of U.S. foreign policy or which were so expensive and contributed so little to our security that their cost was not justified. The once-a-year look which Congress was able to give these programs simply was not sufficient, it was concluded, to provide the necessary check on defense activities.

THE CENTRAL QUESTION OF NATIONAL PRIORITIES

The real arm of the Office of Defense Review is the development of a cadre of technically qualified, career civil servants who will help the Congress evaluate defense policies and programs in terms of their overall contribution to the Nation. The ODR would not become an advocate for defense programs. Rather it would act as the Congress' representative in scrutinizing and evaluating these programs in terms of their real contribution to national security. As a permanent established arm of Congress, the ODR could give a continuity and expertise to this function which is not now possible. Most important, it would provide Members of Congress with the kind of objective information which they need if they are to weigh intelligently the requirements of national security against the pressing needs here at home. By providing this information in the form of alternative budget proposals, the ODR would enable Congress to pick and choose among programs and policies, and would enable it to balance the requirements of defense spending against the priorities of education, health, environmental quality, and general welfare.

We believe that the establishment of an Office of Defense Review could bring back into focus the true purposes of this Union. We formed this alliance of States, which has long since become one Nation, not only to provide for the common defense. Equally important in the eyes of the Founders were the responsibilities to "establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." The Office of Defense Review can help to give us the perspective and objectivity which we need to balance the demands of national defense against those other pressing national purposes.

A copy of our bill follows:

H.R. —

A bill to create an Office of Defense Review

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. The Congress finds that expenditures for military purposes are ever mounting and constitute a large fraction of total government outlays and, therefore, that it is greatly in the national interest that provisions for defense and national security be subject to continuous Congressional review to insure, for example, that arm's length relations prevail between defense procurement agencies and suppliers of goods and services, that defense procurement costs be properly estimated in advance of commitments and reported currently, and that the performance of weapons systems and the merit of military installations be evaluated before and after procurement in order that there can be a determination as to whether they serve national policy in the area of defense and national security. To effectuate such a review, the Congress needs the assistance of an office with a continuing mission to provide reports giving independent evaluations of defense and national security matters. Such an agency could also significantly aid the Armed Services Committee of the Senate and of the House of Representatives in meeting their immense responsibilities with respect to evaluation and oversight in the area of defense.

ESTABLISHMENT OF THE OFFICE OF DEFENSE REVIEW

SEC. 2. (a) There shall be created an establishment of the Government to be known as the Office of Defense Review (hereafter referred to in this Act as the "Office"), which shall be independent of the executive departments and under the control and direction of the Director of Defense Review (hereafter referred to in this Act as the "Director"). The Director is authorized to adopt a seal for the Office.

(b) There shall be in the Office the Director and an Assistant Director of Defense Review (hereafter referred to in this Act as the "Assistant Director"), each of whom shall be nominated by the President from a slate of candidates submitted to him under section 5(d)(4) of this Act by the Joint Board of Defense Review, and appointed by him with the advice and consent of the Senate. The Assistant Director shall perform such duties as may be assigned to him by the Director, and during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The Director and the Assistant Director shall be an "employee" within the meaning of such term as used in section 8331(1) of title 5, United States Code, and service performed by them shall be creditable service for all purposes of subchapter III (relating to civil service retirement) of chapter 83 of such title.

(e) The term of office of the Director and the Assistant Director shall be four years and, unless removed under subsection (f), an individual appointed to such office is not ineligible for selection under section 5(d)(4) of this Act.

(f) The Director or Assistant Director may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Director or Assistant Director has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment.

FUNCTIONS OF THE OFFICE

SEC. 3. It shall be the function of the Office, under the direction of the Director—

(1) to determine whether projected weapons systems and military installations accord with national policy in the area of defense;

(2) to determine whether the actual performance of procured weapons systems and installations in the area of defense is in accord with originally declared objectives and national policy in the area of defense and national security;

(3) to prepare for the Congress a defense budget for each fiscal year which shall be independent of that prepared by the executive branch and shall be available in the course of the appropriations process in Congress, for comparison with the executive defense budget;

(4) to prepare optional defense budgets based on alternative assumptions concerning policy and weapons systems for defense and national security;

(5) to report to the Armed Services Committees of the Senate and the House of Representatives, to other appropriate Congressional committees, and to the Joint Board of Defense Review on all of the matters listed in paragraphs (1) through (4), together with (A) recommendations for conduct of national defense and security, and (B) one summary annual report to be submitted in advance of the submittal to the Congress of the annual budget of the executive branch;

(6) to provide information to individual Members of Congress, upon request, concerning matters of defense and national security; and

(7) to recommend to the Joint Board of Defense Review improvements in the operating efficiency of executive departments of the Government in the area of defense and national security.

POWERS OF THE OFFICE

SEC. 4. (a) In the performance of its functions under this Act, the Office is authorized—

(1) to make, promulgate, issue, rescind and amend rules and regulations governing the manner of the operations of the Agency;

(2) subject to the civil service and classification laws, to select, appoint, employ and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act and to prescribe their authority and duties;

(3) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment and facilities; and

(4) to establish such security requirements, restrictions, and safeguards as it deems necessary in the interest of national security, exercising due care to protect classified information, sensitive intelligence sources and methods, and, in this regard, shall seek the advice of the Director of Central Intelligence, and

(A) to arrange with the Civil Service Commission for the conduct of such security or other personnel investigations of the Office's employees and contractors, actual or prospective, as it deems appropriate, and

(B) if any investigation under paragraph (A) develops any data reflecting that the individual who is the subject thereof is of questionable loyalty, to refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Office.

(b) Upon the request of the Director—

(1) the head of any department or agency in the executive branch shall furnish to the Director copies of any report submitted by such department or agency to the Comptroller General of the United States if the Director deems such report to be of consequence in the area of defense and national security, and

(2) the Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch if the Defense Review Director deems such analyses to be of consequence in the area of defense and national security.

(c)(1) The Comptroller General of the United States shall submit to the Director reports of all exceptions taken by the Comptroller General to the financial or other activities of any department or agency in the executive branch in the area of defense and national security, and also reports of

any settlements or conclusions reached by the Comptroller General with respect to such exceptions.

(2) The Comptroller General shall transmit to the Director copies of all reports prepared by the Comptroller General pursuant to section 283 of the Revised Statutes (31 U.S.C. 103).

JOINT BOARD OF DEFENSE REVIEW

SEC. 5. (a) There is hereby established a Joint Board of Defense Review (hereafter referred to in this section as the "Board") to be composed of three Members of the Senate to be appointed by the President of the Senate and three Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In the case of the Members appointed from each House of the Congress, the majority party shall be represented by two Members and the minority party represented by one Member.

(b) Members of the Board shall serve for terms of no longer than a total of five sessions of Congress. The Board shall select a chairman and vice chairman from among its members. Members of the Board shall receive no additional compensation on account of their service on the Board but shall be reimbursed for travel and other expenses incurred while performing work as Members of the Board.

(c) A member of the Board may, when unable to attend a meeting of the Board, authorize another such member to act for him in his absence. A vacancy in the Board shall not affect the power of the remaining members to execute the functions of the Board, and shall be filled in the same manner as the original selection. Four members shall constitute a quorum of the Board. Decisions of the Board shall be taken by majority vote and a tie vote shall be decided according to the vote of the chairman, or, in his absence, the vice chairman.

(d) It shall be the function of the Board—

(1) to receive reports from the Director relating to his activities,

(2) to aid the Director in the interpretation of national defense policy,

(3) otherwise to counsel and advise the Director in the performance of his duties, and

(4) in the event of a vacancy in the office of Director or Assistant Director, to submit to the President the names of five individuals who, in the judgment of the Board, are qualified to hold such office.

JOINT CONGRESSIONAL COMMITTEE ON NATIONAL PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ECKHARDT) is recognized for 15 minutes.

Mr. ECKHARDT. Mr. Speaker, I am introducing today a joint resolution to create a Joint Committee on National Priorities. This resolution recognizes the intense conflicts caused by competing demands for the country's limited tax resources, and seeks a more intelligent rationalization of these conflicts by Congress.

The resolution authorizes the joint committee to suggest national objectives and the allocation of resources needed to obtain those objectives; and to suggest legislation and other governmental actions needed to better serve the Nation's priorities.

The need for such a joint committee arises from the fact that we do not have enough tax dollars to do all that we want our Government to do. Our present deficiencies in such vital areas as health, education, and transportation make clear that we cannot fight a war in Vietnam, be profligate in military hardware build every dam that can be dreamed up, and still provide the social progress demanded of a rich and civilized Nation. The people will not stand for higher taxes, and they should not have to. The tax dollar is now a poor investment for the American taxpayer. It is our task to make it a good investment.

A Joint Committee on National Priorities would help to correct the often unintentioned displacement of values and national demands that now plagues our government. We are now faced with such spectacles as the Executive's simultaneously cutting back research on cancer and children's diseases and spending millions for a "main battle tank" that is obsolete even if it can be made to work. Development continues on a fantastically expensive supersonic transport which will reduce the flying time from New York to Paris by a few hours; but we have not even begun to solve the problem of efficiently transporting Americans to their daily jobs. Congress appropriates tens of millions of dollars for chemical and biological weapons, but is niggardly in its funding of food programs for the hungry.

Such distortions of our national values result in large measure from our fragmented approach to governmental policies, and in particular to governmental spending. Many programs continue to be funded simply because they exist. Virtually every area of governmental spending has its constituency of bureaucrats and special interest groups.

When we do respond to a critical need, we do so by drafting new promises and new programs, not by considering a reallocation of resources. The result is illustrated by the fate of the Clean Water Restoration Act. That act recognized the crisis presented by the pollution of our Nation's lakes and rivers by municipal wastes, and sought to provide our cities with $1 billion per year to deal with this crisis while there was still time. Congress has since found that it is very difficult to appropriate that $1 billion without cutting back other programs of less value to the country. Rather than considering the place of clean water in our national priorities and acting accordingly, we have simply failed to come through with the money authorized by the Clean Water Restoration Act.

Establishment of a Joint Committee on National Priorities would help us make the hard decisions that are needed if we are to act according to the urgency of our needs rather than according to which needs have been around the longest or pushed the strongest. The joint committee would give us the benefit of an informed overview of national needs and national resources. It would be a valuable first step in more intelligently matching our needs and our resources.

The text of the joint resolution follows:

H.J. RES. 949

Joint resolution to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation

Whereas national objectives, to the extent that they are affected by action of the Federal Government, ought to be more clearly formulated; and

Whereas national objectives can be realized only if all competing demands for priority in the allocation of resources disposed of by the Federal Government can be reconciled on a continuing basis; and

Whereas the immense demands upon national resources for purposes of defense and national security have become a matter of deep concern in our society; and

Whereas the Congress can meet its constitutional obligation as a coordinate branch of the Government more fully if it will consider the overall relationship of the many separate legislative demands: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That there is hereby created a joint congressional committee to be known as the Joint Committee on National Priorities (hereafter referred to in this joint resolution as the "joint committee") to be composed of seven Members of the Senate to be designated by the President of the Senate and seven Members of the House of Representatives to be designated by the Speaker. Of the seven Members appointed from each house of the Congress, the majority party shall be represented by four members and the minority party shall be represented by three members. No one standing committee of the Senate or the House of Representatives may be represented by more than one Member on the joint committee at any time.

SEC. 2. (a) The joint committee, acting as a whole or by subcommittee, is authorized—

(1) to suggest national objectives and, on a current and continuing basis, to examine these objectives as they are affected by actions of the Federal Government;

(2) in the light of the examinations undertaken in paragraph (1), to suggest national priorities and to recommend, on a continuing basis, the allocation of resources disposed of by the Federal Government to such national priorities;

(3) to obtain from the departments and agencies in the executive branch annual posture statements on the operations and objectives of the departments and agencies as they relate to such national priorities and to assess such statements;

(4) to suggest legislation that will contribute to the attainment of national objectives; and

(5) to recommend courses of action, based on its findings and investigations, in the national interest to departments and agencies in the executive branch, to the States and political subdivisions thereof, and to regional agencies.

(b) The joint committee shall, before the close of each calendar year, submit to the Congress a posture statement on national priorities, which shall include a proposed Federal budget of income and expenditures covering a period of not less than the five consecutive fiscal years next succeeding the calendar year in which the posture statement is submitted.

SEC. 3. (a) A vacancy in the membership of the joint committee shall not affect the powers of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original appointment was made. The joint committee shall select a chairman and a vice chairman from among its members; except that no member may serve as chairman or vice chairman for longer than one Congress.

(b) An individual is not eligible to be a member of the joint committee after such individual has served as such a member for a total of eight sessions of Congress. For the purpose of the preceding sentence, service on the joint committee for a full session of Congress or part of a session shall count as one session of service.

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SEC. 4. In addition to the reports required under section 2, the members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House of Representatives on the results of the joint committee's studies and investigations, together with their recommendations with respect to matters within the jurisdiction of the joint committee.

SEC. 5. In carrying out its duties, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, to make such expenditures as it deems advisable. The joint committee may make such rules respecting its organization and procedures as it deems necessary. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of section 192 and 194 of title 2, United States Code, shall apply in case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section. The cost of stenographic service to report public hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate. The cost of stenographic service to report executive hearings shall be fixed at an equitable rate by the joint committee. Members of the joint committee, and its employees and consultants, while traveling on official business for the joint committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

SEC. 5. The joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The joint committee is authorized (1) to utilize the services, information, facilities, and personnel of the departments and establishments of the Government and (2) to contract with educational institutions, public or private agencies or organizations, or individuals for the conduct of research or studies with respect to matters within the jurisdiction of the joint committee.

SEC. 7. The joint committee shall establish such security requirements, restrictions and safeguards over its records as it deems necessary in the interest of national security, exercising due care to protect classified information, sensitive intelligence sources and methods, and, in this regard, shall seek the advice of the Director of Central Intelligence. All committee records, data, charts, and files shall be the property of the joint committee and shall be kept in the offices of the joint committee or other places as the joint committee may direct under such security safeguards as the joint committee shall determine in the interest of the common defense and security.

SEC. 8. The expenses of the joint committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

REPORT ON NATO TOUR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. GUBSER) is recognized for 15 minutes.

Mr. **GUBSER**. Mr. Speaker, recently I was privileged to represent the United States on the biennial military tour of the NATO Assembly. For a period of 10 days I inspected NATO military installations in the company of legislators and members of parliament from several NATO countries. I found the experience to be worthwhile and most interesting. I returned with definite ideas and conclusions regarding our NATO defenses which I have reported to the chairman of the Armed Services Committee, the Honorable L. MENDEL RIVERS.

Because my conclusions are that we should drastically reduce our commitment of men and materiel in the defense of Europe, and in light of the current national debate regarding our military posture, I thought the substance of my report would be of interest and thought provoking to all Members of Congress. The report follows:

The Military Committee of the NATO Assembly (formerly NATO Parliamentarians) conducts a biennial tour of Allied military installations in Europe. On alternate years the tour is conducted in the United States. Its purpose is to formulate reports and recommendations for consideration of the North Atlantic Assembly. This group, an unofficial body with no statutory powers, provides an important platform for discussions between parliamentary delegates from all NATO countries. It also serves to improve liaison between the North Atlantic Treaty Organizations and the legislative bodies of NATO countries.

PARTICIPANTS

U.S.A.—Congressmen Paul Findley and Charles S. Gubser.

Germany—Dr. Herman Kopf and Mr. Josef Felder of the West German Bundestag.

Belgium—Mr. Paul De Vlies, Mr. Andre Bricout, and Mr. Wim. P. Geldolf.

Canada—Senator Alexander Hamilton McDonald and M.P.s Alastair W. Gillespie, Patrick Mahoney, and Howard R. MacEwan.

Denmark—M.P.s Adam Moeller and Kjeld Olesen.

France—Senator Auguste Billiemaz.

Italy—Senator Giuseppe Vedovato and Deputy Luigi M. Galli.

Luxembourg—Deputy Romain Fandel.

Norway—Storting Members Finn Moe and Leif Kolflaath.

Netherlands—C. E. P. M. Raedts and F. J. Goedhart, members, Chamber of States-General

United Kingdom—Mr. John Peel, M.P.

Turkey—Senator Sirri Atalay and Deputy Nurretin Ok.

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The tour assembled at Brussels on September 1 and visited Supreme Headquarters Allied Powers Europe in the afternoon, conducting a discussion with the Supreme Allied Commander for Europe.

On September 2 we were briefed at Headquarters for Allied Forces Central Europe in Brunssum. In the afternoon we visited the NADGE programming and training center at Glons.

On September 3 we were in Frankfurt at Rhine-Main Air Base and next went to Mannheim-Seckenheim for a briefing by the Central Army Group and U.S. Army Europe.

On the morning of September 4 I briefly left the tour to witness a firing of the Sheridan-Shillelagh weapons system at Grafenwoehr tank range. I rejoined the group for a briefing by the Central Army Group and another program sponsored by U.S. Army Europe.

September 5 found us at Munich for a continuation of the Central Army Group and U.S. Army Europe program at Oberammagau and a briefing at the school conducted by these groups in that area.

After a free day on September 6, we spent time at Lahr with the First Canadian Air Division on September 7. The rest of the day was spent en route to Muenster, Germany.

On September 8 we were at Bergen-Nohne to witness a brigade-size firing demonstration which began a large exercise conducted by the German Army called "Grosser Roesselsprung".

On September 9 we were at Bergen, Norway, at Headquarters for Allied Forces Northern Europe. After a briefing and tour of the Haakomsvern Naval Base, we departed Bergen for Northolt RAF Station near London.

On September 10 we visited the Headquarters of the Western Fleet and were briefed by the Commander of the Channel Command. Following this day, I departed the tour.

FINDINGS

The concentrated exposure to NATO military problems for a period in excess of one week and extended discussions with military personnel of all participating nations presented an excellent perspective of the threat facing NATO forces and the requirements for meeting that threat. However, the great benefit was more political than military. Constant close association with legislators from other NATO countries gave each participant a "feel" for the political problems which will inevitably have their effect upon military policy.

It is my considered view that the threat to Free Europe from the Soviet Union has not diminished to any extent. Quite to the contrary, I believe the recent Czechoslovakian incident has underscored the determination of the Soviet Union to maintain a high and superior level of military force which can be directed against Europe. I personally believe that Russia has superior air power, armor, and a superiority in numbers of trained troops. In the event of invasion by Communist forces, Russia would possess the advantage of picking an invasion route and timing the aggression to achieve maximum surprise and inconvenience to Allied defenders. This means that the defenders must be prepared to defend against any one of several possible invasion plans. To thoroughly prepare for all eventualities would be expensive and difficult.

While I do not consider myself sufficiently competent to draw a firm military conclusion, I cannot admit to holding much confidence that present NATO forces can stand up against a determined Russian aggression.

The military organization of SHAPE is excellent. Obviously it is manned by competent officers who have developed workable plans, but what concerns me is what appears to be a serious deficiency in military materiel, equipment, and personnel required to implement those plans. When France was an active military partner of NATO, we at least had geographic depth, but today we have neither geography nor the men and equipment with which to offer a conventional response to a Soviet invasion.

One hears a great deal of the new theory called "flexible response" which has been developed as a reasuring symbol of our ability to defend Europe without France as a full-fledged NATO military partner. In theory, "flexible response" would commit conventional forces and weaponry in the degree required to meet the threat against us. This is a fine theory, but it is worthless without the men and materiel to back it up. NATO has neither.

Under such circumstances, the alternatives which NATO commanders and leaders of NATO nations would have in the event of aggression are limited to the extremes. Since I have no confidence that the present degree of conventional commitment by NATO nations could hold against a determined aggression, the alternatives would be (1) accept the fact that Russia can overrun Europe, or (2) resort immediately to the use of tactical nuclear weapons and the grave risk of escalating an invasion of Europe into a general war.

It is obivous that if the words "flexible response" are to be more than a cliche or an idle phrase and if the alternatives are to be broadened to include more than the extremes, a much greater commitment to NATO must be made by all nations and particularly by the European nations whose countries will be at stake.

While this latter problem was not directly discussed with NATO parliamentarians, it was clear to me that most of them felt that even their present commitment to NATO was either beyond what they could afford or what the present day political climate would allow them to commit. Learning this fact has led me to the conclusions and recommendations which appear below:

CONCLUSION

Unless European nations and other members of the NATO alliance are willing to make commitments of men, materiel, and money to the extent necessary to make "flexible response" more than a myth, the tremendous U.S. presence and expense to the taxpayer is a waste. Frankly, for political reasons, I foresee no possibility of this happening in the immediate future.

To be sure, the United States must "show the flag" in Europe, but this can be done with an Air Force wing and far less than a division of troops. Materiel can be stored and the pipe line kept open which would allow troops to be quickly airlifted if needed. The bulk of our force in Europe should be brought home, resulting in a considerable saving to the U.S. taxpayer.

While other countries withdraw, the United States, which is already overcommitted, cannot be expected to fill the vacuum they leave. The time has come for a complete reassessment of our NATO military policy. We must stop "whistling in the dark". We do not have an adequate defense, we will not get it until other NATO nations assume a just share of their responsibility and, without it, we are wasting our money.

I strongly recommend that a complete reassessment of our policy in Europe be undertaken at the highest possible Congressional and Executive Branch levels.

COLUMBUS DAY, 1969

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. **RODINO**. Mr. Speaker, this year marked a very special commemoration of October 12, Columbus Day, the anniversary of the great Genovese navigator's landfall in our New World.

For in this year men first landed on the moon, and this has been compared with Columbus' discovery of America. In fact, in honor of the great explorer, our American astronauts—Neil Armstrong, Edwin "Buz" Aldrin and Michael Collins—named their command ship "Columbia" in tribute to the admiral of the ocean seas.

At the time when our astronauts first set foot on the moon, the dean of American historians and definitive biographer of Christopher Columbus, Adm. Samuel Eliot Morison, commented on the validity of the comparison. He stated:

> I think there is validity in the fact that as Columbus' voyage was a tremendous breakthrough in modern history, the astronauts' voyage to the moon may well prove to be a breakthrough in our history with similar and beautiful results. But of course the technique of the two voyages was so very different, you can hardly compare the two.

Obviously, Mr. Speaker, one of the key differences is incomparably greater scientific and technological resources of the 20th century. If the scientists of Columbus' time had had their way, he might never have made his voyage. For, as Admiral Morison stated:

> He appeared before three different scientific commissions in Portugal and Spain and they all said he couldn't do it—and the amusing thing is they were right. He was aiming at the eastern coast of China and they all said it was twice as far as he thought it was and he could never get there and back in a sailing ship. Columbus went ahead just the same, but America happened to be where he thought China was.

It is interesting to note that the space effort that made our moon voyage possible cost the United States some $25,000 million. And contrary to popular belief, Columbus' voyage was by any standard inexpensive. It is only a popular legend that Queen Isabello of Spain had to pawn her crown jewels to raise money for Columbus. As Admiral Morison explained:

> I once made a careful computation of what Columbus' first voyage cost—it was fourteen thousand dollars in gold to outfit the fleet or at least two ships of the fleet. The cost of the other one was picked up by some of Columbus' friends and their monthly payroll was sixteen hundred dollars in gold for thirty-two months. You see, that is probably what the astronaut project cost in about five minutes.

Admiral Morison also contrasted the role of the astronauts and Columbus as individuals. And in spite of the necessity for collective effort and scientific precision on the part of thousands in space exploration, he stressed his firm conviction that individuality and initiative are as important today as they were in Columbus' time.

The admiral stated:

> It was Columbus who had the big idea. The astronauts didn't have the idea; they were spearheads. Nonetheless they are to be honored for their courage. I think all three young men are essentially rugged individualists. There are millions more in our country. There is an enormous future for the rugged individualist in this country and all over the world.

During Columbus' time, Admiral Morison noted, there was a gloomy religious atmosphere that pervaded the 15th century because of the imminent expectation of the day of judgment and the horrors that were to accompany it. He compared it to the general feeling of pessimism in our own time.

So the historic voyage of Columbus was a unique and a shining beacon during those difficult years. And Admiral Morison's conclusion has significant implications for us today:

> Columbus had really opened up something, a breakthrough that counted—that meant that Europe was not going downhill to eventual destruction, but that there was something fresh coming up. So I hope we will feel about the astronauts and their visit to the moon. Something new and fresh and extraordinary is coming up. We are not going to allow the atomic bomb to wipe us out. I hope, pray and believe that civilization in our day will be greatly affected for the good by the astronauts' work just as civilization in the fifteen hundreds was affected by Columbus' discovery.

Mr. Speaker, I had the great privilege at our celebration of Columbus Day in Newark yesterday to participate in the parade and festivities and I was particularly pleased that Capt. Robert Marasco, the courageous Green Beret officer from Bloomfield, was able to attend the ceremonies and was honored by receiving the key to the city. I include two articles from the Star-Ledger and the Evening News of October 13, 1969, which describe the occasion, in the RECORD following my remarks:

[From the Newark (N.J.) Star-Ledger, Oct. 13, 1969]

GIVEN KEY TO CITY—COLUMBUS CHEER FOR BERET

(By Barbara Kukla)

The Mets took second place in the hearts of thousands of Essex County residents who lined Newark's Broad Street yesterday for the 61st annual Columbus Day parade.

With the temperature a summerlike 79, the throngs withstood the humidity for activities which began with a wreath-laying ceremony at Washington Park before the march down the main thoroughfare.

Probably the biggest ovation of the day was for Green Beret Capt. Robert Marasco of Bloomfield, who was presented with the Key to the City.

GREAT HONOR

Accompanied by Rep. Peter W. Rodino, who helped to engineer his release after the alleged killing of a Vietnamese espionage agent, Marasco looked rested and happy, posing for dozens of pictures and signing autographs.

"It's a great honor to be presented the Key to the City," Marasco told the audience in front of City Hall. "I never expected it. In fact, I didn't expect to be asked to speak."

He then thanked the American people, "and especially Congressman Rodino," for the support given him.

"There hasn't been much chance to rest yet," Marasco said later. "I've had to go to Washington and am still not sure when things will slow down."

Greetings also were extended by Gov. Richard J. Hughes, Sen. Clifford Case, former Gov. Robert B. Meyner, Newark Deputy Mayor Paul Reilly and Newark Police Chief Anthony Barres.

Mayor Hugh Addonizio, who presented a Columbus Day speech in the morning at the Robert Treat Hotel, sepnt the day with Meyner, turning over parade duties to Reilly.

Led by Grande Marshal Edwin Albano, state medical examiner, and Anthony J. Bartolotto, general chairman, the parade marched on.

BANDS, FLOATS

Following the first marching contingent, the Newark Police Department, were 15 bands and 20 floats with Miss Columbus Day, Linda Gialenina of Maplewood, and Miss New Jersey, Linda Wilmer, aboard two.

Danny Hope, president of Musicians Local 16, served as master of ceremonies and said "this is the largest crowd ever in front of City Hall." His musicians had performed for two hours before the parade, a tradition which Hope began in 1927.

For Newark teen-agers in the crowd, it was a day to cheer their school bands and boo the "rivals."

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"We came because our school was represented," agreed a quartet of South Side High freshmen, Vicki Gawthney, Laverne Craddock, Nita Jackson and Elaine Cooper.

A group of boys from Weequahic, who had taken the bus downtown, had other reasons (or non-reasons) for coming.

"It was just something to do," said 15-year-old Alphonso Davis. "We would have listened to the Mets, but my transistor radio is broken."

Much of the crowd, however, was more enamored with the Columbus Day spirit.

With folding chairs already set up alongside the Court Street curb an hour before parade time, Mr. and Mrs. Harold Esannason of Newark listened to the chatter of their children, intrigued more with balloons, soda and hot dogs than the official doings.

"We haven't missed a parade like this in 20 years," said Esannason. "I guess you could say it's sort of a tradition."

Columbus Tops TV for Many

(By J. Brian Smith)

Despite the television attractions of the World Series Mets and the World Champion Jets, more than 25,000 persons turned out yesterday to witness the 60th annual Columbus Day Parade along Broad Street in Newark. ...

A host of New Jersey, Essex County and city officials, including former Gov. Robert B. Meyner, joined the spectators, many of them youngsters, to view some 30 floats and bands, that marched through downtown Newark during the hour-long parade.

In pre-parade ceremonies, Army Capt. Robert F. Marasco of Bloomfield, recently freed of murder charges in the Green Beret case in South Vietnam, received the key to the city of Newark from Deputy Mayor Paul Reilly.

Marasco, who was in full uniform, received a standing ovation from guests on the City Hall reviewing stand. He was acclaimed a "hero" by several speakers, including Rep. Peter Rodino Jr., D-10th Dist., who was instrumental in winning the release of the eight Green Berets who had been accused of killing a double agent.

An unusually warm October day, accented by a near-cloudless sky, enhanced the excitement of the watchers and boosted the profits of soda and hotdog venders.

TALKS BY DIGNITARIES

Ceremonies in recognition of Christopher Columbus, who 477 years ago set out to find a western way to India but instead discovered the New World, got under way shortly after 1 p.m. with a series of speeches by visiting dignitaries at the reviewing stand in front of City Hall.

Even the recent publicity given reports that the honor of finding America does not really belong to Columbus did not deter Columbus, notoriety were of Italian extraction.

Meyner, a Democrat seeking the governorship again this year, took note of that fact. "Today is the day that all people of Italian ancestry can throw out their shoulders and be proud that they are part of this country," he said.

"Columbus Day pays tribute to a stream of immigrants who have come to this country since 1492," he continued, "and have contributed much, whether in science, the arts or industry."

RODINO HOPE

Rodino, noting that Congress recently declared Columbus Day a national holiday beginning in 1971, said he hopes the measure will bring about "a rededication in the spirit of discovery of one another."

"Columbus is the father of immigration," Rodino said, "and we hope that the national holiday in his honor will be a springboard for a greater tomorrow . . . to heal the wounds, to bind the hurts between all ethnic groups and all blacks and whites."

The parade itself, whose route stretched from Lincoln Park to Washington Park, began about 2:15.

TEN BANDS IN LINE

Members of the Newark Police and Fire departments, including the Police Band, took part in the march. Bands from the city's eight high schools and the 21st Air Force Band from McGuire AFB provided musical interludes between the passing cars carrying the various parade dignitaries and celebrities.

Among those traveling the parade route were Miss New Jersey, Cheryl Carter; Miss Columbus Day, Linda Gialanella of Maplewood; Anthony J. Bartolotta, the event's general chairman; Newark Police Chief Anthony Barres, the parade's chief of staff, and Dr. Edwin H. Albano, New Jersey state medical examiner, who served as the grand marshal of the parade.

STEPAN BANDERA, UKRAINIAN MARTYR—OCTOBER 15, 1959

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, Saturday afternoon here in Washington, D.C., at the statue of the renowned Ukraine patriot, Shevchenko, the Ukrainian National Memorial Committee commemorated their martyred leader, Stepan Bandera on the 10th anniversary of his assassination carried out by the Russian Secret Police—KGB.

At the time of his death, Bandera was 50 years of age and had suffered merciless persecutions in his unswerving dedication to lead his people to freedom by throwing off the yoke of Bolshevik colonialism. His lifelong goal was to regain independence and restore the Ukraine as a self-governing nation.

The Ukrainians, like their Polish neighbors to the North, are a people with a long history of independent culture. Also like the Poles they have been repeatedly engulfed and divided by stronger neighbors. In the early 1920's Ukrainian independence was crushed by Lenin and his Bolshevik horde. The basic motivation of Ukrainian resistance to Communistic imperialism is deeply rooted in their firm adherence to Christianity and the universal desire to be self-governing and free.

Bandera's threat to the international Communists was that he was an able organizer and disseminator of the truth of the annihilation and genocidal practices perpetrated against his people and other minority groups behind the Iron Curtain.

Bandera's murder—his martyrdom—inspired the free Ukrainians worldwide in their struggle to regain self-government and free their homeland from Soviet colonialism and exploitation.

Rallying behind the ideals of their fallen hero, Ukrainians in exile are more determined than ever to perfect the organization of the Ukraine Nationalists which he led. Bandera's death led to the development of close ties and cooperation of exiles of other nationalities, always striving to regain their liberty under God.

Following the memorial service some 300 orderly, well-dressed Americans of Ukrainian descent paraded through Washington carrying signs dramatizing the enslavement of their people at the hands of the Russians—that 5 million Ukrainians had been murdered in an artificially created famine by the Soviets to force collectivization—calling for self-government for their 40 million people behind the Iron Curtain and calling for the arrest and trial of Alexander Nikolaievich Shelepin, member of the Politburo, and the murderer of Stepan Bandera.

Mr. Speaker, it was while observing the Ukrainian protest against Soviet atrocities that I first learned that our Government will permit no pickets or demonstrations within 500 feet of the Soviet Embassy which is located at 1125 16th Street NW. The Washington police in charge of restricting the Ukrainian demonstrators advised that they could not be permitted to picket or demonstrate within view of the Soviet Embassy for fear it might be exploited as an incident and embarrass the United States.

It is bitterly distasteful to Americans to know that our national leaders, who are so concerned over the Bolsheviks' feelings, permit pickets and protesters in front of the White House, on the steps of the U.S. Capitol, even inside the Pentagon, and at every national patriotic shrine, including Arlington Cemetery.

Free speech apparently stops short of offending Soviet sensibilities.

Evidently cooperating with the theory of not hurting Soviet ego, the Washington news media, so quick to front-page every minor leftwing protest, disposed of this genuine cry for justice in two sentences on an inside page.

Mr. Speaker, I insert the "Wanted for Murder" poster on Alexander Nikolaievich Shelepin and the Soviet listings from the District of Columbia telephone directory following my remarks. It is obvious that the Soviets enjoy special benefits and privileges in Washington, D.C. I think it is only fair the American taxpayers should know the size of the Soviet bureaucracy in our Nation's Capital.

The material referred to follows:

WANTED FOR MURDER—Alexander Nikolaievich Shelepin

Age—51.
Height—6 feet.
Weight—185 pounds.
Hair—Black (balding).
Eyes—Steel Gray.

1940—Joined Communist Party and Russian Secret Police.

1952—Central Committee of Communist Party.

1954—Director of Slave Labor.

1957—Order of Lenin and Order of the Red Star—Russia's highest decorations.

1958—Chief of Russian Secret Police.

1966—Appointed to Politburo—Russia's highest authority.

1969—"Advisor" to Russia's Arab allies on "Jewish problems."

Alexander N. Shelepin is an international professional murderer.

When Shelepin was barely out of his teens, Stalin spotted his talent for sadistic killing and made him an officer in the Russian Secret Police.

He learned murder under Stalin and became an expert at it under Khrushchev.

In 1954, when he was Russia's slave labor chief, he ordered tanks to crush 500 Ukranian women prisoners to death. They sang as the steel treads mauled their bodies. Their "crime" was asking Shelepin to stop the inhuman treatment of slave laborers.

Krushchev was so pleased with this that he made Shelepin chief of the Russian Secret Police (KGB).

In that job, Shelepin specialized in political assassination, particularly directed against the leaders of the 45 million Ukrainians who were trying to break the shackles of Russian slavery. In 1959, he ordered the murder of Stepan Bandera, leader of the Organization of Ukrainian Nationalists. This was very nearly the perfect crime. In fact, Hollywood copied the murder weapon, a poison gas pistol, in the James Bond movie, "Thunderball."

For killing Bandera, the one man Moscow was most afraid of, Shelepin was promoted to the Politburo, the most powerful group in the Soviet government.

But this was too tame an assignment. Shelepin gets restless when he isn't killing.

So a few months ago, Kosygin sent him to "advise" Russia's Arab allies.

Alexander Shelepin masterminded the savage public hangings of innocent Jews in Iraq as "spies for Israel and the United States." And he is the force behind the recent outbreaks of Arab terrorism, including the hijacking of Israel-bound airplanes.

This demonstration is sponsored by Ukrainian-Americans who think that Shelepin and his Russian masters have done enough killing.

We are here, on the tenth anniversary of Stepan Bandera's assassination, to focus attention on this sadistic killer and the Russian Bolshevik colonial system he represents.

Shelepin's murder of Bandera was an official act of the Soviet government. In passing sentence on the KGB agent who pulled the trigger of the gas gun, West Germany's Supreme Court branded the murder as having been "carried out at the explicit orders of the (Soviet Russian) government. Political murder has now . . . become an institution."

We want this and Russia's other crimes against humanity to be a matter of world record.

Shelepin's activities in the Middle East are a clear threat to world peace. And we want our ambassador to the United Nations to say so.

Will you help us?

Write to the U.S. Ambassador to the United Nations and tell him that you want Shelepin's criminal record exposed before the General Assembly, and charges lodged against the Soviet Government at the International Court of Justice at The Hague.

The Ambassador's address is: Hon. Charles W. Yost, United States Mission to the United Nations, 799 United Nations Plaza, New York, New York 10017.

Write today.

Let's stop this killer now.

Ukrainian National Memorial Committee.
315 East 10th Street,
New York, N.Y. 10009.

[From the District of Columbia edition, Washington metropolitan area telephone directory, page 499]

Soviet Embassy—

Ofc. 1125 16th Nw	NAtl. 8-7550.
Ofc. 1125 16th Nw	NAtl. 8-8548.
Secty. to Ambassador, 1125 16th Nw	NAtl. 8-8549.
Military & Naval Attache ofc, 2552 Belmnt. Rd. Nw	DEctr. 2-3741
Miltry, & Naval Attache ofc., 2552 Belmnt. Rd., Nw	DE. 2-3743.
Visa & Consular Ofc., 1609 Decatr. Nw	882-5829.
Res. 1706 18th Nw	AD. 2-3092.
Coml. Div. 1706 18th Nw	AD. 2-2917.
Inf. 1706 18th Nw	AD. 2-3426.
Ofc. 1706 18th Nw	AD. 2-3756.
Soviet Life Magazine 1706 18th Nw	AD. 2-7768.
Ofc. 1706 18th Nw	CO. 5-2607.
Press Dept. 1115 16th Nw	347-1347.

TRANSPORTATION OF HAZARDOUS MATERIALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 10 minutes.

Mr. CULVER. Mr. Speaker, the House Government Operations Subcommittee on Government Activities of which I am a member, recently held hearings on the problems involved in the transportation of hazardous materials. These hearings focused attention on the alarming increase in accidents involving explosives, poisonous gas, and other hazardous material. The hearings provided an opportunity for Members of Congress to learn about the causes behind this increase.

As the citizens of Iowa know, there is no room for delay in taking steps at the State and Federal level to improve and correct our transportation systems where hazardous cargoes are involved. Action is needed now on the Federal level to provide the basic information to the Department of Transportation that is needed to prevent dangerous accidents and catastrophes. Action in the Congress is needed to pass safety legislation governing our railroads. A large part of our railroad system is now uncovered by any safety legislation.

Radio station KYW, of Philadelphia, recently broadcast a series of reports on the transportation of dangerous material. Reporters Kirk Gardner and Dick Standish have done an outstanding job in highlighting for their listening public the many problems involved. They point to the very excellent job that my colleague, Representative R. D. McCarthy, of Buffalo, N.Y., has done in urging corrective legislation. I wish to commend my colleague for his good work in this field. I also wish to commend station KYW for their contribution.

I am including the KYW reports in the Record for the information of my colleagues.

Transportation of Dangerous Materials

(By Kirk Gardner and Dick Standish)

PART I

When the Army announced that it intended to ship the World War I poison gas phosgene across the country, public concern over the possible danger that might result forced railroad officials to take elaborate precautions to protect against an accident. The Canadian Government felt the threat was so strong that it refused to allow the train to take a shortcut across southern Ontario. KYW News has been told that at the same time that attention was focused on that Army shipment, a private industrial shipment of phosgene gas nearly became involved in an accident in Lackawanna, New York, that could have endangered the lives of thousands of people. That report comes from Congressman Richard McCarthy who had this account of the incident:

"On August 15 of this year two carloads of phosgene by mistake ended up in a rail yard in heavily populated Lackawanna, New York, the city immediately south of Buffalo. Because of this mistake they were put on a track and allowed to just sit there. While they were sitting there a hundred and twenty-five feet away, a derailment occurred on an adjacent track. The car was thrown right off its wheels and thrust into another car on the same track that these two cars of phosgene were sitting. Now, if that had occurred a hundred and twenty-five feet the other way and the wind was blowing at 10, 15 or 20 miles an hour, well, you would have had an absolute disaster."

Both the Penn Central and the Erie Lackawanna Railroad deny any knowledge of the incident. The Lackawanna city police say they have no report of the accident. But Congressman McCarthy says he has a copy of the accident report, pictures of the wrecked cars and an eyewitness account. The importance of the incident is that along with the publicity surrounding the Army shipment, it has aroused public concern over the potential danger that may exist on every railroad and highway in the country from the daily shipments of millions of pounds of dangerous industrial material.

This is Kirk Gardner reporting.

PART II

Crete, Nebraska; Laurel, Mississippi; Dunreith, Indiana, three of the towns that have known tragedy this year. All three of them victims of the industrial age, victims of railroad accidents that involved hazardous substances that resulted in injury, widespread destruction, and death. The railroads say the sudden rise in the number of accidents this year that involved such hazarous materials is just a quirk, a coincidence, that so many should occur in so short a period of time. But many officials see the story differently. They see a grave threat posed to public safety by the daily transfer of high concentrations of tons of hazarous materials on our highways, and our railroads. Some describe it as a potential holocaust. Jim Conman of the New Jersey Department of Labor and Industry is one of those who has warned of the dangers:

"There is real danger in this state to the public from the dangerous materials that are transported over our highways and on our railroads."

Governor William Reed, former Governor of Maine, with the National Transportation Safety Board has stirred federal concern in this area:

"The National Transportation Safety Board feels there isn't any doubt that there is a serious hazard existing because of the transportation of these highly toxic and flammable materials. There's no question about it. Its been borne out in a number of accidents that we've investigated so far."

In coming reports we will try to examine further the question of how much of a threat may be posed by the transportation of hazardous materials both by rail and on the highways.

This is Kirk Gardner reporting.

PART III

The people who live on part of East Broad Street in Burlington City are fifty feet from the sidings where the Penn Central stores chemical tank cars which carry vinyl chloride. The railroad maintains it can't afford to build new storage tracks elsewhere in the general area. As I walked along the rails with a couple of residents, a tank car was giving off a white mist. Our eyes burned. The men talked about what it's like living here and each week hearing of chemical disasters elsewhere in the country.

"It doesn't give you a great feeling of safety, to say the least.

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"Every now and then the length of the car is mistaken by an engineer and he really rams into it and you think that's it. You think you're gonna get the same dose the other people got in the other places."

They complained poor maintenance could lead to a derailment. On one siding the rails looked warped:

"You don't need no experts to see the conditions of these tracks around here."

The man speaking stopped, reached down, and with one hand yanked up a big chunk of wooden tie. It was rotten all the way through.

In Burlington City, Dick Standish, KYW Newsradio.

PART IV

Millions of pounds of potentially hazardous chemicals are transported each day here in the United States by rail. With the increasing rate of accidents on the railroads, many officials have become concerned that an accident in a city involving such chemicals might result in a holocaust. There were eight thousand twenty-eight accidents on the rails last year representing an increase of nearly 100% in just eight years. Derailments in particular are up 80% in three years. A spokesman for the men who work the rails each day says that in his opinion a principal cause of these accidents is bad upkeep of equipment and roadbed. Al Chesser, the United Transportation Workers Union in Washington:

"This is caused by a deferred maintenance problem of the track, the roadway, by old equipment that has not been properly inspected and allowed to operate in a bad condition which it should have been repaired before the car was ever placed back on the train, and our people have called this to the attention of management on different railroads, a car that was what we call bad ordered because of some defect and they've been instructed to take the car and operate it anyway."

Chesser and the Transportation Union have called for government action to require tighter maintenance by the railroads.

"I had said down through the years if something is not done for maintenance of these railroad tracks and the roadbeds, if there's not better inspection of the equipment and the equipment repaired when it should be, that we're gonna face disaster after disaster, and its coming to pass. Look what's happened within the last year of all these wrecks. Now I'm sorry to say but it seems to me that it has taken these accidents to wake the public up to this fact."

Chesser feels that the recent tragedies involving the release of lethal chemicals in Dunreith, Indiana; Laurel, Mississippi; and Crete, Nebraska may have finally brought Congress around to seriously consider new rail safety laws.

This is Kirk Gardner reporting.

PART V

Congressional attention has centered recently on the issue of rail safety, in part because of a number of tragedies this year resulting from the release of hazardous chemicals after a train wreck. The rising accident rate, especially the rising rate of derailments in the past year or so, have been blamed by many observers on faulty maintenance. The railroad companies deny that charge, saying that the rise in the accident rate is more apparent than real, and results in part from increased reporting of minor accidents. Lloyd George of the Association of American Railroads:

"I think some of it is merely chance, other parts of it are probably due to weather conditions that have affected right-of-way more than usual. Now just why that should be so I don't know, but I am quite aware of the fact that since the first of the year there has been a rather marked increase in the number of derailments occurring."

The companies do not deny that many of the materials transported through the cities of the country potentially could cause havoc if they escaped but they stress they are safe if properly handled. George points out that many of the basic materials of our complex industrial society involve potentially lethal components.

"I think that there is some danger to the public. I think it's a minimum danger considering the values to be gained by transporting these materials. It's a small risk compared to many others we take in our daily life."

Despite the opposition to government action by the railroads, many observers say that action probably will be taken in Washington soon to increase rail safety regulations.

This is Kirk Gardner reporting.

PART VI

A number of accidents have occurred in recent months involving the release of hazardous chemicals that resulted in damage, injury and death. As a result of these accidents many public officials have called for a review of the laws covering the transportation of hazardous materials. Although the greater part of these chemicals are transported by rail, many officials say that the greatest danger exists on the highways. William Reed of the National Transportation Safety Board in Washington:

"There's no question about it. This has been one of our major concerns is that we've seen it happen that fortunately so far in relatively rural uninhabited areas. However, there's no reason to think that we will always be as lucky, that you're quite apt to . . . could happen in a large metropolitan urban area, and the destruction could be very widespread and there could be many fatalities as a result of it. There's no question that these materials are hazardous and they've amply demonstrated that they cause widespread havoc and we have to be concerned."

The problem, according to officials, is their relative inability to determine which trucks may have hazardous cargos on board, and to control the movement of those trucks. Danger on the highway is the intimacy between those trucks and the general public as well as the relatively high probability of an accident.

This is Kirk Gardner reporting.

PART VII

Millions of pounds of potentially lethal chemicals are shipped daily here in the United States and for most people the possible threat, should something go wrong, is most intimate on the nation's highways. Although there are a great number of laws and regulations covering the transportation of hazardous materials by truck, both at the state and federal level, many officials say there is a good chance that the truckers who ignore these rules will get away with it. The problem, especially at the state level, is the inadequate number of inspectors available to properly enforce the law. In New Jersey, one of those who have continually fought for more manpower for road inspections is Jim Conman of the Department of Labor and Industry:

"There are certain laws which we make no attempt at enforcement, for example, the transportation of dangerous articles Act is not enforced by this bureau. There are other agencies in the state which may or may not enforce it, but we do not perform the function that the law gives us because we do not have the personnel to do that work."

Last year Conman's office asked for 60 men to beef up its inspection staff and were given two clerks.

This is Kirk Gardner reporting.

PART VIII

A number of major accidents involving the release of hazardous chemicals in recent months have attracted the attention of Congress to the problems of the transportation of such chemicals. Among those who have taken particular concern in this area is New York Congressman Richard McCarthy, who has called for new laws to regulate the safety of such shipments of lethal chemicals but McCarthy points out care must be taken not to unduly interfere with commerce:

"This is one of the biggest issues of modern society. This is the whole environmental question. I mean how can an urbanized, industrialized, overpopulated society live in harmony with nature when we are threatening our entire environment with air pollution, water pollution, the erosion of our soil and our land. Now you add this other hazard of the transportation of lethal materials through these heavily populated areas. We can't turn the clock back. After all, many of these chemicals are essential to our society as it exists. The obvious thing, you know, we have to do is to recognize the danger and apply a strict safety standard that must be adhered to."

A number of bills stiffening the rules on the transportation of hazardous materials have been introduced in Washington, and their supporters say they have a good chance for passage.

This is Kirk Gardner reporting.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Farbstein, for October 13, 1969, and the balance of the week on account of official business.

Mr. Devine (at the request of Mr. Arends), for October 14 through October 24, on account of official business as U.S. delegate to the NATO Parliamentary Conference.

Mr. Adams, for October 14 through October 17, on account of official business.

Mr. Arends, for October 14 through October 22, on account of official business as U.S. delegate to the NATO Parliamentary Conference.

Mr. Cohelan (at the request of Mr. Albert), for the week of October 13, 1969, on account of official business at The Hague International Peace Corps Conference.

Mr. Martin (at the request of Mr. Gerald R. Ford), for October 14 through October 24, on account of official business as U.S. observer to the NATO Parliamentary Conference.

Mr. Hosmer (at the request of Mr. Gerald R. Ford), for week of October 13, on account of death in family.

Mr. Findley (at the request of Mr. Arends), for October 14 through October 24, on account of official business as U.S. delegate to the NATO Parliamentary Conference.

Mr. Quie (at the request of Mr. Arends), for October 14 through October 24, on account of official business as U.S. delegate to the NATO Parliamentary Conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Fraser, for 60 minutes, tomorrow.

Mr. Ryan, for 15 minutes, today.

Mr. Conyers (at the request of Mr. Ryan), for 15 minutes, today.

Mr. Mikva (at the request of Mr. Ryan), for 15 minutes, today.

Mr. Eckhardt (at the request of Mr. Ryan), for 15 minutes today; to revise and extend his remarks and include extraneous matter.

Mr. Podell, for 60 minutes, tomorrow.

Mr. Hechler of West Virginia, for 15 minutes, tomorrow.

Mr. Yates for 60 minutes, on Tuesday, October 14.

(The following Members (at the request of Mr. Mann); to revise and extend their remarks and include extraneous matter:)

Mr. Rodino, for 15 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Culver, for 10 minutes, today.

(The following Members (at the request of Mr. Hogan); to revise and extend their remarks and include extraneous matter:)

Mr. Gubser, for 15 minutes, today.

Mr. Halpern, for 1 hour, on October 14.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Brown of Ohio, Mr. MacGregor, Mr. Steiger of Wisconsin to extend their remarks following the President's message today.

Mr. Anderson of Illinois, Mr. Gerald R. Ford, and Mr. McClory (at the request of Mr. Arends) to follow the President's message today.

(The following Members (at the request of Mr. Hogan) and to include extraneous matter:)

Mr. Steiger of Wisconsin in two instances.

Mr. Burton of Utah in 10 instances.

Mr. Fish.

Mr. Bush.

Mr. Dellenback.

Mr. Wold.

Mr. Pirnie in two instances.

Mr. Keith.

Mr. Derwinski in two instances.

Mr. Gude.

Mr. Schwengel.

Mr. Adair.

Mr. Denney.

Mrs. Heckler of Massachusetts in two instances.

Mr. Landgrebe in three instances.

Mr. Scott.

Mr. Horton in three instances.

(The following Members (at the request of Mr. Mann) and to include extraneous matter:)

Mr. Rodino.

Mr. Corman.

Mr. Powell.

Mr. Van Deerlin.

Mr. Blatnik.

Mr. Murphy of New York.

Mr. Hays in two instances.

Mr. Philbin in three instances.

Mr. Hébert.

Mr. Vanik in two instances.

Mr. Minish.

Mrs. Griffiths.

Mr. Eilberg.

ADJOURNMENT

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 14, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1245. A letter from the Secretary of the Army and Under Secretary of Agriculture, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and national forest lands at Libby Dam and Reservoir, Mont., pursuant to the provisions of 16 U.S.C. 505 a and b; to the Committee on Agriculture.

1246. A letter from the Secretary of Defense, transmitting a report of disbursements for "Contingencies, Defense," during fiscal year 1969, pursuant to the provisions of Public Law 90–580; to the Committee on Appropriations.

1247. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of an increase in excess of 16 percent in the projected cost of a construction project proposed to be undertaken for the Army Reserve in New Orleans, La.; to the Committee on Armed Services.

1248. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for fiscal year 1969, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1249. A letter from the chairman, National Advisory Council on Education Professions Development, transmitting a portion of the 1969–70 annual report of the council; to the Committee on Education and Labor.

1250. A letter from the Comptroller General of the United States, transmitting a report on U.S. policies and procedures for obtaining NATO cost sharing of military construction projects in Europe, Department of Defense; to the Committee on Government Operations.

1251. A letter from the Comptroller General of the United States, transmitting a report of the review of internal audit activities in the Department of the Treasury; to the Committee on Government Operations.

1252. A letter from the Secretary of Defense, transmitting a report on the Federal voting assistance program, for the period from September 1967, through September 1969, pursuant to the provisions of Public Law 296, 84th Congress; to the Committee on House Administration.

1253. A letter from the chairman, Advisory Council on Historic Preservation, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

1254. A letter from the Deputy Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to liberalize the provisions of law governing the payment of increased disability compensation as the result of examination or hospitalization in a nongovernmental hospital; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee of Conference. Conference report on H.R. 13194 (Rept. No. 91–560). Ordered to be printed.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 13767. A bill to authorize the appropriation of funds for Fort Donelson National Battlefield in the State of Tennessee, and for other purposes; with an amendment (Rept. No. 91–561). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 9163. A bill to authorize the disposal of certain real property in the Chickamauga and Chattanooga National Military Park, Ga., under the Federal Property and Administrative Services Act of 1949 (Rept. No. 91–562). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 13950. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes (Rept. No. 91–563). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT (for himself, Mr. McMillan, Mr. Jones of North Carolina, and Mr. Stubblefield):

H.R. 14306. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. BROYHILL of Virginia:

H.R. 14307. A bill to amend the National Capital Planning Act of 1952 to provide that the Members of Congress who represent the counties of Maryland and Virginia adjacent to the District of Columbia shall be ex officio members of the National Capital Planning Commission; to the Committee on the District of Columbia.

By Mr. BUSH (for himself, Mr. Carter, Mr. Frey, Mr. Gubser, Mr. Horton, Mr. Lukens, Mr. McCloskey, Mr. Pettis, Mr. Reid of New York, and Mr. Wold):

H.R. 14308. A bill to redesignate the Department of the Interior as the Department of Resources, Environment, and Population, and to transfer to such Department certain programs and functions currently being carried out by other Federal departments and agencies; to the Committee on Government Operations.

By Mr. CHAMBERLAIN:

H.R. 14309. A bill to amend the Internal Revenue Code of 1954 to provide that certain tuition payments be treated as charitable contributions; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Burlison of Missouri, Mr. Conable, Mr. Denney, Mr. Dent, Mr. Edwards of Alabama, Mr. Galifianakis, Mr. Jacobs, Mr. Latta, Mr. Mathias, Mr. McCloskey, Mr. Shipley, and Mr. White):

H.R. 14310. A bill to amend title 10 of the United States Code to provide that Medal of Honor winners be presented with United States and service unit flags; to the Committee on Armed Services.

By Mr. DELLENBACK:

H.R. 14311. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

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By Mr. FISHER:

H.R. 14312. A bill to amend section 1401a(b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in Consumer Price Index; to the Committee on Armed Services.

By Mr. FRASER:

H.R. 14313. A bill to amend the District of Columbia Teachers' Salary Act of 1955, as amended; to the Committee on District of Columbia.

By Mr. FRIEDEL:

H.R. 14314. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 14315. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

By Mr. MacGREGOR:

H.R. 14316. A bill to amend title II of the Social Security Act to provide that service performed by an individual during World War II under a war service indefinite appointment in the Post Office Department shall constitute covered employment for purposes of determining such individual's entitlement to disability insurance benefits and the disability freeze; to the Committee on Ways and Means.

By Mr. MARSH:

H.R. 14317. A bill to provide for a study of weather modification activities, for the coordination and reporting of such activities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA (for himself, Mr. Burton of California, Mr. Brown of California, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Gilbert, Mr. Green of Pennsylvania, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Kastenmeier, and Mr. Koch):

H.R. 14318. A bill to create an Office of Defense Review; to the Committee on Armed Services.

By Mr. MIKVA (for himself, Mr. Leggett, Mr. Lowenstein, Mrs. Mink, Mr. Moorhead, Mr. Ottinger, Mr. Podell, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Stokes, Mr. Tiernan, and Mr. Wolff):

H.R. 14319. A bill to create an Office of Defense Review; to the Committee on Armed Services.

By Mr. QUIE:

H.R. 14320. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

By Mr. REID of New York:

H.R. 14321. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agirculture.

By Mr. RIVERS:

H.R. 14322. A bill to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska; to the Committee on Armed Services.

By Mr. RYAN (for himself, Mr. Brown of California, Mr. Burton of California, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Gilbert, Mr. Green of Pennsylvania, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, and Mr. Kastenmeier):

H.R. 14323. A bill to establish a Temporary National Security Commission; to the Committee on Armed Services.

By Mr. RYAN (for himself, Mr. Koch, Mr. Leggett, Mr. Lowenstein, Mr. Mikva, Mrs. Mink, Mr. Moorhead, Mr. Ottinger, Mr. Podell, Mr. Rosenthal, Mr. Scheuer, Mr. Stokes, Mr. Tiernan, and Mr. Wolff):

H.R. 14324. A bill to establish a Temporary National Security Commission; to the Committee on Armed Services.

By Mr. CARTER (for himself and Mr. Pepper, Mr. Frey, Mr. Kuykendall, Mr. Haley, Mr. Buchanan, Mr. Montgomery, Mr. Mayne, Mr. Denney, Mr. Whitehurst, Mrs. Mink, Mr. Chappell, Mr. Griffin, Mr. Gallagher, Mr. Moss, Mr. Gibbons, Mr. Scott, Mr. Button, Mr. McDade, Mr. Rooney of Pennsylvania, Mr. Fuqua, Mr. Cowger, Mr. Matsunaga, Mr. Pollock, and Mr. Brown of Ohio):

H.J. Res. 945. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. CARTER (for himself, Mrs. Heckler of Massachusetts, Mr. Don H. Clausen, Mr. Friedel, Mr. Erlenborn, Mr. McEwen, Mr. Mize, Mr. Watson, Mr. Smith of New York, Conable, Mr. Davis of Wisconsin, and Mr. Conyers):

H.J. Res. 946. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. COHELAN (for himself, Mr. Fallon, Mr. Galifianakis, Mr. Cunningham, Mr. Jacobs, Mr. Stubblefield, Mr. Lloyd, Mr. Tiernan, Mr. Dent, Mr. Diggs, Mr. Broyhill of Virginia, Mr. Barrett, Mr. Pucinski, Mr. Stanton, Mr. Schwengel, and Mr. Carter):

H.J. Res. 947. Joint Resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. ECKHARDT:

H.J. Res. 948. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. ECKHARDT (for himself, Mr. Brown of California, Mr. Burton of California, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Edwards of California, Mr. Fraser, Mr. Gilbert, Mr. Green of Pennsylvania, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Kastenmeier, and Mr. Koch):

H.J. Res. 949. Joint resolution to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation; to the Committee on Rules.

By Mr. ECKHARDT (for himself, Mr. Rosenthal, Mr. Leggett, Mr. Lowenstein, Mr. Mikva, Mrs. Mink, Mr. Moorhead, Mr. Ottinger, Mr. Podell, Mr. Ryan, Mr. Scheuer, Mr. Stokes, Mr. Tiernan, and Mr. Wolff):

H.J. Res. 950. Joint resolution to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation; to the Committee on Rules.

By Mr. BINGHAM:

H. Con. Res. 404. Concurrent resolution on withdrawal from Vietnam; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York (for himself, Mr. Halpern, Mr. Powell, Mr. King, Mr. Biaggi, and Mr. Farbstein):

H. Con. Res. 405. Concurrent resolution expressing the sense of the Congress that the Federal Power Commission should render a decision in the matter of the application in project No. 23–38, Consolidated Edison Co. of New York, Inc., to erect an electric generating station in Cornwall, N.Y., no later than 90 days after passage of this concurrent resolution; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Halpern, Mr. Powell, Mr. King, and Mr. Biaggi):

H. Res. 578. Resolution providing for a study and investigation by the Committee on Interstate and Foreign Commerce of the procedures of the Federal Power Commission; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 14325. A bill for the relief of Wing Chong Lee; to the Committee on the Judiciary.

By Mr. MacGREGOR:

H.R. 14326. A bill for the relief of Mrs. Dorothy M. Kapsen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

287. By the SPEAKER: Petition of the Association of Chairman of City, Town, and Village Assemblies in Okinawa, relative to removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

288. Also, petition of Henry Stoner, York, Pa., relative to creation of a national institution of higher learning; to the Committee on Education and Labor.

289. Also, petition of the city council, Boston, Mass., relative to ending the war in Vietnam; to the Committee on Foreign Affairs.

290. Also, petition of the City Council, Worcester, Mass., relative to the creation of a "Postal Corporation"; to the Committee on Post Office and Civil Service.

291. Also, petition of Walter C. Grunthal, Lone Pine, Calif., et al. relative to pensions for World War I veterans; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

THE VIETNAM MORATORIUM DEMONSTRATIONS

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, October 13, 1969

Mr. JORDAN of Idaho. Mr. President, the Vietnam moratorium demonstrations set for October 15 could be of great value to the Nation if their focus was on provoking a thoughtful discussion of the problems involved in ending this war. I would hope that this moratorium be used not merely to denounce our involvement in Vietnam, but to consider seriously some of the implications of ending that involvement. An excellent article on this point was recently published in the Christian Science Monitor. As its author, William H. Stringer, points out:

> The United States is accused of blundering into the war in Vietnam. It should not blunder out.

Some of the important questions which the article raises are these: What will be the fate of middle- and low-echelon Vietnamese officials after an American withdrawal? Should provisions be made to guarantee their safety or to grant them freedom to leave South Vietnam if they wish? And what will be the impact of an American withdrawal on the rest of Southeast Asia? Will it leave Peking and Moscow free to dominate the governments of that region?

Another point that merits discussion is what effect demonstrations such as these have on the Paris peace talks. While I would not question the propriety of these expressions of opinion, I do believe that responsible critics must do some thinking about how their actions will influence the speed with which a negotiated settlement is reached.

In short, I hope that October 15 will prove to be a day of constructive discussion—a true teach-in—rather than a purely emotional demand for an immediate end to the war. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Teach-in?

(By William H. Stringer)

It would be useful if the Vietnam moratorium demonstrations set for Oct. 15 were to be "teach-ins"—candid discussions—of just what can and should be done to get the miserable war over as quickly as possible. There should be something more than mere "downing tools" that day, more than just calling the war "obscene," more than advocating, as does Dr. Spock, "immediate withdrawal" without any major conditions.

The United States is accused of blundering into the war in Vietnam. It should not blunder out.

Everyone should know precisely what is being advocated. For instance, what is to be done about those thousands of middle and low echelon Vietnamese officials who might well be murdered if the United States should quit Vietnam tomorrow? Not the Kya and Thieus, who presumably could quit the country—some top figures have bank accounts stashed away in Switzerland. But many city and village officials like those honorable citizens of Hue who were murdered for being there and being neutral, when the Communists briefly held that ancient citadel. Can guarantees be obtained from Hanoi? Would anyone wishing to leave South Vietnam be free to go? Where to?

Or what about the impact of a swift American retreat on the rest of South and Southeast Asia? Does the United States pull out of Thailand, and Laos? It is considered to be factually correct that the Indonesian leaders found courage to frustrate the bid of Peking-style communism to take over their country, thanks to the presence of the Americans in Vietnam and the British in Malaysia. It is rather useful that all of Southeast Asia is not now in the grip of a communism oriented in Peking. Would total American withdrawal aid Peking, or Moscow, or whom?

A great and responsible nation does not bug out of an area which it has penetrated, with whatever mistaken motives, without considering more than the feelings of outrage felt by some citizens.

The major culprit here, it would seem, is the government in Saigon. It hasn't by any means broadened its base, brought in neutral and civilian viewpoints, cleaned out corruption, widened its public support. President Nixon thought that his slow pace of American troop withdrawals would pressure Saigon to see the light. There are those who fault Mr. Nixon for not pacing American troop withdrawals to the pace of Hanoi's reduction of its infiltration into South Vietnam. Certainly if the President were visibly tougher on Saigon, he would win further breathing space for his peacemaking.

But what Mr. Nixon's strategy is up against is the fact that some young Americans understandably want the United States to get out of the war, totally and right now, without considering the consequences on Hanoi of the protest movement they have set in motion. Those who dealt with Communist negotiators in Korea, or in the interminable meetings which finally moved the Russians out of Austria, know that such negotiations depend on many complex factors. These include, right now at Paris, the state of American opinion.

We are told that Henry Kissinger, at the White House, argued to several young Republican congressmen—who would move to repeal the Tonkin Gulf resolution—that every political protest which advised Hanoi of rising American antiwar sentiment, would be one more blow to the President's hope of compelling North Vietnam to *negotiate* an end to the conflict.

It surely must be obvious that if the United States should set a date—such as the end of 1970—to be out of Vietnam, bag and baggage, all Hanoi has to do is sit tight and await the day. This would be about as sensible as for General Eisenhower to have advised Hitler, on D-Day, that if the Americans weren't in Paris in two months, they would quit World War II and go home.

When the students go ringing doorbells on October 15, they should bring with them estimates, as accurate as possible, of the total consequences of what they propose.

NEW LEMINGTON DEVELOPMENT: 18-MONTH FIGHT BRINGS HOUSING

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. MOORHEAD. Mr. Speaker, I would like to call to the attention of this House the fine efforts of a group of Pittsburgh citizens, who in their own way sought a solution to our national housing shortage. Acting independently, this group built their hopes of more housing for more Americans, into reality, an 87-unit moderate-income apartment building.

Their pioneer efforts were undertaken at great personal sacrifice as well as financial risk.

Their efforts and results are described in the following article which appeared in the October 6 issue of the Pittsburgh Post-Gazette:

New Lemington Development: 18-Month Fight Brings Housing

(By Bohdan Hodiak)

A group of civic-minded Pittsburgh residents closed a $1.7 million deal with federal officials last week for an 87-apartment housing development in Lemington Heights, in the Lincoln Avenue-Lemington District of the 12th Ward.

The non-profit, moderate-income development took 18 months to arrange.

It was suggested and nursed by David Horwitz, a McKees Rocks optometrist who lives in Squirrel Hill and describes himself as "an absolute and complete amateur" in housing.

NEARLY CANCELED

To pass safely through the bureaucratic meat grinder took several thousand hours of work, the risk of thousands of dollars, and the help of a congressman and two U.S. senators, he said.

Even then the project was nearly cancelled several times.

The local Federal Housing Authority (FHA) originally turned it down, the land purchase option ran out, there was not enough money, the contractor had second thoughts about taking on the project, and all the experts said, "We told you it couldn't be done."

It started in March 1968 at a meeting of the United Jewish Congress (UJC) in Squirrel Hill. "Everybody says the city needs housing," said Dr. Horwitz of 6316 Bartlett St.

"Why can't we form a corporation, get an FHA guarantee, and build some homes?"

AGREED TO HELP

Three men at the meeting agreed to help: Daniel Berger, an attorney, Jacob J. Gzesh, an architect, and William Behrend, a realtor, who said he knew of 6.5 acres of land that might be suitable. The UJC voted its approval.

The Metropolitan Pittsburgh Non-Profit Housing Corporation was organized with Horwitz as president; I. Martin Wekselman, an attorney, as vice president; Alma Fox of NAACP as executive secretary; and the Rev. David Malone, former pastor of the Lemington Presbyterian Church, as members.

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They went to the local FHA and were turned down. They were told the immediate area of Lemington Avenue and Missouri Street did not need moderate income housing.

"But Pittsburgh does," Horwitz said and went to Rep. William Moorhead, Shadyside Democrat, for help. He also went to the state's two federal senators. The decision was reversed.

PUT UP OWN MONEY

Horwitz then put up $7,800 of his own capital to get an option on the land which was offered for $75,000.

The Urban Affairs Foundation of the UJC put up $9,323 and then the housing group managed to get $35,280 in Appalachian Funds. (The federal government considers Pittsburgh a part of Appalachia.)

This was the seed money. Gzesh designed the project; Berger went to work on the legal maze. About this time they found out they would have to buy additional land to satisfy FHA requirements.

The parcels cost $19,850 more but the FHA would not cover them.

The choice was between dropping the project or hope that later contributions would cover the difference. They decided to take a chance on contributions.

PUT OUT FOR BIDS

The development was designed and put out for bids. Every bid that came in was over the FHA limit. Then the group found American Modulars Corp., a wholly owned subsidiary of U.S. Steel.

Modulars built pre-fabricated housing that reduced construction costs around 15 percent. Ryan Homes Inc. agreed to build the development using the pre-fab housing.

Then the group discovered that because the housing development had winding streets instead of straight streets it would have to seek approval of the project from the City Planning Commission and the City Council, Horwitz said.

They went to the Housing Authority of Pittsburgh and begged it to take the project off their hands.

Two authority members said they had questions about the project's density and wanted time to study it.

SEVERAL PROTESTED

Because the option was close to running out the group went back to the Planning Commission. At the public hearing several protesters showed up. Several claimed they were not notified in time. The hearing was postponed.

The following month the same protesters showed up. Their objections were similar to those the commission hears every time a new housing project is proposed.

"We're not against this project or against housing," they said, "but we don't want it in our neighborhood."

The Planning Commission approved the project. The option ran out. The City Council approved the project.

The attorney for the land owner called in Horwitz and told him the rezoned land was now more valuable and asked $100,000. There was a flurry of meetings.

Horwitz told the attorney that they couldn't raise the extra money and that the project was dead. The price went down to $85,000.

The project's architect, realtor, the attorney all agreed to take a cut to make up the $10,000 difference. Then the contractor had second thoughts because the summer months had passed.

The project would be more costly to start in the fall and winter. Last Monday at 9 p.m. Horwitz received a call from the contractor saying he would accept the project.

The following day, after a nine-hour closing session the development was approved by the FHA. There was a foot-high stack of paperwork.

Land clearing should begin in two weeks with completion in Jan. 1971. Most of the apartments will have three bedrooms and 20 per cent will be rent subsidized for low income families.

A MESSAGE TO CONSERVATIONISTS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, October 13, 1969

Mr. SCOTT. Mr. President, as a member of the Subcommittee on Natural Resources and the Environment of the Committee on Commerce, and as a sponsor of several measures aimed at preserving and reclaiming our natural environment, I took interest in James J. Kilpatrick's "Call for Action" for conservationists.

I ask unanimous consent that Mr. Kilpatrick's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CALL FOR ACTION

(By James J. Kilpatrick)

WASHINGTON.—Several hundred leading conservatives gathered at the Sheraton-Park last weekend to take the waters and toast the Republic. The occasion was an awards dinner sponsored by American Conservative Union, Human Events, National Review, and Young Americans for Freedom, honoring Senator John Williams of Delaware and Congressman H. R. Gross of Iowa.

The sponsors of the clambake invited me to make a few remarks. I am not at all certain that this is what I said, but it is what I had in mind to say:

On the record, gentlemen, our cause goes well. In both the House and Senate, the number of conservatives gradually increases. The same modestly encouraging picture may be seen in statehouses across the land. Our peerless leader in the White House may not be a true-blue conservative—not as true-blue as Messrs. Williams and Gross—but he is far more congenial to our views than, say, Hubert Humphrey. He is as conservative a President as we had any hope of electing, and we are lucky to have him.

Yet the conservative cause, if it would continue to prosper, must in some fashion overcome its image as the negative party. Dammit, gentlemen, when will conservatives apply their talents to affirmative answers to American problems?

One of the most serious problems in American society goes to the quality of life in the world around us. Our rivers and lakes are dying of pollution. Our greatest cities stifle in smog. Our littered streets insult the eye. Concern mounts at the residual damage done to man's environment by such pesticides as DDT. Year by year, our loveliest countrysides are yielded up.

The problem essentially is a problem of conservation—of conserving some of the great values of America; and conservatives, of all people, ought to be in the vanguard of the fight. Yet if one were asked to name quickly the political figure most identified with pollution, it would be Muskie of Maine. If beautification of the highways is identified with a single person, it is identified with Ladybird Johnson. Think of pesticides, and one thinks of Nelson of Wisconsin. Where lies the leadership in preserving wild rivers, redwood forests, wilderness areas? Gentlemen it is not to be found on our side of the aisle.

Ours is the party most identified with commerce, business and industry. We defend their interests well. But isn't something more demanded in the name of an affirmative conservatism? Why do we let Ralph Nader monopolize the duties of right conscience? Do we not have an obligation to wage our own war upon fraud, shoddy merchandise, and exploitation of the poor?

One of the great principles of our philosophy goes to the right of privacy—to man's right to be left alone from the harassments of the state. Yes, we have done better here. Ervin of North Carolina, for one, has been in the forefront of an admirable effort to protect the privacy of federal workers. Yet conservatives, by and large, are not identified with this effort. Liberals have beaten us to it.

What are we doing—really doing—about our cities? Where are our leaders in relieving racial tensions? What effective answers have we offered for the housing of low-income families? Do conservatives have a program for elderly Americans, caught in the vise of inflation? We are bold and fearless, to be sure, in the cause of law and order. But where are our voices for penal reform?

It is a feeble response, my brothers, to insist that of course conservatives are "for" something: We are for the greatest personal freedom consistent with ordered liberty. We are for the proposition of limited government under a federal system. We are for balanced budgets, sound dollars, strong defense, and honest work. We are for the church, the home, the flag. We are keen on clean movies. Our strength is as the strength of ten, because our hearts are pure. Great! But if I had only one political wish, conservatively speaking, I would wish to see us translate broad conservative principles more frequently into specific, affirmative action.

ENDING THE VIETNAM WAR

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. LANDGREBE. Mr. Speaker, I would like to draw the attention of my colleagues to a letter I received recently from the Honorable Roy H. Hibner, a member of the house of representatives in Indiana. His comments on the statements of some Members of Congress on ending the Vietnam war bear our attention and concern. I urge my colleagues to give it their careful consideration:

STATE OF INDIANA,
HOUSE OF REPRESENTATIVES,
Michigan City, Ind., October 1, 1969.

Representative EARL LANDGREBE,
House of Representatives,
Washington, D.C.

DEAR EARL: I was very much upset to read some of the statements made by some of your colleagues in the House and Senate relative to ending the Vietnam War on a certain date and cutting it off as if it could be turned off like a water faucet! I wrote to some of these senators and representatives, and I really expressed my opinion in a very strong language to them.

If we are not fighting for a principle in Vietnam, then where were these people a few years ago? They should have impeached President Johnson if we were fighting without any purpose.

These irresponsible statements are unpatriotic and give aid and comfort to our enemy, prolong the war, and increase the casualties.

I believe if the entire Congress would back the President to the hilt, it would give him a very strong hand at the negotiating table, and this war would end in a very short time. This is the feeling of many people with whom I have talked.

You have my permission to present or read this letter to any other congressman you so desire.

Sincerely,

ROY H. HIBNER,
State Representative.

OCTOBER 15—AIDING THE ENEMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. RARICK. Mr. Speaker, recently I called to the attention of our colleagues and inserted in the RECORD—page 29367—the full text of the Radio Hanoi broadcast praising the disloyal or misled Americans who are planning the so-called moratorium next Wednesday.

Today's column by David Lawrence discusses fully the benefits which the enemy will gain by these activities. He reports quite correctly that prolonging the war will cost American lives, and that irresponsible statements being made both inside and outside of the Congress are unquestionably encouraging the enemy to prolong the war.

I insert his column in my remarks at this point:

CRITICS ASKING UNITED STATES TO SURRENDER

(By David Lawrence)

For the first time in American history, some members of Congress as well as a number of protesting groups are demanding that the United States run up the white flag and yield to the enemy in Vietnam after many American lives have been sacrificed for a great principle—to repel aggression and aid weaker nations to determine their own destiny.

No public opinion poll has directly asked the question whether the American people favor surrender. The customary queries have been whether the war is being handled properly or if it should be brought to an end, without reference to how this could be achieved. The issue has not been clearly put to the people. If it were, undoubtedly Americans would reject any humiliating policy amounting to "peace at any price."

Resolutions are being offered in Congress and are being supported by various organizations which plan "demonstrations" in many cities on October 15 to insist that the United States make peace at once. Not a single one of these proposals requires as a condition any reciprocal action to be taken by the North Vietnamese. In Paris this week, both North Vietnam and the Viet Cong have deliberately ignored peace efforts made by the United States, and are offering no concessions whatsoever.

The forthcoming "Protest Day" in the United States—next Wednesday—is being hailed by the Communists as a sign that the American people are willing to surrender. Seventeen senators and 47 House members are supporting the projected "demonstrations."

The chief American delegate at Paris, Henry Cabot Lodge, has been pleading in vain for talks that would accomplish constructive purposes, but the opposing delegations at the Paris conference have been turning a deaf ear. The negotiators of the North Vietnamese government instead are placing great hopes on the signs of American opposition to the war. One of the Hanoi representatives says that support is snowballing in the United States in behalf of the Communists.

Almost every week some members of the Senate and the House call for a more and more rapid pullout of American forces by President Nixon, but not one of them imposes any condition on the enemy to take the action necessary to assure peace in South Vietnam. Timetables are being specified by senators for the withdrawal of the American troops, yet no stipulation is made that the enemy must also remove its military forces from South Vietnam.

Meanwhile, there is much talk about a "coalition government" being set up which could replace the present government in South Vietnam and make it easy for North Vietnam to move in and assume command. Secretary of Defense Melvin Laird recently stated President Nixon's policy as follows:

"We hold firmly to a single objective for Vietnam: permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese."

The advocates of peace at any cost would in effect, allow the South Vietnamese government to be destroyed. Yet it has mobilized a large army, and what some members of Congress seem to be asking is that this force surrender to the enemy.

A Gallup Poll recently showed 52 percent approval when the question concerned "the way President Nixon is handling the situation in Vietnam." One wonders how much bigger the percentage would be if an answer were obtained on the following questions:

"Do you want the United States to surrender in Vietnam, and thereby ignore the sacrifices that have been made by tens of thousands of troops of the United States and our allies who have been killed or wounded in an effort to protect the right of peoples to select their own form of government?"

All the so-called "antiwar" statements being made inside and outside of Congress are unquestionably encouraging the North Vietnamese and the Viet Cong to prolong the war. If this fact, which has been stated by high authorities, were to be reiterated and made plain to the American people, they would surely not support any resolution in Congress that could mean surrender. For to do so would tell the Soviets and the Red Chinese that America would no longer help countries to resist aggression whether in Asia, Europe or Latin America.

The Washington Post has published a handy schedule of events planned by those who are aiding the enemy. I insert this article at this point in my remarks:

MORATORIUM PLANS INCLUDE TEACH-INS AND SLEEP-INS

(By Gordon Pettey)

Thousands of students, professional men and women, religious leaders and government officials are expected to participate in one or more of the many Washington area antiwar activities planned for the Oct. 15 moratorium on "business as usual."

In cooperation with the Vietnam Moratorium Committee's national plans, local opponents of the Vietnam war are planning memorial services, teach-ins, marches, rallies and even a sleep-in, in an effort to promote community discussion of war-related issues and convince President Nixon to withdraw all U.S. troops from Vietnam.

The moratorium movement has begun to build a broad-based support in the Washington area, with professionals, businessmen and high school students planning their own activities independent of college campus projects.

Planners of the moratorium hope to culminate the day's activities with a massive candlelight march around the White House beginning about 5 p.m.

Michael Driver, the 23-year-old Washington coordinator for the moratorium, said a folk group is expected to entertain the marchers at the Sylvan Theater, near the Washington Monument, before Coretta King, widow of civil rights leader Martin Luther King Jr., leads the marchers in the candlelight procession.

DRAFT HEADQUARTERS

A demonstration is also planned at Selective Service national headquarters at 1724 F St. NW at about 2 p.m. following the local activities on high school and college campuses and in area communities.

Perhaps the most ambitious local activities are planned at the area's colleges and universities.

American University students plan to begin their activities at 7 p.m. on Oct. 14 with a list of speakers that includes Seymore Hirsch, a vociferous opponent of chemical warfare, Sanford Gottlieb, of The Society for a Sane Nuclear Policy (SANE), and speakers from the National Council to Repeal the Draft.

The following day, a program will begin at 10 a.m. with scheduled speakers including Andy Young, local secretary of SCLC, according to Doug Goodfriend, one of the student organizers at American University. The students will then join the demonstration at the Selective Service national headquarters.

At Georgetown University, an even more ambitious program is planned, beginning next weekend with a leaflet-distributing campaign in Georgetown to elicit business support for the moratorium.

SUBSISTENCE DINNER

According to Timothy Russell, campus coordinator for the moratorium, Georgetown University students are planning a "meal of reconciliation" at 6 p.m. on Oct. 14 at which soup and bread will be served. They will then lead a candlelight procession through Georgetown, followed by a sleep-in on the front lawn of the University.

On the morning of Oct. 15, students will participate in a teach-in, with about 50 different classes on war-related issues scheduled to be taught by faculty members, Russell said.

At 2 p.m. * * * is scheduled to speak at a rally, followed by Frank Mankiewicz, columnist and former aide to Sen. Robert F. Kennedy. The university's president, Rev. Robert J. Henle, will offer a mass for peace at 4 p.m. and then lead a march to the Sylvan Theater to join the mass rally.

George Washington University students are concentrating on the planning of the Selective Service demonstration, according to Michael Mazloff, a senior who is organizing the moratorium at GW.

MASS FOR PEACE

Mazloff said GW students hope to hold a rally in the early afternoon with Dr. Benjamin C. Spock as the main speaker. Persons from other communities and campuses will then join the GW students in the march to the Selective Service building, he said.

Catholic University students are planning a "Day of Dialogue and Discussion" Oct. 15, beginning with a 10 a.m. mass for peace on the steps of the university's library. The mass will be celebrated by 13 priests, according to student organizer Linda Rodriques, president of the junior class.

She said * * * is scheduled to speak after the mass, followed by seven workshops and discussion groups led by faculty members. After the workshops, there will be two showings of the British Broadcasting Corp. film, "The War Game", Miss Rodriques said.

University of Maryland students have already begun door-to-door canvassing to en-

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courage community participation in the moratorium, according to Ilsa Pinkson, a 21-year-old junior. She said students and faculty are planning workshops Oct. 13 and 14 with speakers like Gottlieb and Arthur Waskow, of the Institute for Policy studies.

On Oct. 15, the day of the moratorium, the students will be able to participate in an all-day teach-in, while a guerrilla theater group gives performances around the campus focusing on "the school and the war machine," Miss Pinkson said.

Students at both campuses of Montgomery College, at Dumbarton College, Johns Hopkins School for Advanced International Studies, Columbia Union College and Trinity College, are also planning similar activities.

PROTEST AT JUSTICE

The moratorium has also spawned a movement among Georgetown University law students "to change the legal and penal standards of this nation," according to Barry Wilner, a 22-year-old law student and organizer of the movement.

The law students plan a demonstration at the Justice Department Oct. 15, with speeches from I. F. Stone, author and newsletter publisher, and Marcus Raskin.

Wilner said the issue of legal standards "is of national importance. Free speech against Vietnam and U.S. involvement abroad is being denied to America's dissident leaders," he said.

Area high school students are planning activities to be incorporated into the regular school schedule. None of the schools will be closed for the day.

The Washington Teacher's Union and the Montgomery County Teachers' Union have already endorsed the moratorium and are planning to focus classroom discussion on war and peace issues, where the subject matter is appropriate.

John C. Albohm, Alexandria's school superintendent, said, "We've had no formal petitions from students yet. But if they occur, we have suggested that the principals give students time to air their points of view." He said students planning to miss classes for antiwar activities Oct. 15 would be required to have a note from their parents.

Moratorium activity in Arlington County schools will "be at the discretion of the principal," according to Timothy O'Connor, of the office of public information. He said, "The students have the responsibility to help plan and participate in any assemblies or forums," and it will be left up to teachers "in appropriate subjects to discuss relevant issues."

In Montgomery County, where the most student organization has taken place, Superintendent Homer O. Elseroad said that schools will take note of the moratorium in a variety of ways to be determined by the principal, staff and students at each school.

He said schools may have class discussions, schoolwide assemblies or after-school forums "for presentation of both sides of the Vietnam war issue."

Thomas Quinn, a junior at Bethesda-Chevy Chase High School, said, "Student support is just phenomenal." He said students plan to invite a prominent speaker to be followed by a lunch-hour memorial service. Students will also wear black arm-bands to class Oct. 15.

About 72 per cent of the Walt Whitman High School student body approved a referendum last week endorsing the moratorium and opposing the present conduct of the war. Plans are still tentative, but include a student assembly devoted to war-related issues, according to senior John Bernton.

ASKS CLASS SUSPENSION

The D.C. moratorium coordinator, Michael Driver, said, "We don't want students to leave classes on Oct. 15, but we urge high school administrators to suspend classes in the afternoon and keep students on campus to conduct a day of inquiry." He said he was in the process of setting up a speaker's bureau for high school programs.

Washington high schools have had no request for permission to organize moratorium activities, according to George R. Rhodes, assistant superintendent in charge of secondary schools. "My office would not oppose any assemblies or forums if they were requested," he said.

In the business community, members of the Montgomery County Alliance for Democratic Reform plan to distribute leaflets at shopping centers next Saturday to encourage community participation in the moratorium, according to Ray Pinkson, a local electrical contractor. He said he has also sent letters to over 100 area businessmen asking for their support.

The Mustard Seed, a community service center at the Presbyterian Church of the Pilgrims at 22d and P Streets NW, plans to reopen Oct. 14 with a program to promote the moratorium. The center is part of an experimental ministry in the Dupont Circle community.

LAWYERS' CONVENTION

The D.C. Lawyers Committee will sponsor a convocation for attorneys at Farragut Square at noon on Oct. 15, according to Gladis Kessler, a local attorney. She said other professionals will be welcome at the convocation, which is being held "to encourage the President and Congress to do everything possible to bring about a speedy end to American military involvement in Vietnam." Miss Kessler said, "The whole purpose is to make it very clear that the 'respectable' bar is opposed to the war, not only the hippies in beads."

Federal employee unions will be sponsoring speakers at some government agencies, according to the moratorium's labor organizer Roy Morgan. He said Dr. Spock is scheduled to speak to a lunch-hour rally at the National Institutes of Health and later at the Department of Health, Education and Welfare.

Dr. George Wiley of the National Welfare Rights Organization, is scheduled to address Department of Agriculture employees, and other speakers are scheduled at the Equal Employment Opportunities Commission, the Civil Rights Commission, the Office of Economic Opportunity and the Department of Housing and Urban Development, Morgan said.

Employees at a number of other agencies, such as the Pentagon, the General Services Administration and the Library of Congress will pass out leaflets to fellow workers, he said.

Congressional staff members are planning a vigil on the Capitol's west front steps on Oct. 15.

Finally, the Washington Teachers Union has published and distributed for use in the indoctrination of public school children a study guide encouraging disloyalty. I insert the story from today's Evening Star detailing this shameful treachery to American fighting men at this point in my remarks:

TEACHER UNION SUPPLIES "STUDY GUIDE FOR PEACE"

(By John Mathews)

The Washington Teachers Union has included a detailed "study guide for peace" in the current issue of its newspaper distributed to all teachers in District schools today.

Drawn up by a committee of teachers, the guide suggests that teachers raise questions about the "problems of the city vs. war expenditures" and about the U.S. goal of free elections in Vietnam contrasted with the lack of home rule in Washington.

Some classroom "role playing" situations are described to involve students in the issues. "You are a Vietnamese youngster and you awaken one morning to find your village destroyed. How will you react?" is one possibility offered for a classroom drama.

Students could also act out "a draft board situation in which a pacifist is trying to get a conscientious objector status," the guide suggests. The teacher is advised to "help the student playing the pacifist review what his beliefs are."

VOTE IMPLEMENTED

The study guide implements a recent vote by the union membership to support next week's Vietnam Day Moratorium by remaining in the classroom and teaching about "peace and the reordering of this nation's priorities."

Charles Cheng, a teacher union official, said today that the guide is not intended as an objective lesson plan. "If you support the moratorium—as we do—this indicates you're not supporting the war," he said. "I don't think anyone has to be objective about an immoral and racist war."

The guide, however, does include some statements supporting the war made by former President Johnson and the military editor of the New York Times. Anti-war statements listed include those of Corliss Lamont, Sen. Edward Kennedy, Sen. Frank Church and Muhammad Ali, who is quoted as saying "the war for black people is here at home and not in Vietnam."

QUESTIONS RAISED

Several questions raised by teachers in a "brainstorming session" are listed as possible discussion topics. They include:

"Why did some people—including a Congressman—say Ho Chi Minh was the George Washington of Vietnam after he died last month?"

"Why are more black men killed proportionately in Vietnam fighting than white men?"

The lesson plan begins with a quotation from Martin Luther King Jr., made several days before his assassination. It reads in part:

"Now, it should be incandescently clear that no one who has any concern for the integrity and life of America today can ignore the present war. If America's soul becomes totally poisoned, part of the autopsy must read, Vietnam."

CONGRESSMAN BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. SCOTT. Mr. Speaker, we send monthly newsletters to all of the people in the Eighth District of Virginia who express a desire to receive it, and I would like to share our October issue with the Members of the House, a copy therefore is inserted in the RECORD at this point:

CONGRESSMAN BILL SCOTT REPORTS

SALEM CHURCH DAM

The House recently passed the 1970 Public Works Appropriations Bill which included $35,000 for a restudy of the Salem Church Dam project to determine the extent plans can be modified to minimize the adverse effects on natural values in the area. The Committee felt that both the Department of the Army and the Department of the Interior should further review plans relating to the recreational aspects of the area. You will recall that this project was authorized by the Congress last year and the President

included $150,000 in his budget for preconstruction planning funds. However, many conservationist groups have expressed concern that the beauty of the Rappahannock might be marred and the Secretary of the Interior, apparently yielding to these views, requested a further study. When the matter was considered, I offered an amendment on the floor of the House to restore the funds in accordance with the President's budget but it is almost impossible to have the House overrule the recommendations of the Committee. The measure was defeated, but with the assurance from members of the Committee that the Salem Church Dam is a good project which has the support of the Committee and should be constructed in the immediate future. This matter has been studied continually since 1933 and I hope that both Army and Interior will agree on what changes, if any, should be made and that a favorable recommendation can be obtained from the Committee. Public works projects of this magnitude require a great deal of consideration in both the authorization and funding process.

FEDERAL EMPLOYEES HEALTH BENEFITS

It is expected, in the near future, that the Committee on Post Office and Civil Service will hold hearings on a bill to increase the government's share of the cost of the Federal Employees Health Benefits Program. As you may know, all 36 of the plans participating in the program will have changes in benefits or premium rates and at least thirty of these will show definite increases by January 1. Some federal employee organizations have urged that the government pay all the cost of health insurance premiums. However, it is unlikely that a bill to that effect will be enacted. It seems reasonable to me that government and employees share equally in the cost of health insurance programs.

CREDIT CARDS

Hearings are scheduled near the end of the month before a Subcommittee of the Post Office and Civil Service Committee on measures to prohibit the mailing of unsolicited credit cards and similar documents. In the event you would like to relate any experience you have had with regard to unsolicited credit cards, please let me know so that your thoughts may be reflected in my testimony before the Subcommittee.

VIETNAM

Individual members of the Congress and some groups of members are expressing their views and introducing resolutions of various types regarding the war in Vietnam. Some have suggested a sense of Congress resolution that all troops should be withdrawn by December 31, 1970. While we all would like for the conflict to be terminated at the earliest possible date, it does appear that telling the communists that Congress wants all troops out of South East Asia by the end of 1970 would seriously handicap the President and the peace negotiators in their efforts to terminate the conflict. These views and a statement of support for the President are contained in my remarks a few days ago on the House floor which we, of course, will share with you if you would like a copy.

CENSUS BILL

The House has passed the Confidentiality of Census Information Bill. This legislation required many hearings over a three-month period and 630 pages of testimony. Over 80 bills were introduced before the Committee came up with a final measure which all members of the Subcommittee on Census and Statistics joined in sponsoring and which was adopted. The measure eliminates the jail penalty for refusing to answer or falsely answering census questionnaires, yet retains the provision for a fine. It increases the penalty for any employee of the Bureau of the Census disclosing information obtained from census questionnaires and endeavors to strengthen the confidentiality to insure the census information will only be used for statistical purposes. Perhaps the most important feature of the bill, however, provides Congressional oversight of the number and nature of questions asked of citizens in the dicennial census after 1970.

RETIREMENT BILL

The House agreed to the Senate amendments and sent the Government Employees Retirement Bill to The White House for consideration. In all probability, it will be signed into law within a few days. Of course, the bill serves the dual function of stabilizing the retirement fund so that money will be available when needed to provide annuities for employees by providing for payment of interest by the government on the unfunded liability and raising the contributions of both government and employees from 6½ to 7% effective January 1, 1970. It permits future annuities to be computed on the basis of salaries for the highest 3 consecutive years of service rather than the highest 5 years as in the past. There are a number of other minor changes in the retirement law and, of course, we can forward a copy of the bill to you if you would like but most government departments will probably furnish employees with information regarding the changes soon after the measure becomes law.

POSTAL REFORM

All members of the Post Office and Civil Service Committee want postal reform. The Committee, however, is evenly divided as to whether it should be accomplished by reform within the existing Post Office Department or by establishing a postal service corporation. At the present time, we are considering a bill, H.R. 4, to bring about reform within the existing department. But a motion was made a few days ago to substitute the corporation concept which failed to carry by a 13/13 vote. At the next meeting, an amendment will be proposed which will substitute the first 11½ pages of a bill I introduced on postal reform. This substitute provides that the Postmaster General be appointed for 12 years and his principal assistants for 6 years, bringing about a continuity in the leadership of the Post Office Department, which many believe is essential for more efficient operation of the Department. The amendment provides for the filling of postmaster and rural carrier positions by promotion or competitive examinations and removes the requirement for Senate confirmation for postmaster appointments. It would also prohibit political influence in the appointment and promotion of persons within the postal field service. While the amendment to be considered is the major portion of my bill, some of it was obtained from measures introduced by other members and consultation with the Committee staff. Therefore, the prospects are favorable for its adoption.

MANASSAS CEMETERY

The Committee on Veterans Affairs recently held a public hearing on the proposal to establish a national cemetery adjacent to the Manassas National Battlefield Park. A large portion of the testimony came from veterans groups although a number of individual citizens and members of the Prince William County Board of Supervisors also appeared and testified. The Subcommittee appeared to be generally favorable to the proposal and will probably favorably report the measure to the full Committee in the near future.

SOCIAL SECURITY

Retired persons and those with fixed incomes are suffering from the rise in the cost-of-living and our mail has reflected a desire of our senior citizens for an increase in Social Security benefits. In August, I joined a fairly large number of Congressmen in requesting the Chairman of the Ways and Means Committee to hold hearings on measures to increase these benefits and the President has recently renewed his request and raised his recommendation from 7 to 10% effective next April. It does seem, however, that January 1 would be a more desirable effective date and this is provided in a bill a number of us have co-sponsored. However, there seems to be some conflict among experts as to how large a raise in benefits can be granted without raising contributions to the fund or using tax revenue. Payments to date have been from a trust fund maintained by contributions of both workers and employers and I would oppose having annuities paid out of general tax revenues. While it would be desirable to provide cost-of-living increases in Social Security benefits without raising the contributions, a decision on this will probably be made in the Ways and Means Committee after hearings and obtaining facts regarding the extent of the surplus in the trust fund.

PUBLICATIONS AVAILABLE

Our office has received some revised editions of booklets that have been popular in the past. One is entitled "Our American Government" and contains questions and answers explaining how government functions. The second, entitled "How Our Laws Are Made", explains the role of Congress. I have a smaller personalized booklet entitled "This Is Your Government In Action" describing briefly and by way of cartoons the various steps for a bill to become law. Another booklet contains a literal print of the Constitution and Declaration of Independence with related notes and resolutions. All of these booklets are current and individual copies can be sent to you upon request. However, we have also obtained a rather large supply of a booklet published in 1966 on The Constitution which can be made available in quantity to schools or student groups.

SOMETHING TO PONDER

Are you old enough to remember when pay dirt was gold bearing ore instead of best selling literature?

INDEPENDENCE DAY SPEECH FOR UGANDA, OCTOBER 9, 1962

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. POWELL. Mr. Speaker, there is in East Africa a small but wonderfully intriguing country of great contrasts and physical beauty. I am speaking of Uganda, where the landscape varies greatly from the lush, fertile areas lining Lake Victoria's northern shores to the arid semidesert sections of the northern province to the snow-covered Ruwenzori Mountains of the west. Though Uganda lies like a blanket across the Equator, its altitude of 3,500 feet tempers the tropical heat.

The people of Uganda are as intriguing as the landscape they inhabit. A country of 7 million in an area comparable to that of Oregon, Uganda belongs to its people, for there are few permanently settled foreign populations. Only a scant 11,000 Europeans make Uganda their home, along with approximately 80,000 Asians. The indigenous population falls into two distinct groups—the Bantu of the south and the Nilotic northerners. The Bantus are made up of peoples of

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the four "Agreement Kingdoms," the traditional ruling authorities with whom the British signed treaty agreements.

Uganda independence came on the 9th of October in 1962 after a 60-year association with the British—an association which Uganda has continued as an independent member of the Commonwealth. Despite internal constitutional problems, Uganda has made steady progress toward the resolution of her difficulties under the able leadership of Dr. Milton Obote, leader of the Uganda People's Congress and President of the country.

Under Dr. Obote's direction the Ugandans have expanded their foreign political frame of reference. The past 7 years have brought increased contacts with the East in many forms, particularly in trade and student exchanges.

The trends today in Uganda point toward increased and expanded contacts with both East and West, and Africa. She is a recent member of the East African Community, and hosted in July and August of this year a visit from Pope Paul."

It is with a keen appreciation of her beauty and potential that we salute Uganda on the anniversary of her independence, and wish her prosperity and success.

AMERICAN CONCERN FOR ADEQUATE DEFENSE

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. PIRNIE. Mr. Speaker, the concern of Americans for adequate defense is deep and real. The following speech by Lt. Gen. J. W. Carpenter III reveals very significant information and analysis in the field of national security and I commend it to my colleagues:

SPEECH BY LT. GEN. J. W. CARPENTER III, ASSISTANT VICE CHIEF OF STAFF, U.S. AIR FORCE, AT THE NEW YORK STATE AIR FORCE ASSOCIATION CONVENTION, MCALPIN HOTEL, NEW YORK CITY, OCTOBER 4, 1969

In his very kind invitation to this event, your President asked that I come prepared to discuss the Air Force of the future—5, 10, 20 years ahead.

My experience in the planning business has convinced me that those in and around defense matters *normally* should be able to look about five years into the future with reasonable clarity—say 20/30 correctible to nearly 20/20. I say "normally" because these are not normal times. We are fighting a war, cutting the budget, and dealing with some very serious domestic problems simultaneously. The figurative defense eye-chart showing what is in the future could have a couple of letters cut off while we're looking at it, or a "W" turnside upside down to make an "M"—or other surprising things.

On the other hand, none of these things may happen. If they don't, our five year vision is pretty good because the major weapon systems we will be using then are, for the most part, already in the program and are under development or are known to be attainable within five years.

The period ten years ahead is something else. Here, visual acuity drops off considerably to maybe 20/60, correctible to 20/40. We don't know with any certainty what the threat to our security and that of our allies will be in 1979. Also, there is a chance that science and technology will come up with innovations that lead to weapons somewhat different, or perhaps quite different. We don't know what our national priorities will be, what progress may have been made in arms control, what will be the condition of the world economy, what shifts may have taken place in strategic concepts, and so on.

Beyond ten years, reading the defense eye chart is like telling a very nearsighted man: "The first letter of the bottom line is D. Use your intelligence and experience to deduce what are the next six letters." He would have one chance in 25 of being right on a given letter, or one in 128 million of getting all six correct. Our long-range planning odds aren't quite that long. I exaggerate to make a point.

So going beyond the first relatively stable five years of futures to a ten and twenty year projection gets one solidly into the business of prophesy.

As I thought about your President's guidance, I thought also of H. L. Mencken's observation that "the prophesying business is like writing fugues; it is fatal to everyone except the man of absolute genius." I know of very few men who fall in that category.

So I decided to take a somewhat more modest approach than that suggested by Mr. Rapp. Rather than talking about what the Air Force will *look like* in an uncertain future, I'm going to talk about some capabilities we believe will be needed to carry out assigned Air Force missions.

Thinking about the Air Force future can't be done in a vacuum. A starting-point always has to be the military forces of potential opponents whom we must defend against—primarily the USSR; secondarily Communist China. Military planners must base their judgment of the forces and equipment this country needs on an evaluation of the kinds of equipment an opponent will be able to produce in the future and what he could do with it. This is true no matter who the direct opponent might be. In most cases where U.S. military forces could be useful in solving a problem, the opponent—if not a major power—would be supplied by, and at least tacticly backed by, one of the two large Communist states.

These two items—near-term Communist capability and future potential—can be determined with some accuracy. We cannot determine with much accuracy what an opponent will *actually* develop and deploy several years from now or what he may plan to use his military forces for—in other words, his intentions. Very likely he doesn't know himself what his intentions may be ten or twenty years hence. They will be influenced by what we do in this country.

For example, if we were to allow our strategic forces to become very considerably smaller and less capable than those of the USSR, Soviet intentions might become the military defeat of this country or the enforcement of demands that could amount to a significant loss of our freedom.

At a lesser level of imbalance, but still one favorable to the USSR, their intention could be that of preventing the U.S. from using its military forces—nuclear or conventional—for *anything* but retaliation for an attack on our home land. In that situation, the USSR would feel relatively free to use its conventional military forces in a variety of ways inimical to our interests and those of our allies.

We *do* know that announced long-range Communist objectives have not changed from the consistently held goal of world domination. We *do not* know what their specific intentions might be under the set of circumstances, unfavorable to the United States, that I have just outlined. We don't know because we have no experience in an environment where the USSR held an advantage in the strategic area and at the same time had the ability to project conventional military power beyond the frontiers that it now controls. *We* have always held the advantage in strategic nuclear power, but our margin of advantage is far less wide now than it was two or three years ago. *We* have been the only nation that had global mobility on a large scale, but now that advantage is being reduced by the Soviet trend toward more and longerranging mobility.

The consequences could be very grave if present trends continue. The United States is closer to the unfavorable environment I've described than it has been in the generation since nuclear weapons and mobile conventional forces became the keys to either Communist expansion or to a relatively peaceful, largely free world. Who will hold the keys in the future—the Communist States or the U.S. and its allies? I think that is an open question today.

Consider these facts:

Today the Soviets have more ICBM launchers in place or under construction than we have. At least 230 of these launchers are for SS–9s, that have been tested with three reentry vehicles, each able to carry a five megaton warhead. Secretary Seamans, in his testimony before the Senate Appropriations Committee this past July said, "If this system (the SS–9 with multiple warheads) is perfected and deployed, by the middle 1970s the Soviets could have the capability of destroying most of our land-based missile force."

The Soviet ICBM force together with their *existing* submarine launched ballistic missiles has more than twice the missile payload of the entire U.S. land and sea-based missile force. Their ballistic missile-carrying submarine force is expanding rapidly, to a current total of 45.

The USSR has developed and deployed on a limited scale a ballistic missile defense system. They are working on improving that system before the U.S. has deployed its first piece of missile defense equipment.

It is important to remember that whatever margin of superiority the U.S. now holds in terms of deliverable megatonnage rests on its bomber force. The Soviet heavy bomber force is about one-third the size of our SAC bomber force, but the USSR shows no signs of reducing its heavy bomber inventory, while we have cut ours by nearly a third in the past four years. It sometimes is forgotten that the Soviets also have more than 700 medium bombers that are capable of attacking the United States with refueling or on a one-way mission.

Our present numerical advantage in heavy bombers is reduced by the size and sophistication of Soviet bomber defenses. Those defenses have not declined in extent or quality. Ours have been reduced in size—from 775 interceptors in 1965 to 368 in 1969, for example. This reduction was made in anticipation of replacing older interceptors with an improved aircraft, but we have not had the funds to do that. By the end of this fiscal year, our force of aging interceptors will have been further reduced to 252, or less than one-third the number we had in 1965.

In the general purpose area, the USSR has developed at least nine new fighter aircraft during the 1960s. Not all have been produced for operational units. In that same period, the U.S. has not developed and deployed a single new fighter designed for air-to-air combat; that is, an air superiority fighter. The MIG–21—not the newest Soviet fighter—is in some respects the equal of our best air superiority fighter, the F–4E. It's worth noting that the USSR has provided MIG–21s to 19 other countries.

The Soviets now have about 3,600 aircraft in tactical aviation—about twice as many as the Air Force has. However, except for the air superiority role, our tactical fighters are generally superior. Red China's air force has some 3,200 aircraft, most of them fighters

but the majority inferior to our tactical fighters.

During the past year, the size of Soviet tactical aviation and ground forces has increased and their quality has improved. Soviet naval growth in both surface and subsurface craft—including ballistic missile submarines—has been significant. These developments give Soviet military forces a greater degree of long-range mobility than they have had in the past.

Air Force modernization has been cut back drastically by the demands of the Vietnam War. This is particularly true in the case of aircraft. The average age of Air Force aircraft is now more than nine years. The Fiscal Year 1970 budget includes funds for the purchase of 662 aircraft. Of these, 205 are for our allies, leaving 457 for Air Force units, 169 of which are first-line fighters. This is the smallest buy since World War II.

In one category of aircraft—long-range transports—we still are well ahead of the USSR. The C–5s and C–141s put us in very good shape there, but we are less well-off when it comes to tactical transports.

Finally, Dr. John Foster, Director of Defense Research and Engineering, recently pointed out that the United States is in danger of losing its technological superiority if present trends in U.S. and Soviet research and development continue. For the past few years, Soviet R&D has shown an annual increase of about 10% compared to a 4% annual growth in U.S. R&D—just about enough in our case to offset inflation. Dr. Foster believes that the U.S. and USSR currently spend about the same amount on research and development and that sometime last year, this year or next year their R&D programs will exceed ours in total investment. He warned that, "Research and development shortcomings are overcome not in a few years but in many years—provided the other fellow eases off and lets you overcome them." There is no evidence that "the other fellow" intends to ease off.

In his last appearance before a Congressional Committee shortly before he retired, General McConnell said: "There is still the simple truth that if the other fellow has more and better weapons than you—and the will to use them—then you had better get busy or you are lost." That warning is worth listening to, for if present trends in U.S. and Soviet military preparedness continue we will soon reach a point of military inadequacy. We had better get busy.

"Getting busy" implies the establishment of very tight priorities. We in the military are well aware of the domestic problems which have a legitimate claim on national resources. Those problems must be faced up to. Under the circumstances it is incumbent on the military to establish an order of priorities against which their requests for equipment may be judged. I believe Air Force priorities should go something like this:

First, the things that are needed for national survival in this often hostile world. This could be called the survival imperative.

Next, those weapons and forces that assure not only survival but also the ability to conduct our relations with the community of nations freely, in order to improve the economic, social and cultural life of the country. This could be called the fulfillment imperative.

Then—and to some extent overlapping the second priority—the arms that are necessary to meet treaty obligations. This could be called the legal imperative.

Finally, military forces and equipment that we may need to back up other forms of assistance in helping smaller nations help themselves to attain freedom and advancement. This could be called the moral imperative, although of course the United States is acting in its own self-interest in helping the development process in smaller nations.

Now how do these priorities apply to the Air Force in the world environment of rapidly shifting military balance which I described in my comparison of U.S. and Soviet trends? How do they apply in an environment where our deterrent ability is being challenged and our ability to dominate in conventional war through control of the air is being brought into question?

I'll begin with the first priority—survival. One can hardly conceive of this country being destroyed by conventional warfare—something on the order of World War II fought with modern conventional weapons. The oceans still provide protection against that contingency. The physical destruction of the United States is possible—so far as we now can see—only through nuclear attack. Under some circumstances, the United States could survive a nuclear war, but the cost would be so terrible that our first priority must be deterrence of a nuclear attack on the United States.

At a minimum level, this capability calls for forces that could retaliate against an attacker to a degree that would set his cost high enough to raise doubts in his own mind as to whether the gain would be worth the cost. This minimum level of deterrence very likely would prevent a direct attack on the United States. But since it could be used only in extremes, it would have little or no influence in many other situations where another country's intentions were prejudicial to our interests.

A minimum level of deterrence, then, probably would assure survival, but would deprive our forces of a role that military power has played throughout history—that of a negotiating tool to support the attainment of national goals through peaceful means. Nevertheless, it is the essential foundation on which our total military posture must rest.

The second priority—our ability to conduct freely our relations with the rest of the world—implies a military posture that removes the threat of nuclear blackmail and enables the United States and its allies to influence—perhaps to limit—the intentions of a potential aggressor in the direction of peaceful competition. I am not talking about a so-called first strike capability. I am not talking about that indefinable quantity "nuclear superiority" which means so many different things to different people. What I am talking about is strategic forces properly sized and equipped to assure that this country can ride out a nuclear attack, retaliate and emerge from a nuclear conflict with a relative advantage in surviving military forces, people, and industrial capacity.

This kind of strategic deterrent force—the kind we have had for many years—is a very potent instrument for peaceful negotiations, a very persuasive counter to the threat of large scale conventional war, and a constraining influence on those who might consider starting a small war or escalating it to higher levels. It is an asset that a great power, the head of an extensive alliance system and de facto leader of the Free World should not give up lightly or let slip away through neglect. It should not be dissipated while world conditions are as unsettled as today.

Our actual experience with deterrence, and the great majority of empirical evidence derived from civilian and military studies of nuclear war, support that fact that deterrence at either of the levels I have described is best assured by a mixed force of bombers and missiles.

The *third priority*—our treaty obligations—is, of course, influenced by the relative nuclear postures of the U.S. and USSR. If our nuclear deterrent forces are in good order, the chance of large scale conventional war is greatly reduced. The primary objective of our alliances—NATO being the foremost in size and development—is deterrence of attack on any member of the alliance. Another important objective is that of holding hostilities that might occur to the level of conventional warfare.

In modern, mechanized warfare, all the evidence points clearly to this fact: The side with air superiority holds such an advantage that its opponent could win only at tremendous cost, if at all. This was true in every theater during World War II. In a considerably different context, it was true in Korea. The Middle East War of June, 1967, was a classic demonstration.

We must, therefore, see to it that our surface forces are *never deprived of air superiority*. In any war, control of the air must be gained and held in order to assure freedom of maneuver and to enable us to conduct other Air Force tasks—reconnaissance, interdiction, close support and airlift—at an acceptable cost.

The *fourth priority*—helping smaller nations help themselves toward independent viability—calls for rapid mobility of forces that are tailored to operate in an austere environment, with freedom of maneuver assured by air superiority.

I think it is obvious that the priorities I have discussed are not to be followed in sequestial order. All have to be met—as best they can be met—simultaneously. But priorities do act as a guide—determining the extent of effort that should be placed on a particular weapon system within the limits of a feasible budget.

In the strategic deterrent area, our missile force is in relatively good shape from a technical point of view. The major development and production problems have been solved for propulsion and guidance systems, warheads, penetration aids and to some extent systems for survival. Once these types of problems have been overcome, force levels can be adjusted to meet a known threat with relative ease, if the funds are available.

The bomber component is less well off. Although a great deal of preliminary research and development has been done on sub-systems for the AMSA or B–1, full scale development hasn't yet been approved. If it is funded this year, the earliest we could have the B–1 in operational units would be 1977. By that time, the technology of the B–52 will be more than 20 years old, and maintenance costs will be tremendously high. The B–52's effectiveness as a deterrent system will be greatly reduced by the technical advances the Soviets have made and probably will continue to seek, in their air defense system. We would not expect the B–36, which was retired in 1959 to be able to penetrate Soviet defenses today. There are reasonable doubts as to whether the B–52 could penetrate effectively ten years from now.

Again, in the matter of the B–1, this is a case where *quantity* can be adjusted fairly rapidly once the much slower work of solving development and production problems has been done. If we are to achieve the overall *quality* that will be needed in our deterrent forces of the late 1970s, we must consider the B–1 a top priority project.

Generally, Air Force tactical equipment for close support, interdiction and reconnaissance is in an acceptable state from the *quality* viewpoint. If funding is approved by Congress, the A–7D will be coming into our operational inventory as a close support attack aircraft. The F–111 is the best all-weather interdiction aircraft in the world. We are, however, in a precarious position so far as an air superiority fighter is concerned. For the next five years, until the F–15 becomes operational, the Air Force will have to depend on a very fine but aging aircraft—the F–4E—for air-to-air combat. If it is necessary to compete against an opposing fighter that is newer and more effective than the MIG–21, we will have to depend

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on the skill and experience of our pilots to offset technical advantages of the opposition.

To be fully effective in a combat role where we do not have ground-based radar control, our tactical fighters should be teamed with an advanced Aircraft Control and Warning plane—the AWACS. The AWACS could also increase the effectiveness of our small and obsolescing interceptor force in defense of the continental United States. AWACS enjoys a high priority in Air Force eyes but suffers from a lack of funding.

What I have tried to do in these remarks is outline some of the rationale that underlies Air Force thinking about its role in national defense. I've painted a picture of where we stand today in relation to our major opponent, indicated the functional areas that must have priority attention and illustrated with a few current examples the weapon systems that are needed to maintain an acceptable Air Force capability to carry out its part of the over-all defense job.

In doing this, I have partially fulfilled Mr. Rapp's request for a look at the Air Force 10 to 20 years ahead. The B-1 probably will be still in use in 1990. The average life of our fighter aircraft is 12 years, so the F-15 should be around until the late 1980s. Transports retain the effectiveness for a good many years, which means C-141s and C-5s probably will be with us until around 1990.

There are two elements that I can't describe. The first is force levels. They will depend on the size and nature of threats to our security, and on how the officials of future administrations and members of future Congresses interpret those threats. The progress of disarmament negotiations between the Free World and the Communist World will also be a factor.

The second unknown is the kinds of weapon systems that will evolve as follow-ons to those I've just mentioned. Even the most competent scientists and engineers—in or out of uniform—have been notoriously shortsighted in predicting long-term scientific and technical progress. In 1959, it was the consensus of leading aerospace scientists and engineers that a man could be put in earth orbit by 1970 and maybe on the moon by 1990. Twenty years from now, the Air Force may be using—or at least building—equipment that we haven't yet thought of.

Despite the phenomenal advances of the last twenty years, it still takes from 5 to 10 years to develop, test, produce and deploy a major weapon system. Quality comes hard and slowly, but in the final analysis it is quality that counts. It can be assured only by an active research and development program and imaginative application of the resulting technology to defense requirements. Quantity, as I have pointed out, can be achieved more rapidly by a nation with our unequaled production resources and know-how.

I do not believe this country is in peril today. I do believe that a continuation of the present Soviet trend of rapid defense modernization, as contrasted to our much more limited modernization, soon could have undesirable results. It could reduce considerably the constructive influence on world affairs that the United States has exercised for twenty-five years by virtue of its recognized strength, and its attachment to the ideals of free men.

Recenly, General Ryan said, "I have great confidence in the common sense of the American people and in our system of government. I do not believe the Air Force will be put in the impossible position of having to meet a growing threat with inadequate resources." I think we all share his feeling.

We have always counted on the understanding and support of the Air Force Association in meeting our defense commitments. I know that we can continue, with confidence, to rely on your support in these trying times.

THE COUP IN LIBYA: A SETBACK FOR THE WEST

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. WATSON. Mr. Speaker, one of the most astute observers of international politics in this country, Mr. Anthony Harrigan, has written an excellent article on the recent tragic events in Libya which appeared in the American Security Council's Washington Report. Tony Harrigan has demonstrated a unique ability to foretell what effects a change in the government of a foreign nation will have on this country, and had his advice been followed in the past I believe that we could have avoided many mistakes in our foreign policy. I commend his article to the attention of the Congress and the Nation as follows:

THE COUP IN LIBYA: A SETBACK FOR THE WEST

(By Anthony Harrigan)

The military coup which ousted King Idris of Libya and installed a socialist government, controlled by the 27-year-old strongman, Colonel Muhamed al-Quadhati, is an ominous development for the free world.

Libya, a vast desert land with less than 1.7 million people, long has been the target of the pro-Soviet regimes in Cairo and Algiers. The Arab revolutionaries have had the continuing objective of consolidating revolutionary rule over the "Maghreb," meaning in Arabic the western land between the borders of Egypt and the Atlantic coast of Morocco. The success of the leftist army and air force officers in seizing power from the 79-year-old monarch is a tremendous victory for Colonels Nasser and Boumedienne. They now are in a position to apply massive political pressure against the moderate government of little Tunisia.

The United States has enjoyed excellent relations wtih the Libyan government since the establishment of the North African nation in the late 1940's. The Soviet Union had sought to acquire Libya, which had been under Italian control since 1911, as its first protectorate or satellite in the Mediterranean. On November 21, 1949, however, the U.N. General Assembly passed a resolution to the effect that Libya would become independent on January 1, 1952. The USSR opposed the resolution but failed to thwart Libyan independence. In fact, Libya was the first African nation to gain independence after World War II.

Since the 1950's, Libya has played a vital role in U.S. defense planning. The giant Wheelus Air Base near Tripoli in the western part of the country provides American fighter aircraft in Western Europe with essential gunnery and bombing ranges. Approximately two thousand U.S. Air Force personnel are based in the country. This is the last air base the U.S. has in Africa.

The British also maintain an air base at El Adem near Tobruk and the country's eastern border with Egypt. In addition, British ground forces periodically hold exercises in desert areas near the coastal city of Banghazi.

The existence of U.S. and British bases in Libya has been the focus of innumerable attacks by Nasser who many times sought to supplant King Idris. The proclamation of the Revolutionary Council in Libya which pledges support for "Arab unity, socialism and freedom" strongly indicates that Colonel Nasser now has the Libyan government he desires. The Egyptians have had a built-in advantage in recent years as they supplied Libya with large numbers of teachers and government administrators and trained many Libyan army officers. Radio Cairo reaches more Libyans than any other broadcasting service.

In 1964, the Libyan government, yielding partially to Colonel Nasser, agreed to negotiations for the closing of U.S. air base facilities. The negotiations have been protracted, and it seemed that the U.S. would continue to enjoy use of Wheelus Air Base for a number of years. But prospects of the U.S. staying at Wheelus have virtually disappeared as a result of the coup. Indeed the United States now has every reason to fear that Wheelus may become a Soviet air base in the next few years. If the Soviets occupied Wheelus, they would be able to dominate the air over the Mediterranean. The continued operation of U.S. aircraft carriers in the restricted waters of the inland sea would be endangered by Soviet aircraft based in Libya.

In the early 1950's no one suspected the economic developments that lay ahead in Libya. The country is 90 percent desert, with a population density of only 2.3 persons per square mile. The small population is concentrated in seven per cent of the land along the Mediterranean shore. In fact, two-thirds of the population is within an 80-mile radius of Tripoli.

Along the Mediterranean coast there is a series of oases divided from one another by stretches of wilderness. Inland, the desert assumes a variety of forms. Sometimes it is a rocky plateau. In other places, it is a gravel plain broken occasionally by low hills. There also are large depressions and shifting sand dunes. In the south, Libya is a waterless wasteland. Along the Egyptian border is the so-called Great Sand Sea, six hundred miles long and 150 miles wide.

The name Libya was given to the easternmost part of the North African coast by the Greeks. In Roman times, it was part of Africa Proconsularis, and was protected by the Third Legion. The Emperor Septimius Severus was born in Libya in the year 146 A.D., of the Romanized ruling class. In 642, the Arabs conquered Libya. With the breakup of the North African territories ruled by the Cairo and Baghdad Caliphs, Tripoli was, for many years, the capital of a corsair state.

The first U.S. involvement with Libya came in 1805 when the U.S. Consul in Alexandria, Egypt, collected a mercenary force and marched into Libya. With the help of a Marine detachment, he captured the town of Derna. From this incident originated the Marine hymn, "From the halls of Montezuma to the shores of Tripoli."

Libya's history changed dramatically in 1957 when a major oil field was discovered in the southwest near the Algerian border. At the end of a decade after the find, Libya had become the world's seventh largest producer of oil. Oil and Gas Journal said in 1968 that in another decade Libya would become the free world's top oil producer outside North America. The country has been supplying oil to 22 free world countries. Forty-one companies have been active in the Libyan oil fields. Closure of the Suez Canal during the Six Day War in 1967 emphasized Libya's position as the closest major oil source to the expanding West European energy markets. With a revolutionary, pan-Arab socialist regime in power, it is questionable whether Libyan oil would continue to move to European countries in the event of another Arab-Israel war. The Libyan government has used the oil revenues in an effort to uplift the country's population and to modernize a land that is bigger than California and Alaska

combined. The per capita income has increased from $35 in 1951 to approximately $800. The United States has contributed heavily to the improvement of the country, spending $207 million for economic assistance to Libya, plus devoting $27.5 million in surplus agricultural commodities. The British government has been making annual payments to Libya of about $9.3 million. The U.S. and Britain also have supplied equipment for the 7,000-man Libyan army.

Dr. Edwin M. Wright of the Institute of International Studies at the University of South Carolina recently pointed out that "today Libya exports 3.3 million barrels of oil a day to Europe and will receive as her share of the profits around one billion dollars. One third of this is handled by U.S. companies who earn over $300 million, thus supporting the American balance of payments with a neat contribution." Obviously, any interruption in Libyan oil production would have a serious effect on the U.S. balance of payments problem. The history of dealings with Arab socialist states is such that there is not much ground for optimism in the U.S.

This April, Lt. Colonel C. L. Baker, USAF, warned in the Military Review that, "there is no doubt that the communists are engaged in a slow-longrun penetration (of Libya), making contacts and sorting out opportunities for further exploitation." But the U.S. public certainly wasn't given the slightest inkling of a major change in the making in Libya. The question of a U.S. intelligence failure in the Libyan situation ought to be explored. With a large base in operation in Libya, the U.S. had unusual opportunities for on-the-scene surveillance of the political situation. It would seem that these opportunities weren't utilized. The United States had a tremendous stake in the status quo—in the quiet, steady progress of Libya under King Idris, with the prospect of an orderly, constitutional succession.

Given the fact of revolutionary Arab solidarity with the Soviet Union, and the spread of Soviet arms and advisers through the socialist states of North Africa and the Middle East, the development in Libya can only be viewed as a grave setback for the United States and its NATO allies.

Other states in the Mediterranean may conclude that the "wave of the future" lies with the revolutionary states and their patron, the Soviet Union. The little island-country of Malta, which lies between Libya and Sicily, already is resentful and fearful because of the gradual withdrawal of British aid and is increasingly mindful of the Soviet interest in the island's ship-repair facilities. To the south is the vast, empty land of Chad, which has had an insurgency problem this year. With a revolutionary regime on the Libyan side of the border, Chad may pull away from its relationship with France.

The developments in Libya are fresh proof of the decay of the Western position in the Mediterranean. The Soviets, using client Arab states, are extending their influence year by year. The USSR has only to force Tunisia into its camp and entrench a socialist regime in Morocco, and communism will influence or control all the Mediterranean littoral and the western entrance to that strategic sea.

The apparent lack of U.S. and Western awareness of what was developing in Libya reflects a growing tragic indifference to vital geopolitical areas. The West, as F. O. Miksche, the Franch military writer has observed, seems "driven by events instead of determining them by means of active policy." The sudden transition of Libya from a friendly, constitutional state to a revolutionary socialist nation is alarming evidence of the West's inability to recognize hurtful developments and act to prevent them.

DIRECT ELECTION OF THE PRESIDENT

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. CORMAN. Mr. Speaker, the Valley Times, a daily newspaper published and widely read in my congressional district, on September 22 carried an editorial which speaks to one of the most important issues before the country—the need to change the electoral college system.

I agree with the editor's belief that the direct popular vote is the best method of selecting a President, as it guarantees each voter an equal voice in the electoral process. And, I appreciate the reference to the overwhelming favorable vote that the House recently gave to the joint resolution abolishing the electoral college in favor of direct election.

I compliment the Valley Times on its commitment to public service. The editor's suggestion that its readers participate in the democratic process by letting California's Senators know their views on election reform is most commendable. As the elected lawmakers of the citizens of California, we do need and appreciate their counsel.

Mr. Speaker, this timely editorial is most worthy of my colleagues' attention and will, I am sure, be of interest to them. The editorial follows:

NEED FOR CHANGE SEEN

In a recent editorial, we proposed that the antiquated Electoral College system be replaced by a direct popular vote.

We used as an argument some facts as outlined by Sen. Birch Bayh, Dem., Ind., who has sponsored a bill in Congress urging the popular vote. He pointed out that if there had been a change in less than 42,000 votes in three states, the people of America would not have elected a President on election day in 1968.

Sen. Bayh is confident the direct popular vote proposal can pass in Congress and, when this is done, would be ratified by three-fourths of the states. He said a recent poll showed that 81 per cent of the American people support direct popular vote. The U.S. Chamber of Commerce, the American Bar Association, the AFL-CIO, the UAW, the National Federation of Independent Businessmen, and leading civic groups all across the country have endorsed the direct popular election bill.

The House of Representatives passed the Joint Resolution 681 to abolish the Electoral College last week by a surprisingly large margin, 339 to 70. This was 66 votes more than the two-thirds required. The resolution now is before the Senate for debate.

In the final analysis, polls notwithstanding, the true test will come only when the matter is put to a vote in the whole Congress and then, hopefully, in the state legislatures.

California's two senators are agreed something must be done about the system of electing a president, but they may differ in approaches to the problem.

Sen. Alan Cranston, Democrat, has aligned himself with Sen. Bayh as a co-sponsor of the Indianan's bill.

Sen. George Murphy, Republican, pointed out that in the first action of the year, the 91st Congress reluctantly agreed that a North Carolina elector could cast his vote for his choice, George Wallace, rather than for Richard Nixon, the choice of the voters of the state of North Carolina.

"Although I deplore and believe the action of this elector was unethical and a flagrant disregard of the people's wishes," Sen. Murphy said, "I nevertheless was convinced that both present North Carolina law and the U.S. Constitution allowed this elector to make an independent choice and to refuse to follow the will of the people. This year's unusual election, plus the action of the North Carolina elector, makes it crystal clear that electoral reform be undertaken immediately."

He added that there are various proposals pending before the Congress ranging from the reform or modification of the present electoral system to the complete abolishment of the system and the installation of a direct popular vote. "I have not reached a final decision on which approach I shall endorse," he added.

It seems everybody is agreed something must be done about the present voting system, so something ought to be done—and quickly.

This newspaper still believes the direct popular vote to be the best method of selecting a president, guaranteeing each voter an equal voice in the electoral process.

If you believe this to be so, tell your senator. Write to him in care of the United States Senate, Washington, D.C. 20510. Even if you have an opposing view, write to him. He needs your counsel.

A TRIBUTE TO CHRISTOPHER COLUMBUS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. MINISH. Mr. Speaker, on October 12, in 1492, the great Italian navigator, Christopher Columbus, discovered the new world. Columbus was only 24 years of age when he set out to prove the theory that land lay beyond the uncharted, untraveled, and unexplored waters west of Europe. That day is well known to every man, woman, and child in America, and the name of Columbus is as well known as the names of Washington or Lincoln.

Columbus Day is an appropriate time for us to recall that there was an Italian culture long before there was an America. As the heirs of western civilization, we are also the heirs of that Italian culture. It was Christopher Columbus who provided the connecting tie between the old civilization and the new world. After Columbus, Italian explorers were among the first to follow his voyage to the new world. Amerigo Vespucci, whose name still endures, explored the coast of South America only 7 years after Columbus. John Cabot, whose real name was Giovanni Cabota, sailed for the King of England to explore the mainland of the North American Continent. Giovanni de Verrazano explored the coast of North America in the early 1500's, from Cape Breton Island to the Carolinas, and in

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the process discovered New York Bay. The exploration of the west was led by Italians. Allessandro Malaspina was the first white man to explore Alaska, Vancouver, and the coast of California. Fra Marco da Nizza led Coronado's expedition throughout the west and as far east as what is now known as Kansas.

The concepts of liberty, justice, and equality brought many Italians to these shores. There were Italians building a glass factory in Virginia before the Pilgrims landed in Massachusetts, and Italian colonies were flourishing in Georgia, Florida, Delaware, New York, and elsewhere before the Revolution. Several hundred Italians also fought and died in the American Revolution. When the fate of our Northwest territories hung in the balance, the land that is now Michigan, Illinois, Wisconsin, Indiana, and Ohio was won in the battle of Vincennes in 1779 by Gen. George Rogers Clark, thanks to money and information provided by an Italian fur trader, Francesco Vigo.

Christopher Columbus is known in America as the father of immigration. Were he here, he would be proud of his many fine sons and daughters.

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HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert into the Record a letter received from a constituent, Mr. Thomas Brady, of Detroit. Mr. Brady questions the use of the taxpayers' money to support the development of the supersonic jet transport in view of other pressing national needs. His reference to urban traffic congestion as one of our major problems certainly can be appreciated by millions of Americans who must face and fight daily the rush hour traffic to and from work. The following is Mr. Brady's letter:

September 24, 1969.

Hon. Martha W. Griffiths,
Rayburn Building,
Washington, D.C.

Dear Congresswoman Griffiths: I would like to strongly express my opposition to development at taxpayers expense of the supersonic transport plane as announced yesterday by President Nixon.

The development cost which appears will exceed over one billion dollars is an outrageous sum to pay to merely keep abreast of France, Britain and Russia. Our needs for high speed mass transportation in the urban areas of this country far surpass the needs for an aircraft that will fly 1800 miles per hour. This need would certainly be obvious if you were to drive on Detroit's Lodge Expressway or Grand River Avenue the morning or evening of any working day.

Using Grand River Avenue, it takes 40 minutes to go from downtown to Southfield Expressway during rush hours either by car or bus. This is a 9 mile distance and the average speed is therefore approximately 13 miles per hour. I am sure this condition is common to many large cities and a billion dollars spent to improve this average would certainly benefit more taxpayers and have more far-reaching domestic benefits than a supersonic transport.

Certainly the development and construction of high speed ground transportation networks would provide just as many jobs and stimulate the economy of the nation generally, rather than just in the state of Washington where such transport plane would be built.

I am not opposed to the theory of the supersonic transport. However, I feel there are more pressing transportation needs that deserve first consideration and action.

If the airlines feel they must have the above aircraft to compete on trans-oceanic routes with similar craft of European design and operation, then let the airline industry underwrite the cost. Further, in view of mid-air plane collisions and near disasters of recent years, it is evident that there still is much to be desired in the way of air space safety. It would seem that this is the direction in which the airline industry and governing agencies should be directing their attention and resources.

Respectfully,

Thomas Brady.

TANZANIA—HEART OF COMMUNIST EAST AFRICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. RARICK. Mr. Speaker, the administration is said to be conducting a full-scale review of our African policy.

It is certainly to be hoped that the result of the review will be to change our shortsighted policy to one of American self-interest. I have previously pointed out the striking parallel between the United States, the Republic of South Africa, and Rhodesia. In each case, the civilized settlers of these countries severed their ties with the British crown in order to protect their civilization.

Tanzania, on the other hand, is a blend of the old British colony of Tanganyika, and the protectorate of Zanzibar. It was born in a bloody revolution, inspired, armed, and led, by Communists. Hundreds upon hundreds of Arabs were savagely mutilated and murdered solely because they were Arabs. Atrocities inconceivable to civilized man, including large-scale cannibalism were commonplace. Out of this racist violence was created the so-called emerging nation of Tanzania. Dar-es-Salaam—in Arabic, "the City of Peace"—its capital, is the city from which guerrilla warfare on Portuguese Mozambique and Rhodesia was waged for years.

Tanzania is uniformly recognized as the heart of Communist east Africa. Only today we read where private schools, meaning church and missionary schools, have been seized and nationalized.

We should acknowledge the true threat to world peace which this situation entails. We should formulate a foreign policy in this area designed to promote the interests of the people of the United States—not the lackeys of Moscow.

Mr. Speaker, I insert an article from the October 1969, issue of Triumph magazine and a news clipping following my remarks:

[From Triumph magazine, October 1969]

MEANWHILE, HERE ON EARTH

(By Thomas Molnar)

South Africans, no less than Americans, have been preoccupied lately with Apollo 11's moon flight, and the fact that there is no television in this country assumes, in the eyes of the liberal press, the dimensions of a national tragedy: the absence of idiot boxes to watch the flight and landing has become a whip with which to beat the Nationalist Party government, still opposed to the introduction of this medium because of its high potential for dangerous propaganda.

The sensational moon adventure forced all other news to the back pages, including the weighty events in Kenya and Zambia. In the first, the assassination of Tom Mboya, the Westward-looking politician, fair-haired boy of the AFL–CIO's foreign political arm, has put Oginga Odinga, openly pro-Chinese, next in line of succession to old Jomo Kenyatta. If Odinga one day occupies the presidency of Kenya, then the shores of East Africa, from Somaliland to the borders of Mozambique, will be solidly in Communist hands. This fact would have a decisive influence on Zambia, the focus of African news when a white supreme court justice was brutally attacked by the president, Kenneth Kaunda, for annulling the sentence of a lower court with regard to the arrest of two Portuguese soldiers lured across the Angola into Zambia. Encouraged, chanting youth mobs went on a rampage against all seven white judges, demanding their dismissal, beating up white men, and proclaiming that "the only good white man is a dead white man." Zambia, somewhat like Nigeria farther up in the north, used to be London's answer to skeptics disbelieving in the possibility of mixed societies in Africa peacefully progressing to democracy, prosperity, and racial harmony. Now that Kaunda has drawn the line between black and white and "Zambianized" the supreme court (a measure to which the constitution does not entitle him), Western illusions are suffering the final shipwreck.

On the surface there is no reason to consider a completely "Africanized" Zambia as a cause for Western alarm. But in reality, Africanization most often means a green light for internal unrest, Communist interference, economic hardship, and permission to anti-white terrorists and saboteurs to pass through the country freely and establish bases there. The focus of Communist penetration in southern Africa has so far been Tanzania; a decisive gain for the Communist design would be the extension of their foothold of Kenya up north, and, even more, to Zambia, in the very heart of south-central Africa.

Mentioning the Communist menace now, in year number one of President Nixon's "era of negotiations," may appear old-fashioned; modernity (including Republican modernity) demands obeisance to coexistence with the Kremlin, and to the prospect of joint launching of moonships with Russian cosmonauts. Yet, while America submits to changing fashions in political-military thinking, Americans traveling abroad undergo a different experience and are compelled to reach other, unfashionable conclusions. Whether Americans travel to the moon, like Neil Armstrong, or to Southern Africa, like the writer of this report, they inevitably find the Kremlin's boys on their trajectory. Let Armstrong tell his story about the encounter with Luna 15; my story involves the evidence, suggested above, of the slow and patient build-up of Communism in this area. By "area" I mean not only the African landmass and the relentless guerrilla fighting it now witnesses against Portugese and Rhodesians, but also

the Indian Ocean. Warships, merchant marines, oceanographic research, submarines, fishing fleets—the Russians have appeared in force, simultaneously with their similar achievement in the Mediterranean. The long coastlines of Mozambique and Souht Africa—in other words, the eastern defenses of the Cape sea route—are now exposed to Russian spying, and even to the landing of sabotage material and saboteurs, as on the north-east coast of South America, in Venezuela—and for the same reasons. The British withdrawal from east of the Suez, announced for 1971 but already underway, opens both South Asia and southeast Africa to Russian naval forces; our own withdrawal from Vietnam (an operation in which our future Kremlin allies are helping us "save face") leaves the Communists sole masters of this enormous mass of sea and land, whose governments are mostly too weak to resist strong pressures.

One would imagine that Washington, worried about this situation, would be encouraging the creation of a south-seas alliance, and meanwhile, strengthening, with arms and a cooperative attitude, the naval defenses of South Africa and Portugal. But the fact is that—even with the Suez Canal unusable, and quickly becoming obsolete, anyway, thanks to the new super-tankers—the U.S. government is ignoring the importance of the sea route around the Cape, the five excellent ports of South Africa, and the Soviet build-up in the Indian Ocean. American ships are under orders to avoid South African ports; our factories and shipyards cannot sell naval weaponry, from coast guard boats to submarines, to the South Africans; our Navy may not train South African crews; instead, we are now thinking of building new Indian-Ocean bases in the newly independent Maldive Islands—from where, as from Okinawa, we may be ejected one day.

True, we have now a foothold, literally a foothold, on the moon, and our eyes focus on that one spot. Presidents Kennedy and Nixon have been right in lauding American skill and will in achieving that objective; but great enterprises may lift other, less spectacular but more important ones, out of focus. From Armstrong's and Aldrin's angle of vision, this corner of the Indian Ocean area may seem insignificant; yet a war is going on here 365 days a year, a relentless war in which the enemy, with a variety of methods, is endeavoring to eliminate moonstruck Americans everywhere from southern Africa to Vietnam.

[From the Washington Post, Oct. 10, 1969]

NATIONALIZING SCHOOLS

Dar Es Salaam.—Tanzania announced plans to nationalize all private schools and to transfer their teachers into the civil service. Under a bill to be presented to parliament Oct. 21, the government will take over management and administration of all the private schools and eliminate all entry requirements based on race or religion.

INDIANA DUNES NATIONAL LAKESHORE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. LANDGREBE. Mr. Speaker, I wish to bring to the attention of my fellow colleagues in the Congress a situation in the National Park Service which deeply concerns me.

The Indiana Dunes National Lakeshore, a proposed Federal park in the district I represent, was created in 1966. Present plans of the Park Service call for the purchase of more than 6,000 acres of land, some of it noncontiguous and much of it filled with more than 500 homes and businesses. These plans of the Park Service I have vigorously opposed, not only because of the destruction of homes and the displacement of people that it will cause, but also because of the enormously expensive operation of buying up highly developed land in one of the fastest growing areas of the Midwest. For example, the Park Service recently obtained four deeds to property for the Indiana Dunes: $32,960 was paid for a 5.75-acre tract; $9,150 for a 0.4-acre tract; $1,700 for a 0.4-acre tract; and $6,908 for a 0.7-acre tract.

These figures show that the Park Service is paying as high as $22,000 an acre to acquire land for a Federal park—a Federal park that will eventually mean the destruction and displacement of more than 500 homes and businesses and thousands of people. This land was sold at an average of $10,672 an acre. Based on these exorbitant prices, the final cost for the Federal park to the American taxpayer will be $64,032,000. I remind my colleagues that the original cost estimate was $29,000,000.

While I am not opposed to a Federal park in my district, I feel that it can and should encompass only the large, undeveloped areas that lend themselves to conservation and recreation and that are available at a reasonable cost. My bill, H.R. 11084, cosponsored by the gentleman from Pennsylvania (Mr. Dent) and the gentleman from New Jersey (Mr. Howard) would exclude from acquisition these highly developed and costly areas of homes, businesses, and people, and would provide, I believe, a reasonable and responsible solution to acquiring land for the Indiana Dunes National Lakeshore.

WYOMING'S REPLY TO THE WALL STREET JOURNAL

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. WOLD. Mr. Speaker, I would like to call the attention of my colleagues to the response by Senator Clifford P. Hansen, Republican of Wyoming, and myself to an article entitled the "Lonesome Land" which appeared in the October 3, 1969, edition of the Wall Street Journal. The response is prompted by the need to correct the negative and misleading impression conveyed by the article. I include the joint letter of Senator Hansen and myself and pertinent press accounts in the Record, as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., October 10, 1969.

Mr. Vermont Royster,
Editor, the Wall Street Journal,
New York, N.Y.

Dear Sir: In contrast to the headline "The Lonesome Land" which appeared above the article by Dennis Farney in the October 3, 1969 edition of the Wall Street Journal, we would have entitled it "Wyoming, Land of Opportunity and Quality Growth."

Wyoming has some problems, but fewer than most states and far less than the staggering obstacles of over-populated areas which has as many as one out of seven, or more, on welfare rolls. The fact that Wyoming is on the threshold of economic growth that will bring opportunities unlimited for persons of courage and vision should not be obscured.

Wyoming is a land of apparent contradictions. It is a land of open prairies and virgin mountain wildernesses, but also a land with a treasure-house of natural resources. It is the most beautiful country in North America. It is a land with few people and few of the problems of crime, pollution and hypertension, faced by other states. It is the home of people who want progress.

Historical factors are now working to bring growth and progress to Wyoming.

A crisis of America today is the concentration of too many people into too little space. The crisis has not struck Wyoming, nor will it. Wyomingites have been blessed with the right blend of land and people, resources, space and time. We do not have to undo the pillages and ravages of man. Planning development that allows for maintaining natural beauty is a luxury afforded to few, but Wyoming can afford it.

American society is dependent upon energy consumption for its high standard of living. It is estimated that the nation's energy needs will double by the year 1985.

Wyoming has the natural resources to make it the energy capital of the nation. It ranks first in coal; second in uranium; third in oil shale; fifth in petroleum and seventh in natural gas.

These factors point to what we call quality growth. By quality growth we mean economic development and businesses with a high ratio of capital to employees. Their incomes are high because their productivity is high.

The elected leaders of Wyoming have always shown a willingness to work with private enterprise for economic development and progress in Wyoming. Indeed, it has been shown many times that Wyoming has provided the type of business climate which is attractive to industry. An example is the recent announcement by two electric power companies that they will construct a $300-million steam electric generating plant near Rock Springs.

If we were starting anew, we would pick Wyoming to rear a family because of the opportunity and because it is the best place in America for children to grow up.

"It seemed as if nature had collected all her beauties together in this one chosen place," was John C. Fremont's description of Wyoming in 1842. The original splendor has not diminished.

Wyoming, the land of opportunity, is a place where the challenge of America can be renewed. It is a place where oportunity is so great; where the people are so few, that a man can choose his fate.

Sincerely,

Clifford P. Hansen,
U.S. Senate.
John S. Wold,
Member of Congress.

[From the Cheyenne (Wyo.) State Tribune, Oct. 7, 1969]

HATHAWAY DENOUNCES WSJ'S WYOMING SURVEY

Governor Hathaway today described as "distorted and negatively one-sided" an article which appeared in the Oct. 3 issue of the Wall Street Journal.

The article, by a WSJ staff reporter, Dennis Farney of New York City, referred to Wyoming's "dying towns, disappearing ranches and a state economy that while booming in some areas, is stagnating in others." Farney, in his piece, asked, "Can Wyoming itself afford the luxury of a declin-

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ing population amid its scenic, wide-open spaces?"

"If he (Farney) had taken the time to look further around Wyoming, and talked to more people who are better informed, he could not possibly have written the distorted picture of Wyoming 1969 that he did," the governor said.

"While much of what Farney said in this article is true," he said, "it is manifestly obvious that he emphasized the negative aspects of Wyoming's economy, while ignoring the positive."

"A writer can go into any state in the union today and find examples of rundown neighborhoods, deteriorating buildings and decay, and by ignoring new construction, new commercial developments and new highways, present a picture of economic stagnation," Hathaway said.

Hathaway said it is true that Wyoming agriculture, like agriculture across the nation, has been in the economic doldrums in recent years.

"But," the governor added, "this is changing. Wyoming ranchers and farmers are enjoying an upturn in 1969, largely because of their cooperative efforts in improving their methods—seeking new markets and utilizing modern, progressive technology in their industry."

The chief executive said that although, as Farney stated, there are those in Wyoming who prefer the state the way it has been until recent years, he believes the majority of Wyoming citizens who recognize the need to live and compete in today's world are ready to meet the challenge of change, growth and progress.

In his article Farney quoted Wyoming citizens in several small, way-side establishments as well as at least one person in a town who indicated a desire that Wyoming stay "as is."

The governor said he, too, has spoken with "many, many people in every single town in this state, from border to border."

"I find the great majority of them," he said, "anxious to work with private industry, public officials and agencies like the State Department of Economic Planning and Development in attracting quality industry to Wyoming and planning for the arrival of such industry in a manner that will assure orderly growth, economically and socially."

Hathaway noted that facts and figures concerning Wyoming's economic progress are available to anyone for the asking, particularly journalists seeking information for factual, objective features or economic or social articles on Wyoming.

He said such information from state agencies shows Wyoming leading all other Western states in uranium exploration, increasing uranium production, among the leaders in production of trona, a tourist industry that in 1968 showed a more than 15 per cent increase and this year promises to reach nearly 9 million visitors to the state—visitors who will spend in excess of $150 million, and will show that Wyoming leads the Rocky Mountain states in oil exploration and production. He added that the population decline mentioned in the Wall Street Journal article is known to have been reversed and that the state is now gaining in population through the advent of new industry and development.

"More than $120 million was invested in new industrial expansion in Wyoming last year," he said. "Several new manufacturers located in Wyoming in 1968 and several have announced plans to come to the state this year, among them: Control Data Corporation; Datel, Inc.; Dwight and Church; Georgia Pacific Company; Walker Manufacturing; Polaris Industries; Daveco, Inc.; Nutron Electronics; Hines Lumber Co.; High Country, Inc.; Western Manufacturing; Wycoa; Century Manufacturing; Donnavista; Northern Seed Co.; Reda Pump; Cannon Aeronautical, not to mention the $300 million steam generating plant just announced to be constructed near Rock Springs."

"It is difficult to understand how a person can say Wyoming's economy is stagnating if he has really researched the matter," Hathaway commented. "However, Mr. Farney, apparently, did not know that Wyoming's total assessed valuation for 1969 climbed to $1,236,958,572, a 4.7 per cent increase over 1968, the largest percentage increase since 1961."

"If Farney had checked," he continued, "he would have found that bank deposits in Wyoming on June 30 this year totaled $680,307,782, nearly $69 million above the same date last year. He would have found that sales and use tax collections in the 12-month period ending June 30, 1969, totaled $29,482,196, some $4,212,956 above the 12-month period ending June 30 last year—a 16½ per cent increase."

Hathaway said he is extremely optimistic, in the short and long term, about Wyoming's economic potential, as economic indicators all show gains are being made.

The chief executive noted that while Wyoming "cannot accommodate a sudden, large-scale influx of new residents, this state must have growth in order to keep pace with the demands of today's society and economy—and such growth is coming. It is our responsibility to insure that such growth is balanced with the need to maintain the state's vast store of scenic wonders and beauty."

"The Wall Street Journal article is unfortunate," he said, "as it may do damage at a time when we are making important strides. I hope the article will not nullify or set back efforts and work being done by private enterprises and public officials to promote and advance Wyoming's economy."

"Finally," the governor stated, "in answer to Farney's question concerning whether Wyoming can afford to lose population, which he termed a luxury—I think the answer is obvious, Wyoming people realize they cannot stand still—their efforts and the results of those efforts disprove his mistaken assumption that they are sitting back and allowing time and change to pass them by."

[From the Cheyenne (Wyo.) Tribune, Oct. 7, 1969]

WEEP NOT FOR OUR "EMPTY" LAND

Several years ago a proposal was being kicked about locally to buy a page in the Wall Street Journal with two illustrations, one showing a crowd trying to battle its way into a New York subway car, and the other a photo of the Grand Tetons.

The proposed caption would have read: "Do you want this?" pointing to the subway; "Or this?" indicating the Tetons. The thrust of the ad would have been to the effect that Wyoming is people- and problem-free and wants to keep it that way. It was a reverse-type selling job, of course, the basic message being that if one wanted to live in comfort or operate an industry relatively free of big urban core problems, come to Wyoming.

The ad never was bought, but some of the people who considered it now think they got what amounts to the same thing without paying a cent, in Dennis Farney's Page 1 Wall Street Journal piece of Oct. 3 about "empty Wyoming." That the message is being studied by many is evident from the reaction reported by the director of the State Department of Economic Planning and Development, Roy Peck. Mr. Peck is a newspaperman and less likely to lose his cool over what appears to be adverse publicity; there being an old theory in the latter that there is no bad publicity so long as one's name is spelled correctly.

Of this latter, there are opposing theories; but it does seem that the Wall Street Journal piece probably has a greater number of plus factors than minuses, and that it well illustrates that old saw about "never mind what you say, just so you spell my name right." The Farney article essentially says one thing: Wyoming is a land of empty space that is getting emptier. No matter that this is a distortion, for in a lot of spots as Mr. Farney admits there is economic growth and development, which is something that might be said of any state. Furthermore, it must be pointed out that every state in this country has its Hilands, small rural communities that have grown smaller rather than larger, over the years, because of the drift away from the rural areas to the urban centers.

While the Journal piece makes a point of the absence of urban centers in "Wyoming which hasn't even one big city to provide an economic and cultural center for the hinterlands," one must question whether this would be regarded by industrial prospects as a serious deterrent particularly since most of our "cultural centers" have proven breeding spots for the most dramatic rise in crime as well as civil disorder in American history these past six years, commencing with the year 1963.

Recently a man from Washington who holds a responsible post with a major national organization related to one of our local citizens the terror that life in the nation's capital holds for him and many who reside there. He said his organization maintained its headquarters in a large office building patrolled around the clock by a corps of security guards, yet even with these, in one week there had been several major incidents in that parking lot in daylight hours including robberies, muggings and the slaying of a man discovered by one of the guards in the act of rifling a car; the thief assaulted the guard who found him and was attempting to kill the guard when another security patrolman shot the assailant dead.

Some of our people apparently are disconcerted and disturbed by Mr. Farney's scarcely concealed sneers about our rural backwash; yet if one accepts the theories of some critics of the American scene, Mr. Farney and his kind who by their condescending attitude toward such as our state are in effect defenders of the discredited megalopolises of America, then it is these latter who are behind the times.

For the new town theorists have a ready-made social experiment in the community Kerr-McGee now is building in the Shirley Basin; it is these new towns, some believe, that are going to have to replace the human ant heaps of the fetid and socially-cancerous urban cores that have produced the riots and massive physical destruction to say nothing of human casualties within the past six years.

Despite such obvious concern about our future as manifested by the Journal, Wyoming will survive; and whether it does as an economic "colony" or not will also be debatable for it must also be recalled that much of the vice-regal authority for the business empires of America may reside in Manhattan, it also is a place of absentee landlords. Their majesties for the most part and most of the time, reside elsewhere. Sometimes they even live in poor, desolate, windswept and empty Wyoming.

[From the Wall Street Journal, Oct. 3, 1969]

THE LONESOME LAND: WYOMING IS EMPTIER AND ITS ECONOMY LAGS AS PEOPLE MOVE AWAY, BUT MANY LOVE THE SOLITUDE AND BRISTLE AT CAMPAIGN TO ATTRACT NEW INDUSTRY—DANCING TO POLLY AND HER POSSE

(By Dennis Farney)

HILAND, Wyo.—West of Casper the land empties and the highway thrusts ahead. Across the dry hills of grass and sagebrush, past decrepit filling stations and lofty buttes, the road unfolds beneath the big Western sky.

Halfway to Shoshoni the road comes here—to a handful of building on the plain, a deserted schoolhouse, an abandoned motel, a

graveyard in the gray-green sage. Only three persons live here now, although once there were more than 50.

Mrs. Betty Evenson is still here. A lively 59, she still hammers out articles for True Confession Magazine on her old black Underwood when she isn't tending "The Bright Spot," Hiland's combination general store, filling station, bus stop, cafe and post office (fourth class). Mrs. Evenson loves the solitude here. But she concedes: "We can't afford the luxury of having only three people in town much longer."

LONESOME COUNTRY

Can Wyoming itself afford the similar luxury of a declining population amid its scenic, wide-open spaces? Events are forcing that question upon the 300,000-plus rugged individualists here; that's all the people there are in a vast domain almost 20 times the size of Connecticut.

Wyoming is the quintessence of a vast arc of country, beginning in the Dakotas and sweeping southward through the High Plains, where long-term economic trends are thinning out the population. These trends bring the problems of urbanization and explosive population growth to much of the nation. But here the problems are different: Dying towns, disappearing ranches and a state economy that, while booming in some areas, is stagnating in others.

This state is one of only four that have lost population since the 1960 census, which recorded about 330,000 people here. (The other three are the two Dakotas and West Virginia.) An out-migration of people seeking jobs and a declining birth rate both contributed to the loss. A Census Bureau study puts the current Wyoming population at 320,000, but another authoritative study concludes it may have slipped as low as 313,000 in 1968—roughly the number of municipal employes in New York City. Only Alaska has fewer people, and that gap is narrowing.

The population downturn is only one reflection of a state economy that in many areas is faltering. Railroad employment—a key factor in a state that owes much of its settlement to the Union Pacific—has dropped to less than 4,000 from about 10,000 in 1953. The number of Federal employes in Wyoming has declined slightly while the number in Colorado has skyrocketed. Wyoming's per capita income, $48 above the national average in 1960, had slipped by 1967 to $157 below the national figure of $3,159.

A RENDEZVOUS IN NEW YORK

Gov. Stanley K. Hathaway is stumping for additional industry. He's led delegations into New York and Los Angeles, courting industrialists there with a "Wild Game Rendezvous." (The menu: Wyoming moose and elk steaks, followed by a promotional blitz.) A third foray is planned into Houston.

But most Wyomingites probably wish the Governor would stay home. When they think of industrial development they get visions of traffic-clogged freeways, smog and hordes of newcomers cluttering up the landscape. They'd like to keep Wyoming as it is.

Right now, Wyoming remains a place apart—so out-of-the-way that few people really know it. "The myths about this state are fantastic," says Mr. Pikl. "People still think we're locked in a mountain fastness with glaciers everywhere. They have the impression that everybody in the state walks around in Levis and a cowboy hat saying, 'Howdy, stranger.' "

A long drive across the state indicates there are a lot of cowboy hats in Wyoming (where cattle and sheep outnumber people about 10 to one) and a lot of colorful individualists wearing them. It also reveals that most of Wyoming looks nothing at all like its two main tourist attractions, Yellowstone National Park and the majestic Grand Teton Mountains.

Down from the western mountains and their cool forests of spruce and fir, the land changes. It is stark, almost desolate at times—a vast expanse of rugged uplands, or flatlands gray with sagebrush and dotted with waterholes where antelope come to drink. Diesel trucks strain to make the long grades, and the car radio advertises a dance somewhere with "toe-tapping Western music by Polly and Her Posse."

The road unfolds for miles, the Union Pacific sometimes running alongside, without passing a single ranch house. And then the road will come upon a lonely white frame house beside some stunted, wind-whipped trees, or upon a deteriorating town like Bosler: A few buildings, a brick schoolhouse and an abandoned clapboard restaurant with a sign saying "EAT."

Armand Picard, 62, ranches amid such country. He's a stocky man, and beneath the brim of his rolled-up Stetson his face is sun-reddened and covered with white stubble. He leans against his battered truck, the treeless plain rolling away from him in all directions, and talks of winter nights where temperatures drop to 40 degrees below zero.

Rising costs and fluctuating profits haven't forced Mr. Picard off the land, although they've defeated many smaller Wyoming ranchers. But he says he's operating now on a 1% profit margin. "Cattle prices are just about up again to what they were in 1951 (a good year)," he says, "but everything we buy now costs three times what it did then. All the smaller operators are selling out."

Mr. Picard will stay "I'm not much of a town boy," he says slowly. "This little old town of Shoshoni (population about 750) is big enough for me." A freight train whistles, far away, and he hurries to drive a wayward cow from the tracks. Driving away, he soon seems dwarfed by the land and the distant Owl Creek Mountains, blue-black beneath the drifting clouds.

Mr. Picard is one Wyomingite who's dubious about the desirability of bringing more industry to the state. "You'd get a lot of undesirable people," he says. Another man who agrees wholeheartedly with that is Gall Hightower, 64, a Riverton barber.

"As far as I'm concerned, there are all the g— d— people here now that I care about," he bristles. His customer in the barber's chair nodding vigorous agreement. "If we can stop some of these people who are polluting the air with this that and the other, this will be pretty good country."

TALES OF NEW YORK

Down the street, Lowell Morfeld, a self-made uranium millionaire, looks up from a leisurely breakfast at the Teton Hotel and describes a harrowing business trip to New York. "Do you know," he asks incredulously, "that it's a regular thing for commuters on the Long Island Railroad to ride to work with the blinds drawn because people throw rocks at the railroad cars?" Mr. Morfeld was once a "roughneck" (laborer) on a Wyoming oil rig; despite his wealth, he wouldn't think of living anywhere else.

Neither would Robert and Dorothy Huckfeldt, a young married couple who moved out to Cody (population about 5,000) because Cheyenne was getting too big for them. Now they're happy running the "Cody Corral," a big souvenir shop that offers everything from a stuffed moose head ($375) to a wooden sign: "Fight Smog—Buy Horses." "People in big cities (like Cheyenne) are all out for themselves," Mrs. Huckfeldt says. "Here in Cody they're a lot more friendly."

Mrs. Evenson isn't about to pull out of Hiland, either. "I love this place and I love the people," she says. "It's just paradise for a writer." And so it is. Bus drivers passing through tell her tales to replenish her supply of True Confession-type stories. (There is a formula for writing such stories, she says: "Sin, suffer and repent; end on a hopeful note, but not always.")

And when the bus drivers run out of material, Mrs. Evenson just heads into Casper, 60 miles away, and gets her ideas from a different source. "I like to hang around bars," she explains.

Declining populations are posing severe problems for some of the state's small towns and school districts, because their basic operating costs remain about the same even though the economic base is shrinking. One veteran Wyoming political observer calls the whole subject of population loss and economic growth "political dynamite." He expects it to be an issue in elections next year, when Sen. Gale McGee, a Democrat, will be among those seeking reelection.

THINKING SMALL

The bleak economic statistics provide ammunition for some native critics—including state officials and economists at the University of Wyoming—who believe the state hasn't tried hard enough to diversify its economy and stem the outflow of some of its most talented people. The critics lay at least part of the blame for that to some fundamental traits of the Wyoming character: A deep seated suspicion of "outsiders" and a seemingly ingrained tendency to think small.

"I think Wyoming missed the boat in the postwar years," says James Pikl, head of the state university's economics department. He says Wyoming remained complacent while other Western states were going after industry and pushing tourism. He and other economists agree that today Wyoming's main role in the regional economy is to supply raw materials to out-of-state firms—which process them and pocket much of the profit. "I tend to think of this state as an underdeveloped nation," says one economist.

The analogy fits. In many ways Wyoming is a classic kind of colonial region, dominated economically and culturally by the outer world. A small case in point is Harry Hoffman's liquor store.

Any Wyomingite can tell you about Harry's place. For years the cut-rate prices there have been drawing in carloads of thirsty people from places like Laramie and Cheyenne. They stock up for themselves and haul more home for friends. Organizers of Wyoming's biggest social event of the year, the Cheyenne Frontier Days, bought all the liquor for a big staff party from Harry's, says one insider. Harry Hoffman's is a Wyoming institution.

And that's rather odd, because Harry Hoffman's is in Denver, Colo.

LOOKING FOR A CITY

But that's the way it goes in Wyoming, which hasn't even one big city to provide an economic and cultural center for the hinterlands. (Cheyenne, population about 47,000, is the state capital and biggest town.) And so folks in southeastern Wyoming regularly drive 60 miles to shop in Fort Collins, Colo. A widely used hospital for southwestern Wyomingites is Holy Cross Hospital in Salt Lake City. Similarly, northwest Wyoming looks to Billings, Mont., and northeast Wyoming to Rapid City, S.D.

Economically, out-of-state concerns dominate the economy. Wyoming's largest oil produced is Pan American Petroleum Corp., a subsidiary of Standard Oil Co. of Indiana. Its largest uranium producer is Utah Construction & Mining Co., San Francisco. Despite huge deposits of natural gas, Wyoming has no home-grown gas utility; people here buy their gas from Pacific Power & Light Co., Portland, Oreg.

"Our (late) Sen. Frank Barrett once said that 'Wyoming oil put the lace on the windows of Denver clubs.'" says Frank Clark Jr., a state administrator and a well-known participant in state Democratic politics. "He was about right."

Of course, there's a good reason outside capital finances most big projects—a lack of Wyoming capital. "One bank in Denver has

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more assets than all of Wyoming's banks put together," says one state official. Other obstacles to Wyoming's industrial development are its geographic isolation and scarcity of people.

Nevertheless, economists at the University of Wyoming believe the state could be doing a lot more in several areas: Developing a more specialized agriculture, processing more raw materials within the state and pursuing light industries, like computer-related concerns, that aren't deterred by Wyoming's liabilities.

Says Dwight Blood, one of the economists: "I wish there were a few more people here who were willing to do more for Wyoming than just ship the oil and minerals out to places like Bartlesville and Denver."

Predictably, that kind of criticism often raises the hackles of people who think the state is doing just fine. After Mr. Blood coauthored a rather critical analysis of the state economy a few years ago, he and the other author "were roasted from one end of the state to the other," he recalls ruefully.

A BRAINWASHING JOB

One man who frequently finds himself at odds with Mr. Blood and his colleagues is Roy Peck, Wyoming's foremost salesman and an indefatigable booster. Mr. Peck is executive director of a state agency that oversees to lure industry to Wyoming. Although the natural resource development and attempts and the university economists remain friends, he admits he's "in a running battle with them" most of the time.

"The boys at the university—I'm brainwashing them, don't worry," he declares.

Mr. Peck predicts that oil and mineral activity "will provide 5,000 new jobs in the next five years, directly causing a growth of 15,000 in the state's population." Indeed, a number of concerns are rushing to exploit Wyoming's tremendous reserves: Hundreds of billions of tons of low-grade coal, an estimated $2 billion worth of uranium, and vast reservoirs of oil and gas, among other things.

Already an influx of uranium miners has transformed Jeffrey City, once a fading hamlet in the middle of nowhere, into a trailer court that sprawls out into the sagebrush. In the uranium-rich Shirley Basin of south-central Wyoming, concerns like Kerr-McGee Corp. are laying out a brand-new town for more than 2,000 people. Oil activity has made Gillette, in the northeast part of the state, a boom town whose population has almost tripled (to more than 10,000) since 1960.

SHUTTING OFF THE DRUG FLOW

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. DELLENBACK. Mr. Speaker, there have been wails of anguish over Operation Intercept, the effort to stop the flow of narcotics and dangerous drugs from Mexico to the United States.

Fortunately, more reasonable voices have spoken up in its favor. I wish to insert in the RECORD two of those voices—those of the Oakland Tribune and the Houston Chronicle—both recognize that it is important to end this vicious traffice, even at the expense of a few hours' time of some tourists. The articles follow:

[From the Oakland (Calif.) Tribune, Sept. 23, 1969]

A SMALL PRICE TO PAY

To reverse the epidemic course of promiscuous use, the Nixon administration has embarked upon an ambitious program to halt the flow of almost 2½ million pounds of marijuana a year from Mexico into the United States.

Operation Intercept was launched last weekend along our porous border with a massive land, sea and air patrol that netted thousands of pounds of contraband.

The operation aims toward cutting off the drug from the eager U.S. market, thereby pushing the price of available marijuana so high youngsters cannot afford it.

Although the campaign successfully resulted in the drugs seizures and the turning back of countless would-be smugglers, the real measure of its profit may come from one significant side effect—the delaying of tourists for up to six hours at U.S. customs checkpoints.

Tourists already have been discouraged from entering Mexico because of the delays to such an extent that business has fallen off by as much as 75 per cent in some border cities.

Therefore, the pressures which may be brought to bear on the Mexican government by the suffering merchants could bring about enforcement of its laws against marijuana.

Presently Mexico's mini-force of 40 narcotic agents is hard-pressed to control the harvesting of lucrative marijuana patches which, on many farms, have replaced traditional crops.

So far, the Mexican government has done too little to end this open flaunting of the law. The government has not seen fit to bolster its staff nor has it experimented with use of chemicals which, when sprayed on marijuana, would nauseate users who later smoked it.

Regardless of the inconveniences and hardships, there should be no letup in the operation until Mexico moves to dry up this vast source.

Even if Operation Intercept must be continued indefinitely to accomplish its goals, it still would be a small price to pay for elimination of a drug market which some have said has reached as many as 20 million people.

[From the Houston (Tex.) Chronicle, Sept. 29, 1969]

SHUTTING OFF DRUG FLOW

The federal crackdown on drug smuggling at the U.S.-Mexican border is causing inconvenience to many innocent travelers. Over the weekend over-worked immigration officials could not keep up with the returning crowds of visitors. At some points traffic was backed up six miles, and there were delays of hours as officials carefully checked for illegal pills, marijuana and other illegal drugs.

This is part of Operation Intercept, the government's drive to cut off drugs from Mexico. The campaign seems to be paying off, for customs agents turned up thousands of pills and thousands of pounds of marijuana.

Undoubtedly Operation Intercept is going to hurt tourism in the border towns. Maybe this will make the Mexican people and government realize how serious this problem has become in the United States. If it begins to hurt tourism in Mexico, then this could have the beneficial effect of prompting Mexico to act more aggressively in the control of both pills and drugs. They have been notoriously easy to acquire south of the border.

GREEN THUMB, INC.

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. DENNEY. Mr. Speaker, I would like to express my appreciation to an organization that is presently engaged in two commendable goals—providing work for retired low-income people in rural communities and accomplishing recreational and beautification projects.

Green Thumb, Inc., sponsored by the National Farmers Union, was established under a grant by the Office of Economic Opportunity to make use of the desire by many of our retired and older citizens to contribute in a meaningful way to their livelihood and community, and they have been highly successful in this endeavor.

Green Thumb now operates in 14 States in 150 counties, employing over 2,100 workers. At the present time, the demand is high in Nebraska for additional job openings over the 70 now filled. And, according to Nebraska Green Thumb Director Delbert Niemeier, there have been numerous requests for Green Thumb crews to help improve and develop park facilities and other projects.

For 1969, the contract with Green Thumb was for $4,653,050. Although the Nebraska Green Thumb participation is small, only $156,750, it contributed mightily toward conservation and beautification in the Cornhusker State.

Seldom have I had the inclination to wholeheartedly commend and support a program coming out of the Economic Opportunity Act. But in the case of the Green Thumb program, where administrative costs are at an encouraging low figure, about 13 percent, and the benefits to workers and communities so high, praise is well placed.

So that other Congressmen can become better informed on what Green Thumb does, I place in the RECORD a narrative report on its activities in the First Congressional District of Nebraska for the month of August 1969:

NEBRASKA GREEN THUMB PROJECTS IN FIRST CONGRESSIONAL DISTRICT OF NEBRASKA, AUGUST 1969

LANCASTER COUNTY

The one crew is painting all the rest rooms and bath houses at Wagon Train Lake, Stagecoach Lake, Bluestem Lake and at Olive Creek. They have also painted the four foot bridges at Wagontrain Lake.

The other crew dug the footings for two picnic shelter houses and poured the concrete foundations and slab floors for the shelter houses at Pawnee Lake near Emerald. The first week in August was spent on repairing and painting picnic tables at this lake. Some time was also spent on anchoring the tables to the ground. This was necessary because of vandalism that occurred at this park.

GAGE COUNTY

The crew at Rockford Lake have been cutting weeds on the dam site and around the boat dock area. The last few days they have been cutting brush, trimming trees and burning the brush in the areas that will be camping sites later on.

The other crew has been cutting brush, weeds and undesirable trees along the river banks in Chautauqua Park in Beatrice. Some time was spent on patching the holes in the roads running through the park. They also hauled dirt and did landscape work around the new bath house at the swimming pool. Part of the crew spent some time hoeing and watering the flowers, shrubs and trees that were planted earlier this year.

JOHNSON COUNTY

One crew has been repairing and erecting bleachers at the Syracuse ball park. They have also been painting the board fence

around the ball diamond. Some time was devoted to hoeing and watering the flowers and trees that were planted in the parks.

The other crew has been hauling dirt around the new fire house in Sterling. The rest of the time they have been working around the ball diamond in Adams. Here they have finished getting the board fence around the ball diamond and are busy painting same.

KNOX COUNTY

The one crew there has been painting posts and picnic tables at the Miller Creek and Bloomfield areas and have also been cutting brush and trimming trees in the Wiegand area along the Lewis and Clark Lake.

OTOE COUNTY

The crew at Arbor State Park has been busy tending the flower gardens and trimming the hedges in the gardens. They are still devoting some time, when the weather has been cooler, hauling dirt into the holes from which the dead tree stumps were removed. This will be leveled and seeded.

The crew at Wildwood Park has built a swinging pedestrian bridge across the creek. This past week they have built a rock retaining wall and making a drainage ditch for the excessive rainfall.

PAWNEE COUNTY

One crew has been painting rest rooms in the Burchard Lake area. They have also rebuilt the steps and guard rails leading up to the dam. They have constructed another "blind" in the Grouse Stomping area. At the present time they are constructing a rustic "trail fence" at the park camping entrance.

The other crew has been removing the block foundation from the old Governor Butler House and hauled them to the historical site. There they have poured the concrete footings and are presently relaying the block foundation. Soon this old house will be moved to its new site at the historical park.

ROTC

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. HÉBERT. Mr. Speaker, every Member of the House knows of my keen interest in the Reserve Officers Training Corps. In fact, my subcommittee recently issued a report on the program concerning the problems confronting it on our college and university campuses.

However, today I want to go to the heart of ROTC—the young man who participates in the program. Mr. James D. Hittle, Assistant Secretary of the Navy for Manpower and Reserve Affairs, has called to my attention a matter about which I think everyone should be aware.

Hittle, during a visit to the Reserve Officers Association convention last June, heard a speech given by Midshipman Charles C. Hooper on the problems encountered by the NROTC at UCLA. Following his talk, Mr. Hittle had a private meeting with Midshipman Hooper and at the end of the conversation requested that he provide the Navy with a report on what had been done at UCLA in protecting the ROTC's on campus and supporting the retention of ROTC courses with full credits.

In providing me with this report, Mr. Hittle says that it is "one of the finer evaluations of the problems the ROTC faces on campus. Also, it shows what can be done when strong leadership and spirit are present.

After reading the report, I heartily concur with Mr. Hittle's opinion.

I was so impressed that I wanted everyone to receive Midshipman Hooper's thoughts in an area which is of grave concern to me. After reading what Midshipman Hooper has to say, however, I am firmly convinced that ROTC will weather the attacks which are being thrust upon it. And as I have said time and again, I will do everything in my power to see that ROTC remains strong where wanted and is removed where it is not wanted.

Mr. Hittle informs we that Midshipman Hooper's ideas have been of tremendous use to the NROTC program nationwide. I am inserting them at this point in the RECORD:

SUMMARY OF COMMENTS DELIVERED AT THE ROA ANNUAL CONVENTION, LAS VEGAS, NEV., JUNE 28, 1969

INTRODUCTION

This informal report on campus confrontations relating to the ROTC is being presented on the basis of the unique situation at UCLA, an independent branch of a land grant University. The experience behind its presentations qualify it as such. With the realization that the contents cannot become convincing or of applied value without being fully understood, a simple workbook approach on the student political implications is taken in lieu of a more literary or academic tack. Part I presents the basic problems confronting ROTC Units on campus. An attempt is made to collect the fragmented parts of these problems and place them in a relative perspective as to bases for existence and possible potentialities. Part II is a case study of the UCLA NROTC Unit. This study is a detailed outline of the combined efforts of its staff and midshipmen which were and still are being employed with some degree of success to maintain a firm and functionally compatible position for this unit in the face of these problems in its university environment. Part III draws a summary and conclusions based on these unique efforts. This summary is presented with the hope that sharing the experiences encountered may provide a basic framework to develop some viable policies which other ROTC units may employ, as applicable, to some of the particular and unique confrontations which they now or may soon have to face. Part IV extends the nature of this report to include the candid comments and personal recommendations of its author. These are based only upon his personal thoughts and experiences to provide a particular student viewpoint on the matter.

PART I. PROBLEMS CONFRONTING ROTC

Introduction

It must first be understood that there can be no standard list of all of the specific problems that face every ROTC Unit. The list varies in nature and degree as does the prominence of the political environment inherent in each particular campus. It is of paramount importance to have some basic idea of just what these problems can be before an ROTC Unit can attempt to effectively deal with them. Drawing upon experiences that seem to generate recurring trends in these problems, three basic situations are presented that should be understood in order for an ROTC Unit to even begin to evaluate what it may be or is already up against.

Nature of criticisms

"War-relatedness" is the political case against the ROTC. However, it is the academic case that must be presented to the academicians who decide on the academic fate of ROTC. The crux of this issue, then, is *academic freedom*. In reality, the student/political criticisms presented against ROTC break down when evaluated from this standpoint. The opposition knows this. Therefore, the organizations trying to abolish or discredit ROTC try to hit as close to the issue as possible and try the next approach by making their main stand against "academic credibility". Their underlying reasons for moving against ROTC, however, is not at all academic or in the purient interest of an open campus or society. Only the emotional support drawn from the faculty and students even relate to these reasons. Yet, these activist groups know that academic credibility is the only argument against ROTC that the faculty might buy.

The general selling point to the "authoritative bureaucracies" that anti-ROTC groups use is on the basis of "an obvious lack" of course academic quality, qualifications and status of military instructors and compatability of a military career oriented program with the aims of liberal education. In a more zealous effort to back their argument these groups have listed several other reasons to withdraw credit for or cancel ROTC programs. One reason is "because non-academic factors such as appearance, obedience and political beliefs count in ROTC grades". Another reason cited is "because admission to ROTC is limited by such factors as sex, citizenship, and physical qualifications". It is the basic idea that ROTC is repugnant to the fundamental principles of a liberal education, and that the quality of its curriculum expose it as such, that is sold to the decision-making bodies with the potential to oust ROTC. But this is basically a front which anti-ROTC groups use to gain recognition and status in the eyes of the students and eventually the administrators as well meaning crusaders for the true preservation of academic quality on campus. Nonetheless, every potental criticism against ROTC along these lines of "academic credibility", no matter how general or unreasonable they may seem, must first be understood and realized. This must be in order to be able to answer any of these at any moment. The instantaneous ability of the members or staff of any ROTC unit to sense these criticisms and set them down before students and faculty, in the context and dialogue in which they were issued, is paramount. Once the wherewithal to deal with the main issue is established, effort may shift into dealing with the force behind the issue—the student and faculty support. It is the over supposed amount of this support as seen by administrators that causes the universities to feel that they "must act" in the "conscience of its community". The imperative action, then, must be to assure that 1) this conscience is informed by being provided a solid answer, within the context of the university, to every criticism concerning ROTC. 2) channels of communication are established and readily available to allow dialogue with those who speak most for or authoritatively determine this "conscience", 3) no action regarding ROTC matters is taken by the university without prior knowledge of it and preparation to handle it.

Ideologically the need, worth and compatability of ROTC speaks for itself. But in the face of preserving its programs, its members and staff as students and professors must speak for it with knowledge, with clarity and with conviction. Reason is the best weapon.

Drawing student and faculty support

For all that has been said about the impetuousness of youth and the so-called "generation revolt", a few campus confrontations are spontaneous. This seems to be particularly true in the enlisting of anti-ROTC support. It is at this stage, outside of the halls of the academic senates, that the issue turns from academic to moral in nature,

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from reason to emotion. On the surface there is a moral connation that "ROTC is an evil within the confines of the university. It feeds the war machine. It makes the university an accomplice in the war . . . and everybody knows that war is bad".

Behind the scenes, the case against ROTC is initiated by a small group. This action is often timed to coincide with a larger social grievance which currently is being aired, or to use one, should it arise. This cadre establishes itself in another group or series of groups already protesting some grievance. The new cause, higher on the "moral" ladder than the previous one, is substituted or draws major support by the spokesmen.

Next, meetings are arranged on or off campus, to discuss the issue and what should be done about it. Small contributions are sought to help the cause. Attention is drawn to already established support as espoused in writings in the underground student newspapers which "happen to deal with this very same subject". Volunteers are enlisted to distribute leaflets and posters. It is at this point that the issue comes out in the open. Bigger, public meetings are organized; rallies and forums are held to call wider attention to the issue. An immediate link between ROTC and the war machine is established. Other "immoral" implications concerning the existence of the program are made. The main intention is to stir up as much discontent as possible and win *sympathizers* to stage an impressive demonstration.

It is also at this stage that additional support is enlisted from some liberal faculty members. Some professors have already taken part in the proceedings. A lucid professor who is popular with students can be of enormous help to the cause and add "dignity" to the proceedings. These professors and student activists have injected the anticipation into the crowd that they can each have a part in the struggle that has already been waged successfully by a few.

The implication here is that the majority of the support for the case against ROTC (the force behind the issue) is drawn from an abundance of emotion stemming in considerable amount from an over eagerness of many faculty and students to maintain their own "moral purity."

Actions against ROTC

Once this emotional appeal takes hold, the issue is dramatized by calling a mass meeting or demonstration and appealing for active support from other groups. An emotional frenzy results by appealing to the moral judgements of the crowd on the "unjust war in VietNam", "University as an accomplice to the War", and the "existence of a trained killer camp on campus." Chanted repeatedly to the accompaniment of waving banners, such phrases have an effect similar to repeated suggestions at a hypnosis session.

The time for individual participation is set. This is a direct confrontation. It calls for disruption of any or all of the functions of the "military establishment" on campus. This disruption is often in the form of sit-ins at the unit staff and administrative offices, a harassing barrage of phone calls to the offices and a disruption of drill periods. Demands are also made to the university to halt activities such as an upcoming annual dress review or parade. Often universities bow to these demands with the rationalization that, for the safety of your (ROTC) students, the event should be cancelled. These actions are undertaken first so that a "meaningful symbology" can be seen in the minds of the participants for what they are doing.

From this point there is a major shift in emphasis. The previous actions receive less emphasis as the majority of the effort goes behind the scenes. The stage for political manipulation is set. These anti-ROTC groups are really just part of the larger political movement that has already established itself within the university. Their "people" have already been "setting the political table", so to speak. It is not often a coincidence that the policy making or influential "advisory" committees are "stacked". The "conscience of the consensus of the students" is presented with the upmost professionality at an official meeting that few people even know about. Credibility is established by informing ROTC offices about the meeting place just prior to the occasion. Here, with all the trappings of a sanctioned decision-making affair, the "pros" and "cons" of the ROTC are presented and a vote of proposed action is taken. By the end of the week the student body and faculty may very well be voting on the reduction of credit or withdrawal of ROTC—both of which are unacceptable. Timeliness is important for the ROTC has virtually no time to inject any reason into the still ripe emotion about the issue. Hardly a detail is laid to waste. Mail "sense votes" may be solicited immediately on the issue to the presiding members of the academic senate. If slipped through unnoticed they may contain only one statement for which to vote. Wording may be as follows: "I do/not support the ROTC program at this university" (please check). The majority of the professors do not consider ROTC a burning issue in the face of the deeper matters of "academic concern". Some have given little or no thought to the issue. But now they must "vote". Many may read the question analytically and reason that they do/not support the program in the sense that they do not do anything for it—others act out of "conscience". The box is checked, the results are presented and a basis for larger action is "established". Those ballots not checked can either be thrown away or returned. Those returned do not necessarily indicate the opposite vote (maybe it is an abstention?). At any rate, the students and especially the faculty really have only an exposure to one side of the coin. By not knowing enough about the other how can they vote positively for it? They have heard one voice.

PART II: CASE STUDY: UCLA NROTC

Introduction

The main assumption from Part I as to why certain ROTC units have had difficulty in dealing with the problems mentioned is that these units did not become aware of the political and adademic confrontations until it was too late. At the time of awareness they were not conditioned to assert their position so that it would be defended or maintained. The following case study of the UCLA NROTC is presented as an example of how one unit has continuously conditioned itself to assert and maintain its position as an integral part of its university in the face of considerable effort to remove or discredit it.

Anti-ROTC activity

Anti-ROTC activity at UCLA has been most notable since October 1968. Activity initially mentioned in section titled "Action Against ROTC" gradually gained momentum and reached its most vocal peak in May 1969. It must first be qualified that the thrust of the activity was aimed at the Army program since its curricula could be more easily construed to match the criticisms made by the activists. This concentration on the Army was with the idea that as goes the Army, so will go the Navy and the Air Force. Having laid the groundwork since October to deal with the expected criticisms and confrontations, the NROTC initiated action and proceeded on three levels to effect active support for the ROTC programs at UCLA.

Student level

The student level consisted of political action aimed at the crux of the issue of academic freedom. This was the "gut" level powerhoused by the midshipmen. The behind-the-scenes meetings of activists and policy groups in May suddenly issued notice that a student referendum, proposing abolishment and withdrawal of credit of ROTC programs at UCLA, would be put out for vote in one week. This was conveniently timed to draw upon the very high emotional state that was present on campus in sympathy for the students at Berkeley who were "facing the barbed-wire and bayonet suppression of the militant National Guard." The People's Park situation was drawing sympathy from many less-than-liberal students who normally do not take part in any campus activism. The ROTC link to the "force and brutality of the military" was printed on posters showing bayonets being held to the faces of "the brothers and sisters" at Berkeley. The emotional tide was tremendous for several days. Yet, through this the unit had only one week to bring the real issue forward. The midshipmen as students went into high gear. The battalion commander and several senior students effected, a *contingency plan they and the staff had prepared previously*. Participation by other midshipmen was spontaneous. They were confronted with this issue as students and directed their efforts as such. The older students spent the daytime in faculty-student conferences about ROTC to insure that all sides of the ROTC view were presented and maintained. In the evenings they drew up a petition, wrote position papers and designed leaflets which were to be passed out expressing the *student view* of ROTC. A core of three individuals were able to keep operations moving. The other older students were used to head up the various phases undertaken with the underclassmen providing the majority of the manpower. The phases included having students: (1) speak with every fraternity and sorority house 2) contact members and friends on each dorm floor and conduct a general "rap" session to get those who silently approve of ROTC to speak for it 3) circulate petitions and leaflets to all living groups and continuously on the walks of campus all week 4) write articles for the news media and enlist support of local prominent T.V. commentators 5) arrange to speak with the Chancellor and other administrators to present the student view of ROTC 6) inform alumni and public about the issue 7) enlist the support from the student organizations that they either belong to or direct 8) coordinate actions with the other ROTC units.

The most important aspect to be realized in these efforts is that the issue was presented from a student viewpoint. Midshipmen were speaking for UCLA students and not the military. They spoke candidly and not from prepared outlines. They used the terms of activists in making their points. Their points were directed at clearing up some of the emotional smoke, not answering to "charges" and at making a case for ROTC. Most importantly, the effort on the student level was directed so as to convince the students that they, not just the ROTC cadets, had a stake in the ROTC issue. The point of academic freedom to choose courses and a career was driven home hard. Even more to the point was the fact that it was shown that voting against the ROTC programs would help to continue to put strength behind the active political faction that was trying to drive out ROTC and influence the administration. Why couldn't they exert the same pressure for any other program they either "approved" or "disapproved?" This was a big selling point. The results of the undergraduate voting were as follows:

Should ROTC be permitted on Campus:

	Number	Percent
A. Yes, with academic credit	3,217	42.5
B. Yes, with no academic credit	2,416	31.8
Total yes		74.3
C. No, under any circumstances	1,882	24.8
D. Don't know, no response	72	.9
Total voting	7,587	

The totals represent less than ⅓ of the total student (graduate and undergraduate) enrollment. However, this is about double the interest in annual student elections. Several interpretations are obvious—a clear majority agree in principle that ROTC should be on campus, and its structure should be changed.

The student NROTC effort was directed at VOTE A. If every ROTC cadet or midshipman voted for A there would still be approximately 2700 non-ROTC students supporting the program. The main effort is getting these students to take time to vote in the issue. This was a special referendum with only two proposals, the other considering a $1.00 per quarter student fee increase. It is a personal interpretation that VOTE C represented the student block that occupied the administration building and was trying to effect a shutdown of UCLA all week. VOTE B represented the social choice for non activists whose conscience was somewhat satisfied by voting in some manner against ROTC. Many close friends voted for B saying "it won't hurt ROTC or my friends in it," but the Berkeley situation and the war indicate that "change" is necessary. Herein lies an area for further work—educating the student body as to the nature of ROTC programs. The vast majority are completely unaware that the programs *have been* restructured. ROTC again represented a symbolic means through which some change in these two situations could occur through student opinion.

Considering the climate in the prior week when it seemed certain that ROTC would fall totally into an emotional-political pit, the results were very positive and reaffirming in nature . . . far more than expected. Conditioning and readiness paid off.

It should be noted that the effect of the results of the student vote is to present to the chancellor some type of "student concensus" to present to the Regents on the campus issues. In effect, the effort by the NROTC left the Chancellor with no reason to act against ROTC and took much of the starch out of the activist effort.

Faculty level

Concurrent with the student effort, the unit staff officers effected increased efforts to support the ROTC programs at the faculty level. These officers, the commanding officer and the freshman instructor, in particular, had prepared the unit since their arrival in the fall to cope with potential campus difficulties. They had established many lines of communication with administrators and faculty that they used fully at this point. They kept in touch with the varying political climates as they changed so as to provide a base of guidance and information to the midshipmen in their efforts. The emphasis by the officers was on the academic side of the issue. They were aware of the decision-making chain of command on campus, how decisions could be effected and affected, and the procedures by which to most effectively participate in this process as faculty members themselves. They personally attended the committees on educational policies and academics, to repeatedly assert that the course relevance and content of NROTC courses were determined by the duly constituted academic processes and that they met the standards in the context of other university courses as to "academic credibility". Many misconceptions and false statements would have affected faculty opinion if it were not for this effort. This effort is still in progress.

Additional time was spent in discussion with individual professors and department chairmen. Midshipmen also talked at length with the professors they knew. The purpose of these talks was to reason, and to provide professors a positive base of information with which they could formulate a positive and knowledgable attitude about ROTC. The Academic Senate voting results are as follows:

	Yes	No	Percent
A. Abolition of ROTC courses	191	624	76.5
B. Withdrawal of credit, ROTC	297	509	63
C. Inquiry re ROTC programs	752	249	75

Solid support is shown for maintaining ROTC programs with credit and for an inquiry into ROTC programs with the possibility of effecting some minor improvements or recommendations.

Regents (political) level

The efforts on this level are of a wider and more general nature. Being a state owned university campus, UCLA and the other eight University of California campuses is ultimately controlled by a Board of Regents who manage the statewide university system and are accountable to the taxpayers. This is where public relations efforts come into focus. Public support can ultimately effect the views of the members of this board regarding the ROTC if it were strong enough in either direction.

The NROTC unit was in the public eye continuously throughout the year. There was a blanket drive service project conducted by the midshipmen in the surrounding communities which was a door to door effort in uniform to collect blankets for war refugees in Vietnam for Christmas. A Veterans Day presentation and program was conducted by midshipmen for the neighboring town of Santa Monica. The NROTC unit was a major participator in every campus activity in which the public participated—blood drives, charity drives, Open House, to name a few. Community support was also enlisted through the Navy League. Midshipmen had been donating their services to the sea cadet programs sponsored by the Navy League as classroom and drill instructors for a year and a half. The list of participation continues far past this and ranges from projects with Color Guard for the dedication of a new hospital to drivers for university guests. Attention was drawn to each activity by putting it before the public eye through newspaper articles or T.V. coverage. When the going got tough, the Navy League stepped in and enlisted community support to present a resolution to the Governor who is a member of the Board of Regents.

An unusual student—Regent interface also existed. Several midshipmen applied for jobs *as special drivers for the Regents* in the *early* fall. By midyear the *entire driving staff for the Regents* consisted of *midshipmen*. When the Regents would come to UCLA for meetings, these midshipmen accompanied them everywhere during the duration of their stay. Many opportunities for personal conversations were possible. Personal friendships even developed. It would not be uncommon to go to dinner with a Regent or to spend many hours in conversation about campus issues, especially ROTC. Consequently, the friendliness, appearance and intellectual exchanges of midshipmen with the Board had much potential in maintaining a good image of ROTC students and their program on a statewide level. This type of impression cannot be reflected numerically due to its unprecedented value.

The continuing effort

Having won the battle, so to speak, the main efforts at this moment are directed at not losing the peace. The activist groups, having lost their chance to build support for their case through the student and faculty votes, have continued their efforts politically behind the scenes to try to get around the realities of faculty-student support for ROTC. At present UCLA has a quasi-legal body called the University Policies Commission (UPC) which has set up several Task Forces to study areas of campus concern. One such Task Force is that on "war-related activities and ROTC". This writer is presently a member of this "study group" and was appointed to "represent a balanced view on the committee". There are four other student voting members who will spend all summer on salary "researching" to come up with some "qualified conclusions" on the matters of war-related activities and ROTC on campus. Open condemnations and proposals for abolishment of ROTC are declared continuously by the other members. The student members are campus activists who are on this task force with the purpose of placing the university approval stamp on their proposals. It is another way to gain political status and to play the university against itself. This writer has just recently been "voted" off of this force because he "has not the proper background" and is "holding up the progress of the committee". This vote has personally been discredited on its non-legality. Current effort is being undertaken to expose the background nature of the task force and the invalidity of some of its proposals. There have been similar complaints on the other task forces that the majority of members are student activists. The result comes about partially by the fact that this type of activity or "involvement" is the occupation of these students. They work at their goals on a full time basis. This is the type of effort a unit can be up against. One thing can be assumed . . . that is, that the effort will continue and an ROTC unit in this type of situation has to be able to recognize these efforts and stay in the game.

PART III: SUMMARY AND CONCLUSIONS

It is believed that the issues and situations presented here are not merely local case studies but have profound and real consequences and applications. The increasing role call of ROTC units facing or receiving either being discredited or discontinued bears this out. Like buffaloes being shot, these units have looked on with interest when another of their number goes down, without seriously thinking they may be next. The example of the UCLA NROTC gives some idea what may be done in the face of the concerted political moves to eliminate ROTC. The sister NROTC units at Stanford, Berkeley and Washington have been physically attacked throughout the active attempts to remove or discredit it. We have maintained a positive orientation—some of the tools to maintain positivism: Vision . . . Leadership . . . Moral courage of the planning of its midshipmen . . . Communication . . . Public Relations . . . Gut Effort.

PART IV: PERSONAL COMMENTS AND RECOMMENDATIONS

It was tremendously encouraging to see the importance of ROTC-campus situations be so prominent at the recent ROA Convention in Las Vegas. Speaking before the convention and with many distinguished civilians and military officers, brought the need into the open for a coordinated effort on a national level to evaluate and aid each ROTC program. I realized a need is to provide continuous input from the field (from each particular ROTC unit) of the nature of current campus situations and what is being done about them. Unfortunately, until now we have been so busy dealing with the situation that we have been unable to

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report it. Briefly I would like to propose the following: 1) A task force might be considered to be comprised of well spoken junior officers who would maintain a continuous liaison between the ROTC units and Washington. They could serve as an advisory group in helping to establish better lines of communications or public relations for a unit. They could collect much of the vast amount of anti-ROTC literature for reference and review. They could relate the experiences, organizations and strong points of other units that have faced campus confrontations in an effort to determine what are the most effective policies for each particular unit to employ. No two units are alike in their campus-political environments. This could eliminate a fruitless search to create on paper one policy to be followed by all. It is suggested that these young officers serve a mobile function by moving about where needed. They could provide Washington with a timely base of information so that its actions can be timed to meet individual unit needs when they exist. It is true that ROTC units are autonomous in nature, but they often are ill equipped to accept the additional administrative load, or can they divert faculty from *teaching* to react to criticism from untoward sources. 2) In ROTC units where the greatest potential threats are envisioned, it might be worthwhile to select the next incoming PNS and instructors on the basis of ability to fulfill the increasing demands of those positions. Often outgoing or retiring officers are assigned who will be less capable to handle the situations. I feel personally that the UCLA NROTC Unit would not be the strong and proud unit it is today without the new and very effective leadership it was assigned in the fall. Colonel Warren and LCDR Jones are the reasons that the NROTC Unit at UCLA is what it is today. The actions presented of their unit in anticipating situations and providing guidance in their solutons should be well reviewed. 3) It would be helpful to request other such papers as this from other midshipmen. Nobody possesses privileged access to the entire picture from the student view. This paper is contented only to represent my immediate personal views (and no one else's) on the situation as I've been able to see it. 4) The basic policies of those evaluating and working within the ROTC-campus situations should be policies of vision, not policies of crisis. The former must be coordinated on a timely basis and applied before it is too late for concern. The latter is too late. 5) I would like to acknowledge the Navy Department's vision in revising its curriculum for the past year. It is deemed a much more constructive one and makes it possible for us to come back to many ROTC criticisms with the opening statement "But in the Navy for example . . ."

I am honored to have the opportunity to express my personal views on this subject of maintaining ROTC and am proud to be able to say, anywhere, "in the Navy for example . . .".

Respectfully submitted,

CHARLES C. HOOPER.

TWENTY YEARS OF TYRANNY: COMMUNIST CHINA 1949–69

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. ADAIR. Mr. Speaker, the Committee of One Million has just issued a very timely booklet to coincide with the 20th anniversary of Communist rule over China. The booklet, entitled "Twenty Years of Tyranny: Communist China 1949–69," dramatically and incisively examines how China has faltered and even gone backward in some respects under Communist rule.

The introduction to this booklet was written by my friend and former colleague, Dr. Walter Judd, and, in my view, is worthy of the attention of the Members of this body. Therefore, I commend it to the attention of all:

INTRODUCTION

(By Dr. Walter H. Judd)

October 1, 1969, marked the 20th anniversary of Mao Tse-tung and the Chinese Communist Party coming to power on mainland China. What has been their record over the last 20 years? Where have they succeeded—and failed? How have the Chinese people fared under Communism? What does the future hold for the Chinese people—and Chinese Communism?

To obtain the answers, the Committee of One Million asked three distinguished experts to examine the political, military and economic trends of Communist China since 1949. Their findings are contained in this booklet whose title sums up their conclusion: *Twenty Years of Tyranny: Communist China 1949–69.*

Politically, Mao has used every stratgem and intrigue available to a tyrant to retain power, including terror and murder. Today, Mao and his associates are uncertain rulers of an uneasy country rife with rebellion. As Professor James T. Myers states:

"The Maoists' grand schemes, such as the Great Leap Forward and the Great Proletarian Cultural Revolution, have wreaked havoc with the Chinese political, economic and educational systems . . . one sees overall a record of squandered human resources and political resources of support both within the Party and without, which if not unprecedented, must still be recorded as gross political ineptitude or outright stupidity. China still needs today, as she needed in 1949, political leaders who are able to bring internal peace, stability and a measure of prosperity to this vast and potentially great nation and great people."

Militarily, Communist China is becoming a paper tiger, capable of making threats, but incapable for the most part of carrying them out except against weaker Asian neighbors. Significantly, the most pressing responsibility of the military today is to guarantee the political stability of the Mao regime. It has created a military dictatorship or *junta* on mainland China. As Professor Jurgen Domes states:

"With the establishment of the PLF (People's Liberation Forces) as the dominant political force in Communist China, two results appear possible: (1) Communist China might be heading for a period of centralized military rule under Lin Piao; (2) A new period of military regionalism—albeit qualitatively different from that which prevailed in the early decades of this century—may soon begin."

Economically, Communist China is exporting opium to get foreign exchange with which to buy wheat to feed its people, while it exhorts its citizens to 10- and 12-hour work days. As journalist John F. Lewis states:

"Red China's agricultural base and industrial plant may be in worse shape than at any time since October 1, 1949 . . .

"The diet now of the average peasant at best is not better than it was in 1939—not 1949 . . .

"Since 1965, Peking's import-export activity has dropped off fifteen to twenty percent . . .

"Many public works projects carried out with great fanfare and haste during both the Great Leap and Cultural Revolution periods are falling apart . . ."

Clearly, Communist China under Mao Tse-tung is a weak, divided and chaotic nation. It is held together today only by military force under the leadership of Mao's chosen successor, Lin Piao. The Communist Party has been reduced to a secondary role. In fact, it can be argued that what prevails in mainland China today is revolutionary anarchism. As a result, no one can predict Communist China's future with any real confidence.

Such uncertainty is precisely why the Committee of One Million now opposes, as it has since 1953 when it was formed, any concessions by the United States which would aid the Peking regime.

American opposition to the admission of Communist China to the U.N. or any other steps which would build the power and prestige of Mao's government has always enjoyed broad bi-partisan support, including that of five American presidents and seven U.S. Congresses. Furthermore, American opposition to admission or recognition has been based on the realities of the situation on mainland China and Asia.

The realities have never been better expressed than by the former U.S. Ambassador to the United Nations, Adlai Stevenson, when he told the General Assembly:

"The *first* reality is that the regime in Peiping does not in any meaningful way represent those 700,000,000 people of whom we have heard so often these past two weeks: the mass executions, the iron controls, the total suppression of all personal freedom and civil liberties, the two million Chinese refugees in Hong Kong—these are proof enough.

"The *second* reality is that the Communist Chinese regime has already made a record of aggression and hostility toward its neighbors in Korea, in Tibet, in India and in Southeast Asia.

"The *third* reality is that the Chinese Communists are dedicated today—and as a matter of high policy—to war and violent revolution in other countries.

"The *fourth* reality is that the Republic of China is a Founding Member of the United Nations—that the Government of the Republic of China exists, and so do 11 million people of Taiwan—that its Delegation which sits here now has performed honorable service to the United Nations and its Charter.

"The *fifth* reality is the Charter of the United Nations—which sets forth explicitly the requirements for membership and the terms for expulsion.

"The *sixth* reality is the proposal which is put to us in the Soviet draft resolution—which is this: that by our own deliberate action we are first to throw out a Founding Member who is guilty of nothing, in order to empty a seat in this Hall; we are then to invite another delegation to enter this body on its own terms, to fill that empty seat; and we are to present the new delegation with a special license to commit armed aggression against the member we have just ejected illegally."

Since that address, Peking has unleashed the Red Guards, encouraged revolutionary activities in Laos, Cambodia, Thailand, Malaysia, Indonesia, Africa, and even the United States, provided logistic and moral support to North Vietnam, promised in April 1969 to "bury" the United States and continued to express its contempt and hostility toward the United Nations.

The President of the United States in 1966 said, "A lasting peace will not be possible as long as the 700 million people on the Chinese mainland remain isolated from the outside world."

This Committee disagrees with that statement on two counts. First, the problem is not the isolation of the 700 million people in mainland China, but the lawless behavior of the self-imposed Communist tyranny that controls those 700 million people. Second, the statement implies that bringing that Communist tyranny into the community of nations is a way to encourage improvement in its behavior. All experience indicates the opposite. If by belligerence and turbulence it succeeds in getting what it wants, why should it abandon them and become conciliatory?

If the statement had been, "A lasting peace will not be possible as long as the 700 million people on the Chinese mainland remain under *Communist control,*" we would agree wholeheartedly.

The objective of American policy must be the return of the 700 million Chinese people to control of their own destiny. If free, they will be friendly and peace will be possible.

Therefore our government must refrain from any action—such as diplomatic recognition, trade, admission to the United Nations—that would inevitably strengthen the Communist tyranny, both at home and abroad, and would correspondingly weaken the resistance of the 700 million Chinese and the hope of the world for peace in that area.

In the face of Red China's deliberate and consistent policy of revolution and subversion, the United States must continue its present policy of no concessions to Communist China until the Peking regime abandons its aggressions and its tyrannies in fact and in deed.

Until such time, the Committee of One Million will continue to publish special reports like *Twenty Years of Tyranny: Communist China 1949–69,* with the conviction that if the American people have all the facts they will make the right decisions and support the right policies for their country and the world.

RESULTS OF QUESTIONNAIRE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. LANDGREBE. Mr. Speaker, I recently received the results of a postcard questionnaire poll I conducted a few months ago in the Second Congressional District of Indiana.

I present these results now for the enlightenment and information of my respected colleagues. Particularly, I invite the attention of all Members to the response to question one, regarding the war in Vietnam. The results clearly show that a substantial majority of the people in my district, despite what we may have heard from those who would have us surrender, are certainly not ready to abandon Vietnam to communism. They prefer to stay the course and fight to win the battle against the Communist slavemasters by a margin of nearly 3 to 1.

About 43 percent actually want our Nation to increase the military pressure on the enemy, while another 16 percent who gave miscellaneous "write-in" responses called for some measure of increased pressure on the enemy.

Less than one-fourth of my constituents desire abandoning the people of South Vietnam to the uncertain mercies of the Communists.

The results of my poll, representing the sentiments of 30,782 persons, including 15,906 men and 14,876 women, are as follows:

1969 PUBLIC OPINION QUESTIONNAIRE

1. If present peace negotiations concerning the Vietnam War are not successful, do you recommend:

[In percent]

	Husband	Wife	Combined
a. Immediate withdrawal of U.S. forces?	21.8	25.2	23.4
b. Increased U.S. military pressure	43.4	41.5	42.5
c. Present military effort with continued negotiation attempts?	16.0	16.7	16.3
d. Other alternatives? If so, what?	18.8	16.6	17.8

Under "other alternatives," a multitude of sentiments were written in, sometimes singly, sometimes in conjunction with other responses. There were too many different responses to list them all, but a few stood out. Of those answering to Question 1.d., the percentages looked like this:

[In percent]

	Husband	Wife	Combined
Win it or get out	32.0	31.7	31.9
Gradual withdrawal	20.7	20.7	20.7
Increased military pressure with continued negotiations	8.1	7.4	7.8
Let the South Vietnamese assume a greater share of the fighting	12.4	14.3	13.2
Stop trade with Communist countries	2.9	3.4	3.1
Resume bombing of North Vietnam	15.2	16.2	15.6
Other	8.7	6.3	7.7

2. Do you favor a Constitutional Amendment allowing Congress to override a Supreme Court decision by a two-thirds vote?

[In percent]

Husband		Wife		Combined	
Yes	No	Yes	No	Yes	No
68.8	31.2	70.0	30.0	69.4	30.6

3. Do you favor legislation limiting the number and type of questions to be asked in taking the 1970 Census?

[In percent]

Husband		Wife		Combined	
Yes	No	Yes	No	Yes	No
71.9	28.1	73.3	26.7	72.6	27.4

4. Do you believe that inflation will be controlled by continuing the surtax?

[In percent]

Husband		Wife		Combined	
Yes	No	Yes	No	Yes	No
12.5	87.5	11.2	88.8	11.8	88.2

5. Do you favor a government guaranteed minimum annual income?

[In percent]

Husband		Wife		Combined	
Yes	No	Yes	No	Yes	No
17.7	82.3	18.9	81.1	18.3	81.7

6. Are you satisfied with President Nixon's performance to date?

[In percent]

Husband		Wife		Combined	
Yes	No	Yes	No	Yes	No
74.4	22.6	76.0	24.0	73.3	26.7

7. Do you want stricter gun control legislation?

[In percent]

Husband		Wife		Combined	
Yes	No	Yes	No	Yes	No
38.9	61.1	47.8	52.2	43.1	56.9

HOW USEFUL IS THE MOON? A PRACTICAL ANSWER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. TEAGUE of Texas. Mr. Speaker, a recent edition of the U.S. News & World Report carried an instructive article on the value of the moon to this Nation and the world in the future. As we expand our horizons beyond the earth it is important to consider the ideas examined in this informative article. The article follows:

HOW USEFUL IS THE MOON? A PRACTICAL ANSWER

Of what use is the moon? Can man colonize it, mine it for hidden riches, use it for a military base? Answers to these questions are among many given in a 256-page book, "U.S. on the Moon—What It Means to Us," just published by "Books by U.S. News & World Report." Here are excerpts from one of the book's 12 illustrated chapters—this one entitled "Our Lunar Base":

Getting sufficiently established on the moon to do extensive exploration and research will be as difficult as getting there in the first place.

In the initial years of moon exploration, landing vehicles will serve as shelters, scientific laboratories, living quarters, and radio stations. In far years ahead, visitors to the moon will work in underground stations covered over by the moon's surface material to shield them from heat and cold.

Provided an atmospheric cocoon, the inhabitants of these stations will be able to live in comfort, moving in air-pressurized tunnels through an underground network of laboratories. Dressed in pressurized space suits, they will go above ground for excursions of days or weeks into the lunar badlands.

The stations may well be international colonies, much like scientific stations in the Antarctic. . . .

The exploration for usable natural resources in the moon's crust will begin early. Perhaps these will be gold or diamonds, but moon explorers will be far happier if they find water or substances they can use for rocket fuel.

Water is needed not only for drinking, but for cooling electrical equipment, for heating and air conditioning, and for growing food. The electrical generating devices called fuel cells used in manned space vehicles produce some water. They generate electricity through a chemical reaction between hydrogen and oxygen, and water is a by-product.

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Permanent moon stations will probably require nuclear power plants because they can generate large amounts of electricity over long periods with a very small amount of uranium or plutonium fuel.

It is possible that there is water on the moon. If, for example, the moon was once a part of the earth, it could have taken a huge amount of water with it when it was spun away. If it passed very near the earth and was captured, its gravity could have siphoned water away from the earth's oceans. Today the moon's gravity, weak as it is, is still strong enough to pull the earth's seas and oceans, thereby causing our tides.

Some scientists believe that there is a layer of ice—like permafrost in the Arctic—not far beneath the moon's surface, insulated well enough that it does not melt under the searing midday sun. Others have suggested that there is boiling water deep within the moon, and that even today steam is escaping through lunar fissures. This suggests the possibility of steam-powered, steam-heated and cooled moon colonies.

Or it may be possible to extract water from the moon's rocks. Scientists have detected evidence of sulphur at some places on the moon's surface. On earth, sulphur is invariably associated with water-bearing rocks. But to extract water from the rock itself will require enormous sources of energy.

Bizarre schemes have been suggested. One idea is to place huge, metal-foil mirrors at places in space called "libration points," where the gravity of the earth and the gravity of the moon are balanced. Theoretically, objects placed at these points would remain there, drifting neither toward the earth nor toward the moon. Giant mirrors so located would require only tiny control jets to keep them oriented so they could concentrate and focus the sunlight on a desired point on the moon. That would drive the temperature as high as 800 degrees, enough to chemically break down the rocks, making it possible to capture their water.

Growing food on the moon is an especially interesting problem. What we call moon soil may be extremely poor or void of plant nutrients, but we might turn to a science called "hydroponics" to produce vegetables.

Years ago, scientists found they could grow plants without soil. The technique involves using tanks filled with chemically treated water. Wire-mesh screens are placed over the surface of the water and covered with rocks or cinders. Such materials merely hold the plants in place; the roots stick down into the water and grow there. Some plants flourish this way, producing more and better fruit than they do growing in rich soil. . . .

Until ways are found to develop resources on the moon, explorers will have to make more and more efficient use of what they have. Even human waste materials will have to be carefully saved. Some of it, urine for example, will be treated to extract fresh drinking water.

The successful search for sources of oxygen or hydrogen would be as important as the discovery of usable water on the moon. This would raise the possibility of one day refueling rockets on the moon for their return trip to earth, or even for missions deeper into the solar system. . . .

As we look ahead to the time when man will establish himself as a resident of the moon, we might ask about the moon's potential for military uses. Can operations on the surface of the moon do anything to enhance our national security back on earth?

In the early days of the space age, there were real fears that the Soviet Union's lead would enable the Russians to establish control of the moon. When any potential adversary can operate in an environment where we cannot, it is a matter of great concern to military planners.

Now, an international treaty, signed by both the United States and the Soviet Union, forbids placing weapons in space or on the moon. It also prohibits a country from making territorial claims on the moon.

From a technical viewpoint, it would be possible to establish missile-launching pads on the moon to send bombs against targets on earth. The best insurance we have against this happening is the moon's great distance from us. If an intercontinental missile were fired at the United States from the Soviet Union, we might have no more than 15 minutes' warning, because the approaching warhead is shielded from radar detection by the horizon until it is in the latter phase of its flight.

On the other hand, a missile launched from the moon to the earth could probably be detected two or three days before arrival, giving time for defensive missiles to be launched to intercept it in space.

By the same token, it offers no advantage to use the moon for spying on earth when this can be done infinitely better by satellites in low earth orbit. Looking at the earth from the moon one cannot see evidence that our planet is inhabited. But satellites in earth orbit can even spot missile sites and detect rocket firings.

Satellites can be placed in stationary orbits so they observe the same point on the earth's surface all the time. At an altitude of some 23,300 miles, such satellites travel around the earth in the same time it takes the earth to turn on its axis; the result is that the satellite stays in the same place in relation to landmarks on earth.

Such constant surveillance can never be possible on the moon, even if some magical devices could be built which would allow observation of small objects. A given area on the earth would be in view only half the time because of the earth's rotation.

Nevertheless, weapons on the moon could have blackmail potential, just as a nuclear power could intimidate other nations by placing a bomb in earth orbit. It might be psychologically intimidating.

As for nonmilitary aspects, scientists have planned an exhaustive search for any evidence of life. They would be most surprised if they found any, but the possibility cannot be altogether discounted. If there is not life in the form of viruses or bacteria, there might conceivably be molecules left over from the process of life formation on earth. . . .

If the possibility of finding some crude form of life on the moon is farfetched, the idea of using the moon as the site for exciting new astronomical laboratories is not.

Just as the atmosphere filters out most of the radiation sent our way by the sun, it forms an opaque window which lets us see only a little of the energy coming from the stars. So, despite the advances of modern astronomy, scientists still have to do a great deal of guesswork about the characteristics of stars and their life and death.

In recent years, some of the most exciting discoveries of science have come from the field of radio astronomy. Gigantic telescopes which collect radio energy are making it possible to study the universe in an entirely new way.

But radio telescopes miles in diameter are needed to really take advantage of the opportunity to study the noise from the stars. It is difficult to find sites for such laboratories because of their susceptibility to interference from electronic equipment on earth. The back side of the moon is an ideal place. Protected from all interference, a radio telescope could gather information unobtainable either on earth or in earth orbit. Here again, the low gravity on the moon would offer an advantage. It would be possible to put up a gigantic receiver like a child's erector set. The structure could be built without the massive support required on earth, where gravity would make it topple.

In recent years, astronomers have discovered objects called quasars which seem to be so far away that their radiation we are now receiving was emitted before the solar system was formed. Even now they appear to be moving away from us at velocities approaching the speed of light.

Radio energy is being studied from other objects called pulsars, which seem to be extremely small, yet generate incredible amounts of energy. They send out pulses so accurately timed that when they were first discovered it seemed that they might be intricate radio signals from another civilization somewhere.

Our lunar base, then, will extend our vision and hearing so we may perceive a greater part of the universe than has ever before been apparent. At the same time, it will enable us to look back closer than ever toward the day of creation.

MSGR. CHRISTOPHER J. McCORMACK—A GOLDEN ANNIVERSARY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1969

Mr. MURPHY of New York. Mr. Speaker, on the evening of September 21, I had the honor to attend a unique and touching testimonial dinner at the Columbian Lyceum on Staten Island. The ceremony was held to honor Rt. Rev. Msgr. Christopher J. McCormack, pastor of the Church of St. Ann, Dongan Hills, Staten Island, who is commemorating his 50th anniversary in the priesthood. Under leave to extend my remarks in the RECORD, I would like to include the following tribute to this eloquent and dedicated man, including a congratulatory letter from Francis Cardinal Cooke, archbishop of New York:

> A man dedicated to a life of love and service to God and the Church. Monsignor Christopher J. McCormack has reached an apex in a career so well chosen. To participate in a celebration with him on his fiftieth anniversary as a priest is certainly a joyous occasion and one that will be so warmly remembered by his St. Ann's parishioners, family and friends. A man of sensitivity and compassion, steadfast in his approach to the work of God, so humble and modest in approach, demanding so little, this good priest truly exemplifies the best in man.
>
> In his divinely inspired career, Monsignor McCormack has served faithfully and well in a number of assignments, the first being to the Church of Mount St. Mary, Wappinger Falls, following his ordination on September 20, 1919. Subsequent duties were assumed at the Church of St. Stephen, Manhattan, October 14, 1921 to October 22, 1940. After serving at the Church of St. Brigid in Manhattan for an approximate period of two and one-half years, Cardinal Spellman, in recognition of his idealistic work, appointed Monsignor to his first pastorship at the Church of the Holy Name of Mary, Croton-on-Hudson, on August 21, 1943. It was our good fortune to have Monsignor designated Pastor of St. Ann's on May 18, 1946 and in the past twenty-three years we all have gotten to know and belove this good priest.
>
> There is no need to recount the accomplishments achieved by Monsignor, with which we are all familiar, but a singular aspect deserves comment, and that is the complete holiness which surrounds his being and which affects us all in our quest to be better Christians. He so well fulfilled the attributes of the phrase he so often used, "noblesse oblige", for never has a parish been blessed with a man of such honor and goodness. Our joining together on this festive occasion in a very warm way expresses our love and devotion to a man who will be in our hearts forever.

> NEW YORK, N.Y.,
> *August 20, 1969.*
>
> RT. REV. MSGR. CHRISTOPHER J. McCORMACK,
> *St. Ann's Rectory,*
> *Dongan Hills, Staten Island, N.Y.*
>
> DEAR MONSIGNOR McCORMACK: I am delighted to learn that on the 21st of September, you will observe the Golden Anniversary of your Ordination to the Sacred Priesthood and I wish to add my congratulations to those of your many friends who will celebrate this joyful occasion with you.
>
> May it be for you a day of happy memories, as you recall the many blessings which have filled these golden years since your Ordination. My prayer is that Almighty God may continue to bless you and keep you in our midst.
>
> I wish to take this opportunity to express my deep appreciation for all that you have done for the Church during these years. Your priestly dedication, as well as your loyalty and devotion, have been a great source of encouragement to all of us.
>
> With renewed congratulations and prayerful good wishes, I am
>
> Devotedly yours in Christ,
> TERENCE CARDINAL COOKE,
> *Archbishop of New York.*

ADDRESS BEFORE WALTHAM FRENCH-AMERICAN VICTORY CLUB

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include herewith a summary and synopsis of my remarks Saturday, October 4, 1969, before the French-American Victory Club at Waltham, Mass., on the occasion of the 25th anniversary of this outstanding organization.

The banquet was largely attended, most enthusiastically celebrated, and was a very impressive and inspirational experience for those privileged to attend.

The summary follows:

> Speaking before the French-American Victory Club at Waltham last night, Congressman Philip J. Philbin said that our national leadership must do everything in its power to bring the war in Vietnam to an honorable end at the earliest possible time, and keep our nation strong in every respect, militarily, economically, financially and spiritually, so that all of our people can enjoy the fruits of our prosperity and the equality of treatment under our laws which our great Constitution guarantees.
>
> Philbin assailed the high interest rates, which he said were causing great hardship to many veterans, workers and others, and threatening current prosperity.
>
> He also deplored current government cutbacks in social, economic, educational and health areas, which he termed unwarranted, wasteful and destructive, and were impeding many fine programs of great value to some of our most pressing, social needs.
>
> The Clinton Congressman also paid great tribute to the Franco-American people of Waltham and the Commonwealth and credited them with a loyalty to the ideas and principles of American government which has won for them the high regard and esteem of all their fellow countrymen, irrespective of race, color or creed.
>
> "Yours is indeed a proud heritage," said Philbin. "Your race springs from the richness of a glorious past, replete with acccomplishment in art, literature, music, science, politics, religion and, in fact, virtually all the things that make life worthwhile.
>
> "From the sunny fields of France, and from the woodland fastness and fertile valleys of Quebec and Canada, you and your ancestors have poured a stream of manhood and womanhood imbued with great humanitarian qualities, unquestioned loyalty to our country, fine citizenship, faith and industry which through the years has been an invaluable support to the government as well as to our community and national life."
>
> The Congressman touched upon the great contributions of the French people throughout history—their fight for liberty, fraternity, equality.
>
> "This struggle for equality," said Philbin, "goes on today all over the world, where people are oppressed or threatened by the ruthless tyranny of powerful nations striving to dominate them, and destroy their liberties.
>
> "The Franco-Americans have magnificently carried out the great traditions of your race.
>
> "You realize too, as we all must, that equality right here in this country in this crucial time in world history, and I mean total equality under the law, and equal treatment for all, must be guaranteed and assured in every sense of these words."
>
> Philbin also touched on current world and national affairs.
>
> "Let us not be deluded, and let us not be passive or unmoved, by the dangers that threaten us in the world and in this country," he said. The enemies of freedom, the individual rights of man and the liberties that we enjoy as Americans are growing stronger by the minute.
>
> "Let no one make a mistake about that. They are fast developing a strength of arms and destructive weapons that is not only coming up to our own armed strength, but increasingly, in very important respects, has gone ahead.
>
> "Unfortunately, some of these nations turn their backs on peace, and block and delay every effort that this government and other free governments are making to limit and control destructive weapons, and to put the affairs of this world on the firm foundation of the 'rule of law' and universal peace.
>
> "Until that peace has come and is assured and pray it may be soon, the dangers of international disaster are dispelled, and solid international understandings and agreements have been reached that will free us all from the threats of nuclear destruction, we must keep this nation strong and prepared.
>
> "Meanwhile, we must not allow current disappointments and delays to swerve us from our resolution and efforts to make an enduring peace for this world that will permit all nations and all peoples to live in brotherhood and understanding.
>
> "Above all, let us realize that we are the greatest, richest, most powerful nation in all history, and we must do everything we can to strengthen the principles of freedom, enterprise and justice that made this possible.
>
> "With malice toward none, with justice toward all, with the hand of friendship, peace and brotherhood extended to every nation and group, let us go forward until we make this nation, yes and the world, not only a better place to live but a place of opportunity, plenty, promise and hope for the oppressed, the poor and the lowly, wherever they may be. The amelioration of social, political and economic injustice must be a great goal, which I know we can reach sooner than some think, if we unite and work together.
>
> "On this day of celebration of this great club, it is an opportunity for us to rededicate ourselves to the high purposes of those who built and developed this great land of ours, the leaders who fostered and advanced it by their wisdom and tenacity, and all those who fought and did to sustain our nation.
>
> "At the same time, we may well rededicate ourselves today to the spirit of the great French leaders who helped to lay down the foundations of our country and civilization—the great law-giver, Montesquieu, Lafayette, who fought with us, Pasteur and Curie, who purged us of killer disease, the memorable discoverer, Father Joliet, and other great French figures who gave life and hope to the human family, instead of the sting of disruption we see around us in some places today.
>
> "One more thought. Let us renew our faith and our love of American democracy, the American free way of life, our freedoms, so that we may continue to live as free men and women here in America, so that our liberties may be protected against enslavement and debauchery, whether it comes from foreign aggressors who would impose the slave state on all, or from the influences in our own country that would destroy our family life, our moral structure, American institutions, and replace them with the collectivist state.
>
> "In doing this, we will be adding lustre to the contributions of the French people to America, and all the other rich cultures of every group, and we will be proclaiming our confidence and faith that we of this great country, not only have the opportunity born of freedom to make this nation and government serve the cause and the needs of ordinary people for whom it was created, but that we also have the determination, strength, power and resolution to solve every problem that may arise, present and future, and, God willing, build and develop this nation to greater heights than ever and use our great influence to establish lasting peace and mutual help in the nation and world.
>
> "Heartiest congratulations and many happy returns of your birthday."

RECOUNTS UNHAPPY EXPERIENCE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. KASTENMEIER. Mr. Speaker, today, I am asking to have printed in the RECORD an article written by Mr. Miles McMillin, the editor of the Capital Times, the most prominent newspaper in my district.

Mr. McMillin recounts an unhappy experience he has had in dealing with the credit department of the Standard Oil Co. I, too, have had a similar experience and have discontinued my own credit account with this company because of its greediness in the handling of its credit accounts and the additional exorbitant revolving account charges. Furthermore, because of the time lapse in billing, it is literally impossible to return one's payment in time to avoid these finance charges. I have gotten to the point that I refuse to trade with companies whose interest charges are so scandalously extortionate and whose credit departments are utterly unresponsive to appeals to revise their billing procedures.

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I know that this frustration is shared, not only by myself and Mr. McMillin, but by countless other Americans and therefore, I include his remarks in the Record at this point:

[From the Capital Times, Oct. 8, 1969]

Hello Wisconsin

(By Miles McMillin)

I have this day written and posted the following letter to Standard Oil, Division of American Oil Co., Central Credit Card Office, P.O. Box 6783, Chicago, Ill., 60680: "Dear Sirs: In the course of the relationship established between us by your credit card 550–438–680–5 I have received from you two statements. One, dated 8–29–69, shows a balance of '84.62 cr.' It bears this notice: 'This is a credit balance. Do not pay.' The other statement, dated 9–30–69, shows a balance of '62.02 cr.' and bears this notice: 'This is a credit balance. Do not pay.'

"On line 7 of the statement where it says 'Finance Charge' in bold face caps both statements include this figure: '.00' May I ask why it is that when I owe you money line 7 is not filled with zeros, but when you owe me money it is? Line 13 tells me that you charge me interest at 12 per cent per annum on the money I owe you. But there is no line to tell me how much interest you pay me when you have the use of my money. Are you somehow under the impression that I do not need the money as badly as you do; that I can afford to make gifts of this nature to Standard Oil? I am sure that you will understand—being the good businessmen you are—that I must either deduct interest from the next payment to you at the same rate you charge me or report in my next income tax return a gift from me to you of that amount? And since I am sure you would not want it known in the trade that you are accepting gifts I will make the deduction"

WIRED FOR DOOMSDAY: VERY UNWILLINGLY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. OBEY. Mr. Speaker, many Wisconsin citizens have been concerned for some time about a Navy-sponsored project called Project Sanguine.

The possible consequences of Project Sanguine for the ecology of this beautiful area could be disastrous. As a recent article in the Washington Post pointed out, conservationists, biologists, and other knowledgeable and concerned citizens view the project with suspicion and concern.

Living on an electrical grid is something fine for James Bond or the Mission Impossible team, but it is considered a very unpleasant prospect by many residents of the area. They fear that important questions concerning the project may not be asked until it is too late.

For the benefit of my colleagues, I enclose a copy of the Post article at this point in the Record:

[From the Washington Post, Oct. 12, 1969]

Forest in Wisconsin Wired for Doomsday

(By George C. Wilson)

Clam Lake, Wis., October 11.—The Navy in the wondrous North Woods just outside this crossroads of a town is wiring Wisconsin for Doomsday.

The idea—named Project Sanguine—is to bury a backup nuclear "button" in the forest floor in case other communications are knocked out by enemy H-bombs.

If Sanguine goes all the way—it is in the test stage now—the button would be in the form of a huge grid of underground wires covering up to one-third of the State of Wisconsin.

The longest radio waves ever produced by man would be sent out of the grid—a huge underground sending antenna—and reach Polaris submarines hidden in the ocean depths. The Sanguine signal could be the one ordering the subs to fire their missiles.

Many conservationists, biologists and others view the whole project with utter horror. They fear timber will be slashed, trout streams silted and animals and plants hurt or killed by the electric currents which the Navy admits will leak out of the Sanguine system.

The opposition is becoming increasingly vocal. It is similar in tone, though not yet volume, to that which prompted President Nixon to relocate the Safeguard anti-ballistic missile system.

"It's too high a price to pay," Kent D. Schiffert, chairman of the State Committee to Stop Sanguine, said of the Navy insurance scheme for war communication.

Schiffert, a history instructor at Northland College in Ashland, Wis., plans to meet with committee leaders today to see how Sanguine can be blocked in the courts.

Sen. Gaylord Nelson (D.-Wis.), opposing Sanguine from the Washington end, said Congress has never taken a good look at the project to see if it is needed. He has been briefed by the Navy on Sanguine and estimates its eventual cost at $2 billion.

"The Navy admits," Nelson said, "that the network will give off electrical currents that will affect some 26 counties in the North Country . . . Thousands of miles of Wisconsin farm and forest will be dug up to install some 6,000 miles of cable under the ground over a 25,000-square-mile area . . . There has been no debate in Congress to prove that, even if the system will work, it is a necessary or a justifiable expense."

The Navy, in explaining Sanguine to people in Wisconsin, states that "the purpose of the test facility" at Clam Lake "is not to demonstrate the feasibility or the effectiveness of the communications technique involved. That has already been demonstrated.

"But before such a facility is constructed," the Navy continues, "we are going to show you, not tell you, that the facility will not adversely affect the area." The Navy has built what it calls an "interference mitigation laboratory" to keep electrical currents from Sanguine from disrupting the area.

After the Clam Lake demonstration, the Navy intends to move south to Park Falls, Wis., to conduct more experiments. This will mean more digging and building—regarded as a boon by job hungry residents and a bane by the concerned conservationists. So far, about $27 million of a $50 million set aside for Sanguine has been spent.

Official Navy press releases steer clear of the Doomsday nature of Sanguine. The "fact sheet" on the project states that "Sanguine calls for the development of a single transmitter complex located in the United States that could provide communications with forces deployed worldwide."

The unmentioned fact that Sanguine is another nuclear button comes through clearly only in the explanations given at Sanguine's fenced-in command post here in the breath-takingly beautiful Chequamegon National Forest.

A "POST-ATTACK" CENTER

W. R. Hayford, site manager for RCA, which got the contract to run the test, said in an interview that Sanguine "is a post-attack communications system." He added that the American forces could only receive the signal—not talk back to Sanguine.

To the person standing on the ground over Sanguine's long electrical cables, the setting seems all wrong for a Strangelove system. White birches lean over the 30-foot-wide rights-of-way the Navy has cut through miles of forest. Spruce trees can be heard whispering in the quiet of the forest. And other tree tops are aflame with the reds, golds and oranges of autumn. A ruffled grouse stood a little way down the road pecking up gravel—his form of teeth.

Why here? Why here of all places? It turns out that the military believes upper Wisconsin is the only place in the world where the Sanguine electronic trick can be performed well. The reason is the peculiar properties of the rock shield running underneath the swampy ground of this forest and the rolling farm land outside it.

Called the Laurentian Shield, the rock is about two billion years old and extremely dry. It lies under the upper third of Wisconsin. The dryness means that electrical currents will not move through it easily. The rock acts like a huge insulator. Electrical current in the Sanguine sending antenna, because of this rock insulator, would not be drawn off deep into the earth at those places where the system is grounded. The rock, as Hayford explained it, assures maximum sending power for the giant Sanguine antenna.

To send out an extremely low-frequency radio wave, which is thousands of miles long, the sending antenna itself must also be thousands of miles long—much too big to be put on a ship or plane.

The required length of antenna, the Navy believes, can be achieved through crisscrossing wires over the thousands of square miles of the Laurentian Shield. The resulting signals would go from Wisconsin around the world.

GLOBULAR CAVITY

The cavity formed between the earth and the ionosphere is known as the Schumann cavity after W. O. Schumann, the German scientist who explored its possibilities for radio work. Extremely low-frequency signals going through this cavity, according to scientists, will remain strong as they go around the world. They cannot be jammed.

Also, the longer a radio wave is the deeper it penetrates water. Therefore, a long wave from Sanguine could get down to American Polaris submarines hiding in the ocean depths. They have to come near the surface to communicate now—a real danger in wartime where survival depends on stealth.

Hayford said Sanguine will generate radio signals of 40 to 80 cycles per second—called Hertzes. One unofficial calculation is that a signal of 100 Hertz—a much longer radio wave than any in use today—would penetrate 400 feet into the water.

If that calculation is correct. Sanguine could mean making American Polaris submarines less vulnerable to detection and attack in a war. Their mission is to clobber any nation which attacks the United States first. Sanguine, then, could be linked by its supporters to the credibility of the American deterrent to anyone contemplating nuclear war.

NOT A PRIME TARGET

Looking at that proposition from another angle, an operational Sanguine system (it is not operational at present) could be a target for enemy H-bombs. Navy leaders concede Sanguine could become a target but doubt the spread out system would ever be a prime one. The existing command and control centers for launching American ICBMs are considered prime targets. Weapons leaders long have feared that nuclear effects in a war would black out those systems.

The Sanguine fight at the moment is focused not on such longer-range strategic

questions, but on what a vast communication system would do to Wisconsin's countryside.

The Sanguine antenna now in existence consists of two 14-mile-long stretches of wires which intersect at the middle to form a cross. There is a transmitter at the intersection.

If Sanguine went all the way, such crosses would be repeated over and over again until there was a gigantic grid over the Laurentian Shield in upper Wisconsin.

The present test site has the antenna wires strung above the ground on telephone poles. In the next construction phase at Park Falls and theater, the sanguine wires will be buried in the ground.

The Navy asserts that the wires will be burned with surgical precision so the land above them can be restored to its former use, including farming. Only "scattered two-acre sites," the Naval Electronic Systems Command states, would be needed for the transmitters.

"There will be no need to denude large areas of forests land or cut wide swaths through the forest," the Navy contends.

BIOLOGICAL EFFECTS

As for how the electrical currents going out from Sanguine will affect animal life and plants, the Navy has awarded a contract to Hazleton Laboratories of Falls Church, Va., to assess such dangers.

Schiffert said "the whole Hazleton contract is a smokescreen to quiet the conservationists." He said Hazleton is too heavily dependent on military work to do an objective analysis and that the study contemplated will not cover enough of the animals and plants in the range of Sanguine's currents.

Lowell Klessig, an environmental science specialist, active in the Stop Sanguine committee, said, "Every biologist knows that the nervous system and other biological processes operate on the principal of internal electrical fields. To put an organism in an external electrical field, such as is proposed by the Navy in Sanguine, may very well alter these processes . . .

"The electromagnetic field may even influence the guidance system of migratory birds, such as ducks and geese, and cause them to lose or change their flyway patterns," Klessig said.

The Sanguine test site falls in the congressional district of Rep. Alvin E. O'Konski (R-Wis.) who sees the project as an economic lift to the area and argues that the Navy should be allowed to complete the phase now under way.

REVOLUTIONARY REFORM IN THE BEST SPIRIT OF '76

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. GUDE. Mr. Speaker, Senator Charles McC. Mathias, Jr., of Maryland, wrote a very perceptive article about the Nixon administration in the Suburban Record of Silver Spring, Md., on September 26, 1969. In his article Senator Mathias gives particular insight into President Nixon's administration, its goals, its strategies, and its recognition of the roots of the crisis in the Nation today. I commend its reading to my colleagues, as follows:

A Republican View—Nixon: A Progressive Verdict?

(By Senator Charles McC. Mathias, Jr.)

Do you remember our friends who slept so well with the famously activist Administration of Lyndon Johnson in the White House? Some of them are now tossing and turning through the night in worry that Richard Nixon is trying to sleep the Nation's problems away. But one of these days the country may wake up to discover that the new Republican Administration—despite the desperate problems it faces at home and abroad, despite the quiet style, despite the accusation of somnolence—is launching changes in Federal policy which in historical perspective may well be viewed as revolutionary.

Americans often mistake the symbols for the substance of meaningful political change. The Johnson Admiinstration often assumed the postures of radical change. The President declared wars on poverty, crime, disease, hunger and even on war, itself. And the Great Society did have some impressive accomplishments. I supported many of its initiatives. But in general, Johnsonian rhetoric, patterned on FDR's, and his continual crashing of the symbols of progress, disguised an Administration that wasn't really getting very far, either in Viet Nam or in the United States.

Many Americans now recognize that Johnson's great purposes and proclamations—however highly motivated or well intentioned—were not fulfilled by great accomplishment. But some of us then reach the wrong conclusion. If a President who invoked all the symbols—a veritable diapason of liberalism—could achieve relatively little, they despair entirely of the Nixon Administration which adopts many of the symbols of conservatism. Yet the Nixon Administration, in its quiet way, has developed a comprehensive strategy to attack most of the most serious problems facing the country. If it succeeds, history may well record that Richard Nixon during the first years of his tenure initiated a major progressive shift in the course of American politics. Among the victims of his effort may well be the prevailing notion that the Republican Party cannot be effectively progressive.

MAJOR GOALS

Although I have had some disagreements with the Nixon Administration, I believe that its major goals and strategies show a clear appreciation of the roots of the crisis in America today. The five major objectives are: (1) End the war, (2) Curb inflation, (3) Reform welfare, (4) Share Federal revenue with the states and localities, and (5) End the draft.

If the Nixon Administration can substantially achieve these five objectives, I believe that Nixon's first term accomplishments could rank him very high among our Presidents. He will have achieved, in fact, what other Presidents have only proclaimed in rhetoric: national unity behind a comprehensive program directed against the sources, rather than merely the symptoms of our national crisis.

Let us consider briefly, what the problems and their sources are:

PROBLEMS

One is the estrangement of youth. If the President can end the war and the draft—two of his key commitments—he will remove two of the principal grievances of young people.

A second problem is the fiscal crisis of the cities and states. This crisis was caused in large degree by decades of maldistribution of Federal revenue, resulting from southern and rural control of key Congressional committees. The northern cities, emphasizing the property tax, have strained their revenue sources and the patience of metropolitan taxpayers to the limit—while services deteriorate and immigration of the poor continues from the south. This problem explains much of the resentment of white homeowners, which is sometimes directed unreasonably against blacks and expressed in high vote totals for "law and order" candidates. These men exploit anger but do not offer answers for urban problems.

A key answer of the Nixon Administration is to share Federal revenues, without strings, with the states and localities. Nixon's proposal contains a passthrough requirement for the cities, and the distribution formula is based not on the distribution of political power at the Federal level, but on objective criteria of population and tax effort. I am co-sponsoring his bill in the Senate. This approach will eventually allow municipal governments to address the terrible problems of the ghetto without making the overall problems of the cities worse—i.e., by excessive taxes that drive property owners to the suburbs. This investment of faith in the principle of government close to the people is a key step in fulfilling a long term Republican pledge.

Another traditional Republican commitment is to alleviate the special grievances of blacks. One of their key problems has been the welfare trap. Six out of 10 black children are at one time or other in their lives involved in the welfare program. It has long contributed to family breakdown, created an attitude of dependency, provided incentives against work, and outraged city homeowners and taxpayers. These city residents bear the brunt of the burden, though they in no way created the problems, which originated in the South.

WELFARE REFORM

Nixon was criticized for delaying submission of welfare reform proposals. But he made welfare reform one of his top priorities, while previous Administrations did more to publicize poverty—and their own experimental wars on it—than to take real steps to relieve it. Welfare reform is crucial. If it is achieved, and organically connected with a streamlined job program as Nixon proposes, the U.S. Government will have at last initiated a major campaign in its war on poverty. It will have established in practice if not in rhetoric the principle of a Federal income floor, proposed by Sen. Robert A. Taft, 20 years ago and by Vice President Agnew last year.

Affecting all these problems and interrelated with them is inflation. The President's caution is in part attributable to his recognition that a continuation of the inflationary spiral could cause a recession in which all his Administration's goals could be lost. This recognition explains his determination to extend the surtax before entering a quagmire debate on tax reform in which many of his so-called liberal opponents hope the surcharge—and the Nixon Administration—will founder. Nonetheless Nixon is committed to the first comprehensive tax reform in a generation.

As a Marylander, moreover, I can welcome not only the Administration's goals but also its grants. The previous Administration was a kind of Grant's tomb for our state. We ranked 50 out of 51 in Federal aid. Now, however, things are beginning to change. Baltimore, which had had applications pending up to 18 months, got a total of $54 million in one month.

SIGNIFICANT STEPS

In declaratory terms, and in symbolic choice, the Nixon Administration has been conservative. Its law and order rhetoric, its Supreme Court choices, its excessive caution on school desegregation, its frequent indication of a southern strategy, all bespeak a right wing cast. Yet in terms of its substantive proposals, rather than its symbolic postures—in its distribution of money and legislation rather than the direction of its speeches—the Administration has been taking significant steps to help those for whom previous Administrations have expressed sympathy but done little—the young, the poor, and the black.

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Nixon's welfare program, for example, as much as quintuples the amount of help currently available for southern Negroes. If this reform and a volunteer military are in fact achieved as planned and if the Viet Nam war is concluded—I would not be surprised if Nixon makes major inroads among blacks in the south, among youth everywhere, and among a great many of his current detractors.

I, for one, predict he will succeed in these goals. Crucial will be establishment of a two party system in the south with blacks divided between the two parties; elimination of real poverty, through national welfare standards; and relief of the cities through Federal revenue sharing. Take a good look! What is brewing in Washington is revolutionary in the best spirit of '76.

EVERETT McKINLEY DIRKSEN

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. BURTON of Utah. Mr. Speaker, the September 22, 1969, issue of U.S News & World Report contained an article entitled, "If a Man Die, Shall He Live Again?" Editor David Lawrence, in a note preceding the article, explains that it is a eulogy that the late Senator Everett Dirksen delivered 4 years ago during a memorial service for his departed friend, Robert Humphreys. As I read this beautiful tribute, I could almost hear the eloquent voice of its author; and inasmuch as it reflects the deep faith and great wisdom of Everett Dirksen, I would like to bring it to the attention of my colleagues who may have missed it:

"IF A MAN DIE, SHALL HE LIVE AGAIN?"

(Everett Dirksen delivered on Oct. 20, 1965, at the New York Avenue Presbyterian Church in Washington, a eulogy during a memorial service for Robert Humphreys, a former newspaperman and in previous years a staff member of the Senate-House Republican Leadership Conference. Mr. Dirksen read from a manuscript he had personally written. I asked him for his copy, and it was printed on these pages in the issue of Nov. 8, 1965.

(Now that the Illinois Senator has passed away, the text may well be read once more.—David Lawrence, Editor.)

(By Everett Dirksen)

What mortal being, standing on the threshold of infinity, has not pondered what lies beyond the veil which separates the seen from the unseen?

What mortal being, responding to that mystical instinct that earthly dissolution is at hand, has not contemplated what lies beyond the grave?

What mortal being, upon whom has decended that strange and serene resignation that life's journey is about at an end, has not thought about that eternal destination and what might be there?

Centuries ago, the man Job, so long blessed with every material blessing, only to find himself sorely afflicted by all that can befall a human being, sat with his companions and uttered the timeless, ageless question, "If a man die, shall he live again?" In the Easter Season, when all Christendom observes the Resurrection and seeks answers to many questions, there in the forefront is the question raised by Job, "If a man die, shall he live again?"

If there be a design in this universe and in this world in which we live, there must be a Designer. Who can behold the inexplicable myateries of the universe without believing that there is a design for all mankind and also a Designer?

Consider what is recorded in the Book of Genesis. First, the Designer created Heaven and Earth, void and formless. There was darkness on the deep. Only darkness and ocean and no light. Let there be light said the Grand Designer of the universe, and there was light. Let there be a firmament, said He, and there was a firmament. Let there be grass, said He, and herb, yielding seed. How could an earth continue without the seed of continuity? And there was.

Two lights He made, sun and moon. Came the stars by His design. He called for living creatures in the water and fowls to fly above the earth. And it was so, even as it is now. He called for earthbound life—cattle, beasts, and creeping things. The design was nearly complete, but not quite.

He created man with dominion over all other living things. And then this seemingly incredible thing—every green herb for meat. Yet it is every green thing which sustains all living things from the day of the first man until this very moment.

Man alone, of all living things received intelligence—a brain, a mind, and a soul. He alone, with these attributes, had the capacity for faith and hope, for inspiration and ambition, nobility and dignity, and the capacity to remember and to forget.

In a world of scientific wonders and achievements, no atom with all its force to destroy, to frighten, and annihilate could conceive an idea, build a structure, write a document, utter a spoken word, entertain compassion of charity or hope. Only to man came this endowment of intelligence, dignity, divinity, and dominion over all living things.

Who would persuasively contend that this work of the Great Designer could end in oblivion, in destruction without a trace? Who will contend that this—the noblest work of the Great Designer—man, with dominion over all livings things, man, with a brain and a will, with a mind and a soul, man, with intelligence and divinity, should come to an end when the spirit forsakes its earthly temple?

Except for the handiwork of the Great Designer, nothing in this world is created and nothing is destroyed.

The Eiffel Tower is but the fashioning, forming, and shaping of materials already here.

The pyramids, which have stood for centuries, are but the craftsmanship of men on stone already here.

The atom—author of both joy and misery—was always here. It remained only for time and intelligence to isolate it and lay bare its awesome power.

The glory and beauty of the nation's Capitol is but the work of gifted men upon materials already here.

All this from the hand and grace of the Great Designer, whose handiwork is everywhere.

How could His work be destroyed? Not by fire, for that but transmutes what man put together into other forms such as light, heat, energy, and gases. Not by earthquakes, which but tumble man's work but do not destroy the elemental substance. Not by storms and tidal waves, which only rearrange what the Great Designer placed here.

The gaily colored leaves fall so gently to earth in this autumn season not to be destroyed but to be embraced by nature for future use. The falling leaves are a reminder that winter will soon be here to embrace the earth in wintry sleep. Comes the inevitable caress of spring, also from the hand of the Great Designer, to bring life and color, fragrance and beauty to the eager earth.

It is the Resurrection of spring. It is an answer to the ageless question of Job, "If a man die, shall he live again?" Surely he shall, as surely as day follows night, as surely as the stars follow their courses, as surely as the crest of every wave brings its trough.

Five hours before Bob Humphreys' spirit left its earthly, pain-wracked temple, I shook his hand. Somehow I knew that the Great Designer would spare him until I could return to the Capitol and say good-by. We spoke but little. It was not necessary. His last word to me was his request that I make this testament to him. There were no tears. I was borne up and comforted by the unquenchable faith and belief that, even as the hands of Heaven already reached out to embrace him, he would soon be in a higher, nobler realm where neither pain nor anguish could touch him.

I admired him. I respected him. I loved him. In him were those glorious attributes which I have seen so often—a fidelity that one can scarcely put in words—a devotion to his country unsurpassed by that of any patriot whose name glows from the pages of history—a sense of perfectionism that impelled him ever to find perfection—an affection for her who was his devoted companion and who was the force that sustained him in his hours of agony—a faith that could move mountains—an inextinguishable belief that man's course must be ever onward and upward. He will be long remembered because he is enshrined in so many hearts.

And now he has gone to labor in the larger vineyard of eternal life. All this is because the Great Designer made it a part of the grand design for life on Earth and in Heaven, Farewell, Bob.

COLUMBUS DAY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. FISH. Mr. Speaker, October 13, my State, the State of New York, celebrated Columbus Day. This day has been set aside to honor the men who discovered America. It also serves to honor those Americans of Italian ancestry who have done so much to build this land. We are a nation of immigrants from every corner of the globe. The American landscape is a vast mosaic composed of many cultures and heritages, each contributing individually and collectively to our great Nation.

As this is true of our great Nation, also is it true of my Hudson Valley district, the 28th District of New York, which I have the honor of serving here in Congress. For our Hudson Valley is the result of the mixing of many cultural patterns, with one of the most important being the contribution made to our area by our citizens of Italian descent. In business, the professions, in political life, they have been leaders. They have fought gallantly in our wars. They have helped build our economy. They have contributed incalculably to the social richness which makes the Hudson Valley.

Mr. Speaker, I feel I would be remiss on this day set aside to honor that great navigator, Columbus, to not also pause to pay tribute to the thousands of those dedicated citizens of Italian ancestry. America is richer for their coming.

SWEDEN LOSES $35 MILLION AMERICAN ORDER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. RARICK. Mr. Speaker, from time to time I have suggested that Americans know their friends and their foes, even if those responsible for the operations of our State Department are confused on this point.

When Sweden intentionally became a haven for deserters, draft dodgers, and assorted misfits, the American people took notice of the fact. When Sweden commenced a program of collaboration with North Vietnam, the American people understood that this was not a friendly gesture to the United States. When Sweden announced its intention to make large sums of money available to North Vietnam, the people of the United States recognized that such aid to the enemy was a downright unfriendly gesture toward us.

Although the Government failed to act, I am pleased and proud to note that some Americans have done so—and in the sensitive money nerve, Sweden, donating money to our enemy, has just received notice of the cancellation of a $35 million American order.

Mr. Palme, who says he is not anti-American, will surely understand that the cancellation was not anti-Swedish.

I include two Stockholm reports as part of my remarks:

[From the Washington Post, Oct. 9, 1969]

CANCELED ORDER

STOCKHOLM.—A Swedish firm said it lost a $35 million American order because of the Swedish government's plan to send aid to North Vietnam.

Erik Sundblad, director of the Stora Kopparberg Mining Co., Sweden's oldest industrial enterprise, said that after announcement of a recent government decision to give Hanoi $40 million in aid he got a call from the United States canceling the $35 million order, which was ready for signature. Sundblad declined to identify the caller.

[From the Washington Star, Oct. 12, 1969]

SWEDES NOW PRO-UNITED STATES, ACCORDING TO U.S. INFORMATION AGENCY

(By Robert Skole)

STOCKHOLM.—This may come as a surprise to the Nixon administration and conservatives in Congress, but the U.S. Information Agency figures Swedes are friendly toward America. And they are so convinced, they're putting more taxpayers' money on it.

The American library here—now tucked away out of sight and out of demonstrators' way on the fifth floor of an office-hotel building in downtown Stockholm—will move next month to a new ground-floor location just a stone's throw (pardon the expression) from Stockholm University and the main Stockholm public library, a gathering place for local students.

Unlike American libraries in many other countries, the library here has not been a target for demonstrations—even though countless anti-Vietnam war parades have streamed past. The library has been in an inconspicuous place.

Now, however, it's another story. The new library is going to be located in a former consumer cooperative supermarket, and will have large, tempting plate glass windows.

"We want the exposure," says Robert Plotkin, young, cultural attache at the U.S. Embassy. "We have an excellent periodicals collection that should be most attractive. We expect the library will be used more by students than it was in the old location."

What about demonstrations?

"No, we're not worried about them. Things have been pretty quiet in Stockholm recently."

However, judging from reports in the Swedish press from the United States, one gets the impression here that many Americans are firmly convinced otherwise. Especially after the announcement the other day by Foreign Minister Torsten Nilsson that Sweden will give $40 million in economic aid to North Vietnam during the coming three years.

Many Swedes—particularly nervous businessmen—get the impression that if Americans had only been very annoyed with Sweden up to now, then they are absolutely furious today. Anti-Swedish speeches by irate congressmen are well-reported here, and each one adds grey hairs to the heads of Swedish firms' North American region export managers.

BUSINESS BOOMS

Ironically, however, business is booming—as usual—for American companies in Sweden.

The Swedish government recently went into a partnership with an American firm, Combustion Engineering Corp., in a firm to manufacture large steel pressure tanks for the nuclear industry.

The company is owned half by the Swedish state and one quarter by Combustion Engineering and one quarter by a private Swedish steel corporation. When the Swedish steel corporation asked the government to help it set up the new plant, the government urged that Combustion Engineering be brought in as a partner.

Representatives of the Swedish Ministry of Industry have been talking with a number of companies in the United States with an aim at establishing similar joint ventures.

"We don't want the American money," a ministry official said, "We want the American know-how."

He said that the American companies he talked with were not at all disturbed about the cool Swedish-American relations caused by Sweden's acceptance of U.S. Military deserters and her granting diplomatic recognition to North Vietnam.

"The Americans were interested in business—not politics," he said.

And well they should be. On a per capita basis, Sweden is America's best customer. Swedes import far more from the United States ($511 million worth in 1968) than they export to the United States ($451 million worth in 1968).

Even though American businessmen are not worried about the political situation's affect on their sales here, Swedes definitely are concerned about their sales on the American market.

So far, the cool relations have not had an effect: Swedish exports to the United States are up by about 15 percent over last year. But Swedes fear that the latest "Issue"—the promise of economic aid to North Vietnam—might do the trick. They recall how last year the longshoremen's union threatened to halt unloading Swedish goods in American ports.

(A definite move in the direction of lessened U.S. imports from Sweden came in an Associated Press story on Friday that a Swedish firm had lost an American order worth $35 million because of the Swedes' economic aid to North Vietnam. Erik Sundblad, director of the Stora Kopparberg Mining and Industrial Co., at Falun, declined to identify the U.S. firm. "We received a short, tart telephone call from the United States cancelling the order," he said.)

STUDYING LOANS

One ironic piece of the picture is that on the very day that Foreign Minister Nilsson announced the economic aid plan. The U.S. Tennessee Valley Administration announced it had awarded a $2 million order for electrical transformers to ASEA, a Swedish heavy electrical equipment company.

Making biggest headlines here on the subject of Swedish-American trade were reports that the Export-Import Bank was studying loans to Sweden. But businessmen are not especially worried over this since there are only a few loans, the largest being some $50 million in credit guarantees for purchase of Douglas and Boeing aircraft by the Scandinavian Airlines System.

"Do you think Boeing and Douglas would let this order be affected?" commented one Swedish official. "Not a chance."

He also said that Sweden only holds a minority interest in the airline.

Adding to the irony of the Swedish-American "conflict" is the fact that some Swedish firms have been criticized by leftist newspapers here for assisting the American "war machine."

The American affiliate of SKF, the Swedish bearing giant, was pointed out as supplying vital ball bearings to helicopters used in Vietnam. And it's not unlikely that every American aircraft in the war has equipment that uses high-quality special Swedish steel.

Newspapers last year sharply criticized the government for allowing Swedish scientists to work on Pentagon-financed contracts.

(Olof Palme, who has been elected head of the Social Democratic party and who will be prime minister, said the government did not halt these contracts because they involved only basic research, and they were only a small part of research at universities here. He said one study involved research on young doves—and he suggested a counter study of old hawks.)

Oddly enough, under Swedish law, this research cannot be secret—which means that anyone here—including Russians, Red Chinese, or North Vietnamese—can get copies of the research reports simply for the asking.

The North Vietnamese, obviously, are now more interested in products more useful than research reports. It is expected that on the top of their shopping list, under the proposed economic aid, will be paper for schoolbooks and fertilizers. Under Swedish policy, a country that receives foreign aid is not bound to buy products in Sweden.

The North Vietnamese Embassy here had no comment on the Swedish aid announcement.

Because of many Swedish connections with America, the official was asked if the North Vietnamese feel Sweden is unfriendly, just as many Americans feel Sweden is unfriendly to America because of their connections with North Vietnam.

He laughed and replied "No, we don't think Sweden is unfriendly."

STAFF MEMBERS INTIMIDATED ON PLANNED VIGIL

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. BROWN of California. Mr. Speaker, I am both alarmed and saddened by tactics now being employed by some misguided individuals relating to efforts of congressional staff members who plan to show their concern over the Vietnam war on the upcoming moratorium day.

It has come to my attention that certain people opposed to the planned silent vigil upon the east front steps are spreading rumors that any staff member

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who participates in the vigil will be arrested.

Not only is that a false statement, but it is also blatant intimidation of the rights of citizens to free speech and to petition the Congress.

As a result of Judge Greene's ruling in the case of the Quakers who attempted to read war dead names upon the Capitol steps, orderly nondisruptive gatherings can be held here on the Capitol Grounds. The staff members who initiated the idea of the peaceful silent vigil have made it a point to emphasize their wishes to adhere to the standards laid down by Judge Greene. The Capitol Police have been advised of the vigil.

I endorse the concept behind the moratorium day as a valuable means of conveying to the leaders of this Government that the people of America are tremendously concerned over our tragic adventurism in Southeast Asia, and that actions must be taken to speed up our disengagement from Vietnam.

The proposed vigil on the Capitol steps by congressional employees must be regarded as a meaningful indication of concern over our national policies, and I deplore the "scare schemes" being used to dissuade staff members from joining the vigil.

DESEGREGATION WILL BE ENFORCED

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, in recent weeks a storm of controversy has surrounded the Assistant Attorney General for Civil Rights, Jerris Leonard. Much of the criticism in my view has been unfounded and based on politics rather than substance.

The thoughtful Washington correspondent for the Cincinnati Post, Richard Starnes, has performed a service by interviewing Mr. Leonard, and I want to include as a part of my remarks the candid, forthright remarks of Jerry Leonard so that the record can be clear:

[From the Cincinnati (Ohio) Post Oct. 10, 1969]

CIVIL RIGHTS OFFICER VOWS: DESEGREGATION WILL BE ENFORCED

(By Richard Starnes)

WASHINGTON—The nation's chief enforcer of civil rights laws insists that "the court orders on desegregation are going to be complied with even if we have to use federal muscle to do it."

Jerris Leonard, assistant attorney general for civil rights, who last week aroused a storm of criticism by what seemed to be a temporizing, yes-but approach to desegregation delays, was at great pains to make his meaning clear in an exclusive interview in his freshly decorated, blue-carpeted Justice Department corner office.

"I believe strongly in the rule of law that says community attitudes cannot determine whether the law will be complied with," he said. "The fact that some people don't like radar speed traps does not mean the courts are going to declare them illegal.

"But"—and this is the kernel of Leonard's battle with the all-out, do-it-now desegregationists—" community attitudes do have an important bearing on the methods you follow."

Leonard, 38, occupant of one of the chronically hottest hot seats in Washington, came to the Justice Department after 12 years in the Wisconsin legislature and an unsuccessful attempt to unseat Sen. Gaylord Nelson (D., Wis.). In spite of six children (the oldest 15) and a week end of being skewered with right-thinking editorials heated cherry red with indignation, Leonard says he has developed a comforting philosophy that prevents ulcers:

"The facts of life tell me that the decisions I make will be too much for some people and not enough for others. Of course, a person has a visceral reaction when he feels his position is being misunderstood, but I have no lingering disagreement with the press."

Leonard's office walls are decorated with the ikons of the successful young sub-cabinet appointee—an autographed photograph of a smiling relaxed President Nixon, and another autographed photograph of Attorney General John N. Mitchell, who looks to be a relaxed and affable as a man sitting for his third consecutive root canal job. Leonard himself is easy-going and forthright.

"I read over the transcript of the press conference last week that got me into hot water," he said with disarming candor, "and I can see now what I said could be subject to misinterpretation. But there never has been so much as a hint that we were not going to enforce specific court orders."

Leonard last week fell into a trap that has claimed many a bright young man not yet wise in avoiding all of the manifold deadfalls with which Washington abounds.

In trying to explain why the civil rights division had gone along with a Department of Health, Education, and Welfare (HEW) plea to federal courts in Mississippi for more time for pre-integration work in 33 counties, Leonard simultaneously said too much and not enough. When a hell-for-leather approach to integration is adopted, he told his press conference, "the only thing that changes is the resistance that you run into." He added that critics of Administration desegregation policies, implicitly including at least one civil rights division lawyer who resigned in protest, were running off at the mouth" and were "misinformed."

Patiently Leonard retracted his words and tried to make it clear what he had meant. "My point was that unless you had more resources available, you would not be taking more cases to court, even if the court did change the time schedule."

Although he made it clear he would continue to try to achieve school integration by peaceful means, Leonard repeatedly and forcefully insisted that de-segregation is "the law of the land and it is not going to be changed."

"But we are talking about a fundamental change in the mores of a great many people. There is no question but that we must desegregate the school systems, but we have an obligation to the children to try to keep it together while we do it. I can say this—with preparation programs, and in-service training and the seminars and all the rest of what we are trying to do in Mississippi that the possibilities of resistance are being diminished.

"There are things you can do before you have to call in the marshals and—God help us if it comes to that—the troops. Mostly sweat, I guess I'd describe it."

Leonard dismissed one of the capital's most durable bogey-men this political season. "If there is a deal between the Administration and the South to delay integration," he said, "then nobody has told me about it."

Characteristically, however, he added that it "isn't surprising for certain elements of the community to be somewhat suspicious. But it is unfortunate for rational, intelligent elements in the national community to put upon us simply because we are trying to find better techniques.

"So far as I am concerned, that's all we are trying to do. It is a question of methods, techniques and pace. School desegregation is the law of the land, and it is going to be complied with."

CHICAGO'S COLUMBUS DAY PARADE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. ANNUNZIO. Mr. Speaker, this year I am especially pleased to join my colleagues in the Congress and my fellow Americans in commemorating Columbus Day because the Congress has passed a law providing that in 1971 and thereafter Columbus Day will be observed as a national legal holiday throughout the United States.

At long last, Christopher Columbus, the courageous Italian navigator who discovered America 477 years ago, will receive appropriate recognition for his role in opening the door to the future of the Western Hemisphere and in paving the way for the development of our own great country.

Each year, my own city of Chicago celebrates Columbus Day with a series of specially planned events culminating in a gigantic parade on State Street. The Joint Civic Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations, in cooperation with other groups, sponsors the Columbus Day parade and many of the other festivities planned to honor the great explorer. Mr. Anthony Sorrentino has ably served for many years as consultant for the Joint Civic Committee of Italian Americans and coordinated the various events scheduled in celebration of Columbus Day.

On October 4, 1969, the Third Annual Columbus Day Debutante Cotillion was held in the Grand Ballroom of the Conrad Hilton Hotel in Chicago under the auspices of Our Lady of Pompeii Church. This year it was my privilege to serve as the honorary chairman of this event, and I want to extend my congratulations to the board of directors of the cotillion—Rev. Gino Dalpiaz, Mrs. Mary Curran, Mrs. Ralph Davino, Mr. and Mrs. Matthew DelPrincipe, Mrs. Angela DeVito, Mrs. Sam DiBuono, Mr. and Mrs. Gabe Ditore, Mr. Salvatore J. Guardino, Mrs. Sam Iazzetto—and to the chairmen and members of the various committees who worked so hard to make this a highly successful occasion.

The general chairman and cotillion coordinator was Mrs. Mary Curran, who did an outstanding job, and assistant chairman was Mrs. Matthew DelPrincipe. The chairmen of the various committees were as follows: Finances, Mr. Salvatore Guardino; congratulatory expressions and program, Mrs. Angela DeVito; special guests, Mr. Matthew DelPrincipe; tickets, Mrs. Sam Iazzetto; debutantes, Mrs. Ralph Davino; secretarial, Mrs. Gabe Ditore; and publicity, Mr. Gabe Ditore.

The prelate of honor at the cotillion was the Very Reverend Monsignor Edward M. Pellicore, and the guests of

honor included Mrs. Frank Annunzio, the Italian Consul General in Chicago, Honorable Giuseppe Avitabile, and Mrs. Avitabile. The honored sponsors were Mr. and Mrs. Victor J. Failla, Mr. and Mrs. William Gage, Mr. and Mrs. Frank Pantaleo, and Mr. and Mrs. William Valentino.

Sixteen lovely debutantes were presented at the cotillion. They were: Denise Annoreno, Maryann Belmont, Joanne Calafiore, Lynn Cerone, Pamela Cerone, Marie Cuzzone, Cathy D'Ambrosio, Kathleen Ann De Farno, Rosemarie De Vito, Lorie Dolce, Linda Ann Durante, Carla F. Giampa, Karen A. Ippolito, Darlene A. Jenero, Theresa Nicastro, and Rochelle Pantaleo. Once again, I want to congratulate these debutantes and their proud parents on this happy occasion in their lives.

Seventeen-year-old Cheryl Rose Gliosci, of 4927 Twining Avenue, Bellwood, Ill., was chosen from 12 semifinalists to reign as queen of the Columbus Day parade. The prizes awarded to the queen included two tickets to the ABC Great States Theater, given with the compliments of Henry G. Plitt, dinner for two at the Italian Village Restaurant, 79 West Monroe Street, Chicago, Ill., donated by the Capitanini family, two tickets for the opening night at Pheasant Run Theater, given with the compliments of Carl Stohn, Jr., and a free 21-day trip to Italy, sponsored by the Joint Civic Committee of Italian Americans via Alitalia Airlines.

Members of the queen's court were Diane Benedetti, 25 West 200 Denise, Naperville, Ill.; Sherry Marie Sparacino, 2923 South Haynes Court, Chicago, Ill.; Charlotte Luporini, 1612 South 51st Avenue, Cicero, Ill.; and Palmira Johnson, 1329 Hazel Court, Des Plaines, Ill. Prizes for the queen and the queen's court included gowns, shoes, and bags, donated by Gamble-Aldens Department Store, and two tickets each to the ABC Great States Theater.

The judges for the queen's contest were Mr. John Fischetti, Pulitzer Prize-winning cartoonist for the Chicago Daily News, 401 North Wabash, Chicago, Ill.; Mr. Mike Rotunno, photographer at Metro News Photos, O'Hare International Airport, Chicago, Ill.; Miss Jory Graham, columnist for the Chicago Sun-Times, 401 North Wabash, Chicago, Ill.; Mr. Gianandrea Montanarella, district sales manager, Alitalia Airlines, 36 South Wabash, Chicago, Ill.; and Miss Grace Zalecke, fashion coordinator, Gamble-Aldens Department Store, 5000 West Roosevelt Road, Chicago, Ill.

Winners of the citywide "Legacy of Columbus" essay contest conducted in both the public and parochial schools were: First prize, Nancy Haley, 1551 South Wolf Road, Hillside, Ill., Immaculate Heart of Mary High School; second prize, Charles Doyle, 11000 South Lowe Avenue, Chicago, Ill., St. Ignatius High School; third prize, Margaret Murphy, 5244 South Laflin Street, Chicago, Ill., St. Augustine High School. First prize was a $250 U.S. savings bond, second prize was a $50 U.S. savings bond, and third prize was a $25 U.S. savings bond which were donated by the Joint Civic Committee of Italian Americans. Additionally, Sister Mary Alexandra, 10900 West Cermak Road, Westchester, Ill., was awarded a $100 U.S. savings bond for her contribution to the prize-winning essay as teacher of Nancy Haley.

Judges for the essay contest included a committee of educators who are members of the Gregorian Society. The committee was headed by Joseph J. Sirchio, principal, Chicago Vocational High School, 2100 East 87th Street, Chicago, Ill., and his committee members were Mrs. Ann Knapp, Rudy Alfano, Mrs. Josephine Ortale, and Mrs. Ida D'Indri.

Also in conjunction with the Columbus Day celebration, the Joint Civic Committee of Italian Americans sponsored a Festa Della Moda fashion show held at the Sheraton Chicago Hotel on October 5. More than 150 persons, including children and adults, participated in the fashion show, and displayed authentic handmade Italian costumes depicting the native dress of the various regions in Italy.

Additionally, the 45th Annual Columbus Banquet sponsored by the Grand Lodge of the State of Illinois, Order Sons of Italy in America, was held on October 11 in the Grand Ballroom of the Sherman House in Chicago. More than 1,000 people were present at the banquet to hear the principal speaker, Hon. Philip J. Romiti, judge of the Circuit Court of Cook County, and to participate in this gala event.

General chairman of the banquet was Amedeo A. Yelmini, and the cochairman was John G. Spatuzza. The toastmaster was Grand Venerable Martin R. Buccieri. Also participating in the banquet for her first appearance was the Columbus Day Queen.

This year, because Columbus Day fell on Sunday, the gigantic Columbus Day parade was held on Monday, October 13, which is a legal holiday in Illinois. Leading the parade were the honorary chairmen of the parade, Hon. Richard J. Daley, mayor of Chicago, and Hon. Giuseppe Avitabile, Consul General of Italy in Chicago.

The Governor of Illinois, Hon. Richard Ogilvie, and Lt. Gov. Paul Simon joined in leading the parade, and following them in the line of march were political dignitaries, civic leaders, members of the judiciary and businessmen from the community including: Congressman ROMAN PUCINSKI; Federal Judge Alexander J. Napoli; Attorney General William J. Scott; Secretary of State Paul Powell; Senator Sam Romano; State Representative Lawrence DiPrima; Alderman Fred Roti; Alderman John Aiello; Alderman Dominic Lupo; Alderman Joseph Jambrone; Alderman Vito Marzullo; Hon. Anthony Laurino; Hon. Louis Garippo, Sr.; Hon. Anthony Girolami; Col. Frank Chesrow; Director of Public Works and Buildings William Cellini; Chairman of the Parole and Pardon Board Lawrence Pusateri; Cook County Superintendent of Schools Robert P. Hanrahan; County Treasurer Edmund J. Kucharski; George M. Keane and Bernard J. Korzen of the county board of tax appeals; City Treasurer Marshall Korshak; City Clerk John C. Marcin; Chairman of the Metropolitan Sanitary Commission John E. Egan; President of the County Board George W. Dunne; County Commissioner Charles S. Bonk; County Assessor P. J. Cullerton; County Clerk Edward J. Barrett; clerk of the circuit court, Matthew Danaher; County Coroner Dr. Andrew J. Toman; County Recorder of Deeds Sidney R. Olsen; County Sheriff Joseph I. Woods; and State's Attorney Edward V. Hanrahan.

Some of the leaders in the Italian community in Chicago who participated in the parade were Victor J. Failla, president of the Joint Civic Committee of Italian Americans; Anthony Bottalla, first vice president; Arthur S. Pullano, second vice president; Charles Porcelli, third vice president; Dr. Nicholas J. Bruno, fourth vice president; Dr. James F. Greco, fifth vice president; Ettore Di Vito, secretary; and John G. Rovetto, treasurer. Also participating were past presidents, Peter R. Scalise, Anthony Paterno, and Dr. Mario O. Rubinelli, and Rev. Armando Pierini, P.S.S.C., director of Villa Scalabrini, the Italian Old Peoples' Home in Melrose Park, Ill.

The general chairman of the 1969 Columbus Day Parade was James Coli. Special assistants to the general chairman included Frank Catrambrone, Charles Porcelli, Dr. Mario O. Rubinelli, Dr. Mary Ellen Batinich, and Mrs. Anthony Sorrentino.

The cochairmen for the parade were Congressman FRANK ANNUNZIO of the Seventh District of Illinois, Frank Armanetti, Fred Bartoli, Anthony Bottalla, Martin R. Buccieri, Dominick Di Matteo, Victor J. Failla, Nello V. Ferrara, Anthony Paterno, Arthur S. Pullano, and Dr. Mario O. Rubinelli.

Also participating were Louis P. Farina, cochairman of the speakers platform committee; Hon. John D'Arco and Hon. Peter C. Granata, cochairmen of the public officials committee; Anthony Paterno, chairman of the television and radio sponsors committee; Mrs. Anthony Sorrentino, president of the women's division of the Joint Civic Committee of Italian Americans; Mathew J. Alagna, chairman of the finance and souvenir book committee; Frank N. Catrambone, Sr., Mrs. Serafina Ferrara, and Joseph DeLetto, cochairmen of the finance and souvenir book committee; Dominick Dolci, chairman of the business and professional committee; Hon. Victor A. Arrigo, chairman of the program and arrangements committee; Domenick DiFrisco, chairman of the publicity and queen contest committee; Joseph DeSerto, chairman of the religious program and organizations committee; Dr. Mary Ellen Batinich, chairman of the authentic Italian costumes committee; Mrs. Frank Amico and Mrs. Elena Frigoletti, cochairmen of the authentic Italian costumes committee; John G. Rovetto, chairman, and Sam Canino, cochairman of the floats committee; Lawrence Spallitta, chairman of the float personnel committee; Dr. James F. Greco, chairman of the bands, marchers, and transportation committee; John Leto, chairman of the labor committee, and Marco DeStefano, grand marshal of the parade.

The other members of these committees are: Joseph Fusco, Joseph Nicoletti, Anthony Apa, Dominick M. Alberti, William Boschelli, Peter Lavorata, Fred Mazzei, Vincent Lucania, Tom Ardino, Joseph Bottalla, Sam Cerniglia, Carl Cipolla, Charles P. DeVito, Anthony J. Fornelli, Albert Litterio, Vincent F. Lucchese, Gerald L. Sbarboro, Horatio Tocco, Jerry Zurla, Joseph Comella, Dr. Joseph H. DiLeonarde, William Fantozzi, Rosario Lombardo, Amedeo Yelmini, Charles Carosello, Joseph Sirchio, Joseph Alagna, Charles Cannon Giannone, Dominick Gentile, Vincent Saverino, Daniel A. Becco, Carl Ferina, Michael R. Fortino, Louis Moretti, John Spatuzza, Mrs. Stella Boschelli, Mrs. Ann Brody, Mrs. Maria DeSerto, Mrs. Carmella Giacomina, Mrs. Adelaide Janz, Mrs. P. Lavorata, Mrs. A. Menconi, Mrs. Marie Pedi, Mrs. A. Parisi, Mrs. A. Salvatore, Mrs. A. Sorrentino, Mrs. T. Romano, Mrs. A. Tufano, Mrs. A. Yelmini, Mrs. M. Nuzzo, Mrs. G. Guidice, Joseph Pope, Russell Bonadonna, Stephen Fiorentino, Mrs. Lawrence Spallitta, Joseph Tolitano, Peter Barbero, Rudolph Bilotta, Frank Bottigliero, Joseph Fontana, Peter Realmuto, Paul Iaccino, Edward Coco, Henry L. Coco, John Parise, Bruno Fillipini, and Alfred Rota.

The highlight of the Columbus Day celebration, the Columbus Day parade, began on State Street at 1 p.m. Immediately before the parade, a wreath-laying ceremony took place at 10:30 a.m. at the Columbus Statue in Vernon Park, and prior to this ceremony, Solemn High Mass was celebrated at Our Lady of Pompeii Church in Chicago at 9:00 a.m.

The theme of the 1969 parade was the statement made by Astronaut Neil Armstrong when he first walked upon the moon:

> One small step for a man, one giant leap for mankind.

More than 60 floats took part in the procession and traced the contributions of Italians who have aided the progress of civilization from Galileo and Vespucci to Marconi and Fermi.

Over 225 units marched in the parade, representing every branch of the United States military forces. Drum and bugle corps, school bands, and scores of marchers participated in the parade. Women and children wearing authentic native costumes of Italy rode on the floats, and Mr. Louis Espiscope, 7401 West Winnemac, Chicago, Ill., depicted Christopher Columbus on one of these floats.

The parade, which attracts over 1 million spectators, was televised over WGN-TV for 1½ hours. The telecast of the parade generally attracts an estimated television audience of an additional 2 million people. State Representative Victor A. Arrigo narrated the parade for the television audience. Sponsors of the telecast were Frank Armanetti of Armanetti Liquors, Anthony Paterno of Paterno Imports, and Dominick Di Matteo of Dominick's Finer Foods.

At the conclusion of the parade, another wreath-laying ceremony took place. The second wreath-laying ceremony was at the Columbus Monument in Grant Park in Chicago at 3 p.m.

Columbus Day festivities were brought to a close at a reception at 4 p.m. at the Chateau Royale, 5743 West Chicago Avenue, Chicago, Ill. Mrs. Serafina Ferrara was the official hostess at the reception which was held in honor of all of the committee chairmen and committee members who participated in making the 1969 parade a tremendous success. Leaders of the Italo-American organizations from Illinois were present at the reception, as well as officials from the city of Chicago, from Cook County, and from the State of Illinois.

It is a source of great personal pride to me to know that in every State of the Union, all of our people, regardless of age, race, or creed, have joined together to celebrate Columbus Day and to honor the memory of the courageous Italian navigator who discovered America 477 years ago. I am certainly pleased to participate in this observance of Columbus Day, and I look forward to 1971 when the citizens of our beloved country will observe this special day as a national legal holiday.

Mr. Speaker, in conclusion, I want to commend all of the officers and members of the Joint Civic Committee of Italian Americans in Chicago for sponsoring this gigantic patriotic celebration on our main street in Chicago—State Street—and for demonstrating to the world that all Americans are proud of our democratic institutions. And I am especially proud of these people who have made a genuine contribution to our democratic way of life.

HUBERT HUMPHREY COMMENTS ON THE NIXON RECORD AND THE FUTURE

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. BLATNIK. Mr. Speaker, at this time last year, we all watched the closing month of the presidential campaigns with boundless interest. We heard promises from both sides of the end of the surtax, a revised tax system, a sharp decrease in crime, an end to the inflationary spiral. Now, 9 months after inauguration of the Republican administration, we have the surtax extended, a tax reform bill passed under House Democratic leadership but sharply attacked by the administration, a crime rate which has risen 10 percent in just 1 year and monthly sets new records in the Nation's Capital, and inflation which shows few signs of stopping. What happened to last year's promises?

I am privileged today to enter in the RECORD the comments of former Vice President Hubert H. Humphrey on the Nixon administration's record of performance. A man of broad experience in domestic problems, particularly those of the metropolis, Mr. Humphrey's comments are valuable, I believe, for the insight he brings to those issues which should command our attention. His concern is for the quality of American life, for the safety of the American city dweller, for the health of our divided society. Let us take these articles to heart, and translate those promises of a year ago into action today.

The articles follow:

[From the Washington (D.C.) Daily News, Sept. 22, 1969]

NO WAY TO RUN AN AIRLINE, A RAILROAD, OR A NATION

(By Hubert Humphrey)

A year ago, six weeks before the election, Richard M. Nixon told the American people of his concept of the presidency. He said: "The next president must take an activist view of his office. He must articulate the nation's values, define its goals and marshal its will."

All thru the campaign, candidate Nixon said he would stop crime and inflation and rising taxes. He promised peace at home and abroad.

In his acceptance speech at Miami, he said: "The wave of crime is not going to be the wave of future of the United States of America."

He said: "Let us build bridges, my friends, build bridges of human dignity across that gulf that separates black America from white America."

And he said: "I see the day when our senior citizens and millions of others can plan for the future with the assurance that their government is not going to rob them of their savings by destroying the value of the dollar."

The Republican theme in 1968 was a special concern for the silent American, the forgotten American. They pay most of the taxes. It is their dollar being eroded by inflation. They suffer from increasing costs of higher education for their sons and daughters. They are the victims of spiraling medical costs. They are being squeezed by tight credit and high interest rates. Their neighborhoods are threatened with violence and crime.

Their pain and suffering was to be eased. A new administration would set America on a new course. Let's take a look at the record.

Crime is still out of control. FBI figures for 1969 indicate a 10 per cent increase in the crime rate. After all the campaign rhetoric, Attorney General John N. Mitchell now says: "Basically, street crime is outside the jurisdiction of the federal government."

Food prices are rising 8 per cent a year. In most cities, hamburger and bacon have gone up 10 cents a pound.

Parents who sent their children to college this fall found costs up $100 to $200 per year. The average increase was 8 per cent.

Families who hoped to buy a new home this year have found interest rates rapidly rising, with the average rate for a new home now 8 per cent.

While the nation's housing needs are estimated at 2.5 million units per year for the next 10 years, new housing starts have dropped from an annual rate of 1.8 million in 1968 to 1.4 million this year, and the rate may drop even more.

The cost of living, which went up 3 per cent in 1967 and 4 per cent in 1968, is increasing at an annual rate of 6½ per cent under President Nixon.

The White House sat idly by while the big banks increased the prime interest rate to 8½ per cent, and there is talk of another increase.

Despite a campaign promise to the contrary, President Nixon demanded extension of the 10 per cent income tax surcharge.

A tax reform bill finally passed the House of Representatives, but it was the work of Democrats in Congress, not the Nixon administration. The bill provides $9 billion a year in tax relief for low and middle income families, but the Nixon administration says the House bill gives too much tax relief to the low and middle income families and not enough to business. So the administration

proposal is to hand corporate business, which is already enjoying record profits, $2 billion in extra tax relief.

Hospital and medical costs continue to rise at an alarming rate. Budget cutbacks are forcing reductions in medical research, hospital construction and neighborhood health centers.

Candidate Nixon's "black capitalism" program no longer is mentioned at the White House. "Black capitalism is a shambles," according to Whitney Young, Jr., executive director of the National Urban League.

During the campaign, candidate Nixon also emphasized that they did not want a government of "yes men." He promised an administration of "open, candid dialogue."

One of President Nixon's first nominations was that of Dr. Franklin Long to head the National Science Foundation. President Nixon called Dr. Long "a man of eminent credentials," but then when it was discovered Dr. Long opposed the Nixon ABM plan, the nomination was withdrawn. After withering criticism from the scientific community, President Nixon again reversed himself and offered the job to Dr. Long, who by this time wanted no part of the administration.

Then HEW Secretary Robert Finch selected Dr. John Knowles to be his assistant secretary for health. But top officials of the American Medical Association, which had contributed heavily to the Nixon campaign, objected. After six months of political infighting, Secretary Finch finally had to back down. Senaator Goodell (R-N.Y.) concluded: "The choice was between filling the nation's top medical post on the basis of merit or politics. Politics won."

In March, Clifford L. Alexander, Jr., chairman of the Equal Employment Opportunities Commission, was warned that businessmen were complaining of "being harassed" by the commission. He was told "it is going to stop or somebody is going to lose his job." The next day, Alexander was replaced as chairman, and in April Alexander resigned from the commission, saying: "The public conclusion is inescapable: vigorous efforts to enforce the laws on employment discrimination are not among the goals of this administration."

After eight months, it is beginning to look as if the Nixon administration may not only be veering to the right as part of a "southern strategy" of re-election, but it may not get off the ground at all.

We were told the Nixon years would be a beautiful flight into the future. What's happened? The plane made it to the end of the runway, but its engines are sputtering and it's not moving. I think one of the problems is that the pilot is looking over maps that were good in the 1950s but are out of date in 1969.

As we head into the 1970s, the flight into the promised land probably will be cancelled and passengers will be taken back to the terminal for a safer, slower horse and buggy. The forgotten American has been forgotten.

I say this is no way to run an airline, a railroad, or a nation.

[From the Washington (D.C.) Daily News, Sept. 29, 1969]

AS WE ENTER THE 1970'S, WE MUST TAKE A FRESH LOOK AT WHERE WE ARE GOING

(By Hubert Humphrey)

For the past 25 years, the United States has been in the hands of a generation shaped by depression and war. Much of what we have tried to do has centered around expanding the economy at home and containing communism abroad.

Our nation has developed the means for producing an unparalleled quantity of consumer goods while searching for and achieving some stability in the world.

Now as we enter the 1970s, we must take a fresh look at where we are going. We must reorder our priorities around the imperative that government must improve the quality of life for all Americans.

You do not have to look far for evidence that we have much to do and undo.

The air in most of our urban areas is a menace to health. Air pollution is so bad in cities such as New York, Chicago, Philadelphia, and Los Angeles that on some days up to 40 per cent of the sunlight is blocked out.

Industry pollutes the air, not because technology has failed to provide a way to clean the air, but because many businessmen say it is too expensive to install air pollution control equipment. Jet planes pollute the air, not because we cannot build cleaner jet engines but because the airlines have been slow to adopt new pollution control devices.

Autos pollute the air worst of all, because we have neglected mass transit in favor of lane after lane of freeways. The auto industry finally, under government edict, installed air pollution control devices on new cars, but state and local governments do a haphazard job of inspecting the devices to make sure they are properly maintained and working.

There is a lack of concern and commitment and co-ordination running thru all of our environmental problems. For instance, we know the number of autos on our streets and highways will continue to increase rapidly as our population and standard of living increase. We know we must develop cleaner fuel combustion engines. Yet after the Senate in July passed a bill calling for $90 million in research on pollution from fuel combustion engines, the Nixon administration asked the House to cut the research funds to $18.7 million. We get rhetoric, but not enough research.

Water pollution is the same story.

The excuse is not always money. In the case of pesticides, we simply have not insisted that new chemicals be adequately tested before they are marketed. The Federal Government has failed to co-ordinate even its own use of pesticides.

Look at the food we eat.

The food industry is a $100 billion a year business, yet it spends only $12 million a year on research and nutritional testing. We get fancier and more expensive new food products, but little is done to improve the quality of the diet of the American people.

The Food and Drug Administration admits it does not have the resources necessary to control the safety and quality of the food we eat, the drugs we take, the cosmetics we buy. Americans spend $7 billion a year on cosmetics, yet the Food and Drug Administration spends less than a million dollars a year to make sure these new cosmetics are safe and pure.

Federal regulatory agencies in general have not lived up to their responsibility to the public. A special committee of the American Bar Association recently reported that the Federal Trade Commission might just as well be put out of business if it cannot do its job more effectively.

Some regulatory agencies have become either so political or so close to the industries they regulate that they are nothing but paper tigers. The Federal Communications Commission, for instance, which recently has shown signs that it will require performance as well as promises from those who use the public airwaves, now has two new appointees. One is Dean Burch, an Arizona lawyer and the 1964 campaign manager for Barry Goldwater. The other is Robert Wells, a Kansas broadcaster.

The Federal Aviation Administration is working on 1950-type solutions to 1970 problems. The public pays the price in loss of time and loss of life for our inadequate airports and inadequate air traffic control. It is intolerable that in this age of the jumbo jet we have so many over-crowded airports jammed so close in to our cities.

The list could go on and on. If we are going to improve the quality of life in America, we must have better law enforcement, better health care, better schools, better housing, more green areas, more mass transit, and more metropolitan planning.

And it isn't as if all of this will use up all our resources. Much can be done with a modest increase for research and testing and enforcement of adequate standards.

The quality of life in America will be improved if each of us insists—that it be improved.

Find out what is happening in your community. If you care, you will not be alone. Many citizens groups are already at work.

Let your city councilman and your congressman know how you feel.

We must not accept pollution as the price of progress. We need not tolerate congestion and haphazard planning. We can get effective regulation if we demand it.

We must put an increasing emphasis on a decent life for all Americans, on the creation of neighborhoods where there is a feeling of community, where people know one another, where there are community and educational and cultural resources.

In particular the young people, who will inherit the earth, must protest the pollution of our air and water with the same fervor they protest the production of napalm and the shipment of nerve gas across the country.

We cannot be a civilized and happy people in a jungle of steel and concrete. We need the good earth—trees, flowers, and open space. We need clear air to breathe, clean water to drink, good food to eat.

We must make the quality of life the central issue of the 1970s.

THE ADMINISTRATION IS TRYING TO PASS THE BUCK—AGAIN

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. EILBERG. Mr. Speaker, I rise today to announce with pleasure that I have cosponsored the resolution which my good friend, the gentleman from New York (Mr. OTTINGER), introduced last Thursday to require the executive branch to respond within 60 days to requests from committees of this Congress for reports on legislation.

We have all heard the President, his obedient Cabinet members, the newly elected Senate minority leader, and yes, I know it is hard to believe, the minority leader of the House rise up and point an accusing finger at this Democratic Congress and rail that we are holding up the earth-shattering legislative proposals of the Nixon administration. Yes, Mr. Speaker, if we did not know it was only fall, I am sure many of us would swear it was snowing outside. The tremendous amount of snow which this administration and its obedient servants are hurling at the American people to cover up their own ineptness staggers the imagination. I am sure, from the display of sleight-of-hand which the administration is trying to foist on the American people, that the President has decided

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that the buck must be passed beyond his desk at all costs. This certainly is not the responsible leadership which the American people have every right to expect from their President.

While the administration goes about weeping and gnashing its teeth over the inaction of the Congress, I suggest a look at the record for those who would like to know the facts rather than the fabrications of the Nixon "Madison Avenue" approach to government. The facts show that the administration has not yet finished submitting its legislative proposals to the Congress for this year. I wonder if the President has forgotten that the Congress has a habit of studying Executive proposals—not rubber-stamping his wishes. I see no way that the Congress could act on his proposals without having the opportunity to study them carefully, allow interested Members and private citizens to have their views heard, and then, if they warrant consideration by the House or the Senate, bring them before the full membership. The committees cannot operate in a vacuum. We must have the cooperation of the executive branch just as they must have ours. First, we need to know what the President's program is. Second, we need to know what the administration's position is on legislation which is pending before the committees. It is this inability of the administration to submit the needed reports to the committees at which the resolution I have sponsored today is aimed. If we hear nothing from the executive branch within 60 days after a report has been requested, according to the resolution, the committee chairmen can assume that there is no objection to the bill in question and proceed accordingly.

I have been advised, for example, that the Merchant Marine and Fisheries Committee has requested administration reports on 124 bills which the committee considers priority legislation. Yet to date the Budget Bureau has cleared and forwarded to the committee only 15 reports. I am sure that you will be hearing more about this in the near future but now I would like to comment on the deplorable lack of cooperation which the Bureau of the Budget has evidenced toward the Judiciary Committee Subcommittee on Immigration of which I am a member.

In May of 1968, the State Department submitted an executive communication to the Speaker of the House recommending the introduction of legislation to modernize certain provisions of the Immigration and Nationality Act relating to nonimmigrants. One of the provisions was to delete a section of the law and take out the word "temporary" from that section so that an alien henceforth be admitted to the United States temporarily to undertake work that may be permanent in nature rather than undertake work which would be limited in nature. Of course, in order to effect such a temporary entry, it is essential that it be established that Americans are unavailable to do the type of work required.

This provision was incorporated, in the present Congress, in both H.R. 445, by Mr. Feighan and H.R. 9112 by Mr. Celler. Reports were requested from the Departments of Justice, State, and Labor on February 10, 1969, on H.R. 445 and on March 24, 1969, on H.R. 9112. To date, reports have not been received by the committee on these bills. The committee has made continuous inquiries at the Bureau of the Budget as to why these reports were being held up. The only response received was that reports from Justice and State were before the Bureau of the Budget but the Department of Labor had not submitted a report. As of yesterday, October 13, the Department of Labor had not submitted a report to the Bureau of the Budget, notwithstanding the fact that the Bureau of the Budget advised the committee that reports on H.R. 445 and H.R. 9112 would be presented in advance of the hearings scheduled to commence on this legislation on October 6, 8, and 9.

The Bureau of the Budget negligently or intentionally failed to respond to the numerous requests of the committee for reports on the pending legislation and for an executive policy relative to the import of the proposed amendments.

Although the Secretary of State was requested 2 weeks in advance to designate a witness to appear before the committee, and was requested to submit statements in advance, the Department's witness was unable to get her statement cleared until sometime around 5 p.m. on Friday, October 3. The Department of Justice had similar difficulty in having a witness cleared to appear before the committee. As a consequence, it was necessary for the Subcommittee on Immigration and Nationality to cancel future hearings since it would serve no useful purpose to have department witnesses appear before the committee with their hands tied and unable to state their endorsement or opposition to the proposed amendments or to offer appropriate changes.

The proposed changes in law affect the labor certification which, since the 1965 amendments, has been the heart of our immigration policy. The lack of interest in the Bureau of the Budget to respond to comments on these proposals is not only an insult to the Congress but demonstrates the complete disregard for effective Government cooperation.

The job of passing the buck that this administration is trying to put over on the American people is to be much admired. If I did not know better, I would be inclined to think that the administration has Joe Namath, John Unitas, and Sonnny Jurgensen on retainers as advisers in passing.

The patterns of the administration receivers are a wonder to behold. But, let me remind the administration that to complete a pass the quarterback must first have the ball. Mr. Nixon will not have the ball until he lights a fire under the Bureau of the Budget as they turn loose the information which the Congress must have to act on legislation pending before it. If the President needs a match for his fire, I hope the resolution which I and others have cosponsored will serve him well. If this administration would cut down on the rhetoric and get on with the business of governing the Nation, we all would be better off.

UNITED STATES DEEP IN MAZE OF INDIA AID

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. DERWINSKI. Mr. Speaker, serving as I do on the House Foreign Affairs Committee, I have been disappointed over the ineffectiveness of the foreign-aid program and the tremendous waste in the huge amounts poured into India.

Since the new administrators of the aid program have been, as expected, made captives of the agency structure, they continue to look upon India as a "sacred cow" and again assign a very extensive share of aid funding to India.

An editorial in the San Diego Union, Saturday, October 4, hits the nail on the head on this subject. The editorial follows:

A PROBLEM FOR CONGRESS: UNITED STATES DEEP IN MAZE OF INDIA AID

As Congress turns to the subject of foreign aid, it might give serious thought to the nettle called India.

Since June 1952, the United States of America has given this massive and strategic Asian nation more than $9 billion, about two-thirds of its entire outside assistance.

In those same two decades an increasingly militant brand of Socialism has continued to squander that aid. The masses of India are poorer than ever, industry languishes and an increasing trend toward nationalization does not improve the outlook.

Externally, India's turn to the left has been even more dramatic.

The death of Ho Chi Minh in North Vietnam brought effusive eulogies from top Indian officials, including Prime Minister Indira Gandhi—at a time when Hanoi was bent on aggression and death in South Vietnam.

India is talking about raising its relations with North Vietnam to the ambassadorial level after a break of seven years. There even is a movement in the governing circles to recognize the illegitimate liberation government which the Communists are seeking to establish in South Vietnam.

India was heavy-handed in seeking entry into the Islamic conference of Arabs who talked about war, not peace, in the Middle East. El Fatah Arab guerrillas were not only officially received in New Delhi recently, they were showered with flowers at the airport.

India consistently opposes the United States in the United Nations, particularly regarding the seating of Red China, which has designs on Indian territory. In fact, India now adopts a conciliatory position toward Communist China and in return receives silence instead of diatribes from Peking.

And not the least concern of Congress should be a paradox raised by our aid to India. The Indians see nothing wrong in using American aid funds to reinforce their own multi-million dollar foreign aid programs—the Colombo Plan and the African Assistance Plan.

The Indian aid goes to the Himalayan countries of Nepal, Bhutan, Sikkim; to Indonesia, Ceylon and Burma; to Europe and even to the United States! India is actually assisting us with a bagasso paper-making plant in Hawaii.

India feels it can provide such aid to further its own interest even through millions of its own citizens are jobless, homeless and starving. Congress must ask if this arrangement, over which it has no control, is a legitimate use of American funds.

And Congress should ponder even more deeply what we have actually achieved in our own national interest by supplying two-thirds of India's foreign aid in the last two decades compared to what Communists have achieved on the basis of Russia's supplying 5.5 per cent of that same total.

HOUSTON'S ANTIPOVERTY PROGRAM—GOING UP OR DOWN?

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. BUSH. Mr. Speaker, Saturday, October 11, the Forward Times, a leading Texas Negro owned and operated newspaper, carried an editorial describing the Harris County Community Action Association's progress—or lack of it. In doing so the Forward Times highlighted a very serious national program—for the ever-present struggles within HCCAA are, unfortunately, prevalent all over the country.

So that all Members of the House of Representatives can have the benefit of the views expressed by the Forward Times, I would like at this time to submit it for the RECORD:

HOUSTON'S ANTIPOVERTY PROGRAM—GOING UP OR DOWN?

If Houston ever becomes the scene of a major riot, our feeling is that it will have its beginning within the official ranks of the local poverty program.

The little people are angry, frustrated, and making little noises. But they still exist each day with hope against hope that one day the program will begin to function as it was designed to in the beginning.

The struggle for money and power has a strange way of bringing out the worst in people and almost from the very beginning, the officials of the local poverty program have constantly made the news with their nearly all night internal squabbles over positions of power.

Some day we expect these long verbal battles of the past and present to take a turn toward violence. For a program designed for the upgrading of the poor, there seems to be a play for high stakes at the top.

The local poverty program has become a political football and as always, the poor end up being kicked around.

First there were employee strikes, then a merger, then mass resignations and firings. Then came a dispute about the Concentrated Employment Program, and who should run it.

In the latest developments, it turns out that the Harris County Community Action Association is on probation. They have been told to shape up over there or else by their bosses in the U.S. Department of Labor.

Some people in the community and on the HCCAA board seem to feel that Executive Director, Francis Williams, is the wrong man for the job. Others feel that he is the ideal man to head the program. The latter was the feeling of Forward Times at the time Williams took over the reins of the $14 million program.

It was our contention at the time that Williams had stepped into a fire he did not start, and while we hoped that by this time, Williams would have been able to quench the flames and get the job done. It seems that he has grabbed hold to something akin to the California brush fires. As soon as one is put out, two pop up somewhere else. So instead of being effective in the community as he would like to be, Williams finds himself in the role of "fire chief" forever putting out fires.

During the latest behind the scenes bickering, Mrs. Joan Bowers, who has headed the local Concentrated Employment Program for the past eight months, resigned.

Mrs. Bowers came into Houston with two strikes against her. As soon as she was named to head the program, signed petitions protesting her appointment were circulated here and there. Mrs. Bowers was a foreigner coming in to do a job that some local wheels had their eyes on. The pattern was set and Mrs. Bowers could do nothing right from the time she first occupied her desk.

Our dealing with Mrs. Bowers was quite different from those we have had with other anti-poverty officials. She placed people that we sent over in a matter of a few days without getting bogged down in a lot of agency red tape.

Her parting shot was that she wanted the bigger hunk of the anti-poverty money to go to the poor and not employees.

Some of the things we have never been able to understand about the operations of the local programs, designed to aid the poor, stand out. For example, we can cite two occasions where officials announced a cut back in operating expenses were necessary.

Certain staff members are cut, other staff members receive salary increases at the same time the cut is being made and a large number of trainees are scratched from the program.

It turns out now that Mrs. Bowers, who fought just a little while back to keep CEP separated from another state organizaion, says she was forced out.

It seems to us that every time an employee of the Program expresses an earnest desire to give the poor the benefits of the program, they are forced out. Be it the little neighborhood developer or a VIP, they are canned.

It is about time they revamped the whole program or close it down. It's about time, the politicians, and the political hustlers leave the program alone. It's about time for all the night squabbling and petty jealousies be shelved and all people involved get down to the business of upgrading the poor and reducing the welfare rolls of this city.

Even though Francis Williams avoids Forward Times like the plague, we still believe he is the best man for the job. We feel that he can and will straighten out the problems that beset the HCCAA and its problem child, CEP.

The fires within the organization are still dangerous and could well destroy the program. This must not happen. Too many people in the community need HCCAA and CEP. They need what it may offer in terms of jobs, training and dignity in years to come.

Those fires need to be quenched and the time is now. Perhaps others connected with the poverty program, the board of directors, community centers, could become fire fighters like Williams and get down to the business of working for the poor.

Others are doing a good job of upgrading the poor. They are not receiving any grants at all. Surely HCCAA and its children with their $14 million annually could knock a small dent in Houston's condition of poverty.

Forward Times hopes so.

I would like to point out that this article was not written by a conservative or by a paper with an anti-OEO bias but rather, as I stated before, by a leading Texas Negro newspaper. In maintaining the hope that the "program will reach the poor," the Forward Times echoes the hope of America and, surely, the hope of this Congress.

REMARKS BY DONALD RUMSFELD

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the new Director of the Office of Economic Opportunity, Donald Rumsfeld, appeared this morning before the National Association for Community Development Conference and presented an excellent discussion of the opportunities available to community action agencies across the country, as a result of the new direction given to OEO by President Nixon and Director Rumsfeld.

I would like to include at this point in my remarks the text of Mr. Rumsfeld's statement:

REMARKS BY DONALD RUMSFELD

I welcome this opportunity to meet with you. As participants in a joint national, state and local enterprise, I hope we can build a strong, effective partnership for Community Action.

I appreciate the staggering difficulties you've encountered in building these programs and the reasons for your fears about their survival. From the beginnings of Community Action in 1965, the plight of the Community Action director has been an unenviable one. He was promised vastly increasing funding—and he was told to plan for it, and he promised it to the poor—and instead received little more after three years than at the beginning. He was assigned to mobilize participation of the poor, so that the dispossessed would help make decisions, and he and OEO were then criticized for these decisions or the unaccustomed style of self-expression by the poor. Finally, the ultimate humiliation, he was informed that a new program would be established to cure poverty in the cities—a program named Model Cities with goals and rhetoric barely indistinguishable from his own, to operate in the same cities, among the same people, through separate organizations.

To attempt an objective evaluation of community action before this group would require more audacity than even *I* have—and it took plenty to take this job. To judge the success or failure of a program you must have a set of goals against which to measure results. But Community Action has never had only *one set* of goals—it has many *different sets*. The founders of Community Action had differing theories about how to achieve social change. Instead of making choices, they wrote *all* of their theories into Title II of the Economic Opportunity Act, and set up a program flexible enough to accommodate and serve them all at different times and places. To really *know* Community Action, you almost have to *live* it. It is different things in different places, and evolving all the time.

Few programs were ever so unformed at birth and few were so completely and broadly defined, for good or ill, by the times in which they were implemented. Perhaps the story of Community Action must be told by a poet or mystic rather than a politician or historian.

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The *public image* of Community Action has been mixed, the product of rumor and rumination, a source of fear and resentment among many citizens whose support is vital to your work. Community Action has been in many ways a victim of its own rhetoric. Its vocabulary and syntax have spawned massive expectations among the poor—unfortunately unfulfilled, and massive fears among the non-poor. We have operated too long on the assumption that the poor have natural enemies with whom it is useless to talk. The prophesy has been self-fulfilling: we have created enemies, many of whom might have been natural friends if we had sought them out.

The poor have been denied not only income and dignity and self-determination but, as a further impediment, they have been barred from natural alliances with many who share their aching despair about the quality of life in this country. They have been isolated, treated as a separate nation at war with the rest, as if only they were the ones calling for improved services, as if only they were pointing to the dizzying blight of our cities, as if only they felt institutions were unresponsive to their needs, as if only they wanted social change.

Those who live at the margins of poverty, and even above, share some of the same desperation with schools and cities and institutions. It is not just the poor who will benefit from change. It is in the interest of the whole Nation that the deep harm of poverty be eliminated. So it is time that we begin bridging the chasms between these groups, building more effective communication, sharpening and explaining our goals in terms that build alliances, rather than alienation.

Given the history of Community Action this Administration might have found it expedient to abolish the program. But it did not. The President announced less than six weeks after assuming office that the vital work of Community Action would be pressed forward. He sent to Congress a bill that would extend for two years, rather than one, the present legislation, without crippling amendments. He gave the agency added responsibility for experimental and research activities, and for innovating and developing new social programs. He increased the budget allocations in Fiscal 1970 for such activities and in critical advocacy programs like legal services. We have reorganized the agency to clarify and more clearly assign its different functions. Throughout, we have emphasized the importance of involving the poor in local decision-making, and making local institutions more responsive to the needs of all citizens.

Today the President has sent a message to the Congress reiterating for the third time his request for a two-year extension of the OEO legislation without crippling amendments. In this message he stated "OEO is now strengthening its present operating programs, including the community action agencies . . ." and pointed out the difficulty of running programs when with one-fourth of the fiscal year already gone, the Congress has still not acted on the authorization or the appropriations.

As I look ahead I see four critical things which you and I must do to strengthen our partnership and assure greater success:

First, we need to clarify what Community Action is all about—what we are trying to accomplish and communicate it better or risk loss of public support.

Second, we must focus our program activities more sharply on basic objectives.

Third, we must substantially increase the capabilities of CAAs to perform their functions effectively.

Finally, we need to increase OEO's own capacity to provide effective support for local Community Action Agencies.

The achievements of CAAs across the country over the past five years have been substantial. In the CAA, local citizens have built the foundations of a new American institution. It embodies some of our best national traditions: local initiative; self-help; concern with what works in practice, not just in theory; and creative interaction between government and private sector initiatives. There is enormous potential in this still young local institution. Where it is being used most effectively, it is producing results. We all recognize, however, that in some instances the CAA is falling short of its potential.

While I am a relative newcomer to this business compared with some of you, I speak not as an outsider who has come to criticize. I speak now as one who has taken the problems faced by Community Action as my own, accepting the responsibility to try to help develop effective solutions and to promote the success of this program.

In that spirit, OEO will expect more from CAAs in the years ahead. You also have a right to expect more effective help from us. I believe that, together, we can make some important things happen. Let me turn briefly to the four items I listed:

First, *sharpening the objectives of Community Action*. CAAs have suffered from conflicting demands on them. Massive expectations have been built into their national and local mandates. They have been expected to be all things to all men, from comprehensive planners and coordinators, to efficient operators of wide-ranging service programs, to developers of creative new approaches, while serving as advocates, negotiators, and communication channels.

It is simply unrealistic—and unfair—to expect CAAs to solve the whole range of interrelated problems of poverty in this country.

The resources and the powers of many other institutions—public and private, national, state, and local—must be applied to the problem. Other planners and coordinators, and other program operators have important responsibilities—and valuable resources.

Where does this leave the CAA? Threatened, uncertain, dwindling in significance? That is possible if we pursue Community Action as a vague, diffuse enterprise, reaching tentatively in all direction with inadequate resources.

But it can be—and *will* be—a different story if we decide what our specific objectives are—not as the whole anti-poverty show, but as a vital *part* of it—and then concentrate our energies on doing our part with maximum effectiveness and impact.

Our purpose—yours and mine—is to help to move a whole system of public and private institutions in this country toward finding and applying the means to deal with poverty. That's a lot different—and more "do-able" than trying to do all the planning and coordinating, providing all the services, and solving all the problems ourselves.

Let's be more specific about the kind of leverage we are trying to exert. What kinds of impact do we want to achieve? When you clear away the mass of program and administrative detail, and get down to the basic question of why we are in business, you find five essential goals for Community Action:

First, we are in the business to *mobilize and help channel the human and financial resources* of government and private groupa at all levels into action. There have been noteworthy achievements on this front. But CAAs must increase their efforts to tap, or gain redirection in the use of other public resources—federal, state and local—and to mine the vast resources of the private sector.

Second, we are in business to *generate new and better approaches* to solving problems. We have to stimulate not only new program designs and techniques, but also improvements in institutional habits and practices, planning and decision-making processes, laws and regulations to make them *more responsive* to the needs of the poor.

CAAs must play a major role in the search for better answers. They are in a unique position to tap the experience, imagination and initiative of local citizens and groups who are close to the problems, in widely different communities throughout the country. Drawing on these local assets, CAAs must be actively developing, testing, demonstrating, and promoting the broader adoption of new approaches. This effort includes what has been called—somewhat vaguely—"institutional change." It is a term that warms the hearts of some, and scares others to death. Call it what you will, the fact remains that CAAs are not in business to supplant other agencies, but to help improve their effectiveness and their responsiveness to the poor.

Many CAAs have shown that they can stimulate new program approaches and constructive institutional change. But some have yielded to pressures that turn their attention inward to their own program operations, neglecting their responsibilities in the larger community. And some have administered the same programs year after year, without change or experimentation. We should break out of this mold.

Third, we are in business to increase both the opportunities and the capabilities for effective *participation of the poor* in the planning, conduct, and evaluation of programs which affect their lives. Both the form and the substance of that participation are important to the success of our efforts.

We should move beyond establishing seats for the poor on board committees, and concentrate on *strengthening the quality and effectiveness* of their participation in the deliberations of these councils.

Fourth, we are in business to *build effective communications bridges* between those who should be working together to solve poverty problems: the poor and the non-poor; government and the private sector.

The CAA board is a unique institution where government officials, leaders in the the private sector, and the poor can jointly assess how well the community is responding to its problems, exchange experience and "know-how," and mutually stimulate new thinking about ways to lick the stubborn problems that keep people poor.

An important part of this communication function is the CAA's role as an advocate for the interests and needs of the poor. Let me cite an example of an effort that probably requires more attention by CAAs. A CAA which assists neighborhood-based organizations should also be working to educate the broader, non-poor community to understand the character and value of such self-help organizations. The CAA—board members as well as staff—should help the non-poor recognize that the efforts of poor people's organizations to influence programs affecting the residents are legitimate counterparts of the similar functions long performed by citizens' associations and other organized groups of the non-poor.

In its role as advocate, the CAA must measure its effectiveness by its achievements—its success or failure in gaining support and resources for its goals. Obviously, CAAs can not long pursue forms of advocacy which are self-defeating—which go beyond the scope of the statute or which lead to a withdrawal of support.

One of the most difficult tasks faced by CAA boards and staffs is to make judgments aa to the effects of their activities. CAAs can strengthen their legitimate efforts to influence the policies of community institutions. But if CAA efforts are dominated by the kind of confrontation tactics which divide communities and further isolate the poor from other groups instead of bringing them into closer relations with the community, Community Action will soon be without the broad support it must have. And the really good efforts of CAAs could go down the drain. The results would be tragic for this country—the poor and the nonpoor alike.

Finally, we are in business to *strengthen the process of planning and coordinating* anti-poverty programs so that the resources invested will produce maximum progress. Experience has shown that it is difficult for many CAAs to try to be *the* master planner and coordinator of all anti-poverty programs in the community. But to perform its other role effectively the CAA must work closely *with* other agencies that have planning and coordinating responsibilities.

The delivery of services to the poor is often an important part of a CAA's work. But I have not included this as part of our basic mission. The name of the game is to get those services provided responsively by the agencies which should bear the responsibility. CAA service programs are simply one important way to redirect the community response to poverty problems—in short they can help to produce a "multiplier effect."

The Administration has recently proposed a reform of the welfare system, the $4 billion Family Assistance Program that makes OEO's budget look like a midget. Along with increased funding for services in job training, day care, and food programs, this is the most sweeping and significant piece of social legislation since the Social Security Act in 1935. The real task then for OEO, the most difficult and challenging work, is not to maintain people or operate a large service buresucracy. Rather, it is to find new ways of opening economic opportunity, of raising the capacity of individuals to participate in the economic life of the Nation. The Family Assistance Program frees OEO to experiment with new programs, to do research on problems, to evaluate the effectiveness of all government programs affecting the poor, to encourage institutions to be more responsive to the people they serve, and to perform responsible advocacy. An income maintenance program will keep people alive, but it will not solve the basic problems that keep people poor and dependent. Nor will it provide the new programs and knowledge we need to give those people new skills and confidence and dignity.

The second major item on our agenda must be to make sure that our *day-to-day activity is focused directly on the performance of our mission*. Many things need to be done to assure this. Let me emphasize only a few points today.

In working *toward all of our goals:*

1. OEO must clarify and formalize the kinds of directions I have been discussing, so that everyone concerned will have a clearer understanding.

2. In developing a greater range and depth of program models and techniques for adaptation by CAAs, OEO must give more emphasis to programs which directly promote our goals as their primary purpose, not merely as side effects.

3. More attention must be given to development and use of effective *non-program techniques* by which CAAs can stimulate a better local response. For example, staff and board negotiations, public education, provision of local training or technical assistance, and coordinated planning and evaluation of local programs.

Some special things need to be done *to promote the development of new approaches* through Community Action. OEO must structure its program development activity so that it draws upon the results of CAA efforts.

Through evaluation feedback and other means, OEO will help expand the exchange of experience—both successes and failures—among CAAs, so that each can learn more from a wider range of experience.

Significant CAA successes may be picked up and tested more broadly through national demonstration projects.

Selectively, R&D as well as local projects which demonstrate the broadest potential applicability may be further expanded for more extensive demonstration as National Emphasis Programs.

This approach clearly recognizes that we cannot develop all of the new ideas we need in Washington. CAAs must serve as hundreds of laboratories, generating a wealth of experience using different approaches under widely varying community conditions.

Other special efforts will help in *stimulating both new approaches and mobilization of resources:*

1. CAAs must be encouraged to follow a policy of local delegation of well established programs. The human and financial resources of the CAA itself must not be bogged down in the permanent delivery of services that other agencies should be providing.

2. OEO must place less emphasis on negative controls and sanctions, and greater emphasis on offering positive incentives and rewards for excellence, which make sense to those who carry the burden of performance at the community level. Aside from various forms of public recognition, outstanding CAA performance should be rewarded by allocating back to CAAs funds released by local spin-offs and project terminations. Funds should also be augmented on a competitive basis for innovative or resource mobilizing projects.

The specific strategy for improving the community response to poverty must vary, of course, from CAA to CAA based on local circumstances. Problems which have posed particularly difficult issues for Community Action are Model Cities and rural areas.

There is a need to clarify the role and responsibilities of the CAA in a *Model Cities* situation. The relationship between the CAA and the Model Cities Agency will depend largely on the local context and the kind of working agreement that can be reached among the responsible individuals locally. I doubt that the Executive Branch will or should try to dictate the character of this local relationship in detail. Yet at the Federal level we cannot in good conscience wash our hands of the problems faced by the CAA and the Model Cities Agency in sorting out their responsibilities under the conflicting statutes passed by Congress. We have to be concerned, and we should assist in developing solutions.

While there are several alternatives which might recommend themselves in particular local circumstances, I suspect that the most productive course in many cases may turn out to be a division of functions between the two agencies, preserving and capitalizing on the natural assets and strengths as well as the basic missions of CAAs. It is worth thinking this possibility through at least.

Community Action in *rural areas* needs substantial improvement. Compared to the cities, many rural CAAs got off to a slow start, and have generally developed more slowly since.

This situation reflects not only the inherent, unique difficulties faced by Community Action in rural areas; it reflects also a failure of the Federal government, including OEO, to come to grips with rural poverty.

In this context, rural Community Action efforts should be built around a strategy to promote economic development and income improvement. By coordinated involvement in local and regional efforts to generate business and industrial expansion and create self-help enterprises, the rural CAA can have a major impact in mobilizing resources of the Farmers' Home Administration, Economic Development Administration, and other federal, state, and local agencies, as well as the private sector. This is necessary to gain the maximum anti-poverty results from the way other resources are allocated and used to increase economic opportunity in rural America.

Experience emerging from some of our most effective rural CAAs indicates that this is a feasible strategy which can produce important results.

Our third major need is to help *increase the effectiveness of CAAs*. Everything I have discussed thus far will be meaningless without the solid capacity for performance in CAAs. For that reason, the most crucial investment OEO makes in Community Action is not in one program or another but in CAAs as local institutions that can do a job.

The full development of CAA effectiveness must include at least three basic elements:

1. Clear understanding of the needs and the CAA's mandate, and a commitment to pursue them.

2. Technical program know-how.

3. Administrative competence.

Fundamentally, all of these must grow from within the community, but there are important things OEO can do to help. For example:

1. OEO recognizes that the prime teacher in Community Action today is experience, and that the experience is in the field, not in Washington. OEO must help CAAs understand and share the lessons which are being learned from experience in communities throughout the country.

2. On the basis of knowledge emerging from field experience, from research and demonstration, and from all other available sources, OEO will intensify its effort to develop program guidance and models and feed them into the system for your use. Emphasis will be on describing what works and setting overall standards of quality, not on prescribing a single version of the program which must be followed in detail everywhere. The latter approach would destroy the basic effort to keep the whole Community Action system open to local experimentation.

3. In expanding and sharpening the training and technical assistance available to CAAs, OEO will again avoid the temptation to think it knows all the answers. Our role is to help locate or develop sources of high quality assistance, orient them toward Community Action, and help you hook up with them. But the determination of needs and the selection of sources should increasingly be a CAA responsibility, to assure that the assistance is relevant and used most effectively.

4. OEO must do more to help CAAs develop sound management capability. We are expanding our effort to help in such areas as executive recruitment and training, Project Upreach for nonprofessional career development, and the comprehensive approach for the Concentrated Management Improvement Project (CMIP).

5. We have a largely unmet responsibility to see that the vast potential of the CAA board is developed and that it becomes a powerful force behind the goals of Community Action. The broad-based board is central to the concept of the CAA and its role in the Community. Those who accept the responsibilities of CAA board membership, must carry the function of the CAA out into the broader community, playing important roles in mobilization of resources and other facets of the CAA's effort.

6. If OEO is to provide significant help in developing CAAs with limited resources, we must concentrate assistance where it will do

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the most good. That means we must be prepared to reduce funding where the investment is not paying off. In the long run, I think that most CAAs—and the poor—stand to gain from this approach.

7. In rural areas, single county CAAs may be strengthened by consolidation with others, to pool limited resources and apply their efforts to a broader area which is more susceptible to an integrated economic development approach.

8. In the past two years, CAAs have generally strengthened their effort through closer involvement of local government officials. There is a great deal which can still be done to improve the local government contribution, and to involve the state governments, which control large and important resources. We must work to strengthen state and local government support of CAA efforts. We are already working to strengthen the contribution that can be made by SEOO's. This does not mean that it would be desirable to amend the Act to turn over the program to the States—and I have consistently opposed such amendments in the Congress.

9. Finally, OEO can help build the stature and effectiveness of CAAs by operating at the national level as an advocate for your needs and an interpreter of the work you are doing. I hope that we can improve our own effectiveness on this front.

Which brings me to the fourth and last point: *Increasing OEO's Capacity To Provide Support for Community Action.*

1. We have just completed a major reorganization of OEO Headquarters, which will strengthen our capacity to carry out our responsibilities.

2. A re-shaping of Regional Offices is in progress, including expansion from 7 to 10 offices, and co-locating them in the same cities with the Regional Offices of the other major domestic agencies.

3. We plan to increase and strengthen the internal staff training for OEO employees, to increase their effectiveness in support of local Community Action.

4. I have already referred to the increased attention which is being given to evaluation and program development work in OEO.

5. I have also mentioned the increased emphasis on positive incentives, in our relations with CAAs. This should include not only recognition and funding but, perhaps more important, the freedom to experiment and to tailor local strategies to local needs.

The joint effort which I have been discussing requires much from all of us. The problems are urgent, the mood restive, and the pressures great. We can complain, look inward, or quit—or we can set about the job and arrive down the road having achieved something worthy of the people we are here to serve. I'm taking the latter road.

DISPUTES CLAIM OF INSUFFICIENT ENGINEERING MANPOWER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. DINGELL. Mr. Speaker, I am in receipt of a news release from the Consulting Engineers Council which was issued on October 9, 1969. So that my colleagues may have an opportunity to read of the views of the Council on the availability of engineering resources, I insert the text of the news release at this point in the CONGRESSIONAL RECORD:

NEWS RELEASE FROM THE CONSULTING ENGINEERS COUNCIL

WASHINGTON, D.C.,
October 9, 1969.

U.S. Consulting Engineers today are taking strong issue with the Federal claim that there is insufficient engineering manpower available to handle the design of much-needed waste treatment facilities. This claim was a major factor in the defeat of a House effort to appropriate $1 billion in grant money for waste treatment plant construction, as called for in the Clean Water Act of 1966.

An Administration request for a repeat of the 1969 waste treatment appropriation of $214 million was boosted to $600 million in House action on Wednesday. Coordinated by Rep. John Dingell (D. Mich.) and introduced by Rep. William Minshall (R. Ohio), the $1 billion appropriation would have pumped nearly $2 billion in state and local funds into a program which is now running well behind its legislative authorization.

Federal Water Pollution Control Administration officials opposed the larger appropriation, contending that it was more than could be spent this year because of a lack of available qualified engineers to perform the necessary design of up to $3 billion worth of waste treatment plants.

The nation's independent engineers, headed by the Consulting Engineers Council, scorned this claim, labeling it "totally" inaccurate and without foundation." Basing its argument on a sampling of 114 of its more than 2,200 member firms, the CEC asserts that U.S. consultants can assimilate design work covering more than $5 billion in fiscal 1970 waste treatment plant construction without adding a single man to existing staffs. (In the past twelve months, two CEC member firms alone have designed $350 million in waste treatment facilities.) The Council's survey indicates that firms in only five states—Missouri, New York, Massachusetts, Illinois and Michigan—could produce the necessary engineering for at least $1 billion in waste treatment plant construction.

As rebuttal to FWPCA claims of insufficient engineering manpower, the Consulting Engineers Council points out that $3 billion worth of treatment plants, divided among fifty states, comes to only $60 million per state. With at least fifteen engineering firms qualified in waste treatment design in virtually every state, that is an average $4.5 million worth of construction per firm. This is well within the capability of most U.S. consultants, and certainly within the capability of the more than a dozen firms that last year designed for treatment facilities with a construction value of $50 to $150 million.

As a final argument, the CEC points out that not only are there engineers available, but they are looking for work. Consultants in the fields of water and sewage system public works particularly are beginning to feel the effects of higher interest rates on municipal bonds. One Denver firm told the CEC that it was reassigning a number of sanitary engineering employees to other civil engineering work in order to keep them busy. With many communities unable to obtain funds for design work, engineering projects are being stalled in the preliminary planning stage for lack of state and Federal assistance. (Last year the Minnesota State Pollution Control Agency accepted applications for $15,325,078 in grant requests, covering $46,733,902 in total construction. Because of limited funds, only $3.92 million, or one-fifth of the total request, was made available.)

Although the Consulting Engineers Council does not specifically support Congressional effort to boost Federal assistance to $1 billion, the engineers are adamant in their protestation that the much-needed facilities, if they had been generated by the defeated appropriation, could easily have been designed with existing engineering resources.

DEVELOPMENTS IN SOUTH AFRICA

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. KEITH. Mr. Speaker, the Standard-Times of New Bedford, Mass., recently ran a three-part series on the governments of southern Africa. Written by Edward D. McGlynn, assistant professor of history at the Salem (Mass.) State College, these articles outline in an objective and forthright manner recent political and diplomatic developments in southern Africa. In order that my colleagues may have the benefits of Professor McGlynn's analysis, I include the series from the Standard-Times at this point in the RECORD:

SOUTHERN AFRICA: THE WHITE GOVERNMENTS—DEVELOPMENT, POTENTIAL AND RACE RELATIONS

(By Edward D. McGlynn)

Southern Africa consists of the Republic of South Africa, Rhodesia, the Portuguese "overseas provinces" of Angola and Mozambique plus several small black states—Lesotho, Malawi, Swaziland, and Botswana—all more or less economically dependent upon South Africa, the richest and most industrialized nation on the African continent.

Some 45 million people live in Southern Africa of whom about 10 per cent are of European stock. The region is about two-thirds the size of the United States, and although much of it is undeveloped it abounds in riches—coal, iron, gold, diamonds, asbestos, manganese, zinc, copper, and chrome ore.

The recent discovery of oil in Angola added the one major industiral element that the region had hitherto lacked.

American, European, and Japanese businessmen visiting Southern Africa wax enthusiastic over the area's great economic potential. In September an international consortium of European and South African firms announced plans for the development of Mozambique's remote Cahorra Bassa, a territory rich in coal and iron, into the "Ruhr of Africa."

COMMON PROBLEMS BRING UNITY TO SOME

Because of a commonality of problems and the hostility of much of the outside world, South Africans, Rhodesians, and Portuguese have moved closer together politically and economically. South African police units support Rhodesian troops along the Zambian frontier, and thanks to the cooperation of South Africa and Portugal the Rhodesians have been able to survive the UN-imposed economic sanctions.

But cooperation among the three powers does not mean that Southern Africa can be treated as a monolith. There are considerable differences that cannot be ignored. South Africa and Rhodesia are sovereign states capable of pursuing their own national interests whereas Angola and Mozambique are answerable to distant Lisbon.

The Republic of South Africa, including South West Africa, is three times the size of Texas, and leads the world in the production of gold and diamonds. It is a modern industrial state with a sound economy and one of the world's hardest currencies.

Its cities are comparable to those of the United States and Europe. Its origins go back to 1652 when Dutch settlers founded Cape Town as a halfway stop—"a tavern of the seas"—between Holland and the Dutch East Indies.

The descendants of the Dutch settlers and the French Huguenots and Germans who later joined them are the Afrikaners, who now number about 2 million. The Afrikaners along with the 1.6 million English-speaking white South Africans control the Republic. The Afrikaners are not the least embarrassed by the fact that they are a minority among the 18 million people in South Africa. South Africa is theirs, they will quickly inform the visitor, and they intend to see it remains so.

RACIAL POLICIES DIFFER

The racial policies and attitudes of the South Africans, Rhodesians, and Portuguese greatly differ. In South Africa the policy is apartheid, on separate development, which in effect means rigid segregation.

"Slegs vir Blankes"—"Whites Only"— is the ubiquitous sign throughout South Africa, and transportation, employment, housing, education, entertainment, and sport are all segregated. Miscegenation is a crime, and non-whites may not vote in national elections.

The Afrikaners are well-routed in South Africa, and their name for themselves means "of Africa." Their language, Afrikaans, although derived from Dutch, is spoken nowhere else in the world. South Africa is their only home, and they are no more Dutch than the descendants of the Pilgrims in Massachusetts are English.

Their historians claim that their ancestors arrived in South Africa before the Bantu (Negro), and that it was not until the 1770's that Afrikaner frontiersmen encountered Bantu coming from the northeast.

The British annexed the Cape of Good Hope during the Napoleonic wars, and sought unsuccessfully to Anglicize the Africaners. The 19th Century saw a struggle for control of South Africa between the Africaner, the Briton, and the Bantu with the primitive Bantu finishing last.

During the Boer War (1899–1902) the numerically superior British forces eventually wore down the tough Afrikaner commandoes, as they called their military units. In 1910, London deemed it wise to grant South Africa its independence, and since then every South African prime minister has been an Afrikaner.

MINISTER-POLITICIAN LED NATIONALISTS

In 1948, the Nationalists came to power led by Dr. Daniel Malan, a Calvinist minister turned politician. The Nationalists initiated apartheid as a means of insuring continued white rule. The Afrikaners have a tradition of allegiance to a stern brand of Calvinism, and to this day their politicians still speak of their "divine mission" to preserve "white civilization" in South Africa.

The Catholic Portuguese also refer to their historic mission, that of "civilizing the African." The Portuguese were the first Europeans to enter Black Africa way back in the 15th Century when they established themselves in Angola and elsewhere. It was from Angola that slaves were found for the plantations of Brazil.

By the early 16th Century the Portuguese were in Mozambique where their sailing ships would await the prevailing winds that would take them across the Indian Ocean to India.

Portugal declined in the 17th Century and Angola and Mozambique became unimportant backwaters. When Dr. Salavar came to power in Lisbon in 1928 a new era dawned for Portugese Africa as immigration and economic development were officially encouraged.

Angola, 14 times the size of Portugal, has 6 million people of whom 300,000 are Europeans. Mozambique, three-fifths as large as Angola, has 8 million inhabitants including 200,000 Europeans.

Unlike the South Africans, the Portugese approach to the Bantu is cultural rather than racial.

While the South Africans emphasize the tribal divisions among the Bantu so as to prevent the development of a black national consciousness, the Portugese tend to ignore tribalism and seek to assimilate the Bantu. The use of the Portugese language and the spread of Catholicism are encouraged by the Portugese.

RHODESIA SPARSELY POPULATED

Rhodesia was founded in 1890 and although equal in size to all six New England states plus New York, New Jersey, and the Canadian province of New Brunswick has only 5 million people, of whom 230,000 are Europeans.

On racial matters Rhodesia falls midway between South Africa's apartheid and Portugal's assimilation policy.

There is segregation in Rhodesia, primarily in housing and education but, unlike South Africa, the Bantu may vote providing they meet the educational and property qualifications, and Bantu members sit in the Rhodesian Parliament.

Rhodesians do speak of eventual black-white parity, and sports and transportation are integrated. In Rhodesia racial segregation rests primarily upon custom; in South Africa it is the custom and the law.

The South Africans, Rhodesians, and Portuguese cooperate with each other because to do so is mutually advantages but their histories, cultures, and outlooks differ considerably.

REVOLT OR INVASION ARE UNLIKELY

George Orwell once wrote that political language is "designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind."

An example of this kind of political language was the charge that Rhodesia constituted a threat to world peace.

This was the view of the United Nations following Rhodesia's seizure of independence from Britain in 1965. The charge was echoed by the American ambassador to the world body, Arthur Goldberg, and by the assistant secretary of state for African affairs, John Palmer.

This view was based upon the belief that the enraged black states would hurl their armies at white-ruled Rhodesia. Ghana, Kenya, Zambia and other African nations talked tough, and President Nasser in Cairo, about 4,000 safe miles to the north, declared war upon Rhodesia.

Well aware of the limitations of the black states and familiar with the war record of Nasser's Egypt, the Rhodesians were not unduly worried.

Four years later the febrile imaginations of Goldberg and Palmer no longer help shape American policy, and Kwame Nkrumah, the tough-talking dictator of Ghana, is now in exile writing his memoirs. Prime Minister Ian Smith is still in office in Salisbury, Rhodesia's attractive capital.

There have been some minor guerrilla incursions—the last was in August 1968—but the "threat to world peace" never materialized. The economic sanctions imposed by the United Nations against Rhodesia are still in effect even though they were initiated on the now obviously mistaken notion that Rhodesia constituted a threat to the peace.

SANCTIONS SEEN AS FAILURE

Sanctions are now universally recognized as a failure. They have inconvenienced the Rhodesians but they have neither crippled the country's economy nor the will to resist. George Ball, Goldberg's successor at the United Nations, accurately described the supposed political efficacy of economic sanctions as a "romantic delusion."

Rhodesia a threat to peace? The very idea is ludicrous to anyone who has driven through the Rhodesian countryside, or walked the broad streets of Salisbury and Bulawayo that are policed by smartly turned-out African constables who are unarmed.

Imagine unarmed police officers in American cities!

Rhodesians and South Africans point out to the visiting American that their cities have not witnessed such violence as have Los Angeles, Detroit, Newark, Cleveland, and Chicago.

The widespread belief in the United States that Rhodesia and South Africa are on the brink of revolution is quite unfounded.

If internal disorder should materialize, the efficient police of both lands seem quite capable of handling matters. Invasion may be ruled out altogether as the military capacity of South Africa and Rhodesia is quite formidable in the African context.

South Africa's secure position precludes any serious action by the United Nations with respect to South West Africa. This diamond-rich territory, twice the size of California, is a former German colony taken by the South Africans during World War I.

After the war the League of Nations granted the territory as a mandate to South Africa. The United Nations has long sought to pry the area away from South Africa but to no avail. In 1966, the World Court in effect threw out a case brought by Liberia and Ethiopia against South Africa's occupation.

U.N. ORDER IGNORED

The United Nations in a rage ordered South Africa out of South West Africa. Three years later the South Africans still hold the territory, and administer it very much as if it were an internal part of the Republic.

This year the world body gave the Republic of South Africa until Oct. 4 to surrender control. South Africa's foreign minister, Dr. Hilgard Muller, publicly retorted: "We have been in South West Africa for 50 years and we intend to remain in South West Africa."

The deadline date will come and go and South Africa, not the United Nations, will control South West Africa.

Prof. John Barrett, formerly with the South African delegation to the United Nations and now director of the Institute of International Affairs in Johannesburg, declared earlier this month that the world body will just have to learn to face reality about South West Africa.

"Only the United States or the Soviet Union is strong enough to dislodge us from the territory," according to Prof. Barrett, "and neither power wishes to get involved."

While internal disorder is minimal in South Africa and Rhodesia there are active revolutionary movements in Angola and Mozambique.

When a bloody revolution broke out in Angola in 1961 many foreign observers predicted the speedy departure of the Portuguese. Eight years after the Angolan outbreak the Portuguese presence is stronger than ever.

A less serious uprising occurred in Mozambique in 1964, but the assassination of its most prominent rebel leader, Eduardo Mondlane, earlier this year was a serious blow to the lagging revolution. Both revolutions were in many respects tribal uprisings, that of the Bakongo in Angola and of the Makonde in Mozambique, dressed-up as modern political movements.

BOTH OUTBREAKS CONTAINED

Both outbreaks have been contained and neither has impeded the economic advance of Angola and Mozambique.

The success of the Portuguese in localizing the conflicts has surprised many observers. Portugal, perhaps Western Europe's poorest state, may well accomplish what France could

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not do in Indo-China or Algeria and what the powerful United States apparently cannot do in South Vietnam—crush a guerrilla-led "war of national liberation."

One reason why guerrilla movements have foundered in Southern Africa is because South Africa and Rhodesia have made known the fact that if necessary their forces will follow a policy of "hot pursuit" chasing guerrilla bands across international frontiers right into neighboring black states.

To underscore these warnings Rhodesian jets not infrequently violate Zambian air space, and Portuguese army units have pursued rebels into the Congo and into Zambia.

The disinclination of the white powers to recognize "privileged sanctuary" has led to a marked decline in enthusiasm among the Congolese and Zambians for harboring "liberation movements."

In Zambia, President Kenneth Kaunda seized dictatorial powers this summer in an effort to thwart any attempt to oust him from power.

An attempt on his life was reported late this summer, and interested observers in South Africa and Rhodesia believe that Kaunda, an implacable foe of Rhodesia, may not long last in power.

His removal from the scene may possibly lead to better relations between Zambia and Rhodesia, thereby further reducing tensions along the Southern African frontier.

Foreign Policies Ambitious, Affect United States

The announced British withdrawal from "East of Suez," scheduled for late 1971, has thrown a fright into many of the states along the shores of the Indian Ocean.

The increased activity of the Soviet fleet in that vast sea clearly indicates that the Russians intend to replace the departing British as the area's dominant influence.

To prevent this the Republic of South Africa has proposed to Australia that the two nations join together to police the region. However, in late August Canberra rejected the proposal and announced that the growth of Soviet influence in the Indian Ocean was inevitable and posed no threat to Australia.

The South Africans hope that the Australians will rethink their position but still intend to keep the Russian influence as far from their shores as possible. To do this South Africa is wooing the Indian Ocean states of Mauritius and the Malagasy Republic (formerly Madagascar).

The Malagasy Republic possesses the naval base of Diego Suarez, now leased to France. Now that De Gaulle is gone and France no longer is concerned with "grandeur," the French fleet may follow the British out of the Indian Ocean. In such an eventuality, the South Africans will offer to lease the base for their own small but smart navy.

Urging Increased Economic Ties

Pretoria is encouraging South Africa businessmen to seek ties with Mauritus and the Malagasy Republic and tourists from the republic are encouraged to visit the islands on the premise that increased economic ties will lead to closer political connections.

The two island-states would benefit economically from closer ties with South Africa, but it remains to be seen if they would leave naval and air bases to the republic.

The South African interest in the Indian Ocean is but one aspect of a three-pronged "outward policy" initiated by Prime Minister B. John Vorster and his defense minister, Dr. Hilgard Muller.

This policy seeks to lessen South Africa's isolation by improving economic and political connections between South Africa and neighboring states. The middle prong of the outward policy is concerned with the states to the north of South Africa.

While relations with Rhodesia and the Portuguese territories of Angola and Mozambique are understandably quite good, relations with neighboring black states are also satisfactory. Malawi, Lesotho, Swaziland, and Botswana are all on good terms with the republic, and even Zambia, led by the anti-Rhodesian Kenneth Kaunda, does considerable business with South Africa. Further afield, francophone West Africa is being courted by the republic with good results at least with the tiny Republic of Gabon.

Anticipate Cooperation With Black States

The South Africans neither expect to be loved by the black governments nor to win converts to apartheid, but they anticipate winning cooperation from many black African states based upon the fact that the republic is Africa's most economically sophisticated state, and the South Africans are willing to share their knowledge and expertise with their less developed neighbors to the north.

How successful the South African policy will be only time will tell, but Pretoria is confident that economics will triumph over ideology in the final analysis.

The third prong of the outward policy is concerned with the South Atlantic Ocean. In this area the republic is seeking to reach an agreement with Argentina similar to that which it had sought with Australia.

The reception in Buenos Aires has been much more encouraging to Pretoria in comparison with that received in Canberra.

Last spring ships of the South African navy called at South American ports, and even engaged in a joint exercise with ships of the Argentine navy. Buenos Aires has officially denied any plans for a pact with the republic, but in Pretoria the feeling is that as the two nations are concerned with keeping order in the South Atlantic then eventually an understanding will be reached.

"We do not expect a formal pact," one South African put it, "but we do want an understanding with Argentina regarding the activities of outside powers in the South Atlantic."

Not too many years ago the late Eric Luow, then South Africa's foreign minister, remarked that his country, because of its racial policies, was the pariah of the world community. Luow was not opposed to apartheid. He was merely expressing a fact of diplomatic life.

Quite aware of their international reputation, the South Africans expect to be publicly rejected by many of the governments they court, but remain confident that they will achieve many of their ends on the quiet.

So far as Argentina is concerned, a naval "arrangement" with South Africa designed to forestall Soviet influence in the South Atlantic seems quite likely, as evidenced this year by the point naval operation and the exchange of visits to South Africa and Argentina of high-ranking naval officers.

Portugal Courted Brazil

A similar effort by Portugal to obtain closer ties with Brazil saw the mother country publicly rebuffed by her South American offspring.

This year Brazil received official visits from the Portuguese prime minister, Dr. Marcelo Caetano, and the South African foreign minister, Dr. Muller, both intent upon wooing the Latin giant. Brazil's foreign minister, Maghalaes Pinto, issued a public statement to the effect that his country intends to maintain good relations with Portugal and South Africa but is not prepared to enter into a pact with them.

Pretoria and Lisbon, nevertheless, remain quite hopeful.

The foreign policies of the Southern African powers are ambitious and show considerable initiative. They are designed, like all foreign policies, to serve the national interest, but it is also to the best interest of the United States that the policies of Pretoria and Lisbon succeed in creating an orderly and prosperous area in the Southern Hemisphere.

Such a development will diminish the necessity of American involvement in that part of the world thereby lessening the possibility of future "Vietnams."

COLUMBUS DAY

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. FARBSTEIN. Mr. Speaker, Columbus Day honors more than one man. It honors every Italian who has come to our shores since that first brave and persistent explorer.

The Italians who came to America seemed determine to live up to the standard that Columbus set for them. From the first days of our discovery, the sons of Italy were to play an important role and become an inseparable part of America. Giovanni Cabota, better known as John Cabot, was the first European to explore the mainland of the North American continent. Amerigo Vespucci, for whom "America" is named, explored the coast of South America and was among the first to recognize that the new continent was not a part of Asia. Giovanni di Verrazzano was the discoverer of New York Bay and the Straits which bear his name.

Some of our earliest settlers came from Italy; in fact, there were Italians building a glass factory in Virginia before the Pilgrims landed in Massachusetts. An early Italian settlement was in my own city of New York.

Italians played a major role in our Revolution, Civil War, and in the two World Wars. Filippo Mazzei was among the first men to urge publicly that the American colonies split with England. William Paca of Maryland was a signer of the Declaration of Independence, and several hundred Italians gave their lives in the Revolutionary War. Over 200 Italian officers served in the Civil War, and many more in the two World Wars. Several have been awarded the Congressional Medal of Honor for outstanding bravery and service to their country.

It would be impossible to list all of the contributions that citizens of Italian descent have made in American society. In commerce, names like Amadio P. Giannini, founder of the Bank of America, Sebastian Poli, of Fox Movie Corp., and Gino Pualucci, of Chun King Corp., stand out. In politics and government, Italians have distinguished themselves as Congressmen, Senators, Cabinet officials, mayors, aldermen, and just about every other public office in the land. In the field of music, Italian Americans like Enrico Caruso, Ezio Pinza, and Anna Maria Alberghetti have enthralled American audiences. Musicians, singers, and actors, like Frank Sinatra, Tony Bennett, and Perry Como, lead a long list of Italian Americans who have brightened the land with their entertainment. The same can be said for Italian Americans in the field of sports.

But the real contribution that Italian Americans have made to our society comes not from the few whose names will go down in the history books, but from the citizens who are known only to their neighbors through their perseverance, hard work, and good citizenship.

I am privileged to represent that part of the city of New York which has always been referred to affectionately as "Little Italy." It is here that so many of the finest "sons of Italy" live and contribute to the rich cultural heritage of our city. The warmth and closeness of Italian families, and the joy which they take in sharing what they have, has always made me feel welcome when I have visited my constituents there. It is to these people, the heirs of the dream which Columbus unfolded, to whom Columbus Day is truly dedicated.

THE OBSERVANCE OF COLUMBUS DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. ROONEY of New York. Mr. Speaker, to those of us who might be rightly designated as the "Senior Citizens" of this body, the observance of Columbus Day has real significance. To those of us who struggled year after year to obtain due recognition for Christopher Columbus by having his birthday proclaimed a national holiday, October 12 has deep meaning indeed. Each of us feels a very personal connection with the impressive ceremonies which our fine Italo-American organizations will conduct throughout our land. We shall join with them with genuine enthusiasm as they pay tribute to that great Genoese navigator who so bravely commanded his followers in his tiny armada to "Sail on, Sail on and on."

Once again, Mr. Speaker, I repeat my plea that this special day, honoring the name and achievements of Christopher Columbus, be used to pay tribute to the thousands upon thousands of staunch men and women who came to our shores as did Columbus but who remained to give this country greatness. Certainly, this national holiday should remind us of the magnificent contribution which the countrymen of this great navigator have made to this Nation.

A few weeks ago I had the pleasure of meeting with an impressive number of Italian press representatives in Naples and alluded to the Italian contribution to America with this statement:

> Because of being brought up in Brookyln with its large Italian American population, I soon learned the importance of the contribution which Italian immigrants have made and are still making to the life and welfare of our country.
>
> More recently as I watched, almost in holy awe, our astronauts making their historic explorations of the moon, I could not help but wonder how significant it would have been to have seen Christopher Columbus step ashore in the New World. I wonder how the world in the 15th and 16th centuries would have reacted to Amerigo Vespucci's first landings on the continent later to bear his name.
>
> As our courageous spacemen moved about the moon's surface leaving the first footprints of mortal man and as I watched them follow a flawless schedule reduced to mathematical perfection I could not help but think of the host of men of science over the ages who made this "Impossible Dream" possible. I thought of men like Galileo, like Enrico Fermi. I thought, too, of Fillippo Mazzei, the physician and counselor to Thomas Jefferson, who gave the framer of our Declaration of Independence those immortal words "that all men are created free and equal," for had not man at long last been made free of his earthly bondage and given equality of the universe?

I was pleased to have the Italian press give extended coverage to these remarks and to publish my praise of the Italian people for their great contribution to our social, cultural, and economic growth. All papers stressed my remarks concerning the debt of gratitude which the people of the United States owe to the people of Italy, as well as to the ties of friendship which bind together the people of our two countries.

It was my good fortune while in Rome to be once again accorded an audience with His Holiness, Pope Paul VI, and to receive from him a greeting of deep affection and appreciation of my fellow Americans.

Mr. Speaker, as we join with our fellow citizens who take just pride in their Italian relationship to the great Christopher Columbus and who on Sunday will honor him with moving ceremonies, I suggest that we contemplate the message given my associates and me by His Holiness at Castel Candolfo on August 17, 1969, which reads as follows:

> Dear Friends: To receive a visit from persons of such distinction is an honor which We appreciate, and We are grateful for this opportunity of meeting with you.
>
> With the whole world We watched as two of your fellow countrymen made mankind's first footsteps on soil outside this planet. We are constantly aware of the assistance your country is giving to other lands struggling to develop their resources. Indeed, few countries can have had similar weight in deciding the fortunes of the whole human race.
>
> Because of this importance, We ask you to encourage your fellow citizens to use their nation's power and influence wisely and generously, with a view to the true welfare of all men. We pray that they may be inspired by such noble idealism, and We invoke upon you, on your dear ones, and on your country God's richest blessings.

TYRANNY'S MODERN FORM: BUROCRACY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 13, 1969

Mr. DERWINSKI. Mr. Speaker, the Chicago Tribune's world renowned columnist Walter Trohan has just returned from an extensive study of political conditions in Western Europe and it is, therefore, intriguing that his first column upon returning to Washington is to express frustration with the Washington bureaucracy.

The point made in Mr. Trohan's column of Wednesday, October 8 in the Chicago Tribune is, in my opinion, a very fair commentary on the unholy power which bureaucrats wield over the taxpayers.

The article follows:

Tyranny's Modern Form: Burocracy

(By Walter Trohan)

> Washington.—Burocracy, a vast faceless mechanism, which pulses from Washington to every city, town, and house by the side of the road in America has become the modern form of tyranny.
>
> Federal burocrats have developed a finely honed strategy, according to William Morrow, professor of political science at DePauw university, for wringing solid appropriations out of recalcitrant appropriations committees in order to perpetuate themselves and their aims.
>
> In his book, "Congressional Committees," Prof. Morrow contends Congress has "lost its legislative initiative" to "a burgeoning burocracy," even tho many congressmen still have a "psychological desire" or craving to do what the constitution mandates—legislate.
>
> Not only have burocrats captured legislative initiative, but they have also captured some measure of control over every phase of American life and even death. One of the most entrenched strongholds of burocracy is the Food and Drug administration, which literally controls citizens from the cradle to the grave.
>
> The FDA refuses to sanction use of a glue which has been proven successful in thousands of operations abroad in binding metal joints on bone shafts. Senior citizens, who cannot afford to go abroad, must wait FDA approval here, before they can expect to walk or walk without pain.
>
> The FDA has approved the use of L-Dopa, a new drug for Parkinson's disease by some 200 institutions. But there are a million sufferers from the disease who are begging for help, who cannot get into the institutions for years, because of the lack of available beds. The FDA will not authorize use of the drug on an outpatient basis, altho many doctors insist this should be done.
>
> The FDA undoubtedly has done much good, but many accuse it of arresting the development of new drugs and stifling the use of new drugs by those who may need it most.
>
> Bureaucrats in the department of justice, who had no knowledge of the newspaper business, are telling two Arizona newspapers how to operate their advertising and circulation departments. The Supreme court last March found that the two papers were engaged in a joint operating agreement that violated anti-trust laws.
>
> The papers bowed to the agreement and worked out a system of separation. But bureaucrats, who know nothing about the newspaper business, are dictating, not refereeing, the operation of the system. It is possible the dictation may force one of the newspapers out of business.
>
> The instances of bureaucratic dictation are too numerous to mention. They seem to multiply. It may be possible to understand bureaucratic playing of politics as evidenced by criticism of the Nixon administration's civil rights program from bureaucrats, who are largely Democrats; or statements from Democratic bureaucrats seeking greener pastures in the outer world that inflation will continue, but bureaucratic playing God with every facet of life is open to question.
>
> Bureaucracy is jealous of money and power. It is possible that bureaucratic power is so great that bureaucrats may be able to spawn their own leader, who will most certainly be a dictator.
>
> "Bureaucracy as bureaucracy is impregnated thru and thru with the apirit of mediocrity," said Leon Trotsky. "Stalin is the most outstanding mediocrity of the Soviet bureaucracy."

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SENATE—*Tuesday, October 14, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose kingdom is everlasting and whose power is infinite, we thank Thee for our fathers who through peril, toil, and pain brought forth this Nation, "Conceived in liberty and dedicated to the proposition that all men are created equal." Make us worthy of this high heritage and fit to follow in their labors unafraid. Lift our spirits now above the frenzied noise of the world into the light and calm of Thy presence.

To the guidance of Thy wisdom and the keeping of Thy love we commend our Nation. We beseech Thee so to rule the hearts of Thy servants, the President, the Vice President, the Members of Congress, and all others in authority that they may know whose servants they are, and may above all things seek Thy honor and glory. Grant them strength for their burdens, wisdom for their responsibilities, insight for our times, and faith sufficient for each day's duties. And may they walk in the steps of Him who was the way, the truth, and the life.

In whose name we pray. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 13, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC OPPORTUNITIES ACT OF 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the conclusion of morning business, the unfinished business, S. 3016, the Economic Opportunities Act of 1969, be laid before the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL INDUSTRIAL HYGIENE WEEK

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 448, Senate Joint Resolution 150.

The PRESIDENT pro tempore. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 150) to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 150

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the need to preserve the Nation's primary natural resource—its employed population—and in recognition of those individuals and organizations seeking to protect and improve the health of the Nation's work force through the coordinated scientific measures, technological and engineering controls which characterize industrial hygiene, the President is authorized and requested to issue a proclamation designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–452), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to authorize and request the President of the United States to issue a proclamation designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

STATEMENT

Industrial hygiene is that part of occupational health concerned with the anticipation, evaluation, solution, and prevention of health problems arising out of industrial operations. It reflects the attempt of industry to work in concert with scientists and engineers from related fields to develop sound scientific knowledge and to aid in the application of this knowledge to the protection and conservation of the health of workers in all types of industry.

The leader in the research in this large and growing field is the Industrial Hygiene Foundation of America, a nonprofit research organization with headquarters at Mellon Institute in Pittsburgh, Pa. This organization was organized originally in 1935 because of a concern over the silicosis problem in industry. Since that time the organization has a greatly broadened agenda that addresses itself to the ever-expanding list of recognized industrial health problems, including air quality, noise abatement, mental health, and other matters related to the total industrial and community environment.

This joint resolution designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week" coincides with the foundation's annual meeting which will be held in Pittsburgh, Pa., on October 14–15 of this year. This resolution would focus public attention to the field of industrial hygiene so that the average citizen could better understand and appreciate the past and present benefits he and his family may be receiving. Such knowledge will provide the basis for improved public confidence in the willingness and ability of American industry to solve not only current health problems, but such new problems as may be expected to arise out of future industrial technological progress.

The committee is of the opinion that this joint resolution has a meritorious purpose and accordingly recommends favorable consideration of Senate Joint Resolution 150, without amendment.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, is the pending business now S. 3016?

The PRESIDENT pro tempore. It has not been laid down, but it will be the pending business at the conclusion of the morning hour.

S. 3025—INTRODUCTION OF THE URBAN LAND IMPROVEMENT AND HOUSING ASSISTANCE ACT OF 1969

Mr. JAVITS. Mr. President, I introduce today, for appropriate reference, the Urban Land Improvement and Housing Assistance Act of 1969.

This bill is cosponsored by the Senator from Michigan (Mr. HART) and the Senator from Pennsylvania (Mr. SCOTT).

This omnibus bill would authorize Federal incentive grants to State and local governments to strengthen their capacity to utilize land more productively and, thereby, to increase housing opportunities within their jurisdictions.

In the Housing Act of 1968, Congress established a national housing goal. In the past several years, we have enacted numerous housing and urban development programs. Yet, we seem to be further and further away from our objective of providing every American family with a safe, sanitary, and decent place in which to live.

The housing crisis is particularly serious in the central cities where the available land is most limited and most expensive. The poor are effectively locked into a decaying inner-city housing stock through fragmented, outmoded, and restrictive suburban zoning ordinances. These conditions impose ever-increasing burdens on urban services and make it increasingly difficult for the cities to meet necessary demands with ever-shrinking financial resources.

However, as the National Commission on Urban Problems—the so-called Douglas Commission—reported the "urban problem" is not essentially a "slum problem." It is a problem of deteriorating central cities and sprawling suburban growth. "What is happening in the slums and the rest of the central city cannot be

separated from the kind and the pace of growth in the suburbs," the report said.

Under these circumstances it is crucial that States and localities be encouraged to reform their laws in institutions and be assisted in overcoming the obsolescence and fragmentation in zoning, taxing, and building standards which have effectively inhibited full utilization of land in metropolitan areas, have contributed to the contrasting picture of decaying urban slums and sprawling suburbs, and have prevented the establishment of a true housing market and fredeom of choice within a metropolitan area.

The bill I introduce today would not inhibit the States and localities in the implementation of their land use and taxing powers. Rather, it would utilize Federal supplementary and incentive grants to strengthen local will and capacity to modernize those laws and practice which have such an enormous effect on land use and development.

In addition to strengthening local capacity to utilize land and to expand housing opportunities, title I of the bill would seek to stimulate a greater commitment of State and local funds to the housing and land development areas and, thereby, would establish a pattern of shared governmental responsibilities.

Section 101 of the bill would establish supplementary Federal grants—to pay 50 percent of the local share—for those assisted local programs and services which would be affected by more intensive land utilization and expanded housing. To be eligible for such supplementary assistance, a locality would have to reform its zoning or tax laws, or undertake a program to develop new construction systems and materials in order to increase the supply of low-cost housing. A locality would also be eligible for such an incentive grant if it were to adopt and enforce a building code comparable to nationally accepted standards. Under these circumstances, supplementary Federal grants would be available for such impacted local services as transportation, education, water and sewers. This section also would permit Federal grants, in addition to supplements, for up to 50 percent of the amount of local tax abatement for low and moderate income housing. Such tax abatement would permit substantial reductions in per unit costs and rental rates for such housing.

Section 103 would deny Federal assistance under certain HUD programs to those localities which exclude publicly-assisted housing for low- and moderate-income persons through restrictive land use practices. Federal support would thus not be available to subsidize land development in localities with overly restrictive, unreasonable, and discriminatory patterns of land use control.

These programs, aimed at eliminating through incentives unreasonable and discriminatory restrictions on the use and development of land, are essential if the Department of Housing and Urban Development's "Operation Breakthrough" is to establish a workable program of technological progress in low-cost housing and if national housing goals, particularly for low- and moderate-income persons, are to be achieved.

Section 102 of this bill would assist localities in making full use of vacant and abandoned units.

As has been testified to before various committees of both Houses of Congress and special study commissions, thousands of such units exist in our major cities. In New York City, alone, it has been reported that there are 13,000 abandoned buildings, containing over 250,000 units.

The present administration contemplates a major effort to expand the stock of housing through a program of rehabilitation. No such program could ignore these vacant buildings—or the thousands of buildings throughout the Nation which cities have acquired through code enforcement, condemnation, tax proceedings, and otherwise. In many instances the city does not have the available capital to make use of these properties, and they simply sit idle.

Accordingly, section 102 authorizes Federal grants for the "write-down" of such properties, provided they are turned over to a nonprofit cooperative or limited dividend institution which would rehabilitate and use them for low- and moderate-income housing. This section would also provide for incentive supplementary grants to localities to upgrade the neighborhoods in which such properties are located.

Section 104 of the bill seeks to increase significantly State participation in the effort to rebuild our cities. This would be accomplished through matching Federal grants to those States which establish State housing agencies, programs of assisting local tax abatement for low- and moderate-income housing, programs for the training and employment of low-income persons and for the utilization of minority enterprises in connection with housing and urban development projects, and research and demonstration projects of new low-cost construction materials and techniques.

All of these programs seek to plan and guide urban growth. Almost three out of every four Americans live in metropolitan areas, but, as both the President's Commission on Civil Disorders and the Douglas Commission have reported, that population is increasingly divided into crowded, poor, decaying, and often predominantly black cities—and more affluent white suburbs. Certainly, Federal assistance to cities and towns should aim at ending—or at least minimizing—this division. We must aim at complete utilization of urban land and structures and at rehabilitation and low-cost housing techniques in order to reverse the process of decay and overcrowding in the housing stock of the central cities. But, beyond that, land must be made available for balanced housing and related facilities in other parts of metropolitan areas.

Inevitably, this requires a greater involvement of the States, not only in specific housing assistance programs, but also in broader programs for the acquisition, assembly, and planned development of land. The National Committee on Urban Growth Policy noted:

> The process of spontaneous urbanization by which metropolis has been formed is both wasteful and destructive of natural resources. The most precious of them—land—has been treated not as a resource at all, but as a commodity to be bought, sold, and speculated upon just like any other.

Population growth is an opportunity—and vacant land is a resource with which we can meet that opportunity. To put these two elements together and to establish viable and balanced new communities, we will require new mechanisms at the State level.

Accordingly, section 105 of the bill would authorize Federal assistance and loans to States for the establishment of land development agencies—which may be corporations. Such State agencies must be empowered to acquire, assemble, hold, plan, and develop land so as to create new communities. Moreover, in order to attract industries and employees to such new developments, grants for land "write-down" for commercial and industrial infrastructures purposes and employee recruitment and training would be authorized.

This program, if implemented by the various States, would go far to carry out the recent recommendations of the National Committee on Urban Growth Policy.

The total funds authorized to be appropriated for the programs established by title I are $50 million for the present fiscal year, $100 million for fiscal year 1971, and $150 million for the fiscal years thereafter. It is the objective of these programs to stimulate the expenditure of far more money at the State and local level. Thus, the amounts authorized could have a considerable multiplier effect.

Title I proposes few changes in existing law. Rather, the objective of these programs is to stimulate such change at the State and local level as will make the success of existing Federal housing and urban development programs more realizable. Only in the area of "new communities" does this title add significantly to an existing program—title IV of the 1968 Housing Act, a program of Federal guarantees for the financing of private new community developments. The bill I introduce today would approach this problem in a different way—that is, by stimulating States to establish public development corporations empowered to acquire, hold, and develop land.

Title II of the bill would establish other Federal programs.

Section 201 authorizes grants for technical assistance and training for tenant management, operation, and services. A similar program for tenants in public housing was authorized in the 1968 Housing Act, but it has never been funded. Such programs should receive adequate Federal support, since they represent a way of meeting legitimate demands for community control and of stimulating a sense of tenant responsibility for the buildings which they occupy. Given the absentee landlord status of so many slum structures, a tenant services program of this nature can be a significant step in upgrading the safety, appearance, and conditions in central city neighborhoods.

Section 204 authorizes the multidevelopment and multiuse of air rights and land in the right-of-way, in connection with the construction of facilities in

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urban areas, so as to provide housing and related facilities for persons of low and moderate income.

Two sections would make technical amendments to existing housing laws—the first, would amend the section 235 and 236 programs so as to determine income eligibility with the same deductions from minors as are presently available in the public housing program; and the second would authorize the conversion of entire public housing projects to cooperatives.

Finally, in recognition of the fact that the direct activities of the Federal Government cause and affect urban growth, this bill would require two reports to the Congress: The first, by the President, for the establishment of a national policy on the location of Federal buildings and offices which shall give consideration also to social impact; and the second, by the Secretary of Housing and Urban Development, after consultation with the Secretary of Defense, on the possible use of military installations located in urban areas for housing and related community facilities.

Under present law, decisions on the location of Federal agencies are made on cost grounds alone. However, in many cases, a move by a Federal agency to a particular urban area can contribute to its future stability, renewal and growth. It can create new opportunities for minority enterprise and for jobs for the unemployed and the underemployed.

I note, with approval, that the Administrator of the General Services Administration has amended the Federal Property Management Regulations to make availability of low- and middle-income housing a key factor in selecting sites for new Federal buildings and in leasing office space for Federal agencies. Certainly, there is every reason to believe that GSA and this administration would seek to bring these broader considerations to bear in making decisions as to location. However, the power and the necessary expertise may be lacking under present statutes. Accordingly, I believe that the administration should make a thorough study of this matter and make recommendations for the necessary statutory and administrative amendments as will permit these social factors to be considered.

Recent proposals to permit the use of Federal property for housing and related facilities are quite appropriate. However, such recommendations do not deal with the status and possible use of military installations located in or near urban areas which have not yet been declared "surplus" by the Federal Government. In New York City alone, there are hundreds of acres of land owned by the Federal Government and supposedly used for national security reasons. Given the very great shortage of land in our cities, I believe it crucial that the Federal Government be certain that it must maintain the military status of such land and that such facilities could not be relocated without impairing the national security. Just as we must establish priorities for the use of funds, so we should establish priorities for the use of that most scarce resource—vacant urban land. Accordingly, section 203 of this bill would require the Secretary of Defense to report to the Congress as to the status of military installations located in or near urban areas and the possible usefulness of any installation determined to be no longer necessary for national defense purposes as sites for housing and related facilities.

In conclusion, Mr. President, Congress has repeatedly established goals and objectives for the provision of housing and the renewal of our cities. We must recognize, however, that even if the funding were adequate—and it has not been—the achievement of these objectives has been and will be frustrated by significant institutional obstacles. The Federal Government must be more sensitive and farsighted in judging the impact of its own construction programs on the pattern of urban growth and of the effect of the use—and misuse—of the land that it owns. Local zoning ordinances, building codes, and taxing powers must be significantly reformed, so as to promote maximum housing opportunity and proper land utilization. And the States must play a more aggressive role in the full utilization and planned development of land, so as to meet the population explosion, not with programs which contribute to contrasting patterns of decaying cities and suburban sprawl, but with those which guarantee orderly urban growth.

The consideration and enactment of such programs should not detract from efforts to support housing in other ways. Existing housing and urban development programs must be fully funded. We must develop the means to insure that housing will not always bear more than its share of the burden of anti-inflationary monetary and tight credit policy. And we must adopt new tax incentives for the construction and rehabilitation of low-cost publicly-assisted housing.

The urban crisis and the housing and development programs which have been enacted over the past several years will and must have an early and high priority claim on the "peace dividend" which will be available as a result of the reduction of our forces in Vietnam and the eventual end of the war. For too long we have starved the housing and urban programs we have enacted, and today our goals for the city seem farther away than ever.

Nevertheless, new programs must be established to create the authority for action in those areas in which such authority is now lacking. Certainly, State and local governments must receive greatly expanded Federal assistance—assistance which will stimulate them and enable them to implement necessary housing and urban land utilization programs.

Our expanded population and our exploding cities represent a challenge to our commitments and to our innovative energies. I remain confident that we can meet that challenge, that we can provide every American with a decent shelter and, in so doing, preserve and enhance our urban environment.

Mr. President, I ask unanimous consent that the text of the bill I introduce today be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the text of the bill will be printed in the RECORD.

The bill (S. 3025) to assist the States and their localities in utilizing land resources more effectively and in providing housing to meet present and future needs, and for other purposes, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Urban Land Improvement and Housing Assistance Act of 1969".

DEFINITIONS

Sec. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of Housing and Urban Development.

(2) The term "locality" means any State, or any county, municipality, or other political subdivision of a State.

(3) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States.

ADMINISTRATIVE PROVISIONS

Sec. 3. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in section 402, except subsection (c)(2), of the Housing Act of 1950.

(b) The Secretary shall include in his annual report to the Congress a comprehensive and detailed review of his operations under this Act.

TITLE I—GRANTS TO ENCOURAGE IMPROVED LAND UTILIZATION AND EXPANDED HOUSING PROGRAMS

SUPPLEMENTARY GRANTS TO LOCALITIES

Sec. 101. (a) The Secretary is authorized to make grants to any locality for not to exceed 50 per centum of the aggregate amount of local contributions otherwise required to be made by such locality to all projects or activities assisted by Federal or State grant-in-aid programs which are carried out in connection with a substantially improved program of land utilization and expanded housing assistance for persons of low or moderate income, subject to the following limitations:

(1) No such grant shall be made for the general administration of local governments.

(2) No such grant shall be made with respect to any project or activity carried out in connection with an approved comprehensive city demonstration program and for which assistance is available under section 105 of the Demonstration Cities and Metropolitan Development Act of 1966.

For purposes of this section, "a substantially improved program of land utilization and expanded housing assistance for persons of low or moderate income by a locality" (hereinafter referred to as the "program") may include (A) a restructuring of the real estate tax laws of the locality by granting tax abatements for low and moderate income housing, and by assessing and taxing real property so as to provide incentives for the improvement of property to increase the supply of housing; (B) the adoption of zoning ordinances which will effectively afford an opportunity for persons of all income levels to have decent, safe, and sanitary housing; (C) the adoption and enforcement of building codes conformable to nationally accepted standards and approved

by the Secretary; or (D) the establishment of a program of research and demonstration for the development of new construction systems and materials for low cost housing.

(b) In the case of any locality the program of which includes a restructuring of local real estate tax laws in the manner described in clause (A) of subsection (a), the Secretary is authorized to make annual grants to the locality of sums equal to 50 per centum of the amount by which the real estate taxes received or receivable by the locality were reduced in any taxable year as a result of the implementation of that part of such program which involves the granting of tax abatements. Grants under this subsection to any locality shall be in addition to any grants as to which the locality is eligible under subsection (a). No grants shall be made under this subsection with respect to any such program unless—

(1) the tax abatements provided by the program apply only to real estate utilized solely for low and moderate income housing and such related facilities as may be necessary or desirable to serve the occupants;

(2) such abatements are provided only for so long as the real estate is used for such housing and related facilities;

(3) under the program there is an abatement of at least 90 per centum of the real estate taxes otherwise payable with respect to such housing and related facilities; and

(4) the benefits under the program are available to all persons, in accordance with such reasonable regulations as the locality may prescribe, who own or otherwise provide such housing and related facilities, and who are subject to real estate taxes imposed by the locality.

GRANTS TO ENCOURAGE THE UTILIZATION OF CERTAIN UNUSED OR LOCALLY-HELD LAND

Sec. 102. (a) The Secretary is authorized to make grants to any locality for not to exceed two-thirds of the cost to the locality (1) of acquiring unimproved and abandoned real property and disposing of such property for a nominal consideration, and (2) of disposing for a nominal consideration of real property acquired by the locality as the result of code enforcement activities or otherwise, in any case where the disposition of such property is made to a private nonprofit corporation or other private nonprofit entity, a limited dividend corporation or other limited dividend entity, or a cooperative housing corporation, which is receiving assistance under any Federal, State, or local program in order to provide rental housing for persons of low and moderate income, and which has entered into a binding agreement with the locality to repair, rehabilitate, or improve such property so as to provide housing and related facilities for such persons.

(b) In addition to grants under subsection (a), the Secretary is authorized to make grants to any locality equal to—

(1) 50 per centum of the aggregate amount of non-Federal contributions otherwise required to be made by such locality to all projects or activities assisted by Federal grant-in-aid programs which are carried out in connection with a program being carried out by the locality to increase the supply of rental housing for low and moderate income persons with assistance under subsection (a); and

(2) 50 per centum of the aggregate costs incurred by the locality in arresting decline in an area in which low or moderate income rental housing is to be provided with assistance under subsection (a), including any demolition and removal of improvements, or the installation, construction, or reconstruction of streets, sidewalks, utilities, or other facilities designed to enhance the liveability of such area.

DENIAL OF CERTAIN BENEFITS

Sec. 103. Effective upon the expiration of one year after the date of enactment of this Act, no grant shall be made (except pursuant to a commitment made prior to such date) to any locality, or instrumentality thereof, under title VII of the Housing and Urban Development Act of 1965, or title VII of the Housing Act of 1961, unless there exists under the zoning ordinances or other land use regulations in effect in, and as administered by, such locality a reasonable opportunity, as determined by the Secretary, for carrying out in such locality a program of publicly-assisted housing for persons of low and moderate income.

INCENTIVE GRANTS TO THE STATES

Sec. 104. The Secretary is authorized to make grants to any State for not to exceed 50 per centum of—

(1) the administrative costs of any agency of the State which is designated and empowered under State law to carry out a program for financing the construction and operation of low-income public housing at such places within the State as may be determined by the agency without regard to local jurisdictional boundaries;

(2) the aggregate cost to the State of carrying out a program of reimbursing municipalities and other political subdivisions of the State for not more than 50 per centum of the amount by which the real estate taxes received or receivable by the local jurisdictions concerned were reduced as a result of tax abatements granted by such jurisdictions for the purpose of increasing the supply of housing for low and moderate income housing;

(3) the aggregate cost to the State of carrying out a program of recruiting, training and employing in connection with any publicly-assisted housing and urban development project lower income persons residing in the area of such project or of carrying out a program of assisting and utilizing to the greatest extent feasible in connection with any publicly-assisted housing and urban development project business concerns, including but not limited to individuals or firms doing business in the fields of design, architecture, building construction, rehabilitation, maintenance, or repair, located in or owned in substantial part by persons residing in the area in which such project is being carried out; and

(4) the aggregate cost to the State or carrying out a program of research and development of new construction systems and materials for low-cost housing.

ASSISTANCE TO STATES FOR LAND DEVELOPMENT

Sec. 105. (a) The Secretary is authorized to provide technical asistance to any State land development agency, and to make grants to such agency, during the first three years of its operations, for not to exceed 50 per centum of its administrative costs incurred in carrying out such operations. As used in this section, the term "State land development agency" means any public corporation or other entity established under the laws of any State and empowered (1) to carry out the planning, financing, and development of land in the State without regard to local zoning ordinances or other land use regulations, or local building codes; (2) to assemble land for planned and balanced development through condemnation or otherwise without regard to local jurisdictional boundaries; and (3) to acquire and hold land for use in new community development which meets the objectives specified in section 402 of the Housing and Urban Development Act of 1968, and the requirements (relating to feasibility, contribution to orderly growth and development, and planning) specified in section 404 of such Act.

(b) In order to encourage the timely acquisition of land needed for future development, the Secretary is authorized to make loans to any State land development agency for use by such agency in acquiring land to be held for a period of at least five years prior to development. Any such loan shall be repaid with interest upon commencement of the development of the land with respect to which the loan is made. Interest on any such loan shall accrue at the rate of one per centum per annum.

(c) The Secretary is authorized to make grants to any State land development agency for not to exceed two-thirds of the net cost to such agency of (1) conveying land assembled and acquired by it for planned and balanced development (including new community development) to commercial or industrial enterprises for purposes consistent with the development plan at a price which is not less than the value of the land for the use contemplated, (2) providing public facilities (including water, sewer, streets, and utilities) for any land so assembled and acquired in order to make possible the location in the area developed of such commercial or industrial enterprises as may be consistent with the development plan; and (3) making payments to commercial or industrial enterprises located in the development area to defray some portion of the costs incurred by such enterprises in recruiting and training personnel for employment in such enterprises, such portion to be determined in conformity with such standards and criteria as the Secretary shall by regulation prescribe.

(d) Any area comprised of land assembled by a State land development agency for planned and balanced development and with respect to which assistance under this section is provided shall be deemed a "redevelopment area" for purposes of section 202 of the Public Works and Economic Development Act of 1965.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 106. (a) There are authorized to be appropriated for grants and loans under this title not to exceed $50,000,000 for the fiscal year ending June 30, 1970, not to exceed $100,000,000 for the fiscal year ending June 30, 1971, and not to exceed $150,000,000 for any fiscal year thereafter. Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year.

(b) The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, to make advance or progress payments on account of any grant made under this title.

TITLE II—MISCELLANEOUS TENANT MANAGEMENT, OPERATION, AND SERVICES

Sec. 201. (a) The Secretary is authorized to enter into contracts with public or private organizations to pay all or part of the costs of projects designed to provide technical assistance and training for tenant management and operation of, and services for, rental and cooperative housing. The Secretary may make advances or progress payments on account of any contract, notwithstanding the provisions of section 3648 of the Revised Statutes.

(b) Such sums as may be necessary to carry out this section are hereby authorized to be appropriated. The aggregate amount of payments made pursuant to such contracts shall not exceed $------ in any fiscal year.

LOCATION OF FEDERAL OFFICES

Sec. 202. The President shall report to the Congress not later than January 1, 1971, setting forth recommendations with respect to the establishment of a national policy on the location of new Federal buildings and the leasing by the Government of space in privately owned structures for Federal purposes giving due consideration to social and community priorities, including the affect of such Government activities on patterns of urban growth and the stability or renewal of urban areas.

USE OF FEDERAL LANDS

Sec. 203. The Secretary shall, after consultation with the Secretary of Defense, report to the Congress not later than January 1, 1971, on the status of appropriate Fed-

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eral military installations which are located in or near metropolitan areas and indicate whether (1) such installations are currently being utilized for national defense purposes, and (2) any installations which are no longer necessary for national defense purposes may appropriately be sold or otherwise transferred for use as housing and related educational, community, or industrial purposes for persons of low and moderate income.

MULTI-USE DEVELOPMENT

SEC. 204. The Secretary shall consult with all agencies of the Government which construct or assist in the construction of facilities in urban areas to determine the feasibility of the multi-development and use of such facilities for housing and related facilities for persons of low and moderate income. Whenever the Secretary determines, after such consultation, that such multi-development and use is feasible in the case of any such facilities, he shall notify the agency concerned and such agency shall cause the project site to be developed, by the provision of air rights, land in the right of way, or otherwise as may be appropriate, so as to provide housing and related facilities for persons of low and moderate income. Land and interests in land, including ~~air~~ rights sites, so developed for such purpose may be transferred by sale, lease, or otherwise by such agency to any State or local public agency, or any private nonprofit, limited dividend, or cooperative entity which agrees to develop and use the same only for such housing and related facilities. Any such transfer shall be made subject to a reversionary interest in the Government in the event the property or rights transferred are ever put to a use other than that for which the transfer was made.

INCOME LIMITATIONS UNDER SECTIONS 235 AND 236 OF THE NATIONAL HOUSING ACT

SEC. 204. Section 235 (h) (2) and 236 (i) (2) of the National Housing Act are amended by inserting after the first sentence of each such section the following: "Any part of the income of any family which is excluded for purposes of applying the income limitations prescribed pursuant to such sections 2 (2) and 15 (7) (b) (ii) shall be excluded in determining family income for purposes of applying the limitations of this paragraph."

SALE OF PUBLIC HOUSING PROJECTS TO CERTAIN COOPERATIVES

SEC. 205. Paragraph (9) of section 15 of the United States Housing Act of 1937 is amended by inserting "(a)" after "(9)" and by adding at the end of such paragraph the following:

"(b) Notwithstanding any other provisions of this Act, but subject to the provisions of any contract with the Authority, any public housing agency may permit a cooperative to enter into a contract for the acquisition of a low-rent housing project from the public housing agency upon the terms set forth in subparagraphs (A), (B), and (C) of paragraph (a); except that for the purposes of this paragraph (b) the term 'purchaser', as used in such subparagraphs, refers to the cooperative acting on behalf of its members, and the term 'dwelling unit', as used therein, refers to the housing project in its entirety. Admission to membership in any such cooperative shall be limited:

"(A) to those who intend to reside in the project which is to be owned and operated on a nonprofit basis; and

"(B) to those whose incomes do not exceed the limits prescribed by the Secretary for occupants of projects financed with a mortgage insured under section 221 (d) (3) which bears interest at the below-market interest rate prescribed in the proviso of section 221 (d) (5).

In such admissions to cooperative membership, preference shall be given first to eligible present residents of the low-rent housing project being acquired by the cooperative, and second, to residents of other low-rent housing projects under the jurisdiction of the public housing agency involved whose incomes have increased beyond the approved maximum income limits for continued occupancy in such low-rent housing.

"(c) Before approving the disposition of any dwelling unit or project pursuant to paragraph (a) or (b), the Authority shall make a finding that such disposition will not adversely affect the low-rent housing program of the public housing agency involved.

"(d) The Authority shall continue to pay up to the amount of the guaranteed annual contributions pledged to payment of a public housing agency's outstanding obligations issued in respect to any dwelling unit or project acquired or contracted to be acquired pursuant to paragraph (a) or (b) until such obligations together with interest thereon have been fully paid."

SENATE JOINT RESOLUTION 161—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING NATIONAL SCHOOL BUS SAFETY WEEK

Mr. JAVITS. Mr. President, I introduce for myself and Senators CRANSTON, MURPHY, PELL, and PROUTY, a measure to designate the period of April 20 through April 25, 1970, as School Bus Safety Week.

Each day some 18,000,000 American youngsters—one out of every four school children—travel to and from school in more than 200,000 school buses. This total may be expected to mount as suburban education systems grow and as our population expands. However, as the number of school bus passengers increases, the accident rate climbs still faster. The Senate Committee on Labor and Public Welfare, commenting on my schoolbus safety study amendment to the Elementary and Secondary Education Act, declared in 1967 in its report that "school bus safety standards throughout the Nation are spotty, substandard, and lax." This finding gives further force to the statement of the president of the Physicians for Automotive Safety who observed that in the area of school transportation, not a single State is doing all that safety authorities believe must be done to protect human life on the highway. He also indicated shock in discovering that safety measures to safeguard young people in school vehicles are largely being ignored at the local level.

The National School Bus Safety Week Committee is seeking to focus needed public attention on improved school bus safety.

President Nixon endorsed the week earlier this year; and his words are worthy of note. The President said:

> This week focuses public attention on the need for skilled, responsible drivers, and on the importance of effective inspection and reliable repair services for these vehicles. And finally, it reminds each of us that it is the duty of every motorist to cooperate with school bus drivers to make our highways as safe as possible for the one out of every four American pupils who ride buses to and from school every day.

I am not suggesting that school bus transportation is unsafe. It is not. School bus drivers have by and large a good safety record. However, the increasing accident rate and the fact that each year more and more children travel on school buses makes it imperative that the safety record of school buses be as near perfect as humanly possible—indeed, the safest form of transportation in the Nation. The lives of our children are at stake.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 161) to authorize and request the President to proclaim the period April 20, 1970, through April 25, 1970, as "School Bus Safety Week," introduced by Mr. JAVITS, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

THE PROBLEM OF LOCAL CUTBACKS IN THE FEDERAL SCHOOL LUNCH PROGRAM

Mr. JAVITS. Mr. President, President Nixon has proclaimed this week, October 12–18, as National School Lunch Week. As the ranking Republican on the Select Committee on Nutrition and Human Needs, I am pleased that the President has once again reaffirmed his commitment to end hunger and malnutrition. Our school lunch program is a most important and crucial factor in bringing nutritious meals to needy children.

The school lunch program, just as the breakfast and nonschool feeding programs, must be greatly expanded to meet the needs of the many millions of poor children who do not yet participate in these programs. It is for this reason that I recently introduced the Child Nutrition Act of 1969, S. 2982, to establish national eligibility standards for children to participate in free and reduced price meals in our child feeding programs. The Federal Government must take a leadership role in this area.

However, there is also a great responsibility at the local level to implement school lunch programs and to maintain them once established. Recently, I have become quite concerned because many communities—including some in my own State of New York—have been voting down local school board budgets, which include funds for the school lunch programs. Unfortunately, the school lunch programs often suffer as a result of this "tax revolt." Many children—especially needy children—are being forced out of the program because of higher charges to them for meals or because of outright elimination of the programs.

In New York State, the law is such that if a local school district votes down a school budget, then the special milk and the school lunch program cannot be operated unless the voters subsequently vote either to restore the budget or act favorably on separate provisions which include school lunch. I have been informed by the New York State Department of Education, School Lunch Division, that many of the State's school districts have this problem.

As of September 5, 137 or approximately 20 percent of New York's 690 school districts had voted to defeat school board budgets at least once this year, which also meant defeat of school lunch proposals. Of these 137 districts, 71 approved the budgets on the second vote,

31 approved the budgets on the third vote, and one approved the budget on the fourth vote. Twenty other districts subsequently approved propositions relating to school lunch but did not approve the total budget, 11 districts were on a contingency budget and will not have lunch programs, and three other districts will vote again. In New York, a school district may have from 5 to 200 schools, and this makes the school lunch situation even more grave for the children—especially needy children in these districts.

I can understand the economic pressures which are causing taxpayers to "tighten their financial belts." However, I cannot too strongly urge both my fellow New Yorkers and residents of States which face similar situations, to give close scrutiny before imposing such blanket defeats. The school lunch program must not become a "scapegoat" of the "tax revolt," and I am hopeful that in the future, voters will look closely at the school lunch proposals before them and demand that, if the entire budget is just too great a fiscal burden, that at least the school lunch proposals may be given a lease on life.

Our school lunch programs must be considered a crucial part of our educational process.

It has been stated that "a hungry child cannot learn" and that "an empty stomach leads to an empty mind." Let us strive, especially in our local school budget balloting, to see that we meet the nutritional needs of our children. They are our hope for the future, and they cannot and must not be sacrificed.

When school lunch programs are cut or substantially reduced, facilities lie idle, children no longer are able to receive the benefits of a nutritious meal at least once a day—unless they bring lunch from home or go home for lunch—and many dedicated people, who work in school lunch service, are put into the streets. In New York, there are approximately 50,000 school food service employees. Each and every one is making an outstanding and valuable contribution to their communities and to the children of those communities. All school food service employees throughout the United States are to be commended during this National School Lunch Week.

I am hopeful that taxpayers will place school food service at a priority equal to that of the quality of education in their schools, for this is truly where it belongs.

Mr. President, I ask unanimous consent to have printed in the RECORD the President's proclamation and an article from the October 20 issue of U.S. News & World Report which further illustrates the problems of growing protest against school costs.

There being no objection, the proclamation and article were ordered to be printed in the RECORD, as follows:

OCTOBER 3, 1969.

A PROCLAMATION

Our land has been blessed by an abundance of food and by the genius and industry of our food-producers. Yet, despite the rich and varied diet available to us, there are still many Americans who are malnourished, whether due to poverty or to uninformed purchase and preparation of food.

It is one of the major tasks confronting the American people to eliminate malnutrition whether it be caused by the curse of poverty or the blight of ignorance.

A vital step toward this goal is the provision of ample food and proper nutrition for the American child. Safeguarding the health and well-being of school children has been a hallmark of the National School Lunch Program during its 23 years of operation. Last year it provided nutritious lunches to more than 20 million youngsters, including some three million from low-income families who were served at no cost or at a greatly reduced price.

It is unfortunate that many thousands of children seriously in need of better nutrition do not now have the benefit of either the school lunch or school breakfast service. All of us—professional and volunteer workers alike—at federal, state and local levels must use our abilities and resources in an effort to bring better nutrition to these children. There can be no more important or far-reaching use of the abundance of food produced by America's farmlands than to feed our children.

To recognize the value and achievements of the National School Lunch Program the Congress, by a joint resolution of October 9, 1962 (76 Stat. 779), has designated the seven-day period beginning on the second Sunday of October in each year as National School Lunch Week, and has requested the President to issue a proclamation annually calling for the observance of that week.

Now, therefore, I, Richard Nixon, President of the United States of America, call upon the people of the United States to observe the week beginning October 12, 1969, as National School Lunch Week.

In witness whereof, I have hereunto set my hand this third day of October, in the year of our Lord nineteen hundred sixty-nine, and of the independence of the United States of America the one hundred ninety-fourth.

RICHARD NIXON.

GROWING PROTEST AGAINST SCHOOL COSTS

America's public schools are in deep and growing trouble with the taxpayer.

In one local election after another, voters are turning down proposed issues of school bonds. Pleas for increases in school levies and budgets are being rejected. Dissatisfaction also is coming to the surface over lack of discipline in schools and the quality of education being offered.

The rising wave of disaffection is prompting educators to review their relationship with the public at large. What they find is a situation that promises even more troubles ahead.

Gallup survey of 1,505 adults, conducted for CFK, Ltd., an educational group headed by Charles F. Kettering, Jr., showed this:

FAILURES OF DISCIPLINE

The problem of school facilities, long uppermost in the minds of educators and taxpayers, now has been replaced by discipline—or lack of it—as the major worry of America's adults.

Of those questioned, 49 per cent thought discipline in the public schools of their community was not strict enough—compared with 44 per cent who considered it "just about right" and 7 per cent who either thought it too strict or offered no opinion.

Disapproval ranged significantly higher among key elements within the general community.

Belief that discipline in public schools was not strict enough was voiced by 58 per cent of those with children in parochial schools, 52 per cent of adults without children in schools, and 69 per cent of all nonwhites. Contrarily, a majority of parents with youngsters in public schools thought the present state of discipline satisfactory.

Fifty-six per cent agreed that a classroom shortage existed in their community—and 52 per cent admitted that the local school system was having a hard time getting good teachers.

Yet, dissatisfaction showed up strongly—in views and deeds—when it came to providing money for the schools.

Only 41 per cent of the interviewees voted in their last school-bond election. Only 26 per cent voted for the bond issues. In both categories, persons without children in school were even more lukewarm than others toward bond proposals.

The most significant answers came in response to the question: "Would you vote to raise taxes if schools said they needed more money?"

Saying they would approve such a request were 45 per cent of all those interviewed, but 49 per cent said no. Negative answers rose to 53 per cent among adults with no children in school, and 56 per cent among parents with children in parochial schools, compared with only 44 per cent of parents with children in public schools.

Regionally, strongest indications of support came in the South—50 per cent—and weakest in the Midwest—40 per cent. Support tended to dwindle with advancing age, but to increase with a rise in occupational status and schooling. Opposition ran as high as 64 per cent in towns with population between 25,000 and 49,999—and as low as 46 per cent in cities from 50,000 to a half million in population.

TROUBLE IN SEVENTIES

This survey and others like it made in recent years are suggesting to many educators that the nation's schools are entering a new era, financially.

In the years after World War II, a "baby boom" and big shifts in population forced taxpayers to spend lavishly on buildings and to hire teachers as enrollments soared.

During the fiscal year 1949–50, when the enrollment squeeze was just starting, the national outlay on public schools—elementary and secondary—came to 5.8 billion dollars. This represented an increase of 150 per cent over school spending per year a decade earlier.

The 1950s brought even bigger jumps in spending, as outlays nearly tripled to a figure of 15.6 billion dollars in 1959–60. By 1965–66, as declining birth rates brought signs of the first tapering-off in enrollment gains, spending on public schools totaled 26.2 billion.

Today, with elementary-school enrollment showing an actual decline, the figure comes to around 30 billion. And it is expected to pass 40 billion by 1975, even with the expected tapering off in high school enrollment.

Why is this so?

EXPENSIVE SCHOOLING

Educators provide a variety of explanations. Inflation is adding heavily to building costs year by year. Pressure grows to provide more and more "compensatory" schooling for children of the poor, especially in cities. The rising costs of interest rates on bonds is a big factor. So are innovative programs ranging from computerized instruction to physics laboratories.

These explanations for spiraling costs appear not to satisfy voters. As the chart on these pages shows, proposed issues of school bonds are winning less and less acceptance at the polls. Voter approval, which was given to 74.7 per cent of the issues submitted in 1964–65, dropped to 56.8 per cent of issues offered in the last fiscal year.

Bigger issues are fairing worst of all, with the result that the approval rate in terms of total dollar value of bond issues submitted to voters nationwide came to only 43.6 per cent last year, compared with 79.4 per cent in 1964–65. In Missouri, only 6.1 per cent

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of the total dollar value of bond issues submitted to voters won approval.

DEFERRED HOPES

There is little hope that this trend will reverse itself in voting on 465 million dollars' worth of school bonds nationwide between now and December 31. Hostility of voters coupled with the rising rates of interest on the bond market, is prompting many school districts to forgo plans to submit issues to the electorate—especially in districts where a two-thirds majority is required for approval.

Voters are taking a harder line on school finances in other ways. In the State of New York alone, local voters have rejected proposed school budgets in more than 100 districts so far this year—compared with 76 such rejections in all of 1968 and only 69 turndowns in 1967.

Increases in tax levies are meeting with defeat in one community after another. Latest instance has provoked a crisis in Fremont, Ohio, where city officials are closing school doors to 7,000 pupils starting in mid-November—with the promise of keeping them closed unless voters approve a twice-rejected increase in school taxes when they go to the polls on November 4.

"INSTANT REFERENDUM"

A U.S. Office of Education authority noted this:

"Many voters see these elections as an instant referendum on policies and tax burdens that they don't like, and which they blame on State or federal agencies over which they have little or no influence."

Federal spending on public schools has gone up from 1.4 per cent of the total cost of those schools in 1945–46 to about 8 per cent at present. This spending often is tied to compliance with guidelines on integration or educational policies—a situation causing deep resentment among some voters.

The State role in public schools has increased somewhat, too, largely with the aim of equalizing standards of poor and rich districts. On September 30, Michigan's Governor William G. Milliken proposed that the State take over the local share of costs entirely.

Some educators are saying that even greater reliance on State and federal help is necessary to avoid periodic crises in school financing.

A NEW ALIENATION

Population shifts and the race issue, it is argued, have damaged if not destroyed the sense of identification that citizens once felt with their schools. In that situation, the argument goes, local support henceforth will remain rather unreliable.

Other experts, however, insist that educators and school boards themselves can do far more to win greater understanding and support from the voters.

An Indiana University study of bond-issue defeats in the Far West in 1966–67 noted that many citizens complained of being left out of basic decisions related to their schools. The report noted:

"Informed community leaders perceived that decision making had often taken place with little or only token involvement of the citizen and patron. Decisions had been announced after discussions in which [citizens] had not been involved. Channels of communication too often were one-way streets."

This feeling gets some backing from the Gallup poll for CFK, Ltd., which found that 61 per cent of adults interviewed said they had not received any informational material from schools on what they were doing in the previous year. A majority—57 per cent—of parents with youngsters in public schools said they had received such material. But the proportion declined to 16 per cent of adults without children in school. And more than 80 per cent of adults in all categories said they had never attended a meeting of the school board. This study concluded:

"A better way must be found to reach those persons in the community who do not happen to have children in the public schools. . . . The future of the schools to a great extent depends on success in achieving this goal."

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I wish to address myself momentarily to the distinguished Senator from West Virginia (Mr. Byrd), who is the representative of the leadership at this time in the Chamber.

The Senator from Rhode Island (Mr. Pell) and I have a resolution in connection with Vietnam. I would like to have 10 minutes at the convenience of the leadership. That time could be in the next 10 minutes or later; whatever the Senator from West Virginia finds convenient.

Mr. BYRD of West Virginia. Mr. President, in response to the query by the able Sentaor from New York I would suggest that he and the Senator from Rhode Island (Mr. Pell) take their 10 minutes as soon as possible.

Mr. JAVITS. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be recognized for 10 minutes and that the Senator from Rhode Island (Mr. Pell) may be similarly recognized after I have completed my remarks

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that he be recognized for 10 minutes in the morning hour, and that at the conclusion of his remarks the Senator from Rhode Island (Mr. Pell) be recognized for 10 minutes. Is there objection? The Chair hears none and it is so ordered. The Senator from New York is recognized for 10 minutes.

SENATE CONCURRENT RESOLUTION 40—SUBMISSION OF A CONCURRENT RESOLUTION REPEALING THE TONKIN GULF RESOLUTION, WITHDRAWING U.S. TROOPS FROM VIETNAM BY THE END OF 1970, AND ARRANGING ASYLUM FOR SOUTH VIETNAMESE POLITICAL REFUGEES

Mr. JAVITS. Mr. President, I submit for myself, and the Senator from Rhode Island (Mr. Pell), a concurrent resolution relating to the struggle in Vietnam, and I ask that it be appropriately referred; and I ask unanimous consent that the concurrent resolution be printed in the Record.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 40) to terminate Public Law 408 of the 88th Congress—Tonkin Gulf Resolution—was referred to the Committee on Foreign Relations, and is printed in the Record, as follows:

S. Con. Res. 40

Whereas the armed forces of the United States have been involved in warfare in Vietnam, pursuant to Public Law 408 of the 88th Congress, on a scale resulting in the third highest combat fatalities in United States history, and:

Whereas the Army of the Republic of Vietnam is being trained and equipped to take over from the United States forces in Vietnam, and;

Whereas domestic and world conditions do not warrant further prolongation of the present United States combat involvement in Vietnam, and;

Whereas the moral obligation the United States bears to the people of South Vietnam is to provide asylum for those whose lives would be endangered by our withdrawal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should withdraw all American combat troops by the end of 1970; and be it

Resolved further, That upon such withdrawal, unless the President shall have previously determined that peace and security in Southeast Asia is reasonably assured pursuant to Section 3 of Public Law 408 of the 88th Congress, such Joint Resolution shall terminate on December 31, 1970; and be it

Resolved further, That it is the sense of the Congress that the remaining United States forces should be withdrawn in a reasonable time thereafter and that during this period steps should be taken by the United States in cooperation with the United Nations or other international organizations to provide asylum for those in South Vietnam whose lives would be endangered by such action.

A WAY TO TERMINATE U.S. COMBAT INVOLVEMENT IN VIETNAM

Mr. JAVITS. Mr. President, the public is not confident that the Nixon administration's present policy will bring an early end to the Vietnam war. There is a growing danger that the division between the people and the administration, which characterized the last 18 months of the Johnson administration, may be developing between the people and the Nixon administration. Administration appeals for a period of moratorium in the debate will not help, nor will assertions that the administration will pursue its course whatever the people may think.

The Nation is not prepared to accept the stalemate in the Paris negotiations as a block to other means of ending the intolerable continuation of this war. The United States cannot rely on policies which are dependent upon the cooperation of both Hanoi and Saigon. Primary emphasis must be placed upon measures which the United States can effect unilaterally. In essence, this means the phased withdrawal of U.S. combat troops.

The resolution which I am introducing today with the Senator from Rhode Island (Mr. Pell) would provide the President with an outside time limit of December 31, 1970, to complete the disengagement of U.S. combat troops. Certainly that provides ample leeway to effect an orderly withdrawal, and to prepare the South Vietnamese forces—insofar as it is in our capacity to do—to assume the full combat responsibility if a negotiated settlement has not been achieved. The withdrawal of American combat troops is the key to ending the war.

The effect of the Javits-Pell resolution is to return the situation to the status quo before the Tonkin Gulf resolution. It terminates the authorization given to the President by Congress in the Tonkin Gulf resolution to engage U.S. forces in combat in Vietnam, as of December 31, 1970. Following that date, the President would have no congressional authority for combat operations but there would be no change with respect to providing assistance, training, and logistical support to the South Vietnamese forces.

Another important provision of the Javits-Pell resolution deals with the so-called blood bath thesis by assuming a moral obligation to arrange asylum for South Vietnamese citizens whose lives might be endangered consequent to the termination of U.S. combat participation in the war.

The real issue now is whether we are to follow the line indicated in the resolution introduced by the Senator from Kansas (Mr. Dole)—to shape our Vietnam operations with the hope of inducing, influencing, or coercing North Vietnam and the NLF to negotiate along specified lines; or whether to follow the course indicated in the Javits-Pell resolution. It is our view—and that of many others—that the United States at this stage must rely on measures which are in our power to carry out unilaterally.

In my judgment, this is properly the issue for debate. I am deeply convinced that the only path after all these years of struggle and sacrifice is to phase our troops out of the combat responsibility in accordance with a definite timetable—coordinated with a timetable for the assumption of the combat responsibility by the South Vietnamese forces.

This is a course which I have advocated for a long time. More than 2 years ago, in a Senate speech of July 13, 1967, I said:

> We need to begin phasing out of the major responsibility for fighting the war . . . a beginning must be made following the September 1967 Vietnamese elections.

The question of timing has become all the more urgent in the ensuing 2 years.

A recognized timetable for the withdrawal of U.S. troops from combat is necessary if we are to avoid a repetition of the kind of domestic strife which we witnessed in 1967 and 1968. It is also necessary as a means of letting the Saigon government know in unmistakable terms that it must rely on itself for combat and must decide to seek a compromise political settlement with the NLF. Yet, the intransigence of the Thieu government on the question of peace negotiations has increased over the past several months.

There is mounting evidence that President Thieu has chosen to pursue policies which challenge basic tenets of President Nixon's Vietnam peace strategy, and it is becoming apparent that the Saigon government is a major roadblock to a compromise settlement of the war. Recently, we witnessed the long-awaited South Vietnamese cabinet reorganization which the Nixon administration hoped would significantly broaden the base of government support, but which in fact narrowed the government base and concentrated its support within the military and the supporters of former President Diem. Following the decision to aline his regime even more closely with the military, President Thieu has articulated a harder line on the conduct of the war and the Paris peace negotiations. In recent public statements Thieu has opposed a ceasefire, ruled out any political role for a Vietcong party in South Vietnam and predicted a breakup of the Paris negotiations.

The moment of truth with the Saigon government has arrived. President Thieu and his colleagues must be disabused of the idea that the United States will continue to fight the Vietnam war in the same old way for the same old objective of a military victory. The refusal of the Saigon government to accept this—and its apparent confidence that it can win a test of political will with the Nixon administration—force the conclusion that the Thieu government will not cooperate in the Nixon peace strategy.

We have long heard the contention that Hanoi believes it can manipulate U.S. public opinion for its own ends. It is now apparent that Saigon seems equally confident that it can manipulate political decisions in the United States for its purposes. There have been many reports over the past months that President Thieu believes his refusal to join the Paris peace talks before the election last November was responsible for President Nixon's election. It is not surprising, therefore, to read that he feels that the Nixon administration is in debt to him politically and that its peace strategy can be opposed with impunity.

The main point now is that President Thieu must understand that the United States is not committed to the perpetuation of his government and that it will no longer provide the combat shield to protect a government unless it enjoys the support of its own people.

It is for this reason that I again urge President Nixon to announce the withdrawal of an additional 40,000 troops this year and to announce his intention to withdraw at least another 100,000 troops by the end of 1970, bringing the total by that time to 200,000. Only when it is clear that the United States has a timetable for withdrawal of a significant proportion of the American combat troops in Vietnam can we expect either Saigon or Hanoi to believe that the United States is, in fact, committed to a prompt compromise solution of the war.

With the mood of the Nation once again outpacing the actions of the Congress, the time has come to move beyond mere exhortations. The Congress must face up to its responsibilities and capabilities for bringing an end to the war. It is for this reason that I have introduced a resolution which links the withdrawal of U.S. combat troops with a termination of the Tonkin Gulf resolution, according to a fixed timetable.

The Tonkin Gulf resolution has been the subject of much retrospective debate and controversy. In my judgment, the Congress will not be fully free to bring its powers and influence to bear until it has faced up to the fact that as it passed this resolution by an overwhelming vote—and the resolution remains in force to date—it must terminate it according to its terms to have any real effect on ending the war.

Section 3 of the resolution provides for its own expiration "when the President shall determine that the peace and security of the area is reasonably secured." The resolution also states: "that it may be terminated earlier by concurrent resolution of the Congress."

The Tonkin Gulf resolution provides the only congressional authorization for U.S. combat participation in the Vietnam war. While the resolution would never have passed had the course been known that President Johnson would subsequently follow with respect to Vietnam, it is true that the resolution does give the President a virtual free hand for the use of U.S. troops in Southeast Asia.

It is becoming increasingly apparent that there is no conceivable settlement to the Vietnam war which is worth the cost in lives and treasure to the United States of continuing the war to attain it. The Vietnam war has been extravagantly costly in these terms. And another great cost has been in terms of the things it has prevented us from doing at home and abroad—and in the wounds it has opened in the body politic of our Nation.

It is inconceivable to me that the Government of the United States can continue to be more solicitous of the views and interests of the Saigon generals than of the young people of our own country, who feel the burden and the agony of this war most acutely. They are the ones most anxious and determined to get on with the unfinished business of our society—to make a reality of the ideals of dignity and worthy for all our citizens.

The unresponsiveness of the Johnson administration to the burning and anguished idealism of the student generation gave birth to the passions of radicalism which have not previously been a part of the American tradition. Radicalism and polarization of our society will find deeper roots in this country if the Nixon administration should fall into the errors of the Johnson administration and continue to place a higher priority upon continuity of Vietnam policy than upon fulfilling its mandate to achieve an early end to the war. That mandate must be met so that the vital task of restoring domestic tranquillity and national unity can begin in earnest.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Rhode Island (Mr. Pell) is now recognized for 10 minutes.

Mr. PELL. Mr. President, I am very pleased and proud to be cosponsoring this resolution with the Senator from New York. I hope the fact that we are on different sides of the aisle and both members of the Committee on Foreign Relations bodes well for our efforts.

The resolution which the Senator from New York and I have presented today provides, I believe, for a responsible and realistic course of action for the United States in Vietnam.

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The resolution takes cognizance of the training of South Vietnamese forces to assume the combat role in their own country and provides for the withdrawal of all U.S. combat forces by the end of next year—a goal earnestly desired by the great majority of the American people, and, I believe by the administration.

At the same time, the resolution specifically places upon the United States an obligation to see to it that no bloodbath ensues from the withdrawal of U.S. forces. I am confident that the forces of the Republic of Vietnam, properly trained, equipped, and above all, properly motivated, can protect the true interests of the people of South Vietnam. But, as stated in the resolution, I believe the United States should take steps, in cooperation with the United Nations, to provide asylum for those in South Vietnam whose lives might be endangered by such a withdrawal.

And finally, the resolution provides for a termination by the end of next year of the excessively broad authority we granted the President of the United States in the Gulf of Tonkin resolution. The authority granted in that resolution should not, at any rate, be allowed to stand indefinitely, and the existing conditions of the U.S. involvement in Vietnam make an early termination of that authority most timely and desirable.

It also gives us an opportunity to take action as the congressional arm of the Government. This is a strange war, in that it is a war that has never been declared by the Congress. It is not unique in that regard, because we have had other wars and other actions in which Congress has not declared war, either. But, the fact remains that, if Congress has not declared the war, then it is difficult for it to declare the peace.

One way of resolving the legal dilemma is through this resolution which, as the senior Senator from New York has pointed out, would be a means of bringing about a state of legal peace, prior to even the wishes of the Executive, if this were the judgment of the Congress. In fact, this is the only way we can do it.

I would emphasize that I have believed—and this is a belief I have expressed for several years now—that our only real obligation to the people of South Vietnam is to make sure that they are not slaughtered, that their throats are not cut, that a bloodbath does not result, when we depart from that unhappy country.

We have no real obligation, in my view, to the Ky-Thieu government. We have more than carried out our obligations to the SEATO alliance when you consider the fact that not another allied nation, at least of the Western World, has participated with us in actual action in South Vietnam to any great extent in that alliance.

It does not matter that the South Vietnamese who, if we left, would be slaughtered had sided with us for reasons of patriotism or cupidity. The result is the same. Their throats would be cut. And because of that, we have this obligation.

Some will say that, if they have sided with us only for reasons of cupidity or greed, we should not be too concerned. I disagree. The opportunity for the expression of their cupidity or greed would not have arisen if we had not been where, in my view, we should not have been. When we provided this opportunity for the satisfaction of cupidity on their part, then even so we have the obligation to look after the people when they leave.

Let us think also what asylum means. It does not mean asylum only in the United States, where I understand we have taken in almost three-quarters of a million Cubans. It could mean a safe haven elsewhere in the world. There were times before when this happened. I recall the resettlement of the Greeks from Anatolia after World War I. I participated, as Vice President of the International Rescue Committee, in the resettlement of Hungarians after their short and aborted revolution.

We could buy some land elsewhere. Once I suggested Borneo, which had a similar climate and is not too far away. In fact, I would think that for 1 month's cost of the war, $2.5 billion, we could buy several Borneos. So it is not inconceivable that this would be a far less expensive course than the cost of continuing the war.

It seems to me that if we carried this policy out, we could carry our heads high, because I think Americans place more emphasis on "face" or prestige than do the Orientals, or certainly as much. What we want to do is to extricate ourselves from the war so we can do it and hold our heads high. If we can get out without Vietnamese being slaughtered, we can hold our heads high.

This is another reason why I feel we should do it. It is our real responsibility. This is what we can do. Yet, we see, from the way we are moving now, with the moratorium coming up tomorrow, with the growing pressure of American public opinion toward which the thought of extrication, we find again that Congress is a couple of years behind our people.

I remember when I ran for election in 1966 as one who opposed our Vietnam war policy. I felt very lonely. Now I find myself rather almost American public opinion. I think we are rather emotional people at times. I see dangerous things happening as the pendulum swings, because we can well respond with isolationism; we can well respond by turning inward. That is the danger we face. If that pendulum swings too much and too far, we can witness the dissolution of our social fabric. We would then see—God forbid—all our young men refusing to serve—a step which brought about the final dissolution of the Russian empire during World War I.

Before public opinion is brought to that point, we must make sure that we extricate ourselves, and more rapidly than we are doing now. If we keep up at the present rate of extrication, it will be too many years—it will be 7, 8, or 9 years—and that would be too long a time, looking at the fact of the force and the speed with which the pendulum of public opinion is swinging.

Our President faces the same problem as his predecessor. He is surrounded by the same men. He has the same Ambassador to Vietnam. He has the very loyal and able Cabot Lodge, but who is also committed to the same old policy. He has the same generals and the same officials in the State Department, all giving him the same advice.

Only we, the American people, can give him countervailing advice. We would be very remiss in not doing it, because if we did not do it, there would be no way for him to realize that, not only was the policy he had been following a mistake, but the American people will not stand for it indefinitely.

The burden of the decisions made about Vietnam does not rest only on President Nixon. It does not rest alone on President Johnson, or President Kennedy, or President Eisenhower. It is a composite mistake made by all of us. We are all equally responsible. Some of us spoke up opposing the war long ago, but even we did not speak up in 1962 or 1961 when we should have.

I think for these reasons, if we can extricate ourselves and hold up our heads proudly—and this we can do by making sure no Vietnamese are murdered—then we can follow that course. But let us not fool ourselves. We have no obligation to President Thieu or Vice President Ky and their corrupt regime.

I would hope this resolution, offered by the senior Senator from New York—a man I much admire, whose principles are very much the same as mine—will be one of the centers of focus of the Foreign Relations Committee.

I yield the floor.

Mr. JAVITS. Mr. President, I just wish to express my satisfaction to the Senator for speaking as he has. I think he puts his finger on the problem when he says the pendulum could swing far beyond what we hope will be the moderate voices here. That is one thing that may be happening already.

One of the things that deeply disturbs me is a tendency to lump together and downgrade our military leaders for what has happened in Vietnam.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to have 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. That is aided and abetted by the way in which we have seen fit to go after certain weapons systems on the floor of the Senate. I think that would be a loss of perspective of the professional military people themselves. I think they, too, must appreciate the consequences to the American system. I think that, as an added consideration, lends even more force to the Senator's view that on our side of the debate, moderate voices will become a real necessity as the pendulum swings from one side to the other.

Mr. PELL. I thank the Senator from New York. In this regard, I think we should bear in mind that our criticism is not directed to the military officers, the generals. I said the same generals are there. That is correct. But the job of a general is to advise in regard to military

solutions and to carry out the policy that is laid down for him.

But we must remember that the policy they have been following—though it may occasionally seem that different generals follow different policies—has been a civilian policy. And our criticism has not been directed at the military officers, but of the administration policies they have been ordered to follow.

I represent a State which has one of the largest military installations in the United States. I have sought to make this point to my friends and constituents there; we have nothing against the military leaders or officers. What we are criticizing is the civilian policies they are being asked to follow. When we on the civilian side set forth a policy, then they have no choice but to carry it out. For example, referring to the aircraft carrier debate, if the Navy wants 14 or 15 attack aircraft carriers to fulfill our present national policy, that may well be justified. It is our job to cut the policy to fit the cloth of our real national interests.

So I would emphasize the point the Senator from New York has made, that the changes in policy that justify criticisms are not directed at the generals or the admirals; they are directed at us, the civilian leaders in this country who have not expressed strongly enough in the past the convictions and views that we hold. However, the recent shifts in Vietnam toward deescalation are the results of the changing views of the composite civilian leadership of our country.

Mr. METCALF subsequently said: Mr. President, I had the privilege of presiding when the distinguished Senator from New York and the distinguished Senator from Rhode Island introduced the concurrent resolution. It was introduced with eloquence, with logic, and with strong and forceful arguments.

I was especially impressed by the argument of the Senator from Rhode Island that in concluding our efforts in Vietnam we have to protect our friends and we have to prevent a blood bath. We have to withdraw those people who have been friendly to us, in those areas in the villages, and so forth, to some area that is safe, so that as some other group might approach, the disaster, assassination, and throat cutting that would inevitably follow would be avoided.

I was so impressed by the arguments of both the Senator from New York and the Senator from Rhode Island that I ask unanimous consent that I may be included as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I am very grateful to the Senator. I know it is very gratifying to me and to Senator PELL that the Senator from Montana heard us and was persuaded by what we said.

Mr. METCALF. I thank the Senator.

Mr. PELL. Mr. President, I share the honor and gratification of the Senator from New York, and I am delighted that the Senator from Montana feels this way.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be permitted to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEW THREATENS DESTRUCTION OF CHOCTAW COUNTY, ALA., SCHOOL SYSTEM

Mr. ALLEN. Mr. President, the public school system in Choctaw County, Ala., has a responsibility for educating close to 5,000 children and it is threatened with destruction. This tragic situation is one wholly contrived by Federal Courts and the U.S. Department of Health, Education, and Welfare.

Congress has an interest and a responsibility in this matter because many of the unbelievably wierd things which have taken place in Choctaw County are supposedly authorized by legislation enacted by Congress and are being financed from funds provided by Congress. Let me briefly state the background.

Mr. President, most Federal courts in the South have washed their hands of responsibility for destructive effects of their racial edicts and decrees relating to public school education in the Southern States. This washing of hands is typified in the language used by the Court of Appeals for the Fifth Judicial Circuit in absolving the court of blame for consequences:

> The Department of Health, Education, and Welfare, with its staff of trained educational experts with their day to day experience with thousands of school systems is far better qualified to deal with such operational and administrative problems than the court presided over by judges who do not have sufficient competence—they are not educators or school administrators—to know the right questions much less the right answers.

This is from the Court of Appeals for the Fifth Judicial Circuit—the court that has passed on many of these questions in the Southern States.

Mr. President, Federal courts now request the Department of Health, Education, and Welfare to accept responsibility for working out plans to overcome racial imbalance in particular school jurisdictions which are already desegregated but which fail to produce the racial balance demanded by Federal courts.

Mr. President, this procedure might appear at first glance to be reasonable and one suggested by consideration of the education of the children involved. However, experience demonstrates that agents of the Department of Health, Education, and Welfare who undertake this role for Federal courts are neither education experts nor are they experienced in planning sound education programs. As a matter of fact, it has been made abundantly clear by now that these people are concerned only with devising plans to achieve racial balance in the schools.

Mr. President, one of these so-called experts was sent by HEW into Choctaw County, Ala., to prepare a plan on request of the Federal district court. Let us take a look at the procedures used by the HEW experts and examine the plan to see if it can be justified in terms of education standards or criteria.

This expert spent all of one single day riding over the county viewing schoolbuildings and collecting enrollment figures for the prior school year. None of his valuable time was spent in consultation with any member of the local board of education. No time was wasted with such mundane things as inquiring about the sources of school revenue and school budgets or determining whether or not funds were available to the local board to implement any sort of plan. Transportation facilities were not inspected or even considered. Neither parents, pupils, nor teachers were consulted or even interviewed. No thought or effort was given to determining whether or not the public might support the plan.

The plan was presented to the Federal district court as one prepared by an education expert paid for and approved by the U.S. Department of Health, Education, and Welfare, and it was panned off on the public as the work of an education expert and one that presented a sound plan from the standpoint of educational considerations. In doing so, the people were deceived, and it is my judgment they were defrauded. In support of this judgment, I submit the following facts for consideration by the Senate and the public.

First of all a question concerning the qualifications of the expert must be disposed of. There is reason to believe that his education might have been deficient in geography if nothing else because in the plan presented to the court he referred to Choctaw County, Ala., as being a Louisiana parish and to a Louisiana university as the source of assistance to local boards of education in implementing the plan. At another place in the plan, Choctaw County, Ala., is referred to as being located in Mississippi. Of course, this is not conclusive evidence of a deficiency in the expert's knowledge of geography, it could be evidence of a disorientation as to time and place. This last conclusion is supported by a substantial amount of additional evidence throughout the plan.

On the other hand, I have been assured by the Department of Health, Education, and Welfare that this particular expert is not deficient in his knowledge of geography and that he is in touch with reality. If we accept these assurances, there is but one remaining conclusion assessable from the facts. That is that the plan presented by this expert as being one designed to meet the local education requirements of the schoolchildren of Choctaw County, Ala., was not that at all but rather a plan drawn up by somebody for Louisiana and Mississippi schools and panned off on the Federal district court and the public in Alabama as the result of an indepth study of local conditions by an education expert.

I think this last explanation to be most likely. It demonstrates conclusively that

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the plan was not designed on the basis of education considerations in Choctaw County, Ala., but only as a sham to meet the single racial balance criteria.

This is the point I want to emphasize. The so-called plans submitted by so-called education experts of the Department of Health, Education, and Welfare in Alabama and in the South are not even remotely concerned with improving educational opportunities for anyone but have the sole objective of overcoming racial imbalance in the public schools. Yet, Mr. President, Federal statutes forbid such activities by the Department. Even a disoriented education expert in the Department of Health, Education, and Welfare can understand the plain language of the statute which states that the Department shall not spend funds appropriated to it by Congress for the purpose of seeking to overcome racial imbalance in schools.

Mr. President, if the Department were merely violating the law, a remedy would be readily available. But the Department is doing more than that. It is also rejecting education standards in formulating plans it submits to Federal courts and because of that the Department is systematically destroying public school education in the South.

Mr. President, let me demonstrate just how completely these disoriented education experts disregard sound education criteria in formulation of plans to be enforced by Federal courts.

Two high schools in Choctaw County, Ala., are—or were—accredited by the Southern Association of Secondary Schools and Colleges. The association is the highest accreditation agency in the South. Four additional high schools in the county were accredited by the State of Alabama. One school was not accredited by either of these agencies.

Now, the expert submitted his plan, supposedly the result of an indepth study and evaluation, and proposed abandonment of the two high schools enjoying the highest accreditation and recommended to the court that the one school with no accreditation should be retained. Such idiocy can be understood only when it is realized that these people are not concerned about educating the children but only with plans to achieve racial balance in the schools.

Mr. President, this is a type of plan which no Senator would tolerate in his own State. It is the type of plan which no Federal judge and no education expert in the Department of Health, Education, and Welfare would recommend for a school system for their own children. This is the type of plan which the U.S. Attorney General sends so-called civil rights lawyers into Federal courts to defend as educationally sound and in the best interest of all the children of the school district.

This is the type of plan which the Department of Health, Education, and Welfare brags about as representing "the services of professional educators at the Office of Education in the Department of Health, Education, and Welfare." And this is the disgraceful sham of a plan which is being imposed upon the schoolchildren of Choctaw County, Ala., and upon schoolchildren throughout the Southern States. The injustice and stupidity of it makes the blood boil.

Mr. President, that is not all. The evidence of willful, reckless, and wanton disregard for the education and welfare of children in the South continues to unfold in one sorry episode after another. These demented experts from the Department of Health, Education, and Welfare come up with plans which are physically impossible of implementation. How are school boards supposed to bus pupils all over the county without school buses? How are they to buy school buses without the money to pay for them? How are they to borrow money without authority to borrow it? Who is going to lend a school board money when anyone can see that the board is being driven to bankruptcy and ruin? Where is a school board to get the money to tear down and rebuild, and convert schools as recommended by HEW incompetents posing as education experts?

The truth is that these helpless school systems are dealing with people who do not care enough about education or the welfare of the children involved to consult with local school officials, or even inquire about the financial resources of the county. They slap down a fantastic plan as a temporary expedient without a second thought about the future of public education in the areas.

Consider this. To implement the plan submitted for Choctaw County, Ala., would unconditionally bankrupt the school system. Let me show why this is so.

In Alabama the major portion of the public school funds for rural schools comes from the State. State funds are allocated under an equalization formula which takes into account a number of factors, but the amount received is largely determined by the number of pupils in average daily attendance. In round figures Alabama provides close to $400 per pupil in average daily attendance. Consequently, if a school system loses half of its enrollment, it will lose half of its support from the State. Fixed operating expenses of the system remain fairly constant so any loss of operating funds must be absorbed by reduced operating expenses. That means fewer teachers and less equipment, supplies, and less money for transportation. It means no more capital expenditures which would add fixed costs.

Since September of this year, the Choctaw County school system has already lost close to 1,000 pupils. As a result, it stands to lose approximately one-fifth of its operating funds. As the cutback is applied more and more will drop out because of the inability of the system to maintain an adequate education program.

Under these circumstances, the idea of trying to compel local boards to buy more buses and to assume the added cost of the fantastically expensive business of busing pupils hither, thither, and yon over the county—is the epitome of absurdity.

Mind you—all of this for the sole purpose of overcoming racial imbalance in the schools. These people are not talking about desegregation, a term which after 15 years the Supreme Court has never gotten around to defining and which Congress has not defined except to say that whatever it means, it does not mean that Congress delegated to the Department of Health, Education, and, Welfare the power to overcome racial imbalance in public schools. These people are not talking about a unitary school system. Alabama has a unitary school system and it has desegregated schools. These racials experts in the Department of Health, Education, and Welfare and sociologists in the Federal courts are concerned with but one thing and one thing only, and that is racial imbalance in schools and both have demonstrated that they do not care about alienation of public support of education or the ruin and wreck they leave behind.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Alabama is recognized for an additional 5 minutes.

Mr. ALLEN. Mr. President, unless the Department of Health, Education, and Welfare gets rid of its quacks and disoriented experts and unless some evidence of commonsense and human compassion can be demonstrated by these people—the public schools of the South are on the way out. It is only a question of time. It is difficult to convey in words a sense of the depth of the feeling of the people on this subject, dealing as it does with matters relating to the health, safety, and welfare of their children. In most rural areas of the South the public schools are community schools. Most contain the first through the 12th grades in a single school building. In most, the parent-teacher associations and civic clubs and other organizations contribute substantial funds and services to provide improvements in school programs and facilities.

Children in the same family naturally attend the same school from the first grade through the 12th grades. Under the irrational racist plan submitted by the befuddled HEW expert, some children in the same family would have to be bused to four separate schools before they finish the ninth grade. Some children would be compelled to ride buses for distances up to 90 miles and spend up to 4 hours a day riding a school bus. Under the bankruptcy producing plan sponsored by and recommended by the Department of Health, Education, and Welfare, school libraries, science laboratory facilities and fixtures, improved playing fields would be abandoned and converted to other uses. School bands, glee clubs, and honorary societies would be disbanned. High school seniors who have already purchased their class rings would be scattered and bused into different high schools. Many teachers who have invested life savings in homes in local communities would be displaced and ordered to accept dictation as to where they will teach or else quit teaching. Cherished teacher tenure rights secured by law are ordered sacrificed.

Local school board members are ordered to abandon their sworn duty and moral obligation to children and the communities and to implement plans and decrees imposed by total strangers and which are contrary to reason and commonsense and contrary to their best judgment under pain of confiscatory fines and imprisonment. In short, the will and wishes of parents and teachers are overridden and conscientious public servants are compelled to preside over the liquidation of the public school system to which they have dedicated their lives. That an agency of Federal Government is the author of this ruin is a tragic fact.

Yes, Mr. President, it is a tragedy. It is an appalling tragedy. That a situation such as this could have developed in our Nation is cause for grave concern.

One cause for concern lies in the fact that Federal officeholders claim a power to impose racial solutions and another concern is the readiness to use calloused means to impose and enforce those solutions in local public schools.

Consider the weapon of deprivation used against innocent children by Federal officials. Federal funds used to provide hot breakfasts and lunches and education benefits for children of the poor are ruthlessly withheld by the Department as a means of enforcing its racial solutions. These HEW brutalitarians have become immune to the use of this hideous weapon and like a vice in the words of Pope, "We first endure, then pity, then embrace," it. The weapon of deprivation is embraced by the Department and its use is stoutly defended by the Department. Just a week or two ago, Secretary Finch announced his intention to oppose efforts of Congress to deprive him of this weapon.

Yes, Mr. President, this is a matter of deep concern, and the role Federal courts play in this experiment in racism is cause for concern, and resort by Federal district courts to injunctions to enforce racial decrees is a cause for concern. And it is cause for concern when Federal district courts threaten elected public officials with confiscatory fines and imprisonment without benefit of trial by jury to compel unwilling pubic officials to execute racial decrees handed down by the courts.

Of course, some will say that there is a vast difference between compulsory integration of races and compulsory extermination of races. Indeed, there is a vast difference. But there are also similarities. In both instances the decrees are racial and the end is rationalized by a social collectivist theory. In both instances the decrees are enforced by the coercive powers of Government. In both instances there is an attempted evasion of moral responsibility for the consequence by washing of hands by courts and shifting the responsibility to the collective will of the State. In both instances there is a ruthless disregard for the custom, tradition, and belief of a minority. In both instances the methods of implementation—deprivation of innocent children, confiscatory fines, imprisonment of public officials—are inhumane and barbaric. Furthermore, one might reasonably ask if the principal difference between State enforced extermination and State enforced integration is not in the long run but a difference in the time it takes to achieve the same end.

Yes, Mr. President, these are causes for concern. We had better back up and take a hard look at these sad, tragic, and dangerous trends.

American people are beginning to ask once again, where do we draw the line on Federal powers? When do we draw the line? Are we prepared to accept as a principle of constitutional law the right of Federal agencies to withhold necessities of life from citizens of this Nation as a legitimate means to any end? Are 12 million more Americans to be placed under the mercy of HEW brutalitarians who withhold food from the mouths of children as a means of enforcing regulations? Are we prepared to accept the principle of rule by injunction over the lives of our children?

Mr. President, much more could be said on this subject and much more should be said. Doubtless, much more will be said. I am going to close these remarks by saying that the Department of Health, Education, and Welfare has demonstrated incompetence and stupidity in its performance in Choctaw County, Ala., and throughout the South.

It is clear to me that Federal courts and these HEW incompetents are hung up on the silly absurdity of the racial balance as some kind of panacea that will instantly equalize educational opportunities.

Mr. President, the people of no civilized nation on the face of this earth believe it. And there is no evidence or other reason to believe it. Other nations considered racial balance and the idea has been rejected as both irrational and impractical. More and more black citizens are also beginning to realize that racial balance is not worth a row of beans from the standpoint of improving education opportunities. In fact, there is no responsible evidence from any source to indicate that racial balance contributes anything constructive in the way of equalizing education opportunities. On the other hand, there is overwhelming evidence from throughout the United States that arbitrary actions to achieve racial balance in schools are dismal flops and costly failures.

Mr. President, the U.S. News & World Report, in its issue of October 13, 1969, has published the results of a nationwide survey on the subject of busing to achieve racial balance. The survey shows conclusively that this arbitrary and artificial device is being rejected throughout the United States as too costly, impractical, and devoid of education benefits.

Mr. President, I ask unanimous consent that the article from the U.S. News & World Report be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the U.S. News & World Report, Oct. 13, 1969]

Why School Busing Is In Trouble

The school bus is running into trouble as a vehicle for racial integration.

Once, only a few years ago, busing was being hailed by civil-rights leaders as the answer to Northern-style segregation—the so-called *de facto* segregation that occurs when children living in all-black or all-white neighborhoods attend neighborhood schools.

The idea was to bring about racial mixing in the classroom by busing children back and forth—bus Negro youngsters out of their black neighborhoods to schools in white areas, and bus white youngsters to schools in black areas.

There was opposition, often bitter. Battles over busing split many communities. But opponents, frequently denounced as racists, lost in city after city. And the idea spread. Busing has been adopted as an integration method in scores of cities around the U.S.

Now, however, attitudes are changing. The tide of the battle appears to have turned—against busing.

This new trend shows up in a nationwide survey by members of the staff of "U.S. News & World Report." According to that survey:

Among civil-rights leaders, educators and Negroes themselves, doubts are growing about the value of busing, either as a method of integration or as a method of improving education.

Interest is growing in a different idea—that Negroes may benefit more from an improvement of schools in their own neighborhoods than they do from being bused into white schools.

You find this change in many cities.

"A definite change." In Baltimore, Associate Superintendent of Schools William Tinderhughes told "U.S. News & World Report":

"There has been a very definite change in thinking about busing for integration in recent years. A few years ago, there was demand for busing. But not now.

"Parents now are more concerned with the quality of the education that their children are getting. The same group that at one time was speaking for integration now is speaking about curriculum, about teachers and about the quality of the educational program."

In Chicago, Assistant School Superintendent David J. Heffernan said this:

"The integration battle now has taken a different turn. Busing, as such, is almost completely out of the picture. It has proved effective neither for integration nor for better education."

In Minneapolis, this comment came from Floyd Amundson, school-board consultant in community relations:

"The trend here is away from busing because it doesn't solve anything. The blacks themselves apparently would prefer to have their own schools improved rather than have their children bused to mostly white schools."

On the West Coast, a school official in Los Angeles reported:

"Fewer blacks have been showing up at board meetings to demand integrated schools this year. The 'Black Power' movement, with its emphasis on the isolation of black people, may have something to do with it."

"Climate has changed." The trend toward racial "separatism" shows up in several places. In Pittsburgh, John March, director of public relations for the board of education, said this:

"The climate has changed. The most militant, outspoken blacks are not interested in integration. They want separation. You wonder how you can justify busing under these conditions.

"This puts the school boards right in the middle. We are under pressure from the State Human Relations Commission to desegregate. But the militants don't want it. The children even segregate themselves in our high-school cafeterias. We have separate black and white areas that the blacks are mostly responsible

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for creating. The old rules just don't seem to work any more."

Black separatists, however, are far from being the chief causes for the diminishing popularity of busing.

Civil-rights leaders with long and strong commitments to the cause of integration are questioning the value of the bus. One is James Farmer, former head of the Congress of Racial Equality (CORE) who now, as Assistant Secretary of Health, Education and Welfare, is the highest-ranking Negro in the Nixon Administration. Mr. Farmer announced last March that he had changed his mind on integration by bus. He said:

"Our objective should be to provide a high-quality education. The real problem is not integration or segregation. It is the quality of education. Busing is not relevant to high-quality education. It works severe hardships on the people it affects. In the South, I found blacks complaining of being bused to school."

Where busing works. All this does not mean that busing is being abandoned as a way of integration.

In a number of smaller cities, where black pupils are a minority, busing has worked with considerable success in improving what educators call "racial balance." It has been accepted without serious protest in many such cities.

One city which advocates of busing cite as an example is Berkeley, Calif. There, in a city of 121,000 population, 3,500 pupils—whites and blacks—are "cross-bused" to achieve in each school a racial mix that is almost in exact proportion to the city's school-age population: 49.6 per cent white, 42.8 per cent black and 7.6 per cent Oriental or American Indian. Complaints are mostly over the cost: $530,000 a year for the total integration program, with $20[illegible],000 for the actual busing.

Another success story is told in Elmira, N.Y., a city of approximately 50,000 population, with 1,000 Negroes among 14,000 school students. There some 300 white and 200 black pupils are bused outside their home areas to balance enrollments racially. Elmira's Superintendent of Schools Charles E. Davis reported:

"Our troubles have been few. Our over-all conclusion is that no one has suffered and many people are gaining.

"I think that in any moderate-sized city with a relatively small black population, some plan similar to ours could be made to work."

The New York story. It is in larger cities or in cities with big proportions of Negroes in the schools that busing encounters its greatest problems.

New York City, where the whole busing experiment started a dozen years ago, has had more turmoil than success.

That city has tried almost every integration device known—busing, school "pairing," "open enrollment," redrawing of school-attendance districts, even elimination of junior high schools and substitution of new "intermediate" schools to draw youngsters from wider areas of the city at an earlier age.

Busing alone costs New York City some 3 million dollars a year.

After all this effort there is more segregation, not less. There are more all-black or nearly all-black schools in New York today than there were before. And tests have shown no clear academic gains among children who are bused.

New York's integration attempts have stirred massive protests, have been the targets of numerous lawsuits. Many thousands of white parents have moved out of the city to suburbs.

Now Negroes and Puerto Ricans outnumber white in the city's schools.

New York, however, is still trying. About 14,500 pupils are riding chartered buses under "free choice—open enrollment" programs designed to improve "racial balance."

In New York State, outside New York City, the State education department reports that 30 to 35 school districts have systems for correcting "racial imbalance." Most involve busing.

Much of New York State's integration effort is made under pressure of a policy laid down by former State Commissioner of Education James E. Allen, who now is U.S. Commissioner of Education in the Nixon Administration. For New York, he defined any school more than 50 per cent Negro as "racially imbalanced," and ruled "there must be corrective action in each community where such imbalance exists."

New York State's general assembly, however, put restrictions on forced integration with a so-called "antibusing" law which was passed last spring and went into effect September 1.

That law forbids appointed school officials or boards to change district boundaries or pupil-assignment plans for the purpose of changing racial balance without consent of parents. This requires programs to be voluntary in many cities, including New York City.

Massachusetts is another State that requires local action against "racial imbalance." State aid can be cut off from schools over half Negro.

Boston, with a number of predominantly Negro schools, is busing about 2,000 pupils at public expense to comply with this law. About 5,000 other pupils are riding buses at their parents' expense in a program of "open enrollment."

Boston also has a new "magnet" school in a Negro area that draws 340 white children—by bus—to take advantage of the special facilities it offers.

All of Boston's bus riders for integration are volunteers. Parents have protested angrily against busing in the past. Mrs. Louise Day Hicks, a leading opponent of busing while head of the school board, recently led all candidates in a preliminary election for the city council.

Cities that balk. Several large cities with districts that are heavily Negro have refused to follow New York's example of massive busing.

Despite years of heated demands by civil-rights groups, the Chicago school board has insisted on maintaining the "neighborhood school" concept, which results in dozens of schools being nearly all-white or all-black.

The sole busing program there is a small one to relieve overcrowding.

Instead of busing, the school board plans to erect a series of "magnet" schools where specially trained teachers will use the latest methods and equipment to teach a cross-section of children of all races and economic levels.

In Philadelphia, this report came from Oliver Lancaster, assistant director of the board of education's office of community affairs:

"We have no pressure—from either whites or blacks—for massive desegregation. It isn't possible to make the massive shifts it would take to accomplish that quickly. Our trend is toward quality schools."

At present, Philadelphia's only busing is to relieve overcrowding in some black schools. A proposed program for integration would involve some busing. But it stresses improved schools—and some specialized schools—in Negro areas to attract white pupils.

Pittsburgh and Baltimore also bus primarily to relieve overcrowding. But the result usually is the mixing of more Negroes into white schools.

California opposition. In California opposition to compulsory busing for integration is mounting steadily. A Statewide campaign is under way to place on the November, 1970, ballot a proposal to prohibit such busing.

San Francisco may win the right to elect its school board, mainly as a result of opposition to an integration plan recently adopted by the city's appointive board. That plan calls for busing 4,500 pupils next year.

The Concerned Parents Association has succeeded in putting the proposal for a school-board election on the November 4 ballot. Its hope is to elect enough advocates of "neighborhood schools" to block the busing program.

San Francisco's Mayor Joseph Alioto is on record against the busing plan, saying:

"I don't believe the black community wants it. I don't believe the white community wants it."

In nearby Richmond, voters last April elected three school-board members who campaigned against a forced-busing plan. The new board has replaced the force plan with one which calls for voluntary busing on a smaller scale.

In Pittsburg, Calif., five Negro families have sued to block busing of their children to white schools. They say they prefer an integration plan that does not put "the entire burden on the Negro pupils."

Sausalito has integrated its schools by a program of busing both white and Negro pupils. School costs have skyrocketed, and some families have sought to transfer out of the district.

Los Angeles has a voluntary busing program which some hail as a success, others as a failure. It affects fewer than 1,000 pupils and was adopted under pressure of threatened suit.

California's State board of education has ruled that any school is "imbalanced" if its minority enrollment varies more than 15 per cent from the percentage of minority students in the school district.

In Los Angeles, school authorities estimate that 160,000 students would have to be bused at an initial cost of 100 million dollars, followed by a yearly cost of 20 million, to comply with the letter of that ruling. Most school officials take the position that the State board's ruling has no force as law.

Colorado controversy. Denver has been torn by a controversy over busing. The school board adopted an integration program calling for transfers of several thousand children—both black and white. Voters then elected two new board members who swung a vote to rescind the program. But advocates of busing sued and won the program's temporary reinstatement. Now the busing is being done despite continued protests.

Michigan's problems. In Michigan, there may be as many as 70 school districts that bus for racial balance.

One city that does is Grand Rapids. There, about 1,500 black students ride buses from their black-neighborhood homes to schools that are mostly white. And busing has become a focal point of discontent with the school system.

White parents helped elect three opponents of busing in a bitter school-board election last spring.

When classes opened this autumn, a group called Blacks United for Survival (BUS) organized a temporary boycott of the schools. Busing was not the only issue. Some Negroes demand a complete return to neighborhood schools. Some object to "one-way busing" and want whites bused, too. Others complain that the plan does not provide enough integration. Still others demand more emphasis on quality of education.

Here, in a single community, you find most of the problems and controversies that beset busing as a means of integrating Northern schools.

Views in Washington. It is not only in cities that busing is losing favor. It has acquired some powerful opponents in the Federal Government, too.

President Nixon recently said, "It's never been the policy of the Administration to impose busing as a way to achieve racial balance." In his 1968 election campaign he criticized busing as "forced integration rather than putting emphasis on education."

Congress has forbidden the Department of Health, Education and Welfare to require busing in order to overcome "racial imbalance."

Representative Edith Green (Dem.), of Oregon, a member of the House Education and Labor Committee, is known as a civil-rights supporter. In an interview in "The Urban Review," she said:

"I seriously question busing for social reform—taking a youngster from a disadvantaged home in a ghetto area . . . transporting him to another school where he spends five or six hours of the day and then is picked up and taken back to the same disadvantaged home, the same tenement area. I have serious questions of how much we're really helping that child."

What Negro parents "are entitled to," Representative Green suggested, is "quality education for their children in the area in which they live."

SENATOR WILLIAMS OF NEW JERSEY OBSERVES HOW ISRAEL TREATS ITS ELDERLY

Mr. JAVITS. Mr. President, a very interesting article about the activities of the Senator from New Jersey (Mr. WILLIAMS), in respect of his work in the Special Committee on Aging, of which he is chairman, appeared in the New York Sunday News magazine issue of October 12, 1969. As he is my colleague on the Committee on Labor and Public Welfare, I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW A YOUNG NATION TREATS ITS ELDERLY

(By Jack Leahy)

The chairman of the U.S. Senate Committee on Aging, Sen. Harrison A. Williams (D-N.J.), feels that Americans have a lot to learn from the people of Israel about the respect and services which should be accorded to senior citizens. A country which has a tough enough job creating cropland from desert while being on constant guard against military conquest, Israel somehow finds the resources to care for a rapidly increasing aged population.

"I was deeply moved by what I saw and by what I was told in Israel," says Sen. Williams, who recently attended a United Nations symposium there. "Despite the fact that many elderly immigrants came from many nations to a place which offered them few amenities, there is a cohesiveness among both the old and the young of Israel in terms of their attitudes toward advanced age.

"Israelis seem to think that it is only natural for the elderly to have secure and satisfying lives. What's more, they are willing to contribute to a national effort to achieve that laudable objective."

According to Sen. Williams, the following were among the major items of interest about Israel and the aged which emerged from symposium discussions:

In 1948, those over the age of 65 represented only 3.8% of the Jewish population or 30,000 people. By 1980, these figures will be 8% and 300,000.

First immigrants to arrive in Israel after World War II were mainly young people. Nevertheless, a comprehensive Old Age Insurance program was established and pensions became payable more than a decade ago.

In some respects, U.S. Social Security coverage is inferior to its Israeli counterpart.

A program know as "Hameshakem" (Rehabilitation) has had remarkable success in finding thousands of jobs for people whose employability is limited by age or illness.

The immigrant nature of Israel's aging population poses some unique problems. One survey found that oldsters who came from African and Middle Eastern countries tended to segregate themselves from those who came from Europe. This creates difficulties in setting up housing projects and nursing homes for the aged.

The loneliness which seems to be a universal complaint of all older people is apparently even more severe in Israel. In their flight from persecution, a majority of older Israelis lost or were separated from families and friends. In the struggle to survive and make a new life in a foreign land, many were not able to adjust by forming new and lasting friendships.

These and other problems have been taken into consideration, however, by government planners. Their innovations and experiments are worthy of careful analysis by sociologists everywhere, in the view of Sen. Williams.

"We in the United States seem quite often to have a guilt complex about our older population," says the lawmaker. "We think we should do more, but somehow we don't. I didn't sense that feeling among the people of Israel."

To Sen. Williams, the standard bearer of senior spirit in Israel is Golda Mier, the pioneer state's 71-year-old Premier.

"She's as impressive and as young in outlook as the nation she leads," asserts the legislator. "We on the Senate Committee on Aging have found that adjustment to the later years depends very much on the individual, and that there is no norm for aging. Some people feel old and act old in their 50s. Others, like Golda Mier, find something new in each day."

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1969

Mr. PELL. Mr. President, I rise in support of the measure to extend the economic opportunity program for 2 years.

As a member of the Subcommittee on Employment, Manpower, and Poverty which considered this legislation, I am proud of the bipartisan effort which was undertaken by my colleagues on the Committee on Labor and Public Welfare in reporting this bill. I hope that this spirit of bipartisan concern for the Office of Economic Opportunity will be continued in debate here on the floor.

I believe that the measure which the Labor and Public Welfare Committee has brought to the floor represents a reasonable and moderate bill designed to foster experimentation in the application of our many social programs. The bill which we are considering contains both the flexibility which the administration has requested and additional funds for those successful programs, such as Headstart, which have shown particular promise for the future. As chairman of the Education Subcommittee, I am particularly proud of the success of the Headstart program, although I realize there are still many unanswered questions with regard to it.

In conclusion, I would extend my congratulations to the chairman of the subcommittee, the Senator from Wisconsin (Mr. NELSON), for the very levelheaded and equitable way in which he conducted the meetings of the subcommittee concerned with this problem, and also extend my congratulations to the ranking minority member, the Senator from New York (Mr. JAVITS), who did all he could to bring out as unified a bill as possible; and when it was agreed to disagree, he always did so in the greatest of good spirits.

I hope that the Economic Opportunity Act of 1969 will receive the full support of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department procurement from small and other business firms for fiscal year 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Federal Savings and Loan Insurance Corporation supervised by the Federal Home Loan Bank Board for the year ended December 31, 1968, dated October 14, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of Wayland, Mich., praying for the rejection of any proposals that would change the present tax exempt status of municipal bonds; to the Committee on Finance.

A resolution adopted by the Little Red School House, and Elizabeth Irwin High School, New York, N.Y., supporting an immediate end to the war in Vietnam; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, without amendment:

S. 2910. A bill to amend Public Law 89–260 to authorize additional funds for the Library

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of Congress James Madison Memorial Building (91–454).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, without amendment:

S. 2452. A bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services (Rept. No. 91–455).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS (for himself, Mr. Scott, and Mr. Hart):

S. 3025. A bill to assist the States and their localities in utilizing land resources more effectively and in providing housing to meet present and future needs, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. Javits when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. PELL:

S. 3026. A bill for the relief of Nicola Violante; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 3027. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Finance.

By Mr. CRANSTON:

S. 3028. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Commerce.

(The remarks of Mr. Cranston when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JACKSON (for himself and Mr. Allott) (by request):

S. 3029. A bill to amend title I of the Act of October 15, 1966 (80 Stat. 915); to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. FONG:

S. 3030. A bill for the relief of Romeo Farley Tanjuaquio;

S. 3031. A bill for the relief of Angel Gamo Enriquez; and

S. 3032. A bill for the relief of Mrs. Leonarda Buenavendura Ocariza and daughter, Lucila B. Ocariza; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. Cranston, Mr. Murphy, Mr. Pell, and Mr. Prouty):

S.J. Res. 161. Joint resolution to authorize and request the President to proclaim the period April 20, 1970, through April 25, 1970, as "School Bus Safety Week"; to the Committee on the Judiciary.

(The remarks of Mr. Javits when he introduced the joint resolution appear earlier in the Record under the appropriate heading.)

S. 3028—INTRODUCTION OF A BILL ON A TULE ELK WILDLIFE REFUGE

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to study the feasibility of a national wildlife refuge in the Western United States for the preservation of the California tule elk.

Among the many rare and endangered species listed by the Bureau of Sport Fisheries and Wildlife is the tule elk or dwarf elk. The Bureau's brief summary of the elk's current status is a good outline, and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary on Tule Elk by the Bureau of Sport Fisheries and Wildlife

Tule elk or dwarf elk: Order, Artiodactyla; *Cervus nannodes*, Merriam; family, Cervidae.

Distinguishing characteristics: Slightly smaller, paler, and with more narrow rump-patch than Rocky Mountain elk.

Present distribution: Three scattered herds in California; two of these—one in the Cache Creek area (Colusa, Lake and Yolo Counties) and one in Owens Valley (Inyo County)—are free-roaming. The third herd is fenced in the Tule Elk State Park near Tupman (Kern County).

Former distribution: Common prior to 1860 in nearly the entire San Joaquin and Sacramento Valleys, California (Butte to Kern Counties); restricted to the Buttonwillow Ranch, western Kern County by 1905; total in 1932, 170.

Status: Rare. Restricted in range, reduced in numbers.

Estimated numbers: In the wild, 1964, about 300 in Owens Valley, Inyo County, and about 80 in the Cache Creek area, Yolo County.

Breeding rate in the wild: One (rarely two) calves per cow annually. Gestation period approximately 250 days.

Reasons for decline: Hunted for meat and hides during Gold Rush of mid-1800's; total population about 28 in 1885; encroachment of civilization and cultivation have reduced available range, and cattlemen and farmers claim competition with stock and damage to crops.

Protective measures already taken: Herds are carefully managed and protected from indiscriminate hunting by State law; establishment of Tule Elk State Park; organization of the Committee for the Preservation of the Tule Elk, dedicated to the protection of this species. Livestock grazing on portion of Inyo National Forest used by Goodale segment of Owens Valley herd restricted since 1965.

Measures proposed: The Committee for the Preservation of the Tule Elk is attempting to set aside 240 square miles in Owens Valley (owned by the City of Los Angeles, but leased to cattlemen) as a refuge; initiate studies to determine the optimum numbers of elk that a given habitat can support.

Number in captivity: In semi-domestic atate, in 1964, are 35 on the Tule Elk Reserve, Kern County. In addition, 5 males and 5 females are in 3 American zoos.

Breeding potential in captivity: Good.

Remarks: Transplants to Sequoia National Park (1904), Yosemite Valley, Monterey County, the Alvord Ranch, Harney County, Oregon, were abandoned because of low calving percentages. Transplant to Owens Valley (1933) succeeded. Today supplemental feeding of hay pellets is necessary on the Tule Elk Reserve, and 10 or 15 are shot yearly to guard against overpopulation; since 1943, in the Owens Valley, legal hunting has cropped the surplus over 300, regarded as the maximum the range can support. In the Owens Valley range, an adjudication of livestock numbers by the Bureau of Land Management (U.S. Dept. of the Interior) will be completed in 1965, which should result in lessened livestock on the elk range. The Cache Creek herd, while low in numbers, periodically causes depredation on several large ranches within its range.

REFERENCES

Allen, G. M., 1942: 273–275.

Amaral, Anthony A., 1964. Struggle in Owens Valley. Amer. Forests, 70 (8): 26–27, 53–55.

Hall & Kelson, 1959: vol. 2, p. 1003.

Rintoul, William T., 1964. Last of the ghost herd. Westways, 56 (1): 8–9. January.

Mr. CRANSTON. Mr. President, it should be obvious why there is controversy associated with the tule elk. With less than 400 animals alive today, numerous conservationists, particularly including the Committee for the Preservation of the Tule Elk, believe that it is dangerously unrealistic for the California Fish and Game Commission to allow 20 percent of the Owens Valley wild herd to be killed in an annual authorized hunt. While the tule elk is protected under California State law, annual hunts have been permitted during the past few years to keep the Owens Valley herd within the range limit of 250.

Others, including some responsible Government officials, point to the tule elk's amazing survival record. From a minimum of 28 animals in 1885, the species has grown to its present size. Given this remarkable resurgence, it is difficult to criticize the classification of the tule elk as not endangered, but only rare.

The fact remains that an animal can become extinct only once. No theory about an animal's tenacity can excuse our failure to plan for the long-range preservation and propagation of a rare animal.

The key to the tule elk's preservation is obviously range. The purpose of my bill is to investigate the possibilities of other suitable range areas where one or more new herds might be established. At present, with only one existing herd, an epidemic might easily end the species overnight. There is much vacant land in the West, and I am asking to know whether any of it is suitable for tule elk conservation.

In mentioning only the tule elk in the bill itself, it is not my intention to preclude other uses for the wildlife refuge. However, normally wildlife refuges preserve a habitat where the protected animals are indigenous. Since this will not be the case in the areas to be considered, I believe the thrust of the study must be to seek out lands where the tule elk can adapt and survive.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3028) to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk, introduced by Mr. Cranston, was received, read twice by its title and referred to the Committee on Commerce.

S. 3029—INTRODUCTION OF A BILL TO AMEND TITLE I OF THE ACT OF OCTOBER 15, 1966 (80 STAT. 915)

Mr. JACKSON. Mr. President, on behalf of my self and the Senator from Colorado (Mr. Allott), I introduce, for

appropriate reference, a bill submitted by the Secretary of the Interior to amend title I of the act of October 15, 1966, relating to national historic preservation.

This bill has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the text of the letter accompanying the legislation be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 3029) to amend title I of the act of October 15, 1966 (80 Stat. 915), introduced by Mr. Jackson (for himself and Mr. Allott), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. Jackson, is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., October 10, 1969.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed herewith is a draft of a bill "To amend Title I of the Act of October 15, 1966 (80 Stat. 915)."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Act of October 15, 1966 (80 Stat. 915, 16 U.S.C. 470), broadened the scope of the national historic preservation policy enunciated in the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461 *et seq.*), as amended. Among the principal features of the newer law are (1) Grants to the States for three purposes: (a) statewide surveys contributing to the expansion of the National Register, (b) statewise preservation plans, and (c) individual preservation projects; and (2) Grants to the National Trust, which bring together 827 public and private preservation groups throughout the Nation, for acquisition and development of Trust-owned properties and expansion of Trust educational and technical assistance programs. One major purpose of the Act—substantive Federal aid in the preservation of individual historic properties—cannot proceed until the surveys are well underway and preservation plans completed.

The Act of October 15, 1966, *supra*, authorized a total of $32 million to be appropriated over a 4-year period which terminates in 1970. No appropriations were made in the 1967 fiscal year. In the 1968 fiscal year, $447,000 was appropriated for the new programs authorized by the 1966 Act, of which $147,000 was for the Advisory Council on Historic Preservation and administrative overhead; and $300,000 for grants-in-aid to the National Trust for Historic Preservation. Appropriations for the 1969 fiscal year remained at the same level for all items except grants-in-aid, for which $100,000 was provided.

Legislative and professional activity stimulated by the Act have raised the level of State appropriations for preservation. Thus, in 1967, approximately $300,000 in new non-Federal funds was made available in seven States in support of accelerated historic site surveys and related planning activity. The level rose at an accelerated rate in 1968, with 38 States seeking or receiving appropriated funds to the total of $1.5 million. Total figures for 1969 are not yet available but promise to continue upward based on expectation of Federal support. Similarly, National Park Service activity has increased substantially to meet actual and anticipated demands.

Within the next 12 months, we expect that 25 States will nominate up to 200 historic sites and buildings each while another 20 anticipate nominations to the National Register in larger numbers to a total of 16,000 properties during the 1-year period.

In sum, a mechanism has been put in motion by the National Historic Preservation Act to which the States and the National Trust for Historic Preservation have responded with increasing interest and activity. Continuing Federal support becomes necessary as the effort matures from an initial survey activity to the financially more demanding project phases.

State capacity to match Federal funds may be expected to expand as the initial, less costly survey and planning phases give way to individual preservation projects. We have requested information from the States as to their projected 5-year program for meeting their historic preservation needs. Their responses demonstrate an ambitious interest in pursuing the preservation of what are often the too fragile physical indicia of the heritage.

On the basis of information supplied by the States, we anticipate a National Register exceeding 100,000 properties representing the substance of the Nation's heritage of historic sites and buildings.

The Department of the Interior would expect to present, in the budget request and appropriations hearings, firm data gathered from the States and the National Trust in justification of the funding level needed for the coming fiscal year together with evidence of accomplishments yielded by the appropriations of the preceding fiscal year.

The proposed legislation thus provides the necessary flexibility to anticipate the pattern of growth in State participation in historic preservation.

We believe that this method represents a logical way to insure the culmination of national aspirations regarding historic preservation.

The Bureau of the Budget has advised that there is no objection to the submission of this legislation from the standpoint of the Administration's program.

Sincerely yours,

Russell E. Train,
Acting Secretary of the Interior.

ADDITIONAL COSPONSORS OF BILLS

S. 338

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Ohio (Mr. Saxbe) be added as a cosponsor of S. 338, a bill I introduced to increase the rates paid to veterans for educational assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1279

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. Montoya), I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. Cranston), the Senator from New Hampshire (Mr. McIntyre), the Senator from Ohio (Mr. Saxbe), and the Senator from New Jersey (Mr. Williams), be added as cosponsors of S. 1279, to provide that any disability of a veteran who is a former prisoner of war is presumed to be service-connected for purposes of hospitalization and outpatient care.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1607

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. Montoya), I ask unanimous consent that, at the next printing, the name of the Senator from New Hampshire (Mr. McIntyre) be added as a cosponsor of S. 1607, to deem veterans who were prisoners of war to have service-connected disabilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2986

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. Mathias) be added as a cosponsor of S. 2986, the Family Assistance Act of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2993

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from California (Mr. Cranston), I ask unanimous consent that, at the next printing, the names of the following Senators: Mr. Yarborough, Mr. Eagleton, Mr. Hughes, Mr. Javits, Mr. Kennedy, Mr. Mondale, Mr. Nelson, Mr. Saxbe, Mr. Schweiker, and Mr. Williams of New Jersey be added as cosponsors of S. 2993, a bill to amend title 38, United States Code, in order to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans' outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance; and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, in conjunction with this request, I ask unanimous consent that a statement prepared by the Senator from California (Mr. Cranston) be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement of Mr. Cranston is as follows:

Statement by Senator Cranston

On October 6, 1969, I introduced S. 2993, a bill to amend title 38, United States Code, in order to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans' outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional under-graduate college course in order to qualify for a full-time educational assistance allowance; and for other purposes.

As I indicated on that day, that bill, which would be entitled "The Veterans Education and Training Assistance Amendments Act of 1969," incorporates the principal provisions of eight other bills.

Such a consolidated bill was reported to the Labor and Public Welfare Committee on October 2 by the Veterans Affairs Subcommittee and was unanimously ordered favor-

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ably reported to the Senate on October 9 with a nonsubstantive amendment.

The text of S. 2993, as amended, will be incorporated in an amendment in the nature of a substitute to H.R. 11959 as that bill will be reported to the Senate this week.

Accordingly, I ask unanimous consent that at the next printing of this bill the names of the Senator from Texas (Mr. YARBOROUGH), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of S. 2993.

SENATE CONCURRENT RESOLUTION 40—SUBMISSION OF A CONCURRENT RESOLUTION TO TERMINATE PUBLIC LAW 408 OF THE 88TH CONGRESS—GULF OF TONKIN RESOLUTION

Mr. JAVITS (for himself, Mr. PELL, and Mr. METCALF) submitted a concurrent resolution (S. Con. Res. 40) to terminate Public Law 408 of the 88th Congress—Gulf of Tonkin resolution—and for other purposes, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. JAVITS when he submitted the concurrent resolution appear earlier in the RECORD under the appropriate heading.)

SENATE CONCURRENT RESOLUTION 41—SUBMISSION OF A CONCURRENT RESOLUTION URGING THE ADOPTION OF POLICIES TO OFFSET THE ADVERSE EFFECTS OF GOVERNMENTAL MONETARY RESTRICTIONS UPON THE HOUSING INDUSTRY

Mr. SPARKMAN (for himself, Mr. ALLEN, Mr. EASTLAND, and Mr. ERVIN) submitted the following concurrent resolution (S. Con. Res. 41); which was referred to the Committee on Banking and Currency:

S. CON. RES. 41

Whereas, the use of monetary restraint as the principal device with which to curb excessive inflation has had and is now having the effect of curtailing and postponing the construction of residential and commercial buildings normally subject to mortgage financing; and

Whereas, the consequent substantial reduction in the annual rate of new housing starts has produced a corresponding decline in the requirements for products and commodities, such as, ceramic tile, manufactured in the United States principally for consumption and use in newly constructed units; and

Whereas, products and commodities so utilized are also in certain instances imported in large quantities from foreign countries, the consumption and utilization of said imports not being affected by restrictive monetary policies in the same manner and to the same extent as products of domestic manufacture; and

Whereas, as a consequence of these factors, domestic industries, whose continued strength and viability is essential to this Nation's pursuit of the housing goals enunciated in the Housing and Urban Development Act of 1968, are being forced to operate with substantial idle production capacity:

Now, therefore, be it resolved by the Senate of the United States (the House concurring), That it is the sense of Congress that the public interest requires emergency measures to prevent elimination of, or serious injury to, United States firms as a result of the current serious contraction of the housing market;

It is further the sense of Congress that during periods of monetary restraint, the Government of the United States should exercise other statutory powers to prevent injury to United States industries and to offset advantages accruing to firms and industries in foreign countries engaged in exporting to the United States;

It is the further sense of Congress that, as to the aforesaid domestic industries so affected, such as ceramic tile, where (a) imports in the most recent years have accounted for twenty percent or more of the United States market, and (b) the industry currently has idle capacity, specific steps should be taken to preserve the competitive opportunity of United States firms that bear the brunt of import competition while the United States construction market remains artificially restricted;

It is further the sense of Congress, that, the Executive Branch shall take immediate steps to effect a reduction in imports of products and commodities, such as ceramic tile, whose principal use is in such construction, and such reduction shall be sufficiently great to assure the continued existence and viability of United States firms in the domestic industry affected.

HOUSING CONTRACTION IMPERILS AMERICAN MANUFACTURERS FACING HEAVY IMPORTS—OFFSETTING ACTION NEEDED

Mr. SPARKMAN. Mr. President, today, I submit a concurrent resolution expressing the sense of Congress that the executive branch should take steps to negotiate voluntary quota arrangements with foreign countries to effect such reductions in imports as are necessary to protect the ceramic tile industry and others, until such time as free market conditions are restored to the U.S. housing market.

The industry we are discussing is a small one—consisting of slightly more than two dozen companies. Most of the tile plants are located in small communities where the impact on the local economy is significant.

For example, in my State of Alabama, Mosaic Tile Co. has a plant in Florence which employs 429 area citizens and had a payroll in 1968 of $2,370,728.

Historically, the U.S. ceramic tile industry has faced fierce competition from foreign manufacturers. Far too often, this competition has consisted of unfair competitive practices, which, if engaged in by domestic firms, would result in prosecution under our statutes dealing with antitrust and unfair trade.

Unfortunately, these practices have taken their toll. Through widespread violations of the Antidumping Act and failure to comply with assurancs given to avoid increases in tariffs on ceramic tile, the Japanese were able to capture over two-thirds of the floor tile market and 20 percent of the wall tile market in this country by the mid-1960's.

Customs Bureau action finally brought a halt to Antidumping Act violations by the Japanese. However, no sooner had this been accomplished than the British manufacturers, spotting an opportunity to make significant inroads in the American market, launched a major export campaign featuring widespread violations of this same act.

Having been formally charged, the two major British manufacturers, doing business as a giant cartel, are now being investigated by the Customs Bureau. In the meantime, during the past year these manufacturers doubled their share of the U.S. ceramic tile market.

The nature and extent of competition from foreign manufacturers has taken on new significance as a result of the recent serious contraction in the housing market.

As my colleagues no doubt know, new housing starts have plunged from a level of 1.9 million in early 1969 to what Housing Secretary Romney and others indicate could be a level of under 1 million by year's end. This is compared with a national housing goal averaging 2.6 million units per year for the next 10 years.

The same forces within the money market which have produced this contraction have tended to encourage apartment development as opposed to individual residence construction. Apartments are the principal market for foreign-made ceramic tile—while builders of private, single-family dwellings prefer U.S. tile. The result—Government-imposed monetary restraints have, in a very real sense, produced a situation in which foreign manufacturers of tile are not sharing equitably in the burdens resulting from our fight against excessive inflation.

Domestic manufacturers do not seek to avoid competition. They do, however, feel that fairness dictates foreign manufacturers should not be given unfair competitive advantages traceable to Government actions.

Through adoption and implementation of the resolution which I today introduce and in which I invite each of my colleagues to join, this unfair advantage can be offset.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 245

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that, at the next printing, the name of the Senator from New Hampshire (Mr. MCINTYRE) be added as a cosponsor of Senate Resolution 245, calling for the release of American prisoners of war.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 245

Mr. SPARKMAN submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT NO. 247

Mr. HART submitted amendments, intended to be proposed by him, to House bill 13270, supra, which were referred to the Committee on Finance and ordered to be printed.

AMENDMENT OF THE TARIFF SCHEDULES RELATING TO TAX ON PARTS OF STETHOSCOPES

AMENDMENT NO. 246

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H.R. 7311) to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 228

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Kansas (Mr. PEARSON) be added as a cosponsor of Amendment No. 228 to Senate Joint Resolution 158, to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF HEARINGS ON THE FREDERICK DOUGLASS HOME

Mr. BIBLE. Mr. President, for the information of the Senate and those interested I wish to announce that hearings have been scheduled before the Parks and Recreation Subcommittee on S. 835 and H.R. 5968, bills to increase the authorization for the establishment of the Frederick Douglass Home as a part of the national park system in Washington, D.C. on Friday, October 17, 1969, room 3110, New Senate Office Building at 10 a.m.

Anyone interested in testifying should advise the staff of the committee.

MASSACHUSETTS LOCAL BOARD 114, SELECTIVE SERVICE SYSTEM

Mr. KENNEDY. Mr. President, the Boston Herald Traveler of Sunday, October 12, contains an informative article about Massachusetts Local Board 114 of the Selective Service System. Local boards play a central role in the structure of the Selective Service System, as the hearings before the Subcommittee on Administrative Practice and Procedure will attempt to show; therefore, the decisionmaking process at this level should receive close attention.

Local Board 114 is of particular interest since the U.S. Supreme Court yesterday agreed to hear United States against Sisson, a case involving a conscientious objector registered with this particular board.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Local Board No. 114—and Its Problem Registrants

(By Jack Reed)

There are 128 Selective Service Boards in Massachusetts. Their records list 1,800,388 men, of whom 23,000 are classified 1–A, subject to immediate callup for service wherever the Pentagon chooses. Most go to Vietnam.

Each month every Selective Service Board is notified by the state office of the number of men it must provide for the armed forces. Last month in Massachusetts it was 566; the October quota is down to 285. In all, Massachusetts has drafted 21,896 men into the armed forces since 1963.

Members of the individual Selective Service Boards are appointed for no more than 25 years (or until such time as they reach 75) by the President. They are not paid for their work. If they can be classified in any general way, they are mostly middleaged or retired men and World War I or II veterans. They are sincere, conscientious and generally a-political. They realize theirs is a thankless task—and becoming more so as opposition to American participation in the Vietnam war grows.

This is the story of one such Selective Service Board—and some of the men who come under its jurisdiction.

Local Board No. 114 of the Selective Service System operates out of a plateglass storefront on West Commonwealth avenue, West Concord. Its power reaches over six outlying western suburbs of Boston: Concord, Lincoln, Sudbury, Maynard, Acton and Wayland.

The office is shuttered from the street by Venetian blinds. You'll have to step inside, therefore to meet Miss Agnes Grudinski, the diligent, rather shy and soft-spoken clerk who keeps tabs on the 10,000 men—give or take a few—within the board's jurisdiction.

It is Miss Grudinski and Michael Gormely, the chairman of the board, who sign the orders which deliver the young men of this area to the Army.

As this is written, the Pentagon has not announced the local October quota, but in September it extracted 12 men from Local Board No. 114. Forty-nine men, classified 1–A, "qualified and examined," were up for grabs. How were the dozen selected?

"Standard operating procedure," answers Gormely, who becomes annoyed by more than two questions in a row. He did allow that there was a vacancy on the board, that it would be filled by the President's appointment—and that was all.

His reluctance is understandable. Members of Selective Service Boards are not the most popular people in town in these days of draft resistance, student demonstrations and growing demands for our withdrawal from Vietnam.

Gormely, a gray-haired and granite-jawed man, has been chairman of Board No. 114 since its inception in 1949. A World War II veteran himself, he is the senior municipal examiner for the State's Bureau of Accounts. He is married, and both of his sons have served their military duty.

His fellow members on the board are Laurence Smith, William McMahon and Howard Schreiber.

Altogether Selective Service Board No. 114 has sent 251 men into the armed services since 1963. It seems safe to say that most of them wound up in Vietnam.

How many failed to return? How many were killed in Vietnam?

I put the question to Col. Paul F. Feeney, Deputy State Director of the Selective Service System. The colonel is a trim, happy man who hums to himself between sentences. Although he said he would be glad to be of service, he could not help me.

"No records are maintained in this area," said the Colonel.

"Six dead," Mrs. Pam Shea will tell you. Mrs. Shea, an energetic, blonde Concord housewife and mother and an admitted admirer of the late Cuban revolutionary Che Guevara (she proudly displays a poster of him in her home), is the organizer of the Bedford Draft Information Center at 140 Great Road. The quizzical tones of her voice merely blur the outrage she feels. "Five deaths and a suicide," she says. "You oughta ask about that one. Frederic Brown."

I asked Mr. Gormely.

"I don't remember individual cases," he said.

It seems unlikely, however, that he could forget Frederic Brown, 20 years old, dead by his own hand in protest against the war.

"He applied for a C.O. (deferment as a conscientious objector)," Mrs. Shea says. "They turned him down, and then they turned him down again."

After Brown's death, his parents, by then living in Placerville, Calif., wrote a letter to Local Board No. 114. The letter was published in the Concord Journal on October 3, 1968.

"He was not afraid of death for himself, as he has demonstrated," the letter said in part, "but he would not be driven to inflict death on another. He knew that you would pursue him relentlessly, and finally corner him in prison, and that the end of this shameful slaughter in Vietnam would not be the end of the evil military machine that you blindly serve . . .

"You gave him only three choices—to become a trained killer of his fellow men, or a fugitive from what you call justice, or imprisonment for refusing to be part of your highly organized 'Murder incorporated.' How can we hope for a better world when this is the harshly imposed destiny of our young men?

"Has your conscience become so distorted, so taken with what you imagine to be a patriotic duty, that you continue to play at this terrible game as if it were merely chess or checkers?"

Despite the Browns' letter, Local Board No. 114 had no choice but to continue sending young men under its jurisdiction into the armed services. It was the law. And the vast majority of those called up went off to the fighting forces with no more than the routine grumbling that always accompanies such a summons.

But now more and more of those called before the board are seeking deferment. And most of these visit or are visited by Mrs. Shea or her colleagues.

"When we began going down to the draft board on pre-induction physical morning," says Mrs. Shea, "to explain to the boys their rights and to give them coffee and doughnuts, I'd say less than half the kids were friendly to us. Now it's ninety per cent. But there are always two or three who haven't learned good manners, and they make it hard for everybody."

For two years, with such volunteers as she can muster, Mrs. Shea has maintained her insurgent outpost, five miles down the road from Local Board No. 114. On her desk is a box of colored pencils inscribed "Don't Wait Until the Last Minute . . . there are 13 legal deferments to the draft."

Those listed include:

1—Dependency—you are supporting someone else. "You have to be literally supporting someone," explains Mrs. Shea. "Suppose you're married, with a little kid, and both the wife and the kid need you—a psychological dependency, it's called. In other words, you'd rather have a good family than a ruptured one. Forget it at Board No. 114. They don't give psychological dependencies."

2—You have one of several physical or psychological ailments.

3—Your job is important to your community's health, safety, or interest. (Such deferment might cover teachers, doctors, dentists, policemen, veterinarians.)

4—You conscientiously believe that the Vietnam war is wrong and feel that you do

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not want to fight in it. (A few men from the area—no more than six—have obtained a 1–O (C.O.) status and are serving their alternate duty. "They never give it to you on the basis of an application," says Mrs. Shea. "They hassle you, call you up for a personal appearance. Of the last five C.O.'s, four were obtained by making appeals over the board to the State Director. Over the last fifteen years you could count the C.O. applications on one hand. Now, they're getting several a week.")

5—You are on parole, probation, or have served time in jail. (Recall "Alice's Restaurant".)

6—Your father or brother was killed in the armed forces and you are the only surviving son.

7—You are a high school or college student, or a minister.

8—You work on a farm.

9—You are an alien.

Slightly more than 200 men from the Board have obtained a deferment on these various grounds.

Thousands of others of the Board's registrants are still in school, protected by their 2–S deferment, and slightly more than 200 men have obtained a deferment on other grounds.

"Sure, I'm cool until I graduate," says a Brandeis student from Concord. We met in the barber shop next door to Board No. 114.

"I'm cool, but what about the kids who aren't in the national interest? I mean, that's kinda fascist, isn't it?

"Some people are necessary. We'll spare them—but you and you, put your boots on and get your ass out there. That's the way they do things in Russia. The whole thing stinks.

"And what about us . . . the college students? After we've learned so much, after they give us four years of being more or less free to follow our dreams, then they try to haul us into the last stronghold of primitive and superstitious men. Now what's the sense in that? If we've been trained as rational men, if we've been set aside in the national interest, how does it happen that it becomes part of the national interest to expend us?"

A Harris survey indicates that, although adults over 30 favor the draft by a narrow margin, those under 30 are dead-set against it. And Concord is no exception to the falling chips. The kids there do not wave to each other; they signal with the first two fingers. V for Victory. War on war.

Thomas Dickey, son of Mr. and Mrs. Robert S. Dickey, Concord, was killed a few months ago in Vietnam. He received the Silver Star posthumously. Mrs. Dickey, who prefers not to suffer through interviews, said only: "We are terribly proud of Tom. We have flown the flag since he joined the Marines, even during the sad days after his death."

But Tom's friends and contemporaries aren't so quick to forgive. Standing in front of a local ice cream shop, I talked to some who had known him. "What can you say?" said one whose pre-induction physical will occur later this month. "Tom had guts and they shot him up. There's no glory in being a veteran. Bunch of old men pat you on the back and crunch your hand. What are they trying to prove? I'm as brave as the next, I think, but nuts to this."

With the attitude of youth hardening against the draft, it will be a crucial fall season, and sometime this month the Supreme Court will be hearing a crucial court case: United States of America versus John Heffron Sisson, Jr.

Not an ordinary case, this one: it seeks to have the highest court in the land rule on the legality of our military involvement in Vietnam.

On April 17, 1968, John Sisson, a Harvard graduate, son of a Lincoln doctor, refused an order from Local Board No. 114 to report for induction into the Army.

A month earlier Sisson had asked the Board to send him SSS Form No. 150 so that he might make his claim as conscientious objector. That form requires an applicant to demonstrate that "religious training and belief" have developed his objection to killing. "As used in this subsection," Selective Service law states, "the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code."

Sisson decided that his objection was not based on religion. He returned the form and called his lawyer, John Flym of State street, Boston.

In a trial before Federal District Court Judge Charles Wyzanski of Boston, Flym argued—and Wyzanski agreed—that the religious stipulation "violates the provision of the First Amendment that 'Congress should make no law respecting an establishment of relgion, or prohibiting the free exercise thereof.' "

In his opinion, the judge wrote, "There is not the slightest basis for impugning Sisson's courage . . . He was as genuinely and profoundly governed by his conscience as would have been a martyr obedient to an orthodox religion.

"On the stand he was diffident, perhaps beyond the requirements of modesty. But he revealed sensitiveness, not arrogance or obstinacy. His answers lacked the sharpness that sometimes reflects a prepared mind. He was entirely without eloquence. No line he spoke remains etched in memory. But he fearlessly used his own words, not mouthing formulae from court cases or manuals for draft avoidance."

The defendant's father, Dr. John Sisson, is a reserved man, a Vermont Yankee who normally keeps close counsel. When the judge had delivered his opinion, Dr. Sisson was moved to rise and kiss his son on the cheek.

The government has appealed. John Sisson, by no means a victim, though not yet a free man, passes the time working at a variety of jobs in Lincoln.

If Wyzanski's ruling is upheld by the Supreme Court, it could mean that any sincere American youth, with some documentation of his pacifist attitude, would legally qualify for C.O. status.

Over at the Draft Center, Mrs. Shea can picture a more civilized future for the moment. "No more soldiers," she says. "Just one C.O. form after another. Thousands of them flowing into the board. A peaceful revolution. Come the evolution."

But the soulful, black-haired Flym—can you imagine Elvis Presley as a lawyer?—is playing a thin wire chess game, and the bishop is not the brunt of his attack.

"Congress has no constitutional power to compel military service in Vietnam without a declaration of war."

There you have it, another of Flym's arguments in his Supreme Court brief. In the Boston trial, Wyzanski rejected this contention. "This court," he wrote, "until otherwise authoritatively instructed, assumes that Congressional power to conscript for war embraces Congressional power in time of peace to conscript for later possible war service."

Citing a long list of Americans who have written about the Constitution and what it means, Flym will press the Supreme Court to concede that the historical record "raises the gravest of doubts about the power of Congress to conscript at any time," and certainly not when there is no "clear and present danger" to render "necessary and proper" the draft.

What Flym is arguing here is that, while the Second Amendment to the Constitution makes provision for "a well-regulated militia, being necessary to the security of a free state," it is by no means clear that the draft is necessary. "If a sufficiently clear and present danger existed, either Congress could declare war or Congress could raise the revenues necessary for an all-volunteer army through additional taxes," Flym says. And how can there be such a danger when President Nixon is withdrawing troops from Vietnam?

In the past, the courts have avoided the ultimate question of the war's legality by saying that Vietnam is a political matter, not a legal one, and therefore not subject to the court's review.

To close this loophole, Flym argues that, because one of Sisson's prime reasons for disobeying the induction order was that he had a reasonable belief in the illegality of war, the courts should rule on this issue in order to give him a fair trial.

That is the Sisson case, so constructed as to force the court to come to grips with the draft law and Vietnam. It is entirely possible, however, that the court will consider only the first argument—which contends that the Selective Service requirements for a conscientious objector are unconstitutional—and avoid the rest.

In that case, the then slightly modified Selective Service law would still require Sisson to serve for two years in "such civilian work contributing to the maintenance of the national health, safety, or interest as the local board pursuant to Presidential regulations may deem appropriate."

"Appropriate"—that's the hook on which Sisson could be caught in his second go-around with Local Board No. 114, just as his friend and neighbor, Richard Boardman, was caught.

Boardman, son of an Acton doctor, applied for C.O. status and, after the customary hassle, received it. For his service he chose to work for the Chicago office of the American Friends—in the capacity of draft counselor!

Quite understandably, his Local Board wasn't about to approve Boardman's activities. Go to work for Massachusetts General Hospital, they said. No, he said, and since you won't let me do what I want, here's my draft card and registration too. In a letter to Local 114, Boardman explained his stand:

"When I applied for recognition of my job as a draft counselor with American Friends Service Committee as suitable civilian work in lieu of military service, I found myself trying to defend my request in terms of my work there being 'in the national interest.' I had tried to defend my work on false grounds. False, not because my work is not in the 'national interest,' but because work in the interest of all humanity has a prior claim to work 'in the national interest' . . . Resisting evil, in whatever form it takes, is in the best interest of mankind."

In sentencing Boardman to three years imprisonment, Judge Francis J. W. Ford of the U.S. District Court said bluntly, "Good or innocent personal motives alone are never a defense where the act committed is an intentional violation of law."

Unless Boardman wins his appeal, he will have to go to jail.

It's not enough to say that the draft wears heavily on the ready, steady, and go soldiers of this area. In more than two weeks of living here, I've met many college students who would like to leave school, but won't for fear of being drafted. I've met doctors who've been ordered to leave their wives and practices and go to war.

I've also met Charlie Q.—"I prefer to remain nameless," he says. He graduated from an Ivy League school in June.

Charlie Q. has a job, working for a small Berkshire newspaper, but because of the enormous pressure he feels, he has taken a leave of absence while he prepares a case of his own against the draft.

"I thought it over pretty carefully," he says, "because it is a pretty big organization I'm bucking. But finally I said to myself, 'Look,

man, who are you kidding? You don't even like cutting down trees and killing cockroaches . . . so why do they want you?' That's the point. They don't know that they don't want me. That's what I'm telling them. I'm having the all-time longest physical of my life—a complete overhaul, you might say. And nobody's perfect, right? So me and the doctors have turned up a few defects—my knees, my eyes, and possibly my blood. They're still debating over the strange engine in my head.

"Enough said," said Charlie Q., turning to leave. "I'm going to do battle for the life of my country."

And his first engagement would be with Mr. Gormely and his associates of Local Board No. 114.

OPEN SEASON ON THE PRESIDENT

Mr. GOLDWATER. Mr. President, I am sure that all Senators are well aware that there are in American journalism certain fads which have to do with the political or philosophical orientation of the editors in question.

Currently, the fad in liberal publications can be loosely defined as an open season on the President of the United States with special reference to his policies in Vietnam. I am happy to join other Senators who have already noted that David Broder, the chief political writer of the Washington Post, is not joining in this particular fad.

The Wall Street Journal takes full note of this today in its editorial entitled "Fads in the Fourth Estate." I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FADS IN THE FOURTH ESTATE

We're especially happy to see David Broder, whose Washington Post column is reprinted nearby, raise some pointed questions about the current onslaught against President Nixon. Ever since Mr. Nixon took office, the establishment-liberal media have been terribly faddish in their attitude toward him, and it's encouraging to see someone of Mr. Broder's standing bucking the current trend among his peers.

As anyone who reads or listens to television can scarcely have failed to notice, it's currently open season on the President in the establishment media—loosely defined as the Post, the New York Times, Newsweek, Time, the TV networks, Mary McGrory and certain other syndicated columnists. The Nixon-hunting season has periodically opened and closed, and after a bit of research we are able to pinpoint the exact dates.

On January 20, Inauguration Day, the media started their "no horns and tail" period. The pundits discovered, contrary to what they suggested during the campaign, that the President was after all no demon. Some of them even made the startling discovery that "crime in the streets" was something more than a racist codeword.

This period ended on April 7, when everyone returned from Easter holiday. Then started the period of the "do-nothing President" and the "swing to the right." The pundits seemed unable to understand that to have priorities means you don't do everything at once, but they were quite able to put together ideological trends from such events as the replacement of one liberal medical appointee by another of identical stripe.

The next period dawned August 8, with the delivery of the President's welfare-reform speech. Commentators started to talk about a "swing to the left" and a "towering" domestic program. As the media criticism abated, so did the uneasiness in the nation. We remember Max Frankel of the Times appearing on television to say he was beginning to think that the President had a bit more time than he had been given credit for before Vietnam became "Nixon's war."

The period of euphoria ended September 25, when Senator Charles Goodell rose to propose capitulation in Vietnam, and Senator William Fulbright announced that the Senate Foreign Relations Committee was sharpening its ax for the President's Vietnam policy. The tenor of the commentary since was quickly caught by Mr. Frankel's article that weekend, "Now It Is 'Nixon's War'."

These changes are suspiciously abrupt, even allowing that you could see some of them coming awhile before they popped. It scarcely seems that the real world—which the press is supposed to reflect—can change so suddenly. There are of course new developments such as a change in the position of the President or key Senators, but some of the commentators overreact to the point of artificiality, blowing up each new development into a transcendent trend.

This in turn has, in a sort of Heisenberg effect, its own impact on the real world, typically strengthening and intensifying any trend on which the establishment press chooses to concentrate. Recently this effect has become more pronounced than ever, because the changes in mood have been not only abrupt but nearly unanimous among the leading media, as the list above suggests.

One reason for the faddishness is that most correspondents are immersed in the same personal and social circles in Washington; a degree of peer-group interreaction is inevitable. Like Mr. Frankel and Miss McGrory, Mr. Broder has long ago established his credentials as a man who thinks for himself—a leader of the fads, no follower of them. Yet we cannot escape wondering if his stark questioning of the latest fad is somehow related to the fact that he is temporarily residing at Harvard rather than in Washington.

A more fundamental explanation, though, has to do with the competitiveness of the media. Each is trying to be the first to discover the next trend. A correspondent becomes prestigious among his peers and invaluable to his publication by exhibiting a superior "feel for news." Increasingly, however, this comes to mean little more than an instinct for the line the rest of the press corps is about to take—if you will, an ability to spot the next fad.

A further explanation, and the one that makes accurate predictions possible, is that the correspondents of the leading media tend to be cut from the same mold politically, socially and intellectually. Being so alike, they react to any given stimulus in highly similar and highly predictable ways.

If these reactions can be predicted by the smartest correspondents, so can they be predicted by the smartest among those who seek to exploit the correspondents. When Mr. Broder talks about learning how to "break a President," he is talking about learning how to manipulate the fourth estate's faddishness. If fascination with this sport does the damage Mr. Broder worries about, the lack of critical and independent thought in the leading media will have played no small part in the breakdown.

AMERICAN HEALTH CARE SHORTCOMINGS

Mr. YARBOROUGH. Mr. President, the columnist who writes under the initials T.R.B. has written on a timely subject in today's Washington Daily News. His column is headed: "We Are a Backward Country in Health, Though We Have the Best Physicians."

In recent months, the budget squeeze and cuts in Federal expenditures for health care, education, and research have contributed to a crisis in medical education. Soaring hospital costs have contributed to a crisis in paying for health care. T.R.B. rightly calls American health care a "nonsystem" and suggests that we are a backward country needing some expert technical advice from Sweden or elsewhere in Western Europe on how to furnish more and better health care to all the American people.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

T.R.B.: WE ARE A BACKWARD COUNTRY IN HEALTH THO WE HAVE THE BEST PHYSICIANS

My daughter had a baby in Helsinki two years ago and the total hospital bill was $7.50 for five days at $1.50 a day.

Seven of the 10 provinces of Canada now have compulsory health insurance and it will be dominion-wide soon. Every industrial nation in the world today, save one, has some form of compulsory health care. The one exception is the United States. In the United States the cost of hospital and medical care has risen faster than any other item on the cost of living chart; the upward slope is so steep that it is questionable whether an auto could climb it.

The crisis in health care is so severe that it seems worthwhile to turn momentarily from the deepening crisis of President Nixon with Congress, with the campus and with the enlarging segments of the rest of the country to look at it.

Mr. Nixon, at a press conference on health care July 10, said that "the problem is much greater than I had realized. We face a massive crisis in this area and unless action is taken both administratively and legislatively . . . we will have a breakdown in our medical care system affecting millions. I don't think I am overstating the case."

Or, as a Mexican-American in San Antonio, Texas, told a Louis Harris health survey for a recent Blue Cross report, "I went to the county hospital and saw a girl have her baby in the hall. They didn't have the room to take care of her."

Some of the doctors in the District of Columbia General Hospital, which treats mainly poor people, are currently in revolt over crowding and obsolete equipment. In Lincoln Hospital, New York City, some doctors are out picketing current cutbacks. Conditions are near-intolerable in many institutions over the country and this is odd, when you come to think of it, because this is the richest land on earth, and it is all of 86 years old since Otto von Bismarck introduced a national health service in Germany.

So instead of noting the anti-Vietnam war demonstration this Wednesday we just thought we would consider the conference of the Committee for National Health Insurance (CNHI) in New York City, in mid-week, with 35 or 40 organizations represented.

We believe, quite simply, that compulsory national health insurance is an idea whose time has come. Or, at least that the hand points to five minutes of the hour. The point is that it's suddenly respectable to favor national insurance and that it is gathering considerable momentum. We've quoted Mr. Nixon, and the epithets he threw at our lamentable welfare system (before proposing his widely acclaimed family income assistance plan) could go double for America's crazy nonsystem for health care.

The National Governor's Conference just

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adopted overwhelmingly a proposed new universal health plan. The Group Health Association of America has come out for national health insurance. The AFL–CIO offers a plan, and so does UAW president Walter Reuther who, incidentally, is chairman of the CNHI conference. On his Committee of 100 are academic, union, church and political representatives, the latter including Senators Cooper, Kennedy and Yarborough.

Even the venerable American Medical Association has a plan. It cried "socialism" in 1953 at federal requirements for state diagnostic services for crippled children, and in 1962 labeled Medicare for the elderly "a cruel hoax and a delusion." Its current proposal seems to be a feint. It is introduced by conservative Sen. Fannin, R-Ariz., and the Medical World News (Sept. 19) says of it: "Hoping to stem the tide toward a government program, the AMA endorses an income-tax-credit health plan similar to one it advocated 10 years ago . . . Lines are being drawn for what could be the bloodiest battle yet between the AMA and liberal forces in the nation."

In fiscal year 1969 the United States spent an estimated $60 billion for health purposes. Despite this huge sum our system is so wobbly that our hospitals would collapse except for the import of foreign medical manpower. Half a dozen of the 91 U.S. medical schools are near closing for lack of funds, while thousands of students can't get funds for the long and arduous course. They graduate only 7,400 physicians a year which is no where enough. So we currently add about 7,000 foreign graduated physicians a year to America's 287,000 doctors in active practice. Many come on temporary visas for training, and foreign trainees hold 30 percent of the filled medical residencies in the country and 27 percent of the internships. "We could not operate our hospitals without them," one hospital head says.

At home we have a tight medical system that is a lot like the white Chicago builders trade union. One-sixth of the active physician manpower pool in the United States consists of graduates of foreign medical schools. A British official said recently that high medical pay in the United States has "affected every country in Africa." It seems strange, doesn't it, to send U.S. foreign aid abroad and drain away its physicians. Some of these underdeveloped countries have only one doctor to 200,000 people; we import him here and make him rich in a land where there is about one doctor per 700.

But never mind Africa. Is our own $60 billion system efficient? No, it's terrible. Private health insurance has done all it could. Millions of poor are cut off from all health services except in serious emergency. Over one-fifth of draftees are rejected for medical reasons. Fees are soaring, and hospital cost per day is $56 and skyrocketing. And the world's richest country ranks behind 13 other industrial nations in infant mortality; ranks 18th in life expectancy of males, and its death-rate among middle-aged males is higher than anywhere in Western Europe.

Really, little Sweden ought to send over teams of tactful Peace Corps volunteers to show us what to do, because we are a backward country in health though we have the best physicians in the world.

This anomaly can't last. It's preposterous. We give it five more years; less, maybe.

WALL STREET JOURNAL ARTICLES DOCUMENT MIGRANT FARMWORKER PROBLEMS

Mr. MONDALE. Mr. President, two excellent articles concerning migrant farmworkers, written by James MacGregor and Raul Ramirez, were published recently in the Wall Street Journal. The articles focus on the working and living conditions of the migrants who harvest crops in the Middle Atlantic and the Middle Western States.

As chairman of the Subcommittee on Migratory Labor, I have visited migrant camps and home base areas in California, Texas, and Florida. From these experiences, I know that the deplorable conditions so clearly described in the articles exist throughout our generally affluent Nation.

The subcommittee is at present conducting a series of hearings in migrant and seasonal farmworker "powerlessness." In the hearings, we have invited migrants themselves to come to Washington to tell their own story "like it is." So I have seen, I have heard, and I know of the despair, the hopelessness, and the poverty, illiteracy, poor health, and injustice which thousands of our hardest working citizens are powerless to change.

Articles such as the two published in the Wall Street Journal are of immeasurable value in informing the public of the irony of the tragic plight of the men, women, and children who harvest our Nation's abundance of food.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 15, 1969]

Migrant Workers Find Their Lives Controlled by Farm Crew Leaders—Some Overseers Get $50,000 a Year; Keeping Workers in Debt a Common Tactic—A Little Wine, Much Work

(By James MacGregor)

EASTVILLE, VA.—It was a long, hard summer for the vegetable growers of Northampton County, what with low prices, a drought that hurt early strawberries and cabbages and, finally, 17 consecutive days of thundershowers. To cut their losses, some farmers let whole fields of waterlogged potatoes and tomatoes go unpicked.

The farmers aren't the only victims, however. Abandoned crops also mean hard times for the Negro migrant workers who pick crops every summer on Virginia's flat, sandy Eastern Shore. Some have found only two or three days work a week this year. Others, working more regularly, are making less money than usual, because muddy fields make vegetables hard to pick.

"I can't recall a year as bad as this one," says Leon James, a 40-year-old Negro who has been traveling here from Florida with the harvest for two decades. While disappointed, Mr. James doesn't seem to be particularly worried, and with some reason. He is neither farmer nor worker.

Mr. James is a migrant worker crew leader, officially called a "farm labor contractor." Vegetable farmers here, in Florida and New Jersey pay crew leaders such as Mr. James for recruiting, transporting, paying and supervising the Negro workers who pick or grade the crops. In good years and bad, farmers need migrant workers—supplied by the labor contractors. Startlingly enough, in good years a crew leader can make up to $50,000. Farmers here contend that this year the crew leaders "are the only ones even breaking even in farming."

Mr. James says he will be lucky to clear $200 a week in Virginia this summer. But, back home in Fort Lauderdale, Mr. James and his brother Louis have "a few investments" which he says with a thin smile, "ought to see us through." They include three small apartment buildings, a fleet of 16 taxicabs and a bus service that delivers domestics to and from work. The seed money for these businesses came from the migrant worker enterprise.

The crew leader is a singular figure in American agriculture. To many a farmer he is indispensable, as the primary—or only—source of labor at harvest time. To the worker he employs, he is an absolute authority. In the labor camp, the crew leader is foreman, paymaster, Dutch uncle, money lender, grocer, policeman, judge and jury. Police and other local authorities leave the operation of the shabby, isolated labor camps almost entirely to the crew leaders.

THE WAYS OF POWER

Wielding that kind of power, crew leaders live very well indeed. Most are former field hands themselves. At best, the crew leader seems to be a benevolent despot, using his control of work, money, housing and transport for the benefit of his workers as well as himself. As crew leaders go, Mr. James is favorably regarded.

But Harvey Robuck, a thin, weathered Negro of 32 in another crew, is unhappy about his crew leader. "He picked me up in Bonita (Florida), where I was drunk at the time," says Mr. Robuck. "When we got to this place, he told me I owed him for driving me up here and for my keep. Then I had to borrow some dollars so I could eat and buy a little wine. Then comes Saturday, and he says I only got $4 coming. Five days I worked, and I only got $4 coming. I went out and had me a good time, and Monday I got to borrow a few more dollars."

Mr. Robuck finds himself trapped in the migrant debt cycle. Only the crew leader can find him work or give him a ride back to Florida. The crew leader also has him constantly in debt, furnishing wine and cigarets on credit ($1.50 for an 89-cent bottle of port and 50 cents for a 35-cent pack of cigarettes). The crew leader's two assistants have warned Mr. Robuck that he will be "cut bad" (with a knife) if he tries to leave the camp while he owes money.

BETTER THAN MOST

Mr. James says he doesn't operate that way. His workers get $1.50 an hour, average for potato graders. And he shuns the petty usury and wine sales used by some crew leadesr to inflate their incomes. Nor does he charge for lodgings and transportation to the fields, as some leaders do.

His workers also enjoy relative comfort and sanitation. They live in a red cinder-block compound put up by Eastville farmer Rob-Hoeffner at a cost of $30,000 last year. Mr. Hoeffner employs the James crew each year. The compound replaced an old, dilapidated labor camp. The Spartan 10-foot-by-12-foot rooms are no cozier than Army barracks, but they are clean, dry and free from bugs and rats. Mr. James insists on periodic cleanups and on keeping the compound neat. When a worker recently broke down a door during a dispute with his wife, Mr. James made him pay the $38 repair bill. Some camps have dismal accommodations: one crew leader has housed his charges in an abandoned potato shed.

The James crew benefits also from the help of outside agencies in the area. Day-care centers tend the workers' infants, and each day a yellow bus hauls children to a special school for migrant families in nearby Accomack County. There is some dispute about the school's quality but it keeps the children out of the fields and feeds them solid, balanced meals to supplement a diet that often consists only of pork, beans, cabbage, rice and bread.

The migrant health project in Nassawadox, 10 miles north of Eastville, sends Dianne Diaz, a young nursing student, to visit the camp every few days to check for sick persons who should visit the project's mobile clinic. "Mr. James is awfully cooperative," she says. "The first time I went there, he went through the camp and shouted, 'We got a nurse outside. Any of you need help, get on out there.' I've had no trouble at all since then."

Mr. James' relative benevolence contrasts with the approach of Ozell Suggs, who has a 47-man potato-grading crew. Mr. Suggs feels he "doesn't need to worry much" about health and sanitation. "If they want to live like animals, I let them," he says. His formula for success: "You keep them happy. You get them work and you pay them. Some of them like a little wine, so you give them some money and let them go get it."

How many of his crew members owe him $20 or more for wine? "I guess pretty much most of them." Does he always get his money back? "I get my money back. I don't have no trouble I can't take care of." Mr. Suggs is six feet, two inches tall, and weighs 285 pounds. The Wellington boots he wears make him look even bigger.

Crew leader Ray Gordon also has an offhand attitude toward the welfare of his workers. The migrant health project recently determined that one of them had tuberculosis and arranged admission to a sanitarium in Charlottesville. Mr. Gordon balked at letting the man—"my best worker"—go for treat-treatment during the harvest, even though the worker's positive sputum test made him a hazard to the other laborers. Only when the county sheriff intervened was the man taken for treatment.

Leon James spends much time recruiting workers, traveling to "the places where migrants hang out" in Norfolk, Baltimore and Philadelphia. But the supply is short. In desperation, he hired 10 local Negroes to help out the crew this year.

"KEEP THEM PRISONER"

Ironically, hard-bitten crew leaders like Mr. Suggs seem to have less trouble keeping workers than "humane" ones like Mr. James, who reports a high turnover. Since May 1, he has employed more than 100 different workers in his 35-to-40-man crew. "To keep migrants today, you've virtually got to keep them prisoner," says one veteran Eastern Shore farmer.

This old hand might have added that he, and the other farmers relying on migrant labor, are in something like economic bondage to the crew leaders themselves. The five trucks that haul potatoes from Mr. Hoeffner's fields belong to Mr. James. For every 100 pounds of potatoes unloaded from the trucks, Mr. James gets 29 cents. The price doesn't change, regardless of the price that Mr. Hoeffner gets for the produce on the market.

This summer Mr. James showed up at the Hoeffner farm a week late and a few workers short. That cost Mr. James and his crew of potato graders some money, but it hurt Mr. Hoeffner and Raymond Briggs, the other local farmer using Mr. James' crew, far more. Most of their potatoes had to be shipped in bulk by the truckload, fetching a lower price than if there had been time to grade out the better-quality potatoes in 50 or 100 pound bags.

Mr. Hoeffner acknowledges that Mr. James "has his faults," but, he says, "I don't think I could find a better crew leader." That was a reason for the new housing that Mr. James' workers got, and it also accounts for the 29 cents per hundredweight paid Mr. James. Some crew leaders offer to work for as little as 15 cents a hundredweight.

Mr. James and his brother Louis started the crew in 1946 when they respectively were 17 and 19. The business now includes the five potato trucks and a green and black school bus used to transport the workers. Louis, now 42, has retired from crew leading to manage the other family enterprises in Florida. Now Leon is accompanied by his father Allen, a garrulous, 250-pound former field worker, aged 60, who handles many of the dealings with the laborers.

"He cusses at you a lot," says one field hand, "but he don't mean it."

LIVING WITH THE TROOPS

Both father and son live modestly. They stay in the compounds with their crew (Allen is separated from his wife, and Leon leaves his wife and 11-year-old son in Florida during the harvest), drives old-model cars and usually dress in rumpled green work uniforms. "They're kind of like grandpappies to all of us," says crew member Roosevelt Buchanan, to whom the Jameses lent $283 for an auto repair bill before coming north to Virginia.

Not all crew leaders live modestly. On a recent evening, Roscoe Simmons, a Negro crew leader, was observed in a chauffeur-driven, air-conditioned white Cadillac, roaring past a farmer in a battered pickup truck on a local highway.

However, crew leaders, flamboyant or modest, find themselves in a dwindling industry. Migrant labor is fading from the Eastern Shore. A decade ago, there were 14,000 migrant workers in Northhampton and Accomack counties each year; now there are about 6,000.

The families that have grown vegetables here since the days of slavery now find that the sandy soil and unpredictable weather won't support crops large and uniform enough to compete with produce grown by mechanized methods and trucked in from other regions. Many large farmers and farming corporations are switching to rye or soybeans, which don't need migrant labor. Some smaller farmers are quitting the business altogether and using their land for more profitable enterprises, like tourist camping grounds.

Adding to the crew leaders' problems are the unscrupulous "free lance" crew leaders who ignore Federal regulations governing migrant labor. These contractors arrive without a work contract, house their crews wherever they can find a roof and seek work by undercutting the usual prices.

Leon James estimates that migrant laborers—and crew leaders with them—will have vanished from the Eastern Shore within 10 years. But the Jameses will keep at it until the end. Leon says simply, "I like crew leading," and his father Allen says, "I do it to keep busy. It's all I got to do now."

[From the Wall Street Journal, Sept. 19, 1969]

Migrant Farm Hands Strain for $1 an Hour Harvesting Cucumbers—A Reporter Finds the Work Dreary, Housing Squalid; Workers Accept Their Lot—"Mother Said I'd Be Poor"

(By Raul Ramirez)

KEELER, MICH.—The migrant farm worker tends to dream of the "nice field" or the "$100 deal" ($100 a week) that lies ahead in a rosier future. "Just wait until we get to Ohio," says an aging Mexican-American laborer. "The tomatoes will be as big as pumpkins, and we'll have work every day."

Listening to such talk is dispiriting, for the plentiful crops, good living conditions and generous pay never seem to materialize. The old worker concedes that he got to the Michigan fields too late last year to do well. "But this year—you wait and see," he says smilingly.

I saw. In a week-long stint as a cucumber picker, I found that the $100 wage is more likely to be $40 to $60 a week, with grinding labor, dreary housing, inadequate food, and an economic system that fixes the worker in bondage to his crew chief. The hopeful chatter in the evenings comes to seem like idle dreaming indeed.

Nobody knows precisely how many migratory farm workers there are in the U.S.; the Senate subcommittee on migratory labor has estimated that there are 276,000, most of them originating in Florida, Texas and southern California. The migrants at my camp came mostly from three distinct groups: Mexican-American families that make a yearly circuit from Florida through Michigan, Indiana and Ohio back to Florida; white Americans who head north from Tennessee and Kentucky in their dilapidated autos each summer in search of temporary work; and rootless single men who roam the countryside working long enough at each stop to buy food and drink. At my camp they ranged in age from five to more than 70.

In this portion of Michigan the crops are cherries, apples, cucumbers and an array of other fruits and vegetables. Picking cucumbers, I found that you have to scramble to make $1 an hour.

On the first morning, a burly Mexican-American overseer thrust a plastic half-bushel basket into my hands and informed me that I would be paid 45 cents for each time I filled it. "Get to work," he snapped, repeating the command in Spanish to make sure I understood.

It turned out that the field in question already had been picked once. The big cucumbers were gone. Left on the vines were the smaller vegetables, and over-ripe ones. A cheerful 13-year-old girl showed me how to beat the system, putting the less desirable vegetables in the bottom of the basket and the acceptable ones on top.

TWO AN HOUR

"That will fool them at the truck," she said smilingly. It did. My baskets were accepted without comment and emptied into a big crate. Even so, I only managed to deliver six baskets in the first three hours of work, for earnings of 90 cents an hour. Occupational hazards included scratches from the prickly vines, cramps in the lower back and eventual aching of the thigh muscles. Other workers said I was proving quite productive, however.

Jesus Flores, the crew leader who had recruited and transported most of the workers to Keeler to work as a team, said that he only got paid 10 cents for each basket of cucumbers delivered by his laborers. "It isn't as easy for me as you think," he said.

Mr. Flores was a better than average crew chief. For instance, he didn't charge for transportation to the field each day, as some chiefs do. But he had extra sources of income. On payday, he deducted 20 cents from my wages, "for the Government." But he never asked for my Social Security number. And I had difficulty collecting from him for my last day's work—90 cents for two baskets of cucumbers. Finally he pulled a $1 bill from his pocket and handed it to me. "Keep the change," he said.

Home for me in this labor camp was a nine-by-12-foot cabin, one of 10 such structures standing back to back in a double row. Fire had blackened part of the walls and roof, but my cabin had two rusty metal beds, a decaying couch, and an old refrigerator and stove—amenities lacking in many camps.

However, it lacked plumbing, shelves and closets. Old paper bags and newspapers had been used in an unsuccessful attempt to plug cracks in the walls and ceiling. It was stifling hot in the daytime, freezing cold at night. On the walls were momentos of earlier residents—drawings of cars, mountains and houses, and the penciled message "Ignacio loves Maria."

AN OLD HAND

One of my roommates, a veteran on the migrant labor circuit, had had the foresight to bring a faded blanket with him. This was Jess, a 24-year-old Mexican-American whose right arm and leg are withered from a childhood disease. Jess has worked in the fields since quiting school in the sixth grade.

XUM

My other roommate and I made do without blankets or other bedding. He was Steve, a 19-year-old Tennessean who recently spent 37 days in jail for driving a stolen auto. Now a drifter, he has been trying to save enough money to head for Detroit, Chicago, or back to Tennessee. "Anywhere," he said, "just to get out of here."

The cabinet stank of sweat, grease and rotting fruit. Fully clothed for warmth, I slept on a torn and fetid mattress above springs fastened to the bed with bits of rope, old electrical cord and coat hangers. Flies and mosquitoes circulated freely.

It is an existence that a young single man can endure. For families, it is grim. The camp's four crude privies stand in a nearby apple orchard. They smell awful, and many workers simply wander into the orchard. Water, for bathing, drinking and cooking, comes from two taps at one end of the row of cabins.

Next door a family of nine was crowded into a cabin the same size as ours. Ignacio, eight years old, told of the routine in the cabin: "We just turn off the light to keep mosquitoes away and go to bed. My mother then tells us stories about herself and our family. Then we pray together for a while and go to sleep."

Beans and pork chops were my diet for the week I was at the camp, although my roommates and I occasionally slipped into nearby fields in the early morning or late at night and snitched a few peaches, apples or potatoes. Jess and I ate from a single plastic plate, using the only spoon in the cabin to scoop the food onto pieces of bread. We shared an old water jar.

For medical problems there was a clinic in Keeler, two miles from the camp. But crew leaders weren't eager to have workers take time off for the excursion. Next door a five-year-old boy had received 11 stitches for a cut in his foot, but hadn't returned to the clinic for removal of the stitches. The foot was infected and swollen. "I was supposed to take him back to have the stitches out," said his mother. "I've mentioned it to Jesus (the crew leader) a couple of times, and he's changed the subject."

So resigned are migrant workers to their situation that they often fail to seek out existing facilities. Church groups and state agencies offer various kinds of assistance that the migrants seem not to know about. For instance two miles from the camp the Michigan Migrant Ministry has an office that provides canned food and clothes to migrant families at little or no cost. But most migrants were ignorant of this service.

One reason is that some growers and crew leaders make it difficult for outside agencies to establish communications with the workers, viewing such visits as a possible challenge to their authority. Most of the camps in this region are surrounded by signs reading "Keep Out" or "No Trespassing." One local farmer recently beat up an employe of the United Migrant Opportunity Inc., a Federal Office of Economic Opportunity agency. The agency has vowed to move against attempts to isolate workers from outside help.

The fatalistic outlook of the workers is evident in the words of a Puerto Rican woman, a mother of six: "There just isn't enough work around here, and the pickles are too scarce when we do work. When I was little, my mother told me that we were poor, and no matter how hard I tried, I would always be poor. You know what? She was right. That's why I don't kill myself working. It isn't worth it."

Why don't the workers unionize? "I don't mess around with that," said one Mexican-American man. "Look, the minute you start talking of unions and strikes you'll get kicked out of the camp. And how the hell are you going to feed yourself and your family if you don't have any money, no work and no place to go? It's bad enough the way it is, but it could be worse."

The camp where I worked is owned by Ferris Pierson, a grower member of Michigan Gov. William Milliken's commission on agricultural labor. "I'll be the first to admit that some of this housing isn't the best in the world," Mr. Pierson says. But he believes his cabins are above average. "At least we provide them with bottled gas, stoves and refrigerators," he remarks.

Mr. Pierson says he even allowed some cucumber pickers working for another grower to stay in his cabins. "They literally came to me with tears in their eyes," he says, adding, "What are you going to do with these people? What I want to know is what the Government is going to do with these people—what anybody is going to do for them."

He sees hard times ahead for growers, who are faced with rising costs and diminishing profits. "The farmers are just about at the end of their rope," Mr. Pierson claims. And, he says, the crew leaders are apprehensive too. "I think a lot of them are more worried about what's going to happen three years from now than about the conditions today."

FAMILY PLANNING: PUBLIC PRIORITY AND PRIVATE RIGHT—I

Mr. TYDINGS. Mr. President, I was delighted by the announcement of the Senator from Missouri (Mr. EAGLETON) that he will be the chairman of hearings of the Health Subcommittee of the Committee on Labor and Public Welfare on S. 2108, a bill I introduced with 23 cosponsors to expand, improve, and better coordinate the family planning service and research activities of the Federal Government. The hearings are scheduled to take place on November 12 and 13.

The population problem has become a priority of enormous national and international importance. For, as I shall seek to document in the RECORD each day for the next month, it bears a direct causal relationship to much of the human deprivation and discontent we confront today in this country and throughout the world.

On a global level, the population explosion represents one of the greatest crises currently confronting mankind. Presently, the world's populace is doubling every 35 years. There are approximately 3.5 billion people inhabiting this planet today. By the year 2000, there will be 7 billion. Were this rapid rate of population increase to persist for another 600 years—an insignificant time span in man's million year history—there would be one human being for every square foot of the earth's surface, land and sea.

Needless to say, such a world would hardly be a pleasant place in which to live; it might not even be livable at all. However, for better or for worse, we will never have to contend with such a situation. Nature will not permit this "standing room only" condition to materialize.

Man's day of reckoning with this problem cannot be put off 600 years, or even 50 years. Whether we wish it or not, the present imbalance between births and deaths will be redressed within our lifetime. Either the nations of the world will act in time to defuse the population bomb with humane programs to reduce birth rates sharply, or nature will ruthlessly restore the balance with her traditional culling tools of war, famine, and disease—the feared Horsemen of the Apocalypse. Either a "birth rate" solution, or a "death rate" solution. The choice is still ours, though not for very long.

America's contribution to this global problem must begin right here at home. For the fact is, the United States also has a serious population problem of its own. If we cannot cope with our population problem, we will hardly be in a position to lead the other nations of the world in the fight to preserve the planet for future generations.

The bill on which the Health Subcommittee's hearings will be conducted, S. 2108, will deal primarily with the domestic aspects of the population problem—although there are certainly important international implications as well.

In 1950, 151 million people were living in the United States. Today there are 202 million. By the year 2000—30 years from now—that number will swell to 300 million. In short, the population of this country will have doubled in the last half of the 20th century.

What will the addition of 100 million people over the next three decades mean to us as individual Americans? The very quality of life in this Nation will be threatened. Our already critical environmental and pollution problems will be exacerbated; slums will spread; the crime rate will rise; our public services will be eroded.

This is the problem of aggregate population growth in this country; and it represents the most serious long-term aspect of the population problem. But it is not the most pressing aspect.

The most immediate and pressing aspect is a structural or family problem. It affects particularly that segment of the population which has not followed the national pattern of reduced fertility but rather has continued with high birth rates and has therefore not shared to the full extent in the national prosperity.

Surveys have revealed, popular wisdom to the contrary, that low-income families in the United States desire fewer children than their middle- and upper-class counterparts. But they end up with larger families. Chicago's poor, for example, are saddled with a birth rate which equals that of India. The reason: More than 4 million low-income women who want and would use family planning services and contraceptives are not receiving them.

And the price these women pay is not merely the inconvenience of more children than they desire. The price is increasingly long odds that they and their families will ever escape from the poverty that oppresses them. For family size is a cause of poverty as well as an effect.

The dilemma facing the impoverished family is much like that confronting a developing nation. As the National Advisory Commission on Rural Poverty explained it:

> A vicious cycle of poverty and fertility is at work . . . Because they [the poor] do not limit the size of their families, the expense of raising unwanted children on inadequate incomes drives them deeper into poverty. The results are families without hope and children without futures.

In other words, any effective campaign to eliminate poverty in this country must include programs which make family planning information and contraceptive devices on a voluntary basis to all who desire them. For the right to be able to plan one's family is as essential a part of full freedom of opportunity as the right to a decent home, the right to an education fully commensurate with ability, and the right to a good job.

Before discussing the status our current family planning service and research programs and the shortcomings S. 2108 is designed to correct, I would like to devote the next few days to a careful description of the related problems of population and poverty in this country. Therefore, I ask unanimous consent that the excellent article entitled "Unwanted Births and Poverty in the United States," written by E. Sherman Adams, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Conference Board Record, April 1969]

UNWANTED BIRTHS AND POVERTY IN THE UNITED STATES

(By E. Sherman Adams)

(A vicious circle of poverty and fertility is at work . . . Because they [the poor] do not limit the size of their families, the expense of raising unwanted children on inadequate incomes drives them deeper into poverty. The results are families without hope and children without future.—National Advisory Commission on Rural Poverty.) [1]

Most Americans are not yet aware that unwanted births are a major factor perpetuating poverty in this country. Moreover, this is an evil which, if we decide to, we can cure—and at small cost.

Reports, speeches, books, articles and TV panels discuss at length other aspects of poverty—squalid housing, decayed neighborhoods, hunger and disease, unemployment, social barriers, and inferior schools. And many billions of dollars are expended annually on programs to alleviate these problems.

In sharp contrast, you rarely hear any reference to the high birth rate among the poor. Seldom does a writer or speaker mention that this intensifies and prolongs poverty in both urban and rural America. And the government spends the merest pittance on family planning services.

One recently published book includes 19 essays on various aspects of poverty in this country. You would search in vain to find a single reference to the birth rate or birth control. This is not unusual; it is typical.

Even the voluminous report of the National Advisory Commission on Civil Disorders contains only one brief paragraph on the subject. One of the three sentences in that paragraph does state that broader provision of family planning services that could make "a significant contribution" to breaking the cycle of want and dependency, but the rest of this 174,000-word report deals with other matters.

IN THE UNDERDEVELOPED COUNTRIES—AND HERE

Considerable attention has been given in recent years to the alarming implications of the population explosion in underdeveloped nations, and there is increasing recognition that rapid population growth breeds destitution, disease and ignorance in those countries. But few realize that the same process is at work in our own disadvantaged areas.

Not long ago, an assemblage of distinguished intellectuals gathered at Arden House, New York, and spent four days discussing "The Population Dilemma" both in the U.S. and elsewhere. But the published report on this convocation hardly even hints that unwanted births among the needy are one of the basic causes of chronic poverty in this country.

Actually, the linkages between fertility and want in the United States are very much the same as in Latin American, Asian and African countries. They are more obvious in those nations primarily because a much larger proportion of the people are poor, their deprivation is greater, and large numbers of poverty-stricken children are much more in evidence than in this country.

In South American cities for example, the visitor is always conscious of the surrounding *barrios* swarming with ragged waifs. But in the United States, poverty is less visible. Many of us rarely see the squalor of slum areas; we keep to the superhighways that bypass them. Most Americans have never visited any of the South's miserable Tobacco Roads.

And there are some who, in their concern about the underdeveloped countries, completely dismiss the problem in this country.

An eminent Stanford professor of demography recently cited the overall population growth rate of about 1.2% in the U.S. and observed: "Surely our affluent society has the resources to cope with this level of growth." [2] The critical problem, however, is not among the affluent, but among the poor. This is not a question of the overall growth rate for the nation as a whole; it is a problem of literally hundreds of thousands of unwanted babies born each year to poor families who become trapped in a subculture of despair.

Economists see plainly that in other parts of the world the disastrous famines predicted by Malthus may materialize, but they are confident that in this country, population will not outrun the food supply—at least not in the immediate future. The urgent problem here is admittedly not famine; it is the role of the high birth rate in perpetuating poverty. And this is something which is not discussed at all in economics textbooks.

"AND THE POOR GET CHILDREN"

There can be no doubt about the seriousness of this poverty-fertility circle. In the first place, there is ample data to document the saying that the rich get richer and the poor get children. Chicago's poor, for instance, have a birth rate on a par with India's. For the nation, the fertility rate—defined as the number of children born per 1,000 women in the 15–44 age group—is 55% greater among the poor than among the nonpoor. It inevitably follows that there is a much higher proportion of large families among the poor.

A recent Census Bureau report shows that 38% of all poor families with children, white and nonwhite, have four or more children, contrasted with only 17% of all nonpoor families. Indeed, among the poor, 24% have five or more children, contrasted with only 7% of all nonpoor families.

And, of course, in a high percentage of needy families, the mother today is still of child-bearing age and will have more children. Many of the poverty-stricken families which presently have fewer than four children will eventually have four or five or six or more, unless they receive family planning assistance.

To put it somewhat differently, less than 10% of all families with only one or two children are poor, whereas 35% of all families with five or more children are poor. And again, the prospect today is that many of the poor families who now have only one or two children will eventually be in the five-or-more category.

According to Census Bureau statistics based on criteria established by the Social Security Administration, approximately 26 million persons in the United States today subsist in poverty. This figure is calculated on the basis of minimum nutritional standards and estimated minimum incomes required by various-sized families.

Some contend that this formula exaggerates the number of persons who really should be classed as being poor, and there would seem to be some validity in certain of these criticisms. On the other hand, one can hardly shrug off Census Bureau figures which show that the 26 million persons classified as poor have an average of only 70 cents per day for food for each member of the family. Moreover, there are almost a million more persons whose incomes would be below the poverty line if they were not receiving welfare.

In any event, the Census Bureau data are the best available, and even though the 26 million figure is debatable, percentage breakdowns based on these data are undoubtedly representatives of very low-income families and individuals, however defined.

One such breakdown shows that of the 26 million poor persons in the country, 10½ million, or 41%, are children under 18, and most of these poor children are in large families. Of all children who are poor, 63% are in families which already have four or more children, and 45% are in families with five or more. And the plight of many of these children will become progressively worse as more unwanted babies arrive.

It is clear that a very high proportion of all poor persons are poor primarily because they were born to poverty. This obviously applies to virtually all of the 41% who are children. It also applies to millions of poor adults who were reared in poverty. Millions who are born poor are doomed to life-long poverty.

To be sure, some who are born to poverty are eventually able to improve their economic status. But many do not, and this is particularly true for those who grow up in large families. These account for a large percentage of the 15½ million adults who are poor. In their case, poverty and unwanted births have led to continuing poverty.

It is plain that if the birth rate were no higher among the poor than among the nonpoor, there would be far fewer poor persons. For one thing, of course, this high natality is responsible for the fact that so many of these persons were born. But there is much more to it than that. Children in large poor families have far less chance of ever escaping from the cycle of want than those in smaller families.

HANDICAPPED CHILDREN

Research shows conclusively that children in large poor families receive less attention from their parents, are less healthy, and are relatively less stable and confident than children in smaller families. In school, they show appreciably lower levels of mental development and therefore have less chance of ever rising themselves from poverty. A higher percentage of them become school dropouts, and some who do sit through high school receive, not diplomas, but "certificates" which are evidence that the recipients never attained eighth grade reading level.

In many instances, truancy and juvenile delinquency are side effects which further reduce the child's chances for economic betterment. All of these factors have psychological consequences which increase the odds that by the time the child reaches adulthood, he will be virtually beyond redemption.

A high percentage of these children will eventually join the ranks of the unemployed. Many will have no qualifications for holding a job. A substantial proportion will go on relief, which has become an inherited way of

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life in an increasing number of localities—a family tradition. Among their number will be some alcoholics, dope addicts, and criminals.

Planned Parenthood Federation tells of a case in point. A court in Brooklyn sent for the father of three juvenile delinquents in trouble with the law. The father told the policeman he could not come; he was too busy taking care of his eight other small children—and his wife was in the hospital giving birth to their 12th. The family was on relief.

Many unwanted children suffer from deep emotional problems. A prominent child psychiatrist writes that a deficiency in maternal care can lead to serious disturbances in mental health and development; unwanted children are subject to such a deficiency. He feels more planned parenthood is needed to prevent this emotional crippling. Unwanted births are, in this sense, a public health hazard of the over-population problem.

And as these children in large families grow up, the vicious cycle of fertility and poverty is repeated. Most of them marry young and immediately start having offspring at a rapid rate, thus insuring a large new generation of seriously disadvantaged children.

The more children poor families have, the poorer many of them become and the less chance they have of escaping from the bondage of poverty. One obvious reason is because each additional child means another mouth to feed and another body to clothe. Resources per child are reduced by every birth even if the family's income does not decline.

But in many cases, income actually declines. In 1966, 35% of all poor children were in households headed by women, the poorest of all the groups among the poor The main source of income of most of these families is what the mother can earn and the more children she has, the less chance she has to work. Census data show that the average income of female-headed households is highest for those with only one child and that it declines sharply in direct proportion to the number of additional children.

A major reason why so many women and children are in this trap is desertion by the father, and a principal reason why many husbands abandon their families is because they have so many unwanted children. Census data indicate that poor female-headed households contain more children, on the average, than male-headed families. The Commission on Rural Poverty asserts:

"Unwanted pregnancies can, and often do, wreck any chance for a better life for either parents or children . . . The resulting stress and disorganization of family life are often too much for the father. In thousands of cases he gives up and deserts the family."[3]

A report by a member of a team of doctors who conducted a study in the Delta counties of Mississippi states:

"The homes visited were usually occupied by mothers, worn and tired and looking much older than their actual ages. Their children would range in number from four to ten. Most often there was no father. Questioned as to his absence the responses would be 'we are separated' or, simply, 'I don't know where he is.'"[4]

FERTILITY AND UNEMPLOYMENT

The high birth rate among the poor is also a major cause of their high rate of unemployment and underemployment. The great majority of disadvantaged youths cannot find employment except in unskilled jobs. Progress in industrial technology has been rapidly reducing the percentage of unskilled jobs in the U.S. economy. This is as true on the farm as in the city. In the span of only seven years, 1959–1966, unskilled jobs as a percentage of total civilian jobs declined from 30% to 23%. The lower rungs of the economic ladder are being lopped off.

Meanwhile, because of the high birth rate among the poor, there has been a correspondingly rapid increase in the number of unskilled youths.

This imbalance between supply and demand in this part of the labor market is a basic reason for the high rate of subemployment among disadvantaged youths. In all probability, it has also tended to hold down wages in unskilled occupations.

This situation will become progressively worse over the years ahead, even under conditions of sustained general prosperity. In New York City, for instance, over half the ghetto unemployed were formerly employed, if at all, as laborers, but less than 1% of the new job openings expected to become available in the city between 1965 and 1975 will fall into this nonskilled classification.

The underprivileged are being left ever farther behind by rising national educational norms. It is estimated that during the 1960's alone, about 7½ million youngsters will have left school without a high school diploma. In a study on *Effects of Family Planning on Poverty in the United States*, Dr. Harold L. Sheppard, an authority in the field of industrial sociology, states:

"One of the results of continued high fertility rates among impoverished families is that a disproportionate number of youths entering the labor force from such families cannot be adequately employed in an economy such as that in the United States of the 1970's and beyond."[5]

Increased efforts will undoubtedly be made to improve the education and training of the disadvantaged, but this is a herculean task that will require many years to accomplish. If natality among the poor remains as high as it is now, the efforts of educators, business and government to alleviate poverty will continue to be largely cancelled out by unwanted births.

A HALF MILLION UNWANTED BIRTHS A YEAR

The number of unwanted births among the poor and near-poor is much larger than is generally supposed. Even if one were to assume that the poor want as many offspring as the nonpoor—which they do not—then the number of unwanted births among the poor would be the number in excess of what would have been produced at the fertility rate desired by the nonpoor. On this basis, it has been calculated by the Natality Statistics Branch of the U.S. Public Health Service that in 1966, the 8.2 million poor and near poor women of reproductive age had 451,000 unwanted births which might have been avoided. Another estimate places the number of unwanted births at 545,000.

One reason for the lack of public concern about this whole problem is the widespread assumption that the poor have large families because they want them, or perhaps do not care how many children they have. This upper-class notion is utter nonsense. Its falsity has been repeatedly proven by careful research.

One authoritative report prepared by three eminent experts in this field was based on interviews with a representative national sample of married women in 1960. The study showed that lower-income couples wanted somewhat *smaller* families than higher-income couples. On the average, nonwhite poor couples wanted even fewer children than whites.

Similarly, a study in 1961 by a Princeton research team showed that most blue collar wives want *fewer* children than white collar wives. A survey by a prominent sociologist among Chicago families substantiated the preference of nonwhites for smaller families than whites. Further corroboration was provided in a 1965 survey by the Florida State Health Department.

An official of the Southern Regional Council who surveyed conditions in Mississippi reports:

"No program of birth control is available to the poor, although every mother with whom I talked expressed a desire for help in limiting her family. A few who did know about 'the pill' had not been able to afford it."[6]

The place of family planning in the hierarchy of needs of the poor is indicated by a survey among 2,081 very low-income families in Detroit, about half of whom were white and half nonwhite. Interviewers found that birth control ranked sixth among the myriad services required by these families, ranking below only such pressing needs as financial assistance and job training.

FAMILY PLANNING DOES WORK

Another common misconception is the belief that little or nothing can be done about the high natality of the poor. Talk with a few doctors, social workers or Planned Parenthood volunteers and you will hear a different story. These people know at first hand that the availability of birth control facilities makes a tremendous difference in the lives of low-income families.

A number of other countries, including some which, ironically, Americans sometimes refer to as being "backward," are more advanced than the U.S. in providing subsidized family planning services. A number of them can already present impressive evidence of the effectiveness of these programs.

For example, South Korea succeeded in reducing its growth rate from 3% per year in 1962 to 2.5% in 1966. Taiwan has seen its annual growth rate drop from 4.5% in 1955 to 2.3% at the end of 1967. In Singapore, the birth rate declined 39% in the decade from 1957 to 1967. In Puerto Rico, natality was reduced nearly 20% from 1956 to 1966.

Official birth control programs are also being developed in India, Egypt, Kenya, Pakistan, Tunisia and Turkey. Some of these have so far been handicapped by the lack of trained personnel. Also, in some of these countries, many of the poor apparently *want* large families—partly from fear that some of their children will not survive—and birth control programs are viewed with deep suspicion.

In the United States, however, it is certain that unwanted births among the poor could be substantially reduced by an adequately funded family planning program. The evidence is overwhelming that in this country, the poor do want help and that they do respond effectively to family planning services.

For instance, analysis of results of Planned Parenthood and Health Department programs in Baltimore, New Orleans and Washington, D.C., as well as in rural areas from Kentucky to Texas, showed significant declines in the birth rates among the poor—in one case, as much as 36%. And comparable results are reported elsewhere.

In a low-income section of Chicago, the birth rate declined more than 20% within four years after the introduction of a planned parenthood program. A program in a rural county in Louisiana resulted in a 32% drop in the birth rate in one year's time, compared with a 6% decrease in the four surrounding counties which lacked a program.

In Mecklenburg County, North Carolina, the health and welfare departments have combined to make birth control services available to the needy. In the first year of this program, 732 women enrolled and no pregnancies were reported. These same women previously had a total of 3,440 pregnancies. The cost of welfare in the county has been sharply reduced. In human terms, the savings are far greater.

A doctor who initiated a family planning program among the rural poor in Appalachia reports that the response has been "overwhelming." One of the public health nurses there wrote: "Words cannot express the joy and pleasure these women show on being offered this help."[7]

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The fact is that millions of poor and near-poor in this country have for generations desperately needed family planning services. According to the Commission on Rural Poverty: "Because these people are poor, they do not know how to plan their families nor do they know where to turn for help in planning."[8] It is a shocking commentary on our affluent and supposedly humanitarian society that we permit this situation to continue to contribute to the perpetuation of poverty in the midst of plenty.

FAMILY PLANNING VS. ILLEGAL ABORTIONS

Contrary to the popular notion that abortion involves mostly illegitimate pregnancies, it is actually more a problem of married women who have several children. The present dearth of family planning services is a major reason for the large number of illegal abortions in this country, estimated to be around 1,000,000 a year—one for every four live births.

Most state abortion laws are severely restrictive and so is their application by hospital boards. In Colorado, the first state to liberalize the law, boards approved only 398 hospital abortions between January 1 and October 31, 1968. Nineteen out of 20 requests were turned down. A "liberalized" California law has not worked any better.

A large percentage of these 1,000,000 illegal abortions are performed under unsanitary, unsafe conditions. The great majority of women must seek "underworld" abortions from hacks, medical butchers or midwives with little or no gynecological training. No one knows how much harm is caused to the women forced to resort to this dangerous expedient. Nor is it known how many women die each year from self-induced abortions.

One approach to this problem would be to make abortions safe by giving them official sanction. Japan did this primarily as a means of population control and with spectacular success. Its birth rate was cut in half between 1947 and 1958.

In the United States, however, attempts at reform meet strong opposition. In most states, truly liberal abortion laws appear to be many years away. The obvious alternative, and one which is far more easily attainable in the near future, is Federal action to reduce unwanted pregnancies by making family planning services more accessible. This would not solve the problem completely, but it would go a long way toward it.

A BASIC HUMAN RIGHT

Some persons apparently assume that family planning programs might involve coercion and feel that this would violate human rights. However, the Planned Parenthood Federation has always emphasized the voluntary character of its programs. It seeks only to make family planning services accessible to those who need and want them.

At the annual conventon of Planned Parenthood-World Population last November, delegates adopted a resolution stating: "No one should be forced to use birth control . . . We must be especially vigilant to preserve freedom of choice about family size for welfare recipients and other Americans dependent on public assistance." Actually, in the case of most of the poor, it is really not a matter of *preserving* freedom of choice about family size, but a matter of *giving* them that freedom of which they are presently deprived because they are not receiving the assistance they need.

Indeed, it is a fundamental right of all parents to plan their families. The International Conference on Human Rights which met last year in Teheran adopted the following resolution with no "nay" votes: "Parents have a basic right to determine freely and responsibly the number and spacing of their children."

Family planning is now practiced by an overwhelming majority of middle- and upper-income couples in this country, whites and nonwhites as well. Among the poor, however, it is estimated that 36% of all births are unwanted. Unless we make family planning services available to these people, we will continue to deny them one of the most important human rights. This right is particularly vital to them because its dential condemns many of them to unending poverty.

Moreover, voluntary limitation of family size carries a strong moral sanction. Parents have responsibilities to the children they bring into the world. In the case of parents who are poor, the most urgent of these responsibilities is to see to it that their youngsters have the best opportunity they can give them someday to escape from poverty.

THE FINANCIAL COSTS

We have been discussing mostly the human costs of unwanted births among the poor, the costs in terms of misery, deprivation and degradation. Let us look at the financial, social and economic costs. They are enormous.

One of the more obvious effects is on the cost of public assistance. Despite the biggest business boom in history, welfare rolls have been expanding and relief costs soaring in recent years. One of the largest and fastest growing segments of the welfare program is known as Aid to Families with Dependent Children. Between 1955 and 1968, the number of AFDC recipients skyrocketed by 3.4 million persons, more than 150%. Today the number on AFDC—over 5.6 million—is more than twice the combined total of all others on relief, such as the old, the blind and the disabled. Half of the children receiving this aid were the result of unwanted pregnancies.

But unwanted births have a far greater impact on relief costs and on other public expenditures than just on the AFDC program, because they are partially responsible for the continuing existence of poverty. In 1968, total outlays for public assistance by all levels of government—Federal, state and local—amounted to $10 billon, an increase since 1960 of almost $6 billion, about 150%. In New York City alone, welfare expenditures now exceed $1 billion annually and are burgeoning at the fantastic rate of 20% per year.

And there are other expensive Federal programs which constitute aid to the poor, such as public housing, education, employment and health services, and other forms of income maintenance assistance. In 1968, expenditures for programs of this type totaled $17 billion.

Since unwanted births among the poor are a major reason for the perpetuation of poverty, they must also be a major reason for the magnitude of total welfare payments and other outlays for the poor and for their continuing growth.

By the same token, the high birth rate among the poor contributes to many other costs of government, especially at the local level. It increases the demand for all municipal services—sanitation, health facilities, law enforcement, programs to combat delinquency, alcoholism and addiction, and so on. It adds enormously to the cost of public education, the largest item in all city budgets. At the state level, it means need for more mental, penal and health institutions, and for more thruways to enable suburbanites to flee the city at the end of the day.

THE SOCIAL COSTS

It is impossible even to estimate some of the social costs involved, such as the extent to which the rapid growth of population in the ghetto exacerbates racial tensions and social unrest. Many observers believe that continuing poverty constitutes a very real and growing threat to our social order.

The overcrowding of central city schools by an influx of children from deprived backgrounds has been causing a sharp deterioration in the quality of public education in these areas. This has accelerated the migration of middle-class families to the suburbs to find better schools for their children, thereby widening the gulf between the central cities and the suburbs.

Over the years ahead, most of these many costs, both financial and social, will in all probability increase substantially. Take welfare. The great majority of those in want are presently either receiving no public assistance whatever or allowances which are utterly inadequate—$34.55 per month for the average family in Mississippi, for example. More than three-fourths of all poor children are in families who are not yet on AFDC. This situation is not likely to continue indefinitely.

Moreover, the income of most families on relief is still below the poverty level, and increasing attention is being given to various plans of income maintenance, such as the negative income tax, to bring all Americans up at least to the poverty line. In addition, there is the possibility of a system of wage supplements for low-paid workers.

It is clear that the Federal government will also greatly expand its outlays on urban housing. The Housing Act of 1968 calls for the rehabilitation or construction of six million shelter units for the needy over the next ten years. And construction costs, already rising at the rate of 5% a year, will be under increased pressure in coming years. Rent supplements and interest subsidies are scheduled to increase sharply.

Similarly, expenditures on public education have been mounting rapidly in recent years and there is every indication that this will continue. Indeed, they are likely to accelerate wherever serious efforts are made to provide disadvantaged children with the quality of education they need. And so it is with many other governmental programs.

THE ECONOMIC COSTS

From the standpoint of the economist, one of the big costs of poverty is that the poor are a drain on the economy. Many produce nothing whatever, except children they cannot provide for, and the productivity of those who do work is very low. Most of them pay no taxes and never will.

During the Industrial Revolution, many of the well-to-do owed their affluence in part to the exploitation of the productive labor of the poor—the "downtrodden masses." But in our era, most of those who are productive are comparatively well off. And the poor, instead of being a source of wealth, are mostly unproductive and are a heavy burden to society.

In fact, the high natality among the poor results in a large-scale diversion of resources to support children who were unwanted in the first place and who are fettered with great handicaps. These offspring constitute new, continuing claims on the meager incomes of their unfortunate parents and on the funds of the community available for social betterment.

At birth control clinics, the cost of providing family planning services averages only $20 to $25 per patient per year. The saving to society from not having to support unwanted children and provide them with all kinds of public services would be far in excess of the negligible cost of helping the parents to avoid births they do not want. Estimates of the benefit-cost ratio of family planning programs range from 50-to-1 up to 100-to-1.

Indeed, no other program that is politically feasible would even begin to compare with family planning in effectiveness in reducing poverty and the costs related to poverty. Until we make an adequate investment of this kind, the unfettered stork will continue to frustrate increasingly expensive programs to alleviate poverty. And the greatest return on

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such an investment would be not in dollars but in human terms.

WHAT IS BEING DONE?

How much is being done in the United States at the present time to help the poor in limiting the size of their families? The answer, in general, is: Nowhere near enough compared with the need.

It is estimated that about 800,000 medically dependent women are presently being served by family planning facilities, public and private, and that there are almost four and a half million others who still need to be reached, about two-thirds of whom are white, one-third nonwhite. And there are many more families hovering above the poverty line who urgently need these services too.

Planned Parenthood groups sponsor some 470 birth control clinics throughout the U.S. These centers certainly deserve merit badges for dedication and quality of service, but most of them are small, understaffed, and lacking in adequate funds.

In relation to the need, governmental action to date has been far from adequate. Although, at long last, the Federal government has recognized that it has some responsibility for the problem and has from time to time acknowledged its seriousness, actual progress has been slow and cautious. Money and staff committed to deal with it still rank below a hundred less urgent projects.

Six Federal agences are involved in one way or another in family planning. Of these, Health, Education and Welfare and the Office of Economic Opportunity are the most active. Some agencies which should be leaders in this field, such as the Public Health Service, have done comparatively little.

Although in the past the total amount expended by the government was almost negligible, $31.5 million has been earmarked for fiscal year 1969 and President Johnson's budget calls for a token increase in 1970. To be sure, this represents some improvement over previous years, but it can easily be put into perspective. For instance, HEW's 1969 budget is about $14½ billion, and the birth control/planning part represents only one-eighth of 1%. Professor Paul R. Ehrlich, professor of biology at Stanford University, calls this "less than a drop in the bucket, not even a good micro-drop."[9] In comparison with the immense costs of poverty—human, financial, social and economic—it is indeed a paltry sum.

Moreover, the Federal agencies involved have not yet adopted formal decisions to initiate programs as a matter of policy. Except for a recent requirement that family planning services must be made available to AFDC recipients, the government leaves the initiation of programs to state and local agencies and many of these are doing little or nothing about the problem. Many hospital boards are still indifferent or even hostile toward family planning. Only about one-fifth of the hospitals with large maternity services operate clinics where birth control services are available for needy patients. If state and local agencies entitled to Federal assistance happen to have such programs and request funds for them, HEW does not object, provided funds are available.

But available funds are inadequate, and some of the local programs that do exist need more money. The director of the Georgia Department of Public Health states: "There needs to be a great increase in the level of support from the Federal government for this very necessary activity."

Dr. Alan Guttmacher, president of Planned Parenthood-World Federation, in his testimony before the Senate Subcommittee on Employment, Manpower and Poverty in 1967, stated:

"The question that faces us today is *not* whether or not family planning services are needed; it is *not* a question of beneficial results; it is not even a question of individual or societal acceptance—rather it is a question of the degree of priority we are willing to place on family planning services for the medically impoverished and how far we are willing to go to implement that priority."[10]

The President's Committee on Population and Family Planning, whose report was issued in November, 1968, concluded that "the Federal government must undertake a much larger effort if this nation hopes to play its proper role in attaining a better life for its people."[11]

FOOTNOTES

[1] President's Advisory Commission on Rural Poverty, *The People Left Behind*, Washington, D.C., September 1967, p. 75.

[2] Dudley Kirk, *World Population: Hope Ahead;* based on a paper prepared for a conference on fertility and population planning held at the University of Michigan, November, 1967.

[3] President's National Advisory Commission on Rural Poverty, *loc. cit.*

[4] Southern Regional Council, *Hungry Children*, Atlanta, Georgia, *ca* 1968, p. 13.

[5] Harold L. Sheppard, *Effects of Family Planning on Poverty in the United States*, W. E. Upjohn Institute for Employment Research, Kalamazoo, Michigan, 1967, p. V.

[6] Southern Regional Council, *op. cit.*, p. 17.

[7] Frederick S. Jaffe (ed.), *Rural Family Planning Programs*, papers prepared for the National Advisory Commission on Rural Poverty, Planned Parenthood-World Population, New York, December 1967, p. 53.

[8] President's National Advisory Commission on Rural Poverty, *loc. cit.*

[9] Paul R. Ehrlich, *The Population Bomb*, Sierra Club-Balantine Books, New York, 1968, p. 89.

[10] "Examination of War on Poverty," hearings before the Subcommittee on Employment, Manpower and Poverty, U.S. Senate, 90th Congress, 1st Session, Part 7, June 8, 1967.

[11] President's Committee on Population and Family Planning, *Population and Family Planning*, Washington, D.C., November 1968, p. 43.

ADDRESS BY WILLIAM C. FOSTER BEFORE STRATEGY FOR PEACE CONFERENCE

Mr. PELL. Mr. President, on Friday October 9, I had the honor to participate with William Foster, former Director of the U.S. Arms Control and Disarmament Agency, at the excellent 10th anniversary of the Strategy for Peace Conference, organized by the Stanley Foundation.

I thought Mr. Foster's speech singularly knowledgeable, concise, and well expressed.

I thought particularly well taken his stressing of the five points of unfiinished business in the U.S. Arms Control and Disarmament Agency. They were: First, the United States should ratify the Geneva protocol of 1925; second, the United States should move on the United Kingdom's draft convention which would ban the production and stockpiling of biological warfare agents, as well as their use even in retaliation; third, we should move ahead now, without waiting for the results of the SALT talks on banning underground nuclear tests; fourth, the Nonproliferation Treaty should be reopened for signature; and fifth, urgent need to continue congressional interest in the strategic arms limitation talks with the Soviet Union.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

UNFINISHED BUSINESS

(By Hon. William C. Foster, Former Director, U.S. Arms Control and Disarmament Agency, October 9, 1969)

First of all, I would like to express congratulations to our host on this tenth anniversary of his excellent initiative: the strategy for peace conference. Mr. Stanley, I am sure that I speak for all of us in saying that we are most indebted to you for pursuing this manifestly worthwhile endeavor, which is a real stimulus to thought and imagination in important sectors of public life. And with our congratulations, please accept also our best wishes for continuing success.

Let me say also how pleased I am to participate in this program with Senator Pell, whom I have been privileged to know for a long time. He is a real authority on arms control, and he is a gentleman whose friendship I have always valued greatly, both professionally and personally.

Working in the arms control field, one is apt to acquire what the French call a *"dé formation professionnelle,"* which in this instance takes the form of always looking toward the future—often in rather optimistic terms. The reason for this is quite simple: Everything we have been able to achieve in arms control had previously been regarded with considerable skepticism, but somehow it managed to get done anyway. I don't mean to suggest that we have accomplished miracles in arms control—those lie ahead—but I do believe that progress has been made in a number of ways.

When the arms control and disarmament agency—or "ACDA" as we call it—got started, in 1961, there were many skeptics and many grave doubts, not only about Soviet policies and intentions but about arms controllers' intentions. And I confess that one of my own principal concerns, especially during those earlier years, was that ACDA should gain "respectability," first of all within the U.S. Government itself. In this connection I was rather pleased to note last year that we had been paid a compliment by none other than General Curtis Le May. It was a somewhat back-handed compliment, but after all you can't have everything in this life. In his book "America Is In Danger" the General and then vice-presidential candidate recalled that when ACDA was established there were some who feared it might become "a haven for reds and crackpots." And General Le May added: "Fortunately, I do not think this has happened." Well, as they say, one should be thankful for small blessings.

Anyway, I think it is apparent that ACDA has gained not only respectability but even a modest decree of renown. Nowadays it is common to find the name of ACDA in newspaper articles and editorials—sometimes even in abbreviated form—with no apparent need being felt to explain what it is.

During these years an educational process on our working with the Soviets evolved, so that finally, with administration and congressional support, we and the Soviets together led most of the rest of the world to certain agreements such as the limited test ban, the non-armament of outer space, the nuclear non-proliferation treaty, and perhaps soon, a treaty to keep the nuclear arms race off the seabed. Most important of all, of course, we led the Soviets from a position of outright refusal to discuss a 1964 U.S. proposal for a freeze on further expansion of strategic nuclear delivery vehicles, to where the Soviet Government now seems intrinsically as much interested as we are in discussing limitations on strategic arms. I say "intrinsically". As we all know, it is the Soviets who, most recently, have been delaying the start of these talks. But if, as a private citizen I may indulge in a little private speculation, I think the reason for their delay is not related to strategic weaponry but rather to their border problems with the Chinese. When they are hoping for productive discussions with the Chinese on this subject but are unsure whether such discussions are possible, I imagine the Soviets must feel that it is psychologically a bad moment to begin such a momentous and visible bilateral discussion with the United States. Anyway, I hope most profoundly that whatever the cause of delay may be it will soon be removed. It hardly seems necessary to say that every day which has gone by has made this problem a little more difficult to resolve: And I certainly wish my successor, Gerard Smith, all possible success in this historic but infinitely complex undertaking.

One of the most encouraging aspects of arms control agreements, of course, is that fact that even a small agreement makes additional measures easier because each side does thus acquire a certain additional measure of confidence that the undertakings will be lived up to. And the arms control agreements have been lived up to. This is not really surprising, because any agreement reached must necessarily have been in the basic interest of the parties. We cannot dictate agreements to the Soviets nor they to us.

Now, for most governments, arms control agreements are already beginning to form a pattern. I would cite as evidence of this the fact that an arms control treaty for the seabed is widely regarded as a logical sequel to the non-proliferation treaty, with its pledge to pursue negotiations toward ending the nuclear arms race. By the same token, almost all governments in the world have urged the United States and the Soviet Union to get started with the SALT talks—partly on the grounds that these too are a logical sequel to the nonproliferation treaty and in fact are an obligation imposed by the NPT. Carrying this line of reasoning one step farther, a number of governments have urged us to get on with SALT because they believe that successful results in these bilateral talks will have a profoundly beneficial effect on the multilateral arms control negotiations which are conducted in the disarmament conference at Geneva. They have expressed the belief, for example, that if the United States and the Soviet Union can agree to place limits on certain weapons systems, the requirements for nuclear testing can thus at last be circumscribed and it will be possible to negotiate a treaty banning underground tests.

But needless to say, we cannot sit back and wait for the beneficial results of the SALT talks to be felt, for they may be a long time in coming: and there are arms control measures which are badly needed and on which action can and should be taken now.

In fact, I would like to list five specific issues related to arms control, in which I hope all of us here in this room will take a personal and active interest, bringing to bear as much influence as we can to bring about their fulfillment.

No. 1: The United States should ratify the Geneva Protocol of 1925, which prohibits the first use in war of chemical and biological weapons. This is the principal international instrument related to chemical and biological warfare. The United States initiated it, and the United States signed it: But our pride of authorship became an embarrassment when the Senate failed to vote on it, in 1926. Indeed until recently our approach to the protocol was for the most part one of awkward silence.

Now, after 44 years, there seems to be hope that the protocol will be re-submitted to the Senate for its consent to ratification. Except for Japan, the United States is the only major power which has withheld ratification: and our adherence is needed to strengthen the protocol and thereby reduce the likelihod that poison gas or germ warfare might be used in a future conflict. Ratification, also, would set a desirable precedent by making us a party to an arms control agreement that includes mainland China as a party.

Other, more comprehensive measures related to chemical and biological warfare also are needed. But I believe that our ratification of the Geneva Protocol is the next logical step for us to take: And I most sincerely hope that President Nixon will submit it to the Senate.

No. 2: In July of this year, at the disarmament conference in Geneva, the United Kingdom presented a draft convention which would ban the production and stockpiling of biological warfare agents, as well as their use even in retaliation. The United States has reserved its position on the substance of this British proposal pending the outcome of the inter-agency review of CBW which has been going on in Washington this summer. I believe that the U.S. should give the British convention its full support. Biological warfare agents because of the impossibility of predicting or controlling their action, are a danger to all mankind. Our biological warfare program adds nothing to our security. On the contrary, our security would be enhanced if we acted to discourage the proliferation of biological warfare capabilities, which we don't need but which others might seek to develop in the absence of treaty restrictions. The British proposal would enable us to divest ourselves of a useless and pernicious liability. It deserves, and needs, our full support.

No. 3: We should move ahead now, without waiting for the results of the SALT talks, on banning underground nuclear tests.

The limited test ban treaty, negotiated in 1963, does pose restrictions on nuclear test operations, and has been especially effective in alleviating the contamination of our envirionment with radioactive debris. As an arms control measure, however, it has not made nor was it expected to make, a serious dent in the strategic arms race. Underground tests in unlimited numbers and sizes are still permitted, and the development and testing of nuclear weapons continues apace.

Agreement on a comprehensive test ban—which would effectively curtail nuclear weapon development—continues to be stymied on the verification problem. The Soviet Union maintains that national capabilities alone are adequate for verification purposes, while the United States insists that national capabilities must be supplemented by a small on-site inspection quota to give the necessary confidence that the treaty was not being violated. The U.S. has provided detailed data to show that below a certain yield level (some ten's of kilotons in rock) current remote detection techniques cannot unambiguously distinguish nuclear explosions from earthquakes. The Soviets, without refuting the U.S. technical data, still maintain that national capabilities are adequate. Here the matter rests, and the interesting and frustrating aspect of this dilemma is that neither side is necessarily wrong. The crux of the problem is how much assurance is adequate, and this is a political rather than a technical decision.

The Soviets' willingness to rely on their national capabilities undoubtedly is based on their greater access to information on activities in an open society like the U.S. and hence on a lesser need to rely on remote sensing techniques. Also weighing heavily in the equation is their inherent concern about the risk involved in permitting foreign inspectors into their country. In addition, they may see little military significance in the relatively small amount of cheating which might escape detection. On the other hand, the U.S., being a nation made up primarily of foreigners in the first place, is less concerned about inspection by outsiders. But we traditionally credit the Soviets with superman capabilities in the fields of deception and secrecy, and base our analyses on the worst possible contingency, however improbable it may be.

Particularly in arms control matters we devote most of our attention to verification provisions and the risk of undetected violations. Now there is nothing wrong *per se* in analyzing the risk of a possible treaty violation: the mistake lies in letting the analysis stop at that point and ignoring the security risks, which could be many-fold greater, of a situation without the arms control agreement. Few worthwhile enterprises are devoid of all risk, and arms control is no exception. What matters is not that there are risks associated with a particular measure, but rather how do these risks compare with the risks of not having the measure. In the case of the CTB, it is hard to believe that the security risk posed by the relatively few tests the Soviets might be able to carry out without being detected by national means would exceed the security risk of unlimited number of Soviet weapon tests that are permitted in the absence of a CTB. Of course, it can be pointed out that without a CTB the U.S. also could continue testing and thereby counterbalance the Soviet tests. But would this really counterbalance the security risk or would it merely add fuel to the nuclear arms race? It is generally recognized now that this action/reaction approach, responding to bigger and deadlier weapon developments with still bigger and even more deadly weapons, provides less rather than more security and at a price that is staggering. Somewhere the spiral must stop, and a CTB would be a major step toward halting the qualitative nucelar arms race. Of course it would make things much easier if the Soviets would attest to their interest in arms control by accepting a nominal quota of on-site inspections. But I believe that on our side the time has come for a hard new look at the necessity for on-site inspections. Now is also the time for a hard and realistic look at the security risk of not having a CTB.

No. 4: It has been over a year since the non-proliferation treaty was opened for signature. So far 91 countries have signed the treaty, and 21 have also ratified, but progress in recent months towards worldwide adherence has been slow indeed. I was pleased to note that the President in his United Nations speech on September 18, stressed the hope that the Non-proliferation Treaty would soon enter into force. Of equal importance to the ultimate success of the treaty is that countries with advanced industrial and technological capacity that have not already done so become parties to the treaty at the earliest opportunity. Various factors may have contributed to their delay in acting on the treaty—election campaigns in Germany, Israel, and Australia, for example, or parliamentary considerations in Japan. In the interest of mankind, however, and the universal desire for continued progress in other field of arms control, the decision dare not be put off indefinitely, but must be faced squarely and urgently. We should do everything we can to make our friends in those countries realize that the Non-proliferation Treaty will promote the peaceful uses of nuclear energy, and that by enhancing the general security it will enhance their own.

No. 5: One element that augurs well for arms control is the increased congressional interest in the subject.

Witness the extensive bipartisan sponsorship of resolutions calling for a mutual moratorium on the flight testing of re-entry vehicles such as MIRVs. There were over 100 sponsors or co-sponsors of these resolutions in the House, and almost half the Senate has sponsored them. Extensive hearings, particularly by the House Foreign Affairs Subcommittee on national security policy, contrib-

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uted greatly to an increased understanding of the issues involved. These resolutions have yet to come up on the floor.

Witness the imaginative and helpful initiatives for arms control on the seabed, led by the distinguished Senator from Rhode Island who is here tonight.

Witness the depth of the Senate consideration this year of the military procurement authorization bill. The ABM fight, of course, attracted the most public attention. But the extent of Senate opposition to CBW was startling. Before the bill ever reached the floor, the Senate Armed Services Committee, in what is virtually unprecedented action, eliminated the entire FY 1970 DOD request for CBW research and development. Subsequently, during the floor debate, the McIntyre amendment, containing additional CBW restrictions proposed by several Senators, passed by a unanimous 91–0 roll call vote. Moreover, resolutions calling for resubmission to the Senate of the 1925 Geneva Protocol have extensive sponsorship in both Houses.

I would cite also congressional awareness of the urgent need to begin the strategic arms limitation talks with the Soviet Union.

Never, since the Arms Control and Disarmament Agency was established in 1961, have I seen congressional enthusiasm for arms control as an objective of national security policy at such a high pitch. Indeed, during the early years of the agency, it was hard to persuade Congress that the pursuit of arms control was in our national interest. The effort was subjected to distorted and unjustified attacks from various segments of the public, leaving the lingering suspicion in the minds of some Members of Congress that our activity was a sellout of our security.

A number of factors have contributed to this change, including the dedicated and informed efforts of people like yourselves. It is extremely important that the enthusiastic pursuit of arms control objectives by the Congress be kept up. We should do everything we can to encourage this congressional interest.

Having now said my five issues worth, I would just like to thank you again, Mr. Stanley, and ladies and gentlemen, for this opportunity to be with you, and to wish you an enjoyable and productive session, which I know you will have.

SANITY ON THE CAMPUS

Mr. GOLDWATER. Mr. President, amid all the clouds of emotionalism being thrown up by the mass media concerning the Vietnam moratorium day set for October 15, a cleansing breath of fresh air has come from the clear skies of Arizona.

Dr. Richard A. Harvill, president of the University of Arizona, has written to me a message which cuts through the hyperbole surrounding this impending national demonstration and highlights the probable damaging effects which this day of agitation will have on its student participants if it is conducted in a completely uncontrolled way.

Too often the individual students have been considered to be little else than pawns to be moved at the whim of the professional pacifists who organize and incite these mass demonstrations. Too often the national news media have ignored the impact of these occasions on the lives of the human beings who are misled and manipulated into crossing the line between permissible dissent and unreasoned rebellion.

The thrust of Dr. Harvill's letter is that the administrators and officials governing our colleges and universities must plan and implement ways by which dissent and protest can be channeled into methods that take account of the future careers of the individual students involved, at the same time that they are encouraged to think independently and enabled to participate in sensible discussion of vital issues.

In the words of Dr. Harvill:

> The boycotting of classes is the height of asininity, whether done at the University of Arizona, or at any or all other universities throughout the country. By this I simply mean that it is almost a certainty that little will be learned by the students that is new or valuable enough to be offsetting to what they would lose by not attending classes. Actually, there is ample time in the evenings, as the programs have been arranged at the University of Arizona, to concentrate then on the Vietnam War.
>
> I have seen too many students lose out in their academic careers and virtually go to pieces because of the emotional pitch to which they have been raised and kept under the guise of "involvement" in "relevant" issues of the day. They have done this to the point that they have forfeited or lost the opportunity to spend time learning and try- to get perspective which cannot be gained simply by dialogue among students who have not lived long enough and applied themselves well enough to have mature judgments about compelling issues of the day; hence, a substitute of emotional reactions for rational thinking.

Mr. President, the faculty of the University of Arizona stands with President Harvill in these views. The faculty senate, the legislative body of the university in regard to academic matters, has voted overwhelmingly in support of maintaining classes as usual on October 15. They have utterly rejected the concept of an all-out disruption of the normal requirements of courses of study so that students may do nothing but steam off about the war in Vietnam.

The same vote, however, showed tolerance and respect for the individual student's interest in this vital issue and encouraged discussion of the war at proper times outside of the regular classroom schedule.

In my opinion, the approach being taken at the University of Arizona is the correct way to handle the problem of coping with the right of students to participate in legitimate activities of criticism, protest, and demand for change, while at the same time preserving the limits of reasonableness and law which are essential to an organized society. I hope that the president of every university and the mayor of every town will show the backbone and sanity being displayed at the local level in Arizona. If several university presidents would have the plain old guts to think and to act with courage, and if they would be backed by the faculties and boards of regents and Governors of our States, then I believe we would see an end to anarchy on the campus.

Mr. President, I ask unanimous consent that the letter sent to me by Dr. Harvill be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF ARIZONA,
Tucson, Ariz., October 9, 1969.

DEAR FRIENDS: As you are well aware, next Wednesday, October 15, has been designated by many groups in many places as Vietnam National Moratorium Day. In some universities, plans are being made to stretch the one day observance into a greater period extending in some instances to as much as a week.

Boycotting of classes seems to be the rage of the day in universities, and in a few of them classes are being virtually dismissed. Here at the University of Arizona, the Faculty Senate, the legislative body of this University with reference to academic matters and having a membership numbering a little more than 72, most of whom were present on Monday of this week, voted overwhelmingly in support of maintaining classes as usual. The resolution of the Senate took account of the importance of the issue and encouraged students to be deeply concerned about the Vietnamese War.

You are well aware, I am sure, that there are two factions at the University of Arizona among the students. One wants an all-out cessation of normal class work at least one day and virtual concentration of effort and interest on the Vietnam War for two other days, almost to the exclusion of any serious thought about other matters that are a part of the normal requirements of courses of study for which students are enrolled.

The other group deplores what they regard as the "excesses" of the first group. This, of course, is a division between the so-called conservatives and radicals. The point of this letter to you is a simple one; namely, that the students are quoting each of the members of Congress to suit their particular philosophy and point of view regarding these contentious matters. Many of the faculty are gravely disturbed. Some are predicting dire conflict between the contending groups. I do not believe that open conflict between students of these differing points of view is really a prospect. However, the University is attempting preparedness in a quiet, discreet manner.

It is understandable that the students of the contending forces would quote members of the Congress from Arizona in what they think supports their views. The conservatives, of course, are quoting Senator Fannin and Senator Goldwater, while the liberals are quoting Representative Udall. Of course, I know that all three of you are absolutely dedicated to the same purposes to which the administration and other faculty of the University of Arizona are dedicated.

I do hope and pray that all references that you may make will be confined to fundamentals and not to procedures. The boycotting of classes is the height of asininity, whether done at the University of Arizona, or at any or all other universities throughout the country. By this I simply mean that it is almost a certainty that little will be learned by the students that is new or valuable enough to be offsetting to what they would lose by not attending classes. Actually, there is ample time in the evenings, as the programs have been arranged at the University of Arizona, to concentrate then on the Vietnam War.

I have seen too many students lose out in their academic careers and virtually go to pieces because of the emotional pitch to which they have been raised and kept under the guise of "involvement" in "relevant" issues of the day. They have done this to the point that they have forfeited or lost the opportunity to spend time learning and trying to get perspective which cannot be gained simply by dialogue among students who have not lived long enough and applied themselves well enough to have mature judgments about compelling issues of the day; hence, a substitute of emotional reactions for rational thinking.

The University of Arizona has opposed onerous acts by State Legislature and Federal Legislature because we believe that we can handle these problems within our own group and prevent discord and conflict on the campus. We have succeeded reasonably well, and we want to continue to maintain peaceful order on the campus. I know that you share these same views.

Respectfully yours,
RICHARD A. HARVILL,
President.

NATIONAL BUSINESS WOMEN'S WEEK

Mr. SPARKMAN. Mr. President, because I shall be absent from the Senate attending a NATO meeting next week, I invite attention now to National Business Women's Week which begins on October 19. During this week, the members of the National Federation of Business and Professional Women's Clubs will be saluting the achievements of business and professional women in communities throughout the United States.

I wish to join in this tribute to the accomplishments of women in business and the professions. The number of women in the work force has increased remarkably over the last half century and women at last are being recognized as equal citizens capable of making equal contributions to the growth and welfare of the Nation. I am happy to salute the women of the Business and Professional Women's Clubs on this occasion.

REGULATION OF PRIVATE PENSION PLANS

Mr. JAVITS. Mr. President, the Oakland Tribune has published an interesting front-page series of articles on private pension plans. Upon the completion of that series, it has just published an editorial concerning the need for Federal regulation of private pension plans. In that connection, it has commented favorably upon my bill, S. 2167, the Pension and Employee Benefit Act of 1969.

I ask unanimous consent that the editorial be printed in the RECORD. I also ask unanimous consent to have printed in the RECORD a front-page column published in the Oakland Tribune concerning, among other things, a speech I made recently before the AFL–CIO on this subject.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Oakland (Calif.) Tribune, Sept. 28, 1969]

PRIVATE PENSION PLAN: PROTECTION FROM THE PREDATORS

The disquieting operations of a giant Teamsters Union pension fund—examined in a current Tribune series—should convincingly demonstrate the need for more stringent federal regulation of such private pension plans.

In 1964, Teamsters leader James R. Hoffa and five other persons were convicted on charges of having defrauded a union's pension fund by making false statements to obtain loans from the fund. That particular conviction is still on appeal.

Hearings conducted by the Senate Permanent Investigations Subcommittee in 1965 and 1966 disclosed that assorted union leaders had managed to divert millions of dollars of pension funds to corporations controlled by themselves, to set up other corporations explicitly to manage—for exorbitant fees—the pension funds under their control, and to take other action to milk pension funds.

Yet, then as today, most of what was done was not barred by either federal or state laws.

The Tribune's six-month investigation into the operations of the $628 million Teamsters Central States, Southeast and Southwest Areas Pension Fund, headquartered in Chicago, can lead to no conclusion but that stronger governmental regulations are needed if a repetition of the abuses uncovered in past years is to be averted.

Instances were found of cronyism, kickbacks, payoffs and questionable pension fund loans. So were extremely casual methods of handling loans, highly questionable of public and private entanglements of public officials in various aspects of pension fund loan activities and—perhaps most disturbing—a far too common pension plan association with members of organized crime.

Ideally, the 359,685 union members in 20 states to whom the Central States pension fund belongs would demand a more circumspect handling of their dollars. But, for whatever reason, no such effective demand has come from the rank and file union membership in the Central States area. They are nonetheless entitled to assurances that their pension funds will be protected from mismanagement.

Today they have no such legal assurances. There is an absence of any comprehensive federal regulation over the conduct of the giant pension plans.

The particular Central States Teamsters Union pension fund in question is only one, albeit one of the largest, of some 160,000 private pension plan funds in the nation today. Their total assets are now in excess of $100 billion. By 1980 these reserves are expected to reach some $225 billion.

(It should be noted that the Central States Pension Fund is based in Chicago and draws its participants from the Midwestern and Eastern parts of the United States. California Teamsters belong to the Western Conference which has its own pension fund and prudently handles its own investments through a vastly different method of operation).

It can be—and has been—successfully argued that the federal government has no business interfering with the discretion of pension plan managers in making legitimate investment decisions. We agree.

But the tax exempt status of pension plans alone offers ample justification for federal regulation—not to mention the Federal Government's general responsibility to the more than 25 million Americans now in such pension plans.

The boundaries between private interest and public purpose can be sufficiently respected through enactment of legislation such as the "Pension and Employee Benefit Act of 1969," introduced by Sen. Jacob Javits, R–N.Y.

The Javits bill would establish only minimum funding standards to assure that pension funds are operated on a sound and solvent basis. It would also lay down standards of conduct, restrictions on conflicts of interest and other ethical criteria to be followed by the trustees of the pension plan funds. The Federal Government would be given sufficient investigatory and enforcement power to see those standards are met.

The very existence of such enormous sums of money available for investment without strict control is an open invitation to further abuse and irregularity.

It will remain impossible to crack down on those who take advantage of the law's laxity until specific legislation is enacted assuring pension plan beneficiaries in particular and the nation in general of a fair and honest administration of the vast pension plan funds.

[From the Oakland (Calif.) Tribune, Sept. 28, 1969]

JAVITS ASKS OVERHAUL OF PENSION LAW

(By Jeff Morgan and Gene Ayres)

A major overhaul of laws governing private pension plans which would prevent abuses such as "conflicts of interest, kickbacks and payroll padding" was urged by U.S. Sen. Jacob Javits, R–N.Y., in a major speech to the AFL–CIO.

"My investigation of private pension programs, which has been going on for a number of years now, leads me to believe that there are a number of major changes which need to be made—either voluntary or by law—in the structure of private pension plans in this country," Javits told the giant federation's Industrial Union Department in Atlantic City.

". . . This trust money—now over $100 billion in reserve assets (for all pension plans) is, I believe, the largest aggregate of essentially unregulated money in the nation. What is being done with it?"

The senator, author of a sure-to-be controversial pension reform bill, appealed Friday for support of the measure at the IUD's annual convention.

It is now questionable whether the full bill will be reported out of the Senate Labor Committee during the current congressional session.

However, during a six-months investigation by The Tribune into the management of the Teamsters Central States, Southeast and Southwest Areas Pension Fund headquartered in Chicago, it was learned some action could be taken this fall if the Administration makes an expected recommendation to tighten the responsibilities of trustees of retirement plans.

The Tribune's exclusive series of articles last week disclosed instances of cronyism, kickbacks, payoffs and questionable loans involving the $628 million Teamsters Central States fund and associates of imprisoned union boss James R. Hoffa. That pension plan covers 359,685 union members in 20 Midwestern and Southern states.

The Javits bill, like earlier proposals, would impose a "prudent man" requirement on fund trustees to make reasonably sound investments, and would prohibit loans, fees or kickbacks to employes or trustees of pension funds, participating unions or employers.

It also would reduce the number of years before workers get a vested interest in their retirement benefits, provide government reinsurance of funds, create a new federal policing agency called the U.S. Pension and Employment Benefit Plan Commission, and give the government power to seize and preserve funds if there is evidence of mismanagement.

One of the most important provisions of the bill is pension reinsurance, under which the government would guarantee retirement benefits for workers if a company or pension fund goes out of business.

Javits told the unions the plan would cost the government nothing, but would be financed by insurance premiums from participating pension plans.

But, he added, "No government is going to issue this sort of insurance policy without inspecting and regulating and, to some extent, controlling the funds it insures—any more than the government's Federal Deposit Insurance Corporation would insure banks without imposing strict standards of conduct . . . and without inspecting them regularly.

"In fact, without (inspection and regulation) such an insurance program would make insolvency attractive," he said.

"Why not promise the pension plan members more than can be delivered? Why not take imprudent risks? If the fund cannot deliver, the government will.

"Realistically," the senator warned, "that

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kind of reinsurance is not going to happen." Of the most fundamental forms of regulation—so familiar in the banking field . . . is the establishment of basic standards for the administration of these funds.

"Conflicts of interest, kickbacks, payroll padding, etc., have to be prohibited. We have seen example after example of abuse in a series of investigations on Capitol Hill.

"While this kind of abuse is clearly not widespread in any percentage sense, it is substantial enough to require tough standards of conduct and tough enforcement . . ."

Javits said he believes pension plans should, among other investments, try to supply capital "to help eradicate the conditions which pervade our slums," and pointed out some unions which have taken that course.

Maintaining that "it is an essential fact of modern life that more and more workers tend to change jobs, to move around the country," he spoke of the need for portability, the right of workers to transfer their pension entitlement from one fund to another.

In an interview conducted during The Tribune's investigation, Einar Mohn, chief of the Western Conference of Teamsters said, "I wouldn't be opposed to government guidelines on portability and vesting."

However, he said, "I'd hate to see the government get involved in correcting defects we could find other ways of correcting."

The $400 million pension fund of Mohn's Western Conference, which covers Teamsters in the Western United States and Canada, is an "insured plan" administered entirely by Prudential Life Insurance Co., and totally separate from the Chicago-based Teamsters Central States Fund.

"If we had a funded plan (similar to the one in Chicago) I would want it to be an irrevocable condition of the trust that the decisions on investments be made by a bank or some other financial institution," Mohn said, "perhaps even a blue ribbon committee of financial experts, and that the trustees only be free to direct investments into areas beneficial to our members.

"I don't think a layman has any business trying to sweat out the markets," he said. "Our pension fund trustees aren't qualified to make those kinds of decisions, and I think they'd agree with me."

The Javits bill would give federal courts jurisdiction in lawsuits involving pension funds.

We prefer that system—civil remedies—to criminal penalties," a spokesman for Javits told The Tribune. "In a criminal case nothing can be done to save a fund until there's a conviction, and that can take years."

The U.S. Justice Department is more worried about the links between some labor leaders and organized crime. It hopes some criminal provisions eventually will be included in the law, to dry up a prime source of working capital to some underworld figures.

More than new regulations, many federal attorneys argue, the government needs manpower to investigate the violations of existing laws against embezzlement, conflict-of-interest loans and illegal kickbacks to trustees and agents of pension plans.

"With modern computers and bookkeeping methods, these people are in the jet age," one government lawyer said. "We're still driving horses and buggies."

A TRIBUTE TO SENATOR MATHIAS

Mr. TYDINGS. Mr. President, last month our distinguished colleague from Maryland, Senator CHARLES McC. MATHIAS, was selected as the Statesman of the Year by the Argo Lodge, B'nai B'rith. The citation reads:

Argo Lodge #413, B'nai B'rith, has chosen Senator Mathias as the recipient of its annual Statesman of the Year Award for the courage and compassion he constantly exhibits in fighting for human betterment, for his leadership in promoting the causes of civil rights and liberty, for his energetic battle against organized crime, for his tireless efforts to conserve our national resources, and for his humanitarian deeds on behalf of the underprivileged and oppressed.

Senator MATHIAS has a long record of public service, including membership for one term in the Maryland House of Delegates and then 8 years as a member of the U.S. House of Representatives, which he left last year to join this body.

Senator MATHIAS' acceptance address displays his characteristic humility and courage, and states clearly again, in well-honed words, his championship of the individual liberties and our democratic system.

Mr. President, I ask unanimous consent that Senator MATHIAS' acceptance speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR MATHIAS

I do not accept this award as a measure of any personal merit, but rather I accept your honor as a tribute to the cause of civil liberty which your organization has served so splendidly and which transcends all our efforts. For civil liberties are not a political concern; in real sense, they are the prerequisite of all democratic politics. An assault on civil liberties is thus in effect an attack on politics itself. In the defense of civil liberty I do not feel that I have earned any special honor. On the contrary, I have acted in self-defense—defense of the processes of my profession.

So I would return the tribute with gratitude. For it is the work of organizations like yours that ultimately makes my work possible. By maintaining the openness of our society and our politics, the statesmen of liberty at B'nai B'rith reduce the violence and disruption that is the inevitable ultimate result of civil repression.

A good case in point is recent experience in the South. Because civil rights and liberties were denied to blacks, the political process was closed and stultified. In this one party paralysis, the crucial issue of the region was excluded from politics. Our current racial crisis was the ultimate result. Similarly the exclusion of youth from the political processes which shaped the present selective service law contributed substantially to current campus unrest. Our experience teaches us inexorably that civil rights and liberties are indispensable to law and order.

I would like to draw your attention here to some major threats to their maintenance. Currently before the country are several dangers which together pose a grave threat to our liberties. One is misuse or abuse of the national data bank, which is assembling for ready availability all the information about individuals known to the Government in any capacity—prior to the adoption of any national policy for its use especially ominous in conjunction with proposals for punitive legislation covering various groups that do not provide due process of law, and proposals for a national security czar with arbitrary powers to harass victims of unproven security charges. This approach represents a most untimely return to the attitudes of the McCarthy era. At this time of strife, when demands for repression are at their peak, the maintenance of civil liberties becomes both more difficult and more important.

I know that in this battle, as in so many others in the past, I can count on your support. I assure you here of my continued commitment to the causes for which B'nai B'rith exists, and to the spirit of that covenant which is symbolized by this brotherhood.

MISINTERPRETED UNEMPLOYMENT FIGURES

Mr. GOLDWATER. Mr. President, probably the most distorted and misguiding figures offered as statistics in this country are the figures on unemployment. We read with concern last week that unemployment had crept up, and already the believers in a Government-controlled economy are blaming it on President Nixon's efforts to curb inflation and to free the economy.

Unemployment is a dreadful thing, and no one in either party wants to see it increase. I remember very well the days of the early 1930's, in a depression that was ended only by the Second World War, when unemployment approached 20 percent; and regardless of what the boosters of the New Deal might have claimed, nothing they did ever curbed unemployment.

Dr. Milton Friedman has written a most thoughtful article in which he explores unemployment figures. While I know that many Senators probably have read the article in Newsweek, nevertheless, for the benefit of the tens of thousands who read the CONGRESSIONAL RECORD, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNEMPLOYMENT FIGURES

(By Milton Friedman)

Few figures are watched with more fear and trembling than those reported each month on the percentage of the labor force unemployed. The jump from 3.5 to 4 per cent reported last week has been seized on by some as the first real sign of success in the battle against inflation, by others, as a portent of economic collapse.

Yet few figures are more misunderstood and misinterpreted.

The unemployment percentage is currently 4 per cent. This corresponds to roughly 3.2 million unemployed. Does this mean, as one might suppose from most news stories on unemployment, that more than 3 million families are wondering where the next paycheck is coming from?

WHO ARE THE UNEMPLOYED?

Not at all. Roughly 1 million unemployed are teen-agers, about half of whom are looking for their first job. Of the remaining unemployed, half are females, many of whom are not regular earners. Of the million unemployed males 20 years and older, only about half are married men.

More important, unemployment is mostly a brief period between jobs—or between school or housework and a job. Nearly two-thirds were either working in the prior month, or not looking for a job. Only slightly more than a million were unemployed.

Put differently, fewer than half of the currently unemployed have been unemployed for as long as five weeks; only 5 percent—about 150,000—for as long as six months. This is the hardcore group that leaps to mind when we talk about "the unemployed." Their plight is certainly serious—but 150,000 persons in that position is a far cry from 3 million.

Many persons are unemployed by choice. Some quit one job to look for a better job—more than a third of those who leave jobs in any week do so voluntarily; others have refused a job offered in the belief that a better

one will be along; still others left an earlier job some time ago to go to school, or to make a home for their husbands, or to have or raise children and have only just re-entered the labor force. A rise in unemployment may be a good thing as well as a bad thing—if it means that people have so much confidence in finding another job that they do not hesitate to leave one they do not like.

In some ways, a more meaningful figure than the number of persons unemployed at any one date is the average length of time that persons who become unemployed remain unemployed—the average time between jobs for those who change from one job to another, or the average time it takes to get a job for those who go from school or home to the unemployment rolls. Until the most recent jump in the unemployment rate, that average has been about five and a half weeks—hardly a period long enough to cause acute distress.

What this meant was that each week about 530,000 people started to look for work—because they left or lost a job or because they had just entered or re-entered the labor force. Simultaneously, about 530,000 people each week found jobs or stopped looking. Of the 530,000 people who started to look for jobs each week, about one-fifth found a job within a week; about three-quarters, within a month; and all but about 1 per cent, within six months. During a year as a whole, not 3 million people but around 20 million separate individuals were unemployed at some time or other—the bulk for trivial periods.

TIME BETWEEN JOBS

Cries of horror go up when it is suggested that the slowing down of the economy as a by-product of policies to stop inflation may mean a rise from 3.5 per cent to around 4.5 per cent in the unemployment percentage. What, it is said, throws more than a million additional people out of work?

In fact, the number who each week start to look for work would be raised very little—from 530,000 to perhaps 560,000. But these job-seekers would spend on the average an extra week or so finding an acceptable job—the average duration of unemployment would go from about five and a half to about six and a half weeks. The most serious effect would be to raise the number of persons unemployed at any time for more than six months from 180,000 to perhaps 300,000.

These changes are not desirable. But they are not a major catastrophe. They do not spell acute distress. And their avoidance does not justify letting inflation run rampant—which would in any event only postpone higher unemployment temporarily. We badly need less hysteria and dogmatism and more perspective, proportion and balance in judging these matters.

VIETNAM MORATORIUM

Mr. McGEE. Mr. President, tomorrow is the so-called Moratorium Day—a day to protest Vietnam and America's involvement there. It is a day to protest much more, it seems, among some of the more radical elements in the movement. Their call for total immediate withdrawal from Southeast Asia is ill-timed, it occurs to me, when the Government is moving steadily in the direction of previous, more-reasoned policies put forth by protestors.

The moratorium, in fact, involves a diverse group of individuals and groups. All, I suspect, do not accept the demand for complete, total withdrawal put forth in these Chambers and on the streets. The moratorium has become a conglomerate, encompassing those on the far left and even those on the far right. But I think we, as Senators, dare not legislate on the basis of such emotion-ridden movements, for our deliberations must involve a sense of responsibility which the demonstrators, for all their good intentions and sincerity, do not bear. They are not answerable for the consequences of their acts—not as we are. Certainly they are not answerable as is the President of the United States.

Senators and Representatives would do well today to reassess the implications of the impending demonstrations—all of them. They should consider the fact that, by endorsing such a movement, they may be helping to uncork the bottle which will let loose a genie which may never be recaptured. That genie may be the national impulse toward a new isolationism. It could even be a precedent for barricade-style street politics in America.

Mr. President, I ask unanimous consent that two newspaper columns, authored by Richard Wilson, of the Evening Star, and David Broder, of the Washington Post, both commenting upon the political ramifications of tomorrow's moratorium, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

VIET PROTESTORS DELUDE POLITICIANS, SURVEY SHOWS

(By Richard Wilson)

President Nixon says that he will not be affected by antiwar demonstrations and he has very sound ground for ignoring them. They do not represent significant political opinion even among the young.

It is possible to say this with more than impressionistic assurance on the basis of indepth surveys of the 1968 presidential election by staff members of the highly respected Institute for Social Research at the University of Michigan.

Members of Congress, college presidents and government administrators who, because of expediency or intimidation, have aligned themselves with the war protest have joined an anemic, if rowdy, company with no political clout. The protestors are a small fraction of the young. Most of the young who oppose the Vietnam war disapprove their tactics. Others oppose not only their tactics but everything they stand for.

Such conclusions flow naturally from the findings of the Michigan researchers on the phenomena of the 1968 election which have upset a great many preconceived ideas of the mass media, especially television, on what happened in that dark and confused year, viz: Gene McCarthy's support came as much from hawks who hated Johnson for bungling the war as from the peaceniks who wanted him to end it.

Other astonishing conclusions bear on the present resurgence of war protest which has unhinged so many members of Congress, probably to their future regret.

One such astonisher is that George Wallace got more than his share of the support of the young. "One of the major ironies of the election," the Michigan researchers wrote, "was that Wallace made his appeal to the old but mainly received the vote of the young."

The Michigan academicians saw it this way: "Although privileged young college students angry at Vietnam and the shabby treatment of the Negro saw themselves as sallying forth to do battle against a corrupt and cynical older generation, a more head-on confrontation at the polls, if a less apparent one, was with their own age mates who had gone from high school off to the factory instead of to college, and who were appalled by the collapse of patriotism and respect for law that they saw about them."

The vanguard of youthful revolution, the researchers found, is numerically swamped even within its own generation. The wave of the future for 1970 and 1972 promises several times more votes to politicians by leaning toward George Wallace than by leaning toward Gene McCarthy, the researchers found.

If the Michigan researchers are right (they support their conclusions with the most advanced sociological techniques) the Vietnam Moratorium is more likely to create an unfavorable reaction than to advance the cause of peace. But even if the researchers have been so scientific as to mislead themselves, common observation supports their intimation that great masses, young and old, do not like this kind of thing.

President Nixon's problem is to marshal this mass reaction on his side, which he has not been too successful in doing. If he is to pursue his course of measured disengagement without sacrificing his ultimate goals then he probably will have to speak and act in more blunt terms.

He will have to ask and answer what the consequences will be if he withdraws abruptly from Vietnam, as the peace elements demand.

Will such an abject surrender create strong undercurrents of resentment which will fester in American life for generations? It will not be enough to say that he will not be the first American president to preside over a military defeat, nor that he will not be influenced by the anti-war demonstrations. He will have to spell out why in the most direct and simple terms, not sparing the members of his own party whose political courage in these circumstances is not equal to his.

The reason the President will have to speak this way is so that he can command the respect and support of the middle America he supposes he represents. Nixon will have to demonstrate that the noisy manifestations of dissent are those of a minority who will be satisfied with nothing less than abject and apologetic defeat as a lesson against such involvements in the future and irrespective of the fate of the Vietnamese people, the prestige of America and the future of Asia.

If the President does not wish to do this, if he wishes to continue to be ambivalent so as to appease those who are trying to destroy him, he will sooner or later discover that they cannot be appeased short of total American humiliation in Vietnam. That does not go for the great numbers who are sick of the war but want an honorable settlement. It does go for radical activists, their academic and intellectual sympathizers, and frightened politicians.

COULD SET A RISKY PRECEDENT

(By David Broder)

CAMBRIDGE, MASS.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscured. If the event is to be gauged properly, it is important to uncover its original premises from the debris of cliches and endorsements in which they have lately been buried.

A number of men active in the moratorium have taken time to point out what they consider the errors of the argument in this column last week that it is a plan for "the breaking of the President." With sincerity and conviction, they have asserted that, far from breaking the President, they are out to save him, by persuading him to make the peace the nation craves and, incidentally, to save the political system by keeping the antiwar movement out of the hands of the radicals and in control of those with a commitment to peaceful forms of protest.

Their conversations and correspondence

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have helped to define three questions which might be borne in mind by those planning to participate in the moratorium.

First, what is the target of this protest? Sam Brown, the able spokesman for the moratorium, says it is not an anti-Nixon move because "we learned in 1968 that what we must oppose are not personalities but policies."

But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

It asked for "a phased withdrawal over a relatively short period of time" of all foreign troops. The Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, it recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese."

If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

Second, what is the alternative they recommend? It has been described in moratorium publicity as everything from a negotiated settlement to immediate, total American withdrawal from Vietnam, but Brown said Sunday on "Face the Nation" that it is the latter that the moratorium has "consistently" demanded.

If that is the case, then the elected officials, clergymen and educators who have lent their prestige to the moratorium can properly be asked if this is the program they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they could explain why a one-dimensional plan to pull out troops is any more likely to be wise policy than the one-dimensional plan that sent the troops in. Have we not learned yet to examine the political consequences of military decisions?

Third, and most important, what about the method of the moratorium? Is it compatible with the maintenance of representative democracy or does it substitute the rule of the street?

The sponsors say the same "moratorium," rather than "strike," was chosen to emphasize that the protest is to be peaceful and non-coercive. It is a nice distinction. The noncoercive feature may be almost invisible to the thousands of students whose colleges will shut down Wednesday. If the moratorium continues; as planned, for two days in November, three days in December, and so on, it will more and more come to resemble the general strike so familiar to European politics.

And if it succeeds in its aim, what is to prevent other majorities or sizable minorities in the country from using the same technique to force their views on agencies of the government? The moratorium sponsors say Vietnam is an extraordinary issue, but they must know it is not the only issue which agitates millions of people.

One wonders what the moratorium sponsors would say if Billy Graham were to ask all the parents who want prayers restored to public schools to withdraw their children from school for one additional day each month until the Supreme Court reverses its school-prayer decision.

Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate man opened to integrated housing declaring moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamese moratorium is un-American, illegitimate, meanly partisan or personally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

ELECTORAL COLLEGE

Mr. BAKER. Mr. President, the House of Representatives has recently passed a bill to provide for the abolition of the electoral college in favor of the direct election of the President and Vice President. I support this fundamental reform of our electoral process. The trend of the last few years has been to strip away conditions to full participation in the electoral process; the time has now come when we must institute a direct vote of the people for their President.

There was a time when the concept of an electoral college served a desirable and necessary function. The public at large was poorly educated and had little or no access to the kind of information on which an intelligent choice could be made. It was sound public policy for the citizen to vote for a group of men in his own State who were educated and experienced and capable of choosing wisely men to lead the Nation.

But the situation today is radically different from that which made the system appropriate at the time it was devised. The people today are widely educated and, due largely to the advent of electronic communications, generally well informed on the issues that confront our society and the persons who seek to lead it. The machinery of the electoral college remains; its reason for being has passed. The machinery itself must be eliminated. The system is more than a harmless anachronism; it represents a dangerous impediment to the voice of the people, an unnecessary barrier interposed between the voting citizen and the highest office in the land.

For many years, several different proposals for reform of our presidential electoral system have been suggested. Both the district system and the proportional system have been advanced and found wanting, either because of basic defects or because they would have resulted in substantial changes in the political power processes of the country. The choice today, in my judgment, is between the existing electoral college system and a direct popular vote.

The advantages of a direct vote are many; I shall not enumerate them, as they have often been discussed. Rather I would like to give my attention to two of the principal arguments that have been advanced aaginst direct election.

The first of these arguments is that direct election, if adopted, would be disruptive of our two-party system in that it would cause the creation of numerous ideologically oriented parties which would in turn undermine the moderate political tone that has generally prevailed in our country. The underlying basis of this contention is that ideologically oriented splinter parties are presently discouraged because they rarely, if ever, can win a plurality of the popular vote in any State and thus capture the electoral votes.

Considered analysis indicates that a direct vote for the President would not endanger the present workings of our two-party system. Mr. Neil R. Peirce, in a recent book entitled "The People's President," enumerates an extensive body of political research identifying many reasons for the country's adherence to the two-party system, and the electoral college is not among them.

There are many institutional factors which discourage third parties. Electoral laws, campaign practices, social patterns, the high cost of political campaigning, statutory obstacles to getting on the ballot, and the legal status of the two major parties as supervisors of elections in many States all contribute to the difficulty which minor parties have in attaining any degree of national influence or support.

Prof. V. O. Key contends that since the institution of the Presidency, unlike a multiparty cabinet, cannot be divided among numerous parties, the presidential institution is itself a major reason for our two-party system. Other authorities assert that our system of electing Representatives by a plurality vote in single-member districts is the underlying basis of our political party system.

In summary, the contention that our two-party system is significantly sustained by the electoral college overlooks these other more substantial factors that are involved.

A second contention made by some opponents of direct election is that a direct vote would be disruptive of our Federal system in that it would inevitably bring irresistible pressures for national laws governing qualifications for voting and the conduct of elections. This would, it is argued, constitute a threat to State control of voting for Representatives, Senators, and possibly State and local officials and would, as a result, violate State sovereignty.

In discussing reform of our election machinery, I want to make immediately and abundantly clear my deep reverence for an independent two-party system

and for the fundamental right and privilege of the various States to make their own election laws and determine their own election procedures within the framework of constitutional federalism. The stability and longevity of our political system and the splendid success of our great experiment in democratic government have been largely due to the concept and the fact of federalism on the one hand and the existence of two broad-based, popular, partisan political parties on the other hand. I would neither propose nor support any reform that would interfere with or in any way endanger either the rights of the States to control elections or the freedom of the two national parties to transact their business.

On the other hand, I must say in all frankness that I do believe that in national elections it is both proper and equitable that some national qualifications be enacted along with the adoption of direct election of our President. For example, I am firmly committed to the reduction of the voting age to 18 years. Not only is it unfair that today's active and educated young Americans should have no voice in the future of the country; it is also true that the country will benefit from their participation.

I further believe that immediate provision must be made in our national laws to permit the transient citizen to vote in national elections. In today's highly mobile society, many qualified Americans are denied the right to vote for the Presidency and Vice-Presidency because of residency requirements. This is a patently unjust impediment, and it must be removed.

Another badly needed reform is provision for 24-hour voting coordinated between time zones. In other words, polling places should be open for a full 24-hour period, and that period should begin and end at the same Greenwich mean time across the Nation. This would have two salutary effects: it would make voting a great deal easier for many Americans who now find polling hours inconvenient or impossible to meet, and it would also eliminate the bothersome question of whether early returns from eastern States and network computer predictions influence voting patterns in the West where polls are still open.

I would like to make one further point. Closely connected to the question of reform of the electoral college system is the intelligent controversy over the proper role and function of the presidential preferential primary election. Thoughtful proposals have been made by good men for nationwide presidential primaries. I myself would prefer to see primary elections held in each of the 50 States. Such a system of State primaries—in which each candidate for the Presidency might enter as an individual and in which delegates to the national nominating conventions would be directly elected by the rank-and-file—would have several advantages over a single national primary. It would reinforce rather than weaken the essentially Federal nature of our Government, greatly strengthen party structures in each of the States, involve many more citizens in the vitally important work of partisan political activity, and provide clear and unequivocal indicators of a given candidate's merit and of his ability to move the people.

I certainly do not favor replacing cumbersome, anachronistic electoral machinery that has served reasonably well with new machinery that might prove disruptive of our form of government or our political processes. I am confident, however, that the direct election of our President will not have these effects. I am hopeful that this subcommittee and the 91st Congress will take prompt and incisive action.

VIETNAM MORATORIUM DAY

Mr. INOUYE. Mr. President, in response to the deep concern of our fellow Americans over the Vietnam issue, many have set aside October 15, 1969, as Vietnam Moratorium Day. This seems altogether a fitting and proper exercise not only of their rights but of their concern. One can only hope and pray that their purpose will not be tarnished by acts of violence or demonstrated lack of respect for the rights of those who hold varying views on American policy in Southeast Asia.

Mr. President, in preparation for, and in support of this day dedicated to illustrate our concern over Vietnam, I issued the following statement:

> For our young people to ask that a special day be set aside for the consideration of Vietnam is surely not asking too much. And for those in position to cooperate in this moratorium I urge participation.
>
> One shortcoming in our society has been our inability to listen—an inability which sometimes results from the techniques utilized in delivering the message. This day can be a day of learning and of hope—or it can become but another symbol of our failure to communicate. While I am here "doing my thing" I urge you in Hawaii who seek a resolution to the problem which is Vietnam, to speak with clarity without being abusive, to speak forcefully without being violent, to speak to the future and not to the past, and to listen as well as to express to those in positions of responsibility your deep concern and desire for change.
>
> Dissent, discuss, and decide. Dissent from the course which led us astray. Discuss the alternatives which are now before us. Decide how you in your way can help chart a future of hope.
>
> Some 39,000 young Americans have died in Vietnam with an additional 130,000 wounded. We do them no honor by pursuing any course which adds to their number—neither can we dishonor them by displaying no regard for the future of our relationship to that portion of the world which has claimed so much of them.

Mr. President, I wish today, as a part of the Vietnam moratorium observance, to expand on this statement and share my thoughts on this subject.

Vietnam has been a major—I think we could say the major—concern of those of us who have shared the responsibility for guiding the affairs of our Nation for almost a decade. It has been much on our mind and has affected every major decision we have made in recent years.

Vietnam is a matter which most of us would like to forget—we just wish it would go away. A satisfactory solution seems so uncertain, so agonizingly slow to achieve, and the complexities of the problem of such magnitude that we are tempted to close our eyes, our ears, and our minds, and just hope we will awaken one day and find Vietnam a thing of the past. But we cannot wish it away—we cannot ignore our Vietnam problem as long as we call on American soldiers to risk their lives there.

In response to the grim statistics which are Vietnam, to the fears and pressures they generate, and to the problems left unresolved because of Vietnam, we witness almost daily riots on our campuses and in our cities, and we see the possibility of a real revolution developing in our land.

This war has been expensive, and it is unpopular. Wars always are. Even World War II became unpopular as it continued and as victory proved neither quick nor easy. Certainly the Civil War and the War of 1812 had very limited support. Unpopularity of the American Revolution in Britain may have had more to do with our victory than the level of support for revolution in our colonies.

As we draw historical comparison, however, I do believe that the Vietnam war is the most unpopular in our history.

A President who waged it was moved to retire.

A major political convention was made a shambles, the party torn to shreds and consigned to defeat, because of the unpopularity of this war.

Draft card burning; draft board offices invaded and records destroyed; non-negotiable demands to end ROTC; priests, ministers, and young people in jail—and recently a young lad committing suicide on the steps of our Capitol—all these attest to the lack of support for this conflict.

We have now been actively engaged in this conflict for more than a decade. First as advisers and later carrying the major combat burden.

It is the longest war in our history—and we Americans are an impatient people. For a year and a half we have been engaged in peace talks in Paris seeking a resolution to this war. We spent weeks debating the shape of the table, and many more discussing who shall speak—and with what authority. We have suffered some 15,000 dead while these "talks" continue.

Yes, we are tired of war—and we are tired of talking peace which brings no end to war.

But our people look to their elected leaders for an answer—as properly they should. What are we going to do to solve this most vexing problem?

We must first painfully recognize that we are in Vietnam and that we cannot start over as if we had that decision to make anew.

But our policy for settling this dispute must also be clear. It must be an American policy.

The decisions which will end this conflict will be made in Washington and Hanoi, not in Saigon. I was, therefore, much concerned when the administration announced that the decision on accepting Hanoi's request for a cease fire to honor the passing of Ho Chi Minh was

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going to be left up to the Saigon government. Initial rejection of the cease fire by President Thieu further compounded the problem and it was only by a quick reversal of position that we avoided making a most serious blunder.

I feel that the administration has been justly criticized for letting Saigon call the signals. We should continuously seek to promote an extended cease fire and demonstrate our sincere desire to bring this shooting war to an end as we pursue unrelentlessly our efforts to achieve a negotiated settlement to this conflict.

I, therefore, encouraged this administration to inform Hanoi that we would not be the first to initiate a resumption of hostile actions. We should have assured Hanoi that we wished to extend the truce for as long as it was reasonably observed by the other side. It has been our practice to pursue the battle aggressively the moment a cease fire was scheduled to end.

While we cannot have a unilateral cease-fire—a total cease fire without enemy cooperation—we can cut down the level of our losses—and our costs—by limiting our action—by letting the enemy know that we will hold our positions and use our full military force only if threatened or attacked, or if the cities and area under our control are threatened or attacked. It is inconsistent to talk about resolving the war and searching for peace while we fight for hilltops and see how many we can kill—at what favorable ratio.

A byproduct in such a policy would be a major reduction in the number of our casualties inflicted by our own friendly forces. The well-known military writer, S. L. A. Marshall, has estimated that 40 percent of American casualties are the result of such "friendly" errors or accidents.

The enemy has demonstrated his willingness to accept heavy losses. Will our demonstration of a like disregard for human life lead to peace or to an atmosphere which will bring more fruitful discussions? I think not.

I know what I have said on this matter will be strongly opposed by the military command. They are there to fight, and to win. But they are first and foremost there to protect and further American interests. We civilian leaders, particularly the President and his advisers, must in fact be in charge.

Mr. President, as further evidence for the need to adopt these recommendations I wish to bring to the attention of the Senate an article, published in the Washington Post of October 11, concerning the 173d Airborne Brigade under the command of Brig. Gen. John W. Barnes. The article entitled "Brigade Spurns Killing, Finds Pacification Brings Results," illustrates pointedly what I and other Senators, notably our distinguished majority leader (Mr. MANSFIELD), have been advocating.

The orders under which General Barnes' troops operated, that they were to fire only at uniformed enemy soldiers, or men who were clearly not friendly forces, and at persons engaged in hostile acts such as throwing a hand grenade, accompanied by a cessation in routine harassment interdiction fire at night, should be standard policy and should have been standard policy in Vietnam.

The effects of some change in American policy are already evident in the casualty lists which found American dead at 64 last week—the lowest total in 3 years.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRIGADE SPURNS KILLING, FINDS PACIFICATION WINS RESULTS

(By Richard Homan)

Convinced that the United States "is not a nation of killers" and acting largely on his own initiative, the general commanding the 173d Airborne Brigade in South Vietnam last April took his 7,000 men out of combat role and put them to work pacifying an area that had been in the Communist grip since World War II.

"No orders to do this were given me," Brig. Gen. John W. Barnes said yesterday. "The situation at the time led me to believe this was the best way to achieve success."

It was the first time, according to the Pentagon, that an American unit the size of the 173d had been committed entirely to a pacification effort and told, in effect, to ignore the enemy.

At one time the unorthodox program would have raised eyebrows at the Pentagon, where kill ratios and body counts were once the measure of a battlefield commander's effectiveness.

But the Pentagon became aware of the results of Barnes' program about the time the Nixon administration began pushing its new policy of "Vietnamization."

His briefing for newsmen yesterday was arranged by Defense Secretary Melvin R. Laird, who endorsed it in advance for reporters on Thursday. "I think that this briefing can show you some concrete results of the new emphasis that we have placed on Vietnamization," Laird said. Barnes unabashedly told reporters yesterday, "I'm really sold on it. I'm an evangelist, I guess."

When the operation began in the four districts of northern Binhdinh province in the II Corps area of South Vietnam, about one-third of the 350,000 population was under government control and the rest under Communist control, much of it since the Vietminh days of the mid-1940s.

But the major North Vietnamese army unit in the area had been badly battered by the U.S. 1st Cavalry in earlier fighting and its remnants had scattered into the mountains, leaving only guerilla units in the villages and hamlets.

"Committing the brigade 100 per cent to pacification was a calculated risk, made possible by the absence in Binhdinh of any major threat by organized large North Vietnamese Army forces," Barnes said.

Past practice would have been to pursue the remaining enemy into the hills, Barnes did not.

"As the starting date of April 15 approached," Barnes said, "I initiated a campaign to re-orient my commanders and troops."

Almost all the actual fighting in the area was done by South Vietnamese troops or local militia and after April 15, most of the scattered U.S. casualties were from booby traps, not gunfire.

Barnes give the U.S. troops simple instructions about firing their weapons. "They did not shoot at anyone unless he was recognizable as a uniformed or armed enemy or unless he was engaged in a hostile act. We realized we could lose a lot more by killing or injuring the wrong persons than by letting an enemy get away."

He directed that his battalion commanders establish their headquarters jointly with a Vietnamese district chief's headquarters, a move he said "has been the key to our success" in the cooperative operation.

Freed from combat, "in effect, several thousand soldiers of the brigade became advisors to the Vietnamese militia, Barnes said.

After three months, 72 per cent of the population were under government control, effective Vietnamese militia units were carrying out missions formerly left to U.S. troops, deserted fishing villages were flourishing again, congregations rebuilt churches destroyed by Communists and each of the more than 100 hamlets in the area had established an operative, resident governing body.

Mr. INOUYE. Mr. President, we now have a change in the government in Hanoi. Despite the announced intention of that government to continue the policies of Ho Chi Minh, we should pursue every opportunity toward a reduction in that conflict and toward a change in the policy of their government. This is an opportunity we cannot afford to let pass and our message must be clearly transmitted not only to Hanoi but also to Saigon.

Both President Johnson and President Nixon have stated that there is no possible military solution to the war in Vietnam, and yet the war continues and the killing of our sons and the sons and daughters in South Vietnam goes on.

While we seek a solution, we should also seek to reduce the cost in life and suffering to the absolute minimum. Each death of an American boy is a loss which tugs at our conscience. That loss is particularly poignant when it serves to bring peace no nearer or the end of his tour of duty is close at hand. Recently a small town in New Hampshire lost five of her sons in a single action within weeks of the time they were due to return home.

While each life is precious, those which are expended in a conflict which we say cannot be won on the field of battle are particularly hard to bear.

It is for this reason I called for a ceasefire in June, and again last month, or if that proved impossible, at the very least the maximum reduction in military action, while we seek a political settlement. I reiterate that call now.

There are those who feel that no clear treaty of peace will ever be concluded in Paris; that the war will merely "peter out." This may be so.

But the war will never so end if we insist on constantly maintaining the pressure on the enemy, although this may be sound tactics were we seeking a military solution. Nor will it end if we give to President Thieu the decision-making power. While we must strengthen the government of Saigon and transfer to them a greater share of the burden of providing for the security of their people, this is not achieved by letting Thieu determine whether American soldiers shall fight and die or participate in a truce. We cannot permit his power to govern to be secured solely by American military power. It is time, indeed long overdue, that we forced the government

of Thieu and Ky to act to increase their support from the people of South Vietnam for it is to the people we have made our commitment. It is, therefore, time that we forced the government in Saigon to take meaningful action to increase their capacity to govern.

It is time they took meaningful action on land reform, for to the Vietnamese common man, no single factor is more important than ownership of his land. We encouraged and assisted the two most successful land reform programs in Asia—in Japan and in Taiwan. We must do no less in Saigon if we are to develop stable and free institutions.

It is also time that we forced an end to official corruption and governmentally condoned corruption. While this continues, the people will have no faith in their government—nor should they.

It is also time we insisted on freedom for the political prisoners being held by the government of Saigon. Free governments cannot develop under either the threat or actuality of imprisonment for those who contest for public support through peaceful means.

Our commitment is to their people—and to ours. The time is overdue when that fact should be made clear to all. We have too long confused the trappings, the courtesies, and the ceremonies of authority with the realities of leadership. This can no longer continue.

We do not build a stable government in Saigon nor find peace in Paris by letting Thieu beat the drum to which American boys must march. We do not answer the charge in Hanoi, or in Peiping, that Thieu is our puppet, by our becoming his.

Meanwhile the withdrawal of American troops must continue. This can occur only as we pursue every opportunity for a reduction in the scale of the fighting and every chance at a ceasefire or truce.

Our policy must be clear and it must be consistent. Unfortunately, this administration has sounded an uncertain trumpet.

Fancy footwork is no substitute for policy. While the forces at work are complex and the pressures at play contradictory, our response must be clear and unequivocal. Each time policy is contradicted by rhetoric, the strength of our position is diminished. We must be consistent.

We want out of Vietnam. We should continue a planned and phased combat troop withdrawal.

We should and must not seek to impose a military solution on the political problems of Vietnam.

The South Vietnamese Government must prove its capacity to govern. They cannot rely on our military might as a substitute for their need for political support from their own people.

We want the fighting to end—the shooting to stop—and we must pursue every opportunity to clearly demonstrate that fact.

The problems of Vietnam will be solved neither by public relations gimmicks nor rhetoric. Neither will it respond to wishful thinking. It will not just go away.

Vietnam has been a tragic experience. That tragedy must not be further compounded.

While history and strategy define our national interest, this is only part of our concern. The other is human. We must use our place in the Pacific world to make it truly pacific—peaceful—for our children—and for theirs.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Mr. JAVITS. Mr. President, in the near future the Senate will have before it the administration's foreign assistance bill. Title II of the bill proposes the establishment of an Overseas Private Investment Corporation.

I invite the attention of Senators to the recently released report of the Pearson Commission, entitled "Partners in Development." The report strongly recommends that "developed countries should strengthen their investment incentives schemes wherever possible." This is, of course, precisely what the OPIC purports to do.

I ask unanimous consent that the pertinent sections of the Pearson Commission's report be printed in the RECORD.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

PRIVATE FOREIGN INVESTMENT

HOW TO INCREASE THE FLOW OF PRIVATE INVESTMENT

We have received the definite impression that most low-income countries would welcome a larger flow of foreign investment, sharing our belief that such flows would contribute to their faster growth. How can that flow be stimulated?

There is probably very little more that needs to be done to encourage the flow of foreign capital into extractive sectors. By its very nature, such investment will be attracted to ore bodies and oil deposits. Investment climate plays some part in this decision, but there are probably not more than a handful of countries in the world where that climate is bad enough to deter investment in a really attractive mineral project. What can be hoped for is perhaps that countries with rich natural resources will be able to use their resultant bargaining power to increase foreign investment in internationally competitive processing and/or fabricating facilities.

How can direct investment in other sectors be fostered? A first step is surely for developed countries to remove remaining restrictions on the flow of foreign investment to developing countries. However, these restrictions do not now appear to be a major obstacle to that flow. A more fundamental issue concerns the widening of the domestic markets in developing countries. However, in this chapter we confine our attention to four areas of action.

First, a start must be made on improving the general climate for all private investment, foreign and domestic.

As mentioned in Chapter 3 too few of these countries recognize the tremendous contribution which private enterprise can make to economic development, and in an environment unsympathetic to all private entrepreneurship it is hardly surprising that foreign investors sense danger. Changing this environment will require many specific actions, some of which we enumerated in our earlier discussion. Measures to strengthen financial institutions and to encourage entrepreneurship are especially important, but their form must be tailored to the particular situation. As a general proposition, it is almost certainly true that improving the position of the private sector as a whole is the most important single step to improving the climate for foreign investment in developing countries. *We therefore recommend that developing countries take immediate steps, where consistent with legitimate national objectives, to identify and remove disincentives to domestic private investment.*

The poor image of developing countries in business circles is also the result of the cumbersome administrative procedures and inefficient decision-making processes which companies often encounter when planning an investment in such a country. We recognize that many of these obstacles are often themselves a result of underdevelopment, but we also feel that many governments could even now streamline their procedures considerably. As an absolute minimum *we recommend that developing countries preserve the greatest possible stability in their laws and regulations affecting foreign investment.*

In some countries there is also a strong case for more balanced policies toward foreign investment. But if these are to emerge, there must be some de-fusing of the politically explosive forces which foreign investment can generate. One important way of doing this would seem to be to make more extensive use of the "joint venture" form. We note below that exerting pressure on international corporations to share ownership in this way may involve certain real costs, but foreign investors would also be wise to realize the political cost that may be incurred by reluctance to accept local investors into partnership.

There are other ways of improving the relationship between governments and foreign companies and forestalling disruptive and costly conflicts between them. In particular, developing countries and international corporations alike could make specific provision, when initially negotiating the terms of investment agreements involving politically sensitive activities, such as mining and public utilities, for mutual reconsideration of those terms after a minimum period of years and for adequate compensation and freedom to repatriate such compensation if no accord can be reached at that time. This arrangement, already used by a few developing countries, has the advantage of recognizing the changes in relative bargaining power which are likely to take place over time, of reducing political tensions by giving the host government an agreed basis on which to change terms, and of increasing the likelihood that these terms will not be changed during the agreed period. It is preferable to most schemes of "planned nationalization" in that it provides an orderly procedure for re-examination of foreign holdings. Thus, it reduces the company's incentive to "milk" the operation and avoids prejudging whether it will be in the country's interests to assume ownership of a particular foreign-owned property in the future. Present arrangements only too often compound uncertainty.

The attitudes of foreign investors to the aspirations of host countries, and their willingness to cooperate with development policies, are also crucial to harmonious relations. Foreign investors who in their home countries are subjected to a plethora of legislative and regulatory measures cannot expect to operate in conditions of nineteenth-century capitalism in the low-income countries.

The governments of the richer countries too must be aware of their role in improving the investment climate. Interventions by the large industrial powers on behalf of their investors have a long history, the memory of which looms large in hostility toward private investment. Respect for the sovereignty of the host country is indispensable to the creation of mutual confidence. It is of course unrealistic to expect governments of capital-exporting countries to remain passive when

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the property of their citizens is subject to discriminatory or confiscatory treatment by other countries, but intervention should take a form, whenever possible, which will not jeopardize long-term relations. Specifically, we believe that developed countries should, as far as possible, keep aid policy and disputes concerning foreign investment separate.

Another suggestion relates to the problem of extraterritoriality, or the intrusion of the jurisdiction of one country into that of another. In the past, this issue, has arisen primarily in connection with U.S. investments in other industrialized countries and with attempts to enforce U.S. anti-trust law or U.S. policy with respect to trade with Communist countries. Recently, the problem has come to be of more general concern with the introduction of regulations designed to assist the U.S. balance of payments by requiring the foreign subsidiaries of American companies to repatriate specified proportions of their earnings. While we have not been able to study this question exhaustively, we believe that an appropriate solution might be the renunciation of the principle of extraterritoriality by all member states of the United Nations and, for the long term, the eventual creation of a system of international incorporation of companies doing business in more than one country.

A second major area where action is required concerns measures which promote investment by offsetting the poor investment climate and the disadvantages of the limited markets in developing countries. Some of these measures involve the governments of developed countries, which offer incentives such as tax advantages, guarantees against political and commercial risks, and special credit facilities to those investing in developing countries. The relative importance of each of these incentives differs from country to country, as does the appropriate improvement. However, taken together they certainly reinforce the favorable decisions of potential investors and should be strengthened whenever possible.

Large tax concessions, perhaps investment credits of 30–40 per cent, would probably be required to increase substantially the flow of investment, but more modest steps may be highly useful with respect to some countries. For example, added incentive could result from lowering the fees now charged by governments or their affiliated agencies for investment guarantees. Consideration should also be given to the creation or strengthening of schemes which provide special credit facilities to firms which desire to invest in developing countries. None of these steps will transform the flow of investment unless accompanied by basic changes in the investment climate, but each is worth careful study by donor governments. *Therefore, we recommend that developed countries strengthen their investment incentive schemes, wherever possible.*

Tax concessions extended by developing countries are sometimes a useful way of temporarily shielding foreign companies from the full impact of an antiquated tax system, thereby providing governments with time to revise the basic structure. But only in a few cases do they seem to draw an investment opportunity to the attention of a foreign company, and they are generally reported to be of very modest importance in the final investment decision. On the other hand, they restrict the growth of the host country's tax base, sometimes quite seriously. Accordingly, we would recommend that general tax concessions to attract foreign companies be used sparingly. In any event, developing countries should seek to stop the competition in tax concessions by international cooperation.

Tax concessions by developing countries raise the subject of "tax-sparing," that is, tax credits for international companies in their home countries to ensure that tax concessions in host countries are not offset by increased taxation at home. The value of such provisions is not as obvious as it might seem. On the one hand, it is true that they may give slightly more teeth to tax concessions which developing countries find worth trying. On the other hand, in the absence of tax-sparing, companies have an incentive to reinvest profits earned during the concession period and this may be a more valuable result. On balance, tax-sparing does not seem to be a policy which can be firmly prescribed, although it may be quite useful as an inducement to invest in lagging sectors or areas of developing countries.

We do, however, recommend that developing countries structure their tax system to encourage profit reinvestment by foreign companies. Profit reinvestment is a form of foreign capital which is more readily attracted by tax incentives than new capital, and positive incentives to reinvest are greatly to be preferred to penalties for remitting. The latter tend to be counterproductive by discouraging new capital inflow.

Third, at the international level, talks leading to the establishment of a multilateral investment insurance scheme should be pursued vigorously, as such a scheme could be very helpful in mitigating the impact of an uncertain investment climate. In saying this, we do not dispute the value of the bilateral programs now operated by eight developed countries. Some of these, such as the extended-risk scheme operated by the United States, are especially useful in permitting corporations to gear-up their equity investments by tapping fixed interest funds from institutional investors in developed countries. But a soundly based multilateral system could: (a) permit insurance of investments made by companies based in countries not now operating bilateral systems, such as France and the United Kingdom, (b) permit insurance of multi-national projects, (c) permit small bilateral insurance programs to reinsure large risks, and (d) involve both developed and developing countries in the insurance risks. It might even be appropriate eventually to link the scheme to the Convention on the Settlement of Investment Disputes, by providing for higher coverage and/or lower premiums for insuring investments in countries which accede to it, or to provide for recourse to equivalent regional arbitration facilities.

Serious consideration should also be given to concluding bilateral agreements on the treatment of foreign investors of the sort already concluded with some developing countries by the Federal Republic of Germany, Switzerland, and other donor nations. This might eventually lead to a network of such agreements which could be consolidated into a uniform multilateral agreement such as has been suggested by the Council of the OECD.

The fourth area in which action to stimulate the flow of private capital would be useful is that of project identification and investment promotion. Existing bilateral programs with this objective include the subsidization of investment surveys and the publicizing of known investment opportunities. These are useful programs, but they are often too small and imperfectly geared to the investor's needs (for example, the surveys subsidized are sometimes too general to be of real value in promotional work). They should also devote more attention to inducing small, and medium-sized investors to take up projects in developing countries, providing them, when necessary, with the required technical assistance. Programs of this kind are currently operated by the German Development Company and the Commonwealth Development Corporation.

Similar change should be encouraged with respect to the International Finance Corporation (IFC), which has in the past interpreted the clause in its Articles requiring it to finance only projects "where sufficient private capital is not available on reasonable terms" to mean that it should leave all project initiative to others. There are some signs that IFC and bilateral institutions of similar type are now beginning to appreciate the role they could play in actively identifying new investment opportunities and bringing together domestic and foreign partners to execute them. Certainly, *because of their links with the private sectors of both developed and developing countries, IFC, and organizations like it, are logical agents for project identification and investment promotion work, and we accordingly recommend that they become much more active in this field.*

PRIVATE CAPITAL: AN ALTERNATIVE TO AID?

There can be no doubt about the contribution which private capital can render to economic development. Indeed, dollar for dollar, it may be more effective than official aid both because it is more closely linked to the management and technology which industrial ventures require, and because those who risk their own money may be expected to be particularly interested in its efficient use.

In most industrialized countries there are influential voices advocating that for these reasons private investment could and should replace official aid flows. In the present state of affairs, however, this is an illusion. To begin with, given the present limited access of developing countries to the capital markets of the world, private capital flows are simply not available to finance many of the investment which are a prime need in developing countries—schools, roads, hospitals, irrigation, et cetera. Even through the mediation of the World Bank, such needs cannot be met on the basis of capital that can, in the near future, be raised in capital markets. Second, the flow of private capital tends to be highly concentrated in countries with rich mineral resources and fairly high incomes. Many of the countries of Africa and Asia receive almost no private capital. It is precisely because private capital flows cannot meet the extraordinary demands posed by the imperatives of development that large government efforts have been called forth. Another basic consideration is that it is only through public aid that the developed countries assume any burden on behalf of the weaker members of the international community.

It is fundamental to our strategy that the need for aid should eventually subside. Direct investment and access to capital markets would then increasingly meet the demand for development finance. But, for most developing countries, this is not possible in the short term. On the contrary, for many countries, official aid for investment in infrastructure is a prerequisite for private investment and tends to stimulate it. Far from being alternatives, private investment and public aid can complement each other and it is to this end that immediate efforts should be made, both in bilateral and multilateral aid operations.

RECOMMENDATIONS

1. Developing countries should take immediate steps, where consistent with legitimate national objectives, to identify and remove disincentives to domestic private investment.

2. Developing countries should preserve the greatest possible stability in their laws and regulations affecting foreign investment.

3. Developed countries should strengthen their investment incentive schemes wherever possible.

4. Developing countries should structure their tax systems so as to encourage profit reinvestment by foreign companies.

5. Because the IFC and organizations like it have links with the private sectors of both developed and developing countries, they are

logical agents for project identification and investment promotion work, and they should becoms much more active in this field.

6. Governments of developing countries which attach great value to domestic ownership of industry should establish positive incentives for all companies, foreign and domestic, to share ownership with the public by sale of equity in suitable forms.

7. International institutions, such as the World Bank and UNIDO, should expand further their advisory role regarding industrial and foreign investment policies.

8. Developed countries should remove legal and other barriers to the purchase by institutional investors of bonds issued or guaranteed by governments of developing countries.

9. Developed countries should remove balance-of-payments restrictions presently inhibiting the bond issues of developing countries in international capital markets.

10. In regard to the possible excessive use of export credits, a strong "early warning system" based on external debt reporting should be evolved by the OECD and the World Bank.

ENVIRONMENTAL QUALITY: THE CHESAPEAKE IN TROUBLE

Mr. TYDINGS. Mr. President, Maryland's greatest natural resource is the Chesapeake Bay. One of the world's most productive estuaries, the bay provides an economic and recreational bonanza to the people of Maryland.

Yet like many natural resources, the Chesapeake is in danger. The heavy hand of man has polluted its waters and neglected to provide a planning mechanism suitable for its protection.

The bay is threatened by thermal discharges from nuclear power plants, by industrial and municipal wastes, and by major problems of siltation.

Many things are needed to protect the Chesapeake. Sufficient money, proper planning, stiffer laws, and tougher enforcement are all required.

Yet these all presume public concern. If the people of Maryland do not recognize in time the threat to their bay, the Chesapeake will in the long run be lost to pollution. One of the encouraging developments recently has been a growing awareness on the part of Marylanders that their most valuable natural resource is in jeopardy. In yesterday's Baltimore Evening Sun an article entitled "The Chesapeake—Still at Bay," written by Wayne Hardin, points up the threat to the bay and notes the growing public concern over the great estuary. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Awareness of Bay Problems Grows

(By Wayne Hardin)

After a spring and summer of discontent and bickering and name calling that continues, the Chesapeake is still at bay—threatened by pollution.

How imminent the threat is probably depends on whom you listen to, and plenty of people are talking.

The ordinary citizen, the man who carries the vote around in his hip pocket, the man who likes his crabs and drinks his beer, the man who has been asleep, suddenly seems to care about water pollution.

Throughout the summer, the tumult and the shouting were heard, mostly from public officials and politicians.

Everybody agreed that, "Yes, this is a horrible situation."

But unfortunately, much of what came out of the agreement was the attitude, "Now who can we blame?"

POLLUTION REMAINS

The pollution in its various forms—sewage, silt, erosion, heat, industrial, chemical, eutrophication (over enrichment)—remains.

Waiting, waiting like a condemned man wondering if reprieve, pardon or death is to be his fate, is the Chesapeake Bay, fed by polluted tributaries, fought over by special interests, ravaged by greedy developers—the queen of the bays at the mercy of men who can love it or leave it, save it or lose it.

The queen is 190 miles long, varying in width from 6 to 30 miles, in depth down to 175 feet with an average of 20 feet.

It has a surface area of 4,300 square miles, a shoreline of 4,500 miles, and contains about 18,250 billion gallons of water.

POLITICAL BATTLEGROUND

It is mostly Maryland, but partly Virginia, and it is unique and worth saving.

In the past few months, it has become a political battleground, maybe in future times to be recalled in war terminology: the Battle of Jones Falls, the Baltimore harbor conflict, the Calvert Cliffs bombardment, the Piscataway fray, Bear Creek raid, St Michael's siege, the Potomac campaign, the Choptank action, wherever an oil slick, a fish kill, an overflowing sewage treatment plant happens to pop up, causing another eruption.

The Jones Falls affair managed to consume a large amount of time and get Baltimore city, county and the state all involved in a squabble.

It has produced, among other things, a state proposal that the long neglected hitherto unregulated Baltimore harbor be made safe enough to swim in. The battle on that one will continue later this month.

PRESSMAN ATTACK

Summer got off to a slow start, marked by an attack or two by City Comptroller Hyman A. Pressman on the Maryland Port Authority over how its debris collecting boom on the Jones Falls could be used. Then Governor Mandel got the ball rolling by accusing the city and a few others of doing little or nothing to control water pollution and, indeed, even contributing to it.

Pressman defended the honor of the city by calling the Governor "all wet," and likened state controls on pollution to a "paper tiger."

In a report, Pressman's pollution committee charged the state had "surrendered the harbor to outright unlimited pollution." Mandel fired back that "local government failures" were "perpetuating and intensifying pollution of Baltimore harbor."

WATERSHED BUILDING BAN

In the meantime, Dr. Neil Soloman, new head of the new State Department of Environmental Health and Mental Hygiene, imposed a building ban in the Jones Falls watershed because of overflowing sewage from the Jones Falls pumping station.

This brought a howl from developers and city and county governments.

Although some relief was found in a "lost sewer line," Dr. Solomon extended the ban until 1971, with exemptions to be allowed to capacity.

The crossfire reached its climax when Paul McKee, director of the State Department of Water Resources, announced the proposed water quality standards to make the harbor safe for swimming. A public hearing on the proposal is scheduled October 20.

LOCALIZED PROBLEM VIEW

The harbor is what some state officials like to call a "localized pollution problem," with the harbor counted as part of the Patapsco River. A bay expert, Dr. L. Eugene Cronin, director of the University of Maryland's Natural Resources Institute, disagrees.

"Because of its nature, the harbor area is more like a finger or an arm of the bay than an ordinary tributary," Dr. Cronin said. "It is unlike any of the other tributaries."

One battleground that is strictly bay is the Baltimore Gas and Electric Co's Calvert Cliffs nuclear power plant, now under construction.

Probably no issue in recent years has united more conservation and scientific souls into a common, if somewhat haphazard, effort against it.

PUBLIC FUROR

Television debates have been held on the subject. A moratorium was asked and ignored.

Many prophecies of doom were made. But the united effort against the plant has been one mainly of spiritual togetherness, with an effect of BB guns against an atomic cannon.

One of the most adamant foes of the plant has been Jess W. Malcolm, executive director of the Chesapeake Bay Foundation. On the same day last summer when he released a report in which he asked for a moratorium on construction of the plant, the Atomic Energy Commission announced it had issued a construction permit, and Malcolm's plea was dead before it lived.

GIVING FIGHT FULL TIME

But that hasn't stopped him.

"Fighting this thing is taking up all my time," he said, one day recently, sitting in his Annapolis office among a huge pile of books on AEC hearings and peaceful-use-of-the atom literature. "I guess you might call it my passion.

"It's sort of a David and Goliath campaign, but I've never been so fired up about anything in my life."

The fears concerning the plant are two-fold—thermal, or overheating of the water which will be used for cooling the plant generator, and the possible escape of radioactivity into the water and atmosphere.

"The whole issue really boils down to a bet with the public," Malcolm says. "The Gas and Electric Co. and the AEC are betting that they can use the atom to produce electricity and that they can control it.

OTHER SIDE

"The other side of the argument is from people who say they cannot do it, and if the Gas and Electric Co. loses the bet, millions of people could be killed.

"The thing is, nobody really knows what effect the plant will have."

Other groups opposing it include the Chesapeage Environmental Protection Association, scientists from the Johns Hopkins University and the University of Maryland, and the Sierra Club.

On the other side, support for the plant has come from such people as state Senator Edward T. Hall (D., Calvert), who recently branded foes of the plant a "band of irrational malcontents," who should turn their attention to solving "existing major conservation problems" such as pollution caused by raw sewage, chemical wastes, oil spills and DDT.

MADISON AVENUE CAMPAIGN

But Hall has been a little firecracker compared to the big boom from the Gas and Electric Company itself.

The utility has come on with a slick, professional, Madison avenue campaign in newspapers and on television, replete with pretty pictures and well-written copy assuring the public that everything is all right.

One recent advertisement told of a family named Nixon who just purchased a "new California home less than 3 miles from the San Onofre nuclear power plant, a plant similar in type to the one at Calvert Cliffs."

"The Gas and Electric Company has flubbed

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two ways with this campaign," Malcolm says. "First, they are bringing the problem to the attention of a lot of disinterested persons, and, second, they have dignified the protesters."

BATTLE GOES ON

The battle over the bay goes on and on smaller fronts as well.

The Calvert Cliffs bombardment is not over, although the opponents definitely are at a disadvantage for now.

But the summer was not all one of warfare. There were some signs of encouraging change amid the outrage. Admittedly, most of it was of the paper variety.

Some of the signs:

The long overdue announcement by Bethlehem Steel Corp., one of the largest polluters of the harbor, that it would spend $9.5 million on a 2½-year program to control water pollution at its Sparrows Point plant.

Dr. Solomon's building ban in the Jones Falls watershed.

Governor Mandel's avowals that curtailment of water pollution shall be a major goal of his administration, the appointment of interagency committees to plan and coordinate the effort, and his decision to halt the sale of state wetlands, so necessary as a nursery for wildlife on the bay.

~~Increased~~ Increased seafood production in the bay, which ~~has~~ been the highest this year it has been in 50 years, according to Chesapeake Bay Affairs statistics.

Increased public awareness of pollution which has created a better climate for vote-conscious state officials and legislators to push forward with water pollution control programs.

CATCH PHRASE

As the time bomb in the Chesapeake ticks on, waiting to be disarmed or exploded, a little catch phrase often used by conservationists keeps coming back.

It has a little rhyme and not much meter, and it goes: "You are the solution to water pollution."

SENATOR HARTKE SEEKS NEW APPROACH TO PEACE IN VIETNAM

Mr. NELSON. Mr. President, over the weekend, the distinguished senior Senator from the State of Indiana (Mr. HARTKE) delivered a brilliant and compelling address on the subject of Vietnam. The Senate should take careful note of his candid proposals for peace in that ravaged country, for Senator HARTKE was among the first who counseled the United States against its ill-advised policy in Vietnam. So that the Senate might benefit from the remarks the distinguished Senator made in Indiana on Sunday, I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A NEW APPROACH TO PEACE IN VIETNAM

(Remarks by VANCE HARTKE, U.S. Senator, to the Temple Beth-El, South Bend, Ind., October 12, 1969)

While dining at one of London's finest restaurants in the late 1940s, Sir Winston Churchill is reported to have returned a dish of watery rice pudding to the kitchen after admonishing the waiter: "Take it away; it has no theme."

Were he alive today and were he asked to comment on the Vietnam war, Mr. Churchill might have said the very same thing. If a rice pudding or a government policy has no coherent theme or structure, the result will not be satisfying. During the last fifteen years, our policy in Vietnam has suffered because of the lack of a clear cut theme. Today we would be well-advised to reprimand those who prepared it; and we should no longer hesitate to offer a recipe for its improvement.

I am aware that President Nixon has requested a sixty day moratorium on all criticism of his handling of the war. But at a time when American soldiers continue to die at the rate of 150 to 200 a week, I believe that public silence would be a retreat from personal responsibility. The cause of peace will not be served by asking Americans to hide their discontent behind a mask of complacence. And I do not think the cause of peace will be advanced if the President remains stubbornly indifferent to the arguments of reasoned dissent.

We must all feel a sense of astonished horror when we consider how long the United States has been engaged in this senseless struggle. For most of the decade Vietnam has been an exasperating preoccupation for this country. More than four years have passed since former President Johnson consigned the first quarter of a million men to that remote corner of Southeast Asia. It is almost two years since the Tet Offensive made the futility of our military effort apparent to countless Americans. And although we have been fighting in Vietnam longer than we did in defense of Europe during World War II, no one can predict when the hostilities will end.

Vietnam is a ravaged battlefield, devastated by millions of tons of American bombs. The survivors, as well as the unknown dead, are the scarred casualties of the war. The Vietnamese peasants are refugees in their own land—the helpless victims of forces they cannot control.

The terrible toll of the conflict has been paid beyond the confines of that embattled country. Within our own land, thousands of families mourn the loss of their sons. But even those of us who have escaped unscathed have had our confidence in the national purpose shaken. We have seen the morality of the nation compromised for questionable objectives. We have watched as the tranquility of the United States was replaced by bitterness and frustration. It is undeniable that violence begets violence, and we have learned that the brutality in Vietnam is a contagion that cannot be confined to the battlefield. The war has been one agent in the degeneration of restraint that recently has disturbed our society.

There is not one among us who can adequately explain how the United States became so hopelessly involved in the quagmire of the war. The road to the stalemate in Vietnam, as it is to an equally disreputable destination, has been paved with good intentions and bad advice. The most cynical of French revolutionaries, Fouché, would have declared that the debacle in Vietnam "is worse than crime. It is a mistake."

The time has come for us to stop making mistakes. There is nothing we can do about the past except learn from it. We must abandon the policies and attitudes that have led us directly to the brink of national disaster.

It would appear that the Administration finally recognizes the need for a change in our policies toward Vietnam, for it has assured us that it realizes that the war is not winnable "in the military sense." But I am not convinced that President Nixon understands the logical implications of that conclusion—that the war is not winnable in the diplomatic sense either.

We must reconcile our ambitions and pride to the grim realities that this nation confronts in Vietnam. We must be satisfied with, in the words of Woodrow Wilson, a "peace without victory." The armed forces of the United States have wrestled those of North Vietnam and the National Liberation Front to a deadlock. We are not negotiating from a position of strength but from one of equality. Therefore, we should not expect them to accept in a Paris hotel the type of settlement that they have withstood on the battlefield.

The war will continue as long as the United States stubbornly continues to defend the interests of General Thieu and General Ky. If progress toward peace is to be made in the Paris peace talks, our government must make it clear that it does not consider their leadership to be an indispensable element of South Vietnam's future. Both reality and reason impel us to declare our support for the formation of a coalition government that will include the significant participation of the National Liberation Front.

In recent months it has become clear that the principal obstacle to the disengagement of American forces from Vietnam is our marriage to those most unattractive political bed-fellows, Generals Thieu and Ky. I am disturbed by the fact that our policies are influenced so greatly by two men whose government has been a consistent disappointment and embarrassment. Their rigorous application of repressive laws which are reminiscent of the Diem dictatorship reduces to a farce our announced intention to bring democracy to South Vietnam.

Their implacable resistance to the formation of a coalition government indicates that such an interim regime could best be led by a political figure who is known to favor a compromise until free elections determine the final character of the South Vietnamese government. If the coalition is to work, it would have to be led by a man who enjoys the respect of a wide spectrum of political groups. Truong Dinh Dzu, who finished second in the Presidential elections in South Vietnam two years ago—and was sent to jail for his success—might be the type of man who could preside over a coalition government.

I think that the President should bear in mind that the original premise of our involvement in Vietnam was to assure its people a free choice of political leaders, rather than to perpetuate the military dictatorship of Thieu and Ky.

President Nixon has recently stated that he will not be the first American President to "preside over a military defeat." If the President is sincere in his assertion that he is not attempting to decide the issue in Vietnam by force of arms, I do not see why he is indulging in that sort of rhetoric. His concern at this point, recognizing that military victory is no longer our objective, should be to scale down the level of violence in Vietnam.

I believe we could take a great step in that direction if the President would order the halt of all American offensive military operations. The search and destroy missions should be halted, and we should engage the enemy only if he attempts to penetrate the territory that is currently under our control. The idea of maintaining our military presence only in strategic enclaves was proposed long ago. The immediate adoption of that concept would greatly reduce the level of fighting. Furthermore, it would provide a direct challenge to the Communists to deescalate their military efforts. We must demonstrate to the Communists and the world that we are willing to accept the territorial status-quo in Vietnam. Such an action would place the burden of responsibility for continued bloodshed upon the North Vietnamese and the National Liberation Front. I would hope that our initiative would lead to the establishment of an official cease-fire.

In conjunction with these two important actions in behalf of a resolution of the war, the support of a coalition government and the cessation of all offensive military operations, the President should consider the implementation of the following additional measures:

First, the United States should withdraw its offensive units from South Vietnam with the greatest deliberate speed while giving

careful attention to the safety of troops remaining in Vietnam. After so many years of American assistance, the armed forces of South Vietnam should be able to reinforce the defensive enclaves that had been supported with American units.

Second, in order to demonstrate our willingness to abide by the results of the internationally supervised elections, the Administration should announce its intention to grant diplomatic recognition to the Government that arises from these elections.

Third, the greatest demonstration of this nation's concern for the destiny of South Vietnam would be to lend our assistance to its economic recovery from the devastation of war. We should make a special effort to ease the burdens of Vietnamese refugees. It is this "other war" in that unhappy country that deserves the attention of the United States.

Fourth, the Administration should continue its efforts to find a lasting settlement for the war through the talks in Paris. Recognizing that the United States entered this war without legislative sanction, the President should invite Congressional participation in its conclusion by assigning a bipartisan delegation to attend the Paris peace talks.

Finally, in deference to the ideals to which this nation has always been committed, the Administration should bring pressure upon the Saigon regime to release the countless political prisoners who are incarcerated without legal justification.

I offer these suggestions in the absence of more concrete proposals by the President. The danger is great that President Nixon will fall victim to the disease of Vietnam. During last year's campaign, he asserted that he had a plan to end the conflict. The time has come for him to offer a solution more compelling than the withdrawal of a limited number of American troops whenever public opinion demands some sort of action.

We have not progressed very far toward peace during the nine months of the Nixon Administration. Even with the cancellation of draft calls during November and December, nearly the same number of young men will have been inducted into the armed services during 1969 as were drafted during the last year of the Johnson Administration.

The patience of the American people, when the issue of justice is not involved, cannot be expected to last forever. In the past we have gone to war to preserve the human values that we treasure during peace. But morality and ethics cannot be argued in behalf of our senseless entanglement in Vietnam.

The fault for failure lies not with the soldiers who have fought and died so courageously, but rather with the cause they were asked to defend. Americans, who voted for peace in 1964 and for a settlement of the war in 1968, realize that the United States is not fighting in behalf of moral imperatives.

Although President Nixon may refer at times to Vietnam as this nation's finest hour, there are few in the government who still believe that democracy is making its last stand in South Vietnam. It is the absence of purpose in our efforts in that country that makes the great loss of life so horrifying and absurd.

Shortly before his death, President John F. Kennedy noted that the war against the communists would have to be won by the Vietnamese themselves. It is high time that the army of South Vietnam assumes the full brunt of fighting.

No one can safely predict what the future will bring to Vietnam after the last contingent of American troops will have left that country. Dr. Howard Zinn addressed himself to the unforseeable in the conclusion of his book, *Vietnam: The Logic of Withdrawal.* He observed: "We may see a period of turmoil and conflict in Vietnam. But this was true before we arrived. That is the nature of the world. It is hard to imagine, however, any conflict that will be more destructive than what is going on now. Our departure will inevitably diminish the fighting. It may end it."

That statement, written in 1967, is more compelling today than it was two years ago. Now more than ever, it is clear that the price of war becomes harder to bear with each month. While we continue to follow the unwise policy of spending good money to save a bad investment, the true ills of our country go uncared for, the forgotten citizens remain unnoticed, the violence in our streets increases. And in an effort to contradict commonsense, we are told that it is more important to save face than save lives.

The American people would be well-advised to ask what perversion of the national purpose allowed the energies of this country to become so committed to the destiny of Vietnam and why the United States finds itself unable to detach itself from the conflict. The answer lies, to a degree, in the psychology created by our form of government. George Kennan wrote in *Russia and the West Under Lenin and Stalin:*

"There is . . . nothing in nature more egocentrical than the embattled democracy. It soon becomes the victim of its own war propaganda. It then tends to attach to its own cause an absolute value which distorts its own vision on everything else. Its enemy becomes the embodiment of all evil. Its own side, on the other hand, is the center of all virtue. The contest comes to be viewed as having a final, apocalyptic quality. If we lose, all is lost; life will be no longer worth living; there will be nothing to be salvaged. If we win, then everything will be possible; all problems will become soluble; the once great source of evil—our enemy—will have been crushed; the forces of good will then sweep forward unimpeded; all worthy aspirations will be satisfied."

If there is anything that we can take from the bitter experience of Vietnam, let it be a more sophisticated appreciation of our role in world affairs. The tragedy of the war should finally disenthrall this nation from the tired myths and dogma that have invited our knee-jerk reactions to international politics.

We should test the assumptions developed during the hysteria of the fifties against the realities that confront us as we enter the seventies.

Above all, we should take from Vietnam a new awareness of the potential and limitations of American might. We are the most powerful nation in the world, but we are not all-powerful. Misfortune can come from the failure to exercise with caution and restraint the strength that is this nation's inheritance.

For as Shakespeare warned in the First Part of King Henry the Sixth:

"Glory is like a circle in the water
Which never ceaseth to enlarge itself
Till by broad spreading it disperse to
nought"

A JUST RESOLUTION OF THE VIETNAM WAR

Mr. BAKER. Mr. President, public discussion in the United States about the war in Vietnam appears to be increasingly concerned with ending American involvement in that conflict and not with a just resolution of the conflict itself. In fact, it seems that many no longer make such a distinction, although it is very real, particularly to the people of South Vietnam, who were at war long before the United States became involved.

It is appropriate that American lives and American resources should be of primary concern to us as Americans. But it is not appropriate that the future of the people of South Vietnam should play no part in our deliberations. Some say that the only responsible course open to the Government of the United States is immediate withdrawal of support from the Government of South Vietnam.

Mr. President, if any responsibility has been incurred by successive Governments of the United States it is for the encouragement of dependency by South Vietnam on American economic and military power. If the Government of South Vietnam is not as responsive to the diversity of political persuasion in South Vietnam as we would like for it to be, much of the responsibility for that fact lies not in Saigon but in Washington. As Senator AIKEN tellingly observed at Norwich University on October 11:

> The tragedy of Vietnam is that we have prevented self-determination through the weight of our intervention even while proclaiming the preservation of self-determination as our goal.

The new policy of the Government of the United States in Vietnam is called "Vietnamization." This policy involves much more than the assumption by ARVN troops of the combat effort. "Vietnamization" also means that the Government of South Vietnam must at last become increasingly dependent for its continued incumbency not on American power and support as it has in the past but on genuine institutional and economic reforms that will win the legitimate support of a broad segment of its own population.

Mr. President, I have just read an article written by Robert Shaplen on September 10 for the September 20, 1969, issue of the New Yorker. It is a long article, and it is with some apologies to the Public Printer that I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Mr. Shaplen has been reporting on the war in Vietnam for a number of years. He is intimately acquainted with the people in Saigon, Washington, and Paris who are involved daily in the prosecution of the war and in the political activities that surround it. The most striking aspect of the article for me is its utter lack of dogma. It seems to me that for Mr. Shaplen the men in Saigon and the people of that country are not pawns or statistics but living men and women with all of the aspirations and the prejudices of the species. I, for one, am pleased to read that something very much like genuine political activity seems to be going on in Saigon, that leaders of various political viewpoints are talking to each other, that seemingly meaningful elections and government are taking place in the hamlets and the districts where the people are, and that the United States appears to be doing things that perhaps it should have done years ago to promote political flexibility.

As I read this excellent article, Mr. Shaplen does not really talk about who is winning or who is losing. I do not believe that his vision has been as narrowed as that of some in this country.

XUM

What he seems to be writing about is a situation, a very real and human situation, as he sees it now. I commend this "Letter from Saigon" to the careful attention of Senators.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LETTER FROM SAIGON

(By Robert Shaplen)

SEPTEMBER 10.

Over the last two months, an unduly prolonged Cabinet crisis and other political and psychological shock waves have further threatened what remains of this weary capital's equilibrium. Most important, there has been a sudden realization that the Americans are indeed determined to pull out a large number of troops as soon as possible, and that, although Washington will try to fulfill its pledges of continued military and economic aid, the burden of carrying on the war will fall more rapidly than had been expected on the still—and, it seems, perpetually—unprepared South Vietnamese. Unfortunately, they remain as sharply divided and as suspicious of each other as they have always been, and it seems quite possible that they will end by figuratively throwing themselves into the sea like lemmings. This potential for self-destruction must be taken seriously, despite the existence of a number of countervailing factors, including the increasing difficulties that the Communists have admitted experiencing. These difficulties may, of course, be exacerbated by the passing of the illustrious and irreplaceable Ho Chi Minh, for now a serious power struggle could take place in the North—though such a struggle does not seem likely to take place in the immediate future, and the probability is that Ho's memory will be resoundingly invoked as a rallying cry for victory.

The difference between the two sides all along has been that the Communists have usually known what ailed them and done their best to cure it—as they now are trying to do with the agricultural ills in the North while initiating in the South a new strategy of "great victories with limited strength," in the phrase of their Deputy Prime Minister, Defense Minister, and Commander-in-Chief, General Vo Nguyen Giap. Saigon, by contrast, is still flailing around ineffectively in dealing with most of its problems. Everything seems to hinge on organization and conviction. Even though there is evidence that the Communists' mass support has diminished in South Vietnam and is under severe strain in the North, the disciplined Communist leaders have managed to keep most of their followers convinced that their side is ultimately bound to win the war, throw the "neo-colonialists" out, and unite the two halves of Vietnam, whereas the disorganized and disgruntled leaders in the South, lacking any widespread backing beyond their own and the American bureaucracy, continue to rely on words and formulas as substitutes for true conviction. The new magic word is "Vietnamization," which may be defined as a process surrounded by difficulties comparable to those of carrying out a successful heart transplant. In a sense, the Americans, having failed in what once seemed a revivifying infusion of new strength are now being rejected by the Vietnamese body politic, and it may be that the main thing we have succeeded in doing in Vietnam over the past fifteen years—or, anyway, the past ten—has been to inhibit a natural revolutionary development that might have evolved on its own to its own success or failure irrespective of the pressures from the North.

What seems almost inevitable is that the war in Vietnam will continue, one way or another, and that, as Ignazio Silone once forecast in another context, the final conflict will pit the Communists against the ex-Communists. Perhaps, as Asians, the Vietnamese, North and South, will make special, Asian-style accommodations with the inevitable and live happily—or else unhappily—ever after, but one somehow begins to doubt whether accommodation itself will be more than a phase. It is true that the average Vietnamese peasant traditionally wants only to be left alone to till his fields, but by now, in the North at least as much as in the South, he has been kicked around and shunted back and forth for so long that he has become a political person whether he wants to be or not, having been forced to form some definite ideas about social justice and about what his prerogatives are or ought to be. Over the years, I have talked to peasants and peasant-soldiers, including North Vietnamese prisoners, and their political convictions, whether pro- or anti-Communist, are quite strongly defined. One certainly also finds this to be true among the scattered religious elements in the South—the Buddhists, the Catholics, the Cao Dai sect and the Hoa Hao sect—and among the Montagnards as well, and these groups account for most of the population of South Vietnam. Deep-rooted political convictions also move people like Vice-President Nguyen Cao Ky, a French-trained but fiercely patriotic and xenophobic Vietnamese (he once told me that if he had had the choice over again he might have sided with Ho Chi Minh), and many members of the earlier resistance—those who fought against the French in the Communist-dominated Vietminh between 1946 and 1954. Ky, with whom I have spent some time during this trip to Vietnam, is one of the ardent anti-Communists who might stay around after some of their fellow-generals and office-holders have fled the country with their fortunes, but if the likely initial period of accommodation gives way to another conflict, it will not be Ky and his dashing young friends in the Air Force and the Army who will carry the fight to the Communists but, rather, the ex-Vietminh nationalists, who have their roots among the people, and who are potentially capable of rallying a new peasant force that would reject both the tyranny of the landlords and that of the Laodong (Workers') Party, the ruling Communist party of the North. Some of the former Vietminh leaders I know are Northerners, as Ky is, or come from central Vietnam, and they claim, as Ky does, that they could raise a guerrilla division in North Vietnam right now. They also claim that they could rally support among the *hoi chan*, or returnees, from Communist areas in the South, who have averaged twenty-five thousand a year over the last three years, and even among some of the five thousand North Vietnamese prisoners being held in the South. They may simply be boasting, and if so, and if the South does become "Vietminh-ized," these ex-Vietminh types will probably be the first to be eliminated, but if they are right, a new resistance in the South, opposed both to Communism and to a sellout peace, could spread to the already beleaguered and economically shackled North. No longer inspired by the organizing genius of Ho, faced with an apathetic and latently hostile population kept in line by carrot-and-stick measures, and held together politically by Ho's companions in the Politburo and by a still powerful Army, North Vietnam today is probably confronting its greatest challenge in its two and a half decades under Communism.

The events of the last two months here, seen against the backdrop of the talks in Paris, where I spent the month of June, have certainly seemed to offer scant hope that peace is any closer. The six-point invitation to the National Liberation Front to take part in elections, which President Nguyen Van Thieu issued on July 11th, was quickly denounced by the Communists as more "perfidious trickery," and both sides have since remained adamant. "We have gone as far as we can or should go in opening the door to peace, and now it is time for the other side to respond," President Nixon said on July 30th as he stood on the steps of Independence Palace in Saigon. Two weeks before that, Vice President Ky had told a group of officers at the National War College that "to retreat one more inch would amount to unconditional surrender," and added that, in view of the Communists' intransigence, "I should think there is no more reason for us to maintain and prolong the Paris talks." This was, of course, part of the propaganda war between Saigon and Hanoi that is fought weekly in Paris; although neither side is ready yet to talk seriously about making peace, neither side has any desire to break off the negotiations. Some progress could still come late this year, but it seems far more likely that the conflict, both military and political, will continue through at least part of 1970—at a reduced level of violence but at a higher and more critical level on the political front. The offers and counter-offers made so far will meanwhile sit on the shelf, not altogether ornamental but not yet the useful instruments they could become. They do, in fact, contain the shape, if not the substance, of ultimate accommodation and agreement, and so what has happened here and in Paris in the past few months cannot be dismissed as utterly futile. The Communists, taking a more consistent approach, have moved ahead logically in their declarations over a longer period. The South Vietnamese and American strategy has been wobbly and, for the most part, defensive. Thieu's July 11th election offer—which the day before he had told a group of Saigon legislators he was submitting at the behest of the Americans—was a maneuver he obviously knew would be rejected, yet he ran a real risk in making it. The risk lay in the effect it would have on South Vietnamese morale, and particularly the morale of soldiers in the field, for in one breath he was talking peace and in the next exhorting them to go on fighting. For this reason, many Vietnamese I have spoken with believe that the Americans gave Thieu poor advice, and that in this case he should have exhibited his characteristic caution—above all, by discussing his peace plan behind the scenes before publicizing it.

The offer did have the predicted effect on the South Vietnamese soldiers—most notably, the younger officers. Why, they asked themselves, should they go on fighting and dying and urging their men to do the same if tomorrow the shooting might stop and their Vietcong opponents might emerge among them as "brothers"—and perhaps more praiseworthy ones in the people's eyes, because of their long absence from villages where the South Vietnamese have made themselves unpopular by stealing chickens and pigs? The question was a valid one. What was required as a prelude to any peace offer, many South Vietnamese feel, was a series of moves to reorganize the armed forces, to reeducate them, and to motivate them to continue fighting, and an effort to balance such a reorganization with reforms in the central government, so that it would cover a broader spectrum of the important religious and political forces, and there should also have been a more decisive move toward decentralization at the lower administrative levels, which has now just begun. Thieu himself, once he had made his offer, was aware of the trouble it might cause. When I saw him late in August, he was exuding confidence that the crisis was past, but he admitted, "The atmosphere for two weeks after July 11th was very heavy."

Just how heavy it was became apparent on July 22nd, when a group of nineteen retired general officers held a three-and-a-half-hour luncheon meeting at the home of Senator Tran Van Don, who as a general in 1963 had been the key figure in planning the coup that overthrew the late Ngo Dinh Diem. A number of other heroes of the coup were at the meeting, including General Duong Van Minh, a still popular man who has been frequently mentioned as the logical choice to head a special advisory body, or brain trust, that could create the broader consensus everyone admits is needed. The meeting, Senator Don announced at the outset, had been called to "judge the situation of the nation, politically, militarily, economically." The guest of honor was Ky. During the discussion, Ky was his blunt self, but it cannot be said that his views were unrepresentative of those of the majority of the country's discontented young officers. He said he had advised Thieu to postpone the July 11th offer, telling him that "regarding the matter of the last and final concession [the election offer], I have to explain it to the citizens and the military clearly and let the Americans know that we won't concede any more."

Ky repeatedly voiced contempt for the Americans during the session. He referred to Ambassador Ellsworth Bunker as "Governor General Bunker" (the French administration in Indo-China was headed by a governor general), and said that the Americans had all along been "wrong in their evaluation of the abilities and capacities of the Vietnamese people" and wrong in their belief that within the limits they had set they could bomb the North into submission. He charged that "the Americans have threatened us many times, saying that if we did not accept their conditions they would reexamine the matter of military aid to us," and he also charged that the United States had supplied the South Vietnamese with, among other things, "disgracefully ancient aircraft." At another point, he said, "I have brought up the matter of Vietnamization of the war with the American leaders. If they really give us enough weapons to fight, then even if we lose and die we will laugh up our sleeves in Hell. According to reports by American advisers, a number of Vietnamese units are ineffective, and it will be difficult for them to replace American units. But I told the advisers that when there is a possibility of our doing the job they should let us do it, so we can win the respect of the people." If not enough aid is received soon enough, "the only thing to do is to try to separate ourselves from that influence, even though we are poor and starving," Ky said, and he continued, "We must strive to become self-sufficient, and to greatly reduce the influence of the Americans—the sooner the better." Although he stressed the need for a unified national policy and his own willingness to support Theiu and work with him, he also expressed fear of a coup by company-grade officers and soldiers, and toward the end of the session he declared that he had enough support to lead a coup himself, "because the people are confused and the government does not follow a clear policy line." He added, however, that if such a move were to be made it "would have to be at exactly the right time and be supported by everyone."

Although most Vietnamese and most Americans here doubt that Ky is strong enough or rash enough to try any such thing, he represents a viewpoint that has to be taken into account. Ky, who in recent months has either languished in idleness or halfheartedly carried out occasional tasks, including his "supervision" of the Paris peace talks, is playing what he calls "the waiting game," and it's the game that a number of ignored, discontented elements in the country today, including the Buddhists and various other religious and political groups, are also playing. The Americans have taken to pointing out to their Vietnamese friends that a lot of people in the United States didn't like Franklin D. Roosevelt at the start of the Second World War but supported him anyway in a time of national crisis, and that the Vietnamese ought to do the same with President Thieu. But the Vietnamese don't think that way, and it is a misreading of the Vietnamese mind to suppose that they could or would.

The thirty-one-man Cabinet that President Thieu recently selected—to replace a twenty-three-man Cabinet headed by the civilian Prime Minister Tran Van Huong—is led by Tran Thien Khiem, who, like Thieu, is a former general, and who has retained the important post of Minister of the Interior, which he held in the previous Cabinet. Although Khiem has played an increasingly important administrative role over the past year, Thieu has run the government virtually by himself, and, in fact, this was one of the sources of conflict between him and Huong, whom the Americans wanted to see stay on, chiefly because he was a respected Southerner and not a military man. Thieu is expected to dominate the new Cabinet—a mixture of politicians and technicians, including nine holdovers—at least as strongly as he dominated the old one. Despite his comradeship-in-arms with Khiem (actually, Khiem outranked the President militarily, four stars to three), the two men have some long-standing differences, involving earlier political rivalries and loyalties, and the Vietnamese, who tend to remember such things, and who think along divisive lines anyway, are already envisaging a new power struggle. This does not seem likely to occur immediately, but it may come about in time, depending on how pliant Khiem proves to be as Prime Minister—a position that, under the constitution, makes him, in effect, only the executor of the President's policies.

In announcing the formation of the new Cabinet, Thieu declared that the step had three objectives: to enlarge the Cabinet, thereby increasing political representation; to make it more efficient; and to improve relations between the executive and the legislative branches. It promises to be more efficient in some respects—particularly in the areas of finance and economy, where two men regarded as experts in their fields, plus two able new undersecretaries, have been named, and in foreign affairs, where Senator Tran Van Lam, a wealthy Southerner with previous diplomatic experience, replaces Tran Chanh Thanh, who was neither very effective nor very popular. Another important Southern addition is Nguyen Luu Vien, who for the third time in the last five years has been named both Deputy Prime Minister and Minister for Education. In what is largely a pro-Thieu lineup, and has strong overtones of the former Diem regime, there are only two well-known men who can be said to represent a liberal outlook—Dr. Phan Quang Dan and Nguyen Tien Hy, who are both Ministers of State Without Portfolio. There are also a few liberals in lesser posts, such as the Minister of Land Reform, Agriculture, and Fisheries, Cao Van Than, a holdover from the previous Cabinet. Dr. Dan is something of a maverick; last year, he was ousted as Minister of Open Arms—the department in charge of returnees from the Communist areas and defecting Vietcong and North Vietnamese—when he advocated direct peace talks with the National Liberation Front prior to Thieu's adopting much the same policy. It seems doubtful, however, whether Dr. Dan will do much more than contribute some liberal window dressing, and an announcement by Thieu that former Prime Minister Huong will remain an adviser to the President seems a mere sop to the Southern group that supported him and to the Americans. As for Thieu's desire to better his relations with the National Assembly, relations between the executive branch and the legislature were until recently downright bad, and while they have begun to improve, they are still far from good. At Thieu's behest, an attempt to form a majority bloc in both houses of the Assembly is being made by Senator Dang Van Sung, a newspaper publisher and veteran politician, but it has so far failed, chiefly because Sung has run into trouble among Thieu's own friends in the House, and because he himself and some other senators are skeptical about Thieu's willingness to cooperate on a practical give-and-take basis.

The word one hears most often nowadays in Vietnam is "sincerity," and it is used mostly about Thieu. Many politicians, whether in or out of office, and a number of prominent independent men, like General Minh, feel that Thieu's main purpose at present is to guarantee his reelection as President in 1971 (assuming that there isn't an election sooner, under a different dispensation, as a result of some sort of compromise with the Communists). Such people almost unanimously mistrust Thieu's advances to them as being hedged by his wanting, in effect, to sign them up as part of his "team" without either explaining his program or making it clear whether they will be allowed to retain their own independent voices. Thieu has done this, inadvertenly or purposely, even with members of the National Social Democratic Front, which is a six-party group he created as a pro-government force, and which has so far proved ineffective, as Thieu himself admits, because of rivalries and jealousies among the six party leaders—rivalries that he himself could resolve if he really wanted to. One American observer said recently, "Thieu has developed the clay-pigeon technique to a fine art—he makes a public show of dealing with men whose cooperation he says he wants but of whom he is basically afraid, and he shoots them down by arousing their skepticism and then putting out rumors of their unwillingness to cooperate." This happened a few weeks ago with General Minh (or Big Minh, as he is known, because he is unusually large for a Vietnamese). The Palace let it be known that Minh had come to see Thieu, whereas Thieu had actually paid Minh a visit at the latter's home in Saigon, at which time Minh's participation in the possible advisory council was reportedly discussed. In reality, Minh later revealed that Thieu did not say a word about such a job, and the two men did little more than exchange amenities for three-quarters of an hour. It may be that Thieu—who, it should be said, has just as much right to mistrust the sincerity of others as they have to mistrust his—was testing Minh's willingness to work with him, and it may be that he was "clay-pigeoning" Minh by floating reports that would inevitably place Minh in an embarrassing position. It is still possible that Minh may play some sort of role in the government, but, like several other Vietnamese I have talked with who are willing to work with Thieu, he is reluctant to take on some ill-defined assignment unless Thieu not only is serious about listening to advice but is genuinely willing to change his mind on such vital questions as the strategy for negotiations and for peace. "If he is simply looking for yes-men, whom he can listen to or ignore at will, then I want no part of it," one of these men has said. "On the other hand, if he is sincere, and is not simply trying to neutralize me in case I want to run for President, then I'm ready to join him, because right now it's more important than ever to stand behind a unified policy."

When I spoke with Thieu at the end of August, a few days before he announced the formation of the new Cabinet, he seemed much more self-confident and open in his attitude than the last time I had seen him alone—in January, 1968, not long after he took office. The President is a man who at best is difficult to read, but then so are most Vietnamese, who carry their mutual suspicions to a point beyond the comprehension of Westerners. I observed that if he wished to win the confidence of the American public and also of more of the Vietnamese, it seemed apparent that he would need to broaden the base of his government, including in it representatives of as many different religious and political groups as possible, and especially groups like the Buddhists, who had mass support. Thieu agreed.

XUM

He also agreed that it was important to move quickly to improve his relations with the National Assembly, and to create an advisory council for negotiations which would include some American advisers, so that a consistent policy for peace could be devised. He planned to do this "as soon as possible," he said. The trouble was, he explained, that he had to be convinced of other people's "good intentions." We spoke specifically of the Buddhists of the An Quang Pagoda, whose political leader, Thich Thien Minh, had been jailed by Thieu's police for harboring deserters and pro-Vietcong elements in his Buddhist Youth Headquarters, and whose spiritual leader, Thich Tri Quang, I had spoken with a few days earlier.

Tri Quang had made it clear to me, in a characteristically elliptical fashion, that the Buddhists of the An Quang group had no intention of collaborating with the Thieu government under any circumstances—whether Thich Thien Minh was released or not, or whether Thieu gave An Quang a charter of its own under which to operate, or met any of its other conditions, such as a Cabinet post for a man designated as a friend of the pagoda. "You Americans simply do not understand," Tri Quang had told me. "It is a matter of lack of trust, of our having no hope of anything from this government. It is not a matter of making conditions. After all the money you have spent, and all the men you have had killed and wounded here in Vietnam, you still fail to realize that Thieu and his people are removed from the masses, that you have lost the revolution you thought you were helping win for us in 1963." (At that time, Tri Quang was the man who sparked the Buddhist revolt that led to the overthrow of Diem, and eventually, when Diem's brother Ngo Dinh Nhu ordered military and police attacks on the pagodas, he took refuge in the American Embassy.) When I left Tri Quang, there was no doubt in my mind that, like Ky, though for altogether different reasons, he was determined to sit things out—to wait for the government to fall in one way or another and for a fresh revolutionary opportunity to occur. His own position, however, seemed to have changed since the Struggle Movement of 1966, when Ky, then Prime Minister, defeated and dispersed the Buddhists. Whereas Tri Quang had then been willing to cooperate with the Communists, and had even allowed his movement to be openly infiltrated by them, he now seemed a true independent neutralist.

President Thieu, as I spoke with him about the An Quang problem, seemed willing to release Thich Thien Minh from prison if the An Quang bonzes were "sincere," and he intimated that he would even free Truong Dinh Dzu, the man who ran second to him in the Presidential election of 1967, and who had then been in jail for more than a year because he recommended a coalition government. Dzu, who has become at least as much of a *cause célèbre* in America as he is in Vietnam, could go free, Thieu indicated, if he would write a letter of "clarification"—by which he obviously meant "apology," since the world "coalition" is still taboo in South Vietnam, and any newspaper that uses it can be banned and any person advocating it can be jailed. (The word "reconciliation" is permissible, however.) I left Thieu with the word "sincere" ringing in my ears.

The official American establishment in Vietnam, which was more responsible than the Vietnamese themselves for what many consider the premature creation of the "legal," constitutional Second Republic in 1966–67, feels that Thieu has come a remarkably long way since he took office, and it is reluctant to push him hard now. "If you demand too many things too quickly, he just backs away and moves more slowly," one high-ranking American says. Ambassador Bunker has a close personal relationship with Thieu, and, in the opinion of a number of Americans, is too sympathetically aware of Thieu's problems and too attuned to his personality. Some of these same Americans, and a great many Vietnamese as well, firmly believe that at this eleventh hour the United States should take the utmost advantage of its leverage—threats of faster troop withdrawals, promises of future aid—to force Thieu to do things that are necessary. They feel that since he lacks both a firm policy and a strategy for negotiations, and has not succeeded in establishing anything remotely resembling a national consensus, he must at least be persuaded to let others help him achieve these things, or let them make the effort on their own, under his supervision. A Vietnamese senator who is both consistently critical of us and deeply pro-American said to me the other day, "The trouble with you Americans is that you have confused legality with legitimacy. These are two different things, and it's something the Communists know much better than either of us. Legality is simply a form. Legitimacy is based on the formulation of a sound national policy—which we lack—and the ability to get it approved. We have produced some ideas and many plans and projects—for pacification, for land reform, for village autonomy, and so on—and some of them have begun to work, on a limited scale. But we still have no philosophy of government, no fundamental sense of the direction in which we are going, and above all, no system of political organization, which must inevitably begin at the bottom."

The Americans have tended to compound the problem with their computers, grinding out data on how many hamlets and villages are in what category of combined security and development, ranging in scale from A (the best) to E (the worst, except for V, which means Communist-controlled). Thus, it is officially proclaimed today by both the South Vietnamese government and the Americans that nearly eighty-five per cent of the country's population is under either complete or partial government control, and it is true that in the last few months increasing numbers of people have left Communist-dominated areas and—for whatever combination of reasons, which may include higher Communist taxation, insufficient food, and the conscription of young people into Communist military or labor ranks—moved into regions that are more or less controlled by the government, or where there is at least some government presence. It is also true that the roles of the chiefs of nineteen hundred villages (there are about twenty-five hundred villages in South Vietnam) where elections have now been held, under government auspices, have been so greatly enhanced that these chiefs and their councils operate locally with near autonomy; they have been given their own locally elected development teams and have also been given control over those trained and sent in from outside, such as rural-development workers, and over the so-called Popular Forces, organized by the government at the provincial or district level. During the village and hamlet elections, which were held over two separate three-month periods during the last two years, some difficulty was experienced in getting enough people to run who were both qualified to serve and willing to take the risk of serving (such officials are highly vulnerable to Vietcong terrorism), but, by and large, the results have been encouraging, and the new degree of spontaneous political participation has proved—as nothing else has had a chance to prove in the six years since the anti-Diem coup—that such measures should have been taken long ago.

Yet all this does not work well enough, because not enough else has been done. As Yeats wrote, "Things fall apart; the center cannot hold;/Mere anarchy is loosed upon the world." The district chiefs—the echelon between village and province chiefs—are extremely jealous of the new prerogatives given to the village officials, and the district chiefs, who used to be the local bosses, and the province chiefs are still under the thumbs of the cumbersome Saigon bureaucracy or of the generals in their areas. These difficulties were compounded by the too hastily arranged 1967 national elections; neither the sixty senators, chosen on separate slates-at-large, nor the hundred and thirty-seven representatives, who theoretically represent certain areas but mostly paid for their votes at the provincial or district level, have had any sense of responsibility toward specific constituencies. The legitimate questions, then, are: What price the political parties and blocs in Saigon, which are essentially urban intellectual or bourgeois salon organizations, and what price constant Cabinet reshuffles involving faceless men who may have some good ideas but represent no one except themselves and their small circle of friends? This is what the average Vietnamese in the villages and towns is asking himself, and this is one of the principal reasons so many people wonder where their future lies—whether in the rural areas, in the cities, or in limbo. Whatever the weaknesses of the Communists, and however true it may be that in a national election today they would garner only twenty or twenty-five per cent of the total vote, their organizational advantage and their ideological appeal might enable them to win many of the old or new and still uncommitted voters, since they have been forced to remain in a political no man's land. Even after Ho's death, many of these people might still prefer to vote for him—or his heirs—out of respect rather than for Nguyen Van Thieu out of apathy.

Belatedly, but perhaps not too belatedly, some Vietnamese and a handful of Americans are trying to build up new popular mass movements in various ways, with modest degrees of success. After long deliberation, Tran Quoc Buu, the head of the Confederation of Vietnamese Workers, has determined to launch a peasants'-and-workers' party. There are a hundred and eighty-five thousand members of Buu's Tenant Farmers' Union, which is the largest of a number of federations that make up the parent body, and there are several hundred experienced organizers among the peasants, who could furnish the nucleus of a solid new political organization at the hamlet and village level. Buu himself has considerable influence among some elements of the Hoa Hao sect and, to a lesser extent, in the Cao Dai. He is one of those national leaders who have been willing to cooperate with Thieu, but, like so many of the others who have regularly visited the Palace, he has felt his relationship with Thieu to be restricted by the members of the President's inner entourage, a group of half a dozen men who have been accused of creating a "fogbank" between Thieu and the many Vietnamese leaders who are more ready to help him than he imagines.

Buu is not the only man who is trying to get a popular movement or party started. Senator Don, who is one of the heads of the Free Veterans' Association (there is now, for the first time, a Ministry of Veterans, headed by a friend of Don's, the retired General Pham Van Dong), has decided to turn his National Salvation Front, established after the 1968 Communist Tet offensive, into a political party. Don, who is currently visiting the United States in his capacity as head of the Senate's Defense Committee, has been setting up chapters of his organization in each province. He also has a chapter of the National Salvation Front among Vietnamese émigrés in Paris, and not long ago this one showed signs of moving toward a pro-French neutralist position—advocating the overthrow of Thieu and the establishment of a Peace Cabinet such as the Communists have demanded. Don quickly dispatched an aide to France, and the move was halted. However, the possibility of a French neutralist ploy, backed financially by a considerable number of Frenchmen who want to return to Vietnam after a peace settlement, continues to be a favorite subject of café conversation in

Saigon. The importance of the veterans, of whom there are now some four hundred thousand, is bound to increase, and Senator Don has taken a special interest in trying to work out programs to obtain housing, rice, and schooling for their families and some assurance of economic survival for their widows. Because so many members of the regular Vietnamese armed forces have behaved in less than exemplary fashion in the villages, and are thus likely to find themselves in a peculiar void when they are demobilized, some American and Vietnamese officials are eager to start a program of "reëducating" these returning soldiers as soon as possible. Their future relationship with the Vietcong soldiers who will also someday return to their native villages gives this program a particular significance. Its political overtones, indeed, are likely to have considerable influence on the unfolding process of accommodation and the ensuing one of competition and possible renewed conflict.

A problem that plagues South and North Vietnam equally, if in different ways, is agriculture. Last February, after years of procrastination, far-ranging land-reform measures were finally introduced, largely at the urging of Americans, in Saigon's National Assembly, but the landlords are fighting back, and the legislation will probably go through in severely modified form, if and when it is passed. In the North, where full-scale agrarian reforms based on the Chinese system of collectivization led to the killing of many thousands of rebellious peasants in the early and middle nineteen-fifties, a new program to spur agricultural production through the establishment of revived coöperatives has run into multiple snags, and these are causing the North Vietnamese rulers their greatest headache at the moment. The agricultural crisis in North Vietnam is exacerbated by the fact that, owing to bad weather, the last really good harvest was a decade ago. Other important factora are the lack of trained administrative personnel, the deterioration of irrigation systems, a drastic shortage of equipment, and finally, the ideological differences between Le Duan, the Party's First Secretary, and Truong Chinh—who, as Chairman of the Standing Committee of Hanoi's National Assembly, has been generally regarded as No. 3 man—the two most likely antagonists if there is a new power struggle. The North Vietnamese press and radio have not hesitated to admit, with astonishing frankness, the existence of the worsening problems and shortcomings. A recent editorial in the official Party newspaper, *Nhan Dan*, for example, acknowledged that "the technical revolution has not been properly and comprehensively developed, little improvement has been achieved in management tasks, no great results have been obtained from capital investments, the collective economy has not been properly strengthened, and democratic activities have not been fully developed." An earlier editorial noted that "the revolution in implements is a basic, lasting problem." Despite the fact that almost all local industry, and some centralized industry in the Hanoi area as well, has been diverted to the manufacture of agricultural equipment, agricultural production has continued to lag, and, for that matter, industrial production has made such small gains as to be negligible, especially when the inflation plaguing both North and South Vietnam is taken into account.

In the South, the whole agricultural crisis has come to a head at the very time that the price of rice in Saigon has soared to an unprecedented high of close to four thousand piastres per hundred kilos of the most commonly used variety. (At the official rate, the piastre is worth a hundred and eighteen to the dollar, but the black-market rate is currently about two hundred and twenty to the dollar, so a pound of rice costs a family about ten cents.) The latest price rise has been due chiefly to a shortage of rice, which, in turn, was due to mismanagement and bad warehouse practices. Actually, the price of rice, as of other commodities, began rising sharply three years ago, and last year the Americans began removing their subsidies on imports in an effort to stimulate agricultural production in Vietnam and to do away with the false consumer-goods economy that Washington had earlier supported in an effort to sop up piastres—most notably the huge wartime profits that were being made as a result of large American expenditures in Vietnam. In that earlier period, it had been felt that the best way to keep the wartime inflation from getting out of hand was to let the Vietnamese buy all the Hondas and TV sets they wanted, but this, it turned out, simply encouraged the rich to buy more and kept the poor from having enough money to buy anything. The Vietnamese are still annually importing goods worth eight hundred million dollars, about two-thirds of them consumer products. The government has considerable foreign-exchange reserves, amounting to some two hundred and seventy-five million dollars, and has been loath to use them as long as it could make money off the Americans. Now the subsidies are being cut further, as part of the Vietnamization process, and the word has gone out that, as one high-ranking American put it, "the Vietnamese have to become convinced that they can't go on living off the fat of the land." The consequence is a rising tide of resentment among the Vietnamese, who feel they are being left in the lurch too precipitately.

Beyond the fact that, in the words of another American, "instant unemployment may lead to instant unrest," the Vietnamese who are in charge of trying to straighten out the economy are resentful because, as one of them said to you, "You created an economic Frankenstein monster here by making this a big war, and now you are telling us that we have to learn almost overnight to be austere and to take care of ourselves, when we all know this is a long process and that there is no such thing as instant Vietnamization." He went on, "Instead of trying to understand our economy and help us plan rationally, you kept giving us temporary, stopgap panaceas. The situation was bound to get out of hand, to the detriment mostly of the poor and the middle classes. After the shock of the 1968 Tet offensive, we tried to let supply and demand guide the situation. There was still a lot of mismanagement and corruption, and prices kept rising, but instead of helping us deal with our fundamental need to improve our bureaucracy and our management techniques you remained solely interested in winning the war. So the bureaucracy became swollen, engineers became politicians, and austerity became a mere catchword. It's fine to talk about long-term plans for agricultural production, forestry, fishing, and so on, but we're in trouble right now. You've never thought of really teaching us instead of just building things, and in that respect you've done us as much harm as the French did."

The sudden bitterness expressed by this man, who is ordinarily mild and pro-American in his sympathies, may convey some idea of the near schizophrenia that is developing among the Vietnamese today as the Americans begin to leave. Since we have failed for so many years, to help build a functioning political system or an efficient army in Vietnam, there is considerable reason to doubt that the transplantation process called Vietnamization can now be accomplished in a year or two, or even three or four. The problem far exceeds the simple matter of handing equipment over to South Vietnam. Militarily, the Vietnamese have already received most of their "legitimate requirements," as the Americans put it. Modern M–16 rifles, for example, are now in the hands of all regular South Vietnamese Army troops—officially, a total of about four hundred thousand men, but actually, given the still high desertion rate and battle losses, considerably less than that. By the end of this year, the two hundred and fifty thousand members of the improved Regional Forces will also have them; most, if not all, of the hundred and eighty thousand members of the Popular Forces will get their rifles by the middle of 1970. Of the more than a million local self-defense forces in the hamlets, villages, and towns, two-thirds have received brief training courses, and three hundred thousand now have modern arms—mostly carbines. Other essentials, such as mortars, light artillery, and transportation equipment, have recently been turned over to the regular armed forces, as have the first of several hundred helicopters and some modern jet fighter-bombers. The real nub of Vietnamization, however, is the time needed for training and indoctrination. Obviously, the Communists are deeply aware of this time factor, and are taking it into consideration when debating their own strategy, both in the field and in Paris. They unquestionably realize that an early settlement, leading to an accelerated withdrawal of American forces, would shorten the time in which Americans could train south Vietnamese to use such intricate machinery as radar networks, electronic devices, and communications equipment, or even to see to the upkeep of modern diesel vehicles and of the patrol boats that have vastly strengthened the riverine forces in the Delta.

The prospects for successful Vietnamization of the armed forces vary greatly from one part of the country to another. In the north—the I Corps area—where the United States Marines have stressed combined American-Vietnamese operations almost from the outset of their tour in Vietnam, considerable progress has been made in teaching the Vietnamese both how to use American equipment and how to plan operations on their own, including the coördination of fire support, ground-to-air facilities, and inter-unit maneuvers. There has been progress elsewhere, too. In the III Corps area, above and around Saigon, General Do Cao Tri, considered by many to be the best South Vietnamese general, told me the other day that now that two of his poorest division commanders have finally been replaced (they were friends of Thieu's, and it took a year of American prodding to get Thieu to remove them), he thinks he can accomplish a full takeover from the Americans in a year and a half. Tri may be overconfident—especially since he has plenty of problems on his hands, including the ubiquitous one of poor or uncertain morale—but some of his troops have done quite well in recent engagements against tough North Vietnamese outfits. Lieutenant General Nguyen Van Vy, the Minister of Defense, who is one of the holdovers from the previous Cabinet, hopes by the end of this year to give each Regular Army regiment its own independent artillery and tank support. But there are still many weak spots, the most serious being poor leadership in the officer corps, from generals down through captains and lieutenants to noncoms. Most of the regular divisions are still badly led at all levels, and although it is true that there has been some slight improvement, it has certainly not been substantial enough to cope with American withdrawal. And although the Americans have begun to teach the Vietnamese the techniques of battlefield coördination, the question remains: What will happen when the American officers in the field who are still pressing the buttons and calling the shots in combined operations leave Vietnam? One top-ranking American commander remarked to me, "The shift from coöperation to liaison on our part is still some years away." In many places, the Americans have already dropped back from a directory to an advisory role, and in some instances they are performing only a liaison function. But most American officers feel that the process of Vietnamization, to be really successful and produce the kind of force the Americans should have started building here back in

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1954, let alone in 1965, needs from five to ten years. There are those who doubt this can *ever* be achieved, because of the differences of approach that are endemic in the American military establishment and other American agencies in respect to the nature of the war and the whole problem of counter-insurgency and anti-guerrilla combat. And this problem—no matter how many Americans stay out here, or for how long, or in what capacity—is certain to be aggravated by the system of annual rotation of personnel. General Creighton W. Abrams, the American military commander in Vietnam, has attained near perfection in the development of his strategy and tactics of maximum pressure and quick response to any Communist action, and his large deployments of artillery and B–52 bombers have annihilated the enemy in virtually all large- or medium-scale engagements. Long-range and nighttime patrolling by the Americans—tactics that the Vietnamese have only just begun to adopt, and not yet very satisfactorily—have led to some improvement in the gathering of intelligence, and by keeping the Communists on the run have interfered with their battlefield preparations, so that when they have chosen to stand and fight, or have made suicidal assaults, they have suffered severely. But Abrams' way of fighting the war is still essentially orthodox, and what will happen when all that heavy artillery and all those heavy bombers are removed is at the moment unknown.

The Vietnamization of the war worries Hanoi—a fact that is being sharply revealed in propaganda both mocking and condemning it. Speaking on September 1st at a ceremony commemorating the twenty-fourth anniversary of the founding of the Democratic Republic of North Vietnam in Hanoi, Premier Pham Van Dong described Vietnamization as "puppetization" of the war, which, he said, was "a return to the special war defeated long ago," meaning by "special war" the war as it was fought prior to 1965. He went on to say, "It is nothing but hackneyed juggling. To use Vietnamese to fight Vietnamese is indeed an attractive policy for the United States! When one has money and guns, can there be a better way to reach one's aims than simply to distribute money and guns? Unfortunately, in the present epoch, such a parodoxical move is flatly impossible. . . . Certainly there is no means, no magic way, to 'ize' the war into something other than the most atrocious and most abominable colonial war in history."

The Politburo in Hanoi, in determining its military strategy and relating this to the two other prongs of its offensive—its political and diplomatic strategy in South Vietnam and in Paris—is engaged today in something very much like a poker game for huge stakes. Hanoi's main interest lies in getting as many American troops as possible out of Vietnam as quickly as possible. The easiest way to achieve the rapid troop reduction would be for Hanoi to reduce the level of activity in South Vietnam and simultaneously reduce the number of replacements infiltrated into the South from the North. Hanoi has repeatedly been told by Washington that this would hasten the pace of American withdrawals and would be considered a basis for agreement. However one wants to interpret the recent eight-week lull, its ending in mid-August, followed by heavy rocket and mortar assaults on Danang two days after Ho Chi Minh's death, showed that the Communists believed that they could not afford to do nothing for very long. Furthermore, since the Communists are not certain what President Nixon wants to do—whether he has made up his mind, as some observers believe he has, to withdraw virtually all American forces from Vietnam by the end of 1970 whatever the circumstances, or is planning to move more slowly and gauge the withdrawals to the moves made by the Communists—they are still thinking in terms of killing between a hundred and fifty and two hundred Americans a week. They figure that this will force Nixon's hand politically at home so that the option of gradual withdrawal will be denied him.

The Communists are obviously eager as soon as possible to score some resounding victories in key battles with the South Vietnamese forces fighting on their own, so as to prove to the South Vietnamese people that their troops have no chance against the North Vietnamese and the Vietcong. The sooner the Communists have a chance to do this, the less likely the South Vietnamese are to have made sufficient improvement to stand on their own, and the better the Communists figure it will be for them, so the guess here is that such a major showdown or series of showdowns will come late this year or early next year. What the Communists do not want, despite the fact that they are preparing themselves for it, is a return to the special, or pre-1965, war. Their own weakened situation, in both the North and the South, renders that a hazardous undertaking. They would undoubtedly rather try to Vietminhize, or Communize, the South politically than take chances on draining their own resources any longer in a protracted conflict. For that reason, if they decide that their situation in the North is too shaky to let them continue to sustain the major burden of the war in the South, they may settle for a series of regional cease-fires under some system of international supervision, followed by regional or provincial elections and then by a national election. This would presumably give them control over a number of areas—mostly sparsely populated ones along the Laotian and Cambodian borders, and some of the more populated places in the Delta and in the Central Plateau region. Such a compromise would make sense to them, not only because of their war-weariness and their dwindling manpower but because of their current military and political campaign in Laos, which is proving successful. In effect, though Washington doesn't like the term, this would mean a *de-facto* partitioning of South Vietnam, at least temporarily, as a prelude to an eventual election there. Unless the South Vietnamese government is really strong enough politically and militarily to resist such an offer, Saigon would find it difficult, in the face of American and world opinion, to reject it. A number of American experts who believe that Saigon is neither sufficiently strong nor sufficiently aware of the dangers it faces are urging a far faster rate of political preparation for potential regional contests. This would entail some knocking together of South Vietnamese heads. For example, in a specific area where the Hoa Hao or the Cao Dai or the Southern Buddhists or the peasant-labor forces or the old nationalist parties are the strongest single community force, that group would have the best chance of commanding regional or local respect and should be given the go-ahead. As for the cities where the degree of political divisiveness is worse than in the countryside some serious effort should be made to unite all the contending forces. Ultimately, there would have to be a tradeoff of some degree of rural control by the Communists for government control over the more populous areas, in order to avoid handing the Communists the sort of coalition deal they want on a silver platter.

Saigon remains the No. 1 objective of the Communists, and any temporary deals they may make in Paris and Vietnam won't change that situation. It was not recently renamed Ho Chi Minh City in their propaganda for nothing. Bad planning and bad execution of plans lost them their chance of capturing it during the Tet offensive in 1968, and today their chances of taking it either by force or through subversion have dwindled. Having infiltrated only half as many men into South Vietnam so far this year as they had up to this date last year, and having suffered almost as many casualties as they had up to this date in 1968, they are facing a serious problem of attrition, which has forced them to make some cold recalculations. The new Communist military methods, as enunciated a few weeks ago by General Giap, call not for "offensives" in the old sense but for "campaigns," each one of which is a fairly fluid affair consisting of "low" and "high" points. Because the Communists have had an attrition rate—that is, losses exceeding replacements from the North—for the last half year of five thousand men a month, no sustained attack is now anticipated unless Hanoi puts more men into South Vietnam. At the current level of fighting, American military experts feel that the North Vietnamese and the Vietcong will run out of steam by the end of this year, particularly if they decide to take on the South Vietnamese in a large-scale engagement somewhere. Between engagements, the main Communist forces have followed their custom of moving across the Cambodian border to jungle sanctuaries. In Paris, the Americans have made it clear that if Hanoi wants to offer any serious signal of an intention to cut the total of its forces, it will have to withdraw some of them northward from base areas in both Cambodia and Laos as well as continue to decrease the rate of infiltration.

To the best of their ability, which is still considerable, the enemy forces have made the necessary military adjustments, using smaller, more compact units with heavier firepower to attack selected government and American targets, and, as at Danang, making heavy mortar and rocket assaults on major bases, especially Allied artillery centers. The foundation of their new order of battle is the sapper unit, consisting of regular assault troops specially trained for demolition and sabotage and of so-called "special-action" teams, which are paramilitary organizations used for assaults on urban areas. The latter most often wear civilian clothes and concentrate on terrorist activity, setting off satchel charges and other explosives at police stations, military installations, and so forth, and throwing grenades from vehicles. For planned major attacks on Saigon, which they haven't been able to carry out, the Communists last April set up special-action teams called *cac cum*, which are broken down into companies, squads, and, in some cases, three-man cells. Some of these units were ordered into the capital in June, but only a limited number—about a hundred men—succeeded in penetrating the city. Since then, with the assistance of teen-age terrorists who live here, they have been responsible for the series of explosions that have occurred over the past weeks. Other *cum* units, hiding in the suburbs or farther out, presumably will be the spearheads of the action following the next lull, perhaps late this month or sometime in October. This new offensive tactic is based on following up a sapper thrust, if it is initially successful, with larger reinforcements—a scheme that failed during the 1968 Tet offensive because of poor coordination by supporting units. In Vietnamese, the tactic is known as *mui* (nose) *nhon* (pointed) *duoi* (tail)—the pointed nose of the sapper unit or special-action team being supported by the spreading peacock tail of a battalion or a regiment.

As if Saigon had not had enough problems and perplexities over the past weeks, it has had to live through the embarrassment of two major espionage scandals, one involving the American Special Forces, or Green Berets, and the other involving a spy ring that reached right into the Presidential Palace. The Green Beret case arose from the alleged murder of an alleged Vietnamese double agent named Thai Khac Chuyen, who was working for the Special Forces. For various reasons—the primary one being that Chuyen's body has not been recovered—there is no indication so far that the eight accused

Green Berets, including the former commanding officer of the Special Forces in Vietnam, Colonel Robert B. Rheault, will be brought before a court-martial. Whether Chuyen was a double agent or not, if he was murdered it was a mistake, whatever the exigencies of the wartime situation, and an inexcusable one, as almost all Americans here seem to agree.

The other spy case is actually far more important, being said by both American and Vietnamese specialists to involve the largest espionage ring uncovered in ten years. This organization was under investigation for seven months before the first arrests were disclosed, in July, and since then about a hundred persons, including perhaps a score of women, have been taken into custody by the Vietnamese Special Police, and at least two-thirds of these are still in jail. The C.I.A. collaborated closely with the Vietnamese in breaking the spy network, and is said to have opened up the first leads. Operating within several ministries as well as within the Presidential Palace, the ring reported directly to the Strategic Intelligence Branch of the Central Office for South Vietnam (COSVN), the top Communist echelon in South Vietnam. This branch is known as B–22 and is run by one of Hanoi's main agents in South Vietnam. He is Dang Van Huong, alias Mat Ro, and he has not been apprehended. The Saigon network was handled by Vu Ngoc Nha, a Catholic, who was sent South by Hanoi in 1955, and who had close Palace connections as a result of being introduced there by some unwitting priests. Nha's principal agent at the Palace was one of President Thieu's assistants for political affairs, Huynh Van Trong. Trong is said to be a former French agent who pretended to work for the late Ngo Dinh Diem. When his pro-French activities became known, in 1958, he was arrested, but he was released two years later, with the assistance of some French Redemptorist fathers, and fled to Cambodia. He returned to South Vietnam after the 1963 coup and, having been introduced to Thieu by the French, who were ostensibly unaware of his Communist connections, became a Palace aide in 1967, after Thieu's election to the Presidency. Thieu is said to have been told about the existence of the spy ring early this year, and to have instructed the police to continue their investigation and uncover further ramifications of the case. The ring is said to have done considerable damage, especially in reporting to Hanoi on the progress of pacification programs and on the political activities of various religious groups in the South. In the course of their investigation, the Special Police came across a second, smaller Saigon spy ring, which was attached to a military intelligence unit also working for COSVN. The main spy-ring case is still under investigation, and there are indications that at least two more such organizations exist.

In the midst of these turbulent events, Saigon has been besieged by more than the usual number of visiting firemen from America—a state of affairs that has scarcely made life easier for harassed Allied officials. Among the visitors was a delegation of nine members of the Citizens Committee for Peace with Freedom in Vietnam, which is a group of a hundred and thirty distinguished Americans that former Senator Paul Douglas, of Illinois, organized in October, 1967, and whose founding honorary chairmen were former President Harry Truman and the late President Dwight Eisenhower. The committee is in favor of obtaining a peace in Vietnam that will not be what they consider a sellout to the Communists and will guarantee the South Vietnamese the right to determine their own future through safeguarded elections. Next came five members of the National Committee for a Political Settlement in Vietnam, which seeks an immediate, standstill cease-fire, supported by an international peace-keeping force to supervise withdrawal of all troops; prompt free elections, under the supervision of a joint electoral commission; complete land reform; and extensive postwar economic aid, under the auspices of the United Nations. This committee has the support of Cyrus Vance, the former Deputy Secretary of Defense, who was W. Averell Harriman's deputy at the Paris talks. Before, between, and after these committee visits, there was a stream of members of Congress. All these visitors went through the customary top-level briefings and tried to see as many Vietnamese as they could during their stays, which varied from a day or two to two weeks, and all of them left apparently as bewildered or more bewildered than they were when they arrived. The trouble seems to be that too many such Americans, thoroughly concerned though they are, are seeking answers without knowing the right questions. Perhaps this has been our trouble in Vietnam all along. —ROBERT SHAPLEN

OCTOBER 15 IS PATRIOTISM DAY IN SYLACAUGA, ALA.

Mr. ALLEN. Mr. President, I do not believe that the so-called Vietnam moratorium represents the views of the people of Alabama and of the Nation.

The vast majority of people of my home State of Alabama are not willing to retreat at the noise of the mortorium. As a matter of fact, the mayor of Sylacauga, Ala., has declared October 15 as "Patriotism Day," when the people of this fine, progressive, peace-loving, and God-fearing community will let the world know that it is no disgrace to stand and fight for their country.

Mr. President, Alabamians want peace. They are sick of the tragedies of war. They want the United States out of Vietnam under honorable conditions.

But they believe, as I do, that the Vietnam moratorium only serves to encourage Hanoi and to divide the American people when we need a united front if peace is ever to be gained.

Mr. President, I believe that the spirit that inspired Patriotism Day in Sylacauga, Ala., represents the true feelings of the great majority of Americans.

MERCHANT MARINE: CONGRESS ACTS

Mr. TYDINGS. Mr. President, I fully support the recent action of the Committee on Commerce and its subcommittee on the merchant marine in initiating hearings on congressional proposals to revitalize our merchant fleet.

For too long we have waited for the administration's own proposals. These have been much heralded but strangely absent. Last September, Mr. Nixon strongly advocated a concerted effort to rebuild our merchant fleet. Last January, President Nixon placed the administration squarely behind these efforts. Maritime proposals were to be sent to the committee by April or May then by early summer, and finally by mid-September.

It is now October, and the Nixon proposals have yet to reach Congress.

Further delay no longer can be tolerated.

Days of delay now will means months of delay later on before the new ships we so desperately need can be authorized and constructed. The failure of the President to send forth concrete proposals is clear evidence of loss of leadership and a most unsettling indication that maritime affairs do not in fact enjoy top priority within the administration.

Congress must now assume this leadership and insure that the United States regains its position of maritime preeminence.

There can be no doubt that this position has declined. Our merchant fleet has deteriorated to a degree shocking for a maritime nation so dependent on the seas as we are for economic prosperity and national security. Two-thirds of the fleet is over 20 years old. Less than 7 percent of our ocean trade is carried in U.S.-flag vessels. The decline of our fleet must be reversed.

In considering the maritime proposals presently before Congress, in particular S. 1915 which the distinguished chairman of the full committee introduced last April, the Commerce Committee will confront the key issue of shipbuilding within the United States. The revival of our fleet to a large extent depends on the health of our shipyards. Recently, these have been subject to considerable criticism. It is my strong belief that the American shipbuilding industry can hold its own against foreign competitors. Our yards can deliver the ships if the Government will deliver a program. The ability of our shipyards to build the 150 ships we will need in the next 5 years was confirmed by a 1969 report of the Center for Maritime Studies at the Webb Institute of Naval Architecture. This report noted that the productivity of American shipyards increased considerably in the last 10 years and that U.S. yards are presently more efficient than either Japanese or British yards.

Throughout the world shipbuilding is a heavily subsidized industry. Forty-seven maritime nations provide governmental assistance to their industries. I, therefore, fully support the continuation of and increase in our construction differential subsidy.

I do hope, however, that the committee will consider carefully the need to increase the operating differential subsidy. The recent decision of two major American lines to withdraw their application for the operating subsidy on a transpacific route is an encouraging indication that with more productive ships our operators will increasingly be able to go it alone without Government help.

Two other major issues will confront the committee in considering the maritime proposals. The first concerns nuclear-powered commercial vessels. While these may be ultimately desirable, the current need for ships is so great that major emphasis on the early development of nuclear vessels will divert our resources from the more immediate concern. We need ships, and we need them quickly. Nuclear ships pose special problems of construction, operation, and public acceptance. To expend our energies on their extensive development now would be a misdirected effort. We should continue a modest research and development program regarding nuclear vessels but, for the moment at least, concentrate our resources on the more basic problem of building conventional ships.

The second issue concerns U.S.-flag passenger liners. It is probably too late

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to restore the operation of these ships. However, I hope that in considering the maritime proposals, the committee will make a final determination on both their ultimate desirability and the length to which we should go to maintain them. The time has come for us to decide once and for all if we are to maintain passenger ships.

MORATORIUM

Mr. NELSON. Mr. President, this week, tens of thousands of Americans, perhaps millions, will pause in an impatient but peaceful protest of a prolonged war in Vietnam that has cost some 40,000 American lives, more than one-half a million enemy lives, untotaled casualties to civilian populations, and billions of wasted dollars.

There has been unnecessary concern over the coming nationwide demonstrations. A column on the moratorium written by Nichols von Hoffman for the Washington Post has best captured the constructive spirit of this youth movement. Mr. von Hoffman has written the necessary description of a youth movement led and directed by the youth that must be concerned with the issue of a prolonged war.

I ask unanimous consent that the article, published on October 13, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORATORIUM

(By Nicholas von Hoffman)

The alcove where the TV set stands was crowded with people. They squinched next to each other on the floor and crowded into the door frames. The girl at the reception desk kept answering the telephone and Sam Brown stood on the couch so he could see. Every so often from around a corner in the Moratorium Headquarters an excited voice would call out, "Are we on TV? Did we make it?"

The answer was yes, but it's hard for the people to believe it. The leading personalities, Sam, David Hawk, David Mixner and Marge Sciencar—the ones who get interviewed on the tube—have known for three or four weeks that the Moratorium would be big, but it's still a shock to be taken seriously. They've been big before, but they come out of a tradition of losers. For 10 years young people have made peace, poverty and racism big, but they haven't been taken seriously. Now coming over the tube was a different vibration. Howard K. Smith sounded nervous. He had the old Battle of Britain tone in his voice.

The tube showed Congressman Rogers Morton being interviewed. "Then this demonstration could boomerang?" he was asked. "Sure it can," the Congressman replied and there's laughter in the room because they know it can't boomerang. The worst that can happen is that the war will go on as it has since they were in grammar school.

Then the TV announced that two Catholic Cardinals, one in Boston and one in Detroit, would take part in the moratorium. The news was greeted with a not quite believing gratitude. Each new expression of solidarity by a famous person gets the same small bursts of grateful amazement. Pitcher Tom Seaver says he plans to put an ad in the paper declaring, "If the Mets can win the World Series, then we can get out of Vietnam;" Actor Woody Allen announces he will not perform Wednesday in observance of the Moratorium . . . there is a rumor that Johnny Carson intends to do likewise.

Next the TV voice is introducing the "politically ambitious Sam Brown." "I am?" Sam answers, looking at himself on the screen. The announcer's implication is that its indecorous for a person to be both principled and ambitious. Sam, the two Davids and Marge are supposed to be disembodied spirits devoid of recognizable human motivation if they wish their peace politics to be taken seriously. Only stock-jobbing judges and oil-depleting senators may evince less than Christ-like motivations with risk of disapprobation from the American Broadcasting Company.

The voice out of the tube turned grimmer. "The Justice Department," it said "is watching the Moratorium but won't comment." The threat of another conspiracy indictment was in the room but nobody minded. They know there is that danger, but youth is fighting for its life. If America is run as well in the next ten years as it was in the last, nobody now aged twenty will live to celebrate his thirty-fifth birthday. One danger has to be balanced off against another.

The tube switched topics. A riot in front of the United States Embassy in Manila. As it yatters on, Marge announces that sixteen schools in the Chicago area alone are closing on Wednesday. News of school closings and other demonstrations come in on every phone line. The papers say that this eighth floor office in an old building at 1029 Vermont Avenue is the headquarters, the place where the moratorium is being organized, but that's not true. To organize something of this size would require a staff of hundreds and hundreds of full-time people. In fact there are only thirty people on the staff and twenty of them were just hired. There's lots of volunteers, of course, but no money. You can see them opening the checks and it's all small "grass roots money," as David Hawk calls it. Postal money orders for a dollar, two dollars. Checks for twenty-five are tops, except for a few hundred dollar contributions from people who "could easily add another zero to the figure if they wanted," or so David says.

The moratorium is organizing itself. The phenomenon is the same as that which went over the black community a couple of years ago or what happened in the factories during the thirties when people simply started their unions and then called up the CIO and announced their collective existence. "This is a thing with a life of its own," says Sam Brown. "We're not organizing it. We're just riding the wave."

That's very hard for chaps like Howard K. Smith to get through their heads. For them everything must have a hierarchy; nobody does anything he hasn't been told to by a superior. He was on the screen sounding portentious, talking about constructive criticism and the dangers of sinking a president. There's a lot of talk now. The other David Broder wrote, ". . . there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace."

So it may look to life's structuralists, to the people who believe all important decisions are made quietly in sumptuous rooms by persons holding the formal titles of power. The structuralists focus on the personalities of the men who hold these titles of power and miss what the simple-minded and unsubtle can see: the last five years have shown that the one man who *can't* negotiate peace is the President.

Sam shook his head. He had a when-will-they-ever-learn expression on his face. "People aren't into personality politics. They don't want to get Nixon. Everybody expected him to be a fascist. With Johnson people were disappointed. That's why they got so mad at him."

ABC News went off the air and there was knob turning to another network where the cycle of newsclips would re-circle. Hubert Horatio Humphrey was now shown in the White House with what's his name.

A girl sitting on the floor said, "Oh, God!"

Another squeaked, "My favorite person—yeech!"

In the hall the elevator doors opened and a new infusion of students came into the office. They looked like high schoolers, the generation many people say will make Mark Rudd look like a member of the Union League Club. They settled down all over the place to address and stuff envelopes, run the mimeograph machine and trundle boxes of material from room to room. They were too busy to appreciate the wall poster that told them, "Let's Win This War And Get The Hell Out'—George Armstrong Custer."

BEAR RIVER MIGRATORY BIRD REFUGE

Mr. MOSS. Mr. President, for some time I have been trying to get funds written into the Department of the Interior appropriation bill so that the Fish and Wildlife Service can bring the spillage waters from the Weber River Water Conservancy Reservoir in the Bear River Migratory Bird Refuge in northern Utah. This would measurably increase the nesting grounds for wild fowl there. Our tight budget has made it necessary to defer this project again and again.

On October 5, the New York Times published an article on the Bear River Refuge, written by Jack Goodman which helps to make my case for expanding and making the best use of this incredibly beautiful area, now the nesting grounds of millions of birds in their flights south in the fall and then north in the spring, grounds which could well accommodate many more.

I ask unanimous consent that the Goodman article, entitled "A Million Migrants Wing to Utah's Green Marshland," be printed in the RECORD. It portrays the lure and magnificence of the area, as well as stressing its growing importance in our bird migration pattern.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MILLION MIGRANTS WING TO UTAH'S GREEN MARSHLANDS

(By Jack Goodman)

BRIGHAM CITY, UTAH.—Fifteen miles west of this ranching and orchard center, the fresh waters of the Bear River spread across thousands of acres of low-lying marshland before reaching the shores of Great Salt Lake. And just east of this same pleasant town, the 10,000-foot-high peaks of the Wasatch Range raise an almost unbroken barrier extending from the Idaho border off into the autumn haze far south of the 75-mile-long saline area.

This is a region of vast spaces and satisfying sunsets, a land where glinting rays and towering clouds enhance the all-points-of-the-compass view of sparkling water, green marshland and distant peaks.

On cool autumn evenings, the visitor can enjoy another splendid sight, one increasingly crowded nation. Heralded by the distant sound of quacking and gabbling, great V-shaped formations of ducks, geese and swans come winging in from the north. Well aloft at first, they edge farther and farther west on the Wasatch before splashing down into the clear-water lagoons of the Bear River marshes.

IN—AND OUT

By September's end, the parade of incoming waterfowl had dropped off, leaving fully a million birds bobbing, feeding and resting

on the 65,000 acres of the Bear River Migratory Bird Refuge, a Federal preserve. Then, on some unannounced but chilly morning in late October, as frost coats the cottonwoods and hardwoods just upstream, there will be a considerable rustle of wings out in the marshlands.

Quacking and signaling as they rise, the pintails, teal and canvasback ducks, the Canada and snow geese and the whistling swans will circle aloft, "forming up" in geometric patterns. Circling away from the shotgunners at inshore blinds and gun clubs, the birds follow their leaders south, continuing their annual journey from Alaska and Canada to their wintering grounds in Southern California and Mexico.

Then, except for a few thousand canvasbacks and other diving ducks, plus an occasional whistling swan choosing to winter here, the Bear River marshes will be almost empty.

FASCINATING STOP

For the bird-watcher, amateur ornithologist, camera enthusiast or reader of American history who recalls that our skies were once "darkened by the passage of millions of birds," the Bear River refuge will prove a fascinating stopping place on a Western vacation.

One of the few in the West readily reached by paved highway, it was established in 1938. Surprisingly, much of the diking, damming, road building and improvement work was handled by young men from the Bronx and Brooklyn, members of the all-but-forgotten Civilian Conservation Corps.

Aside from harmless midges, the refuge is largely free of insect life during late summer and early fall. Spring visitors can be plagued by mosquitoes and flies, but the situation was far worse when C.C.C. workers were placing impounding dikes and sluice gates and erecting the few buildings on the refuge.

Driving almost due west from Brigham City's tidy downtown area, the visitor reaches the refuge on a well-paved, two-lane road that leaves farm fields behind and crosses grass-covered marshland not unlike the terrain that flanks Long Island's Great South Bay or the coastal inlets of New Jersey.

A lofty, steel-ribbed observation tower—it is 100 feet high—and a small cluster of buildings are the first indications of the location of the refuge. However, motorists heading toward it should carefully observe speed limits, since the road to and on the dikes makes sudden right-angle turns that can prove hazardous.

Essentially, the refuge is surrounded by a broad earthen dike that circles some 20 miles around the feeding grounds, thereby impounding the freshwater delta of the Bear River and barring ingress of saline lake water to the marshland. A series of lesser dikes cuts the refuge into five units, with a paved and graveled roadway traversing the three dikes that form the South Bay section.

CIRCLE ROUTE

A 12-mile road circles this South Bay unit, starting and ending at the 100-foot-high headquarters tower.

Visitors must register at headquarters, but they can tour the refuge daily from 8 A.M. until 4:30 P.M. The best routine to follow is to register first and then climb the tower, after picking up an illustrated guide pamphlet available from the Fish and Wildlife Service ranger-naturalist stationed at headquarters. Staff members will gladly tell interested vacationists where such spectacular birds as great blue herons, white pelicans and snowy egrets can be observed.

Since specified fringes of the refuge are open to hunting during the October shooting season, the rangers ban all cars from the dikes whenever necessary. Several duck clubs—private shooting preserves—are situated near the refuge entrance, and so tourists may be delayed as they leave the delta country by state wardens assigned to check licenses, duck stamps and the like.

Before making the 12-mile tour of the South Bay dike, visitors should inspect both the research laboratory and the "bird hospital," at which the refuge staff treats injured waterfowl. Scientists have long studied feeding habits, migration routes and plagues such as botulism, a ptomainelike disease that recently killed thousands of waterfowl in California.

Botulism has periodically been a problem in the Utah marshlands, but in recent years the freshening of the Bear River delta waters, by means of diking and controlled freshwater releases, has eased the disease toll.

While driving around the dike of the refuge's south embayment, motorists should carry cameras or binoculars at the ready; they also should keep a wary eye out for birds strolling across the roadway, as well as for those in the canals and marshes.

Illustrated pamphlets showing silhouettes and line drawings of waterfowl, and another mimeographed leaflet listing birds by season and rating them as abundant, common, occasional and rare, are available for the asking at headquarters. They will prove useful to first-timers on the dike.

OBSERVATION POINTS

Low towers at three points on the dike provide good vantage points for waterfowl-watchers, but visitors can pull off to the side of the road virtually anywhere to observe such giant birds as the pelican, great blue heron and whistling swan, as well as the great flocks of pintail, teal and canvasback ducks.

As many as 500,000 pintail and green-winged teal have been counted in the refuge during fall migrations, while up to 100,000 canvasbacks and mallards have been reported. Those who keep tally sheets often concentrate on spotting the region's avocet, curlews, Western grebe, phalarope and ibis.

Even those who cannot differentiate between a ruddy duck, a shoveler or a redhead find the Bear River refuge fascinating to visit and revisit. Children are frequently entranced by the ponderous size and slow gait of such species as pelicans and herons as they become airborne.

Visitors to the refuge should fuel their cars, and themselves, before making a journey to the dikes. There are no service stations, restaurants or campgrounds, although one will find drinking water and restrooms at the refuge headquarters.

Brigham City, about 50 miles north of Salt Lake City, has a half-dozen excellent motels and restaurants.

OUR NATIONAL HEALTH GOAL—ARTICLE BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ROBERT H. FINCH

Mr. JAVITS. Mr. President, among the Nation's many goals, few if any are more significant than the availability of high-quality medical care for each and every American.

Secretary of Health, Education, and Welfare, Robert H. Finch, has addressed himself to this objective in an article entitled "Our National Health Goals." It appears appropriately enough as the feature of the first issue of a new publication for the Nation's laymen, Family Health.

Secretary Finch points out critical shortcomings in our present health care services; he outlines remedial programs by the administration; and appeals for cooperation by all segments of the health industry toward meeting the crisis.

I ask unanimous consent that that article, published in the October 1969 issue of Family Health, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR NATIONAL HEALTH GOALS

(By Robert H. Finch)

The present condition of the nation's health-care industry must be termed "critical". Unless immediate and concerted action is taken by government at every level and, most important, by the health professions and the private sector, we face a virtual breakdown in the delivery of health services. One way to pinpoint our goals in health care is to spell out some of our unmet needs. The bare statistics are appalling.

To provide quality health care for every American, it has been estimated that right now we need 52,000 additional physicians, 9,000 additional dentists, and 145,000 additional registered nurses. To support them, and extend their expertise, we need tens of thousands of paraprofessional aides and technicians, many in totally new health careers.

Not only is the supply of medical manpower short, but what we do have is severely maldistributed. In New York State, for example, there are 212 physicians for every 100,000 persons; in Mississippi, by contrast, the ratio is a scant 73 per 100,000.

Shortages and maldistribution are just as critical in our hospitals. We now have 723,000 acute-care hospital beds; and of these, 200,000 need modernization. We still need 164,000 new beds. Moreover, we should have at least 900 new ambulatory-care facilities and 200 rehabilitation centers to relieve pressure on these high-cost facilities.

These critical shortages of health personnel and facilities mean that millions of Americans, particularly the low-income groups, are receiving inadequate care. In 1950, for instance, the United States ranked fifth among the nations of the world in infant-mortality rates; today we rank fourteenth. The infant-mortality rate among nonwhites is twice that of whites. Between one third and one half of the women who have babies in public hospitals have had absolutely no prenatal care. More than 20 percent of all persons in families with incomes under $3,000 a year have never seen a dentist or received dental attention. And these statistics barely suggest the full extent of the nation's health-care gap.

Against this canvas, the overriding goal of our national health policy is clear. It is to make available to every American the quality and quantity of health care to which he should have access. The demonstrated capabilities of the medical arts and sciences, and their limitless potential, make no lesser goal permissible.

It is this very capability, along with rising affluence and expectations, that is creating an upsurge in public demand for health services. Medical wonders are now commonplace. On an even larger scale, landing men on the moon has shown our incredible ability to mobilize human and technological resources and to harness them in the service of any goal we may set ourselves.

Can it then be doubted that the improvement of life on earth lies well within our capacities? Surely the question answers itself.

Urgent priority must be given to transforming our present network of diverse services—our present "nonsystem"—into purposeful, well-articulated, well-understood *systems* for the delivery of health services. I do not have in mind an imposed monolith. What we need is a unity of *purpose* and a mutual *partnership* in one all-embracing effort. Unless this partnership is mobilized, our delivery of health services will ultimately break down.

The reasons are clear. Current demand for these services, particularly since the Medicare and Medicaid programs were established, far outstrips the capacity of the

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present system to respond. The inevitable result is a crippling inflation in medical costs.

Some health practitioners have abused these programs; peer-group self-discipline within the health professions has not always been rigorous. And there has been a shocking lack of tight administrative control within the government. These factors, and others, have multiplied the upward cost pressures.

But beyond spiraling costs of health care, our basic health resources—primarily health-care facilities and health manpower—are being wastefully utilized. Our priorities are critically out of balance. While increasingly the need is for lower cost, extended-care facilities, all our incentive systems—and our inherited, long-standing programs of federal assistance—emphasize high-cost, acute-care facilities.

We stress spectacular achievements in the healing arts but shortchange preventive and early care, which must constitute the central thrust if our health problems are ever to be resolved.

The demand is also urgent for every category of health professional. Because of the long training period for physicians, dentists, and other medical specialists, we must place particular and immediate emphasis on the development of new health careers. We must train paraprofessional aides and technicians who can greatly extend the reach of the scarce professionals.

The crisis is many-sided. To meet it we have begun to re-examine all our traditional assumptions, to redirect all our ongoing governmental programs, and to rechannel the efforts of the private and independent components of our health system through the leverage of federal assistance and incentives.

We are tightening administrative and cost controls in Medicare and Medicaid. We propose to retarget the Hill-Burton program toward neighborhood health centers, extended-care facilities, and inner-city clinics. Our Office of New Careers is placing top priority on programs to utilize the skills of medical corpsmen returning from Vietnam. These are just a few of the initiatives we have put in motion.

But the major portion of the nation's health-care dollar is not spent by government. The heaviest burden of actual services rests with the many independent health components—with insurance carriers, hospitals, state and local agencies, and especially with the health professions. That is why we have challenged each of these groups to take the initiative, to make its own firm commitment to the goals we all share; it is up to them to assume leadership and responsibility for crucial innovations in the delivery of health services.

We are asking the health-care industry to redouble its own initiatives, to accept the burdens of self-discipline—and thus to respond to the rising public demand for dignified and effective health care.

We are asking them to understand what ultimately is at stake—and that is the perpetuation of our pluralistic, independent, voluntary health-care system. We will lose it to pressures for a government-dominated monolith—unless, together, we can make that system work *effectively* and work for *everyone* in the nation.

Can it, I repeat, possibly be doubted that the improvement of the human condition lies well within the capacities of our technology, of our total social resources? But wonders do not just happen. They begin with clearly defined purpose—and they call for soaring ambition and for unwavering commitment. Which constitute, of course, apt descriptions of the motivations of our health professionals.

And so I am confident—with every component of the nation's health team working as one, and with a single sense of purpose—that there is no task on this good earth that lies beyond the reach of our mutual dedication. Together, we will not fail.

THE PESTICIDE PERIL—LXV

Mr. NELSON. Mr. President, the current controversy over the use of DDT and related persistent pesticides received its first major public airing since Rachael Carson's "Silent Spring" during the recent Wisconsin State Department of Natural Resources hearings on a citizens' petition to ban the use of DDT in Wisconsin.

This public confrontation between the pesticide industry and concerned conservationists spread the growing alarm about the threat to our environment from chemical poisons to citizens throughout the country.

Representing the citizens' petition during the hearings was the Environmental Defense Fund, an alliance of concerned lawyers and scientists. Dr. Charles F. Wurster, an organic chemist at the State University of New York at Stony Brook who is associated with EDF, has been an outstanding leader in the effort to improve the controls on the use of persistent pesticides. In a recent issue of BioScience magazine, he has written an excellent summation of the Wisconsin hearings.

I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DDT GOES TO TRIAL IN MADISON

(By Charles F. Wurster)

SCIENTISTS FOCUS ON AN ENVIRONMENTAL PROBLEM

An increasing groundswell of involvement by scientists in issues of social relevance has become evident recently, especially where matters of environmental quality are concerned. The feeling seems to be—act now, for tomorrow may be too late. The DDT problem has become a focus of this increased activity, and seldom has the confrontation been more intense and involved more scientists than at the DDT hearings before the Department of Natural Resources in Madison, Wisconsin.

It is not accidental that DDT is the focus or spearhead of scientists' concern. Mounting evidence now indicates that the persisting residues of DDT have become one of the world's most serious pollution problems, affecting many species of nontarget organisms on a global basis. Furthermore, the scientific literature on DDT is now voluminous, and it is probable that no man-made environmental contamination problem can be quite so thoroughly documented.

DDT is well known from its glamorous past, having undoubtedly saved millions of lives during and shortly after World War II when alternative insecticides were unavailable. The chemical is staunchly defended by some segments of the agricultural community and the chemical industry, and by a dwindling number of scientists. They insist that there is a continuing need for DDT in agriculture and public health and express concern that if DDT is banned, the use of several other chlorinated hydrocarbons with similar properties will also be curtailed.

Moreover, a battle over control is one of the central issues. *Who* is going to control pesticides? Historically, complete control has been in the hands of agriculture. Now that certain pesticides are affecting nonagricultural interests and values, a growing chorus of other voices, including the environmental science community, demand to be heard. If the environmentalists win on DDT, they will achieve, and probably retain in other environmental issues, a level of authority they have never had before. In a sense, then, much more is at stake than DDT.

HISTORY OF EDF

The events in Madison evolved from years of mounting concern among environmental scientists over the chlorinated hydrocarbon issue. Their initial involvement in courtroom litigation came in 1966 when a citizen's class action was supported against the Suffolk County Mosquito Control Commission to prevent continued degradation of the natural resources of Long Island by the use of DDT (Carter, 1967; Woodwell et al., 1967). The need for scientists to take speedy and effective action against environmental degradation resulted in the incorporation of the Environmental Defense Fund (EDF) in October, 1967. Only a few days later, at the request of EDF trustee H. Lewis Batts of Kalamazoo College, EDF filed suit against the Michigan Department of Agriculture (MDA) to prevent a proposed application of dieldrin, and against numerous Michigan municipalities that were still using DDT for attempted control of Dutch elm disease.

While MDA was ruled immune from suit, EDF was successful in obtaining court orders against the use of DDT by 55 municipalities. The strength of the scientific evidence convinced the Michigan Department of Natural Resources that it, too, should take a firm stand against DDT, and this ultimately resulted in the cancellation of the registration of DDT in that state. In October of 1968, EDF again filed suit against MDA, this time in a Wisconsin federal court, but another jurisdictional ruling of sovereign immunity limited the hearing to a few hours. These Michigan actions, presented more only the briefest of hearings, presented more evidence against DDT, and involved more scientists, than did the Long Island case, and resulted in further strengthening of EDF's scientific position.

EDF takes action only when a position can be thoroughly supported by scientific evidence, which is organized and presented by EDF's Scientists Advisory Committee. Both sides of an issue are evaluated. This volunteer, informal, interdisciplinary committee serves without fee or obligation; there is free exchange of information, and witnesses may be chosen from its ranks.

The Scientists Advisory Committee, with more than 200 members and including some of the world's foremost environmental scientists, had evaluated the DDT issue several times. An extensive bibliography on chlorinated hydrocarbon insecticides, including many hundreds of references, had been prepared, and more than 50 of the most relevant papers had been reprinted. Most of this evidence had never before been adequately presented in any judicial forum.

By November of 1968 it was evident that DDT would finally stand trial in a judicial proceeding before the Department of Natural Resources in Madison (Carter, 1969). The Madison hearings followed a petition by the Citizens Natural Resources Association (CNRA) and the Izaak Walton League requesting a declaratory ruling by the department on whether DDT is, or is not, a pollutant of the state's waters under the definition in the unique water pollution laws of Wisconsin. EDF, being specifically organized for litigation, was invited by these two Wisconsin conservation organizations to handle both the legal and scientific aspects of the case.

The necessary funds for travel, food, telephone, transcripts, secretarial aid, and other expenses were raised from private contributions, mainly within Wisconsin, by CNRA. During the course of the hearings, scientists and graduate students, mostly associated with the University of Wisconsin (UW),

searched the literature and prepared exhibits. Many local volunteers handled transportation, lodging, fund-raising, and other essential details. The EDF team and all out-of-town scientists were housed in private homes. The magnitude of the defense of DDT, in the form of the well-financed Task Force for DDT of the National Agricultural Chemicals Association (NACA), forced EDF to restructure its organization in order to survive the lengthy hearing. Until April, EDF's trial counsel, Victor J. Yannacone, Jr., had served without fee; since then, the Rachael Carson Fund of the National Audubon Society has agreed to support his activities on behalf of EDF. The new structure includes an enlarged board of trustees, an executive committee, an executive director, and a director of legal research.

THE JUDICIAL PROCESS

Although formally the Madison hearings must be classified as administrative, conduct of the proceedings was quasi-judicial. Filling a role equivalent to that of judge was the Chief Hearing Examiner, Maurice Van Susteren, a man of considerable capabilities in both law and science. The rules of evidence—relevance, materiality, and competence of testimony—were rigorously observed, and the eventual decision, whichever way it goes, is appealable to higher courts. Testimony could be presented without time limitations, all of it subject to cross-examination.

Cross-examination played a vital role in the Madison story. Conducted by a skillful attorney who understands science in addition to trial law, cross-examination can separate fact from fiction by "sweating the truth out of a witness." Without well-directed, expert cross-examination, all kinds of testimony may sound about equally valid; this is often true when legislative committees lack the scientific expertise to ask the relevant questions or to judge the competence of a witness. Their reports and resultant legislation may therefore fail to grasp the problem and be ambivalent in response. Cross-examination is the acid test of relevance and competence.

Victor J. Yannacone, Jr., the Environmental Defense Fund's (EDF) trial attorney, has an impressive grasp of scientific material, especially the environmental sciences. His cross-examination is usually aggressive and may be devastating where a witness takes a position that is scientifically weak. Cross-examination can be a very rough business. It gives prospective witnesses an incentive to be well prepared and confident of the validity of their testimony—or not testify at all. The specter of cross-examination thereby "selects" witnesses in advance, tending to separate fact from fiction.

EDF had available far more scientists without fee than it could present as witnesses. The Task Force for DDT of the National Agricultural Chemicals Association (NACA), on the other hand, apparently had difficulty finding sufficient scientists to uphold its position. It seems curious that many of those who continue to promote the use of DDT, claiming that it is *not* a serious environmental hazard, did not appear at the well-publicized Madison hearings. One would think they would have welcomed the opportunity to test the validity of their opinions in a forum where each scientist was afforded ample time to present scientific evidence for his position.

The scene of action over DDT among the Citizens Natural Resources Association (CNRA) and EDF) people in Madison was by no means restricted to the hearing room. To the contrary, a vigorous, occasionally heated scientific dialogue usually involving a considerable number of scientists and several attorneys occupied all mealtimes and many evenings. The value of these sessions cannot be overstated. Scientific positions were tested and eliminated if weak; stronger positions were discovered, tested again, and sometimes demolished, then reconstructed. Only after the stimulation and probing of such an interdisciplinary group did scientists take the stand. They sometimes remarked later that this intensive dialogue was more rigorous than the cross-examination of the opposing attorneys.

THE "ENVIRONMENTAL SCIENTIST"

The Madison case was remarkable for the great diversity of disciplines that played a role in its organization and presentation. Not only were most of the biological and medical sciences involved, but the physical sciences including physics, chemistry, mathematics, meteorology, and even engineering played vital roles as well. The EDF approach was strongly problem-oriented, thereby requiring interdisciplinary cooperation, rather than being restricted to an orientation by discipline. The testimony by Orie L. Loucks, plant ecologist from the University of Wisconsin (UW) and the final witness of the hearing, was preceded by a week of intensive work involving mathematicians, various ecologists, systems analysts, mechanical and control engineers, and the searching probes of Yannacone. The result was a summary of the available data on DDT transport, uptake, and metabolism in the form of a complex, modern systems analysis that left the Task Force for DDT incapable of critical cross-examination.

A basic element of the EDF position has been to emphasize the complexity of the environmental sciences and the need for interdisciplinary cooperation, then to demonstate through cross-examination that the DDT proponents are narrow specialists out of touch with the rest of the scientific community. The "environmental scientist" capable of evaluating the *total environment*, rather than its separate components, was repeatedly defined as a scientist with his own specialties who is in constant communication with other scientists of different disciplines.

TESTIMONY BEGINS

The hearing was opened in the State Capitol Building on 2 December 1968, with Senator Gaylord Nelson as the first witness for the petitioners. Louis A. McLean, the attorney originally representing the Task Force for DDT of the NACA who was later replaced by Willard D. Stafford, was then called as an adverse witness by Yannacone for questioning about his article in *BioScience* (September, 1967, p. 613) in which he gave his views on "anti-pesticide people" and their preoccupation with "sexual potency" and various forms of "quackery." Another adverse witness called early was Ellsworth H. Fisher, entomologist from UW and an outspoken DDT advocate. The intent was to put into the record a rough outline of the opposition's case to come, "you can't shoot at empty air," says Yannacone.

The initial EDF approach was to describe the "Wisconsin Regional Ecosystem" with emphasis on its interconnections and interrelationships, prior to presenting any testimony about DDT and its role when injected into that system. Hugh H. Iltis, UW botanist, described these plant-animal-environment relationships in detail. Loucks followed with testimony about air currents, weather fronts, long distance pollen dispersal, and nutrient cycling, again emphasizing how events in one region could have distant effects. Iltis and Loucks both showed the inseparability and interrelationships between agricultural regions and the overall ecosystem of which they are but a part. They thus set the stage for the final systems analysis summation on the last day of the hearings 6 months later.

With these ecological relationships established, I took the stand to describe the physical, chemical, and biological properties of DDT (Wurster, 1969), testifying that DDT combines in a single molecule the properties of broad biological activity, chemical stability, mobility, and solubility characteristics that cause it to be accumulated by living organisms, thus presenting an environmental situation that is almost unique among major pollutants. DDT not only enters food chains from the inorganic environment, but it is increasingly concentrated toward the top of food chains, thereby posing a particular threat to carnivores (Woodwell et al., 1967).

My direct testimony took about one hour, but was followed by nearly 3 full days of wide-ranging cross-examination by McLean. Many aspects of the pesticide controversy were probed, as well as my background and that of EDF. All of the expected arguments that were used 10–20 years ago against scientists who first reported environmental degradation by DDT were raised, but it was surprising to hear almost none that were new. EDF soon learned that the Task Force was not fully prepared with regard to the current scientific literature on DDT.

Early in the trial, there were repeated attempts to equate DDT with pesticides in general to create the impression that EDF was an "anti-pesticide" organization. References to "pesticides" were invariably met by objections from Yannacone. These were usually sustained by Van Susteren, who reminded McLean to confine his questioning to "DDT," not "pesticides."

In its presentation, EDF emphasized those effects of DDT that affect a whole species and are world-wide in magnitude, rather than the more local, though more spectacular, fish or bird kills. The use of DDT for attempted control of Dutch elm disease, however, has long been of special concern in the Middle West, and the dramatic bird mortality caused by this usage was described by George J. Wallace (1959), zoologist from Michigan State University, and Joseph J. Hickey, wildlife ecologist from UW, both among the early scientists reporting such damage. William Gusey of Shell Chemical Company and a DDT Task Force witness said that winter spraying of elms, before birds are in the area, eliminates robin mortality, but Wallace contradicted this by telling how robins continued to die for years after the last DDT spraying because they ate contaminated earthworms.

Wallace described the tremors he observed in birds dying of DDT poisoning. He was followed on the stand by Alan Steinbach, neurophysiologist from Albert Einstein College of Medicine, who gave a comprehensive description of the mechanisms of nerve transmission and their disturbance by DDT. He discussed the Hodgkin-Huxley equation and the effects of various toxins on transmission of the nerve impulse, indicating that the effects of DDT are irreversible as compared with these other toxins. "The known mechanism of action of DDT on nerves . . . can account for . . . the observations outlined by Dr. Wallace, both today and in his earlier paper," Steinbach concluded.

During the early weeks of the hearing there was objection by McLean to the term "biocide" when used by several scientists in reference to DDT. Included among the pro-DDT witnesses, however, was Taft A. Pierce of the Orkin Exterminating Company, who testified that DDT is especially useful for killing mice and bats. Pierce said that without DDT, he would have to use "poison" more frequently to control mice.

The almost ubiquitous distribution of DDT residues in the world environment was the subject of testimony by many scientists. Robert W. Risebrough, molecular biologist from the Institute of Marine Resources, University of California at Berkeley, called DDT and its metabolites "the most abundant synthetic pollutant(s) in the global ecosystem" (Risebrough et al., 1968b). He described their dispersal by currents of air and water, and his discovery of these materials in the air over Barbados (Risebrough et al., 1968a). His analyses showed oceanic fish and birds from various parts of the Pacific to be contaminated, often to "very high levels," and Hickey gave analytical data on residues of DDE (a DDT metabolite) in the Lake Michigan ecosystem showing exceptional contamination of

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many organisms (Hickey, et al., 1966). "Lake Michigan, in spite of its size, "Hickey said. "is one of the most polluted (with DDE) lakes in the world."

DDT, THIN EGGSHELLS, AND REDUCED REPRODUCTION

Enzyme induction by chlorinated hydrocarbons, including DDT, was for several years primarily of interest to biochemists, but recently environmental scientists have discovered that the phenomenon may be of enormous ecological significance. Richard M. Welch, biochemical pharmacologist from Burroughs Wellcome and Company, told how DDT induces the synthesis of hepatic microsomal enzymes in a variety of test animals (Conney, 1967). These liver enzymes have a broad spectrum of activity that includes the ability to hydroxylate the steroid sex harmones testosterone, progesterone, and estrogen when DDT is administered to test animals at concentrations described by other scientists as common in the environment. Welch told how, in the course of these experiments, he and his colleagues had accidentally discovered that DDT can itself also function as an active estrogen (Welch et. al., 1969), thus presenting yet another mechanism of action for the material.

It took the testimony of several scientists to clarify the environmental importance of enzyme induction. Earlier, Risebrough and I had pointed out that estrogens affect calcium metabolism and eggshell formation in birds, and that elevated estrogen metabolism caused by DDT-induced enzymes could depress estrogen levels and result in birds laying egges with thin shells (Peakall, 1967; Wurster, 1968). Hickey (1969) then described the great population collapses among several species of carnivorous birds, particularly the peregrine falcon, on two continents during the past 15 years.

Characteristic of these population declines, Hickey related, was reproductive failure associated with various symptoms, especially egg breakage, suggesting disturbed calcium metabolism in these birds. The mystery has only been solved since 1967 through the close collaboration and discoveries of a diverse team of environmental scientists. Hickey told how Ratcliff (1967), he, and Anderson (1968) found that the eggshell thickness for these species, as measured in museum collections, had been stable for half a century, then underwent a sudden reduction simultaneously in Europe and North America during the late 1940's—shortly after the introduction of DDT into the world environment. He also pointed out that there was a statistically significant inverse correlation between concentrations of DDT in herring gull eggs and the thickness of their eggshells.

If this remarkable pyramid of circumstantial evidence involves a casual relationship between DDT, thin eggshells, and diminished reproductive success, then controlled feeding experiments with DDT or its metabolites should produce these effects. Exactly such experiments were described by Lucille F. Stickel, Patuxent Wildlife Research Center, Bureau of Sport Fisheries and Wildlife, U.S. Department of Interior, testifying only a few days after their completion. Groups of mallards were fed three parts per million (ppm) of DDE. Eggs from ducks receiving DDE, when compared with controls, had shells that were 13.5% thinner, were cracked or broken six times as often, and produced less than half as many healthy ducklings. DDT gave results that were comparable to those of DDE, but DDD did not affect shell thickness at this dosage (Heath et al., 1969).

In another experiment, kestrels, close relatives of the peregrine falcon, were fed 2 ppm of DDT plus ⅓ ppm of dieldrin. Dosed hawks laid eggs with shells that were 15% thinner than the controls, and their reproductive success was impaired (Porter and Wiemeyer, 1969). Although probably the shortest, Stickel's testimony was among the most important of the hearing because it established that thin eggshells and reduced reproduction among carnivorous birds are directly caused by residues of DDT at current environmental levels.

The Task Force for DDT made but one attempt to rebut the avian reproduction evidence. Frank L. Cherms, Jr., UW Department of Poultry Science, told of his experiments with Japanese quail, where 200 ppm of DDT in the diet had caused no effect on eggshell thickness or reproductive rate. He also described a variety of factors that can affect shell thickness, including heredity, nutrition, diseases, temperature, and humidity; "if you frighten them," he added, "you can scare the shell out of them." Under cross-examination, however, Cherms agreed that he was an expert on poultry but was not competent to discuss wild birds, their eggshell formation, or reproduction. Earlier, Stickel had pointed out that this quail lay eggs continuously throughout the year and differs from wild carnivorous birds that lay only in the spring. Robert L. Rudd of the Department of Zoology, University of California at Davis, also indicated that graminivorous pheasants could not be compared physiologically with carnivores at the top of a food chain.

Evidence that DDT reduces reproduction in fish, presented by Kenneth J. Macek of the Fish-Pesticide Research Laboratory (Columbia, Mo.), U.S. Department of Interior, was not contested by the DDT Task Force. Macek (1968a) described experiments in which 1 mg/kg/week of DDT in the diet of brook trout did not kill any adult fish, but caused increased mortality of fry from the residues stored in the egg yolk. He said that DDT residues accumulated in his experimental fish were comparable to those in fish from several freshwater lakes, including the Coho salmon from Lake Michigan, where abnormal fry mortality has been occurring. Risebrough gave similar analyses for fish from the Pacific Ocean, suggesting that important marine fisheries are threatened. In another experiment, Macek (1968b) found susceptibility to stress, as measured by associated mortality, increased from 1.2% in control fish to 88% in those fed diets contraining 2 mg/kg/week of DDT.

DDT AND HUMAN HEALTH

The original petition for the Wisconsin hearings made no mention of a relationship between DDT and human health, but the subject inevitably became the center of much testimony. Wayland J. Hayes, Jr., toxicologist from Vanderbilt University, said that DDT was "absolutely safe" for the human population at current exposure, based on studies of men exposed to much higher levels of DDT who showed "no clinical symptoms" (Hayes et al., 1956; Laws et al., 1967). Hayes' conclusion, however, was founded on tests for gross nervous system disorders and the assumption that DDT is a nerve poison, while other mechanisms, such as the enzyme effects described by several witnesses, were not investigated. He admitted that many biochemical and other sophisticated tests had not been made on these subjects, and that women, children, and infants had not been studied, yet he remained firm on his "absolutely safe" opinion.

The testimony of several scientists did not agree with Hayes'. Theodore L. Goodfriend of the UW School of Medicine said that "one cannot conclude that DDT is absolutely safe for human use." He described a variety of possible hormonal effects that have not been investigated and suggested they should be, since DDT is known to interfere with endocrine systems. Earlier, Welch had indicated that DDT at concentrations currently found in human fat was associated with elevated levels of steroid hormone hydroxylases in rats, and "if one can extrapolate data from animals to man, then one would say that a change in these liver enzymes probably does occur in man." He said that a controlled experiment had not been done in man, but an uncontrolled experiment "should not be done on the worldwide population." Hayes admitted he had done no such liver tests.

On 27 March 1969, Sweden announced a moratorium on several chlorinated hydrocarbon insecticides, including DDT, that was reached following the extensive literature research of a team of scientists—the Working Group on Environmental Toxicology, Ecological Research Committee of the Swedish Natural Science Research Council. Chairman of the scientists' team was Göran Löfroth of the Royal University of Stockholm, a surprise witness at the hearings appearing by invitation of the Public Intervenor and Assistant General of Wisconsin, Robert B. McConnell.

Löfroth discussed the ubiquitous worldwide distribution of DDT residues in human tissues and mentioned especially its presence in human milk (Curley and Kimbrough, 1969). He indicated that women excrete a higher proportion of ingested DDT into their milk than do cows, and that nursing infants receive about twice the maximum daily intake of DDT-compounds recommended by the World Health Organization.

Löfroth agreed with other scientists that the safety of DDT had not been demonstrated and that its use in the environment should therefore be discontinued. He also quoted publications suggesting that DDT interferes with normal body biochemistry, that it causes tumors in mice (Kemeny and Tarian, 1966), and that there is a correlation between higher than average residues of DDT and the frequency of human deaths from various disorders including liver cancer (Deichmann and Radomski, 1968).

POSSIBLE PCB INTERFERENCE

As an important part of its defense, the Task Force for DDT tried to demonstrate that analyses by environmental scientists were in error because there was interference from polychlorinated biphenyls (PCB's), industrial compounds that are also widespread in the environment. In an apparent attempt to cast doubt on the analyses of several scientists who had testified on behalf of EDF, the DDT Task Force presented Francis B. Coon, Head of the Chemistry Department of the Wisconsin Alumni Research Foundation (WARF) where many of these analyses had been performed, who testified that there was interference with DDT and DDD, and that he could not be certain there was no interference with DDE.

Since Hickey had presented only DDE analyses in his testimony because of the interference problem at WARF with DDT and DDD, the status of DDE became the object of much testimony. During a highly technical, day-long cross-examination by Yannacone, Coon changed several positions he had taken on direct examination, finally admitting that there was no significant PCB interference with the DDE analyses.

Further testimony on analytical techniques and PCB's was presented by Paul E. Porter of the Shell Development Company, who said that DDT, DDD, and DDE can be distinguished in the presence of PCB's using gas chromatography. Porter also expanded on earlier testimony about physical and chemical properties of DDT, its degradation, and its transport mechanisms. EDF considered Porter's testimony to be competent, accurate, and in no conflict with the petitioner's position; therefore he was not cross-examined.

Stafford also called Risebrough as an adverse witness for additional questioning about PCB's and their role in the thin eggshell phenomenon (Risebrough et al., 1968b), even though he had been cross-examined for 3 days by McLean in December. Risebrough, who attended almost all sessions of the hearing, told how DDE, and not PCB's, is largely responsible for the widespread occurrence of thin eggshells among carnivorous birds. He also used the opportunity to present new evidence on the almost complete reproductive failure early in 1969 of the brown pelicans in California, whose eggs collapsed when the birds tried to incubate them.

Appearing on behalf of the U.S. Department of Agriculture (USDA) was Harry W. Hays, Director of the Pesticides Regulation Division. Hays described USDA's procedures for the registration of a pesticide, indicating that his division within USDA has complete responsibility for registration, and that other federal agencies, including the Departments of Health, Education, and Welfare, and Interior, have only an advisory capacity without authority. He said that the chemical company applying for the registration supplies that data to USDA, but under cross-examination Hays revealed that USDA makes no independent check of these data, other than for internal consistency.

Yannacone led Hays through a complicated tangle of bureaucratic processes and responsibilities within USDA. Hays said that during the past few years there have been new registrations for DDT, but that new data on sublethal effects on animals or mobility of DDT has not been required of the applicants. Yannacone repeatedly asked about procedures for cancelling the registration of DDT, and was told that only the Secretary of Agriculture could initiate cancellation proceedings.

Another DDT proponent was Samuel Rotrosen, president of Montrose Chemical Corporation, the largest DDT maker in the United States. Rotrosen said that the Montrose plant in Los Angeles makes about half of the U.S. total, and that the other chemical companies manufacturing DDT are Diamond-Shramrock, Olin-Mathieson, Allied, and Lebanon. Of 114 million lb. made last year, about two-thirds was exported, and Rotrosen described its various domestic and foreign uses. In carload lots of 60,000 lb., DDT costs 17¢ per lb., and total production last year was valued at about $20 million.

INTEGRATED CONTROL OF INSECT PESTS

Testifying on behalf of the Task Force for DDT were two entomologists, R. T. Chapman of the UW Department of Entomology and Bailey B. Pepper of the Department of Entomology of Rutgers University. Chapman said that DDT is still needed to prevent insect damage to certain crops, especially cabbage and carrots in Wisconsin. Pepper also mentioned several agricultural needs for DDT, as well as the threat of mosquito-borne encephalitis. Under cross-examination by Yannacone, Pepper agreed that malathion is an alternative for mosquito control and DDT is not recommended on salt marshes.

In its presentation, EDF emphasized not only the deleterious effects of DDT, but alternative insect control techniques as well. Three top scientists in the sophisticated field of integrated control, the blending of biological and chemical insect control techniques in an integrated system, testified at length on the effectiveness and desirability of this approach to agricultural pest problems.

Robert van den Bosch, entomologist in the Division of Biological Control, University of California at Berkeley, described ways in which an agro-ecosystem can be manipulated "to manage pest populations so that they do not cause economic loss" (Smith and van den Bosch, 1967). He discussed the role of entomophagous insects (insects that are parasites and predators of other insects) in controlling potential pest species and pointed out that DDT often causes eruptions of the pest populations by elimination of those entomophagous insects.

Van den Bosch told how for many years he had recommended DDT for some purposes, but that more recent knowledge of its enormous ecological impact had caused him to discontinue these recommendations. He described DDT as an "ecologically crude material . . . developed by chemists and toxicologists . . . with no ecological thought whatsoever," and "exploited largely by people who were thinking in terms of the economics . . . Most entomologists eargerly seized" the material "totally ignorant of the . . . ecological implications" of its use; of those implications, he said, "I'm scared."

Testifying on 21 May, Paul DeBach of the Department of Biological Control, University of California at Riverside, and Donald A. Chant, Chairman of the Zoology Department, University of Toronto, reiterated van den Bosch's position. DeBach (1964) described DDT as a highly disruptive material in an agro-ecosystem and told how it causes outbreaks of mites and scale insects by killing their natural enemies. Chant (1966) discussed the concept of economic threshold, pointing out that insecticides are often used when the pest population is below a level of economic damage, or even totally absent from the area. "DDT," he said, "has no place in integrated control."

DDT IN THE ECOSYSTEM

Summation testimony was given both by Loucks and Rudd. Following his systems analysis presentation, Loucks concluded that DDT concentrations at higher trophic levels in the Wisconsin ecosystem can be expected to increase, with further decreases in numbers of important predator species leading to instability and degradation of the ecosystem.

Rudd (1964) summed up the problem by saying that pest control operations too often have been restricted to a consideration only of a particular pest and a particular crop. "The pest control operator, once the applications have been made, pretty well forgets the problem . . . The ecologist, on the other hand, is concerned with entire . . . ecosystems. He has no particular restrictions." Both Rudd and Loucks said that DDT fits the definition of a pollutant in Wisconsin law since is it "deleterious to fish, bird, animal or plant life."

The Madison DDT hearings involved 27 days of testimony from 32 witnesses, filled nearly 3000 pages of transcript, included 208 exhibits, and adjourned on 21 May 1969, nearly 6 months after they had begun. The decision is pending.

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NEEDED: ADVICE AND COUNCIL

Mr. HANSEN. Mr. President, one of the very real needs of our time is for meaningful and responsible leadership. This leadership is important in a number of areas, not the least of which should be that evidenced by the heads of our great labor oganizations in the matter of domestic affairs.

We sorely need the reasoned advice and counsel these powerful and prestigious labor organizations can provide. The temper of the times should call for nothing less than a united effort by all of us who are interested in the welfare of our country. I know all of us are, indeed, interested in that welfare and want to serve the general interest.

Unfortunately, labor's national leadership has not, as yet, responded to the rather overriding need for unity—that contribution they can make by urging a commonality of purpose whenever possible, rather than a divergency of viewpoint.

One of the grand old men of the labor movement, George Meany, who is leader

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of the AFL–CIO, recently has seen fit to heap a significant amount of criticism on the President for his stewardship of our country's domestic affairs, without really much of an effort to be constructive or to offer any responsible alternative plans for action.

George Meany, to my mind, is a well-meaning, hard-working patriot who stands foursquare with this Nation in its dealings with the enemy abroad. And for that, he deserves high marks. George Meany puts his country first. And for that, he deserves the thanks and respect of his countrymen.

But when we leave the foreign field and talk about the domestic front, Mr. Meany parts company with President Nixon in a rather sharp and disturbing way.

Mr. President, let me respectfully point out that while Mr. Meany has been pointedly critical of the President in three specific areas—civil rights, inflation, and Judge Haynsworth—he must also stand accountable for some of his actions and those of his union.

For example, Mr. Meany talks about a slowdown in civil rights progress under President Nixon when the fact is, organized labor quite frankly has done less for minorities than any single segment of the American economy. This is a well documented fact. Criticism of the President's efforts cannot dispel the situation of the minorities in that regard.

Mr. Meany also talks about inflation, when the fact is that those he supported so strongly for the past 8 years were instrumental in developing and pushing the policies that led to runaway inflation.

And Mr. Meany opposes the nomination of Judge Clement Haynsworth to the U.S. Supreme Court on the grounds that he is antiunion. The fact is that Judge Haynsworth, whenever the law was on a union's side, ruled in its favor.

His opposition to the President's domestic programs are fulsome; his reasoning behind that opposition, to my mind, is sometimes shrouded by purely political considerations.

I do not question his sincerity, nor do I want to be accused of seeking to demean his motives. What I would like to point out, however, is that Mr. Meany just must face up to the fact that the average union member is infinitely better educated and better informed than were his forbears, and that he will not long continue to accept the rather perpetual effort to convince him that this is still 1936 and that we should all continue to inveigh against the real—or imagined—policies of Herbert Hoover.

The working men and women of this country are too well informed to pay much attention to that line of questionable reasoning, I am sure.

And the working men and women of this country also know full well that the best place to make their personal views known is at the polls. And that is just where they made those views known last November—in a clear and forthright fashion. Mr. Nixon was elected President of the United States. It is my hope that Mr. Meany will soon recognize this and be responsive to it.

Now is the time for Mr. Meany and a number of the other national labor leaders to give the President the opportunity to discharge his responsibilities to the best of his ability. Certainly, a grace period of a few more months is not too much to ask.

Constructive advice and counsel is always welcome. But unnecessary and sometimes unfair criticism serves no one—especially our great country.

FAILURE TO FIND A CURE FOR MULTIPLE SCLEROSIS

Mr. CRANSTON. Mr. President, the decline of Federal support for scientific and medical research can be overlooked as a lifeless statistical casualty of the war on inflation. It is only when these cutbacks are translated into the pain and suffering of our family and friends that we begin to comprehend the human misery and despair which are the shrouded companions of our blithe economies.

In a plea for a more sensible and compassionate national policy, Mr. Sheldon Rosenthal, of San Francisco, explained to me in the simple eloquence of a human life what our failure to find a cure for multiple sclerosis has meant to his wife and his family. The letter speaks for itself.

I ask unanimous consent that Mr. Rosenthal's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

San Francisco, Calif.,
October 8, 1969.

Hon. Alan Cranston,
U.S. Senator,
Washington, D.C.

Dear Senator Cranston: I have seen news reports of budget cuts in the field of medical research contemplated by H.E.W. In particular, it would appear that research in the fields of neurology, cancer, and heart disease is being abated.

Surely this is a false economy. Leaving aside the humanitarian considerations of the plight of those unfortunates who now suffer from these maladies, please consider the effect of a break-through that would offer a cure to any one of the illnesses under study. I am most familiar with multiple sclerosis since my wife has that disease. If a cure could be found, this would free two people for other productive work—my wife and the person who must look after her. From a purely selfish standpoint, the Government would gain additional tax dollars from this new earning power, as well as ending the colossal tax deductions for medical purposes which we presently are taking and the payments from OASDI. Multiplying this several hundred thousand times, merely for multiple sclerosis where restoration of physical ability seems achievable, means millions of additional tax dollars for the Treasury each year.

Certainly this monetary benefit is the least essential, but I mentioned it first since it appears to have immediate relevance. On the human level, have you ever seen your loved one lying in bed pleading to die because she cannot see and cannot feel and cannot move? Has anyone in your family been terrorized of travel away from the house for fear that a bladder condition will cause embarrassment in public? Have you ever tried to explain to children why their Mommy can't hold them when they are tired, comfort their hurts or attend their basic needs? I am not talking about such luxuries as taking them to the playground or going shopping. One could live without these. One can't live without being a person, and this requires the ability to have basic contact with others.

The only hope for multiple sclerosis victims, both present and future, is in the field of medical research. Only the Government has the resources to support this research. Private donations, though helpful, are only supplementary.

I am well aware that some cutbacks must be made, and that decisions as to which program to reduce are not easy, but how many of H.E.W.'s endeavors are *vital,* in the true sense of that word?

Please help. Don't permit a miniscule reduction in total Government spending to consign my wife and others like her to human warehouses where they will be stored ("cared for" is a nicer euphemism) until dead. If sufficient indignation over this false and inhuman economy measure can be mustered, I believe that the proposed reduction in Federal financial support for medical research can be cancelled. I beg you to use whatever means are at your disposal to reverse the new policy of H.E.W.

Thank you for taking the time to read this plea. May your memory be for blessing.

Sheldon Rosenthal.

DISMAS HOUSE, ST. LOUIS, MO.

Mr. EAGLETON. Mr. President, Dismas House, in St. Louis, Mo., a halfway house for ex-convicts, has recently completed 10 years of service to newly released felons. Its occupants come from all over the country for help in making the transition between prison and the outside world.

A decade ago, Dismas House was a pioneer in this field. Since that time nearly 300 halfway houses have sprung up, some federally assisted.

I ask unanimous consent that a feature story about Dismas House, published in the October 10, 1969 issue of the St. Louis Review, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dismas House Ready To Start Its Second 10-Year Stretch

(By Stephen Darst)

Dismas House, the halfway house for ex-convicts at Ninth and Cole sts., has just completed a stretch of ten years, flat time, and like the newly released felons that it serves, the house faces the future in a suit of old clothes, wallet short on cash, in need of friends on the outside.

There is no crisis; things have always been that way with Dismas House. The institution began spectacularly with articles in national magazines, $100 a plate dinners, star-studded benefit extravaganzas and a famous founder, Father Dismas Clark, S.J. After the initial attention, Dismas House has faded from the glare of the spotlight but it is still quietly doing time. And like the ex-convicts it serves, the institution has undergone rehabilitation.

For one thing Dismas House has opened its doors to drug addicts alcoholics and men convicted of sex crimes, three categories of criminal excluded in its first years of operation. Dismas House is also participating in a federal program involving the pre-release of prisoners to halfway houses.

"Under the pre-release system I am really the warden," Father Fred L. Zimmerman, S.J., executive director of Dismas House, said last week. "The federal prisoners are released from 90 to 120 days ahead of time and they finish that time here by starting their rehabilitation. They sign in and out. If they violate any of the rules we turn them over to the parole officer." The idea, he said, is to let the men out ahead of time to see how they handle themselves.

The pre-release prisoners come from all over the country. Besides Dismas House there are now 275 halfway houses in the world,

many of which contract to take pre-release prisoners. The government pays $7 per day for each man. The government also operates eight halfway houses on its own, giving some idea of the official approval of the idea of halfway houses that has developed in the past ten years. All the government houses are less than 10 years old.

Father Clark and his work with ex-convicts at Dismas House was the subject of a 1961 movie entitled "The Hoodlum Priest." The movie brought home to countless thousands of persons the needs of ex-convicts.

In 1963 Father Clark died but the work has gone on. The former rule against admission of addicts, alcoholics and sex offenders was originally put in because Father Clark felt that Dismas House would be unable to provide the special care that these men needed. James Toner, associate director of Dismas House, said that the rule was changed several months ago because it is now possible to provide this special care.

One difficulty that halfway houses have encountered is only now being remedied, Toner said. It has been impossible in the past to check on what happens to ex-convicts after they leave Dismas House. Nearly 4,000 of them have been through the installation during the past 10 years. Father Clark once claimed that of the first 1,000 men who came to Dismas House, only five to ten were known to have returned to prison for subsequent crimes. This would be a remarkable record: the recidivism rate is usually 60 to 70 per cent.

The difficulty is that no one really knows what happens to men after they leave Dismas House (or the 275 other halfway houses around the world). A 10 per cent recidivism rate has been claimed, higher than Father Clark's estimation, but still very low. The problem is that most experts do not believe this. In the past the Federal Bureau of Investigation would not give the facts necessary to arrive at an intelligent appraisal.

Now the information is being made available and some reliable statistics on the effects of halfway houses should be forthcoming within the next six months. Federal officials expect it to be an encouragement to the development of more such houses, even if it does not reflect a recidivism rate as low as 10 per cent.

One fact that all experts think should be pointed out is that halfway houses get the ex-convict with the worst chance for rehabilitation. The ex-convict would not be at the halfway house in the first place if he had a job or family or friends on the outside to help him adjust to post-prison life.

"The essentials that we offer are food, shelter and clothing," Father Zimmerman said. "We have an employment office to help them get a job, there is counselling during the adjustment period and support during the first 60 days which are so crucial. We help to provide integration into the community through educational programs."

For non-residents there are additional services—information about prisoners for their families, help to families having difficulties while the father of the family is in prison, employment services for ex-convicts who have their own homes.

In addition, the essential function of halfway houses is changing. The idea of such institutions has always been to care for prisoners who are halfway "out" of the penitentiary, either on probation or parole or pre-release. With recent changes in federal rehabilitation practices, halfway houses are now increasingly being used as halfway "in" houses—persons convicted of crimes whom a judge believes might benefit from being sent to a halfway house rather than prison are being given this opportunity, on a probationary basis. One mistake and they are sent to the penitentiary to serve their sentence. Dismas House has not received any of these probation cases yet but other institutions in the country have and the practice is spreading.

TOWARD A MORE ADEQUATE SOCIAL SECURITY—II

Mr. WILLIAMS of New Jersey. Mr. President, in earlier statements I have described my disappointment at President Nixon's proposal for a 10-percent social security increase.

One of the reasons for my attitude is that the Special Committee on Aging, of which I am chairman, has conducted hearings and received reports clearly indicating that most elderly individuals in this Nation have lamentably inadequate retirement income.

It is no exaggeration to say, in fact, that Americans in later years are burdened with an income crisis which is worsening, not slackening.

The committee has received a task force report clearly calling for major upward revisions in social security levels. In addition, the knowledgeable witnesses have told the committee of the need to make major benefit increases and other improvements in social security.

The administration's plan for a 10-percent increase—which would fail to meet cost-of-living increases which have occurred since the last benefit revisions—would do nothing at all to raise minimum benefits upward closer to adequacy.

Fortunately, there is new evidence indicating that the social security trust funds are capable of supporting benefit increases and other reforms of far greater magnitude than that proposed in the administration bill of September 30. The AFL–CIO and the National Council of Senior Citizens have analyzed actuarial data and have concluded that modernization of the social security program is as feasible as it is imperative.

Accordingly, Representative Jacob H. Gilbert, of New York, today announced that he has a plan which would make maximum use of the higher actuarial surplus. His new bill, now under preparation, would, among other things, provide two 20 percent across-the-board benefit increases: the first on January 1, 1970, the second on January 1, 1972. Minimums would be raised in two steps to reach $120 a month by the beginning of 1972.

In addition, Representative Gilbert would abolish the premium for medicare part B—now $4 monthly—and make other much-needed improvements in that program.

It appears to me that the AFL–CIO, the National Council of Senior Citizens, other supporters, and Representative Gilbert have presented a noteworthy, solid package which should receive careful consideration and widespread cosponsorship.

For an advance view of its major provisions, I ask unanimous consent to have printed in the Record a news release issued by Representative Gilbert today.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Congressman Gilbert Drafts New Bill To Modernize Social Security Program

Rep. Jacob H. Gilbert (D.-N.Y.) today announced that he will shortly introduce a revised Social Security bill that would raise Social Security benefits overall more than 50 per cent.

The new Gilbert bill will provide for a 44 per cent general increase in Social Security benefits and a $120 monthly minimum benefit to be accomplished in two steps by January 1, 1972.

Thereafter, the new Gilbert bill provides for automatic increases in Social Security benefits tied to the cost of living.

The new Gilbert bill would also abolish the $4 monthly premium payment for Medicare Part B (doctor) insurance, extend Medicare health insurance to an estimated 1,500,000 disabled Social Security beneficiaries below age 65 and would pay for out-of-hospital drugs under Medicare (only drugs administered in a medical institution are now covered).

Altogether, the new Gilbert bill would make 15 important changes in the Social Security law.

MUCH HIGHER SURPLUS REVEALED

Additional benefits incorporated in the new Gilbert bill reflect a substantially higher actuarial surplus than had been reported earlier in the Social Security Trust Fund.

Gilbert's first Social Security measure was introduced in the House of Representatives September 17. Gilbert said: "Since the introduction of my bill last month, the actuaries of the Social Security Administration have reevaluated the actuarial status of the social security program. This reevaluation shows the cash benefits part of the program to have an actuarial balance of 1.16 percent of taxable payroll instead of 0.53 percent as previously anticipated. As a result, my earlier bill is considerably over-financed. I am therefore planning to introduce a revised bill which takes account of this favorable actuarial balance."

Social Security experts and observers agree that Gilbert's new bill will be one of the most comprehensive ever to be submitted to the Congress. In addition to increasing benefits substantially and tying them to the cost of living, it would finance the medical insurance part of Medicare through contributions paid during the beneficiary's working years in the same way hospital insurance and cash benefits are now financed.

This change alone, by relieving beneficiaries of the Part B Medicare premium, would be the equivalent of about 5 percent benefit increase for the average beneficiary and considerably more for a couple.

"The bill I plan to introduce would go a long way toward maximizing the potential of social security for the benefit of more people and for the benefit of the nation as a whole," Gilbert said.

The new Gilbert bill will contain these improvements:

The 20 percent across-the-board benefit increases—the first on January 1, 1970, and the second on January 1, 1972, and a two-step boost in the minimum benefit bringing it to $120 a month by the beginning of 1972.

Base a worker's Social Security benefit on his highest ten years' earnings out of any 15 consecutive years after 1950.

At age 65, provide a widow's benefit amounting to 100 per cent of the deceased spouse's benefit (The present law limits it to 82½ per cent at age 65).

For beneficiaries who continue working, increase the income a person can earn and still get full Social Security benefits.

Raise the lump sum death benefit to $500.

Reduce the disability benefit waiting period from six months to three months and liberalize the definition of disability.

Eliminate the age-50 limitation for disabled widows and increase the benefit for them to that of regular widows' benefits.

Do away with the requirement that men who retire at age 62 must compute their average earnings by including years up to age 65, thus lowering their retirement benefits excessively.

Gilbert said the contribution base, now $7,800 will, under his new bill, increase in two steps to $15,000 by 1972. This and the current actuarial surplus in the Trust Fund,

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a one-tenth of one per cent increase in the presently scheduled employee and employer contribution rates, and a gradually increasing Government contribution eventually approximating one-third of the total program cost would pay for the proposed improvements, Gilbert said.

PROBLEMS ARISING FROM VIETNAM ENTANGLEMENT

Mr. EAGLETON. Mr. President, the Gallatin North Missourian is an outstanding newspaper published in the northwest section of my home State. It is edited by Mr. Joseph R. Snyder, and has been serving the people of Daviess County for over a century. In it are consistently found perceptive and constructive editorials. I ask unanimous consent to have printed in the RECORD two such editorials from recent editions regarding the problems facing this country because of the Vietnam entanglement.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Gallatin North Missourian, Oct. 2, 1969]

WE'VE ADMITTED OUR MISTAKE, LET'S GET OUT

Maybe it's because this writer spent some time in Vietnam himself that he so vigorously rues the day that the U.S. government decided to fight in Vietnam. Until recently we had believed, along with countless others, that the Americans pitched in out there because the South Vietnamese government requested it. Not that we should ever have acceded to the request under any circumstance, but being asked threw a kindlier light on the matter. Now, it turns out, the South Vietnamese government never made any such request. The decision was made by the U.S. government, on the advice of its civilian and military minds then in South Vietnam, to keep a shaky and corrupt Saigon regime from going down the drain. That really compounds the felony.

There never has been a Saigon government, and never will be, worth one American life, much less 40,000. Any U.S. official, in or out of uniform, who served any length of time in South Vietnam, should, in his right mind, know that. Somehow the officials we send to Vietnam get caught up in that weird web and start believing that the place can be made into a decent democratic establishment. That's what happened in 1964, when it was decided that Americans, to save the Saigon government, should fight the war for the South Vietnamese. It was a face-saving move on the part of the U.S. government, which boomeranged into the bloodiest and costliest boondoggle ever concocted.

Since we weren't asked to fight in Vietnam, why the delay in getting out? There can be only one reason for staying on in South Vietnam and that is to, once again, save a Saigon government, which dosn't deserve it now anymore than it did back in 1964.

Since we're on record as no longer committed to a military victory, let's get back our boys as fast as they can be loaded up. It's a bitter dose for the U.S., but we've already swallowed one pill, we might as well swallow another and get out now.

[From the Gallatin North Missourian, Oct. 9, 1969]

THE WAR MUST END

President Richard Nixon has declared he will not be the first president to preside over an American defeat. This may be reassuring to some but we recall that is exactly what President Lyndon Johnson said and he was forced out of office.

Such a statement reflects the same kind of egotism that caused Johnson to escalate the war. He was so sure that all he had to do was send a sizeable force of U.S. troops to Vietnam and the Viet Cong would fold their tents and steal silently away.

What happened, of course, is a painful continuing chapter in our history.

It is disappointing to hear Mr. Nixon make such a statement. What it really means is that no matter how many lives it takes, or how much of our resources it requires, it will be tolerated as long as he is convinced the historians will record him as being stern and steadfast at a time of military confrontation.

This country has already suffered enough in Vietnam—to say nothing of the hapless people of Vietnam. The lives lost, the men wounded and the huge sums of money it is costing, should make any president ponder the wisdom of further folly there. This is a conflict that is poisoning the whole of American life.

Mr. Nixon has plenty of problems to solve at home. Many of them he cannot be blamed for, but the time for solving problems is at hand. He has been in office eight months and the American people want the Vietnam war ended one way or another so that pressing problems at home can be properly approached.

We have been told that it has cost this country $322,000 to kill one Viet Cong soldier. By comparison, in this year's Federal budget, we are allowing $44 for each child for educational purposes. That is just one example of the warped priorities that war produces—and this is one of the most senseless wars we have ever fought.

The United States does not have to worry about a loss of face in Vietnam—our presence there in the first place cost us the respect of much of the world—and our continued insistence of staying there has aroused serious questions about our national sanity.

U.S. participation in the Vietnam war must end soon or President Nixon will begin to undergo the same kind of pressure that broke one of the strongest willed men ever to sit in that high office.

The people want their boys home! How much plainer can they make it short of tearing the country completely apart?

AMERICAN SOCIALIST PROFESSORS ADVOCATE TOTAL BREAK WITH AMERICAN SYSTEM

Mr. MUNDT. Mr. President, the September 15, 1969, issue of Barron's contains a lead article entitled "Total Break With America." It discusses in full the efforts of the Socialist Scholars of America to indoctrinate the youth in our universities and colleges on the alleged evils of capitalism and of what must be done to destroy our system of government.

The article points out that on campuses throughout the Nation, socialist scholars are training our young people to break with the traditions of America which have brought us to the pinnacle of leadership in the world today. The article indicates that in virtually all our academic communities, socialist scholars are studying, researching, and teaching the most effective means for the violent overthrow of the U.S. Government and the destruction of the American way of life.

With what is happening on our campuses, in our streets, and throughout America today it makes one wonder if this group of Socialist Scholars and agitators will be successful. "Total Break With America" is a frightening article on the basic domestic problem of today in our country. I ask unanimous consent that it be printed in the RECORD at this point of my remarks. I urge that every Senator, Representative, and State legislator study carefully this eyewitness report on the dangers to our system of government which threaten us today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FIFTH ANNUAL CONFERENCE OF SOCIALIST SCHOLARS: "TOTAL BREAK WITH AMERICA"

Openly proud of their rapid progress toward destruction of the American way of life, the Socialist Scholars—Marxist revolutionary braintrust in the United States—gathered together at Hofstra University, Hempstead, N.Y., on September 5–7, to hold a Fifth Annual Conference. Even if television cameras had been grinding and wire service reporters had been taking notes at the panel discussions, which they were not, no Socialist Scholar would have minced words this year about his revolutionary role in "the Movement."

Members of the tax-exempt Socialist Scholars Conference (SSC) know they face no effectively organized anti-socialist or anti-revolutionary opposition today. They knew in 1965, when they formed the SSC, that their intellectual foes had been disarmed by the accusatory slogans "McCarthyism," "Red-baiting" and "witchhunt"; the Socialist Scholars knew, too, that the U.S. Department of Justice had been legally disarmed by a series of decisions favorable to Communists handed down by a Warren Court practicing lax interpretation, not strict construction of the First and Fifth Amendments to our Constitution.

Moreover, the Socialist Scholars were certain this year, as they have been during the past half-decade, that almost nobody among the bewildered majority of Americans asking "How do they get that way?" about violent young revolutionaries in the U.S., France, Japan, Mexico and other countries, would come up with the only correct answer: "Because they were taught that way."

Why should the Socialist Scholars mince words? They didn't. Take Socialist Scholar Martin Jay, for example, at present a Teaching Fellow in Social Science, School of General Education, Harvard University. He told a large audience of Socialist Scholars and radical students in the Multipurpose Room, Student Center, Hofstra University, during a morning panel session on Friday, September 5: "Our movement is a movement which, in effect, is a total break with America."

The topic of the SSC panel discussion in which Martin Jay took part was "Marcuse (Herbert): His Works and Influence." The panelists included Ronald Aronson, Assistant Professor of Humanistic Studies, Wayne State University; Paul Breines, University of Wisconsin; and Stanley Aronowitz, columnist for the radical news-weekly, *Guardian*. The very long paper presented by Ronald Aronson was in the form of an open letter headed "Dear Herbert." It shows precisely why Professor Herbert Marcuse of the University of California at San Diego, a Socialist Scholar and author of "One Dimensional Man" and "Eros and Civilization," is the internationally recognized intellectual mentor of "Red" Danny Cohn-Bendit, who played a key role in the 1968 May-June rebellion in France, and of "Red" Rudi Dutschke in West Berlin. Ronald Aronson's paper shows too, in a vivid, personal way, why and how Marcuse, an Old Leftist, has become the intellectual idol of the so-called New Left in influencing youths toward hedonism and anarchism.

For the Second Annual Conference of Socialist Scholars in 1966, Herbert Marcuse, then 70 years old, wrote a paper saying "the Marxian idea of socialism is not radical enough." He wrote to the Socialist Scholars, "We must develop the moral-sexual rebellion of the youth." Marcuse's pupil, Ronald Aronson, stated in the paper he delivered at Hofstra University, September 5, 1969: "Dear Herbert: . . . I want to begin by emphasizing that for myself and a few friends, studying with you was one of the decisive experiences of our lives. Your thought, personality, style of teaching and writings were overpowering. . . . You helped us to take our stand in Western thought and still be Marxists. . . . You introduced us to a perspective which was new and revolutionary, which made sense of our lives and helped us find our way as radicals. . . ."

Any non-Marxist who is appalled at or mystified by the anarchism and violence of revolutionary youth in our country and abroad need only read Ronald Aronson's own account of his own life in the paper "Dear Herbert" to gain full understanding of why they are that way. Rhetorically, Aronson asks how it is possible for him to be himself "and live in America." Answering himself, he writes, "The only answer that makes sense to me is this: creating my identity *and* becoming political . . . Seeing revolution as the way to liberate us all to live a life that is truly our own." He continues: "What a leap I just took! A whole account of a life-search which doesn't once mention politics, and suddenly I proclaim the necessity for revolution."

He then calls on scholars to write a study—written "as Marx did"—to show "that fully-developed capitalism is necessarily totalitarian. . . . I mean that the corporations' pursuit of profits through the mass production and sale of commodities has spread to every geographic area, every inch of land, every population subgroup, every activity, every hour of the day."

Does the First Amendment to the Constitution prevent Michigan taxpayers from trying to protect youth at Wayne State University from indoctrination by an assistant professor such as Ronald Aronson? Are the Governor of Michigan and regents and administrators of Wayne State University under the same illusion as were their counterparts in New Jersey in 1965? That is, do they really believe that a radical socialist professor or instructor seeking the overthrow of the capitalist system can keep, or is willing to keep, his own "political beliefs" separate and apart from his classroom teaching?

Let's take a look at the Socialist Scholars' record. In 1965, New Jersey State Senator Wayne Dumont, Jr., called for removal from the Rutgers University faculty of Professor Eugene D. Genovese for having declared at a Rutgers campus "teach-in" on Vietnam, April 23, 1965, "Those of you who know me know I am a Marxist and a Socialist. Therefore, unlike most of my distinguished colleagues here this morning, I do not fear or regret the impending Viet Cong victory in Vietnam. I welcome it."

Largely on the assertion strongly put forth by Professor Genovese and his defenders that his teach-in remarks were not made in a classroom, and that his campus political life and personal views were one thing, his academic role another, the Governor of New Jersey declared on August 6, 1965, that "however offensive" Genovese's statement may have been, it did not constitute grounds for dismissal.

A month later, Professor Genovese told the First Annual Conference of Socialist Scholars (McMillin Theater, Columbia University): "We must evert the moral leadership we are prepared to give young radicals. . . . The political separation—activist and academician—is a matter of convenience. *That, we all know.*"

Now in 1969, the Socialist Scholars—among whom Assistant Professor Ronald Aronson of Wayne State University is a leading member—are so confident of being able to play their real campus role with total immunity that they have formally abandoned the "convenience" of professing to separate their political and classroom activities.

The official invitation to the Fifth Annual Socialist Scholars Conference, issued in May, stated that the organization is expanding its functions by recognizing that "any socialist organization—even one limited to intellectual work—is a political organization." The official SSC program for the conference at Hofstra University states: "When the SSC was founded five years ago it declared purpose was to 'bring socialist scholars together in order to stimulate analysis, theory and criticism'. . . . the organization welcomed all who call themselves socialists. . . .

"During these years . . . the need for an expansion of purpose and function has been general. . . . The SSC now seeks to provide an organizing focus for the effort to identify and establish the intellectual's role in the development of a socialist culture. . . . An expanded definition gives rise to additional activities." One of these will be the widespread reproduction and distribution of SSC papers in pamphlets "for assignment in the college classroom of materials written from an explicitly socialist perspective. . . ."

There you have it. Sure of immunity, the Socialist Scholars no longer need the "convenience" of dissimulation concerning aims, methods and acts. They no longer need put on a false front of academic objectivity; they no longer need pretend that there is a separation between activities off-campus and on-campus, out-of-classroom and in-class.

Ronald Aronson's "Dear Herbert" probably will become a classroom assignment for students taught by Socialist Scholars who—as listed in the 1969 conference program—have infiltrated or penetrated the faculties of Wayne State University; University of Wisconsin; Harvard University; University of Maryland; Washington University; New School (for Social Research), New York City; Boston University; Hofstra University; John Jay College; McGill University (Montreal); Douglass College, Massachusetts Institute of Technology; University of California; Long Island University; Essex County College; University of Pennsylvania; State University of New York at Stony Brook; Amherst College; Yale University; Federal City College; Brandeis University; Richmond College; City University of New York; Brooklyn College.

Doubtless undergraduates studying with Socialist Scholars at the foregoing academic institutions, and at dozens of others, will be given a classroom assignment to study Ronald Aronson's maxim that "revolutionaries need to engage the whole person: his activity, his imagination, his sense of lost hopes. Not tracing the structure of capitalism, but blowing people's minds."

That's what the Socialist Scholars are all about—blowing people's minds, especially those of young people. At SSC panel sessions, the devastating path of the intellectual hurricane blowing thousands of young American victims into a mindless culture of drugs, obscenity, pornography and anarchy was as discernible as the weather map path of hurricane Camille on its way to destroy Gulfport, Biloxi and Pass Christian.

At a panel session on "The Student Response to the American Century," Socialist Scholar James O'Brien of the University of Wisconsin traced the historic development of American Socialism in this century, praising all socialists, regardless of faction, for the role they played in trying to destroy capitalism, from Walter Lippmann, of the Intercollegiate Socialist Society (Harvard, 1913), to Mark Rudd, of Students for a Democratic Society (Columbia, 1968); from John Dewey, author of "progressive education," to Herbert Aptheker, of the present Communist Party, U.S.A. and Institute for Marxist Studies; from the late Norman Thomas, of the Socialist Party and Social Democratic Federation, to Michael Harrington, author of "The Other America" and a present leader of Americans for Democratic Action.

All socialists—Communist, Trotskyite, Democratic, Christian or Maoist—explained James O'Brien, have made invaluable contributions to the downfall of middle class ("bourgeois") culture and to impairment of the American corporate structure. Had his historically accurate paper been written by an outsider, it probably would have been shouted down by the Socialist Scholars as a guilt-by-association tale told by a "McCarthyite" or "Bircher."

On concluding his paper, James O'Brien boasted: "Capitalism is in its death period, and some progressive capitalists acknowledge it." Indeed some do, even as some wealthy German, French and British capitalists—Catholic, Protestant and Jewish—backed National Socialist Adolph Hitler during the early 'Thirties, hoping to ride on the crest of "the wave of the future."

In the U.S. today, many "progressive capitalists" are financing socialist attacks on our great corporations—from producers of ethical drugs to insecticides, from cigarets to lipsticks, from automobiles to transistors, from computers to television sets and toys.

It is true that no human institution, including the corporation, is perfect, but muckraking against American business always has been a socialist business. From it has sprung the current fad for "consumerism," which had its origin in the Communist-organized Consumer's Union. Founded in 1935, Consumer's Union remained under Red control until 1953, when changes in personnel were made and the organization was removed from the list of subversive organizations of the House Committee on Internal Security.

There is no question that the American consumer needs legal protection against fraud, injury, unfair business practices and other criminal activities. But there is also no doubt that there exists in this nation today a deliberate campaign of vilification against U.S. corporate enterprise by socialists, especially Socialist Scholars, who are turning thousands of young men and women into members of a student-worker alliance such as nearly brought down France last year.

The American corporation, indeed, was the main target of the Fifth Annual Socialist Scholars Conference. And the scholars linked the radical student movement closely with the anti-corporate campaign. All Marxist-Leninists believe (as SSC guest of honor Robin Blackburn, editor of *New Left Review* in London, reiterated): "The theory of the weakest link is the theory of the decisive link."

At the panel on "The Student Response to American Century," Bruce Brown of Washington University said, "The university is the weak link of the capital corporate structure." Brown explained that the corporation is the "nuclear institution" around which U.S. capitalism is organized, and he charged that in the United States "affluence is only attained through the surrender of control to corporate bureaucracy."

Describing himself as a "revolutionary," Bruce Brown told the Socialist Scholars: "We must begin an anti-corporate struggle on its own terrain and not wait for a crisis." He went on to say that the term "youth" should be used to define "a group only in part defined by age, that is, a modality of society free of bureaucratic (capitalist) control."

Bruce Brown's statement explains the seeming paradox in a "New Left" American radicalism that professes rejection of "anyone over 30," but takes direction from Old Leftist septuagenarian Herbert Marcuse, and from middle-aged Herbert Aptheker of the Communist Party, U.S.A. To make sure of not being misunderstood, Bruce Brown explained, "The student movement is the catalyst for extending revolution outside the campuses."

What the Socialist Scholars mean by saying they will introduce into the classroom teaching materials written from "an explicitly socialist perspective" was made clear in Bruce Brown's remarks. This "scholar" declared, "Marxism is the only theory of capi-

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talistic development. To deny Marxism is to deny that capitalism still exists."

It won't exist much longer in the U.S., and neither will the American corporation, if the Socialist Scholars have their way. A year ago, I reported after attending the Fourth Annual Conference of Socialist Scholars, at Rutgers University, that they regard students as the detonators for setting off revolutionary explosions, and that the Socialist Scholars were moving into "phase 2" of their operations, in which they would take Students for a Democratic Society (SDS) out of undergraduate leadership, fragment the student movement and merge it into a much more sophisticated, better disciplined, more militant international Marxist-Leninist apparatus, designed to overthrow capitalism in all the advanced industrial nations.

All is taking place on schedule. Control of SDS and rival factional radical student groups has been removed from undergraduates' hands and centralized in graduate student and adult organizations. The official Socialist Scholars conference program, September 1969, announces that SSC will join forces with the Bertrand Russell Peace Foundation in a series of public meetings on "Toward a Revolutionary Strategy for Advanced Industrial Countries." The first meeting, scheduled for late November in New York City, will discuss "Agencies for Social Change."

Main speakers will include Andre Gorz, author of "Strategy for Labor" and editor of *Les Temps Modernes;* James O'Connor of San Jose (Calif.) State College; and Ernest Mandel, author of "Marxist Economic Theory" and editor of *La Gauche.* (A Belgian instigator of the 1968 May-June rebellion in France, Mandel is banned from that country but was guest speaker at the Fourth Annual Conference of Socialist Scholars, Rutgers University, September 1968.)

On Saturday, September 6, 1969, the guest of honor at the Fifth Annual Conference of Socialist Scholars, Robin Blackburn, British editor of the influential *New Left Review,* spoke at length in a panel session on "Recent European Theory and the American Left."

Mr. Blackburn explained, "Lenin is not difficult to accept by us Western revolutionaries." It is a mistake, he said, to allege that Lenin taught the necessity of one single revolutionary party. At certain stages of development—Blackburn said—Lenin favored the expediency "of a number of competing revolutionary groups." Blackburn continued, "If the revolution is a complex totality, so must be the revolutionary party." He called for overthrow of "the hegemony of bourgeois culture and creation of a genuinely revolutionary counterculture." There must be a decisive break with middle class (bourgeois) culture, he said, a break that is "the reverse of Puritanism." He said such a socialist culture "is impossible to achieve without the violent overthrow of the capitalist regime." As I said earlier, the Socialist Scholars no longer mince words.

However, even Blackburn's call for "violent overthrow" was not explicitly socialist enough to suit him and his listeners, and so he went into great detail, putting current affairs in such clear perspective that there is no longer the slightest necessity for continued discussion in general academic, government or law enforcement circles about the significance of the "youth movement" and its role in the affairs of our nation.

"Youth culture," said Robin Blackburn, "takes out a segment of society from bourgeois society." He praised the hippies and yippies and all manner of freak-out youth, including the 300,000 at the Woodstock Festival in New York last month. He lauded the American "underground" culture because "its explicit themes are anti-capitalist."

And so they are. There is not a single underground newspaper or magazine in the U.S. which does not carry anticapitalist political propaganda along with the obscenity and pornography.

The Socialist Scholars in Adams Hall at Hofstra University, September 6, loudly applauded Robin Blackburn's appraisal of youth culture. But they gave still more enthusiastic approval to his analysis of current "anarcho-populism" in the advanced industrial nations. In the U.S. and elsewhere, he explained, anarcho-populism should be favorably regarded because it is undermining "the archaic institution of private property."

To foster anarcho-populism in our nation, the Socalist Scholars—aware of the multiracial, culturally diverse nature of the U.S. population—strongly favor a multiplicity of radical groups and organizations among us. Indeed, the Socialist Scholars are assiduously promoting as many radical groups as possible. That is why they accorded as much attention to Ralph Schoenman, passionate Trotskyite and head of the Bertrand Russell Peace Foundation, as they did to Robin Blackburn, Marxist-Leninist who praises Stalin and Mao Tse-tung.

At the SSC panel session on "Recent European Theory and the American Left," Mr. Schoenman opened his remarks with the salutation, "Comrades, friends, and all of us who are revolutionaries: . . ." Perhaps the most interesting thing about his appearance at the Socialist Scholars Conference was the presence there of his associate in the Bertrand Russell Peace Foundation, U.S.A., its executive secretary, Arthur J. Felberbaum, Jr.

Several times, during discussion periods following panel sessions, Mr. Felberbaum went to the microphone to ask questions and offer comments. He is not an eloquent speaker, being more an activist than a scholar. He proved as much during an appearance at the "Pretty Boy Floyd Memorial Lecture" sponsored by Students for a Democratic Society and Movement for a Democratic Society (MDS) at The New School (formerly New School for Social Research) in New York City, October 3, 1968.

The lecture took place in a closed-off section of the fourth-floor cafeteria. Newspaper headlines throughout the world were reporting the terrible violence of the student revolt in Mexico City. Speakers at the Pretty Boy Floyd lecture were an innocent looking little blonde, Sara Murphy, who talked cold-bloodedly in favor of the bloody Mexican student rebellion as a means of "bringing down the repressive Mexican Government," and a Spanish-speaking "Comrade Rafael" who was accompanied by two other Spanish-speaking activists.

Miss Murphy said that all had recently taken part in the violent student struggle as a means of forcing Mexican police and troops to discredit themselves in the eyes of Mexican workers, peasants and "petite bourgeoisie." Arthur Felberbaum, recently returned from Mexico City, added that the rebellious students went into a new housing development in the city to force the troops and police "to shoot at unarmed students," and thus discredit themselves in front of uninvolved housing development residents "and bring the petite bourgeoisie into rapport with the revolution."

(That same evening, October 3, 1968, on the 11 p.m. CBS news, reporter Bert Quint, broadcasting from Mexico, fell into the revolutionists' propaganda trap; during filmed scenes of the housing development shooting in Mexico City, he denounced the Mexican authorities' "senseless shooting at unarmed students." There was not a hint in his news report that the revolutionary students had deliberately planned things that way.)

All during the lecture, Mr. Felberbaum and other participants made the ugliest possible remarks about the FBI and about the U.S. and Mexican police. This was to be expected by anyone familiar with the sinister significance of the lecture title, "Pretty Boy Floyd." On June 17, 1933, murderous gangster "Pretty Boy" (Charles) Floyd took part in the "Kansas City Massacre," in which two detectives, the chief of police and an FBI agent were killed, and two federal agents wounded.

What has the Pretty Boy Floyd lecture incident of last year to do with the Fifth Annual Conference of Socialist Scholars? Only that Ralph Schoenman, head of the Bertrand Russell Peace Foundation, and its executive secretary, Arthur J. Felberbaum, militant activist have teamed up with the Socialist Scholars to devise "a revolutionary strategy" for the advanced industrial countries.

Among the industrial nations, the United States is the most advanced. Thus it is the main target of the socialists' revolulonary activities. The bull's-eye in that target is exactly what the Socialist Scholars say it is—the American corporate structure. At the very center of the bull's-eye is the American citizen's right, under the Constitution, to own private property. That right is essential to our life and liberty, and to our pursuit of happiness. These the Socialist Scholars wish to destroy.

Now, for the fifth time in a row, I have been alone among members of the nonradical press in reporting on the annual conference of the Marxist braintrust in America. There is no mystery at all about their movement; it is what Martin Jay of Harvard University says it is—"a total break with America."

On campuses throughout the nation, Socialist Scholars are training our children to make that break. In virtually all our academic communities, Socialist Scholars are studying, researching and teaching the most effective means for the violent overthrow of the U.S. government and destruction of the American way of life.

Is anyone, anywhere, going to do anything to thwart their plans? Or, is it possible that the Socialist Scholars and their predecessors have already succeeded in "blowing" the minds of the American people?

Mr. MUNDT. Mr. President, I also feel that Americans generally should seriously ponder the question of how we are to preserve our great free institutions and opportunity system when taxpayers permit professors in tax-supported institutions to use their influence to destroy the taxpaying capacity of citizens and corporations engaged in profitmaking activities. One might also ponder why individual citizens made wealthy through the diligent utilization of our profit system should continue to give generous endowment gifts to colleges and universities to be used to pay salaries to those who would totally destroy the economic and political system making those gifts possible from the profits enjoyed by the donors of such gifts.

CRISIS IN THE AMERICAN UNIVERSITY

Mr. JACKSON. Mr. President, I recently read an address delivered to the entering class at Rice University by Dr. Charles Garside, Jr., associate professor of history at Rice. The address, entitled "The Vanished Tower: Reflections on the Crisis in the University Today," contains some stimulating comments on the critical problems confronting our institutions of higher education. Because of its originality and relevance, the address deserves a wider audience. I, therefore, ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE VANISHED TOWER: REFLECTIONS ON THE CRISIS IN THE UNIVERSITY TODAY

(By Charles Garside, Jr.)

I

Ladies and Gentlemen of the Class of 1973: May I first offer all of you present my sincerest congratulations. During the past four days you have been subjected relentlessly to what might best be called, in good mediaeval fashion, ordeals. I think, for example, of the ordeal of first meeting your roommate, hopefully not a belligerent one; the ordeal of placement examinations, hopefully a successful one; the ordeal of the mixers, hopefully most promising for the future; the ordeal of counselling, hopefully not too inconsistent; the ordeal of registration, hopefully a satisfactory one; and, most aggressively and consistently mediaeval of all, the ordeal of the Food Service. After 96 hours of unremitting trial, you are still alive and well in Houston—or so it would seem, and now you face the last of your ordeals, the Faculty Address. This, too, I trust, you will survive, and to that end I shall be as brief, certainly not as my subject allows, but as I dare to.

II

When I was invited to speak to your predecessors in the Class of 1971, I elected to discuss the role of the humanities in the university, in terms of the specific problem of their relevance to a rapidly changing society. Now, after two more years of teaching and working at Rice, I have chosen as my topic the problem of university education and the university itself.

This is the morning of your fifth day at Rice. If you continue at Rice, as I earnestly hope you will, you will spend much the greater part of four years here, some of you five. In the days and months to come your convictions will waiver and they will change, but all of you, right now, are doubtless wholeheartedly convinced of why you are here: you are here to receive an education from Rice. I want, therefore, to pose as early as possible, two basic questions for your consideration: what kind of an education do you want and hope to get? And to what have you come: To what are you committing such a significant portion of your lives? To Rice University, indeed, but what is Rice? From one point of view simply a cluster of buildings set upon what President Lovett wryly described as "a tract as irregular in form as if purchased in Boston." But I am not concerned with the physical aspects of Rice. I am concerned, rather, and deeply so, with the intellectual and spiritual questions. What kind of educational activity is conducted on this tract and in these buildings, and beyond that, what is a university?

That these questions now are commonplace is obvious; that I shall say something, any thing, you have not already heard or read is quite unlikely. But the problem of education within the university and the unversity itself has reached such a magnitude, and, more importantly, such critical urgency in recent years that I believe it not inappropriate to Freshman Week that you be exposed to the thinking of at least one person who has committed himself to the University, not merely for four or five years, but for a life time. Bear in mind, too, that as I reflect upon these subjects with you this morning, I do so as an individual. I speak for myself alone. I was invited by the University, but I do not speak for the University. Indeed, many in the University may disagree with what I have to say, even those who asked me to speak. I cannot stress the fact too heavily, for, as I shall hope to demonstrate, not simply the invitation, but the delivery of this address is essential to my understanding of what a University should, indeed, must be.

III

My preparation for this morning began at Sammy's at approximately 10:00 in the morning of Friday, April 25, 1969. I was reading an exhaustively detailed account in The New York Times of the then recent upheaval at Harvard, and, as is typical of that most solemn of newspapers, there were appended extensive interviews with Harvard students and faculty as well as a variety of comments from educators at other institutions of the higher learning. One among these last immediately caught my eye, a paragraph from a speech by Malcolm C. Moos, the President of the University of Minnesota:

"This, he said, is 'a moment of national peril for higher education,' and 'the war between society and our children cannot continue.' Otherwise . . . the ivory tower might become a dark or 'burning tower.' "

It was the coupling of two phrases which so impressed me—on the one hand "the war between society and our children," and on the other, "the ivory tower"—the former very nearly repellent in its acuity and candor, the latter almost pathetically nostalgic. Side by side with what I take to be a profound insight into contemporary society was a remarkable blindness to the nature of the university in that society, for war between society, and its children does exist; the ivory tower does not. Malcolm Moos, is an educator of rare distinction, yet on that occasion, at least, he could find no other verbal image for the university than a cliché, a creation of the nineteenth century, an outmoded, indeed hopelessly anachronistic phrase, "the ivory tower." This inability to characterize the twentieth-century university with a twentieth-century image expresses most exactly my understanding of one of the major problems confronting us: we, you and I, have no apt verbal image for the university today because today we simply do not know what the university is. The ivory tower has vanished.

IV

This does not mean, of course, that the university has vanished. Far from it. I venture to suggest, as a matter of fact, that never before in its history has the university been the subject of so much continuous and continuing attention, of so much discussion, of so much anxiety and so many fears, and, not least, of such dangerously exaggerated hopes and expectations. When I maintain that the ivory tower has vanished, I mean by that that the nineteenth-century conception of the university has been obliterated by the unprecedented changes which have been, and are, bending and buckling the structures of civilization into a new order.

Archimides, the great mathematician and engineer of ancient Greece, is reputed to have said on one occasion: "Give me a place to stand and I will move the world." In the nineteenth century the university had its Archimedean point; it knew precisely where it stood. It stood not at the center of human activity, but on its periphery; far from being involved in the turbulence of society, it was aloof from, and even alien to it, remote, serene, an untroubled and unclouded haven into which the scholar and the student withdrew for their own uses. The picture is overdrawn, of course, but purposely so, purposely to indicate the bewildering degree to which the situation of the university has altered. The university stands now in the center, the most important institution in American society, thrust there brutally by a succession of events over which it had little, if any, control. It is now intimately, inextricably involved, and it is certainly no longer serene. For instance, between September 1967 and June 1968 there were in this country 45 major industrial sit-down strikes. During that same period there were, on American university campuses, 250 disturbances and disruptions serious enough to attract notice by news media.

But despite its centrality in society, the university today has lost its Archimedean point, and that is a still graver problem for it: the university of the nineteenth century, despite, or perhaps even because, it knew where it stood, had no intention whatsoever of moving the world. The contemporary university does not know where it stands, yet the various and onerous tasks laid upon it amount in their driving force to a single, monumental demand: transform society, or put otherwise, move the world.

The university does not now know what it is; the university does not now know where it stands. Wracked by turmoil, and weakened by faltering morale, I am not sure even that the university now knows what it is doing, let alone what it should be doing. And that leads me to some consideration of my first question for you: what kind of an education do you want, and hope to get?

V

In the historical development of the university in the western world, many elements, obviously, play a contributing role, and I need not alert you to the fact that I am, to put it softly, over-simplifying when I isolate only one of these for discussion, and one, moreover, which emerges so late chronologically. I refer to the tradition of highly specialized research which developed in the nineteenth century, especially in German universities, the so-called Hauptwissenschaft. From this approach to education, this specialized research, came some of the most stupendous and permanently influential achievements of the human mind, but together with these indisputable triumphs there came trivia as well, trivia which may best be epitomized by an anecdote told about two great German philologists, both experts in the study of the Greek language. Both were retiring, and one day they met on the street. One of them said, "Hans, are you not sorry now that you spent your entire life studying Greek prepositions?" And Hans replied sadly, "Yawohl, Karl, I should have studied them only when they governed the dative."

Now this concern for specialized and ever more specialized research was brought from Europe to America at the end of the century and soon began to play a major role in the American university, so much so that Alfred North Whitehead felt constrained to warn strenuously against it in his Lowell lectures as early as 1925, five years before the Spanish philosopher Ortega decried its increase on the continent in 1930. But since then the so-called knowledge explosion has merely fed specialization, encouraged it, intensified it, proliferated it, making specialization and the specialist more and more indispensable to society, and propelling both more and more into the center of university education.

In this accelerating process, another great educational tradition was being correspondingly displaced. It is a tradition which antedates the foundation of the medieval university, which goes back, indeed, to Socrates, and this is, put as simply as possible, dialogue conversation between two persons, and not necessarily master and pupil in the formal sense to which we have become accustomed. This, too, was education, a speaking, a sharing between two persons, always a dialogue, always working toward answers to the great questions of life and death that ultimately matter. An education which required for its method and its purpose no university, but when the university emerged, this Socratic tradition, as I shall call it, at once became an essential part of it. The tutorial system at Oxford and Cambridge is aptly illustrative of its stubborn continuity. But the Socratic tradition and the German tradition are, at the very deepest level of their understanding of the *final* aims of education, profoundly hostile to one another. The aim of the Socratic tradition is general; its perspective is always one of wholeness, of totality. The aim of the German tradition is special; its perspective is never on the whole, but rather on one part of the whole, and one part alone, and an increasingly narrow part of that one part

XUM

alone, producing, in Whitehead's minatory phrase, "minds in a groove." Seen even from that point of view, the chasm between the two points of view is difficult to bridge, but the deepest and most significant antithesis between them has been put most bluntly, to my knowledge, by Harold Laski. "The expert," he once wrote "tends . . . to make his subject the measure of life, instead of making life the measure of his subject. The result, only too often, is an inability to discriminate, a confusion of learning with wisdom." The Germanic tradition ultimately seeks learning; the Socratic tradition ultimately seeks wisdom. Now ideally speaking, these two educational traditions can coexist within the university, albeit always in a mighty tension, sometimes creative, sometimes self-defeating and self-destructive. I suggest, however, that such a tension no longer exists today. The perilous balance has collapsed, and the School of Berlin and the School of Athens are locked in internecine warfare, a warfare which only quite recently has begun to receive the attention it deserves. It is a war within the university which is destroying the university, and it is now truly one of the central issues in higher education, because behind virtually all of the ferment on our campuses today you will, I believe, discover hidden at some decisive point this struggle between the German and the Socratic traditions, between a specialized and a general education, and it is a struggle which no one of you can escape. I have oversharpened the antithesis, but to set purpose. You are here to get an education from Rice. I leave it to you this morning—will you decide to receive an education finally in learning or in wisdom?

VI

I have spoken to the first of my two questions. I should like, again briefly, to reflect upon the other, namely, to what have you committed yourself to, that is to say, what is a university? What is there which binds Rice to, let us say, Harvard, or Berkeley? May we point to a single denominator, one which all have in common, or more properly, is there some quintessence, some spirit, which we may clearly recognize and affirm so that, laying all else aside, we may say, yes, there is a university. I believe that there is in fact such a quintessence, and that it resides in the concept of civility.

Civility is not easy to define with any precision; like so many words bequeathed us by Rome it is rich in centuries of connotations. But at its core civility is quite simply, and most difficultly, a quality of mind and spirit, an exquisite flexibility, an intellectual and spiritual stance, as it were, which enables the individual always to think and always to say, both to himself and to others, not only: "I may not be entirely right," but also, and even: "I may be wrong." It is the quintessence of the Socratic tradition. It is that quality of mind and spirit, for example, for which in the seventeenth century Oliver Cromwell pled so powerfully and so passionately when he exclaimed: "My brethren, by the bowels of Christ, I beseech you, bethink you that you may be mistaken." It is that quality of mind and spirit which has been insisted upon again for us in our century by one of its most eloquent spokesmen, in language less exuberant, to be sure, but no less emphatic, when Albert Camus wrote: "I am against all those who think they are absolutely right." A statement: "I may be wrong;" nothing more. A quality of mind; nothing more. Intangible, invisible, impossibly fragile, yet on and in this the university rests, and civilization as well, and not merely by definition.

With respect first to civilization, civility, as I would have you understand it, is the only force, I believe, which can bring to an end the war between society and its children. It is, too, perhaps, the only force which can close and heal the monstrous fissures which have so violently riven contemporary society. Violence, it has been argued, is the prime characteristic of our society in the 1960's, and much, too much in fact, has been written on the play and superintending influence of violence throughout America and the world today. To dwell on it at any length is not my intention. The surface manifestations are very nearly infinite in their variety and issue, some of them truly appalling, some of them merely banal. But I would pose for you a single question. What, after all, is the fundamental source of violence? It may arise from our own self-righteous conviction that we are absolutely right, and all others wrong, or it may result from our reaction to those who are speaking and acting as if they, and they alone, were absolutely right. On neither side is there the slenderest margin for tolerance. Seen from that perspective, the root source of violence, all violence, not simply now, but at any time in human history, is nothing other than a total loss of civility, and without civility, we lose civilization.

With respect to the university, civility expresses itself in what we have come to designate "academic freedom," and the necessity for such freedom arises from three great facts which are basic to the ideal functioning of the university.

First of all, it is a fact, too easily forgotten, or too lightly dismissed, one, moreover, which makes the university so precious to us, that professors are appointed to the University, when it is truly a university, to teach ideas and values with which the University may by no means be in agreement. So to cite but one obvious example, Rice University may not necessarily subscribe to Communist doctrine; not to teach it would be simply ludicrous.

Second, the university is the only institution which I know of, which, when it is truly a university, undertakes not simply to tolerate grudgingly, but to protect and even to encourage actively those professors who are teaching ideas and values which are disagreeable or inimical to, or even openly subversive of, the university.

And third, students most assuredly are not invited to come here or to any other campus merely to assent to what they read and see and hear. Ideally, you are here to disagree, to engage us, willing or unwillingly, in dialogue.

Given these three great factors, the centrality of the idea of academic freedom to the university is clear.

But I referred above to the ideal existence of the university. The realization of that ideal depends upon academic responsibility, a responsibility which devolves upon all of you as well as it does upon all my colleagues. Responsibility, after all, means nothing more than a response, in other words, an answer. And when we ask ourselves, what shall be our response, our answer to the fact of academic freedom, we are returned at once to the imperative of civility, for if students disagree among themselves, or faculty with faculty, or students with faculty, or, I must add, administration with faculty or students, all of us must always be prepared to say: "I may be wrong." "We may be wrong." "You may be right." Academic freedom and academic responsibility both mean, fundamentally, always dialogue, never diatribe; both deny dogmatism.

I argued earlier that warfare between the Socratic and the Germanic traditions was destroying the university. To that factor I would add now another. Much of the violence on campuses all over the world today may be attributed in no small degree to the displacement of flexibility by fanaticism, to the replacement of open minds with closed ones, to the enthronement of an absolute self-righteousness in all contending parties, in a world, to the rejection of civility. Precisely in this rejection of civility we reject the University, and yet one of the most obscene aspects of the crisis in the university today is that there are those within it, students and faculty alike, who are rejecting the university while at the very same time demanding that it move the world. No institution, whatever its strengths, can long sustain, let alone survive, such a total contradiction in the understanding of its ends.

VII

As an historian I am accustomed by both training and instinct to observe and to analyze current events with reference to the past, and throughout the summer, as I was thinking about this address, the recollection of a brusque and justly famous conversation hovered continuously at the edge of my thoughts. I could not understand why it was so persistent; as a matter of fact, it seemed altogether irrelevant, and only when I began to write did its meaning for my purpose this morning become clear.

It is a conversation which took place in Paris on the evening of July 14, 1789. The Bastille had fallen earlier that day, and the royal troops, menaced by the enormous crowds milling about the city, had defected. News of the disaster was brought to Louis XVI by the Comte de Liancourt. "C'est une révolte," the King exclaimed. "Non, Sire," replied Liancourt, "c'est une révolution." When the King used the word "révolte," he meant by it a simple defiance of authority, a rebellion, merely, which, once successfully suppressed, would do no irreparable damage to the social order. Liancourt saw further. He realized that what had happened was not short-lived, but lasting; that suppression was impossible, beyond the power of kings; that the historical thrust of the events of that day was irresistible and irrevocable. It was not a revolt. It was a revolution.

That conversation may serve as a paradigm for my final observation on the crisis in the university today, namely, that the two most basic ways of looking at it and assessing it are at present irreconcilable. I suspect that the generality of administrators, boards of trustees, and faculty members within our universities, to say nothing of a vast majority of our citizens without, are convinced that they face only a student revolt. It is, to be sure, a nightmare, but regardless of its length and intensity, when the earliest rays of the sun have driven the harrowing darkness before them, they will fall on the ivory tower, neither dark nor burning, but unscathed and unchanged.

I find myself unable to agree with this point of view. To the contrary, I am wholly persuaded that the crisis in the university today is an authentic revolution, as irresistible and as irrevocable as that of 1789. In the exactest sense of the word, radical change is transforming the university, and transforming it completely. We stand, you and I, only on the verge of that transformation, if we have come even that far, and the aims of the new education and the shape of the university to come are not as yet even faintly visible on the horizon. Its twentieth-century image will be in part of our making, for it is daylight, and we are all wide awake, and the ivory tower has vanished.

To this exigent condition reaction will, of course, vary, but I should dare to hope that you above all, as the newest members of this University, but I and my colleagues as well, indeed all of us here in this hall, would feel much as did the hero of John Fowles' novel The Magus, when he decided to leave his native England. With his words I conclude; I can express myself no better.

"I was filled with excitement, a strange exhuberant sense of taking wing. I didn't know where I was going, but I knew what I needed. I needed a new land, a new race, a new language; and, although I couldn't have put it into words, then, I needed a new mystery."

ENVIRONMENTAL QUALITY: POLLUTION AND POPULATION

Mr. TYDINGS. Mr. President, late last month I had the pleasure of addressing the Federated Garden Clubs of Maryland at the Sheraton Belvedere Hotel in Baltimore. The theme of the meeting was "Traditions and Visions."

In my remarks I tried to point out that the conservation and industrial traditions of this Nation have been unequal to the task of achieving the vision of environmental quality that many of us, past and present, have had for this country.

The failure of our traditions is evident wherever we look. Our waters are poisoned, our skies filled with garbage, and our soils poisoned with pesticides. Yet the most alarming danger of all is the growing rate of population. Unless voluntary and effective family planning is recognized as both a private right and public necessity, our environment will suffer as never before.

I ask unanimous consent that my speech to the garden clubs be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL QUALITY: POLLUTION AND POPULATION

This evening I would like to share with you some thoughts about a problem that is of great concern to me and one that I believe is a major problem confronting our nation today.

I think it fair to say that at the present time our way of life is threatened as never before. The threat does not come from internal disorders, be they within a ghetto or a university campus. Nor does it come from a foreign ideology determined to destroy our system of government.

Rather, the threat stems from the increasing decline in the quality of our environment.

As a nation and as a society we have permitted the intolerable abuse of our natural resources.

Evidence of this abuse need not be sought in books. We have but to look around us to see the degree to which our environment has been desegrated.

All our rivers are in part polluted. The Hudson and Potomac are particularly dirty and constitute a national disgrace. We seem to have forgotten what the Supreme Court once said—that "a river is more than an amenity, it is a treasure."

Each year Americans pour over 142 million tons of toxic matter into the sky. We have transformed our beautiful and spacious skies into aerial garbage dumps.

And we continue to apply tons of toxic and persistence pesticides to our soils, threatening plants and wildlife, and most probably our own health.

Robert Frost once said that "what makes a nation in the beginning is a good piece of real estate."

We have had the real estate, but not the wisdom or common sense to take care of it.

The result is a crisis in environmental quality, a crisis that has not been prevented by the conservationist movement in this country. The sad fact of the matter is that the traditions of this movement have been unequal to its vision. The conservationist's strength has not matched the strength of those who seek to exploit our natural resources.

The tradition of ruthless, careless exploitation of our land, water, and air resources is a major part of our national heritage. In the race across a continent and in the desire to build a modern nation, we took these resources for granted and treated them as if they were limitless. They are not and our nation is now paying the price for 200 years of careless abuse.

This is not to say that the conservation movement is without strength. It's not, and as a member of the Senate I can attest to the growing influence of environmental quality concerns within Congress. In 1962 Stewart Udall could write about the "quiet crisis." In 1968 his successor, Mr. Hickel, would have his doubts as to exactly how quiet this crisis is.

Yet the fact remains that the crisis still exists. The air is still filthy, the waters remain polluted.

One example will graphically illustrate the extent to which we've abused our environment. One of the Great Lakes is biologically dead. It is incapable of supporting life. In 1955 Lake Erie provided 75 million pounds of commercial fish. Today there are no fish to be found. The Lake, the scientists tell us, has eutrophied. It is so polluted that all the oxygen has gone and without oxygen, on both the land and in the water, no living thing—man or fish—can survive.

A central feature of our environment is its sensitivity to change. Modify one aspect and the affect will be felt throughout the system. Nature is a delicate balance and the ecological implications of change are great.

Construct a road carelessly and the rivers will flow brown from siltation. Spray persistent pesticides into the ground and watch the harm done fish and wildlife.

Perhaps the best example of the interrelationship between different aspects of the environmental system is the Aswan Dam in Egypt. The dam is being built to supply water and energy to the Nile Basin, and to bring additional land under irrigation. Yet its effect will be to prevent the deposit of nutrient-rich soils that used to accompany the annual floods. This will destroy the fertility of the Basin land. Aswan might well prove to be a disaster for Egypt.

A second central feature of our environment is the priviledged position technology seems to occupy.

Technology is how we do something. It is a tool, a technique, a method. It is how we apply the knowledge science has given us. It is not knowledge itself. It is not science.

Nor is it always progress. Too often we confuse the two. We assume that what is technologically feasible is also desireable. This is not necessarily the case. Technology cannot be equated with progress.

Unfortunately we tend to do this in our society. In America today technology appears as an irresistible force, with a momentum of its own, beyond human direction and restraint. If it's feasible, it's desireable as well.

We would do well to listen to the words of the Swedish ambassador to the U.N.: "The risks inherent in the uncontrolled application of modern technology are very real and very frightening."

Or to our own Admiral Rickover: "Technology cannot claim the authority of science. It has proved anything but infallibly beneficial. Much harm has been done man and nature because technologies have been used with no thought for the possible consequences of their interaction with nature."

Just because we can build an S.S.T. doesn't mean we should.

Just because we can build a dam, or fill in a Bay, or strip mine an entire county doesn't mean we should.

The technological feasibility of nuclear power plants doesn't mean we can forget—as we seem to—the possible damages of thermal pollution.

Here again the tradition does not meet the vision. The view of Gifford Pinchot and Teddy Roosevelt that our natural resources deserve protection and proper development was crushed in a fifty year effort to make America the No. 1 industrial power of the world. The emphasis was on technology and production, on the tradition of build and be damned. The vision of these two early conservationists was lost in the process.

Yet the most disturbing indeed frightening dimension of the decline in environmental quality involves neither technology nor the more obvious forms of pollution. Someone once said that the only problem with our environment was that human beings were involved in it.

He was in part correct for the key feature of today's environmental crisis is the simple fact that the world's population is expanding far beyond the capacity of our planet to accommodate all these people.

As Dr. Fraser Darling, Vice President of the Conservation Foundation, told a UNESCO conference last year: "The biggest danger of all is our inability to control the explosive rate of growth of human population."

The survival of much of the earth's population, as well as the realization of man's hopes for peace and the elimination of human misery, the achievement of a pollution free environment, and the elimination of human misery will be largely determined by our ability to curb our burgeoning birth rate.

This can be achieved only through proper, and voluntary, birth control and family planning, defined by Dr. Paul Ehrlich as "the conscious regulation of the numbers of human beings to meet the needs, not just of individual families, but of society as a whole."

Excessive population growth is a problem that is only slowly being understood by Americans. For too long it was considered a problem unique to underdeveloped nations, particularly India and those nations of Latin America.

Let me assure you, however, that it is our problem as much as theirs.

In 1950 there were 151 million Americans. Today there are 202 million. By the year 2000, 31 years from now, that number will swell to 300 million, a staggering fifty percent increase. In short, the population of the U.S. will have doubled in the last half of the 20th century.

Consider the problem in terms of density. In 1776, there were 4.5 people per square mile in the new Republic. In the year 2000 there will be more than 120 Americans per square mile.

The impact of this was graphically described by David Lilienthal, former chairman of T.V.A. and the A.E.C.: "An additional 100 million people will undermine our most cherished traditions, erode our public services and impose a rate of taxation that will make current taxes seem tame."

The problem is exacerbated by the fact that 70 percent of our population is presently concentrated in cities of over 50,000—which is precisely where most of the projected population growth will occur. It takes little imagination to comprehend what this means for our already overtaxed urban schools, parks, highways and other public services.

The problem is heightened by the strong correlation between poverty and family size in the United States. Family size is now perceived as a cause of poverty as well as an effect.

Popular wisdom to the contrary, poor families desire less children than their wealthiest counterparts. They end up with larger families due to the general unavailability of family-planning information, services, and materials to low income women.

This no longer can be permitted to continue.

Information on family planning and contraception devices must be available on a voluntary basis to all who desire them. We must give our citizens, regardless of income, the right to plan the size of their families.

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This is essential if the poor are to defeat the poverty that oppresses them.

We must begin to realize that the right to plan one's family is as essential as the right to a decent home, the right to an education, and the right to a good job.

The basic environmental question now before this nation is whether we are capable of determining a reasonable level of population and then carrying through a program necessary to achieve it.

Put it another way, are the traditions of this country—seemingly contrary to any attempt at widespread, voluntary family planning—stronger than a vision of a nation where people are not stepping on people, where there's room to breathe and where a man has a reasonable chance to work and play in a livable environment.

In terms of pollution and technology our traditions have not matched our vision. In terms of population our traditions *must* be equal to the vision, for at stake is the very survival of the American nation as we now know it.

All of us must keep this vision in view. All of us must now work toward it.

It is a noble task, it is an exceedingly crucial one. It is nothing less than the enlightened conservation of the natural heritage of a free people.

VIOLENCE ON TELEVISION

Mr. PELL. Mr. President, I invite attention to the report on violence in television which was made public by the National Commission on the Causes and Prevention of Violence some days ago. We may do well to recall that this Commission was created after the assassination of Senator Robert Kennedy to study elements of our society which may nurture the kind of irrational outbursts of violence that in recent years have erupted so tragically among us.

To blame on any one cause all of the manifestations of violence, whether assassination, or riot in the ghettos, or mugging on the streets, would be foolish indeed. The fact is that we live in a time of questioning and conflict that reach to the heart of our lives and our beliefs. The restless demands for change prove the vitality of our society; they are also too often the catalysts of fear and the messengers of hate.

There is no one cause nor one single happy panacea for the violence in our society. Nonetheless, it has long been self-evident to many that any medium of communication as powerful as television cannot shrug aside responsibility for how that medium may influence its listeners. I am delighted to see that the Commission has concluded, as have similar studies in other countries, that the preponderance of the evidence suggests that violence in television does have adverse effects, particularly among some child audiences. In an article I wrote on this subject last winter for TV Guide, I said that it was untenable for the television networks to claim that television commercials motivated the audience to buy products and at the same time claim that program content does not influence the viewer.

I am glad to have expert support for what would seem to be elementary logic. I hope, too, that all of the careful work and study done by the members of this Commission does not meet the usual fate of such reports: to contribute an illusory sense of action taken, and thereafter to molder in the dead files of government. This study should be a beginning, and not an end, for when we talk about violence in television we are not, I believe, discussing whether any one program at any one time contains violence of an offensive nature. In a larger sense we are talking about the continuing responsibility for the networks for the vast power they exercise simply by reason of their control of this form of instant and mass communication.

Is such power to be responsible only to the balance sheet? Or is there a larger trust imposed on the use of an asset which in truth is part of the common heritage of the American people?

Some of my fellow Senators may recall that over a year ago at the Democratic Convention I introduced, and the platform committee adopted, a plank condemning violence in television. That plank went overboard en route to the floor of the convention, nonetheless I am confident that it was one of the those small flurries of activity which I hoped would grow into a careful and reasonable balancing of private freedoms and the public interest. Lest there be any misunderstanding, I also said in the same article in TV Guide that I would be the last to advocate the judging of the quality or content of any television programs by the safe and cautious standards of bureaucrats.

I am pleased that the Commission also rejected the course of external censorship, and in fact the existence of the Commission has had the effect that I had hoped for—that the industry itself would be compelled to police itself. Cries of "foul" were heard from network executives on the grounds that many of the objectionable shows had been changed this season. One wonders if they would have changed had not this and other efforts been made to call attention to the potential dangers of endless hours of programing in which violence is routinely dispensed as acceptable to conduct to the most vulnerable in our society—the young, the poor, and the black. I applaud the changes whatever their motivation.

The question is what now? Will this effort too fade from the public interest and then from the networks calculations of what is acceptable? How do we insure that the industry does not continue to evade responsibility imposed by the exercise of such power? The networks cry censorship at any suggestion of outside program review and I would agree. I doubt that anything perpetrated by the television industry in its worst moments is a match for the dangers inherent in censorship of what some might consider controversial. But is not the same dead hand of censorship imposed by the networks themselves when the survival of a program is determined by the sheer numbers of the audience it attracts? Or the content is adapted to the sensibilities of a sponsor?

It has always been a matter of some mystery to me that if one accuses a newspaper of suiting its news content to the political social or moral persuasions of its advertisers one is met with outraged denials—correct or not. Yet the networks defend their vast desert of mediocrity by the economic need to reach the largest audience for their sponsors money, surely a most peculiar interpretation of the first amendment.

In recent years the networks by and large have done a superb job in discharging their public responsibility in the broadcasting of news and public events. They are a long way from exhibiting the same high quality in entertainment which may not lead the ratings. I think it fairly evident that there is substantial and justifiable demand for quality programs which can be enjoyed with reasonable freedom from interruption by clinical dissections of the nasal passages. I hope consideration will be given to the Commission's recommendations to provide permanent financing for the Corporation for Public Broadcasting, and that we will keep open the path for the various proposed alternatives or competitors to network commercial television.

Mr. President, I ask unanimous consent that a story on the panel's report, published in the New York Times of Thursday September 25, be printed at this point in the RECORD. I wish to express to the members of the panel the hope that they will continue to serve as spokesmen and watchdogs for the public interest in quality television.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TV VIOLENCE IS ASSAILED, BUT DROP IS SEEN

(By Jack Rosenthal)

WASHINGTON, September 24.—Violence on television must be reduced because it encourages emulation in real life and strengthens, among low-income youth, "a distorted, pathological view of society," the National Commission on the Causes and Prevention of Violence said today.

Violence on television already has been reduced, officials of all three television networks immediately responded, citing extensive program changes—the replacement, for example, of a children's program about monsters with one about a courageous carrier pigeon.

The commission acknowledged substantial improvements in programing for the new television season.

"It is easy to make television a scapegoat," it said. But it called, nonetheless, on the industry, the public and Congress for a broad series of reforms.

The commission does not have enforcement authority. It was established by President Johnson June 10, 1968, following the assassination of Senator Robert F. Kennedy, as a study and advisory body. The 13-member body is headed by Milton S. Eisenhower, president emeritus of Johns Hopkins University.

The statement on violence in television entertainment issued today does not relate to violence and the news, which is to be covered in a separate statement expected next month.

Perhaps the most significant aspect of the entertainment statement is that it adopts one of three theories about the relationship between television and violence.

One school maintains that televised violence stimulates actual violence. Another school maintains that televised violence drains off aggressive tendencies of viewers. A third view, which has been expressed by the networks, is that the relationship between television and violence is not proved.

The commission, supporting the first view, declared:

"Each year advertisers spend $2½-billion in the belief that television can influence human behavior. The television industry enthusiastically agrees with them, but nonetheless contends that its programs of violence do not have any such influence.

"The preponderance of the available evidence strongly suggests, however, that violence in television programs can and does have adverse effects upon audiences—particularly child audiences. Television enters powerfully into the learning process of children and teaches them a set of moral and social values about violence which are inconsistent with the standards of a civilized society."

None of the networks, in their responses to the commission statement, took issue with this central conclusion. All three called attention to substantial changes in programing in their 1969–70 schedules, both with respect to Saturday morning children's programs and to prime evening viewing times.

Julian Goodman, president of the national broadcasting corporation, said there was a second defect in the statement—that it used statistics based on a definition of violence as "the overt expression of force intended to hurt or kill."

Mr. Goodman said that definition would require classifying a program as violent "regardless of the dramatic circumstance or the program's quality and value."

The commission statement repeatedly acknowledged improvements in programing this year. Mr. Eisenhower took pain today to say that while it was too early in the television season for a new study, "on personal observation, the networks have reduced violence, especially during prime time; I hope this is a trend for private, independent stations."

Despite such improvements, a commission source said the panel considered its recommendations as still necessary.

In addition to calling for elimination of violence on Saturday morning children's programs and the reduction of prime-time programs containing violence, the commission recommended:

More effective efforts to change the context in which dramatic violence is presented—to avoid implying that violence is a routine way in which people in the real world solve their problems.

Far more research by the industry on the effects of violent programs.

Appropriate antitrust clearances, to permit industry representatives to mount effective joint action.

Permanent public financing for the Corporation for Public Broadcasting, to permit it to develop quality alternatives to present commercial programing.

Mr. PELL. Mr. President, I ask unanimous consent also that a column, entitled "TV May Be Compelled To Improve Its Fare," written by Mr. Ernest Cuneo for the North American Newspaper Alliance, be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

TV MAY BE COMPELLED TO IMPROVE ITS FARE

(By Ernest Cuneo)

WASHINGTON, October 2.—As a national problem, the pollution of the air dwindles into insignificance when compared with the pollution of the Nation's mind by TV violence. These are the appalling facts reported by Milton S. Eisenhower, chairman of the Commission on the Causes and Prevention of Violence: 95 per cent of American homes have at least one TV set which is in use about 40 hours per week; eight out of ten dramatic programs contain violence, about 478 episodes a week in 1968 and 394 in 1969.

Violence is portrayed at the rate of 9 brutal acts an hour. Children's cartoons portray 20 violent scenes an hour. These are only samples of a massive presentation of crime unparalleled in any other civilized country. The effect upon children in the formative years is catastrophic. The theory that TV is a harmless "catharsis" for violence is false.

VIOLENCE BEGETS VIOLENCE

The decision of the commission crashes this theory. Chairman Eisenhower reports, "The vast majority of experimental studies on this question have found that observed violence stimulates aggressive behavior, rather than the opposite.

"Violence on television encourages violent forms of behavior, and festers moral and social values about violence in daily life that are unacceptable in a civilized society."

Since many questions will come before the Supreme Court, the decision of Chief Justice Burger in the case of a Mississippi TV station is of tremendous importance. WLBT presented programs urging racial segregation but refused to grant equal time for the opposed point of view.

The United Church of Christ asked the Federal Communications Commission to cancel WLBT's license.

It is of highest legal significance that the church filed not only for itself, but as representatives of "all other television viewers in the State of Mississippi." The Federal Communications Commission held against the church and the church appealed to the Circuit Court of Judges Tamm, McGowan and Burger.

CHURCH HELD COMPETENT TO SUE

In reversing the Commission, Judge Burger's opinion held that the Church of Christ was legally entitled to apply on behalf of all TV viewers in Mississippi. The meaning of Judge Burger's decision, therefore, is that such organizations as parents-teachers associations have a right to appear before the FCC not only for themselves, but on behalf of the general public in applications for the cancelling of the broadcasting license of the station.

The present Chief Justice came close to striking down the free press provision of the first amendment as not applicable to TV in these words:

"TV is not a public utility, but neither is it a purely private enterprise like a newspaper. A broadcaster has much in common with a newspaper publisher, but he is not in the same category in terms of public obligations imposed by law. A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise it is burdened by enforceable public obligations.

"A newspaper can be operated at the whim or caprice of its owners; a broadcast station cannot."

RIGHTS OF LISTENERS DEFINED

Still more remarkably, Chief Justice Burger ruled that the public has the right to assist the FCC in monitoring TV stations. He said, "the theory that the Commission can always effectively represent the listener's interests in a license renewal proceeding without the aid and participation of legitimate listener representatives fulfilling the role of private attorneys general is one of those assumptions we collectively try to work with so long as they are clearly adequate. When it becomes clear that it is no longer a valid assumption, as it does to us now, neither we nor the Commission can continue to rely upon it."

The Chief Justice then suggested broadcast rules by the Commission allowing community opposition to renewal of TV licenses.

In view of Chairman Eisenhower's findings, the opinion of Justice Burger must cause grave concern to the TV networks. The Chief Justice said, "when past performance is in conflict with the public interest, a very heavy burden rests on the renewal applicant to show how a renewal can be reconciled with the public interest. Like public officials charged with a public trust, a renewal applicant must literally "run on his record."

According to the "Report on Violence," the networks have very poor records indeed.

TESTIMONY OF MERRIMON CUNINGGIM AND HOMER C. WADSWORTH BEFORE COMMITTEE ON FINANCE

Mr. EAGLETON. Mr. President, on October 6, two distinguished citizens of my State of Missouri testified before the Committee on Finance on the section of the House-passed tax reform bill which would limit the permissible activities of foundations.

I ask unanimous consent that there be printed in the RECORD the statements of Merrimon Cuninggim, president of the Danforth Foundation, of St. Louis, and Homer C. Wadsworth, president of the Kansas City Association of Trusts & Foundations.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

EFFECT OF PROGRAM LIMITATIONS

STATEMENT OF MERRIMON CUNINGGIM[1]

Mr. Chairman and Members of the Committee: This part of our testimony has to do with those portions of H.R. 13270 that, if finally adopted, would impose serious limitations on the programs of many foundations.

Three of us will speak to the *program limitations* implicit in the Bill: Mr. Russell Arrington, President Pro Tempore and Majority Leader of the Illinois State Senate, testifying on behalf of the Citizens Conference on State Legislatures, and Mr. Homer Wadsworth, President of the Kansas City Association of Trusts and Foundations, and myself, testifying concerning the effect on foundations.

My name is Merrimon Cuninggim, President of the Danforth Foundation of St. Louis.

We have *four major points* to make:

1. The prohibition against "any attempt to *influence legislation* . . ." would inhibit or prevent presently approved activities by foundations that would adversely affect their freedom to contribute to the general welfare. This is the most serious program limitation of the Bill, and from our different perspectives all three of us will speak to this point.

2. The partial prohibition against *grants to individuals* might still handicap unduly some worthy programs of fellowships and awards. I will elaborate on this position.

3. The definition of *"expenditure responsibility"* is either difficult or impossible to fulfill. Mr. Wadsworth will deal with this problem.

4. The language of the Bill on these three subjects seem occasionally to be unclear and imprecise, though we feel that the Report reflects the intention of the House Committee. As all of us will indicate, it is our belief that modifications in the language of the Bill could make its provisions consistent with the purposes of the Committee as expressed in the Report, and thereby could eliminate the dangers we see.

To the extent to which representatives of various foundations feel that H.R. 13270 imposes serious program limitations on their work, they must of necessity speak not with one unified voice but as individuals, each having his own perspective. Most foundations are local or regional in their outreach, and the implications of the Bill are necessarily limited to the geographical and topical areas they serve. Even the national, "general purpose" foundations have their distinctive program emphases, and the testimony of each

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[1] President, Danforth Foundation, St. Louis, Missouri.

would differ from that of every other. Yet common threads of concern are discernible. I can speak with assurance only for the foundation I represent, but it is my hope to be illustrative rather than simply unilateral in the treatment of the matters I want to mention.

So that you may know the particular position from which I speak, let me say a brief word about the Danforth Foundation. Our work, since the Foundation's beginning in 1927, has been largely in the field of education. In the past year and a half we have become active also in the field of urban affairs, chiefly in the St. Louis area. No such limitation applies, however, to our educational efforts; for through our grants, fellowships, workshops, conferences, and by other means we have intimate contacts of one sort or another with eight hundred to a thousand colleges and universities, hundreds of secondary schools and other educational organizations, and upwards of fifteen thousand persons in educational occupations, all across the country. In market value of portfolio we rank 16th in size among national foundations; in amount of annual expenditures—a truer measure, we think, of a foundation's activity—we are 9th. Like many another similar foundation, we believe in and practice full public disclosure of our activities. If it hadn't been for these hearings our new Annual Report might already have been off the press!

A. Prohibition against grants to individuals

Let me direct your attention, first, to the prohibition against grants to individuals. Sec. 4945(b)(3) on p. 44 and (e) on pp. 46–47 of the Bill. This section is less restrictive than, and thus in our view a considerable improvement on, the "tentative decision" announced by the House Ways and Means Committee in its press release of May 27. The "tentative decision" prohibited all grants to individuals, whereas the Bill as it now stands would allow such grants when the conditions of sub-paragraph (e), pp. 46–47, are met.

It appears to us, however, that the language of the Bill may still be more restrictive than fulfillment of the intention of the House Committee would require. The Committee means to put an end to grants "to enable people to take vacations abroad, to have paid interludes between jobs, and to subsidize the preparation of materials furthering specific political viewpoints." (Report, part 1, p. 33.) We of the Danforth Foundation, along with other foundations that sponsor carefully planned and administered programs of fellowships and awards, would heartily applaud this aim. But the language of the Bill outruns this intention and may do considerable harm to reputable programs. I shall draw my illustrations from among the ten or a dozen programs that the Danforth Foundation sponsors or supports, though I beg you to remember that these are only a few among the scores, perhaps hundreds, of such admirable programs sponsored by other foundations.

The first problem is that the language might unintentionally force the cessation of useful programs of awards and prizes, given to recognize excellence or achievement in various fields. Such awards are indeed grants to individuals, and thus would fall under the prohibition of such grants; but they would not qualify as approved exceptions to that prohibition because they are not scholarships or fellowships and do not aim "to achieve a specific objective . . ." Recipients are not applicants, expected to "produce a report" or perform some other service, but are simply honorees.

For example, our own Harbison Awards for Gifted Teaching might have to be terminated, even though in recent times both the White House and the Office of Education have expressed keen interest in the Program and a desire to emulate it. These Awards, usually ten per year, are for $10,000 each; the purpose is not merely to honor teachers of unusual competence but also, and by that means, to emphasize the importance of teaching in the academic process. It is ironic that, whereas the Bill would seem to allow this Program to continue only if it is to "achieve a specific objective . . . ," the Internal Revenue Service has ruled that the Award will be tax free to the recipient (under section 74(b) of the Internal Revenue Code), only if he does *not* have to fulfill some requirement of the Foundation. Perhaps a clause could be added at an appropriate place in the Bill, to indicate that awards coming within section 74(b) are to be excepted from this provision.

A second problem has to do with the wording in lines 22–24 of subparagraph (c), p. 46. We agree fully with the Bill's intention to allow approval of those grants to individuals that are "awarded on an objective and nondiscriminatory basis pursuant to a procedure approved in advance by the Secretary or his delegate. . . ." It occurs to us, however, that lest enforcement be more time-consuming and restrictive than was intended, something needs to be said as to how clearance could be secured in advance, how decisions could be reached rapidly when necessary, and what criteria should be used in making judgments. Clearance would be streamlined, to the benefit not merely of the foundations involved but also of the human needs they seek to serve, if the regulations were to spell out the kind of "procedure" that would be judged to be "objective and nondiscriminatory."

It appears to us that "objective" should mean that applicants will be judged on the basis of credentials submitted in compliance with publicly announced eligibilities and instructons; that the various steps in the selection process, also publicly announced in advance, will be such as to provide fair consideration for all applicants; and that final decisions will be in the hands of people, publicly identified, whether in or outside the foundation (and perhaps both), who are qualified by their own experience to make such judgments.

Similarly, "nondiscriminatory" should mean that no irrelevant distinctions of race, creed, color, sex or age will be imposed in the selection. The addition of "irrelevant" is important, for some worthy programs discriminate purposely in order to overcome some current imbalance. For example, our program of Graduate Fellowships for Women is directed to the lack of qualified women in college teaching; and a requirement that this particular program admit men would defeat its central aim. Taking note of this Program, the Advisory Council on Graduate Education on the U.S. Office of Education recommended this spring that the Office of Education explore the possibility of establishing a similar discriminatory program. Various programs by a number of foundations, Danforth included, on behalf of minority groups would also benefit from a clarification of "nondiscriminatory."

"Procedure" should mean that, on the one hand, "the Secretary or his delegate" will undertake to review only a defined program of grants, not the individual grants themselves; and that, on the other hand, foundations will not make episodic grants to individuals outside the framework of some defined program. As is true for all our fellowship programs, and for the host of excellent programs sponsored or supported by other foundations—Commonwealth, Guggenheim, Hazen, Markle, Woodrow Wilson, etc., etc.—the sponsoring agency would be quite prepared, and should be expected, to hold to the terms of its defined, publicly announced program and to refrain from subsidiaries to individuals, individually determined. Even the small foundation, making only a few grants to individuals, would not be handicapped if it were allowed to describe in advance the terms under which such grants would be made.

Lastly, "approved in advance" should mean the clearance will be expeditious and unequivocal. Long delays and peculiar requirements or conditions for approval would cut the nerve of foundations' efforts in this regard. Most helpful would be regulations stating that programs coming within the list of requirements enumerated therein need not have a separate ruling in advance. In those instances in which rulings must be sought, a time limit could be specified—say, six weeks—at the end of which, if the appropriate government official had raised no objection, the foundation's program would be considered approved.

The final problem in respect to grants to individuals turns on the unnecessarily and, we think, unintentionally restrictive language of that part of paragraph (e) in lines 1–6 on p. 47. The wording provides that, to escape the prohibition, the grant must be "a scholarship or fellowship grant at an educational institution . . . or that the purpose of the grant is to achieve a specific objective, produce a report or improve or enhance a literary, artistic, musical, scientific or other similar capacity, skill, or talent." At first look the words seem to be broad enough to include any legitimate program; but on more careful examination such questions as the following arise: Must the recipient of a scholarship or fellowship be enrolled as a regular student? What about part-time? What about an auditor? What about study outside the United States? What about independent study? How specific must a "specific objective" be? Do the adjectives, "literary, artistic, musical, scientific," include any *educational* "capacity," the "skill" of the administrator or the "talent" of the teacher?

I do not mean to carp. Most of the fellowship programs of the Danforth Foundation, as well as those of other foundations, are nicely covered by the Bill's enabling phrases as they now stand. Let me give two brief examples, however, of programs that might be adversely affected by the present language. First is the Danforth Associate Program, an extensive effort to provide various forms of encouragement and support to faculty members on hundreds of campuses throughout the country, for the purpose of fostering what has been called "the personal dimension" in higher education. These faculty members are committed to the high aim of reversing the trend toward anonymity in campus life. The Foundation makes modest grants to them, to be used for the benefit of their students, and sponsors regional and national conferences for them for the discussion of pertinent issues. Competent outside evaluators have praised this Program for the understanding and constructive action it has quietly brought to bear on problems of student unrest in every section of the country. But those chosen to be Danforth Associates do not hold fellowships, are not expected to "achieve a specific objective," and the quality they "improve or enhance" is not so much peculiarly "literary, artistic, musical, scientific" as it is generally humane, related to their professional vocation as teachers and educators. On the basis of the Bill's present wording, what would happen to this Program is not clear.

Again, our Program of Short-term Leaves for College and University Administrators would be suspect. To provide the kind of support that able, yet harried, university presidents need today, a fortification of body, mind and spirit, the Danforth Foundation insists that recipients, twenty per year, do *not* undertake "a specific objective" or "produce a report," or "improve or enhance" anything at all except their ability to cope with their immensely demanding duties. Recipients do not go on vacations, but undertake reading programs, write lectures, study the problems of other institutions, or otherwise fit themselves for the better performance of their own jobs.

Other foundations provide similar programs whose value often turns on the fact that their purposes, and their expectations of recipients, are less specific and more flexible than the language of the Bill now allows. The intent of the bill, as we understand it, would be well served if modifications of language so as to take these considerations into account were adopted.

B. Prohibition Against Any Attempt to Influence Legislation

The second major limitation of program to which I wish to speak is the prohibition against *"any attempt to influence legislation"* as defined in section 4945(c), on pp. 44–45 of the Bill, and as commented on by the Report, part 1, p. 33. In my view, this is potentially the most serious issue raised for foundations by any part of the Bill. Each of my fellow witnesses will also testify on this matter.

A host of foundations are understandably and inevitably alarmed by the language of the Bill as it now stands. The wording seems to suggest that "an attempt to affect the opinion of the general public or any segment thereof" (lines 5–6, p. 45), on any matter that might relate to legislation, would be a taxable expenditure incurring heavy penalties. What, then is left for foundations to do? To play safe, they would feel that they must eschew working in any field of the social sciences, perhaps also the humanities, and even the natural sciences, at least in their applicability to human problems. Conservation of our national resources? Air and water pollution? Beautification of our highways? Such innocent-sounding activities would be too dangerous, for they would sooner or later touch on legislation.

Take the grants of the Danforth Foundation as a case in point. We work, by choice, in the fields of education and urban affairs, because we believe that problems in these fields are crucial for our time, and that even though our efforts are bound to be minuscule in comparison with those of government, it is important that private as well as public energies and resources be brought to bear. In our work we have in mind the molding of public opinion, local or national, not merely on behalf of the project itself that is supported by one of our grants, but also on behalf of the purposes or goals that the project seeks to serve. To support a socially purposeless project would be wasteful and thus preposterous. The pursuit of these purposes could and often does lead to a recognition that changes are needed in regional or national life, and thus eventually to new legislation. To disavow "an attempt to affect the opinion of the general public" would mean, for us, to withdraw from the fields of education and urban affairs, at the very time that private as well as public efforts in these fields are most needed.

To be explicit, let me mention a few of the recent grants of the Danforth Foundation, as representatives of those of other foundations, that would be called in question by the current wording of the Bill:

To the American Assembly, in cooperation with the American Bar Association, for a series of conferences, based on preparatory studies, of the theme "Law and the Social Order." This program will undoubtedly result in numbers of specific recommendations by the Assembly for new, though non-partisan, legislation.

To the American Bar Association, for support of a program of its Special Commission on Housing and Urban Development Law, to involve lawyers in solving urban problems and "to attack outmoded laws by working with federal, state and local legislatures."

To the American Council on Education, in support of a National Conference on Law and Higher Education, to examine the adequacy of present understandings on the legal status of students, due process, and campus freedom and order.

For the Cooperative School Board Project, involving four metropolitan school systems (Boston, Chicago, Los Angeles and New York) four neighboring graduate schools of education and two other organizations to coordinate and disseminate the findings. This ambitious study of the present and desirable functioning of large city school systems will, we hope, have many repercussions, including legislative ones.

To the Education Commission of the States a formal compact of over forty states for the purpose of bringing governors, legislators and other political leaders into closer association with educators, for the benefit of state systems of education at all levels across the country. Growing out of ideas advanced by Governor Terry Sanford, Dr. James Conant, and United States Commissioner of Education James Allen, the Danforth Foundation has shared equally with the Carnegie Corporation in furnishing the seed money for this organization, until such time as the states themselves assume its full support. The very establishment of the organization required specific legislative action in each participating state, to join and to appropriate its membership fee.

For the Governor's Conferences on Education in Missouri: We have joined with the Kansas City Association of Trusts and Foundations and other groups in supporting these state-wide, nonpartisan gatherings to study and make recommendations as to desirable changes in the state's system of public education. Recent legislation on behalf of Missouri's public schools has been based directly on the work of these Conferences.

To the Missouri Bar Association, to provide for an examination of procedures in juvenile courts and, as a hoped-for result, beneficial changes in such procedures.

To the New York State Education Department: This was a many-faceted grant to enable the New York State Education Department to work cooperatively with both public and private institutions, large and small: Brooklyn College of the City University of New York, Colgate University, Cornell University, State University of New York College at Fredonia, and Vassar College. The aim was to upgrade programs of teacher training and revise standards of certification for teachers, and expected results will call for changes in legislation or in decisions of governmental bodies affecting public schools.

To the St. Louis Board of Aldermen, to draw together all the leading individuals and agencies concerned with housing, both public and private, in the St. Louis area. Though the grant was made to the Aldermen, the planning committee for the two major conferences, and for the studies that went into their preparation, was composed of representatives from four universities and from other community agencies. If the recommendations of these conferences are to be accepted, changes in legislation will occur.

To the Southern Association of Colleges and Schools: For over ten years the Danforth Foundation has been working with the Southern Association on behalf of the upgrading of predominantly Negro colleges in particular and strengthening educational opportunities for minority groups in general. A particular series of grants to the Southern Association in recent years have been for the support of their Education Improvement Project, a program of many parts represented by projects in many places throughout the South, both urban and rural. Too complex to be described in a brief sentence or two, the EIP has received support from several governmental agencies, such as the Office of Economic Opportunity, as well as from many foundations; and since the boards of education of nearly every Southern state are cooperating, the result of this program will eventually be felt by legislatures and executive offices of government throughout the South.

These are only a few that might be mentioned. Illustrations could be furnished by countless foundations from many other fields of social concern and human endeavor—population, quality of environment, the arts, public broadcasting, regional planning, the administration of justice, and on and on. Rare would be the foundation, small as well as large, that could not give a multitude of examples—not the support of politically partisan efforts but of rational, impartial studies and projects. Such grants are not aimless but are directed toward making a difference. Differences are brought about in our society in many ways, to be sure, but one of the important ways which we would be loath to give up is through the changed attitudes and opinions of the public, which ought to, and do, get incorporated eventually in legislative changes, locally or nationally. It would be tragic for America if this kind of activity by foundations were to have to be discontinued.

It is my impression, however, that such an unhappy development for foundations in general was not the intent of the House Committee. In fact, in their Report, Part 1, p. 33, they affirm a much more modest and realistic intention. Referring to this provision of the Bill, they explain that it "applies specifically to expenses incurred in connection with grassroot campaigns or other attempts to urge or encourage the public to contact members of a legislative body for the purpose of proposing, supporting, or opposing legislation." In other words, the aim is to prevent foundations from engaging in partisan politics. With this aim we of the Danforth Foundation are in full accord; and we have reason to believe that the overwhelming majority of other foundations share this conviction. If the Committee's main purpose is to keep foundations from using the old substantiality test of Section 501(c)(3) in order to engage in propaganda, a purpose to which we gladly subscribe, then the dire results of the sweeping language of subparagraph (c), p. 45, can be escaped without doing violence to the laudable intention back of the language. That the Committee itself may have thought so is suggested by a further sentence from the Report, Part 1, p. 33: "This prohibition is substantially similar to the provisions of present law (Sec. 162(e)), which prohibits business deductions for grassroots lobbying activities." It is my conviction that modifications of the present provisions of subparagraph (c) could be made so as to enable the language to reflect more accurately the desires of the House Committee, and in the process to leave room for the legitimate functioning of foundations on behalf of the general welfare.

In closing my testimony I wish to reiterate that I do not believe the House Committee meant to impose severe program limitations on legitimate philanthropic agencies. That the Bill's wording in certain places does so is, in each case, an instance in which the language inaccurately reflects the intent. But, though the problem may be more semantics than substance, it is nonetheless serious in its implications for both foundations and their beneficiaries. I thank you gentlemen for the opportunity to present my concern to you.

SUMMARY OF STATEMENT OF MERRIMON CUNINGGIM

My testimony is confined to the subject of program limitations. Among the unfortunate and, we believe, unintended handicaps that H.R. 13270 imposes on the work of private foundations are:

1. Restrictions on programs of fellowships and awards: The present language of the Bill, though not the intention of the House Committee, would call in question some worthwhile programs, carefully defined, publicly announced and impartially administered. Modifications in the wording of the Bill could eliminate the difficulty.

2. Implications of the prohibitions on "any attempt to influence legislation. . . .": Foundations are alarmed that if the present

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wording of the Bill in Sec. 4945, para. (b)(1) and (c) is retained, the effect will be that grants in any area of current social importance would be off bounds, because of the likelihood that sooner or later projects supported by such grants would point toward a need for new legislation. The House Committee seems to have intended only to make sure that foundations do not engage in partisan political action. (Report, Part 1, p. 33). This laudable purpose can be achieved, and proscriptions of worthy foundation activity can be avoided, by judicious changes in the wording of the paragraphs indicated.

STATEMENT OF HOMER C. WADSWORTH[2]

The testimony which I wish to present relates mainly to those provisions of H.R. 13270 which define the limits of foundation effort in matters touching upon public policy. I wish also to comment upon those sections which define the responsibilities that foundations assume under the terms of this statute for the expenditures made by agencies receiving grants.

I do wish to associate myself and the parties I represent with the general position taken by other spokesmen on the main features of H.R. 13270. We do not oppose provisions of the bill that outlaw self-dealing. We do not oppose requirements that would assure that private foundations spend their income for charitable purposes. We do not oppose provisions that would require full disclosure of all foundation activities.

On the other hand, we object to the proposed tax on private foundations as fundamentally punitive and totally inconsistent with the effort of our government over many years to encourage private giving and private effort to accomplish worthy public purposes. We join with others in support of a fee payment to provide the Treasury with sufficient funds to maintain an adequate staff for review annually of all foundation activities to assure compliance with the law.

A. Foundations and public policy

The proposed changes in the law governing foundations, and especially section 4945 (c)(1) and (2), seem strangely out of touch with the nature of things in this period of our history. Foundations exist to serve the public interest. Their justification derives from the view that the public interest is best served if private citizens and our agencies of government work together to meet human needs and to advance human knowledge. Thus, we have public and private universities and colleges; public and private institutions to serve the sick and the disabled; public and private agencies administering welfare services; public and private organizations that sponsor a broad range of cultural activities.

These agencies are by no means separate entities that may be distinguished from one another by the way they meet their bills. The contrary is the present condition. This era is marked by the rapid growth and development of mixed enterprises, each quite as dependent on various forms of public support as well as income from gifts and endowment and the like.

A few examples come quickly to mind. There is no longer to be found in this nation a purely private university. Our most affluent universities, each guided by private citizens serving as Boards of Directors or Trustees, receive from 30 to 50 per cent of their income from governmental sources. Many of our medical schools, including those which function under church-related auspices, make up more than half of their annual budgets from government grants and contracts. Many of our symphony orchestras and art galleries and museums receive substantial and indispensable assistance from governmental sources, either directly or indirectly.

Foundation efforts are clearly marginal to governmental programs in most fields of endeavor. They are minor activities in dollar terms, too, in relation to private giving by individuals. The total spending of all foundations in the United States is much less than the annual budget of the Office of Education—a single office among many in the Department of Health, Education and Welfare. This is just as clearly seen at community levels as it is in national terms. HEW spends about 100 million dollars per year in Jackson County, Missouri (Kansas City); the total spending of our Association which is the only organized general purpose foundation group in the community is on the order of $750,000 per year.

The United Fund effort in Greater Kansas City produces $7,500,000 per year, to which must be added the considerable income of United Fund agencies from fees and memberships and the like. Therefore, foundation effort in local terms dwindles to very minor proportions—less than one per cent of the spending of one Federal department among many; less than 10 per cent of the amount available to United Fund agencies.

This condition in the country at large has forced many foundations, and especially those which work mainly in our communities, to regard their function as increasingly one of providing research and development assistance to programs designed to help all agencies, public and private, to better cope with constantly changing conditions. To accomplish this task we need full information about the range and quality of current effort. We need good working relations with those who carry the heavy burdens of community services, whether they be government officials or employees of private agencies. It is necessary frequently for foundation officials to join with other parties to create new institutions to meet needs that go beyond the scope of existing programs.

Many examples come to mind from our experience along these lines in Kansas City over the past twenty years. The Association took the initiative in 1951 at the request of City authorities in creating a non-profit corporation to manage and develop the public services to indigent persons in need of psychiatric care. This effort has produced a wide range of coordinated programs now available to qualified parties in the western third of Missouri, and operates clinical, teaching and research programs on an annual budget in excess of five million dollars per year.

The successful management of the psychiatric program led the officials of Kansas City to request in 1961 that the Association take the leadership in creating another non-profit corporation to operate the City hospital system. This was accomplished under the terms of a contract between the non-profit corporation and the City government. The City's annual payment of seven million dollars has been doubled by drawing in private support as well as Federal grants for specified purposes. New buildings are under construction, aided by private gifts as well as state appropriations and Federal grants. The University of Missouri recently announced that it would develop a new medical school for the state as an integral part of the program, and has moved its dental school to a new location within the complex.

Quite frequently foundations make grants to public agencies to accomplish useful and important purposes best achieved in this way. For example, our member trusts made a grant of $480,000 to the School District of Kansas City, Missouri, in 1962 to enable the District to operate a college scholarship program for young people from families with limited means. More than 500 students entered college through this program and many have returned to teach in the Kansas City system. The format and practices of the agency created to manage this activity have now been incorporated into a major Federal program.

Our member trusts created an independent social research agency in 1950, the Institute for Community Studies. This agency receives annual grants. It also performs a wide variety of research services for many parties—agencies of government at all levels as well as private, non-profit agencies. One of its recent contracts was with the sub-committee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare.

The foregoing indicates from our experience the basis for our concern with the changes in the tax law proposed in H.R. 13270, and especially Section 4945(c) (1) and (2). We work very cooperatively with many governmental agencies to accomplish useful ends. We find that precisely this kind of joint effort is needed to achieve the results desired. Quite clearly, many of the things we do through grant support are calculated "to affect the opinion of the general public or any segment thereof." Once a task is completed it often becomes legislation, for, in a government by law, acts, many times, must be ratified by statute or ordinance. In addition every appropriation is an act of legislation. We do not live in a sterile world, and we doubt that any such world exists outside of research laboratories.

We are quite aware that there exists a wide range of opinion on many current public questions, and that foundations will be criticized for grants issued that provide for experimental effort along lines that some people oppose. We respect the open marketplace for ideas, ask that others do so, too, and believe that the democratic system functions best under such conditions. We have always published full reports on what we do, and have made our records available to anyone who wanted to have a look at them.

Section 4945(c) (2) would restrict severely our contact with government officials. This portion of the bill reads as follows: "(taxable expenditures includes but is not limited to) . . . any attempt to influence legislation through private communication with any member or employee of a legislative body, or with any person who may participate in the formulation of legislation, other than through making available the results of nonpartisan analysis and research." Are we to refuse to answer letters from legislators? Are we to exclude grantees from answering such letters or conversing with elected officials or "any other person who may participate in the formulation of legislation"? Are those of us who serve on Federal advisory councils—and I have served on many, and currently hold a seat on the National Advisory Health Manpower Council—to resign on the ground that our participation is in violation of this provision?

It seems to me that there are serious discrepancies between the Report of the House Ways and Means Committee on this subject and the actual language of this section of H.R. 13270. The Report states the following on page 33, beginning on line 10: "Your committee has determined that a tax should be imposed on expenditures by private foundations for various activities that it believes either should not be carried on by exempt organizations (such as lobbying, electioneering, and 'grass roots' campaigning) or more appropriately are carried on by the other organizations."

I know of no private foundation that would take exception to this position. I know of no private foundation that would not subscribe to penalties for error in this regard. On the other hand, I see no correlation between this statement of purpose and the actual language of Section 4945(c) (1) and (2).

The same sort of discrepancy is to be noted between the Ways and Means Committee Report and the Bill on the matter of communications with legislative officials and other persons. The Committee report states on page 33, beginning on line 22, that Section 4945(c)(2) "precludes direct attempts to persuade members of legislative bodies or

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[2] President, Kansas City Association of Trusts and Foundations, Kansas City, Missouri.

governmental employees to take particular positions on specific legislative issues. *It does not extend to discussions of broad policy problems and issues with such members or employees.*" (emphasis mine). The section referred to does not make explicit this point. In fact, the language simply prohibits any attempt to influence legislation by whatever means, and extends the prohibition to "any other person" other than legislators "who may participate in the formulation of legislation." Once again, it seems to me, a limited objective is taken with an arsenal of weapons sufficient to kill off all but the most hardy of foundation officers and grantees who dare to have an opinion that might conceivably play some part in the formulation of legislation.

The provisions of this section of the Bill, together with the harsh penalties provided for failure to comply with the law, can only have the effect of numbing foundation effort and driving foundation money away from the areas in our national life that currently give us most concern. Trustees are quite human in that they tend to avoid areas of controversy in the normal course of events. They serve in most instances without any compensation, and give freely of their time to consideration of the matters that come before them in the form of requests for aid. They are not likely to risk penalties, nor are they likely to permit their officers to take risks in areas where the law and the regulations are distinctly unclear. This would appear to be the general situation that we shall confront if H.R. 13270 is passed without significant amendments.

I am aware that some of the officials of the Treasury Department do not believe that the penalties set forth in the Act will be operative unless private foundation trustees or their managers "knowingly" act in support of partisan ends. It has been suggested that having available an opinion of counsel will protect any foundation board or its officers from assault at this point.

This seems to me a very uncertain reed upon which to lean. Quite obviously, an opinion from counsel on such a point is arguable from the standpoint of the facts in the case rather than the law. I doubt very much that the use of the word "knowingly" in the statute will give any aid and comfort to either trustees or officers faced with the kinds of decisions involved. As in the earlier instance cited, the normal disposition of trustees faced with such a dilemma is more likely than not to do nothing rather than take the necessary risks—with or without the benefit of advice of counsel.

It is of some importance, I believe, for this Committee to take into account that much of the business that comes to foundation offices these days originates in legislative action in the Congress. Hardly a day passes without a petition for aid from an agency that is in a strong position to ask a Federal grant if local sources of support for the matching requirement can be cited. This applies to local agencies of government, and even to state governments on occasion, as well as private agencies in the health, welfare and education fields. I have a dozen such requests on my hands at this moment, ranging from requests for a rehabilitation agency program to the building plans of one of the leading medical schools in the nation.

The nub of this particular matter is simply that the government must either permit private foundations and private persons to continue to serve public purposes to the maximum extent possible or the government must revise its matching requirements and fund more generously the costs of facilities and services very much in demand. Tax reform as it relates to foundations will come down in the final analysis to simply this.

No foundation officer or trustee is opposed to prohibitions against *partisan* activity by private foundations or by grantee organizations. We are well aware that the present law prohibits lobbying, electioneering, and grass-roots campaigning. We know, too, that proper enforcement of the law as it now stands would root out quickly any infractions. We are confident that full disclosure of all foundation activity is the appropriate way to achieve the purposes set forth in the House Ways and Means Report, and without endangering the crucial role that foundations must play in our national and local affairs.

What is not so evident, and is entirely missed by both the House Ways and Means Committee Report and the text of H.R. 13270, is that private foundations and other exempt organizations have *less* sanction in present law and regulations for presenting their views to public bodies than business organizations. Mortimer M. Caplin, former Commissioner of Internal Revenue, offers the following comment on this matter:

"Today, the policy justification of the present limitations on exempt organizations' legislative activities s questionable. Since 1962, profit-making businesses have been permitted to claim income tax-deductions—as 'ordinary and necessary' business expenses—for financing legislative appearances and related activities which are closely connected with their business operations. The 1962 amendment to the Internal Revenue Code overruled the well-established case of *Cammarano v. United States* (358 U.S. 498), which had previously denied income tax deductions for this type of lobbying. As the Senate Finance Committee pointed out, it was felt to be desirable 'that taxpayers who have information bearing on the impact of present laws, or proposed legislation, . . . not be discouraged in making this information available to the Member of Congress or legislators at other levels of Government.'

"Congress thus recognized in 1962 that it was legitimate for business entities and the trade organizations they support to participate in lobbying for legislation of direct interest to them. Yet, if this is true for business entities, why isn't it equally valid for education and charitable organizations? This 1962 income tax relief for business suggests that Congress should reexamine the entire area of legislative activities of exempt organizations with a view to granting them a broader measure of freedom in the legislative sphere." (Foundation News: November 1968, pp. 162–163.)

It comes down to this in the most simple and direct terms. Business interests may lobby for their ends, secure tax deduction for the expenses involved, and may live comfortably with the view of the Senate Finance Committee that it is desirable that they do so. Private foundations and other exempt organizations do not have comparable privileges under present law and regulations. If H.R. 13270 is passed without amendments the rights of such exempt organizations will be further limited, perhaps to the point where they cannot make a significant contribution to the national interest.

B. Foundation responsibility for agencies receiving grants

Section 4945(f) (1) (2), and (3) set up the terms of private foundation responsibility for funds issued to non-profit agencies other than public charities. Severe penalties are provided for non-compliance for such foundations and for their managers.

The terms of this section suffer mainly from ambiguity. To continue to make grants to many of the organizations which are now our grantees, the Bill would require us to exercise "*expenditure responsibility.*" This means that "the private foundation is fully responsible—1) to see that the grant is spent solely for the purpose for which made, 2) to obtain full and complete reports from the grantee on how the funds are spent, and to verify the accuracy of such reports, and 3) to make full and detailed reports with respect to such expenditures" to a designated government official.

Foundations request reports from agencies receiving grants, and would not hesitate to share such information with Treasury authorities. Every legitimate foundation, of course, wants to know whether its money has been spent wisely and faithfully, in line with the purposes for which the grant was given. But the amount of follow-up and inspection which the Bill requires is excessive, and perhaps even impossible to provide. How could the foundation in every instance "verify the accuracy" of the "full and complete reports from the grantee"? Moreover, the provision is unwise, for what would such supervision do to the hallowed and sound policy of non-manipulation of the grantee that every well-run foundation practices? To fulfill this requirement in full, a foundation would have to exercise a degree of continuing surveillance of a grantee's affairs that would be paternalistic and immensely expensive for any foundation and intolerable for any self-respecting grantee. It is surely a great way to enlarge foundation influence precisely at the point where foundations do not wish to exercise power.

Bearing in mind that the Federal Government and responsible foundations have a common goal—that of preventing irresponsibility—let us apply a rule of reason. Do not make us an insurer, with absolute liability for our grantee's conduct. Charge us instead with the responsibility of applying reasonable diligence to our relations with our grantees.

CURRENT STATUS OF BILINGUAL EDUCATION

Mr. YARBOROUGH. Mr. President, the October issue of American Education carries a description and statistical summary of the bilingual education program, authorized by title VII of the Elementary and Secondary Education Act.

As the author of this major innovation in American education, I am deeply interested in its development. One of the major deficiencies in the budget of the Office of Education is for title VII, because bilingual education is being operated at only one-fourth the level authorized by Congress. Bilingual education will not accomplish much as a token program. It is not intended to be a token program. It is intended to be carried into every classroom where instruction in the language they speak at home can profit a substantial number of children.

Yet, bilingual education has been started in only 76 school districts in 22 States, and will serve 25,000 children in the 1969–70 school year.

I ask unanimous consent to have printed in the RECORD the article entitled "Projects Under the New Bilingual Education Program" and the accompanying table showing the location and nature of each project funded in bilingual education for the new school year.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROJECTS UNDER THE NEW BILINGUAL EDUCATION PROGRAM

This fall, 76 school districts across the country have initiated pilot projects as part of a new national program of bilingual education. Support for the innovative program—$7.5 million in Federal funds—is being provided under title VII of the Elementary and Secondary Education Act.

The Bilingual Education Program is designed to meet the special educational needs of children and youth, age 3 to 18, who are limited in school because they understand little or no English. Most come from low-income families where English is rarely

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spoken. This new program will help these students develop greater competence in English and in their own tongue, and thus expand their educational opportunities.

During the 1969–70 school year, approximately 25,000 youth are being taught factual knowledge and skills in both their native language and English under programs that encompass part or all of the school curriculum. In Arizona's Nogales Elementary School District No. 1, for example, students may receive 75 percent of their classroom instruction in Spanish and 25 percent in English. As they become more proficient in English, instruction will be more evenly balanced between the languages.

A student's study of the history and culture associated with his native language is also considered essential to the program. The Laredo Independent School District in Texas emphasizes developing original instructional materials based on local folklore, history, art, and music. At the San Juan School District in Monticello, Utah, instruction in the history and culture of the Indians, stressing the Navajo, has been added to the curriculum.

The Bilingual Education Program recognizes that a child's mother tongue can have a beneficial effect upon his total education. When used before a child's command of English can carry the whole burden of his education, the mother tongue can prevent retardation in school performance. Moreover, the development of literacy in a non-English language results in a more broadly educated adult.

In addition to programs directed toward children, title VII often serves adult groups, chiefly parents of children participating in the bilingual programs. At the Ukiah Unified School District in California, for example, Mexican-American and Indian parents are being trained to serve as program aides. They help identify the problems and educational needs of their children and encourage other parents to attend adult-education classes. In La Joya, Tex., mothers of participating children are being hired as teacher aides and will be prepared to teach their own preschool children at home.

Sixty-seven of the bilingual projects apply primarily to Mexican-American children whose mother tongue is Spanish. Five are concerned with American Indian languages, two with Chinese, two with Portuguese, and one each with French and Japanese.

Other Federal programs that can be coordinated with the Bilingual Education Program include titles I, II, III, and VIII of the Elementary and Secondary Education Act; the research and development centers and regional laboratories funded under title IV ESEA; the Head Start and Follow Through programs; and the Education Professions Development Act.

For more information on the Bilingual Education Program, or a copy of the 1970–71 guidelines for submitting a proposal, contact: Division of Plans and Supplementary Centers, Bureau of Elementary and Secondary Education, U.S. Office of Education, Washington, D.C. 20202.

State and city	County	Grantee (school districts or agencies)	Second language	Grade	Served	Amount (estimated)
Arizona:						
Nogales	Santa Cruz	Nogales Elementary No. 1	Spanish	1	107	$41,500
Phoenix	Maricopa	Phoenix Union High No. 210	do	9	100	76,500
Do	do	Wilson Elementary No. 7	do	1	100	26,500
Tucson	Pima	Tucson Elementary No. 1	do	K-1	450	80,302
Arkansas: Gentry	Benton	Gentry No. 19	Cherokee	K-1	50	41,500
California:						
Artesia	Los Angeles	ABC Unified	Portuguese	K-12	392	41,854
Barstow	San Bernardino	Barstow Unified	Spanish	7-12	259	47,851
Brentwood	Contra Costa	Brentwood Union	do	3-4	25	27,426
Calexico	Imperial	Calexico Unified	do	7-9	180	128,402
Chula Vista	San Diego	Sweetwater Union High	do	Preschool-12	595	442,216
Compton	Los Angeles	Compton City	do	K-1	166	76,485
El Monte	do	El Monte Elementary	do	K	30	64,206
Fresno	Fresno	Fresno County schools	do	K-6	200	114,889
Do	do	Fresno City Unified	do	K-7	110	81,000
Gonzales	Monterey	Gonzales Union High	do	7-12	50	41,078
Healdsburg	Sonoma	Healdsburg Union Elementary	do	1	25	36,500
La Puente	Los Angeles	Hudson	do	K-3	1,120	134,324
Los Nietos	do	Los Nietos Elementary	do	Preschool	30	10,000
Marysville	Yuba	Marysville Joint Unified	do	1-8	200	70,502
Pomona	Los Angeles	Pomona Unified	do	7-8	105	30,500
Redwood City	San Mateo	Redwood City	do	1	30	27,200
Sacramento	Sacramento	Sacramento City Unified	do	Preschool-1	260	118,900
St. Helena	Napa	St. Helena unified schools	do	9-12	55	25,515
San Francisco	San Francisco	San Francisco Unified	Chinese	1	25	51,500
Sanger	Fresno	Sanger Unified	Spanish	K-1	45	58,200
Santa Ana	Orange	Santa Ana Unified	do	Preschool	90	244,560
Santa Barbara	Santa Barbara	Santa Barbara County schools	do	K-8	170	79,864
San Jose	Santa Clara	Santa Clara County Office of Education	do	Preschool	40	81,500
Santa Paula	Ventura	Santa Paula	do	do	1,200	71,439
Stockton	San Joaquin	Stockton Unified	do	do	695	139,060
Ukiah	Mendocino	Ukiah Unified	Pomo, Spanish	K-6	35	63,851
Colorado: Denver	Denver	Denver public schools	Spanish	K	80	101,500
Connecticut: New Haven	New Haven	New Haven Board of Education	do	K-6	80-100	75,000
Florida: Naples	Collier	Collier County Board of Public Instruction	do	1-2	240	55,000
Hawaii: Honolulu	Honolulu	Hawaii Department of Education	Japanese	7-12	80	57,947
Illinois: Chicago	Cook	Chicago Board of Education	Spanish	1-8	800	154,000
Massachusetts:						
Boston	Suffolk	Boston School Department	do	1-12	325	108,000
Springfield	Hampden	Springfield Public Schools	do	K-6	297	80,000
Michigan:						
Lansing	Ingham	Lansing	do	7-12	120	94,000
Pontiac	Oakland	City of Pontiac	do	K-12	100	91,000
Nebraska: Scottsbluff	Scottsbluff	Education Service Unit No. 18	do	K	344	59,000
New Hampshire: Wilton	Hillsborough	Supervisory Union No. 63	French	1-3	149	70,000
New Jersey: Vineland	Cumberland	City of Vineland	Spanish	1	791	275,000
New Mexico:						
Albuquerque	Bernalillo	Albuquerque public schools	do	K-1	270	140,059
Artesia	Eddy	Artesia public schools	do	1	110	101,500
Espanola	Rio Arriba	Espanola municipal schools	do	Preschool-6	90	26,500
Grants	Valencia	Grants municipal schools	Spanish, American Indian.	1	220	36,500
Las Cruces	Dona Ana	Las Cruces No. 2	Spanish	K-6	900	65,500
New York:						
Bronx	Kings	New York City Board of Education	do	1-6	525	230,000
New York	do	Two Bridges model	Chinese, Spanish	Preschool-2	270	139,000
Rochester	Monroe	Rochester City	Spanish	Preschool-1	262	169,000
Ohio: Cleveland	Cuyahoga	Cleveland public schools	do	7	177	69,000
Oklahoma: Tahlequah	Cherokee	Cherokee County schools and N. Eastern State College	Cherokee	K	268	98,500
Pennsylvania: Philadelphia	Philadelphia	Philadelphia	Spanish	Preschool-12	810	200,000
Rhode Island: Providence	Providence	Providence School Department	Portuguese	1-2	100	110,000
Texas:						
Abernathy	Hale, Lubbock	Abernathy Independent	Spanish	K	120	51,500
Amarillo	Potter	Peso Education Center, region XVI	do	1	417	101,500
Austin	Travis	Education service center, region XIII	do	1	210	101,250
Del Rio	Val Verde	Del Rio Independent	do	K-4	726	51,500
Do	do	San Felipe Independent	do	K-1	450	51,500
Edinburg	Hidalgo	Education service center, region 1	do	K-6	800	151,500
Fort Worth	Tarrant	Fort Worth Independent	do	K-1	1,007	201,500
Houston	Harris	Houston Independent	do	K-2, 7-12	585	200,850
La Joya	Hidalgo	La Joya Independent	do	K-3	861	51,500
Laredo	Webb	United Consolidated Independent	do	K-6	650	51,500
Do	do	Laredo Independent	do	1-6	420	76,500
Lubbock	Lubbock	Lubbock Independent	do	K	110	151,500
Texas:						
McAllen	Hidalgo	McAllen Independent	do	1-3	420	55,900
San Angelo	Tom Green	San Angelo Independent	do	K	140	117,170
San Antonio	Bexar	San Antonio Independent	do	K-1, 6-7, 9-12	1,650	201,500
Do	Bexar, Hays	Harlandale Independent	do	1-3	1,320	161,500
Do	Bexar	Edgewood Independent	do	1	405	151,500
Weslaco	Hidalgo	Weslaco Independent	do	1	200	51,500
Zapata	Zapata	Zapata Independent	do	K-2	309	47,500
Utah: Monticello	San Juan	San Juan	Navajo	1-2	160	66,500
Wisconsin: Milwaukee	Milwaukee	Milwaukee Board of School Directors	Spanish	K-2, 7-12	220	45,258

THE SITUATION AT DISTRICT OF COLUMBIA GENERAL HOSPITAL

Mr. MATHIAS. Mr. President, on October 3 I took the floor to discuss the critical situation at District of Columbia General Hospital. I urged the Subcommittee on District of Columbia Appropriations to consider promptly the additional $6 million to $10 million which District of Columbia General Hospital staff members assert is urgently needed to alleviate the conditions there.

During the colloquy, the distinguished Senator from West Virginia (Mr. BYRD) requested certain information which I have obtained from Dr. Murray Grant, Director of the Department of Public Health of the District of Columbia.

I ask unanimous consent to have printed in the RECORD a list of all Hill-Burton projects in the District of Columbia for the fiscal years 1967 through 1969; a summary of admissions criteria at District of Columbia General Hospital; and a table showing District of Columbia General Hospital admissions, costs, and collections for 1963 through 1968.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, DEPARTMENT OF PUBLIC HEALTH.
Washington, D.C., October 9, 1969.

Attention: Mr. John Hough.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: In response to your telephone request of October 6, I am submitting the enclosed information.

For your convenience and information, I am enclosing copies of material submitted to the House and Senate Committees on Appropriations on the subject of D.C. General Hospital. If I can be of further assistance, please let me know.

Very sincerely,
MURRAY GRANT, M.D.,
Director of Public Health.

D.C. GENERAL HOSPITAL ADMISSION COSTS AND COLLECTIONS, 1963–68

No figures are available on exact number of persons not indigent or medically indigent who receive care at D.C. General Hospital. The admission requirements are:

1. D.C. resident for one year (except for Medicare patients who do not need to meet the one year requirement).

2. Indigent (as determined by D.C. Department of Public Welfare) or Medically Indigent (with an income of less than $3,560 for family of four with provisions for part-pay on the basis of a sliding scale of resources and income for those above $3,560 for family of four.)

Exceptions to the above criteria may be made when:

1. Patient is brought in emergency situation.

2. Patients brought in by D.C. Police Department.

3. Other exceptions as outlined in Department of Public Welfare policies and procedures for receiving free services from D.C. agencies.

4. Under Medicare legislation the patient is entitled to select the hospital for his care and since the Medicare Program will pay full reasonable cost, patients with this coverage may be admitted with subsequent reimbursement from the Federal government.

Since D.C. General Hospital operates on the above policy, there should be no patients admitted who do not qualify for eligibility under one of the above categories.

Many patients will be admitted in an emergency situation and subsequently discharged before a complete eligibility determination can be made. These patients are billed as if they were full-pay patients and accounting records are so established even though these patients may be indigent or medically indigent. Therefore a total figure for accounts receivable is not a valid measure of the amount of care provided to patients not medically indigent or indigent.

You will notice from the attached table that the collections at D.C. General Hospital have been increasing.

A study was done in 1965 on the outpatient clinic at D.C. General Hospital, and it was determined that 90% of the patients were either indigent or medically indigent and therefore qualified for free care. Applying this same percentage to the in-patient figures indicates that we could have expected with excellent collection techniques to recover 10% of our cost. The attached table indicates our actual collections from 1963 to 1969. You will note that the percentage exceeds 10% in 1967 and 1968, due primarily to Medicare beginning in 1967 enabling us to be reimbursed in part for patients who are indigent or medically indigent. We expect this will continue in 1969 due to Medicaid reimbursements.

DISTRICT OF COLUMBIA GENERAL HOSPITAL ADMISSION COSTS AND COLLECTIONS 1963–68

Year	Patients	Patient days	Total cost	Collection	Percent of costs: Recovered	Percent of costs: Not recovered
1963	28,013	357,440	$12,992,045	$890,662	6.9	93.1
1964	29,030	406,911	14,290,988	970,467	6.8	93.2
1965	28,624	438,582	14,976,625	1,110,333	7.4	92.6
1966	26,276	344,327	15,822,987	1,209,909	7.6	92.4
1967	[1] 23,190	[1] 263,487	16,472,999	[2] 2,302,042	14.0	86.0
1968	22,031	242,903	17,303,617	[2] 2,762,285	16.0	84.0

[1] Acute psychiatry transferred to Directorate for Mental Health and Retardation on Oct. 8, 1966.

[2] Includes medicare payments.

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, DEPARTMENT OF PUBLIC
HEALTH,
Washington, D.C., October 6, 1969.

Attention: Mr. John Hough.

Hon. CHARLES McC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: In response to a telephone request from Mr. John Hough of your office, we are forwarding herewith a chart listing Hill-Burton projects in the District of Columbia which were completed during the years 1967, 1968, and 1969.

You will note that some of those projects listed were begun prior to the periods indicated. Allocations over a period of years during the construction have been necessary because of the small amount of Hill-Burton funds allotted to the District of Columbia.

Please advise us if we can be of any further assistance.

Very sincerely,
MURRAY GRANT, M.D.,
Director of Public Health.

LIST OF HILL-BURTON PROJECTS FOR 1967 THROUGH 1969

Project: No.	Project: Title	Starting date	Completion date	Cost: Hill-Burton	Cost: Sponsor	Cost: Total	Year of funds allocated
DC-21	Catritz Memorial Hospital	January 1963	December 1968	$1,220,858.00	[1] $9,239,167.00	$10,460,025.00	1962, 1963, 1964, 1965, 1966.
DC-22	George Washington University Hospital	June 1964	July 1969	708,965.00	[2] 6,832,844.00	7,541,809.00	1963, 1964, 1965, 1966.
DC-25	Hearing and Speech Center	June 1966	May 1969	145,744.57	161,039.20	306,783.77	1965, 1966, 1967.
DC-24	Hillcrest Children's Center	June 1965	August 1967	595,963.00	1,227,560.14	1,823,523.14	1964, 1965.
DC-27	Georgetown Hospital, oxygen piping	April 1968	July 1969	36,700.00	73,500.00	110,200.00	1967.
DC-28	Washington Hospital Center	June 1967	August 1969	62,209.33	124,418.67	186,628.00	1967.
DC-33	George Washington University Hospital	May 1968	December 1969 [3]	675,536.43	822,850.57	1,498,387.00	1967, 1968.
DC-35	Georgetown Hospital, exit stairwell	March 1968	November 1969 [3]	34,433.00	68,867.00	103,300.00	1967.
DC-36	Sibley Hospital	June 1968	September 1969	105,000.00	211,000.00	316,000.00	1967, 1968.
DC-26	Children's Convalescent Hospital	November 1966	June 1968	616,563.00	899,230.08	1,515,793.08	1967, 1968.
DC-29	Columbia Hospital	April 1967	April 1968	17,699.24	35,398.49	53,097.73	1967.
	Total			4,219,671.57	19,695,875.15	23,915,546.72	

[1] State aid $3,375,000.

[2] $2,500,000 provided under Public Law 87–460 (direct Federal grant).

[3] Estimated.

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GEN. LEONARD F. CHAPMAN, JR. SPEAKS UP

Mr. MUNDT. Mr. President, last Friday night I had the pleasure of attending the banquet of Defense Orientation Conference Association—DOCA—and hearing Gen. Leonard F. Chapman, Jr., Commandant of the Marine Corps address that distinguished group on the problem of American defense. General Chapman delivered an excellent speech directed to the problems of our time. I wish that every American could have heard him that evening. Since that was not possible I ask unanimous consent that his speech be printed in the CONGRESSIONAL RECORD. I commend it to the reading of all who have access to the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY GEN. LEONARD F. CHAPMAN, JR.

Ladies and gentlemen, I was extremely pleased when I received the invitation to address you this evening. And I am honored and delighted to be here. At this point in time there are many things that need to be said, and I can think of no better gathering for an exchange of those words.

This is a complex and demanding period of our history. There are many problems that surround us as Americans, and as human beings. New questions face us, old questions flank us, and even older questions—long thought answered—seem now to have resurrected themselves and demand new answers. None of these can be ignored. No one problem is any less important than another. They are American questions and they required American answers.

Now, we are together at this conference to address the case of American defense. It is an old question, and it is a constant need. How, when, where, and with-what are the attendant sub-questions. Almost two hundred years ago when thirteen separate and diverse colonies struggled and groped to join together as a nation, those same elements on the question of defense were present. And it is significant, I think, that some of the same arguments for and against defense—as used almost two centuries ago—are still exercised in the national debate of today. But this isn't thirty years ago. It is *now*. This is a new era, an era of compressed space and a racing clock. Our vast oceans no longer present the obstacles they once did. Our isolation from threatening corners of the globe is a memory, not a physical fact. This is a new time with new demands.

In this new time, when the question of defense is examined—or any question for that matter—two causes become absolute in their effect: the war in Vietnam, and the new generation of Americans. No matter what is said, what rationale is put forth, everything still points back to these two primary causes: America at war, and young Americans.

This evening I intend—as much as possible—to avoid the hardware and organization of American defense. Instead, I am going to address the two subjects that have the greatest influence on American thinking and attitudes toward American defense today, and planned American defense of the future. I am going to talk about the war in Vietnam, and I am going to talk about the Americans who fight that war—the young Americans of this generation.

War, any war, is a monstrous exercise in human imperfection. This is an old truism. The war in Vietnam did not originate that fact, but it is the war we fight now, and we have been fully committed to this current edition of imperfection for more than four and a half years. That is a long, wearisome time. And it has changed little tactically and operationally, this long, fatiguing war. It is that kind of war. It is a guerrilla war, a new kind of war for Americans.

In the long years of fighting there have been no graphic lines of battle, no simple diagram of advancing or retreating forces to follow on a map. There is a country: the Republic of Vietnam. There are people: the South Vietnamese. And there is an enemy: the North Vietnamese. Our intention has never been to destroy the aggressor nation, only to keep that aggressor from destroying his intended victim.

We fight a limited war, but only *our* prosecution of the war is limited, not the enemy's. The enemy moves to and from the sanctuary of his homeland as he chooses. It is up to him if there is to be a war at all. To stop the war, even for a short rest, he merely removes himself. The only means we have to stop the war is to destroy or preempt the enemy in the area of our limited operations.

From the time we entered this war, Hanoi has known that it could never achieve a military victory. In early 1968 a maximum effort was exerted by North Vietnam in their Tet offensive, and the determined effort to seize Khe Sanh. These efforts were a military disaster for them. But even then they were not seeking a true victory in the field. The successes they were denied, were intended to dishearten the South Vietnamese people. Enemy strategy, as stated in the beginning of this war, has not changed. He is willing to suffer ten times the number of our casualties to force the issue of American patience. He gladly trades the lives of North Vietnamese soldiers and the Viet Cong for that patience.

But the weapon of time, like a fused bomb held too long, can destroy its user. It appears now that the vortex of that effort has almost been reached. Time, the weapon employed so well by the enemy, is beginning to work against him now. His raids and attacks against allied forces have lessened. He has cut down his input of replacements and material to his forces in the south; and since his major defeat during Tet of 1968, he has not been able to gain enough momentum to try other major actions. But since his defeat in 1968, he has firmly rebuilt his badly mauled regular divisions, and he holds them in readiness out of the area of operations.

Now we are injecting a new element into this war. We have recently begun a process called "Vietnamization." It goes much deeper than merely strengthening the Armed Forces of the Republic of Vietnam, it goes to the very heart of the conflict. It means much more than just leaving the people of the Republic of Vietnam with a greater military responsibility so that we can withdraw our own forces. It means building a stronger economy, a stronger internal security capability, a stronger government, and a stronger military. It *is* practical, and it *will* work. And the enemy knows this.

He knows what the explosion of the fused bomb of time will cause, if held too long. He knows that the government of the Republic of Vietnam grows stronger with each passing day. He knows that the armed forces of that country grow more efficient, more capable, and that they take on more of the fighting. He knows that as time goes on, and while we continue to fight, he is running out of options. Will he continue to press for an unconditional withdrawal of American forces from the Republic of Vietnam, or will he actually negotiate a settlement? Only the determination of the American people will decide. The outcome of this war depends on that central question. Militarily, time is on *our* side. But will our determination provide the time needed to complete the job?

But in this war, there are other battlefields besides those in South Vietnam. Right here, in this country, a great conflict rages between Americans over that war. You know, I think objective historians of the future will have a difficult time in trying to summarize the actions, and the motives of the participants. Because, at this time, the main point of contention is the one thing all Americans want above all else: an end to the war in Vietnam.

This war is well into its fifth year. The battles being fought over the same ground as the battles of last year and the year before. Americans grow weary of war, and not just this war, but the very idea of war—and the need to be prepared for war. But preparedness for war is synonymous with preparedness for defense. How many wars have not been fought because of this preparedness? And because Americans have been willing to fight on foreign shores, how many times have we avoided fighting here, on our own ground?

So good Americans, gentle people who have never seen war, tyranny or terror call themselves doves. Americans who have never known the shock of violent death at close quarters, or the heavy foot of an invader call themselves "the people of peace." And somehow in this monologue, those who fight tyranny, who seek to eliminate terror—are labeled hawks. These are good people, good Americans who abhor war. But they seek peace at any price.

There is another group against our participation in this war. A group of anti-everything organizations who oppose our involvement only because they are in accord with the principles of the enemy. They employ some of the vocabulary of the pacifists in speaking of this war; but from the very beginning, they have waved the flag of the enemy, burned our own flag, practiced violence, and preached their own war as a means to destroy our present society.

The first group is a traditional interchange of our free society. They disagree, and as Americans they are making every effort to do something about it. They dissent, and it is this right *to* dissent that we fight to preserve. And it is because we believe in such a right that we must be prepared to fight other aggression.

Now, the second group hides behind this right of dissent. Like our enemy in Vietnam, they fight a guerrilla war. They too have a freedom of movement, and the advantage of doing battle when and where they choose. Their sanctuary is the honesty and integrity of the responsible dissenters. That, and the knowledge that this is truly a free country.

How many are there? I don't know, but I do know they are a minority, and they use the methods of sensationalism to carry their fight. Because they offer instant and theatrical violence, because they affect a bizarre appearance, and because they shout obscenities—they are news. Their images march across television screens throughout the nation. Their slogans and actions are chronicled in every newspaper and magazine. And they have had a strong effect. Now some of the words and phrases they have chanted with machine-like dogmatic regularity, have found their way into the national vocabulary: "imperialism," "Militarism," "the American military machine." And their choice of adjectives and text have turned other words and phrases into sinister threats.

Through a hard campaign, and a fluke of timing, these people have become identified with the youth of this nation. They have invaded and squatted on college campuses, and now their latest efforts are directed toward high schools. But they are not young, because their ideas are old: destruction, terror, and tyranny. Their efforts to disrupt normal academic and student activities, to destroy institutions are—it must be remembered—directed against young people, the large majority of young Americans.

Through the attendant publicity, and the tremendous organizational efforts of this group, they have become accepted as representative of today's generation. Like the

enemy in Vietnam, they have managed to turn opinion and labels completely around.

But they are not representative of this generation of young Americans. The majority of our youth, in and out of uniform, continue to work and hope—and fight and sacrifice for a better world, a better time.

I am not saying that today's generation is *not* new, is *not* different. It is indeed. But the idea that they have abandoned old values, old morals, and seek destruction of American ideals is false. If anything, they have reached for those ideals more than any others before them. They are bigger, stronger, and have more endurance than ever before. Because of education and the improved field of communications, they are better informed, more alert, and less impressed by strange places, people, and situations. But these are physical facts. I think the most significant quality of today's young American is his individualism.

In uniform, he continues to serve his country, and serve it well. But it is not the same as in the past. From the very beginning of his military service, this young man has made a decision, individually, without the intimidation of screaming, hate-filled crowds; or an inner compulsion to conform. When he enters the service, he is not simply fulfilling a duty of citizenship. Bombarded by anti-military dialogue and presented daily examples of evasion of obligation, his enlistment or acceptance of induction is not a popular act of conformity. It is an act of faith. An act of faith in the morals and values of this country, and an act of hope in its future.

He certainly harbors no illusions, this young American in the uniform of his country. He has a ringside seat at the contest of polemics. He hears the virtues of patriotism, duty service to country, honor among fellowmen, and courage in the face of danger rendered suspect as to value, and modified in meaning by a generous application of turnabout statistics and reasoning. He doesn't like being referred to as a tool of "American imperialistic aggression," especially when those words are delivered in American accents, but he doesn't really pay too much attention. In Vietnam he is too busy searching for enemy mines, and caches of rockets and mortar ammunition. Enemy mines, rockets, and mortar projectiles that he knows have killed more Vietnamese civilians than they have American troops.

He further observes a nation, a free nation, now tired of war and its expense, question all forms of defense and preparedness for defense. On the one hand he hears men of other nations make clear statements of intent to meet us in a war of destruction, and on the other he listens to our internal debate over the need for protection.

And still these young men serve. They fight a war no one wants. A war that is not glorified in movies, on television, or in print. It is called an *unpopular war*. That statement, in itself, is one of the greatest contradictions of our time. Has there ever been a popular war? Certainly not to the men who fight it. No one wants this war to end more than the young American who puts his life on the line every day—but still they fight.

Where do these young men come from? What are the origins of these men who have fought and are fighting a very hard war? I'm sure you know some of them personally. They are the young men who have chosen to serve their country and they come from the same homes, schools, and neighborhoods they have always come from. Happy homes, broken homes; farms, houses in the suburbs, ghettoes of the inner city; school yards of hot asphalt, and campuses of green lawns and cool ivy. But they all share the quality of individualism—a very rugged and self-sufficient brand of individualism. They will not be intimidated, and when joined together, they are magnificent.

They are Americans, but more important they are participating Americans. What do they think of this country and its institutions? Last November, of all Marines eligible, 74.5 per cent cast their ballots in the national election. This is compared to a Gallup rating of 60 per cent of the entire population.

And what do they think of the war they have fought and are fighting? Since June of 1966, when the first Marines into Vietnam became eligible for rotation back to the United States, a total of 39,000 Marines—officers and enlisted—have requested to serve an additional six months beyond their assigned tours in that country, in that war. That is almost an infantry battalion a month. This is what the young Americans think of the war in Vietnam.

I think the last statement deserves some discussion. A great deal has been said about this war and the fact that it is being fought by professionals. This is true, to some degree, certainly the quality of service by all ranks has been and continues to be highly professional. But in truth, only the senior officers and senior noncommissioned officers can be classified as *career professionals*. And very few of these career Marines extend their tours of duty in Vietnam. They haven't had to. They have known that they would be back for a second tour—and in fact, many of them are doing that now, and some have even begun their third period of assignment to that war. In the Marine Corps, the greatest majority of Marines who ask to stay in Vietnam an additional six months are young privates and corporals—who fire the weapons and carry the ammunition—and young officers who lead platoons and fly the aircraft. As always, these young men are our strength.

What is the quality of the performance of these young Americans? We have one word we use in the Marine Corps to describe maximum performance. It is the only word I can use to describe their service: *outstanding*.

And why does this young man perform so well in Vietnam? Why do so many ask to stay in the face of segments of public opinion that would dictate otherwise? Well, I think it is the same quality that made him choose to serve: individualism, and the ability to find answers himself. His own brand of self-determination.

I could present examples of what our young men are doing in Vietnam by reading some of the many citations that have accompanied decorations in this war. They certainly chronicle countless acts of selfless courage. I could recite endless deeds of well planned programs to assist the Vietnamese in building their country, and eliminating their suffering. Those projects would certainly prove official and collective American compassion. But it is not the large acts that count so much, it is the day to day application of the qualities of courage and compassion that tell.

More than six months ago Marine Sergeant Robert Eaton wrote his family in California, that he wanted to stay in Vietnam another six months. He felt he still had a job to do. Sergeant Eaton was the commander of a Combined Action Platoon—14 Marines who work at the grass roots level in one village, with 30 local Vietnamese militiamen.

When Bob Eaton took over his small, but important command, 1,500 farmers lived in one third of the area supported by the village. Now 2,500 farmers are spread out over the whole countryside, living by night where 8 months ago they wouldn't even venture during the day.

In the commercial part of the village there is a new well, blacksmith shop, better tools for the carpenters, and a rice machine run by a gasoline engine and used by all of the people. But more important, the people have built and are building permanent homes. They have faith in their future. Eight months ago the women wouldn't go near the market place. Now, every morning, 500 ladies of the village complex gather to sell the family produce and wares.

How did Sergeant Eaton accomplish all of this? Where did he get the material to give these people? It's quite simple—he didn't. What he did do was convince the people that the Viet Cong would not bother them because he and his Marines wouldn't let them. And he did this by leading his small unit in standing steady and setting an example of backing the people up. Then, when they were convinced that the Marines could stop the Viet Cong, the local militia took lessons in the matter of village defense—and they learned, and their confidence grew. Sergeant Eaton and his Marines conducted their own "Vietnamization" of their part of this war, and it worked.

Now the Marines of that village are alert, they conduct patrols, and they're ready to assist the local militia in any fight—but the village belongs to the South Vietnamese, and that part of the war belongs to the village.

Sergeant Eaton came home last week. He felt his job was done.

Ladies and gentlemen, I have boundless faith in our great American people—faith in the fact that they do have the patience coupled with the determination necessary to stick out our effort in Southeast Asia as Vietnamization of that conflict progresses to a successful conclusion.

And I see the future of our country in the faces of young Americans who—serving willingly—go to war quietly and efficiently. And when he comes home, he can be sure there will be no national show of emotion to turn his head. He returns as quietly as he left.

The benefits provided our veterans are proper payment for service rendered. But in a free country, where free will is the key to honorable service—money can't be full compensation. The American people must show their faith in these men—must honor them—must give them the dignity of recognition and appreciation.

These young men are the flower of this generation. These are the men who will inherit this country. It is not enough to merely accept their hearts and their sacrifices with a nod—I ask you to actively seek to win their hearts and minds. They have offered them, it is up to you, it is your choice.

Thank you.

PROPOSED RETENTION OF SILVER CONTENT IN THE EISENHOWER DOLLAR

Mr. CANNON. Mr. President, I believe that the issue of whether silver should be included in the proposed Eisenhower dollar comes down to the issue of whether we have or can expect a sufficient supply of silver. I believe that the Treasury has available to it a supply ample to mint a 40-percent clad silver dollar. The absence of these coins from Nevada—the Silver State—has had its economic effect. It is not a nostalgic or sentimental coin, but one that serves the needs, particularly, of Westerners who have grown up in the silver hard-money tradition.

As of a month ago, the Treasury had a silver inventory of 146.9 million ounces, of which 84.6 million ounces was in the form of bullion, and 62.3 million ounces was contained in currency awaiting melting.

Under a program adopted by the Joint Commission on Coinage, the Treasury has continued the sale to the public of 1.5 million ounces per week. It seems to

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me that this procedure really uses the Treasury as a bank for the silver manufacturers. I submit that it is a practice which lulls the Nation to sleep so far as silver is concerned, for at this rate we will soon find ourselves without any silver whatever. I believe that the Secretary of the Treasury would be taking a very wise course if he would cut by half the amount of silver offered for public sale.

If the proposed legislation is adopted, less than one-third of an ounce of silver would be used in each dollar coin minted. At the present price range, the small amount of silver would have to have a monetary value of $3.16 per ounce to make it worth while to think about extracting the silver from the proposed Eisenhower silver dollar.

Recently it was pointed out by the American Mining Congress that 14 separate silver commemorative coins were minted during the month following the lunar landing with silver obtained from Treasury sales. I would be interested in knowing by what logic we permit private industry to use silver for such commemorative pieces on the one hand and on the other prohibit the Government from using silver in our currency.

It has been estimated that the United States has approximately 2 billion ounces of silver outstanding in U.S. coinage. Even though a great many ounces never will be recovered, surely more than 1 billion ounces will find their way back into the silver market. This constitutes a very great present and future supply, and I believe it is a fact which successfully contradicts the argument that we do not have a sufficient amount of silver to continue a limited use of this metal in our coinage.

It may be true that the Eisenhower silver dollar may not circulate freely. Certainly this has been the case with the Kennedy half dollar. If so, it will be perfectly understandable that the American people will want such mementoes because of the high esteem in which they hold the late President. But let us not forget that the silver was purchased at a much lower price by the Government, and in such a transaction as the one which Senator DOMINICK and I support, the Government would make a substantial profit on the minting of the silver dollar. We would not be finding a new use for this silver, but we would be putting this precious metal to the use for which it was intended and for which it was originally acquired by the Treasury. Industry and the silver manufacturers would not be deprived from obtaining silver, for I believe there is enough silver to supply industrial needs now that the melting ban has been lifted.

Mr. President, in 1965 Congress overturned the tradition of minting silver coins which had served this Nation well since 1792. Certainly the decline of the purchasing power of our currency would support my position then that we were making a mistake, and to remove silver from coinage would cheapen our money.

History has shown that all nations that resorted to fiat money dealt in a currency that showed the greatest weakness. In the debate of 1965, Congress did decide to retain silver in the Kennedy half dollar, so that we did not completely abandon our faith in the intrinsic value of the U.S. coinage. That certainly was a very wise move, in my opinion, and I believe that the Eisenhower dollar with silver content also will be a small step in the right direction.

Progress since 1965 in the extraction of precious metals from the ground has been slow, but important strides have been made in the recovery of gold. It is my hope that new mining and technological concepts will bring forth new breakthroughs not only in the recovery of gold but of silver, too, so that our supply will not only enable us to use some silver content in the dollar and half dollar, but in other denomination coins as well.

It seems to me that it would be a fine decision on the part of the Congress to preserve the memories of our two late great Presidents in a metal of real value, particularly when we can do so in the knowledge that the Nation's strategic stockpile and the vast quantities of unmelted silver can take care of both emergency and governmental needs for some time to come.

ADDRESS BY DEPUTY SECRETARY OF DEFENSE PACKARD

Mr. MURPHY. Mr. President, I have just read an address delivered by the Honorable David Packard, Deputy Secretary of Defense, at Loyola University in Los Angeles on September 17.

Secretary Packard in his remarks sets forth clearly how well the Department of Defense is at present performing its mission both in the United States and around the world. He also details the strides which this administration has made in 1969 to operate that vast Department as we all would wish.

Mr. President, I am very proud of the outstanding job which Secretary Packard, a California citizen, is doing in a most demanding position. I believe that his remarks at Loyola University will be of interest and benefit to people across our country. I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE DAVID PACKARD, DEPUTY SECRETARY OF DEFENSE

I am happy to have the opportunity to participate in the Citizenship Day Dinner sponsored by Loyola University. Not every university forum today would extend to a visitor from the Pentagon the warm welcome that I have received here.

I shall talk about matters that should be of great concern to us all—about universities, and youth, and the defense of our nation.

These are appropriate topics of discussion in a forum sponsored by a university that bears the name of Ignatius Loyola, soldier and educator.

Incidentally, I discovered, reading the *Autobiography* of St. Ignatius, that he has special relevance—to use the currently fashionable word—to the youth today. For he tells us that, while at Manresa groping for the kind of life to which he could commit his dynamic energy after his military career, for almost a year he let his hair "grow wild, without combing or cutting it. . . ."

The subjects I propose to discuss are also appropriate to the occasion, the 182nd anniversary of the signing of the Constitution of the United States. It is well to remember that the spark and the energy of the second American Revolution, which gave our nation its Constitution, came from younger men dissatisfied with the *status quo.*

Nor should it be forgotten that national defense needs had much to do with the bold decisions made in the Constitutional Convention.

In fact, the only aspect of this talk that may be inappropriate is that I should be the one to talk about youth. I confess that I speak from the far side of the generation gap. Although, as the years go by, I find some comfort in the French proverb that the fifties are the youth of old age, I cannot honestly claim any relationship to youth beyond that of a spectator. Nevertheless, I have had a good vantage point for my observation of youth, both as a former university trustee and as Deputy Secretary of Defense.

Today's youth want to change the world—and to do it in a hurry. They are dissatisfied with much of what their elders are bequeathing to them. They are impatient to rid the society of evil and injustice, to establish peace, eliminate slums, and poverty, uproot racial and ethnic discrimination, cure disease, abolish ignorance, terminate pollution, and to strike down hundreds of other wrongs.

The impulses are generally noble, and the commitment to the well-being of their fellow man is admirable. Though they will not achieve all they hope to do, they will remove many of the blemishes of the social and political order which have been tolerated for too long. Some are over zealous, but there is nothing wrong with this that living a little longer will not solve.

The young people that I know best at the present time are those in our armed forces. I cannot praise them too highly.

I know what President Nixon meant when he used the words, "one of America's finest hours," with reference to our men in Vietnam. If you could hear, as I do every day, tales of the courage, the dedication, the self-sacrifice, the compassion, the generosity that our men in Vietnam are exhibiting, you would understand why the President was moved, while visting American troops there, to use the phrase he chose.

No one, whatever his feelings about why or how we are fighting in Southeast Asia, should feel anything but pride and gratitude toward the gallant young Americans there. And it may not be amiss to note that there, white and black Americans set an example for the home front by living and working and fighting together in harmony, in mutual respect and trust.

The vast majority of the nation's young people, the kind whom I have been describing, the kind of young people in the uniform of their country, receive too little notice. There is, on the other hand, a surfeit of publicity for the nihilistic minority whose aim is destruction and whose tactics are threats, violence, and disorder. These tactics have no place in the United States where the Constitution guarantees orderly procedures for peaceful change. Above all, they have no place on the university campus where reason—not violence—ought to dwell.

Knowing that the disrupters do not speak for their generation, I am less disturbed about their antics than I am about certain currents of public opinion that in the long term could have more serious consequences for the nation. There is a danger that national defense will be neglected in the future, and this danger is heightened by irresponsible attacks on the nation's military forces.

President Nixon noted some of the disturbing current tendencies in his commencement address at the Air Force Academy in June when he said:

"It is open season on the armed forces. Military programs are ridiculed as needless, if not deliberate, waste. The military profession is derided in some of the best circles. Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. Nationalism is hailed and applauded as a panacea for the ills of every nation—except the United States."

We all should remember that twice in the lifetime of the generation to which I belong our nation has suffered grievously as a result of irrational reaction against our military forces. In the 1930's, and again in the late 1940's, our military capability was reduced too far. In the wars that followed each of these experiences, the nation paid, in both American lives and American resources, the frightful price of unpreparedness.

The campaign against the military has had repercussions on the campus—notably in protest against the ROTC. At Loyola, which boasts one of the best ROTC units in the Air Force, the relationship between the university and the military has been exemplary. At some other universities, our experience has been far different. In a few, the climate has become so inhospitable that we have had to terminate ROTC programs.

I view these developments with dismay. The ROTC furnishes about half of the new officers commissioned each year. Without it, we would be deprived of the leavening influence that these young men fresh from civilian educational institutions bring to the armed forces. And without it, an important link between the military and the schools of the nation would be broken.

As one reads the nation's periodicals and newspapers—and listens to the hearings of some of the Congressional committees—one can easily get the impression that the Department of Defense does nothing right. We do have some problems—and whenever you have an organization as large as the Department of Defense with 3.5 million military people and over a million civilians, there will always be cases where people make mistakes. Unfortunately, it is only the mistakes that make the headlines, and mistakes are fair game for Congressional hearings. The Pentagon has also done a lot of things right, and, in order to give some balance to the discussion, these are the things I would like to talk to you about.

I submit that the Department of Defense should be judged in terms of its essential function—providing the armed strength to keep the nation and its citizens secure against all external threats—to protect our citizens and vital interests—and to meet our obligations to support our friends throughout the world.

The Department of Defense has served this country well in each of these all-important areas of responsibility.

In the final analysis, it has been the Armed Forces of our country, including our strategic nuclear capability, which has kept Western Europe free. Our military capability has preserved the freedom of the peoples of West Berlin—of South Korea—of Taiwan—and even with our anguish about our involvement in South Vietnam—American military forces there have eliminated the threat of a Communist military victory, which was imminent when they were dispatched there in force in 1965.

The Defense Department has maintained the military strength to enable this country to meet its international responsibilities well—and to deter an all-out attack on both the United States and its Allies.

Our critics, in fact, have complained about an excess amount of strength. I submit to you it is infinitely better to have a little too much than not quite enough.

Two further common criticisms of the military establishment are that our strength is being used for the wrong purposes (as in Vietnam, some would say), or that this strength is purchased at too heavy a cost.

Discussing the first of these two criticisms would take me far from the topics of this address. It is important, however, to remember that the use to which our military strength is put is not determined by the Department of Defense, but rather by the White House and on Capitol Hill.

Those who say defense costs too much sometimes are referring to waste and inefficiency. I grant that there is need for improvement in the efficiency of our operations—in our weapons systems procurement procedures—and in other areas. There is waste and inefficiency which must be eliminated, and I will speak a little later of some of the things we are doing toward this end.

Sometimes those who regard defense costs as excessive are arguing that defense absorbs so much of the nation's output that not enough is left for urgent domestic objectives such as health, education, and welfare. This complaint is exaggerated. Defense spending amounts to about 8 per cent of the nation's Gross National Product, and it is shrinking, not growing. Those who allege that defense gobbles up a major part of the increases in federal revenues or expenditures have not examined the facts. Fiscal Year 1969, which ended last June 30, brought an increase in federal revenues of $35 billion above the previous year. Federal spending was up $6 billion. Defense spending in this year increased by about $500 million while federal expenditures for health, education, and welfare went up by $6 billion.

My purpose here tonight, however, is not to refute the critics. Rather, I want to point out a few of the positive things about the Defense Department that the critics seem to miss. I limit myself to five things that we're doing right.

First, we are progressing in our efforts to train and equip the forces of South Vietnam to assume greater combat responsibility, which permit reduction of American forces in Southeast Asia. Since the present Administration assumed office, building up the strength of the South Vietnamese has had first priority. As a result, the replacement of American troops is under way.

This is a break from the policy of the past that dictated a constant increase in American forces in the theater of combat and assumption by the United States of the major responsibility for the conduct of the war.

We shall not leave South Vietnam in the lurch. We continue to provide a strong and adequate shield against escalation from the North. But, as the combat capability of the South Vietnamese forces continues to grow, the war will become less and less an American war.

Hanoi has responded negatively to our repeated and generous peace offers. While we continue to seek to end the war by negotiation, the policy of Vietnamization is not being held up awaiting a breakthrough in the Paris talks. It is moving forward.

Second, we are progressing in our effort to bring the Defense budget under better control. As a result of painstaking review of that budget, Secretary Laird has announced preparations for cuts during the current fiscal year which will reduce spending by more than $4 billion below the level recommended by President Johnson. This reduction, though somewhat more abrupt than we would like it to be will not seriously reduce our military capability, but will provide added resources for non-defense needs of the country, and will reduce inflationary pressures.

In order to keep the defense budget in proper relationship to non-defense national objectives, we are working on detailed plans for our post-Vietnam forces, and these plans include close control of expenditures as our involvement in Vietnam is lessened.

One of the most important innovations of the new Administration is the recent appointment of a Blue Ribbon Panel headed by Gilbert W. Fitzhugh, Chairman of the Board of the Metropolitan Life Insurance Company, which is engaging in a thorough study of the mission, organization, and operation of the Defense Department. From the results of this study, the first of its kind in more than a decade, we expect valuable guidance in effecting reorganization of structure and improvement in operation. We are fortunate in the exceptional talent assembled to serve as members of this Panel.

Third, we are doing a number of things to improve the procurement system for major weapons. There has been substantial waste in devoting resources to the development of weapons which Defense officials have concluded at some later stage in the process should not be deployed. To avoid this kind of false start in the future, we have instituted new procedures to determine what new weapons systems are required. We are proceeding to make sure that we have eliminated as many technical uncertainties as possible before full-scale development is begun, and that development is complete before production is started.

We are placing more responsibility on the program manager and cutting out some of the layers of managers that have been looking over each other's shoulders.

We have instituted new reporting procedures so that both the Department of Defense and the Congress can verify accomplishment and detect at an early stage lags in performance or excessive costs.

All this may sound dull, but let me assure you that the changes in procuring weapons which I have been describing are important. They will guard against profligate use of the taxpayers' money.

Fourth, we are progressing in reforming the management of manpower in the Department of Defense. We are keenly aware of the fact that people are our most important asset.

We have given particular attention to the problems of ROTC and have worked closely with the universities and colleges of the nation to rectify any shortcomings in the present program.

President Nixon has asked Congress to change the selective service system so that a young man will normally be subject to the draft for only one year of his life and selectees will be chosen by lottery. These changes, along with others which the President has proposed, will eliminate the major inequities of the present selective service system. For a more remote future, we are studying the possibility of making the military a completely volunteer force.

Fifth, we are progressing in using the resources of the Defense Department in a vigorous campaign against such evils as poverty, ignorance, and discrimination. Secretary Laird has given direction and emphasis to such activities by creating within the Department of Defense the Domestic Actions Council which stimulates and guides this aspect of our work. It is impossible in a few words to convey adequately the scope of our activity that contributes directly to the solution of the nation's social and economic problems. We have done much to eliminate discrimination in housing. We run one of the nation's largest school systems in non-military subjects and probably the biggest occupational skill training program in the world. In securing the goods we need, we give special attention to procurement from small business firms and minority enterprise. In addition, we have begun to make our facilities available to disadvantaged youth of nearby communities for learning and recreation.

Millions of young Americans have secured through service in the armed forces the chance to learn that was denied them in civilian life. Millions, as a result of their military service, leave the armed forces with the skills needed to pursue successfully a

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civilian career or with the basic education required for continuation of their studies in civilian institutions as well as with an attitude that I can commend to my friends in business and industry. For millions of young Americans, the promise of equal opportunity has been made real as a result of their service in the armed forces.

Our Constitution, the signing of which we are gathered here to commemorate, reflected the cautious attitude of eighteenth-century America toward military power. It established civilian control over the military forces and sought thereby to guarantee that the military would always be the servants of the American people.

No military leader of our country would want it any other way. The subordination of military to civilian authority is fully recognized and wholeheartedly supported by those who wear the uniform.

On the other hand, those who framed the Constitution recognized that the system of government which it established required military power if it was to endure. They selected, after all, as their presiding officer at the Constitutional Convention, the man who had been commander in chief of the armed forces in the Revolutionary War.

Some of the delegates of the Philadelphia Convention had little confidence that the nation they were building would last. One delegate, Nathaniel Gorham of Massachusetts, asked in the course of debate, "Can it be supposed that this vast country . . . will 150 years hence remain one nation?"

They built better than they knew. We have remained one nation far beyond the time span that Nathaniel Gorham predicted.

The proudest responsibility of the armed forces is to support and defend the Constitution of the United States. They will continue to discharge this responsibility with fidelity. And this vast country shall remain one nation under this Constitution as long as our armed forces discharge this responsibility with the trust and confidence of the people whose freedom they guard.

TAX REFORM ACT OF 1969—SUMMARY OF ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, yesterday, October 13, the Committee on Finance acted on that part of the House-passed tax reform bill which relates to charitable contributions.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 13, 1969]

TAX REFORM ACT OF 1969—CHARITABLE CONTRIBUTIONS

ACTIONS IN EXECUTIVE SESSIONS

Honorable Albert Gore (D., Tenn.), who presided during the afternoon session of the Committee on Finance, announced today that in considering the Tax Reform Act of 1969 the tax treatment of charitable contributions was taken up by the Committee. In deliberation on this portion of the bill, he reported that the Committee had taken action with respect to the different categories of transactions that are set forth below:

Fifty Percent Limitation.—The Committee agreed to the provision in the House bill which would increase the overall limitation on the deduction of charitable contributions from 30 to 50 percent for gifts to "public" charities. In accepting the House provision the Committee also approved a Treasury Department suggestion that a taxpayer's basis for property contributed to public charities be eligible for the 50 percent limitation, and that only the appreciation element in the donated property be limited to 30 percent. (Under the House bill the entire value of the gift of appreciated property would have been limited to 30 percent.)

The Committee also agreed to modify the House provision (and the existing law) to allow contributions to private operating foundations, and private non-operating foundations which distribute the contributions they receive to public charities within one year, to qualify for the 30 percent and 50 percent limitations. This action involved approval of a suggestion made by the Treasury Department.

Unlimited Charitable Contribution Deduction.—The Committee agreed to repeal the unlimited charitable contribution over a 5-year period. This is the same period provided for the House bill.

The Committee did modify the 5-year phase-out rule, however, so that the following features of the House bill would not apply in the case of the unlimited charitable contribution deduction:

(a) The inclusion of appreciated charitable gifts as tax preferences within the limit on tax preferences and allocation of deduction rule,

(b) the allocation of the charitable deduction,

(c) the 30 percent limit on gifts of appreciated property,

(d) the appreciated property rule in the case of property which would give rise to a long-term capital gain if sold.

The Committee was advised that these rules (if applied) would often render the special phase-out for the unlimited charitable deduction meaningless, in effect causing the immediate repeal of this deduction rather than a phase-out.

Gifts of Appreciated Property.—The Committee generally agreed to the provisions of the House bill which require that the amount of appreciation in value of property donated for charitable objectives be taken into account for Federal income tax purposes. However, the Committee modified the House rules in a number of respects, as follows:

(1) In the case of gifts of capital gain property to private foundations, the Committee adopted a simplified rule for taking the appreciation into account. Under this rule, the donor would be allowed a charitable deduction equal to his cost or other basis for the property, plus one-half of the appreciation. This rule is a susbtitute for the dual House rule which involved either deducting only the cost of the property or retroactively deducting the value of the property by including the appreciation in income. The Committee's rule achieves substantially the same net effect as if the donor had included the appreciation in income and claimed a charitable deduction for the fair market value of the property.

(2) The Committee removed gifts of future interest in property (which is not tangible personal property or ordinary income property) from the types of property to which the appreciation rules of the House bill apply. The Committee felt the inclusion of future interest within the appreciation rules could have a substantial adverse effect on charitable giving to public charities and schools, since future interest gifts are a common form of charitable giving.

(3) The bargain sale provision of the House bill was deleted. Under this action, sales to charity of appreciated property for less than its fair market value would not give rise to any allocation of basis between the portion of the property sold and the portion given away. Stated differently, under this Committee decision, no gain would be recognized for tax purposes because of the making of the bargain sale.

With these changes, the Committee approved the appreciated property rules of the House bill. Specifically, it approved the amendments which require that appreciation in value of gifts of tangible personal property (such as art works and books) be subject to the appreciation rules.

Two-Year Charitable Trusts.—The Committee approved the House provision without change.

Charitable Contributions by Estates and Trusts.—The Committee adopted the House provision which would eliminate the deduction for amounts set aside for charity, which is presently allowed non-exempt trusts, subject to certain modifications.

(a) *Set-Aside Deduction.*—First, the Committee restored the set-aside deduction in the case of estates, since it may often be impractical or contrary to probate law for an estate to make current distributions. The Committee also restored the set-aside deduction in the case of pool arrangements under which a person transfers property to a public charity which places it in an investment pool and pays the donor the income attributable to the property for life. This set-aside deduction, however, would be limited to the amount of the pool's capital gain income. The Committee took this action in order to prevent a significant adverse effect on the use of these arrangements which have been increasingly relied on by public charities.

(b) *Irrevocable Trusts; Wills.*—The Committee also restored the set-aside deduction in the case of certain types of existing arrangements which were established in contemplation that the deduction would be available. The set-aside deduction will continue to be available under the Committee action in the case of existing irrevocable trusts (established before August 1, 1969). The deduction also would continue to be available, as recommended by the Treasury, for trusts established pursuant to a will in existence on August 1, 1969, which cannot be changed under State law prior to the person's death because of his incompetency or other disability. In the case of trusts provided for in wills in existence on August 1, 1969, the set-aside deduction will continue to be available if the person dies within three years.

(c) *Effective Date.*—The Committee also adopted the Treasury recommendation that the elimination of the set-aside deduction apply only with respect to taxable years beginning after 1969.

Gifts of the Use of Property.—The Committee adopted the provision of the House bill which denies a deduction for gifts of the use of property with a modification to insure that this provision does not have unintended effects such as denying a deduction for an outright gift of a fractional interest in property. Generally, the Committee's action would restrict this provision to gifts of terminable interests in property or future interests in property.

Charitable Remainder Trusts.—The House bill provided that the charitable contribution deduction (for income, estate, and gift tax purposes) would be allowed for a charitable gift of a remainder interest in trust only where the trust was an annuity trust (i.e., it specified the annual amount to be paid the noncharitable income beneficiary in dollar terms) or was a unitrust (i.e., the specified amount was expressed as a fixed percentage of the value of the trust's assets).

The Committee, in general, accepted this provision of the House bill but adopted a series of modifications of the provision to provide persons with greater flexibility in making this type of gift and to reduce the potential adverse effect of the provision on established forms of giving, while at the same time protecting against the abuses to which the provision is directed.

(a) *Pooled Arrangements; Gifts of Real Property.*—First, the charitable deduction would continue to be allowed in the case of gifts to pool arrangements even though the annuity trust or unitrust requirement was not met. In this case, however, the amount of the charitable deduction would be determined with reference to the highest rate of return from the particular pool or fund during the three years prior to the contribution. A similar situation in which the Committee decided to allow a charitable deduction, even though the annuity trust or unitrust requirements are not met, is in the case of gifts of real property to charity where the donor and/or his spouse reserve the right to live on, or receive the income from, the property for life. Where appropriate, straight-line depreciation or cost depletion would be taken into account in valuing the charitable gift.

(b) *Unitrusts and Annuity Trusts.*—The Committee also adopted a modification of the unitrust rule in order to provide greater flexibility with regard to this type of gift. Under this modification, a unitrust would be required to pay the noncharitable income beneficiary only the amount of the trust income where this is less than the percentage amount stated in the trust. In addition, deficiencies in income distributions (i.e., where the trust income was less than the stated percentage amount) could be made up in later years when the trust income exceeded the stated percentage amount. As under the House provision, however, the percentage amount would continue to be used in determining the amount of the deduction allowed for the charitable remainder.

The Committee also modified the definitions of an annuity trust and a unitrust to permit these trusts to have more than one noncharitable income beneficiary.

(e) *Effective Dates.*—The Committee also adopted certain modifications of the effective date provisions of the charitable remainder trust rules. For purposes of the income tax charitable deduction, the new rules are to be applicable only to transfers in trust after October 9, 1969. For estate tax purposes, the new rules are not to apply in the case of trusts created before October 9, 1969, which provide an irrevocable gift to charity. In addition, the new rules are not to apply with respect to trusts created by wills in existence on October 9, 1969, if the person dies within three years. Finally, the new rules are not to apply with respect to trusts established in wills in existence on October 9, 1969, which may not be changed under State law prior to the person's death because of his incompetency or other disability. The Committee took these actions since they involved situations where the new rules could not have been taken into account and, therefore, the Committee felt it inappropriate to deny a charitable contribution deduction in these cases.

Charitable Income Trust with Noncharitable Remainders.—The Committee adopted the House provision regarding the allowance of a charitable deduction for a gift of an income interest to charity in trust with minor modifications. Generally, under the House provision a deduction would not be allowed in these cases except where the grantor is taxable on the trust income. The purpose of this rule is to prevent the taxpayer from receiving a double benefit (i.e., a charitable deduction and also an exclusion from his tax base of the trust income). Since the possibility of this double benefit is present in the case of the income tax charitable deduction but not the estate and gift tax charitable deductions, the Committee decided to make the new rules (other than the requirement of an annuity trust or unitrust format) inapplicable for estate and gift tax purposes.

The Committee also decided to make the new rules for purposes of the income tax charitable deduction applicable to transfers in trust after October 9, 1969.

Repeal of 7 Percent Investment Tax Credit.—As previously announced by the Committee (on October 10, 1969) the provisions of the tax reform bill repealing the 7 percent investment tax credit were modified to conform to the actions taken on September 19 when it considered this matter. In its announcement of October 10, the Committee reported a single modification of the earlier decisions—a modification narrowing the type of equipment eligible for the credit under the special transitional exception for "rolling stock" of railroads.

Today the Committee gave final approval to one further modification urged by Senator Goodell of New York. Under this modification a contract between members of an affiliated group entered into before April 18, 1969 (which under the House bill would not be treated as a binding contract) will be treated as a binding contract where the affiliation between the parties to the contract is ended before June 30, 1969.

THE STRATEGY OF DEFEAT

Mr. MUNDT. Mr. President, I have just read in the Daily Plainsman, published in Huron, S. Dak., the column written by Roscoe and Geoffrey Drummond on the issues in the Vietnam debate.

This column spells them out clearly and concisely. The article is short enough for anyone to read and to understand. I hope that the people who sit on the Capitol steps tomorrow will read what these men have to say.

If there is one thing on which there are more arguments based on improper assumptions than the Vietnam situation, I do not know what it is. President Nixon has shown the way. He has withdrawn troops, he has cut the draft call for 3 months, and he has invited Hanoi to show some like action. Thus far, the Communists have not done much to de-escalate the war.

But the final warning in this column is the one devastating point that all should consider, supporters and critics alike:

> If the critics of careful and staged withdrawal of American troops keep mounting new pressures to force the United States to break every deadlock with new proposals, that is the tactic by which the United States makes all the concessions and the other side none. The end of that road is to throw away the peace before negotiations are ever started.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FACTS OUTLINED TO CLEAR UP DISTORTIONS IN VIET DEBATE

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—Debate on Vietnam is so distorted that it is urgent to get the facts into the open.

The nation is surfeited with conflicting arguments which neither meet nor answer each other.

The purpose of this column is to bring out the pertinent facts in order to judge better where good sense lies.

THE CRUCIAL ISSUE

Argument—Many Vietnam critics claim the only thing that counts is for the United States to pull out completely now, certainly far faster than President Nixon is moving. That's easy, isn't it? Why not?

Answer—There are two goals, not just one. They are to turn more and more of the fighting over to South Vietnam and to do this in a way and at a pace to bring about serious negotiation and a peaceful settlement of the war. Both are crucial.

If you believe that surrendering the peace in South Vietnam to Hanoi is acceptable, then mass withdrawal, whatever the consequences, is the way to do it.

If you believe that the shape of the peace is vital, then careful, prudent, staged withdrawal is the way to do it.

FAIR ELECTIONS

Argument—Critics argue that "there can be no fair elections in South Vietnam under the supervision of the South Vietnamese regime."

Answer—The free elections proposed by Washington and Saigon would not be under the supervision of the South Vietnamese regime. They would be internationally supervised, and Hanoi has opposed such free elections because it doesn't want international supervision.

COALITION

Argument—It is argued that Hanoi and the Viet Cong cannot be assured free elections unless a new "coalition government," including the V.C., replaces the present elected government before any new election is held.

Answer—If the purpose of Hanoi and the V.C. in demanding a pre-election coalition is to ensure elections fair to all, this condition has already been met.

Presidents Nixon and Thieu have already proposed a "coalition commission" on which the NLF and the Saigon government would be equally represented along with international supervisors.

HANOI'S REAL PURPOSE

Argument—It is often argued that the demand of the Communists for participation in the government of South Vietnam prior to elections is a reasonable, innocent precondition to holding elections.

Answer—This demand is made to sound innocent and reasonable by not stating what the Communists are really demanding. They are demanding that the elected Thieu government be ousted. They are demanding that the organized non-Communists be removed from office. They are demanding that the Viet Cong through the NLF be allowed to create a new government (without elections) in coalition with unorganized non-Communists who would be without any political structure, without leaders and without any military force.

The objective of such a coalition is a negotiated Communist takeover.

PEACE VERSUS COUNTERFEIT PEACE

Argument—It is often argued that the way to get serious peace negotiations moving in Paris is to make more concessions to Hanoi and the V.C.

Answer—If the critics of careful and staged withdrawal of American troops keep mounting new pressures to force the United States to break every deadlock with new proposals, that is the tactic by which the United States makes all the concessions and the other side none.

The end of that road is to throw away the peace before negotiations are even started.

TESTIMONY OF STANLEY SURREY BEFORE COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, as the current debate on tax reform in the Senate enters the new phase of executive sessions in the Committee on Finance, many of us are already beginning to anticipate the long-awaited opportunity to participate in the debate when the committee bill reaches the Senate floor.

I have recently had the opportunity to read the testimony of Prof. Stanley Surrey of the Harvard Law School, formerly Assistant Secretary of the Treasury in

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the administrations of Presidents Kennedy and Johnson, and one of the foremost experts **on Federal tax policy in the** Nation. In his testimony, which was **given before the Finance Committee at** the end of last month, Professor Surrey deals clearly and succinctly with almost all of the most controversial issues in the tax reform bill passed by the House. I believe that his testimony will be of interest to all of us in the Senate who are interested in the cause of tax justice. I ask unanimous consent that the testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

SUMMARY OF STATEMENT

(By Stanley S. Surrey)

The Tax Reform Act of 1969 is a very significant step forward in the accomplishment of the vital task of reform of the Federal tax structure. It is not the end of the road, but it is a major beginning that takes us a considerable way forward. In the area of tax reform, major beginnings are certainly major events.

INDIVIDUAL INCOME TAX

The House Bill is a major step forward in beginning to meet the problems of tax reform under the individual income tax:

As to *low-income taxpayers*, the Bill fully meets the problem of the present system, that of taxing those below the poverty level and placing unfair burdens on those low-income families above that level.

As to *middle-income taxpayers*, the Bill meets the major goal of restoring tax simplicity and tax equity in the case of the personal deductions by significantly increasing the standard deduction. The Bill could be improved by revising the tax treatment of the elderly and disallowing the gasoline tax deduction.

As to *high-income taxpayers*, the Bill commences in a significant way to restore tax fairness through its elimination of the unlimited charitable contributions deduction; its removal of the alternative rate on capital gains and the extension of the six months holding period to a year; its provision for future issues of taxable state and local bonds; its partial cut-back on the tax preferences accorded real estate—a cut-back which should be pushed further; and a number of other special matters. Its adoption of the minimum tax or limit on tax preferences and allocation of deductions provisions provides a partial offset to the remaining preferences that will, if properly implemented, serve to prevent the gross escapes from tax that are now prevalent. But these two provisions as presently structured have serious omissions which should be corrected.

The Bill *falters seriously* in its treatment of farm tax losses and embarks on an unwise approach in placing a 50% limit on the top marginal rate applicable to earned income. It also unwisely introduces a new tax incentive in the five-year amortization of certain rental housing rehabilitation expenditures.

CORPORATION INCOME TAX

The House Bill is a significant step forward in beginning to meet the problems of tax reform under the corporate tax:

With respect to the industries with the present lowest effective rates:

As to *financial institutions*, the Bill brings the effective tax rates of the commercial banks, mutual savings banks and savings and loan associations closer to those paid by business generally, and also reduces the range of differences within these institutions themselves.

As to *natural resources*, the Bill reduces the percentage depletion rates by about 25% and ends the abuses associated with mineral production payments. But it fails to deal with the aspect of intangible drilling expenses in the oil industry and the tax preference accorded to timber.

With respect to *other preferences:*

The Bill ends the tax escape now provided for multiple corporations.

The Bill cuts back on the tax preferences accorded to real estate.

The Bill strengthens the rules governing foundations and other tax-exempt organizations.

But the Bill has a *serious weakness* in the addition of new tax incentives:

The five-year amortization for pollution control facilities.

The five-year amortization for housing rehabilitation expenditures.

The seven-year amortization for railroad cars.

PESSIMISM AND TAX BENEFITS

There is no one so pessimistic about the future of the country as an industry or taxpayer faced with losing a tax preference. These Hearings seem replete with industries and taxpayers who can see only gloom ahead. The correlation between pessimism and tax benefits is indeed high, for these prophets of gloom assert that their pessimism for the future should be reflected in continued or increased tax preferences.

Most of the pessimism is self-assertion, for there are few, if any, studies that document the beliefs. All see the tax system as a device to pour out financial assistance to industries and activities that do not want to trust to the marketplace. The accent is not on private enterprise, but on private enterprise plus tax assistance. None is willing to pull back on the preferences so we can see if the pessimism is really warranted and to see if Government assistance is really needed. And then, if the assistance is really needed, to see it provided through direct expenditure programs.

It should be clear by now that this tax incentive rationalization, this infusion now of social goals into tax provisions adopted long ago without any thought of incentive or social programs or the like, can only be destructive of an equitable tax system and an efficient use of Government resources. It is the proper course now to cut back these tax incentives and await the future. The House Bill is a good start and should be pushed forward, not stripped back.

RATES OF TAX AND REVENUE COST

Those first in line for tax relief when reduction is considered feasible, are the low-income taxpayers. Those next in line are the middle-income taxpayers not itemizing deductions for personal expenses. The House Bill fully meets these two claims for relief. It then goes on to reduce tax rates throughout the rate schedule. The result is a total long-run revenue loss of $2.4 billion.

Looking ahead to 1979, such a loss is hardly significant, considering the hazards of revenue estimates. In all likelihood such a tax reform bill cannot provide a net revenue gain, even though an appraisal of national priorities would put more emphasis on expenditure programs than such a large tax reduction. But aside from this thought, the margin for concern about the revenue aspects, i.e. the $2.4 billion loss in 1979 considered as an absolute matter, is small. The Treasury appears to recognize this, for its changes would leave a revenue loss of $1.3 billion—the difference of $1 billion is hardly cause for major economic judgments.

The important matter is the composition of the tax reductions. The Treasury approach to the House Bill is to make the across-the-board individual rate reduction paramount and to strip back the relief for low and middle-income families. This is an upside-down view of the priorities for tax relief, a misstating of priorities, and a negation of the essential task of tax revision. The House Bill approaches that task properly by giving full relief to those first in line for it.

The tax liability reduction under the Treasury approach shows a large reduction in the $0–$3000 bracket and then proceeds to a relatively flat decline from $5000 on to $100,000. In contrast, the House Bill shows significantly larger reductions up to the $20,000 bracket than the Treasury approach, and the slope of the tax reduction is far from flat. There is no question but that the House Bill has a fairer distribution of the tax reduction.

The Treasury approach, after cutting back the reductions in the low and middle-income brackets, is then to use the revenue so obtained to reduce the corporate tax rate by two points. Such a change is not defensible on tax equity grounds or on economic stabilization grounds. The Treasury desire to remove the investment credit was based on the ground that capital formation was at a high level now and no general investment incentive was needed. From a stabilization standpoint there is no point in substituting a corporate rate reduction for the investment credit.

As to future growth and the relative balance between consumption and investment, we can afford to wait a bit until the present inflationary pace really wears away to see if capital formation will then lag. If it does, a resort again to an investment credit can be more meaningful than corporate rate reduction. There is no point now in choosing weaker devices on the assumption that capital formation may later need strengthening.

CONCLUSION

The Ways and Means Committee and the House have taken a significant step forward to the goal of a fairer and simpler Federal income tax. It is now up to this Committee and the Senate to make that step a decisive one. The House Bill is a fine structure to build upon. It can be strengthened in a number of ways and these weaknesses should be corrected. But its many, many strengths should be retained.

STATEMENT BY STANLEY S. SURREY BEFORE THE COMMITTEE ON FINANCE, U.S. SENATE, ON THE TAX REFORM ACT OF 1969, H.R. 13270, SEPTEMBER 25, 1969

I appreciate the opportunity to appear before this Committee in the Hearings on the Tax Reform Act of 1969.

The Tax Reform Act of 1969 is a very significant step forward in the accomplishment of the vital task of reform of the Federal tax structure. It is not the end of the road, but it is a major beginning that takes us a considerable way forward. In the area of tax reform, major beginnings are certainly major events.

Major tax bills are bulky, complex documents replete with technical language. It is often difficult to obtain an overall perspective regarding the basic aspects of such a bill—the significant changes that are involved, the degree of progress or retrogression in improvement of the tax structure, the swing of the pendulum toward tax simplicity or tax complexity. I believe it would be helpful in obtaining perspective on the effectiveness of this bill in achieving tax reform to consider first the dimensions of tax reform—that is, what are the problems or issues of tax reform—and then to see what the bill actually does in meeting those problems and issues.

INDIVIDUAL INCOME TAX

I will start first with the individual income tax. A consideration of the dimensions of tax reform under the individual income tax indicates that several distinct factors are involved. Some factors are paramount for one group of taxpayers, while other factors predominate for the remaining groups. These different factors, of course, call for different approaches. Hence, I will separate these con-

siderations into three broad taxpayer classes—low income, middle income and high income—and discuss the factors that are relevant to each group and the pertinent provisions of the House Bill.

LOW-INCOME TAXPAYERS

The significant factor regarding low-income taxpayers is that the individual income tax is imposed on people whose incomes fall below the poverty line, and also bears heavily on those close to the line. Since that line is intended to measure the levels of income, by family size, which are barely sufficient to provide the necessities of life, there is justification for concluding that the income tax should not reach down below those levels. While poverty line definitions are to some extent arbitrary, so also is any cut-off utilized under the income tax, and the poverty line classification can well be used as a presumptive point for fixing the line of exemption from the income tax. The present income tax exemption levels, based on the combination of the $600 per person exemption and the minimum standard deduction, are considerably below the poverty line levels, especially for single persons and married persons with no or few children. Thus, a single person with income above $900 is subject to income tax, and yet the poverty line for single persons is around $1700; a married couple pays tax if their income is above $1600, whereas the poverty line is about $2200. There are about 2.2 million families in poverty who are now subject to tax.

The income tax change best designed to relieve this situation is to increase the present *minimum standard deduction*. Revision in the amount of that deduction will concentrate the revenue involved in the lowest income group and among single persons and married persons with small families, where, as stated above, we find the widest disparities between the present income tax exemption levels and the poverty line. No other tax change—increase in personal exemption, decreases in tax rates, etc.—will accomplish this purpose with the same effectiveness. The revenue cost depends on the amount of increase that is made in that deduction and the manner of its application.

The House Bill fully meets this problem of tax reform for the low-income taxpayers. It raises the present minimum standard deduction from $200 (plus $100 for each personal exemption) to $1100 per taxpayer, effective in 1971. (The name is changed from "minimum standard deduction" to "low income allowance.") The effect of the change is to place the start of the income tax at essentially the poverty level—thus fully exempting those below that level—and to give substantial tax relief to low-income families in the area above the poverty level.

This approach is far preferable to that contained in the earlier version of the low-income allowance (H.R. 12290) which involved a scaling-down of that allowance, so that it eventually disappeared and only the present minimum standard deduction remained. Such a scaling-down is retained in the current House Bill for 1970 and a modified permanent scaling-down has been recommended to your Committee by the Treasury Department. But a scaling-down approach is decidedly undesirable in meeting the problems of low-income taxpayers. While the initial allowance does exclude those below the poverty level from the income tax, the scaling-down has the effect of providing less relief to those low-income families above the poverty levels and far less overall relief to the lowest brackets than does the undiluted approach taken in the House Bill for 1971. Thus, that Bill achieves $2.6 billion of tax relief for these low-income families as compared with only $625 million under the scaling-down approach in 1970 (the original Treasury approach) and only $920 million under the latest Treasury scaling-down proposal.

The scaling-down approach also has the decided disadvantage and unfortunate effect of providing a high rate of tax for all low-income taxpayers who remain subject to tax. Thus, in 1970, under the general rate scale in the House Bill (which is the same as present law) the first bracket rate on income above the exempt level is 14% on the first $500, 15% on the second $500, 16% on the next $500, and so on. Under the scaling-down approach in the Bill, however, the rates in effect for 1970 are much higher—for example, the starting rate really becomes 21% instead of 14%. Thus, under the new table for that year, a single person is exempt if his income is below $1700. As he earns income in excess of $1700 his tax rate is 21% on the first $500 earned, 22½% on the next $500, and 24% on the next $500. The same effect exists for married persons. This is because the taxpayer not only pays tax on each dollar he earns, but each such dollar also adds $.50 more to his taxable income because his low-income allowance is sliced $.50 for each $1 of income. These high rates do not show up in the law or tax returns because the tax is stated only in table form—nor are they discussed in the House Committee's Report or the Treasury proposals. But the disadvantage of very high marginal rates for these brackets exists under the scaling-down approach. Fortunately, the House Bill in 1971 eliminates the scaling-down and thus eliminates these high marginal rates for that year and thereafter.

However, under the permanent scaling-down approach now recommended by the Treasury, the aspect of high marginal rates would persist. The scaling-down is slower—the low-income allowance would be sliced $.25 for each $1 of income—and the marginal rates would not be as high as in 1970, but they would be high. Thus, in 1971, when the general rates are stated to be 13% on the first $500, a low-income person subject to tax would under the Treasury approach actually have a rate of 16¼% on *his* first $500 of taxable income; when the general rate is 14% on the next $500, the low-income person would actually have a rate of 17½% and so on. Thus, for low-income taxpayers, the tax tables under the Treasury scaling-down really involve actual tax rates 25% higher than the rates used in the general rate tables and which people presumably think are the rates applicable.

It is right to exempt from tax completely those persons whose incomes are below the poverty level. It is not right—as the Treasury would do—to tax at high rates those persons whose incomes are just above the poverty levels. The House Bill in rejecting a permanent scaling-down is thus distinctly preferable to the Treasury recommendation to use that device.

MIDDLE-INCOME TAXPAYERS

In 1944 the Congress took a major step to improve the simplicity and fairness of the individual income tax when it adopted the standard deduction—at 10% of gross income up to a maximum deduction of $1000. This standard deduction was then used on about 82% of the tax returns. This action had two consequences: From the standpoint of simplicity, for the great mass of taxpayers the computation and record keeping under the income tax were greatly simplified. From the standpoint of fairness, for this group variations in deductions for personal expenses would not affect tax liabilities so that the tax burden was the same within the range of the average for these deductions. Only those taxpayers with personal expenses above the average could affect their tax liabilities through those expenses.

Since 1944, however, these important gains in simplicity and equity have steadily eroded away. In 1969, it is estimated that only 57% of tax returns will utilize the standard deduction. In the intervening years, average deductions have risen, making the 10% figure inappropriate, and incomes have also risen, making the $1000 limit inappropriate; yet those two aspects of the standard deduction have remained unchanged. The result is increased complexity for taxpayers, and a greater spread of actual tax liabilities for taxpayers largely similarly situated.

It must be remembered that many taxpayers who actually bear the burdens of these personal expenses cannot obtain the itemized deductions for those expenses since they do not directly pay the items, such as tenants who in their rent bear the costs of property taxes and interest. In these cases, the purpose of the standard deduction is to prevent serious unfair distinctions in tax burdens. And even where there are actual variations in personal expenses, the precise reflection of those variations in many cases would produce only small tax differences, whose reflection in tax liability is out of all proportion to the complexity involved in keeping track of the items. This is especially so where the deductible personal expenses themselves raise qualitative judgments on which people differ. In these cases, the standard deduction serves to prevent taxpayers from being involved in excessive costs to obtain at best minor equity advantages.

As a result, our goals of simplicity and fairness point in the case of this group of taxpayers—those with incomes from about $7000 to $25,000—to a revision which would restore, as far as possible, the effectiveness of the *standard deduction*. This step requires both an increase in the 10% figure and the $1000 limit, and the revenue cost involved depends on the extent to which these amounts are increased.

The House Bill here also meets the problem of tax reform for this group of taxpayers. It increases the standard deduction to 15% by 1972 and raises the limit to $2000. The effect, in combination with other changes in the Bill, would be that about 80% of returns would again be using the standard deduction. This is clearly a major gain in both tax fairness and tax simplification.

The Treasury recommendation to your Committee to increase the standard deduction only to 12% and $14000 is a decidely inferior approach and should not be adopted.

A word as to revenue costs and the priorities for tax reduction may be appropriate here. The $1100 uniform minimum standard deduction or low-income allowance with no scaling-down costs $2.7 billion under the House Bill. The 15%–$2000 standard deduction costs $1.3 billion. The revenue is well spent, however, and goes to the persons under the individual income tax who held the top priority for tax relief when revenues for that relief became available, as they do under this Bill. These are the people who are first in line for tax relief, for they are treated unfairly and less favorably than other taxpayers under the present law—the low-income groups who can least afford the income tax burden and the middle-income groups who do not benefit from itemized deductions.

The Treasury, however, seems to have an upside-down view of the priorities for tax relief. It gives top priority to the across-the-board rate reduction under the House Bill in the individual tax of $4.5 billion, stating that it "represents reasonable, equitable tax relief" because it "does not discriminate between itemizers and non-itemizers, between homeowners and tenants" and so on—"it provides even-handed non-discriminatory relief."

But the task of tax reform and tax revision—when taxes are being reduced—is to see whether the present treatment is fair or unfair and to correct injustices first rather than simply uniformly to change tax rates. Such a uniform adjustment is appropriate in a temporary measure adopted for economic stabilization reasons—a 10% surcharge (though even here the lowest brackets were exempted) or a 10% reduction to avoid a re-

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cession. There the task is not to change existing relationships and not to consider basic tax policy issues—these are to be left to permanent tax recision. But now we are engaged in just such a revision where the task is that of examining just who is treated more favorably and who less favorably under the tax system. To approach such a fundamental revision by saying, as does the Treasury, that the first tax priority is across-the-board rate reduction would mean we would never really ever deal with the basic issues in an adequate way. The Treasury approach is thus a misstating of priorities and a negation of the essential task of tax revision. The House Bill approaches the matter properly by giving full relief to those first in line for it.

Several additional matters not in the House Bill may be mentioned with respect to the middle-income groups. Another step that can achieve simplicity, and also is in keeping with tax fairness, would be to eliminate the deduction for *state gasoline taxes* where the item is a personal and not a business expense. Like the non-deductible federal gasoline tax, the state gasoline tax is essentially a charge for the use of highway facilities and, therefore, should not be deductible. This step is now recommended by the Treasury.

Simplification and fairness for this group also call for a complete revision in the *tax treatment of the elderly*. The present rules are a maze of complexity adding up to a full page on the tax return. They also involve unjustifiable discriminations among the elderly through differing tax treatment for different sources of income, here bearing adversely on those elderly who need to continue working after reaching age 65. Further, they provide unneeded tax relief for those elderly who are well-to-do. The February Treasury Proposals involved a complete revision of present rules, with a revenue cost of $80 million.[1]

HIGH-INCOME GROUP

Breakdown in Fairness. The problem presented in the high-income group is a complete breakdown in the fairness of the individual income tax. A few examples will illustrate this:

In 1967 there were 155 tax returns with adjusted gross income above $200,000 on which no income tax was paid, including 21 returns with incomes above $1 million. But these figures do not measure the full degree of tax escape at this level. If *actual* incomes were used rather than *adjusted gross income*—so that items such as tax-exempt interest, full capital gains, excess percentage depletion, farm "tax losses", excess real estate depreciation, and intangible drilling expense deductions were included in the total amount of income—the number of individuals with incomes above $200,000 and $1 million who are paying no tax would be higher. This figure would provide a more accurate description of the escape from tax in this group. Thus, some individuals who now show up in Statistics of Income below $200,000 and even in the $0–$3000 bracket or with a loss, and who are paying no tax, would—if these excluded items were added to their adjusted gross income—be in the above $200,000 group and even above $1 million—and still, of course, be paying no tax. Present data, however, presumably do not permit a statistical reclassification on this basis.

For those who pay tax, in the group with over $1 million of *actual income* (before personal expense deductions), the effective rate of tax for about 75% of the group clusters in the area between 20% and 30%.[2] This may be compared with taxpayers in the group between $20,000 and $50,000 of actual income, where about 60% [3] cluster in the same effective rate area between 20% and 30%, yet the $1 million and over group per taxpayer have probably over 50 times as much income.

For taxpayers up to the level of $50,000 of *actual income,* although there is dispersion within each group, the central range of effective rates moves upwards as income rises; for groups above $50,000, this upward movement in effective rates begin to flatten; and above $100,000 the central range of effective rate moves backwards to produce the results described for the $1 million and over group.

The obvious departure from the ability to pay concept and from elementary standards of fairness is self-evident in these statistics. Whether a person is below the poverty line, whether he is in the group between $20,000 and $50,000, or whether he is in-between, he is certainly warranted in feeling that the income tax is not working fairly.

Causes of Unfairness. I would like to turn from these overall evidences of unfairness to the causes of high incomes showing these low rates or complete absence of tax, since the causes will point the way to possible approaches for correction.

In overall effect, the causes lie in a combination of *excluded income items* and the *method of applying itemized deductions.*

As to the *excluded items,* looking at the significant ones, the list covers:

The excluded half of realized capital gains;

Interest on state and local bonds;

Accelerated depreciation largely on buildings;

Deduction for unlimited charitable contributions; (almost entirely of appreciated securities whose gain is not taxed);

Farm "tax losses";

Excess of percentage depletion over cost of investment; and

Intangible drilling expenses of oil wells.

For many persons, these items singly or in combination bring the tax to zero. Thus, for somewhere around 50 to 75 persons, the unlimited charitable deduction benefit simply eliminates tax.[4]

For others, percentage depletion or intangible drilling expenses;[5] real estate deductions, mainly accelerated depreciation;[6] or farm "tax losses"[7] are the factors that produce a zero tax.

For a large group, the effect of these items while not completely eliminating tax, is to reduce the taxable income considerably below the actual income. Then another factor enters—these persons usually have *large personal expense deductions* which they itemize. These itemized deductions are offset against the remaining *taxable income*, and in no way are allocated to the *excluded income,* although excluded as well as taxable items are a source for the itemized deductions. Hence, the full force of the *itemized deductions* is concentrated against the *taxable income* and the result is a very low or even zero tax.[8]

The interest deduction, usually arising from loans to carry capital assets which result in excluded income or no current income, is here an important factor. So also is the general charitable contributions deduction, which for this group usually involves not cash gifts but gifts of securities whose appreciation is not taxed though the appreciated value measures the deduction.

This steady deterioration of income taxation in the case of high-income individuals has been hastened by the "institutionalization" of tax escapes. The "packaging of tax shelters" by investment houses, brokerage organizations, and others has made these shelters readily available to those with incomes high enough to utilize their attractions. Just as in the case of the stock market, geography is not a factor—the possessor of a tax shelter can live thousands of miles away from his cattle or his oil well or his orchard or his post office and in fact may never see them at all. It is clear that whatever may have been the origin of these shelters, it was no one's intent—in the executive branch or in the Congress—that this supermarket era of tax shelters was to be the end result.

These are the causes of unfairness—what are the solutions adopted in the House Bill?

HOUSE BILL SOLUTIONS—MATTERS DEALT WITH DIRECTLY

Some of the items permitting escape from tax are dealt with directly in the House Bill.

Unlimited Charitable Deduction. The House Bill would, and properly so, eliminate the unlimited charitable deduction after a transitional period. While superficially this deduction may seem to have a certain appeal when loosely described—a person must give away 90% of his income—in actual effect the individual is not giving away income or assets but giving away his tax. The assets actually contributed are nearly always appreciated securities whose gain is untaxed and the income made tax-free is generally dividend income otherwise subject to a rate around 70%. I see no reason why one group of persons is permitted to give their tax to any charity they choose while others are required to pay their tax to the Federal Government. If all of us could choose either to pay our income tax to the Government or give it to our favorite charity we would have tax anarchy. This being so, no special group should be permitted this choice. The question of how large a tax subsidy should be given to charitable organizations under the income tax is one to be decided by the Congress. For most everyone this is controlled through the limit, now 30% of adjusted gross income, on the charitable deduction. This limit can be changed; the House Bill uses 50%. But the limit should apply across the board. All who have ability to pay should pay some tax to the Federal government, rather than be permitted to select a charity to the exclusion of the Federal government. Certainly, if only for the reason of tax morality, this should be true for our wealthiest persons. The House Bill properly ends the unlimited charitable deduction.

Capital Gains. The House Bill would reduce the tax preference for capital gains by lengthening the holding period from six months to a year and eliminating the 25% alternative rate. These changes are proper improvements in the treatment of capital gains and their justification in terms of tax equity is clear. Most economists have for years urged at least changes along these lines. Equally, most economists who have studied the matter would find unconvincing the assertion that such moderate changes would have the calamitous effects on investment that critics of the changes usually charge.

The Treasury's objection to these changes is also cast in terms of effects on investment: "These changes . . . impose too great a burden on capital investment. The effect of the Bill would be to remove a large measure of the incentive for private capital to engage in new and expanded business ventures. Present capital investments would tend to be frozen and the economy as a whole would suffer." But these dire forebodings are strange indeed when placed alongside its actual recommendations. For the Treasury is obviously aware that the capital gain preference is the single most important factor in permitting high income persons greatly to reduce their effective rate of tax, so that the equity and fairness of the tax system are markedly reduced. Hence, it recommends a complex limitation on the use of the 25% alternative rate which is in effect a special minimum tax applicable to capital gains. Under this approach the revenue gain in the capital gain and loss area would be $425 million—or about 66% of the House Bill gain of $635 million. It is hard to see how this $210 million additional gain under the House Bill—less than 1% of the present yield from capital gains taxation of individuals—can have the adverse effects on investment painted by the Treasury. In this light, the House Bill approach, which is direct and far simpler, is to be preferred.[9]

We should recognize that the most serious aspect of our present capital gains policy is the permanent escape from tax of appreciation in assets transferred at death. Correction of this defect remains a matter of top priority. The House Committee Report states that reform measures relating to revision of the estate and gift tax laws and the related problem of the tax treatment of property passing at death will be studied as soon as possible, with a bill to be reported in this Congress. The accomplishment of this objective will move us considerably further along the road of meaningful tax reform.

State and Local Bond Interest. The House Bill begins to come to grips with the difficult matter of state and local bond interest—difficult because of its history and its place in federal-state relationships. The issue is clear: The present exemption for interest on state and local bonds has the general effect of a blanket, no strings attached, federal grant-in-aid to the issuing governments. It is achieved by giving tax favoritism to high-bracket individuals with conservative investment instincts, to commercial banks, and in lesser degree to some other financial institutions. The state and local governments clearly desire the general effect to continue. Those interested in the federal tax structure deplore the method of achieving this effect because of both the tax favoritism and the inefficiency or wastage involved in resorting to the technique of favoritism, in that more federal tax revenue is lost than the local governments obtain in aid. The federal revenue lost annually through the exemption is about $2.63 billion. The aid annually obtained by the states and local governments—the amount saved through the lower interest rates on tax-exempt bonds—is about $1.9 billion. (Parenthetically, to put this form of federal aid in perspective, the total amount of grant aid to states and localities is about $25 billion.)

The state and local governments carry no brief as such for the federal tax windfalls and the wastage. Up to now, however, they have not seen any other mechanism which can achieve for them the general effect that the tax exemption produces. But the future heavy financial demands on state and local governments will diminish for them the amount of the grant-in-aid that the tax exemption mechanism produces. The restraint on the scope of the market for their bonds that tax exemption involves will cause their interest rates to rise. At the same time, the tax favoritism perversely is increased.

The inefficiency inherent in the use of the tax exemption mechanism to achieve the grant-in-aid will thus hurt all the governments involved. They now have a common interest in finding a better path to the grant-in-aid.

The House Bill provides the solution of taxable bonds issued on an optional basis by state and local governments. The federal taxation of these bonds would remove the present tax unfairness. Since the interest costs on taxable bonds would be higher than on tax-exempt issues, the Bill continues the aid to the states and localities by authorizing the Treasury to pay from 30% to 40% of the interest cost (25% to 40% after 1975). The payments would be to the issuing governments periodically as interest falls due. The payments would be automatic, with no strings attached. Hence, the automatic non-Federal control of the present aid would continue. The issuance of taxable bonds would be optional, so that the privilege still to issue tax-exempt bonds would remain.

It is difficult to see how states and localities can lose under this arrangement. On the contrary, depending on the level of the Treasury's interest payments, they could readily gain much through actual interest costs on their part becoming less for most localities than the interest costs on their existing tax-exempt bonds. The Treasury could even make its payments around 45% or 50% of the interest without losing any money. It would then simply be turning over fully to states and localities the amount that today goes wasted—the difference between the earlier figures of $2.63 billion federal revenue lost and $1.9 billion state and local interest savings annually.

There can be improvements in the provision, perhaps fixing on a definite percentage of aid rather than letting the Secretary vary the figure. There can be problems of transition and adjustment. These are inevitable and all should work together to meet them. Also the present difficulties plaguing bond issuers, growing out of the unusually high interest levels reflecting inflationary forces and counter measures, should not cause us to lose perspective on the long-run aspects. Further, while there may well be shifts in the traditional patterns of investment dealer relationships and mechanisms, these shifts are hardly a matter on which to base policy objectives. There can be other alternatives to pursue, such as an Urban Development Bank. But these alternatives need not be competitors, but complementary solutions.

The matter must be kept in perspective. The House Bill offers a present, rational approach regarding future issues of state and local bonds. It should be accepted in this light and efforts made to perfect it rather than seek to tear it apart and strike it down. A solution of this character would both materially lessen the federal tax unfairness as future issues go out on a taxable rather than a tax-exempt basis and provide greater interest savings to states and localities without any federal control of their debt obligations.

Farm "Tax Losses". The House Bill unfortunately falters severely when it comes to the matter of farm tax losses. The abuses in this area have been well publicized. Essentially, Treasury regulations permit farmers to expense items which are capital items and so treated under commercial accounting principles—items such as the costs of raising livestock and the costs involved in the pre-operation stage of orchards and ranches. (There are other departures from financial accounting, such as the ability to use the cash method though inventories are involved). The ability to expense items that are capital in nature gives rise to current deductions that are in excess of the current income from the cattle or orchard or other activity. These excess deductions—"tax losses"—are quite valuable when other non-farm income is present, since the farm "losses" can then shelter that non-farm income from tax and thus leave the non-farm income—be it executive salary, investment house or brokerage commissions, dividends and so on—free of tax. The tax picture is made all the sweeter by the statutory treatment of the sale of the products involved—the cattle or the orchard—as a capital gain transaction, so that at the end of the road can be 25% tax rates and not ordinary income rates. And the main road of tax shelter need have no end—one herd of cattle can be sold and another started, one orchard sold and another planted.

Wealthy non-farmers have been made increasingly aware of the wonders of this tax system, under which the Government actually pays the non-farmer money just to own the cattle or orchard and the wealthier he is the more it pays him. These farm rules are thus a "negative income tax" for well-to-do non-farmers. The absurdity of the present rules is disclosed by data that show that as people rise in the income scale they would appear to have a remarkable propensity to run their farm operations at a loss—the greater the income from non-farm sources, the greater the loss from farm operations. Since the data also indicate that people with high incomes do not show losses on other business ventures, we can hardly conclude that when they go into farming, they uniformly stumble around and actually lose money due to mismanagement or bad investment decisions. Rather, when we observe the extensive literature which explains how wealthy people can save after-tax dollars through showing "tax losses" on farm operations, which really involve an actual net investment in the farm, and then shielding other income with those "losses", it is obvious that the prevalence of these "losses" is evidence of extensive use of a tax abuse.

The House Bill essentially does very little about this—it raises $20 million when an adequate approach would produce at least $150 million. Its defects are two-fold: It continues to allow these artificial farm "tax losses" to be used *currently* but then would recapture them (the "excess deduction account") on any later sale of the assets by treating the gain on sale as ordinary gain rather than capital gain to the extent of the prior losses. The House Bill, by allowing artificial losses *currently* to be offset against and thus shelter non-farm income, permits the tax on that income to be *deferred* until a later date. For people in the upper brackets, tax deferral by itself is a valuable asset—the Government in effect makes an interest-free loan of the tax amount and such loans in these days of 9% and 10% money are quite beneficial. In addition to this basic defect of structure in its solution, the House Bill imposes severe limits on the use of the solution: the farm loss must exceed $25,000 and the non-farm income exceed $50,000.

In contrast, Senator Metcalf and others have suggested a far better approach. This approach would not allow these artificial "tax losses" to be used currently, so that there would be no shelter of non-farm income. On any sale of the farm assets, the losses could then be used to offset any gain on that sale. His bill uses a limit of $15,000 of non-farm income, and this exclusion is phased out.[10]

The proper course in the farm area is to reject the House Bill approach and follow Senator Metcalf's approach.[11]

Real Estate. In many respects the real estate area is like the farm area, except that "real estate tax losses" are used as the shelter rather than "farm tax losses." The present tax laws grant excessively favorable accelerated depreciation to buildings, which provides far more rapid write-offs than straight-line depreciation. This excessive depreciation deduction, on top of the other expense deductions for interest and taxes, not only relieves real estate rentals from tax, but is so large that it spills over and shelters non-real estate income tax.

The investor is in many cases not interested in "cash flow" from the building but in "tax flow"—how much by way of deductions for interest on the mortgage, real estate taxes, and accelerated depreciation will the building generate so that the resulting "tax losses" (deductions in excess of rental income) can offset dividend income, professional fees, salaries, etc., and thus "shelter" the latter from tax. The real estate shelter is especially attractive because all these deductions belong to the equity investor. Generally the equity investor can obtain a high leverage effect. Further, through deductions of interest and taxes during the construction of a building, he can often recover his equity investment before the rental lease even starts, so that the deductions available during the lease are all a return on investment. The rental under the lease will take care of the mortgage and real estate taxes.

For these reasons, the real estate shelter—office buildings, motels, shopping centers, post offices, high rise apartment houses, in-

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dustrial buildings and so on—has had a broad attraction. Thus the announcement of the Government's decision to build a major post office is also a major event in the halls of those institutions that package tax shelters. Post Offices are privately owned and leased to the Government, thus making the real estate shelter available to the syndicate members who own the facility. The data, though not as complete as one would like, point to a far wider— and still rapidly widening—use of the real estate shelter than is generally realized. In fact, the use of this escape route may rank just after the capital gain factor in magnitude.

The House Bill makes a start on attacking this problem. It reduces accelerated depreciation on all new buildings, except new rental housing, to 150% declining balance depreciation instead of 200% declining balance and it limits used buildings to straight-line depreciation. It also applies the present recapture rules of personal property to real property, so that depreciation in excess of straight-line depreciation is recaptured on sale by converting capital gain to ordinary income to the extent of the excess.

The allowance under the House Bill of 150% declining balance depreciation for new buildings is still on the over-generous side, and straight-line depreciation is more appropriate. Another desirable step would be to require the capitalization of interest and taxes paid during construction. The present option to expense these costs is at variance with proper accounting procedures and operates to accentuate the real estate shelter. The current deduction of these capital costs often returns to the investor nearly all of his equity investment at the outset. With nothing in effect at risk, the benefits of excessive depreciation are pure tax profit to him.

The House Bill does not change the depreciation provisions applicable to rental housing, though no reason for the exception is advanced. The Government does have an interest in encouraging rental housing. Government non-tax programs to aid such housing, however, do not indiscriminately apply to all housing, but focus instead on housing for low and middle income families. The House Committee Report itself criticizes the use of tax benefits for luxury housing:

"In the housing field the tax stimuli are more effective for luxury- and moderate-income rental housing where profitability and appreciation prospects relative to risk are inherently more attractive than in lower-income housing.

The "trickle down" supply effect for the lower income rental housing market is slow and uncertain in a growing general housing market.

Capital and other resource demands engendered by the existing tax stimuli tend to expand luxury housing, commercial, office, motel, shopping center, and other forms of investment, squeezing out lower income housing."

And yet the Bill retains tax benefits for all housing, including luxury housing. There is no Government expenditure policy to aid luxury, high cost housing. Why, therefore, should we have a tax policy that in effect spends Government funds for such housing instead of concentrating Government financial assistance where it is needed. At the least, the benefits of accelerated depreciation should be retained only for the type of rental housing that is assisted under direct expenditure programs.

Even as to such housing it would be desirable to phase out the tax assistance and allow the funds which that assistance represents to be used directly by HUD in its programs. A termination date should therefore be put on this tax incentive for such housing, and arrangements explored to achieve a transfer of the funds involved at that date from the "tax expenditure budget" to the regular Budget for housing.

The House Bill introduces a distinctly unwise tax policy when it provides for five-year amortization of certain costs incurred in the rehabilitation of low-cost rental housing. This is an expensive tax incentive—the revenue cost is put at $330 million. There is no discussion in the House Report, and no study referred to, indicating that if the Government is suddenly to spend $330 million more on housing, it should be spent in this fashion. There is no indication that rehabilitation of low-cost buildings has this high a priority or that this type of program and assistance is the most effective that can be devised. Because of the difficulties involved in rehabilitation, HUD up to now seems to have given it a low priority. Scarce funds must be allocated over many needs and apparently the economics of rehabilitation are such that the money is better spent in new construction. If HUD and the Congressional Committees concerned with housing have come to this conclusion, it would seem irrational for the Treasury and the Ways and Means Committee suddenly to start spending Government funds on a different basis. Surely with other established housing programs not fully funded, a better use for this $330 million exists. It is one thing for HUD to accept money from any source and not turn down such gifts, but this is hardly a wise use of scarce Government resources.

The Treasury itself seems to have reservations on tax incentives in the housing area, for it states:

"We are concerned with the continued heavy reliance upon tax incentives as a means of achieving our national housing goals, and believe that consideration should be given in the near future to other additional methods of doing so."

Given this concern, it is difficult to perceive the wisdom of suddenly launching a new tax incentive with no study behind it and in an area that seemingly has been regarded by housing experts as having a low priority when it comes to spending Federal funds.

Together with the continued accelerated depreciation assistance for all rental housing, we presumably will be spending over a half-billion dollars through the tax system on such housing. It would be far wiser to turn these funds over to the non-tax expenditure programs of Government.

Natural Resources. I will discuss the matter of percentage depletion and other natural resources tax changes in connection with consideration of the corporate tax.

Other Items. The House Bill in a number of areas has desirable corrective provisions that will strengthen the equity of the individual income tax, which I will here merely list:

The requirement that corporate earnings and profits be computed on the basis of straight-line depreciation, thereby ending the present system of creating tax-free dividends to shareholders, especially in the public utility area, through computing earnings and profits on the basis of accelerated depreciation.

The taxing of distributions to beneficiaries of accumulation trusts and multiple trusts at the tax brackets applicable to those beneficiaries rather than, as at present, at the lower tax rates applicable to the trusts.

The tightening of the rules regarding restricted stock compensation plans.

The tightening of the rules regarding the treatment of stock dividends when two classes of stock exist and the rules regarding stock dividends on preferred stock, the changes in effect largely embodying existing regulations in the statute.

The revision of the treatment of employee deferred compensation so as to allocate its consequences for tax purposes to the years in which the compensation was earned.

HOUSE BILL SOLUTIONS—OVERALL APPROACHES

In addition to the above direct approaches, the House Bill has two overall approaches, or back-up provisions, designed to increase the fairness of the tax. These two approaches are a *minimum individual income tax* or *limit on tax preferences,* and *the allocation of deductions.*

Limit on Tax Preferences. The limit on tax preferences—or minimum income tax—is premised on the position that whatever may be the merits of the major tax preferences that are retained, of overriding importance is the principle that every individual with substantial income should pay a minimum tax toward the cost of Government that itself bears a relationship to the economic income involved. To achieve this, under the House Bill a 50% ceiling is imposed on the amount of a taxpayer's total income (taxable items plus tax preference items) that can be excluded from tax. In other words, speaking generally, if the tax preferences exceed 50% of total income, the excess becomes taxable.[12]

The tax preferences covered by the House Bill are state and local bond interest (included gradually over 10 years); one-half of capital gains; appreciation in value of property contributed to charity; excess depreciation on real estate; and farm tax losses.

Two important items are missing from this list: percentage depletion and intangible drilling expenses. These omissions are serious aspects, since for those engaged in natural resources activities, the effect of the limit on tax preferences is fully negated. There is no reason to omit these items. The theory of a minimum tax—or a limit on tax preferences—is not to pass judgment on any particular tax preference. The theory instead accepts the view that for one reason or another the particular preference is to remain. But the theory asserts an overriding concept of tax equity that there must be scope for the principle that each individual with significant amounts of income must pay some tax to the Government. Any preference, no matter how meritorious it is considered by its adherents, must make accommodation to this competing principle of tax equity. In this light, percentage depletion in excess of capital investment and intangible drilling expenses should be covered as preference items. The Treasury so suggests, though it would still exclude intangible drilling expenses of individuals whose principal business is exploration for oil and gas. Obviously such an exception is at variance with the principle of the limit on tax preferences and is unadvisable.

The Treasury suggests three additions to the list of tax preferences: interest and taxes paid during the period of construction of a building; excess depreciation in the case of a lease of equipment and other personal property; and the new five-year amortization of rehabilitation outlays for low-cost housing. The first two additions are desirable assuming the matters are not dealt with directly, which would be preferable—the interest and taxes should be capitalized as stated earlier; the lease abuse could be handled, even administratively, by a better delineation between what is really a sale by the purported lessor accompanied by a loan, since many of these leases are essentially financing arrangements, and what is a real lease. The third addition indicates the error of embarking at all on the new tax preference for rehabilitation.[13]

Allocation of Deductions. As stated earlier, income excluded because of tax preferences provides in effect a double benefit—the income is excluded and the taxpayer is then permitted to reduce his remaining income by the *full* amount of his itemized deductions. To eliminate this double benefit, the House Bill contains an *allocation of deductions* requirement. Under this provision itemized deductions must be allocated between

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taxable income and excluded income. The portion allocable to the excluded income would not be allowed as a tax deduction.

The proposal is clearly appropriate. The policy issue involved is the content of the tax preferences that are taken into account in determining the excluded income. The House Bill parallels the limit on tax preferences proposal by covering the same preferences, with two exceptions. It here does cover percentage depletion and intangible drilling expenses, which is proper (and with which the Treasury agrees, without any of the exceptions as to intangible drilling expenses of those engaged in the oil business). It here excludes, however, interest on *existing* state and local obligations, which is wrong. The Treasury here recommends existing obligations be covered, without any ten-year phase-in. The Treasury here also recommends the additional three matters mentioned under the limit on tax preferences.

The proper course is to make the two provisions, allocation of deductions and limit on tax preferences, parallel in scope. Moreover, the two provisions should be given a wide scope, in keeping with their back-up objective to maintain a degree of tax equity despite the various factors which require the continuation of some tax preferences. Hence the proper course is to provide a parallel treatment by including the wider coverage in each case where there is a difference in the House Bill.

A word should be added as to two items. In the case of *state and local bond interest,* the Treasury urges that the interest not be covered under the limit on tax preferences because of doubts as to the constitutional validity of that step. No legal opinion has been provided by the Treasury or the Department of Justice stating that the inclusion would be unconstitutional. Moreover, both Departments in the past have published opinions affirming the constitutionality of the taxation of such interest. It would appear to be the proper course on this record to at least allow the Supreme Court to render its judgment. Others have urged that under both LTP and Allocation that interest on *existing* obligations not be covered (and the House Bill so provides as to Allocation), presumably so as not to defeat expectations of existing holders. This argument goes too far, for it would sanction the assertion of a vested interest in a tax preference and in a situation even where full taxation is not involved.

Moreover, the argument overlooks the effect of the provision under the House Bill for subsidized future issues of taxable state and local obligations. Under that provision, if a significant amount of such taxable bonds are issued—and there is no reason why this should not result—tax-exempt bonds will begin to become a relatively scarcer commodity and the value of existing obligations will accordingly rise. Thus a windfall benefit would be granted to existing holders. The inclusion of existing obligations under the LTP and the Allocation provisions is thus but an offset—and not too strong an offset—to this windfall benefit. It is hard in this light to see any ground for complaint by existing holders. There is also no reason for any slow phase-in, as under the House Bill. Further, the coverage of existing bonds cannot as such affect state and local governments, for the bonds have been issued. The rates they must pay on their future issues will be determined far more by the effect of the taxable bond option than by inclusion of obligations, existing or future, under LTP and Allocation.

A second aspect concerns *appreciated property given as a charitable contribution.* The House Bill treats the non-inclusion in taxable income of the appreciation as a tax preference—which it is—and therefore covers such appreciation under the LTP and Allocation proposals. The Treasury now suggests that this coverage be deleted because it believes it would unduly restrict public support of charitable institutions. Such exclusion, however, would clash with the basic rationale underlying these two back-up provisions, for their operation as stated earlier is not dependent on the reasons for the tax preference. In the final analysis, all tax preferences exist because the Congress decides that financial assistance is to be given through the tax system to the activities involved. The LTP and Allocation proposals set up a balancing principle, that the financial assistance be tempered by some adherence to the principles of tax equity. This balancing principle is applicable to appreciated property given to charity as well as to the other tax preferences.

Moreover, there is no reason why donors of appreciated property should have a greater opportunity to place Government resources at the disposal of charities—which is the effect of the tax benefits given to gifts of appreciated property—than donors of cash. I very much doubt that the Congress would provide directly that if a person contributed $100,000 in fully appreciated property he could deduct say 135% of the gift but if he contributed $100,000 in cash, he could deduct only 100% of the gift—yet such a discriminatory result is the general effect of our present rules. The existing law does discriminate in favor of the donors of appreciated property and their value judgments as to which institutions and charitable functions to support. The issue is a troublesome one, not because of its tax aspects because the tax answer is clear, but because of the values we ascribe to our charitable institutions. But one can well fear that an exception on this ground can lead to other exceptions in favor of those who will argue—and they will—that their tax preferences also serve worthwhile purposes, and soon the LTP and Allocation provisions would be eroded away.

OTHER PROVISIONS IN HOUSE BILL

Limitation on Interest Deduction. The House Bill contains a limitation on the deduction of personal interest on funds borrowed for investment purposes. The limit would be that of investment income including capital gains plus a $25,000 floor. The limit would not extend to interest on funds borrowed for business purposes or for a home mortgage.

Studies of the tax returns of high-income individuals underscore the importance that the interest deduction plays in permitting these individuals to achieve low or non-existent tax liabilities. Long ago it was recognized that the interplay between deductible interest on borrowed funds and favorable tax treatment of the activity in which the funds were invested would play havoc with the fairness of the individual income tax. Present law thus disallows the deduction of interest when it is connected with tax-exempt bonds. But to confine the restraint on the interplay to this narrow area is obviously inadequate to meet present day tax-escape sophistication. The House Bill approach is especially important in the case of growth stocks and other assets which appreciate over time without a current cash flow. Our present law does not tax current appreciation in value until it is realized by sale, and this deferment of tax is in itself valuable. The denial of a current interest deduction would thus match the deferment of the inclusion in income of the appreciation. Further, if the asset is retained until death, the appreciation entirely escapes income tax.

The Treasury argument that the provision discriminates against the person with earned income, no investment income, but borrowings invested in growth assets is hardly an adequate reason to drop the provision. In a sense, interms of the ratio of borrowings to tax-sheltered property, such a person has the highest ratio, 100%, and in that sense is maximizing the use of the interest deduction. Nor would such a person be hampered by the Allocation of Deductions proposal. In the case of the interest deduction, it has become clear that a direct limitation is needed, in addition to the Allocation provision, and the House Bill provides this strengthening.

Earned Income Maximum Rate. The House Bill provides that the tax rate on earned income shall not exceed 50%, so that this figure becomes the maximum marginal rate for earned income. I believe this provision to be unwise and the wrong approach to setting limits on the progression of the income tax.

A principal reason advanced for its support is that it will cause executives and self-employed persons to be satisfied with the lower tax result on their earnings and not seek tax shelters. This does seem a peculiar way to reward the past pursuit of tax shelters. Moreover, the top rate of 50% would remain even if these individuals continue to pursue tax shelters. Under the House Bill, for example, an executive can have his lower tax on earned income and also his tax shelter of depletion and intangible drilling expenses, which are not covered by LTP, or of interest on existing state and local bonds under the Treasury approach. More important, the executive or self-employed person can have his lower tax on earned income and also have securities which are appreciating in value and which appreciation will not be taxed at his death.

If we are to set limits on the progression of the individual income tax, we should at least follow two principles: one, the limit should be in terms not of a marginal rate but an overall effective rate of tax; two, the effective rate should be in terms of an individual's total economic income and not just in terms of taxable income without regard to his untaxed income. Nor should we rush into limits on progression until we have really covered all the serious avenues of tax escape, and that of appreciated securities transferred at death remains wide open. We may when the serious escape avenues are closed be ready for a properly tailored maximum effective rate on all income. But we are still a long way from the point where we should so seriously blunt the progression of the tax as does the House Bill and the Treasury proposal respecting earned income.

SUMMARY AS TO INDIVIDUAL INCOME TAX

The House Bill is a major step forward in beginning to meet the problems of tax reform under the individual income tax:

As to *low-income taxpayers,* the Bill fully meets the problem of the present system, that of taxing those below the poverty level and placing unfair burdens on those low-income families above that level.

As to *middle-income taxpayers,* the Bill meets the major goal of restoring tax simplicity and tax equity in the case of the personal deductions by significantly increasing the standard deduction. The Bill could be improved by revising the tax treatment of the elderly, setting a threshold for charitable contributions and allowing them outside the standard deduction, and disallowing the gasoline tax deduction.

As to *high-income taxpayers,* the Bill commences in a significant way to restore tax fairness through its elimination of the unlimited charitable contributions deductions; its removal of the alternative rate on capital gains and the extension of the six months holding period to a year; its provision for future issues of taxable state and local bonds; its partial cut-back on the tax preferences accorded real estate—a cut-back which should be pushed further; and a number of other special matters. Its adoption of the minimum tax or limit on tax preferences and allocation of deductions provisions provides a partial offset to the remaining preferences that will, if properly implemented, serve to

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prevent the gross escapes from tax that are now prevalent. But these two provisions as presently structured have serious omissions which should be corrected.

The Bill *falters seriously* in its treatment of farm tax losses and embarks on an unwise approach in placing a 50% limit on the top marginal rate applicable to earned income. It also unwisely introduces a new tax incentive in the five-year amortization of certain rental housing rehabilitation expenditures.

THE CORPORATE INCOME TAX

The corporate income tax presents a different set of problems. We are not dealing with a progressive tax and the ability to pay concept that underlies such a tax. Nor, in the large, are the pressures for simplification so intense, though the less complex the tax, the better. The goal under the corporate tax should be to apply its rate as uniformly as possible to all business net income. Departures from this uniformity will have the effect of pushing resources into the favored areas. We should at all times be aware of these departures and the revenue costs involved, so that we can determine whether the resulting allocation of resources is in the direction we want and, if so, it is being achieved effectively with the least expenditure of Federal funds. For, as has been pointed out many times, revenues lost through tax preferences for certain activities are expenditures which should at least meet all the tests applied to direct budget expenditures.

DEPARTURES FROM UNIFORMITY

We can approach the question of the extent and nature of departures from uniformity under the corporate income tax through an examination of effective tax rates. The corporate income tax can generally be regarded as requiring corporations to pay tax at a 48% rate (apart from the 10% surcharge) on their total net income as net income is usually defined for business purposes. This is what *would happen* if there were no surtax exemption (under which the first $25,000 of income is taxed at 22%), no investment credit, no special capital gain rate, and no special deductions or exclusions. Without these items, the effective rate under the corporate tax would be 48%. The actual effective rate for all industries on total net income, however, is only 37.5%. The question is, therefore, what factors reduce the actual effective rate from 48% to 37.5%?

Looking at all industries together, if we consider only the effect of the surtax exemption and the investment credit—matters of general application—the expected effective rate would be lowered to 43.4%. For manufacturing, generally, the expected effective rate would be 44.9%. The actual effective rate on total income for manufacturing is 43.3%. This is so close to the expected rate of 44.9% that, as a general proposition, we can say that the tax applies with reasonable uniformity to manufacturing activities. The cause of the reduction from the *expected rate of 43.4%* for *all industries* to the *actual rate of 37.5%* must, therefore, lie in lower effective rates on certain types of activity. The data show this to be the situation.

The effective rates for those activities that vary most significantly from their expected rates are:

	Expected effective rate (percent)	Actual effective rate (percent)
Natural resources:		
Petroleum	44.8	21.1
Other mineral industries	42.7	24.3
Lumber	41.2	29.5
Financial institutions:		
Commercial banks	43.4	24.4
Mutual savings banks	42.4	5.3
Savings and loan associations	40.4	14.5

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The major aspects of unevenness of the corporate tax are thus primarily a matter of the tax preferences applicable to two industries—natural resources and financial institutions.

HOUSE BILL SOLUTIONS

Financial Institutions. The House Bill takes important steps in cutting back on the tax preferences accorded financial institutions. It would eliminate the existing excessively generous and artificial bad debt reserve granted by Internal Revenue Service rulings to commercial banks and instead apply the rule of actual experience, which governs all other business activities. It would also eliminate the present treatment of the losses of banks on bond sales as ordinary losses while the gains are regarded as capital gains, by making both losses and gains ordinary in character.

The Bill, however, still permits commercial banks to have full exemption from tax of the interest on state and local bonds while also allowing full deduction of the expenses involved in obtaining that interest. The retention of this tax preference will permit commercial banks still to enjoy tax rates below those applicable to business generally.

There is no persuasive reason why commercial banking should have a lower tax rate than other business activities. Certainly the argument of banks that they must have excessive bad debt reserves to meet a possible serious decline in the economy are without merit. Their pessimistic outlook for the future should not be rewarded by tax favoritism. There are mechanisms at hand to allow full scope to that pessimism without its providing tax benefits for bank shareholders year after year. Thus the Bill provides a ten-year carryback of bad debt losses. The banks say that this is not a current asset for financial purposes. The answer then for this problem is to use the provision Congress adopted in 1967 to solve a similar assertion by the mortgage reinsurance companies (Code Section 832(e)). The present law here allows the deduction of a larger reserve than experience would dictate but requires that the tax benefit of that deduction be invested in special Federal Government "tax and loss" bonds that are non-interest bearing. These bonds would be redeemable and the reserve restored to income in ten years and then taxed (unless it were earlier required to use the reserve). In this fashion, an asset—the Government bond—is available as an asset on the balance sheet to meet the pessimistic possibilities seen in the future, but that pessimism is not rewarded with a tax benefit.

The Bill reduces the over generous and artificial statutory bad debt reserve deductions accorded to mutual savings banks and savings and loan associations, though leaving the deductions higher than those permitted commercial banks. It gears these higher deductions to investments in certain types of assets, principally residential real estate. Here it unduly favors mutual savings banks through a lower investment requirement (72%)—the difference in treatment is not justified and the mutual savings banks should be placed at the level of the savings and loan associations (82%). Moreover, it would be appropriate for tax purposes to place both institutions on the same bad debt actual experience reserve approach applied in the House Bill to commercial banks. Studies in 1961 showed this to be the proper course. Any requirements as to investment could then be handled in non-tax legislation. And any assistance deemed needed for residential and multi-unit housing could equally be handled through the non-tax measures.

The Treasury recommends that all these institutions should equally be limited to a bad debt reserve based on actual experience. But it couples its suggestion with a recommendation for a special deduction of 5% of the gross income obtained from certain loans, including residential real property loans and student loans. Here also, this resort to special tax incentives for special purposes is unwise. If these loans are to be assisted by Government funds, it should be done outright—as in the example of student loans where the Government directly meets part of the interest cost. (Any aspect of high risk on certain loans is adequately met through a bad debt reserve based on actual experience). The Treasury recommendation is really the start of a percentage depletion system for financial institutions and has all the potentiality for the development that has marked such an approach in the natural resources area.[14]

Natural Resources. In the natural resources area the House Bill reduces by about 25% the present rates of percentage depletion. It eliminates the tax abuses possible through the use of mineral production payments and ABC transactions. It tightens the rules applicable to mining exploration expenditures. It does not, however, change the present liberal treatment of intangible drilling expenses for oil and gas wells. And it does not deal with the capital gains tax preferences granted to timber, except as it increases the capital gain rate generally for corporations from 25% to 30%.

This Committee has before it the results of a study prepared for the Treasury Department, the Consad study, relating to the effectiveness of the present tax treatment for oil and gas. One would suspect that the results of that study—which concludes that the present tax mechanism for assistance to these activities, if assistance is needed, is quite wasteful—would be duplicated in the case of the percentage depletion accorded to other minerals.

The Treasury recommends a recapture rule on the transfer of an oil or gas well under which any gain on the transfer would be ordinary income to the extent of intangible drilling expenses previously deducted, and this recommendation is appropriate. It also disagrees with the provision in the House Bill extending the cut-off point for percentage depletion on oil shale to include non-mining process. This disagreement is well taken. Tax history has shown that persistent efforts to extend the cut-off points for the various minerals receiving percentage depletion have been quietly effective in amplifying the depletion advantage, and often more effective than any likely upward change in the depletion rates themselves. A Treasury report to this Committee on the varying cut-off points applicable today, and the differences in value (to which the depletion rates apply) between those points and cut-off points more consistent with an effort to stop at the mine would be quite constructive.

The Bill changes the rules applicable to the treatment of foreign minerals, some of the changes occuring through changes in the foreign tax credit rules. The thrust of the changes is to insure that U.S. companies do not, through deductions for the development of mineral interests abroad and through excess foreign tax credits arising in the foreign mineral operations, reduce the U.S. tax on their U.S. income or the U.S. tax appropriate to other foreign income. The Treasury has suggested improvements in the foreign tax credit provision, which would make the determination of the excess credit turn on the effect of the availability of the depletion deduction under U.S. law [15]

Multiple Corporations. The House Bill would end, over an eight year transition period, the present tax favoritism granted to those businesses which operate through the use of multiple corporations rather than a single corporate unit. The result is sound, and long delayed. Whatever may be the reason why a business chooses to use multiple corporations, be it tradition, business reasons, state laws, or pure tax avoidance, there is no tax justification for providing it with a lower tax than an enterprise with similar total income but fewer corporate units. The efforts to rationalize this tax preference, which efforts often are a tribute to the imagination and resourcefulness of the legal and accounting professions, have over the years reached new heights in the defense of this provision—a provision which in reality has no sound argument for it at all. One would think the beneficiaries of the provision would feel grateful that it has been kept alive so long. Moreover, the House Bill is exceedingly generous in allowing a phase-in of the intercorporate dividend deduction and pre-consolidated return loss benefits during the phase-out of the multiple corporation benefit; it would be more appropriate to deny these benefits until the multiple corporation benefits end.

New Tax Incentives. When one looks at the House Bill overall, one sees that most of the reform efforts are directed at reducing the impact of the various tax incentives that have entered our tax law gradually over time, either through statutory provision or administrative action. There are relatively few provisions in the Bill directed at remedying mistakes in tax structure, that is mistakes in which there was no intention deliberately to confer a tax benefit for incentive or other reasons but rather matters in which the technical tax structure just didn't work correctly. Examples in the Bill of such structural repair are the corrective rules applicable to multiple corporations, accumulation trusts and multiple trusts, mineral production payments, restricted stock, tax free dividends, deferred compensation and stock dividends.

The major part of the Bill, in substantive scope and revenue impact, relates to tax provisions which, whatever their origins, are supported by their adherents on tax incentive grounds. The fact that the task of tax reform today really consists of a scaling-back of all these tax incentive provisions—because of their ineffectiveness, their waste of Government resources, their misallocation of Government resources, and their effect on tax equity—is underscored by the House Bill. Its major provisions relate to existing tax incentives for real estate, financial institutions, natural resources, investment, state and local government assistance, farm activities, and so on. These Senate Finance Committee Hearings indicate that once a tax incentive takes root in the tax law it is a very difficult matter to restrict or eliminate it, especially if it has the protective coloration of being cast in a traditional jargon and structure indistinguishable to most persons from the jargon and structure that mark most of our Internal Revenue Code.

All this being so, it is indeed unfortunate that the House Bill opens up three new tax incentives, and that the Treasury would also seek to adopt others. The House Bill provides five-year amortization for pollution control facilities; five-year amortization for rehabilitation expenditures on housing; and seven-year amortization for railroad cars. It appears that "amortization" is now the magic word and we may be witnessing the beginning of a wide schedule of amortization periods for various businesses and activities akin to the schedule of percentage depletion rates.

The Treasury deplores the railroad car amortization, probably doesn't want the pollution facility amortization and would certainly cut it back in scope, and seems responsible for the rehabilitation amortization. As stated earlier, it would introduce a new type of tax incentive for certain loans by financial institutions.

In all, the House Bill in its amortization incentives has a revenue cost of $830 million. If to this is added the retained excessive depreciation for housing, especially luxury and high cost housing, the Bill involves over $1 billion of tax incentive expenditures. If one is seeking to reduce the net revenue cost of this Bill, these are areas in which one could properly start. If funds of this magnitude are to be spent for social and other programs, they ought to be spent directly as Government expenditures and in accordance with carefully selected priorities in the various programs.

I have previously discussed the weaknesses of the housing rehabilitation provision. The Treasury has described the weaknesses of the railroad car provision. As to the pollution facilities provision, which will cost $400 million, the Treasury has described some of its weaknesses in urging that it be cut back. But more can clearly here be said.

Legislative committees have struggled long and hard to find the most efficient ways to expend Government resources in the battle against pollution. There are many claimants for Government dollars and those concerned about combating pollution have found it difficult to secure the funds they desire. Interested legislators speak of scrounging a few more millions here or there to add to an inadequate Budget figure. Yet now, at one stroke, the Ways and Means Committee decides to spend $400 million (by 1974) in the pollution control area by allowing five-year tax amortization of the cost of installing pollution control facilities. But the Committee does not refer to any study which indicates that—if the Government is to allocate an additional $400 million to pollution control—the particular device and particular approach chosen by the Ways and Means Committee would have top priority. Instead, $400 million is allocated to this purpose without any coordination with other planning or expenditures in the pollution control area and without regard to what are the priority needs once it is decided to add $400 million to pollution control expenditures. It is quite likely that the top priority lies in assistance to municipalities and not to industry.

If these tax incentive provisions are to remain, they should at least have a definite termination date and, as suggested earlier, arrangements made to transfer the funds involved to the direct expenditure programs of the agencies concerned.

Foundations and Tax Exempt Organizations. The House Bill contains extensive changes in the treatment of foundations. A number of the provisions deal with abuses that have been documented earlier by the Treasury Department—self-dealing; failure to make adequate current distributions; ownership of businesses; utilization of the foundation by the donor as an instrument to facilitate control of a business; and speculative investment of assets. Provisions correcting these abuses are sorely needed. They would be of material assistance in rescuing private foundations from the cloud that now hangs over them.

The financial assistance given foundations through the tax system can be justified only if their sole purpose is to function as genuine philanthropic institutions. If the foundations want to serve other purposes besides philanthropy, then they should not receive that assistance and should not complain if the Congress and the public regard them with unfriendly suspicion. Thus those who urge that foundations are useful institutions to perpetuate family business or to keep particular businesses from being absorbed in merger investments, may perhaps be wisely serving the business involved, but they are not wisely serving either the foundation as an institution or the purposes of philanthropy. These purposes of protecting businesses are not the functions of philanthropy. Our colleges and our other charitable institutions do not concern themselves with these non-philanthropic goals. If our foundations wish to merit and fulfill a useful institutional role in our society, they should and can do so only by functioning solely as philanthropic institutions.

For these reasons the House Bill provisions concerning these matters should not be weakened as many are urging. Nor should there be special exceptions for any foundation, such as the provision in the House Bill allowing the Kellogg Foundation to own over 50% of the Kellogg Company.

Other provisions of the House Bill in the foundation area deal with different matters. One, the 7½% tax on investment income, is unadvisable, if the provisions countering abuses are strong enough to insure that foundations are functioning solely as philanthropic institutions. If it is determined that there should be a modest fee to meet the cost of administration, it should be based either on asset value or income distribution (including the 5% minimum)—to use only net investment income would favor the foundation that invests in non-income producing assets.

Other provisions deal with the operational activities of foundations and are designed to maintain a philanthropic posture as contrasted with political activities, lobbying activities and the like. These provisions require careful articulation and drafting lest the pursuit of the goals involved, which in general purpose are appropriate, does not in the day-to-day operation of the provision hamper the basic philanthropic functions of these institutions.

The provisions in the House Bill relating to other tax-exempt organization problems, such as the strengthening of the unrelated business income tax and the taxing of the investment income of social, fraternal and similar organizations, are all improvements.

SUMMARY AS TO CORPORATE TAX

The House Bill is a significant step forward in beginning to meet the problems of tax reform under the corporate tax:

With respect to the industries with the present lowest effective rates:

As to *financial institutions*, the Bill brings the effective tax raises of the commercial banks, mutual savings banks and savings and loan associations closer to those paid by business generally, and also reduces the range differences within these institutions themselves.

As to *natural resources*, the Bill reduces the percentage depletion rates by about 25% and ends the abuses associated with mineral production payments. But it fails to deal with the aspect of intangible drilling expenses in the oil industry and the tax preference accorded to timber.

With respect to *other preferences:*

The Bill ends the tax escape now provided for multiple corporations.

The Bill cuts back on the tax preferences accorded to real estate.

The Bill strengthens the rules governing foundations and other tax-exempt organizations.

But the Bill has a *serious weakness* in the addition of new tax incentives:

The five-year amortization for pollution control facilities.

The five-year amortization for housing rehabilitation expenditures.

The seven-year amortization for railroad cars.

A WORD ON PESSIMISM AND TAX BENEFITS

There is no one so pessimistic about the future of the country as an industry or taxpayer faced with losing a tax preference. These Hearings seem replete with industries and taxpayers who can see only gloom ahead. The correlation between pessimism and tax benefits is indeed high, for these prophets of gloom assert that their pessimism for the future should be reflected in continued or increased tax preferences.

Thus the Stock Exchange sees a pessimistic future for investment and asserts that its pessimism be met by keeping the preferences unchanged for capital gains. The financial institutions are pessimistic about a possible depression and therefore seek higher bad

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debt reserves—and higher tax benefits—to match that pessimism. The mutual savings banks and savings and loan associations are pessimistic about the future of housing and seek tax benefits that reflect that pessimism. Wealthy non-farmers worry about the future for cattle and horses and orchards, and seek to retain farm "tax loss" shelters to house their pessimism. The natural resources industry is alternatively pessimistic about national security and the price consumers of gasoline will have to pay, and seeks tax benefits to dispel that pessimism. And so it goes as to almost every provision in the House Bill, even as to the "small businesses" housed in the multiple corporations of an enormous multi-state enterprise.

Most of the pessimism is self-assertion, for there are few studies, if any, that document the beliefs. No one wants to see if his view of the future is wrong, for that course means the loss of tax preferences. All would prefer to be gloomier, for that course could mean increased benefits if their view of the tax system is accepted. For all see the tax system as a device to pour out financial assistance to industries and activities that do not want to trust to the marketplace. The accent is not on private enterprise, but on private enterprise plus tax assistance. None is willing to pull back on the preferences so we can see if the pessimism is really warranted and to see if Government assistance is really needed. And then, if the assistance is really needed, to see it provided through direct expenditure programs.

It should be clear by now that this tax incentive rationalization, this infusion now of social goals into tax provisions adopted long ago without any thought of incentive or social programs or the like, can only be destructive of an equitable tax system and an efficient use of Government resources. It is the proper course now to cut back these tax incentives and await the future. The House Bill is a good start and should be pushed forward, not stripped back.

RATES OF TAX AND REVENUE COST

My principal purpose is to discuss the structural tax reform provisions of the House Bill and hence I wish to say only a few words regarding the rate structure.

As stated earlier, those first in line for tax relief when reduction is considered feasible, are the low-income taxpayers. Those next in line are the middle-income taxpayers not itemizing deductions for personal expenses. The House Bill fully meets these two claims for relief. It then goes on to reduce tax rates throughout the rate schedule. The result is a total long-run revenue loss of $2.4 billion.

Looking ahead to 1979, such a loss is hardly significant, considering the hazards of revenue estimates. In all likelihood such a tax reform bill cannot provide a net revenue gain, even though an appraisal of national priorities would put more emphasis on expenditure programs than such a large tax reduction. The House Bill before the last round of tax reduction added after the Bill was reported, was in this respect a better balanced bill—from the expenditure-tax reduction aspect—than the Bill as it finally passed the House. And even the Committee Bill could be regarded as too generous in some of its rate reduction in the brackets above the middle. But aside from these thoughts, the margin for concern about the revenue aspects, i.e. the $2.4 billion loss in 1979 considered as an absolute matter, is small. The Treasury appears to recognize this, for its changes would leave a revenue loss of $1.3 billion—the difference of $1 billion is hardly cause for major economic judgments.

The important matter is the composition of the tax reductions. The Treasury approach to the House Bill, as described earlier, is to make the across-the-board individual reduction paramount and then to strip back the relief for low and middle income families.[16]

As a consequence, the tax liability reduction under the Treasury approach shows a large reduction in the $0–$3000 bracket and then proceeds to a relatively flat decline from $5000 on to $100,000. In contrast, the House Bill shows significantly larger reductions up to the $20,000 bracket than the Treasury approach, and the slope of the tax reduction is far from flat. There is no question but that the House Bill has a fairer distribution of the tax reduction.

The Treasury approach, after cutting back the reductions in the low and middle-income brackets, is then to use the revenue so obtained to reduce the corporate tax rate by two points. Such a change is not defensible on tax equity grounds or on economic stabilization grounds. The Treasury desire to remove the investment credit was based on the ground that capital formation was at a high level now and no general investment incentive was needed. From a stabilization standpoint there is no point in substituting a corporate tax rate reduction for the investment credit.

As to future growth and the relative balance between consumption and investment, we can afford to wait a bit until the present inflationary pace really wears away to see if capital formation will then lag. If it does, a resort again to an investment credit can be more meaningful than corporate rate reduction. There is no point now in choosing weaker devices on the assumption that capital formation may later need strengthening.

One could point out that if the various new tax incentive devices in the Bill are not to be scrapped in favor of a resort to direct expenditures in the areas involved, then a preferable course is to drop those devices and use the revenue to lower the corporate rate. Such a step, together with a further cut-back of accelerated depreciation for real estate and more tightening of the remaining corporate tax preferences, would readily produce the revenue to support two-point reduction in the corporate rate.

CONCLUSION

The Ways and Means Committee and the House have taken a significant step forward to the goal of a fairer and simpler Federal income tax. It is now up to this Committee and the Senate to make that step a decisive one. The House Bill is a fine structure to build upon. It can be strengthened in a number of ways and these weaknesses should be corrected. But its many, many strengths should be retained.

FOOTNOTES

[1] Another desirable change, recommended in the February Treasury Proposals, was in the *charitable deduction*, under which that deduction would be allowed outside the standard deduction (i.e. allowed together with the standard deduction), but would be available only where the contributions exceeded 3% of adjusted gross income. This threshold would apply to taxpayers using either the standard deduction or itemized deductions. These changes in the charitable deduction, combined with the standard deduction changes, would reduce significantly the number of returns requiring record keeping and audit for personal items, while maintaining for all taxpayers, even those using the standard deduction, an incentive for charitable gifts above routine giving. The charitable organizations apparently oppose such changes. But they presumably overlook or misjudge its advantages. Under the House Bill, with its increase in the standard deduction, and no other change as respects charitable contributions, only about 15 million returns would be left to use itemized deductions and to claim a charitable deduction. Under the above proposals, however, with the ability to claim a charitable deduction whether other deductions are itemized or not, even with a 3% threshold about 26 million returns would claim a charitable deduction. These proposals would thus provide a wider base for charitable support than simply changing the standard deduction.

[2] 36.6% in the range 20%–25%, and 37.8% in the range 25%–30%. The $500,000–$1 million group reflects a similar cluster, 64.7%. Even these figures are an understatement, since the actual or total income data do not include excess real estate depreciation, farm "tax losses", and intangible drilling expenses.

[3] 45.3% in the range 20%–25%, and 13.5% in the range 25%–30%. 27.9% are in the range 15%–20%.

[4] See specific cases 1–4 in the February Treasury Proposals, pp. 90–91, involving persons with actual incomes of $10 million, $6 million, $8 million, and $6.5 million.

[5] See specific cases 8 and 9, p. 93, involving persons with $1 million and $1.3 million.

[6] See specific case 10, p. 94, involving a person with $1.4 million, and table 1, p. 452.

[7] See specific case 11, p. 94, involving a person with $700,000.

[8] See specific cases 5, 6, and 7, pp. 92–93, involving persons with $5.3 million, $935,000 and $1.3 million.

[9] The definitional changes in the House Bill in the capital gain area—as to collections of letters, papers, and memoranda; the treatment of lump sum pension distributions (still inadequate as to appreciated property); franchises; casualty gains and losses; and sales of life estates (why is the income still considered capital gain?) are improvements over present law, as are the changes in the capital loss rules.

[10] Senator Metcalf's bill could be strengthened by offsetting the disallowed losses against the full gain on any sale, before the application of the 50% capital gain deduction rather than after that application, as the bill now appears to provide.

[11] The House Bill provides for recapture of any excess depreciation deduction that may show up on a sale, as is done under present law with other tangible property generally, and this change is desirable. The Bill also strengthens the "hobby loss" provision (the Treasury suggestion of including anticipated increase in the value of the property as an indication of a non-hobby would seem a weakening of the House Bill). But these provisions are not substitutes for an adequate solution to the main problem; they are desirable complements to Senator Metcalf's approach to the main problem.

[12] The technique is similar to Senator Harris' minimum tax bill, except that Senator Harris' bill would apply the regular tax rates to any part of the 50% of capital gain that is reached by the minimum tax, thus not making the 25% alternative rate applicable to that part. This was the effect of the February Treasury Propoeal for a minimum tax. The House Bill version does not alter the 25% alternative rate. This is done under the direct changes in capital gains.

[13] The House Bill applies a five-year carry-over rule to the limit on tax preferences. This seems unwise and to improperly dilute the application of the limit.

[14] There are other problems with the proposal. Thus, it would mean both lower taxes and less assistance to housing in the use of the savings and loans associations. It would also permit stock savings and loan associations to pay out the tax benefits to their shareholders, which is not permitted today in the case of the artificial bad debt reserve deductions. Also, the amount of the deduction—and thence the assistance to the borrower—depends on the extent to which the institution has certain tax shelters, such as tax exempt bonds. But if the borrower needs assistance, why should he be denied the assistance because the bank has a tax shelter—it is a curious system that would deny a needy student a loan because the bank has bought tax-exempt securities. Of course, tax equity explains the connection. But the result underscores the undesirability of resorting to the tax system at all as a mechanism to assist borrowers.

[15] These recommendations are similar to those made by the Treasury in 1963. The Treasury in its suggestion does not include the availability of the deduction for intangible drilling expenses or other development costs in the determination of the excess credit. It would seem this should be covered, unless the interplay with the recapture provision applicable to such expenditures provides sufficient protection.

[16] The House Bill has a considerable revenue loss—$650 million—through a change in the treatment of single persons. I would not give this matter such a high priority, especially since the relief for lower and middle-income taxpayers will to a very large extent meet the problems of single persons in these brackets. If we are to give further relief to single persons, the Treasury suggestion in this area is an improvement over the House Bill.

LINKS WITH THE LEFT

Mr. FANNIN. Mr. President, tomorrow there will be demonstrations in support of our President's policy in Vietnam and there will be those who express their opposition.

Already in the RECORD are the sentiments of spokesmen for Hanoi and the Vietcong who are hailing the "progressive" elements in the United States who are "launching a broad and powerful offensive to demand that the Nixon administration put an end to the Vietnam aggressive war and immediately bring all American troops home."

Pham Van Dong's message ends, "May your Fall offensive succeed splendidly."

Mr. President, Pham Van Dong is representative of the government and political forces that make it needful for American troops to be in Vietnam. He and his cohorts are the ones who are keeping American boys from coming home. They are the recalcitrants in international negotiations. And, Mr. President, as long as they receive support from what they consider the "progressive" elements in our Nation, just so long will they continue the fighting and the killing. That, Mr. President, is the message which should be apparent to those supporting this movement.

Just yesterday I received in my office a newsletter from the organization of Clergy and Laymen Concerned about Vietnam of 475 Riverside Drive, New York.

This newsletter gives its lead article over to the planned massive demonstration scheduled for November 13–15 here in Washington. It says for additional information to contact the national CALCAV office of the New Mobilization Committee, 1029 Vermont Avenue NW., suite 900, Washington, D.C.

So I began checking, Mr. President, and I find the director of CALCAV, as listed on the newsletter, is Rev. Richard R. Fernandez. Cross checking this with a list of the New Mobilization steering committee, I find Rev. Fernandez' name appearing thereto, along with Arnold Johnson, public relations director of the Communist Party USA, David Hawk of the Vietnam moratorium and David Dellinger, leader of last year's march on the Pentagon.

Mr. President, more and more connections of the October 15 and November 15 movements are turning up which link these organizations with elements which are admittedly antagonistic to the United States.

I ask unanimous consent that the newsletter to which I have referred along with a list of names, addresses and telephone numbers of the steering committee of the New Mobilization Committee to End the War in Vietnam, and a similar list of the members of the Washington Action Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ISSUES & ACTIONS: CLERGY AND LAYMEN CONCERNED ABOUT VIETNAM—A NATIONAL EMERGENCY COMMITTEE

CO-CHAIRMEN

Dr. John C. Bennett, President, Union Theological Seminary.

Rabbi Abraham J. Heschel, Professor, Jewish Theological Seminary of America.

Mrs. Coretta Scott King, Atlanta, Georgia.

Mr. Philip Scharper, Vice-President, Sheed & Ward, Inc.

Most Rev. James P. Shannon, Roman Catholic Archdiocese of St. Paul, Minneapolis.

DIRECTOR

Rev. Richard R. Fernandez.

STAFF ASSOCIATE

Rev. Thomas Lee Hayes, Stockholm, Sweden.

ADMINISTRATIVE ASSISTANTS

Mr. Theodore W. Johnson.
Rev. Richard Killmer.
Mr. Michael O. Sedore.

CONSULTANTS

Dr. Peter Berger.
Marie M. Runyon.

MASSIVE DEMONSTRATION PLANNED FOR NOVEMBER

The major feature of a massive national demonstration against the war in Vietnam will be a March Against Death to be held in Washington, D.C. This march will start at midnight on Thursday, November 13, and continue for thirty-six hours through November 14 and into the morning of Saturday, November 15. The March Against Death will be a single-file solemn procession of 43,000 to 45,000 persons, each representing one American killed in the war. Each will carry the name of a dead American and will call out that name as he passes the White House. In addition, the names of Vietnamese villages destroyed by the United States will be carried and called out.

The March will begin at Arlington National Cemetery and proceed past the White House and end at the Capitol Building where the names will be deposited in caskets to be later returned to the White House. The intention of this March Against Death is both to mourn and to protest the meaningless slaughter and at the same time to demand that all further killing cease.

Following the March Against Death, there will be a Mass March to the White House, led by G.I.'s and those who took part in the March Against Death. This larger march will conclude with a rally featuring prominent speakers near the Washington Monument at 2:00 P.M., Saturday, November 15.

CALCAV considers the March Against Death to be an extremely important anti-war activity. It is a demonstration in which every participant is crucially important. CALCAV urges its constituents to participate.

The March Against Death and the Rally to follow it are being coordinated by the New Mobilization Committee to End the War in Vietnam, an amalgam of a large number of peace and kindred organizations. Further information on these activities is available from the National CALCAV office or from: The New Mobilization Committee, 1029 Vermont Avenue NW., Suite 900, Washington, D.C. 20005—202/737-8600.

HARVEY AND DANIELS RELEASED

The case of George Daniels and William Harvey was discussed in detail in the last edition of ISSUES AND ACTIONS. Briefly, the two Black Muslim Marines were involved in a bull session at Camp Pendleton, California on July 27, 1967. They stated there that the war in Vietnam was a "white man's war" and that black people should not participate in it. The group decided to request meetings with their Commanding Officer to discuss this matter.

The two were charged with making disloyal statements and with attempting to undermine discipline and morale within the Marine Corps. They were sentenced to ten years (Daniels) and six years (Harvey). Two months ago these sentences were reduced to four and three years respectively. The two have spent the last twenty-five months in prison, mostly at the Naval Disciplinary Center in Portsmouth, New Hampshire.

On September 3, 1969, they were released pending appeal. They were the first to be so released under a provision of the recently enacted Military Justice Act. Further, it is believed that they are the first to be released in this fashion in the history of the armed services.

Following their release, they were given ten days leave and on September 13 reported for duty at two different military installations. Until their appeal is heard sometime in December, they will be treated as any other Marine, drawing full pay and privileges as well as holding the same rank they had before imprisonment.

The significance of this case is that the two were tried and imprisoned solely for statements they made. No evidence was given that their words resulted in any illegal action. Nor were the two ever involved in any disciplinary cases before their imprisonment. For this reason, their lawyers are prepared to argue this case in civilian courts—ultimately the Supreme Court—because it indicates a clear violation of First Amendment rights by the military judicial system.

For the moment, there is little concerned persons can do to assist these two men. Once the appeal is heard, however, a letter writing effort may be helpful. In the meantime, it would undoubtedly be helpful for letters to be written to officials in the Army, asking that the same procedure of release pending appeal be afforded other imprisoned men, especially those of the Presidio 27. Future editions of ISSUES AND ACTIONS will contain more information about Harvey and Daniels, as well as other servicemen who attempt to speak out while in the Armed Forces.

REGIONAL MEETINGS PLANNED

CALCAV plans two regional mettings in October to discover how the peace movement may be made more effective in certain regions of our nation. The conferences will explore what attempts at peace eduction are being made and how their effectiveness might be maximized.

One meeting will be held in Rapid City, South Dakota on October 14–15, covering Montana, Wyoming, South Dakota, North Dakota, and Nebraska. The other will be held in Dallas on October 6–7 with representatives from New Mexico, Arizona, Texas, Arkansas, Oklahoma, and Louisiana participating. Anyone from these states who is interested in attending should contact this office.

CALCAV PLANS ITS FUTURE

Last spring the national Steering Committee of Clergy and Laymen Concerned agreed

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that its task would not be over when the war in Vietnam ended and that the organization should continue to exist. The destructiveness of militarism and its accompanying economy of death, the errors of Cold War thinking, the brutalization within the military, and the paternalism and oppression of U.S. foreign policy, especially as it relates to the Third World, are dynamics which led to Vietnam and are factors which must be changed if future Vietnams are to be prevented.

A strategy meeting was held in Boston to concretize plans for the future of CALCAV. The question of the nature and constituency of the organization, the question of what issues should be emphasized, the question of our relationship to organized religious bodies were priorities on the agenda.

Though no policy decisions were produced at the Boston Conference, several important suggestions were made. Foremost among these was the reminder that the Vietnam war continues, destroying scores of lives daily. Ending this carnage MUST remain our chief priority.

Concern was also expressed that the needs of G.I.'s who have concluded that their consciences prevent them from participating in the Armed Forces should be met.

Work on foreign policy as it relates to the Third World was also mentioned as a priority. However, frustration was felt because of the difficulty of the task. It is difficult primarily because it is impossible to understand the dynamics of the U.S. presence in the Third World without doing extensive research into all of the obvious ambiguities involved. It was suggested that a research arm of Clergy and Laymen be established to produce the necessary analysis for our actions in this area.

A packet of materials prepared for the conference, including the final report is available from the National CALCAV office. Single packets are free. Additional packets are available at the rate of four for $1.00.

REPORTS ON SWEDEN MINISTRY

An extremely comprehensive report was submitted recently by the Rev. Thomas Lee Hayes, CALCAV's Staff Associate in Stockholm, Sweden. Rev. Hayes' ministry among the more than 350 deserters in Sweden is now in its sixth month. For this reason his report presents a more complete picture of the situation in Stockholm and his work than was available before. If you wish this complete report, it may be ordered from the National CALCAV office. Single copies are free. Additional copies are available at the rate of ten for $1.00.

This summer, Mrs. Bea Seitzman, a professor at the Columbia University Graduate School of Social Work, spent eight weeks working with Father Hayes in Stockholm. She prepared a report for the CALCAV conference in Cambridge in August of her experiences. This is also available from the CALCAV office. Single copies are free. Additional copies are available at the rate of ten for $1.00

ACTIVITIES AT DENOMINATIONAL CONVENTIONS

Raising the question of the war in Vietnam and its related issues with the religious bodies of our nation has always been one of the chief tasks of CALCAV. The annual conventions of these bodies have been excellent opportunities to witness to our concerns.

Two G.I.'s who had gone AWOL because of their opposition to the war and who had been at the G.I. Sanctuary in the Church of the Crossroads in Honolulu were brought by CALCAV to the Episcopal Convention in South Bend, Indiana, in early September. There, after the Rt. Rev. C. Kilmer Myers, Bishop of California, introduced them, the two men explained their actions and asked for sanctuary. Louis Parry, one of the two G.I.'s told the convention, "We want our arrest, when it comes to take place in a church and we want the moral support of our fellow Christians."

Rev. Richard Fernandez, National Director of CALCAV, asked those who recognized the actions of the G.I.'s as conscientious and who supported their right of conscience to come forward. Over 500 delegates, one-half of the convention, came forward. The men remained in the sanctuary with representatives of their support group for most of the convention.

In July, the Missouri Synod-Lutheran Church met in Denver for their annual convention. The Lutheran Action Committee, a group of Lutherans concerned about raising the issues of Vietnam, human rights and church renewal, made several attempts to make their concerns known. CALCAV supported and participated in these activities.

The Missouri Synod bars those of other denominations from joining with them in the Eucharist. CALCAV brought Father Malcolm Boyd, an Episcopalian priest, to Denver. Father Boyd joined the Lutherans in the Eucharist and later in a separate service con-celebrated with a Missouri Synod pastor and a Roman Catholic priest. Father Boyd also led in the reading of the names of the war dead in the convention center. Later that week the Lutheran convention passed a statement recognizing the Selective Conscientious Objector position and agreed to permit communion with the American Lutheran Church.

The General Synod of the United Church of Christ met in Boston in June. CALCAV supported and helped the United Churchmen for Change raise the issues of war and human rights. The United Church passed statements on the war and in favor of amnesty for men of conscience who are in prison or exile for the opposition to the war in Vietnam. The U.C.C. is currently developing a program responding to the needs of young men who in conscience are unable to participate in the Armed Forces.

VIETNAM MORATORIUM

The Vietnam Moratorium is an effort to maximize public pressure to end the war in Vietnam by encouraging a broad cross-section of Americans to work against the war. The method is a recurring moratorium on "business as usual" to allow concerned citizens to spend that day participating in antiwar programs in their local communities. The first day of the moratorium is scheduled for October 15, and the work of that day will be directed towards building an enlarged and lengthened moratorium for November.

Generally, the Vietnam Moratorium will expand by one day each month. It is focused on ending the war, but allows for related issues such as conscription, militarism, taxes, etc. to be included on a local level. The Moratorium at its optimum level encourages a complete break with normal activity on this day. At the same time, however, it encourages activities in which those unable to take an entire day off from work or classes can participate.

CALCAV urges its members to consider participation in the Vietnam Moratorium. Further information is available from the National CALCAV Office and from: Vietnam Moratorium Committee, 1029 Vermont Avenue, NW, Suite 806, Washington, DC 20005, 202/347-4757.

NEW MOBILIZATION COMMITTEE TO
END THE WAR IN VIETNAM,
Washington, D.C., September 17, 1969.

STEERING COMMITTEE: (IN FORMATION)

Norma Becker, Irving Beinin, Barbara Bick, Abe Bloom, Irwin Bock, Allan Brick, Katherine Camp, Marjorie Colvin, Bill Davidon, Rennie Davis, Dave Dellinger, Douglas Dowd, Gerhard Elston, Al Evanoff, Myrtle Feigenberg.

Richard Fernandez, Gene Gladstone, Jerry Gordon, Bob Green, Robert Greenblatt, Dave Hawk, Dave Herreshoff, Fred Halstead, Betty Johns, Arnold Johnson, Donald Kalish, Gloria Karp, Sylvia Kushner, Sidney Lens.

Carol Lipman, Brad Lyttle, John McAuliff, Stewart Meacham, Joe Miles, Joe Miller, Allan Myers, Otto Nathan, Sidney Peck, Ann Peery, Max Primack, Carl Rogers, Irving Sarnoff, Lawrence Scott, Larry Siegle, Arthur Waskow, Cora Weiss, John Wilson, Ron Young.

DEAR FRIENDS: What follows is the most complete list of the Steering Committee that we were able to assemble as of September 17. There are undoubtedly ommissions—we apologize. If you note any ommissions, please let us know immediately so we can make the necessary addition(s). There will also undoubtedly be mistakes and inaccurate information—please let us know about them right away also. You will also note that there are some names for whom there is no information or incomplete information—if you can help us with that, please do. In the near future, we will also prepare a similar list of all those who have attended meetings of the Washington Action Committee.

For the Washington Action,
DON GUREWITZ,
New Mobe staff.

Carol Andreas, 1941 Orleans, Apt. 631, Detroit, Mich. 48207 961-5553: Carol is one of 3 rotating representatives of the Detroit Coalition along with Herreshoff and Lafferty.

Marc Beallor, 22 E. 17th St. Rm. 1228, New York, N.Y. 924-8620: W.E.B. DuBois Clubs.

Norma Becker, 68 Charles St., New York, N.Y., 10014 212-691-5748. Fifth Ave. Parade Comm.

Abe Bloom, 3313 Harrell, Wheaton, Md. Wh 2-5393-H, 933-1144-O, Wash. Mob. Project Director.

Irving Beinen, 197 E. 4th St., New York, N.Y., 170 E. 3rd. St., N.Y., N.Y., 212-673-1593: Parade Comm., Guardian.

Barbara Bick, 2231 Bancroft Pl. N.W., No. 1, Wash., D.C., 20008 202-483-5384: WSP.

Irwin Bock, 4140 N. Oakley, Chicago, Ill., 321-922-0065, 478-9337: Vets for Peace (431 S. Dearborn, Chicago).

Allan Brick, FOR, Box 271: Nyack, N.Y., 914-358-4601.

Kay Camp, 2006 Walnut St., Philadelphia, Pa., WILPF.

Marjorie Colvin, GI-CAP, 131 Lake St., San Francisco, Cal. 94118.

Bill Davidon, 7 College Lane, Haverford, Pa. 19041, Resist, 215-649-9600-O. 215-649-6154.

Rennie Davis, 28 E. Jackson, No. 407, Chicago, Ill., 321-641-5955, 427-7773: The Conspiracy.

Dave Dellinger, Liberation Magazine, 339 Lafayette St., N.Y., N.Y. 212-674-0050: Conspiracy, Co-Chairman.

Doug Dowd, Dept. of Econ., Cornell U., Ithaca, N.Y., 1004 E. Shore Dr., Ithaca, N.Y. 607-272-6584-H. 275-4892-O. Co-Chairman.

Gerhard Elston, National Council Churches, 475 Riverside Dr., N.Y., N.Y. 10027. 212-870-2148.

Al Evanoff, Dist. 65, 13 Astor Pl., N.Y., N.Y. 10003. 212-533-7200.

Myrtle Feigenberg, 10002 Harsten Lane, Phila., Pa., 215-AD 3-3504, Phila. WSP.

Dick Fernandez, 3400 Baring St., Phila., Pa. 19104. 215-EV 7-437.; 475 Riverside Dr., N.Y., N.Y. 10027. 212-749-8518: Clergy and Laymen.

Gene Gladstone, P.O. Box 1994, Ann Arbor, Mich.; 1391 Esch. Court, Ann Arbor, Mich. 313-971-6444: Ann Arbor Mobe.

Jerry Gordon, 3194 Oak & Rd., Cleve. Hts., O. 216-321-8714-H, 781-2137-O. CAPAC.

Bob Green, 2006 Walnut St., Phila., Pa. Phila. Resistance.

Fred Halstead, 873 Broadway, N.Y., N.Y. 10003; 228 10th Ave., N.Y., N.Y. 10001. 212-565-5471: SWP, Staff.

Terry Hallinan, 1060 Green St., San Francisco, Calif.

David Hawk, Vietnam Morator., 1029 Vermont Ave., Wash., D.C. 20005. 202-347-4757.

Dave Herreshoff, Detroit Coalition, 75 McLean, Highland Park, Mich.: Wayne State His. Dept.

Gus Horowitz, 873 Broadway, N.Y., N.Y. 10003. 533-6414: SWP.

Arnold Johnson, 23 W. 26th St., N.Y., N.Y. 212-685-5755: CPUSA.

Donald Kalish, Dept. of Philos., U. of Cal., Los Angeles, Cal.; 15142 Mulholland Dr., L.A., Ca. 90024. 213-GR 2-0194-H, 825-1476-W: New Mobe(LA).

Sylvia Kushner, 4911 N. Glenwood, Chicago, Ill. 60640; 343 S. Dearborn, Chi., Ill. 312-922-6578.

Jim Lafferty, Detroit Coalit.

Paul Lauter, Lanlea Apts. No. 10, York Rd., Lutherville, Md.: Resist.

Sid Lens, 5436 Hyde Park Blvd., Chicago, Ill. 60615. 312-NO 7-5437: Chi. Peace Counc., Co-Chairman.

Carol Lipman, 4103 Davis. Pl. No. 5, Wash., D.C.; 1029 Vermont Ave., Wash., D.C. No. 907. 737-0072, 965-0253-H: SMC.

Brad Lyttle, 217 Mott St. 2 R, N.Y., N.Y. 10012. 431-6440, 777-5560: staff.

John McAulliff, CRV, Box 380, Cooper Sta., N.Y., N.Y. 10003. 212-228-4470-O. 866-7464-H.

Stewart Meacham, AFSC, 160 N 15th St., Phila., Pa. 215-LO 3-9372, LO 4-1914: Co-Chairman.

Joe Miller, 100 Lodges Lane, Bala Cynwyd, Pa. MO 4-1864.

Pvt. Joe Miles, Allan Myers, 1029 Vermont Ave. No. 907, Wash., D.C. 20005: GI Press Service.

Otto Nathan, 24 Fifth Ave., N.Y., N.Y. 10011. 477-2948, 473-6400, WRL.

Vern Newton, NDC, 150 Fifth Ave., N.Y., N.Y. 212-691-8180.

Sidney Peck, 3429 Milverton, Cleve., O. 216-991-6759-H, 216-368-2624-O, 368-2620-O. OPAC, Co-Chairman.

Ann Peery, 128 W. Davis, Yellow Springs, O. 45387. 513-767-1965. OPAC.

Max Brimack, 743 S. Oglesby, Chicago, Ill. Chi. Peace Counc.

Carl Rogers, Comm. for Presidio 27, 1029 Vermont Ave., Washington, D.C. 20005. 202-638-4126.

Larry Scott, 4401 Pine St., Phila., Pa., 20 S. 12th St., Phila., Pa. 222-4324. AQAG.

Art Waskow, Inst. for Pol. Studies, 1520 New Hampshire Ave., Wash., D.C. 332-3307-H.

Cora Weiss, 5022 Waldo Ave., Riverdale, N.Y. 212-549-4478. WSP.

John Wilson, 1416 New Hampshire Ave., Wash., D.C.

Ron Young, For, Box 271, Nyack, N.Y. 10960. 914-358-4601. For, Project Director.

Peer Vinther, YSA, P.O. Box 471, Cooper Union Sta., N.Y., N.Y. 10003.

Leroy Wolins, Irving Sarnoff, Larry Siegle, Jack Spiegel.

WASHINGTON ACTION COMMITTEE—TENTATIVE LIST AS OF SEPTEMBER 23, 1969

Yvonne Aronson, 55 Woodside Lane, Princeton, N.J. 08540 (609) 921-7246.

Alice Arshack, 8718 Reading Rd., Silver Spring, Md. 587-6434, AQAG-MOBE.

Frank and Margaret Barham, 4620 Morgan Drive, Chevy Chase, Md. 20015.

Norma Becker, 68 Charles St., New York, N.Y. 10014 (212) 691-5748.

Mr. Irving Beinen, The Guardian, 197 E. 4th St., New York, N.Y.

Barbara Bick, 2140 P St. NW., Washington, D.C., WSP.

Mr. Abe Bloom, 3313 Harrel St., Wheaton, Md. (301) Wh2-5393, Wash. Mobe.

Ken A. Bode, 1650 Harvard St. NW., Washington, D.C., NDC-NY 296-0436, off.—234-2218.

Mr. Allan Brick, Box 271, Nyack, N.Y., FOR.

Tina Bristol, Box 380, Cooper Station, New York, N.Y. 10003 CRV.

Holmes Brown, 515 E. Capital St., Washington, D.C. 20003.

Miss Kay Camp, 2006 Walnut St., Philadelphia, Pa., WILPF (215) LO3-7110.

John Carter, 1221 Trinidad Ave. NE., Washington, D.C., ECTC.

Rep. R. G. Clark, Box 184, Lexington, Miss.

Peter Cohen, 1015 Chestnut St., Suite 700, Philadelphia, Pa. 19103 (215) WA2-6810.

Tom Cornell, 337 Lafayette St., New York, N.Y. 10012.

Leon Craig, 17 E. 17th St., Fifth Avenue Parade Committee, New York, N.Y.

Linda Ciricone, 3410 Brown NW., Washington, D.C., Women's Liberation, 483-8981.

Mr. Bill Davidson, 7 College Lane, Haverford, Pa., Resist 215-649-6900—off. 649-6154—home.

Rennie Davis, 109 N. Dearborn, No. 606, Chicago, Ill., The Conspiracy.

Dave Dellinger, 339 Lafayette St., New York, NY 10012, Liberation Magazine (212) 674-0050.

Jim Dill, 1911 S St. NW., Washington, D.C. 20009.

Ivanhoe Donaldson, 1520 New Hampshire Ave. NW., Washington, D.C., Institute for Policy Studies.

Prof. Douglas Dowd, Dep't. of Economics, Cornell University, Ithaca, New York.

Bob Eaton, 20 S. 12th St., Philadelphia, Pa. 19107, AQAG, LO7-3150.

Lester Edelstein, 2144 California St. NW., Washington, D.C. 20008.

Gabrielle Edgcomb, 3515 Idaho Ave. NW., Washington, D.C. 20016 SANE, 244-7577.

Mr. Gerhard Elston, 475 Riverside Drive, New York, NY 10027, National Council of Churches (212) 870-2148.

James Estes, 160 N. 15th St., Philadelphia, Pa. 19102, AFSC (215) LO3-9372.

Mr. Al Evanoff, Dist. 65, 13 Astor Place. New York, NY 10003 (212) 533-7200.

Miss Myrtle Feigenberg, 10002 Harsten Lane, Philadelphia, Pa., WSP (215) AD3-3504.

Dick Fernandez (home), 3400 Boring St., Philadelphia, Pa. 19104 (215) EV7-4137.

Dick Fernandez, 475 Riverside Dr., New York, NY 10027 (212) 749-8518, CALCAV.

Edward P. Gottlieb, 170 Park Row, New York, NY 10038, WRL (212) 962-7433.

Mr. Sanford Gottlieb, 245 Second Ave. NE., Washington, D.C., SANE.

Bob Green, 2006 Walnut St., Philadelphia, Pa. 19103, Resistance, 215-561-5080.

Don Gurewitz, 1112 Quebec St., Silver Spring, Md., Mobe staff 434-6005.

Helen Gurewitz, 1112 Quebec St., Silver Spring, Md., 434-6005.

Mr. Fred Halstead, 873 Broadway, New York, NY 10003.

Bob Haskell, 300 9th Ave., New York, NY 10001, EPF (212) 675-2141.

Mr. Dave Hawk, Vietnam Moratorium, 1029 Vermont Ave. NW., Washington, D.C. 20005 (202) 347-4757.

Miss Dorothy Hayes, 307 E. 44th St., New York, N.Y., WILPF.

Virginia Hill, 160 N. 15th St., Philadelphia, Pa. 19102, AFSC, 215 LO3-9372.

Gus Horowitz, 873 Broadway, New York, N.Y. 10003, SWP, 533-6414.

Miss Betty Johns, United Church Women, 475 Riverside Drive, New York, N.Y. (212) MO1-3856.

Mr. Arnold Johnson, 23 W. 26th St., New York, N.Y.

Glenna Johnson, 2006 Walnut, Philadelphia, Pa. 19103.

Eric Jones, 1811 Wyoming Ave., Washington, D.C., SNCC

Mike Kalper, 417 E. 60th St., New York, N.Y. 10022.

Martin Kehoe, 339 Lafayette St., New York, N.Y. 10012, CPF (212) 673-8990.

Richard Killmer, 475 Riverside Dr., New York, N.Y., CALCAV (212) 749-8518.

Vicki King, 1823 Riggs Place NW., No. 9, WISP, 234-2155.

Marilyn Lerch, 1816 New Hampshire Ave., No. 908, Washington, D.C. 20036, 462-4529.

John Lewellen, 1854 Park Rd. NW., Washington, D.C.

Carol Lipman, 1029 Vermont Ave., Washington, D.C. 20005, SMC-YSA (212) 737-0072.

Brad Lyttle, 217 Mott. St. Apt. 2R, New York, N.Y., WRL, NECNVA (212) 964-8083.

Robert Maslow, 1730 I St. NW., Washington, D.C., 298-8426.

Mr. John McAuliff, Box 380, Cooper Station, New York, N.Y. 10003, CRV.

Gelston McNeil, 1725 17th St. NW., Apt. 414, Washington, D.C. 20009, DE2-8584.

Mr. Stewart Meacham, 160 N. 15th St., Philadelphia, Pa., AFSC (215) LO3-9372.

Mr. Joe Miller, 100 Lodges Lane, Bala Cynwd, Pa., MO4-1864.

Miss Julie Miller, 857 Broadway, 3rd fl., New York, NY 10003, NYHS Mobe.

Susan Miller, 1604 19th St. NW., Washington, D.C., AD2-4905.

Mr. Allen Meyers, 700 E. 9th St., Apt. 24, New York, N.Y. (212)-533-4603.

Otto Nathan, 24 Fifth Ave., New York, N.Y. 10011, WRL (212) 477-2948.

Verne Newton, 150 Fifth Ave., Rm., 205, New York, N.Y., NDC, (212) 691-8180.

Sidney Peck, 3429 Milverton, Cleveland, Ohio 44120 (216) 991-6759, 368-2624-office.

Jim Pickett, 6136 Chinquapin Pkwy., Baltimore, Md. 21212, Baltimore Defense Comm. (301) 433-2380.

Candy Putter, 20 S. 12th St., Philadelphia, Pa.

Glenn Ray, 15 Rutherford Place, New York City, NY 10003 AFSC.

Thomas Reeves, 201 Massachusetts Ave., NE., # 108, National Council to Repeal the Draft, 544-2041-office, 544-6941-home.

Harry Ring, 305 E. 21st St., New York, NY., 212-533-6412, SWP.

Carl Rogers, 1029 Vermont Ave., NW., Washington D.C. 20005, Presidio 27 Comm. (202) 638-4126.

Sharon Rose, 5201 Connecticut Ave., NW., Washington, D.C., Jews for Urban Justice, 244-6752.

Jose Rudder, 4925 Fitch Place NE., Washington D.C.

Lawrence Scott, 4401 Pine St., Philadelphia, Pa., AQAG 222-4324.

Peter Shuchter, 2 Erie St., Montclair, NJ 070042, SANE (201) 744-3263.

Jane Silverman, 2007 Massachusetts Ave., NW., Washington D.C., New Mobe/New Party 483-0351.

Sue Strauss, 1840 California St. NW., Washington D.C. 20009, F.E.D.S., 382-1446-office, 387-5261-home.

Sue Susman, 3 William St., Great Neck, N.Y., United Methodists, Women's Division, Board of Missions, 516-457-4674.

Ethel Taylor, 1505 Ashford Way, Philadelphia, Pa. 19151, WSP, (215) MI2-9078.

Bill Tray, 17 E. 17th St., New York, N.Y., Parade Comm. 255-1075.

Ottilie Van Allen, 4838 Park Ave., Washington, D.C.

George Vickers, 232 W. 16th St., New York, N.Y. 10011, Methodist Women, (212)675-5902-home Mu2-3633-office.

Peer Vinther, Box 471, Cooper Station, New York, N.Y. 10003, YSA—

Arthur Waskow, 1520 New Hampshire, Washington, D.C., Institute for Policy Studies.

Marilyn Webb, 2318 Ashmead Place NW., Washington, D.C. 20009, Women's Liberation.

Miss Cora Weiss, 5022 Waldo, Bronx, N.Y., 10471, (212) 549-4478.

Steve Wilcox, 1029 Vermont Ave., NW., Washington, D.C. 20005, 737-8600.

Mr. George Wiley, 1419 H St., NW., Washington, D.C. 20005, 347-7727.

Rev. Herman Will, 100 Maryland Ave., NE., Washington, D.C. 20002, Methodist CSC, (202) 543-6336.

Grace Williams, 148 Delancey St., New York, N.Y. 10002, CRV, (212) 228-4505.

XUM

Ron Wolin, 857 Broadway, Rm. 307, New York, N.Y. 10003, (21) 675–8465.

Leroy Wollns, 1380 E. Hyde Park Apt. 302, Chicago, Ill. 60615, Vets for Peace.

Richard and Mary Wylie, 2120 16th St., NW., Washington, D.C.

Trudi and Ron Young, 1029 Vermont Ave., Washington, D.C. 20005, New Mobe, 737–8600.

HUMAN RIGHTS ARE THE BIRTHRIGHT OF ALL

Mr. PROXMIRE. Mr. President, the United States, in successive administrations of both political parties, has taken the lead in working for a world in which human rights are the birthright of all. Nevertheless we have ratified only two of the more than a score of human rights conventions. There should be no greater emphasis for international concern than the guarantee of the human rights of mankind. The human rights conventions on genocide, political rights of women, and forced labor, guarantee such rights.

Mr. President, yesterday I spoke of the report recently published on the treaty-making power of the United States in human rights matters. This report was prepared by the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968. The distinguished and able W. Averall Harriman was the chairman of the President's Commission for the Observance of Human Rights Year 1968. I would like to bring to the attention of my colleagues the very moving letter signed by Mr. Harriman as an acceptance of this report. The point is made that by participation in these human rights conventions "we will demonstrate to countries throughout the world, who look to us for leadership, that we truly accept the universality of basic human rights." Mr. President, I ask unanimous consent that Mr. Harriman's letter to former Supmere Court Justice Tom C. Clark, the chairman of the Special Committee of Lawyers, be inserted in the RECORD at this point:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR JUSTICE CLARK: It is with sincere pleasure that I have received and accepted your report on the Human Rights Conventions. The question of U.S. ratification of Human Rights Conventions was at the very heart of all our efforts throughout 1968—the International Year for Human Rights.

The report of your Committee justifies the emphasis which the Commission placed on the question of the Human Rights Conventions. In your conclusion, you state that: "Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty-making power of the United States." This is an unequivocal rejection of the arguments of those who would seek to elevate the concept of the sovereignty of the state above personal human values and the common aspirations of mankind for liberty and dignity.

Little need be said beyond this except that now we must summon-up the will to participate in these Conventions. In that way we will demonstrate to countries throughout the world, who look for us for leadership, that we truly accept the universality of basic human rights.

Your Committee has performed a signal service for the Commission and I believe this report will lay the foundation for a reappraisal of international human rights within the legal profession and eventually within the Congress of the United States.

With my warm personal regards.

Sincerely,

W. AVERELL HARRIMAN,
Chairman, the President's Commission for the Observance of Human Rights Year 1968.

THE WHITE REACTION

Mr. BYRD of West Virginia. Mr. President, on Friday, October 10, the Evening Star of Washington concluded its five-part series entitled "The White Reaction." In that conclusion, Mr. Haynes Johnson notes that the reporters who wrote the series found "disquieting evidence of new tensions between whites and blacks."

The final article states that skepticism about the prospects for integration is not prevalent just among lower income whites. According to the article, "doubt exists among all groups from white-collar liberals to blue-collar workers."

Each time the demands of black militants are met, racial tensions increase; and the Evening Star reporters found that, "in such an emotional context, some thoughtful whites view the future with increasing pessimism." The tensions that produced the pessimism among whites has also produced what the article calls "an apparent further drawing apart of whites and blacks."

This informative series has described in detail the reaction of the white majority in America to the demands of a minority comprised of black militants. It has warned of the polarization of attitudes among whites and has given voice to their grievances. The series of articles should not be ignored, Mr. President.

I ask unanimous consent that the final part of the series be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WHITE REACTION

(By Haynes Johnson)

Much has been made recently of that "forgotten American" of whom Richard Nixon spoke during his presidential campaign. Assuming he exists at all, he is the "little man" of modest income who struggles for survival and worries about law and order. He is also the white American most identified as harboring antipathies toward Negroes.

But that supposed "common man" isn't the only American skeptical about the prospects for an integrated society. Doubt exists among all groups from white-collar liberals to blue-collar workers.

A team of white reporters assessing attitudes of white Americans today returned from their trips around the country with disquieting evidence of new tensions between whites and blacks.

The attitudes of the whites they met are adding another chapter to the pervasive story of the 1960s—the Negro's effort to achieve the equality that has been promised him in theory, but denied him in reality.

It has been a story of anguish and hope, achievement and frustration, reconciliation and rebellion. And now, in part, it is a story of reaction.

The current mood should come as no surprise. It is an inevitable response to strife and sudden change. It is the price of progress. It also reflects concern over other unresolved national questions, indeed, over the very complexity of American life.

For some whites, the Negro and race relations have become convenient scapegoats for a host of other grievances.

One result is an apparent further drawing apart of black and white. "Polarization" is the current operative word—and cliche or not, polarization does exist.

It can be detected by even the most casual observer in a number of ways—in the reports of black-white conflict in the military, in the public schools, in the issues dominating municipal election campaigns, and in the often unsuccessful and bitter attempts of whites and blacks to work together on poverty programs and other self-help community projects.

Even among the traditional civil rights organizations, a new questioning is apparent. One detects a tone of resignation, a sense that the goal of an integrated society is easier to express than to achieve. This week, for instance, the American Civil Liberties Union issued a defensive statement saying it has not abandoned integration "as an ideal for educational quality." Then the ACLU added the gloomy forecast:

"In many communities, particularly the urban ghettos, we will continue to have segregated public schools for the foreseeable future. New strategies for equalizing educational opportunities are imperative lest we write off still another generation of minority children."

Beyond the specific problems lies a more intangible and difficult question—one of attitude.

The black director of a Pittsburgh antipoverty program expressed the thought best when he remarked that some Negroes are being taught the same kind of racial prejudice that sustained white society, in reverse, for so many years. "Love black, hate white," he had said was the lesson for some. His words recalled a comment in Alan Paton's "Cry the Beloved Country," where the black African says sorrowfully, "I have one great fear in my heart, that one day when they (whites) turn to loving they will find we are turned to hating."

In such an emotional context, some thoughtful whites view the future with increasing pessimism.

"A lot of people now fear and hate Negroes who neither feared nor hated Negroes 10 years ago," said one man, a scholar in Washington, D.C. "It's not the color of his skin that's done him in. There's much less residual color prejudice in this country than we think. But the lawlessly aggressive militant has done the whole black race in.

"I'd have to say I'm pretty pessimistic. We are beset by the same sort of pressures which destroyed the German Republic in the '20s and brought Hitler to the fore. Don't forget that we've had vigilantism in this country for a long time."

"There's no question that the lines are being drawn, and numerically there just aren't that many revolutionaries to fight against the establishment. Labor is going to provide the shock troops. It isn't going to be called fascism, either. It'll have a good name. We can call it law and order.

"And one of these days somebody will come along with some personal magnetism and you're going to have a consolidation of the right. It may not be altogether a black-white confrontation, but sooner or later the middle class—primarily white middle class—is going to rise up against what it considers outright lawlessness."

Like other whites, he attributed a white reaction of fear and anger to the cumulative effect of the black militant's ultimatums and demands. Feeding this reaction is a belief that the turmoil pictured on the television screen is becoming greater. It leads to the conclusion that race relations have never been worse.

Yet, while the voice of the angry radical commands attention today (unfairly and inaccurately as the true representative black), other hardly noticed developments of greater significance are occurring.

In no other decade has an oppressed minority made greater, and more dramatic, gains. Throughout the 1960s, America has been undergoing something approaching its second revolution—a revolution of taste, style, manners, morals, expression, education, economics, politics.

The black protest movement, standing at the center of that revolution, has affected virtually ever aspect of American life—from the young white students who journeyed South in the mid-60s to Mississippi and Selma and then returned to their college campuses to begin their own challenge to the system, to the contemporary music, the dress and the language of today that stem directly from the blacks.

Even the numbers are changing.

At present, there are nearly 23 million black Americans, an increase of more than 20 percent over the 1960 census figures. (In the same period the white population increased by about 12 percent.)

By every statistical measurement, blacks, as a group, have advanced: Some 38 percent of black families now own their homes; the number of black professional, technical and craft workers increased by nearly 1.5 million since 1960; the proportion of blacks in colleges also has risen dramatically.

Here are other indications of change.

In education—Nine years ago, only 43 percent of young black men and women in the central cities were high school graduates; now that percentage has risen to 61. School dropout rates have declined sharply among blacks.

In incomes—Today, some 20 percent of Negro families in the largest metropolitan areas have income of $10,000 a year and over, double the number in 1960.

One of the most important changes involves the migration patterns of blacks.

Since World War I, blacks moved in ever greater numbers out of the old rural South and headed North. That pattern continued to accelerate through the 1950s and into the 1960s. Today, it has almost stopped.

Negroes are remaining in the South, partly because of better conditions there, but also out of a harsh recognition that life in the North may even be worse for them. The urban riots undoubtedly were a factor altering this pattern of movement.

From 1960 until 1966, for example, the cities were growing by about a quarter of a million persons a year. White population in central cities declined by about 141,000 a year. The black population in the cities was increasing by about 370,000 a year.

Then, about 1967, there came what the Census Bureau describes as "a distinct change."

City population dropped by nearly 400,000 a year. The movement of whites out of the central cities "rose sharply" to nearly 500,000 a year. Black migration into those cities dropped to 110,000 a year.

In other words, whites are leaving the cities in far greater numbers than before and blacks are replacing them at a slower rate than at any time in the past 20 years. That last development leads government analysts to conclude that the black concentrations in the cities may not increase much in the future. Coupled with this is the prospect of another kind of move by blacks: from the cities to the largely white suburbs.

As Conrad Taeuber, associate director of the Census Bureau, sees the trend:

"With the growth of a black middle class of major proportions, we may find that more blacks, as well as whites, will shun the cities until they provide more of the kind of life people want."

But that cuts both ways. It means the rest of the black population—the poor, uneducated, ill-equipped, ill-served black population—is left to itself in the decaying central cities. They are increasingly separated not only from white society, but from blacks. They are the festering sores in this rich land.

During research for this series, a recurring theme was sounded: that the racial problem in this country is a problem also of culture and economics. The greatest potential for violence comes when blacks and whites compete at the working level—and clash. That is happening today.

Although racial stereotypes have been altered in this decade, many white people still think of Negroes as an angry, hostile minority who, from time to time, set the torch to their own neighborhoods and throw America into a convulsion of fear. The whites haven't yet begun to notice those other blacks—the blacks now on their television commercials and dramas, the blacks in their offices, restaurants, theaters, airports, neighborhoods—who have been assimilated into the predominant middle-class white culture. Today those blacks, not the slum dwellers, are the real invisible Americans.

Yet they are proof that integration, or assimilation, can work. They are also the source of optimism in this story.

Joseph L. Rauh Jr. of Washington, vice chairman of Americans for Democratic Action and a veteran fighter for civil rights causes, struck neither an optimistic nor a pessimistic note when he said:

"I'm too old to change. I'm absolutely adamant when it comes to integration. I'm against separatist blacks and whites. I still believe in integration, but I wish I knew the answer on how to achieve it in a practical way.

"What has happened in America, what we have accomplished in the civil rights fight, is that we have made a system of legal racial equality. But we haven't made a system of practical racial equality. That hasn't been possible because of the economic situation."

Others, looking to the future, point to other developments. In Los Angeles, John A. McCone, the man charged with assessing the reasons for the riot in Watts and a former CIA director, takes another view. The riots, he thinks, have produced some beneficial results. "What has evolved out of the riots is a public awareness of the problem," he said.

Then he added:

"Examine what has taken place in the last 20 years; a period of intense technological development, a revolution in communications which has changed the scope of knowledge. I think this has a lot to do with the changes we are seeing. This period is the first time in history when man has the power to destroy civilization."

He might have said that America today contains the potential for self-destruction from within, or for creating a more equitable society.

Of that eventual outcome, you can hear voices of gloom and voices of optimism in traveling the country these days. A reporter prefers to recall one incident.

It was in Pittsburgh, in a private, closed-door meeting between a cross-section of the black community and the new public safety director, who is white. The exchange was frank—even blunt. The blacks laid out their grievances. They were explicit about problems in their community; they spoke of police—community tensions, of allegations of bribes and payoffs. One thing they needed to reduce the tensions was a new police-community relations division operating directly under the safety director. Were they going to get that? they asked.

"I don't know," the policeman said. "You know, we're pretty new at this."

For a moment, there was silence. Then a black spoke up.

"So were the Mets," he said.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advanced funding of such programs, and for other purposes.

The Senate proceeded to consider the bill.

THE POVERTY BILL—OUR UNFULFILLED OBLIGATION

Mr. YARBOROUGH. Mr. President, we are frequently reminded that this Nation's technological superiority, military might, and economic abundance is unparalleled in the history of civilization. I think it is significant, however, that our spectacular accomplishments have not blinded us to our failings and that our democratic political process forces us to consider matters overlooked in the rush toward greatness. Today we are required to face the unpleasant fact that there is still poverty in America. We do so because our political institutions remain sensitive to the demands of a concerned citizenry which is aware of the debilitating effects of poverty on the quality of life and the economic well-being of the Nation. I see this as a sign of strength and of political maturity. It suggests to me that democracy is still flourishing as we near our 200th anniversary as a Nation.

Therefore, I strongly support S. 3016, a bill which authorizes new initiatives in several areas heretofore neglected.

Senator NELSON, as the chairman of the Subcommittee on Employment, Manpower, and Poverty, labored long and hard to bring to the subcommittee a reasoned and balanced approach to the problem of where the poverty program should go now. He worked with great skill in bringing before the Senate a poverty bill that has the most widespread acceptance of any poverty bill that has ever come out of the Committee on Labor and Public Welfare. I believe that I speak for the committee when I express to the Senator our appreciation for his consideration and understanding of our individual views as the bill moved through the committee.

The dimensions of the poverty problem have become increasingly familiar to those of us who have been given special responsibilty for examining and acting on poverty matters as members of the Senate Labor and Public Welfare Committee.

THE PROBLEM

Twenty-five million Americans who live in a land of affluence must support a family on less than $75 a week.

Five million Americans are chronically hungry and 10 million suffer from chronic malnutrition.

Then there are the forgotten rural poor; up to 14 million people living in isolated little communities and settlements where they hover in despair and grow bitter toward that which is far away, urban, and hard to understand.

Finally, I should add that the statistics we now see show us that this is not a regional or a sectional problem; poverty knows no geography in this country. Nor is it a racial phenomena. The statistics show that two out of three people who live in poverty are white. In other words, this is a national problem and its solution will require a national commitment of energy and resources.

COMMITTEE ACTION

The Labor and Public Welfare Committee, which I have the honor to chair, has carefully reviewed this bill and, has adopted the recommendation of the Subcommittee on Employment, Manpower, and Poverty which is headed by my distinguished colleague Senator NELSON. While we have sought to be responsive to the administration's request, we have had to recognize certain realities about poverty in America. The ongoing successful programs must be expanded while initiative is given for new ideas which will strengthen the program where it is weak, expand it where there are gaps, and assure the integrity of those programs whose continuity is vital to successful execution of a meaningful war on poverty.

The bill meets the administration's request for a 2-year authorization of OEO funds and the new OEO Director's request that we provide the administrative flexibility he seeks in order to undertake some reforms and improvements in his agency. This includes a provision which will permit the OEO Director to cut the budget of any program by up to 15 percent and to reallocate the funds to other programs within the agency. This will allow him to forestall financial crises for critical programs by taking idle money from stalled efforts and putting it to work where it is needed and can do the most good.

The President's budget proposal for the OEO was examined carefully by the committee and after due consideration it was the judgment of the committee that some of the more effective programs required additional funds to be truly effective weapons against poverty. Authorization for eight separate programs were expanded. These include the following:

Headstart: The committee voted additions of $120 million for 1970 and $240 million for 1971 to the President's request of $338 million per year. This is important if the already small number of children served by this program is not to be cut back. The headstart experience to date has shown us that the assistance provided to the youngsters in the summer often would be more effective if it were extended over a full year. Additional funds are needed to permit conversion of summer headstart sessions into year-long programs. The additional funds allocated for this program will achieve that purpose. They will allow all enrolled children to take advantage of the program for the entire year.

Legal services program: The President requested $58 million each year for OEO legal services. After examining the program and hearing compelling testimony on its progress and its promise by such prestigious groups as the American Bar Association, the National Bar Association, and the National Legal Aid and Defenders Association the committee voted to authorize an additional $16 million for 1970 and $32 million more for 1971. By 1971 the program would have an authorized funding level of $90 million—the minimum recommended by the American Bar Association. I shall discuss this matter more fully later in my statement.

Comprehensive health services: The administration's request for an $80 million authorization has been supplemented by an additional $40 million for 1970 and another $80 million for 1971. This reflects the committee's realization that families with poor health are canceling out any gains made in the employment, manpower educational fields. These services need to be expanded into many more communities as a vital complement to the other antipoverty programs which are based on assumptions that minimal health conditions prevail among those who are being helped to help themselves.

Our failure to recognize and act upon our health needs is a national disgrace. As chairman of the Health Subcommittee, I have found that as a Nation we are not paying enough attention to our growing health problems. We fail to provide sufficient doctors and technicians, we cutback our research funds thoughtlessly, and we fail to recognize that in our land of abundance, our newborn infants have less chance of life than children born in 15 other countries in the world. The comprehensive health services program is an attempt to bring medical services to the people who need them most. An investment in the health of these people is the most valuable investment we can make. For without health all the education and job training is doomed to failure.

Mr. President, this is a most important addition to the President's program, and I support it wholeheartedly.

Emergency food and medical service: The administration's request for $25 million in authorized expenditures would have the effect of holding back growth of this program in the face of disturbing new knowledge about the scope and severity of hunger in America. Some 20 million poor Americans who currently receive no family feeding assistance and the 5 million poor children who are denied school lunches would remain outside the program. The committee, cognizant of these facts, and sympathetic to the compelling need to abolish hunger and malnutrition in this land of abundance has recommended a substantial increase in the authorization. We are recommending an additional $75 million in 1970 and another $150 million in 1971.

Migrant worker programs: The administration has requested an authorization of $34 million for this program. The committee recommended increases after becoming aware of a number of disturbing facts. First, only one out of five migrant worker families is served by the program. Second, only about 4 percent of the programs' funds are being used to assist migrant farmworkers' families move out of the migrant stream and settle into nonfarm occupations. This is occurring in the face of reports that by 1980 nonfarm jobs must be found for some 40 percent of the farm labor force. In order to carry out its responsibilities to these hardworking people who harvest our crops and pick up their homes and move in diligent pursuit of work, the committee has recommended that the OEO be authorized an additional $7.5 million for 1970 and $15 million more for 1971.

Economic opportunities for senior citizens: The President requested authorization for $8.8 million for this program of assistance to low-income senior citizens. This would hold the program at its current level of operations and force the OEO to defer action on approximately 300 additional program requests. To assist the OEO in meeting some of the demand for services among the 5 to 8 million oldsters whose economic condition is precarious the committee has voted an expansion of the requested authorization—adding $1.6 million for 1970 and $3.2 million for 1971.

Day care centers: As we come to better understand the culture of poverty we uncover new problems to be met. One of these is nursery care for the children of working mothers whose income and family situation do not permit them to make satisfactory arrangements. Many low-income mothers are torn between the need and desire to work and a responsibility to their infants and young children. Some simply do not seek work. Others suffer the consequences of absenteeism, tardiness, and erratic or part-time employment. Children are left to the street, to the vacant lot, or to the neighbor or relative who is often a poor substitute for a mother. There are 4.5 million children under 6 years of age with working mothers, yet there are only 531,000 spaces in licensed day-care centers. In 1967, I sponsored a bill which would allow management and labor to bargain and establish such child-care centers without violating the National Labor Relations Act. This bill will become public law this year. As part of this effort, the committee at that time also established a day-care program within OEO, but so far, there has been a failure to implement the authorization. In this year's presentation the new administration also failed to request funding for programs to care for these children. After careful consideration and research, the committee has concluded that the importance of the matter commands action. We have taken the initiative of authorizing funds to initiate these day-care projects—$25 million for 1970 and $50 million for 1971.

Special impact projects: The administration has requested an authorization of $46 million for this program to provide funding for special social and economic development projects in particularly poor areas. This is well below the $75 million authorized back in 1966 when the program began and represents a step backward from a program whose success is ever more evident. If indeed, we are to emulate the successful experience of the Bedford Stuyvesant project and others in both rural and urban areas and if we are to back up the promise to give minorities a "piece of the action" in economic development then we must provide adequate funds to meaningfully move ahead with this job. The opportunities abound. Some 81 proposals totaling over $90 million are already pending before OEO with twice that many forthcoming. Not all of these may meet the standards that must be maintained, but it is clear from our examination of the program that the amount requested is insufficient to meet the needs of the program. Therefore, the committee has recommended an additional $7 million for 1970 and another $14 million for 1971.

Mr. President, the total of these increases amounts to $292 million for 1970 and $584 million for 1971. With their inclusion, the authorizations for 1970 would total $2.34 billion. For 1971, the total authorized would be $2.732 billion. Considering the size, scope, and complexity of the problem of poverty in this Nation this is hardly a beginning. It is, however, another step forward in developing a battle plan for a meaningful war on poverty.

LEGAL SERVICES

Mr. President, I would like to make special mention of an amendment offered by Senator MONDALE—my distinguished colleague and fellow member on the Senate Labor and Public Welfare Committee. He has provided us with a significant proposal for strengthening the legal services division of OEO and protecting the integrity of the advocates it provides for the poor in their dealings with State and Federal authorities. This program has been lauded by distinguished attorneys and scholars, by major professional associations such as the American Bar Association and has won wide acceptance and trust among the poor people of this country. In a time when so many are demanding respect for the law, it is essential that we assure ourselves that the law is being applied equally to the protection and benefit of all Americans. This program, which provides legal assistance to those who cannot otherwise obtain counsel, is indispensible in building respect for and confidence in our legal institutions.

In order to protect the program from any possible conflicts of interest in cases involving suits against Federal agencies, Senator MONDALE has recommended with concurrence by the majority of the committee that the OEO Director should be expressly prohibited from delegating this program to the Department of Justice or any other Federal agency. His view was endorsed by the American Bar Association in its recent meeting in Dallas, Tex. Adoption of this amendment is essential to protecting the integrity of this important program.

I would again like to lend my voice in support of Senator MONDALE's views. If we are to have order in this country, Mr. President, we must have respect for law by all of the people. And if we are to sustain that respect for our legal institutions, we must make certain that they serve all Americans equally and fairly whether they be landlord or tenant, employee or employer, lender or borrower, welfare chief or welfare recipient. I urge, therefore, that the proposed expansion and strengthening of the legal services program be adopted.

ALCOHOLISM PROGRAM

Mr. President, another significant outcome of our study of the OEO program is recommendation that a new national program of alcoholism counseling and recovery be undertaken in conjunction with the war on poverty. Small authorizations of $10 million in 1970 and $15 million in 1971 are included to set this effort underway. Such an addition is necessary if the assistance provided through the other programs is to have any effect on those families suffering the ravaging effects of alcoholism. It is clear that a worker, a housewife, a family cannot fully benefit from services provided by OEO or community agencies if each step forward is to be canceled out by debilitating effects of alcoholism or problem drinking. My distinguished colleague from Iowa, Senator HAROLD HUGHES, chairs a special Subcommittee on Alcoholism and Narcotics, which as committee chairman, I created this year. He is an internationally recognized expert in this field. It is through his diligent work on the relationship between alcoholism and poverty that we have come forward with language that authorizes the Office of Economic Opportunity to forthrightly direct its attention to the problem of alcoholism and recovery. I would like to take this opportunity to thank Senator HUGHES' initiative in directing the attention of the Senate and the administration to this problem.

NARCOTICS PROGRAM

My distinguished colleague, Senator DOMINICK, who serves as the ranking minority member with Senator HUGHES on the Alcoholism and Narcotics Subcommittee, has provided a companion program to the one on alcoholism—directed toward rehabilitating drug users.

It is becoming increasingly clear to those of us who are continually concerned with the causes of poverty that drug addiction provides emotional, physical, and financial drains on many people who have no way to take advantage of any economic opportunity provided them as long as they are afflicted by the drug habit. Although the administration proposal did not take note of these problems or make recommendations on how to deal with them, the committee hearings and research have clearly indicated that Senator DOMINICK's proposed program to create a new special emphasis program to help rehabilitate drug addicts is a vital complement to a realistic economic opportunity program. I, therefore, repeat my strong endorsement of this amendment.

AMENDMENT NO. 241

Mr. JAVITS. Mr. President, I call up my amendment No. 241 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 2, lines 15 and 16, strike out "and for the next fiscal year".
>
> On page 2, line 18, strike out "each".
>
> On page 4, line 1, strike out "any such fiscal year" and insert in lieu thereof "the fiscal year ending June 30, 1970".

Mr. JAVITS. Mr. President, for the information of the Senate, I shall not debate my amendment until we have had a quorum call.

The PRESIDING OFFICER. Does the Senator from New York ask unanimous consent that the amendments be considered en bloc?

Mr. JAVITS. I do.

Mr. NELSON. Mr. President——

Mr. JAVITS. Mr. President, I withhold the request.

Mr. NELSON. Will the Senator explain the amendment briefly?

Mr. JAVITS. It is simply that the words come in different places; it seeks solely to eliminate earmarking.

Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. JAVITS. Mr. President, for the information of the Senate, I would hope the Senator from Wisconsin (Mr. NELSON) would give me his close attention so that we can chart a course so that Senators will have some idea of what we are about.

I shall bring the amendment to a vote. I expect a rollcall vote on the amendment around noon, if Members of the Senate are willing to cooperate in that respect.

Mr. NELSON. Would the Senator like a unanimous-consent agreement?

Mr. JAVITS. No, I would rather not.

Mr. President, second. I am hopeful that other members of the minority, and I know some of them have amendments, will propose their amendments immediately after this rollcall, and I hope that Members will lend their help to the problems of so many of us so that we may conceivably have action on the bill by tonight. Whether that will happen no one knows, but at least that is the aspiration of the Senator from Wisconsin and me, and we humbly invoke the cooperation of the Senate.

Mr. President, if attachés will advise Members that the pending amendment relates to striking from the bill the provision which earmarks amounts of the authorized appropriation for the fiscal year ending June 30, 1971, Members who are interested might come over to hear the debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

XUM

Mr. PROUTY. Mr. President, I offer the following comments in connection with S. 3016, a bill now before the Senate to extend the Economic Opportunity Act. As a member of the Committee on Labor and Public Welfare which voted favorably to report the bill I intend to support the bill on the floor of the Senate.

Before I make specific comments on the bill, however, I would like to note that I do not think the hurried manner in which the bill has been presented is in any way conducive to proper passage because it does not lead to adequate understanding of the need for this legislation. At a time when the Nation is making great strides in meeting the needs of the poor it is essential that we in the Congress give full attention to a discussion of all the issues so that every citizen can be fully informed. The causes of poverty are so many and so varied that we cannot hope to succeed unless all citizens of the country cooperate in this endeavor.

As was stated in the committee report and the supplemental views of the minority Members, there are many aspects of the bill which should be of great benefit to the Office of Economic Opportunity in its future operations.

Perhaps most important is the recognition that OEO must be extended for another 2 years. This will give continuity to existing programs and flexibility to the Director in evaluating and reorganizing the total OEO structure.

The needs for such evaluation and reorganization have been outlined by the President and the new Director to reflect a desire to learn from the past and to make the future more successful.

In the past 5 years we have learned much from OEO's successful programs as well as those that did not achieve the desired results. We have learned the value of certain programs and even delegated some to other agencies where they can be implemented better. We have learned about the role that various State and local agencies can play in solving the problems of the poor. On the basis of this, the community action concept has been strengthened and the role of the States is now being improved. I heartily endorse this kind of evaluation and refocusing effort, and for these reasons, I think the 2-year extension will be most helpful.

With regard to the flexibility that will be given to the Director in this effort, however, I think the bill has several potential drawbacks. One of these is the specific earmarking of funds. Such earmarking is not based on proper evaluation of priorities or previous successes. Earmarking will only limit the flexibility of the Director in establishing his own priorities or in strengthening certain desired programs more than others. Another drawback is the limited flexibility given the Director in transferring funds from one program to another. I think we have improved the situation greatly by now allowing up to 15 percent of any program's funds to be diverted to another without placing a limit on the total to be added, but I think this should be increased to 20 percent. However, once having done so for the first year, and that we should increase the flexibility to at least 30 percent in the second year so that the Director, if the situation warrants it, can shift the emphasis even more. If the 15-percent transferability rate is kept the same for both years, it does not allow the Director to continue a change in focus once it has been started.

One other aspect of the bill that disturbs me is the level of funding that we have authorized. I fear it is in excess of that requested by the President and thus may limit his flexibility in determining priorities and balancing the budget. Specifically, in the first year the basic authorization is $2.048 billion as he requested, but the second year is for $2.148 billion, and this may not be warranted. More importantly, however, I think the addons proposed for specific programs each year are greatly unwarranted. They will add $292.1 million and $584.2 million for each year respectively and yet little basis can be found for adding or expanding each such program so disproportionately.

Although I have gone to some length in enumerating my hesitant feelings with regard to certain portions of the bill, I still feel it is worthy of support. I think the strengths enumerated here on the floor and in the committee report warrant its approval by the Senate. I further hope that the House will complement the work that we have done here.

The new direction of OEO that we all so heartily endorse deserves instant attention and commitment. I thank my colleagues on the committee for their interest and thank our chairman, the distinguished Senator from Wisconsin, who has worked most diligently and effectively to produce a bill worthy of bipartisan support. I hope my colleagues in the Senate will look favorably on these efforts and give solid approval to the bill.

Mr. JAVITS. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. JAVITS. We have had an absolutely extraordinary degree of unity of opinion among the minority members of the Committee on Labor and Public Welfare, especially on very trying questions like the war on poverty and the OEO.

It is well known that we are not men of necessarily parallel views. My views are not necessarily those of other members of the minority. There are some exceptions to that. But I really credit my colleague from Vermont with exercising enlightened influence which has enabled me to point with such pride—and I do—to the degree of unity which we have been able to attain.

Time and again the able Senator from Vermont has subordinated what he has felt to be deeply held views to try to come, as far as he could, to meeting mine and that of other members of the committee.

It is characteristic that in his statement today he includes the administration's approach insofar as we were able to carry it through, even for some of the things the committee did itself; but the general outline of the bill is characteristic of the very, very constructive influence which has helped to hold the minority together and give it such a constructive position. It has made my work as ranking member, with the duties that carries, tenable and practicable. I am very grateful—speaking personally, and I mean it—I am very grateful to the Senator from Vermont.

Mr. PROUTY. Mr. President, may I say to my colleague from New York that I am, indeed, grateful for his most generous remarks. We may differ somewhat with respect to details but the overall objective is the same. I have supported this program throughout the years, and have made suggestions, some of which have been accepted and some rejected; but we have, nevertheless, made real progress.

Certainly, without the able assistance of the very distinguished Senator from New York, we would not now be well on the road to facing up to some of the serious problems we have in this field.

I pay my highest respect and tribute to the Senator from New York for his selfless help and encouragement.

Mr. JAVITS. I thank my colleague from Vermont.

Mr. NELSON. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. NELSON. I concur with what the Senator from New York has just said about the helpfulness and cooperativeness of the able Senator from Vermont, as well as the minority. I do not think that I have ever served on a committee—in the legislature of my State or here in Congress—which had to deal with issues that are as complicated, as volatile, and represent such diverse philosophical viewpoints. I have never seen better cooperation by the minority or whenever I was on the minority, by the majority, than the minority on the Subcommittee on Employment Manpower and Poverty.

It would not have been possible for this bill to be completed and now before the Senate if it had not been for the genuine spirit of cooperation and compromise that has been expressed and followed by members of the minority, including specifically the Senator from Vermont and the Senator from New York who are here today.

As chairman of the subcommittee, I want the Senator from Vermont and the Senator from New York to know that I appreciate very much their cooperativeness and their helpfulness in getting the bill before the Senate, even though I consider that there are Members on both sides who have specific and strong feelings and did not wish to compromise; but they were willing to do so, so that we could come out with a bill which I think, overall, represents a genuine bipartisan effort.

Mr. PROUTY. I am very grateful to the Senator from Wisconsin for his comments.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. BYRD of West Virginia. Mr. President, I should like to call to the attention of the able Senator from Wisconsin, the Senator in charge of the bill, an article published in today's Washington Post, written by Eve Edstrom, entitled "Rumsfeld Warning Miffs Poverty Unit."

I read some paragraphs from that article:

> The Nixon administration asked the nation's community action leaders yesterday to avoid "tactics of confrontation" but was promptly denounced as the "enemy of the poor."

> The confrontation occurred at the Sheraton-Silver Spring where Office of Economic Opportunity director Donald Rumsfeld addressed 1,000 antipoverty workers from across the nation who had gathered for a three-day conference of the National Association for Community Development.
>
> They debated and adopted a position paper that accused the Nixon administration of being the "enemy of the poor" and urged all Americans to join the "army of dissenters." The paper also urged OEO to establish a national advisory council of poor persons and to seek a strong role for community action agencies in the operation of manpower training programs.
>
> The conference had been opened with a warning from Rumsfeld against the "tactics of confrontation."

Quoting from Mr. Rumsfeld, I read as follows:

> If community action agency efforts are dominated by the kind of confrontation tactics which divide communities and further isolate the poor from other groups instead of bringing them into closer relations with the community, community action will soon be without the broad support it must have.

The article continues:

> Before Rumsfeld could answer questions from the audience, Theodore T. Taylor, a New Jersey community action worker, demanded and received time to speak.
>
> Taylor told Rumsfeld that "I consider your remarks to be an insult to us" . . .

Mr. President, I call this news story to the attention of the Senate and to the attention of the manager of the bill and other members of the committee, who are, of course, supporting this bill, for the purpose of asking whether or not there was concern on the part of the committee with respect to the tactics that have been used by some of the antipoverty workers throughout the country from time to time, tactics leading toward "confrontation," and, if so, what recommendations are being made by the committee, if any, that will serve to prevent use of the taxpayers' money by poverty employees, many of whom are misguided, to foment unrest and incite revolution and insurrection and stir up trouble.

I wonder if the able Senator would respond.

Mr. NELSON. Mr. President, let me say first that Mr. Rumsfeld is moving to eliminate those community action programs which have not been effective. He has authority to do it. If they are not performing the responsibility that he believes they have under the law, effectively, in getting a fair return for the taxpayer's dollar, he is eliminating them. I understand he is eliminating about 30 community action programs which he does not think are effective, or at least if they do not measure up in a very short period of time.

Second, as to that article, I would like to say to the Senator that I spoke there a couple of hours after Mr. Rumsfeld did. There were 1,100 delegates at that nationwide conference. They were behind schedule when I arrived, so I was there through the lunch hour and for about 1 hour and 15 minutes before I spoke. In the course of that period, I visited with a number of people there, including a couple of members of the board of directors, and a number of delegates, some from my State, some from California, and some from other States.

Though many of the people did not agree 100 percent with what Mr. Rumsfeld said, everyone I talked with said that he made a very fine presentation and handled himself well. I understand they had a question-and-answer period. Several of them said, using almost the same words, "He handled himself very well," though they did not agree with everything he said.

The Senator from West Virginia has been in politics for a long time. He knows that if you get 1,100 people in one place, even if 97 percent of them agree, 2 or 3 percent may get the floor and make it appear that there is great dissent.

Many of these people are concerned about the community action programs and about assurances that they will continue—which they have—and that at the local level they can develop sound, effective, locally managed programs.

I can assure the Senator that I was impressed with the fact that a number of people there said they thought, though they did not agree 100 percent, that Mr. Rumsfeld had presented his case and handled himself very well before that group.

I thought it was a very fine, representative group of people, during the 1 hour and 15 minutes I had a chance to be there before I spoke.

Mr. BYRD of West Virginia. I have no concern about those who may wish to express differing opinions about matters. The able Senator has referred to the fact that I have been in politics long enough to know that in an audience of this size there will be those who wish to express their own differing opinions. I know that to be the case. But I am concerned when the taxpayers' money is used by individuals who are employed in the antipoverty programs to stir up unrest and to foment disorder and to disrupt school board meetings, disrupt city council meetings, and so on. There has been a great deal of this all over the country. We have had some of this in my own State, where school board meetings have been disrupted and the board of education members have been forced to adjourn the meetings. City council meetings have been disrupted here in the Nation's Capital.

In so many of these cases, those who have disrupted meetings by duly constituted bodies have been individuals employed in the antipoverty programs.

I have had considerable correspondence from people in West Virginia who have expressed great concern at the misdirection of some of the antipoverty programs in that State.

I voted for the basic legislation which established the programs. I have voted for most of the appropriations to fund most of those programs. On the other hand, I have supported reductions in appropriations for certain programs. I have been quite critical of some of the programs, particularly the VISTA program as it has operated in my State. I do not know how it is operated in other States, but my State has had some unfortunate experiences with some of the VISTA workers.

I do not condemn all the VISTA workers; I do not say they are evil. Undoubtedly, many of them are well intentioned. But often they come into West Virginia knowing nothing about the State and nothing about West Virginians. They know nothing about being poor. By their conduct and their appearance and their activities they have done injury to the antipoverty program. They have performed a disservice to the poor, and they have created a bad image of a program which is funded by the Federal Government.

In some instances, some of the community action programs have operated in the same way. There have been instances in which some of the community action programs have worked to the detriment, in my judgment, of small business enterprises in my own State. There have been charges that Federal moneys have been used to foster competition with some of the small business establishments in West Virginia. The owners of the small businesses are taxpayers; they help to pay for these programs, programs which, in their judgment, are being used to destroy them.

Situations have occurred in the District of Columbia in which so-called poverty workers have contributed to demonstrations. For example, they have been involved in demonstrations against the Welfare Department and against the Police Department.

I just cannot help being concerned when I see one agency of the Federal Government making war on other agencies of the Federal Government.

Yesterday, the Washington Post published an article which indicated that 5 percent of the population of Washington is now on welfare. The Director of the District of Columbia Welfare Department expressed concern about spiraling caseloads, and concern about where the money was going to come from to finance the growing welfare caseloads in the District of Columbia. It was also indicated in the story that some of the neighborhood legal services, that are being funded by poverty moneys, are contributing to the upsurge in the welfare caseload, and there were indications, and have been indications all along, that some of these individuals who are paid through the antipoverty programs make it their business to attack the Welfare Department regulations, in an attempt to get such regulations relaxed or eliminated, and thus get more people on the welfare caseload.

Mr. President, I am not against welfare. I am not against helping people who need help. I am not against helping people who are in poverty. I want to see poverty eliminated, as much as possible. I want to help people to help themselves. But I do not think government should finance it's own destruction. I do not think any Federal agency should attack the regulations governing eligibility for welfare in an effort to increase welfare spending.

I think the basic ideas behind the war on poverty were good, but in actual experience they have not worked out too well in all too many instances.

I had a personal experience with some of these VISTA workers who came to Washington from West Virginia in the summer of last year at the time when Resurrection City was here. I suppose

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there were a hundred or more persons who came here from West Virginia, but they were encouraged to do so by some of the antipoverty workers.

They demonstrated on my lawn over in Arlington. I do not think it is the intent of Congress to fund programs to encourage demonstrations against duly elected public officials.

I had another experience in which three of these so-called VISTA workers came to my office, asking for an appointment, at a later date, with a group of the poor people from West Virginia. The conversation went something like this:

I said to the young lady who was in the trio, "What part of West Virginia are you from?"

She said, "Well, I am not from West Virginia."

I said, "How long have you been in West Virginia?"

She indicated that she had been there several months.

I asked, "What have you been doing in West Virginia?"

She said, "I am with VISTA."

I said, "How much pay do you get?"

She said, "Forty-five dollars a day, as a consultant."

I asked, "How much education have you had?"

She said, "I am a graduate of Dominican College," which she indicated was in Louisiana.

I asked, "What have you been doing in West Virginia in your work?"

She said, "Well, the last few weeks I have been helping to organize this visit to Washington by poor people."

So I asked the second one, "How much education have you had?"

He said, "Well, I have had 1 year at the University of Colorado."

I asked, "Why are you not in school? Why are you not taking some summer classes?"

He said, "Well, I am getting some credit for being attached to Resurrection City."

I asked the third, "What does your father do?"

He said, "He is a doctor."

I said, "Do you have brothers and sisters in college?"

He said, "Yes, I have one who is a graduate of the University of Arizona."

I asked, "Have you graduated from college?"

"I am a junior at the University of New York," I believe he said. I am not sure as to the name of the educational institution; this conversation took place more than a year ago.

I asked, "Why are you not in school this summer?"

He said, "Well, I will get 9 hours of credit for working with Resurrection City."

Then I said, "Not one of you knows anything about being poor. Not one of you. And here you are, up here leading the poor."

I asked, "Were you in that demonstration over on my lawn a few days ago in Arlington?"

The response was, "Yes, we were there."

"Well," I said, "you did not convince me of anything by conducting that demonstration. You went over there and tried to intimidate my wife. She told you you could see me in my office. My doors were open for you at the office. I was there, but you were not interested in coming to my office."

This is a thing, Mr. President, that I resent. I resent poverty moneys being misused in such activities, and I resent poverty moneys being misused by those who use the poor, oftentimes to advance their own ends, while no real help ever gets down to the poor people for whom the programs were designed.

So, Mr. President, I take the floor today just to say that, while I want to do everything possible to help people to help themselves, I would hope that the committee would be concerned—as I am sure it is—and I hope Congress will be concerned about moneys that fall into the hands of extremists, radicals, and troublemakers, who misuse the poor to stir up strife, foment rebellion and insurrection, and make war on other Government agencies.

I have this concern, Mr. President. I wanted to voice it at this point. At an appropriate time—not during the debate on this measure—I shall place in the RECORD the correspondence that has come to me from my constituents expressing their viewpoints, and explaining how some of the war on poverty activities have indeed not been for the benefit of the poor, but have accrued to the creation of suspicion and antipathy for the poverty programs.

On the other hand, I have had considerable correspondence complimenting certain segments of the antipoverty programs. I have had correspondence complimenting the Headstart program and the Neighborhood Youth Corps program. So not all of the correspondence has been adversely critical; but, with particular reference to some—not all, but some—of the community action programs, and in large measure with reference to VISTA as it has operated in West Virginia, I have not had much in the way of correspondence from my constituents that would recommend the continuation of these programs.

I asked the manager of the bill yesterday whether or not the legislation would take away the prerogative of the Governor of a State to veto VISTA, and I was assured that the legislation does not do that. I have in the past urged the Governor of West Virginia—the former Governor, not the present Governor, though I may also have urged the present Governor, I do not exactly recall—to get VISTA out of West Virginia. I am glad that the legislation does not take away that prerogative of a Governor, because I think that is a proper responsibility of the chief executive of a State.

Mr. President, I trust that the committee will continue to look into these matters. I intend, as a member of the Appropriations Subcommittee which handles supplementals and deficiencies, to take a very close look at any requests for moneys from the Office of Economic Opportunity—not that I am out to cripple it or kill it, but I just want to see these programs used for the benefit of the poor, and I want to see the approach in the right direction. I do not want to see the taxpayer's money used to destroy the taxpayer himself and to undermine law and order in this great Republic of which we are all so proud.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Mr. President, the Senator from Wisconsin (Mr. NELSON) has spoken to this point. I would like to do so also.

It is not an easy matter to reconcile because when people are poor—and I am sure that the Senator from West Virginia, whose origins are as humble as mine, knows this as well as I do—they want to rebel and complain to someone about their position.

We had a very interesting point of view expressed by the American Bar Association. I would like the Senator from West Virginia to read it. It is printed in the committee report at page 20.

The representative of the American Bar Association, testifying before the committee, said:

> I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society. We know from documented reports by various presidential commissions and by hearings that you yourselves have participated in that the poor by and large have little confidence in our society, in its structure, in its institution, in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets . . .

He then goes on to say that the legal services are rendered under very serious pressure.

The Senator has been a Senator and a lawyer for too long to believe for 1 minute that we can run a placid society. It is a difficult situation for this reason.

Every case involving legal services, even if it involves what is called law reform—which is a kind of trade term applied to broad reform as contrasted to an individual case for goods sold and delivered—involves a case in controversy. It is a case. It may be a precedent making case. It may invalidate a law, but it is a case. It starts with A suing B, even if B happens to be the State.

I understand the Senator's point of view. He does not want to pay the money of the United States to disrupt the United States.

We must think about the matter. We thought about it very seriously. The Senator from California (Mr. MURPHY) is a very eloquent and effective advocate of this course.

If we try to put it "in haec verba," we run into the difficulty of cutting too much or too little.

Everything is a case. We do not want to cut legal services where an injustice has been done by the Government. I suppose that the Senator has had occasion to run into that situation.

I think that, in the administration of the legal services program particularly, the thrust might be to discourage the utilization of the legal services program as an instrument of social reform.

That is really what the Senator has in mind. I think he is right about the fact that we have to look at it on an operational basis. We are doing that. And I think we are satisfied with the result.

The Senator from Wisconsin (Mr. NELSON) has expressed himself on the matter.

The administration understands the matter and has a very clear concept of the perimeter within which they can operate without restricting individual liberty.

One cannot guarantee 100 percent that there will not be confrontation. That would defeat the program. However, one can use his head in the administration of the program in a very effective way.

I thought I would like to add my assurances to those of the distinguished Senator from Wisconsin and point out that we are sensitive to this matter, that we have looked into it and will continue to do so.

We consider it a proper area of legislative oversight to check to see what is going to be done with the Government's money in this very sensitive field. We thought about it. We tried to offer some restriction or phrase of statutory language. We run into the fundamental problem that it ceases to be the escape valve that the ABA feels very strongly that it is. Second, if it is a case in controversy, it might get into court. It is hard to draw a distinction except on a case-by-case basis. That substantially is what the Senator from Wisconsin had in mind. I am the ranking minority member of the committee, and I want to join in explaining this matter to the Senate.

Mr. BYRD of West Virginia. Mr. President, I appreciate very much the comments of the able Senator from New York. And I feel that they have been offered as assurance that the committee is concerned and that it has weighed these problems that it has had called to its attention before today—the matters which I have discussed.

I reiterate my concern, however. I do agree with the Senator that perhaps the ills can best be rectified in the administration of the program. And I have a feeling based on what the Senator has said that this has been discussed and that the administration of the program is going to travel in that direction. I hope it will.

I will make this comment about the quote which appears on page 20, to which the able Senator alludes. It is a quotation from Mr. John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defendants.

I am not against the poor having access to legal services. I want the poor to have their day in court as much as anyone else. But, Mr. President, I just want to reiterate and emphasize what I said earlier, that this, too, is an area of concern. And if it is not rectified and corrected by those who administer the program, then I have a feeling that the people will demand some kind of correction by Congress, perhaps an elimination of such program. And we may go too far when we start eliminating programs.

As to the quotation itself, Mr. Robb is speaking of the legal services offices and the fact that their effort has convinced the poor that in the legal services offices they have a true advocate who will take on anyone who opposes them and who picks on them unjustifiably.

He then goes on to say:

> That includes everybody from the corner merchandise house that sells a shoddy TV, to General Motors, if necessary. It includes everybody from the welfare case worker who makes an unlawful recommendation to discontinue benefits . . .

Mr. President, I was chairman of the Appropriations Subcommittee on the District of Columbia for 8 years. I do not know of one instance, not one, in which I recall an "unlawful" recommendation being made by any "welfare caseworker" to discontinue benefits.

I followed the welfare situation in the District pretty closely. Perhaps the great increase in welfare caseloads in the past 6 months is to be attributed, in part at least, to the fact that I am no longer chairman of the subcommittee.

As I stated, I followed the welfare situation pretty closely. And not once do I recall an unlawful recommendation being made by any welfare caseworker to discontinue benefits.

I would like Mr. Robb, if he has evidence of the fact that welfare caseworkers have "unlawfully" recommended discontinuation of benefits, to present the evidence of the committee. Perhaps he did. I do not know.

I will not let that statement by Mr. Robb go unchallenged. And he is quoted in a further statement which I shall not allow to remain unchallenged. His statement is as follows:

> The poor by and large have little confidence in our society, in its structure, in its institution, in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets . . .

Mr. President, there are too many people making excuses for those who riot in the streets. There is no excuse under our republican form of constitutional government for anyone to riot in the streets.

I have seen more poor people when I was a lad growing up in the coal mining communities of southern West Virginia than this country has today. I have seen millions walking the streets with holes in their shoes and in the seats of their pants looking for work. I have seen people hungry, with no work, and in debt. My own foster father used to work from daylight to dark in the mines, 6 days a week, and be overdrafted on payday.

Mr. President, when we talk about poverty, I have seen grinding poverty, and a lot of people who are sitting in this Chamber today have seen it and experienced it, and a lot of people in the gallery have experienced it. They know what grinding poverty is. The poverty of today is nothing compared to the poverty of the early thirties.

Many of us lived at a time when there was no running water in the house. We had our outside toilets, no radios, no television sets, no automobiles, no food stamps, no social security programs, no unemployment compensation programs, no public assistance, no welfare. Yet, the poor did not riot. Yet, a man in the position of Mr. Robb, the chairman of the American Bar Association's Committee on Legal and Indigent Defendants, would have the gall to excuse riots in the streets by saying of the poor that "it is not too surprising, I think, when they riot in the streets."

Mr. President, I do not recall ever having seen a Hungarian or a Pole or a Greek or a German or a Jew or a Lebanese or an Italian on welfare. I do not say that there have not been some on welfare, but I do not know of it. The early immigrants were poor, and they were crowded into cities. They were discriminated against, but they did not riot in the streets.

So I hope we will get away from trying to substantiate every program and support every program on the basis that it might prevent riots in the streets. We have had many, many millions of poor people in my time, in the time of the Presiding Officer, and in the time of every Senator, but those people did not set the torch to city block after city block. They did not drag motorists from automobiles and beat them and set their cars afire. They did not turn in false fire alarms and then throw bottles and bricks at the firemen who answered the false calls. They did not stomp policemen to death in the streets. They did not rape and murder and burn and loot.

Mr. President, I am concerned when quotations like this appear in substantiation of this or any program. I intend to vote for the extension of this program because I think there is much good in it, even with the bad, and I also feel that Mr. Rumsfeld will try to correct and improve the administration of the programs and weed out the bad, but I simply wanted to voice this concern today so that the administration downtown will know that there are those of us who want to see the eradication of the waste and inefficiency and an end to the abuses that have surfaced in some of the programs. I want to see the good programs continue; but I simply am against the use of the taxpayers' money by hoodlums—I have seen this in Washington—who head up some of the antipoverty activities and who make it their business to foment unrest and rebellion.

Mr. President, I as unanimous consent to insert the two newspaper stories to which I have referred.

There being no objection, the stories were ordered to be printed in the RECORD, as follows:

RUMSFELD WARNING MIFFS POVERTY UNIT

(By Eve Edstrom)

The Nixon administration asked the nation's community action leaders yesterday to avoid "tactica of confrontation" but was promptly denounced as the "enemy of the poor."

The confrontation occurred at the Sheraton-Silver Spring where Office of Economic Opportunity director Donald Rumsfeld addressed 1,000 anti-poverty workers from across the nation who had gathered for a three-day conference of the National Association for Community Development.

Conference planners came in for as much heat as Rumsfeld because the conference was located in affluent suburban Maryland instead of downtown Washington and because program speakers were "Nixon's come fetch boys" who "come here to give us no information."

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Conferees were so dissatisfied that they forced the scrapping of the afternoon agenda, which had called for Commerce Department spokesmen to discuss minority businesses.

Instead, they debated and adopted a position paper that accused the Nixon administration of being the "enemy of the poor" and urged all Americans to join the "army of dissenters." The paper also urged OEO to establish a national advisory council of poor persons and to seek a strong role for community action agences in the operation of manpower training programs.

The conference had been opened with a warning from Rumsfeld against the "tactics of confrontation."

"If community action agency efforts are dominated by the kind of confrontation tactics which divide communities and further isolate the poor from other groups instead of bringing them into closer relations with the community, community action will soon be without the broad support it must have," he said.

Before Rumsfeld could answer questions from the audience, Theodore T. Taylor, a New Jersey community action worker, demanded and received time to speak.

Taylor told Rumsfeld that "I consider your remarks to be an insult to us" because they did not center on key problems.

OEO, Taylor continued, "has not carried out its mandate for maximum feasible participation of the poor." The administration. Taylor said, "has sold OEO down the river," and has "sold out the poor."

Rumsfeld observed that national priorities "already are shifting" toward meeting more of the needs of the poor. And he insisted that the administration is strongly committed to community action and participation of the poor.

He emphasized that President Nixon has urged Congress to act promptly on the administration's bill to extend OEO's life for another two years without crippling amendments.

On Capitol Hill, the House Education and Labor Committee scheduled another markup session on the poverty bill today. The Senate began debate on the bill yesterday and is scheduled to vote on it today.

WELFARE AIDS 5 PERCENT OF D.C. RESIDENTS

(By Carol Honsa)

Washington's welfare rolls increased so dramatically during the past fiscal year that nearly 5 per cent of the city's population now receives some sort of public assistance.

By the end of July, 43,202 persons here were on relief. Welfare officials said there is no indication that the upward trend will level off, and fears were expressed that there might not be enough money to go around.

A jump of 33 per cent in the biggest and most controversial welfare program in the city—Aid to Families with Dependent Children—accounted for much of the overall increase.

"We're very concerned," said Winifred G. Thompson, city welfare director.

"We don't know where the money is going to come from, quite frankly," she said.

The latest statistics illustrate the reason for her concern. The 33 per cent increase in dependent children rolls for the year ending in June, 1969, compares with 8 to 12 per cent increase in preceding years.

In June, there were 32,957 persons enrolled in the AFDC program. By July, 1,094 names had been added, bringing the total to 34,051.

The growing caseload means that the city, which spent $11.8 million in fiscal 1968 for aid to families with dependent children, had to spend $14.6 million in fiscal 1969.

Under the program, a family of four gets $2,300 a year—and this figure is $1,000 below the government-defined poverty standard for families of that size.

Officials at public and private welfare agencies cite a number of causes for the increase in relief dependency:

Special programs are making more poor persons aware that welfare is available to them, and antipoverty workers are seeing that they apply for it properly.

Rising costs of living and inflation, which make it difficult for families to continue struggling on sub-welfare incomes, are moving them to apply for relief.

Washington's large young population is coming of age and forming families, but job opportunities are not expanding to meet the demand.

Elimination of the one-year residence requirement. Welfare officials found the largest group of newcomers seeking aid had lived here less than one month.

A new simplified, or declaration, method of making applications eliminates routine investigations and relies on the applicant's word. After the new method was inaugurated in July, the Welfare Department received a record 1,141 applications the same month and 1,123 in August, compared to 669 and 836 in the two preceding months.

Court decisions removed some more restrictive welfare policies, which has tended to make welfare less "degrading" than it once was. Relief clients no longer must admit welfare investigators into their homes, for example.

Medicaid. The medicaid program has no direct ties to public assistance, but it is having an effect on the relief case-load, according to Miss Thompson. Persons in the medical aid program have become more conscious of their eligibility for other services, she explained.

Last year's dramatic increase in aid to families with dependent children caught the welfare department by surprise, officials there acknowledge. The department had anticipated new cases would continue to be added at the old rate of about 50 to 80 a month. Instead, they averaged 245 new cases a month.

This year the department again underestimated. It sought money in the fiscal 1970 budget, which took effect in July, for an average caseload of 7,830 families. By July, the first month, 8,002 families were already on the rolls.

And Miss Thompson sees nothing to stop the upward spiral in caseloads.

Isadore Seeman, director of the National Capital Area Health and Welfare Council, estimates that only a third of the families eligible for relief actually receive it, both here and nationwide.

"We've got a pool of potential families all the time," Seeman said.

Richard Carter, head of the Neighborhood Legal Services Program law reform unit, said he is "proud" of the group's efforts to get former restrictive welfare policies changed. If the caseload is going up, "maybe we're just beginning to approach the number of people who should be getting assistance," he said.

Mr. MURPHY obtained the floor.

Mr. JAVITS. Mr. President, will the Senator yield so that I may ask for the yeas and nays?

Mr. MURPHY. I have the floor. I have not been able to get the floor for over an hour.

Mr. McCLELLAN. Mr. President, will the Senator yield to me?

Mr. MURPHY. I am glad to yield.

Mr. JAVITS. Will the Senator withhold for a minute, because we have sufficient Members present for the yeas and nays to be ordered.

Mr. McCLELLAN. Very well.

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

RESOLUTIONS AGAINST ORGANIZED CRIME

Mr. McCLELLAN. Mr. President, Federal and State agencies striving to develop programs for curbing organized crime have just received a significant contribution from one of the oldest and most respected associations of law enforcement officials.

The International Association of Chiefs of Police, at its 76th annual conference in Miami Beach, recently adopted an integrated set of resolutions on measures against organized crime. Those resolutions should be of great interest to Congress and the President as we work together to enact and utilize effective laws against organized crime.

The resolutions include a broad call for a strengthening of efforts at all levels against organized crime and a number of specific plans and recommendations. The association adopted programs to improve public awareness of organized crime conditions, to evaluate antiorganized crime techniques used by police departments, to foster regional police cooperation against organized crime, and to assist in developing model organized crime intelligence units, and resolved to join with related professional associations in an effort to eradicate corruption in the criminal justice system.

The association further resolved to support the enactment and use of legislation aimed at organized crime, such as electronic surveillance laws, and concurred with a number of specific organized crime bills now in the final stages of processing by the Subcommittee on Criminal Laws and Procedures: S. 30 and S. 976 on organized crime evidence gathering and penalties, S. 1624 on wagering taxes, S. 1861 and S. 1623 on infiltration of legitimate organizations, S. 2022 on gambling and corruption—with two amendments proposed by the association—and S. 2122 and S. 975 on witness immunity.

The leaders of our Nation's police agencies have joined together to summon, with a single voice, the strong and immediate action, by this body as well as other arms of government, which the crisis of organized crime demands. We must answer that summons: it is nothing less than the call of duty.

Mr. President, I ask unanimous consent to have the text of the resolutions printed in the RECORD at this point.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

ORGANIZED CRIME—PENDING LEGISLATION

Whereas, The International Association of Chiefs of Police considers organized crime a problem of great urgency; and

Whereas, The Federal Government has a special responsibility and a special competence to deal with the interstate nature of organized crime; and

Whereas, There is now pending before the Congress of the United States legislation to make more effective the Federal Government's effort against organized crime, now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, concurs with the following legislative recommendations:

S. 30, a comprehensive revision on strengthening of the evidence gathering process in organized crime investigations.

S. 1623, prohibiting the investment of certain illegally gained income in any business enterprise affecting interstate or foreign commerce.

S. 1624, eliminating the self-incrimination hazards which embodied the Supreme Court's decisions in *Marchetti* v. *United States* and *Cross* v. *United States,* facilitating collection of taxes on wagering.

S. 976, providing increased sentences of up to 30 years for persons convicted of felonies which are part of a continuing criminal activity in concert with one or more persons.

S. 1861, prohibiting the infiltration of legitimate organizations by racketeers or the investment of proceeds of racketeering activity in such organizations where interstate or foreign commerce is involved.

S. 975 and/or S. 2122, endorsement of the principle of a general immunity statute.

S. 2022, making it unlawful fcr two or more persons to obstruct the enforcement of the criminal laws of a state to conceal an illegal gambling business if one of the persons is an employee charged with executing the criminal laws of the state.

Be it further resolved, That the International Association of Chiefs of Police mandate its staff to urge that Congress, when it considers S. 2022 amended to include the crimes of prostitution, loan sharking, narcotics and extortion, and to limit the jurisdiction of the legislation to organized crime activity.

ORGANIZED CRIME—A COMPREHENSIVE PROGRAM

Whereas The International Association of Chiefs of Police represents professional law enforcement; and

Whereas, Organized crime is a problem of such deep concern to the public and law enforcement; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, mandates the staff to develop under the leadership of the Organized Crime Committee a comprehensive program on organized crime including:

Preparation of public information materials on organized crime to be distributed to members for local use;

Assignment of at least one staff member full time to organized crime programs;

Conduct surveys on request to evaluate criminal intelligence, internal inspection, and other anti-organized crime efforts by police departments;

Sponsorship of regionalized police conferences of organized crime appropriately staffed;

Cooperation of Law Enforcement Assistance Administration in the development and implementation of model intelligence units;

Operation of a national clearing house for public information on organized crime activities;

Communication to Congress of the International Association of Chiefs of Police's support for legislation now before it, and endorsed by this Committee.

ORGANIZED CRIME—PROSECUTION OF CRIMINALS

Whereas, the difficulties of prosecuting organized criminals clearly point up the deficiencies in our system of criminal justice; now, therefore be it

Resolved, that the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, recommends that the Legislation, Criminal Law and Procedures Committee of the International Association of Chiefs of Police work with the American Bar Association, National Commission on Reform of the Federal Criminal Code, and other relevant organizations to re-examine jointly those aspects of the law in criminal procedures which retard the prosecution of organized criminals.

ORGANIZED CRIME—INTEGRITY WITHIN CRIMINAL JUSTICE SYSTEM

Whereas, the ability of the people to achieve justice depends on the integrity of those who administer the criminal justice system; and

Whereas, organized crime seeks the nullification of government through systematic corruption of those institutions which comprise the criminal justice system and exists, in part, because of its success in corrupting the components of said system; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, affirms its determination to eradicate corruption, and calls on other professional associations representing other components of the criminal justice system, to join in our efforts to eradicate corruption throughout the system.

ORGANIZED CRIME—ELECTRONIC SURVEILLANCE

Whereas, The proven effectiveness of the electronic surveillance provisions of the Omnibus Safe Streets and Crime Control Act of 1968 (Title III) make desirable a more general application; and

Whereas, Some states have enacted implementing legislation along the same lines; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, recommends that all states not now having such authority enact or amend their laws to permit the use of electronic surveillance devices as stipulated in Title III and that, as Congress intended, the statute be used by all relevant federal agencies.

ORGANIZED CRIME—A STRENGTHENING OF POLICE EFFORTS

Whereas, The law enforcement effort against organized crime has suffered in the past from lack of cooperation, fragmentation, and diffusion; and

Whereas, An effective law enforcement effort against organized crime requires a coordinated effort by law enforcement at all levels; now, therefore be it

Resolved, That the International Association of Chiefs of Police, duly assembled at its 76th Annual Conference in Miami Beach on this date, calls on law enforcement agencies at federal, state, and local levels to strengthen law enforcement efforts against organized crime.

JUDICIAL PROCEDURE FOR OBTAINING EVIDENCE OF FINGERPRINTS

Mr. McCLELLAN. Mr. President, on October 7, 1969, I introduced S. 2997, which was based on the recent decision of the Supreme Court in *Davis* v. *Mississippi,* 394 U.S. 721 (1969). S. 2997 provides a judicial procedure for obtaining evidence of identifying physical characteristics such as fingerprints, footprints, hair fibers and the like. During my introductory remarks, I emphasized that I wanted this proposed legislation subjected to close scrutiny by those knowledgeable in the area of criminal law.

I was very pleased, therefore, when I received last week a letter from Justice Edward E. Pringle of the Colorado Supreme Court, who made reference to S. 2997 and enclosed a copy of the new Colorado rule of criminal procedure under which warrants may be obtained for fingerprinting. I have directed the staff to study the Colorado rule, and it may be that it contains some provisions that would improve S. 2997. At any rate, this will give us something with which to compare our bill; and, I should hope that in the future we will receive additional information that will be as helpful as Justice Pringle's correspondence. I urge each Senator to study and compare these two procedures and give me the benefit of his criticisms.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately following my remarks a copy of the Colorado procedure for issuing court orders for fingerprinting.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULE 41.1—COURT ORDER FOR FINGERPRINTING

(a) *Authority to Issue Court Order for Fingerprinting.* A Court Order for fingerprinting authorized by this rule may be issued by any judge of the Supreme, District, Superior, or County Court, (or of the Court of Appeals upon the creation of that Court).

(b) *Issuance of Order.* A Court Order for fingerprinting shall issue only on affidavit sworn to or affirmed before the judge and establishing the grounds for issuance of the order. The order shall be directed to any peace officer of this State. If the judge is satisfied that grounds for the application exist, he shall issue the order naming or describing the person to be fingerprinted. Grounds for the issuance of a Court Order for fingerprinting shall exist when it be shown by facts alleged in an affidavit of a peace officer that:

1. A known criminal offense has been committed, and

2. There is reason to believe that the fingerprinting of the named or described individual will aid in the apprehension of the unknown perpetrator of such criminal offense, or that there is reason to suspect that the named or described individual is connected with the perpetration of the crime, and

3. The fingerprints of the named or described individual are not in the files of the agency employing the affiant.

(c) *Contents of the Order.* The order shall state:

1. The name or description of the individual to be fingerprinted, and

2. The names of any persons making affidavit for the issuance of the order, and

3. The criminal offense concerning which the order has been issued, and

4. A command to the officer to whom the order is directed to detain the person to be fingerprinted for only such time as is necessary to obtain the fingerprints and to compare such fingerprints to the fingerprints thought to be related to the perpetrator of the criminal offense, and

5. The typewritten or printed name of the judge issuing the order and his signature thereon.

(d) *Execution and Return.*

1. The Order may be executed and returned only within ten days after its date.

2. The Order shall be executed in the daytime unless the issuing judge shall endorse thereon that it may be served at anytime because it appears that the suspect may flee the jurisdiction if the order is not served forthwith.

3. The officer executing the order shall give to the person fingerprinted a copy of the order.

4. No search of the person to be fingerprinted under the Order may be made except a protective search for weapons, unless

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a separate warrant has been issued for such search under Rule 41.

5. A return to the issuing judge shall be made showing whether the person named or described has been (a) detained for fingerprinting or not, and (b) released or arrested.

(e) *Motion to Suppress.* A person aggrieved by an Order issued under this Rule may file a Motion to Suppress fingerprints seized pursuant to such Order and the said motion shall be granted if there were insufficient grounds for issuance or the Order was improperly issued. The motion to suppress the use of such fingerprints as evidence shall be made before trial unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the Court, in its discretion, may entertain the motion at the trial. [Effective October 1, 1969]

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. MURPHY. Mr. President, first I would like to congratulate the distinguished Senator from West Virginia for expressing experiences and feelings which coincide with mine. I, too, have had some experiences working in the coal mines, having been what might be called today, "underprivileged."

I, too, have objected over the years to some of the methods used with regard to the so-called war on poverty. I recall that at the very outset I tried to take the political activity out of the war on poverty, by an amendment which passed in this body and passed in the other body and was finally eliminated at the 11th hour. I felt that anybody who was receiving more than 50 percent of his salary from the poverty program should be precluded from political activities and should be subject to the provisions of the Hatch Act.

I have been concerned over the years with what has started out as a great idea, a badly needed idea, which seemed to go afoul of the mark so far as I am concerned; and, unfortunately, I think that billions of dollars, taxpayers' dollars, have been wasted and misdirected. Every year—this is my fifth year on the Labor and Public Welfare Committee—we say that, hopefully, we will fix the poverty program up next year. My concern has always been the same—that the money get to the poor people, to those who need it, and to eliminate many of the services I consider unnecessary.

I concur with the Senator from West Virginia in his remarks. I think that from time to time great damage has been done to this most needed and excellent idea, because of bad management, bad administration, and misdirection. I am hopeful that now, under the new administration, many of these things will be rectified.

Mr. President, I rise this morning to register a mild objection at the hurried manner in which this bill was brought to the floor today when there was other pending legislation which I was given to understand would be heard first. I am not prepared as well as I would have wished. However, since it is the desire of the majority, we will go along with it. Because of a prior commitment that requires me to leave the city this afternoon, and because of my great concern with respect to one particular aspect of the OEO program to which I will speak shortly, and most importantly because of the significance of this legislation, I had asked that debate on the bill be delayed 1 week. I was supported in this request by my colleague, the distinguished senior Senator from New York. We were led to believe the delay would be granted, until last evening when the decision was made to call up the bill this morning.

On a matter of such importance, which has been under consideration for so many months, it is amazing that the majority must suddenly find it necessary to start this matter in such a hurry. By working late last night with my staff, I was just about able to get copies of amendments printed. I am not certain this is the proper way to legislate. I think anything as important as this bill should have proper time for consideration and that it should be done in an unhurried manner.

We are talking about changes in a bill and in an operation that has been in existence for 5 years. As we have heard this morning, the operation in the past leaves a great deal to be desired. It is our hope we can give a better report of taxpayers' dollars in years to come. That is why we held such lengthy committee hearings. However, this is not my main purpose for addressing the Senate today.

As I pointed out in my individual views, printed in the committee report, and as mentioned by the distinguished Senator from West Virginia, I am seriously concerned over the direction in which the OEO legal services program has been allowed to move. At the outset I would like to point out that I was one of the original supporters of the legal services program, a program that I understood was intended principally to provide legal aid and services and assistance to the needy. We would provide a lawyer for the fellow who cannot afford to get a lawyer. I know that is important because there have been many times in my life when I needed a lawyer and could not afford one. And now the irony of life is that I find myself surrounded by 86 lawyers and too many of them are available.

However, in California, and I understand in many other States such as Arizona, Vermont, Colorado, and Florida, the major thrust of the project has been diverted from legal aid and assistance to so-called law reform. Law reform to this Senator means something entirely different. In most cases, this law reform has taken the aspect of the "class action" suit against government officials and agencies, from the superintendent of schools for Madeira Unified School District to the California State Assembly, to the Secretary of Health, Education, and Welfare, and the Secretary of Labor.

Many of the actions are based upon new and sometimes unique theories of law that have required time, imagination, and study in their preparation by OEO attorneys. Because many of the legal services projects have limited budgets to employ lawyers, something has to give. What is it? It is the availability of legal assistance to the poor person. For instance, I have been informed that 11 legal services offices have been closed recently in Los Angeles County and that there has been an announcement that a San Francisco legal aid program will be terminated. All this while the "class action" cases are on the increase.

At the same time, the overburdened taxpayer loses "coming and going" so to speak, as his tax dollars are used both to initiate the suits and to defend them—all when he may not agree with, and has no say in the political philosophy being advocated by the plaintiffs bringing the suit. Recently hearings have been conducted before the Senate Subcommittee on Migratory Labor on the "powerlessness of the migrant worker." I think this is a prime example of the powerlessness of the American taxpayer.

One so-called law reform example is the recent petition filed requesting the Food and Drug Administration to set a zero tolerance level for the use of DDT on raw agricultural products. No matter whether one supports or does not support the efforts of the United Farm Workers Organizing Committee to unionize the table grape pickers in California and Arizona, it is clear that UFWOC is presently employing the pesticide usage issue—particularly as it relates to DDT—to assist its boycott of table grapes. One aspect of this campaign to to attack the FDA and other established governmental institutions as being derelict in their duties to protect the farmworker and the consumer. Thus, on October 1, UFWOC supporters picketed the FDA and distributed a handout which said in part:

> Every day it becomes more and more clear that the FDA is more interested in protecting the growers and not the consumers and workers.

In this background, at a press conference last week presided over by a local organizer for UFWOC, the action against the FDA that I alluded to before was announced. However, the action was not filed on behalf of the union, but on behalf of a number of individuals and a substantial New York foundation. Who is representing these petitioners? None other than the California Rural Legal Assistance, an OEO-funded legal services organization. It is also interesting to note, Mr. President, that on October 6, the same California Rural Legal Assistance issued a press release announcing, that it was representing farmworkers who have filed six major law suits and workmen's compensation complaints concerning reoccurring pesticide injuries against allegedly negligent growers.

Mr. President, this is not the appropriate place or time to decide the validity of such claims. It is important only to note that California Rural Legal Assistance, a tax-supported organization, is being employed for political gain by a private group. I suggest that this is a new form of Federal subsidy.

Certainly, this was not envisioned or imagined by this Senator when the legal assistance program was instituted. Mr. President, you can rest assured that I object to the political involvement of a federally funded organization, no matter to whose benefit its involvement runs, whether worker, grower, corporation, or otherwise.

Mr. President, I believe the issues involved here are succinctly expressed in a letter I received recently from the Governor of my State, Ronald Reagan. He stated, in part:

> We are satisfied that it was not the intent of the authors of the Economic Opportunity Act, or of Congress, to provide for taxpayers' funding of entities preoccupied with political issues under the guise of so-called "social reform" through the courts, rather than through the normal channels of legislative and executive action in which all segments of the public have equal representation.
>
> Nor do we feel that it was the intent of Congress to fund entities whose tools include harassment of individuals and groups, both public and private, and solicitation of some clients to the neglect of others at the door.

Mr. President, how do we direct this program back to its original and proper course?

Director Rumsfeld and the Director of Legal Services, Terry Lenzner, have asked for time and a chance to put their house in order. I suggest that we give them both, but I propose that we first make it crystal clear to them the intent of Congress in establishing the legal services program and that we are dissatisfied in part with its past performance—and, may I say, a great deal of its present performance.

Therefore, Mr. President, I submit my first amendment that eliminates the authorization of so-called add-on funds of $16 million for the fiscal year ending June 30, 1970 and $32 million for the fiscal year ending June 30, 1971. And, in addition, eliminates $10 million of the earmarked authorization. As a result the legal services program would receive an authorization of $48 million, $6 million in excess of what it received for fiscal year 1969. This I propose is a measurable expression of congressional displeasure at the course the legal services program has been allowed to progress. If a substantial improvement is seen in the direction of the program by next spring, the cuts could be restored for fiscal year 1971.

My second amendment is one which will provide the Governors of the various States with an item veto over legal services projects submitted for their approval. In testimony given before the subcommittee, Mr. James Martin of the National Governors Conference requested an item veto on all projects. However, it is my belief that it is only necessary now in relation to the legal services program. In addition, this amendment eliminates the Director's right to override the Governors' veto on legal services programs.

Mr. President, it will be recalled that at the outset of this program the Governors of the respective States had the right of veto. Gradually, the right of veto was taken away from them. Gradually, after objections, some of it was put back. But it could always be overridden by the Director.

I should like to restore the power of the veto to the Governors, it is in keeping with the dealings of the new administration that more and more of the determination be placed at the local level and at the State level, based on the theory that people within the States, as so well expressed by the distinguished Senator from West Virginia, know more about State problems than some of us in Washington or in other States.

I further believe that an item veto will allow a Governor to direct a legal services program to be more responsive to local needs and will allow him a means to express to the Director of the Office of Equal Opportunity his belief in the type of legal services program that should be undertaken. As we are now aware, a Governor must veto an entire program—a most difficult political act to undertake.

Mr. President, I am not happy about authorizing any amendments at a time when the President of the United States has asked that the program be continued for 2 years with no substantial changes. However, since the majority has made substantial changes in the bill as it has emerged from committee—matters already raised by the distinguished senior Senator from New York and the distinguished Senator from Vermont, and to be discussed by the distinguished Senator from Colorado, I felt it appropriate to raise the issues I have. More important, Mr. President, I sincerely believe, as I have from the beginning, that the legal services program is one of the most significant parts of the poverty program, and if it is implemented in the manner intended by Congress it can be of great benefit not only to the individual who so bady needs this service, but also to our entire society.

Mr. JAVITS. Mr. President, I think that all of us have been very well served by the statement just made by the Senator from California. I wish to attest to his fidelity to the programs generally. He has frequently raised this problem with the legal services program and its utilization. It is not necessary to agree with every aspect of what he has put before us in order to appreciate his concern, as developed in the colloquy with the Senator from West Virginia (Mr. Byrd), and to feel that a considerable amount of judgment must be exercised in the interest of the whole program in the day-by-day administration of the legal services program.

Whether or not I support the amendments which the Senator from California has proposed, I do not think we can eliminate from cases in controversy the question of challenge to an individual law or anything like that, but I do think that, on the whole, we have to try to exercise a specific rather than a revolutionary interest in the way in which the program is used.

I shall do my utmost, as the ranking member, in deference to the Senator from California's views, to support myself to that kind of administration.

Mr. MURPHY. I believe that my distinguished colleague from New York understands that it is not my desire to eliminate their activities. It is my feeling that their present activities belong in a different and possibly special category.

Based on the experience we have had in California, I believe that the original purpose of the legal assistance has been diverted to something entirely different.

I should like to see the program at the service of the individual, who so badly needs that service.

Possibly at some later date, the committee can take up a proposal to set up new machinery to carry out the other aspects, as expressed so ably by my distinguished colleague, and by the American Bar Association report, which we all believe and understand are needed; but it seems to me it would be difficult to express to my constituents why they are being asked for their tax dollars to pay for both sides of a legal case when they may have no interest in the case, or may be completely opposed to the purposes of the case.

That is the main thrust of my amendments which I have sent to the desk.

I thank the Senator from New York.

Mr. JAVITS. I thank the Senator from from California.

Mr. MONDALE. Mr. President, I should like to make a few comments. Although I understand the amendment of the Senator from New York is now pending, the question Senator Murphy has raised relates to the structure of the OEO legal services program.

The Senator from New York will recall that I was planning, in committee, to offer an amendment to strike any Governor's veto of legal services. We consulted with Director Rumsfeld and the administration and they asked that the present structure which permits the Governor to veto, but the OEO Director, under special circumstances, to override that veto, should remain as it now is in the law.

Based upon the administration's interpretation, I reluctantly withheld my amendment.

Further, it was my understanding, and it is my understanding now, that the administration's position would essentially support the structural arrangement for OEO legal services as it is now in the bill.

Also, I should like to refer to and call the attention of the Senator from New York to a significant letter which appears on page 29682 of yesterday's Congressional Record, a letter from the president of the American Bar Association, Mr. Segal, which was addressed to me.

That letter spells out very clearly that the American Bar Association stands

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strongly behind the OEO legal services program both in structure and amount of money as was recommended by the Senate Committee on Labor and Public Welfare. I shall not read the whole letter, but I would recommend it for the reading of all my colleagues. In this letter the president of the American Bar Association, Mr. Segal, says, in part:

> DEAR SENATOR MONDALE: In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might arise. These provisions are consistent with the positions of the ABA and NLADA.

One final item: The proposed cut recommended by the Senator from California would reduce the funds authorized for OEO legal services below the amount recommended by this administration. The Senator from California proposes authorizing only $48 million. The administration, through its budget, has recommended $58 million. The American Bar Association, in its testimony before the committee, has strongly recommended an appropriation of $90 million. The committee bill is a compromise. The amounts for the first year is less than I would like to have. Only in the second year do we come up to the $90 million figure we feel is required.

Mr. JAVITS. Mr. President, I am very grateful for these comments from both my colleagues. I think they will come to the fore as the Senator from California moves his amendment. I prefer to discuss it then.

I should like to take 5 minutes to complete my statement on my own amendment. I think Members of the Senate would like to vote before 1 o'clock.

The amendment I offer would eliminate earmarking for fiscal year 1971. Earmarking is essentially by title and applies for both years.

There is a difference between the 2 years, which is the essence of why I offer this amendment. I am the principal sponsor of the administration's bill, which had no earmarking at all. For the year 1970, the President has, for all practical purposes, already earmarked. The earmarking of the committee in the bill is substantially the same as in the President's budget. The only increased item is an emergency food and medical services item, and the amount of the increase there is only $8 million.

So the fundamental concept of saying in law what the President has said in his budget, although the President did not call for earmarking, I certainly cannot, as the sponsor of the President's bill, object to. But for the second year I believe it is very unwise to earmark, notwithstanding the provisions that allows transferability of 15 percent from any program, because we would really be defeating ourselves as to the whole concept which we and which the President intend with respect to the OEO. The intention is that it shall now become in essence a staff rather than a line agency; that it shall have the opportunity for innovation, for new programs, for concentrating on particular programs that look the most promising; and that it shall spin off seasoned and ongoing programs at a rate which is much more accelerated from what it was under the previous administration and to existing line agencies of the Federal Government, and free the OEO to make the antipoverty program really meaningful and original. This is an excellent concept, and certainly the committee strongly subscribes to it.

The President has stressed this in his statements on the poverty program. Director Rumsfeld has emphasized it in his appearances before the Committee and the Subcommittee on Employment, Manpower, and Poverty. And the majority, in its report, has accepted it. The report notes, on page 54:

> At the same time, there is no question that OEO has achieved sufficient success to merit its continuation as what it was meant to be—a program which is both supplemental and experimental, serving as an advocate of the poor within the agencies of government and in the Nation at large, facing up to the unmet needs and seeking the answers to the riddle of poverty which have eluded us in the past.

Mr. President, I submit that earmarking provisions are inconsistent in principle with this established concept of OEO as innovator, and an advocate and will act in practice to prevent full implementation of these roles, which all who support the poverty program have endorsed.

The earmarking provisions will act most detrimentally in the second year, that is fiscal year 1971. If those provisions are allowed to remain in this bill, the Director will be forced to make programing decisions on the basis of fiscal year 1970's budget submission, not on the basis of that year's experience. Earmarking provisions will stifle new approaches, limit OEO in providing supplemental programs, and dilute its ability to act as advocate for the poor, especially in the second year.

Mr. President, the committee may argue that the Director will not be shackled by earmarking in light of the committee's adoption of amendments to transfer provisions of the act, as set forth in section 4 of the bill. It is true that that section provides some relief as a general matter. That section would amend the law to permit the Director to transfer 15 percent of funds allocated or appropriated for a particular program or activity to another program or activity. It would also eliminate any restriction on the total amount that can be transferred into another program or activity. Under present law, transfers from a program are limited to 10 percent of the amount allocated or appropriated and no program may be increased by more than 10 percent.

But looking more closely, note how that the more liberal transfer provision when combined with earmarking, will still not operate to permit meaningful changes in programing, in fiscal year 1971: In each case where the bill earmarks a program at a certain level for fiscal year 1970, the bill provides for earmarking at the same level for fiscal year 1971. Under the 15-percent transfer provision, the Director could operate a program earmarked at $100 million at a level of $85 million during fiscal year 1970 and add $15 million to one or a number of other activities. Subsequently, the Director might consider it advisable to operate the earmarked program at a level below $85 million for fiscal year 1971, in order, first, to provide funds for a new program; second, substantially increase funds for a particularly successful existing program; third, to avoid duplication of effort between the earmarked program and activities undertaken by other public or private agencies from additional funding sources; or fourth, because of a combination of such considerations. However, he would be powerless to do so since the 15-percent transfer authority would once again be applied to the earmarked amount of $100 million.

Mr. President, I do not doubt that those who favor earmarking are motivated by a general concern for the preservation of the community action programs. That concern is evidenced by the fact that most of the specific earmarking has pertained to the title II "special emphasis" programs.

While I share the commitment of these Members to the programs, I submit that the statements and the actions of the administration should leave no cause for concern as to their futures, so long as the programs continue to constitute successful approaches to the solution of the problems of poverty. I think that these statements and actions suggest what might be regarded as a favorable disposition, if not a presumption, that in these programs lie much of our hope of dealing with poverty.

We have first the repeated statements of President Nixon that the vital community action programs will be pressed forward.

As further evidence of this commitment, we have only to look at table 1, set forth on page 46 of the committee report. That table shows the amounts requested by the Nixon administration for this fiscal year 1970 in each of the categories to be earmarked. Looking at the amounts indicated for community action programs under title II, it is seen that in every case, the Nixon budget requests exceeds the amount programed for fiscal year 1969.

In sum, Mr. President, the total amount for these special emphasis programs which the majority has earmarked is $1,597.5 million, or $174.4 million more than the amounts programed for fiscal year 1969.

Those who favor earmarking may say that if that is the administration's commitment, then why be concerned with earmarking. The fact is, Mr. President, that while it appears on October 14, 1969, that these programs provide the best promise, it may not be the case next year when the administration reviews its budget. What can change? Despite our expectations, the program as originally conceived may not be the best approach as to all of the poor or all of the areas covered. Or just as likely, the administration may, in other departments, launch new programs from additional sources of funding. For example, health services in the Department of Health, Education, and Welfare might provide the local outreach that only the neighborhood health centers of the OEO can now provide. The Department of Agriculture or the Department of Health, Education, and Welfare might receive substantial moneys for nutrition education outreach and delegate some of those funds for use by community action agencies. In light of the substantial breakthroughs of this administration, in programs to benefit the poor, we must anticipate these possibilities. This, I think, is what is meant when we say that the programs of the Office of Economic Opportunity are supplemental. In short, OEO must be free to cover the "ground" not covered by established departments and agencies of the Federal Government. And to cover that ground, further flexibility is needed.

Ironically, many of the programs which the majority would hasten to protect by earmarking sprang from the local initiative to which we now look for new approaches to solve the problems of poverty. We must not arrest the evolution of new ideas and approaches from their beginnings in poverty areas to an established and secure place in an evolving antipoverty effort.

The committee report and the Director and the President have all stressed the role of OEO as an advocate for the poor within the agencies of Government. But earmarking will serve to undermine that role as the Federal Government approaches fiscal year 1971. Without earmarking, the Director might have some leverage with department heads on how much money should go to such agencies in respect to delegated programs, and, therefore, how those programs should be better administered to benefit the poor. Earmarking programs will, in effect, tell those agencies that irrespective of how well or how poorly they do, they will get a certain cut of the "antipoverty" pie. The result will be that the Director will have less of a voice for innovation and improvement.

Mr. President, the funds which have gone into the programs under the Economic Opportunity Act represent a small portion—less than 10 percent in 1969—of Federal funding for all antipoverty efforts. The aggregate of all Federal programs for assistance to the poor amounted to approximately $24.4 billion in fiscal 1969. The funds distributed in fiscal year 1967 under the Economic Opportunity Act are an estimated $1.9 billion. We are considering this bill at a time when the administration has taken the initiative in allocating additional Federal resources to solve the problems of hunger, and to reform the welfare system. It is essential that this agency with its unique participation of the poor and its unique authority and ability to innovate, be unshackled in applying its relatively small resources to those programs and approaches that have shown to be most effective in dealing with poverty and to those new approaches that give promise of maturing into programs that may spin off and become part of the system.

Adoption of this amendment would enable OEO to face the future with freedom to wage the aggressive and sustained and flexible attack on poverty which this administration has so clearly indicated that it will wage—if given the chance.

I would like to point out that there are funds, even for the second year, which are not earmarked, and those funds amount to about $500 million. They consist of the added $100 million which is authorized for the second year as against the first year, plus, under title II of the bill, which is the community action programs, an unallocated amount consisting of approximately $430 million.

This contributes to the ideas which I have espoused, but I think we really have to fish or cut bait in this matter of the second year. If we really want to give OEO an opportunity to move with innovative capacity and experimentation based on the proven record for the first year, for which there will be earmarking, then we have to unshackle it and untie it as far as the second fiscal year is concerned.

We want the most for our money. We want the greatest private participation. We want the best programs we can get. We want local participation. We want the most appropriate response to the needs of the poor and to social needs in the second year.

If we are going to go with this agency under this new director and administration, let us go with them, at least for the second fiscal year, all the way.

Mr. President, that is the case. There are many other facts and figures which I could use to buttress the case, but that is essentially the case for my amendment, and I hope very much the Senate will consider it favorably.

Mr. NELSON. Mr. President, the distinguished Senator from New York presented this position to the committee—very eloquently, I might add—and the committee discussed it at some length, and voted against accepting the concept of having no earmarking the second year of the bill. In my opinion, if we did that, the result would be that we would, in effect, give a blank check authorization for a minimum of $2.148 billion. As I have repeatedly emphasized earlier, the majority on the committee recognizes the need for flexibility in administering this program; we recognize the desire of the administration to innovate and experiment. But this bill gives the administration all the flexibility and all the freedom, I think, that it could possibly desire. What it does not do, and what I think the Senate must not do, is simply grant the OEO Director a blank check to do whatever he wants with the $2.148 billion basic authorization, not counting what possible add-ons may be included.

All education and health bills have authorizations earmarked by titles and parts. We think that the OEO Director should have some similar directive.

The only argument which has been advanced to support no earmarking for OEO is the argument that we would somehow "tie the hands" of the OEO Director or "lock him in" to programs. I do not think that is the case.

In the first place, the earmarking in this bill was drawn up by the OEO Director himself. That is, in their budget justification, they enumerated the earmarking of the programs for which they intended to expend the money. We merely took the OEO budget presentation and put it into the bill. These figures represent the OEO Director's own best judgment of how the money should be spent.

A special argument is made by the Senator from New York against earmarking in the second year of the 2 years covered by this bill. The fact is, by the time the agency receives any appropriations authorized under this bill, the first year will have passed for all practical purposes. At least 6 or 7 months of the first year will have passed.

That means that in 1 more year, OEO will be back before us asking for a new authorization. If they wish to revise their budget figures at that time, they will be free to do so. This bill will merely guide the operations of the agency in the intervening 14 to 18 months.

We do not think it is too much for Congress to specify how an agency shall spend $2.148 billion in such a period of time.

Furthermore, those who argue that the OEO Director is being "locked in," or at least many of them, I think, do not understand the tremendous freedom and flexibility that has already been written into this bill.

For example:

Take the whole category of "work and training" programs authorized in this bill. That alone accounts for $890 million of the slightly over $2 billion authorization in this bill. For that money there is no earmarking whatever beyond the fact that it be used for "work and training" programs.

A list of those "work and training" programs is as follows:

Operation Mainstream.

Neighborhood Youth Corps—out of school.

Neighborhood Youth Corps—in school.

Neighborhood Youth Corps—summer.

Job Corps.

Concentrated employment programs.

JOBS—job opportunities in the business sector.

PACE—public and community employment.

New careers.

This $890 million may be spent in any way the OEO Director desires, within the work and training programs, so his hands are not tied in that respect at all, except that the money must be spent within title I.

In arguing against congressional earmarking, OEO says, "But what if the JOBS program is not as successful as we hoped it would be? What if we want to take more money out of the Job Corps or out of the Neighborhood Youth Corps and put it into some other job training program?"

These are the questions raised by the OEO. The answer is that this bill allows them to do exactly that. The bill provides for $890 million with no earmarking other than that it is to be used for work and training programs.

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I think the OEO Director has adequate flexibility within that program to expend that $890 million in any way he desires.

In addition to that $890 million, there is a lot of other unearmarked money in this bill.

For example, the bill earmarks $1.012 billion for title II community action. There is approximately $400 million in unearmarked money in that title. The Director has great latitude in how he may use this money. He can use it for research and experimentation, he can divert it to any of the other programs under title II such as Headstart, legal services, health services, emergency food programs, family planning, senior opportunities, and so forth. So this gives him $400 million, unearmarked in title II.

Finally, we wrote into this bill a completely new feature, allowing the Director to cut any program—or all programs—by 15 percent and reallocate the money as he sees fit to any authorized program within the agency. If this bill was fully funded, this would give the Director as much as $351 million in the first year and $409 million the second year which he could allocate within his agency any way he chose.

When we grant him $400 million of unearmarked money under the broad title of community action, and when we give him additional flexibility to reallocate $409 million within his agency, it seems to me that that is a substantial and liberal flexibility that we have granted to the Director of the Office of Economic Opportunity, a flexibility such as never before has been in the bill.

Personally, if we have erred in working out a compromise bill, I fear we may have made a mistake in giving the OEO Director too much flexibility.

The majority of the committee started out with the position that we were prepared to give 10 percent flexibility—that is, that the OEO Director could take 10 percent from any and all programs, reallocate it to any programs he saw fit, or all of it to one program. The minority wanted 20 or 25 percent flexibility. We ended up compromising at 15 percent, which I think was a good compromise.

Mr. JAVITS. Mr. President, I think the Senator from Wisconsin has stated the classic basis of the argument by which the committee decided that it did wish to earmark—that is, the majority did. I have stated the administration's position. I should simply like to add one other thing: I would not be here taking the position that I am taking if I believed it represented the remotest jeopardy to the community action agencies or their programs. I think that this is the really innovative and creative aspect of the antipoverty program.

On the contrary, every expression which we had from the Director, and the letter of the President of September 19, 1969, which I read into the RECORD yesterday testify that the community action agency program will do much better without earmarking.

That is my purpose and intent in trying to free the hands of the agency, because the really innovative programs will depend heavily upon self-help and local activity, which are epitomized by the community action agencies and their programs.

So I wish to affirm that offering this amendment represents an expression of confidence by me in the community action agencies, and in what the President, in his letter of September 16, and the Director in his testimony have affirmed to us as their confidence in the community action agencies.

Now, Mr. President, I am prepared to vote if the Senator from Wisconsin is. So that Senators may be notified that we are about to vote on this issue, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 36, nays 50, as follows:

[No. 120 Leg.]

YEAS—36

Aiken
Allott
Baker
Bellmon
Bennett
Boggs
Case
Cooper
Cotton
Curtis
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Javits
Jordan, Idaho
Mathias
Miller
Mundt
Murphy
Packwood
Pearson
Prouty
Saxbe
Schweiker
Scott
Smith, Maine
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—50

Allen
Anderson
Bayh
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cranston
Eagleton
Ellender
Ervin
Gore
Gravel
Hart
Hartke
Holland
Hollings
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Russell
Sparkman
Spong
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—14

Brooke
Church
Cook
Dodd
Dole
Eastland
Fulbright
Goodell
Harris
Mansfield
Muskie
Percy
Smith, Ill.
Stevens

So Mr. JAVITS' amendment (No. 241) was rejected.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The bill is open to amendment.

Mr. MURPHY. Mr. President, I call my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read as follows:

At the end of the bill add the following new section:

"AMENDMENT WITH RESPECT TO THE GOVERNOR'S VETO

"SEC. 13. Section 242 of the Economic Opportunity Act of 1964 is amended by—

"(1) striking out 'In' and inserting in lieu thereof 'Except as provided in the second sentence of this section, in'; and

"(2) inserting after the first sentence thereof the following: 'No portion of any contract, agreement, grant, loan or other assistance made with, or provided to carry out the provisions of section 222(a)(3) of this Act (relating to the legal services program) shall be made with or provided to any State or local public agency or any private institution or organization for the purpose of carrying out such provisions within a State unless a plan setting forth such proposed contracts, agreement, grant, loan or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved, in whole or in part, by the Governor within 30 days of such submission.'"

Mr. MURPHY. Mr. President, I shall explain the amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so we can hear the explanation?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MURPHY. Mr. President, this is a very simple amendment. The thrust of the amendment is to restore more control with respect to legal services to the Governors. This is based on the understanding that the Governor of a State may know more about the problems of that particular State and may be more responsive to its particular problems. He can channel legal service programs into productive areas, rather than, as in the past, into areas that have created great dissatisfaction and confusion.

Mr. President, the amendment is very simple. It makes it possible for a Governor to have a line veto. As the law

stands now the Governor has to veto the entire program. This amendment gives him the opportunity to have a line veto or a select veto so that the good elements of the program can go forward and the elements to which the objects can be vetoed. That is the gist of the amendment, Mr. President.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. MURPHY. I am happy to yield.

Mr. NELSON. Mr. President, I wish to ask the Senator precisely how the amendment would change the current law. Do I understand correctly that the Governor now has a veto over any program?

Mr. MURPHY. The Senator is correct.

Mr. NELSON. And the OEO Director may override the Governor's veto. Is that correct?

Mr. MURPHY. I am unclear on that. There are great discussions about it. Whether or not the Director may override the Governor, this particular amendment would merely authorize the Governor to veto line items in the overall program.

In the speed of writing the amendment, I have not had a chance to even read the language which the staff has included in the amendment, but that was my desire, as I suggested the amendment.

In other words, the Governor would have 30 days to disapprove and he would not have to disapprove the entire program. He could disapprove line items in the program and in this way permit the body of the program to go forward and merely exercise his veto on line items.

Mr. President, I understand the Senator from Minnesota (Mr. MONDALE) wanted to speak with reference to the amendment and I did not intend to have the amendment called up without him being present.

Mr. NELSON. The Senator from Minnesota has been sent notice to be here. In the meantime, I wish to ask the Senator a question. It was my recollection that when the issue was before the subcommittee the Senator from Colorado (Mr. DOMINICK) stated that the administration was opposed to any amendment on the legal services program. That is my recollection.

Mr. MURPHY. I believe the Senator is correct.

Mr. NELSON. It is also my recollection that the Senator from Minnesota (Mr. MONDALE), based on that statement, withdrew his own amendment. Am I correct in that?

Mr. MURPHY. I am not certain because I was not present at that meeting. However, I am told that was the gist of the discussion between the Senator from Minnesota (Mr. MONDALE) and the Senator from Colorado (Mr. DOMINICK). I now see the Senator from Minnesota (Mr. MONDALE) in the Chamber.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MURPHY. I am glad to yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I believe the Senator from California is aware of the discussion which took place on this issue in the Subcommittee on Employment, Manpower, and Poverty. I had proposed the adoption of an amendment which would strike the Governor's veto power entirely from the OEO legal services program. That matter was discussed with the administration, with the Director of the Office of Economic Opportunity, Mr. Rumsfeld, and it was the position of the administration, and I assume it is today, that the program structurally, as it relates to the veto, should remain as it has been and now exists in the law.

Being anxious to contribute to an OEO measure that would have the support of the administration and the support of a broad bipartisan cross section of the Senate, I withdrew my amendment.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield to the Senator from California.

Mr. MURPHY. Mr. President, I just want to make it clear that I heard something of the discussion but I was not present that day. Unavoidably, I had to be absent. I want to make it clear that I was not a party to that understanding.

Mr. MONDALE. The Senator is correct. My recollection is that he was not at that meeting, but my understanding is that the administration does not advocate or want any changes in the pending law as it stands, and as it affects the Governors' veto. Of course, insofar as the specific line items for OEO legal services are concerned, today the OEO Director has full power to determine the amount of the funds which any OEO legal service will have. That is entirely within the control of Director Rumsfeld and under the control of President Nixon.

The line item amendment as proposed by the Senator from California, in a sense, is redundant insofar as control over the Director and the administration are concerned over those funds.

The main point is that the American Bar Association and, really, the President of the United States, are proposing expansion of this program and have endorsed the broad outlines of the program as it now exists.

One of the key and indispensable elements of the program is not alone the funding but also the integrity of the program.

If we do not permit the poor to have attorneys who can present their cases free and unfettered from outside interference, which compromises the role of the law, we are in effect, even if we provide the funds, robbing the program of its greatest promise.

The American Bar Association which, to my knowledge, has never been charged with extreme leftwing irresponsibility, has repeatedly spoken out for the integrity and independence of the OEO legal services program. At its last convention, it passed a resolution strongly urging, in clear terms, continuing independence of the program.

In the letter placed in the RECORD yesterday, written by Mr. Segal, president of the American Bar Association, the ABA once again renewed the hope that OEO legal services would not only be adequately funded but would also be permitted to be a program which would provide the poor with independent, adequate, and competent legal services.

One of the interesting aspects of the OEO legal services since its founding is not only its impressive victories and the unique kinds of law reform cases brought, but also that it has significantly, subtly, and pervasively been subject to attacks attempting to try to destroy the program in terms of its integrity and independence in the kinds of lawsuits that should be brought. It has been subject to interference by local bar associations, Governors, and by the power structure generally trying to control it.

If we want to have a program of integrity, one that truly represents the poor, the present structure is the least we can accept.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution adopted at the annual meeting of the American Bar Association in Dallas, Tex., last August.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, attacks against Legal Aid and Legal Services lawyers and other lawyers threaten the rights of clients to have independent advocates;

Now, therefore, be it resolved, That the American Bar Association supports and continues to encourage every lawyer in the exercise of his professional responsibility to represent any client or group of clients in regard to any cause no matter how unpopular; and

Further resolved, That the American Bar Association deplores any action or statement by any government official who attempts to discourage or interfere with the operation or activities of any properly constituted organization which provide legal services to the community because the lawyers associated therewith, or any lawyer acting in good faith and within the confines of ethical conduct, zealously represent clients in matters involving claims against a government entity or individuals employed thereby.

Mr. YARBOROUGH. Mr. President, will the Senator from California yield?

Mr. MURPHY. I yield.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written to me on October 13 by Bernard G. Segal, of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, urging strongly passage of S. 3016 as reported by the Committee on Labor and Public Welfare.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Washington, D.C., October 13, 1969.

Hon. RALPH W. YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might

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arise. These provisions are consistent with the positions of the ABA and NLADA.

The American Bar Association has consistently opposed amendments to the Economic Opportunity Act which would restrict the independence of legal services lawyers providing a full range of legal services to the poor. In appropriate cases, such services might involve legal action against government agencies in seeking significant institutional change, commonly described as law reform. We should not deny to the poor access to the courts in any legitimate area affecting their interests.

I hope you will oppose any amendments to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures or otherwise restrict the range or scope of cases in which poverty lawyers may represent the poor.

Sincerely yours,

Bernard G. Segal.

Mr. MURPHY. Mr. President, it is my view that the American Bar Association is a party of special interest to this matter. I generally go along with the recommendations of the American Bar Association. I know how diligently my colleagues follow its recommendations and I hope they will be as sensitive to its recommendations when the case of Judge Haynsworth comes before the Senate. I believe that the American Bar Association now has twice recommended approval of Judge Haynsworth.

If I may try to explain my position: I have not questioned the propriety or the need for law reform. However, it was my understanding at the time the legal services program was proposed, that it was to provide individual legal services for some poor fellow who could not afford a lawyer. This is why I so enthusiastically joined in its support.

The program was not to set up a bank of lawyers to enjoin the California State Legislature, or the Secretary of Labor, or the Governor of the State, or to come in and try to attempt to write complete legal reform. That is a different field of operation so far as I am concerned. That is the tack that has been followed by the California Rural Legal Assistance.

I believe that the legal service program should be returned to the purpose for which it was designed at the outset. Then, at a subsequent date, if the Labor and Public Welfare Committee wants to hold hearings and decides the matter of law reform is an important one, it could frame the appropriate legislation.

I have the greatest regard for the views of the American Bar Association, but the experience in my State makes it necessary in the area of legal services that the Governor have the right to a line veto and not to be overriden by the Director.

I am sensitive to the administration's request. I know the new Director very well. However, in my judgment in my State of California, from which I have the honor to represent one-twentieth of all the citizens of the United States, the legal services program will operate much better with this amendment.

As my colleagues know, I am the most pliable fellow in town. If a program is working well, I believe that it should be left alone. This program has not worked well. That is the reason I want to give it a reasonable chance by going back to its original concept. This was the condition under which the original program was sold to the Congress.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MURPHY. I am glad to yield.

Mr. MONDALE. Do I understand the Senator's amendment to apply only to the OEO legal services program?

Mr. MURPHY. That is exactly right.

Mr. MONDALE. In other words, of all the titles in the OEO Act, the only one that would give the Governor veto power over a line item as distinguished from a whole program would be the OEO legal services program?

Mr. MURPHY. That is right.

Mr. MONDALE. Does it worry the Senator from California that that might be used by a Governor to discourage lawsuits that might be unpopular, yet necessary to defend and assert rights of the poor? In other words, if a rural service wanted to do something about illegal Mexican migrants who crossed the border to break a strike and depress working conditions, and the rural legal service thought they ought to bring action in that kind of case, and the Governor did not think so, could the Governor then veto that lawsuit?

Mr. MURPHY. Yes; he could. If my distinguished colleague will permit me, that type of lawsuit might properly be brought, but it should not be brought under the guise of a provision that was put in there originally to provide legal services on an individual basis for some poor fellow who just cannot afford a lawyer. I know a great deal about the problem of the illegals as a result of Public Law 780 going out of existence. I would have fought for that law before it went out. We now would have legal farmworkers rather than illegal ones. I would hope that sometime in the future we might get back to that. But in this case, on basic principles, on my philosophy of government, I would have to say that a Governor is more sensitive to the needs in his particular State. That is the philosophy of the new administration. of renewed federalism. I would think it would be preferable that the Governor, if he were doing something contrary to the wishes of the majority, were quickly replaced. On the other hand, if it were the purpose to make this operation function more properly for the benefit of an individual, rather than some mass action, or some highly financed labor union, rather than in the case I mentioned this morning of a foundation from New York, I would think this would be a proper amendment and might work for the general benefit of the poor, who are the ones I am concerned with.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. MONDALE. Did I understand the Senator to draw a distinction between personalized legal services for individuals who are impoverished, on the one hand, and so-called law reform suits, on the other hand?

Mr. MURPHY. Yes; that is exactly my point.

Mr. MONDALE. Did I understand the Senator to say he supports legal services for individual purposes, but opposes them in the broad——

Mr. MURPHY. I must intervene. I did not oppose them. I oppose them in this particular piece of legislation, because it was not designed for that purpose. I have said that several times. I think hearings should be held. I think possibly another amendment to take care of so-called law reform, to take care of bracero problems, might be proposed. But under this statute, according to my understanding—and I was one of the developers of the concept—this was for legal services for some poor fellow who cannot afford a lawyer, and it was not to take up some extravagant move by social reformers, labor unions, or other organizations of that kind. That is why I draw the distinction.

Mr. MONDALE. Will the Senator yield?

Mr. MURPHY. I yield.

Mr. MONDALE. When the then nominated Director, Mr. Rumsfeld, appeared before the Employment, Manpower, and Poverty Subcommittee, I asked him his view about the proper role of the OEO legal services, and particularly whether he felt the OEO had a function to perform in the law reform field and whether it should be used for that. I must say I was very pleased by his answer. I quote a part of it, which appears on page 29682 of yesterday's Congressional Record. He said:

> As you know, I support the legal services program. I am pleased with the recommended increase. I also agree with you when you suggest that there have been and will be instances where, by providing proper legal service for the poor, suits may result which might involve, for example, the Federal, State or local government if in fact the attitude of the individuals involved in this suit is that level of Government has not been responsive and has not been fulfilling its statutory obligations.
>
> That can be controversial. In my judgment that does not make it bad. In fact, there are many of our institutions that are not perfectly responsive to the needs of the individuals they serve, and that they go through a process continuously of change. This might be one of the kinds of things that might help an agency of the Federal Government to recognize that what they are doing in fact at the point of contact does not compare with what they thought they were doing.

In other words, the Director of the Office of Economic Opportunity, Mr. Rumsfeld, I think quite clearly recognizes the importance of law reform services and underscores the need from time to time to make government more responsive and to permit lawsuits to be brought against various levels of government. Does the Senator from California disagree with that, for example?

Mr. MURPHY. I have said three times in the last 12 minutes that I am not in disagreement with it, but I am in disagreement with the use of a statute that was established to provide legal services for individuals being turned over to law reform, which is an entirely different operation and which should possibly be set up under a special provision in the bill. Perhaps at a later time, the Director may agree with me. He is a new Director, who has just come in. I must say he comes in under the best auspices. I had the opportunity of knowing him. I think he will do an excellent job. But I also know that when he appears before a committee and is cross-examined by distinguished, great, trained legal minds, such as my dear friend from Minnesota, he might possibly not think as deeply as he should in order to have his logic catch up with the fluidity of his expression.

Mr. MONDALE. Will the Senator yield?

Mr. MURPHY. To get back to the proposition, with all respect to the American Bar Association and the administration's suggestion and to the feelings and the wishes, as described and read, of the new Director, I am not in great disagreement that there should be law reform. That is not my purpose. I disagree that a statute that was enacted to provide legal services for some poor individual who cannot afford a lawyer, the poor man we worry about, should be used for another purpose. If my distinguished colleague wants to institute hearings with regard to law reform, I would welcome them. I think he would probably be on sound ground.

Mr. MONDALE. Will the Senator yield?

Mr. MURPHY. I yield.

Mr. MONDALE. I respect the position of the Senator from California, but I think I am fair in saying that both the OEO Director, Mr. Rumsfeld, and the Director of Legal Services, Mr. Lenzner, have not only endorsed the concept of legal reform lawsuits being brought by the OEO legal services program, but, in fact, have underscored it as the key, and one of the fundamental aspects, of the entire program.

We have seen cases where, for example, it is very difficult to define what is the difference between an individual need and a broad general need. For example, there was a State which had many counties in which there was no food stamp program. A lawsuit was brought requiring the Department of Agriculture to make food-stamp programs available in all counties. That lawsuit was won. The Department of Agriculture has not responded yet, but this shows how difficult it is to differentiate the individual situation from the broad public policy.

Mr. MURPHY. Mr. President, will my distinguished colleague yield?

Mr. MONDALE. I am happy to yield.

Mr. MURPHY. I should like to point out how difficult it was to decide whether or not there was need for food stamps. As I recall, it was almost 2 years ago now.

Mr. MONDALE. That has been settled.

Mr. MURPHY. Yes, but it took a year. It took a year, between members of the committee and the former Secretary of Agriculture, to decide whether or not there was a need for food stamps in one of our Southern States.

I think if we proceed with consideration of the amendment, and get underway quickly in setting up the instrument for legal reform, we would be making great progress and at the same time preserving the integrity of this piece of legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

Mr. MURPHY. Mr. President, I suggest the absence of a quorum. I ask that a quorum call be instituted, if it is agreeable, so that we may ask for the yeas and nays. I see no purpose to be served by continuing this dialog.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. After apologizing to my colleagues for interrupting their lunch, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

Mr. JAVITS. Mr. President, I am well acquainted with Senator Murphy's amendment, and I am very sympathetic to the feelings which dictate it. There are, without any question, just grievances reflected in the position which he has put before the Senate.

As I introduced the administration's bill, and am in a sense handling it on the Senate floor as ranking minority member of the Committee, I deliberated, frankly, whether to say anything about this matter, because I am sympathetic with with Senator Murphy's position.

But in all fairness to the administration, I think it is my duty to say that this is a provision which takes a positive step about a matter which the administration did not include in its bill, and which I did not introduce.

I was the architect of the compromise which resulted in dealing with the Governor's veto question, and in conscience, I must tell the Senate that I believe that, as to any part of the program—and I do not pick out this part, that is, legal services, particularly—I would not have favored and I do not think I would have introduced the administration's bill if it had favored giving the Governor an absolute veto.

I would state to the Senator from California that it was in legislative vigilance that we had that debate with the Senator from West Virginia (Mr. Byrd). In every way, I shall do my utmost to keep the feet of the administration to the fire on this question of what the Senator calls law reform—that is, endeavoring to lend themselves to these broad questions of governmental policy through the new initiative and new energy of the poor in the OEO.

Also, if there are specific situations which come up in which a Governor's veto is not getting the proper weight and proper consideration, again I would lend myself, whether it is my State or any other, as the ranking minority member of the committee, to doing everything possible to get the utmost evaluation for the Governor's point of view.

Mr. President, with all fairness and with all due respect, I simply must say that I could not bring myself to go against the compromise which was so very hard to work out in our previous conference with the House on the question of the absolute power of the governor to exclude a program from his State.

That is all I wish to say about the matter, again expressing the deepest respect and understanding for what the Senator from California is trying to do, and promising him that I will lend myself in every way to assist him in any case in which the OEO has taken a questionable direction.

Mr. MURPHY. Mr. President, I thank the distinguished Senator. I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. Church), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Montana (Mr. Mansfield), the Senator from Minnesota (Mr. McCarthy) and the Senator from Maine (Mr. Muskie), are necessarily absent.

I further announce that the Senator from Arkansas (Mr. Fulbright) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) and the Senator from New York (Mr. Goodell) are necessarily absent.

The Senator from Kentucky (Mr. Cook), the Senator from Kansas (Mr. Dole), the Senator from Illinois (Mr. Percy), and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from Illinois (Mr. Smith) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. Brooke), and the Senator from Illinois (Mr. Percy) would each vote "nay."

On this vote, the Senator from Kansas (Mr. Dole) is paired with the Senator from New York (Mr. Goodell). If present and voting, the Senator from Kansas would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 45, nays 40, as follows:

[No. 121 Leg.]

YEAS—45

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Cooper
Cotton
Curtis
Dominick
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Mundt
Murphy
Packwood
Pearson
Prouty
Russell
Smith, Maine
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

XUM

NAYS 40

Anderson
Bayh
Bible
Burdick
Cannon
Case
Cranston
Eagleton
Gore
Gravel
Hart
Hartke
Hughes
Inouye

Jackson
Javits
Kennedy
Magnuson
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore

Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—15

Brooke
Church
Cook
Dodd
Dole

Eastland
Fulbright
Goodell
Harris
Mansfield

McCarthy
Muskie
Percy
Smith, Ill.
Stevens

So Mr. Murphy's amendment was agreed to.

Mr. WILLIAMS of Delaware. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. I move to reconsider the vote by which the amendment was agreed to.

Mr. MURPHY. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF CLEAN AIR ACT

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2276.

The PRESIDING OFFICER (Mr. Hughes in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act which was to strike out all after the enacting clause, and insert:

> That the first sentence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b–1(c)) is amended by striking out "and", and by striking out the period at the end thereof and inserting in lieu thereof ", and for the fiscal year ending June 30, 1970, $18,700,000."

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the amendment of the House on S. 2276 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Muskie, Mr. Randolph, Mr. Bayh, Mr. Montoya, Mr. Boggs, Mr. Cooper, and Mr. Dole conferees on the part of the Senate.

REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—REFERRAL

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the report of the St. Lawrence Seaway Development Corporation for the year ending 1968, which was referred to the Committee on Public Works on September 24, 1969, be re-referred to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I also ask unanimous consent that all future proposed legislation and matters relating to the St. Lawrence Seaway Development Corporation be referred to the Committee on Commerce for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, on July 14, 1969, a number of nominations affecting the St. Lawrence Seaway Development Corporation were re-referred by the Senate to the Committee on Commerce. It was my intention at that time that all future proposed legislation affecting the St. Lawrence Seaway Development Corporation be within the jurisdiction of the Committee on Commerce.

In this connection, I ask unanimous consent that my statement which appears in the Record of July 14, 1969, be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR RANDOLPH

For some time I have been of the opinion that legislative matters relating to this corporation properly come within the jurisdiction of the Commerce Committee. That Committee, as you know, is directly concerned with matters relating to foreign and domestic commerce, and, of course, the Seaway Authority is an important link in this country's foreign and domestic trade. Also, the Commerce Committee recently established a special subcommittee to study transportation on the Great Lakes-St. Lawrence Seaway which will be directly involved with the activities of the Seaway Corporation.

For the information of the members of the Senate, the St. Lawrence Seaway Development Corporation is a wholly owned Government corporation which was authorized and directed by the act of May 13, 1954, (33 USC 981), to construct, operate, and maintain deep-water navigation works in the International Rapids section of the Saint Lawrence River together with the necessary dredging in the Thousand Island section. The act also directed the Corporation to coordinate its construction and maintenance activities with the Saint Lawrence Seaway Authority of Canada. Management of the Corporation is vested in an administrator and a deputy administrator appointed by the President by and with the advice of the Senate. In addition, the Act established an Advisory Board to review the general policies of the Corporation, including its policies in connection with design and construction of facilities and the establishment of rules of measurement for vessels and cargoes, and rates of charges or tolls, and is required to advise the Administrator with respect to these matters. The Board is composed of five members also appointed by the President, by and with the advice of the Senate.

In the past, legislation relating to the St. Lawrence Seaway has been handled by three Senate Committees; Commerce, Foreign Affairs, and Public Works. The Committee on Public Works first considered Seaway legislation in July of 1957, when a bill to designate the "Wiley-Dondero Lock" was referred to the Committee for consideration. Subsequent Seaway legislation has also been referred to the Public Works Committee. However, for the reasons previously stated, I recommend that the pending nominations and future legislation affecting the St. Lawrence Seaway Development Corporation again be referred to the Committee on Commerce for appropriate attention.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. AIKEN. I wish to ask the Senator if this matter has been cleared with the Committee on Public Works.

Mr. RANDOLPH. Yes, and with the Committee on Commerce.

Mr. AIKEN. And it is agreeable?

Mr. RANDOLPH. It is agreeable.

Mr. AIKEN. I thank the Senator.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The bill clerk read as follows:

At the end of the bill insert the following new section:

"AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTI-POVERTY AGENCIES

"Sec. 13. (a) Upon receipt of any amount of a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 the recipient shall set aside a portion of the amount so received sufficient to satisfy the expected liability of the recipient for the taxes imposed by chapters 21 and 23 of the Internal Revenue Code of 1954.

"(b) Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 or 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend any portion of such payments due to such person and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that either such person is no longer delinquent in paying or depositing such taxes or that adequate provision has been made for such payment."

Mr. WILLIAMS of Delaware. Mr. President, I shall be very brief. I understand the managers of the bill have no objection to the amendment.

I merely wish to state that this matter was called to my attention a couple of months ago. It seems that some community action groups, while withholding their employment taxes, have not been forwarding them to the Treasury as required by law in operations of this type.

I felt by all means that subdivisions of the Government, and they are subdivisions of the U.S. Government, should be complying with the law as it relates to all other type operations; namely, that they should pay their taxes.

Mr. President, the purpose of the Economic Opportunity Act is to educate and train certain groups in order that as citizens, they may move out into useful employment and meet their obligations to society. The best training that could be extended to any group would be to impress upon them their responsibilities as citizens to meet their tax obligations to the Federal Treasury when they become due.

Mr. President, I ask unanimous consent to have printed in the Record at this point a letter dated August 29, 1969, signed by the Acting Commissioner of Internal Revenue, along with attachments thereto, pointing out this problem as it relates to these delinquencies, followed by an explanation of the amendment as furnished by the legislative counsel which explains the manner in which the amendment would operate.

It will be noted that many of these groups which were first classified as delinquent show that the delinquency has been eliminated.

However, it should be pointed out that in far too many cases these delinquencies were paid with new grants from the Federal Government.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., August 29, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This refers to your inquiry of June 20, 1969, concerning past and present Federal employment tax delinquencies on the part of the Neighborhood Youth Corporation of the Kent County Community Action Agency and similar organizations in Delaware and throughout the country.

We are unable to furnish you complete information on all Anti-Poverty organizations which are now or have been delinquent in payment of Federal employment taxes. As you know, our field offices are responsible for identifying and handling all taxpayer delinquencies, and it would be necessary for all 58 districts to research every open and closed case in every open and closed file in order to secure the data you have asked for. I am sure you will appreciate that, with our limited manpower and money, I cannot authorize such a costly undertaking. However I can give you information on those delinquencies in the Anti-Poverty area which field officials have specifically brought to our attention. Lists of these delinquencies are enclosed.

The liabilities shown on the lists may include income tax withholding, FICA taxes and FUTA (Federal unemployment tax). All of the organizations listed incur liability for income tax withholding, of course, even though they may be exempt from income tax as an organization described in section 501(c)(3) of the Internal Revenue Code. If the organization has not established tax-exempt status, liability is also incurred for FICA and FUTA taxes. However, if the organization has established exemption as a 501 (c)(3) organization, it is automatically exempt from FICA taxes unless it has specifically waived its FICA exemption.

As to Kent County Community Action Agency, specifically, the enclosed list of open cases shows an employment tax balance due from this organization in the amount of $860. This represents FICA (social security taxes). However, the organization has applied for tax exemption, as a 501(c)(3) organization, and if exemption is granted, the organization will have no liability for FICA taxes unless it chooses to waive the FICA exemption. This seems unlikely, considering that the organization is no longer active. Thus, it appears probable that some part of the taxes which have already been paid by the organization will be refundable in an amount which may exceed the liability now shown on our books.

It may be that cases, in addition to those shown on the enclosed lists, have been or are now pending in the field and, indeed, delinquencies may exist of which the field is not yet aware. As I am sure you will appreciate, this entire area is one which is very difficult to monitor, considering the many funding Federal agencies which are involved, the many thousands of organizations which are funded, the variety of programs being undertaken and, quite often, the tax unfamiliarity of the persons undertaking them.

Ever since enactment of the Economic Opportunity Act of 1964, we have been aware of the need for educating the Anti-Poverty organizations to the tax responsibilities confronting them upon receipt of a grant and institution of the program for which the grant was given. Our aim has been to prevent delinquencies, an objective which, unfortunately, we have not fully realized. In attempting to do so, however, we have been working with the Office of Economic Opportunity, the Department of Labor, the Department of Agriculture and the Department of Health, Education and Welfare. We have obtained lists of grantee organizations from these agencies with the understanding that the lists will be kept current. Our field offices have been and are now checking these lists against our own lists of persons filing Federal employment tax returns. This cross check enables us to contact those organizations not appearing on our lists and to keep a close watch for delinquencies which may arise in the future. We feel that this is a good beginning, but we are convinced that much more can be and should be done. Bearing in mind that the United States is the source of the funds with which these organizations operate, we believe that the funding Federal agencies may be in a position to assist us further in assuring that all taxes due the Federal Government are paid in full and on time. We are continuing, therefore, to work with these agencies in hopes of developing a fully coordinated program, looking toward timely payment of all tax obligations incurred by each and every grantee organization. As you suggest, delinquencies in this area should be and are of major concern to the Internal Revenue Service.

I appreciate your interest in this matter, and assure you that we will continue to watch the situation carefully.

With kind regards,

Sincerely,

———— — ————,
Acting Commissioner.

[Enclosures]

The information given below reflects collection status as of August 18, 1969. It does not necessarily reflect the current status of the case since collections may have been effected by the field office concerned in the meantime.

Closed cases	Original delinquency liability	Outstanding balance
1. Dallas County and City of Selma Opportunity Board, Inc., City Hall, City of Selma, Selma, Ala	$1,681.30	0
2. Inner City Cultural Center, 1615 North Washington, Blvd., Los Angeles, Calif	94,697.98	0
3. Inland Area Urban League, 3792 Main St., Riverside, Calif	7,442.34	0
4. Monmouth Community Action Program, Inc., Garfield Grand Bldg., 279 Broadway, Long Beach, N.J	69,780.48	0
5. Fayette County Community Action Agency, Inc., 50 East Main St., Uniontown, Pa	$20,785.80	0
6. Interfaith-Interracial Counsel of the Clergy, 1528 Walnut St., Philadelphia, Pa	29,177.76	0
7. Neighborhood Youth Corps, New York City, N.Y	3,589,288.00	0
8. New Opportunities for Waterbury, Inc., trading as Now, Inc., 769 North Main St., Waterbury, Conn	124,930.00	0

Open cases	Original delinquency liability	Outstanding balance
1. Opportunities Industrialization Center, 1225 North Broad St., Philadelphia, Pa	$751,702.94	$28,395.25
2. O.I.C. Institute, Inc., 100 West Coulter St., Philadelphia. Pa	193,328.66	89,487.13
3. Allied Builders Union, Inc., 611 Division Ave. NE., Washington, D.C	31,387.94	9,469.85
4. Kent County Community Action Agency, Inc., Dover, Del	8,344.85	860.42
5. Business Training Center–Paterson Task Force, 367 Broadway, Paterson, N.J	1,816.36	1,816.36
6. Haryou-Act, Inc., 2092 7th Ave., New York, N.Y	(1)	(2)
7. Black Youth Movement, Inc., 43 North Main St., Waterbury, Conn	$39,142.00	$38,926.00
8. Opportunities Industrialization Center, 2947 North 3d St., Milwaukee, Wis	78,870.42	14,728.79
9. Archdiocesan Opportunity Program, 2140 East Canfield, Detroit, Mich	987,053.70	216,698.76

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[1] Unknown at this time. Investigation being conducted to verify credits claimed. Earlier delinquency amounting to $208,986 has been fully paid.

[2] Unknown at this time. Investigation being conducted to verify credits claimed.

MEMORANDUM FOR SENATOR WILLIAMS OF DELAWARE

The attached draft sets forth the obligation of a recipient of a payment made pursuant to any grant, contract, agreement, loan, or other assistance made or entered into under the Economic Opportunity Act of 1964 to set aside a portion of the amounts received sufficient to satisfy the expected liability of the recipient for taxes imposed by chapter 21 (relating to Federal insurance contribution) and chapter 23 (relating to Federal unemployment tax) of the Internal Revenue Code of 1954.

Upon notice from the Secretary of the Treasury that any recipient of such a payment is deliquent in paying or depositing (1) the taxes imposed under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such recipient under chapters 21 and 24 (relating to collection of income tax) of such Code, the Director of the Office of Economic Opportunity shall not make any further payment due the recipient and he shall make or enter into no new grant, contract, agreement, loan, or other assistance under the

XUM

Economic Opportunity Act of 1964 until the Secretary of the Treasury has notified him that the recipient is no longer delinquent in paying or depositing the taxes referred to in the section or that adequate provision has been made for such payment.

The requirement set out in your proposed amendment is an addition to the "Economic Opportunity Amendments of 1969", the pending business of the Senate.

Respectfully,

A. BLAIR CROWNOVER,
Assistant Counsel.

OCTOBER 14, 1969.

Mr. WILLIAMS of Delaware. Mr. President, I shall request a record vote on this amendment, but I am willing to proceed as expeditiously as possible.

Mr. NELSON. Mr. President, I would like to say as to this amendment that I think the objective sought by the Senator from Delaware is correct. I have not had a chance to study the language. I assume the language that is in the amendment reasonably accomplishes the objective the Senator seeks.

I understand the deputy counsel of the Office of Economic Opportunity believes the language is satisfactory but he has not had a chance to study it either.

I shall vote for the amendment. I may wish to modify my position, depending on the legal interpretation of the OEO. I do agree with what the measure seeks to do.

Mr. WILLIAMS of Delaware. I appreciate the statement of the Senator.

The amendment will be in conference and if it needs to be perfected I would want it done because there is no disagreement on the objective.

Mr. President, I have also discussed the problem with the Senator from New York. I understand that he also agrees with the objective. On that basis, I am willing to proceed to vote.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. Mr. President, I wish to join the Senator from Wisconsin (Mr. NELSON) in saying that I, too, shall vote for the amendment. I feel that the way the matter has been worked out is probably the way which will prove generally agreeable to the Office of Economic Opportunity.

As the Senator from Wisconsin (Mr. NELSON) has stated, we will undertake in conference to make sure the purpose is retained, without any extraneous effect. I had hoped we could dispose of the matter without a rollcall vote this afternoon in view of the position of the Senator from Wisconsin of my position. However, the Senator from Delaware feels we should have a rollcall vote and I see nothing that we can do about it. That is his right. My purpose will remain as it would have been otherwise: to do our utmost to retain in conference a provision accomplishing this result.

Mr. WILLIAMS of Delaware. Mr. President, I am satisfied with the Senator's statement. I thank the Senator from New York.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. RANDOLPH. Mr. President, we have had expressions on this issue from the Senator from Wisconsin (Mr. NELSON) and the Senator from New York (Mr. JAVITS). As a member of the Committee on Labor and Public Welfare, I wish to commend our colleague, the senior Senator from Delaware (Mr. WILLIAMS) on the presentation of the amendment. I think it is inconceivable that there would be opposition to the proposal as it is-presented here this afternoon. It is my belief that it is not only proper but necessary to incorporate into this bill the amendment of the Senator from Delaware (Mr. WILLIAMS). I agree that amendment should impress upon antipoverty agencies receiving grant funds their obligation to comply in a timely manner with requirements of our tax laws. This will be an assurance of tighter procedures.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. I think the importance of the rollcall vote would be so that the agency, which has been perhaps a little dilatory in previous matters in enforcement, will know the Senate means business.

I am willing to proceed to the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware (Mr. WILLIAMS). On this question the yeas and nays have been ordered, the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. FULBRIGHT), is absent on official business.

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Illinois (Mr. SMITH) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The result was announced—yeas 84, nays 0, as follows:

[No. 122 Leg.]

YEAS—84

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Cotton
Cranston
Curtis
Dominick
Ellender
Ervin
Fannin
Fong
Goldwater
Gore
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—16

Brooke
Church
Cook
Dodd
Dole
Eagleton
Eastland
Fulbright
Goodell
Harris
Mansfield
McCarthy
Muskie
Percy
Smith, Ill.
Stevens

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

Mr. GOLDWATER. Mr. President, on behalf of my senior colleague from Arizona (Mr. FANNIN) and myself, I send to the desk an amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

> On page 5, between lines 18 and 19, insert a new subsection as follows:
>
> "(d) Notwithstanding any other provision of this Act or any other provision of law, none of the amounts appropriated pursuant to the section for the fiscal year ending June 30, 1970, and the fiscal year ending June 30, 1971, and none of the amounts appropriated pursuant to any other provision of law for any fiscal year prior to the fiscal year ending June 30, 1970, shall be expended on or after the date of enactment of this Act for use in carrying out the Legal Services program described in section 222(a)(3) on the Navajo Indian Reservation or on behalf of the Navajo people, unless the use of such amounts for such purposes is specifically approved by a resolution duly passed by the Advisory Committee of the Navajo Tribal Council for each such fiscal year, respectively."

Mr. GOLDWATER. Mr. President, I shall try to be as brief as I can with this presentation, and I would appreciate the attention of Senators, because this is a very, very peculiar situation. Some might argue that the passage of the Murphy amendment, which gave the Governors the right to veto, would take care of this situation. It will not, because the Navajo Reservation actually lies in three States. Most of it is in Arizona; part of it is in New Mexico; and a small part of it is in Utah.

The amendment is not complex. It is offered to carry out the express wishes of the Navajo Indian Tribal Government and to prevent the Office of Economic Opportunity from riding roughshod over the rights of the individual Navajo Indians and the sovereignty of the Navajo Nation.

This situation is a very peculiar one. At this point I would like to mention a few of the unusual features of the reservation situation. They have their own democratically elected self-government. The laws of the State of Arizona do not apply. They pay no State taxes or Federal taxes or sales taxes, nor can the Governor impose them. My colleague, Senator FANNIN, was Governor when this matter was tested. They have their own police force, their own courts, and operate under their own laws. What they are asking, in effect, is to have some say in the operation of this program.

Mr. President, my amendment simply says that none of the funds appropriated to OEO can be spent hereafter for the operation of the legal services program on the Navajo Reservation unless the program has the approval of the Navajo Indians themselves.

There should not be any need for this amendment. It amazes me that it is necessary to add a requirement into the law in order to bind OEO to live by the letter and spirit of the existing law.

But, the agency has it in its head to jam a ridiculously high funded legal services project down the throats of the Navajo people whether they want it or not. And, I can tell you that they do not want it. Nor do the people living adjacent to the reservation want it.

Permit me to review the history of this bizarre situation which is serving to accomplish nothing but the division of the Navajo people into separate camps.

In April of 1965, the advisory committee of the Navajo Tribal Council passed a resolution creating the Office of Navajo Economic Opportunity. This organization was to be responsible to the Advisory Committee and was established for the purpose of administering the OEO community action programs for the Navajo Tribe.

Many of the programs implemented by ONEO have been of lasting benefit to people on the reservation, who have been encouraged to strive toward self-sufficiency and to become employable.

But, difficulties arose quickly with one component of the ONEO program. In October of 1967—a little after a year from the time that the legal aid program was approved for the reservation—problems began cropping up with DNA, Inc., the delegate agency for these services. For 3 months relations between the Navajo Office and DNA were so strained that the two were unable to agree to a new contract.

The matter was settled temporarily in January of 1968 when the contract was renewed. By June of 1968, however, conditions had reached storm proportions again. On June 28 of last year, the advisory committee of the Navajo Tribal Council voted its disapproval of the manner in which the legal services program was being handled by DNA under the direction of Mr. Theodore R. Mitchell. In fact, the advisory committee actually demanded the removal of Mr. Mitchell from his post.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. KENNEDY. Did the matter that was being considered at that time refer to the question of the water rights of the tribe itself?

Mr. GOLDWATER. No; that did not enter into it, although Mr. Mitchell at times tried to swing the tribe on it. Of course, this is of great concern to the water rights of the Lower Colorado River Basin. I must say the Indian rights in the basic contract have been recognized as being primary, above all other rights. The rights we are talking about are involved in the 50,000 acre-feet allotted to Arizona. Some of the works have been built. Others are in process of being built to enable the Navajos to utilize a portion of the 50,000 acre-feet.

Mr. KENNEDY. Could the Senator enlighten Members of the Senate with respect to the matter that brought about the dispute between the legal services office and the Navajo Tribe, and also the tribal attorneys? Would the Senator enlighten us about that conflict, or was he planning to do so?

Mr. GOLDWATER. I am planning to do so, but I can say that, very basically, these people have their own government, elected under democratic processes. They have law and order on the reservation. Having complete control of what goes on with respect to contracts for gas and oil, contracts for trading purposes, and so forth, they feel they should not be circumvented in this matter. In other words, the pending amendment merely recognizes and says that at the time when the tribal council votes to have the DNA on the reservation under its control, they have no objection to it. In fact, before the DNA came on the reservation, the tribe had its own legal program.

I think they were spending something like $100,000, as far as we can find out. That has been expanded now to $1.1 million under the OEO, which is over twice as much as the State of Arizona is spending on 1,600,000 people. We are talking about 100,000 Navajos in my State.

I think I can answer the Senator's question as I go along. If I do not, do not hesitate to ask.

By August, when the Navajos saw that this man Mitchell was not going to leave on his own, the advisory committee permanently excluded him from all Navajo lands for his personal obnoxious conduct before the tribal council.

Following his exclusion, Mitchell, who was still running the legal services program—ostensibly to assist the Navajo community—brought a lawsuit against the chief executive officer of the Navajo Tribe in which he challenged the right of the Navajos to evict a non-Navajo from the reservation. Taking advantage of civil rights principles, he succeeded in obtaining a court order forcing himself back onto the Navajo Reservation.

Under these circumstances, which were but the culmination of many earlier acts of adventurism and agitation by the staff of DNA, the advisory committee of the Navajo Tribal Council directed the chairman of the tribe to refuse to accept the grant of funds offered by OEO for the operation of the OEO legal services program in the Navajo Reservation for the 1969 fiscal year. The advisory committee further directed the Office of Navajo Economic Opportunity to refuse Federal funds to continue the operation of DNA and to return the grant offer to OEO. This resolution was approved by a vote of 12 to 1 on March 13 of this year.

The action failed to stir OEO, however. Regardless of the mandate given to OEO to extend financial assistance only for community action projects which are approved by the duly designated community action agency—in this case the advisory committee of the Navajo Tribal Council acting through the Office of Navajo Economic Opportunity—OEO has decided to pass over the Navajo agencies and fund DNA directly for the performance of the legal services program.

Such an incredible action is nothing short of a major affront to the governing bodies of the Navajo Nation. It is tantamount to the direct interference by the Government of the United States with the government of the Navajo Indian Tribe in a matter that involves the sovereignty of the Navajos over operations within the boundaries of their own reservation.

Mr. President, to illustrate by another point why this is a most unusual situation, the Navajo Indian Reservation does not operate directly under the Bureau of Indian Affairs. This tribe constitutes a little more than 25 percent of all the Indians who come under the jurisdiction of the United States. Its reservation is so vast and encompasses so great an area that there has been established a subbureau at Gallup, N. Mex., which operates for this tribe individually, and no other reservation comes under its jurisdiction.

On October 1, by a unanimous vote of 15 in favor and none opposed, the Navajo advisory committee strongly condemned the OEO action as "a direct rebuff of the wishes of the Navajo Tribal Council and a circumvention of the sovereign powers of the Navajo Tribe." In addition, the resolution caustically noted:

> Such action is in direct opposition to the express policy of the President of the United States and the Secretary of the Interior that tribal governments be granted more responsibility in handling their own affairs.

In these circumstances—where the Navajo Tribe itself has repeatedly determined that the continuation of DNA as the unit operating the OEO legal services program "is not in the best interests of the Navajo people"—I find it to be remarkable that OEO is acting in complete disregard of the wishes of the Navajo tribal government.

I might add, Mr. President, that the entire Arizona delegation backs up the Navajo tribal government in this matter. We are unanimous, both Democrats and Republicans, that this is an affront to the dignity of the Navajo. It is an affront to everything we are trying to do for the Indians in our part of the country who still live on the reservation.

If this is what is happening in regard to OEO programs, I think it is entirely uncalled for and that a check must be put on it by Congress. On top of this outrageous situation in which OEO is ignoring the democratically selected political authorities on the Indian reserva-

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tion, the amount of money allocated to DNA for the fiscal year is ridiculous. OEO wants to spend $1.1 million to handle the legal aid program for 120,000 Navajos.

As I mentioned earlier, the State of Arizona spends less than $500,000 to take care of the legal problems of 1.6 million people.

No wonder DNA is putting its hand into every conceivable kind of venture. No wonder that it has been stirring up individual Navajos and injuring relations with non-Navajos such as the reservation traders and residents who live near the reservation.

One incident occurred only last month when the annual ceremonial dances were conducted at Gallup, N. Mex., by the Intertribal Indian Ceremonial Association. DNA, supposedly the legal aid service for indigent Navajos, is bringing suit against the ceremonial on behalf of a group of young men who were distributing a hate sheet labeled "When Our Grandfathers Had Guns." I think that this incident is a typical example of some of the unseemly ways that this group has put its nose into cases which rise far afield from its proper duty of aiding the poor on the reservation.

Mr. President, all my amendment will do is to require that before any more money is spent by OEO for the legal services program on the Navajo Reservation that it shall be approved by the community action group operating under the governing body of the Navajos.

The amendment will not cause any reduction in the amounts authorized in the committee-reported bill.

The amendment will permit the appropriation of the full amounts authorized in the committee bill.

The amendment will not affect the operation of any program in any community or State other than this one alone.

All it does is to prevent the expenditure of moneys for a program on the Navajo Reservation unless this program has the consent of the Navajo people.

This will simply require that OEO lives up to the express rules set forth in subchapter II and part B of the Economic Opportunity Act of 1964, which creates the community action and related programs, and which, I remind my colleagues, was further strengthened this afternoon by the tabling action on the amendment of the Senator from California (Mr. MURPHY).

The Navajo tribal government, acting through ONEO, has been officially designated as the community action agency for the Navajo people. This was done in accordance with the provisions of section 104 of subchapter II.

The Navajo office is thereby made the legitimate body through which OEO projects must be administered on the reservation, and I cannot see why anyone would object to making OEO use it.

Mr. President, there has been much talk in this Chamber at various times this year about the concern that the American Indian should be allowed and encouraged to control his own destiny. I am giving the Senate a chance to put this concept to the test. If my amendment is approved, we will have demonstrated to the Navajo citizens that we are willing to respect the decisions made by their democratically chosen leaders as to what is in the best interests of the Navajo Nation.

Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions adopted by the advisory committee of the Navajo Tribal Council in protest of the operations of DNA.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE NAVAJO TRIBE,
Window Rock, Ariz., March 13, 1969.

DIRECTOR,
OEO Legal Services Program,
Washington, D.C.

DEAR SIR: Enclosed is a copy of a resolution adopted today by the Advisory Committee of the Navajo Tribal Council.

As you will see the Advisory Committee has determined that the continuation of DNA, Inc. as the organization operating the OEO Legal Services Program in the Navajo Nation is not in the best interests of the Navajo people. Therefore, the Advisory Committee has instructed me to refuse to accept your grant of funds for DNA's operation in 1968–69, and to return the grant offer to you.

In accordance with these instructions, I hereby refuse your grant and return the Grant Offer papers to you.

Yours truly,

RAYMOND NAKAI,
Chairman, Navajo Tribal Council.

PROPOSED RESOLUTION OF THE ADVISORY COMMITTEE OF THE NAVAJO TRIBAL COUNCIL, DIRECTING THE CHAIRMAN OF THE NAVAJO TRIBAL COUNCIL TO REFUSE OEO REFUNDING OF DNA, INC.

Whereas:

1. The Advisory Committee of the Navajo Tribal Council, on April 7, 1965, established the Office of Navajo Economic Opportunity (10 NTC 701) for the purpose of insuring that the full benefits of the Economic Opportunity Act of 1964 "shall accrue to the Navajo people," with the full cooperation of all divisions, committees and individuals of the Navajo Tribal Government, and

2. The Advisory Committee has been authorized by the Navajo Tribal Council to approve general policies, plans of operation, and programs which are beneficial to the Navajo Tribe and Navajo people under titles I–VI of the Economic Opportunity Act of 1964 (6 NTC 7), and

3. On June 28, 1968, the Advisory Committee (ACJN–119–68) expressed its disapproval of the manner in which the Legal Services Program of ONEO was being handled by the delegate agency, DNA, Inc., under the direction of one Theodore R. Mitchell. The Advisory Committee further demanded the removal of Mr. Mitchell from his position as Director of DNA, and

4. On July 17, 1968, the Navajo Tribal Council (CJY–88–68) authorized and directed ONEO to submit the Legal Services Program refunding application to the Office of Economic Opportunity in Washington, D.C., and further directed the Executive Board of ONEO "to continue to conduct and administer all community action programs on the Navajo Reservation in accordance with the guideline of the Office of Economic Opportunity and the wishes of the Navajo people," but took no action concerning the position of Mr. Mitchell as Director of DNA, and

5. On August 8, 1968, the Advisory Committee permanently excluded Mr. Mitchell from all lands of the Navajo Tribe for his personal obnoxious conduct before the Advisory Committee, and

6. Following his exclusion, Mr. Mitchell brought a lawsuit against the Chairman of the Navajo Tribal Council in Federal Court, in which he challenged the right of the Navajo Tribe, under the Treaty of 1868, to evict non-Navajos from the private property of the Navajo Tribe, and

7. As a result of this lawsuit, the sovereignty of the Navajo Tribe, and the absolute right of the Navajo people to be secure from outsiders on their reservation, has been placed in jeopardy, and

8. This lawsuit has injured not only the Navajo Tribe, but every individual Navajo, and

9: Under these circumstances, it is the opinion of the Advisory Committee that DNA is not operating in the best interests of the Navajo people.

Now therefore be it resolved that:

1. The Advisory Committee of the Navajo Tribal Council, in its capacity as the supervisory body over all economic development projects for the Navajo people, hereby authorizes and directs the Chairman of the Navajo Tribal Council, as Chief Executive officer of the Navajo Tribe and as Chairman of the Executive Board of the Office of Navajo Economic Opportunity, to refuse to accept the grant of funds offered by the Office of Economic Opportunity for the operation of the OEO Legal Services Program in the Navajo Nation for the program year 1968–1969.

2. The Executive Director of the Office of Navajo Economic Opportunity is hereby authorized and directed to cooperate with the Chairman of the Navajo Tribal Council in refusing federal funds to continue the operation of DNA, and in returning the grant offer to OEO in Washington.

3. The Chairman of the Navajo Tribal Council is further authorized and directed to seek a new organization to conduct OEO legal services for the Navajo people, and to submit such organization and its program to the Advisory Committee for approval. This new organization shall provide for a governing board to be composed of ⅓ elected officials of the Navajo Tribe, ⅓ representatives of the Navajo people selected at large, and the remainder to be members of major groups in the Navajo community, such as the Public Health Service, the Bureau of Indian Affairs, the Courts of the Navajo Tribe, the Navajo Police Department and local lawyers.

4. The Chairman of the Navajo Tribal Council is further authorized and directed to take any and all steps he deems necessary to carry out the intent of this resolution, and the Executive Director of ONEO is authorized and directed to cooperate with the Chairman in such efforts.

Certification:

NELSON DAMON,
Vice Chairman, Navajo Tribal Council,
Presiding Chairman.

RESOLUTION OF THE ADVISORY COMMITTEE OF THE NAVAJO TRIBAL COUNCIL

Whereas:

1. The Office of Economic Opportunity has deemed it advisable to fund directly to DNA, Inc., for the performance of legal aid service on the Navajo Reservation, and

2. The Navajo Tribal Council, by Resolution CAP–28–69, has requested that such funding of legal aid service be through the Navajo Tribal Council to the Office of Navajo Economic Opportunity, and

3. The advisory committee of the Navajo Tribal Council deems the action of the Office of Economic Opportunity a direct rebuff of the wishes of the Navajo Tribal Council, and a circumvention of the sovereign powers of the Navajo Tribe, and

4. Such action is in direct opposition to the express policy of the President of the United States, Mr. Nixon, and the Secretary of the Interior, Mr. Hickle, that tribal governments be granted more responsibility in handling their own affairs.

Now therefore be it resolved that:

1. The Advisory Committee of the Navajo Tribal Council hereby respectfully request a meeting with Mr. Donald Rumsfeld, Director of the Office of Economic Opportunity, for the purpose of reviewing the Office of Economic Opportunity's direct funding of DNA, Inc., thus disregarding the express wishes of the Navajo Tribal Government, and the expressed policy of the President of the United States and the Secretary of the Interior.

2. The Advisory Committee further instructs the legal department of the Navajo Tribe to make the necessary arrangements for a meeting of a subcommittee of the advisory committee with Mr. Rumsfeld in Washington, D.C.

Certification:

NELSON DAMON,
Vice Chairman, Navajo Tribal Council.

Mr. GOLDWATER. I hope, Mr. President, that the chairman will accept the amendment.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. One of the difficulties we have in dealing with the pending amendment is that hearings have not been held on it. I have checked, however, as quickly and closely as I could with the OEO legal services office, and they have advised me that this particular program has been the subject of a thorough analysis by the OEO legal services branch, and that a few months ago, the program was refunded through August of 1970, and thus the program is in operation. The OEO administration, under the present Director, has reviewed it, has listened to all the arguments pro and con, and has issued a contract to the present DNA board and to the attorneys whom they hire.

Would the amendment which the Senator from Arizona proposes abrogate that contract, or what would be its purpose?

Mr. GOLDWATER. It is my understanding—and I talked with the Director last week—that this contract has not been settled, that there are no funds in effect for it.

As I mentioned earlier, the mere amount of the money requested for this item, $1,100,000, is ridiculous.

The Tribal Council are still of the opinion that they do not want a contract entered into that they have had no opportunity to discuss. The whole thrust of my amendment is to give these people the right to determine whether or not they want it.

Mr. MONDALE. Will the Senator yield further?

Mr. GOLDWATER. I yield.

Mr. MONDALE. I think this illustrates the difficulty of dealing with an amendment such as this, that has not been heard or discussed. Our information, obtained 10 minutes ago, is that the contract was let to the DNA board some weeks ago. It has been funded through August 1970. If that is true, it would be my opinion that the amendment now pending would abrogate that contract.

Also, if my information is correct, I think it would lead reasonably to the position that the OEO office and its Director had reviewed all the conflicting arguments and determined that the DNA board should be refunded and that they should have the independence they were granted under that contract through August 1970.

Apparently the Senator from Arizona has different information. It would be very difficult for the Senate to act when it cannot resolve a question like that.

Mr. GOLDWATER. Mr. President, I have tried to call the attention of the Senate to the fact that this is a most unusual situation. We have roughly 120,000 people involved, 100,000 of whom live in Arizona. I am not talking about those living in New Mexico or elsewhere. I am merely talking about Arizona. These people would like to have their say on what goes on on the reservation.

It is necessary to have tribal permission to do business on the reservation. It is necessary to have tribal permission to construct anything on the reservation. They have their own police force. They have their own schools. They are now experimenting with their own schools. They have a junior college. They are conducting experiments in things that will make them even more self-sufficient.

The surprising thing to me is that people are opposed to making the Indians more dependent upon themselves. This is what this tribe is trying to do. I am amazed that people should oppose this measure. Frankly, I do not care what the review board says about it. They have not reviewed this with the people who are concerned with it, the Navajo people.

If they had reviewed it with them, they would have found that the program is not wanted. In fact, I was told over a month ago by OEO that the chairman of DNA, Mr. Mitchell, was being removed.

The Senator might be interested in some of the reasons why they oppose an outside group coming in to handle legal matters which they feel they were handling adequately before.

Mr. Mitchell got all mixed up in a school board vote. There was certainly nothing legal about that. He has threatened from time to time to upset a very delicate relationship between the tribal council and the Upper and Lower Colorado Basin.

At the last intratribal celebration in Gallup, N. Mex., which has been going on for 50 years, some literature in very bad taste was distributed by militants who are now suing the ceremonial through DNA.

This organization is now trying to incite the young Navajos into committing actions similar to that which we see around the country.

I ask unanimous consent that a copy of the paper to which I have referred that was distributed on the streets in Gallup be printed at this point in the RECORD.

There being no objection, the paper was ordered printed in the RECORD, as follows:

WHEN OUR GRANDFATHERS CARRIED GUNS

When our grandfathers carried guns, they were free and they were people. The Anglos had to reckon with them and the Anglos were careful not to anger our People. Our grandfathers stood up for what they felt was right and they condemned what they knew was wrong. If we the Indians of today were like our grandfathers, we would not allow this Ceremonial to be held year after year in this manner and at this place.

The Ceremonial does not give a true picture of the Indian. Just because Indians sing and dance for you; that does not mean that they are happy. The City of Gallup calls the Ceremonial "A Tribute to the American Indian." Do not believe it. At the night performances, you will hear what a proud and happy people we are. Do not believe that either. Do not think that The City of Gallup respects the Indian because it gives them a free barbeque.

Do not let the Ceremonial let you forget that Indians have the highest unemployment rate in the country, the highest infant mortality rate in the country, the lowest average income of any group in the United States, the highest suicide rate in the country, the highest dropout rate in the U.S., and don't forget that many of the Indians you see are suffering from malnutrition. You will see many drunk Indians. Ask yourself why you see so many. Is it because they are happy and proud?

You should also ask yourself why the Ceremonial is held to benefit the City of Gallup, N.M. Ask yourself why Indians are not in charge of the Ceremonial. Ask yourself why the Ceremonial is not moved to an Indian reservation; since there are so many of them in the area. If you are brave enough to see what the City of Gallup thinks of the Indian, find out where the Gallup Indian Community Center is located and see it for yourself. Note that it is dirty and in need of repair. In a study made of the economy of Gallup last summer it was learned that about 72% of the business was carried on with Indians as customers. It was also learned that the merchants of Gallup contribute very little to the Indian Center.

Gallup provides little in the way of public services to the Indian. The City policemen are seen many times savagely beating helpless drunk Indians. But Gallup continues to call itself the "Indian Capital of the World." Recently Gallup decided it needed a flag. Most of the entries so far make use of Indian designs and figures and most are designed by non-Indians. The Ceremonial is only one example of how Gallup capitalizes on the Indians.

You will see many Indians at the Ceremonial and you will ask, "Why don't they protest?"

The answer is that we have learned that it is useless to ask for better things and so we settle for what we are given.

As you look at the drunk Indians and as the Indians dance and sing for you and as you hear what a happy people they are, say to yourself: "They were people . . . when their grandfathers had guns."

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. KENNEDY. Mr. President, perhaps the Senator could enlighten us a bit on this matter so far as the organization of legal services on the Navajo Reservation is concerned.

As I understand it, a contract is let through a DNA board which is comprised of Indians. Is that correct?

Mr. GOLDWATER. No, that is not exactly correct.

The Tribal Council has authorized the advisory committee of the tribe to work through the Navajo Economic Office in making these contracts. The ONEO in turn has always entered into the contract with DNA, which is a private corporation. ONEO has not made a new contract as yet.

Mr. KENNEDY. Are there not 10 elected Indians on the DNA board?

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Mr. GOLDWATER. The Senator is correct. There are some.

Mr. KENNEDY. Are they not the contracting agency for the legal services provisions?

Mr. GOLDWATER. The advisory committee of the Navajo Council has been delegated the complete say-so. And the advisory committee of the Navajo Tribal Council is entirely made up of duly elected Indians.

The board of directors of DNA, unless the situation has changed since I have been there, is made up both of Indians and not non-Indians.

Mr. KENNEDY. The Indians evidently are the ones who desire the legal services provisions that are contracted for. Is that correct?

Mr. GOLDWATER. No. Elected representatives of the Navajos do not want these services to be provided by DNA. The community action agency of the Navajos does not want DNA to handle this program. They are objecting to OEO going around them, so to speak, and establishing ~~on~~ the reservation legal services over ~~which~~ the Navajo governmental agencies have no control. That is in essence the whole thing.

Mr. KENNEDY. Mr. President, the question is whether the tribal council has a right to veto these provisions. Certainly, as I understand it, the DNA board, which consists of the Navajos elected from across the reservation and others whom they select including seven members of the tribal council, believe that the legal services are necessary and useful and that DNA has been instrumental, in raising important questions about the water rights of the Navajo Tribe, the highly questionable practices that have been alleged to exist among the trading post operators, and may other serious problems confronting the Navajo Tribe.

They have been extremely active, as I understand it, in trying to serve as an ombudsman, so to speak, for the Navajo people. I understand that DNA has provided legal counsel for over 11,000 Navajo clients since its inception.

I think that it is misrepresentation to suggest that we have a legal services program here that is operated on the Navajo Reservation with virtually no Indian support or interest in the kind of services provided.

I think it is quite clear that the legal services have served an extremely important function and purpose and do have broad support among the Navajo Indians themselves.

They have raised many different kinds of questions which have been overlooked for far too long and simply swept under the rug. I think we are oversimplifying the matter by saying that the matter before the Senate is whether we will give autonomy to the Indian tribes.

I ask whether we have had any complaints among other Indian tribes that the Senator is familiar with. I ask this with a great deal of respect because of the Senator's background and knowledge of Indian tribes. I know that the Senator has a very deep interest in the matter.

Does the Senator know of other situations similar to the one existing in the Navajo Tribe, or is that a special situation? Are we trying to suggest special legislation to meet this Navajo situation, or will we have amendments offered with respect to all other Indian tribes with legal services programs?

If so, should we not have the benefit of the head of the legal services who could come before the Judiciary Committee or the Committee on Labor and Public Welfare and talk about these charges and allegations?

There have been no public hearings to date on this matter.

It seems to me that we are skating on very thin ice.

Mr. GOLDWATER. Mr. President, I am rather amazed to hear my friend, the Senator from Massachusetts, speak against the democratic process. However, to try to answer some of his questions, the advisory commission of the Navajo Tribe voted the first of this month 15 to nothing that they did not want the legal services on the reservation without some agency of the tribe having some say about it. This is the way the OEO projects have been administered every year up to the present moment.

I do not know where the Senator gets his information. I happen to know a little about the Navajos. I have lived with them. I was a licensed Indian trader for 25 years. I can tell the Senator that one does not get away with anything on that reservation. Traders are policed. People are watched when they come there.

I wish that we had as good law and order in the non-Indian courts of our country.

The DNA is a separate private body. All the tribal council is asking is that we continue to allow some unit of the Navajo Tribe play a role in the conduct of OEO programs on the reservation. The tribal council operates, we might say, outside the usual principles of law. Neither the Federal nor the State Government can tax them. As I have mentioned many times, they have their own democratically elected government. And they are just as susceptible to election appeals as we are. They are elected to office.

If people in their district think that some Indian trader is on the wrong side of the fence and the council is doing nothing about it, that man does not get reelected.

I have attended many of their tribal meetings. They conduct themselves as well as does this body. They do not permit any actions on the reservations that would be detrimental to the Indians themselves.

All I am asking here is for this body to be consistent with the new movement toward giving these Indians more autonomy.

I might answer my friend the Senator from Massachusetts by saying that this is an unusual tribe. It is 25 percent of all the Indians. I think there is a problem like this on the Papago Reservation in southern Arizona, but I am not certain. I think I read something about it in the newspapers, but I am not absolutely certain.

This is also a very wealthy tribe, so far as tribal resources and tribal funds go. They have a $10 million educational fund. They have now graduated two doctors, and they have five more coming up this year, with 50 seeking their master's. I think it is safe to say that approximately 1,000 Navajos will receive their basic degrees this year.

These people are very proud. They have great dignity. They are a seminomadic people who have not yet learned to live in towns. We hope they will some day.

So far as legal services go, there was no demand for this OEO project from the people. The people always had free legal services from the tribe itself. I think they spent approximately $100,000 a year.

Mr. KENNEDY. Could the Senator tell me how many individual Navajo have been represented by DNA? Have they been providing service to any individual members of the tribe?

Mr. GOLDWATER. Yes. I cannot cite the number, because I do not know.

Mr. KENNEDY. I understand it is about 11,000, which is the information I have been given.

Could the Senator envision a situation in which the interests of individual Navajos might not be in conflict or run contrary to the interests of the tribal government?

Mr. GOLDWATER. I might say that we have people in this country who do not feel that their interests run parallel with our interests, and under the democratic processes we do not have to be reelected, and, they do not have to be, either. I have talked with Navajos who like the program. I have talked with Navajos who do not like the program. But all of them feel that the tribal government, being their government, should have the last word on what goes on on that reservation.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. FANNIN. I commend the distinguished Senator from my State of Arizona for the great interest he has given our Indian people. He is recognized as one of the most knowledgeable men in this Nation so far as Indian affairs are concerned.

I would like to answer the distinguished Senator from Massachusetts, if I may have his attention.

Mr. KENNEDY. Yes.

Mr. FANNIN. I certainly appreciate the interest that the Senator from Massachusetts has in the Indian people, and I commend him for the work that is involved in their activities.

But I think that what we are talking about in this amendment is simply to bring an understanding out of confusion. For the past couple of years we have had a great deal of confusion. We have had quarrels; misunderstandings have been very unpleasant. I have attended meetings at which these expressions of dissatisfaction have been voiced.

It is certainly not proper for the Navajo Indians not to understand whether they are working with the BIA, the OEO, or just what is going on, because the right hand does not know what the left hand is doing. I have been on the

reservation when the leaders have discussed this problem with me and have asked me what can be done. It is only their desire to try to expend this legal services money properly, if it is needed—and certainly it is needed—in a way that would do the most good and be of greatest benefit to the people.

The Senator has inquired as to how many cases they have handled. This depends on what is called a case. I have previously explained how many cases may come up in one night, when a group has gone to a party and there are eight, 10, or 12 cases to be settled the next morning. I think the Senator understands what would be involved.

We are not talking about just how many cases are handled. I think it is a question of whether or not these people, who want to have jurisdiction, and who certainly are entitled to that jurisdiction, should be given the opportunity to carry on their own affairs. Here we are expending money through the BIA and other agencies to get them to assume responsibility, and now we put a barrier in their paths.

I commend the distinguished Senator from Arizona for offering this amendment, because it is a needed clarifying amendment. All it will do is make possible greater accomplishments and bring about greater understanding between the tribe and the government.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I yield.

Mr. NELSON. Has this amendment been submitted to Mr. Rumsfeld, and do we have any comment from the OEO Director on it?

Mr. GOLDWATER. Frankly, I did not expect this bill to be called up this week. It was not until yesterday, when I returned from a trip, that I found out it was to be the order of business today.

I have discussed this matter at great length with Mr. Rumsfeld, as has the entire Arizona delegation—Democrat and Republican. I feel rather certain that he would approve of this, although we can take it and find out how he feels about it in conference, if that is necessary.

I might say that if a contract has been signed by DNA, I have strong doubts that it is legal. The Economic Opportunity Act requires coordination between the legal services program and the other community action programs. There is no coordination or cooperation here.

The Navajo community action agency has rejected the contract with DNA and returned the papers to OEO.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MONDALE. In conferring with Mr. Leach of the OEO services program, I am informed that a grant has been signed and has been funded through September 1970. So that this amendment, if it is adopted, would in effect abrogate an existing contract.

The OEO legal services program, the OEO Legal Director has sifted through the debate we are talking about, and have decided that the DNA board should be funded if the impoverished Indians of the Navajo are going to have legal counsel to represent them in the cases that they have. Therefore, one wonders whether this amendment can legally affect an existing contract. As I understand constitutional law, certain rights cannot be abrogated.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). The Senate will be in order.

Mr. MONDALE. Certain contractual rights cannot be abrogated retroactively in this fashion.

Second, may I say this: We have heard much about the validity of duly-elected representatives in the local government. I think all of us agree with elected local government. But the point is that with the Navajo, the Tribal Council is city hall. This would be the first legal service in the country where city hall controlled the legal services program, which, among other things, from time to time, would have to sue city hall or the State government or other government.

This is not just a detail. This is a fundamental principle which, if adopted, and expanded to other legal services would destroy the whole independence of the OEO legal services program. Indeed, it raises a conflict of interest, as the American Bar Association points out. These lawyers are supposed to be representing their clients. If they have to serve city hall as well as the impoverished people on the reservation, which master do they serve?

This is not just any amendment. This is a serious amendment which establishes a principle which, if spread throughout the OEO legal services program, will destroy it.

Mr. GOLDWATER. I am glad the Senator puts so much faith in the ABA decision. I hope he will be able to hold that same faith when the Haynsworth nomination comes before us.

Mr. MONDALE. I feel very strongly about the ABA ethics.

Mr. GOLDWATER. If a contract has been signed, it has not been signed with the Navajo government or the Navajo community action body. It has been signed by the United States directly with a private corporation. I believe this is against the economic opportunity law.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MONDALE. We have checked further on that. The OEO legal services program on the Navajo Reservation is controlled and conducted by what is called a DNA board. That board is elected by the Navajos on the reservation, not picked by "city hall," as is the advisory council, but elected by the Navajos on the reservation. The board consists of 10 Indians elected by the Navajos. They, in turn, pick other members of the board and select the lawyers and the staff which represent them. That is the DNA board. It is this board which has been selected by the Director of OEO, Mr. Rumsfeld, and which has been funded to provide legal services for the impoverished Navajos through September 1970.

Mr. GOLDWATER. Mr. President, again, I am mystified by some of the statements being made. The DNA has always contracted with the Navajo economic office in the past. My amendment would restore the original situation. ONEO is not city hall. It is the community action agency of the Navajo Nation. I want to get back to the basic principle involved.

Are we going to deny an Indian government the same right we have just given the States; namely, the right to veto the legal program or any other program that comes on the reservation? This is not a complicated amendment. I think it falls within the bounds of what we all should believe in. I shall not raise the arguments that have already been raised again and again that these young lawyers on the reservation have not been confining themselves to legal services. They have disrupted the relationship between Utah, New Mexico, and Arizona in the field of water. They have threatened to take to court the tribal ceremonials that have been going on for 50 years. They have incited trouble on the reservation. I told Mr. Rumsfeld that in the interest of safety he should remove these people, for that reason, if for no other reason.

We have given the States the right of veto. Why not give it to an Indian tribe whose reservation covers more area than some of our States?

The tribe basically is not opposed to these people coming on the reservation. They want some control over who they are and where they go.

I hope the committee accepts the amendment.

Mr. President, to me the amendment makes commonsense. Frankly, I am amazed at people who classify themselves as liberal being opposed to extending the same rights to the tribal government that we insist on.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MONDALE. This is one of the most basic principles in the entire OEO program. There is no reason to be confused about it. The reason is that if we are going to have lawyers who serve the legal interests of the poor and who are able to do so not only in individual lawsuits but in a law reform sense, they have to be free to sue city hall as well as others. This is the same principle we have in any community where there is an OEO program. The only difference is that with the Navajo, city hall is the tribal council.

In this case, to have an independent lawyer capable of suing on behalf of the impoverished on the reservation, a new board was created by the people. The Indians hire their lawyers and decide what lawsuits will be brought against other Indians, and sue city hall from time to time, which is why I think this amendment is pending.

This is not a simple matter. Running all through the OEO legal services program, through the Governor's veto, through the manipulation of funds, there are attempts to make it appear that the poor have legal representation, when in fact that representation is compromised and restricted. It is like going to a major corporation and saying, "You have legal

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counsel and he may bring the lawsuits I say he may bring."

Let us say they are lawyers for the poor, let us not require that the suits which are brought must be approved by city hall, because if that is the principle—and that is the principle in this amendment—there is no OEO legal services program left that is worthy of the name.

In addition, I cannot understand how this amendment would deal with the fact that the DNA program has already been funded through November 1970.

Mr. GOLDWATER. Under the language of the act I think it is illegal and the question of the legality will be tested in court. The DNA is only a private group of Indians and non-Indians partially appointed and partially elected. We have a State organization comparable to this making an effort to develop resources on the reservations for the Indians. But the language of the act itself calls for community interest. I quote from the subchapter for the purpose of this discussion;...

> A tribal government of an Indian reservation shall be deemed to be a political subdivision of a State.

This language means that the tribal council or a subdivision of it can act as the community action agency of the Navajo people for purposes of the Economic Opportunity law.

It has acted under this provision of law and has created a Navajo office of economic opportunity to administer and implement OEO programs. I believe this group should continue to participate in contracts for legal services as they always have up to now.

Turning to the matter of past legal services, I contest strongly the suggestion they have not been receiving legal services. Legal services have always been available. One who has not been on the reservation would find it difficult to understand.

If we do not agree to this amendment we are not complying with the law. All I am asking is that we go back to the original intent of the law and allow the Indian tribal government to make the judgment just as we are allowing the Governor of any State to make this judgment. The Indians are asking for what we give the white man.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MONDALE. There is a third distinction. In the Murphy amendment we do not give the Governor the power to run a program. We give him more power than I wish he had but all we give him is the power to delete certain funds. Certain powers run from that.

The thing which is unique about the amendment of the Senator from Arizona is that it would make the first city hall-run-OEO legal services program in the country.

It would be run by city hall and the Navajo tribe. The reason there is an alternative DNA Indian board running the legal services program is that if there is going to be a legal program with integrity, one free to bring the kind of lawsuits the poor need to have brought, it must be independent from them.

For example, one of the issues now before the legal services program is whether a lawsuit should be brought for certain water rights of Navajos which may be of vital importance to the future of that locality. The officials of the tribe disagree. What is wrong with letting the Indians bring suit in court to determine who owns that water and under what circumstances?

It seems to me that under this entire national controversy, malaise and frustration, those of us representing the establishment are pleading to the poor to get out of the streets, to quit resorting to violence, and to use the institutions provided for them to get fair and equal power. But everyone knows that if the normal processes of justice are to be available to us but not to the poor because they cannot afford a lawyer, or worse, because the lawyer they have really works for city hall, then we make a mockery of our system of justice.

As to the "city hall" amendment proposed by the Senator from Arizona (Mr. GOLDWATER), first I do not know how it can work with a funded program and, second, it would be the first of its kind in the Nation and would be a principle which, if it extends nationwide, would destroy and corrupt the OEO legal services program.

Mr. GOLDWATER. The Senator is not talking to the point of the amendment. He keeps talking about city hall. This is not city hall. This is a tribal government elected democratically to pursue its own duties. This is a community action agency duly created to administer OEO programs.

Indians do not live in cities. They do not even live in small towns. They are a seminomadic people, wandering around constantly. If in the past they wanted a legal service, they have been able to get it without any trouble or expense.

Mr. DOMINICK. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. DOMINICK. As stated by the Senator from Arizona, we are dealing with a separate government; are we not?

Mr. GOLDWATER. We are dealing with an entirely separate government over which the Federal Government has practically no control. The State government has no control, and neither has the county government. The Indians run their own show, so to speak.

Mr. DOMINICK. Is it not true that when we began dealing with the Peace Corps, we made a rule that we could not go into any country unless we had been invited?

Mr. GOLDWATER. That is correct.

Mr. DOMINICK. It seems to me that we have the same kind of situation here, that if they do not want us to come in, I do not see any reason why the Federal Government should do so, that we should not force them to do something against their will. Does not the Senator agree they are in effect a separate and sovereign government?

Mr. GOLDWATER. This is a big question, in my mind. Who are the "we's"? Who are the "we's" to decide the question, that the tribe needs legal help? Who are they?

This has been long ago, I might remind my distinguished friend, established as a principle of legal representation. They have done it at a cost of $100,000 a year, with no complaints at all.

The Senator talks about water rights. I see the distinguished Senator from New Mexico (Mr. ANDERSON) sitting over here listening to this colloquy. He probably had as much to do with the writing of the compacts covering the Colorado Basin as any man. I served with him on boards which drew up the compacts. The first thing in those compacts referred to the rights of the Indians to their water, that it was not arguable, that they have the right to a portion of the 50,000 acre-feet of water, and so forth; and there has been no question about that. I do not know exactly how much water they are using now, but they are using it as fast as they can. This is another case of a nosy young lawyer who does not know the trouble he can uncover when he gets into this very peculiar field in the Far West.

Mr. NELSON. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I was going to suggest the absence of a quorum for the purpose of calling for the yeas and nays on the amendment.

Mr. NELSON. Will the Senator withhold that momentarily?

Mr. GOLDWATER. Yes. I yield.

Mr. NELSON. As chairman of the subcommittee, this is the first time this matter was called to my attention. I recognize that Arizona and New Mexico—Arizona in particular—has the largest number of Indians of any State in the Nation. I also recognize that the Senator from Arizona (Mr. GOLDWATER) has been interested and concerned about their interests for a good many years and knows a lot about them.

The problem that bothers me is that I am not prepared, really, to have an independent opinion on the merits of this matter. I know that the Senator does, because he comes from the State of Arizona and has looked at it and has reached a judgment on it. But I certainly do not feel that I have enough information to come to an independent judgment about this matter.

The Senator does raise an important issue. I introduced a bill on April 15, and the Senator from New York (Mr. JAVITS) introduced the administration's bill on June 6. We conducted rather extensive hearings. A number of matters of various kinds, not comparable to this one, were called to our attention, and the committee addressed itself to them. We had an opportunity to hear testimony and bring it before the subcommittee. This is by way of saying that the Senator may be 100 percent right. I am not qualified to say to anyone, as the Senator in charge of the bill, whether the amendment of the Senator from Arizona, in its present form, or any form, should be accepted. I am not prepared to say what Mr. Rumsfeld's, the OEO's, or the council's position is.

I am just wondering—the Senator has raised an important question—whether the Senator would be willing to present this to the committee. If so, I would be prepared within the next 4 weeks, if necessary in the next 2 weeks, to conduct a 1-day hearing. I will do it myself. I will set a day aside and the Senator can come in with any other representatives of whatever differing viewpoints there may be existing on the reservation and the OEO, and conduct a hearing; and, based upon that, either recommend an amendment or a bill. Would that meet with the Senator's approval?

Mr. GOLDWATER. Before I answer, I might explain that in June—I think that was the month the Senator mentioned—there were hearings.

Mr. NELSON. On April 15 I introduced a bill and then on June 6 the Senator from New York (Mr. JAVITS) introduced the administration's bill. We held a series of hearings over a period of time.

Mr. GOLDWATER. The question of why we did not bring in an amendment at that time I can easily explain. The delegation has been devoting itself, in meeting after meeting, to this problem, which is a sticky and touchy problem in Arizona. We had been in contact with Mr. Rumsfeld and up until yesterday that was the first time I heard that the bill was coming up today.

Today is the first time I heard that any contract has been signed. Mr. Rumsfeld told us to the contrary, that this was not going to happen. He told us that Mr. Mitchell, under the recommendations of the lawyers, was going to be removed from the reservation. I was a little surprised. I hate to say this about an official in the Republican administration, but he has not kept in touch with the boys down here who are most vitally interested in this. Had we had any idea that Mr. Rumsfeld was going to go around us, and the Governor of Arizona, and so forth, we would certainly have been before the Senator's committee. But we were caught on this by surprise, so to speak.

Mr. NELSON. I am not critical of the Senator for not having brought this before the committee. I know how these problems arise. We did not have it before the committee. I cannot make an independent judgment. So, at present, I would have to vote against the amendment. But I will conduct hearings.

The Senator from New York (Mr. JAVITS) just went by and stated he would cooperate with me on that. We could pick a time in which the majority and minority members of the committee could be present, and I will guarantee to the Senator a hearing within the next 30 days. If he thinks it is very important, I can look at the calendar and guarantee a hearing to the Senator on this issue in, perhaps, 2 weeks.

Mr. GOLDWATER. I have just conferred with my colleague (Mr. FANNIN), who is cosponsoring the amendment. With that promise and assurance from the distinguished chairman of the subcommittee, we will withdraw the amendment and I will have my staff get together with the Senator's staff on this matter.

Mr. NELSON. I will make sure that the Senator can bring anyone he wishes to the hearing, the OEO, and anyone else.

Mr. GOLDWATER. Would it be confined to 1 day? I ask that question because Arizona is a long way from Washington and it takes a little while to get the people together. In all fairness, I think both sides should be represented. I think it would be wise to have a hearing on this matter and then, if a bill is indicated, we can look forward to the Senator's insistence on getting it through.

Mr. NELSON. We will. I would suggest that the Senator pick a day—have his staff meet with mine—and on a day that I have an opening available that will be satisfactory to him, to the Governor, to the Navajos, to the OEO, and so forth, we will then set the date.

The Senator from New York (Mr. JAVITS) has just assured me that he will join in cooperating.

Mr. JAVITS. If the Senator will yield, yes, I should like to join with the Senator from Wisconsin (Mr. NELSON).

But, as I listened to the argument, it did seem to me to be a problem very susceptible of administrative handling, instead of getting caught in a House-Senate conference, and opposition, and so forth. I think we can give the Senator satisfaction, and I will undertake, with the Senator from Wisconsin (Mr. NELSON), to do my utmost to do that.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that my amendment, which I offered on behalf of myself and my colleague from Arizona, be withdrawn.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment. The yeas and nays have not been ordered.

The amendment is withdrawn.

Mr. MONDALE. Mr. President, I ask unanimous consent that a memorandum on the DNA legal services program be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

DNA LEGAL SERVICES PROGRAM—A COMMUNITY ACTION PROGRAM

TRADER PROBLEMS IN DISTRICT 19 ARE BEING SOLVED

We settled the case of a woman (the case where the trader came to her home with her welfare check, waved a knife at her and took her hand and endorsed the check with her thumbprint) with a return of the check in question and a hundred dollars in cash for signing a release in an action for assault, battery and conversion. Our release had an express condition written in it, that no force of threat or fear of any kind were to be taken against our client, her family or friends for seeking help from DNA.

In a second case, we are supporting a man in a criminal action for assault and battery. When the village policeman refused to serve the warrant against the Cuba trader who is the adverse party, he was fired. This is a welcome extent, since, according to a Cuba official, "the Indians were his prey before we made him leave them alone." According to the village official magistrate, a former justice of the peace, it is the first time in over twenty years of his court experience that an Indian had been a plaintiff in this kind of action in Sandoval County.

The trader who is owner of Tinian, Torreon and Pueblo Alto Trading Posts has been warned of the illegality of his former practice of holding pawn until all food merchandise bills had been paid.

It is extremely important that all of this trader's customers are made aware of this shift in policy so that they can remove pawn as soon as they can tender the pawn price without fear of refusal by the trader or his agents.

All Crownpoint DNA representatives should explain the following in their chapter meetings and post it as a notice.

Crownpoint DNA attorney, Stephen Conn, and DNA director, Ted Mitchell, have met with Morris Tanner, the owner of Torreon, Tinian and Pueblo Alto Trading Posts. They explained the law regarding pawn to Mr. Tanner and he has agreed to revoke the old rule of his trading posts that pawned goods could not be taken out until food debts and other bills were paid. Mr. Tanner now understands that when a customer presents the amount loaned for the pawned item and the legal interest, he must release the pawned goods, whether or not the customer still owes him money on other items.

So the new rule for all customers of Torreon, Tinian, and Pueblo Alto Trading Posts and the rule for all other trading posts is that pawn can be removed from the trading post by payment of the pawn price and legal interest. No Navajo has to wait until he has paid other bills that he owes the trader unless he signs a special agreement that states that he must wait. DNA representatives must warn their chapter members not to sign such an agreement unless it expressly says the legal period for goods to be pawned will be suspended until the customer is allowed by the agreement to pay for and to withdraw his pawn.

The safest rule is to sign no agreement.

If any trader or his employee refuses to release pawn upon attempted payment by a Navajo, he should report this to his DNA representative at once. The DNA representative should report this to Stephen Conn, Crownpoint DNA, Post Office Box 116, telephone number, 786–5277 (Collect).

An example of a case handled after the rule changed:

A lady at Torreon Chapter House told Mr. Conn that the trader at Torreon Trading Post would not release her family car. When Mr. Conn inquired, he found that the car was pawned for $6.25 and remove the car, until her grocery bill was paid. Under the new policy, she could pay the $6.25 and drive her car away without further delay.

Mr. Conn explained the change in policy to this happy lady. It is up to DNA representatives to explain it to their neighbors so that everyone may be helped by it.

LOCAL EFFORTS MADE TO EXTEND BENEFITS OF SCHOOL LUNCH PROGRAM

The *Tuba City DNA Office* has recently joined in local efforts to extend the benefits of the school lunch programs in the Tuba City Public Schools. Children unable to pay for their lunches at school have either gone without lunch, had lunch and been sent bills and reminders, or have felt obligated by the pressure of the bills and reminders to pay for their lunches. Often those paying for their lunches have done so from the meager family welfare checks when this money could be better spent on other necessities.

A DNA Attorney met with the local Welfare Advisory Committee and presented an explanation of the laws governing the National School Lunch Program. The Welfare Advisory Committee developed a proposal designed to improve operation of the existing local next meeting. It requested that students unable to pay for their lunches receive them free and not be billed. The proposal further suggested that the school board adopt as a criterion for eligibility all children of welfare recipients.

The school board heard the proposal and

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discussed it at their meeting with members of the Welfare Advisory Committee and three Tuba City DNA Attorneys. The school board has not yet taken formal action on the proposal, but the principal of the high school has privately agreed that he will implement the proposal in the high school if he is supplied with a list of children who wish to qualify.

FLAGSTAFF SCHOOL DISTRICT DENIES WELFARE CHILDREN TO ATTEND PUBLIC SCHOOL

Flagstaff School District No. 1 enacted and enforced a policy which excluded from a State Public Elementary School within the district, children whose parents or guardians were recipient of State Welfare assistance. The policy allegedly makes the State public school available only to children whose parents are "gainfully employed" or have "visible means of support."

The parents of children who were not permitted to attend local public school in Leupp, Arizona contacted the DNA Legal Services Office in Tuba City, Arizona, for assistance in combating the unreasonable and unjustifiable discrimination against them and to secure the enrollment of their children in their public school.

The legal services attorneys filed a petition for an alternative writ of mandamus to compel the school district officials to admit all children to the Leupp Public School who were legally eligible to attend without regard to their family financial status. The alternative or temporary writ was issued by Judge Thomas Brooks of the Coconino County State Superior Court; and a hearing in the same court is presently scheduled for October 14, at which hearing it will be determined whether the temporary writ of mandamus should be made permanent.

The Petitioners allege among other things that their children have a constitutional, as well as a contractual right, to attend State Public Schools, that respondents' actions denied Petitioners of equal protection of the law and violated due process requirements.

Although the respondents have not yet filed an answer, they have indicated that the Indian children could receive an education at the Bureau of Indian Affairs Boarding School in Leupp (Leupp is located on the Navajo Indian Reservation).

Copies of the pleadings and briefs have been sent to National Clearinghouse for Legal Services.

1962 DEAD ANIMAL CASE SOLVED BY DNA

Client came in for assistance on a dead animal case (motorist striking and killing an animal on the highway in open range county). While we were discussing this recent accident the client mentioned a similar accident in *1962* where he had gone to Navajo Legal Aid Service in Window Rock for assistance. He stated that he had executed a release at Navajo Legal Aid Service (NLAS), but never received a check. The client executed a Discharge of Attorney and Authorization for letter in NLAS file was dated October 12, 1965, and asked for the check.

We wrote the insurance company and requested that they honor the release (also sent copies of all correspondences). Received a reply that the insurance company would be unable to help us unless we furnished them with policy number. We informed them that our file did not disclose the policy number and that the policy number of their insured should be more readily available to them. In all correspondence, we stressed that the crux of the matter was that they had received the executed release without tendering the settlement agreed upon. In our last letter, we advised them that if reparation was not forthcoming immediately, we would report this unfair practice to the Insurance Commission of the State of Arizona pursuant to ARS § 20–441. The check for $125.00 was sent by return mail.

Our client was very pleased to receive his check, even though it was six years after the accident.

DNA HELPS A LADY

A young woman came into the office on a Friday morning, asking for a divorce. When asked about her reasons, she said what she really wanted was to get her marriage back together again. After four (4) years of a very happy marriage, she became sick. Her mother-in-law demanded that her son abandon his wife, saying that she was no good for him. The son obeyed his mother, and for the past two years had abandoned his wife. After telling this, the client broke down and wept. The DNA attorney attempted to locate the husband in order to talk to him, but several phone calls produced no results. Finally, the client grew angry at this and walked out of the office, shouting that she knew the lawyer didn't want to help her.

The following Monday, she came back and the whole scene was repeated, except that this time as she began to walk out, she threatened suicide by running in front of a truck. The attorney stopped her and told her to sit down and that she had to trust DNA to help her, but that it took time. She was crying hysterically and did not seem to understand. At this point, the attorney called on Leo Haven, who spoke to the client in Navajo for several hours, and finally calmed her down and convinced her to trust DNA.

When the client left the office that day, she appeared much happier and even apologized to the attorney for walking out on him.

To date, we are still trying to find the husband, and to get a job for the client in the meantime.

UNLAWFUL PAWN PRACTICES IN HOLBROOK

This woman pawned a very valuable concho belt to a trader in Holbrook during the big snow. When she came to redeem the belt, he refused to return it unless she paid an amount of interest that was almost greater than the loan. She refused and saw a DNA lawyer. He called the trader and told him that the maximum interest on a pawn was 2% per month, and that the trader was unlawfully charging 10%. The trader said he was going to his lawyer. The DNA attorney met with the trader's lawyer, who had advised the trader of the unlawfulness of his actions. The trader's lawyer agreed to waive all interest on the belt and return it to the client for just the amount of loan still unpaid.

The Navajo County Attorney was also informed of the unlawful pawn practices going on in Holbrook, Arizona.

RAMAH HIGH SCHOOL CASE

DNA's suit against Gallup-McKinley County School Board and its Superintendent, Dr. E. B. Fitzsimmons, was heard in open court in Gallup, New Mexico on October 14 and 15, 1968.

After two days of testimony, the defense attorney for the school board and for Dr. Fitzsimmons made motions to dismiss the case. Two of his motions were granted, but the Judge, Frank Zinn of Gallup, denied the motion to dismiss the Equal Protection argument submitted by DNA. He suggested that DNA amend its original complaint to focus on the issue of whether the school board has extended its school bus routes far enough into Ramah Navajo area in order to bring Ramah Navajos into Gallup-McKinley County public schools. DNA plans to amend its complaint forthwith.

After the amended complaint is submitted, the judge will set a date for another court hearing. This time the only issue will be school bus routes. In making his order, Judge Zinn agreed with DNA that the school board must, as a matter of law, use every ounce of energy it has to get as many Ramah Navajos into its public schools as possible. The school board, said the judge, "must beat the bushes for every Navajo school aged child it can find so that he can attend a public school." The judge stated further that it makes no difference whether Gallup-McKinley County schools have no legal responsibility to educate Ramah Navajos who live outside the school district boundary in Valencia County. The fact that the school board has taken some of these children into its schools for ten years or more and has taken them partly because of an agreement it has with Grants Municipal School District, which covers Valencia County, prevents them from asserting their legal responsibility as a reason for not extending the bus routes.

Judge Zinn's decision is significant for Ramah Navajos for these reasons: 1) It means that, although the Ramah High School will remain closed, there is a very strong chance that the bus routes to Gallup-McKinley public schools will be extended. If that happens, which is likely, Ramah Navajos will no longer have to send their children to off-reservation BIA boarding schools or bordertown dormitories. 2) Aside from the question of how many Ramah Navajos attend public school in McKinley County, Judge Zinn's decision marks the first time, as far as we know, that Ramah Navajos have come to Gallup, told a story about governmental injustice against them to a white judge from the Gallup community, convinced the judge that they were right, and persuaded the judge to order the government to do something differently for the benefit of Ramah Navajos.

The Ramah School Case is not closed. But the issues are now different. Now DNA must prevail in its assertion that busses can go further than they do now. DNA stands a very good chance of getting the routes extended. The next hearing in the case has not been set. It will probably occur within six weeks. After that the school board, if DNA wins, will have to go to Santa Fe to petition the State Transportation Division to contract for more busses and longer routes in the Ramah area. If all go well, the busses may be running this year.

DNA PREVENTIVE LAW AND COMMUNITY EDUCATION

During the month of September, the DNA staff has talked to 3,576 people at 36 community meetings and conferences. The DNA staff in the five agency offices have talked to chapter residents about knowing the law, understanding the law, respecting the law and to encourage others to maintain respect for laws within their chapter areas. A special legal educational leaflet has been prepared for local residents to understand and know the necessary agreements they make when they sign a conditional sales contract, to buy furnitures, appliances or automobiles. The residents are also informed in Navajo that they must have the contract explained to them in detail, so they can understand and know the figures of the financial negotiations very plainly before they sign the contract.

Oral presentations are made to residents that they must know the federal and tribal laws that regulate the traders, who have stores and deal with Navajos on the Navajo Reservation. A legal educational leaflet is being prepared for the public, which explains in simple English the tribal and federal laws that apply to trading posts.

All DNA staff attorneys, counselors and interpreters/investigators have attended two OEO legal services conferences where they were informed about consumer laws, consumer fraud, consumer lawsuits, consumer conseling, consumer practices, and consumer education. The purpose for the DNA staff attending these conferences was to acquire more knowledge about consumer laws, so the staff can better understand and effectively serve DNA clients. DNA staff members who attended these conferences also talked to many conference participants about

DNA's legal services, preventive law, community consumer education programs, and exchanged ideas on the types of legal cases processed on the reservation and other programs. DNA education staff talked to tribal fair visitors about DNA's preventive law and community education program, showed legal educational films, slide pictures, played tape recordings on legal educational program, handed out educational brochures and distributed information on the activities of DNA legal services program to thousands of residents and visitors at the Navajo Tribal Fair.

Mr. **MILLER**. Mr. President, I send an amendment to the desk, and ask to have it stated.

The **PRESIDING OFFICER**. The amendment offered by the Senator from Iowa will be stated.

The assistant legislative clerk read the amendment, as follows:

> On page 4, line 20, it is proposed to add at the end thereof the following:
>
> "*Provided*, that no part of any such funds shall be used to make any payment to any lawyer during the period that he is disbarred or suspended from the practice of law;".

Mr. **JAVITS**. Mr. President, I have one question to ask of the Senator from Iowa. Is the understanding that such a lawyer shall not be employed in any way in the legal services program?

Mr. **MILLER**. That is correct.

Mr. **JAVITS**. That is the purpose of the amendment?

Mr. **MILLER**. Yes.

Mr. **JAVITS**. Mr. President, I see no objection to it, though I know of no such case, and, so far as I know, neither does the OEO. I ask the Senator if he can tell us of one. I am not saying that challengingly, but apparently he does not know of any. However, it is a precautionary measure, and I would have no objection to it.

Mr. **NELSON**. Mr. President, I accept the amendment.

Mr. **MILLER**. Mr. President, I thank my colleagues. I make the observation that the legal services activity is a comparatively new one and there is a great deal of hope for its future. I feel strongly that we must make sure nothing is done that will impede it. I believe the amendment will satisfy the desire of a great many people who are concerned about such a thing happening.

Mr. **NELSON**. Mr. President I agree with the Senator.

Mr. **MONDALE**. Mr. President, will the Senator yield?

Mr. **MILLER**. I yield.

Mr. **MONDALE**. I have no objection to the Senator's amendment. The one problem I have is this: Suppose there is a State which unfairly disbars an attorney. Under the amendment of the Senator, would the Senator say that the Director would have authority to review that matter and consider it as a special circumstance? I do not see the likelihood of it, but should that occur, what would happen?

Mr. **MILLER**. Frankly, I had not thought about that, but it seems to me that if there is such an occurrence—and I can understand how there could be—certainly there should be a way handling it through the Federal courts or through the Civil Liberties Union, which I know takes cases like that.

Mr. **MONDALE**. In the opinion of the Senator, could the OEO Director take cognizance of that possibility?

Mr. **MILLER**. Let me say that I would hope the OEO Director in such a case would see to it that a person whom he felt to be unlawfully disbarred was appointed to some other office until such a matter could be taken care of. I do not think that would be a problem.

Mr. **MONDALE**. Mr. President, I have no objection to the amendment.

Mr. **MILLER**. Mr. President, I move adoption of the amendment.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

EDUCATIONAL TELEVISION AND RADIO AMENDMENTS OF 1969

Mr. **PASTORE**. Mr. President, I call up a privileged matter and ask the Chair to lay before the Senate a message from the House of Representatives on S. 1242.

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 1242) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting which was to strike out all after the enacting clause, and insert:

> That this Act may be cited as the "Educational Television and Radio Amendments of 1969".
>
> ### THREE-YEAR AUTHORIZATION FOR PUBLIC BROADCASTING FACILITIES
>
> Sec. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by inserting after the second sentence the following new sentence: "There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years, $15,000,000 per fiscal year."
>
> (b) The last sentence of such section is amended by striking out "July 1, 1971" and by inserting in lieu thereof "July 1, 1974".
>
> ### ONE-YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING
>
> Sec. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting ", and for the next fiscal year the sum of $20,000,000" after "$9,000,000".
>
> (b) Paragraph (2) of such subsection is amended by inserting "or the next fiscal year" after "June 30, 1969,".

Mr. **PASTORE**. Mr. President, the pending measure involves the extension of grants for construction of educational television or radio broadcasting facilities and the support for the Corporation for Public Broadcasting created by the Public Broadcasting Act of 1967.

The bill was passed by the Senate on May 13, 1969. The House made certain perfecting modifications, but the bill is substantially as passed by the Senate.

I would like to point out the modifications made. The Senate provided authorization for a 5-year period for educational facilities, with the general authorization of such sums as may be necessary for each of the next 5 fiscal years.

The House amended that provision by cutting down the 5-year period to 3 years and putting a ceiling on the amount to be authorized of $15 million for each of the 3 years.

I further want to state that this matter has been taken up by my Republican counterpart on the subcommittee, and it meets with his approval.

I therefore move that the Senate concur in the amendment of the House.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. **DOMINICK**. Mr. President, I call up my amendment, which I have already sent to the desk.

The **PRESIDING OFFICER**. The amendments offered by the Senator from Colorado will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. **DOMINICK**. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendments proposed by Mr. Dominick are as follows:

> On page 4, lines 9 and 10, strike out "7,000,000 for the fiscal year ending June 30, 1970, and".
>
> On page 4, lines 13 and 14, strike out "$120,000,000 for the fiscal year ending June 30, 1970, and".
>
> On page 4, lines 17 and 18, strike out "$16,000,000 for the fiscal year ending June 30, 1970, and".
>
> On page 4, lines 21 and 22, strike out "$40,000,000 for the fiscal year ending June 30, 1970, and".
>
> On page 5, lines 1 and 2, strike out "$75,000,000 for the fiscal year ending June 30, 1970, and".
>
> On page 5, lines 6 and 7, strike out "$1,600,000 for the fiscal year ending June 30, 1970, and".
>
> On page 5, lines 10 and 11, strike out "$7,500,000 for the fiscal year ending June 30, 1970, and".
>
> On page 5, lines 15 and 16, strike out "$25,000,000 for the fiscal year ending June 30, 1970, and".

Mr. **DOMINICK**. Mr. President, I think I can explain the amendments very quickly.

First of all, I want to say I have enjoyed working on the committee and I have enjoyed working on a bill which I think has a real significance in our national structure.

I was particularly pleased that the committee was willing to take, and did take, the provision that I offered, which gives us, for the first time, a national program for rehabilitation of drug addicts and drug abuses. I think that this will be extremely helpful.

I have had the opportunity of serving

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on the Subcommittee on Alcoholism and Narcotics with the Senator from Iowa (Mr. Hughes) and the Senator from Ohio (Mr. Saxbe), and other Senators, studying alcohol and drug abuses. It is apparent that both of these fields need attention, and need national attention. So the effort which was made by the committee to put both the alcoholism and drug programs into the bill are of real significance in the national picture.

With regard to my pending amendment, we have a rather peculiarly structured bill. President Nixon requested $2.048 billion for OEO in the 1970 fiscal budget. That $2.048 billion is contained in the bill in total.

The Senator from New York (Mr. Javits) attempted, by his amendment, to strike the earmarking of these funds. He was unsuccessful in that effort. Therefore, the money requested by the administration for OEO for fiscal year 1970 is now tied down.

That $2.048 billion is not effected by my amendment at all. What we have, in addition to the $2.048 billion, can be found in the bill, starting on page 4, in line 6, and going through page 5, on line 19. In the committee we referred to this as "add-ons." They are additional authorizations for eight specific programs over and beyond the $2.048 billion, and in the first year they total $292.1 million.

My amendment would strike all authorizations for the first year "add-ons."

I know we had extensive testimony in the hearing record indicating that, first of all, the OEO is designed, under its new reorganization plan, to be an innovative agency, not an operating agency. OEO will not operate proven programs on a nationwide basis, but will innovate by way of pilot programs and then, when they are proven, turn them over to existing agencies which would have jurisdiction for actual operation.

The $292.1 million in this bill is, once again, earmarked for the first year and for the second year. $292.1 million is added to the $2.048 billion in fiscal year 1970, at the very time when Congress has put a limit on what the President is allowed to spend in this fiscal year.

So here we go once again, with a law from Congress, passed by both Houses and signed by the President, putting a limit on the maximum amount that he is entitled to spend, and then we go right on from there, as Congress, and authorize the expenditure of a considerable amount of taxpayers' funds, over and beyond the budgetary figures.

Not only do we propose to do that by this bill, unless my amendment is accepted, but we are also doing something which the administration does not want: We are earmarking more money for specific programs, and, in addition to that, authorizing the expenditure of funds which the administration itself has said that it cannot spend fruitfully this year.

Let me state the position we are in. Here we are, in the middle of October. The Appropriations Committee is just starting hearings on the Labor and HEW appropriation bill. It probably will not be marked up, because of a jurisdictional question involved, until late November, and it will probably be about the middle of December before it ever gets to the floor. We have yet to go to conference on whatever the House of Representatives may do on this bill. We are not possibly going to be able to get something into fundamental legal condition for passage and for the President's signature until considerably later this year.

As a result of this situation, we were successful, in committee, after some strenuous arguments, in getting the sponsors of these various amendments to reduce the amounts as originally proposed to one-half for fiscal year 1970. Even so the add-ons total $292.1 million. What in the world are we doing, authorizing this amount of money, when the agency says it cannot spend it fruitfully, when the administration has said it does not want it, and when we have already put a budgetary limit on the President, limiting what he can spend for this fiscal year?

It seems to me that we are going about it the wrong way, no matter how nice, how pleasant, and how sincere the people are in presenting the need for expanding these programs.

What are the programs? One of them is one I happen to be deeply interested in: the Headstart program. My amendment will not cut back the Headstart program. The fact of the matter is that we have $338 million for Headstart in the $2.048 billion which will remain in the bill, so we are not in fact cutting down Headstart at all. As a matter of fact, we are increasing it over last year's estimated expenditures, and over the actual expenditures in 1968, and we are leaving in the very amounts that President Johnson and President Nixon suggested: a total of $338 million.

So if we strike this from the Headstart program—as I say, I am deeply interested in that—we will still have $338 million left in the program as authorized spending for this year. That, I think, is very important to keep in mind. More than that cannot be spent.

And so on, in each one of these programs. For the special impact programs, there is $46 million in the original bill. As I say, we have $338 million for Headstart. There is $58 million for legal services, $80 million for comprehensive health services, and $25 million for the emergency food and medical services.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. DOMINICK. In a moment, when I finish with this list.

There is $15 million for family planning programs, $8,800,000 for senior opportunities, and a lot of other things, including $34 million for migratory workers, $12 million for rural loans, $16 million for administration and coordination, and $37 million for VISTA.

This amendment would not cut back any of these. They are not affected at all. What I am doing is cutting out the authorization for the add-ons.

I am happy now to yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, my question is this: If I understood the Senator correctly, he stated that the Agency, or some of the agencies, would not be able to spend the amount of money that is authorized in the bill if it were appropriated? Is that correct?

Mr. DOMINICK. That is correct, fruitfully. We had testimony as to that in the hearings.

Mr. NELSON. The biggest add-on of all is the $240 million for Headstart.

Mr. DOMINICK. Yes. That is for the second year. I am not touching the second year. My amendment would cut only the first year "add-on," which is $120 million.

Mr. NELSON. So $120 million is the add-on the first year. Now, in fiscal year 1969, 667,600 children were in Headstart. Under the budget proposed by the administration, with their movement, now, to the year-round Headstart program—on the ground that that is much more effective than the limited summer program—they could handle only 488,100 children. That would mean 179,500 children would have to be dropped from Headstart.

The staff asked the OEO how much money it would take to maintain the same number of children in the Headstart program as are in the Headstart program in fiscal 1969. The OEO gave us the figure of $240 million. We cut the $240 million in half for the first year, on the perfectly logical ground that by the time we get the bill passed, something approaching a half year will be gone. So it is perfectly clear that as to the largest add-on, if we are to maintain the 667,700 who are already in the program, we will have to have that money. Is that not correct?

Mr. DOMINICK. No, I do not really think it is, because it is my understanding that the administrative capability is lacking to put together and approve year-round programs for the first year for Headstart, to serve the number of children that the Senator is talking about. Nor do they have the community support to be able to do it on a year-round basis.

So what they are saying is that if everything were fair in a fair world, this is what they would like to do. That is not the case.

So how are we going to balance these things? We are going to spend $338 million, and we have not received an appropriation for even that money yet. If we are going to spend that amount, it would seem we would need all the time we could get in order to make logical plans for a year-round Headstart program.

Also some of these children have probably been counted twice. Some of them are from families which are not low-income families. Under the bill they would be permitted to go ahead, but they would have to pay for it.

When I say that some of them are counted twice, I am talking about some of the kids who have gone to summer Headstart programs and then go to the school year program afterward. I do not know whether they have been counted twice or not. I am surmising that they have.

Mr. NELSON. Mr. President, will the Senator yield further?

Mr. DOMINICK. I yield.

Mr. NELSON. If the Senator's amendment prevails and no additional money is provided for the first year—I assume the statistics are correct—when they get into the year-round program, there would have to be less children in the Headstart program than now. I do not suppose that anyone really knows how many less.

We do know that if we were on a full year-round program, with the amount of money that the administration has asked for, about 179,000 children would have to be dropped from Headstart. That is the best estimate we can get from the OEO.

Mr. DOMINICK. Mr. President, let me reply that the $338 million which would still be included is the amount that President Johnson asked for. It is also the amount that President Nixon asked for. It is the amount now in the bill.

The question about the year-round program is interesting.

Part of the problem, as the Senator knows, is due to the fact that the summer programs were using facilities which would have to be used for the regular schools in the school year.

Consequently, the facilities are not available under the present circumstances. They will have to find other facilities, set them up, get community support behind them, and find out how much local money can be put into programs of this type which we are authorizing in the bill. This is needed.

I say that we should go ahead and spend the $338 million which can be spent meaningfully. After that I would be happy to go along with the Senator from Wisconsin and say for fiscal year 1971, let us have more money for Headstart if it can be used properly.

We are only talking about 1 year. We have a lot of other items which I think are important. For the purpose of the Record, I would like to mention some of them.

Let me just take the emergency food and medical services. This add-on provides $75 million for the first year. I am offering to strike that.

On the emergency food and medical services in 1968, we spent $12.8 million. In 1969, it is estimated that we spent $16.6 million.

President Johnson asked for $17 million. President Nixon asked for $17 million. And we put $25 million into the $2.048 billion. So we are already $8 million over what both administrations asked for on that item alone. And here we come along and have an add-on of $75 million for this year just after we have recently passed the most generous bill, I guess, in history in order to try to help people get food. We have just finished doing that.

Mr. NELSON. Mr. President, it is correct that we had $17 million in the "emergency food and medical services" for fiscal 1969. And the administration does intend to spend $25 million for fiscal 1970. However, the problem is that there are 400 community action agencies now involved in the emergency food program, 95 percent of which are rural community action programs.

There are 600 urban community action programs which have no emergency food programs because no money was available. We asked how much money it would take to bring the 600 urban community action programs under the emergency food program. They gave us the figure $150 million which we put into the budget.

It is not a question that they cannot spend it. The question is that there was not any money to spend. We do not have any programs in 600 urban areas where they are as urgently needed as they are in the rural areas.

Mr. DOMINICK. Mr. President, that is a good argument. However, I would not agree for the reason that the OEO is not an operating agency. The OEO is now an innovative agency.

I have asked the Director—and I am sure it is in the record—whether he wants to go forward with an operating emergency food and medical services program around the country. His answer is that they are not equipped to do that.

Mr. NELSON. Who said that?

Mr. DOMINICK. The Director of the OEO said that they are not equipped to do that.

Mr. NELSON. But they are the managers of the program.

Mr. DOMINICK. We reported that we have conversed on this matter. They are not equipped to cooperate on emergency food and medical services program around the country. We are trying to get funds on an emergency basis where it is needed and other agencies cannot get to them.

Mr. NELSON. Is it not correct that it was never intended that the OEO would directly operate the program? It is being operated at the local level through community action agencies.

The program responsibility is with the OEO. We know that 600 urban communities are without emergency food and medical services programs and that 400 rural areas do have them.

When we asked how much money it would take to put the program into the urban areas in the same fashion as in the rural areas, the OEO gave us the figures. We put them in the budget.

If Congress wants to decide that it will run the emergency food and medical services program for hungry people in rural America but not for hungry people in urban America, that is a decision it will make. However, I do not think that is the position Congress wants to take.

Mr. DOMINICK. Mr. President, again I do not want to be put in the position of saying on the floor that I am against emergency food and medical services programs. We have $25 million in the bill for that purpose out of the $2,048 million in the first portion of the bill.

I want to go through some of the other items to show what we are doing. Let us talk about legal services. We have been battling about that all afternoon in one form or another. It seems to be perfectly evident that some people are against it. I happen to think it is a pretty good idea by and large. I would like to see it continue providing we can keep it in focus rather than have it as a political mechanism as happens in some areas.

There was $35.9 million for legal services in 1968. There was $42.0 million for legal services in 1969. President Johnson asked for $50 million for this program. President Nixon asked for $58 million. That is an increase of $8 million, and an increase over fiscal year 1969 spending of $16 million.

The bill provides $58 million for legal services out of the $2,048 million. Now, we come along again and add on another $16 million for this year and $32 million for next year.

My point is that we should get some of these problems straightened out before we start authorizing the spending of the whole Federal Treasury on a group of programs some of which are good and some of which are not. Until we get the programs ironed out, I think it is perfectly ridiculous to tell the President to hold the budget down to the amount we said and then go ahead and authorize appropriations way beyond that amount.

I could go on with a lot of interesting items in the add-ons. However, the net effect is to keep the $2.048 billion that President Nixon requested. Let us cut out the $292 million add-ons which have been put in the bill and which cannot be spent if appropriated.

Mr. NELSON. Is the Senator prepared to vote?

Mr. DOMINICK. I am prepared to vote. First, however, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays were ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Montana (Mr. Mansfield), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. Fulbright) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Case), and the Senator from New York (Mr. Goodell) are necessarily absent.

The Senator from Kentucky (Mr. Cook), the Senator from Kansas (Mr. Dole), the Senator from Illinois (Mr. Percy), and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from Illinois (Mr. Smith) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from Kansas (Mr. Dole), and the Senator from Alaska (Mr. Stevens) would each vote "yea."

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On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 47, nays 38, as follows:

[No. 123 Leg.]

YEAS—47

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Cooper
Cotton
Curtis
Dominick
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Mundt
Murphy
Packwood
Pearson
Prouty
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—38

Anderson
Bayh
Bible
Burdick
Byrd, W. Va.
Cannon
Church
Cranston
Eagleton
Gore
Gravel
Hart
Hartke
Inouye
Jackson
Kennedy
Magnuson
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—15

Brooke
Case
Cook
Dodd
Dole
Eastland
Fulbright
Goodell
Harris
Hughes
Mansfield
Muskie
Percy
Smith, Ill.
Stevens

So Mr. DOMINICK's amendment was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PREMIER PHAM VAN DONG'S LETTER TO THE AMERICAN PEOPLE

Mr. TOWER. Mr. President, if the Senate will indulge me for a moment, we have just received notification of some rather interesting support for the moratorium tomorrow. Here is a letter from Premier Pham Van Dong of North Vietnam to the American people. The letter states:

HANOI,
October 14, 1969.

DEAR AMERICAN FRIENDS: Up until now the U.S. progressive people have struggled against the war of aggression against Vietnam. This fall large sectors of the U.S. people, encouraged and supported by many peace- and justice-loving American personages, are also launching a broad and powerful offense throughout the United States to demand that the Nixon administration put an end to the Vietnam aggressive war and immediately bring all American troops home.

Your struggle eloquently reflects the U.S. people's legitimate and urgent demand, which is to save U.S. honor and to prevent their sons and brothers from dying uselessly in Vietnam. This is also a very appropriate and timely answer to the attitude of the U.S. authorities who are still obdurately intensifying and prolonging the Vietnam aggressive war in defiance of protests by U.S. and world public opinion.

The Vietnamese and world people fully approve of and enthusiastically acclaim your just struggle.

The Vietnamese people demand that the U.S. Government withdraw completely and unconditionally U.S. troops and those of other foreign countries in the American camp from Vietnam, thus allowing the Vietnamese people to decide their own destiny by themselves.

The Vietnamese people deeply cherish peace, but it must be peace in independence and freedom. As long as the U.S. Government does not end its aggression against Vietnam, the Vietnamese people will persevere in their struggle to defend their fundamental National rights. Our people's patriotic struggle is precisely the struggle for peace and justice that you are carrying out.

We are firmly confident that, with the solidarity and bravery of the peoples of our two countries and with the approval and support of peace-loving people in the world, the struggle of the Vietnamese people and U.S. progressive people against U.S. aggression will certainly be crowned with total victory.

May your fall offensive succeed splendidly.

Affectionately yours,
PHAM VAN DONG,
Premier of the DRV Government.

Mr. BYRD of West Virginia. Mr. President, those who participate in the moratorium have a right to do so as long as they break no laws. Many of those who participate undoubtedly will do so out of good motives; others may not.

I want to see our country get out of Vietnam as much as anybody. But national policy—while it must take into account public opinion—cannot be made by demonstrations in the streets. I am convinced that the President is doing the best he can to withdraw our forces and negotiate a workable solution.

My concern is that the moratorium may undercut his efforts and encourage Hanoi to think that if it holds out a little longer it will get everything it wants without the need for reciprocal action.

I have no quarrel with anyone's desire to end this war, but I hope the participants will direct some of their energies to the enemy who stands in the way of peace.

I ask unanimous consent to insert in the RECORD a news story which appeared in the October 9, 1969, edition of the Morgantown, W. Va., Post entitled "Hanoi Ignores U.S. Peace Plan, Asks October 15 Support," together with an editorial from the October 13, 1969, Fairmont, W. Va., Times, titled "The Vietnam Moratorium."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Morgantown (W. Va.) Post, Oct. 9, 1969]

HANOI IGNORES U.S. PEACE PLAN, ASKS OCTOBER 15 SUPPORT

PARIS (UPI)—North Vietnam and the Viet Cong today went over the head of U.S. negotiators and appealed directly to the American public to increase its opposition to President Nixon's Vietnam policies.

The Communists ignored allied peace proposals and zeroed in on next Wednesday's Vietnam protest day in the United States.

Col. Ha Van Lau, the Hanoi deputy negotiator, and Mme. Nguyen Thi Binh, the Viet Cong's "foreign minister," appealed to American citizens to increase their resistance and force Nixon to accept their negotiating proposals in Paris.

Today's skirmishing at the 37th weekly session of the eight-month-old talks indicated that Hanoi and the Viet Cong will make no concession from their own 10-point peace package until after they have assessed the scope of popular opposition in U.S. universities.

U.S. Ambassador Henry Cabot Lodge vainly pleaded for immediate talks on how to insure the national rights of the South Vietnamese people through free elections.

Madame Binh scorned the renewed U.S. plea and said: "The so-called free election plan amounts to asking the Vietnamese people to lay down their arms in exchange for a ballot—that is to say, to accept fraudulent elections organized by the Saigon administration under the control of American and puppet troops."

The two Communist delegations likewise turned a deaf ear to a statement by South Vietnamese delegate Pham Dang Lam. He formally laid before them President Nguyen Van Thieu's Oct. 6 declaration in which he offered to discuss "any matter whatsoever, including the question of a ceasefire, provided they wish to end the war through serious negotiations."

Though no progress was expected to emerge from today's session, observers watched closely two developments related closely to the talks.

Lodge denied several side assertions of the Communist delegation including one contention that the Allies were responsible for the failure of the conference to make any progress.

"We are intent on setting the record straight," Lodge said. "We are willing to negotiate on the basis of the fundamental rights of the Vietnamese people."

Lodge's remarks indicated U.S. negotiators were anxious to try to overcome the Communist side's opposition to free and internationally controlled eleotions in South Vietnam.

The Allied delegation expected little progress until the return from Hanoi of Xuan Thuy, North Vietnam's chief delegate to the talks.

Thuy went to Hanoi Sept. 4 for the funeral of President Ho Chi Minh and has remained in the North Vietnamese capital for what diplomatic sources said were extensive talks with the new leaders of the nation.

[From the Fairmont (W. Va.) Times, Oct. 13, 1969]

THE VIETNAM MORATORIUM

Neither advocates of Wednesday's Vietnam Moratorium nor those who oppose it can find fault with the attitude toward the proposed school "holiday" taken by President Eston K. Feaster of Fairmont State College. He, like President James G. Harlow of West Virginia University and the heads of most other state-supported schools, have taken the position that they can coerce no student into either agreeing or disagreeing with the movement.

The idea of a moratorium in protest against this country's continuing involvement in the Vietnam war originated at the student level. It has received support on campuses across the country and now has the backing of many public officials, some of whom see a chance for political favors from the youths whose cause they espouse.

As Dr. Feaster pointed out when the subject of institutional participation in the moratorium was laid before him, every student and faculty member must decide on his own whether he wants to participate or ignore the event. The college has never, and

will not in the present instance, take an official position on a public issue like the moratorium, President Feaster said, reaffirming a long-standing policy in West Virginia institutions of higher learning.

James Butcher, student body president who is organizing Fairmont State's participation, has not sought sanction of the movement from the student council and has wisely and reasonably accepted the school's policy declaration. He and a Student Moratorium Committee have arranged for a march from the campus to the courthouse and a speech there by Dr. Wesley Bagby of West Virginia University, a history professor often identified with liberal causes.

Unlike the University's Daily Athenaeum, which has come out editorially in favor of the moratorium and has devoted much space to stunts designed to publicize it, the Columns at Fairmont State takes the position that each student should weigh the facts pro and con and only then make up his own mind about attending or staying away from class on Wednesday.

Patty Vandergrift, editor of the Columns, who is working on The Times while attending school, raises an interesting point in her discussion of the moratorium. "How will the people of Fairmont and especially contributors to school funds such as the Student Loan Fund react to FSC's participation?" she asks.

It would be safe to assume that most of the affluent supporters of the various funds raised to help students at Fairmont State are something less than left-wingers. Some of them already have voiced objections to the participation of certain athletes, whose education is being financed in part from publicly raised scholarship funds, in recent picket demonstrations in downtown Fairmont.

Others who give annually to the Student Loan Fund, where a dollar likely brings a greater return than any other investment in education, may take a dim view of a holiday from school called to protest a war in which this country is morally and legally involved however wrong it now seems.

We believe it is only natural for the younger generation to want a share of the decision-making process. College students are especially zealous to join protest movements of every kind and character. The male portion of the student population has a very real concern, for most of them face induction in the armed services as soon as their student deferments expire.

But we are experiencing some difficulty in deciding just who the students expect to convince with their nation-wide moratorium. Certainly it will not be President Nixon, who made his feeling "crystal clear" at his Sept. 30 press conference in reply to an inquiry on the moratorium.

Anti-war senators and other public figures already are doing just about as much as they can to bring about American disengagement in Vietnam. The student protest may provide them moral support in their endeavors, but its practical effect must be open to serious question.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Colorado proposes an amendment, as follows:

On page 4, line 10, strike "$14,000,000" and insert in lieu thereof "$7,000,000".

On page 4, line 14, strike "$240,000,000" and insert in lieu thereof "$120,000,000".

On page 4, line 18, strike "$32,000,000" and insert in lieu thereof "$16,000,000".

On page 4, line 22, strike "$80,000,000" and insert in lieu thereof "$40,000,000".

On page 5, line 2, strike "$150,000,000" and insert in lieu thereof "$75,000,000".

On page 5, line 7, strike "$3,200,000" and insert in lieu thereof "$1,600,000".

On page 5, line 11, strike "$15,000,000" and insert in lieu thereof "$7,500,000".

On page 5, line 18, strike "$50,000,000" and insert in lieu thereof "$25,000,000".

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. DOMINICK. I do.

The PRESIDING OFFICER. Is there objection to the Senator's request? The Chair hears none, and the amendments will be considered en bloc.

Mr. DOMINICK. Mr. President, I do not know whether I am going to need the yeas and nays on this but, in effect, what this does is to take the second year add-ons and reduce them by 50 percent. This would save $292 million in terms of authorization as opposed to $584 million which was put on by the committee. There is $2.048 billion authorized for fiscal 1970. There is $2.148 billion authorized for fiscal 1971. These add-ons would add 584.2 million on top of $2.148 billion for fiscal year 1971. It would be, in effect, a net increase of $684 million in 1971.

It seems to me that we are completely out of the ball park on this type of figure. What I am suggesting is that we take the $292.1 million, which is one-half the sum total proposed for "add-ons," and leave that in for 1971. This would mean an increase of approximately 10 percent over what the authorization will be in the main part of the bill for that same year.

Mr. President, I am ready to take it to a vote with that kind of explanation. I will be happy to answer any questions.

Mr. NELSON. Mr. President, I think it was unfortunate that the Senate accepted the amendment of the Senator from Colorado to remove from the bill all of the add-ons that the committee approved. I point out that roughly half the Republicans supported the add-ons we put on in the committee, and that the Democrats were unanimous. I further point out that on the Headstart program alone, as the OEO now converts to a year-round program—as I think every one agrees it should—and makes full conversion under the administration's budget, 179,000 children who are now covered in the Headstart program will go out of the program.

The Headstart program now is taking care of only 10 percent of the children in this country who need the benefits of the Headstart program. So what we would be doing would be to reduce the number of children who would be covered by the Headstart program. I am informed that the conversion of Headstart to a year round program, without the new funds the committee has proposed, means that in Alabama approximately 4,700 children now under Headstart would be dropped from the program.

In Arkansas, an estimated 4,300 kids who need the benefits of the Headstart program would go off the program.

In California, 4,700 would go off.

In Florida, 3,400 would go off.

In Georgia, 5,700 would go off.

In Illinois, 9,300 children who are in the Headstart program now, a program in which we are trying to take disadvantaged children and give them an opportunity in life, will be taken off the program.

In Kentucky, 6,100 children would go off the program.

In Louisiana, 5,000 would go off.

In Michigan, 5,900.

In Minnesota, 2,700 would go off.

In Missouri, 3,600 kids would go off.

In New York, 10,600 children would go off.

Mr. President, is that what the U.S. Senate stands for?

Does it stand for taking kids off the Headstart program just to save a handful of dollars?

If that is what it stands for, I do not want any part of it.

Mr. President, let us look at the emergency food and medical services program. There are 400 community action programs in this country which have an emergency food and medical services program—almost every single one of them rural.

There are 600 urban programs—600 CAP programs—which have no emergency food and medical service programs at all.

The $150 million would give them that program.

Does the U.S. Senate stand for not feeding kids who are hungry in the cities?

If that is what it stands for, then stand on the rollcall.

Mr. YARBOROUGH. Will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. YARBOROUGH. I ask the distinguished Senator, is it not a fact that the budget of President Nixon has asked for more money for OEO this year than Congress appropriated last year? I invite the attention of the Senate to the table on page 46 of the report, showing that fiscal year 1969 program expenditures were $1,948,000,000.

In April, the administration revised those figures and asked for $2,048,000,000.

The President has, therefore, asked for more money than was asked for last year. Is that not a fact?

Mr. NELSON. That is correct.

Mr. HOLLAND. Mr. President, if I may interject there, is that not the amount in the bill?

Mr. DOMINICK. That is correct.

Mr. NELSON. Yes.

Mr. HOLLAND. He so states. Therefore, I do not understand the question of the Senator from Texas, indicating that he thought we had cut that amount.

Mr. NELSON. Mr. President, I want to make one more point. There is $50 million in the committee bill for fiscal 1971 for day care projects. This amendment would cut that in half, to $25 million. We authorized day care projects—title V–B—in 1967. We have people all over the country saying, "Why do not people work and earn a living?"

There are women all over the country who have dependents. They are asking to work. They are dying to work. They want to make a contribution. They do not want to sit home all day long, but they have little children to take care of. Yet we have not funded that program since it was enacted in 1967.

We passed a bill a few weeks ago in which we authorized employers and employees to join in making contributions to opening day-care centers at their plants. Under the committee bill, we could use this money to match the cost, so that mothers who want to get off welfare, who want to go out to the plant and make a contribution—or wherever they may want to go to work and earn a living—will find a place to leave their children. But here we are, being asked to cut the program by $25 million.

All right, cut it $25 million, but let us not run around the country saying, "Let us get people off welfare. Let us have people work. Let us have people work and earn their living," but at the same time make it impossible for them to do so.

If that is what the Senate stands for, let us have a rollcall vote. Let Senators live with their consciences. I will live with mine.

Mr. MONDALE. Mr. President, one of the things that I have commended the President for is his frequent public support of programs to help children in the first 5 years of life. He has pointed out—and correctly, I think—that the institutions of this country, by and large, ignore children suffering from cultural and emotional deprivation until at least the age of 6, and for most of them it is then too late. They are already at the point where only a unique, costly, and personal effort can save them.

Thus, we have the anomaly in this country where, in a rich and powerful nation, millions and millions of children never have a chance. I have applauded the President for his statement. I have applauded him for saying we must redeem the promise of America for children in the years before they enter school, the years of dynamic growth and development.

Do we in the Senate say that the words of the President are hollow rhetoric? Are we going backward or forward? Is the Senate to believe the President and fight for a program which gives children, in the first 5 years of life, some chance for nutrition, some chance for reading and education, some chance for emotional and other kinds of strength which children must have, to avoid being destroyed?

The pending amendment would not only fail to add new positions, but would also strike approximately 180,000 children from the Headstart programs of this country. This reduction would occur even though now only 10 percent of the disadvantage children under age 6 are receiving any benefits under the Headstart program.

It seems to me to respond in that way is to regard the President's words as mere rhetoric, to take away those opportunities for many children in their first 5 years of life, to go backward rather than forward. That certainly makes a mockery of the President's words, and it denies to thousands and thousands of American children any hope for a meaningful opportunity in life.

Mr. President, I ask unanimous consent that a table which estimates the approximate number of children that may be stricken from the Headstart program, together with the committee proposal, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

NUMBER OF CHILDREN SERVED BY HEADSTART, BY STATE, BY TYPE OF PROGRAM IN FISCAL YEAR 1969, AND ESTIMATED NET LOSS OF HEADSTART OPPORTUNITIES UNDER THE ADMINISTRATION BUDGET, BY STATE

State	Summer program	Full-year program	Estimated decrease under administration proposal for fiscal year 1970
Alabama	14,290	5,676	4,700
Alaska	375	1,141	125
Arizona	4,315	1,062	1,150
Arkansas	13,014	3,045	4,300
California	14,194	16,623	4,700
Colorado	3,383	3,747	1,100
Connecticut	3,255	2,130	1,100
Delaware	1,191	643	400
District of Columbia	3,515	2,405	1,200
Florida	10,364	6,724	3,400
Georgia	17,047	3,135	5,700
Hawaii	1,630	960	550
Idaho	1,145	1,130	350
Illinois	28,007	9,218	9,300
Indiana	6,485	4,198	2,150
Iowa	4,325	1,717	1,450
Kansas	2,338	1,999	770
Kentucky	18,348	3,689	6,100
Louisiana	15,076	4,893	5,000
Maine	3,573	647	1,200
Maryland	5,478	1,853	1,800
Massachusetts	5,046	4,467	1,700
Michigan	17,604	3,464	5,900
Minnesota	7,999	1,738	2,700
Mississippi	325	29,253	100
Missouri	10,911	6,293	3,600
Montana	360	976	100
Nebraska	1,475	1,568	500
Nevada	675	140	225
New Hampshire	2,567	229	850
New Jersey	10,924	4,731	3,600
New Mexico	3,744	1,685	1,200
New York	31,855	10,458	10,600
North Carolina	24,428	3,870	8,100
North Dakota	1,441	60	500
Ohio	20,834	7,691	7,000
Oregon	1,690	810	580
Oklahoma	8,653	4,737	2,900
Pennsylvania	12,510	10,186	4,200
Rhode Island	1,003	725	350
South Carolina	16,855	3,283	5,600
South Dakota	1,407	477	450
Tennessee	20,578	4,889	7,000
Texas	30,744	13,360	10,000
Utah	728	1,011	250
Vermont	1,443	500	500
Virginia	9,760	1,916	3,300
Washington	2,632	2,659	900
West Virginia	8,983	2,430	3,000
Wisconsin	4,132	2,444	1,400
Wyoming	1,539	495	500
Puerto Rico	6,715	6,013	2,200
Virgin Islands	500		200
Guam		250	
Trust territories	2,690	280	850
Indian grants	2,011	6,991	700
Migrant	760		250
Total	446,899	216,714	

COMMITTEE BILL PREVENTS HEADSTART CUTBACKS

The Committee bill seeks to prevent an impending cutback of 180,000 Head Start opportunities by increasing authorization by $120 million in FY 1970 and $240 million in FY 1971.

Background

There are 6,000,000 disadvantaged American children under age six. Last year only 668,000 of them were able to participate in Head Start and receive the nutritional, educational and health services they need. A cutback in this program—which currently serves only about 10% of the preschool children in need—cannot be justified.

Impending cutback

Administration proposals call for substituting full-year Head Start programs for many of the summer Head Start programs currently being funded. This substitution, which the Committee supports, is based on OEO's conclusion that "evaluative evidence gathered so far suggests that full-year programs are more effective than summer in fostering sustained developmental gains."

But because full year programs cost about $800 more per child than summer programs, if this substitution occurs without increasing the Head Start budget, there will be 180,000 fewer Head Start opportunities this year than there were last year.

NUMBER OF CHILDREN SERVED BY HEADSTART IN FISCAL YEAR 1969, AND UNDER ADMINISTRATION BUDGET FOR 1970

	Fiscal year 1969	Estimate, fiscal year 1970	Increase or decrease under administration budget
Full year	214,000	249,800	+35,800
Summer	450,000	225,000	−225,000
Experimental	0	9,700	+9,700
Parent and child centers (families)	3,600	3,600	0
Total	667,600	488,100	−179,500

Committee proposal

The authorization increases in the Committee bill would permit the shift from summer programs to full year programs to occur without requiring a cutback in the number of children served.

Based on estimates that 300,000 of the current 450,000 summer Headstart slots could be converted to full-year programs in the next two years, at a net Federal cost of about $800 per slot, this conversion would ultimately cost approximately $240 million. The Committee authorizations are intended to permit sufficient funding to cover the initial costs of conversion in FY 1970, and the full cost of converting 300,000 slots in FY 1971.

The Committee believes it would be unwise and unfair to force a 27% reduction in the number of children served by Headstart by denying these needed authorization increases.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I do not want the Record to stand as though the Senate of the United States is acting like some kind of heartless fascist stepping on the heads of poor children. I think both the Senator from Wisconsin and the Senator from Minnesota know better than that.

Mr. NELSON. Mr. President, did I suggest anywhere here that Senators are a bunch of fascists stepping on the heads of children?

Mr. DOMINICK. I would say the Senators left the general impression that what we were doing was cutting off funds for poor children all over the place.

Mr. NELSON. Does that make somebody a fascist stepping on children's heads?

Mr. DOMINICK. The Senator from Wisconsin did not use those words; I did.

Mr. NELSON. I will say the Senator did, and he had better learn what the words mean.

Mr. DOMINICK. The $2.048 billion we have for fiscal 1970 was increased in committee by $100 million for fiscal 1971. We have $2.148 billion, an amount that is not even being touched by this amendment; in addition to which, if my amendment is adopted, we will be adding another $292 million to the $2.148 billion.

So we are adding to the money authorized for expenditures for fiscal 1971, $392 million over what it will be for this year, fiscal 1970.

Anybody who says that we are not supplying children and other facilities with needed funds and authorizations for funds just really is not looking at this amendment the way he ought to. A strong emotional appeal has been made against this amendment but it ignores practical realities. We cannot spend that much money.

We are talking about adding $7 million for special impact programs; $120 million for Headstart; $16 million for legal services; $40 million for comprehensive health services; $75 million for emergency food and medical services; $1,600,000 for senior opportunities; $7.5 million for migrants; $25 million for day-care centers; in addition to the $100 million which the administration can use anyway it wants to in fiscal 1971.

So I do not take very kindly to the idea that we are depriving children of one thing after another.

What is the effect of the amendment? It has the net effect of saying we are going to add on to the authorization for fiscal 1971 a total of $392 million.

Mr. JAVITS. Mr. President, I would like to speak to the Senate with the greatest feeling of confidence in my colleagues, because this is a very human and deep thing that we are discussing now. Some of you may have been surprised that I voted with Senator Dominick on the last amendment. It is not of character for me, as the Senate knows; but I am handling the bill, on this side, for the administration, and having put the bill in under certain concepts, which I will explain to the Senate, I felt it was my duty, if I were to be trustworthy, to be faithful to those principles.

I know the Senator from Rhode Island (Mr. Pastore) is smiling at me. He has been in this position many times before, himself.

The position of the administration was, and is, that $2.048 billion, which is the authorized amount, and which Senator Dominick's amendment did not challenge, represents its allocation of national priorities for the purpose of a poverty bill.

I am satisfied that within the administrative framework they have erected, in which the OEO is now a staff agency, essentially, rather than a line agency—and that most of the programs, as they mature and develop, are going to be turned over, as they have been in the case of the Job Corps and Headstart, to line agencies of the Federal Government—the $2.048 billion is about the right figure that they can handle and spend intelligently.

The add-ons, coming as they would, with only about 6 or 7 months left to put additional amounts into programs made me question whether they could be put to meaningful use.

That is coupled with the fact that we have big problems in education, which can use more money, which helps roughly the same people, the poor. We have massive problems with hunger and malnutrition, for which the Senate has voted a much bigger amount than the House may be willing to support. Appropriations may be competing, as it were, with poverty appropriations.

For all those reasons, I thought the network of money which would be available to the poor would be improved and benefited by the fact that I tried to encourage the administration rather than discourage it in respect to the plan which it has with regard to the OEO.

I do not believe, however, that these considerations apply to the amendment which the Senator from Colorado (Mr. Dominick) has now proposed to the bill; and I shall vote against it. There it is possible, and entirely practicable, to gear the OEO to higher standards in terms of its ability to utilize the amounts of money involved in the second year. I deeply believe the amounts are justified by the needs to be met.

I think the arguments which our colleagues have made, with respect especially to resources which go to children, are important, and can be deployed and well used as this type of administration—as I say, the OEO is now a different kind of agency—settles down and gets going.

The orders of magnitude are large. The Senator from Colorado (Mr. Dominick) is absolutely right when he says $300 million is a lot of money; but we have also enormous needs to fill, in critical areas such as Headstart and day-care centers. Day-care centers tie into the whole welfare plan which the administration itself has authored.

In addition, it is very significant, it seems to me, that notwithstanding my sponsorship of the administration's bill, I feel perfectly free to be against this amendment, because I think that, as to the year 1971, the plans of the administration—though I am not speaking for them in my opposition to this amendment—can accommodate intelligently, feasibly, and usefully the sums which have been added on here.

Therefore, Mr. President, I believe that at least for the authorization phase—after all, as the entire Senate knows, this matter still has to run the gauntlet of appropriations in due course—we ought not to cut off these opportunities which are available in the war against poverty at this particular point, in respect to fiscal year 1971; and I believe that that is a consistent position, in view of the approach which the administration has now taken with respect to OEO. I see nothing inconsistent, and I shall vote accordingly. I voted for the Dominick amendment insofar as it related to 1970, where I think there is a real question of practicability during changeover. On the other hand, by fiscal 1971 the changeover will have been made and I am satisfied that the resources which we would authorize may be very effectively, feasibly, and practically used.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. I ask that the Chair direct attachés to take seats or leave the Chamber.

The PRESIDING OFFICER. The attachés will please be seated.

Mr. JAVITS. Mr. President, I said when I began that I was speaking in a most intimate way to the Senate, and I feel that way. I know it is very public, and there is nothing secret here, but in the sense of personal feeling and personal warmth on the subject, I did wish to communicate this point of view to the Senate.

To give just one example that happens to be, in my judgment, one of the most relevant, in March of 1967 there were 4½ million working mothers with children under 6 years of age. There are today only 531,000 spaces in licensed day-care centers and family homes which are equivalent to day-care centers—roughly speaking, as Senators can see, but between 10 and 12 percent of the need is actually being served.

Those of us who have had experience in government know that it takes time to get organized for a job; that when you change over an agency such as the OEO, there is a time lag in adjusting it to its new responsibilities. But I believe 1970 gives adequate time for that process to take place, and that in 1971 we ought to begin to endeavor to more nearly accomplish many of these things which need to be done. That is the purpose of the add-ons and that is why I feel constrained to vote "no" on the amendment proposed by the Senator from Colorado.

Mr. DOMINICK. Mr. President, I shall be very brief.

If adopted, this amendment, will combine the additional $100 million with the $292 million that will be there. We will be providing about 15 percent additional funds for 1971 over those authorized for 1970. It strikes me that this is a pretty substantial improvement.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Montana (Mr. Mansfield), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Russell), and the Senator from Mississippi (Mr. Stennis) are absent on official business.

I further announce that, if present

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and voting, the Senator from Georgia (Mr. Russell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Case), the Senator from New York (Mr. Goodell), and the Senator from California (Mr. Murphy) are necessarily absent.

The Senator from Kentucky (Mr. Cook), the Senator from Kansas (Mr. Dole), the Senator from Illinois (Mr. Percy), and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from Illinois (Mr. Smith) is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. Brooke) and the Senator from Illinois (Mr. Percy) would each vote "nay."

The result was announced—yeas 33, nays 47, as follows:

[No. 124 Leg.]

YEAS—33

Allen
Allott
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Dominick
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Mundt
Pearson
Spong
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—47

Aiken
Anderson
Bayh
Bible
Burdick
Cannon
Church
Cooper
Cranston
Eagleton
Ellender
Fong
Gore
Gravel
Hart
Hartke
Hatfield
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—20

Brooke
Case
Cook
Dodd
Dole
Eastland
Fulbright
Goodell
Harris
Hughes
Mansfield
McCarthy
McGee
Murphy
Muskie
Percy
Russell
Smith, Ill.
Stennis
Stevens

So Mr. Dominick's amendments were rejected.

PROGRAM

Mr. SCOTT. Mr. President, I should like to inquire of the distinguished acting majority leader whether he knows of any other amendments and also what will be the next order of business.

Mr. KENNEDY. As I understand, the Senator from Vermont (Mr. Prouty) has an amendment. I do not know at this time whether there will be a rollcall vote on that amendment.

Mr. PROUTY. There will not be.

Mr. KENNEDY. The leadership does not know whether any Senator is going to request a rollcall vote on final passage.

Mr. NELSON. We will ask for a rollcall vote on final passage.

Mr. KENNEDY. It is my understanding that at this point in time the Senator from Vermont has an amendment and that there will not be a rollcall vote on the amendment. There will be a rollcall vote on final passage.

Mr. JAVITS. There may be one other amendment.

Mr. KENNEDY. There may be one other amendment.

Then following final passage tonight, we will lay before the Senate the Eisenhower dollar minting measure, which will then be the pending business. That bill will be brought up for debate tomorrow. The Senate will convene at 12 noon tomorrow. After the disposition of that measure, the Senate will proceed to consideration of the two measures on the calendar dealing with potatoes, orders Nos. 412 and 414.

Mr. SCOTT. I understand that no votes are expected on the Eisenhower dollar matter tonight.

Mr. KENNEDY. There will be no votes on the Eisenhower dollar matter this evening.

Mr. DOMINICK. There will be a vote tomorrow.

Mr. SYMINGTON. Will there be a vote on the amendment that the distinguished Senator from New York mentioned?

Mr. JAVITS. We really do not know. We hope not, but we do not know.

Mr. KENNEDY. So there definitely will be a rollcall vote on final passage of the pending bill. There is the possibility of a vote before, and then we will lay before the Senate the Eisenhower dollar matter.

NATIONAL SCIENCE FOUNDATION APPROPRIATIONS AUTHORIZATION

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1857.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended, which were to strike out all after the enacting clause, and insert:

That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $474,305,000.

Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 3. Appropriations made pusuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

Sec. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Sec. 5. Notwithstanding any other provision of law, the authorization of any appropriation to the National Science Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the first fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

Sec. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

Sec. 7. If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending or employed by such institution—

(a) that such individual has, after the date of the enactment of this act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or

(b) that such individual has been convicted in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned;

then the institution shall deny any further payments to or for the benefit of such individual which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant, or otherwise) to such individual.

Sec. 8. This Act may be cited as the "National Science Foundation Authorization Act, 1970."

And amend the title so as to read: "An Act to authorize appropriations for activities of the National Science Foundation, and for other purposes."

Mr. KENNEDY. Mr. President, I move that the Senate disagree to the amendments of the House on S. 1857 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Kennedy, Mr. Pell, Mr. Eagleton, Mr. Nelson, Mr. Prouty, Mr. Dominick, and Mr. Schweiker conferees on the part of the Senate.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PROUTY. Mr. President, I send an

amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, strike out line 25, and insert in lieu thereof the following: "15 per centum for the fiscal year ending June 30, 1970 and 20 per centum thereof"; and.

Mr. PROUTY. Mr. President, section 616 of the Economic Opportunity Act of 1964, as amended, provides that up to 10 percent of the funds earmarked for one program may be transferred to another program. It also specifies that no program may be increased by a transfer of funds of more than 10 percent.

Realizing the restrictiveness of these original provisions, the committee made some very significant changes by allowing for a 15-percent transferability rate and by removing the limitation on funds that can be added to any particular program.

However, I do feel that the revision of section 616 now in the committee bill does not go far enough, especially in relation to the second year. This is so because it does not give the Director any additional flexibility in the second year to continue a shift in focus already started through a transfer in funding from one program to another.

As the committee bill is now written, the same level of funds is earmarked for the first and second year. Section 616 as revised would allow up to 15 percent of any program's funds to be transferred to another program. This would be done at the discretion of the Director to indicate a desire to strengthen certain programs that have proved successful or that are in need of reinforcement. However, once the Director had made such a decision, the revised version of section 616 would not allow him to carry through this change in emphasis during the second year. The Director would be forced to look at the level of funds earmarked which are the same as the first year and would again only be allowed to transfer up to 15 percent. This would mean that virtually the same level of funding would be locked in even if the Director wished to shift the focus more during the second year than the first. If we are to make OEO truly an innovative agency capable of meeting the needs of the poor, I think we must give the Director our full support by allowing him additional flexibility.

Mr. President, this amendment simply provides for a 15-percent transferability for the current fiscal year and 20 percent thereafter. I, therefore, propose that we change to 20 percent the rate by which the Director could transfer funds during the second year.

Mr. NELSON. Mr. President, we debated this issue in the committee at some length. The Senator took the same position in the committee. We insisted on 15 percent the first year and 20 percent the second year. There is some rationale in support of the Senator's position I am prepared to accept the amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. JAVITS. Mr. President, I think this is a most constructive amendment. Now that we see the shape of the bill, including the retention of the earmarking and the disposition we just made of the amendment on the add-ons, the Prouty amendment really becomes essential to intelligent administration. I believe that the manager of the bill has come to the right conclusion, and I join him in it. We will do our best to retain it in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. NELSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of section 242 of the Act add the following new subsection:

"(b) Nothing in subsection (a) of this section shall be construed to deny the President the authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purposes of this title."

Mr. NELSON. Mr. President, let me make a brief explanation.

When the amendment offered by the Senator from California (Mr. Murphy) was adopted, it provided for veto power by the Governor over any item in the legal services program, with no appeal from that whatever. This amendment simply proposes that the President of the United States shall have the authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and further purposes of this title.

It seems to me that there ought to be some escape valve; and if that authority is given to the President, rather than to the Director of the Office of Economic Opportunity, we are sure that it will only be exercised in cases of compelling necessity.

Mr. JAVITS. Mr. President, will the Senator yield

Mr. NELSON. I yield.

Mr. JAVITS. Mr. President, the Senator from Wisconsin has explained the essence of the amendment. The real impact of the amendment is this: If we did nothing before the bill leaves here, this would be the only OEO program which is subject to absolute veto by the Governor. When it was proposed to me that this just ought to be revised—the suggestion was made that the Director again be given this authority. I vetoed that. I do not think that would be fair to the Senator from California (Mr. Murphy), and I am a little embarrassed that he is not here. But we are about to lock up the bill, and nothing can be done about it.

So I felt that by making it the President, especially this President, every Member would feel some assurance that this is not going to be handled lightly. But I do feel that there is force to the argument that inasmuch as this is the only program in the OEO that a Governor can absolutely veto, at least somewhere there ought to be a way of avoiding a really unjust solution. Obviously, there is no higher authority in our land. Considering the attitude of President Nixon with respect to this program—it is a 2-year program, so that it expires within his term—it seems to me that should make Members feel a sense of assurance with respect to the effort of dealing with a manifest injustice.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. Has the Senator from California (Mr. Murphy) been advised that this emasculating amendment is being offered?

Mr. JAVITS. I have no way to advise him. I think he is on a plane. I am embarrassed about it. The bill is about to be locked up. I have done the best thing I can think of and that is to put the authority in the President. There is no higher authority. It inspires confidence. I have explained the situation.

The PRESIDING OFFICER (Mr. Byrd of Virginia in the chair). The question is on agreeing to the amendment.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President I wish to ask the Senator from New York a question. This amendment giving the power to the President to override the decision of a Governor would that not be a delegable authority? Could he not then delegate that authority to the head of the department and we would then be back where we started?

Mr. JAVITS. I do not think that he could escape the responsibility in that way. He could call up the Director and say "should I override the Governor."

Mr. ALLEN. Would it not be possible, as soon as this measure is enacted and becomes law, for him to issue an Executive order placing the authority back in the hands of the Director?

Mr. JAVITS. I will be a conferee on the bill and if this amendment is agreed to and there is any legal question about that, I will do my utmost to lock it in. I could not see any President delegating to any other official the authority to override a Governor. Therefore, I can assure the Senator the intent is clear. It must be a decision made by and signed by the President.

Mr. ALLEN. Would the Senator object to adding the words "the nondelegable authority"?

Mr. JAVITS. I would not object. I am very embarrassed. If the Senator from Alabama and the Senator from Florida feel that is a fair disposition and we would not have a rollcall vote on it, I would accept it.

Mr. ALLEN. I think that is prudent. I feel the Senator from California (Mr. Murphy) felt so strongly about this matter. I heard him on the floor of the Senate speak with considerable emotion when he discussed the fact that he had asked for a postponement of the bill for 1 week and he did not get that postponement. He felt very strongly about the amendment, and I would hate to see the Senate emasculate the amendment that the Senate adopted by a rollcall vote.

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Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. Mr. President, I have a copy of the transcript. I cannot speak for the Senator from California. I am sure he would be the first person to agree with that. Earlier in today's debate, the manager of the bill asked the Senator from California how his amendment re-. lated to the Director's ability to override a Governor's veto and the Senator from California said, "I am unclear on that." The key point is that the Murphy proposal as presented earlier dealt with the line item veto legal service proposals.

Mr. HOLLAND. Mr. President, not only do I feel that the Senate should not act to emasculate the amendment of the Senator from California in his absence and without his knowledge, which we just voted on a little while ago before he left, but it seems to me that those of us who voted for it are left in a completely difficult situation by the offering of this amendment.

I discussed this matter with the Senator from Wisconsin at noon. The one feature of the OEO which has been most aggravating to the people of our State has been this legal setup. The Senator spoke of the fact that our bar association is very strongly against it. They are against it after they have seen it work. I see my colleague in the Chamber and I am sure he will recall that has been the case.

I do not think we should emasculate the Murphy amendment when he is not here. I do not think it is fair and we should not do it.

Mr. NELSON. Mr. President, I wish to say as to that that the Senator from California (Mr. MURPHY) is a very distinguished and helpful member of the committee that drafted the bill and conducted the hearings. This bill has been pending before the committee since April 15 of this year. He is on the committee. We had extensive hearings and markup sessions. Ten days ago we voted to report the bill to the Senate. It is not as though it was a Senator who is not a member of the committee.

Mr. HOLLAND. Will he be on the conference?

Mr. NELSON. He will be on the conference.

Mr. HOLLAND. Will the Senator agree with me that if he does not agree to that in conference this will come off the bill?

Mr. NELSON. I, speaking for myself, do not think I could. I do not know if anyone else would do that. I did not agree with him in the first place.

We discussed and debated legal services in the committee. I never saw the amendment until the moment it was brought to the floor of the Senate, so it was brought to my attention at the last moment.

I regret the Senator had commitments in California during the business week. He had them and he kept them.

I do not think it is unfair to the Senator any more than it was to me when I saw the amendment for the first time today. It is just one of those things that happen. We debated this in committee; that is, the Legal Services aspect.

I think it is really pretty strong language when it is said that only the President could override a Governor. He would never do that for trivial reasons. This is the only program within the entire OEO bill in which he could override the Governor's veto. So the amendment which makes it nondelegable only allows the President to act in a very important case in which the President thought that he was prepared to override the veto of the Governor of a State. That is pretty strong action, but it is a safety valve for some circumstances that might arise.

Mr. GURNEY. Mr. President, I came in at the end of the colloquy, but I heard my senior colleague from Florida mention something about some experiences we had in the State of Florida with Legal Services. I support him in what he said. It was an unholy mess all the way through. It satisfied no one except the legal staff of the OEO. Both Republicans and Democrats opposed it and finally we had to get the bar association to bail it out. It was more in the way of agitation and stirring up trouble than lending legal services to others. I strongly support the statement of my colleague. It was a complete disaster.

Mr. HOLLAND. If the Senator will yield to me, I thank my distinguished colleague for his statement. I was sure he would recall the experience because the matter became quite notorious in Florida.

This bill was reported during the adjournment of the Senate on Friday afternoon. Yesterday was the first day it could have been brought up. It seems to me that when the Senator from California stayed here, offered his amendment, it was debated and then voted upon in a rollcall vote on the floor of the Senate and then adopted and he left, and while he is still in the air, for Senators to offer an amendment which, in effect, can emasculate what the Senate has already done is not fairplay and not the way the Senate would want to work. So far as I am concerned, I cannot support the amendment. I hope it will be withdrawn. I would support it on only one assurance, that the conferees were to assure the Senate, in the event the Senator from California would not agree to this, or some rewriting of it in conference, where he will be a conferee, that they, too, will take that position. It seems to me, under the circumstances, that is the only way we would be justified in reversing what we have done already.

Mr. NELSON. I would not want to be in the position of suggesting that I was being unfair to the Senator. Everyone has a right, when we are in business in this Chamber, to be here and participate in the business pending before the Senate, and if he has a commitment elsewhere in his State, and he goes out to it, he cannot complain because another Senator thinks we are being unfair to him because he presented something to the Senate for action, which was a complete surprise to me, and then after action is taken, he leaves town. I do not believe that to be unfair at all.

I respect the inclination of the Senator from Florida to protect the interest of the Senator from California. I would be pleased to have him on my side under a similar circumstance. I am prepared to change what I said to him. I will, if the Senator will not agree to any modification in conference, support his position on it.

Mr. HOLLAND. With that assurance, I will withdraw my objection. I hope the request for a rollcall vote will be rescinded, and I ask unanimous consent that that may be done.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Is there objection?

Mr. JAVITS. Mr. President, let me say that I am the ranking member and——

Mr. ALLOTT. Mr. President, I want to reserve the right to object, when the Senator from New York has finished.

Mr. JAVITS. I will be happy to yield now. I appreciate what the Senator from Wisconsin (Mr. NELSON) has said. I will sustain that position. I am very much embarrassed by the situation. We do face a situation and not a theory. Unless there is something in the bill on which the conferees can act, even if the Senator from California (Mr. MURPHY) would agree, the situation would help none of us because it is hardly likely that a matter like this would be handled specially. Therefore, I think that the Senator from Wisconsin (Mr. NELSON) has shown a spirit of splendid comity in taking the position he has and I join him and believe that in that way, the rights and sensibilities of the Senator from California will be fully protected.

Mr. HOLLAND. I want to thank the Senator from Wisconsin and the Senator from New York.

Mr. President, I again renew my unanimous-consent request that the rollcall vote decision of the Senate of a few minutes ago be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object—and I do not know whether I shall or not—first let me say that since the Senator in charge of the bill was facing in the other direction, we could not hear him.

As I understand the situation, the Murphy amendment was agreed to by a rollcall vote and we are now confronted with an amendment which, in effect, would emasculate it.

Now I should like to ask the Senator in charge of the bill whether he would state clearly what the understanding is. As I understand it, number one, the Senator from California (Mr. MURPHY) will be one of the conferees and, second, that if——

Mr. JAVITS. He is already one, as chairman of the subcommittee.

Mr. ALLOTT. If the Senator from California does not agree with the present form of the amendment upon which it is now desired to recall the yeas and nays, the Senator in charge of the bill and the conferees—that being the Senate's position—will revert to the Murphy amendment and that will be the position of the Senate in the conference. Is that correct?

Mr. NELSON. That will be my position. I do not know whether all the conferees are here now, but if the Senator from California (Mr. MURPHY) does not want any modification and wants to stick with his amendment as is, I shall support him in conference.

Mr. JAVITS. Mr. President, I shall do the same. The Senator from California will be a conferee because he is the ranking minority member of the subcommittee. And the Senator from Vermont (Mr. PROUTY) feels the same way, I know.

Mr. ALLOTT. Mr. President, I know that I cannot yield to the Senator from West Virginia (Mr. RANDOLPH), but I can yield the floor and then I may object, but first I wish to find out what the Senator from West Virginia has to say.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

Mr. JAVITS. Let us withdraw the request.

The PRESIDING OFFICER. The Senator from Florida has the floor. Is there objection to the request of the Senator from Florida?

Mr. PASTORE. Reserve the right to object and then talk.

Mr. RANDOLPH. Mr. President, reserving the right to object, and I reserve the right to object, I will be a member of the conference. Senators joined with the House in consideration of the two measures that will be before us.

I have heard that the distinguished Senator from Wisconsin has said, that he binds himself but does not bind other Senators who will be conferees.

I want to assure Members of the Senate that I would also wish to bind myself in the agreement that has been made here this afternoon.

Mr. HOLLAND. Mr. President, I thank the Senator from West Virginia. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

The Chair hears none, and it is so ordered.

Mr. NELSON. Mr. President, I do not know whether the distinguished Senator from Alabama (Mr. ALLEN) offered an amendment.

Mr. ALLEN. Mr. President, I understood that the Senator from Wisconsin accepted the position, making the amendment read, nondelegable.

The PRESIDING OFFICER. Does the Senator request that his amendment be so modified?

Mr. NELSON. I request that it be modified, yes.

The PRESIDING OFFICER. The amendment will be so modified.

The question is on agreeing to the amendment, as modified, of the Senator from Wisconsin.

The amendment, as modified, was agreed to, as follows:

At the end of section 242 of the Act, add the following new subsection:

"(b) Nothing in subsection (a) of this section shall be construed to deny the President the nondelegable authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purposes of this title."

Mr. KENNEDY. Mr. President, in total wealth and in individual opportunity, no nation in the world's history can match the United States. In 1968, our gross national product was $861 billion. Median family income has reached $8,000 a year—almost $2,000 higher than in the country with the next highest standard of living. We are surrounded by the trappings of material wealth—60 million automobiles, 70 million television sets, homes owned by two-thirds of our families.

Despite our aggregate prosperity and national wealth, however, an estimated 25 million Americans still live in serious poverty—without necessities such as food, clothing, shelter, and medical attention which the fortunate of us take for granted; and without the opportunities for education and employment required to enjoy a satisfactory standard of living.

For the last 4 years, the Office of Economic Opportunity has been the focal point for a concentrated Federal effort to combat poverty in America. The problems it has faced have been great. The results it has achieved have been encouraging.

From 1965—when the OEO program began—through 1967, 7 million Americans escaped from poverty status. In 1968 approximately 4 million more Americans rose above the poverty line for that 1 year alone. OEO programs have been an important influence in achieving these results.

In my own State of Massachusetts, OEO programs have meant opportunity and advancement for hundreds of thousands of citizens. As of December 31, 1968, a total of $121 million in OEO funds have been granted to the State.

Massachusetts has 25 community action agencies—organizations formed by local people to help solve problems they have defined for themselves. In Boston, Action for Boston Community Development—ABCD—has developed several area plans and action councils to carry out OEO programs and sponsor economic development. Half of those who govern the CAP agency in Boston are poor, although the national requirement for such participation is only one-third.

In Berkshire County, the community action agency convinced the public schools to hire nonprofessional teacher aides. In Brockton, the CAP increased employment possibilities by getting a revision of civil service regulations so as to allow people lacking high school diplomas to get Government jobs.

Approximately 30,000 preschool children from disadvantaged backgrounds have been enrolled in Headstart since 1966. Five thousand and forty-six children participated in summer Headstart programs this year.

In Boston's Columbia Point housing project, 6,000 poor persons receive comprehensive medical service from three family health care teams at a neighborhood health center. The project is operated by the department of preventive medicine of Tufts University School of Medicine. Columbia Point's poor residents are being trained at the center and employed as medical assistants and family health care workers. Using the expertise developed at Columbia Point, Tufts is also operating a similar project in Bolivar County, Miss. In the Roxbury district of Boston, another neighborhood health center is operated by Boston University's School of Medicine.

Fourteen legal services programs in Massachusetts have received OEO funds. They include 11 community legal services projects—in Boston, Brockton, Cambridge, Chelsea, Fitchburg, Hyannis, Lowell, Lynn, New Bedford, Springfield, and Worcester. They also include a statewide experimental defender program in criminal law, and research and demonstration projects on poverty law conducted by Harvard and Boston Universities. Close to 300,000 low-income citizens have received legal assistance.

Over 1,900 young men and women—persons who were once hard-core social dropouts with no productive future—were trained by the Job Corps.

About 60 VISTA volunteers are now working in Massachusetts—helping Spanish-speaking school parents to organize in Boston's South End, organizing consumer cooperatives and credit unions, helping the handicapped in Fall River, working with delinquents in Worcester, and so forth. Close to 200 Massachusetts residents presently are working as VISTA volunteers throughout the Nation.

These and many other successful projects, in Massachusetts and across the Nation, have shown the potential and the effect of OEO. Much has been accomplished by Federal antipoverty programs. But more, much more, remains to be done.

In the United States today, 5.1 million Americans live in families whose yearly household income is less than the equivalent of $1,200 for a family of four. According to OEO, 1.3 million of these very poor have no cash income at all.

Another 9.3 million Americans live in families whose incomes are less than the equivalent of $2,400 per year for a family of four.

An additional 10.6 million have incomes between $2,400 and $3,600.

Even in Massachusetts, which has one of the highest per capita incomes among the States, one person in 10 lives in poverty. In 1965, Massachusetts had a per capita income of $3,050, and ranked ninth among the 50 States. The number of poor was estimated at 539,000, of the State's population at that time of 5,361,000. Two years ago Lowell, Fall River, and New Bedford were classified as areas of persistent unemployment—with an average of 6.2 percent compared to the national average of 3.8 percent. Massachusetts ranks 26th in the Nation in the number of persons below the poverty line.

For the Nation as a whole, the latest estimate of the Census Bureau is that 25,400,000 Americans—13 percent of the population—are living in poverty. Forty-two percent are children under 18. Eighteen percent are senior citizens over 65. The estimate is based on a newly established poverty line of $3,553 per year as the minimum income needed by a non-

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farm family of four to live above the poverty level.

If anything, the line seems low. For the above figure of $3,553 works out to be only $2.42 a day per person for all of his personal needs—food, clothing, housing, medical care, and all other expenses. More realistically, perhaps 40 million Americans are poor or near poor.

Once caught in the poverty cycle, it is difficult to escape. As psychologist Ira Goldenberg has said:

> Poverty is a psychological process which destroys the young before they can live and the aged before they can die. It is a pattern of hopelessness and helplessness, a view of the world and oneself as static, limited and irredeemably expendable. Poverty, in short, is a condition of being in which one's past and future meet in the present—and go no further.

It is a paradox of our times that the richest nation the world has ever known has so many of its people living in serious poverty. It is also an outrage. It is a situation which we must continue to give our highest priority.

I am sure that all of us in this Chamber agree on the need for strong and effective Federal antipoverty programs. I am sure that most of us agree on the need for extension of the Economic Opportunity Act. If there is disagreement, it is not on whether to have the bill, but rather on what the bill should contain.

I support S. 3016 as it has been reported from the Committee on Labor and Public Welfare. As a member of that committee, and of the Subcommittee on Employment, Manpower, and Poverty, I have followed the bill closely. I think that it is a good bill. I would like to comment briefly on several aspects.

First, I support the funding level of $2.34 billion for fiscal year 1970 and $2.732 billion for fiscal year 1971. When we consider the extent of poverty, this is a modest sum indeed. It works out to be approximately $100 per year for each of our Nation's 25 million poor.

Just a few weeks ago, the Senate passed a military procurement authorization of $21 billion to protect our people from military aggression. The Senate authorized going ahead with an antiballistic-missile system which eventually will cost a minimum of $15–$20 billion and probably much more.

Authorizations of $2.3 billion and $2.7 billion are equally justified to protect our people from poverty. Antipoverty programs deserve as high a priority as the military programs recently acted on by the Senate. If we cannot solve our problems at home; if we cannot give every American the opportunity for a fair, decent living; if we cannot meet the challenge of poverty in our cities and our rural areas—if we fail in these endeavors, we will have failed as a nation.

Second, I support the approach of earmarking specific funds for specific programs. We in Congress have had an opportuntiy to follow OEO, and to assess the success or failure of particular programs and approaches. It is appropriate that we give the Director of OEO guidance as to how Congress thinks the money can best be spent. By the time this bill passes both Houses of Congress and is signed by the President, there will be perhaps 1½ years left to run on the Economic Opportunity Act. The earmarkings will guide the Director for that period of time.

The bill also gives the Director flexibility. Several hundreds of millions of dollars are unearmarked at all, and the Director has discretion to transfer up to 15 percent of the funds earmarked for any program to any other program or activities.

Third, I favor increasing the authorization for comprehensive health services to $120 million for fiscal 1970 and $160 million for fiscal 1971. I offered the amendment in committee to raise these authorizations. Much higher levels can be justified, but I think that these compromise levels are a good first step in strengthening one of the most effective OEO contributions.

At present, there are 49 neighborhood health centers serving 1 million persons. 350,000 persons have actually received benefits.

But it is estimated that over 15 million persons could be served by the traditional neighborhood health center facility. Millions of others could be served by innovations and variations on that basic approach.

OEO has received applications from over 200 communities for traditional neighborhood health centers. To be fully operational, each center would require a Federal outlay of $2 million a year.

In addition, OEO could use an additional $100 million not for traditional centers but for innovation and experimentation in expanding the neighborhood health center concept. Work is necessary to adapt the approach to rural areas, to encourage medical schools to provide neighborhood health services, and to bring the approach into hospital inpatient and outpatient programs.

S. 3016 will permit modest expansion of the comprehensive health services.

Fourth, I favor expansion of the special impact program of title I D of the Economic Opportunity Act. I offered an amendment which was accepted in committee and is contained in the present bill to authorize funding levels of $54 million for fiscal 1970 and $60 million for fiscal 1971.

The special impact program has been immensely successful in mobilizing community resources and promoting community development. One of the most constructive features has been attracting outside business to locate in poverty areas and supply jobs and training for residents of those areas. The successes of the Bedford-Stuyvesant project in Brooklyn and the Hough project in Cleveland have set an example which has been duplicated in several cities and rural areas and can be applied much more broadly.

At present, OEO has applications for $93 million for 81 communities. One-hundred and seventy other community groups intend to submit proposals. Increased authorizations will allow a few of these requests to be funded.

Fifth, I support the specific authorization of $10.4 million in fiscal 1970 and $12 million in fiscal 1971 for the senior opportunities and services program. Again, I offered in committee the amendment which set these authorization levels.

In the United States today 20 million Americans are 65 or over. Forty percent of them are poor or near poor. Five million fall below the poverty line.

Two hundred and seventeen programs are funded at the present time. However, OEO has received over 300 new proposals, totaling in excess of $12 million. The new authorizations would allow a few of these additional requests to be funded.

Sixth, I think that the funding levels of $100 million for fiscal 1970 and $175 million for fiscal 1971 for emergency food and medical services is extremely important.

As a member of the Select Committee on Nutrition and Human Needs, I have seen and heard extensive testimony on the seriousness of the hunger and malnutrition problem. It is clear that Federal efforts to date have been insufficient. The food stamp and commodity distribution programs each serve only 3.2 million poor persons, for a total of 6.4 million of the currently estimated 25 million poor and 13 million near poor. Thus these programs reach only 26 percent of the 25 million below the poverty line—whose incomes place them in substantial danger of being malnourished. The select committee has estimated the "food income gap" to be $5.2 billion.

The initial Senate bill to extend the Economic Opportunity Act called for an expenditure of $1 billion for emergency food and medical services. This was later reduced in committee to $300 million, and finally to these authorization figures. There is evidence that OEO could use far greater sums. I hope that the Senate will at least approve the more modest figures in S. 3016.

Seventh, I support expansion of the legal services program. These projects have been extremely helpful in bringing free legal counsel to poor and minority groups—persons who, without such assistance, would be precluded from exercising their legal rights. But at the present time, still only 15 percent of the poor have access to legal service or VISTA lawyers. Last year over 100 communities had applications turned down for lack of funds. The authorizations in the present bill would enable the program to reach a size which was called by the American Bar Association to be "absolutely the minimum acceptable."

Eighth, I support expansion of the Headstart program. At present, Headstart serves only 10 percent of the disadvantaged children under six who should be offered child development opportunities. We have received increasing evidence that the first few years of life are critical if a child is to reach his full potential later on. The program has been a success. It should be continued and expanded.

Ninth, I am disturbed that the day care program under title V B of the Economic Opportunity Act has never been funded. If we are going to encourage mothers to work, we should offer satisfactory child care arrangements while they are on the job. That is why Congress passed title V B in the first place. And that is why I support funding of the program which we passed 2 years ago.

Finally, Mr. President, I would like to stress my own very great interest in evaluation of Federal antipoverty efforts. I am pleased that Mr. Rumsfeld, the current Director of OEO, feels that "the evaluation of programs must be one of the most important activities of the Office of Economic Opportunity." Mr. Rumsfeld has indicated that he feels evaluation has been one of the most neglected aspects of OEO, and that broad evaluation of all Federal antipoverty efforts is important. President Nixon indicated that he shares this concern in a recent letter to the chairman and ranking minority member of the Labor and Public Welfare Committee in which he says:

> The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of government-wide evaluation.

The committee report on S. 3016 discusses the importance of evaluation, the need for overall planning, the need for cross-agency evaluation and coordination, the concern of Congress that we be informed about the 5-year national poverty plan, and the importance of strengthening the National Advisory Council on Economic Opportunity. I strongly endorse the committee views on these points, and hope that the administration will be responsive.

Mr. President, the other sections of S. 3016 which I have not elaborated on are also important. Children who are not from low-income families would be able to participate in Headstart projects, if adequate private payments were made. As a member of the Special Subcommittee on Alcoholism and Narcotics, I also endorse the two new special emphasis programs—"Alcoholic Counseling and Recovery" and "Drug Rehabilitation." I agree that the legal services program should be protected from delegation to any other existing Federal agency. I support the other provisions in the bill.

Mr. President, poverty can be eliminated or very subtantially reduced. We have seen impressive gains to date. We must continue to move ahead to insure equal opportunity and hope and a chance for a better living for all Americans. With this spirit and with this commitment, I support S. 3016 and hope that it will be passed by the Senate.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that a letter from the Resident Commissioner of Puerto Rico be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> Congress of the United States,
> House of Representatives,
> *Washington, D.C., October 13, 1969.*
>
> Dear Senator: During floor debate early this week the Senate will consider the Economic Opportunity Amendments of 1969.
>
> As Resident Commissioner, I represent nearly 2.7 million U.S. citizens living in Puerto Rico, and I want to express my support and endorsement of the concepts contained in the legislation reported by the Senate Labor and Public Welfare Committee.
>
> Two features of the legislation, in particular, provide authority which, if enacted, would be of significant benefit to government personnel in Puerto Rico working on human resources problems.
>
> The first of these is Project Head Start which already provides needed educational, nutritional and health services for our preschool children.
>
> When this is combined with Follow Through, authorized by Title II of the legislation, Puerto Rico has the available means to bolster services at the pre-school and early childhood educational levels.
>
> The second is the reservation of funds under Title II of the legislation to provide $5 million for drug rehabilitation programs. These reserved funds, if added to existing and proposed authorizations, would give authorities in Puerto Rico additional and effective means in our continuing effort to control illicit drug traffic.
>
> I am grateful for your interest in your fellow-citizens in Puerto Rico.
>
> Sincerely,
>
> Jorge L. Córdova.

Mr. McGOVERN. Mr. President, I rise in support of S. 3016, the economic opportunity amendments of 1969. S. 3016 is a bill which will continue and expand the war on poverty for the next 2 years. It will expand those programs administered by the Office of Economic Opportunity which have been the most successful and the most needed by the poor—Headstart, legal services, neighborhood health services, opportunities and services for senior citizens, day care projects, programs for migrants and seasonal workers, and the emergency food and medical services program.

It is this latter program which has received the greatest expansion in funding under this year's poverty bill.

The emphasis which has been placed upon this program in the bill before us is both well deserved and necessary, for the EFMS Program has helped provide hungry families in hundreds of counties with thes assistance they need to buy food stamps and secure commodities.

In 1964 we declared, in the words of President Johnson, "unconditional war on poverty in America." We launched a campaign to educate, train, employ, house, clothe, provide legal services, a Headstart, health care and family planning for nearly 40 million poor Americans. But what we failed to do in 1964 was to declare war on what is now recognized as the most fundamental aspect of poverty: hunger and malnutrition. We left out of the battle plan for the war on poverty its most important single campaign—the elimination of hunger and malnutrition which afflicts between 10 and 15 million of our 25 million poor.

We passed the Food Stamp Act the same year we passed the Economic Opportunity Act, but we did not think of the food stamp program as part of the war on poverty. We thought of it as a way to help supplement but not meet the food needs of a few poor people and as a way to help the food business. But we did not design it and it has never been administered to fill the food-income gap which is the primary reason for the existence of hunger.

We even defined poverty, in 1964, using the cost of food as the base. Then as now, we say that a family of four whose income is less than three times the amount of money they need for food is a poor family. But when we declared war on poverty we focused upon the two-thirds of that income not related to food.

The Poverty Subcommittee discovered our error in 1967, almost 3 years later. It discovered that no effort to eliminate poverty can ignore the fact that people without enough to eat cannot hold a job or be educated.

We also discovered, in 1967, that the food stamp and commodity programs together served less than 5 million out of 30 million poor. We found that none of those 5 million received an adequate diet and that millions of others could not afford to participate in the food stamp program because they could not afford the cost of stamps. We discovered that most of the poor did not even know about food stamps or commodities and that the administration of those programs was so encumbered by bureaucratic redtape that many who did know could not become certified to participate.

The EFMS program was passed in response to these findings.

As a result, millions of Americans have benefited because the OEO had a mandate to do what the Congress did not give the Department of Agriculture authority to do under its food programs. The emergency food program was designed as both a stop gap and an experiment. As the committee points out, it now operates more than 400 projects covering about 1,000 counties. It has provided food aid in the form of cash or vouchers to purchase food stamps to those who could not afford the food stamp program; it has assisted in the distribution of commodities in commodity counties; and it has provided food in counties without family food assistance programs. It has provided services such as outreach and transportation and done all these things for the poorest of the poor who are the hungriest and the most desperate in need of help.

Let us look at the record. In its studies and field trips this year, the Select Committee on Nutrition and Human Needs has repeatedly found that the number of poor families who are actually participating in our family food assistance programs is abysmally low. Incredibly, only one of every five poor famiiles that live in counties which have a food stamp program are benefited by that program.

The problem of nonparticipation, even when a program is theoretically available, is particularly acute among families who do not receive welfare. These families are often the poorest of the poor. They do not receive even a modest welfare check. Many of them have never heard of our food programs, and those who have, lack the cash or transportation to do anything about it.

It is a tremendous tribute to the EFMS program that in the counties where it operates, participation by these abjectly poor families is 200–300 percent higher than in non-EFMS counties. I ask unanimous consent that a short table showing that program is doing just that—helping the poorest and hungriest of our citizens, be inserted in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

XUM

PARTICIPATION BY POOR FAMILIES IN FAMILY FOOD PROGRAMS: EFMS COUNTIES VERSUS NON-EFMS COUNTIES[1]

	Food stamp program participation by—		Commodity program participation by—	
	All poor	Nonwelfare poor	All poor	Nonwelfare poor
Counties with EFMS program	33	30	47	40
No EFMS program—poor counties	15	10	32	24
Nonpoor counties	13	6	24	27

[1] Based on participation in median county in each category as of February 1969. Poor county means 1 of 1,000 poorest counties in United States.

Mr. McGOVERN. Mr. President, it will no doubt be contended that even though the EFMS program has successfully provided emergency assistance to those most in need there is no longer a need for this program since the Senate has already passed a food stamp reform bill.

But that bill has not been enacted into law, and even if it is, there will still be a need for the specific services and experimentation which are at the heart of the EFMS program.

As the committee report points out, the Senate passed food stamp bill provides no funds specifically for the outreach, counseling and instruction of either food stamp or commodity program recipients.

The committee report stated:

> The Senate enacted Food Stamp Bill would by no means eliminate the need for OEO's emergency food program.
>
> Success of the reformed food stamp program will depend largely upon the ability of Federal and local agencies to provide outreach—to seek out eligible families, inform them of the program and their right to participate, and see that they are given the opportunity to become certified.
>
> The Senate Food Stamp Bill requires the Food Stamp Program be administered to insure that participants receive the necessary instruction and education so that they can spend their food stamps wisely. It also requires that it be administered to insure that all eligible families are informed of the program and assisted in becoming certified. This outreach and education effort would be conducted through existing Federal, State local and private agencies. The Senate Food Stamp Bill does not, however, provide funds for outreach and education services. Nor does it allocate funds authorized for the program for these purposes.

There is no better mechanism to provide outreach and education services than locally based community action agencies. These are the agencies best equipped to find the poor, inform them of the benefits of food programs, and see that those benefits are provided.

I shall not take further time to detail the other vital functions of the EFMS program. They are fully set forth in the committee report which describes in detail its research and development projects, seeking new ways to combat hunger and malnutrition. As the committee report states, EFMS is not merely a program designed to facilitate the use of other existing food assistance efforts, it is also a creative instrument finding new experimental approaches to feeding the poor and assuring their nutritional well being. This is a function which is performed by no other Federal agency including the Department of Agriculture. Even if there were no further need for emergency food assistance to fill the gap in our food stamp and commodity programs there is no doubt that the increased funds provided by S. 3016 for the EFMS program are needed for research and experimentation alone.

I commend the members of the Senate Labor Committee and particularly the chairman of the Poverty Subcommittee, for they have provided in this bill funds for a successful program which needs expansion and which as much as any other has helped eliminate hunger and malnutrition in this country.

SENATOR RANDOLPH ENDORSES S. 3016, THE OEO EXTENSION BILL, AS HELPFUL IN REDUCING POVERTY

Mr. RANDOLPH. Mr. President, a decade ago West Virginia was being characterized to the Nation as an abysmal pocket of poverty in an otherwise affluent America. Many of the descriptions presented a distorted picture, but it is also true that we were faced with a number of severe economic problems. People came to know how the transition of our principal industry, coal mining, to a highly automated procedure and the effects of a nationwide recession had caused unemployment, social dislocation and a lack of adequate public resources with which to attack these problems.

I am gratified to report that the situation of 10 years ago does not exist in West Virginia today. The unemployment rate has been substantially reduced, new and expanding industry has strengthened our economy, there has been widespread diversification to provide a more resilient base, and heavy public investment has aided in improving the quality of life. Our State still has problems, just as every other State does, but the West Virginia of 1969 is not the West Virginia of 1959. We are a better State.

Much of the progress we have achieved is due to the determination, resourcefulness and diligent work of the people of West Virginia. But they could not have achieved the very difficult turnaround and begun the strenuous uphill climb without the assistance afforded by a number of governmental programs. Such unique ventures as the Appalachian regional development program and the accelerated public works program have been of tremendous importance.

A leading role in ameliorating the problems of West Virginia has been performed by the Office of Economic Opportunity, through its war on poverty Creation of the Office of Economic Opportunity was a bold and venturesome step that generally has brought tangible dividends to the Nation and its people.

Thousands of West Virginia children have profited from the experiences of the Headstart program. Medical programs have helped improve the health of many. People have become involved in public decisions affecting them, and other aspects of the OEO's multifaceted attack on poverty and deprivation have made a direct impact in West Virginia and elsewhere.

There have, of course, been problems encountered in organizing and executing programs of the OEO. This is not unusual in any endeavor of such a magnitude and which approaches its task with the spirit of innovation that has characterized the OEO. The shakedown period is now completed, and the smoothing-out of administrative rough spots is reflected in the proposed legislation now before us. There are safeguards in effect and proposed that will preclude abuses of the humanitarian purposes of the effort to reduce poverty.

The proposed authorizations lean heavily toward provision for programs directly affecting people. Activities like Headstart, programs for migrant workers and elderly citizens and those providing medical services, food and legal services, all cope specifically with the needs of people.

Extension of the Office of Economic Opportunity as provided in S. 3016, a measure I helped to draft in the Labor and Public Welfare Committee, is essential if we as a people are to continue to be responsive to the needs of the less fortunate. I shall hope for the day when there is no need for the Office of Economic Opportunity, but until that time there must be an unstinting national effort to end the cycle of poverty by eliminating the root causes of economic hardship.

Mr. CRANSTON. Mr. President, I support S. 3016, a bill to provide for continuation of programs authorized under the Economic Opportunity Act of 1964.

There is overwhelming evidence that the extension and expansion of the Office of Economic Opportunity's programs is sorely needed. An August 1969, Census Bureau report showed 25,400,000 Americans living in poverty, redefined to mean less than $3,553 yearly income for a nonfarm family of four. OEO figures indicate that the present level represents a one-third reduction in poverty since OEO began its war in 1964. But statistics can be interpreted many ways and methods of measuring poverty have changed several times during that period.

Despite the significant achievements of OEO over the past 5 years, this staggering number of impoverished Americans, almost 13 percent of our population, makes manifest that our effort to eradicate the blight of poverty, especially among the 42 percent of the poor who are under 18, must continue and be vigorously pursued.

This is the crux of the recent dramatic report, "One Year Later," which stated:

> The cycle of poverty in the slums and ghettos has been slowed by the counterforce of the whirring economy. Unemployment is down and income is up, even in the hardest-to-reach places and categories of people. But the cycle of dependence, measured by the number of welfare recipients, has accelerated more than the (Kerner) Commission anticipated. . . . Progress in dealing with the conditions of slum-ghetto life has been nowhere near in scale with the problems. Nor has the past year seen even a serious start toward the changes in national priorities, programs and institutions advocated by the Commission. The sense of urgency in the Commission report has not been reflected in the Nation's response. One Year Later, published by Urban America, Inc., and the Urban Coalition, March 1, 1969.

In short, we are still committing far too few of our resources. We are still doing much too little, much too late. This

lack of response to the inequities and inequalities deeply imbedded in our way of life is a substantial cause of much of the major unrest we have seen across the country—in our inner cities and on our campuses. The cost of doing the job well can be shown to be far less, in pure economic terms, than doing it badly or not doing it at all. And cost data is only part of the story. At least as vital is the cost in human misery, human values, and the human spirit. Although these are impossible to quantify, we should have little difficulty in recognizing the results of our failure to commit ourselves fully to the type of war on poverty first envisioned by President Johnson.

S. 3016 authorizes the appropriation of $2.34 billion for OEO programs during fiscal year 1970 and $2.732 billion for fiscal year 1971. This is, frankly, not enough to do the job well. But it continues and expands the efforts which have been helping to hold the line. And it does not seem to me that it is in any way excessive to call for an annual level of Federal expenditures to fight poverty at home roughly equal to what our Government spends in 5 weeks to fight a war in Southeast Asia.

More specifically, I wish to add my enthusiastic support to the proposed significant increase in authorization for the Headstart program. Last fiscal year $327 million was authorized for Headstart. The authorization levels in S. 3016 represent an increase of one-third above that level for fiscal year 1970 and two-thirds for fiscal year 1971. Even then, the number of Headstart children served will be only about 10 percent of the 6 million disadvantaged children under 6.

That is why I was a cosponsor of Senator MONDALE's excellent bill, S. 2060, the proposed Headstart Child Development Act of 1969, which would authorize a comprehensive approach to child development for disadvantaged infants and youngsters.

As the testimony on this bill so powerfully illustrated, Headstart, as presently constituted in the fourth and fifth year of a child's life, may more aptly be termed "catchup." And, as the Westinghouse Learning study indicates, it may well be too late at that point in life to make up the gap in a child's development—to overcome the debilitation and learning impairment which a disadvantaged environment may produce.

If "Headstart" or even a "fair start" is the goal, and I think it must be, the emphasis on prenatal care and the first several years of life which Senator MONDALE's bill makes is, I feel, urgently needed. Thus, S. 2060 would authorize approximately four times the amount of funds as were appropriated last fiscal year for Headstart.

What is really at stake as we consider the future direction of poverty programs is our national security; no less. Our survival as a great, democratic nation is, I believe, challenged at this point in time by our failure to establish the proper priorities to achieve security and opportunity for all our citizens.

No Federal investment promises more far-reaching and, hopefully, enduring effects than total commitment to a program at a level over 5 years sufficient to reach the full child population so badly in need of assistance, and to do so in the crucial earliest years. Thus, I hope that passage of the Headstart provisions of S. 3016 will not in any way preclude or postpone consideration of the type of comprehensive approach to child development as proposed in S. 2060.

I would like to focus specifically on one other poverty program—the legal services program—which I believe is absolutely vital to any meaningful effort to fight poverty, its causes, and manifestations. S. 3016 would authorize a two-thirds increase over the fiscal year 1969 level in appropriations for fiscal year 1970—to $74 million—and more than double the fiscal year 1969 level in fiscal year 1971—to $90 million.

The fiscal year 1971 authorization level, which the American Bar Association recommended in 1967, would permit hiring of 2,000 more attorneys and the opening of 200 new offices. Presently, there are at least 41 metropolitan areas—two of them in California, Glendale and Chico—with populations of over 75,000 persons without any organized legal aid services.

If the poor are to become meaningful participants in our society, they must have the same access to the courts and other tribunals as those able to hire attorneys to prosecute their claims and vindicate their rights through the judicial process. Providing for redress of grievances within legally constituted channels is the very stuff of which democracy is made. Gideon against Wainwright has settled once and for all that the right to counsel cannot be predicated upon a person's pocketbook. Certainly, life, liberty, and property are as involved in certain civil cases—such as those involving welfare payments, consumer fraud, pure food, housing conditions, air pollution—as they are in most criminal cases. Yet, on the civil side of our legal system, the poor are generally denied legal counsel as defendants and similarly have no one to prosecute their legitimate rights when an affirmative action is warranted.

Day after day all of us are becoming increasingly aware of a great need in this country to make our governmental and social institutions more responsive to the needs of the people. To a significant degree, all Americans—regardless of economic status or cultural background—feel a growing frustration in their attempts to cope with or affect the huge and impersonal institutions of our times. This lack of power or response creates an attitude of hopelessness which saps our strength and limits our horizons.

In no area of our society is this hopelessness so pervasive as with the poor. Frustrated by lack of job opportunities, degraded by racial discrimination, and often educationally deprived these persons are the least able to assert the rights and benefits accorded by our society.

Mr. Justice Douglas in a dissent to a dismissal of an appeal in Hackin against Arizona in 1967 stated:

> Rights protected by the first amendment include advocacy and a petition for redress of grievances . . . and the fourteenth amendment ensures equal justice for the poor in both criminal and civil cases . . .
>
> But to millions of Americans who are indigent and ignorant—and often members of minority groups—these rights are meaningless. They are helpless to assert their rights under the law without assistance. They suffer discrimination in housing and employment, are victimized by shady consumer sales practices, evicted from their homes at the whim of the landlord, denied welfare payments, and endure domestic strife without hope of the legal remedies of divorce, maintenance, or child custody decrees.

In recent years, legal services programs funded by OEO have had a significant impact, not only on the law, but on their clients and the surrounding community. For the first time, large numbers of poor persons have been able to redress grievances through the use of counsel. The courts and the law became friends and protectors rather than a system to be loathed or feared.

Some of the finest, brightest, young legal minds produced by our law schools are applying to legal services programs each year. Because of funding limitations many of these persons must be turned down. Attorneys who are accepted must battle unbelievable caseloads while attempting to unravel years of procedure, neglect, and discrimination in pursuing their clients' causes.

Despite these handicaps these lawyers and programs have won the hard earned respect of judges, private attorneys, and bar associations across the country. They have obtained significant victories for the poor in the areas of welfare, housing, and consumer abuses. In the process they have been able to prosecute these actions at a remarkably low cost per case.

In no State has the impact of legal services programs been more significant—or more successful—than my State of California. The California rural legal assistance program provides services for the rural poor and was the recipient of the first award made by the National Advisory Committee to OEO legal services as the most outstanding legal services program in the country. The impact of this program on its client population can be measured by the results of a recent survey which indicated that 64 percent of potential clients in three California counties were aware of the program. Only the name of the late President Kennedy drew a heavier recognition factor. Also, 57 percent of those surveyed—who had received CRLA Services—felt that the courts treated the poor fairly, whereas only 40 percent of those surveyed—who were not CRLA clients—had this same view.

I ask unanimous consent, Mr. President, that the following three reports detailing important work of legal services programs in California be printed in the RECORD in full at the conclusion of my remarks: An August 1, 1969, report of the Berkeley Neighborhood Legal Services; a report entitled "Rural California: Hope Amidst Poverty" by California Rural Legal Assistance; and on August 27, 1969, report prepared by the San Francisco Neighborhood Legal Assistance Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

(See exhibit 1.)

Mr. CRANSTON. Finally, Mr. President, I wish to note that section 9 of S. 3016 contains an amendment I offered in the Poverty Subcommittee and which was unanimously adopted by the Labor and Public Welfare Committee. That amendment would extend to former VISTA volunteers the identical length-of-service credit now accorded former Peace Corps volunteers who later gain Federal employment. This provision is fully explained on pages 44 and 45 of the committee report. I am grateful that the amendment, which is noncontroversial in nature, received the support of my colleagues on the committee and I commend it to the Senate.

I think it worthy of note that this disparity of treatment between former VISTA and former Peace Corps volunteers was called to my attention by one of my younger constituents—a former VISTA volunteer—Linda A. DeCoss of Ed Cerrito, Calif. And I wish to add to the private commendation I have already extended to her this public recognition of her contribution.

Thus, Mr. President, I urge all Senators to vote for S. 3016, to place the Senate squarely behind continuing the tremendously important fight to assist 25.4 million Americans in breaking the bonds of poverty.

Exhibit 1

Report to the Board of Directors of Berkeley Neighborhood Legal Services

BNLS LAW STUDENT PROGRAM EFFECTIVE IN INCREASING QUANTITY AND QUALITY OF SERVICE TO THE COMMUNITY

This summer Berkeley Neighborhood Legal Services has had on its staff part and full-time student volunteers, and also full-time students provided by the Law Students Civil Rights Research Counsel and the federal work-study program. The students are from Columbia University in New York City, Stanford University, Hastings College of Law, Boalt Hall (University of California at Berkeley), and the University of Chicago.

With this available manpower, BNLS has cleared up the backlog on its appointment list, has handled an average of 74 cases per week, and has given better and more service to more people in the community than has ever been possible before.

Under the program any client who calls or walks in is seen immediately by the student on duty that day (except divorce cases, which are still being handled on a special appointment-only list). The student takes sufficient information to determine whether the client is financially eligible. If the client appears financially eligible the student then takes in detail the information regarding the client's problem.

At 5:00 o'clock p.m., all of the students and all of the BNLS attorneys meet to discuss the problems that have come in that day. The student presents each client's legal problem in a short statement (written and oral) and the attorneys then engage, with the students, in a collective application of legal knowledge and analysis. If more investigation or further information is needed, the student is instructed to take care of it the following day and report back at the 5:00 o'clock p.m. conference. If the client's problem is determined to be non-legal, or to be a matter which should properly be referred to another attorney or to another agency, the student is instructed to make the referral by letter or by telephone.

If the legal problem is one which involves litigation or an extensive commitment of the resources of BNLS, the attorneys discuss the legal issues throughly, to decide whether or not BNLS has resources available to take the case. They then determine which attorney shall handle it, and how it shall be handled.

This system has many advantages. Firstly, it permits law students to gain valuable experience and knowledge. Secondly, it saves the time of the attorneys and permits the handling of a much larger number of cases than has ever been possible before. Thirdly, the discussions among the attorneys permit the application of any given problem of maximum quantity of legal talent and experience for the solution of every problem. Finally, it permits a quality control over the work of BNLS, in that any action or inaction by BNLS on the case of any individual must be agreed upon after full discussion.

BNLS WELFARE CASE DOCKETED IN SUPREME COURT OF THE UNITED STATES

On the 7th of July, 1969 Berkeley Neighborhood Legal Services docketed in the Supreme Court of the United States an appeal in the case of *Lewis v. Montgomery*, appeal No. 560 Misc., U.S. Sup. Ct. Berkeley Neighborhood Legal Services attorneys representing Mrs. Lewis are contending that a California statute is unconstitutional. Welfare and Institution Code Sec. 11351 permitted the Alameda County Welfare Department to deduct from the welfare budget of Mrs. Lewis and her needy children amounts which the welfare department claimed were "available" from the income of a male friend of Mrs. Lewis. The Welfare Department claimed that even if the amounts were not available, under the statute Mrs. Lewis's welfare grant could be reduced.

DIRECTOR OF BNLS SELECTED FOR LEGAL SERVICES COLLOQUIUM

The executive attorney of BNLS, Miss Carol Ruth Silver, has been chosen to attend a legal service colloquium at Vail, Colorado in August. As stated in the announcement of the award, the Colloquium will ". . . address the causes and possible remedies for certain of the fundamental institutional injustices victimizing poor communities throughout the nation. The colloquium has been undertaken as one response to both the complexity of those problems and the diverse competing demands ordinarily made upon the attention of legal service lawyers."

OEO GRANTS SUPPLEMENTAL FUNDS TO BNLS

BNLS has received a supplemental grant of $2,977 from the office of Economic Opportunity. This sum is granted out of an amount previously returned to OEO by BNLS for "B" year. It does not represent any increase in the size of the program, but permits BNLS to wipe out a deficit which has been carried along since the closing of the "B" year books.

FBI REQUEST AID OF BNLS IN FINDING PERSONS WILLING TO COMPLAIN ABOUT POLICE MISCONDUCT

The Justice Department and the FBI have requested the assistance of Berkeley Neighborhood Legal Services attorneys in finding persons who are interested in complaining about their treatment by peace officers during the recent disturbance in Berkeley. Any person wishing to make such a complaint is requested to speak with Mr. Koenig at the BNLS office.

STATISTICS ON CASELOADS FOR QUARTER ENDING JUNE 30, 1969

During the quarter ended the 30th of June, 1969 BNLS saw a total of 277 new cases, of which 251 were accepted. The breakdown of kinds of cases is as follows:

Cases accepted; quarter ending June 30, 1969:

Consumer and employment	32
Administrative (including welfare)	36
Housing	55
Family problems (including divorce)	58
Miscellaneous (including complaints against the police)	70
Total new cases accepted	251
Cases rejected	26
Total cases	277

During the same period 282 cases were closed, as follows:

Referred	27
Advice only	110
No litigation necessary	65
Litigated (include 64 domestic cases)	80
Total	282

Rural California: Hope Amidst Poverty

(By Cruz Reynoso, Director, California Rural Legal Assistance)

Poverty is not just a lack of money or education;
it is racial discrimination,
it is cultural difference,
it is a state of mind.
Most of all, it is a position of non-participation,
the symptoms of which are apathy,
fear,
lack of organization and involvement,
divisiveness,
resentment.
It is self-denigration.
The poor see the law and lawyers as oppressors.
They come in contact with lawyers when they are being sued,
when they have been arrested,
or when their children are in trouble.
The poor see the law as benefitting those with money
and with power.
The poor have little faith that the agents of the law
—the judges, police, lawyers—
will protect them,
the poor.
The poor see laws meant for their benefit ignored and unenforced.
Most of us see a different world—
Lawyers are officers of the court;
the judges (who sit on courts) uphold the law.
The policemen enforce the law.
The law is meant to be a protector of the weak
and of the common good.
Society cannot exist without laws
and without the enforcers of these laws
including lawyers.

California Rural Legal Assistance. . . .

The poor whom we have represented
have seen that the law can be a friend;
that the law can be a vehicle for protecting the rights of the poor;
that the laws meant for the protection of the poor can be enforced;
that the powerful, too, can be accountable.

These insights can be the beginning of hope among the poor
that the law and lawyers
will serve man
irrespective of station or wealth.

A FEW OBSERVATIONS

Rosendo Montana, farm worker, McFarland: "Growers and contractors should be made to have sanitary facilities out in the field for the workers. If there is such a law that these facilities have to be provided, I can't understand what the hang-up is. If it's a law, it's a law. And it should be obeyed. CRLA should help here. Mostly the law is to protect the growers and the rich. Most of the time, when a farm worker is in contact with

the law it is because he is in trouble with the law, or the law is being used against him. And that isn't right."

California has one of the most extensive series of laws designed to protect the health and safety of farm workers in the nation. Government agencies charged with their enforcement have been derelict in their enforcement duties. CRLA has brought a number of suits, only some of which have been successful, seeking to compel the government to apply the standards set by the law to the rich as well as the poor.

Antonio Dorado, farm worker, Castroville: "I have worked for the same employer for more than a year. He grows artichokes, and I have no complaint with him. He is fair with me. Last year because of the rains I could not find work for about three months during the winter. This year when the rains come, I guess I won't be able to find work again. I don't like to have to get help from welfare. I want my self respect. I need unemployment insurance before the rains come so that I can have enough to give food and shelter to my eight children."

Every major occupational group but farm workers is covered by unemployment insurance. CRLA has a pending case seeking to provide this basic protection to every American farm worker.

Hector Reyes, community organizer, El Centro: "The government has a lot of programs, like the War on Poverty. I do believe that they are going wrong because they are trying to cure poverty without getting rid of the thing that causes povery. Can you see what I mean? Like you're trying to cure cancer with an aspirin. I think that one of the biggest problems is we got to take into consideration the people as a people, and we should try to teach the people their rights as a human being."

Most Federally-funded programs perpetuate dependence rather than encourage independence. Although most of CRLA's cases are service-oriented and designed solely to treat the symptoms of poverty, a number of its class action cases seek to deal with the causes of poverty. In addition, it has helped design various farm worker controlled corporations to produce housing and jobs.

CHARACTERISTIC PROBLEMS ENCOUNTERED BY CRLA

Rural poor need better educational opportunities

College for Farm Workers

In Gonzales, California, in a school district with a 50% student enrollment of Mexican descent, a young Mexican-American National Teacher Corps teacher was fired, and her husband's job as a school-home liaison representative eliminated, when she helped local high school students form a chapter of the Mexican-American Youth Association (MAYA). The primary function of MAYA was to encourage in Mexican-American students a pride in their cultural heritage, and to stimulate interest in further education among some who previously had accepted farm work as an end in itself. In part, the program attempted to awaken the students' interest in professional careers, such as medicine and law, and at least to encourage them to secure their high school diplomas. As a result of this dual emphasis, farm worker parents, who had always assumed that their children would be farm workers by the age of 17, began to encourage them to apply for college. A record number of Mexican-American students (35) thereafter applied under special minority-group programs at several local colleges. CRLA, after failing to convince the local school board to reinstate the fired teachers, was successful in securing a Federal Court order of temporary reinstatement.

(*Alavarez v. Force*, U.S. District Court for Northern California, No. 51089.) CRLA was joined in this suit by the Mexican-American Legal Defense and Education Fund.

Equal Education for Rural Poor

Although an equal education for all children is guaranteed by California's Constitution, local taxpayers are forced to absorb 70% of the costs of this state-guaranteed education without regard to their financial ability. Beverly Hills taxpayers, therefore, are able to provide their children with free musical instruments, intensive medical and psychiatric care, and remedial education, while rural taxpayers do not even have sufficient funds to secure an adequate number of teachers or to provide children with school transportation even when they reside three hours walking distance (10 miles) from the school. CRLA filed suit to alter this by requiring a more equitable rate of taxation and distribution of such sums throughout the state. However, as the result of a recent U.S. Supreme Court case, it dismissed its lawsuit without achieving the desired result. The Governor of California has recently proposed a plan whereby some of these tax inequities will be eliminated.

(*Silva v. Atascadero*, California Superior Court, San Francisco County, No. 595954.)

Majority Rule on School Facilities

California school children are denied adequate school facilities unless their parents can convince two-thirds of the voters in the school district to approve such facilities. As as result of this requirement, the will of the majority of voters favoring additional school facilities has been frustrated in 155 out of 218 instances in the last two years. In reliance on the Supreme Court's "one man, one vote" principle, CRLA has brought suit seeking to prevent a small minority from frustrating the education needs as determined by the majority.

(*Larez v. Shannon*, California Superior Court, Sutter County, No. 2657.)

Farmworker failure to participate in the community stems from a lack of stable, adequate employment.

Unemployment Insurance

Every major occupational group in the United States is covered by unemployment insurance benefits with the exception of one: farmworkers. A combination of Federal and State legislation precludes one of America's poorest and most seasonal occupational groups from these benefits. As a result of a CRLA lawsuit, a three-judge Federal Court is presently considering whether to declare that exclusion unconstitutional and order unemployment benefit coverage for farm workers. Should the Court so order, farm workers throughout the United States could receive approximately $250 million dollars per annum, and hundreds of thousands of them would be removed from dependence upon welfare assistance. Most important, job security would partially eliminate the need to be migratory, thereby keeping children in school throughout the year, and encouraging their parents to become involved in community affairs.

(*Romero v. Wirtz*, U.S. District Court for Northern California, No. 50213.)

Illegal Foreign Competition

Virtually every occupational group has restrictions, either by statute or professional code, on the number of persons who can practice their occupation. Farm workers are not only denied such benefits, but are faced with a continuous supply of cheap foreign labor competition. A number of CRLA lawsuits have sought to prevent illegal and unfair foreign competition without obstructing growers from securing an adequate supply of labor. Until CRLA brought a successful lawsuit on September 8, 1967, hundreds of thousands of foreign laborers (braceros) had been imported into California each year to compete with local farm workers. As a result, American citizens were forced upon welfare and deprived of work. Subsequent to CRLA's success in Federal Court, the U.S. Department of Labor on September 11, 1967, entered into a formal agreement with CRLA in which for the first time domestic farm workers were given a voice in determining future farm labor policies. Thus, in 1968 for the first time in 25 years, the U.S. Secretary of Labor announced that no foreign workers (braceros) would be imported into the United States. It is estimated that this decision provided $3 million dollars in additional income for local farm workers, a minimum of $1 million dollars in additional income to local merchants, and $750 thousand dollar savings to local welfare departments.

(*Alaniz v. Wirtz*, U.S. District Court for Northern California, No. 47807.)

Working Conditions

In 1965, California passed legislation which for the first time protected the farm worker's health and safety. Because of the inability of the appropriate government agencies to enforce the law, farm workers were compelled to go to court in a series of suits seeking what the law ordered: toilets, handwashing facilities, and drinking water for farm workers. As of the summer of 1969, neither the law of four years before, nor the conditions that the law sought to improve, had substantially changed.

(*Manriquez* v. *Mosesian*, California Superior Court, Kern County, No. 105175; *Garcia* v. *Kovaceirch*, California Superior Court, Kern County, No. 105072; *Perez* v. *Morales*, California Superior Court, Stanislaus County, No. 100602.)

Both local communities and the poor are often ignored by big government

Food and the Hungry

Congress has provided two Federal food programs to assist the poor; the Food Stamp and the (surplus) Commodity Distribution programs. As of December, 1968, 16 of California's 58 counties had refused to institute such programs. CRLA secured an injunction, before a three-judge Federal Court, to compel the U.S. Secretary of Agriculture to institute Federal food programs in each of these counties. On June 2, 1969, State Superintendent of Schools Max Rafferty joined CRLA in contending that the U.S. Secretary of Agriculture was discriminating against poor people and violating President Nixon's mandate that all hungry persons be afforded an opportunity for a minimal adequate diet. The State of California joined CRLA in this action primarily because the U.S. Secretary of Agriculture ignored the law and refused to comply with a binding Court Order to make food available for hungry persons in every California county. By the summer of 1969, California became the first large state in which every county was operating a Federal food program—CRLA, therefore, voluntarily dismissed its suit.

(*Hernandez* v. *Hardin*, U.S. District Court for Northern California, No. 50333.)

Federal Government Encourages Fathers Not To Work

Perhaps the most striking example of the Federal Government's failure to be responsive to the needs of the states, local communities, and the poor, is a CRLA case presently before a three-judge Federal Court seeking to abolish the "Don't Work" rule, a Federal welfare rule which discourages fathers from seeking employment and encourages them to desert their families. (Fathers can secure assistance for their children only if they refuse to work or desert their families.) U.S. Housing, Education and Welfare Secretary Robert H. Finch is at least equally concerned, and has submitted certain proposals to the President which could achieve legislatively the results CRLA seeks in its lawsuit:

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(*Macias v. Finch*, U.S. District Court for Northern California, No. 50956.)

Divorce or Deprivation Welfare Rule

The Federal welfare structure encourages divorces, and frequently makes assistance for children dependent on the securing of a divorce without regard to the desires of the parents. Presently pending before a Federal three-judge Court is a CRLA action seeking to abolish this "Divorce or Deprivation" rule, which annually destroys thousands of California marriages and compels a similarly high number of persons to file fraudulant divorce proceedings. A preliminary order on behalf of the clients has been issued in this case.

(*Jenisch v. State of California*, U.S. District Court for Northern California, No. 48462.)

The "Divorce or Deprivation" case is presently before the three-judge Federal Court as a result of a prior CRLA case which was the first successful Legal Services case ever brought before the U.S. Supreme Court.

(*Damico v. State of California*, U.S. Supreme Court, No. 629 misc., Oct. term, 1967.)

The poor need to be able to speak for themselves, not to depend upon others to do so

The Right To Vote

Only one major group in America is denied the ~~right~~ to vote: the American of Mexican ~~ancestry~~ who is literate only in Spanish. As the result of special Congressional legislation, even illiterates are permitted to vote in certain states. In addition, Americans of Puerto Rican ancestry, despite being literate only in Spanish, are permitted to vote in most states. The irony and the irrationality of this is graphically illustrated in California. Despite the State's long and uniquely rich Spanish-Mexican heritage, and its 11% Spanish-surnamed population, Spanish literacy has not been sufficient as a basis for eligibility at the polls. The result of this inequitable exclusion has been an increasing loss of interest in community affairs by a group that helped write the California Constitution (in both Spanish and English) and which continued to be a real part of the California community until recent decades when the California Constitution was changed. CRLA presently has before the District Court of Appeals in California a case contending that it is unconstitutional to discriminate against persons who are literate in Spanish, especially since a large number of Spanish-language newspapers and radio stations serve these people. U.S. Attorney General John Mitchell recently suggested legislation (nation-wide abolition of literacy tests) that might achieve the same result.

(*Castro v. State of California*, California Court of Appeals, No. 33529.)

Water in the Desert

Imperial County lies at the southeast corner of California. It is part of the Colorado Desert, one of the most geologically arid regions in North America. The Imperial Irrigation District, through its control of waters from the Colorado River, has made this land into the fifth most productive agricultural county in the United States. On the other hand, it still has one of the highest percentages of poor anywhere in California. This paradox has occurred partially as a result of the Irrigation District charging abnormally low water rates to the grower and unusually high rates to the consumer. The Irrigation District has been successful in continuing this inequitable system solely because it has been unconstitutionally apportioned. The voters residing in districts serving growers have 5 times more voting power than their numbers would justify. As a result, CRLA, on behalf of Imperial County consumers, has brought suit to compel the Irrigation District to permit majority rule. The case was on appeal at the beginning of summer, 1969.

(*Girth v. Thompson*, California Superior Court, Imperial County, No. 40096.)

Right to Freedom of Association

Federal law guarantees to every major occupational group except farm workers the right to join a labor union. California is one of the few states that does protect farm workers. It prohibits employers from firing any worker, including a farm worker, merely for exercising his freedom of association by joining a labor union. Some growers have recently commenced to negotiate with such farm worker unions. On the other hand, at least a few growers have not only refused to negotiate with farm worker unions, but have proceeded to summarily fire workers who have exercised their legislatively-protected right to join a labor union. In one case, 9 skilled farm workers were fired when their employer discovered that they had joined the United Farm Workers Organizing Committee, AFL–CIO. CRLA filed a lawsuit on their behalf, and within four months the men were rehired and a full settlement was reached. As part of the settlement the farm workers were guaranteed a minimum annual salary of $4,500, protected from future firing by an arbitration clause, and their rights to join a labor union were fully recognized.

(*Wetherton v. Martin Produce*, California Superior Court, Monterey County, No. 63696.)

Farmworkers Need To Have a Share in the Free Enterprise System

The problems confronting farm workers and the rural poor cannot be resolved by litigation alone. The vast housing shortage in California is one graphic illustration of the limitations of lawsuits which, at best, can only serve to redistribute qualitatively and quantitatively inadequate housing. Another example is the shortage of job opportunities for seasonally employed farm workers. CRLA; in conjunction with a number of other community organizations, has attempted to use and cooperate with the vast business acumen and financial resources available within California to resolve some of these problems without resort to conflict or litigation. Described below are two free enterprise oriented programs CRLA has participated in—the first already in operation, the second recently proposed.

Rural Development Corporation

In 1968, California's U.S. Senators jointly announced the funding of a corporation to provide technical expertise and seed money for the construction of low-income housing in rural areas. The corporation, RDC, while operating in a fashion similar to other corporations, would seek to develop new methods of design and construction in order to facilitate housing at a cost within the reach of families at the poverty level. Predicated on the philosophy that home ownership encourages family stability and community interest, most of the corporation's efforts have been in the area of home ownership. A major project, involving relatively unique design and construction methods, has been started in Calexico, a California town bordering on Mexico and heavily populated by farm workers.

Economic Development Corporation

The fertile San Joaquin Valley has one of the highest unemployment rates in the nation—it exceeds 16% during the winter and is as high as 40% for minority groups. CRLA, in conjunction with a local community action program, has submitted a proposal for an Economic Development Corporation to be operated and owned by a combination of farm workers and local businessmen. It would attempt to capitalize on the seasonal nature of employment in this agricultural area by establishing seasonal manufacturing operations, requiring minimal capital investments, in which semi-skilled and unskilled labor is necessary. The business community would contribute its business and financial expertise, and the low-income persons their labor. An example of the type of light manufacturing item that would effectively utilize unskilled and semi-skilled workers without a substantial capital investment would be the manufacture of simple furniture such as garden furniture. Common stock with voting power in the corporation would be offered to all employes in combination with a public offering to the low-income community at large. The remainder of the capital investment would be from the local business and financial community. The expectation is that in the initial year a corporation would be formed employing approximately 30 persons, which would commence work on five similar-sized and related enterprises.

Statistical overview

CRLA has a potential client community of 577,000 persons. The percentage of poor families in rural California is over three times greater than in the urban areas of the state.

	Percent
Urban poor	13.2
Rural poor	43.1

Minority groups constitute a disproportionately high percentage of all California farm workers.

[In percent]

Anglos:	
Population	78.8
Farm workers	12
Mexican-Americans:	
Population	11.1
Farm workers	67
Non-white:	
Population	10.1
Farm workers	21

California agriculture is perhaps today's most profitable business. Revenue in 1968: over $4 billion dollars. Although only 2% of nation's farms produce 10% of national cash gross receipts from farming. 75% of state's workers employed on 7% of state's farms. 79% of agricultural land owned by 7% of the farms.

Average farm workers earnings in 1967: $2,024.

Industrial workers average 2,000 hours of work a year.

Farm laborers average 1,100 hours a year.

Four out of every 5 California farm workers live in sub-standard, dangerous housing.

One out of every 3 has no toilet facilities.

One out of every 4 lacks even running water.

Farm workers have the highest occupational disease rate in California.

Twenty-five percent more farm workers than workers in general are hospitalized for serious injuries on the job.

Thirty-six percent more babies born to farm worker mothers die than is true of other occupational groups.

Farm workers are not protected by unemployment insurance or collective bargaining legislation.

Despite laws protecting children, some rural school boards have closed schools at peak harvest to provide child labor for the fields.

The percentage of family heads in rural California with only a grade school education is over three times greater than in urban areas of the state.

Urban family heads: 12.7%.

Rural family heads: 41.7%.

Almost half of California's 58 counties have no free legal assistance programs.

CRLA provides legal services in 17 counties including 7 where it is the sole legal services program.

WHAT CRLA IS

History

California Rural Legal Assistance is a statewide law firm, funded by the Office of

Economic Opportunity to provide free legal services to many of California's rural poor. It was the first OEO program designed to assist farm workers, and its initial funding in June of 1966 in the amount of $1.276 million dollars represented the largest grant ever made by the OEO office.

During the first year of its existence, its central administrative office was established in Los Angeles, with nine regional law offices throughout the state. Despite often strong political pressures, the program has been refunded each year since. For two years, CRLA also maintained a special office to represent Indians in their peculiarly Indian problems. Recognizing the enormity and the uniqueness of these problems, CRLA was successful in securing independent funding for a program to exclusively serve Indians—"California Indian Legal Services."

In 1968, the central office was moved from Los Angeles to San Francisco as an efficiency-economy measure. As a result, the central office was placed substantially closer to a majority of the clients served by CRLA's nine regional offices and to the agencies and courts where most of their problems are sought to be resolved. An office was also opened in Sacramento to conduct an advocacy and legislative information program which would serve administrative agencies, the Legislature, and other rule-making bodies on issues affecting CRLA's client community.

In the same year, the firm was named the outstanding Legal Services Program in the nation by the Office of Economic Opportunity's National Advisory Committee for Legal Services "for its service to the cause of justice for the poor, through innovation, law reform, legislative work, and test cases."

Organization

Legal services are most effective in rural areas if they are provided on a statewide basis. This is true, partly because in the sparsely populated regions of the state there is often no single county with a population large enough to support a program of its own. It is also true because clients are frequently compelled by their work to migrate from one area of the state to another, repeatedly crossing county lines, and thus losing touch with attorneys whose operations are restricted by jurisdictional boundaries. A statewide organization provides a unique opportunity for correlation of activities for maximum efficiency, and for specialization in problems of particular concern in the rural population.

The CRLA staff, statewide, consists of approximately 120 persons, of whom about 40 are attorneys and 25 are liaisons with the local community (investigators, community workers), plus appropriate secretarial and clerical staff. The central office coordinates legal and agency matters throughout the state and houses the administrative staff for tho entire organization.

Caseload and costs

During the calendar year, July 1, 1967, to June 30, 1968, CRLA accepted 10,351 new cases. Despite this average of 1,000 new cases per office, the median number of open cases per office was less than 150, indicating that there was a reasonably rapid resolution of the majority of the cases. Approximately 85% of CRLA's cases have been and continue to be conventional "service" cases—such as adoptions, wage attachments, and used car problems.

According to the monthly reports of CRLA regional offices, 25,877 clients were directly benefitted by these cases during the same calendar year, with indirect benefits being extended to as many as one million more persons because of the statewide effects of some of the cases handled.

The average cost per case during the same time span was under $100 ($96.26). This low cost was partially attributable to CRLA's low attorney-per-hour costs—$10.93 including overhead per hour as compared with a minimum of $25 per hour for associate attorneys in most California law firms. It is estimated that CRLA annually has produced income, or secured savings, to the California taxpayer in an amount in excess of one hundred times its yearly appropriation.[1]

Philosophy of service

Since its inception, the philosophy of CRLA has been to provide to the poor the same high quality of service that the wealthy client would expect from the law firm representing his interests. The poor, like the rich, are entitled to good lawyers who take the time to serve their needs. Just as the best large law firm represents business associations and groups of wealthy clients, because those groups have similar interests, so CRLA has acted as "house counsel" for groups of poor people. The problems which a poor person faces are not just his individual problems; all too often they are problems common to all the poor.

The wealthy have traditionally used the lawyer as an adviser—on what is best regarding his business, on what is best regarding his children's education, and on what is best regarding his employees. CRLA attorneys have attempted to be that type of resource for the poor—to advise regarding schools, jobs, housing and government. Those clients which CRLA has been able to serve, for it is only able to serve a fraction of those who need its services, have come to see the law as a vehicle for their betterment.

Poverty often brings despair and cynicism toward the possibility of change, individual and collective, through the legal order. The philosophy of CRLA has been and is that the poor, when served by vigorous, competent and high-minded lawyers, can have hope amidst poverty. Our short history confirms that this philosophy works.

LOCATION OF OFFICES

Central office

San Francisco, 1212 Market Street (415) 863–4911.

Regional offices

El Centro, Professional Building, Fifth and Maine Streets, Room 228 (714) 353–0220.
Gilroy, 22 Martin Street (408) 842–8271.
Madera, 529 South "D" Street (209) 674–5671.
Marysville, 116 7th Street (916) 742–5191.
McFarland, 335 Perkins Street (805) 792–2157.
Modesto, 405 "H" Street (209) 529–8452.
Salinas, 328 Cayuga (408) 424–2201.
Santa Maria, 109 East Cook, (P.O. Box 425) (805) 922–4563.
Santa Rosa, 1049 4th Street (P.O. Box 879) (707) 545–4610.

Legislative office

Sacramento, 901 "F" Street (916) 446–7901.

SAN FRANCISCO NEIGHBORHOOD LEGAL ASSISTANCE FOUNDATION

The San Francisco Neighborhood Legal Assistance Foundation averages 1150 new cases a month in its 6 offices throughout San Francisco. The following cases are representative of major litigation currently being handled by Foundation attorneys. However, the examples do not in any way cover all the substantive areas of law and types of activity in which the Foundation is engaged.

WACO v Weaver, US District Court No. 49053.

On December 26, 1968, Federal District Court Judge William Sweigert issued a preliminary injunction halting the $100 million renewal project in the Western Addition A–2 Area, until an acceptable plan had been approved, by the United States Department of Housing and Urban Development (HUD) and the Court, for relocating uprooted families. Federal law requires that HUD have satisfactory assurance that the local Redevelopment Agency will be able to relocate displaced persons into safe, decent and sanitary housing at rents which they can afford before the Agency can proceed with the project. Judge Sweigert's decision not only restrained HUD from further funding of the project, but also prohibited the local Redevelopment Agency from proceeding with the enforced displacement of residents by condemnation or threats of condemnation or by eviction or threats of eviction. It did not, however, halt demolition of buildings already acquired by the Agency and vacated by tenants. The injunction was to remain in effect until a plan could be agreed upon which, in the words of Judge Sweigert, would be "satisfactory . . . at least (in) that it assures reasonable and present availability of safe, decent and sanitary housing."

Following the decision there was extensive organizing activity in the Western Addition resulting in the formation of a Western Addition Project Area Committee (WAPAC) representing WACO and many other neighborhood organizations. WAPAC worked with the local Redevelopment Agency in preparation of a revised relocation plan which was acceptable to the community and allowed the resumption of redevelopment at the earliest time.

The suit had additional significance in that it was a class action brought on behalf of poor individuals and families residing in the project area. Previously the courts generally had held that persons who were about to be displaced from a renewal area did not have standing to sue on such issues, moreover, that such issues were not subject to judicial review.

The WACO decision produced reactions across the country; it can aid the urban poor in enforcing Federal law wherever redevelopment and urban renewal are scheduled. Its significance was noted in a New York Times article of December 28, 1968, which commented that urban renewal—"urban removal"— has traditionally been the enemy of the poor who are evicted from their homes and neighborhoods; new buildings are eventually constructed in their old neighborhoods at rents far above their means while no adequate alternate housing is provided for them.

Burns v. Montgomery, U.S. District Court, Northern District of California Civil Action No. 49018.

This was a companion case to *Thompson v Shapiro*, the Connecticut case decided in April, 1969, in which the United States Supreme Court held unconstitutional State's requirements that an applicant for welfare must have resided for at least one yeai in the state in which he is making his application, before he can be considered eligible. On June 20, 1969, Judge Alfonso J. Zirpoli granted plaintiffs' motion for summary judgment, thus enforcing the Supreme Court decision in California. Plaintiff Burns had filed this class action on behalf of applicants for welfare in California in October, 1967.

Ivy v Montgomery, San Francisco Superior Court Civil Action No. 592705.

August 11, 1969, Superior Court Judge

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[1] For example, $9 million per annum saved by the elimination of county subsidies to landlords, *Phillips v. Davenport*, California Superior Court, Monterey County, No. 64125; $3 million generated in income in 1968 through restrictions on foreign workers, *Alaniz v. Wirtz*, U.S. District Court for Northern California, No. 47807; $250 million saved in 1968 by the suit to prevent Medi-Cal cuts, *Morris v. Williams*, California Supreme Court, No. SAC–7817; and $10 million per annum saved by the food stamp case, *Hernandez v. Hardin*, U.S. District Court for Northern California, No. 50333. On the other hand, CRLA's annual budget is only $1½ million dollars.

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Alvin E. Weinberger found for the plaintiffs in this class action challenging the adequacy of rental allowances for families receiving Aid to Families with Dependent Children (AFDC). The class action was filed in June, 1968, by two San Francisco AFDC mothers and one from Alameda County on behalf of all California AFDC recipients whose housing allowances fall short of the actual amount they have to pay for safe, healthful housing.

The court found invalid the cost schedules promulgated for each county in California as violating due process as they were drawn up without any prior notice or hearing to afford recipients an opportunity to present evidence of their actual housing costs. These schedules also violate State Department of Social Welfare (SDSW) regulations, by not being based on the actual current costs of housing in each county. Both the schedules and the SDSW regulation on which they are based were found invalid as in conflict with Welfare and Institutions Code Section 11452, which requires the State Director to promulgate housing schedules regulations which provide for safe and healthful housing.

The counties must immediately pay AFDC recipients the difference between the amount of their rental allowances and the amount they pay for safe healthful housing, up to the maximum. These payments must be made pending the adoption of a new cost schedule by the State Director, which will be based on the actual cost of safe healthful housing in each county.

Alvarado v. Orr, Supreme Court of California.

In early June, the California Supreme Court upheld the decision of Superior Court Judge Robert Drews in requiring the Department of Motor Vehicles to determine whether an uninsured driver might be at fault prior to suspending his driver's license, after his involvement in an auto accident.

The unanimous decision of the Supreme Court also indicated that such drivers are entitled to a court review of the Department's determination. When there is no reasonable possibility of the driver being held responsible for damages arising out of the accident, the reviewing court must order the Department to reinstate the license.

Prior to the Supreme Court decision, the Department made no effort to determine culpability. To keep his license, a driver was required to put up security covering the injury and property loss of the other driver. If unable to do so, his license was suspended. Since an automobile is an absolute necessity—for work, emergency medical care, etc.—the loss of the right to drive created a severe hardship for drivers who could not afford to post security.

McCallop v Universal Acceptance Corporation, Superior Court, No. 605038.

In June, 1969, the U.S. Supreme Court in a Wisconsin case, ruled that prejudgment garnishment violated an individual's right to due process of law and that he must have a chance to be heard in court before his wages can be attached.

The Foundation filed suit in San Francisco Superior Court in July, 1969, on behalf of San Francisco debtors whose wages had been attached prior to judgment. On July 11, 1969, Superior Court Judge John W. Bussey ruled that the Supreme Court decision applies to California debtors and that all debtors whose wages have already been attached are entitled to have their money refunded until there is a judgment against them for this amount. The San Francisco Sheriff, who holds the attachment money in a trust fund, was ordered to refund the money until the cases are decided.

This decision will affect many indigent debtors whose wages have already been attached, and will protect countless others from similar deprivation.

Santos v Alioto, San Francisco Superior Court, Civil Action No. 604203.

Two of the Hotel's residents filed suit in District Court on March 27, 1969, on behalf of all the residents, against the Mayor, various city agencies and owners of the hotel. The suit asked for injunctive relief against the demolition of the hotel and the eviction of its residents.

The Hotel has long served as the center of the Filipino Community. Many of the 196 residents have lived there for 20 years or more. Two thirds of the residents are over 65 years old. The majority are Filipino and most of the others are Oriental. Demolition of the Hotel would mean the destruction of the Filipino community and would cause most of the residents to relocate outside the City, thus losing their employment and generally causing a tremendous emotional upheaval in their lives. Neither the Milton Meyer Company nor the City had at any point assisted in the relocation of the tenants, an extremely difficult task in San Francisco, where low income rentals for minority group members is practically non-existent.

The saga of the Hotel began in June, 1968, when a demolition permit was issued for the Hotel, without any notice to the tenants. A week later the owners had a hasty informal hearing before the City Planning Commission, which approved a permit to create a parking lot on the land upon which the International Hotel is located. Again, there was not notice to the tenants. The hearings were held two days before the relevant sections of the City Code were changed to necessitate a formal conditional use hearing rather than the informal review granted to the Milton Meyer Company, which has title to the Hotel.

In November, the tenants were notified that they must vacate the Hotel by January 1, 1969. The climax was reached, however, on March 16, 1969, when a fire in the hotel caused the death of 3 persons, and seriously damaged the property. However, 4 days later, the Superintendent of Building Inspection stated at a Human Rights Commission Meeting that in his opinion there was no hazard that would require vacating the building.

The next week a hearing was held before the Director of the Department of Public Works concerning a complaint of the Superintendent of Building Inspection that the building was in violation of City codes. The Director found that building unsafe and ordered the owner to apply for a permit to begin repairs of the Hotel within 10 days or else the Director would, by a subsequent order, direct that the building be vacated and demolished.

It was at this point that the tenants filed suit. There were several other alternatives open to the Director. It was obvious that the owners would not spend money to repair a building which they wished to demolish, if they were given any alternative. The City could have ordered the repair of the building. It is also within the power of the City to assume the cost of repair itself to bring the building up to code standard. By virtually ordering its demolition, the City assumed the responsibility for the eviction of the tenants, thus passing the matter into the hands of the Sheriff who can bring criminal actions against non-compliant tenants. This would save the company the delay, trouble and expense of bringing unlawful detainer actions against each tenant.

After the filing of the suit, there were many public meetings at which the Foundation attorneys represented the tenants. At a Coroner's Jury on April 17, it was ruled that the deaths in fire were accidental, but that there was cause for further inquiry. At the Coroner's hearing, the Superintendent of Building Inspection testified that although substandard, the hotel was not on the priority list of some 1,000 multiple unit dwellings which are far below code, but which are not scheduled for demolition.

The problem of the International Hotel was finally resolved in the form of a stunning victory for the Filipino community. A three-year lease was signed on July 10, 1969, between the United Filipino Association and the Milton Meyer Company. The Center for Community Change, a Ford Foundation funded organization which assists community organizations signed as guarantor of the lease for the United Filipino Association. Under the terms of the lease, the UFA will pay the lessor a flat monthly sum. The UFA will be responsible for repairing the damage caused to the Hotel in the fire in March, 1969, and of gradually bringing the building up to code standard. The UFA will ensure that the Hotel maintains its central role in the Filipino community and that rents charged to tenants are based on the individual tenant's income. A rent schedule has been formulated designating the percentage of income to be charged for rent. This varies from 15% to 20%, according to the amount of income. At the same time as managing the Hotel and living up to the terms of the lease, the UFA is working on the building of a permanent home for elderly Filipinos to be completed before the lease expires in 1972. The Mayor has agreed to provide an acceptable site for the permanent facility as well as staff assistance in planning. The City has also agreed to cooperate in sensible code enforcement. The UFA now has all the rewards and responsibilities of a "ghetto business," and is actively engaged in learning how to run a hotel. This resolution of the problems surrounding the Hotel and its elderly residents was reached largely by negotiation and direct political action in the face of substantial political forces and after the legal machinery of the City had implicitly condoned the demolition of the Hotel and the displacement of its tenants. The Foundation, through its Director of Litigation, Sidney M. Wolinsky, and other attorneys, has been involved throughout the lengthy proceedings as attorney for the residents of the Hotel. Numerous other agencies and individuals have been involved, including planner Marshall Kaplan, the Human Rights Commission, Self Help for the Elderly, and the Center for Community Change.

Rios v. Rudolph, San Francisco Superior Court, Civil Action No. 599285; *Davis v. Rudolph*, San Francisco Superior Court, Civil Action No. 141588; *Gomez v. Rudolph*, San Francisco Superior Court, Civil Action No. 599266.

In January, 1969, the Foundation filed 3 suits against Rudolph Ford and Ralph Williams Ford, two major car dealers in the Bay Area. Each of the class actions attack a separate fraudulent practice or pattern.

The first suit alleges that defendants deliberately and repeatedly wrote into the contract a false monthly installment figure, and then altered the figure after the contract was signed. The second suit contends that the car dealers used a false warranty to entice buyers, but that the warranty was not binding and not honored. The third suit alleges that Rudolph Ford, Ralph Williams Ford and the other dealers had an overall plan to cheat the public. This plan included refusing to sell the advertised vehicle and attempting instead to sell a higher priced car, advertising vehicles for sale after they have in fact been sold, charging excessive rates on insurance, frequently requiring insurance to be purchased when not necessary, and pressurizing plaintiffs by means of "sweat-box" techniques. These techniques consist of passing the customer from salesman to salesman, having the buyer initial a large number of documents, and negotiating in a tiny and hot office—all techniques designed to confuse and put pressure on the customer.

Certain charges in the Foundation's suits

parallel the attorney general's suit of December 16, 1969, against Rudolph Ford, which charged the firm with "fraudulent deceptive and unfair business practices . . . designed to confuse, mislead and through pressure, induce customers to sign a sales contract.

The Foundation's suits expanded upon the attorney general's suit by calling for rescission ("rollback" or "unwinding") of each of the car sale contracts, at the buyer's option they name individual defendants, such as Robert Rudolph and Ralph Williams, and allege still more fraudulent practices by the car salesmen and dealers.

Vanslayke v Williams Bayshore Chrysler Plymouth, San Mateo Superior Court Civil Action #146654.

In a suit filed July 17, 1969, in San Mateo Superior Court, customers of Ralph Williams Bay Shore Chrysler-Plymouth charged Williams and other Bay Area auto dealers with fraudulent sales and deceptive advertising.

The complaint charges the auto dealers offered to sell cars at monthly rates far lower than payments actually required by the purchase price, to get the customer to sign a sales agreement. Once the agreement is signed, the customer is told a mistake was made in figuring the monthly payments and the payments will have to be increased. The dealers are accused of similar price manipulations in calculating the costs of auto insurance. These practices, according to the complaint, are regularly used by dealers "to confuse, deceive and mislead customers in order to obtain their down payments and then trick and intimidate them into buying automobiles at higher monthly figures."

The suit also charges Williams and other dealers with making false and misleading statements in television advertisements and televising partial "views of automobiles which grossly misrepresent their actual physical condition."

Plaintiffs are seeking to enjoin Williams and other Bay Area auto dealers from continuing the alleged fraud and misrepresentation, and are asking for damages of $5,000 each from Williams. The suit, if successful, could directly affect auto dealers throughout the State.

Discovery is under way in all four auto cases, but none have as yet come to trial.

Mr. NELSON. Mr. President, have the yeas and nays been ordered on the passage of the bill?

The PRESIDING OFFICER. Yes. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from California (Mr. Cranston), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from Montana (Mr. Mansfield), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. Anderson), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Russell), and the Senator from Mississippi (Mr. Stennis), are absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. Cranston), the Senator from Connecticut (Mr. Dodd), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from Maine (Mr. Muskie), the Senator from New Mexico (Mr. Anderson), and the Senator from Arkansas (Mr. Fulbright) would each vote "yea."

I further announce that if present and voting, the Senator from Georgia (Mr. Russell) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Case), the Senator from New York (Mr. Goodell), the Senator from California (Mr. Murphy), and the Senator from Texas (Mr. Tower), are necessarily absent.

The Senator from Kentucky (Mr. Cook), the Senator from Kansas (Mr. Dole), the Senator from Illinois (Mr. Percy), and the Senator from Alaska (Mr. Stevens), are absent on official business.

The Senator from Illinois (Mr. Smith), is necessarily absent because of death in his family.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), the Senator from Kansas (Mr. Dole), the Senator from New York (Mr. Goodell), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Percy), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower), would each vote "yea."

The result was announced—yeas 72, nays 3, as follows:

[No. 125 Leg.]

YEAS—72

Aiken
Allott
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cooper
Cotton
Curtis
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Gore
Gravel
Griffin
Hansen
Hartke
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Spong
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—3

Allen
Goldwater
Gurney

NOT VOTING—25

Anderson
Brooke
Case
Cook
Cranston
Dodd
Dole
Eastland
Fulbright
Goodell
Harris
Hart
Hughes
Mansfield
McCarthy
McGee
Murphy
Muskie
Percy
Russell
Smith, Ill.
Sparkman
Stennis
Stevens
Tower

So the bill (S. 3016) was passed, as follows:

S. 3016

An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1969."

EXTENSION OF ECONOMIC OPPORTUNITY ACT

Sec. 2. (a) Section 161 of the Economic Opportunity Act of 1964 is amended (1) by striking out "for which he is responsible", and (2) by striking out "three" and inserting in lieu thereof "five".

(b) Sections 245, 321, 408, 615, and 835 of such Act are each amended by striking out "three" and inserting in lieu thereof "five".

(c) Section 523 of such Act is amended by striking out "two" and inserting in lieu thereof "four".

AUTHORIZATION OF APPROPRIATIONS

Sec. 3. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,048,000,000 for the fiscal year ending June 30, 1970, and $2,148,000,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year shall be allocated, subject to the provisions of section 616 of such Act, in such a manner that, of the amounts so appropriated for each such fiscal year—

(1) $890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs);

(2) $46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs);

(3) $1,012,700,000 shall be for the purpose of carrying out title II, of which $338,000,000 shall be for the Project Headstart program described in section 222(a)(1), $60,000,000 shall be for the Follow Through program described in section 222(a)(2), $58,000,000 shall be for the Legal Services program described in section 222(a)(3), $80,000,000 shall be for the Comprehensive Health Services program described in section 222(a)(4), $25,000,000 shall be for the Emergency Food and Medical Services program described in section 222(a)(5), $15,000,000 shall be for the Family Planning program described in section 222(a)(6), and $6,800,000 shall be for the Senior Opportunities and Services program described in section 222(a)(7);

(4) $12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);

(5) $34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(6) $16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination);

(7) $37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA). If the amounts appropriated pursuant to subsection (a) of this section for any such fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (7) of this subsection, then the amounts specified in each such clause shall be prorated to

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determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriated pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

(1) $14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;

(2) $240,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222 (a) (1);

(3) $32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legal Services program described in section 222(a) (3): *Provided*, That no part of any such funds shall be used to make any payment to any lawyer during the period that he is disbarred or suspended from the practice of law;

(4) $80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222(a) (4);

(5) $150,000,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222(a) (5);

(6) $3,200,000 for the fiscal year ending June 30, 1971, to be used for the Senior Opportunities and Services program described in section 222(e) (7);

(7) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and

(8) $50,000,000 for the fiscal year ending June 30, 1971, to be used for Day Care projects described in part B of title V.

AMENDMENT TO PROVIDE INCREASED FLEXIBILITY IN USE OF FUNDS

SEC. 4. Section 616 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out "10 per centum" the first time it appears in the section and inserting in lieu thereof "15 per centum for the fiscal year ending June 30, 1970, and 20 per centum thereafter"; and

(2) striking out the following: "; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum".

ADEQUATE LEADTIME

SEC. 5. (a) Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"ADVANCE FUNDING

"SEC. 622. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation."

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

SEC. 6. Paragraph (1) of section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentences: "Pursuant to such regulations as the Director may prescribe, persons who are not members of low-income families may be permitted to receive services in projects assisted under this paragraph. A family which is not low income may be required to make payment in whole or in part for such services where the family's income is, or becomes through employment or otherwise, such as to make such payment appropriate."

TECHNICAL AMENDMENT REGARDING TIME OF APPROPRIATIONS OBLIGATION

SEC. 7. (a) Section 242 of the Economic Opportunity Act of 1964 is amended by inserting after the first sentence thereof the following new sentence: "Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor."

(b) All obligations under the Economic Opportunity Act of 1964 which have been heretofore recorded substantially as provided in the amendment made by subsection (a) of this section are hereby confirmed and ratified.

NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

SEC. 8. Section 222(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(8) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $10,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program.

"(9) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marihuana, hallucinogens, and transquillizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. Of the sums appropriated or allocated for programs authorized under this title, the Director shall reserve and make available not less than $5,000,000 for the fiscal year ending June 30, 1970, and not less than $15,000,000 for the fiscal year ending June 30, 1971, for the purpose of carrying out this program."

AMENDMENT WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

SEC. 9. The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under section 222(a) (3) of such Act. The Director of the Office of Economic Opportunity shall not delegate the program authorized under such section 222(a) (3) to any other existing Federal agency.

CREDITING SERVICE OF A VISTA VOLUNTEER

SEC. 10. (a) Section 8332 of title 5, United States Code, is amended as follows:

(1) in subsection (b)—

(A) strike out "and" at the end of clause (5);

(B) strike out the period at the end of clause (6) and insert in lieu thereof a semicolon and the word "and"; and

(C) add at the end thereof the following new clause:

"(7) a period of service of a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 only if he later becomes subject to this subchapter."

(2) in subsection (j)—

(A) after "1956," in the first sentence, insert "the period of an individual's services as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964,";

(B) before "volunteer or volunteer leader" in the second sentence, insert "volunteer under part A of title VIII of the Economic Opportunity Act of 1964 or as a"; and

(3) Before the period at the end of the last sentence, insert a comma and the following: "and the period of an individual's service as a volunteer under part A of title VIII of the Economic Opportunity Act of 1964 is the period between enrollment as a volunteer and termination of that service by the Director of the Office of Economic Opportunity or by death or resignation".

(b) Section 833 of the Economic Opportunity Act of 1964 is amended by—

(1) striking out in subsection (a) "subsection (b)" and inserting in lieu thereof "section 8332 of title 5 of the United States Code, and subsections (b) and (c) and this section"; and

(2) adding at the end thereof the following new subsection:

"(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"(1) for the purposes of section 852(a) (1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a) (1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment."

(c) The amendments made by subsections (a) and (b) of this section shall be effective as to all former volunteers employed by the United States Government on or after the effective date of this Act.

AUDIT REQUIREMENT

SEC. 11. Section 243 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new subsection:

"(e) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under this title."

USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

SEC. 12. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment at Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations with satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, including, without limitation—

(1) special remedial programs;

(2) summer youth programs;

(3) exemplary vocational preparation and training programs;

(4) cultural enrichment programs, including music, the arts, and the humanities;

(5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and

(6) youth conservation work and other conservation programs.

(b) To achieve the objectives of this section, the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor.

AMENDMENT WITH RESPECT TO THE GOVERNOR'S VETO

SEC. 13. Section 242 of the Economic Opportunity Act of 1964 is amended by——

(1) striking out "In" and inserting in lieu thereof "Except as provided in the second sentence of this section, in";

(2) inserting after the first sentence thereof the following: "No portion of any contract, agreement, grant, loan or other assistance made with, or provided to carry out the provisions of section 222(a) (3) of the Act (relating to the Legal Services program) shall be made with or provided to any State or local public agency or any private institution or organization for the purpose of carrying out such provisions within a State unless a plan setting forth such proposed contracts, agreement, grant, loan or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved, in whole or in part, by the Governor within thirty days of such submission."; and

(3) by adding the following new subsection:

"(b) Nothing in subsection (a) of this section shall be construed to deny the President the nondelegable authority to reconsider any plan disapproved by the Governor if the President finds the plan to be fully consistent with the provisions and in furtherance of the purposes of this title."

AMENDMENT WITH RESPECT TO WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES

SEC. 14. (a) Upon receipt of any amount of a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 the recipient shall set aside a portion of the amount so received sufficient to satisfy the expected liability of the recipient for the taxes imposed by chapters 21 and 23 of the Internal Revenue Code of 1954.

(b) Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under the Economic Opportunity Act of 1964 is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director of the Office of Economic Opportunity shall suspend any portion of such payment due to such person and shall not make or enter into any new grant, contract, agreement, loan or other assistance under such Act with such person until the Secretary of the Treasury or his delegate has notified him that either such person is no longer delinquent in paying or depositing such taxes or that adequate provision has been made for such payment.

Mr. NELSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 3016.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I voted "yea" for the passage of this bill largely because of the fact that I do strongly support the Headstart program. I want it distinctly understood that there are other portions of the bill which I do not favor, and that I reserve the right, in the hearings on appropriations, to consider them on what I think are their very small merits.

I might state also that I voted for this bill, in some measure, because of the cordial and conciliatory way in which the matter has been handled on the floor, particularly in the most recent discussions. I want it to be clear that I do favor Headstart, and that much of the rest of the bill I do not favor.

Mr. NELSON. Mr. President, I should like to say, first, that as chairman of the subcommittee I appreciate very much the wonderful cooperation that I have received from the Senator from New York (Mr. JAVITS) and all the members of the minority who have worked with us over the past 6 months, off and on, through the hearings and in the markup, in order to develop what I think is a genuinely bipartisan bill. It could not have been done without the kind of spirit of cooperation that was manifested by the minority at all times; and, though we had differences from time to time, I think we resolved them with honest and fair compromise on each occasion.

I also wish to thank the members of the majority who worked so hard and cooperated so fully in getting this bill together, and as well the hard-working members of the staff on both the minority and the majority sides, who did the yeoman work of researching and putting the details of the committee report and the bills together, and performed all the various kinds of work without which we could not have gotten any bill before the Senate at all. I particularly wish to thank the majority staff of the subcommittee—William Bechtel, William Spring, Richard Johnson, Carol Williams, and Carole Dunn, and the minority staff—John Scales, Jo Ann Newman, Betty Noble, and Whitney Stewart.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. JAVITS. I realize that whenever a difficult and important bill is over, these things are said; but the amount of work that goes into getting a job like this completed by committee members and staff is so great, and the degree of public spirit which is displayed in the compromise of views very deeply and sincerely held is so great, that it must be credited.

I had the invaluable assistance of Mr. Scales, the minority counsel on this particular subcommittee.

The Senator from California (Mr. MURPHY) is the chairman of the subcommittee. I am the ranking member of the whole committee and a member of the subcommittee. Senator Murphy would be speaking if he were here today. He did a remarkable job himself. He was most understanding and cooperative.

I wish to express my real satisfaction to the Senator from Wisconsin (Mr. NELSON), who epitomized the attitude he has exhibited toward members of the committee by the graciousness with which he handled the problem we had about an amendment following Senator MURPHY's necessary departure for California.

I compliment also the majority staff for the very hard work they have done, particularly William Bechtel, Richard Johnson, William Spring, Carole Dunne and Carol Williams. The satisfaction from these efforts comes through the realization of what is done for millions of Americans by virtue of the bill we have acted upon; and I think the members of the staff can very well feel that they have had a really creative part—as much as we—in the final result.

Other members of the majority who were very active on this bill included the Senator from Minnesota (Mr. MONDALE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Massachusetts (Mr. KENNEDY); and, of course, without our chairman, the Senator from Texas (Mr. YARBOROUGH), the bill would never have come to the floor; for the cooperation and leadership of the chairman of the committee is indispensable.

On the minority side, this debate on the bill could have been extended interminably by the Senator from Colorado (Mr. DOMINICK), the Senator from Vermont (Mr. PROUTY), and the Senator from California (Mr. MURPHY); but, feeling that they wanted the bill expedited, they handled the parts where they disagreed with great understanding and expedition, with the result of getting the bill passed in a day and a half. I am very grateful to them, and again I state I feel that the reward will come in the realization of the good we do.

Mr. YARBOROUGH. Mr. President, as chairman of the Committee on Labor and Public Welfare, I congratulate particularly the Subcommittee on Manpower and Poverty for their fine work on this bill, as exhibited on the floor of the Senate today. There has been great cooperation on the subcommittee between the majority and minority members, as cited by the distinguished ranking minority member of the committee, the Senator from New York (Mr. JAVITS), in bringing out a bill that authorizes the appropriation of more money, despite all the attacks on the poverty program,

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than was spent last year, and we think to better purposes. There have been some transfers and a shaking out of the less successful programs, with better support for the more successful programs. I believe the bill as passed represents a consensus of the views of both parties.

I particularly congratulate the distinguished Senator from Wisconsin, the chairman of the subcommittee (Mr. NELSON), who held long and arduous hearings, and the members of the minority who participated in them. As chairman of the full committee, I thank the members who attended the hearings and gave us their support. It is not easy to obtain a quorum these days. We have a rule in our committee that it can vote only with a majority of the committee present. Some committees do not have that rule. It was sometimes difficult, due to the absence of Senators for illness and other reasons, to obtain a quorum.

I believe we brought out a good bill, which, with the mine safety bill, the construction safety bill, and a number of other bills, adds up to a very significant record of accomplishment for the committee this year. I feel privileged to serve on the committee with the other 16 members, all diligent men, from both parties. The passage of this bill is another significant achievement they have attained through winning the confidence of the Senate on all but, I beileve, two amendments. After 2 years of one of the most controversial programs in the history of the Nation, to bring this major bill before the Senate and achieve its passage with only two contested amendments is, I think, a wonderful achievement for the committee.

Mr. KENNEDY. Mr. President, first of all, I commend the chairman of the Subcommittee on Manpower and Employment, as have the rest of my colleagues. I think few pieces of legislation which have come before the Senate have had a more direct effect on the lives and well-being of the people than will this measure.

As we all know, the history of this program has been that of a program which has done great good. It has been the subject of significant controversy as well. But any kind of endeavor which addresses itself to really meeting critical human needs and human problems would naturally engender some controversy.

I believe the chairman of the subcommittee has performed an extremely and sensitive service to the Senate. I commend the Senator from Wisconsin (Mr. NELSON) for his work on the legislation.

I commend the minority Members who have performed so well in the development of the legislation.

Mr. BYRD of West Virginia. Mr. President, I add my comments to those Senators who have expressed appreciation and admiration for the excellent work of the able Senator from Wisconsin (Mr. NELSON) in managing the bill on the floor today. I commend also the ranking minority member of the subcommittee, the senior Senator from New York (Mr. JAVITS).

It was a very fine display of work on the part of the Senator from Wisconsin and a very fine display of leadership with respect to a difficult bill to manage.

I voted for the bill, although there were certain aspects of the poverty program which I do not support on the basis of our experience in the operation of the program. However, I expect to vote to support reductions in appropriations when the time comes. And I reserve my right to do so with respect to those programs which I do not fully support.

I again compliment the able Senator and the members of the Subcommittee on Employment, Manpower, and Poverty.

AGREEMENT WITH CANADA RELATING TO ADJUSTMENTS IN FLOOD CONTROL PAYMENTS TO THE CANADIAN GOVERNMENT—REMOVAL OF INJUNCTION OF SECRECY

Mr: KENNEDY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive H, 91st Congress, first session, the "Texts of Notes Constituting Agreement with Canada Concerning Adjustments in Flood Control Payments," dated August 18 and 20, 1969, transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the approval of the Senate, I transmit herewith the texts of two notes, signed at Washington and dated August 18 and 20, 1969, constituting an agreement between the Government of the United States of America and the Government of Canada concerning adjustments in the flood control payments by the United States Government to the Canadian Government as a result of early completion of projects (Arrow Dam and Duncan Dam) contemplated by Article II (2)(b) and (c) of the Columbia River Treaty.

It is provided in the agreement that it will enter into force upon notification by the United States Government to the Canadian Government that all internal measures necessary to give effect to the agreement for the United States have been completed.

Pursuant to the treaty relating to cooperative development of the water resources of the Columbia River basin signed at Washington on January 17, 1961, Canada constructed the Duncan Dam and the Arrow Dam in British Columbia. The treaty provides that the United States shall pay to Canada specified sums with respect to each of the dams for the flood control benefits. The sums specified were based on a period of 55 years of flood control benefits, and it was expected that the projects would be completed subsequent to the spring of 1969. The dams actually commenced operation well in advance of the expected dates, so that the United States has received additional benefits for two years in the case of Duncan Dam and one year in the case of Arrow Dam.

The treaty provides that the United States would pay less if full operation of the storage were not commenced within the time specified, but does not provide for additional payments if such operation were commenced prior to the time specified. By an exchange of notes dated January 22, 1964, prior to the entry into force of the treaty, the two Governments agreed to consult with a view to adjustments in the payments if there should be an early completion of the dams. The agreement transmitted herewith has resulted from such consultation. It provides for a payment to Canada of a total of $278,000 for the additional flood control benefits resulting from early completion of Duncan Dam and Arrow Dam.

The treaty of 1961 does not without modification provide a basis for authorizing the additional payments. It is desirable, therefore, that in effect the treaty provisions be modified so that there may be an adequate legal basis for an authorization for appropriations. The notes of August 18 and 20, 1969 have been exchanged for this purpose.

I also transmit for the information of the Senate a report by the Secretary of State relating to the agreement effected by that exchange of notes.

I urge that the Senate give early and favorable consideration to the agreement concerning adjustments in the flood control payments by the United States Government to the Canadian Government.

RICHARD NIXON.

THE EISENHOWER DOLLAR

Mr. KENNEDY. Mr. President, I move that the Senate proceed to the consideration of calendar No. 447, Senate Joint Resolution 158. I do this so that it will be the pending business.

The PRESIDING OFFICER. The measure will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 158) to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. DOMINICK. Mr. President, at the appropriate time tomorrow I will offer a substitute for the resolution which would provide for a dollar with 40 percent silver in it for 3 years, followed by the cupro-nickel clad type.

For the RECORD, there will be a vote tomorrow as soon as I can get it after we have had a chance to debate the matter.

Mr. KENNEDY. Mr. President, by agreement there will be no vote on this matter today. It will be unfinished business when the Senate convenes tomorrow.

ORDER FOR ADJOURNMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate adjourns this evening, it stand in adjournment until noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION ACCEPTS INCREASED UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, it is time for the Nixon administration and its economic policymakers to specify the detailed plans and policies they have prepared to deal with added unemployment if the rate should continue to rise.

I have sent a letter to Secretary of the Treasury Kennedy asking for the administration's detailed plans to deal with such an adverse economic situation.

Secretary of the Treasury Kennedy testified before the Joint Economic Committee last week that the 4-percent jobless rate was acceptable. But he and Budget Director Mayo indicated that they had no plan or program to deal with a further rise in unemployment. They have no plans to deal with joblessness if it becomes a more serious problem than the present inflation.

Later the Secretary recognized the serious consequences of this position and said the administration is unhappy with any increase in unemployment including that suffered last month.

He also said the administration is prepared to act decisively if unemployment rises too sharply. But the administration was unable to give our committee any specific program to combat rising unemployment other than a termination of the President's public works cutback order. This termination as Mr. Mayo admitted would have a minuscule effect on employment.

This is both a shocking and disheartening situation. Joblessness and unemployment are the most shameful wastes of all. They waste time, skills, and human resources which can never be recouped.

Furthermore, the Nation will be far less willing to take the unpopular steps to deal with the serious problem of inflation and the continuing steep rise in prices if there is no plan or no policy to head off a higher level of unemployment than now exists.

I have addressed my letter to the Secretary in the hope that it may induce some long overdue planning on the administration's part.

Any administration should be thoroughly prepared with specific plans for adverse economic eventualities. This is especially true for a problem as highly sensitive as increasing unemployment.

We no longer operate in the climate of the early 1930's. The Nation is as unwilling to purchase price stability at the expense of full employment as it is equally unwilling to purchase full employment at the expense of high prices.

But according to the testimony of two of its chief economic policymakers, Secretary Kennedy and Budget Director Mayo, the administration has no major program to halt inflation except high interest rates and tight money. Equally, they testified the administration has no plans to stop unemployment if the jobless rates continue to go up.

We now face a twofold danger. Not only does inflation exist but we also face the prospect that it will be combined with excessive unemployment.

That would be the worst of both worlds. We need leadership from this administration to combat both problems.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. KENNEDY. Mr. President, I move in accordance with the previous order that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. The motion was agreed to; and (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, October 15, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate, October 14, 1969:

IN THE MARINE CORP

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of major general:

Douglas J. Peacher
Charles T. Hagan, Jr.

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

John R. Blandford
William J. Weinstein
Harold L. Oppenheimer

HOUSE OF REPRESENTATIVES—*Tuesday, October 14, 1969*

The House met at 12 o'clock noon.

Rev. Richard T. Gaul, S.J., director of development and alumni, Jesuit High School, El Paso, Tex., offered the following prayer:

Unless the Lord guard the city, they labor in vain who build it.—Psalms.

Heavenly Father, teach our lawmakers to hear their constituents but to heed their own consciences, to make laws the people can accept because You, Father, have already blessed them. Teach them to consult You on Capitol Hill as Moses consulted You on the hill of Sinai, that so You may deliver into their hands laws filled with Your knowledge, Your wisdom, and Your fatherly love.

Teach them that a public office is a public trust but that America puts all its trust in You who alone give us reason to trust one another as brothers of a common Father. Heavenly Father, bless our President, the Speaker of this House, and all its Members, as together we pray: Direct all our actions by Your holy inspirations, help us to carry them on by Your gracious assistance so that every word and work of ours may begin in You and happily find its completion in You, our Father in Heaven. Amen.

FATHER RICHARD T. GAUL, S.J.

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, today this House is honored to have Father Richard T. Gaul, S.J., deliver the invocation. It is apparent from the depth of the prayer and its poetic and theological balance that Father Gaul is a human being of considerable substance. His background, reflected in this prayer, is witness to the depth and insight resulting from years of dedication to mankind.

He was born 1903 in the western hills of Massachusetts at Pittsfield, where he was reared and was educated in his early years. From these solid beginnings of his New England upbringing, his motivations led him, after his graduation from Holy Cross college in Massachusetts to enter the Society of Jesus, in Macon, Georgia, in August 1921 to dedicate his life to his fellow man. The course of his life has taken him crisscross through the Southland and Southwest of the United States, each position being one of responsibility and service to men of all faiths. Among other positions, he served as dean of men at Springhill College, in Mobile, Alabama, during the trying years of World War II. He then was made pastor of the Church of Immaculate Conception, in El Paso, Tex., and while in that capacity served as the first superintendent of Catholic Schools in El Paso, Tex.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1471. An act to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13194) entitled "An act to amend the

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Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 54. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

TO DECLARE A NATIONAL DAY OF PRAYER AND CONCERN FOR AMERICAN SERVICEMEN BEING HELD PRISONER IN NORTH VIETNAM

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the joint resolution (H.J. Res. 910) to declare a National Day of Prayer and Concern for American servicemen being held prisoner in North Vietnam, and ask for immediate consideration of the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 910

Whereas the inhuman treatment of our military men who are prisoners of war in North Vietnam is now well documented; and

Whereas the families of many of these men are not sure whether or not these men are alive; and

Whereas the citizens of this Nation have a moral obligation to assure these families that they have not been forgotten: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 9, 1969, be declared a national day of prayer and concern on behalf of the American servicemen being held prisoner by the North Vietnamese.

Mr. WHITEHURST. Mr. Speaker, I am heartened today that the House has seen fit to pass the resolution calling upon President Nixon to declare Sunday, November 9, a National Day of Prayer and Concern for our airmen who are prisoners in North Vietnam.

Mr. Speaker, several weeks ago several hours were devoted on this floor to the plight of these men. Their wives and loved ones filled the gallery listening to our words of concern. We cannot let that be an isolated incident to be quickly forgotten in the face of those voices being raised for an immediate pullout. We need to call the attention of all Americans to the fate of these brave men. Here is an opportunity for people, no matter what their view of the war, to unite in prayer for the safety of these men. Here is an opportunity for us to bring this issue to the attention of the world and perhaps cause Hanoi to divulge the names of those men whom they hold captive.

I am pleased to note that the House leadership has unanimously endorsed this move, and I am writing to President Nixon at once urging him to take action as he has been requested.

Mr. DOWNING. Mr. Speaker, I am tremendously pleased that today the House will pass House Resolution 910, which was introduced by my colleague, the gentleman from Virginia (Mr. Whitehurst), and myself. I would like to take this opportunity to thank the Speaker and the leadership on both sides of the aisle, and certainly nothing along this line could have been accomplished without the cooperation of the able chairman of the House Judiciary Committee, the gentleman from New York (Mr. Celler), and the equally able chairman of the subcommittee, the gentleman from Colorado (Mr. Rogers). I would sincerely hope that the other body works as expeditiously so that we can meet the November 9 deadline.

Mr. Speaker, the authors of this resolution, as well as all the other Members of this body, were deeply moved when the wives and mothers of our men imprisoned in North Vietnam came to the Congress last month. With tearful eyes they came to us, not in anger, not in protest, but with feelings of concern and frustration. Their actions could never be deemed unpatriotic or un-American. No, indeed; they were in the finest traditions of Americanism. These young wives, some of whom have not seen or heard from their husbands for 3 or 4 years, were brave and understanding—and we were proud of them.

Our country is at war, whether it is formally declared so or not. But our war is one of defense and not one of invasion. We do not seek—and we never have—the lands or peoples of any other country. We are simply trying to aid the South Vietnamese in the defense of their country. We are honoring an international commitment made many years ago. Again, I emphasize we have no desire to conquer the country of North Vietnam and to decimate its people in so doing. I have no doubt that we have this capability. I have no doubt that we could literally destroy all that in North Vietnam in a very few days if this were our wish.

In the honoring of our commitment, it has been necessary to send over one-half million of our finest young men to Southeast Asia. Those brave human beings did not wish to be involved in the bloodshed of war, but they answered their country's call, as patriotic Americans have since the dawn of our country's existence.

Some of these men have been killed, wounded, or captured. This is the price of war, we know. But it is the status of the captured Americans that we cannot understand. If our enemy was a nation of barbarians, savages, or crazed people, it would not lessen our sorrow, but it would be more understandable. But North Vietnam is not such a nation. And how she can permit this inhumane treatment of her prisoners, I cannot understand.

I sympathize deeply with the wives and loved ones of our boys who are imprisoned in North Vietnam. They have been brave and patient and there is no question that they love their country as deeply as their men.

This resolution simply states that November 9, 1969, be declared a National Day of Prayer and Concern on behalf of the American servicemen being held prisoner by the North Vietnamese. We hope it will give those brave young men encouragement and assurance that a grateful country still cares. We hope it will give them strength to endure their ordeal. We hope that somehow it will give them hope.

If it does those things our efforts will not have been in vain.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rogers of Colorado: On page 1, strike out all "whereas" clauses.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 12781, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1970

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on H.R. 12781, the Department of the Interior and related agencies appropriation bill for fiscal year 1970.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Conference Report (H. Rept. No. 91–570)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12781) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 27, 31, 38, 42, 43, 54, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 8, 10, 11, 12, 13, 14, 17, 21, 26, 28, 29, 32, 33, 36, 39, 46, 47, 48, 49, 50, and 51; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree

to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,899,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$176,703,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,750,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$24,000,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,300,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$48,850,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,800,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert: "and including not to exceed ninety-seven for police type use, which may exceed the general purchase price limitation for the current fiscal year by the cost of air-conditioning and not to exceed $300 for police type equipment; purchase of two aircraft, one of which shall be for replacement only, and acquisition from excess sources without reimbursement of two additional aircraft; and to provide, notwithstanding any other provision of law, at a cost not exceeding $50,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$192,810,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$99,481,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert $13,790,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,050,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$700,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$192,500"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 15, 16, 20, 24, 35, 40, and 41.

Julia Butler Hansen,
Michael J. Kirwan,
John O. Marsh, Jr.,
George Mahon,
Ben Reifel,
Joseph M. McDade,
Wendell Wyatt,
Frank T. Bow,
Managers on the Part of the House.

Alan Bible,
John L. McClellan,
Robert C. Byrd,
Karl E. Mundt,
Milton R. Young,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

Public Land Management

BUREAU OF LAND MANAGEMENT

Amendment No. 1: Technical correction as proposed by the Senate.

Amendment No. 2: Technical correction as proposed by the Senate.

Amendment No. 3: Appropriates $52,573,000 for management of lands and resources as proposed by the Senate, instead of $52,600,000 as proposed by the House.

Amendment No. 4: Appropriates $2,899,000 for construction and maintenance instead of $2,925,000 as proposed by the House and $2,873,000 as proposed by the Senate.

Amendment No. 5: Technical correction as proposed by the Senate.

BUREAU OF INDIAN AFFAIRS

Amendment No. 6: Appropriates $176,703,000 for education and welfare services instead of $176,000,000 as proposed by the House and $177,503,000 as proposed by the Senate. The amount provided includes $1,500,000 for kindergartens in public schools; $392,000 for a college work-study intern program; and $253,000 for community development programs. The conferees agree that none of the funds provided for kindergartens in public schools shall be used for administration by the Bureau of Indian Affairs. The conferees further agree with the Senate Report language which stipulates that $300,000 of funds provided for the improved curriculum program shall be utilized for additional dormitory personnel as indicated in the House Report.

Amendment No. 7: Appropriates $55,242,000 for resources management as proposed by the Senate instead of $55,692,000 as proposed by the House. The conferees agree that $100,000 of funds available for repair and maintenance of buildings and utilities shall be used for the work-learn program.

Amendment No. 8: Appropriates $26,264,000 for construction as proposed by the Senate instead of $25,373,000 as proposed by the House.

BUREAU OF OUTDOOR RECREATION

Amendment No. 9: Appropriates $3,750,000 for salaries and expenses instead of $3,500,000 as proposed by the House and $4,090,000 as proposed by the Senate. The conferees agree to the continued use of not to exceed $50,000 for expenses of the Citizens' Advisory Committee on Environmental Quality pending action on authorizing legislation now in Congress.

Land and Water Conservation

Amendment No. 10: Appropriates $62,000,000 for payments to states as proposed by the Senate instead of $75,000,000 as proposed by the House. The conferees are in agreement that payments to states should be accelerated when the backlog of Federal acquisition has been materially reduced. It is also the opinion of the conferees that those states which charge higher admission prices for out-of-state visitors to enjoy local recreation areas contravene the sense of the national recreation program.

Amendment No. 11: Appropriates $26,572,000 for the National Park Service cash program as proposed by the Senate instead of $17,772,000 as proposed by the House. The amount provided includes the following: Assateague Island National Seashore, $2,789,718; Biscayne National Monument, $2,500,000; Delaware Water Gap National Recreation Area, $2,000,000; Indiana Dunes National Lakeshore, $5,000,000; North Cascades National Park, $250,000; Ozark National Scenic Riverway, $558,100; Guadalupe Mountains National Park, $115,000; Glen Canyon National Recreation area, $150,000; San Juan Island National Historic Park, $476,300; Pictured Rocks National Lakeshore, $743,100; Inholdings, $674,182; Grand Teton National Park (JY Ranch), $1,050,000; Court awards (Padre Island National Seashore), $12,115,600; Wild and scenic rivers, $100,000; and National trails system, $50,000.

The conferees are in agreement that the fiscal year 1970 contract authorizations for the National Park Service be reexamined and resubmitted for Committee approval at a later date.

Amendment No. 12: Appropriates $13,700,000 for Forest Service acquisitions as proposed by the Senate instead of $11,500,000 as proposed by the House.

Office of Territories

Amendment No. 13: Appropriates $14,921,400 for administration of territories as proposed by the Senate, instead of $14,700,000 as proposed by the House.

Amendment No. 14: Appropriates $40,612,000 for trust territory of the Pacific Islands as proposed by the Senate, instead of $41,612,000 as proposed by the House.

Geological Survey

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $95,755,000 for surveys, investigations and research instead of $95,628,000 as proposed by the House, and $95,115,000 as proposed by the Senate. The increase over the Senate allowance includes $240,000 for artificial ground water recharge, and $400,000 for initiation of a program to evaluate exploratory geophysical data of unleased Outer Continental Shelf areas.

Bureau of Mines

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $39,-

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331,000 for conservation and development of mineral resources instead of $39,000,000 as proposed by the House and $38,536,000 as proposed by the Senate. The increase over the Senate allowance includes $100,000 for research on synthetic fuels; $600,000 for research on development of technology for mining methane laden coal deposits; and $95,000 for initiation of a program of mine subsidence inventories and mine mapping.

Amendment No. 17: Appropriates a $14,332,000 for health and safety as proposed by the Senate instead of $14,782,000 as proposed by the House.

The conferees' action in this connection is based solely on the fact that the reductions of $130,000 for hiring and training of mine inspectors and $320,000 for research on dust production and control made by the Senate were predicated on the unusual budgetary situation whereby the identical amounts for these activities were fully funded in the Second Supplemental Appropriation Act of 1969 in order to accelerate these activities. Since the supplemental funds did not become available until July 22, 1969, provision was made in the supplemental appropriations act for the funds to remain available until September 30, 1969. In other words, the sums in question represented a duplicated budget request. The conferees are keenly aware of the urgent need for early and incisive action to make the nation's mines a safer place in which to work. With the concerted emphasis now being directed in this connection, it is expected that a supplemental budget request will be received in fiscal year 1970 for mine safety work, in which case the conferees will be inclined to give it favorable consideration.

Amendment No. 18: Appropriates $24,000,000 for the helium fund instead of $21,000,000 as proposed by the House and $26,200,000 as proposed by the Senate.

Office of Coal Research

Amendment No. 19: Appropriates $15,300,000 for salaries and expenses instead of $13,300,000 as proposed by the House and $15,800,000 as proposed by the Senate. The amount allowed provides $1,000,000 for the lignite gasification project at Rapid City, South Dakota, instead of $1,500,000 as proposed by the Senate.

Bureau of Commercial Fisheries

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $26,600,000 for management and investigations of resources instead of $26,400,000 as proposed by the House, and $26,345,000 as proposed by the Senate. The increase over the amount approved by the House includes $200,000 for initiation of research on a pesticide problem developing in the Great Lakes.

The Conferees are in agreement that $150,000 of S–K funds shall be used to study conflicting Federal and State legislative and regulatory restrictions on commercial fisheries and to submit recommendations for bringing them into conformity and uniformity.

Amendment No. 21: Appropriates $2,325,000 for construction as proposed by the Senate instead of $2,025,000 as proposed by the House.

Amendment No. 22: Appropriates $4,590,000 for federal aid for commercial fisheries research and development as proposed by the House instead of $4,027,000 as proposed by the Senate.

The Conferees direct that the full amount available for disaster relief under Section 4(b) of the Federal Aid for Commercial Fisheries Research and Development Act shall be allocated as determined by the Secretary of the Interior on the basis of priority requirements.

Bureau of Sport Fisheries and Wildlife

Amendment No. 23: Appropriates $48,850,000 for management and investigations of resources instead of $48,503,000 as proposed by the House, and $48,870,000 as proposed by the Senate. The amount provided deletes the $100,000 for additional program needs at the Eastern Fish Disease Laboratory, Leetown, West Virginia, and $50,000 for technical assistance in sport fishery management at Valentine, Nebraska as proposed by the Senate, and restores the $100,000 for visitor services at the Witchita Mountains National Wildlife Refuge, Oklahoma, and $30,000 for the Cortland Fishery Center, New York, which were deleted by the Senate.

While the conferees recognize the need for additional funding for sport fishery management activities at Valentine, Nebraska, the dictates of budgetary restrictions made it impossible to give this item favorable consideration along with many other worthwhile activities that did not receive conference approval.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $1,959,000 for construction, instead of $1,686,000 as proposed by the House and $1,773,000 as proposed by the Senate. The amount provided includes $180,000 for additional facilities at the Lahontan National Fish Hatchery, Nevada; $203,000 for repair of Lake Darling Dam, North Dakota; $136,000 for the Wolf Creek Hatchery, Kentucky; and $100,000 for the San Marcos Hatchery, Texas.

Amendment No. 25: Appropriates $5,800,000 for the migratory bird conservation account instead of $5,000,000 as proposed by the House and $7,200,000 as proposed by the Senate.

National Park Service

Amendment No. 26: Appropriates $49,100-000 for management and protection as proposed by the Senate instead of $49,000,000 as proposed by the House.

Amendment No. 27: Appropriates $40,000,000 for maintenance and rehabilitation of physical facilities as proposed by the House instead of $40,037,000 as proposed by the Senate.

Amendment No. 28: Appropriates $7,700,000 for construction as proposed by the Senate, instead of $7,600,000 as proposed by the House.

The Conferees agree that $100,000 of funds available for the Blue Ridge Parkway shall be used for establishing the center line of the extension of the Parkway from the vicinity of Beach Gap, North Carolina to the vicinity of Kennesaw Mountain National Battle Field Park north of Atlanta and Marietta, Georgia.

Amendment No. 29: Provides for the purchase of 46 passenger motor vehicles as proposed by the Senate, instead of 47 as proposed by the House.

Amendment No. 30: Amends language substituted by the Senate for original House language.

Office of the Solicitor

Amendment No. 31: Appropriates $5,530,000 for salaries and expenses as proposed by the House, instead of $5,555,800 as proposed by the Senate.

Office of the Secretary

Amendment No. 32: Appropriates $9,912,700 for salaries and expenses as proposed by the Senate, instead of $9,887,000 as proposed by the House.

Amendment No. 33: Deletes the $25,000 proposed by the House for the special foreign currency program.

TITLE II—RELATED AGENCIES

Department of Agriculture

FOREST SERVICE

Amendment No. 34: Appropriates $192,810,000 for forest land management instead of $195,042,000 as proposed by the House and $191,985,000 as proposed by the Senate. The increase over the Senate allowance includes $200,000 for range resource management; $150,000 for land classification; and $475,000 for the Ozark (Blanchard Springs) Visitor Center, Arkansas.

The Conferees direct that recreation funds available as a result of deferred construction be used to the extent necessary for preliminary work programmed for the Ouachita (Kerr Memorial Arboretum) Visitor Center, Oklahoma.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment that will provide $42,137,000 for forest research instead of $41,880,000 as proposed by the House, and $41,326,000 as proposed by the Senate. The increase over the amount provided by the Senate includes $500,000 for the Forest Sciences Laboratory, Corvallis, Oregon; $71,000 (planning) for the Forest Service Timber Marketing and Utilization Research Laboratory, Duluth, Minnesota; $90,000 for timber and watershed research, Arcata, California; and $150,000 for initiation of a new periodic appraisal of the timber situation and outlook.

Amendment No. 36: Appropriates $22,729,000 for state and private forestry cooperation as proposed by the Senate, instead of $22,529,000 as proposed by the House.

Department of Health, Education, and Welfare

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Amendment No. 37: Appropriates $99,481,000 for Indian Health Services instead of $98,581,000 as proposed by the House and $100,221,000 as proposed by the Senate. The reduction below the Senate allowance includes decreases of $250,000 for patient medical care; $150,000 for field health services: $125,000 for operation of the Phoenix Medical Center; $40,000 for registered nurse training; and $175,000 for contract dental care.

The Conferees agree that $100,000 of funds available for field health services shall be utilized for additional community health representatives.

The conferees further agree that within available funds, an additional $20,000 shall be earmarked for registered nurse training.

The conferees are in agreement that the program to train additional registered nurses needs to be accelerated on a nationwide basis. It is therefore suggested that the agency give this activity a high priority in the formulation of the 1971 budget estimate.

Amendment No. 38: Appropriates $19,000,000 for Indian Health Facilities as proposed by the House instead of $19,345,000 as proposed by the Senate. The $345,000 reduction below the Senate allowance shall be applied against the $872,000 budgeted for special projects in all areas.

The Conferees are in agreement with regard to the use of $1,025,000 previously appropriated for stabilization of the Anchorage Hospital for construction of Indian Health Facilities programmed in the 1970 budget submission.

Indian Claims Commission

Amendment No. 39: Appropriates $850,000 for salaries and expenses as proposed by the Senate instead of $800,000 as proposed by the House.

National Capital Planning Commission

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment appropriating $222,700 for salaries and expenses instead of $922,700 as proposed by the House, and $300,000 as proposed by the Senate.

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate language which provides for use of funds previously appropriated for land acquisition.

Amendment No. 42: Deletes $77,300 proposed by the Senate for the temporary commission on Pennsylvania Avenue, and restores House language.

The Conferees are in agreement that since this activity does not have congressional authorization, continuance of the program should be contingent upon the use of special funds available to the President that could be allocated for this activity.

Amendment No. 43: Restores House language.

National Foundation on the Arts and the Humanities

Amendment No. 44: Appropriates $13,790,000 for salaries and expenses instead of $14,000,000 as proposed by the House and $13,690,000 as proposed by the Senate.

Amendment No. 45: Appropriates $6,050,000 for the National Endowment for the Humanities instead of $8,250,000 as proposed by the House and $5,950,000 as proposed by the Senate. The increase of $100,000 over the Senate allowance is for the Bicentennial of the American Revolution Program.

Amendment No. 46: Appropriates $1,490,000 for administrative expenses as proposed by the Senate instead of $1,500,000 as proposed by the House.

Smithsonian Institution

Amendment No. 47: Appropriates $28,134,000 for salaries and expenses as proposed by the Senate instead of $28,200,000 as proposed by the House.

Amendment No. 48: Appropriates $2,316,000 for museum programs and related research (special foreign currency program) as proposed by the Senate instead of $3,000,000 as proposed by the House.

Amendment No. 49: Technical correction as proposed by the Senate.

Amendment No. 50: Appropriates $525,000 for restoration and renovation of buildings as proposed by the Senate instead of $425,000 as proposed by the House.

National Gallery of Art

Amendment No. 51: Appropriates $3,390,000 for salaries and expenses as proposed by the Senate instead of $3,350,000 as proposed by the House.

National Council on Marine Resources & Engineering Development

Amendment No. 52: Appropriates $700,000 for salaries and expenses as proposed by the House instead of $760,000 as proposed by the Senate.

Federal Field Committee for Development-Planning in Alaska

Amendment No. 53: Appropriates $192,500 for salaries and expenses instead of $150,000 as proposed by the House and $235,000 as proposed by the Senate.

Lewis and Clark Trail Commission

Amendment No. 54: Appropriates $5,000 for salaries and expenses as proposed by the House instead of $10,000 as proposed by the Senate.

General Provisions

Amendment No. 55: Provides language proposed by the House instead of that proposed by the Senate.

Julia Butler Hansen,
Michael J. Kirwan,
John O. Marsh, Jr.,
George Mahon,
Ben Reifel,
Joseph M. McDade,
Wendell Wyatt,
Frank T. Bow,
Managers on the Part of the House.

CONFERENCE REPORT ON H.R. 11039, PEACE CORPS ACT AMENDMENTS

Mr. MORGAN, from the Committee on Foreign Affairs, submitted the following conference report and statement on the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended.

Conference Report (H. Rept. No. 564)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$98,450,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5 and agree to the same with amendments as follows:

Page 2, line 17, of the Senate engrossed amendments, strike out "program" and insert in lieu thereof the following: "register".

Page 3, line 11, of the Senate engrossed amendments, strike out "or" and insert in lieu thereof the following: "of".

Page 3, line 16, of the Senate engrossed amendments, strike out "programs" and insert in lieu thereof the following: "registers".

And the Senate agree to the same.

Thomas E. Morgan,
Clement J. Zablocki,
Wayne L. Hays,
E. Ross Adair,
W. Mailliard,
Managers on the Part of the House.

J. W. Fulbright,
John Sparkman,
Albert Gore,
George D. Aiken,
Karl E. Mundt,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The following Senate amendments made technical, clarifying, or conforming changes: 3 and 4. With respect to these amendments the House recedes. The remaining Senate amendments are discussed below.

Amendment No. 1: The House bill authorizes $101,100,000. The Senate amendment authorized $95,800,000.

The committee of conference agreed to an authorization of $98,450,000—splitting the difference between the House and Senate figures.

Amendment No. 2: The House bill provided that no Peace Corps funds could be used to carry on the Volunteers to America Program conducted under the Mutual Educational and Cultural Exchange Act, or any similar program involving the service or training of foreign nationals in the United States.

The Senate amendment authorized the use of Peace Corps funds for the Volunteers to America Program.

The Senate receded.

Amendment No. 5: The Senate amendment authorized the use of not more than $300,000 to encourage the development of and participation in any international program which seeks to provide volunteers to serve in less developed countries or areas.

The House bill did not include a similar provision.

The committee of conference agreed to a provision limiting any contribution to an international program to the financing of an international register of volunteers which would provide information to interested organizations or governments as to the availability of volunteers.

It is the understanding of the managers on the part of the House that the language agreed to does not authorize support for any international Peace Corps other than for such a register.

Thomas E. Morgan,
Clement J. Zablocki,
Wayne L. Hays,
E. Ross Adair,
W. Mailliard,
Managers on the Part of the House.

WITH REFERENCE TO THE MORATORIUM ON VIETNAM

(Mr. STUCKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUCKEY. Mr. Speaker, my position on the war in Vietnam has been clear to my colleagues since my election 3 years ago. The United States should seek an honorable peace in Vietnam and bring our boys home.

Mr. Speaker, I have noted where a small group of my colleagues intend to keep this body in session throughout the night in order to put their positions on Vietnam on record.

In the history of this Congress, only in the case of national emergency or in the instance of legislation which was of absolute urgency have the lights in this Chamber burned through the night.

As I said, Mr. Speaker, I, myself, am for peace and for bringing the troops home. And I certainly recognize the right and need of every Member to state his position on Vietnam. And I will support any request by my colleagues to revise and extend his remarks at the end of the day, but I will not support keeping this body in session throughout the night—a gesture which could be construed by the people of this country and by the world that the entire Congress is in sympathy with an ultimatum to the President of the United States for an immediate withdrawal of all our troops from Vietnam.

Therefore, I serve notice now that after a reasonable amount of time at the close of today's business, I intend to move that the House be adjourned until noon tomorrow.

BIRTHDAY OF THE LATE PRESIDENT OF THE UNITED STATES DWIGHT DAVID EISENHOWER

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time to call to the attention of this body the fact that today is the birthday of the late Dwight David Eisenhower. It is a most appropriate time to draw inspiration from our memories of this great man, this beloved leader of

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America whose steadfast character was the rock to which our country anchored itself during the 8 years he spent in the White House.

It is most appropriate that we speak today of Dwight David Eisenhower for we are even now plunging into a crisis of the spirit in America, a test of our determination to stand up for principles of international justice, a test of our ability to achieve peace with honor in Vietnam.

I hope desperately that we will meet and survive this test, just as Dwight Eisenhower met and conquered so many crises during his years in the Presidency.

I know that, as we mark the birthday of General Eisenhower, he would most have us remember him as a man of peace. He would also have us know that to be a man of peace does not mean to lie down supinely before our foes.

One of my most vivid recollections of President Eisenhower concerns his decisiveness, his determination to demonstrate this Nation's strength in time of stress, his wisdom in employing America's strength on behalf of peace.

Not since the 1930's had America enjoyed so long a period of peace as this Nation was blessed with under Dwight David Eisenhower, renowned though he was as World War II commander of the greatest expeditionary force for freedom and peace ever assembled by man.

Dwight Eisenhower ran for the Presidency as a man of peace. He was first and foremost a peacemaker in his conduct of the Presidency. His was the gift of peace—and it was peace through strength that he gave to a grateful nation.

I am sure that all Members of this House join with me today in saluting the memory of Dwight David Eisenhower, a great citizen, a great human being, a great patriot, a great American, a great President.

(Mr. McCORMACK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, October 14 of this year would have marked the 79th birthday of Dwight D. Eisenhower, the 34th President of the United States. It is appropriate, then, that we take a few moments to review and pay honor to the remarkable career of General Eisenhower.

We found in him more than a supreme commander, more than a U.S. President. We found a model citizen, a patriotic, dedicated, loyal American who was devoted to service to his country.

If any doubts existed about President Eisenhower's talents as an organizer and administrator, the success of the Allied invasion of France dispelled them. He made the cumbersome command arrangements of SHAEF function smoothly. According to one American commentator, his "friendly and dynamic personality" was the key to his success. He said:

> Probably no one but Eisenhower could so rapidly have welded together such diffuse and often clashing groups of personalities and nationalities.

This achievement—the conduct of the French campaign without a major public disagreement between Britons and Americans—represents perhaps the most successful practice of coalition leadership in military annals.

Yet mere command arrangements and physical preparation alone could not have assured success of the invasion. Eisenhower had to create the morale conditions of victory. He had to install in millions of Americans and British fighting men his own strong conviction that the hazardous stroke would be carried off.

The memory of Dieppe was still strong in many minds. Even Churchill was doubtful about the prospect of success until he saw the completeness of Eisenhower's preparations and the morale of the troops who shared the general's faith that the enterprise would succeed.

Because of his great attainments as a military administrator, there has been a tendency to disregard Eisenhower's role as a strategist or general. His studied "selfishness" doubtless encourages this tendency, but it does not do him justice. He was not simply a good-natured chairman of the SHAEF board of directors.

For, as supreme Allied commander, he alone was responsible for the major decisions of the campaign in France. Given General Eisenhower's qualities, it seems in retrospect that the outcome could not have been otherwise.

General Eisenhower grew in stature immensely after leaving Washington in 1942.

Those who frequently saw him say that he was almost totally unaware of the fact that he was a world figure. When he was made a five-star general he purposely waited until some time after Senate confirmation before wearing his new insignia. Modesty and commonsense were so genuinely a part of his makeup that they protected him from the most baleful and insidious influence in modern life—the publicity racket. He was not only a great soldier but a great man as well.

He brought warmth and compassion to the Office of the President of the United States. It is hardly necessary to review all the events of his 8 years in the White House to be convinced that his firm and patient leadership were of immediate as well as enduring value to this Nation he loved so much.

This type of leadership, more persuasive than coercive, was exerted by a man who on at least two occasions during his Presidency was close to death. Americans of all parties will long remember and pay tribute to the courage with which Dwight Eisenhower decided to go on with his job, even at the risk of his life.

As President, he had enlisted for the duration, and was determined to serve out his tour of duty. As people come to look back on the two administrations of President Eisenhower, I predict that they will remember them not only as an "era of good feeling" but as a time during which our people were led by a man whose whole career symbolized fortitude, patience, and a high sense of honor in the administration of the presidential office.

He will go down in history as one of the most dedicated patriots of this or any other era.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE YOUTH OF OUR TIME

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, to many people across this great land the dangers and difficulties confronting us today seem, at times, overwhelming. We are confronted with challenges at home and abroad. This is a testing time for all Americans of all age groups, for all our institutions.

There is now the utmost need for stability and strength, for adherence to the fundamental traditions and precepts which have made this country great. Restraint and discipline on the part of not just some of us but all of us are indispensable cornerstones of the success of our form of government and our way of life.

I am placing in the Extensions of Remarks of today's RECORD an address by a young woman, Miss Nonette Mayes, a senior at the Crosbyton, Tex., High School, made by her to a service club in my hometown of Lubbock, Tex. Miss Mayes speaks eloquently in behalf of our youth and in defense of stability and strength. We must remember that with our precious rights go heavy responsibilities.

REQUEST FOR SPECIAL ORDER

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that I be given 60 minutes for a special order either this afternoon or tomorrow morning immediately after the time allotted to the gentleman from New York (Mr. HALPERN), my time to expire prior to the regular time that the House will convene tomorrow.

The SPEAKER. Will the gentleman from California please repeat his request through the microphone so that all Members may hear the gentleman's request?

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and I ask unanimous consent that I be given unanimous consent—rather, I ask unanimous consent that I be allowed to address the House for 60 minutes, either this afternoon or tomorrow morning immediately after the time allotted to the gentleman from New York (Mr. HALPERN), my said 60 minutes to expire prior to the regular time set for the convening of the House tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from California?

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Missouri will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, is it possible to allocate time on this basis, whereas unanimous consent has already allotted time for other individual Members thereafter?

The SPEAKER. The Chair will state that it is the understanding of the Chair that the gentleman from California is asking unanimous consent to follow the special order of another Member who has already received unanimous consent for his special order.

Is the Chair's understanding correct?

Mr. LEGGETT. That is correct, Mr. Speaker.

The SPEAKER. And that this special order would be prior to the time of other Members who have already received unanimous consent for special orders?

Is the Chair's understanding correct?

Mr. LEGGETT. No, Mr. Speaker. This would be immediately after the last special order that has been scheduled.

The SPEAKER. After the last special order?

Mr. LEGGETT. After the last special order, but prior to the regular convening of the House tomorrow morning, my special order to terminate.

The SPEAKER. The gentleman from California is then asking unanimous consent to proceed for 1 hour subject to the other special orders that have been heretofore obtained. Is that correct?

Mr. LEGGETT. That is correct.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. As I understand from the Speaker's inquiry and the gentleman's request, this would not intersperse in other previously allocated time periods, but might impinge on the next calendar day if the legislative day is extended; is that correct?

Mr. LEGGETT. No, I have asked that my time terminate prior to the commencement of the calendar day tomorrow.

Mr. HALL. I thank the gentleman.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, would the gentleman's request amount to 22 or 23 hours of special orders?

The SPEAKER. The Chair is unable to speculate on that.

Mr. PUCINSKI. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PUCINSKI. Mr. Speaker, can the granting of this unanimous-consent request conceivably delay the convening of the House at 12 o'clock tomorrow?

The SPEAKER. The Chair is not going to speculate on that question.

Is there objection to the request of the gentleman from California (Mr. LEGGETT)?

There was no objection.

VIETNAM

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSENTHAL. Mr. Speaker, I am one of those among a group of our colleagues who have received special orders to speak today. It is our intention to speak about the war in Vietnam and the situation in Southeast Asia. We hope that all Members will have an opportunity and will choose to participate.

One point I would like to make clear is that all of us have obtained these special orders with legitimate intentions to discuss the great and important issues of the day. My own view is that it would be a reflection on the integrity of the House for a motion to adjourn to be made that might preclude Members from the opportunity to speak. I hope that we will remain faithful to our traditions. Since my 7½ years in this House, I have never once voted to cut off debate or deny any Member the right to talk regardless of what he was going to say. I hope others will follow that tradition this afternoon.

VIETNAM MORATORIUM DAY

(Mr. FLOWERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLOWERS. Mr. Speaker, up to this point, I have withheld comment on the so-called Vietnam moratorium day, but this I can do no longer.

Thanks to the promotional expertise of the national news media, this matter has gotten completely out of hand. What started out as an attempt at a nationwide strike or protest in the European tradition sponsored by the regular radicals of our Nation now is being made out as a patriotic display of the highest order. We even see Members of this House joining with the anarchists and disrupters, and thereby condemning orderly democratic process in favor of mob pressure.

Mr. Speaker, the right of legitimate protest is very broad indeed and it is just possible, barely possible, that this comes under that heading. It is also possible, barely possible, that the participants in the October 15 "Crusade Against America" are proving their support for our great Nation and the cause of world peace.

However, I should hope that any loyal American would have second thoughts about participation in a movement receiving such universal acclaim from the Communist world and those international gangsters in Hanoi.

SHOE INDUSTRY NEEDS TARIFF RELIEF

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, I have learned that the U.S. Tariff Commission has sent an undisclosed number of questionnaires to certain members of the domestic footwear industry, asking them to submit additional information. We all know, Mr. Speaker, the extent of the study, investigation, examination, and analysis to which the footwear industry has been subjected over the past months. My preliminary examination of this questionnaire indicates that there is nothing new here which can be added to the information already on hand, and I hope, I sincerely hope, that this will not delay by 1 hour the relief which the shoe industry must have on this terrible import problem.

I am disappointed to note, however, that this new questionnaire makes no inquiry into the principal cause of the import problem in the footwear industry—the enormous wage-rate differential between the domestic and foreign shoe worker. The Tariff Commission report of January 15, 1969, completely ignored this factor, and I should think that if any further questioning of the industry is to be conducted, it would at least come to grips with this basic point.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I am happy to yield to the gentleman from New Hampshire.

Mr. WYMAN. I wish to compliment the distinguished chairman of the House footwear steering committee for his statement, and join with him in this effort to get this agency to take some positive action so we can at long last get the kind of quota limitation on shoe imports for the protection of the industry that we need in this country.

Mr. BURKE of Massachusetts. I thank the gentleman.

WINSTON CHURCHILL'S MAGNIFICENT REMINDER THAT "SLAVERY IS MORE HORRIBLE THAN WAR"

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, tomorrow thousands of Americans will participate in programs designed to manifest opposition to America's involvement in Vietnam. Perhaps it would be wise to remind our Nation, on the eve of the moratorium on Vietnam, of Winston Churchill's gallant words when England was facing her darkest moment. The people of London were despairing. The war had reached its ugliest moment. Many in England, just as they will in America tomorrow, agonized over the horror of war, when Winston Churchill, in his finest moment, asked this question:

> Nothing is more horrible than war?

Then majestically he replied:

> Slavery is more horrible than war.

IDEAS TERRIFY DICTATORS

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, Winston Churchill also said:

> You see these dictators surrounded on all sides by the truncheons of their police and

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the bayonets of their soldiers. Yet within their hearts is fear, unspeakable fear. They are afraid of words and thoughts, and words spoken abroad and thoughts stirring at home all the more dangerous because forbidden. These terrify them. A little mouse, a tiny mouse of thought appears in the room and even the mightiest potentate is thrown into panic.

Mr. Speaker, as one of the comparatively few Members of this body who has, as a combat infantry soldier, faced a Communist enemy on the battlefield, I ask regular order in calling into question my patriotism, because I do not believe one more American life should be wasted in defending a dictatorship against a dictatorship in Vietnam.

We ask our citizens to act within the system. And we mean it.

But what are we to tell them if the system is choked off from Members of Congress who have secured the right to speak tonight?

MORATORIUM INJURES THE CAUSE OF PEACE

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, those who are sponsoring this moratorium, sitdowns, and demonstrations against the Government are really against peace. They are encouraging a continuation of the war. They are encouraging a continuation of aggression. They are encouraging the massacre of Christians, and they are encouraging slavery for all Southeast Asia. Should the international forces of freedom hastily withdraw from South Vietnam, it will be followed by the bloodiest massacre in the modern history of the world since Hitler's concentration camps and gas chambers.

Mr. Speaker, the sponsors of the moratorium are advocating unilateral withdrawal of the American forces without any thought or regard for the future or the inevitable consequences. The Communists in Hanoi advocate the same thing. They want America to totally withdraw now.

Should we knuckle down to the demands of these agitators? What will they advocate next? Would they demand our withdrawal from the road to Berlin? Would they demand our withdrawal of the 6th Fleet from the Mediterranean? Would they demand a free hand for Castro in South America and the Caribbean, What is behind this sinister movement?

The President and the responsible leaders in the Congress are entitled to know now what the real objective is of these moratorium leaders. Of course we want peace. President Nixon and our State Department are exerting every honorable means for peace. Our President last year halted the bombing and agreed to peace talks in Paris. Our President today is conducting an orderly withdrawal of our Armed Forces. The Communists have manifested no desire whatsoever for peace. They have stalled in Paris; they have argued and quibbled over inconsequentials. The Communists could stop this war in 1 hour by agreeing to a cease-fire. This they will never do as long as they are encouraged by moratoriums and demonstrations in the United States which offer them complete victory and slavery for Southeast Asia.

MORATORIUM IDEA SUPPORTED BY MANY

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, I listened to my colleague, the gentleman from Alabama, talk about the people he does not like who are involved in the moratorium.

I thought of some of the other people also involved in supporting the moratorium. There are some 47 Members of this body and 17 Senators and such disparate people as Cardinal Cushing and the former Ambassador to the Paris peace talks and Governor Sargent of Massachusetts and thousands and thousands and thousands of leaders of all walks of life throughout the country.

It seems to me the gentleman's complaint is that there are many responsible people supporting the moratorium, and somehow this is bad, because there may be some people who are not responsible who are also supporting it. I suggest that it will be a sad day in our history if we were ever to walk away from a right course of action or a right idea because somebody in Hanoi or some local Communist, for nefarious reasons or otherwise, also decided to join in supporting such an action or idea.

THE DIGNITY OF THE CHAMBER OF THE HOUSE OF REPRESENTATIVES

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I, for one, certainly would protect the right of any American to free speech. However, Mr. Speaker, I, as a Member of this body, resent the attempt of a small number of this body to misuse this body for a purpose for which it was not intended.

This body was intended to be a legislative chamber with all the dignity which goes therewith. I will not support any effort for the misuse of this body such as the effort to make it a part of a demonstration directed against the administration now representing the American people.

Therefore, Mr. Speaker, if the gentleman from Georgia (Mr. STUCKEY) is recognized for the purpose of making a motion to adjourn, as he has announced he intends to, I will ask for a vote on that motion in order to place the Members on record.

Let it be known that those who vote in favor of adjournment will be voting to retain the dignity of this Chamber and the purpose for which this Chamber was intended, that of a legislative body and not a place for public demonstrations and in support of actions directed against the Government of this country.

REMARKS ON THE OCTOBER 15 VIETNAM MORATORIUM

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, I have been disappointed that in all the discussion about the Vietnam moratorium very little effort has been made to draw a clear distinction between the means that will be used and the objective sought to be obtained.

Very few of us in this Chamber, I believe, certainly, would not favor the right of full debate and public discussion, but not enough attention has been paid to the objective of that moratorium.

Yesterday I asked the moratorium organizers for a formal statement of their objectives. I called Mr. David Mixner, one of the committee leaders down on Vermont Avenue, and this is the reply he gave:

> We want to show that it is politically possible, and desirable—politically possible, and desirable, to support complete, immediate and unilateral withdrawal. We want out now, and this is not contingent on anything that Hanoi or the Vietcong might do.

I read a statement yesterday that maybe in 30 days, maybe in 3 weeks, we could pull a half million men remaining in Vietnam out of that country.

Is that what you want? Is that the objective you are supporting?

I hope that those who have formally endorsed this will make it clear, when the proper time comes, whether that is a fact and what they are asking this country to do.

This morning the House Republican conference, which I have the honor to chair, adopted a resolution in which they supported the President in the efforts that he is now making to bring that war to the earliest practicable conclusion. I think that his efforts will win the support of all of us Democrats and Republicans, or at least the vast majority of Americans.

REACTION OF NORTH VIETNAM TO PEACE MORATORIUM

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today we have been hearing quotations that were made by Winston Churchill and others who are planning to participate in the moratorium tomorrow. I would like to quote what Hanoi has had to say this morning about the moratorium. This was just taken this morning from the United Press International ticker out in the lobby, and I would invite those who wish to do so to read it. The United Press International said:

> The struggle of the American people extends so deep it is supported even by Senators and Congressmen of the President's own party.
>
> They said in Hanoi, "We warmly welcome and wholeheartedly support the great struggle of the American people against the unjust aggressive war being waged against the Vietnamese by the Nixon clique."

Mr. Speaker, I choose to stand back of my country and our fighting men. It does not take an intelligent person to know that the confusion of the past and that planned for tomorrow has already caused this war to be extended. The cost of such action can only be measured in the lives and bodies of American men.

ADDRESS AT EARLHAM COLLEGE, INDIANA, ON THE MORATORIUM

(Mr. DENNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNIS. Mr. Speaker, Earlham College of Richmond, Ind., which is located in my district and of which I am a graduate, has invited me to appear on the campus tomorrow, October 15, the so-called day of moratorium, for the express purpose, as stated in their invitation, of giving the student body the point of view of those who generally support the national administration's program and who oppose the idea of immediate and unilateral withdrawal from Vietnam.

Mr. Speaker, I would not have agreed to return to Earlham College tomorrow on any other understanding, but I believe that this point of view which I have been asked to express and which I hold, is a point of view which very badly needs to be expressed on our college campuses, and therefore I think that I ought to take this opportunity to express it. Moreover, I think Earlham College is to be commended for seeking to substitute a balance discussion for the one-sided protests which have been planned for some college campuses.

So far as I am concerned, I want to emphasize that I am opposed to the immediate and unilateral withdrawal from Vietnam. I am also strongly opposed to proposals of fixing and announcing a deadline for withdrawal.

Moreover I believe, Mr. Speaker, that protests, moratoriums, and other actions favoring a policy of immediate withdrawal and surrender do a very real disservice to our country.

Whether these sentiments are popular with my audience or not, they are the sentiments which I shall express tomorrow to the student body of my old college.

MORATORIUM

(Mr. CLEVELAND asked and was given permission to address the House for 1 minute.)

Mr. CLEVELAND. Mr. Speaker, the October 15 moratorium, although supported by many well-meaning people, can only have harmful effects on our continuing commitment in South Vietnam, which, starkly stated, is to defend freedom against aggression. The moratorium will once again send false signals to Hanoi—it will undermine the efforts of our President to end the conflict. It will in all probability prolong the conflict. It will certainly add to the uncertainties that have undermined and plagued our efforts from the outset to bring the conflict to an end.

The people who are supporting the moratorium seem to forget the sacrifices of those whom we have already lost in battle. They appear to forget the safety of those who are fighting there now. They also forget the millions of South Vietnamese who have fought with us and depended upon us and who would be murdered in cold blood in the event that we pull out as quickly as those who support the moratorium seem to feel we should.

PROMOTING AND ENCOURAGING YOUTH ACTIVITIES

(Mr. HUNT asked and was given permission to address the House for 1 minute.)

Mr. HUNT. Mr. Speaker, I want to commend to my colleagues two outstanding men from my congressional district in New Jersey whose dedicated efforts have been responsible for promoting and encouraging youth activities in our area for a number of years. Both men are associated with the Woodbury Daily Times—Bob Shryock as managing editor and Stan Boody as sports editor. While giving fine coverage of activities in the First Congressional District and maintaining one of the most outstanding sports sections in the Delaware Valley, they have devoted their untiring efforts in organizing and developing activities for the benefit of the young people in our locale. They are an inspiration to all who have the pleasure of knowing them and an excellent example of selfless community spirit. I was delighted to note that Mr. Boody was recently named "Coach of the Year" by the Tri-County Midget Football League in recognition of his valuable time and service to the league. It was a well-deserved tribute to one of my most outstanding constituents from a grateful community.

NATIONAL STRIKE IDENTIFIED AS A MORATORIUM

(Mr. STEIGER of Arizona asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Arizona. Mr. Speaker, we are about to engage as a nation in a national strike identified as a moratorium by the conceivers of this operation.

It is my firm conviction that this operation was conceived by relatively immature minds whose sole purpose was to focus attention upon themselves. What really concerns me is that it has been embraced by politicians who apparently are willing to put their own temporary political profit above country at a time when it was never more critical.

Mr. Speaker, there can only be one predictable result of a national strike or moratorium at this time in protest against the war in Vietnam and that is to give aid and comfort to the enemy.

I submit, Mr. Speaker, that we are a nation that is sorely troubled. But an attempt to rule by mob demonstrations can only deepen those troubles.

WE SHOULD SUPPORT PRESIDENT NIXON'S POSITION ON THE WAR IN VIETNAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have heard observations made here this afternoon concerning the special orders that are scheduled for tonight and tomorrow morning. I gather there will be some sharp criticism of the President's plan to bring an end to the war in Vietnam.

Some who have been critical might do well to talk to a former Member of this body from the Democratic side of the aisle, a Member whose credentials as a liberal will match those of anybody on that side of the aisle today—our former colleague from the State of Michigan, Neil Staebler.

Neil Staebler has just returned from a personal-expense trip to Vietnam.

Those urging that we withdraw unilaterally from Vietnam should talk to Neil Staebler.

Neil Staebler said unilateral withdrawal would end up in the worst blood bath that you could imagine in South Vietnam. Three million Catholics who fled from the Communist dictatorship in North Vietnam are now in South Vietnam.

Neil Staebler will tell you that the South Vietnamese people today are turning in active support to the government in Saigon, and that it would be disastrous for the United States to unilaterally withdraw because this would mean the end of a responsible government that is getting broader based all the time.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 30 additional seconds, if I might.

The SPEAKER. The Chair will state to the gentleman from Michigan that we are operating under the 1-minute rule, and that cannot be done.

WE SHOULD SUPPORT PRESIDENT NIXON'S POSITION ON THE WAR IN VIETNAM

(Mr. PELLY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, I yield to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentleman from Washington yielding me this time. I understand the distinguished Speaker's problem, insofar as extension of time under the 1-minute rule is concerned.

Mr. Speaker, just let me say in conclusion that the President of the United States is acting affirmatively to end the war in Vietnam. Twelve percent of the troops assigned to Vietnam when he took office in January 1969 are either home or on their way home. Twenty percent of the combat military personnel who were

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there when the President took office are now out of Vietnam.

The President is working hard for peace, and we will get peace, either at Paris or through the phasing out of our troops and phasing in of South Vietnamese troops. I believe the American people support this plan for peace, and anything that undermines it will be most unfortunate for our men who are in Vietnam, and those who are fighting for freedom around the world.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate tomorrow, Wednesday, October 15.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. POFF. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader if the request has been cleared with the minority leader?

Mr. ALBERT. It has been cleared with the distinguished ranking Republican member of the committee, the gentleman from Ohio (Mr. McCulloch).

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the minority leader.

Mr. GERALD R. FORD. The matter has been cleared with me also. I strongly urge that the unanimous consent be granted. The subcommittee is working on the anticrime bill. We want it out, and this is one way to get it out.

Mr. POFF. I thank the gentleman. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM—RAISING INTEREST RATE ON SERIES E AND H BONDS

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time to advise Members that the distinguished gentleman from Arkansas (Mr. Mills), chairman of the Committee on Ways and Means, has requested me to announce that sometime during this week he will seek to call up, under unanimous-consent agreement, the bill, H.R. 14020, to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds, a bill which has been unanimously reported by the Committee on Ways and Means.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 217]

Abbitt
Adams
Arends
Ashbrook
Ashley
Aspinall
Berry
Blatnik
Bow
Brock
Brooks
Brown, Calif.
Burton, Utah
Cabill
Camp
Carey
Casey
Cederberg
Celler
Clark
Cohelan
Collier
Collins
Corman
Daddario
Dawson
de la Garza
Delaney
Devine
Diggs
Dingell
Eckhardt
Edmondson
Edwards, Calif.
Fallon
Farbstein
Fascell
Findley
Fish
Fisher
Flynt
Foley
Ford, William D.
Frey
Fulton, Tenn.
Gray
Green, Oreg.
Griffin
Haley
Hansen, Wash.
Hastings
Hays
Holifield
Hosmer
Jacobs
Jonas
Jonea, Ala.
Jones, Tenn.
Karth
Kirwan
Kuykendall
Kyros
Lloyd
Lujan
McMillan
Martin
May
Meeds
Nedzi
Nelsen
O'Konski
Ottinger
Patman
Pollock
Powell
Quie
Reid, N.Y.
Rivers
Rodino
Rooney, Pa.
Roybal
St Germain
St. Onge
Saylor
Scheuer
Sisk
Smith, Calif.
Steed
Steiger, Wis.
Sullivan
Taylor
Teague, Calif.
Tunney
Vander Jagt
Watson
Whalley
Wold
Wright

The SPEAKER. On this rollcall, 333 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEDERAL SALARY COMPARABILITY ACT OF 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 576 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 576

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Massachusetts (Mr. O'Neill) is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume and at the conclusion of my remarks yield to the gentleman from Illinois (Mr. Anderson) one-half hour.

Mr. Speaker, House Resolution 576 provides an open rule with 2 hours of general debate for consideration of H.R. 13000 to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes. The resolution further provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

There are two basic purposes of H.R. 13000:

First, the setting up of a permanent method of adjusting the pay of Federal employees who are paid under GS, PFS, Foreign Service schedules and the schedules relating to doctors, dentists and nurses under the Veterans Administration; and

Second, the elimination of inequity requiring postal employees to serve 21 years before reaching maximum pay for their work. Under this bill they would reach top pay in 8 years.

A Federal Employee Salary Commission would be set up, composed of four representatives from the executive and four from employee organizations. For purposes of voting, the employee groups have only three votes; however, in the event of arbitrary behavior, aggrieved employees will have recourse through the Board of Arbitration.

The Board of Arbitration will be composed of four Members of Congress—two from each body—one representative each of the executive and the employees, and an impartial chairman selected by the other six. The Board will decide whether the decision of the Commission is in agreement with policy directives in the law.

In order to create more incentives in the postal service, the present system of in-step promotion before reaching the top step in grade will be reduced from 21 years to 8 years. All lower grade employees—PFS 1 to PFS 11—are given a 2-step advancement effective October 1, 1969. The higher levels—PFS 12 and above—will be given earned step advancement on July 1, 1970, as their first step in the acceleration program.

An allowance of not more than $10 per day for commuting would be allowed employees of executive and independent establishments assigned to duty at remote worksites.

Corps of Engineers employees engaged in floating plant operations, when the employees cannot board vessels due to weather conditions or while a vessel is in the yard for repairs will be paid an allowance.

Premium compensation will be permitted for certain employees for Sunday, night, holiday, and overtime pay.

Mr. Speaker, I urge the adoption of House Resolution 576 in order that H.R. 13000 may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as is sometimes the case, I believe that the title of this particular bill, H.R. 13000, is somewhat deceptive in that it is called "the Federal Salary Comparability Act of 1969." I am certain that in the debate we have on this bill today, this afternoon, that much will be said about the pledge that the Congress made in 1962 to afford full comparability to those who are employed by the Federal Government, and particularly those in the Federal postal service.

However, I think that when I voted for comparability in 1962, along with, I believe, virtually the entire House of Representatives, I had no idea we would come to the point to which we have come in this legislation—to remove completely from the authority of the President to have an input on salary schedules for those in the executive branch and to so circumscribe the authority of the Congress that we have literally nothing left to say about the manner in which Federal salaries and Federal compensation is fixed. Therefore, I would suggest that we ought to examine with some care the provisions of this legislation, relating as they do to a Federal Salary Commission and to a Federal Arbitration Board, because I asked one of the witnesses who appeared before the Committee on Rules, the distinguished gentleman from Arizona (Mr. Udall) just exactly how the President could ever frame a meaningful budget, considering, as we must, that we have something like 2 million Federal employees that would be brought under the purview of this legislation—I do not have the exact figure on the tip of my tongue, but the Federal payroll a few years ago was $18 billion. I am sure it is much more than that today—how is the President of the United States ever going to be able to submit meaningful budget estimates when we take out of his hands completely, I repeat—anything to do or to say about the setting of Federal compensation.

Of course, if you have read the report and if you have read the views that were submitted on this bill by the Deputy Director of the Bureau of the Budget and by the Postmaster General, you will find that it is precisely for this reason that they are in opposition to this legislation. I do not, for one, oppose what my friend from Massachusetts (Mr. O'Neill) said that for a long time we have neglected particularly those in the postal service, and I think my record is good in that regard.

Since I came to the Congress 9 years ago, I have voted, I believe, without exception for increases for postal workers. But I do object, and I do object very fundamentally to the means that the Post Office Committee now seeks to employ as far as the fixing of Federal salaries and compensation is concerned.

Let me make one other point. I received a wire, as did all Members of the House, a few days ago signed by the president of some of the postal unions. The first line in that wire read:

> H.R. 13000 is a significant first step toward postal reform.

I think this bill is going to move us farther away from the objective of postal reform. I think once this legislation becomes law, if it does become the law of the land; once we set up permanent machinery for the annual review and fixing by this Federal Salary Commission of salaries for postal employees and other Federal employees, we are going to be moving, not toward, but away from the goal of postal reform.

I noted also a document that came to my desk just over the weekend, a publication put out by the United Federation of Postal Clerks, the Federation News Service, in which is reported the granting of a rule on this particular bill H.R. 13000 and in which, referring to the 13–to–13 vote in the House Post Office and Civil Service Committee which, in effect, defeated the administration's postal reform measure, the following is said:

> Therefore, we must continue our efforts with PO&CS Committee Members and all Congressmen in support of the Dulski Postal Reform bill, H.R. 4, and remain "on guard" continually against H.R. 11750 and all corporation amendments!

Make no mistake about it. The people who are supporting this bill today are against postal reform. They are against the postal corporation and they are satisfied that once this bill becomes the law of the land and they have this commission fixing salaries, nobody is even going to talk any more about the kind of fundamental far-reaching basic reform of the postal system that not only I think we need, but also the people of this country are speaking of today with a rather loud voice to their Representatives in Congress, saying they are dissatisfied with the way the affairs in this department are being run. They want basic, far-reaching postal reform.

I feel this bill simply is not going to advance us one step in the direction of that reform.

The purpose of the bill is to set up a permanent method of adjusting the pay of Federal employees and to provide pay increases for postal workers.

The bill creates a Federal Employee Salary Commission of eight members, four appointed from the executive departments and four from Federal employee groups. The Commission shall make studies and draw up salary schedules. For voting purposes, the employee group will have only three votes so that the executive will control the Commission.

Also created by the bill is the Federal Employee Salary Board of Arbitration composed of two Senators and two Representatives, appointed bipartisanly, one member appointed by each of the Chairman of the Civil Service Commission and the employee groups, and one member appointed by a majority of the Board, who shall serve as chairman.

If any member of the Salary Commission shall disagree with the recommendations of the Commission, he can appeal to the Board, whose decision shall be binding and have the effect of law unless specifically overridden by the Congress within 30 days of the submission of such pay schedule recommendations. This is the only place where the Congress would become directly involved with the operation. The President is actually not involved at all in any direct manner. There is only one Executive-appointed member on the Board. Since the Executive has voting control of the Salary Commission and since any minority member of the Commission may appeal to the Board, the Board will almost always have the final say. Unless Congress would take affirmative action to stop such recommendations as the Board may submit, they become effective.

The bill also provides pay raises for postal employees. Current law requires 21 years for a postal employee to reach the top step in his grade. The bill reduces this period to 8 years.

All lower grade postal employees—grades 1 to 11—are given two-step advancement effective October 1, 1969. Higher level employees—grades 12 and above—will be given earned step advancement on July 1, 1970. The estimated cost of the advancement for lower grade employees in fiscal 1970 is $244,000,000. This is not in the budget. The 1971 additional cost is estimated to be $544,000,000.

There are several minor provisions contained in the bill. A $10 per day payment is authorized to Federal employees working at remote locations to defray commuting expenses. The payment of premium compensation is also authorized for certain employees who must work holidays, Sundays, and at night. These include border patrolmen, customs officials, and agents of the FBI. These features are estimated to cost about $100,000 per year.

Separate views are filed by the gentleman from Virginia (Mr. Scott). He supports the concept of a permanent Salary Commission but believes it should be advisory to the President and the Congress and should not have its recommendations become effective until affirmative action by the Congress approves them. Nor does he believe the President should be bypassed because of the budgetary impact of salary increases. He opposes giving some Federal employees a raise when others do not receive equal treatment.

The gentleman from Iowa (Mr. Gross) and the gentleman from Illinois (Mr. Derwinski) have filed minority views strongly opposing passage. They believe the bill destroys the President's authority and responsibility to participate in determining pay schedules. They likewise believe the bill substantially removes the Congress from any effective voice in the same determination, leaving it about in the same position with respect to Federal employees as it now

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is with respect to the salaries of Members, judges, and executive-level employees in the departments downtown. They oppose this.

They note that none of the pay increases for 1970 are budgeted and could easily reach $2,000,000,000 in calendar 1970 if all Federal employees are given only a 5-percent increase.

They expect employee-members of the Salary Commission who do not get all they want to immediately appeal to the Salary Board. Board decisions are binding, on Congress and on the President. They believe that the resopnsibility of the Congress and the President must be maintained. They want the bill defeated.

The administration does not support the bill. There are two principle reasons: unbudgeted funding, and the loss of Executive authority in the area.

The bill is a committee substitute; the rule will have to reflect this.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the distinguished chairman of the committee, the gentleman from New York (Mr. Dulski).

Mr. DULSKI. Mr. Speaker, first of all, I have always had the greatest respect and admiration for the gentleman in the well, but when the gentleman says that postal reform is dead, I wish to inform the gentleman that today the Committee on Post Office and Civil Service met in executive session and the first section of an amendment giving the Postmaster General 9-year term of office to provide continuity in the top postal management.

Last but not least, the gentleman talks about what the bill will do, but is it not true what the gentleman in the well just said a few moments ago is the same thing the corporation would do? The corporation would take over the entire function of the Congress on rates and wages. A postal corporation would take pay out of the hands of the Congress, just the same as this bill does.

Mr. ANDERSON of Illinois. Mr. Speaker, in response to the gentleman from New York, I would make this reply, and this is one thing I am sure his committee did not do in the executive session that the gentleman refers to. The bill is not going to leave it to free collective bargaining between representatives of the postal workers and other Federal employees and those who represent management on the Federal level. The gentleman is not willing to leave it to the process of free collective bargaining on the setting of these wage rates. If the gentleman was willing to do that I would be with him, because then I think we would bring the whole business of the Post Office Department down to the kind of working arrangement that is feasible and has been feasible for 180 years in the private sector. I cannot see why it would not work in the public sector.

I cannot for the life of me understand these people who are wiring me and the people who are signing their names to the communication I read a moment ago, who are exponents of the right of free collective bargaining for Federal employees, I cannot understand why they resist with every ounce of their strength apparently the idea that we ought to have free collective bargaining in this area. It seems to me that ought to be the very function and purpose of these unions, to represent people in the setting of wages and terms and conditions of employment. Yet this is one thing they do not want.

What they want to set up is a Salary Commission. We are inevitably going to have an appeal from the Commission, and the gentleman knows that as well as I, and then whom do we have on the Arbitration Board? We have a majority of the Board consisting of Members of Congress, two from the House, and two from the Senate, appointed by the Speaker and the President pro tempore of the Senate. These four people are going to be under the heaviest imaginable pressure to yield to the demands that will then be made to arbitrate the differences about areas of wages and compensation in the postal service and the Federal employment. I would suggest this is scarcely the best way to arrive at an objective determination of those questions.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Speaker, I will not argue on the point about the Commission. I feel just as well as the gentleman does, that we must have real postal reform. In H.R. 4 we have the mechanism that will achieve real reform within the confines of the responsibilities of Congress. But let me tell the gentleman this much. I started hearings on April 22, and I have been working on these questions. When H.R. 4 comes out of the committee, with perfecting amendments added, it will provide truly meaningful postal reform.

I assure the gentleman that postal reform will not be killed so long as I stay as chairman of the committee.

Mr. ANDERSON of Illinois. I am sure the gentleman is both sincere and honest in the convictions he has expressed. I do not for a moment impugn the sincerity of his position.

If I could believe, I say to the gentleman from New York, that the amendments he says inevitably will come and will be attached to this bill, H.R. 4, would include collective bargaining so far as wages are concerned, and if they would include taking the ratemaking process out of the Congress and putting it under the kind of ratemaking board the Postmaster General has asked for in H.R. 11750, then I think you would have a good bill. I have very little reason to believe that kind of bill will come from the committee.

Mr. BRASCO. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New York.

Mr. BRASCO. I just want to point out that I believe the gentleman in the well is mistaken on two accounts here.

First, the gentleman indicated if we were to pass this bill today we would take away from the President and the Congress any role in the fixing of salaries. That is true in terms of the salary-fixing Commission. However, under the corporate setup the President and the Postmaster General have asked for the same kind of concept.

Mr. ANDERSON of Illinois. If the gentleman will permit me to continue, it would be done by the process of free collective bargaining. That is my whole point.

Mr. BRASCO. That is not so. If the gentleman will take a look at the bill encompassing the corporate form, there is set up a disputes panel to complement the process of collective bargaining. The unfortunate part is that there is no true collective bargaining, because if there is an impasse, the disputes panel must say OK before an item can come before it. There is no guarantee to labor that the disputes panel will OK discussing any item, when there is an impasse, it must be resolved. So under the corporate bill there is no true collective bargaining. That is why labor could not support it.

Mr. ANDERSON of Illinois. I cannot agree with the gentleman's statement there is no collective bargaining under that bill. I believe there is.

I shall not take time to continue this debate further, except to suggest, as I have already indicated, that this is not just a salary comparability bill. This bill represents a very fundamental change, and I think a total abdication of responsibility by the Congress. It takes the President out of the decisionmaking process altogether.

We ought to look very carefully and very closely at our action today before we vote finally on this measure.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of H.R. 13000.

The elimination of the longstanding inequity which has required postal employees to serve 21 years before reaching maximum pay for their work is long overdue. The best distribution clerks and letter carriers, the backbone of our postal service, can expect under existing law, is $1,864 less than the minimum standard of a so-called moderate standard of living after 21 years, and at mid-range, PFS 5, step 4, they receive only $111 more than the standard set by the Bureau of Labor Statistics for a low standard of living.

This is patently unfair to thousands upon thousands of loyal devoted career employees, Mr. Speaker, and I urge our colleagues to correct it here today by adoption of this legislation.

I also support enthusiastically the creation of a Federal Employee Salary Commission, and of an Arbitration Board to resolve any conflicts which might develop within the Commission. I feel it is particularly important that representation on the arbitration board by afforded Members of the House and Senate.

The semiautomatic adjustments we effected in 1968 and 1969 were based on a survey done by the Bureau of Labor Statistics under the control of the Civil Service Commission and the Bureau of the Budget, and I understand my colleagues on the committee are gravely concerned about whether or not true comparability was actually achieved under these adjustments.

The creation of a Federal Employee Salary Commission will eliminate in the future any bias which may have existed in the conduct of these surveys in the past. The Commission can also prevent future recurrences of the position, which has often been taken by the executive branch, that the congressional policy of comparability should be implemented only when a budget surplus permits. The Commission can guarantee once and for all that Federal employees will not be the first to suffer from budget limitations and that adequate compensation will be provided in order to maintain the high level of competence we need in the Federal Government. Further, we will establish once and for all the regular adjustments in salaries of Federal employees are an automatic cost of Government rather than an act of generosity.

I regret, Mr. Speaker, that this legislation in its present form does not provide also for a comparability increase at the date of enactment for other Federal employees. By not including some adjustment at this time, we will, in effect, make it necessary for other employees to wait for consideration of such an increase until the Federal Employee Salary Commission the legislation creates can become operable and afford them relief.

It is my understanding that an amendment will be offered today which will include other Federal employees, and I shall certainly support that amendment when it is offered.

Mr. Speaker, I also support the provisions of this measure which provide for payment to defray commuting expenses of employees assigned to duty at remote worksites; for payment to employees engaged in floating plant operations who are prevented from boarding their vessels under circumstances beyond their control; and for payment of premium compensation to certain groups of employees who are not now compensated for work on Sundays, nights, holidays, and overtime.

Mr. Speaker, most of the provisions of this legislation are desperately needed, and I am therefore supporting it. As I said earlier, I sincerely feel we should include other Federal employees in its salary adjustment provisions, and I shall support an amendment to do so. However, regardless of whether or not the amendment is adopted, I shall support the bill on final passage.

Mr. O'NEILL of Massachusetts. Mr. Speaker, does the gentleman have any further requests for time?

Mr. ANDERSON of Illinois. I have no further requests for time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arizona.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13000, with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arizona (Mr. Udall) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. Corbett) will be recognized for 1 hour.

The Chair recognizes the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee, the gentleman from New York (Mr. Dulski).

Mr. DULSKI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, enactment of H.R. 13000 will represent the final step in carrying out one of the chief long-range legislative programs of the Committee on Post Office and Civil Service.

It achieves an objective that the committee has shared with the vast majority of our colleagues—the establishment of a permanent system for adjusting the pay of all Federal employees under the principle of comparability adopted by the Congress in 1962.

That is the chief—in fact the overruling—purpose of the bill.

A second most important advance in pay-setting also is accomplished by H.R. 13000.

The bill eliminates a serious inequity which now makes most of our postal employees serve an "apprenticeship" of 21 years before he is paid the "journeyman" top pay rate.

The bill reduces the 21-year apprenticeship to 8 years.

Mr. Chairman, our Subcommittee on Compensation, under the able leadership of the gentleman from Arizona (Mr. Udall), is to be commended for its fine work on this legislation.

Mr. UDALL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this is really an historic pay bill in every sense of that perhaps overworked term. To put it into focus, let me begin by summarizing for the Committee some of the features of the Government salary systems that the Federal Government has. I think there has been some confusion on this point.

The taxpayers of this country will pay out this year in salaries about $41 billion. This is almost equally divided between civilian salaries and military salaries. I will insert the precise figures in the extension of my remarks in the table that I have here, but the military salaries are $21 billion and the civilian salaries are about $20 billion. I insert the following in the Record at this time:

PERSONNEL PAY INFORMATION

	Dollar amounts paid (billions)	Number of employees	Annual pay	Hourly pay
General schedule	11.03	1,300,000	$8,648	$4.16
Postal field service	4.42	735,000	6,932	3.44
Wage board	4.05	740,000	6,802	3.27
Military	21.103	3,458,000	----	----
Other	.948	120,000	7,407	3.56

	Millions	Billions
Total civilian	2.75	$20.443
Total military	3.458	21.103
Personnel	6.208	41.551

The civilian salaries are really divided into perhaps four main categories. It is important to keep them separate, because some of the features of this bill deal with one or another of the various salary systems. The general schedule is the largest of the civilian salary system. It is the so-called classified service. There are 1.3 million or 1⅓ million Federal employees in this classified service. The payroll for this year for these people will be roughly $11 billion. Next we come to the postal field service. This service has 735,000 employees. The payroll for them this year will be about $4.4 billion. Next we have a number of miscellaneous systems that are covered in this bill. We have the Veterans' Administration and the doctors, dentists, and officials who work for the Veterans' Administration. We have the Foreign Service, with the two Foreign Service salary systems. These miscellaneous systems amount to a little under $1 billion and employ something on the order of 120,000 Americans.

On top of this we have the military where we have about 3.5 million men in uniform in the military. Their pay, as I indicated, this year will be about $21 billion.

You simply cannot do the things this Government has undertaken to do and you cannot have the Military Establishment and you cannot have the Post Office Department that we have and a $900 billion economy without a lot of employees, and you cannot have employees without salaries.

A continuing problem for the Congress has been how do you fix salaries; What are adequate salaries? These are the problems my subcommittee and our great full committee have wrestled with. In fact, because of an act passed in the last Congress, we now fix the policy, as it were, for the whole Federal Government, because there is a statute which says that once you adjust Federal civilian salaries in any specific amounts, then the military service automatically gets the same increases in proportion in the different grades of the military service.

So the decisions we make today in this bill and the decisions which we have made previously are vital decisions that involve billions of dollars, that involve fundamental government both with regard to the treatment of its employees and the service which they perform for their Government.

Mr. Chairman, I think it is well that this House consider these decisions and consider them very carefully.

What does this bill do? This is not just another pay bill. You have all been here, the oldtimers, and voted against the various pay bills. However, this is a very different bill. Indeed, the gentleman from Illinois (Mr. ANDERSON) has put his finger upon some of the key aspects of the bill. This may be the last pay bill you ever vote for if you stay here for another 20 years. This is not a change; it is a fundamental change. It is not a change that has been ill considered and a change that was not made without deep and careful thought.

Mr. Chairman, the change advocated in this bill represents an achievement for me over the period of about a 5-year program because I have been personally working to bring about some kind of rational, sensible, permanent way of approaching the problem of the adjustment of Federal salaries. I say this because this problem is going to be with us every year. This is a plan of machinery, a method of adjusting the Federal, civilian, postal, classified, and military salaries. If you support this bill today, and I urge you do so, and if it passes, you will have, I think, made a historic achievement and brought to this whole problem a rationality and a permanence that it never had before.

Mr. Chairman, what does the bill do? The bill really does two major things. First, it deals with the postal people only; and, second, you are dealing generally with the Federal employees across the board. There are inequities and I shall first deal with the postal provisions because there was some controversial thought but was supported widely in our committee when finally understood and that is the plight of the letter carriers, the plight of the clerks, and there are over, I think, nearly one-half million of these people. These are men engaged in dead end employment. The statistics show that over 90 percent of them begin and end their careers—their 20 to 30 years of service careers—in the same grade. They begin at level 4 or 5 and end their careers at that level. It is a dead end employment. Less than 1 percent of them in any one year expect a promotion in their grade level.

Mr. Chairman, the postal field service is constructed so that there are 12 steps and in order to become a full-fledged letter carrier one must serve a minimum of 21 years, until they are appointed to the top level. In other words, they serve an apprenticeship, really, for 21 years before qualifying for the top salary step.

Take for example, if I am a carpenter, at the end of 2 or 3 or 5 years I then become a full-fledged carpenter. If I am a policeman employed under most city or State governments, I am a full-fledged policeman at some point in 2 or 3 or 4 or 5 years. But if you are in the postal field service, you are still classified as a rookie.

Mr. Chairman, this bill shortens the time of such service from 21 years to 8 years during which it takes a new man coming into the postal field service to reach the top step. This is crucial, because we must begin to recruit the good people we need. The turnover has been something frightening for the whole postal service because next year one man out of every four working for the postal service will be gone from some type of postal activity. The substitute clerks, for example, the turnover is 45 percent. How would you like to run an efficient business with a turnover of 45 percent in a category of employees who sort the mail, who know the streets and addresses and all the rest that goes with the proper and efficient handling of the mail?

Mr. Chairman, the first thing this bill does is to change the structure and to correct a longstanding injustice and to shorten the period of that service from 21 years to 8 years.

The second major feature of this bill——

Mr. GROSS. Mr. Chairman, will the gentleman yield before he goes to the other feature?

Mr. UDALL. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Is it not true that only a couple of years ago or, maybe, 3 years ago an effort was made to reclassify the postal workers and the majority on the committee voted it down?

Mr. UDALL. We reclassified the grade 4's in 1967; we made them grade 5's so we did reclassify in that sense, it was not a full grade 5, as the gentleman knows.

Mr. GROSS. That may well be, but the attempt was made at that time to reclassify and, as far as I am concerned, it should have been passed. I supported it, but for some strange reason it was voted down. I am not going into the particulars of what happened on that occasion, the gentleman is well aware of them, and so were others on this committee.

Mr. UDALL. The gentleman from Iowa always attempts to keep me on the straight and narrow path, so I certainly appreciate his contribution because he always corrects me if I make an error, and if in the future I make an error he will correct me or call me to account.

The second major change this bill makes is the most vital one, and is the most controversial, and the gentleman from Illinois, a member of the Committee on Rules, spoke about it just a few moments ago.

What this bill does is to take Congress out of the nonsensical position of fighting year in and year out a Federal pay bill. Each year since 1962, with the exception of the last 2, we have had pay rallies in Washington, the corridors have been filled with postal employees coming to Washington to petition for redress of their grievances. We have argued and battled whether or not the budget would stand for it, and we have fought the White House, and the employee unions, and we have been caught in the middle of this thing year in and year out.

So now for the first time we are going to put this on a rational basis, and establish a salary commission. This commission is not given a blank check. Congress does not abdicate its responsibility. The President is not taken out of the picture as it has been alleged.

This Commission will carry out the policies that Congress makes.

Let me give you an example. Suppose you are the president of a very busy bank——

The CHAIRMAN. The time of the gentleman has expired.

Mr. UDALL. Mr. Chairman, I yield myself 5 additional minutes.

As I started to say, suppose you are the president of a very important and busy bank, and you find that you are spending about two-thirds of your time attempting to haggle with every bookkeeper, teller, and clerk in the bank on whether their pay should be increased, and as a result you find you cannot attend to the really important problems of the bank.

As a result, I think what you might do would be to call in a trusted lieutenant, and you would say to him that it is the policy of this bank to pay the tellers in this bank what the tellers are paid in other banks in this city, and to pay the janitors in this bank what the janitors in other banks are paid, and to pay the bookkeepers what other bookkeepers in other banks are paid. Do not bother me with all these problems. You take some time and attempt to find out what the salary schedules are for bookkeepers in other banks, or companies, or industries, that are comparable to the banking industry, and bring those in to me and I will put them in effect; lay them on my desk for my consideration, and then I will check them, and if I like them I will put them in effect.

That is what we do here. Congress fixes our policy, and we say that a bookkeeper in the Veterans' Administration or a bookkeeper in NASA or a bookkeeper in the Defense Department ought to get the same pay that a bookkeeper receives in private industry who has that kind of responsibility.

We do not take the time of the Congress to do this; we put it in the hands of experts who go out and study it and find out what it is, and who then come in and lay it before us, and we can take it or leave it.

This is the delegation that some will object to. This is the abdication of congressional responsibility that some will object to.

I emphasize that under this bill the House and the Senate will still have the veto authority. We will set the policy, as I have indicated.

Let me ask you a question or two about this: During 1968 and 1969 did any of you feel like you had abdicated your responsibilities? Did any of you feel lonely because we did not have pay rallies? 1968 was the first year on record when we have not been confronted with a pay bill. The last was in 1967 when we wrote a bill as kind of a test where we said, let us test a new idea, we can work out a formula, and we said to the President when July 1968 comes, you take a look at private enterprise and with the BLS statistics, and all the other information that is available, and let us put them together and come up with the results.

This the President did, and it was the fairest and best, most rational and least cumbersome pay raise we have ever had.

The President did the same thing this year. Did any of you feel guilty? Did any of you feel lonely? Did any of you feel like we had abdicated our responsibilities? Or did you feel like I felt, that we in the Congress had set the policy in 1967, and set up the mechanics and the details of carrying it out?

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. ABERNETHY. Would this Commission be comparable to the Commission that now regulates or really fixes salaries of Members of Congress, the judiciary, and so forth?

Mr. UDALL. It would be quite comparable in its purpose. In fact, they would work together. This is part of the whole idea to have a rational construction of the federal systems.

Mr. ABERNETHY. Would it be the same Commission?

Mr. UDALL. It would be an entirely different commission.

Mr. ABERNETHY. How would this Commission be designated?

Mr. UDALL. The Commission would be designated as follows: There would be really seven votes on the Commission—four would be controlled by the President—and I say that to those who are saying that you are taking the President out of the picture. The four are appointed as follows: the Bureau of the Budget, the Postmaster General, the head of the Department of Defense, and the Civil Service Commission. These are four votes.

The other three votes are to the two largest postal union employees, so it is a half vote each. Then you have one for the classified union and then the independent Federal union representative is to be picked by the Civil Service Commission—and there you have seven votes.

Mr. ABERNETHY. Then the Commission will be quite different from the present congressional Commission but it will still be a salary determining commission.

Mr. UDALL. Oh, indeed.

Now that brings us to the second step. The employee unions were very afraid they were giving up what they thought to be the ultimate protection that they had.

Mr. ABERNETHY. Did the gentleman say there would be three union members on the Commission?

Mr. UDALL. Three out of seven.

They were most apprehensive that they were giving up their access to the Congress and felt that in the final analysis the Congress had to pull them out, when the present Postmaster General would not come up with a raise. We said, All right, if the Salary Commission does not carry it out—and that is the only question before the Salary Commission, to make proper petitions giving them comparability—then the employee unions can appeal to the Board of Arbitration and the Board of Arbitration has seven votes. Four of those votes are Members of Congress, two Members of the House and two Members of the Senate.

There is one Government representative selected by the Civil Service Commission—and one union representative and a chairman from the American Arbitration Society.

So these people, seven members of the Arbitration Board finally determine whether the Salary Commission is applying the policy that the Congress lays down.

Mr. ABERNETHY. If they do not like it, they would still be coming back? If they do not like the recommendations of the Commission, of course, you anticipate that they will still be back walking the Halls, do you not?

Mr. UDALL. In any event, the findings of the Commission or the Board of Arbitration come back to the Congress for veto or for other action. In my opinion, based on 1968 and 1969 experience, I do not think so very much because this is exactly what we did in the last 2 years. They will not be back at all. They will accept this.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. GROSS. Did I understand the gentleman to say that congressional, executive, and judicial pay raises are dovetailed with this bill?

Mr. UDALL. Yes in a sense, that has been my aim, to get Congress out of this hassle.

As I pointed out, the Congress has already raised its salary eight times in 108 years and Congress never got around to this. So my judgment is that this is now rational, orderly, and regular review every 4 years, and the Congress approved this.

If you get a rational and orderly and annual adjustment of these other systems tied into it, then you have a whole pay system of the Federal Government dovetailed together. Then they will be working together on a rational and orderly basis. This has been my goal as my colleague knows, and I am sorry the gentleman does not share it.

Mr. GROSS. Then you favor this dovetailing of legislation?

Mr. UDALL. Indeed, it dovetails very nicely together and I hope the gentleman will help to put in order these joints so we can finally put this into place.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. RUPPE. The gentleman will recall that 3 years ago the subcommittee did a great deal of work preparing a salary schedule level in line with the rate increase proposed by this and other subcommittees at the time.

I recognize the need to bring the two in order. I understand that this present legislation will cost about $500,000,000 in the next year. In the fiscal year now ending is there any revenue measure that will be brought along to achieve the same revenues we are quite anxious to reach? Does the gentleman think we are going to secure the necessary revenue in 2 years to cover the cost of this legislation?

Mr. UDALL. The President sent some days ago, my friend will recall, urging a rate increase on first-class mail which has been before our committee, and this bill by the President would produce around $600,000,000 in additional revenue.

The distinguished gentleman from Montana chairs that subcommittee and has been holding hearings on that bill. I am prepared to face up to my responsibility on the question of postal reform and other things but I regret that we have not been able to be together on this bill.

It was a rather unprecedented thing. The gentleman was a very valuable member of that subcommittee and the committee. It was kind of unprecedented to combine a pay bill and a rate bill.

Mr. RUPPE. They were acted on very much in parallel at that time.

Mr. UDALL. There was very little enthusiasm for a marriage between these two bills at that time.

Mr. Chairman, I make this final point to those who are troubled, as some may be, about the delegation of authority, the abdication of congressional responsibility, and so on. If you feel badly about it, you might reflect that this is—in fact, the gentleman from Iowa stated in the Rules Committee, or someone up there, that it is unconstitutional. I said:

> There are $5 billion or $4 billion that is going to be paid out this year in the same unconstitutional fashion. There are 740,000 Federal employees who are paid under a system called "Wage Board."

In that Wage Board system the President plays no role. The Congress plays no role. I hear no complaints on those when adjustments have been made, and we have not had a chance to vote on them. The President did not know about them. This Wage Board has been in existence since the time of Ulysses S. Grant. For more than 100 years we have had the Wage Board. It has worked. It has been delegated with authority by Congress to determine how much carpenters are paid in the building industry, in order to pay Federal carpenters in the same way. That is what we are doing in this bill.

Mr. Chairman, I speak today in support of H.R. 13000, the Federal Salary Comparability Act of 1969.

For over 5 years I have been working toward this day. It has been my longheld belief that the employees of our Government deserved and needed a dependable, rational method of pay adjustments in order to plan their careers in the Federal Service. For too many years we have tried to hire and retain competent employees by saying to them, "give us the best years of your life in return for an unknown system of pay adjustments." In accordance with the best-accepted private enterprise policies, we are today going to pass an act that says to the Federal employee, "From now on you can be assured that each year your pay will be adjusted in line with any changes in private enterprise."

No longer will the almost 2 million employees covered by this bill have to sit back and hope or pray, that their salaries will be adjusted.

We in Congress began this process in 1967 by passing that historic pay bill which allowed the Executive, in partnership with the Congress, to automatically set pay in 1968 and 1969. During that debate, there were objections which raised a variety of ominous problems. During 1968 and 1969, those straw men were laid to rest. Now the members have seen how smoothly and efficiently that law worked.

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The employees of all branches of Government are satisfied with the principle established in that act.

Now we come before you with the natural extension of that act. Naturally, there are some changes—experience has shown us that certain structural modifications were necessary—but the principle remains the same. Congress must set the policy and establish the machinery for its smooth enactment. The Executive must administer that policy—not make it—and the Congress must continue the review and control of the policy.

In addition to this policy of congressional control, we will reinterate today the fundamental personnel policy of comparability. This policy simply says that Government workers doing the same work as their counterparts in private enterprise must be paid substantially the same amount of money. This policy was established in 1962, restated in 1967, and repeated again today in this act. A computer programer in the Department of Defense should get the same amount of money as a computer programer working for IBM, if they do the same kind of work.

These two fundamental policies—congressional review and comparability of pay—form the bedrock of the act we vote on today.

The act itself is fairly simple—it has two major parts—one affects all Federal workers, and the second adjusts the promotion policy concerning postal workers.

The major provision of this act concerning all Federal employees sets up a Federal Employees Salary Commission. This Commission is established to annually recommend to the Congress adjustments in the pay of employees under the general schedule, the postal field service, the Veterans' Administration, and the Foreign Service. This Commission is composed of a regular representative of the President from each of the following: Civil Service Commission, Bureau of the Budget, Defense Department, and Post Office Department. In addition, the employees are represented by four members as follows: one representative for general schedule employees, two representatives for postal employees, and one representative from independent unions on a rotating basis.

Each of the Presidential members will have one vote—a total of four—and the employee representatives will have three votes—(postal representatives will have one-half vote each. Thus, the Presidential members will have a majority of the Commission. This is a deliberate policy so that the President can make sure his personnel policy is carried out. At the same time, the employees will have representation so that the employees will have some voice in this policy of setting pay.

In addition to these eight regular members, there are three associate members. These associate members are selected by the Chairman of the Civil Service Commission and do not have a vote. They will be selected to present the views of the specialized employee groups, such as the Air Traffic Controllers or the Federal Professionals and will be rotated annually by the Civil Service Commission.

In the event that any regular member of the Commission feels that the congressional policy of comparability has not been carried out. this act provides for an appeals procedure.

The appeal is made to an Arbitration Board composed of four Members of Congress—two from the House and two from the Senate—one Presidential representative, one employee representative, and an impartial Chairman selected by the first six. This arbitration board will review the decisions of the Salary Commission and decide if the congressional policy has been carried out. If it has not, the board will make the necessary changes, and send the revised changes on to Congress for final approval. If it finds that the recommendations of the Commission are in accord with the principle of comparability, it will so certify to Congress—again for final approval.

This entire procedure is designed so that it should not take more than 60 to 90 days each year to adjust Federal salaries. This is in vivid contrast to the months and months it previously took under the old system.

This, then, is the historic and precedent-setting comparability system we vote on today. I believe it will become a landmark act in progressive personnel policymaking for Federal employees.

POSTAL PROMOTION POLICY

A second major provision of this act rectifies a longstanding and major problem facing postal employees, particularly clerks and letter carriers.

The Post Office Department has long complained of the difficulty in hiring, training, and retaining competent employees. All of the Members of the House have heard from their constituents on the deteriorating service in the post office. A primary cause of these problems lies in the fact that it takes over 21 years before a postal employee reaches the top step in his grade. This is similar to being a rookie after 20 years.

All available evidence indicates that the postal employee is stymied on two fronts in trying to get ahead in the Post Office Department:

First. There are not enough promotions to go around. For instance, only one employee in every 100 gets promoted to a different position each year in the post office. The average for all other Government agencies is one in four.

Second. The vast majority of postal employees thus remain in the same grade level throughout their career. It is in this grade level—usually grade 5—that the 20-plus years are spent.

This problem is resolved in the following manner: We reduce the 20 year problem to a maximum of 8 years. Thus, the new employee will know that he will make top grade in his pay by the eighth year rather than by the 20th.

Second, we begin this process by advancing the lower grade postal employees by two steps, effective October 1, 1969. This will provide an additional $412 per year. Add this to the average $298 per year already allotted, and you have the postal employee getting a total of $59 for the months of October, November, and December of this year, up from $24.80 per month. This is in contrast to the average General Schedule employee who has been—since last July—and is currently receiving an additional $69 per month.

This problem has been a grievance that both management and the employees of the Post Office Department have been mentioning to our committee for some time. We believe that our solution should assist the Department in retaining and recruiting additional quality employees for the foreseeable future.

In addition to resolving this particular problem facing the postal employees, H.R. 13000 has three other sections.

These sections also resolve specific problems facing particular groups of employees serving in other branches of the Government. The first of these authorizes the payment of an allowance, not to exceed $10, to defray the cost of commuting to remote worksites. Many times an employee must travel to a remote worksite, perhaps to build or repair a facility, and presently must pay his own way from his normal work place. This bill will help defray part of this additional expense. This bill is identical to H.R. 12881, which passed the 90th Congress unanimously.

Another provision provides a living allowance for certain employes who work on floating plants operated by employees of the Corps of Engineers. This section is identical to H.R. 7406, which passed our committee in the 90th Congress.

The final special problem is one that affects various agents employed by the FBI, the Border Patrol, and others. It allows for them to be paid for regularly scheduled overtime, Sunday and holiday duty that is presently not received. This inequity is removed by this section and is supported by the administration.

All of these three miscellaneous provisions are estimated to cost less than $100,000 per annum.

Mr. Chairman, there have been a variety of objections raised to this legislation. Many of them are a rehashing of previous pay legislation. In order to alert my colleagues to these "straw men," I will outline and rebut some of them.

First. This act will bypass the President and take away from him his constitutional authority.

This is patently inaccurate. In 1967, the same opponents objected to that bill for precisely the opposite reason—we were giving the President too much power and taking it away from Congress. We now provide for more congressional review in this act and the same opponents now say, "Let the President keep his longstanding authority." Exactly what is the President losing? According to my reading of this act, he has four Presidential representatives on the Salary Commission, with the controlling votes. As is well known, the President does have something to do with appointing his Cabinet, the Director of the Bureau of the Budget, and the Chairman of the Civil Service Commission. In addition, he will be represented on the Arbitration Board.

Furthermore, Congress has delegated authority to set wages totaling $4.05 billion under the coordinated Wage Board system. The President does not have a personal representative sitting on those boards—he does have agency representatives, however. This act continues and expands on that same principle.

Second. This act places Congress in a meaningless and subordinate position.

Again, this is the same argument that has been used over and over again by the same opponents. This act strengthens and expands the congressional role in setting pay policy as compared to the 1967 act. This is the primary reason why the President opposes this act. The Chief Executive's idea of a good law is to give the President complete authority to set employee pay. I would be interested to know the viewpoints of the opponents of this bill to that proposal.

Let me quote the Deputy Director of the Bureau of the Budget on this matter of congressional versus Presidential control:

> Although the *Congress* would be given the opportunity for review of the commission's pay determinations and those of the board through procedures similar to those contained in the reorganization statute . . . the President would . . . have no authority or responsibility to deal with this vital executive function. We believe this would be highly objectionable and unwise.

My position is clear: I believe the President has ample representation on the Salary Commission and Board—much more than he has under the coordinated Wage Board system. Furthermore, Congress has additional mechanisms for review through the Appeals Board and the final vote. This is a balance that should be maintained and continued.

Third. This act is discriminatory against certain employees under the general schedule.

This allegation deals with the section revising the step-advancement policies within the postal service. This change in policy is to attack a particular problem unique to postal employees.

It is a fact that the vast majority of postal employees remain in the same grade throughout their careers. The same cannot be said of classified employees. Further, only one in 100 postal employees gets promoted out of his grade annually. The comparable figure for classified is one in four. Thus, the facts are completely different for these two groups of employees when it comes to in-step advancement. In-step advancement is simply not relevant for advancement in the classified service—the same cannot be said for postal employees.

Therefore, a different policy is called for and this bill makes that policy. We provide for a particular solution for a particular problem. This is exactly the same situation in sections 6, 7, and 8 of this bill where we provide particular solutions to particular problems for other employees concerning remote worksites, overtime pay, and hardship allowances. These provisions do not affect postal employees but no one claims discrimination in these cases.

As a direct result of this change in instep advancement policy, postal employees will receive an additional $412 per annum effective October 1, 1969. In July of this year, postal employees received an average of $298 per year raise. Classified employees received an average of $825 per year raise. Even when we add the $412 from the month of October onward, no one can believe that the classified employees under the general schedule will be shortchanged.

No representatives of the classified employees have ever said that the instep advancement policies have been a serious detriment to hiring and retaining personnel. The reverse is the truth—all available evidence indicates that the movement within the civil service is very good and the advancement opportunities ample. If a different position is taken and the case made for that position, I am sure the Post Office and Civil Service Committee will give sympathetic consideration to a proposal to alleviate such a situation. To this date, no such action has occurred. It was for this reason that the allegations of unfairness toward general schedule employees was such a surprise to the members of the committee. It was assumed that we were alleviating a longstanding grievance that everyone agreed should be eliminated.

It must be clear to all Members that we cannot have a shotgun approach to solving personnel problems. We must solve specific problems with specific solutions. We cannot apply blanket solutions that do not apply to everyone. This is precisely what would occur if the instep advancement policies were changed for the entire civil service. We would be solving a problem that does not exist.

Fourth. We have also discriminated against middle- and top-level supervisors.

This is untrue. In committee we resolved the major problems in conjunction with representatives of the supervisor employees. I refer my colleagues to page 42, lines 1 to 20 of this bill. This section rectified any temporary inequities that might occur. Furthermore, if any such problems do develop, I have been told that they will not number more than a few hundred from the more than 735,000 postal employees. This is a minor problem indeed.

Fifth. It is alleged that irregular committee procedures were followed in bringing this bill to the floor.

The identical complaint was lodged against this committee during debate in 1967. We find it repeated again. Let me just outline the procedures during which all kinds of testimony was heard, both pro and con, and during which time the opponents of this bill had an opportunity to be heard—and were in many cases.

On September 16, 17, 18, and 20, 1968, the Compensation Subcommittee heard testimony which was completely directed toward potential legislation during the 91st Congress.

Then, on June 16, 17, and 26, 1969, additional testimony was heard. This was continued on July 15, 16, 18, and 19, 1969. After 11 days of open, public hearings on this subject, the subcommittee reported the bill on July 22 to the full committee. This bill was before the members until August 7, at which time, by a vote of 22 to 2, it was reported for floor action. I do not believe that this action is indicative of haste or unfair activity. It is a typical record for any responsible committee of this House and I am sure my colleagues are aware of the work done by our committee over the years. We produce good legislation, notwithstanding the views of opponents of this bill.

Sixth. It is alleged that this bill is unduly inflationary and should not be passed for that reason.

This question has been raised every time Congress prepares to raise the salary of the Federal employee. The Federal employee is always the first to feel the effect of the inflationary spiral and the last to get relief. We too often forget that these are human beings—with wives, children and the same costs of living as the rest of us. Further, the Federal employee does not cause inflation. The causes, whether governmental or private in nature, are due to the war in Vietnam, the current lack of wage-price guidelines and an infinite number of related actions. All this bill does is say, "If inflation occurs in the private economy, and its effects are measured in the wages paid in the private sector, then the Government employee should have wages affected in the same manner and to the same degree."

This bill says we should help the employee offset the ravages of inflation—it is the least we can do as the employer.

One additional point should be made clear on this issue: The administration witnesses indicated that they would be willing to have two additional salary increases during the next 2 years. Their suggestion was July of 1970 and then January of 1971 and each January thereafter. We are proposing the same thing in this bill, with one exception: The first increase would be in January 1970, rather than July, a change of 6 months. So there is no substantial departure from the administration's position on this matter.

I would hope that my colleagues would review this bill carefully—in doing so, they will see the great care and work that went into this bill and will ultimately support it.

The **CHAIRMAN**. The Chair recognizes the gentleman from Pennsylvania (Mr. CORBETT).

Mr. **CORBETT**. Mr. Chairman, the bill which we are now considering is one that is of major importance and critical concern to all postal and other Federal employees. It is a real milestone in the long and often rough road we have had to travel here since 1945 in attempting to see that our Federal employees are paid decent salaries.

As one who has actively participated in every legislative pay raise effort for the past 25 years, I am very proud to be a cosponsor of this particular bill and I urge its prompt passage.

In brief, H.R. 13000 would accomplish two very important objectives which those of us who are charged with responsibility for Federal pay matters have long been trying to achieve.

First, the bill would set up a permanent system for adjusting the pay of all Federal employees, except those now covered by the so-called wage board system, in accordance with the principle of pay comparability which this Congress adopted in 1962.

Second, the measure would eliminate

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a very serious inequity in existing law which, in effect, requires a postal employee to serve an apprenticeship of 21 years before he can be paid the top pay for his work. The waiting period for receiving top pay is reduced in this bill to 8 years.

In addition, H.R. 13000 will give most postal employees a two-step pay increase effective this month to make up for their failure to receive an adequate adjustment last July when other Federal employees received far more, on the average, than the 4 percent which was given to postal workers.

Mr. Chairman, the problem of devising some type of permanent system for setting the pay scales for our large Federal workforce in a responsible, rational, and orderly manner is one that has concerned me and the members of our committee for many years.

For all practical purposes, all pay raises since the end of World War II until 1967 were awarded as separate acts of Congress on a "shotgun" type approach and most often only after long, bitter fights.

The first significant milestone was reached in 1962 when Congress adopted the very sound principle that the pay rates for Federal employees should be comparable to the pay rates of employees in private industry for the same types and levels of work.

However, it was really not until 5 years later—in our act of 1967—that we made a significant start in implementing this principle.

The Federal Salary Act of that year provided for a three-phase pay raise what was intended to bring Federal employees automatically closer to full comparability by July 1 of this year. Nevertheless, because of the timelag in gathering and assessing the pay statistics, Federal employees are still more than a year behind in achieving full current comparability.

The 1967 act set an extremely good precedent. It also proved that an orderly system for adjusting Federal salaries automatically and without excessive congressional involvement was not only workable but a much more preferred system.

In essence then, the establishment in H.R. 13000 of the Federal Employees' Salary Commission is a result of the successful operation of the Federal Salary Act of 1967 and H.R. 13000 also embodies most of the principles laid down in that act.

Mr. Chairman, I should like to emphasize that what we are attempting to do with this legislation is to keep the pay of Federal employees on the same level as the pay of employees in private industry. This is not a big giveaway in which Federal employees are being singled out for some type of preferred treatment. H.R. 13000 only establishes the machinery that will permit Federal workers to catch up and stay caught up with their counterparts in the private economy.

I recognize, Mr. Chairman, that some Members have valid questions with respect to the mechanics involved in the operation of the Salary Commission and the Board of Arbitration. However, I believe that we should proceed as the bill is now written and, after a reasonable trial period of operation, if improvements and refinements are deemed to be in order, I am confident that our committee will promptly initiate them.

I would urge then that we enact this bill since it will go far in solving one of the most vexing problems that has consistently faced our committee and the Congress.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I am happy to yield to the gentleman from New York.

Mr. BRASCO. Mr. Chairman, I strongly endorse H.R. 13000 and urge my colleagues to give this important piece of legislation their wholehearted support.

In 1962, the Congress enacted a landmark pay bill which established the principle that Federal employees should receive salaries comparable to their counterparts in private industry. It would be difficult to see how anyone could disagree with this sound policy because, to me, it is axiomatic that if we are to have good, efficient Government agencies we must provide adequate incentive to attract the best employees.

Unfortunately, in the years which followed, the principle of comparabilty was honored more in the breach than in the observance. It became clear to us that we must devise some system of pay setting which was isolated from the day-to-day exigencies of political maneuvering.

While it is incumbent upon us in Congress to establish basic pay-fixing policies. we are not well suited to the administrative task of determining and fixing pay schedules.

In 1967, we established a semiautomatic pay-fixing mechanism designed to bring Federal salaries up to comparability by this year. With a few exceptions, we were successful. However, we are now again faced with the prospect of exhausting and time-consuming annual fights over pay bills. It is my opinion that these annual fights are of no real benefit to Congress, the Federal employee, or the taxpayer.

Therefore, I am very enthusiastic about the approach contained in H.R. 13000. For the first time, we are presented with an opportunity to provide a mechanism for the automatic adjustment of Federal pay schedules.

The bill is carefully drafted to protect both the interests of the taxpayer and of the Federal employee. The Salary Commission established by the bill will consist of representatives from the administration and employee organizations. If any member of the Commission representing employee organizations disagrees with the findings, that member may refer the disagreement to a Board of Arbitration consisting of Members of Congress, and representatives from employee organizations, the Civil Service Commission, and the American Arbitration Association.

Congress will maintain ultimate control by retaining the right to veto recommendations of the Commission or Board within 30 days after the proposed salary rates are submitted.

There is another important aspect of this bill, Mr. Chairman. When the final adjustment of the three-step increase was announced earlier this year, postal employees were left out in the cold. Through the outdated process of the construction of pay schedules, postal employees were shortchanged by as much as $800 a year. We all know that an emergency situation exists in the postal field service. Part of this emergency exists because of the low pay received by letter carriers and clerks, as well as other employees in the middle and lower levels of the postal service. This bill, therefore, provides emergency relief to those employees who were discriminated against in the last pay raise by providing that all postal employees in levels 1 through 11 be advanced by two pay steps. Simple equity demands that this be done.

The bill will also reduce the amount of time it takes for a postal employee to rise to his top salary step. This provision is necessary in view of the extremely limited promotional opportunities in the postal field service, where some 80 percent of the employees retire in the same level they entered.

Taken as a whole, Mr. Chairman, this bill represents a tremendous step forward in Federal pay-fixing policies. I am proud that I had a part in developing this legislation, and its passage will be a proud moment in the history of congressional concern for the dedicated employees of the Federal Government.

Mr. CORBETT. Mr. Chairman, I yield whatever time he requires to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, the gentleman from Arizona (Mr. Udall) never spoke truer words when he said that this may be the last bill of this nature on which you will vote because the committee has written into this bill the same formula for voting on pay increases that were contained in the congressional, executive, and judicial pay bill. I do not need to remind any of you of the fate of those of us who attempted to obtain a vote on that bill earlier this year—in February to be more specific. We were defeated at every turn in our efforts to get a record vote in the House on that salary grab.

Mr. Chairman, I rise to oppose the enactment of H.R. 13000, which, by any objective standard, defies fiscal integrity and administrative commonsense. I point out to you in passing that if this bill is enacted, it will be the ninth pay raise for postal employees in 7 years.

The views that I express are detailed in the minority statement which accompanies the report on this bill. I take this time only to reemphasize features of the legislation which I feel are especially offensive. The principle of pay comparability for Federal employees was established by the Congress in 1962. It is reasonable that employees of the Federal Government be paid salaries comparable to their working counterparts in private industry. In addition to stating this policy and incorporating it into law, the 1962 statute also provides for annual review of rates of pay in private industry to determine whether Federal employees remain on a comparable level and it instructs the President to

make such recommendations for the revision of statutory pay schedules as he deems advisable. Now, for all practicable purposes, the President is to be written out and made a nonentity in this matter.

Since enactment of the 1962 law, there have been seven salary adjustments, all of them upward, for Federal employees. The final adjustment in July 1969, placed Federal workers at full comparability in keeping with the Bureau of Labor Statistics figures then available.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, the gentleman from Iowa chided me earlier just a little bit and I wanted to return the compliment. In the 1967 bill we gave to the President the power to make these computations in 1967 and 1968. I was quite moved by the words of the gentleman from Iowa in that debate here in this Chamber just 2 years ago. The gentleman said in that debate:

> The committee would have Congress completely abdicate its obligations and responsibilities in the field of Federal salaries and it would, in effect, be giving the President a postdated blank check to be cashed in the future in any amount. In view of what has happened here lately, we cannot afford the luxury of such irresponsibility.

Today the gentleman says we are cutting the President out of this.

I wonder if the gentleman would comment on this seeming inconsistency.

Mr. GROSS. Mr. Chairman, I do not see any inconsistency at all. How many years ago was that?

Mr. UDALL. This was in 1967, in which bill we gave the President the power to fix the 1968 and 1969 pay raises, and the gentleman thought that was an outrageous thing. Now the gentleman says we are taking the President out of it entirely.

Mr. GROSS. I do not think I voted for the bill.

Mr. UDALL. The gentleman did not vote for it.

Mr. GROSS. I do not see anything inconsistent in my position.

Mr. Chairman, the bill we have before us carries the principle of comparability one step further. It is an important step which I urge all of my colleagues to consider. While the legislation restates in substantial form the present policy of pay comparability, it also states that it shall be the policy of Congress that "rates of pay shall be adjusted annually."

This departure from the policy of pay comparability is one which I regard as tremendously important and one which we should carefully examine.

Under the language of this legislation, should it be enacted, the pay of each Federal employee in the four statutory pay systems would be adjusted each and every January 1, from this day forward. I might add that, while the "adjustment" can conceivably be downward, I choose to regard it as a euphemism for an annual salary increase.

The fact of the matter is, that under current law, each employee in the first three grades of the General Schedule receives an annual step increase in pay providing his service is satisfactory. And, under postal law, employees in the first six levels of the Postal Field Service also receive an annual step increase, also based on satisfactory service.

Why, then, is it necessary to destroy this incentive step advancement by replacing it with an automatic round of pay advancement each and every January 1?

Mr. Chairman, I call attention to other provisions of this legislation which recommend its defeat.

It denies the President any authority or responsibility in Federal employees' pay determinations. Under this bill, the Chief Executive would be powerless to deal with this vital executive function. The final recommendations of the Federal Employee Commission or the Board of Arbitration under this bill become effective without the President's recommendation and without regard to the national priorities established through his annual budget.

I do not subscribe to the proposition, advanced by the chairman of the Subcommittee on Compensation, that pay increases for Federal employees should be as "automatic as the payment of interest on the national debt." To suggest this analogy shows an unfortunate disregard for the role of the President, who is the head of the Federal Establishment and is responsible for managing the national debt and curbing inflation.

This legislation places the Congress in a subordinate and almost meaningless role in governing the tremendous expenditures required for Federal salary adjustments. The current annual expenditure for civilian and military payrolls is $42 billion. This legislation will add to that figure in untold amounts, for even its proponents cannot foresee what the additional cost in January 1970 will be, and every January thereafter.

It is argued, Mr. Chairman, that under this bill the Congress has the final say on pay adjustments. I submit that the provisions which relate to congressional disapproval of salary increases are a sad rehash of the same scheme under which the salaries of Members of Congress can be increased without any opportunity for a congressional vote.

The pending bill provides for the submission of proposed salary adjustments to the Congress on February 1 of each year, and then gives either House 30 days in which to adopt a resolution or disapproval. In the opening days of a new Congress, the House committee having jurisdiction of such a resolution might not even be organized within this time period and, therefore, could not even consider a resolution—as we all learned when the recommendations of the Commission on Executive, Legislative, and Judicial Salaries were submitted early this year to the 91st Congress.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to my colleague from Virginia.

Mr. SCOTT. As I understood the gentleman, he said this recommendation would come to the Congress on February 1. I call his attention to the statement that it is not later than February 1, and ask if it is his understanding that it could be submitted earlier than February 1?

As I look at page 32 of the bill I see the language:

> Not later than February 1, 1970, and subsequent reports pursuant to such paragraph (5) not later than February 1 of each year thereafter.

The CHAIRMAN. The time yielded by the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. SCOTT. I submit this could be submitted on January 1, and then we would have 30 days in which to veto the proposal. That makes it even worse than the gentleman just said.

Mr. GROSS. Yes. Under the terms of the language the gentleman cited that is so. I take it, however, that we would expect some time to be consumed in January in the preparation of the recommendations. But the whole ball of wax might be put together before January 1 and announced immediately thereafter. It is entirely possible.

Mr. Chairman, by authorizing windfall pay increases retroactive to the first of January of each year, this legislation will require annual supplemental appropriations of hundreds of millions of dollars and will adversely affect any annual budget of the President.

I call attention to the fact that in only one bill, the congressional housekeeping bill, among those that have been passed by the House thus far in this session, has there been any provision for the salary increases. Not one other appropriation bill has included the salary increases that went into effect the first of this year, and thereafter.

Mr. Chairman, this legislation is so defective and poorly conceived that I will not reiterate all of the comments which the gentleman from Illinois (Mr. Derwinski) and I have set forth in our minority views, as part of the committee report.

I would emphasize that on July 23, 1969, the Civil Service Commission expressed firm opposition to the enactment of this legislation citing some of the reasons which I have already stated. The Bureau of the Budget furnished similar views at the same time.

I would hope, Mr. Chairman, that the House would reject this legislation. Should it be approved by both Houses and sent to the President, he would, in my estimation, have more than sufficient reasons for exercising his veto powers.

Mr. UDALL. Mr. Chairman, I yield such time as he may desire to the gentleman from Montana (Mr. Olsen).

Mr. OLSEN. Mr. Chairman, I think this is probably the most practical pay bill that has been presented to the Congress. I recollect with our subcommittee chairman, the gentleman from Arizona (Mr. Udall), that great objection was made that the President was setting the salaries for people in the 1967 Pay Act. I can understand that that had to be done in 1967, but we were talking about higher salaries then than the comparability salaries here. We were talking about the rank and file of the Federal employees as well as the Congress there,

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but in that instance of the Congress we felt that the President should be the one to make the recommendation on our pay. In this instance, however, in this bill, the pay of the letter carriers and postal clerks and other employees in the Post Office Department and the classified workers in the general service can be a much more mechanical thing. There is nothing so urgent about whether the date should be February 1 when the decision must be made. However, I think that is convenient enough, because the mechanics are that the Bureau of Labor Statistics sends these proposals to this Commission and it must be done by January 1. It can easily be done. The Bureau of Labor Statistics is working every day at the proposition of what the pay should be in these classifications. The Commission can only meet for a very few days in January to determine that they will adopt the mechanical findings of the Bureau of Labor Statistics. Now, the real quality of this system is that it is absolutely mechanical and has been every year. It has all of the emotion taken out of it where there is a really big increase. Our big fault in the Congress is we have delayed pay raises for such lengthy periods that the increase becomes big and it becomes so big that it becomes a big political issue and a very hot one. What we want to do is make it a very logical thing if we are being truthful with our employees, and I hope we are. If we are really being truthful with our employees, we are telling them that they will be paid comparably to private enterprise.

That being so, we should engage the mechanical facilities of the Bureau of Labor Statistics to do this. I do not find that far removed from the very system we have in the Committee on Public Works. In that committee when we talk about highways, do we talk about the thickness of the concrete? No. Do we talk about the width of the highways? No. The mechanical thing about what we appropriate for the highways of America is decided by the Department of Transportation. We do not go into these details in the Congress. I think we ought to make the salaries of Federal employees just as remote, that is, that they be dependent upon the Bureau of Labor Statistics findings and that we say and do today exactly what we have said for at least 6 years in my time here; namely, that we are going to compete at comparable salaries for employees in the Federal Establishment with those in the private establishment.

Now, Mr. Chairman, there has been some conversation about revenue, the revenue particularly in the Post Office Department.

I want to advise this House that we proceed as much and as often as we can with the postal rate recommendations of President Nixon. I want you to know that I am there but on occasion I do not get a second member. When I do not have a second member at committee hearings, I adjourn the hearing. Now, when there are two people at the hearing, we shall proceed and we will have a Revenue Act. This is a message to the Postmaster General as well as to my colleagues here. All we have to have is two people at postal rate hearings and we will proceed and we will clean it up rapidly and then we will proceed to a mark-up of the bill, depending upon the question of a quorum in that subcommittee.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. Certainly I yield to the gentleman from Illinois.

Mr. DERWINSKI. Perhaps the gentleman would agree with me that what he should do is recommit this bill back to the committee and cooperate with the gentleman so that his Rate Subcommittee will move a rate package that will at least partially defray the cost of this bill.

If that was the gentleman's suggestion, I would be glad to join him in that sort of maneuver.

Mr. OLSEN. That is a very rank suggestion, because we have had meetings now since June on this question of revenue and there is not any enthusiasm on your side of the aisle for that revenue increase. When you get some enthusiasm over there, we will continue to meet and we will pass a bill. But you have got to get some enthusiasm generated on your side of the aisle.

Mr. DERWINSKI. We have had enthusiasm.

Mr. OLSEN. It has not reflected itself in the attendance at the hearings.

Mr. DERWINSKI. If the gentleman will permit me to compliment him on one other point he made, the gentleman pointed out the need for comparability with private enterprise. We are trying to do this with the postal corporation concept. We have been heartbroken that we have not been able to reach this wonderful goal in the House committee.

If the gentleman would have cooperated we could have had that enacted a long time ago.

Mr. OLSEN. I think that through Postmaster General Blount's proposed corporation it would defeat the best interest of the employees in the manner of pay for the postal employees. Over the years there has always been opposition to an increase in pay and improvements in working conditions of the postal employees. It is only because the Post Office and Civil Service Committee has voted for the employees that we have as good Post Office Department as we have right now.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I am happy to yield to the gentleman from California.

Mr. WALDIE. Mr. Chairman, I want to comment that to the extent that there is generated enthusiasm on the other side of the aisle for a postal rate increase, you will have to offset that in terms of this one Member.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield further?

Mr. OLSEN. Yes, I yield further to the gentleman from Illinois.

Mr. DERWINSKI. I have asked the gentleman to yield for one polite observation.

Mr. OLSEN. Certainly.

Mr. DERWINSKI. I wish to help the gentleman clear up today's Record. I hope the gentleman was not inferring when he said that no officials of the Post Office Department had ever been interested in this matter, that he was not casting aspersions at outstanding men such as former Postmaster Generals O'Brien, Gronouski, and others who have served in that capacity?

Mr. OLSEN. No; I included them. They opposed all improvements, too. It was only the committee and the Congress of the United States that came to the rescue of the postal employees and the others by way of across-the-board increases for them and the classified employees of this Government.

Mr. GROSS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. Scott).

Mr. SCOTT. Mr. Chairman, I find myself in somewhat of a dilemma over this bill because I do not wish to vote against any salary bill for Government employees. Yet, I do not think, in its present form, this is a good bill.

We have a recommendation against the bill from the Bureau of the Budget, from the Post Office Department, from the Civil Service Commission, and I have discussed the matter with the president of one of our big unions, and he feels that Government employees, other than postal workers are being discriminated against in this bill, as I do. And yet I hate to oppose any salary bill as far as Government employees are concerned. Therefore, it does constitute a dilemma.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Chairman, I might say to the gentleman from Virginia that not very long ago I spoke to the head of the American Federation of Government Employees, and he told me that I could quote him as saying that he is not supporting and does not advocate a single amendment to Mr. Udall's bill.

Mr. SCOTT. It is my understanding that you are talking about John Griner, and that John Griner told you he favored the postal employees getting a pay increase, but not the classified workers; is that right?

Mr. OLSEN. I am telling you just exactly what he said to me. He said he was not opposing and was not proposing a single amendment.

Mr. SCOTT. Obviously he is not proposing any amendment, he is not a Member of this body, he does not have any authority to propose amendments.

Mr. OLSEN. Let me put it in the absolute context in which he gave it to me: He wanted me to know that he did not ask anybody to put in an amendment, and that he was not lobbying for an amendment, and that he was not in any way going to lobby for the support of an amendment to Mr. Udall's bill.

Mr. SCOTT. Mr. Chairman, I thank the gentleman.

Mr. Chairman, this bill includes the establishment of a Salary Commission. Under the bill the Salary Commission reports to the Congress not later than February 1, 1970. It could be that its report would be submitted as early as January 1, and its recommendations as to salary adjustments become effective as of the first of the year, or earlier. Adjustments can be made retroactive

if the Commission in its discretion decides to do this. And they become effective unless vetoed by one or the other of the bodies of Congress.

Mr. Chairman, we do not work that fast, especially on the odd years, when we are attempting to organize the Congress. It is my recollection that this year the House Committee on Post Office and Civil Service did not hold any meetings, prior to February 20 when an organizational meeting was held.

If the same situation should exist 2 years from now, and a report be submitted as of the middle of January, we would not have met by the time that the 30 days provided in the bill within which we could veto the proposal.

Now, any raises that might be authorized under this bill, any raises that the Commission might recommend, would not be budgeted, because the budget is prepared prior to the beginning of the calendar year.

We are talking about more than 2 million civilian Federal employees. We know that the law provides that the military shall have pay increases when the civilian employees are increased. We have 3.4 million military employees. So we are talking about adjustment of salaries of 5.4 million people without any amount being budgeted, and this would be done each year.

It seems to me that this Congress over the years has delegated too many functions to the executive branch of Government. It seems to me that we should retain our authority over the budget and over the appropriation process, to permit a commission to establish salaries that effect 5.4 million employees, civilian employees as provided in this bill, and military personnel because of other legislative acts without the Congress acting upon it just appears to me to be unwise.

Mr. Chairman, this bill provides for increases in pay for postal workers over and above what might be recommended effective the first of each year for all Government employees.

Let us just look back for a minute at the postal workers. Actually, they have not done badly.

They received a 6-percent pay increase on October 1, 1967; a 5-percent increase on July 1, 1968; a 4.7-percent increase on July 1 of this year. Under the bill, they would receive a two-step increase on October 1 of this year. It would be retroactive back until October 1. They would receive any increase provided by the Commission as of January 1, 1970, and accelerated within-grade raise as of July 1, 1970. In other words, the time for the step-within-grade raise would be reduced from 1 to 3 years, to 26 weeks or half a year or to 52 weeks or 1 full year.

Mr. Chairman, I am considering two amendments to this bill.

One amendment would be to provide that the report of the Commission shall be recommendations only and not binding upon the Congress and would not have the force of law until the recommendations went through the regular legislative process.

I think it is a fine thing to have a commission which will advise the Congress, but I do not want to see the Congress delegate its authority over Government salaries, over the budget and over the appropriations. This is a legitimate function of the Congress which I feel should be retained. In my opinion it is in the interest of the people of the country. I believe it is in the interest of the Government employees for them to be able to come to us, their Congressmen, to present us their views and then have us be responsible to them and to the people who sent us here to the Congress to represent them.

The second amendment which I am hesitant to offer would delete the provisions for postal pay raises. I feel that all Government employees should be treated in the same manner.

I had considered offering an amendment to give the same increase provided for postal workers to the classified workers, to medical personnel in the Veterans' Administration and Foreign Service employees. But this would not be fiscally responsible. It would involve too much money going out of the Treasury and could not be justified to the public. If it is not fair to give it to all Government employees—additional pay increases—then in my opinion it is not fair to give these extra increases to the postal workers.

I shall speak briefly when the amendments are offered, but gentlemen let us be fair to all Government employees and fair to the taxpayers when we are considering this legislation.

Mr. UDALL. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 13000, the Federal Salary Comparability Act of 1969.

As a member of the Committee on Post Office and Civil Service in the 89th Congress, I was privileged to be in the vanguard of the fight to bring full comparability to our loyal Federal workers across the country. The Federal Salary Act of 1967, which projected the principle of comparability for a limited period into the future and provided for automatic pay adjustments in 1968 and 1969, was a direct result of that early effort to bring Federal employees' salaries in line with private industry pay rates.

Experience has clearly demonstrated, however, that comparability is not a static goal, which, once achieved, may be forgotten. Whether we accept the fact or not, ours is a dynamic and growing economy. This means that the workers in private industry will share, along with management, the increased fruits of their labors as time lapses. To keep our Federal employees abreast of their counterparts in the private sector, we must institute a program whereby full comparability will be a continuing objective.

H.R. 13000 provides for just such a program. Through an 11-member Federal Employee Salary Commission, Federal employees who come under the four statutory pay schedules, general, postal, foreign service, and physicians, dentists and nurses hired by the Veterans' Administration, would have their pay rates adjusted as necessary under a permanent method. The Commission would be empowered to make salary comparisons, determine salary schedules and submit them to Congress. A proposed salary adjustment plan would be submitted to Congress on February 1 of each year, and the House and Senate would have 30 days in which to reject or revise it. If Congress does not act, the plan would become effective without further action after the 30-day period expires.

The proposed Commission would be composed of representatives from the executive branch and from Federal employee organizations. In the event of disagreement over any Commission decision on the adjustment of the rates of Federal employees' pay, a seven member Board of Arbitration, made up of two House Members and two Senate Members and representatives from the executive branch and employee organizations, would review the disputed decision. The decision of this arbitration board would be final and binding.

Mr. Chairman, the legislation we are considering is also designed, in a sense, to accomplish comparability within the Federal service. It would provide for the acceleration of step increases for postal workers. If the Post Office Department is to meet the increasingly heavy demands placed upon it, something must be done, and soon, to halt the alarming separation rate that has plagued the Department. Although the reasons for the 1967–68 separation rate of 45 percent for postal workers may be many and varied, the low level of pay and the discouraging system of advancement probably is the principal reason for the high turn-over rate. It now takes a postal worker 12 steps and over 21 years before he finally reaches the top pay level for his grade. After he gets there, the postal worker has little to make him happy, for the Bureau of Labor Statistics will tell him that he is earning about $1,900 less than the minimum standard for a moderate standard of living.

H.R. 13000 would permit a postal employee to move up to the top of the pay schedule in 8 years. It would also provide a pay increase, effective October 1, 1969, by advancing every postal worker below grade PFS–12 two steps. Higher level employees—PFS–12 and above—will be given earned step advancement on July 1, 1970, as their first step in the acceleration program.

It is for this equity, if none other, which H.R. 13000 will accomplish that this bill deserves our support.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. Broyhill).

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of the pending legislation. I associate myself with the remarks made by my colleague from Virginia (Mr. Scott) in that I, too, regret that we seem to have discriminated somewhat in this legislation insofar as the classified employees are concerned. But I do not begrudge the additional pay raise that is being granted for the postal employees. In fact, they need help. They are most deserving, and I commend them, and particularly their efficient organizations for the effective work they

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have done in bringing this matter to the attention of the Congress, in order for us to perform the work that we have been able to do so far.

I do hope, however, that in due course we can perfect this legislation, particularly when this Commission meets, as soon as it meets, in order to correct the inequities which already exist in the classified schedule, particularly those in the lower grades, 1, 2, and 3, that did not receive a proper increase the last two times around.

Mr. Chairman, the main objection to this legislation—in fact, the only real objection to the legislation—is that of cost.

Of course we have some objection so far as the distribution of the benefits, but the real problem concerning the legislation is the cost itself. The cost of government obviously is of concern to all of us—or it should be of concern. The dangers to our economy are real. We do not need to be reminded of the problems of inflation, high interest rates, tight money, and high taxes. We have been debating those problems for many months.

But, Mr. Chairman, the legislation we have before us is not the type of legislation that created these problems. This bill is a result of these economic problems. In fact, the problems of inflation and high cost of living have necessitated the legislation which we have before us.

Mr. Chairman, we can liken ourselves to the managers of any business, and we are managers of a big business. The Government is the biggest business we have. We are playing the role of personnel managers, and we have the responsibility and the problem of competing with other businesses, or private industry, insofar as employees are concerned and of obtaining efficiency and adequate qualifications in employees. We cannot compete properly with low wages. Any successful businessman can tell us that. We have to compete for the efficient and more qualified employees, and we cannot do it at bargain-basement prices for those employees.

The Congress has recognized this many years ago. We have stated it in legislation many years ago. In fact, in 1967 in the pay act of that year, we directed the executive branch to come up with pay scales that would be comparable with those in private industry.

So, Mr. Chairman, if we want to cut costs, and I think all of us recognize that is a problem of Government, the way to do it is to cut personnel, to cut out the agency, or reduce the number of Government programs, or do not create the new agency and new programs to start with. Every time we vote for a new program, we cause new employees to be hired, we cause new costs to be involved. If we want to economize after creating those programs, after we vote for new agencies, we cannot then do it by holding down the proper wages and salaries of the employees, by paying so-called sweatshop wages. To me, Mr. Chairman, this would be simply pennywise and pound foolish.

We have had this same argument over and over again every time a pay raise proposal has come up. We have had our colleagues in all sincerity saying that we cannot afford the increase, that we should vote down the bill, or that we should cut it down. This has happened several times during my years as a Member of this body. Yet I wonder what would have happened if the wishes of the opponents of such legislation in the past had prevailed. I think there is no question but that we would have had real chaos so far as the personnel structure of our Federal Government is concerned.

Mr. Chairman, if we can help many people in this country who are unemployed, and many of whom are not willing to work, then, certainly, we can afford decent wages for the employees of our Government who are willing to get out of bed and go to work in the morning.

Mr. Chairman, I think it is deplorable that in our postal service we would permit a person after working 21 years to receive a salary that is $1,864 less than what is considered a minimum standard of living. According to the committee report, a father of a family of four after 21 years of service could not afford a new suit of clothes once every 4 years. An employee after 4 years of service would receive only $111 more than what is considered a low standard of living.

I submit, Mr. Chairman, the American people are willing to pay a proper wage and salary for employees. They can well afford it. I am in complete agreement with the gentleman from Illinois that insofar as postal salaries, the users of the postal service should be willing to pay. I would hope the committee will report out a bill sufficient to raise the rates so as to pay for the cost of this pay increase. If we want to economize and we want to cut Federal costs, I suggest we do so in many other places, but not in the standard of living and the living conditions of our Federal employees.

Mr. GROSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. Pelly).

Mr. PELLY. Mr. Chairman, again the House must consider legislation, part of which I find fully justified, meaning the increase in pay for Federal workers, but part of which I strongly oppose, such as establishing a Commission to adjust salaries of certain Federal employees on the basis of comparability with private industry.

Mr. Chairman, I think previous speakers have fully justified the need for a pay increase in line with the cost of living and in line with comparable industry salaries, so I will not address my remarks to this.

On the other hand, as I did on a previous occasion in 1967, I must express my strong opposition to having Congress abrogate its constitutional responsibilities on Federal pay rates.

In 1967 I voted to recommit the bill because of the Commission to set congressional salaries, and in due course what I feared would happen did indeed occur. Members received a substantial pay increase without going on record as to how they voted, which would have been the proper way to have acted.

Therefore, Mr. Chairman, when an amendment is offered to strike the Commission portion of the bill, I shall support the move. However, if such an amendment does not prevail, I shall support any move to recommit the bill to induce the committee to come back without such a provision for a salary commission.

Frankly, Mr. Chairman, I do not think the President of the United States will approve of this legislation with such a commission included in it. In no uncertain terms he has indicated his opposition.

As I say I will vote for recommittal, but if that motion does not prevail, I will vote for final passage of the bill as necessary to sustain the livelihood of our Federal workers, but I shall remain opposed to the proposed Commission. In addition, Mr. Chairman, if the President vetoes the bill on this one provision, I shall vote to sustain his veto.

Mr. GROSS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. Hogan).

Mr. HOGAN. Mr. Chairman, I should like to associate myself with the remarks of my colleagues from Virginia (Mr. Broyhill and Mr. Scott).

I believe it is extremely unfortunate that the other classified Federal employees are not included in this pay raise. I hope that, if an amendment is not carried today to effect that result, Congress will promptly correct this inequity.

I share the concern expressed about inflation. I agree also that Government spending is one of the chief causes of inflation. But it seems to me to be grossly unfair that Federal employees be called upon time after time to bear the brunt of inflation without relief while no one else does.

I am a stanch advocate of reduced Government spending, but I believe it is unfair for Federal workers to be called upon to make sacrifices when no other segment of the economy is.

Mr. Chairman, I am pleased to be a cosponsor of this bill and a member of the subcommittee headed by Mr. Udall, I support H.R. 13000 because I consider it a major milestone in civil service legislation.

Just a few weeks ago, this body overwhelmingly approved the civil service retirement bill, H.R. 9825—of which I was also a cosponsor—to assure a decent retirement income to career civil servants. After telling these Government workers that we think they are valuable, dedicated, and deserving of these retirement provisions which will assure them a decent income after retiring, it would be sadly ironic if we were now to turn around and reject H.R. 13000, in effect, saying we do not think they are deserving of assurances of a decent wage during their period of active service to the Government.

I support all of the provisions of the bill before us, including the immediate pay raise to most postal workers; reduction of the period postal workers must wait for within-grade increases, permitting them to receive maximum pay in their grade in 8 years instead of 21; premium pay for certain employees for Sunday, night, holiday, and overtime hours; $10 a day allowance for employees commuting to remote worksites;

and an allowance to Corps of Engineers employees who are prevented from carrying on their operations by circumstances beyond their control.

However, I am particularly proud of the features of this bill which provide for a permanent method of pay adjustment which will assure all Government employees a fair and just wage, in line with their counterparts in private industry and taking into consideration inflationary trends.

As a member of the Subcommittee on Compensation, I have had an opportunity to hear firsthand the details of numerous arguments in favor of the annual review and adjustment of pay rates for Federal employees, as well as alternative recommendations for the implementation of such a program. The results of the subcommittee's assessments and those of the full committee of these recommendations are in the bill before you.

Briefly, an established Salary Commission and a Board of Arbitration would perform the functions relating to the establishment of pay comparability which are now performed by the Bureau of the Budget and the Civil Service Commission.

The Salary Commission, whose members will be designated by the administration and employee organizations, would be responsible for prescribing the scope of the comparability survey to be conducted annually by the Bureau of Labor Statistics, and on the basis of that survey, would recommend exact rates of pay for each of the several salary schedules.

The Board of Arbitration, comprised of Members of Congress, representatives from employee organizations, and the Civil Service Commission, with a member of the American Arbitrary Association as chairman, would review the Commission's recommendations as well as any disagreeing views, and make the final decision on the rates of pay to be recommended for the particular year involved.

The rates recommended by the Commission and the Board would be reported to the Congress, and will go into effect automatically in January of each year unless vetoed by the Congress.

On behalf of all U.S. Government employees, I urge your favorable vote on H.R. 13000.

Mr. UDALL. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. Daniels).

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 13000, the Federal Salary Comparability Act of 1969. I wish to associate myself with the distinguished gentleman from Arizona, the chairman of the Subcommittee on Compensation and the floor manager of this bill. He did a very outstanding job. He explained in detail and with much clarity the most important parts of this bill. Anything I might say in addition thereto would be superfluous.

This legislation will, once and for all, provide the method by which Federal employees will receive salaries comparable to salaries in private industry; thereby satisfying the promised pay policy of 1962 and 1967 of equal pay for equal work.

Although the policy was set in the Pay Act of 1962, it was not until the Landmark Act of 1967 that a precedent was set for a system to establish true comparability.

However, it was apparent from the testimony presented to the committee during hearings this year that three major problems existed under the 1967 method of ascertaining private industry salaries. The time lag between the time that the Bureau of Labor Statistics survey was taken and the reflection in salary was approximately an 18-month lag. The second complaint was bias that was built into the survey by the Civil Service Commission and the Bureau of Labor Statistics by not properly comparing equal positions in the Federal Government with those in the private sector. Finally, one of the greatest inequities that has ever plagued a Federal employee is the inability of the postal employee—letter carriers and clerks—to advance in his profession.

Mr. Chairman, the Pay Act of 1967 was a major triumph, and I believe with H.R. 13000 we can remedy the shortcomings of the 1967 act.

H.R. 13000 provides a permanent means for the automatic annual adjustments of the rates of pay of Federal employees under the general schedule, the postal field service schedule, the Foreign Service schedules, and the schedules for physicians, dentists, and nurses in the Veterans' Administration.

A Salary Commission and a Board of Arbitration is created to perform the functions relating to the establishment of pay comparability which now are performed by the Bureau of the Budget and the Civil Service Commission.

The Commission will have members designated by the administraion and employee organizations. The Board will be made up of Members of Congress and representatives from employee organizations, the Civil Service Commission, and the Chairman, who will be selected from among the membership of the American Arbitrary Association.

The Commission shall be responsible for prescribing the scope of the comparability survey to be conducted annually by the Bureau of Labor Statistics, and on the basis of that survey, will recommend exact rates of pay for each of the several salary schedules.

Any member of the Commission representing employee organizations, who disagrees with the rates recommended by the Commission, may ask that the matter be sent to the Board of Arbitration. The Board of Arbitration is responsible for making the final decision on the rates of pay to be recommended for the particular year involved.

The rates recommended by the Board or the Commission will be reported to the Congress and will go into effect automatically unless vetoed by the Congress. The rates will go into effect in January of each year.

A report on the proposed rates of pay is to be submitted annually to the Congress by February 1, but shall become effective in January each year unless Congress, within 30 days after such rates are submitted, vetoes the proposal.

Mr. Chairman, as I stated earlier, the postal employee has suffered gross inequities. It is important to remember that opportunities for advancement for the majority of the postal workers are extremely limited. Practically all letter carriers that remain in the postal service retire as letter carriers. Shocking as it may seem, the same letter carrier must serve a 21-year appenticeship before he can be paid the top salary. I challenge anyone to show me an employee who has as limited a chance for advancement and also cannot receive top pay for his trade or profession in at least an 8-year period.

We must remedy this serious problem before it is too late, I cannot but help think that one of the major reasons for the shortcomings in the Post Office Department today is the lack of employee morale and harmony. It is vital for an employee to know that he has an opportunity to advance in position or at least to the top of his position in order for him to accept and initiate responsibilities.

According to the Bureau of Labor Statistics, a letter carrier, PFS–5, level 4, earns $111 a year more than the standard set for a low standard of living. Unless we provide a system for these employees to establish self-esteem and pride, we will never solve the problems of employee morale and turnover.

Mr. Chairman, section 4 of H.R. 13000 will reduce the within-grade waiting time for advancement of postal employees, steps 2 through 7, for 52 calendar weeks to 26 calendar weeks. The period for employees in steps 8 and above is reduced from 156 calendar weeks to 52 calendar weeks. This provision will become effective on July 1, 1970.

Section 5 of the bill would grant postal employees in levels 1 through 11 an advancement of two steps, effective the first pay period of this month. This would help make up for the inadequate pay raise of 4 percent that postal employees received in July, while other Federal employees received a much larger percentage. Ironically, the postal employee raise was not as much as the cost-of-living increase this year—is this reasonable or fair?

Mr. Chairman, with all candor, we must compensate our loyal Federal employees in a manner that is responsive to their needs and comparable with salaries in private industry.

I, therefore, cannot be overzealous when I say this legislation is immediately needed.

Mr. GROSS. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Chairman, I associate myself with the gentleman from Iowa (Mr. Gross) and call the attention of the Members to our minority views.

Since those views were prepared some time ago, I took the occasion, over the weekend, to review them. Everyone of us has a pride of authorship.

Just to be objective, however, I glanced over the report itself, written by the majority, and I found those views quite

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revealing. As a matter of fact, the deeper I probed through the report the more I was convinced our minority position was correct.

There are some interesting statements I should like to point out.

For example, the very basic purpose of the bill should cause us to stop and think. We are told in the very opening paragraph of the purpose of the bill, that this sets up a permanent method of adjusting the pay of Federal employees.

What we are really saying is—this is one of the key issues—we are taking from any Chief Executive, regardless of his political party, the control over wage scales of Federal employees.

I wonder how many corporate presidents find themselves in the position where they would have no control whatsoever over the pay scales in their companies.

All through the report the majority keep referring to "adjusting" pay scales.

The real wording that should have been used is "raising pay scales."

Adjusting is merely a diplomatic word. Can you imagine the situation, the furor, in the House Committee on Post Office and Civil Service, if this Commission which is to be created, and the arbitration board between them produce a recommendation that the pay scales should be adjusted downward? At that point you would have an eruption that would make Mount Vesuvius look like a piker. I mention this because it is merely a fact of life.

Also, Mr. Chairman, having worked long and hard and struggled as a minority member of the Committee on Post Office and Civil Service, I have often advocated that what we should do especially in the Post Office Department but also in any other department or agency is for some formula to be determined on a regional basis, taking into account the regional variation in the cost of living. It may be true—and it is true—that the Post Office employees in New York City, Washington, and in the Chicago area, which I represent, suffer adversely in comparison to people in similar positions in private industry. However, this is not necessarily true in most of the rural and sparsely populated areas of the country. In fact, in many of the small towns the postmaster and the one or two post office employees are among the upper-middle-class citizens in terms of income. Yet there is no practical adjustment in any phase of the Federal pay scale in order to allow for the cost-of-living difference in high-cost areas such as Chicago, New York, and other cities.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. Yes. I yield to the gentleman.

Mr. WILLIAM D. FORD. I would like to compliment the gentlemen for once again, as he did in 1967, supporting our proposal for area pay differentials for postal employees. The gentleman will recall with his support we did pass such a provision in the pay bill of 1967. We lost that provision of the bill in the other body with the explanation that the authority was already in the law to provide pay differentials for high-cost-of-living areas and that the administration, if it chose to do so, could exercise this authority, thereby relieving employees in districts such as the gentleman and I represent, in relatively high wage areas. I wonder if the gentleman will indicate to us what the current administration's attitude is toward using the power it has under the law now to afford relief to employees in big cities such as Chicago, Detroit, and New York.

Mr. DERWINSKI. In answer to the gentleman's question, I cannot speak for the Postmaster General or the administration as to whether or not their interpretation of the situation is the same as the gentleman from Michigan provides. However, it is accurate to point out, I believe, that the Postmaster General, the overworked, frustrated man he is, has been so preoccupied in trying to produce his version of postal reform that perhaps this potential adjustment has not been properly called to his attention. I think we should appoint ourselves as a committee of two to call on him shortly and see if we cannot make this adjustment. It might be a good argument to stop this bill in the Senate.

Mr. WILLIAM D. FORD. I thank the gentleman for that observation. I would be very happy to join with him in his suggestion that we appoint ourselves as a committee of two to do this and suggest that if we were successful as a committee in getting the Postmaster General to take a position on this issue, we would be establishing a new first for this administration.

Mr. DERWINSKI. I think this administration has taken a lot of positions. The only problem this administration really suffers from is that its unusual diplomatic and governmental concepts are not completely appreciated by the majority which controls the Congress. After all, it is a frustrating thing that we all go through. I know myself, serving on this committee for 7 years, and rarely on the prevailing side. Everybody cannot take the easy road to popularity.

However, Mr. Chairman, I am being distracted from my main point, which is that H.R. 13000 is hardly the finest bill ever produced by our committee. I hope in the process of attempting to amend it we can do something to it. I must add that the gentleman from Iowa (Mr. GROSS) and I are not too optimistic as to that possibility. In fact, in our minority views we stated it was so defective it could not be amended. I think that is a statement everyone would admit is quite honest and forthright. However, I feel we will test the people handling the bill with some amendments. Perhaps a few of them will suddenly strike them as being worthy of some attention.

I do not think you could improve this bill to the extent to make it passable. I also have no illusions though as to what the final vote would be.

Mr. Chairman, one other point that I think has to be made and that is the tendency of members of the legislative branch to indulge in inconsistencies ever so often. We hear this big hue and cry about surrendering our prerogatives to the Executive and we also hear the same complaint about the Executive surrendering its powers to the legislative and vice versa.

In this bill we ask both the Executive and the legislative to give up control over Federal salaries, wages, and further adjustments to this Board. And, even though the Board would have some relationship to political reality, it is really a double abdication of authority. In other words, the Congress is willing to surrender and the administration would be forced to surrender and I cannot help but wonder what success, if any, this bill would have had in the case had the occupant of the White House had the initials H. H. H. I have a sneaking suspicion that this bill would not have been subject to hearings and I have a sneaking suspicion that a rate change which has been held captive in the Rate Subcommittee but which should have been cleared by this time—there would have been an entirely different picture.

I want to emphasize that I would not think of casting any political aspersions upon the distinguished gentleman from Arizona.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Arizona.

Mr. UDALL. I regret the cynicism of my friend, the gentleman from Illinois. It is unbecoming. It is unlike him. He knows as well as I know the fact is that every administration and every Postmaster General, Democrat or Republican, has voted against enacting pay raises for postal employees. The budget considerations have always prevented them from being for comparability.

I was called down to the White House 2 years ago because I helped draft the 1967 pay bill and was chastised and castigated at some length and, in effect, accused of budget busting. I suggest that if the same thing had been true this year and if the President's initials were H. H. H., I still would have been chastised and castigated again. I do not think the President has any business in fixing the policy. I think the Congress ought to fix the policy and that is what this bill does.

Mr. DERWINSKI. In recognition of the gentleman's tremendous ability and the logic which he usually shows, it seems that we should heed the suggestion of the gentleman from Virginia (Mr. BROYHILL) and take into consideration the huge numbers of Federal employees in the Federal bureaucracy——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GROSS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. DERWINSKI. We have this growing bureaucracy. Perhaps if we had an administration undertaking a bipartisan attempt here in the Congress in its treatment of Federal employees, the power and troublemaking activities of most of the departments and agencies could be phased down in size and the savings which would be made available as a result of that action spread in a more equitable manner to those Federal employees who remain on the job and who do an effective job. I would suggest this to the Members as a whole but perhaps overall

to that very enlightened group called the Democratic Study Group, because I think at this point they should rally behind the question of treating employees more equitably by accepting the principle of fewer employees who would do a good job and we could get more done and they could be more adequately compensated, although that almost sounds like utopia.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 13000 and commend the chairman of the committee and the sponsor of the bill for bringing forth this long-needed legislation.

Mr. Chairman, I was a member of the Committee on Post Office and Civil Service during the 87th Congress when Public Law 87–793 was enacted. That law was designed to provide Federal salaries comparable to salaries in private enterprise, but we have not provided salaries in keeping with the intent of that law. The bill before us today is a step in that direction but it falls short of the goal.

In closing, Mr. Chairman, may I say that the intent of this bill, I believe was enacted in our bill of 1962 but much to my regret has never been implemented. I sincerely hope upon passage of this bill that finally our Federal employees may receive some measure of proper compensation for their dedication and work.

Mr. TIERNAN. Mr. Chairman, it is high time that we bring order to the Federal payrolls. The Federal Salary Act of 1967 started us on the road to permanently and adequately systematizing the adjustment of salaries for Federal employees. This set the precedent by having the Executive adjust the salaries of those Federal employees in four categories: General schedule, postal field service schedules, Foreign Service schedules, and the schedules relating to many in the Department of Medicine and Surgery of the Veterans' Administration. Congress would review his adjustments and maintain overall control,

H.R. 13000 would give permanence to adjusting Federal salaries, by establishing a Federal Employee Salary Commission and a Board of Arbitration.

This bill has many ramifications, but one of the most important is that we will no longer have to use so much valuable time here in Congress bickering over payroll adjustments. This would mainly be the job of the Federal Employee Salary Commission. The Congress would then vote within 30 days to reject or revise their proposal. No longer would there have to be time-consuming hearings, granting of rules from the Rules Committee and a host of other procedural matters here in Congress. This time would be spent working in other needed areas.

H.R. 13000 would assure annual review and adjustments of the pay rates for Federal employees. The Commission and Board of Arbitration would better insure that there will be comparable pay between and among the various pay systems.

This bill will also give an equitable wage to the postal workers of America. Postal employees should receive fair pay and benefits. Today their income is still below the national standard. We have a post office system that is in trouble because of backlog and overwork. If we expect to upgrade it and keep it efficient we must give incentives for qualified men to join its ranks and remain on the job for a long period of time. H.R. 13000 would permit an employee to move up to top pay in 8 years, compared with the present schedule of 12 steps over 21 years. This would be comparable to the steps in other industries and Federal employee classifications.

Mr. Chairman, I support this bill because I believe it is a sound move to permanently establish a commission to deal with the problem of Federal salaries. I also feel we must grant the postal workers their just due.

Mr. DONOHUE. Mr. Chairman, I urge and hope that the House will accept and approve this bill before us—H.R. 13000—which is principally designed to implement the Federal employee pay comparability system and establish a Federal employee Salary Commission and a Board of Arbitration. The measure also provides for an equitable comparability pay rate increase for postal employees, and attempts to modernize and tune-in with our current economy an in-step promotion system that now requires a minimum of 21 years' service in order to reach the highest bracket of salary grade.

As all Members of the House know, the Federal Salary Act of 1967 provided that the President would adjust salaries in 1968 and 1969 so that all Federal employees would have full comparability with private industry pay rates by July 1969. This act also projected automatic adjustments of Federal employees' salaries over a 2-year period, so that meanwhile the Congress would have the opportunity of exploring avenues and means by which it could retain final supervision and authority, but avoid the occurrence of repeatedly long and drawn-out involvements in an annual review and determination of the question of raising the pay of Federal employees.

After 2 years of intensive study, hearings and consultations, with all parties concerned, the Post Office and Civil Service Committee has found that there is widespread agreement for some method that will allow and arrange for an annual review and adjustment of Federal employee pay rates.

Based on all the evidence and authoritative testimony placed before it, the committee further found and has recommended that the best way to set up this annual review and adjustment of pay rates would be to establish a Federal Employee Salary Commission, composed of executive branch and employee representatives, with the opportunity for arbitration if conflicts develop. It is recognized, in this measure, that Congress should participate in this area of arbitration and, therefore, it is provided that Members of the House and Senate will sit on the proposed Board of Arbitration.

Mr. Chairman, in this turbulent period in our domestic history, it is obviously vitally important to provide reasonable encouragement for the maintenance of a high morale, for continued loyalty and efficiency, among our Federal employees.

This measure is primarily intended to reassure these employees that the country, the Congress, and the executive department of the Government are interested and concerned in their objectives of obtaining fair pay and fair treatment in accord with comparable standards of our American free enterprise system.

I again urge the adoption of this bill because I believe it is a prudent investment in the national interest, and represents a most earnest congressional effort, based on long and careful study, toward strengthening the integrity of the most essential part, the human part, of our Federal Government structure.

Mr. FARBSTEIN. Mr. Chairman, I vigorously support, H.R. 13000, the Pay Comparability Act of 1969. This legislation establishes a permanent method of bringing the pay of Federal employees up to a level comparable with that of private enterprise. It eliminates the longstanding inequity requiring postal employees to serve 21 years before reaching maximum pay for their work. In addition, 740,000 postal workers would get a badly needed emergency 5.4 percent cost-of-living rise in salary.

The reason for my support of this legislation is that any legislation which we enact for the purpose of raising Federal employees' salaries is based on reports which are outdated by the time we complete the legislative process. This problem is met by H.R. 13000 through the establishment of a permanent method of adjusting the pay of Federal employees who are under the general schedule, the postal field schedules, the Foreign Services schedules and the professional medical schedules.

Congress will play a vital role in the adjustment of these salaries because we will have a representation on the Federal Salary Commission and because the Commission will report directly to Congress. Through this Commission, congressional representatives will work closely with representatives of the executive branch and, of course, with representatives of employee organizations.

The Commission will conduct and maintain a current salary survey. This procedure will eliminate, or at least minimize, the comparability gap. And, because the Commission will be dealing directly with salary figures immediately affecting the relationship of Federal to private salaries, a more accurate comparability will be developed.

I have become aware of the inequities existent in the present Federal salary system. None of us in Congress should have missed the point being made this year by the postal unions that the 4.1-percent pay raise effective for postal employees July 1, was a pittance in relation to the services performed and the cost of living experienced by postal employees.

We cannot pass the issue off on the basis that no similar service is performed in the private sector and therefore comparability is impossible. The union representatives outlined, in hearings held this summer, the need for a meaningful change in the postal salary system.

Under the provisions of H.R. 13000, the time in service necessary for postal employees to reach the top level of a grade will be cut by 13 years. The present system has discouraged qualified people from coming into the postal service and

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has encouraged an alarming rate of employee turnover. No system can operate effectively when its employee separation rate is approximately 45 percent, as it was in 1967–68.

Because the Federal Salary Comparability Act of 1969 is drafted for the purposes of creating a permanent method of salary adjustment for Federal employees; of creating new incentives in the postal recruitment and retention programs through a new instep promotion plan; of enabling the full-fledged postal employee to soon enjoy the fruits of this legislation through special two-step advancements this year; and of increasing the ability of the postal employee to maintain his family at a reasonable standard of living, I urge all Members to strive to enact this necessary and meaningful legislation as soon as possible.

Mr. BUCHANAN. Mr. Chairman, the House of Representatives has before it today a bill—the Federal Salary Comparability Act of 1969—which affects a very important segment of our Nation's population, the many thousands of Federal and postal employees. I do not believe that there is any Member of Congress who is not aware of the vital importance of the fine work contributed by these employees or of the necessity to provide equitable and adequate compensation for this work. Because of my own longstanding concern about providing adequate compensation, I have already joined the introduction of two bills in this Congress toward this end. The Postal Service Act of 1969, in addition to implementing the administration's proposed creation of a separate self-supporting postal system, gives postal employees the important right to bargain collectively directly with management over wages and working conditions. The civil service retirement bill—H.R. 9825—which has now been passed by both Houses of Congress, provides both a liberalization in retirement benefits and an improvement in the financing of the retirement system.

I have also fully endorsed the principle of comparability and it had been my intention to support the legislation now being considered as a further step towards comparability. After careful study of the Federal Salary Comparability Act, however, I have come to the conclusion that its passage by the Congress at this time would not be in the best interests of the Nation or even of those directly affected by the bill.

First, in my judgment the Federal Salary Comparability Act faces a certain Presidential veto, with the result that postal and other Federal employees would receive no benefit at all from its passage by the Congress. In his letter of this date to House minority leader, Congressman GERALD R. FORD, the President indicates that—

> In its present form H.R. 13000 would add approximately $4.3 billion a year to federal expenditures. It would balloon expenditures in the remainder of this fiscal year by $1.5 billion.

The President pointed out that expenditure increases of this magnitude will nullify many of the steps which have recently been taken to stabilize the economy and seriously undercut the vital national effort to contain inflation. He indicates, furthermore, that the passage of H.R. 13000 would bring about additional deep cuts in Federal services which have already been greatly reduced because of expenditure ceilings passed by this very body. According to the President, this would require a reduction in postal services and in the number of postal and other Federal employees.

Second, upon reflection I believe that placing Federal salary determinations in the hands of a Federal Employee Salary Commission would prove to be an unwise step—both for Federal employees and for our country. I opposed this system of salary determination for Members of Congress and believe that it presents the same drawbacks when applied to any Federal employees. The collective bargaining procedure which is proposed in the Postal Service Act of 1969 presents, in my judgment, a more equitable and more responsible method of arriving at wage and salary decisions.

Third, there are serious questions in my mind with respect to the way in which this legislation was handled by the House Post Office and Civil Service Committee. Not only did the committee refuse—on October 8—to even consider the administration's postal reform legislation, but it did not see fit to provide Postmaster General Blount the extra time he requested of the committee to give H.R. 13000 his complete study. He was not even given the opportunity to testify on the measure before final committee action. As a member of the House Post Office and Civil Service Committee earlier in my congressional tenure, I did not participate in any such treatment of a Democratic Postmaster General and oppose it now in the case of the present Republican Postmaster General.

Many believe, furthermore, that if this bill is passed there will be no remaining impetus toward the comprehensive postal reform which is so desperately needed. Under the present postal system many postal employees never have a real chance for advancement and the postal service itself has become increasingly inefficient. I firmly believe, therefore, that immediate and comprehensive reform in the postal system is mandatory.

Finally, it is no secret among Members of Congress that there are other Federal employees who consider this bill to be inequitable toward them in that it provides greater increases for postal clerks and letter carriers than for other Federal employees in comparable positions.

For these reasons, Mr. Chairman, I must regrettably oppose this legislation at this time. This decision has been a painful one, and one which I have reached only after much soul searching. I remain completely determined, however, to work through postal reform and other legislation to achieve full comparability for postal and other Federal employees.

Mr. GILBERT. Mr. Chairman, I rise in support of H.R. 13000. Historically it is a fact that postal employees have always received too little too late. With regularity, my office receives the justified complaints of postal workers and their families about inadequate salaries and the spiraling cost of living. My mail these days is full of statements from postal employees who remind us that because of inflation, the 4.1-percent increase they received in July of this year gives them less purchasing power than they had a year ago.

H.R. 13000 will not correct the admitted inadequacies of the postal pay schedules, but it certainly will help in resolving the perennial problem of what Congress is to do about the pay of these workers. I am impressed by the section of H.R. 13000 which establishes a Federal Wage Commission and I am glad to know that the unions which represent the workers will have a voice on that Commission.

Congress has on several occasions considered legislation to raise salaries of postal and other Federal workers to a level comparable with wages being paid in the private sector. Because of budgetary restrictions, our intent has never been carried out.

In my opinion, postal workers should not have to carry the Nation's economy on their shoulders as well as the tremendous mail volume for which they are responsible.

It is most discouraging for the Government workers who reside in my congressional district to note the tremendous gains made by their neighbors and those to whom they deliver the mail, and then to be denied a justified increase in their wages.

Mr. Chairman, I fully support H.R. 13000 and in so doing I agree that wage adjustments of Government employees should be automatic and not be delayed by the redtape which accompanies passage of a new law each year.

Mr. RUPPE. Mr. Chairman, President Nixon has clearly and specifically indicated that he will veto the Federal Salary Comparability Act of 1969 as reported out that the Committee on Post Office and Civil Service. Any veto of this desirable, needed legislation for postal employees must necessarily invite a comparison with similar legislation passed by Congress in 1967. At that time, the Post Office and Civil Service Commission, of which I was a proud member, voted rate increases to fully cover the salary increases specified in the bill. This was responsible action that permitted President Johnson to sign that bill into law. Yet, 2 years later the committee has completely failed in its responsibility to increase postal revenues to cover necessary postal pay increases. This failure to act is clearly responsible for the President's projected veto and in my view has done substantial disservice to this Nation's dedicated postal employees.

Mr. Chairman, I will vote to recommit this bill so the committee will face its responsibility and come up with a postal revenue package to guarantee the President's support of this needed comparability legislation.

Mr. DICKINSON. Mr. Chairman, I regret that I cannot support H.R. 13000, the Federal Salary Comparability Act of 1969.

No one disagrees with the fact that we must have competent, dedicated employees if the Federal Government is to

function smoothly and efficiently, and we must be able to offer adequate compensation if we expect to attract the caliber of personnel we need. There is no question in my mind that we have the finest merit system and Government employees of any nation in the world.

However, Mr. Chairman, I have serious reservations regarding the passage of H.R. 13000. The approval of this legislation will add $4.3 billion a year to Federal expenditures—$1.5 billion during fiscal year 1970. In view of our fiscal condition and the inflationary period we are experiencing at the present time, I believe it is very unwise to add this burden to our fiscal troubles.

The legislation under consideration is, I believe, discriminatory—it discriminates against classified employees, Foreign Service employees, and physicians, dentists, and nurses in the department of medicine and surgery of the Veterans' Administration. It excludes these employees from the October two-step increase granted postal field service personnel.

Mr. Chairman, this measure destroys the authority and responsibility of the President in Federal employees' pay determinations. If the bill is enacted, the Chief Executive of our Government would be powerless to deal with this important executive function. In addition, it places the Congress in a subordinate role in governing the tremendous expenditures required for Federal salaries. Even though the Gross amendment relating to positive congressional action has been approved, the concept of delegating the responsibility for setting salaries to a commission is, I believe, contrary to the wishes of the American people. This role has traditionally been retained by the Congress, and it should continue to exercise this function.

Mr. Chairman, I reiterate my support of fair and equitable salaries for Federal employees, but I do not believe that H.R. 13000 is the answer to this problem. I, therefore, must vote against the Federal Salary Comparability Act of 1969.

Mr. DENNIS. Mr. Chairman, had the Committee on Post Office and Civil Service seen fit to bring in a simple and reasonable increase in pay for postal workers, not encumbered by other provisions, I should have been happy to give such a measure sympathetic consideration consonant with essential budgetary considerations.

The committee did not do this. It brought in a bill largely depriving the Congress of its legitimate jurisdiction over Federal salaries, and turning this authority over to a Federal commission. It provided further for virtually an automatic appeal from every decision of the Salary Board to a Board of Arbitration. The power of the President in the matter of setting Federal wage rates was largely abolished. The adoption of the Gross amendment improved this situation, but did not remove these objections to the bill; nor can we have any assurance that this amendment will be left in the bill after action by the Senate.

In addition to all the foregoing, the bill discriminates in favor of postal employees as against other Federal employees, and also discriminates, as I understand it, within the postal service itself.

Finally, and perhaps most important, the bill, according to the President of the United States, will very seriously and adversely affect the Federal budget by adding a cost of some $4.3 billion a year, and $1.5 billion for the remainder of the current fiscal year alone, to our Federal expenditures. This, according to the President, will result in a decrease of Federal services and Federal employment, and will further have a serious inflationary impact. The money to pay for these increases will, as always, increase the already heavy burdens of all our taxpayers; and, to add to the irresponsibility of this measure, no effort is made in the bill to secure any part of these funds by any sort of postal rate increase.

I am informed that, because of these considerations, the President will, in all probability, veto this measure if it is passed by the Congress. The bill was opposed not only by the President, but also by the Bureau of the Budget, the Postmaster General, and the U.S. Civil Service Commission.

For all the foregoing reasons I felt, regretfully, compelled, as a responsible legislator, to vote against H.R. 13000.

Mr. UDALL. Mr. Chairman, I have no further requests for time.

Mr. GROSS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the committee substitute amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Salary Comparability Act of 1969".

SEC. 2. Sections 5301 and 5302 of title 5, United States Code, are amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that rates of pay for employees within the purview of this section be based on the principles that—

"(1) there be equal pay under each pay system for substantially equal work;

"(2) pay distinctions be maintained in keeping with work distinctions; and

"(3) rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

"(b) Rates of pay shall be adjusted annually, in accordance with the policy set forth in subsection (a) of this section and the procedures prescribed by section 5302 of this title, for those employees subject to—

"(1) section 5332 of this title, relating to employees under the General Schedule;

"(2) part III of title 39, relating to employees in the postal field service;

"(3) sections 867 and 870 of title 22, relating to officers, staff officers, and employees in the Foreign Service of the United States; and

"(4) section 4107 of title 38, relating to physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

"§ 5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration

"(a) There is established, as a permanent agency of the Government, a Federal Employee Salary Commission, referred to as the 'Commission'.

"(b) The Commission shall be composed of 8 members and 3 associate members, as follows:

"(1) the Chairman of the Civil Service Commission or, in his absence, his designee, who shall be Chairman;

"(2) 1 designated by the Director of the Bureau of the Budget;

"(3) 1 designated by the Secretary of Defense;

"(4) 1 designated by the Postmaster General;

"(5) 1 designated by the organization of employees having the largest number of members in the General Schedule;

"(6) 2, one designated by each of the 2 employee organizations having the largest number of members in the postal field service;

"(7) 1 designated by an employee organization, other than an organization designating a member pursuant to paragraph (5) or (6) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate; and

"(8) 3 associate members, one each designated by employee organizations, other than organizations designating members pursuant to paragraph (5), (6), or (7) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate.

A member of the Commission has—

"(A) 1 vote, if designated under paragraph (2), (3), (4), (5), or (7) of this subsection;

"(B) one-half vote, if designated under paragraph (6) of this subsection; or

"(C) 1 vote to be cast only to break a tie vote of the Commission, if serving under paragraph (1) of this subsection.

Each associate member of the Commission is entitled to attend all meetings of, consult with, and be heard by, the Commission, on all matters, but does not have a vote.

"(c) The Commission shall, in accordance with the policy set forth in section 5301(a) of this title, after consultation with representatives of such agencies and employee organizations as it determines appropriate—

"(1) prescribe, and revise from time to time as it deems appropriate, a comparability pay survey—

"(A) which will develop valid comparisons of (i) the rates of pay for employees within the purview of section 5301(b) of this title and (ii) the rates of pay for the same levels of work in private industry; and

"(B) which shall be conducted annually by the Bureau of Labor Statistics in the Department of Labor;

"(2) prepare annually a comparative statement of the rates of pay for such employees and the rates of pay for the same levels of work in private industry as disclosed by the comparability pay survey;

"(3) determine and prescribe, on the basis of information and data disclosed by the annual comparability pay survey, the exact national rates of pay for such employees which are necessary to effect the policy set forth in section 5301(a) of this title;

"(4) review, annually, the comparability of the rates of pay and step increase policies within and between the various pay systems for such employees, taking into consideration such matters as the Commission determines have affected or may affect the comparability, including, but not limited to—

"(A) within-grade rates of pay employees are receiving due to differing length of service requirements for step increases, step in-

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crease without regard to length of service, or different number of within-grade steps;

"(B) different rates of pay under the various pay systems for the same level of work;

"(C) pay distinction not being maintained in keeping with work distinction, the degree of responsibility placed, the scope and variety of tasks involved, or the extent of decisionmaking authority required; and

"(D) premium pay policies; and

"(5) except as provided in subsection (e) and subsection (g) of this section, prepare and submit annually to the Congress a report setting forth—

"(A) the comparison of rates of pay prepared pursuant to paragraph (2) of this subsection;

"(B) the exact national rates of pay for such employees prescribed by the Commission in accordance with paragraph (3) of this subsection; and

"(C) recommendations for legislation as may be necessary to achieve the comparability policy set forth in section 5301(a) of this title or to achieve comparability within and between pay systems for employees within the purview of section 5301(b) of this title.

"(d)(1) In the exercise of the authority and the performance of the duties vested in and imposed upon the Commission by this section, the Commission—

"(A) shall seek the views, in such manner as the Commission may provide, of such employee organizations as the Commission considers appropriate; and

"(B) give thorough consideration to those views.

"(2) All decisions of the Commission shall be by a majority vote. The votes shall be recorded. A record shall be maintained of the views, assenting or dissenting, of the members of the Commission. The record of votes and views shall be available for public inspection and copying pursuant to section 552 of this title.

"(e) If a member of the Commission determines, and advises the Commission, that the rates of pay applicable to the appropriate pay system, as the rates are prescribed by the Commission, are not in conformity with the policy set forth in section 5301(a) of this title, the Commission shall submit, not later than February 1 following that determination, the rates of pay to the Board established by subsection (f) of this section for consideration by the Board.

"(f)(1) There is established, as a permanent agency of the Government, a Federal Employee Salary Board of Arbitration, referred to as the 'Board', which shall be composed of 7 members as follows:

"(A) 2 Members of the United States Senate designated by the President pro tempore of the Senate, each from a different political party;

"(B) 2 Members of the United States House of Representatives designated by the Speaker of the House, each from a different political party;

"(C) 1 designated by the Chairman of the Civil Service Commission;

"(D) 1, who may serve not more than 2 consecutive years, designated by a majority vote of the presidents of the four employee organizations which have designated members currently serving on the Commission under paragraph (5), (6), or (7) of subsection (b) of this section with each president of the employee organization under paragraph (5) or (7) having one vote and each president of the organizations under paragraph (6) having one-half vote; and

"(E) 1 designated by a majority of the members of the Board referred to in paragraphs (A) to (D), inclusive, of this subsection from the membership of the American Arbitration Association, who shall be Chairman of the Board.

"(2) The Board shall consider the rates of pay submitted to it by the Commission pursuant to subsection (e) of this section and determine whether or not the rates of pay conform with the policy set forth in section 5301(a) of this title. If the Board determines that the rates of pay do not so conform, the Board shall prepare the rates of pay as will conform with that policy. The Board shall transmit to the Commission not later than the 30th day following the date the Board received the rates of pay submitted to it by the Commission, a report setting forth—

"(A) the decision of the Board with respect to the rates of pay submitted by the Commission;

"(B) the reasons for the decision of the Board; and

"(C) such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

The decision of the Board, and such rates of pay as it may prepare in accordance with this paragraph, shall be final and conclusive.

"(g)(1) Except as provided in paragraph (2) of this subsection, the Commission shall submit to the Congress the first report pursuant to paragraph (5) of subsection (c) of this section, based on the 1969 national survey of professional, administrative, technical, and clerical pay, not later than February 1, 1970, and subsequent reports pursuant to such paragraph (5) not later than February 1 of each year thereafter.

"(2) In the case of the submission of rates of pay by the Commission to the Board pursuant to subsection (e) of this section, the Commission, immediately upon receipt of the final and conclusive decision of the Board, shall submit to the Congress the decision of the Board and such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

"(h)(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the rates of pay submitted to the Congress as provided in subsection (c)(5) or subsection (g) of this section become effective at the beginning of the first pay period that begins on or after the first day of the year in which the rates of pay are submitted; but only to the extent that, within 30 days after the rates of pay are submitted to the Congress—

"(A) there has not been enacted into a law a statute establishing rates of pay other than those proposed by all or part of such recommendations,

"(B) neither House of Congress has passed a resolution specifically disapproving all or part of the recommendations, or

"(C) both.

"(2) Any part of the recommendations, in accordance with express provisions of the recommendations, may be made operative on a date earlier than the date on which the recommendations otherwise are to take effect.

"(3)(A) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28 shall be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to this section for corresponding rates of pay.

"(B) Notwithstanding section 665 of title 31, the rates of pay of employees of an Executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts not to exceed the increases provided pursuant to this section for corresponding rates of pay in the appropriate schedule or scale of pay.

"(C) This section does not authorize any increase in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(D) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"(4) Retroactive pay shall be paid by reason of this section only in the case of an individual in the service of the United States (including service in the armed forces) or the government of the District of Columbia on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, except that such retroactive pay shall be paid—

"(A) to an employee who retired, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, for services rendered during that period, and

"(B) in accordance with subchapter VIII of chapter 55 of this title, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, by an employee who died during that period.

Such retroactive pay shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of this title, relating to civil service retirement, and any other retirement law or retirement system, in the case of any such retired or deceased employee.

"(5) For the purposes of paragraph (4) of this section, service in the Armed Forces, in the case of an individual relieved from training and service in the Armed Forces or discharged from hospitalization following such training and service, includes the period provided by law for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia.

"(i) Each member and each associate member of the Commission and each member of the Board is entitled to travel expenses, including a per diem allowance in accordance with section 5703(b) of this title. Each such member or associate member who is not a Member of Congress or an employee is entitled to pay at a rate equal to the per diem equivalent of the maximum rate of basic pay of the General Schedule for each day he is engaged in the performance of services for the Commission or the Board, as the case may be, except that the member from the American Arbitration Association may be paid the usual fees prescribed by that association.

"(j)(1) Without regard to the provisions of this title governing appointments in the competitive service and of chapter 51 of this title and subchapter III of this chapter, relating to classification and General Schedule pay rates—

"(A) the Commission and the Board each may appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of this title; and

"(B) with the approval of the Commission or the Board, as appropriate, the Executive Director may appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule) of such additional personnel as may be necessary to carry out the functions of the Commission or of the Board, as applicable, and may obtain services of experts or consultants in accordance with section 3109 of this title, but at rates for individuals not to exceed that of General Schedule 18.

"(2) Upon the request of the Commission or of the Board, the head of any department, agency, or establishment of any branch of the Government of the United States may detail, on a reimbursable basis, any of the personnel of such department, agency, or establishment to assist the Commission or the Board, as appropriate, in carrying out its functions.

"(k) The Commission and the Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(l) The Administrator of the General Services shall provide administrative support services for the Commission and the Board on a reimbursable basis.

"(m) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such rates (other than any provision of law enacted in the 30-day period specified in paragraph (1) of subsection (h) of this section with respect to such rates); and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(n) The rates of pay that take effect under this section shall be printed in—

"(1) the Statutes at Large in the same volume as public laws;

"(2) the Federal Register; and

"(3) the Code of Federal Regulations.

"(o) Any increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title or section 3552 of title 39.

"(p) Any rate of pay that takes effect under this section shall be initially adjusted, effective on the effective date of such rate of pay, under conversion rules prescribed by the President or by such agency as the President may designate.

"(q) The rates of pay of personnel subject to sections 210 and 213 (except subsections (d) and (e)) of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90–206), and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made pursuant to this section, by the following authorities—

"(1) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

"(2) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h (b) of title 16.

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute.".

SEC. 3. The table of contents of subchapter 1 of chapter 53 of title 5, United States Code, is amended by striking out—

"5302. Annual reports on pay comparability."

and inserting in lieu thereof—

"5302. Federal Employee Salary Commission;
Federal Employee Salary Board of Arbitration.".

SEC. 4. Section 3552(a) of title 39, United States Code, is amended to read as follows:

"(a)(1) Each employee subject to the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

"(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of 26 calendar weeks of satisfactory service; and

"(B) to steps 8 and above—at the beginning of the first pay period following the completion of 52 calendar weeks of satisfactory service.

"(2) The receipt of an equivalent increase during any of the waiting period specified in this subsection shall cause a new full waiting period to commence for further step increases.

"(3) An employee subject to the Postal Field Service Schedule who returns to a position he formerly occupied at a lower level may, at his request, have his waiting periods adjusted, at the time of his return to the lower level, as if his service had been continuous in the lower level.".

SEC. 5. (a) Each employee in levels 1 through 11 of the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule—

(1) who is in a step below the 2 top steps of his level shall be advanced 2 steps; or

(2) who is in either of the 2 top steps of his level shall receive basic compensation at a rate equal to his rate of basic compensation in effect immediately prior to the effective date of this subsection plus the amount of 2 step increases of his level.

Changes in levels or steps which would otherwise occur on the effective date of this subsection without regard to the enactment of this subsection shall be deemed to have occurred prior to adjustments under this subsection. Each such employee who receives an adjustment under this subsection shall commence a new full waiting period, for further step increase purposes under section 3552(a) of title 39, United States Code, on the first day of the first pay period which begins on or after July 1, 1970, and service by such an employee on or after the effective date of this section and prior to the beginning of such pay period in July 1970 shall not be credited for such step increase purposes.

(b) For the purposes of the initial application of section 3552(a) of title 39, United States Code, as amended by section 4 of this Act, credit for satisfactory service performed by an employee in levels 12 or above of the Postal Field Service Schedule since his last step increase prior to the effective date of section 4 of this Act, shall be granted in an amount not in excess of the amount of service required for a one step increase applicable to the step category of the employee.

(c) The Postmaster General shall advance each employee in level 12 or above of the Postal Field Service Schedule—

(1) who was in level 12 or above on the effective date of this section and who did not receive a two-step increase pursuant to this section;

(2) who is senior with respect to total postal service to an employee in the same post office (A) who received a two-step increase pursuant to this section and (B) who is promoted to the same level on or after the effective date of this section; and

(3) who is in a step in the same level below the step of the junior employee described in clauses (A) and (B) of subparagraph (2) of this subsection.

Such advancement by the Postmaster General shall be to the highest step which is held by any such junior employee. Any increase under the provisions of this subsection is not an equivalent increase within the meaning of section 3552 of title 39, United States Code. Credit earned prior to advancement under this subsection for advancement to the next step shall be retained for step increase purposes under such section 3552.

SEC. 6. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premum pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.".

SEC. 7. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of contents of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out—

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof—

"5942. Allowance based on duty at remote worksites.".

SEC. 8 (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. **Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations**

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is deter-

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mined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.".

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding—

"5947. Quarters subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below—

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress) is repealed.

SEC. 9 (a) This section, the first section, and sections 2 and 3 of this Act shall become effective on the date of enactment of this Act.

(b) Sections 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after October 1, 1969.

(c) Section 4 of this Act shall become effective on the first day of the first pay period which begins on or after July 1, 1970.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the committee amendment be dispensed with, and that it be printed in the RECORD in full and be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 38 strike out all of subsection (q), beginning with line 15 down through line 11 on page 39, and insert in lieu thereof the following:

"(q)(1) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90–206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the Legislative Branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section by amounts which are identical, insofar as practicable, to the amounts of the adjustments under this section for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

"(A) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h(b) of title 16;

"(B) the Financial Clerk of the Senate, with respect to the United States Senate;

"(C) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

"(D) the Architect of the Capitol, with respect to the office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Minority Clerk, Sergeant at Arms, Minority Sergeant at Arms, Doorkeeper, Minority Doorkeeper, Postmaster, Minority Postmaster.

"(2) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the Judicial Branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.".

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of my amendment be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Chairman, this amendment is a simple amendment which I believe will arouse no great controversy.

In the 1967 act we provided a system by which comparability raises were given to the Federal classified employees, the postal employees, and so on. We also had a section which permitted and required that the employees of the legislative branch be given the same proportionate increases once other determinations were made.

In the bill the committee reported, because of some confusion, and because of some additional study on the mechanics that I had wanted to make, there was no such provision. This is a simple amendment which will require the disbursing officer and financial clerk in the House and Senate to determine what adjustments have been made in the classified pay of the Federal executive departments, and then take the same adjustments for the employees in the legislative branch.

This would mean that if a $10,000 clerk downtown received a 3-percent increase on some January, then a $10,000 staff employee or committee employee in the Congress would receive a 3-percent increase. It also includes in the machinery two types of employees in the Federal branch, law clerks of circuit and district judges, and secretaries who were omitted from the regular machinery in the bill.

Mr. Chairman, I do not know of any great opposition to the amendment, and I would hope that it would be agreed to.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman's statement, and in line of clarification might I ask the gentleman—as the author of the bill—one further question pertaining to page 24, lines 22 through 25, where it says in effect that the rates of pay shall be adjusted annually, and then it refers to the physicians, dentists, and nurses, in the Department of Medicine and Surgery, Veterans' Administration.

Is there any particular reason why these particular categories of talented and scarcely trained personnel were picked out in the Veterans' Administration specifically, rather than in any other, for example, the dentist and physicians in the Public Health Service?

Mr. UDALL. The dentists, physicians, and so forth in other departments are covered in the classified service; they are in the classified salary system. The Veterans' Administration has a separate salary system for these particular people, and we simply bracketed them into the automatic machinery so that a nurse or dentist or physician in the Veterans' Administration would get the same increase as a nurse or a doctor or dentist in the Public Health Service, who are already included.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, do I understand then that the intent, insofar as the Commission is concerned, and the various boards of appeal, or arbitration, that are set up in this bill, is so that there will be some equalization of pay for those of like talents, and equal quality of skills, who are throughout the entire Government by this proposal?

Mr. UDALL. This is basically the intent of this proposal. We have had some incidents where we have had some nurses and nurses' assistants, as I am sure the gentleman is aware of, in one branch of the Government who are getting less than the same comparable people in other branches.

Mr. HALL. Carrying the colloquy one step further, there has actually been proselyting between the various branches of the Government because of inequities so far as this particular area is concerned, but the ones singled out here have apparently been the leaders in income and have experienced those activities, and as to their amount of income to date, and I wondered if it would work in the reverse, or if the others would be brought up to those even though they are covered by other pay acts?

Mr. UDALL. The intention is to equalize them, I will say to the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 32, beginning with line 14, strike out all of line 14 and all that follows down through the end of line 7 on page 33 and insert in lieu thereof the following:

"(h) (1) The rates of pay submitted to the Congress as provided in subsection (c)(4) or subsection (g) of this section shall become effective at the beginning of the first pay period which begins on or after the adoption by both Houses of Congress (within the 60 day period following the date on which the rates of pay are submitted to the House of Representatives and the Senate), by the yeas and nays of a concurrent resolution stating in effect that the Senate and House of Representatives approve such rates of pay."

"(2) For the purposes of paragraph (1) of this subsection, in the computation of the 60 day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The rates of pay submitted to the Congress shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session."

On page 33, line 12, strike out "first day of the year" and insert in lieu thereof "date on";

On page 33, line 22, strike out "first day of the year in" and insert in lieu thereof "date on";

On page 36, line 21, strike out "first day of the year in" and insert in lieu thereof "date on".

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS) in support of his amendment.

Mr. GROSS. Mr. Chairman, in support of the amendment that I have offered, may I say it conforms with the policy expressed by the gentleman from Arizona (Mr. UDALL) in the hearings before his compensation subcommittee.

The purpose of this amendment is to require that Congress take affirmative action, not negative action, in connection with the approval of pay increases recommended to it by the so-called Federal Employee Salary Commission.

The Congress should not under any circumstances avoid its responsibility in this matter, as it did in connection with increasing the salaries of Members earlier this year. We were led then to believe that we would be able to vote on that issue in an orderly manner, but it certainly did not work out that way.

As the Members of the House well know, the executive, congressional, and judicial pay bill went into effect early this year while the House of Representatives was conveniently on vacation. My proposal would require that both Houses of Congress, by a yea-and-nay vote, shall approve a concurrent resolution within 60 days after the Commission report is received and before pay increases for Federal employees could possibly become effective.

My amendment further provides that there will be no retroactive pay increases as provided for in the present language of the bill, H.R. 13000.

There is precedent for the amendment I am proposing. A similar provision is contained in the Trade Expansion Act of 1962, title 19, section 1981, where the procedure I suggested in my amendment is used in connection with the imposition of duties or other import restrictions.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. WILLIAM D. FORD. Did I understand the gentleman to say that in his opinion, if a provision such as he is now proposing in this bill had been included in the bill covering pay for the executive branch, the judiciary, and Congress, it would be unlikely that we would have received the pay raise that we got this year?

Mr. GROSS. No, that is not my understanding. Certainly, I would have liked to have seen a vote on it, and tried in every possible way to get it. The responsibility of Members of the House, the presumed responsibility, dictated that there be a vote on that pay increase. But there was no vote, as the gentleman knows.

Mr. WILLIAM D. FORD. Then do I clearly interpret your position as being that you do not intend by the amendment you are offering to make it less likely that there will be an annual increase in pay comparable or commensurate with increases in the cost of living and other factors, that would be the case under the bill offered by the gentleman from Arizona (Mr. UDALL).

Mr. GROSS. I cannot say what position the House will take. I doubt very much that had House Members voted on a rollcall vote they would have passed the congressional pay increase earlier this year. That is my personal opinion.

Mr. WILLIAM D. FORD. Then I gather that you do believe there is at least a strong possibility that Federal employees chances of an annual raise would be at least in jeopardy if your amendment is passed, to a greater extent than the provision of the Udall bill; and with that in mind, I ask the gentleman if he really believes this House could in good conscience pass a salary commission bill that treated the employees of the Federal Government less generously than we have treated ourselves?

Mr. GROSS. I do not know what the House would do. I should like to see a test. I want to see a yea-and-nay vote on pay increases and all of them. That is what my amendment provides, that the House be compelled to vote on pay-increase legislation.

Let me say to the gentleman that looking down the road 18 months hence, this legislation, we are told, will very likely cost $2.5 billion exclusive of the military pay increase, which is semiautomatic, being based upon the passage of pay-increase legislation for other Federal employees. The House has the obligation to the citizens of this country, the taxpayers of this country, to vote on all pay-increase legislation.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. WILLIAM D. FORD, and by unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. The point that I am trying to examine the gentleman in the well about—and I fully appreciate the good faith of his amendment—I want to say that I agree with you, and I would have been very happy to vote on the issue of pay, and that we needed it. I feel it is fully justified, and I went on record publicly. I would be most happy to do that in this Chamber. I think wherever possible we should vote.

The point I am trying to raise with the gentleman, however, is the fact that we have established a salary procedure for the top-pay executives in the Government, for the judiciary, and for the legislative, and what the gentleman's amendment would now do would be to set a double standard. We would have a different approach, perhaps less advantageous for the general employees of the Government than that which we have provided for ourselves, and this does not seem to me to be consistent with fair play, that we treat ourselves in any way better than other employees in the Federal Government.

Mr. GROSS. With the influential help of the gentleman from Michigan—and he can be a very helpful influence in the committee—I will be glad to offer legislation in the committee to provide for a mandatory vote on any further increases in pay for the executive, legislative or judicial branches of Government.

Mr. WILLIAM D. FORD. I will give that my sympathetic consideration.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from North Carolina.

Mr. HENDERSON. I wish to commend the gentleman for presenting to the House a most important amendment to this legislation. The provision of the bill that your amendment seeks to amend is the one that gives most of us great trouble. That is the question whether or not the pay raises are going to be automatic unless Congress vetoes the recommendation of the Salary Commission, or whether Congress is going to face up to what many of us think is our responsibility and affirmatively vote for the raises as recommended by a commission. That is what the gentleman's amendment does. It affords us an opportunity to go on record at this point that if we want to increase the salaries of the employees as the Commission finds they are entitled to be increased, we would then vote to do that. I commend the gentleman for this opportunity to vote on that issue.

Mr. GROSS. I thank the gentleman from North Carolina for his concurrence in and help with this amendment.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I urge Members of the House to give very serious consideration to the amendment offered by the

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gentleman from Iowa. If the amendment is adopted, I am sure passage of the bill, at least by the House, will be assured.

Mr. GROSS. I thank the gentleman but I hope it will not assure passage of the bill for many other of its provisions are totally unacceptable.

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Minnesota.

Mr. MacGREGOR. I rise to commend the gentleman from Iowa. His amendment obviously has great merit, and I would be pleased to support it. I should like to say to the gentleman who questioned the gentleman from Iowa a moment ago about the double standard that obviously, if the House were to adopt this amendment now offered by the gentleman from Iowa on this legislation, we would subsequently adopt the same amendment with respect to a Commission's recommendations for congressional, legislative, executive or judicial pay raises.

Mr. GROSS. The gentleman is exactly right. If we put it in this bill, as we should, then we certainly ought to put it on the other legislation. I will offer legislation to that end.

Mr. MacGREGOR. I would be pleased to support the gentleman in that legislation. I join with him.

Mr. GROSS. I thank the gentleman.

I was pleased to read in the hearings on this legislation the statement of Mr. Udall in connection with providing for affirmative congressional action on pay increases when he said:

> This would insure that there would be an actual vote on these new pay schedules developed through the machinery I am talking about.

However, the language of the bill, H.R. 13000, does not conform to his statement.

It occurs to me that if we are going to enact permanent law on this subject, we should remove any question as to whether the Congress has acted affirmatively with respect to pay increases for Federal employees. To do otherwise, as provided for in the present language of the bill, merely leaves us in a position of having to take the blame for any action of the Salary Commission without an opportunity to exercise any affirmative action with respect to its recommendations.

Mr. Chairman, I urge approval of the amendment.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I told the gentleman from Iowa frankly and I told the members of the Rules Committee that I had no really strong feelings on the amendment. I am inclined to oppose it. I do not think we should adopt the amendment, but I do not think it would destroy what we are trying to do.

But, Mr. Chairman, let us make very clear what is involved before we vote on it. We are trying to set up a semiautomatic procedure in which Congress does not have to hassle every year about pay raises. We are not giving up the policymaking. The Congress sets the policy in this bill. The bill tells a group of mechanics and bookkeepers every January to go out and check comparability of wages and bring in a proposal, which is then laid before the Congress, and it lays there for 30 days, and, if we do not veto it, it takes effect.

What happens is that every year in January or February we will have a chance to vote and say, "we love the Federal employees." I cannot imagine one of these things being voted down when a bipartisan group of labor and management has studied and said these things are necessary. I cannot imagine Congress voting it down. So we will be simply going through an act every year to say we love the Federal employees.

Now, as to the amendment—the main reason the labor unions are against it is that it brings in delays. The recommendation will be made in January or February, and if there is arbitration it lays there until March of each year, and if there is further delay, it will be May, and then it may be voted upon. So this will leave the budget and the pay situation in doubt between January 1 and May 1. For these reasons, I believe it would be unwise to adopt the amendment, but I did tell the gentleman from Iowa it was not vital. If the Congress wants to do this and waste the time each year confirming that our policy has been carried out, then let us do it, but we still have a chance to veto it. The mechanics of the bill permit Congress to take up the bill and vote against it, if Congress wishes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, this amendment writes out the retroactivity provision.

Mr. UDALL. Then this is an even stronger reason to oppose the amendment, and the employee unions would be even more bitterly opposed. I did not understand that feature.

Mr. Chairman, the problem is the lag we have of 15 months. We are behind in comparability now. We have tried to shorten that time, and it will still be more than 5 months behind. Each January we will catch it up to the previous August, but now the gentleman's amendment is going to make the lag even greater.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, is the gentleman saying we should tailor whether we vote on a bill, any bill, in accordance with whether the bankers' association, the bar association, or any other group wants us to vote? Is this the way the gentleman is suggesting the House should proceed on other legislation?

Mr. UDALL. No. What I am saying is that we ought to vote on important things. There are $5 billion worth of Wage Board adjustments made each year. We do not fix these things, because we have set down the policy and we have told the group of technicians and bookkeepers to check on the pay for a carpenter and find out the situation in the particular area and pay that, and we do not vote each year on that.

Mr. GROSS. But we could participate in it if we wanted to do so.

Mr. UDALL. Of course we could.

I am simply suggesting it is not all that important to saddle Congress with taking one afternoon or one day each year to vote on, and we do have a chance to vote if some outrage has been perpetrated.

Mr. GROSS. I have not reached the point where a $2.5 billion bill is inconsequential from the standpoint of my vote.

Mr. UDALL. Of course, we have not. But if the policy is fixed by the Congress, it can be carried out by the technicians.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, was not one of the major contentions of Postmaster General Blount for postal reform through setting up a Corporation this argument, that without a rate board outside Congress there is a time lag and a lack of control in wages in the postal system?

Mr. UDALL. Indeed. One of the purposes of the Postal Corporation is to get our hands out of the pot, to let us stop stirring the stew, and to have wages fixed in a different method than by having Congress fix them.

Mr. WHITE. So by the committee amendment we still have oversight over the wages, yet the Rate Commission speeds up and streamlines the process?

Mr. UDALL. Absolutely.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 49, noes 45.

Mr. UDALL. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Gross and Mr. Udall.

The Committee again divided, and the tellers reported that there were—ayes 65, noes 51.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Scott: On page 24, line 12, strike out "adjusted" and insert in lieu thereof "reviewed"; and
>
> On page 28, lines 14 and 15, strike out "except as provided in subsection (e) and subsection (g) of this section,"; and
>
> On page 29, beginning with line 17, strike out all of line 17 and all that follows down through the end of line 19 on page 35 and redesignate the succeeding subsections accordingly; and
>
> Delete each reference to the Federal Employee Salary Board of Arbitration and members of such Board in the remaining text of the bill.

Mr. SCOTT. Mr. Chairman, I did not anticipate the action of the Committee just taken in adopting the amendment proposed by the gentleman from Iowa (Mr. Gross). Indeed I supported his amendment, but thereafter considered for a moment whether mine should be offered in view of the action of the Committee in adopting the Gross amendment. On comparison of the two amendments, however, it is still considered worthwhile for the Committee to consider and adopt this amendment.

Esssentially, what it does is it provides that the Commission shall be advisory only and that the report which it makes will have to be acted upon by the House. The Gross amendment adopted by the Committee would require a rollcall vote. The amendment now before you, however, would place the Salary Commission in an advisory role. It also eliminates the arbitration board. If the Salary Commission is going to be advisory only and if the Congress will have to act, as the Committee has just said it should. I see no purpose in having a board of arbitration. A Board of Arbitration to which any member of the Salary Commission can appeal if he is dissatisfied with the decision rendered by the Salary Commission is something that is not necessary in view of the adoption of the Gross amendment.

It seems to me we should ask ourselves a number of questions in the consideration of this legislation.

First, Mr. Chairman, we should ask ourselves do we want the President and the Congress to control the budgetary and the appropriation process, or do we want a commission to determine this. It seems reasonable to me to retain these processes within the control of the Congress and the President. It seems reasonable that when the President submits his budget to the Congress it should include salary adjustments for Government employees to be made during the fiscal year.

Mr. Chairman, it seems to me we might ask ourselves to whom the Government employee should turn. Should he turn to a commission for the adjustment of his salary or should he contact his Congressman as he has in the past?

What will we say to the employees or their representative if they come to us? Will we say, "Talk it over with the Commission"? Will we be bound by what the Commissioner reports, or will we treat him in the same manner as all of our other constituents at the time we consider pay adjustments?

Mr. Chairman, if we look at page 32 of the bill we can see that the findings of the Commission go into effect within 30 days after submission to the Congress. If, ultimately, the Gross amendment does not become the law—and I hope that it does become law—but in the event the other body or a conference between the two bodies strikes it out, I feel this amendment will be good insurance to take two bites at similar proposals. My amendment would make the Salary Commission advisory only. I think we show our concern for the Government employee when we say to him that the Congress will retain jurisdiction over the salaries of Government employees.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Ohio.

Mr. LATTA. As I understand the gentleman's amendment, he proposes to give the Commission only review powers. Is that correct?

Mr. SCOTT. I would knock out the Commission being able to determine the salary of a Government employee. My amendment would change the word "adjusted" on page 24 to "review." In other words, it would not adjust the salaries. The Commission would review the salaries and make its recommendation to the Congress.

If the Gross amendment does become law it would take away a lot of the thrust of my amendment. I think, however, the two are consistent. My amendment would abolish the Arbitration Board. The Arbitration Board is a review board that is set up in the bill. First, the Commission determines the salary and this would be a recommendation only. Then we would have the Board of Review. The Congress under my amendment would do that rather than a Board of Arbitration. I see no need for a Board of Arbitration in view of the adoption of the Gross amendment, or if this amendment is adopted. My amendment would remove the Board of Arbitration but not the Salary Commission. In other words, we have two separate instrumentalities contained in this bill.

Mr. LATTA. Mr. Chairman, if the gentleman will yield further, I agree with what the gentleman is attempting to do. I do not think that as Members of Congress we ought to let any board or any commission do the job that we are sent here to do. I opposed the Salary Commission created to set salaries for Members of Congress. In my opinion this bill attempts to do the same thing for postal and other Federal employees. I think it is proper and fitting that we increase the salaries of postal and Federal employees but not to set up a commission to do it for us. This is our function as a legislative body—we should not delegate it.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. Scott was allowed to proceed for 1 additional minute.)

Mr. SCOTT. Mr. Chairman, I thank the gentleman for his comments. Let me say that I believe this Congress and this House over the years has abdicated a large measure of its responsibility. I think it is time that we reversed that trend and did the things that the people have sent us here to the Congress to do.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I make two points against the amendment. As a matter of fact I should have raised a point of order to the amendment although I did not, because it really does some of the things or undoes some of the things that were covered in the Gross amendment and as a result thereof it is my opinion that we would have a confused hodgepodge if both were approved.

Mr. Chairman, I am really appalled that a distinguished Member who represents as many Federal employees as does the gentleman from Virginia (Mr. Scott) would offer this amendment, because it guts the entire work of the committee in salary fixing and the entirely new system of fixing pay which this bill sets up and establishes would be ruined, vetoed and rendered totally ineffective.

Mr. Chairman, all this bill provides for is salary-fixing machinery and provides for study machinery. We have had study machinery since 1962, and under that system the Federal employees got further and further and further behind in Virginia until in 1967 we passed an act that set up some timetables and comparability guidelines that brought Federal employees up to full comparability.

If you want to ruin the postal and classified employees and put us right back in the committee and begin all over again and knock out the Federal salary fixing, just approve this amendment, because this is what it does.

If there is any Federal employee or any Federal employee organization that is in favor of this kind of amendment I cannot imagine who it would be.

Mr. Chairman, I strongly urge the defeat of the amendment offered by the gentleman from Virginia (Mr. Scott).

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I will yield briefly to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, is the gentleman saying, when he talks about the amendment gutting the bill, and as being against the interests of the Federal workers, is the gentleman asking this body to believe that the Bureau of the Budget, that the Post Office Department, that the Civil Service Commission, that the Department of the Army, all of whom have representatives on the Commission, are more interested in the welfare of the individual employee than this body is? I do not believe that these agencies are more interested in the welfare of Government employees than their elected representatives.

Mr. UDALL. No; I am not saying that. What I am saying is that the Federal employee was 2 years, 3 years, or even 4 years behind in comparability. I have heard the gentleman say how terrible this is. The reason that situation existed was because we had no machinery for regular, annual, periodic adjustments in pay. We had some study machinery that the gentleman says we should have now. But this bill would establish the automatic machinery whereby it will make sure that we can carry out the policies that we determine we believe in. If we were to continue with the study machinery as suggested, and this study were completed next January, the way this Congress works there would not be a raise until many months later. It would be maybe August or September before we would get around to coming up with a pay bill based upon that study so again that would be a year or two behind. That is what this bill is trying to avoid.

Mr. SCOTT. You are saying that the Commission would be more effective than this Congress, and I would submit that that is quite an indictment of the Congress, and the representatives of the employees and the people.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

XUM

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do not rise too often to speak on the floor of this House. As the Members know, I am a relatively new Member. However, I must rise on a matter so vital and on which I am intimately acquainted.

Before I arrived here as a Member of the Congress I served for many, many years as a policeman, but prior to that I served as a postal employee for some 5 years. I personally regard my departure from that postal system as an escape. I regard it in this fashion facetiously, but the fact of the matter is that it is a proper characterization of my departure; it was an escape from a medieval system and a medieval approach to salaries.

Be assured the Commission, with executive powers, is necessary. The advisory nature of this amendment would emasculate the very purpose of such machinery which is so necessary to overcome omissions over the decades where Congress has not done its job, and that is the fact of the matter. Congress has failed to do its job and discharge its moral responsibilities to the Federal employees, and also to the neglected employees of the postal system of our Nation. That is why we find ourselves confronted with the most abysmal postal service and where we find ourselves confronted with a situation where postal employees are required in some areas of the country to engage in other endeavors in order to maintain a living wage.

Gentlemen, we have seen the unrest, we have seen the activities on the part of the postal employees of this Nation, and they are responsible people, they are dedicated, they are loyal Americans, but they are charged with the responsibility of fiscally maintaining our postal service. We only have to look across the Atlantic Ocean to Italy, where not too many months ago we found a postal strike in existence that tied up that nation before they obtained their benefits. Should we in the Congress be responsible for driving the postal employees of America to that same end in order to ultimately obtain the required benefits?

You and I know that if we permit these inadequacies to approach crisis proportions in this country then we are responsible for any similar job action. It is irresponsibility on our part to drive the employees to that point. Let us discharge our duties and our responsibilities here today by defeating this amendment—and fulfill our moral commitment to the postal as well as Federal employees.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(By unanimous consent, Mr. Udall was allowed to proceed for 1 additional minute.)

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York (Mr. Dulski).

Mr. DULSKI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I know of the great contributions that the gentleman from Virginia (Mr. Scott) has made to the Committee on Post Office and Civil Service, but I am sure he is mistaken in presenting this amendment.

As the chairman of the full committee, I have sat on many of the hearings, and have listened attentively to the proceedings. I have always thought that we should bridge the gap of comparability within the period of about 3 or 4 months.

I think it was explained by our able subcommittee chairman, the gentleman from Arizona (Mr. Udall) when he said that if we delete that one provision from the bill and abolish the Arbitration Board, we will be more than 15 months away from comparability. So I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Scott).

The question was taken; and on a division (demanded by Mr. Scott), there were—ayes 27, noes 59.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hungate: On page 46, insert a new section 9 immediately following line 13, and renumber section 9 as section 10, as follows:
>
> "Sec. 9. (a) Any person paid from a clerk hire allowance of the House of Representatives who travels to a Congressional district in a State other than the State of the member by which he is employed for the purpose of influencing in any manner the outcome of a Congressional election, including any future Congressional election, shall be paid for only one-half the pay period during which the Clerk of the House is informed of the activities as provided in subsection (b) of this section.
>
> "(b) Any person paid from a clerk hire allowance who engages in activities described in subsection (a) of this section shall report such activities to the Clerk of the House no later than five days following the commencement of such activities.
>
> "(c) If full pay for the pay period during which the Clerk of the House is informed of activities prohibited by subsection (a) of this section has been received by a person reporting as required by subsection (b) of this section, the Clerk of the House shall withhold one-half of said person's pay for the following pay period.
>
> "(d) Any person paid from a clerk hire allowance failing to comply with subsection (b) of this section shall forfeit all right to any pay from the House of Representatives for a period of six months.
>
> "(e) It shall be the duty of the employing member of a person paid from a clerk hire allowance who engages in activities prohibited by subsection (a) of this section to report the activity to the Clerk of the House if the activity is not reported as required by subsection (b) of this section."

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. Hungate) in support of his amendment.

Mr. SCOTT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. SCOTT. Mr. Chairman, I make the point of order that the amendment is not germane to the bill that is being considered.

The CHAIRMAN. Does the gentleman from Missouri (Mr. Hungate) desire to be heard on the point of order?

Mr. HUNGATE. Mr. Chairman, I can hardly imagine anything more germane than this amendment relating to Federal employees pay in this bill having to do with the payment of Federal employees.

The CHAIRMAN. The Chair is ready to rule. The Chair would like to point out that the amendment offered by the gentleman from Arizona (Mr. Udall) that was adopted, goes to the point of clerk hire in the House and also in the Senate. The bill having been opened up on that subject by the adoption of that amendment, and since the amendment offered by the gentleman from Missouri (Mr. Hungate) also addresses itself to the matter of clerk hire in the House, the Chair holds that the amendment is germane and therefore overrules the point of order.

Mr. HUNGATE. Mr. Chairman, I urge support of this amendment. It is designed to prohibit campaigning by congressional staff paid from a clerk-hire allowance for candidates in congressional elections held out of the State of their employer's district. The amendment will accomplish this goal by penalizing those staffers in violation of the provision 2 weeks of pay, and in those instances where a staffer fails to report his activities, 6 months of pay.

Mr. Chairman, as President Nixon told those of us who were here yesterday.

> The spirit of party grows more evident weekly in the National Capital . . . the call to partisan combat has grown more compelling.

I have in my hand the following letter dated August 27, 1969, which reads as follows:

> Dear Bull Elephant—

I presume that refers to those in the cow districts—

> Our Congressional Campaign Committee chairman, Bob Wilson, has asked me to head up our reactivated R.S.V.P. program (Republicans Speak on Vital Problems), concentrating our efforts in Democratic-held districts.

Last year it was constructive Republican alternative programs—I am not sure what we should make of that. Continuing:

> We plan to send out three-member teams of Republican Congressmen into these districts on successive week ends between September 26 and November 6.
>
> To make these visits a success, we need a number of topflight advance men to precede the panels into these districts, conferring with local party leaders, setting up the agenda for the visits, arranging for press conferences, et cetera. And that's where you come in.
>
> If you can arrange it with your boss to get away from your office for a total of about 8–10 days during this period (the first 4–5 days coming several weeks in advance of the panel's departure and the second 3–4 days immediately preceding the group's departure), we can use you. Ideally, we're looking for administrative and/or press aides with the maturity and experience to deal with party leaders at the state and local level and with the news media in these areas.
>
> The Congressional Committee will pick up the tab on all your expenses, of course.

I interject here that this amendment would afford a further opportunity to pay their salaries as well.

> Because this will be a sizable undertaking, involving planning, logistics and timing, we

> are trying to line up experienced advance men as soon as possible—and would appreciate it very much if you would advise me of your availability to advance one or more of the panels.

Now, it is no secret that the Republicans need all the help they can get in running for elective office, Mr. Chairman. But taking staff members, paid with tax dollars, to pursue the interests of the taxpayers in their employing Congressman's district, and sending them to campaign for candidates for elective office in completely unrelated districts is not justifiable.

For example, why should the taxpayers meet the salary of a staff member employed by a California Congressman while that California staff member is working in a South Carolina political campaign?

Mr. Chairman, we knew the Republicans were hard up for ideas, but we never knew they were hardup for money.

It may be argued that the amendment is not needed because of the sensational lack of success the Republicans have had in recent special congressional elections. But, Mr. Chairman, this may simply be part of the "southern strategy," which involves losing congressional races in Montana, Wisconsin, and Massachusetts.

Mr. Chairman, those not engaging in this practice would not be affected. I am sure the Members would agree with me that any who are engaging in this practice should be stopped.

I therefore urge adoption of this amendment, and a vote to support it is a vote to save tax dollars.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Iowa.

Mr. KYL. Would the gentleman's amendment apply also to employees of the Doorkeeper's office, the office of the Clerk of the House, and other such offices who are paid by taxpayers generally?

Mr. HUNGATE. This amendment is limited, as I think the Clerk read.

Mr. KYL. I do not disagree with the gentleman's amendment at all. Would the gentleman join with me sometime and try to get a similar amendment to control those other offices?

Mr. HUNGATE. I have tried to adopt a policy of giving conscientious consideration to all amendments offered. I will do the same for any amendment offered by the gentleman from Iowa.

Mr. HOGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment as drafted has a broad brush effect which the author of the amendment does not intend. I happen to represent a district in metropolitan Washington and there are probably more employees of Members of Congress residing in my district than in any other district.

The result of the amendment as written would deny the individuals living in this district an opportunity to work for me or for my opponent in a political campaign. I do not think that this is the intention of the author of the amendment.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I believe the gentleman misconstrued the amendment. The employee actually can work any place in the same State, but the employee simply cannot go out into any other State in a political campaign. There is no harm in working for a Congressman.

Mr. HOGAN. But the employee who might be a legal resident of Missouri might live in Prince George's County, in my district, and might like to work for me or my opponent in a campaign. As I see it, the gentleman's amendment would preclude him from doing that.

Mr. HUNGATE. I appreciate the gentleman's suggestion. I believe he refers to something they do on their own time. I think with respect to the time they are paid for by the Government, for 3 or 4 days or 4 or 5 days out of State of the employing Member, that would be above and beyond donated time one may expect. I suppose they could take vacation time.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Mr. Chairman, I think the amendment offered by the gentleman from Missouri would not do any great harm, but it opens up a Pandora's box. I oppose the amendment offered by the gentleman.

Mr. HOGAN. I thank my colleague from Maryland.

I urge the defeat of the amendment.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from Maryland (Mr. Long), who engaged in the previous colloquy, hit the nail on the head when he said an amendment such as this would open up a Pandora's box. Consider in part for a moment what this proposed amendment does—and I know the gentleman from Missouri offers it with good intentions.

First of all, for example, the amendment prohibits under any circumstances a member of my staff, but not a member of a Senate staff, or a member of a committee staff, from going into a congressional district in any congressional district other than my home State, or in the instance of one of the gentleman's employees, in the gentleman's home State—unless at a sacrifice or penalty: It costs the employee one-half of his pay for that pay period.

I think it is probably unconstitutional. If he does not report to the Clerk of the House, as this amendment requires, he will lose 6 months' pay.

Consider some of the circumstances wherein every franchised and free American ought to have the privilege of doing what he wants to do politically. Every other Federal employee we are talking about giving raises to today has that privilege. Suppose a man is on a legitimate vacation, one that has been scheduled for months. He ought to have the privilege of doing what he wants to do on that vacation. He at least ought to be able to use that offduty time to engage in politics.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, the gentleman would recognize the Hatch Act does prohibit some activities for Federal employees that other people may engage in?

Mr. WAGGONNER. It absolutely does not when they are not on duty. They can engage in partisan politics when they are off duty.

Mr. HUNGATE. But the gentleman will agree there is a Hatch Act which affects Federal employees and not other employees.

Mr. WAGGONNER. Yes. But what the gentleman proposes here is far in excess of what the Hatch Act imposes on other Federal employees. Consider this. Consider the announcement just made by the Department of Defense the other day about the ability of the military to participate while off duty in elections. Suppose my administrative assistant is not a resident of the State of Louisiana, for example, but he is a resident of the State of Virginia, and he lives in the State of Virginia.

Are you going to tell me that in his authorized period of vacation he cannot participate in a congressional election in the State of Virginia? This amendment says he cannot.

If it is right for the Members of the House, why are we not going to put the same restriction on Senate elections or on presidential elections, just for an example?

This opens a can of worms nobody in this House wants to fool with.

Mr. Chairman, we are all engaged in the game of politics and we might as well recognize it. Let us not try to restrain people to this extent. It does not make sense. Vote this amendment down. It is totally unworkable.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

I should like to express two or three thoughts to the Members.

One is, the committee did not study this amendment. It takes no position as a committee on it.

My own view is that the Republican campaign committee had a rather ill-conceived program to send out staff people, who are paid some pretty handsome salaries, to go out for several days at a time into the congressional districts of our own colleagues.

I had the honor of one of them from a colleague of our own State (a Member of this body) sending out paid staff people into my hometown to tell my voters perhaps they were making a mistake keeping me in the Congress.

This would not be outlawed under the amendment. The amendment would permit this practice to continue. It would permit Members to send AA's all over the State. It would simply say I could not send my staff people into Louisiana or into Michigan or into some other State to campaign.

I recognize the practicalities. We are all in politics. It is hard to draw the line between what staff people do in politics and out of politics.

XUM

I would hope that the practice of this kind, that gave rise to this amendment, would be given a pretty hard look by the members of the other party. Two can play this game. It is a very poor policy to have the taxpayers pay their money for this. I pay my share of taxes, and I resent paying to have a man go 2,000 miles to another State to help defeat a Member of the House.

I am going to vote against the amendment. As I say, the committee has not taken a stand on this.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

This is a fascinating amendment. It really ought to intrigue all Members of the House. It is not as one sided as it might appear.

May I say in passing, I have the greatest of respect for the gentleman from Missouri, who offered the amendment. I remember the day when, with great courage, he marched into the well of the House and took on the entire Press Gallery, which few of us would have the courage to do. It is not surprising he will today take on the entire House membership with such a proposal.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Missouri.

Mr. HUNGATE. I would say the gentleman is paying tribute to my courage but certainly not to my judgment. I appreciate his comments.

I do mean this to apply equally to both sides of the aisle. I recognize what the gentleman says. On this side of the aisle I am sure he can recognize it more easily than I can.

Mr. DERWINSKI. I want to commend the gentleman for his judgment. I do not believe his judgment is any worse in offering this amendment today than it was when he took on the press.

I do wish to point out that we just have to appreciate what goes on in reality. We do not suppose for a minute, when Senator KENNEDY traveled about the country, that staff has not been involved. I even have a sneaking suspicion that some of the more brillant statements issued by the Democratic Study Group are the work of staff people, just as their other activities obviously are the work of staff people.

I would think, if we want to prohibit staff people from any participation in politics at all, we had better shake up this entire operation of ours. Even the press releases that will be flowing into the galleries all night long this day are politically prepared by staff people, going far beyond the district of an individual Member.

This is not really too bad an amendment. I would not mind supporting it on the ground it would confuse this bill and make it less acceptable further down the line.

I believe, in all reality, the political facts of life being what they are, this amendment would not help Democrats and would not help Republicans. It would just upset the present rules of the game.

If the gentleman from Missouri gets clearance from the leaders on that side I will have a few amendments to try to clean up his amendment, but really I think we ought to appreciate the unusual significance of this imaginative amendment.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield further?

Mr. DERWINSKI. Yes. I will yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I appreciate the statement of the gentleman that it would not be helpful to Democrats or Republicans, but I submit it might help taxpayers.

Mr. DERWINSKI. By gosh, if I thought we would do anything to help taxpayers, I would rally to the cause. But just think of the damage we are doing to the taxpayers with this bill to which the gentleman is offering an amendment. If we postponed the entire bill, we might be doing the taxpayers a real-favor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. HUNGATE) there were—ayes 48, noes 55.

So the amendment was rejected.

COMMUNICATION FROM NORTH VIETNAM

Mr. MORTON. Mr. Chairman, I move to strike the last word.

(By unanimous consent Mr. MORTON was allowed to speak out of order.)

Mr. MORTON. Mr. Chairman, a few moments ago there was handed to me by a messenger from the White House a letter from the Premier of North Vietnam, Pham Van Dong. The letter was sent from Hanoi in Vietnamese to Paris and transmitted from Paris to the United States, 1317 Greenwich mean time, October 14, 1969. It says:

> DEAR AMERICAN FRIENDS: Up until now the U.S. progressive people have struggled against the war of aggression against Vietnam. This fall large sectors of the U.S. people, encouraged and supported by many peace- and justice-loving American personages, are also launching a broad and powerful offensive throughout the United States to demand that the Nixon Administration put an end to the Vietnam aggressive war and immediately bring all American troops home.
>
> Your struggle eloquently reflects the U.S. People's legitimate and urgent demand, which is to save U.S. honor and to prevent their sons and brothers from dying uselessly in Vietnam. This is also a very appropriate and timely answer to the attitude of the U.S. authorities who are still obdurately intensifying and prolonging the Vietnam aggressive war in defiance of protests by U.Y. and World Public opinion.
>
> The Vietnamese and world people fully approve of and enthusiastically acclaim your just struggle.
>
> The Vietnamese people demand that the U.S. Government withdraw completely and unconditionally U.S. troops and those of other foreign countries in the American camp from Vietnam, thus allowing the Vietnamese people to decide their own destiny by themselves.
>
> The Vietnamese people deeply cherish peace, but it must be peace in independence and freedom. As long as the U.S. Government does not end its aggression against Vietnam, the Vietnamese people will persevere in their struggle to defend their fundamental national rights. Our people's patriotic struggle is precisely the struggle for peace and justice that you are carrying out.
>
> We are firmly confident that, with the solidarity and bravery of the people's of our two countries and with the approval and support of peace-loving people in the world, the struggle of the Vietnamese people and U.S. progressive people against U.S. aggression will certainly be crowned with total victory.
>
> May your fall offensive succeed splendidly.
>
> Affectionately yours,
>
> PHAM VAN DONG,
> *Premier of the DRV Government.*

Mr. Chairman, all of us in this House have vigorously supported the right of dissent. We have supported the right of people to express themselves in assembly. I think we had better in this case—in the so-called moratorium—be very careful that we do not fall into a trap which has been set here so cleverly by the Communist leader of North Vietnam.

We had better think a long time if we use this moratorium for any other purpose than to rededicate ourselves to the support of the President of the United States and the national policy of this country which he so eloquently and so magnificently has articulated.

Mr. DOWDY. Mr. Chairman, as a preface to these few words, I would relate that I was one of those who felt at the time we got involved in Vietnam, and so stated, that it was a mistake to involve American troops in a land war in Asia. That has been an American military maxim since the 19th century. However, that is water under the bridge. We did become so involved. We are there. Our country is at war, and we ought not forget it.

With that out of the way, I will proceed to the point of my remarks today.

Mr. Chairman, many words will be spoken today and tomorrow in fawning support of our North Vietnamese and Vietcong enemy. This may even cause some wonder whether patriotism is dead in America. I say it is not. I shall give just one example; I know there are countless others.

Five years ago we had a page on the floor of this House from Conroe, Tex. Many of you will remember him, Jimmie Edwards. I have known Jimmie since he was 10 years old. He would rather these remarks not be made, but because of the current pro-Vietcong demonstrations, I believe I should speak, and he will forgive me.

After service as our page, he returned to Conroe to complete his high school education. He then enrolled in college, making excellent grades. But his country was in trouble—it was at war in Vietnam. As a university student, the draft was not pressing him; he was 20 years old, a junior in the university. But his country needed him; he heard the call. He was eligible for officer training, but turned it down to voluntarily enlist in the U.S. Marine Corps as a private.

He felt the need for fighting men, and that the need was current, and in Vietnam. Last February he enlisted; on August 5 he arrived in Vietnam as a Marine private; on August 6 he celebrated his 21st birthday at An Hoa, 27 miles southwest of Da Nang.

During the ensuing days, Jimmie participated with valor in the military action. On one occasion he prevented the death or capture of himself and his buddies by an enemy officer who had approached to within 10 feet of where they were resting from exhaustion. The enemy had already raised his gun to shoot when Jimmie shot faster. Jimmie was not afraid to do his duty for his country.

Then, on August 19, Jimmie and several other marines were hit by enemy rockets. I understand all were killed, save Jimmie and one other. Jimmie lost both legs, and received other wounds. He is now in the U.S. Naval Hospital, Oakland, Calif. Corporal Edwards has been awarded the Bronze Star with valor, for his service rendered during his 2 weeks in Vietnam.

Jimmie is not discouraged. He is a man. He does not feel sorry for himself. He will walk again, and will feel that he is still on his own two feet, even if they will be artificial. Jimmie would return to Vietnam, if the Marine Corps should feel he could serve.

Jimmie hopes to be home for Christmas, and perhaps walking. Knowing him, I believe he will. And when he is able, I want him to visit us in Washington in order that those of you who knew him as a page may renew your acquaintance with a real square, a patriotic young American.

And I believe Jimmie would join with me in recommending a poem, author unknown to me, to those who are in sympathy with the demonstrations favoring the Vietnamese Communists:

> No man wins when freedom fails—
> Good men rot in filthy jails;
> And those who cry, Appease! Appease!
> Are hung by those they tried to please.

Mr. Chairman, I include as part of my remarks the article by Joe Parsley concerning Cpl. Jimmie Edwards, which appeared in the August 27 issue of the Conroe, Tex., Courier:

JIMMIE C. EDWARDS WILL WALK WITH COURAGE, WISDOM, GLORY

(By Joe Parsley)

Jimmie C. Edwards III is a square.

He's the kind of square that makes the hackles on the back of your neck stand at attention . . . the kind that makes the tears well up in your eyes and shout to your maker, "Thank God he's a square . . . just give us more like him."

Jimmie is the kind who wears his heart on his shirt sleeve rather than buried from other people in his chest. He feels. He knows others feel, and he pours forth compassion for their feelings.

Jimmy knows obligation for the many blessings which have come his way. He knows a better world is possible, and he was willing to take a chance to find that better world for all of us.

So he went forth when he didn't have to. With all the love, help and influence of this nation's capital at his disposal, he set it aside and volunteered at the very bottom as a U.S. Marine.

His reasons? Jimmie had a number of them, and all of them were good. They were based on sound logic. They were based on love of his country. They were based on his country's needs. All of them boiled down to patriotism.

The principal who knew this young man so well through high school said yesterday, "Jimmie undoubtedly was the most patriotic youngster I've ever known." Everything he added after that sounded insignificant.

Jimmie went into the Marines as a lowly buck private about the middle of last February. He left a promising career as an attorney while a junior student at the University of Maryland to volunteer as a Marine. There was no pressure on him.

He underwent basic training at Parris Island, then on to Camp LeJeune before his transfer to Vietnam.

"I'm a grunt," he wrote mom and dad, Mr. and Mrs. Jimmie C. Edwards Jr. of Conroe. "That's the lowest thing there is. But I love it."

Jimmie was offered officer training school three times. He shook his humble head from side to side each time. "I know where the need is, and I want to be there."

Yep. Jimmie is a square. So square in fact that in April of 1964 he was appointed as a Page in the U.S. Congress by Rept. John Dowdy. By June he had worked his way up to the envied post as assistant overseer in that famous lawmaking body. And in early July he was elevated to the position of Overseer of other Pages.

Jimmie was so square that admiring Congressmen insisted he serve them during the Democratic National Convention at Atlantic City, N.J. starting August 24, 1964.

He served them well. This slip of a lad numbered among his close friends the men whose faces and names we read about daily as shapers of history and our destiny. To them, Jimmie was "something special" because you see, Jimmie is a square.

The lad was happy and delighted with his pre-law course at the University of Maryland. It was aiming him in the direction he wanted to travel. Toward law, toward politics.

As a student, Jimmie also held a good job by Presidential sanction in the U.S. Post Office in this nation's capital. And not only did he carry his full college course after working from 4 a.m. to 9 a.m., he also worked weekends at a stable. He was quite a horseman on the side, and held many trophies which commemorated his equestrian accomplishments.

But this was not enough for Jimmie. He was a square. And as a square his soul burned with an obligation which he felt was "now."

That need was in Vietnam. He was so very close, both logically and emotionally with this nation's need in that faraway country. The full life around him seemed hollow, so long as that need existed.

We're sure he fought the demands of that command within him. That's only human nature. But some commands are so strong you can't ignore them.

You must set aside the fears, hopes and desires of parents and other loved ones. Obligations must be fulfilled.

So Jimmie volunteered. There was no other course. After training, this square reached Vietnam on August 5. He was sent immediately to An Hoa, which is 27 miles southwest of Da Nang, and arrived there on August 6, his 21st birthday.

"It was a helova celebration," he wrote. His outpost went under siege that same day.

The rocket blasts which scream warnings at you were almost continuous. And the mortar barrages which slip upon you silently terrorized the group. But Jimmie lucked out until August 19 . . . two short weeks after his arrival.

Then it happened.

The rocket was almost a direct hit. It knocked this square's legs out from under him. Shrapnel wounded his hands, tore at one ear and penetrated his lungs.

He and one buddy were the only survivors of 10 or 12 in his bunker.

His buddy was left blind, one-armed and without legs.

All this time a terrifying premonition had been haunting both Mr. and Mrs. Edwards here in Conroe. "I know something's wrong," they told friends before the Marine sergeant reached their home on August 21.

"I knew what he had come for before we reached his car," Jimmie's father said. "I only wanted to know the truth at that moment, and I insisted on it.

"And he told me that Jimmie was wounded critically. He also told me he would face a series of serious operations, that he had been evacuated to the Philippines for further treatment and would be sent on to where the best medical services would be available for his particular needs."

The parents have talked to their son by phone in a conversation which required the ultimate in self-control. You can imagine how they treasure that conversation.

"When our son walks again," his parents said, "it won't be on his own feet. But he will walk with courage, and wisdom, and glory . . ."

AMENDMENT OFFERED BY MR. ABERNETHY

Mr. ABERNETHY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ABERNETHY: Strike out section 2 and section 3 in their entirely and remember the succeeding sections accordingly.

Mr. ABERNETHY. Mr. Chairman, first, I would like to associate myself with the remarks made by the gentleman from Maryland (Mr. MORTON). I think it is very unfortunate that this "talk-in" has been scheduled in the House for today or for any other day. The same applies to the demonstrations that have been scheduled to take place over the country tomorrow. I cannot help but feel, in fact, I know, that such will do nothing more than strengthen the dedication of North Vietnam to continue this war. It will prolong the war and result in the killing of more American sons. I hope that what has been planned here for tonight will be called off. It cannot help our cause but will give a big lift to North Vietnam.

Mr. Chairman, it is not often that I intervene and offer amendments to legislation that does not come from my own committees. But this is an amendment that I could not let go by.

If there is anything that this Congress has been criticized severely for it was the enactment of the Congressional, Executive and Judicial Pay Commission which was included in the last pay bill that came before this body.

I dare say, Mr. Chairman, that if a poll had been taken of the people of this Nation when that provision was included in the bill a few years ago, it would have been overwhelmingly disapproved. It was very unpopular. It was regarded by the people of the Nation as a means of ducking our responsibility in passing upon our salaries as well as the salaries of the Cabinet and of the judicial branch. And, indeed, I regarded same as just that—a duck, a dodge, an unwillingness to face up to our responsibility.

I realize that the amendment which was offered by the gentleman from Iowa (Mr. GROSS), considerably improved the situation insofar as this Commission is concerned. It requires that the Commission report come back to the Congress and that the Congress may approve or disapprove that which has been recommended by the Commission. May I also point out that this Commission is stacked to begin with. Its makeup will be such that the employees will almost have complete control of determining their own salaries. If we are to have a com-

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mission then certainly it should be unbiased.

Leaving the Commission in the bill even as amended by the Gross amendment—which I concede is an improvement—exempts the committees of the Congress from making their own studies and from taking testimony and denies the Congress the right to amend the Commission's recommendations. In my judgment, Mr. Chairman, this Commission is a mistake. And do not forget it, the people will let you know about it.

Striking the Commission from the bill will not hurt it. The employees who are intended to be helped by the bill will still be helped. The bill will still retain the present language contained in sections 5301 and 5302 of title V of the United States Code under which the policy of pay comparability is established, and under which annual reports on pay comparability are submitted by the President. The amendment will retain in the bill the sections dealing with the two-step advancement for postal employees in the first eleven levels, the accelerated advancement for postal employees, remote worksite allowances and subsistence and allowances for the Corps of Engineer floating plant operations.

All the amendment does is just get rid of the Commission. Let us take it out and continue to face up to our responsibility.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment essentially strikes out all the operative parts of the bill. The bill is designed to have an automatic salary fixing method by next January. If this amendment is adopted it means there will be be no pay increase in January. It would wipe out a year's hard work by the committee, and it violates the aims and hopes of every employee organization, including the postal employees and the classified employees.

If you want to improve the postal service, then support the committee in the fine work it has done in producing this bill and vote the amendment down.

Mr. Chairman, I hope that the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. Abernethy).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Derwinski: On page 46, line 19, strike out "October 1, 1969" and insert in lieu thereof "the date of enactment of this Act".

Mr. DERWINSKI. Mr. Chairman, this amendment is so brief that I do not believe it will be necessary for me to use the 5 minutes.

All this amendment does is to postpone the effective date of this act from October 1, 1969, until the date of enactment. This applies to the October 1 two-step pay increase that would be granted to post office employees only.

The reason for offering this is quite practical. We are now in the third week of October. We have no idea how rapidly or how slowly the other body may pick up this measure. Certainly, it is not the intention, I do not think, of even the most militant supporters of this bill to find a situation where it may not be processed until next February or March and then have a 5- or 6-month retroactive pay increase. That is not really a sound procedure. At the time October 1 was selected, we were working on the bill in committee at the end of July and early August and I do not at this point see how we could in a rational manner maintain the October 1 date.

In the interest of injecting more rationality into this proposal, I offer my amendment.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, last July the postal employees received an increase of about 4 percent. The classified employees received a pay increase of some 9 percent. A great flurry occurred and many of us promised some emergency action. The action we designed in committee was expressed by the two-step increase which would give them some relief.

As the gentleman from Virginia (Mr. Broyhill) pointed out, the pay of the postal worker in the Washington metropolitan area is now more than $1,000 below what the BLS statistics indicate it takes to provide a low standard of living for a family of four. But the gentleman from Illinois' amendment would delay this even further.

I strongly urge that this amendment be defeated. It is unfair and inequitable.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. DERWINSKI. Just for the sake of the record, I would point out that under the leadership of the gentleman from Arizona, the postal employees received a pay increase in the first two steps under the 1967 Salary Act in excess of the classified employees. The third-step figure was really a basic adjustment to cover the pay of classified employees for extra increase that the postal employees received earlier. I do not believe they are being discriminated against.

Mr. COLMER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have hesitated all afternoon to refer to this matter, but I just cannot in good conscience refrain from doing so now.

I do not know whether these figures have been brought out or not, but I think in fairness and in justice they should be. I refer to the additional cost to the taxpayers of this country of this bill—and they are the only source that we have for getting the revenues for this bill.

Now like everybody in this House, I love my postman. I like his vote. I like his good will and I like the organization as such. But when I am faced with the fact that we are now paying $42 billion for salaries of Federal employees, and I hasten to add that $16 billion of that is for the military—$26 billion of that is for Federal employees, civilian employees. I think it is time to consider the impact on our fiscal affairs and particularly on the inflationary situation. When this bill was up before my committee, I called the director of the Bureau of the Budget and asked him if he could give me the figures about what this bill would add to the existing cost. Here is his reply.

The cost of the pay increase for 1969—$3.3 billion.

The cost of the pay increase for last year, July 1968—$1,800,000,000.

The cost of the bill H.R. 13000 for fiscal 1970 is $1,539,000,000—the increase—and for fiscal 1971, $4,351,000,000, or a total of $5,910,000,000. That is the increased cost of this legislation for the next 2 years. Now add to that an anticipated deficit of $1.5 billion and you have a grand total of some $7.5 billion.

We talk about inflation. The greatest enemy that this country faces today, I want to repeat, is inflation. It is greater than communism. It is greater than the trouble we have in Vietnam. It threatens the Republic itself.

What are we going to do about it? We are either going to destroy the economy of this country through inflation, or we are going to do something about it.

Mr. Chairman, I hate to repeat the statement, but the 1939 dollar today has purchasing power of less than 39 cents. How long can you continue that? When inflation finally deals its death blow, then the wheels of industry stop. Everything stops—the postal employees, the Federal employees, Members of Congress—everybody. And everything stops. Chaos ensues.

I know it is not adding to any popularity that I might have, if any, in this body, nor in the galleries, nor at home to make this speech over and over again. But I still repeat that we are either going to apply the brakes somewhere—and I do not want to apply them here any more than I do anywhere else. We will be driven to wage and price controls. I wanted to apply the brakes back there when we raised our salaries through some kind of—I do not want to use the word "gimmick" but the provision in that bill, that is, in this bill that did not permit a vote on the increase. We made ourselves vulnerable to every group in the country when we did that, and we are making ourselves more vulnerable now.

I apologize to my colleagues in the House for going over this again and again, but I just could not sit here without at least permitting those who are not familiar with this situation to know what we are doing here.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

A short time ago a gentleman from New York, a relatively new Member, said he was a former postal employee, and the Congress had neglected to do much for the postal employees. I must challenge him on that statement and point out to him that from 1955 through October of 1967 there have been 10 postal employee pay raises that this Congress has enacted and have become law. The last one was a three-phase increase.

In addition, there have been many fringe benefits that have come out of our committee. One of the most attractive for Federal employees has been the health benefits plan, and I could name dozens of others.

We cannot do this job all at once. Maybe the raises should be higher than they have been in the past, but we were careful to write a bill that would pass and become law. We have made a great deal of progress, however, particularly under the leadership of our friend Jimmie Morrison, who was a great champion of the postal workers—the greatest champion they ever had and would have become chairman of the committee, but he was defeated.

I might say, sitting here and listening, I have heard a great deal of talk about the raises for the postal employees and not enough on the fact that we also have a large number of classified employees. As a matter of fact, approximately only about one out of every four employees is a postal worker, and the vast majority of Federal employees are classified people, and they are not at all satisfied with this bill.

The president of the classified employees' union, that is, the American Federation of Government Employees, John Griner, is not at all satisfied with this bill, because it does not treat the classified employees he represents on an equal footing.

I might say there had been some bidding between the various Government employee unions to be members of the executive committee of the parent AFL–CIO, and the two largest postal unions were fighting for that appointment. But in the last few days, Mr. John Griner was elected to that post. It is the fastest growing union and represents at least three out of every four Government employees. They are not satisfied with this bill. I think this should be brought to the attention of the House. Regardless of how some of the Members vote, those are some facts the Members should know.

I will reiterate that we have worked long and hard in drawing up these pay bills. I voted for all of them in the 13 years I have been here. I helped write them. Jimmie Morrison and I and a couple of other Members and clerks and staff wrote many of these bills in the Congressional Hotel at night over dinner or at a breakfast meeting in the morning. We worked and sold other members of the committee. We got the necessary votes lined up to get these bills passed.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I ask the gentleman for information. There have been many statements about this particular bill being discriminatory against other Federal employees. Could the gentleman be more specific and tell me just how this bill is going to be discriminating against classified employees and others?

Mr. CUNNINGHAM. Mr. Chairman, the author of the bill and Members of that subcommittee probably could better answer that than I, but I do know Mr. Griner, the President of the AFGE, and his associates do feel that definitely it is discriminatory against the classified people. That is about as much as I can say.

Mr. MYERS. But this is only a general and broad statement. Is the gentleman not able to be more specific then?

Mr. CUNNINGHAM. No, other than a general statement that the bill does discriminate against the classified workers.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, in reply to the request of the gentleman from Indiana for information, this bill provides within-grade increases for postal workers effective on the first of October and also provides a step increase for postal workers next July. No such provision is made for classified workers or any other Government employees, so the postal workers get increases over and above any raises provided in the annual reports of the Salary Commission established by the bill.

Mr. MYERS. If the gentleman will yield further, it is my understanding the postal workers have not been raised previously when other workers have been. Is this true?

Mr. CUNNINGHAM. It is just the opposite.

Mr. MYERS. I thank the gentleman.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in responding to the gentleman from Nebraska, I congratulate the gentleman for having voted for the postal increases over the years. My observation, however, remains steadfast. Congress has failed to discharge its obligation to the postal employees of the Nation. I would like to point out those increases have been many, but they have been small.

It is a perfect illustration of too little and too late, that is perfectly demonstrated by instances where postal employees in the city and State of New York have applied for and have been eligible for and have received welfare payments in order to eke out a meager existence, and provide for their loved ones.

The point is raised that an increase of this type, the passage of this bill, would contribute to inflation. My good friend, the gentleman from Mississippi, cites it as the primary problem of the day. I could not agree with him more.

However, what is even more important is the continued existence of employees and their families and providing them with a decent salary.

We talk about efficiency in the postal service. There is an exodus that is frightening—losing our most experienced personnel. The future holds no promise, except that we pass this bill and provide economic stability, economic motivation for remaining in the postal service.

What the real problem has been over the years is that there are regional differences, regional variances in motivation. In some areas postal employees have the support of their Congressmen because the economics of the area mandates it. In other areas the postal employee has enjoyed a superior position. As a result of this dichotomy, this division in the Nation, Congress failed to respond properly. It responded, but failed to respond properly.

This is an occasion when Congress can respond and perform a service for the Nation and to postal employees as well as the other deserving Federal employees.

Mr. OLSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to address a question to the chairman of the subcommittee, the gentleman from Arizona (Mr. Udall).

I would ask the gentleman to explain the operation of the Wage Board and tell how many employees are governed by Wage Board salary controls on an annual basis, and describe that with relation to his bill.

Mr. UDALL. Mr. Chairman, there are 740,000 Federal workers, paid by the United States whose pay is fixed by the Wage Board system.

These are regional boards which are designed to have representation from management and labor. They are based upon a congressional policy that is a hundred years old, formed back in the 1860's.

The congressional policy is that a carpenter, a sheet metal worker, or a plumber who is a Federal employee ought to make the same hourly wage as a carpenter, sheet metal worker, or a plumber in private enterprise. So these boards meet and determine what is the prevailing wage for that particular skill in that area.

These decisions never come to Congress. Over $4 billion will be paid out this year under the Federal Wage Board system.

This bill now before us has a Federal Salary Commission for the remaining Federal workers which is designed to have labor representation on it. This is one of the complaints they have had—that they have never been consulted on the mechanics of making pay comparable. It has management representatives from the Department of Defense, the Bureau of the Budget, the Postmaster General, and the Civil Service Commission. They sit down and determine what figures are necessary, what pay scales are necessary, to carry out this great congressional policy of comparability.

So they are very analogous. They work in the same way. There is no delegation here that is not in the Wage Board system. In fact, under the bill here they would have to come back to the Congress, and we would have an opportunity to veto, something we do not have under the Wage Board system.

Mr. OLSEN. I thank the gentleman.

I believe every Member ought to get this clear. This is not something new. This started under President Lincoln. That is how long ago it was that the Wage Board policy was established, that carpenters be paid the same working for the Federal Establishment as they would be paid in private enterprise.

We want to do that sort of thing with all the rest of the Federal employees, so that we do not have to climb this hill ever year, or worse, to climb it every 4 years when the increase would be so much higher. We would like it to happen once every year, so that it would be much more manageable than at the less frequent time. We want it handled using the mechanics of the statistics coming out of the Bureau of Labor Statistics.

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Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I certainly will.

Mr. GROSS. Many, many things have been blamed upon Abraham Lincoln. Is the gentleman going to blame the Wage Board on him, too?

Mr. OLSEN. The program commenced under his administration.

Mr. GROSS. Will the gentleman yield further?

Mr. OLSEN. Yes.

Mr. GROSS. Is it not true one Member of Congress tinkered with the Wage Board last year and he is no longer among us here in the Congress?

Mr. OLSEN. I have not any knowledge of that at all. There were a number of Members of Congress who were beaten at the polls and some who died since the last wage bill.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto cease in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Chairman, I ask unanimous consent to withdraw my request.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

COMMUNICATION FROM NORTH VIETNAM

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. FRELINGHUYSEN asked and was given permission to proceed out of order.)

Mr. FRELINGHUYSEN. Mr. Chairman, I am very reluctant to interrupt a discussion of this bill, but I did want to call the attention of the membership to a UPI news item. It has a time of 4:10 p.m., which confirms the fact that an open letter has been sent by North Vietnam Premier Pham Van Dong to the American people. It also shows that this moratorium has been enthusiastically endorsed by the Foreign Minister of North Vietnam, Madam Binh. Let me read the account from Paris.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman, of course.

Mr. UDALL. I have promised a number of Members who have problems to try to complete this bill as expeditiously as possible. I did not expect when the same subject was broached earlier and the entire communication was read by the distinguished gentleman from Maryland that it would again be introduced here. There are some who are going to have a discussion of this matter later tonight. I am very fond of the gentleman from New Jersey and I am reluctant to object——

Mr. FRELINGHUYSEN. I very much appreciate the gentleman's kind comments. However, I have apologized for speaking out of order, and I did receive unanimous consent to do so.

Mr. UDALL. I did not hear the gentleman's request.

Mr. FRELINGHUYSEN. And I can yield no longer, because the gentleman is taking up my time.

The CHAIRMAN. The Chair will state that the gentleman did receive unanimous consent to speak out of order.

Mr. FRELINGHUYSEN. As I was saying, Mr. Chairman, this is the article. North Vietnamese Premier Pham Van Dong, whose regime is banking on U.S. public pressure to force Washington into accepting Hanoi's negotiating demands, acclaimed the Vietnam moratorium day in an open letter today to the American people:

> The Viet Cong's Foreign Minister Madame Nguyen Thi Binh, in a separate statement, also hailed the moratorium scheduled for Wednesday and renewed standing communist accusations that Washington is bent on prolonging the war.
>
> Madame Binh, in her statement, cheered the day of protest and issued a new call for the total and unconditional withdrawal of U.S. troops from South Vietnam and the toppling of the Saigon regime.

The news item then continues, and I quote:

> "Your struggle is a noble reflection of the legitimate and urgent demands of the American people, which is to safeguard the honor of the U.S. and save its children and brothers from a useless death in Vietnam," Dong said to antiwar demonstrators.
>
> He praised the moratorium as a "worthy rebuff to the obstinate attitude of the U.S. administration in intensifying and prolonging the war in Vietnam, ignoring the protest of public opinion in the U.S. and in the entire world."
>
> The Premier's letter, apparently prepared in advance of his current trip to Moscow, was sent from Hanoi and released in Paris by the North Vietnamese delegation to the Vietnam Peace Conference.
>
> "The people of Vietnam and the people of the world wholeheartedly approved and acclaim the just struggle" of American war protesters, Dong said.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from North Carolina.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Derwinski).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Derwinski: On page 46, after line 22, insert a new section to read as follows:
>
> "Sec. 10. Section 225 of the Federal Salary Act of 1967 (81 Stat. 642; Public Law 90–206), which established the Commission on Executive, Legislative, and Judicial Salaries, is hereby repealed.
>
> "(b) Section 216 of such Act (81 Stat. 638; Public Law 90–206) is amended by striking out 'and subject to the operation of section 225 of this title,'.
>
> "(c) Section 220(a)(1) of such Act (81 Stat. 639; Public Law 90–206) is amended by striking out '224 (a) and (b), and 225' and inserting in lieu thereof 'and 224 (a) and (b)'.
>
> "(d) Section 220(b)(1) of such Act (81 Stat. 639; Public Law 90–206) is amended by striking out '219, and 225' and inserting in lieu thereof 'and 219'."

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, that it be printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

POINT OF ORDER

Mr. UDALL. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. UDALL. Mr. Chairman, the amendment offered by the gentleman from Illinois seeks to amend section 225 of Public Law 90–206. This was the 1967 Salary Act. That Salary Act created a 4-year Commission to make recommendations on legislative, congressional, judicial, and executive salaries. This is an amendment to that act and would abolish that Commission.

There is nothing in this bill now pending before us, the present bill dealing with the Salary Act of 1967, or with the section to which the amendment refers—and the pending bill was very carefully designed so it would not affect that law in any respect whatever—and I suggest that the amendment is not germane and insist upon my point of order.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. DERWINSKI. I do, Mr. Chairman.

Mr. Chairman, the gentleman from Arizona is correct when he points out that this amendment would repeal the Commission on Executive, Legislative, and Judicial Salaries. But we had anticipated the point of order and in response to the point of order made by the gentleman from Arizona I cite section 2935, volume 8 of Cannon's Precedents of the House of Representatives:

> The rule on germaneness does not necessarily require that an amendment offered as a separate section be germane to the preceding section of the bill or to any other particular section of the bill, but it is sufficient that it is germane to the subject matter of the bill as a whole.

Earlier in this discussion there was a colloquy between the gentleman from Iowa and the gentleman from Arizona in which I understood him to acknowledge the fact that this bill before us was certainly locked into the 1967 Federal Salary Act.

This section I would strike by this amendment was in the 1967 Salary Act.

Further, Mr. Chairman, another point in favor of the precedent is that in the ruling in the first session, 66th Congress by Chairman Simeon D. Fess a point of order was made that an amendment was not germane to the section of the bill which it was proposed to follow. The Chairman ruled as follows:

> The Chair stated in the preceding ruling that the rule governing germaneness of amendments required that amendments be not only germane to the bill but to the section under consideration. This amendment is offered as a new section and stands not in the same relationship as if it were an amendment to the section. * * * It is not a part of the preceding section and does not need to be germane to it, and therefore the Chair overrules the point of order.

And, since I offered an amendment to the Federal Salary Act of 1967, the provisions of this bill clearly relate to this act and this proposed legislation addresses itself to the matter of Federal employees pay, employees of the House of Representatives, and so forth. I believe that my amendment falls within this context.

I submit, Mr. Chairman, that the amendment is germane and that the point of order be overruled.

Mr. GROSS. Mr. Chairman, may I be heard briefly on the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would point out that the gentleman from Arizona himself admitted earlier in the debate this afternoon that the pending bill dovetails into the Legislative, Judicial, and Executive Pay Act.

The CHAIRMAN (Mr. Price of Illinois). The Chair is ready to rule.

The amendment offered by the gentleman from Illinois (Mr. Derwinski) does seek to establish a new section of the pending bill.

The Chair will point out, however, that the purposes of the bill under consideration are to set up a permanent method of adjusting the pay of Federal employees who are paid under one of the four statutory pay schedules—general schedule, postal field service schedules, Foreign Service schedules, and the schedules relating to physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration, and the elimination of the longstanding inequity in relation to the pay schedule of postal employees.

The amendment offered by the gentleman from Illinois (Mr. Derwinski) repeals section 225 of the Federal Pay Schedule Act relating to the Commission on Executive, Legislative, and Judicial Salaries. That Commission determines salary of Senators, Members of the House, Cabinet officers, Justices, and judges. This particular bill deals with the setting up of a commission that has to do with the regulation of salaries for employees, and does not relate to the Commission established by section 225 of Public Law 90–206.

For these reasons the Chair rules that this amendment is not germane, and therefore sustains the point of order.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Derwinski: on page 46 after line 22 insert:
>
> "SPECIAL SALARY RATE RANGES FOR POSTAL FIELD SERVICE EMPLOYEES
>
> "Sec. 10 (a) Section 5303(a) of title 5, United States Code, is amended by inserting immediately before the semicolon at the end of subparagraph (2) thereof ", except positions in the postal field service which are unique to the service".
>
> "(b) That part of the text of chapter 45 of title 39, United States Code, under the heading "SALARY STEPS AND PROMOTIONS" is amended by adding at the end thereof the following new section:
>
> "'§ 3561. Higher minimum rates; Presidential authority
>
> "'(a) When the President finds that the pay rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the rates of basic compensation of those positions in the postal field service which are unique to that service as to handicap significantly the Government's recruitment or retention of well-qualified employees for such positions, he may establish for such positions in the areas or locations higher minimum rates of basic compensation for one or more levels and may make corresponding increases in other step rates of the pay range for each such level. A minimum rate so established may not exceed the maximum rate prescribed by statute for the level. Increases above the maximum rate may be made only to the extent that the minimum rate is increased to an amount greater than the fourth step of the level. For the purposes of this section, the word "level" includes occupational groups and subdivisions of levels and occupational groups.
>
> "'(b) Within the limitations of subsection (a) of this section, rates of basic compensation established under that subsection may be revised from time to time by the President.
>
> "'(c) An increase in rate of basic compensation established under this section is not an equivalent increase in compensation within the meaning of section 3552 of this title.
>
> "'(d) The rate of basic compensation established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the compensation of employees in the postal field service, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President.
>
> "'(e) All actions, revisions, and adjustments under this section have the force and effect of statute.
>
> "'(f) The President may authorize the Postmaster General to exercise the authority conferred on the President by this section.'.
>
> "(c) The table of contents of chapter 45 of title 39, United States Code, is amended by inserting
>
> "'3561. Higher minimum rates; Presidential authority."
>
> immediately below
>
> "'3560. Salary protection.'."

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, that it be printed in the Record in full and be considered as open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. DERWINSKI. Mr. Chairman, I hope I do not have to use the full 5 minutes. Since I have offered one amendment that was actually lost in a discussion on Vietnam, and the second amendment which did not stand the test of germaneness, I get to feeling like the Chicago Cubs when they faced the New York Mets this season: I am not too optimistic as to what will happen on my third swing.

However, this amendment would establish a special rate range for postal field service employees. This would permit the Postmaster General to establish in high cost of living areas in large metropolitan centers, an adjustment, an increase in salary to cover the obvious adverse impact of a higher cost of living. It would help to stop the wholesale turnover of personnel in our large metropolitan area post offices.

This would have the effect of giving the Post Office Department long-needed flexibility in personnel handling. It would provide a practical means of inducing and keeping skilled personnel in the large city post offices, and would not discriminate against other post offices across the country, because it would in a positive way take care of the areas where the need is obvious.

It has been discussed sympathetically but without an approving vote in our committee. But I would hope that with the extreme attention the Committee of the Whole is showing this afternoon that this amendment would receive the support which it merits, because it is in the interest of the postal field service employees, and in the interest of the Post Office Department, and it is in the interest of the many users of the Post Office all over America. I would hope to receive favorable support for this amendment.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I just want to say I oppose this amendment because it would simply establish an authority that the President already has, the authority to increase starting rates where recruitment is difficult.

The President has now delegated this to the Civil Service Commission. There has been no evidence before our committee that he wants this additional authority or that the Postmaster General wants it; or that it would be used.

This kind of authority has existed for many years and has never been used. I would hope that the amendment would be defeated.

Mr. Chairman, I take this time now to discuss one other thing because apparently we have reached the end of the amending process.

The only amendment which carried today from the other side was one offered by the gentleman from Iowa (Mr. Gross) which was carried on a teller voter of 65 to 51.

It is my intention to ask for a separate vote on that amendment. It needs not necessarily be a separate vote by the yeas and nays if it is the will of the House to do otherwise. But upon further reflection on that amendment, I think it is sufficiently dangerous, unwise, and violates the basic things we are trying to do in this bill that I would urge the members of the committee, when we go back into the House, to defeat this amendment either on a division or by tellers or by a rollcall vote if need be.

Let me tell you why. The Federal employees, that most of you are familiar with, and they have been in your office, the great majority have been told that you support their position on this bill—they were always extremely reluctant to give up the right to come to Congress and have the Congress fix their pay.

Finally, this year, after the experience with the semiautomatic 1968–69 pay raise, the union said: "All right, we will give up coming to Congress. We made an arrangement that they considered satisfactory."

But one of the things they got, one of the crucial things in return for giving up the right to have Congress fix their pay, was that once and for all we would end this lag. There is probably not a Member of this Chamber who has not made a speech on how terrible it is to have this lag. We did shorten this lag in the committee down to about 5 or 4 months. That is the shortest we can get it because it takes time to process this survey.

The thing about the Gross amendment which I really did not fully realize at the time he offered it is that it would destroy the premise on which the unions are willing to try this other way and to give up the right to have the Congress have a pay battle every year. We can now be sure that in addition to the minimum 5-month lag that we now have another 5-month lag added to so that under the Gross amendment they will permanently be about 10 or 12 months behind the times in fixing Federal pay.

As I say, I think this is crucial to the employee union. I think the names of those who really favor that much lag on a permanent basis ought to be spread upon the record. I will ask for a separate vote when the Committee rises and goes back into the House.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. GROSS. I really did not know that reluctant dragons grew so tall in Arizona.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The amendment was rejected.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise at this time to indicate what the motion to recommit will be.

It will be a straight motion offered by the distinguished gentleman from Iowa (Mr. GROSS), a motion to send the bill back to the Committee on Post Office and Civil Service for more comprehensive and consideration than it got in the past, and I would hope for some improved language and substance.

Mr. Chairman, it seems to me this bill ought to be recommitted for several reasons. First, as the gentleman from Arizona indicated, in this legislation Congress is giving up one of the prerogatives it has, which is the setting of salary schedules for Government employees.

Over the years, I have heard speeches from that side of the aisle and I have heard speeches from this side of the aisle that we should keep these prerogatives and the responsibilities we have and not give any of them up. Furthermore, we ought to get back some that we have previously given up.

It seems to me that this legislation goes in just the opposite direction.

Second, this legislation in effect makes the future role of the President meaningless in any pay-increase legislation involving Federal employees.

Third, it seems to me that, as you read the bill, there are obvious discriminations between Federal Civil Service employees and Post Office Department employees.

I heard the figure quoted that 75 percent of the total employees of the Federal Government who will not get a pay increase out of this bill will be discriminated against, while the postal employees, who constitute roughly 25 percent, will be the beneficiary of pay-increase legislation by this act.

This discrimination I do not think can be justified. Furthermore, it is alleged that the bill discriminates within the postal employees themselves.

So when you add up that total package, it seems to me that this bill, because it is inequitable and discriminatory, ought to go back to the committee for further consideration.

Mr. Chairman, I would like to read a letter from the President of the United States, which I think adds another reason why this bill ought to be recommitted to the Committee on Post Office and Civil Service:

> DEAR JERRY: I must frankly advise that our critically important national effort to contain inflation is bound to be seriously undercut if the federal employee pay bill now before the House were to become law.
>
> In its present form H.R. 13000 would add approximately $4.3 billion a year to federal expenditures. It would balloon expenditures in the remainder of this fiscal year by $1.5 billion.
>
> Spending increases of this magnitude cannot avoid nullifying many of the steps we have recently taken to stabilize the economy.
>
> Less than three months ago, the Congress reflected the nation's determination to control inflation by imposing an expenditure ceiling on the current fiscal year. I gave a commitment at that time to restrict expenditures for this fiscal year to $192.9 billion. In keeping with this limitation I am cutting federal expenditures for this year by an additional $3.5 billion. But if H.R. 13000 should become law, additional deep cuts in federal services would have to be made.
>
> The increase which the Post Office Department alone must absorb, for example, would require cut-backs in a variety of services. They would include the elimination of Saturday deliveries and window service for rural, city and suburban areas alike.
>
> Since our total expenditures must be limited, a new round of heavy pay increases for federal employees would be in effect a mandate to reduce, abruptly, the number of federal employees.
>
> The national interest clearly requires reconsideration of H.R. 13000 because of its inflationary impact. Furthermore, it would grant disportionate benefits to postal employees. These increases should be reexamined in light of another major legislative proposal now before Congress. Improvements in the condition of the postal worker are long overdue, but they ought to be secured through total reform of the present outmoded, inefficient and costly postal system.
>
> The postal reform I have urged provides for the setting of wage levels for postal employees through collective bargaining. Any major increase in postal worker benefits should be secured through this process, or as part of legislation establishing a government-owned postal corporation which will have the means of operating, ultimately, on a self-sustaining basis.
>
> I solicit your personal leadership in urging the House to recognize that, however appealing H.R. 13000 may appear politically at this moment, the consequences of its enactment would surely generate strong resentments throughout the public far outweighing presently anticipated political gains.
>
> RICHARD NIXON.

Mr. Chairman, obviously from the content of this letter, this legislation as it presently is written is unacceptable. I strongly urge, therefore, that the Members of this body support a straight motion to recommit so that this legislation can go back to the committee on Post Office and Civil Service for reconsideration.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to respond to the distinguished minority leader on the motion to recommit. Let me quickly make two or three points.

Let us make it very clear that a vote for the motion to recommit is a motion to kill this bill—it is a vote to make sure there is no pay raise in this session of Congress, and I think it is a breaking of faith at least on the part of those who have told the Federal employees that the Members are with them.

There were over 200 Members—the gentleman from Montana (Mr. OLSEN) can confirm this—a majority of the House who introduced the bills H.R. 10000 and H.R. 11000 earlier this year. If Members think this bill is a budget buster, they ought to go out and pull out those bills they introduced and see what they would have done to the budget. They provided substantially more, and more quickly.

Those Members who promised the Federal employees they were for those bills or for this bill had better take a good look at the motion to recommit. I am one of those who worked with the Members by and large on postal reform, but, as we have done for so long, we cannot ask postal employees to wait for justice until next year.

It is like the old quip. Someone says "How is your health?" The response is, "Compared to what?" Now on this $4 or $5 billion expenditure the minority leader talks about, I would ask, "Compared to what?" In the official report of the administration on pay this year—and we had a hard time getting any report out of them—when it finally came out, the administration agreed we ought to have a pay raise on a comparability formula not in January, but in July of 1970, and another one in January of 1971. This bill provides two pay raises, one in January 1970, and one in January 1971. What the President proposes is two pay raises—one in July 1970 and one in January 1971. So we are arguing about 6 months.

Let me tell the Members the cost of this bill is an additional $4 billion, and the cost of the President's proposal which he sent up to us is about $3.5 billion or $3.9 billion, but just spread out in a little different fashion.

One other thing. If indeed the administration is saying, when they pull the $4 billion or $5 billion estimates out of the air, that this is what it will cost, then what we are saying is—if an impartial commission is put together, Mr. Chairman, if we are saying that this commission is going to find it takes $4 billion to bring employees up to comparability, then we ought to hang our heads in shame, because we have been cheating the employees out of $4 billion. We are saying the burden of fighting inflation ought to be on the Federal employee, and not on the banker, not on the steelworker, and not on the carpenter. But we are saying, if we are going to fight inflation, the people who are going to have

to fight it again will be the Federal employees.

So, Mr. Chairman, I hope the motion to recommit will be soundly defeated.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Arizona, my dear friend, said a motion to recommit would be a vote to kill the bill. I have heard that phrase used for many years. The only reason that it would be killed is if the gentleman and his subcommittee and the full committee failed to have another go-round on this bill, so if a motion to recommit is carried, and the gentleman does not hold additional hearings, then, of course, the bill would be dead. I would be hopeful the gentleman would hold additional hearings.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Arizona.

Mr. UDALL. Is the gentleman for the motion to recommit?

Mr. CUNNINGHAM. Yes, I am for the motion to recommit.

Mr. UDALL. I am shocked, because the gentleman is one of the sponsors of H.R. 13000.

Mr. CUNNINGHAM. That was before it was changed from the way it was to what we have before us today.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. DERWINSKI. There is one point which has to be clarified, if the gentleman from Arizona will bear with me, since he may wish to make a retort.

Earlier in the year, when Members were flooded with mail against H.R. 13000, it was not quite the bill presented to us today. If Members will read the minority views the gentleman from Iowa and I prepared, they will note that the bill appeared before our full committee and was sent back to the subcommittee, and was reported back without any real study by that group. At the time it was passed by the full committee, there were few Members who had the opportunity to study it.

Furthermore, even the Postmaster General did not have an opportunity to testify on such a far-reaching measure.

So this bill in its handling as well as in its content has many dubious factors.

Mr. CUNNINGHAM. I would say this: Although I was a cosponsor of the original bill, the one we have today is not the same bill. It only has the same number.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Iowa.

Mr. GROSS. This bill was ordered by the full committee to be sent back to the subcommittee for further study. It never went back to the subcommittee.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, pursuant to House Resolution 576, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment?

Mr. UDALL. Mr. Speaker, I demand a separate vote on the so-called Gross amendment, which begins on page 32, line 14.

The SPEAKER. Is a separate vote demanded on any other amendment to the committee amendment? If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

> On page 32, beginning with line 14, strike out all of line 14 and all that follows down through the end of line 7 on page 33 and insert in lieu thereof the following:
>
> "(h)(1) The rates of pay submitted to the Congress as provided in subsection (c)(4) or subsection (g) of this section shall become effective at the beginning of the first pay period which begins on or after the adoption of both Houses of Congress (within the 60 day period following the date on which the rates of pay are submitted to the House of Representatives and the Senate), by the yeas and nays of a concurrent resolution stating in effect that the Senate and House of Representatives approve such rates of pay."
>
> "(2) For the purposes of paragraph (1) of this subsection, in the computation of the 60 day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The rates of pay submitted to the Congress shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session."
>
> And, on page 33, line 12, strike out "first day of the year in" and insert in lieu thereof "date on";
>
> And, on page 33, line 22, strike out "first day of the year in" and insert in lieu thereof "date on";
>
> And, on page 38, line 21, strike out "first day of the year in" and insert in lieu thereof "date on".

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER. The question is on the amendment to the committee amendment.

Mr. DERWINSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 191, nays 169, not voting 71, as follows:

[Roll No. 218]

YEAS—191

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Blackburn
Blanton
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Bush
Byrnes, Wis.
Cabell
Caffery
Carter
Casey
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Colmer
Conable
Corbett
Coughlin
Cowger
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinski
Dickinson
Dorn
Dowdy
Downing
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Esch
Evins, Tenn.
Fish
Flowers
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Fuqua
Galifianakis
Goodling
Gross
Grover
Gubser
Hagan
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hébert
Henderson
Hull
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Keith
King
Kleppe
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
Long, La.
Lukens
McClory
McClure
McCulloch
McDonald, Mich.
McEwen
MacGregor
Mahon
Mailliard
Mann
Marsh
Mathias
Mayne
Meskill
Michel
Miller, Ohio
Minshall
Mize
Mizell
Montgomery
Morton
Mosher
Myers
Nichols
O'Neal, Ga.
Passman
Pelly
Pettis
Pickle
Pirnie
Poage
Poff
Price, Tex.
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Riegle
Roberts
Robison
Rogers, Fla.
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Skubitz
Smith, Calif.
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Utt
Vander Jagt
Waggonner
Watkins
Watson
Weicker
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Zion
Zwach

NAYS—169

Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Barrett
Biaggi
Biester
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brock
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Button
Byrne, Pa.
Carey
Celler
Clark
Clay
Conte
Conyers
Corman
Culver
Daniels, N.J.
de la Garza
Delaney
Dent
Diggs
Donohue
Dulski
Edwards, La.
Eilberg
Evans, Colo.
Feighan
Flood
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Leggett
Long, Md.
Lowenstein
McCarthy
McDade
McFall

XUM

Macdonald, Mass.
Madden
Matsunaga
Melcher
Mikva
Miller, Calif.
Mills
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pepper
Perkins
Philbin
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quillen
Rees
Reid, N.Y.
Reuss
Rogers, Colo.
Rooney, N.Y.
Rosenthal
Rostenkowski
Ryan
St Germain
St. Onge
Scheuer
Shipley
Sisk
Slack
Smith, Iowa
Snyder
Staggers
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Wampler
Watts
Whalen
White
Wiggins
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young
Zablocki

NOT VOTING—71

Adams
Arends
Aspinall
Ayres
Berry
Bingham
Brooks
Brown, Calif.
Burton, Calif.
Burton, Utah
Cahill
Camp
Cederberg
Chisholm
Cohelan
Collier
Collins
Daddario
Dawson
Devine
Dingell
Eckhardt
Edmondson
Edwards, Calif.
Eshleman
Fallon
Farbstein
Fascell
Findley
Fisher
Flynt
Frey
Gettys
Goldwater
Green, Oreg.
Griffin
Haley
Hastings
Hays
Holifield
Hosmer
Hunt
Kirwan
Kyros
Lipscomb
Lloyd
Lujan
McCloskey
McKneally
McMillan
Martin
May
Meeds
Nelsen
O'Konski
Patman
Pollock
Powell
Quie
Rivers
Rodino
Rooney, Pa.
Roybal
Saylor
Smith, N.Y.
Steed
Taylor
Thompson, Ga.
Tunney
Whalley
Wold

So the amendment to the committee amendment was agreed to.

The Clerk announced the following pairs:

Mr. Aspinall with Mr. Arends.
Mr. Brooks with Mr. Lipscomb.
Mr. Rodino with Mr. Saylor.
Mr. Kyros with Mr. Ayres.
Mr. Holifield with Mr. Hunt.
Mr. Hays with Mr. Devine.
Mr. Daddario with Mr. McKneally.
Mr. Dingell with Mr. Berry.
Mr. Rooney of Pennsylvania with Mr. Lloyd.
Mr. Taylor with Mr. Martin.
Mr. Patman with Mr. Cederberg.
Mr. Griffin with Mr. Lujan.
Mr. Haley with Mr. Burton of Utah.
Mr. Farbstein with Mr. McCloskey.
Mr. Edmondson with Mr. Hosmer.
Mr. Fallon with Mrs. May.
Mr. Kirwan with Mr. Cahill.
Mr. Fascell with Mr. Nelsen.
Mr. Tunney with Mr. Eshleman.
Mr. Adams with Mr. O'Konski.
Mr. Gettys with Mr. Camp.
Mrs. Green of Oregon with Mr. Pollock.
Mr. Burton of California with Mr. Quie.
Mr. Meeds with Mr. Collier.
Mr. Cohelan with Mr. Smith of New York.
Mr. Steed with Mr. Hastings.
Mr. Flynt with Mr. Thompson of Georgia.
Mr. Bingham with Mr. Findley.
Mr. Rivers with Mr. Whalley.
Mr. McMullen with Mr. Collins.
Mr. Fisher with Mr. Wold.
Mr. Brown of California with Mrs. Chisholm.
Mr. Edwards of California with Mr. Frey.
Mr. Eckhardt with Mr. Powell.
Mr. Roybal with Mr. Goldwater.

Mr. JONES of Alabama changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment adopted by the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Gross moves to recommit the bill, H.R. 13000, to the Committee on Post Office and Civil Service for further study.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 81, nays 281, answered "present" 1, not voting 68, as follows:

[Roll No. 219]

YEAS—81

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Ashbrook
Beall, Md.
Betts
Blackburn
Bow
Bray
Brown, Ohio
Buchanan
Burleson, Tex.
Bush
Byrnes, Wis.
Chappell
Colmer
Conable
Cowger
Cramer
Cunningham
Daniel, Va.
Davis, Wis.
Dennis
Derwinski
Dickinson
Edwards, Ala.
Erlenborn
Fish
Ford, Gerald R.
Frelinghuysen
Goodling
Gross
Hall
Hammer-schmidt
Hansen, Idaho
Hutchinson
Jarman
Jonas
Keith
Kleppe
Kuykendall
Kyl
Landgrebe
Langen
Latta
McClure
Mahon
Mann
Marsh
Mayne
Michel
Montgomery
Morton
Mosher
Pelly
Poff
Price, Tex.
Rarick
Rhodes
Robison
Roth
Roudebush
Ruppe
Ruth
Satterfield
Schadeberg
Scherle
Schneebeli
Scott
Sebelius
Skubitz
Smith, Calif.
Springer
Stanton
Steiger, Ariz.
Steiger, Wis.
Talcott
Thomson, Wis.
Whitten
Wilson, Bob

NAYS—281

Adair
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Baring
Barrett
Belcher
Bell, Calif.
Bennett
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Button
Byrne, Pa.
Cabell
Caffery
Carey
Carter
Casey
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Conte
Conyers
Corbett
Corman
Coughlin
Culver
Daniels, N.J.
de la Garza
Delaney
Dellenback
Denney
Dent
Diggs
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Feighan
Flood
Flowers
Foley
Ford, William D.
Foreman
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Howard
Hull
Hungate
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kluczynski
Koch
Landrum
Leggett
Lennon
Long, La.
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mathias
Matsunaga
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Riegle
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Rostenkowski
Ryan
St Germain
St. Onge
Sandman
Scheuer
Schwengel
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Stafford
Staggers
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

ANSWERED "PRESENT"—1

Mailliard

NOT VOTING—68

Adams
Arends
Aspinall
Ayres
Berry
Bingham
Brooks
Brown, Calif.
Burton, Calif.
Burton, Utah
Cahill
Camp
Cederberg
Chisholm
Cohelan
Collier
Collins
Daddario
Davis, Ga.
Dawson
Devine
Dingell
Eckhardt
Edmondson
Edwards, Calif.
Fallon
Farbstein
Fascell
Findley
Fisher
Flynt
Frey
Gettys
Green, Oreg.
Griffin
Haley
Hastings
Hays
Holifield
Hosmer
Hunt
Kirwan
Kyros
Lipscomb
Lloyd
Lujan
McCloskey
McKneally
McMillan
Martin
May
Meeds
Nelsen
O'Konski
Patman
Pollock
Powell
Quie
Rivers
Rodino
Rooney, Pa.
Roybal
Saylor
Steed
Taylor
Tunney
Whalley
Wold

So the motion to recommit was rejected.

The Clerk announced the following pairs

On this vote:

Mr. Martin for, with Mr. Hunt against.
Mr. McCloskey for, with Mr. McKneally against.
Mr. Arends for, with Mr. Pollock against.
Mr. Nelsen for, with Mr. Cahill against.

Until further notice:

Mr. Haya with Mr. Ayres.
Mr. Aspinall with Mr. Berry.
Mr. Brooks with Mr. Camp.
Mr. Rodino with Mr. Burton of Utah.
Mr. Kyros with Mr. Collins.
Mr. Holifield with Mr. Cederberg.
Mr. Daddario with Mr. Collier.
Mr. Dingell with Mr. Devine.
Mr. Rooney of Pennsylvania with Mr. Findley.
Mr. Taylor with Mr. Frey.
Mr. Patman with Mr. Hastings.
Mr. Griffin with Mr. Lloyd.
Mrs. Green of Oregon with Mr. Hosmer.
Mr. Farbstein with Mr. Lujan.
Mr. Edmondson with Mr. Lipscomb.
Mr. Fallon with Mrs. May.
Mr. Kirwan with Mr. Saylor.
Mr. Fascell with Mr. Whalley.
Mr. Tunney with Mr. Wold.
Mr. Adams with O'Konski.
Mr. Gettys with Mr. Eckhardt.
Mr. Burton of California with Mrs. Chisholm.
Mr. Meeds with Mr. Davis of Georgia.
Mr. Cohelan with Mr. Haley.
Mr. Steed with Mr. Roybal.
Mr. Flynt with Mr. Edwards of California.
Mr. Bingham with Mr. Powell.
Mr. Rivers with Mr. Fisher.
Mr. McMillan with Mr. Brown of California.

Mr. PASSMAN and Mr. MIZE changed their votes from "yea" to "nay."

Mr. MAILLIARD. Mr. Speaker, I have a live pair with the gentleman from California (Mr. Burton). If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 311, nays 51, answered "present" 1, not voting 68, as follows:

[Roll No. 220]

YEAS—311

Adair
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Bush
Button
Byrne, Pa.
Cabell
Caffery
Carey
Carter
Casey
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Conte
Conyers
Corbett
Corman
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
de la Garza
Delaney
Dellenback
Denney
Dent
Diggs
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Feighan
Fish
Flood
Flowers
Foley
Ford, William D.
Foreman
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kluczynski
Koch
Kyl
Landrum
Langen
Latta
Leggett
Lennon
Long, La.
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mailliard
Mann
Mathias
Matsunaga
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Riegle
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scheuer
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Stafford
Staggers
Stanton
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—51

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Ashbrook
Bray
Brown, Ohio
Buchanan
Burleson, Tex.
Byrnes, Wis.
Colmer
Conable
Cowger
Cramer
Cunningham
Davis, Wis.
Dennis
Derwinski
Dickinson
Erlenborn
Ford, Gerald R.
Frelinghuysen
Gross
Hall
Jarman
Jonas
Keith
Kleppe
Kuykendall
Landgrebe
Mahon
Marsh
Mayne
Michel
Montgomery
Morton
Pickle
Poff
Rarick
Rhodes
Roth
Scherle
Schneebeli
Sebelius
Smith, Calif.
Springer
Steiger, Ariz.
Steiger, Wis.
Taft
Thomson, Wis.
Whitten
Wilson, Bob

ANSWERED "PRESENT"—1

Poage

NOT VOTING—68

Adams
Arends
Aspinall
Ayres
Berry
Bingham
Brooks
Brown, Calif.
Burton, Calif.
Burton, Utah
Cahill
Camp
Cederberg
Chisholm
Cohelan
Collier
Collins
Daddario
Davis, Ga.
Dawson
Devine
Dingell
Eckhardt
Edmondson
Edwards, Calif.
Fallon
Farbstein
Fascell
Findley
Fisher
Flynt
Frey
Gettys
Goodling
Green, Oreg.
Griffin
Haley
Hastings
Hays
Holifield
Hosmer
Hunt
Kirwan
Kyros
Lipscomb
Lloyd
Lujan
McCloskey
McKneally
McMillan
Martin
May
Meeds
Nelsen
O'Konski
Patman
Pollock
Powell
Quie
Rivers
Rodino
Roybal
Saylor
Steed
Taylor
Tunney
Whalley
Wold

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hunt for, with Mr. Martin against.
Mr. Ayres for, with Mr. Arends against.

Until further notice:

Mr. Haya with Mr. Pollock.
Mr. Aspinall with Mr. Berry.
Mr. Brooks with Mr. Devine.
Mr. Rodino with Mr. Cederberg.
Mr. Kyros with Mr. O'Konski.
Mr. Holifield with Mr. Burton of Utah.
Mr. Daddario with Mr. McKneally.
Mr. Dingell with Mr. Collier.
Mr. Brown of California with Mr. Dawson.
Mr. Taylor with Mr. Collins.
Mr. Patman with Mr. Camp.
Mr. Griffin with Mr. Lloyd.
Mrs. Green of Oregon with Mrs. May.
Mr. Farbstein with Mr. Findley.
Mr. Edmondson with Mr. Lujan.
Mr. Fallon with Mr. Cahill.
Mr. Kirwan with Mr. Hastings.
Mr. Fascell with Mr. Frey.
Mr. Tunney with Mr. Hosmer.
Mr. Adams with Mr. McCloskey.
Mr. Gettys with Mr. Goodling.
Mr. Burton of California with Mrs. Chisholm.
Mr. Meeds with Mr. Nelsen.
Mr. Cohelan with Mr. Lipscomb.
Mr. Steed with Mr. Quie.
Mr. Flynt with Mr. Whalley.
Mr. Bingham with Mr. Wold.
Mr. Rivers with Mr. Saylor.
Mr. McMillan with Mr. Roybal.
Mr. Haley with Mr. Eckhardt.
Mr. Edwards of California with Mr. Powell.
Mr. Davis of Georgia with Mr. Fisher.

Mr. POAGE. Mr. Speaker, I have a live pair with the gentleman from Texas (Mr. Eckhardt). If the gentleman from Texas (Mr. Eckhardt) had been present, he would have voted "yea." I voted "nay" in accordance with my convictions. Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill, H.R. 13000, and include extraneous matter during debate on the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 13000

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Clerk, in the en-

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grossment of the bill, be authorized and directed to make such changes in section numbers, cross-references, and other technical and conforming corrections as may be required to reflect the actions of the House.

The SPEAKER. Without objection, it is so ordered,

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks announced that the Senate disagrees to the amendment of the House to the bill (S. 2276) entitled "An act to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Muskie, Mr. Randolph, Mr. Bayh, Mr. Montoya, Mr. Boggs, Mr. Cooper, and Mr. Dole to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 150. Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

NATIONAL INDUSTRIAL HYGIENE WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 150) to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week" and ask for immediate consideration of the Senate joint resolution.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 150

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the need to preserve the Nation's primary natural resource—its employed population—and in recognition of those individuals and organizations seeking to protect and improve the health of the Nation's work force through the coordinated scientific measures, technological and engineering controls which characterize industrial hygiene, the President is authorized and requested to issue a proclamation designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

THREE O'CLOCK IN THE MORNING—VIETNAM

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, I am also one of those who requested 1 hour on special orders today to express my disapproval of our present Vietnam policy. I also am in support of the October 15 moratorium. I want to stress that I do not hold any brief that my views will offer much contribution to this problem, or that the President will pay much attention to my views. But I do think that I should have the right to express them. Perhaps a measure of that right and, if you will, a measure of the esteem with which my colleagues hold me is that I am assigned time to deliver my remarks for 3 o'clock this morning, if all goes well, to express my views to those who might be present. Those views probably are not significant and I think tremendously important. But it would be tremendously significant and I think tremendously important if I were denied the right to deliver those views to this particular body, and the dissemination of those views to the public through this forum.

I would expect that deprival of this right of those who desire to express our views would be interpreted by many as indicating a belief and a fear that criticism of administration policy cannot be tolerated in the greatest legislative body of the land.

I am particularly puzzled by a seeming inconsistency in the remarks of many relative to the impact of my views, and those who possess similar views, on Hanoi's leaders. Our President has told us he will not be persuaded "in the slightest" by our expressions on October 15. Am I to believe that Hanoi's leaders will be more responsive to my views than will my own President? I doubt it. But then I doubt that the President was accurate when he said he would not be influenced by American opinion. He will be—he should be—and he must be.

Mr. Speaker, vituperation and excesses in emotion that callously designate Americans who are desperately tired of the Vietnam tragedy as "Hanoi sympathizers" detract greatly from this debate. I venture to say that those who today have so intemperately maligned their colleagues and their fellow Americans are simply and sorrowfully unaware of the depth of their constituency's anger and dismay with Vietnam.

I would suggest that on October 16 they review the activities of October 15 and I am certain they, along with our President, will have been the witness to the peculiar magnificence of a free government and to the ability of a free citizenry to express disapproval with its leader's policies.

Their efforts to castigate manifestation of that disapproval with vague accusations of lack of patriotism or loyalty have only served to intensify those efforts and have only served to display their own insensitivities to the procedures by which a free people make their will known to their Representatives and to their President.

ECONOMIC PROGRESS AND THE FORGOTTEN AMERICAN

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, unemployment in our Nation has risen to 4 percent. This is the largest rise in unemployment in 9 years. The Nixon administration, in the words of Secretary of the Treasury Kennedy, believes that unemployment will go even higher. What amazes me is that they apparently believe that an increasing unemployment rate is good—that it is "economic progress."

I would remind Mr. Nixon that these statistics represent people unemployed and I would call such a policy heartless.

During the presidential campaign, President Nixon frequently alluded to a "forgotten American." I might ask: Who is this mystical person? Is he the one who is taking the brunt of the administration's so-called economic progress? Is he the guy who was just laid off? Or perhaps he is the person who will be hit the hardest by the administration's proposed policy on taxes?

Is the "forgotten American"—the person with a small fixed income who is being affected most by inflation or the one taking it on the chin from excessively high interest rates?

Perhaps he is the person who knows that the administration's proposed increase in social security benefits is too little and too late?

If this is the "forgotten American," then it appears to me that the administration's policy forecloses, without question, opportunity for those who need it the most. Yes, the "forgotten American" appears to have been really forgotten only 9 months after he was induced to vote for the man who said he was going to remember the "forgotten American."

Does the administration realize the effects of this so-called "economic progress" on the individual as well as the Nation? There are approximately 3.2 million Americans who are out of work. It is going to be extremely difficult to convince these "forgotten Americans" that such a policy could be labeled by anyone as "economic progress." If a man cannot get a job, if he has been laid off, if he is underemployed, he is not going to be pleased with Secretary Kennedy's assertion that a 4-percent rate of unemployment is "acceptable." Surely it

is not "progress" when nearly 3.2 million people are jobless.

Does the administration realize the effects of this heartless scheme on the wives and children of the jobless?

Does the administration realize the effects of this negative policy on the business and industry that are forced to curtail production?

Does the administration realize the effects it will have on the community? If a man does not have an income he is certainly an economic burden to the community. The gas station owner, the grocer, the local banker, the farmer, the people who deal in services—all are affected by unemployment. All must agree that a real economic progress does not go hand in hand with unemployment.

Does the administration realize the effects that this economic downturn will have on the local and State government? When men are unemployed, welfare rolls are increased. It seems to me that it is "economic progress" when we have more people employed and less people dependent on welfare checks.

If an intolerable level of unemployment, together with continuing high prices and interest rates, is "acceptable," then I do not believe the "forgotten American" can stand much more of this kind of "economic progress."

PUTTING KOREA'S PRESIDENTIAL POLITICS IN PRAGMATIC PERSPECTIVE

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, in recent weeks our popular press has been critical of the events which have surrounded South Korea's President Park's bid for a third term. It has been charged that the ruling Democratic-Republican Party flaunted democratic processes in clearing the way for a national referendum on the provision to amend the Constitution to allow a candidate to seek a third term. It has been implied that President Park's quest for the third term is animated by a drive for personal power and standing. I think it is well that we who know Korea, its leaders and its problems, pause to address ourselves to these indictments before the referendum on October 17. It was for this reason that I requested this time. I invite my colleagues on both sides of the aisle to contribute their comments on this issue.

It would be unthinkable for us to endeavor to influence the outcome of the national referendum. This is an issue for the people of the Republic of Korea. However, as Korea's longtime friend and ally it is both appropriate and necessary that those in our Government endeavor to understand what is happening in Korea and why it is happening. The understanding of which I speak is, in my judgment, best born of an analysis of the history of other similarly situated nations. What is Korea's current condition? The Republic of Korea has, at best, a tenuous political, economic, and defense posture. On the political front, we note that the Republic has existed less than a decade. The country and its people have little experience in self-government and no tradition of strong democratic institutions. In addition, the country has not existed long enough to develop a large number of individuals experienced in the art and science of governance. The old nostrum that "you can beat somebody with nobody" is clearly applicable to the current situation. Even those who contend that President Park should not be allowed to succeed himself are hard pressed to suggest a suitable alternative.

Korea has undergone an economic transformation in the last 20 years. It is experiencing an enviable rate of economic growth. The man on the street is well fed, and well clothed. All this economic progress has been achieved in scarcely a score of years. The glowing record of recent progress and the rapid rate of growth should not obscure the fundamental fact that Korea's economy is still in its infancy. The nation is plagued by problems endemic to developing countries. There is a glaring shortage of development capital; skilled management and technical expertise remain a scarce commodity; agricultural self-sufficiency is problematic; the infrastructure essential to true nationhood is still developing, and the gulf between rich and poor is still vast. These facts are neutral. They state a simple truth; Korea—for all its progress—is only nearing its economic "takeoff" point. It is just now approaching the point at which it can truly say it can meet its internal needs and enter the world market as an effective competitor.

The security of the Republic of Korea is a source of constant concern. Forty miles from the capital of Seoul, the armies of North and South Korea face each other. Rarely does a day pass when there is not an act of hostility at the demilitarized zone or an attempt by the North to infiltrate by the sea. This situation has required that the country remain constantly mobilized. Korea has one of the largest standing armies in the world. Per capita, it and its adversary in the north probably have more men under arms than any other country in the world. Truly it can be said that Korea's political, economic, and defense situation is highly volatile.

A pragmatic perspective of Korea's presidential politics must encompass an analysis of history. The parallels between the Korea of today and the United States of 1940 are inescapable. In 1940 our Nation was teetering on the brink of war and we were just emerging from a depression which had shaken our economy to its very roots. At that juncture, the American people were faced with deciding whether to shatter a 150-year tradition and allow President Roosevelt to seek a third term. A review of the popular press reveals that the central issue which concerns Koreans today was much the same as that in the minds of Americans during the dark days of 1940. There was, in the United States of 1940, a grave concern over the consequences of any change in national leadership. The New Republic of July 22, 1940, said:

> The conflict (in the world) is one of ideas, of economic power, of resolution and elan . . . It is a question of being ready for drastic changes and supreme effort, of fertilizing the imagination and intelligence with a deep seated cause and a destiny.

This article and many others appearing during the year 1940 suggested that only President Roosevelt could supply the leadership needed.

In the twoscore years since the Second World War, we have witnessed a number of Western democracies maintain a single national figure as their leader. The West Germans saw in Conrad Adenauer the leader they needed to rebuild their broken nation. For this reason, they perpetuated his control for several years. The British turned to Winston Churchill—who dominated their political scene for virtually 2 decades—to provide the charisma required to restore England to the glory of old. "Le Grande Charles" became a legend in his own time while serving as the President or popularly elected "king" of France. In short, the people of four advanced Western Nations have, in the span of our recollection, chosen to put their trust in a single man to lead them in times of tension and travail. In each of these nations the decision to perpetuate the leadership of a single man was subjected to sharp criticism. The Saturday Evening Post of October 26, 1940, castigated the events preceding Roosevelt's nomination for a third term in an article entitled "How to Rig an Election." It said America was adopting a "demautocratic process."

Much has been written about the midnight session of Korea's National Assembly which cleared the way for the popular vote on a third term. I very much doubt whether the maneuvering which has led to Korea's referendum on the third term was any more carefully contrived and efficiently orchestrated than the nomination of F. D. R. to a third term. One need only recall the reports of Thomas G. Garry, whipping the delegates into a fever pitch of support for Roosevelt with ringing cries of "We Want Roosevelt" which redounded through the hall as Garry shouted into a clandestine public address system.

One final point should be considered. What are President Park's motives? What does he stand to gain from a third term? Nothing, I would suggest. Most Koreans and outsiders seem to agree that the President of the Republic of Korea has constructed a superlative record. Surely any man would be proud to rest on such laurels. President Park must risk his fine record in seeking a third term. He has already subjected himself to sharp criticism from former supporters who oppose him not for any personal reasons, but because they object to the President seeking a third term. He faces a long and hotly contested campaign which, if successful, will require 4 more years of agonizingly hard work. I see in this little opportunity for personal engrandizement.

We trust it is clear to all that American policy, expressed and exercised, is to provide people with the freedom of choice. That choice is now being exercised. It still remains true that conditions in Korea and the position of our

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interests in the country dictate that a strong leader should emerge from the choice, a leader the whole nation can unite behind. We look for and hope for such a result. We believe that that will be the choice of Korea's people.

Mr. KLEPPE. Mr. Speaker, at a time when Vietnam dominates the news concerning U.S. policy in the Far East, we tend to overlook what is going on in another most important frontier of freedom, South Korea. Here we have a friendly country which is strong politically, economically, and militarily but one which has a most serious problem in the constant threat of aggression from Communist North Korea.

In many respects, there is a parallel between the wars in Korea and Vietnam—both were touched off by naked Communist aggression and in both instances Communist victory would have been assured had it not been for support of South Korea and South Vietnam by the United States, with both men and materiel.

Today South Korea is strong enough militarily to protect itself, with some continuing help from the United States. I look forward eagerly to the day when South Vietnam will be in a position to do the same.

It was my privilege to visit South Korea earlier this year, along with several of my House colleagues, at the invitation of the South Korean Parliament. I was enormously impressed not only by the physical and economic growth which was apparent everywhere but also by the spirit of the people and their obvious friendship toward the United States.

Despite all of this evident progress, South Korea has not only challenging economic problems which must be met but also some political problems still to be resolved.

It will probably take considerable time to see Korea reflect the qualities of democratic government as they exist in the more advanced nations. The experience of our own Nation would indicate that when national survival is at stake, progress in the development of democratic institutions is retarded. In fact, Korea is still under quasi-war conditions and the achievement of self-sustaining readiness in national defense and economy is so paramount that progress in the other aspects of social development must, of necessity, be slow.

It is in our own best interests not to meddle in the internal affairs of other nations. South Korea is proud of the progress made in building its institutions and we should be constructive in our criticism, lest this brave little nation and strong ally shrink from the common cause which binds us.

The people of South Korea have come a long way in their search for freedom, economic advancement, and security. I wish them continuing success in fully achieving all of these important goals.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I commend the distinguished gentleman from California for his remarks regarding the present political situation in South Korea. I was fortunate to be a part of the delegation headed by the distinguished majority leader that visited Korea earlier this year. I was extremely impressed by the growth and development of the economy and political system of South Korea.

On April 1, I addressed the House and said:

> I am overjoyed to report to the Congress that our aid to the Republic of Korea is one of the most worthwhile investments ever made. From the ruins of the Korean war, the people and Government of Korea have developed a strong, diversified and progressive economy. For the 5-year period, 1962 to 1967, the per capita gross national product has increased 7 percent each year. Agriculture production increased 25 percent in the 5-year period 1962 to 1967. The Central Government's domestic revenues increased 49 percent each year from 1964 to 1966, and what is definitely significant for our consideration is that the share of the Government budget supported by the U.S. aid program declined from 35.3 percent in 1964 to 11.8 percent in 1968.

The dedication of the freedom-loving people of South Korea and the industriousness and integrity of its leaders are responsible for its tremendous growth. It is because of the amazing sacrifices made by the people of Korea in order to insure their freedom that I take the time to address myself to the question of the proposed Korean constitutional amendment. There can be no question about the great role that President Chung Hee Park has played in the development and stability of the Republic of Korea. He has inspired his countrymen, encouraged them and led them to make the great gains they have. His personal example of austerity and simplicity have done as much to produce a similar reaction in the people of Korea as have his great leadership and inspired economic programs.

The people of South Korea on October 20 will decide in a referendum whether or not to amend the Constitution of their Government so that President Park may be allowed to seek a third term. I think this is a very commendable course of action. Whether or not one is a supporter of President Park's, and I admit that I am, it is extremely admirable that the people and the Government of South Korea, operating as a free and democratic nation, seek only the constitutional and democratic method to change their laws. For those who view this action as an attempt to impose any kind of personal leadership, I say this is obviously false. We, ourselves, have chosen the path of constitutional amendments throughout our history, and the supporters of President Park have chosen the same method. It cannot be denied President Park's leadership has been greatly responsible for the growth, stability, and continued independence of South Korea. He and his supporters hope that he may be allowed to seek a third term so that his leadership might continue and help South Korea continue to develop into the 1970's.

Whether this referendum passes or fails, the people and Government of South Korea can only be commended for seeking this democratic method and constitutional form for expressing their views and their wishes.

Mr. GALLAGHER. Mr. Speaker, the free nation of South Korea will soon choose a new President. The current head of state, President Park, is seeking an unprecedented third term of office.

I think that it would be appropriate for us to pause and recognize the manner in which democracy has thrived and strengthened in South Korea. Perhaps there is no finer example of a working, living democracy than an election: a peaceful regeneration of leadership in which the people choose their governors.

There is no doubt that free men everywhere wish South Korea well in its current election. This nation, under inspired leadership, has become a fountain of freedom in a perilous Asia. The brave people of South Korea live each day under the threat of outside aggression—but there is no faltering of purpose, no destruction of morale.

I had the privilege to serve as a member of the congressional delegation which visited Korea last year. What I saw on that trip convinced me that we have a true ally, a true friend, and a true partner in progress in the nation of South Korea.

Certainly, those Americans and Koreans alike who sacrificed so much for the freedom of South Korea did not make their sacrifices in vain.

GENERAL LEAVE

Mr. HANNA. Mr. Speaker, I ask unanimous consent that others desiring to do so may extend their remarks immediately following my own remarks on putting Korea's presidential politics in pragmatic prospective.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DISCUSSION OF THE TRAGIC VIETNAM WAR

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I had planned to take part in the discussion of the tragic Vietnam war which will continue through the coming night and had obtained unanimous consent for an hour's special order.

Yesterday, however, I received an urgent appeal from the students at Hamilton and Kirkland Colleges in my home State of New York that I attend and speak at a meeting they are holding this evening. They were particularly anxious to obtain a speaker from the Congress and had been unable to do so. I agreed to go because I consider the student meetings to be central to the whole Vietnam moratorium idea. I have also agreed to speak at other student meetings tomorrow in New York State. Accordingly I will not be on the floor this evening or tomorrow.

I think it highly appropriate that those Members who wish to do so take the opportunity this evening to express in a dramatic way the depth of their feelings in the matter. For this purpose, the House should remain in session.

Apparently, an effort will be made to choke off this discussion by motions to adjourn, in spite of the fact that a series of 1-hour special orders have been agreed to. Not only would this be in violation of the traditions of the House, but it would be an affront to the basic principle that duly elected Members of this body are entitled to be heard when they seek to speak within the rules and customs of the House.

Of course there are members who disagree with the views of those who have arranged for special orders. May I respectfully suggest that they come and debate the issues on the floor during the course of the evening, instead of trying to muzzle their colleagues. Those who have obtained the special orders have indicated they will be glad to yield to those who disagree, as well as to those who hold the same or similar views.

Allow me to turn now briefly to the substance of the matter.

In the present situation, with the Saigon regime able and anxious to veto any steps toward a reasonable political settlement, the United States has no alternative but to withdraw troops from Vietnam as fast as possible, consistent with the safety of our troops, the need for obtaining the release of our prisoners of war and the provision of asylum for those Vietnamese who would be endangered by our disengagement.

Along with Senator McGovern and other Senators and various Members of Congress I have introduced a resolution calling upon the President to take such action. The text of that resolution follows:

> Whereas the war in Vietnam has resulted in the loss of more than forty thousand American lives, in some two hundred and fifty thousand American casualties, in the depletion of American resources to the extent of over $100,000,000,000 and in inestimable destruction of Vietnamese life and property; and
>
> Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human and spiritual resources upon urgent domestic needs; and
>
> Whereas spokesmen for the present administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal; and
>
> Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support; and
>
> Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it; and
>
> Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion: Now, therefore, be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress of the United States, that all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangement for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

In addition, there are other steps which our Government should take immediately.

First, every effort should be made to bring the killing to an end immediately by means of a standstill cease-fire along the lines recently proposed by Cyrus Vance. Such a cease-fire could be inaugurated by us and continue as long as observed by the other side.

Second, in the hope of persuading the Saigon Government to move in the direction that would make a peaceful settlement possible, we should also press much more vigorously than we have in the past for a broadening of the Thieu-Ky government so as to have a representative regime in South Vietnam capable of negotiating a peaceful settlement through elections or otherwise. To this end, Ambassador Bunker should be replaced and a tough spokesman like Averell Harriman sent out to Saigon to make clear to Messrs. Thieu and Ky in no uncertain terms that American boys are not going to go on dying to keep them in power.

From the actions of the Nixon administration as well as those of the Thieu-Ky regime, I see no hope that either a cease-fire or a basic broadening of the Saigon regime will take place. If this estimate proves to be unduly pessimistic and a basic change in the situation in South Vietnam occurs, then the timetable for U.S. withdrawal could be reexamined.

Let no one say that for the United States to withdraw its troops now is in any sense a sellout. In the past almost 5 years we have done more to protect South Vietnam than anyone could have expected, especially since our obligation to do so was, to say the least, unclear. If after all this time and effort, after all the lives lost and bodies mangled, after the extensive training to Vietnamese forces and after the enormous amounts of materiel that we have given them and will give them, the Republic of South Vietnam would collapse upon the departure of American troops, then I say we have been engaged in propping up a shell of a regime with no strength of its own and should recognize the task as not only hopeless but useless.

ADMINISTRATION'S TIGHT MONEY POLICY SPELLING DISASTER FOR PHILADELPHIA SCHOOLCHILDREN

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, we are all too well aware that this country is witnessing the highest interest rates since the Civil War. In every sector of the financial market interest rates have reached historic high levels. The administration's attempt to deal with inflation by tight money and high interest rates has all but destroyed the housing industry this year. Mortgage credit is unavailable, builders are laying off their workers, and families cannot buy homes. We are all too well aware of the effects of tight money on the home building industry, but in another area we are just beginning to see what effects this severe economic prescription by the administration has affected the country.

In my city of Philadelphia in 1966 the city began an ambitious program to get rid of 65 schools which were built before 1907 and were terrible firetraps. This program is going to cost the city half a billion dollars. Twenty-three of these old schools were replaced but the attempt to complete the rest of these needed new schools was halted because of high interest rates. So we have 42 old schools in Philadelphia attended by 30,000 boys and girls who are trying to learn in firetraps. I might add that Philadelphia's problem in replacing their schools is typical of most of our cities problems today. In order to build these schools the citizens of Philadelphia voted for floating bonds to finance the program.

In May of this year the city tried to float $30 million of the already authorized bonds, some with a maturity of 25 years, but the city received no bids. Bankers refused to purchase the bonds because under State law the city could not pay more than 6 percent interest on them and in effect Philadelphia was left out in the cold. A second attempt was made to float a bond issue by reducing the amount from $30 million to $17.5 million. Again the bankers, who had just raised the prime interest rate, refused to purchase this issue. The kind-hearted bankers then stated that they would lend to Philadelphia, on a short-term basis, funds totaling $27.5 million at the prime rate which was 8½ percent.

The price of high interest rates is too great for this Nation and States and cities to bear and until the administration realizes this our cities and States are going to be unable to finance the needs of their citizens. Yet the administration can afford to waste $600 million on supersonic aircraft that will never fly over the continental United States and billions of dollars on an ABM system which the experts tell us will not protect the United States from foreign missiles. Our priorities simply need to be restructured.

Mr. Speaker, I include the story appearing in the New York Times, October 12, 1969, following my remarks:

MONEY WOES OF U.S. CITIES MAY SLACKEN

(By John H. Allan)

> Philadelphia has 42 firetrap slum schools it would like to tear down and replace, but finding the money has been tough this year. Now, however, the tangle of financing difficulties confronting the city—and many other local governments as well—may become less snarled.
>
> In Philadelphia, the school system is antiquated and half the schools are overcrowded. In 1966 the city embarked on an ambitious half-billion-dollar program to get rid of 65 schools, built before 1907, that aren't fire-resistant.
>
> Twenty-three of these old schools were replaced but the program this year slowed down because of financing difficulties. There are still 42 old schools in the city, and 30,000 pupils attend classes in these hazardous buildings.

XUM

Besides this, four junior high schools and four senior high schools operate on double shifts. Some 25,000 students go to class either from 7:30 A.M. until noon or from 12:30 P.M. until 5 P.M.

PROBLEMS TYPICAL

Philadelphia's problems are typical of those of many municipalities. High interest rates, caused by the Government's anti-inflationary tight money policy and by fear Congress would end the traditional tax-exmept status of municipal bonds, have seriously damaged the local government bond market. Last week each of these problems took a turn for the better.

To eliminate substandard conditions, Philadelphia school officials wanted to move ahead with their capital improvement program. Last May, however, the city's taxpayers voted down a $90-million bond authorization, largely because they were sick and tired of local property tax increases. In addition, some citizens objected to a school desegregation plan and some thought the bond issue would pay for too many "frills" such as swimming pools.

SALE ATTEMPTED

Later in May, Philadelphia tried to sell $30-million of already authorized bonds, some with a maturity as long as 25 years, but it received no bids. Bankers shied away from the bonds because Pennsylvania law then would not permit paying interest higher than 6 per cent, and the curb, in effect, priced Philadelphia out of the market. Other cities were able to pay more.

The city cut the length of maturity of its bond issue and reduced it to $17.5-million, from $30-million. Unfortunately, however, major commercial banks raised their basic lending rates just before the issue was to be sold, and so banks did not bid even for the smaller amount.

The school district was able to get short-term loans totaling $27.5-million, but it needs long-term funds.

Last Tuesday, the Pennsylvania Legislature raised the interest rate ceiling for local government bonds to 7 per cent for one year. The action, together with the change in the bond market last week, likely will enable the city to sell a $60-million bond issue now scheduled Oct. 21.

Furthermore, the city has a $65-million bond authorization up for approval on Election Day, Nov. 4, and the outlook for its passing is brighter. If it passes, the city will be able to keep its building program moving ahead next year.

"It's been a long, tough road," J. William Jones, director of information of the Philadelphia School District, remarked last week as he reviewed the year.

When Mr. Jones was driving from work last Thursday, he heard the news that the Senate Finance Committee had moved to maintain the tax-exempt status of municipal bonds. The news pleased him, he acknowledges.

If Congress votes down the House-passed proposals to change the traditional tax-exempt status of state and city bonds and if the Federal Government succeeds in its program to stifle inflation, the municipal bond market could be restored to better health.

Last week there were indications that both these developments could take place. It was still far too early to make such a forecast on both points with any real conviction, but bond market dealers and investors appeared to be toying with the idea a little more seriously, at least.

PANEL VOTES ON DELETION

On Thursday, the Senate Finance Committee tentatively voted to delete from the House-passed tax reform bill all provisions aimed at taxing the interest from state and local government bonds, Senator Albert Gore disclosed. The panel's action was nearly unanimous, the Tennessee Democrat said.

Earlier in the week, victory in the battle against inflation seemed more plausible after the Labor Department reported that unemployment had jumped half a percentage point in September—its biggest increase since 1960.

The bond market accepted the statistic as impressive evidence that the tight monetary policy instituted back in December finally is beginning to get results.

Bond prices rose and interest rates declined throughout the money and capital markets and the trend was evident in the municipal bond market even though the supply of new issues for sale was the largest since May. Normally, a large volume of offerings tends to push prices down and interest rates up.

INDEX MOVES DOWNWARD

The Bond Buyer yield index, the most commonly used gauge of tax-exempt bond interest rates, moved down to 6.14 per cent last week from 6.19 per cent a week earlier. In view of the $780-million of notes and bonds offered for sale, investment bankers found the slight decline in the index impressive.

Nevertheless, few finance men in Wall Street were willing to predict any runaway rise in municipal bond prices over the weeks just ahead.

For one thing, they are concerned that the House-passed version of the tax-reform bill may prevail when the Senate and House attempt to reconcile their differences in conference committee.

For another, investment bankers are well aware that some $2.5-billion of bond offerings have been delayed while the House worked out its version of the bill to reform taxes.

This heavy volume of disrupted financing was also caused partly by the Federal Reserve System's program to restrict credit conditions.

If rates decline, these blocked sales will be brought back to the market and that will tend to keep interest rates from declining as much as they otherwise would.

If the bond market is being restored to its former vigor, it isn't happening too soon. Last week alone, local governments from coast to coast continued to have their plans to build all sorts of new facilities blocked by the failure to sell bonds.

FRESNO CITY PLANS SALES

Fresno City, Calif., failed to sell $1.3-million of school bonds.

Hondo, Texas, could not sell $1.2-million of bonds Wednesday and will continue to conduct classes in a noisy auditorium to solve its overcrowded conditions.

Columbia, Mo., wanted $200,000 for its fire department and $4,575,000 for water and power facilities. Riverview, Mich., wanted $4,115,000 for a new community center. Carroll County needed $2.2-million for sanitary district facilities, Santa Clara, Calif., $1.35-million for sewers.

For these cities, all the arguments about taxing the rich who have avoided taxes appear academic. Because of Congressional proposals and inflation, these local governments have found it difficult to provide the facilities their citizens want.

It was the fact of disrupted financing plans that drove so many local government financial officials to Washington to protest the House-passed bill.

PROPOSAL HELD "REGRESSIVE"

Arthur Levitt, New York State's Controller, labeled "regressive" the proposal to tax investors in municipal bonds, and he said it would increase the borrowing costs in the state by $100-million a year.

"I cannot believe that the Federal Government's added revenue from the minimum income tax and the allocation of deductions combined would amount to anything more than a fraction of the total increase in state and local interest costs," the New York official stated.

Ivy Baker Priest, Treasurer of California, a state kept out of the bond market because rates generally exceed its 5 percent, has spoken out against the tax-reform bill. New Jersey Treasurer John Kervick found the House-passed bill "destructive."

William E. Simon, a partner of Salmon Brothers & Hutzler and chairman of the municipal securities committee of the Investment Bankers Association, presented the case against the bill for the men who underwrite municipal bonds.

After the decision of the Senate Finance Committee was announced Thursday, the Investment Bankers Association applauded the panel's action.

A spokesman for the association warned, however, that unless the Senate and, ultimately, the Senate-House conference committee act quickly to uphold the Senate Finance Committee's action "market conditions for municipal bonds will not improve sufficiently in the near future to permit states and municipalities to procure vitally needed funds."

In his testimony, Mr. Simon calculated that the issuance of taxable municipal bonds would push up the interest rates across the board by three-quarters of a percentage point.

The increased borrowing costs for states and cities would go up 1 percentage point, Mr. Simon predicted.

"This means an increased financing cost of at least $150-million per year, all of which hard-pressed states and municipalities will be forced to raise from taxpayers already groaning under the burden of state, local and Federal taxation," he said.

The Treasury has estimated that the municipal bond changes in the House-passed bill would produce $45-million in revenue.

Raymond J. Saulnier, professor of economics at Barnard College and member of President Eisenhower's Council of Economic Advisers, criticized the Tax Reform Act of 1969 as "seriously counterproductive" in its over-all economic impact.

Speaking of its effect on tax-exempt bonds, Dr. Saulnier declared: "One is impressed again and again that what we have here is a massive example of throwing the baby out with the bathwater—in this case a whole family of babies, with a few cups of bathwater."

As William F. Staats, economist for the Federal Reserve Bank of Philadelphia, warned in an article in the September issue of his bank's Business Review, "the reform package may not achieve desired objectives and may, in fact, have perverse impacts."

A CONSTITUENT'S VIEWS TOWARD AN HONORABLE SOLUTION TO THE VIETNAM CONFLICT

(Mr. SATTERFIELD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SATTERFIELD. Mr. Speaker, in view of the publicity that is being given to the "moratorium" which seeks an unconditional surrender in Vietnam, I have obtained consent to insert at this point in the RECORD a letter I have received from a constituent. I believe it reflects the sentiments of the majority of our citizens who do not seek to cripple our efforts to find an honorable solution to the Vietnam conflict:

RICHMOND, VA.,
September, 22, 1969.

HON. DAVID E. SATTERFIELD III,
House of Representatives,
Washington, D.C.

SIR: On August 22 of this year my 21-year old brother was killed in action in Viet Nam.

Since he didn't get back to express his wishes in such matters, I am writing for him and for myself, since our feelings are the same.

He didn't like the Army, especially since he had just married and finished business school, and it prevented him from being with his wife and earning a good living.

However, he felt strongly that he owed his country two years, and he believed that our presence in Viet Nam is just.

If he were here, he would have two requests; so, I will make them for him.

Please do your best to see that the 33,000 men who have given their lives there didn't do so in vain. When my little girl, who loved her uncle very much, reads in history 15 years from now about the war, let there be a good reason for these men's deaths, let it have been a good cause, let them win.

Also don't let these draft dodgers who have left the country back in without receiving their due punishment, for they would be making a mockery of every man who has served this country in this or any other war.

We are a strong people and can do without this scum.

I realize you are only one man, but I know you will do what you can. Thank you for your time.

Very truly yours,

C. D. TAYLOR.

OCTOBER 15 MORATORIUM—BACKGROUND FOR AMERICAN REVOLUTION

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. RARICK. Mr. Speaker, the President of the United States has publicly announced that he has a duty to all of the American people, including the fighting men serving their country in Vietnam, and that he will not be intimidated by the rabble rousing tactics of loudmouths.

When public policy is made by mobs in the streets, anarchy prevails. Neither the President nor any other public official can countenance anarchy.

Continuation of the "moratorium," since it can have no effect on the public policy of the United States, must be for another purpose. For this reason it becomes more and more important to determine who are the true planners of tomorrow's proposed disloyalty. The current Don Bell report has performed a great public service in collecting, not from secret sources, but from public documents, the true story and the real names of the leaders—including identified Communists.

If these people are promoting peace it must be the Communist definition of peace—worldwide surrender to Communist tyranny.

I, for one, will not remain silent and allow my silence to be construed as condonation of betrayal.

So that our colleagues may have the benefit of this information, I include the Don Bell report and a news clipping which follows:

[From Don Bell Reports, Oct. 10, 1969]

VIETNAM WAR—BACKGROUND FOR AMERICAN REVOLUTION

(It often happens, too, both in courts and in cabinets, that there are two things going on together—a main plot and an underplot—and he that understands only one of them will, in all probability, be the dupe of both.—From Colton's "Lacon," published in 1820.)

(The following, which appeared in the Oct. 15th issue of "Newsweek," may have been overlooked, or its significance underestimated. We therefore quote at length from the article.)

MOBILIZING FOR "M-DAY"

The atmosphere on the eighth floor of 1029 Vermont Avenue, a nondescript office building less than half a mile from the White House, was frenetic—phones jangling, staffers scurrying from room to room, Very Important Persons drifting in and out. Surrounded by the paraphernalia of protest (mounds of antiwar literature, bumper stickers, "Work for Peace" buttons), Marge Sklencar, a 22-year-old political skirmisher who earned her stripes in the McCarthy-for-President campaign, placed long distance calls to former comrades-in-arms across the country. Long past midnight, another ex-McCarthy organizer spoke quietly into the telephone: "Hello, Reverend Brown? I'm Helen Shreves, the Western area organizer for the Vietnam Moratorium Committee." Then, scarcely giving Reverend Brown a chance to respond, she launched into her low-keyed pitch—a search for support for a nationwide demonstration on Oct. 15 designed to pressure President Nixon into immediate unilateral withdrawal of American troops from Vietnam.

Originally, Oct. 15 was to have been a campus-oriented protest involving a moratorium on normal academic activities. But it has quickly spread beyond the campus. And, if everything goes according to the evolving plans, the combination of scheduled events could well turn into the broadest and most spectacular antiwar protest in American history.

As of last week, at least, the protest was clearly gathering steam and speed, especially in the Northeast and on the West Coast. The big names of the antiwar Establishment (Harvard's John Kenneth Galbraith, MIT's Noam Chomsky, University of Chicago and CONY's Hans Morganthau) were rallying round—and more business and professional groups were being recruited with each passing day. "At first I thought it would flop," said David Mixner, one of the moratorium leaders. "I thought people were beyond this. But now I see it's going to be very successful. People have just had it with the war and they are willing to try just one more reasonable thing to stop it."

By the middle of next week—'M-Day'—the organizers of the event expect students on 1,000 campuses to turn out for the day-long protest. The demonstrations promise to be more or less standard antiwar fare—teach-ins in school auditoriums, fasts in school cafeterias, mass meetings in local football stadiums. Where the demonstrations spill off campuses, they will take on more dramatic overtones: massive afternoon rallies on the Boston Common and in New York's Bryant Park; a mock funeral cortege through downtown Milwaukee at mid-day; candlelight memorial services in small New England towns; a subdued vigil in front of the state capitol in Denver, Colo., during which the names of every one of the servicemen from Colorado killed in Vietnam will be read.

The idea of a nationwide moratorium originated in Massachusetts where a peace group called "Mass. Pax", headed by envelope maker Jerome Grossman, began casting around for ways to revitalize the antiwar movement. In short order, the idea reached Sam Brown, a one-time Harvard divinity student and the former chief student organizer for the McCarthy campaign. Brown in turn called in David Hawk of the National Student Association, one of the original students in the McCarthy entourage. In mid-June, Brown and Hawk opened a small office in Washington and quickly set to work laying the groundwork for the Oct. 15 moratorium.

Since then, the pace has picked up considerably. The original shoestring operation has spread across the entire eighth floor, and the handful of organizers has mushroomed into a general staff of 31 full-time workers and a network of some 7,500 adult organizers from coast to coast. Their efforts have produced a flood of contributions—from $5 and $10 bills to checks as high as $1,000. "We're seeing one of the benefits of the McCarthy campaign," explained Mixner, himself a veteran of the McCarthy movement. "You call four people in Iowa, and you don't have to tell them what to do. They know how to organize, get up literature, deal with the press, rent halls. They know how to handle it."

The Oct. 15 moratorium, however, is only the beginning. Brown and company plan to escalate their war on war with a two-day moratorium in November and a three-day demonstration in December. A more radical group, committed to the October protest, the New Mobilization Committee to End the War in Vietnam, is organizing a massive march in Washington to augment the November moratorium effort. Even with all this activity, the antiwar movement is concerned about maintaining its movement. But Adam Walinsky, a former legislative assistant to Robert Kennedy and the New York coordinator for the Oct. 15 moratorium, vows that the protestors will not be appeased by announcements from the White House of additional troops withdrawals. "Doses of sugar candy are not what the moratorium is about," Walinsky said last week. "This is everybody's war. We are all in it and we will have to work to stop it."

(End of article in Oct. 13 *Newsweek.*)

In reading the preceding article, one gets the general impression that this is a more or less respectable assemblage of "doves" who are doing nothing more dramatic than invoking and acting upon the First Amendment "right of the people peaceably to assemble, and to petition the government for a redress of grievances." Hence, *Newsweek* lists only those who might be classified as "respectable" leaders of this movement.

Newsweek refers to an activist group which it says is cooperating with the Vietnam Moratorium Committee, a group calling itself *The New Mobilization Committee to End the War in Viet Nam.* The name being a mouthful even for a pseudo-intellectual, it is generally shortened to *New Mobe.*

What *Newsweek* does not tell us is that *New Mobe* occupies the same offices as the VMC (Vietnam Moratorium Committee). The two organizations, one of them "respectable" and the other Maoishly militant; use the same telephone number, the same staff, hand out the same literature.

While the steering committee of the VCM is composed of McCarthyites, the New Mobe steering committee includes such people as:

Arnold Johnson, public relations director for the U.S. Communist Party;

Irving Sarnoff, a 5th Amendment Communist;

Sylvia Kushner, an activist in her own right and for many years the wife of Sam Kushner, Los Angeles editor of the *People's World* and at one time a member of the Communist Party's National Committee.

Otto Nathan, another 5th Amendment Communist;

Dave Dellinger, now being tried in a federal court in Chicago on grounds of violating the U.S. anti-riot law during the 1968 Democratic National Convention.

Rennie Davis, also being tried in Chicago on charges same as above;

Fred Halstead, an avowed Trotskyite;

Robert Greenblatt, who went to Paris in 1968 bearing a letter of introduction from Tom Hayden to North Vietnamese Col. Lao who is a dignitary at the so-called Paris Peace Conference. In the letter Greenblatt was hailed as a trusted worker, the letter ending with this wish for Col. Lao: "Good fortune! Victory!"

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Commenting on this bedfellowship, *Human Events* of Oct. 11, reports:

"While the VMC itself is not Communist-controlled, it nevertheless is working hand-in-glove with 'New Mobe', whose steering committee is rife with Communists and pro-Communists. . . . the ironically named David Hawk, a leader in the VMC, appears on the steering committee of 'New Mobe.'

"VMC leader Sam Brown, moreover, holds vigorous anti-American sentiments. . . . Yet, despite the ideology of the protest leaders, despite the fact that 'New Mobe' and its affiliates are making common cause with the Communists and the Viet Cong, the leadership in the Democratic party has elected to join the 'peace movement'. . . . In brief, the Democratic party which sent American boys to die in Viet Nam to prevent South Viet Nam from being taken over by the Communists, would now join the Communist-endorsed and infiltrated peace movement to achieve a Communist objective: the Communist conquest of South Viet Nam caused by a precipitous withdrawal of U.S. troops."

(What *Human Events* neglected to mention is the fact that the Democrats are no more guilty than the Republicans in this respect: the *liberal* Democrats—not the Democratic Party as such—are promoting this Moratorium. By the same token, the Republican Party's liberal Ripon Society is also backing the moratorium. If *Human Events* wants to accuse the pot, it should also mention the kettle, else its readers may be brainwashed into believing that all Democrats are Red, that all Republicans are White, and that some of the latter are also true Blue.)

MAIN PLOT AND UNDERPLOT

Three target dates are established:

Oct. 15—one day of protest;

Nov. 15—two days of demonstration;

Dec. 15—three days of antiwar activity.

Since we are writing before the events, it would be foolhardy to predict what may happen when 1,000 campuses are being used as virtual battlefields. But we should like to repeat the quotation with which we began this letter:

"It often happens, too, both in courts and in cabinets, that there are two things going on together—a main plot and an underplot—and he that understands only one of them will, in all probability, be the dupe of both."

In this instance, the main plot is to get us out of the Vietnamese war. There is but little doubt that almost every American is sick and tired of this foreign struggle, and is eager to end the Vietnamese involvement as soon as possible, and with honor if that is still possible. No longer are the facts hidden from the Average American: (1) It was wrong for us ever to enter this war by Presidential Proclamation, and without clear and unmistakeable declaration of a state of war by the Congress of the United States; (2) It was wrong, once having entered the war, not to have fought and won it in a matter of weeks or months, not years; (3) It was wrong to adopt a no-win policy for economic reasons; (4) It was wrong to permit the war to become a political football; (5) It was wrong for many other reasons, not the least of which having to do with the killing and maiming of over a million American men for no purpose consistent with the best interest of the country or of its citizens.

Every patriotic American will agree with James Madison, who wrote in 1795:

"Of all the enemies to public liberty war is, perhaps, the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies: from these proceed debts and taxes: and armies, and debts, and taxes are the known instruments for bringing the many under domination of the few. In war, too, the discretionary power of the Executive is extended; its influence in dealing out offices, honors, and emoluments is multiplied; and all the means of seducing the minds, are added to those of subduing the force of the people. . . . (There is also an) inequality of fortunes, and the opportunities of fraud, growing out of a state of war, and . . . degeneracy of manners and of morals. . . . No nation could preserve its freedom in the midst of continual warfare.

"The Constitution expressly and exclusively vests in the Legislature the power of declaring a state of war . . . the power of raising armies . . . the power of creating offices. A delegation of such powers (to the President) will strike, not only at the fabric of our Constitution, but at the foundation of well organized and well checked governments. The separation of the power of declaring war from that of conducting it, is wisely contrived to exclude the danger of its being declared for the sake of its being conducted. The separation of the power of raising armies from the power of commanding them, is intended to prevent the raising of the armies for the sake of commanding them. The separation of the power of creating offices from that of filling them, is an essential guard against the temptation to create offices for the sake of gratifying favorites or multiplying dependents."

Liberals and present day politicians would not subscribe to James Madison's reasons for dreading war, but they, too, are against the Vietnamese war, for different reasons. So: almost everybody wants to get the war ended and get the boys home.

But—to use the Vietnam antiwar sentiment to stir up an American Revolution is the most abominable political trick ever perpetrated upon the American people!

Because ending the war is a popular cause, gullible and sentimental people who seldom look beneath the surface before leaping, will be out in full force to support the protests, demonstrations, and activities of Oct. 15, Nov. 15, and Dec. 15. And leading and directing them will be communists and socialists, nihilists and Trotskyites, anarchists and revolutionaries of every hue.

By appealing first to the campuses, the *New Mobe* enlisted a bewildering assortment of student and youth protest organizations who await but an invitation or an excuse to go into their acts of destruction and spoliation. To name just a few, there are the Third World Liberation Front, the Progressive Labor Movement, the New Left Forum, W.E.B. DuBois Clubs, Students for a Democratic Society, Young Socialist Alliance, Young People's Socialist League, Student Non-Violent Coordinating Committee, the Technocrats, SLATE, Advance, the Trotskyites Social Workers, the Black Panthers and other black militant groups, and dozens of others.

These protests don't just happen. As *Newsweek* indicates in the article quoted at the beginning of this letter, there is careful planning, the gathering of a staff of expert agitators to direct the movement, appeals for money to finance the operations, and always there is the *underplot* with aims entirely different from the stated objective; which in this case is to end the Vietnam war—while the underplot promotes anarchy, revolution, destruction of society and the eventual creation of a Socialist Dictatorship.

Listen to the radical Saul Alinsky, as he teaches the first crop of *Robert F. Kennedy Fellows,* a newly formed group of young activists, specially selected and specially financed with Kennedy Foundation money: "In the world as it is, man moves on the basis of self-interest and not on the basis of mythical ideals. Those come later as justification. Try to organize people around things, not issues; around their self-interests, not around what is right or wrong. People do the right things for the wrong reasons. So one of the things an organizer tries to do is look for the wrong reasons. . . . Never once have I approached a priest or minister or rabbi on the basis of Judaic-Christian principle because to do so would be to go outside their experience. As for businessmen, I could persuade a capitalist on Friday to bankroll a revolution on Saturday that will bring him a profit on Sunday, even though he will be executed on Monday. Even though he will be executed, he can't pass up that Sunday profit. . . . Reconciliation is when you get power and the other guy gets reconciled to it." (Quotation from an article appearing in the *Washington Post* of Sept. 22, 1969).

This is what these organizers of protests are taught to think of, and do to, the gullible but warm hearted and well meaning people who contribute money and time to such protest movements as the antiwar rallies. "For there is no faithfulness in their mouth; their inward part is very wickedness; their throat is an open sepulchre; they flatter with their tongues" (Psalm 5:9). They "are like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones, and of all uncleanness" (Matthew 23:27).

Because we all detest the Vietnamese war, it seems good and patriotic to join in an antiwar movement. But, before lending yourself to any mass movement, *look beneath the surface.* The road to hell still is paved with good intentions, and hell is filled with those who believed a lie.

[From the Washington Sunday Star, Oct. 12, 1969]

Four Moratorium Leaders Are Headquartered Here

There are four major leaders of Wednesday's Vietnam Moratorium activities headquartered here. The four are:

Sam Brown, a Harvard University fellow. Brown had been one of the principal organizers of college students and other young people for Sen. Eugene McCarthy, D-Minn., in last year's presidential campaign. Brown, 26, was born at Council Bluffs, Iowa; attended the University of Redlands, Rutgers University and Harvard Divinity School. He was a Kennedy fellow at Harvard.

David Hawk, 26, born in Allentown, Pa., attended Cornell University and Union Theological Seminary in New York City. Hawk worked in the college student movement for McCarthy, and was active in the antidraft programs of the National Student Association. He currently is awaiting trial in Scranton, Pa., for refusing induction into the Army.

Marge Sklencar, 23, was born in Milwaukee, studied government and history at Mundelein College, Chicago. She also worked in the McCarthy campaign, and has taught second grade in a Chicago school.

David Mixner, 24, a native of Bridgeton, N.J., attended the University of Maryland and Arizona State University. He has been a union organizer, and handled McCarthy campaigns in Georgia and Texas.

The Moratorium Committee has its headquarters in eighth floor offices of a building at 1029 Vermont Ave., NW.

DEFENSE DEPARTMENT STANDS ON WEAK BUDGET CRUTCH IN CUBAN MIG SITUATION

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, since a Cuban Mig fighter plane penetrated American airspace and landed at an Air Force base last week, the military has been using the budget as a crutch to explain away the fact that the Southeastern part of this Nation is obviously vulnerable to attack or invasion.

But once again, it appears that this crutch is a weak one at best. Even this excuse is another example of penny wise and pound foolish philosophy which has pumped the Defense Department budget to $80 billion, yet which leaves me wondering just how effective our defenses really are.

The Pentagon told me yesterday that it costs approximately $1.9 million per year to fly and maintain an EC–121 aircraft which was used as an air picket in the Straits of Florida. This includes, I was told, personnel, spare parts, and every other phase of the operation of this plane. That means that the three planes used on picket patrol cost a total of $5.7 million. I do not think that is too great a price to pay to insure the security of Florida and the Southeastern United States.

There are many areas I feel are less important than the actual defense of this Nation. If a Cuban plane can fly undetected into an Air Force base, then the defense of this Nation is not very complete. Indeed, it casts a shadow on the entire defense system of this Nation.

There is a second point which should be made here. We have heard over and over again—starting years ago when a crop duster flew from Cuba to Florida undetected—that radar is unable to pick up low-flying aircraft.

This is only partially true. Existing radar cannot do the job, as witnessed by the Cuban Mig situation. But industry has a radar system which can, if installed in Key West for example, pick up a Mig-sized plane or missile, from the runway in Havana when it takes off.

The Navy is now conducting tests on this system, but the Air Force cut its funds which were earmarked for this project.

I have been told that the installation of such a radar system at Key West would cost about $3 million.

Written reports say that, indeed, there were two Mig's headed for Florida and that one turned back. The Pentagon said this morning they do not know of a second Mig. But, of course, they did not know about the first Mig until it landed. I have urged that the House Armed Services Committee will investigate this matter in the immediate future, at which time I hope this question mark will also be resolved.

At this time, I include in the RECORD an editorial from the Miami Herald and the Pompano Beach Sun-Sentinel which points out the concern of south Florida citizens in this matter:

Billions for Defense—But No Watch on Cuba?

To support the mightiest defense system the world has ever known taxpayers of the United States will be asked this fiscal year for $76.6 billion, a sum which is 40 per cent of the whole federal budget.

For all of this might and all of this money, however, the defense establishment appears unable to man the only frontier where an avowed enemy—if only a feeble one—sits close at hand.

On Aug. 21 Defense Secretary Melvin Laird announced that spendings for Air Force training and other flights not connected with Southeast Asia would be reduced by a sum later estimated at from $35 million to $50 million. The cuts took effect last Friday.

On Sunday the Air Force ceased its 24-hour picket patrol of the Florida Straits opposite Cuba, grounding two of three surveillance planes and sending a third on nine-hour random missions.

That same day a Russian-made MIG jet fighter with Cuban markings skimmed over the water from Cuba and asked to be allowed to land at Homestead Air Force base. We are told the pilot claimed political refuge.

On that day President Nixon's Air Force One was parked on the Homestead strip and the President himself was in temporary residence only a few miles away.

The Cuban plane was not identified by radar or otherwise until it was within seconds from Homestead AFB.

We cannot believe, as some have suggested, that this event was contrived to persuade the taxpayer he was treating the military establishment with untoward stinginess.

If deliberate economy was the excuse for failing to man the battlements, however, it is even stupider than a staged act of poverty. Had the pilot of the Cuban plane intended something other than defection the country could have been at war Sunday afternoon.

Perhaps this hypothesis is farfetched, but it has not escaped the minds of concerned Floridians and many Americans elsewhere. Ground radar cannot "see" beyond the horizons. Picket planes can detect any movement near the surface. Since every military pilot knows that extreme low altitude can escape ground radar, higher altitude surveillance is mandatory to any coastal system of defense.

We suppose that the picket planes are back on patrol—belatedly. Pearl Harbor, too, has been restored.

Who is responsible for this bureaucratic folly? We trust that Congress will find out. He, or they, ought to be drummed out of the Air Force.

THE NEED TO SUPPORT THE PRESIDENT IN HIS EFFORT TO ACHIEVE PEACE IN VIETNAM

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, tomorrow's demonstrations in protest against the war will no doubt continue to receive ample coverage in the news media. And, no doubt, many superlatives will be used in describing the goings-on, such as, "the largest" or "most effective" or "most far-reaching"—in the typical fashion of the modern-day journalism.

But what worries me is that despite President Nixon's disclaimer that he will be unswayed by street demonstrations, the press and other news media will interpret every action he takes toward peace in Vietnam as a response to this moratorium. Already such indications are being given. They are saying that the withdrawal of troops was a "token" effort to stave off protest demonstrations; that cancellation of the draft for November and December and reinstatement of the Johnson-removed, end-of-year graduate student deferrment were mere numerical ploys tossed to the college-age protester; that the announcement of a changed status for General Hershey and a meeting with top Vietnamese war advisers were last ditch efforts to take the steam out of the moratorium tomorrow. The press never once mentioned that maybe these actions were in fulfillment of President Nixon's pledge to end the war as fast as possible. The press just has not given the President credit for any initiative in his efforts to find a just peace.

And now the White House has announced that the President will address the Nation on November 3 to discuss the state of the war in Vietnam at that time. No doubt, whatever he says then, will be construed as a response to the moratorium of October 15 and an effort to forestall the planned March on Washington scheduled for November.

What is the matter with some of our people today? Have we lost faith in the American principle to give credit where credit is due? Or is it just that it is more fashionable to criticize the President than to congratulate him.

As I have said before, I firmly believe the President is making every effort to bring this terrible war to a swift and honorable conclusion. I hope that all Americans will realize the need to support this effort.

THE ENEMY WITHIN

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, whether we like it or not, the United States is at war with Vietnam, declared or undeclared. We have half a million troops there fighting for their lives, being attacked by a Communist enemy, mortared, sapped, mined, booby trapped, poisoned. It is a serious business.

President Nixon did not send these men to fight in Vietnam. He wants to get them out of there. But he knows that they cannot be withdrawn without a commitment from the enemy not to attack while American forces grow ever smaller. Lacking such a commitment, God save the last 100,000 Americans left in Vietnam.

Meanwhile, here in the relative safety of the United States, those who should know better, including some who are in a position of public elected office, seek further domestic unrest by supporting the so-called Vietnam moratorium protest tomorrow, which, of course, merely encourages the enemy to believe that if they wait long enough the Americans will withdraw without a commitment.

Mr. Speaker, such activity when America is at war is not mere dissent. It is awfully close to subversion. It certainly is aiding the enemy in time of war. It is contemptible, whether the actor is a yippie from Haight-Asbury or a Member of the Congress of the United States.

The record should show now, today, before tomorrow, what is going on here. Dissent is one thing. Undermining the President of the United States while he is attempting negotiations with an enemy government with whom the United States is at war is quite another.

Mr. Speaker, no one wants this war. No one in his right mind wants Americans to continue to die in Vietnam. We

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all want out of there. The Commander in Chief is trying his level best to obtain the necessary commitments from a determined and attacking enemy to get us out of this tragic situation. But, Mr. Speaker, you cannot simply withdraw—lock, stock, and barrel—when you are under attack or you invite slaughter. Those who urge a precipitous course of wholesale retreat would take Americans down that road.

Such action should be recognized nationwide for what it is—outright political expediency tainted with timidity and outrageously harmful to our country. If this be the portent of leadership in tomorrow's United States, then our legacy from America's Revolutionary heroes has been lost indeed.

Mr. Speaker, I do not believe it has been lost. I believe the overwhelming majority of Americans support President Nixon in his efforts to resolve the Vietnam impasse honorably and I am convinced that they deplore tomorrow's exercise in infamy masquerading as dissent that is, in fact, inspired and directed by the enemy within.

LEGISLATION INTRODUCED TO PROVIDE FOR THE FISCAL YEAR OF THE UNITED STATES TO COINCIDE WITH THE CALENDAR YEAR

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, on October 7 I introduced legislation to provide that the fiscal year of the United States shall coincide with the calendar year. After my statement our colleagues, Mr. Holifield and Mr. Bow and I engaged in a colloquy during which we agreed on the need for some improvements in the current procedures for handling authorizations and appropriations bills.

Because of the interest expressed to me by other colleagues I sent a letter to the entire membership asking for cosponsors and I am happy to report that 27 Members have responded indicating their desire to support this approach and I, therefore, offer this proposal again in conjunction with these cosponsors. In addition I expect to contact all 50 Governors as well as mayors of some of our larger cities asking for their comments and views regarding this proposal.

At this point in my remarks I would like to insert a statement by Secretary of the Navy, Samuel L. Southard, written in 1825. The situation he describes in that long-ago era certainly applies now and his words could have been written today:

Statement by Samuel L. Southard

One of the most serious inconveniences under which the Department labors in the administration of the concerns of the navy, is the time at which the appropriation bills are passed by Congress. They are passed, in the short session, late in February, and, in the long session, generally in May, so that, during a period of from one-fourth to a third of the year, the Department is left without funds previously appropriated, and must, of necessity, permit expenditures not yet legally authorized. Another evil results: It is the will of Congress often to change the wording and character of the appropriation, and, after the bill is passed, it is a month or six weeks before the instructions under the new appropriation can be given to and acted upon by the agents. It consequently follows, that for nearly one-half of the year, the Department acts in perfect ignorance of the law under which it is bound to act. Expenditures are made, under one form, when they ought to have been made under another. The law is, necessarily, not complied with, because it is passed after the act is performed. Infinite confusion is created in settling the accounts, and it is impossible for any talent or any industry ever to have them rendered and settled, in that plain and simple manner in which they ought always to be exhibited if any efficient control is to be had by Congress or the Department, over that branch of the service. The accounting officers do all that capacity and labor can accomplish, but they cannot settle an account according to the forms of a law not yet in existence; nor can they, every year, alter the items, open new books, meet the errors resulting from this cause, in accounts transmitted from a distance, and yet settle the accounts of the year within the year.

VARIOUS CONTROLS OF DANGEROUS AND ADDICTIVE DRUGS

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, we are currently studying various controls of dangerous and addictive drugs. No one kind of control is going to achieve our purpose. First, we must mount a realistic education program for all segments of the population. It is important that this educational material include the realization that there are psychological causes of addiction and that in very many cases, drug use is symptomatic of deeper psychological problems.

New laws must be extremely tough on the commercial seller, but must give consideration to the fact that there are varying degrees of guilt below that category of purveyor.

The public must offer treatment of addicts through private efforts and government expenditures. Larger government spending can be justified. In the Nation's Capital, there were 46 percent more robberies the first 6 months of 1969 than there were last year in the same period. A study of D.C. jail inmates shows that nearly one-half of the prisoners are addicts. If the estimated 10,000 addicts in the area must each steal at least $50 a day to support their habit, it is easy to explain the increased robberies. It can also be said that this total expenditure for drugs exceeds the entire District of Columbia budget. We cannot equate these costs dollar for dollar, but the figures do represent not only dollar figures but also social costs, danger to victims, and human misery.

Narcotics control is a most important part of general crime control, from street crime to organized syndicates. Smaller cities across the Nation note increasing "on the street" solicitation for prostitution, caused in large part by need for funds to buy drugs. Narcotics are part and parcel of many organized crime syndicates.

It may be necessary to give addicts a choice of penalty or treatment. Present treatment facilities range from none to inadequate. We need much more research on treatment methods. Widely heralded methadone is certainly not a panacea for drug ills.

So far as I am personally concerned, case histories indicate clearly that we must stop excusing the use of certain nonaddictive drugs as harmless. Almost without exception, the heroin users I have had a chance to study started on the so-called harmless drugs, and in many cases they continued to use them as supplements to the addictive drugs.

SUPPORT FOR PRESIDENT NIXON'S VIETNAM POLICY

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, I rise today to add my support to President Nixon in his efforts to bring about an honorable and lasting peace in Vietnam. No one wants to see this war ended more than I do yet I cannot agree with those who advocate a "Peace at any Price" policy.

Although the news media is playing up the antiwar demonstration planned for tomorrow, I firmly believe that the vast majority of the Members of Congress and citizens of this great Nation support the President as I do. A small percentage of the Members of Congress will make speeches tomorrow, a small number of congressional staff members will hold their vigil and a small percentage of the people of our country will demonstrate in their own way. They will receive the attention of the news media. The rest of us who constitute an overwhelming majority in this country, will go about our daily business and will be the forgotten Americans.

While there is no organized effort to show support for the administration, I would hope that each community and each individual might, in his own way, express to President Nixon and to our fighting men in Vietnam, his true feelings. This could be done in a very small way such as turning on car lights, as someone has suggested, or displaying the American flag or just simply stopping for a moment during the day and saying a little prayer for our servicemen and for those who must make these important decisions.

My own hometown of Sylacauga, Ala., has declared tomorrow Patriotism Day. No special program has been planned but flags will be displayed and each individual will acknowledge the day in his own way.

Mr. Speaker, my further sentiments concerning tomorrow's antiwar demonstration is contained in an article by David Lawrence which I insert in the Record at this point:

Surrender Demands

Washington.—For the first time in American history, some members of Congress as well as a number of protesting groups are demanding that the United States run up the white flag and yield to the enemy in Vietnam after many American lives have been sacrificed for a great principle—to repel aggression and aid weaker nations to determine their own destiny.

No public-opinion poll has directly asked the question whether the American people favor surrender. The customary queries have been whether the war is being handled properly or if it should be brought to an end, without reference to how this could be achieved. The issue has not been clearly put to the people. If it were, undoubtedly Americans would reject any humiliating policy amounting to "peace at any price."

NO CONDITIONS

Resolutions are being offered in Congress and are being supported by various organizations which plan "demonstrations" in many cities on October 15 to insist that the United States make peace at once. Not a single one of these proposals requires as a condition any reciprocal action to be taken by the North Vietnamese. In Paris this week, both North Vietnam and the Viet Cong have deliberately ignored peace efforts made by the United States, and are offering no concessions whatsoever.

The forthcoming "protest day" in the United States—next Wednesday—is being hailed by the Communists as a sign that the American people are willing to surrender. Seventeen senators and 47 House members are supporting the projected "demonstrations."

The chief American delegate at Paris, Henry Cabot Lodge, has been pleading in vain for talks that would accomplish constructive purposes, but the opposing delegations at the Paris conference have been turning a deaf ear. The negotiators of the North Vietnamese government instead are placing great hopes on the signs of American opposition to the war. One of the Hanoi representatives says that support is snowballing in the United States in behalf of the Communists.

Almost every week some members of the Senate and the House call for a more and more rapid pullout of American forces by President Nixon, but not one of them imposes any condition on the enemy to take the action necessary to assure peace in South Vietnam. Timetables are being specified by senators for the withdrawal of the American troops, yet no stipulation is made that the enemy must also remove its military forces from South Vietnam.

Meanwhile, there is much talk about a "coalition government" being set up which could replace the present government in South Vietnam and make it easy for North Vietnam to move in and assume command. Secretary of Defense Melvin Laird recently stated President Nixon's policy as follows:

"We hold firmly to a single objective for Vietnam: Permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese."

The advocates of peace at any cost would, in effect, allow the South Vietnamese government to be destroyed. Yet it has mobilized a large army, and what some members of Congress seem to be asking is that this force surrender to the enemy.

DIFFERENT WORDING

A Gallup poll recently showed 52 per cent approval when the question concerned "the way President Nixon is handling the situation in Vietnam." One wonders how much bigger the percentage would be if an answer were obtained on the following question:

"Do you want the United States to surrender in Vietnam, and thereby ignore the sacrifices that have been made by tens of thousands of troops of the United States and our allies who have been killed or wounded in an effort to protect the right of peoples to select their own form of government?"

All the so-called "antiwar" statements being made inside and outside the Congress are unquestionably encouraging the North Vietnamese and the Viet Cong to prolong the war. If this fact, which has been stated by high authorities, were to be reiterated and made plain to the American people, they would surely not support any resolution in Congress that could mean surrender. For to do so would tell the Soviets and the Red Chinese that America would no longer help countries to resist aggression whether in Asia, Europe or Latin America.

AN HONORABLE SOLUTION TO THE WAR

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHADEBERG. Mr. Speaker, it is with a sense of sadness, rather than one of anger, that I view the plans of some Members of the House of Representatives to keep the House in session through this night and up until the time of tomorrow's session. I certainly would not deny the right of any Member of this House to speak about a subject with which I may violently disagree, for the simple reason that this would prevent meaningful dialog in the House Chamber and would censor the legislative process that keeps the people back home informed about matters that concern them. While I would not judge the motives of the Members who are staging the all-night session, it appears to me that what is unsaid, will have far more importance and long range effect than what will be said. There is no valid reason for keeping the House in session for 22 hours after the business of the day in order to support the national strike that is taking place tomorrow.

Mr. Speaker, the efforts of these Members in keeping the House open throughout the night will have the effect, whether intentional or not, of making it look like this legislative body is in support of attempts being made through the national strike to label the war "Nixon's War," and making it appear that we as a body favor the Communist demand that we unilaterally withdraw our troops immediately. For us to lend such support will be to take a position without regard for the safety of the American men presently in Vietnam, without regard for the blood bath that will surely follow the creation of a power vacuum on the battle field resulting from unrealistic withdrawal procedures, and without providing necessary protection of the citizens of South Vietnam.

Our President is taking the most realistic and practical approach to this war at his disposal. His actions reflect the will of the majority of the American people to de-Americanize the war. The President cannot in good conscience allow himself to be affected by the demonstrations planned for tomorrow or to allow Government policy to be made in the streets by those who bear none of the responsibilities of the alternative they choose. I therefore submit that the Congressional support for the demonstrations set for tomorrow will be to support the proposition that those persons with the loudest voices and with the best slogans will be able to determine public policy. This is not in keeping with the legitimate processes of the democratic republic. It is anarchy.

Mr. Speaker, argument is made that to deny any person to speak on the floor of the House concerning the Vietnam war would be to deny him the right to express his views on this situation. I submit however, that these Members of Congress have been making their statements about Vietnam with freedom every day for the past number of years and I see no indication that they will not be allowed to continue to do so in the years ahead.

I support the President in his attempts to bring about an honorable and lasting solution to the war without surrender to the enemy.

VIETNAM

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, of course my topic is the same as that of many others who have spoken here and that is the subject of Vietnam. I want to make this observation.

Many of the people who are participating in the demonstration tomorrow are well intentioned. But I equally suspect that many of them are not well intentioned but that their purpose is to undermine the very security of the United States by forcing us into an impossible position in our international relations.

But I ask those who are participating to keep in mind, it is not the intention behind our actions but it is how our actions are accepted that is important. The leaders in Hanoi have made it very clear that this demonstration is being interpreted by them as support for a Communist victory in Southeast Asia.

Look for a moment at the position of the leaders in Hanoi. Their armies have not won a major battle in 3 years. Their venerated leader, Ho Chi Minh is no longer available to them to give inspiration to the people in North Vietnam, or to many sympathizers in South Vietnam. Their chief suppliers of weapons, the Chinese and the Russians, have seen fit to engage in actual combat on their adjoining borders. General Giap has admitted the loss of over 500,000 of their finest troops.

Indeed it would be a very dismal picture that presents itself for the leaders of North Vietnam. There is only one source of hope for the Communist leaders and that is the continuing demand in the United States for an immediate and complete withdrawal of American forces. Those who are participating in the demonstration tomorrow are giving the North Vietnamese the only source of hope still available to them and that is the prayer that American determination in Vietnam will collapse.

Mr. Speaker, I, for one, do not stand for such a withdrawal—I stand behind my President and I stand behind my country. Let the leaders in North Vietnam not be mislead by the noise of the few but but let them be aware of the steel and strength in the hearts of the many.

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OCTOBER 15 STUDENT DEMONSTRATIONS

(Mr. FOREMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOREMAN. Mr. Speaker, unfortunately, the demonstrations of October 15 demanding a "peace moratorium" is another one of these steps that lends heart to the enemy and undercuts the President's efforts in seeking a meaningful, honorable end to the Vietnam war. I would hope those well-meaning persons involved would seriously consider what they are doing to hurt our chances for peace, prolong the war and actually lose more American lives.

Nobody wants the war ended more than I do—or more than most Members of Congress. Students have no monopoly on a love for peace. Many of the so-called older generation have been through a war and know its horrors. But this does not mean we favor complete surrender, which seems to be the line many of the students are taking. America never has run up the white flag in the face of defeat. Neither do we sympathize with the cause of the North Vietnamese aggressors which many of the students seem to, and finally, neither do we advocate the betrayal of our allies.

As President Nixon so ably stated:

> On October 15, many are simply saying: "I am for peace." I ardently join with all Americans in working toward that goal . . . but the road is not easy. It is not simple. There is no problem to which I have given more of my time and thought. For nine months, we have worked every day for a just end to a conflict which has been building for more than eight years. We have drastically altered the policies we inherited. We are on the road to peace. The policies we are now following reflect our own best judgment, based on exhaustive study of all the available evidence, of how to achieve that goal. To abandon that policy merely because of a public demonstration would therefore be an act of gross irresponsibility on my part.

Whether we wholeheartedly agree with it or not, there is a new direction in the war in Vietnam. Consider carefully the facts:

In 1960, at the end of the Eisenhower-Nixon administration, there were only 793 Americans in South Vietnam, and in an advisory capacity only.

In 1963, when Johnson took over from the Kennedy administration, there were over 25,000 Americans in Vietnam, driving tanks, flying planes, and actively engaged in the conduct of the war.

In January 1969—8 long years later—when the Nixon administration assumed the reins of Government, there were 549,500 Americans doing the fighting in the mud and swamps and jungles of Vietnam.

Now, after less than 9 months in office, Nixon has initiated a program of turning this war over to the South Vietnamese themselves—helping them to help themselves, to defend their own country and fight their own battles—and the American troop level has been reduced to approximately 511,000, is reducing every day, and should be down to 484,000 by December 15.

The President has very substantially reduced the number of our men who are directly exposed to the possibility of enemy casualty and that's why our casualty rates are dropping—in fact, we have comparatively few troops now exposed to enemy fire, and there will likely be only very few so subjected by the end of the year. However, the United States will probably need to maintain some support forces and Air Force strength there for some time yet.

Basically, there are three primary options in Vietnam:

First. Continue the endless-winless, vacillating conflict as during the previous 8 years,

Second. Utilize our air and other military superiority to win this war promptly, or

Third. Turn the war over to the South Vietnamese to do their own fighting and proceed with an orderly withdrawal of our troops as rapidly as possible.

While the second alternative has been my first choice and recommendation, I will support any honest effort to end this costly, deathly, destructive conflict, and I will continue to work with the Nixon administration toward such a goal. Rather than continued dissension and protest, our countrymen need to demonstrate bipartisan determination and resolve to support our national administration in seeking an honorable end to this war.

VIETNAM DISENGAGEMENT

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, I am today introducing a resolution which would express the sense of the House that because of the unequivocal statement of the President of the United States a military victory is neither possible nor sought in Vietnam, it becomes incumbent upon us as a government to act to bring about disengagement at the earliest possible moment.

Mr. Speaker, so long as doubt remained as to whether this Nation would seek an end to its engagement in Vietnam through negotiations or through a dominance of military power, it was appropriate to continue to build and utilize military forces of the United States. However, the decision of the President requires the Vietnamization of the war at the earliest possible moment. Obviously this cannot be fully accomplished with the presence of major American military units in the country. Accordingly, the resolution I have introduced would express that sense of the House. I include it herewith:

H. CON. RES. 581

Resolved, The House of Representatives of the United States takes cognizance that:

(1) It is the duty of the House of Representatives to give expression to its concerns and to so inform the Public and the President. In view of the continuing war in Vietnam, the exercise of such responsibility is the highest form of service to be performed.

(2) The war in Vietnam was caused by no one man and no one party, but it is the responsibility of all men and both parties to bring the war to an end. In the past five years, some forty thousand American soldiers have died. Since the beginning of this year, more than eight thousand American fighting men have been killed. In light of the thousands of lives being lost, there can be no moratorium on discussion and no halt to the necessity for leadership in terminating further American participation in the combat.

(3) The President has taken a step in the right direction by his announced withdrawal of sixty thousand American troops. But this is only a small beginning to what must be done to extricate the United States from this war. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next eight to ten years. The policy of the United States can no longer wait upon the pleasure of either Saigon or Hanoi.

(4) The future of South Vietnam must be shaped by the will of the South Vietnamese. The continued presence of United States military forces can only postpone the political accommodations essential to ending the conflict; and be it further

Resolved, That in the sense of the House of Representatives that, having furnished South Vietnam with an American shield for the past five years to allow for the development of its political and military capacities, the time has arrived for the people of South Vietnam to take charge of their own destiny; and be it further

Resolved, That this can be accomplished only through a more rapid withdrawal of American troops, and a commitment by the United States to fully disengage from South Vietnam, pending such reasonable interval as may be necessary to provide adequate provisions for the orderly and secure withdrawal of American troops and those who may wish to leave with them.

VIETNAM

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I share the deep concern of my colleagues about the tragedy of Vietnam. It is fair to say, I believe, that there is not one Member of this distinguished body who feels otherwise. We all have been sincerely troubled by the duration, the cost, and the thousands of lives which have been poured into that frustrating conflict.

Without a doubt, that same deep feeling is shared by millions of our fellow countrymen. Each of us has a right and an obligation to express our concern in responsible and realistic ways and to offer constructive alternatives.

It goes without saying that those planning and participating in this national demonstration of concern about the war have an obligation to assure their activities are peaceful, relevant, and restrained.

They also have an obligation, I believe, to make their objectives crystal clear and their alternatives to present policy fully understood.

I do not believe they have succeeded in this latter undertaking.

Leaders of the national protest contend their effort is not directed at President Nixon but at extracting us from Vietnam. They say that 1968 demonstrated to them they must oppose not personalities but policies.

If that is true, then frankly, I am confused about the objectives of the demonstration.

As one who has been deeply concerned for a long time about our policies in Southeast Asia, I have been much more encouraged by the policies of President Nixon than by those of the previous administration.

There are fundamental differences in these policies, but they are differences which are easily obscured or forgotten.

In contrast to the previous administration, which committed 550,000 combat troops to Vietnam, President Nixon has ruled out attempting to impose a purely military solution on the battlefield.

President Nixon has not continued to escalate the war but has offered withdrawal of U.S. and allied troops over a 12-month period.

More than 60,000 U.S. troops are already home or on their way.

He has proposed free elections organized by joint commissions under international supervision.

He has declared that we will retain no military bases in Vietnam.

He has offered to negotiate supervised cease-fires under international supervision to facilitate the process of mutual withdrawal.

He has made clear that we would settle for de facto removal of North Vietnamese troops from the South.

He has said publicly—and persuaded the Government of South Vietnam to do likewise—that we are both prepared to accept the outcome of free elections, regardless of what that outcome is.

He has announced his willingness to discuss the 10-point program of the other side along with plans put forward by the other parties to the conflict.

He has halted the bombing of North Vietnam and he has reduced the level of offensive combat operations.

In short, the President has offered to bargain on any point except the right of the people of South Vietnam to self-determination.

He has virtually taken over many of the policies of those who demonstrated so vigorously last year against President Johnson. To that extent, many of those who protest this week will be demonstrating against their own policies.

More important than pronouncements and even unilateral actions, in my view, is the growing array of undisputed evidence that these policies are having the practical effect of scaling down the war.

There can be no disputing that American troops are coming home—more than 60,000 of them by December.

It is a fact that the level of fighting has fallen off and that American, South Vietnamese, and North Vietnamese casualties are occurring at the lowest rates in years.

The enemy has lowered the level of its combat troops in South Vietnam by 25,000 to 35,000.

And, infiltration from the North to the South is down by two-thirds this year as compared to last year.

These are important facts which no fair-minded person can ignore in a careful and calm review of the situation. They are the most encouraging signs I have witnessed in many years.

What then do the critics of the President's policy propose as a more constructive alternative? They have not spelled out their positions clearly.

It may be they are recommending immediate and unilateral withdrawal of all U.S. forces from Vietnam—for that is the only alternative that the President has resisted.

Yet, I feel certain there are many in this body and across the Nation participating in the current demonstrations against the war who would not—or at least who have not in the past—endorsed this drastic step.

There are, I am sure, very few Members of the minority party who would support such a precipitous change of course.

And, as David Broder of the Washington Post reminded us today, the Democratic platform adopted at Chicago last fall specifically said the war "will not be ended by military victory, surrender, or unilateral withdrawal by either side."

Mr. Broder went on to make some interesting observations about that policy statement which bear on this discussion. He said:

> It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they would explain why a one-dimensional plan to pull-out troops is any more likely to be wise policy than the one-dimensional plan that sent troops in. Have we not learned yet to examine the political consequences of military decisions?

We are, I believe, in a very critical period concerning the war. The decisions the President will make during the next few months—and only he can make them—will go a long way toward determining the value of our 6-year investment in Vietnam and the course of our future policy in Southeast Asia.

But it is clear also that we are in a critical period of domestic turmoil concerning Vietnam—approaching national hysteria, caused perhaps partly by the first signs of a change in policy in 6 years.

So, we must pick our way very carefully through this crucial time keeping in mind the long range as well as the short range results of our actions. We must strive to rely wherever possible on the guideposts of sober judgment and experience.

Some of that valuable guidance, I believe, was contained in a speech last Saturday by Senator GEORGE D. AIKEN of Vermont, who embodies the standards I just mentioned.

Although he has long been a critic of the war, Senator AIKEN called on the Nation to give President Nixon more time to work out an orderly withdrawal of American troops.

He said:

> We cannot achieve instant gratification through a precipitate withdrawal of our troops. The President needs time and, I for one, will do my best to see that he gets it.

Senator AIKEN, a student of war and a man who long ago established his desire for peace, clearly believes President Nixon has changed our policy in Vietnam and is on the right course.

We heard similar counsel from former Vice President Humphrey.

He said:

> We have only one President at a time. One of the worst things we could do is undermine the President. I think the President is proceeding along the right path.

The practical, commonsense logic in those simple statements is perfectly clear to me. We have only one President at a time and I do not believe in tying his hands in negotiating an honorable settlement.

Statements and resolutions which seek to set a time limit on such things as troop withdrawals or which would impose other artificial restraints on the President certainly do not recognize these basic considerations.

In my view, they are really just disguised arguments in favor of immediate and unilateral U.S. withdrawal. Setting the deadline a year or 6 months in advance does little to change that fact.

Whatever the target date, it is obvious to the opposition they need only to bide their time and the effect will be the same. If this is what the sponsors of such resolutions really mean, why postpone the inevitable disaster for 6 months or a year? Why waste another American life or spend another American dollar? Why not face the chaos that must follow such a policy today?

I do not pretend to understand the motives or the complex logic of those advocating this position.

I am clear in my own mind, however, that this approach makes no sense in terms of well-considered, long-range American policy.

Much more reasonable, I believe, is a very brief resolution cosponsored by a bipartisan group of 113 House Members, myself among them. It states very simply:

> *Resolved*, That it is the sense of the House of Representatives that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

The true, bipartisan nature of this resolution is illustrated by looking at its sponsors among the Michigan congressional delegation; in addition to myself and fellow Republican EDWARD HUTCHINSON, there are three members of the other party, Representatives JOHN CONYERS, JR., CHARLES C. DIGGS, JR., and MARTHA W. GRIFFITHS.

Writing in the Washington Star last Sunday columnist Carl T. Rowan made this interesting and I believe accurate assessment of the President's efforts in Vietnam:

> President Nixon has taken a more conciliatory stand on the Vietnam war than almost any American would have dreamed a year ago.
>
> Any fair-minded observer must admit that it is Nixon who has made the concession to peace and that it is the Communists who have remained obdurate—except for a possible silent decision in Hanoi to let the scale of fighting subside.
>
> Anyone with any knowledge of the situa-

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> tion knows that Mr. Nixon is right when he says that the flamboyant American protests that are coming up soon will only encourage North Vietnam to remain stubborn and hopeful of total American capitulation.

The President is clearly the only man who can negotiate the meaningful and lasting settlement of this tragic war which we all so earnestly seek. My prayers, my hopes, and my support are with him in that difficult endeavor.

MORATORIUM

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I think it is clear as we study the facts as they have been presented to us with respect to the war in Vietnam that we sent our men there on an impossible mission. We have never decided either formally or informally to give our men what they needed to have any reasonable chance of success.

And we as a body apparently never thought this conflict was important enough to declare war, although the Constitution of the United States says if we are to go to war, that we, as a body, ought to convene and make that decision. However, we have not seen fit to do so.

Mr. Speaker, should we now stand up and tell others how they ought to behave after we have ignored our own constitutional responsibility. We have heard many statements here today but I have not heard any stand up and say that they think the Congress was wrong in sitting on the fence for 8 long years without making such a decision. And we continue to sit on the fence today.

Mr. Speaker, this has been the longest war in our history, a war which is an undeclared conflict. We have lost 40,000 men. We have expended $110 billion. We have knocked all of our other national priorities out of whack. We have experienced higher and higher taxes, higher interest rates, and inflation as a result of this tragic war in Vietnam. We talk about it but what action have we taken as a body—what formal action?

Well, Mr. Speaker, we have the Gulf of Tonkin resolution which was passed in 1964. However, I do not think anyone would argue that the Gulf of Tonkin resolution was meant to authorize the massive U.S. commitment that occurred in Vietnam. This conflict spiraled out of control, and we here in the Congress share the responsibility for failing to face up to this issue long ago.

So I think it is proper and responsible for students and for other concerned citizens to pause for a time tomorrow to reflect upon how it is that this country could drift into a war without it being declared by the Congress.

Mr. Speaker, tomorrow I am going to appear on three college campuses to discuss the questions of how this war came about, how we might wind it up, and what the lessons are for the future. I hope to insure that the discussion I participate in will be rationale and thoughtful and nonviolent. But I think these are the kinds of a question that the country has every reason to consider at this point—particularly when we in the Congress still appear to have little stomach for facing up to the war.

DEBATE OF THE FOREIGN POLICY OF THE UNITED STATES

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, there have been some questions raised as to whether those of us who propose to speak here tonight on Vietnam will be able to do so. It is stated that an effort will be made to adjourn the House before the time for special orders. Some on the minority side have indicated their support for such an effort, and I should like to call the attention of those Members who question our right to debate to a statement made in another body on January 5, 1951, by the distinguished and eminent Senator from Ohio, the late Robert A. Taft. This is what the Senator said:

> During recent years the theory has developed that there shall be no criticism of the foreign policy of the Administration, that any such criticism is an attack on the unity of the nation, that it gives aid and comfort to the enemy, and that it sabotages any idea of a bipartisan foreign policy for the national benefit. I venture to state that this proposition is a fallacy and a very dangerous fallacy threatening the very existence of the nation.

Then he goes on to say—

> As I see it, Members of Congress, and particularly Members of the Senate, have a constitutional obligation to re-examine constantly and discuss the foreign policy of the United States. If we permit appeals to unity to bring an end to that criticism, we endanger not only the constitutional liberties of the country, but even its future existence.

The right, the responsibility for free debate in this House, is well stated by the distinguished Senator.

Mr. Speaker, I hope that those who are thinking of adjourning the House before the debate begins will think again and let those of us who want to debate the foreign policy of the United States do so tonight.

CUTBACK IN MEDICAL RESEARCH

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, I was greatly disturbed to read that this administration's actions may force the cutback of numerous research programs involved in fighting against and finding cures for heart disease, cancer, diabetes, and lung disease.

To use the words of the Washington Post, the planned administration cuts, if applied, "will practically wipe out the chronic disease control program of the Department of Health, Education, and Welfare."

This is a sad situation, to say the least. We can fund chemical warfare research, studies for more missiles and more tanks, but we cannot find money to fight disease.

The five programs to be eliminated, according to HEW, are those in heart disease and stroke, cancer, arthritis and diabetes, neurologic and sensory diseases—such as Parkinson's disease and multiple sclerosis—and respiratory disease—such as pulmonary emphysema.

Even more disturbing is that these planned cutbacks, required because of the administration's order to cut $3.5 billion from the budget, come on top of news that the National Institutes of Health is forced to cut funds for new medical research grants by some 10 percent and grant renewals by 5 percent. I can fully understand why medical colleges and hospitals are upset. I share their concern.

To quote Newsweek magazine of September 22:

> To be against medical research these days seems akin to opposing motherhood or the (American) flag. But that is the position the Nixon administration apparently put itself last week when the U.S. National Institutes of Health said it might have to close down 19 of its 93 clinical research centers across the U.S.

To the senior citizen with arthritis or to the young boy or girl with multiple sclerosis, it is difficult to tell them that they have second priority after a new nuclear aircraft carrier or a supersonic airplane. This Congress should make up its mind as to which is most important. We have a responsibility to our Nation's citizens first and foremost.

DISSENT CARRIES A RESPONSIBILITY

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, the statement of the distinguished gentleman from Maryland (Mr. MORTON) is timely.

The letter from Pham Van Dong wishing the "fall offensive" success is disturbing.

I believe strongly in the constitutionally granted right to dissent and protest. I cannot support any effort to subvert the right of free people to freely express their views.

But, Mr. Speaker, I must also share the view expressed by Mr. MORTON on the need for caution.

I say this having stated my opposition to both a moratorium on debate regarding Vietnam and one aimed at breaking the President of the United States.

Expressions of dissent do not take place in isolation. An expression in the United States no longer sways the audience solely at the right. Modern communications today carry a message across the country and around the world.

Thus dissent carries a heavy responsibility lest it be misunderstood or misrepresented. Our process of self-analysis by which we arrive at a reasoned judgment has apparently been misread by the Premier of North Vietnam.

This tragic turn of events has placed upon all who wish for peace the heavy burden of making sure their expressions are not calculated to inhibit the search

for peace by the one man who can bring peace, President Nixon.

As David Broder of the Washington Post wrote this morning:

> In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

Tonight, tomorrow, and in the future these words are worth heeding and remembering.

BE THE FIRST ON YOUR BLOCK TO KILL OR MAIM ANOTHER HUMAN BEING

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, it is now fairly common knowledge that certain industries operate in a totally irresponsible manner constantly. The well-being of the public seems meaningless to them as they pollute, profiteer, and pour dangerous products into the hands of millions of consumers.

Our auto insurance industry is a coast-to-coast scandal. Drug companies spend $2 on advertising for every Government-given dollar they lay out for research. Papermaking operations vie with steel mills for the title of worst polluters. Yet the unquestioned champion of cumulative corporate irresponsibility has to be our auto industry. A damning indictment is being created as more facts come to light.

Automobiles are not only constructed to become obsolete in ever-shorter periods of use, but are deliberately built in such a manner as to crumple at the slightest impact. Collisions at speeds as low as 5 miles per hour have been proven to cause extensive damage. The Insurance Institute for Highway Safety conducted tests which reveal this and more. Striking at a speed only equal to that of a man walking caused damage ranging from $134 to $200. At 10 miles per hour damage varied from $485 to $814. Bumpers which are mainly decorative and sheet metal a person can bend with their hands are major causes of such phenomena. Impact-absorbing devices seem to be as foreign to Detroit as safety and economy.

Billions of dollars in repair costs result and are passed on to the driving public. Most damage results from such low-speed contacts. Of the overall dollar insurance losses 39 percent emanate from claims of $200 or less; 64 percent from claims of $400 or less. Technology is immediately at hand to rectify this appalling situation. Yet, all America's drivers continue to receive are millons of chromeplated, overpowered, gas-gulping coffins on wheels.

Which brings us to the next item of our indictment, in the form of a flood of so-called muscle cars. Masses of horsepower on light chassis, these motorized missiles are responsible for 56 percent more accident losses than standard cars. Insurance rates on them are about to rise 50 percent, a sure indication of their deadliness. Why must we be menaced by such overpowered bullets, possessing horsepower far exceeding normal requirements? Listen to their names, which callously appeal to the most violent, repressed human instincts—Mustang Mach I, Cougar Eliminator, Road Runner, Tempest, Cyclone, Charger, and others.

Named after violent storms, projectiles and vicious animals, they puff the egos of any person, especially younger ones, who, once behind the wheel of such a cannonball on wheels, feel free to use our roads and streets as horsepower proving grounds.

Thousands of Americans are being crushed and maimed by these blasting monsters. A lightly constructed body on oversized wheels and a massive engine makes no sense. Demands for style above engineering have produced an ever-lower auto silhouette, but at a terrible price. Instead of weight placement up front, where power is concentrated, it is centered mainly at the rear of autos, with disastrous results. The entire package, from name, build, useless chrome appendages, and ads pitched at a minimal mentality, add up to one message.

Be a racing driver. Hold your own Indianapolis 500 race. See how fast you can go. Floor that pedal. Be the first one on your block to murder or maim another human being. Wow. Does anyone not wonder whether it makes sense to pour these juggernauts onto our highways?

As if this were not enough, we have the looming shadow of air pollution, more than half of which is caused by internal combustion engines. Antipollution devices exist which are increasingly effective. Where are they? Ask the manufacturers. Make them install such controls. Not if the Justice Department has anything to say about it. It refused to take these companies to court after evidence had been accumulated showing they may have conspired to suppress development and installation of such devices. Surely, a thorough airing of the issue would have benefited the public.

So there we have it up to now. Remember a few of these gems when next the automakers shed crocodile tears over foreign imports. When cars are made deliberately flimsy, dangerous, and pollution-prone, can the driving public be blamed? When they are uneconomical to operate and dangerous to drive, can there be any consumer faith in specious advertising claims? We are choking on these monsters, as a despairing effort to travel in any urban area will prove. Yet there is not a scintilla of responsibility of awareness of this situation on the part of the manufacturers. All they can do effectively is raise prices. which all of them did quite recently. Give a passing thought to these arguments next time one of those little whizz-bangs zips past you, crunches your heap, or leaves you behind in a cloud of zesty fumes.

What is good for Detroit is beginning to be bad for America. America cannot change too much further to accommodate Detroit. We simply cannot absorb further impacts of this sort indefinitely.

In closing, I offer the following figures. Last year 55,200 Americans died on our highways; 2 million Americans were injured. Why?

VIETNAM SOLUTION—BIPARTISAN SELLOUT

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, in the course of the debate over the so-called moratorium, I have taken note of two significant facts, which I believe it well to call to the attention of the House once again.

First, there seems to be absolutely no disagreement between the President and the peaceniks over the question of American withdrawal from Vietnam. The disagreement seems to be only whether such retreat should be a hasty abandonment of our allies, as a result of leftist pressure, or a more sedate retreat after a semblance of face-saving negotiation. The decision to forgo victory seems to have been made.

American prisoners held by Hanoi have been abandoned. Korea taught us that there is no way to recover prisoners short of victory.

Second, the raucous voices of a tiny minority, totally without regard for the consequence of their activities, are the only ones who have been heard. Even in this House, those who have announced their intention to conduct an all-night session number less than 10 percent of the membership. The voices of the great majority of Americans, who are loyal and patriotic citizens, have not been heard. The voices of our fightingmen overseas, whose blood will pay for any delay won by the peaceniks, have not been heard. The voices of Americans who are captives of the enemy cannot be heard.

This evening's newspapers carry interesting comments, truly relevant to the debate over the so-called moratorium.

In order that our colleagues—and through the activities of this House this evening, the American people—may observe the thinking of these other Americans, I call them to the attention of all Members.

A story from Saigon describes "politicians who sound like Hanoi radio" and "well-meaning but awfully uninformed students" and "ivory tower doves would not dirty their hands over here." These are the views of Americans engaged in combat with the enemy.

Twelve letters to the editor in tonight's Star show the temper of the Washington people. Their vote is 11 to 1 against the show of disloyalty, which they recognize for what it is. The one favorable letter plainly indicates the confused passion of its writer and his aim to obtain other people's money for his favorite projects, regardless of the cost to decent citizens.

A wire service story quotes Hanoi radio, the North Vietnam Communist newspaper, and the Vietcong leader in Paris—all effusively praising the antiwar activities of their allies in the United States.

The same newspaper carries an inter-

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view with responsible field commanders, indicating that the enemy is beaten in Vietnam—that victory on the battlefield is in sight. But in Washington the serviceman's enemies seek to mobilize public opinion for surrender.

Mr. Speaker, I include these news clipping as part of my remarks:

[From the Washington (D.C.) Evening Star, Oct. 14, 1969]

Vietnam Moratorium

Sir: We have some things in common with tomorrow's protesters. We agree that the war in Vietnam is tragic and unfortunate. But all wars are. We, also, would like to "get out of Vietnam," but we'd like them out, too.

We'll "protest" tomorrow, but ours will be less noticeable and press coverage will be sparse—no banners, no speeches, no marches or sit-ins—we'll be too busy with the responsibilities of life. Those of us that are students will go to school and study hard; the workers will be on their jobs putting in a good day's work and the housewives will perform their chores—all of us with a bit more enthusiasm tomorrow.

Tomorrow isn't our day—ours is coming next month at the polls, and in the Novembers following that will be upon us sooner than the ———, ———, and ——— might realize.

William J. Hof.

Arlington, Va.

Sir: I suggest to the peace demonstrators that on their National Day of Meditation they mediate on the following:

The North Vietnamese have killed over thirty-five thousand Americans and the peace demonstrators are responsible for needless thousands killed by encouraging the enemy to prolong this war instead of entering into meaningful negotiations.

Isn't it time the peace demonstrators refocused their demands and insisted that the North Vietnamese stop fighting and insist that the North Vietnamese withdraw from South Vietnam (as we do) so this war will end?

Harvey L. Huston.

Silver Spring, Md.

Sir: Since most of the people who demonstrate tomorrow will be flying the colors or flags of the Viet Cong and, yes, the Communists, could you please suggest to all the quiet Americans who love their country and their President, no matter what their politics, that they fly the American flag wherever they can.

Mrs. R. C. Bacon.

Falls Church, Va.

Sir: So tomorrow is the day set for university students and some lawmakers to demonstrate their opposition to our continued involvement in the Vietnam war. The noted Senator from New York says that the nation will be impressed. I promise you that I, for one, will not be impressed. How is it possible for our nation to put a man on the moon one year and the next year quit the fight for freedom in Asia. Are we a nation of cowards? Do the children of the heroes of World War II really believe that the nation will stand for such a dishonorable peace?

Mrs. Wm. Rosner.

Indianapolis, Ind.

Sir: For the uninformed, who are throwing themselves so enthusiastically into the so-called Vietnam Moratorium, I feel only pity—pity that anyone could be so uninformed. For the political prostitutes, such as —— and ——, I feel nothing but contempt.

John S. Perilloux.

Alexandria, Va.

Sir: The proper name for the demonstration tomorrow is "Support Aggression Day."

L. Coggeshall.

Adelphi, Md.

Sir: Sen. —— has made a fine suggestion for all patriotic Americans. Demonstrate in favor of our armed forces (and against Hanoi).

Drive with your headlights on all day tomorrow.

Carlton C. Holmes.

Silver Creek, N.Y.

Sir: To keep the "Vietnam Moratorium" as much as possible fair and square, I think the marchers should carry as many signs and make as many speeches denouncing the Communist aggression that already existed in Vietnam prior to our going to the aid of the South Vietnamese as they will against our intervention.

Since a march is to be made on the White House, I believe the march, in all fairness, should go a stone's throw farther and demonstrate before the Soviet embassy with placards denouncing the refusal of the Russians to try to influence their brothers, the Viet Cong, from further aggression in the South of Vietnam. Can't these stupid marchers, past and present, realize that we wouldn't have gone to Vietnam in the first place if the Viet Cong hadn't started the war?

S. V. S.

Sir: There is a wide agreement that Vietnam is a mess. Indeed the belief that war is always a mess is not a recent discovery. Most people want an acceptable out and no one more than the President of the United States. He is under enormous pressure to solve the number one problem. The protest marchers only add pounds to the tons of this pressure.

The marchers do little constructive for the United States except provide the kicks of excitement and help fill in news space and TV time. They are, however, worth several divisions of troops marching for Hanoi. The image of a violently divided people, coupled with well-meaning U.S. troop withdrawals, must convince the Communists that time is on their side. They therefore sit at the Paris poker table with a pat hand while the killing goes on, waiting for us to toss in our cards.

G. W. Hallgren.

Sir: Should wanting peace with all your heart make you lose your head attempting to gain it?

Crosby Noyes, in the Oct. 9 Star made clear the awful burden the peacemongers are placing on our soldiers and our country.

It is incredible that responsible people can truly believe that bringing our troops home immediately will bring peace to anyone, ourselves included. Or, are the congressmen, governors, mayors, etc., who support tomorrow's protest playing politics in its worst form?

M. L.

Sir: Those who dissent, including congressmen, claim they oppose the war. Sincerely, do you know of anyone who doesn't? We may even safely include our President and those three who preceeded him. The sixty-four-dollar question is: Do they oppose it with meaningful effect? The sad fact, which is at the root of this trouble, is that they actually oppose, above every other consideration, existing policy with reference to the conduct of the war; for all practical purposes it must be ended their way, and no other will do.

Even if this were the most immoral war ever, by compromising the situation, they forfeit the right to sit in judgment on any question of morality and must bear their rather heavy share of responsibility in this situation. Their hands are not clean.

P. J. Levington.

Sir: Tomorrow's march is more than a march by those who participate. It reflects also the desires of the silent Americans, those that have lost a son, a husband or a loved one in a conflict which should not be.

It is more than a march against war; it is a march against poverty, disease, and ignorance. The march is for those that face death in the poverty areas of America as well as those that face death on a battlefield.

This march seeks solutions for today's problems, solutions which build a bright future for those that have a future, and open a door for those that seek, in faith and works, the future.

In a time of national disillusionment concerning the illicit Vietnam war and living conditions of 30 million Americans, this is a much needed march. Let us hope this message is heard.

James M. Wolf.

[From the Washington (D.C.) Evening Star, Oct. 14, 1969]

Hanoi Hails War Moratorium, Sees Pressure Put on Nixon

Saigon.—Radio Hanoi today hailed the Vietnam Moratorium protests in the United States and said it had put the Nixon administration in "a very difficult and confused situation."

The broadcast said the demonstrations show that the Communist fight in Vietnam was "for peace, justice and the right cause."

"The present autumn struggle wave of the American people is putting the Nixon administration into a very difficult and confused situation," the broadcast said. "It has uncovered all of the bluffing and treacherous methods of the Nixon administration on the Vietnam question.

"We believe solidly that the autumn struggle wave of the American people will bring magnificent successes."

SAME THEME SOUNDED

A Hanoi broadcast yesterday sounded the same theme.

The broadcast heard in Saigon quoted Prof. Hoang Minh Giam, chairman of the Vietnam Committee for Unity with the American people, as saying:

"The Vietnamese people heartily welcomes and entirely supports the October wave of struggle.

"The whole world is standing on your side and acting in coordination with you."

(The Associated Press quoted North Vietnam's Communist party newspaper Nhan Dan as saying that "the struggle of the American people extends so deep that it is supported even by senators and congressmen in Nixon's own party.")

Viet Cong agents meanwhile infiltrated Saigon's central market today and passed out leaflets urging the South Vietnamese to hold anti-war demonstrations to coincide with the Moratorium in the United States tomorrow.

CEASE-FIRE URGED

Police sources said the leaflets called for a cease-fire and a coalition government to include the Viet Cong.

The government sent soldiers in full combat gear to the central market and to smaller markets in the Cholon section with orders to use "strong measures" against citizens who try to demonstrate.

In Paris, Mrs. Nguyen Thi Binh, head of the Viet Cong's provisional revolutionary government delegation to the Paris peace talks, addressed an open letter to American youth planning to take part in the Moratorium.

She denounced what she called "contradictions between the words and the acts" of President Nixon and repeated her delegation's demands for a rapid and total withdrawal of U.S. and allied forces and for the formation of a coalition government in Saigon.

[From the Washington (D.C.) Evening Star, Oct. 14, 1969]

Generals See Reds Slipping

(By Orr Kelly)

The Vietnam war is "gradually winding down"—not because the enemy wants it that way but because he has no other choice, the American general responsible for areas around Saigon says.

"He is just being screwed into the ground and he doesn't seem to be able to do anything about it," Lt. Gen. Julian Ewell, a commander of the II Field Force, said yesterday at the annual meeting of the Association of the U.S. Army.

"The enemy is thrashing around, trying to find some initiative, no matter how small," Ewell said. "We are not only beating his brains out but pulling the rug out from under him at the same time."

CHANGED ON READING PRESS

Ewell is home on leave from Vietnam and he came home with his mind made up that he would not get trapped into the optimistic comments on the war that hang over the heads of so many other political and military leaders.

"But when, after reading some of the informed comments from the press, I decided I might as well say it like I see it," he said.

"The coalescing of a real favorable trend is very recent," he said. "It wasn't until June and July that pacification took a real spurt. It was not until after the Communists made a real effort (in late July and early August) and fell on their kazoos that we sensed their deterioration.

"It was not until September and October that we saw how bad off they were."

The panel discussion featured, besides Ewell, three other men long associated with the Army's role in Vietnam: Lt. Gen. Richard G. Stilwell, until recently commander of American forces in the northern areas of South Vietnam and now deputy chief of staff of the Army; Maj. Gen. George S. Eckhardt, former commander of U.S. forces in the Mekong Delta and now commandant of the Army War College; and George Jacobson, assistant to Gen. Creighton W. Abrams for pacification in South Vietnam.

JACOBSON BACKS VIEW

Ewell's optimistic assessment of the situation in Vietnam was reinforced by Jacobson.

"The Viet Cong has not only given up trying to win the war militarily but they have given up trying to win it ideologically as well," he said.

In trying to convert the peasants to their viewpoint, he said, the Communists are using "sheer terror."

A careful kind of American withdrawal from Vietnam is now possible, the four men agreed, because of the military success achieved there in the last four years.

In a sense, their message was directed to those who plan to demonstrate against the American involvement in the war tomorrow.

"Our progress is so substantial as to make possible the first steps in the withdrawal," Stilwell said in opening the panel discussion. Later, he added:

"In 1965, all the trends were wrong. Today, as far as the eye can see, all the trends are right. Nothing can reverse these trends except precipitate action that destroys the government of South Vietnam."

[From the Washington (D.C.) Daily News, Oct. 14, 1969]

Haven't Shed a Nosebleed—"Other War" in the United States Riles GI's

(By Don Tate)

Saigon, October 14.—As tomorrow's war "moratorium" will demonstrate, there are two Vietnam wars—the one Americans fight in Vietnam, and the one Americans fight in the U.S. Observers here say the decisive battlegrounds is in the U.S.

They point out that short of a highly successful Communist offensive, which is extremely unlikely, or a dramatic allied strategy change, such as renewed bombing of North Vietnam, the killing war in South Vietnam is apt to rock along in its fight-lull-fight rhythm much as it has been, at least until many more U.S. troops are withdrawn.

Meanwhile, the war to win American public opinion and, particularly, the mind of Richard M. Nixon, is waxing hotter. What happens in the U.S. will determine what happens here. As the President warns Americans not to buckle and run, protesters prepare to hit the streets, many of them demanding immediate, unilateral withdrawal of all American troops. That translates here as "bugout."

GI DISDAIN "BUGOUT"

It is difficult to find an American soldier here who wants to leave Vietnam that way, or as one GI puts it, "with our tails dragging." It is difficult to find one—even among those most disgusted with the war—who wishes simply to abandon the South Vietnamese to a Communist bloodbath.

It is difficult to find one who thinks the value of the American word would be worth a dime anywhere in the world if they did, or that a humiliating U.S. defeat by a blustering Communist midget would do anybody but the Communists any good.

These consequences are apparent to most Americans here, and they are not acceptable. It is largely a matter of national backbone. Most express hope that President Nixon sticks to seek a reasonable solution to the war.

There are, of course, many critics of war here. They charge that a number of war critics in the U.S. are using the same tactics Hanoi has shown—the more you give them the more they demand, and they both demand total, immediate and unconditional everything.

In the two wars—one group of Americans is convinced of the rightness and necessity of bringing this bitter war to a conclusion by presenting a united front to Hanoi, the other protesting group is more or less convinced the only way out of Vietnam is to get out fast regardless of consequences.

MYSTERY IN VIETNAM

There is often the feeling here that the war is only a secondary feature to the show of exposed nerves going on in the U.S. What the war has done to the U.S. is the biggest mystery of all here.

"It seems like any American who ever wanted to protest anything has found his cause in the Vietnam war", one veteran analyst contends, "and yet 95 per cent of them have suffered little direct personal hardship because of the war.

"You hear so much of the war-weary American, and how exhausted he is by the war. Yet this exhaustion of the mightiest power on earth is a relative thing. It hasn't been bombed, or invaded, or lived under the Communists a single day. It's manpower loss has been a drop in the bucket compared to that of either North or South Vietnam, and its suffering has been a thousand times less. Many Americans would hardly know the war was going on if it wasn't for newspapers and TV. Suppose Americans had to face what the South Vietnamese people have yet to face? America's exhaustion is a self-induced state of mind, composed mostly of confusion."

One rankled American, with invested years and effort in Vietnam, condemned some of the rantingest protesters as the "most confused of all."

WEARY OF "POPPING OFF"

"Soldiers do the dying," he said, "and these others do the popping off. I'm tired of hearing these so-sure people who haven't shed a nosebleed in this war scream pig this and obscene that and run around protesting for the hell of it.

"I'm tired of hearing what politicians who sound like Hanoi radio demand, what well-meaning but awfully uninformed students demand. what ivory-tower doves who wouldn't dirty their hands over here demand. I'm weary of hearing how much Sen. (J. William) Fulbright, D., Ark. wants out. We all want out. We all protest the war. We all want peace. But not by saying: 'Here Hanoi, take 17 million people. We'll pretend we were never involved. We quit.' "

Many here feel that some of the protesters would do well to focus their moral wrath less on President Nixon and more on the Communists.

It is the Communists, they stress, who are killing Americans. It is the Communists who butchered, as a matter of policy, the civilians of Hue and so many other places, and it is the Communists who will murder methodically thousands more Vietnamese if the U.S. totally, immediately and unconditionally abandons them, as many protesters advocate.

To Americans who have put in their time here, it is not good enough to dismiss blandly such realities with an: "Oh, well, it is up to the Vietnamese to work out their own problems."

Many here, eyewitnesses to the war, have become anti-war in the truest sense, but they have also become resolutely anti-bugout.

THE DOVE GAME: BAD NEWS FOR PEACE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, an editorial in the Washington Evening Star published October 9 came to my attention and I thought it appropriate to put it in the Record and comment on it on this eve of the so-called moratorium exercise.

The Star correctly points out that the flood of resolutions setting deadlines for withdrawals, and specifying certain conditions for the Government of South Vietnam add up to an almost hysterical clamor. This is surely not a good or favorable stance for the leader of the free world to take. I agree with the Star's concluding paragraph and point it out to my colleagues as a matter of urgency. I am as desirous of peace with honor as anyone in this Hall. Creating a panic or crisis atmosphere is no way to win this goal. The editorial follows:

The Dove Game

There's a new fad these days up on Capitol Hill. It's a game in which the contestants seek to out-dove one another by issuing directives to the President on how and when to get out of Vietnam.

Everybody's doing it. Senator Goodell was first on the bandwagon with his bill that would cut off funds for troops in Vietnam as of December 1, 1970. Then along came Senators Church and Hatfield with a "sense of the Senate" resolution calling for "a more rapid withdrawal of American troops" and a solemn pledge that the United States will "fully disengage." Senator McGovern, meanwhile, was whipping up his own resolution telling the President to get a move on. And there was an entry by Senators Hughes and Eagleton calling for an end of all commitments to the present Saigon government unless Thieu and Ky institute major reforms—specified by the senators—within 60 days.

The evident motive behind these separate proposals—the desire to score political Brownie points—is not intrinsically wrong. The senators have read the polls, studied their mail and decided that the public wants an end to the war. Proposals demanding total disengagement at some unspecified early date are certainly within the area of responsible action.

But taken together with the Goodell strategy of forcing evacuation by economic strangulation, and coupled with the puppet-master philosophy implicit in the Hughes-

XUM

Eagleton proposal, the proliferation of resolutions takes on a different coloration.

The impression that comes through is that of a country verging on panic, looking for some way—any way—to get out of Vietnam and to dissolve the partnerships that exist with other nations of Southeast Asia. That is a dangerous impression to create. It is harmful to the delicate process of disengagement that is now under way. It is dangerous to the American troops that must remain until the withdrawal is complete. It is dangerous to the future of Southeast Asia. And it compounds existing dangers of future involvement of the United States in that troubled area of the globe.

OCTOBER 15 PEACE MORATORIUM

(Mr. DUNCAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DUNCAN. Mr. Speaker, tomorrow, October 15, will be a big day for some, but to me it will be a day of shame.

I am sorry that we have in this country leaders who can be swayed by breezes of sentiment toward a path that can only lead to a weakening of the U.S. position in world affairs.

There is no easy way out of Vietnam. We did not get into Vietnam in a well-planned, orderly fashion. President Nixon has had only 8 months to try to unwind what took 8 years to tangle into a mess beyond description.

May I say here that I am for peace. I know from personal experience the hell and fury of war. No one wants peace more than I. No one wants peace more than President Nixon, who, for 24 hours a day, must face this great international problem.

I am not, however, for giving aid and comfort to the enemies of everything we hold dear. I am not for pulling the rug out from under the thousands of young Americans who have been sent to Vietnam on order of their country.

It is my opinion that the actions such as those planned for tomorrow are created by the stupidity of political opportunists, and the confusion created by the ignorance of amateur theorists. The cost of such actions in the past, and tomorrow, can only be measured in the lives and bodies of American men.

It is also my opinion that the war in Vietnam would have been over long ago had not such groups for the past 2 or 3 years urged Hanoi to hang on.

President Nixon did not send us into Vietnam, but he is sincerely trying to get us out. He is trying all approaches, and he is making progress. Since he has been in office American troops have come home for the first time. More will come home before the end of this year. Casualty totals are down, and hopefully will continue downward.

No matter what the approach the administration uses to end the Vietnam conflict, the results are going to be weakened by such protests as the October 15 peace moratorium, the November march on Washington, and the November and December moratoriums.

Those who support the protest set for tomorrow seem to ignore the obvious—they are playing into the hands of the enemy. It is Hanoi, not Washington, who will benefit tomorrow. It is Hanoi, not Washington, who will gain prestige, and, most of all, bargaining power at the Paris peace talks. The moratorium will be a valued addition to the North Vietnamese propaganda arsenal.

I urge students to go to classes and to study tomorrow, instead of giving aid and comfort to the enemy—taxpayers are working hard to help pay for their educations. We have schools and colleges for the express purpose of educating our youth. Campuses were not established as political entities.

I urge teachers and professors to stand before their classes tomorrow as brave, patriotic Americans and to teach as usual. We are paying them for teaching, not demonstrating and rioting.

I think it should be recorded that those who are participating are toward the left in our society and do not represent mainstream America.

The moratorium was called by a newly organized Vietnam Coordinating Committee which was formed, I am told, by workers in the presidential campaigns of Senator Eugene J. McCarthy.

Although they claim the militant groups are not the leaders, and that this will be a peaceful occasion, militants will be there, and who knows what the results? The protests may by no means remain low-keyed.

Furthermore, the October 15 protest has the endorsement of such militants as the baby doctor, Dr. Benjamin Spock, who no doubt may be seeing some of his "babies" in action and perhaps will nudge them along if they do not follow "the book." Spock too, is working on plans for the November 14 "march against death" for Washington.

Senator McCarthy also said he would take part actively, and I understand that Senator McGovern will be the main speaker at one of the rallies.

Who started the plans for tomorrow? Dave Hawk, a national coordinator of the Moratorium Committee, credits its beginning to Jerry Grossman, a businessman member of the Massachusetts Peace Action Council who was active in Senator McCarthy's 1968 campaign.

Hawk has said:

> We are introducing the war as the focal issue. Our total purpose in being is to end the war. We are demonstrating that the sentiment is already there. This will be the most sustained and evolved movement in history.

No doubt the antiwar demonstrations in Chicago last week will carry over into tomorrow's gatherings. Organized by the Revolutionary Youth Movement, the Chicago plans did not call for quiet and nonviolence. Mark Rudd now heads the Revolutionary Youth Movement which he formed after a split in the militant Students for a Democratic Society—SDS. "Bring the war home" has been their theme.

These protestors claim they want to convince President Nixon that the majority of Americans want to end the war. I have news for them. All Americans want the war to end.

But, all Americans do not want us to turn our backs on a commitment and run out on responsibility.

We are loyal people and we are brave when it comes to protecting freedom and our Nation from threats.

Another theme of the new groups who will protest tomorrow is that they are not necessarily antiadministration, nor anti-Nixon, nor antiestablishment. Their actions, however, speak louder than their words. If they wanted to be helpful and if they really wanted peace, they would do nothing to hinder the progress we are now making.

I am convinced that President Nixon will not be intimidated by these politically misguided leftists, just as he maintains the dignity of his office in confrontations with pacifists and militants who try pressure measures through arousing public sentiment.

The antiwar protests will not influence this Vietnam policy.

They will not end the war. They will not create peace. They will serve only to hinder and harm. Nothing the protestors say and do, however, will cause our President to sacrifice abroad what he considers to be the best interest of the United States. He will not let threats and blackmail overrule reason and patriotism. He has all the facts about Vietnam, and he knows the score there and here.

Since the President is trying very hard to end the war, and since he is the only person in the United States with the power to do so, it really seems ridiculous for these groups to attack him. They are, in a sense, trying to destroy the one channel to their goal—if their goal is really peace.

The Moratorium Committee's expressed purpose is "to maximize pressure to end the war by encouraging a broad cross section of Americans to work against the war."

If I were a student, I would walk into my class tomorrow with pride in America. I would not be counted as a protestor. As a Congressman I will be here on the floor of the House of Representatives doing what the people of the Second District of Tennessee elected me to do—represent them—not demonstrate.

Statesmanship speaks for itself, perhaps more in this matter than in other situations.

There are times when we must think of America above all else—above party, above personal gain, and personal ambition. I think Senator Mike Mansfield illustrated this a few days ago on a national television interview. Having seen the battlefields of Vietnam, as I have, he said:

> I think the President is doing everything he can, according to the best advice he can get, to get out of Vietnam. It is not a partisan issue. It is something we must all try to work toward a solution of and I am hopeful that it can be accomplished in the not too distant future, though I am not too encouraged by the events up to this time.

Former Vice President Hubert Humphrey, voicing praise for President Nixon's peace efforts, said he "is proceeding along the right path" and "has made some progress" toward peace. He also said:

> We only have one President at a time, and I think the worst thing we can do is try to undermine the efforts of the President.

The organizers of the moratorium claim that President Nixon has taken enough time to settle the war. They say they have waited long enough and have decided to strike up the old antiwar demonstrations once again. The truth of the matter is that they have been planning for October 15 since spring. They organized a staff who has been raising funds and organizing campuses throughout the country for months.

Now there are those among us who would have the United States announce a definite timetable for the withdrawal of American troops from Vietnam. That would merely be telling Hanoi to just wait a little while and we will be completely out of there and it will be yours to conquer and to keep. It would give Hanoi little reason to make concessions. It would be necessary only for Hanoi's delegation in Paris to sit out the interval until the deadline.

Why would Hanoi want to cooperate in peace talks if they knew we would be gone from Vietnam in 12 or x number of months. They would need only to wait us out and take South Vietnam by default.

As you know, Secretary of State Rogers said this weekend that the President does have "a schedule" for troop withdrawals which "may vary" with events and that he "contemplates the complete removal of the troops in Vietnam," but "he does not plan to announce it to the enemy."

Secretary Rogers mentioned that while the President "has carried out his promise to deescalate" the war, "the dissent in the country seems to be accelerating" even though "we have made every concession that it has been suggested we make in the past 9 months."

In editorial comment the Wall Street Journal gave these words well worth repeating:

> The Administration's evident course obviously is no happy one, but it looks a little better when you also look clearly at the alternatives. It makes more sense if you understand there is no magic combination of levers, that there is no easy way out, that this war is indeed a tragedy in the full sense of that word.

During the Johnson administration, the President had my backing on his handling of the Vietnam war. Certainly there were times when I disagreed with some minor functions, but he had my full loyalty and support when it came to supporting our boys who were carrying out the fight in Vietnam.

My feeling is that the President has far more facts and far more influence than the average politician who comes up with a new solution each week.

The Vietnam war brought President Johnson many hardships, and some say, caused his retirement from the Presidency. Neither his escalation of the war nor his final attempts to deescalate brought appreciable results.

If we compare his first 8 months—without harassment—with these first 8 months of the Nixon administration we find a great contrast to the war activity.

During the 8 months between December 1964 and July 1965 the Johnson administration began the bombing of North Vietnam, raised the authorized troop levels in Vietnam five-fold from 23,000 to 125,000, and gave the fateful go ahead to our military commanders to send American ground troops into combat. President Nixon during his first 8 months, has again reassessed the Vietnam situation and he has started bringing boys home and de-Americanizing the war.

Because I feel a great threat will ensue if we are committed to a definite timetable for troop withdrawal, I have joined other colleagues in a resolution that supports President Nixon's withdrawal program. We believe that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President should be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

The President has told us:

> I do not want an American boy to be in Vietnam for one day longer than is necessary for our national interest.

While Vietnam is the big issue that overrides all others, its accompanying revolt by the new left and by the militant groups may be as dangerous a threat to our society as the war is to freedom in Asia.

For this reason, again I say that I do not condone any activity that leads us into the hands of the enemy, directly or indirectly. I realize that there will be those among tomorrow's gatherings who are sincere, though perhaps a little misguided; others just following the action, running to the sound of a noisy gang, whether it is Chicago, a California campus, or Washington, D.C.; and still others who are dangerous, hard-core militants.

The public needs to know the tactics by which militant groups can turn a nonviolent gathering into chaos and destruction. SDS, the Black Panthers, and other militants have been holding top secret strategy meetings to plan more violence. The extremists, black and white, have the common goal of destroying American society by violence.

Operating these new left groups is expensive and the money comes from many sources, mostly contributions because the organizations do not bring in any great amounts in membership dues. One example of operational costs is the $80,000 a year necessary to run the SDS national office.

Wealthy individuals and tax exempt foundations sometimes give substantially to the new left. Student fees at some colleges go to help the new left when the students elect as their campus leaders new left activists.

These contributors are certainly not helping peace. They are making payments on the destruction of America. They should be classed with the demonstrators and rioters. I do not condone them, and I fear that they do not have respect for our great country. They are contributing to the disrespect shown by many youth, and thus many young people go in search of the new left as though they are following a new pied piper.

The administration needs our support on Vietnam now more than ever. I think Secretary of Defense Laird expressed this very well when he told the AFL–CIO meeting in Atlantic City last week:

> Make no mistake about it. To carry out his policy the President needs the support of a united people. The young Americans in Vietnam need that support. Hanoi's strategy is clear: the leaders in Hanoi expect to achieve victory by waiting for us to abandon the conflict as a result of anti-war protest in this country.
>
> From their experience with the French and from their reading of events in the United States last year, they are encouraged to believe that they can get all they want if they merely wait long enough. The President will not bow to acts and utterances by these Americans who seek to pressure him in capitulation on Hanoi's terms. Those acts and utterances serve only to encourage the enemy to keep on fighting in South Vietnam and to keep on stalling in Paris.

Thus, it is alarming to see leaders of prominence in this Chamber, from campuses, in business, and other fields supporting the moratorium tomorrow. I feel that they are misguided in this approach. There is room for many opinions in this society without causing disruptiveness that could weaken this Nation.

When American boys are asked to give their lives we owe them our complete support, whether or not we believe in the reason for their being in a conflict.

I want to be counted among those who urged the students to remain in class and boycott the boycott. I want to be counted among those who encouraged the workers to attend to their jobs as usual. I want to be counted among those who stood faithfully behind their country, behind their President, and, most of all, behind their soldiers. My prayer and my hope are for peace. I support President Nixon in his dedication to peace with honor.

You will not find my family and me giving encouragement to the enemy and discouragement to our fighting men. This is something that all should not forget tomorrow.

ADDRESSES CAPITOL HISTORICAL SOCIETY

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, last month we held the seventh annual meeting of the U.S. Capitol Historical Society. As the founder and president, it fell my lot to develop with our staff and executive committee a program for this meeting.

As you know, the Capitol Historical Society has become a working component of Capitol Hill, providing both Congress and the public with a variety of services that help us better understand the history of our country. Anticipating an attendance of approximately 200 Washington leaders at the meeting, I endeavored to build a constructive program, and, from the remarks later, it appears we were successful.

The principal speaker was Dr. James Robertson, Jr., professor of history at Virginia Polytechnic Institute in Blacksburg, Va. Also on the program were Senator Mark Hatfield and Congressman Jake Pickle.

In brief remarks, Mr. PICKLE spun a delightful historical yarn about a colorful piece of Texas' turbulent history. He recounted with authority and eloquence the 2-day, bloodless Texas Archive War of 1842. In this story he illustrates brilliantly how some of the little known historical items are often the most interesting and very significant. Although few people know of the Texas Archive War, this was perhaps the single most important factor in choosing the location for the capital of Texas therefor should be better known by Texans as well as by all Americans. I include his remarks at this point in the RECORD.

TEXAS ARCHIVE WAR OF 1842

(Speech of Congressman J. J. PICKLE)

Let me add my welcome to each of you. I like this group . . . we are here to talk about the Capitol, not about politics. We are here to talk about history, not to try to make it. It is a refreshing exchange for each of us.

History is the records-keeping of little instances that later prove to have bigger-than-life meanings. For example, everytime I gaze across the street at the Library of Congress or the National Archives—and everytime I take a group of my constituents through the Nation's Capitol and pass by the statue of Sam Houston, who was President of the Republic of Texas, I cannot help but remember one of the better stories that illustrates how the history of Texas and the history of the nation are intertwined.

Let me tell you about it briefly. . . . in 1842, we had one of the most unusual wars of all time. . . . it is called the Texas Archive War. Texas has had many unusual internal wars with unusual names. . . . most were caused by money or politics. We had the Fence Cutters War, the Hoodoo War and the Jaybird-Woodpecker War, to name a few. But the most unusual of all was the Archive War. This historical skirmish was limited to a period of two days, twenty miles and included some one hundred men and one very important woman. This war was one of the most significant factors in making Austin the Capital of Texas.

This was during the time of Sam Houston's second term as President. For reasons known only to himself and to his ego, he wanted to move the Capitol 168 miles south and east to Houston, which was named after him. Sam Houston was one of our state's greatest leaders and I certainly don't want to take anything from him . . . but in 1842 there were people in Austin who thought him to be a scoundrel and a scalawag . . . some even called him a Republican, although not to his face.

Austin had been chosen the capital as an expansionist move . . . at that time Austin was on the very edge of the frontier and the city was vulnerable to attacks from Indians and the Mexican Army. But a capital in the interior of the state would force growth in that direction.

But when Sam Houston was elected to his second term with ¾ of the votes, he took this to be an endorsement, even a mandate, of his expressed desire to move the capital and the archives to safer quarters—like to his namesake city. Houston tried several times to get the Texas Congress to pass a proposal to move the Capital and the archives. But Texas congressmen exhibited their stubborn streak—today, we call it independence—and refused to budge. Only an emergency would give Houston the power to make that move.

He got his wish, a state of emergency was declared when the Mexican Army staged a brief attack on nearby San Antonio. Houston decided to make the move. But Sam Houston had been repeatedly warned by the people of Austin that he would have a fight on his hands if he tried to move the Archives.

A man named John Welch wrote Houston a pretty mean letter laced with the rawhide expressions of the times. He told Houston—quote—"you sed you never was going to move it . . . now Sam, you told a damn lie." He even called Houston a "damn old drunk Cherokee" and promised to back Austin's claim to the Archives with guns and men.

But Houston wouldn't be scared off. He sent secret orders and three wagons, and about 30 men were dispatched to Austin to get the Archives. They nearly had the job completed before the brave citizens of Austin knew what they were up to.

A Texas version of Carrie Nation caught the troopers red-handed. She spread the alarm in a hurry—like a one-man wrecking crew, Mrs. Angelina Eberly mustered up some stout-hearted men with rifles. On Congress Avenue, she spied a Howitzer that was always loaded in case of Indians. The cannon was conveniently aimed at the Land Office Building. Without a by-your-leave, Mrs. Eberly sized up the situation and took charge . . . as some women tend to do. She grabbed a torch and jammed it to the powder charge setting off the cannon and sending grape shot all over everywhere. Her intention was good, but fortunately her aim was bad . . . she didn't hit any people, but she did manage to hit the broad side of the Land Office Building. In the confusion and gun smoke, Houston's troopers rode off with the Archives and their wagons.

The good people of Austin were quick to the saddle and gave chase. For extra measure, they took Mrs. Eberly's cannon along. Next morning, the raiders woke up in the midst of a blue norther—and they were looking down the throat of the cannon again. But this time a keen-eyed frontiersman was taking aim. After a short parley, Houston's men wisely agreed to haul the Archives back to Austin where they have been ever since.

Rumor has it that the ladies of Austin prepared a covered dish dinner that night and invited Houston's raiders . . . the meal was so good and the music so fine that the hard feelings melted away and everybody left happy.

I want to emphasize that Sam Houston was one of our greatest leaders and all-time heroes. I am one of his admirers. Houston just made a judgment error in going up against the people of Austin.

Thus ended a bloodless war . . . the Archives are still in Austin, and Austin is still the Capital of Texas . . . and if they ever try again to move it, I know where the cannon is and how to use it. And I hope my aim is about as good as Mrs. Eberly's.

Most of all, I have a greater appreciation now of the Texas Archives, and of our national Archives, because of stories like this one about the Texas Archive War of 1842.

C. Y. STEPHENS AUDITORIUM AT IOWA STATE UNIVERSITY

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, an event has taken place in my State which has fired the imagination of Iowans and gained the admiration and acclaim of citizens throughout a widespread area of the Nation.

In what has been described in the Los Angeles Times as "the cultural coup of the year"—"Vaudeville Isn't Dead—It's Going to College," by Fredd Wayne, June 22, 1969—Iowa State University attracted the Nation's oldest and finest orchestra, the world-renowned New York Philharmonic, to Ames, Iowa, to perform a festival of concerts inaugurating the C. Y. Stephens Auditorium in the Iowa State Center.

It was the first time in the philharmonic's 127-year history that the orchestra consented to perform such a series of concerts outside New York City.

The unique festival has attracted nationwide attention, but no more than has the magnificent building in which the orchestra performed.

The Stephens auditorium, first of four buildings in the Iowa State Center, is an architectural masterpiece constructed at a cost of nearly $5 million by alumni and friends of Iowa State University and given to the State of Iowa for the cultural enrichment of all Iowans. It is especially noteworthy that no appropriated funds, State or Federal, are involved in the project.

The late C. Y. Stephens—for whom the auditorium is named—was an Iowa State University graduate and a prominent dairy industrialist here in the capital city. Mr. Stephens provided an initial gift of more than $1 million toward the auditorium's cost and, with the support of thousands of additional contributors, made the center dream a reality.

The qualities of the building were in part responsible for attracting the philharmonic to a site which, just a few years earlier, had been a cornfield. The auditorium was the subject of a film report on the "Today" show—Friday, September 12, 1969—on the NBC television network and a representative of the New York Times was on hand to record the philharmonic's appearance.

Critics were unanimous in their praise of the building. Among them were the following:

> It is safe to predict that the auditorium will become a rallying point for people from every corner of the state. (Nick Baldwin, Des Moines Register, September 12, 1969.)
>
> It seemed fitting that the nation's premiere orchestra was on stage to dedicate Iowa's premiere auditorium named for the late C. Y. Stephens. It was a first-class night and both the musicians and the building lived up to advance billing. Doug Looney, Omaha World-Herald, September 11, 1969.)
>
> The hall itself was as interesting to the opening night audience as anything going on in it. It is an impressively bold and uncluttered architectural statement on the outside, and the interior, despite its size, establishes a rather surprisingly intimate atmosphere. (John Haskins, Kansas City Star, September 14, 1969.)
>
> I also know that I was captivated by the building, the manner in which it was related to its environment, the feast it furnished my eye and the wonderful sound it provided my ear. (Lew Reeve, Minneapolis Tribune, September 15, 1969.)

The Iowa Board of Regents, in a departure from tradition, passed a resolution unanimously commending Iowa State University, President Emeritus James H. Hilton—who first had the center dream—Mr. and Mrs. C. Y. Stephens and the friends and alumni of Iowa State for their imagination and perseverance in providing such a showplace for the performing arts for the benefit of all Iowans.

Even those closest to the situation cannot foretell the full impact of the Stephens auditorium upon the quality of life of the countless persons who will be inspired, entertained, and informed within its walls.

Already recognized as one of the finest buildings of its kind, the Stephens auditorium, in the wake of its historic introduction to the public, has been christened the cultural center for the State of Iowa and perhaps for a far broader area of the Midwest.

Yet the auditorium is but the first of the center buildings. A 14,000-seat coliseum is now under construction and is scheduled for completion a year from next spring. Efforts are now being made to attract funds for a continuing education building which will serve more than 50,000 persons per year through short courses and conferences alone. A small, experimental theater will complete the Iowa State Center complex.

It is with great pride, and in the name of my State and its citizens, that I make a part of the CONGRESSIONAL RECORD this recognition of a significant event in the history of Iowa and Iowa State University and the addition to our Nation's culture of an asset whose value is immeasurable.

MUST READING FOR PLANNERS IN GOVERNMENT: HON. THOMAS B. CURTIS' ANALYSIS OF BASIC FINANCIAL POLICY AND CURRENT ERRORS IN THOUGHT REGARDING INFLATION AND UNEMPLOYMENT

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, our former colleague, the Honorable Thomas B. Curtis of Missouri recently addressed the National Tax Association at its annual meeting in Boston, October 1.

The members of that association were privileged to hear an analysis by one of the finest and most experienced economic thinkers in the country today.

The address he gave, which I include following these remarks, is must reading for the top policy makers in our Government.

I am sending a copy to the President and to others in key policymaking roles in the administration.

Tom Curtis is one of the outstanding public servants in America today. He was a leader for congressional reform during his many years as a Member of the House. He was, of course, second-ranking Republican on the Ways and Means Committee. He brought to that position great knowledge, experience, and dedication. Outside Congress he continues to contribute the weight of his scholarship for the benefit of his country.

I believe the writings and career of Tom Curtis are now, and will come to be regarded generally as, a profound textbook on the intricacies of the modern industrial democracy.

Here is a fragment from the address to illustrate the currency of his thinking and its importance to us:

> The economy is slowed down and inflated because of a shortage of skills. This doesn't seem to deter either the economists of the administration who are now out of power or the economists who have come into power with the new administration from telling the people and the Congress that the price of solving inflation lies in slowing the economy down and accepting a higher rate of unemployment, and that the level of federal spending, not the quality of it, is the governor.
>
> This blind attitude keeps us from zeroing in on expenditure policy and expenditure discipline, and from really going all out to treat unemployment as frictional, structural and, I would add, thinking of the American Negro, institutional. There are more jobs going begging than there are unemployed. . . .

This address is full of thought-provoking, meaty, succinct observations and recommendations.

Tom Curtis is sorely missed in the House these days. I consider it a privilege to bring at least this much of his thought before us by inserting the following address in the RECORD:

BEYOND OUR ABILITY TO CONTROL: GOVERNMENT AS MASTER, NOT SERVANT?

(By Hon. Thomas B. Curtis)

One important dimension to determine the relative size of government in respect to other institutions and to the total society is expenditure. Governmental expenditures may be financed by tax revenues, by borrowing, by selling capital assets, by user fees, by corvee, and by inflation. I note in Webster's international dictionary after defining corvee as "unpaid or but partially paid labor exacted by public authority," it is stated "Corvee was formerly exacted in various countries, but is now largely abolished." The studies of the President's Commission to develop a voluntary armed force following up on Milton Friedman's and others' studies reveal that corvee is very much a factor today in the United States, measured in the billions of dollars in the federal government's utilization of manpower for national defense.

It may be assumed that borrowing money to finance governmental expenditures is merely deferred taxation. However, this is an assumption that needs examination. The federal public debt in the United States has become a basic and essential part of our monetary system. The Federal Reserve System uses its Open Market Committee for purchasing government securities as its primary mechanism for increasing the amount of money and credit extant in the society. It is the roll over or refinancing of the federal debt which enables this mechanism to operate. I have speculated as to what range the ratio of total federal debt to gross national product should be in order to permit monetary policy to be effective and noninflationary, and have come up with a guess of about 15% to 20%.

The ratio of debt to Gross National Product is around 45% which represents a continual decline from the peak of 140% in 1946 at the end of World War II. Most of that decline in that ratio is the result of inflation, a form of taxation which I shall discuss later. The British use consoles, government debt securities with no maturity date, which illustrates the point I am making that some portion of the federal debt is not deferred taxation, but a form of capitalization.

Selling off governmental capital assets to finance current governmental expenditures has become an important factor recently in federal financing as the Congress has sought to use the Federal Debt Ceiling legislation as a cumbersome technique for controlling governmental expenditures.

NO U.S. CAPITAL BUDGET

Federal governmental accounting does not include a capital budget. Nor is there a federal balance sheet listing and giving the market values of the federal government's capital assets. The Government Operations Committee of the U.S. House of Representatives has, over the period of the last decade, attempted to maintain such a balance sheet. However, items tend to be entered with their acquisition costs with no amortization. Real estate is entered with periodical revisions to reflect market values. Military installations and equipment are entered as capital assets, when surely most of these items should be treated as current expenditures.

On the other hand, expenditures for capital assets such as public works are treated no differently than current expenditures, even items like defense highways, which are financed by earmarked taxes. Revolving funds, which total in the billions, are largely outside the federal budget. Governmental guarantees and commercial paper owned by the government as a result of its many financing and loan guarantee programs are likewise mostly out of the budget. But so are the contingent governmental liabilities resulting from the guarantees.

In recent years, the Federal Government budgetary officials have talked in terms of "uncontrollable" expenditures, meaning primarily expenditures resulting from open-end programs established by law to which the Federal Government is committed. Of course, the laws can be changed and so these expenditures are controllable. Whether they will be controlled depends upon the very executive officials and the people's representatives in the Congress, who use the term "uncontrollable" to avoid discussion.

For the purpose of this paper, however, which seeks to examine the relationship of government to the total society—is it master or servant—these expenditures which are presently committed on the books, in an expansionary fashion usually, are an important aspect in measuring the size and scope of government.

I shall illustrate the importance of this item by a brief discussion of the OASDI social security program. Annual expenditures from this program now run around $30 billion a year, and the projections show a steady annual increase of many billions of dollars. Theoretically, this is a pay as you go program, where the revenues derived from the earmarked payroll taxes cover the annual expenditures. The trust fund of around $25 billion is merely a contingent fund to protect against fluctuations. Increasingly, the contingent fund is a less ratio of the annual payout. The earnings from the contingent fund are not calculated in the actuarial computations to determine long range solvency. For contrast, if the Social Security Program was set up on the same actuarial assumptions as those required by our federal tax laws for the private pension plans, primarily the assumption that earnings from the trust funds will provide a large part of the revenues to pay the benefits, over $350 billion in the Social Security trust fund would be required. For further contrast, the private pension plans have over $120 billion in their trust funds covering the contractual retirement benefits of 30 million people as opposed to $25 billion in the Social Security trust fund covering the non-contractual but politically committed benefits of about 120 million.

The assumptions which make the Social Security System actuarially sound are that the Congress will continue to impose the social security tax, and its rate, that the labor force will continue to increase in size, and that the average wage will continue to increase in dollar amount to approximate the dollar limit in the statutory wage base. To a large degree the Social Security System has benefitted from post World War II inflation in that it effectively increased wage scales and so raised the average wage base for the payroll tax. Of course, benefits have been increased to keep step with inflation and increased living standards in the society. So, periodically, the Congress has increased both the payroll tax rates and the wage base.

XUM

The point I am seeking to make is that such commitments into the future to finance present government programs must be measured if we are to realize the full extent of government expenditures in present day society. The expectations of the citizens, though not enforceable in the courts, are enforceable through the Congress. Social Security is the largest item of this sort, but the civil service retirement system is another such item; and although it is set up on actuarial assumptions comparable to private pension plans, not those of the Social Security System, it is woefully underfunded. The Veteran's benefit programs are likewise commitments passed on to the future taxpayers, and there are many other commitments to finance current benefits out of future revenues.

CAPITAL BUDGET IMPERATIVE

It is imperative that we develop a capital budget for the Federal Government. State and local governments, to a large degree, have capital budgets. Most capital improvements of state and local governments are financed through bonds and debt, not current revenues. Furthermore, a relationship is maintained in local and state governments between debt and capital assets. In fact, very little financing of current programs can be or is done through debt and bonds at these levels of government.

It is interesting to note that of the five institutions or groups in our society, federal government, state government, local government, private businesses and families, only the Federal Government has a minus ratio of capital assets to debt. The next poorest in debt/asset ratio, although a healthy plan, is state governments; the next, local governments; the next, private businesses, and the healthiest of them all are the American families. Their assets amount to $2.4 trillion compared to $500 billion debt, leaving a net wealth of about $1.9 trillion.

The failure to maintain an inventory of federal governmental wealth is part of the failure to maintain the development statistics on national wealth. What wealth statistics had been developed were largely abandoned in the 1920s and we have now gone through five decades without paying much attention to our lack of wealth statistics. And yet, one of the great factors in the emergence of the American corporation in economic and social importance has been its development of cost accounting. The development, if you please, of the science of distinguishing current expenditures from capital expenditures.

This leads me to restate one of my favorite definitions. A nonprofit organization is one with a poor accounting system.

Without proper cost accounting, it is difficult to have sound expenditure policies, as well as proper expenditure discipline. When a charitable organization like a hospital runs out of money or depletes a capital asset, it engages in a capital fund drive. When government—a non profit organization—runs out of money or depletes a capital asset, it increases its taxes, or, if it is the Federal Government, it inflates the dollar. The former technique, a capital gifts campaign, is a little more healthy than the latter because it still relies on voluntary giving; increasing the taxes relies only on the majority wanting to give, thus binding the minority; frequently, if not always, it is the majority which pays less and binds the minority which pays more.

NEW STATISTICS

One of the reasons for the downgrading of governmental and social wealth statistics has been the important development of statistics measuring economic activity. Certainly, the amount of economic activity going on is the more important economic factor to be concerned with. Furthermore, the amount of economic activity reflects to some degree the amount of wealth and capital available in the society. But when economists measure economic growth by looking to the incremental differences in the gross national product series instead of developing wealth statistics, they are dangerously oversimplifying the economic picture.

During periods of war, economic activity rises quite markedly and shows up in increased figures of gross national product. However, the increased economic activity can well be, if not usually is, eating up capital assets rather than augmenting them. Furthermore, a major economic mistake can show up in increased gross national product, such as Russia's heavy investment in hydroelectric dams under Stalin, instead of utilizing coal burning steam generators as Khrushchev did, but end up depleting, not increasing, wealth. Cutting off a ten mile curve will reduce the amount of future economic activity as does any productivity increase. This will distort the picture of economic growth if measured in terms of GNP apart from wealth statistics.

It is dangerous to measure a nation's wealth after a war to its wealth before a war in GNP statistics on the assumption that the economic process produced this result, not the defeat of the enemy and the taking over of its wealth and markets.

The process of measuring economic growth in terms of GNP with a disregard to a capital inventory has had a deleterious impact on federal governmental expenditure policies and expenditure discipline. Indeed, it is undermining our political institutions.

If increased economic activity is the goal, rather than what the economic activity is producing, then what difference does it make what the money is to be spent for, as long as it is spent?

Coupled with the overemphasis of GNP statistics and the neglect of maintaining and developing wealth statistics has been the wide acceptance of the theory of the Philips curve. The assumption that the Philips curve reveals a true economic law has also contributed greatly to minimizing expenditures policy and expenditure discipline as a major factor in establishing federal fiscal policy.

The Philips curve relates economic activity to unemployment, which is quite accurate. Indeed, one test of economic activity is the amount of employment. However, certain economists go on in extrapolating from the Philips curve to equate economic activity with economic growth, which may or may not be accurate. The extrapolation goes on to equate economic activity with total expenditure in the society. It equates total spending with total purchasing power, of which the federal government through direct spending, financed with a disregard of whether by current taxes or increased debt or through monetary policy, maintains the total purchasing power. The Philips curve theorists disregard, among other things, the factor of "discretionary purchasing" power which is now being measured statistically and is an increasingly important factor in an economy, like ours, based upon plenty, not scarcity.

The net result of the various assumptions in the Philips curve, many of them important variables, some certainly questionable, is the final assumption that inflation and unemployment interact. If we want less inflation, we can have it only at a sacrifice of higher unemployment. If we want full employment, we must accept a modicum of inflation. The federal politician, always seeking excuses for voting to increase spending has absorbed this like a sponge.

The fact is we have heated up the economy to a point where we have serious inflation and equally, if not more serious, high interest rates, more serious because we know little about the economic consequences of interest rates, which are now the highest in our history. Yet we still have pockets of very high unemployment. The economy is slowed down and inflated because of a shortage of skills. This doesn't seem to deter either the economists of the administration who are now out of power or the economists who have come into power with the new administration from telling the people and the Congress that the price of solving inflation lies in slowing the economy down and accepting a higher rate of unemployment, and that the level of federal spending, not the quality of it, is the governor.

MORE JOBS THAN JOBLESS

This blind attitude keeps us from zeroing in on expenditure policy and expenditure discipline, and from really going all out to treat unemployment as frictional, structural and, I would add, thinking of the American Negro, institutional. There are more jobs going begging than there are unemployed. But the unemployed do not have the skills to fill these jobs, nor are they the ones necessarily to be trained in these skills. The process of treating frictional and structural unemployment is a bit more complicated. People with good jobs are probably the ones who should be trained for the jobs in demand requiring higher skills, which if they will do, then leaves their jobs available for those below them on the ladder of skills who can then be trained. Somewhere along the ladder of skills, the unemployed are trained and fitted in.

If we have rapid technological advancement, and we have been having it, we will have concomitantly an increased rate of obsolescence, not just of equipment and buildings, but of skills. I add buildings because our IRS and Treasury authorities haven't caught up with the times to realize that today, buildings, so many of them being single purpose, can become just as obsolete and sometimes as rapidly as a piece of equipment. No one in the IRS or Treasury or the Council of Economic Advisors or wherever in government tax policy is set seems willing to recognize that skills are likewise made obsolete by rapid technological advancement, and that our tax laws that relate to expenditures for education and training are 50 years out of date, and are one of the greatest impediments to economic growth and sound money in our society.

Today a man must be retrained three or four times from 19 to 68, the years he is in the work force, if he is to maintain a marketable skill. Our tax laws work against this phenomena. Those who relate inflation to unemployment distract our attention from frictional and structural unemployment and the proper tax reforms and programs needed to eliminate it.

If we had been in the business of maintaining capital budgets and understanding a nation's wealth as we should have been, we would by now realize that the knowledge and skills of the people are the greater part of the nation's wealth, and the tangible wealth—the equipment, the buildings, even the so-called natural resources are the lesser part. We haven't even kept up our statistics to measure the nation's tangible wealth, let alone get into the business of measuring this more important component. This wealth is called intangible only because you cannot touch it, and because it is not real and powerful.

AUTOMATION MAKES JOBS

The new economists are now interjecting another red herring to bolster the misinterpretation extant in respect to GNP and the Philips curve, and to keep the attention diverted from federal expenditure policy. The new myth being promulgated is that renders certain people economically unusable, and that as time goes on this will be increasingly the case. Therefore, government, the master not the servant, will provide for their livelihood. All objective studies made on this matter reveal just the opposite to the case. Automation, instead of rendering certain people economically unusable through its concomitant feature, specialization, is rendering people who were unusable because of physical handicaps or whatever, economically usable. Automation creates many more jobs than it destroys, better jobs in the sense that they require more brains and less brawn; better paying jobs, in that automation (marketplace automation, that is, subject to expenditure discipline) is synonymous with productivity increase.

Furthermore, rapid technological growth places added emphasis on initial training and retraining. The new economist, fighting against these cold facts, has raised another bugaboo, namely, that we will have so much leisure time we will not know what to do with ourselves. Much of this leisure time is not leisure time. It is study time, retooling time and re-creating time. Just as we have found that the 8-hour day, the 5-day week improves labor efficiency, so we are finding that the 11-month year will do the same. And so, I argue, will we find the 7-year sabbatical will increase human efficiency. Furthermore, the average age of entering the labor force is now over 19 years 6 months, and is continuing to increase. It was just a few years ago that we changed our BLS statistics to measure the labor force by raising the age of entry from 14 to 16. We are still out of date. On the other end of the life span, the average age of retirement continues to move down from 70 to 65, and we are witnessing an increased efficient use of older employees through the use of their knowledge and skills, part time and out of the chain of command.

It is fortunate that the federal government remains highly inefficient; that is, in one sense. Its very inefficiency keeps it from moving into the private sector more than it presently has. Government in our society, measured in dollars expended, takes up about ⅓ of our endeavors, the private sector ⅔. If we can reestablish expenditure policy and expenditure discipline at the federal level, we can cut the ratios back to ¼ government ¾ private, and in doing so we will increase our wealth and productivity immeasurably. We can also start on a 20-year program of systematically reducing our federal income tax rates. These reductions in rates will cut costs and increase efficiency in the private sector. When the tax rates are sufficiently low, then and only then can we have comprehensive tax reform.

We are not yet at a state where the government is other than a servant, although some of the new economists, in anticipation, speak of it as a partner. But if we continue this foolish approach of ignoring wealth, capital, and cost accounting and continue to neglect expenditure policy and expenditure discipline, the servant can well become the master—a master of a scarce pantry. There is historical significance in the many instances where the major domo became the sovereign. The Stuarts of Scotland were once royal stewards, not kings.

SECRETARY STANS ON FOREIGN TRADE

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, Secretary of Commerce Maurice H. Stans has marshaled the resources of his Department to promote U.S. exports. Calling the effort to help businessmen maximize their export opportunities "our Department's No. 1 job," the Secretary has worked at home and gone abroad to promote a more favorable balance of trade.

Mr. Stans recently delivered an excellent speech before the International Trade Club of Chicago on the occasion of its 50th anniversary dinner. His comments summarize the commitment of the Nixon team to an era of more profitable trade.

Because an improved export position is a major goal of this administration, and because of the universal interest in the topic, I wish to call attention to the address Secretary Stans made on October 1 in Chicago:

ADDRESS BY HON. MAURICE H. STANS, U.S. SECRETARY OF COMMERCE, BEFORE THE 50TH ANNIVERSARY DINNER OF THE INTERNATIONAL TRADE CLUB OF CHICAGO, OCTOBER 1, 1969

I am twice honored tonight.

First, I have the honor to bring you a message from the President of the United States.

"To the members of the International Trade Club of Chicago: It gives me great pleasure to extend my warmest congratulations and best wishes on the occasion of your Club's golden anniversary. You have helped to make Illinois our leading export state. You have helped to create new jobs for our growing work force and the additional profit required for technological research and industrial progress. Most important you have demonstrated a commitment to trade expansion that has helped to strengthen the free world economy and enriched the lives of people on every continent. But your greatest opportunity for service lies ahead as we lift our sights toward a national export goal of $50 billion by 1973. Under the dynamic leadership of men like yourselves, we not only can reach it, we can exceed it. And I pledge your government's assistance in every way. Let us lift our sights in the greatest export drive in history.

"RICHARD NIXON."

My second honor is to be your speaker on this notable occasion. Anyone would be proud to be asked to join in celebrating this distinguished Club's 50th anniversary. But because Chicago was my home for so many years, I am especially pleased to be here, and to be with so many of my oldest and best friends. I thank you for your gracious invitation.

TRIBUTE TO PAST

One of our pleasures tonight is to pay tribute to the past. We honor the men of vision and daring and faith who built this area into one of the world's greatest international trade headquarters.

When this Club was formed a half century ago, Chicago was the capital of a landlocked heartland. Today it is a thriving port on the shipping lanes of the world, with direct access to markets on every continent.

Your Club was a prime mover in this historic achievement. And I am proud to say that among those who joined in making this possible was one of the greatest Americans of all time and whom I had the honor to serve, President Dwight D. Eisenhower. His far-sighted leadership in the development of the St. Lawrence Seaway is a legacy of progress that challenges us all.

President Nixon has called on us tonight to respond to that challenge when he says that we must "lift our sights in the greatest export drive in history."

GOVERNMENT ASSISTANCE

But let me assure you that this will not be simply another exercise in which government's main role is to exhort you businessmen to get out there and export. You've been hearing that tired line for about eight years, like a stuck needle on a phonograph record.

We are going to ask you to work harder at it, but you will note that President Nixon pledges government's full assistance. And you are going to get it. The President himself is personally involved in developing this aid, and we at the Commerce Department have the responsibility for following through on the plans. It is our Department's number one job.

THE PROBLEM

The reason it has priority over everything else is the sudden critical nature of the problem. Let me outline it briefly.

Through the 1960's we sailed blithely along with a trade surplus of $5 billion or more annually. And then suddenly in 1968, the roof caved in. There was a tremendous surge in imports of about 24 percent, while exports were rising only about 10 percent. On the balance of payments basis the trade surplus dropped to the lowest point in ten years, to about $600 million.

It will not be much better this year, in 1969. It will not be much better in 1970. It will not be much better by 1973—unless we find new ways to stimulate exports and to reduce overseas barriers to our exports.

I am confident we can do it. Some countries export up to 30 and 35 percent of their Gross National Product. We export only 4 percent of ours. If we could raise this, as the GNP increased, to only 4½ percent, we would have solved almost all our problems.

OBSTACLES

But success will not come easy. There are formidable obstacles, especially overseas. But we are working to dismantle them. The main purpose of my recent trips to Europe and the Far East was to begin this work.

In Europe, you exporters must contend with a rising wall of what the trade specialists call nontariff barriers. These include:

Border taxes—while exporters from those countries receive tax rebates.

Limitation or exclusion from participation in procurement by government entities.

Protectionist aspects of the Common Market agricultural policy.

Artificial technical restrictions placed on imports.

European subsidies which take away American markets in third countries.

For the first time in history, we are mounting a full-scale attack on these open and covert restrictions, which threaten to wipe out the gains of the Kennedy Round of tariff reductions.

OPEN TABLE

On my trips abroad I proposed the Open Table Policy, under which all nontariff barriers would be brought into the open, measured, probed, diagnosed and dealt with on a reciprocal basis.

We in the United States have some restrictions of this kind, but we are convinced that those of other nations are of much greater significance than ours. Our proposal for frank discussions of them has met a favorable response in both Europe and the Far East. We have already exchanged lists of such barriers with Japan, and discussions on them will go forward in the coming weeks.

EXPORT CREDIT

A second part of our program of assistance to exporters is in the credit area.

You have been losing sales abroad for lack of adequate credit facilities. This has to stop. We have in this Nation the greatest accumulation of capital in the world, the greatest system of credit, the greatest money markets. Why we haven't been using our financial muscle to make our exporters competitive in this field is beyond me.

So we are going to do it. We're going to do it through the Export-Import Bank, whose principal job is to spur exports. The new head of Ex-Im Bank, Henry Kearns, is the most dynamic leader this institution has ever had, and he is going to see to it that you exporters meet the competition everywhere.

We're going to say to other nations of the

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world, "From now on we are going to be competitive with you on any financing terms you offer. You can name the terms. We will meet them."

And that will be that. You exporters are not going to be at a disadvantage in this area any longer.

COMMERCIAL REPRESENTATION ABROAD

A third part of our assistance program will be to strengthen our overseas commercial representation. In the field of government, our commercial attaches around the world are the eyes and ears of you exporters. Their job is to provide you with intelligence and leads on sales opportunities.

These men work in the Foreign Service, which comes under the State Department, and we are cooperating with State on upgrading their services. In this matter, we need guidance from you exporters on how these commercial representatives can be most helpful. We need from you specific examples of where our services are deficient, and how you would like to see them improved.

If you have suggestions in this area, please let me hear from you. Your comments will receive the most careful attention.

PROMOTION ACTIVITIES

Fourth in our program is to strengthen the whole array of our export promotion activities. We are stepping up the number of our commercial exhibitions in major foreign markets. We are working with the National Export Expansion Council in targeting industries which offer the greatest export potential. We are sponsoring a new and highly effective program of industry-government trade missions abroad. We are increasing our Joint Export Association program to help develop foreign markets for groups of small and medium-sized firms. And we are strengthening our field offices throughout the Nation, and stepping up their export activities.

EXPORT DOCUMENTATION

Fifth, we have streamlined export documentation procedures.

Some of the paperwork in exports had its origins back in the 19th Century. Nobody ever bothered to do much about it.

This Administration has slashed it to the bone. We've made several changes that greatly simplify the whole documentation process and will sharply cut the delays involved in a major share of U.S. export shipments. This will bring substantial benefits to business and government alike in time, money and efficiency. And it will free you to put more effort into the real business at hand—increasing exports, increasing profits, increasing jobs.

MERCHANT MARINE

Sixth, we are going to rebuild the American merchant marine.

President Nixon and this entire Administration recognize the importance of American shipping to our foreign trade. A highly productive U.S.-flag fleet guarantees us access to foreign sources of raw materials and to markets for our manufactured goods. This assures you exporters and importers that there will be ships available to carry cargoes at reasonable rates on reasonable schedules.

Today, many of our ships are aging derelicts left over from World War II. We are going to replace them with high-speed, containerized, highly productive ships with quick turn around time. We need them for our national security.

To do it we must have a workable, sensible government maritime program. I hope we can announce this program in the next few weeks.

We also must use the vast research and development capabilities of this Nation. During the summer we held an intensive, three-week meeting on the subject that included representatives of industry, government, science and engineering. They went over every possibility that could help modernize the fleet. And in the end they came up with a five-year research and development program that will help us achieve the goal we all seek: the rebirth of a strong, productive, healthy American merchant marine.

INFLATION

And finally, we are attacking a home-grown thorntree that is one of the toughest barriers you exporters face. It is one whose wild seed was planted more than four years ago and which has grown right to the sky. I'm talking about inflation, which makes your products less competitive in the world market.

Today the leaves on the thorntree of inflation tell us it's October 1. They are dry. They are beginning to turn. And sometime in the not too distant future, they're going to shrivel and drop off.

I'm confident of this because President Nixon has had the courage to attack the roots of this wild plant, instead of just hacking at the branches. He has joined prudent fiscal policies with the Federal Reserve Board's policy of monetary restraint. Together they are restoring order and balance to economic growth. This not only will assure our continued domestic prosperity, it will help clear the way for you exporters to get our fair share of the burgeoning world market.

So these are the obstacles, the barriers, the hurdles. Your government is working day and night to lower or eliminate them altogether.

FREER TRADE

The Nixon Administration, I can assure you, has an unswerving commitment to freer trade. We want to widen the markets for the goods produced by working people everywhere. We want to share the growing markets of the U.S. with our trading partners, and we ask them to let us share in their growing markets.

In this way, we develop a climate of mutual cooperation that fosters the growth of trade, not the growth of protectionism.

Our idea of mutuality of interest in the growing export market turns on freeing up competitive forces through reduction of nontariff barriers and artificial export subsidies.

But the Nixon Administration's approach to problems is pragmatic and not doctrinaire. And there is one special problem that requires exceptional treatment. I refer to the growing flood of imports into our country of wool and man-made fiber textiles and apparel products.

TEXTILES

We are the only open and free market for these products in the world. We want to share this market with our trading partners. But we have asked them to voluntarily limit their exports of these products so that our own textile industry, as well as theirs, can continue to flourish. Under our proposal, there would be no cutback in foreign jobs, no closings of foreign textile plants. In fact, their exports of these products to the U.S. would continue to grow at an orderly rate.

Our proposed solution is eminently fair and reasonable, and I am confident that it will be adopted by our trading partners.

CONCLUSION

So tonight, we celebrate the past. We mark 50 years of outstanding achievement by a great organization.

We also aim toward the future. We look forward to the invigorating challenges ahead, determined to build on the past.

But in a larger sense, we celebrate the spirit of man. We celebrate the spirit of cooperation in him, the one essential for peace and progress on earth.

That's what international trade is—the highest tangible expression of cooperation among men of every nationality, every race, every creed. Every day it affirms the faith, the trust, the unity and the interdependence of men everywhere.

Tonight, on another celestial body a quarter of a million miles in space, there is a plaque which reads, "We came in peace for all mankind."

Here on earth, in this hall and on every continent, there are the international traders whose daily work expresses that same high purpose: "We came in peace for all mankind."

Let us resolve to strengthen this spirit of brotherhood and cooperation which your organization has so nobly advanced through trade. That is our real challenge. Let us go forward in confidence to meet it.

THE FRATERNITY CRISIS

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, as you know, I have taken the floor on a number of occasions in defense of the fraternities and sororities of our colleges and universities, most often during those times when the harassment of the Department of Health, Education, and Welfare becomes intolerable. This will be another of those occasions, but I will be brief.

Two items have come to my attention which I think are worthy of the time it will take to read them and I shall insert them here in the RECORD.

The first is an article which appeared in Banta's Greek Exchange, written by Mr. William Zerman, and the other is a column by the distinguished writer, Mr. Jenkin loyd Jones, which appeared in the Washington Star on September 13.

I urge those who share my concern over the crisis that is today threatening the very existence of fraternities and sororities to pay heed to these two timely and appropriate articles, as follows:

FRATERNALLY YOURS

(By William S. Zerman)

There is evidence that the unit rule which is used by many fraternities for electing men to membership is under attack by some segments of college and university communities because the unit rule, which has been used by many fraternities for years, is thought to be "discriminatory."

Some of the ammunition for this attitude has come about because of a misinterpretation of correspondence from one or more officials of the Health, Education and Welfare Department of our Federal Government. As the months go on, it is certain that this will be clarified because of meetings which are currently being held with members of Congress who developed the Civil Rights and Aid to Education Laws.

Some college presidents feel that the Compliance Provisions of H.E.W. are a form of blackmail. This has been told to me off the record by college administrators. They feel that Federal funds will be withheld if H.E.W. personnel are not satisfied that there is no racial discrimination in any campus organization.

Colgate has gone so far as to require that its fraternities reduce the voting requirement to around 50 per cent of the undergraduate members of each chapter. There is strong feeling within the Colgate community that this is the only democratic way to operate a fraternity system. On the other hand, there is honest and sincere concern that because of the nature of fraternity, a 50 per cent vote will soon tear apart the fraternal aspects of the fraternity chapters.

I fall into this latter category. We must not confuse "discrimination" with our voting

system. Even with the unit rule, all members of each undergraduate chapter are not compatible. By reducing the vote to around 50 per cent, it seems to me that we will develop greater incompatibility and therefore, in direct ratio, less fraternity.

I have discussed the matter of "recognition" in another column. It was suggested that there may well be good reason to follow the University of Texas plan which provides that the fraternity system there is not recognized by the University. The interference by Colgate University into the private affairs of fraternity strengthens my feeling that we should return to making fraternity our business, rather than everyone else's business. And, we can do this by operating on some campuses without recognition. There are few administrators of the 600 colleges and universities on whose campuses fraternities are located which concern themselves to the extent that Colgate has.

As one of the regents of a Big Ten University said recently, "Fraternities should be allowed to determine their own membership practices in convention at which time the undergraduates have the predominant vote." If our conventions vote to allow each chapter to determine its own method of election to membership, then there should not be interference from any segment of the college or university. If at a convention, the fraternity votes to maintain a standard election procedure for all chapters, the college or university authorities have some responsibility for supporting that fraternity's democratic process if it wishes to maintain a general fraternity system. There is far too little understanding on the part of university authorities of the democratic process our fraternity system has in determining its policies. If the college or university interferes with this due process, then it will weaken the fraternity system. Perhaps this is what some people want. If it is, then the fraternity system should either work to change the thinking of those responsible or remove the fraternity system from that particular campus.

I know of no general fraternity whose membership does not consist of all races, creeds, and colors. Social change in our society will continue to be reflected within the membership of each of the general fraternities. I am highly suspicious that there is more involved than a concern for "discrimination." It is time for fraternity members to stand up and be counted. When we see copies of the letters which Health, Education and Welfare personnel have written to over 250 colleges and universities, we will be able to determine for certain if this correspondence has encouraged colleges and universities to become concerned with fraternity voting structure. Those letters we have seen imply that there has been H.E.W. pressure implied to modify fraternity voting procedures.

Institutions which are demanding that voting requirements be watered down to a majority vote will find themselves without general fraternities, if the fraternities themselves are interested in maintaining solid fraternity relationships within their chapters. A majority of college and university administrators see the fraternity system today as an important adjunct to the campus scene. More than one university president has told me that the fraternity system is most important to him and his Student Personnel Deans, as they carry out their responsibilities. If there is an attack on the fraternity voting system on your campus and the excuse is communication from Health, Education, and Welfare, I suggest that you contact those Congressmen who were responsible for developing the Civil Rights and Aid to Education Laws so that there will not continue to be misunderstanding as to the intent of Congress in developing laws which specifically have excluded any Federal employee from meddling with fraternity membership requirements. If you feel that an attempt to modify your voting requirements is going to hurt your fraternity system, then I suggest that you move toward operating in that campus community without college or university recognition. At the same time, you should make it known that the fraternity system will continue to be a part of the goals and objectives of your college or university.

[From the Washington (D.C.) Evening Star, Sept. 13, 1969]

ANARCHY AN ABHORRED VACUUM

(By Jenkin Lloyd Jones)

On August 27 the board of directors of the national college fraternity, Phi Gamma Delta, unanimously passed the following resolution:

"Whereas, this fraternity views with strong disapproval the tendency of some colleges and universities to acquiesce in a general lowering of standards of conduct among their students; and

"Whereas, the affirmative action of some college and university administrators in approving the use of intoxicants on the campus, abolishing curfew time for women students, permitting visitation by members of the opposite sex in sleeping rooms and condoning the use of narcotics results in the destruction of morals; and

"Whereas, some of these same administrators have allowed anarchy to prevail on the campus to the irreparable loss and damage to the college or university and the majority of the students;

"Now, therefore, be it resolved that this fraternity calls upon these administrations to recognize that morals are not out of date, but that they are basic standards of human conduct, divinely inspired to promote the dignity of man and the sanctity of the family relationship."

Square? Sure. Thirty years ago who would have thought college fraternities would be looked upon as square?

But that was before the age of swinging professors and militants bearing guns. It was before the idea that the administration should serve as servants to ad hoc committees and the theory that pot and casual sex were extensions of the Bill of Rights. In contrast to this high trapeze work, the average college fraternity swings low.

The Phi Gamma Delta directors have put their fingers on a truth. A college that succumbs to the bullying of the loud, the violent and the ignorant gets out of the education business. And the majority of students, who came not to confront the "pigs" but to learn a lot of pretty complicated stuff in a very short time, are robbed of the promise of the catalog.

The college that is bluffed out of laying down reasonable rules of conduct peddles the idea that at the animal level of behavior there is happiness, fulfillment and a flowering of the personality. If so, the court of Caligula was the golden age of Rome and the alleys of the Ginza represent the acme of Japanese civilization.

You've got to have rules—even if you are bent on revolution.

For most interesting is the discovery by the New Left, itself, that anarchy doesn't work.

The September issue of Ramparts magazine, the voice of what is hopefully described as a Third World (something about communism with complete humanity), carries an article about this summer's riotous convention of the Students for a Democratic Society at the Chicago Coliseum.

The writer, Paul Glusman, a Berkeley SDS activist, sadly described the three days of splits, secessions, excommunications and walkouts.

According to Glusman, the Progressive Labor Party had been infiltrating the SDS and planned to seize the convention. Alarmed, the SDS National Office formed something called the Revolutionary Youth Movement to give PL battle.

At the Chicago affair, PL sympathizers kept drowning out SDS speakers by chanting "Mao, Mao, Hao Tse-tung!" Whereupon RYM shouters bawled "Ho Ho Ho Chi Minh, Dare to Struggle, Dare to Win!"

This intelligent debate ended only after SDS threw out PL by resolution, but then marched huffily away, leaving PL in possession of the hall.

Criticizing the SDS for lacking discipline and often behaving merely "as a debating society," Glusman expressed worry that PL might drain away many SDS members because it offered the iron regimentation of the old Communist parties.

It is worth noting that the archons of Phi Gamma Delta and Mr. Glusman of SDS, although they have utterly conflicting aims, seem to agree on one fundamental thing: Chaos is a temporary condition that must destroy itself.

Man abhors confusion. He can take it only for a little while. Either our colleges are going to have to show the guts to teach school in the face of patent sabotage and lay down some reasonable value judgments for the guidance of the young, or a confused and rudderless generation will look around for its new Hitler.

Anarchy is just for today.

THE VIETNAM MORATORIUM IS VERY DANGEROUS BUSINESS

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last Friday I issued a statement from my office with regard to the so-called moratorium scheduled for tomorrow. In that statement I criticized the proposed moratorium as an example of trying to influence public policy by street demonstrations rather than by reasoned argument and following the legal parliamentary process. I pointed out that this kind of approach toward influencing public policy was all too reminiscent of the approach of the Nazis in the 1930's.

The same point was made in a thoughtful column that appeared this morning in the Washington Post by David S. Broder. Mr. Broder also points out—and it is a point that has been largely overlooked in all the recent discussions on this proposed moratorium—that the Vietnam course which President Nixon is now pursuing, and which they are attacking with their moratorium demonstrations, is the very same program for Vietnam advocated in the minority platform plank in the Democratic National Convention last summer. Those behind the moratorium fought for that plank last year; now they are trying to destroy the President for carrying out their own proposal. One wonders just what's going on.

The Broder column follows:

[From the Washington Star, Oct. 14, 1969]

ILL-ADVISED VIET MORATORIUM COULD SET A RISKY PRECEDENT

(By David S. Broder)

CAMBRIDGE, MASS.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscured. If the event is to be gauged properly, it is important to uncover its original premises from the debris

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of cliches and endorsements in which they have lately been buried.

A number of men active in the moratorium have taken time to point out what they consider the errors of the argument in this column last week that it is a plan for "the breaking of the President." With sincerity and conviction, they have asserted that, far from breaking the President, they are out to save him, by perauading him to make the peace the nation craves and, incidentally, to save the political system by keeping the antiwar movement out of the hands of the radicals and in control of those with a commitment to peaceful forms of protest.

Their conversations and correspondence have helped to define three questions which might be borne in mind by those planning to participate in the moratorium.

First, what is the target of this protest? Sam Brown, the able spokesman for the moratorium, says it is not an anti-Nixon move because "we learned in 1968 that what we must oppose are not personalities but policies."

But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

It asked for "a phased withdrawal over a relatively short period of time" of all foreign troops. The Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, it recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese."

If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

Second, what is the alternative they recommend? It has been described in moratorium publicity as everything from a negotiated settlement to immediate, total American withdrawal from Vietnam, but Brown said Sunday on "Face the Nation" that it is the latter that the moratorium has "consistently" demanded.

If that is the case, then the elected officials, clergymen and educators who have lent their prestige to the moratorium can properly be asked if this is the program they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they could explain why a one-dimensional plan to pull out troops is any more likely to be wise policy than the one-dimensional plan that sent the troops in. Have we not learned yet to examine the political consequences of military decisions?

Third, and most important, what about the method of the moratorium? Is it compatible with the maintenance of representative democracy or does it substitute the rule of the street?

The sponsors say the name "moratorium," rather than "strike," was chosen to emphasize that the protest is to be peaceful and noncoercive. It is a nice distinction. The noncoervice feature may be almost invisible to the thousands of students whose colleges will shut down Wednesday. If the moratorium continues, as planned, for two days in November, three days in December, and so on, it will more and more come to resemble the general strike so familiar to European politics.

And if it succeeds in its aim, what is to prevent other majorities or sizable minorities in the country from using the same technique to force their views on agencies of the government? The moratorium sponsora aay Vietnam is an extraordinary issue, but they must know it is not the only issue which agitates millions of people.

One wonders what the moratorium sponsors would say if Billy Graham were to ask all the parents who want prayers restored to public schools to withdraw their children from school for one additional day each month until the Supreme Court reverses its school-prayer decision.

Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate men opposed to integrated housing declared a moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamese moratorium is un-American, illegitimate, meanly partisan or personnally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

HOUSING START DECLINE AND HISTORIC IMPORT LEVELS THREATEN CERAMIC TILE INDUSTRY

(Mr. TAFT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. TAFT. Mr. Speaker, all of us have become increasingly concerned as the full impact of anti-inflation measures, such as monetary and credit restraints, have been felt by the housing industry and its suppliers. Secretary of Housing and Urban Development George Romney underscored this concern when he expressed fear recently that new construction might fall below 1 million units in 1969—down from a rate of nearly 1.9 million units early this year.

The vulnerability of the housing industry to such restraints was acknowledged by Federal Reserve Chairman William McChesney Martin, Jr., when he appeared recently before the Senate Banking and Currency Committee to comment on the report of the Commission on Mortgage Interest Rates. He said:

> At the outset, it should be recognized that monetary and credit reatraints inevitably have their largest effects on sectors of the economy most dependent on credit financing. Housing is particularly susceptible.
>
> Over the longer run, housing will be best served by a mix of fiscal and monetary policies which, as the Commission states, makes "greater use of fiscal policy as a atabilizing force, so that monetary policy is freer to maintain an even flow of credit at reasonable rates of interest that American families can afford." To permit changes in the fiscal-monetary policy mix when needed, there is much to be said for procedures that would lead to greater flexibility in setting Federal tax rates as is recommended by the Commission.

President Nixon's recently announced 75-percent cut in Federal construction was also an acknowledgment of the seriousness of this problem. His proposal, according to news reports, was designed to effect a shift in funds to the housing market, which has been artificially depressed because of the insufficient availability of long-term credit.

Mr. Martin has also recognized "that special public measures may at times be required to aid housing without sacrificing the overall objections of public economic policy."

Appropriate steps are clearly needed to assist the beleagured ceramic tile industry, for the shift in private resources away from housing toward more lucrative investments has deprived this industry of its principal market—new residential construction.

Comprised mostly of small individual firms, this industry has suffered not only from the shortage of available mortgage funds and other forms of long-term credit, but the nature of the competition it encounters from a rising tide of foreign imports. These importers have captured over one-third of the U.S. market, primarily through various predatory practices which would result in prosecution under our statutes if engaged in by domestic firms. A few examples of these practices include marketing through giant international cartels—a practice which is proving especially useful to the British—price fixing, unlawful territorial restrictions, and improper use of standard grade labels.

It is essential to note that the shift in distribution of private resources referred to by Chairman Martin has also resulted in a shift in the type of housing units being built. Last year for the first time in history, apartment units represented more than 50 percent of residential construction and it is in this market that foreign-made tile finds its most receptive market.

In order to offset the adverse effects of these monetary restrictions on this industry, I am pleased to join with my colleagues in sponsoring a concurrent resolution designed to express the sense of Congress that the executive branch should take steps under its existing powers to negotiate voluntary quota arrangements with foreign countries to effect such reductions in imports as may be necessary to protect the ceramic tile industry, and others, until such time as free market conditions are restored.

Mr. Speaker, if the economists are correct in their forecasts, the current situation is a temporary one. There will be an urgent need for housing, particularly if we are going to meet the national housing goal of 26 million housing units over the next decade. America will need strong and viable industries if we are to have adequate sources of supply to meet our housing goals. This concurrent resolution is designed as a step in that direction:

What's at Stake for Ohio

1. Ohio's ceramic tile companies employed 1677 workers in 1968.
2. Their total payroll was $9,677,000.
3. These companies' total sales were $21,342,000.
4. This meant a total economic benefit to Ohio of $53,355,000. (Derived by assuming an income multiplier of 2.5.)
5. Ohio's ceramic tile companies could have contributed significantly more to the State's economy. Because of import competition, these companies used only 74 percent of their capacity.
6. At full capacity, therefore, they could have had a total economic benefit to the state of over $60,000,000.
7. The average age of Ohio tile companies is 67 years. This is a traditional and well-established industry in Ohio.

BERNARD P. "DICK" CASEY HONORED BY CITY OF BOSTON

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I should like to bring to the attention of the Members of the U.S. Congress the recently conferred honor on Bernard P. "Dick" Casey of Dorchester, Mass. Dick, who is loved by everyone who knows him, was honored by the city of Boston in dedication ceremonies renaming the Town Field at Fields Cornor, "Dick Casey Field."

Dick, as everyone in Boston knows, is the Red Sox's No. 1 fan. Having been an expert baseball player in his own right as a youth, Dick has worked among youngsters in the Dorchester area of Boston promoting athletics.

Dick is presently attending the world series games between the Baltimore Orioles and the New York Mets. Being an avid American league fan, I know Dick is having mixed emotions on this series. However, he is very likely rooting part of the time for Baltimore while at the same time he greatly admires the underdog Mets.

Mr. Speaker, Dick Casey, Congressman "Tip" O'Neill, Jr., Congressman "Eddie" Boland, and I worked together in the Massachusetts State Legislature for several years, and since that time my admiration for Dick Casey continues to grow. Bernard P. "Dick" Casey is truly deserving of this salute from the city of Boston.

At this point I include a statement by the distinguished Speaker of the House:

Statement by Speaker McCormack

Mr. McCormack. Mr. Speaker, Bernard P. (Dick) Casey is one of the most prominent authors in Massachusetts, a dear friend of mine whose dedicated life of constructiveness has been an inspiration to countless of thousands to follow and particularly to the youth Dick Casey is "one of God'a noblemen."

It waa a pleasure for me to be present when the Town Field at Field's Corner, a famous athletic field in oBston, was dedicated in his honor which honor he richly deserved. There were thousands of persons present to show their friendship and esteem for "Dick" Casey.

The wonderful life of "Dick" Casey will alwaya inspire others to lead a better life.

I am proud of my friendship with "Dick" Casey. I am ao happy the Town Field at Field Corner in Boston has been named in his honor.

At this point I include a statement by my distinguished colleague from Massachusetts (Mr. Boland).

Statement by Mr. Boland

Bernard P. "Dick" Casey of Dorchester, Mass., celebrated in the Boston area as one of the Red Sox' most ardent fans, has received a signal honor from the City of Boston.

The city has renamed the Town Field at Fields Corner, "Dick Casey Field." An outstanding baseball player in his youth, Dick promoted athletics and athletic leagues among youngsters in the Dorchester area after his own playing career ended. His lifelong interest in baseball—and his many contributions to the sport—make highly appropriate the honor bestowed on him by the City of Boston.

Dick opened his playing career more than a half century ago, serving as first baseman for the Neponset Wanderers of the Dorchester Catholic League. He later played semi-pro baseball for St. Ann's of Dorchester, Boston Navy Yard, Greater Boston Twi League, Chelsea Millstreams and Moncton, New Brunswick, of the old Canadian League. The famous Dick Casey Club he formed in the Boston Park League 45 years ago won the league championship 11 times within 14 seasons.

A charter member and director of the Bosox Club, Dick is generally recognized as the Red Sox' number one fan.

Congressmen "Tip" O'Neill, Jimmy Burke and I served together in the Massachusetts Legislature with Dick. A four term member of the Legislature and Sergeant-At-Arms for the Massachusetts Democratic Party at national conventions for forty years, Dick has made significant political contributions to his state and nation as well as to the sport he loves. I join my colleagues in paying tribute to him.

I submit for the Record tributes that appeared in the Boston papers.

[From the Dorchester (Mass.) Argus Citizen]

To Rename Town Field Tonight for "Dick" Casey—Dedication Rites Start at 7 P.M.

The City of Boston will honor Bernard P. (Dick) Casey of Dorchester by renaming the Town Field at Fields Corner "Dick Casey Field". The dedication ceremonies will take place tonight (Thursday evening) August 28, at 7 p.m. at the ball park.

Dick Casey has been a resident of the Neponset section of Dorchester for seventy-five years. He served four terms in the Massachusetts Legislature and is retired from the New England Telephone Company with thirty-seven years service. Dick served on the staff of Maurice J. Tobin while Tobin was Mayor, Governor and Secretary of Labor. He has served for forty years as the Sergeant-At-Arms for the Massachusetts Democratic Party at the National Conventions.

Dick is best known for his life-long interest and participation in baseball. His own career began in 1911 playing first base for the Neponset Wanderers of the Dorchester Catholic League at this same Town Field. One of his teammates at the time was John W. McCormack, Speaker of The House of Representatives, and they have remained life-long friends.

During his many years in semi-pro ball. Dick has played for St. Ann's of Dorchester, Boston Navy Yard * * *.

Years later, he formed the Dick Casey Club and joined the Boston Park League in 1934, winning the championship eleven times in fourteen years. His influence on Park League baseball helped make it the best known semi-pro league in the country.

He has been a Red Sox fan since starting as an usher in Fenway Park in 1915 and is a charter member and director of the Bosox Club. He has been a familiar figure at Red Sox training camps and world series for over thirty years.

It is indeed appropriate that the City of Boston salute Bernard P. (Dick) Casey in this manner.

A ball game between the Wolf Club and the Craven Club will follow the ceremonies.

[From the Boston Herald Traveler]

City To Honor "Dick" Casey

(By Jim Morse)

Off the cuff: Bernard P. "Dick" Casey of Dorchester will be honored by the City of Boston Thursday night when the town field at Field's Corner will be renamed "Dick Casey Field." Casey, a resident of the Neponset section of Dorchester for 75 years, served four terms in the Massachusetts Legislature and is retired from the New England Telephone Co. with 37 years' service.

He served on the staff of Maurice J. Tobin while Tobin was mayor, governor, and Secretary of Labor. And for 40 years he has served as the sergeant-at-arms for the Massachusetts Democratic Party at the national conventions. Dick is perhaps best known for his lifelong interest and participation in baseball. He's been a Red Sox fan since starting as an usher at Fenway Park in 1915 and is a charter member and director of the Bosox Club.

ILLEGAL TRAFFIC IN DRUGS AND NARCOTICS

(Mr. de la GARZA asked and was given permission to extend his remarks at this point in the Record.)

Mr. de la GARZA. Mr. Speaker, for the past several days much has been written and said about Operation Intercept—one phase of our Government's war on the illegal traffic of drugs and narcotics.

Emotions ran high. There was widespread dissatisfaction on both sides of the Mexican border, not with the intent of the operation but with the manner in which it was implemented.

Everyone agreed that the dope problem should be stopped because it is like a cancer—eating at the very heart of our society—our young people. But here the unanimity ended. Even within the administration for example, there were those who had different opinions as to the harm done by and penalties for the use of marihuana.

Operation Intercept also caused concern to many, because it was not merely an internal or purely domestic endeavor, but by the very nature of its implementation a foreign country was involved. Our good neighbors to the south were involved—the Government and the people of Mexico with whom we have had the highest level of relations and for whom vast numbers of our people have great admiration and respect. That is why many of us were concerned, that what had been built by so many would be severely damaged by a few.

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We can now use hindsight and see that our concern was natural, but that the friendship, the good will and understanding for which so many of us had worked diligently for so long was indeed a monument to that mutual respect and admiration between our two peoples. This good will was stronger than any minor disagreement, or misunderstanding. This, I am satisfied, is what prompted our two Governments to initiate talks and reach an agreement on a joint effort to combat the dope menace.

It was the desire and hope of our two peoples that our Governments join hands in this endeavor. That they did should be a tribute to the spirit of solidarity which exists between our two peoples and which should exist between our two Governments.

So now we have a joint effort known as Operation Cooperation, and we have the task of repairing what damage might have been done. We must return our border country back to its normal way of life. We must return to an unarmed frontier where we live in brotherhood and friendship. We must return now because of Operation Intercept, more conscious of our responsibilities to deal with the illegal dope traffic, joining our efforts to rid our countries of this menace to our youth.

We have done this with our problems in the past. I am satisfied we can do so again. Together the people of Mexico and the people of the United States can continue to be an example to the world of how we can live, work, and play together, as brothers and as friends.

Let us not look backward, let us continue on the road we have traveled now for many, many years—the road of mutual respect and trust, of friendship and understanding, of love and admiration.

We have come too far to stop now. Our history demands we continue.

PRESIDENT NIXON DESERVES SUPPORT OF ALL WHO SEEK VIETNAM PEACE

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the Record.)

Mr. McCLORY. Mr. Speaker, the so-called Vietnam war moratorium has gained nationwide attention. Many Members of this body are giving support to the students and others who are staging demonstrations, vigils, and other activities urging an end to the war—now.

Many, who are participating in the moratorium, have given little thought to the consequences of unilateral withdrawal—and a unilateral cease-fire.

Several Members of this House and of the other body have gained widespread publicity in behalf of plans for ending the war in Vietnam. One plan would set a precise timetable for troop withdrawal. Other proposals call for immediate withdrawal and for a unilateral cease-fire. These also have attracted nationwide attention. However, the only person capable of action is the President of the United States who as Commander in Chief is entrusted with the decisionmaking authority regarding our Armed Forces.

Together with more than 100 other Members of the House of Representatives I have cosponsored a resolution in support of the President's decision to reduce our ground combat forces in Vietnam and in behalf of withdrawing our remaining forces at the earliest practicable date.

It seemed to me that the President's decisions to withdraw troops, to Vietnamize the war, and to suspend the draft calls for November and December are consistent with a policy to restore peace at the earliest possible date. Also, the President's request for unified support in behalf of his efforts appeared to be reasonable and proper, and I do not intend to try to outdo the President with regard to a subject for which he has the principal responsibility.

In recent weeks I have been reminded of the President's inaugural speech delivered just 9 months ago when he said:

> I shall consecrate my Office, my energies and all the wisdom I can summon to the cause of peace among nations.

This language was voluntarily added by the President to his constitutional oath and I am confident that he meant it as he said it.

It is in this spirit that I am regarding the various public expressions and demonstrations in behalf of peace in Vietnam—and in this spirit I will continue to regard all public action as being in support of, and not in derogation of, our Chief Executive's moves for peace.

CONGRESSIONAL REORGANIZATION

(Mr. SISK asked and was given permission to extend his remarks at this point in the Record.)

Mr. SISK. Mr. Speaker, at 4 p.m. tomorrow, in 2247 of the Rayburn Building, I will have a statement for the press on the subject of congressional reorganization and will also conduct a press conference on the subcommittee's work to date and its plans for the future.

THE ROAD TO PEACE: BRING OUR BOYS HOME NOW

(Mr. CHARLES H. WILSON asked and was given permission to revise and extend his remarks at this point in the Record.)

Mr. CHARLES H. WILSON. Mr. Speaker, we are all familiar with the expression: "Hell no, we won't go." We are familiar with it because we have heard it shouted by students throughout the country. We are familiar with it because we are aware that it is the wish of a large number of young people confronted with the draft and the specter of serving in Vietnam. We are familiar with it because we are all aware of the horror of war shown daily on our television sets, the horror that is Vietnam. But for all their shouting and for all their wishing these youngsters for the most part do go. They go into the Army or the Navy or the Air Force or the Marines, and they are taught to fight and to kill and, if the present rate of troop withdrawals continues, they will probably be sent to Vietnam. And just as likely, many them will not return. But I know that I do not have to remind you of these facts. I am sure that they are on your minds daily.

Mr. Speaker, I have been a Member of this body for almost 7 years. I am a member of the Armed Services Committee. I have toured Vietnam to observe our operations there firsthand. I am against continuation of the war and American military involvement in Vietnam. I am against the present draft system that messes up the lives of our youngsters so needlessly. I am against token troop withdrawals aimed at placating our youth at home without seriously reducing the levels of hostilities of our troops overseas. I am against supporting a corrupt, dictorial government which does not have the support of its people with the lives and blood of American boys. Simply put, I am for peace; peace as soon as possible.

Senator William Fulbright in the book "The Arrogance of Power" stated that we are well on our way to becoming a traditional great power—an imperial nation if you will—engaged in the exercise of power for its own sake, exercising it to the limit of our capacity and beyond, filling every vacuum and extending the American presence to the farthest reaches of the earth. As with the great empires of the past, as the power grows, it is becoming an end in itself—governed, it would seem, by its own mystique—power without philosophy or purpose. Without philosophy or purpose, is not that how many people in the older generation describe the youth of today? Maybe they cannot see the forest for the trees?

I originally supported our involvement in Vietnam. At that time I accepted the premise that U.S. assistance was needed to prevent a centrally directed Communist conspiracy aimed at subjugating an unwilling people. I accepted the premise that the security and welfare of the United States would best be served by our involvement there. I accepted the premise that the people, not only the leaders, but the people of South Vietnam wanted our help. Today, I must reject all these premises and by rejecting them I must do all within my power to see the withdrawal of all U.S. troops from Vietnam as quickly as possible.

President Nixon, speaking about de-Americanizing the war when he was Candidate Nixon, said that it was a new kind of war which, and I quote: "Is not primarily a military struggle in the conventional sense. It is primarily a political struggle, with the enemy conducting military operations to achieve political and psychological objectives. It is a war for people, not for territory. The real measure of progress is not the body count of enemy killed, but the number of South Vietnamese won to the building and defense of their own country—this kind of war can actually be waged more effectively with fewer men at less cost." That was Candidate Nixon talking. More effectively—fewer men—less cost.

Query: token troop withdrawals? I hope not. I hope the President is sincere in his efforts to bring about a halt to this

tragic war. Our original reasons for involvement have proven to be incorrect. We are not dealing with a worldwide centrally directed Communist conspiracy. We are dealing with a South Vietnamese Communist national uprising aided and abetted by Vietnamese in the north. The two Communist giants that pose threats to the United States are literally engaged in an undeclared border war with each other. The Soviet Union is having trouble keeping its own backyard in order—witness the uprising in Czechoslovakia, the Rumanian rejection of Russian communism, and the grumblings among other Eastern European captive nations.

Red China is just ending a period of a bloody counterrevolutionary attempt that was squelched by Mao Tse-tung and his Red Guards. It appears, however, that thousands and thousands of Chinese lost their lives in this purge of the Chinese Communist Party. In addition, it is now a well-known fact that the Vietnamese, both North and South, hate and fear the Chinese. Hanoi has shrewdly played off Moscow against Peiping and has thereby kept its independence. A national brand of communism has been accepted by the United States with Yugoslavia being the prime example. We should allow the South Vietnamese to freely choose any form of government that they truly desire to live under. After all, were we not originally fighting to allow them to have the opportunity to determine their own destiny? The presence of about 500,000 U.S. troops certainly does not give them much of a chance to do that.

Some advocates of slow withdrawal will claim that in order to insure free elections, we must build up the South Vietnamese Army and not pull out before that or else there would be a large-scale blood bath. I consider it true that we now have a large-scale blood bath, but it is not only South Vietnamese blood, nor Vietcong blood, nor North Vietnamese blood, but also American blood. It is the blood of our friends, of our children, of our relatives. Fifty thousand Americans have now died in Vietnam. What does it take to classify a war as a blood bath? War is a blood bath.

Theodore Draper, historian and author of "Abuse of Power" stated, quote:

> In the new worship of power, we are squandering our power by using too much too frequently and too maladroitly. All great powers which have overestimated, overindulged and overextended their power have come to grief. Whatever one may think about the present military imperatives, we cannot go on failing politically and "succeeding" militarily without ultimately inviting disaster beyond anything yet known to mankind.

Scary words are they not? But these are scary times and the United States is threatened with disaster.

Where are we going? What are we doing to ourselves? We pollute our air, destroy our streams, endanger our bodies, and threaten our minds. We expound high ideals and principles, but when viewing reality, we see hypocrisy and selfishness all about us and the credibility gap has become the credibility gorge when it concerns communication between the generations.

According to a report recently issued by the Ninth Strategy for Peace Conference held at Airlie House in Warrenton, Va., the dominant characteristic of world politics is the rapidity with which fundamental and qualitative changes occur due to the impact of technology, expanding population, the widening disparity between poor and wealthy states, the weakened allegiance of postwar blocs, the corresponding multiplicity of power centers, the emergent nationalism of Asia, Africa, and Latin America, the resort to subnuclear revolutionary conflict, the proliferation of statehood, and the varied perspectives of national leadership between the generation now in power and the people of the next. Or in other words, as Bob Dylan put it "for the times they are a changin'."

I say it is time to change our role in Vietnam. Our men over there have fought valiantly for this country. Make no mistake about that. The United States has never had better trained nor better led men in our entire history. Our officers are not only dedicated and brave, they are also exceptionally well-educated and informed men to whom our country owes a great debt. Most were called to go and went reluctantly but they all went in the service of the United States and let us never forget that.

But times have changed. The people of South Vietnam will never be able to determine their own destiny as long as we remain in their land. Why should their army get ready and fight when they know U.S. boys will fight and die for them? Why should they fight for a corrupt government which is, whether we like to admit it or not, a puppet of our own Government? Why should they fight, when they feel they have nothing to fight for? And why should we send our young men to that far-off land when we recognize that the realities of the situation have changed, and we can avoid further death and destruction without endangering U.S. security interests by withdrawing now? These are questions that I have asked myself over and over again. As a member of the Armed Services Committee, I have studied many reports and papers dealing with the war. I have questioned generals and admirals. I have argued and debated with both Senators and Congressmen. I have listened to hawks and doves and visited the cities, villages, and towns of Vietnam. And after a long, soul-searching analysis, I have concluded that we should work to meet an established deadline to withdraw all our forces from South Vietnam. That deadline, I feel, should be December 31, 1970. We can do it; we should do it; we must do it.

The price of this war is truly incalculable. American deaths total over 50,000 men but this figure is deceiving. Due to fantastic medical advances, lives of U.S. troops are being saved that would have been lost during the Korean war or World War II. But many of those saved are no longer whole men. Many have lost arms, and legs, and eyes. Others have lost more, their minds. How many G.I.'s are now going to spend the rest of their lives in veterans hospitals, existing as vegetables, oblivious to all that goes on about them, needing constant medical attention? I tried to find out how many, but even, as you all know only too well, Members of Congress cannot get all the information they need at times.

The price of the war is not calculable in terms of the inflation that it has spurred. It is not calculable in terms of the frustration of our own poor who see a military budget of $70 billion per year and a poverty program for 14 million Americans, of less than a tenth of that. That is right, about 14 million Americans fall below the present poverty level. Education funds and student financial loan programs are slashed due to financial priorities that feed our military machine. Health activities such as cancer studies are curtailed due to the quote scarcity unquote of funds. I do not find it strange that many of the youth today are disillusioned with our Government.

I do not find it strange that high school and college students are raising their voices in protest against a war that seems lost, against a draft system that is unfair, against a society that seems to have placed emphasis on the wrong areas. No, I can understand it because I feel the same way too and I am not alone in my views. More and more Members of the Congress are raising their voices in dissent and protest, possibly not as dramatically as some students on campus, but nevertheless with conviction and sincerity.

I, personally, am introducing legislation that would abolish the present Selective Service System and replace it with a lottery method with age 19 being the year of eligibility. I am proposing legislation that would forbid the use of draftees in combat zones without the express authorization of the Congress. This is in line with the grants of power contained in section 8 of article I of the Constitution and will avoid the United States rushing into wars without it first receiving the consideration of the elected representatives of the people.

I want U.S. troop withdrawals by the end of next year. I feel that it is the only way to convince the South Vietnamese that they cannot indefinitely use American men to do what it is their duty to do. That knowledge hopefully will force them to shape up and meet their responsibilities. We have lived up to our commitments. We have paid a terrible price. It is now time to bring our boys home.

Nobody in their right mind defends war. Vietnam has seen nothing but war for almost 30 years—30 years—it's incredible. How many have died? Half a million? A million? I believe the loss of one life that could be avoided is one too many. I promise to you, as I have promised to my wife and to my sons, to work in the best interest of our country. And the best interests of our country now demand that we make the fastest possible withdrawal of our men from Vietnam.

Today we gather as free Americans to represent our constituents, to show that our Government can be responsive to the will of its people. We want peace and we want it now. Let none of us rest until we achieve it. Let us bring our men home.

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ENDING THE VIETNAM WAR

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. OTTINGER. Mr. Speaker, it is time to speak out again to end the war in Vietnam.

The new President has had 9½ months now to unveil his promised plan to end the war. In that time, more than 4,000 Americans, 19,000 South Vietnames and 81,000 North Vietnamese have been killed in the war. And still the end is nowhere nearer in sight.

It is, indeed, time to speak out again, and past time to end the war. I, therefore, wholeheartedly support this day of moratorium and exhort every citizen, every business, every civic group, every political leader, to put maximum pressure on the administration to stop the war and stop it now.

Look at the damage this war has caused America.

We have now lost 44,798 American lives and left 227,754 Americans wounded. Our casualties have exceeded those of World War I and will soon exceed those on both sides of the Civil War, making this the second costliest war in U.S. history, second only to World War II.

Look at the damage we have wreaked on South Vietnam, with 93,738 killed, 271,102 wounded and 1,212,000 stranded as refugees in their own country, huddled miserably in makeshift camps, barely sustained in life. What other country in the world is ever going to want to be so generously "saved" by the United States?

Look at the damage to our national prestige. There is not a major country of the world that supports us, including most of our staunchest allies.

Look at the drain of our resources—some $110 billions now siphoned from programs desperately needed at home and abroad. The economic impact in this country alone is staggering. Our Government is spending, for every man, woman, and child, more than $142 per year on this war. For every $100 of our Federal tax dollars, only $1.26 is spent on protecting our environment, $1.84 for housing and community development, $4.04 for education, $8.63 for health, but $52.96 for the Defense Department, of which $19.50 goes directly for the war in Vietnam.

To use yet another yardstick, we spend $82 million a day on direct Vietnam war expenses. The entire model cities program for 140 urban areas could be sustained for a full year on what we spend in 8 days on the war. The Federal Water Pollution Control Administration's annual budget represents 3 days' military activities in Vietnam. And our entire Federal investment in air pollution abatement is only $78 million a year, less than 1 day's Vietnam costs. A more distorted set of national priorities could hardly be imagined.

Look at what this war has done to our most precious resource, our youth. It has undermined their confidence in America. It has embittered thousands of them. For the great majority who have not succumbed to the extremes of militancy or hedonism, it has spelled disillusionment, disgust, and disinterest.

Let us put the matter clearly. There is no way to convince our young people that this is not an absurd war—for it is absurd. There is no way to argue for patience in the face of continuing senseless destruction—for it is senseless.

Truly, a nation that has lost its youth, has lost it future.

We must stop the war before this ill fate besets us.

Let us look at our proclaimed original goals in this war. Have we discouraged the Communists from similar wars of national liberation? Quite the contrary; we have demonstrated clearly our inability to deal with them.

Have we saved South Vietnam for freedom and self-determination? Hardly. Conservative estimates indicate that there are at least 20,000 non-Communist political prisoners jailed by the Thieu regime, including student leaders, newspaper editors, Buddhist priests, and political opponents. Generals Thieu and Ky and their military-dominated regime can hardly be called the voice of freedom in South Vietnam.

These are the two goals we have proclaimed as our justification for being in Vietnam, and they have been shattered.

We fight on, apparently for fear of stopping, to save face after such a large expenditure of our most precious resources, and to save the face and hides of the military junta in Vietnam.

I submit that these new objectives are not worth the loss of a single American life. Continuing the war can only amount to throwing more lives away in a senseless cause and throwing good money after bad.

We had no business taking over the war in Vietnam. We have no business now in perpetuating our error.

How, then, do we extricate ourselves from this most tragic error in our history?

Not, I think, by the Nixon approach of limited pullouts and so-called "Vietnamization" of the war. I regard that as a formula for continuing our participation in the war indefinitely, not as a formula for extrication. What it means in truth is a prolonged U.S. commitment to supply the South Vietnamese with arms and to support them with perhaps a quarter of a million troops and airpower in the hope that the South Vietnamese with this help can win militarily where we failed. The goal here would seem to be to perpetuate the Thieu-Ky regime. though at minimum loss of U.S. lives. This, in turn, would seem to be predicated on a notion put forward continually by our military that the Vietcong and North Vietnamese are close to the end of their rope, demoralized, desperate.

There is no evidence, however, that this is the true state of events. The Vietcong and North Vietnamese have been fighting now for 18 years, and their aggressiveness and determination seems if anything greater. On the other hand, the South Vietnamese seem even less interested in or capable of pursuing the battle. Just look at their ineffectiveness with a million and a half men under arms as against 135,000 Vietcong and about 90,000 North Vietnamese troops now in the south. And consider the continued corruption that pervades their activities.

Most important of all, I believe that the basic premise of this Nixon approach is wrong. I do not think the Thieu-Ky regime is worth fighting to save—I do not believe they represent principles we should be defending.

We simply have to learn, starting in Vietnam, that we cannot determine the future of other nations. It is not our proper role to intervene in the internal struggles of other countries around the globe, nor are we capable of doing so. If the South Vietnamese Government is not strong enough to command the support of its people, to cause them to wage an effective battle against the North, then the South Vietnamese Government does not merit our support. It will lose despite our efforts. It may be replaced by a government we like less, but it is not for us to try to determine that result.

The fact is, however, that we have intervened massively in South Vietnam. We have caused vast destruction throughout Vietnam. We have caused thousands of South Vietnamese to become crippled, homeless, and dependent upon us. We have laid down the gauntlet to China, albeit falsely I think, that we would prove in Vietnam that we can stop wars of liberation, and we have successfully prevented North Vietnam from overrunning the South militarily. We have not been defeated militarily in South Vietnam any more than have the Vietcong and North Vietnamese.

These considerations rather than any motive of promoting Generals Thieu and Ky argue for settlement rather than abandonment. If we define our goals properly, I think we can achieve them.

Our goal in South Vietnam should be to withdraw completely in as short as possible a time, leaving a mutually agreed upon temporary international structure to supervise the withdrawal of all foreign troops and to assure the safety and self-determination of the South Vietnamese along the lines set forth in the 1954 Geneva Accords.

Settlement means accepting the conditions that actually exist in South Vietnam, not trying to get in the settlement gains not actually achieved on the battlefield as we have continually been trying to do.

This necessarily involves acceptance of coalition government. The North Vietnamese and Vietcong, still controlling about half the South Vietnamese population and two thirds of its territory, cannot be expected to accept in settlement an arrangement that does not give them an accurate share of the power they actually control. To talk otherwise is to negate settlement, for more simply has not been won.

I believe we could settle the war tomorrow on these principles. The North Vietnamese have so proclaimed. It is certainly at least worth putting them to the test of their declarations. It is worth taking this risk for peace after taking so many greater risks of war.

I thus reject the proposal for unilateral withdrawal put forward by Senator GOODELL—because it would be tantamount to assuring the murder of thousands of South Vietnamese for whom we have assumed responsibility, because it would invite future adventurism, and because it would hand too clear a victory to the hawks in the Communist world. I think the Senator's proposal is well-intentioned but unrealistic.

I think, instead, that we should try for a realistic settlement in Paris offering complete mutual withdrawal, an internationally supervised coalition government to arrange South Vietnamese elections, eventual elections throughout Vietnam for reunification, and an immediate stand-still cease-fire while these arrangements are being made.

Anticipating the possibility that no such formal settlement may be possible, as was the opinion of such architects of our Vietnam policies as Dean Rusk, who thought the war would just fade away, we should match the North Vietnamese battlefield lull with our own, withdrawing our troops in proportion to their withdrawal, and receding to a posture of defending U.S. positions and South Vietnamese centers of population rather than seeking out combat. I would also try a unilateral cease-fire to test the willingness of the enemy to respond to it. I would do everything within our power to promote mutual scaling down of the war rather than maintaining it.

The end is within our reach if only we have the wisdom and strength to act on realities, admit our mistakes, and move on to constructive efforts to rebuild in Southeast Asia and in the world.

The last thing we should do is remain silent as the war continues, as the President has demanded.

Can anyone really believe at this stage of the war that we will achieve a better settlement by continuing the fighting for another 60 days, or 90 days, or any other period?

That has been the unsuccessful line for far too long—that we are just about to turn the corner—if only the critics would be silent.

Indeed, the new President has adopted the rhetoric of his predecessor toward criticism. Those who were branded "nervous Nellies" are now called "neo-isolationists." Where Lyndon Johnson exhorted his critics not to "tuck tail and run," Richard Nixon urges us not to "cut and run" or "buckle under."

The military tells us for the thousandth time not to respond to the enemy lull as a sign of peace but as a sign of weakness.

The President and even some prominent Democrats now call on us to refrain from criticism under the banner of national unity.

Let us be united in ending the war, not in its continuation.

Let us be united in peace, not in bloodshed.

And let us speak out to achieve this unity

MILITARY JUSTICE IN VIETNAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Secretary of the Army, Stanley R. Resor, has dropped the charges against the Green Berets. But, it is not so easy for the people of this country, while relieved that the Green Berets will not be made scapegoats for possible interservice rivalry, to dismiss their questions about what happened. Why the abrupt conclusion of the case? Why the clemency in this instance, but not for the Presidio offenders? Indeed, even the *Pueblo* crew had to undergo more questioning and public scrutiny.

Most important, however, are the questions that have been raised about military justice in Vietnam. There was the initial killing of Chu Yen Thai Khac; the severe pretrial confinement of the arrested Green Berets; the delay in the appointment of defense attorneys; the lack of information in the Pentagon during the months of July and August and then the subsequent withholding of information; and the promise of a closed trial by field officers—secret trials are reminiscent of medieval star chamber proceedings rather than our American way of public trial by jury. Is this the nature of military justice in Vietnam?

Our distinguished colleague from New York (Mr. BINGHAM) has introduced a concurrent resolution providing for the establishment of a Joint Investigating Committee on Justice in Vietnam. The committee's examination would extend beyond the case of the Green Berets; it would include a complete investigation of that judicial system affecting many young Americans and yet for so long free from public, and even congressional, review. I agree with my colleague that such an investigation is needed; and perhaps, in view of the recent article in Life magazine describing some most severe and unacceptable treatment given to prisoners in our stateside stockades, perhaps this examination should be extended to include all operations of military justice. It is my hope that this Congress will hasten in approving such a study for we have allowed the Military Establishment's treatment of its soldiers to operate under cover—under the guise of "security"—for too long.

I am introducing for the RECORD a column which appeared in the October 13, 1969, issue of the Nation entitled, "The Green Beret Scandal." This piece underlines the need for the investigating committee proposed by Mr. BINGHAM, as follows:

THE GREEN BERET SCANDAL

When Mendel Rivers announced in the House of Representatives that the Army's murder case against eight men of the Special Forces (Green Berets) had been dropped, some members rose and cheered. They might better have wept. No doubt the damage to the Army, the Green Berets and the Central Intelligence Agency was less than if military justice had been allowed to take its course, but all three came out with grievous injury to their reputations, already considerably debased by the inherent vice of the Vietnamese War.

The Green Berets' image has been tarnished, although the returning officers will no doubt be greeted as heroes in John Wayne quarters. However irrelevant considerations of morality in war may be in the eyes of the Green Beret officer corps and many civilians, some Americans retain the quaint notion that there is a difference between killing in combat and in gangster fashion. Indeed, Secretary of the Army Stanley R. Resor, in announcing the conclusion of the proceedings, reiterated that "the acts which were charged, but not proved, represent a fundamental violation of Army regulations, orders and principles." His wording could be construed as implying that such violations had in fact occurred but that the manner and circumstances precluded a successful prosecution.

In the issue of September 8 *The Nation* said editorially that it was most unlikely that any of the Green Berets would be court-martialed or, if tried, that they could be convicted. The crucial question was why, assuming they were guilty as charged, they should be punished for the murder of an obscure South Vietnamese alleged to be a double agent. Why this sudden squeamishness? To be sure, a case could be made out against the accused on the basis of the Nuremberg principle of individual responsibility, but in organizations like the Green Berets this is hardly more applicable than it was in the Nazi SS.

The background for the scandal seems to be that the CIA, the Green Berets and the Army headquarters in Vietnam have been at one another's throats. Once the charge of murder was in the open, the CIA even took the unprecedented step of trying to exculpate itself by holding a press conference at which it presented its side of the story, naturally on a no-ascription basis. Accusations and counter-accusations flew all over the place, presenting a picture of the participants which belied the traditional patriotic portrait of the military as honest, disciplined guardians of the national security.

As just one sidelight, William Beecher wrote in *The New York Times* (September 28) that on June 21 Gen. Creighton W. Abrams, commander of all American forces in Vietnam, was in touch with Col. Robert B. Rheault, commander of the Green Berets in the area where the alleged double agent disappeared. The General asked for a status report on the case and reportedly was told that the man was on a dangerous mission, when supposedly he had been killed the day previously. Beecher continues, "Why he (Colonel Rheault) said that remains a mystery to this day." Still without the protective "it is alleged," "it is said," etc., Beecher writes that Sgt. Alvin L. Smith, Jr., told his story of the killing to the CIA a few days later (in other accounts Smith is said to have been in fear of his life at the hands of his comrades in the Green Berets) "causing, among other things, General Abrams to become furious at being lied to and to order a no-holds-barred investigation."

The lawyers for the accused then proceeded to try the case in the newspapers and in Congress, and the scandal mounted. After first denying, for two days, that the President had approved the decision of the director of the CIA not to permit its personnel to testify—because of "national security" of course—the White House finally admitted that Mr. Nixon had endorsed, if indeed he had not ordered, the CIA refusal. The affair thus takes its place as an inglorious episode in an inglorious war.

VIETNAM

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, treason against the United States shall consist of—giving aid and comfort to the enemies of the United States.

Today I received an invitation to encourage our enemies. No matter how sincere the motives of those who support this encouragment of our enemies, I shall give them no aid or comfort.

I have just replied to the above mentioned invitation.

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My letter follows:

October 14, 1969.

Miss Katherine L. Camp,
President, Women's International League for Peace and Freedom, Philadelphia, Pa.

Dear Miss Camp: Your multityped letter addressed to all Members of Congress was just received, along with the miniature Flag-draped casket, which you described as being "a symbol of mourning for America's dead in Vietnam." You then stated: "If our nation's leaders truly mourned these dead, they could not continue to pile up the grim body-count week by week in a futile effort to impose political objectives by military means."

I don't want to join with you in trying to measure the sincerity of other people. I am not going to charge anybody with insincerity, but I must suggest that it seems to me that the most charitable appraisal that I can give of those who would have the United States pull out and abjectedly run for home is that their judgment as to how they can help American fighting men is unrealistic. I think that all Americans would like to avoid any further loss of life, but some of us who are old enough to have observed previous wars (I was an enlisted man in World War I) feel that the most certain way to assure continued loss of American life is to run from Vietnam. Certainly, such ill-conceived invitations to the North Vietnamese to hold on as is going to be conducted in the Capitol Building tonight can have no other effect than to encourage these people to keep shooting American boys, and certainly, the withdrawal from Vietnam is but an open invitation to the Communists to conduct the same kind of ruthless and brutal attack in the Philippines, in Taiwan, in Korea, and Japan that they have conducted in South Vietnam.

I realize that there are those who say that "this is none of our business—let them torture and kill these people of distant lands just as they have tortured and killed hundreds of thousands of innocent civilians in South Vietnam." There are those who say they don't like the government of South Vietnam—that it is not truly democratic. Just what is so desirable about the government of North Vietnam? How truly democratic is it? As a matter of fact, can you remember in what election the rulers of North Vietnam were selected? Or for that matter, how much democracy is there in Mainland China?

I am not trying to pass judgment on anybody's government. But I have been amazed that so many American citizens would find the moat in the eye of our allies and overlook the beam in the eye of our enemies. But the really important question seems to me to be is: Would these people have us fight when the "war of liberation" is carried to the State of Hawaii, or would they have us wait until they land in San Francisco Bay?

As far as I am concerned, I am extremely anxious to bring this war to a prompt ending and to prevent as many future wars as possible. I know of no way of doing this except to show the enemy that it is not profitable to him to keep "picking off" American boys. I know of no reason why Hanoi should be given greater consideration than was Berlin. I believe most everybody will agree that the Germans fought a more nearly civilized war than have the North Vietnamese. But we were able to put a stop to the slaughter in Europe only by destroying the German capital, and I think it saved many American lives to do it. Why not put a stop to this war just as quickly and effectively? In short, the way to end any war is to win it. I have no apologies to offer for the brutality of the Viet Cong and the North Vietnamese. They are indeed a crude and brutal people. I have no criticism to offer of our allies, the South Vietnamese. They are no more perfect than we are, but I know of no reason for magnifying their shortcomings and glossing over the brutality of those from the North. It has been the North Vietnamese and their Viet Cong allies who have been killing American boys—not the South Vietnamese.

I am not going to be a party to conducting any kind of treasonable or seditious gatherings either in the United States Capitol or elsewhere. I don't believe that those who do are serving their country or protecting the lives of our young men—but they are clearly giving aid and comfort to our enemies.

Yours sincerely,

W. R. Poage,
Congressman.

COLUMBUS DAY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, last year, Congress fulfilled the hopes of millions of Italian Americans by making Columbus Day a Federal holiday, effective in 1971. This entirely worthy objective was achieved by enactment of the statute known as the National Monday Holiday Act, which provides that the second Monday in October of each year, beginning the year after next, will be observed as a Federal legal, public, holiday. In the meantime, many of the States celebrate Columbus Day as a legal holiday, and we in Congress pause to pay appropriate tribute to the great discoverer of our Western Hemisphere and to praise the achievements of his countrymen, the Italian Americans in our midst.

We have shown the high regard in which we hold the contributions to the United States of Italian Americans by reforming the immigration system by which Italian immigrants to these shores are admitted to the land of their hearts' desire, the Nation for whom their countrymen who preceded them here have done so much for so long. Prior to the new Immigration and Nationality Act of 1965, less than 6,000 persons could be admitted to the United States from Italy each year under the infamous national origins quota system. Since President Johnson signed the new Immigration Act at an unprecedented ceremony at the Statue of Liberty, more than a hundred thousand have been welcomed from Italy. Under today's immigration system, 20,000 Italians, who yearn to become Italian Americans, can be admitted each year.

Of all the famous Italians whose deeds have made an imperishable record in the hearts and minds of men and women through the ages, it is Columbus whose fame will last forever. Perhaps his achievement in sailing into the trackless Atlantic is more meaningful for us today than it was for previous generations, because we face the vastness of outer space beyond the moon in the same way that Columbus faced the expanse of the uncharted ocean.

Even the varied ethnic pattern of the future United States was foreshadowed in Columbus' voyages. Here was an Italian who used Spanish ships and Portuguese charts in achieving the most spectacular and important geographical discovery in the history of this planet. Despite all obstacles and hazards, despite primitive navigational aids, he found land and successfully returned to Spain.

Columbus Day is the right time to note the achievements of Italian Americans. In their early days in this country, Italian Americans performed backbreaking toil in heavy industry and in construction. Yet Italian Americans, in remarkably few years from the period of their early migration here in large numbers, during difficult times and under severe handicaps, have come to take their place in the leadership of our free American society. During the past half century, Italian Americans have been holders of public office as judges, mayors, executive branch appointees, and Members of Congress. We all know how strong the Italian-American contribution has been in music and the other arts; it is the contribution most often described in paying tribute to Italian-American culture.

An Italian, Christopher Columbus, discovered America, and Italian Americans now help lead it and preserve its freedom.

THOUGHTS OF THE VERY YOUNG

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is hard for many of us older people to realize how much the very young of the younger generation understand about our world and our problems.

I had the thrilling experience recently of spending an evening with an eminent Boston lawyer and devoted friend, Mr. Jerome Medalie, and his family at their lovely home in a suburb of Boston. At dinner the subject of the war and some of our disturbances upon the campuses and in the streets arose in conversation.

The father told me about a poem that his 11-year-old son, David, had written about these subjects. I asked to see the poem, and David read it to me. I thought it surprisingly good and perceptive, revealing an understanding about the war and the riots I did not realize an 11-year-old young man had.

I asked the father to send it to me so I could put it in the Congressional Record, so that my colleagues and those who read the Record might share the appreciation that I have of it.

Here is what David wrote:

I Want To Be Free

(By David Medalie)

Riots, riots, riots,
Inflation, wars,
Fighting on campuses—
What is this place turning into?

Can things continue like this?
Heck, no.
They can't!
The world's turning in a mass of violence.

I want to get away from this land.
I can't endure this.
I can't, I can't, I can't!
I've got to get away from this damn place.

I want to live with peace
See the beautiful flowers stand up straight
forever.
May this world be a world of peace—
And only peace.

David's poem reminded me of a line from Longfellow's "My Lost Youth":

> A boy's will is the wind's will, and the thoughts of youth are long, long thoughts.

And, too, Isaiah 11: 6:

> And the little child shall lead them.

It may be that many of our youth, unseared by tragedy and unscarred by frustration, have what Carlyle said Mirabeau had—"an eye which enabled him to see."

It could be that we would profit from talking less to youth and listening more to what it has to say.

GRAVES OF RICE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, a rather touching and beautiful tribute to those gallant men who have given their lives in Vietnam was penned by a very distinguished and able friend of mine, Gene Griener, of Virginia Gardens, Fla. I insert the poem, "Graves of Rice" in the body of the Record following these remarks:

Graves of Rice

(By Gene Griener)

A green beret was worn with pride
and rode upon a young man's head;
then telegraph clacked in the night
the words they read—your son is dead.

New boots had waded deep in mud
and through minefields where old boots lay
on those faced down in graves of rice
where mourners could not stop to pray.

Dogtags and chain reflect the sun,
no tarnish to obscure the name,
the number and the grade stamped there
upon these tags someone would claim.

A Bible marked with prints and sweat,
it rode inside a soldier's shirt
'til sniper's aim cut short the span
that poured out in the Viet Nam dirt.

MOTION TO ADJOURN OFFERED BY MR. STUCKEY

Mr. STUCKEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Georgia (Mr. Stuckey).

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 210, answered "present" 1, not voting 121 as follows:

[Roll No. 221]

YEAS—99

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Belcher
Bevill
Blanton
Bow
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burton, Utah
Casey
Clancy
Clark
Colmer
Corbett
Cramer
Daniel, Va.
Denney
Dennis
Dickinson
Dorn
Dowdy
Downing
Edwards, Ala.
Edwards, La.
Eshleman
Flowers
Foreman
Fountain
Fulton, Pa.
Fuqua
Gibbons
Gross
Gubser
Hagan
Hall
Hansen, Idaho
Harsha
Hébert
Henderson
Hogan
Hutchinson
Ichord
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kee
King
Kyl
Landgrebe
Landrum
Langen
Lennon
Long, La.
Mahon
Meskill
Miller, Ohio
Mizell
Montgomery
Nichols
O'Neal, Ga.
Passman
Poage
Price, Tex.
Quillen
Rarick
Reid, Ill.
Reifel
Roberts
Roudebush
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Scott
Sikes
Snyder
Steiger, Ariz.
Stratton
Stubblefield
Stuckey
Teague, Tex.
Thompson, Ga.
Utt
Waggonner
Watkins
Watson
Whitehurst
Whitten
Williams
Wylie
Wyman
Young

NAYS—210

Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Beall, Md.
Bell, Calif.
Bennett
Betts
Biaggi
Biester
Blackburn
Boggs
Boland
Brademas
Brasco
Bray
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey
Carter
Chamberlain
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Conable
Conte
Conyers
Corman
Coughlin
Cowger
Culver
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Diggs
Donohue
Dulski
Duncan
Eilberg
Erlenborn
Esch
Evans, Colo.
Feighan
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Galifianakis
Gallagher
Gaydos
Giaimo
Gilbert
Gonzalez
Gray
Green, Pa.
Gude
Halpern
Hamilton
Hammerschmidt
Hanna
Hansen, Wash.
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jonas
Karth
Kastenmeier
Kazen
Keith
Kleppe
Kluczynski
Koch
Latta
Leggett
Lowenstein
Lukens
McCarthy
McClory
McClure
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mailliard
Marsh
Mathias
Matsunaga
Mayne
Melcher
Michel
Mikva
Miller, Calif.
Mills
Minish
Mink
Minshall
Moorhead
Morgan
Morse
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Randall
Reid, N.Y.
Reuss
Rhodes
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Ruppe
Ryan
St Germain
St. Onge
Scheuer
Schwengel
Shipley
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Steiger, Wis.
Stokes
Symington
Talcott
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
Weicker
White
Widnall
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Zablocki
Hanley
Harrington
Hastings
Hawkins
Hays
Holifield
Hosmer
Hull
Hunt
Jarman
Kirwan
Kuykendall
Kyros
Lipscomb
Lloyd
Long, Md.
Lujan
McCloskey
McCulloch
McKneally
McMillan
Mann
Martin
May
Meeds
Mize
Mollohan
Monagan
Mosher
Nelsen
Nix
O'Konski
Patman
Pelly
Pirnie
Pollock
Powell
Quie
Railsback
Rees
Riegle
Rivers
Rodino
Rostenkowski
Roybal
Saylor
Schneebeli
Sebelius
Shriver
Skubitz
Springer
Steed
Stephens
Sullivan
Taft
Taylor
Teague, Calif.
Tunney
Whalen
Whalley
Wiggins
Wilson, Bob
Winn
Wold
Yatron
Zion
Zwach

ANSWERED "PRESENT"—1

Grover

NOT VOTING—121

Adair
Adams
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Berry
Bingham
Blatnik
Bolling
Brooks
Brown, Calif.
Burton, Calif.
Cabell
Cahill
Camp
Cederberg
Celler
Chappell
Chisholm
Cohelan
Collier
Collins
Cunningham
Daddario
Davis, Ga.
Dawson
Dent
Derwinski
Devine
Dingell
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fisher
Flynt
Frey
Fulton, Tenn.
Garmatz
Gettys
Goldwater
Goodling
Green, Oreg.
Griffin
Griffiths
Haley

So the motion to adjourn was rejected.

Mr. TEAGUE of Texas changed his vote from "nay" to "yea."

Mr. GROVER changed his vote from "nay" to "present."

The result of the vote was announced as above recorded.

VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. Jacobs) is recognized for 60 minutes.

GENERAL LEAVE TO EXTEND

Mr. JACOBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, and I shall not object, I would like to make this observation. I voted for this debate, because I believe it is important for Members of this House to have a chance to discuss the alternatives to Vietnam, but I made this point, and I serve notice, and I reserve the right to make a point of order of no quorum at any point if debate is denied us and if there is no opportunity to ask questions and make this a meaningful discussion. So if this is to turn into a one-sided monolog on Vietnam, then I shall, of course, exercise my right.

Mr. Speaker, I withdraw my reservation of objection.

Mr. ICHORD. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Indiana as to how broad the unanimous-consent request is: Does the request include the right to include extraneous material?

Mr. JACOBS. Mr. Speaker, I think that is the tradition.

Mr. ICHORD. Mr. Speaker, I would like to ask the gentleman as to what affect this unanimous consent, if it is granted, will have upon the length of the session tonight. It has been announced in the newspapers that the gentleman from Indiana and others participating in these discussions intend to hold the House in session until noon tomorrow. Will this have any effect upon the length of the session?

Mr. JACOBS. Mr. Speaker, I would say to the gentleman the only effect it might have would be to shorten it. Some

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people might opt to revise and extend their remarks.

Mr. **ALBERT**. Mr. Speaker, will the gentleman yield?

Mr. **ICHORD**. Mr. Speaker, I yield to the gentleman from Oklahoma.

Mr. **ALBERT**. Mr. Speaker, of course the unanimous-consent request of the gentleman from Indiana includes all Members of the House desiring to participate in the subject matter the gentleman will discuss. It is not limited to those Members of the House who have asked for special orders.

Mr. **ICHORD**. Mr. Speaker, the gentleman from Indiana has answered that it might limit the time we will stay in session. Therefore, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. **JACOBS**. Mr. Speaker, I might observe it never was intended on the part of those who asked for special orders this evening to extend the debate into the legislative business tomorrow.

Mr. Speaker, "I may not agree with a word you say, but I shall defend to death your right to say it."—Voltaire.

In the 1956 election, Governor Stevenson, speaking at an eastern university or trying to speak at an eastern university, was shouted down by the crowd repeatedly. Each time he began to address the crowd, he was shouted down again. After 10 minutes of this, Governor Stevenson said:

> Will you please be quiet?

For some reason the crowd was quiet. Then Governor Stevenson said:

> "Thirty years ago this year when I visited as a tourist in the Soviet Union, the most distinct impression I received was that those who wished to speak in disagreement with the government were not permitted to do so. Good night.

And he left.

Disagreement with the Government policy on war would not be tolerated in the Soviet Union. It would not be tolerated in Hanoi. Indeed, it would clearly not be tolerated in Saigon.

I stood in this well not 2 weeks ago and expressed my opprobrium and shame over the action of the House in limiting debate to 45 seconds on a very important question involving expenditures of billions of taxpayers' dollars in this country.

I stand here tonight as proud now as I was ashamed then.

I think there is a message in what happened in this last rollcall vote, a message to all those in our society who say that we can no longer operate within the system to bring about change.

I am talking about the people during the 1968 campaign, whether I agreed or disagreed with the point of view they claimed to hold, who stood in crowds and shouted like Fascists so that the speaker, regardless of whether he was George Wallace, President Nixon, or Vice President Humphrey, was not given the opportunity to speak.

I would say of those people, there are kindred souls in this Chamber who do not understand or seem not to understand the basic and essential qualities of a democracy without which it will fall apart and die.

But I would say to my young friends from one end of this country to the other that on this night this House for the record and for history has said that people who do not believe in democracy are not in a majority in this Chamber.

"It is sometimes easier to die for your country than to tell her the truth"—Lord Chesterton.

If this country ever goes to war it should be because we have to, not just because we have a chance to—me.

In 1956 President Eisenhower, a man who knew war, refused to take this country into war in Hungary and the John Birch Society said that he was aiding the Communists and aiding the enemy. I suppose in a sense the Communists were grateful that the United States did not intervene in that clear act of overt aggression across international borders. Maybe the Soviet Union applauded the nonintervention of the United States in the case of Czechoslovakia.

But I hope that history will record that always only a minority of our citizens would ascribe sympathy with totalitarian principles of government or with foreign dictatorships simply because a President of the United States would hold with John Quincy Adams that America does not go abroad in search of monsters to destroy. She is the vindicator of her people, of her own people.

I realize that those of us who for years now have objected, as unnecessary, to our involvement in the Vietnam war do not speak for all the people of the United States, and 4 or 5 years ago when we began we spoke for far fewer than we speak for tonight. Tonight, according to the latest Gallup poll, we speak for 58 percent of the American people, and only 36 percent of the American people speak up against our position.

Nor do any of the Members I know of who are participating in this discussion, and who hold the general view that I hold, favor stirring resentment or hatred for our President. We have had too much hatred in this country, hatred based on childishness that does not tolerate the other fellow's right to an honest point of view.

President Nixon is my President.

President Nixon, I believe, is sincere in his views about the Vietnam war. President Nixon has changed his mind about the war in Vietnam. President Nixon was sincere in his views about the Vietnam war, and no one has heard me say any less of President Johnson than that I had an honest disagreement with him. I respected him for his point of view as I respect President Nixon for his point of view tonight; and as I applaud President Nixon and President Johnson for moving closer to a point of view which I believe is commonsense and practical for our country. I do not want this country ever to make decisions based on the mobs in the streets as such, but I think it only right that the President of the United States and all of the Members of the Congress at least consider the orderly parishioners in churches, the people who are in orderly assemblage about the country in schools and other public and private places. In considering those people, the policies on Vietnam, my dear friends, have changed and changed radically.

My honorable and learned friend has truly said that the present is a new era in the war. The honorable Secretary of State feels the justice of the remark; for by traveling back to the commencement of the war, and referring to all the topics and arguments which he has so often and so successfully urged to the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge that, at the end of a 7-year conflict we are come but to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere. All the topics which have so often misled us—all the reasoning which has so invariably failed—all the lofty predictions which have so constantly been falsified by events—all the hopes which have amused the sanguine, and all the assurances of the distress and weakness of the enemy which have satisfied the unthinking, are again enumerated and advanced as arguments for our continuing the war. What, at the end of 7 years of the most burdensome and the most calamitous struggle that this country was ever engaged in, are we again to be amused with notions of finance and calculations of the exhausted resources of the enemy as a ground of confidence and of hope? Gracious God. Were we not told, 5 years ago, that North Vietnam was not only on the brink, but that she was actually in the gulf of bankruptcy? Were we not told, as an unanswerable argument, that she could not hold out another campaign—that nothing but peace could save her—that she wanted only time to recruit her exhausted finances—that to grant her repose was to grant her the means of again molesting this country, and that we had nothing to do but persevere for a short time in order to save ourselves forever from the consequences of her ambition and her communism? After having gone on from year to year upon assurances like these, and after having seen the repeated refutations of every prediction, are we again to be seriously told that we have the same prospect of success on the same identical grounds? And without any other argument or security, are we invited, at this new era of the war, to carry it on upon principles which, if adopted, may make it eternal?

Mr. Speaker, I did not say that. Charles James Fox said that on February 3, 1800, with reference to the war between England and France. I changed only two words in it.

Mr. **REID** of New York. Mr. Speaker, will the gentleman yield?

Mr. **JACOBS**. I yield to the distinguished gentleman from New York.

Mr. **REID** of New York. Mr. Speaker, first I want to commend the gentleman for the spirit in which he has opened the debate. I think he has shown clearly that the Congress of the United States is now prepared to discuss the war in Vietnam thoughtfully, prudently, and carefully.

I think tonight's debate and tomorrow's moratorium are an expression of the nonviolent and deeply felt yearnings of the American people from all walks of life to secure an end to the war.

The moratorium which we are observing tomorrow is an effort to take antiwar sentiment out of the hands of the radicals who seek destructive political aims rather than an end to the war. There can be no moratorium on dissent in a democracy—to do otherwise is to betray our tradition of the free exchange of ideas.

Any policy that does not enjoy broad and deep support and the participation of Americans as a matter of conviction will be neither viable at home nor respected abroad.

So I would say that the argument that Americans will quicken the end of the war by remaining silent is just not true. Silence, I think, will only confirm the fact that there is nothing imperative about concluding a peace.

We will have peace only when we make clear privately in negotiations that there will be a definite date for all U.S. troops to be withdrawn and when we make clear the character of a peace settlement to Saigon, Hanoi, and the NLF.

We applaud the President's determination to withdraw American troops, but we feel that a new and compelling priority must be given to the pursuit of peace. Our country, I think, is always strengthened by responsible public dialog that bespeaks the national will. We are saying we have had enough of death and destruction. We want the war in Vietnam ended and we want no more Vietnams.

Once, it seemed, General Thieu was prepared to say that American forces could be withdrawn by 1970, leaving the South Vietnamese Army to fight what is surely its war. But now General Thieu has changed his mind and indicates that he does not foresee the time when we can leave the South Vietnamese to themselves, even with American military equipment and, perhaps, even American air and artillery support.

I quote President Thieu when he said recently:

> The replacement of troops is not a one-year problem. It is a problem that will take years and years.

But I ask my colleagues tonight, are we prepared to wait? I say we are not.

The fact is that our war in Vietnam has not enhanced our national security but weakened our national foundations.

Since the Vietnam war began in earnest 4 years ago, our society has been subject to strains that have virtually torn it apart. Yet the resources—monetary, intellectual, spiritual—that should have gone to head off those strains have, in fact, gone elsewhere. Look at what has happened to us:

First, the campaign to end poverty has ground to a virtual halt.

Second, our inequitable and undemocratic draft system has become an unconscionable burden to us all and a source of justifiable discontent to young men of all backgrounds. In fact, we have drafted over 20,000 more men this year than last. The Executive and the Congress still pass the buck and fail to act. General Hershey's removal was about a decade overdue—but it will not reform the draft.

Third, inflation has ravaged our economy, sparing no American, and hurting those most who are in direct need. Tax reform and tax equity still languish in the Congress.

Fourth, our educational system from grade school to graduate school has fallen progressively behind, with 400,000 classrooms unbuilt and 2 million teachers untrained, and more and more children functionally illiterate;

Fifth, our air and water have become more polluted;

Sixth, our cities are in crisis, and we can only watch them decay until we come forth with a new national commitment and dollars to match; and

Seventh, our preoccupation with Vietnam has led to serious neglect of our relations with Africa and Latin America.

We have experienced social discord greater than at any time in our history—traceable, perhaps, not directly to the war in Vietnam, but surely to the general crisis in faith in the justice, morality, and responsiveness of the American social system.

We need to end the arms race and begin by stopping construction of the ABM system and the testing of the MIRV. We need mutual agreement with the Soviets at the SALT talks subject to verification. We have got to end racism and assure equal opportunity to all. In short, we must redirect our national priorities, to assure a rational, progressive society.

We will never get peace, in my judgment, if we allow General Thieu a veto, permit him to call the tune. We will never have peace if we allow a government of uncertain legitimacy to persuade us to pledge its perpetuation until time immemorial.

Mr. Speaker, it was just a few days ago that President Thieu said in Saigon:

> I do not have any further peace initiatives in mind.

He further dismissed the concept of a standstill cease-fire as unrealistic. He pledged never to cede so much as a hamlet to the Vietcong, and he promised he would make no further concessions in the Paris talks.

He reportedly stated, according to the New York Times, that in his view it will be 20 to 30 years before the Vietnamese Communists modify their brand of politics into a form acceptable to the South Vietnamese Government.

But I would ask my colleagues to consider that we used to be told that we had sent our Armed Forces to protect the right of the South Vietnamese people to choose their own government. And, to be sure, after a long series of military coups, there was an election in South Vietnam.

Of course, some Vietnamese were allowed neither to vote nor to run.

And, of course, no one who favored a coalition government was allowed to run.

And, of course, the newspapers were censored and the opposition was harassed.

And the system for electing the National Assembly was rigged to favor the rich, absentee landowners, whose exploitation was at the very heart of the revolution.

And, despite all of this, the government of General Thieu received only a third of the vote—which was enough to get him into power and enable him to throw his remaining serious opponents and dissenters into jail where they remain today.

And that is the free government that our Armed Forces are defending in South Vietnam.

I think that what must be negotiated is the character of the postwar settlement and not just the token or phased withdrawal of troops. One of the first requirements for the success of such negotiations is that our Government insist that Saigon change its constitution and agree to participate in the kind of election machinery essential to a totally free election.

I believe that we will have peace, therefore; only when the NLF and leaders in Saigon and Hanoi and Washington recognize the futility of continuing the war. Peace will only come when we take firm steps to indicate that we will get out of Vietnam on a date certain; and that we are prepared to negotiate a cease-fire in place, the release of all prisoners of war, and amnesty for all peoples.

Lastly, I would mention to the Members of the House that I was in Paris during the period of the negotiations of 1954, and I well remember the actions of Mendes-France before he assumed the responsibilities of premier. And he made it abundantly plain that he would take office only if he could end the war within 30 days. And he lived up to that promise. And the same arguments that are now being raised were raised then.

I think we can end the war faster than we are doing.

Finally, I would say that to take certain of these actions is to recognize that a settlement is possible, and that a negotiated end to the war will raise America's stature in the world, not lower it, as the French learned in Algeria.

Mr. Speaker, I thank the gentleman for yielding.

Mr. **PUCINSKI**. Mr. Speaker, will the gentleman yield?

Mr. **JACOBS**. I will yield just briefly to the gentleman from Illinois.

Mr. **PUCINSKI**. Mr. Speaker, the gentleman from New York and the gentleman from Indiana have both spoken eloquently on dissent. We had an example and a good taste of this dissent in Chicago over the weekend. There was a brilliant young lawyer, Richard Elrod, who is today fighting for his life with a broken neck, broken by one of these hoodlums who came to Chicago to exercise dissent. What assurances do we have that these hoodlums who are churning up young people all over this country to exercise dissent that there is not going to be more of this kind of violence? And what do my two colleagues recommend in the wake of this kind of violence, which is not dissent, but outright anarchy?

Mr. **JACOBS**. I might say to my colleague from Illinois that I know of no man in this House who advocates that kind of senseless violence.

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As far as the assurances are concerned, I can give the gentleman no more assurances than he could give me that certain speeches against civil rights would not lead to violence by Klansmen.

That is the problem with political debate. The conservatives are sometimes embarrassed by the far right. The liberals are sometimes embarrassed by the far left. Neither reasonable view—liberal or conservative—should be blamed for the antics or violence of extremists.

I would say that the honest and dispassionate expression of one's viewpoints should not be called a cause for violence in this country.

I will recall for the gentleman the words of Kipling:

> And sure keeps their honor clean
> The learned court believes,
> They never gave a piece of plate
> To murderers or thieves.
>
> They never told a ramping crowd
> To card a woman's hide,
> They never marked a man for death,
> What fault of theirs he died?
>
> They only said "intimidate",
> And talked and went their way.
> By God, the boys who did the work
> Were better men than they.

No person that I know participating in this special order tonight is going to say "intimidate." We speak from a spirit not of hate, but of understanding and reasonable discussion. If violence is drawn from that, then the Christian faith will have to go out of business.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I appreciate the gentleman yielding. I believe the gentleman knows that I hold no brief for those who would limit the very basic right of free debate in this House, for I was one of those who joined with the gentleman a week ago when we spoke out against those who would limit debate on the military procurement bill. And yet, as I said earlier today when I addressed the House, I have been troubled—and deeply troubled—by all the discussion that has surrounded the so-called Vietnam moratorium in that it seems to me that those who have endorsed this moratorium—and let me parenthetically add that the gentleman now in the well knows that I hold him in high regard and great esteem and great affection, and I make no charge of disloyalty or anything else against the gentleman or anyone else in this body who may participate in this debate tonight.

I was just as shocked as you were by some of the comments that were made in the House, I think, on yesterday charging Members with being "emissaries of Hanoi" and I will have no part of that kind of comment this evening. But what troubles me deeply is, much as I applaud the right of debate and of free discussion, and I hold these rights as precious as I know the gentleman now in the well does—but what troubles me deeply is that those who embrace this moratorium apparently also support the objective of this Vietnam moratorium, which as I understand it, is the absolute unconditional immediate withdrawal of American forces from Vietnam, and that this could conceivably be done as I understood in 3 weeks or 30 days. I base this conclusion on a call which my office made to the office here in Washington of the moratorium committee where we spoke to a Mr. Mixner. To me that kind of pellmell retreat to the beaches could result, if not in the annihilation of our own forces could certainly result in the slaughter perhaps of hundreds of thousands of innocent civilians in South Vietnam. There were 900,000, I am told, who fled to South Vietnam from North Vietnam way back in 1954 and 1955 because they did not want to live under a Communist government.

I just cannot believe that the gentleman, great libertarian that he is, could countenance the objective of this moratorium to make an unconditional withdrawal of our troops regardless of what the National Liberation Front do and regardless of what the North Vietnamese do—that we should pellmell make a rush for the beaches, it seems to me, not only from the standpoint of what that would do in Vietnam itself, but the incalculable harm that this might do to the American psyche itself. We ought to pause before we adopt such advice.

I was at the White House this morning and I listened to the President of the United States and I am as convinced in my heart tonight as I ever was that his yearning for peace is not exceeded by anyone in this Chamber and he believes that a patient process of Vietnamization and a patient process of trying to negotiate an honorable settlement is the real way to lasting peace in this situation.

I simply cannot believe that the gentleman now in the well and others who support this particular moratorium really believe in the objective that some have stated, namely that we should within 30 days or within a relatively brief time literally rush to the beaches and leave the South Vietnamese people to whatever fate may befall them.

Mr. JACOBS. I would respond by first saying, as the gentleman well knows, that there is no Member of this House whom I hold higher in my esteem than the gentleman from Illinois who so far as I am concerned is one of the most thoroughly honest men, both intellectually and otherwise, I have ever known in public life.

In response to the gentleman's question, I have here a photocopy of a page from a newspaper dated December 28, 1950. It is a wire photo of a sign that was placed by the 1st Marine Division, when we withdrew from Hangnam after the Chinese field armies came across the Yaloo River late in 1950.

The poster was put up by the Marines and it reads: "We don't want the damn place anyway."

Now before the gentleman raises his ire at the simplicity of this, let me say that I acknowledge, and I think most people who share my view of the war acknowledge that the matter is not so simple in Vietnam.

My own judgment is that the resettling of hostages in Vietnam, hostages who undoubtedly would be subject to brutalization and death were they left to the national process of the revolutionary aspect of that country—a process followed in a majority of countries in the world in changing governments, and I would say these hostages in Vietnam should be resettled. I would say that our Government has an obligation to see that they are protected and resettled in a safe place and get assistance from us.

They depended on our involvement in Vietnam, an involvement few Americans now would say was fortunate and necessary.

I would suspect that the cost to us of such a program would be about that of a day or two of the war itself. I would suggest, on the other hand, to those who say, "Let's win and get out," and that kind of thing, or even, "Let's fight a search-and-destroy war," whatever it may be, and then get out is a little like building a dam across the river with the intention of tearing it down right away. When you withdraw, the realities of war politics, inside that unhappy land—which, I might say, we have been able to make no happier with our own sacrifice of life and treasure over the last several years—those realities will exist all over again as they did before we went there.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield further?

Mr. JACOBS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. With this comment I shall desist from further interrupting this presentation. I have no desire to do that. I have no desire to put words into the gentleman's mouth. But it seems to me he has in effect answered the question I have put. I do not think you can resettle a million or maybe as many as three million refugees from South Vietnam within a period of 30 or 60 days, which is really what is contemplated by those who recommend an immediate, unconditional withdrawal from Vietnam. I think the gentleman is more sensible than that.

All I am pleading tonight is that we give the President of the United States the time that I think he needs to carry out a policy of withdrawal—and not pursuing a policy of military victory. The gentleman spoke of winning in Vietnam. The President has made it abundantly clear that he is not seeking a military solution to the agony of Vietnam. What he is asking for, what he is literally pleading with the country for, is the time to carry out the kind of reasonable policy which will accommodate the wishes of the gentleman in the well and myself.

Mr. JACOBS. I say to my friend from Illinois that probably on occasions I have not been sensible enough to agree with him—maybe vice versa—but obviously there has to be some kind of negotiation. Obviously there will be some kind of negotiation.

I just want to take a moment now to address myself directly to the moratorium. People all over this country—organizers, followers, participants, and I understand there is some question about just who is participating and who is not, or who is approving and who is not—to my moratorium friends, let me

say this: Don't blow it. You have done well already. It can hardly be a mere coincidence that my fellow Hoosier, the Director of Selective Service, has been dismissed on the eve of the Vietnam war moratorium.

I consider it hardly a coincidence that this new leadership we have heard about to end the war, Ellsworth Bunker in Saigon and Henry Cabot Lodge in Paris, have been called home suddenly on the eve of the Vietnam moratorium.

Let me take you back 5 years ago tonight, when it was the official policy of the U.S. Government that we would negotiate with no one. As I remember the quote, "All those folks up there have to do is stop bothering those folks down there"—ignoring the fact that the people who were running the government down there were some of the folks from up there. The majority of the South Vietnamese-Saigon government are North Vietnamese.

Four years ago those of us who suggested an internationally supervised election were hooted down because, why, you can not have an election with the Communists. After all, no Communist ever won an election. Perhaps in Italy, in a town; perhaps in India, in some town. And, of course President Eisenhower said Ho Chi Minh would win one in Vietnam. But if you entertained the idea of an election you were a traitor to your country. And I am not referring to my friend from Illinois, nor am I referring to the vast majority of this House when I make that reference. But according to some sources, you were a traitor to your country if you favored negotiation in 1964, if you favored the elections in 1965, and, my friends, 4 months ago you were a traitor to your country if you objected to Hamburger Hill.

I have not heard anything about Hamburger Hill lately. I have not heard anything about killing 300 or 400 American kids; dying for the privilege of playing king of the hill and marching down the hill again and giving the real estate back.

The fact is that the American public is given not only the right to elect the Government, but also to let that Government hear from them now and then after it puts the Government into office. And the American people have been heard from. The policy has changed from unconditional surrender to negotiations, to elections, to the General Gavin enclave theory which tonight is saving lives—and I congratulate President Nixon for being man enough to stand up and change his position. I do not ridicule him for it. I think nothing is more honorable than to do that very thing.

As Mayor LaGuardia said once: "When I make a mistake, it's a beaut."

Mr. Speaker, I am not going to respond in kind to some people who spoke in the well and slandered Members of this body yesterday and today. My father long ago advised me against that. He said, "It is like wrestling with a hog. You both get dirty, but he is more used to it." So we are not going to get into that kind of exchange.

I want, however, to read a statement that was made by a man whom I disagree with sometimes and with whom I have agreed at other times. He is generally known in the country as a conservative. It was made more than a year ago—almost 2 years ago, as a matter of fact. I will read just a portion of it, and this is a quotation from the "Paul Harvey News":

> Yet, absurd as this posture is, in a Presidential election year I hear nobody offering the voters a real, honest-to-Uncle Sam alternative. The alternatives to our present pussy-footing are all out—or get out. And nobody seems to want to recommend either.
>
> I know something of the fear which the politicians face, I've faced some of it myself in recent weeks.
>
> When I began to document the case for withdrawal I received white feathers in the mail.
>
> Further, it is uncomfortable and embarrassing to find myself in bed with some peace-at-any-price people whom I do not respect. But most personally hurtful is the fact that there are many sincere Americans patriots left over from an earlier era who still pledge their allegiance, "My Country, may she always be right, but—right or wrong—my country!"
>
> They would blindly follow a blind leader if he carried our flag. And I love those people. I admire and respect them. I'm proud for a lifetime to have been one of them.
>
> But after an agonizing reappraisal I am convinced that being either hawk or dove is preferable to the chicken-policy which presently sends American sons into worthless jungles to fight today's war with lesser weapons than the last one.
>
> No, My Country is right in so many ways that she is worth fighting for. But in this no-win war my country is wrong—and it's time somebody says so. The question is not "whether" we will get out of Vietnam; of course we will, eventually.
>
> Either we will bomb our way out and have to rebuild the nation . . . Or we will force a compromise cease-fire and have to continue to occupy the country, as in Korea . . .
>
> Or we will, like the British and French, become totally exhausted and get thrown out . . .
>
> Or there is one other alternative: We can quit this war and come home now. Let's consider the increasingly convincing case for coming home now. The government we left behind in Korea is a military dictatorship. How is this better than a communist military dictatorship? Is it really worth the lives of American sons and further devaluation of the American dollar in order to provide the Vietnamese with a military dictatorship? Nations, aborning, cannot be spared the pain of labor. We outsiders can pace the waiting room floor and bite our nails and pray—but democracy must "deliver" itself, when the time is right. When the time is right!
>
> Maybe the time is not yet right.
>
> Realistically, we must consider the mathematics of this kind of intervention. America's six percent of the world's mothers cannot possibly produce enough boy babies to police the planet. Presently, remember, we have commitments with forty other nations almost identical to the agreement which got us involved in this untenable situation in Vietnam.
>
> Russia and Red China could prefer nothing more than for the United States to continue to debilitate and bankrupt itself in a multiplicity of stalemate wars. And the effect of these winless wars is devastating on our own people. The hypocrisy of opposing communism in Vietnam and tolerating it 90 miles from Florida is diluting traditional American allegiance, demoralizing our young.
>
> We're told, "We have to fight them over there or we'll have to fight them over here."
>
> They are over here—and we are not fighting them . . . over here!
>
> And other nations see comparable hypocricy in our eagerness to tame the world's jungles when we can't even make our own streets safe. The idea of pulling out is not without precedent. We "pulled out" of the Bay of Pigs. The French "pulled out" after DienBienPhu. And both they and we survived. And those who fear Moscow rule of all Asia might note that neither Moscow nor Peking has been able to "rule" even little Castro.
>
> I am aware that American politicians are unanimously unwilling to recommend withdrawal. They are fearful President Johnson might pull a rabbit out of the hat between now and November.
>
> Yet without some alternative to present policy on this most vital issue, there is no point in another election.
>
> To those who fear a strategic retreat would cost us "face", let's remember that the United States has had no "face" in Asia in twenty years. And the places where we have meddled most we have the least "face."
>
> On the contrary, think about this—for us to withdraw now could be sold to the world as a magnanimously noble, humanitarian gesture. Here this great and powerful United States—having the awesome weapons which could cremate all our adversaries—declines to do so. Instead we will allow Asiatics to choose their own form of government. Some say the result would be a bloodbath. The Vietnamese are now getting a bloodbath.
>
> Meanwhile we would continue to keep any powers which menace us at arms length with our weapons of decision.
>
> Some protest that to leave Vietnam would mean thirty thousand American sons have died for nothing.
>
> On the contrary, if their sacrifice has been the finger-down-the-throat which has triggered the final regurgitation in our nation. Then it will be they who, at long last, taught us to mind our own business. And so saved countless lives.
>
> Again, remember, eventually we will withdraw from trying to feed, finance, fortify, protect and police the whole planet. Eventually we will have no choice.
>
> Every nation in history which has over-extended itself has eventually gone broke and been forced to pull back, just to survive. Why wait for that? Why not now revert to leading the world—by example—as we once did.
>
> Instead of waiting until we are bankrupt, let us revert to self-concern . . . on purpose. Before we are drained of our blood and our sweat and our tears and our gold.
>
> Why not, instead, husband our resources—make ourselves what we once were—strong and solvent—an oasis of arts and sciences and physical well-being.
>
> So honorable, so admirable, so desirable . . . that the world will then, again, have something better than a red star to steer by.

Mr. STEIGER of Arizona. Mr. Speaker, would the gentleman please yield?

Mr. JACOBS. I yield to the gentleman.

Mr. STEIGER of Arizona. I appreciate it. I would stipulate my great good will for the gentleman in order to overcome time consumed by the exchange of rhetoric.

I would only ask the gentleman, in pursuit of the same line of questioning the gentleman from Illinois attempted to get an answer to, what is it that you—not the Moratorium Committee; not the other 19 Members, whoever it is, who are going to testify here tonight—what is it you hope to achieve? What change of policy? What specific change of policy would you like to see accomplished? How do you hope to accomplish it by the eloquence which you have displayed here

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and the historical exactitude which you have been able to expose before us?

I would like it as specific as possible. I recognize that is difficult because I do not want any rhetoric. I would like specific suggestions.

What would you do differently from what the President is doing now?

Mr. JACOBS. The Vietnam moratorium, as I said to my colleague, has already brought about substantial changes in policies, which I applaud.

The dismissal of a draft chief who is——

Mr. STEIGER of Arizona. If the gentleman will yield——

Mr. JACOBS. Now, I am answering the question. That is part of the Vietnam policy, who goes there and who gets killed. That is part of it, and I am responding in connection with how I would change the Vietnam policy. That is one thing.

The second thing is that the enclave theory has been given birth in the past several days. That means no more Hamburger Hills, the unnecessary spilling of American blood. That change is coming about, I think, not only because somebody decided on a moratorium idea but because that is the will of the American people.

Most Americans do not want to be protecting a dictatorship against another dictatorship somewhere far off and waste our kids' lives doing so.

So far as withdrawal is concerned, I am talking about an immediate cease-fire. Yes, I am talking about the enclave theory and pulling back into defensive positions instead of search and destroy. Search and destroy, indeed. A war of attrition. That is a change that has not been made fully according to the news cables coming out of Vietnam. I hope this expression of the American people will fully achieve that.

Mr. STEIGER of Arizona. A cease-fire. Is that what the gentleman is after? An immediate cease-fire?

Mr. JACOBS. A cease-fire so far as attacking with search and destroy missions is concerned; yes.

Mr. STEIGER of Arizona. With no quid pro quo?

Mr. JACOBS. I do not know what the gentleman means by "quid pro quo." If I were the father of an 18-year-old kid who would not have to march up Hamburger Hill, that is quid pro quo enough for me. I am talking about coming into the enclaves. I am not talking about yielding without any condition as we did at Lang Nam. I am talking about relocating the hostages. I am talking about negotiations whereby every one of the prisoners of war who are Americans and who are held by the other side will be repatriated and accounted for. I am confident that it can be brought about in the framework of negotiations of a withdrawal. You see, the concept is not "to bug out," it is to but out.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman is absolutely right, because this administration moved very close to a cease-fire. The use of the term "protective reaction" differs from that of "maximum pressure" which they used. I for one hoped that the President might have proclaimed a cease-fire and called it a protective reaction cease-fire, but he has proclaimed it at the United Nations and told nations of the world that it is our choice. Why does not Hanoi do likewise? I think the administration missed a bet in that regard.

Mr. JACOBS. Let me say to the gentleman specifically that I advocate the so-called enclave theory. I would not withdraw our troops from Vietnam without taking the hostages out. I may say to my friend from Illinois that the 1- and 3-million figure was given to by a stooge of the Saigon dictatorship in the so-called National Assembly. Realistically that figure is all wrong. It is much too high. Perhaps the correct figure is closer to 30,000.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. ANDERSON of Illinois. I will concede the fact that that figure is frankly pulled out of the air, but I want to thank the gentleman from the bottom of my heart for making it abundantly clear that he does not support objectives of some supporting the Vietnam moratorium who are calling for an immediate unilateral withdrawal without any reaction or anything being done by the Vietcong or North Vietnam. I think that the gentleman has made a real contribution.

Mr. JACOBS. Let me make clear what reaction I am demanding from them. They say "How do you get out of Vietnam?" The answer is "By boat." But I do not want the boat to leave without all of the Americans and the hostages. And some of those Americans are brutally languishing. I want to make it clear I have utter contempt for the dictatorship of North Vietnam and for the dictatorship of South Vietnam. I am talking about those Americans, some of whom are languishing and being subjected to a special kind of torture that Americans have never been subjected to in the past; namely, isolation from one another in prison camps. I am talking about bringing them home with us.

Mr. ANDERSON of Illinois. That is another thing I can agree with and I can support my friend. I think the administration is moving precisely in the direction you want it to move in.

Mr. JACOBS. If the gentleman agrees with me, he is showing a sensible disposition.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the minority leader.

Mr. GERALD R. FORD. Would the gentleman tell us how his statements and the statements of others to be made here tonight or the moratorium effort tomorrow is going to have one beneficial impact in getting North Vietnam, Hanoi, to free the hundreds or thousands of American prisoners now held by them as brutally as he admits they are being treated?

Mr. JACOBS. I do not admit it. I charged it.

Mr. GERALD R. FORD. Tell us now how this effort is going to be helpful in achieving that result.

Mr. JACOBS. That is very simple. If we stop demanding as a condition of our withdrawal the propping up of a dictatorship in South Vietnam I think we can get those prisoners back forthwith.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, I think the gentleman is living completely in a fool's paradise, because there is not a scintilla of evidence that the more concessions we make that we will get anything from them. We have stopped the bombing, we did this and we did that hoping the enemy would make a concession but yet there is not a scintilla of evidence that they would cooperate in any manner in the prisoner-of-war effort, that they would withdraw their forces from South Vietnam. They have done nothing in return for what we have given and the United States for a year has shown its good faith in both a military and diplomatic policy.

If you will explain how we will be able to get the American prisoners back from the Hanoi regime, it would be very helpful.

Does the gentleman from Indiana believe that unilateral withdrawal of American forces would be helpful in getting American prisoners of war back from the Communist regime?

Mr. JACOBS. I just said repatriation of American prisoners should be a condition to withdrawal. Of course, there are the abrasions on the skin of the body. But the disease is deep. The essential issue is this. Do we insist, as President Nixon did in the 1960 presidential debate—do we insist on propping up the dictators in Saigon as a condition of withdrawal?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield further?

Mr. JACOBS. Yes, sir.

Mr. GERALD R. FORD. The President has agreed to free elections, supervised as the gentleman says he advocated in the past. However, I do not remember him making any such speech in the past in which he advocated that course of action.

Mr. JACOBS. I might say to the gentleman that this is the first special order the gentleman in the well has taken since he has been a Member of Congress for nearly 5 years. I did not expect to cause all of this trouble on my first voyage.

Mr. GERALD R. FORD. The President has agreed to free elections and I understand the government of Saigon which the gentleman condemns so freely has also fully agreed to free elections supervised by an international organization.

Mr. JACOBS. Does the gentleman define the government of Saigon as a democracy?

Mr. GERALD R. FORD. I think it is a far greater democracy than what you have in North Vietnam.

Mr. JACOBS. It is not a democracy. Close only counts in horseshoes. And neither the Hanoi nor the Saigon regime comes close to being democratic.

Mr. GERALD R. FORD. Let me make one further observation: How are you through the efforts you are making and the efforts of others going to help get the thousands of American prisoners of war back to the United States?

Mr. JACOBS. I will just repeat it for the gentleman one more time.

I am saying that, if we discard as a condition for our withdrawal the propping up of the dictatorship in Saigon, then the issue of the prisoner exchange is one which either will or will not work. I repeat we have not tried it. So you cannot say it will not work.

Mr. GERALD R. FORD. I have heard the same wishful thinking before—and there was no result—no action toward peace.

Mr. JACOBS. No, you have not. We have never yet announced we would mind our own business and let all the Vietnamese settle theirs.

Mr. GERALD R. FORD. Perhaps the gentleman did not, but others have alleged that, if we stopped the bombing of North Vietnam, all would be well.

Mr. JACOBS. The gentleman is not being relevant.

Mr. GERALD R. FORD. I see no evidence whatsoever that, if we give something, we get anything in return. Certainly, I think we ought to have some assurance that the American prisoners of war are going to be returned before we give anything in the future.

Mr. JACOBS. Now, Mr. Speaker, I would say to the gentleman: we do not leave without all our kids that are being held by Hanoi and the Vietcong. How can I make it any plainer? But in 1953 President Eisenhower discarded two of our conditions for a Korean truce—and we got it. We now should forget about further propping up of the Saigon dictatorship and look to our own interests there; namely, getting back our kids who are prisoners and taking out the hostages to whom we have developed an obligation.

CALL OF THE HOUSE

Mr. MacGREGOR. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Minnesota (Mr. MacGregor) makes the point of order that a quorum is not present.

Does the gentleman insist upon his point of order?

Mr. MacGREGOR. The gentleman from Minnesota does insist upon his point of order, Mr. Speaker.

The SPEAKER. That is very plain.

The gentleman from Minnesota makes the point of order that a quorum is not present, and evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 222]

Abbitt
Adair
Adams
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Berry
Betts
Bevill
Bingham
Blatnik
Bolling
Brooks
Brown, Calif.
Burke, Fla.
Burton, Calif.
Byrne, Pa.
Cabell
Caffery
Cahill
Camp
Cederberg
Celler
Chappell
Chisholm
Clark
Cohelan
Collier
Collins
Colmer
Corbett
Coughlin
Cunningham
Daddario
Daniel, Va.
Davis, Ga.
Dawson
Dent
Devine
Diggs
Dingell
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Esch
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fish
Fisher
Flynt
Frelinghuysen
Frey
Fulton, Tenn.
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Green, Oreg.
Griffin
Griffiths
Gubser
Haley
Halpern
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hébert
Holifield
Hosmer
Hull
Hunt
Hutchinson
Jarman
Jones, Ala.
Jones, N.C.
Kirwan
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McCloskey
McCulloch
McKneally
McMillan
Macdonald Mass.
Mann
Martin
Mathias
May
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Mize
Mollohan
Monagan
Montgomery
Mosher
Moss
Murphy, N.Y.
Nichols
Nix
O'Konski
O'Neal, Ga.
Ottinger
Patman
Pelly
Pickle
Pike
Pollock
Powell
Preyer, N.C.
Quie
Rarick
Rees
Reifel
Riegle
Rivers
Roberts
Rodino
Rogers, Colo.
Rooney, Pa.
Roybal
Sandman
Satterfield
Saylor
Schneebeli
Shipley
Sikes
Skubitz
Springer
Stafford
Stanton
Steed
Stephens
Stubblefield
Stuckey
Sullivan
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tunney
Ullman
Utt
Vigorito
Waggonner
Watson
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Wilson, Bob
Wold
Wright
Wylie
Young
Zion
Zwach

The SPEAKER. On this rollcall 238 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

VIETNAM

The SPEAKER. The gentleman from Indiana (Mr. Jacobs) is recognized for the 9 remaining minutes of his time.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Missouri for the purpose of debate.

Mr. HUNGATE. I thank the gentleman for yielding.

As I have previously indicated by joining in a resolution with over 100 Members of this body, I support the President in his announced intention to make substantial reductions in U.S. ground combat forces at the earliest practicable date.

When former Secretary of Defense Clark Clifford said we should withdraw 100,000 troops by the end of this year and the remainder by the end of 1970, the President then indicated he would hope to better that timetable. I wish to make it clear that I support him in this effort.

I would like to make it equally clear that I disagree with those who might attempt to dictate to the President a specific date on which all troops should be withdrawn. And, Mr. Speaker, I would be equally emphatic in support of the rights of those who disagree to be heard.

In my judgment we have had some of the finest debate on this matter during my entire service in the House and I think we all owe a debt of gratitude to the gentleman in the well for presenting a high level discussion of one of the most important problems now facing our country. For those who ask what good can come of this discussion, it seems to answer itself, that a great deal can come through the discussion of an issue such as this, one which is a most important problem facing the American people. I have been disappointed and saddened by the somewhat inflammatory attacks on my colleagues who are endeavoring to stimulate debate on an issue of vital importance to our country, in the highest traditions of Henry Clay, Fiorello La Guardia, and George Norris.

After all, I think the great Philippine patriot, José Rizal, said it best:

> Blind obedience is not piety. Thoughtful reflection is not arrogance. Ignorance is ignorance and not patriotic honor.

Mr. BROCK. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Tennessee.

Mr. BROCK. Mr. Speaker, I thank the gentleman very much. I respect the gentleman's eloquence.

I was in Indochina when the 1 million people voted with their feet to move south, and I simply want to stand to challenge his statement about this being such a dictatorship. His own colleague, the late Senator Kennedy, the gentleman from New York, and others witnessed the holding of free elections in South Vietnam despite the attempts of intimidation and at times murder, violence, mutilation, kidnaping—you name it—to stop them, over 80 percent of the people of that nation voted. And that is a higher percentage than ever voted in this free Nation in any national election.

I think it is tragic that the continual statements are made that there have not been free elections. I think it is tragic that the implication is made that the present administration of that nation has not evidenced and stated its willingness to have free elections—and that has been supported by the President of this Nation, President Nixon.

The gentleman has misled this House if that is the kind of implication he wishes to leave.

Mr. JACOBS. I thank the gentleman for his contribution. He is certainly entitled to his opinion.

Perhaps the gentleman would like to know why 80 percent voted. The thing was their food ration cards were punched when they voted, and if you did not vote you did not eat after that.

That has been documented by the American press.

There are varying views in the American press, and they have agreed at least on that.

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Now, let me just go on and quote from Boss Tweed. Boss Tweed said:

> I don't care who does the electing, so long as I can do the nominating.

And perhaps you remember a man named Big Minh. Not a Communist nor a neutralist—they were not allowed to vote or run either in that free election in Vietnam—but he was not permitted to run. And then a fellow who did run in the election was put in jail because he came out for ending the war. The point is that you know the election was rigged, as it clearly was, by denying the right not only to the neutralists and Communists which we now say we favor participating in the elections, but also denying to this fellow Big Minh the right to run because they thought he might win.

Mr. BROCK. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I will yield to the gentleman again, but my time is just about finished.

Mr. BROCK. I thank the gentleman for yielding.

I respect the gentleman's opinion, although I disagree with it.

I would refer the gentleman to the mayor of Chicago, who has a similar reputation.

Mr. JACOBS. On that I will have to yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman for yielding, and I want to congratulate our colleague in the well. At the outset of this discussion I had announced that I would exercise my parliamentary rights, and I am sure other Members would, if this were not a regular debate. I want to congratulate the gentleman from Indiana for the manner in which he has conducted this first hour. There is no question in my mind that if we continue in this way the rest of the evening there will be some real value and real knowledge exchanged on this subject, and will prove when we are all through that we are really not very far apart in trying to find a solution.

Mr. JACOBS. Let me close. I probably have about 2 minutes remaining, but I just want to say this: First of all, to the foreign governments that no doubt will be reading of this debate. We are a nation of free men, and politics does end at the water's edge in abiding our lawful decisions. But in discussing the making of those decisions we do a lot of fussing, and that is why we are a free people.

When the decision is made we abide by the laws that are passed by the Congress, and we abide by the policy, but we have every right to continue to try to change it. That is the American tradition.

For the future, dear friends, let us remember what has happened too often in the past. A politician makes a brave speech, and a lad lies dead. How easy it is to be heroic on the House floor. But that means being a hero on somebody else's time. When the call for war is made by a Member of Congress in the future, let that Member decide if he would be content to give his own life in such a war. And the next time we have a chance to go to war, let us decide if the giving of American lives would not be better reserved for the defense of our country than for the defense of some dictatorship far removed from the security of this land we love. Let us bear in mind that there are two concepts of saving face.

In the hospital at Houston there are scores of American soldiers. One of them is from my district and I spoke to his wife this very afternoon. His face was burned. Sixty-five percent of his body was burned. I want to leave you with this thought.

Which kind of face, really after all, if we really, really believe in priorities—which kind of face really most needs saving? The face of a mistaken policy or the face of that American boy who either will or will not come under rocket attack a year hence.

Consider the difference between diplomats' tophats and soldiers' helmets. At noon, the tophats go to lunch; the helmets go to eternity.

Mr. ANDERSON of Illinois. Mr. Speaker, over the past few weeks we have seen growing public interest in the administration's efforts to end the Vietnam war. We have seen legitimate and constructive discussion, by the young as well as the old, by the "outs" as well as the "ins." In the current debate the Vietnam Moratorium Committee has played a particularly active part in encouraging discussion of the U.S. role in Vietnam. I think this debate is healthy. I agree with Congressman ROGERS MORTON that this kind of responsible discussion is a good thing for our country. However, I want to ask a few hard questions this morning because I have been disappointed by the public discussion to date—and I hope that we can make tomorrow's day of debate more constructive by trying to focus on realistic alternatives, which I sometimes feel have been forgotten in the atmosphere of excitement that has been growing over the past few weeks.

First of all I wonder—and I specifically want to ask those Senators and Congressmen who have endorsed the moratorium tomorrow—if an adequate distinction has been made between the objective of the moratorium and the means that are being used to achieve that objective. The means that are to be used—public discussions, peaceful marches, and organized campaigns to encourage American citizens to express their feelings about the war and the direction of U.S. policy—are all in the best traditions of American freedom of thought, speech, and assembly. It would be a travesty on American history if any political leader suggested that U.S. citizens did not have this right or ought not to exercise it. I would only add that I firmly and sincerely hope that this day of debate will be a peaceful one, for if is not, irreparable harm may be done to these most precious of our freedoms.

So, I say that the means are legitimate, but I have grave questions about the stated goal of the moratorium leaders. And I further suspect that the many statements of support or opposition by public figures in the past few days, may have done more to confuse than to clarify that goal in the public mind. Yesterday I asked the moratorium organizers for a formal statement of their objectives. Mr. David Mixner, one of the committee leaders, gave this reply:

> We want to show that it is politically possible, and desirable, to support complete, immediate and unilateral withdrawal. We want out now, and this is not contingent on anything that Hanoi or the Viet Cong might do.

Do Senators MUSKIE, KENNEDY, MCGOVERN, and others who have endorsed the moratorium also support this objective? If not, then in the interest of more responsible debate on a question of critical importance to the Nation, I would ask them to make clear just where they do stand—not only on the general question of public discussion of the issues—in which I fully agree with them—but also on the specific question of immediate and unilateral withdrawal as a goal of U.S. policy in Vietnam.

Second, I would like to make clear again, in case some have forgotten already, that the announced policy of the Nixon administration is to end the Vietnam war as quickly and honorably as possible. There is broad agreement on this policy—much broader, I submit, than on the moratorium objective of immediate, unilateral withdrawal. It is clear that this war has become the concern of all Americans. I think an overwhelming majority of our people wants this war brought to an early and honorable end. That is one reason Richard Nixon was elected President in November, because he recognized that widespread feeling throughout the Nation. I hope that tomorrow Americans will remember that the President has already taken important steps to reduce our own role in the fighting, to encourage the South Vietnamese to shoulder more of their own burden, and to bring about a reduced level of hostilities in Vietnam at the same time that he is actively seeking an early end to the war in Paris.

Finally, I ask myself, and I would like the American people to ask themselves, whether the atmosphere of excitement and emotional commitment that has prevailed in the past few days and will reach its peak tomorrow, is the kind of atmosphere in which major decisions affecting a critical national policy should be made. I do not say this policy should not be reviewed. I do not suggest that important decisions should not be made—decisions which may affect the size and scope and schedule of our commitment in South Vietnam. I only suggest that a time of high excitement and emotional response is not the time when grave national decisions ought to be made. These important decisions ought to be made carefully and quietly, after serious reflection, in an atmosphere of studied deliberation. Let us express ourselves as a people—or more accurately, let us express ourselves as groups of people. But let us do it carefully, responsibly, peacefully, as befits a democratic nation which understands that great questions of war and peace are solved neither by sloganeering, nor by public posturing, nor even by dramatic days of debate and dissent.

I do not ask, and I do not think the President asks, for the kind of strict unity behind a person or policy that

would silence dissent or imply that it is un-American. The right to disagree, and to disagree publicly along with others of the same persuasion, is one of our most precious freedoms. I hope and believe that what we will see tomorrow will be a positive, peaceful reaffirmation of that right. But let us also remember that the cause of peace is not served simply by strident voices rising in concert. As the Washington Post recently observed:

> A loud shout to stop the war, however heartfelt, is not a strategy.

Mr. Speaker, the President too seeks peace and disengagement, but in his judgment immediate and unilateral withdrawal does not seem the best way to achieve that goal. He has chosen instead the twin course of Vietnamization and negotiation, an honorable moderate course which I believe will serve the interests of both our countries and the interests of peace. This morning the House Republican conference passed a resolution supporting the President in these efforts. I think these efforts should win the support of almost all of us, Democrats as well as Republicans, in the Congress and in the country at large.

Mr. HOWARD. Mr. Speaker, I rise today in support of the October 15 Vietnam moratorium which is designed to display in a peaceful and nonviolent way the overwhelming concern by a large segment of our country over our involvement in the war in Vietnam.

Who, for instance, would like to see the war in Vietnam ended? JAMES J. HOWARD would. Richard M. Nixon would. Lyndon Johnson and Hubert Humphrey would. So would Senator HUGH SCOTT and Senator ROBERT GRIFFIN.

Few, if any Americans, want to see this tragic war continued. So to equate anti-Vietnam war with anti-Americanism is wrong.

We could argue for days, possibly for years, over whether we should have gotten involved in Vietnam in the first place. But that is not the issue—like it or not, we are there, and deeply committed now.

The real issue is just how can we disengage ourselves from this war which not only causes death and human suffering in Southeast Asia but eats up so much of our national budget that it also is responsible for death and human suffering here at home.

There are those on the extreme of one political spectrum who feel we should "win" the war in Vietnam, even if it means the use of nuclear weapons. We could then majestically preside over scorched pieces of earth.

At the other extreme there are those who would leave Vietnam today, without making any plans to assure safety for the many persons who might be killed as a result of mass retaliation by the North Vietnamese.

No political party can be blamed for the war, nor can any one President.

Tomorrow, when we join together in a massive show of concern over our plight in Vietnam, I feel it will show that the overwhelming majority of Americans want the war ended as soon as possible, even though there are differing views on how to attain that goal.

Quite possibly there will be some incidents tomorrow by a very small and highly irresponsible minority who might burn an American flag, shout foul language, or break the laws. Those of us supporting the moratorium deplore those tactics. Actions such as this are not only reprehensible but hurt the cause of the moratorium.

These people are as irresponsible as the very small and highly irresponsible minority on the other side who would cause injury to anyone protesting the war in a peaceful and law-abiding way.

The question is not if we shall get out of Vietnam. It is when we shall get out of Vietnam. I support any responsible and realistic effort to end the war in Vietnam at the earliest possible date.

Mr. TUNNEY. Mr. Speaker, the President has written searchingly about the torment that he experienced in confronting six crises. He now faces his seventh and greatest crisis, in his confrontation with the Vietnam war.

This crisis will not be his last. How he faces it may give us some forecast of how he will meet his next crisis, be it sharp recession, racial conflict, or uncontrolled inflation.

During the campaign preceding his election, the President stated that the office of the Presidency should be a "place of moral leadership." A President, he said, "cannot stand aside from crisis; he cannot ignore division; he cannot simply paper over disunity." Yet, now that an issue has reached the point of crisis—now that public disaffection with the endless war in Vietnam builds higher and higher—his reaction is to do just that which he should not do. He has stood aside; he has ignored division; he has glossed over disunity. He has remained passive, plugged his ears, and retreated into himself. He has shrugged off the burden of taking action. He has given the warning that he will under no circumstances be affected whatever by public protests over the war. He has closed his mind to the rising concern of millions of Americans who want to speed the Vietnamization of the war, and to stop the slaughter of young soldiers. Our soldiers fight today, not to gain a military end, but only to underscore a point at the conference table, only to give bloody substance to the statement that we are tough, we mean business. The list of the dead grows longer, as the President asks us to table the whole issue, and avoid public discussion for 60 days. Is that when the time arrives for the next meeting, when the issue of Vietnam will again be taken up?

It will take something more positive to affirm the President's moral leadership and to demonstrate his control over the situation. He does not affirm his moral leadership by saying fretfully that he will not be affected by public protests over the war. He does not demonstrate his control over the situation when he states coldly that he is not going to be the first President to preside over an American defeat, even if he loses the support of 95 percent of the people in the country.

This kind of emotional reflex is deeply disturbing to me. It shows, I think, that the President has drifted far from a realistic awareness of what is going on in this country and in Vietnam. Is it correct to call planned withdrawal "capitulation"? I believe that planned withdrawals demonstrate true moral leadership, not surrender. American boys have fought to protect the liberty of the South Vietnamese, and they have protected it bravely. We simply are saying that they have protected it long enough, that they have done their job and done it well, and now they are going to start coming home.

Without the pressure of planned withdrawals, what is to give the Thieu-Ky government the incentive to become more broadly representative of their people? What hope is there for an end to censorship and for freedom of opinion in South Vietnam, as long as we serve as a palace guard for the party in power? We are not capitulating by pulling our forces back. Our involvement in Vietnam will continue as we work to rebuild the country we have torn apart. We will have achieved victory when this task is done.

It seems clear to me that only a policy of planned withdrawals will accomplish the Vietnamization of the war. As long as we are there, conducting the burden of the fighting, the South Vietnamese Government will not do what is necessary to win the loyalty of their people, and to mobilize for their own defense. Planned withdrawals are the one sure way to stimulate the South Vietnamese to take action.

Such a policy does not hand victory to the leaders in Hanoi. It represents a clear peace initiative which will put pressure on North Vietnam to show their good faith in reaching a cease-fire agreement, and ending the fighting between north and south. I believe that our experience has shown that bombing the north has increased their will to fight, and has not brought us closer to peace. Now let us try a peaceful offensive.

Last month I called upon all Americans to express their feeling about the war by participating in a vigil of silence on October 15, the day of the Vietnam moratorium. I repeat that call to all Americans whose consciences are troubled over the endlessness of this war, to interrupt their usual routine for a while on October 15, and maintain a period of silence, in churches, parks, or stadiums, and in public processions. If places of public gathering which are filled during weekends for sport or worship were filled next Wednesday for a massive vigil of silence, then the message that the time for talk is over and the time for action is at hand will be communicated with greater force than any speaker, however eloquent, can voice.

If surrounded by silent disapproval, perhaps the President will listen to the promptings of his own conscience. He has shown us the quality of that conscience, in expressing the hope that all American troops could be withdrawn from Vietnam by the end of 1970. As things now stand, that timetable is not going to be met.

If the President does not face the need to act now, where will he be when the next crisis comes along? Will he be in San Clemente, or Key Biscayne? Or will he be in the White House, at the seat of responsibility? Will he preside, or will he

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lead? These are the questions which will become more and more critical in the crises ahead.

Mr. GILBERT. Mr. Speaker, I rise to express a community of feeling with good Americans all over this land who are observing the moratorium in protest against the continuation of the war in Vietnam.

What they do is in the grand tradition of America. We are not a people who keep our deep feelings to ourselves. We are enjoined by our Constitution and by our heritage to stand up and be heard. I commend all those who are participating in the moratorium ceremonies today.

Mr. Speaker, I think the President was mistaken in asking the country to maintain an additional 60 days of silence on the subject of the Vietnam war. A respite in criticism is not going to persuade the enemy that we love this fight any more. I am afraid only that it will give our leaders the impression that we, as a people, have become indifferent to the killing. The popular expression being made throughout our country today will not make the negotiation of a peace settlement more difficult; it will, on the contrary, reaffirm to our leaders that we can stand no more of war.

Let us make no mistake: We are not going to extricate ourselves by trying to salvage an unpopular, undemocratic, and reactionary regime in Saigon. We will get out when we acknowledge that we had no business interfering in the first place. If General Thieu wants to keep fighting, that is his prerogative. It is not our responsibility to keep him in power.

Whatever the President's strategy for getting out of Vietnam may be, I cannot agree with it. For it is, at best, a long-term strategy, and each day that he pursues it, more young Americans give away their lives. If the President has a strategy, it must be to get us out quickly. We are already some 40,000 lives too late. I cannot countenance a strategy that will cost another life in Vietnam.

Mr. Speaker, I hail the courageous young people who avail themselves of the democratic process to marshal the sentiments of this Nation. They have, in the splendid instrument of the moratorium, made clear to the President and to the world that the American people want peace—and they want it now.

Mr. EDWARDS of California. Mr. Speaker, last year many of us here were engaged in a peoples' movement. With our leaders Robert Kennedy and Gene McCarthy we challenged the President. We turned the primary elections into national referendums on the illegal and immoral war in Vietnam. We pointed out that time was running out on America's mounting stockpile of unsolved domestic problems and unfulfilled promises.

The year 1968 had its sorrows and failures; yet, it had its hopes and satisfactions. We campaigned from the snows of New Hampshire to the farms and cities of Wisconsin, Pennsylvania, Indiana, and Nebraska. We walked the streets of our sister State, Oregon. We rang doorbells in every part of our own great California.

We found the people of this country yearning for a world without war and for a fair and equitable society at home—we found them willing to support political leaders who pledged to move our country in these new directions.

At the Chicago convention assassination had removed the candidacy of Robert Kennedy. And Gene McCarthy, despite the evidence of the primaries, was swamped by party regulars, unconcerned with the great issues, but holding in their hands the machinery of nomination.

We lost at Chicago, but at the convention we kept faith with the people by providing the only real debate on Vietnam and the arms race.

Today, just a year later, the polls tell us that a great majority of the American people support the anti-Vietnam peace resolution voted down by party hawks in Chicago.

I suppose that it is our respect for fair play that has given this administration 9 months to get its bearings and to begin the fulfillment of its campaign pledges.

Mr. Nixon was entitled to a fair amount of time to execute his promise of an early termination of American military involvement in Vietnam.

Today, this nationwide day of moratorium, is the time for summing up. In every part of the country Americans are taking time out to examine what the President and Congress have done to end the war and to redirect money and energy to the solutions of urgent domestic and international problems. What do they see on this day of reflection and analysis?

Since Mr. Nixon's inauguration more than 9,500 Americans have died in Vietnam, more than 60,000 have been wounded, and $21 billion of American taxpayers' money have been spent directly on the prosecution of the war.

We do not know how many hundreds of thousands of Vietnamese have been killed or wounded. We do know that 4 million people have become refugees in South Vietnam and that the destruction in the country is enormous. We know that there are 2½ million holes, 45 feet in diameter and 30 feet deep caused by B–52's alone.

We know that the Thieu-Ky government is a military dictatorship, propped up by U.S. power, despised by most Vietnamese and notoriously corrupt.

The hard evidence is that the heralded policy of "turning the war over to the Vietnamese" is a slogan being used to conceal our staying in, not to facilitate our getting out.

Last week General Wheeler said that we will be in Vietnam for "quite a while." And from the White House came a steady stream of comments from President Nixon to the effect that he is determined not to be the first President to lose a war. He publicly has referred to Vietnam as "our finest hour." We are uneasily reinforced in our belief that our goal in Paris is a permanent division of Vietnam, as in Korea, half theirs—half ours.

So there has been no real change in policy, simply new management of the old L. B. J. assumptions. We are following the same strategy that has produced our earlier years of sorrow.

On this historic day of moratorium I suggest that we again tell Mr. Nixon and Congress that it is time we leave Vietnam—now that it has been 8 years and 4 months, $100 billion, 46,000 Americans dead, and 252,000 Americans wounded. If, after all this, the Government of South Vietnam is not prepared to stand on its own feet in its own country, then indeed it is time that we leave.

As President Kennedy said on September 2, 1963:

> In the final analysis, it is their war. They are the ones who have to win it or lose it . . . the people of Vietnam.

I firmly believe that the Vietnam war must end if we are to begin to solve our domestic problems. But not for a moment do I adopt the simplistic notion that Vietnam is everything.

We have a deeply troubled domestic society. Some of the energy generated by the moratorium must lead the fight against racism in our country. We must bring to full citizenship the 20 million black Americans, the 5 million brown Americans, and the poor of all races and creeds.

Of all our problems here at home, the most immediate and pressing, the one that threatens to tear our society asunder, is the plight of the minority Americans.

The slums are a reality, as are idleness and poverty, lack of education, and delapidated housing. We are in the midst of what is rapidly becoming the most terrible and urgent domestic crisis to face this Nation since the Civil War.

The consequences of racism reach into every home, bringing the sure knowledge that failure to deal with this problem could make irrelevant our success with other problems.

It is a white problem more than a black or brown one, because we are in charge. We, the whites run the country, and it is up to white America to accept the challenge—to face this difficult problem with imagination and dedication, wisdom, and courage. And, yes, with love. This is something we are learning from the young—that the hatred in this country must be rooted out and replaced by love.

On this subject I can offer a personal guarantee: The love we extend will be returned in abundance. This is something I learned in being the Congressman for many thousands of black and brown Americans.

There is another issue today, the conflict between the young and old. And we will not have a bridging of this generation gap—and peace and trust between the old and young—until the draft is gone.

Do not reform the draft—get rid of it. A volunteer army is the American system. A volunteer army was promised by presidential candidate Nixon. He must be called upon to produce.

I suggest that it is vital to remember that business, students, college professors, and city councilmen cannot stop the Vietnam war, or reduce the fantastic military budget. Nor can lawyers, State legislators, or newspapers create a new foreign policy, one that diligently and skillfully seeks accommodation and conciliation among nations, and world disarmament.

As Prof. George Wald said:

> We have to get rid of those nuclear weapons. There is nothing worth having that can be obtained by nuclear war; nothing, material or ideological, no tradition that it can defend. It is utterly self-defeating.

Only the President and Congress can get rid of nuclear weapons—or control their proliferation—through international agreements whereby no nation's security is imperiled.

And only the President and Congress can end the Vietnam war, end the draft, and provide the money and programs to bring our brown and black brothers up to equal citizenship.

This seems to me to be the most important understanding that can grow out of the moratorium. For the first time I am convinced that our movement is large and powerful enough to cause change in Washington, D.C.

On September 30, a special election was held in Massachusetts' Sixth Congressional District. The seat was left vacant by the death of William Bates, No. 1 Republican on the Armed Services Committee and a hawk on the war. It had been a Republican seat for 159 years.

Thirty-three-year-old Michael Harrington won the election over the State Senator William Saltonstall, Harrington was the antiwar, anti-ABM candidate. People such as those involved in the moratorium staffed his campaign as volunteers.

The same thing happened on April 1 in the Seventh Congressional District of Wisconsin, the seat Secretary of Defense Laird had held for 17 years. Here, too, the antiwar, anti-ABM Democratic candidate, David R. Obey, won over his Vietnam-Pentagon supporting opponent.

Twelve days ago in the House of Representatives, 93 Members voted against the deployment of the ABM, 270 voted for it. On August 6, 51 Senators voted for ABM, 49 against. Even so, many of us are not being properly represented.

Regardless of what a Congressman or Senator says during the campaign, the evidence is plain in the Congressional Record. He cannot claim he is against the Vietnam war if he votes for special Vietnam appropriations. He is no friend of the Mexican American if he does not sponsor legislation to include farmworkers in the Wagner Act. He is for the draft if he has not introduced a draft reform bill.

Yes, it is all there, and they should be forced to run on their record. And you should defeat them if they are wrong on the issues. In the last analysis it is the constituency that votes through their Representative. Representative government can work. The trouble is that only occasionally is it tried. The decisive moments in history are never repeated. The absent are always wrong.

Men love their country when they have the kind of country that inspires respect and love. And what kind is that?

It is a country that is free and unafraid; that listens to the unhappy and discontented; that then proceeds to learn the causes of the discontent in order to end those causes.

And finally, I would hope that the moratorium will mark the beginning of a new foreign policy for the world's most influential and powerful nation—the United States.

The time has come to admit that mankind stands visibly nearer to annihilation than ever before in history. The arms race accelerates. The cold war goes on. There is a chilling absence of improvement in the structure of world politics. Today, world war could be ignited by a reckless decision in any of a dozen capitals.

Let the moratorium signal America's moral commitment to a unified world civilization. Let your generation insist that the politicians subscribe to this global unity.

John F. Kennedy told us the torch had been passed to a new generation. Today, I join him in passing that torch to you. In a few short years those of you who are under 30 will make up the majority, not the minority, in this Nation. Some fear you. I am not one of them. You bring me hope, hope for a world far better than my generation has been able to create.

I join with you in the goals so necessary for the survival of this Nation and all mankind: An end to the Vietnam war; an end to racism; a new beginning for this Nation and for the world, a beginning of peace and justice for all. And you, we, can accomplish this. Let us do it.

Mr. MARSH. Mr. Speaker, there are many views on moratorium day, which is to be observed tomorrow in a variety of ways by some of our citizens. We are hearing different views expressed here today.

Let me state mine very frankly. I cannot feel that it is in the national interest, either from the standpoint of achieving aims and objectives in South Vietnam or of supporting American foreign policy elsewhere in the world. I believe there is a national commitment to our fellow Americans who serve in the Armed Forces in this troubled area of the world. A part of this commitment, I think, is making it clear to them that this Nation is firmly behind its fightingmen.

I believe there is a danger that the moratorium, regardless of how well intentioned or how sincere the views of those who participate in it, will be misinterpreted in Hanoi as an indication of American weakness and thereby will diminish our chances to negotiate an honorable settlement, secure a stable peace for that area and prevent a far wider war.

I have stated previously—publicly—that I support President Nixon's efforts to obtain that kind of resolution of the war in Southeast Asia. I think it is in the national interest to demonstrate our support for the President and his policy to conclude the Vietnam war in keeping with our national interest, in order to insure that the great sacrifices that have been made by Americans shall not be in vain.

I am concerned that a demonstration of this type will weaken our position in negotiations to conclude the war at a time when our position needs to be strengthened.

I believe demonstrations of this type run the risk of encouraging our foes to prolong military action and consequently create the even graver risk of hurting rather than helping those American servicemen who serve this Nation in this troubled area of the world.

Mr. EILBERG. Mr. Speaker, I thank the gentleman from Indiana for allowing me to participate in the special order he has for this evening to address the House so that I can express my feelings on the Vietnam war and participate in the moratorium observance which begins officially at midnight.

War has been a part of this Nation for the last 30 years. First there was the Second World War, then the Korean conflict, and now the Vietnam war. Some have said that war has been so much with this Nation that its citizens would not know how to live in peace. I believe that the American people would like to find out how it would be to live in peace. They believe that we have been in Vietnam far too long and they feel that the time is long past when this Nation should face squarely up to the issue of whether we want continued war or peace.

We have never faced up to the reality that the Vietnam war is not a peacekeeping operation. It is not an operation designed to protect our friends only. It has taken a tremendous toll on the moral fiber of the Nation. I believe that the time has come for the Nation to face this fact and for the President to end the war and end it quickly.

We all have hoped that the Paris peace talks would bring peace. Each time the negotiators meet the Nation pauses and new hope springs that maybe this week the logjam will be broken and we will start down the road to peace in Vietnam. And, each week the hopes and dreams of the world are shattered by the negative results of the talks.

If we need to Vietnamize the war to get out, I say let us get on with it. The time for pious platitudes and good sounding campaign oratory is past. Now is the time for action. President Nixon is losing his opportunity for a fresh peace offensive. I do not say we should pull out unilaterally and abandon Paris. I say stay in Paris, Vietnamize the war faster, and bring our American boys home soon. I encourage President Nixon to explore private talks and unexplored avenues or do anything else he sees fit. I do caution him against repeating the old errors and ask him to remember that old solutions accomplish nothing. It is time for the Vietnam war to become a tarnished page in American history. There is no need to prolong the agony. I urge the President to act now to end the war.

To date, 39,000 Americans have lost their lives in Vietnam. About 1,350 families do not know whether husbands or fathers are alive or dead because the North Vietnamese have refused to observe the common courtesy of releasing the names and physical condition of the prisoners they hold.

Frustration is creeping into the makeup of the Nation. I believe this development must be arrested before it invades the whole fiber of our national being. We must withdraw our forces before any more Americans are maimed or killed. We need no more new graves and grieving widows.

When President Nixon was elected he promised the people of this Nation that he would extricate us from this war. He

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did not promise us peace now, next week, next month, or even next year. But, he did promise us peace. I see no movement in this direction at the present time.

Mr. BEVILL. Mr. Speaker, I am unalterably opposed to all demonstrations.

I believe that many well-meaning people, with a desire for peace, have been mislead by the organizers of these demonstrations.

These demonstrations often lead to riots, violence, and destruction of property, and infringe on the rights of the majority of our citizens.

There has never been anything accomplished by demonstrations.

We have only seen demonstrations lead to violence and destruction.

I feel that these organizers are in effect the "tool of Hanoi" and are making meaningful peace negotiations impossible.

The Hanoi government is making effective use of these demonstrations by trying to show that the people of the United States do not support the President.

I strongly believe that it is time for the citizens of the United States to give their wholehearted support to the President in his efforts to bring an honorable peace to the Vietnam war.

Mr. BURLISON of Missouri. Mr. Speaker, I have just voted tonight against the motion to adjourn. It is possible that some attempt will be made to place me under the influence of Hanoi as a result thereof. Therefore, just a couple of observations would appear in order.

First, though the 91st Congress has now been in session for over 9 months, tonight is the first time we have had a motion to adjourn, preceding, and for the purpose of preventing, special order speeches. If no previous attempts have been made to cut off special orders, why should an exception be made simply because the Members seek to discuss the Vietnam involvement?

Second, the House of Representatives is a deliberative body. It does not make sense to this Member that the national lawmaking Chamber be denied deliberation of the one overriding issue which persists in this Nation today.

Mr. PODELL. Mr. Speaker, the agony in Vietnam continues. There is no military victory even remotely in sight. In Paris, all negotiations are at a complete standstill. The President's negotiators have frittered away even the minimal good will and progress left them as a legacy by Mr. Harriman. Democratization of the Thieu-Ky regime is a fruitless pursuit. Vietnamization of the conflict returns no tangible dividends in terms of American withdrawal or military progress.

Here at home the running sores of American social problems are turning into cancers which will destroy our society unless they receive swift, meaningful attention. The gap in understanding between generations grows into an abyss. Dissent grows here, matched in its universality only by war weariness and disillusionment. Only the flow of American corpses back home remains constant.

Yet there does not seem to be the slightest comprehension on the part of President Nixon and the administration he leads of these accumulating factors. At his last press conference, he stated he expects strong antiwar protests and "under no circumstances will I be affected by it." The latest poll shows six out of every 10 Americans believe our country made a mistake in getting involved in that civil war. We have the President's answer, which discounts protest before it takes place.

Troop cuts have been token. When first announced, there were more men on the way than were slated for withdrawal. President Nixon has drafted as many men in 10 months of 1969 as President Johnson drafted in all of 1968. So his draft cancellation for the last 2 months of 1969 becomes mere statistical sleight of hand. The words emanating from his administration are a grotesque echo of yesterday's meaningless rhetoric. President Nixon told the American people he had a secret plan to end American involvement in Vietnam. It has not been forthcoming. It does not exist. It will not emerge. Claims that it is real are as hollow as a jug.

This sums up the situation in toto. Therefore, we must exercise the only remaining option left to us as citizens of a free society where dissent is allowed those who wish to protest and alter avowed policies of their Government. I support the national protest slated for this Wednesday in the hope it will reveal to the administration how fervently the overwhelming majority of Americans oppose our further participation in this unjust war.

Mr. Speaker, as of September 27, by the Pentagon's own figures, 45,352 Americans have died in Vietnam, 9,161 of these young men have perished during President Nixon's tenure. For each dead American, there is at least another who will never be whole again. They will be among us for many, many years to come, without arms, legs, and eyes; broken in so many physical and mental ways as to defy belief and discourage observation. We cannot countenance any further sacrifice of such kind.

We hear talk of glory, honor, and patriotism. Hollow phrases to graveyards, hospitals, and grieving families. Our dead are from every corner of our land and each national and ethnic group. Would that every patriotic orator could look into their faces. Would that every person who so blithely speaks of more conflict could gaze into the eyes of those who have sacrificed all they had. Their dreams. Their hopes. Their futures. Their lives. How many of them would have continued to be true realizers of our national dream? What do words of glory, honor, and patriotism mean to them now?

Do we not wonder what they all were like? How many had been musical? Or athletic? Or bookworms? Or terribly mechanical in that mysterious way we who are not wonder at? How many ever had a chance to enjoy or savor life? Most of them are terribly young. How much can one crowd into 19, 20, or 21 years of life, even with the best opportunities? What chance did they ever have? What does their sacrifice mean? Who sits on Hamburger Hill now? Why did they have to die? For the intrinsic value of Hamburger Hill or the Ashau Valley? For the corrupt Saigon government? For glory? Is there such a thing? What meaning does it have for those who perish attaining it?

Old men send young men off to die. Only strong backs and straight shoulders, clear eyes and young legs. After bands play, flowers wither and cheers die, what is left? Only filth, grime, pain, fear, horror, grief, and futility of conflict. Then the silence of a grave and the calm of a cemetery. Only grief of parents, sobs of sweethearts and wives, and cries of an orphan which will never know its father again. Ask them about honor.

What is martial music or GI benefits to mourners? Tell the grave markers of unity and perseverance. See how quickly and unanimous they respond. Listen to their eloquence and cheering of the flag. Hear their patriotic shouts.

Do we not all wonder what we are doing to the next generation? Do we not pause and ask what these young men are like? Which possessed an infectious laugh? Who had been most compassionate? Who was shy or readiest to aid a neighbor? Who had been a mother's sole support, a loving son, a steady worker or a hail fellow well met? How many mechanics, doctors, plumbers, and pharmacists were there among them, had they lived?

Who among them had adored children or known a woman's love? How had they died? In a soaring moment of valor? In terror? Above all, why did they have to die in such a place and in such a manner? What has their sacrifice accomplished for their goals, country, and loved ones?

Who shall give us our answer? Generals who promise victory which never comes? Politicians who promise peace which they will not move toward? Professional patriots who have never heard a shot fired? Military contractors whose profits mount in blood-soaked piles? Potential despots who would stifle dissent? Draft boards which do not represent the youngsters they constantly feed into the mouths of the insatiable cannon?

To all young Americans who have perished, death followed a step behind, then overtook and claimed them. Fear was a visitor whose stay was unending. Hope was a glimmer never realized. And up to now, it has been all for nothing. Nothing at all.

Mr. Speaker, we should weep for our country and for these youngsters. For all those they leave behind. For churches they helped build which they shall never worship in. For families they will never start. For parents who will never see beloved faces. For sweethearts who will always live with an empty place in their hearts. For projects never built. Hotrods unfinished. Educations ended. Promises unfulfilled. Our country loses along with their families. Our national spirit is wounded when each perishes.

And I say it is enough. Absolutely enough. We have not carved out this Republic, complete with ideals and promise, to send the flower of our youth to Vietnam any longer to perish for an Asian despotism whose jails bulge with

non-Communist opponents of its autocratic rule. Calling them a freely elected government is like accusing Walter Ulbricht of being the prima ballerina of the Bolshoi Ballet.

The names and faces of those who have already been killed and maimed for ages will haunt our Nation. If we do not call a halt to this inexorable attrition, tomorrow's burden of guilt will be that much heavier and intolerable to bear.

It is time we began to act as a mature society ready to acknowledge policy errors and accept political realities. Losses of almost any kind are acceptable in a noble, just or self-preserving cause. The war in Vietnam does not fit into any of these categories. Is not a realization of futility better than a continuation of murder?

Mars is a jealous god. He consumes lives and wealth in ever-vaster quantities. Dreams, ethics, and futures are drawn into his maw. The further sacrifice of our seed corn is the very antithesis of America. Even though we have failed those already dead, let us not do so to others whose lives may be spared by our further actions. Let us at least learn something from their demise and our loss. Let us hold our ideals more precious than our prejudices—our dreams as more valuable than our hates—our ideals more priceless than our faults—our capacity for compassion and doing the difficult but correct thing above our selfishness and desire to harm others. Let us end this ghastly involvement, turning ourselves to urgent domestic tasks requiring so much from each of us. We can do no less because these youngsters gave so much at our behest. They have not, in the end, died for Vietnam, as much as they have perished for all of us—for America's soul and her future.

Mr. TALCOTT. Mr. Speaker, I have stayed until past 10 o'clock and have heard nothing new.

Certain perspective is required when any proposition is being deliberated—in the House or elsewhere.

Some perspective is given to the antiwar discussion by an exchange of letters between a local university student and the President.

President Nixon has clearly set forth the responsibilities of the President, or any other representative official, in making decisions. Every American ought to understand the decisionmaking process of the President—especially in the context of the excruciating issue of ending hostilities in Vietnam. I include at this point copies of both letters:

THE WHITE HOUSE.

DEAR MR. DICKS: In reply to your comments about my press conference remark that "under no circumstances will I be affected whatever" by the demonstrations planned for October 15, I would suggest that there are several points you should bear in mind.

First, there is a clear distinction between public opinion and public demonstrations. To listen to public opinion is one thing; to be swayed by public demonstrations is another. A demonstration—in whatever cause—is an organized expression of one particular set of opinions, which may or may not be shared by the majority of the people. If a President—any President—allowed his course to be set by those who demonstrate, he would betray the trust of all the rest. Whatever the issue, to allow government policy to be made in the streets would destroy the democratic process. It would give the decision, not to the majority, and not to those with the strongest arguments, but to those with the loudest voices. It would reduce statecraft to slogans. It would invite anarchy. It would allow every group to test its strength not at the ballot box but through confrontation in the streets.

The planned demonstrations will tell us that a great many Americans are deeply concerned about the war; that some of these consider U.S. participation immoral; that many want U.S. troops withdrawn immediately and unconditionally. But all of us in the Administration are already well aware of this sentiment. We are already well aware that it is widespread—indeed, that no matter how many people might participate, there would be many more who share their concern.

Therefore, there is nothing new we can learn from the demonstrations. The question is whether, in the absence of any new evidence or any new arguments, we should be turned aside from a carefully considered course. The policies we are now following reflect our own best judgment, based on exhaustive study of all the available evidence, of how to achieve that goal. To abandon that policy merely because of a public demonstration would therefore be an act of gross irresponsibility on my part.

One further point: I respect the right of each American to express his own opinion. I recognize that many feel a moral obligation to express their opinions in the most conspicuous way possible, and therefore consider such expression to be their responsibility. I respect that. However, my responsibility is different. I must consider the consequences of each proposed course of action—short-term and long-term, domestic and world-wide, direct and indirect. Others can say of Vietnam, "Get out now;" when asked how, they can give the simple, flip answer: "By sea." They can ignore the consequences. But as I consider those consequences, in both human and international terms, I can only conclude that history would rightly condemn a President who took such a course.

One of the first acts of my Administration was to review, exhaustively and comprehensively, every aspect of the nation's policies in Vietnam. We have drastically altered the policies we inherited. We are on the road to peace. That road is not easy. It is not simple. But I am convinced it is the right one. There is no problem to which I have given more of my time and thought. For nine months, we have worked every day for a just end to a conflict which has been building for more than eight years.

On October 15th, I understand, many will simply be saying: "I am for peace." I ardently join with all Americans in working toward that goal.

Sincerely,

RICHARD NIXON.

GEORGETOWN UNIVERSITY,
Washington, D.C.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I think that your statement at your recent press conference that "under no circmustances" will you be affected by the impending anti-war protests, in connection with the "Viet Nam Moritorium," is ill-considered to say the least. It has been my impression that it is not unwise for the President of the United States to take note of the will of the people; after all, these people elected you, you are their President, and your office bears certain obligations. Might I respectfully suggest that the President reconsider his pre-judgment.

Yours sincerely,

RANDY J. DICKS.

Mr. McCARTHY. Mr. Speaker, today is one of national observance, a day on which thousands of Americans have shown through their individual and collective action their concern about the tragedy in which we are involved. There is no announcement in the Presidential papers published daily about this observance. You will not find a notice of this day in the world almanac listing our national holidays. You will not find a section in your daily paper saying that the banks will be closed or that the public buildings will be closed on this day. October 15, 1969, is not a recognized holiday.

October 15, 1969, is all the more important, however, because it is spontaneous. What started out in the minds of a small group as a college and university based moratorium has become a nationwide movement involving not only students but businessmen, teachers, lawyers, Vietnam veterans—Americans from every walk of life. The day has evolved not through the mailing of thousands of envelopes, not through the spending of large sums of money for television advertising, nor through the organizational structures that are the normal vehicles for important announcements. Observance of October 15, 1969, has come through word of mouth and through a sense of anticipation. It is the sense of anticipation perhaps more than any other factor that has evoked the massive involvement in this observance.

This sense of anticipation has its roots in a period of crisis that was perhaps unequaled in more than 100 years of our history. In the fall of 1967 and the early spring of 1968 our Nation experienced tension not known since the days preceding the Civil War. Millions of Americans harbored a sense of frustration and tension concerning the war in Vietnam that found no release. Although President Johnson spoke—and spoke again—of his earnest desire to bring the war in Vietnam to a close, his very actions seemed to many Americans to belie his words.

Contrary to the beliefs of some, Americans have few opportunities to express their wishes concerning their Government. Once every 4 years we pick the truly national leader—the President of our country. And by practice this period has become 8 years. True, we tend to read special elections and the congressional elections as indications of the national mood but they cannot be truly representative. The year 1968 would not offer the opportunity for a truly representative election. The incumbent would be reelected to another 4 years according to the rules of the game. But the rules of the game could not prevail in that period of great national crisis.

The seriousness of the situation in Vietnam in the fall of 1967 and the early spring of 1968 is easy to gloss over now. But friend split from friend and hawk attacked dove and dove criticized hawk with a bitterness that has not been ex-

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perienced in recent time. When Senator EUGENE McCARTHY entered the race for the Presidency he did so not on the basis that he was a candidate seriously believing that the incumbent President could be beaten in the party primaries and the convention but rather as a candidate who would insure that the issue of Vietnam would be debated. Senator McCARTHY met a deep-seated need in the American people—an opportunity to demonstrate their concern about the course the United States was taking in Vietnam. And the depth of this need was evidenced in the months that followed.

The late Senator Robert F. Kennedy entered the lists in the spring of 1968 and the tempo of the debate over Vietnam increased. Although Washington prides itself on its ability to know what will happen before it happens, few of the experts predicted that President Johnson would take himself out of the race. But he did—and did so with the purpose of being able to more effectively work toward peace in Vietnam. His action served in many senses as a safety valve for the American public. Almost with a collective sigh America exhaled. The election of 1968 now offered an opportunity for change—meaningful change.

I believe the case of President Lyndon B. Johnson is tragic in a classic sense. He was most interested in and most concerned about such domestic issues as poverty, education, housing, medical care, the threats of air and water pollution, and the danger to our entire environment. He did great work to lead the way in meaningful action on all these fronts. But the incredible tragedy of Vietnam, which he inherited more than he created, turned to bitter ashes all his great hopes for progress and renewal here at home.

Although the positions attributed to Vice President Humphrey have often been misinterpreted, many Americans believed that he was too inextricably wound up with the policies of President Johnson to chart a new course in Vietnam—to hold to a course of action reflecting the United States' best interests. Presidential nominee Richard Nixon offered a plan for withdrawal from Vietnam. It was not a detailed, explicit plan, but it was a plan. This plan was a significant factor in the 1968 election.

President Nixon was elected in November 1968, undoubtedly with the help of the votes of independent and some Democratic voters. The 1968 election gave the public an opportunity to choose—to choose a course of action on Vietnam. The choice was made and President Nixon came to office with a mandate—a mandate that called for winding down the war in Vietnam.

One of the practices that has acquired the status of a tradition in the United States is to give the newly elected President a period of grace—to give him an opportunity to take over the reins of Government and to place his imprint on our policies. We do not expect our Presidents to modify or change overnight the positions taken during the previous 4 or 8 years. We expect the new Cabinet officers as well as the Chief Executive to devote part of this initial period to mastering the details of their job. Our Presidents are not blamed or praised for the actions of their predecessors but rather make their own imprint on the scroll of time.

But, it is now almost 1 year since Americans had the opportunity to show their concern about Vietnam. It is only 3 weeks to the first anniversary of our trek to the voting booth. But this year there is no vote—no place to register our approval or our concern or other judgment about the course of events during the past year. True, we do read in the paper that the latest Gallup poll shows that 58 percent of all Americans think that we made a mistake to have gone into Vietnam—that another 32 percent think we should have—and 10 percent do not know. But the Gallup poll has limitations. It does not show the depth of conviction with which Americans hold these opinions. It does not show the deep affection that a number of Americans have for Vietnamese that they have fought beside or helped to reap better crops. It does not show the bravery of the many Americans who have shed their blood for Vietnam, whether by choice or by sanction. No poll can reflect these differences of opinion. Yet in these troubled times, polls are not adequate indicators of public opinion.

What is public opinion, after all? Is it the sum of the views of the elected officials of one or the other body of Congress? Is it the editorials appearing in 10 or 15 major newspapers? Is it the voice of a particular columnist or of a particular broadcaster? If one could know for sure what public opinion was at any particular time, our lives might be infinitely simpler, although somewhat sterile.

I must say here that public opinion concerning Vietnam is felt with an intensity that we rarely see. Opinions about Vietnam are not lightly held. This intensity finds form in a search for participatory democracy—something more tangible than an acceptance of the actions of the representatives that we elect. Some Americans who I have talked to feel that they must demonstrate their very real and terrible sense of conscience about Vietnam. In what is almost a religious act, they must perform an act of conscience. For those of us who only live the war through the television tube—who do not expend the adrenalin, the sweat, and the toil that may cleanse the spirit, the burden is a heavy one. It is a burden that is not thrown off in conversations with our friends or an occasional letter to Washington. And so the pressure mounts to express—to somehow bear testimony to a people in a foreign land who are subjected year in, year out, to the ravages of war, and most importantly to those of our younger generations who either carry the burden in Vietnam or face a future that will take them there.

This pressure to bear testimony, to make an observance of conscience, has found its opportunity. It has focused on October 15, 1969, as the day when Americans wish to be counted. The total will not be recorded in the voting booths. It will be recorded in hundreds of gatherings in churches, in places of business, in the car lights that are left on, in the talks at colleges and schools throughout the Nation, in all the ways that individuals choose to make their concern known.

This day of observance will not—cannot—be ignored. The shift in opinion in the Congress, the statements of support from such eminent Americans as Richard Cardinal Cushing and Gov. Averell Harriman all indicate that this day has already had an effect. The question at this point, of course, is, What kind of effect?

I believe that October 15, 1969, will serve as a watershed in our history if it serves to reinforce the promise made to Americans on November 5, 1968, a promise to bring our involvement in Vietnam to a rapid conclusion; it will be useful if it removes some of the illusions on the part of both the public and our national leaders as to how we can disengage in Vietnam; it will be useful if it strengthens the hand of President Nixon in his search for an end to this chapter in American history.

I watched at close hand what the war in Vietnam did to Lyndon Johnson, how it turned his hair white, eventually drove him from the White House as most of the dreams for America went up in smoke. I do not wish this on any man. We only have one President at a time and I believe we must do all we can to help the President. Let us not have a repeat of 1968. I do not think the Nation could stand it.

Former Secretary of Defense Clark Clifford, a clearheaded and courageous statesman, wrote recently in an article:

> When I asked for a presentation of the military plan for attaining victory in Vietnam, I was told that there was no plan for victory in the historic American sense . . . The President had forbidden our forces to pursue the enemy into Laos and Cambodia, for to do so would spread the war, politically and geographically, with no discernible advantage . . . After days of analysis . . . I could not find out when the war was going to end; I could not find out the manner in which it was going to end . . . And so, after these exhausting days, I was convinced that the military course we were pursuing was not only endless, but hopeless.

As a design for further action, Secretary Clifford concluded that our goal should be to stop sending additional troops to Vietnam and to begin a gradual disengagement.

What has happened since Secretary Clifford came to this conclusion in the spring of 1968? A new President has taken office and a new Secretary of Defense has been chosen. The tragic toll of American, South Vietnamese and North Vietnamese dead has continued to mount. Each week with minor variations we learn that 115 or 94 or 152 American boys have lost their lives. We are told that the U.S. Army has pulled cut of the delta south of Saigon and that the South Vietnamese Army has taken over the job of maintaining order there. We learn that 60,000 troops are to be pulled out before the end of the year.

I believe that President Nixon is committed to disengagement in Vietnam. And I believe that Americans have the fortitude to back up President Nixon in the complicated and perhaps painful actions that must be taken to achieve this goal. There can be no illusion about the disengagement in Vietnam, it will take place and it will recognize the political realities of the situation.

We must seek disengagement on the basis of control as it exists, not how we would prefer it to exist.

What we must search for at the conference table is not kind words but some agreement concerning the future based on the realities of power as it exists in South Vietnam.

A sudden withdrawal of U.S. troops would bring more chaos and death than an orderly withdrawal that places additional responsibilities on the South Vietnamese. An act of will must be made, then, to withdraw American troops on a timely schedule. And in my opinion this is more on the order of 100,000 ground troops as Secretary Clifford and Ambassador Harriman have recommended than 60,000 now planned to be withdrawn this year.

I also believe that we can negotiate a cease-fire now. There have been sufficient signs of North Vietnamese inactivity to warrant a cease-fire. We should not seek some nebulous promise or some unachievable goal; we should mold the course of events with the material in hand. The limited engagement policy announced by Secretary Laird last week is a useful first step in this direction; its very success argues for further action. I urge President Nixon to use his statesmanship to seek out and announce a cease-fire in the immediate future.

I have not mentioned a date by which I believe all American troops should be out of Vietnam. Just as we are unable to fix the precise date on which we became involved in Vietnam. I believe that we cannot fix the precise date on which we will be out. There must be an end to our involvement in the near future, particularly for the ground troops who have been bearing the brunt of the fighting. And there will be an end to the need for our support troops, an end that we hope will follow the ability of a South Vietnamese Army to perform these functions.

The end to American involvement in Vietnam will come and it will come in the near future.

One comment that should be added. The conduct and the decisions that are made concerning Vietnam are not a matter for partisan politics. Our foreign and military policy in this instance concerns the lives and fortunes of every American. There should be every opportunity for genuine expressions of opinion. There is no room for Democrat or Republican in this debate. But, in taking my place among those who wish to be counted on this October 15, 1969, I do so as a concerned American, as the Representative of 500,000 Americans acting as my conscience dictates. I do not do so as a Democrat. From this day, President Nixon can draw the support and the expression of will for positive action. There could be no better observance.

Vietnam may well be the worst debacle in American history. The story of our involvement in that troubled peninsula since World War II is marred by mistakes. We should never have supported the French effort to reestablish their colonial empire after the war when colonialism was taking its place with feudalism as a regrettable vestige of the past.

One could go on and on. But that is past history. Now we must pursue the basic course of disengagement that has been charted. My chief difference with it is that we must put on some steam and move faster so that we can turn at the earliest moment to the urgent, unfinished business of America here at home.

Many public officials made mistakes and I confess to my share.

Mrs. CHISHOLM. Mr. Speaker, why are there no gold stars in the windows of American homes during the Vietnam war as there were during World War II? In 1943 and 1944, did any American woman, mourning a son's death in the war, refuse to allow military honors to be paid at his funeral, or scorn to accept the flag from his coffin? Did any bereaved mother carry picket signs demanding that the troops be brought home from Italy, or chain herself to a young man outside an induction center?

These things are common now. Has our society changed so much? Have American women changed so profoundly? These questions, perhaps, honestly trouble some persons. They may wonder if they see our country in decline, in decay, because such things are going on. That is nonsense. Our country is not decaying. American mothers are as able as they ever were to make the greatest sacrifice a woman can make, to consent to the death of a son, in a just and necessary war.

But not in an unnecessary war into which we stumbled, or were led by shortsighted men. We have been locked into the war by stubborn, proud leaders who could not admit that they were wrong. We have been systematically lied to for years about the nature of the war and the prospects of ending it. We know now what we have been doing, despite the lies. We have been pouring out the lives of our sons and wasting the spirit and the resources of our Nation to support a corrupt and dictatorial government whose citizens would reject it in a moment if it were not protected by a wall of American arms. This is not a just and necessary war we are fighting.

If it had ended sooner, if we had won it quickly, these and other unpleasant truths about the war might never have become known to most of the American people. But it has gone on too long, and the truth has come out. Now the Nation demands that the war be ended. But President Nixon talks of an honorable conclusion. He says that he will not be the first President to preside over an American defeat. He says he will not be affected by the demands being voiced this week, in an unprecedented and historic outpouring of public opinion, that the war be ended. We who have hoped—and I believe all of us here, and most Americans have hoped it—hoped that the new President would find a way to repudiate the mistakes of the past and put a merciful end to this shameful episode in our Nation's history, have been disappointed. We are disappointed daily at every fresh proof that nothing has been changed.

The President talks of withdrawal, and the Secretary of Defense talks of Vietnamization of the war. Members of this House have been to Vietnam since that talk began, and came back to report that they were cruelly disappointed to learn that this talk is deception. The so-called withdrawals are tokens; Vietnamization is a fraud and it is all a device to prolong the war.

A few Members of this body have called those of us who oppose the war traitors, or virtually that—"doing the work of agents of the enemy" was one phrase given public currency this week. In the minority caucus, I have read, there was an attempt to censure some Members who have decided to stand behind this week's moratorium. Government employees have been refused permission to hold moratorium programs where they work. There is clearly a plan to try to discredit any effective opposition to the war by labeling it disloyal and un-American.

What is more un-American than to subvert the Constitution of the United States? Have not the men, in elected office and in appointive offices, in uniform and in civilian clothing, who have taken this Nation into an undeclared war, committed the most un-American action possible? They have flouted the Constitution they swore to uphold, by making war without the declaration of Congress. Has not Congress, by failing to insist that it, as the representative body speaking for the people of this Nation—in whom the ultimate authority to decide for or against war rests—has it not also failed to uphold the Constitution?

And now some of the leaders of our Nation, on both ends of Pennsylvania Avenue say they will not listen to the voice of the people. They say they are right. The majority of the country, who demand that the war be ended now, are wrong—they are misled, it is even said, by traitors. But I say such arrogance must be punished, as it certainly will be in the long run, and this subversion of the basic tenets of our free Government must end.

Why do our leaders not listen? Is it possible that they do not see the consequences of their refusal to heed the deep, profound, bitter opposition to this war—and, increasingly, to Government itself—that their policies have caused? Those of us who have been on the campuses, where much of the opposition was born and where it is still strongest, have had an opportunity to learn how deep the difficulties are that our Nation is in. I have been on 25 campuses in the last 9 months. I have had young people asking me "is this war really worth the number of lives that are being snuffed out. What kind of country can engage in this kind of madness, and try to force us to take part in it, with persecution and prison sentences?"

The division between the old and the young starts at that point. From it flow many of the other struggles and crises

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that our Nation is undergoing—the intense, serious questioning that is taking place of all the values of our society.

Our country must be protected when it is necessary to protect it. Citizens must be willing, in an extremity, to give their lives for their country. But must they give their lives in a cause they do not understand, and which many of their disillusioned elders do not understand? If this continues, where will it lead us? The war has torn the seams of this country, North and South, East and West. The young people on the campuses are not afraid to protest. They owe nothing to any group that has a special interest in the prolongation of the war. They want to see their Nation become one again. They realize that without their voices speaking for many who dare not cry out, for all kinds of reasons, the war could go on a long time. And they realize that the war is causing the deterioration of the values on which this country is founded—government by the majority, for instance—government by the consent of the governed.

Americans will not be given to die in a war they do not understand or believe in. They will not be fooled any longer into supporting it. Groups everywhere in the Nation this week are saying, each in its way, that they are tired of the war—student groups, women's liberation groups, academic groups, religious groups, black groups, a great cross section of America. All are saying that the war must stop now.

Let us not be afraid of being slandered for acting and speaking in this just cause. Let us regard, with the little respect he deserves, anyone, however high his office, who uses such a contemptible device to hide the fact that he does not dare discuss the facts. Let us continue what we have begun now, and not relax for a moment the pressure on those leaders who will, if we falter, continue to use every subterfuge to pretend that they are seeking peace while they continue to wage this immoral and unpopular war.

Mr. VANIK. Mr. Speaker, a great deal of discussion has taken place in recent weeks concerning the student moratorium and the rightful place of their petition and dissent. There are those angry voices which charge the dissent an unpatriotic alinement which benefits our enemies. There are also those who seek to substitute the basic reasonableness and propriety of the dissent with passionate policies of disorder.

Dissent is a proper and necessary instrument of democracy. It is not to be obstructed or destroyed. It is a useful weapon in the arsenal of democracy. Dissent, however, is separate and distinct from disorder. Dissent is usefully applied to change policy. Disorder is applied to destroy all policy. Disorder can be created by those for or against dissent who compound their position with unreasonable passion.

The fact that dissent can be effectively expressed in this country does not weaken America. The freedom for dissent—on the contrary—tells the people of the world, friend and foe alike, that our Nation reacts to the opinion of its people—that the American people are the power behind and beyond government policy; that official American policies are dependent on a continuation of public support.

The opposition in this country to the Vietnam war has gained momentum at every turn. It has been claimed that the protest to the war affects the President's capacity to negotiate a peace. The dissent to the continuation of the war does not detract from the President's capacity to negotiate a peace—but realistically it does advance the timetable and provides a deep sense of urgency for positive action. If the dimension of the public protest should continue to grow at present rates—the President's capacity to most favorably negotiate diminishes with each passing day. Time is of the essence. An American proposal for a cease-fire and for peace would attract better terms today than is likely next year or the year after that.

The American people have exhausted their patience with the cruel demands of a war which they cannot relate to the security of America. There is no desire to give American lives or spend American dollars in a crusade for prestige or the preservation of privilege, particularly in a foreign country. The American people will never again aline their strength and their blood in the defense of privilege. This impatience is apparent on domestic priorities of the Nation as it is in foreign affairs.

Mr. Speaker, for the past 9 months we have waited for the President of the United States to act to redeem his campaign pledge, to terminate this savage conflict. Our fear is that delay is not on the side of peace.

Today, the war continues relentlessly to wreak incalculable destruction on Vietnamese society, to claim the lives of our finest American men, and to infect our Republic and distort our purposes as a great nation.

What is needed is decisive action.

The token withdrawal of troops by the President is a calculation that the old policies might somehow work in the present situation even though they have proven disastrous in the past. The policy of the past is the policy of failure. It is a substitute for action. It is an effort to buy time, which can only be purchased at the unacceptable cost of the lives of more innocent people.

The "Vietnamization" of the war was supposedly begun with the much-heralded Midway announcement that 25,000 troops would be withdrawn by the end of August. This withdrawal more resembled a rotation in many of its aspects than a genuine pullback. In fact, there were 5,000 more troops in Vietnam on June 8, when the President made his announcement, than on the day before his inauguration. For several weeks in June and July the number of American troops in Vietnam was actually increasing.

The President inflated his intentions. He "hoped" for 100,000 this year. He said he would like to beat former Secretary Clifford's plan of withdrawing all combat troops by the end of 1970. Saigon officials stated publicly that 75,000 or more men would be gone this year.

Instead there was the indecisive first 25,000. Then came the delay and the postponement of the next withdrawal. In September we heard of another withdrawal of 35,000 by December 15, with Vice President Ky breaking the news early and using different figures. Whatever the figures, there seems no hope for 100,000 by the end of 1969.

This is the measure that President Nixon calls a "significant step." This is the number that Ambassador Lodge refers to as a "formidable force." Can we really believe that the President has gone as far as he possibly can go?

The troop withdrawals to date are militarily insignificant and politically motivated.

At the present rate, assuming no interruptions, the process of withdrawing all American troops will take 4½ years. That is, Americans will still be in Vietnam at the beginning of 1974. If the war continues, who can estimate how many more casualties, how much more anguish, will result? Who wants to be responsible for this senseless suffering?

We are now cautioned by the administration that "Vietnamization" means transferring responsibility to the Vietnamese in noncombat areas as well, such as economy, government, and police. The State Department recently admitted that South Vietnam never made a formal request for U.S. troops in the first place. The administration now seems to confess that there has been no independent government in South Vietnam apart from our mission in Saigon. In narrating the story of Vietnam over the years, our Government has included a generous amount of fiction.

"Vietnamization" appears destined to travel the same confused route as "self-determination." It can justify any policy at all, or as in this case, the policy of indecision. In the final analysis, "Vietnamization" should mean disengagement for America.

An immediate reduction in the level of fighting or an immediate cease-fire should be the essential priority, while we carry out other measures toward peace. I advocated in early 1968 the withdrawal of American forces to protected, defensible enclaves. We must end the ill-conceived strategy of maximum pressure through search and destroy. Events since 1968 prove that the consolidation of defensible positions still offers the best way of minimizing casualties. Such a disposition of our troops might form the basis for the achievement of local or larger cease-fires, either by mutual example or by prior agreement.

It is time to end the useless effort, based on years of illusion and false hope, to expand our military and political control beyond the areas now occupied.

We have supported a procession of dictators in South Vietnam. The Thieu regime, a government of despots and cronies, has failed consistently to initiate the kinds of reforms—economic, social, and political—that might make it worthy of the support of its own people and more than the mockery that it now is to the noble sacrifices of our people.

The recent cabinet formation by Premier Khiem was a bitter disappointment to many of the other non-Communist elements in South Vietnam who remain unrepresented in the present government. There is strong evidence that the government of President Thieu does not want a cease-fire and new elections. It has repeatedly sabotaged the efforts of the United States to seek an end to our involvement. It does not want American withdrawals and will accept them only to the extent necessary to achieve a permanent American presence. The government does not enjoy wide support; it does not allow full and free political participation; individual rights are not guaranteed; and there is no freedom of the press. It is a government that punishes even talk about a coalition solution. It is a government of suppression rather than free expression of the popular will.

For us to continue to insist on the preservation of the present Thieu government as an unnegotiable condition of peace in Vietnam is dangerous and unwise, in addition to being wrong. Thieu should be put on notice that if he will not alter his policies, then he must defend by himself his unrepresentative government against those of his countrymen in the south who oppose him.

American forces continue to bear by far the major burden of the fighting in South Vietnam, even with the troop withdrawals in progress. What is needed are greater withdrawals and a firm timetable. Such a definite blueprint might be sufficient incentive to the present Saigon government to take the steps necessary to make it viable, democratic, and stable. The United States should encourage the formation of a new coalition of political forces, while adhering to a fixed schedule of withdrawals, some aspects of which might be contingent on progress in negotiations between the different Vietnamese sides toward forming a new governing structure.

The American people have said clearly, as indicated so powerfully by the events of 1968, that they want the troops home and home soon. Rhetoric, palliatives, and pleas for unity to the contrary, the public will not accept the indefinite retention of our forces in Vietnam in the decade of the 1970's.

Mr. Speaker, these are the simultaneous goals, then, that this Nation should pursue diligently from this moment with regard to Vietnam: First, seek a reduction in the violence by the defensive arrangement of our troops in order to consolidate our present positions; second, demonstrate unequivocably to the Thieu government our patent dissatisfaction with the undemocratic practices of his regime, his refusal to consider a coalition government, and his undercutting of American peace efforts; third, draw up a clear schedule of troop withdrawals, spaced over the coming months, in order to insure the early withdrawal of all American military personnel from South Vietnam; and fourth, announce a plan for selective cease-fire by region or by military unit directed toward total cease-fire.

If we take these measures, the burden will pass, for all the world to see, to the enemy to negotiate constructively. Only a hard process of bargaining between the Vietnamese can produce the "self-determination" what we want for South Vietnam.

If free elections are the solution on which all the South Vietnamese agree, then the elections must be genuinely free—with the organization of those elections under the control of no one political faction.

All political elements, including the other non-Communists and the Vietcong, want the right to participate in the inevitable reorganization of the political life of South Vietnam. There is considerable reason to believe that all parties, free of outside influences, might be able to do so in a peaceful atmosphere without the bloodshed of war.

We have never proposed to offer the Vietnamese any less for the future. We are not able to offer them any more.

President Nixon promised the Nation a plan for ending the war in Vietnam. At this late hour, he indicated only that he "plans" to end the war. We have been promised this before.

President Nixon must understand that the dissent and debate on Vietnam is not a matter of personality—it is a matter of grave national policy in which every citizen has a stake and a voice.

I pledge my full support to any and every effort directed toward a speedy conclusion of this savage war at this late hour, words must be replaced by deeds and action.

Mr. ADAMS. Mr. Speaker, the deep issue that we must discuss on this day set aside as a moratorium is not just to discuss whether to support or reject a particular Presidential policy. We are here to discuss the movement of this Nation out of Vietnam and into the future. We should not fall into the trap of spending all of our time discussing the date when all troops should or should not be removed or the things that should be said day by day in Paris. These discussions are important but on this day which we have set aside to stop our normal activities and look at ourselves, we should discuss not only the tactics of what we do to stop the war in Vietnam, but also what is the lesson for the future from that conflict and what America should do with its resources as we try to move out of this war and into an uncertain peace.

With this as background, I want to state that I am making every effort I can to persuade the President to continue the long journey out of Vietnam. This October 15 Moratorium Day must demonstrate to the President that the Nation believes the "old days" are over. We must have a new view of America's relationship to the undeveloped, revolutionary portion of the world. We must change the draft laws we have fastened on America's young since the beginning of World War II, and we must carefully decide as a nation which things in our Nation require our attention first. We cannot ignore any of our pressing problems entirely, but the amounts of time, money and intellect we spend on each one must be determined by the severity of the problem it poses to us as a people. This, of course, is generally discussed by the word "priorities," but I find that too often we bandy this word about and it loses a real meaning because it papers over a real discussion of the fundamental problems which must be solved.

THE GENERATION GAP

For example, we have a generation gap not only between young and old in the Nation, but also in Congress. Many of our leaders are the age of my father. This gap reflects itself in the programs which we pass. A man who came to Congress in the 1920's, 1930's, or 1940's looks at military preparedness from the disasters of the 1930's and 1940's when America in isolation ignored its security. This is emotional and the beat of new drums is not heard. He therefore is always afraid he has not done enough and will succumb to the argument that every new military program is a "must."

There is a gap between the old domestic programs such as agricultural subsidies and the new needs, such as food for the poor. This gap is not being closed. The gap in helping the poor in a high employment, affluent society means we are still using programs of unemployment compensation and welfare designed to help the victims of the 1930 depression. We have not given true meaning and incentive to the youth of an affluent society, but used old slogans.

THE MORATORIUM

Those of us in Government who have moved throughout the country this day to support the moratorium have stressed that this should be a day of nonviolent dissent to a continuation of old policies and prayer for those who have died or been injured in Vietnam. I cannot understand those who panic at the thought of this day or believe that it is injurious to America. We memorialize our past war dead and discuss our country's policies on Independence Day, Memorial Day, and Veterans Day. On this date, we should do no less than memorialize our dead in Vietnam, let those who are presently facing the awful peril of war know that we are concerned about them, and voice our beliefs about America's future.

To say that we must promptly end this war and start bringing our troops home from Vietnam is from a sense of protecting our men since every day we remain unnecessarily in Vietnam we expose more and more Americans to the perils of war. It also reflects our belief that an era of overemphasized military response to political problems should end.

The necessity for this day in our democracy is to be certain that those in charge of our democracy know full well the feelings of the American people on this war. Unfortunately our elective process and often the attitudes of our elected representatives lag behind the feelings of the country. The peaceful assembly and organized dissent have always been America's way of correcting this lag by bringing the issue to the attention of those in charge of our Government. The elective process follows if the dissent is correct and the people are aware. The recent example of the election of Michael Harrington to Congress on a program of changing policies in Vietnam shows this. The American people are changing their fundamental position and we cannot face losing more

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American men unnecessarily while waiting for the elective process to reflect this mood. We want those who lead the executive and legislative branches to act now.

THE DEMAND FOR CONFORMITY

The request of the President for a moratorium on criticism comes 8 months after an election in which the major issue was peace in Vietnam in spite of the efforts of leaders in both parties to avoid the issue. The President indicated he had a plan for ending the war. We hope and pray he does, and if so he should tell us. The cry for silence has a deadly familiar ring to the statements of President Johnson during the last 4 years of his administration. Many of us responded to those requests of President Johnson in 1965, 1966, and 1967. We pleaded for change in 1967 and 1968. In 1969 we have waited on President Nixon to be certain that the policies of the past do not continue through inertia of the past. We do not demand the impossible and we hope on this day the point will be made that we support his action in starting an orderly withdrawal of troops, in proposing changes in the draft law and the removal of General Hershey as head of the Selective Service System.

We are dismayed, however, when we hear the President say that there may not be future withdrawals or that we will remain in Vietnam for an indefinite period of time or that our future actions will depend on the reaction of Hanoi.

THE NEGOTIATIONS

I am convinced that the North Vietnamese in Hanoi and Paris are looking to the ability of the indigenous people in South Vietnam to maintain themselves as the test of whether to negotiate. The North Vietnamese know they will remain in the region of North and South Vietnam indefinitely because it is their home. They know the South Vietnamese must remain in this same region indefinitely because it is their home. They know the Americans will not remain indefinitely and therefore arguments about 60 more days or 1 year or 2 years are not the factor that make successful negotiations in Paris possible or impossible. A negotiated peace will only exist if the South Vietnamese are capable of dealing with the North Vietnamese and both sides know it. This we have tried to produce.

WE HAVE MET OUR COMMITMENT

We have met our commitment to the South Vietnamese and won our part of the war. We have given the South Vietnamese people 15 years to develop a nation. We have tried many different programs and have provided an immense protective military shield for the present government for 8 years. Even President Thieu does not ask that we accomplish any more militarily other than an orderly transfer of military functions to the Saigon government. The South Vietnamese Government will either survive or it will not. As of now we should begin a methodical, orderly withdrawal of our troops so the South Vietnamese can run their nation.

It may be necessary to provide protective enclaves for a limited period for those who believe the Saigon regime will not survive, which will also be necessary to provide protected disembarkation areas for our troops as they withdraw. It may also be necessary to negotiate treaties with the surrounding countries for those Vietnamese who do not wish to remain in South Vietnam once we are gone. We should be willing to support and aid such endeavors. During this process the prime factor should be protection of our troops as they move out of the jungle and back into the staging areas from which they originally moved in 1965. It may also be necessary to provide special advisory forces and certain types of assistance to the South Vietnamese as we are moving out.

WE LEAVE AS WE CAME IN

As you can see, I am proposing that we move out of Vietnam just as we moved in and that we finally leave the nation, hopefully better than we found it when we took over from the French in 1954. The ultimate destiny of this country then will remain in the hands of its people.

A NEW ERA

From all of this I find that we have reached the end of an era that started in the middle 1950's and continued into the decade of the 1960's. First was "brinkmanship," a policy of hard, nuclear confrontation with the Communist world. Then we tried a policy of flexible military response in the 1960's which was to be coupled with social and political action. Unfortunately, our system overemphasized the military response but now we have learned what we can and cannot do in conducting military operations in a very distant place against strongly motivated indigenous forces. A new era opens and I pray on this day of commitment that we have not turned the whole new generation of Americans away from living in all of this world and into neoisolationism. If America were to withdraw completely into itself and refuse to recognize that two-thirds of the world is poor, ill-housed and undernourished we would have a tragedy of immense proportions. The fact that we cannot militarily rule the nonalined portions of the world should not prevent us from seeing that we can be a great influence for them in many other ways. I hope that the new generation, which all of you represent so well, will have a sense of dedication as strong as that which we brought into American politics with John Kennedy in 1960. We are struggling to survive in government and build a bridge into the control of government for you. Mistakes have been made. I do not on this day look back and accuse. I would rather look forward with hope.

I want to end on a positive note. I think if we make this movement succeed the President will join with us, and together we will move this country out of Vietnam. When that has happened we can start down the long road of the future with a new type of America where the poor are no longer left out, the affluent no longer apathetic, the young no longer frustrated, and the minorities no longer isolated. Then the journey which we started in 1960 which has been so often interrupted will begin again and America will fulfill its destiny as a nation and bring some measure of peace and prosperity to this world, not because of its military might, but because it deserves to lead.

Mr. **HELSTOSKI**. Mr. Speaker, as Members of Congress and Representatives of the American people, we are concerned with the termination of the war in Vietnam as soon as possible. I am of the firm belief that the majority of the American people are in favor of withdrawing American participation and bringing to an end this unhappy chapter in our history. The voice of this majority must be heard if we are to accelerate the pace toward peace.

Tomorrow, October 15, the American people will give voice to this sentiment through peaceful assembly and nonviolent action to show that the attainment of peace is the most immediate and important national goal. I believe that a clear commitment to that goal will hasten the development of a new U.S. policy which will bring peace to Vietnam.

We must work to find some means of terminating the war which will reflect the urgent desire of our people. Those who are deeply concerned and are attempting to change the U.S. policy are doing so through a visible protest, one that will reverberate throughout our Nation. Insofar as it is peaceful, lawful, and nonviolent, I believe that it is an important and constructive undertaking and I commend the action being taken in this respect.

Although these demonstrations reflect the attitude of the American public toward the war, the President has repeated the statement that they will not change his policies on the conflict.

Mr. Speaker, on September 19, 1969, I wrote a letter to the Secretary of Defense, Mr. Melvin Laird, regarding the President's announcement of the withdrawal of 40,000 additional troops from Vietnam. I have also written to President Nixon on this same subject.

In my letter, I expressed my concern about the withdrawal of troops and yet this withdrawal was accompanied by sending additional men into the fighting area. I was concerned because my constituents could not understand why their sons were still being sent to Vietnam when there was supposed to be a massive troop withdrawal.

My letter is as follows:

SEPTEMBER 19, 1969.

Hon. MELVIN LAIRD,
The Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: President Nixon's announcement of the withdrawal of 40,000 additional troops from South Vietnam is a significant demonstration of America's desire for peace and an end to the long and bloody conflict in Vietnam. But, the fighting continues, the peace talks stall, and the Saigon regime remains unwilling or presumably incapable of assuming the full combat burden of their own war.

Although there appears no prospect of a cease-fire taking place in Vietnam, I feel we should firmly work in this direction. I believe the American public ought to know more about the actual withdrawal of X numbers of troops, while we continue to send X numbers over to the same area. What can I tell my constituents whose sons are still being deployed every day to the combat area when

they ask why their sons must now go to Vietnam when the Administration announces the withdrawal of 25,000 and 40,000 troops, and, yet continues to send troops back to that area? I cannot answer my constituents' questions until I am able to tell them the U.S. withdrawal is more than just newspaper headlines.

What, therefore, is the total figure on the real withdrawal subtracted from the figures of those assigned to the combat area since the announcement of 25,000 withdrawn, for instance?

In terms of troop withdrawals and draft quotas, can you define and clarify the policy on: a) troop withdrawal; b) continued draft quotas; and, c) eventual total withdrawal? How does this relate to the Paris peace talks and the U.S. position in Vietnam today?

Your replies will enable me to give my constituents the answers to their questions which they are seeking.

I am sure, Mr. Secretary, that we share the same concern about peace and about the need to assure a fit world for our future generation, but only a broad and bold new policy towards peace will attain this end.

Sincerely yours,
HENRY HELSTOSKI,
Member of Congress.

On October 3, 1969, I received a reply from the Assistant Secretary of Defense which, Mr. Speaker, I would like to include as part of my remarks:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., October 3, 1969.

Hon. HENRY HELSTOSKI,
House of Representatives,
Washington, D.C.

DEAR MR. HELSTOSKI: This is in reply to your letter of September 19, 1969, to Secretary Laird concerning the redeployment of US troops in Vietnam.

It is President Nixon's responsibility, in consultation with President Thieu, to decide the timing and magnitude of United States troop redeployments from Vietnam. Previously President Nixon has mentioned three criteria with regard to troop replacement: progress in the training and equipping of the South Vietnamese forces and their ability to handle their own defense; the level of enemy activity in South Vietnam; and progress in the Paris peace talks.

Recently it was decided that the RVNAF had improved sufficiently to undertake a greater burden in the conduct of the war. The increasing capabilities of the RVNAF resulting from equipment modernization and other improvement programs, and the military situation in South Vietnam, made it possible to justify the reduction of the US troop strength in Vietnam to a force level of 484,000 by December 15, 1969.

As of January 31, 1969, shortly after President Nixon's inauguration, there were approximately 542,000 troops in Vietnam. As of May 31, 1969, prior to the redeployment of any US troops, there were approximately 540,000 troops in Vietnam. As of August 31, 1969, after the initial redeployment of 25,000 US troops, there were about 510,000 US troops in Vietnam. On September 16, 1969, President Nixon announced that the US troop strength in Vietnam would be reduced to a force level of 484,000 by December 15, 1969.

There are no personnel being sent to Vietnam to replace the US troops in units which redeployed as directed by the President. There still is a requirement, however, to provide replacement personnel for those units remaining in Vietnam. This number will fluctuate to a degree each month based on several factors. For example, it usually increases considerably during the summer months when there historically has been a high turnover of personnel. During the first six months of 1969, approximately 45,000 men per month arrived in Vietnam, and an equal number departed in conjunction with normal rotation and replacement requirements.

As announced by President Nixon at his press conference on September 19, 1969, the troop withdrawals from Vietnam, as well as other manpower reductions, have made possible a reduction in previously planned draft calls by 50,000 in the period October-December 1969. It has been, and will continue to be our policy to keep the draft calls at the lowest number necessary to meet approved strength objectives.

Current United States strategy has been designed to accomplish our objectives in South Vietnam. In brief, these include the following: to obtain a just, durable peace; to assure that the people of South Vietnam are able to determine their future course free from the coercion of invasion and terrorism; to help the South Vietnamese people build democratic political institutions and a viable economy; and to make credible the commitments of the United States, including our commitment under the SEATO Treaty.

After carefully studying and weighing the various alternatives, President Nixon decided that the best strategy for achieving our objectives was through the diplomatic negotiations that are now in progress in Paris. The President places the highest priority on ending the war as quickly as possible provided that the solution does not involve an abandonment of the South Vietnamese people. At his direction all policies in connection with the war are under continuous review and you can be assured that every reasonable step will be taken.

I hope this information will be useful to you.

Sincerely,
DENNIS J. DOOLIN,
Deputy Assistant Secretary.

I have also received a reply from the White House dated October 8, 1969. I wish to point out that the reply from the Deputy Assistant to the President, Mr. William E. Timmons, is identical to that of the Defense Department, yes, exactly word for word.

I wish to call the attention of the House the fact that the draft calls for the summer of 1969 reached an unprecedented high as indicated in these figures:

	1968	1969
July	15,000	22,300
August	18,300	29,500
September	12,200	29,000
Subtotal	45,500	80,800
October	13,800	29,000
November	10,000	
December	17,500	
Subtotal	41,300	29,00
Total	86,800	109,800

It is clear that the draft calls for November and December were inflated so that claim for a 50,000 reduction in the draft could be made.

Mr. Speaker, we know the cost of this war is tremendous. It takes away the funds that are so badly needed on our home front to provide for the termination of poverty, to provide for adequate education, to provide for adequate housing, to alleviate the financial burdens of our senior citizens.

Almost a decade ago public attention was called to a danger in America that too much power to affect national decisions was accumulating in the hands of the "military-industrial complex," which extends outside Government. It has become something of a cliche since that the war is important to our Military Establishment so that it can maintain its manpower and the size of its arsenal, and so that it can test the newer weapons under conditions of "realistic" testing. Likewise for defense industries: Clearly it is to their advantage that large contracts keep coming their way so that profits can be maintained and their corporate structures nourished on the steady flow of congressional appropriations.

There is a growing risk, however, of an imbalance of power, created by this war and maintained by its continuance, within Government itself. One does not need to invoke the hallowed principles of the Constitution, with its emphasis on "balance of powers" to clarify this point. It is just a matter of commonsense that the war has always been, and becomes increasingly, an administration war. And this does not mean an administration of this or that partisan persuasion: It is merely administrations of the "executive first" party. Nothing is clearer these days, as the 1960's come to an end, than that the present administration which is Republican has nothing new to add to the war policy it inherited from the previous administration which was Democratic. Their so-called differences of party are absolutely lost under their identity of administrative mentality. When a Senator comes out publicly with the remark that Capitol Hill ought not debate the war since neither war nor peace negotiations can be waged "in the Halls of Congress," we have only an instance of Capitol Hill abdicating its responsibility to affect administration policy in such crucial questions. Again it is pointless to wave the Constitution: Those who give overemphasis to the Constitution and remind the public that it is Congress which has the power to declare war are probably too unrealistic in this day and age—just as are those who make high-conscientious pronouncements about how the court is not empowered to make, but only to interpret, the law. But again commonsense is enough to guide the way: When an organization as complex and gigantic as the Government newsmen refer to glibly as "Washington" is faced with an issue as bone-shattering serious as that of the current war in Asia, it is no time for one-third of that organization to plead its incompetence to think clearly or its inability to make its thoughts known to the world.

Much of the point I am trying to make can be expressed in a concentrated form by using certain public figures as symbols, and discussing it in those terms. J. WILLIAM FULBRIGHT is not a Senator merely, he is a cause. He is the cause of the right of free men everywhere to self-determination. This means, of course, in this case not the sloganized thing the administration(s) plead for here and there and everywhere on the planet, but the concrete thing we have a crying need for right here within Washington. I mean, of course, the right of Capitol Hill to self-determination when it comes to this impossible war. FULBRIGHT is a more important symbol of course in that it has

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been exactly his vigorous and tireless opposition to the administration policies there which has been his ground for campaigning against the administration first, or Pentagon first party. What could be plainer in making the point that this is no partisan matter at stake than the fact that this courageous man's time in office extends back into the decade-old era when "military-industrial complex" was a new concept put forth by a Republican President — and presumably taken note of by his then Vice President—through a pair of regimes with Democratic administration, and now innot another Republican regime, and has stoutly held onto his position that, Tonkin or no Tonkin, Capitol Hill has a legitimate role in shaping Washington's policy in Southeast Asia? The still more sensitive issue of whether Capitol Hill is permitted to be informed, fully informed, about the political and military situation is one this courageous man did not shrink from raising, and giving the larger public some exposure to.

Among the things the Founding Fathers seem not to have had a clear image of is the Pentagon, 1969–70. It was enough of an uphill battle for **Fulbright** when there was a Secretary of Defense who believed that war was too important a matter to entrust to the generals. Now, with the Pentagon presenting a united front to the rest of Washington under the present Defense Secretary, the political hill is still more difficult to fight one's way up. There seems to be no issue presently—from ABM to the Asian land war—on which a Secretary of Defense would look any different in uniform than in civilian clothes. When an administration, whether Republican or Democratic does not matter, finds it advisable to join the ranks of this kind of Pentagon, and when Capitol Hill neither makes drastic cuts in its war appropriation, there seems to be no limit to the imbalance of powers that can be created.

But the most serious and pernicious thing of all is the righteous politico-military standing at attention by the President and those of his followers who will "fall in" for him and pronouncing that "at this present time" or "for the next x days" any expressions of dissent from the war policy is damaging to our fight against the enemy, one place or another. I believe that this is an old trick; to focus attention on either Saigon or Paris when it would be most uncomfortable to have it focused on Washington; that is, on his own administration and its own war policy. Another ex-Vice President has just—October 10—lent his voice to the chorus of "my administration, right or wrong" songsters: He said he disapproved of the moratorium since the lull in war casualties may be the sign of something. Yes, they may; so may the inside information which some seem to have available to them; so might the light at the end of the tunnel which General Westmoreland saw some time ago—and with eyes probably better trained than others for such things. It is too late to trade on maybe's and mightbe's, and the stakes are too high anyway. Money we can "probably" afford to waste, whether on Boeing or Saigon; American lives we cannot. And anyway it is vitally important to the internal health of Washington that the voices of criticism not be squelched at this time, especially not those voices from Capitol Hill.

This is, of course, what the present set of speakers, here in the House tonight, want to say just by their desire to speak. There is symbolism in these speeches, and important symbolism. We are insisting that Congress be heard, that its judgment, based on what evidence is made available to it, must be at least counted in to the process of decision about this war and U.S. disengagement from it. Not only must the war be, as the Pentagon now puts out, Vietnamized—the American part of it must be congressionalized. Which is not, of course, to say that the whole burden of the deciding will be instantly shifted over to our halls and our shoulders—but only that we have a right to self-determination, and our voices in defense of that right will be heard no matter what efforts are made to squelch them. It is a commonplace by now that this Nation must get out of Vietnam as quickly as possible; what we are here to insist on tonight is both that commonplace and also the urgent principle that the Congress and the ones they represent, be heard on this vital issue.

The vast amount of funds that were, and are still being, spent on this unpopular war can be recouped in time. But what are we going to do about the dead and wounded in this conflict, which should not have found us involved to the extent which we are?

These lives can never be restored. They have been taken at a time when each one of them could have added to the economic well-being of his own community. This, in turn, would add immensely to the betterment of all America.

My own State of New Jersey suffered 170 casualties in the period of January 1, 1969–June 30, 1969. These men were taken away from their families, their jobs, their communities. Each of them gave their life needlessly.

Mr. Speaker, I submit for the Record the names of these 170 young men who were returned to New Jersey, only to be greeted by tears and heartbreak—I extend sincere condolences to their families.

The names follow:

NEW JERSEY

DEATHS RESULTING FROM HOSTILE ACTION

Army

Andujar, Charles Manuel, Newark.
Atkinson, Franklin G., Jr., Hurffville.
Baker, George Arthur, Little Ferry.
Barnes, Alfred, Montclair.
Bastian, Michael Francis, Sewell.
Bell, William Brent, Essex Fells.
Biddle, Joseph Leonard, Berlin.
Biesantz, Howard Stanley, Newton.
Bonine, Thomas Marvin, Glen Ridge.
Boyce, James Franklin, Plainfield.
Brenner, Richard Irving, Teaneck.
Brunn, Richard Conrad, Westfield.
Callahan, Michael Patrick, Wildwood Crest.
Callan, George Allan, Pennsville.
Cama, Dennis Rocco, Hazlet.
Carlough, George Gerald, Pompton Lakes.
Cerrato, Nicholas Frank, Paterson.
Christie, Donald, Hazlet.
Coll, Dennis Joseph, Springfield.
Cyran, Richard Edward, Clifton.
D'Adamo, Albert L., Jr., Wanamassa.
Daley, Gerald Charles, Uniondale.
Danchetz, Lester, Rahway.
Davis, Charles Henry, Camden.
Deitman, Edward, Clifton.
Derbyshire, James Wilbert, Bridgeton.
Eggenberger, William Gary, Lyndhurst.
Fanning, Edward Charles, Hazlet.
Farawell, George Thomas, Linden.
Flaherty, Paul James, Gloucester City.
Folger, John Vincent, Bayonne.
Foulks, Charles, Jr., Browns Mills.
Francisco, James Leonard, Laurence Harbor.
Francisco, William, Jr., Summit.
Ga Nun, Paul Huntington, Asbury Park.
Gaines, James, Jr., Jersey City.
Grover, Thomas Roy, Trenton.
Hanlon, James Paul, Irvington.
Hinson, Alvin Crawford, Westville.
Iasello, Dennis Anthony, Newark.
Jackson, William, Bayonne.
Johnson, Guy Frederick, Chatham.
Johnson, Ralph Edward, East Orange.
Joynes, Frank Dennis, Jr., Newark.
Klaniecki, Edward Matthew, Fanwood.
Kulbatski, Francis Kenneth, Jersey City.
Laird, Jerry Proctor, Allentown.
Lang, James L., Neptune.
Lawson, Birden Jerome, Newark.
Lewis, Benjamin F., Jr., Ft. Dix.
Lopez, Jose Lius, Passaic.
Lyons, George Michael, Jersey City.
Madden, Francis Bernard, Jr., Newark.
Mahurter, Lawrence William, Fair Lawn.
Markovich, Douglas Joseph, Madison.
Marshall, Willie Junior, Newark.
McCallum, Peter John, Jr., Passaic.
McCants, Joseph, Jr., Trenton.
Mendez, John William, Maywood.
Miller, Robert Theodore, Westfield.
Mills, Karl William, Paramus.
Moon, Theodore Edward, Jr., South Orange.
Moore, Leon David, Summit.
Moran, Vincent, Iselin.
Morgan, Jerry, Jr., Long Branch.
Morris, Robert John, Collingswood.
Myers, Thomas Wayne, Middlesex.
Nelson, Paul Vincent, Belleville.
Nofford, Clarence, Newark.
O'Shaughnessy, James John, Closter.
Oliphant, Joseph B., Jr., Ventnor City.
Palma, Gerard Vincent, Hammonton.
Peterson, John B., Jr., Dover.
Price, John William, Westfield.
Pryor, William Jackie, Paterson.
Rasmussen, Peter Terence, Paramus.
Reed, Stanley Majure, Teaneck.
Rivera, Euclides, Irvington.
Robinson, Robert James, Plainfield.
Romero, Ricardo Ibrahin, Jersey City.
Ross, Roger Alan, Morristown.
Smith, Joseph John, Bogota.
Spence, Roger James, Roselle Park.
Tufts, Robert Bruce, Morristown.
Tully, Walter Busill, Jr., Madison.
Van Houten, Nelson Omar, Paterson.
Van Winkle, Harold J., Jr., Paterson.
Walters, Michael Arthur, Gloucester City.
Warnett, Ronald Leonard, Linden.
Washington, Albert B., Jr., Asbury Park.
West, John Hayden, North Bergen.
Wickline, Donald Lee, Jr., Lake Hiawatha.
Wilkins, Bobby Ray, Newark.
Zyck, Fred Joseph, Flemington.

Air Force

Alexander, Calvin Eugene, Newark.
Baumann, Ludwig, Plainfield.
Dinan, David Thomas, III, Nutley.
McCollum, James Patrick, Pleasantville.
Rios, Noel Luis, Newark.

Marine Corps

Arribi, Donald, Cliffside Park.
Barton, James John, Jamesburg.
Beaumont, Herbert Michael, Trenton.
Benn, William Paul, Lakewood.
Blevins, Thomas Lee, Jr., Middletown.
Bowen, Larry Hansen, Penns Grove.
Burke, William Gregory, Saddle River.
Burr, Stewart Samuel, Passaic.
Byrne, John Patrick, Sayreville.
Carlton, Randall Mark, Harrington Park.
Christiansen, Bernhard M., Willingboro.

Crane, Dennis, Spotswood.
Davis, Richard Wayne, Vineland.
De Lorenzo, Ronald, Trenton.
Desimone, Alfred, Jersey City.
Giordano, Daniel J., III, Hi Nella.
Grassia, Joseph, Jr., Paterson.
Green, Otis, Bridgeton.
Hayes, Michael, John, Jr., Bound Brook.
Hoffmann, Thomas Martin, Palmyra.
Jarmolinski, Chester, Jr., Jersey City.
Kurtz, Charles John, Absecon.
Lamanna, John Michael, Fair Lawn.
Lunapiena, Nathan Charles, Hoboken.
Melnyk, Mikolaw, Linden.
Mokuau, Kenneth William Jr., Wenonah.
Newton, Barrie Myron, Cherry Hill.
O'Shea, William II, Newark.
Presley, Avey, Elizabeth.
Quarles, Wayne Robert, Camden.
Romaine, Thomas Gilbert, Saddle Brook.
Ryan, William Cornelius Jr., Bogota.
Sargent, Gordon Leroy Jr, Newark.
Satterfield, William Hurle, Orange.
Sellitto, Michael Joseph, Towaco.
Sincavage, Richard, Elizabeth.
Tulp, Guyler Neil, Clifton.
Watson, Marvin Leroi, Woodstown.
Williams, Fred Thomas, Paterson.
Winters, John, Clark.

Navy

Bauer, Alfred, Keansburg.
Gillies, Robert Knell, Mantua.
McFadyen, Bruce Searight, Montclair.
Melady, Richard Raphael, Dumont.
Menter, Jerome, Englewood.
Pawlowski, Edward Wesley, Union.
Pearce, Henry-Ellwood II, Stanhope.
Russell, Peter Fransson, Wharton.

DEATHS RESULTING FROM OTHER CAUSES

Army

Colasurdo, Joseph Peter, Edison.
Coppedge, Lawrence, Montclair.
Engedal, John, Matawan.
Harbienko, Andrew, Elizabeth.
Haver, Dale Harry, Whitehouse.
Hoffmann, Robert James, Ridgefield Park.
Johnson, Lester, Jr., Hightstown.
Kalivas, John Angelo, Vineland.
Melendez, Rafael, Hammonton.
Newman, Thomas McKnett, Saddle River.
Parmerter, Michael James, Midland Park.
Pierson, Robert Emmett, Chatham.
Russell, Wayne Howard, Rutherford.
Tipton, John Edward, Pennsauken.
Wemple, Earl Scott, Netcong.
Wilson, Elroy, Jersey City.
Zicchino, Darrow Frederick, Carlstadt.

Marine Corps

Cancelliere, Frank Anthony, Belleville.
Leary, John Dennis, Collingswood.
Nichols, Daniel Clement, Westfield.
Snyder, Thomas Wayne, Millville.

Navy

Franke, William Thomas, Williamstown.
White, William George, Union City.

Mr. Speaker, the heartbreaks and sorrows which befall a family who has lost a dear one in this uncalled for and immoral conflict can best be expressed in the letter of Mrs. Miles Stewart, of Georgia, to President Nixon upon the death of her son, Wayne.

The Members of this House no doubt are well acquainted with this type of letter, for many of you probably have received one from a grieving parent.

Mrs. Stewart's letter follows:

Hon. Richard M. Nixon,
President of the United States, The White House Office, Washington, D.C.

My Dear Mr. President: This was my son. Now he is no more. He has died in vain (as have all the boys who died and are dying in Vietnam) unless through his death I am able to be of some influence, however small, in bringing this immoral war to an end, and helping to prevent further useless, mass deaths.

As the Flag of the U.S. is an outward symbol of an inward feeling, I am returning the Flag presented to me at my son's funeral for this reason: I do not want a Flag which represents a country which is sacrificing her young men as this one is doing.

I cannot help comparing this situation to that of the Biblical baby Moses, ordered killed, with all the young males, by the dishonorable king. If a young man goes out to defend his country because he believes in it and what it stands for, this is his decision, but when he is *forced* to give his life, is this not murder? A difference between the baby Moses and the sons of American mothers is that we are allowed to give them a few more years loving care before they are so brutally taken. Who can wonder at the rebellion of our youth? What goals are they allowed to have?

From personal interviews with the men who returned, I discovered it must be a hellhole. Do you underestimate the American people's intelligence? Personally, I am deeply humiliated over our world-wide reputation, as well as crumpled and crushed over the loss of my son. Our Flag is one of the most despised in the world, and now it is being hated at home.

I might bring out that I was the mother of five until my recent loss. They are citizens their country can be proud of. It was my thinking first to teach them to love and serve their home, then they would in turn grow up to love and serve their country. Now, mothers seek to protect their sons *from* their country. What do you think you are accomplishing by causing us to crumble from within? Was Khrushchev right when he said we would bury ourselves?

As you can see from Wayne's portrait, he was tall, good-looking, intelligent, with high ideals. He was studying to be an attorney and would have been an honest, good one, an asset to his country. But you have him killed. What a loss. Can you imagine the agony of packing up his youthful camping equipment, his clothes, his toothbrush? You should be ashamed. I would appreciate it very much if you would retract that "form condolence" you sent. I also request that everyone down the line do the same thing. If a person does something deliberately, as has been the taking of my son, don't you think an apology is in order? To me, every one of these letters is a further slap and insult. They will all be returned along with a copy of this letter to the rightful owners, as I want no part of such hypocrisy.

I do extend my thanks to those who were in charge of the burial of my son. They were patient, understanding, and very sympathetic, denying no request on my part so far as was in their power.

I add that I resent paying the taxes that took my son, buried him, and help continue to kill and maim our fine young men. What do you think this country will do when it must fight an all-out war, that is probably inevitable with Red China? We will be too anemic to wage a war. For a real cause, I would have been proud that I had a son to give for his country. As it now stands, the loss of my respect for my country is surpassed only by the grief over his murder.

You promised to end this war. Each day, hundreds are killed and wounded as it drags on. The American people still cling to the hope and trust that you will keep your word. We will believe you only when you do.

Sincerely,

Mrs. Miles Stewart.

My mail has brought me many comments on this conflict in Vietnam. Among the recent letters, I have received was a poem written by one of my constituents, Mr. Albert Epstein, of Maywood, N.J. I feel that these few lines have a meaning of their own and I wish to share it with my colleagues.

The poem follows:

DOES FOLLY LEAD A NATION TO THE HEIGHTS OF GLORY?

He sailed away on a battleship,
The Pentagon said he should—
But he never came back,
He never came back.
The President called it an honor
To die in Vietnam—
But his mother wept,
And his young wife wept,
They mourned a life they lost—
A life so young,
So full of hope,
So full of the joy of living.

Albert Epstein.

Mr. Richard J. Barnet, who is codirector of the Institute for Policy Studies in Washington and author of "Intervention and Revolution; the U.S. and the Third World" has presented a very eloquent message on the subject of Vietnam.

Entitled "President Nixon's Choices: The Way Out of Vietnam," should be read by everybody who is concerned about this war in Southeast Asia.

Mr. Barnet's observations follow:

PRESIDENT NIXON'S CHOICES: THE WAY OUT OF VIETNAM

(By Richard J. Barnet)

After 9 months in office, the Nixon Administration has yet to adopt a strategy for ending the Vietnam War. To end it the President must make some decisions as hard as any American leader has ever faced. He must look coldly at the real choices open to the U.S. and prepare to redefine U.S. war aims in terms of political realities rather than the optimistic fantasies that so misled his predecessor. Unless he is prepared to do this soon, the momentum of war will carry him into a new round of escalation. Johnson's War will have become Nixon's War, the obsession of his Administration and a legacy for his successor.

What are Nixon's choices?

(1) *Military escalation*—The familiar one is to concentrate more military power on the enemy to induce him to accept a settlement more to our liking than what his political position in South Vietnam would warrant. To put the matter plainly, Nixon Administration officials say privately that the U.S. objective still is to prevent a coalition government in which the NLF would play any significant role, despite the fact that the communists represent the best organized political force in the country and have the allegiance of the largest single minority, if not a majority, of the population. The Nixon Administration, like the Johnson Administration, continues to define "negotiated settlement" to mean something other than the admission of the NFL to a share of power and responsibility in the Saigon government. Why the NLF should accept less has never been clear. How the U.S. hopes to arrange a settlement that denies the fundamental war aim of a movement that has been fighting for a generation without first crushing that movement is equally mysterious. Such a negotiation can take place only as a ratification of a decisive U.S. military victory. The past Tet offensive, like the one last year, is designed not to defeat the U.S.—the NLF has no illusions on that score—but to demonstrate that they are not defeated.

The Nixon Administration could replay the last year of the Johnson Administration and send in the 207,000 troops that the Johnson advisors concluded could not win the war. Or he could send in more and court the risks again of a confrontation with China, worsening relations with the Soviet Union, and a resurgence of domestic opposition in

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the United States. The events of the past three months show that the U.S. escalation in B–52 raids on South Vietnam and in offensive operations in the South elicit military responses rather than political concessions. The military option is a totally unreal path to peace and American extrication. To continue the hopeless strategy because we will not face the alternatives is to betray a trust to the fighting men we send there. To continue the present cost of 15,000 to 20,000 American lives and $30 billion, after four years of war, is a tragedy and a scandal. Even for the world's most powerful country a debilitating war without moral purpose or prospect of political victory is a recipe for self-destruction.

(2) *Mutual withdrawals.*—What about negotiated military withdrawals? The United States has begun recently the withdrawal of some 50,000 U.S. troops as the first step in a process of mutual withdrawals. Such a process would help bring about a de-escalation of the war and would therefore be useful. But this strategy cannot rescue the U.S. government from the necessity of choice. The Nixon Administration will still have to answer the fundamental political issue at the heart of the struggle: Are we willing to accept NLF participation in a coalition government? If not, then the withdrawals can be no more than token, because the Thieu government backed by the South Vietnamese Army shows no signs that it will ever be strong enough to keep the NLF from power once U.S. troops are gone.

What kind of coalition government could be arranged? Henry Kissinger has pointed out that a Thieu-Ky-NLF government is the equivalent of an SDS-KKK coalition to run the state of Georgia. Even if such a coalition could come into being, it could not last. Each faction would maintain its own private armies. Once the Americans left Ky and Thieu would have no political base from which to deal with the NLF for they have no reliable support in Vietnam outside the U.S. Embassy except for a small minority who are afraid of retaliation from the Vietcong or who profit enough from the flow of U.S. dollars to back the warrior government.

(3) *Imposed coalition.*—One possible alternative model for arranging a coalition government is the Laos settlement of 1962. An international conference, perhaps an expanded version of the Paris talks, would attempt to put together a cabinet in Saigon. Those who advocate this approach argue that the commitment to such an arrangement of the U.S. and the Soviet Union—perhaps even China—would guarantee its stability. The NLF would try to take over the crucial ministries and the United States would try to interest them in the Ministry of Tourism. Such a negotiation would solve nothing for the United States. Even if the wrangling of the rival great powers and the bitterly hostile internal forces could somehow produce agreement, the United States would be no less committed in Vietnam than it is now. It would have staked its prestige on maintaining the uneasy coalition that it helped to engineer. It is hard to believe that such an imposed coalition would survive. Thus once again the U.S. would face the dilemma whether to intervene to try to save a protege or to dishonor what would now be a clear international commitment. One lesson of the Vietnam war is that the U.S. cannot arrange political structures for other people that will serve their interests or will last. The process of political reconciliation in Vietnam will be improved and American reputation served during the formation of a coalition government if the U.S. Embassy in Saigon devotes its full attention to packing. The less American responsibility there is for the government that emerges in Vietnam and the more such coalition is the product of indigenous Vietnamese forces, the sooner the U.S. can end its destructive involvement and the Vietnamese can begin to reconstruct their tortured country.

(4) *Encourage negotiation between broadened Saigon Government and NLF for coalition.*—In short, the United States should negotiate with North Vietnam and the NLF for mutual military withdrawals while at the same time encouraging the warring Vietnamese factions to negotiate among themselves for an interim coalition government that will hold elections. If the United States commitment in Vietnam is really-self determination for the Vietnamese people rather than loyalty to a group of discredited leaders who cannot govern without American troops, then the Nixon Administration should insist that negotiation among Vietnamese for a coalition government including the NLF begin immediately.

But what can the U.S. do to get such negotiations started? The government of Thieu, Ky, and Huong adamantly opposes any steps to broaden the present war cabinet so that it could conduct serious peace negotiations. The jails of Saigon are filled with Buddhists, neutralists, former government officials, and students who have pointed out the truth that the leaders of the Saigon government are incapable of making peace because they know that their power will not survive the war. The current NLF proposal at the Paris talks for the establishment of a "peace cabinet" in Saigon representing a broad spectrum of Vietnamese political interests is not original. Similar proposals have been made at considerable personal risk by non-communist students, monks, priests, and professionals in South Vietnam. To anyone who believes that ending the war takes priority over keeping the NLF out of the government, it is clear that the creation of some sort of peace-oriented cabinet in Saigon is an absolutely precondition to serious negotiations. If peace is to come through negotiation, at least some members of the Saigon government must want it.

This then is Nixon's dilemma. He cannot get a negotiated peace even if he is willing to accept a coalition with communist participation until Thieu and Ky bring enough moderates into the government to change its essential character, and this they will never do as long as they believe there is any alternative. Administration officials greet the suggestion that they put pressure on Saigon generals to liberalize their government with the remarkable observation that the United States does not intervene in the internal affairs of other countries! The real reason why U.S. officials have treated the Thieu government so gingerly despite its continuing efforts to sabotage the peace talks and suppress those non-communist political forces in South Vietnam who represent the most hopeful stabilizing influences in a postwar government is that the Saigon generals are essential instruments of present U.S. policy. By the standards of its predecessors, the present regime is a reasonably effective government for prosecuting the war and it is fiercely committed to the present U.S. objective of defeating the communists. As long as military strategies for ending the war take priority over political strategies, Thieu and Ky will continue to hold an effective veto over U.S. policy by threatening to collapse. Once the U.S. changes its basic objective, however, and stands ready to accept a coalition government which includes communists, the Saigon generals lose their power to wreck a settlement. The Saigon government depends on the U.S. completely for cash, gasoline, and credibility. Although the U.S. has always had the power to compel it to take less extreme positions, the exercise of that power has seemed self-defeating because pressure on the Saigon generals to make political accommodations undercuts their effectiveness as warriors. But once the military option is recognized as an expensive illusion, the generals are no longer indispensable and the U.S. can begin to talk honestly to them.

If the President actually communicated his decision that he was prepared to extricate the U.S. from Vietnam even at the price of a communist South Vietnam, the Thieu government would have no choice but to move quickly towards accommodation with those elements in South Vietnam who favor a negotiated peace. One effective way to communicate that the policy change is serious would be to begin significant troop withdrawals. Another would be to protest publicly and privately the mass arrests of political prisoners (which now number about 20,000) and the suppression of political opponents who call for peace. Without such pressure, the Thieu government has no incentive to broaden the government sufficiently to make negotiation with the NLF possible. If the President grasps the truth that further escalation of the war will only bring further tragedy to the American and Vietnamese people, he should not shrink from using political power and persuasion to keep a group of self-seeking politicians from prolonging the slaughter.

What is likely to happen in Vietnam if the U.S. encouraged the formation in Saigon of a peace cabinet willing to negotiate with the NLF? The only reliable answer at this point is that we really do not know except that the war would move quickly to an end since no one would have an interest in prolonging it. The U.S. Government has always assumed that the National Liberation Front would take over the government and quickly arrange for the reunification of the country with Hanoi. A communist-dominated South Vietnam is a distinct possibility which the U.S., once having adopted the proposed strategy would be powerless to prevent. The Administration must not deceive itself or the public that it can control internal politics in South Vietnam once it takes out a substantial number of troops. There are important political groups in Saigon which see themselves as a "third force"—some Buddhists, Catholics, Cao Dai, Hoa, Hao, and Montagnards—but whether they have the strength to contain the communists depends upon what happens in Vietnamese politics in the next few months and is quite beyond U.S. influence. The sooner such groups are released from prison and harrassment and can rehabilitate themselves, the sooner they can unite their forces and deal with the communists from greater strength. The NLF is under no illusion that political opposition to them will disappear once the Americans leave. They are going to have to accommodate the various factions or else continue a bloody civil war which it is in the interests of no Vietnamese to prolong.

There are some solid grounds for believing that the NLF cannot eliminate all other elements of Vietnamese society from a share in power. For one thing, strong religious factions, such as the Buddhists Struggle Movement under Thich Tri Quang, and the Cao Dai, are as anti-Communist as they are anti-United States intervention. Presumably, when the intervention ceases, and they are no longer torn between nationalism and anti-Communuism, their ideological antagonism to the NLF leadership will grow stronger. The religious groups, along with other semiautonomous factions such as the Hoa Hao, which now runs Angiang Province with virtually no interference from Saigon, are as unlikely to submit to tight NFL control as they are to Ky's. The Catholics, too, who are well organized, are a force which cannot easily be ignored by the NLF. Indeed, the NLF has demonstrated its awareness of the necessity of enlisting the cooperation of these various groups by pointedly including in its own Central Committee representatives of the Buddhists, Cao Dai and Catholics.

The Front recognizes that the two most popular issues, other than simply ending the war, are the termination of all "foreign" intervention (which to most Vietnamese means Americans, not other Vietnamese who happen to live in the North) and the granting of autonomy to those factions in the society which represents regional, religious and social interests. It may well be that they will be able to construct a monolithic Socialist Vietnam, but they know that this will not be easy and that it will take a long time. The only certainty is that the longer the war goes on and the more fragmented Vietnamese society becomes, the greater power the communists will have.

Reunification, according to repeated statements of the NLF, must be delayed a decade or more because of the profound political and economic differences that have developed in the two sections of the country as well as the historic distrust that Northerners and Southerners have had for each other. Normalization of relations between the two zones, the issue over which the Communist insurgency began in 1957, would take place much sooner.

As for foreign relations, the NLF has emphasized many times their interest in maintaining a neutrality based on good relations with the three great powers, the Soviet Union, China, and the United States. The Vietnamese communists desire postwar U.S. aid not only to help with the staggering task of reconstruction but also to symbolize a U.S. interest in their country that can be balanced off against Soviet and Chinese influence. Far more than ideology the Vietnamese value national independence. If the U.S. can play a role in helping to preserve it, and they believe that it can, they will welcome that role.

The most difficult issues raised by the proposed strategy concern the future of the United States. How can the President accept the risk of a communist takeover after the huge sacrifice the American people have been asked to make to prevent precisely that result? How can he escape "stab in the back" criticism from the military? Is there no "face-saving formula" that can vindicate the judgment of those officials who committed the national honor in Vietnam? The question can be answered on two levels, one superficial and the other profound. On the superficial level, I am convinced from my talks with the North Vietnamese and the NLF that they understand the problem that occidentals, especially powerful ones, have with face-saving. As long as the basic objectives of independence and freedom from foreign domination are met, they would go to great lengths to make extrication as easy as possible for the U.S. They have too clear a sense of their own interests to try to humilate us. Indeed, if the Nixon Administration would revise U.S. war aims to anything more modest than the total political defeat of the NLF, they would probably make some ostentatious concessions. If they really believed that we were prepared to leave, they would probably accept some international supervision of the election or even a token U.S. base or two for a number of years.

But on a more profound level, such concessions could not conceal the fact that the U.S. failed to realize the war aims for which so much blood and treasure has been sacrificed. There is no way to mask this fact. If the war is to end in his administration, the President will have to rouse the American people from the long dream of omnipotence and all-righteousness. The President can transcend the post-Vietnam trauma as de Gaulle transcended Algeria only by talking sense to the American people. He can point out that American power and prestige are being damaged by the never-ending war, that a communist Vietnam need not be our enemy, and that America's initiative to end the war will win the gratitude and respect of the whole world. Finally, he can articulate for the public the essential truth that a U.S. foreign policy makes sense only if it serves the interests of the American people. The health of American society in 1969 demands a diplomacy of extrication for it is this society, not the Vietnamese that must become central to our concern.

The alternative is to make this country a warrior state willing to sacrifice its youth, wealth, and the hopes of its people in a vain effort to cover up the past errors of misguided politicians and generals. Neither secret talks nor patience will deliver us from this war until our leaders give up the goal of determining the political future of South Vietnam, an objective which adds nothing to the security of either the Vietnamese people or our own. The Congress has a responsibility to the American people and particularly to those we send to their death in Vietnam to tell the President and the public the truth. Unless voices of sanity are heard in this chamber, there is no possibility for building the political climate for a realistic strategy to end the war. To take the course of statesmanship the President needs your prodding and your help now.

But the constitutional responsibility of Congress goes even beyond this. If it should turn out that the President lacks the courage to end the dishonor that this war is bringing upon the nation, then Congress itself must act. How many thousands more must die and how many billions more must be wasted before the Congress votes no to this war and withholds the money to carry it on?

Mr. Speaker, President Nixon's statement of a few months ago that he hoped to get all American ground combat forces out of Vietnam before the end of next year is hardly the "commitment" or "timetable" which we like to hear. We should demand a clear disengagement from Vietnam and this, I believe, could stimulate the interest in peace negotiations of all the Vietnamese contenders—Hanoi, the Vietcong, and the Saigon government.

Discussion of the cease-fire has figured very little in the Paris negotiations so far. The National Liberation Front's 10 points are equally vague on this subject. If we could negotiate a cease-fire first, we could then take up all the other problems as separate items toward a permanent peace.

Recognizing that neither side can win a decisive military victory, both sides should cease trying to gain advantage on the battlefield to improve their bargaining positions in the negotiations. They should agree now to a standstill cease-fire.

Upon reaching an agreement to the cease-fire, both sides would conduct no further offensive actions and begin withdrawals. Free movement of trade, civilians, and unarmed military personnel would be permitted to all areas, political activity would not be restrained.

But as long as both sides follow the talk-fight strategy, the killing will continue. Pope Paul, United Nations Secretary General U Thant, and other world leaders have called many times for a standstill cease-fire in Vietnam as the way to end the killing and create a favorable atmosphere for progress toward a fair political settlement.

Experience has shown that certain unilateral actions can be helpful in advancing negotiations.

Our purpose throughout should be to signal to the other side our determination to obtain both a peaceful and equitable settlement. The unilateral initiatives should have both of these objectives in mind.

A reduction in forces along with the cease-fire proposal would demonstrate the United States seeks a political, rather than a military solution to the war in Vietnam.

The United States should not take "no" for an answer from Hanoi, Saigon, and the National Liberation Front, but should press now at the negotiating table and before world opinion for this cease-fire package. If it is turned down, the offer should be left on th table as a standing proposal, thus providing a positive policy goal to the negotiations, around which political forces could rally, at home and abroad.

We should stress our desire for a political settlement based on free elections jointly supervised by a representative electoral commission, assuring all South Vietnamese the right to choose their own leaders. These should be scheduled at the earliest possible date following the cease-fire.

To give the South Vietnamese a stake in their own future, an extensive and basic land-reform program should immediately give title to the tenants farming the land, and provide compensation to landowners. If the United States paid the full costs of compensation, it would cost a small fraction of the present expense of the war.

In addition, we should provide for a full economic development program as a means of binding the wounds of war. Immediate refugee relief and medical aid to the victims of the war should be given the highest priority. A massive aid and economic development program should be channeled through the United Nations or other international agencies.

In these efforts we must all be joined by our community groups and organizations. A united effort can be very profitable to finding a just solution to ending this conflict.

In conclusion, Mr. Speaker, I would like to present a poem written by Henry Wadsworth Longfellow, which seems to fit this occasion:

THE ARSENAL AT SPRINGFIELD

This is the Arsenal. From floor to ceiling,
  Like a huge organ, rise the burnished arms;
But from their silent pipes no anthem pealing
  Startles the villages with strange alarms.
Ah! what a sound will rise, how wild and dreary,
  When the death-angel touches those swift keys!
What loud lament and dismal Miserere
  Will mingle with their awful symphonies!
I hear even now the infinite fierce chorus,
  The cries of agony, the endless groan,
Which, through the ages that have gone before us,
  In long-reverberations reach our own.
On helm and harness rings the Saxon hammer,
  Through Cimbric forest roars the Norseman's song,
And loud, amid the universal clamor,
  O'er distant deserts sounds the Tartar gong.
I hear the Florentine, who from his palace
  Wheels out his battle-bell with dreadful din,

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And Aztec priests upon their teocallis
Beat the wild war-drums made of serpent's skin;
The tumult of each sacked and burning village;
The shout that every prayer for mercy drowns;
The soldiers' revels in the midst of pillage;
The wail of famine in beleaguered towns;
The bursting shell, the gateway wrenched asunder,
The rattling musketry, the clashing blade;
And ever and anon, in tones of thunder
The diapason of the cannonade.
Is it, O man, with such discordant noises,
With such accursed instruments as these,
Thou drownest Nature's sweet and kindly voices,
And jarrest the celestial harmonies?
Were half the power that fills the world with terror,
Were half the wealth bestowed on camps and courts,
Given to redeem the human mind from error,
There were no need of arsenals or forts:
The warrior's name would be a name abhorred!
And every nation, that should lift again
Its hand against a brother, on its forehead
Would wear forevermore the curse of Cain!
Down the dark future, through long generations,
The echoing sounds grow fainter and then cease;
And like a bell, with solemn, sweet vibrations,
I hear once more the voice of Christ say, "Peace!"
Peace! and no longer from its brazen portals
The blast of War's great organ shakes the skies!
But beautiful as songs of the immortals,
The holy melodies of love arise.

Mrs. MINK. Mr. Speaker, all of America is watching this moratorium. I join it as my witness to peace.

I have every confidence that this day will have a profound meaning for this Nation.

I know that the vast majority of the American people want the war to end. In 1965 our goal was a military victory. Our leaders could not see that a land war could not be won. They could not comprehend that a half million soldiers backed by a hundred billion dollars could not bring this enemy to his knees. They would not accept the fact that this was a civil war of divided peoples of one nation. Slowly we turned our national purpose to that of protecting the right of self-determination with a declaration that once the fighting stopped we would be prepared to accept the verdict of a free and open election.

This is still today the posture of America. Despite the denials and protestations of the President and his advisers, we have begun a deliberate withdrawal of our troops. Called by any other tactical name, it remains a staged withdrawal, albeit modest but nevertheless I believe if properly supported by the people of this country, it will herald the final act toward the end of our involvement of manpower in this tragic episode of our history.

President Thieu declared last week to his National Assembly that his country is prepared to accept the complete removal of American men by the end of December 1970. To make this withdrawal a byproduct of peace is the mission of the Paris talks. It is my hope that the President will call for a cease-fire, surely not any more unthinkable than the bombing halt which was called by President Johnson during the waning hours of his tenure. With a cease-fire and a programed withdrawal of our troops, there can be affirmative steps taken to implement our pledge for free and open elections monitored by agreed upon third parties. Two years ago the suggestion of talks that included the Vietcong were viewed by those who made our policies as irresponsible defeatism. Today the Vietcong is part of the peace negotiations in Paris. Let us not close our minds to the progress that we have made to recognize the realities of this conflict. Let us not by impatience and incontinence lose this continuing momentum for peace. Let us express with all our fervor our anxiety over this war, but never lose sight of the progress that has been made in yielding to the demands of the people when expressed in righteousness. Nothing is to be gained by defamation and desecration. Prod and prick the conscience of our leaders, and their actions will be sure and steady and we will at last have won this measured victory for peace and tranquillity.

The President's statement that he will not be affected by this moratorium belies the truth. Much has already been affected; the stretchout of the October draft calls for November and December; the push on draft reform and Executive order affecting graduate students; the announcement of General Hershey's removal; the recall of Henry Cabot Lodge for new briefings for the peace conference; President Thieu's acceptance of a complete withdrawal by December 1970; the early announcement of an additional 40,000 troop withdrawal by Christmas.

Secretary of State Rogers went on television for the first time to proclaim that both sides are deescalating the war and that Mr. Nixon's policies are therefore making "tremendous progress." This claim was immediately refuted by Senator GOODELL of Mr. Nixon's own party, who candidly pointed out that token deescalation of the war at the present rate would leave American troops still in Vietnam 7 years from now.

President Thieu of South Vietnam has said he is willing to accept a complete withdrawal of American troops by December of 1970. December of 1970 should be the outside limit of our participation.

We must, as a people, begin to face certain facts regarding Vietnam. One, this war is one of the longest and costliest in our history, in terms of battlefield dead. We have been in Vietnam for 6 years. Forty thousand Americans have died. The monotonous promise our generals have repeated so often—that the "turning point" is "just around the corner"—has proven false, year after year. We must decide to accept the reality of Vietnam and insist upon its immediate resolution.

Despite massive American aid, the South Vietnamese have been unable to win physical control of their country. One may rationally ask, Why? If the people of South Vietnam themselves supported their Government, it seems that the war would have been won long ago. The fact that it has not been won indicates that the people do not support our effort. The new word "Vietnamization" of the war is no real answer to the problem which the people of Vietnam must face. Because our men are brought home and the conflict is "Vietnamized" does not mean an end to the killing and dying. To contribute to a lasting peace we must assure the people of South Vietnam a government which truly reflects their views.

I favor an immediate cease-fire, and an end to the fighting on both sides. The President has already taken the first step; unilateral withdrawal on a phased basis. The first stage of the President's withdrawal was the pullout of 25,000 men without any reciprocal action being sought or given by the other side. Next we will have an estimated 40,000 additional troops withdrawn by the end of the year.

Some military planners assume that the situation in Vietnam can be stabilized by continuing slow withdrawals for 2 years and then leave a continued American commitment of about 200,000 troops. General Gavin's enclave theory now begins to appear to be our goal. This view contemplates maintaining this huge garrison in South Vietnam premanently like Korea. We must not allow this to occur again; the withdrawal should be complete and on a permanent basis.

In doing this we must press for a political solution to the war that will guarantee the right of the South Vietnamese people to self-determination through the ballot box. This means that we cannot support claims by any faction to the absolute right to govern. We must firmly declare ourselves as being for the people of South Vietnam and not one particular segment or regime.

A standstill cease-fire is an absolutely vital step. This would freeze control over the land as it now stands. An election could be called for all areas of South Vietnam with adequate supervision and a new government for the entire country could be quickly installed.

At this point we should call for the admission of both Vietnams into the United Nations so that the U.N. peacekeeping forces could be made responsible for the safety of the people from further interventions across each other's borders.

It is futile to talk on and on about the mistakes of the past. What we must do is to look to the future and that is what I believe that this moratorium is supposed to do. The vilifying of our leaders leads to nothing. We must as well declare a moratorium on that. But there must never be a moratorium against honest dissent and disagreement against the policies of our own Government. We must continue by discussion and debate to arrive at a national policy which is supported by the American people.

There is no way that we can bring back the dead. What we can do to make their sacrifice a meaningful monument is to consecrate by our actions a rededication of our Nation's power and resources to the perfection of our way of life and to the determination that there shall never again be another Vietnam.

When we speak of what this Nation has lost as a result of 4 years of war, the

dead buried beneath the grass of a solemn cemetery, is of course not only absolute but the greatest loss of all. It does not seem fair to me to talk about the problems of the living in the same breath. But to mourn the dead without a vision for the future is also to abdicate our duty to fight for the precious qualities of life yet to be realized by millions in our own country. It is to these pressing priorities that we must forcefully and determinedly direct our attention.

The needs of our decaying cities and poverty areas are starkly obvious to anyone who cares to look around at what is happening in the United States. Most of these problems are due to the fact that the Vietnam war is siphoning off about $30 billion a year that could otherwise be used for helping our people at home.

This drag on our national resources is reflected in sharp budget cuts in nearly every domestic program this year. Our spending billions of dollars in the war in Vietnam has created a gap between what is needed for education, for health and housing, mass transportation, job training and welfare, eradication of poverty, food for the hungry, and our other human needs, as compared with the funds available. Congress authorized $11 billion more in the last fiscal year for these programs than it was able to find the money for. In the current year, we have been considering an administration budget that is $18.5 billion less than what was authorized. In these 2 years alone, the funding deficit will be more than $30 billion. Ironically just the same as the cost of the war in Vietnam.

The American people are beginning to realize the size of the crisis situation created by this gross misallocation of national resources. The Department of Health, Education, and Welfare budget was cut this year by $1.2 billion.

The budget request for the Office of Education was $5 billion less than the amount which had previously been authorized by Congress. In other words, we had approved education programs at a level of $7 billion, but our budget called for only $2.1 billion expenditure.

I submit that we can no longer afford to allow our Nation's education needs to go unmet. The House was able to add $1 billion to the education budget a few months ago when the bill came to the floor, but this still leaves us $4 billion short. After our action the President issued a statement vowing not to spend the money even if Congress approves it. The American people must be alert to denounce this twisted concept of what is most urgent, and I hope that you as students concerned with our concepts of national priorities will take cognizance of whatever actions the President takes.

Last week the National Advisory Council on Education Professions Development sent a report to the President expressing their deep concern over the absence of Federal initiative in the field of education. They reminded the President that while Commissioner Allen was pronouncing how every child had the "right to read," the Department he heads was being ordered to cut $8 million of a meager $13 million program to train teachers of reading. The Council admonished the President that it was concerned by not only a reduction in funds but by an absence of direction and planning. The Council said:

> In dramatic fashion, these decisions and actions add up to default on the proclaimed responsibility of the Federal government to act as a partner with the other levels of government in supporting the nation's educational enterprise. When the States in the last 2 years increased their expenditures for higher education by 38% and for elementary and secondary education by 28% . . . we find that Federal government is cutting back.

The Council continued:

> We sense a worsening climate in American schools and colleges . . . we assert that present national conditions are deleteriously affecting the studies, the hopes, and the convictions of a wide and responsible segment of the educational community. A new and ugly cynicism and anti-intellectualism is infecting American education. Repressive measures will not arrest this trend, and may even accelerate it; positive and affirmative leadership promptly to end the war and to address forthrightly our domestic problems can do so.
>
> Too many of our young are concerned by what they are against . . . the war, racism, poverty, corruption. . . . We feel that the growing dismay and cynicism of our youth could develop into a calamity of devastating proportions. It would be unfortunate if our political leadership were to take the position that a response to the dissatisfaction of the past—or the yearnings for a different kind of future—must await the ending of the war. . . . It is now we must plan. It is now we must act. . . . If politics is the art of the possible then our political leaders have a special opportunity to demonstrate to the young that the nation can envision a future of hope and that we can translate that vision to tangible policies and sensible priorities.

So much for education. The same thing can be said for the abortive effort to wage a war against poverty. Envisioned as a $10 billion program it now struggles for survival with only $2 billion. Over 50 Job Corps centers were closed down in June and behind these empty buildings lie the hopes and dreams of thousands of youth shattered because we lack the needed funds. Doubtless more programs will be discontinued under this agency as our war against poverty slows down to a near halt.

And what about our environment? Our rivers and streams are increasingly being clogged by pollution. And we do not have long to reverse this trend. The Federal Government has two major programs in this field—one to set standards of clean water so that the various cities and States will have goals to shoot for, and another program to provide them with grants to construct pollution control facilities so that they can meet the standards.

As it has been working out, we have given the States and cities clean water standards but not for the funds to meet them. In fact, the Government agency in charge of the program says that $8.2 billion is needed over the next 5 years to avert a catastrophe. Last year some 1,500 of our small cities had no waste treatment plants whatever. Currently there is a backlog of 4,600 applications by municipalities for funds under the clean water program. This year's budget request was for only $214 million for this vital program. Concerned Members of the House battled to approve the full $1 billion which had been previously authorized, and while we were not entirely successful in this effort we did get the amount raised to $600 million. This was a small victory in our fight to restore a rational sense of national priorities in the United States.

Recently information crossed my desk that the urban renewal program "pipeline" is jammed with some $2 billion in unfunded requests from cities desperately trying to relieve urban blight. We are years behind schedule in this area even if we made these funds available now.

All across the board in our Federal programs we see retrenchment, cutback, and unfulfilled promises. Seventy-five percent of our public works projects are to be deferred. Medical and health research funds have been drastically cut. All new national parks programs have been delayed. Medicare is cut by $65 million, housing and urban development by $74 million, and model cities by $75 million. This is how people are being deprived of vital programs as the war continues.

So we can agree on the monetary benefits that will come from termination of the war. Or can we? The President's military advisers have said that the Defense Department has a backlog of projects which need to be funded. If the Pentagon has its way, it will absorb all of the funds we are told that would become available once the war is ended. Our stockpile of munitions and new armaments of war will build up once again.

It will be up to us to mount a campaign to save the $30 billion for our domestic programs. The ABM alone could cost up to $50 billion, despite the fact that it will be obsolete before it is built. The Pentagon has begun corresponding escalation in the development of our MIRV system. Again, the American people will pay an extraordinary amount for maintaining this balance of terror. I hope you will continue to watch carefully the direction and emphasis of our national budget. Is it essential that we land on Mars before we feed our hungry and shelter our poor? Can we afford a supersonic aircraft priced at $1 billion which is incapable of flying over land because of the sonic boom, before we have built our roads and airports on the ground?

Fortunately, the picture is not all bleak. In fact we have made significant inroads. This year's 29-day debate on the ABM was the longest military debate on record. Six Senators who voted for the ABM in 1968 switched in 1969.

Public opposition to the Pentagon policies caused Secretary of Defense Laird to initiate in August a reduction of more than $1 billion himself in defense spending during the current fiscal year. Previously, $1.1 billion had already been cut. And the Senate voted to cut back by another $2 billion. And so $4 billion have been saved.

When I think of all the programs which I would like to see funded and which could be funded with $30 billion, the urgency of ending the war in Vietnam becomes even more pressing. We must spend our resources to feed the

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hungry, to provide adequate housing and health care, to build better transportation systems so that the poor may live in suburbia as well and abandon the inner city hovels of filth and vermin, to expand the provisions of medicare, to increase the benefits of the elderly under social security to a realistic minimum which can assure them of a decent life, to expand the parks and recreational centers of our country, and to guarantee that all who seek education can have that opportunity without excessive financial burdens.

I have a dream like Dr. Martin Luther King, to build a newer world like Robert Kennedy. I seek a moratorium for peace in order that we may achieve the greatness that is this promised land. I believe that we have the capacity to create our society as a function of ethical and moral commitment. We must not therefore only pursue the single goal of the end of the war in Vietnam, but we must continue our efforts to improve the lives of our citizens.

Mr. BENNETT. Mr. Speaker, at the beginning of the U.S. involvement in Vietnam, it was my feeling that the only way we could win the war was with maximum and prompt military pressure, including the use of all necessary troops, the bombing of strategic enemy strongpoints and industrial plants, and the closing of the port of Haiphong. I supported this position in the House Armed Services Committee, of which I am a member.

Now, the President has adopted an apparent policy of phased withdrawal of U.S. troops and the deescalation of the war. As Commander in Chief and director of the Nation's foreign policy, he has indicated our national policy is not to win the war. He holds the most responsible position in our Government to make this decision, and it is apparently his best judgment to phase out the war by withdrawing American soldiers.

Winning a military victory to preserve the peace has always seemed to me to be the only logical course our Nation could follow; for otherwise the peace-preserving purpose of our mutual defense treaties would no longer be credible and the treaties themselves no longer instruments of peace.

However, the President has announced his phased withdrawal plan; and it certainly seems to me that a timetable at this time for ending the war by quick withdrawal is not practical. It undermines negotiations and boosts the enemy. A cease-fire is desirable, if the other side would agree, which it has not. A takeover of the war by the United Nations is acceptable, if the international body had a strong operation for peacekeeping, which at this time it does not possess.

The plan the President has suggested is one we must live with, at least at this time. This being so, I support the President and urge my colleagues to do likewise. Finally, if we do not really intend to win this war, I think we should turn the problem over to the United Nations, offering them our troops to assist their conclusion of the war.

Mr. DUNCAN. Mr. Speaker, tomorrow, October 15, will be a big day for some, but to me it will be a day of shame.

I am sorry that we have in this country leaders who can be swayed by breezes of sentiment toward a path that can only lead to a weakening of the U.S. position in world affairs.

There is no easy way out of Vietnam. We did not get into Vietnam in a well-planned, orderly fashion. President Nixon has had only 8 months to try to unwind what took 8 years to tangle into a mess beyond description.

May I say here that I am for peace. I know from personal experience the hell and fury of war. No one wants peace more than I. No one wants peace more than President Nixon who for 24 hours a day must face this great international problem.

I am not, however, for giving aid and comfort to the enemies of everything we hold dear. I am not for pulling the rug out from under the thousands of young Americans who have been sent to Vietnam on orders of their country.

It is my opinion that the actions such as those planned for tomorrow are created by the stupidity of political opportunists, and the confusion created by the ignorance of amateur theorists. The cost of such actions in the past, and tomorrow, can only be measured in the lives and bodies of American men.

Hanoi said today:

> We warmly welcome and wholeheartedly support the great struggle of the American people against the unjust aggressive war being waged against the Vietnamese by the Nixon clique.

It is also my opinion that the war in Vietnam would have been over long ago had not such groups for the past 2 or 3 years urged Hanoi to hang on by causing dissension in this country.

President Nixon did not send us into Vietnam, but he is sincerely trying to get us out. He is trying all approaches, and he is making progress. Since he has been in office American troops have come home for the first time. More will come home before the end of this year. Casualty totals are down, and hopefully will continue downward.

No matter what the approach the administration uses to end the Vietnam conflict, the results are going to be weakened by such protests as the October 15 peace moratorium, the November march on Washington, and the November and December moratoriums, or as North Vietnam referred to it as the new fall offense.

Those who support the protest set for tomorrow seem to ignore the obvious—they are playing right into the hands of the enemy. It is Hanoi, not Washington, who will benefit tomorrow. It is Hanoi, not Washington, who will gain prestige, and, most of all, bargaining power at the Paris peace talks. The moratorium will be a valued addition to the North Vietnamese propaganda arsenal.

I urge students to go to classes and to study tomorrow, instead of giving aid and comfort to the enemy—taxpayers are working hard to help pay for their educations. We have schools and colleges for the express purpose of educating our youth. Campuses were not established as political entities.

I urge teachers and professors to stand before their classes tomorrow as brave, patriotic Americans and to teach as usual. We are paying them for teaching, not demonstrating and rioting.

I think it should be recorded that those who are participating are toward the left in our society and do not represent mainstream America.

The moratorium was called by a newly organized Vietnam coordinating committee which was formed, I am told, by workers in the presidential campaigns of Senator EUGENE J. McCARTHY.

Although they claim the militant groups are not the leaders, and that this will be a peaceful occasion, militants will be there, and who knows what the results. The protests may by no means remain low keyed.

Furthermore, the October 15 protest has the endorsement of such militants as the baby doctor, Dr. Benjamin Spock, who no doubt may be seeing some of his "babies" in action and perhaps will nudge them along if they do not follow "the book." Spock, too, is working on plans for the November 14 march.

Senator McCARTHY also said he would take part actively, and I understand that Senator McGOVERN will be the main speaker at one of the rallies.

Who started the plans for tomorrow? Dave Hawk, himself a draft dodger, a national coordinator of the moratorium committee, credits its beginning to Jerry Grossman, a businessman member of the Massachusetts Peace Action Council who was active in Senator McCARTHY's 1968 campaign.

Hawk has said:

> We are introducing the war as the focal issue. Our total purpose in being is to end the war. We are demonstrating that the sentiment is already there. This will be the most sustained and involved movement in history.

No doubt the antiwar demonstrations in Chicago last week will carry over into tomorrow's gatherings. Organized by the Revolutionary Youth Movement, the Chicago plans did not call for quiet and nonviolence. Mark Rudd now heads the Revolutionary Youth Movement which he formed after a split in the militant Students for a Democratic Society—SDS. "Bring the war home" has been their theme.

These protestors claim they want to convince President Nixon that the majority of Americans want to end the war. I have news for them. All Americans want the war to end.

But, all Americans do not want us to turn our backs and surrender.

We are loyal people and we are brave when it comes to protecting freedom and our Nation from threats.

Another theme of the new groups who will protest tomorrow is that they are not necessarily antiadministration, nor anti-Nixon, nor antiestablishment. Their actions, however, speak louder than their words. If they wanted to be helpful and if they really wanted peace, they would do nothing to hinder the progress we are now making.

I am convinced that President Nixon

will not be intimidated by these politically misguided leftists, just as he maintains the dignity of his office in confrontations with pacifists and militants who try pressure measures through public sentiment.

The antiwar protests will not influence this Vietnam policy.

They will not end the war. They will serve only to hinder and harm. They will not create peace. Nothing the protesters say and do, however, will cause our President to sacrifice abroad what he considers to be the best interest of the United States. He will not let threats and blackmail overrule reason and patriotism. He has all the facts about Vietnam, and he knows the score there and here.

Since the President is trying very hard to end the war, and since he is the only person in the United States with the power to do so, it really seems ridiculous for these groups to attack him. They are, in a sense, trying to destroy the one channel to their goal—if their goal is really peace.

If I were a student, I would walk into my class tomorrow with pride in America. I would not be counted as a protester. As a Congressman, I will be here on the floor of the House of Representatives doing what the people of the Second District of Tennessee elected me to do—represent them—not demonstrate.

Statesmenship speaks for itself, perhaps more in this matter than in other situations.

There are times when we must think of America above all else—above party, above personal gain and personal ambition. I think Senator MIKE MANSFIELD illustrated this a few days ago on a national television interview. Having seen the battlefields of Vietnam, as I have, he said:

> I think the President is doing everything he can, according to the best advice he can get, to get out of Vietnam. It is not a partisan issue. It is something we must all try to work toward a solution of and I am hopeful that it can be accomplished in the not too distant future, though I am not too encouraged by the events up to this time.

Former Vice President Hubert Humphrey, voicing praise for President Nixon's peace efforts, said he "is proceeding along the right path" and "has made some progress" toward peace. He said:

> We only have one President at a time, and I think the worst thing we can do is try to undermine the efforts of the President.

The organizers of the moratorium claim that President Nixon has taken enough time to settle the war. They say they have waited long enough and have decided to strike up the old antiwar demonstrations once again. The truth of the matter is that they have been planning for October 15 since spring. They organized a staff who has been raising funds and organizing campuses throughout the country for months.

Now there are those among us who would have the United States announce a definite timetable for the withdrawal of American troops from Vietnam. That would merely be telling Hanoi to just wait a little while and we will be completely out of there and it will be yours to conquer and to keep. It would give Hanoi little reason to make concessions. It would be necessary only for Hanoi's delegation to Paris to sit out the interval until the deadline.

Why would Hanoi want to cooperate in peace talks if they knew we would be gone from Vietnam in 12 or x number of months. They would need only to wait us out and take South Vietnam by default.

As you know Secretary of State Rogers said this weekend that the President does have "a schedule" for troop withdrawals which "may vary" with events and that he "contemplates the complete removal of the troops in Vietnam," but "he does not plan to announce it to the enemy."

Secretary Rogers mentioned that while the President "has carried out his promise to deescalate" the war, "the dissent in the country seems to be accelerating" even though "we have made every concession that it has been suggested we make in the past 9 months."

In editorial comment the Wall Street Journal gave these words well worth repeating:

> The Administration's evident course obviously is no happy one, but it looks a little better when you also look clearly at the alternatives. It makes more sense if you understand there is no magic combination of levers, that there is no easy way out, that this war is indeed a tragedy in the full sense of that word.

During the Johnson administration, the President had my backing on his handling of the Vietnam war. Certainly there were times when I disagreed with some minor functions, but he had my full loyalty and support when it came to supporting our boys who were carrying out the fight in Vietnam.

My feeling is that the President has far more facts and far more influence than the average politician who comes up with a new solution each week.

The Vietnam war brought President Johnson many hardships, and some say, caused his retirement from the Presidency. Neither his escalation of the war nor his final attempts to deescalate brought appreciable results.

If we compare his first 8 months—without harassment—with these first 8 months of the Nixon administration we find a great contrast to the war activity.

During the 8 months between December 1964 and July 1965 the Johnson administration began the bombing of North Vietnam, raised the authorized troop levels in Vietnam fivefold from 23,000 to 125,000, and gave the fateful go-ahead to our military commanders to send American ground troops into combat. President Nixon, during his first 8 months, has again reassessed the Vietnam situation and he has started bringing boys home and de-Americanizing the war.

The President has told us, "I do not want an American boy to be in Vietnam for 1 day longer than is necessary for our national interest."

While Vietnam is the big issue that overrides all others, its accompanying revolt by the new left and by the militant groups may be as dangerous a threat to our society as the war is freedom in Asia.

For this reason, again I say that I do not condone any activity that leads us into the hands of the enemy, directly or indirectly. I realize that there will be those among tomorrow's gatherings who are sincere, though perhaps a little misguided; others just following the action, running to the sound of a noisy gang, whether it is Chicago, a California campus, or Washington, D.C.; and still others who are dangerous, hard-core militants.

The public needs to know the tactics by which militant groups can turn a nonviolent gathering into chaos and destruction. SDS, the Black Panthers, and other militants have been holding top-secret strategy meetings to plan more violence. The extremists, black and white, have the common goal of destroying American society by violence.

Operating these new left groups is expensive and the money comes from many sources, mostly contributions because the organizations do not bring in any great amounts in membership dues. One example of operational costs is the $80,000 a year necessary to run the SDS national office.

Wealthy individuals and tax-exempt foundations sometime give substantially to the new left. Student fees at some colleges go to help the new left when the students elect as their campus leaders new left activists.

These contributors are certainly not helping peace. They are making payments on the destruction of America. They should be classed with the demonstrators and rioters. I do not condone them, and I fear that they do not have respect for our great country. They are contributing to the disrespect shown by many youth, and thus many young people go in search of the new left as though they are following a new pied piper.

The administration needs our support on Vietnam now more than ever. I think Secretary of Defense Laird expressed this very well when he told the AFL-CIO meeting in Atlantic City last week:

> Make no mistake about it. To carry out his policy the President needs the support of a united people. The young Americans in Vietnam need that support. Hanoi's strategy is clear: the leaders in Hanoi expect to achieve victory by waiting for us to abandon the conflict as a result of anti-war protest in this country.
>
> From their experience with the French and from their reading of events in the United States last year, they are encouraged to believe that they can get all they want if they merely wait long enough. The President will not bow to acts and utterances by these Americans who seek to pressure him in capitulation on Hanoi's terms. Those acts and utterances serve only to encourage the enemy to keep on fighting in South Vietnam and to keep on stalling in Paris.

Thus, it is alarming to see leaders of prominence in this Chamber, from campuses, in business, and other fields supporting the moratorium tomorrow. I feel that they are misguided in this approach. There is room for many opinions in this society without causing disruptiveness that could weaken this Nation.

When American boys are asked to give their lives we owe them our complete support, whether or not we believe in the reason for their being in a conflict.

I want to be counted among those who

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urged the students to remain in class and boycott the boycott. I want to be counted among those who encouraged the workers to attend to their jobs as usual. I want to be counted among those who stood faithfully behind their country, behind their President, and, most of all, behind their soldiers. My prayer and my hope is for peace. I support President Nixon in his dedication to peace with honor.

You will not find my family and me giving encouragement to the enemy and discouragement to our fighting men. This is something that all should not forget tomorrow.

Mr. SCHEUER. Mr. Speaker, I am proud to take part in tonight's meeting. I only hope we will never have to return here for a similar chore. We are tired of talking about, and living with, war.

Yet I feel that I must speak out at this time, for there seems to have been change—but indaquate change from the policy I protested against several years ago. On Monday, the President wrote:

> To listen to public opinion is one thing; to be swayed by public organized demonstrations is another.

On this point the President made the same mistake that his predecessor made—he failed utterly to comprehend that the public demonstrations and meetings, such as this one, reflect the opinions of not the isolated few who, in his own words, "invite anarchy" but rather a substantial and clear majority of the American people.

I believe that despite his unfortunate words, the President's acts indicate he does not realize that the people of the United States are fed up with this war, that the last 9 months have been a long moratorium on criticism, that the country does not need an additional 60 days of silence, and that the statement of the Harvard dean in 1967 that "this is a bum war, a bum war" is now echoed throughout the country, yes, especially by those who voted for the President last year.

Just 2 weeks ago, a Gallup poll showed that only 35 percent of the people supported the Nixon policy in Vietnam. A more recent poll shows that 57 percent of the people want a withdrawal by the end of 1970. So when the President says that paying heed to this public outcry against his policy would be "an act of gross irresponsibility" perhaps he ought to recall that in 1968 the American public removed one President from office because of this war. Perhaps he ought to ponder Santayana's dictum that:

> Those who fail to learn the lessons of history will be condemned to repeat its mistakes.

In 1968 it seemed that persistent questioning of the war had finally caused the Johnson administration to reconsider and redirect its policy. The country came to think that those questions need not be asked any more, that its mandate for an end to the slaughter of American lives would be followed.

Now, 1½ years later, we see that this mandate has not been the basis of any new policy, that 7,000 more men have lost their lives, and that we clearly need to ask once again: Why should we continue to fight this war?

To this question the present administration has said that we Americans have a moral obligation to keep our promises, to help the Vietnamese establish a viable government. So we ask the administration: How can it talk of self-determination when the weight of our intervention has made self-determination impossible? How can it say we are supporting a trustworthy government when corruption permeates every level of the Saigon regime? And finally, how can the administration support a regime that imprisons political opponents for saying what Members of this Congress have said, and what several months later Saigon says itself.

There are those who claim that, "We must stand fast so that the enemy knows that it has no choice except to negotiate." Should it not be clear that such tactics have not worked for the past 4 years?

In both 1964 and 1968 we elected Presidents who promised in no uncertain terms to disengage us from a hopeless and futile war. The national consensus was twice made clear by the electorate. We now linger painfully as we slowly draw troop by troop from the battlefield at a rate that would take us 10 years to withdraw. Let us get on with the job of bringing our men home.

The operations of withdrawal may be complex, but the answer to the question, "when should we withdraw?" is simple and brief. We should withdraw as soon as possible, consistent with the safety of our men and the lives of threatened Vietnamese nationals.

The Vietnamese people are tough and durable. If they have been able to survive the last decades of war, they should certainly be able to work to produce a viable society in peacetime. Let us help them get on with that job.

Then there is the other question: Whom is this war helping?

Today it is obvious that the Vietnamese people have suffered heartbreak. A whole generation has never known peace. It is obvious that the American economy is warped and wounded, that our leading educational institutions no longer serve primarily as centers of learning, that American ideals and American foreign policy have been discredited throughout the world. It has prevented us—both at home and abroad—from attaining goals well within our reach.

It has prevented us from cleaning our air, our rivers, and our harbors, from helping our poor, from stopping the inflation that robs our pocketbooks.

This war has been one of the greatest blunders in our country's history. Our economy, our prestige, our power—all these have been diminished by this repugnant war. But more than anything else, the war has forced us to examine ourselves as a people, it has forced us to recognize our own faults. The pertinence of the following lines by Samuel Taylor Coleridge about the British invasion of France shortly before 1800 has become obvious:

> We have offended, oh! My countrymen!
> We have offended very grievously,
> And been most tyrannous. From east to west
> A groan of accusation pierces heaven!
> The wretched plead against us: Multitudes
> Countless and vehement, the sons of God.
> Our brethren! Like a cloud that travels on,
> Steamed up from Cairo's swamps of pestilence,
> Even so, my countrymen! Have we gone forth
> And borne to distant tribes slavery and pangs,
> And deadlier far, our vices whose deep taint
> With slow perdition murders the whole man.
> His body and his soul!

Hopefully today's moratorium will persuade our Government to make a determined effort to right these wrongs. For what we are likely to hear, or sense, amidst the blaring of bullhorns and the brandishing of placards, is a deep-seated yearning for a halt to the slaughter and for a more rational reordering of our priorities, a yearning shared by a broad spectrum of Americans who have come to believe that we never should have embarked on this futile, tragic effort in Vietnam and that we should wind up our role in it as swiftly as possible. Let us hope and pray that the President will listen to us and ponder the voices of Americans across the land tomorrow.

Mr. ADAIR. Mr. Speaker, as the date of the Vietnam moratorium approaches, the call by its supporters for participation in the demonstration becomes more and more emotional. They are apparently oblivious to the steps which the President has taken to achieve a permanent peace in Vietnam and the resultant deescalation in the level of the violence without placing in jeopardy the freedom and security of the South Vietnamese people.

In this context, the fog of rhetoric surrounding the original purpose of the moratorium and the alternative, if any, it seeks to present are in need of clarification. The noted columnist, David S. Broder, in a cogent and well-written article in the Washington Post of October 14, 1969, discusses these matters. So that all the Members of the House of Representatives can have the benefit of his views, I would like to include them for the RECORD:

ILL-ADVISED VIET MORATORIUM COULD SET A RISKY PRECEDENT

(By David S. Broder)

CAMBRIDGE, MASS.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscured. If the event is to be gauged properly, it is important to uncover its original premises from the debris of cliches and endorsements in which they have lately been buried.

A number of men active in the moratorium have taken time to point out what they consider the errors of the argument in this column last week that it is a plan for "the breaking of the President." With sincerity and conviction, they have asserted that, far from breaking the President, they are out to save him, by persuading him to make the peace the nation craves and, incidentally, to save the political system by keeping the antiwar movement out of the hands of the radicals and in control of those with a commitment to peaceful forms of protest.

Their conversations and correspondence have helped to define three questions which might be borne in mind by those planning to participate in the moratorium.

First, what is the target of this protest? Sam Brown, the able spokesman for the moratorium, says it is not an anti-Nixon move because "we learned in 1968 that what we must oppose are not personalities but policies."

But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

It asked for a "phased withdrawal over a relatively short period of time" of all foreign troops. The Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, it recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese."

If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

Second, what is the alternative they recommend? It has been described in moratorium publicity as everything from a negotiated settlement to immediate, total American withdrawal from Vietnam, but Brown said Sunday on "Face the Nation" that it is the latter that the moratorium has "consistently" demanded.

If that is the case, then the elected officials, clergymen and educators who have lent their prestige to the moratorium can properly be asked if this is the program they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they could explain why a one-dimensional plan to pull out troops is any more likely to be wise policy than the one-dimensional plan that sent the troops in. Have we not learned yet to examine the political consequences of military decisions?

Third, and most important, what about the method of the moratorium? Is it compatible with the maintenance of representative democracy or does it substitute the rule of the street?

The sponsors say the name "moratorium," rather than "strike," was chosen to emphasize that the protest is to be peaceful and noncoercive. It is a nice distinction. The noncoercive feature may be almost invisible to the thousands of students whose colleges will shut down Wednesday. If the moratorium continues, as planned, for two days in November, three days in December, and so on, it will more and more come to resemble the general strike so familar to European politics.

And if it succeeds in its aim, what is to prevent other majorities or sizable minorities in the country from using the same technique to force their views on agencies of the government? The moratorium sponsors say Vietnam is an extraordinary issue, but they must know it is not the only issue which agitates millions of people.

One wonders what the moratorium sponsors would say if Billy Graham were to ask all the parents who want prayers restored to public schools to withdraw their children from school for one additional day each month until the Supreme Court reverses its school-prayer decision.

Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate men opposed to integrated housing declared a moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamese moratorium is un-American, illegitimate, meanly partisan or personally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

Mr. MIZELL. Mr. Speaker, tomorrow protesters across this Nation will take part in Vietnam Moratorium Day and express their demands for the unilateral withdrawal of American troops from the Vietnam war zone. I am convinced that these demonstrators can do nothing but hurt the chances for an honorable settlement of that conflict.

Those in support of the moratorium are hindering the efforts being made by President Nixon in his program to de-Americanize the war. These protesters are willing to jeopardize the chance for peace, just when President Nixon is continuing the negotiations in Paris, just as we are anticipating the return of more than 60,000 of our fighting men home for Christmas, and at a time when the fighting has reached its lowest level in more than 2 years. Those who are endorsing this movement seem to be completely ignorant of these facts.

Instead of assisting the administration in its efforts to achieve peace, this irresponsible action leads the enemy to think that the majority of the American people do not want Communist aggression stopped. It leads them to believe that we are a severely divided nation, and that the majority of the American people want us to set a date for the total withdrawal of our troops.

The North Vietnamese Communists are in strong support of moratorium day. Just last week, according to a United Press International story, the deputy negotiator for Hanoi at the Paris peace table and the Foreign Minister for the Vietcong called on American citizens to increase their resistance to force President Nixon to accept the Communist peace proposals in Paris. This endorsement by the North Vietnamese was further confirmed today by the letter referred to by the gentleman from Maryland. These North Vietnamese have attempted to bypass our negotiators at the peace table by calling on the American people to apply pressure to the President. The Communist leaders warmly applauded the so-called dissent in Washington. I can well understand why they would be in support of the Moratorium Day activities. If these demands are accepted, why should the Communists negotiate when all they have to do is hold on and fight until a specific date; and then, all would be in their control. Willingly or unwillingly, those who endorse the moratorium are playing into the hands of the Communist propagandists.

Let me remind the Members that this war is not a partisan issue. It is far too serious for that. I cannot understand how any American could believe that this course of action is in the best interest of our Nation, our fighting men, and those who have paid the ultimate price for peace while fighting under the American flag. I can only say that the people who take part in this moratorium must be prepared to shoulder the responsibility for the consequences which may result. These consequences might be severe. Encouraging the enemy to continue to fight rather than engage in meaningful negotiations would be a tremendous price to pay for a few headlines.

Mr. HECHLER of West Virginia. Mr. Speaker, the debate this evening on Vietnam has been a credit to the House of Representatives and those who participated in it. For my own part, I have reserved only 15 minutes and at this stage in the debate many excellent points have already been covered. The first two speakers, the gentleman from Indiana (Mr. JACOBS) and the gentleman from New York (Mr. ROSENTHAL) set the high tone of the debate and I congratulate those whose excellent questions and comments made this a true debate rather than just a series of monologs.

I am also proud of those young Americans on the campuses of our Nation who have organized the moratorium which is taking place throughout the country on October 15. This moratorium will be expressed in many different ways. In the same spirit in which President Kennedy stated "we must make the world safe for diversity," there is a genuine diversity in the manner in which the moratorium is being observed.

Last evening I visited the beautiful city of Keyser, W. Va., the site of a fine college, Potomac State College. A group of about 15 or 20 war veterans met me and invited me to dinner. At dinner they told me of their plans for the October 15 moratorium on the campus of Potomac State College and in the community of Keyser.

It is very significant that the moratorium movement is being led primarily by veterans who have served in combat in Vietnam. The chairman of the moratorium is Robert Hagan of my hometown of Huntington, W. Va., who is enrolled at Potomac State College. Young Hagan spent 13 months in combat with the famed Big Red One Infantry Division in and around the Diah, Vietnam, area. He is earnestly articulate about his determination to find a quick and peaceful solution to the deepening morass of Viet-

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nam. Among other Vietnam veterans who are leading the moratorium at Potomac State College are David Boothe of Fenwick, Nicholas County, W. Va., who spent 17 months in combat in Vietnam with the 1st Aviation Brigade, flying O–1 "Bird Dog" light observation planes. Then there is Jim Roberts of Elkins, W. Va., who spent 8½ months in Chua Lai, Vietnam, with the Americal Division. Among other moratorium leaders at Potomac State are Jack Thomas of Penns Grobe, N.J., who spent 18 months at Nha Trang, Vietnam. Tom McCullough of New Cumberland, W. Va., Marvin Simpson of Keyser, W. Va., Jim Breithner of Ridgeley, W. Va., and Victor and Mike Joseph of Elkins, W. Va. also have served in the Armed Forces and are now leading in the campaign to end the war in Vietnam.

These veterans are a dramatic answer to those who contend that this moratorium movement is led by radicals, by draft card burners, by students who are just trying to avoid military service or combat, or by those whose aim is to foment violence and disruption.

I deplore and abhor the kind of violence which has been spawned by extreme elements, such as those who sparked the serious breaches of the peace in Chicago in the past few days. I sincerely believe that the success of the moratorium rests in the fact that this is a peaceful, responsible and meaningful expression of determination that the war must end. The movement is responsibly led, and by its peaceful and nonviolent aims and manner of development, the moratorium is focusing public attention on the greatest violence of all—the war itself.

When future historians look back on October 15, 1969, I believe they will recognize the significance and value of this nationwide movement. I respect the sincerity of the President of the United States in his devotion to peace and his professed desire to do the best he can with the situation. One cannot expect either the President or those who demand unquestioning support of his policies to acknowledge that the moratorium or this debate tonight will have any clear and perceptible effect. Yet I am confident we will see some changes. We do not ask that these changes be clearly labeled and acknowledged as retreats, advances or 180-degree turns. But in a democracy, public opinion is a powerful force. The public is frustrated with the false promises made through the years concerning Vietnam, the public is tired of those who would merely "save face" or protect an imaginary image. They are determined that the great sacrifices we have made for illusory goals are not continued and compounded without reason in the very indefinite future.

In the State of West Virginia, there have been 472 men killed by enemy combat action through July 30, 1969. In addition, there have been 77 West Virginians who have died in Vietnam as a result of nonbattle causes. West Virginia stands highest among the States of the Union in battle deaths in Vietnam in proportion to population. West Virginia has lost one serviceman per 4,000 people as contrasted with the national average of one service casualty per 5,500 people. Our Mountain State now has 6,950 soldiers, sailors, marines, and airmen on duty in Vietnam, which is also higher in proportion to population than any other State. These grim figures point up once again that West Virginians are first in war and patriotism and stand second to no one when it comes to courage and bravery under fire.

And so we in West Virginia join in this effort to end the senseless and mindless carnage. We are confident that a withdrawal of our combat forces from Vietnam, coupled with measures to protect American prisoners of war held in North Vietnam, will constitute positive moves toward peace and stability throughout the world.

Mr. MIKVA. Mr. Speaker, the United States should decide now to begin the total withdrawal of its military forces from South Vietnam. And it should decide this not because it is or is not in North Vietnam's interests; not because it is or is not in General Thieu's interests; but because it is in the U.S. interests. We set out to defend South Vietnam until it could defend itself; that Government now has over a million men under arms—four times the number of North Vietnamese and Vietcong combined. We did not agree to keep the South Vietnamese generals in power until kingdom come. We must now develop our own timetable for withdrawal—for there are American men involved, and American lives at stake, and America's future in the balance.

We can neither accept General Thieu's views on a withdrawal timetable, nor should we make our disengagement contingent on the intransigence of the North Vietnamese in Paris. The Vietnam war has brought this Nation—these United States—to the point where our own national survival as a unified people is threatened. The decision to withdraw from South Vietnam is totally the responsibility of this country because what we are talking about is the survival of this country. The United States cannot save any other country until it saves itself—no matter how many lives or how much money we divert to the task. But we can save ourselves. Nothing less than saving ourselves is at stake in the issue of American withdrawal from Vietnam.

We are running out of time in Vietnam. The light at the end of the tunnel has gone out. The corner around which victory was supposed to appear has turned into an abyss. The secret solutions and the 60-day solutions have all turned out to be no solutions at all. The only way to get out is to get out.

I believe that we must resolve to withdraw from Vietnam totally, and that we must make that resolve clear now. We must begin that total withdrawal immediately. This is not the same as "immediate withdrawal" a phrase which has been used by Vietnam hawks to convey the idea of hasty, unplanned and irresponsible termination of U.S. participation. And it is not the same as "unilateral withdrawal," which makes it sound as if we have to deliver a surrender, signed and sealed, to Hanoi before we can get out. I set no deadlines; I offer no monthly quotas. What we are talking about here is not "bugging out," to use the President's rather inelegant phrase. We are talking about being honest with ourselves about our intentions in Vietnam.

Our withdrawal timetable must, of course, take into account the logistical and practical difficulties of moving hundreds of thousands of men and millions of tons of equipment many thousands of miles. It also should include consideration of the effect of our withdrawal on the fate of American servicemen now held in North Vietnam. Once we have truly determined, as a first principle of our national policy, that withdrawal of U.S. forces is in our national interest, this determination should be used to exact from the North Vietnamese as a precondition of that total and complete withdrawal the unconditional release of all U.S. servicemen now held in North Vietnam. It is inconceivable to me that once we have convinced ourselves that withdrawal is in our national interest, we cannot convince Hanoi that releasing our men is in their national interest. In any case, the withdrawal operation, requiring as it will phasing over a considerable period of time, will provide opportunities to apply additional pressure as the weeks go by. The important point is that having made the decision to withdraw totally, we would be able to devote more strenuous and more convincing efforts to obtaining the release of our men now held prisoner.

Thus our timetable for withdrawal should be a timetable which reflects our national interests. It should be a timetable which will give us the best balance of benefits from withdrawal. That balance should, as I have said, include consideration of how best and most quickly to reduce American deaths—of which there have already been 40,000 too many. It should include consideration of how best to insure the immediate release and return of American prisoners in the North. And because of the role which we as a Nation have played in bringing war to South Vietnam, we must consider in planning our withdrawal how best we may play a role in bringing peace to Vietnam.

To anyone who has lived through the last 2 years in America, it should not be necessary to describe the reasons for urgency in withdrawing our troops from South Vietnam. The effects of this tragic war—surely the most egregious diplomatic and military misjudgment America has made in the last century—have rent the very fabric of our Nation for almost 5 years. In Vietnam, there have been the deaths of American men, and the lives twisted or destroyed in senseless violence—lives of both Americans and Vietnamese. But this carnage, this destruction of human life occurs in every war. What has made Vietnam so unique in the American experience? What has made it different from Korea, or World War II, or the others? There are, of course, many reasons. Let me choose but a few, and discuss them under the headings of division, diversion, and disillusion.

The most obvious result of the Vietnam war has been the deep divisions which it has fostered in American society. The war has divided fathers from sons, separated husbands from families, and tragically, isolated a government from its people. It has exacerbated existing divisions between black and white, between rich and poor, between young and old. It has driven from office a President who was elected only 4 years earlier with the most overwhelming mandate in modern political history. It has resulted in accusations of defeatism, intimations of disloyalty, criminal prosecutions for dissent. It has—in short—turned the American body politic into a seething, divided, discouraged mass of discontented citizens. It has brought us to the point where some wonder whether—if the war is not ended—popular government in America can continue to function coherently and effectively.

If the war in Vietnam has divided us, it has also diverted us. It has required close to $30 billion a year since 1966; it has caused us to divert to military pursuits an additional 800,000 men; it has turned our attention from the urgent social and economic problems which we face here at home. Not only has the war taken the dollars which we should have devoted to poverty, hunger, and education in America. It has also contributed directly to domestic problems, like dissatisfaction with the draft—which has now become a draft revolt; like the gross distortion of our defense budget—which has now made us not only the greatest military spender on earth, but maintainer of the largest standing Armed Forces in the world; and like inflation—whose plundering of salaried and middle-income families can be traced directly to the billions which our Government has overspent for Vietnam.

Education programs are being cut; health programs are being cut; conservation and antipollution programs are being cut. And why? So that we can find the resources to continue fighting a war which involves no vital interest of the United States; so that we can say that we have brought the war to an honorable conclusion. If we continue on this ill-conceived course, we may find that we have preserved our honor, but that our troops do not have much to come home to.

Finally, and perhaps most important in terms of its effect on America's youth and on her future, our continued participation in the war in Vietnam has brought with it disillusion. Many of my colleagues in the House have asked me what is the difference in this student generation; why are they so militant about the war when their predecessors were so docile. I think I know a little of what is bothering the students today. They are, as Prof. George Wald said, a generation in search of a future, a generation which is not even sure it has a future. This generation of young people did not live through the depression and see our Nation raise itself up by its bootstraps from economic chaos and disaster. They did not see America rescue Europe from the clutches of a ruthless and incomparably evil dictator, or save East Asia from the grip of a cruel, militarist regime in Japan. To this generation of young people America means smugness, material affluence, billions for defense and pennies to feed the hungry, the first peacetime draft in our history, the atomic bomb, a country at peace but with the largest Army in the world, the ABM; I could go on and on. To these young people America means defense, or war, or the fear of war; it means protecting ourselves against threats which are vaguely defined and vaguely substantiated. To these young Americans our Nation means something different than it meant to us before.

Senator Robert Kennedy, who had a special ability to communicate with the young, summed up what it is that has so disillusioned America's young people:

> Even as the declared foreign policy of our government is to "build bridges" to this new Communist world, they see us, in the name of anti-Communism, devastating the land of those we call our friends. However the war may seem to us, they see it as one in which the largest and most powerful nation on earth is killing children (they do not care if accidentally) in a remote and insignificant land. We speak of past commitments, of the burden of past mistakes; and they ask why they should now atone for mistakes made before many of them were born, before almost any could vote. They see us spending billions on armaments while poverty and ignorance continue at home; they see us willing to fight a war for freedom in Vietnam, but unwilling to fight with one-hundredth the money or force or effort to secure freedom in Mississippi or Alabama or the ghettos of the North. And they see, perhaps most disturbing of all, that they are remote from the decisions of policy; that they themselves do not, by the nature of our political system share in the power of choice on great questions that shape their lives.

This disillusion, this disbelief in the America which captured so many men's imaginations and held so many men's hopes before the cold war—this is what really bothers me most about the continuation of the war in Vietnam. Every day that we continue fighting half-a-world away, every day that more Americans die in a cause which none can defend and few can even explain, every day we make it just a little bit harder to vindicate the America that used to be. President Nixon recently called upon Americans to return to the spirit of 1776. How hollow that call must sound from an administration which continues to fight the war in Vietnam in the face of overwhelming public condemnation of that war. What meaning can democracy and self-government have when those who govern say "under no circumstances whatever will I be affected" by the will of the governed? Who was that President who only a few months ago in his inaugural address said to us:

> For its part, government will listen. We will strive to listen in new ways.

Can this be the same President who last week said:

> Under no circumstances whatever will I be affected.

This, indeed, is something different than America meant before.

Having described what I believe the policy of this country must be on troop withdrawals from Vietnam, and having examined the reasons that this policy is so urgent, I must turn now—rather sadly—to the position of the Nixon administration. Let me make clear at the outset that I do this not in a spirit of partisanship. The question of how the United States will liquidate its commitments in South Vietnam is too fundamental, too important a matter to be used as a means to gain partisan political advantage. I believe Democrats who attempt this do a disservice both to their party, and to the cause of peace. It ill-becomes Democrats, whose President began and so accelerated the war, to seek political advantage from a Republican President's failure to end it.

But criticism there must be if criticism is warranted; dissent there must be if dissent is needed. Entreaties to silence so that the President's secret plan can work must not be heeded. We have heard these entreaties too recently before. This is not how democracy functions, even if some leaders of my own party suggest that this is so.

What has President Nixon told us, then, about his plan for withdrawal, his plan for peace? The President has told us that the pace of American withdrawal will depend on three factors: progress at the Paris peace talks, developments on the battlefield, and the ability of the Vietnamese Armed Forces to shoulder a larger share of the burden of the war. At first glance, these may seem reasonable enough. But on reflection it becomes clear that each of these factors depends on another party. The ability of the South Vietnamese to take over the war depends, obviously enough, on the South Vietnamese. Anyone who believes that the South Vietnamese generals want to take over the fighting does not know very much about human nature or about South Vietnamese generals. About all General Thieu has said he wants to take over from the United States are atomic weapons.

The second factor in the President's formula, battlefield developments, depends almost entirely on the Vietcong and the North Vietnamese. What the President means here, I take it, is that if the enemy will give us on the battlefield what we cannot get at the negotiating table—cessation of hostilities—then we will consider that as a factor in our withdrawal. I submit that this is as unrealistic as the President's first condition.

Finally, the third factor—whether progress is made at the Paris peace talks, depends not alone on the South Vietnamese generals, or the North Vietnamese, or the Vietcong—it depends on all three. Thus if we are waiting for progress at Paris as the sign to step up withdrawal of our forces, we will wait for a long time. Once again we have abandoned the initiative to the opposition and to our allies—and I am not sure which is worse. Candidate Nixon jeered because the United States had been humiliated in the *Pueblo* incident by what he called "a fifth-rate power." President Nixon, however, would base American withdrawals from South Vietnam on the will of two fifth-rate powers—and one party which is not a power at all, at least according to the South Vietnamese Government.

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If there is one point which I hope came clear in the first part of this presentation, it was that America must regain the initiative on the solving the Vietnam problem. The vacuum of leadership which makes progress in achieving peace dependent on what others do, rather than on the national interests of the United States, is a poor excuse for a policy. If this is the President's secret plan for peace, we now all know why he has kept it secret for so long. Withdrawal of American forces from South Vietnam must depend on our national interest: on reducing American casualties, insuring the safety of troops during withdrawal, on obtaining release of American prisoners in North Vietnam.

Many will ask, "what more can the President do? We have stopped the bombing of the North, we have withdrawn 25,000 troops and announced the withdrawal of 35,000 more. Is not the burden of going forward on the enemy?" I believe that an answer to this question can only be given in the context of President Nixon's mandate from the American electorate and the context of America's massive commitment to that tiny land so far from our shores and so remote from our interest. President Johnson was driven from office by the war in Vietnam. Hubert Humphrey was denied the Presidency largely because he would not disavow Lyndon Johnson's Vietnam policy. Richard Nixon was elected to end the war in Vietnam. He was elected because of an overwhelming revulsion with the war and an overwhelming desire to be quit of it.

It is in light of President Nixon's overwhelming mandate to end the war, and the overwhelming commitment of American men and materiel to South Vietnam, that the President's moves thus far must be evaluated. And in this light, they are insufficient. All we have heard from the administration is Secretary Rogers saying that continued protest and dissent will harm progress at the talks. We might ask "what progress?" We have heard Secretary Laird lecturing the American people on how they ought to be satisfied with the great progress we are making in Vietnamizing the war—and not even convincing his own son. And we have heard the President of the United States say that:

> Under no circumstances, will I be affected by protests against the pace of our withdrawals.

This is not a policy. This is buying time; and buying time, to use a current phrase, just will not make it.

The objective is not Vietnamizing the war; it is American disengagement. Our interest seems to be an exclusive concern as to whether Generals Thieu and Ky can continue to fight after we leave. There is no indication to me that this will guarantee our stated objective in Vietnam—self-determination for the South Vietnamese people—any more than a coalition government, or some other political accommodation. In fact, the generals have reportedly told us that even if we stay, and a coalition government is negotiated in Paris, they will overthrow it in 24 hours. Whose interest are we defending anyway?

The President's alternatives are legion, really too numerous to discuss in detail here. He could offer immediately a standstill cease-fire, which at least would put a stop to Americans killing and being killed in Vietnam. He could stop the B–52 raids over South Vietnam, as we thought he had done a few weeks ago. But this time he should stop them for longer than 36 hours. He could begin to cut down the 40,000-odd men per month which we are still sending to South Vietnam as replacements for men whose tours are over. By a ghastly quirk of history, 40,000 is the same number of men whose lives have been lost in this war. We could replace at a ratio of only 1 for 2, or 3 for 4; or we could stop sending replacements to Vietnam altogether. Simply doing this—simply stopping the flow of Americans into Vietnam—would end our participation there in less than 14 months. The point is not that any one of a combination of these is the solution; the point is that to a President who really wants to end our participation in the war, the possibilities are limitless.

And of course the most disquieting thought, the nagging doubt on which the President will not reassure us, is that we have really not yet abandoned that fleeting, ephemeral vision of military victory. The sad possibility is that the President may not have gotten the message yet, that he may still be pursuing military glory—what Abraham Lincoln called "that attractive rainbow that rises in showers of blood, that serpent's eye that charms to destroy."

I have said what I believe our policy on withdrawal must be—total withdrawal begun immediately and completed as quickly as it practically can be. I cosponsored a resolution to this effect in the House last week. It provided for withdrawal of American forces now, subject only to the safety of those who temporarily remain and an offer of sanctuary to South Vietnamese who desire it. Because I believe that this is not a partisan issue, I also cosponsored a resolution which commended President Nixon on his troop withdrawals to date, and expressed the sense of Congress that they were in the national interest. And finally, because I believe that the kind of concerned citizen expression represented by the Vietnam moratorium is absolutely essential, I wrote to the sponsors of the moratorium endorsing their efforts to show that protest in America may still be passionate but peaceful, vital but nonviolent, and uncompromising but not unlawful. I hope that those who have organized this peaceful expression are successful in ending American military involvement in South Vietnam, before that involvement ends in even greater disaster for America.

President Nixon recognized in his inaugural address that "the greatest honor history can bestow is the title of peacemaker." With that wise observation in mind, let our Government heed the warning of the prophet Jeremiah against healing the hurt of America only slightly, and saying "Peace, peace; when there is no peace." We should remember rather the advice of the Apostle Paul:

> Let us therefore follow after the things which make for peace, and the things whereby we can uplift one another.

Mr. CONYERS. Mr. Speaker, the people will be heard. The people of the United States, it seems, will have to be the generating force which will lead our Government out of that immoral morass which is Vietnam. Peace, Mr. Speaker, is not the exclusive domain of Presidents and diplomats—nor can it be—for they have failed—and they are failing—to bring an end to this horrible war. A massive and nationwide movement for peace, Moratorium Day, is an attempt to change our Government's perverse policy of war. It seems once again that mass citizen criticism is the only way. We had some effect before—and many people at that time said that our efforts would not work—that it was impossible to successfully impel an incumbent President—with his incumbent policies—not to run for reelection. But this time we must do better. We must truly bring an end to our tragic war in Vietnam. Peace is our purpose. And we are resolved.

This morning I saw what, in my judgment, is a most concise and eloquent statement concerning the reasons for a Vietnam Moratorium Day. It is a statement in the Detroit Free Press by the Alliance for Labor Action—which includes the United Auto Workers International Union, the International Brotherhood of Teamsters, and the International Chemical Workers Union. These organizations and their members join us today in our stand for peace and an end to the war in Vietnam, and in our support of "the peaceful, lawful, nonviolent community activities of the October 15 Vietnam moratorium."

Their statement reads in part, and I quote:

> We take our stand with the millions of our fellow-Americans who share the view that the support of efforts to disengage America from Vietnam is an act of the highest patriotism and a distinct service to our country.

I commend to my colleagues the declaration made by these organizations and will insert the entirety into my remarks.

On this Vietnam Moratorium Day we must say to Lyndon Johnson as he sits at his ranch tonight trying to figure out where he went wrong: "You listened too late." And now President Nixon has told us, and I quote:

> As far as this kind of activity is concerned . . . under no circumstances will I be affected by it.

But I wonder tonight as he sits surrounded and sheltered by ex-advertising men and personal editors of the news, whether President Nixon is listening.

The feeling of the country is clear. A Gallup poll reported October 12 that 57 percent of the Nation says they would like to see passed by Congress the resolution introduced by our colleague in the other body, Senator GOODELL, which would bring all U.S. troops home from Vietnam by the end of 1970. And even as far back as 1966, in Dearborn, Mich.—a city I know well as being traditionally conservative—the people were confronted on their ballots with a question which read:

> Are you in favor of an immediate cease-fire and withdrawal of U.S. troops from Vietnam so the Vietnamese people can settle their own problems?

Even then—in that conservative city—41 percent voted for withdrawal. I maintain that the people of this country want out.

Mr. Speaker, just as they said before that it could not be done, they are saying now that it should not be done. I stand here tonight incredulous that, fully 9 months after President Nixon took office on the pledge of bringing peace to Vietnam, and with only the most meager measures having been taken to end this illegal and immoral war, we who speak out and criticize the war policy are being used as the scapegoats for the failure to bring this promised peace. On this, our era's most grave and tragic issue, we cannot—and must not—remain silent. Yes, we have been told that Mr. Nixon has a plan, but that we must be patient—we must give him time. We have been told that we are undermining his efforts for peace when we, here tonight, speak of peace. Time, time, time—we have all heard that too often before. But we are still looking for the deeds to match the promises. I have searched for a meaningful pattern of change in the Government's policy. Yes, some of the names have been changed—Vietnamization, protective reaction, honorable settlement—but it is the same shameful game and its name is war—and it has not stopped. The killing and maiming go on. Nearly 10,000 of our men have died in Vietnam since President Nixon took office. The Saigon government is as corrupt, repressive and dictatorial as ever before.

The policy of Vietnamizing the ground troop fighting is not a strategy for peace with a viable political settlement. Our Government knows that. So does President Thieu. He has said:

> The replacement of (American) troops is not a one-year problem, it is a problem that will take years and years.

It is a tactic that signals an indefinite continuation of our involvement in that unfortunate country, with as many as 300,000 of our support forces aiding this so-called disengagement. It is similarly, in this country, to draw a parallel, that phrases such as the newly coined "Order and justice under law" signal an indefinite continuation of police abuse and brutality and mistreatment of not only blacks but students and others who dare raise their voices in protest.

Who are we supporting in Vietnam? Last Sunday, Secretary of State Rogers, in clear contradiction to other recent statements, repeated the old Dean Rusk litany that we have a commitment to the present Government of South Vietnam, a government totally bereft of the support of the people for whom it purports to speak; a government repressive in its policy and its power. One of the many arguments that have been used to rationalize the mistake of this country's involvement was the securing of self-determination for the people of Vietnam. This, indeed, was the ironic justification used to halt the elections called for by the Geneva Agreements of 1954. To therefore support a regime that does everything in its power to suppress the true sentiments of the people is criminal.

I have been in Vietnam. It was less than 6 months ago that, as a member of the U.S. Study Team on Religious and Political Freedom in Vietnam, I spoke with Thich Thien Minh, one of the most influential Buddhist monks in South Vietnam. He said:

> My only offense is that I believe in Peace.

He has been held in military custody since February 23, sentenced to 3 years at hard labor.

We talked with Truong Dinh Dzu in his cell in Chi Hoa prison—the man who ran for President under the sign of the white dove of peace to win more votes than any candidate but President Thieu himself. Dzu was imprisoned on May 1, 1968, on charges brought by the government, and I quote, "of urging the formation of a coalition government as a step toward peace." Coupled with this is President Thieu's statement that:

> My government can die because of these pacifists, but before we die, they will have to die first.

Now, our own Government is supposedly advocating a coalition government and free elections as a possible way out of Vietnam. Yet, our Government by its studied passivity has sanctioned these outrageous acts, the equivalent to putting Senator EUGENE McCARTHY in prison.

Moreover, these are not isolated incidents. We found that persons are often held in detention centers and interrogated for periods up to 2 years. There is no "due process" as we know it in the arrest, detention, interrogation, and sentencing of suspects. The favorite method of suppression used by the Thieu-Ky government is the extra-constitutional military field tribunal, a method responsible for the imprisonment and sentencing of thousands of Vietnamese, most often without the least regard for the elements of a fair hearing. Furthermore, accounts we heard by ex-prisoners verified that ingenious and brutal torture is the general procedure in detention and interrogation centers.

In Thu Duc Prison we saw 50 women, some with babies, living in a crude building 40 by 30 feet in size. We heard a fellow prisoner describe the ordeal of a woman law student, for months tortured and beaten so incessantly at an "interrogation" center that two fellow prisoners had to carry her before the military tribunal when her case came up at last. She had been arrested as a spy but it was later found to be only a case of mistaken identity.

In recent months 30 newspapers have been forced to close down for in some small way criticizing the Thieu regime. In sum, more than 30,000 South Vietnamese have been jailed as posing a threat to that military regime. The Nixon administration apparently has not recognized the relationship between the full and active political participation and protection of civil rights for all Vietnamese and the ability of that country to fashion its own stable, representative government. There has never been any disavowal issued from the White House concerning President Thieu's proclamation of last June in which he said:

> I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even reconciliatory government.

Mr. Speaker, continued support for the present government of Mr. Thieu and General Ky will never bring peace to Vietnam.

It is therefore intolerable for this war—and our fighting—to continue any longer. We have already determined that we are not seeking a military solution. The very least President Nixon should do is order an immediate, unilateral, stand-still cease-fire. It is absolutely indefensible not to stop the killing while we supposedly speak of peace in Paris. But the White House now tells us that we are taking such steps—that our troops are now following a tactic termed "protective reaction"—a major step in disengagement, we are told. However—in Saigon—Gen. Earle G. Wheeler insists that there has been no major change in battlefield tactics. General Wheeler said only a few days ago that the American commander in Vietnam "is following the policies he was following when I was there in July." And you will remember that it was in July that Defense Secretary Laird told us the policy was "maximum pressure." I suppose now President Nixon will beseech us to disbelieve his military men, such as General Wheeler. That was hardly what he urged us to do when we were discussing the antiballistic missile 2 weeks ago. We were implored to believe them then, just as we are now being implored to believe that President Nixon has definite and workable plans for peace.

The war in Vietnam, lamentably, has been the longest in which we have ever been involved, excepting our own Revolutionary War. It has gone on so long, and so many have said so much concerning our involvement, that it will be difficult now for some to explore those larger historical and ethical questions which are so crucial as we seek a true perspective from which to end that war.

We, in this body, must reassert our responsibility to our constituents and the Constitution; a responsibility we abdicated too long ago. We, in this body, concurred with the Senate in passing the joint Tonkin Bay resolution on August 10, 1964—a resolution which we have allowed to be interpreted as an authorization or approval of an unlimited expansion of our involvement in Vietnam. Very probably that was not the intention of many who supported it. But we allowed it to happen. Mr. Speaker, I inserted into the CONGRESSIONAL RECORD of January 2, 1968, a resolution issued by the National Lawyers Guild which carefully and thoroughly examined the legal questions regarding the Tonkin Bay resolution. It shows clearly, in my judgment, that the Tonkin Bay resolution did not extend to the President of the United States the authority to wage a military action in Vietnam. But in that it was this resolution that was used fully 6 months after its passage, to justify the escalation of our armed involvement in Viet-

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nam by the President of the United States, I moved to reassert our constitutional function by introducing January 3 of this year House Concurrent Resolution 44 which would terminate forthwith that supposed justification.

For there is no "justification" for our involvement there. Nor have we ever had an obliging commitment to the Government of South Vietnam. In a 1966 report, the Committee on Planning and Research of the House Republican Conference stated that the decision to use American troops in combat, and I quote: "was not forced upon the President by the SEATO Treaty or by any other obligation entered into by an earlier administration"—conference committee, supra, "The United States and the War in Vietnam," in CONGRESSIONAL RECORD, volume 112, part 17, page 23308. Furthermore, it became clear long ago that because it was written to be subordinate to the United Nations Charter we are acting in Vietnam in violation of the SEATO Treaty; that treaty and others as an obligation to fight and kill in Vietnam. Yet, we continue the conflagration on the self-deception of a commitment to a Government in South Vietnam which blatantly serves only itself.

Mr. Speaker, as regards that Government we have no further commitment; we must honor no further pledge than that which we have already given—more than 40,000 lives, approximately 250,000 casualties, and over $150 billion in the last 15 years—for an absolutely discredited cause. We have exploded every myth, punctured every rationalization.

Mr. Speaker, we have a larger commitment. It is long past time that we honor a pledge to ourselves, a commitment of freedom for all our countrymen. It is long past time that our Government pledge itself to an unswerving commitment—both here at home and abroad—to the fulfillment and confirmation of the principles upon which this country was founded—those principles of which so many of us still can only dream.

Because of this war, everything that is needed to bring a higher quality of life to America is being cut or eliminated. There can be no more assurances that we can afford guns and butter. Because of this war, perpetrated on the American people, this country is wracked by turmoil which may leave no values sacred. Because of this war, the hypocrisy of our Government, both past and present, has become so self-evident that the resentment may soon harden into open and constant defiance of its authority.

One must only compare in dollars the national effort to bring what is claimed is "freedom" to 13 million people in South Vietnam with the magnitude of our effort for 30 million Americans who are living in poverty here at home.

One must only compare the billions of dollars spent each month in Vietnam with the pitiful amounts used to ameliorate the plight of black Americans in the ghettos found in every sizable city from coast to coast.

One must only compare the spurious legalistic arguments now being used by Federal Government for the necessity of decelerating desegregation in the South and to explain past failures to protect civil rights workers—with the crass violations in Vietnam of our international agreements. And this says nothing of one of the most important provisions of our Constitution which gave to Congress, and to Congress alone, the power to declare war.

Until our priorities are put right, this Nation is set on a perilous course. And it is first to getting out of Vietnam that we must turn.

We all have heard the President reiterate time and again his desire for peace.

But of what type of peace is Mr. Nixon speaking? An "honorable settlement"—that euphemistic phrase which allows an unlimited variety of interpretation—but what we know to mean as a ploy to please everyone—those who want our involvement to end—and those who do not wish to admit that we have made a mistake. We must speak plainly. Any way of getting out of Vietnam is more honorable than to continue. We must stop trying to save face; the face of this, our Nation, now scarred almost beyond recognition. Is our confidence in ourselves so imperiled that we resort to even the most transparent of deceptions? It is in my view a sinister and brutal deception which protracts the killing and prevents true peace. The people of this country should be told the truth—our war in Vietnam has been wrong. I believe the people can accept it.

But it does not help that the present administration inches toward peace with such a negative approach—I must say, an almost reluctant attitude. Straight truth is not flagellation but freedom—a liberation for America from the shackling mistakes of the past. We are not being defeated in Vietnam. No one doubts our potential power. We could, of course, have dropped an atom bomb—and once again killed millions for our pride and a "victory" of sorts.

Although it is somewhat too late for the more than 40,000 Americans and countless Vietnamese who have been killed in Vietnam, we will be recognized as finally showing wisdom and restraint in the use of that power. To some it will be callous to say—but sending good lives to die for a now repudiated cause will not save those who have gone before.

Mr. Speaker, in our reluctance to face the truth, this Nation has not moved positively enough toward peace. There are steps that must be taken if we truly desire that peace which we so loudly espouse. We must withdraw as soon as logistically possible all of our troops from Vietnam. This is not only a moral act, Mr. Speaker. If we wait to commence a meaningful level of withdrawal of troops from Vietnam until, in Paris, our writing of the peace is insured, there will be little, if any, chance of ever bringing a negotiated and lasting peace. Why is this so? Are we really so naive and ethnocentric to believe that the North Vietnamese and the National Liberation Front will trust us? With hundreds of thousands of foreign troops secure in their land and on their border, can we honestly expect them to hurriedly agree on a political settlement. Even if we did not learn a lesson from the Geneva Agreement of 1954, they have. We cannot gain anything for ourselves in the current negotiations. We do not belong in Vietnam. We cannot sincerely negotiate for future military bases or presently secured troop positions. We are negotiating, it would seem, only from a distorted pride. What we are protecting at the Paris talks is not some vital national interest but the fear that any peace we achieve will be called defeat. The fact that we are now in Vietnam gives us no moral right or obligation to in any way impose its future fate. We have disavowed that purpose. By supporting the Thieu-Ky regime, even in the so-called Vietnamization of the fighting, we are hindering and prolonging the founding of a stable peace.

Peace in Vietnam will come only from a settling to equilibrium of all the various political forces which make up the Vietnamese population. Thieu and Ky will certainly never allow this to happen. Nothing will be gained in Vietnam until we leave it.

There is no way to give dignity to the liquidation of our ignoble involvement there. But it will be a triumph of principles over pride, and intelligence over delusion. Our withdrawal from Vietnam will give hope to the world that we are again on the right course. And for us, it should signal new intentions—both at home—and abroad.

For, truly, we will have accomplished little if we get out of Vietnam and leave unreformed the institutions and kind of thinking which involved us there in the first place and which continue to set our military posture and foreign policy throughout the world. I agree with those who say that Vietnam is not an accident—not a "mistake." It is a very logical extension of our own present economic, social, and political institutions. If, after Vietnam, we are not successful in cutting military spending to a truly defensible level, then we will have failed. If we do not successfully challenge and reorder our current national priorities, we will not soon see real peace and tranquillity in this, our own torn land.

The signs are all around us. Moratorium Day is an important indication—but only one. The urban crisis and the race problem are still smoldering—and they have yet to command the attention of President Nixon and his administration. Black America is losing confidence in the Federal Government. And in every white, middle-class community across the Nation the people are fed up with inflation and exorbitant, wasted tax assessments. In a Harris poll, published in September by Life magazine, 78 percent of the American public believes the reason for inflation is the cost of the war in Vietnam.

The Kerner report, which was ignored by President Johnson and disbelieved by then candidate Nixon, told of the true state of the Nation—and conditions have worsened. Almost 30 million Americans, including 15 million children, are living below the poverty line. Another 16 million live in families with only slightly higher incomes. Malnutrition has actually increased over the past decade—in this the most agriculturally productive

nation in the world. The Nixon administration studies and restudies the problem of hunger while millions continue to starve. The stockpile of hard-core unemployed mounts in a nation whose gross national product continues to rise. Fully 6.5 million work full time for wages which fall below the poverty line. Nearly 6 million families live in substandard housing units. The quality—if that is a word that can be applied here—of inner city schools deteriorates even more as Federal funds prove more difficult to obtain.

The Kerner Commission has recommended creation of 2 million new jobs over the next 3 years; 6 million new and refurbished decent housing units over the next 5 years; expanded aid to disadvantaged school districts, and improved welfare assistance.

How are these needs going to be met? Last January 14, I and more than 40 of my colleagues here in this body, introduced the Full Opportunity Act—a massive and comprehensive plan calling for $30 billion to be spent annually for the next 10 years in an all-out attack on poverty and discrimination. This legislation has provisions for full employment, minimum wage, family allowances, compensatory education, post secondary education, adequate housing, and antidiscrimination.

How is the money to be raised? I believe it can be raised—and without adding to the inflationary spiral. I believe that the money must come from savings accruing from a drastically reduced military budget. It is a budget calling for expenditures that not only prevents the attempted solutions of our crying social needs but by its very nature continues to warp the very fabric of life in America. As the poor and oppressed wait with outstretched hands and broken hearts for us to help, we continue to throw good money after bad in that dangerous and unconscionable waste known as the arms race. I have voted against every military appropriation authorized for Vietnam since I was elected to Congress. But I will now from this year on vote against every authorization for military appropriations until some sanity and humanness is shown by those who now wield the power.

We who are here to criticize this present course—this insane military spending in support of an old, worn out, and dangerous policy and for that, we will continue to be assailed by the so-called defenders of the faith, just as we were assailed 2 weeks ago when the authorization for military procurement bill was on the floor. Many charges against us will be asserted. Frightening spectres were raised. Certainly it will be alleged again that we are indifferent to Chinese and Soviet intentions. Yes, the thermonuclear threat will be used by some in an attempt to reduce us to silent passivity. Yet, it is those among these same elements who devise or support the irrational escalations of the arms race which keep that threat alive.

When will those who constitute the military-industrial complex learn that the strength and true security of our Nation does not depend on its weapons or a pugnacious policy of defense as much as it does on our dedication to the value of human life and the dignity of man.

I, for one, am more confident than ever that those of us who wish to bring responsibility to our foreign policy will meet with more support than ever before. For we desire to update to the 1970's that simplistic thinking of post-World War II that has so distorted our world view that we—once a source of hope to the oppressed—are now an easy target for fear and hatred worldwide. In my judgement we must terminate that double standard which in the name of anticommunism has used war to give "peace" and repression to give "freedom." From our bull-like, anti-Communist perspective we have seen red too often, and time after time repressed nationalistic, broadly based uprisings that would have overturned a truly totalitarian rule. As "defenders of the free world," we have supported Hitler's ally, Generalissimo Franco of Spain, Trujillo in the Dominican Republic, Batista in Cuba, Branco of Brazil, myriad other dictators in South America and Latin America including the infamous "Papa Doc" Duvalier of Haiti. We have supported the shahs of the Middle East, Salazar of Portugal, and neither last—nor least—we continue to support by our very presence in Vietnam the repressive regime that we ourselves brought to power—that of President Thieu and General Ky. Those in this country who encourage our messianic mission to save from hell the Vietnamese they believed were being deprived of their freedom by the Communist government of Ho Chi Minh and the Vietcong are some of the same people who fail to see in this country that many Americans still do not enjoy that basic natural right. Who? Who will save us from ourselves? Those false fears of being engulfed by that dread monolithic "Red monster" have enwrapped in a powerful creed the minds and hearts of our people for so long that they are just beginning to see out into the light.

The blatancy of the deceptions of our Government in Vietnam has awakened many Americans to the larger issue of the reasons our foreign policy and the collective conscience of the Nation permitted us to become involved there at all.

More and more people recognize that peace in Vietnam, and a lasting peace for the future, requires not only a change of strategy but a change in the fundamental premises which underly our national life and our international relationships. Ending our tragic involvement in Vietnam—and bringing peace—can unite America to fight a war against racism, poverty, hunger, ignorance, and disease. But such resolution will not come until we renounce the mad folly that is the weapons race and reduce military spending to a sane and realistic level. What can the concerned citizen do? Both at home and abroad, will we as a nation have the determination to turn our backs on destruction and to embrace, instead, the construction of a new order?

It is the most urgent challenge for the people and their Government.

Are you listening, Mr. President?

Let us end the Vietnam war and start building America.

Mr. KOCH. Mr. Speaker, today, many Americans find it necessary to remind their Government that as free men and women they have the right—indeed the obligation—to make known their grief and outrage over the continuing American prosecution of the Vietnam war.

A few weeks ago the President showed his contempt for the democratic process by saying he would totally ignore this expression of citizen protest. Confronted with the public's justifiable anger with such a statement, the President has since recalled his ambassadors for consultation, eased General Hershey out of his job, and in lieu of new policies pursues a patchwork of public relations.

Still members of his administration, as well as Members of this House have stated these moratorium activities undermine our negotiations and give hope to Hanoi. Their rhetorical counteroffensive seems to be an attempt to put the ultimate blame for the consequences of our disastrous Vietnam policy on those who have long opposed that policy.

The absence of logic or fairness in such insinuations never seem to bother those who must find scapegoats for their own folly. The folly of Vietnam is that our Government never has been nor is it now willing to admit to its own people that our policy has been a mistake.

The Nixon administration was under no obligation to justify the war of its predecessor. On the contrary, the Johnson administration was repudiated at the polls and it was said that the new President had a plan to end the war. Yet just recently, Secretary Laird reaffirmed the commitment of the United States to the objective of "permitting the people of South Vietnam freely to determine their own destiny." And so the Nixon administration still pursues the elusive goal of internal stability in Vietnam despite the fact that the military situation is a standoff; the diplomatic talks are stalemated; and the corrupt and repressive regime of Thieu and Ky continues to preside over a war-torn land.

How absurd for the Nixon administration to persist with a policy that attempts to salvage national pride and international respect when the American people and people across the globe already have condemned or grown weary of such a shabby and discredited policy. How tragic that the price of such persistence by the Nixon administration is the continued loss of American lives every week in Vietnam. We cannot tolerate that kind of sacrifice for the sake of national pride. As others have said, our pride be damned.

Some say we must remain resolute until we achieve strategic success if for no other reason than to justify the loss of 40,000 American lives. How much stronger then must be the resolution and will of the North Vietnamese and Vietcong who have lost 1 million of their own. We should no longer tolerate those who think success can be determined by body count. It is both barbaric and futile.

One can only assume from the rhetoric of the Nixon administration that it does not believe the continued American involvement in Vietnam to be a mistake. This is a frightening conclusion. It un-

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necessarily prolongs the withdrawal of troops because withdrawal of troops remains predicated on achieving strategic success. It unnecessarily divides the American people who are torn between the patience of patriotism and the outrage of continued sacrifice. It raises the sinister possibility that some in power are indeed interested in finding scapegoats rather than having to admit mistake.

I believe the acceptance and admission of error by our Government is an indispensable condition for a true reversal of national policy resulting in the total and immediate withdrawal of American troops from Vietnam.

The American people know a tragic mistake has been made. It remains only for the Nixon administration to accept once and for all that judgment. And so today let the Government be reminded who is master and who is servant.

I am inserting extracts of letters received from constituents and others with the thought they will be of interest to my colleagues.

This is from a U.S. captain stationed in Vietnam:

DEAR SIR: Today I read in the Pacific edition of the Stars and Stripes that you had been castigated for describing Ho Chi Minh as a Patriot and the Washington of his country.

I would like you to know that there are many of us in the armed forces who share your view. He has been a truly great force in bringing this part of the world into the 20th Century. He molded a nation out of the Vietnamese in the North and, though not in the way he planned it, out of the South also. While it is deplorable that he embraced the Communist cause in achieving his goal of freeing the Vietnamese from French domination it must be remembered that he was first and foremost a nationalist, and is thought of in this light by many throughout Vietnam. While this is my second tour of duty here in Vietnam I am continually surprised by the resiliency and tenacity of the individual Vietnamese. It was this that made Ho Chi Minh great and it is this that will eventually save this nation.

No attempt by other members of our Congress can wipe out or blur the accomplishments of this man. He has proven a worthy adversary and his passing will be felt in this part of Asia for years to come.

I feel proud that someone in our Congress had the guts to view him as he was and then say so. I find it difficult to believe that your speech should cause such an emotional reaction by supposedly mature and objective men. I assure you, here the reaction was different and we are a bit closer to the reality of the situation than your colleagues.

Sincerely yours,

——— ———.

This letter is a response from a mailing I sent out:

DEAR MR. CONGRESSMAN: I concur with you one thousand percent re a ceasefire, etc. This senseless slaughter has got to stop . . . on both sides. Now! The President has let us down with his plan to end this war which Congress had not declared. His speech at Colorado Springs was worse than the one referred to here. It seems that the military (Pentagon) is now telling us what to do. We cannot afford these taxes any longer . . . taxes going down the drain for the military. We have got to cut down the Pentagon and those know-nothing Generals who cannot win the war but who are playing hell with our best Youth, while the Yippies roam the streets . . . and the Vietnamese are living high off the U.S. hog.

Our entire schedule of Foreign commitments *must* be reappraised. I am fed up with paying and paying to other countries for their defense while they sit on their cans. I am fed up with taxes at their present level; with rising rents, interest rates, and the cost of living. This country is in damned real trouble! We had better get back to Congressional rule instead of the Pentagon and the Chief Executive. We are only as strong in the world as we are at home . . . it seems we've forgotten *Us!* We are mighty sick at home!

In a broadcast interview earlier this week you said you would wear black ribbon as a sign of mourning until the war ended and American troops are returned home. It occurs to me that an even more effective way of making President Nixon aware of the sense of mourning that so many Americans have would be to start a campaign of asking Americans to send a piece of black ribbon to Mr. Nixon personally. I can visualize the White House receiving thousands of pieces of black ribbon from people all over the country. They could, of course, be sent anonomously or with a signed note.

I hope you will consider this suggestion seriously and perhaps find some way to implement it.

Sincerely yours,

——— ———.

This is a letter I received in May about the Vietnam war:

I firmly disagree with any of your colleagues who have any praise whatsoever for President Nixon's statement on the War in Vietnam. I am one of the far too few Americans who could not be fooled by our President's plan to end the War. Evidently too many of our voters were willing to wait for President Nixon to get into office to tell of his great secret plan. I do not believe there ever was such a plan and I don't believe there is any plan to be seen in the near future. Our newscasters and newspapers are not calling this senseless killing a War but are referring to taking a hill where many Americans have been killed as a "clash".

I thoroughly back your thoughts that if the South Vietnamese are not willing to fill the gap with their own men, they are definitely not worthy of our continuing support. I agree—the War in Vietnam must stop and the only way to stop it is by cease fire.

I only wish that my letter or my moral support could help get your resolution through. In the meantime, may I wish you the best of luck and much success in all your present and future plans.

——— ———.

This is part of a letter which had many subjects included in it:

DEAR CONGRESSMAN KOCH: Immediate action must be taken to extricate us from the insane and disastrous war in Vietnam. Face-saving is now beyond possibility, for we are the most disrespected and most hated nation in the world. All other of our national and international problems stem from and suffer from this war—the rebellion of our youngsters in and out of the universities, the lack of money to aid our decaying cities, our polluted air and waters, and the lack of more money to aged, and poor citizens. We are committing suicide.

Respectfully yours,

——— ———.

DEAR REPRESENTATIVE KOCH: This is a plea, one of thousands I hope, to you and anyone else who will listen, to do what you can to end that fruitless, sickening war in Vietnam.

When our constructive needs are so desperate here at home, how can the Congress continue to ignore these obvious needs and, instead, allocate billions for death and destruction thousands of miles away.

Why is it so important to "play the game" at the Conference Table in Paris when hundreds die every week for a cause that is not even their own. At least let's make an attempt to stop the killing and destruction *first,* and *then* sit down and bicker over a solution to this mess.

For the sake of the entire human race, please end that awful war. It's tearing our beautiful country apart.

Sincerely,

——— ———.

DEAR CONGRESSMAN KOCH: Please continue your plea and efforts to bring our boys home from that slaughter in Vietnam. The people of this country are in a state of utter despair and we feel the nation is being run by those who are profiting by the war, those who have no regard for the life of the young men or for those at home who are suffering because their loved ones have been taken from them.

Sincerely,

———.

DEAR SIR: I read that you are identifying with the people who are reading the names of Vietnam Casualties in Washington each week. Thank you. My son is one of those names. I protested by not having a military funeral—but protest doesn't seem to have any effect, does it? Keep up your stand for justice. Thank you.

This is part of a letter on several subjects which I received last June:

DEAR CONGRESSMAN: There is only one way the sixty Congressmen who praised the President's speech will reverse their stand—and that is—when there are enough ordinary people like me who will back up their Representatives like you and Senators Fulbright, Church and McGovern on the Vietnam issue.

Sincerely,

——— ———.

SIR: Am with you 100% in the current drive to end the Vietnam war now. Our generation allowed it to develop along with inflation and allied ills. We should no longer allow continued deception under Mr. Nixon who pleads for more "patience." If in fact our military is running the show it should be challenged by the democratic process.

Sincerely,

——— ———.

DEAR CONGRESSMAN KOCH: A tragic mistake has been made by this country but fortunately we are big enough to admit it. I have no sympathy for the President's statement, in effect, that he will not be the first to preside over an American defeat. That sounds very personal—not that of one pledged to do his best for the American people.

Very truly yours,

——— ———.

CHURCH OF THE SACRED HEARTS,
New York, N.Y., September 8, 1969.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: In view of some recent unhappy events, the below may be of some interest to you.

This priest offered a public Mass for the soul of Ho Chi Minh and for the intention that God might use his death as the instrument of a final peace for the unhappy land of Viet-Nam.

Warm personal regards.

In Christ,

REV. JAMES J. GILHOOLEY.

DEAR SIR: It was with greatly mixed feelings that I read the excerpt from the Congressional Record of May 15, 1969, which was sent to my home from your office. Why, when you and I apparently have a complete concurrence of opinion on the Vietnam adventure, do I say "mixed" feelings?

Simple. Because I am sick of the whole ———. I am sick of talk and talk and talk. I am at this point totally cynical about the entire mess. This is God's own truth: I evaluated for months on end all aspects of the war in Southeast Asia before I was able to make up my mind as to who was right and who was wrong. As I remember, it was in late 1963 when I eventually decided that I was what is popularly termed a dove regarding this geopolitical ———. From that point on I did everything within my power to proselytize, to make others see the true situation regarding Vietnam, to flood the Congress with letters, etc. And what good has it done? I daresay very little. Occasionally I run into admitted hawks. And what do they talk of? Commitments. Just commitments. Also, honor. As you yourself said, "If the South Vietnamese are not willing to fill the gap with their own men then they are not worthy of our continuing support." Why can't other Americans see this as you do? And as I do? Why cannot the President see and understand this simple question? Why can't the Congress see it?

In brief, I have lost hope. I can see our commitment in that dreary land extending till 1999, possibly with upwards of over 2,000,000 American troops lodged there by that time. I can see at the same time all of young America double alienated by then, burning draft cards, storming draft centers, engaging in street fights with the Establishment, and in every way accelerating and compounding the horrid mess that exists today.

My heart is with them. I am no hippie. I am an honorably discharged veteran of the 101st Airborne Division, and am today a public school teacher. But if I *were* today a mere 20 or 21, and know what I know now, I would with no compunction burn my draft card and say Damn the War! And I'd echo the yells of today's knowledgeable young men who say, Hell No I Won't Go!!

I have on many occasions written Senator Fulbright and begged him to get us out of this misadventure. Now, I am begging you. Do something! Please!!

Sincerely,

——— ———.

VIETNAM POLICY

To the EDITOR:

One fact emerges clearly from President Nixon's March 14 press conference. He was not speaking for an aroused people which, only a year ago, had forced President Johnson to abandon pursuit of victory in Vietnam, to seek a negotiated peace and to renounce renomination. He was not speaking for the youth of America nor for the inhabitants of the ghettos. He was not speaking for the moderate Republicans and Democrats in the Congress, nor reflecting the advice of our most competent scientists and scholars.

Mr. Nixon was speaking for the national security bureaucracy—for the "military-industrial complex" against whose "unwarranted influence" President Eisenhower warned in his valedictory address.

President Nixon was given a clear mandate to make peace in Vietnam, to halt the spiraling arms race and to give priority over global interventionism to the nation's long-neglected domestic needs. He himself declared that the establishment of peace in Vietnam must be the first step toward carrying out that mandate.

NEEDED FOR PEACE

Yet one is forced to conclude from his remarks on March 14 that, like his predecessor, Mr. Nixon is unable or unwilling to recognize what must be done to achieve peace.

Like Mr. Johnson, he wants to "turn over the war to the Vietnamese" as soon as possible so that American troops may be withdrawn. However, what this means is turning over the war and the peace to a Saigon Government which—because it is corrupt, incompetent and without roots in popular support—has no desire to make peace, knowing that it cannot hope to survive any conceivable peace settlement.

In these circumstances, it is not surprising that Mr. Nixon can see "no prospect for a reduction of American forces in the foreseeable future." The simple fact is that there can be no peace without a phased withdrawal of American forces and that there can be no such withdrawal so long as the United States continues to support the unrepresentative regime in Saigon.

As for Mr. Nixon's "compromise" on the Sentinel ABM system, it is no compromise at all since it leaves the camel's head in the tent. It is a shrewdly calculated move to obtain the consent of the Senate and after disregarding its clearly given advice. If the Senate succumbs, the military-industrial complex will have achieved another victory at the expense of the people.

Now is the time for the people's movement which overthrew Lyndon Johnson to wake up and go into action.

JAMES P. WARBURG.

GREENWICH, CONN., *March 15, 1969.*

Mr. LUKENS. Mr. Speaker, on the eve of the planned October 15 moratorium, I wish to bring to the attention of my colleagues an excellent editorial by David Broder that appeared in the Washington Post today.

Mr. Broder penetratingly asks those who have or are going to lend their support to the moratorium to examine the issues and questions more deeply. First, what is the target of the protest? Is it the Vietnam policies that President Nixon is conducting? The President, as Mr. Broder points out, is more or less following the outline of the 1968 antiwar faction, that is withdrawing troops, scaling down bombing and negotiating at Paris. What does the moratorium want?

Second, what are the alternative policies proposed by the moratorium? It is apparently unilateral withdrawal as enunciated by its leader, Sam Brown. Do labor, church, and civic groups, as well as many other organizations really want this? Do they want to be criticized for a hasty exit that ignores consequences and responsibility?

Third, what about the method of the moratorium? Is it compatible with the maintenance of representative democracy or does it substitute the rule of the streets?

I commend Mr. Broder for bringing to the attention of the public, a thoughtful appraisal of the ramifications of the moratorium committee's goals and methods and the effect that it will have on the President in attempting to negotiate an end to the war. It is reassuring to see reflective and responsible journalism.

Mr. Speaker, I insert the article in the RECORD at this point:

ILL-ADVISED VIET MORATORIUM COULD SET A RISKY PRECEDENT

(By David S. Broder)

CAMBRIDGE, MASS.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscured. If the event is to be guaged properly, it is important to uncover its original premises from the debris of cliches and endorsements in which they have lately been buried.

A number of men active in the moratorium have taken time to point out what they consider the errors of the argument in this column last week that it is a plan for "the breaking of the President." With sincerity and conviction, they have asserted that, far from breaking the President, they are out to save him, by persuading him to make the peace the nation craves and, incidentally, to save the political system by keeping the antiwar movement out of the hands of the radicals and in control of those with a commitment to peaceful forms of protests.

Their conversations and correspondence have helped to define three questions which might be borne in mind by those planning to participate in the moratorium.

First, what is the target of this protest? Sam Brown, the able spokesman for the moratorium, says it is not an anti-Nixon move because "we learned in 1968 what we must oppose are not personalities but policies."

But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

It asked for "a phased withdrawal over a relatively short period of time" of all foreign troops. The Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, it recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representataive government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese."

If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

Second, what is the alternative they recommend? It has been described in moratorium publicity as everything from a negotiated settlement to immediate, total American withdrawal from Vietnam but Brown said Sunday on "Face the Nation" that it is the latter that the moratorium has "consistently" demanded.

If that is the case, then the elected officials, clergymen and educators who have lent their prestige to the moratorium can properly be asked if this is the program they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they could explain why a one-dimensional plan to pull out troops is any more likely to be wise policy than the one-dimensional plan that sent the troops in. Have we not learned yet to examine the political consequences of military decisions?

Third, and most important, what about the method of the moratorium? Is it compatible with the maintenance of representa-

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tive democracy or does it substitute the rule of the street?

The sponsors say the name "moratorium," rather than "strike," was chosen to emphasize that the protest is to be peaceful and noncoercive. It is a nice distinction. The noncoercive feature may be almost invisible to the thousands of students whose colleges will shut down Wednesday. If the moratorium continues, as planned, for two days in November, three days in December, and so on, it will more and more come to resemble the general strike so familiar to European politics.

And if it succeeds in its aim, what is to prevent other majorities or sizable minorities in the country from using the same technique to force their views on agencies of the government? The moratorium sponsors say Vietnam is an extraordinary issue, but they must know it is not the only issue which agitates millions of people.

One wonders what the moratorium sponsors would say if Billy Graham were to ask all the parents who want prayers restored to public schools to withdraw their children from school for one additional day each month until the Supreme Court reverses its school-prayer decision.

Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate men opposed to integrated housing declared a moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamese moratorium is un-American, illegitimate, meanly partisan or personally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

VIETNAM

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. Rosenthal) is recognized for 60 minutes.

Mr. ROSENTHAL. Mr. Speaker, I feel a little bit like the gentleman who followed Will Rogers around out on the western trail. The gentleman from Indiana is a hard man to follow.

I do say this very sincerely—I think we are all to be commended tonight. I am proud to be a Member of the House and proud of this debate. I am hopeful that it will continue in the manner it has up to now.

I might say I will speak reasonably briefly and then try to invite as many Members with divergent views to participate.

It did occur to me to wonder why the debate has maintained such a high level—I wonder if perhaps it is due to the absence of the Brussels delegation.

I would like to review a little of the historical background of the situation in Vietnam because somehow we always get caught up in the details of the current moment. I think it is highly relevant as to how we became involved and what the choices were then.

I think you can then measure the choice available to us today.

I read to you a few words from the article by David Shoenbrun who spent considerable time during the French period in Vietnam. He wrote as follows:

> Our predicament began with the judgment of John Foster Dulles—a correct judgment—that Ho Chi Minh had become so popular a national hero that he would win free elections by a big margin (80 per cent, President Eisenhower estimated in his memoirs). Every informed observer concurred. It was not the judgment that was wrong, but the conclusion Dulles drew from it. Dulles decided that we must organize an Asian equivalent to NATO, support an anti-Communist leader in South Vietnam and stall off the free elections provided by the Geneva Accords. This led to Eisenhower's letter to Ngo Dinh Diem, our selection as anti-Communist champion, offering economic aid.
>
> Eisenhower then believed that the South Vietnamese needed only our friendly help and guidance. This policy was based on America's brilliant success in Europe, where the Marshall Plan, the Truman Doctrine and NATO combined to provide the fruitful use of economic aid under a military shield against external aggression. The error, of course, was the assumption that a policy that had worked in industrialized, technologically advanced, white, Christian Europe could also work in rural, backward, yellow, non-Christian Asia.
>
> We also failed to understand how the mechanism of our program of aid leads inexorably from butter to guns. We start with the simple proposition that Communism is evil and should be stopped from spreading. Therefore anti-Communists must be helped. When we give economic aid, we soon discover we must also provide technological help.
>
> To persuade Congress and the people to give tax dollars the anti-Communists are described as fighters for freedom. When they fail to carry out our proposals for reforms, fact is hidden because more aid must now be given to prevent their collapse. The investment in aid and technical advisors becomes so great that soldiers are sent to protect it. The soldiers are shot at, so they are authorized to shoot back. The Communists strike harder to prevent the American program from shoring up the adversary. More soldiers are sent and bases are built. Once our honor and power are committed, it becomes our war. And once it becomes our war, then we devise new rules. Thus an Eisenhower who once believed that only Asians should fight an Asian war can two years later approve an American commitment greater than the commitment of the South Vietnamese themselves.

The irony, and the error, of our American entrance into Vietnam is also pointed out by our former Ambassador to Japan, Edwin Reischauer, a distinguished scholar of Asian history. He wrote:

> If we had clearly favored Vietnamese nationalism over French colonialism in 1945, it seems obvious that Ho, in short order, would have established effective control over the whole of Vietnam. He probably would have set up the same sort of dictatorial, oppressive, Communist rule over all Vietnam that he actually did over the North. He would probably have encountered much the same sort of problems he did in the North, and the economic progress of Vietnam would have been slow, though, of course, not as slow as in a war-torn land.
>
> The society and government of this unified Vietnam would probably not have been something we would have approved of, but we have not found much we could approve of in the society and government of a divided Vietnam either. Quite possibly, a unified Vietnam under Ho, spared the ravages of war, would have gone at least as far toward that evolution of a stable and reasonably just society as had the divided, war-torn land we know today. For us, however, the question is what that sort of Vietnam would have meant in international politics. I believe it would be safe to assume that it would have been a highly nationalistic Vietnam. By the same token, I believe it also would have been free of Chinese domination. The Vietnamese have instinctive fears of their great northern neighbor. While they have always admired and imitated China, for more than a millennium they have had a deep national tradition of resistance to its domination. If they had had no specific reason to fear or resent us, the chances are that their fears and resentments would have come to focus on China, whether or not it, too, were Communist.
>
> It seems highly probable that Ho's Communist-dominated regime, if it had been allowed by us to take over all Vietnam at the end of the war, would have moved to a position with relation to China not unlike that of Tito's Yugoslavia toward the Soviet Union. Ho, like Tito, had had cordial wartime relations with us. He apparently expected our continued friendship and had more to hope for in economic aid from us than China. He and his associates were ardent nationalists and probably had deeper fears and suspicions of the Chinese than the Yugoslavs had of the Russians. While such a Vietnam might have been more circumspect and respectful toward China than Tito has been toward the Soviet Union, it would probably have been even more fiercely independent. The way in which Hanoi has sought to maintain its independence of Peking and Moscow, despite the military dependence on both, which was forced on it by the protracted war with us, suggests how strongly independent a Communist Vietnam would have been, if not pushed by these military necessities.
>
> Would such a Communist regime in all Vietnam have been a serious menace to its neighbors or to world peace? I doubt it. A Communist take-over in all Vietnam shortly after the end of the war would probably have seemed to the rest of the world no more of a Communist triumph than the successive victories of Communists over anti-Communists that have taken place in Vietnam since 1945. It is hard to believe that a united Communist Vietnam would have had any more harmful an influence on Laos than a divided war-torn Vietnam has had. Laos and Cambodia might have fallen under Vietnamese influence, but this at least would have kept them out of Chinese control. Or, possibly, Cambodia's traditional animosity toward Vietnam would have induced it to veer further away than it has from association with the Communist nations, if South Vietnam, too, had been Communist. Thailand would probably have been less adversely affected by an entirely Communist Vietnam than it has been by the prolonged war there.
>
> Meanwhile, a united, strongly nationalistic Vietnam, while paying lip service to Communist China, would probably have served as a far more effective dike against the southward extension of Chinese power and influence than have a North Vietnam forced into military dependence on China and an unstable South Vietnam. And this general situation in Vietnam and Southeast Asia, which would have been so much less unsatisfactory for us than what we have today, would have been achieved without any of the terrible costs that have mounted so high.
>
> Our men in Vietnam are superbly equipped, are well-organized and are fighting valiantly, but the best they can hope to achieve is worse than what we could have had, virtually for nothing, if we had only had enough interest in Vietnam and in Asia to study in advance the problems we faced there. If we are to avoid more national catastrophes like that in Vietnam, we must devote a great deal more attention and careful thought to our relations with the half of the world's population that lives in Asia.—Edwin O. Reischauer, Beyond Vietnam: The United States and Asia. Alfred A. Knopf, New York, 1967.

Mr. MORSE. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Massachusetts.

Mr. MORSE. Mr. Speaker, I am grateful to the gentleman from New York for yielding and for sharing with us the wisdom of Ambassador Reischauer, whom I respect.

I am sure the gentleman would not wish to leave the impression that the responsibility for this war goes to President Eisenhower's administration. I would remind the gentleman, as I am sure he is aware, that there were less than 700 men in Vietnam when Dwight David Eisenhower left the White House. I think the gentleman knows that the trouble started under Dulles, but I would suggest that the war started under the later administrations.

Mr. ROSENTHAL. Mr. Speaker, I had no intention to do that, nor did I read those pages because they suggested that General Eisenhower was involved. That was a fact of American history. that he was President then.

I would like to offer a comment to the very searching and penetrating question of the gentleman from Illinois (Mr. Anderson). The gentleman's question was: What will the Vietnam moratorium do? What will all the voices of the American people do? What effect will that have? Will that lead to any different conclusions? In effect he said: What is the President doing wrong that you would do differently?

I think the gentleman from Indiana (Mr. Jacobs) answered the gentleman from Illinois with considerable eloquence, but let me suggest another thought: So long as the present regime exists in Saigon, so long as we remain virtually the puppet of that regime, where they have the right of veto over actions of our military forces and the withdrawal of our forces, we can never achieve a reasonable peace, there.

The President proposes graduated steps of withdrawal at the present stages he has announced, and over a long, long period of time. I would suggest—and it is a very difficult decision—that we withdraw as expeditiously as possible, taking into account the safety of our own troops and the safety of those persons who could be refugees from such a withdrawal.

My own judgment is once we were to announce an immediate withdrawal with a monthly timetable, there would be a major change in the government in Saigon. That government cannot stay in business without being propped up by our military forces. It would fall. It does not represent the indigenous people in that area, nor does it represent all the major elements there.

If I were presumptuous enough to offer a timetable to the President, he should immediately begin massive withdrawal of troops.

Then, other things would start to happen. For example, I would expect that any people, even the North Vietnamese, are capable of some degree of humanitarian attitudes, and our announced withdrawal would cause a substantial release of American prisoners.

I also think the safety and security of people in South Vietnam that could be endangered by a change in government could be an area for negotiations, once it became clear American forces would be withdrawn.

So the difference between my position and that of the President is that we cannot have a long-range kind of slowdown. We cannot have a withdrawal that permits the present government to stay there. For 4 years now it has seemed clear to me that we have to have a government—and call it coalition or anything else—that represented all the forces and not merely the military people who are in command there.

Until we have a change of government, a government that is in a position to negotiate a realistic and viable settlement, with all elements putting down their arms, we cannot achieve a long-range peace there.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I will be happy to yield.

Mr. DERWINSKI. I just want to be careful that we do not let a few comments go by without clarifying them.

The gentleman said, with substantial authority, that the Government of South Vietnam does not represent the people and depends entirely on our military forces, and so forth.

They have a legislative body. It was freely elected. I am not aware that there is any proof that the elections there were rigged. We had American observers on the scene.

I do not quite see how one could say flatly the Government there does not represent a substantial portion of the population of that country.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. Yes, I will be happy to yield.

Mr. WOLFF. There has been talk here about the election in Vietnam. I believe Mr. Brock alluded to the fact that Senator Kennedy had said something to the effect he felt the elections were free.

I was at the elections and was an unofficial observer at the time of the elections in Vietnam. I, too, felt that they were as free as they could be at the time. I came back and I said so.

However, subsequent events have changed my mind about the present Government of Vietnam.

Those subsequent events are, No. 1, the imprisonment of dissenters, and the imprisonment of the second candidate who ran in the elections.

No. 2 is the fact that the new Government was supposed to clean up corruption and the black market that existed in Vietnam. It has never done that.

There were other elements that have taken place since that time. Mr. Bunker has become a satellite of Mr. Thieu. The best thing this Government could do would be to recall Mr. Bunker and have him come home so that we dictate policy and not Vietnam dictate our policy.

Mr. DERWINSKI. I would think, if we are helping people achieve some understanding this evening, we would at least tone down some of these statements.

The gentleman tossed out another indefensible statement, this charge about Mr. Bunker being a stool pigeon or a stooge, or whatever you called him, of the President of South Vietnam. I am not aware that Ambassador Bunker either under this administration or in his service under the previous administration has been anything but a loyal message bearer for the American President and the American Department of State.

It is so easy to go from a fact to an interesting charge. I think if you gentlemen spend not just 17 hours, as scheduled, but 77 hours, you would be repeating these empty cliches to yourselves.

For example, I would like to have one of you—any one of you; I challenge you—address himself to the subject of democracy and elections and freedom in North Vietnam. What do we ever hear from you about the people who suffer in their prisons in North Vietnam, the people who were murdered? Where are you? You are absolutely silent. You do not have an answer.

All you do is convince yourselves of a position. You are speaking to the converted. You have your press releases in the gallery. You are contributing nothing to peace. You are contributing nothing to stability in the Far East or any other place in the world, and I think this performance this evening demonstrates it.

Mr. ROSENTHAL. Let me read to the gentleman President Thieu's statement after he returned from his meeting with President Nixon, when there was a question about coalition government. This is a quote. He said:

> From now on those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the Executive or the Legislature, will be severely punished on charges of collusion with the enemy and demoralizing the Army and the people. I will punish them in the name of the people.

Let me say this: There is not a person in this room, or anyone I know of, that is prepared to say North Vietnam is the model of democracy. To charge us with silence on that is really carrying it to an extreme, and is not relevant.

General Ridgway said a long time ago in determining whether or not the United States should intervene you decide first, is it in the national interest? Second, is it manageable? I think both of us would agree today that it was not manageable at any price that the American people would be willing to pay.

We might have a discussion as to whether it is in the national interest. In my judgment, our intervention was not in the national interest either. There was nothing vital to our interests that we could have accomplished. We could

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not contain Communist China. We could not stabilize the kind of government we wanted in there. Apparently we had to accept some unhappy resolution of events.

You remember in 1945 Ho Chi Minh was our hero, too.

Mr. DERWINSKI. Will the gentleman yield for an observation?

Mr. ROSENTHAL. Yes. Let me finish first.

He was fighting the Japanese and had become the symbol of anticolonialism with the French. In 1954 he had the impression, based on his military victory and the armistice, that there was going to be a national election. We never would accept that possibility and instead encouraged a separate government in South Vietnam.

Let me say this: It is not a question of whether we like the North Vietnamese or the South Vietnamese. The question is what does it do to the United States. There are plenty of places I know that you would have liked to have intervened in the last year or two. I do not have to go through them. There are areas that you were deeply concerned with. But it may have been that we could not manage it. It may have been that it was not in the national interest of the United States.

Mr. DERWINSKI. Will the gentleman yield?

Mr. ROSENTHAL. I yield.

Mr. DERWINSKI. May I say that the gentleman in the well is one of the most profound historians of the House and also one of the most effective debaters. So if I may, I would like to have the gentleman return to one point he made 4 or 5 minutes ago. That was the opposition of the President of South Vietnam to a coalition government. Since I know that the gentleman is an able historian, I know he will recollect that in the experiment of coalition governments starting at the close of World War II all of them ended in disaster for the cause of freedom, starting in China, Rumania, Hungary, and going right on down the list in Eastern Europe. There is no evidence in post-World War II history to show that there is any case of a coalition government that succeeded before there was a takeover by the Communists and then suppression. Certainly the gentleman is not recommending the tragic mistakes of World War II diplomacy be perpetrated again on the people of South Vietnam.

Mr. ROSENTHAL. Laos might have been an exception to that. You know our Government entered into a reasonable kind of coalition government because perhaps it was in the best interests of the United States. The one thing we have to realize is that we cannot always have it the way we want it. There are accommodations that have to be made.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield at that point?

Mr. ROSENTHAL. I will be happy to.

Mr. OTTINGER. I would like to know from the gentleman from Illinois, if he will stay with us, how he can possibly conceive of a settlement in South Vietnam without settling on the basis of the actual powers that exist in South Vietnam? If you do not give the Vietcong and the North Vietnamese a share of power commensurate with what exactly actually exists at the present time, then you are not talking about settlement; you are talking about still pursuing an illusory military victory. The only way we will see settlement is some kind of coalition representing the actual powers that are there.

Mr. DERWINSKI. May I respond to the gentleman?

Mr. ROSENTHAL. Yes.

Mr. DERWINSKI. The gentleman again is at least helping to bring this conversation to a basic point, which is that if we are advocating, as I see it, coalition government, it will merely postpone for 3 to 6 months the takeover in South Vietnam by the Communists. I am sure, if the gentleman does not agree with me that this will be the end result at this point, then our conversation should terminate. But we have no evidence of Communist successes in municipal and parliamentary elections in South Vietnam. All we have to go by is the official evidence

Mr. OTTINGER. The Communists were excluded from the official elections. They gave no clue at all.

Mr. ROSENTHAL. I wonder if I can yield to some other Members.

Mr. DERWINSKI. I just do not want to leave that charge.

Mr. ROSENTHAL. What would be your your explanation? How would you resolve things in Southeast Asia?

Mr. DERWINSKI. I would resolve the situation there quite simply by having the Congress and the American public rally behind the President and have the President be able to speak for a united nation, which is easily achieved, as it was in World War II, and advise the Communists—and this would include the people in the Kremlin—that unless the aggression from north against south is ceased within a reasonable period of time with no open end or date set, that the United States would exercise flexibility in response.

But, let me give you a few examples.

Mr. ROSENTHAL. You would rule out a military deescalation but seek a military victory?

Mr. DERWINSKI. I did not say that at all. I said that he should have flexible response. The gentleman and I serve on the Committee on Foreign Affairs and we understand the language which is being used.

Mr. ROSENTHAL. But would you hope for a military victory?

Mr. DERWINSKI. No, the gentleman is extending the statement far beyond what I said. I said that the President must have support of the public and must have flexibility. He has neither of them at the present time.

I would also like to point out that there are a number of other factors at stake far beyond South Vietnam. Reference was made to Laos. Do we have to go back to the negotiations of 1962 when the real tragedy occurred in Laos and the negotiations which were sponsored to produce a perfect solution. If the gentleman will recall, Mr. Harriman was a major factor in that procedure. But he has not been a very effective diplomat in this particular matter.

However, the point is that the only thing the Communists understand—and again I respect the gentleman's knowledge of history and I did make reference to the Middle East and Far East, but in order for them to understand aggression, they must understand it in terms of defeat in some form or they will continue.

Mr. ROSENTHAL. Is it the gentleman's view that we can do this in any area of the globe?

Mr. DERWINSKI. No.

Mr. ROSENTHAL. In other words, anywhere where it occurs or where that kind of aggression occurs, we have and should use the force to resist it?

Mr. DERWINSKI. Not at all. The gentleman is again going far beyond what I said. We are talking about a situation in South Vietnam and in Southeast Asia. I made reference to the Middle East because here is an area where the Soviet Union is very principally involved in a form of aggression. I think the gentleman will concur in my observation along that line. However, I would point out that in South Vietnam that their aggression has been, in effect, supported by a good deal of activity in the United States and other countries where it has been encouraged.

Mr. ROSENTHAL. I do not think we want to encourage that aggression, nor do I think we want our President to be without reasonable flexibility in order to show the Communists that their activities will not result in victory.

Mr. DERWINSKI. May I merely say that I am convinced we will have peace in Southeast Asia, we will have peace in the Middle East only when the Communists recognize that aggression does not pay. Anything short of that is to have impossible dreams.

Mr. ROSENTHAL. Does the gentleman think that is the course the President is presently on?

Mr. DERWINSKI. I think the President could embark upon many more effective courses if he had the patience, the tolerance, and the support back home that he deserves.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman and commend him for his level-headed discourse. I would make a couple of points. On this historical factor to the effect that there has never been a coalition government that did not result in a Communist take-over, I would remind Members of the fact that France had a coalition government with the Communists in 1947. Fortunately, we did not go to war with France because they had a coalition government with the Communists. The French people voted the Communists out of office, and thus again became a non-Communist democracy.

More importantly, however, on the very vital point made by the gentleman from Illinois (Mr. ANDERSON) earlier on the question of hostages, may I say that we who take part in this debate agree with President Nixon that it would indeed be a tragedy, one that all people would look upon with dismay, if in the aftermath of our evacuation from South Vietnam there would be a massacre. There is no doubt about that.

One might say that someone who dies as the result of a drumhead trial in the aftermath of war is no less dead than a peasant in his paddy, or a villager in his hut, who gets killed right now as a result of military action. They are both dead.

I do not say that, though. I do say that we must do everything we can to keep a blood bath from occurring. And I can think of no better way of minimizing the chances of such a blood bath than to follow the policy advocated by the gentleman in the well, the gentleman from New York (Mr. ROSENTHAL), when he says that we must make it clear to the Saigon government that we want the jails emptied of their political opponents, that we want the exiles brought back from exile, that we want the right of newspapers to be published, that we want, in short, a broadly based government in Saigon. And the best way of getting that message through to Saigon is to make it clear that American troop withdrawals will proceed in an orderly and a steady fashion until withdrawal becomes complete.

Now, if that message gets through to Saigon, and if the Saigon government does submerge itself in a broadened government, and if in Saigon and in the villages in the next year or two—which in my mind is the proper and practical time for our troops to be completely withdrawn—if in that year or two the people of South Vietnam learn to live one with another, learn how to operate at the village level and not just as instruments of a narrow Saigon government but as something broader, I think the chances are considerable that the relaxations of tension, the experience of living together, will do a lot to minimize the chances of the kind of blood bath which is anathema to us all.

So, Mr. Speaker, I commend the gentleman for his views—views which take into account that there must be a humane goal of concerning ourselves with those in South Vietnam whom we have left to a predicament of intervention.

Mr. ROSENTHAL. Mr. Speaker, I think there is one thing I might add before I yield to the gentleman from Ohio. I think one of the things that prevents legitimate social, economic, and political development in South Vietnam, is our very presence there. We had an incredible—almost swashbuckling ability to build major bases, major airfields, and import 500,000 more men into the economy of that society. They simply were geared to a somewhat different way of life. I would suggest that if there were an immediate intent of withdrawal that their position to rally their forces on their own, using all of their indigenous people, that they would be able to defend and govern themselves.

I also think that an accommodation can be made, and this is absolutely urgent, about the safety of American prisoners, that in return for a withdrawal it would seem to me this would be a modest price to the North. And that there unquestionably would have to be some asylum provisions made. We cannot knowingly participate in a blood bath. We cannot condone a civil action that permits that kind of thing.

So I think it is a tough decision for the President to make. It is an easy decision to take 25,000, another 10,000, and another 35,000 troops out. It is a long, long, hard, torturous path, and my judgment is it will never succeed unless the President really puts the muscle on the Saigon government and lets them know that that kind of unrepresentative rule with political prisoners and that kind of dictatorship cannot survive.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman.

Mr. BROWN of Ohio. I would like to pursue another point with the gentleman now in the well. But I am constrained to make one observation with reference to the remarks of the gentleman from Wisconsin and the remarks the gentleman in the well just made and that is that we are not a presence in North Vietnam but in North Vietnam we have political prisoners. There are no free elections. There are no rival newspapers and there are no rival political parties, for that matter.

I wonder if there is any way we can resolve that problem in North Vietnam?

Mr. ROSENTHAL. I know that the gentleman is asking a kind of rhetorical question and he knows the answer as well as I do.

I know there is no direct way, but I would hope that in the long development of mankind maybe people like China could be admitted to the United Nations and join that society of man.

The gentleman knows as well as I do that we have very little influence in North Vietnam or even with the other Communist-dominated countries such as the Soviet Union, but that is another story. That is not an invitation for us to be involved in what appears to me as a civil war in South Vietnam.

Mr. BROWN of Ohio. I would like to explore that with the gentleman, if I may.

The gentleman now in the well is from the State of New York and I am from the Midwest.

Thirty years ago when the United States became involved in World War II, or prior to that time, your section of the country I suppose generally could be described as being interventionists, or concerned about the situation in Europe, and perhaps my section of the country could generally be described as isolationists or anxious not to get involved in that conflagration that was then sweeping Europe.

The thing that concerns me is how do we move in our involvements in the world so as to avoid such things as participation in the war in Vietnam? Do we not take any kind of direct concern with the problems of emerging nations? Do we not become directly concerned with the nations where we think we have some interest and, therefore, participate?

Mr. ROSENTHAL. If I may respond to the gentleman, that, of course, is the great question of the day.

Mr. BROWN of Ohio. I think if we could debate this tonight so long as we have the time, it might illumine some of the past actions the gentleman has made with his presentation of Mr. Schoenbrun's article to suggest at least the inference that to express ourselves in international affairs and certainly to express ourselves by assisting emerging nations that we automatically lead to this kind of participation.

Mr. ROSENTHAL. Let me try to respond to the gentleman's question briefly. The gentleman asks the one real question that raises the issue—what kind of America are we—what kind of America do we want? I think perhaps the only way of looking at it when one begins to think of the domestic needs of our country and the problems we have. It sounds trite again when one thinks of the cities and the urban communities in terms of people—what are our responsibilities to our fellow citizens?

Mr. BROWN of Ohio. There were great needs in our country in the thirties.

Mr. ROSENTHAL. What are the priorities in terms of responsibility to our own citizens?

I am not one who believes we should shrink into a fortress surrounded by the Atlantic and the Pacific and that that should be the end of our role. There are measurable equations that one could use in determining that, but that cannot be answered tonight.

I would like to say just one thing that we have to learn from Vietnam that there is a limit—there is a limit on American military power and a limit on the ability of our power to do all the kinds of things we want done and impose that kind of government that is suitable to our tastes and style.

Mr. BROWN of Ohio. Where would that point stop? Because I think it would illuminate our relationships in the world if we knew where the divisions come between our interest and concern and the problems of other nations and the method of intervention in a military sense which the gentleman is so concerned.

It seems to me that it seems to mean that perhaps that point came after the Tonkin Gulf problem. I am interested in the gentleman's thinking on this because of the gentleman's concern about the problem because of his reference to Shoenbrun's revolutionary presentation.

Mr. ROSENTHAL. One cannot really write a timetable with a diagram for intervention. So far as I am concerned, unilateral intervention of any kind anywhere is not an appropriate American tradition. If there can be an effective world force such as the U.N. forces where we can participate with other nations possibly—as we did in Korea—that might be one limited kind of intervention that I might be willing to subscribe to.

Whether one would be willing, on the other side of the coin, to accept the Dominican Republic situation or the Bay of Pigs, is another question.

This is something that I, of course, find unacceptable. I do not think that, tonight, we can define the limits of American responsibility around the world. I do believe we have a responsibility to emerging nations. I do believe we have a responsibility to narrow the gap between the rich and the poor. But we do not have the right to use the massive military force as we did in Vietnam, to virtually destroy a nation.

Mr. BROWN of Ohio. This, of course, I understand, because that occurred after the Tonkin Gulf development. But

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what I am trying to find out is what the gentleman's concern is with the participation that existed prior to that time. The gentleman talked about the effort of the Eisenhower administration to send assistance to an emerging nation. Are we not supposed to do that?

Mr. ROSENTHAL. I would not say, "No, you are not supposed to do that." Shoenbrun makes the point that from the hand comes the arm, and from the arm comes the rest of the body. If you put a little aid in, you then send troops, technical programs, and then you protect everything with troops. My own judgment is that somewhere along the line, from 1959 on, some American President should have made the very hard decision that at that point it had gone beyond the price that we could and should afford to pay. Vietnam had grown beyond our manageable national interest. Instead we refused rather to accept the theory that many in the commercial world do, that you cannot put good money in after bad.

At some point it became an unmanageable investment and we had to forgo the investment, as unpalatable and as difficult a decision as it is to swallow. That is where we stand today.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. I draw somewhat of a parallel between the situation in Israel and the situation in Vietnam. I support the determination of the Israelis to remain a free people and a free nation, as I am certain the gentleman does. But would it be logical to tell the Israelis that you are going to have to take into your government a group of Arabs who have said, "We are going to drive you into the sea and we are going to annihilate you"? Is not the reaction of the Thieu Government in Vietnam one of self-preservation? They have been told by the Communists, "We are going to annihilate you." They say that during the elections anyone who advocates a coalition government—and I think the gentleman is correct—anyone who advocates a coalition government in effect we will not allow you to run.

After the election, one of the opponents was put in jail. The gentleman is correct. But is not this one of the basic laws of self-preservation, and is not an identical situation existing in Israel, where there is a Palestine Liberation Army—that may not be the correct name—that had vowed, in effect, to drive the Israelis into the sea, and would it not be suicide for the Israeli Government to take these into a coalition government just as if someone had vowed to kill me and my family and I would allow him to come into my house? Is not the action of the Thieu government understandable?

Mr. ROSENTHAL. I think the question is one of self-determination. Our involvement in South Vietnam, in my judgment, inhibited self-determination for the people in South Vietnam. I think it is quite clear that in Israel they had, at least within the confines of those borders as of 1968, national unity. But if the gentleman is trying to ask me to suggest that this is an area where America should think in terms of unilateral military involvement, as we did in Vietnam, I will not do that, because I do not believe it is in the national interest of the United States to do so.

Mr. THOMPSON of Georgia. There is a great deal of difference between the Israelis and the South Vietnamese. The Israelis have a determination to exist.

Mr. ROSENTHAL. There is also a difference in other respects.

Mr. THOMPSON of Georgia. I recognize that. I am sure the gentleman recognizes that South Vietnam determination is not present in the same degree.

Mr. ROSENTHAL. I do not necessarily see that as the only difference. It is an obvious and acknowledged difference. The difference is quite clear, as far as I am concerned. In 1945 you had one nation in Vietnam. Ho Chi Minh, whether we liked him or not, was fighting on the same side we were, against the Japanese. In 1954 when the French got out of Indo-China, we went in and repeated their errors.

Mr. THOMPSON of Georgia. France got out of Indo-China.

Mr. ROSENTHAL. We went in and bailed them out.

Mr. THOMPSON of Georgia. But they got out. The British gave up Palestine and Israel came in. The point I am trying to make is that it is not understandable to me that any government would tell an enemy they would allow the enemy to be in the government. Free discourse is a different thing with us, being isolated as we are by 12,000 miles.

Mr. ROSENTHAL. Within one country, if there are disparate groups, it may be in the interest of that country, like South Vietnam, to have a coalition government that represents all the people. In my judgment it creates a healthier government and they can create some degree of national community. I am not suggesting that we take people from other areas or some other country and invite them to form a coalition government. This is obviously an indulgence which no country can afford.

Mr. THOMPSON of Georgia. Let me say this. I think particularly some of the dissenters who have condemned and damned the Government of South Vietnam should look at it from a realistic standpoint. If we look at it from a realistic standpoint, they have their backs up to the wall. They know if their government goes down, their lives are not worth a plugged nickle.

True, what the gentleman says, they do not want the Communists to come in, and they do not want dissent. It is just as when we were a young nation and trying to seek our freedom from the British, during the Revolutionary War, a British sympathizer was hung, because that was contrary to our interest. It is contrary to the interest of the people in South Vietnam who are in power to say they will allow a coalition government. They say they will not allow a coalition government, because they want, in effect, to annihilate that government.

Mr. ROSENTHAL. The gentleman knows quite well that most of the ruling people in the government in Saigon came from the North. They were not homegrown South Vietnamese.

How can the United States face itself and the world in supporting what is obviously a dictatorial government? How can we continue to do that on the thesis of anticommunism? That seems to me to be the question.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I thank the gentleman for yielding, and I commend the gentleman in the well and the gentleman from Indiana (Mr. JACOBS) for their contributions to this debate which is a high-level debate.

Is the point not that in Vietnam the United States intervened in what was essentially a civil war?

Is not the point also that, if any negotiated political settlement is to be achieved, then the crucial question is whether or not the people who have been struggling for 25 years in South Vietnam—that is the indigenous Viet Cong or National Liberation Force—are to participate in a future government in South Vietnam?

It seems to me the key to a political settlement in Vietnam is, and has been for a number of years, participation of all elements in South Vietnam in a future government.

Mr. ROSENTHAL. It seems that way to me, too. It seems to me until the National Liberation Front—call it what we will—becomes a part of the government and agreeable to the peace settlement and willing to lay down their arms, we can never have peace and tranquility in South Vietnam.

Mr. BROCK. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Tennessee (Mr. BROCK).

Mr. BROCK. Mr. Speaker, virtually all of us share a sense of quiet desperation when we review the dilemma posed to us by this war. Even so we must be realistic as we appraise the options and try to seek the one that will achieve a lasting peace while maintaining the dignity of the people involved and their own right of self-determination.

The gentleman mentions an interesting point when he talks about what constitutes a nation. I think the gentleman would find it difficult to get agreement from the Montagnards that they were Vietnamese at all. So, should we include them or not?

When we are talking about coalition governments, a certain inconsistency seems to creep into the discussion. I hear time and time again the humanitarian plea for the right of self-determination, for free people to participate in their own government, but how can we achieve a coalition government without imposing that government, and if we impose it, can it ever be free? Was it achieved by free will if imposed by force?

The only kind of coalition that would be acceptable is one that did occur in France, that the gentleman from Wisconsin mentioned. He failed, however, to mention there was a substantial presence of American Armed Forces there following World War II.

Mr. ROSENTHAL. Let me say this, and then the gentleman may continue. We have no right to impose any kind of government anywhere, coalition or otherwise. But right now we are imposing the

government that is in existence there. If it were not for us propping up that government with our military forces, it could not stay in business 24 hours. It does not have popular support in that country.

Mr. BROCK. All right. We may disagree on degrees of force.

I think there is obviously a disagreement among the people of South Vietnam as to whom they want to represent them. I would concede that point. We, I should point out, have that same disagreement in this country—and it is reflected in our election process every two years.

But it is so difficult to foresee how to achieve what the gentleman seeks other than the course the President himself has chosen; that is, to gradually increase the pressure for the establishment of the democratic process in that nation. One cannot do it overnight, or the nation collapses. I think everybody agrees to that. I have not heard anybody tonight advocate a 24-hour withdrawal. Such restraint, if you can call it that, has contributed to the quality of the dialogue. But is not the only kind of representative government that can ever work a free, elected government in which every indigenous person is given the right to vote, and is that not——

Mr. ROSENTHAL. The answer is "Yes."

Mr. BROCK. Now, has that not been proposed by President Thieu, and supported and endorsed by President Nixon, without any condition whatsoever?

Mr. ROSENTHAL. You cannot realistically have that kind of government when all the opposition is in jail, when every landlord and every government official is taking 10 percent off the top throughout the country, when there has been no legitimate land reform in the country.

Really, let me say this: Our intentions are good. I have seen this in South America and all over. We talk about land reform, land reform, land reform. We have talked about it for 20 years. Nothing really ever happens. It is such a sluggish, self-serving government that we support there. This kind of government, of Thieu and Ky, is not going to abandon the prerogatives of office.

Mr. BROCK. Then the gentleman proposes that we abolish the government, which is certainly not a free act on the part of the people. And do what? We have already suggested that we will guarantee, with international supervision, free elections with all people participating, all indigenous people. What more can the American Government do?

Mr. ROSENTHAL. That is not too bad an idea. But it will never happen until President Nixon tells them, "We are getting out forthwith." So long as they know this is going to be a slow, gradual process, that they have 2, 3, or 5 years, they will keep themselves in office. This is not unusual. That is human nature.

Mr. BROCK. Does the gentleman honestly believe the Communists would ever tolerate an election if we said we were going to get out forthwith, when they know they have the military capacity to subdue that nation and not take any gamble?

Mr. ROSENTHAL. I am not aware of any Communist regime we are supporting. I am aware of military dictatorships we support in many countries throughout the world.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from New York.

Mr. RYAN. Earlier in the debate mention was made of Ambassador Bunker. It was pointed out, if the policy is to be changed, it would be important to change the Ambassador. I recall when Ambassador Bunker was here and discussed Vietnam with Members of the House 2 years ago. At that time he made it perfectly clear, so far as he was concerned, that there would be no participation in any election by the Vietcong, or the National Liberation Front.

Until it is recognized that all elements in South Vietnam have the right to participate in elections, it is foolish to talk about self-determination in that country. Ambassador Bunker is a prisoner of past policies. Until past policies are changed in South Vietnam, until the administration makes up its mind that the discredited policies of the past are no longer to be followed, it will not be possible to achieve peace.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Indiana.

Mr. DENNIS. It seems to me, to quote the Washington Post, which is a thing I seldom do, I agree with what they say here after listening to this debate tonight:

> What the hard core of the war critics want is to stop the war, now, any old way, and never mind the consequences because these couldn't be worse than going on the way we are.

Or, as the gentleman said a moment ago, we should get out forthwith. I suggest, if we do that, it simply means a Communist takeover in South Vietnam without any question in the world. That means a complete American defeat. I see no way around it.

The point I would like to suggest which I have heard here tonight is what does the gentleman think the effect of that is going to be at home here in this country, adopting that as a national policy? To accept a Communist takeover and accept an American defeat. I must say I have heard things quoted on this floor today which were surprising to me. The gentleman here has referred to a Mendes-France and said that we could quit the war just like he did. Sure he surrendered, but who ever heard of Mendes-France since, and who will ever hear of any American politician who does a thing like that?

I heard a suggestion here awhile ago from my good friend from Indiana. He quoted the example of Dienbienphu and the Bay of Pigs. They are a couple of great examples to hold up for what we ought to do today. I heard this gentleman say that Ho used to be our hero. He was never mine. I do not know whose hero he was. He was never on my ball team.

Mr. CAREY. Will the gentleman yield?

Mr. DENNIS. Just a moment.

Let me go back to the good old Washington Post. Speaking again about this, here is what that liberal paper said:

> To be realistic—

They are talking about this immediate withdrawal—

> it is not even clear that the proposition is feasible logistically, let alone sound militarily. This, of course, leaves wholly aside the vast imponderables of which the hard core critics speak so glibly—the fate of Vietnam, the secondary effects in Southeast Asia, the impact on this country's position in the world, and quite possibly—

The thing I am talking about—

> most important of all, the domestic political repercussions at home.

I suggest to the gentleman that—and I am now closing—I suggest to the gentleman that moratoriums and protests may be popular at the moment, but when the American people stop and think it over they will never give support to any political party or to any politician who runs up the flag of surrender and adopts it as national policy.

Mr. CAREY. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from New York.

Mr. CAREY. I do not think this debate turns on the question of surrender. I think it is less than a salutary consideration in the high-level discussions we have had here in terms of assisting the President and expanding and multiplying the options he has to exercise in his desire to achieve a just peace. I remind the gentleman from Indiana a very potent statement was made tonight, and I believe possibly the most meaningful statement we have heard from the minority side, from the distinguished gentleman from Illinois (Mr. ANDERSON), who stated to us that the results, after discussions he held with the President this morning, were that he could state—and I took it to be categorically—that the President has abandoned any notion of a military victory in Vietnam. Those were the words from that side. Hearing that we now begin to think in terms of what are the options available to us as representatives of the people to recommend to the President as the opinion he should express to the people on what we should do to extricate the young men of this country from a situation in a foreign land under a foreign form of government, riddled with corruption, where they are no longer pursuing a course of victory and where we have done all we possibly can to support the government for 10 years and bring about what the White House said and the Secretary of Defense said in terms of Vietnamization of the war and de-Americanization of the war. I do not know how you do this without a resolution for some level of troop involvement and financial involvement of that regime.

And, I would hope you would think of this in terms of lasting peace. We will not achieve lasting peace if we submit to all of the demands of the two governments, because they seek from us aid to stock their arsenals with which to replace their value in terms of men now deployed.

I ask this question: What is the value of the two demands? How much will we

XUM

have to contribute in the way of equipment in order to get our troops back here? I submit that this is the question that must be placed upon the demand. What is the demand?

We know that back in 1954 the demand of the South Vietnamese Government at that time was 15,000 or 20,000 American troops and a price tag of a couple of billion dollars and with that that the regime could be maintained.

Now, in 1969, with 510,000 troops over there and with the expenditure of $30 billion a year in investment, the time has come to ask what is the price to the American people. One price which I know we will not pay is any further commitment in which we would become involved in an interminable situation of both American lives and dollars.

Mr. ROSENTHAL. I thank the gentleman from New York for his comments.

Mr. Speaker, just one last thought. I think the moratorium is a good thing. We have a President and not an emperor. We have a country here where we can have free discussion and free dialog. We cannot suspend discussion in this country. We cannot suspend the Constitution.

Mr. RYAN. Mr. Speaker, tomorrow all over the Nation—on the campuses, in the business and financial districts of our cities, in the suburbs—Americans from every walk of life will join in an outpouring of citizen concern over the tragic conflict in Vietnam. On the eve of the October 15 moratorium it is appropriate that the elected representatives of the people discuss and debate American policy in Vietnam and its consequences.

The moratorium is a peaceful effort to convince the President and the administration that they must extricate the United States from Vietnam and bring the war to a prompt end.

If the President's real attitude toward the moratorium was summed up in his September 26 press conference declaration: "Under no circumstances will I be affected by it," then there is very little hope that he understands what is happening in America.

The President's letter yesterday to a Georgetown University student, Randy J. Dicks, was an attempt to soften the press conference statement. However, it reflects the same feeling, for the President said in his letter, "There is nothing new we can learn from the demonstrations."

Then the President sought to explain participation of many citizens in the moratorium as simply an expression of "I am for peace"—a goal he ardently joins—as do all of us.

No one questions the President's desire for peace. The purpose of the moratorium is to make it clear to the administration that it is not enough to be for peace. Rather it is essential that peace be pursued relentlessly; and that the United States terminate its involvement in an undeclared war 10,000 miles from our shores.

The war in Vietnam continues to take its toll in American lives—there were approximately 520 casualties in September—and to consume more and more of our Nation's resources, while our cities disintegrate; our youth is further alienated; and our country becomes more disunited.

From the beginning of this tragic conflict I have consistently warned of the threat which the war poses to both the welfare of the American and Vietnamese people and the stability and integrity of the United States. Since 1964 the domestic needs of our people have been neglected as our Nation's resources and energies have been committed to the Americanization of the war and the constant escalation of our military role—an escalation carried on with the consent, if not the advice, of the Congress, which, despite the opposition of a few of us, has readily authorized and appropriated some $30 billion annually to conduct the war in Vietnam.

Last March 26 in a speech on the House floor I spelled out three steps which I believed then should be taken to bring the war to an end.

First, the Congress should refuse to approve any further funding for military activities in South Vietnam.

Second, the administration should accept the participation of the National Liberation Front in the future political life of South Vietnam.

Third, the withdrawal of a significant number of U.S. troops—at least 100,000. Also, troops rotated back to the United States would not be replaced.

I suggested those steps in March. Had they been adopted, the moratorium might have been unnecessary.

Unfortunately, neither the Congress nor the administration have been willing to take the steps necessary to end the war.

Congress continues to provide the appropriation; the administration continues to support the repressive Saigon regime which has narrowed rather than broadened its base; and the withdrawal of 25,000 troops is tokenism.

It is apparent that the administration's plan is to reduce our troop level at some future time to 250,000, restrict military operations in order to keep casualties down, maintain the American presence, and attempt to shift the combat burden to the South Vietnamese. This is the Johnson strategy intended to be made more acceptable by token withdrawals, reduced casualties, and lower draft calls. It is hoped that the result will be a quieting of dissent in America.

It is dubious that such a strategy will move the Paris peace talks off dead center because it ignores the political realities in South Vietnam and denies an indigenous movement a role in the future Government of South Vietnam.

To expect that either the National Liberation Front or the North Vietnamese will agree to a settlement, which does not permit them a political role in South Vietnam after nearly 25 years of struggle on their part to achieve power, is totally unrealistic and out of keeping with the political realities of South Vietnam. We do nothing to further the evolution of democracy in South Vietnam by propping up a regime so corrupt and unrepresentative that even its proponents believe it would immediately collapse in the face of U.S. military withdrawal.

There has been no movement at Paris after 17 months and 17,000 casualities because we are not prepared to make concessions on the basic issue of the war—who shall participate in the government of South Vietnam. As long as the administration is unwilling to negotiate on this question, it is difficult to believe there will be a negotiated settlement of the war.

General Thieu has refused to accept a compromise. But he must no longer be permitted to determine American policy, in reality having a life-or-death say over American lives.

The cost of continuing to support the Saigon generals is too high. The cost of repeating past mistakes is too high. The cost of perpetuating past policy is too high. In short, the cost of maintaining a client state in Southeast Asia is too high.

The American people who gave the President a mandate to end the war recognize that the cost of continuing it is too high—that is what the moratorium is all about.

Mr. COHELAN. Mr. Speaker, today throughout the United States, millions of Americans are expressing their views that the war in Vietnam and American participation in it should be liquidated. I support this moratorium observance as a significant and nonviolent expression of opposition to the continuation of this war. It emphasizes the painfully apparent fact that if the war should continue much longer it will contribute further to corrosive divisions in our society.

In a word, Mr. Speaker, the war in Vietnam is for us a quagmire and we must find new ground in both our foreign and domestic policy. The steady drain on our manpower has now reached the astonishing total of 38,887 lives nationwide, of which 3,779 KIA were from the State of California. When we add to this our own thousands who have been wounded and maimed, and the military and civilian dead of the South Vietnamese, we have a measure of the expenditures in blood. But we must add to that the incredible expenditure of billions of dollars which in large part has been diverted from the urgent domestic requirements at a crucial point in our national history. The drain of blood and treasure into engulfing muck is what Professor Reischauer says the Japanese call "doronuma"—the quagmire.

And how are we to find new and solid ground? How are we to make peace with Hanoi?

This, of course, is what today's moratorium is all about. It is an appeal to the President to get out of Vietnam as soon as possible consistent with the security of our forces. It means we should call for a cease fire in the Paris negotiations and go firmly on record before all the world that we are resolved to disengage from the conflict.

But most of all we must face realities that we have somehow avoided. When we speak of 500,000 men we think of Army, Navy, Air Force, and Coast Guardsmen. We must remember that for the most part they serve for a 13-month rotational tour. So in reality, our manpower commitment is far more than this oftquoted number.

Any way you look at it the costs of this war are unbelievable. When we consider that all of our effort has brought neither victory nor, more importantly, peace in South Vietnam and has increased domestic tension and strife, the current and long-range costs of this conflict are incalculable.

The argument is made that the only obstacle to military victory has been our unwillingness or reluctance to increase the size of our military effort. There were times when we were told that with just a few more battalions we would have victory.

When I first went to Vietnam in 1962, I was told by distinguished military and diplomatic personnel that the war would be over in 2 to 3 years. Even Secretary McNamara harbored the hope that manpower levels could be reduced when basic installations were completed and secured. Even more remarkable is that such talk can still be heard today.

I have no doubt that more intensive application of our enormous power could eventually grind the Vietcong and the North Vietnamese into submission.

But at what cost?

The immediate cost of escalation in men and material is obvious. What are the consequences? Even ignoring for the moment the consideration that such a step could lead to a nuclear war engulfing far more than just Vietnam, the tragedy of escalation is that it will ultimately destroy Vietnam as a country. Certainly such a prospect cannot be seriously considered "victory" by any definition.

The futility of escalation then is one of the major realities of the Vietnamese war—and has been for some time.

The second Vietnam reality is that the war has become an American war on both the political and military fronts. We have been making fumbling efforts at doing the work of an ineffectual South Vietnamese Government and at the same time we bear the burden of the bulk of the fighting.

It is now no secret that the South Vietnamese Government is rife with corruption and incompetence and, stifled by its own bureaucracy, is unable to capture the spirit or support of the Vietnamese people.

The popular support of the South Vietnamese is as important a weapon of war in Vietnam as we have in our arsenal. The National Liberation Front has for years been acutely aware of this and has even gone so far as to initiate its own village-level program of land reform, an area of consuming interest to the people of a largely agrarian country.

Guerrilla soldiers are dependent on the support, or at least acquiescence of the people. The ability of the guerrilla in Vietnam to survive the massive military effort of the past 3 years seems indicative of the fact that he is not without that support or acquiescence.

Though they were unable to rally a mass uprising, the Vietcong during the recent Tet offensive startled both the South Vietnamese Government and American planners with the level of support they commanded.

Battalions of guerrillas moved secretly into the cities and then managed in some cases to survive for nearly a month, though our intelligence tells us they brought food and supplies sufficient for only a few days' operation.

I cannot help but feel that a large measure of the effectiveness of this offensive could have been blunted by a people who gave both their respect and support to their own Government.

But when they turn to their Government, what do they find?

Vietnamese soldiers looting or selling water to homeless refugees after the Tet fighting.

A corps commander trafficking in opium, bribes, kickbacks from bars, winking at illegal exports of rice to Cambodia.

Petty officials selling driver's licenses, visas, places on military planes, and jobs with Americans.

Not all the Vietnamese officials, of course, are corrupt. There are a large number of accounts of valiant efforts by Vietnamese civil servants. In a revolutionary situation, however, a man expects dedication, unselfishness, decent service, and reasonable competence from his Government. In Vietnam, instead, he is offered only intolerable corruption.

The South Vietnamese bureaucracy is stifling. Few local civil servants will take—or are given—the initiative to act on his own. Deals, incompetence, and corruption so pervade all levels of government in Vietnam that some Cabinet ministers have been known to despair of ever seeing the implementation of their orders.

For years the Saigon government has promised the people meaningful land reform. Yet last July when I was in Vietnam with the Moss congressional subcommittee our investigation showed that very little real land redistribution to the peasants had been carried out.

It was not until 1965, after the Manila conference, that the South Vietnamese Government initiated a "crash" program to supply peasants with permanent titles to their land.

The titles finally went out in 1967—but with the local province chiefs empowered to distribute them. During our investigation last year, one American province representative told us of what happened to these titles in his area:

> Land reform is just not going on. There have been about 900 land titles distributed to the province chief. He has distributed them to the district chiefs. But the people have not gotten them yet.
>
> The man (province chief) has his own ideas about land reform. He is making his own laws down there. There is just too much power concentrated in him. He is using it.

The Vietcong land reform program, on the other hand, and I quote here from the report, "has eliminated landlord domination and reallocated lands owned by absentee landlords and the Government of South Vietnam to the landless and others who cooperate with Vietcong authorities.

"Although there is no evidence that firm titles have been given to the land, possession is stressed by the Vietcong and taxes rather than rentals are collected."

The startling aspect of this is that rather than countering the Vietcong program with it's own, the South Vietnamese Government adheres to a policy of restoring land rights to the former owners whenever it seizes a Vietcong dominated area.

The Government we support as an alternative to the other side is at present not very attractive, to put it mildly.

The Saigon government must more vigorously implement programs designed to help the people and win their support. This means that land reform programs should be given new life and new purpose. This means that the Saigon government must become more conscious of the importance of providing good government services, including relief and reconstruction assistance. It means more and better attention must be paid to the people.

It means the Saigon Government must take greater measures to accommodate the views of other non-Communist politicians. It means that former candidates must not be harassed or deplorably imprisoned "for their own safety." It means that the Saigon Government must move to broaden the base of its support.

But will it?

We have tried without particular success our own program of pacification which drives at moving the Vietnamese to the side of their own government.

We have substituted our soldiers for Vietnamese in the brunt of the fighting because they frequently are found wanting in motivation.

We have tried to do with American men and equipment and money a job that the South Vietnamese should have been doing for themselves in many instances.

And what have we for it?

The size and scope of our involvement is such that today, to many Vietnamese, we have become an extension of the French, a non-Asian nation standing in the way of Vietnamese nationalism.

Unwittingly, we have corrupted the will and spirit of many South Vietnamese. They view the war increasingly as an American, not Vietnamese, war and I believe that as our involvement grows South Vietnamese involvement diminishes in direct proportion.

The final reality I offer for consideration today is the staggering cost of this war.

Thousands of lives, hundreds of thousands of destroyed dwellings, millions of refugees, and billions of dollars tell only a part of the costs.

These are the obvious costs. But the price of Vietnam must be measured in more than ledger book terms.

World opinion in many friendly quarters is against us. None of our major European allies, including Great Britain, fully endorses our policy in Vietnam and none is allied with us there.

Prices, balance of payments, taxes all bear some mark of Vietnam. And with further increases in our commitment, they will suffer all the more.

But perhaps the highest and most tragic cost is the deep internal wounds we are inflicting on our national unity, wounds that I fear will be many years in healing even were the war to end today. Our Government and our very society is challenged daily by our own people and that disaffection grows with each calendar day we remain in Vietnam.

These then are the realities of the war and they are indicative of a policy that has failed.

What we must do now is realize that what we have been doing has not worked. We must change our current course of action to one that will give rise at the earliest possible moment to a negotiated cease-fire and free us—and the Vietnamese—from a war that is inexorably leading to the utter destruction of Vietnam and possibly even a wider Asian war.

We must find that course. It is time to realize that the answer does not lie in the relentless flow of more and more American blood and resources.

I think we must abandon the notion that victory in Vietnam is simply a matter of committing more Americans to the effort. This is a Vietnamese war. In the end, it must be fought and settled by the Vietnamese.

Among other things, our massive presence in Vietnam has relieved the sense of urgency which the South Vietnamese have felt about their future. But they must now accept the responsibility for their own fate.

In a word, I think we must begin immediately to rely more on the Vietnamese to be masters of their destiny and they must rely less on our immense military resources.

If they do not want to be governed by the Vietcong or the North Vietnamese they must fight and show the necessary spirit to avoid such a regime.

In my judgment, which is shared by many of the experts, this war will only be ended and a firm peace gained if the Vietnamese themselves develop the settlement. The United States cannot and must not carry Saigon forever. And this goes for not just Thieu or Ky but any government.

I also believe that our withdrawal from Vietnam should also be accompanied by an overall reappraisal of our role in Southeast Asia and the Pacific. It suggests to many of us who have been following events in this part of the world that we should maintain what Reischauer calls "low posture."

Mr. Speaker, there is a danger that some in our Government may have forgotten the events of the last election. If President Nixon has forgotten he should remember that the events surrounding the election made it crystal clear that most Americans do not consider South Vietnam to be one of our vital interests warranting further sacrifice of blood and treasure.

If the President really wants to bring Americans back together with a feeling of unity he will undertake to withdraw our armed services from Vietnam at the earliest practical date.

On this moratorium day we pray that the President will lead us out of this morass—this quagmire and get us back to the business of rebuilding and renewing the greatest democratic republic in recorded history—the United States of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kyros (at the request of Mr. Albert), for today, October 14, 1969, on account of official business.

Mr. Farbstein, for the period after 1 o'clock p.m., October 14, for the balance of the week on account of official business. This change of plans from Committee on Foreign Affairs.

Mr. McMillan, for October 15 and 16, on account of business out of the city.

Mr. Rivers (at the request of Mr. McMillan), from October 14 to October 24, on account of attendance at NATO conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Carey, for 60 minutes, today.

(The following Members (at the request of Mr. Albert) and to revise and extend their remarks and include extraneous matter:)

Mrs. Chisholm, for 60 minutes, on October 15.

Mr. Reuss, for 15 minutes, on October 15.

Mr. Farbstein, for 30 minutes, today.

Mrs. Chisholm, for 60 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mahon.

Mr. McMillan and to include extraneous matter.

Mr. Madden in two instances.

Mr. Downing to extend his remarks immediately following the offer of House Joint Resolution 910 by Mr. Rogers of Colorado.

Mr. Olsen and to include extraneous matter.

Mr. Dowdy, to extend his remarks in the Record immediately following the remarks of the gentleman from Maryland (Mr. Morton).

Mr. Gray in two instances.

(The following Members (at the request of Mr. Eshleman), and to include extraneous matter:)

Mr. Del Clawson.

Mr. Goodling.

Mr. Roudebush.

Mr. Foreman.

Mr. Schwengel.

Mr. Hunt.

Mr. Taft.

Mr. Wyman in two instances.

Mr. Anderson of Illinois in four instances.

Mr. Reid of New York.

Mr. Bray in three instances.

Mr. Brock.

Mr. Utt.

Mr. Hammerschmidt.

Mr. Zwach.

Mr. Adair.

Mr. Carter.

Mr. Johnson of Pennsylvania.

Mr. Bob Wilson.

Mr. Price of Texas in two instances.

(The following Members (at the request of Mr. Albert), and to include extraneous matter:)

Mr. Cohelan in two instances.

Mr. Fraser in five instances.

Mr. Matsunaga in two instances.

Mr. Bolling.

Mr. Boland.

Mr. Preyer of North Carolina.

Mr. O'Hara.

Mr. Hawkins.

Mr. Hicks.

Mr. Lowenstein in five instances.

Mr. Edwards of California in two instances.

Mr. Ryan in five instances.

Mr. Gonzalez.

Mr. Wolff.

Mr. Kluczynski.

Mr. Mollohan in three instances.

Mr. Friedel in three instances.

Mr. Brown of California in three instances.

Mrs. Sullivan in three instances.

Mr. Hathaway.

Mr. Tiernan in two instances.

Mr. Gilbert.

Mr. Brasco.

Mr. Blanton.

Mr. Charles H. Wilson.

Mr. O'Neill of Massachusetts in two instances.

Mr. Jacobs.

Mr. Anderson of California.

Mr. Green of Pennsylvania in two instances.

Mr. Tunney.

Mr. Dulski in three instances.

Mr. Burlison of Missouri.

Mr. Symington.

Mr. Ryan to extend his remarks following those of Mr. Rosenthal during his special order today.

Mr. Cohelan (at the request of Mr. Ryan) to extend his remarks following those of Mr. Ryan during the special order of Mr. Rosenthal, today.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 54. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1471. An act to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 223]

Abbitt
Abernethy
Adair
Adams
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Berry
Betts
Bingham
Blackburn
Blanton
Blatnik
Bolling
Bow
Brooks
Brown, Calif.
Brown, Ohio
Burke, Fla.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cabell
Caffery

Cahill
Camp
Cederberg
Celler
Chappell
Chisholm
Clark
Cohelan
Collier
Collins
Colmer
Corbett
Cunningham
Daddario
Daniel, Va.
Davis, Ga.
Dawson
Denney
Dent
Derwinski
Devine
Diggs
Dingell
Dowdy
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Esch
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fish
Fisher
Flynt
Frelinghuysen
Frey
Fulton, Tenn.
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Goodling
Green, Oreg.
Griffin
Griffiths
Gross
Gubser
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hébert
Hogan
Holifield
Hosmer
Hull
Hunt
Hutchinson
Jarman
Jones, Ala.
Jones, N.C.
Jones, Tenn.
King
Kirwan
Kleppe
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McClory
McCloskey
McCulloch
McKneally
McMillan
Macdonald, Mass.
Mann
Martin
Mathias
May
Meeds
Melcher
Michel
Mills
Minshall
Mize
Mollohan
Monagan
Mosher
Moss
Murphy, N.Y.
Nichols
Nix
O'Konski
O'Neal, Ga.
Ottinger
Passman
Patman
Pelly
Pickle
Pike
Pirnie
Pollock
Powell
Preyer, N.C.
Purcell
Quie
Railsback
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Riegle
Rivers
Roberts
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roybal
Ruth
St Germain
Sandman
Saylor
Schneebeli
Scott
Shipley
Sikes
Skubitz
Slack
Smith, Calif.
Springer
Stafford
Stanton
Steed
Stephens
Stubblefield
Sullivan
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tunney
Utt
Vigorito
Waggonner
Watson
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Wold
Wright
Wyatt
Yatron
Young
Zion
Zwach

Mr. FRASER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRASER. I would like to ask, if I may, where the matter stands now of the call of the House which was made by the majority leader. As I understand it, there is not yet a quorum recorded at the desk.

The SPEAKER. The gentleman is correct.

Mr. FRASER. Now, Mr. Speaker, what are the options open to the House at this point?

The SPEAKER. The Chair is patiently waiting to see. Regular order is the establishment of a quorum. If a quorum is not established, then a motion to adjourn would be in order.

Mr. FRASER. Mr. Speaker, am I correct that if a quorum is not established, there are only two choices open to the House—either a motion to adjourn or a motion to instruct the Sergeant at Arms to produce the missing Members?

The SPEAKER. The gentleman is correct.

Mr. FRASER. Mr. Speaker, so long as a quorum is not produced and in the event the House should instruct the Sergeant at Arms, would it be possible for the House to proceed, or would the House have to stand in abeyance with no further proceedings?

The SPEAKER. The Chair will state that the House cannot do business without a quorum.

Mr. FRASER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRASER. Mr. Speaker, in order to see if I have that point clearly in mind, if there were an instruction to bring in absent Members and it did not succeed during the period of time, during that period of time the House could proceed with no other business; is that correct?

The SPEAKER. The House cannot proceed at all until a quorum is established.

Mr. QUILLEN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. QUILLEN. Mr. Speaker, due to the lack of a quorum, I move that the House do now adjourn.

Mr. YATES. Mr. Speaker, on that I ask for the yeas and nays.

Mr. BOGGS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. BOGGS. Mr. Speaker, does it require a quorum to adjourn?

The SPEAKER. The Chair will state to the gentleman from Louisiana that it does not require a quorum.

Mr. BOGGS. Mr. Speaker, a further parliamentary inquiry. What is the result of the vote without a quorum present?

Mr. ALBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Oklahoma will state his parliamentary inquiry.

Mr. ALBERT. Is it in order to move that the House adjourn on the ground that a quorum is not present until the Chair has announced the nonexistence of a quorum?

The SPEAKER. The Chair will state that a motion to adjourn is in order any time after the conclusion of the second call if a quorum has not been established.

Mr. QUILLEN. Mr. Speaker——

The SPEAKER. The gentleman from Oklahoma is on his feet and the Chair recognizes the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I would have preferred not to do so at this time, but in view of the fact that——

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, is not a motion to adjourn pending?

Mr. QUILLEN. Mr. Speaker, I yield to the majority leader.

The SPEAKER. The Chair has recognized the gentleman from Oklahoma.

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YATES. Is there not a motion to adjourn pending upon which I have asked for the yeas and nays?

The SPEAKER. The gentleman's inquiry is correct.

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent to withdraw my motion to adjourn.

Mr. YATES. Mr. Speaker, I object.

Mr. MOORHEAD. Mr. Speaker, I object.

The SPEAKER. The Chair will state that it does not require unanimous consent to withdraw the gentleman's motion.

Mr. QUILLEN. Mr. Speaker, I withdraw my motion and I yield to the majority leader.

The SPEAKER. The Chair will state the gentleman from Tennessee does not have that privilege. The Chair has the privilege of recognition when the gentleman has withdrawn his motion. The Chair recognizes the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I would prefer not to make this motion at this time, but in view of the parliamentary situation, I move that the House do now adjourn.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, if the motion to adjourn does not prevail, and a quorum is not present what is the situation then?

The SPEAKER. The Chair will state that the House would continue to proceed under the call of the House to establish a quorum.

Mr. GERALD R. FORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, does that entail another quorum call at that point?

The SPEAKER. The Chair will state that we would be continuing under the previous call, the call that was in existence prior to the motion to adjourn.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

Mr. Speaker, would it be in order at that point to move that the Speaker instruct the Sergeant at Arms to bring in Members who are absent?

The SPEAKER. The Chair will state that if the House fails to adjourn, a motion to that effect would be in order.

The question was taken; and there were—yeas 113, nays 109, not voting 209, as follows:

[Roll No. 224]

YEAS—113

Andrews, N. Dak.
Ashbrook
Belcher
Bell, Calif.
Bennett
Bevill
Biaggi
Boggs
Bray
Brinkley
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Bush
Byrnes, Wis.
Casey
Chamberlain
Clark
Clausen, Don H.

Clawson, Del
Corbett
Cowger
Cramer
Davis, Wis.
Delaney
Dennis
Dickinson
Dorn
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Flowers
Ford, Gerald R.
Foreman
Fountain
Fulton, Pa.
Gray
Gross
Hall
Hammerschmidt
Hansen, Idaho
Harvey
Henderson
Ichord
Johnson, Pa.
Jonas
Kee
Keith
Kyl
Langen
Long, La.
Lukens
McClory
McClure
McEwen
McFall
MacGregor
Mahon
Mailliard
Marsh
Mayne
Meskill
Miller, Calif.
Miller, Ohio
Mizell
Montgomery
Morton
Myers
Nelsen
Pettis
Poage
Poff
Price, Tex.
Quillen
Reifel
Rhodes
Rogers, Colo.
Rogers, Fla.
Roudebush
Ruth
Satterfield
Schadeberg
Scherle
Scott
Sebelius
Shriver
Sikes
Sisk
Smith, N.Y.
Snyder
Staggers
Steiger, Ariz.
Stratton
Stuckey
Thompson, Ga.
Ullman
Utt
Waggonner
Watkins
Watson
Williams
Winn
Wyatt
Wydler
Wylie
Wyman
Young
Zablocki
Zion

NAYS—109

Addabbo
Albert
~~Anderson, Calif.~~
Beall, Md.
Biester
Boland
Brademas
Brasco
Brock
Brown, Mich.
Burke, Mass.
Button
Carey
Carter
Clay
Cleveland
Conte
Conyers
Corman
Coughlin
Culver
de la Garza
Dellenback
Derwinski
Edwards, La.
Eilberg
Evans, Colo.
Feighan
Flood
Foley
Ford, William D.
Fraser
Friedel
Galifianakis
Gallagher
Gilbert
Gonzalez
Green, Pa.
Grover
Gude
Hamilton
Hechler, W. Va.
Heckler, Mass.
Helstoski
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Leggett
McCarthy
McDade
McDonald, Mich.
Madden
Matsunaga
Mikva
Minish
Mink
Moorhead
Morgan
Morse
Murphy, Ill.
Natcher
Nedzi
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pepper
Perkins
Philbin
Podell
Price, Ill.
Pryor, Ark.
Pucinski
Randall
Reuss
Robison
Rosenthal
Rostenkowski
Roth
Ruppe
Ryan
St. Onge
Scheuer
Schwengel
Skubitz
Smith, Iowa
Steiger, Wis.
Stokes
Symington
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Waldie
Wampler
Watts
Weicker
Wilson, Charles H.
Wolff
Yates

NOT VOTING—209

Abbitt
Abernethy
Adair
Adams
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Berry
Betts
Bingham
Blackburn
Blanton
Blatnik
Bolling
Bow
Brooks
Brown, Calif.
Brown, Ohio
Burke, Fla.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cabell
Caffery
Cahill
Camp
Cederberg
Celler
Chappell
Chisholm
Clancy
Cohelan
Collier
Collins
Colmer
Conable
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Dawson
Denney
Dent
Devine
Diggs
Dingell
Donohue
Dowdy
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Esch
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fish
Fisher
Flynt
Frelinghuysen
Frey
Fulton, Tenn.
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Green, Oreg.
Griffin
Griffiths
Gubser
Hagan
Haley
Halpern
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hébert
Hicks
Hogan
Holifield
Hosmer
Hull
Hunt
Hutchinson
Jarman
Jones, Ala.
Jones, N.C.
Jones, Tenn.
King
Kirwan
Kleppe
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Lennon
Lipscomb
Lloyd
Long, Md.
Lowenstein
Lujan
McCloskey
McCulloch
McKneally
McMillan
Macdonald, Mass.
Mann
Martin
Mathias
May
Meeds
Melcher
Michel
Mills
Minshall
Mize
Mollohan
Monagan
Mosher
Moss
Murphy, N.Y.
Nichols
Nix
O'Konski
O'Neal, Ga.
Ottinger
Passman
Patman
Pelly
Pickle
Pike
Pirnie
Pollock
Powell
Preyer, N.C.
Purcell
Quie
Railsback
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Riegle
Rivers
Roberts
Rodino
Rooney, N.Y.
Rooney, Pa.
Roybal
St Germain
Sandman
Saylor
Schneebeli
Shipley
Slack
Smith, Calif.
Springer
Stafford
Stanton
Steed
Stephens
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tunney
Vigorito
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Wold
Wright
Yatron
Zwach

So the motion was agreed to.

Mrs. HECKLER of Massachusetts, changed her vote from "yea" to "nay."

Messrs. BRAY, BYRNES of Wisconsin, WYATT, and DUNCAN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The motion is agreed to. Accordingly, the House stands adjourned until tomorrow, Wednesday, October 15, 1969, at 12 o'clock noon.

ADJOURNMENT

Accordingly (at 11 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 15, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1255. A letter from the Comptroller General of the United States, transmitting a report of the audit of the Federal Savings and Loan Insurance Corporation, supervised by the Federal Home Loan Bank Board, for the year ended December 31, 1968 (H. Doc. No. 91–179); to the Committee on Government Operations and ordered to be printed.

1256. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, selected rural areas of Minnesota, Department of Labor; to the Committee on Education and Labor.

1257. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 915); to the Committee on Interior and Insular Affairs.

1258. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide authority for subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Md., to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN. Committee of Conference. Conference report on H.R. 11039 (Rept. No. 91–564). Ordered to be printed.

Mr. POAGE. Committee on Agriculture. H.R. 14169. A bill to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act, without amendment (Rept. No. 91–565). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE. Committee on Agriculture. House Joint Resolution 934. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal 1970 to $610 million; without amendment (Rept. No. 91–566). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee. Committee on Rules. House Resolution 579. Resolution for consideration of H.R. 4244, a bill to amend section 576 of title 5, United States Code, pertaining to the Administrative Conference of the United States, to remove the statutory ceiling on appropriations (Rept. No. 91–567). Referred to the House Calendar.

Mr. DELANEY. Committee on Rules. House Resolution 580. Resolution for consideration of H.R. 13827, a bill to amend and extend laws relating to housing and urban development, and for other purposes (Rept. No. 91–568). Referred to the House Calendar.

Mr. ABBITT. Committee on House Administration. H.R. 14195. A bill to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes; with amendments (Rept. No. 91–569). Referred to the Committee of the Whole House on the State of the Union.

Mrs. HANSEN of Washington. Committee of Conference. Conference report on H.R. 12781 (Rept. No. 91–570). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BETTS: (for himself, Mr. Horton, Mr. McClure, and Mr. McDade):

H.R. 14327. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 14328. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution bases, and for other purposes; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 14329. A bill to prohibit hiring professional strikebreakers in interstate labor disputes; to the Committee on Education and Labor.

H.R. 14330. A bill to improve judicial machinery by providing Federal jurisdiction for certain types of class actions, and for other purposes; to the Committee on the Judiciary.

H.R. 14331. A bill to amend title 39, United States Code, to restrict the mailing of unsolicited credit cards; to the Committee on Post Office and Civil Service.

By Mr. FREY:

H.R. 14332. A bill to encourage the development of novel varieties of sexually reproduced plants and making them available to the public, by making protection available to those who breed, develop or discover them, thereby promoting progress in the useful art of agriculture; to the Committee on Agriculture.

By Mr. KING:

H.R. 14333. A bill to provide for orderly trade in leather gloves; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 14334. A bill to amend the District of Columbia Bail Agency Act to increase the effectiveness of the District of Columbia Bail Agency, to authorize consideration of danger to the community in setting conditions of release of persons in the District of Columbia, to provide for pretrial detention in the District of Columbia of dangerous persons, and for other purposes; to the Committee on the District of Columbia.

H.R. 14335. A bill to provide for the investigative detention and search of persons in the District of Columbia suspected of involvement in, or knowledge of, crimes committed in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PATTEN:

H.R. 14336. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 14337. A bill to require that the uniform of officers and members of the uniformed police forces in the District of Columbia shall bear a distinctive patch showing the flag of the United States; to the Committee on the District of Columbia.

By Mr. SHIPLEY:

H.R. 14338. A bill to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

By Mr. BENNETT:

H.R. 14339. A bill to authorize the Administrator of General Services to construct, operate, and maintain a parking facility and cafeteria for Federal employees in Jacksonville, Fla.; to the Committee on Public Works.

By Mr. BIAGGI:

H.R. 14340. A bill to authorize the Commissioner of the District of Columbia to utilize volunteers for active police duty; to the Committee on the District of Columbia.

By Mr. CELLER:

H.R. 14341. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal years, and for other purposes; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.R. 14342. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 14343. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 14344. A bill to establish the calendar year as the fiscal year of the Government and for other purposes; to the Committee on Government Operations.

By Mr. QUIE:

H.R. 14345. A bill to extend for 3 years the authority of the Armed Forces and the Veterans' Administration to use dairy products purchased by the Commodity Credit Corporation; to the Committee on Agriculture.

By Mr. SCOTT:

H.R. 14346. A bill to amend title 39, United States Code, to restrict the mailing of unsolicited credit cards; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas (by request):

H.R. 14347. A bill to liberalize the provisions of law governing the payment of increased disability compensation as the result of examination or hospitalization in a nongovernmental hospital; to the Committee on Veterans' Affairs.

By Mr. WATSON:

H.R. 14348. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

H.R. 14349. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. DAVIS of Georgia:

H.R. 14350. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. MICHEL (for himself, Mr. Buchanan, Mr. Chamberlain, Mr. Dellenback, Mr. Derwinski, Mr. Duncan, Mr. Erlenborn, Mr. Frelinghuysen, Mr. Hamilton, Mr. Hansen of Idaho, Mr. Hosmer, Mr. Hutchinson, Mr. Kuykendall, Mr. King, Mr. Blackburn, Mr. Lukens, Mr. McDade, Mr. Mann, and Mr. Pettis):

H.R. 14351. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. MICHEL (for himself, Mr. Leggett, Mr. McClory, Mr. Mailliard, Mr. Matsunaga, Mr. Meskill, Mr. Mize, Mr. Pirnie, Mr. Rees, Mrs. Reid of Illinois, Mr. Riegle, Mr. Ruppe, Mr. Scott, Mr. Stanton, and Mr. Williams):

H.R. 14352. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. ROSTENKOWSKI:

H.R. 14353. A bill to provide for the establishment of a consumer education program designed to inform and give more adequate warning to elderly persons and others concerning the widespread existence, techniques, and dangers of home repair rackets and other forms of consumer fraud; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Burton, of California, Mr. Daddario, Mr. Fascell, Mr. Gallagher, Mr. Gilbert, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Mosher, Mr. Mathias, Mr. McCarthy, Mr. Minish, Mr. Nix, Mr. Ottinger, Mr. Symington, Mr. Thompson of New Jersey, and Mr. Yates):

H.R. 14354. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By Mr. ADAMS:

H.J. Res. 951. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H.J. Res. 952. Joint resolution to declare a national day of prayer and concern for American servicemen missing in action and those being held prisoners by the North Vietnamese; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.J. Res. 953. Joint resolution to establish a joint commission of the United States, the Republic of South Vietnam and the International Commission for Supervision and Control in Vietnam to study the ecological effects of chemical warfare in Vietnam; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. Tunney and Mr. Hechler of West Virginia):

H.J. Res. 954. Joint resolution to create a Special Joint Congressional Committee on Oversight in Vietnam; to the Committee on Rules.

By Mr. BLANTON:

H. Con. Res. 406. Concurrent resolution urging the adoption of policies to offset the effect of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. DENT:

H. Con. Res. 407. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag"; to the Committee on House Administration.

By Mr. OTTINGER (for himself, Mr. Adams, Mr. Barrett, Mr. Burton of California, Mr. Fascell, Mr. Gallagher, Mr. Hungate, Mr. Matsunaga, Mr. Nedzi, Mr. O'Hara, Mr. Olsen, Mr. Rees, Mr. Symington, and Mr. Mikva):

H. Con. Res. 408. Concurrent resolution to provide that failure of executive departments, agencies, or instrumentalities of the Federal Government to respond within 60 days to requests from committees of Congress for reports on pending legislation shall create the conclusive presumption that such agencies favor enactment of the legislation and that enactment is consistent with the legislative program of the President; to the Committee on Rules.

By Mr. TAFT (for himself and Mr. Betts):

H. Con. Res. 409. Concurrent resolution expressing the sense of the Congress with respect to the impact of the contracting housing market on the ceramic tile industry; to the Committee on Ways and Means.

By Mr. MOSS:

H. Res. 581. Resolution expressing the sense of the House of Representatives relative to the Vietnam war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 14355. A bill for the relief of Mrs. Vincenza Derlin and Bruno Derlin; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 14356. A bill for the relief of Fred A. Meandro; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 14357. A bill for the relief of Franca Zazzera; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

292. By the SPEAKER: Petition of the Representative Town Meeting, Westport, Conn., relative to withdrawal from Vietnam; to the Committee on Foreign Affairs.

293. Also, petition of the Council of Willoughby Hills, Ohio, relative to taxation of State and local government securities; to the Committee on Ways and Means.

XUM

EXTENSIONS OF REMARKS

A CRISIS OF SPIRIT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, Rockford College, which is in my hometown of Rockford, Ill., is fortunate to have as its president, Dr. John A. Howard. Dr. Howard, who is both an innovative administrator and an outstanding intellect, was recently appointed by President Nixon to a task force on higher education goals. He also served under President Eisenhower as executive vice chairman of the Committee on Government Contracts.

Last month Dr. Howard addressed the students of Rockford College on the crises of our times and our own apparent inability to squarely face these challenges in the traditional American way. Dr. Howard traces this inability to a growing and "pervasive cynicism that has infected every aspect of our own culture." He asserts that the reason for this is that patriotism has become passé; and he defines patriotism not as an emotional allegiance to a flag or piece of geography, but as a real desire to serve one's country and fellow man, based on "a common vision of the good life." He notes that our country was founded on principles which asserted the rights and dignity of man and man's inclination to aspire and climb to new heights. He observes that the creeping "new pessimism" is destroying that spirit of aspiration that has made our country great. It is evident that the real challenge facing America is in overcoming this crisis of the spirit and restoring the faith of the American people in their institutions and basic principles.

Mr. Speaker, excerpts from Dr. Howard's excellent speech appeared in the October 9 Christian Science Monitor, and I include those excerpts at this point in the RECORD, and commend them to the attention of my colleagues. The article follows:

IS PATRIOTISM PASSÉ?

(NOTE.—Patriotism is a vision of what every man can be, says Dr. John A. Howard, president of Rockford College in Rockford, Ill. But he fears that cynicism is clouding this vision in the United States today. Last month he outlined to Rockford students his understanding of the relationship between human dignity and patriotism. Following are excerpts from his remarks.)

A man without aspirations is not a whole man. A society without a shared and cherished vision of what might be is a desolate society, one lacking in vitality and cohesiveness.

In the Godkin Lectures at Harvard University last March, John W. Gardner asserted, "A high level of morale is essential if a society is to succeed in the arduous tasks of renewal." A high level of morale is exactly what we do not have in the United States.

Some time back, an African student attending Rockford College spoke to a group on our campus. In the question period which followed, he was asked about his long-range plans. He replied that he wanted to get the best possible education so he could return to serve his people and his country. He said this with vigor and pride and conviction. A glance around the room showed admiration and approval on the part of everyone who heard this testimonial of commitment.

Compare, if you will, the probable reaction that the academic community would give to an American student who asserted that his great life's hope was one of patriotism, that he wanted to devote himself to serving his country and his people. I suspect that a large portion of intellectual America would be at very least, embarrassed by such an outburst of patriotic sentiment, if not actually frightened by the fervor of such "unenlightened insularity." Love of country, that is our country, is now passé, or gauche, or intolerable in much of academia.

IS THERE A DIFFERENCE?

What is this? A double standards? Why is patriotism a glory when it operates in a developing nation which may be plagued with gross inequities and bloody struggles for power, and patriotism in an advanced nation a source of indifference, scorn or alarm?

First, I believe this is not an independent phenomenon, but rather one facet of a pervasive cynicism that has infected every aspect of our own culture. James B. Reston writes of the "new pessimism." He quotes Dr. Arthur F. Burns, a top adviser to President Nixon, as saying, "What worries me more than all these financial questions—I think a great sickness has gripped our society. I think a great many citizens have lost faith in our institutions."

In an essay in the Saturday Review several months ago, Archibald MacLeish writes of the loss of belief in man and his dignity.

The arts have deadened the soul, or rather they reflect a deadened soul, says Mr. MacLeish.

In times gone by, there were those who thought that great art should ennoble or exalt. Now, many prize that art which "tells it like it is," not like it could be. We are raising whole nations of young people whose steady musical diet has been the complaints and the protest and the focus on physical gratification of rock music and never even exposed to the exhilaration of Beethoven, or the tranquility of Mendelssohn, or the sheer joy of Mozart.

But philosophy, too, has contributed to what Mr. MacLeish sees as the flatness of life, the loss of a dimension in the world. Thomas Molnar's recent book entitled "Sartre: Ideologue of Our Time" provides a keenly perceptive analysis of this most influential philosophical writer. Mr. Molner points to the basic Sartrian concept of "a morally neutral world where good and evil have been absorbed and made irrelevant."

Philosophy used to aspire to provide understanding so that man could climb toward the heights. Some large portion of current philosophers, having rejected the concepts of good and evil, of heights and depths, simply assert the flatness of life and analyze man's permanent state of nausea or despair, or else have abandoned the concern for man altogether and have wandered off into semantics.

With no hopes, no dreams, no vision of what could be, man becomes petty and quarrelsome and ruthless.

I think we have some choice in this matter. Man can free himself from this bondage if he chooses to. Our preoccupations are those which we permit to prevail.

As I have indicated, my central concern in this talk is the subject of patriotism. It is a challenge for a speaker to knock on this door in the house of intellect, for the mere word, patriotism, is sufficient to cause many scholars to slam the bolt and fix the latch chain. (And such a reaction is, itself, a sorry commentary on the family that dwells in the home of the open mind.)

Patriotism is not just blind love for a piece of property. Nor is it simply a mutual defense pact that remains in force only as long as there is an external threat. Patriotism, true patriotism, is an eternal and legitimate love affair with a set of principles, with a common vision of the good life.

Listen to the words of Mary Antin from her book "The Promised Land":

So at last I was going to America! Really, really going at last! The boundaries burst. The arch of heaven soared.

And later in the same book:

Spirit of all childhood! Forgive me for so lightly betraying a child's dream-secrets. I that smile so scoffingly today at the unsophisticated child that was myself, have I found any nobler thing in life than my own longing to be noble? Would I not rather be consumed by ambitions than live in stupid acceptance of my neighbor's opinion of me?

Immortal aspirations were what attracted the floods of immigrants to this land, for they saw this land as a place where by public commitment, each person was assumed to have worth and granted equal rights under the law, and where differences of faith and opinion were welcomed.

Having grown up with these concepts as the conditions of our living, we cannot comprehend, we cannot register upon how revolutionary they were when first proclaimed, nor do we realize how they contrast with what exists in the police-state nations, nor how they differ from contemporary democracies that carry still the deep-rooted psychological mind-set of their monarchical heritage.

The existence of a House of Lords and a House of Commons maintains the message that the common man, even risen to the highest position, remains a commoner. Through much of continental Europe, the peasant, whatever his talents and accomplishments, remains a peasant in his own eyes and in the mind of the people.

The centuries-deep acceptance of class and station continues to mock the concept of true dignity for each man. By contrast, in our country, with our inheritance of assumptions, the phrase "second-class citizen" very rightly stirs indignation, for with us, it is a contradiction in terms.

The most obvious and pervasive disillusionment with our country stems from the war in Vietnam. Here again, I suppose it is only fools who rush in, or even pussyfoot into this subject, since many academic folk have made up their minds on this matter and are far more interested in telling the other fellow than in listening to any other thoughts about this issue. Still, there are some aspects of this grief-bearing chapter that need further probing.

REASONS LACK PERSUASION

Has it occurred to you that there are scarcely four presidents in our history who were more dissimilar in their cultural, vocational, emotional, intellectual, and political attributes than Presidents Eisenhower, Kennedy, Johnson, and Nixon? And yet each of them when faced with the responsibilities of the presidency, and when made aware of the full range of information available to that office, has held to the course of supporting the South Vietnamese in their defense against the Viet Cong and the North Vietnamese.

On the other hand, there can be no question that all four administrations have grievously failed in a very important obligation. Although our presidents have seen fit to maintain our participation in this conflict, they have not conveyed to our people persuasive reasons to do so.

The vacuum created by this absence of public and persuasive justification has been filled by conjectures and claims and counterconjectures and counterclaims which have intensified to the point of hysteria, to the point that reason gives way before shrill nonthought.

The novel, "Catch-22," offers an illustration of what I consider shrill, polemical nonthought. This book has had a great vogue and has been one of the most powerful influences in persuading youth that war must be rejected above all. The protagonist of the book, an American airman named Youssarian serving in World War II, equates his commanding officer with the enemy, because, he says, they both want to get him killed. Since U.S. officers must send their troops on dangerous missions, Youssarian considers his superior officer as an effective enemy.

This is distorting history and misreading motives with a vengeance. The sad facts are that while conscientious leaders of France and England were trying every conceivable means to negotiate a reasonable peace with Hitler, his blitzkriegs were capturing the peoples of Czechoslovakia, Austria, and other lands. Finally, it was recognized that it was impossible to negotiate with Adolf Hitler. The only options were to fight or surrender.

And a great many people fought in that war in the belief that they were engaged in trying to prevent a fate worse than death. As the stories have been pieced together about such places as Belsen, Buchenwald, and Dachau, it is clear that to be the captives of a power that could conceive and operate such inhuman compounds was, indeed, a fate worse than death.

Next, some brief observations on the blacks and the whites. The black-power movement, as its name implies, is founded in a philosophy that perceives the central factor in human relationships to be that of who controls whom, of how much force—political force, economic force, armed force, force by fear—can be exerted by one man or one group upon another. This attitude, it seems to me, is analogous to the philosophical foundations of the governments which ours was established to counteract.

All governments of the past operated in circumstances where the people were permanently split between the privileged governors and the less privileged governed. And their political systems were drawn to exercise power to maintain this situation.

Power was the glue that kept the society together. Some had it, and nothing short of the assemblage of a greater counterpower could change that circumstance. The wars of succession down through the ages provide rueful and ever recurrent proof that governments which are organized upon the assumption that some are to have more power than others will always be subject to internal strife and bloodshed.

In the almost two centuries of the history of our nation, the only massive instance of citizens killing citizens was, of course, occasioned by this same question: Shall one group of people, with governmental cooperation, be maintained in a position superior to another group of people? This was the issue of the Civil War and it also is what has been at issue on all of the civil-rights questions ever since.

BOLD DECLARATION

The American Revolution was a bold and incredibly perceptive declaration of the nature and the rights of man and it launched an experimental government painstakingly designed to minimize the principal threats to those rights. One of the foremost threats was perceived to be the instinctive thrust of men to obtain and exercise power over other people. An elaborate mechanism was therefore established to disperse the powers of government. The separation of executive, legislative and judicial branches was instituted precisely for this reason.

Now I want to propose just one more large category of concept and activity which, I believe, is contributing to an attitude of hostility toward the American dream. It is the spreading preoccupation, particulary among the youth, with one's own comfort, one's own physical gratification, one's right to do whatever he pleases as long as he doesn't significantly harm someone else.

The government inaugurated in 1789 was commited to maximizing the dignity of all citizens. However, in attending to all aspects of maximizing human dignity, the whole structure of the government was posited upon the requirement that the citizens, every citizen, would have to make some very great sacrifices.

Against this necessity for sacrifice, the current insistence upon exercising one's own whims with a disregard for the sensitivities of others, the quickening readiness to pronounce one's own particular objectives as uniquely moral and therefore beyond the purview of publicly established limits—all of these attitudes and actors stand in hostility to what this country is all about, and contribute to the disenchantment with America.

We must, I think, recognize that there are two basic ways of conceiving of human life. In one view man is merely an animal of superior gifts and intelligence with no meaning to his existence beyond his own enjoyment, and his only obligation is to get everything he can for himself and let the chips fall where they may.

Given that view of life, there is no hope for peace anywhere, since each person is a predator preying upon everyone else with whatever wiles, strategems or force he can bring to bear. If one perceives man in this fashion, it will follow that groups will band together observing common limits when it works to their own advantage to do so, but all outsiders are fair game for any cruelties, deceptions or pilfering which can be devised.

The other view of man perceives a dignity—that is, a basic worthiness—in each person and perceives a transcendence in life that gives value to the sacrifices one makes that will benefit others, either now or in the future. Only in this view of life does the term, ideal, take on any meaning.

Of course, each man has his own vested interests, and each group its own vested interests, as does each nation and each philosophy. There will be the pushing and shoving and insults and crime, because man is human. But man also has a sublime spark which stirs the sacrifices of one for another, which gives rise to compassion and considerateness and friendship and rejoicing in another's good fortune.

HOPE IN HUMAN DIGNITY

To the extent that such consideration can take precedence over the most damaging aggressions of self-interest, man can inch forward in the centuries-long journey toward peace and brotherhood. There will not be any instant answers. International and national and personal cruelties cannot be banished at once by any means.

It seems to me that the long-range hope is to enlist all of mankind in pledging allegiance to human dignity and in devising the ground rules which will enable and encourage each man to express himself and seek his own goals [within the context of] the common good.

And that objective is exactly what the great American experiment is all about. It was and is a commitment, such as no other people has ever made, to devise a means of living together which would most greatly enhance the worth and most greatly involve the participation of each citizen. It was and is a reaching out for the stars.

For those who conceive man as having a soul, a dimension superior to and beyond his own gratification, truly the sky is the limit in the relevance and satisfactions of seeking to find how men can live together in greater justice and harmony and of trying to devote one's life to that end.

AMERICAN MEANING

Dr. John A. Howard, President of Rockford College:

"The meaning of patriotism in our heritage, I believe, is more a commitment to a way of viewing man and living together than it is allegiance to a piece of geography or to a certain group of people. This thought is borne out by the recent inclusion of Hawaii and Alaska into the nation, into the patrie. This extension of our country was accomplished with a general and instantaneous acceptance of our new compatriots as first-class citizens."

TAX REFORM AND THE FOUNDATIONS

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 14, 1969

Mr. HARTKE. Mr. President, two distinguished Hoosiers testified recently before the Committee on Finance on tax reform and foundations. They are Mr. J. Irwin Miller, chairman of the board, Cummins Engine Co., Columbus, Ind., and Dr. Herman B Wells, chancellor, Indiana University.

For the benefit of Senators who have not had an opportunity to read their testimony, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE ROLE OF FOUNDATIONS IN AMERICAN LIFE

(By J. Irwin Miller and Herman B. Wells)

STATEMENT BY J. IRWIN MILLER

Mr. Chairman and members of the Committee, in the time allotted to me this morning, I would like to sketch a background against which other witnesses will fill in specific detail. As I believe the agenda will indicate, a number of foundations and beneficiaries of foundations have coordinated their presentation so that all the major issues can be discussed and repetition avoided.

There will be six panels which in turn will cover (1) the role of foundations in American life, (2) the effect of the legislation (especially the proposed tax) on foundation beneficiaries, (3) the effect of the tax as seen by foundations, (4) the effect of the program limitations (including grants to individuals), (5) the effects of distribution requirements (including problems raised) by definition of qualifying distributions, and (6) the restrictive effects on the development of philanthropy and the operation of foundations (including the effects of expenditure responsibility and heavy burdens on trustees).

Whereas these presentations have been coordinated and consolidated, as was requested by the Committee in its August 12th press release, it should be noted that each witness will be testifying for himself and for the institution to which he is attached.

I speak this morning as an individual. But I am neither a disinterested nor an uninterested witness. To identify myself, I am a businessman who lives in Columbus, Indiana. Cummins Engine Company, which I serve as Chairman of the Board, created a foundation some fifteen years ago. Both directly and through the foundation, the Company normally contributes the full 5 per

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cent of its pre-tax profits. I currently serve as President of its foundation. I also serve as an officer and director of a foundation created by my family, and I am a trustee of the Ford Foundation.

In respect to my personal life, my wife and I have for some years been in the process of qualifying for the unlimited charitable deduction. Further, we have raised our five children to believe that a responsible sense of concern for the well-being of society in which they live requires that they each contribute to philanthropy the full 30 per cent of their income each year. Finally, it should be noted that I serve as a trustee of a number of institutions which are often recipients of foundation grants.

I state all this to show my bias in this matter. Having done so, I now hope you will hear my opinions. In expressing them, I must note the enormous complexity of the Foundation Sections of the Bill and my own inexpertise in legal complexities.

A. Foundation facts and accomplishments

Let me speak first to the American tradition of private giving and the important place it holds in our national way of life.

Our country today is unique in that our government, more than any other in the world, actively encourages citizens and corporations to concern themselves with the social problems of the nation and to accept personal responsibility for constructive change. This encouragement comes in good part by way of the charitable deduction allowance, and the laws supporting the establishment and operation of foundations.

In the face of great current pessimism, I believe that America will solve its pressing problems of race, poverty, education, urban congestion, and the like. A primary reason for such belief is that there exists a broader and deeper concern about these problems among the individual men and women of this nation, old and young, than can be found in any other country today.

If, as individuals, we should shrug our shoulders, decide there is nothing we can do, that it is all someone else's fault, that "they" ought to do something about it; if we cop out as responsible individuals by blaming government for not acting, and damn government when it acts and requires more taxes to pay for the acts, then we will surely go down the drain.

On the other hand, if each one of us decides he ought to do what he can in his own situation, in his own community, and is willing to change his old attitudes, to give time and money wherever he can see it will make a small difference for the better, then we Americans will very likely provide to the world a demonstration of national achievement which will be without parallel in history.

The government, by example, now has the opportunity to encourage such an active acceptance of responsibility for the welfare of all others by each citizen.

American foundations are an important part of this tradition. They have made invaluable contributions to American society, and they are capable of still more. They, however, are not the pivot of American society, nor are they omnipotent or without blemish. There is a lack of adequate knowledge and understanding about their place in American society.

Let me briefly sketch the dimensions of that place. Each year, some $16 billion in private wealth is given for philanthropic purposes. The greatest philanthropist still is the man in the street. Individual givers account for nearly 80 per cent of the total (even exclusive of bequests). The private foundations provide only about 8 per cent of total philanthropy. Last year foundations gave $1.5 billion, or about 7½ per cent of their total assets of some $20 billion.

There are about 22,000 foundations. Most of them are little more than incorporated channels for giving by individuals and in assets and influence they account for quite a small proportion of the field; more than 12,000 foundations, for example, make grants totaling less than $10,000 a year.

The potency and significance of private foundations resides in the few hundred sufficient skills and resources to support efforts toward the solution of problems important to American society. They also account for most of the funds in the field. More than two-thirds of all foundation assets are held by some 200 of the general purpose foundations. By and large these are the leaders and standard setters in the field.

"Tax free" and "tax exempt" are modifiers that have so commonly come to be used in front of the term foundation that there is a tendency to overlook their essential philanthropic nature. The Treasury Department, which ought to have as keen a sense of the relation between institutions and taxation as anyone, a few years ago portrayed the role of private philanthropy and the part played by foundations in these terms:

> Private philanthropy plays a special and vital role in our society. Beyond providing for areas into which government cannot or should not advance (such as religion), private philanthropic organizations can be uniquely qualified to initiate thought and action, experiment with new and untried ventures, dissent from prevailing attitudes, and act quickly and flexibly.
>
> Private foundations have an important part of this work. Available even to those of relatively restricted means, they enable individuals or small groups to establish new charitable endeavors and to express their own bents, concerns, and experience. In doing so, they enrich the pluralism of our social order. Equally important, because their funds are frequently free of commitment to specific operating programs, they can shift the focus of their interest and their financial support from one charitable area to another. They can, hence, constitute a powerful instrument for evolution, growth, and improvement in the shape and direction of charity.

While the proposals under discussion today are addressed to private foundations, their impact would be felt throughout the entire fabric of the voluntary sector of American life.

One of the philanthropic statesmen of this century, Abraham Flexner, said the level of a given civilization can perhaps be measured "by the extent of private initiative, private responsibility, private organization in all the fields open to human culture." Certainly the accomplishments of our society cannot be measured accurately, or as positively, without taking into account these achievements reached in whole or in part through foundation support.

Robert Calkins, former President of Brookings, summarized foundation achievements as follows:

> Foundations have pioneered and assisted pioneers, scientists, scholars, and innovators; they have helped to create and strengthen colleges, universities, research laboratories, research institutions, scientific and scholarly organizations, welfare and religious institutions; they have often anticipated social and international problems and mobilized knowledge for dealing with them. In doing these things, they have freed large parts of the world from the curse of diseases, such as malaria and yellow fever; have advanced the art of medical care and the treatment of illness; have provided knowledge for the control of population and the expansion of food supplies; have aided the development of emerging nations; have encouraged educational opportunities for minority groups, and the establishment of area and language studies to afford a better understanding of other cultures. They have demonstrated the value of liberal support for basic research and encouraged large public support; have contributed importantly to our growing knowledge of physical and living nature, and of social organization; have made possible the development of new scientific instruments for studying the atom, the cell, the star, and the nature of life itself; have contributed toward a better understanding of social behavior and informed social policy; have helped to clarify the goal of humanistic scholarship, aided the arts, and broadened the cultural interests and enjoyments of millions of people. They have also supported the development of thousands of scientists, scholars, creative writers, artists, and professional personnel, as well as leaders for business, government, and education. They have encouraged informed approaches to domestic problems, promoted international understanding, and assisted in the search for peace. They have contributed to the international community of scholarship and learning, and built bridges of communication and mutual respect.

But the particular issues at hand cannot be resolved by a recital of the glories of foundations. I do not favor, nor do I think the American public favors, a granting of perpetual approval to institutions simply on the basis of past laurels. No matter how unsettling it may be to men and organizations convinced that they are doing the right thing in the public interest, it is healthy that the public periodically examines its institutions to judge whether they are still serving their avowed purposes, to determine whether anything has gone sour even with our most cherished practices.

For many institutions this is such a moment. There is not only a taxpayers revolt in the air but also, I believe, fundamental skepticism about many aspects of our public and private life. Men and women are asking not only where we are going but also who is in charge. They are concerned it seems to me, about whether all the agencies in American life that are dedicated to public purpose—governmental and non-governmental—are really working in the public interest. They are calling for some sort of accounting and insisting on greater accountability.

The proposals related to private foundations seem to me to raise fundamental questions about the role of the private sector in affairs of public concern: Is it to be diminished or encouraged? Do the American people still believe that private philanthropy is important to the attainment of our needs and desires as a people? Or have our community needs and national problems grown so in scale and complexity that private efforts are basically too puny? Would the funds devoted to them best be diverted to government use?

B. The responsibility of Congress and the public to examine foundations

There are several reasons these concerns have coalesced around private foundations. The purposes and ways of foundations are only vaguely understood. Also, while foundations are the most peculiarly American manifestation of the philanthropic impulse, they do not operate as simply as traditional charity; taking the long view, and working with professional skill, they have grown more sophisticated and specialized in their approach to problems and therefore they are less easy to understand. Further, they represent relatively large concentrations of wealth, and bigness in any form stirs suspicion in the American consciousness. Foundations have also concerned themselves with some of the problems that are deeply troubling our society, and almost anything one does in these fields is apt to stir passions. Finally, certain abuses in the field have become apparent, and questions have been raised about the judgment of foundations in certain activities.

These hearings constitute an examination of the obligations of foundations under their

contract with American society. Parenthetically, it should be noted that this is the first opportunity foundations have had to testify on a number of the major provisions of this Bill. At bottom, foundations operate under a public trust agreement. Through exemption statutes, American society encourages the application of private wealth to public purpose. Society must be assured both that the privilege is not abused and that the responsibility to deliver a social dividend is met.

In the matter of private foundations, the record seems abundantly clear that the responsibility has been discharged. In terms of advances in education, community life, health, and artistic and cultural resources, the foundations have returned to society many times over what society has granted in the form of exemption from taxation. There is no doubt a point of diminishing return in this sort of *quid pro quo*. That point would certainly be at hand, for example, if foundation assets were growing at, say, double or triple the growth of the Federal budget or the Gross National Product. In fact, although the growth in the absolute numbers of foundations has been striking, the growth in foundation assets is not exceptional as compared to other sectors. The Treasury's studies confirm this.

It is equally important that the income produced by foundation assets flow continuously to charitable, educational, and scientific purposes. For the most part this is so, and passage of certain features of H.R. 13270, coupled with more systematic enforcement of existing regulations, would provide the public a guarantee of a continuing flow.

C. The inconsistency of the proposed tax with the purpose of tax-exemption

Concerning the proposed tax on foundation income, I will be quite brief, not only because succeeding witnesses will treat it in detail but also because it strikes me as the most clear-cut of the several difficult decisions before you with respect to private foundations.

I regard a tax on private foundations as patently inconsistent with the reason society sanctions foundations at all. Whatever foundations earn from their principal is—by tradition, charter, and law—intended for distribution for philanthropic purposes, for the public well-being. To reduce these publicly dedicated funds by any percentage is to diminish the value to society by just that amount. The judgment Congress and the public must make is whether all things considered, foundations are likely to continue making valued contributions to American life. If the answer is yes, then why reduce the contribution? If the answer is no, then more fundamental measures than a limited tax are in order. The inference I am forced to draw is that the proposal to tax foundation income is actually punishment for presumed wrong-doing by foundations—a reaction that is both unjustified and unwise.

D. The value of proposed measures to curb fiscal abuses

In contrast to the proposed tax, the Bill's measures to curb and prevent fiscal abuses are necessary to the public interest and vital to the preservation of private philanthropy.

The public official who abuses his position casts shame not only on himself but on all that public service stands for. Misbehavior in private organizations and institutions clothed with a public interest is quite as sordid. Society loathes the charity racket, and abuses in institutional philanthropy must also be rooted out. The Treasury has noted, "the preponderant number of private foundations perform their functions without tax abuse," but it has been clear for several years that some abuses exist, and even the few are too many. They include the use of foundations exclusively as tax shelters, the unreasonable accumulation of foundation income instead of regular distribution for philanthropic purposes, the use of foundations for self-dealing and other forms of personal or business advantage, and the concealment of foundation activities. Some of these abuses could be curbed by better enforcement of existing regulations. Others require additional legislation, and several of the proposals before you are effectively drafted to that purpose.

Speaking for myself and for the foundations with which I am associated, I say that both the new measures to curb such abuses and stricter surveillance and enforcement of existing regulations are long overdue. Many other leading foundations share this feeling, and have been on the record to that effect. Better enforcement and passage of the abuse-related provisions in the bill will probably have the effect of sorting out from the existing thousands of foundations those that are dedicated to philanthropic purposes and those that serve themselves rather than society. They will discourage future establishment of foundations whose donors enjoy tax advantages without a return in kind to society. At the same time, they will not hobble existing or prospective new foundations that conform to the high ideals of the philanthropic tradition.

E. The proposed limitations on programs are unwise

But other parts of H.R. 13270 appear to be aimed not at fiscal abuses but at foundation activities. The nation's foundations each year make hundreds of thousands of grants. Not even the most passionate admirers of foundations suppose that some of these actions were not mistakes—for any number of reasons, ranging from the technical to the judgmental. What is remarkable to me is that so few errors occur, given the wide range of fields in which foundations are active—from the arts to community health, from manpower training to population problems. Nonetheless, neither the noble purpose nor good works of the vast majority of foundatons exempt them from criticism and censure for errors when they occur. My own experience is that foundation trustees and officers are attentive to such criticism. They do not hide behind claims to virtue or infallibility.

Society deserves reasonable protection against the misfeasance of institutions it has given warrant to operate in the public interest. It is the responsibility of Congress to see to the fulfillment of that warranty. But some of the new proposals, ostensibly designed as air-tight guarantees of sound judgment by foundations, are so drawn that they give no added protection over existing law, and indeed only do injury to the public interest.

One set of proposals, for example, would fence off private foundations from activity in areas of public policy. Existing regulations declare lobbying and partisan political activity out of bounds, and, while it is not always easy to draw the line between what is legitimate and what is not in these matters, there are remarkably few instances of foundations skating even close to the edge of the limits now established.

The barriers that the new proposals would erect could well impair, not improve, the judgment and effectiveness of private foundations. One on which I can speak with some intimate experience is the effect on foundation boards of trustees. The penalties proposed for violation of several of the proposed limitations—limitations that are necessarily imprecise—fall not only on a foundation as an institution but also heavily on individual foundation managers, including trustees. This could drive trustees and foundation officials into such an excess of caution that even innocent and benign activities that touch on public policy in such fields as education and conservation would be deprived of foundation support.

The proposals may stem in part from a presumed new aggressiveness of foundations to assist work in controversial fields and to venture into matters subject to pending or future legislation. Throughout most of their history, foundations have at one point or another supported work considered controversial by some segment of the population.

Foundations can inaugurate a teacher pension system, develop new curricula and teaching techniques, increase educational salaries and be applauded for all of these, but then should they support a controversial educational program such as decentralization, the reaction is likely to be, "What are they doing sticking their noses into educational policy?" The irony of this situation needs to be recognized, for if we are to legislate away all possibilities for bad or controversial judgments, at the same time we will be legislating away all but the most bland kinds of foundation effort.

If foundations were the sole source of aid to the production of information, ideas, activity and opinion on matters of public concern, there would be legitimate reason to consider an exhaustive set of rules governing such activity. But that is not the case. The work supported by foundations on public issues is just one input into a vast marketplace, along with the voices—some tax-exempt, some not—of individuals, business enterprises, unions, churches, political parties, trade associations and other organizations, to say nothing of the press. To bar foundations from supporting such work would be to limit the diversity of activity that has strengthened our society.

I do not think the government is well advised to begin making other than the broadest categorical decisions as to what is "good" and what is "bad." Experiment and trial need to be encouraged, and one "success" most usually outweighs a dozen failures.

These issues will be discussed in detail by later witnesses. Suffice it to say now that the legislative net which has been cast out to catch those judgments alleged to be bad, controversial or imperious will drag in with it far more good than bad fish.

F. Limitations as a signal to discourage private philanthropy

Apart from these and other specific consequences, some of us feel that the proposed legislation, in general is, quite plainly, a signal that future foundations are not welcome. These proposals should be scrutinized, therefore, in the light of whether society would gain or lose from the establishment of new foundations, some of which might in time make extraordinary contributions to American life, just as some foundations formed in the last few decades have superbly carried forward the tradition of the pioneering foundations of the late nineteenth and early twentieth centuries.

One may even ask, do some of these proposals signal the intent of Congress to discourage private philanthropy in general, particularly in matters that are also governmental concerns? On the face of it, such a supposition sounds alarmist, but it is not far-fetched if one regards the private foundation as an outstanding example of the American genius for organization applied to the age-old philanthropic impulse. Those who regard foundations as a symbol of private initiative fear that the erosion of their flexible capability might mark the first step in a trend toward general containment and withering of private initiative as a whole. And that would be an exorbitant price to pay for the abuses that have blemished the good name of the private foundation and for the offense even some of the most respected foundations may have given at one time or another.

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G. Foundations are accountable under existing conditions

If those parts of the foundation-related proposals are so detrimental to the benefits society would enjoy from the continuation of foundation philanthropy, then how is the public to be assured that the power that foundations represent is not one day applied to mischievious ends, to political purpose, and in general against the public interest? To repeat, past performance is reassuring, but not enough. Nor are good intentions. The public clearly demands that major institutions affecting the public well-being be accountable to society, and foundations are no exceptions.

But governmental regulations is not the sole path to accountability, and a thick web of governmental guidelines and restrictions can impair the very flexibility and freedom of action that enable foundations and other voluntary and private philanthropic agencies to respond to changed conditions and needs.

The basic ingredients of a balanced system of accountability, it seems to me, are already at hand. For the government's part, laws to prevent abuses are already on the books. That they have not been sufficiently enforced is a defect that some of us are proposing be remedied by a foundation registration fee earmarked for full and continuing implementation; it would also apply to the necessary new abuse-related provisions. Outside the government, channels of accountability exist, despite the myth that foundations are untouchable. Let me cite a few of the major ones:

The majority of the leading foundations that account for the preponderant resources in the field recognize large public responsibilities, and many go well beyond the legislative requirements of reporting and public disclosure of their activities.

Furthermore, they have broad-based boards of trustees—men and women of unquestioned dedication to public service and enviable records of judgment and accomplishment. The presence on the boards of foundations of such trustees constitutes a powerful assurance that foundations will act responsibly and will be accountable in the broadest sense to American society.

Foundations are also open to review by the press.

Their performance also undergoes continuing "market evaluation" by academic and community institutions that cooperate with them. These beneficiaries are more objective than one might assume. Since foundation funds are rarely the major support for their ongoing needs, they are colleagues of the foundations rather than patrons and wards. Their collaboration is testimony to the worth of foundation programs for, in accepting their funds, they commit to them their own reputations and some of their own resources.

Finally, Congress does have and has exercised, since 1915, the right to inquiry into activities of foundations.

Altogether, the full exercise of the governmental and marketplace channels will insure that private foundations are accountable to the public for their behavior and performance to an extent fully equal to any other part of the private sector.

H. The responsibility of individual citizens

Despite my preoccupation with the dangers in some of the proposals before you, I want to state my firm conviction that the scrutiny under which the Congress and the Treasury have placed foundations has been salutary.

This has been a sobering and significant chapter in the history of private foundations. It is a vivid illustration of the principle that even institutions of great value to society must constantly review their responsibilities and examine their distant borders to insure that corrosive incursions are not under way.

I close by urging that you adopt those parts of the Bill that are directed toward crippling and preventing abuses, such as self-dealing or inadequate returns to charity, which undermine the public's trust in private foundations, and that you eliminate those measures, such as the tax and the program limitations, which would vitiate the capacity of the foundations to continue their productive service to the American people. This is a plea not for private privilege or for the preservation of any single institution, but rather for the reaffirmation of the responsibility which each individual American citizen ought to feel and bear for the continuing welfare of his country, the responsibility to give and to act voluntarily, and not only in response to the compulsion of laws.

SUMMARY OF STATEMENT OF J. IRWIN MILLER

A. The role of foundations as seen by a foundation leader

1. Foundation facts and accomplishments:

(a) Facts

1. Foundations constitute 8 per cent of total philanthropy.

2. Annual foundation giving is $1.5 billion, or 7½ per cent of the total assets of foundations.

3. There are 22,000 foundations, of which only a few hundred are the standard setters.

(b) Accomplishments

1. Pioneering roles, for example support by foundations for Dr. Jonas Salk and Dr. Robert Goddard.

2. Strengthening education and educational research.

3. Anticipating social and international problems.

4. Supporting development of writers, artists, and scholars.

5. Health, scientific and population research and programs.

2. Responsibility of Congress and public to examine foundations

(a) Foundations operate under public trust.

(b) Foundations inevitably are found to raise questions, doubt and controversy.

(c) Periodic examination of foundations by Congress and the public are both good and essential.

3. Proposed tax on foundations is inconsistent with purpose of tax exemption.

4. Proposed measures to curb fiscal abuses are good, and are supported by most foundations.

5. Proposed limitations on programs are unwise in that they attempt to eliminate "bad judgments" and in doing so allow for only the most bland kinds of activities by foundations.

6. The tax and program limitations act as a signal to discourage private philanthropy.

7. Foundations are in fact accountable to the public under existing conditions.

(a) Existing law (if fully enforced);

(b) Public disclosure and the press;

(c) Broad-based boards of trustees;

(d) "Market evaluation" by foundation recipients; and

(e) Congressional inquiry.

8. Each individual American citizen ought to feel and bear the responsibility to give and to act voluntarily on behalf of the continuing welfare of his country—and not only in response to the compulsion of laws.

STATEMENT OF HERMAN B. WELLS

I appreciate the opportunity to appear before this committee. I appear here in the hope that the recounting of my experience with foundations will be useful to the members of the committee as they consider the provisions of H.R. 13270 relating to private foundations.

I speak for no one but myself. Nevertheless, I believe that my views are held generally by presidents of American colleges and universities and members of collegiate faculties.

As former President and now Chancellor of Indiana University, as a current member of the Boards of Earlham College, Howard University, and Indiana Institute of Technology, of the Malpas Scholarship Board of DePauw University and of the Board of Visitors of Tulane University, I wish to express my profound concern about the proposed tax on the investment income of foundations, because I believe that a substantial adverse impact on higher education would result from it.

As you are undoubtedly aware, in the last few decades higher education has had to respond to the need for educating as many qualified youth as possible, for sharing the talents of its academic personnel, and for facilitating investigation and experimentation. Yet, in making this response, colleges and universities have inevitably become involved in its consequences. Scholarships and fellowships, new facilities and equipment, larger academic staffs, and special provisions for research, all have to be secured. Inflation and campus growth have magnified the problem.

We educators are grateful to Congress for the role it has played in providing colleges and universities with the means to respond. But, in candor, I must attribute much of the early and continuing support to the indispensable role of the private foundations. These foundations have performed a remarkable service of aid with scholarships and fellowships, grants to scholars, implementation of innovative programs, faculty salary supplements, facility and equipment subsidies, underwriting of conferences, incentive grants for private giving, encouragement of comprehensive evaluations and investigations—the list is much too long to detail. Parenthetically, I would point out that this role has in some measure relieved taxpayers of the need to support activities that would otherwise have required tax funds to conduct.

I have included in an appendix to this statement several representative illustrations of projects with which I am especially familiar that could not have been realized without the support of private foundations. The results have had an effect far beyond the campus and the state involved and will have an influence long past the present time.

A. The proposed tax as critical to foundation recipients

When new knowledge, improved methods, and extended opportunities for our youth are at stake, there are no ascertainable limits to need. Therefore, I find the threat of a reduction by taxation of the funding available to higher education very disturbing. I would be concerned even if assured that the taxable percentage would never be increased—an unlikely contingency. For the deflection of any income, relatively small though it may be, from its anticipated use at higher education's frontiers in this time of discovery and widening possibilities would be an ill-afforded move. Moreover, the germinal small grant has time and again proved so effective that it would be misleading to suppose that a small reduction of funds is of negligible concern to educators. The approximately $65 million which would be realized by the proposed tax in the first year are not critical to the Federal government nor to foundations. They are critical to foundation recipients.

Indeed, the proposition that an organization wholly devoted to opening new paths and encouraging experimentation for the ultimate benefit of society has an obligation to support the government in *its* services bears a nagging resemblance to robbing Peter to pay Paul. Ironically, a portion of the funds that might have been available for grants would of necessity be swallowed up by the mechanics involved in taxation.

There is a real crisis in the financing of higher education, as you are undoubtedly aware. It will not be lessened by diminishing the ability of foundations to contribute to

educational income. A tax on the foundations will inevitably have this effect and, in fact, will increase the pressure on government to provide additional financing.

The motivation for such legislation seems to be, at least in part, a desire to eliminate abuse of privileges heretofore granted foundations. If a few students cheat on examinations, you would neither expect nor desire us to levy a fine on all students. Rather than dealing with the problem, an action of this sort quite clearly punishes the innocent without providing a distinguishable deterrent for the guilty. Legislation like the Prohibition Amendment which raises a barrier against a problem instead of treating the problem merely induced new forms of abuse. From my observation it seems to me that most foundations have an excellent record and that their staffs have been conscientious in their commitment to the public interest.

An abuse that has been often mentioned is the use of foundations as shelters from taxation. It has been my experience that most rich philanthropists are very ethical in making their gifts, careful always to seek no improper tax advantage. A single dramatic example will make the point.

Indiana University has a magnificent rare book collection which serves not only the immediate University community but scholars from coast to coast and throughout the world. Its core is the personal collection of the late J. K. Lilly and its development has been supported by generous annual grants from the Lilly Endowment.

When Mr. J. K. Lilly made the original gift of his collection, he instructed the appraiser to make a very conservative valuation to avoid even a suspicion of inflated value for tax advantage. The material in Appendix A proves conclusively that the books were transferred at less than half of what they would have netted at auction. It is interesting also to note that in his collection there was a copy of the first printing of the Declaration of Independence which was given to us with a value listed at $15,000. The only copy that has come on the market since then brought $405,000.

Although some reform may in fact be necessary, it can do more harm than good if it inadvertently results in deterring or hobbling the American institution of the foundations, which has contributed immeasurably to the enhancement of life in America.

B. The provision against "influence"

There is another aspect of the proposed legislation which concerns my colleagues and me greatly. It is the absolute prohibition against a private foundation engaging in any activities intended to influence any governmental legislation. I believe it likely that the prohibition was introduced as the result of two or three projects which raised questions of improper influence and that it is aimed at preventing a repetition of such grants. But the wording has sweeping implications. Any study, any document, any project bearing upon a public issue which has a foundation subsidy could conceivably be called into question and very likely would be if its subject were controversial or its conclusions unpopular. A foundation-supported conference at Indiana University, or elsewhere, on a question of public policy could be deterred from gaining the benefits of a knowledgeable public official's views, lest his participation be interpreted as an attempt of the conference organizers to influence him in a legislative decision. The Education Commission of the States, which receives a portion of its support from foundations and which has governors and state legislators among its membership, would surely hesitate henceforth to pursue one of its main objectives, the preparation of studies on education for use by state legislatures. The Carnegie Commission on Higher Education with its staff of experts and exceptional opportunity to assemble and report data never before available would most assuredly not be engaged in this mammoth undertaking without an intent of influencing decisions of governmental bodies.

The crux of the problem is in the interpretation of "influence." As long as data made available to public officials through the activities supported by foundations are generally acceptable, no question is apt to arise. But let the facts be contra-indicative of a viewpoint supported by any group or let them weigh against one side in a controversial issue, what is to prevent that group or side from invoking the provision against "influence"? It is equally important to society that cancer be cured and that poverty be eliminated. However, because the first is non-controversial and the second controversial, they would not be treated alike as research subjects seeking funding.

I sincerely believed that this prohibition will not only penalize all foundations for a very few projects to which objection has been taken but will in fact discriminate against foundation recipients, particularly in education, in their freedom to act and report on matters of public interest. Worse, it subjects them to the not insubstantial danger that a project in the course of its execution may become liable to penalty through some turn of events or opinion.

I hope that foundations will always be free to back new, nonconforming ideas, even though an idea may seem at the moment heretical. History teaches us that today's heresy may be tomorrow's truth. The earth proved to be round and the moon accessible from earth. Man-made barriers to discovery have deterred but never downed forever the progress of a well-reasoned idea. In the end, as the wise saying goes, truth will out—and we have learned little if, in this late twentieth century, we still insist on depriving ourselves of the benefits which a later and more acceptant generation will reap from the ideas evolved in our time.

I have heard that there is some concern outside of the academic community with regard to the influence which foundations might have exerted on institutions. This is rather puzzling in view of the small portion of funding that they have supplied to the whole of any institutional budget. The multi-source funding of colleges and universities has, in practice, afforded them freedom of action, thought and experimentation.

It has been of vital importance to scholars to have a source of funding for pioneer ventures and for research that may be controversial. Let me cite a case or two in point that should give pause. When Dr. Robert H. Goddard began his research into rocketry three decades or more ago, it was the Daniel and Florence Guggenheim Foundation which was his sole backer. We have all been made aware recently of the dramatic importance of that initial research.

The freedom which foundations have to move in advance of popular opinion, to encourage a wide range of initiative, and to respond rapidly and flexibly to ideas (or, remain "relevant," in the students' term) is precisely the virtue of private philanthropy and *that* freedom must be protected.

It has been no small function of foundation support to encourage the unusual man. In the humanities, a significant example is readily found in the Guggenheim grants, directed by an Indiana University graduate. Many of our leading Indiana University scholars have had an opportunity to accelerate their development as a result of Guggenheim grants. The recognition and promotion of unusual men and ideas have been one of America's greatest assets.

Although I don't agree with the late Herbert Hoover that bureaucracy is devoid of any progressive thought, I believe as he did in free enterprise in our economy, in the organizations of our society and in the commerce of our ideas. As he said, "Ours is a voluntary society. The fabric of American life is woven around our tens of thousands of voluntary associations. That is, around our churches, our professional societies, our women's organizations, our businesses, our labor and farmers' associations—and not least our charitable institutions. That is the very nature of American life. The inspirations of progress spring from these voluntary agencies, not from bureaucracy. If these voluntary activities were to be absorbed by government bureaus, this civilization would be over. Something neither free nor noble would take its place."

American higher education—indeed, America—owes a great debt to private foundations and to the philanthropists who created them.

C. The beneficial effect of foundation grants to academic institutions

As an officer or trustee of educational institutions which have been the recipients of foundation aid, I cannot overemphasize the value it has been to them to receive the enabling grants, whether large enough to elevate the quality of the institutions or merely the little, extra amount that meant the difference between launching a project and abandoning it when almost in reach. Moreover, there is no question but what foundations have played a major role in stimulating private giving to colleges and universities. The challenge grant, which is a creative concept originated and used by foundations, has not only given the many institutions that have received such grants a new lease on life but has added a significant dividend in the form of instilling an understanding of higher education's needs among an appreciable portion of the private sector. In my experience, individuals and family foundations find pride and satisfaction in being identified with furthering educational and cultural progress. It is in the national interest as much as in every institution's interest that the incentives to voluntary support of higher education not be lessened, directly or indirectly. For many small, private colleges and universities, any dampening of the growth of philanthropic support would be critical. Because of their size they have difficulty in gaining the visibility or in meeting the qualifications necessary to attract government grants. The role of the private foundations in their support has therefore been especially vital, as is illustrated in the report of Earlham College, attached to this Statement as Appendix E.

In the last five years, my own institution has received annually an average in excess of $2.5 million in foundation grants. A variety of foundations, small and large—local, regional, and national—and numbering nearly one hundred in any single year, have made these grants. This support has had a determining role in attracting other private donations, in accelerating the training of research scholars, in encouraging students to seek advanced training who otherwise would have been unable to, and in enabling the University to be adequately equipped to accept many Federal grants for projects furthering national interests and for training students in professional fields thought to be insufficiently manned for national requirements.

To illustrate the range, generating influence, and educational significance of this funding, I shall cite a few examples from my own institution. Lilly Endowment, Inc., an Indianapolis foundation, donated $281,000 for a program to improve the teaching of American history in Indiana high schools through refresher courses for teachers. The Lilly Endowment also made a grant of $98,500 to our relatively new Program in the Study of Religion, making it possible among other things for us to appoint a scholar in the field of Old Testament and to hold a summer institute on the teaching of the Bible as literature in the public secondary schools. The same Endowment furnished $78,000 for fellowship support of

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persons whose interest lies in adult education in religious institutions. Further, the Lilly Endowment has provided substantial funds for the University to develop a program—and construct a building to house it—in the archaeology and anthropology of Hoosier and midwestern prehistory.

The Kress Foundation with a grant of $50,000 initially spurred the development of a graduate program in the history of art, which then attracted a $300,000 contribution from the Carnegie Foundation to provide fellowships, instructors, resource books, and supplies. The Carnegie Foundation also funded in the amount of $230,000 a project for improving foreign language study in Indiana high schools. Bright junior-class students are selected to spend a summer in France or Germany, after which they become pacesetters in their language classes during their senior year. Funds are raised locally to finance students who cannot afford to pay or are furnished by such sources as the Indianapolis Foundation and the Cummins Foundation. This is a clear example of a beneficial program that would probably not have been possible without foundation aid.

A Rockfeller Foundation grant enabled us to begin our current program in genetics. This support made possible the assembling of a distinguished team of research scholars and teachers which has produced that the University has become a major center for the training of Ph.D.'s in the field, many of whom have won distinction and one of whom has recently won a Nobel Prize. The assembling and its initial support were fundamental in helping us to attract and utilize money from many sources, including the Atomic Energy Commmission, the National Institute of Health, and the National Science Foundation.

The Rockefeller Foundation has continued to support for many years the work of this genetics group. Dr. Hermann Muller, one of its members and a Nobel Laureate, did epoch-making investigations in a number of directions, not the least being the establishment of a finer scientific basis for our current understanding of the hazards of radioactive fallout and other forms of radioactivity. Dr. Tracy Sonneborn has opened up an entirely new field in genetics in showing the importance of the nonchromosomal material, that is, elements other than genes, in the determination of heredity. The work of the Indiana team has far-flung significance, not only for plant and animal improvement, including corn and other grains, but also the betterment of human health.

At the other end of the spectrum, the Rockefeller Foundation has helped subsidize a strong Latin American music program in the I.U. School of Music.

The pioneering research of Dr. Leslie Freeman in the degeneration and regeneration of the central nervous system, with findings vital to the treatment of paraplegia resulting from war or other injury, received the steady support of the John A. Hartford Foundation to the accumulated extent of $700,000. The Regenstrief Foundation of Indianapolis has contributed $272,176 to research in health care.

In another area, the Kellogg Foundation has contributed $344,840 to provide for the distribution of programs from the film library at Indiana University to educational television stations.

The University programs funded by the Ford Foundation have been many and diverse. I shall cite only a few examples. Through a $742,000 grant, the School of Education developed a teacher education program combining theory, methods, simulation, practice in the use of closed circuit television and sequentially-ordered laboratory experiences with children, all culminating in a semester of paid "interteaching" and a master's degrees. A project for encouragement of Non-Western studies in Indiana colleges, explained briefly in Appendix B, was instituted with the help of a $200,000 grant. The I. U. School of Business was enabled by a grant of $150,000 to assist Texas Southern University in developing the curriculum and strengthening the faculty of its School of Business to the extent that it became the first in a predominately-Negro university to be accredited by the American Association of Collegiate Schools of Business.

Also funded by Ford, the Indiana Language Program for improving the teaching of languages in high schools (described in Appendix B) has been a remarkably successful project, justifying the $1 million in grants which have made it possible. A timely research program, designed to develop and test a practical system of low-cost tutoring as a supplement to classroom instruction, produced results through the aid of a $368,920 grant which have received immediate application in the Indianapolis school system.

The grants which have been most far-reaching in their effectiveness, increasing greatly your strength, capabilities and quality in international areas, were those made by the Ford Foundation in 1961 and 1965 in support of research in the problems of international and human resources development, and of the University's graduate programs in international business and in the following foreign areas: Russia and East Europe, Western Europe, the Far East, the Near East, Africa and Latin America (See Appendix C). Totaling in all some $5.3 million, the largest portion of these grants has been devoted to the support of doctoral candidates, whose training will inevitably benefit numbers of others. Faculty research is a second, important purpose served by the grants. Also, salaries of certain new faculty members have been paid from the grants in whole or in part for periods of one to three years. A small percentage has been spent on library acquisitions. Mainly by these means Indiana University has been enabled to capitalize on potential developed initially on its own but requiring the major impetus of private funding for its realization and resultant distinction.

I have had an opportunity to observe another beneficial and multiplier effect of foundation grants in my position as Chairman of the Indiana Advisory Commission on Academic Facilities. This Commission, as the members of Congress will know, administers and makes recommendations for the projects eligible for Federal assistance in funding under the Higher Education Facilities Act of 1963 as amended. A condition precedent to any type of Federal assistance is a current capability of the institution to defray a minimum of 25 per cent of the cost. This 25 per cent has had to be raised from a variety of sources: alumni, friends, local corporations, and foundations. The local financing of a large majority of these projects depended in part on foundation funds, and in one instance, the Fort Wayne Art Institute and School of Fine Arts, all of the matching money was received directly from a foundation grant. In the case of Anderson College, grants from private foundations totaling $1.48 million were added to a federal facilities grant of $1,076,251 and funds from other sources to provide a sorely-needed general classroom and administration building costing in excess of $3 million.

Sixteen private and five state-supported institutions in Indiana have participated in and benefited from the program. To date it has resulted in construction of 65 new or, in a few instances, rehabilitated structures worth $125 million with a Federal subsidy of a little over $40 million. It is estimated that these facilities will help to accommodate over 45,000 additional students. It is a demonstrable fact that the program would have been substantially less successful had it not been for the assistance of foundations. I feel sure that in each of the committee members' states the story is much like Indiana's.

I wish to emphasize that the support from private foundations to Indiana colleges and universities is pervasive and widespread. In addition to the examples I have cited, the Lilly Endowment aids fourteen Indiana private colleges with substantial annual unrestricted grants. Mr. Herman Krannert of Indianapolis and the Inland Container Corporation Foundation have given major grants for needed buildings to both private and public institutions and for vital cardiac research. In fact, the examples I could recite are legion.

I have used these illustrations from the experience of Indiana University, but other institutions with which I am familiar have similar records of aid, supplied by private foundations, which has enlarged their capabilities, enhanced their quality and elevated their horizons. At Tulane University, for instance, where I serve on the Board of Visitors, early grants from the General Education Board were basic to the development of the institutions, I have been told. In the last five years, during which I have had an opportunity to observe the benefits of contributions made by foundations to Tulane, it has received $16 million from them, including grants for medical research, faculty salaries, educational programs at both the undergraduate and graduate level, addition of faculty to the School of Medicine, support of younger faculty members, development of the natural and physical sciences, and—most importantly—as a stimulation to fund-raising which produced more than three times the amount of the challenge grant. (See Appendix D.)

Similar challenge grants from the Ford Foundation have aided four private institutions in Indiana and the Indianapolis Symphony Orchestra, closely associated with a fifth private institution, to raise urgently-needed funds. Earlham College received a $1.6 million grant and raised $5,500,981. (See Appendix E for a summary of foundation support to this important Indiana Quaker college.) To a grant of $2 million, Wabash College was able to add $5,037,302. The University of Notre Dame raised $24,880,573 in response to a challenge grant of $12 million. And DePauw University supporters have just completed a drive, meeting the challenge of a $2 million grant with a total of $7,124,665 raised.

In the last three years DePauw has received grants totaling $1.6 million from 28 foundations to be used in matching a $2.396 million government facilities grant in the program to which I have already referred for the construction of a science center. Since laboratory facilities and library acquisitions are often difficult for small private universities to fund, this new center is crucial for the development of DePauw's science programs.

DePauw received aid, too, in starting two now-thriving programs; a summer graduate program in American Studies for high school teachers, initially funded by the Coe Foundation, and an African Studies program, begun through a Ford Foundation grant.

The Ford Foundation also helped with a program undertaken by DePauw to improve the humanities background of its faculty members. Through the $50,000 grant from Ford the program can now be advanced to a stage at which DePauw will be better able to handle it alone.

In these diverse ways, three different types of educational institutions—a small and a large private university and a state university—have been enabled by foundation grants to improve their ability to serve scholarship and society.

All over the world, America's system of higher education is esteemed as the best ever developed in any land. Despite all of its insufficiencies, it is the envy of the world. Our system has several well-nigh unique features that have shaped its character and contributed to its world position. They are its emphasis on applied research and public service, first stimulated by the Morrill Act establishing the land-grant colleges, the dual system of public and private support and control and the large number of institutions, making possible advanced educational opportunity for a significant portion of our American society.

Important as these are, I believe that the most important reason for this universal respect resides in what colleges and universities have been enabled to do as a result of the support of private foundations: the imaginative, creative, boundary-stretching, even revolutionary undertakings which have not only produced enormous immediate and potential benefits but have enlarged the possibilities for higher education in the future.

The face of America has been forever improved by the unique creation of philanthropic foundations that have assisted educational institutions to serve society in ways never aspired to in any other nation. Such a record deserves encouragement.

Surely a way can be found to remedy those imperfections which may have led to the proposed legislation without lessening the capability of private foundations to assist higher education in adding to that record in the future and without discouraging the patronage to be gained from the establishment of new foundations.

I earnestly hope, and urge the committee's concern, that this Bill in its final form will be free of provisions with reference to private foundations which would have a stultifying effect upon the scientific, intellectual, social, and economic progress of our country.

Americans have ever been a dynamic and daring people. Dynamism has been our outstanding characteristic, the wellspring of the America we know that has been a pace-setter for the world. Foundation grants have helped keep us dynamic and moving forward. It is not pioneering, experimentation, and hospitality to new ideas that we have to fear but an excess of caution which could invert the face of America and ultimately relegate her to the indistinction of a static society.

SUMMARY OF STATEMENT OF HERMAN B. WELLS

Detrimental effect of the proposed tax

Foundations early and continuously helped higher education with funds for scholarships (as more students without the ability to pay aspired to advanced education), with funds for facilities and equipment (*e.g.*, the expensive precision instruments of science), with grants for research (in this creative period, each new idea and each discovery opened possibilities to scholars who then sought sponsorship of their investigations), and with support of a great variety of projects, designed to advance scholarship and society's interests. Often foundations came to the rescue when no other support was available, before government undertook support. In many instances (for example, scholarships), colleges and universities would have had to seek government appropriations—thus adding to the burden on the taxpayer—had not foundations supplied the support. The results of the programs, projects and research made possible by foundations have had beneficial repercussions far beyond the campus and region and will extend long past the present time.

The contribution of foundations

Taxation of the foundations, which can have no other effect than to reduce the funds available to higher education, is a critical matter because *each* dollar—the last often more than the first—is important in launching a project, matching a grant, funding scholarships, etc. Furthermore, the size of the reduction is no measure of the potential removed by such an action. At a time of crisis in financing higher education, even the direction of such a move is disheartening. The amount that the tax would yield the Federal Government is relatively minuscule but its detrimental effect on higher education would be major. In addition, once the principle of taxing the foundations is established, there is a strong likelihood that the percentage of reduction will be increased in succeeding years.

A question arises why foundations, which already serve society, should be taxed so that government can serve society. Inevitably, the mechanics of the transfer will involve a cost which need not have been imposed between the funds and their use in the service of society.

Punishment of the abuses of a few foundations should not be visited on the many. Legislation like the Prohibition Amendment which raises a barrier against a problem instead of treating the problem merely induces new forms of abuse. From my observation it seems to me that most foundations have an excellent record and that their staffs have been conscientious in their commitment to the public interest.

The prohibition against a private foundation engaging in any activities intended to influence governmental legislation has crucial implications for higher education. Much of the scholarship undertaken in such fields as business, education and the social sciences is prompted by a desire to reduce imperfections. That is, both the fact-finding and action resulting are contemplated. Otherwise the research would be an exercise in futility. The most disturbing aspect of the prohibition is the control it threatens over the unpopular idea, the investigation of controversial issues and the concept which is ahead of the times. It is equally important to society that cancer be cured and that poverty be eliminated. However, because the first is non-controversial, they would not be treated alike as research subjects seeking funding.

Foundations are an expression of free enterprise. In their support of higher education they encourage free enterprise in ideas. They provide opportunity to the unusual man and idea. They give vital aid to the small private institution which lacks qualifications or visibility to attract government support. They have stimulated private giving to colleges and universities through such means as challenge grants. They represent an important expression of the volunteer sector. It is patent that our present store of knowledge and many of the gains which have improved our quality of life would have been unrealizable without the encouragement and support of foundations.

Institutions with which I am connected receive support from many foundations, large and small, state, regional and national. (A range of examples from different types of institutions, showing the variety of ways in which foundations have assisted higher education to perform its service to society more effectively, follows in the Appendices.)

America's system of higher education is envied by many institutions abroad because of its multiple sources of support which ensure independence of thought and action and freedom from undue influence from any source. The American foundation is one of the instrumentalities by which our independence and freedom are maintained.

APPENDIX A: APPRAISAL OF THE J. K. LILLY COLLECTION

How modest the appraisal of the J. K. Lilly collection for tax purposes was is documented by actual records of recent auction sales. Duplicates from his collection were sold by I.U. at auction at the Parke-Bernet galleries in New York City on November 8, 1962. Here is the record of five items:

	Cost	Appraisal	Selling price
No. 18, Chaucer	$17,500	$20,000	$47,500
No. 28, Copernicus	2,000	3,500	11,000
No. 34, Dalton	250	350	1,850
No. 44, Eliot Bible	4,500	7,500	10,500
No. 102, Newton	750	1,000	5,500

These items, which cost Lilly $25,000, were appraised at $32,350 and were actually sold for $76,350.

The recent Thomas Streeter sale of rare Americana contained fourteen items of which the Lilly collection has comparable copies. An analysis of these, comparing J. K. Lilly's costs, appraised for tax purposes, and prices the Streeter copies brought, was made by the Lilly librarian for the *American Book Collector* and published in its October, 1968, issue.

The fourteen items cost Lilly $24,275—the tax appraisal was $35,125. The comparable copies sold at auction in 1968 for $174,500.

The most drastic advance in prices was of the first printing of the Declaration of Independence of which only sixteen copies are recorded. Lilly's copy cost him $12,500 and was appraised for tax purposes at $15,000. A copy sold at auction in May for $404,000.

Twenty items from the Lilly collection, therefore, which cost him, during his thirty years of active collecting, $61,775, were appraised for tax purposes at $71,475 and comparable copies actually sold at public auction for $654,850.

It might further be mentioned that since its dedication in 1960 the Lilly Library has attracted as gitfs, each year, material of more than double the value of the budget allocated to it from library funds. Appraisals of such material are made by competent outside appraisers and none has ever been questioned by tax authorities.

If the original gift were to be reappraised in the light of today's market, it would be well over $10,000,000. Additional purchases made possible by grants from the Lilly Endowment and other gifts attracted by the collection have brought the total value of the Lilly Library's present holdings to approximately $25-$30 million.

APPENDIX B: STATEWIDE IMPACT IN INDIANA OF CERTAIN FOUNDATION ASSISTANCE TO INDIANA UNIVERSITY

Foundation help to institutions of higher education is crucial and unique in many ways. Our experience at Indiana University has demonstrated this in two important respects that are sometimes overlooked in assessing the value of foundation philanthropy to American education and society. For us, foundation assistance has provided, among other things, flexibility and a "multiplier effect" that are not possible with general funds from the state budget nor usually with federal grants. Indiana University has been able to develop and implement some original and exciting ideas that have influenced most of secondary and higher education throughout the state of Indiana. Two examples will illustrate this point.

First is *The Non-Western Studies Project, 1959–67:* As a result of the interest of several Indiana University faculty members and of the administrations and faculty of several Indiana private colleges, a program was developed to encourage more study of the non-Western world in undergraduate education throughout the state. An earlier survey had shown that the overwhelming majority of graduates of Indiana universities and colleges finished their education with no understanding of, or even acquaintance with, the history, cultures, and problems of the bulk of the world's population living in Asia, Africa, and Latin America. In view of the interconnected world of the last quarter of the twentieth century in which these young men and women would live, in their careers, as

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citizens, as individuals, this seemed a grievous omission in their education experience.

Over eight years, with very modest assistance from the Ford Foundation (under $200,000), the Non-Western Studies Project was able to enlist the cooperation and participation of three-fourths of Indiana's colleges and universities in order significantly to broaden both the curriculum and extracurricular activities available to most undergraduates. Using the extensive resources of Indiana University in international studies and drawing on the enthusiasm and dedication of administrators and faculty in many colleges, the Project provided over 50 faculty fellowships for training in non-Western studies here and abroad, and for redesigning courses to include non-Western materials; it also sponsored or helped arrange over a dozen faculty and student workshops, institutes, and seminars; and it assisted institutions in acquiring library and visual materials on the non-Western world.

It is difficult, of course, to measure the full impact of such a cooperative effort, but it is clear that today many Indiana undergraduates have a wider and more internationally-oriented education, one which should prepare them better for tomorrow's world.

The second example is *The Indiana Language Program, 1962–70*. In the general post-Sputnik atmosphere there was national concern about American deficiencies in the study of foreign languages. Nowhere was this felt more keenly than in Indiana, where despite the University's international renown in linguistics and in language and area studies, the elementary and secondary schools of the state were providing very limited and often totally inadequate instruction in foreign languages. Determined to close this gap and in hopes of providing a model of what could be done in one state, Indiana University developed a comprehensive program to improve the teaching of foreign languages throughout the state. Drawing on the University's extensive resources in this field and on its earlier initiative in appointing a full-time School Coordinator for Foreign Languages, the Indiana Language Program, with the assistance of just over one million dollars from the Ford Foundation, has sponsored intensive institutes for teachers, the retraining of Cuban refugees as Spanish teachers, a scholarship incentive program for young people interested in careers in foreign languages (including such difficult but crucial languages as Arabic, Chinese, and Japanese), study abroad opportunities for Indiana foreign language teachers, publications useful to students and teachers, and encouragement and guidance on language programs in the schools, including those in elementary schools.

Again, it is difficult to judge the long-run impact of such a program. It has, however, drawn nation-wide attention, study, and emulation, and there is no question that this cooperative effort has radically changed the situation in the state. Whereas in 1962 there were 73 secondary schools which offered no instruction in modern foreign languages, today there are only one or two. Enrollments of secondary school students have grown between 1960 and today some seven-fold in French, nine-fold in German, four-fold in Spanish, and fifteen-fold in Russian. Students entering the University are now so well-prepared that the introductory language courses at Indiana University have had to be drastically up-graded, and hundreds of new and able teachers well-versed in the latest techniques of language instruction have been trained. Moreover, the Indiana Language Program has been able to place a number of its activities on a nearly self-supporting basis which will permit the University and cooperating schools to continue them past the expiration of the Ford grant in 1970.

In summarizing these two examples I would like to stress two points. First, the foundation assistance involved, while very small compared to the effects obtained and to the share contributed by Indiana University and the participating colleges and schools in the state, was crucial both in permitting the University to use its resources with maximum impact and in extending the benefits of these programs throughout the state of Indiana, thereby influencing the education of countless Indiana citizens most of whom had no direct contact with the University. Second, the modest sums required, which were not available from other sources, allowed the initiation of activities which are to be carried on and developed, thus continuing the process of improving education at all levels in the state.

It is apparent, I think, that in these cases the help of the Ford Foundation, building on local concern and initiative and supplementing existing institutional resources and personnel, was not only in the interests of education in Indiana but in the national interest as well.

APPENDIX C: LATIN-AMERICAN STUDIES

The $600,000 invested over a five-year period (1966–71) in Latin American Studies at Indiana University under the Ford Foundation International II Grant provides dramatic evidence of how foundation support can double and triple university potential in a particular area at a crucial moment of development.

The university initially provided certain basic investments. Special allocations built a major collection of books and manuscripts dealing with Latin America in the Lilly Rare Books Library. Recruitment of several promising faculty members also sparked interest within particular departments. It was foundation funds, however, which created the catalyst to launch the program in five major areas.

(1) Nearly one-third of the Ford grant matched by extensive funds from the university and library budget went into an impressive building program in library acquisitions.

(2) Ford funds supplemented department allocations for new faculty positions and research grants. In general, Ford funds paid the first two years' salary after which the department assumed the financial commitment. The number of faculty teaching subjects related to Latin America rose from 8, representing five departments, in 1963, to 40, representing fifteen departments, by 1969.

(3) More ample fellowships made possible from Ford funds in addition to the vastly expanded academic program enabled departments to attract topflight students with Latin American interests from all over the country into M.A. and Ph.D. programs. The number of students in such graduate studies rose from 25 in 1963 to 190 in 1969. In addition, for the first time, Indiana University was able to send promising Ph.D. candidates to the field in the summer of their second year of graduate work to map out dissertation topics. This extremely successful program resulted in considerable savings in time and money when actual dissertation research began and prepared students to compete advantageously at the national level for doctoral fellowships.

(4) Public lectures, art exhibits and music performances largely backed by Ford funds stimulated new student and community interest in Latin America. Particularly significant was the impact of Indiana University's unique Latin American Music Center, first established in 1962.

(5) Finally Ford funds enabled Indiana University to explore and open new and exciting programs for student and faculty exchanges with a variety of Latin American institutions. Among the initiatives which bore fruit were the training of economics faculty at the Andrés Bello University at Caracas, Venezuela; the student exchange programs with San Marcos and the Catholic Universities in Lima, Peru, and the National University of Rio Grande de Sul in Porto Alegre, Brazil; the exchanges with the medical faculty of Guanabara University in Rio de Janeiro; the archeological explorations established with the University of Los Andes in Colombia; the radio and television assistance program to El Salvador; and an educational assistance program in Chile.

Indiana University now produces an average of ten Ph.D.'s and forty M.A.'s each year with specialization in disciplines related to Latin America, in contrast with less than one-tenth that figure six years ago. The University now holds a front rank in terms of library resources and faculty specialists, in contrast to its virtually unknown position in 1962. In sum, the investment of Ford Foundation funds has resulted in launching a major international studies program, has encouraged Indiana University to make long-range commitments, and has established a new role for the university in this vital world area of study and cooperation.

APPENDIX D: FOUNDATION SUPPORT OF TULANE UNIVERSITY

Gifts and grants from foundations have shaped the destiny of Tulane University as much as any other single influence—the specific shape of the institution in terms of individual programs embarked upon and maintained over the years, as well as the general character of the institution. Foundation involvement with Tulane dates back to pre-World War II days when the General Education Board helped support a small and struggling institution in a variety of ways.

Between 1919 and 1939, the General Education Board made available the sum of approximately $4 million as endowment, which constituted a substantial portion of the endowment of the institution at that time. The income from the investment of these funds was devoted not only to the general support of the University but also to the support of the School of Medicine.

Other foundations which have played a significant role in Tulane's development over the years include the Ford Foundation, the Rockefeller Foundation, the Commonwealth Fund, the Sloan Fund, and many smaller but extremely important foundations. For example, the Schlieder Foundation, a locally oriented foundation, has made available to the University over the past 19 years approximately $1,700,000 for medical and other research. Likewise, the Stern Family Fund has supported Tulane generously over the years.

Certain specific grants assumed transcending importance at various stages of the development of Tulane University. For example, the General Education Board made available matching grants in 1946 and in 1951, totalling nearly $3 million, on condition that the University match those sums. This stimulated early fund-raising campaigns which otherwise may not have been embarked upon. All were successful.

The Ford Foundation endowment grants to the general support of the University and to the School of Medicine in 1957, totalling $6.2 million, made as a part of a distribution to most private institutions in the nation, gave a substantial impetus to the University at that time. The income from the investment of these funds was to be used to improve faculty salaries for ten years, at the end of which time the principal was free to be used for any institutional purpose. Tulane elected to use the principal of these funds in the further development of its educational programs.

Probably the most significant grant in the history of the institution was the Ford Challenge Grant offered in 1964. By terms of the grant, the Ford Foundation agreed to

contribute $6 million if the University would raise $12 million from private sources. Stimulated by this offer, the University set a total fund-raising goal of $24.4 million and actually raised nearly $28 million. It can be said truthfully that the stimulation of the $6 million offered by the Ford Foundation produced an additional $22 million for current operating purposes, for physical facilities, and for endowment. This program supported the endeavors of the institution to increase faculty salaries from approximately a "D" average in the AAUP grading scales to a "B" average, assisted in the provision of an urgently needed Library and also a Science Building, and provided other stimuli to the forward movement of the institution.

Shortly after World War II, several Carnegie Corporation grants, followed by a General Education Board grant of $1 million, enabled the institution to greatly accelerate the development of its graduate program. The production of Ph. D.'s has increased from a few in 1946 to 119 this year. This has been of inestimable significance not only to this immediate region but to the whole nation as well.

A Ford grant of $500,000 enabled the University to develop a Latin American Studies Program, which has contributed greatly to the educational advancement of our neighbors to the south.

The Commonwealth Fund has provided grants to the School of Medicine which have been of tremendous significance in the development of that institution. A grant made in the 1950's of $750,000 on a matching basis permitted the institution to add $1.5 million to its spending level, primarily for faculty and faculty salaries. In recent years two large planning grants from the same foundation have assisted the faculty of the School of Medicine in planning goals and objectives of the School and its future development.

Also of great assistance to the School of Medicine have been two grants from the Mellon Foundation, each in the amount of $250,000, devoted to the support of salaries of younger faculty members. The Sloan Foundation has made two grants in the amount of $250,000 for the support of science at the University. This has assisted the institution in matching larger grants from the National Science Foundation and has provided an important stimulation to the development of the natural and physical sciences.

Finally, the Rockefeller Foundation has made two grants to the institution, each in the amount of $250,000, for the support of underprivileged students. These grants have assisted Tulane in making available its educational opportunities to approximately 100 students a year, who otherwise would not have been able to afford to enroll in this institution.

In the past five years, foundation sources have provided gifts and grants of approximately $16 million.

APPENDIX E: FOUNDATION SUPPORT AT EARLHAM COLLEGE

Over the last twenty years American higher education has undergone some of the most strenuous demands in the history of the country as we have had to wrestle with large increases in enrollment, costly improvements to keep abreast of developments in the sciences, the provision of educational opportunities for the economically less advantaged segments of our society, an endless spiral of inflation, and the increasingly evident need for drastic improvement in various aspects of teaching. Earlham College, like other institutions, has had to raise large sums of money every year—beyond its normal income from student tuition and endowment return—to continue day-to-day operations. We have also had to raise large sums for capital development plus special program development support outside the normal operating budget. With all of these needs we have been given invaluable assistance by a number of general purpose, company-sponsored and family foundations. Let me give some specific illustrations:

Plant expansion

In the building of approximately eight million dollars worth of new buildings during the past twenty years Earlham College received substantial funds from Lilly Endowment of Indianapolis, the National Automatic Tool Foundation of Richmond, Indiana, the Carnation Company Foundation of Los Angeles, the Kresge Foundation of Detroit, Michigan, the Baxter Foundation of Indianapolis, and the Ford Foundation of New York.

One of the most important aspects of these foundation gifts is that they provided the "challenge" funds which enabled us to launch general fund-raising drives among our alumni and the general public. Without the stimulus of the major foundation gifts there is real doubt if we would have been able to succeed in these important expansion and campus improvement projects.

Improvement of library collections and service

As at all other institutions, Earlham must continue to work to upgrade various of its normal programs. In this connection we have had important assistance for the improvement of our library through special grants from the Given Foundation of Pittsburgh, Pennsylvania, W. K. Kellogg Foundation of Battle Creek, Michigan, Lilly Endowment of Indianapolis and the Ford Foundation of New York.

A good library is a central and tremendously important resource for any educational institution. There never seems to be enough money in the general budget to take care of the ever growing needs of libraries. Foundation support has for Earlham been of great significance in the building of the excellent library service we now have.

Science program maintenance and development

Work in the natural sciences is among the most costly aspects of the various programs of any general educational institution. The Defense Department and various other government agencies pour enormous amounts of money in the support of sciences at the large universities. The smaller undergraduate institutions—which produce a disproportionately large percentage of the undergraduates who go on in advanced study to become scientists—have considerable difficulty in attracting sufficient funds to acquire the physical facilities, equipment and staff needed to maintain a high level in research and teaching in the sciences. Though Earlham is now beginning to receive significant help from the National Science Foundation, during most of the period since the end of World War II we have been in very large measure dependent upon private foundation grants for the strengthening and enlargment of our science programs.

We are now well advanced in the planning stage of a $3,600,000 addition to our science facilities for which we have received a grant of $1,206,000 in federal funds approved by the Indiana Commission on Educational Facilities.

The new building will provide laboratory space for Chemistry and Biology. In order to make the most efficient use of building funds made available to us we are doing intensive research on mechanical facility location and access, partition location and re-location, furniture design and teaching methods.

This essential research, in which science faculty members, architects and engineers are participating, is sufficiently advanced to assure us that it will produce significant construction cost savings and a high degree of building flexibility, thus providing greater insurance against obsolescence as science knowledge multiplies.

This important investment in educational improvement and obsolescence insurance was financed by grants from the Esso Education Foundation of New York and the Alcoa Foundation of Pittsburgh, together with valuable technical assistance from the Educational Facilities Laboratory, a subsidiary of the Ford Foundation.

We expect the research to be of such significance that one or more of the findings will be incorporated in the construction of science laboratories for colleges and secondary schools throughout the country, a fact which may produce meaningful savings for both the public and private sectors of education.

And because the general purpose foundations particularly are attracted by projects which have a multiplier effect, we are optimistic about major foundation support for our science building program.

Specific additional assistance with financing science projects has come to Earlham from the Kettering Foundation of Dayton, Ohio, Lubrizol Foundation of Cleveland, Research Corporation (a foundation) of New York, the Shell Companies Foundation, the Smith, Kline and French Foundation of Philadelphia.

Special projects in the national interest

From time to time the Federal Government establishes very clear educational objectives to serve the vital interests of the country. In some cases the serving of these special national interests are assisted by federal grants and contracts. Rarely, however, is such government funding complete. Moreover, most of these tax monies will have traditionally been allocated to large universities. Most of the smaller undergraduate institutions like Earlham have to secure much of their funding for such projects from private sources. Foundations have played an essential role for Earlham in the funding of two types of programs for which the United States government has given urgent encouragement.

a. *Education of the Disadvantaged*. In order to carry its share of the load in dealing with the education needs of lower income families Earlham has had invaluable assistance from the Rockefeller Foundation of New York and the Cummins Engine Company Foundation and the foundations associated with it, of Columbus, Indiana.

b. *International Education, Particularly Dealing with So-Called Non-Western World*. Earlham has been able to develop a very extensive program of international education—including study abroad programs in a number of countries and a special program in Asian studies, including the teaching of Japanese language—through grants received from the Ford Foundation of New York, Lilly Endowment of Indianapolis, and the Watumull Foundation of Honolulu.

c. *Urban and Rural Development Programs*. Assistance with special programs in the fields of sociology, political science, and economics have been given by the Schwarzhaupt Foundation and the Seasongood Good Government Foundation of Cincinnati.

General Educational Improvement. Innovation and experimentation in education—like research and development in industry—are essential if colleges and universities are to avoid stagnation and death. Earlham College has during the last twenty years been able to strengthen its educational contribution enormously through vigorous new developments in new methods of teaching in English, chemistry, psychology, physics, biology, mathematics and several other fields. Substantial assistance, without which most of the projects could not have been attempted, have been provided to Earlham by such foundations as Carnegie Foundation of New York, the Danforth Foundation, the Esso Education Foundation, Lilly Endowment.

Normal Current Operating Expenses. Without very substantial private contributions

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our independent colleges and universities would disappear from the American education scene, and a very much greater burden would thereby fall upon the state and federal governments to provide substitute educational services through the public institutions. Here the role of private foundations has been of enormous importance to Earlham College and continues to be year after year. Among the foundations which have been conspicuously significant for Earlham in meeting these ongoing needs are such foundations as the following: Conway Scholarship Foundation, the Doan Foundation, Lilly Endowment, the Charles E. Merrill Trust, Standard Oil Company Foundation of Indiana, The McGregor Fund, and literally scores of other less well known foundations attached to a variety of business concerns and families.

During our fiscal year ending June 30, 1969, foundations provided 27.3 per cent of our gift income applicable to the current operating budget.

In the preceding ten years foundations provided $850,000, which we utilized for budget balancing purposes, 26.2 per cent of our unrestricted gift income for the period.

The contributions of foundations, particularly general purpose foundations, to our overall gift income, that is both designated and undesignated, add up to an even more impressive figure.

During the ten years ending June 30, 1968, Earlham received foundation grants of $5,710,667, equivalent of 31.2 per cent of total gift income for the period.

Thus it is apparent that any measure which will inhibit the giving of foundations or will divert any significant portion of foundation income will have a direct impact on the financial health of private educational institutions.

I want to emphasize that the leadership role of foundations in providing diverse types of support for Earlham College has been absolutely indispensable in our survival and in our continued growth and improvement. Most important has been the "challenge" and catalytic effect which foundation gifts have provided in stimulating other gifts from other types of private donors. We would earnestly hope that every encouragement would be given to the expansion of the legitimate role of foundations in helping to finance American higher education.

AIR POLLUTION CONTROL

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. CARTER. Mr. Speaker, I am including in the RECORD today a proposal for air pollution control developed by the University of Louisville Institute of Industrial Research, of which Dr. I. W. Tucker is the director. This report was first published on November 14, 1967.

I regret that the Federal Air Pollution Control Board only this year had published a report similar in nature to that of the University of Louisville. It seems there has been too much vacillation on the part of the Federal Government.

Polluted air in our cities and, in fact, throughout our country causes human, animal, and plant disease. There is no question but that pollutants from the exhausts of automobiles, particularly the hydrocarbons and nitrous oxides, cause bronchitis, emphysema, and lung cancer. It is necessary that these pollutants be controlled as well as those being emitted by smoke stacks of industrial plants.

I wish to commend Dr. Tucker and the Institute of Industrial Research of the University of Louisville for their report.

The material follows:

PROPOSAL FOR AIR POLLUTION CONTROL

INTRODUCTION

This proposal is to assist and participate with the Louisville-Jefferson County Air Pollution Control Board in expanding and supplementing its present monitor and control program. In addition, the University of Louisville Institute of Industrial Research's role with Louisville-Jefferson County is to be the basis of including in its effort the adjacent areas consisting of all or parts of Clark and Floyd Counties, and possibly others.

Whereas solid and water pollutants are fixed or confined geographically, the air is not subject to significant confinement or regular flow pattern except to a variable extent by topography and climate. Geographical boundaries are, therefore, of no significance in studying the material balance and flow pattern of air pollutants. Ideally, we can find some physically defined area which, by reference to topography, pollution sources, and population, provides a discrete unit for evaluating the various contributors to air contamination, and their impact on the exposure of the population to their effects.

In the preparation of the proposal which follows, reference is made to Louisville-Jefferson County and surrounding areas. This is taken as roughly that defined by the hills and knobs west of New Albany and extending thence to the northeast. On the Kentucky side of the Ohio River, south of New Albany, and running somewhat to the South and East, there is a less well-defined series of hills. Together, these elevated sections are roughly a hemicircle defining the western boundary of what we chose to call the Falls City Air Shed. Since there is no correspondingly well-defined physical boundary to the east, it will require some additional study to arrive at a decision regarding the eastern extremity of the Shed.

For purposes of seeking support for the overall proposal, it is tentatively assumed that Louisville-Jefferson County will assist in that portion of the effort specific within its boundaries and that adjacent political areas may do likewise. Broad spectrum support for the effort without regard for internal political boundaries would be highly desirable and would probably be effective in attracting enthusiastic government support.

BACKGROUND OF THE PROPOSAL

Air pollution in the Louisville-Jefferson County and surrounding areas, to the best of our current knowledge, has reached a level where further corrective action is at least highly desirable, if not imperative. To bring this pollution under control is a sizeable task for the community, as well as industry. With the continued growth of the area, however, there is no alternative to imposing conditions and restrictions, based upon appropriate data, that will significantly reduce the effluent being discharged into our community air mass.

In the Louisville-Jefferson County area, there are hundreds of contributors to air pollution, many of an intermittent or variable nature. The precise contribution of each of these to the variety of individual pollutants and their geographic and time distribution, while impossible to determine with any precision, can nevertheless be effectively represented on a statistical basis. Isolated sampling at limited locations, although useful for defining localized problems, are insufficient for making the broad-gage determination of the overall corrective action needed, and a wider representation of the average area situation is needed upon which to base a comprehensive and equitable corrective program.

The determination of specific control action to be taken must be based primarily on estimates of individual facility (or groups of facilities) emission, but this, to be equitable must be tempered with numerous other factors. Just as it would be unfair to limit the trash from a multi-family apartment to the same amount permitted a single dwelling, so also a large industrial installation can never be expected to reduce its pollutants to the level of much smaller operations. It has to be recognized, also, that each pollution source is subject to dilution and dispersion, and that this varies with the type of pollutant exhaust system as well as atmospheric conditions. Even a minor contributor to total pollution will, under certain conditions and in its immediate vicinity, result in pollution levels regarded as excessive for an urban settlement. In the same manner, a large industrial facility should be afforded the consideration of a normal atmospheric condition which provides a degree of dispersion and dilution of its effluent which should be taken into account in assessing the extent of its contribution to the total area air pollution problem.

While the air pollution level of every occupied section of our area is of concern, allowance must be made for these sections directly adjacent to large industry which almost always will be more polluted than the main (90%) residential areas. While it will be an ultimate aim to have the whole area meet minimum standards, it would be unrealistic to expect to solve the whole problem at once. Sure and steady progress through concentration on the overall area problem should be the sustained objective, proceeding to the correction of isolated situations, only when acutely critical or not otherwise resolved by broad gage action.

To properly represent the air pollution level of Louisville-Jefferson County or the area covered by the Metropolitan Council of Government and provide the basis of demanding corrective action, truly representative sampling and analysis of pollutants is essential. The present dispute over whether Louisville air is, or is not, among the 20 having the highest level of pollution can only be resolved by "representative" sampling and analysis. The real basis of the controversy seems to be that each claim is based upon "isolated" sampling using different techniques and definitions.

Isolated sampling, whether from the point of time or location, is inadequate for imposing more general effluent restrictions. In every situation, furthermore, allowance must be made for a unique set of conditions at any instant combining to give an unusually high (or low) pollution level. Since the health impact of air pollution no doubt is a time and concentration of exposure effect, it is really the time average of the pollution level which is of greatest concern. Short exposures of an "excess" of a pollutant, will, it may be assumed, be no worse than lesser amounts for longer times. "Excess" in this context is intended to be something less than what we would in general terms call an acutely dangerous high level of pollutants. It is not unrealistic, therefore, to reply on average data statistically weighted for time, location, and the amount of pollution.

Corrective regulations and action should be planned in accordance with an equitable set of standards that takes account both technical and economic feasibility. Every individual in the metropolitan complex should be expected and required, if necessary, to cooperate in fair proportion to his ability to contribute to improved air quality.

While it is obviously impossible to operate a large commercial installation at the same low levels of total emission as a similar smaller operation, each should nevertheless fairly be expected to do his proportionate share. Aside from all other considerations, however, the primary criteria for corrective regulations and action must be the possibility of realizing measurable reduction of pollution when and where necessary or desired. This might be the imposition of regulations and controls on the operation of single plants or single industries, or any combination of plants, large or small, or even residences.

OBJECTIVES OF THE PROGRAM PROPOSED

This proposal is to develop data on air pollution necessary and useful for enforcing present regulations and developing possible additional restrictions on pollutant emission in the area.

The further improvement of air quality over Louisville-Jefferson County as well as the larger area represented by the Metropolitan Council of Governments (Falls City Air Shed) is highly desirable and, in the opinion of some, essential. While opinions on the seriousness of existing pollution levels and the resulting health or other hazards may differ, a sound program of pollution abatement is widely accepted as a worthwhile objective. Beyond the control of air quality to minimum standards, it should also be the aim to eliminate any contribution to pollution where reasonable and feasible.

The aim of pollution control in the area for which data is to be collected is to be twofold:

(1) Reduction of the average level of pollution on a daily, weekly, monthly, and annual basis.

(2) Elimination of acute short-term pollution situations where all or a significant portion of our population is subject to a recognized excess of pollutants.

The two objectives are allowed for in the technical proposal, providing for geographically representative sampling and data collection on a continuous basis. The reduction of the average pollution will, to some extent, reduce, but not eliminate the possibility of an acute situation developing. To further provide for the elimination of temporary excess pollution level, it is planned to develop data and data processing methods that will anticipate such possibilities and indicate corrective action necessary to prevent the pollution excess from developing.

It will be the further aim of this project to determine the minimum amount of monitoring essential for air quality control on a continuing basis. At the conclusion of the project, an efficient low-cost monitor schedule should be available for continued surveillance.

Monitoring is planned for multiple locations that will effectively represent, concurrently, air pollution levels to which the mass of the area population is subjected. Additional monitoring will be carried out at appropriate locations to effectively determine the condition of the air flowing into the Falls City area before the local introduction of pollutants. While it is expected that the major pollution problem is of local origin, it is considered important to make this determination and recognize our inability at present to cope with pollution of remote origin. With this measurement of wholly local emissions, the question of our individual contributors can be viewed in proper perspective.

Considerable data has been, and continues to be, collected which will be useful in assigning responsibility for local pollution sources. Until this information is examined in detail, there is no way of knowing what additional data on emission is needed. There is no doubt that some further sampling and analysis of these pollution sources is necessary and is allowed for in the proposal.

With the data developed through the program outlined, a sustained effort can be made for specific reduction of effluent by all contributors individually and collectively. There is little doubt that industry cooperation will be the fullest where the immediate prospect of imposed restrictions is the alternative. Where corrective measures are not technically and economically feasible, reasonable assurances should be given that diligent effort is being made to develop acceptable alternates. Where exception is made, this should provide for a periodic review of the situation.

TECHNICAL PROGRAM

One fixed installation is to be provided at the University of Louisville Institute of Industrial Research building. This will be fully equipped for the determination of particulate matter, sulfur dioxide, hydrocarbons, ozone, and oxides of nitrogen. Equipment will be obtained for determining particulate matter and sulfur dioxide at four other temporary or mobile locations. This will provide for simultaneous monitoring at all locations within the SHED area or any portion of it.

While these two pollutants would be emphasized, provision is made for elective determination of any of the other pollutants at any of the temporary stations.

Data as collected from fixed and mobile stations to be of greatest value will be accumulated in a form providing convenient access and allow for the inclusion of weather, time, industrial activity, and other related information. For this purpose, a computerized system is to be used (developed if necessary) so that all data can be tabulated in whatever form desired. This computerized monitoring data also will be prepared in a manner that will be compatible with the development and storage of information on particulate and gaseous pollution emission sources. By this means, individual or multiple plant source restrictive action can be programmed in relation to monitor information.

Emission data will be developed with the view of positive identification of the major contributors to the pollution level at each monitor station. The purpose of this will be to document the need for control action under current criteria and also to indicate the need for developing additional and more restrictive criteria. Aside from merely holding pollution below some established tolerance, it will be our aim to project the means of holding contamination to the lowest possible level.

Whereas at present the precise health significance of sub-acute levels of pollutants may be nebulous, it can be expected that through medical research, knowledge of this subject will be expanded considerably in the near future. Data to be developed in this study will be available for the guidance of local health personnel interested in the pattern of respiratory ailments in relation to geographic pollution patterns.

THE ECONOMICS OF EXCELLENCE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, October 14, 1969

Mr. JAVITS. Mr. President, I have long been concerned about a burgeoning health crisis—evidenced by skyrocketing health costs and exacerbated by marked shortages of doctors and other health personnel, and in many cases by seriously inadequate, obsolete, and outmoded health facilities—which threatens to deny adequate care to growing numbers of Americans.

A thoughtful analysis of the economics involved in rendering quality health care and the role of the teaching hospital in providing excellence in health care is set forth by Dr. David Pomrinse, vice president of the Mount Sinai Medical Center and director of the Mount Sinai Hospital in New York, a large teaching hospital in a university-affiliated medical center, in his testimony entitled "The Economics of Excellence" before the Joint Legislative—LENT—Committee, New York, hearings on medicaid, public health, and related problems of health and hospital insurance.

I commend the reading of Dr. Pomrinse's approach to some of the questions of economics involved in hospital administration to Senators and ask unanimous consent that his testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

THE ECONOMICS OF EXCELLENCE

(By S. David Pomrinse, M.D.)

I am Dr. David Pomrinse. I am a Vice President of the Mount Sinai Medical Center and Director of the Mount Sinai Hospital in New York. Mount Sinai is a large teaching hospital in a University affiliated Medical Center. It is concerning the effects on this type of hospital of current proposals for implementing Chapter 957, Laws of 1969, New York State, that I address this Committee.

Teaching hospitals, even more than any other, are traditionally committed to excellence: excellence in patient care, in medical education and in research. The reason for this commitment is easily understood. They have always been the fountainhead of the best and the newest and the safest in medical care and treatment. If the new doctors of today, and the still newer ones of tomorrow are to learn the best ways to keep the nation healthy, this learning must take place in our teaching hospitals. And it does. Throughout the long history of medicine, the teaching hospital—or its equivalent—has always led the way to excellence in the care of the sick, in the training of new doctors, and in the enrichment of medical knowledge.

Concerning the latter, I would like to point out that the art and science of medicine have been developing steadily for many centuries since the days of Hippocrates and Galen. If, at any stage during that long unfolding, Society had proscribed the exploration of new medical territories by the hospitals and physicians of the day, then that stage is precisely where medical progress would have stopped. If these hospitals and these early doctors had not constantly sought newer and better methods of health care, then, naturally, we would treat patients today as they did decades and centuries ago. We would still resign ourselves to mothers dying of childbed fever, babies dying from the trauma of birth itself, and people of all ages dying, needlessly, from eliminable infection.

For more than a century, The Mount Sinai Hospital has enjoyed a reputation for excellence in each of these areas; the care of patients who come to us; the medical education of thousands of young interns and residents who will be tomorrow's doctors; and the constant search for ever better ways to do what we do.

There is a price that must be paid for this excellence. There is an immutable law at work. If Mount Sinai, and other great voluntary hospitals like it continue to excel in these fields, they will continue to attract young doctors and old doctors of great skill and dedication who, in their turn, will make their contribution to medicine—and the nation will benefit. Conversely, if we adopt lesser standards—whether by a decrease in our own commitment to ex-

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cellence, or by a drying-up of the funds that make this kind of medicine possible in our industrial society—then the trend will, irresistibly, reverse itself. Superior men and women will go elsewhere or will have nowhere to go. Mediocrity of skills and talents and dedication will beget mediocrity of care and treatment, and these great hospitals will end up as little more than gargantuan first-aid stations—and the health of the nation will suffer. I do not exaggerate. As elsewhere in life, it is impossible to stand still in medicine. We will either continue our steady advance or we will slide backward. We know which we want to do. It will have to be a decision by the people—through their legislature—that will force us to reverse our historic course.

And now, it seems, we are at the brink of such a reversal. . . .

Hospitals have been asked to reduce their costs. We have been called inefficient. The idea seems to be in the air that good medicine—the kind that does the best it knows how to do to prevent illness, to cure what it cannot prevent, and to save a life that is in danger—that this kind of medicine can be discounted and can be bought with fewer and fewer dollars.

The decision to cut back on reimbursements to our hospitals in the hope of getting, or forcing, hospitals to reduce their expenses, is a decision that, of course, lies within the power of the people to make. I want to use my remaining time to spell out for this Committee, and for all the people, exactly what such a decision entails. For them, for their children, and for tomorrow's generations.

It has been charged that Hospitals are inefficient and, worse, that we are inefficient with public monies. This charge of inefficiency is levelled at us, obviously, by well-meaning people who look at prevailing industrial practices in this country and then look at hospitals, and who seem to see incomprehensible differences. Differences that should be eliminated so that hospital administration can be "brought into line" with that of successful, profit-making industry. Let's examine this charge.

First, we admit, freely, and proudly, that—by "industrial" standards—we are inefficient. Blessedly and wonderfully inefficient. It is obviously inefficient utilization of space, manpower and facilities to keep our large Emergency Division open 24 hours a day, 7 days a week. Sometimes hours go by when we don't have a real true emergency in the place. If you would have us cease and desist this inefficient practice, you must tell us.

It is inefficient to pay employees for sleeping in their own beds at home. Even if they are highly skilled professionals who are on 24-hour call to be in the operating room on moments' notice to save the life of somebody's parent or child.

We have an emergency, life saving procedure at Mount Sinai. We call it Team 700. It is jammed with inefficiencies. These teams are composed of doctors, nurses and technicians. When the Team 700 alarm sounds, it means there is a case of cardiac arrest somewhere in the hospital complex. Each member drops what he or she is doing and races to the sick man and begins the work of defeating death. Unless the Team assembles and actually begins doing its highly skilled job within three minutes, irreversible brain damage ensues, and possibly, loss of life. To help these teams, Mount Sinai has depots of essential special life-saving equipment and supplies stashed in corridors and alcoves throughout the hospital. This is wasteful duplication. Except if the cardiac arrest happens to your son or father. Then it is not wasteful but is truly blessed efficiency.

Mount Sinai has the only operative Hyperbaric Chamber used for patient care in Greater New York. The Chamber is a 40-foot-long, thickwalled operating room where patients can be placed under several atmospheric pressures thereby greatly increasing the amount of life-giving oxygen they can absorb. It cost three-fourths of a million dollars to install and more than $600,000 a year to run.

You may have read about our Chamber . . . helicopter landings in Central Park, dramatic savings of life and limb, etc. Perhaps it, too, is inefficient. It has not been closed down since it was installed five years ago. In those 1,800 days and nights, we have had only 450 major operations and some 400 treatments for certain medical conditions that benefit from high-pressure oxygenation.

Recently, in a neighboring hospital, a 42-year-old woman, suffering from gangrene, faced either amputation of her leg or certain death. Her physician recognized the gangrene as a special type that cannot exist in a high oxygen environment. He called and asked our cooperation in an attempt to save the woman's leg. She was placed in our Chamber for 72 hours. The spread of infection was first halted, then reversed. She made a fine recovery. And kept both her legs.

What makes Mount Sinai Mount Sinai? The New York Times last week correctly reported that there is a critical shortage of places in the city where drug addicts can go to be rehabilitated as productive members of society. They listed Mount Sinai as having, earlier this year, voluntarily begun a Methodone Maintenance Program. No state or city agency ordered us to engage in this project. No state or city agency is financing it. We started with one patient and have grown to 70 patients in just six months. It costs the hospital approximately $1,000 per patient per year. Seventy patients, seventy thousand dollars. This program is wholly supported by private monies even though there is general agreement that this type of human reclamation should receive governmental funds.

The improbably-named L-dopa program provides drug therapy and treatment for people suffering from Parkinson's disease. To the 200 patients in our L-dopa program, it represents the difference between truly hopeless invalidism—at immeasureable cost to themselves, their families and to society—and a life that permits of joy and productivity. This treatment, one of the countless gifts of the burgeoning new sub-science of chemotherapy, costs Mount Sinai about $2,000 for a patient's first year, and about $1,500 a year afterward.

Last year, Mount Sinai opened its Ames Coronary Intensive Care Unit. It is among the best of its kind available anywhere in the world. It saves lives. Where three died before, two die now. The Ames ICU has been directly responsible for saving one-third of the lives that always, until this past year, had been lost. Figures for its first year of operation show that it cost $165 a patient-day. We had 1,968 patient days. Total cost was $325,000. Very costly, you may say, and I would agree. Too costly? This is where we—and the families of those saved—may disagree. If you, the elected representatives of the people, decide that such a facility is a luxury for the people of this city and state, then you must tell us so and we will close its doors to all but the wealthy.

We do a lot of open heart surgery at Mount Sinai. The average cost per procedure is $3,200.

We have a busy renal dialysis program where human beings with kidneys that would kill them within weeks come in to have their daily blood laundered. They come in 2 or 3 times a week. As long as they continue to come, they live. They live as fathers and as daughters and as friends and as employers and employees. When they stop—or when we stop because we have run out of money—they die. The cost? About $100 a visit, or $10,000 to $15,000 a year per patient.

I have listed many areas of care and treatment at Mount Sinai. I have left out many others. Each of these areas—or all of them—can be cut back or cut out. Eliminated. If the state is going to reduce financial reimbursement to hospitals, the state must also tell us—specifically—which of these services to eliminate. The state must realize that such "cost cutting" will result, inexorably, in lower quality health care and it must tell us—and the public—in which areas of health we are to offer lower quality care . . . . which patients we are to allow to die.

I have called Mount Sinai a teaching hospital. Some of our detractors, and some legislation governing reimbursement to hospitals, have claimed that this function is not related to patient care and that, accordingly, public monies must not be used to reimburse these costs to hospitals. At Sinai, we are now training 300 young residents and interns who will be your doctors and your childrens' doctors tomorrow. I have several thoughts concerning these dedicated young men and women, that I would like to leave with you:

(1) They are expensive. In less than ten years, they have come from almost no income at all during their learning years to just under $10,000 a year. We have 300 such doctors.

(2) Because of their presence in the hospital, the quality of patient care is superior. And stays superior. Every recommended drug, every procedure, every treatment, is questioned and explained and questioned and explained until all present are satisfied that it is the very best move for the patient. Our teaching patients, accordingly, receive the finest medical care currently possible. And, because of them, the quality of care throughout the Hospital remains superior.

(3) These members of our House Staff are learning the practice of medicine. For well over one hundred years we, at Mount Sinai, have been determined that they shall learn "good" medicine. If we are forced to embark on a program of cutbacks and lowered medical standards, they will be learning what we choose to call "bad" medicine—meaning anything less than the very best we know how to do for the patient.

I would like to return now to the charge that hospitals are run inefficiently. Earlier, I temporarily accepted the label of inefficiency to dramatize the point that hospitals cannot be judged by normal business standards.

Let me hammer home that one point. A hospital is perhaps the only business in the world where the customer is automatically given the finest product available. He is not given a choice between the best, the second-best, and admittedly inferior merchandise, depending upon the state of his pocketbook. He is given the best. Period. When you buy jewelry, the jeweler can offer you a synthetic gem, a natural gem with only a few flaws, or—for many thousands of dollars—a flawless beauty. When you visit your dentist, even he can offer you a choice: porcelain cap, amalgam, or gold inlay. But when your child comes to Mount Sinai with a shattered limb, we do not say "Well, for x dollars we can give her a drug to ease her pain; for a bit more money we can rig up a simple splint and hope that the leg may rebuild and heal itself perfectly; or, for a much higher price, we will practice the kind of surgery that is indicated."

When a patient is admitted to Mount Sinai, no matter what the cause, he is given a battery of screening tests. When these tests show high blood pressure, he is launched on another series of 16 tests designed to pinpoint the cause. These tests are effective, but they cost more than $700. Would the state have us do less?

Similarly, when we spot high calcium imbalance, good medical practice indicates doing procedures costing about $250.

If the state wants us to hold back and to do less than we know how to do; if it wants these items to remain merely items on a selective menu; then it must tell us and it must tell the people of this state that it has told us.

I should point out that, under present law, there are many areas where a hospital that does less for a patient than it knows it should do is liable to prosecution for criminal negligence. And, as far as Mount Sinai is concerned, we would have it no other way.

The charge that hospitals are administered inefficiently and uneconomically is out of order and completely false. We appear to be inefficient in certain areas because there is no way to judge what is efficient and what is inefficient when human lives and limbs are at stake. Which of us can cite the dollar value of eyesight? or a pair of sound legs? Or extra years of life put back into a faulty heart or kidney? Or the slow but steady return to normalcy of a mentally disturbed loved one?

However, there is one area of our operations where we can be compared with commercial standards and practice. And judged. That area includes all the ways in which a great hospital is like a great hotel. Bed and board and laundry, et cetera. We have performed the strictest kind of cost analysis on our performance in this area and we are very proud to say that, at Mount Sinai, the average cost per patient/day for all hotel-type services, is $11.98. An additional $7.90 pays for three excellent meals each day, with a choice of up to four entrees. I remind you that each meal is served in the patient's room and more than half of them follow medically approved diets. All this for $19.38! For purposes of comparison, charges for room only at the New Yorker Hotel in this city range from $18 to $27 a day; at the Statler-Hilton, from $18 to $24; and, at the Waldorf, from $26 to $38. These hotel charges average out at $27.17 a day. Without meals. Without Room Service. Conservatively, we would have to add at least $15 a day for these services for a total of more than $40 a day. I repeat—the complete cost at Mount Sinai per patient/day for hotel-type services—including all meals—is $19.38.

I submit that, if inefficiency were characteristic of current hospital administrative practice, surely this same inefficiency would manifest itself in this area of the Hospital. Particularly in Food Service, where we employ 320 people and serve 8,000 meals a day. At an average daily cost of $7.90 for all three meals. But these figures show us to be impressively efficient! Conversely, if we can prove (as we can) that we are enviably efficient in the hotel side of hospital administration, is it not reasonable to assume that the same management will be equally efficient in our practice of medicine and the delivery of health care?

I submit that it is not, and never was, a question of efficiency or inefficiency. Instead, it is a question of how much and how excellent health care the society wants, and how much it is willing to pay for. No matter what system we follow, Society—and that means all the members of society—end up paying for the health care they want and receive. Whether it be private practice, or group practice or socialized medicine or compulsory national health insurance or Medicare or Medicaid—in the final analysis, the citizens pay the freight for the health care that we deliver to them.

To sum up: if state reimbursements to hospitals are reduced; if they are merely maintained at present levels; if, in fact, they are fixed at any level lower than hospital costs plus a reasonable factor for improvements and new programs, then this hospital and all hospitals will have to begin closing doors in the faces of suffering citizens.

Shall we, for example, deny Medicaid patients the breath of life itself in our Hyperbaric Chamber?

Shall we bar from our L-dopa program Medicaid patients victimized by Parkinson's disease?

Shall Medicaid patients be denied the prolongation of life made possible by our renal dialysis program or by the Ames Coronary Intensive Care Unit?

If our income is curtailed, first will come the abandonment of the tradition of excellence; then a program cancelled; then a clinic closed; then a pavilion; then a hospital. The state must tell us which services it wants us to discontinue, or it must make it possible, financially, for us to continue offering them.

If hospitals like Mount Sinai close their doors to Medicaid patients, these sick people will have no recourse but to try to receive treatment at the already overburdened and understaffed City hospitals.

The economics of excellent health care are simple: it is not cheap; it is not static; it is just essential.

HOUSING INDUSTRY IN A CRITICAL SITUATION

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. BLANTON. Mr. Speaker, the shortage of available mortgage funds and other forms of long term credit has brought the housing industry to the critical situation where housing starts may drop below 1 million units this year.

This decline has had a substantial impact on those industries which supply the housing field—notably ceramic tile.

Mr. Speaker, since the vast majority of ceramic tile production goes into new housing, this old established industry, consisting mostly of small independent manufacturers, has been seriously affected by this problem, which has resulted from current anti-inflation measures, such as, restrictive monetary policy. However, its vulnerability to Government induced contractions in the money market stems not only on its complete reliance on new construction, but also from the nature of its completion from abroad, which accounts for over one-third of the market.

The Japanese and now the British have engaged in predatory practices which if engaged in by our domestic manufacturers would be illegal under U.S. statutes. Most destructive of these practices is violation of our antidumping statutes. Dumping consists of sales in the United States at prices with the goal of rapid expansion of the importers share of our market. Historically, dumping drives many domestic plants out of business—followed by an increase in the price of the foreign product.

The lower price to the consumer is thus merely a device to eliminate competitors. In the long run, U.S. consumers pay the higher price and U.S. firms are destroyed.

Foreign importers stand to gain further as a result of housing market contraction, due to a shift in the nature of the type housing being built. Last year, for the first time in history, apartment units represented more than 50 percent of residential construction, and it is in apartment construction that foreign tile finds its most receptive market.

In order to aid in preserving the American tile and similar industries during this critical period, I am joining my colleagues in support of a concurrent resolution which urges adoption of policies to offset the adverse effects of these monetary restrictions on the housing market. This resolution expresses the sense of the Congress that the executive branch should take steps under the Trade Expansion Act or under its general authority to negotiate voluntary quota arrangements with foreign countries to effect such reductions in imports as are necessary until a time when restrictions are lifted and free market conditions are restored. At that time, America will need strong and viable industries to cope with the unprecedented housing boom that is projected for the years ahead.

Mr. Speaker, I am inserting in the Record at this point, an article in the Washington Post, September 24, 1969, which illustrates the seriousness of the problem in the housing industry, which has hurt the suppliers of material as well:

[From the Washington Post, Sept. 24, 1969]

ROMNEY FEARS 50 PERCENT HOUSING CUT

(By Eve Edstrom)

Housing construction could be cut in two by the end of the year, falling below one million units, Housing and Urban Development Secretary George W. Romney declared yesterday.

Romney blamed the housing crisis on the high cost of borrowed money and soaring wage rates in the building trades.

The last time the annual rate of housing starts fell below one million was in 1966 when a similar money crunch existed.

In July of this year, annual housing starts were projected at 1.3 million, down from January's 1.9 million. They could fall below one million by year's end, Romney said in response to a question at a news conference.

In listing the adverse factors affecting the housing field, Romney emphasized that the price of borrowed money has gone up by 3 percent since January, thus boosting average monthly housing payments by 30 per cent.

And in discussing the inflationary aspects of new wage contracts, he read a telegram seeking his advice on braking building trade demands in Kansas City. These demands, it was said, would amount to a 130 per cent increase in wages and fringe benefits over a three-year period.

Several proposals to retard construction costs and to alleviate the credit crunch are under consideration by the Nixon administration, Romney said. The proposals should be approved, he said, but he declined to discuss what they are.

The President's deferral of federal construction, Romney said, could increase the money available for housing and could slow down construction costs.

Romney noted that wage and price controls "don't accomplish much relief" because they amount to a "temporary action" which doesn't deal with causes.

Romney introduced Eugene A. Gulledge, president of the National Association of Homebuilders, who has been nominated to be head of the Federal Housing Administration. He has advocated government credit controls to insure an adequate supply of money for housing.

Romney announced that HUD has had an "overwhelming" response from industry to its "Operation Breakthrough" program which is designed to provide more and less costly housing.

More than 560 organizations have submitted proposals. Ten to 20 of the best proposals will be selected for construction of prototypes of housing systems, he said.

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HOUSE OF REPRESENTATIVES—*Wednesday, October 15, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong and of good courage, for it is the Lord your God who goes with you; He will not fail you nor forsake you.—Deuteronomy 31: 6.

O God, our Father, who art acquainted with all our ways and who dost love us in spite of our shortcomings, we pause in Thy presence acknowledging our dependence upon Thee and offering unto Thee once again the devotion of our hearts. Confronting problems too difficult for us to solve and face to face with fears that frustrate us, we come to Thee for wisdom to rightly interpret the signs of this troubled time, for insight to see clearly the way we should take, and for strength to do what we ought to do for the good of our Nation.

May the blessing of Thy spirit rest upon our President, our Speaker, and these men and women called to lead our country in a day like this and upon all who work with them and for them. Give to them the assurance of Thy guiding spirit and the feeling that underneath are Thine everlasting arms.

O Thou who changest not, abide with us now and forevermore. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1242. An act to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1857) entitled "An act to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Kennedy, Mr. Pell, Mr. Eagleton, Mr. Nelson, Mr. Prouty, Mr. Dominick, and Mr. Schweiker to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3016. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

MAJ. GEN. LEWIS BLAINE HERSHEY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I feel sure the majority of my colleagues will agree that the American people owe a debt of gratitude to Maj. Gen. Lewis Blaine Hershey for his outstanding service as Director of the Selective Service System for the past 21 years. He has performed in a superior manner in fulfilling his duties as administrator of our draft system. Many men of lesser character and with less determination to perform a thankless job well would have quit long ago to lead a quiet life of retirement. But being the patriotic American he is, General Hershey stayed on the job and withstood the harsh words of abuse heaped upon his head. Through times of peace and war, he sought to administer the draft in a fair and impartial manner. I personally salute General Hershey for a job well done.

SOLUTION TO VIETNAM

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, I would first like to commend the gentleman from Wisconsin (Mr. Obey) for his sensible comments which we all should support.

Mr. Speaker, starting late yesterday afternoon there has been a parade of prominent individuals, including Vice President Agnew and Governor Reagan, who have appeared before national television and news media to quote at length a letter from North Vietnamese Premier Pham Van Dong. In great glee, this letter from a Communist liar has been quoted in an attempt to discredit loyal and patriotic American citizens expressing their free and constitutional right of dissent. This letter from the leader of a nation which has massacred innocent and helpless people and tortured American prisoners is now being used by otherwise sensible Americans to try and prove that today's moratorium is giving aid and comfort to Hanoi.

Since when can we start trusting anything the North Vietnamese leaders say? Why should so much prominence be given to such an obvious piece of Communist propaganda?

I think Americans should start trusting each other, instead of being guided by or reacting to either Hanoi or Saigon. To those who shut off debate in the House of Representatives last night, and those whose heavy-handed tactics are trying to crush meaningful and peaceful debate or dissent, I say we are highly complimented that you feel our remarks are so important or influential that you are afraid to have them brought out in the greatest deliberative body in the world—the Congress of the United States. And to those who seem to be influenced by what is said or happens in Hanoi or Saigon, I ask: Is it not about time we stop allowing Hanoi or Saigon to dictate our policy and start acting for the United States of America by getting out of Vietnam?

VIETNAM

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, over the recent past we have been asked to support the President's policy on Vietnam. Is it not time we heard exactly what his policy is? Since the President has stated that he seeks to end this war and does not intend to pursue an elusive military victory, I feel the minimum steps that he can take to help achieve peace is to change completely the face of our representation in Vietnam and in Paris.

Mr. Lodge has indicated that he is tired of his role. I think we should take him at his word and a great leap forward on the road to peace could be the replacement of Mr. Lodge with a new perspective.

A second step would be to remove Ambassador Bunker, who has failed to represent properly American interests in dealing with the present Saigon regime. He is now a captive of President Thieu and has put this Nation in a position of satellite to Saigon instead of demanding cooperation and a departure from the intransigence they have exhibited.

Vice President Ky must also be removed from his post as Saigon's chief negotiator. Our Ambassador must prevail upon the Saigon government that one who is only interested in perpetuating himself in personal glory cannot truly represent the Vietnamese people in open negotiations.

This could be the beginning of a meaningful policy for President Nixon. And a change from the status quo is what the people of this Nation demand.

HANOI'S ADVICE TO AMERICAN WIVES

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, Hanoi's treatment of the brave American wives who went to seek release of their sick and wounded husbands makes any red-blooded American boil. How dare Hanoi treat our men this way? How dare they dismiss the poignant pleas of American wives by suggesting they go home and demonstrate against their Government?

Talk about cruelty and heartlessness. Yet this comes as no surprise at least to those of us who recognize communism's hatred of America for the fanaticism that it is. There is no heart there—no God there—no compassion there—no soul there. Yet thousands of Americans demonstrate today for unilateral withdrawal from a nation that we committed ourselves to protect against Hanoi's continuing attacks. Thousands, with less cause than these brave wives, demonstrate openly against the Government of the United States while it attempts to obtain a commitment to protect men who seek no aggression but merely the right of self-determination for South Vietnam.

Mr. Speaker, unilateral withdrawal without a commitment from the enemy not to continue to attack our troops is suicide. It is prelude to another Dunkirk. It is dishonorable. It cuts the heart out from under our fighting men to whom we owe the security that is ours here at home.

Those in public elective office who join in such demonstrations against the U.S. Government whatever may be their motivation are giving aid and comfort to the enemy in time of war. They are doing Hanoi's bidding without even the provocation that Hanoi sought to force on those brave wives who today and for many days to come must be alone.

SUPPORT FOR PRESIDENT NIXON ON VIETNAM

(Mr. WEICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEICKER. Mr. Speaker, last night I voted against every attempt to restrict my colleagues' expressions on the Vietnam war. Prior to that, I had announced to the people of my congressional district support of the concept of peaceful expression by the people of the United States on the searing issue of Vietnam. Within the bounds of our political institutions and respect for our fellow Americans, I stated that each individual had the very basic right and, in fact, obligation, to comment on Vietnam by doing his own thing on October 15.

Having taken these positions, I will now do my own thing by supporting President Richard Nixon in his actions to disengage U.S. forces from Vietnam.

I have never seen one human life saved by hysteria—either the hysteria of running away or the hysteria of bulling ahead in the opposite direction. In the job of saving 500,000 American lives, I wish to our President both the strength of God's guidance and the strength of a nation unified to support the completion of a new direction that he, and only he, started.

SEPTEMBER PARITY

(Mr. ZWACH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZWACH. Mr. Speaker, throughout my tenure in Congress I have worked for a rural renaissance in countryside America. One way of doing this is to improve the income of the producers.

Parity figures for the month of September 1969 dropped from an average of 75 percent in August to 74 percent in September—a drop of 1 percent. In June the average was 76 percent, up 4 percent from the January low of 72 percent. Certainly this is indicative of the serious financial crisis the farmer faces today and which affects the countryside. It is my hope, even though parity is down from the June average of 76 percent, that parity can be kept in an upward movement.

Mr. Speaker, according to my practice of inserting the farm parity from month to month, I herewith insert the recent parity for September 1969.

[In percent]

Commodity	August	September
Cotton	43	41
Wheat	43	45
Corn	69	67
Butterfat	75	75
Milk	83	81
Wool	44	43
Barley	58	60
Flax	63	60
Oats	56	58
Sorghum	69	71
Soybeans	69	63
Beet	87	83
Chicken	75	71
Eggs	70	75
Hogs	101	96
Lamb	90	88
Turkey	64	66
Average	75	74

CITIZENS OF BIRMINGHAM ELECT NEGRO COUNCILMAN

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, I continue to be impressed with the fine judgment of the people of my congressional district as witnessed by the caliber of the people whom they elect to serve them. The people of the city of Birmingham yesterday reelected by a resounding margin Birmingham's first Negro city councilman who had been appointed by the other members of the council to fill the unexpired term of a member who had passed away.

Mr. Arthur Shores, a distinguished Negro of our city, ran second in a field of approximately 20 candidates and received a vote second only to that of our distinguished and beloved councilwoman, Miss Nina Miglionico.

Mr. Shores has been prominent in city life in Birmingham for four decades, striving for unity and equal rights for all citizens, white as well as black.

The road to success has not been easy for Mr. Shores.

Although he never graduated from law school, he studied law in his spare time and passed the bar exam, thereby becoming one of the first Negro lawyers in the State of Alabama.

There can be little question of Mr. Shores' qualifications for this post.

Following his graduation from Talladega College, he taught school in Jefferson County, becoming one of the first Negro high school principals in the area.

Mr. Shores left the education field to practice law and earned admission to the Alabama bar in 1937 and was later admitted to the Supreme Court bar.

His civic activities bring him in contact with virtually every phase of community life in Birmingham where he is a member of the chamber of commerce, commissioner of the Birmingham Housing Authority, chairman of the board and president of the Birmingham Chapter of the Urban League and board member of the 18th Street YMCA as well as being a member of several fraternal organizations.

I think Mr. Shores' election says something for the record of public service for this distinguished attorney of our city, but it says something too about the people of the city of which I am extremely proud.

VIETNAM MORATORIUM UNIMPRESSIVE TO SOME

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, we are hearing again this morning of the performance in the House last night.

On leaving the House Chamber at 11 o'clock last night, we heard the chants on the Capitol Grounds and nearby streets: "Sieg Heil!" "Ho, Ho, Ho Chi-Minh!" and "Hell, No, We Won't Go!"

If last night's performance was so impressive, apparently little of it rubbed off on some people.

PERMISSION FOR SELECT LABOR SUBCOMMITTEE OF COMMITTEE ON EDUCATION AND LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Select Labor Subcommittee of the Committee on Education and Labor be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

$22.4 BILLION LESS IN SOCIAL SECURITY FUND

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, today we opened hearings before the Ways and Means Committee on social security and the President's welfare recommendations.

I want to report that an incredible thing happened. On this most important legislation, the Secretary of Health, Education, and Welfare, Mr. Robert Finch, had to limit his appearance before our committee to only 2 hours, during which he read a 38-page statement.

In response to questions from my distinguished colleague, the gentleman from Massachusetts (Mr. Burke), the Secretary admitted that he had to fly to California to make two political fundraising speeches.

It is regrettable that politics should re-

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ceive priority over the critical needs of the elderly who endeavor to survive on the present level of social security benefits.

And how about this: On page 34 of his statement before the Ways and Means Committee, Secretary Finch revealed for the first time how the Nixon administration plans to have $22.4 billion less in the social security fund at the end of fiscal year 1973 than is provided under present law. The Secretary stated:

> Under present law the cash benefit trust funds would increase from an estimated $38.7 billion at the end of the present fiscal year to about $75 billion at the end of fiscal 1973. Under the President's proposal the trust funds would reach $52.6 billion at the end of fiscal year 1973.

How can the administration defend its plan to manipulate and weaken the social security fund?

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE ON POLITICS AND SOCIAL SECURITY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague from Ohio (Mr. VANIK) and also to point out the incredible answers we received today from the Secretary of Health, Education, and Welfare and the coterie who attended the hearing.

Can Members imagine the incredible answer that it would take over 4 months to adjust the checkwriting machines to send out an increase of social security payments? What a spurious excuse. Here they are telling the elderly of this Nation, "You will have to wait through the cold months of December, January, February, and March because the computers down there cannot be adjusted."

I pointed out to them that in 1967 and 1968 it took less than 60 days to adjust those computers to send out increased payments.

They had better come up with some better answers than they gave this morning.

It was a sorry sight to see the Secretary of Health, Education, and Welfare fleeing out of the committee room, rushing out apparently to the airport, to go where he is to make some political speeches on behalf of some Republican candidates in the State of California.

Can Members imagine the Secretary of Health, Education, and Welfare admitting that it was more important for him to be in California to make political speeches than it was for him to give testimony before the House Ways and Means Committee on one of the most pressing problems of the day, the need for increases for the social security recipients?

PERSONAL ANNOUNCEMENT

Mr. HANLEY. Mr. Speaker, with regard to rollcall vote No. 221 yesterday, business of a compelling nature kept me from the floor. As a proponent of free debate, had I been present, I would have voted against the motion to adjourn. I ask unanimous consent that my position be recorded accordingly.

The SPEAKER. The gentleman's statement will appear in the RECORD.

CALL OF THE HOUSE

Mr. ANNUNZIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 225]

Adams
Anderson, Ill.
Arends
Ashley
Aspinall
Belcher
Berry
Bingham
Boland
Brock
Brooks
Brown, Calif.
Burton, Calif.
Cahill
Camp
Carey
Cederberg
Celler
Chisholm
Clark
Clay
Cohelan
Collier
Conyers
Cramer
Cunningham
Dawson
Dennis
Dent
Devine
Diggs
Dingell
Eckhardt
Edmondson
Edwards, Calif.
Farbstein
Fascell
Findley
Fisher
Flynt
Ford, William D.
Fraser
Frey
Gallagher
Gettys
Giaimo
Gray
Green, Oreg.
Griffin
Haley
Harrington
Hastings
Hays
Helstoski
Hosmer
Howard
Kirwan
Koch
Kuykendall
Kyros
Latta
Lipscomb
Lloyd
Lowenstein
Lujan
McCarthy
McCloskey
McKneally
McMillan
Martin
Meeds
Mikva
Mize
Morse
Morton
O'Konski
Ottinger
Patman
Patten
Pepper
Pirnie
Pollock
Powell
Quie
Rees
Reid, N.Y.
Reuss
Riegle
Rivers
Rodino
Roybal
Ruppe
Saylor
Scheuer
Steed
Stokes
Stratton
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Ullman
Whalley
Wilson, Charles H.
Wold
Wright

The SPEAKER. On this rollcall 323 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE NO. 5 AND SUBCOMMITTEE NO. 3, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee No. 5 of the Committee on the Judiciary may be permitted to sit during general debate on Thursday, October 16, and that Subcommittee No. 3 of the Committee on the Judiciary may have the same permission.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DEMONSTRATIONS FOR PEACE

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, may I respectfully request the attention of the House for just 1 minute? During the course of the early afternoon the distinguished Speaker, the distinguished minority leader, the chairman of the Committee on Foreign Affairs, I understand after consultation with the distinguished gentleman from Indiana (Mr. ADAIR), the ranking Republican member of the Committee on Foreign Affairs, and resolution which I shall request unani- I have decided to introduce the following mous consent to call up immediately following the consideration of the conference report on the Department of the Interior appropriation bill:

H. RES. 582

Resolution relating to demonstrations for peace

Whereas responsible dissent and freedom of speech are among the most sacred traditions of the American people; and

Whereas many Americans are demonstrating their concern for peace pursuant to rights enjoyed under the Constitution of the United States, from which springs our Nation's deep commitment to peaceful debate, the essence of our free political system; and

Whereas the Premier of North Vietnam has publicly described the Vietnam Moratorium in an open letter to the American people as "their fall offensive" aimed at forcing the United States "to withdraw completely and unconditionally" from Vietnam; and

Whereas the said Premier greatly misjudges Americans, and deceives himself if he believes that those who demonstrate are doing so with a desire to assist Hanoi; and

Whereas the said Premier's letter to the American people is a blatant and insolent intrusion into the affairs of the American people by an enemy; Therefore be it

Resolved by the House of Representatives, That we support the inherent right of all Americans to responsible and peaceful dissent, but we abhor the attempt of Premier Pham Van Dong to asociate those Americans who demonstrate for peace with the cause of our enemy; and be it further

Resolved, That we repudiate the Premier's letter and call upon all Americans to dissociate themselves from North Vietnam's insolent and intolerable declaration.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. As the distinguished majority leader has indicated, he and I intend jointly to sponsor this House resolution. I fully subscribe to the action which the gentleman from Oklahoma has indicated he will follow; namely, that at the conclusion of the consideration of the Department of the Interior appropriation bill he will seek recognition for unanimous consent for the consideration of this resolution. I hope and trust that we can have unanimous support for this resolution.

Mr. ALBERT. I thank the gentleman.

MORATORIUM CANDLES SHOULD BE BURNED AT THE RUSSIAN EMBASSY AND NOT AT THE WHITE HOUSE

(Mr. ROGERS of Florida asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I do not know how many Members read in the morning paper the ad which showed a comparison of what this Nation has done to try to bring peace to the Vietnam situation compared to what the Government of North Vietnam has done. I think it would be very enlightening for all who are participating in the moratorium to read this ad.

Mr. Speaker, it is my understanding that tonight there is to be a march, with people going to the White House with candles to stand silently around the White House. I know of no man who wants to bring peace for this country more than the President of the United States. I do not think he needs to be reminded with candles all around the White House.

Mr. Speaker, I would suggest that those who participate in the moratorium, if they truly want peace and want to be effective, march not to the White House but to the Russian Embassy. When they arrive they should stand in the street in front of the Russian Embassy with those candles lit reminding and telling the Russians to do something to bring about peace.

In view of the announcement today that Russia has agreed to send $1 billion in additional military aid to North Vietnam, no action by those who are demonstrating for peace could be more appropriate.

EVEN A CONGRESSMAN HAS THE RIGHT TO BE WRONG

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, early this afternoon the gentleman from Wisconsin (Mr. OBEY) made some remarks about the special orders yesterday relative to the so-called Vietnam moratorium.

I believe I understood the gentleman correctly when he said that the debate went on despite the efforts from the Republicans to prevent that debate.

In reviewing what happened yesterday afternoon and evening, I see that the motion to adjourn was made, not by a Republican, but by a Democrat.

In reviewing hurriedly rollcall No. 221, which was requested by a Democrat on that motion, I find that 55 Republicans supported that motion, but also 44 Democrats voted to adjourn. It would seem to me that that was a bipartisan vote.

Now, I cannot interpret why anyone here voted any particular way on that vote, but I certainly know the reason why I did. I voted "no," and I do not want that to be construed that I had any sympathy with the efforts that were made here yesterday, but I think every Member represents constituents back home, and I believe they have a right under the rules of this House to speak for their constituency. If the 24 yesterday spoke for that constituency, I believe they had the right to speak for that constituency back home. Likewise, I think that the constituents have the right to know what that Member is doing down here. If their constituents do not agree with their Member's comments, they will have the opportunity next year to make a change.

I voted "no" because I think every Member of Congress has the right to speak and to be wrong.

APPALACHIAN REGIONAL COMMISSION'S REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–180)

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to section 302(b) of the Appalachian Regional Development Act, I hereby transmit the Appalachian Regional Commission's report, Acid Mine Drainage in Appalachia.

This comprehensive study was carried out by the Commission in cooperation with a special panel of experts convened by the National Research Council of the National Academy of Sciences-National Academy of Engineering. I recommend it for thoughtful consideration by all interested parties.

RICHARD NIXON.

THE WHITE HOUSE, *October 15, 1969.*

CONFERENCE REPORT ON H.R. 12781, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1970

Mrs. HANSEN of Washington. Mr. Speaker, I call up the conference report on the bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 14, 1969.)

The SPEAKER. The gentlewoman from Washington (Mrs. HANSEN) is recnized for 1 hour.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, will the gentlewoman from Washington give us just a brief explanation of what transpired in the conference?

Mrs. HANSEN of Washington. I shall be glad to do so.

(Mrs. HANSEN of Washington asked and was given permission to revise and extend her remarks, and to include extraneous matter.)

Mrs. HANSEN of Washington. Mr. Speaker, the conference report on H.R. 12781, Interior and Related Agencies Appropriation Bill for 1970, provides total appropriations of $1,546,273,300. This amount is $16,107,165 over the 1969 appropriation and $23,181,200 below the 1970 budget estimate. The conference total is $6,088,600 over the amount approved by the House and $2,391,600 below the amount approved by the Senate.

House Report 91–570 on the conference describes in detail the various actions agreed to by the conferees with regard to individual projects and programs. Therefore, I will not discuss the conference actions at great length at this time. I would like to, however, mention a few of the major items that are responsible for the increase over the House-approved bill.

An increase of $1,500,000 was agreed to for the Bureau of Indian Affairs participation in kindergartens in public schools. This amount will provide what we believe to be necessary for kindergartens for the number of months that are left in this year. As you are well aware, it is improbable that kindergarten classes will be started before January, and this amount should provide for kindergartens from January through the school year. The committees of both the House and the Senate are deeply concerned with the matter of kindergartens, but we are also deeply concerned that the money be properly spent, and that we have before us in the financing picture a complete list of the necessities in the various States, that is, what State can use the money to the best advantage? What are the basic financial structures and provisions in the States for kindergartens?

The next item is $491,000, which will provide kitchen and dining room facilities for the Wahpeton Indian School, North Dakota.

Next, $400,000 is provided for a jail at the Crow Indian Reservation in Montana. This money is to replace a lamentable structure, something that our Government should be ashamed of.

There is an increase of $3 million for the helium fund for the payment of contractual obligations.

An additional $2 million is provided for the Office of Coal Research, which includes the continuation of several very vital research programs that are ongoing for the full use of our coal resources. The increase includes $652,000 for Project Gasoline, $1 million from the lignite gasification project, Rapid City, S. Dak., and $348,000 for the low ash coal project, Tacoma, Wash.

There is an additional $200,000 in the bill for timber salvage in Mississippi, Louisiana, and Alabama, resulting from damage caused by Hurricane Camille.

An additional $900,000 is provided for Indian health services in a variety of categories needed desperately in various areas of our Indian lands. The conference restored a provision which the House had placed in the bill of fish disaster

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funds, under Public Law 88–309, section 4(b). We would like to inform the Members of the House that this amount of money is available for disasters, and the use of that to be determined on priority of need as determined by the Secretary of the Department of the Interior.

There is $700,000 for the National Council on Marine Resources and Engineering Development. Since this request came too late to the House Appropriations Committee to be included in the House bill, it is included here.

Mr. Speaker, as you are well aware, a conference between the two Houses involves considerable give and take. It seldom happens that the position of either body prevails in toto. It is seldom that a conference report pleases everyone. However, all of the conferees are in agreement with the report submitted today. I believe the conference report presents a reasonable conciliation of the varying actions taken by each House. We have provided funds where they are urgently needed and at the same time have reasonably observed the dictates of existing budgetary restrictions. I recommend adoption of the conference report.

Mr. Speaker, I include at this point pertinent tables relating to the funds provided in this conference report:

INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1970 (H.R. 12781)

Item	1969 appropriation	1970 budget estimate	House bill	Senate bill	Conference action	Conference action compared with—			
						1969 appropriation	Budget estimate	House	Senate
TITLE I—DEPARTMENT OF THE INTERIOR									
Bureau of Land Management	$80,255,000	$72,114,000	$71,063,000	$70,984,000	$71,010,000	−$9,245,000	−$1,104,000	−$53,000	+$26,000
Bureau of Indian Affairs	230,350,000	267,123,000	260,578,000	262,522,000	261,722,000	+31,372,000	−5,401,000	+1,144,000	−800,000
Bureau of Outdoor Recreation	103,815,000	112,762,000	111,972,000	112,562,000	112,222,000	+8,407,000	−540,000	+250,000	−340,000
Office of Territories	44,697,000	56,533,400	56,312,000	55,533,400	55,533,400	+10,836,400	−1,000,000	−778,600	
Total, public land management	459,117,000	508,532,400	499,925,000	501,601,400	500,487,400	+41,370,400	−8,045,000	+562,400	−1,114,000
Geological Survey	90,917,000	95,628,000	95,628,000	95,115,000	95,755,000	+4,838,000	+127,000	+127,000	+640,000
Bureau of Mines	79,249,000	82,312,000	76,429,000	80,715,000	79,310,000	+61,000	−3,002,000	+2,881,000	−1,405,000
Office of Coal Research	13,700,000	13,300,000	13,300,000	15,800,000	15,300,000	+1,600,000	+2,000,000	+2,000,000	−500,000
Office of Oil and Gas	866,900	1,081,900	994,000	994,000	994,000	+127,100	−87,900		
Total, mineral resources	184,732,900	192,321,900	186,351,000	192,624,000	191,359,000	+6,626,100	−962,900	+5,008,000	−1,265,000
Bureau of Commercial Fisheries	41,352,400	42,996,000	41,816,000	41,816,000	42,316,000	+963,600	−680,000	+500,000	+818,000
Bureau of Sport Fiarheries and Wildlife	60,630,000	57,998,000	59,182,000	61,836,000	60,602,000	−28,000	+2,604,000	+1,420,000	−1,234,000
National Park Service	87,860,000	102,163,000	101,517,000	101,754,000	101,717,000	+13,857,000	−446,000	+200,000	−37,000
Total, fish and wildlife and parks	189,842,400	203,157,000	202,515,000	205,088,000	204,635,000	+14,792,600	+1,478,000	+2,120,000	−453,000
Office of Saline Water	25,642,835	26,000,000	25,000,000	25,000,000	25,000,000	−642,835	−1,000,000		
Office of Water Resources Research	11,181,000	11,229,000	11,229,000	11,229,000	11,229,000	+48,000			
Office of the Solicitor	5,683,000	5,625,800	5,530,000	5,555,800	5,530,000	−153,000	−95,800		−25,800
Office of the Secretary	8,755,000	10,212,400	9,912,000	9,912,700	9,912,700	+1,157,700	−299,700	+700	
Total, new budget (obligational) authority, Department of the Interior	884,954,135	957,078,500	940,462,000	951,010,900	948,153,100	+63,198,965	−8,925,400	+7,691,100	−2,857,800
Consisting of—									
Appropriations	858,754,135	930,878,500	919,462,000	924,810,900	924,153,100	+65,398,965	−6,725,400	+4,691,100	−657,800
Definite appropriations	(749,390,735)	(804,214,500)	(792,798,000)	(798,146,900)	(797,489,100)	(+48,098,365)	(−6,725,400)	(+4,691,100)	(−657,800)
Indefinite appropriations	(109,363,400)	(126,664,000)	(126,664,000)	(126,664,000)	(126,664,000)	(+17,300,600)			
Authorization to spend from public debt receipts	26,200,000	26,200,000	21,000,000	26,200,000	24,000,000	−2,200,000	−2,200,000	+3,000,000	−2,200,000
Memorandums: Appropriations to liquidate contract authorization	(104,793,000)	(65,028,000)	(62,028,000)	(62,028,000)	(62,028,000)	(−42,765,000)	(−3,000,000)		
Total, new budget (obligational) authority and appropriations to liquidate contract authorization	(989,747,135)	(1,022,106,500)	(1,002,490,000)	(1,013,038,900)	(1,010,181,100)	+20,433,965	−11,925,400	+7,691,100	−2,857,800
TITLE II—RELATED AGENCIES									
Department of Agriculture:									
Forest service:									
Definite appropriations	270,205,000	253,490,000	260,451,000	257,040,000	258,676,000	−11,529,000	+5,186,000	1,775,000	+1,636,000
Indefinite appropriations	780,000	780,000	780,000	780,000	780,000				
Total, Forest Service	270,985,000	254,270,000	261,231,000	257,820,000	259,456,000	−11,529,000	+5,186,000	−1,775,000	+1,636,000
Federal Coal Mine Safety Board of Review	157,000	148,000	148,000	148,000	148,000	−9,000			
Commission of Fine Arts	115,000	115,000	115,000	115,000	115,000				
Department of Health, Education, and Welfare:									
Health Services and Mental Health Administration:									
Indian health activities	112,506,000	119,581,000	117,581,000	119,566,000	118,481,000	+5,975,000	−1,100,000	+900,000	−1,085,000
Indian Claims Commission	619,000	800,000	800,000	850,000	850,000	+231,000	+50,000	+50,000	
National Capital Planning Commission	1,047,000	1,248,000	922,700	[1] 300,000	222,700	−824,300	−1,025,300	−700,000	−77,300
National Foundation on the Arts and the Humanities	14,500,000	16,744,000	16,000,000	15,690,000	15,790,000	+1,290,000	−954,000	−210,000	+100,000
Public Land Law Review Commission	944,000	922,000	922,000	922,000	922,000	−22,000			
Smithsonian Institution	46,886,000	38,420,000	35,775,000	35,165,000	35,165,000	−11,721,000	−3,255,000	−610,000	
Executive Office of the President:									
National Council on Marine Resources and Engineering Development	1,125,000	[2] 760,000		760,000	700,000	−425,000	−60,000	+700,000	−60,000
Commission on Marine Science, Engineering, and Resources	175,000					−175,000			
Federal Field Committee for Development Planning in Alaska	235,000	235,000	150,000	235,000	192,500	−42,500	−42,500	+42,500	−42,500
Lewis and Clark Trail Commission	25,000	10,000	5,000	10,000	5,000	−20,000	−5,000		−5,000
American Revolution Bicentennial Commission		225,000	175,000	175,000	175,000	+175,000	−50,000		
National Council on Indian Opportunity	$100,000	$300,000				−$100,000	−$300,000		
Total, new budget (obligational) authority, related agencies	449,419,000	433,778,000	$433,824,700	$431,756,000	$432,222,200	−17,196,800	−1,555,800	−$1,602,500	+$466,200

Footnotes at end of table.

INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1970 (H.R. 12781)—Continued

Item	1969 appropriation	1970 budget estimate	House bill	Senate bill	Conference action	Conference action compared with—			
						1969 appropriation	Budget estimate	House	Senate
TITLE II—RELATED AGENCIES—Continued									
Consisting of—									
Appropriations	437,222,000	433,778,000	433,824,700	431,756,000	432,222,200	−4,999,800	−1,555,800	−1,602,500	+466,200
Definite appropriations	(436,442,000)	(432,998,000)	(433,044,700)	(430,976,000)	(431,442,200)	(−4,999,800)	(−1,555,800)	(−1,602,500)	(+466,200)
Indefinite appropriations	(780,000)	(780,000)	(780,000)	(780,000)	(780,000)				
New contract authorization	12,197,000					−12,197,000			
Memorandums: Appropriations to liquidate contract authorization	(91,000,000)	(113,570,000)	(103,870,000)	(103,870,000)	(103,870,000)	(+12,870,000)	(−9,700,000)		
Total, new budget (obligational) authority and appropriations to liquidate contract authorization	(540,419,000)	(547,348,000)	(537,694,700)	(535,626,000)	(536,092,200)	(−4,326,800)	(−11,255,800)	(−1,602,500)	(+466,200)
Recapitulation:									
Grand total, new budget (obligational) authority, all titles	1,334,373,135	1,390,856,500	1,374,286,700	1,382,766,900	1,380,375,300	+46,002,165	−10,481,200	+6,088,600	−2,391,600
Consisting of—									
1. Appropriations	1,295,976,135	1,364,656,500	1,353,286,700	1,356,566,900	1,356,375,300	+60,399,165	−8,281,200	+3,088,600	−191,600
Definite appropriations	(1,185,832,735)	(1,237,212,500)	(1,225,842,700)	(1,229,122,900)	(1,228,931,300)	(+43,098,565)	(−8,281,200)	(+3,088,600)	(−191,600)
Indefinite appropriations	(110,143,400)	(127,444,000)	(127,444,000)	(127,444,000)	(127,444,000)	(+17,300,600)			
2. Authorization to spend from public debt receipts	26,200,000	26,200,000	21,000,000	26,200,000	24,000,000	−2,200,000	−2,200,000	+3,000,000	−2,200,000
3. New contract authorization	12,197,000					−12,197,000			
Appropriations to liquidate contract authorization	(195,793,000)	(178,598,000)	(165,898,000)	(165,898,000)	(165,898,000)	(−29,895,000)	(−12,700,000)		
Grand total, new budget (obligational) authority and appropriations to liquidate conduct authorization	(1,530,166,135)	(1,569,454,500)	(1,540,184,700)	(1,548,664,900)	(1,546,273,300)	(+16,107,165)	(−23,181,200)	(+6,088,600)	(−2,391,600)

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[1] In addition $770,000 of the unobligated balance of the appropriation granted under "Land acquisition, National Capital Park, Parkway, and Playground System" are transferred to and shall be available for salaries and expenses.

[2] Not considered by House.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentlewoman for yielding.

Do I understand that, in round figures, the conference report means we will be spending $16 million more than were spent for the same general purposes last year and the conference increased this bill, again in round figures, $7 million above the House figures?

Mrs. HANSEN of Washington. It is $6,088,600. I would like to point out to the gentleman, as I did when I appeared with the regular House bill, that this is one of the largest income-producing agencies in the United States. Our timber revenues are up. The Outer Continental Shelf lands have tremendous value. The oil shale lands of the West and Midwest have tremendous value.

This also is what I call the securing and developing and protection of America. I am proud to present this, in view of the debate that has been going on around us.

This is money for our land. This is money spent for our people. This is money that means America is going to have something for the future. I am not ashamed of the figures we have placed in here.

Mr. GROSS. I would say to the gentlewoman, if she will yield further, that I am not opposed to spending money for good and reasonable purposes when there is the money to spend.

May I ask whether there is money in this bill for Resurrection City?

Mrs. HANSEN of Washington. There is no money in this bill for Resurrection City.

Mr. GROSS. Was there any increase in the arts and humanities in the conference?

Mrs. HANSEN of Washington. No. There is a reduction in the humanities item.

Mr. GROSS. Is there an increase in the arts?

Mrs. HANSEN of Washington. There is no increase in this conference report over the amount approved by the House.

Mr. GROSS. Is there any money in the bill as it comes from the conference for the payment of salary increases?

Mrs. HANSEN of Washington. No. There is no money provided here for the increased pay costs. Let me explain, and I have a statement here because I was prepared for this question.

As far as this bill is concerned, the committee has received estimates that there will be additional pay increase costs of approximately $70 million. This is on a gross basis. It has not yet been determined how much of this increase can be absorbed by the agencies. To the extent the increase cannot be absorbed, there will, of course, be a supplemental request for the additional funds submitted during the next session of Congress.

I would like to remind the gentleman, if he will read our hearings, he will find in each instance when a department appeared before us, that department was catechized very thoroughly about their ability to absorb the costs. Our committee was very strict about requiring departments to absorb as far as possible all pay raises.

Mr. GROSS. That probably will come in a supplemental appropriation bill at a later date.

One further question. Is there any money as a result of the conference for the so-called cultural center in Washington?

Mrs. HANSEN of Washington. There is not.

Mr. GROSS. Mr. Speaker, I thank the gentlewoman.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, as I recall the House bill did provide some funds for planning for the Great Swamp National Wildlife Refuge.

Mrs. HANSEN of Washington. This is correct. It provided $110,000.

Mr. FRELINGHUYSEN. In the report of the conference I find no reference one way or the other to that amount. Is it a correct understanding that no funds are to be provided for this planning?

Mrs. HANSEN of Washington. The gentleman is correct.

Mr. FRELINGHUYSEN. Could the gentlewoman elucidate why no money is being made available? The wildlife refuge happens to be in my district. I can assure the gentlewoman that the money is needed. We need to develop a plan for a wilderness area. A delay of this kind, if no funds are available, is going to pose a serious problem.

Mrs. HANSEN of Washington. I would say to the gentleman that the House placed the amount of money in the bill in the belief that all these natural resources of ours, particularly lands close to urban environments, are very precious and that we must do all that is possible to keep and save them. It was on that belief that the planning money was provided. Unfortunately, the other body did not agree. I believe they had a little economy move on this particular item.

I will assure the gentleman that our committee will certainly listen with great interest to the proposals in the next budget for expenditures for planning, because I agree with the gentleman that these are the areas of our country which are today of prime importance.

I appreciate the gentleman's comments.

Mr. FRELINGHUYSEN. If the gentlewoman will yield further, I appreciate her expression of concern. I should like to reiterate, I regret very much as a practical result the stand of the other body has made it impossible, presumably, to proceed with needed planning.

Mrs. HANSEN of Washington. I thank the gentleman.

Mr. PICKLE. Mr. Speaker, I wish to give a special word of commendation to the gentlewoman from Washington (Mrs. HANSEN) and to the other members of the Subcommittee on Interior Appropriations. Also, a word of gratitude is in order for the House conferees on the bill, and for the very expeditious way that they met and got approval on the bill.

Whenever appropriations bills are before the House, it is only natural that most Members want to obtain meritorious projects for their own districts. These Members are closest to their district, and they know firsthand of the needs we all have back home. But at the same time, there are not always enough funds to handle every project, and this situation gives the committee the tough burden of weeding through those to be kept and those to be put on ice.

Mrs. HANSEN recognizes this responsibility, and she and her subcommittee dealt with it admirably. Each of us who are interested in conservation and wildlife preservation owe her a particular vote of thanks for coming up with this bill in such pressed times.

Mrs. HANSEN of Washington. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: On page 14, line 17, strike out "$95,628,000" and insert "$95,115,000."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$95,755,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: On page 16, line 8, strike out "$93,000,000" and insert "$38,536,000."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$39,331,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: On page 18, line 17, strike out "$26,400,000" and insert "$26,345,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$26,600,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: On page 22, line 10, strike out "$1,686,000" and insert "$1,773,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$1,959,000".

The motion was agreed to.

Mr. SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 33, line 3, strike out "$41,880,000" and insert "$41,326,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$42,137,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: Page 39, line 9, strike out "$922,700" and insert "$300,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$222,700".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 41: Page 39, line 9, insert: "and in addition $770,000 of the unobligated balance of the appropriation granted under 'Land Acquisition, National Capital Park, Parkway, and Playground System' are transferred to and shall be available for salaries and expenses:".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

DEPARTMENT OF THE INTERIOR CONFERENCE REPORT COMMENTS

Mr. WYATT. Mr. Speaker, I would like to commend the gentlewoman from Washington, the very able chairman of our subcommittee and the gentleman from South Dakota, the ranking minority member of the subcommittee, for a very statesmanlike and skillful job in resolving the differences between the two bodies on this bill.

I would like to note the total involved in the conference report is approximately $10.5 million below the budget request.

I think the funds we have provided in the field of natural resources of our country are adequate under today's circumstances.

RELATING TO DEMONSTRATIONS FOR PEACE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 582, relating to demonstrations for peace.

The Clerk read the resolution, as follows:

H. Res. 582

Whereas responsible dissent and freedom of speech are among the most sacred traditions of the American people; and

Whereas many Americans are demonstrating their concern for peace pursuant to rights enjoyed under the Constitution of the United States, from which springs our nation's deep commitment to peaceful debate, the essence of our free political system; and

Whereas the Premier of North Vietnam has publicly described the Vietnam Moratorium in an open letter to the American people as "their fall offensive" aimed at forcing the United States "to withdraw completely and unconditionally" from Vietnam; and

Whereas the said Premier greatly misjudges Americans, and deceives himself if he

believes that those who demonstrate are doing so with a desire to assist Hanoi; and

Whereas the said Premier's letter to the American people is a blatant and insolent intrusion into the affairs of the American people by an enemy; therefore be it

Resolved by the House of Representatives, That we support the inherent right of all Americans to responsible and peaceful dissent, but we abhor the attempt of Premier Pham Van Dong to associate those Americans who demonstrate for peace wtih the cause of our enemy; and be it further

Resolved, That we repudiate the Premier's letter and call upon all Americans to disassociate themselves from North Vietnam's insolent and intolerable declaration.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. OLSEN. Mr. Speaker, reserving the right to object, I want to ask three questions of the distinguished majority leader.

First of all I want to know whether or not this resolution was cleared with the White House, and if it was I then want to know whether or not——

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, I did not clear it with the White House.

Mr. OLSEN. I wonder where did we get it from?

Mr. ALBERT. I brought it in after consultation, as I announced this morning, between the distinguished Speaker, the minority leader——

Mr. OLSEN. Did the minority leader bring it in?

Mr. ALBERT. The minority leader is the first one who showed it to me, and I agreed with it and agreed with him that I would cosponsor it.

Mr. YATES. If the gentleman will yield, who prepared it?

Mr. OLSEN. I want to address myself to the minority leader.

Did this get cleared with the White House?

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield, I will say to the gentleman from Montana that I was contacted by representatives of the President following the release of the letter from the Premier of North Vietnam.

Mr. OLSEN. That is the letter you read to the House last night?

Mr. GERALD R. FORD. That is correct. That was the letter that was released by the Premier of North Vietnam to the American people.

Following that release, I was contacted by representatives of the President of the United States suggesting that perhaps it might be appropriate for the Congress, or the House or the Senate individually, to take action on a resolution of this sort.

On Tuesday afternoon I consulted with the Speaker and with the chairman of the Committee on Foreign Affairs. It was suggested that a draft of this nature be prepared. My staff did work on it, and upon its completion I presented it to the Speaker and asked the Speaker for his observations and comments. The Speaker and I discussed the draft resolution with the distinguished majority leader. Subsequently the proposal was discussed with the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Pennsylvania (Mr. MORGAN). The gentleman from Indiana (Mr. ADAIR), ranking Republican on the Committee on Foreign Affairs, agrees.

Mr. OLSEN. Does not the gentleman believe this would be a good thing for this Congress if the resolution went to the Committe on Foreign Affairs so that we could have a thorough discussion, and not cut off debate like we did last night?

Mr. GERALD R. FORD. I believe that the circumstances today are such that a resolution of this sort is highly appropriate. What it does is say that the well-intentioned, highly motivated individuals who are participating in some of these demonstrations are not to be associated with the Premier of North Vietnam.

Mr. OLSEN. Now, you know, I find myself in agreement with that.

Mr. GERALD R. FORD. You do?

Mr. OLSEN. But the point is here that we had our debate cut off last night on this whole question, and here again we are not going to have a discussion if this resolution passes; we are going to have only 1 hour of debate.

That is what is wrong with this unanimous consent request. If a unanimous consent request is made for a substantial period of debate on this floor that would be good for the American people. But to have just 1 hour is not good for the American people.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman.

Mr. PUCINSKI. I think the gentleman raises a good question. Assuming the President did make this request, he is coming to the people's assembly in a most expedient manner. There are 435 Members of this House of Representatives and we have the closest contact with the more than 200 million people in this country.

Mr. OLSEN. So we are to pass this without discussion? Is that the point you want to make? Do you want to pass this without a discussion?

Mr. PUCINSKI. Even if the President did ask for this—what is wrong with that?

Mr. OLSEN. What is wrong is this body ought to have a discussion on this question and should not be cut off from debate like it was last night.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, I am rather puzzled as to why the House of Representatives even has to take up this resolution. It seems to me that this letter from the North Vietnamese Premier is such an obvious piece of Communist propaganda that is beneath the dignity of this great deliberative body to call attention to this obvious piece of Communist propaganda which we all recognize as propaganda.

Mr. OLSEN. I have one more question to ask of the distinguished majority leader and that is, as long as we are asking for unanimous consent, why could we not ask for more than an hour?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman.

Mr. ALBERT. I have no objection. The gentleman knows I will yield to him as liberally as to any Member and I will certainly yield to those who question the advisability of this resolution. I did not contemplate that more than an hour would be necessary. I had not discussed that matter with the leadership of the minority.

Mr. OLSEN. Then let us ask the leadership of the minority. Would there be, or is there any reason why we should not ask for more than an hour?

Mr. GERALD R. FORD. Let me answer that by saying that this resolution is not a question involving policy in Vietnam. This is a resolution aimed at disassociating the American people from the Premier of an enemy of the United States.

It does not involve the pros and cons of U.S. foreign policy vis-a-vis North Vietnam.

Mr. OLSEN. That is your point of view, but there are some of us who would like at least to have 3 hours on this whole issue.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent, if permission is granted to bring up and consider this resolution, that my time be extended by 30 minutes.

I am trying to accommodate both sides on this matter. We have several other matters of legislation to take up and I want to be fair to the gentleman and I want to be fair to the House. I dislike asking for the extra time on the resolution, but since the gentleman feels so strongly about it and since I have such high regard for the gentleman, I am doing something I have never agreed to do before, and which the gentleman knows is really not consistent with the practice of the House.

Mr. HECHLER of West Virginia. Mr. Speaker, I reserve the right to object.

The SPEAKER. Does the gentleman from West Virginia, reserve the right to object in connection with the unanimous consent request for the present consideration of the resolution?

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the time be extended for 30 minutes, making the time 1½ hours.

The SPEAKER. Is there objection?

Mr. HECHLER of West Virginia. Mr. Speaker, I reserve the right to object.

The SPEAKER. Does the gentleman reserve the right to object to the last request or to the first unanimous-consent request?

Mr. HECHLER of West Virginia. Whichever of the two gives me an opportunity to proceed on a reservation, so I reserve the right to object to the second request, Mr. Speaker.

The SPEAKER. The gentleman reserves the right to object.

Mr. HECHLER of West Virginia. Mr. Speaker, it is unfortunate that this whole question has been brought into such prominent attention since yesterday afternoon by the statements of the Vice President, by the statements of the Governor of a great State, and many other

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prominent national leaders. Why do we in this great House of Representatives even have to consider this resolution? No one forced the issue or raised any question about the loyalty of those supporting the moratorium until this was brought out in this fashion and the statements made yesterday. I do think it is unfortunate that the House of Representatives has to pass a resolution of this nature, to beat its chest and enunciate the obvious fact: "I am loyal." Every Member of this body is a loyal American. We ought to be governed in our actions by what is good for the United States of America, instead of just reacting to what is said or done in either Hanoi or Saigon.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, I would also be inclined to agree that this is an overreaction, but it is here, and perhaps it is necessary. Premier Van Dong displays an abhorrent ignorance of the American democratic system. The exercise of free America today is part of an exercise of democracy by a free people, and obviously by sending this telegram the Hanoi Premier has demonstrated that he does not understand this. So perhaps it is important to put it in proper perspective. Perhaps it is important to serve notice on him that the American people are not going to be influenced. But, more importantly, it is important for him to know that he cannot use this moratorium Wednesday as a further excuse for delaying meaningful peace talks.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the majority leader.

Mr. ALBERT. Mr. Speaker, I think the comment is in order that we are not merely beating our chest and saying how patriotic we are. We are the elected Representatives of the American people. We are telling tens of thousands of people who are just as patriotic as we are, who differ from most of us, and in some cases differ from all of us, that this House believes that all Americans, in the exercise of their rights as citizens, are patriotic citizens who sincerely desire peace.

Mr. PUCINSKI. Would the gentleman agree that the main thrust of the resolution is to serve notice on the North Vietnamese Communists that they cannot use this exercise of democracy in America today as an excuse for further delays in the peace talks in Paris?

Mr. PUCINSKI. Mr. Speaker, I withdraw my reservation.

Mr. KASTENMEIER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Is there objection to the immediate consideration of the resolution?

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. As I understood the sequence, the gentleman from Oklahoma asked for the immediate consideration of the resolution, and then he added a second request, which was for an additional 30 minutes. As I understood it, there was no objection until the gentleman from Wisconsin now indicated it to the first request and, as I understand the sequence, the gentleman from Wisconsin has lost his right to object to the first request and is now only objecting to the additional 30 minutes. That is the sequence, as I recall very specifically.

Mr. KASTENMEIER. Mr. Speaker, my understanding of the sequence is that the request for the additional 30 minutes was an amendment. The original request had not been acted upon with respect to reservations for intention to object.

The SPEAKER. The gentleman from Oklahoma asked unanimous consent for the present consideration of House Resolution 582, and pending that he asked unanimous consent that the time be extended 30 minutes.

Is there objection to the second request? The Chair hears none——

Mr. KASTENMEIER. Mr. Speaker——

The SPEAKER. The Chair wants to be very fair. The Chair will repeat the unanimous consent request. The gentleman from Oklahoma has asked unanimous consent for the present consideration of House Resolution 582, and pending that, has asked unanimous consent that the time be extended 30 minutes. Is there objection to the request of the gentleman from Oklahoma?

Mr. KASTENMEIER. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

Is there objection to the unanimous consent request for the immediate consideration of House Resolution 582? Is there objection?

Mr. KASTENMEIER. Yes, Mr. Speaker, I object.

The SPEAKER. Objection is heard.

DOUBLE STANDARD APPLIED

(Mr. BROCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROCK. Mr. Speaker, most of us heard last evening a great plea for honest debate, for free and open discussion of the issues of the tragedy of Vietnam. That debate went on for 5 hours.

Now, today, we have witnessed a turn. Those who spoke so eloquently for freedom and full debate now object to the consideration of a resolution which endorses the right of dissent in this country. I think it is typical of the double standard that is applied in this country by those elements who are so critical of an honest effort of a great Nation to achieve a lasting peace.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. BROCK. I do not yield.

VIETNAM

The SPEAKER. The Chair recognizes the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. OLSEN. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. OLSEN. Mr. Speaker, my point of personal privilege is the attack just made from the well of the House on the loyalty of so many of us and the right of free speech in this country.

Mr. Speaker, I think that address is entitled to a response of 1 minute.

The SPEAKER. Under the circumstances, the Chair will grant that right. The gentleman from Montana is recognized.

Mr. OLSEN. Mr. Speaker, I do not bow to anybody about being loyal to this country and voting in support of all the effort that has been made in South Vietnam or anyplace else in the world on the world programs of this country.

I have voted to support all of the Presidents, including the present one, in every instance, but I want to discuss this resolution. I am for it. I am absolutely for this resolution, but I want to discuss it. I want the American people to hear the discussion and I do not want again to see the debate shut off in this House of Representatives at 17 minutes after 11 o'clock at night when there are many more who have reserved time to talk. I say that for both sides of the aisle.

This issue of Vietnam is the biggest issue facing the people of America, and it ought to be talked about right here. Everybody saw who was in the gallery last night. They were the new voice of America. The young people were here. The young people I went to see this morning at George Mason College are the new voice. They say this is the issue that ought to be discussed.

Do not be afraid if you have the most votes. I have heard the other side say that to us from that side of the aisle. Do not be afraid of discussion if you have the votes. On this you will have everybody's vote. You will have everybody's vote. Let us send it to the Committee on Foreign Affairs and then let us talk about it.

CALL OF THE HOUSE

Mr. STEIGER of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 226]

Adams
Arends
Aspinall
Berry
Bingham
Boland
Brooks
Brown, Calif.
Burton, Calif.
Byrnes, Wis.
Cahill
Camp
Carey
Cederberg
Celler
Chisholm
Clark
Cohelan
Collier
Conyers
Corman
Culver
Cunningham
Dawson
Dennis
Devine
Diggs
Dingell
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Farbstein
Fascell
Findley
Fisher
Flynt
Fraser
Frey
Gettys
Giaimo
Gray
Green, Oreg.
Griffin
Haley
Hanna
Harrington
Harsha
Hastings
Hays
Helstoski
Hosmer
Howard
Kirwan
Kuykendall
Kyros
Latta
Lipscomb
Lloyd
Lowenstein
Lujan
McCloskey
McKneally
McMillan
Martin
Meeds
Mikva
Mills
Morton
O'Konski
Ottinger

Patman
Patten
Pepper
Pollock
Powell
Quie
Rees
Reid, N.Y.
Reifel
Riegle
Rivers
Rodino
Rooney, Pa.
Roybal
Ruppe
Saylor
Scheuer
Sisk
Steed
Stokes
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Van Deerlin
Vander Jagt
Weicker
Whalley
Whitten
Wold
Wright

The SPEAKER. On this rollcall 327 Members have answered to their names, a quorum.

My unanimous consent, further proceedings under the call were dispensed with.

COINAGE ACT AMENDMENTS

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 574

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14127) to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. HOLIFIELD). The gentleman from Tennessee (Mr. ANDERSON) is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to my distinguished colleague, the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 574 provides an open rule with 2 hours of general debate for consideration of H.R. 14127 to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes.

The purpose of H.R. 14127 is to carry out the recommendations of the Joint Commission on the Coinage by authorizing the Secretary of the Treasury to mint $1, half-dollar, quarter-dollar, and dime coins that do not contain silver.

The $1 coins would bear the likeness of President Eisenhower.

The half dollars would continue to bear the likeness of President Kennedy.

The coins would be copper, clad with an alloy of 75 percent copper and 25 percent nickel. Of the 1¼ billion half-dollars minted since 1963—both 40- and 90-percent silver—a very small percentage are actually circulating. Also, it is stated that the minting of some 300 million 40-percent silver dollar coins over a 3-year period would mean a total monetary gain of the Treasury of roughly $160 million. By contrast the monetary gain by producing the same number of nonsilver dollar coins would be about $290 million. In addition, the Treasury could obtain as much as $50 million more in revenue from the continued sale of silver to the GSA; or a total of well over $300 million.

The bill also provides for the sale to the public by GSA of approximately 3 million rare Carson City silver dollars minted in the latter part of the 19th century that are now being held in the Treasury. Proceeds from the sale of these coins are expected to be approximately $100 million.

Mr. Speaker, there is no controversy on the rule. There is some controversy on the bill itself. I urge adoption of House Resolution 574 in order that H.R. 14127 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Tennessee (Mr. ANDERSON) has ably stated, House Resolution 574 makes in order for consideration of H.R. 14127 under an open rule with 2 hours of general debate.

The purposes of the bill are:

First, minting of the current half-dollar coin but without any silver content;

Second, minting of a New Eisenhower dollar coin containing no silver; and

Third, sale to the public in an equitable manner of some 3 million Carson City Mint silver dollars.

The provisions of the bill implement the recommendations of the Joint Commission on the Coinage, a nonpartisan body established by the Coinage Act of 1965. The only amendment of the committee was to indicate a congressional intention that the dollar coin carry a likeness of former President Eisenhower.

Very few of the roughly 1¼ billion half-dollar coins minted since 1963 which contain silver are now in circulation; they are being hoarded. Because of this fact the committee believes that future half-dollars and the new dollar coin should be minted without any silver content, as are our current smaller coins. It believes this is the only realistic choice; the cost of minting silver-content coins requires use of Government-owned silver, a far more expensive proposition than the use of the cupronickel alloy. The monetary gain by producing the same number of nonsilver dollar coins, approximately 300,000,000 would be about $290,000,000. Additionally, the Treasury could obtain as much as $50,000,000 more in revenue from the continued sale of silver to the General Services Administration, or a total of well over $325,000,000.

The committee believes this last point is very important to insure a stable silver market. Approximately 100 million ounces of surplus silver now held by the Treasury is sufficient to continue GSA sales at these current levels through 1970. This, plus the knowledge that no silver will be used in coinage operations in the future, will enable a stable market to develop.

The dollar coin, by committee amendment, will bear a likeness of former President Eisenhower.

Finally, the bill provides for the sale of the approximately 3 million rare silver dollars now held by the Treasury. The sale, conducted by the GSA, will seek to insure that as many persons as possible will be able to purchase these coins by limiting the number of coins which a single buyer may purchase to one of each category, or a maximum of 10 coins. Proceeds of the sale will go to the Treasury and will be well above the face value.

I have no further requests for time, but I reserve the balance of my time.

I urge the adoption of the rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I cannot support the rule for the reason that it makes in order a bill to which I am unequivocally, unqualifiedly, and utterly opposed.

The bill, as I said a week or so ago, when it was before the House under a suspension of the rules and failed to muster a two-thirds majority, will complete the debasement and degradation of the metallic currency of this Nation, if it is adopted.

I wonder how long it will be before the Banking and Currency Committee brings forth a bill to provide for the use of wampum. I am beginning to lay in a supply, because I am convinced it will be the next step to legalize wampum as the medium of exchange.

The North American Indians used it, and apparently it served them well in their primitive economy.

If that does not do the job, I assume that the Banking and Currency Committee will then come forth with legislation to provide for what the Narragansett Indians called wampum peag, which is a cheaper wampum. It looks something like this which I hold in my hand, and it comes in all colors, just as does the scrap metal money that this bill would authorize.

And here is some more wampum in the form of washers and locknuts. I call that mini-wampum—mini-wampum that might well be used.

You know, a good locknut these days probably costs about a penny. I see no reason why these nice washers and locknuts could not be used for the payment of sales taxes.

How zany we can get in this country to accept currency with no intrinsic value and irredeemable paper money?

Before this debate is over I want somebody to tell me what has happened to the seigniorage accruing from the minting of scrap metal quarters and dimes?

Yes, what has become of the alleged saving as represented in the cost of minting of our common use currency out of cheap metal rather than silver? Has there been a saving, or has the seigniorage gone the way of all financial flesh in this Government? Has it been spent? Where is it?

And what has happened to the great saving we are supposed to have accomplished through the discontinuance of the use of gold? I hope some of these questions will be answered here today. If we simply spent the money we saved in so-called seigniorage, we have not accomplished very much now, have we, except to destroy the intrinsic value of our

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metallic currency and deceive the people of this country? Sure you can stick this scrap metal in a vending machine, but, as I have said before, you cannot make it jingle. Remember the old saying: "When I was single my money would jingle. Oh, Lord, how I wish I were single again." Yes, it used to jingle and we were proud of it. It does not any more. It lands with a dull thud.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. QUILLEN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. GROSS. Mr. Speaker, it is about time for Congress to stop and recover its senses in the matter of the currency of this country. It is being debased and debauched here at home and around the world. Now this Government is out to paper the world with paper gold. This is in the nature of a mustard plaster applied to a monetary cancer that will not be cured by issuing all of the paper gold the international bankers can devise. Eventually this country will come around full circle, back to a showdown, and you know it. Some people thought it was a nice thing to do to paper the yacht we gave Emperor Haile Selassie—and a nice air-conditioned yacht it was—to paper it with gold wallpaper. I suppose now we will paper it with paper gold issued by the World Bank and International Monetary Fund. When are we going to come to our senses in this country and get back to a currency, and a monetary system that has some stability? Or are we going to go the way of wampum?

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, but I reserve the balance of my time and urge adoption of the resolution.

Mr. ANDERSON of Tennessee. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BARRETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14127) to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14127, with Mr. Matsunaga in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. Barrett) will be recognized for 1 hour and the gentleman from New Jersey (Mr. Widnall) will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania (Mr. Barrett).

Mr. BARRETT. Mr. Chairman, on October 6 we had under consideration the bill H.R. 14127 under a suspension of the rules. On that occasion there were 205 aye to 148 nay votes, and 78 not voting.

Mr. Chairman, this is a very simple bill and it should not take much time for its consideration during general debate. There are a few who desire to speak on it and we will be as generous as we can with time on each side of the aisle with the hope, because of the strenuous day and night which the Members had in the last 24 hours, that we may conclude the debate and the bill as quickly as possible.

Mr. Chairman, H.R. 14127 would give the Secretary of Treasury authority to mint a nonsilver cupronickel half-dollar and a nonsilver cupronickel dollar coin bearing the portrait of President Eisenhower. The bill would also direct the transfer of the last 2.9 million rare silver dollars now held in the Treasury to the GSA for sale to the public in a fair and equitable manner. The prompt enactment of this bill would both contribute to a more effective coinage system and make it possible for us to honor a great American.

The authority in the bill to mint a nonsilver half-dollar, I believe, is long overdue. Despite the fact that nearly 1¼ billion half-dollars containing silver have been minted since 1963, this coin is rarely seen in circulation. For the past several years American business has been deprived of a half-dollar in adequate circulation for trading needs. As quickly as these coins have been minted, they have simply disappeared into private hoards. It is time that the Congress authorize the production of a half-dollar that will actually circulate to meet the needs of American business. The enactment of H.R. 14127 will accomplish this purpose.

H.R. 14127 also authorizes the Secretary of the Treasury to mint a cupronickel dollar coin bearing the portrait of President Eisenhower. I think this would be a fitting tribute to a great American. Now there are those who assert that placing the portrait of President Eisenhower on a coin minted of silver would be an even greater tribute. I would first point out that the composition of the coin neither adds nor detracts from the status of other Presidents on our American coins. But apart from this, there are solid reasons why it would be most unwise to use all of our remaining surplus silver for minting a single coin. Let me list a few reasons why I believe a cupronickel coin, rather than one made of silver, is in the public interest.

First, a nonsilver dollar coin would mean a far greater monetary return to the Federal Government than a silver coin. The Treasury has estimated that the total seigniorage in revenue under the provisions of H.R. 14127 in the first year after enactment could exceed $500 million. This income would reduce the Government's borrowing needs by an equivalent amount and be a strong blow against inflation.

Moreover, to use our remaining surplus silver for coinage instead of sale through open competitive bidding would mean depriving private industry of about 100 million ounces of silver in 1970. If the Treasury's remaining surplus is used for coinage, rather than sold under competitive bids, American industry will have to greatly step up its imports to fill this gap. The resulting adverse effects on the balance of payments next year could be as much as $150 million.

A third disadvantage for using our surplus silver for dollar coins would be the most certain higher prices for major consumer products that would result. The halting of Treasury silver sales would probably mean a sharp rise in the silver price. This would mean higher costs to millions of consumers of film and electrical products which are the principle industrial uses of silver. It should be realized that the ultimate use of silver includes virtually the entire American public.

And finally, I would point out that the provisions of H.R. 14127 have been fully endorsed by the Joint Commission on the Coinage, a nonpartisan body established by law to advise the President and the Congress on silver and coinage matters.

In summary, the enactment of H.R. 14127 is strongly in the public interest because it would give the economy the coins it needs, honor a great American, help our balance of payments, reduce the Government's borrowing needs and the public debt, and contribute to the fight against inflation.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this proposed legislation was considered in the House under suspension of the rules and carried by a large majority, but was about 15 votes shy of the necessary two-thirds to pass it at that time.

The bill is now back before the House under a rule, and it is the same bill as before, and is one that I believe the vast majority of our committee were wholeheartedly in favor of.

Mr. Chairman, I served on the Joint Commission on the Coinage that was created several years ago. This is a bipartisan commission with membership from both the House and the Senate.

The recommendations that are embodied in this bill are the recommendations of the Joint Commission on the Coinage with an amendment added by the committee for the coinage of a new dollar coin.

On October 3 the Banking and Currency Committee reported favorably on a bill (H.R. 14127) to authorize the minting of a nonsilver cupronickel half dollar and a nonsilver cupronickel dollar coin bearing the portrait of President Eisenhower. The bill would also direct the transfer of the last 2.9 million rare silver dollars now held in the Treasury to the GSA for sale to the public in a fair and equitable manner. I am asking for your support of this bill which would both contribute to a more effective coinage and make it possible for us to honor a great American.

The authority in the bill to mint a nonsilver half dollar I believe is long overdue. Despite the fact that nearly 1¼ billion half dollars containing silver have been minted since 1963, this coin is rarely seen in circulation. For the past several years the public has been deprived of a half dollar in adequate circulation for trading needs. As quickly

as these coins have been minted they have simply disappeared into private hoards. It is time that the Congress authorize the production of a half dollar that will actually circulate to meet the needs of American business. The enactment of H.R. 14127 will accomplish this purpose.

H.R. 14127 also authorizes the Secretary of the Treasury to mint a cupronickel dollar coin bearing the portrait of President Eisenhower. I think this would be a fitting tribute to a great American. I realize that there are those who feel that placing the portrait of President Eisenhower on a coin minted of silver would be an even greater tribute. I would first point out that the composition of the coin neither adds nor detracts from the status of other Presidents on our other coins. But apart from this there are solid reasons why it would be most unwise to use our remaining surplus silver for minting a single coin. Let me list a few reasons why I believe a cupronickel dollar coin rather than one made of silver is in the public interest.

First, a nonsilver dollar coin would mean a far greater monetary return to the Federal Government than a silver coin. The Treasury has estimated that the total seigniorage and revenue under the provisions of H.R. 14127 in the first year after enactment could exceed $500 million.

This income would reduce the Government's borrowing needs—and we are borrowing today at prices up to 7½ percent and 8 percent. It would reduce those needs by an equivalent amount and contribute substantially to the fight against inflation.

Moreover, the annual industrial consumption of silver of about 150 million ounces is more than three times domestic production. Consequently if the Treasury's remaining silver surplus is used for coinage rather than sold under competitive bids, American industry will have to greatly step up its imports to fill this gap. The resulting adverse effects on the balance of payments next year could be as much as $150 million.

Third, using our surplus silver for dollar coins would almost certainly mean higher prices for major consumer products containing silver. This would mean higher costs to millions of consumers of film and electrical products which are the principle industrial uses of silver. It should be realized that the ultimate users of silver include virtually the entire American public.

I would also point out that the provisions of H.R. 14127 have been strongly endorsed by the Joint Commission on the Coinage on which I served. As you know this is a nonpartisan body established by law to advise the President and the Congress on silver and coinage matters.

This legislation is recommended by the President of the United States. The chairman of our committee and I have both received letters from the President with an endorsement and hoping for prompt action by the Congress. I urge the Members of this body to give serious consideration to what is before us. I hope that it will receive the very overwhelming vote today on the floor of the House.

Mr. BARRETT. Mr. Chairman, I yield 10 minutes to the gentlewoman from Missouri (Mrs. Sullivan).

Mrs. SULLIVAN. Mr. Chairman, as chairman of the subcommittee which has jurisdiction over mint matters in the House Committee on Banking and Currency, I support H.R. 14127 and intend to vote for it. I will have an amendment of my own which I was not able to have considered in the committee because of the effort which was being made that morning to get the bill out of committee in just a few minutes time, in order to try to have it enacted by October 14. My amendment deals only with the proof sets issued by the mint in limited numbers each year to coin hobbyists, and does not go to the main point in controversy over this legislation, which is the use of silver in our regular coins.

I will oppose any effort to retain silver in the regular half-dollar, or include silver in the composition of the proposed $1 coin. I have heard all of the arguments on the use of silver in our regular coinage—heard them for 5 years—and do not think they are valid today.

Four years ago, when this issue was last before the House, I supported continued use of some silver in the half-dollar coin, as the Treasury had proposed, while voting to eliminate silver from the quarter and dime. I felt—in 1965—that with about a billion ounces of silver then in the Treasury's vaults, we could divert a small fraction of that amount to the coinage of a silver-clad half-dollar. And so I took the floor in 1965 to oppose a committee amendment which had been agreed to by 18 of the 33 members of the Committee on Banking and Currency, which would, at that time, have eliminated all silver from our coinage. But the circumstances today are far different from those of 1965.

As I said then, it was not a question of having a prestige coin. Nor was it a question of including in our coinage at least one coin that had some intrinsic value—two arguments being used again this year to support the inclusion of silver in coinage. My point in 1965 was that the coinage bill we were then considering represented a mammoth victory in the legislative process for industries in this country using large quantities of silver—a victory which would assure to those industries access at reasonable prices to hundreds upon hundreds of millions of ounces of Government-owned silver at a time when this country used four or five times as much silver for industrial processes as our own mines could produce.

The silver mining industry had enjoyed for generations a built-in captive market in the Treasury of the United States for all the silver it produced. In retrospect, it was a good thing we were forced to buy and salt away all of this unwanted metal, at what then appeared to be excessive prices, against the day—which arrived in the midsixties—when this unique metal was going into scarce supply, and only Treasury stocks of silver could meet the deficit between supply and demand.

But I argued, and the House agreed in 1965, that in taking away most of a market the silver producers had enjoyed for 173 years for silver in coinage, we should demonstrate a willingness to show some concern for the silver producers who were taking a bitter defeat. I felt it only fair to contribute, on a very reduced scale, the use of some silver in just one coin denomination. We could easily afford this diversion of about 15 million ounces of silver a year from a hoard which, as I said, was at about 1 billion ounces.

In the 1965 act, we established a national commission to study this question of the continued use of silver in coinage. Its recommendation has now been made: Take all silver out of the coins.

Furthermore, instead of the billion ounces of silver we had in the Treasury in 1965, we are now down to less than one-tenth of that amount. If we continue to use 15 million ounces a year for the half-dollar, and start using 15 million or more ounces a year for the proposed $1 coin, we could not continue minting silver-clad coins for more than 2 or 3 years, at the outside, and all sales of silver to industry would have to stop now. Of course, that is what the silver producers want to happen.

But they are no longer in the poor-mouth position they were in 4 years ago when we passed the Coinage Act. Silver prices have been freed since July 1967, from their previous effective ceiling of $1.29-plus per fine troy ounce. The price has been fluctuating at levels far above that ever since. Even so, there has been no appreciable increase in production. For the past 10 years, we have not been able to produce enough silver in this country to meet domestic needs. It may be years before we do again, if we ever do.

Some years ago we were told in the committee that it would take a price of at least $3 an ounce for at least 3 years to make it economic to reopen enough old mines and find enough other new sources of silver to meet domestic requirements. But our requirements by then could well be far higher than they are now. Silver is unique in many respects, particularly for use in photographic film. There is no practical substitute.

So, Mr. Chairman, with the Treasury rapidly running out of silver it is a little too late to seriously consider increasing, or even continuing the use of silver in coinage. Unlike photographic film, coinage can use other materials just as well as silver. The silver-clad coins—the Kennedy half-dollars—are not circulating and will not circulate as long as they look so much more attractive than the cupronickel coins. It is their attractiveness that makes them keepsakes, not their silver content as such.

Let us stop the nonsense of turning out hundreds of millions of coins which are not being used as coins. If we are to please the coin collectors, then let us mint a reasonable number of specimen coins and sell them at a big profit as numismatic pieces. The Treasury received $5 a set for coins whose face value is 91 cents, in sets which cost about $1.35, altogether, to produce. With the added $1 coin proposed in this legislation, proof sets could sell for substantially more than

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$5 to reflect the additional coin, and if made more attractive than the regular coin.

If we are convinced we want to turn out a "pretty" coin, it should be for numismatic use only; if any silver or other precious metals are to be used in coins, they should go into display coins specially made for collectors.

That is why I intend to offer an amendment to this bill to give authority to the Secretary of the Treasury to make proof sets from metals or combinations of metals different from those required to be used in the regular coinage. If a silver wash will make the coins more attractive, that should not cost much, or take much silver. Perhaps columbium might be used. But whatever special materials are used should be only for proof coins, and only under circumstances which will assure citizens an equal opportunity to obtain at least one of these sets before multiple orders may be filled.

I am sure the Members have heard many complaints from constituents who are coin hobbyists about the impossibility of having their proof set orders filled while the dealers advertise these sets at prices two and three times the Treasury price. The system in use for distribution of these sets is outdated—demand is now far heavier than supply, but the Treasury has been unable to differentiate in many instances between dealers ordering many, many sets under different names and the individual citizen who just wants one or two.

If the Members want to clean up this situation, and please their constituents interested in coin collecting as a hobby rather than as a business, they will support my amendment when it is offered.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentlewoman from New Jersey (Mrs. Dwyer).

Mr. BARRETT. Mr. Chairman, will the gentlewoman yield?

Mrs. DWYER. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I commend the gentlewoman from the 12th District of New Jersey (Mrs. Dwyer). She is greatly loved and respected by our committee. The gentlewoman has worked very hard to get her amendment through to put the likeness of a great president on the new dollar coin.

I believe the people of her district should be just as proud of her as we are here in the Congress. She always does a fine job.

Mrs. DWYER. I thank the gentleman from Pennsylvania.

Mr. Chairman, last week's debate on the pending bill revealed clearly that there is one—and only one—real issue associated with the Coinage Act of 1969. That is the question whether the proposed $1 coin, which will bear the likeness of one of our Nation's greatest citizens, former President Eisenhower, should be minted, in whole or in part, of silver.

I believe we should meet this issue directly. As the author of the amendment, accepted by the Committee on Banking and Currency, to provide that a non-silver-bearing $1 coin carry the image of our late President, I believe it would be self-defeating to use silver in the minting of this coin.

It would be self-defeating because both of the purposes for which the coin would be minted would be rendered unattainable. The new $1 coin is intended to meet a real economic need and it is intended to honor a great American. To do either or both, such a coin must circulate.

A silver-bearing Eisenhower $1 piece would not circulate. We do not have sufficient stocks of silver to mint enough $1 silver coins to make certain they would circulate. The intrinsic value of the silver and the sentimental value of an Eisenhower coin would guarantee the coin's disappearance from the marketplace. And it is only in the marketplace, in actual circulation, that any coin can serve an economic purpose. And it is only as a circulating coin that any coin can meaningfully serve as a memorial. A coin which does not pass through people's hands can hardly bring to people's minds the person that coin is intended to honor.

Since the proposed $1 coin is intended to honor a great American who was also a great Republican President, I believe that the position of the present Republican administration, which is headed by the man who was President Eisenhower's Vice President, should be especially significant. Certainly, no one could accuse President Nixon of attempting to downgrade President Eisenhower. It carries great weight with me, therefore, that President Nixon, personally, and his administration are firmly committed to the minting of nonsilver $1 coins bearing the likeness of President Eisenhower.

Mr. Chairman, I recognize and respect and, in fact, I share the motives of those who seek to amend the committee bill to provide for a silver-bearing Eisenhower coin. Silver would undoubtedly add to the value of such a coin. But if a higher intrinsic value is all we are looking for in an Eisenhower coin, then I suggest we would be better off to mint a commemorative medal rather than deceive ourselves that we are minting a coin intended to circulate as a part of our regular coinage.

With President Eisenhower, however, we have tried to do more than is commonly done. By proposing to place his likeness on the newest and highest value coin in our coinage system, we are proposing an honor of a special kind, an honor reserved—at any one time—to only six Americans. But the nature of this honor rests on the fact that these six coins actually circulate as a part of our coinage.

If we are serious, then, in honoring President Eisenhower and serious about meeting the demonstrated need for a one-dollar coin, we have no alternative to the cupronickel coin provided for by the bill. For a cupronickel coin will circulate, and a silver coin will not.

We should recognize, Mr. Chairman, that a silver-bearing coin would have other harmful effects:

It would deplete the Treasury's very limited reserves of silver.

It would force upward the price of silver, benefiting speculators, and increase substantially the cost of consumer products which contain silver, thereby adding to inflation.

It would force American industry greatly to expand its imports of silver, thereby adding to the dangerous deficit in our balance of payments.

This would be a high price to pay for the very limited prestige value attached to a silver-content dollar as opposed to a nonsilver dollar.

Mr. Chairman, I am confident that there is the widest possible agreement in the country that President Eisenhower is most deserving of this special honor. Few Americans in the history of our country have earned the love and respect of their fellow citizens to the extent that Dwight David Eisenhower earned it. His long lifetime was devoted almost entirely to the service of his country. His influence for good was felt decisively at key periods in our Nation's history, in war as well as in peace.

A new $1 coin, therefore, would be a most fitting and timely memorial to this great man who gave so much of himself to so many others—but only if that coin circulates.

Recent experience with the silver and silver-clad Kennedy half-dollars has shown that even these coins, minted in much greater quantities than a dollar silver-bearing coin could be minted, disappear almost entirely from circulation as soon as they are minted. Since more than one and a quarter billion silver-bearing half-dollars have been coined, surely we can expect the same fate to befall a much more limited supply—an estimated 300 million—of Eisenhower dollars. The pending bill would also remove the remaining silver from the Kennedy half-dollar.

How much honor, I ask, attaches to a coin that won't circulate, a disappearing dollar? How much honor attaches to a coin which will be inflationary? How much honor attaches to a coin which will benefit speculators and hoarders rather than people in general?

President Eisenhower was a man whose devotion to the public interest always took first place. Presented with the facts, I cannot conceive that he would ever choose to be honored in silver when a different alloy would serve his country so much better.

I suggest, Mr. Chairman, that in considering the pending bill we apply President Eisenhower's own principles, and decide this issue on the basis of the greatest good for the greatest number.

Mr. BARRETT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. Casey).

Mr. CASEY. Mr. Chairman, I thank the distinguished chairman for yielding me this time.

I propose to offer an amendment to this bill. It is one which I think is very appropriate.

The distinguished committee has seen fit to decide that the new dollar should be commemorative to the late President Dwight D. Eisenhower, and I have no quarrel with that decision. I think he was a great President and a great military leader and a great scholar. I think very appropriately, though, we should consider the amendment I will offer that

on the other side of this coin we place thereon the inscription "We came in peace for all mankind" and the official design prescribed by NASA as emblematic of the Apollo 11 flight.

Our space program started under President Eisenhower, as you will recall. That is when it began. He did not live to see the landing on the moon, but, you know, our Apollo 11 flight is very similar to Columbus' discovery of America.

We all recall how that momentous moment in history has been recorded on our silver dollars. So, why not make this a real commemorative coin, not only with President Eisenhower's likeness on one side, but let us commemorate this great feat, this great momentous feat in history which began under his administration and place on the other side a design of the Apollo 11 flight and the words that were left on the moon by those astronauts, "We came in peace for all mankind."

Mr. Chairman, I would hope that the Committee would consider this amendment seriously and I would be very pleased if the Members would see fit to agree to it.

Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Stanton).

Mr. STANTON. Mr. Chairman, I would like to encourage this afternoon the prompt enactment of this legislation.

Mr. Chairman, this legislation would authorize the minting of non-silver-clad dollar coins, an action which has been endorsed by the Joint Commission on the Coinage, a nonpartisan body adopted by law to advise the President and the Congress on silver and coinage matters.

It has been proposed to amend the resolution to direct the production of dollar coins of a silver content. This would in my judgment be a serious mistake.

One of the main arguments against this amendment is that dollar coins of silver content would not remain in circulation. In supporting this argument, I would like to mention the half dollar, which at present is composed of 40-percent silver. Despite the minting of close to 800 million 40-percent silver halves over the past 3 years, very few of these coins are actually circulating.

The experience with the Kennedy half-dollar indicates that silver coins will not circulate freely any longer and the Joint Commission on the Coinage and the Treasury Task Force on Silver Policy has stated that there is a commercial need for a circulating dollar coin, particularly in view of the steady expansion of the vending machine industry. This need can only be met by a nonsilver coin.

In addition, in view of the fact that the melting ban on silver coins has been lifted, there may be those who engage in hoarding and speculation who may expect to profit by the issuance of silver coins.

The use of our remaining silver would require a halting of surplus silver sales. This action would very probably drive the price of silver up excessively and further stimulate the hoarding of these coins.

In conclusion, it does not seem prudent to pour our remaining silver into silver dollar coins, when these coins would never circulate in any quantity.

Mr. Chairman, this legislation before us today is indisputably needed. Foremost in my thinking, this legislation would bring honor to a great American, Dwight D. Eisenhower. Secondly, it would end the uncertainty of the Federal Government's silver policies. The bill would bring additional cupronickel-clad coins into the economy, representing a savings to the American taxpayer, and insure all-out circulation of these coins in the economy—"Mackie Machine Age." For our numismatists, the Government would be given the authority to sell to the public almost 3 million rare silver dollars now held in the Treasury. The sale of these silver dollars would also bring a surplus into the Treasury.

It is rare, indeed, that one piece of legislation could represent such a savings to the public, a relief to silver dealers, and an honor to a great American at the same time. I urge my colleagues to cast their votes accordingly.

Mr. WIDNALL. Mr. Chairman, at this time I yield 5 minutes to the gentlewoman from Massachusetts (Mrs. Heckler).

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of H.R. 13252, the Coinage Act of 1969, which would implement the recommendations of the Joint Commission on Coinage and the Treasury Department. American industry today consumes approximately 100 million ounces more silver than this country produces. Tying up silver in future coinage would require American industry to continue and increase its present level of silver imports and would thus adversely affect the U.S. balance-of-payments situation. The continued use of silver in U.S. coins would deny to the market a large quantity of silver and thus force up the price of silver. This inflation in silver prices would be contrary to Government attempts to bring our overheated economy under control. The silver-using industries would pass these price increases along to the already overburdened consumer affecting such products as photographic materials, electronic instruments, electric appliances, batteries, silverware, and medical supplies.

Equally significant is the fact that experience has shown that coins containing silver disappear and cannot serve the basic purpose for which they were intended, that is to meet the needs of commerce. The Kennedy half-dollar which contains 40-percent silver is virtually out of circulation as a medium of exchange. To permit the future production of 300 million coins containing 40 percent silver proposed (by the distinguished Congressman from Idaho) would create a coin collector's delight and indeed "bonus" years for silver speculators willing to hoard silver to realize later profits when its use in coins would discontinue.

It is evident that authorizing the Government to mint a nonsilver dollar and half dollar using the cupronickel-clad metal assures that these coins will circulate and satisfy the basic purposes of currency. Furthermore, the use of the latter materials in coins releases silver for sale to U.S. industry for use in consumer goods.

Additionally, the Government, through seigniorage, profits much more by using cupronickel-clad metals rather than silver in coins. The Government profits in minting 100 million 40-percent silver dollars would be approximately $52 million including the costs for production of a coin containing silver. To mint the same number of coins using a cupronickel-clad material would yield a profit of $95 million.

It has been suggested that we must use silver in a proposed dollar coin in order to indicate the esteem in which we hold our beloved former President Dwight David Eisenhower. I feel personally that no metal, however precious, could begin to equal the esteem that Americans feel for "Ike." Indeed it would seem to me that considering the undesirable economic ramifications involved in producing a silver dollar, that Ike himself would not want it that way. H.R. 13252 proposes to place President Eisenhower's image on a nonsilver dollar coin which would be used every day by ordinary men. I believe that "Ike" would consider this the greater tribute.

Mr. STANTON. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Mayne).

Mr. MAYNE. Mr. Chairman, on yesterday, the anniversary of his birth, the Nation honored the memory of the late general and former President, Dwight David Eisenhower. It is therefore fitting and proper that this House of Representatives carry through on this observance today by considering and, hopefully, approving a bill authorizing the minting of a coin bearing the likeness of this great man.

Earlier this session I joined in cosponsoring H.R. 12747. This bill, introduced by Congressman McClure, would have authorized coinage of clad silver dollars bearing the likeness of the late Dwight David Eisenhower.

However, I have become convinced from a study of the experience gained with regard to the coin minted in memory of the late President John F. Kennedy, that it would be impractical to insist that the coin honoring President Eisenhower have any silver content. If the Eisenhower dollar contained 40 percent silver or even lesser amounts, it is apparent that chances would be quite remote for keeping that dollar coin in circulation rather than have its supply hoarded by collectors and silver speculators. If we are to make it possible for our fellow citizens to do honor to General Eisenhower, this can best be done by minting coins which have a reasonable assurance of remaining in circulation rather than being taken out of circulation and melted for their silver content.

I therefore fully support the bill pending before the House, H.R. 14127, which

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would carry out the recommendations of the Joint Commission on the Coinage by authorizing the minting of a nonsilver cupronickel dollar coin bearing the likeness of one of the great Americans of all time, our beloved "Ike" Eisenhower. The fact that this coin will not contan silver is in no way demeaning to the memory of our late President and general, but affords a practical solution of which I am sure he himself would heartily approve.

Mr. BARRETT. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. Olsen).

Mr. OLSEN. Mr. Chairman, I join with those who think if you strike a coin for a distinguished American, it ought to be a coin that is distinguished—and the last remaining metal that we have in quantity enough is silver.

Once upon a time here in the Congress, I would come down in the well and talk only for the silver miners. We produce in my hometown of Butte, Mont., about 11 million ounces a year and in Idaho they produce about 25 million ounces a year. The total I think is 36 million ounces—I am just talking off the top of my head.

But I speak for more than the silver miners now. There are certainly a lot more silver miners than silversmiths and I sincerely think that for those for whom we strike a coin—for common coinage—we should do them that honor with some prestige, and 40-percent silver is probably too little.

But 40-percent silver would protect the coin.

Now people say the Kennedy half dollar is going out of circulation, and I say what is the matter with that? It is a prestigious memory of a great man and something that they love. Now what is the matter with an Eisenhower dollar, a prestigious coin, that people might save? I really believe we ought to do this.

What is more—I deplore and I have some resentment and I must confess to it—I have some resentment about the Treasury policy of selling silver. We have almost dumped the silver out of the stockpile. We have almost dumped it. Who has it been dumped to? The people who have been using the Treasury as a silver mine—and they are the silversmiths. They are not bad people, but they looked for a good deal and they got it. But I do not think we should add another mistake now to the mistake of dumping silver—I do not think we should add another mistake and deny the people of America a prestigious coin for a great American and a great President. Forty-percent silver is little enough and to discontinue a silver half-dollar would also be bad.

Mr. BARRETT. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Hanna).

Mr. HANNA. Mr. Chairman, I would like to make two points. First, I would like to follow through with the suggestions of the gentleman from Iowa (Mr. Gross) about wampum. I think he very clearly made the point that money is beginning to lose its intrinsic value. But he did not go far enough.

I have in my hand a quarter, a dollar bill, and an American Express card. I do not know how the gentleman from Iowa (Mr. Gross) got the beads which he displayed. I do not think he knows enough hippies to have gotten his several sets of beads from that source. So he possibly bought them. I think probably they cost more than a quarter. But if he wanted to get something out of one of the machines around the Capitol, he jolly well better have a quarter in addition to his wampum beads. I am sure, however, that if he offered to sell the wampum beads, he would find some takers if he devised a machine to dispense merchandise for wampum beads.

The quarter has more intrinsic value than the dollar, but anybody will be glad to trade you more quarters than one for the dollar.

I have in my hand an American Express credit card.

Now, this piece of plastic I have in my hand is worth even less than the dollar, the bill, the piece of paper. But I am sure that all of you would hold this in much higher regard than the dollar bill, especially if it was one that had your name on it and you were in good standing with the American Express.

So it seems very clear that in this day and this time we do have a little more sophistication than the Indians. What we want is the Banking and Currency Committee to help us establish some kind of coinage, some system that will transfer goods and services in this society, and we are trying to do just that.

Aside and apart from that, I would suggest that we are supposed to take care of the coinage and monetary problems of this country separate and apart from trying to solve the problems of the miner, or to solve the problems of the silversmith, to solve the problems of the coin collector.

A pox on all three houses. We should manage our present silver strictly for the interest of the people. Sales and inventory should hinge on our security needs and the return on our investment in the original purchase. That is what the people expect us to do. They expect us to provide them with a coinage system that will move the goods and services of this country as efficiently and as effectively as can possibly be done, and this legislation carries out that responsibility. I suggest that we are moving even more slowly than the very economy that we are trying to serve, because it was not our committee that invented the credit card, the maxiwampum. It was the very economy that we are trying to serve that came up with this idea, and as the gentleman from Georgia (Mr. Stephens) and I pointed out between ourselves in a discussion while the gentleman from Iowa was making his point in relation to history, that these points are already made for the present and for the future; that is, the checkbook moves more goods than money and credit cards will soon move more than the checkbook. They indicate where we are going in terms of what the base is for our money. It is something to be looked back upon with nostalgia, in the history of coinage, in that it does not have some basic value of itself.

At one time people had very few things in which they had an opportunity to invest. Their money was one of their sources of investment, the coins containing a saving of value. But, thank goodness, this society has moved strongly enough to spread the opportunity to take part in its great economy; has moved freely enough so that people now have tremendous opportunity to invest in its true wealth. They can buy stock in General Motors. They can buy the bonds of their municipalities, or they can take their money and buy real estate. In all of these things they have some opportunity not only to have a retention of value, but a possibility of growth as well.

It seems to me that you cannot fault people if they have turned away from putting their faith in hard money which they put in a can and buried in the backyard. Americans have moved to the point where they are now engaged in sophisticated investment in equities and in trying to put whatever they have set aside into those things that promise a better return and those things that give them a stake in the real wealth of the Nation rather than in the symbols of wealth, which is all that coinage ultimately would provide.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho (Mr. McClure).

Mr. GROSS. Mr. Chairman, will the gentleman yield for a quick observation?

Mr. McCLURE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I will say to the gentleman from California (Mr. Hanna) that after all is said and done, it will take some of this scrap metal currency or irredeemable printing press money which he has displayed to eventually liquidate his "buy now, pay later" plastic credit card.

Mr. McCLURE. Mr. Speaker, today in both Chambers of Congress the fate of our monetary system will be decided. The final decision is ours, and it is not a responsibility to be taken lightly. In some future economic crisis, when the strains upon our monetary system prove insurmountable, historians will search back to the time when the trouble began. They will remember passage of the Coinage Act of 1965 and the events of the past few months. But when someone asks, "When was our coin and currency finally debased?" The answer will come back: on October 15, 1969, by the U.S. Congress. If the bill before us passes in its present form, we must be prepared to accept the responsibility for what is almost certain to transpire at some future date.

I realize that it is difficult for the Members of this body to go against the recommendations of the Treasury. Presumably, they are the experts in these matters. But I personally believe that the Department has not earned the right to your allegiance, and I would like to tell you why.

Candor has not been an asset at the Treasury recently. For example, in 1966, one departmental official testified before a Senate committee to the effect that a coin shortage did not exist, nor was one expected. And yet, every single fall since then a shortage has appeared and silver coins were recirculated.

Then, when the weekly GSA sales were authorized, Treasury said these auctions would serve the purpose of stabilizing the silver economy. Yet, we know now that they permitted the metal to be sold at below-market prices, thereby preventing silver producers from pursuing needed exploration. I reiterate what I said a week ago Monday—you simply cannot dump 178 million ounces on the market at a time when consumption is less than 160 million ounces and expect stability.

The Treasury has also said that the silver sales would have to be restricted to domestic users because of the copper strike. But when that dispute had ended, the Department refused to lift the ban for over a year.

Treasury told us that through the sales, the silver would be dispersed among all segments of the economy. But now we find out that 89 percent of all purchases have gone to only 18 companies.

Regardless of whether you feel that the GSA sales were right—regardless of whether you feel they should have been restricted to American users—regardless of how you feel about silver in the first place, surely it must be obvious that Treasury has not been honest about the reasons for the actions taken. Why, then, should we follow them blindly now?

And what is it they are saying?

For one thing, they are saying that the recommendations they make are pursuant to decisions of the Coinage Commission. But the commission specifically left the content of the proposed Eisenhower dollar up to the Congress.

The Treasury is also saying that use of silver in coins will increase the balance-of-payments deficit, because users will then need to import large quantities of the metal. Statistics tell a different story. Between 1964 and 1968, this country exported 135 million ounces more than it imported. Last year alone there was an export surplus of 55 million ounces.

Now, what would the situation be with respect to a cupro-nickel coin? The most recent statistics on lead imports and exports are for 1967. At that time the United States imported 111,463 short tons of lead more than was exported. The situation with respect to copper is the same. In 1968 copper imports exceeded exports by 315,564 tons.

That would seem to end all arguments as far as the balance of payments is concerned. But let us take it one step further and see what effect the weekly sales have already had on this problem. Since the ban on foreign purchases was lifted in May, the GSA sold—through the end of September—28.5 million ounces of silver. Of this, at least 8.7 million ounces are known to have been shipped abroad. Interestingly, a Zurich, Switzerland, newspaper commented in September that the "lively demand" for silver on the London metal market was traced to Soviet buying.

Is this the way to cure our balance-of-payments problem? Of course not. The truth is that no silver shortage exists. And we have that on very good authority, the Bureau of Mines, for instance. Last December, the bureau reported exports of silver exceeded imports in 1967 "as large quantities of Treasury silver stock were shipped abroad."

Then, Handy and Harman, in its year-end review for 1968 commented, "We have continually emphasized that there will be no shortage of silver for future industrial needs, and this has been confirmed by events."

And we also have it on no less an authority that the General Counsel of the Treasury Department, Mr. Paul Eggers himself.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I am happy to yield to the genelman from Montana.

Mr. OLSEN. The important point the gentleman is making is that the Department of the Treasury and the General Services Administration have been leading us down a road that drains the silver out of our stockpile, which we should be using ourselves, and which as a matter of fact went abroad.

Mr. McCLURE. Which is going abroad and will continue to go abroad to the benefit of foreign speculators.

Mr. OLSEN. Then, when the day comes we have to buy silver——

Mr. McCLURE. We will buy it back from those very same speculators at a higher price.

Only 2 weeks ago in hearings on this bill, the gentleman from Georgia (Mr. Blackburn) asked:

> Is there a shortage of silver at the present time among those industries that require the use of silver?

And Mr. Eggars responded:

> No, there is no shortage right now. They can get the silver they need.

Let those statements put to rest once and for all any questions of a silver shortage or a balance-of-payments problem if we put silver in the Eisenhower dollar.

Next, Treasury is saying that only a cupro-nickel coin will circulate. Well, it is true that collectors will be more attracted to a coin of intrinsic value. That merely illustrates the high esteem in which prestige coins are held. But this is not a legitimate argument, because coin collectors will tell you that it makes no difference what the proposed dollar is composed of—the very fact it is a new issue means that numismatists will grab them up in the beginning.

In this regard, it is equally unfair to point to our experience with the Kennedy half as proof that a silver coin will not circulate. As you may recall, in 1964, 1965, and early 1966, the half contained 90 percent silver. After that, the silver content was reduced to 40 percent, and just as the coin began to circulate, the Treasury Appropriations Subcommittee cut the annual authorization to one-third that of previous authorizations—down to only 100 million pieces. A very good case could be made that the coin was sabotaged. Indeed, Treasury officials themselves—in testimony 2 weeks ago before the committee—said that we must have an annual minting of 300 million halves to meet the needs of the marketplace. The scarcity of the Kennedy half was not due to the fact that it contains silver. It just is not being minted in sufficient numbers to meet the demands.

It is also worth noting a statement made by Mr. Chester Krause, editor of Numismatic News, recently. He said that a couple of years ago Canada decided to switch from a silver dollar to a cupronickel coin. Our neighbors to the north have not been successful in getting the new dollar to circulate because the people there have refused to accept a worthless coin.

Another argument advanced by Treasury is that a nonsilver dollar would mean a greater monetary return to the Federal Government. What they conveniently overlook is that we are now proposing the use of silver already owned by the Government, while the lead and copper needed for a cupro-nickel coin would have to be purchased.

At this week's GSA auction, silver was sold for $1.82 an ounce. If used to mint an Eisenhower dollar, it would monetize at $3.16 an ounce. In the Kennedy half, the figure would be $3.38 an ounce.

Mr. KLEPPE. Mr. Chairman, will the gentleman yield for a question?

Mr. McCLURE. Yes; I will be happy to.

Mr. KLEPPE. First of all I want to say thank you for yielding to me.

I think the gentleman has made a number of very interesting observations on this question. I would like to ask him this question: You just indicated the dollar would monetize at $3.16 an ounce. Can you tell what the cupronickel dollar monetizes at?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WIDNALL. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. McCLURE. I thank the gentleman for yielding me the additional time.

In answer to the question of the gentleman from North Dakota, I could not tell you the precise figure, but it is roughly 5 cents.

Mr. KLEPPE. Thank you.

Mr. McCLURE. Mr. Chairman, you cannot escape the fact that the American people would receive twice the return—and four times the profit—on the remaining silver if it is used for coinage purposes.

Treasury has a ready answer for this, of course. They say, "Well, what good are the profits if it means the American consumer must pay more for the products he buys?" Well, once this bill has passed, regardless of the form it takes, the uncertainty will have been removed and silver prices will begin to climb. But no realistic person is suggesting that these prices are going to skyrocket out of sight. As the Government's influence lessens, the metal will seek its proper level in the market. I might note in passing that a major photographic firm has been sending you telegrams on how badly it needs the Treasury silver. This same firm, however, has received only 80,000 ounces in the past 6 months, so they hardly are dependent upon it.

It is almost embarrassing to discuss the memory of Presidents Eisenhower and Kennedy in the same breath with the price of silver, but that is the strategy which Treasury has laid down for this

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measure. As far as these Presidents are concerned, I sincerely believe it would be a disservice to their memory if the coins bearing their likenesses were not as prestigious as the men themselves.

Mr. Cliff Minshler of Numismatic News editorialized last week on the need for a currency with the "look and feel of real money" and the "need of a nation to maintain the image of a solid currency." He wrote:

> The Treasury certainly cannot argue with the value of a silver coin in accomplishing this mission, as in the recent past its officials have espoused the theory that a monetary system must contain such a coin, by virtue of its insistence that gold must be internationally maintained as a *monetary* rather than a *commodity* metal.
>
> It must be remembered that silver remains a magic word when someone is suggesting a base for value. Its maintenance as a part of our coinage system is perhaps a vital consideration in this day of lost values in society. Just as a baby clings to its first blanket, so do Americans seek to cling to the honored traditions of their unquestioned currency of the past.

Those are fine words, indeed. The proponents of the measure before us, however, would have you believe that turning out coins of little value brings in a huge profit. The same argument is made in behalf of printing press currency. They will even try to tell you that nonsilver coins constitute a blow against inflation, although Mr. Eggers admitted to the committee that it is the silver coin which is anti-inflationary. To run to a cupro-nickel coin is a confession of weakness used by other nations only in a time of economic distress.

The supposedly sophisticated economists argue that a monetary system of intrinsic worth is unnecessary. They have little faith in the ability of the ordinary people of this country to make the correct decisions, and they therefore justify a benevolent Federal authority over monetary policies. They do not trust the people to make the correct economic decisions because in their view, the people are economically ignorant.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WIDNALL. Mr. Chairman, I yield the gentleman 2 additional minutes so I can ask a couple of questions.

First of all, you mentioned the export and import of nickel. How much nickel is produced in this country? To my information, none.

Mr. McCLURE. I cannot answer your question at this moment. I do not have the figures with me, Mr. WIDNALL.

Mr. WIDNALL. You cited this as an important figure to substantiate action being taken in your behalf. That is true, also, of copper, is it not?

Mr. McCLURE. We import more than we export by the net amount of the figures I have given you. The reason why I bring this up is because it has been argued we will have to import silver if we stop Treasury sales.

The reason I believe this is because I was arguing that we will have to import silver if we stop Treasury sales. And I say to you that we are exporting silver while we are importing these other metals at the present time.

Mr. WIDNALL. What is the total amount of silver production in this country at the present time?

Mr. McCLURE. It has fluctuated.

Mr. WIDNALL. That is, as against domestic demands for silver?

Mr. McCLURE. It has fluctuated. Our mines produce at the present time in the neighborhood of 40 million ounces a year and consumption has been in the neighborhood of 140 to 160 million ounces a year.

Mr. WIDNALL. Mr. Chairman, if the gentleman will yield further, the domestic mining interests can only produce about 20 percent of the needs in the United States?

Mr. McCLURE. At the current price level, this has been true.

Mr. WIDNALL. Would not the usage which you suggest tend to make silver more in short supply?

Mr. McCLURE. I would say to the gentleman from New Jersey, as any other commodity seeks a price level, so does silver, in response to supply and demand. If the Government stays out of it, you will find the price will stabilize and that the supply and demand will be equal. But as long as the Government policy depresses the price by dumping what has been designated as surplus silver, the price of silver will be depressed to such an extent where they will not produce additional supplies.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Is it not true that we have put in circulation 1¼ billion Kennedy half dollars since 1966 and you cannot find one of those in commercial circulation today?

Mr. McCLURE. I would say to the gentleman that the figure that has been used and the figure which the gentleman from New Jersey used not only in his letter but in his remarks today is a misleading figure because about 1¼ billion 50-cent pieces include 90 percent silver coins which had been minted prior to 1966.

Mr. BARRETT. Ninety percent and 40 percent.

Mr. McCLURE. Mr. Chairman, this leads to the autocratic decision that the people shall not have coins of worth which can be held in a time of economic uncertainty.

Such reasoning justifies the philosophic inconsistency in the destruction of the last link between gold and our currency, and, at the same time, prohibition of the ownership of gold by our citizens.

It seems to me that all history shows where this course is taking us. No government in the recorded history of mankind has been able to survive philosophical bankruptcy that leads to debasement of the currency. If the American people had been able to participate in some of our basic policies in this field, by their day-to-day decisions, we would not now be fighting the problems of inflation from student loans to housing. The people would have, by their basic and instinctive reactions, dampened the fires fueled by the good intentions—but misdirected excesses—of our economic managers. But this is heresy in the day of enlightened Government centralism which destroys individual freedom in the name of the common good.

From 1792 until 1965, this country had a tradition of minting silver coins. During this period, the purchasing power of U.S. currency was better sustained than the purchasing power of the currency of any other major nation. This was not pure coincidence. Those countries that were forced to resort entirely to token coins and paper money were the countries in which currencies showed the greatest depreciation in value. Since 1965, we have experienced the greatest period of economic uncertainty in this century, except for the depression.

If we perpetuate this economic fallacy, a day of reckoning is most surely to come upon us. The blame will not go to the Treasury Department or the Coinage Commission or either of the last two administrations. The fault will be laid to the doorstep of the U.S. Congress.

I urge you to reconsider your position on the bill before us and support the amendment to mint an Eisenhower dollar with silver in it—a coin that will more appropriately honor the man it seeks to commemorate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WIDNALL. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I would like at this time to make a few remarks on H.R. 14127. This is the bill that you and the ranking minority member of your distinguished committee (Mr. WIDNALL) introduced on October 1.

I had the pleasure of testifying on behalf of this bill before the distinguished Banking and Currency Commttee on October 3 and here on the floor on October 6.

I am pleased that your committee acted promptly on the bill. I only wish this body had taken the same swift action last week.

I have been fighting for this measure for many years, and I think the time for its passage is long overdue.

Section 2 of the bill would authorize the minting of a nonsilver half dollar and a nonsilver dollar. I have long advocated this. I would like at this time to explain why I support H.R. 14127.

On May 12 of this year, the Joint Commission on the Coinage held a very important meeting that was chaired by the Secretary of the Treasury David Kennedy. As you know, this bipartisan Commission has the responsibility of giving advice on silver and coinage problems to the President, the Secretary of the Treasury, and the Congress.

I am currently a member of it and and have been since its inception several years ago. As a result of this position, I have studied the problems of silver and coinage very closely.

At this meeting, the Joint Commission on the Coinage recommended, among other things, that silver be taken out of the half dollar and that it be replaced by a nonsilver half dollar and a nonsilver $1 coin. As a result of this recommendation, the Treasury Department urged prompt enactment of legislation to that effect.

I might add at this point, Mr. Chairman, that these recommendations were not arrived at overnight. They were the result of more than 2 years' work, during which time the silver situation was studied with a fine-tooth comb. Every aspect of the problem was looked into. No table was left unturned.

The result is the bill before us today—H.R. 14127. It has the support of the Joint Commission on the Coinage and the Treasury Department. It embodies recommendations which were reached, as I have said, after long and careful study. And, in view of the silver crisis we are facing, it represents the only sensible and realistic approach to the minting of our coinage.

I think that Secretary Kennedy's statement to the Joint Coinage Commission explains the problem very well. He said:

> The first recommendation, for the minting of a nonsilver dollar, is consistent with the conclusions reached by the Commission at its meeting last December. I think the convincing argument here is that despite the minting of some 760 million 40 percent silver half dollars over the past three years, very few of these coins are actually circulating. Even if we were to continue pouring all of our remaining 150 million ounces of surplus silver into the silver half dollar, it is extremely doubtful whether the coin would circulate in any quantity. Moreover, this use of our remaining silver would require a halting of surplus silver sales which would very probably drive the price up excessively and further stimulate the hoarding of these coins. *In short, the 40 percent half dollar in our past experience is simply a losing proposition.*

That statement, I repeat, was made by the Secretary of the Treasury. You can readily see that it applies to the use of silver in any coin.

I might interject at this point, Mr. Chairman, something that was brought up at the banking and currency hearings. During my testimony, my distinguished colleague from Wisconsin (Mr. REUSS) asked me how much the Federal Government had lost by minting 40-percent silver half dollars rather than clad half dollars.

I think this is a very important thing to know, and I hope my colleagues will take careful note of it.

The fact is that since 1965, we have minted 790 million 40-percent silver half dollars. It costs 22 cents to mint this coin which means the Government comes out with a 28-cent profit on each one.

It only costs 3 cents to mint a clad coin, so we get a profit of 47 cents per coin.

This means that the Government would make 19 cents more per clad coin than it does on the 40-percent silver coin. Thus, we have lost over $150 million on the 790 million 40-percent silver half dollars minted since 1965. I repeat—over $150 million over a 4-year period.

In addition to that, this would have released enough silver to bring in a profit of $66 million to the Government. So we are talking about a total of some $215 million.

The point is—and I have said this over and over again both on and off the floor of the House—we are wasting our precious supplies of silver on a coin that does not even circulate, while our domestic industry desperately needs the metal.

I might also interject, Mr. Chairman, that on may 19 I introduced legislation in this area. My bill, H.R. 11404, provided for the minting of a nonsilver $1 coin bearing the likeness of our late President, Dwight David Eisenhower. This was 1 week after the Joint Coinage Commission meeting.

Several weeks later, my colleague from Idaho (Mr. McCLURE) and 159 cosponsors, introduced legislation calling for an Eisenhower silver dollar. I opposed this measure then, and in a speech here on the floor on July 15, I explained why I did. I still oppose this measure, and for the same reasons. That is why I am speaking today in support of H.R. 14127.

As you will recall, it was Congress that originally authorized taking silver out of our currency. Under Public Law 89–81, which passed on July 23, 1965, silver was taken out of the dime and the quarter. Unfortunately, it was not taken completely out of the half dollar. The bill as finally enacted only reduced the silver content in the half dollar from 90 percent to 40 percent.

The reason for this action by Congress was clear, and I should know. I fought hard for it, including complete removal of silver from the half dollar, which we lost on. Congress recognized that silver was much too precious and its supplies much too limited to waste on currency.

The situation has not changed. In fact, if anything, it has gotten worse. Silver is even more precious and its supplies even more limited to waste on currency today.

A few figures should put what I am saying in the proper perspective.

For example, since 1964, 276 million ounces of silver have been used in the minting of more than 1 billion half dollars. This amount of silver alone would have been enough to fill the gap between domestic production and consumption for a period of more than 2½ years.

Or to put it another way, the United States used 60 percent more silver in minting the half dollar than the rest of the entire world consumed during 1968 for this purpose.

The fact that the coin would not circulate even at the annual production rate of 300 million coins should be proof that, so long as silver is used, it will not serve as a medium of exchange.

And the mint reduced the production of the 40-percent half dollar to 100 million a year last July. Even at this reduced rate—15 million ounces of silver per year—more silver is consumed in 1 year than is consumed by the domestic photographic industry in 4 months.

In addition, U.S. industry uses about four times the amount of silver produced in this country. Specifically, we produce about 38 million ounces annually and consume about 150 million ounces in the same period.

Thus, foreign silver must be purchased to fill the gap. At 1968–69 prices, this could mean a $155 to $256 million per year balance-of-payments deficit. You can well imagine the impact of this deficit upon an already unfavorable balance of payments.

Mr. Chairman, simply stated, a new silver coin would not serve the purpose for which it was intended. It just would not circulate. On the other hand, the clad coins called for by your bill would circulate and would work in our economy. But there are even more reasons that Congress should act upon H.R. 14127.

For example, the Government would make more money on seigniorage by minting nonsilver coins, seigniorage, as you know, is the difference between the face value and the intrinsic value of a coin. I have already shown how this would have worked out in the case of the half dollar. I would now like to clarify this point a little more because there may be some confusion over whether the nonsilver dollar is in fact more profitable than the silver dollar.

The proponents of a 40-percent silver dollar argue that its silver would be worth $3.16 an ounce. They arrive at this figure by saying that you would have to melt 3.16 dollars to get an ounce of silver because each coin would contain 0.316 ounce.

Now I have followed the silver situation a long time, and I have never computed the value of silver like this. For purposes of discussion, however, I will assume that we do in fact get $3.16 an ounce.

Thus, it is argued, more money can be made doing this.

This, however, is not the case because it ignores what it costs the Government to mint coins. For example, it would cost 48 cents to mint the 40-percent silver dollar. This means the Treasury would make 52 cents per coin or $52 million on 100 million coins.

On the other hand, it would cost 5 cents to mint a nonsilver clad dollar. This would give a seigniorage figure of 95 cents per coin or $95 million on 100 million coins. In addition to that, it would release silver for sale to industry. In fiscal 1968, the profit to the Government from the sale of 98 million ounces was $55 million.

This would give us a total profit of $150 million compared to only $52 million with a silver dollar. I think it is quite clear that the Federal Treasury comes out better with a nonsilver coin.

In addition to what I have already said, we should not overlook the fact that there are only 100 million ounces of silver left in the Treasury reserves.

Mr. Speaker, I would also like to clear up another point that critics of H.R. 14127 have raised. They maintain that higher silver prices are a prerequisite to increased new mine production. However, the Bureau of Mines reports show that production is less today than it was in 1950 when the price was $1.29 per ounce. The fact of the matter is that while the price went up more than 100 percent since 1950, production actually declined. This certainly suggests that higher silver prices, contrary to the arguments of some, do not increase mine production.

On July 7, the Chicago Tribune editorialized about the Treasury recommendation embodied in H.R. 14127 as follows:

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> Mr. Kennedy's plan is sensible and timely. * * * (It) would give us half-dollars we can use, and the vending machines are starved for them. It might give us back the old cartwheel, * * * even minus its silver. It would increase the profit * * * which the mint makes on its coinage. And nobody can complain that we will be seriously hurt by the proposal * * *.

Even more interesting and somewhat ironical, are the comments of the Denver Post of May 15, the Post ran an editorial entitled "Wrong Time for Silver Oratory." Therein, they came out against the silver dollar because they felt it would not circulate. And I would remind you that Colorado is a great silver-minting State.

Before concluding, I think there is something else we should all keep in mind. The dollar coins in question would bear the likeness of our late President, Dwight David Eisenhower. I am sure that my colleagues would agree with me that this is a fitting tribute to one of our greatest leaders. It would indeed be unfortunate if we failed or even delayed to commemorate him in this manner.

In this regard, Mr. Chairman, I might mention the letter President Nixon sent to you. In that letter, the President urged prompt congressional action on this bill. The late President's birthday would have been October 14 and President Nixon thought it would be fitting to have an Eisenhower dollar by that time.

Although that no longer is possible, the need for prompt action remains.

Therefore, I would hope for and urge speedy action on H.R. 14127, not only because the silver situation is critical but also because it could provide an appropriate way to commemorate President Eisenhower.

Mr. Chairman, I hope that I have made my position and my support for H.R. 14127 clear. Thank you for the opportunity to make these remarks.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, the gentleman from Massachusetts does want to point out to our colleagues the amount that the taxpayers have realized in the last year because we did have the foresight to remove silver from the quarters.

Is it not a fact that in the testimony of the Treasury their estimate of the savings to the taxpayers for the next 3 years, if this bill is passed and silver is removed from the coins, would be more than $1 billion?

Mr. CONTE. I think the figure is fairly close.

We could have made another $66 million by the silver that would have been released by not having a silver half-dollar. When you add that to the $150 million more we would have made with a nonsilver coin, you get $215 million. Then we get into the rest of the half dollars and dollars that we are going to mint. For this reason, I would say it is a very conservative figure.

Mr. REUSS. It has been said here this afternoon that actually if we take silver out of our coinage that this will debase, debauch, and degrade our coinage. Is it not a fact that if we do not take silver out of our coinage the taxpayers, who will have to pay an extra billion dollars for the next year, will be bewitched, bothered, and bewildered because of that?

Mr. CONTE. By all means. And I cannot understand for the life of me how anybody who stands up here on the floor of the House and stands for economy and a balanced budget could be against this bill. If anything, this works for the benefit of the taxpayer, and not against the taxpayer. And with respect to this emotional argument—this great emotional argument that we have been hearing concerning how tragic it would be to put the likeness of the late President Eisenhower on a nonsilver dollar—I just wonder what happened to this Congress in the past when they put the likeness of the greatest President this country has ever had, Abraham Lincoln, on the penny, the lowest denomination, made out of copper, and copper which at that time was not worth very much.

I also would point out that the likeness of another great President, George Washington, the father of this country, is on the 25-cent piece—and there is not a bit of silver in that coin.

And I would further point out that the likeness of even another great President, Franklin Delano Roosevelt, is on the dime and there is not a bit of silver inside the dime. If we pass this legislation today, we will take the silver out of the half dollar, and I think this should be done, and now.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman.

Mr. BARRETT. How about Thomas Jefferson's likeness on the 5-cent piece?

Mr. CONTE. Yes, and Thomas Jefferson on the 5-cent piece which contains no silver. The gentleman is exactly right.

I admire the gentleman from Idaho. He is a fine Congressman, and he deserves to come back here time and time again. But he only has one motive. I do not have enough industries in my district using silver. I became interested in this subject matter because I serve on the Treasury-Post Office Subcommittee of the Committee on Appropriations, where we handle the budget of the Bureau of the Mint. I saw what happened after a certain official of the past administration made a speech out in Nevada. At that time we had 1,900,000,000 ounces of silver. That is what started the run on silver. We had 300 million silver dollars, and we could not get rid of those silver dollars.

Let me tell the gentleman from Idaho what they did with those silver dollars. They were collecting dust. They were taking up space in the Treasury. So they decided to get rid of them. They put them on a train and sent them out to the west coast and they paid off Federal employees in silver dollars. Lo and behold, those silver dollars came back here to Washington. They just could not get rid of those silver dollars.

The run on silver started after that key speech that was made in Nevada. After that time, I saw what happened. And for that reason, and that reason alone, I became interested in taking silver out of the dime, quarter, and half dollar. Unfortunately, we lost the battle on the half. The gentleman from Wisconsin (Mr. Reuss), and I, and some of the others here fought to take all of the silver out of all the coins. But Congress worked its will, and they left 40 percent in the half dollar.

Now I would like to make it clear for the record the reason they did not take it out of the half dollar at that time. It was because on the first proof sets of the dime, quarter, and half dollar there was a red rim around each coin. The red rim on the half dollar, however, was much more pronounced than it was on the dime and the quarter. Because this was the case, somebody said to somebody in high authority that with a campaign coming up, if they put that half dollar out, they are going to call that a red neck half dollar. It is going to work to our detriment politically.

That was the thing. If it were not for them we would have gotten all of the silver out of all the coins.

Getting back to my good friend, the gentleman from Idaho, he only has one interest. He is not worried about the consumer. He is not worried about the photographic industry or the silver users. He is not worried about the electronics industry that desperately needs this silver. He is not worried about the medical profession or the dental profession that desperately needs this silver. He is worried about one thing and one thing alone—and I am not faulting him—and that is to drive the price of silver up as high as he can for his miners. It is just simply a question of supply and demand. Use up all of this silver and the price will go up.

Mr. BARRETT. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. Giaimo).

Mr. GIAIMO. Mr. Chairman, I think we should bear in mind what we are trying to do here today with this legislation.

I stand here in support of the committee bill. This legislation is not a new idea. This is not something which is coming before us for the first time. This is a logical, final step in the basic policy to which the U.S. Government committed itself some years ago, to get the Government out of the silver business and to get silver out of the coinage of the country.

We have almost done this. We have done it in regard to the smaller coins. We did it several years ago with regard to the Kennedy half dollar when we reduced the silver content to 40 percent. We did it again on another occasion when Congress removed the silver backing from the $1 bill.

Now at long last we are taking the final step, which is to take the remaining silver out of the Kennedy half dollar. Why are we doing that? You know, traditions die hard. All of us who have studied American history recall the great economic, monetary, and emotional fight over free silver in the days of William Jennings Bryan at the turn of the century. We have heard for years and decades the arguments which the distinguished gentleman from Idaho has made about the importance and necessity of having silver in our coinage.

I submit that today there is no economic or monetary basis to this argument. The health of the economy of the United States does not any longer depend upon the intrinsic silver content in the coinage. What is left is partially an emotional appeal by the silver producing spokesmen, for it is one of the most emotional of all issues which has faced us in America in the last 70 years. Also it is an attempt by the silver producing interests to drive up the price of silver for the producing people, the mines and the miners.

But the fact is that the Government got out of the silver business several years ago when the Federal Treasury stopped pegging the price of silver at $1.29 by offering it for sale at that fixed price. As a member of the Coinage Commission, I took part in that decision. The price of silver immediately went up on the free market to close to $2 an ounce.

We are now out of this business of selling silver at a fixed and artificial price. Now we are left with this single proposition before us today; to go the remainder of the way and to take the remaining silver out of the Kennedy half dollar.

Tradition and history tell us that when you have a valuable coin and a nonvaluable coin, the nonvaluable coin drives the more valuable coin out of circulation. Certainly if you try to find the Kennedy half dollar, you will know that you cannot.

There is no need to have silver content in the coin for our usage or to stabilize our economy. Coinage is necessary for the many, many coinage, and convenience usages which the citizenry make of it, and the confidence of the citizenry in the American economy is based upon the soundness of the dollar, not the soundness of the coinage.

The other argument that is made is that you must have a prestige coin, and that we must properly honor a great American, our past President Dwight Eisenhower. People say we must have a prestige coin to honor him. I agree that we should honor President Eisenhower but I do not agree that the commemorative coin must or should have silver in it. The fact that we have had 40-percent silver in the Kennedy half dollar has cost the American taxpayer almost a quarter of a billion dollars, almost $225 million or more in seigniorage cost and in losses in profits which the Treasury could have made from selling that silver on the open market—at much too high a price to pay for this questionable prestige concept.

Certainly when we speak of honoring great American Presidents the honor is in the love and in the affection which people have for their Presidents, and they show this in many ways. A common one is to put the honoree on postage stamps or on coins—as was said, in the case of Lincoln, on the penny, which certainly is not a valuable coin in intrinsic value, or as in the case of President Washington, President Roosevelt, or others. We will properly honor, as I believe we should, former President Eisenhower with a nonsilver dollar. But there is no lessening in our affection and esteem for our former President in the fact that we do not put silver into this coin.

We had over 1.5 billion ounces of silver in the Treasury several years ago and we are down to 100 million ounces today. This is a startling enough fact to compel us to understand today that we have got to take this last final step in a long series of steps by the Government, starting with the removal of silver several years ago, with the elimination of the Treasury's policy of pegging the price of silver and with removing silver backing from the dollar certificate. If we do not realize that this last ultimate, logical step is only a completion of that basic Government policy, then we are reversing basic Government policy to get out of the silver business. We will not be completing what we set out to do as governmental policy of this Congress, this administration, the Coinage Commission, as well as the former Congresses. I believe this would be making a most unwise decision.

I urge support of this legislation.

Mr. POLLOCK. Mr. Chairman, on July 7, 1969, I introduced legislation that would put the likeness of Dwight David Eisenhower on either the quarter or the silver dollar.

Only a handful of American Presidents have been accorded the honor of having their likeness engraved on one of our coins. These men—Washington, Jefferson, Lincoln, Roosevelt, and Kennedy—had a strength of character and a charisma which enabled them to transcend the turmoil of partisan politics and to become great men from an historical perspective.

Dwight Eisenhower was a man of this same giant stature. Reaching the top of the military hierarchy, General Eisenhower went on to become the 34th President of the United States. His outstanding achievements in both the military and political spheres place Eisenhower in the great tradition of America's soldier-statesmen.

However, General Eisenhower was not only a distinguished statesman and a great military leader; he was also loved and respected by people everywhere with a special fondness that is bestowed on few men in public life. The nickname, "Ike," has become a household word and a term of endearment for millions of people in this country and abroad.

The first bill which I have introduced, H.R. 12614, would place the likeness of General Eisenhower on the quarter. The quarter seemed to be the most logical coin with which to honor the general. Because the Washington quarter has been in circulation for 37 years, no special legislation would be required to change the coin's design. However, I must admit that the second bill which I introduced is the one that really fires my imagination. This bill would necessitate the minting of a special Eisenhower dollar, making it the largest U.S. coin issued and in circulation at the present time.

Recently, there has been a great deal of discussion among Members of Congress concerning whether the Eisenhower dollar should contain silver. I, for one, want an Eisenhower dollar whether it contains silver or not. However, there are several compelling arguments in support of a silver coin. First, our monetary system should have a reasonable relationship to its precious metal backing. A silver coin would insure such a relationship. Second, the U.S. Government and the American taxpayer would both receive a better return on their money if a silver coin were issued. At the present rate of $1.88 per ounce, the Government's profit from the sale of silver through the weekly GSA sales amounts to $46 million. This profit would be increased by an additional $128 million if coins containing 40-percent silver were issued. Moreover, if we remove the silver from our coins and authorize the Treasury to dispose of its silver assets, we can expect the further deterioration of our already depressed silver market. Finally, it should be pointed out that the issuance of a silver Eisenhower dollar would not interfere with the silver needs of American private enterprise any more than the issuance of a cupronickel coin would interfere with our commercial copper and nickel requirements. In either case, it would be necessary to import these metals from abroad.

When "Ike" died, we did not merely note his passing: we paused to pay full honor. Ordinary and great men alike stood in a line stretching from the Capitol Rotunda to the plains of Kansas to pay tribute to the millitary leader who created peace and prosperity from war and controversy. I urge that this distinguished body put the likeness of this deeply loved soldier and statesman into the hands of the people who paid that tribute.

Mr. PATMAN. Mr. Chairman, the major purposes of H.R. 14127, the bill before us now, are very straightforward—to provide for dollar and half dollar coins that will circulate, and to bestow an honor on a great American, Dwight David Eisenhower. The issue has been raised that the dollar coin should contain a minor proportion of silver, that inclusion of some of this metal will do greater honor to the memory of President Eisenhower and that use of silver in the coin makes economic sense. The composition of a U.S. coin neither adds nor detracts from the honor given the person whose likeness it bears. The 1-cent piece, only one-hundredth of a dollar, a coin made mostly of copper, honors Abraham Lincoln. I do not believe that I have ever heard it said that the composition or denomination of the penny diminished the honor to Lincoln. Similarly, the Jefferson nickel, the Roosevelt dime, and Washington quarter are all nonsilver coins, and the Kennedy half dollar will be nonsilver when this bill becomes law. I can only conclude that it is the fact that these are coins of the United States that does honor to these men and it is not the metal from which the coins are minted.

There has also been a good deal of argument that putting silver into the coinage increases the monetary gain to the Government. This argument has a deceptive appeal. It states that if the silver is sold at public auction, as the Treasury does now, the Government gets about $1.85 an ounce, but if the silver is coined, the Government receives $3.16 an ounce. Minting 300 million 40-percent

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silver-clad dollar coins over 3 years would then give the Government a monetary gain of $160 million rather than the approximately $50 million profit which might be gotten through selling the same silver at the GSA auctions. This is true, but it is only half the story. If cupronickel clad dollar coins are minted, it would be possible to still get the $50 million profit at GSA silver sales and add to that $290 million from the seigniorage from 300 million nonsilver dollar coins. The result, then, of making a 40-percent silver-clad dollar rather than a cupronickel clad coin is a sacrifice of almost $200 million.

Forgoing this $200 million worth of seigniorage and revenue is not the only unfortunate effect of putting silver into coinage, however. We can anticipate that many Americans will want to hold these new Eisenhower dollar coins as mementos and as collectors items. If they are made of 40-percent silver-clad material, our production will be limited by our stock of silver. Our mints will not be able to produce enough coins to satisfy the demand. On the other hand, if the Eisenhower dollar coin is made of cupronickel clad material, we have the capability over time to satisfy any demand no matter how large.

Another sound economic reason for not producing a silver-containing dollar coin is the detrimental effect this action would have on our balance of payments. U.S. business and industry consumes each year more silver by far than is produced by domestic mines. When GSA sells Treasury silver at public auction it means we import that much less silver, and there is a balance-of-payments saving, or, if as in some cases, the silver is exported, there is a balance-of-payments earning. Every ounce of silver put into the coinage is one more ounce added to our net imports of silver.

The silver put into coinage is also not available for use in the manufacture of film, batteries, tableware, and hundreds of other products which American consumers buy. The price of silver will rise if Treasury's silver goes into coins instead of being sold at public auction, and millions of consumers will have to pay higher prices for products containing silver.

But the single most important argument favoring the minting of a nonsilver dollar coin rather than a silver one is that coinage should first and foremost be designed to serve as a medium of exchange. Silver bearing coins will not circulate. This was amply demonstrated by the coin shortage of the mid-1960's and by the fact that in spite of our producing 1¼ billion silver half dollars since 1963, only a very small percentage of these coins have circulated. We should not fail to learn from this experience by repeating it. The commercial need for a circulating dollar coin can only be met by a nonsilver coin. This is the recommendation of the Treasury Department's Task Force on Silver, it is the recommendation of the nonpartisan Joint Commission on the Coinage, it is the recommendation of the Secretary of the Treasury, it is the recommendation of the Committee on Banking and Currency, and it is the cupronickel clad coin that has been requested by the President. I, therefore, strongly urge that the House adopt the nonsilver dollar by voting for H.R. 14127.

Mr. BARRETT. Mr. Chairman, we have no further requests for time.

Mr. WIDNALL. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 14127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended to read as follows:

"SEC. 101. The Secretary may coin and issue one dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"(1) The dollar shall have

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 22.68 grams.

"(2) The half dollar shall have

"(A) a diameter of 1.205 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 11.34 grams.

"(3) The quarter dollar shall have

"(A) a diameter of 0.955 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 5.67 grams.

"(4) The dime shall have

"(A) a diameter of 0.705 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 2.268 grams."

SEC. 2. Half dollars as authorized under section 101(a)(1) of the Coinage Act of 1965 as in effect prior to the enactment of this Act may, in the discretion of the Secretary of the Treasury, continue to be minted until January 1, 1971.

SEC. 3. (a) The Secretary of the Treasury is authorized to transfer, as an accountable advance and at their face value, the approximately three million silver dollars now held in the Treasury to the Administrator of General Services. The Administrator is authorized to offer these coins to the public in the manner recommended by the Joint Commission on the Coinage at its meeting on May 12, 1969. The Administrator shall repay the accountable advance in the amount of that face value out of the proceeds of and at the time of the public sale of the silver dollars. Any proceeds received as a result of the public sale in excess of the face value of these coins shall be covered into the Treasury as miscellaneous receipts.

(b) There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the purposes of this section.

SEC. 4. Section 4 of the Act of June 24, 1967 (Public Law 90–29; 31 U.S.C. 405a–1 note) is amended by adding at the end thereof the following new sentence: "Out of the proceeds of and at the time of any sale of silver transferred pursuant to this Act, the Treasury Department shall be paid $1.292929292 for each fine troy ounce."

SEC. 5. Section 3513 of the Revised Statutes (31 U.S.C. 316) is repealed.

Mr. BARRETT (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McCLURE. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Pennsylvania concerning the procedure which will be followed in the amendments offered to this bill. I understand the gentleman's request to be that the bill will be open to amendment at any point. Is that correct?

Mr. BARRETT. That is correct.

Mr. McCLURE. And that any amendment to any portion of the bill will be in order under the gentleman's request?

Mr. BARRETT. That is correct.

Mr. McCLURE. Mr. Chairman, I thank the gentleman.

I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, strike line 5 and all that follows through page 3, line 4, and insert in lieu thereof the following:

"SEC. 101 (a) The Secretary may mint and issue coins of the denominations set forth in subsection (c) in such quantities as he determines to be necessary to meet national needs.

"(b) Any coin minted under authority of this section shall be a clad coin. The cladding shall be an alloy of 75 per centum copper and 25 per centum nickel, and shall weigh not less than 30 per centum of the weight of the whole coin. The core shall be copper.

"(c)(1) The dollar shall be 1.500 inches in diameter and weigh 22.68 grams.

"(2) The half dollar shall be 1.205 inches in diameter and weigh 11.34 grams.

"(3) The quarter dollar shall be 0.955 inch in diameter and weigh 5.67 grams.

"(4) The dime shall be 0.705 inch in diameter and weigh 2.268 grams."

The CHAIRMAN. The question is on the committee amendment.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. M'CLURE

Mr. McCLURE. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. McCLURE: Page 3, line 14, strike paragraph (1) of section 101(c) and substitute the following:

"(1) Notwithstanding the provisions of section 101(b), the dollar shall be a clad coin the weight of whose cladding is not less than 30 per centum of the entire coin, and which meets the following additional specifications:

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts copper; and

"(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."

Mr. SCHERLE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 227]

Abbitt
Adams
Albert
Arends
Ashley
Aspinall
Berry
Bingham
Blackburn
Boland
Bray
Brooks
Broomfield
Brown, Calif.
Burton, Calif.
Button
Byrnes, Wis.
Cahill
Camp
Carey
Carter
Cederberg
Chisholm
Clark
Cohelan
Collier
Conyers
Corman
Cunningham
Dawson
Dennis
Devine
Diggs
Dingell
Eckhardt
Edmondson
Edwards, Calif.
Farbstein
Fascell
Findley
Fisher
Flynt
Fraser
Frey
Fulton, Tenn.
Gettys
Green, Oreg.
Griffin
Haley
Harrington
Harsha
Hastings
Hays
Hébert
Helstoski
Hosmer
Howard
Jones, Ala.
Jones, N.C.
Kirwan
Koch
Kyros
Landrum
Latta
Lipscomb
Lloyd
Lowenstein
Lujan
McCloskey
McKneally
McMillan
Mailliard
Martin
Meeds
Michel
Mikva
Mills
Morgan
Murphy, N.Y.
O'Konski
Ottinger
Patman
Pepper
Pickle
Pollock
Powell
Quie
Reid, N.Y.
Reifel
Riegle
Rivers
Rodino
Rosenthal
Roybal
Ruppe
Saylor
Scheuer
Sisk
Slack
Smith, Calif.
Steed
Taylor
Teague, Tex.
Thompson, N.J.
Tunney
Van Deerlin
Waldie
Whalley
Whitehurst
Wold
Wolff
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14127, and finding itself without a quorum, he had directed the roll to be called, when 319 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order of no quorum was made and sustained, the amendment to the committee amendment offered by the gentleman from Idaho (Mr. McCLURE) had been reported.

The gentleman from Idaho (Mr. McCLURE) is now recognized for 5 minutes in support of his amendment.

Mr. McCLURE. Mr. Chairman, I think we are now at the point where we are going to make one or two of the basic decisions concerning the monetary system of this country, decisions which are so essential to the strength and stability of the fiscal situation in our country. I would like to read the last portion of the testimony which I had given before this body in general debate with respect to the basic issue which I think is involved here. There will be a number of people who will say, as they have said before, that my interest and my concern is self-serving and that I serve only those people who within my district in Idaho are producers of silver.

I would say to the Members there are fewer than 20,000 people in Idaho involved in the production of silver, out of a total of 400,000 people in my district. Most of those people vote for the Democrats and not for me, so the reason I am supporting this is not for political purposes to enhance my strength in my district, but I think I am speaking not only for those 20,000 people, but for the 200 million American taxpayers who are now being cheated every day by decisions of this country on the sale of silver, the sale at less than monetary value of that silver.

Mr. Chairman, it is for that reason I have offered this amendment to put back into the coinage a silver coin. This bill before us comprises three things.

The first is to authorize a dollar without any silver. This amendment would reestablish a silver dollar of 40-percent silver or exactly the same composition as the Kennedy half which has been minted as authorized by the Coinage Act of 1965. This will gain for the taxpayers of this country $3.16 an ounce for silver, which is now being sold for less than $1.85 an ounce. It will more than double the return for the silver being sold by the Treasury, and it will be four times as much profit for the Treasury as the present sales of silver.

Let me conclude by saying only this. The supposedly sophisticated economists argue a monetary system of intrinsic worth is unnecessary. They have little faith in the ability of the people of this country to make the correct decision. They do not trust the people to make the correct economic decisions because in their view the people are economically ignorant.

This leads to the autocratic decision that the people shall not have coins of worth which can be held in a time of economic uncertainty. Such reasoning justifies the philosophic inconsistency in the destruction of the last link between gold and our currency, and at the same time prohibition of the ownership of gold by our citizens.

It seems to me all history shows where this course is taking us. No government in recorded history of mankind has been able to survive the philosophic bankruptcy that leads to debasement of the currency. If the American people had been free and able to participate in some of their basic policies in this field by their day-to-day decisions, we would not now be fighting the problems of inflation from student loans to housing.

The people would have by their basic and instinctive reactions dampened the fires fueled by the good intentions but misdirected excesses of our economic managers.

For this reason I offer this amendment and I urge its adoption.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. May I say to the gentleman from Idaho, I am advised that in the other body earlier this afternoon an amendment of similar import to that of the gentleman from Idaho, authored by the Senator from Colorado (Mr. DOMINICK) was adopted by a vote of 40 to 21. Is that information correct?

Mr. McCLURE. That is correct.

Mr. MACGREGOR. The substance of the amendment, if not the exact terminology, is identical with that offered in the other body and adopted, as offered by Senator DOMINICK?

Mr. McCLURE. This is a blanket authorization to the Treasury directing them to mint a 40-percent silver dollar. The amendment in the Senate was limited to the available silver supply now held by the Treasury.

Mr. MACGREGOR. But it embodied the same silver dollar?

Mr. McCLURE. The same piece in size, content, and weight.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Colorado.

Mr. BROTZMAN. First I should like to take this opportunity to commend the gentleman from Idaho for doing something for the American people in a very vital way.

I happen to agree with what the gentleman said. This is not a parochial decision. It does not concern a very few people. If Members doubt my word, they can ask those whom they represent if they are not getting a little tired of "funny money" and if they do not want a coin of intrinsic value.

I say, in addition, if we are going to issue a commemorative coin in memory of our late departed President Eisenhower we ought to do something real. On July 10, 1969, I joined 145 other Members of this body in introducing a bill to authorize the minting of clad silver dollars bearing the likeness of the late President Eisenhower.

I had two reasons for introducing such a bill.

First, I could think of no finer tribute to a great American soldier-statesman than to memorialize him on the most prestigious of U.S. coins: the silver dollar. In expressing her pleasure that Members of Congress had chosen to honor her husband in this manner, Mrs. Eisenhower said:

> As I recall he often used silver dollars as a little memento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer.

If this coin is to be truly prestigious, it is imperative that it be minted with a 40-percent silver content.

There is also a second, purely economic reason for making the Eisenhower dollar a silver dollar. At the present time, the Treasury is committed to selling the Nation's nonstrategic silver reserves.

At the current price of about $1.88 an ounce, the Treasury can expect to receive a profit of $46 million. If, however, the silver is monetized, the Treasury will realize $3.16 an ounce, for an additional

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profit of $128 million. It is true that nonsilver coins can be minted at an even lower cost, and it may be that Congress will want to mint such coins once our present stockpiles have been depleted. However, that is a different question. The instant question is: How do we obtain the best possible return from the silver already owned by the Government.

Gentlemen, we are in a very enviable position. We can authorize by acting favorably on this amendment, a prestigious memento of President Eisenhower which is within the means of all Americans to purchase, and, at the same time, add to the profit the Treasury will receive from depletion of its silver stockpiles.

For the same reasons I had in mind when I introduced the Eisenhower silver dollar bill, I now urge a favorable vote on the amendment before the House.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Members here talk about economy and economizing and lessening inflationary conditions. It will put into the Treasury moneys that are greatly needed. It will reduce the balance-of-payments deficit by $150 million.

As was pointed out earlier in this debate, all of the great Presidents, including the great President Lincoln, whose image is on copper, have been commemorated on coins.

Certainly this does not diminish the status of a great President. We will put these coins, all metal coins, into circulation.

The Kennedy half dollar has not been in circulation since it has been minted, with a percentage of silver. When we put silver into the coins, not only do people hoard them, but also they take them and smelt them. If we put the coins, as proposed by this bill, into circulation we feel it will do two things; it will stop people from taking the silver out of the coins by smelting, and it will provide the merchants of this country a supply of half dollars to be put into circulation.

I hope the amendment will be voted down.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Is this amendment not just another example of a program of a silver-State Congressman, going on now for generations, to try to increase the demand for their product?

Mr. BARRETT. I am glad that the gentleman brought that question up, because I believe there is a great deal of truth to the observation made by the gentleman from Maryland.

Mr. BURTON of Utah. Will the gentleman yield to me?

Mr. BARRETT. Yes; I yield to the gentleman.

Mr. BURTON of Utah. Are you aware of the fact that when the coinage was initially established in the United States—and I am a representative from Utah, and I do not know whether that makes it a silver State or not—90 percent of the coinage was silver and it was based on the fact that there should be an intrinsic value in a coin that was produced. This was initiated by Alexander Hamilton.

Mr. BARRETT. I greatly appreciate that.

Mr. LONG of Maryland. Will the gentleman yield to me?

Mr. BARRETT. I yield to the gentleman.

Mr. LONG of Maryland. The gentleman knows a little bit about the history of our coinage, and I am sure he knows for generations we had a full-bodied coinage every time the price of silver went up people melted down the coins, and for a long time before the Civil War we had no American silver coins. The circulation of coins consisted of Spanish coins and coins of many other countries of the world. We had to debase the coinage in order to get American money to circulate.

Mr. BURTON of Utah. Professor Long, if you will keep that microphone——

Mr. LONG of Maryland. The gentleman's words should be taken down. He called me "professor."

Mr. BURTON of Utah. The intrinsic value of the coin was based on the metal. Is that not right?

Mr. LONG of Maryland. Even a full-bodied coin has no fixed intrinsic value, because its value will fluctuate depending on the market price of the metal.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. STEPHENS. Mr. Chairman, I rise in opposition to the amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield to me?

Mr. STEPHENS. Yes; I yield to the gentleman.

Mr. BARRETT. You do realize this is an administration bill. The White House wants this legislation.

Mr. STEPHENS. Thank you, Mr. Barrett.

Mr. Chairman, when we took away the silver backing from the dollar, it was said that we were destroying our monetary system. When we took silver out of dimes and quarters and dropped it down in the half dollar, it was said that we were destroying our monetary system. Ever since these actions, however, I have never had anyone to whom I tendered a bill or a coin who refused to take it. Of course, the reason is our bills and coins have value based on the soundness of the United States and not on the intrinsic worth of the medium of exchange.

In the instant case I feel that the duty of the Committee on Banking and Currency is to provide to the House a bill which offers the people of America a medium of exchange in denominations of half dollars and dollar coins. The duty of the House, I believe, is to decide if the committee bill would do that, and I think it does. The clear facts show that coins with silver are not providing Americans with a medium of exchange in half dollars and $1 coins.

I repeat that we are not providing the American people with a medium of exchange in half dollars and dollars. For example, Mr. Chairman, we have minted 1¼ billion Kennedy half dollars and you do not see any in circulation today.

This is the same result as would come from not minting these denominations at all, of course, thereby we could save a lot of money. However, the public needs these denominations and we have got to issue them. So, the only logical course is that we must provide a medium of exchange in these denominations of coins and we must delete the silver contained in them in order to continue them in circulation. That is why I oppose this amendment.

Mr. Chairman, I shall not presume upon the time of the Committee by repeating these arguments on any of the other amendments, but I ask the Committee sincerely to oppose this amendment so we can provide the American people with half dollars and dollars as a medium of exchange.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. When this bill came up under a suspension of the rules it carried by 205 ayes to 148 noes and there were 78 not voting. Therefore, it carried substantially.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman from Georgia for yielding. I am not too conversant with this subject but I am curious about the argument as I understand it against putting silver into dollars and that argument is that there would be a tendency on the part of some speculators to smelt the dollars down and take the silver content out of them.

However, the question in my mind is this: What will be the intrinsic value of the dollar as now proposed and how would we put 40 percent of silver in the dollar.

Mr. STEPHENS. The amendment would put 40 percent of silver in the dollar.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield further, 40 percent. but in dollars and cents could the gentleman give us some idea as to what the intrinsic value would be?

Mr. STEPHENS. No; I do not know the answer, but just let me say one thing and I shall be glad to yield to the gentleman from Massachusetts (Mr. Conte) for a reply.

The point is not primarily directed at any operations on the part of speculators in making money on this. My feeling is this: the American public has taken the silver coins off the market and put them in the bureau drawer. I have a few myself. I have a friend who has a standing offer to anyone who will bring him a coin with silver in it and he will purchase it from them at 10-percent profit to them. However, I am talking about the American public and its need for this as a medium of exchange—not any special group or other interest.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Massachusetts.

Mr. CONTE. In answer to that question, I would point out that the intrinsic value of silver in the half varies with the market price of silver if you use that

figure or remains constant if you use Government seigniorage figures. Assuming the price of silver were $1.80 an ounce—it is in fact about $1.82 this week—the intrinsic value in each half is 27 cents. You arrive at that by multiplying .15 ounce, the amount in each coin, times the price per ounce.

The Government seigniorage figure, as I said, remains constant based on a price of $1.29 per ounce. This would give you an intrinsic value of somewhere between 19 and 20 cents.

The real issue, however, is what it costs to mint these halves. It costs 22 cents to mint each one so that we make a profit of 28 cents. It would cost 48 cents to mint the proposed 40-percent silver dollar.

On the other hand, it only costs 3 cents to mint a cupronickel-clad half dollar, which means a profit of 47 cents. Likewise, it costs 5 cents to mint a cupronickel-clad dollar, which means a profit of 95 cents.

As I pointed out in great detail earlier today, this means we lost $215 million on the 40-percent halves already minted. It also means we lose nearly $20 million each year on these halves, without taking into account the silver that would be released for sale.

By the same token, we would lose some $43 million a year on the dollar, and when you consider silver sales with the released silver, the figure reaches some $100 million.

The point I would like to make again is that it is both practical and economical for the Mint to manufacture a nonsilver dollar coin. It would be entirely possible to produce this coin, of the same material now in the dime and quarter, at a level which could increase the Government's annual seigniorage revenue by as much as $300 million. Besides, there has been an increasing demand for higher priced items and services dispensed by vending machines.

With reference to the other point about Alexander Hamilton, that was about 200 years ago. Times have changed. There was a time when people on the floor here today who are trying to dry up silver and force the consumer to pay a higher price, once pushed the Government to buy 3 billion ounces of silver above the market price.

Mr. STEPHENS. I might point out to the gentleman from Massachusetts that back then Alexander Hamilton did not have a credit card.

Mrs. SULLIVAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment by the gentleman from Idaho (Mr. McClure). In my remarks in the general debate, I tried to cover the points that he has raised in his speech on behalf of his amendment. I know that there are two sides to every issue, just as there are to every coin—but the other side of the coin in this issue is that the silver interests in this country already have a market for their commodity which they cannot begin to satisfy. We do not produce as much silver in this country each year as the photographic industry alone uses.

If the wheat farmers of this country had as big and readymade a market for every ounce of their product as the silver producers do, we would not need any price support program for wheat, which would be selling at a price probably about double the parity price.

I said earlier that it was probably a good thing that the silver bloc for generations forced the Treasury of the United States, through legislation enacted by the Congress many years ago, to purchase, at a price well above the market level, all of the silver produced by American mining interests. The silver bloc forced us to accumulate vast quantities of silver for which there seemed to be no market need. They did us a great favor. I am sure they never realized at the time that they were fortifying us in the 1960's for a great shortage of silver for industrial uses. We can thank them for what, inretrospect, turns out to have been enlightened self-interest by the United States, but which at the time looked to be a very selfish raid on the U.S. Treasury.

I have heard no arguments today that people will not spend our coins if there is no silver in them. This has not deterred anyone from accepting and spending pennies, nickels, dimes, and quarters which contain no silver. They are accepted by anyone who has anything to sell. The same thing can be anticipated for the half dollars and the dollar coins minted under this legislation, if the McClure amendment is defeated. No one is going to turn down a cupronickel half dollar or a cupronickel dollar coin because there is no silver in it. These coins will be legal tender.

The only reason this amendment is being put forward—there are many arguments, but the only reason—is to speed the day when the price of silver on the market will rise. If the silver mining interest in this country need Government subsidies, let them come in here and ask for subsidies; the House Committee on Interior and Insular Affairs will certainly listen to any arguments they have to justify subsidies to the silver mines. But you are asking all of the people of the United States, through their taxes and through the prices they pay for consumer goods, to use up in the coinage of coins which will never circulate silver which could be used for industrial purposes, in order to speed the day when supply and demand will force the price of silver to a much higher level.

If anyone thinks that the minting of a half dollar coin without silver in it will insult the memory of the late President John F. Kennedy, you need only look to the committee which sponsored the legislation placing John F. Kennedy's likeness on the half dollar to see that we have almost unanimously endorsed this legislation. If anyone thinks that the minting of a dollar coin bearing the late Dwight D. Eisenhower's likeness, but without any silver in it, would be an insult to the memory of President Eisenhower, I might point out that numerous Members of Congress from the Republican side introduced legislation earlier in this session to remove George Washington's likeness from the 25-cent piece and substitute the likeness of President Eisenhower. The quarter does not contain any silver and the fact that it does not has never been considered an insult to George Washington. We do not think that the 5-cent coin demeans President Thomas Jefferson or the 10-cent coin Franklin D. Roosevelt, and certainly no one considers the lowly copper coin bearing Lincoln's likeness as an insult to that great man.

The purpose of the coinage is to assure adequate supplies of a vital instrument of commerce, a medium of exchange. This amendment seeks to make jewelry for keepsakes out of our two largest denominations of coins—the half dollar and the dollar. This is an amendment to provide for the striking of a commemorative coin — something we have avoided doing in the Congress for many years.

In the hearings on this legislation I asked representatives of the Treasury if they felt the time had arrived when we could consider or should consider the resumption of the minting of commemorative coins. The answer was that the Treasury opposes the issuance of commemorative coins and supports instead the striking of commemorative medals. There are John F. Kennedy medals and Dwight D. Eisenhower medals available for sale to the public by the mint and they are handsome mementos of two of our great men. If anyone wants a beautiful, shiny, attractive, sculptured likeness of either of those former Presidents, they are available in medal form from the mint at a reasonable price. But in the guise of arranging for the coinage of the United States, let us not adopt an amendment intended to keep coins out of circulation instead of getting them into circulation.

When the cupronickel coins appear, I am sure many Americans will want to have one as a good luck pocketpiece—but one that they can spend if they have to. But while they are saving these pocketpieces for good luck or whatever, the Treasury can go on minting an indefinite, unlimited amount of additional coins to meet the needs of commerce. That would not be true if this coin contained silver. I oppose this amendment and ask that it be defeated.

Mr. LONG of Maryland. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I want to commend the gentlewoman on the position she has taken, I join her in opposing the amendment.

I would like to point out that a coin of 40 percent silver is certainly a long way from providing what you might call intrinsic worth. It would not any more support the value of a dollar than a pillar would which was 40 percent of the height of that ceiling, would support that ceiling.

I thank the gentlewoman for yielding.

Mr. STEPHENS. Mr. Chairman, would the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I thank the gentlewoman for yielding.

I would like to comment on something that I believe I should call to the attention of the Committee. The statement has been made that we have

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passed laws making "phony" money. When we passed earlier legislation taking out silver, it was by the Democrats. Now, this proposal is from the Republican administration. Therefore, if these similar pieces of legislation were creating "phony" money, then it will have been done by both Democrats and Republicans.

Mrs. SULLIVAN. Mr. Chairman, I yield back the balance of my time.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment of the gentleman from Idaho.

I have followed closely the deliberations of the Committee on Banking and Currency on H.R. 14127, and I want to commend the committee for reaching the conclusions it reached.

First of all, I can think of no American statesman who, more than Dwight David Eisenhower, deserves to be honored in this way. The minting of an Eisenhower dollar coin is surely an appropriate tribute for this Nation to pay this man who served it so long and so well in so many different ways.

I cannot agree with those who measure the value of this tribute to the late President and general in terms of the metal content of the coin itself. Certainly, it would be nice to mint a silver Eisenhower coin, and perhaps even nicer to mint a gold dollar coin. But in the present economic context of our supply of silver, a silver coin is almost as impractical to consider as a gold one.

Last week, each of our colleagues received a very well expressed and well-reasoned letter from the gentleman from New Jersey (Mr. WIDNALL), the ranking minority member of the Committee on Banking and Currency. I could not find more appropriate words than his to explain the problems surrounding the silver-nonsilver issue raised by the McClure amendment:

> There are solid reasons why it would be most unwise to use our remaining surplus silver for minting a single coin. Let me list a few reasons why I think a cupro-nickel dollar coin rather than one made of silver is in the public interest.
>
> First, a nonsilver dollar coin would mean a far greater monetary return to the Federal Government than a silver coin. The Treasury has estimated that the total seigniorage and revenue under the provisions of H.R. 14127 in the first year after enactment could exceed $500 million. This income would reduce the Government's borrowing needs by an equivalent amount and contribute substantially to the fight against inflation.
>
> Moreover, the annual industrial consumption of silver of about 150 million ounces is more than three times domestic production. Consequently if the Treasury's remaining silver surplus is used for coinage rather than sold under competitive bids, American industry will have to greatly step up its imports to fill this gap. The resulting adverse effects on the balance of payments next year could be as much as $150 million.
>
> Thirdly, using our surplus silver for dollar coins would almost certainly mean higher prices for major consumer products containing silver. This would mean higher costs to millions of consumers of film and electrical products which are the principle industrial uses of silver. It should be realized that the ultimate users of silver include virtually the entire American public.

There is another compelling issue here which would defeat the logic of this amendment. The basic purpose of this legislation is to provide for the coinage of a dollar and half dollar which would serve the public for use in commerce. It is not our purpose here to mint coins that will serve mainly as collectors items.

Our experience with the silver John F. Kennedy half dollar has been that it is rarely found in circulation, but rather, it generated so much numismatic interest as to be hoarded and treasured by millions of Americans. It is wonderful for our citizens to honor great Americans in this way—to collect and save coinage which bears their image—but this cannot be the principal purpose of coining money.

A dollar coin made of silver would follow the same path as the silver half dollar. It would be a rare occasion when one could be found in a supermarket cashdrawer.

This factor alone is to me a compelling reason for minting nonsilver dollars.

One further word, Mr. Chairman. The bill now before us has had the full support of the Treasury Department and the President. I believe that our distinguished Committee on Banking and Currency has acted judiciously in reporting the bill in its present form to the floor, and I believe we should endorse their judgment by defeating this amendment, and enacting the committee language of H.R. 14127.

Mr. BURTON of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from Maryland, if I may, to yield to me for a question.

Mr. Chairman, I wonder if the gentleman from Maryland would repeat the statement again about the "40-percent pillar," because I was very impressed with that.

Mr. LONG of Maryland. Mr. Chairman, I was just remarking——

Mr. BURTON of Utah. Would the gentleman do it again?

Mr. LONG of Maryland. Mr. Chairman, I was just remarking that the gentleman argued that there was not any intrinsic value——

Mr. BURTON of Utah. No; Mr. Chairman, I am not talking about what I argued about. I want to hear what the gentleman said about the "pillar."

Mr. LONG of Maryland. I am simply saying that when you put 40 percent of the value of a coin in silver it cannot provide the intrinsic value of the coin because it would not hold up the value of the coin any more than a pillar which is 40 percent the height of that ceiling can hold up the ceiling.

Mr. BURTON of Utah. Mr. Chairman, how did the gentleman from Maryland vote on the 40-percent silver half dollar Kennedy coin?

Mr. LONG of Maryland. I beg your pardon?

Mr. BURTON of Utah. How did the gentleman vote on that?

Mr. LONG of Maryland. I do not even know how I voted on it.

Mr. BURTON of Utah. Well, I think that is a convenient lapse of memory.

Mr. LONG of Maryland. No; I genuinely do not remember. I do not even know what the gentleman is talking about.

Mr. BURTON of Utah. I think I know how the gentleman voted.

Mr. BARRETT. Mr. Chairman, I wonder if we might try to limit the time on this amendment?

How many desire to speak on this amendment?

Mr. Chairman, I would suggest that all time on this amendment and all amendments thereto close at 5:30.

That would be 10 minutes, Mr. Chairman. I think that would be sufficient time. It is 20 minutes after 5 now.

The CHAIRMAN. The gentleman is making a unanimous-consent request in that regard?

Mr. BARRETT. That is right; all time would expire on this amendment and all amendments thereto at 5:30.

The CHAIRMAN. The request relates to the amendment offered by the gentleman from Idaho (Mr. McCLURE), or to all amendments?

Mr. BARRETT. To the amendment offered by the gentleman from Idaho (Mr. McCLURE), and all amendments thereto.

Mr. GERALD R. FORD. Mr. Chairman, would the distinguished gentleman from Pennsylvania yield?

Mr. BARRETT. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, would the gentleman make that a total of 10 minutes?

Mr. BARRETT. Yes; I will be glad to make it a total of 10 minutes.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, 10 minutes on what?

Mr. BARRETT. On this amendment and all amendments thereto.

The CHAIRMAN. On the McClure amendment and all amendments thereto?

Mr. BARRETT. Yes; Mr. Chairman, I ask unanimous consent that all debate on the McClure amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I would like to call the attention of the Members of this House to the fact that at the present time the Treasury Department is producing no dollar coins. The conditions today are entirely different than they were at the time when silver was going into our coins. The fact of the matter is that today the demand for silver far exceeds the supply of silver.

Of course, silver is in demand in certain industries such as the film industry and the electronics industry and we must see that these industries obtain the silver they need.

If we are going to insist on 40 percent silver in the dollar coin, we will not have any dollar coins at all because the supply of silver will not permit it.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I do not represent a silver State, yet I will be against this latest effort to make all of our money out of scrap metal. Why, oh why, can we not at least memoralize a great President like General Eisenhower with a dollar that has some intrinsic value?

While I have never followed blindly the lead of the other body of the Congress—it seems to me in the matter we are considering they have taken the wisest course. I understand they recently voted by a vote of 40 to 21 to use all of the silver we have on hand to memorialize a great hero and a great President, Dwight D. Eisenhower. Why does the House not at least agree to such a course?

For a country that sells its silver abroad why can we not retain enough silver to honor a great man by the issuance of a prestige dollar—not a phony dollar?

If we are determined to debase and debauch our courage—let us never go so far as to mint a fake coin of scrap metal in honor of a distinguished American who deserves commemoration by the issuance of a real dollar worth something because of its silver content.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. BARRETT. Mr. Chairman, I ask unanimous consent that my time be granted to the gentleman from Connecticut.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GIAIMO. Mr. Chairman, I think we should emphasize the fact that this bill is supported by the President of the United States.

It is supported by the present administration and it is supported by the Secretary of the Treasury. It is supported by the Coinage Commission. It was supported by the former administration.

Mr. Chairman, the only objection to this legislation comes from the silver-producing States, and it has been coming from those States for well nigh on to 70 years.

But the times have changed—the times have changed. There is not sufficient silver available for our usages in this country. The needs for silver are greater now than they ever were and not for usage in coins.

Silver is needed in our industries. It is needed for our medical functions. It is needed in our space activities. Silver is needed in our electronics industry and in many other income-producing and job-producing activities.

We have seen our silver stock depleted in the Treasury from 1,500,000,000 ounces in less than 5 or 6 years to less than 100,000,000 ounces.

If you support the amendment offered by the gentleman from Idaho, if you continue to keep silver in our coins—if you put silver in a new dollar, the Eisenhower coin, you are going to be faced ultimately with the fact that the remaining 100,000,000 ounces of silver in the hands of the Treasury will be gone. Then what will we do—compel the Government to go out and buy silver on the open market at its inflated, high prices that it has reached since the U.S. Government stopped selling it at $1.29 an ounce?

Are we going to be competing with other users of silver for the purpose of putting it in coins—coins which I submit will not be put in circulation—coins which will be stored and kept by collectors and others—and coins which will not serve their function—that is to have coinage in circulation for the convenience of the people.

Mr. Chairman, I urge the defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. RUTH).

(By unanimous consent, Mr. RUTH yielded his time to Mr. GERALD R. FORD.)

The CHAIRMAN. The gentleman from Michigan (Mr. GERALD R. FORD) is recognized.

Mr. GERALD R. FORD. Mr. Chairman, the Department of the Treasury, through their general counsel, appeared before the Committee on Banking and Currency endorsing the substance of this legislation.

The White House, through its spokesman, endorsed this legislation. I have a letter from the President of the United States indicating his support for this particular bill. I strongly urge that the committee bill be approved without change.

Let me be quite frank. I think the facts are very evident to anyone who takes a close look at what the silver situation is. If this bill is approved as it is, there will be a coin with the portrait of President Eisenhower on it available for circulation. If this bill is amended as recommended by this amendment, the net effect would be that there will be no Eisenhower dollar produced for circulation. It is just that cut and dried.

If we want a coin for circulation with President Eisenhower's portrait on it, the bill as recommended by the committee should be approved and not amended.

The CHAIRMAN. The gentleman from California (Mr. HANNA) is recognized.

Mr. HANNA. Mr. Chairman, this debate is a little like the story of the boy who was given a piece of pie, and on eating it said:

> My, that isn't fit for anything but eatin'.

Some of my colleagues are objecting because our coins are not fit for anything but spending. What is so bad about that? It seems to me that is what a money system is all about. Why does prestige hinge on silver in the dollar? I do not think that old Abe has been hurt because his picture is on the copper penny. His memory has unfailingly been maintained as a great President and one of the world's greatest statesmen.

I suggest that we cease supporting an artificial price of silver to help the silver miners when they do not need our help any more. We have paid tremendously for having the silver States in our Union. I think we have paid them enough. I suggest that we now coin money for its real purpose, which is to move goods and services. That is what this bill does, and I urge its support.

The CHAIRMAN. The gentleman from Idaho (Mr. McCLURE) is recognized.

Mr. McCLURE. Mr. Chairman, from 1792 up until 1865 our coinage had real value. From 1792 to 1853 it was 100 percent in its value. Because of minor fluctuations in market values, it was difficult to keep the coinage in circulation. So in 1853 our Government decided to reduce it to 90 percent in order to get away from that particular problem. From that time until 1965 it had 90 percent of face value. That was its purpose. That was the aim of our coinage.

Does it not seem more than passing strange, somehow more than coincidence, that our major problem with the stability of the monetary system of this country has occurred only since we have removed the backing of gold from behind our coinage and in the intrinsic value of our coinage? Why is it that since 1965 we have had greater problems with inflation than ever before? I say this is the time to reverse that trend.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. MOORHEAD) is recognized.

Mr. MOORHEAD. Mr. Chairman, President Kennedy once said:

> The great enemy of the truth is very often not the lie—deliberate, contrived and dishonest—but the myth—persistent, persuasive and unrealistic.

The myth we face today is that there should be some place for silver in our monetary system. The reality is that we have a silver shortage. If we can accept $10 bills, $100 bills, $1,000 bills, with no more intrinsic value than paper, certainly we can have fractional currency—nickels, dimes, and so forth—without so-called intrinsic value. The reality of the matter is that we do need a metallic system that will work in our telephone booths and in our vending machines and in our parking meters. That is the only reality, and the Banking and Currency Committee has recommended reality to the Congress.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment. We debated this bill at great length today. I think we covered the waterfront, but if the gentleman from Idaho is interested in having a coin with intrinsic value, why does he choose the proposed Eisenhower dollar? As I mentioned before on the floor, that on one occasion before we had this tremendous rush on silver, the Treasury Department tried to get rid of 300 million of the silver dollars and shipped them west and paid off the Federal employees on the west coast with the silver dollars. In no time at all, the dollars were back here in the Treasury. No one wanted the silver dollars.

There are only a few States that want the dollar coins, such as Nevada, Idaho, Colorado, Wyoming—some of the Western States. They are the only ones which really want these coins of silver.

So if the gentleman is interested in a coin with intrinsic value, why not pick a coin that really circulates as a medium of exchange, like the penny, nickel, dime, quarter, or half dollar?

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The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Widnall).

Mr. WIDNALL. Mr. Chairman, I would like to say there has been reference to our past history and the fact that silver was fully in our coinage for many, many years. It was accepted as a fine program, and it provided stability all the way through. But today we have two hundred million people—with vast needs in the economy. Present domestic silver production cannot supply our needs. If we were still operating today in the same way as we were operating years ago, we could go back and buy Manhattan Island for a case of whiskey.

With 40 percent silver in these coins, as provided in the amendment we would be giving a rich reward to the speculators in silver futures in the United States and also giving a rich reward to the producers of silver, giving them a handsome additional profit out of their mining of silver.

If we were to pass the amendment offered by the gentleman, the existing supply of silver held by the United States would be used up in 3 years.

The CHAIRMAN. All time has expired.

The question is on the amendment to the committee amendment offered by the gentleman from Idaho (Mr. McClure).

Mr. McCLURE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. McClure and Mr. Barrett.

The Committee divided, and the tellers reported that there were—ayes 58, noes 92.

So the amendment to the committee amendment was rejected.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. M'CLURE

Mr. McCLURE. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. McClure: Page 3, immediately after line 21, insert the following:

"Sec. 2. Notwithstanding the preceding, commencing January 1, 1970, the Secretary shall coin and issue no less than one hundred million silver dollar coins annually until three hundred million of these dollars have been coined. These silver dollars shall bear the likeness of Dwight David Eisenhower and shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which needs the following additional specifications:

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts of copper; and

"(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."

And renumber the succeeding sections accordingly.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield briefly to the gentleman from Pennsylvania.

Mr. BARRETT. Is this not the same type of amendment the gentleman now is offering on the dollar which was just defeated as to the half dollar? The gentleman is asking for 40-percent silver in this dollar.

Mr. McCLURE. Mr. Chairman, I might respond to the gentleman in this manner: The amendment I have offered and which was just defeated provided for the minting of a 40-percent silver dollar without limit to the number. This amendment limits the number of such coins to be minted.

Mr. BARRETT. But it would be a 40-percent silver dollar?

Mr. McCLURE. That is correct.

It had been my intention to offer an amendment, following the first one, which would have authorized the continuation of the minting of a 40-percent silver Kennedy half dollar.

In view of the action that this House has just taken on the teller vote, I decided that that was futile. So I am asking here to mint 40-percent silver dollars to the extent silver is now on hand in the Treasury and available for this use, to get away from the possibility that indeed the Treasury might have to go out in the market and buy some silver at a higher price, which they have recently sold at a price that is much too low. Also I might indicate to you this is almost precisely the action that passed in the other body today by a vote of 40 to 21. They have authorized the minting of silver dollars containing 40 percent silver with the likeness of Eisenhower to the extent of the silver available. I say to you that is approximately 300 million pieces. This does not disturb the provision of the bill as presented by the committee for the authorization and minting of a cupro-nickel dollar as well. The Treasury could, if they desired, at the same time that they were minting the silver Eisenhower dollar, also be minting a cupro-nickel dollar with his likeness or do it sequentially, whichever they preferred to do.

So, Mr. Chairman, I think while it is very similar to the last amendment, it is limited in its effect and limited to the amount of silver that the taxpayers of this country—the taxpayers of this country today—own and which is being sold by the Treasury Department not to the benefit of the taxpayers but for the benefit of a few users of silver who desire to continue to have a depressed and artificial price of silver in the market.

Mr. Chairman, I urge the adoption of my amendment.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman I merely want to point out that the Members have had a long-drawn-out session last night and today. I am quite sure they are tired and I think we ought to terminate this.

I want to pay my commendations to the gentleman who is offering this amendment. It is good legislative maneuvering, but it is identically the same thing as we just defeated better than 2 to 1.

I ask for an immediate vote on the amendment.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Idaho (Mr. McClure).

The question was taken; and on a division (demanded by Mr. McClure) there were—ayes 45, noes 73.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, strike lines 1 and 2 and insert in lieu thereof the following:

"Sec. 5. Section 3513 of the Revised Statutes (31 U.S.C. 316) and the first section of the Act of February 28, 1878 (20 Stat. 25; 31 U.S.C. 316, 458), are repealed."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, following line 5, add the following new section at the end:

"Sec. 6. The dollars initially minted under authority of section 101 of the Coinage Act of 1965 shall bear the likeness of the late President of the United States, Dwight David Eisenhower."

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. CASEY

Mr. CASEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Texas will state his parliamentary inquiry.

Mr. CASEY. Mr. Chairman, is the amendment which I have at the desk now in order?

The CHAIRMAN. Is the gentleman's amendment an amendment to the committee amendment?

Mr. CASEY. Well, it is to add to section 6; yes, sir.

The CHAIRMAN. If the gentleman is offering this as an amendment to the committee amendment, the Clerk will report the amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. Casey: Page 5, line 9, after "Eisenhower", strike out the period and add "on one side and on the other side thereof the inscription 'We Came in Peace for All Mankind' and the official design prescribed by the National Aeronautics and Space Administration as emblematic of the Apollo 11 flight."

Mr. CASEY. Now, Mr. Chairman, this proposed coin would bear the likeness on one side, if the committee amendment is adopted, and I am sure it will be, of the late President Eisenhower.

Now, I have not checked a silver dollar in a good while, but my recollection is that most of them have the eagle on the other side of it. Of course, that is traditional, because the eagle is the symbol of our great country.

My amendment will not get away from that tradition, the tradition of the great American eagle.

Mr. Chairman, if you walk down the street nowadays and ask someone what happened on July 21 of this year, somebody will say, "Well, I got a new car," and someone else will say, "It was my daughter's birthday." In fact, Mr. Chairman, their memory gets a little short.

July 21 of this year was the day on which one of the greatest accomplishments in history took place. The "Eagle" landed at Tranquillity Base. The eagle—the good old American eagle, landed on Tranquillity Base.

Mr. Chairman, my amendment proposes that on the reverse side of this coin we place the American eagle, the symbol of the greatest accomplishment that man has ever made—reaching the moon. The space program started under President Eisenhower. So it is very symbolic and it should be on the other side of this coin.

Some will say that we are trying to make this a commemorative coin. We are going to make billions of these. They want it to be in circulation. They say that is why no silver is in it. Let us put it in circulation and keep all our people reminded of this accomplishment we have made, remind them that the American people were the first to land a man on the moon. So I urge you to support this amendment. If we can tell them to put President Eisenhower's picture on there, we can tell them to put this symbol.

If any of the Members wish to take a closer look at what I am suggesting there is a picture of one at the Democrat desk, and one at the Republican desk. It is very appropriate, and I think it would be helpful.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, there are certain requirements of law for the design of our coinage. Each coin must contain on the reverse a figure or a representation of an eagle with the inscription "United States of America" and "E Pluribus Unum," and a description of the value of the coin. There is no reason why the Apollo 11 eagle could not be used. The Presidential seal bearing an eagle was used on the Kennedy half dollar.

The Congress does not have to decide on the actual design, and I do not believe that we should try to specify the full design. The reverse side of the coin would be very crowded if, in addition to the various inscriptions already required by law, you put on it the additional inscriptions called for in your amendment.

Would the gentleman possibly accept an amendment to his amendment to propose that the reverse of the coin be based on the motif of the Apollo 11 flight emblem, so that the designer could have some leeway?

Mr. CASEY. Mr. Chairman, I thank the gentlewoman from Missouri for the suggestion since the gentlewoman is so well versed in the laws that are applicable to our coinage, and I would certainly consider and appreciate her contribution because I think we should direct them in some manner, and that was the purpose of my amendment.

I will be glad to accept such an amendment if the gentlewoman has it drafted. I will be glad to accept it as a substitute.

Mrs. SULLIVAN. The only thing I have is this suggested language as a substitute:

And on the other side thereof, a design which is emblematic of the symbolic eagle of Apollo 11 landing on the moon.

Mr. CASEY. I will accept that amendment.

The CHAIRMAN. Is the gentlewoman from Missouri prepared to offer the exact language of the substitute to the amendment offered by the gentleman from Texas?

SUBSTITUTE AMENDMENT OFFERED BY MRS. SULLIVAN FOR THE AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. CASEY

Mrs. SULLIVAN. Mr. Chairman, I offer a substitute amendment for the amendment to the committee amendment offered by the gentleman from Texas (Mr. Casey).

The Clerk read as follows:

Amendment offered by Mrs. Sullivan in the form of a substitute for the Casey amendment to the committee amendment: On page 5, line 9, insert "and on the other side thereof, a design which is emblematic of the symbolic eagle of Apollo 11 landing on the moon."

The CHAIRMAN. The gentlewoman from Missouri (Mrs. Sullivan) is recognized for 5 minutes in support of her amendment.

Mrs. SULLIVAN. Mr. Chairman, I will not require the full 5 minutes. I believe that I have explained that this substitute does give the designer leeway in the symbol to be placed on the reverse side of the coin, if it is going to be changed.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would ask the gentlewoman from Missouri is this proposal to be symbolic of an eagle landing on the moon, or the astronauts landing on the moon?

Mrs. SULLIVAN. The eagle.

Mr. GROSS. An eagle landing on the moon? I did not know we had any eagles that had yet reached the moon.

Mrs. SULLIVAN. Mr. Chairman, the design, under 31 United States Code 324 must include an eagle. I would ask the gentleman from Iowa if Eagle was not the name of the space vehicle that landed on the moon? The amendment relates to a design emblematic of the Apollo eagle—meaning the United States of America.

Mr. GROSS. The eagles they fly high in Bombay.

The CHAIRMAN. The question is on the substitute amendment offered by the gentlewoman from Missouri (Mrs. Sullivan) for the amendment offered by the gentleman from Texas (Mr. Casey) to the committee amendment.

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 63, noes 26.

So the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Texas (Mr. Casey), as amended by the substitute.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. BARRETT. Mr. Chairman, I do not want to prevent Members from having the opportunity to offer their amendments, but time is running and I am hopeful that we might be able to set a time to limit debate.

Mr. Chairman, I ask unanimous consent that debate on the bill, and all amendments thereto, conclude at 6 o'clock and 15 minutes p.m.

Mr. EDWARDS of Alabama. Mr. Chairman, I object.

Mr. BARRETT. Mr. Chairman, I move that all debate on the bill, and all amendments thereto, conclude at 6 o'clock and 20 minutes p.m.

PREFERENTIAL MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Gross moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. GROSS. Mr. Chairman, I offer this amendment seriously. This funny money bill ought to be defeated right now by striking the enacting clause.

Yes, apparently the House is just about to complete the job of debasing the currency of the United States, and I am unalterably opposed to this kind of business.

We have heard a lot this afternoon about the savings that have been accomplished through the business of taking silver out of quarters and dimes. Now you want to complete the job by taking the silver out of the dollar and half dollar. Where has the money gone that you claim to have saved? Has it brought a reduction in taxes for our citizens? Where has the money gone that you say you have saved?

You talk about the shortage of silver. Two or three years ago you brought in a bill that took silver, the intrinsic value, out of quarters and dimes. In that same year this country sold 44 million ounces of silver abroad.

I do not think anyone will deny that we have been selling silver abroad ever since, yet you say we do not have the silver to keep a respectable currency in this country.

What else can you do to debauch and degrade the currency of this country? What else? Some years ago this Government bought printing presses in Britain because Americans do not make them with speed enough to turn out paper money in common usage fast enough.

Earlier this afternoon I said I would expect that after the enactment of this bill, and within a short period of time, the Banking and Currency Committee, which seemingly likes to debase and debauch our currency, would be out with a bill to legalize wampum. And there was such a thing, as I explained this afternoon, as wampum-peag, a little less valuable wampum.

Why not make the dollar out of iron? Why not use washers and locknuts, which the farmers and others could use for other purposes? They could be used for many purposes including money. Those of you who have young children

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could use them in the repair of bicycles. My friend Grandpa CELLER could give them to his grandchildren as well as use them for money.

Where are you taking this country? What are you doing to the monetary system of this country? As I said earlier this afternoon, internationally we are now out to paper the world with paper gold. But gold, we are told, is evil; it is an anacronism, although everybody else in the world covets it. And so, in answer to the demands of international bankers, this Government entered into a combination with them to paper the world with paper gold. What else? What else can you do to debauch the currency and monetary system of this country?

Mr. KLEPPE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Dakota.

Mr. KLEPPE. I thank the gentleman for yielding. I wish to compliment him on his dissertation of funny money.

Mr. GROSS. I thank my friend from North Dakota and yield back the balance of my time.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment. I do not want to take the time of the Members. I am certain the gentleman who just left the well is well respected and loved by every Member of the House. I want him to know that I respect him, too. But I cannot go along with this amendment. All the coins I have in my hand have stamped on them the images of Presidents from Lincoln on, and they even have Thomas Jefferson on them. This is not funny money. I think we should vote this amendment down.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. In a moment. I would just say to the gentleman, if he would permit me to say this, I know too many people who would take 5-ton trucks, back them up to the source, and load this funny money onto the trucks. That is how funny this money is.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, this bill provides for the sale of $3 million worth of silver dollars, does it not?

Mr. BARRETT. Yes. I am glad the gentleman brought that up. That is very wisely handled by the Treasury. The Treasury, in handling these 3 million rare dollars, will sell those for approximately $4 million. This is doing what the gentleman is always clamoring for: It is putting money into the Treasury. It will be a great gain. There are people anxious to buy these coins and it will be a healthy return.

Mr. GROSS. Mr. Chairman, if silver is in such short supply, why does the Treasury not melt the dollars down and use the silver, if the silver situation is so acute with respect to silver?

Mr. BARRETT. They can get more for these rare coins than they can by melting them down. I know the gentleman and respect and admire him, and I know the gentleman will agree with me. I know he does not want to put silver half dollars into circulation and let other people melt them down. We have put nearly 1 billion 40-percent-silver dollars into circulation since 1966 and we cannot find one of them today in any industrial area.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I would like to correct the gentleman from Pennsylvania. He said there would be about $4 million from the sale of the silver dollar coins. The figure will be much greater than that. We have 2,900,000 at the going silver price, which will be more than $4 million. We will have an auction and they will go to the highest bidder and they will bring in much more than that.

Mr. BARRETT. I am glad to be corrected. They will be worth much more than $4 million, I am sure.

Mr. CONTE. If they were all melted down, we would not get more than 2½ ounces of silver out of each of those.

Mr. BARRETT. Mr. Chairman, I ask for a vote on the motion offered by the gentleman from Iowa.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa.

The preferential motion was rejected.

AMENDMENT OFFERED BY MRS. SULLIVAN

Mrs. SULLIVAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: Add the following new section at the end:

"Sec. 7. Title I of the Coinage Act of 1965 is amended by adding the following new section at the end:

" 'Sec. 109. (a) The Secretary may mint proof coins of the denominations set forth in section 101 from such metals or alloys as he may deem appropriate.

" '(b) Proof coins minted under authority of subsection (a) shall be sold in such a manner as to assure a reasonable opportunity to all interested individuals to purchase directly from the Government at least one set of such coins of each year for which they are minted.' "

The CHAIRMAN. The gentlewoman from Missouri is recognized in support of her amendment.

PARLIAMENTARY INQUIRY

Mr. BARRETT. Mr. Chairman, am I not correct in assuming we have set a time limit on the bill and all amendments thereto?

The CHAIRMAN. The gentleman is not correct.

Mr. BARRETT. Mr. Chairman, then I now ask unanimous consent that we terminate all debate on the bill and all amendments thereto at 20 minutes after 6.

Mr. ROBERTS. Mr. Chairman, I object.

Mrs. SULLIVAN. Mr. Chairman, reserving the right to object, may I have the right to speak for 5 minutes on my amendment.

Mr. BARRETT. Mr. Chairman, I understood the gentlewoman was recognized previously.

MOTION OFFERED BY MR. BARRETT

Mr. BARRETT. Mr. Chairman, I move that all debate on the bill and all amendments thereto terminate at 6:25.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BARRETT).

The motion was agreed to.

The CHAIRMAN. The gentlewoman from Missouri is recognized.

Mrs. SULLIVAN. Mr. Chairman, my amendment is a simple one, to take the Treasury out of the coin dealers' pocket and require the mint to distribute numismatic materials for the benefits of the rank-and-file individual coin collector—the amateur hobbyist who collects coins for pleasure rather than as a business. We all have such constituents who buy specimen coins for their collections and who are not interested in acquiring, or financially able to build, a business inventory in proof sets.

Almost every year since the great coin scramble of 1964, when investors and speculators discovered the possibility of quick profits in bags of silver coins purchased at a premium from bank tellers or bank officials having access to the supply, legitimate coin collectors interested primarily in the numismatic aspect of coins have been complaining to us about their inability to obtain the coins they want for their collections. Nearly all of the 2¼ billion Kennedy half dollars were diverted from normal channels of coin distribution to speculators and dealers. And proof sets suddenly became hot items bought and sold at high premiums.

The Bureau of the Mint turns out only about 3,000,000 proof sets a year at the San Francisco assay office. Before 1964, it was always possible to send in an order and have it filled. But in 1964 the order lists were closed so quickly that many individual collectors were frozen out. No proof sets were offered for subsequent years until 1968, by which time the Treasury decided to raise its price from $2.10 to $5. Even at that price, enough orders were received within a few months to account for the full year's output, and when that happened, it was discovered that dealers were getting $12 and $15 for them. So the following November 1, when the order books were opened at San Francisco for the 1969 sets, enough orders were received in 1 week's time to force the mint to return all subsequent orders.

A staff member of the House Banking and Currency Committee was in the San Francisco assay office on November 12 and went through many of the orders for the maximum of 20 sets each. There were hundreds of duplications—air mail special delivery orders from the same individuals. The mint filtered out as many such duplicate orders as it could find, totaling about 1,000,000 sets. It still had enough orders left to account for the entire year's production. So none of the orders received after November 8 could be filled.

Now the mint has announced that orders for 1970 sets will be accepted beginning November 1 for only five sets per order. We can look for another race by dealers intent on getting their orders in early, under a variety of names, to disguise the fact that they are all going to the same person or firm.

This is an intolerable situation for the average hobbyist. It is an Oklahoma land race to see who can get there before the next fellow—before the dealers corner the supply.

My amendment does two things: it authorizes the Treasury to use special coatings or materials to make the proof coins more attractive than the silverless cupronickel coins so that they are truly artistic specimens of our coin art. But, more importantly, it specifies that each individual coin collector who wants one must be given an opportunity to obtain a set, under procedures which will prevent dealers from obtaining multiple sets until and unless each individual collector who wants one can obtain a single proof set.

The coin dealers will not like this amendment, but the individual coin collector—the amateur hobbyist—will. If only 3 million sets can be produced a year, let us make sure that 3 million different individuals who want them can get a set each, rather than have dealers obtain them by the hundreds.

Mr. BARRETT. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I am happy to yield to the gentleman from Pennsylvania.

Mr. BARRETT. I see no objection to the gentlewoman's amendment. There are no precious metals in here, and no silver.

Mrs. SULLIVAN. There is no silver required. It gives the Treasury a choice of metals to use.

Mr. BARRETT. I see no objection to it. If the other side would not oppose it, I believe we could accept the gentlewoman's amendment.

Mr. CONTE. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Is it the gentlewoman's intention, so that we have a legislative history, that no silver be put into these coins?

Mrs. SULLIVAN. It does not specify that there be no silver.

Mr. CONTE. It says any metal. I should like to get the gentlewoman's idea, as the author of the legislation.

Mrs. SULLIVAN. We have a metal called columbium. It is a very hard, very shiny, very pretty metal.

Mr. CONTE. I am well aware of it. I should like to ask the gentlewoman again if it is her intention—I believe it is—not to have any silver in these coins.

Mrs. SULLIVAN. That is right; no silver as a specified proportion. We are not asking for any silver as such, just for a pretty coin the collectors can keep. The clad coins are not that attractive or desirable. Perhaps some silver might be used as a silver wash, or something of that kind. I am not proposing use of silver.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I am not from Massachusetts, and I have no manufacturers who particularly use silver. Is there some reason why these dollars, half dollars, dimes, and quarters are not made out of stainless steel?

Mrs. SULLIVAN. This will be left to the judgment of the Treasury, as to which metals to use for these specimen coins—strictly numismatic materials.

Mr. GROSS. Would it not be more effective in deluding the public if these so-called coins were nice and bright and shiny at all times?

Mrs. SULLIVAN. That I cannot answer for the gentleman; I am sorry.

Mr. BARRETT. Mr. Chairman, we would have no objection to the amendment, if the gentleman from New Jersey has no objection.

Mr. WIDNALL. Mr. Chairman, I have no objection.

Mr. OLSEN. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Montana.

Mr. OLSEN. There is a question I asked earlier. Could the committee devise for the House a report as to what has happened to the silver stockpile and the silver coins in the Treasury and in the stockpile during the last 10 years?

Mrs. SULLIVAN. That does not appear in our committee report, but I am sure we can get that information, and we will.

Mr. OLSEN. We will know, then, from the report, the price for which the silver was sold?

Mrs. SULLIVAN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: Page 4, after line 2, add a new section to be known as section 2(b), as follows:

"The Secretary of the Treasury is authorized to mint 500,000 half dollars with the likeness of Sam Rayburn, for sale to the Sam Rayburn Library at full value plus die cost. Said coins to be cupro-nickel per section 101(b)."

POINT OF ORDER

Mr. BARRETT. Mr. Chairman, I make the point of order, much as I hate to, that the gentleman's amendment is not germane.

The gentleman is talking about minting a coin and making a profit from it. The bill calls for making coins, putting them into circulation, and making no profit.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. ROBERTS. Yes, Mr. Chairman.

This is a coin the same as the other coins to be minted by the mint. The fact that they are to be distributed all through the Sam Rayburn Library would certainly not affect the subject matter of the amendment. It is certainly germane. This is a coinage act.

The CHAIRMAN (Mr. MATSUNAGA). The Chair is prepared to rule.

The amendment offered by the gentleman from Texas provides for the issuance of 500,000 half-dollar coins bearing the likeness of the late Speaker of the House, Sam Rayburn.

The amendment specifies that these coins are not to be put into general circulation but are to be sold to the Sam Rayburn Library for its use. These coins would be commemorative coins intended for sale by the library at a price above their face value, with the proceeds to be derived therefrom accruing to the library's benefit. The purpose of the bill before the committee relates to the issuance and minting of public currency and the disposal of certain previously minted coins withdrawn from circulation and now held by the Secretary of the Treasury.

The Chair does not think the issuance of coins which, although they might eventually find their way into public circulation, are designed and minted primarily for a private purpose is a subject that is germane to that under consideration. Therefore the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. M'CLURE

Mr. McCLURE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLURE: Page 5, immediately after line 9, add the following:

"Sec. 7. Any silver held by the Treasury in excess of that needed to complete the minting and issuing of any coin under this act shall be retained for use in a commemorative coin to be issued in conjunction with the bicentennial celebration of the United States in 1976."

POINT OF ORDER

Mr. BARRETT. Mr. Chairman, I make the point of order that this is exactly the same as the amendment that has been ruled on and therefore is out of order. It is also a commemorative coin.

Mr. McCLURE. May I be heard on the point of order, Mr. Chairman?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. McCLURE. Mr. Chairman, there is a distinction between this amendment and the one that was just offered by the gentleman from Texas (Mr. ROBERTS) in that his called for the minting of a specific commemorative. This amendment is designed to prevent the disposition of the silver by the Treasury Department and to retain it for future uses of the Treasury Department which undoubtedly will be called upon in 1976 in connection with the commemoration of the bicentennial of this Nation. It does not make any sense at all, I think, for this country to dispose of all its silver and then turn around a few years from now and go into the market and buy it back at a higher price for purposes which can be anticipated at the present time. This is not to authorize the minting of the coin but to direct the Treasury with respect to the disposition of this silver at the present time.

The CHAIRMAN (Mr. MATSUNAGA). The Chair is prepared to rule.

The amendment offered by the gentleman from Idaho applies to the issuance of a commemorative coin to be issued in conjunction with the bicentennial celebration of the United States in 1976. It is not in keeping with the purpose of the bill before the committee and therefore the Chair sustains the point of order.

Mr. BARRETT. Mr. Chairman, I ask unanimous consent that all debate now close on the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14127) to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes, pursuant to House Resolution 574, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. M'CLURE

Mr. McCLURE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. McCLURE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCLURE moves to recommit the bill H.R. 14127 to the Committee on Banking and Currency with instructions to report the bill back forthwith with the following amendment: Page 3, immediately after line 21, insert the following:

"SEC. 2. Notwithstanding the preceding, commencing January 1, 1970, the Secretary shall coin and issue no less than one hundred million silver dollar coins annually until three hundred million of these dollars have been coined. These silver dollars shall bear the likeness of Dwight David Eisenhower and shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts copper; and

"(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."

And redesignate the succeeding sections accordingly.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 257, nays 65, not voting 109, as follows:

[Roll No. 228]

YEAS—257

Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Blanton
Blatnik
Boggs
Bolling
Bow
Brademas
Brasco
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Carter
Casey
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Culver
Daddario
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denney
Dent
Derwinski
Dickinson
Donohue
Downing
Dulski
Duncan
Dwyer
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Feighan
Fish
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Foreman
Frelinghuysen
Friedel
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Henderson
Hogan
Holifield
Horton
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Kuykendall
Kyl
Landrum
Langen
Leggett
Long, Md.
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Matsunaga
Mayne
Melcher
Meskill
Miller, Calif.
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill, Mass.
Passman
Patten
Pelly
Perkins
Philbin
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quillen
Railsback
Rees
Reid, Ill.
Reuss
Robison
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Ruth
St Germain
St. Onge
Sandman
Schadeberg
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Staggers
Stanton
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Taft
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Vander Jagt
Vanik
Vigorito
Waggonner
Watkins
Watson
Watts
Weicker
Whalen
White
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zion

NAYS—65

Abbitt
Abernethy
Ashbrook
Biaggi
Brinkley
Burke, Fla.
Burleson, Tex.
Bush
Caffery
Collins
Cramer
Daniel, Va.
Delaney
Dorn
Dowdy
Foley
Fountain
Fulton, Pa.
Gross
Grover
Hagan
Hall
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Hicks
Hull
Johnson, Calif.
Landgrebe
Lennon
Long, La.
McClure
Marsh
May
Miller, Ohio
Montgomery
Olsen
O'Neal, Ga.
Pettis
Pike
Poage
Poff
Pryor, Ark.
Randall
Rarick
Rhodes
Roberts
Rogers, Fla.
Roth
Roudebush
Satterfield
Scherle
Scott
Sisk
Springer
Steiger, Ariz.
Stuckey
Talcott
Teague, Calif.
Ullman
Utt
Wampler
Whitten
Zablocki
Zwach

NOT VOTING—109

Albert
Anderson, Ill.
Anderson, Tenn.
Arends
Ashley
Aspinall
Berry
Bingham
Blackburn
Boland
Bray
Brooks
Brown, Calif.
Broyhill, Va.
Burton, Calif.
Button
Cahill
Camp
Carey
Cederberg
Chisholm
Cohelan
Collier
Conyers
Cunningham
Dawson
Dennis
Devine
Diggs
Dingell
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Fascell
Findley
Fisher
Flynt
Fraser
Frey
Fulton, Tenn.
Gettys
Griffin
Haley
Harrington
Hastings
Hays
Hébert
Helstoski
Hosmer
Howard
Jonas
Jones, Ala.
Jones, N.C.
Karth
King
Kirwan
Koch
Kyros
Latta
Lipscomb
Lloyd
Lowenstein
Lujan
McCloskey
McKneally
McMillan
Martin
Mathias
Meeds
Michel
Mikva
Morgan
O'Konski
Ottinger
Patman
Pepper
Pickle
Pollock
Powell
Pucinski
Quie
Reid, N.Y.
Reifel
Riegle
Rivers
Rodino
Rosenthal
Roybal
Ruppe
Ryan
Saylor
Scheuer
Smith, N.Y.
Steed
Stokes
Taylor
Thompson, N.J.
Tunney
Van Deerlin
Waldie
Whalley
Whitehurst
Wilson, Charles H.
Wold
Wolff

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Arends.
Mr. Griffin with Mr. Camp.
Mr. Taylor with Mr. Devine.
Mr. Stokes with Mr. Harrington.
Mr. Rodino with Mr. Button.
Mr. Burton of California with Mr. Lloyd.
Mr. Brooks with Mr. Berry.
Mr. Bingham with Mr. McCloskey.
Mr. Aspinall with Mr. Cederberg.
Mr. Albert with Mr. Anderson of Illinois.
Mr. Howard with Mr. Cahill.
Mr. Dingell with Mr. Collier.
Mr. Hébert with Mr. Cunningham.
Mr. Roybal with Mr. Lujan.
Mr. Gettys with Mr. Blackburn.
Mr. Fulton of Tennessee with Mr. Bray.
Mr. Farbstein with Mr. O'Konski.
Mr. Fallon with Mr. Broyhill of Virginia.
Mr. Edwards of California with Mr. Hosmer.
Mr. Pepper with Mr. Dennis.
Mr. Wolff with Mr. Pollock.
Mr. Jones of Alabama with Mr. Frey.
Mr. Kirwan with Mr. Jonas.
Mr. Boland with Mr. McKneally.
Mr. Carey with Mr. Hastings.
Mr. Cohelan wtih Mr. Quie.
Mr. Morgan with Mr. King.
Mr. Charles H. Wilson with Mr. Michel.
Mr. Thompson of New Jersey with Mr. Reid of New York.
Mr. Waldie with Mr. Mathias.
Mr. Jones of North Carolina with Mr. Martin.
Mr. Pucinski with Mr. Reigel.
Mr. Rivers with Mr. Latta.
Mr. Steed with Mr. Lipscomb.
Mr. Edwards of Louisiana with Mr. Reifel.
Mr. Fascell with Mr. Ruppe.
Mr. Fisher with Mr. Whitehurst.

Mr. Evans with Mr. Saylor.
Mr. Kyros with Mr. Smith of New York.
Mr. Tunney with Mr. Whalley.
Mr. Edmondson with Mr. Wold.
Mr. Flynt with Mr. McMullan.
Mr. Mikva with Mr. Lowenstein.
Mr. Patman with Mr. Helstoski.
Mr. Rosenthal with Mr. Conyers.
Mr. Brown of California with Mrs. Chisholm.
Mr. Koch with Mr. Powell.
Mr. Haley with Mr. Ashley.
Mr. Ottinger with Mr. Karth.
Mr. Pickle with Mr. Fraser.
Mr. Ryan with Van Deerlin.
Mr. Anderson of Tennessee with Mr. Scheuer.
Mr. Eckhardt with Mr. Diggs.
Mr. Findley with Mr. Meeds.

Mr. MIZELL changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title in which concurrence of the House is requested:

S.J. Res. 158. Joint resolution to authorize the minting of clad silver dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

COINAGE ACT AMENDMENTS

Mr. BARRETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 158) to authorize the minting of clad silver dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower, a joint resolution similar to the bill (H.R. 14127) just passed by the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. SISK). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 158

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended—

(1) by inserting "one-dollar pieces," after "pursuant to this section" in subsection (a);

(2) by redesignating paragraphs (1), (2), and (3) in subsection (a) as paragraphs (2), (3), and (4), respectively, and by inserting before redesignated paragraph (2) a new paragraph as follows:

"(1) the dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts copper; and

"(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."; and

(3) by inserting at the end of such section the following new subsections:

"(d) The dollars initially minted under the authority of subsection (a) shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

"(e) Commencing on January 1, 1970, and until such time as the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted, or December 31, 1972, whichever is earlier, the Secretary shall cause to be minted and issued dollars authorized by subsection (a) at a rate of not less than one-hundred million coins annually."

(b) Effective on January 1, 1973, or on such earlier date as the President shall by proclamation declare that the supply of silver available to the Treasury for coinage purposes is exhausted, section 101 of the Coinage Act of 1965 is amended to read as follows:

"SEC. 101. The Secretary may coin and issue one-dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"(1) The dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 22.68 grams.

"(2) The half dollar shall have—

"(A) a diameter of 1.205 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 11.34 grams.

"(3) The quarter dollar shall have—

"(A) a diameter of 0.955 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 5.67 grams.

"(4) The dime shall have—

"(A) a diameter of 0.705 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 2.268 grams."

MOTION OFFERED BY MR. BARRETT

Mr. BARRETT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BARRETT moves to strike out all after the resolving clause of the joint resolution, Senate Joint Resolution 158, and to insert in lieu thereof the provisions contained in H.R. 14127 as passed, as follows:

"SECTION 1. Section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended to read as follows:

"'SEC. 101. (a) The Secretary may mint and issue coins of the denominations set forth in subsection (c) in such quantities as he determines to be necessary to meet national needs.

"'(b) Any coin minted under authority of this section shall be a clad coin. The cladding shall be an alloy of 75 per centum copper and 25 per centum nickel, and shall weigh not less than 30 per centum of the weight of the whole coin. The core shall be copper.

"'(c)(1) The dollar shall be 1.500 inchea in diameter and weigh 22.68 grams.

"'(2) The half dollar shall be 1.205 inches in diameter and weigh 11.34 grams.

"'(3) The quarter dollar shall be 0.955 inch in diameter and weigh 5.67 grams.

"'(4) The dime shall be 0.705 inch in diameter and weigh 2.268 grams.'

"SEC. 2. Half dollars as authorized under section 101(a)(1) of the Coinage Act of 1965 as in effect prior to the enactment of this Act may, in the discretion of the Secretary of the Treasury, continue to be minted until January 1, 1971.

"SEC. 3. (a) The Secretary of the Treasury is authorized to transfer, as an accountable advance and at their face value, the approximately three million silver dollars now held in the Treasury to the Administrator of General Services. The Administrator is authorized to offer these coins to the public in the manner recommended by the Joint Commission on the Coinage at its meeting on May 12, 1969. The Administrator shall repay the accountable advance in the amount of that face value out of the proceeds of and at the time of the public sale of the silver dollars. Any proceeds received as a result of the public sale in excess of the face value of these coins shall be covered into the Treasury as miscellaneous receipts.

"(b) There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the purposes of this section.

"SEC. 4. Section 4 of the Act of June 24, 1967 (Public Law 90–29; 31 U.S.C. 405a–1 note) is amended by adding at the end thereof the following new sentence: 'Out of the proceeds of and at the time of any sale of silver transferred pursuant to this Act, the Treasury Department shall be paid $1.292929292 for each fine troy ounce.'

"SEC. 5. Section 3513 of the Revised Statutes (31 U.S.C. 316) and the first section of the Act of February 28, 1878 (20 Stat. 25; 31 U.S.C. 316, 458) are repealed.

"SEC. 6. The dollars initially minted under authority of section 101 of the Coinage Act of 1965 shall bear the likeness of the late President of the United States, Dwight David Eisenhower and on the other side thereof, a design which is emblamatic of the symbolic eagle of Apollo 11 landing on the moon.

"SEC. 7. Title I of the Coinage Act of 1965 is amended by adding the following new section at the end:

"'SEC. 109. (a) The Secretary may mint proof coins of the denominations set forth in section 101 from such metals or alloys as he may deem appropriate.

"'(b) Proof coins minted under authority of subsection (a) shall be sold in such a manner as to assure a reasonable opportunity to all interested individuals to purchase directly from the Government at least one set of such coins of each year for which they are minted.'"

The motion was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to carry out the recommendation of the Joint Commission on the Coinage, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 14127) was laid on the table.

GENERAL LEAVE

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE TRAGIC PLIGHT OF MISSING U.S. SERVICEMEN

(Mr. SIKES asked and was given permission to address the House for 1 min-

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ute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, a truly tragic part of the Vietnamese war has been the refusal of the North Vietnamese to provide information on missing U.S. servicemen who presumably are held prisoner by the Communists. There are 1,350 U.S. servicemen missing in action and many of these are presumed to be prisoners of the Communist forces. Little is known about the plight of these men, their physical condition, or even whether they are living or dead. The continuing refusal of the Communist captors to divulge information is a shocking indictment of the cruel methods which they follow and their indifference to humanitarian considerations. It is a great pity that those who protest the war do not spend their time protesting Communist inhumanity.

An equally serious part of the problem is the fact that the families of these missing men in most cases know little or nothing about them. Even the fact that they are prisoners of war frequently is not confirmed, and the families can only hope that their loved ones are still alive. The Geneva Conference long ago established a program for humane treatment of prisoners of war and nearly all non-Communist nations have abided by its terms. These include an exchange of mail, inspection of camps by a neutral organization, and delivery of medical aid and food parcels to prison camps. None of these have been allowed by the Communists in Vietnam. Hanoi signed the Geneva Conference agreement in 1957 but now refuses to abide by its terms.

Efforts have been in progress for months seeking a less barbaric attitude on the prisoners-of-war problem by the Communists but these have been unavailing. Representations to the Communist delegates at the peace conference in Paris have also been rejected.

An effort is now being made to establish November 9 as a nationwide day of prayer for the prisoners. This could be a meaningful movement by Americans from the President on down and one which should have the very active support of the Nation.

MORATORIUM

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POAGE. Mr. Speaker, it would be foolhardy to predict on the proceedings of today, but it is clear to me that the proceedings in the House of Representatives last night must have given the North Vietnamese and the Vietcong their greatest encouragement since the stopping of the bombing of North Vietnam and the withdrawal of American troops.

The talkathon of last night was well billed and advertised and has even been reported as nothing more than an exercise of free speech or a dignified discussion of vital issues—and when one takes most of the speeches completely separate from their context, it can be seriously contended that they were a presentation of dissenting viewpoints. Certainly I would not deny anyone the right to express his own views or to question the wisdom of Government policies, but when these views are presented in such a manner and under such staging as to encourage the enemy to believe that such presentation is evidence of a complete lack of determination on the part of the United States, it can only result in the prolongation of the war and the loss of the lives of more American boys.

Nor does the fact that we are willing to assume that those who presented these views did so in good faith, in anywise change their effect. The authorities in Hanoi were obviously duly impressed and recognized the tremendous advantage dropped in their lap. In spite of the fact that the North Vietnamese openly and officially applauded this so-called moratorium, I did not hear one speaker last night repudiate association with the enemy.

At least until the next session of the Supreme Court the Constitution of the United States still defines treason as giving aid and comfort to the enemy of the United States. Regardless of what anyone said last night, aid and comfort was given to our enemies in large measure. I turned on my car lights this morning, as I wanted it clearly understood that I intend to give the enemies of my country no aid or comfort.

U.S. FLAG EMBLEM FOR POLICE—H.R. 14337

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, in the turmoil and disorder of our times, it would do us well to look again to our beginnings.

The Declaration of Independence recites that men are endowed by their Creator with the inalienable rights of life, liberty, and the pursuit of happiness. It then declares that it is to secure these rights that governments are instituted among men.

We would do well to recognize again that the principal, if not the sole function, of government is to secure to men their God-given rights of life, liberty, and the pursuit of happiness. This means to protect men from other men who would infringe on these rights—nothing more, nothing less.

We maintain Armed Forces to protect our citizens from foreign powers which would hamper their exercise of these rights. That is the function of the national Government, the Government of the United States.

The separate States maintain police departments for the protection of their citizens against those individuals who would interfere with their rights to life, liberty, and the pursuit of happiness. In the District of Columbia and on other Federal reservations we maintain similar police.

Like our soldiers, our police are our first line of defense. Disorder and crime are curbed by the 24-hour watch which they keep. Without recognition, without thanks, usually underpaid, and subject to criticism and insult from every quarter, these public servants put their lives on the line so that we may live ours more freely.

Some cities have recognized the role of their police officers by making an American flag shoulder patch a part of their uniform. The results have been unexpectedly good. The recognition that the local police officer protects what is best in America is promoted by his wearing of the American flag. This has resulted in increased morale in the department, better understanding by the authorities, and more cooperation and recognition by the community in general.

It has had another unexpected result. The number of assaults on police officers has diminished drastically, and the number of officers injured in line of duty has declined.

Even criminals seem to respect the flag, and possible incitement of radicals and revolutionaries by the shoulder patch seems to have been minimal.

Mr. Speaker, yesterday I introduced H.R. 14337 providing for the wearing of such an emblem, the American flag, as an integral part of the uniform of the police officers on duty here in the District of Columbia—the Metropolitan Police, the Capitol Police, the White House Police, and the Park Police.

I include the text of the bill:

H.R. 14337

A bill to require that the uniform of officers and members of the uniformed police forces in the District of Columbia shall bear a distinctive patch showing the flag of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the uniform of officers and members of the United States Park Police, the White House Police, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch showing the flag of the United States.

(b) The Secretary of the Interior in the case of the United States Park Police, the Secretary of the Treasury in the case of the White House Police, the Capitol Police Board in the case of the Capitol Police, and the Commissioner of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this Act.

IS THE ADMINISTRATION EXPECTING THE GOVERNMENT TO BE THE EMPLOYER OF LAST RESORT?

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, last Tuesday I took the floor to express my concern over the dishearteningly large increase in unemployment reported for the month of September. To say that I was astonished by the cacophony of administration officials out gloating each other as thousands of Americans entered the ranks of the unemployed would be an understatement.

Of course, in all fairness, these administration people were not slapping backs because more Americans were unemployed, but rather because they viewed the half percent rise in unemployment as a sign that the administration's anti-inflation policies were taking hold. Yet, I can still see before my minds eye the somber-faced press secretary telling the White House news corps that the President will not move against inflation at the expense of jobs. I really must admit it was difficult for my poor abilities to reconcile the President's chief spokesman's somber tones with the fact that most of his policy advisers were out celebrating the half percent rise.

While I might be one of the last to question the sincerity of these good officials, I most certainly have the obligation to question their good sense on this issue.

The most recent unemployment statistic taken by itself demonstrates nothing more than a lot of people became jobless during September. When added to other unemployment data published in the last few months, a trend toward a rising rate is discernible.

What is not discernible is the basis for concluding that rising unemployment signals the need to publicly demonstrate that the Administration's anti-inflation policies are taking hold. There seems to be some dispute among administration supporters and officials that this is in fact the case.

While the Bureau of Labor Statistics was making its announcement, the Chairman of the Federal Reserve was telling the House Banking and Currency Committee that he has not seen any strong indications of a slowdown. At least there was not a statistic that sufficiently impressed Mr. Martin to offer the possibility of lower interest rates in the foreseeable future. If anything, the administration seems to be telling us we can expect continued high rates both in interest and unemployment.

The day after the Bureau announcement, Prof. Milton Friedman, Chicago University economist and the President's economic adviser in the 1968 campaign, predicted recession if the present administration policies are continued. Friedman suggested that the unemployment rate would range higher than 7 percent unless the Federal Reserve eased its tight money policies. And I have already reported what Chairman Martin's views are on easing the tight money situation.

At this point in the Record I would like to include the Washington Post report of Professor Friedman's testimony before the Joint Subcommittee on Economy in Government:

Fed Sparking a Recession, Senators Told

(By Hobart Rowen)

Unless the Federal Reserve quickly relaxes its tight money policy, the nation faces "an unnecessarily severe recession next year," with unemployment ranging higher than 7 per cent.

That was the somber judgment offered yesterday by Prof. Milton Friedman, the noted Chicago University economist and campaign adviser last year to President Nixon.

A long-time critic of the Fed, Friedman testified before Sen. William Proxmire's subcommittee on Economy in Government, and later elaborated on his fears of a recession to reporters.

The committee also heard testimony from Brookings Institute economist Charles L. Schultze and from Ralph Nader on the need for efficiency and new incentives to improve government operations.

Nader complained that regulatory agencies do not make compliance surveys regularly—indeed, in some cases not at all.

"Endemic non-enforcement voter time builds up a corruption of the political legal process that is difficult to overestimate," he said.

Schultze, former Budget director, cited a number of subsidies for business, industry and farm groups that he said work inefficiently, at great cost to taxpayers.

One major drawback in managing public enterprise, Schultze said, results from the Budget Bureau's failure to charge the right departments with all the costs they incur. An example that fascinated the committee is that the Defense Department is not charged with the cost of atomic warheads for its nuclear weapons.

Proxmire (D-Wis.) said he would ask Budget Director Robert P. Mayo to comment on this and other aspects of Schultze's testimony.

Unemployment rates in the vicinity of 7 per cent would be the highest since the 1958 recession, Friedman said. And he warned that the Federal Reserve "has but little time" in which to reverse its policy.

"But I see no signs that they are prepared to do so," the controversial economist told the impromptu press conference.

Friedman's assessment of the Fed's posture appeared to be borne out by public and private statements by Federal Reserve Board governors indicating that a solid majority thinks it is too early to loosen the money strings.

Over the weekend, for example, Governors Andrew F. Brimmer and William Sherrill said in separate speeches that the present level of restraint, measured by zero growth in the money supply, would have to be continued for a time.

Fed Chairman William McC. Martin told the House Banking Committee yesterday that current signs of a slow-down in the economy were only slight. In fact, he said "it's hard to see interest rates going down."

But Friedman, internationally noted as the principal exponent of the theory that monetary policy is the single most important determinant of the shape of the economy, said that signs were already present that the over-heated economy is slowing down, in response to tight money.

"There is a serious danger that the Fed is over-doing the matter," he told the Proxmire committee. He cited figures showing that the money stock—currency and checking accounts—which had been increasing by an annual rate of slightly more than 4 per cent for the first half of the year, has not been increasing at all for the past few months.

"That's a very sharp change" Friedman argued, "and it means they probably have gone too far."

His prescription for the right policy, would be a return to a 4 or 4.5 per cent rate of growth in the money supply, which he said would be compatible with the sustainable level of real growth in the economy.

The Fed was unresponsive to Friedman's argument. Nor were they changing their minds because of publication yesterday of labor force figures showing a sharp jump in the September unemployment rate to 4 per cent. Brimmer told The Washington Post that there was still "nothing to suggest" that there has been an improvement in "price behavior."

In order to squelch the last doubt that the administration is pursuing anti-inflation policies at the expense of jobs, Treasury Secretary Kennedy assured us on October 7, 1 day after the Bureau of Labor Statistics announcement, that a higher jobless rate can be expected.

Kennedy refused to be pinned down on the unemployment rate which the administration would consider unacceptable. If one cares to examine the Secretary's testimony on this issue, it would not be unfair to conclude that the administration has not put a ceiling on unemployment and little thought has been given to reverse the trend.

The Secretary's comments make me even more "up tight" when I consider them in the perspective of what administration policy is now doing to the homebuilding industry. Apparently the administration is either unable or unwilling to reverse the present disastrous trend in home building and finance. Will we find this same administration unable or unwilling to reverse a rising unemployment trend? Experience tells us the answer is much less than encouraging.

At this point I would like to include in the Record the Washington Post report of Secretary Kennedy's testimony before the Joint Economic Committee:

Treasury Predicts More Joblessness

(By Jan Nugent)

More people will be unemployed as the Administration pursues its inflation-restraining policies, Treasury Secretary David Kennedy said yesterday.

Kennedy called the September 4 per cent jobless rate "acceptable" but refused to name a maximum unemployment level that would be tolerated.

The September unemployment figure jumped sharply from 3.5 per cent the preceding month to the highest rate in nearly two years. Administration supporters hailed the boost as evidence anti-inflation tactics were working. Former Vice President Hubert Humphrey said it illustrated the Nixon administration's "cruel and mean" economic policies.

"Are we planning for a recession to reduce inflation?" Sen. Stuart Symington (D-Mo.) asked yesterday at a Joint Economic Subcommittee hearing.

"No," Kennedy replied, "we must now watch the timing to make sure that doesn't happen."

Under questioning by Rep. Martha Griffiths (D-Mich.), Kennedy acknowledged that unemployment will rise as the administration presses its anti-inflationary policies. "There's no question as you slow the economy, there will be changes in employment patterns and some increases," he said.

The real test will be to continue the present policies without pushing the country into a recession, Kennedy said. He explained that naming an unemployment figure acceptable to the administration would become "a complete embarrassment," because proper evaluation required consideration of all the indices.

The Treasury secretary said he had no "magic figure" in mind.

Kennedy also fended off Congressional suggestions for wage-price controls, presidential "jawboning," and creation of a new, comprehensive program to deal with joblessness.

Kennedy and Budget Director Robert Mayo pressed the joint committee to give the Administration "the tools it needs" to fight inflation and achieve a budget surplus: a six-month extension of the surtax at a five per cent rate beginning Jan. 1, and repeal of the investment tax credit.

Sen. William Proxmire (D-Wis.), indicated both goals are in jeopardy unless the Administration gives assurances it would act "decisively and effectively" if substantial increases in unemployment result.

The Administration spokesman said they had not drafted a specific set of plans, but

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> named several stabilizing measures which could be invoked: restoration of federal construction; speeding up manpower programs and enactment of family assistance and unemployment insurance measures proposed earlier by the Administration.
>
> Proxmire suggested that a "comprehensive program" to deal with sustained unemployment might help the Administration get more support in Congress for its deflationary measures, such as surtax extension.
>
> "We are not doing recession planning at this time," Mayo explained, because economic adjustments will be "of the nature we can cope with as we move along."
>
> Kennedy reminded the subcommittee a four per cent unemployment rate was regarded as an achievement before the Vietnam war, when jobless levels were usually higher.
>
> Sen. Proxmire agreed that unemployment levels had been higher during other perioda of American history, but warned "we can't go back to that."
>
> Although no specific plans have been constructed for substantial employment reverses, "our reasoning would change," Mayo explained. Manpower programs could be speeded up, he suggested.
>
> The Wisconsin Democrat also chided another Treasury official for a recent speech in which the rise in the September unemployment level was hailed as an indication the overheated economy was dropping back "to sustainable levels."
>
> Proxmire told Assistant Treasury Murray L. Weidenbaum, who accompanied Kennedy, his remarks indicated the administration believes the present four per cent figure will be sustained for some time.
>
> Weidenbaum said the committee should not read too much into his speech, which was intended more as an examination of economic history than a prediction of the administration's future course.

If the price for inflation control is to be rising unemployment the question must be asked who will suffer most from such a policy. Statistics suggest that the segment of the labor force which stands to suffer most from rising unemployment will be the young—particularly the nonwhite young.

Anyone familiar with the present social conditions in this country quickly realizes we can least afford to seriously damage this group. Yet this seems to be the tragic direction in which we are heading.

The American Enterprize Institute in an excellent analysis of unemployment concludes with this estimate of the future.

> The impact of a slowdown in the economy upon the job market for young people generally under the age of 25 will be entirely different from what it has been at any time since World War II. A slower rate of job growth will dam up the unemployed at the entry level. Well-educated and experienced young workers will still be in demand. . . . But the job market will be tough for the dropout and the poorly educated.
>
> The youngsters most affected by this development will be the fastest growing group among them, namely the nonwhites. It is not only their growing number which will prove to be a handicap; it is also their lack of education, training, and work experience. In a broader sense it is likely that young people under age 25—males and females, whites and nonwhites, will constitute the most stubborn unemployment problem in the early 1970's.

At this point I would like to include two tables which dramatically demonstrate the conclusion reported by AEI. Table I shows the unemployment rate for April 1969—the time of the AEI publication. While the overall rate during that month shows the economy at virtually full employment the unemployment rate for young workers is more than three times that of the total.

When table II is considered we see that the nonwhite youth rate is twice the corresponding rate. When considered against the total unemployment rate the nonwhite youth rate is almost seven times as high.

TABLE I

	Civilian labor force	Unemployed	Unemployment rate (percent)
Total	79,621,000	2,542,000	3.2
Adult men	46,048,000	902,000	2.0
Adult women	27,338,000	966,000	3.5
Young workers (16 to 19 years)	6,235,000	674,000	10.8

TABLE II

	Civilian labor force	Unemployed	Unemployment rate (percent)
Men:			
White	41,518,000	743,000	1.8
Nonwhite	4,532,000	159,000	3.5
Women:			
White	23,765,000	728,000	3.1
Nonwhite	3,571,000	238,000	6.7
Young workers (16 to 19):			
White	5,565,000	536,000	9.6
Nonwhite	670,000	138,000	20.6
Total:			
White	70,848,000	2,007,000	2.8
Nonwhite	8,773,000	535,000	6.1

While the multipliers of the youth, white and non-white unemployment rate will vary from month to month when considered against the total rate there will not be a downward adjustment. If anything, the multiplying factor may increase. If it does, and unemployment continues to dramatically rise, we can expect an equally dramatic increase in the social tensions now tearing at the substance of this Nation.

There is another aspect of rising unemployment which particularly effects me as a Californian. California, the most highly populated State in the country, consistently leads the largest 10 States in its jobless rate. The last available yearly statistic shows California exceeding the national rate by 1½ percent—table III:

TABLE III.—*1968*

	Percent
California	5.1
Michigan	3.9
Florida	3.8
Pennsylvania	3.4
Texas	3.4
Ohio	3.4
New Jersey	3.3
New York	3.1
Illinois	2.9
Massachusetts	2.9
10 States combined	3.6
Total, United States	3.6

A large part of the California problem stems from the high percentage of unskilled, nonwhite, primarily Mexican-American population. If California will continue to lead the national rate by 1 to 2 points, rising unemployment will have its most dramatic effect on the State having the most serious problems.

At the very local level this rising unemployment trend is beginning to take form. In my congressional district there have been a number of substantial layoffs by the large aerospace manufacturers. Tight money, rising prices, and overseas competition put Garden Grove, Calif., the largest employer out of business. More than 500 people were let go early this month, and the impact on this city of over 100,000 is serious.

Predictably, the first people to be let go in my district were the ones who could least afford losing their jobs. Their chances for reabsorption back into our local economy are tenuous at best.

Rising unemployment—particularly among the young and nonwhite population—portends serious social consequences. Yet, the administration has yet to tell us how they will deal with what could be a terribly explosive period. In fact, we have yet to be told whether the administration plans on dealing with this issue at all.

Let me suggest that if no plans are currently in the works some serious thinking should immediately be given to the Government's role in absorbing this expected large number of unemployed young.

If the administration is not expecting to be the employer of last resort it better restructure its thinking. The social consequences of not preparing for the results of the present policy will be severe.

I urge the administration to begin the planning now for the Government to absorb the jobless youth before we are forced to face this issue by confrontations in the street.

DIGNITY AND RESPECT SHOWN IN DEBATE ON VIETNAM

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, during the discussion on Vietnam policy last night, men in this House who disagree profoundly did so with dignity, purpose, and mutual respect. I hope those who will take part in the moratorium all across the country today will conduct themselves in the same manner.

Those who cry peace must also practice it. Those who ask for an end to violence abroad must practice nonviolence at home.

There were two lessons to be learned from last night's debate, one for our own people and one for our enemies. For our own people, the lesson was that discussion and debate are the strength—not the weakness—of a free people. For our enemies, the lesson is that while we may disagree passionately, we are still one people and will remain so. For Hanoi in particular, the lesson is this and it is an obvious one: The most significant aspect of yesterday's debate is that it could not have taken place in Hanoi.

I am proud of my colleagues on both sides of the political aisle and on both

sides of this issue, because that debate did take place here in my country and in this House—a fact which reflects great credit on both this House and American democracy. I most especially want to commend the gentleman from Indiana (Mr. JACOBS), who set the tone of reason which, for the most part, prevailed here last evening, when he said that his purpose was "not to stir up hatred for the President, we have too much hatred in this country already."

I would also like to commend my Republican colleagues. As the Washington Post put it this morning:

> Despite the Republican reluctance to let it happen, they soon became involved in a lively back and forth discussion that was polite and intelligent and provided the most illuminating debate the House has had on the war.

This House last night set an example of respect for conflicting opinion which I hope will be followed throughout the country today and for all days to come.

A TIME TO UNITE

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, in all that is being said across our land today by those participating in what they call a "Moratorium Day," there stands out the stated position that this movement is to get President Nixon to "change his position on the war in Vietnam."

Apparently they do not know what the President's position is or they would know that there is no one who wants peace more than our President.

What has he done to achieve that peace in the last 9 months?

He has set in motion the return home of 60,000 U.S. troops from Vietnam.

He has reduced the level of fighting to the point where our casualties are their lowest in over 3 years.

He has given top priority to turning the war over to the South Vietnamese, allowing them to protect themselves as we withdraw.

He has proposed free elections, under international supervision.

He has offered to negotiate a cease-fire under international supervision.

He has declared that we will retain no military bases in South Vietnam after the war, and that we stand ready to accept any political outcome arrived at through free elections.

He has offered to negotiate everything except the right of the people of South Vietnam to determine their own future.

Mr. Speaker, I for one fully support this position, and I want to stand up and be counted. If Hanoi were to succeed in taking over South Vietnam by force—even after the power of the United States had been engaged—it would greatly strengthen those leaders who scorn negotiation, who advocate aggression, who minimize the risks of confrontation with the United States. It would bring peace now, but it would enormously increase the danger of a bigger war later.

So, what has Hanoi done to end this war? The answer, Mr. Speaker, is that they have done nothing.

This is not to be construed as a condemnation of free speech or a person's constitutional right of redress of grievance. But, it is a reminder that our President has, in just 9 months, gone further than any man in an attempt to end this war, and he should be commended and supported for his achievements.

Above all, it should be remembered that there is only one man in the United States who can legally negotiate peace—and that is our President. A Member of Congress cannot negotiate peace nor can a member of a demonstration.

Mr. Speaker, I extend to the President of the United States my unqualified support for the steps he has taken to date for peace and urge all those demonstrating today to look beyond partisan differences, beyond the slogans surrounding this "Moratorium Day," beyond personal bias or other motivations, and unite behind the President's efforts for achieving peace.

LEADERSHIP IN THE EFFORT FOR PEACE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I take this moment to inquire of the gentleman from New York (Mr. WOLFF), who suggested the resignation of Ambassador Lodge, Ambassador Bunker, and the leadership in Saigon, if he would name the people with whom he would replace those gentlemen.

As I recall, Ambassador Lodge served in the United Nations, representing the United States under President Eisenhower. He has also been Ambassador to Vietnam, and has served both the Democratic and the Republican administrations in that role.

Ambassador Bunker has served both the previous Democratic administration and the present Republican administration in the role of Ambassador to Vietnam.

Of course, the leadership in Saigon, I assume, is a decision which ought to be made by the Vietnamese people.

I wonder if the gentleman from New York has any positive suggestions about who should replace these people, rather than negative suggestions, which he has made.

Mr. WOLFF. Yes, I have.

Mr. BROWN of Ohio. I am happy to yield to the gentleman to state them.

Mr. WOLFF. I thank the gentleman. I believe Ambassador Harriman did a very good job in Paris. He had arrived at a point in December where a great number of North Vietnamese had been withdrawn up to the 20th parallel in response to the removal talks. In addition, I understand that Mr. Lodge was precluded from engaging in similar talks for 4 months. I do believe that whatever progress was made at that time was negated, and certainly we have not moved any further from that time to today.

Mr. BROWN of Ohio. As I recall, the gentleman concluded his remarks with the request for a change, and I am interested to know that the only change he wants is a change back to the old stalemate.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Iowa.

Mr. SCHERLE. I am very surprised by the suggestion of the gentleman from New York, that Mr. Harriman be renamed chief Paris peace negotiator for the United States. His past performance does not merit reappointment to that post. I recall that when Mr. Harriman arrived in Paris, a reporter asked him, "How long do you think it will be before a successful conclusion of the war is reached? Ambassador Harriman said:

> Well, if we get down to business, it would take about three months.

The reporters asked the North Vietnamese negotiator the same question and he replied:

> I don't know, but I brought my barber along.

The unrealistic appraisal by Mr. Harriman confirms once again the traditional and historic fault of our State Department—naiveness.

THOUGHTS ON THE MORATORIUM

(Mr. MIZE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZE. Mr. Speaker, today, October 15, is a day of "moratorium" for millions of Americans. Across the Nation, people from all walks of life are expressing profound concern about the U.S. involvement in the conflict in Vietnam.

The reasons for the widespread impact of this observance are as diverse and confusing as the history of the Vietnam struggle itself. Many are exercising their constitutionally protected right to assemble to petition the Government. No American—and certainly no Member of Congress—should oppose such an exercise. Many will be assembling to pray for peace and an honorable settlement—and no American should fault that motive. Many will be expressing their sorrow at the loss of over 40,000 lives and countless treasure—and all Americans should share that sorrow, today and every other day for time immemorial. The suffering, the incalculable losses in every war are beyond expression and wholly irreplaceable.

Many Americans will assemble today to express their approval of the initiatives President Nixon has undertaken—the troop reduction, the tactical deescalation, the effort for a negotiated settlement. I applaud those who share that view as they gather today.

Yesterday, October 14, the House Republican conference adopted a resolution of importance and commitment. Mr. Speaker, to my mind, the Republican conference resolution articulates the feelings of many observing this moratorium. I wish to express my heartfelt support of its message, and my appreciation to those teachers, students, workers, and members of the clergy who

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are following a similar line of reason today. The text of the resolution follows:

RESOLUTION ADOPTED BY THE HOUSE REPUBLICAN CONFERENCE, OCTOBER 14, 1969

Whereas President Nixon has committed his Administration to an honorable settlement of the Vietnam war at the earliest possible date, and

Whereas the President has demonstrated the sincerity of that commitment both in word and deed, at the negotiating table and in the field, and

Whereas the President has moved forthrightly to increase the capacity of the South Vietnamese to handle their own responsibilities, and has initiated a policy of substantial reductions of American troops in Vietnam,

Now, therefore, we the duly elected Republican Members of the House of Representatives

Do hereby resolve, that we commend President Nixon for the actions he has taken in reversing the course of the war, and

We express our confidence in, and support of, his efforts to end the war at the earliest practicable date.

STATEMENT ON MORATORIUM

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBERLAIN. Mr. Speaker, today, we are again witnessing the exercise of one of our greatest freedoms—namely, to assemble and express ideas openly and without fear.

Certainly there could be no issue closer to the hearts of the American people than that of establishing and preserving peace.

We are by conviction and tradition a peace-loving, freedom-loving country—never satisfied with one without the other—not only for ourselves but for the other peoples of the world who share our love of peace and freedom.

Throughout this century, we have learned how increasingly difficult it is to reconcile the demands of peace with those of freedom.

It is, indeed, the very heart of the concern, frustration, and impatience we all feel toward the war in Vietnam.

Less than a year ago, the American people went to the polls as our system of government provides and in an orderly process elected a new President. Any fair observer would have to concede that since that time, the course of the conflict in South Vietnam has been significantly and decisively altered, with American soldiers returning home in increasing numbers, a reduction in the overall level of combat and the communication channels have been opened for negotiations in Paris.

The American people spoke, and changes have been made.

While we have not had as much progress as any of us would like, myself included, we have had, and let no one mistake it, very real progress.

I believe the great majority of our citizens feel that our President is doing his very best, in a most difficult and complex situation, and support his efforts. Yes, and I also believe that many who are participating in the moratorium today, no doubt, feel they are somehow strengthening the cause of peace.

Although it is difficult for me to comprehend how the moratorium will accomplish this, I am certain that it will dramatize the fact that many millions of Americans are deeply concerned about the course of the war in Vietnam and that they are yearning for a cessation of hostilities in that battle-scarred land.

While I share the frustrations of Vietnam, I have every confidence that our President is well aware of this deep and genuine concern and wants peace perhaps more than any citizen of our land for he is the one who bears the full burden, the total and unrelenting pressure that persists to aggravate us all.

Mr. Speaker, we have but one President at a time and any peace that is to be achieved must ultimately be hammered out by him. In this most difficult hour, he has my complete faith and confidence.

PRESIDENT NIXON DESERVES NATION'S SUPPORT IN SEEKING SOLUTION TO VIETNAM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I believe it should be clear to all of us that the debate which we conducted here last night was a good debate, productive and informative. Many Members on both sides of the aisle, on both sides of the issue, had an opportunity to voice their views.

But when one gets through analyzing the entire debate of last night, one comes to the conclusion that there is not really any better answer to resolving the problem of Vietnam than the course the administration is trying to follow for gradual, meaningful withdrawal of our troops and our orderly disengagement from the conflict.

We heard various proposals made here, and I am sure they were sincere. I have made several such proposals myself. But we recall that the gentleman from Indiana who led the debate, when asked by the gentleman from Illinois (Mr. ANDERSON) whether he was for immediate, unequivocal withdrawal of American troops from Vietnam, was constrained to say, "No, I am not for that; I believe there has to be an orderly withdrawal."

When we analyze the speeches being made today all over this country, and when we get through with moratorium Wednesday, by tonight, we will find the debate has gone full cycle and has come right back to the conclusion that the constitutional responsibility for bringing this conflict to an end rests with the President, and only with the President.

Hanoi would make a tragic and fatal error if it interpreted this American exercise in democracy, with thousands of citizens today participating in this debate, as some sort of weakening of the American people in their resolve not to abandon human dignity in South Vietnam. Hanoi would err tragically if it prolongs this conflict on the erroneous belief that American dissent means we Americans are not united in a common cause of preserving freedom for our allies in South Vietnam.

I would hope that after this whole exercise is concluded and every American has had a chance to speak his views today, that tomorrow this country will rally behind the President, our Commander in Chief. Let us give this man a chance to try to work out a solution to this tragic conflict in Vietnam.

I have made a proposal that we freeze shipment of combat troops to Vietnam and as our boys are rotated home we not replace them in Vietnam. Other Members have made proposals. We all want to make some contribution to finding an answer in Vietnam and we have all been searching for a formula to get our boys home and bring peace to Vietnam.

But, in the final analysis, the Constitution vests that responsibility in the President. All of us, on both sides of the aisle, whatever our views may be, ought to now rally behind President Nixon and give this man a chance to demonstrate to Hanoi that a United America says there is going to be no peace in Hanoi until the Communists agree to give the people in South Vietnam a chance to determine their own destiny as free people.

Such unity among all Americans is the way to end this war in Vietnam.

VIETNAM MORATORIUM

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, it is the tradition of the House for each Member to be permitted to revise his remarks, but I must say that I do not accept the offer of the gentleman from Illinois to do my revising for me. In fact my position needs no revising. I think the RECORD speaks for itself and there is no point in going back over it again except that I did see in the news this morning that the minority leader said I lived in a fool's paradise. I merely say to the minority leader that I do not live in a fool's paradise. That fool's paradise is inhabited by politicians who still believe it is worthwhile to sacrifice young American lives to defend a dictatorship in Vietnam which is as distant from our basic principles of government as it is from the security of our Nation. I repeat that as a condition for our withdrawal from Vietnam we should insist on the repatriation of every American kid in prison camps in Vietnam and the removal of the some 30,000 South Vietnamese hostages to whom our mistaken policy of unnecessary intervention in that war between those two dictatorships has caused us to be obligated. So you see I do advocate a policy that is different from the President's, namely, a policy that does not make some condition about propping up the Government in South Vietnam before our withdrawal. In other words, mind our own business and let them decide that question for themselves. By "them" I mean the people who live there in Vietnam. We have enough problems of our own here at home.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. Yes. I yield to the minority leader.

Mr. GERALD R. FORD. I said yesterday or last night to the gentleman in the debate in one of our exchanges that he lives in a fool's paradise. I repeat it today, because I do not think his approach to the tragic problem in Vietnam is a practical solution to the problem. Speeches will not end the war but President Nixon's action will. The President of the United States is insisting that the American prisoners of war be returned. The President of the United States is insisting that there be free elections in South Vietnam supervised by the proper authorities. They, the South Vietnamese people, must have the right to determine their own fate and I am glad to say that President Thieu agrees. I gather from what the gentleman from Indiana is saying to me and what he said yesterday that he has no different solution that is a practical answer. At least, he did not say anything concrete or specific.

Mr. JACOBS. I do have a different solution.

Mr. GERALD R. FORD. Does he have a practical answer?

Mr. JACOBS. I do.

Mr. GERALD R. FORD. It was not an answer that was intelligible to anybody on the floor of the House.

Mr. JACOBS. Well, the gentleman may be speaking only for himself. I can explain it to the gentleman, but I cannot comprehend it for him. I would ask the gentleman this question: If the gentleman thinks it is the duty of the United States to democratize nations that are not democratic, is the gentleman in favor now of our declaring war on all of the dictatorships, the Russians, the Chinese, the Spanish—and sending armies there not to be withdrawn until "proper authorities" supervise the institution of democratic elections?

Mr. ANNUNZIO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman from Indiana still has 5 seconds remaining.

Mr. ANNUNZIO. A point of order, Mr. Speaker. I make the point of order that a quorum is not present.

The SPEAKER. The gentleman does not want to make the point of order with the gentleman having 5 seconds left, does he?

Mr. ANNUNZIO. I want my point of order to stay after the 5 seconds.

The SPEAKER. The gentleman from Indiana has 5 seconds left.

Mr. JACOBS. Mr. Speaker, I thank the Speaker for protecting the Members' privileges.

AWARDS BY COUNTRY MUSIC ASSOCIATION

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, tonight, a nationally televised live program will originate in my home district of Nashville-Davidson County, featuring the presentation of awards by the Country Music Association.

The Kraft Music Hall, hosted by Tennessee Ernie Ford, long established as one of our foremost entertainers, will be broadcast live over NBC–TV, with the program originating in the Grand Ole Opry House in Nashville, Tenn.

As the only Member of the House to represent in the Congress "Music City U.S.A.," I am indeed proud of the position of leadership my constituency holds within the music industry. As a friend of country music, and one with close ties to the artists and performers in this industry, I am pleased to represent Nashville, Tenn., the undisputed capital of country and western music.

Tonight's live telecast of the Country Music Association awards will be one of the major highlights of a week-long series of celebrations.

It is also the occasion of the country music disk jockey convention, the preconvention pro-celebrity golf tournament, and the 44th anniversary of WSM-radio's "Grand Ole Opry," the most successful, continuous radio program in the Nation, and the real beginning and heart of our country music industry.

This year's Opry birthday and disk jockey convention will attract more than 6,000 delegates, representing all 50 States and many foreign countries, anywhere that country and western music is enjoyed and listened to, and that is everywhere.

This year's celebration marked the announcement by WSM of a major development which will mean a nationally prominent facility and a new permanent home for the Grand Ole Opry.

WSM has acquired a 400-acre site for the construction of "Opryland, U.S.A.," a family-oriented park, including a 5,000-seat theater which will become the new home of the Grand Ole Opry, the top-of-the-ladder for every country and western singer or performer. The theater will also be available as a base for the production of major television shows, for use by symphony orchestras and other performing groups. "Opryland, U.S.A.," a $16 million venture, will include a complex of shops, restaurants, and other attractions, designed for family entertaining.

We are proud of our recording industry, our position as "Music City, U.S.A.," and as the home of the Grand Ole Opry.

To each of my colleagues, I would like to extend a standing invitation to visit us in Nashville, and enjoy the outstanding entertainment and the showmanship that is available in the country music capital of the world.

As the queen of country comedy, Miss Minnie Pearl would say, "Ya'll come, we would be just so proud to see you."

VIETNAM: CONFESSION, CRITICISM, CONSTRUCTIVE COMMENT

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, I take this time during the national student moratorium to make my comment and reanalyze our American policy in Southeast Asia. While I certainly do not support any spirited effort to stampede the President to a decision, I do believe this is an appropriate time to take some inventory of my own and American political thought in relation to time, conditions that are present in the American economy and the order of battle in Southeast Asia.

The point I make simply adds up to a conclusion that the alternative to the Americans being pushed into the Tonkin Gulf in 1965 is not exclusively a $40 billion per year war in 1969 and through the 70's.

First a confession.

I would remind the country first of all that on the reverse of the official U.S. Kennedy medal approved by the former President himself there is printed:

> We shall pay any price, bear any burden, etc.

I myself supported the Tonkin Gulf resolution in 1965 with some enthusiasm.

The students are not alone in their criticism of administration management of the war.

In the fall of 1966 Melvin Laird, as chairman of the Republican conference, issued a document, "The U.S. and the War in Vietnam." In this partisan indictment the Republicans criticized the 300,000 U.S. troop involvement and the $13 billion war cost. They called the war a miscalculation and stated that the Government deception was undermining Government. The summary and conclusion of the report follows:

SUMMARY AND CONCLUSIONS

The involvement of the United States in Vietnam after World War II began with the decision of the Truman Administration to provide economic and military aid in May 1950.[1]

A fragile peace was brought to Vietnam by the Geneva Agreements of 1954, partitioning Vietnam into a Communist North and a non-Communist South. Contrary to most expectations, South Vietnam survived. Indeed, with generous aid from the United States, it achieved what the late President John F. Kennedy called a near miracle between 1954 and 1960. Secretary McNamara spoke of the history of South Vietnam in this period as a "success story."

When President Eisenhower left office, there was no crisis in South Vietnam. There were problems, arising particularly from a renewal of sporadic guerrilla activity by the Vietcong. The dimensions of the problems then compared with the present situation can be gauged from these facts:

1. In 1960, there were fewer than 700 American military personnel stationed in South Vietnam to train South Vietnamese; today (late August 1966) 300,000 American troops are there to fight.

2. In 1960, there were 5,000–6,000 Vietcong regulars in South Vietnam; today 282,000 enemy troops are there.[2]

3. In 1960, no Americans had been killed in combat; as of August 20, 1966, 4,832 have

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[1] The State Department has issued three useful documents on Vietnam: *A Threat to Peace* (Dept. of State Publication 7306, December 1961) referred to herein as *A Threat*. *Aggression from the North* (Dept. of State Publication 7839, February 1961) referred to herein as *Aggression Why Vietnam* (August 1965). A handy compilation of speeches and documents has been prepared by the Senate Committee on Foreign Relations, *Background Information Relating to Southeast Asia and Vietnam* (2d Revised Edition, March 1966) herein referred to as *Background*.

[2] Vietcong strength in 1960 extrapolated from figures given in *A Threat*, pp. 9–10. Present strength reported by Department of Defense, *New York Times*, August 10, 1966.

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been killed and almost 27,000 have been wounded, taken prisoner or are missing.

4. In 1960, and in 1962, more than 80 per cent of the land area of South Vietnam was under the control of the South Vietnamese Government; today it is about 30 per cent or less.

5. In 1960, the cost of aiding South Vietnam to the United States was $250 million—72 per cent of it economic aid; as of the spring of 1966, it was more than $13 billion on an annual basis, of which less than 3 per cent was economic aid.[3]

6. In 1960, 2,000 South Vietnamese civilians were killed or kidnapped by the Viet Cong; in 1965, 14,673 were the victims of a similar fate.

7. In 1960, the physical volume of exports from South Vietnam (a good barometer of economic activity) had dropped to 46 per cent of the 1960 level of exports.

President Truman and President Eisenhower sent American military personnel to Vietnam solely as advisors. During the Kennedy Administration, American airmen began to participate in combat. In 1965, American ground forces began to fight. This commitment of American troops to combat was the decision of President Johnson. It was not forced upon him by the SEATO Treaty or by any other obligation entered into by an earlier administration. Under the Johnson Administration, American forces have begun to assume the major part of the burden of fighting the Communists in Vietnam.

The policy of the current Administration has been uncertain and subject to abrupt change. The objective of the United States in Vietnam has become clouded. By proposing the Geneva Agreements as a basis for peace and by refusing to reveal its attitude toward the proposed coalition government including Communists for South Vietnam, the Administration leaves dangerously obscure the minimum peace terms which it will insist on. Is it willing to accept in Vietnam the kind of settlement reached after World War II for the satellite states of Eastern Europe and in 1962 for Laos?

To what degree miscalculation on the part of the enemy brought about the present war, no one can be sure. Miscalculation must have been encouraged by the failure to match words with deeds throughout the Geneva negotiations of 1961–62 over Laos, by the withdrawal of support from the Diem regime, by the 1964 campaign oratory of President Johnson promising that American boys would not be sent to do the job that Asian boys should do.

The Administration has consistently held off needed military action until the situation in South Vietnam reached a state of acute deterioration. It has failed to use the economic power of the nation in the conflict.

The Administration has not told the American people the truth about the military situation in Vietnam, about the mission of American troops, about war costs, about casualties, about peace feelers. This studied deception strikes at the vitals of the system of popular government.

The result of President Johnson's policies in Vietnam, according to leading administration spokesmen, has been a stalemate with neither victory nor a satisfactory peace in prospect. Secretary McNamara, usually the optimist, assesses the present situation in the words, "We have stopped losing the war," and David Bell, until recently AID Director, says there has not been "significant progress for the last 3 or 4 years" in establishing security and economic progress in the areas in which the Vietcong exercise some influence.

I gave President Nixon my best current advice 2 weeks ago, as follows:

House of Representatives,
Washington, D.C., September 23, 1969.

Hon. Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: I enclose herewith an editorial from the conservative California School Boards publication indicating their impatience with your efforts to extricate us from Southeast Asia.

If you are going to determine the policies of the Presidency on the basis of the minutia of statistics in Southeast Asia, you are destined to the failures of the Johnson Administration. If you could simply set your course on extrication of American forces, and let the Joint Chiefs of Staff know that you cannot be manipulated by subjective Defense Intelligence, you will then be giving the country the leadership which we so critically need.

I know you hesitate to reduce our posture when you note the high number of enemy and friendly casualties which continue to be inflicted and also the alleged high numbers of Vietnamese who continue to arrive in the south. I have a strong feeling that enemy casualties are not nearly as high as we allege them to be and one of the reasons is the fact that the ARVN inflicted casualty statistics are admittedly high, unreliable and probably inflated many thousands every month.

In order to account for the enemy in the battlefield I believe it has been necessary for Defense Intelligence to allege very high infiltration rates to account for the presence of enemy soldiers who have, in fact, never been killed.

Howbeit, since the bombing halt last year, North Vietnamese enemy posture has reduced one-third and the enemy has totally terminated company and battalion size operations.

You should move forthwith today—the Joint Chiefs of Staff be damned—to reduce our ground posture in Vietnam from the current level in excess of 350,000 to a level of 50,000, twelve months hence. The Navy is making plans to relinquish our posture at Vung Tau next June. We could keep the balance of the Navy and Air Force in place since total battle deaths for these departments have been less than 250 men over the past year.

If you would be dramatic you could obtain the support of our city poor and college young which the country needs quite desperately. However, at your current rate of de-escalation the young people are going to erupt against you before you can complete the job unless you give positive assurance that you know what you are doing.

To be sure your recent announcements with respect to the draft will be helpful in pacifying some of the objectors; what the country needs, however, is not a piecemeal approach but a total integrated de-escalation of our war economy and peace time conversion. I know your Bureau of the Budget would appreciate a year's projection of our national fiscal policy.

I enclose for your review again one of my recent newsletters pointing up the catastrophe of the last Administration which could fall upon you.

The mish mash of military construction curtailment last week following closely on the passage of the Military Construction Bill by the House and the further passage of a woefully inadequate Housing and Urban Development Program is a confoundment of non-leadership.

I wish you every success in rising to the challenge.

Very sincerely,

Robert L. Leggett,
Member of Congress.

So in conclusion in perspective I think the students urging the moratorium demonstration on the war are not isolated or even way out. The President has stated he wants to get out. He has ordered a phase down to 484,000 men. The students intend to give him some mood music to reduce these figures even further. I believe my letter to the President presents a constructive program of deescalation that could be accepted. I respect my President's right to make up his own mind. I think he will soon realize that he simply cannot play international poker with American public opinion. This is one of the pitfalls of democracy but it is also a self-corrective device of American greatness.

THE LATE VINCENT DOYLE

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. HUNGATE. Mr. Speaker, I know my colleagues share the sorrow of losing our friend, Vincent A. Doyle, who has given years of dedicated service here on Capitol Hill. We had great respect and admiration for Vincent as an attorney for the Library of Congress and as president of the Federal Bar Association's Capitol Hill Chapter, and his absence will be a deep-felt loss to us all. Following is the notice from this morning's Washington Post:

VINCENT DOYLE DIES; FEDERAL BAR HEAD

Vincent A. Doyle, president-elect of the Federal Bar Association, died Monday after a heart attack at the Woodner Hotel, where he was staying temporarily.

He was an attorney for the legislative reference service of the Library of Congress.

A native of Brooklyn, Mr. Doyle received his bachelor of arts degree from Notre Dame University and his law degree from Boston University School of Law. He also took graduate courses at Georgetown University Law Center.

In 1949, he joined the legal staff of the copyright office of the Library of Congress and became assistant chief of the examining division three years later.

Mr. Doyle was in private law practice from 1955 to 1958, when he returned to the Library of Congress.

He was a veteran of World War II, serving as director of the Army's 16th bombardment operation training wing.

He was author of a number of papers on civil rights and constitutional law.

In 1965, Mr. Doyle was elected president of the Federal Bar Association's Capitol Hill Chapter. Later he served as treasurer and vice president of the association, and was named its president-elect on Oct. 1 of this year. He had served on the American Bar Association's special committee on presidential inability and vice presidential succession since 1964.

Mr. Doyle was a member of the National Lawyers Club, the Notre Dame Club of Washington and the Boston University Alumni Association.

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[3] *Background*, p. 289. Determining the cost of the war in Vietnam involves difficult accounting problems. In using the figure of more than $13 billion, we rely on Secretary McNamara's estimate of May 11, 1966 that "the incremental costs of the war are on the order of $12 billion a year at the present time," and that military aid to South Vietnam amounts to "about $795 million in the current fiscal year." (Senate Foreign Relations Committee, Hearings, Foreign Assistance 1966, p. 672.) Economic aid to South Vietnam came to $590 million in fiscal year 1966. McNamara's estimate is close to the $13.7 billion estimate of military costs by expert accountants outside the Defense Department. (William Bowen, *"The Vietnam War: A Cost Accounting," Fortune*, April 1966.) This article predicts a cost of $19.3 billion annually when American forces in Vietnam increase to 400,000. XIX, no. 8 (August 1966), p. 308.

He is survived by his wife, Gerdis; two sons, Denis and Christopher, both of Rockville, and two stepdaughters, Carolyn Bowles of Boston and Rebecca Hickey of Washington.

Friends may call at Joseph Gawler's Sons, 5130 Wisconsin Ave. at Harrison St. NW (Parking on premises), on Wednesday, 2 to 4 and 7 to 9 p.m. and Thursday 2 to 4 p.m. Services will be held at the Augustana Lutheran Church, New Hampshire Ave. and V St. NW, on Thursday, October 16, at 7:30 p.m. Interment Gettysburg National Cemetery, Gettysburg, Pa., on Friday, October 17, at 1 p.m.

AN OUTSTANDING CHARACTER FROM LOUISIANA

(Mr. LONG of Louisiana asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. LONG of Louisiana. Mr. Speaker, early this year a young soldier of my acquaintance wrote me to tell me of his decision to join the Army. He thought it his duty. Later in the spring I had a call from his parents, telling me he had been wounded in South Vietnam. I made every effort to discover the nature of his injuries and to have him returned home as quickly as possible, because his mother and father were understandably concerned. Once the redtape was out of the way, we found that he was blind. It was an awful blow to me personally because I have known the boy since he was a child. In fact, he was my page while I was in the Louisiana State Senate, and he lived with my wife and me. His parents have been my close friends as long as I can remember knowing them. His mother was once my legal secretary. She is a former worthy grand matron of the Eastern Star in Louisiana and is now a member of the Louisiana Board of Parole. Their son's wounds are a bitter reward to his parents, but they have not snuffed out his wonderful spirit. We hope and pray that medical science will be able to restore to him his sight.

Therefore, Mr. Speaker, I was pleased to read in the October 11, 1969, issue of the Shreveport, La., Times a column written by Mr. William F. Buckley, Jr., in which he describes a visit with William H. Fullerton, Jr., of Tullos, La., at the Fort Sam Houston Medical Center in San Antonio, Tex. I think it entirely fitting, on this day when many Americans are vocally rejecting duty to country in a spasm of irrelevant protest, that we include Mr. Buckley's remarks in the Record. I commend the column to my colleagues and to the Nation:

AN OUTSTANDING CHARACTER FROM LOUISIANA

(By William F. Buckley, Jr.)

San Antonio.—"It helps, man," he said spiritedly, "if you tell me who you are." The nurse identified herself so that he was then able to refer to her by name. Would he care to join us for some coffee? "I never turned down free coffee in my life," and he climbed down off his bed and struggled with his bathrobe. Unsuccessfully.

The visitor sorted it out and helped him on with it. He chatted on, wanting to know the latest word on New York City politics. He extended his left hand, fastening it on the visitor's right arm, and told him to go ahead. "If we pass any pretty girls, tell me and I'll whistle. I don't know whether there are any around here, but I wouldn't be surprised." (But there were only doctors and nurses as they strolled down the corridor, and the maimed bodies of servicemen.)

He talked on in high spirits, touching on Louisiana politics, concerning which he was expert. He majored in history at LSU and knew and obviously cherished the brawling politics of his home state. "Real upheaval now. The old Huey Long base—the white redneck and the Negroes—is breaking up, since the integration business. The governor is in deep trouble. And you know that Louisiana never votes for the winning president. Not since 1956. Earl Long was my man. I worked for his election when I was nine yeara old. Outstanding. He knew politics.

NEVER WRONG

"The trick is to play politics and not to get enmeshed in them. He had a way with the voters. 'The South may not always be right,' he said, 'but it is never wrong.' One governor said he hadn't run for public office in order to take a vow of poverty. Next I saw of him was a picture, alongside the president of LSU, cutting sugar cane in a chain gang.

Getting into the car confused him because it was one of those new models, the rear doors opening up to leeward, so that he began to step in facing the rear. At that, you would not know that his experience with blindness is so short. It happened on June 9. William Fullerton was a squad leader, instructed to reconnoiter on a hilltop south of Da Nang.

"We got up there all right, but the area was booby trapped. Half the platoon was hit. My squad—20 men—had 25 casualties during the preceding period, so we were understrength. I thought, God, we're going to be ambushed, and I worried because I couldn't see my gun. But the choppers were there in no time. What a sound when you hear those blades. Outstanding. Thirty minutes later I was in a hospital. Three days later in Japan. I got here the 5th of July, how's that?"

AMERICAN LOGISTICS

American logistics, the visitor admitted, was better than American foreign policy. "They ought to fight that war to win or pull every man out of there tomorrow. If I could see, I'd go back tomorrow, if we'd agree to fight to win. I didn't have to go last time. I was 1–Y. I just figured I'd go and do my Hemingway thing."

What now? "My own doctor says an operation could bring sight back to my right eye. But the people here disagree, they say the eye is too far gone. So I'm headed for Chicago. They'll discharge me there, and I'll go to the Veterans Hospital where they specialize in blind people. If they agree to operate there, fine. If not, I'd have to go and get it done privately, and that costs $2,000. But I suppose it's worth it. I'd like to go back to LSU and take law. But I'll have to wait. They'll teach me Braille at Chicago. Maybe that way you can get to understand Louisiana law. The Constitution is the longest in the world. I started to read it once. Didn't get past the preamble."

It was time to go back. A corporal greeted him on the street outside the hospital door. "Hey, George," he returned the greeting, "what about the kidneys?" George said the doctors hadn't succeeded. "Oh, well, George, just think, you could be ugly, too." George walked off, and Fullerton leaned over, his face deeply grieved. "Awful. He has three children. But with his kidney condition, he can't live more than 15 or 20 years."

Back at the ward, he stood erect by his bed smiling and on finding the visitor's hand, shook it. "Outstanding," he said. "I've had an outstanding time."

NO MORATORIUM FOR OUR FIGHTING MEN IN VIETNAM

(Mr. KLEPPE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, for several hundreds of thousands of young American men there will be no Vietnam moratorium today. Many of them will be marching but they will be carrying guns, rather than candles.

I speak of our American servicemen who are deployed in South Vietnam and other support stations in the Far East. They, certainly more than any other group of Americans, would welcome an early peace and a safe return to their own country and their loved ones. They, more than any other Americans know what war is because they are there.

As one of several millions of Americans who have a son, a husband or a brother fighting in Vietnam today, this war is not a distant thing for me. Along with every member of my family, I am acutely aware of Vietnam every hour of the day.

I do not propose at this time to go into the reasons for U.S. involvement in Vietnam other than to say that the original purpose was clearly to protect a helpless people from naked Communist aggression and to defend what were deemed to be vital American political and strategic interests in the Far East and the Pacific.

From the letters I receive from my only son, who is with an Army combat unit in South Vietnam, I know that he knows why he is there. He does not want to see a unilateral pullout of U.S. military forces because he is close enough to this war to know what would follow—a quick Communist takeover and the loss of everything for which he and his comrades in arms have been fighting. Perhaps he should be thinking of his own comfort and security first but I am proud of the fact that he is not.

I could not help but wonder how he and the other men of his company felt when they heard the Hanoi broadcast hailing the Vietnam moratorium protests which, it was said, would put the Nixon administration in "a very difficult and confused situation."

According to a United Press International news report in last night's Washington Star, another Hanoi broadcast carried this message of encouragement to the moratorium leaders:

> The Vietnamese people heartily welcome and entirely support the October wave of struggle. The whole world is standing on your side and acting in coordination with you.

In quoting this propaganda piece, I do not wish to infer that the moratorium leaders are consciously serving Hanoi. I am convinced that most of them are sincere in wishing to see the war brought to an early conclusion. I share that wish most fervently, as does President Nixon, and virtually every American. For the tiny minority which may seek to use the moratorium as a cover for inciting riots—for those few who will carry enemy flags today—I have nothing but contempt.

At the same time, I question the wis-

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dom of staging the peace demonstrations at a time when President Nixon has already ordered substantial withdrawal of American troops from Vietnam and is assiduously seeking to obtain from North Vietnam even the tiniest indication that the Communists are willing to undertake serious negotiations to end this long and agonizing war. It is clearly evident that the moratorium will weaken the President's hand in achieving a peaceful settlement and will, at the same time, strengthen Hanoi's resolve to continue its war of aggression against South Vietnam.

Recently I joined with a bipartisan group of 113 House Members in introducing a resolution of support for President Nixon's Vietnam policy of disengagement and troop withdrawal.

It is significant that more than one-fourth of the membership of the House, including 46 Democrats, is sponsoring the resolution. Although the sponsors have varying views on the political and military advisability of U.S. involvement in Vietnam and the manner in which the war has been conducted in the past, all of us agree on these two points:

First, we believe the substantial reductions which will shortly total 60,000—are very clearly in the national interest. President Nixon acted wisely and properly in directing these reductions.

Second, we believe that President Nixon should be supported in his expressed determination to withdraw all remaining ground combat forces from Vietnam at the earliest practicable date.

The next few weeks could be critical in our negotiations with the other side. For that reason I especially deplore any words or actions here on the home front now that would help to convince the North Vietnamese that the United States is tired, weak willed and hopelessly divided. Those who are seeking to make political capital out of Vietnam are doing a grave disservice not only to themselves but to their country.

This is not Mr. Nixon's war. He did not get us into it. He is only trying to get us out. Time after time he has made it clear to the Government of North Vietnam and to its representatives at the Paris peace talks his willingness to walk the extra mile toward an honorable solution.

Mr. Speaker, at this point I include in my remarks a column by Roscoe and Geoffrey Drummond, distributed by the Los Angeles Times syndicate, and published October 5, 1969:

COLUMN BY ROSCOE AND GEOFFREY DRUMMOND

WASHINGTON.—The leaders of the Democratic Party are playing with political dynamite in trying to force President Nixon to withdraw U.S. troops from Vietnam so rapidly as to throw away all prospect of negotiating a peace. They may be the ones who get blown out of the water. That's not important. What is more important is that the United States of America would be hurt—grievously hurt—by this shortsighted, reckless, perilous undermining of what the President is doing to end the war by seeking a fair peace.

No one is suggesting that those who want peace at any price, those who want to withdraw all American forces immediately, regardless of the consequences, should still their protests. All the President and others who are earnestly seeking disengagement *and* a decent peace are asking is that for a reasonable period congressional critics should stop telling Hanoi that it doesn't need to negotiate, that all it has to do is to wait and they—the congressional critics—will see that the U.S. government accepts a no-peace policy.

The Vietnamese war has never been a partisan issue, and attempting to bring it to an end with a fair peace is not a partisan issue. But leaders of the Democratic Party are now trying to make it so. Senator Fred R. Harris of Oklahoma, Chairman of the Democratic National Committee, disclosed this strategy in a candid remark to the press last week. "We will," he said, "hold Nixon responsible if he turns South Vietnam over to the Communists." But simultaneously Senator Harris and Democratic senators like Kennedy, McGovern, McCarthy, Fulbright are continuing to demand such a rapid pull-out of U.S. troops that the end result would be give the Communists control of South Vietnam. Thus, the national chairman of the Democratic Party is not only acting to make Vietnam a pay-dirt partisan issue but is also seeking to put President Nixon in such a box that no matter what he does he's bound to lose. What he's up to is now in the open. He wants to give the Democratic Party all the dividends he can by joining in the pressure on Mr. Nixon to get American troops out of Vietnam fast. But Harris does not intend that the Democratic Party should take any responsibility for an imprudent speed-up of withdrawal. He proposes that if a President gives in to the demand for imprudent speed-up he—not the advocates of speed-up—should be held to blame. In other words, Senator Harris' neat formula is to make Mr. Nixon punishable by the voters if he doesn't yield to pressures to get out quick and also if evil consequences come from yielding to such pressures.

Senators and Congressmen have special responsibility. They know that the President has the constitutional duty to conduct foreign policy and that negotiating peace is the most difficult and delicate act of foreign policy. Heckling and harrassing the President is delaying the peace, not hastening it. Have the Democrats forgotten so soon that Richard Nixon is acting to end a war which he inherited from his Democratic predecessor and which they helped to authorize? Harris and those Democrats he is rallying to put the voice of his party behind the peace-at-any-price student-faculty protests October 15 are playing with fire. It wouldn't matter, if they weren't also undermining the chances of negotiating a just peace.

THE MORATORIUM ON THE WAR IN VIETNAM

(Mr. O'NEILL of Massachusetts asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, last evening during the debate Mr. JACOBS was going to yield to me for 15 minutes, but the dialog got to such a point that I did not have the opportunity to speak, either then or later.

Therefore, I am happy to have this opportunity now to participate in the moratorium discussion.

Mr. Speaker, this is an age of dissent. It is now commonplace for those who disagree with policies of governments to demonstrate that disagreement. It is little wonder we have had the age of dissent. There are 500,000 men in Vietnam, still 56,000 in Korea, and more than 500,000 in all sections of the world. More than $900 billion have been spent on war or the prevention of war. Every man has the right to dissent—for dissent makes those in power, in authority, in the establishment, and the people as a whole aware of our inequities. America will become greater and more responsive because of dissent, and this moratorium, in my belief, is good for the Nation.

I regret that the debate was cut off last evening. It was one of the finest and most meaningful dialogs that I have heard in my years in Congress.

When the question of Vietnam is discussed, there are so many things we can talk about. Actually, I think that there are only three choices in policy—and I do not want to discuss or argue why we are there or who put us there—I want to discuss the present situation.

What are the choices that we have? The first choice that we have is to revert to conducting the war the way it was being fought 2 years ago. We could go back to bombing the North and heavy search and destroy missions. This was the situation in September of 1967 when I first came out in opposition to this war. At that time 12,000 men had been killed and today 40,000 men have been killed.

The second choice is to really try to win the war militarily as we never did. We never bombed Hanoi, we never bombed the rice paddies, we never bombed the dams, we never invaded. I think all of us realize and understand that if we were to do that, we would probably cause world war III, and I do not want that, and I cannot imagine any Member of this body would want that.

There is one other choice, and if we are to be reasonable men and not want to see the war of attrition continue, which is what going back to the old policy would be, and if we do not want to bring on nuclear holocaust and the destruction of the world as we know it, which is what would happen if we were to make the second choice, then we must take the last course. And that is to get the boys out of there and to get the boys home as quickly as we possibly can. We do not want to leave troops there or a population there only to see them lose their lives in blood baths of revenge and recrimination and that consideration is part of the phrase "as soon as we possibly can."

But something must be stressed, and I am afraid it has not been stressed sufficiently so far. That is, we must do what is best for America. We all care about the world, but our considerations cannot be based on what is best for South Vietnam, what is best for North Vietnam, but only what is best for the United States. This war is tearing our Nation and destroying us as surely as it is the nation of South Vietnam. Every program that must be enacted, all the funds that must be appropriated are being ignored so that this war can be pursued. It is not in the interest of the United States. And the interest of the United States should be our only concern.

Almost 300,000 Americans, young men in the prime of life, have been killed or wounded in a war that has lasted too long, devoured our resources and divided our Nation. We cannot tolerate the loss of our youth in a morass of never-ending conflict. I believe that the third choice is the only one that is in the interest of the United States. I want to say at this point that I approve of what the President has done. I think the President is on the right track. He said that he was going to improve on Clark Clifford's timetable. He said that he was going to bring the men home more quickly than Clifford would have. As a Member of the Congress of the United States, I am going to keep after the President to see that he fulfills this promise and brings the boys home as quickly as possible.

I realize that we might not be able to get the troops home in 3 weeks or 2 months or a year. But we must get the action started. We must have a steady, definite withdrawal of troops, for when we get the action started, it is my belief that then the North Vietnamese in their own interest will respond.

This is what the American people want. This is why the moratorium is taking place. A great many Americans are speaking out today. First, because they do not accept the first choice going back to conducting the war as it has been fought for too many years with a loss of too many lives and an expenditure of too much of our resources. Second, they do not want the second choice. They do not want to go to full-scale war, bombing, invasion and the inevitable result, a third world war. Thirdly, the people of America are speaking out today because they want their boys, they want action and they want it quickly.

I just have one further point, but it is an important one. For those who advocate war, full-scale war, with the bombing of North Vietnamese cities and dams. harbors and agriculture settlements, I can only recite history and point to the lesson taught by history.

I have no doubts that saturation bombing and an invasion of North Vietnam could bring about defeat of the North Vietnamese. However, the danger of a world war through continued escalation is real. In the summer of 1961, the late President John F. Kennedy and former Premier Khrushchev confronted each other over the Berlin crisis. The Russian head of state told the President that if our troops were not pulled out of Berlin, the Russians would invade. President Kennedy's answer was that there would be no troop cutback and a Russian invasion of Berlin would mean world war. When the President called for a troop buildup, the Russians were convinced of our sincerity and our willingness to go to war over this issue, and they did nothing.

In October 1962 a similar situation developed. When the late President John F. Kennedy learned that there were missiles in Cuba, he demanded their removal. At the first the Russians refused; but when they realized that the United States was willing to risk war by blockading Cuba in order to have the missiles removed, they complied.

The lesson from these two crises is that the Soviet Union accurately judged the determination of the United States and knew that there were certain limits to peaceful accommodation. There is now a similar situation with regard to Vietnam. A world power can only be pushed so far before the obligations of position and the need to retain influence make it resist.

We can push the Russians and the Chinese to a certain point, but beyond that point they must resist or relinquish any influence they have and resign themselves to being second or third rate powers. I think it naive and foolhardy to assume that the United States can escalate this war and expect no retaliation or resistance.

Our Government has been told by Peking and by Moscow—by Kosygin himself—that if we invade North Vietnam they will be obliged to come to the rescue of their ally, the North Vietnamese Government. If we refuse to believe this statement we are foolhardy, because we have done the same thing when the situation has been reversed. We have been willing to risk nuclear war to protect our interests—and so would the Soviet Union.

I mention this for those who might consider the second choice. It will only bring about the third world war and an end to everything we have ever fought for and tried to do for this Nation. The American people want peace, they want their sons, they want the growth of the Nation. If this moratorium does anything to bring about the action and the policy that will end this war at an earlier date, then our leaders will be fruitful. We cannot miss the opportunity, we cannot pass up the chance to influence policy.

CERTAIN REPUBLICAN MEMBERS SUPPORT SUDDEN, MAJOR ESCALATION OF THE WAR IN VIETNAM AS A MEANS OF ENDING IT

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, the distinguished majority leader has asked me to yield to him and I yield to the majority leader.

Mr. ALBERT. I thank the gentleman from Illinois.

(Mr. ALBERT asked and was given permission to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I have just been handed a news ticker item that struck me as being rather unusual, especially in view of the names of some of those who signed a letter addressed to the President of the United States, the letter being signed by the gentleman from Arizona (Mr. STEIGER), the gentleman from Maryland, Mr. ROGERS MORTON, whose national position in the Republican Party is well known, and by other Members.

Mr. Speaker, the release reads as follows, as reported:

> Representative SAM STEIGER urged congressional support today for a sudden, major escalation of the war in Vietnam as a means of ending it.
>
> He is quoted in the release as follows:
>
> "Half-hearted wars are seldom won," Steiger said in a letter addressed to President Nixon. "Tough enemies are seldom convinced by half-hearted efforts that they need to negotiate in good faith."
>
> STEIGER said the letter had been signed by 14 other Republican Members of Congress, including national chairman Rogers C. B. Morton of Maryland. He said he is seeking other signatures on the letter, to be sent to Nixon later in this day of antiwar demonstrations.
>
> Representative Steiger was quoted as further saying:
>
> "We believe this dirty little war with a third-rate power can and must be brought to an honorable end if the United States is ever again to hold up its head in the family of nations."
>
> There is an alternative to half-hearted prosecution of the war, it said, "to put it simply, a sudden major escalation of the war with one aim in mind—victory."
>
> The letter urged immediate resumption of the bombing of North Vietnam, including the river dikes which protect the North's major rice growing areas. It says South Vietnam's Rangers should be sent into the North to infiltrate and retaliate with the same guerrilla tactics employed against South Vietnam.
>
> "We have watched with growing indignation the efforts of some in and out of Congress to dishonor our Nation by effecting a complete surrender to the Communist Government of North Vietnam.
>
> "We are concerned Americans, who represent constituents that are fed up with halfway measures and talk of cowardly retreat, and urge you to take drastic steps either to force the North Vietnamese to negotiate in good faith or to bring about American victory."

Now, Mr. Speaker, we know that both parties are divided on the issue and that there are those in favor of much more aggressive action against North Vietnam, but it comes as passing strange that a distinguished member of the Republican Party would be a signatory to a letter which in my opinion runs so counter to the recommendations of the President of the United States.

THE POSITION OF THE CHAIRMAN OF THE REPUBLICAN PARTY ON THE WAR IN VIETNAM

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, I listened to the news release with great interest. Although I find no agreement with any of the contents of the letter, I am pleased that the chairman of the Republican Party has withdrawn from his original charge that those who took a view contrary to the President and thereby presented a break in unity with the President, were actually doing a service to the enemy.

THE WAY HOME

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, it is fall, and suddenly, the air is filled with shouts and slogans. The quiet spring and summer have died with the fallen leaves. The rustle of frustration, ferment and protest grows louder, muted only by the angered and anguished cries of those whose marching feet stir the leaves of change.

It is fall, and there is still war, and a

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draft blows cold on young America. The fall is reminiscent of past falls when there was war, and when the draft blew cold. It is reminiscent of last fall when the hope and need for change stirred the voices and votes of Americans. There is change, but it is small, and it is fall.

Let me take a page from the President's inaugural address and attempt to look beneath the shouting and the slogans to examine with a softer and more analytical voice the problem of Vietnam.

This week, hundreds of thousands, and maybe millions of Americans interrupt their daily routine to join in demonstrations against the continuation of the war in Vietnam. These demonstrations, some in the form of religious services, some in the form of marches, others involving the reading of the 40,000 American Vietnam dead will say with a loud voice, what we already know—that the American people have grown tired, frustrated, and angry over a war whose objectives are clouded at best, and whose only certainties are death and the depletion of our national resources and national spirit.

Americans should exercise their right to free and open expression and dissent. But dissent has to be responsible. The temptation to oversimplify opposition through slogans serves only to make the opposition itself less relevant and less meaningful to those who must decide the complex questions of policy.

I believe that the moratorium can claim one accomplishment. It makes crystal clear what has been clear to many of us for years—that there can be no unity of the American people behind any Vietnam policy as long as the loss of lives and the frustration of fighting a limited-objective war continue.

This does not mean that no policy other than immediate withdrawal can be a responsible policy. It merely means that no policy which depends on the united support of all the American people cannot succeed as long as the war continues.

Opposition to the Vietnam war has long since hardened beyond the point of reversal among a large segment of Americans. In fact, this opposition, hardening with each new casualty report, has spread for many into an almost broadside opposition to everything military. Quite apart from responsible and objective expressions of dissent and opposition to the war or to specific military programs, such eye- and ear-catching slogans as: "Hey, hey L. B. J., how many kids have you killed today?" "Hell no, we won't go," and "ABM is an Edsel," add nothing to meaningful debate—they merely help crystallize opposition for opposition's sake, and they turn the ears of responsible Americans away from what protesters are really trying to say.

The reading of the names of our 40,000 dead soldiers should not be a long slogan of protest.

If such readings are used to taunt the Government and the country whose people and policies these brave men died to support and defend, the readings will only profane and dishonor the names of the best of America's youth. If, on the other hand, they are read in memorium, in an effort to drive home the fact that too many have already died in this war, such readings may well point out the grief and despair our people feel over this seemingly bottomless and endless conflict.

Yes, the moratorium and its protests solidify a fact that has become one of the realities of this war—the fact that there will be deep division in America and hardened opposition to our Government's policies as long as there is a Vietnam war.

Unfortunately, dissent at home is not all that is required to resolve this conflict. I have enough faith in our present and past administrations to believe that if complete and immediate withdrawal were easy or painless, or if it could be done without leaving a blood bath in its wake, it would have been accomplished long ago. No, opposition at home is not the only fact to be reckoned with in this struggle—it is an important fact, and one, which makes more difficult the Government's attempts to grapple with the many other hard realities that surround the Vietnam situation.

The other, and more difficult realities are to be found in Vietnam itself. The Vietnam war did not begin with the Gulf of Tonkin resolution, or with massive injections of American men and hardware. War has been raging on the eastern half of the Indochina peninsula since the beginning of World War II—almost 30 years ago. North and South Vietnam have been under one foreign heel or another for centuries.

There are few, if any natural boundaries on the peninsula, and there is little in history to show any strong propensity on the part of the Vietnamese people for self-government under a free or democratic system.

At the end of World War II, the Japanese and the Vichy French relinquished their control of Vietnam to British and Chinese forces. North of the 16th parallel, an arbitrary line drawn between the allied occupation forces, the Nationalist Chinese found the Viet Minh more than willing to cooperate in the establishment of a so-called free state.

In the south, the occupying armies of France and the United Kingdom met opposition to their attempts to reestablish French authority. By December 1946, France was under attack from guerrilla forces of the Viet Minh who had used the postwar calm in the north to organize and coordinate their nationalist resistance efforts to French rule.

The French dilemma of trying to fight the Viet Minh guerrillas and trying to organize a pro-French Union government in the south was compounded in 1949 when the Communists won the war for control of China. The Viet Minh declared their adherence to the Communist ideology and received diplomatic, political, and economic assistance from the new Chinese regime.

The Chinese, in the same year also sought to extend their sphere of influence on the Korean peninsula below the 38th parallel, but met with strong resistance from the South Korean people, aided by the United Nations. Since the truce at Panmunjom in the summer of 1953, a free and prosperous nation has grown up south of the 38th parallel, despite the continuing threat of renewed war with North Korea. But to expect that the same prospect awaits South Vietnam is to expect too much. The political, military, psychological and economic situations in Korea and South Vietnam are as different as the climates of the two Asian peninsulas.

After the fall of Dien Bien Phu in 1954, the French agreed to a truce and a negotiated settlement of the war which their modern, well-equipped army was losing to the North Vietnamese guerrillas. The Geneva Conference established the 17th parallel and its adjacent demilitarized zone as a temporary boundary between the Democratic Republic of Vietnam in the north and the Republic of Vietnam in the south. Both governments were recognized by various members of the family of nations as the legal governments of their respective areas of influence.

The past 25 or 30 years is a typical slice of Vietnamese history. We must take as a reality that there can be no expectation that a free and democratic government, mirrored as an image of our own, can emerge as the government of what we now call South Vietnam. Some critics of the Vietnam war cite the corruption, the censorship, the political prisoners, and the "junta" appearance of the South Vietnamese Government as evidence of the utter failure of our involvement to guarantee freedom to the South Vietnamese people.

It might be fair to say that the South Vietnamese Government is the best we could expect to be governing a people whose families, communities, and possessions have been torn by more than two solid decades of war. We might even laud the fact that any kind of election could have been held under these circumstances. But even measured praise of the Thieu-Ky government does not mean that defense of this regime is worth 40,000 or more American lives, and more than 150 billion American tax dollars.

We must accept as realities of this conflict that the South Vietnamese are not a people of democratic fiber, yearning to be freed from the horrors of communism, and that they are not followers of Marx, Mao, and Ho Chi Minh, yearning for the Communist guerrillas to free them from oppression from Saigon and from Washington.

Politics has lost much of its relevance to this war-torn and largely agricultural people. They, like human beings everywhere, want freedom from war, from terror, and from deprivation. They will likely offer political loyalty to whichever side seems best able to deliver security, peace, and prosperity. We may criticize U.S. backing of the Thieu regime because it does not offer freedom as we know it, even though there is no question that the limited freedom below the 17th parallel exceeds that permitted by the totalitarian Hanoi regime in the north.

But how useful is it for us to compare the benefits and drawbacks of the governments of the two halves of Vietnam?

There are governments more tyrannical than North Vietnam which we nonetheless claim as our allies; there are regimes more democratic and liberal than the Saigon government which we do little or nothing to support. In a worldwide context where the form of government over the South Vietnamese people is of questionable relevance to our country and our policies, what are the goals of our involvement?

Most of the wars in history indicate that participants in war are fighting in order to "win" something, or to prevent the loss of something valuable to their national defense or self-interest. What does "victory" mean for America in the context of the Vietnam war? Let us review several alternative "goals" of American involvement which may help us to determine what meaning, if any, "victory" has for us in this conflict.

First. Do we seek the defeat of the Communist regime of North Vietnam?

I think we can promptly dismiss this suggestion as the ultimate goal of American involvement. We did not seek to protect or free the people of North Vietnam from their government. We did not invade North Vietnam, nor did we really seek to destroy any but the warmaking segments of her economy in our bombing attacks—and we drew tight restrictions around even this limited goal in the early years of the war. Our stated goals in sending troops to Vietnam have been to stop infiltration and aggression from the north into the south, and to cut off military assistance to the Vietcong from Hanoi—we never stated or carried out any intention to destroy the North or to dislodge its Communist regime. Thus, the word "victory," if it has meaning, does not mean the "liberation" or defeat of North Vietnam.

Second. Do we seek to enforce our worldwide intention to "contain" communism?

The United States has pledged to countless governments around the world that we will help shore them up against Communist aggression which threatens their borders. This web of mutual defense treaties was woven around the Communist world during the era of Stalinism and monolithic communism after World War II. It can be credited, in part, for the failure of the Iron Curtain in Europe to march any further westward in the past two decades, and for the halting of communism in Korea at the 38th parallel. While this may have been our goal initially, the Vietnam experience has raised serious questions both in the United States and in world capitals, as to the applicability of a firm containment policy in the 1960's and 1970's.

The Vietnam war also tests the definition of containment. Containment, in the sense of stopping the onward march of North Korean and Chinese troops into South Korea, or stopping a march of Russians and East Germans into West Germany, is not the same as "containing" an ongoing guerrilla war within a non-Communist nation. There is a fine line separating the two forms of Communist expansion, but the difference in the political and military situations faced in fighting a guerrilla war as opposed to an invasion are very real, and very broad.

Those who hold fast to the notion that the United States, which stands at the backbone of all of the mutual defense treaties of containment, fear that any abandonment of Vietnam would cause other free governments in that part of the world to topple like dominoes. The only trouble with this "domino" theory is that there are other Communist-assisted guerrilla efforts taking place outside Vietnam even with our massive presence in Southeast Asia. Laos, Thailand, Korea, the Philippines and other nations are threatened, and few Americans are standing up to say that America must march into each of these countries to help crush guerrilla activity.

The Vietnam war will and should cause this Nation to rethink and restructure its policies and commitments across the globe. The President and his emissaries in Paris have already indicated that containment of communism is no longer our goal in Vietnam—we have stated that if the South Vietnamese through a meaningful process of self-determination should choose even a Communist regime, this would be an acceptable political solution of the war. Thus, the term "victory" does not require successful containment of communism within North Vietnam's boundaries.

Third. Do we seek to guarantee or perpetuate the present Saigon government?

Certainly all of our military and financial efforts in this war have been expended in support of the Saigon regime, and against the National Liberation Front. The pacification program has sought to defuse hostile areas and resettle large numbers of people in areas where they will be under the secure protection of the Saigon government and its forces.

Yet, we recognize that popular support for this government is far from unanimous, and that even majority support for the government in South Vietnam is questionable. Certain areas of South Vietnam have almost completely severed any ties of loyalty to the Saigon regime. In these areas, Vietcong military power has been strongest and, thus, offers the closest thing to security and "status quo" to those who live there.

If it has been our goal to guarantee and support this government, are we committed to supporting its power over all of South Vietnam? Have we considered redrawing the boundaries of South Vietnam so as to leave out those areas most firmly under Communist influence and control? By stating that "self-determination" through truly free elections is all that we shall insist on as a political solution for South Vietnam, the President has denied that our goal in this war is to perpetuate the Thieu government.

All of the objectives discussed thus far may at one time earlier in our history of involvement in this conflict have been firm goals of American policy. The frustration, cost, and attrition of 5 years of an Americanized war have pushed all of these initial objectives into the background. We have hopefully learned that the rules of containment are not easily or effectively applied to guerrilla-civil wars in Asia.

As military victory and a final defeat of South and North Vietnamese Communists has eluded our grasp, we have had to pragmatically reduce and quibble our initial objectives in entering this conflict. We have even softened our insistence that the Saigon Government must be assured of survival in the war's aftermath.

If those who made the initial decisions to inject massive numbers of American troops into Vietnam could foresee the quagmire, the frustration and the perpetuation of a no-win limited war, there is little question that they would have decided differently.

Our last President never lost sight of his initial goals in ordering the troops shipped to Southeast Asia—even after the prospect of reaching these goals became nil. President Nixon has seen the futility of the policies of continuing escalation, and of any false beliefs of the past that only 5,000 more troops will turn the tide. The only tide we have turned with a half-million troops is the prevention of what was in 1964 an imminent takeover of the Diem regime by the Vietcong. We turned a certain defeat into a military stalemate and, in the process, we have strengthened and liberalized the Saigon government from what it was under Diem, and we have weakened the power base of the NFL. It is highly questionable whether we have weakened at all the will and ability of Hanoi to pursue the war into future decades.

Mr. Nixon also realizes that his decisions today must be based on the realities of today, not of 5 years ago. Thus, the goals he has stated are more realistic. He has said that the United States, must, in military terms, bolster the Saigon government's power to the point where it can carry on the fighting if the Paris talks fail to provide an acceptable political solution. He has further stated that we must maintain American credibility with other nations which may be similarly threatened in the future.

Most important he has turned around policies of escalation and has begun the withdrawal of American troops.

These are more reasonable goals. But two of these objectives, I think, are out of balance with some of the realities in Vietnam. So far, we have lost 40,000 lives and spent tens of billions of dollars in South Vietnam. I seriously doubt whether we would pay this terrible price today to achieve the limited goals which we have "boiled down" over the past 5 years.

Let us take first our present insistence that we can accept nothing less than guaranteed self-determination for the people of South Vietnam. Our free and democratic Nation supports the goal of self-determination for all peoples of the world. We support it for the Chinese, for the Czechs, Hungarians, Rumanians, and other Eastern European satellite countries, and we support self-determination for every underdeveloped nation, just as we supported our own right to break British colonial ties.

The question, as I see it, is not whether we would prefer free and self-government for the South Vietnamese, but whether we are realistically in a position to do anything about it. In light of the

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last 30 years of conflict and instability in Vietnam, I do not think we can expect to achieve any political solution in the near future—perhaps not even in the next decade.

The war is likely to continue years beyond our withdrawal, just as it raged for years before we arrived.

The Saigon government has seen the result of "coalition" governments which have included Communists in Eastern European countries. They will fight to the end to prevent formation of any government which includes the Vietcong. The NLF, for its part, is committed by its very existence to the overthrow of the South Vietnamese Government. They have already indicated, with Hanoi at their side, that they are willing to hold out for decades in order to achieve this goal, and to "unite" Vietnam under Communist rule.

The lines are too hardened, the Vietcong have too little to lose, and the Saigon government has too much to lose, for us to expect a political solution to this confrontation to rise up out of the peace table in Paris. A history of decades of war; war which has stiffened the back of both sides, dictates that any international guarantees of free elections, or any coalition that is formed would be tenuous and temporary at best.

While the United States should offer substantial material support for the Saigon government, and should support self-determination for the South Vietnamese, we cannot realistically insist on any kind of a political solution as a price for American withdrawal. The best hope that I have for the Paris talks, and it is a slim hope, is that negotiation can change the present stalemated war into a stalemated cease-fire, with neither side giving an inch in terms of their long-range goals of governing South Vietnam.

Thus, I believe it is a mistake for the United States to make any change in its policy or involvement conditional on achieving a political solution or on a guarantee of self-determination which would be short lived at best.

The second plank in the President's Vietnam platform to which I take exception is the fear that our withdrawal would be tantamount to presiding over a defeat, and that this would erase our credibility with other nations in the world we have pledged to assist. On the contrary, I believe we have reached the point where the continued massive presence of American troops is working against any success in Paris, and any long-run solution to the conflict in Asia.

There is no question that time is on the side of the Communists. They have no problems with divided opinion or opposition at home, and since they do not now govern South Vietnam they have very little to lose by standing pat. They can disappear beyond the borders of Cambodia, Laos, and North Vietnam and not come out and fight until the time is ripe. They are aware that the United States has undertaken a course of gradual withdrawal, which will leave the strengthened South Vietnamese to fight for themselves, and they have every reason to hold back, keeping up only minimal military pressure, until the withdrawal is completed and they can again test their renewed strength against the South Vietnamese alone.

At present, from their standpoint, there is no reason for the NLF of North Vietnam to make any major concessions in Paris. They have not even seen fit to take the humane step of releasing information about American prisoners in North Vietnam. Time is on their side.

As long as American troops remain, the Vietcong can win support among those who triumphed at the defeat of France, and who despise the presence of troops of any foreign nation on Vietnamese soil. When I was in Vietnam with the Military Operations Subcommittee in the winter of 1968, it was apparent that American troops were magnets for attack, and that our very presence raised the level of hostilities.

As long as we remain in large numbers, it will be easier for the NLF to win support for their fight against foreign domination, and more difficult for our Government to maintain support for the war at home.

In this context, the question of "presiding over a defeat" and losing credibility with other nations must be viewed in a different light. It would not be a defeat for the United States if we successfully help the South Vietnamese to help themselves.

The President's major policy goal is to Vietnamize the war, to prepare and strengthen and assist the Saigon government to fight for itself. Successful completion of this difficult task, in my view, is the meaning of "victory," if indeed that word is appropriate to Vietnam. It is no defeat to leave behind in Vietnam a government which is substantially stronger and more popular than the one we found there in 1964. That government should be able to stand and fight, and hopefully to win control of the country on its own. But it is not our place to guarantee their victory either militarily or politically with continued and perhaps endless presence of U.S. forces.

We must redefine the American role in helping to bolster other free nations, limiting that definition to helping these nations to help themselves. If, upon our withdrawal, other nations lose confidence that we will shore them up with hundreds of thousands of American troops against Communist guerrilla attacks, then they should quickly lose this confidence.

I do not believe we can any longer promise to singlehandedly bolster every government to which we are bound by treaty. We can and should offer military training and equipment, in massive doses if necessary. But Asian people, allied together, should bear the brunt of attacks by other Asians. Just as Europeans should shoulder their full share of their own defense in NATO.

If this constitutes a loss of credibility for the United States, we must accept it as the result of a major policy mistake we made in Americanizing this conflict in the first place. I do not think it is a credibility loss. I think it is a necessary redefinition of the future American role in defense of the free world. I think it is a long overdue birth of true regionalism in the context of our mutual defense treaties. These countries must lose their comfortable dependence on American manpower. They should expect American support and assistance only to the extent that they and their regional allies are willing to maintain their own strong defenses with their own manpower and our economic and equipment help.

If, in fact, our phased withdrawal from Vietnam will shake our allies around the world out of their dependency on U.S. military manpower, this will be a victory for sensible free world foreign policies—it will not be a defeat, or a permanent loss of credibility. The 40,000 dead Americans make the strength of our commitment and the credibility of our assistance very strong indeed—just as this, their tragic loss, cries out for a restructuring of our "world policeman" policies.

With the backdrop of this long and involved discussion of the complex problems we face in Vietnam, let me offer my own thoughts on what our short- and long-run policies should be.

First, I believe we have only one goal in Vietnam. We must bolster the ability of the South Vietnamese to defend themselves without our troops on their soil. The President has placed a high priority on this goal, and has taken meaningful steps to turn more and more combat responsibility over to the Saigon government. The ARVN—Army of Vietnam—takeover of our riverine gunboats in the Mekong Delta earlier this month is indicative of this progress. I think we should take full advantage of the current lull in the fighting to greatly accelerate this process.

Pressures of domestic needs and dwindling public support for the war at home and pressures I have already mentioned in Vietnam and Paris dictate that Vietnamization or de-Americanization of this conflict must have the highest possible priority.

It should not be an open-ended process.

If the President has not already done so, he should immediately sit down privately with the South Vietnamese Government and set a firm and early date for the final phase of U.S. troop withdrawal. This date should not be announced publicly, despite pressure at home for firm and public commitments to end the war by a definite date.

A public announcement of our final withdrawal date would serve only to guarantee that withdrawal would not take place earlier, even if the South Vietnamese are prepared sooner.

Public announcement of the date would also lessen chances that the South Vietnamese could hold their own after we leave, because we will have helped Communist planning and preparations by telegraphing this vital punch. Further, public announcement would virtually guarantee that no progress will take place in Paris until after the date has passed.

The process of Vietnamization and building up South Vietnamese troops with modern equipment has been going on for about a year. It should not have to take another full year to complete. Our own casualties and priorities at home must make this Vietnamization a crash program. We should withdraw our ground troops first, our Army and Marine units who meet the enemy face to face.

They can and should be replaced by Vietnamese units. Harder to replace are our air and naval forces, and it may be that they will have to remain in Vietnam longer than our ground troops, in order to provide firepower and air cover for the South Vietnamese that they cannot, at first, provide for themselves.

Our private agreement to withdraw by a certain, definite date must be accompainted by a commitment to help the South Vietnamese with modern and plentiful military equipment, ammunition and training, which is essential to our goal to helping them to help themselves.

We must offer continued support for their goals at the peace table in Paris, and should continue our participation there as long as they want us to, in the hope that something concrete can be achieved.

This policy, promptly executed, is the way home from Vietnam. It can end the loss of American men, the deficiency of our concentration on serious domestic and urban problems, the erosion of our national unity and national spirit, and it can and must end the dependency of our free world allies on GI Joe to bear the brunt of their battles.

One final word. The clouds which hang today over Laos look ominously like those which shadowed Vietnam 5 years ago. Reports that American advisers are there in substantial numbers are disturbing if they mean that the Vietnam experience is being recycled a few hundred miles northwest of Saigon. If we have not already learned the lesson that the nature of our military commitments must change in a worldwide context, let us learn it now before a new Vietnam is born in the wake of this tragic war.

THE MORATORIUM AND VIETNAM

(Mr. ASHLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHLEY. Mr. Speaker, hindsight may well confirm that our involvement in Vietnam was a result of misreading the history of the area, misjudgment of the political viability of South Vietnam, and mistaken reliance on military and intelligence advice that has been found wanting in accuracy and reliability from the very start.

It should be remembered, however, that in the early years of the struggle our Nation largely supported the proposition that small, underdeveloped nations should have an opportunity to shape their own political, social, and economic institutions, and that failure to thwart aggression in some circumstances can lead to larger, often catastrophic confrontations.

Today, more than a decade later, with no military resolution of the conflict and little progress toward a political solution, we find ourselves engaged in a searching reappraisal of the national purposes and objectives for which 40,000 Americans have died in Vietnam.

Our Nation wants peace. But will armed conflict in Asia or elsewhere be ended either by military victory or unilateral withdrawal? In my view, the consequences of either course would be far greater losses of life and a ruinous undermining of U.S. position in every part of the world.

Nor do I think the cause of peace would be promoted by assigning a date certain for a final U.S. pullout from Vietnam. Unless such withdrawal is the result of mutual negotiation, postponement to a future date only delays the consequences of immediate unilateral withdrawal.

It is quite possible to compound mistakes of the past with mistakes of the present. If it was bad judgment to get involved in Vietnam, let us not insist on equally bad judgment in the means we choose to terminate our presence there.

The Nixon administration is pursuing a policy of gradual demilitarization and troop withdrawal in an effort to persuade Hanoi of our good faith and genuine desire to end the conflict. At best this is a difficult policy to pursue because, as we have seen to date, its effect may be to encourage continued stalemate of negotiations and insistence by Hanoi on further and further compromise on the part of the United States.

I am sympathetic to the purposes of the moratorium but I think it is important that we refrain from making the administration's quest for peace more difficult than it already is. To the extent that the moratorium and other demonstrations indicate a deep-seated desire for peace, a useful purpose may be served. But to the extent that these and other activities result in reducing options available to the administration, we jeopardize the very cause we seek to serve.

In the final analysis, responsibility for mapping a strategy for peace rests with the President of the United States. We must look to him to terminate the U.S. presence in Vietnam at the earliest possible moment, not as an end in itself, but as a means of achieving conditions upon which permanent peace can be predicated.

DANGEROUS DRUG CONTROL BILL

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I am introducing today a comprehensive dangerous drug control bill. My measure is aimed at stopping the millions of domestically produced dangerous pills which eventually find their way into the underground markets.

Briefly, my bill will set up careful regulations for the shipment, transportation, and warehousing of dangerous drugs produced for export—particularly to Mexico. The legislation establishes a panel to recommend ways to make State laws uniform in this area. It increases the custom force by 300, provides for procedures and standards in dangerous drug inventories, and finally it authorizes a computer information system to be installed at the border to assist and aid the new Project Cooperation.

Mr. Speaker, I have studied this complex issue at some length, and have participated in hearings of the Ad Hoc Drug Smuggling Committee. I believe this Congress must act now to stop the expanding market and increasing abuse of chemical drugs. The legislation I am introducing today will provide the tools to do just that.

I include the text of my bill at this point in the Record:

H.R. ———

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section (6) of the Narcotic Drug Import and Export Act (31 U.S.C. 182) is hereby amended by adding at the conclusion of said section the following language:

"Title I.—Regulation of Dangerous Drugs Shipments

"A. All pharmaceutical wholesale houses which sell and ship narcotics and dangerous drugs (which shall include any stimulant or depressant defined as a 'narcotic or dangerous drug' by section 4731(a) of the Internal Revenue Code of 1954 and by section 201(v) of the Federal Food, Drug and Cosmetic Act) to an ultimate destination outside of the United States, or who sell or ship narcotics and dangerous drugs to any customer(s) who claims to do business outside of the United States, must;

"(1) Furnish the United States Customs Bureau with:

"(a) the name, address and place of business of the customer(s);

"(b) the amount of narcotic or dangerous drug to be shipped, and the date upon which it is to be shipped;

"(2) Ship the narcotic or dangerous drug in bond, to a bonded warehouse;

"(3) Agree to allow United States Customs officials to be present at the time the narcotic or dangerous drug is taken from its shipping point.

"B. Any individual who purchases narcotics or dangerous drugs from a wholesale pharmaceutical house in the United States and who agrees to receive the merchandise at a point of destination outside of the United States; makes any claim to the pharmaceutical house that he plans to sell such drugs as part of a legitimate pharmaceutical wholesale or retail business outside of the United States or actually does, at any time, transport said merchandise, for any reason, outside the boundaries of the United States must agree to:

"(1) Furnish United States Customs officials with his own name, address and business location; and with the name and business location of the pharmaceutical house from which he has bought the merchandise;

"(2) Be accompanied by United States Customs officials or the designated foreign representative of United States Customs officials, at the time he receives the merchandise at its destination point;

"(3) Be accompanied by United States Customs officials at the time he crosses the International border with the merchandise actually in his possession.

"C. Both the pharmaceutical house and its customer(s) must agree to allow representatives of the United States Customs Bureau to thoroughly inspect the merchandise;

"(1) At the shipping point of such merchandise, and

"(2) At the last destination of such merchandise before it crosses the International border.

"D. The United States Customs Bureau has the power, at any point during the transaction between the pharmaceutical house and a customer, to prohibit further shipment of the merchandise and/or to confiscate such merchandise, if any official of the Cus-

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toms Bureau feels that any provision of this bill is now being violated or may soon be violated.

"(1) If after such prohibition of the transaction or confiscation of the merchandise has taken place, either or both parties to the transaction may place an initial appeal with the Food and Drug Administration.

"(2) The procedure by which the Food and Drug Administration may dispose of the case, or by which any further appeal shall be taken, shall be governed by the appropriate provisions of the Administrative Procedure Act.

"E. The enforcement staff of the Bureau of Customs shall be increased by 300 positions. These positions shall be filled by inspectors, working at:

"(1) United States ports of entry;

"(2) United States Border Patrols.

F. The non-enforcement personnel positions of the Bureau of Customs shall be increased by 25% at all Ports of Entry.

"Title II.—Uniform Control Acts

"A. The Justice Department shall establish a committee to investigate the effort to:

"(1) Achieve uniformity among the states with respect to state drug abuse control acts, and

"(2) Achieve co-ordination between state and Federal officials in investigation under and enforcement of drug abuse control acts.

"B. The committee established by the Justice Department will issue a report to the President within six months of the passage of this bill.

"Title III.—Regulation of Dangerous Drug Inventories

"A. Section 511 (d) (1) of PL 89–74 (record keeping of stimulant and depressant drugs) shall be amended as follows:

"(1) The last sentence of section 511(d)(1) reading: 'No separate records, nor set form or forms for any of the foregoing records, shall be required as long as records containing the required information are available, shall be deleted.

"(2) The following paragraph shall be added to 21 U.S.C. 360: 'Records and forms relating to the individual's manufacturing, compounding, processing, selling, delivering or otherwise disposing of any depressant or stimulant drug, must either be segregated from all other records, or be so kept that either the records themselves or the information required may be identified within a reasonable time after request and reviewed or copied within a reasonable time.'

"B. All persons covered by the record-keeping requirements of section 511 of Public Law 89–74 shall be required to report the loss or theft of any depressant or stimulant drug to the Secretary of Health, Education, and Welfare within two days after discovery of the loss or theft.

"C. Section 511(a)(1) is further amended to require that an initial inventory of a depressant or stimulant drug must be prepared by persons required to maintain records by section 511(d)(1) whenever the Secretary of Health, Education, and Welfare by regulation designates a drug as a 'depressant or stimulant' drug pursuant to section 201 of the Federal Food, Drug, and Comestic Act.

"Title IV.—Miscellaneous

"A. Representatives of the United States Bureau of Customs are hereby authorized to prohibit individuals under the age of twenty-one, when unaccompanied by an adult, from crossing the international border from the United States into Mexico.

"B. It is the intent of Congress that a representative of the Customs Bureau shall not be held liable by a Federal court reviewing an action which he took under the authority given to him by this provision, if the court finds that such representative, acting with reasonable discretion, felt that allowing the minor involved to cross the border unaccompanied by an adult would expose that minor to the influence of individuals engaging in the illegal sale of narcotics.

"C. The Treasury Department is authorized to allocate funds, not exceeding $20 million, for the development of a Southwestern Border Data Processing Center. Sucn Center shall process and keep on file all relevant data submitted by Customs officials and local law enforcement officials, regarding individuals engaged or suspected of being engaged in some aspect of the illegal narcotics traffic between Mexico and the United States.

"(1) The Southwestern Border Data Processing Center will make its data available to officials from:

"(a) local law enforcement agencies;

"(b) the United States Customs Bureau;

"(c) the Bureau of Narcotics and Dangerous Drugs;

"(d) Mexican law enforcement officials.

"(2) The Central Branch of the Southwestern Border Data Processing Center shall be located in San Diego, California; auxiliary branches are to be established at other strategic points along the United States-Mexico border. The location of these branches shall be made by decision of the United States Customs Bureau."

HELP FOR HANOI

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, whatever the motivation which has produced and supported the antiwar moratorium, the net effect has been help for Hanoi, and this I realize may be furthest from the minds of some of the participants. Nevertheless, there is very strong evidence that there is a direct link between Hanoi and the moratorium itself. Even if this were not true, the antiwar protests give new life to Hanoi and further strengthens the hands of the Communist peace negotiators in Paris. The headlines in Hanoi make it very clear that they count the moratorium a credit for the cause of communism.

The President has asked for help from the American people. He has indicated that we must brace ourselves to see this conflict through. The voice of concern about the war can best be expressed in this manner. There is ample reason to believe that a show of solidarity by the American public is all that is needed to bring the war to a conclusion on terms that are acceptable to us. The Communists have been hurt very badly. They have been fighting for years, and their losses are staggering. I am convinced that it is American headlines and peace movements which have kept them going. These the Communist rulers in Hanoi have interpreted to mean the U.S. public is willing to sacrifice South Vietnam to get out of the war. That is why strong support for the President's position in search of an honorable peace can convince Hanoi that they are fighting a losing cause. Despite this, the bald, hard fact is, we could lose the war as a result of antiwar crusades which have their origins in Hanoi.

Of course the American people want an end to the war. Of course the families of servicemen who are fighting there want them home. There are even those who will insist that we should not be involved in Vietnam. The fact remains that we are there in response to a commitment against aggression and that we have expended many thousands of American lives in defense of the ideals of freedom. To abandon this cause would make a mockery of every sacrifice that has been required.

There has been a very definite scale-down in the volume of fighting, and American losses have dropped significantly. The fact should not be overlooked that South Vietnamese losses are still high. This means they are doing more and more of the fighting, and this trend is expected to continue.

It has been stated many times that it is darkest just before the dawn. The example of beleaguered Britain in World War II is very well known to all of us. There the great Churchill rallied his people in the face of almost certain defeat and led them to victory. In contrast we are on the verge of victory. To abandon our quest for a better world at this stage and to be branded as a nation which does not have the courage or the fortitude to stand by its ideals would be the worst defeat ever inflicted upon a modern world power. As unpleasant as the war is to a large segment of the American people, the alternatives are much less acceptable in their effect upon the future of our country and our country's people. The President needs our help, for he is surely striving to bring the war to an honorable conclusion. Let us not obscure the progress which is being made and give comfort to Hanoi through headlines which do not in reality bespeak the will or the sentiment of the majority of the American people.

COLORADO PROFESSOR DISSECTS VIOLENCE COMMISSION REPORT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the report on firearms and violence issued by the National Commission on the Causes and Prevention of Violence advocates outlawing 90 percent of the Nation's handguns. It has shocked both sportsmen and lawmakers by the lengths to which some are willing to go in order to take weapons away from law-abiding citizens. An interesting and informative critique has been prepared on the report by Dr. Charles G. Wilber, chairman and professor of the Department of Zoology, Colorado State University. Dr. Wilber looks at the violence report from the standpoint of a professional educator and an interested gun owner. His comments were published in Gun Week, a weekly publication for sportsmen which has espoused the cause of law-abiding sportsmen and weapons owners in the current controversy and which has contributed significantly to the store of public information on the subject. Dr. Wilber's critique was carried in the October 10 and October 17 issues of Gun Week, and I am pleased to submit it for reprinting in the Record:

Professor Dissects Commission Report

(By Charles G. Wilber, Ph. D.)

In view of the fact that the National Commission on the Causes and Prevention of Violence has made a "statement" on the relation of firearms and violence, and in view of the fact that this "statement" may be accepted uncritically, it seems important to analyze it from the factual point of view. The commission statement was published July 28, 1969. The chairman of the Commission was Dr. Milton Eisenhower, former president of the Johns Hopkins University.

This is a nefarious document because it lends itself to propaganda based on innuendo, specious argument, circular reasoning, internal contradictions, and direct mistruths. One of the first statements of the Commission with respect to firearms is contradicted later by the recommendations which the Commission published. On the first page of the commission statement it is said: "We believe this (decrease in the misuse of firearms) is possible if both the advocates and the opponents of gun control legislation will put aside their suspicions and preconceptions, accept the fact of a common danger without exaggerating its dimensions, and act for the common good." In the light of the radical and incredible recommendations which the commission later makes, one questions whether this statement was made to put at ease the very real concerns and apprehensions of millions of law-abiding American citizens.

On page one, the claim is made that "with a few scattered exceptions, hand guns are not sporting arms." This statement is obviously not in keeping with the facts of American life. The evidence which could be readily gathered from firearms dealers and from the legal users of firearms themselves will indicate to any honest investigator that the majority of hand guns are used for sporting purposes.

Individuals who use hand guns for sporting purposes tend to have more than a single hand gun in their possession. As an example, the regular competitors in national and international hand gun shooting competition will of necessity have three guns which they use in any one contest. One of these is a semi-automatic pistol; the other would be a revolver; and then there would be a third gun of a different caliber from the other two. Thus it is easy to see, if one is willing to be influenced by facts and not by preconceived ideas, that 100 participants in a hand gun sporting event could account (without stretching reality whatever) for 300 hand guns validly owned and used by these responsible individuals.

Also highly questionable is the statement made again on page one of the report to the effect that "A substantial part of the rapidly increasing gun sales, particularly hand gun sales, must be attributed to the rising fear of violence that the United States has recently experienced." This statement cannot be supported by the facts available. The Commission completely ignores the great increase in purchases of bows and arrows. Certainly one will not attribute the rapidly increasing bow and arrow sales to a rising fear of violence. It is obvious, however, to those who have some awareness of the recreation industry that the shorter work week, more money to spend, and the ever increasing need for recreation has resulted in a phenomenal and enormous growth in the sales of all kinds of sporting goods items.

HOMICIDE

It is difficult for the objective observer to ascertain where the Commission found evidence to support the statement made on page two to the effect that:

"We find that firearms, particularly hand guns, play a major role in the commission of homicide, aggravated assault, and armed robbery, and that they are being used in greater percentages of these violent crimes." In view of the government's own figures available from the Public Health Service from the years 1910–1960, and from the Federal Bureau of Investigation, U.S. Department of Justice, from 1961–1966, the statement made by the Commission must be labeled as an untruth.

Using the government's own figures, the trend of firearms homicide rate in the United States has been consistently dropping since 1910. The firearm homicide rate (that is the number of firearm homicides per hundred thousand people) was up to about 5 per hundred thousand in 1910. By 1940 this had dropped to 4; by 1965 this had dropped to 3 or less. If trend over a 50-year period continues we would expect that the firearm homicide rate by 1970 will be slightly over 1 per hundred thousand. The point at issue is that, as the trend of firearm homicide rate in the United States has been downward between 1910 and 1966, the ownership of firearms has trended upward, primarily as a result of increased use of firearms for sporting purposes.

In 1966 there were nearly three and a quarter million crimes in the United States. Firearms were misused in only 3.4 per cent of these crimes. This 3.4 per cent includes the so-called "gangster weapons", home-made zip guns, modified toy guns and the so-called alleged guns. The latter category involves, for example, the robbing of a store by an individual who is holding his hand in his pocket, even though there is no gun in the pocket. If the victim thinks that a gun is involved, this event is recorded as a hand gun crime.

CRIME

The available data indicate, to any honest man, that if firearms were to be completely eliminated from society by mass confiscation and so on, and that if no criminal substituted any other kind of weapon for a firearm, the United States would still have 96.6 per cent of its serious crime and 99.6 per cent of its total crime. New York State and New York City are sometimes presented as models of the kind of legislation that would prevent firearm crimes.

The facts available do not support this belief. The Joint Legislative Committee on Crime, Its Causes, Control and Effects on Society of the New York State Legislature pointed out that the use of home-made zip guns exceeded the misuse of rifles and shotguns in murders, robberies and assaults in New York State during the year 1966. One wonders what type of data the Commission used to arrive at their gratuitous statement on crime rate and gun ownership.

DEFENSE

The Commission goes on to discuss in a very strange way the problem of firearms in self defense. In an attempt to support its rather specious reasoning on firearms and self defense there is a footnote on page four (note no. 5) which states: "No data are available on how frequently robberies and burglaries are foiled by the householder's display of a gun that is not fired. Nor are data available on the use of guns by women to prevent attempted rapes; presumably this occurs extremely infrequently."

The presumption expressed reveals the bias which the writers of this report have. Moreover, the statement is not true. This footnote merely indicates that the Commission staff was either too lazy to dig out the available statistics, refused to believe them, or having seen them realized that the data would not support their preconceived notions.

Consequently, no use would be made of them. This kind of scholarly irresponsibility is hard to accept from a report issued with the approval of Dr. Milton Eisenhower. The very fact that such a questionable footnote would be used in an attempt to document statements indicates the worthlessness of the report as a whole.

CRIME RATES

Apparently, the Commission on the Causes and Prevention of Violence has little respect or interest in the proceedings of the United States Congress. Very fine studies on firearms which have been reported in the Congressional Record were ignored by the Commission. For example, in January 30, 1968 issue of the Congressional Record, Volume 114, No. 12, there was reported a statistical study of the relationship between firearm ownership and crime rates. The study demonstrated clearly that there is no causal relationship between gun ownership and crime.

In fact the study indicated that there is a negative relationship between firearm ownership and crime rates. The statement in the Congressional Record says: "As the proportion of the population possessing firearms goes down, crime rates go up." In other words, the contention that fewer people with guns will mean less crime finds no support from the scientific data available. The negative relationship between firearm ownership and serious crime, aggravated assault, and robbery were statistically significant using widely accepted and well designed statistical procedures.

The study in the Congressional Record goes further and says that "this means that firearm ownership by the law-abiding public could be a factor in restricting the number of these criminal acts." How then, can one have any confidence in the Commission Statement on Firearms and Violence? The ordinary citizen would like to have legislation and debate based on facts and not on fiction.

HAND GUNS

On page six the Commission admits that there is no sound evidence on which to base conclusion concerning the restriction of hand guns. They say "We believe, (my emphasis) on the basis of all the evidence before us, that reducing the availability of a hand gun will reduce firearm violence." The Commission presents no evidence. This "belief" of theirs really should have no part in an objective study.

The attempt to use experience in other countries such as England and Wales as an example of what would happen in the United States is absolutely incompetent. One wonders why the example of Switzerland is not used. In that country it is mandatory for every male citizen to own a gun and to be trained in marksmanship up to a certain age. Beyond that age he no longer is forced to engage in shooting, but he may do so if he wishes.

It is difficult to evaluate a report such as this because of the misuse of data, the actual fabrication of data, and the lack of presentation of the whole truth.

One could rephrase the statement made by the Commission, and quoted above, to read: "We believe, on the basis of all the evidence before us, that reducing the availability of the automobile will reduce automobile tragedies." No one in his right mind will deny that the violence on our highways is causing infinitely more serious damage, death, suffering, expense, disruption of society, than are firearms.

ACCIDENTS

The Commission statement implies that firearms accidents "cause thousands of deaths and injuries each year." One might point out that the same must be said of bath tubs, kitchen stools, ladders, and swinging doors.

A recent study completed by the distinguished Harvard Professor of Public Health, Dr. Ross A. McFarland, clearly shows that in 19 different countries of the world (USA included), of all accidental deaths only 1.3 per cent could be attributed to firearms. Firearms were the lowest on the scale of

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causes of accidental deaths; far below motor vehicles (36 per cent), falls (22 per cent), drownings (9 per cent), or poisonings (4 per cent). The reason for the Commission statement about firearm accidents is obscure; or is it meant to becloud the issue?

RECOMMENDATIONS

Special reference should be made to the recommendations of the Commission for a national firearms policy. It is important that these be examined extremely critically because they are not in accord with our national tradition or legal system in the United States. One cannot take exception to the recommendation with respect to public education. Certainly, the aim of the National Rifle Association and law-abiding owners of firearms has always been to educate the public on the responsibility of firearm ownership. This education recommendation of the Commission is extremely important. It should do much to eradicate the unfair and vicious criticisms of the National Rifle Association. Moreover, it should do much to encourage proper firearms education in our schools. We realize that there must be a driver education program in every high school. It seems incredible that we do not have a firearms education program in every high school.

The Commission recommendation on research is one which on the face of it, looks honest and forthright. But when it is examined with care it is obvious that one might question the good sense and the integrity of the Commission. On page seven under "research recommendations", the Commission says that there should be further research on relationship between firearm violence and how this violence can be reduced. Despite the dogmatic statements made earlier in this report, the Commission admits that we need much more information on the relationsihp between firearms and violence than we have now. The recommendations clearly indicate that the Commission, despite its manifesto earlier, is not well informed and cannot be well informed with respect to many of the matters on which it has pontificated.

Finally, the recommendation with respect to the development of a non-lethal weapon is bewildering. The Commission admits that law-abiding Americans understandably and justifiably fear for their safety under certain conditions and that under these conditions it is appropriate that they have some kind of defensive weapon. However, has it ever come to their attention (or are they blind to the fact) that the anti-gun elements in the country are also anti-law-abiding citizens? For example, in various legal jurisdictions (such as New York City) where firearms are virtually outlawed completely, any kind of defensive weapon is also outlawed from the law-abiding citizen. The recommendation with respect to the production of an effective non-lethal weapon is extremely difficult to understand. Again, it makes one wonder whether the Commission members really know what the various portions of the report really said.

Under legislation they say "We conclude that the rising tide of firearms violence in this country merits further legislative action at the present time." First of all, the statement of a rising tide of firearms violence may be open to serious question on a factual basis. Again, one suggests that the Commission did not study the history of firearms legislation in the United States very clearly or very honestly.

If the various laws already on the books with respect to firearms were enforced we would have less difficulty than we do now. It should be pointed out that the murders of various public political leaders all involved the breaking of at least half a dozen existing laws. Consequently, how this Commission can naively suggest that further laws would prevent these tragedies is not clear to the reasonable man.

The Commission has revealed its emotional involvement when it refers to the hand gun as a weapon so "infrequently a sporting arm." This statement is definitely not true. The hand gun is, in the United States, primarily a sporting arm in the hands of law-abiding citizens. It is used properly as an offensive weapon and as a weapon of protection primarily by our police forces.

One should also recall that the murder of John F. Kennedy and the murder of Martin Luther King did not involve the use of hand guns.

CONFISCATION

The recommendations of the Commission with respect to confiscation of hand guns, except those issued to police officers and the like, just do not stand up under the light of day. For example, the Report urges that serious penalties be attached to the possession of guns by unlicensed persons; we already have serious penalties attached to possession of a variety of martial firearms but the criminal still uses them.

The only ones who will be harmed by the recommendations of this Commission, with respect to hand guns, are the law-abiding citizens. The Supreme Court already has ruled that laws may not force criminals to register their hand guns because this act would be "self-incrimination." As reported in the press, the registration law in the city of Chicago specifically excludes and excuses criminals from registering their hand guns. How then can this naive Commission say that the apprehension of law-abiding citizens will reduce the rate of violent crime in the United States?

The final conclusion of the Commission makes no sense. It merely says that the reduction of gun violence in the United States will be a good thing. Every law-abiding citizen in the United States agrees on this. Hand gun and long gun enthusiasts in the United States have been begging that more severe penalties be attached to crimes committed using any type of firearm. Unfortunately, the persons who should know better do not support these moves of the gun owners. They seem to be more concerned with taking guns away from law-abiding individuals than with attacking the root of the problem which is misuse of guns by evil people.

It is most difficult to understand how a Commission of presumably honest individuals can subscribe to the details of this statement on firearms and violence. After careful examination it seems clear that the recommendations and conclusions of the Commission on Firearms and Violence are based on suppression of facts, on distortion of facts, and on the lack of factual information. Moreover, there is specious argument involved; there are statements which cannot be supported by any facts available from the various statistical agencies of our government. The statement, for example, on page two to the effect that "Other studies confirm our finding that the proportion of gun use in violence rises and falls with gun ownership" is completely contrary to what has been published in the Congressional Record itself. Repeated studies, made by objective individuals, have demonstrated that quite the contrary seems to obtain: as gun ownership by law-abiding citizens increases there is a decrease in crimes of violence involving guns.

Unfortunately, too, the Commission has used its imagination to raise great specters of fear, e.g., the comment that "A new wave of American vigilantism could result . . ." The report contains some underhanded phrasing; for example, it is stated that "Extremist groups, regardless of race, are remarkably alike in their attitudes towards firearms and their opposition to firearms control." This is a knavish assertion which implies that if one opposes firearms control he is not a good American and belongs to an extremist group. Such writing is despicable and ought to be beneath the dignity of any self-respecting commission. It is obvious that the Commission itself felt the disgusting implications of this statement because in a footnote it states: "This is not to imply that all persons who oppose additional controls are extremists." Why in the world would a forthright and objective Commission write the original sentence in the first place? This particular sentence is one example of the type of argument, the type of rhetoric which is used throughout this report. It is a shameful exhibition and should wound the consciences of the authors.

The conclusion that any honest individual must come to after reading this nefarious Commission Report is that it should be totally disregarded. The Congress of the United States, itself, should investigate this matter if it feels it essential. It is important that law-abiding gun owners be involved in looking over the staff officials of the Commission. One questions the competence of these individuals to produdce such a study.

It is discouraging to a law-abiding citizen to read the many statements made by a presumably respectable Commission. In the opinion of many readers of the Commission Report, the conclusion is inescapable that the members of the Commission did not read the final draft with any understanding or critical sense. They apparently accepted without any serious evaluation the prejudices, blindness, and naivete of some staff investigator.

It is hoped that responsible public officials, members of the Congress, and representatives in the various state legislatures will discount appropriately the recommendations and conclusions of this extremely slanted report. It is urgent that anyone concerned with the firearms problem read and note very carefully the internal contradictions which abound in this report. At the very beginning of the report it is clearly stated that "The vast majority of gun owners do not misuse firearms"; but the Commission then goes on to make recommendations which would penalize the "vast majority" of gun owners without doing anything to attack the root of the misuse problem and that includes lack of appropriate education which results in firearms accidents and the protection of criminals in their misuse of firearms for criminal purposes.

The Commission, moreover in the preamble points out that "Firearms generally facilitate, rather than cause, violence." Later in the report the contrary is implied.

It is important to realize that in the Commission Statement there is clear-cut evidence of the use of the "big-lie technique." That technique supposes that if something is said often enough by persons in positions of trust or power then anyone should and will believe it whether it is true or not. Hitler used the technique effectively. It is not American; it is not scientific; it is not objective.

CONCLUSION

The statement on firearms and violence issued by the National Commission on the Causes and Prevention of Violence deserves to be scrapped as untrustworthy, irresponsible, and as an insidious attack on our Constitutional guarantees. The lack of intellectual and scholarly integrity on the part of the drafters of the statement is so apparent that four members of the Commission were impelled to refuse "to concur fully in the report of the Commission."

BELABORING THE NEBULOUS—IGNORING THE OBVIOUS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, the present administration is creating an anticonsumer record which is formidable and forbidding in its fundamental hostility to the concept of a secure economic marketplace. On all sides, outright antipathy or deliberate nonenforcement is pushing the cause of consumer justice farther and farther back.

Almost every safety law passed in the last 8 years, and there have been 43 major ones, is withering away because of no funds or lack of meaningful enforcement. They cover fire safety, radiation hazards, industrial safety, health, traffic and aviation safety, autos, tires, and flammable fabrics. Each year, 18,000 Americans die and another 20 million are injured by hazardous products, including pesticides, flammable fabrics, electrical appliances and other dangerous articles. Truth in packaging and truth in labeling lie in a neatly labeled packet with the title, "Do not open until this administration has passed from the scene." One classic example is that the FTC has assigned five people to work on packaging and labeling.

No progress whatever has been even attempted on behalf of a greater voice for consumers within the Government. No advocacy of their cause or appointments on their behalf have been forthcoming. The average American must pay an annual interest rate of at least 18 percent in credit charge accounts in every State but one. Such interest rates cannot be justified. Is there action by the administration? Not a move. Not a sound.

Medical costs are exceeded only by the constantly escalating prices of drugs. The Food and Drug Administration, previously a consumer champion, has become a puzzled prisoner of reaction. Up to 10 million citizens a year become ill from consuming contaminated food. Countless others are affected by mislabeled or defective drugs. What is the response? Permission by the Department of Agriculture to industry to add up to 15 percent in garbage chicken meat to hot dogs. Americans spend approximately $37 million annually on cosmetics that have little or no Federal regulation. Not a word from Government. Improved consumer product information services by the Government? If the present Government has anything to say about it, such factual guides will be forthcoming the day after Armageddon.

The guaranty and warranty situation is a scandal of continental proportions. Comment from the leaders of the Government? All we hear is the wind blowing, carrying soothing words and promises.

The National Commission on Product Safety states publicly that product guarantee seals awarded to advertised products by two national magazines are misleading and literally valueless. At least 12 products advertised by one of these publications, Good Housekeeping, are under investigation by the FTC for possible violation of false advertising statutes.

The general picture which emerges is damning and complete. Consumerism is as foreign to the President and his administration as conservation, antipollution, full employment, and aid to education. Instead, however, we have Mrs. Virginia Knauer, the President's special assistant on consumer affairs, who was much too busy to give more than perfunctory, general testimony before the National Commission on Product Safety. What has she belabored recently, with loud cries of indignation and outrage? Why, cynicism in advertisements. She thumps the advertising agencies, which is a bit like hitting the new born illegitimate child because of the sins of its mother.

Has the good gentle lady not been apprised of the fact that every ad agency operates on the basis of its client's orders? Companies demand and agencies comply. Advertising messages on the media are a mere reflection of corporate policies. The media sign a contract to run so many messages of a commercial nature. The good lady has wandered off into the side shows and missed the three ring spectacle in the main tent.

It is long past time for the public to be enlightened. If there is a consumer counsel representing the Government, let her speak on adulterated food, drug prices, safety, packaging, labeling, garbage, chicken in hot dogs, unsafe autos, phony seals of approval, credit and interest practices. The list continues ad infinitum, ad nauseum. Where do they stand on each of these pressing, ominous issues? What is going to be done about enforcement of laws?

The nebulous will wait. The obvious demands attention.

THE VOICE OF PROTEST IS ALSO THE VOICE OF THE PEOPLE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, there have been more than a few strident noises raised against the moratorium which even now is gathering enormous momentum across the face of America. It is essential that we take a close look at this happening, and see what it is doing, saying and aiming for. As a start, it led to the most meaningful exchange of opinions regarding the war on the floor of this Chamber, that I have seen or participated in since my arrival here. The gentleman from Indiana (Mr. JACOBS) gave most eloquent voice to thoughts which have increasingly concerned the entire Nation. I am proud to have joined in endorsing such a parliamentary expression of the principle of participatory democracy. This is a peaceful gesture of protest and opinion in every form that it is taking. Those of us who have supported the moratorium have taken the greatest pains to disavow any violence or disrespect to national symbols. In no way should anyone be taken in by clumsy attempts to link extremists with legitimate protest and dissent.

I further feel that such an expression of opinion nationally and here in this House is a desperately needed, healthy and vital force. If basic representative institutions of a free people remain silent in the face of massive domestic disagreement, they contribute to loss of faith in those same institutions by those they are supposed to represent. Our free discussion last night was an affirmation of democratic dissent rather than a gesture of support to foreign opponents.

Nationally, the people have taken their cue, in turn insuring that we shall take ours from them. Their personal acts of dissent are living reaffirmations of the grip participatory democracy has upon so many of our fellow citizens. Protest should be understood for what it is, rather than be stifled because of any fear it may arouse in the breasts of those who have minimal faith in our people and institutions. We have nothing to fear from them. We have much to learn from how they think and feel. A nation is free so long as its institutions are free, expressive, and reflective of national opinion and will. Such a phenomenon as the moratorium is the legitimate expression of a significant and growing share of that same will. I welcome and am proud to have endorsed it.

SUPPORT PRESIDENT NIXON ON VIETNAM

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, let there be no mistake that the overwhelming majority of Americans are squarely behind President Nixon in his efforts to get the Vietnam war ended now but on an honorable basis. This means, simply, with some type of enforceable commitment that if we withdraw the North Vietnamese and the Vietcong will not continue their aggression and slaughter of the South Vietnamese who are our friends and who have put themselves, their property, and their future on the line for the West.

President Nixon did not order a half a million Americans to Vietnam. He is doing everything he possibly can to avoid further escalation. He seeks reason in an atmosphere of Communist aggression and hatred. Americans owe such effort their loyal support. For what do they demonstrate?

Those who would undermine our President who publicly seeks commitments from an enemy that is killing Americans at this very hour, are not helping attain the objective they seek—which is to get Americans out of the combat in Vietnam. In fact they are doing the very thing the enemy wants—which is to create further discord in the United States, with less support for our position at the bargaining table in Paris.

The following editorial in today's Washington Star is significant:

THE MORATORIUM

> The best standard for judgment on today's Vietnam Moratorium is the effect it can be expected to have on the enemy—and on the President of the United States. Some light has been shed on both points.
>
> It is clear that this demonstration is enthusiastically welcomed in Hanoi. A Radio Hanoi broadcast yesterday said the Moratorium showed that the Communist fight in Vietnam was "for peace, justice and the right cause," and that this demonstration is "putting the Nixon administration in a very dif-

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ficult and confused situation." An additional broadcast comment was that "the Vietnamese people heartily welcomes and entirely supports the October wave of struggle" in the United States.

An Associated Press report quotes the Communist newspaper, Nhan Dan, as saying that "the struggle of the American people extends so deep that it is supported even by senators and congressmen in Nixon's own party."

There is no reason to believe that most of the Moratorium participants want or intend to give aid and comfort to the Communists. A few may, but not many. This, however, begs the question. What counts is whether the demonstration, regardless of intention, does in fact give encouragement to Hanoi and thereby presumably prolongs the war. The evidence from Hanoi is that this is precisely what the demonstrators are doing. And, whatever the disclaimers may be, mature people are supposed to be responsible for the reasonably foreseeable consequences of their conduct.

What about the effect of the Moratorium on President Nixon? Certainly it has not been helpful.

In his recent press conference the President said that "under no circumstances will I be affected whatever" by the demonstration. We think that was a proper statement. But it evoked a predictable storm of criticism to the effect that Mr. Nixon was indifferent to public opinion, and was determined to pursue the policies of Lyndon Johnson in Vietnam.

Mr. Nixon is not deaf to public opinion. Nor is he adhering to the Johnson war policies, although the latter were modified significantly before Mr. Johnson left office.

It seems to us, however, that President Nixon is letting himself be pushed into a somewhat defensive attitude by the mindless attacks being made against him. There is at least a suggestion of this in the Nixon letter to a Georgetown University student—a letter in which the President tried to clarify his press conference remark.

There is hardly a man alive who doesn't want to see this miserable war ended. Certainly Mr. Nixon would rejoice to see the end, and firmly intends to wind up the American involvement at the earliest possible date. But as President, it is his duty to strive for an honorable and responsible termination. He has taken significant steps toward this end. As President, he also has a duty to refuse to bow to pressure tactics which have no other purpose than to force him into an irresponsible and precipitate course of action.

Despite the tumult and the shouting on this Moratorium day, we think the great, silent majority of the American people want their President to stand firm for what he knows is right. We also believe they will support him if he does his duty.

INCREASING BANKING COMPETITION IN NATIONAL CAPITAL REGION

(Mr. HARVEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARVEY. Mr. Speaker, on September 23, 1969, I had the pleasure to introduce H.R. 13928, a bill to increase banking competition in the National Capital region and to provide for a better flow of banking funds throughout this area.

Last week the Senate Banking and Currency Committee held hearings on S. 2569 introduced by Senators SPARKMAN and BENNETT. This bill is identical to H.R. 13928, which I have introduced.

As a part of these hearings the Treasury submitted its views on the proposed legislation. These views were cleared with the Bureau of the Budget. The Treasury report was a scholarly and thoughtful approach to this problem and I am today inserting this report in the RECORD to acquaint my colleagues with the views of the Treasury and the administration on this measure. I am naturally gratified that the Treasury and the administration could see fit to support legislation which I have introduced.

The report follows:

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., October 7, 1969.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 2569, "To amend section 3(d) of the Bank Holding Company Act of 1956."

The Bank Holding Company Act of 1956 prohibits the expansion of a bank holding company into new States unless the laws of such States expressly provide for the acquisition of banks within their borders by out-of-State holding companies. No State to our knowledge has such provisions. Existing bank holding companies which own banks in more than one State antedate the 1956 Act.

The proposed legislation would relax the restrictions on multi-state bank holding companies for the Washington, D.C. area. Specifically, the bill would permit a bank holding company to own a District of Columbia bank and also other banks located in the "National Capital region" as defined in the National Capital Transportation Act of 1960 (Public Law 86–669, 40 U.S.C. 652(a)). The definition is as follows:

"'National Capital region' means the District of Columbia, Montgomery and Prince Georges Counties in the State of Maryland, Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in the Commonwealth of Virginia, and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties and cities."

Under the bill, a bank holding company whose principal banking subsidiaries are located in Virginia would be permitted to acquire and own banks located in the District of Columbia. Similarly, a bank holding company whose principal banking subsidiaries are located in Maryland would be permitted to acquire and own banks located in the District of Columbia. Thus, Virginia or Maryland based bank holding companies would be permitted to own banks in the District of Columbia, while bank holding companies based in the District of Columbia would be able to own banks in only those areas of Virginia or Maryland which are suburban to the Washington, D.C. area. This would permit the large Richmond and Baltimore banks to have banking affiliates in the District of Columbia.

The proposed legislation would result in great long-run economic advantages to the Washington, D.C. area by strengthening its financial institutions. It would also recognize that the District of Columbia is merely the center of a large metropolitan area, including portions of both Maryland and Virginia. This is one of the fastest growing metropolitan areas in the country. Its current rate of growth in terms of both employment and average individual income compares favorably with other metropolitan areas.

The District of Columbia banks have been unable to keep pace with the growth of the area because of their inability to expand into their suburbs. Their deposit growth rates have lagged badly behind their suburban competitors. Unless there is some modification of current legal restrictions, the banks in the area will be unable adequately to meet the credit needs of the area, and the area will be deprived of banks of a size necessary to large metropolitan areas. The proposed legislation would remedy these defects in the existing situation without unnecessary impinging upon the rights of the states of Maryland and Virginia to control their own banking structures. It should be emphasized that this legislation would not permit branch banking across state lines, but any affiliates in Maryland or Virginia acquired by District of Columbia based bank holding companies would have to themselves be either national banks or banks chartered by the respective states of Maryland or Virginia. In either case, all of the branch banking restrictions of those two states would remain fully applicable and would be neither violated nor thwarted.

This is quite clear. The distinction between chain (holding company) banking and branch banking is clear in the law and has been recognized by many courts. *Camden Trust Co.* v. *Gidney*, 301 F. 2D 521, 524–525 (C.A. D.C.), *certiorari denied*, 369 U.S. 886; *First National Bank in Billings* v. *First Bank Stock Corp.*, 306 F. 2d 937 (C.A. 9). The differences between branch banking and holding company banking are many. Each bank owned by a holding company is a separate corporation with a separate capitalization and all of the attributes of a unit bank. Each bank in a holding company organization has a separate board of directors. Each such bank has a limit on the amount that it can lend to one borrower based on a percentage of the bank's individual capital and surplus. In contrast a branch banking system may lend at any one of its office up to the lending limit of the total system. Of course, a branch does not have separate shareholders. A branch may be closed at any time by resolution of the bank's board of directors without approval of either shareholders or supervisor. A holding company unit bank may be closed only by liquidation, merger, or receivership, all of which are complicated processes requiring approval of the bank's shareholders and authorization from the supervisor (12 U.S.C. §§ 181–186, 191–200, 215–215a, 1828 (c)). There are many other differences between holding company and branch banking.

It is the Department's view that S. 2569 would be of great benefit not only to the banking industry in the Washington metropolitan area, but more importantly, to the economic well-being of this rapidly growing area and to the businesses and individuals who are dependent upon this economy. We urge that S. 2569 be encated.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

PAUL W. EGGERS,
General Counsel.

NOT NIXON'S WAR

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, not since Abraham Lincoln sat in the White House has an American President had his efforts to attain peace so seriously handicapped.

We have yesterday and today witnessed demonstrations conducted by a small but strident minority group which advocates a peace-at-any-price stance for the United States. Some so-called

patriots carry the flag of a nation which has to date been responsible for the deaths of nearly 39,000 American soldiers. At this very hour, this same nation continues to conduct active aggressive warfare against the nation of South Vietnam, and against our Armed Forces and civilians posted there. Simultaneously, a U.S. mission strives to achieve a negotiated peace in talks being conducted in Paris with that nation. And also at the same time, the President of the United States continues his stated policies of exhausting every effort to achieve a just peace for all participants in the conflict.

No one will deny that individuals have a constitutional right to peacefully assemble to voice their opinions, and no one has denied them this right as evidenced by the fact that such demonstrations are permitted. This, however, is not the point. These individuals help to delay the very peace they seek by aiming their protests at the wrong party, and they introduce a dangerous element of coercion which is foreign to our form of government.

First, their position is confused and inconsistent. Last year at the Democratic convention, the antiwar faction endorsed a platform calling for a halt to the bombing of North Vietnam, a reduction in U.S. offensive operations in South Vietnam, and a phased withdrawal of all foreign troops from South Vietnam. Now, a year later, President Nixon has completely stopped all bombing of North Vietnam, U.S. offensive action has dropped to its lowest level since the troop buildup began, and large troop withdrawals have already taken place and are scheduled to continue as rapidly as the South Vietnamese Army can take over the fighting.

Recently, even the formerly rigid Government of South Vietnam has made concessions to the effect that it will hold elections and allow the full participation of the National Liberation Front—NLF.

Thus, with all of the doves' peace demands being fulfilled, they have switched their attack. They now seek total and immediate U.S. withdrawal regardless of the consequences, and furthermore, they have the gall to say that they have "consistently" demanded this. These same elected officials, clergymen, and educators who have lent their prestige to the moratorium endorsed a plank at the Democratic convention which specifically stated that the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

It seems that the gestures for peace have been singularly one sided. Therefore, I think that those who demonstrate in Washington and around the Nation should direct their protests to the enemy which intransigently fights on, apparently unwilling to compromise in any way. The Paris peace talks have been in session for a year and a half now, but the North Vietnamese have offered only a hard line position calling for unilateral withdrawal of all American troops and a total abandonment of South Vietnam to a Communist takeover. We are asked to assume that a Communist government is the majority wish of the South Vietnamese people, although the Communists refuse to participate in a legitimate election.

But a more ominous specter casts a sinister shadow over the moratorium, independent of its particular issues. Have we arrived at the place in our national history where the leaders of our Nation should start to follow policies dictated by street demonstrations? Are we hereafter to have government by demonstration rather than by representation? The pathways of history are cluttered with the ruins of once great nations whose downfall can be traced to the point where legitimate representative government gave way to leaders who tried to accede to the mercurial whimsies of mob rule. President Nixon, I am thankful to say, announced well before Moratorium Day that his policies would not be affected by the event. Thus, moratorium leaders were well informed that their demonstrations could have no useful purpose but to lengthen the war by giving heart to the enemy.

Does the enemy take heart from such a demonstration? A letter from the Premier of North Vietnam, Pham Van Dong, congratulating his "dear American friends," gives strong evidence that this is the case.

Therefore, I think the public demonstrations are dangerous in precedent, ill-timed, and certainly misdirected. Members of Congress who support such tactics are, in my opinion, not acting in the best interests of the democratic traditions of this Nation. They know that the President has the constitutional duty to conduct foreign policy and that negotiating peace is the most difficult and delicate act of foreign policy. Heckling and harassing the President is delaying the peace, not hastening it. Have the Democrats forgotten so quickly that Mr. Nixon is trying to end a war which he inherited from his Democratic predecessor and which they helped to authorize? This is not Mr. Nixon's war.

I am pleased that President Nixon is acting in such a manner as to prevent the United States from being transformed into an unsable, mercurial country where policy is determined by massive demonstrations and protest marches.

CRIME IN THE DISTRICT OF COLUMBIA

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, District of Columbia police officials report that lawlessness and violent crimes are multiplying at an alarming rate. Figures released for the month of August this year show robberies up 62.8 percent in comparison with the same month last year, and 61 percent of these are classified as armed robberies. Total robberies for August in the District totaled a startling 1,226. By simple arithmetic we can conclude that 753 times during August, or an average of once an hour, someone's life was threatened by an armed hoodlum. And now, September armed robbery figures have been announced. Washington has the dubious distinction of having broken its own record, because August's 753 armed robberies have been surpassed by September's 821. This means that during September an armed robbery occurred on an average of 1.1 per hour, or 26.4 per day.

Shocking as these figures are, they are only a part of the total dismal picture. August statistics showed percentage increases of 49.7 in larcenies, 42.4 in burglaries, 27.7 in rapes, 20 in homicides, and 11.4 in aggravated assaults.

And speaking of homicides, as of October 6, total for the year was 206, which with 3 months still to go in 1969, means that 1968's total homicide figure of 209 is going to be easily surpassed. Although only eighth in population among U.S. cities, Washington ranks first in number of homicides.

Overall, crime in the District of Columbia for the month of August 1969 was up a total of 33 percent. The September statistics are not available yet, but based on the armed robbery figure released, the ominous trend will undoubtedly show itself to have continued.

For those of us who live in the Washington area, this news confirms the worst suspicions of those of us alert to the city around us, and I am deeply concerned. I am concerned, firstly, as any American citizen must be to realize that the streets of his Nation's Capital City are dangerous, and that muggers hide in the shadows of the great marble monuments. I am concerned as one who makes the Washington area his second home, as do all Members of Congress. One who lives here is well aware that an aura of fear descends over this city as night falls, and men and women go out in groups if they dare go out on the streets at all. To go out alone, quite frankly, is considered foolhardy and reckless, and in a lawyer's phrase, not the act of a reasonable and prudent man. Time is of the essence. Action is urgently needed now by the Congress—not tomorrow or the day after.

President Nixon has submitted a package of legislative proposals for consideration and action by the Congress. These anticrime proposals are appropriate and well designed to attack the areas of criminal activity where they are directed. I ask this Congress to act upon these proposals now in answer to the needs and demands of the American people.

A TIME FOR STATESMANSHIP

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the Vietnam moratorium is attracting worldwide attention and this is an appropriate time to make a statement on the war and the demonstrations.

The act of joining in the moratorium is a matter for the individual conscience. Where any public demonstrations are peaceful and thoughtful, they fall within the ambit of our constitutional guarantees and permit our people to express their opinions. To the extent that they are violent and destructive they serve no useful purpose and should be repudiated.

We all seek to promote a swift and

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honorable peace in Vietnam. We all seek to withdraw our troops as rapidly as circumstances will allow. We all seek substantial progress toward peace and American withdrawal. In my judgment, President Nixon actively pursues these objectives and has taken substantial steps to achieve them. To the extent that the proposed moratorium would embarrass or frustrate the President in his efforts, it would be a disservice to the people of this country.

The last time I spoke at any length on this question was after the Tet offensive of 1968 when I spoke of the need for a complete and total review of our policies and a redetermination of our commitments.

Subsequent to this statement, President Johnson turned the national policy in the direction of peace by ordering a cessation of bombing, by issuing a call for a peace conference and he also announced his withdrawal as a candidate for the Presidency.

Given the extent of our commitment and the degree of reliance of associated nations upon us, it seemed to me that the Johnson initiative was hopeful and that efforts to achieve an honorable military conclusion should be supported and I did support them.

When President Nixon succeeded President Johnson, he asked for time and patience in attempting to achieve our disinvolvement and I was willing, as the American people were willing, to accord both to him. And I should like to say that I believe that Mr. Nixon honestly wants to bring the war to an end. Surely it would be to his advantage and that of the Nation to do so.

One must concede also that the problem facing President Nixon is no less difficult than that faced by President Johnson.

The overall need to form a cooperative structure to maintain peace is as urgent as ever. The existence of hostile forces dedicated to undermining our security clearly continues. The vulnerability of millions of people to aggression and enslavement and torture without our protection remains. The difficulty of creating a viable governmental structure overnight in Vietnam has not grown any less.

We have manfully assumed the burden of helping to achieve these objectives and to solve these problems. And it is clear that we cannot simply walk away from them and our involvement with a wave of the hand. I do not agree with those who say "turn around and walk out tomorrow."

Nor do I believe that simply because we terminate this war we shall be free of conflict and the problems of aggression forever after. Merely to mention the names of Cuba, Israel, Biafra, Peru, Greece, and Yugoslavia suggests areas where difficulties affecting this country might well arise.

Having taken all these factors into account, however, it does seem to me that we are entitled to take the measure of the Nixon administration upon its progress in achieving a peaceful end to the war.

The fact is that we have gone about as far as we can go. Whether our Vietnam adventure might have been conducted otherwise or should not have been started at all is now academic. Whatever the causes, the significant fact is that the American support for this war has gradually been eroded and the American people want it finished. And while it continues, American boys are being killed.

For the most part our people have not been unreasonable. They have not in appreciable numbers asked for precipitate evacuation. But President Nixon should not brush off the desire for peace as inconsequential nor consider the student questioning unimportant.

It is impossible to set a legislative prescription for terminating a war. Like the conduct of foreign policy, this activity must have flexibility and the Executive must be permitted some freedom of action.

However, this by no means suggests that the patience of the people is without limit nor that support of the military effort will continue indefinitely. We must see progress and we must see it soon. This is not to limit it to 30 or to 60 days, or a year but it is to say that there must be movement and it must be apparent without delay.

This is an appropriate time for full discussion on the war commitment. It is also a time for restraint and a time for action in the general interest. It is certainly not, in my judgment, a time to substitute political ploys for statesmanship under the claims of acting in the cause of national security and serenity.

SHORTCOMINGS OF PRESIDENT'S MESSAGE

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, on Monday the Congress received a message from President Nixon urging action on a number of his legislative proposals. I include in the Record at this point a statement issued by the distinguished majority leader, the gentleman from Oklahoma, (Mr. Albert), in response to the President's message. The majority leader has very clearly pointed out the shortcomings of the President's message and has emphasized that there is far more initiative and a greater sense of urgency in the Congress than in the administration.

The statement follows:

Statement of Hon. Carl Albert

I have read with interest the Message of the President which will be delivered to the Congress on Monday.

The President proposes to make the legislative issue of the 1970 campaign the question of who deserves greater credit for the Ninety-first Congress' record of accomplishment. This, we are willing to do.

We have moved from the beginning in a spirit of cooperation. For the first time in history, Democrats in Congress gave an incoming President a federally-financed program for transition of the government.

Many Democrats have supported the President in matters affecting the national security and the economy of our country.

Notwithstanding the failure of the President to send up a State of the Union message; notwithstanding the tardiness of Departments and agencies in submitting legislative proposals or in commenting on bills pending before the various committees; notwithstanding repeated instances in the most important areas where Administration spokesmen have disagreed among themselves or have asked for additional time to express their views, this Congress has moved and is moving on a broad front.

Despite the President's comments, there is a greater sense of urgency in the Congress than in the Administration.

I agree with the President that our elderly Americans need increased benefits, but I believe a 10 percent increase in Social Security payments on April 1 is not only too late but too little.

I agree with the President that the Economic Opportunity Act should be extended, but where are the Republican votes to extend it without emasculating it?

I agree with the President that the legislative areas he described are important, but I cannot understand how a message which stresses urgency can ignore the crisis in education, the increasing need for conservation, and the protection of our natural resources.

I have been in the House of Representatives a long time. I have seen administrations come and go. I have served in great Congresses, productive Congresses.

The 91st Congress is still in its first session. Yet, the House of Representatives has already distinguished itself by the quality of its performance, by its ability to plow new grounds and to prepare for the future.

With electoral college reform, tax reform, new thrusts to education and water purification already through the House; with voting rights, housing, and mine safety bills ready for floor action—all done on the initiative of a Democratic Congress—with numerous other major proposals under study by the committees, the 91st Congress bids fair to being one of the really *quality* Congresses of the century. Of this, the American people will be the judge, and I, for one, am willing to leave the verdict in their hands.

MR. WALKER TIDIES UP

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, I recently had the great pleasure of reading an editorial published by the Chicago Tribune on October 11, 1969, entitled "Mr. Walker Tidies Up." I believe it merits the attention of our colleagues because it so aptly underscores the changing mood which has accompanied the numerous riots and demonstrations taking place across our great Nation.

The editorial follows:

Mr. Walker Tidies Up

In the wake of Wednesday night's street violence, Daniel Walker, who sired the "Walker report" on the Democratic convention riots of August, 1968, appeared in a penitential mood before a civic organization. This time he had nothing but praise for the professionalism of Chicago police in dealing with the criminal outbreak of revolutionary rabble.

These were the same police whom Mr. Walker, in his "summary" of the 1968 report, accused of responding to provocation with "unrestrained and indiscriminate police violence," amounting to what, on two occasions, "can only be called a police riot."

Within a year Mr. Walker has not only changed his tune, but he now complains that his previous comments were misread or misunderstood. Yet on Dec. 20, 1968, some three weeks after the release of his report, Walker

strongly defended the report in toto, stating that many of the younger generation mistrust "a society that teaches but does not practice the dignity of the individual."

We wonder if the young hoodlums who went on Wednesday night's insane rampage are to be regarded as exemplars of individual dignity.

If wrong in 1968, Walker conceivably could have straightened out to the extent that he is right now. But if he has indulged in the communist exercise of rehabilitation thru self-criticism, he might at long last answer some of the puzzling questions having to do with his 1968 report. The Tribune repeatedly attempted to obtain clarification from him, but he always slipped, slid, and ducked. Here are some unanswered questions:

Why did Walker volunteer a "summary" which Chief Judge William J. Campbell of federal District court characterized as "Mr. Walker's personal opinions"?

Why was Walker in such a sweat to release the report, which was only advisory, that he rushed thru the printing of 10 copies at a Chicago plant so that members of the Presidential Commission on the Causes of Crime and Violence could get a perfunctory peek at the contents? The Walker panel was responsible to the commission, but only a handful of its members saw the document in advance, and then for perhaps an hour or less.

Was this rush related to commitments to leak the report in advance to Life magazine, the television networks, and Bantam Books, which hurried a paperback edition to the printers, and E. P. Dutton & Co., which did a hard-cover quickie? A copy of the report, perhaps in manuscript, had been handed Max Frankel of the New York Times, who wrote the Bantam edition foreword and a front-page story for his newspaper for editions of the report's official date of release, Monday, Dec. 2.

What was the concern of the Times [which had been harsh in its treatment of the Chicago police department's handling of the convention riots] in seeking wide distribution of the report? Its book division manager, John G. Stewart, stated that his newspaper had arranged "to cooperate in the publication of both paperback and hard-cover editions of the report."

Why did Walker solicit the assistance of the navy department in finding a private printer in Philadelphia after the Government Printing Office refused to print the report because of its many obscenities?

Why did Grosset & Dunlap, which also rushed out a hard-cover edition, advertise "1st Official U.S. Report," when the report was neither official nor conclusive? Why did the Times similarly headline its news story "U.S. Study Scores Chicago Violence as a 'Police Riot'," when the report was merely advisory and not an officially sanctioned government study?

If Mr. Walker is in a mood to come clean, now is his chance to explain.

ROGERS ASKS FINCH TO REORGANIZE FDA—MAKE IT LEAD AGENCY IN CONSUMER PROTECTION WITH DIRECT ACCESS TO THE SECRETARY

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the Record.)

Mr. ROGERS of Florida. Mr. Speaker, since the Subcommittee on Public Health held hearings into the capabilities of the Food and Drug Administration last month, numerous articles have been published indicating once again that FDA is not playing its proper role as consumer protector in the Government arena.

An internal report which sparked the committee's look into the activities of FDA pointed out many of the shortcomings. I do not agree with all the recommendatians in the report which call for legislation, for I feel much could be accomplished through administrative action.

But there presently exists a lack of communication and coordination between FDA, the Consumer Protection and Environmental Health Service, and the Secretary of Health, Education, and Welfare which is adding to the problems of FDA.

Before July of 1968, FDA was directly responsible to the Secretary. There was a direct line of communication and thus a direct responsibility for the work done or not done by FDA. Since FDA was, through reorganization, placed under the Consumer Protection and Environmental Health Service, the responsibility of communication has become fogged.

I have been told that the Consumer Protection and Environmental Health Service has taken between 75 and 100 people from FDA, severely compounding the manpower shortage which already existed in FDA.

We have seen examples of contradictory positions on various drugs and additives, indicating a lack of agreement in an agency which is responsible for warning the American public of dangerous items.

There are other reports that indicate that FDA is not getting the support, leadership, and direction it needs to become the guardian of the American consumer because of its organization position within HEW.

I am writing to the Secretary today asking that he reorganize the department so that FDA is directly responsible to the Assistant Secretary for Health with direct access to the Secretary himself.

I am also urging that the Secretary give FDA the emphasis necessary to make it the Government's lead agency in safeguarding the American public against unsafe foods, harmful pesticides, medical devices, cosmetics, unsafe or ineffective drugs for humans and animals and the other areas of consumer activity over which it has authorization, but which it has not properly exercised its responsibility.

THE MORATORIUM: THE BEST NEWS HANOI HAS HAD IN YEARS

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, there are any number of Members in this body older than I, but I am not so young that I have forgotten Dienbienphu in Vietnam and what took place there in 1955. Nor am I so young that I cannot remember what this Nation's misguided policy did to sabotage the Republic of China during and after World War II, so that it was delivered into the hands of Ho Chi Minh's mentor and adviser, Mao Tse-tung.

If intelligent men cannot learn from these two tragedies so recent in our history, cannot profit from the monstrous errors of judgment, cannot avoid making the same pro-Communist mistakes we made then, then this Nation is, indeed, dead in a handbasket and on its way to purgatory.

During the Second World War and after, our State Department and the administration in office sold pro-West, Democratic, struggling Chinese leader Chiang Kai-shek down the river. A book could be written on the subject, and many have, but the irreducible minimum is that we turned our backs on the struggling democracy that was building in China and literally forced it into a foredoomed coalition with the Communists. The rest is history; sordid history. Within months, the Chinese Communists, well rested since they had not fought the Japanese, well stocked with guns from Russia, declared war on the democratic forces of Chiang Kai-shek and drove his government off the mainland.

It could not have been done without the efforts of the liberals in control of our State Department. It could not have been done had we not been sold a bill of goods on the home front that the Communists were not Communists at all, but agrarian reformers.

The leaders of and participants in today's so-called moratorium have learned nothing from that lesson. There is small consolation in the fact that some of these participants are misguided in their quest for peace.

After Japan surrendered to the Allies, the French returned to Vietnam where they had acted as protector prior to the war. But before they could set up government again, Ho Chi Minh, aided by Mao Tse-tung, forced the resignation of the Japanese government in Vietnam and set up his own Communist regime. The French expeditionary force fought the Communists of North Vietnam for 10 years. By the end of that time, it was obvious that the Vietcong could not win a military victory over the South Vietnamese and the French. So, they took another course. They set about undermining the morale of the French people back home in France. The hue and cry went up, unilateral withdrawal of all French troops.

Does that sound familiar?

Through the same kind of propaganda effort that is going on in this country today, the Communists were able to rob the French people of their will to fight for the freedom of the South Vietnamese, and the expeditionary force, lacking support from home, suffered defeat at Dienbienphu.

It was not a military defeat, since less than 10,000 men out of a French army of 270,000 were engaged in the battle. The South Vietnamese and the French lost because of moratoriums on the home front, criticism of the French Government's desperate effort to negotiate peace with the Vietcong, antiwar speeches and demonstrations in Paris and the same kind of protest that has been underway here in the United States for the past several years.

Result: a humiliating defeat of the French by the Vietcong.

How can anyone pretend surprise at the news from Hanoi that the Premier

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has sent a message of encouragement to those promoting today's moratorium? For anyone to seriously believe that this moratorium is not the best news Hanoi has had in years, he would have to be either childish or senile, depending only on his age.

There is no man in the United States who wants peace in Vietnam more than President Nixon. There is no man in the United States working harder to achiève that peace than President Nixon. To undercut him and this country at this hour, to encourage the Vietcong to hold out is, in its simplest terms, giving aid and comfort to the enemy. At other times in this Nation's history, it would have been called such and dealt with accordingly.

Like every American, I want peace in Vietnam. I want an end to the dying. But perhaps my price is a little higher than those who have promoted this moratorium.

I want some national and international honor left for this Nation when it is over. I do not want it written across the pages of history that America pledged its word and copped out. I want some semblance of security for the entire world and there can certainly be none if the United States is driven out and humiliated.

Three years ago, in a newsletter to my constituents, I wrote this as the final paragraph:

> This nation has, on many occasions, as other nations have, fought ardently for our freedom. But it may well be that, in the long roll of history, we are now writing one of our most glorious chapters on that remote soil of this tortured little nation 8,000 miles from our shores. Our stern and unswerving defense of the helpless Vietnamese, without seeking for ourselves either power, territory or treasure, is the highest tradition of all that can be good in humanity. While the flame of freedom burns in our souls, we cannot suffer it to be snuffed out in the soul of any man by Communist oppression. I believe, from the dimensions of my heart, that the cause of freedom now and in the years to come, is best served by supporting our sons on the battlefield of Vietnam. If this is patriotism, I am proud of it. For the question now comes down to this: either we serve our country and fight Communism to preserve our freedom or there will be no freedom to fight for nor any country to serve.

That was written 3½ years ago, and I would not change a word of it today. At that time I had thought, of course, that this Nation, once committed, would swiftly win the war. I could not have known that for 3 of those years we would back and fill, start and stop, and otherwise prevent our own troops from winning a war we had sent them to fight. I could not have known then that we had no intention of winning a military victory, as former President Johnson proudly announced last year.

The shame that is ahead of us is even worse if we follow the directions of the advocates of this moratorium: total and immediate surrender to the Communists and retreat to San Francisco. For, let the RECORD show, there can be no isolation for this country in this day of the atomic and hydrogen bomb. We either win in Vietnam or we lose in every corner of the globe.

There are three items which have appeared in the Washington Post yesterday, October 14. The second and third columns by Joseph Alsop and Jack Anderson in today's issue.

What is being done in this country today will be looked at by historians in generations to come. I, for one, want there to be no question where I stood. I stood by my country in one of its most trying hours; I stood by my President in his search for peace. Each man who stands somewhere else can settle with his conscience in whatever fashion he can, but I do not envy him the job.

The items referred to follow:

HUE MASSACRE FORESHADOWED RESULTS OF "BUG-OUT" BY UNITED STATES

(By Joseph Alsop)

Suppose the vociferous supporters of the Vietnam moratorium get what they want. Suppose they are finally able to force what the President succinctly calls a "bug-out." Then what?

For the students who advocate a violent revolution in this country, the foregoing question has no importance, of course. They may be, indeed they are, irresponsible, self-intoxicated young fools. But they are at least more forthright than the senators and college professors and other bug-out advocates who pretend to be responsible persons, yet will not face the predictable consequences of the bug-out they are calling for so loudly.

The first consequence, as anyone can foresee, will be the cold-blooded massacre of a couple of million South Vietnamese who have put their faith and trust in the United States. If anyone doubts this, he had better study the hideous massacre of about 3,500 old men, women and children that was perpetrated by the Communists when they occupied the city of Hue for a couple of weeks.

The Hue massacre was largely irrational. The people who were killed were not government officials, or soldiers in the South Vietnamese army, or even, in the main, blood relations of such wicked "imperialist lackeys." These people were instead buried alive, or mowed down with automatic weapons, or chained together and brained with mattocks in reprisal for Hue's infuriating failure to produce the "popular uprising" the Communist leaders expected.

A few were Catholics, to be sure, and the Catholics in Hue were reportedly treated with particular brutality. There are above a million Catholics in South Vietnam today; and either they or their parents were brought down from the North by the United States in 1954, because it was correctly considered they needed a safe haven in the South.

So what of them? And what of the million South Vietnamese who are now under arms for the Saigon government? And what of the hundreds of thousands of members of the People's Self-Defense Force in the villages, who are regularly chosen as targets by the Communist assassination squads?

American intelligence has officially predicted that most of these people will be killed out of hand—the conservative predicted figure is about 1,500,000—after an American bug-out leading to a victory for Hanoi. Is that what Sen. Fulbright and Sen. Goodell really want; and if not, how do they propose to avoid it?

As to the wider political consequences of a bug-out, they are clearly and very grimly set forth in the responses to the President from his ambassadors, to whom he long ago posed the question. These consequences, too, hardly bear thinking about.

They range from the rapid collapse of the position as a Pacific great power that the United States fought two previous big wars to establish and defend, all the way to a very serious increase in the risk that the Soviets will back the Arabs, whole-hog, in perpetrating genocide against Israel. Is that what Professor Hans Morgenthau wants? Or does he approve of genocide in South Vietnam, while opposing genocide in Israel?

Yet the worst consequences of a bug-out, as President Nixon has kept emphasizing to many people he has talked to recently, will be right here, at home in America. This is his most special, most personal reason for not wanting to be "the first American President to lose a war."

Any fool ought to be able to foresee that the first American defeat in war, followed by the grisly consequences overseas that have been described above, will be enough to poison our political life for a quarter of a century. The inquest after the alleged "loss of China" was poisonous enough. But it will come to seem temporary child's play if we quite needlessly lose the war in Vietnam.

The defeat genuinely is quite needless. So there will be a certain substance, alas, to the angry charge that all America's great efforts and sacrifices of these last years have been rendered fruitless by a "stab in the back."

Again, there has been more than a little colloguing with the enemy. So there will be raw material, alas, for those who will howl about a great conspiracy. Then, too, Hanoi's most obviously untruthful propaganda has been faithfully parroted by many Americans in the academic community, in the media and elsewhere, and this will become another topic for dire clamor.

The truth is that a great many seemingly intelligent Americans are now behaving like mindless lemmings. The danger to themselves is of course their own business. But they might at least consider the danger to all the values they pretend to cherish.

ILL-ADVISED VIET MORATORIUM COULD SET A RISKY PRECEDENT

(By David S. Broder)

CAMBRIDGE, MASS.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscured. If the event is to be gauged properly, it is important to uncover its original premises from the debris of cliches and endorsements in which they have lately been buried.

A number of men active in the moratorium have taken time to point out what they consider the errors of the argument in this column last week that it is a plan for "the breaking of the President." With sincerity and conviction, they have asserted that, far from breaking the President, they are out to save him, by persuading him to make the peace the nation craves and, incidentally, to save the political system by keeping the antiwar movement out of the hands of the radicals and in control of those with a commitment to peaceful forms of protest.

Their conversations and correspondence have helped to define three questions which might be borne in mind by those planning to participate in the moratorium.

First, what is the target of this protest? Sam Brown, the able spokesman for the moratorium, says it is not an anti-Nixon move because "we learned in 1968 that what we must oppose are not personalities but policies."

But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

It asked for "a phased withdrawal over a relatively short period of time" of all foreign troops. The Nixon administration has begun pulling Americans out of Vietnam without

waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, it recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese."

If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

Second, what is the alternative they recommend? It has been described in moratorium publicly as everything from a negotiated settlement to immediate, total American withdrawal from Vietnam, but Brown said Sunday on "Face the Nation" that it is the latter that the moratorium has "consistently" demanded.

If that is the case, then the elected officials, clergymen and educators who have lent their prestige to the moratorium can properly be asked if this is the program they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they could explain why a one-dimensional plan to pull out troops is any more likely to be wise policy than the one-dimensional plan that sent the troops in. Have we not learned yet to examine the political consequences of military decisions?

Third, and most important, what about the method of the moratorium? Is it compatible with the maintenance of representative democracy or does it substitute the rule of the street?

The sponsors say the name "moratorium," rather than "strike," was chosen to emphasize that the protest is to be peaceful and noncoercive. It is a nice distinction. The noncoercive feature may be almost invisible to the thousands of students whose colleges will shut down Wednesday. If the moratorium continues, as planned, for two days in November, three days in December, and so on, it will more and more come to resemble the general strike so familiar to European politics.

And if it succeeds in its aim, what is to prevent other majorities or sizable minorities in the country from using the same technique to force their views on agencies of the government? The moratorium sponsors say Vietnam is an extraordinary issue, but they must know it is not the only issue which agitates millions of people.

One wonders what the moratorium sponsors would say if Billy Graham were to ask all the parents who want prayers restored to public schools to withdraw their children from school for one additional day each month until the Supreme Court reverses its school-prayer decision.

Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate men opposed to integrated housing declared a moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamesè moratorium is un-American, illegitimate, meanly partisan or personally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

U.S. REVOLUTIONARIES LINKED TO HANOI

(By Jack Anderson)

TOKYO.—For the millions at home who will demonstrate against the Vietnam war today, the intelligence files here contain some facts worth pondering.

This column has examined documentary evidence that a few rabid revolutionaries who seek to dominate the anti-war movement in the United States are receiving instructions from Hanoi. They aren't against war at all; they merely are on the enemy's side.

Indeed, their aim is to stir up new "wars of liberation," including guerrilla warfare in the streets of America, to advance the Communist cause. Their immediate instructions are to agitate in the United States for an unconditional withdrawal from Vietnam.

In retrospect, I believe it was a mistake for the U.S. to plunge into the Vietnam conflagration. This remote patch of jungle simply hasn't been worth the price in American blood and treasure.

But those who are in a big rush to write off 38,887 American war dead and $81,407,000,000 of the taxpayers' money should consider the French experience. The French pullout of North Vietnam 15 years ago precipitated a Communist slaughter that hadn't been duplicated since the mad days of Adolph Hitler.

Too hasty abandonment of South Vietnam likewise might produce another bloodbath. Yet the Hanoi-directed militants, according to intelligence documents, are striving to turn the antiwar protest into a national demand for "quick and complete withdrawal of U.S. troops from South Vietnam."

Possibly to avoid treason charges, the American militants are not in direct touch with the Hanoi government. Most contacts, apparently, have been kept on a friend-to-friend or organization-to-organization basis.

The Hanoi-controlled South Vietnam Liberation Students' Union, for example, maintains an underground liaison with U.S. leaders of the Students for a Democratic Society and the Students' Committee for the End of the Vietnam War.

On the eve of the Vietnam Moratorium, Tran Buu Kiem, the Students' Union chairman and former chief Vietcong delegate in Paris, wrote a letter to his American disciples urging "the active and massive participation of the American youths and students in this fall struggle movement."

HANOI LETTER

The letter, dated Oct. 6, called for a prompt American pull-out from Vietnam. Kiem contended that "the replacement of a score of thousands of troops is insignificant, as compared with about half a million U.S. youths still remaining in South Vietnam.

"Your interests and those of the American people and the United States do not lie in such a drop-by-drop troop pullout, but in the quick and complete withdrawal of U.S. troops from South Vietnam; not in the Vietnamization or de-Americanization of the war in South Vietnam, which is unpopular and costly in human and material resources, but in ending it. . . .

"If Mr. Nixon sincerely wants to live up to his promise to end the war, a promise which he made when he ran for office and when he took over the presidency," the Kiem letter continued, "there is no other way than to respond to the 10-point solution of the Republic of South Vietnam's provisional revolutionary government by quickly withdrawing all U.S. and satellite troops from South Vietnam without imposing any conditions and by abandoning the lackey Thieu-Ky-Kiem administration, leaving the South Vietnamese people to decide their own internal affairs.

"You are entering a new, seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success in this fall struggle phase."

INTELLIGENCE REPORT

Another intelligence document, made available to this column, casts a revealing light on the North Korean role in stirring up opposition to the constitutional amendment, which will determine the future of South Korea. A national referendum will be held Friday to determine whether South Korea's bantam President Chung Hee Park can run for a third term.

"In connection with the constitutional amendment," declares the intelligence analysis, "the Pyongyang regime is trying to arouse popular views adverse to the constitutional amendment in an effort to create political chaos in the Republic of Korea. The Pyongyang regime is concentrating all efforts on its psychological warfare to encourage the recalcitrant elements in the South."

The attempt to extend President Park's rule for another term has been described, even in the Western press, as undemocratic. The truth is that the Park government has adhered scrupulously to the democratic processes.

Once the referendum is decided by popular vote on Friday, South Korea's troubles may merely be beginning. The intelligence document estimates that North Korea will intensify its efforts to subvert South Korea next year, thus "taking advantage of the possible political chaos in the ROK during the 1971 election."

CITIZEN PROTEST AGAINST MORATORIUM IN KEENE, N.H.

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, on this day of the so-called moratorium against the conflict in Vietnam, I wish to put into the RECORD the text of an advertisement paid for by 72 concerned citizens of Keene, N.H. They are opposed to the moratorium, as I am, because they fear, as I fear, that it will encourage the foe to fight on and not negotiate.

Although the participants in the moratorium may be motivated by good intentions, their efforts are—and I believe most of them are—likely to be misread by the enemy. Hanoi is likely to see them as a sign that the American people are on the verge of panic and will do almost anything to get out of Vietnam heedless of the consequences to ourselves or to other countries.

My constituents in Keene published their advertisement yesterday in the Keene Evening Sentinel. It includes a very apt and moving excerpt from Thomas Paines' writings.

I am very pleased to bring this to the attention of the House:

> We ask that you consider anew these words of Thomas Paine, then reexamine the motives; the maturity; and the stature of those

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who have perpetrated and supported the treachery that culminates in this day of shame . . . the October 15th Moratorium.

'Tis surprising to see how rapidly a panic will sometimes run through a country. Yet panics have their uses. Their peculiar advantage is, that they test sincerity and hypocrisy, and bring things and men to light which might otherwise have lain forever undiscovered. These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of this country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered.

Not a place upon earth might be so happy as America. Excerpts from the American Crisis, No. 1, December 23, 1776, Thomas Paine.

Contributed in the spirit of an apology to our fighting men and to our leaders that seek an honorable end to the Vietnam War by the following:

Charles R. Adams, G. V. Aldrich, George H. Barrett, Gordon W. Bemis, Jr., Malcolm G. Beverstock, Robert W. Bird, James F. Campbell, Alexis Caswell, Donald P. Chace, John E. Clark, Richard J. Colburn, Alton B. Coller, Norman H. Cotton, Vernon M. Cram, Jim Cusick, John W. Day, Carl Delaney, Manuel J. DeSouza, Jilly DiBernardo, Bruni diBiccari, Kermit Davis, Sidney O. Davis, James L. Doody, and Clifford E. Emery.

Kenneth D. Fields, James F. Fletcher, M. G. Gaouette, R. W. Gardner, Ed. Govangeli, John C. Grogg, F. Guardiani, Frank Henry, James A. Ingalls, James L. Jacobs, Fred H. Johnson, T. R. Jones, Chester L. Kingsbury, Arthur H. Knight, Albert Lafountain, Walter A. Lampinen, Earle N. Lane, Raymond L. Lane, Richard L. Lane, Richard L. Larue, Norman Letourneau, Charles B. Loos, and Al. Martin.

Clyde L. Messier, John W. Miller, Len Nelson, Birger Ohman, Donald L. Ouellette, Frank C. Papenfuse, James E. Pelkey, Sr., Roy Piper, Ed. Reyor, Robert E. Riley, George Roentsch, Richard F. Rowe, William Roy, Clark Schwettman, Charles V. Smith, Stanley B. Smith, H. B. Stamm, Dean B. Talbot, Douglas H. Treat, Stanley Turner, Lloyd L. Vickers, Evan C. White, Robert L. White, and Carl L. Wilson.

You may be interested to know that in a poll taken at random Sunday among tax paying family men, 95 were against the Moratorium and only 17 for it.

MORATORIUM—MASS SENSITIVITY TRAINING

(Mr. RARICK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, last Thursday I called to the attention of the House and caused to be published in the Record—page 29368—the full text of a Radio Hanoi broadcast on Monday, October 6, calling for the disloyal and disgraceful so-called moratorium of today.

Yesterday, during debate on another matter, the distinguished gentleman from Maryland (Mr. Morton) read to the House and caused to be published in the Record—page 29968—the full text of a telegram from the Premier of Communist North Vietnam, addressed to his "Dear American Friends" and encouraging the activities designed to stab our fighting men in the back. Lest anyone misunderstand its meaning, this telegram closed with the words:

> May your fall offensive succeed splendidly.

Mr. Speaker, Members of this body should understand that the American people have not been fooled by the peaceniks. Within the city of Washington the huge crowds predicted turned out to be mostly a sick trickle of confused and exploited children.

Reports from my district indicate that the so-called moratorium was properly ignored. From more than 15,000 students enrolled at Louisiana State University in Baton Rouge, less than 300 attended a so-called prayer vigil. Three, only three, pickets showed up to parade in front of the Federal building in Baton Rouge, a city of over 150,000. At Hammond, La., the home of Southeastern Louisiana College, students went about their business of gaining an education without interruption—a normal day like any other Wednesday.

Despite the advance publicity and all of the ballyhoo, most Americans showed far more interest over the outcome of the world's series game in New York than over the Red-led general strike in support of our enemy.

Mr. Speaker, the tenor of the so-called debate in this House on the subject of the moratorium has shown two things very plainly.

First, that most Members fail to understand what the whole operation is all about.

Second, that insofar as leaving Vietnam is concerned, the decision to quit and run has already been made. Our allies have already been sold out—our captive fighting men held by the enemy callously abandoned. The only disagreement is whether our retreat is to be a rout as demanded by the peaceniks to further disgrace Americans or to be disguised as a negotiated withdrawal as peddled by the administration.

Both views ignore the fate of our many anti-Communist Asian friends upon our departure from Vietnam. It is flagrantly dishonest to suggest the further evacuation of these people, many of whom are Christian and who were already evacuated by us from North Vietnam in 1954 to prevent their wholesale slaughter by the Communists.

Mr. Speaker, the plain truth is that if we leave Vietnam before our allies are strong enough to protect their homes from Communist aggression, these millions can expect the carnage of the Christians slaughtered at Hue during last year's Tet offensive.

What was the moratorium really all about? It was merely a training exercise, designed to condition mindless people in large numbers to blindly follow demagogs in defiance of constituted authority—the same sort of operation which resulted in tearing down the doors of the assembly chamber in Madison, Wis. It had the further purpose of conditioning decent Americans, with the aid of massive publicity, that there was nothing to prevent such disloyal disorders.

It was a dress rehearsal for next month—November 15. On that date more ambitious plans for giving aid and comfort to the enemy have already been announced—a further operation in the fall offensive waged in Washington by the enemy. Let no public official be misled—the American people are not, nor are our fighting men in Vietnam.

Mr. Speaker, I include clippings from today's papers, together with other clippings reflecting the views of Americans who can wear the name with honor and pride, two of our fighting men whose views we would do well to carefully consider:

[From the Evening Star, Oct. 15, 1969]

THE MORATORIUM

The best standard for judgment on today's Vietnam Moratorium is the effect it can be expected to have on the enemy—and on the President of the United States. Some light has been shed on both points.

It is clear that this demonstration is enthusiastically welcomed in Hanoi. A Radio Hanoi broadcast yesterday said the Moratorium showed that the Communist fight in Vietnam was "for peace, justice and the right cause," and that this demonstration is "putting the Nixon administration in a very difficult and confused situation." An additional broadcast comment was that "the Vietnamese people heartily welcomes and entirely supports the October wave of struggle" in the United States.

An Associated Press report quotes the Communist newspaper, Nhan Dan, as saying that "the struggle of the American people extends so deep that it is supported even by senators and congressmen in Nixon's own party."

There is no reason to believe that most of the Moratorium participants want or intend to give aid and comfort to the Communists. A few may, but not many. This, however, begs the question. What counts is whether the demonstration, regardless of intention, does in fact give encouragement to Hanoi and thereby presumably prolongs the war. The evidence from Hanoi is that this is precisely what the demonstrators are doing. And, whatever the disclaimers may be, mature people are supposed to be responsible for the reasonably foreseeable consequences of their conduct.

What about the effect of the Moratorium on President Nixon? Certainly it has not been helpful.

In his recent press conference the President said that "under no circumstances will I be affected whatever" by the demonstration. We think that was a proper statement. But it evoked a predictable storm of criticism to the effect that Mr. Nixon was indifferent to public opinion, and was determined to pursue the policies of Lyndon Johnson in Vietnam.

Mr. Nixon is not deaf to public opinion. Nor is he adhering to the Johnson war policies, although the latter were modified significantly before Mr. Johnson left office.

It seems to us, however, that President Nixon is letting himself be pushed into a somewhat defensive attitude by the mindless attacks being made against him. There is at least a suggestion of this in the Nixon letter to a Georgetown University student—a letter in which the President tried to clarify his press conference remark.

There is hardly a man alive who doesn't want to see this miserable war ended. Certainly Mr. Nixon would rejoice to see the end, and firmly intends to wind up the American involvement at the earliest possible date. But as President, it is his duty to strive for an honorable and responsible termination. He has taken significant steps toward this end. As President, he also has a duty to refuse to bow to pressure tactics which have no other purpose than to force him into an irresponsible and precipitate course of action.

Despite the tumult and the shouting on this Moratorium day, we think the great, silent majority of the American people want their President to stand firm for what he knows is right. We also believe they will support him if he does his duty.

[From the Washington Post, Oct. 15, 1969]

END THE WAR OR WE WILL

(By Nicholas von Hoffman)

I've been asked to make speeches at a number of places today. I can't because I have to work. I think that everyone should refrain from working if he can; the two exceptions should be medical personnel and newsmen. If I had spoken, this is what I would have said:

The moratorium isn't a protest. It's an ultimatum by an enormous section of the population laid down to its politicians. That ultimatum says there is no time left. It says there's no more credibility gap because there's no more credibility. It's an ultimatum that says either end the war forthwith or we will stop it ourselves.

That's not what the politicians want to make of this day. A man like Congressman Rogers C. B. Morton, the Republican national chairman, would have you believe, "I'm for the moratorium as part of our right to assemble." That's not what the moratorium is about. The right to petition a government that rejects petitions before they're laid before it is a sterile right. It's using the forms of political process to frustrate their purpose. It's a con, a fancy way of saying, "You go ahead and exercise your god-given constitutional rights to be ineffectual while we go ahead and run the war."

Even before the McCarthy campaign, hope in the right of petition died. On its better days the government rejected politics with the contention that the Rostows and Kissingers knew more and knew better. They know nothing, but that's another story. On its worst and more ordinary days, the government responded by tricks and falsifications. . . . Pull out 3,000 men here, hide them under palm trees there, don't bomb this but bomb that, invent another round of fictitious secret peace talks, run and cry on U Thant's shoulder, get the Pope to hold your hand.

Now comes Sen. Fred Harris, the Democratic chairman, saying. "It's time to take the gloves off on the Vietnam war issue. It's nine monthe since the President took office." It was time to do that in Chicago, August 1968, when the Senator and his friends kept the Democrats a war party and drove the Clean Gene kids and a lot of other people out of electoral politics. Today he wants to be a peacenik because he has a dawning fear that the people have had it up to their gezuk with this perpetual tragedy.

Every aspect of government, all three branches, have failed but not all men in government. Former Senators Morse and Gruening are charter members of the opposition. Fulbright may have helped vote us into this war and into the set of policies which make such conflicts as inevitable as they are recurring, but he's said he was wrong, unthinking and gulled. We must accept that. This is no longer a small protest movement, and it's bad to get into the silly, purist radical bag of refusing to associate with anybody whose antiwar credentials are dated after 1964. This war has taught all of us many awful things about ourselves and our country. It's not just Sen. Fulbright who had to learn the hard way.

But if the few respectable men in high office could make such terrible mistakes, then the question is who should lead? Many speakers today will say the politicians, chastened, humbled, made honest and sensitive to the death of their constituents' sons and the voters' high taxes. Don't you believe it. Don't let them steal the movement away.

The strength of the peace movement is its leaderlessness, the way it can survive and grow on a consensual process which is as easy to see as it's hard to describe with exactitude. Let the movement continue to be led as it has, by its adherents, by small groups of people proposing an idea and testing it by seeing who and how many will come in with them on it. That's how this moratorium was started. Six months ago a few of the former McCarthy people anticipated that whoziz was as trustworthy as his predecessor when he said he had a plan for ending the war. They judged that by October we would be ready for the moratorium. They were right. Today we put black crepe on our arms and refrain from work.

That will not be enough to end the war. We may get something out of it. Hershey's already been tossed to us, although what we're supposed to do with the old flesh trader is a puzzle. Maybe Hoover'll be given to us next, but these ancient bonbons have lost their sweetness. If we're very lucky, they'll give us some tinsily cease-fire while they sneak a secret war in Laos. The government should not be permitted to keep a single soldier in those parts, but to get them out we must do more than today.

In fact today is a preparation for more. November the 15th is already being planned as a march on Washington. Today is a day of accustoming great numbers of people to the anxiety of standing up to their government. Even in a country like ours where there *are* civil liberties, great strain still attaches to exercising them. We were all brought up trusting the government; it's hard to shake off the feeling that resistance to it, especially about a war, is a form of social treason. The moratorium will make people comfortable in their new roles of resistance. It will make opposition socially acceptable, perhaps even stylish.

This isn't by design but is dictated by the probable course of events. Either the war must end or the resistance must grow and take tougher forms. The fact will not be clear in most of the talks given today because they'll be given by summer-soldier politicians who will want to felicitate everyone on their orderly, good conduct; they will praise their audiences for the lawful and constitutional manner by which they express their hatred of this lousy war. That's all right. Only imbeciles prefer street brawling and law breaking to orderly political process, but that's not the point.

The point is that there would never have been a Peace Movement if it had remained law abiding in the government's eyes. The Peace Movement is where it is because people broke into draft boards and threw blood on the files or got their heads beaten standing in front of induction centers or, like Capt. Howard Levy, took a court martial and a jail sentence.

They dramatized the war's nature. They forced the rest of us to go back over the record and check to be sure there was some plausible justification for taking human lives as we were doing. They did more. When they faced their judges and pleaded innocent by virtue of Nuremburg, they reminded us that we're individually responsible for what's done in our names. Our government, our armies, our taxes, our napalm, our soldiers, our young men.

These law breakers planted in us the bad dream that there could be the Cincinnati War Crimes Trials of 1971 in which we would have to stand before the bar and plead we were good Americans. The Spocks, the Muhammad Alis, the Father Berrigans, the David Harrises, they did that to us, gave us the bad dream of the good American.

Their example shows that an action like the moratorium isn't an event in itself but the preparation and the threat of more and wider action. Even now what started out to be a sedate moratorium is inching in the direction of a general strike. It hasn't reached that point yet, but it will unless the government capitulates to its citizens.

But what's-his-face, the furtive and fugitive president who darts from TV station to armed compound, doesn't know that; he doesn't know that if he keeps it up, by spring the country may be ungovernable. He says he won't be the first American president to lose a war, when what he risks is becoming the first president to lose America.

Maybe today he will read the ultimatum correctly and understand that playtime is over. That there is no patience left for Henry Cabot Lodge, Ellsworth Bunker and more diddlybop about bugging out, leaving allies in the lurch or saving the State Department's occidental face. People don't care if we bug out, run out, march out, stumble out, crawl out or fade out as long as we get out *now*. They've had it, and the tumult and anger is spreading everywhere. Even the federal bureaucracy is threatening to take to the streets. It's no longer students or blacks; it's older people, businessmen, conservatives, liberals, anti-Communists, pro-Communists; it's everybody who knows that a perennial war that we have no will to win or even fight is insanity, that a democracy which carries on a war that 40 or 50 percent of the population detests risks destroying itself.

[From the Washington Post, Oct. 15, 1969]

U.S. REVOLUTIONARIES LINKED TO HANOI

(By Jack Anderson)

TOKYO.—For the millions at home who will demonstrate against the Vietnam war today, the intelligence files here contain some facts worth pondering.

This column has examined documentary evidence that a few rabid revolutionaries who seek to dominate the anti-war movement in the United States are receiving instructions from Hanoi. They aren't against war at all; they merely are on the enemy's side.

Indeed, their aim is to stir up new "wars of liberation," including guerrilla warfare in the streets of America, to advance the Communist cause. Their immediate instructions are to agitate in the United States for an unconditional withdrawal from Vietnam.

In retrospect, I believe it was a mistake for the U.S. to plunge into the Vietnam conflagration. This remote patch of jungle simply hasn't been worth the price in American blood and treasure.

But those who are in a big rush to write off 38,887 American war dead and $81,407,000,000 of the taxpayers' money should consider the French experience. The French pullout of North Vietnam 15 years ago precipitated a Communist slaughter that hadn't been duplicated since the mad days of Adolph Hitler.

Too hasty abandonment of South Vietnam likewise might produce another bloodbath. Yet the Hanoi-directed militants, according to intelligence documents, are striving to turn the antiwar protest into a national demand for "quick and complete withdrawal of U.S. troops from South Vietnam."

Possibly to avoid treason charges, the American militants are not in direct touch with the Hanoi government. Most contacts, apparently, have been kept on a friend-to-friend or organization-to-organization basis.

The Hanoi-controlled South Vietnam Liberation Students' Union, for example, maintains an underground liaison with U.S. leaders of the Students for a Democratic Society and the Students' Committee for the End of the Vietnam War.

On the eve of the Vietnam Moratorium, Tran Buu Kiem, the Students' Union chairman and former chief Vietcong delegate in Paris, wrote a letter to his American disciples urging "the active and massive participation of the American youths and students in this fall struggle movement."

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The letter, dated Oct. 6, called for a prompt American pull-out from Vietnam, Kiem contended that "the replacement of a score of thousands of troops is insignificant, as com-

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pared with about half a million U.S. youths still remaining in South Vietnam.

"Your interests and those of the American people and the United States do not lie in such a drop-by-drop troop pull-out, but in the quick and complete withdrawal of U.S. troops from South Vietnam; not in the Vietnamization or de-Americanization of the war in South Vietnam, which is unpopular and costly in human and material resources, but in ending it . . .

"If Mr. Nixon sincerely wants to live up to his promise to end the war, a promise which he made when he ran for office and when he took over the presidency," the Kiem letter continued, "there is no other way than to respond to the 10-point solution of the Republic of South Vietnam's provisional revolutionary government by quickly withdrawing all U.S. and satellite troops from South Vietnam without imposing any conditions and by abandoning the lackey Thieu-Ky-Khiem administration, leaving the South Vietnamese people to decide their own internal affairs.

"You are entering a new, seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success in this fall struggle phase."

[From the Manchester (N.H.) Union Leader]

New Hampshire Soldier Writes From South Vietnam: "We're Doing Just What They Want Us To Do"

(Note.—The following letter was written by "Swede," a New Hampshire boy stationed in Vietnam for almost two years. For obvious reasons his identity cannot be disclosed.)

Dear Mr. Loeb, yesterday I received a few papers from you, one of them Aug. 29. In February I will have been in Vietnam for 21 months and I want to give my full support to an article on page 17 of that newspaper titled, "Lets Face Up to Vietnam". It was well written and very true.

I realize that U.S. citizens are tiring of this war and are tired of hearing about it. That is the price of a prolonged war and we elected the men who are dragging it on and on, at a great loss to the American public. As the article stated, the war should have been won in the early stages.

We are now doing just what North Vietnam wants us to do. Crumble and crawl any way we can. Troop withdrawal will strengthen the enemy's cause.

I hope the American public is not ignoring the fact that as long as the bombing of the North has been stopped the North has had freedom of movement for shipment and resupply to the South by way of the Cambodian border, etc., to the South.

They are probably planning a deadly devastating blow to the South when troop withdrawal reaches a peak. I'm astonished that our leaders are playing into their hands and have done nothing to stop it.

Surely freedom is worth the price we have already paid in lives lost. I know my friends who have died here wouldn't want to see the U.S. crawl away defeated.

If Nixon and other government officials are worrying about votes, I think if we win this war honorably and quickly they will get many more votes than if they let the killing of American troops drag on and on, as the Communists have planned all along.

The American Public may grow sick of the war and accept anything from the other side to end it. But it will be ended only for the U.S. not for Asia, and our allies who believe in our help—not for Asia.

We will either come out of this war a crawling broken nation or a strong proud nation as we have been in the past.

Also on the front page of this edition is a story of enemy retreat near Que Son Valley. The enemy had heavily entrenched bunkers here and those five men who refused to enter any further into that valley a second time were not alone. They represented their whole company in the refusal. As a result of poor leadership Major Ramsey was released from his duty and a new commander took over the company.

When Ho died the North asked for a three day truce. The U.S. government stated they would go along with Saigon on the decision. Saigon said no truce. But my company stopped all operations for those three days and I presume that all American operations stopped for those three days. I'd like to know why the U.S. government didn't acknowledge this.

While we stopped operations, enemy movement continued as usual. When politicians finally decide to stop playing games with American lives at stake, and let the military run it, we will be victorious. If not, politics will bring our great nation to the brink of a great defeat and the greatest blunder in American history.

"Swede."

An American Veteran Wounded in Vietnam Replies to Anti-War Protesters

Concerning those who protest against our nation's assistance to South Vietnam no one has said it any better than Gerard T. Frey, Lt. Col., U.S.A., a casualty of the fighting, who wrote the following letter to the Philadelphia Inquirer:

"I have been a patient at Valley Forge General Hospital for over two years as a result of wounds sustained in Vietnam.

"In this, the age of 'protests,' I, a professional soldier, have some 'protests' of my own.

"I protest against cowardly draft dodgers who use their deferment not to prepare for future service but rather as an opportunity to bring riot and disorder to the campus in an attempt to deny others the use of the facilities of the college.

"I protest against those who have lost faith in our wonderful country. These are the people who know everything about their 'rights' but nothing about their responsibilities.

"I protest against those who place themselves and their precious skins above any thought of duty, honor, or country. Their God-given superiority enables them to condemn the brave Americans who do their duty in Vietnam as 'immoral' while they champion the cause of the enemy.

"I protest against those who ridicule patriotic emotion, love of country, a fierce thrill of pride at the national anthem, respect for the Flag and a determination to do our duty.

"I protest against those who condemn our country for any and everything while refusing to see any good in it. These are the ones who mutter dark threats of 'burning it down' or 'blowing it up,' while they are safe and secure because of the sacrifices of the decent Americans.

"For all those faint-hearted cowards whose service to country is limited to pious bleatings on the evils of the United States, I invite them to visit a hospital filled with Vietnam wounded. Let them talk to real patriots who have risked their lives for their country. Let them discover that old virtues, the real virtues of duty, honor and country are very much alive in the people who really count, those who have risked all for their country.

"Times change but love of country and willingness to fight and die for it remain constant.

"Throughout history, cowards have always rationalized their lack of courage. The cowardly faint-hearted of today deserve the same contempt Americans have shown for them since we became a nation."

We wholeheartedly concur with Lt. Col. Frey. Not only do we concur, we salute him. We likewise salute all of our American fighting men, particularly those who have given of their blood or sacrificed their lives, on the Battlefield of Vietnam.

"No greater love hath a man than he lay down his life for his friends."

We salute also the brave and heroic people of South Vietnam who have so courageously resisted the terror and brutal aggression being waged against them by the anti-theistic forces of world communism. May God grant them the victory they are fighting so valiantly to achieve and frustrate the designs of those who through treachery and deceit would deny it to them.

The only way to end the war in Vietnam is to *win* it so let's get on with it!

Distributed by: Breakthrough, P.O. Box 3061, Detroit, Michigan 48231. Pro Christo, Pro Patria.

SUPPORT FOR NIXON VIETNAM POLICY

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record, and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday the Republican Conference, of which I am the chairman, overwhelmingly passed a resolution of support for President Nixon's Vietnam policy. I think this is a clear indication of unity behind the President as he seeks to achieve an honorable settlement of that war. The resolution takes note of President Nixon's demonstrated commitment to that end, "both in word and deed, at the negotiating table and in the field." It further points out the President's efforts to Vietnamize the war and bring American troops home.

Mr. Speaker, I think this is a policy for peace behind which Americans can unite. Today we all hope and pray for a lasting and honorable peace in Southeast Asia and commend our President on his devotion to that cause.

I would like to give special recognition to the drafters of the conference resolution: the gentleman from New Jersey (Mr. Frelinghuysen), the gentleman from California (Mr. Gubser), and the gentleman from Georgia (Mr. Thompson). I would also like to commend all conference members on their impressive display of unity behind the President. The resolution follows:

The House Republican Conference,
October 14, 1969

Whereas President Nixon has committed his Administration to an honorable settlement of the Vietnam war at the earliest possible date, and

Whereas the President has demonstrated the sincerity of that commitment both in word and deed, at the negotiating table and in the field, and

Whereas the President has moved forthrightly to increase the capacity of the South Vietnamese to handle their own responsibilities, and has initiated a policy of substantial reductions of American troops in Vietnam,

Now therefore we the duly elected Republican Members of the House of Representatives

Do hereby resolve: that we commend President Nixon for the actions he has taken in reversing the course of the war, and

We express our confidence in, and support of, his efforts to end the war at the earliest practicable date.

ASPECTS OF THE VIETNAM WAR

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the crescendo of antiwar sentiment has reached a high peak in some quarters. It encompasses the efforts of some sincere and dedicated people, but it also has attracted many who make more sound than sense, and there is a sprinkling of treasonable elements who always are quick to take advantage of any movement which can further their own cause. It is extremely disappointing that the facts about the Vietnamese war are so little known, and it is equally disturbing that the efforts of a few protestors may serve to conceal the patriotism and determination of the great majority of Americans who realize we cannot now turn tail and abandon our commitments in Vietnam.

If only the true facts could be made clear to the American people there would be a great rallying behind the President's efforts for an acceptable peace, and this I believe would bring Hanoi to terms.

Three nationally syndicated columnists have commented in detail on significant aspects of the war and of the moratorium. They are Joseph Alsop, Jack Anderson, and David Lawrence. Together they have given a very strong insight into the entire question of the progress of the war, the true motives of the Communists, and the facts about the moratorium. I insert their columns at this point in the Congressional Record:

[From the Washington Post, Oct. 13, 1969]

Vietnamization Working Well But Limits Must Be Understood

(By Joseph Alsop)

At this stronge juncture, President Nixon is actually being denounced for saying that he does not wish to be the first American President to lose a war. Maybe, therefore, truthfulness is tactless.

Yet the hard, on-the-spot facts in Vietnam make it a duty to tell the plain truth, which is that the President can perhaps lose the war if he handles his "Vietnamization" program in the wrong way. It is a fine program, and it is working very well indeed, so far. But it has its own clear limits, and these must be understood.

This reporter had better confess at the outset that he went to Vietnam unhappily convinced that the U.S. troop withdrawls already made, in the name of "Vietnamization", must certainly have caused heavy military setbacks. Happily, however, that pre-judgment turned out to be entirely erroneous.

No troop withdrawal, of course, can ever be a net plus until a war has been successfully ended. The now-withdrawn brigade of the 9th Infantry Division, for instance, that had been operating in Dinh Tuong province in the delta, had genuinely become superfluous in Dinh Tuong. But there were other provinces where this brigade of the 9th Infantry would surely have greatly accelerated the terrible erosion of the whole VC structure, which is now the key feature in Vietnam.

On the other hand, there is much more to be said for making the South Vietnamese feel they must carry the main burden on their own, without big brother to come to their aid at all times. And above all, the two troop withdrawals to date have not exceeded prudent limits.

If the President is not over-hasty, moreover, further very massive withdrawals of U.S. units in Vietnam will eventually become both safe and prudent. The test, in all cases, must be whether erosion of the local VC structure has finally reached the point of no return.

But there are also two big fakes in the announced theory of "Vietnamization", as distinguished from the practice to date. To begin with, it is faking to pretend that providing M–16 rifles has given the South Vietnamese army's divisions the same fighting power as American divisions.

Even with the aid of the U.S. helicopter companies left behind after Vietnamization, the ARVN divisions have far less mobility than the better U.S. divisions. They also have only about one-quarter of the mobile artillery support; for the other three-quarters of every ARVN division's artillery is tied down in fixed positions. This tied-down artillery in fact supports the territorial forces, rather than the division's regiments and battalions. That is the first fake.

The second fake, which is much more dangerous, lies in the fact that the enemy now has 233 maneuver battalions in South Vietnam, against only 168 ARVN maneuver battalions. The numbers are about even in the delta. But in the other corps areas, accordingly, the disproportion ranges from about five-to-three all the way up to nearly two-to-one. The disproportion, therefore, means that some (though not many) U.S. units will have to stick around until Hanoi ceases its massacre of the south.

Where Hanoi has two maneuver battalions against one ARVN battalion, after all, nothing on earth will prevent an eventual breakthrough by Hanoi's battalions. And the worst of it is that the President is obviously strongly tempted to leave ARVN to fight on these terms, in precisely the provinces where the situation is now most favorable.

Some key people in the administration, reportedly including the State Department leaders, are apparently arguing, in effect, that you cannot Vietnamize without accepting some setbacks. But these people plainly are unable to envision the kind of setback they are talking about.

In the provinces in question, the VC structure has been almost wholly uprooted from the populated areas. The people are living in peace for the first time in many years, with their own elected hamlet and local governments, under the sole protection of the little RF companies and PF platoons of the territorial forces. But let big enemy units once break through into these new areas of peace; and everything that has been built up will be smashed down for good.

It will be smashed down for good because the people have put their confidence in their government and the U.S. government; if they see the territorial forces and the elected hamlet and village governments massacred before their eyes, that confidence will never be restored again. So the other test of prudent American troop withdrawals until Hanoi ceases to invade the south is whether the people who have given us their trust will still be adequately protected.

Some Peace Demonstrators Get Orders From Hanoi; Purpose Is To Stir Trouble in U.S., Not End War; American Withdrawal Could Bring Bloodbath in Vietnam

(By Jack Anderson)

Tokyo.—For the millions at home who will demonstrate against the Vietnam war today (Wednesday), the intelligence files here contain some facts worth pondering.

This column has examined documentary evidence that a few rabid revolutionaries who seek to dominate the anti-war movement in the United States are receiving instructions from Hanoi. They aren't against war at all; they merely are on the enemy's side.

Indeed, their aim is to stir up new "wars of liberation," including guerrilla warfare in the streets of America, to advance the communist cause. Their immediate instructions are to agitate in the United States for an unconditional withdrawal from Vietnam.

In retrospect, I believe it was a mistake for the U.S. to plunge into the Vietnam conflagration. This remote patch of jungle simply hasn't been worth the price in American blood and treasure.

But those who are in a big rush to write off 38,887 American war dead and $81,407,000,000 of the taxpayers' money should consider the French experience. The French pull-out of North Vietnam 15 years ago precipitated a communist slaughter that hadn't been duplicated since the mad days of Adolph Hitler.

RISK OF BLOODBATH

Too hasty abandonment of South Vietnam, likewise, might produce another bloodbath. Yet the Hanoi-directed militants, according to intelligence documents, are striving to turn the anti-war protest into a national demand for "quick and complete withdrawal of U.S. troops from South Vietnam."

Possibly to avoid treason charges, the American militants are not in direct touch with the Hanoi government. Most contacts, apparently, have been kept on a friend-to-friend or organization-to-organization basis.

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HANOI LETTER

The letter, dated October 6, called for a prompt American pull-out from Vietnam. Kiem contended that "the replacement of a score of thousands of troops is insignificant, as compared with about half a million U.S. youths still remaining in South Vietnam.

"Your interests and those of the American people and the United States do not lie in such a drop-by-drop troop pull-out, but in the quick and complete withdrawal of U.S. troops from South Vietnam; not in the Vietnamization or de-Americanization of the war in South Vietnam, which is unpopular and costly in human and material resources, but in ending it. . . .

"If Mr. Nixon sincerely wants to live up to his promise to end the war, a promise which he made when he ran for office and when he took over the presidency," the Kiem letter continued, "there is no other way than to respond to the 10-point solution of the Republic of South Vietnam's provisional revolutionary government by quickly withdrawing all U.S. and satellite troops from South Vietnam without imposing any conditions and by abandoning the lackey Thieu-Ky-Khiem administration, leaving the South Vietnamese people to decide their own internal affairs.

"You are entering a new, seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success in this fall struggle phase."

Note: Ironically, most of the student radicals who are doing Hanoi's bidding in the U.S. would get worse treatment from the Hanoi police than they have received from the Chicago police. For Hanoi has ordered a crackdown on local hippies who wear long hair, tight pants and flowered shirts. Hanoi police have been ordered to shear off long hair and slit tight trousers legs on the spot. Tight "cowboy pants" have been abolished by decree. Western records, poetry and dances also are considered "counter revolutionary" and result in stern punishment. As for unauthorized demonstrations, the youthful

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demonstrators not only would get their heads clubbed; they would be subject to the death penalty.

ALL WANT PEACE; AT WHAT PRICE?

(By David Lawrence)

WASHINGTON.—For the first time in American history, some members of Congress as well as a number of protesting groups are demanding that the United States run up the white flag and yield to the enemy in Vietnam after many American lives have been sacrificed for a great principle—to repel aggression and aid weaker nations to determine their own destiny.

No public-opinion poll has directly asked the question whether the American people favor surrender. The customary queries have been whether the war is being handled properly or if it should be brought to an end, without reference to how this could be achieved. The issue has not been clearly put to the people. If it were, undoubtedly Americans would reject any humiliating policy amounting to "peace at any price."

RESOLUTIONS

Resolutions are being offered in Congress and are being supported by various organizations which plan "demonstrations" in many cities on Oct. 15 to insist that the United States make peace at once. Not a single one of these proposals requires as a condition any reciprocal action to be taken by the North Vietnamese. In Paris this week, both North Vietnam and the Viet Cong have deliberately ignored peace efforts made by the United States, and are offering no concessions whatsoever.

The forthcoming "protest day" in the United States—next Wednesday—is being hailed by the Communists as a sign that the American people are willing to surrender. Seventeen senators and 47 House members are supporting the projected "demonstrations."

The chief American delegate at Paris, Henry Cabot Lodge, has been pleading in vain for talks that would accomplish constructive purposes, but the opposing delegations at the Paris conference have been turning a deaf ear. The negotiators of the North Vietnamese government instead are placing great hopes on the signs of American opposition to the war. One of the Hanoi representatives says that support is snowballing in the United States in behalf of the Communists.

Almost every week some members of the Senate and the House call for a more and more rapid pullout of American forces by President Nixon, but not one of them imposes any condition on the enemy to take the action necessary to assure peace in South Vietnam. Timetables are being specified by senators for the withdrawal of the American troops, yet no stipulation is made that the enemy must also remove its military forces from South Vietnam.

Meanwhile, there is much talk about a "coalition government" being set up which could replace the present government in South Vietnam and make it easy for North Vietnam to move in and assume command. Secretary of Defense Melvin Laird recently stated President Nixon's policy as follows:

SINGLE AIM

"We hold firmly to a single objective for Vietnam; permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese."

The advocates of peace at any cost would, in effect, allow the South Vietnamese government to be destroyed. Yet it has mobilized a large army and what some members of Congress seem to be asking is that this force surrender to the enemy.

A Gallup poll recently showed 52 per cent approval when the question concerned "the way President Nixon is handling the situation in Vietnam."

PEACE IN VIETNAM

(Mr. GREEN of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GREEN of Pennsylvania. Mr. Speaker, this is a very difficult time for our country.

Perhaps, after so many years of involvement and frustration, we have finally arrived at the moment of truth in Vietnam.

It seems as if the point has been reached where we either stay indefinitely or disengage ourselves from a tragic experience for America and the world.

The other alternative—once thought of as possible—military victory and a reasonably speedy compromise negotiated settlement—have all but vanished.

The choice we have left is not easy.

The consequences of either course of action can be far reaching for ourselves, for the Vietnamese and for the rest of the world.

If we stay, it means the sacrifice of more American lives, the expenditure of more billions of dollars, deeper division at home and the neglect of many other national priorities, both foreign and domestic.

If we leave, the future will be largely uncertain. Some contend that South Vietnam will go Communist and that Southeast Asia will follow suit. They warn that America's commitments will be placed in doubt and we shall be left to fight a larger war somewhere else.

Others, casting aside these warnings, believe that withdrawal offers more possibilities and greater opportunities.

Because these are the alternatives, it is, indeed, a very difficult time for our country.

And all of us—regardless of our politics, our way of looking at the world or our past position on Vietnam—must, if we truly love this country, approach these choices without prejudice and without rancor for those with whom we disagree.

Motives on all sides may be good. But what we seek is a solution which will do justice to our good motivations.

Today, there is no room for those who would attempt to make this Nixon's war.

Nor is there room for those who would continue to make it Johnson's war.

There is no room for those who lash out at critics, equating patriotism with mindless unquestioning of the facts in Vietnam.

Nor is there room for those who believe that Vietnam has proven America to be sick, and dominated by military-industrial forces beyond our control.

Young and old, Democrat and Republican: All of us had better recognize the enormity of what faces us. And all of us had better act with reason and wisdom larger than ourselves.

As the moment of truth arrives, all of our preconceptions must give way to a single concern: What is the right thing for our country and how will our decision affect the peace of the world.

It is unfortunate that these are the only alternatives.

But they are.

Virtually no one any longer believes that military victory is a possible alternative.

President Johnson ruled that out as early as March of 1968.

And President Nixon specifically so stated in May 1969 when he addressed the Nation with the following words: "We have ruled out attempting to impose a purely military solution on the battlefield."

Yet, there is another alternative which still seems possible to some and that is the alternative of a compromise settlement, a negotiated peace which would salvage a non-Communist South Vietnam or a partially non-Communist South Vietnam or, at the very least, a neutralized South Vietnam.

The search for a compromise settlement has been the true issue of the past few years. It was the initial thrust of the antiadministration forces during the 1968 presidential campaign.

Then, the question was: Which candidate was flexible enough, in contrast to the inflexibility of President Johnson, to offer compromise terms sufficiently attractive to the North Vietnamese.

Proposals for a coalition government were followed by suggestions for mutual troop withdrawal. And, finally, late in the campaign, we had a total bombing halt which Vice President Humphrey endorsed as an acceptable risk for peace.

All of these suggestions, sincere and well-intentioned, were made in the hope that, by throwing another bone, we would tempt the North Vietnamese to give and take in the traditional manner of western diplomacy.

Finally, in May of 1969, determined as were his predecessor and his competitors in 1968, a new President spoke of "neutrality for South Vietnam," "acceptance of any government in South Vietnam that results from the free choice of the South Vietnamese people themselves," and "reunification."

All of these proposals have spanned the course of the past few years. And, as each was proposed, there was renewed hope of a breakthrough on the diplomatic front.

Recall, if you will, the wave of hope which swept the country and the world when President Johnson announced that the enemy was prepared to negotiate in Paris.

And then recall the renewed hope when he announced the total bombing halt a year ago.

And finally, recall the optimism with which we greeted President Nixon's first major address on Vietnam last May.

Yet, today, the deadlock remains in Paris and the stalemate continues on the battlefield.

After nearly 2 years of specific concessions, the latest reports from Paris, according to Time magazine of October 17, tell of "The dispiriting sense of tedium and pessimism that envelops the talks and the American delegation."

In asking ourselves why the deadlock remains, I think we must honestly face the possibility that North Vietnam will not negotiate seriously as long as there is dissent here in America.

A few years ago, the same argument appeared in different colors.

At that time, those in favor of ending the war cried out for negotiations. And the supporters of the war replied that, we would, in effect, be inviting the North Vietnamese to win at the conference table what they could not win on the battlefield.

Well, today we are negotiating.

And today, those same people are now saying that, in dissenting here at home, we are, in effect, inviting the North Vietnamese to win in America what they cannot win at the conference table.

Where does this downward spiral end? Where do we go next?

The fact is that there has been virtually no criticism for 9 months.

The voices which echoed through 1968 have been largely still.

Republicans, Democrats and concerned Americans everywhere have sat back, waiting for a break in Paris, hoping that a new President, untied, as he said, to the mistake of the past, would extricate us from the quicksand.

Yet, during the time we have remained silent, the North Vietnamese have remained inscrutable.

And today, because the question of Vietnam is once again raised publicly, some of our policymakers recoil from the renewed debate and warn that the only thing which will defeat us is ourselves.

They equate patriotism with mindless acquiescence and unquestioning support.

They suggest that those who are unhappy with our policy "tell it to Hanoi." But this is our country and it is our policy we are deeply concerned about. It is not inconsistent to discuss our policy while at the same time repudiating Hanoi and its methods.

The deadlock has remained at Paris, through protest and through silence, and that fact alone tells us that we must look somewhere else for the root cause of the lack of movement.

In fact, the deadlock remains because the other side continues to say what it has said for years. There is no room for a compromise, they say because this is a Vietnamese affair. It is a civil dispute. It is a matter to be settled—not by concession of an American President or the force of American arms—but by the Vietnamese themselves.

And that settlement will come when the Americans go home and stop interfering in the affairs of their country.

How simple that fact is.

And yet, how often have we overlooked it in our endless search for a formula and, indeed, in our initial rationale for entering this war.

Dean Rusk, the former Secretary of State, was fond of saying that the war will end when the North Vietnamese leave their neighbors alone. The implication was clear: America, in the role of policeman, intends to keep peace in the neighborhood.

To the other side, this is not the case.

In the eyes of the Vietnamese, the North and South are not two neighbors who happen to live on the same block. They are residents of the same house and the American policeman is guilty of invasion of privacy.

Whether one agrees with this viewpoint or not, in fact, whether one wishes to face it or not, it is nonetheless, what the other side has been saying for years.

And today, after we cut away the agony and complexity of the past, we must come face to face with that central fact. In the eyes of the Vietnamese, the war is a civil conflict which will be settled, if at all, only by the Vietnamese.

Misunderstanding of the facts of history has led to misunderstanding here at home.

Those who took the time and made the effort to understand what was happening in Vietnam, sooner or later came to the conclusion that this is, indeed, a civil conflict.

And because they believed this, they felt that our involvement was immoral. This feeling, in turn, led to a crisis of conscience among many of our own people and often to civil disobedience, particularly by the younger generation, not merely because the younger generation had to fight the war but because the younger generation began to understand the war.

All of the debate of the past few years sprang, not from the question of whether the war was winnable or unwinnable, but from the growing conviction that the war was unjust.

On the other hand, those who did not take the time to understand the war—and its complexity is so deep that this position is understandable too—those particularly who fought other wars for America, could not see where this war was any different.

"We of an older generation fought to keep this nation free in Europe and the Pacific," they say. "We gave our lives in Korea. What makes you so special that you take it upon yourself to judge this war. Maybe you're just afraid to go and fight like we did. Maybe you're getting too soft."

Thus does the division deepen and the misunderstanding grow. The tragic flaw of recent American leadership has been its inability to understand the moral implications of Vietnam.

It is hardly surprising, then, that the average American, who depends on his leaders for enlightenment, cannot fully comprehend today the notion of an unjust war and cannot understand why we do not win and, therefore, cannot accept dissent at home.

And yet, as I said in the beginning, what is needed now is not censure and division but the calm and enlightened determination to choose one of only two alternatives which we have left: An indefinite American presence in Vietnam or the liquidation of a tragic situation.

The consequences of the first alternative are clear—more fighting, more killing, greater cost, deeper division here at home, neglect of our other priorities and all of this with little likelihood of a diplomatic settlement. The only concrete achievement would be the continued propping up of an artificial, unrepresentative, corrupt and unreformable military dictatorship in Saigon.

Our willingness in word to accept the free choice of the South Vietnamese does not correspond to our overwillingness indeed to prop up the Saigon regime and that fact alone presents an insurmountable barrier to peace.

And so, I have come to believe, with many other Americans and with many other elected officials and government servants, that the United States must simply extricate itself from Vietnam by beginning now an orderly, total, relentless and publicly announced withdrawal and disengagement.

In suggesting such a course of action, I do not believe that we can set a specific timetable. Withdrawal is not going to occur overnight. Nor is it likely to occur within the artificial limits of an arbitrary deadline.

I do believe that the orderly and systematic withdrawal must allow for adjustments, not only in Vietnam but here at home.

In Vietnam, withdrawal should be accompanied by efforts on our part to encourage the development of the many and diversified political forces within the country to take on renewed life, a life ruthlessly and thoughtlessly suppressed by Saigon, in behalf of their own future.

The key question—indeed, the realistic question—is not when the last man will leave Vietnam. It is whether or not we, as a nation, are committed to the inevitable and total withdrawal of all forces as soon as possible as a matter of policy. The chief need is to be publicly and irrevocably committed to disengagement.

There are voices which say we simply cannot withdraw, as if this were a simple decision.

It is not a simple decision.

It challenges the American people to face up to the facts and we have been notoriously unwilling to do so throughout this war.

It demands of our leaders the courage, the leadership and the persuasive powers to make such a decision acceptable to many who believe withdrawal to be unthinkable.

Such things are never easy.

They are agonizingly difficult.

But the time has come. Mr. Nixon must simply summon up the will to think the unthinkable and face the inevitable. It will be better if he does so now because sooner or later he will inevitably be forced to do so anyway.

I believe the President wants to end this war.

And I believe that his recent actions—particularly the withdrawal of 60,000 American troops—are steps in the right direction.

But the difference between his position and that of his critics is an essential difference.

On the one hand, Mr. Nixon hints at further reductions in troops during 1970.

But, on the other, he solemnly warns against a "disguised American defeat" and hopes to "Vietnamize" the war.

Those who disagree with his policies, while they support the moves he has already taken, want a commitment to complete withdrawal based on a firm Executive decision to extricate this country from Vietnam.

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In reality, he reserves the option to stay indefinitely or to go back in with additional force, presumably at the point where Vietnamization does not work and at the point where the Saigon government begins to fall apart.

The Saigon government knows that.

As long as they know that the United States is not totally and publicly committed to a planned withdrawal, we can expect nothing from them except further dependence.

They have no intention of letting us go.

And, at times, it seems as if Mr. Nixon has no intention of letting them go.

Therefore, what seems at first glance to be the beginning of withdrawal is on the other side of the coin a formula for an indefinite stay.

And that is the point at which we disagree—not on the desire to end the war, not on the desire to get out, and not even on the common agreement that the Vietnamese must solve their own problems. Mr. Nixon is reluctant to commit us to a final decision. And his critics suspect that, as long as this is his policy we probably are committed to staying indefinitely.

I have not come to the decision to support a committed withdrawal without considering all of the possible dire consequences lurking in the dark recesses of the cold war mind.

Nor can I totally censure those whose beliefs are based on the assumptions of their own experience immediately after World War II.

At that time the world was in dire need of American help.

The military hardware of Stalinist communism was locking up the gates of Eastern Europe and Russia's Asian partner had just seized the most populated nation in the world.

We soon found ourselves in a bloody conflict of naked aggression in Korea, and a movement at home which saw a Communist behind every State Department file box.

I suspect that that era has passed.

But two Presidents seem to tell me differently.

And many policymakers in Washington agree with them.

They warn us sternly of the consequences if we take the unheard of step and leave Vietnam.

They point to Czechoslovakia and say: "See, the Russians have not changed." And this should rightfully cause us concern.

And. although Russia and China have come to the brink of war, we are still asked to live under the shadow of the international monolithic and single-minded Communist conspiracy.

For a moment, let us have an end to the glowering, muttering, and warning of dark consequences and let us look at the possible results of withdrawal.

Let us examine the contention that South Vietnam will go Communist.

And before we rent our garments, let us also admit that this possibility is precisely admitted by President Nixon. In saying that he would have no objection to a united Vietnam and in admitting the necessity of free election, he is admitting the possibility of Communist victory.

But there are other possibilities and these other possibilities are just as likely to occur when we announce withdrawal.

At present, literally hundreds of non-Communist political factions in the South, the least of which is the Buddhist, are inactive due to resentment of our presence or in jail due to the repression of the Saigon regime.

Is it not just as likely that, with our steady departure, non-Communist South Vietnam will begin to exercise its own freedom within the country.

I am not sure. But, in any event, I suggest that the viability of political life in South Vietnam will be encouraged more by our departure than by our consistent propping up of the military dictatorship with our power and prestige.

And what of the million South Vietnamese in the armed forces. Like all armies, they certainly are not going to do the job as long as America is so willing to shed its blood in their place.

Perhaps, if the Saigon government is worth saving, its million men just may fight for it.

Or perhaps they might overthrow it.

Or perhaps the regime itself, no longer shielded by American military strength, may, in its desperation, grant the freedoms and give the inspiration which the nation needs.

At any rate, if the million-man army cannot do any of these things, then the question again arises whether we ever could do so or whether that million man army is worth being shielded by American soldiers.

Disregarding the other possibilities, however, opponents of withdrawal, convinced of an imminent Communist takeover, have added another dire consequence and that is the possibility of mass slaughter in the South.

We do not know if this will happen. There seems to be no evidence that it will any more than there is evidence that it will not.

America has proven itself a generous nation in the past. Provision can be made for relief, asylum, and even additional economic aid to South Vietnam. Certainly, these are legitimate accommodations to make in return for the liquidation of the war.

And what of the rest of Southeast Asia.

If one accepts the domino theory, one believes that all or most of Southeast Asia will fall into Communist hands once American troops leave South Vietnam.

And yet, one of the most compelling sections of Defense Secretary Clifford's narrative, which documents his own change in thinking, concerns the other countries of Southeast Asia.

Returning from South Vietnam in 1967, Clifford said:

> It was strikingly apparent that the other troop contributing countries no longer shared our degree of concern about the war.

Thailand, he said "Was in no hurry to allocate more troops."

He continued:

> The President of the Philippines advised President Johnson that he preferred we not stop there because of possible adverse public reaction.

Australia's Prime Minister, Clifford continues, "presented a long list of reasons why Australia was already close to its maximum effort."

New Zealand "made it clear that any appreciable increase was out of the question" and the Prime Minister of Singapore, when asked to help with troops, said he "saw no possibility of that taking place because of the adverse political effect in Singapore."

Finally, Clifford looks at the situation in Southeast Asia in this way:

> The security of the Pacific region will depend upon the ability of the countries there to meet the legitimate growing demands of their own people. No military strength we can bring to bear can give them internal stability or popular acceptance. In Southeast Asia, and elsewhere in the less developed regions of the world, our ability to understand and to control the basic forces that are at play is a very limited one. We can advise, we can urge, we can furnish economic aid. But American military power cannot build nations, any more than it can solve the social and economic problems that face us here at home.

And again, a few months ago, President Nixon, in his Pacific doctrine, told the Asians that America's vital interests are no longer concerned with sending massive numbers of Americans to the mainland of Asia.

As in South Vietnam itself, withdrawal opens as many possibilities as it does pitfalls for Southeast Asia. The possibility of increased economic activity, greater concentration by America itself on broad programs to improve the social and economic life of the region and the development of indigenous democratic governments—all these things are just as possible as the facile, automatic response that says, take away American troops and the inevitable answer is communism.

Such an answer is not only narrow. It is far too simplistic for a complex world. And it betrays a defeatism which ill befits American leadership. In place of our single-minded obsession with Vietnam, we could today be using our technology and resources to create a better world.

One other question about America's role in the world comes up whenever withdrawal from Vietnam is suggested. What about America's commitments. Will our word ever be heeded again. Because we show lack of faith, will not our relative role, vis-a-vis the Communists, begin to decline in world affairs.

In the first place, no nation in the history of the world has ever committed so much for so long a period in so many places throughout the world and stuck by its treaties and agreements with such tenacity. In Vietnam alone, that commitment has amounted to 40,000 dead Americans and more than $100 billion over the course of 8 years. And all this despite the fact that there is considerable debate about the genuineness of that commitment in the first place. The question is not whether we honor our commitments because our activity has certainly been some commitment. The question is whether we alone in the world are being asked to do the impossible. Our own leaders who pose this question evidently believe that the rest of the world sees us as the superhuman, transcendental force which dares not to put a ceiling on how far it is prepared to go lest the rest of the world react with utter dismay.

And yet, the rest of the world's powers can go blithely ahead doing just as they please—abandoning allies, subverting countries and waging war.

Only America is put to the impossible test. If we dare waver for a moment—regardless of the merits—then the world itself will shake with concern.

I suspect that we judge ourselves too harshly.

I believe that we demand a standard from ourselves that few others expect and that fewer others are prepared to live up to.

We are not superhuman.

We do not by ourselves control the destiny of the world.

And a change of policy in Vietnam will be greeted throughout the world more with relief than dismay anyhow.

Here at home, it is another matter.

It is said the President fears, privately, that a systematic withdrawal from Vietnam will not only cause us to lose our leadership position in the world but will, as Stewart Alsop said last week, turn the nation "angrily in upon itself."

This need not be and it should not be. It hardly does justice to us as a people. At any rate, such a situation remains a leadership problem. If the President and other leaders of our Nation choose to permit us to turn angrily upon ourselves, it may well happen. But, if they lead us out of the quagmire in Vietnam into a constructive and hopeful future, no such conclusion need be drawn.

None of these thoughts are comfortable.

And nothing is sure.

Choosing the alternative of withdrawal has its uncertainties.

But the ambiguity of present policy presents more.

I am suggesting that such a decision, articulated by enlightened leadership, opens up more possibilities for America than pitfalls.

It opens the possibility for a country united once again with this burden lifted from our minds.

It opens the possibility for greater attention to our domestic problems.

It may give us the chance to chart a new foreign policy, concerned with turning our technology and compassion to human needs and to the great problems of bringing peace and stability among all nations.

Emerson—and other distinguished American thinkers after him—have spoken about two distinct strains in the American spirit. One is the party of hope. The other is the party of despair.

I believe we have, in the recent past, been too often concerned with the inhibitions of the party of despair.

We have been generous. We have been great. Perhaps we have saved the world.

But we have also largely conducted ourselves in the world as if the most dire consequences were also the most real and immediate. And feeling this way, we have been very reluctant to test new directions.

Today, I think it is time for all Americans not to join the partisan interests of either Republicans or Democrats but to join the party of hope.

Let us end this war in Vietnam.

And let us use that decision as a departure point for shaping a more stable and hopeful society here at home and peace around the world.

EDUCATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI), is recognized for 60 minutes.

UNIVERSAL VOCATIONAL EDUCATION IN THE SEVENTIES

Mr. PUCINSKI. Mr. Speaker, the birth of a new decade is just 3 months away; the destiny of the next 10 years depends on the choices being made right now by this Congress. In recognition of the necessity to think futuristically, the General Subcommittee on Education, of which I am chairman, has undertaken extensive hearings into the problem of "Elementary and Secondary Education Needs for the Seventies."

Therefore, I am gratified to learn that the New York Public Schools have already begun planning for the coming decade. Beginning in 1973, all high school students in New York City will be required to complete a year of vocational training in order to graduate. This means that, for the first time, a major city has recognized the urgency of guaranteeing all of our young people a marketable skill before graduation.

The New York system has also removed the stigma usually attached to vocational education by abolishing its system of five separate high school diplomas. From 1973 on, all students will receive the same diploma, attesting to their common achievement of a comprehensive high school education. We should applaud the forward thrust of these decisions and encourage every school system in the Nation to adopt an equally enlightened policy. May I call this body's attention to the following article, detailing these decisions, which appeared in the New York Times October 10, 1969:

CITY'S HIGH SCHOOLS ADOPT ONE DIPLOMA

(By Gene Currivan)

A single diploma instead of the five now offered in the city's public high schools will be introduced in 1973 as part of the comprehensive high school program blending academic and vocational courses.

In making the announcement yesterday, the Board of Education said that under the new plan all students would have to take a year of "practical arts," such as shop work and typing, and pass either the State Regents tests or citywide examinations in American history, world backgrounds and English to qualify for a diploma.

One of the diplomas to be abolished is the controversial general diploma now issued to students of limited academic ability. These students are not required to take the state tests.

Some parents groups, especially those in the disadvantaged areas, have complained that the general diploma carried with it a kind of stigma that prevented students from getting good jobs or entering some colleges.

Deputy Superintendent Seelig L. Lester said the new plan "would put the general study students to work."

"Where at present," he said, "they can take a little bit here and a little bit there like going to a cafeteria they will, under the new plan, be required to have a sequence of studies. It will work out better for all concerned."

Under the new plan, all students will be required to meet minimum requirements in a variety of fields, including English, social studies, science, mathematics, art appreciation, music appreciation, health teaching, physical education and practical arts.

The present system is not as comprehensive and it provides separate diplomas for academic, commercial, general, technical and vocational courses.

The single diploma will list on its reverse side a statement of regular courses completed along with any electives that were taken. It is hoped that this will aid colleges or prospective employers to evaluate better the students' talents.

The comprehensive high school, which is being introduced gradually throughout the school system as a four-year institution, is intended to replace the present academic and vocational schools and incorporate in the curriculum the courses of both.

The board is committed to a program of four years of elementary school, four years of intermediate school, and four years of high school.

"To earn a high school diploma now," the board noted, "courses in English, social studies, science and mathematics are required of all high school students, whether pursuing academic, commercial, general, technical or vocational courses of study.

"In addition, passing grades on Regents examinations in American history and world backgrounds and in English are now also required, except for students working toward a general or vocational diploma.

"The difference between existing curriculums in high schools as now constituted and those scheduled for the comprehensive schools vary with the type of school to be replaced by a comprehensive school. For example, the present academic course stresses languages; the commercial course concentrates on accounting and secretarial studies; the vocational courses include industrial and technical studies."

EDUCATION FOR WORK

Mr. Speaker, I say that the time has come to liberate vocational education from its subservient role as handmaiden to the rest of American public education. Widespread student dissatisfaction with the present-day curriculum attests to the growing meaninglessness of traditional education for the modern working world. It also points to the need for making career development the central theme of education in the seventies.

In my role as a principal author of the Vocational Education Amendments of 1968, I have long urged that we place highest priority in our schools on preparing young people for the realities they will face in the world of work. Therefore, I wish to present for my colleagues' consideration an excellent editorial on the critical need for support of vocational education which appeared in the Chicago Tribune, October 12, 1969:

EDUCATION FOR WORK

In its annual report to the Department of Health, Education, and Welfare, the National Advisory Commission on Vocational Education condemns the waste of both money and human resources by a system that fails "to educate to the level of employability nearly 25 per cent of the young men and women who turn 18 each year."

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"Young men and women who cannot qualify for decent jobs distrust the society which reared them," the report states. "Dissidents speak with the voice of rebellion; campus and inner-city revolt reaches into our schools. Our nation seethes.

"Racial unrest, violence, and the unemployment of youth have their roots in inadequate education. Each year the ranks of the school dropouts increase by three-quarters of a million young men and women. They enter the job market without the skills and attitudes employers require. They and the millions of others who are underemployed—among these the students who are graduates of our high schools but who are inadequately prepared for anything—are tragic evidence of the present inadequacy of our educational system."

The report accuses the federal and state governments and local school administrations of allocating a disproportionate share of financial resources to higher education and college-preparatory programs and neglecting vocational education. This is done, it says, "in reckless disregard of the fact that for 60 per cent of our young people high school is the only transition to the world of work."

The report notes that the federal government invests $14 in the nation's universities for every $1 it invests in vocational education programs. The result is that the federal government spends four dollars on remedial manpower programs for every dollar it spends on preventive vocational programs. Some of the remedial programs cost $12,000 for every man or woman placed in a job, and those who remain unemployed may cost $4,000 a year or more in welfare support for themselves and their families.

The neglect of vocational education in Illinois conforms to the national pattern. For fiscal year 1970 the state government appropriated 230.7 million dollars for capital investment in higher education and 540 million of general revenue funds for operations. These sums include 96 million of capital funds for junior colleges and 38.3 million for their operations. Only 19.4 per cent of the total enrollment by credit hours in the junior colleges is in occupation-oriented courses. The state appropriated only $14,879,970 for distribution to the school districts for vocational education this year.

The national commission ascribes the neglect of vocational education to the "snobbish, undemocratic" attitude that "the only good education is an education capped by four years of college." It notes that plumbers, carpenters, and electricians make more money than many school superintendents and college presidents and asserts that "only the arrogant will allow themselves to feel that one is more worthy than the other."

The commission concludes that the federal government must allocate more funds for vocational education and must challenge the state and local governments and school administrations to "throw off old habits and take a hard, fresh look at what they are doing."

The Tribune has been advocating more emphasis on vocational education for many years. Public pressure must be generated to arouse politicians from their lethargy and overcome the prejudices and complacency of school administrators. It costs more to provide shop facilities and train teachers for vocational education than the cost of college-preparatory or general education programs, but no investment will bring a higher return.

One way the federal government can help is to offer tax incentives for the cooperation of private industry, particularly in teacher-training programs. President Nixon advocated such inducements in his campaign last year. It is time for vigorous national leadership to provide opportunities for all young Americans to achieve their highest potential, which, as the advisory commission says, is not measured by the color of their collar.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Jones of North Carolina, for October 16 through October 20, on account of official business.

Mr. Reifel (at the request of Mr. Gerald R. Ford), for October 15, 16, and 20, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Buchanan, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. O'Hara, for 20 minutes today, and to revise and extend his remarks.

(The following Members (at the request of Mr. Hogan) and to revise and extend their remarks and include extraneous matter:)

Mr. Goldwater, for 15 minutes, today.
Mr. Carter, for 1 hour, today.
Mr. Ashbrook, for 30 minutes, today.
Mr. Morton, for 10 minutes, today.
Mr. Hunt, for 15 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Yates and to include extraneous matter.

Mr. White to extend his remarks in permanent Record of October 14, 1969, immediately following invocation.

(The following Members (at the request of Mr. Hogan) and to include extraneous matter:)

Mr. Wydler in two instances.
Mr. Cowger.
Mr. Del Clawson.
Mr. Talcott.
Mr. Foreman.
Mr. Langen.
Mr. Pollock.
Mr. Schwengel.
Mr. Bob Wilson.
Mr. Dellenback.
Mr. Hastings.
Mr. Broomfield.
Mr. Coughlin.
Mr. Lukens.
Mr. Pelly.
Mr. Goldwater.
Mr. Derwinski.
Mr. Buchanan.
Mr. Shriver.
Mr. Wyman.
Mr. Duncan in two instances.
Mr. Don H. Clausen.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3016. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes; to the Committee on Education and Labor.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 1242. An act to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting; and

S.J. Res. 150. Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

CALL OF THE HOUSE

Mr. THOMPSON of Georgia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. MILLER of California. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 229]

Abernethy
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carey
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clay
Cohelan
Collier
Conable
Conyers
Corbett
Corman
Cunningham
Davis, Ga.
Dawson
de la Garza
Delaney
Denney
Dennis
Dent
Devine
Diggs
Dingell
Downing
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flynt
Ford, Gerald R.
Ford, William D.
Foreman
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Tenn.
Garmatz
Gaydos
Gettys
Gibbons
Goodling
Gray
Griffin
Griffiths
Grover
Gubser
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Hays
Hébert
Helstoski
Holifield
Hosmer
Howard
Hull
Hunt
Ichord
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
King
Kirwan
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lipscomb
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
McMillan
Madden
Martin
Mathias
Meeds
Melcher
Michel
Mikva
Mills
Minshall
Mize
Monagan
Moorhead
Morgan
Morton
Mosher

Murphy, N.Y.
Nedzi
Nix
O'Konski
O'Neal, Ga.
Ottinger
Passman
Patman
Pelly
Pepper
Perkins
Pickle
Pirnie
Poff
Pollock
Powell
Preyer, N.C.
Price, Tex.
Pucinski
Quie
Quillen
Rees
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Saylor
Scherle
Scheuer
Schneebeli
Shriver
Sikes
Slack
Smith, Calif.
Smith, N.Y.
Stafford
Stanton
Steed
Steiger, Ariz.
Stephens
Stokes
Stubblefield
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Utt
Van Deerlin
Vigorito
Waldie
Watkins
Watts
Whalley
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Wold
Wolff
Wydler
Yates
Zablocki
Zion

PARLIAMENTARY INQUIRY

Mr. MILLER of California. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. Sisk). The gentleman will state it.

Mr. MILLER of California. Has a quorum been arrived at?

The SPEAKER pro tempore. At the present time a quorum has not been established.

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I then move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Thursday, October 16, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1259. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on property acquisitions of emergency supplies and equipment for the quarter ended September 30, 1969, pursuant to the provisions of subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1260. A letter from the Comptroller General of the United States, transmitting a report of the cost reduction and management improvement program in selected departments and agencies; to the Committee on Government Operations.

1261. A letter from the Assistant Administrator of General Services (Administration), transmitting a report of claims settled by the Administration under the Military Personnel and Civilian Employees' Claims Act of 1964, for fiscal year 1969; to the Committee on the Judiciary.

1262. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to improve the cost effectiveness of the medicare, medicaid, and maternal and child health programs; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 14358. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. CHAPPELL:

H.R. 14359. A bill to amend title II of the Social Security Act to increase from $1,680 to $2,400 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. COWGER:

H.R. 14360. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commere.

By Mr. DORN:

H.R. 14361. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $80; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 14362. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 14363. A bill to amend title II of the Social Security Act to provide a 17-percent across-the-board benefit increase with a $100 minimum and subsequent standard-of-living increases, to increase widow's and widower's benefits, to improve benefit computation for married couples and women with 30 years' coverage, to liberalize the retirement test, to make coverage optional for beneficiaries over age 65, and to eliminate the 6-month waiting period for disability benefits in certain cases; to reduce self-employment taxes to the level of employee taxes; and to cover prescription drugs and the services of home maintenance workers under medicare; to the Committee on Ways and Means.

By Mr. LANDRUM:

H.R. 14364. A bill naming the bridge under construction linking the islands of the Lake Lanier Island development in Lake Sidney Lanier, Ga., as the "Richard B. Russell Bridge"; to the Committee on Public Works.

By Mr. NEDZI:

H.R. 14365. A bill to provide for public disclosure by Members of the House of Representatives, Members of the U.S. Senate, Justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet Members; and by candidates for the House of Representatives and the Senate, the Presidency, and the Vice-Presidency; and to give the House Committee on Standards of Conduct, the Senate Select Committee on Standards of Conduct, the Director of the Administrative Office of the U.S. Courts, and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 14366. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. WOLFF:

H.R. 14367. A bill to amend the Maritime Academy Act of 1958 to require repayment of amounts paid for the training of merchant marine officers who do not serve in the merchant marine or Armed Forces; to the Committee on Merchant Marine and Fisheries.

By Mr. WYDLER:

H.R. 14368. A bill to amend the Immigration and Nationality Act to revise the naturalization procedure for adopted children; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 14369. A bill to provide that security deposits made by tenants of any federally assisted multifamily housing shall be placed by the landlord in a separate account to draw interest for the benefit of such tenants; to the Committee on Banking and Currency.

By Mr. FRASER:

H.R. 14370. A bill to amend title 39, United States Code, to restrict the mailing of unsolicited credit cards; to the Committee on Post Office and Civil Service.

By Mr. GIBBONS:

H.R. 14371. A bill to amend title 10, United States Code to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. HUTCHINSON:

H.R. 14372. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. WHITEHURST:

H.R. 14373. A bill to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va-53) in the city of Portsmouth, in exchange for certain lands situated within the proposed southside neighborhood development project; to the Committee on Armed Services.

By Mr. DULSKI:

H.R. 14374. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. WEICKER:

H.R. 14375. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTTON:

H.J. Res. 955. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 1311, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. DORN:

H.J. Res. 956. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ASHBROOK (for himself and Mr. Clancy):

H. Con. Res. 410. Concurrent resolution urging the adoption of policies to offset the

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adverse effects of inadequate long term financing upon the housing industry; to the Committee on Ways and Means.

By Mr. SIKES:

H. Con. Res. 411. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. ALBERT (for himself and Mr. GERALD R. FORD):

H. Res. 582. Resolution relating to demonstrations for peace; to the Committee on Foreign Affairs.

By Mr. POAGE:

H. Res. 583. Resolution to provide additional funds for the Committee on Agriculture; to the Committee on House Administration.

PETITIONS, ETC.

Under clause 1 of rule XXII,

294. The SPEAKER presented a petition of Ralph Boryszewski, Rochester, N.Y., relative to denying jurisdiction to the U.S. Supreme Court on *Chandler* v. *Tenth Judicial Council*, which was referred to the Committee on the Judiciary.

SENATE—*Wednesday, October 15, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in whose will is our peace, take this Nation today under Thy holy care. Give us ears to hear, not the frenzied mob but the inner voice of Thy spirit. Give us eyes to see, not the world which now is, but the new world which is yet to be.

O Thou who hast granted youth to see visions and age to dream dreams, help each to understand the other. May those who are younger not resent the discipline of learning nor reject the wisdom which is brought only by experience. Save those who are older from the foolish confidence that they know it all and that wisdom perishes with them. Draw together both youth and age that, dreaming dreams and seeing visions, they may welcome those new truths which can fashion a better world. Strengthen the faith of all the people to see beyond the tentative and temporal that which is enduring and eternal. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 14, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, was communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON ACID MINE DRAINAGE IN APPALACHIA—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Public Works:

To the Congress of the United States:

Pursuant to section 302(b) of the Appalachian Regional Development Act, I hereby transmit the Appalachian Regional Commission's report, Acid Mine Drainage in Appalachia.

This comprehensive study was carried out by the Commission in cooperation with a special panel of experts convened by the National Research Council of the National Academy of Sciences—National Academy of Engineering. I recommend it for thoughtful consideration by all interested parties.

RICHARD NIXON.

THE WHITE HOUSE, *October 15, 1969.*

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDENT pro tempore. Without objection, the Senator from Montana is recognized for 10 minutes.

SENATOR MANSFIELD ANSWERS QUESTIONS OF MONTANANS

Mr. MANSFIELD. Mr. President, I have just returned from 3 days in Montana, during which period I met with groups of college students at the University of Montana, the Montana College of Science and Technology, Carroll College, and Eastern Montana College.

I also had the opportunity to visit the mining camps, the small ranch towns, and some of our larger cities. The questions asked by my constituents had to do with Vietnam, the moratorium, tax relief and tax reform, inflation, high interest rates, and the plight of the homebuilding and lumber industries, among other matters.

At all the institutions of higher learning which I visited, the main question was the moratorium to be held on October 15. I was asked if I was in favor of the moratorium and my answer was to quote from the Bill of Rights, the first amendment to the Constitution. That amendment reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I said that as far as I was concerned, this constitutional right applied to all our citizens, to those who favored a moratorium and to those who indicated that they might want to assemble in opposition to a moratorium. I emphasized the use of the word "peaceable" in the first amendment and stated that it was my hope that any assemblies or demonstrations would be conducted with dignity and decorum and would be within the law.

I stated that I did not believe in violence or license or destruction or assault upon persons because all these were contrary to the law and those who indulged themselves in such a manner should be and would be subject to law.

The question was raised as to what should be done if one did not believe in the law, and my answer was that there were many laws passed by Congress and many decisions laid down by the Supreme Court to which I was opposed and did not approve; but once a law was passed by Congress and signed by the President and once a decision was made by the Sureme Court, regardless of my personal feelings, I felt it my duty, my obligation, and my responsibility to obey that law and to accept those decisions as long as they were in existence. Otherwise, I pointed out, a democracy such as ours would disintegrate and fall.

I was queried as to my views on the situation in Vietnam. I told my fellow Montanans that it seemed to me that the President was doing all that he could do on the basis of the best advice he had available to bring about a responsible settlement. I stated further that, in my opinion, there were elements which were encouraging and which might lead toward a possible settlement.

I pointed out that in the 7-month period since last March, the total number of North Vietnamese infiltrees numbered approximately 20,000 compared with an annual rate of infiltration last year between 7,000 and 13,000 a month; I pointed out that there had been a lull in

the fighting, that the casualties had been reduced though, in my opinion, they were still too high; I pointed out that the President had ordered the withdrawal of 60,000 troops by the end of this calendar year and that this was a decided shift away from escalation toward deescalation; I pointed out that a new military strategy of "protective reaction" had replaced the strategy of "maximum pressure" which had been followed in the previous administration and during the first months of this administration.

I stated further that it was my understanding that the orders for this shift had gone to General Abrams last July. To me, a strategy of "protective reaction" means that we have moved a long distance in the direction of a cease fire and stand fast policy because, as I interpret it, the search and destroy missions are a thing of the past, and under the new policy, we will fire only when there is a threat that our forces will be fired on even while remaining prepared to undertake necessary action should any attack be in the offing.

I said to the people of Montana that I thought the President was moving in the right direction, that, from our point of view, progress was being made toward a settlement. The missing factor, as I saw it, was the need for an all-South Vietnamese government—for elections in which all the various groups in South Vietnam, religious, political and otherwise, would participate. I expressed the hope that that procedure would be undertaken in a matter of weeks or months and that the South Vietnamese people themselves would decide what kind of a government they wanted and what their future would be.

I said that the one point on which the President had stated he would not budge was the right of self determination of the people of South Vietnam and that in response to questions he had also stated that he would accept the results of such an election, regardless of the coloration of the government which it produced.

Mr. President, I found the people of Montana concerned about the situation in Vietnam and concerned about our domestic problems. I found them dignified, courteous, and attentive in discussing how these difficulties should be met. Visiting with them gave me renewed confidence in the American process. It added a dimension to my understanding of the situation. It unfolded to me the thinking of Montanans about the issues of the day and what they thought should be done.

I endeavored to reply to their questions to the best of my ability, with a full realization that I did not know all the answers. In so doing, I became more aware of their attitudes, their feelings, and their anxieties. I was the beneficiary of my latest visit to Montana. It is my hope that, on the basis of my talking to the folks, I have come to understand better their current concerns and that I will be able thereby to represent them better in the Senate of the United States.

Mr. AIKEN. Mr. President, as usual the Senator from Montana has given a very clear exposition of our position in Southeast Asia at this time. The fact that the Senator from Montana speaks as he does not only represents a pillar of strength for our own Government, and to the President, but also, the remarks of the distinguished majority leader inculcates confidence in other countries of the world.

VIETNAM: UNITY FOR PEACE

Mr. MANSFIELD. Mr. President, I have just finished making a report to the Senate on the basis of my 3-day trip home to Montana. Now I would like to speak briefly on the subject of Vietnam to which I have been giving considerable thought for the past week or 10 days.

I think I have some sense of the complexity of the difficulty in Vietnam which confronts the Nation and of the problems of resolving it. I trust that I have some compassion for President Nixon in view of the burdens which he carries in this connection.

Since his inauguration I have tried, as one Senator, to give the President whatever support I can give to him. He is the President, not of Republicans or Democrats but of every American. The President has tried to end this war; he deserves every credit for trying. I shall not criticize his efforts. Nevertheless, the war continues. It goes on draining our substance into the morass of Vietnam. It goes on spilling the young blood of the Nation. It goes on corrupting the ideals which have given this Nation its meaning to itself and to the world. It goes on sidetracking us from the mounting problems at home.

The erosion of the Nation's strength will continue as long as the war continues. It will continue even if, through changes in tactics, it is possible to cut combat fatalities from 200 a week to 100 or to whatever figure someone calculates may be necessary to make these tragic deaths palatable to the American people.

I know of no basis for believing that the problem of Vietnam can be resolved now any more than in the past by a silence of acquiescence in the Senate or in the Nation. How many times have we heard the plea to suspend discussion in the past few years? How many times have we heard it offered as an alternative to facing up to the predicament in Vietnam?

With silence or without, let there be no doubt anywhere that we will support the young men who have been sent to Vietnam by the policies of this Nation. They are there not through their own doing but through our doing. We owe them every support and, insofar as I am concerned, they will have every support which may help to bring them back alive. But let us be equally clear that silence does not support them. Nor do words of bravado spoken 10,000 miles away from the safe haven of the floor of the Senate or the sanctuary of this Nation support them. Saving faces in Washington does not save lives in Vietnam.

Neither the silence of acceptance nor the rote slogans of unity are a substitute for the sober responsibilities of this office. Indeed, who will be persuaded by silence or slogans? The Vietnamese? The national government in Saigon? The government in Hanoi or the National Liberation Front? Who still clings to the timeworn delusion that an absence or a plenitude of words, will succeed in ending a war that the greatest tonnage of bombs ever dropped in any war has not succeeded in ending?

I cannot be a party, Mr. President, to a protraction of that kind of delusion. The Saigon officials will not be beguiled by silence; they will still press their interests as they see them. We will not confound Hanoi or confuse the NLF by silence; they will still pursue their interests as they see them. A silence in the Senate and in the Nation will add only to our own bewilderment and to our own inner dissension as, indeed, the suggestion for a 60-day moratorium some days ago has already done.

It is long past the time when a gadgetry of words or some neat finesse of diplomacy can bring this tragedy in Vietnam to an end. It is time to confront the delusions of the past, to set them aside and to look, now, at the painful realities of the situation in Vietnam. It is time to look straight at the corrosive impact of this misbegotten conflict on the very vitals of this Nation.

It is long past time to stop dawdling with peace in Vietnam. It is time to make clear that this country is, indeed, united—to make clear that it is united behind the President not in order to prolong the war for face or fancy or at the behest of others but to end the war without prolonged delay. In my judgment, that is what the highest interest of this Nation demands. The sooner the point is clear to the Saigon officials as well as to Hanoi and the NLF, the better for the President, the Nation, and the world.

THE GEORGE D. AIKEN LECTURES IN INTERNATIONAL AFFAIRS AT NORWICH UNIVERSITY, NORTHFIELD, VT.

Mr. MANSFIELD. Mr. President, Norwich University in Northfield, Vt., on October 11, 1969, inaugurated the George D. Aiken Lectures in International Affairs series.

The first speaker—and a better choice could not have been made—who started the series off on the right foot was the distinguished senior Senator from Vermont, the dean of Republicans in the Senate, the man after whom this series is named, the ranking minority member of the Committee on Foreign Relations, GEORGE D. AIKEN.

At that time, he made a speech on our foreign policy in which he traced the situation as he saw it from the time of the beginning of the New Deal down to the present. I had the privilege—and it was a privilege—to read the speech before it was delivered. I was very much impressed with the thoughtfulness, the care, and the detail which went into the lecture. I think it is one of the most remarkable documents of our times.

Of course, every time the distinguished senior Senator from Vermont says some-

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thing, the rest of us listen. This is an extraordinarily fine speech, and I ask unanimous consent that it be incorporated in the Record at this point, and express the hope that every Senator, on both sides of the aisle, will find time to read it, to cogitate upon it, and to become a better Senator and more conversant with the affairs of our country in the field of foreign policy as a result.

There being no objection, the address was ordered to be printed in the Record, as follows:

Our Foreign Policy—Legacy of the New Deal

It will not be immediately apparent why a lecture on foreign affairs should even refer to the "New Deal", the name of a political period in our history that most people connect with domestic policies.

It will not be obvious either why I am all of a sudden on this day in October, 1969, marking the demise of a period in history that many will say ended before World War II.

I insist, however, that there is a definite connection between the New Deal of a generation ago and our foreign policy which currently the subject of much controversy.

And I do contend that one must understand the powerful effects of the New Deal years in order to understand our position in the world today.

Young people these days justly demand of their elders that they be "relevant".

I'm going to try to meet that demand insofar as it is a serious one.

But insofar as "relevance" has come to mean a demand for instant gratification, I will leave that to others.

Some people talk about the so-called generation gap as though all generations in the past lived in perfect harmony with their parents, their political leaders, their college administrators and their police departments.

They didn't.

I didn't get instant gratification in my time, and you won't get it in yours.

What the youth of today should have is some notion of how the present relates to the immediate past so that parents of the next generation will be able to stand up better to their children than we, apparently, are standing up to ours.

My thesis is that the New Deal ended in August of 1968 in Chicago at the Democratic Convention and on the streets of that city outside of the convention.

Lyndon Johnson was the last New Deal President; Hubert Humphrey may have been the last New Deal Presidential candidate, though I do not want to seem to end his hopes prematurely for the highest office in the land.

My prediction is that the politician who will stand up, recognize the fact that that colorful era in history has had its day, and bury the New Deal with the honors it deserves will inherit the political future, at least for a while.

And this applies quite as much to the commanding heights of foreign policy as it does to the commanding heights of domestic policy.

I have waited for a long time to unfold this thesis in public because I had hoped, and still hope, that the leadership of my own political party would adopt it as their own.

I was also afraid that the Democrats might steal it.

Now I find that a man quite outside the arena of politics has alluded to the idea in a book due out this month.

He is a man of great distinction, Mr. Eugene Black, once President of the World Bank and latterly a special counselor to President Johnson on the complex affairs of Southeast Asia.

Mr. Black is writing about those complex affairs, not about American politics, but in his book he expresses my thoughts quite succinctly when he says:

". . . The New Deal years ended on the streets of Chicago . . . for there the children of the New Deal came into direct conflict with those who had benefited most from and had provided much of the leadership during the New Deal years. It was a tragedy that no Mark Anthony appeared . . . to remind us that 'the evil that men do lives after them; the good is oft interred with their bones.' "

I rather think that the Democrats would occupy the White House today if they had found their Mark Anthony.

They had the stage and the public's attention, something my party hasn't had for a long time.

Lyndon Johnson was the last of a long and brilliant line of New Deal actors.

He was no Caesar, but he was a very big man in many ways.

His policy in Viet Nam was mighty unpopular—even with me—but he laid down his political career because of Viet Nam and that was an honorable act.

He was a good party man when the chips were down; more important, he was a good American.

But there wasn't any Mark Anthony in Chicago and, as a Republican, I shed no tears.

As a Republican, I am, perhaps naturally, more interested in burying the New Deal and marking the spot in the graveyard of history than I am in praising it.

Possibly I am more interested in connecting Lyndon Johnson with Franklin Roosevelt in order to show that the New Deal is finally over, than I am in doing justice to those active and exciting years.

But I have another purpose than that of doing justice to the past; I want to help to do justice to the future.

My party has always had an ambivalent feeling towards the New Deal.

It still has, in fact.

Some of my friends even now wouldn't be caught out in public with the lady.

Some others succumbed to her charms and became prominent guests in her house.

Many, like myself, were guilty of certain clandestine meetings with her.

Now, however, if the Republicans are to inherit the political future for more than one brief administration, we are going to have to make our peace with the past and show how we are going to build on it, not try to turn the clock back.

I made my own peace with the New Deal back in 1938 and, with a few lapses, have maintained a pretty consistent attitude.

On Lincoln's Birthday of that year I undertook to read my party a lecture.

The times called for it; in 1936, you will remember, an old political slogan was rewritten to read, "As Maine goes, so goes Vermont."

The rest of the country went the other way that year in spite of the fact that Alf Landon was one of the best Presidential candidates the Republican Party ever had.

At that Lincoln's Birthday gathering—it was before the National Republican Club at the Waldorf Astoria in New York—I had some things to say about the New Deal that I think are pertinent today.

As Governor of Vermont, I had come to office in part through fighting the public utilities which I felt wanted to play fast and loose with the water resources of this State.

By the time I spoke in New York, I was fighting the Federal government, too; the New Deal had singled out our State as a testing ground for a large Federal commune or Kibbutz to stimulate employment in ways that not even the OEO today would think of suggesting.

I learned early that politicians dedicated to keeping the Big Boys honest, as I think I have been, would have to fight the Big Boys in the Federal bureaucracy just as hard as the Big Boys in the private bureaucracies.

"We must not make the mistake," I told the audience in New York in 1938, "of thinking we are protecting States' rights when we protest against Federal leadership."

I also said:

"The country needs (Federal leadership). . . . (But) there is a difference between Federal leadership and Federal domination, and that difference is the great issue today . . . The States have rights—vital rights. As Governor of Vermont, I have fought to preserve them for the people. To preserve these rights I have at times had to fight the public utilities. At the present time, I have had to fight the Federal Government. Far apart as these two forces are, I find the palms of both have the itch for acquisition."

I'd be glad to bequeath these words to anybody who wants to run for Governor of Vermont today.

There are perhaps now more powerful interests than ever who want to be absentee landlords in our State, and whoever is Governor has got to try to keep them honest whether they be the Federal Government, the corporations interested in our forests and recreation areas, or even the environmentalists interested in preserving after their own fashion for future generations.

The slogan, "keep the Big Boys honest," transcends both party and sectionalism in our land; it was used most recently by a Democrat who wanted to be Governor of Virginia and in the Primary last August came within an eyelash of upsetting nearly 45 years of rule by the political machine of my late friend and colleague, former Senator Harry Flood Byrd.

It is now being used by the Republican candidate for Governor of that State.

It lives today in Vermont; that's why we are debating in this State an issue—statewide zoning—that even that far out liberals elsewhere haven't thought of, yet doing it for the most conservative of reasons—to protect the individual against the onslaughts of big money and big bureaucracy.

The New Deal created a lot of new Big Boys.

They came into Washington on a shoestring and in a few years rode out in a Cadillac.

The popular concern for justice for the wage-earner, ignored for far too long gave our labor unions their legal birthright under the New Deal, but it also made Big Labor possible.

And does Big Labor appeal today to our sense of justice any more than, say, Big Business?

The New Deal gave us Social Security long after we should have had it, but it also gave us Big Welfare.

The most responsive note that President Nixon has struck so far is, probably, his new welfare proposals.

"The New Deal is Over" is written large across the pages of these proposals.

It will take a lot of bargaining to work out the details in legislation, but the President is surely right in saying that we need a new system to keep Big Welfare honest and efficient.

Lyndon Johnson admired Franklin Roosevelt and modeled his domestic program after the New Deal.

The legislation he proposed has doubled the flow of Federal monies into education.

The poverty program he set up would have warmed the hearts of Harry Hopkins and Harold Ickes.

And who is to deny seriously that we desperately need Federal leadership both in improving education and alleviating poverty?

But Lyndon Johnson's programs were the linear descendants of the National Recovery Act and the National Youth Administration of the 1930's.

They reflected a real need, but not the realities of the 1960's.

What President Johnson forgot was that while President Roosevelt could create bureaucracy more or less at will and get away with it because he started with so little, the President's first task now, if he wants his programs to be effective, is to make the huge Federal bureaucracy work better.

President Johnson was a great one for creating bureaucracy, exhorting it and sometimes cursing it.

But he didn't make bureaucracy work better.

That is why his Great Society failed.

I think it is obvious that the New Deal is over when it comes to domestic policies, though it is not yet obvious what the shape of political things to come will be.

It is perhaps less obvious that the foreign policies associated with the New Deal, the Fair Deal, the Eisenhower years, the New Frontier and the Great Society have also become obsolete.

These policies were of a piece, and they are now out of date.

That is the lesson of Viet Nam, and again the people are ahead of the politicians in accepting the fact.

It has been said by many that World War II ended the age of American innocence in world affairs.

It did in a way; it ended the notion that we could be safe and sound simply by telling the rest of the world how it *ought* to act while rigorously avoiding taking any actions ourselves.

It ended the age in which we could describe our national interests in romantic terms, like "saving the world for democracy."

But World War II *didn't* end our age of innocence in world affairs.

The war in Viet Nam has done that.

World War II ended the age in which we could believe that we could exert a peaceful influence on world affairs without being prepared to take part in those affairs, even with military force if necessary.

Viet Nam has ended the illusion that our military power bestows on us an equal influence in world politics.

It has taught us—or should have taught us—the vital importance of finding a half-way house between the innocence of isolationism and the arrogance which says we ought to play the world's policeman.

The Viet Nam war was as much a child of the New Deal as the War on Poverty.

Lyndon Johnson during his Presidency modeled his actions abroad, as he did at home, on Franklin Roosevelt's example, in this case on the example of Roosevelt's personal diplomacy.

In fact, all Presidents since 1945 have done this to some extent.

President Nixon's trips to Europe and Asia at the beginning of his administration—which met with my approval—are of the same mold.

But the time has come to break this mold, fashioned as it was in the New Deal years, and elaborated upon in the Truman, Eisenhower, Kennedy and Johnson years.

This we should learn from our unhappy experience in Viet Nam.

Nearly four years ago, I began to set forth in public my criticisms of the Viet Nam policies.

I found it a painful process for President Johnson was my friend.

I am here only going to repeat the heart of my objection—what I feel to be the heart of the Viet Nam tragedy—because it is central to my thesis today.

The tragedy of Viet Nam is that we have *prevented* self-determination through the weight of our intervention, even while proclaiming the *preservation* of self-determination as our goal.

It may or may not have been possible to reach this goal if we had acted more wisely; I gladly leave that kind of speculation to the historians and Monday morning quarterbacks.

But ever since President Kennedy decided to intervene and consigned the first 35,000 troops to Viet Nam, and President Johnson decided to intervene further with massive force after the attacks on our installations at Pleiku and elsewhere in February 1965 we have prevented self-determination in Viet Nam just as surely as has the force that we have called the aggressor.

When the war became an American war and the government in Saigon came to exist only by Washington's consent, all hope for a settlement vanished—with the end not yet in sight.

I am afraid we have not even yet learned this lesson.

Vitrually all the experts on Viet Nam, for example, are now demanding a "broader based" government in Saigon in the name of self-determination.

Certainly there ought to be a more representative government there.

There can be no peace until one comes.

But so long as many in Saigon have a vested interest in our arms, in our money, in our officials there, the United States itself will have to impose such a government if it is to come.

Not only is that a denial of self-determination, I seriously doubt that we can do it effectively.

We are still pretending that self-determination is possible while our military presence remains the overwhelming factor in the country.

President Nixon is fully aware of this and is slowly making progress towards correcting the situation.

He is launching a new Asian policy which, in his words, will avoid commitments that could involve us in the internal struggles of nations there.

I, too, believe that the sooner we can reduce our presence in South Viet Nam, whether or not the Paris peace talks make progress, the sooner we will escape from a predicament very largely of our own making.

But we cannot achieve instant gratification through a precipitate withdrawal of our troops.

The President needs time, and I for one, will do my best to see that he gets it.

Those who are so anxious now to spur the President into a pell-mell retreat, even to set deadlines for him, should pause to consider the likely consequences of their exhortations.

The South Vietnamese are bound to think sooner or later that we are simply preparing a case against them to cover our own errors.

That is the worst of all alternatives.

It could lead to a breakdown of order in South Viet Nam and ultimately to a wholesale massacre of those, who for good reasons or bad, put their faith in the United States Government.

And if that happens, it will invite a repetition in this country of the ugly days of the late 1940's when Americans flailed at Americans over the absurd proposition that nefarious forces within our own government "lost" China.

Viet Nam is no more "ours" than was China.

We have no cause to be self-righteous about what has happened there.

Viet Nam is just the place where the foreign policies of the New Deal years came to their logical end.

It is going to be very tempting in the months ahead to try to lay the blame for our mistakes in Viet Nam on the doorstep of this or that President.

But this misses the whole point.

Of course, the President is always responsible, ultimately.

But our recent faults lie much deeper; they are embedded in the foreign relations bureaucracy which we inherited from the past.

It may have been true in Franklin Roosevelt's day that the President was the only one who counted in foreign affairs.

But it has never been true since.

I did not think it was true even then.

If I tell you that one of my first votes in the Senate and my first full blown speech there was against Lend-Lease for England, you will probably think I was very provincial.

But the issue in that debate wasn't isolationism versus internationalism.

Like most Vermonters, I was partial to England.

The issue in that debate was something else.

You may recall that England in 1941, like Viet Nam in the 1960's, had not asked for troops or direct military intervention on our part.

They had asked for money to buy arms.

But President Roosevelt placed before the Senate a bill which would grant him unparalleled authority to order just the kind of intervention that the British had not requested.

I protested.

I was in good company.

The late Senators Vandenberg and Taft took a similar stand as did Senator Russell of Georgia, who is still an honored colleague.

"This bill," I said of the Lend-Lease Act, "is the final step before the armed forces of the United States are scattered over the waters of the seven seas and the lands of four continents . . . After this bill is enacted into law, the President of the United States can control this flow of goods to the extent of depriving England of war materials now on order in this country unless England conducts this war as he thinks she should. Is it not possible that England might prefer to run her own war without this constant threat hanging over her? Do we know that England would rather have assistance granted in this manner than an outright grant of cash or credit? . . . The proponents of this bill have taken almost sixty days to put through an act giving the President unlimited powers to meddle in all foreign affairs if he is so minded, rather than to take two days to grant England the credit and cash upon which they said her life depended."

I do not cite this passage to show how right I was or how rude I was to one of the most revered political figures of my time.

I cite it for its relevance now.

It antedated the Tonkin Gulf resolution by nearly twenty-five years.

It may be that in 1940 President Roosevelt was the only one who counted in foreign affairs, but it has been true of no President since.

As in the domestic branches of government, so in foreign affairs, the New Deal years left the nation with a bureaucracy of new, and powerful influences, each of which has become accustomed to "meddle in all foreign affairs".

In fact, the diverse foreign relations bureaucracies of today have made it all but impossible for the President to carry out effectively his constitutional duties in the realm of foreign policy.

The Defense Department is the biggest, of course, followed by the Central Intelligence Agency, the Agency for International Development, the United States Information Agency, and even the Peace Corps.

The least of all has been the State Department, which has been all too willing to defer to the others in the making of policies that should be its primary charge.

It all grew out of the New Deal years.

The Defense Department and the Central Intelligence Agency are the offspring of the Cold War—the children of a time when every precinct on the globe was seen as a focus of struggle between Soviet Communism and ourselves—of a time when to keep the Big

Boys in world politics on the straight and narrow path we felt we had to line up all the little fellows on our side.

The foreign aid agencies, born of the Marshall Plan, inevitably became creatures of this view up to the point where the present foreign aid agency has been the major banker of the war economy in Viet Nam.

The minor agencies, USIA and the Peace Corps, hark back to the earlier New Deal years when our political leadership was most anxious to convince the world that we were not going to relapse into our old, isolationist habits.

And the State Department?

President Roosevelt imposed a non-combatant status on the State Department in World War II for what seemed to him to be a good and sufficient reason.

He did not believe that our diplomatic service had either anticipated adequately the events unfolding in Europe in the 1930's, or could participate effectively in fashioning an adequate policy response to those events.

In his forthcoming book Mr. Black will tell you that the State Department was classified 4-F because it was guilty of being too much in tune with American public opinion—with isolationist opinion, that is, and that President Roosevelt believed the public was not competent to formulate foreign policy.

Rightly or wrongly, this same thesis prevailed during the Johnson Administration.

The State Department has never been reclassified.

Ever since World War II it has proved no match for the new, powerful influences in the foreign relations bureaucracy when it comes to helping the President define our real national interests abroad and to fashion policies to fit those interests.

The authority of the Congress, as well as the authority of the President, has been seriously eroded by this fact.

It is fashionable to say that diplomacy became obsolescent with World War II and has become obsolete since, what with the revolution in communications.

The jet airplane, it is said, and communications by satellite have rendered the Ambassador little more than a business manager for our more powerful bureaucratic influences overseas.

It is said that we do not need diplomats in the traditional sense, except to attend cocktail parties—that the business of foreign relations is now the business of technicians—the masters of weapons systems, monetary affairs, propaganda and something called economic development.

There is some truth in this characterization.

But there is more that is false.

Certainly, foreign policy needs to be informed as never before by the new technologies, but it remains a political art.

Neither within the Administration nor within the Congress is it possible to keep the foreign relations bureaucracy honest and efficient without a highly skilled, professional diplomatic service capable of helping the President to formulate and implement the political ingredients of foreign policy.

Without a strong State Department, the real political decisions are left largely to the technicians, or to distinguished amateurs brought in from outside of government.

As a Senator, I am particularly sensitive to this state of affairs because the technician doesn't look at the overall problem.

His interest is confined to a particular aspect of the problem.

Therefore, the "policy" which evolves is not something thought out beforehand, but rather it emerges from piecing together the decisions of the technicians.

The Senate has a special duty to make the Executive Branch accountable for its actions in foreign affairs.

This is a unique duty among the parliaments of the world—most of which in any case no longer have vital, day-to-day authorities, as does the Congress.

Most parliaments have been reduced to simply approving government actions or tossing the government out of office.

But a parliament that can only say "I am with you" or "I am against you" is really not much of a parliament at all.

Maybe that is why so many countries have decided to do away with the idea altogether.

Perhaps the Congress is an obsolescent institution, too.

But if it isn't, we have to take its authorities seriously, including the duty of the Senate to hold the Executive accountable for the actions it takes in foreign policy.

That function has been frustrated to the point where the Senate has been told what our foreign policies are to be rather than being asked for approval.

And the major reason is that no single branch of the Executive is accountable for foreign policy.

From time to time there have been proposals to reform and rebuild the State Department restoring the useful functions for which it was originally intended.

But every Administration since the New Deal days has opposed all serious attempts at reform which have come from the Congress.

Every President has been afraid that attempts to reform initiated by the Congress were really designed to undermine the President's authority over foreign affairs.

However, it is not the Congress that has been undermining the President's authority.

It is the diffuse, undisciplined foreign relations bureaucracy.

Unless and until there is a single, professional diplomatic service, capable of being accountable to the President as well as to the Congress for our political actions overseas, we will be at the mercy of forces largely beyond our control.

Until there is a responsible political bureaucracy, charged with the primary duty of helping the President to define our real national interests overseas and to fashion policies to implement those interests, we will not have really learned the lessons of the New Deal years—the innocence that led to Yalta, the arrogance that led to Viet Nam.

This is not a subject for new legislation.

The laws are adequate and very flexible.

Reform can only come from within and must be encouraged and led by the President.

For the first time since 1946 I can say there is some prospect that this will happen.

Secretary of State Rogers and Under Secretary of State Richardson are aware of what has to be done and we hear rumblings that a move is underway to improve conditions.

There will be powerful opposition to the restoration of the State Department.

This opposition will come from those who having formulated our foreign policy for the last 25 years will exert all the influence they possess against giving that authority back to the State Department.

This Department has been so overwhelmed by other programs that the original purpose and responsibility has almost been lost in the shuffle.

Out of 23,000 American employees attached to our missions overseas, only 5,000 of them are assigned to State Department functions.

The rest are attached to other agencies of government.

So I put restoring the constitutional authority and reformation of the State Department first among my recommendations looking to a sound and sane foreign policy for the future.

But let me make this clear.

The State Department will need a strong infusion of new blood.

Men and women dedicated to the service of their country—not just working out their time to retirement and who will stand up to the special interest bureaucracy—even to risking their own future like a soldier in battle, if need be.

My next proposal would be a review of all outstanding treaty commitments and international agreements of national importance to the United States.

I do not say this to be critical of treaties and agreements in general, but I do know that we are today signatories to multilateral treaties which are not taken seriously by some of the other signatories.

When we find situations like this to exist we should take immediate steps to abrogate such treaties and if found advisable to enter into new agreements with those countries which do take their commitments seriously and will live up to them.

All such treaties and agreements should be approved by the Senate as required by our Constitution and any agreements or subterfuges found to be in violation of the treaty provisions of the Constitution should be promptly cancelled.

Many treaties live on long after their original purpose has been served or has ceased to be a measure of our national interest.

They stay on our books ready to be used for other purposes that the Congress may not have approved at all.

The review of these treaties and commitments which I propose will take many months.

However, it could provide a focus for a new bipartisanship in foreign policy to replace the bipartisanship of the New Deal years which fell apart over Viet Nam.

We must not have any more Viet Nams.

We must not have any more Yaltas where Europe was divided into two spheres of influence and all of Eastern Europe was handed over to the Soviet orbit, an act of generosity which we now have reason to regret.

I am sure that many in the Congress want to help the President lift the subject of foreign policy out of the maze of particular, bureaucratic interests into which it has fallen, and install it anew on a pedestal of bipartisanship which can serve to reunite the country once again around a sane view of its role in the world.

I feel the ground for a new consensus exists.

I believe most Americans want some assurance that they will not wake up one morning to find we are off on some new adventure to impose self-determination on some small country.

And finally the time has come for the United States to adopt a "live and let live" attitude toward the rest of the world.

President Nixon informally enunciated a new Asian policy on his visit to Guam on July 25, 1969.

At that time he made it clear that while the United States would keep its present commitments to the nations of that area, we would not enter into any further agreements which would require us to become embroiled in their internal struggles.

This new policy was well received not only in the United States but throughout the world.

So, I propose that this same policy of "live and let live" be extended to include the nations of other continents.

Just because we recognize a country does not mean that we should necessarily like its government.

And just because we do not recognize a particular country does not mean that we should have to do business with them through a third party or middle man.

A ridiculous example of this will be found in our relationship with Rhodesia.

The United Nations, in effect, directed us not to do business with Rhodesia where we had been purchasing large supplies of titanium, platinum, chromium and other minerals essential to our defense effort.

So we stopped our purchases from Rhodesia and transferred them to Russia at a price well over 50 percent above what we had been paying Rhodesia with the strong possibility that we were getting the same material which Russia could pick up on the world market.

And this is only one example of biting off our nose to spite our face, a practice which would land a private business or industry in the poorhouse in a short time.

The measure of our dealings with another country should be whether it is to our advantage to do so.

Rigorous as our foreign problems seem to be, I have faith that American patriotism will reassert itself.

We are a nation of provincial patriots; our patriotism takes root in a thousand different soils—urban, rural and suburban; ethnic and racial; East, West, North and South.

We tend to be provincial in a big way, even in foreign affairs.

But I know of no force capable of keeping the peace of the world, more suited to keeping the Big Boys honest, than the collective force of our provincial patriots.

ADDRESS BY SENATOR McINTYRE BEFORE THE NATIONAL ACADEMY OF SCIENCES, HANOVER, N.H.

Mr. **AIKEN**. Mr. President, on Monday evening, October 13, 1969, the junior Senator from New Hampshire (Mr. McIntyre) made a speech before the National Academy of Sciences in Hanover, N.H. The speech was entitled "Goal Must Be Peace—Not Politics." In his speech the Senator from New Hampshire urged his fellow Democrats not to make our situation in South Vietnam a political issue.

Mr. President, there is so much in the speech, which was delivered by the Senator from New Hampshire, with which I agree that I ask unanimous consent that it may be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Goal Must be Peace—Not Politics

(Address by U.S. Senator Thomas J. McIntyre, Democrat of New Hampshire, before the National Academy of Sciences, Hanover, N.H., October 13, 1969)

Mr. Chairman, distinguished members of the National Academy of Science.

The handbook for public speakers warns against opening one's remarks with an apology. Yet, tonight, I must do just that.

I have decided not to speak on the announced subject. "The Power of the Pentagon and the Consent of the Concerned," because of the urgency of the subject I have chosen in its place.

For those who came here to listen to my views on military spending and the proper control of it, I will be more than happy to discuss this informally after the program.

I have chosen this opportunity to hold a public confrontation with myself on the most pressing issue of our times—the war in Vietnam.

I have done so because the week—marking as it does the first of several scheduled classroom moratoria on the war—the occasion—a gathering of men and women whose reverence for life and dedication to the betterment of mankind's lot are so widely known and admired—and the site—my own State of New Hampshire—seen so appropriate to the exercise.

I have come here to express my conviction that we must disengage from Vietnam with all due speed.

Those who are familiar with my position in the past may appreciate the personal anguish I experience in making that statement.

I have been a supporter of our effort there. I believed in the justification of our initial involvement and when I voted for the Gulf of Tonkin Resolution I shared the responsibility for our expanding that involvement.

I did so in good conscience.

Given the circumstances of the time and the information and the counsel to which I was privy, I made what I believed was a sound judgment in the cause of freedom and in the best interests of our Nation.

But whatever the merits or the mistakes of our initial involvement with that star-crossed little nation, and whatever the merits or the mistakes of broadening that involvement, "I believe the time has now come to extricate ourselves from the quagmire that is Vietnam."

I say this because in the intervening years a new consideration has arisen, a consideration of such magnitude that it dwarfs the issue of military involvement in a small nation and of such urgency it usurps the longer-range consideration of Southeast Asian security.

We must save our own Nation first, for our own Nation is tearing itself apart under the ordeal of Vietnam.

We are all familiar with the statistical costs:

We have lost 45,000 young Americans in Vietnam, more than 200 of them from my own small State.

In our Vietnam effort, we are spending $30 billion a year, $85 million a day, $3½ million an hour—money that could be used at home to find and root out those shameful pockets of poverty in the ghetto, in Appalachia, in the hills and the backwater country of many other states—including my own; to feed children who go hungry through no fault of their own; to cure rural blight and inner city decay; to cleanse the air we breath and purify our lakes and rivers and streams—money to fund new classrooms and other educational facilities—yes, and money to finance research that would bring us healthier, richer, more rewarding lives tomorrow.

Even unspent, my friends, this $30 billion a year could have a positive effect by easing the squeeze of inflation on those who most feel it—the aged whose fixed income is stretched thin; the working man who wants to buy a house; the small businessman who wants to expand his operation; the student who needs a college loan—all victims of the tight money situation and skyrocketing interest charges.

But the money *is* being spent, every hour, every day, every passing year in bombs, in bullets, in the negativism of destruction.

And yet, somehow, we have borne such burdens in other wars without suffering the convulsions that are now racking us the length and breadth of the land.

The difference between this and other wars lies in the degree of unity of purpose:

In past conflicts, the Nation was united in a cause virtually every American regarded as just.

This is not the case in Vietnam—there is no unity of purpose.

Let us not be deluded into thinking that disenchantment over the war is confined to a handful of unkempt yippies raising hell, as they did last week in Chicago.

The unrest over Vietnam lies deep within this Nation's vitals. Indeed, it is the typical, thoughtful American who has wrestled with himself over the rightness, the wrongness or the effectiveness of our presence there.

The typical American is puzzled, troubled and doubtful. He feels any Communist take-over is bad, and he may well have therefore supported the decision to intervene to prevent that take-over.

But we have had the best trained, best equipped combat troops in the world in Vietnam for nearly six years, and he is perplexed by our inability to resolve this war in the usual fashion.

The average American has seen optimistic report after optimistic report made by our leaders in the field and in the government, and he has had his hopes dashed time after time.

The Tet offensive in 1968 was a crushing psychological blow that strained to the breaking point his faith in our military omnipotence, and the ordinary American no longer believes that men and materiel are all it takes to win a war. Now he is beginning to wonder why pajama-clad men in canvas shoes continue to fight against seemingly impossible odds for year after year after year.

But if older Americans are puzzled, disillusioned or resentful over the frustrations of Vietnam, young Americans are in open revolt.

With passionate vehemence they denounce the war and express their wholesale disenchantment with our institutions, our leaders, our systems of values and authority.

Young men are drafted under a system many of them believe is unfair to fight in a war many of them are convinced is unjust.

Some agonize first, then go into uniform.

Some agonize first, then go into Canada.

The former have their lives disrupted for two or three years—or needed in a steamy swamp.

The latter have foresworn their birthright and live forever after in the shadows of anguish.

And parents grieve whatever the choice.

In short, it is the psychological cost of this war which has simply become too much to bear.

We have become a once-noble beast who, gored from within, snaps madly at its own entrails.

We will devour ourselves if the madness does not end—and the madness will not end until we get out of Vietnam.

But how do we get out?

Well, we do not get out of Vietnam by diverting our determination for peace into a political and devisive search for scapegoats.

We got into this war together. We can only get out of it together.

Administrations of both parties acted in South Vietnam's behalf, and the Congress of the United States shared that responsibility.

So this is *not* Mr. Nixon's war, and I would hope that none of my fellow Democrats try to *make* it Mr. Nixon's war.

Mr. Nixon happens to be President at a time when the majority of Americans want a quick extrication from Vietnam, and I am convinced that the President would like nothing more in this world than to satisfy this urgent desire for disengagement.

Now let us be perfectly frank about this.

If Mr. Nixon heeds the public will and effects a quick disengagement, he runs the risk of later being accused of "selling out to the Communists"—not only by the extreme right—but, I'm sorry to say, by *some democratic opportunists who are trying to take partisan advantage of his dilemma—opportunists who over the long run may try to exploit both sides of this issue for the political purpose of discrediting a Republican President.*

What Mr. Nixon needs, I contend, is firm assurance that such charges will not be leveled by responsible members of either party and that if they are made by irresponsible spokesmen they will be quickly denounced. *As one Democrat Senator, I pledge him that assurance.*

The goal must be peace and not politics.

Now let us make it clear that by pledging to refrain from and denounce any attempts to deliberately "break the President," I in no way agree to the moratorium on free and open discussion of the war pro-

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posed by the Republican leadership in the Senate.

Indeed, one of the chief sources of national unrest over Vietnam has been the public's sense of helplessness in expressing their opinions about the war.

Our people have felt totally frustrated in their inability to affect the course of this war. They have felt shut out of the councils of decision, isolated from the seats of power, voiceless in the deliberative bodies.

This Autumn, several days have been set aside as days for public expression of sentiment about the war. The first such occasion will be the Vietnam classroom moratorium scheduled the day after tomorrow.

Along with the Governors of four of the New England States (Governors representing both parties), six United States Senators from New England, again of both parties, Richard Cardinal Cushing, former Republican National Committee Chairman Thruston Morton, and many, many other officials, I believe the people have a right to make their feelings known. They believe, and I believe, that the scheduled days of public expression are within the American tradition of free speech and peaceable assembly.

There are some who shout "treason" when an American citizen seeks to express his opinions publicly and responsibly on this most basic of issues, but these extreme few neither appreciate nor understand the basic institutions of our Republic—institutions which were born in the free and open air of New England.

But there is a difference between the exercise of free speech and vehement, disorderly, and violent demonstrations of the kind that further divide us without contributing to the resolution of any issue.

And there is a difference between constructive criticism and the kind of unprincipled partisan attack that is designed solely to bring down the President and undermine the effectiveness of his office.

I supported one President when we broadened our involvement in Vietnam in 1965.

Tonight I want to support another President in his efforts to end the fighting there.

But I am keenly aware of what that will require. It will require tremendous courage on his part—

Courage to break completely free from the hobbling tangle of military caution and diplomatic doubt and delay;

Courage to thrust aside the fear of political consequences;

Courage to listen to the voices of his countrymen;

Courage to challenge history's ultimate appraisal of him.

In sum, courage to cut straight through to the heart of the matter, courage to make the decisions and issue the orders that will lead us out of this tragedy.

So tonight I call upon Americans everywhere—especially those who will participate in the moratorium this week—to use this occasion to pledge their cumulative strength to the President to help him take those courageous steps he must take; to give him that essential broad base of constructive support which would enable him to move with boldness, decision and dispatch to do the Nation's bidding.

I think the broad outlines of the course we must follow are becoming increasingly clear.

We must begin by facing up to the fact that our days in Vietnam are limited. We must recognize that unless we leave soon the consequences at home will be many times worse than the possible consequences abroad.

We must confront the blunt truth that we may have little choice about the terms of our disengagement.

All of the contemporary rhetoric about defeat or victory in this war is now beside the point. It has been truly said that in guerrilla conflicts one wins by not losing and one loses by not winning.

But within this grim framework, we still have some specific options which may not work but must be tried.

We must offer to our adversaries legitimate incentives to bring an end to the present bloodshed. The negotiated peace which President Nixon seeks depends on such incentives.

We must, therefore, offer them an opportunity to participate in a coalition government in the South. Any durable, broadly representative coalition, however, will depend on the fairness and openness of the election of its members. Let us, therefore, as a first step, seek an agreement on a provisional coalition in which both sides participate, which neither side controls, and which has the mediating influence of some neutral nation or body. Elections supervised by such a provisional body have the best chance of producing an authentic coalition—one in which our adversaries might be willing to participate and one which might have a chance of survival.

And we must couple this offer—the precise terms of which would take time to negotiate—with the offer of a cease-fire while negotiations take place.

Our adversaries might not accept such offers. Even more likely—and profoundly more disturbing—is the likelihood of their rejection by the South Vietnamese.

From the very beginning, the lack of viability of the South Vietnamese government has handicapped our effort there. Indeed, it was the failure of the Diem regime to build a broad base of support that necessitated our initial involvement.

And it has been the inability of subsequent leaders to mobilize the people that has led directly to the current impasse.

For years we have known that a viable government could not be developed until the leaders put an end to corruption, brought about needed reforms within the government, and broadened the popular front by opening the doors to a more inclusive representation of the people.

But for years little progress has been made. Even today, the news from Saigon is as much of purges as it is of any incipient national front.

I think it would be the height of folly to believe that an oligarchic clique out of touch with its own people will ever be able to hold the line alone, so until some basic democratization of that government is accomplished the hope for Vietnamization of the war and its resolution must be tempered with skepticism.

What we must do now is something we should have done long ago. We must serve an ultimatum on the South Vietnamese leaders. We must make it clear to them that unless they are receptive to a coalition and a cease-fire we will soon have to withdraw our support.

But we cannot abandon the South Vietnamese people, who have been tragic pawns in this war. If their government cooperates, we can try to give them direct protection. If it does not, we may have little choice but to offer them political asylum.

The picture I have painted is not a very bright one. But the very difficulty of finding a quick, prudent means of withdrawal points up the very urgency of doing so. The difficulty itself is the key to the Nation's frustrations and unhappiness over Vietnam.

It is clearly apparent that the people of the United States no longer support this war.

It is equally evident that few of our traditional allies believe in the validity of our effort in Vietnam.

In short, this war no longer has a substantive constituency, and it is time to get out.

Like so many others, I have been moving to this conviction over some period of time. And like so many others, the final, convincing testimony was not sophisticated, was not couched in tightly-drawn logic, but was, instead, simple, direct . . . and poignant.

Concerning an earlier national agony, Ralph Waldo Emerson wrote this little truism in 1862: "The war goes on educating us to a trust in the simplicities."

For one Senator I know, the convincing simplicity was a sudden realization of just how many letters of condolence he had sent to the parents and widows of boys slain in Vietnam.

For another, the convincing simplicity was the spectacle of a 15-year-old boy, grief stricken over the loss of a beloved brother-in-law in Vietnam, committing suicide on the steps of the Nation's Capitol.

For this Senator, it was a moment last month at Grenier Field in Manchester, New Hampshire. There, one afternoon I witnessed a scene I will never forget—the arrival of five flag-draped coffins bearing the bodies of five young members of New Hampshire's 197th Field Artillery Battalion of the National Guard—five men from one neighborhood—killed in action the very week the battalion was to return home from Vietnam.

The war had truly come home to Tom McIntyre, and I deeply believe to my State as well.

We have learned some hard lessons in Vietnam. We have learned about a new kind of war. Perhaps we have learned that wars which threaten national unity, indeed threaten national sanity, never should be fought at all.

But this war has been fought, fought by men as brave as any we have ever sent into battle, men who were, in one sense, braver, for they fought without the comforting support of a nation united behind them.

Now it is time for the bloodshed to end.

Now it is time to offer our adversaries participation in a provisional government which can supervise the election of a formal coalition government.

Now it is time to offer a cease-fire while negotiations for a coalition take place.

Now it is time to tell the leaders of South Vietnam that unless they are receptive to a coalition and a cease-fire we will soon have to withdraw our support.

Now it is time to prepare to offer the South Vietnamese people political asylum if their government does not cooperate in steps toward peace.

And now it is time to concentrate all of the American grievance about this war into a single, eloquent, powerful voice that says to Mr. Nixon:

"Mr. President—Do what has to be done to get us out of Vietnam. You will have the Nation's support in doing it. You will have the Nation's gratitude—and history's blessing—for having done it."

For now it is time, in Lincoln's words: ". . . to strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace *among ourselves*, and with all nations."

Mr. GRIFFIN. Mr. President, I wish very briefly to associate myself with the remarks of the distinguished Senator from Vermont, in commending the majority leader for his excellent report and a very statesmanlike statement concerning the situation in South Vietnam.

I particularly noted his reference to the Constitution of the United States and our guarantee of the right of peaceable assembly and freedom of speech.

While I realize there are all types of people and all kinds of motives involved in the moratorium today, I cannot help but wonder about some of the young

people who are carrying Communist flags or otherwise displaying support for Communist governments, whether they fully realize how that right they are enjoying today in our precious country would be denied and is being denied the people of the countries that are dominated by communism. I think this is something that all Americans should well ponder as we consider the meaning of what is going on today.

PEACE CORPS VOLUNTEERS OBSERVE MORATORIUM

Mr. CHURCH. Mr. President, as one who has only carried the American flag throughout his life and who would never carry any other flag, I have just returned from the Peace Corps Headquarters where I addressed a very large and enthusiastic gathering of Peace Corps volunteers who are peaceably participating today in the observance of the moratorium.

These young volunteers have signed a petition concerning the day's observance. They asked me to include the petition, together with their names, in the Record.

Mr. President, I ask unanimous consent that the petition, together with the names affixed thereto, may be printed at this point in the Record.

There being no objection, the petition and list of names were ordered to be printed in the Record, as follows:

WORK FOR PEACE—NATIONAL VIETNAM MORATORIUM, OCTOBER 15, 1969

To Senator Frank Church:

We the undersigned individuals, who are Peace Corps employees in Washington, wish to express our concern over the continuation of the war in Vietnam.

As members of an organization devoted to peace, we are joining with other concerned Americans on this day of national protest, October 15, 1969, in affirming our resolve to support all endeavors in Congress towards peace and all peaceful efforts elsewhere which will lead to a swift end to the war and complete withdrawal of U.S. troops from Vietnam.

(Signed by 381 employees whose signatures are annexed.)

SIGNERS

Mary Patrica Ferron, Yvonne Butler, Linda Blumenfeld, Loretta E. Silkie, Marcia Dem Koruiz, Norma M. Robinson, Minerva Figueroa, Christine Amber Schindler, Pauline Robinson, Jane A. Connell, Joseph A. Kelly, Richard I. Winton, Jean Hinson Lall, Jeanette Treat, Lavon Pilson, Doris Gilbert, A. Kochensparger, Ruth MacKenzie, Forest A. Craven, Gloria Pleasure, Roger S. Sattler, Bruce Newton, Mary Hammerbacher, Fannie B. Bush, John Gallivan, Leon Lane, Julian McPhillips, Marie A. Fitzgerald, Jean L. Gilmore, Marilyn Stenger, Cynthia Saporito, Ann Hammerbacher, Mary Kelly, Linda Abrams, Edward Ciok, Hilda Peyton, Rosemary Pearson.

Mary Martin, Doris Henderson, Ruth Archie, Phyllis Copland, Carolyn Gullatt, Edward C. Pytlik, Ed Pautienus, Virgil Brown, Homer Pallen, Eric Lax, Ethel Jordan, Phillip Ruopp, Paul Harmin, Paul C. Kirwan, Larry Menkle, Bernard I. Nelson, Vernon J. Fulcher, F. Douglas Hereford III, Catherine A. Penny, Robert J. Raczynski, Esther M. Alessio, Kelly W. Compton, Joseph L. Ashton, Jr., Manthanne C. Parker, Robert Dorn.

K. L. Hill, Jack Michael Colbern, Homer M. Hayes III, A. Theo Welte, Mary Gallagher, W. Marshall Pittman, Winifred M. Bradley, Cassandra Williams, Ray E. Smith, Steve Smallwood, R. J. Falconer, Jr., Edward D. Ames, Sandy R. McKenzie, Victor F. Klein, A. Friedland, Gilbert L. Fanall, Kathleen F. Sullivan, Judy Thelen, Marian Williams, Della McDonnell, Ellen Pence Hattie W. Johnson, Don Romine.

John Loland, Bob Joy, Judy Rager, Nancy McQuiggan, Myina Pastell, Ward Hower, Yvonne Shellman, Julia Bloch, David McGill, Bernard Telkairz, Kevin Lowther, Lea Durston, Patricia Burch, C. Hyuhueas, Betty Y. Diggs, Nat C. Burger, Deborah F. Jones.

John E. McPhee, E. W. Taly, Camilla J. Mitchell, Lena L. Sims, Dorothy B. Wexler, Judith A. Hemanson, Eloise Williams, J. R. Wilson, Phil Logan, Jr., Arthur Brown, Don Charlan, Jane Meleney Coe, P. Lance Graef, Ronald E. Pell, Mitzi M. Wertheim, Frazile Nichol, Cathy Wallace, Betty McGurk, Delano E. Lewis, Marc Scott, Francis Whaery.

Tony Winderbaum, Daniel Beck, Thomas A. Campanini, Yvonne Green, Vivian Russ, Dorothy Douglas, Linda Simon, E. J. Comstock, Frances Vaughan, Flavia Williams Hutkosky, Daryl Alden Larson, Dave C. Williams, Robert T. Lauritt, Pamela Magee, Anne Depensbrock, Nan Harris, Patricia M. Walsh, Paul North.

Susan Littlefield, Tracy Sankey, A. W. Lewis, Jr., Leola K. Withrow, Roy Tucker, Barbara Greene, Nancy Dorris, Della D. Inlils, Dorothy Marbley, Sherry Novak, Mildred G. Herald, Rochelle Smith, Jack W. Anderson, John N. Francis.

Dale Gilles, Rachel Singer, John Salamach, William E. Howitz, Albert Ormstein, Brian O. Johnson, Odessa Slater, Minnie B. Sledge, Sylvia M. Ware, Beverly Adams, Marion H. Keophumihae, Linda Littel, Bernice Lassiter, Tim Cream, Kathy Landrum, Richard Forbes, Lirlene B. Anderson, S. C. Shulstad, Genoa M. Godbey, Gertrude J. Beach, Barbara S. Jackson, Andraya D. Dozier.

Lohita Hamilton, Lee Honemond, La Gretta Butler, Lila Williams, Wiele W. Izts, Leslie Goldman, Sandra Quick, Ann Christine Ullmier, Jim Reid, Quendaly J. Finney, Doris Leckia, Leon M. Vorim, Waver M. McCarthy, Dorothy Young, Susie J. Tucker, Reine Virnston, Charley P. Chang, Carol M. Lemon.

Venus K. Richey, Mennan Rash, Juanita D. Daniels, Mary C. Rhores, John L. Imel, Mary A. Tadder, ——— ———, John Osborn, Barbara S. Lanier, Margie Weld, Robert McCann, Jean Hain, Barry A. Blyh, Faye C. Sellin, W. C. Lynch, Anthony Camsone, Antonio E. Duren, Cary D. Robertson, James T. Loomy, Carl A. Arn, Jr., Poholo R. Schramm, Sadie Goldsmith, ——— ———, David A. Danielson, J. Carmedy, L. Kelly, Jean Davis, Leo Myers, L. Cox, J. Robison, Linda Eden.

Sanuier, Leon Lane, Jerry Butler, Loree Imel, Jean Elmore, Marty Adler, Julian M. Phillips, Richard H. Jeanneret, John Gellivan, J. Block, Marie Fitzgerald, Marie Monsen, Ned Wilkins, John L. Vance, N. McQuiggan, Robert A. Joy, Yvonne Schellman, Ward Harder, Dave McGill, Elmer Shore, Barbara Bunch Jary Omsted, E. Green.

Cynthia Saporito, P. John Taylor, Marilyn Stnger, Rosmary Pearson, Georgene M. Twitty, B. McChesy, Ann Hammerbacher, Linda Abramo, Lonee Davenport, Mary Hammerbacher, Formi B. Buch, R. S. Stevic, Ed Ciok, Bernice Gunter, Horace M. Hayer, Jack B. Calbaur, Marshall Pittman, Bob Leavinworth, Winnie Bradley, Bo Rayak, Ted Watte, Doug Hereford III, George Goldin, Joan Wrightman, Mike Clarke, Sue Vider, Ginger Benson.

J. W. Warrington, Bryan Kurtz, George Peteides, Givens L. Thoanton, Olibectf, Sandra L. Hatton, George S. Fann, Betty Mitchell, Harriet Freedman, Walter Clarryton, Elton F. King, Robert Lovinggood, Marie Gadsden, Arlene L. Robinson, Ann M. Vitulano, Thily Washington, Theresa A. Manly.

Chuck Calley, David Lawrence, M.D., Robert G. Sellin, Carv Rutherfordin, George H. Hein, M.D., Wayne R. Weber, M.D., Sharon O. Weber, Michael B. Fisher, M.D., M T. Furst, Bruce Diamond, ——— ———, Julie Cavan, Paul Dowling, Joan Markessinis, Crystal Rowan, Pat Payner, Ruby Stroud, John M. True, John Mooney, Wendell Men, Aleathia S. Crawford, Delores H. Garner, Arlene Merino.

Kelley W. Compton, Patricia B. Armijo, Amparo Ortiz, Jean M. Wightman, Virginia M. Benson, Susan E. Vides, George Goldman, Sammie S. Jayley, Michael Clarke, Mozelle M. Earley, Genola M. Tate, Sharon Thomas, Barbara Y. Evans, Mary Mims, Anthony Gomez, Yvonne Moseley, Barbara Wyder, Jim Gunn, Michael Amand, Brenda Witcher, Dave Wheve, Dick Dugan.

Billie Norris, Arthur J. Pettaway, Mattie L. Megginson, Amy Feldblum, James D. Bland, Sylvester Auty, Paul D. Stain, Susan Folsom, Jacqueline Washington, Flora J. Sanders, Audrey Edwards, Ruthie N. Elerhe, Mabin Metcalf, Ann Gregory, Mary Venison, Barbara Jordan, Isabel Daincalf, Frances Meredith, Jim Neidert.

Joyce F. Jackson, Paula M. Mayo, Stephen M. Aronin, Ray McEache, Wayne P. Imoele, Donald H. Bell, Vernon Rayck.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I yield.

Mr. JORDAN of North Carolina. Mr. President, I wish to ask the Senator how many names are on the petition.

Mr. CHURCH. There are 381.

Mr. JORDAN of North Carolina. I thank the Senator.

ISSUES AND ANSWERS: A RESPONSE TO THE ADMINISTRATION

Mr. CHURCH. Mr. President, on Sunday, October 12, the distinguished Senator from New York (Mr. Goodell) and I appeared as guests on the ABC weekly public affairs program "Issues and Answers."

In this telecast, the Senator from New York (Mr. Goodell) and I answered questions from newsmen John Scali and Bob Clark concerning the administration's current policy with regard to Vietnam, the Moratorium Day observances which are taking place throughout the country today, and other issues associated with American foreign policy.

In light of the current debate over continued American participation in Vietnam and today's peaceful protests to our presence in that country, I ask unanimous consent that the transcript of this program be printed at this point in the Congressional Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

ISSUES AND ANSWERS, OCTOBER 12, 1969

Guests: Senator Frank Church, Democrat of Idaho, and Senator Charles Goodell, Republican of New York.

Interviewed by: John Scali, ABC News diplomatic correspondent; Bob Clark, ABC News Capitol Hill correspondent.

Mr. Scali. Gentlemen, welcome to Issues and Answers.

Secretary of State Rogers has just told the American people that President Nixon has achieved tremendous progress in Vietnam in de-escalating the war, in that the enemy is shooting less on the ground; he is replacing his men with fewer reinforcements, and our casualties have gone down. Do you agree that this represents tremendous progress, Senator Church?

Senator Church. Well, he also said that

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there had been no progress at the negotiating table in Paris, and as far as the wind-down of the war and the withdrawal of American troops are concerned, at the present rate of withdrawal, we will be engaged there for the next eight to ten years. I don't think that is sufficient progress.

Mr. Scali. Senator Goodell, do you agree?

Senator Goodell. I don't think it is tremendous progress. I think we all applaud the fact that fewer Americans are dying. But it is now at a rate, that is, the lowest in three years. Sixty-four Americans dying a week, and at that rate there will be 3,328 Americans who have died in the next year.

I think the significant fact here is that we are pursuing essentially the same kind of a policy of putting pressure on the North Vietnamese to make concessions, and the only difference is that we are starting to make some withdrawals in hopes we can induce the North Vietnamese to respond. And that response thus far has been very small.

By the argument made by Secretary of State Rogers, if the North Vietnamese escalate this conflict and we go up to two or three hundred deaths a week in November, December or January, presumably we are going to have to re-think our policy and once again dedicate ourselves to staying there six, eight, ten years.

Mr. Clark. Senator Goodell, a new Gallup Poll out today shows that 57 percent of the American people—a rather surprising majority—agree with your proposal to withdraw all American troops from Vietnam by the end of next year. Do you think this poll is going to be much help in the Senate where your resolution has been given virtually no chance of passage?

Senator Goodell. Yes, I think it is going to be helpful. I think people in public life eventually respond to public opinion and this is the significance of everything that is going on. All of us who are raising this issue, debating it—the Vietnam Moratorium people, everyone else—are trying to rally American public opinion; to get a change in policy that will get us out of Vietnam.

Mr. Clark. Senator Church, by contrast with the Goodell proposal, you appear now as almost a conservative. You are not advocating, at least, withdrawal by a specified, fixed date. Is this Gallup poll today going to make you a little more rash, move you in the direction of the Goodell resolution?

Senator Church. I think the resolution I have introduced, along with Senator Hatfield, has as its purpose the coalescing of broad bipartisan support so we can get some action, which takes votes, a majority of the votes.

Senator Goodell's resolution does specify a date line, but that isn't the only way to secure a more rapid troop movement homeward. Our resolution specifies a more rapid withdrawal of American troops, as quickly as an orderly transition on the battlefield can be effected, and safety be provided for the withdrawing troops and those who may wish to leave with them.

Mr. Clark. Isn't there a rather critical difference between the two proposals in that your resolution would give the President more flexibility?

Senator Church. Yes, I think it would give more flexibility, but at the same time it puts the Senate on record as being in favor of a more rapid withdrawal, consistent with the safety of the withdrawing troops and those who may wish to leave with them, and it also puts the Senate on record in favor of a full and complete disengagement from Vietnam, which is equally important.

Mr. Scali. Gentlemen, Secretary of State Rogers said that President Nixon has in mind a very definite timetable for complete withdrawal from Vietnam for American forces. Do you get any clue that this is something that you know about or is this something that Mr. Nixon has kept very much to himself?

Senator Goodell. No, none of that has been conveyed to anybody I know in the Senate of the United States or in the House. You can talk about complete withdrawal under a plan if you have that in mind. This could be 1971; it could be 1975 or 1985. I am sure everyone in the Administration wants to have a complete withdrawal, but they are setting their limitations on this; they are setting their specific restrictions on how fast we will withdraw, and it is based on response of the South Vietnamese and response of the North Vietnamese—things beyond our control. The essence of this is that it fails to really put the pressure on Saigon. Our biggest problem there is Hanoi, but Saigon is almost as big a problem, and we see very little response in Saigon to broaden its popular base and to face the problems that it has.

The essence of this comes right down to the fact that South Vietnam is a country relatively equal in population and resources to North Vietnam. Actually it has an advantage over North Vietnam, and under those circumstances we must ask why can't they fight this battle with our equipment and our training? Why can't they defend their own independence, especially after six and a half years of our fighting there—when there have been no Russian, no Chinese fighting there. We have fought and we have lost 40,000 men. Now, how much longer do we stay and fight for them, protect them from their own population, in making the changes necessary to survival?

Mr. Scali. Secretary Rogers also said that the success of the President's plan depends on public support. Now, by criticizing the President, as you are now, and by supporting the Vietnam moratorium, aren't you making it difficult, if not impossible, for him to achieve the plan he has in mind? Senator Church?

Senator Church. Of course that argument has been used from the time we first began to express dissent. Opinion at that time was almost monolithic on the war, and for four years we have heard the repetition of this same sterile argument: You must not speak up, even though you are a free people, because somehow it will not set well somewhere else, and will affect the President's plan.

But, John, if we hadn't spoken up, if the dissent had not grown in this country, I don't think that the policy of accelerating the war would ever have been reversed. It was under the pressures of the dissent that President Johnson finally reversed the policy of acceleration; had it not been for that, we could easily be engaged today in a catastrophic unlimited war with China on the mainland of Asia. The dissent has been a very important factor in turning this policy around, and if we fall silent about it now, we take the pressure off.

Mr. Clark. Secretary Rogers made a much more specific objection to the Goodell proposal today—and this is one that may be made by other people, too—and that is that any proposal that would set a fixed date for withdrawals of troops would result, in Secretary Rogers' words, in the enemy waiting until a propitious time and then making an attack. Then, the Secretary warned, there would be a tremendous massacre of the people of South Vietnam. Isn't this something that we have to be concerned about?

Senator Goodell. Yes, and I have been concerned about it. I held off as many of us have. We have been agonizing on how we can do it. Senator Church has expressed his concern about this under my proposal. I leave the Commander-in-Chief, the President, free to determine how the troops will be withdrawn in an orderly manner. But the essence of my proposal is that I give a specific date by which we are going to be out and the South Vietnamese will know it and they will make the changes necessary for their own government to have the support of their people, and the North Vietnamese will know it.

Now, if you believe that the policy of the past six or seven years, of putting pressure on North Vietnam militarily, will bring them to make concessions, then my proposal and other proposals will undercut the peace talks. But everyone has said there is no sign of progress at the peace talks, and I don't think there is any indication that the past policies of failure will succeed in the future in getting peace talks going.

So the essence of it is, how do we get out of this thing without having our men fight there for the next four or five or six years?

Mr. Scali. Gentlemen, President Nixon has said he will not be affected in any way whatever by the anti-Vietnam Moratorium this week. You have both supported the Moratorium. Do you expect that the President can succeed in remaining impervious to this demonstration against the war?

Senator Goodell. No, I don't. I think he will have to respond to it. I don't think this is going to be a protest movement that can be ignored. It is not going to be limited to the students. It reaches out into the entire population. The poll taken by Mr. Gallup indicates this. It is very widespread. The people want us to get out. They want us to get our faster than the present time table, and I think the President is going to have to respond to this.

Senator Church. I agree with what Senator Goodell has said. In fact, I would go further and say that the President has already taken a great deal of notice of it. I don't think it is mere coincidence that he has announced just prior to the Moratorium that General Hershey is being retired from his position; I don't think that calling home Ambassador Lodge and holding special talks to review the entire war policy in the days immediately preceding the Moratorium is a coincidence in timing either. I think it is obvious that the President is taking into account public feeling, and he should. After all this is a democratic government, not an autocratic government.

Mr. Clark. Well, do either of you believe that the President has a duty to respond to public opinion as represented in the Gallup Poll, or to opinion as represented in the Moratorium demonstrations, even though his advisors tell him that this is the road to disaster for the United States?

Senator Church. I don't think the President would prescribe disaster for the United States. I don't think that the war protest is a prescription for disaster. On the contrary——

Mr. Clark. Secretary Rogers made it clear today that any proposal for fixed withdrawal of troops would be the road to disaster.

Senator Church. The moratorium is not based upon a particular proposal. I think that Senator Goodell has made a proposal that has underscored the fact that the present rate of withdrawal is too slow. That is a very important proposal, but the moratorium is not the endorsement of establishing a fixed date. The President himself started the withdrawal. He says that is his policy, therefore it is hardly a prescription for disaster in his judgment. What we are saying is, let's move that process along faster and let's be sure we don't leave 300,000 troops behind in Vietnam the way we have left a whole Army behind in Korea and in Germany.

Mr. Clark. Is that all you are asking, Senator Goodell: just move the withdrawal process along a little faster?

Senator Goodell. No, I am asking that we give South Vietnam specific notice we are going to get out completely by December 1st, 1970. So they have a chance to survive. So they have a chance to make their changes.

It will be seven and a half years we have been there then, on December 1st, 1970, and I think if they really want their independence, they can do it.

I also think we have to ask the question how many more Vietnams are we going to get into, civil wars? If a country is broken up and having internal fights and the Communists happen to be involved, is it our proper role to go in with our troops and fight on one side or another? That is what we have done in Vietnam and I think it is going to be disastrous if we continue relying on a corrupt South Vietnamese Government that does not have the support of the people, which is imprisoning its opposition. Maybe two or three years from now, after 40 or 50 thousand more Americans have died, we will have moved out gradually and find that there is a coup and another government has taken over anyway.

Senator Church. Could I just say a word about that, Charlie?

If we remove all of our troops, it is hardly a move that would leave the Saigon Government naked before its enemies. There are 1,500,000 South Vietnamese troops in the field against 135,000 Viet Cong, and 90,000 North Vietnamese. Now, if that vast army, supplied and equipped by the United States, can be inspired to defend the Saigon Government, it will survive, but if it cannot be inspired, then it does not deserve to survive.

Mr. Scali. Well, Senator Church, do you think that former Senator Humphrey has undercut the Democrats who opposed the Vietnam War by meeting with President Nixon this week and then coming out of the White House and saying that he endorsed the basic conduct of the war that Mr. Nixon was following?

Senator Church. I am sure his motive was not to undercut the Democrats. I don't see the war issue as a partisan issue. I think that Mr. Humphrey was consistent with his previous positions. He supported the war policy under the Johnson Administration and he has taken a position that is consistent with that under the Nixon Administration.

Mr. Scali. Some observers of the national scene believe that the anti-Vietnam critics, both Republicans and Democrats, who destroyed Lyndon Johnson's chances for reelection, are now out to destroy Richard Nixon as a national leader too.

Gentlemen, in criticizing President Nixon, aren't you in danger of breaking the one man who has it within his capacity to negotiate an acceptable compromise?

Senator Goodell. The purpose of our dissent is constructive. The purpose of our dissent is not to destroy a President. The purpose of the dissent two or three years ago was not to destroy President Johnson. It was to destroy a fallacious policy that was causing our country great division, which was destroying the faith of our young people in this whole system, and which was killing our young people off at very high rates; which was diverting our resources, $30 billion a year, from the tremendous needs of our people; shouldering our people with the highest taxes in the history of our country, including during World War II, and at the same time ignoring most of the crucial problems of our age internally. That is what we are trying to meet as a problem. That is what the dissent is all about; not destroying an individual. We hope the President will respond.

Mr. Clark. I think perhaps another quote from Hubert Humphrey after that meeting with Nixon might be pertinent here. Mr. Humphrey said, "I think the worst thing we can do is try to undermine the efforts of the President. We have to accept the man's good faith; we have to realize the President is moving, that he is trying."

Have you lost faith in the President, Senator Goodell?

Senator Goodell. No, I haven't, but let me also make one other thing clear: Congress has responsibility here too. It is only Congress that has the power to declare war. We are fighting a war in Southeast Asia that has not been declared. No one denies it is a war. Congress has the power to raise and support armies, supply the money or withhold the money for the millitary, and many of us have been talking in the past about changes in policy. I decided it was time that the United States Senate and the Congress face its own responsibility; take some of the burden of getting us out of Vietnam and pass a bill as a matter of law that it is our opinion that we get out.

Mr. Clark. Senator Church, do you feel that the Congress or the President best exercises the responsibility for disengaging the United States from the mess in Vietnam?

Senator Church. The Constitution gives the Congress a role to play in war and in foreign policy, as Senator Goodell says. I would like to see Congress play its role. That is not usurping the powers of the Presidency. It is just discharging our responsibility under the Constitution. But let me make this clear: It wasn't the dissenters that destroyed President Johnson and drove him from power. It was an erroneous and mistaken policy that drove him finally from power, and a growing recognition throughout the country that it was a mistaken policy.

I think Vietnam is probably the most calamitous mistake that has ever been made in the diplomatic history of the United States, and if this war persists, it will also destroy President Nixon. But that won't be the work of the dissenters. It will be the work of the American people who recognize that the war is a mistake, and that it is time to disengage and to bring American troops home. We didn't promise to make South Vietnam the 51st state or to defend the 17th parallel as though it were an American frontier.

Mr. Scali. Senator, in your plan for faster and faster withdrawal, if we start to withdraw faster and the enemy suddenly hits the South Vietnamese forces with a major offensive that threatens to overrun most of the country and wound the South Vietnamese army, would you then favor reversing the withdrawal process?

Senator Church. Oh, certainly not. I don't think we can ever reverse this process. After all, the vital interests of the United States were never at stake in Viet Nam. That is why I began to protest the war policy five years ago. If our vital interests were at stake there, we couldn't possibly say, "We will settle for any outcome, even a Communist government," and leave it up to others to decide, even in free elections.

That in itself demonstrates that the vital interests of the United States—meaning the safety and security of the American people—are not at stake in Viet Nam and never have been.

Mr. Clark. Do either of you have any concern that the moratorium demonstrations which both of you have endorsed and are supporting hold the seeds of violence, that they might get out of hand and we would see some of the violence we have seen recently in other student protests across the country?

Senator Church. There is always that possibility, and if the wrong groups take charge some place or other, that could happen. But that is not its purpose. The leaders are stressing that there is to be a peaceful and lawful protest within the rights of a free people, to make their feelings known to their government, and it is on that basis that I endorse it.

Mr. Clark. Do you have any suggestions, Senator Goodell, as to how to ensure that these demonstrations do remain peaceful?

Senator Goodell. Yes. By participation by men in public life such as Senator Church and myself and others. I am going to spend Tuesday and Wednesday going to the University campuses, as many as I can reach, agreeing with them, trying to stimulate the constructive debate.

I think if there is widespread violence or a lot of crazy antics over this very solemn issue, that is the one thing that conceivably could give the Pentagon another year or another two years to pursue its present policies. I think it would be very disastrous. I have said this over and over again to the leaders of the moratorium movement, and they agree. They agree one hundred per cent and I believe most of the participants agree. But a small group, of course, can become very newsworthy with some kind of crazy antics that they go through. We hope that will not happen.

Senator Church. Incidentally, on that day I am going to be speaking at the Peace Corps here in Washington, and it is interesting that some of the people in the executive departments of the government are participating in these observances. I think that is the first time that has ever happened.

Mr. Scali. Gentlemen, if the latest Gallup Poll is accurate there seems to be a substantial shift against the war in American public opinion in just the past few, perhaps six months. What do you think accounts for this?

Senator Goodell. Well, I think first of all the American people wanted to give President Nixon, the new President, an opportunity. He said he had a peace plan. They waited. I waited. We felt the President should have an opportunity to get results in Paris and show other results. I think now the American people see ahead of them the possibility of a long commitment, a presence in Viet Nam until maybe 1973, '4 or '5, with just a gradual withdrawal, and I think they have come to the realization that this cannot be. They have seen how it divides our society, they see how it destroys our young people and they just will not have it.

Senator Church. For a long time the American people have been saying something that has an awful lot of common sense to it. I think if we would pay more attention to the common sense remarks of the people on the streets, government policy might make more sense. They have been saying, "We are over there. We either ought to win or get out."

Now, the President has said that under the circumstances, a military victory has to be dismissed, that it is not our policy. Well then, the American people, I think, have concluded if that is not the policy then the time has come to get out. I agree with them.

Mr. Clark. Senator Goodell, you may be in more imminent danger than Senator Church is on the issue. You have taken on both the leader of your own party, the President, and the Governor of New York, who appointed you to the Senate, in your opposition to the war, and in your call for a specific withdrawal date for troops.

Are you concerned that you might be risking political suicide in all this?

Senator Goodell. Yes, but I think this issue transcends politics. I think it transcends the future career of any one individual in public life. I think it is right. I think what I am advocating is right; right for our country, and I recognize that it has caused me great difficulties in the Republican party with the Governor who appointed me, and it may be the end of my career, but as long as I am in the United States Senate, I am going to do everything I can to get us out of this war, which is the wrong war in the wrong place at the wrong time with the wrong policies.

Mr. Clark. Are you concerned that you might be risking suicide for the Republican party and the Nixon Administration in the 1972 election and perhaps the 1970 election?

Senator Goodell. I don't think I am risking political suicide in this. I don't think any President can be re-elected in 1972 if we are still in Vietnam as we are now.

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Mr. Scali. Gentlemen, President Thieu said on this program in Saigon two weeks ago that he wanted President Nixon to give him a specific timetable stretching into 1970 for withdrawal of American troops, provided it also is accompanied with the promises of sufficient equipment, training and economic aid.

Senator Goodell. He also said we have to be there for years and years.

Mr. Scali. Do you think the President should give him such a time table stretching into 1970?

Senator Goodell. Obviously I don't think we should give him a time table beyond December 1, 1970. It ought to be specific—a shock treatment to the Saigon government: "Shape up or we are going to ship out."

Senator Church. I think the time table should be ours. As it now stands, it is being left to Saigon and Hanoi and I think the time has come not to wait upon the pleasure of those two governments any longer.

Mr. Clark. I am sorry, gentlemen, our time has come, too. It has been a pleasure having both of you with us, Senator Goodell, Senator Church, on Issues and Answers.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 41 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 15, 16, 20, 24, 35, and 40 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed, without amendment, the joint resolution (S.J. Res. 150) to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

The message further announced that the House had passed a joint resolution (H.J. Res. 910) to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution and they were signed by the President pro tempore:

S. 1242. An act to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting;

S. 1471. An act to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes; and

S.J. Res. 150. Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 910) to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam, was read twice by its title and referred to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Property Acquisitions of Emergency Supplies and Equipment

A letter from the Director of Civil Defense, Office of the Secretary of the Army, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment for the quarter ending September 30, 1969; to the Committee on Armed Services.

Proposed Legislation Providing Authority for Subsidized Transportation for Public Health Service Employees Affected by the Transfer to the Parklawn Building in Rockville, Md.

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide authority for subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Md. (with accompanying papers); to the Committee on Government Operations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Department of Labor's Neighborhood Youth Corps program in selected rural areas of Minnesota, under title IB of the Economic Opportunity Act of 1964, Department of Labor, October 14, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Commission of Flint, Mich., urging the rejection of any proposals to change in any manner the tax exempt status of bonds issued by the city of Flint; to the Committee on Finance.

A resolution adopted by the committee on public health and welfare, Florida House of Representatives, praying for the enactment of legislation relating to family assistance, manpower training and placement, and child care for working mothers; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

S. 2264. A bill to amend the Public Health Service Act to provide authorization for grants for communicable disease control (Rept. No. 91–478).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of hearings on Science and Strategies for National Security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof (Rept. No. 91–456).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 251. Resolution authorizing additional expenditures by the Special Committee on Aging (Rept. No. 91–461);

S. Res. 261. Resolution to print a list of proposed amendments to the Constitution as a Senate document (Rept. No. 91–458);

S. Res. 266. Resolution authorizing expenditures by the Select Committee on Small Business (Rept. No. 91–459);

S. Res. 267. Resolution to print "The Cost of Clean Air" as a Senate document (Rept. No. 91–460); and

S. Res. 269. Resolution to authorize the Committee on Finance to expend $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act of 1946.

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 227. Resolution to authorize the expenditure of funds by the Committee on Labor and Public Welfare generally and for its investigation of the problems of education of American Indians (Rept. No. 91–477).

By Mr. JORDAN from the Committee on Rules and Administration, with an amendment:

H. Con. Res. 368. Concurrent resolution providing for the printing of copies of the eulogies of Dwight David Eisenhower (Rept. No. 91–457).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 230. Resolution to investigate antitrust and monopoly laws of the United States (Rept. No. 91–463);

S. Res. 231. Resolution authorizing a study of matters pertaining to constitutional amendments (Rept. No. 91–464);

S. Res. 232. Resolution to investigate matters pertaining to constitutional rights (Rept. No. 91–465);

S. Res. 233. Resolution to investigate criminal laws and procedures (Rept. No. 91–466);

S. Res. 234. Resolution to investigate the administration, operation, and enforcement of the Internal Security Act (Rept. No. 91-467);

S. Res. 235. Resolution to study and examine the Federal judicial system (Rept. No. 91–468);

S. Res. 236. Resolution to investigate juvenile delinquency (Rept. No. 91–469);

S. Res. 237. Resolution to study revision and codification of the statutes of the United States (Rept. No. 91–470);

S. Res. 238. Resolution to make a full and complete study of the separation of powers under the Constitution (Rept. No. 91–471);

S. Res. 242. Resolution to investigate problems created by the flow of refugees and escapees from communistic tyranny (Rept. No. 91–472);

S. Res. 262. Resolution providing for additional copies to be printed of Senate Document 39 (Rept. No. 91–473);

S. Res. 263. Resolution authorizing additional appropriation for the Executive Reorganization Subcommittee, Committee on Government Operations (Rept. No. 91–474);

S. Res. 264. Resolution authorizing a study of intergovernmental relationships between

the United States and the States and municipalities (Rept. No. 91–475); and

S. Res. 265. Resolution for additional funds for the Committe on the District of Columbia (Rept. No. 91–476).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Charles Clark, of Mississippi, to be U.S. circuit judge, fifth circuit.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. EASTLAND:

S. 3033. A bill to amend the Public Works and Economic Development Act of 1965 so as to remove the prohibition against assistance thereunder for financing facilities for production or transmission of gas; to the Committee on Public Works.

By Mr. TYDINGS:

S. 3034. A bill to provide for thirty-day pre-trial detention, in lieu of bail, for certain dangerous persons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HARTKE (for himself, Mr. Bayh, Mr. Burdick, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. McGee, Mr. Metcalf, Mr. Moss, Mr. Randolph, Mr. Schweiker, Mr. Scott, Mr. Stevens, Mr. Williams of New Jersey, and Mr. Yarborough):

S. 3035. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Finance.

(The remarks of Mr. Hartke when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HRUSKA (for himself and Mr. Hart):

S. 3036. A bill to increase criminal penalties under the Sherman Antitrust Act; to the Committee on the Judiciary.

(The remarks of Mr. Hruska when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SYMINGTON:

S. 3037. A bill for the relief of Dr. Shu-sum Cheuk; to the Committee on the Judiciary.

S. 3035—INTRODUCTION OF A BILL TO AMEND TITLE II OF THE SOCIAL SECURITY ACT TO INCREASE THE NUMBER OF DROPOUT YEARS

Mr. HARTKE. Mr. President, a problem involving social security benefits exists today which adversely affects those workers who elect to retire before age 65 or who are forced to retire before that age because of technological advances or plant shutdowns which deprive them of their jobs.

Under the law as it is presently written, the 5 lowest wage earning years are dropped out when benefits are computed. Benefits are then calculated on the basis of all other years in the computation period, which ordinarily extends from the year 1951 to such time as the worker becomes eligible for benefits. Thus, the male worker who chooses to retire on a company pension plan at age 55, after spending 30 years in the work force, will very likely have 5 or more years of no, or low income, figured against him when the time comes to compute his benefits, since the 5 dropout years presently provided would obviously not suffice to cover the entire 10-year period between his date of initial retirement and his sixty-fifth birthday.

This penalization of early retirees is certainly inequitable when it affects the employee who has put in 30 years with his company and then chooses to retire. This injustice is increased, however, when those out of work are long-term employees who are the victims of a plant closing, technological change, or other events over which they had no control and exercised no choice.

In the case of those workers who are forced into retirement, the situation would not be so serious if they were able to find employment during those years before they become eligible for benefits. But the unfortunate fact remains that it is still extremely difficult for a person over 50 to find an appropriate job. This is particularly true when a worker, after spending a number of years with one company, is automated out of his job. That such a worker should then have his social security benefits diluted because of his forced inactivity is particularly unfair.

In an attempt to remedy this injustice, I today introduce for appropriate reference two amendments for myself, Mr. Bayh, Mr. Burdick, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. McGee, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Randolph, Mr. Schweiker, Mr. Scott, Mr. Stevens, Mr. Williams of New Jersey and Mr. Yarborough. The first would add 1 additional dropout year for every 10 years that an employee has worked in an occupation covered by social security. An employee who elects to retire after spending 30 years in the covered work force would thus receive 3 dropout years in addition to the five already provided. The employee who has worked 20 years would receive 2 additional dropout years, and so on.

The second amendment would change the basis upon which benefits are computed from age 65 to age 62. It is the purpose of this amendment to comport the computation period for male workers with that presently in effect for women. Thus, only those years from 1951 to that time when a male worker reaches 62 will be used in the computation of benefits. The net effect of this amendment would be to grant an additional 3 dropout years to male employees, thereby affording them the same treatment now given to women.

The effects these two changes in the current law would have on the early retiree are dramatic. The male worker who chooses to retire at age 55 after 30 years in the work force, would receive 6 dropout years in addition to the 5 currently provided, for a total of 11. These 6 additional years would enable the 55-year-old retiree to avoid any penalization as a result of his early retirement.

Mr. President, I do not believe that workers who have added imeasurably to this country's economic growth and industrial preeminence should be penalized because they choose to take full advantage of private pension plans before they become eligible for full social security benefits. For this reason I feel that enactment of these amendments would have an eminently fair effect.

I ask unanimous consent that the text of the bill be printed in the Record immediately following my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3035) to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women), introduced by Mr. Hartke (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 3035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asesmbled, That (a) section 215(b)(2)(A) of the Social Security Act is amended by inserting ", and, in the case of an individual having 40 or more quarters of coverage, further reduced by one additional year for each 40 quarters of coverage of such individual" immediately after "reduced by five".

(b) Section 214(a)(1) of the Social Security Act is amended to read as follows:

"(1) one quarter of coverage (whenever acquired) for each calendar year elapsing after 1950 (or, if later, the year in which he attained age 21) and before the year in which he died or (if earlier) the year in which he attained age 62; except that in no case shall an individual be a fully insured indivdual unless he has at least 6 quarters of coverage; or".

(c) The first sentence of section 215(b)(3) of such Act is amended to read as follows: "For purposes of paragraph (2), the number of an individual's elapsed years is the number of calendar years after 1950 (or, if later, the year in which he attained age 21) and before the year in which he died or (if it occurred earlier but after 1960) the year in which he attained age 62."

(d) The following provisions of such Act are amended by striking out "(if a woman) or age 65 (if a man)":

(1) section 209(l);

(2) section 216(l)(3)(A); and

(3) subsections (a)(2) and (c)(1)(A) of section 223.

(e) The last sentence of section 223(a)(2) of such Act is amended by striking out "a woman" and "she" and inserting in lieu thereof "an individual" and "he", respectively.

(f) Section 3121(a)(9) of the Internal Revenue Code of 1954 (relating to definition of Wages) is amended to read as follows:

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"(9) any payment (other than vacation or sick pay) made to an employee after the month in which he attains age 62, if he did not work for the employer in the period for which such payment is made;"

(g) The fourth paragraph of section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out "age 65 (62 in the case of a woman)" and inserting in lieu thereof "age 62".

SEC. 2. (a) The amendments made by the first section of this Act shall apply with respect to monthly insurance benefits under sections 202 and 223 of the Social Security Act for months after the second month following the month in which this Act is enacted and with respect to lump-sum death payments under section 202 (i) of the Social Security Act for deaths occurring after such second month; except that (1) the amendments made by subsections (d) (1) and (f) shall apply with respect to remuneration paid after such second month, and (2) the amendment made by subsection (g) shall apply with respect to annuities accruing for months after such second month.

(b) The Secretary of Health, Education, and Welfare shall recompute the monthly benefits payable to individuals under title II of the Social Security Act so as to give effect to the amendments made by the first section of this Act to monthly benefits payable under such title for months after the second month following the month in which this Act is enacted, and in so recomputing such benefits the amendments made by the first section of this Act to section 215 (b) of the Social Security Act shall, notwithstanding the provisions of paragraph (4) thereof, be applicable to all individuals entitled to such monthly benefits for months after such second month.

SENATE RESOLUTION 272—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON INTERNAL SECURITY

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND), I submit a resolution, and ask unanimous consent that it be referred to the Committee on Rules and Administration.

The PRESIDENT pro tempore. The resolution will be received; and, without objection, the resolution will be referred to the Committee on Rules and Administration.

The resolution (S. Res. 272) is as follows:

Resolved, That the Committee on the Judiciary is hereby authorized to expend from the contingent fund of the Senate $2,100, in addition to the amount, and for the same purposes and during the same period specified in Senate Resolution 33, Ninetieth Congress, agreed to February 17, 1967.

SENATE RESOLUTION 273—RESOLUTION REPORTED AUTHORIZING THE PRINTING OF THE 70TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AS A SENATE DOCUMENT (S. REPT. NO. 91–462)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 273) and submitted a report thereon, which report was ordered to be printed, and the resolution was placed on the calendar, as follows:

Resolved, That the seventieth annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1967, be printed, with an illustration, as a Senate document.

SENATE RESOLUTION 274—SUBMISSION OF A RESOLUTION REASSERTING THE RIGHT OF AMERICANS TO ASSEMBLE PEACEFULLY TO PETITION THEIR GOVERNMENT

Mr. SCOTT (for himself, Mr. MANSFIELD, and Mr. HATFIELD) submitted a resolution (S. Res. 274) reasserting the right of Americans to assemble peacefully to petition their Government, which was referred to the Committee on the Judiciary.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 275—SUBMISSION OF A RESOLUTION RELATIVE TO THE INTRUSION OF THE PREMIER OF NORTH VIETNAM INTO THE AFFAIRS OF THE UNITED STATES

Mr. SCOTT (for himself, Mr. MANSFIELD, and Mr. HATFIELD) submitted a resolution (S. Res. 275) relative to the intrusion of the Premier of North Vietnam into the affairs of the United States, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading.)

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 248 AND 249

Mr. MATHIAS submitted two amendments, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which were referred to the Committee on Finance and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 15, 1969, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 1242. An act to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting;

S. 1471. An act to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes; and

S.J. Res. 150. Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

NOTICE OF HEARINGS CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years, vice Elmer W. Disspayne, retired

S. John Cottone, of Pennsylvania, to be U.S. attorney for the middle district of Pennsylvania for the term of 4 years, vice Bernard J. Brown

Raymond J. Howard, of Wisconsin, to be U.S. marshal for the eastern district of Wisconsin for the term of 4 years, vice James H. Dillon, term expired

Benjamin F. Westervelt, of New York, to be U.S. marshal for the eastern district of New York for the term of 4 years, vice George J. Ward

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, October 22, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination which was reported earlier today. I understand this nomination has been cleared all around.

The PRESIDENT pro tempore. Without objection, it is so ordered. The nomination will be stated.

U.S. CIRCUIT JUDGE

The legislative clerk read the nomination of Charles Clark, of Mississippi, to be U.S. circuit judge, fifth district.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 450, S. 2910.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2910) to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building.

There being no objection, the Senate proceeded to consider the bill.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–454), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

S. 2910 would amend section 3 of Public Law 89–260, a joint resolution to authorize the Architect of the Capitol to construct a third Library of Congress Building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall and for other purposes, approved October 19, 1965, by striking out $75 million and inserting in lieu thereof $90 million, thus increasing the authorization for the third Library of Congress Building by $15 million.

THE NEED

The great need for a third Library of Congress Building is amply justified in Senate Report 641 and House Report 1024, 89th Congress, first session. Public Law 89–260, approved October 19, 1965, authorized the construction of a third Library of Congress Building to be known as the James Madison Memorial Building, at a total cost not to exceed $75 million. Had funds been appropriated for the design and construction of this building in a timely manner, there is little doubt that the building could have been completed within the funds authorized. However, since the enactment of the joint resolution, only $500,000 has been appropriated for preliminary plans and designs and cost estimates. $2.8 million for detailed plans and specifications and related expenses have been included in the legislative branch appropriations bill 1970. However, the House of Representatives, in approving this bill, included the following provision limiting the availability of funds:

"That availability of these funds for obligation shall be contingent upon enactment of legislation adjusting the limit of cost of the project (fixed by section 3 of such act) to reflect projected escalated construction costs required to complete the project on the basis of the preliminary plans heretofore approved by the committee and commissions designated in such act."

In order to proceed with the preparations of the detailed plans and specifications and ultimate construction of this urgently needed building, it is now necessary to increase the authorization for the building to $90 million because of the rapidly escalating construction costs.

GENERAL STATEMENT

Public Law 89–260 recognized the critical need of the Library of Congress for additional space within which to carry out its assigned responsibilities. In 1965, $500,000 was appropriated for the preparation of preliminary plans and designs and cost estimates. The Architect of the Capitol, acting under the joint direction of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, after consultation with the James Madison Memorial Commission, retained architects Roscoe DeWitt, Alfred Easton Poor, Albert Homer Swanke, Jesse M. Shelton and A. P. Almond to prepare these preliminary plans and cost estimates. During the planning stage a committee designated by the American Institute of Architects was consulted, as required by the law. The resulting cost estimates verified that, on the basis of known costs and anticipated cost escalation over the time necessary for construction of the building, the building could be constructed at a total cost not to exceed $75 million. Thereafter, at the direction of the chairman of the coordinating committee, concurred in by the parent commissions and committee, an appropriation of $2,800,000 was requested for the preparation of contract plans and specifications, for inclusion in the supplemental appropriation bill, 1968; and again requested for inclusion in the legislative branch appropriation bill, 1969.

In acting on the supplemental bill 1968, the request of $2,800,000 was not allowed by the House Appropriations Committee; was included in the bill by the Senate Appropriations Committee and retained in the bill as passed by the Senate; but was deleted from the bill in conference, with the following statement:

"Strike out the provision in the Senate bill that would have appropriated $2,800,000 for plans for the James Madison Memorial Library of Congress building. This action is recommended without prejudice to the merits of the project."

In acting on the legislative branch appropriation bill 1969, the request for $2,800,000 was disallowed by both the House and Senate Appropriations Committees. The House report contained the following statement:

"In connection with the proposed James Madison Memorial (third) Library building, a $75 million project, the committee has again deferred without prejudice the $2,800,000 sought for plans and specifications. It is the same proposition considered by the committee last December and laid aside in view of the critical budget situation.

"There seems to be no question about the Library needing a third building. The Library continues—inevitably—to grow. Annual space rental costs now approach $1 million, and the Library keeps looking for more available and suitable space. But the budget situation is worse than it was last December, leaving the committee little justifiable choice in the decision to defer the item."

The Senate report contained the following statement:

"The budget estimate is in the amount of $2,800,000 and these funds were requested for architect-engineer fees for preparation of contract plans and specification. The committee has denied the request for these funds at the present time in view of the budget situation."

In the meantime, due to inflationary pressures, construction costs have been accelerating at an ever increasing rate. The associate architects retained by the Architect of the Capitol estimate that it will now cost $90 million to construct this building, assuming it can be completed during 1973. In other words, if the Congress now moves expeditiously to appropriate the required funds, it will cost $90 million to build exactly the same building which could have been built previously for $75 million. The building, as projected, and the preliminary plans have not changed, but construction costs have.

COMMITTEE VIEWS

In reporting S. 2910, the committee recognizes the ever-increasing need of the Library of Congress for this third building, and realizes that further delay in its construction can only increase the ultimate cost. The need to complete the construction of the James Madison Memorial Building is urgent and the committee recommends the enactment of S. 2910.

COSTS

This legislation authorizes the appropriation of an additional $15 million for the construction of the third Library of Congress building, to be named the James Madison Memorial Building.

Mr. SCOTT. Mr. President, I am familiar with the situation here and I have said nothing because I did not wish to obstruct the passage of the bill. However, I understand the change in the authorization is due entirely to the rise of costs of materials and that there are no changes in the plan for the memorial.

Mr. JORDAN of North Carolina. The Senator is correct. This memorial was authorized in 1965. There have been no changes in the plans and specifications. This will last through the next 5 years and through anticipated rises in cost.

Mr. SCOTT. I thank the Senator.

The PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read a third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the joint resolution entitled "Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes", approved October 19, 1965 (79 Stat. 986), is amended by striking out "$75,000,000" and inserting in lieu thereof "$90,000,000".

ORDER OF BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that I may proceed for 6 minutes.

The PRESIDENT pro tempore. Without objection, the Senator from Utah is recognized for 6 minutes.

TELL IT TO HANOI DAY

Mr. BENNETT. Mr. President, today is a unique day in American history. Around the country, groups of persons are protesting the Vietnam conflict. They are protesting the policies of the U.S. Government. They are attacking the President of the United States, our elected and appointed officials, and they are doing serious discredit to our fighting men in Southeast Asia.

Seldom have I witnessed an occasion in my Senate career when an issue was more confused than this one. The essence of the so-called moratorium is a demand that all American troops be withdrawn from Vietnam immediately. This, Mr. President, is an irresponsible position regardless of whether a person agrees or disagrees with American involvement in Vietnam. If one will simply think about the situation, he must realize that a withdrawal must be orderly and phased over a period of time to allow the South Vietnam Government to take up the slack. Truly the day should

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be dedicated to "Tell It To Hanoi" instead of Washington.

These same persons with a "conscience" will be among the first to vent their wrath upon the President of the United States if an immediate withdrawal causes mass execution by the Communists in South Vietnam of people who have been faithful to their government and the allied cause.

Mr. President, let there be no mistake that this war was started by Communist aggression. It is supported, directed, and controlled by Hanoi. The Soviet Union and Red China have been the main source of war materiel for Communist Vietnam.

For a long time the protesters in this country have demanded a bombing halt. They have demanded a withdrawal of American troops. Over the past 18 months, these positions have been responsibly and gradually adopted by the President of the United States, and I hasten to remind the Senate and the American people that many of the concessions required by Hanoi have been made by the United States. In spite of the bombing halt and the reduced level of American troops, Hanoi has not made a single major concession and has not made any effort to negotiate seriously. If there is any intransigence and bullheadedness it is in Hanoi, and I am frankly astounded that these protesters have their sense of direction and values so fouled up. If they are so interested in terminating the war, why do they not have the fortitude to send a protest to Hanoi; tell the Communists in North Vietnam to make some concessions. We have made many, they have made none. Let them stop harassing the American Government which has gone the extra mile in trying to reach a negotiated settlement. Let them stop doing a serious disservice to the American servicemen. Let these mistaken Americans realize that a united America would give Hanoi the message that they must negotiate at Paris.

As things now stand, the moratorium simply tells Hanoi that all they must do is wait us out.

President Nixon, as President Johnson before him, is attempting to terminate the war as soon as possible and in an honorable way. The former Vice President, Mr. Humphrey, the Democratic candidate for President last year, has endorsed the President's approach. Now is the time for these misguided people to stop doing their damage, to stand behind the President.

As part of this topic, Mr. President, I should like to call to the attention of the Senate two columns written by David Broder, which was published in the Washington Post on October 7 and October 14. Mr. Broder has entitled the columns "A Risky New American Sport, the Breaking of the President," and his second column, "Ill-Advised Moratorium Could Set Risky Precedent." In some ways our form of government is undergoing a severe test. These factions and groups have found ways to force upon our Presidents a narrow point of view.

I have to endorse the position of President Nixon expressed in his letter to the Georgetown University student on Monday, that policy decisions as critical as this cannot be decided in the streets by a radical minority. It is time for the radical moratorium types in this country to assume some kind of responsibility, to realize the damage they are doing to the peace effort, and to have the courage to "Tell It to Hanoi."

I ask unanimous consent that the Broder columns be printed in the Record at this point to allow the Senate and the Congress to read Mr. Broder's astute analysis, and to realize the severe damage that is being done to this Nation by this foolish approach to foreign policy.

There being no objection, the articles were ordered to be printed in the Record, as follows:

A Risky New American Sport: "The Breaking of the President"

Cambridge, Mass.—If there are any smart literery agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

Ill-Advised Viet Moratorium Could Set a Risky Precedent

Cambridge, Mass.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscurred. If the event is to be gauged properly, it is important to uncover its original premises from the debris of cliches and endorsements in which they have lately been buried.

A number of men active in the moratorium have taken time to point out what they consider the errors of the argument in this column last week that it is a plan for "the breaking of the President." With sincerity and conviction, they have asserted that, far from breaking the President, they are out to save him, by persuading him to make the peace the nation craves and, incidentally, to save the political system by keeping the antiwar movement out of the hands of the radicals and in control of those with a commitment to peaceful forms of protest.

Their conversations and correspondence have helped to define three questions which might be borne in mind by those planning to participate in the moratorium.

First, what is the target of this protest? Sam Brown, the able spokesman for the moratorium, says it is not an anti-Nixon move because "we learned in 1968 that what we must oppose are not personalities but policies."

But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

It asked for "a phased withdrawal over a relatively short period of time" of all foreign troops. The Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, it recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese."

If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

Second, what is the alternative they recommend? It has been described in moratorium publicity as everything from a negotiated settlement to immediate, total American withdrawal from Vietnam, but Brown said Sunday on "Face the Nation" that it is the latter that the moratorium has "consistently" demanded.

If that is the case, then the elected officials, clergymen and educators who have lent their prestige to the moratorium can properly be asked if this is the program they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they could explain why a one-dimensional plan to pull out troops is any more likely to be wise policy than the one-dimensional plan that sent the troops in. Have we not learned yet to examine the political consequences of military decisions?

Third, and most important, what about the method of the moratorium? Is it compatible with the maintenance of representative democracy or does it substitute the rule of the street?

The sponsors say the name "moratorium," rather than "strike," was chosen to emphasize that the protest is to be peaceful and non-coercive. It is a nice distinction. The noncoercive feature may be almost invisible to the thousands of students whose colleges will shut down Wednesday. If the moratorium continues, as planned, for two days in November, three days in December, and so on, it will more and more come to resemble the general strike so familiar to European politics.

And if it succeeds in its aim, what is to prevent other majorities or sizable minorities in the country from using the same technique to force their views on agencies of the government? The moratorium sponsors say Vietnam is an extraordinary issue, but they must know it is not the only issue which agitates millions of people.

One wonders what the moratorium sponsors would say if Billy Graham were to ask all the parents who want prayers restored to public schools to withdraw their children from school for one additional day each month until the Supreme Court reverses its school-prayer decision.

Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate men opposed to integrated housing declared a moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamese moratorium is un-American, illegitimate, meanly partisan or personally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

THE MORATORIUM

Mr. DOMINICK. Mr. President, I shall be very brief, but yesterday, along with others, I received a copy of the letter from Hanoi talking about the moratorium, congratulating the people who are running it.

I think, in conjunction with some other articles, it is worthwhile, having this once again repeated.

About the same time, or a day or two before, an article was written by David S. Broder entitled "Ill-Advised Viet Moratorium Could Set a Risky Precedent."

I think the article is of extraordinary significance. I would like to go into it for a second or two.

Mr. Broder points out that the minority plank at the Democratic Convention called for certain steps, one of which was a halt in the bombing of North Vietnam. He then points out that that has been done.

That plank also recommended a reduction in offensive operations in South Vietnam. Mr. Broder points out that President Nixon has ordered this and it is in effect.

Mr. Broder points out that the minority plank asked for "a phased withdrawal over a relatively short period of time" of all foreign troops. He states that the Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, the plank recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese." Mr. Broder goes on to say:

> If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors wanted to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

At about the same time, from the Washington News yesterday, there was an excellent article by Don Tate from Saigon, dated October 14. This article points out that there are two Vietnam wars, one which the Americans are fighting in Vietnam, and the one Americans fight in the United States. "Observers here say the decisive battleground is in the United States."

The article goes on to point out that there are very few people who are sympathetic to the moratorium amongst those who are in Vietnam. It goes very much in line with the information I have had from people there, who point out quite clearly that those who were there know well who the enemy is.

The PRESIDING OFFICER (Mr. Allen in the chair). The time of the Senator has expired.

Mr. DOMINICK. I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I have some doubt as to whether many of the people who are participating in the moratorium really know who the enemy is. I get a little tired of hearing people talk about peace without talking about peace in context.

It has been said over and over again that the quickest way to get peace is to die. This is not the kind of peace most of us look forward to as far as our young people are concerned.

There is also the type of peace which simply means giving up, not participating any longer in the affairs of the world, but withdrawing into Fortress America and saying, "We are going to sit here hiding behind the shield," as the French did behind the maginot line. Every time they did that, they were overrun. Every time any country has done that in history, it has been overrun.

There are other kinds of peace I could mention, but I do not think it would be fruitful to take the time to do so.

The main point I want to make is that there are people who become emotionally involved in the moratorium, who are sincere people, who have not analyzed what effect it has on the people who are being asked by our Government to continue to fight in Vietnam, and who are not fully realizing what the effect may be as far as concerns the position of the United States with other countries.

Mr. President, I ask unanimous consent to have printed in the Record the three items I have referred to, all of which have great merit, and which I trust will at least be read and studied by Members of the Senate and other people around this country.

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There being no objection, the letter and news articles were ordered to be printed in the RECORD, as follows:

PREMIER PHAM VAN DONG'S LETTER TO THE AMERICAN PEOPLE

DEAR AMERICAN FRIENDS: Up until now the U.S. progressive people have struggled against the war of aggression against Vietnam. This fall large sectors of the U S. people, encouraged and supported by many peace- and justice-loving American personages, are also launching a broad and powerful offensive throughout the United States to demand that the Nixon administration put an end to the Vietnam aggressive war and immediately bring all American troops home.

Your struggle eloquently reflects the U.S. people's legitimate and urgent demand, which is to save U.S. honor and to prevent their sons and brothers from dying uselessly in Vietnam. This is also a very appropriate and timely answer to the attitude of the U.S. authorities who are still obdurately intensifying and prolonging the Vietnam aggressive war in defiance of protests by U.Y. and world public opinion.

The Vietnamese and world people fully approve of and enthusiastically acclaim your just struggle.

The Vietnamese people demand that the U.S. Government withdraw completely and unconditionally U.S. troops and those of other foreign countries in the American camp from Vietnam, thus allowing the Vietnamese people to decide their own destiny by themselves.

The Vietnamese people deeply cherish peace, but it must be peace in independence and freedom. As long as the U.S. Government does not end its aggression against Vietnam, the Vietnamese people will persevere in their struggle to defend their fundamental national rights. Our people's patriotic struggle is precisely the struggle for peace and justice that you are carrying out.

We are firmly confident that, with the solidarity and bravery of the peoples of our two countries and with the approval and support of peace-loving people in the world, the struggle of the Vietnamese people and U.S. progressive people against U.S. aggression will certainly be crowned with total victory.

May your fall offensive succeed splendidly.

Affectionately yours,

PHAM VAN DONG,
Premier of the DRV Government.

"OTHER WAR" IN UNITED STATES RILES GI'S

(By Don Tate)

SAIGON, October 14.—As tomorrow's war "moratorium" will demonstrate, there are two Vietnam wars—the one Americans fight in Vietnam, and the one Americans fight in the U.S. Observers here say the decisive battleground is in the U.S.

They point out that short of a highly successful Communist offensive, which is extremely unlikely, for a dramatic allied strategy change, such as renewed bombing of North Vietnam, the killing war in South Vietnam is apt to rock along in its fight-lull-fight rhythm much as it has been, at least until many more U.S. troops are withdrawn.

Meanwhile, the war to win American public opinion, and, particularly, the mind of Richard M. Nixon, is waxing hotter. What happens in the U.S. will determine what happens here. As the President warns Americans not to buckle and run, protesters prepare to hit the streets, many of them demanding immediate, unilateral withdrawal of all American troops. That translates here as "bugout."

GI DISDAIN "BUGOUT"

It is difficult to find an American soldier here who wants to leave Vietnam that way, or as one GI puts it, "with our tails dragging." It is difficult to find one—even among those most disgusted with the war—who wishes simply to abandon the South Vietnamese to a Communist bloodbath.

It is difficult to find one who thinks the value of the American word would be worth a dime anywhere in the world if they did, or that a humiliating U.S. defeat by a blustering Communist midget would do anybody but the Communists any good.

These consequences are apparent to most Americans here, and they are not acceptable. It is largely a matter of national backbone. Most express hope that President Nixon sticks to seeking a reasonable solution to the war.

There are, of course, many critics of war critics here. They charge that a number of war critics in the U.S. are using the same tactics Hanoi has shown—the more you give them the more they demand, and they both demand total, immediate and unconditional everything.

In the two wars—one group of Americans is convinced of the rightness and necessity of bringing this bitter war to a conclusion by presenting a united front to Hanoi, the other protesting group is more or less convinced the only way out of Vietnam is get out fast regardless of consequences.

MYSTERY IN VIETNAM

There is often the feeling here that the war is only a secondary feature to the show of exposed nerves going on in the U.S. What the war has done to the U.S. is the biggest mystery of all here.

"It seems like any American who ever wanted to protest anything has found his cause in the Vietnam war", one veteran analyst contends, "and yet 95 per cent of them have suffered little direct personal hardship because of the war.

"You hear so much of the war-weary American, and how exhausted he is by the war. Yet this exhaustion of the mightiest power on earth is a relative thing. It hasn't been bombed, or invaded, or lived under the Communists a single day. It's manpower loss has been a drop in the bucket compared to that of either North or South Vietnam, and its suffering has been a thousand times less. "Many Americans would hardly know the war was going on if it wasn't for newspapers and TV. Suppose Americans had to face what the South Vietnamese people have yet to face? America's exhaustion is a self-induced state of mind, composed mostly of confusion."

One rankled American, with invested years and effort in Vietnam, condemned some of the rantingest protesters as the "most confused of all."

WEARY OF "POPPING OFF"

"Soldiers do the dying," he said, "and these others do the popping off. I'm tired of hearing these so-sure people who haven't shed a nosebleed in this war scream pig this and obscene that and run around protesting for the hell of it.

"I'm tired of hearing what politicians who sound like Hanoi radio demand, what well-meaning but awfully uninformed students demand, what ivory-tower doves who wouldn't dirty their hands over here demand. I'm weary of hearing how much Sen. (J. William) Fulbright, D., Ark., wants out. We all want out. We all protest the war. We all want peace. But not by saying: 'Here Hanoi, take 17 million people. We'll pretend we were never involved. We quit.' "

Many here feel that some of the protesters would do well to focus their moral wrath less on President Nixon and more on the Communists.

It is the Communists, they stress, who are killing Americans. It is the Communists who butchered, as a matter of policy, the civilians of Hue and so many other places, and it is the Communists who will murder methodically thousands more Vietnamese if the U.S. totally, immediately and unconditionally abandons them, as many protesters advocate.

To Americans who have put in their time here, it is not good enough to dismiss blandly such realities with an: "Oh, well, it is up to the Vietnamese to work out their own problems."

Many here, eyewitnesses to the war, have become anti-war in the truest sense, but they have also become resolutely anti-bugout.

ILL-ADVISED VIET MORATORIUM COULD SET A RISKY PRECEDENT

CAMBRIDGE, MASS.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscured. If the event is to be gauged properly, it is important to uncover its original premises from the debris of cliches and endorsements in which they have lately been buried.

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But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

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If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

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lent their prestige to the moratorium can properly be asked if this is the program they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

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Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate men opposed to integrated housing declared a moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamese moratorium is un-American, illegitimate, meanly partisan or personally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may be permitted to speak for not to exceed 12 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Virginia is recognized for not to exceed 12 minutes.

NOMINATION OF HON. CLEMENT HAYNSWORTH TO SUPREME COURT

Mr. BYRD of Virginia. Mr. President, the Senate is again called upon to give its consent to the nomination of an Associate Justice of the Supreme Court.

The consent of the Senate, required under article II, section 2, of the Constitution, is a vital element in the system of checks and balances which is built into our constitutional system.

We are a Nation governed by three independent and coequal branches. This separation of authority and interaction of the three branches at the Federal level has allowed us to exist as a free Nation for almost two centuries.

The selection of a Justice for the Supreme Court is a prime example of the operation of our system of checks and balances. The executive branch has nominated a candidate to the highest court of the land. The Senate now has the duty under the Constitution to confirm or deny this nomination.

I submit that this duty to examine Supreme Court nominations is a most solemn one. It is the very nature of the court that makes this choice so important. The decisions of the Supreme Court are not reviewable by any higher tribunal.

Added to this is the fact that, assuming his good behavior, a Justice serves a lifetime appointment. Once appointed to the Court, a Justice answers to no one except his conscience.

It is for this reason—a lifetime appointment—that the Senate has a duty to weigh carefully every possible aspect of a prospective Associate Justice.

I feel my vote on any nomination for the Supreme Court is one of the most important I will ever cast. Only 100 times since 1789 has the Senate confirmed an Associate Justice to the Supreme Court. In this same period of time, 22 nominations failed to receive Senate approval or were withdrawn, only two occurring during this century.

In five of the seven nominations to the Supreme Court since 1956, confirmation has been by voice vote. This suggests that the Senate has given inadequate attention to its power of confirmation over Supreme Court Justices.

This is not the only area in which the Congress—both the Senate and the House of Representatives—has abdicated its constitutional responsibility. If we are to maintain our system of government and protect individual liberty, then the Congress must reassert its constitutional prerogatives. It must assume its rightful place as a coequal branch of the Federal Government.

When the Senate fails to give adequate attention to a Supreme Court nomination, it fails in its constitutional duty to make certain the men on the bench have the requisite knowledge and integrity—and requisite concept of the judicial role.

It is said that we are a Government of laws—not men. But only men can interpret the laws. We ask nine men to tell us what the law is—to interpret the law in light of constitutional requirements and safeguards.

The quality of the Court is determined by the quality of each individual appointed. This places an even greater burden on those who must cast a vote for or against confirmation. Every nominee must be carefully measured against the same measuring stick.

I have tried to measure each nominee by the same standards—his legal qualifications and attainments, his judicial philosophy, his adherence to the constitutional doctrine of separation of powers, and what role he would have the Supreme Court play in our constitutional system.

The role which the Supreme Court has assumed in the last 15 years under Earl Warren has greatly disturbed me.

When the Senate confirmed Warren Burger as the new Chief Justice of the United States, I felt we had taken a step in the right direction. That is a direction away from the philosophy embraced by the majority of the Warren court.

It is my personal belief that the majority of the Warren court led this country on a dangerous path. These Justices—not infrequently only five of them—were determined to establish the Court as a superlegislature. They substantially reduced public confidence in the Court in the process.

I submit that without public confidence, the Supreme Court loses its effectiveness. As Hamilton noted in the Federalist Papers speaking on the new Federal Judiciary:

> It may truly be said to have neither *force* nor *will*, but merely *judgment*.

Mr. Justice Frankfurter expressed much the same thought in one of his opinions when he said:

> The court's authority—possessed of neither the *purse* nor the *sword*—ultimately rests on sustained public confidence in its moral sanction. Such feeling must be nourished by the court's complete detachment from political entanglements and by abstention from injecting itself into the clash of political forces in political settlements.

I have opposed confirmation of men to the Supreme Court whose philosophy I believe would lead them to join with the former majority of the Warren court and continue to plunge into political waters, rather than remain on the constitutional beaches. Every political plunge weakens public confidence in the judgment of the Court.

When I speak of public confidence, I do not say that it is the function of the Court to decide each case by weighing public opinion. That clearly would be wrong.

But I do say that it is unwise for the Court to forge ahead in social movements outside of the confines of the case before it, and in areas which properly are legislative.

It is unwise to cast aside judicial self-restraint.

It is unwise to legislate from the bench.

It is unwise to disregard judicial precedent in the interest of an immediate attractive result; precedent is a touchstone of continuity with the past which allows the law to develop and grow with our Nation.

It is unwise for the Court to lose sight of its proper role in our constitutional government. If the members of the Court want to legislate, they should submit their names to the will of the people on a regular basis.

I do not maintain that there should be no change in the law. It is important that the law remain meaningful in the context of a changing society.

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But change is not desirable when it occurs in "legislative" opinions handed down by the Supreme Court.

Change must occur within the context of our constitutional system, which for nearly 200 years has provided for three coequal branches of government.

An independent judiciary is the bulwark against legislative usurpation; the Senate in its role of advising and consenting to nominations is the bulwark against judicial usurpation.

In my deliberations on appointments to the Supreme Court, I place a high priority on the philosophy they entertain as the proper role of the judiciary in our federal system.

This brings me to the nomination of Clement F. Haynsworth, of South Carolina, to be an Associate Justice of the Supreme Court.

I have given this nomination long and careful consideration. My analysis has focused on his legal philosophy, his personal qualities, and his professional qualifications.

It ~~is~~ wise, in my opinion, to look to the ranks of the judiciary for an Associate Justice. It is especially wise to look to the Federal judiciary for a judge experienced in the workings of the federal system.

Nomination of a sitting judge also affords an opportunity to discover his judicial philosophy through his written opinions.

Judge Haynsworth has served on the fourth circuit court of appeals for 12 years. His decisions during this period exhibit a feeling for the legal problems peculiar to a federal system.

As a federal circuit judge, Mr. Haynsworth has realized that the role of an appellate court is to review the decision of the lower courts and not to substitute the judge's own personal feelings.

It is also encouraging to read language of judicial restraint in an opinion. Language limiting the court's decision to precise legal issues appears with frequency in Judge Haynsworth's opinions.

I cannot help feeling that much of the extremism of the Warren court, and subsequent erosion of public confidence, could have been avoided had the Court limited itself to deciding the issues, and left the question of social change to the proper branch of the Government.

Judge Haynsworth's opinions indicate an adherence to a sound philosophy, a philosophy which says the judiciary properly functions only in its own sphere as defined by the Constitution. I feel he would not take the Court into executive and legislative areas.

In the area of criminal law—in which I often felt the Warren majority placed the rights of the criminal above the rights of peaceful, law-abiding citizens—Judge Haynsworth's opinions reflect a reasoned approach. He is aware of the need to protect the accused in the pretrial stages, yet he would not adhere to the unreasonable restraints placed on the police who are charged with protecting all citizens.

Personal qualities of the nominee are as important as his professional qualifications. His character, integrity, and moral fiber, will surely be reflected in the quality and independence of his thoughts on the bench.

I think it is healthy for judicial nominees to be the subject of close scrutiny by the Senate Judiciary Committee, and for the subject of judicial ethics to be opened to the public.

It is good for our constitutional system when the Senate reasserts its constitutional power and gives more than pro forma ratification. to the nominations submitted by the President.

I am pleased that the Senate Judiciary Committee held long and thorough hearings on this nomination. The committee met for 8 days and heard testimony from individuals and organizations holding different points of view as to Judge Haynsworth's qualifications. After long consideration, the committee by a vote of 10 to 7 approved the nomination of Judge Haynsworth.

Three charges are made against Judge Haynsworth:

The AFL–CIO charged that he is antilabor. It cited eight cases where he ruled contrary to the wishes of the AFL–CIO.

But the Senator from North Carolina (Mr. Ervin) read into the Record 22 cases where Judge Haynsworth had decided in favor of labor unions. I do not regard the charge that Judge Haynsworth is anti-labor as being valid, nor substantiated by the facts.

No political interest group has the right to insist that every Supreme Court Justice should decide every case in their favor.

Nominees should be analyzed to determine whether or not they are fundamentally honest and have the intellectual integrity to render their opinions on the basis of what they consider to be valid, constitutional precepts.

The second charge levied against Judge Haynsworth is that he is "anti-Negro." The facts submitted to the Senate Judiciary Committee do not bear out such a charge, unless the mere fact that a person is a South Carolinian automatically puts him in the anti-Negro category.

A study of Judge Haynsworth's judicial record shows that he has scrupulously followed the Supreme Court's mandate in regard to school integration. It is true that Judge Haynsworth has not been a crusader; but to my way of thinking, crusading is not a proper judicial function.

The third charge made against Judge Haynsworth has to do with the ownership of certain stock.

When the charges were first made, I was disturbed as to whether or not the judge knowingly compromised his judicial position. I explored this possibility carefully and consulted at some length with outstanding members of the legal profession in whom I have confidence.

I was impressed, too, by the testimony of an attorney from Judge Haynsworth's hometown, who long has been an opponent of Judge Haynsworth's philosophy and who testified that he preferred that Judge Haynsworth not be appointed to the Supreme Court because he is not "liberal enough."

But this hometown attorney testified in regard to the South Carolina judge:

> He is absolutely honest. He has impeccable integrity. I would believe his word about anything.

A Chicago Tribune editorial of October 7, 1969, made what I feel to be a valid point in regard to this nomination. It stated:

> Respectable liberals frankly acknowledge that nothing in the Judge's record justifies a vote against confirmation.

The Washington Post, for example, has misgivings about the nomination of Judge Haynsworth, and is unhappy about it, but editorially concluded:

> There is no valid reason on the basis of the present record for the Senate to deny the President his choice.

The New York Times, bitterly anti-Haynsworth, reached a similar conclusion.

I feel that there has been no evidence presented justifying a valid charge that the judge acted to advance his own interest. It would appear that the most valid charge that could be made against him in regard to stock transactions would be that of inadvertence and lack of attention to detail.

I am convinced that Judge Haynsworth is a man of the highest integrity, one who is well schooled in the law, one who possesses judicial temperament, and one who is fair and conscientious in rendering judicial opinions.

In my judgment, Judge Haynsworth's qualifications have been well established.

It is vitally important, I feel, that there be a reversal of the role the Supreme Court has assumed during the past 15 years.

From the time of former Chief Justice Warren, there has been an erosion of our constitutional system. The Supreme Court has usurped power to which it is not entitled.

Judge Haynsworth's record gives evidence that he holds a judicial philosophy which will help restore a balance to the Supreme Court.

Judge Haynsworth's record gives evidence that he supports a return of judicial restraint to the Supreme Court.

Judge Haynsworth's record gives evidence that he feels the Supreme Court should not seek to establish itself as a superlegislature.

The Supreme Court in recent years has gone too far to the left. If public confidence in the Court is to be restored, there must be a better judicial balance.

President Nixon's appointment of Warren Burger as Chief Justice and Clement Haynsworth as Associate Justice should help restore confidence in the Court by helping to restore balance to the Court.

I shall cast my vote in favor of Judge Haynsworth's confirmation.

Mr. President, I ask unanimous consent that a telegram addressed to Judge Haynsworth under date of October 9, 1969, be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Richmond, Va.

Hon. Clement F. Haynsworth, Jr.
U.S. State Circuit Judge,
Greenville, S.C.:

Despite certain objections that have been voiced to your confirmation, we express to

you our complete and unshaken confidence in your integrity and ability.

Simon E. Sobeloff,
Herbert S. Boreman,
Albert V. Bryan,
Harrison L. Winter,
J. Baxton Craven, Jr.,
John D. Butzner.

THE PRESIDENT'S TASK FORCE ON THE PHYSICALLY HANDICAPPED

Mr. DOLE. Mr. President, today President Nixon announced formation of a highly significant group which probably will go largely unnoticed in the media, and therefore to many Americans whose lives may be deeply affected.

It is the President's Task Force on the Physically Handicapped. It has been established "to review what the public and private sectors are now doing for handicapped Americans, and to make recommendations as to how best to achieve maximum help for affected individuals." In addition, the task force will consider how greater public awareness and community action might be stimulated.

TASK FORCE MEMBERS

Members of the Task Force are distinguished Americans whose involvement and experience will contribute much to the work of the group.

I can vouch for one member personally. He is Dr. Hampar Kelikian of Chicago's Wesley Memorial Hospital—a man who has been very influential in my life.

The other members are: Dr. Ralph E. DeForest, Task Force chairman, directors, Department of Postgraduate Programs, American Medical Association, Chicago, Ill.; W. Scott Allan, assistant vice president, Liberty Mutual Insurance Co., Boston, Mass.; Dr. Robert L. Bennett, medical director, Georgia Warm Springs Foundation, Warm Springs, Ga.; Lawrence W. Binger, director of personnel services, Minnesota Mining & Manufacturing Co., St. Paul, Minn.; Dr. Kelikian; John W. Melcher, director, Bureau for Handicapped Children, State of Wisconsin, Madison, Wis.; Mrs. Genevieve H. Schiffmacher, assistant commissioner, Department of Labor and Industries, Commonwealth of Massachusetts, Boston, Mass.; Alfred Slicer, director, Division of Vocational Rehabilitation, State of Illinois, Springfield, Ill.; Lawrence Smedley, assistant director, AFL–CIO Department of Social Security, Washington, D.C.; Dr. William A. Spencer, chairman, Department of Rehabilitation, Baylor College of Medicine, Houston, Tex.; Dr. S. Daniel Steiner, medical director, General Motors Corp., Detroit, Mich.; Mrs. Spencer Tracy, president, board of directors, John Tracy Clinic, Los Angeles, Calif., and Henry Viscardi, Jr., president, Human Resources Center, Albertson, Long Island, N.Y.

VALUE OF PRESIDENT'S TASK FORCE

In my first major Senate speech earlier this year, I urged the President to create a similar task force because I am convinced America's public and private sectors can better help achieve independence, security and dignity for the person with handicaps. My distinguished colleague from Vermont (Mr. Prouty) has also been very instrumental in the creation of the Task Force.

I hope the President will see fit in the near future to appoint a Task Force similar to the one announced today to appraise and recommend programs and efforts for those with mental handicaps.

Well executed, these two Task Forces could provide authoritative guidance to the administration and Congress as they develop programs and allocate funds and to the agencies, as they implement.

They could also provide new incentive and direction to private and voluntary groups to better aim and gage their efforts.

Undoubtedly, the biggest benefits will be realized by this country's 42 million physically, mentally, and emotionally handicapped persons themselves.

Mr. President, some 42 million Americans suffer from handicaps—physical, mental, and emotional. I recognize that many Members of the Senate have long been in the forefront of helping those individuals.

I point out as one of that group of 42 million that not many, I would guess, of the 42 million are looking for handouts. They are looking for programs that might make them self-sufficient, might give them a certain sense of dignity, and the opportunity to achieve in America as all Americans do.

Let me again say that I commend President Nixon for this start. I commend those outstanding individuals who will be serving on the task force, and I wish them well in their very difficult task.

WITNESS UNPARALLED ACHIEVEMENTS

Mr. President, we have all witnessed the unparalled achievements of medicine, science, education, technology, and related fields. The Government has been relatively successful in terms of numbers assisted, basic research performed and the movement of increasingly large numbers of persons into more productive, satisfying channels. The private sector—with its emphasis on the creativity, concern, and energies of the people—has performed Herculean tasks; in fundraising, employment, research, public opinion, rehabilitation, and through professional organizations and groups for the handicapped themselves.

WE HAVE TO DO BETTER

But these same forces and others must do better because they can do better. We must assure each individual with handicaps that he can become as active and useful as his capacities will allow.

SOME OF THE PROBLEMS

Today many handicapped persons lead lives of despair and loneliness. Many feel they could become more self-sufficient and contributing members of society with the proper tools and encouragement. Some are disillusioned and disaffected by the very programs created to help them.

They cite such reasons as income—*too* low or too high—place of residence, specific handicap or handicaps, knowledge of and referral to existing personnel and facilities, insufficient comprehensive planning for their total needs and little community awareness and action for both the disabilities and abilities of the handicapped.

Their problems are often compounded because of inadequate funding to develop needed guidelines, statistical data, quality programs and sufficient, effective professional staffing.

And sadly—if not surprising to some—there never has been a major overall effort to try to determine if public and private money currently expended is doing the job as effectively, efficiently, and economically as possible.

Today the President has demonstrated he recognizes the Nation's handicapped merit top-level attention.

If they are to do a creditable job, the challenge at hand for members of the Task Force on the Physically Handicapped is monumental. It is a challenge which must be met and mastered if we are to help the handicapped, one of our Nation's greatest unmet responsibilities and untapped resources.

ACID MINE DRAINAGE IN APPALACHIA

Mr. RANDOLPH. Mr. President, the New York Times and its news service, in a copyrighted article on Monday, October 13, 1969, by Ben A. Franklin, reported:

> The Nixon administration has delayed for nearly a month the transmission to Congress of a government report indicating a need for increased spending to remedy water pollution by the coal mining industry.

The Times dispatch, which was carried in several Monday morning newspapers in West Virginia, indicates that the printing cost of the report, entitled "Acid Mine Drainage in Appalachia," was "about $10,000." But, according to the Times, "staff work on the report and contracts for research by scientists selected by the National Academy of Sciences ran its total cost up to about $700,000" before 3,000 printed copies of the 126-page document were placed in storage September 12 and had been held there until released this morning.

"Technical difficulties in transmittal" were ascribed by a White House staff member as reasons for placing the 3,000 copies in storage, rather than giving them prompt distribution, The Times correspondent wrote.

But, Mr. President, it does seem that the Nixon administration has been holding back from Congress this Government report indicating the seriousness of water pollution from acid mine drainage and stressing the need for a large increase in expenditures to overcome this cause of pollution.

Notwithstanding, Congress is aware of the seriousness of the problem and of the high costs of solving it. Actually, the withholding from circulation of the report, which was prepared under the Appalachian Regional Commission's authority, does not improve the administration's chances of influencing Congress to provide smaller and smaller appropriations for water pollution control. Such tactics serve to stimulate Congress to look closer at the facts and to act more determinedly to provide the funds neces-

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sary to enable the Government to attack the pollution problem aggressively.

More and more Members of Congress are concerned that the present administration is requesting less and less funding for health and environmental control functions. This deemphasis of very high priority activities for the people of the United States—their health needs and a cleaner and more orderly environment—is a disastrous development.

During the past 6 years, Congress has been giving special cognizance to the need that governments and the society in general accelerate efforts and programs to improve control of water pollution, to do more to cleanse the air of devastating pollutants, and to cope more adequately with the ever-growing problem of disposal of the tons upon tons of solid waste. Much progress has been made. And, in many important areas of pollution concern, real breakthroughs are impending to advance the cause of creating a better environment for the benefit of the public health and individual survival.

Considering the great promise inherent in the programs Congress has established and authorized for appropriations and expenditures on behalf of sanitation and the people's health, it is tragic to find that the Nixon administration has reduced by more than 13.5 percent funds requested to meet the environmental pollution crisis. And this fund deemphasis occurs while our population expansion accelerates and life in our overpolluted urban areas becomes more complex.

Last week the Senate passed its version of a strong water pollution control bill to amend the Water Quality Act. The House had earlier passed another version, and the two bodies will start within the next 10 days to compose differences in a House-Senate conference committee.

When the Senate bill reached the floor after many weeks of hearings and deliberations in our Committee on Public Works—which laid the groundwork for its presentation through the able chairman of the Subcommittee on Air and Water Pollution, the Senator from Maine (Mr. MUSKIE)—I spoke in detail on the problem of acid and alkali pollution discharged in various local watercourses and carried by the natural flow of stream systems into our major river basins. This creates extensive pollution problems which are both intrastate and interstate. We know much about this subject, but we might have been enabled to know even more about it—and more about what to do to correct it—if we had access to the lengthy report on acid mine drainage which the Nixon administration had available and apparently could have circulated weeks ago—but which it delivered to the Congress only this morning. We were entitled to at least one copy before we started debate on our bill. And the House was likewise entitled to a copy of the document—no matter how voluminous—when it had a pertinent measure before it for action last week. Apparently, it could have been circulated several weeks ago.

This is a very serious problem. I bring it to the attention of the Senate; and I hope that there will be a better explanation from the White House for the delay in moving the report to Congress than "technical difficulties in distribution."

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the article by Mr. Franklin as published in the Charleston, W. Va., Gazette on October 13, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charleston (W. Va.) Gazette, Oct. 13, 1969]

NIXON KEEPS LID ON COAL MINING POLLUTION REPORT

(By Ben A. Franklin)

WASHINGTON.—The Nixon administration has delayed for nearly a month the transmission to Congress of a government report indicating a need for increased spending to remedy water pollution by the coal mining industry.

The report was delayed at a time when the administration was fighting to hold down an appropriations bill on water pollution. A White House aide, however, attributed the delay to "technical difficulties" rather than to political considerations.

Three thousand copies of the 126-page report have been "in storage" here since they came from the printer Sept. 12.

The report reportedly was sequestered on White House orders because, at a time of a presidentially decreed budget squeeze, it contains unwanted proposals for federal spending to abate the "particularly pernicious" pollution of more than 10,000 miles of streams in the Appalachian coal fields by acid water drainage from coal mines.

The administration lost an attempt on the House floor last Wednesday to limit new federal spending for pollution-control water treatment facilities to $214 million in the current fiscal year. Instead, the House voted 148 to 146 to appropriate $600 million, a compromise figure reluctantly agreed to by Democrats who had hoped to get $1 billion.

Democrats at the Capitol have since suggested that the administration's delay in sending the report to Congress reflected White House apprehension over prospects of holding the budget line in the narrow House vote.

In an interview, however, Richard T. Burress, the White House aide reported to have been responsible for delaying publication of the report, denied that fiscal restraints or administration legislative strategy had had anything to do with placing the document in a storeroom for a month after it was printed at a cost of about $10,000.

He attributed the delay entirely to "technical difficulties in transmittal." He added that the report would now "go forward very shortly."

Other sources, however, said flatly that distribution of the report had been withheld on White House orders.

Burress, a deputy legislative counsel to the President and a former agent of the Federal Bureau of Investigation, told a newsman the report had been available for distribution "for only a few weeks."

Staff work on the report and contracts for research by scientists selected by the National Academy of Sciences ran its total cost up to about $700,000.

The report sets forth in detail the damage to environmental values and economic development of stream water containing sulphuric acid formed in coal beds opened to the elements.

It was the second government document containing expressed or implied criticism of past and present practices in coal mining to be held up by the Nixon administration.

Two months ago, Ralph Nader, the consumer advocate, disclosed that a lengthy study by the Department of the Interior and its Bureau of Mines on water pollution and other widespread environmental degradation caused by mining was being withheld.

The Interior Department subsequently contended that that report, begun during the Johnson administration, was merely "a working paper."

The more recent mine water pollution report originally was due on Capitol Hill last March 31 under a 1967 mandate from Congress.

The Appalachian Regional Commission, assigned by Congress to supervise the preparation and research, had obtained an informal congressional time extension to May 15 and then overran the extension a month to June 15 in completing the document.

When the report finally went to the White House in mid-June it was expected to receive routine clearance. But the draft was greeted there as anything but routine, officials said.

A covering letter with the report called for a modest "action program" to abate acid mine water pollution.

No cost figures were mentioned in the report, entitled "Acid Mine Drainage in Appalachia." However, the $15 million to $20 million cost that officials now say was implied in the covering letter was, in fact, a very modest share of the $6.6 billion that Federal Water Pollution Control Administration has estimated will be required to abate fully acid mine water pollution.

THE U.S. NAVY COURT OF MILITARY REVIEW

Mr. ERVIN. Mr. President, the Military Justice Act of 1968 became fully effective on August 1, 1969. On that day, the U.S. Navy Court of Military Review, which was created by that act, came into existence in simple but impressive ceremonies held in the courtroom of the administration building at the Washington Navy Yard.

The clerk of the court administered their respective oaths of office to the chief judge, Capt. Cecil R. Harrison, JAGC, U.S. Navy, and the 11 associate judges, Col. Ralph K. Culver, U.S. Marine Corps; Capt. Arnold W. Eggen, JAGC, U.S. Navy; Col. Duane L. Faw, U.S. Marine Corps; Comdr. Raymond W. Glasgow, JAGC, U.S. Navy; Judge Kenneth B. Hamilton; Judge James W. Hendry, captain, JAGC, U.S. Naval Reserve (retired); Judge James Fielding Jones; Capt. Edward T. Kenny, JAGC, U.S. Navy; Capt. Horace H. Morgan, JAGC, U.S. Navy; Capt. George F. O'Malley, JAGC, U.S. Navy; and Capt. Charles Timblin, JAGC, U.S. Navy (retired), who thereupon assumed their respective offices as the highest members of the independent judiciary charged with the solemn responsibility of administering justice among those who constitute the naval forces of our Nation.

The character, learning, and temperament of the chief judge and his associates make it certain that the most sacred obligation of government, that is, the administration of justice, will be discharged in the naval forces in accordance with the finest traditions of the law.

Having devoted much effort and time to persuading the Congress to enact the Military Justice Act of 1968, I was delighted to have the privilege of witnessing the simple but impressive ceremonies which thus brought the U.S. Navy Court of Military Review into existence.

After the administration of the oaths of office to the members of the court, the chief judge made some exceedingly appropriate remarks, and invited Rear Adm. D. D. Chapman, JAGC, U.S. Navy, Deputy Judge Advocate General of the Navy; Capt. Richard J. Selman, JAGC, U.S. Navy, Assistant Judge Advocate General—Military Law; the Honorable William H. Darden, judge of the U.S. Court of Military Appeals; and me to speak.

I ask unanimous consent that the remarks made on this occasion be printed in the RECORD in the order in which they were delivered.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF REAR ADM. D. D. CHAPMAN, JAGC, U.S. NAVY

The events of recent weeks have caused us all to stop for a moment and reflect upon the progress that is in motion today. It seems that events that transpired two centuries ago have suddenly burst forth in the past two decades to give us unprecedented insight into things about us.

A little over two centuries ago Sir Isaac Newton announced laws of physics and mathematics which have been accepted as fundamental laws by men of science even to this day. Within the past two decades, however, our science and technology have broken the boundaries of the world in which we live. Today we probably have more knowledge of the universe than Sir Isaac Newton had of the earth two centuries ago.

Today we think not of matters relating only to the earth. Last week we witnessed man as he took his first step on the moon. Today we see television pictures of Mars.

Our nation itself was born in colonial revolution two centuries ago. It has progressed from an organization of thirteen colonies in the frontiers of America to a position of leadership among the nations of the world. Our country is unsurpassed in economic development, international leadership, and even armed strength. These things, for the most part, have come about within the past twenty or thirty years.

We see a similar pattern of development in the field of law and jurisprudence. Two centuries ago, following the announcements of laws of physics by Sir Isaac Newton, and during the revolutionary development of this country, another English scholar, Sir William Blackstone was lecturing to students of law at Oxford University. The demands on his time from a successful practice of law in London and his service as a Member of Parliament kept him away from the classroom in his later years. This did not detract from his pre-eminence as a teacher, however, because his lectures were printed and have been read by law students even to this day. Blackstone's Commentaries, although still considered by jurists, lawyers and students as the epitome of the fundamental principles of our jurisprudence, have seen many projections within the last decades.

Our Constitution itself is almost 200 years old, but decisional law has carried it forward in great strides within the past two decades. Many new landmarks have been laid out by our Federal judiciary in setting the Constitutional rights of an accused person. In this field such familiar names as Mapp, Gideon, Miranda, Covert and Toth, come to mind. More recently we have O'Callahan and Latney.

These cases demonstrate that law is a dynamic field. The practice of law is probably the most demanding and challenging of all the professions.

We have seen great strides also in the statutory field of military law. In the Navy and Marine Corps, we lived for many, many years under the "Rocks and Shoals" of the Articles for the Government of the Navy. Then we received the Uniform Code of Military Justice in 1951 and it has remained with us since that time. Now we have the amendments to the Code which we know as the Military Justice Act of 1968. The Code with the amendments give us the most advanced system of military justice in the world. These great strides in military law have all come about within the past twenty years.

Former President Johnson recognized the great progress being made in military law when he made these remarks at the signing of the Military Justice Act of 1968:

"The soldier who fought at Valley Forge could expect only 'drumhead justice' if he ran afoul of military law.

"The trooper at Gettysburg could expect little more.

"Even the doughboy who went ashore with Pershing had nothing like the legal protection of the civilian at home.

"That has changed, now. The man who dons the uniform of his country today does not discard his right to fair treatment under law.

"The first great step came in 1950 It was then that our servicemen and women were given the Uniform Code of Military Justice—the most sweeping development in military law in all our history.

"When President Harry Truman signed it into life, he was able to say that 'the democratic ideal of equality is further advanced.'

"Today we advance again. The Military Justice Act of 1968, which we sign now, will stand proudly next to the 1950 law.

"It expands the concept of fairness by creating an independent court system within the military, free from command pressures and control.

"It enlarges the rights of the individual soldier by giving him trained legal defense when he is tried by a special court-martial.

"It makes many other changes to streamline the system, and to safeguard the serviceman.

"We have always prided ourselves on giving our men and women in uniform excellent medical service, superb training, the best equipment.

'"Now, with this bill, we are going to give them first-class legal service as well.

"As Commander-in-Chief, I have worked for better pay, better care and better rewards for those who serve their country's flag. This will be the last bill I sign in their behalf. I am glad it goes to the root of the system they defend for all of us—the right of every citizen to justice and fairness under the law."

The Act to which President Johnson directed his remarks is the law that becomes effective today. We are here to observe the transition into the new system. As a part of the change, this appellate court will henceforth be called the Court of Military Review, and its members will be appellate military judges.

To you, the very first appellate military judges in the Navy and Marine Corps, I extend my congratulations and best wishes. May you be ever mindful of the fact that our sailors and Marines look to you for fair treatment under law.

REMARKS OF SENATOR SAM J. ERVIN, JR.

May it please your honor and the court. I think anyone who would attempt to say anything upon the subject of military justice after the eloquent speech of the Deputy Judge Advocate General of the Navy would be foolish enough to attempt to paint the lily and gild the rose. He phrased in exceedingly eloquent words the great advancement which has been made in military justice during recent years.

From the time of George Washington down to the Code of 1950 and the establishment of the United States Court of Military Appeals, which is now adorned by the person of my friend, Bill Darden, military justice had made little changes. I got interested in this field at an early date and particularly after I came to the Senate because I felt the need for some additions to the Code of 1950. At that time the Code of 1950 was the most advanced code of military law on earth. It anticipated by many years some of the changes in the law relating to the protection of civilians in criminal cases, such as the *Mapp* case. It established the rule long before the *Mapp* case that evidence illegally obtained by unlawful searches and seizures should not be admitted in evidence. It also anticipated many other reforms.

I want to say at this time that when I became interested and started hearings, I found there was some lingering of the old idea that military courts existed, not for the purpose of doing justice, but for the purpose of enforcing discipline. I remember very well that, when we conducted the recent hearings with a view of doing something to assist in the improvement of military justice, one of our witnesses stated that as far as military justice was concerned you had a choice between discipline on the one hand and justice on the other. He said we couldn't have both. I disagreed.

I would like to pay tribute to some who gave great assistance to us. When my subcommittee on Constitutional Rights began on this subject we called upon many of those who were engaged in the administration of military justice both in the services and among those who had served as judge advocates in the Armed Forces before that and who had returned to civilian practices. What has been done has been the result of the cooperation of a multitude of people giving us the benefit of their experiences. I would like to mention two people in the old days when we first started who deserve great credit: General Decker then the Judge Advocate General of the Army and Admiral William C. Mott, then the Judge Advocate General of the Navy. It was largely through their intercession with persons in the higher echelons of the armed services, who were not concerned primarily with the administration of criminal justice in the Armed Forces, that many of our reforms have come about. And I would also like to add that among the multitude who have contributed nobody made more significant contributions than General Westmoreland who, when he became Chief of Staff of the Army, came down to see me and said he was going to get someone in the legal side of the military to see if he couldn't cooperate in working out a bill. He appointed Major General Hodson, now the Judge Advocate General of the Army to represent all the armed services in the formation of the Military Justice Act of 1968.

This Act, in my mind, constitutes the most significant landmark in the establishment of a just system of military law in that it guarantees, I think for the first time in history, that our military courts are going to constitute an independent judiciary. I consider that perhaps the foremost of all the advancements that have been made in the administration of criminal justice.

It is a great privilege to be here on what is destined to be an historic occasion and to see this court operating as what it really is, as a court of military judges. I thank you very much.

REMARKS OF THE HONORABLE WILLIAM H. DARDEN

This is an auspicious date for those of us who are interested in and have some re-

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sponsibility for the administration of military justice. It marks the effective date of the Military Justice Act of 1968, another significant step in an evolutionary series of refinements and improvements in the system.

Those of us who are proud of this system are distressed, of course, by uncomplimentary references to military justice in contemporary decisions of courts outside our system and by lingering doubts in the minds of some members of the public that military justice has really changed. These doubts and criticisms can't be dispelled by words alone, of course, but only through performance. Those of us who know the extent of the protections available to members of the armed forces today have reason to suspect that the continued attacks on military justice and prejudice against it betray either a refusal to judge the system as it exists today, instead of during an earlier period when there were some abuses that are not tolerated now, or else a deep-seated hostility to anything that is military in nature. None of us would contend that perfection exists, but we do have reason to ask that the critics take an up-to-date reading and make a current assessment of how we might do better. We would like to disabuse the doubters of the impression that concepts of fairness and justice come as revealed truths only to those who have absolutely nothing to do with defending our Country or of the impression that once a person becomes associated with the armed forces he necessarily becomes part of a gigantic conspiracy to repress and harass and punish nearly everybody else.

After this flight of hyperbole, I should comment more directly in point. In addition to my official pleasure that the new law creates the title of Military Judge, effective today, I am personally pleased that many of you who are taking this oath are persons whose friendships I have enjoyed during times when both you and I were in different jobs. Although most of the Senate staff work on the Military Justice Act of 1968 was performed by the staff of Senator Ervins Subcommittee on Constitutional Rights, I also did some work on the bill. At the time of its passage, I had no reason to think that today I would be involved in its application. I am extremely pleased that I have the privilege cf being with you today and of administering this oath. I congratulate each of you as you assume a new title. I know each of you will continue and redouble his conscientious efforts to make military discipline just and fair. I hope I can join you in contributing to such an objective.

Remarks of Capt. Richard J. Selman, JAGC, U.S. Navy

The U.S. Navy Court of Military Review is comprised of judges who are members of the bars of Alabama, Florida, Illinois, Nebraska, New York, Texas, Washington, West Virginia and the District of Columbia. The Court members are graduates of ten different law schools and have a total of 320 years collective legal experience.

The Navy is indeed fortunate to have judges with your vast experience for I know of no time in the history of our country which presents such a challenge to the legal profession in general and to the judiciary in particular than today.

As a nation, and as individuals, we find our heritage of liberty and justice threatened by those who have sworn to topple free society. They seek to degrade the dignity and integrity of the individual, desecrate the sanctity of the home and the family, subjugate the rights and confiscate, burn and destroy the property of others. The disorders and riots which have rocked our nation from sea to sea and border to border bear witness to the chaos which results when man takes the law in his own hands and decides for himself what the law is and what it is not. Under such circumstances the law becomes as of sounding brass or a tinkling cymbal.

Perhaps the blessings of freedom have hoodwinked those who would destroy our society. Perhaps we have placed too much emphasis on privileges and not enough on responsibilities. Every day we hear and read of someone defending his right of free speech—his right to equal opportunity. But how often do we hear and read of someone who insists on his right to carry out his responsibilities to his neighbors, to his community and to his country. But there are such people in our nation—millions of them. They are the silent ones and they don't make headlines. They believe that without a balance between rights and responsibilities, without a balance between privileges and obligations, freedom is a meaningless goal. They are the men and women who are the backbone of the U.S. Navy and the U.S. Marine Corps.

The Military Justice Act of 1968 which becomes effective today was designed to insure that the men and women who serve in our Armed Forces are afforded first class legal services. Just as the Uniform Code of Military Justice which became effective in 1951 served as a model of criminal law so now does the Military Justice Act of 1968 represent the latest concepts of legal jurisprudence.

The Act requires increased participation by certified military lawyers in courts-martial and precludes a sentence with a punitive discharge unless the accused had a certified lawyer as his defense counsel.

The Act, guided through the House of Representatives by Congressman Bennett from Florida and through the Senate by Senator Ervin of North Carolina, makes several major changes in the Uniform Code of Military Justice including the following:

Creates by statute an independent judiciary for each of the Armed Forces comprised of military judges free from command control and who will have the functions and powers roughly equivalent to those exercised by district court judges. We in the Navy have had an independent Navy-Marine Corps Judiciary free of command control since 1962.

Provides that legally qualified military counsel must represent an accused before any special court-martial empowered to give him a bad conduct discharge; a military judge must preside over the trial unless impossible due to military conditions; legally qualified military counsel must be made available to represent the accused in special courts-martial unless unavailable due to military conditions even though a court is not authorized to adjudge a bad conduct discharge.

Permits accused to waive trial by a court-martial comprised of non-lawyer members and be tried by a military judge sitting alone.

Affords the accused the absolute right to refuse trial by summary court-martial.

Transforms Boards of Review into Courts of Military Review authorized to sit en banc or in panels and authorizes appointment of a chief judge and senior judges of the panels. Strengthens the bans against command interference with military justice.

Modernize procedures to conform more closely with Federal court practices.

Authorizes for the first time a military form of release on bail pending appeal.

Extends the time limit for petitioning for a new trial from one to two years.

The Military Justice Act was signed by President Johnson on 24 October 1968 and becomes effective today. The 1969 Manual for Courts-Martial has been revised and Chapter One of the Manual of the Judge Advocate General has been rewritten. Additional Navy and Marine Corps lawyers have been recruited, trained and assigned. The Navy-Marine Corps Judiciary Activity has been increased from 12 to 20 Military Judges and thirty Law Centers have been established throughout the world to provide the legal services required by the Act. Thus it would seem that our plans were appropriate and executed in a timely manner.

But the law like the sea is never still. On 2 June 1969 a decision of the Supreme Court of the United States in the case of O'Callahan v. Parker held that since the petitioner's crimes were not service connected he could not be tried by court-martial but rather was entitled to trial by the civilian courts. The court-martial in question was tried in 1956 in what was then the Territory of Hawaii.

Of the majority opinion authored by Mr. Justice Douglas, Mr. Justice Harlan, joined by Mr. Justice Stewart and Mr. Justice White in dissenting, said in part:

"In sum, I think that the Court has grasped for itself the making of a determination which the Constitution has placed in the hands of the Congress, and that in so doing the Court has thrown the law in this realm into a demoralizing state of uncertainty. I must dissent. . . ."

"The Court does not explain the scope of the 'service-connected' crimes as to which court-martial jurisdiction is appropriate . . . the Court suggests no general standard for determining when the exercise of court-martial jurisdiction is permissible. Whatever role an *ad hoc* judicial approach may have in some areas of the law, the Congress and the military are at least entitled to know with some certainty the allowable scope of court-martial jurisdiction. Otherwise, the infinite permutations of possibly relevant factors are found to create confusion and proliferate litigation over the jurisdictional issue in each instance. Absolutely nothing in the language, history, or logic of the Constitution justifies this uneasy state of affairs which the Court has today created. . . ."

In addition to the words of Mr. Justice Harlan in his dissent, Senator Ervin has said that he thinks it quite unfortunate that the majority opinion in *O'Callahan* makes several disparaging remarks of military justice and by so doing has, in effect, tended to minimize the very significant advances and improvements in military justice that have been made in recent years such as the adoption of the Uniform Code of Military Justice in 1950, the Military Justice Act of 1968, and the able opinions of the U.S. Court of Military Appeals. Senator Ervin has observed that the records of the civil courts are not completely without blemish; otherwise there would have been no occasion for many recent decisions by various Federal and state appellate courts. Senator Ervin has observed that in fairness to the conscientious judge advocates who administer military justice it should be remembered that:

Courts-martial were excluding evidence obtained by unreasonable search and seizure or by wiretapping long before the Supreme Court decision in Mapp v. Ohio, 367 U.S. 643 (1961).

In courts-martial qualified military lawyers were provided without cost to defend service personnel indigent or otherwise in all general courts-martial long before Gideon v. Wainwright, 372 U.S. 336 (1963).

Article 31 of the Uniform Code of Military Justice enacted a warning requirement to military investigators long before the Supreme Court decision in Miranda v. Arizona, 384 U.S. 436 (1966). Indeed Chief Justice Warren relied on the military practice in justifying the warning requirement.

Defense counsel in courts-marital are in far better position to obtain pretrial discovery of the prosecution's case than would be true in Federal District Courts under Rule 16 or in most all State Courts.

Verbatim records of trial by courts-martial were provided as a matter of course and without cost to the accused long before Griffin v. Illinois, 351 U.S. 12 (1956) imposed this burden on State Courts.

Appellate review of appropriateness of sentence takes place in the military justice system but is still unavailable in the Federal Courts and in almost all State Courts.

The Court of Military Appeals has made clear that most constitutional safeguards are fully applicable to service personnel even though admittedly courts-martial do not proceed on the basis of indictment by grand jury.

I think it fair to say that for an accused in the military today, many of his rights exceed those of his civilian counterpart.

The Military Justice Act of 1968, a new Manual for Courts-Martial, new JAG Manual provisions and the void in the law left by *O'Callahan* are but a few reminders of the challenges which face this Honorable Court. I wish you all well.

SAVING NATURAL ALASKA

Mr. NELSON. Mr. President, on Thursday, October 16, 1969, the Senate Committee on Interior and Insular Affairs will hold hearings on the possible environmental consequences of the proposed Alaskan oil pipeline. Secretary of Interior Walter J. Hickel has notified both Senate and House committees of his intention to allow the pipeline to proceed if the committees do not disagree.

On the floor of the Senate last Monday I raised several important unanswered questions about this matter, which indicate the necessity of the public airing which the hearings tomorrow will provide. In addition to those questions, an editorial, published recently in the Milwaukee Journal, points up the need for thorough environmental quality considerations in Alaskan oil development.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection the editorial was ordered to be printed in the Record, as follows:

Saving Natural Alaska

In the elation over the boom that has already brought Alaska more than $900 million in bids on oil rights, there should be some serious consideration to the changes man may bring on the vast frozen plain called the north slope.

The tundra abounds with bear, caribou, wolves and birds even in the long, bitterly cold winters. In summer plant life proliferates in the midnight sun.

The few Eskimo have done little to change this. But now northern Alaska is being invaded by men, machines and the accounterments of civilization. The barren landscape is being dotted with stacks of steel oil drums, and piles of debris. In this land of permafrost, sewage has spread out over acres; icy tread ruts from tracked vehicles in winter become muddy ditches that block natural drainage in the summer thaw. What effect all this will have on the ecology of the land no one surely knows.

Ninety years ago, when resources were stripped from the American land—such as the trees of northern Wisconsin—and devastation was left behind, it was argued the nation could afford it because of the enormous reserves left. This was found to be a costly error. Today, as one of the last great frontiers is being tapped, special care should be taken to preserve and protect as much of its natural balance as possible. It is a dwindling treasure.

UNITED STATES-SOVIET UNION AMATEUR BOXING COMPETITION AT LAS VEGAS, NEV.

Mr. BIBLE. Mr. President, Saturday, October 25, will bring an unprecedented "first" in the history of American athletics. On that date, the finest amateur boxers of the United States and the Soviet Union will meet at Caesars Palace in Las Vegas to begin a precedent-setting international competition.

Never before—outside of the Olympic Games—have boxing teams representing these world powers squared off in head-to-head competition. This feature alone guarantees substantial worldwide interest in the outcome. The rivalry between the United States and Russia is, after all, the most magnetic in sports.

Millions of Americans will have the opportunity to view the matches, since they will be carried live and in color on ABC–TV's "Wide World of Sports" from 3 to 4:30 p.m.—P.d.t. In addition, representatives of the world's major newspapers and wire services will be in attendance.

The competition will be held under the auspices of the Amateur Athletic Union of the United States, and certainly this distinguished sports association deserves great credit for its participation and sponsorship.

But equal credit must go to the management of Caesars Palace, one of Nevada's outstanding resort hotels, which was chosen to be host to the competition. The hotel has expended a great deal of time and money to insure the success of the event. These efforts, coordinated with those of the AAU, deserve recognition.

The program will consist of 11 championship matches, each scheduled for three rounds, in the Olympic weights. They will be held in the hotel's famed Circus Maximum, a 1,200-seat showroom which normally features entertainers such as Frank Sinatra, Tony Bennett, Petula Clark, Eddie Fisher, Andy Williams, Harry Belafonte, and Anthony Newley.

The competition will represent a major challenge to the U.S. boxers, who are building toward a peak effort in the 1972 Olympic Games. The American coaches are assembling what may prove to be the finest amateur boxing contingent in the Nation's history.

Russia is expected to be represented by its strongest team ever. A youth revitalization program, which in Russia involves over 200,000 boxers, has produced almost a complete turnover in the Soviet squad which made an excellent showing in the 1969 Olympics and Mexico City.

Mr. President, this unprecedented competition, in my judgment, will serve to strengthen bonds of friendship and understanding between the peoples of the United States and Russia. Athletic rivalry, waged aggressively and cleanly, is a common denominator which transcends political differences. Excellence in the arena of sport commands universal admiration.

Las Vegas is justifiably renowned for the quality of its entertainment. Frequently overlooked, however, is the record of the community in promoting youth activities, charitable functions and other worthwhile activities. Certainly the scheduled international boxing competition is consistent with this splendid record of public service. I congratulate the management of Caesars Palace for its participation in a remarkable amateur athletic event.

THANKS TO AMERICA FROM A CANADIAN

Mr. JACKSON. Mr. President, Mr. David Williams, a Seattle attorney, recently wrote to me, enclosing a copy of a letter to the editor written by a Canadian, Miss Patricia Young, in which she expressed her thanks as a Canadian to America.

With so much self-criticism and introspection at large in this country, I thought that Members of the Senate and the House might be interested in this Canadian's thoughts of our country.

The letter with a foreword by Mr. M. W. Bean, editor, was published in the Daily Journal of Commerce in Seattle.

I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Canadian Thanks America

How fortunate we are to have neighbors such as the Canadians! Too seldom do the people of this country express their appreciation of the sincerity, honesty and decency of our friends across the northern border. We can depend upon them and we hope they realize that they can depend on the United States in any emergency. The letter printed below is well worth wider publicity than it has so far received and should be read, and reread, by those chronically disgruntled individuals here south of the border, who prefer to see nothing right and everything wrong with the United States. The letter referred to follows and is self explanatory:

"Permit me, a Canadian, to express a long overdue 'Thank You, America'—not only for putting a man on the moon, but for almost two hundred years of contributing to the betterment of mankind. For the airplane, radio, cotton gin, phonograph, elevator, movie machine, typewriter, polio vaccine, safety razor, ballpoint pen and zipper!

"No other land in all the world has, in so brief a history, contributed so much and asked so little—only that we live together in peace and freedom.

"From the days of Washington and Lincoln, you have demonstrated the creativity, invention and progress of free men, living in a free society—where ideas and aspirations may be promoted to the extent of man's willingness to work and build a 'better mousetrap' with commensurate rewards.

"Thank you for upholding the principles and rights of freedom and liberty; for the American Constitution and Bill of Rights and for protecting those rights even when it results in the burning of your flag and the murder of your President.

"Thank you for those who helped defend freedom on foreign soil in two world wars—a debt we have been able to pay in small measure by way of some 10,000 Canadian volunteers who stand and fight with you in Vietnam; for the Foreign Aid you give even when your hand is bitten and your motives impugned; for keeping your dignity in the face of insults from nations still wet behind

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the ears; for your patience with those who seek to steal the world and enslave its people; for keeping your cool even when the Trojan horse mounts the steps of the White House to insolently spew forth its treason.

"Thank you for keeping alive the concept of individual liberty and faith in God in a world wallowing in humanistic collectivism.

"For these reasons and so much more, I say: 'Thank you America and God bless you.'

"Patricia Young.

"Vancouver, B. C."

M. W. Bean,
Editor.

THE PESTICIDE PERIL—LXVI

Mr. NELSON. Mr. President, more and more individuals are becoming alarmed about the threat to our environment and to human health from the continued use of persistent pesticides, and more and more individuals are speaking out publicly to voice their concern to others throughout the country.

Miss Jean Roach of Milladore, Wis., wrote a letter to the Stevens Point Daily Journal in which she expressed her concern about the contamination of our environment from DDT. She cites the many species of wildlife which are near extinction because of high levels of DDT residues in their systems, and asks:

> Are we not going to protest until after they become extinct?

The one characteristic that makes DDT and other persistent pesticides so harmful is biological magnification, which results in an increasing concentration of the pesticide progressively along the food chains until it reaches a serious and often lethal level. Now that the very insects which DDT is used against have built up an immunity to the pesticide, Miss Roach suggests that:

> Given enough time, we may not have to worry about a third world war. We may not be here, and neither will many other species of plant and animal life be here. Except perhaps the bugs.

The bald eagle has already been added to the endangered species list, but a news article from the same October 11 Stevens Point Daily Journal reports that this American symbol cannot even find refuge in our national parks. DDT residues are destroying the bald eagle in Everglades National Park, the last U.S. refuge.

I ask unanimous consent that the letter and the article be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Asks For Support of Move To Ban DDT

Route 1, Milladore.—How long are we as citizens going to stand by and watch plant and animal life disappearing because of the use of DDT on our fields? Scores of songbirds, water birds, fish and small animals have already died. Are we not going to protest until after they become extinct? How many people are we going to allow to die before asking, no, demanding that DDT be banned?

Of course we need pesticides, but surely there are some that will break down or disintegrate after a certain amount of time in the field which could be used instead. And besides, insects become more and more immune to DDT anyway. It's too bad that birds such as songbirds, or the brown pelicans and cormorants off the coast of California, as a case in point, or human beings, don't develop this immunity. Certainly it isn't hard to believe that as minute forms of algae and plankton are absorbing DDT, the fruits and vegetables that we eat are also absorbing it. Given enough time, we may not have to worry about a third world war. We may not be here, and neither will many other species of plant and animal life be here. Except perhaps the bugs.

There are only two ways of stopping the use of DDT. One is through federal legislation and enforcement of laws banning the use of DDT, the other way is for those who now use DDT to stop using it, to in effect, boycott its producers. Only through law or a pain in the pocketbook will the DDT producers stop making it.

All I ask is that each of you who read this write just one letter to a congressman. One letter, multiplied by thousands, will let them know that we are concerned about our future and the future of countless birds and animals around us. Please write now.

Thank you,

Miss Jean Roach.

DDT Invading Last Refuge of Bald Eagle

Miami.—DDT, the killer of birds as well as the insects it is sent out to fight, has invaded the last U.S. refuge of the bald eagle, a biologist says.

In fact, says Dr. William Robertson, a recent check shows that the level of DDT and similar pesticides is so high in the Everglades that the bald eagle may become extinct there.

Robertson, a biologist with the U.S. Park Services, said Friday the poison pollution is causing female eagles to lay eggs with shells so thin that they crack during incubation.

"The pesticide levels are much higher than we would have anticipated. I would call them alarming," Robertson told a group of scientists at the University of Miami.

"The levels are at the point where they are interfering with the reproductive process."

Robertson said the poisons interfere with the birds' formation of calcium, a basic ingredient in egg shells.

The remnants of a once-great bald eagle population nest in the southwest corner of the Everglades National Park, near Flamingo. Robertson has spent many hours studying the nests.

THE PEOPLE SQUEEZE

Mr. MONDALE. Mr. President, today's public awareness and debate on domestic issues has many facets involving numerous problem areas.

We hear a great deal about the urban ghetto and its difficult problems of bad housing and unemployment and discrimination. We have seen riots on television and we know the grim facts of crime in city streets.

The problems of rural America have also been brought home to us. We know that one-fourth of rural Americans are poor, that one out of three of their homes are substandard, and that their health and educational facilities are seriously deficient.

In reacting to urgent human problems which do enlist the sympathy of most Americans there is the danger that we are directing too little attention to our nonmetropolitan areas—the hinterland of small cities and rural communities. And yet these are the places where many Americans now live, where unplanned and uncontrolled growth is underway, and where many of the decisions affecting our urban future are being decided.

I feel that we are coming to realize, much too slowly, the single most important obstacle to improved growth, and that is the lack of a national land use policy.

One of the most recent articles which point to this need was published in the October issue of Better Homes & Gardens.

Mr. President, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The People Squeeze

(By George Bush)

Already, seven out of ten Americans live on little more than one percent of our land. Unless something happens to stop this trend our future promises to be a nightmare.

By 1980, calling cities by their traditional names will be an idle exercise: ten of our 21 major urban centers will have merged into four sprawling super-cities. The New York megalopolis, stretching from Boston to Washington, will be a living hell for 51 million people. The strip from Chicago to Pittsburgh will have 37 million; the California coast, 27 million; and the most rapidly growing of our urban concentration's, Florida's coast-to-coast colossus, will have tripled its population to more than 10 million.

That's a total of 125 million in just those four super-cities—nearly as many now live in all our major urban centers combined.

There are still people who point to this growth as progress. After all, we think Big in this country. Why shouldn't big cities get bigger? Sure, concentration brings problems, but aren't we Americans the greatest problem-solvers ever put on the face of the earth? We'll find a way.

Such wishful thinking does little to console the millions who suffer loss of health, sanity, and human dignity trying to make a life in and around the cities *as they are today, let alone as they will be tomorrow.*

At worst, we face social collapse; at best, a constant struggle that saps us, stifles our humanism, takes all the real pleasure out of living, and offers only synthetic rewards.

LOST VALUES

Reflect, if you will, on some very basic benefits which life in America should offer—benefits that our nation took pretty much for granted until recent years:

Warmth of communal spirit, friendliness of our neighbors, respect of our fellow citizens, common courtesy in everyday transactions, a feeling of safety in our streets and homes.

And more: schools shaped by our wishes rather than by political mandates, taxation with the least waste, a daily life free from harassment by special-interest groups, the opportunity to work hard without squandering our strength on getting to and from our jobs, the opportunity to breathe clean air—and even the chance just to be alone when we want to.

WORSE THAN A JUNGLE

All this becomes a utopian dream when people are put together like animals in a cage. Life then is stripped of its simplest graces and even lacks the natural logic of the jungle to which big cities, in their ruthlessness, have often been compared.

Stand outside Chicago's O'Hare airport and you'll see freeways choked in all directions—to the city and out of the city. Where is everyone going? Well, those who come from the inner city are streaming to factory jobs in the suburbs. And those who live in the suburbs are pouring back to white collar

jobs downtown. It's a ludicrous juxtaposition of where individuals live and where they work.

In New York, the Long Island Expressway has earned the sobriquet, "The world's longest parking lot." During rush hour, in the dank, urine-scented caverns under Times Square, policemen yell, "Keep it moving" to the faceless, shuffling crush.

It's night, and a man lies in the middle of fancy Fifth Avenue. He may be drunk, he may be sick, he may be dead; your taxi driver swerves to avoid him but doesn't stop to help. "I mind my own business," he snarls.

A scream in Detroit's darkness, and people quicken their steps. Like most U.S. city dwellers, they are scared and don't want to be involved. Last year in the "Motor City" you were twice as likely to be murdered as to be killed in a traffic accident (423 homicides versus 235 traffic deaths).

MURDER IN FUN CITY

Manhattan Island, sophisticated hub of John Lindsay's "Fun City," with a population of less than 2 million, counts more murders per year than England and Wales, with a population of 49 million. In Chicago during the next ten-year period, a Negro slum-dweller faces one chance out of eight of being mugged, beaten, raped, or murdered. In San Francisco, robberies (mostly by juveniles) zoomed 65 percent last year. In Los Angeles, homicide was up 25 percent.

Polluted air engulfs all our urban centers and the adjoining countryside. California's agricultural losses alone are estimated at $100 million a year. Chicagoans get 40 percent less sunlight because of their smog. The Eastern seaboard from Boston to Washington suffers on the same scale. On the north shore of Staten Island, which is directly in the path of New Jersey's industrial fumes, the male death rate from lung cancer is almost 40 percent more than that on the relatively unpolluted south shore—and among women, it is twice as high.

Cities by their very nature have always fostered slums. Today, these slums are the cradles of unrest and public violence. Detroit burned and looted itself in an almost masochistic orgy. And there was Watts. And Newark. And Washington. And Pittsburgh.

And not only the slums are involved. The new campus violence also had its seed in the big cities: New York's Columbia University, the Bay Area's University of California at Berkeley, and San Francisco State.

SUBURBS ARE NO ANSWER

Escape to the nearby suburbs is of little help. Many are no longer peaceful havens, industry and business, in their own flight from the inner city, have invaded them. Overpriced and underbuilt housing developments stretch ever farther outward, adding commuting time and commuting confusion. Fathers spend less time at home and have less energy, less patience with their families. Women feel alone, bored, deserted. More than most of us care to admit, family life is breaking down.

Suburbs touch each other and fuse, all the while threatening to become future slums. Already, 40 percent of the nation's poor (with incomes of less than $3,000 a year for a family of four) are living in suburbs. Los Angeles actually has fewer poor in center-city than in its outskirts. Pittsburgh counts more substandard dwellings in its suburbs than in town.

Former President Johnson's Task Force on Suburban Problems last year reported a "quiet, slowly building crisis" and a lack of "community sense." The Task Force put the blame on the hurried, unplanned, piecemeal building of industry, housing, and service facilities.

This, plus the cultural isolation of bedroom developments, the confidential (but hardly surprising) report stated, has created a "dullness of existence, acutely felt by many older suburbanites and often tragically reflected in the behavior of their children. Suburban vandalism, drug offenses, and larceny by the young are on the rise."

One major cause of suburban deterioration—the move of business from core city to suburbs—shows a pitiful lack of long-range thinking. Such relocations accomplish little except to make life temporarily more convenient for executives who live in the suburbs and thus can put in less commuting time. Although these moves do increase suburban tax bases, they serve only to compound suburban congestion problems, without gaining business any of the advantages of decentralization.

THE SAD STATE OF WELFARE

In turn, the center city suffers when it is deprived of the tax revenue it sorely needs. As the business exodus to suburbia gains momentum, an increasing tax burden falls on the city's wage earners. This is often the final straw: they flee to the suburbs too, making core city more and more a welfare state. Hard-pressed for funds, the cities then seek help from state and federal governments—so in the end, all of us are paying for this snowballing calamity.

Already in New York City, more than one million persons are on welfare. In 1955, the city's welfare population increased by about 80,000. Last August, just three years later, 50,000 persons were added to the rolls in one single month. As Dr. Paul Ylvisaker, neighboring New Jersey's commissioner of community affairs once put it: "We have concentrated those least capable of helping themselves where it is least possible for them to help themselves." And the end is not in sight.

Meanwhile, with taxes, rents, and prices rising, only the rich can afford to share the city with the poor. The average man is sorely squeezed: if unionized, he strikes, and if it's a public-service strike, it can bring a giant city crashing to its knees.

Not surprisingly, New York has had the worst of this, as of most everything. Three years ago, the city was paralyzed and its horrendous traffic jams compounded when subways and buses stopped for several weeks. Last spring, the stink of refuse pervaded its concrete canyons when the garbage workers went on strike. Last fall, the teachers walked out precisely at a time when everybody was yea-saying the need for improved education in the slums. Over a million kids couldn't go to school until almost Thanksgiving time.

And even when there's no strike, the inefficiency of public services and their administrators is so stupendous that things never work well and often don't work at all. One snowfall, and New York stops dead for days.

In the last eight years, our farm population has declined more than five million. Rural centers have lost their vitality. Small towns are dying as their young people, lacking opportunities at home, follow unskilled farm labor to the cities.

The problem grows in geometric proportions, for when young people begin to leave, other young people soon follow. Cottonwood Falls, Kansas, is typical of what's happening all over the country. That little prairie town now has almost twice as many residents over the age of 65 than between the ages of 20 and 40.

Social momentum is history's toboggan ride: you get going faster and faster, and it's harder and harder to jump off. Perhaps we are doomed to lose our values, our freedom of choice, our good life. Until now, no society has been able to control inherent trends.

The question is whether this helplessness must still hold true today. Modern social science is observant; it quantifies and analyzes. Modern business is aware of social imperatives, if only for the excellent reason that tomorrow's profits depend on what happens today. Modern communications can prompt and guide the cooperation of individuals and groups across a whole continent. Modern government has become a social manager. We have the tools. We have seen the warnings.

But is there still time to reverse the trend, or at least control it? Can we do all the right things fast enough? What are the right things to do?

WE MUST STOP BOONDOGGLING

One thing is certain: disjointed, haphazard efforts will accomplish nothing. All the cries for law and order, all the speeches condemning "mod" immorality and juvenile delinquency, all the government studies and finger-in-the-dike programs float in a void.

"Black Capitalism," commendable as it may be, will not wipe out ghetto poverty. Welfare funds are wasted if they merely perpetuate existing conditions. Slum education leads nowhere when its recipients must stay in the slums. City-center beautification is an absurdity when the area all around decays. It hasn't helped Detroit, for instance, where brave new downtown buildings loom over terrorized, deserted streets at night. Equally futile in its limited scope is the federal "Model Cities" program, which would help rehabilitate one urban neighborhood in each city just to demonstrate what can be done.

New freeways are worse than useless if they result in further uncontrolled expansion of urban centers and thus bring additional traffic into congested areas. It now costs an estimated $20,000 for the additional facilities required to cram just one more car per day into Chicago or New York.

Government advisory committees are a laugh when, as happened last year, two such groups were hard at work duplicating each other's research. One was studying urban problems, the other suburban problems, and neither knew what the other was doing.

As Dr. Linley E. Juers, deputy administrator for economic research at the Department of Agriculture, says, "We have been living with a crisis orientation rather than with a planning orientation."

It goes without saying that our future is worth an all-out coordinated program. But how can we accomplish such a program when, as today, thousands of tiny governmental units all have their own say? When urban development is in the hands of countless entrepreneurs, each acting independently? When local zoning boards perpetuate ordinances that rule out intelligent design and effective action?

LACK OF CENTRAL AUTHORITY

It is evident that we cannot have an overall (or even regional) plan that actually works unless we accept some measure of overall (or regional) authority. Megalopolitan Chicago, with its more than 1,000 governmental units, simply cannot function as a whole. Nor can most cities over 50,000, with their astounding average of 90 different jurisdictions.

Of all our states, only Hawaii can—and does—exercise central authority to control the location and extent of urbanization throughout the entire state. Before any non-urban land is sacrificed to industry or mass housing, the State Land Use Commission passes on the project. If the proposed development encroaches on prime agricultural land, or land having recreational opportunities, or just plain scenic land, it is turned down.

A state relying as heavily on tourism as does Hawaii has a special incentive to preserve its natural splendors. But if such a procedure is workable in Hawaii, it can be employed with equal success elsewhere, even on a national scale.

Former Mayor Arthur Naftalin of Minneapolis has suggested a "national urban policy" that would provide for the "revitalization, expansion, and new growth of many of our existing small towns." It would also build "New Towns" from the ground up, such as Columbia, Maryland, and Jonathan, Minnesota. (Better Homes and Gardens reported fully on these New Towns in our September issue.)

As a first step, however, Naftalin believes such a policy must concern itself with the reconstruction of our big cities. "They and their metropolitan areas . . . are going to grow larger," he says. "We will not be able to reverse the trend of urban settlement."

This may be so. God help us if it is. But the editors of Better Homes and Gardens believe every effort must be made to slow and control the population implosion.

Most crucial in the overall picture is migration from the country to the big city, which has involved nearly 20 million people since 1940. Calvin L. Beale, the Agriculture Department's chief demographer, sees some encouragement because the size of the rural population did not change much last year. He thinks the major postwar adjustments are behind us, and that the farm population may well stabilize at its current 10 million.

RURAL PROGRAMS

However, Senator James Pearson from Kansas has projected that it takes 500,000 new jobs a year in our rural communities just to stay even. Pearson and about 30 other senators and representatives are sponsoring a Rural Job Development Act which would allow far-reaching tax incentives—including additional depreciation allowances—to businesses creating new jobs in our less-populated areas.

This is certainly a step in the right direction, as is the Department of Agriculture's new "Plant Location Center" under the direction of John R. Fernstrom. The Center has amassed pertinent information on rural areas for use by manufacturers interested in building new plants. More than 6,000 letters have gone out to small businesses, alerting them to this service. But the response so far has been less than encouraging. At this writing, only two companies have acted: a chocolate-drink manufacturer and a maker of steel joists.

WHERE OUR MEDIA FAIL

To get to the root of the problem requires not only a stronger government stance, but a deep involvement by industry, the public, and our communicators. The media—newspapers, magazines, television, radio, the movies—have created a national awareness of the city slum crisis, but they are still glamorizing big-city life, as if the two had nothing to do with each other.

Our young people are totally ignorant of the drab and difficult day-to-day existence facing urban residents when their wild-oat years are over and they finally settle down. At the same time, the media have failed to stimulate our young people's interest in smaller communities—failed to show how easy and pleasant, and yet how challenging, life in such circumstances can be.

Government, in turn, cannot make quelling ghetto misery its only major aim, any more than a doctor can cure an illness by merely alleviating its symptoms. Instead of pouring all its money into hopeful stopgap measures, the government in Washington must allocate significant funds to the planning and execution of a countrywide rejuvenation.

It must put its weight through the Congress, behind a simplified system of local jurisdictions. It must work with the private sector in building New Towns. It must enlarge the funding of the Economic Development Administration, one of whose jobs is to make public-project grants and loans to rural communities so they may find new life. It must encourage industry through tax incentives, and perhaps even direct subsidies, to locate in our smaller cities and towns.

The major support should go to locations that have an available labor supply and can grow to the point where investment makes modern community life possible. In addition to the basic industrial requirements of power, water, and transportation, this means sanitation, medical services, schools, libraries, churches, and a variety of cultural and recreational facilities. Without such incentives, communities just cannot hold or attract today's young people.

HOW BIG SHOULD A CITY BE?

At the same time, our sociologists must study the problem of optimum city size. What is the level of population and dollar investment at which a city works best? No community should be supported in its growth, or allow itself to grow, beyond that point.

But of all the forces that can combat the super-citification of American life, *business* offers by far the greatest promise, since conditions today actually favor decentralization. Long-distance communication and transportation have become easier and faster. There has been a burgeoning of light industry, which doesn't depend on proximity to raw materials. Local labor is available in greater numbers than ever before, due to the decline of agriculture, mining, and other industries that depend on local resources. The country is wide open for business!

Indeed, more and more forward-looking companies have found they can operate advantageously by expanding, perhaps even relocating, to areas outside the perimeters of our larger urban complexes. Of the 1.2 million jobs added each year to our economy since the early 1960s, fully one third were created in counties with no city as large as 50,000 population.

PIONEERS IN DECENTRALIZATION

Minnesota Mining and Manufacturing of St. Paul, for instance, has plants scattered throughout the country, mostly in small cities such as Medford, Oregon.

Baxter Laboratories, a major drug manufacturer headquartered in the Chicago area, started a plant in Mountain Home, Arkansas, in 1963, with less than 50 employees. Now almost 800 employees, drawn from a 50-mile radius, make hospital disposables, blood bags, and drugs.

Dow Chemical of Midland, Michigan, considered buying a New York skyscraper but then decided against it. With some exceptions, its branches have been located in non-urban communities such as Freeport, Texas; Russellville, Arkansas; and Findlay, Ohio. Overall, it now employs about 22,000 people in areas outside of super-cities.

Phillips Petroleum, of Bartlesville, Oklahoma—like Dow, one of the few billion-dollar American industries with a non-urban home base—has made it a point in the last three years to push development in rural areas that need employment opportunities. It has, for instance, established a plastic pipe plant in Pryor, Oklahoma, and assisted in developing a number of projects such as a tufted carpeting mill on the Crow Indian reservation in Montana.

McDonnell Douglas, the big aerospace manufacturer headquartered in St. Louis, has a specific program for locating parts plants in the rural areas of Tennessee, Arkansas, and South Carolina. It has trained and now employs up to 100 local people in each of eight small communities. If business conditions over the next few years permit, this program may be expanded.

Scovill Manufacturing Company is a major producer of housewares and other consumer items headquartered in Waterbury, Connecticut, but many of its branches are located in areas outside the super-city complexes. The Hamilton-Beach division, for example, recently moved from Racine, Wisconsin, to smaller towns; its manufacturing facilities, employing almost 1,600 people, are now in Clinton and Washington, North Carolina. Another division, which originally made time valves, aerosol valves, and fluid power products in a ten-story building in Brooklyn, New York, was split up according to product and relocated in Wake Forest, North Carolina; Dickson, Tennessee; and Manchester, New Hampshire.

PLANS PROSPER IN SMALL COMMUNITIES

Location outside urban centers rarely seems to cause major problems. If anything, the general atmosphere is more conducive to good business and happy employee relationships. Winnebago Industries, Inc., a manufacturer of camper vehicles in Forest City, Iowa, is a case in point. In ten years, its payroll rose from 13 to 1,000; each of the last five years, the company's sales volume has doubled.

"I don't believe," says Edward H. Wilson, manager of Winnebago's marketing services, "that our team effort or team atmosphere is usual in the large cities, where most of the employees have very little personal attachment with the corporation."

Regardless of the size of a new industry, its contribution to the local economy and the resultant standard of living is significant. In fact, a new firm has vastly more economic impact than bare employment and company profit statistics ever indicate at first glance.

THE OWENS-CORNING STORY

Take the case of Waxahachie, Texas. Until six years ago, when Owens-Corning Fiberglas moved in, the little town had little to look forward to. It wasn't exactly sleeping, but it was certainly getting drowsier by the day.

The Owens-Corning invasion was relatively modest; even today it involves only 251 employees. But it provided enough adrenalin to perk up local enthusiasm for new enterprises. Waxahachie got a new bank, new school, new supermarket, an apartment area, and a new motel. The reborn city has now attracted an Armstrong Cork factory as well. "Owens-Corning sure did a lot for this town," says James Taylor, head of the chamber of commerce.

The Texas move was typical of the Owens-Corning penchant for wide-open spaces. Only two of its 12 planned locations—Kansas City and Santa Clara—are names familiar to most Americans. Conversely, among its biggest operations are Aiken and Anderson, South Carolina, both relatively unknown, each with nearly 2,000 employees of the Owens-Corning company.

"We like plenty of room for our plants," says William W. Boeschenstein, the company's executive vice-president. "We avoid industrial parks or crowded industrial areas. We want easy expansion, without fear of butting up to neighbors or having to negotiate years later for adjoining property that has soared in value."

According to a recent study in Venango County, in the long-impoverished northwestern corner of Pennsylvania, each 100 new jobs in a community result in employment for 74 other people. They also increase local retail sales by $360,000 and add $270,000 to local bank deposits. Such facts take one of the major arguments out of complete business relocation.

WHY NOT MOVE WHOLE INDUSTRIES?

Faced by union pressures and fear of urban payroll depletion, government so far has not looked favorably on moving whole plants. Even the new Pearson legislation requires that, except where exemption is granted through bureaucratic channels, a new plant must recruit at least half of its labor force locally to be eligible for tax benefits. Yet it's fairly obvious that if you have a community with 1,000 unemployed, and you import 1,000 employees from outside, nearly all the local unemployed will soon find jobs in the service industries catering to the new population.

Nobody would suggest moving all or even most industry out of urban centers. So-called

heavy industry is made up of huge operations whose removal would be a true blow to the economy of their current locations. Furthermore, plant production often depends on local natural resources or local marketing position.

Even with smaller businesses, it's a costly process to relocate labor forces, involving far more than their mere transportation. When you talk about moving hundreds and thousands, it means building whole new housing and commercial developments. It also means making sure that none of the relocated families lose money in the process. Industry alone may not be able to afford such an ambitious enterprise; this is another area where government could step in constructively.

There are many human factors involved in such a forced migration, and we don't want to be glib about that aspect. But executives and assorted specialists have been shifted around for years (often to less pleasing locations than the ones they left), and we see little reason why labor can't be sold on the *very real living advantages* to be gained in escaping congestion.

Not that any of this would be easy to accomplish. To reverse a social trend is a monumental, unprecedented task. To shape history rather than to let it happen, to master change rather than to be its servant, requires great purpose and great strength. The troubles of transition are not a sacrifice when they lead to a new and better life. Better Homes and Gardens believes Americans can muster the will, and will find the way.

MORATORIUM DAY ON IDAHO CAMPUSES

Mr. CHURCH. Mr. President, as at colleges and universities in other parts of the country, moratorium day is being observed today with peaceful demonstrations and discussions on most campuses in Idaho. In all, thousands of Idaho students are expected to join these gatherings to show their deep concern with continued American participation in the war.

In some cases, the moratorium day activities at Idaho colleges and universities will be extensive; at others, they will simply include discussions of the implications of this war for our Nation. But, large or small, formal or informal, these demonstrations are a manifestation of the growing realization, shared not only by young people, but by all Americans, that the time has come for the United States to cease its participation in the Vietnam war and turn the fighting back to the Vietnamese.

At the University of Idaho, moratorium day observances began yesterday with canvassing by students in the city of Moscow to stimulate local action against the war. Today's activities were scheduled to begin with a breakfast discussion, to be followed by a panel discussion in the early afternoon featuring physicists, sociologists, and scientists from the University of Idaho and nearby Washington State University at Pullman. Later in the afternoon, an antiwar play—"The Summer Tree," by Ron Cowen—will be staged on campus, and this evening full feature teach-ins on the war in university dormitories.

At Idaho State University, Pocatello, activities also began yesterday with a peace march through the city, culminating in a rally. Today's observances will feature a morning forum discussion and a reading of the names of war dead from Idaho. This afternoon, faculty members will lecture at the student union on various aspects of the war, then students will hold their own lecture series for members of the faculty on student concerns about the war.

At Boise State College, the day will be marked by an all-day open forum discussion of the war at the student union. In the early afternoon, there will be a silent vigil at the college's war memorial, and in the evening, a candlelight parade through Boise to the State capitol for a reading of the names of the Idaho war dead, to be followed by a prayer service at St. Michael's Episcopal Cathedral in which several other local churches will join.

At the College of Idaho, Caldwell, Moratorium Day was observed on Tuesday with a peaceful gathering of students to protest the war, and with discussion and singing.

At North Idaho Junior College, in Coeur d'Alene, today's observances will feature a panel discussion this afternoon on the implications of the war.

At the Lewis-Clark Normal School in Lewiston, activities will include discussions on the war in individual classrooms.

Mr. President, the war in Vietnam was caused by no one man and no one party, but it is the responsibility of all men and both parties to bring this war to an end. In the light of the thousands of lives being lost, there can be no stop in discussion and no halt to the necessity for leadership in terminating further American participation in the combat.

By their peaceful protest, Idaho young people—joined by many other thoughtful citizens—are acting today to show their concern. I commend them for their action.

WATER POLLUTION

Mr. NELSON. Mr. President, it is encouraging that public opinion and governmental action reflect the urgent need we have in this urbanized and industrialized country to come to grips with the problem of using and preserving the environment in which we live.

One area that is receiving particular attention in recent weeks is the area of water pollution. The species man is a land dweller, but is totally dependent on the vast amount of water on this planet for his survival. We are told that a man can survive without food for 3 weeks, but without water for only 3 days.

Until recently, however, man viewed the enormous supply of water available to him as an unlimited resource to be used for drinking, cleaning, recreation, and waste disposal without taking the precautions that would insure its continued use for future generations.

In regard to the problem of water pollution control, I would like to place several articles in the Record.

The article entitled "Lim Lab" describes the polluted condition of Lake Minnetonka and the efforts undertaken by Richard G. Gray, Sr., to create a $4 million fresh water biology laboratory there.

The second article sketches the danger of dense algae concentration, specifically in the Fox River in Wisconsin.

The third article indicates the efforts of the Department of Interior to investigate possible industrial polluters, again on the Fox River.

Finally, I insert an article reporting a speech calling for new approaches in fighting pollution.

Mr. President, I ask unanimous consent that the four articles be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Minneapolis (Minn.) Tribune, Sept. 7, 1969]

Lim Lab

(By Skip Heine)

"I woke up one morning last year and the smell from Lake Minnetonka was terrible. The condition of the lake was deplorable. Everybody was talking about doing something—but nothing was getting done."

So Richard G. Gray, Sr., an industrialist who has a home on Lake Minnetonka, started looking around for help. One of his first steps, along with banding together with friends who have houses around the lake, was to see Dr. Allen J. Brook, head of the University of Minnesota's Department of Ecology and Behavioral Biology.

And Gray got another surprise. As he put it, "I found there was no horse's mouth to turn to for information." He learned that nowhere in the nation was there a group of scientists from every related discipline working together to study lake problems.

In particular, he found that for a state with more than 15,000 lakes (10 acres or more in size), Minnesota had little study of lakes and streams—the science known as limnology—until about five years ago.

Clearly, in Gray's mind, it was time to do something. Last year he formed a fund committee to find money for a $4 million fresh water biology laboratory on Lake Minnetonka. The committee today is a long way from its goal. When the Lim Lab comes into existence, it will be staffed with University of Minnesota students and professors. Eventually, it will be turned over to the university.

"It's disappointing that Minnesota hasn't taken the lead in these studies," Dr. Brook said. "In fact, the world looked to Wisconsin and Indiana for answers."

The University of Wisconsin's limnology studies, unlike Gray's proposed program, are not totally devoted to solving the problems of lake pollution and accelerated aging.

But the Minnesotans had looked in the right direction. Members of the University of Wisconsin's Zoology department, now recognized nationally in their lake research, have been fighting to clean up the Madison, Wis., lakes since before the turn of the century. Madison's Lake Monona is a classic example of how persistent, and ultimately, how right the department's theories were.

In 1896 alarmed citizens of Madison asked advice to find effective means of stopping the growth of weeds and algae in Lake Monona. The scientists determined that municipal sewage would have to be diverted from that lake. For a while the advice went unheeded. Carloads of copper sulfate were used to poison the algae, but the program was curbed when dead fish floated to the surface. In the 1930s, the city got around to diverting the sewage into neighboring lakes Kegonsa and Waubesa. Enraged residents near those lakes sued the city and in 1941 the state legislature passed an antipollution bill aimed at that problem. Finally, in 1959, the effluent was diverted from those two lakes.

"It's interesting," said Dr. Arthur D. Hasler, director of the Limnology Lab in Madison, "how rapidly lake Monona began curing

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itself once the poisons and sewage were removed.

"This problem is not like some cancer. We know the causes and we know the cure. The problems are economic, political and plain cussedness. The cure is to put the lake on a diet."

Dr. Hasler gained national recognition for his discoveries on salmon migration and homing instincts, and he claims the distinction of being the first zoologist admitted into the National Academy of Sciences. He directs the research projects of graduate and post-graduate students at the "Lim Lab." Their work now varies from "The Physiology of the Black Bullhead, Ictalurus melas" to "Nutrient Availability of Lake Water and Sediments in Lake Wingra."

The five lakes near Madison plus an attractive two story building cantilevered over the waters of Lake Mendota constitute the limnology students' laboratory.

Two years ago, weeds had grown so thick in Lake Mendota that some citizens became aroused. Pamphlets were printed. Photographs showed two to three-hundred-yard-long weed beds, and ducks seemingly strangled to death by the plants. Committees were formed "to do something."

Then controversy arose over whether to use poisons or mechanically harvest the weeds. Dr. Hasler fumed publicly for months, cautioning the city that poisoning the weeds would add to the problem.

"It's stupid to be putting poisons in lakes," he snapped. "This isn't farmland where you can control the flow of poisons. And if you do poison the weeds they'll fall to the lake bottom. In the decomposition process, the weeds will take up oxygen and space needed by game fish. Once decomposed, the weeds will just add another nutrient to the lake."

Proponents of poisons prevailed. This year the poisons apparently have had little effect on the weed problem—and a different type of aquatic plant has moved onto the lake.

"But those people aren't the only ones at fault," remarked the professor. "Our own university is contributing to this problem by dumping concrete into the lake. And almost every construction on this campus has contributed to the silt in the lake."

Dr. Hasler believes that filling the lake bottoms upsets conditions needed by some game fish. Many lakes, he explained, have a layer of cooler, oxygenated water on the bottom which is the natural habitat of fish such as the lake trout. Dr. Hasler argues that by forcing the cool layer closer to the heat of the surface, the proper balance of temperature and oxygen is lost and the result is that some game fish will relocate and some will die.

Dr. Hasler believes this process of upsetting natural habitat is now going on in Lake Superior because of the taconite dumpings.

"I was able to get one consultant for the taconite industry in Minnesota to withdraw his testimony on moral grounds. He was to testify that taconite is not harmful to fish," said Dr. Hasler, "But, dammit, the fact is you don't fill up lake bottoms and he knows it!"

Although engaged in a variety of research projects, Dr. Hasler's staff seems to echo his concerns for the future of the lakes. Tom Wissing has been studying the Madison lakes for five years. His studies have centered around the physiological process of aquatic animal growth, but he hasn't become so involved that he can't see the lake for the microcrustaceans.

"I've been here five years and have seen the lakes go downhill. Two years ago we could fish in University Bay of Lake Mendota and now you can't. Last year we had a problem with rooted weeds—now there is trouble with a non-rooted variety.

"Engineers say, 'Give us X amount of dollars and we'll clean it up. You may not have any fish but the waters will be clean.'"

Mits Teraguchi, a Canadian-born graduate student, is involved in an obscure sounding, but highly relevant project titled: Vertical Distribution and Migration of Mysis relicta Loven in Green Lake, Wisconsin.

Mysis relicta, a microorganism left behind by the glaciers, is an excellent fish food. It is also highly sensitive to changes in temperature and oxygen and can't be expected to survive in a lake that is aging at an accelerated rate. This animal has been absent from Lake Mendota waters for years.

However, when planted in Kootenay Lake, in British Columbia, the fish size and population increased significantly. Mysis relicta is found in many healthy lakes and is not considered an unnatural, or "exotic" animal.

"I'm not saying we shouldn't change the lake's environment," Dr. Hasler said, "we should direct it. The laws are asinine. Nothing should be used until it has been tested.

"As it stands now we say we'll try it until we get into trouble. It isn't the young people who want to use poisons, it's my age class which is in authority. We've got to get them to change their ways. Decisions must be made in the next ten years or the younger generation will lose out.

"And we've got to stop using the term, aging," he continued. He believes the term is sometimes misused to indicate that the alteration of a lake by pollution is a natural process. "Hell, all lakes are aging. Lake Erie will be around 40,000 more years . . . yet it's so poisoned now that it's almost unusable."

"Even people in the University have to realize the relevance of their data in a practical way," commented Mits Teraguchi. "The public is getting too smart to allow professors to remain in their ivory towers."

[From the Appleton (Wis.) Post-Crescent, Aug. 31, 1969]

DENSE ALGAE CONCENTRATION COULD CAUSE FISH KILL IN LOWER FOX

(By Tom Torinus)

Tons of algae pouring from pea-green Lake Winnebago into the Fox River is consuming oxygen in the water and threatening the lives of fish.

"I have been expecting to hear about a big fish kill in the river," said Dick Harris, district fish manager for the State Department of Natural Resources, Friday.

Other state and industry pollution experts who watch the river closely agree that the situation is worse than in previous years and has reached the critical stage for fish life. A few cloudy days or even rainfall could make it worse.

Carl Blabaum, a top water pollution official of the Department of Natural Resources, Friday called the situation "pretty darn dangerous."

WINNEBAGO KILL

Apparently there is no imminent threat to the fish in Lake Winnebago. However, R. M. Billings, assistant to the vice president of research and engineering for Kimberly Clark Corp., said Friday, "If we don't get some help, we're going to get fish kill there too."

An unusual set of conditions pose the threat. Normally at this time of year warm weather increases the activity of bacteria in the water which use up more dissolved oxygen. At the same time the flow of the river becomes sluggish due to low water. That means there is less water to supply dissolved oxygen.

Because of these conditions dissolved oxygen levels in the river always are lowest in August.

ALGAE ROTTING

This year the unusually heavy load of rotting algae has driven the levels lower than they have been for some time. The algae, like other pollutants, use up oxygen in the water as they decompose.

Lake Winnebago and the river have been spared the full effect of the algae thus far because the days have been sunny and clear. In weather like this, when sunlight is reaching the algae, it grows and blooms.

However, cloudy weather now, or even a rainfall that would cloud the waters, could start a massive algae die-off. That would expend much of the scarce oxygen left in the water and hurt the fish.

TOLERANCE LEVEL

On Friday morning a dissolved oxygen reading of only .8 parts per million was recorded near the mouth of the Fox at Green Bay. The tolerance level for even the heartiest of the rough fish is considered to be about 1 part per million.

Such low oxygen levels could hit the fish at the time of the year when they are weakest, compounding the ill effects.

A lock tender at the Rapid Croche Dam below Kaukauna said late Friday that carp and other rough fish already had begun to die there in small numbers. The dissolved oxygen reading there Thursday had been 2.0 parts per million, but the level had been dropping for several days. It was 5.9 Aug. 7, fell to 2.8 on Aug. 21, then to 2.2 Wednesday.

Billings said the slow rate of decline in dissolved oxygen may have helped the fish get acclimated to the low levels, but he speculated that they could not live for extended periods in water less than 1 part per million.

MORE OXYGEN

Not all fish in the river, which include some northern pike and many perch as well as carp and suckers, would be severely affected by the lack of oxygen. There are spots in the river, where air is added to the water. Fish who find a spot like this will stay there to protect themselves.

Harris said there have been fish kills in the Fox in past years, but this year the algae condition seems to be especially bad.

Billings calculates that up to 332 tons per day of algae have been pouring over the Neenah dam into the river. The figure varies each year but has not exceeded 300 tons per day in the previous five years.

FOUL ODORS

James Lissack, district supervisor for the state Department of Natural Resources, said the algae decomposition in the river could result in foul odors as well as a fish kill. As the rotting algae pile up in backwaters and stagnant bays the odor would become pronounced.

He, too, points to the extended period of sunny weather. Cloudy weather now, he feels, "could cause a severe drop in dissolved oxygen levels."

A good example of what might happen occurred in stagnant water near the intake to the Menasha water plant last week. Rotting algae built up, causing the odor, and some fish died.

FOX HIT FIRST

The Fox would be hit before Lake Winnebago because it carries a heavy load of pollutants from paper mills and municipal sewage treatment plants not carried by the lake. These pollutants use up dissolved oxygen in their decomposition process, too, and keep the river levels below those in the lake. When the algae hit, therefore, the river already is at a disadvantage.

However, if the algae die-off were extremely bad, the lake could be affected.

The quality of the Fox River actually has been improving for the past few years, at least in terms of dissolved oxygen.

READINGS BETTER

Dissolved oxygen readings below 1 part per million were common in August 1965 and the levels fell below 1 during a short period in August 1966, but in 1967 and 1968 there were no readings below 2.

Billings and state officials attribute the

improvement to several factors: the higher flow of the Fox in recent years, the discontinuance of sulphite pulping operations at the Kimberly mill of Kimberly-Clark and the installation of pollution abatement equipment by industry.

As a result of the improvement in the past few years more fish have come into the Fox and reproduction has taken place. "We have been working to improve the river, and we have done it," Billings said. "Now Mother Nature comes along and destroys our efforts."

[From the Appleton (Wis.) Post-Crescent, Aug. 31, 1969]

PULP, PAPER MILLS ON FOX TO BE PROBED FOR POLLUTION—DETERMINE EFFECTS ON GREEN BAY

(By Frances McKusick)

WASHINGTON.—Pulp and paper mills discharging waste into Wisconsin's Fox River will be investigated in the near future by the U.S. Department of the Interior to determine the pollutant effect on Green Bay.

This information was disclosed to The Post-Crescent today by Carl L. Klein, assistant secretary of the interior for water quality. Klein Wednesday announced that the department was moving to crack down on pollution in the Great Lakes area.

A native of Ashland, Wis., Klein said he is personally familiar with conditions in the Fox Valley.

"Off hand I would say that the majority of the pollution being discharged in the Fox River and carried down into Green Bay comes from the pulp and paper mills in Neenah-Menasha and near Appleton," Klein said.

OTHER COMMISSIONERS

Investigators, according to Klein, "either have been in the Appleton-Green Bay area to study the water pollution, are there now or soon will be, Klein said he could not definitely say just where the investigators are because they are under the jurisdiction of other commissioners, but he emphasized that the investigation, if not already under way, certainly will begin soon.

The task force investigation of the Wisconsin area, which also includes Racine, is part of a plan being used by Interior in hopes that Lake Michigan water pollution can be or will be abated.

The Interior Department announced Wednesday it will use a 1965 federal law in hopes that it can bring the polluters of Lake Erie under order quickly.

Simultaneously under the 1965 law, the department brought action against polluters of interstate waterways in Kansas, Oklahoma and Ohio.

HICKEL ORDER

Interior Secretary Walter J. Hickel has ordered hearings and given the polluters six months to stop violating water quality standards. Otherwise, polluters will be taken to court, Hickel announced.

These six months' periods of grace given firms polluting water comes under a 1965 law. Previous federal action against water polluters were invoked under another law requiring the government to give the polluters 18 months before seeking a court abatement order.

"Congress soon will be asked to amend the present 18 month law so that we can enforce compliance within a shorter time, especially in serious cases," Klein said.

[From the Appleton (Wis.) Post-Crescent, Sept. 11, 1969]

NEW APPROACHES NEEDED TO FIGHT POLLUTION: LYNCH

Someday, if we are ever to lick the pollution problem, we may have to adopt the philosophy that the producers of pollutants must be responsible for its ultimate disposal, a well known conservationist told the Kiwanis Club of West Allis at a recent meeting.

The speaker Russ Lynch, past chairman of the state natural resources board, said he has suggested to Gov. Knowles that the state take the lead in taxing producers of pollutants, such as bottles and cans, at the jobber level. Costs of pollution, he said, should not be borne by local governments.

Lynch added that probably this wasn't exactly the way to tackle the problem of waste control, "but I think something of the sort must be done."

Makers of bottles and cans could do a good job of recovering, Lynch said, and said the Wall Street Journal recently reported that Reynolds Metals Co. is paying ½ cents for the return of aluminum cans in the Los Angeles and Miami areas.

"We're going to see more of this," Lynch predicted.

It costs money to restore and protect our environment and in this era of tax rebellion, programs may be hard to put across. However, Lynch pointed out, this country spends $890 million for pet food, $5 billion for cosmetics, and billions for beer and liquor.

"I like pets. I like to see good looking women. I like whisky. I'm not suggesting we do without these pleasures, but I do suggest that they cannot come before vital necessities and protection of the environment is vital," he said.

Lynch traced the beginnings of awareness of pollution. Human excrement was identified as the source of disease bacteria less than a century ago. Sewage treatment followed. The first trickling filter was installed in the 1890's and the first major activated sludge plant in the nation was built in Milwaukee in 1920.

Other contaminants were recognized as time went on, but the word "pollution" has only fairly recently been used to include all materials.

Pollution increased much faster than knowledge and action. World War II held up construction of sewers and treatment facilities but fostered a technological explosion which produced a flood of new and often complicated pollutants. "And science has not determined what these things may do to people over a long term," he added.

Action in the 1960's to control pollution should have been done in the 1940's, Lynch declared. After the war there were delays extended by permissiveness. "We have never caught up . . . at the rate we are moving, we never will," he predicted.

The Water Resources Act passed by the legislature in 1965 was the first major step in providing money and manpower to combat pollution.

Man doesn't actually know what remains in the effluent of treated sewage, Lynch said. Material that resists treatment is called refractory. He said that Chicago, which has one of the most efficient treatment plants in the country daily had 1,800 tons of refractory material in their plant's effluent.

Fifty treatment plants are under construction in the state, and there should be 30 new ones in the next few years. River basins in the state are being checked once in four years. The state is sampling monthly at 35 locations, most along the state line. Eventually, if funds are provided, there will be 10 automatic sampling stations along the major rivers.

Imaginative approaches to some problems are needed, Lynch said, old ways will not do the job. Solution for most waste problems is essentially simple, Lynch said; establish a reuse cycle. "But in our affluent, profligate and undisciplined society, it is easier to throw away something and replace it."

TAX REFORM NO. 1: DEMOCRATIC STUDY GROUP TAX REFORM FACT BOOK

Mr. METCALF. Mr. President, on October 8, the Committee on Finance completed its hearings on the House-passed tax reform bill and the following day began executive sessions to mark up its version of the bill. It is already apparent that when the bill reaches the Senate floor for debate and amendment it will take a substantial amount of work to shape that bill into a vehicle for meaningful tax reform this year.

At my request, the Democratic Study Group—DSG—in the House of Representatives has updated its Tax Reform Fact Book to reflect final House action, and over the next week or so, I plan to insert that book into the RECORD a section at a time so that my colleagues will have access to this highly valuable research tool in advance of the bill being reported out of committee. At the same time, I shall comment on developments that have occurred since the book was updated, since this matter has been moving along at a rather rapid pace in the Senate. One of the things I shall try to comment upon as these sections are introduced each day is the administration's shift in policy in many of these areas over the last several months.

I am referring to the differences between the testimony of Treasury officials when they testified before the House Committee on Ways and Means last April and the testimony of those same officials before the Senate Committee on Finance last month. I should point out that on September 30, Treasury officials submitted a technical memorandum of their positions on the bill that reflects a significant shift in attitude in many important reform areas from the administration's position last April. Since part 1 of the hearings before the Senate Finance Committee has now been printed the statements and latest recommendations of the Treasury Department are now available to each of us to examine for ourselves.

As a former member of both the House Ways and Means Committee and the Senate Finance Committee, I recommend the revised edition of the DSG Tax Reform Book to Members of Congress as a highly professional and useful document.

Mr. President, I ask unanimous consent to have printed in the RECORD the introductory section of the DSG Fact Book on Tax Reform. Tomorrow I shall place in the RECORD the section which discusses the taxation of oil, gas, and minerals.

There being no objection, the introduction was ordered to be printed in the RECORD, as follows:

DSG TAX REFORM FACT BOOK

INTRODUCTION

This DSG Fact Book is intended to provide a better understanding of one of the most complex and sensitive issues before this Congress. It has been specifically designed to serve as a yardstick for measuring tax reform measures which come before Congress and to assist Members in answering constituent inquiries and devising additional legislative proposals.

Background

The pressure for tax reform has grown steadily in recent years as inequities in the Federal tax system became impossible to ignore.

Recent reform efforts, mainly in 1962 and 1964, were limited to such items as minimum

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standard deduction, curbs on expense account deductions, repeal of the dividend credit, fuller taxation of foreign tax-haven corporations, and a limit on use of multiple properties for computing depletion.

But the glaring loopholes that enable special interests and the wealthy to avoid paying their fair share of the tax burden have been largely ignored, while public confidence in the basic fairness of the tax system has steadily eroded.

Public disenchantment and anger increased significantly within the past year with disclosure that more than 24,000 individuals with adjusted gross incomes of $10,000 or more paid not one cent in federal taxes in 1964. The amount of income involved exceeded $500 million. A similar study revealed that 21 millionaires and 134 other wealthy individuals whose incomes exceeded $200,000 paid no federal taxes whatsoever in 1967.

In contrast, 2.2 million families with incomes below the poverty level in 1967 were required to pay some $100 million in federal income taxes.

These disclosures were made in a series of studies prepared by the U.S. Treasury in response to a provision of the 1968 Revenue and Expenditure Control Act and made public in December of last year.

The Treasury findings and recommendations served as a focus for comprehensive tax reform hearings by the Ways and Means Committee earlier this year and stimulated the Nixon Administration to propose some preliminary tax reforms to Congress in April, and promise more later.

As a result of this activity, two tax reform proposals—repeal of the 7% investment tax credit and adoption of a low income allowance—were included in the surtax bill that passed the House, 210–205, late in June.

The meaning of meaningful tax reform

The Internal Revenue Code is a voluminous document that begins with a simple statement that all income shall be subject to taxation. The balance of the code consists of page after page of exceptions to this clearly-defined principle.

Tax reform is an effort to improve or repeal exceptions and exemptions that are unwarranted or obsolete, and to assure that the tax system is fair and just to all segments of our society.

Thus the AFL–CIO, and other elements in American society, call for a thorough overhaul of the federal income tax structure to accomplish three objectives:

(1) Elimination of special tax privilege loopholes for wealthy families and businesses;

(2) Removal from the tax rolls of the impoverished; and

(3) Reduction in the relative tax burden for low and moderate income families.

That such reform is sorely needed was documented by the U.S. Treasury Department last year in a series of studies which noted that "our individual income tax system has developed great disparity and unfairness."

The Treasury study then went on to define tax reform as an effort to promote four general goals:

(1) Keeping tax burden in line with ability to pay: "The ability to pay objective is basic to our tax system. Factors which are generally accepted as influencing taxpayers' ability to pay taxes are income, family size, and to some extent personal and business expenses including those related to the earning of income."

(2) Equity of tax burdens among similar taxpayers and between dissimilar taxpayers: "The equity objective is twofold: taxpayers similarly situated should pay equal amounts of tax and dissimilar taxpayers should pay unequal amounts of tax according to their different abilities to pay. And, in keeping with the general progressive nature of our tax structure, high-income individuals should pay a larger share of their incomes in tax than is required of lower income individuals."

(3) Tax simplicity: "Tax simplicity is encouraged in instances where complex provisions are apt to produce undesirable taxpayer errors which lead to incorrect allocations of tax burdens, where the vast majority of taxpayers can be spared computational and record-keeping tasks without the sacrifice of fairness, and where tax administration can be made more efficient."

(4) Neutrality of the tax system in economic decisions: "Neutrality of the tax system is an objective because it is generally undesirable for special provisions of the income tax to influence the outcome of economic decisions of taxpayers, since otherwise investment resources are misallocated where tax savings through special preferences are considered."

Supplemental tax materials

Several excellent tax reform publications are available to Members and their staffs to supplement information in this DSG Fact Book. Among the most useful are the following:

"Tax Reform Studies and Proposals": A joint publication of the Ways and Means Committee and the Senate Finance Committee. The 4-volume series includes the full text of Treasury studies and recommendations submitted to Congress on December 18, 1968, in compliance with the 1968 Revenue and Expenditure Control Act.

"Tax Reform, 1969": This is the 15-volume printed record of this year's Ways and Means Committee hearings. Volume 14 contains the full text of Administration proposals and accompanying Treasury explanations. It includes testimony of 350 witnesses plus statements and other material submitted by hundreds of others. The tax policy position of nearly every important organization in the country is outlined in this well-indexed series. It can be helpful in determining the "politics" of specific, and often highly technical, tax proposals.

"The Case for Tax Justice": A 15-page reprint from an AFL–CIO magazine that provides accurate and easy-to-read explanations of all the important tax reform issues. Included are sections on capital gains, depletion, real estate, farm investments, foundations, conglomerates, and tax relief. It is especially valuable as a source of speech and newsletter material.

DSG Fact Sheets Nos. 91–6 and 91–7: DSG Fact Sheet No. 91–6, June 23, 1969, includes information on repeal of the 7% investment credit and the low-income allowance which were adopted by the House in June. DSG Fact Sheet 91–7, August 4, 1969, contains a summary of the basic provisions of the tax reform bill reported by Ways and Means on July 31, 1969.

How to use this DSG Fact Book

This fact book provides basic information on the major tax reform proposals being discussed or acted upon in the current tax reform effort. The information is presented in standardized form for easy reference purposes.

The 32 reform proposals treated in this fact book do not, of course, represent a comprehensive list of tax reform possibilities. The 32 do, however, deal with the most obvious problem situations. Each has been involved in one or more of the following: Bills introduced in the House, the Treasury studies, Administration recommendations, and Ways and Means hearings.

A separate fact sheet has been prepared on each reform, with the various fact sheets divided into sections depending on the type of reform involved.

Each fact sheet contains the following standard information:

The Problem: This section is designed to put the situation in perspective. In most cases it provides some historical background and shows how a certain kind of tax shelter, loophole, or other avoidance device works.

Present law: This is merely a statement of the law in the problem area involved. More complete information can usually be obtained by referring back to discussions in Treasury's "Tax Reform Studies and Proposals."

Pending proposals: This identifies the most important legislative proposals dealing with each reform. Identical or similar bills also are listed. Bill numbers can be used in checking the "Legislative Calendar" of Ways and Means to ascertain the names of Members sponsoring the various bills.

Revenue impact: This is the latest official estimate published in material that is generally available. It normally is a one-year figure developed in the Treasury studies.

Proponents and opponents: This section attempts to identify the major proponents and opponents of the various reform proposals. When specific organizations (NAM, AMA, UAW, etc.) are mentioned in this section, it indicates their testimony and/or statements are published in the Ways and Means hearing record. The index in any of the 15 volumes can be consulted for page numbers of these presentations.

Administration action: When this section refers to last December's Treasury recommendations, it means the problem area is covered in Treasury's "Tax Reform Studies and Proposals." When a Nixon Administration proposal is mentioned, it means full information on it can be found in Volume 14 of the Ways and Means hearing record.

House action: This section covers House action, if any, on the tax reform proposal described.

Resource references: This identifies the number of the Treasury study or Committee hearings volume or other sources where testimony, explanations, or other information on the problem area involved can be found.

WITHDRAWAL OF AMERICAN FORCES FROM VIETNAM

Mr. MOSS. Mr. President, if anyone needs an example of the fact that the proposal to withdraw American forces from Vietnam is gaining widespread support, I discovered one today. In lookng through the October issue of Nation's Business, official publication of the U.S. Chamber of Commerce, I noted an article entitled "Prolonged Agony." The author of the article is Alden Sypher, former editor and publisher of Nation's Business.

Because the article comes to the same conclusion about the necessity of pulling our troops out of Vietnam as I expressed in the Senate on Monday and because of the prominence of the publication from which it comes, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROLONGED AGONY

(By Alden H. Sypher)

There can be little doubt that Ho Chi Minh knew long ago that his skinny little soldiers—deadly as they were—were no match for the military might of the United States.

Nor can there be much doubt Ho knew that since he couldn't beat this vastly superior force in battle, his only chance to win the war was to cause his enemy to give up and go home in frustration and despair.

This the late North Vietnamese leader could do by cutting public support at home out from under this superior force—a time-

taking process. Thus he needed a long war. This called for a strategy of attack and drift away.

"The American people's movement against the United States war in Viet Nam has drawn more people of various strata—youths, students, women, colored Americans, intellectuals, cultural and art workers, religious people, working people and businessmen," Radio Hanoi blared two years ago.

"This movement gives strong expression to its firm resolution of demanding that the U.S. government end its war in Viet Nam."

The occasion was announcement of a new committee of the National Liberation Front, the political arm of the Viet Cong, to encourage Americans who opposed the war and to urge others to adopt that point of view.

Thus a campaign carried on for years to build world opinion sympathetic to Hanoi among communists, friends of communism, neutrals and uncommitted Western countries was aimed also directly at the United States.

While few Americans find the National Liberation Front a convincing source of news or attitudes, the positions of many may have been influenced by opinions arising in Stockholm, or Oslo, or other friendly nations—opinions that may have been planted by Hanoi.

The fact that a movement in this country such as that described by Radio Hanoi was at the time demanding that the U.S. government end the war in Viet Nam, and doing it with great effect, may have been only coincidence—or it may have inspired the Hanoi line.

Or it may have been that more and more Americans were getting tired of war, another objective of Ho's long war strategy.

It's already the longest war in American history.

Until Viet Nam, the longest war was the American Revolution, which ended after six and one-half years with Cornwallis' surrender at Yorktown in 1781.

Our participation in the Viet Nam war started in 1950, when President Truman announced that to assist the new state of South Viet Nam he would send a 35-man Military Assistance Advisory group to give advice on the use of American weapons. Seven years later, the first Americans were injured by enemy fire. Another six years passed before U.S. strength reached 15,000 men.

It's a war whose start was as unrealistic as is this country's inability to end it.

Determined to achieve independence from France at the close of World War II, Ho Chi Minh on Sept. 2, 1945, announced creation of the Democratic Republic of Viet Nam.

France recognized the new nation as a free state within the French union six months later but a series of misunderstandings over the terms incredibly led in December, 1946, to the French-Viet Minh war—a conflict the French finally lost after the collapse of resistance at Dienbienphu in 1954.

During this war the French were instrumental in forming the state of South Viet Nam as a rallying point for noncommunist strength to be used against Ho Chi Minh.

When the French were beaten we moved in to prevent the annihilation threatening South Viet Nam, and to help that country carry on its fight against the communist North.

This war is frustrating to many Americans, but far more frustrating to the people we seek to help. For the war we take part in is the most destructive kind possible, barring nuclear explosions. And it is being fought right across their farms and villages and cities, as well as across their jungles, swamps and mountains.

South Vietnamese civilian casualties serious enough to require hospital treatment averaged nearly 10,000 a month last year. In the Tet offensive of 1968 alone, the South Vietnamese government reports, 7,424 civilians were killed and 15,434 were wounded.

As in any civil war the people on both sides look alike. Their ideology doesn't show on their faces, nor in their dress. So we always have difficulty in separating the Viet Cong from the South Vietnamese.

Elaborate schemes have been worked out to identify the many thousands of Viet Cong agents who wander freely in the South, and to check their ability to gather intelligence and enlist support and supporters.

Under a plan used during the command of Gen. William C. Westmoreland, entire villages were cordoned off while hundreds of the very citizens whose freedom and independence we fight to preserve were held under guard and screened for Cong agents and sympathizers.

This must have alienated village after village of Vietnamese who prior to such treatment may have been friendly to the Americans. The effort produced little result.

A following program called Operation Phoenix is said to have been worked out by the Central Intelligence Agency. It is proving to be little, if any, more effective.

The reason for these failures is of particular interest to Americans fighting the Cong. It illustrates one of the principal reasons the war is not being won.

The South Vietnamese act more sympathetically toward suspected Cong leaders than they do toward Americans. In some cases they may be motivated more by fear than sympathy, but the result is the same.

Operation Phoenix began in mid-1968. The object is to identify and destroy, by arrest and jailing, the Viet Cong structure known to be operating in nearly every city and village in South Viet Nam. Within this structure are enemy intelligence agents, saboteurs, organizers and sometime specialists in various fields.

Through this apparatus there is a steady flow of information, supplies and recruits to the Viet Cong.

Several hundred teams were formed under the Phoenix plan, enough to cover nearly all the provinces, districts and cities in the South. On each team are South Vietnamese soldiers, intelligence officers and government representatives, and one or two American advisers.

Each team compiles and maintains a list of Cong agents supporters and sympathizers in its territory.

When sufficient evidence is assembled to identify a Cong agent or supporter, members of the team contact the suspect. First they try to persuade him to defect to the South. Failing that, they arrest him. Some are said to have been shot.

Arrested suspects are interrogated intensively about the apparatus. Local area authorities must be convinced there is sufficient evidence against the suspect before he may be turned over to the province security council.

The council—the province chief, a local judge and six policemen—usually passes judgment on the basis of investigation reports. It seldom hears witnesses or sees the suspect. As many as 30 cases are considered at a single weekly session.

If the council is convinced the suspect is a Viet Cong agent or organizer, he is subject to two years in jail.

But hardly any get that severe a penalty.

Of the more than 25,000 suspects picked up by Phoenix teams in their first year of operation, more than 80 per cent have gone free, have been allowed to escape or have been given very short jail terms.

Fewer than 20 per cent have been sentenced to a year or more.

Why?

"Many of them just go out the back door of the jail," Jack Mason, the head of American advisers to the program, told a *New York Times* reporter. "We know that."

"Favoritism is a part of it. Sometimes family relationships are involved. We know very well that if one of our units picks up the district chief's brother-in-law, he's going to be released."

Bribery also plays a part, and so does the common knowledge that getting along with the Viet Cong is a good way to stay alive.

Also, the growing efforts of the United States to end the war are causing many Vietnamese to think twice before crossing the Cong, for today's underground leaders might surface after peace as tomorrow's above-ground leaders.

It's an unusual war in many ways.

For the first time in its history, this nation has become entangled in a war that seems to have no possible clear conclusion.

It's a war from which we cannot extricate ourselves.

We've been trying to do that for 4½ years through bombardment, through halting bombardment, by offers of billions for Southeast Asia aid, through proposals that almost are pleadings.

It appears now that President Nixon is without alternatives—that his only hope of ending the war for us is withdrawal.

If that's the case, we'd better withdraw.

For this has become a war with no possible winners. Only losers.

PRESIDENT'S COMMISSION URGES RATIFICATION OF THE HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, this month a special committee of lawyers of the President's Commission for the Observance of Human Rights Year 1968 released a report on the treatymaking power of the United States in human rights matters. The report was prepared under the chairmanship of retired Supreme Court Justice Tom C. Clark and was presented to Averell Harriman, Chairman of the President's Commission.

The conclusion of the report represents a telling argument in behalf of the human rights conventions. The report perceptively observes how "anachronistic" it is to raise questions about the treatymaking power of the United States at this late date, particularly since it has been nearly a quarter of a century since the first human rights conventions were presented to the Senate.

Mr. President, I ask unanimous consent that the conclusion of the lawyer's committee report be printed in the RECORD.

There being no objection, the conclusion was ordered to be printed in the RECORD, as follows:

CONCLUSION

Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treatymaking power of the United States. This conclusion is supported by the past treatymaking practice of this country. Each human rights treaty must be examined in the light of two legal criteria:

1. Whether the treaty's subject matter is of international concern to the United States because the exchange of international legal obligation would serve U.S. interests.

2. Whether any of the provisions of the proposed treaty conflict with the U.S. Constitution in a manner that cannot be cured by a reservation.

The legal profession should assign a high priority to the examination of proposed human rights treaties in the light of these criteria, assuming that such treaties are found to be otherwise desirable.

It may seem almost anachronistic that

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this question continues to be raised. It is nearly a quarter of a century since this country used the treaty power to become a party to the U.N. Charter one of whose basic purposes is the promotion of human rights for all. The list of parties to the various human rights treaties proposed by the U.N. has become longer each year. In each of the last 2 years the U.S. Senate has approved a human rights treaty without a single dissenting vote. In December 1968 the Chief Justice of the United States noted that "We as a nation should have been the first to ratify the Genocide Convention and the Race Discrimination Convention. And yet the suggestion persists that this Nation is constitutionally impotent to do what we and the rest of the world have, in fact, been doing.

THE WAR IN VIETNAM

Mr. **RIBICOFF**. Mr. President, the mood of this country is uncertain, bitter and confused. At the heart of our troubles is the war in Vietnam. A rising crescendo of anguish can be heard as thousands of Americans continue to be killed and maimed in a war seemingly without end.

The administration has met this outcry with a plea for more time—for more support. But time and support have been exhausted over the last 4 years.

If, as Secretary of State Rogers has stated, we are to take risks for peace, let us begin now.

I am pleased to have cosponsored resolutions introduced to make clear our commitment to prompt disengagement and withdrawal from Vietnam. But the matter does not end here. We must do more.

First, we should immediately respond to the drop in casualties just announced for the last 2 weeks. The rate of 64 casualties for the first week in October is the lowest in 3 years.

We should accept this as a "signal" that the enemy is willing to disengage from full-scale activity. In response we should announce that our forces will cease battle activity in those areas where the enemy does. Too often in the recent past, we have ignored indications that the enemy was willing to lower the war's intensity.

Next, we must establish our independence in South Vietnam. The time has come to address ourselves to the end of the war, not the continuation in power of Messrs. Thieu and Ky. We should encourage the establishment of an interim government to bring peace to Vietnam.

Finally, we must begin to look beyond the immediate end of the hostilities to our responsibility to the South Vietnamese people. We cannot walk away from Vietnam without concerning ourselves with the fate of the millions of refugees there and the need throughout Southeast Asia for economic development and stability.

I have no doubt that the President, as all Americans, wants to see this war brought to a prompt conclusion. The President pledged during his campaign that he would make the ending of the war the first order of national business. He promised "new leadership" to find peace in Vietnam. The public has been willing to ignore as rhetoric the reference to Vietnam as our "finest hour" and to President Thieu as a "great politician."

I am also confident that the President would like to decrease our casualties if possible. However, to do so, we must be ready to respond as quickly to what the enemy does as to what he says.

We should respond immediately to the recent significant decline in American casualties. We should "accept" this as an enemy "signal" and announce that, in response, our troops will cease activity in those areas where the enemy does. If the Vietcong continue to fight, they will bear the burden for escalating the war.

Too often in the past we have missed such opportunities. In August, the State and Defense Departments quibbled about the significance of the reports that the North Vietnam infiltration rate was down substantially. We took no action.

In September, by our confused reaction, we lost the opportunity to extend the 3-day cease-fire following Ho Chi Minh's death. The administration initially stated it would not observe the cease-fire, then stated we would follow the lead of President Thieu and finally observed the cease-fire without him.

The inexplicable 36-hour bombing halt in the south immediately followed. It was almost over as it was announced. There supposedly had been no "adequate" response from the North Vietnamese.

As usual, we have been assured that the present lull will soon be followed by a new enemy offensive. If we wait long enough and keep fighting hard enough, increased enemy activity surely will follow.

We have had enough self-fulfilling prophecies about the nonexistence of peace feelers and peace signals in Vietnam.

During the Cuban missile crisis, we could have disputed at great length whether Khrushchev meant the offer of peace in his first letter or the threat of war in his second. Instead, we seized the initiative and responded to what we interpreted as his offer of settlement and thereby helped to bring that critical interlude to a successful close.

This same imagination and courage should have been shown last August when reports began to arrive that fewer North Vietnamese were in the south—last September when the possibility of an extended cease fire was available—and a few days ago when the reports of a lowered level of hostilities were received.

This administration must be skillful as well as powerful in the arena of international affairs.

Any acceptance of a peace signal will raise the possibility of independent actions by the Thieu regime as demonstrated by the recent dispute concerning the 3-day cease-fire. President Thieu, on the basis of his past actions and deeds, may well decide to undermine any arrangements by insisting that he will fight on.

This problem only illustrates the fact that the greatest barrier to any settlement of the war in South Vietnam is the present South Vietnam Government, in particular President Thieu and Vice President Ky. Until we resolve the problem they present, we will have no peace in Vietnam.

These men are obviously concerned about maintaining their positions of power.

The difficulty is this administration seems to be becoming increasingly wedded to these particular men and their whims and wishes. The administration has tied the question of troop withdrawals and American disengagement, for example, to the ability of Thieu, Ky, and the South Vietnamese to prosecute the war. The administration apparently is prepared to leave Vietnam only when the South Vietnamese can prosecute the war as vigorously without us as the two of us are presently doing.

This is a grave error in judgment.

Our unbending support of the Thieu government precludes any meaningful progress toward peace. We cannot decide by fiat at the bargaining table the very issue about which the Vietnam war has been waged—who is to govern the South Vietnamese people.

Clearly, the NLF will always reject a South Vietnam government that refuses even to consider the possibilities of a coalition government before or after free elections. Beyond that, the present South Vietnamese Government has threatened to jail anyone who has the temerity to suggest that a coalition government might be a useful means of bringing peace to the country. Included in the number arrested is Truong Dinh Dzu who lost to Thieu in the recent elections in South Vietnam.

A settlement to the war that guaranteed Vietcong control of the South Vietnamese Government would surely be the "disguised defeat" the President seeks to avoid. But seeking to end the war with a guarantee of a non-Communist government headed by Thieu and Ky is just as surely an attempt for a "disguised victory" which is not worth its cost in American lives and money.

We should feel no continuing commitment to subject South Vietnamese as well as American fighting men to injury and death to maintain the Thieu government in power.

If President Thieu retains his belligerent attitude, we should consider means of requiring the establishment of a broad based, interim government in South Vietnam. This government would then join us in Paris or elsewhere to negotiate a settlement and end of the war. Such a "peace" government should also provide a mechanism for postwar elections freely conducted and open to all people in South Vietnam and all political parties.

During a recent visit to Paris, talking with detached and knowledgeable observers, I received the definite impression that this interim peace government itself need not necessarily include Vietcong representatives.

The government should include segments of the South Vietnam population presently not adequately represented such as various Buddhist groups, supporters of Mr. Dzu and others.

A peace government in South Vietnam should reverse the repressive policies of

the present Thieu government. Censorship of the press and media should be removed. Participation in political discussion should be encouraged not suppressed. Political prisoners should be released and political parties should be given the opportunity and right to organize and operate responsibly. These mechanisms for the exchange of ideas must be fostered, not destroyed, if there are to be meaningful elections after the war.

We still must confront the issue of troop withdrawals. As long as we continue to focus on insuring President Thieu's ability to fight in our absence, we are doomed to years of continued involvement in Vietnam and thousands of American deaths.

Instead, we should withdraw our troops as fast as we can while minimizing our casualties as the number of troops decrease.

We must also insure that we are able to provide for the safety of those who have risked their lives supporting and assisting our efforts in this war. We cannot and should not try to escape our responsibilities to the South Vietnamese people.

To date there are some 4 million refugees in South Vietnam. They are housed in inadequate refugee camps, jobless, homeless, suffering from improper health care, and inadequate food distribution.

When this war ends, their problems will not. We have an obligation to provide assistance to these people. We must establish and support a South Vietnam refugee program, provide emergency relief services, health care, job training, education, and opportunity for resettlement.

Furthermore, as the French after Dienbienphu, we should open our shores to those South Vietnamese who have supported the U.S.'s endeavors through the years and want to leave Vietnam.

When I was Secretary of the Department of Health, Education, and Welfare, we faced a similar problem with Cuban refugees fleeing oppression in Cuba. We were able to establish programs that not only provided assistance when these refugees reached our shores but gave them the necessary linguistic and educational tools to be assimilated quickly and usefully into our economy and our society.

Obviously many details remain to be worked out. Immigration authorities together with representatives of the Armed Forces and perhaps the CIA will have to clear applicants for admission to the United States. Transportation will have to be provided. Federal assistance should be made available to those cities and States which provide services and education for the Vietnamese upon their arrival.

But these are only details. What we must do now is to recognize the need to address ourselves to these details. It would be shameful for us to conclude the war in Vietnam without making provision for the protection and welfare of the South Vietnamese people.

If we truly want to salvage something constructive from our years of military involvement in South Vietnam, our goal should be to insure stability in Southeast Asia after the war. This will require the providing of economic assistance to this area.

The Agency for International Development financed a study by a team of economic planners headed by David Lilienthal and Min Vu Quoc. They found South Vietnam could achieve economic self-sufficiency within 10 years with the assistance of only $2.5 billion in foreign aid. This is what it now costs the United States to prosecute the war for 1 month.

Some form of multilateral assistance to both North and South Vietnam after the conclusion of hostilities could even play a meaningful role in the present peace negotiations.

I recognize that, even should all these suggestions be adopted, they provide no guarantee of a simple, easy solution.

The road to peace is not easy nor is it sure. We should support our President as he makes this treacherous journey. But he deserves our support only so long as it is clear that his path is peace and not more war—and only so long as he makes it clear he is willing to see the situation for what it is and not what he wishes it were.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. **LONG**. Mr. President, yesterday, October 14, the Committee on Finance acted in executive session on those areas of the Tax Reform Act of 1969 which affect restricted property, income averaging, moving expenses, qualified pension, and other plans, and subchapter S corporations.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 14, 1969]

TAX REFORM ACT OF 1969—ACTIONS IN EXECUTIVE SESSION

Honorable Russell B. Long (D., La.) announced today that the Committee on Finance was continuing to make considerable progress in its work on the Tax Reform Act of 1969. He reported that in executive session the Committee had made decisions with respect to several provisions of the House-passed bill as described below. He noted that these actions preserved many of the important tax reform features contained in the House bill with only minor changes.

Restricted property: The Committee agreed to the provision in the House bill which provides that a person who receives compensation in the form of property, such as stock, will be subject to ordinary income tax on the value of the property at the time of the receipt unless his interest is subject to a substantial risk of forfeiture, in which case tax would be imposed at the time the interest becomes non-forfeitable.

The Committee, however, adopted a series of relatively minor modifications, the most important of which are explained below:

(a) The House bill requires the recognition of income to an employee upon transfer even though the property remains subject to forfeiture. The Committee approved a Treasury suggestion that in such a case, the employee would not be treated as realizing income merely because he donated his forfeitable interest to another person, if the other person is also subject to the forfeitable condition. However, the employee would be taxed at the time the rights become non-forfeitable.

(b) The Committee also adopted a provision which provides that an interest in property is not to be considered forfeitable unless the employer can compel the employee or other holder to return the identical property upon the happening of the events which caused the forfeiture. However, where the property is forfeitable, the employee would be treated as realizing income when he sells the property if this event occurs before the property becomes non-forfeitable. This provision was also recommended by the Treasury Department.

(c) The Committee adopted a provision which will permit employees the option of reporting the original receipt of restricted property as if the restriction did not exist. Stated otherwise, the employee could treat the receipt of restricted property as a receipt of unrestricted compensation and pay tax on it at that time. However, an employee who exercises this option, will not be entitled to a refund if subsequently his right to the property proves to have been forfeitable.

(d) The Committee also added provisions which provide that restricted property rules would not apply to premiums paid by an employer under non-trustee annuity plans for an employee which meet the qualification requirements of Internal Revenue Code Sec. 401(a). Also, the restricted property rules would not apply to any amount excluded from gross income (under Sec. 403(b)) in the case of annuities purchased for an employee by an educational or charitable (Sec. 501(c)(3)) organization. These provisions had been recommended by the Treasury Department.

(e) The Committee also adopted provisions to make it clear that in the case of non-exempt trusts and non-qualified annuities, the amount subject to tax when the employee's interest becomes non-forfeitable is the value at that time of his interest in the trust (or the value of the annuity contract). The value of the amount subsequently contributed by the employer to the trust (or premiums subsequently paid) would be included in the income of the employee when contributed or paid to the trust (or insurer). The Treasury Department had also recommended the adoption of these provisions.

(f) The Committee modified the effective date provision of the section. The general effective date included in the House bill provided that the section would not apply to property transferred after June 30, 1969, if the property was transferred before February 1, 1970, pursuant to a written plan adopted and approved before July 1, 1969. The Committee agreed to the July 1 date but at the suggestion of the Treasury Department, the Committee decided to allow more time for the actual transfer. Thus the February 1, 1970, cutoff date was extended until May 1, 1970.

The Committee also agreed that in the case of a company which has a binding contract prior to April 22, 1969, with third parties to pay key employees a determinable amount of stock each year, the property could continue to be transferred before December 31, 1972, under the rules of the existing law.

Income averaging: The Committee generally agreed to the provision in the House bill enlarging the class of taxpayers eligible for income averaging. Under the bill a person whose income for the year exceeds his average income for the prior four years by more than 20 percent may utilize the favorable averaging device. (Under existing law his current income must be one-third greater). However, the Committee was not willing to permit wagering income, capital gains, and income from gifts to be eligible for aver-

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aging, and so it deleted the provisions of the House bill which would have extended averaging to these types of income. This action reduced the revenue loss from this feature of the House bill from $300 million to $110 million on an annual basis.

Moving expenses: The Committee agreed to the provision in the House bill which would liberalize the types of items which may be deducted by an employee who moves to accept employment at a new location. However, the Committee decided not to approve the feature of the House bill which would have denied the deduction unless the move covered more than 50 miles. Thus it retained the provision in existing law which allows the deduction for those moving more than 20 miles.

The Committee further agreed that the limitation of $2,500 should apply on a family basis. Stated otherwise, if a family made a move, then the family could only deduct up to $2,500 even though both the husband and wife were employed.

The Committee also agreed that the deduction for moving expenses should be available to self-employed individuals. However, self-employed individuals would have to remain at the new location for a 78-week period instead of the 39-week period presently required for employed individuals.

Collection of letters, memorandums, etc: The Chairman reported that the Committee on Finance had also approved—at its Monday meeting—the provisions in the House bill which treat gain on the sale of letters, memorandums, and other papers by a person whose efforts created the property (or for whom it was prepared produced) as ordinary income rather than as capital gain.

By treating them as ordinary income assets, other provisions of the bill require that any appreciation in value of the papers, memorandums, etc., should be taken into account by the taxpayer in the event he chooses to contribute these documents to a library, university, or other charitable institution. However, the Committee modified the effective date so that the provisions of the House bill would apply to sales or other dispositions of these papers occuring on or after *January 1, 1969,* rather than after July 25, 1969.

Total distributions from qualified pension and other plans: The Committee agreed to the provision in the House bill which would limit the extent to which capital gains treatment would be allowed for lump-sum distributions from qualified employees' trust made within one taxable year. Thus, amounts attributable to employer contributions made during plan years beginning after 1969 will be treated as ordinary income. However, the Committee simplified the tax computation required under the House bill. Generally one-fifth of the employer contribution would be added to the taxpayer's other income, except that wages and salary received by the taxpayer during the year in which the lump-sum distribution is made and the capital gains portion of the lump-sum distribution would be omitted from the computation. Tax would be calculated in the usual manner for this one-fifth and the resulting amount would be multiplied by 5 to arrive at the tax due on the employer portion.

Subchapter "S" Corporations: The Committee agreed to the provision in the House bill which provides limitations similar to those contained in H.R. 10 plans with respect to contributions made by Subchapter "S" corporations to a retirement plan for those individuals who are "shareholder-employees." Under this provision, a shareholder-employee must include in his income the contributions made by the corporation under a qualified plan to the extent contributions on his behalf exceed 10 percent of his salary or $2,500—whichever is less.

NATIONAL SCHOOL LUNCH WEEK, OCTOBER 12–18

Mr. HRUSKA. Mr. President, since 1946 when the National School Lunch Act was enacted by Congress, millions of American schoolchildren have enjoyed nourishing noon meals served at their schools.

In recognition of the important and vital role that the program plays in maintaining the health of our Nation's schoolchildren, Congress passed a joint resolution in 1962 designating the 7-day period beginning with the second Sunday in October each year as National School Lunch Week. This week of October 12 is National School Lunch Week of 1969.

Last year the lunch program helped to feed about 19.9 million children in nearly 76,000 schools in all parts of the country. Almost 3.4 billion meals were served through the program, and about 15 percent of these were offered free or at a greatly reduced price to children whose parents could not afford the regular low price.

The lunch program is now operating in schools with almost 80 percent of all children enrolled in public and nonprofit elementary and secondary schools.

It is estimated that 6.5 million children need a free or reduced price lunch, but the Department of Agriculture could reach only 3.5 million of those children in fiscal 1969. If, however, Congress appropriates the amount requested for the school lunch program in the 1970 budget and in addition funds for the special milk program, the rest of the children should be reached during this school year.

Through Federal-State-local cooperation, the national school lunch program has become the largest single food service industry in the Nation—more than a billion-dollar-a-year operation. Its 23-year history has been a commendable investment in our Nation's greatest asset—its children.

The national school lunch program, combined with the other child feeding programs, offers a balanced and sound approach to improving the nutritional well-being of our growing schoolchildren. Although the school lunch program is officially honored during the week of October 12, the other child nutrition programs also deserve recognition. Such programs as the school breakfast program, the special food service program for preschool youngsters, and the special milk program help toward the goal of eradicating hunger in our schoolage children. All of these programs are administered by the Consumer Marketing Service in the U.S. Department of Agriculture.

This year more money and manpower are being put into these programs than ever before, particularly to reach more children from low-income families. The Department of Agriculture expects that it will be able to provide at least one-half of the daily nutritional requirement for needy children wherever it can get the youngsters together into groups and where local agencies will cooperate fully.

The realization of this goal will be another step toward fulfilling the intent of Congress when it passed the National School Lunch Act, "to safeguard the health and well-being of the Nation's children." And National School Lunch Week this year is aimed at increasing public awareness of and involvement in all the child feeding programs so that the food and nutrition so necessary to both mental and physical growth and development during the growing years of our Nation's children can be provided.

THE VIETNAM MORATORIUM

Mr. CURTIS. Mr. President, the Nebraska delegation received a telegram this morning that is very heartening to us. I am sure it is heartening to everyone who is serving his country in Vietnam and to everyone who is concerned about the welfare of the young Americans who make up our Armed Forces. The telegram is as follows:

> KEARNEY STATE COLLEGE,
> *Kearney, Nebr., October 14, 1969.*
>
> Whereas, Beta Chi Chapter of Sigma Tau Gamma has stood for freedom, law, and order, and whereas, we believe in the principles that have made America the most productive and progressive nation in the world, and whereas, we reject the ideas and ideals of world communism, and whereas, we desire to show our support for American men and women serving the free people of South Vietnam, and whereas, we desire to show our support for our President in his quest for an honorable peace, with justice in Vietnam: we hereby urge all Kearney State students to attend classes October 15, 1969, and we further urge all citizens of the community to display their American flag in support of our American servicemen and women.
>
> BETA CHI CHAPTER,
> SIGMA TAU GAMMA.

Mr. President, I think that this telegram, coming from the heart of our country, indicates the sentiment of the vast majority of the young college people of our time. They are as much for peace as anybody else, but they are concerned as to what side they shall give their encouragement to by their words and their actions.

IVORY TOWER ACTIVISTS

Mr. FANNIN. Mr. President, last week Barron's magazine published an excellent article on the work of the Institute for Policy Studies. Barron's correspondent, Mrs. Shirley Scheibla, has now followed that article with another, which bears in a tangential way on events taking place in America today.

Mrs. Scheibla's article, entitled "Ivory Tower Activists," describes in some detail the work and activities of one Arthur Waskow, among others. Mr. Waskow, in addition to his other honors, is listed among those on the steering committee of the New Mobilization Committee, whose membership I placed in the RECORD yesterday. He shares this post with such people as Arnold Johnson, public relations director of the Communist Party USA, and other admitted Communists.

I do not assert that Mr. Waskow is a member of the Communist Party, nor deny him the right to associate with whomsoever he pleases. What troubles

me is the additional revelation in the article:

> The Justice Department recently agreed to underwrite loans and grants to a new Center for the Administration of Justice at American University . . . (an) A.U. information officer told Barron's that Mr. Waskow has been asked to serve as an expert consultant to the Center . . .

Personally, I think we can bear an investigation into the circumstances that allow U.S. taxpayers' money to be used in payment of consultant fees to a man who has led demonstrations demanding community control of police under a grant to a center for the administration of justice.

Mr. President, I am aware that the wolf's cry of "academic freedom" will be wailed if such a perusal of these circumstances comes about, but it seems to me that academic freethinkers should also be free to get along without lawfully collected tax money, collected by the system which they oppose. I understand that such a view may be regarded as old fashioned; nevertheless I suggest that a good many Americans—perhaps even a significant majority—hold to such views, and those who disagree may wish to initiate procedures, such as offering themselves for election, which will allow a proper vote upon the question.

Mr. President, I ask unanimous consent that the article published in Barron's magazine for October 13 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IVORY-TOWER ACTIVISTS—IPS FELLOWS LEAD THE RADICAL THRUST FOR SOCIAL CHANGE

(By Shirley Scheibla)

WASHINGTON.—To judge by their public pronouncements, leaders of the Institute for Policy Studies (IPS) hold the view that demonstrations, boycotts and similar disruptive tactics are acceptable means of effecting revolutionary change in government; moreover, attempts by duly constituted authority to quell such activities, even when they prevent federal institutions from functioning effectively, constitute "repression."

No ivory-tower scholars, some of the principals of IPS have been as good as their word. Several have organized and participated in unruly demonstrations, while seven belong to the Committee to Defend the Conspiracy, organized in connection with the current trial of "the Chicago 8" on charges of conspiring to incite a riot during the 1938 Democratic National Convention. The Committee members, according to the September 1 issue of the newsletter Combat, included Marcus Raskin, IPS co-director; Arthur Waskow, senior fellow; Gar Alperovitz, Paul Goodman and Christopher Jencks, fellows; I. F. Stone, associate fellow; Harold Taylor, an incorporator of the Peace Research Institute, now merged with IPS.

"CREATIVE DISORDER"

Writing in New University Thought last year, Mr. Waskow declared that the Institute is committed to the view that to develop social theory, one must be involved in social action and experiment. Toward this end, he advocated "creative disorder," which, he said, means "to simply keep experimenting and to discover at what point one is neither smashed nor ignored, but creates enough change to move the society." Admitting a "gut preference for disorder," Mr. Waskow said IPS "stands on the bare edge of custom in the United States as to what an education research institution is."

In short, it not only develops and promulgates theories but also seeks to implement them. Aside from its failure so far in unilaterally disarming the U.S. (discussed last week in the first article in this series), IPS has enjoyed considerable success, even to the extent of Mr. Waskow being asked to give his expert advice on police problems in a project partially funded by the Justice Department.

The Institute actually has set up communes and neighborhood corporations with the ultimate aim of taking over important functions of municipal government, including the control of police, schools, housing for the poor and health services. According to at least one IPS book, Neighborhood Government, the message of the riots is that the poor want such community control, and civil war will result unless they get it. Nothing less will suffice, it maintains. The ultimate aim is to establish such control through a network of federally funded ghetto corporations.

HOLD GOVERNMENT POSTS

At least two IPS associate fellows hold government posts in which they are able to apply such theories. Other fellows, once having held such posts, apparently continue to influence the executive and legislative branches of government.

Anyone studying IPS and the turmoil plaguing the nation might be tempted to conclude that the Institute had written the scenario. According to The Washington Post, Mr. Waskow helped plan the demonstrations at the Democratic National Convention in Chicago. The subsequent need to call out the police to enable an institution of government to operate, and the resulting cries of police brutality, ran true to IPS theory espoused by Mr. Waskow and other exponents of the New Left affiliated with the Institute. Back in 1965, Mr. Waskow wrote in the Saturday Review that as revolutionists force tyranny to stop them, they will gain increasing acceptance.

According to the Daily World, Mr. Waskow also masterminded the counterinauguration of a pig for president at the time of President Nixon's inauguration.

The Institute goes far beyond demonstrations in exercising influence. Its theory of community control through the device of neighborhood corporations has been set forth repeatedly by fellow Milton Kotler. A couple of years ago, the Urban Affairs Subcommittee of the Joint Economic Committee of Congress published two of his essays on the subject as part of a compendium by 22 urban specialists.

ENJOYS TAX EXEMPTION

A footnote identified Mr. Kotler as an IPS resident fellow. His opening sentences read: "At the outset, let me say that this paper is not a study. It is an argument . . . intending to persuade you toward a course in urban legislation. . . ." (Nevertheless IPS has not registered as a lobbyist, and enjoys tax exemption as an educational institution.)

"Riots," wrote Mr. Kotler, "reflect the formation of a new local community power in combat with the established power. . . . Unless existing established federal, state and municipal governments transfer a proper portion of their authority in Negro communities, today's domestic warfare will grow."

(At about the time the essays were published, black employees of the Library of Congress began receiving cards. One side was headed, "Committee for Emergency Support," and bore the address of the Institute. It read, "We are in sympathy with the despair of the black people in America. We share their sense of powerlessness to relieve repressive conditions by conventional political means. We are frustrated in our attempts to control the decisions which affect our lives in the capital city. We are all victims. We are ready in an emergency to assist the black community of Washington with food, housing, medical care and legal aid. We are committed to act to remove repressive military and political intervention."

The other side of the card advised calling the IPS phone number "in a riot or rebellion to obtain information, for legal assistance, for medical aid, for food and housing, to report police brutality." Shortly thereafter, Mr. Waskow began calling for the collection of bail funds in advance of violence.)

TRANSFER OF AUTHORITY

In his essays for the Committee, Mr. Kotler suggested a transfer of authority through "creative federalism." He explained, "The federal government must first assist the organization of legal neighborhood corporations with some initial funding. . . . Funding from the government is more important for legitimizing the development of neighborhood self-government as a unit of local rule in the society than for the money itself. . . . This proposal is already before the Senate in the form of Senate bill 1433. . . . It deserves your consideration and support."

S1433 expired in 1967. But on July 11, 1968, Roy Innis, Acting National Director of CORE, and Representatives Charles E. Goodell (R., N.Y., now a Senator), William B. Widnall (R., N.J.) and Robert Taft, Jr. (R., Ohio) jointly introduced legislation to create community development corporations "to finance, acquire, own and manage productive business enterprise located in the community, and to use the profit from such enterprise to finance its own education and social service programs in the community."

Financing for the corporations, they explained, would come from community development banks (CDBs) "analogous to Federal Land Bank Associations and Production Credit Associations, under the supervision of the Comptroller of the Currency." They estimated that federal capitalization of the CDBs initially would involve annual federal spending of $1 billion.

Last December the measure was discussed at a "self determination symposium" at the Washington Hilton Hotel. According to The New York Times, Senator Charles H. Percy (R., Ill.) told the gathering, which included black militants, that "Mr. Nixon had expressed approval of the concepts in the bill and that Nixon aides had informed him that the President-elect 'strongly supports the bi-partisan concept.' "

PENDING BILL

That bill, of course, expired with the 90th Congress. Senator Goodell, however, now is revising a similar one he introduced this year which is pending before the Senate Finance Committee.

The impetus for all this began four years ago, according to an IPS booklet called "The First Three Years," when "after long discussions with Kotler, a number of residents and organizational leaders in a poor neighborhood decided to organize the East Columbus Citizens Organization (ECCO)." To date, the Office of Economic Opportunity has approved grants of $432,219 for ECCO and expects funding eventually to total $757,113. The agency calls it a demonstration of community self-government through a corporation.

OEO also has announced what it calls its "Community Capitalism Program"; under it, the agency plans to make grants of $10 million this year to community corporations. (Mr. Kotler says there now are 70 of them.) Grants already made public include $1 million to the Inner-City Business Improvement Forum (Detroit), $900,000 to the Human Development Corp. (St. Louis), $1.1 million

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to the North Lawndale Economic Development Corp. (Chicago), $600,000 to the Harlem Commonwealth Council (New York) and $1.5 million to the Hough Area Development Corp. (Cleveland).

All this ties in too with the Model Cities program; by happenstance, Stanley L. Newman, an IPS associate fellow, is Chief of the Planning and Relocation and Public Administration Branch of the Division of Program Development and Evaluation in the Office of the Assistant Secretary of Housing and Urban Development for Model Cities and Governmental Relations.

EMINENT DOMAIN

Now Mr. Kotler is elaborating on his theory. In a book titled Neighborhood Government, just published by Bobbs-Merrill Co., he demands regulatory power for the community corporations to assure that money earned in the community will stay there. He also writes: "It is necessary for the corporation both to have the power to tax its residents and to be able to dispose of its territory. This means the governmental power of eminent domain." He says it also would be reasonable for the corporation "to control prices, rents, licensing and banking." Further, he would like communities to govern themselves based on custom rather than outside laws.

Calling the community "the action unit of this emerging revolutionary class," Mr. Kotler says "The neighborhood organization . . . must be prepared to defend gains in jurisdiction by the threat of war to any who would endeavor to deny these gains."

Meanwhile, Mr. Waskow has pursued the IPS idea of community control of schools. Some years ago he became secretary of a community anti-poverty group here. The Adams-Morgan Community Council, just as federal policy-makers insisted that the D.C. Board of Education allow the Council to run the Morgan grammar school as an experiment in community control.

Shortly thereafter, John R. Immer, president of the Federation of Citizens Association of the District of Columbia, wrote President Johnson that the children at the school were being cheated out of a good education. He declared: "The teachers maintain no discipline, are hippies, use vile language, have had little or no teaching experience and have and are using untried teaching methods."

CAMELOT PATRONS

Nevertheless, President Johnson's cabinet officers and their wives worked with Mr. Waskow in the presentation of the movie, "Camelot," at the Warner theater in Washington, as a benefit for the Morgan school. Among the patrons listed by Mr. Waskow were (then) Justice & Mrs. Abe Fortas (IPS lists his former law partner, Thurman Arnold, as one of its original trustees), Secretary of Defense Robert S. McNamara, Attorney General Ramsey Clark, Secretary of the Interior Stewart L. Udall, Secretary of Commerce Alexander B. Trowbridge and Secretary of Agriculture Orville Freeman.

Federal support also has been forthcoming for a new venture in higher education in which Mr. Waskow will play a significant role. The Justice Department recently agreed to underwrite loans and grants to students pursuing programs at a new Center for the Administration of Justice at American University in Washington. According to AU President George H. Williams, "The initial award (from Justice) exceeds $200,000, and anticipated funding for the academic year may exceed $500,000."

William M. McDowell, AU information officer, told Barron's that Mr. Waskow has been asked to serve as an expert consultant to the Center on how it can best serve the Washington community and that he may occasionally lecture on police problems.

Writing in a local underground newspaper, the Quicksilver Times, last July, Mr. Waskow advocated: "(1) Neighborhood control of police through citizen-elected commissions. (2) Creation of countervailing organizations such as unions of those policed. (3) Changing the role of the professional, tough cop to one of a more everyday civil servant doing his job, keeping the peace, rather than enforcing the law." A year ago, according to press reports, Mr. Waskow headed a rally here in front of the 13th police precinct station to demand immediate community control of the police.

To develop ways of establishing community control of health services, IPS held a seminar three years ago under the direction of Dr. William Kissick, associate fellow and then Chief of the Division of Public Health Methods in the Office of the Surgeon General of the U.S. (Dr. Kissick now is teaching at the University of Pennsylvania.)

BACKGROUND MATERIAL

According to Pierce Rollins, Acting Director of Information for the Office of Community Health Service of the Public Health Service (PHS), the material resulting from the conferences in that seminar has been compiled in two volumes by the Milbank Memorial Foundation. Mr. Rollins says the Department of Health, Education and Welfare, parent agency of PHS, uses the volumes as background material prepared by experts to help it set health policy.

The official explains that PHS now is funding the planning of health services at state, area, city and community levels, and that the various entities are free to subcontract with IPS experts to help in the planning.

The general idea, Mr. Rollins adds, is to fund community health services only after area-wide planning. But because of the desperate need, PHS is making funds available without area planning. It has financed, he says, 22 community health centers and others for rat control and the treatment of venereal disease. So far PHS has made 2,500 health planning grants, Mr. Rollins reports.

Tangible results also have emanated from a 1968–69 IPS seminar conducted by Rick Margolies, an associate fellow. According to the Institute it aimed "at developing a theory of social change based upon the possibility of a movement of small groups living communally and acting as agents of change in their larger environment. It is assumed that the small group will begin to live in the manner it wishes the society at large to adopt. . . . Some individual seminars will be theoretical and historical, while others will be more specifically programmatic. The first section, 'Toward a New Life Style,' will include discussions of human communion and human need, the extended family and child rearing . . .; 'The History of Intentional Communities' will include American 'utopian' experiments, communist collectives and communes, the Kibbutzim; 'Toward a Praxis of Community' will synthesize lessons learned in the above sections and work toward a plan for a communitarian movement."

INSURGENT ACTIVITIES

Mr. Margolies told Barron's that he now has communes in operation in the Adams-Morgan area of Washington. After starting with money from the Stern Family Foundation, commune members now support themselves by working part-time at the Quicksilver Times and the Washington Free Press, another underground newspaper, Mr. Margolies explained. Among other things, the Free Press has printed detailed instructions on how to conduct "insurgent activities." Now Mr. Margolies is preparing a new magazine, to be called The People in the Streets.

In view of the success of IPS in developing and implementing theories, its present studies and projects for the future take on added significance. One plan is to set up a network of institutes like IPS all over the country to serve as counter-institutions to established ones. Gar Alperovitz, IPS fellow and former legislative assistant to Senator Gaylord A. Nelson (D., Wis.), already has launched one at Cambridge, Mass., with the help of Christopher Jencks, IPS fellow and Harvard professor.

According to Tina Smith, IPS administrative assistant, Alan Haber and Barry Weisberg are setting up a Bay Area Institute in San Francisco. Gerry Hunnius, having just completed an IPS study of "the possibility of workers' control of factories based on Yugoslav model," now is in Toronto exploring the possibility of setting up an institute. Miss Smith says IPS also is discussing the possibility of setting up one in the South.

Also on the agenda for IPS is "investigations of operations of foreign aid." Handily, Jack Heller, an associate fellow, is director of the Office of Development Programs for the Bureau for Latin America of the Agency for International Development.

A project listed in the IPS 1969-70 budget is a "Middle-East Peace Mission," under the direction of Cherif Guellal, IPS fellow, and Algerian Ambassador to the U.S. until his country broke off diplomatic relations.

WENT TO AFRICA

About a year ago, Ivanhoe Donaldson, IPS fellow and member of SNCC, went to Africa for IPS to study self-government there and to contact members of the African National Congress and Pan African Congress. Now his assignment is to set up liaison with both groups, "in order to make accurate information available to American educational institutions on both secondary and college levels."

The IPS assignment for fellow Frank Smith is "to set up a chain of cooperative food markets in an effort to bolster the concept of community control by trying to develop viable and democratic models for community control of food, shelter and clothing businesses." Mr. Smith, who formerly served as Coordinator of the Community Staff of the notorious Child Development Group of Mississippi (Barron's, September 26 and October 24, 1966), is a member of SNCC, CORE and the Mississippi Freedom Democrat Party.

All last summer, IPS had several students interviewing the members and staff of the Federal Communications Commission and studying public records. As a result, the Institute now has elaborate plans for challenging the licenses of broadcasting stations, particularly when it doesn't consider them responsive enough to the views of the New Left.

AMERICAN PRISONERS OF NORTH VIETNAM

Mr. ALLOTT. Mr. President, the people of the United States are appalled by the cruel, callous, and inhumane treatment of members of the U.S. Armed Forces held captive by North Vietnam and the National Liberation Front. Common standards of human decency, in keeping with international agreements to which the North Vietnam Government is party, demand that North Vietnam and the National Liberation Front immediately:

Identify all imprisoned U.S. citizens.

Release the sick and wounded.

Provide proper flow of mail and packages.

Open all prison camps to inspections by the International Committee of the Red Cross.

The thousands of wives, children, and parents of the 1,400 American servicemen now held captive, or in a missing status, deserve the Nation's unremitting and unanimous support in attaining these objectives.

Recently, I had the opportunity to read one of the most moving articles I have ever encountered dealing with this tragic question of the Communist treatment of American prisoners of war. I believe that the article, entitled "The Forgotten Americans of the Vietnam War," written by Louis R. Stockstill, should be brought to the attention of every American. I intend to furnish reprints of the article to every one of my Colorado constituents on my mailing list. I can only encourage Members of Congress to take some similar appropriate action, to be sure that the tragic circumstances related by Mr. Stockstill can be given the widest public attention at this time.

Mr. President, the irretrievability of the death and wounds sustained by our fellow Americans makes the Vietnam war, like all wars, a tragedy of the first dimension. It seems to me, however, that in dedicating our energies to the achievement of peace with freedom in Vietnam we must find an adequate way to relieve the torment and suffering of those areas of the war which are retrievable. One of these areas is assuring decent treatment for American prisoners of war now held captive by the Communists.

These American servicemen are the husbands, fathers, and sons who have been called the forgotten Americans of the Vietnam war. Mr. President, we can do something about these men. We must.

I ask unanimous consent that Mr. Stockstill's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRISONERS OF WAR—THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

(By Louis R. Stockstill)

Once a month, from her living room high up in an Arlington, Va., apartment building, removed from most brutalities of life except her own thoughts, Gloria Netherland walks a long hallway to the mail chute and deposits a letter.

She watches it drop from sight on the first leg of a journey into an unknown void halfway around the world. The letter begins "Dear Dutch." But whether Dutch will read it, or someone else will read it, or whether it will go unopened is impossible to say.

Gloria and Dutch have been married eighteen years, but she doesn't know—hasn't known for a long time now—if he is alive or dead. And if alive, she doesn't know where he is or how he is.

For more than two years she has written the monthly letters—limited to six lines each, according to current Communist rules. None are answered; none are returned.

But, in the pattern of "dreadful uncertainty" that characterizes her daily life, she never fails to write.

"I realize," she says, "that there is just a fifty-fifty chance he is alive, but I feel that I cannot afford to let anything go undone."

Capt. Roger M. Netherland, USN, who was shot down over North Vietnam in May 1967, is one of the senior US pilots missing in the Vietnam War. Flyers reconnoitering the site where his burning plane plunged to the ground believe they heard his voice. But no word has come through since.

"When you are married to a flyer," Gloria Netherland says, "You learn to live with potential disaster. But you expect it to be black and white, not like this. I can't think of him as being gone, but it is very difficult for me to think of him as a prisoner."

She says, "The worst day for me was not the day they came to tell me he had been shot down. The worst day was the day his clothes and books and personal things came back. To have to unpack a man's life is not an easy experience.

"And if he is gone, I will have to do it all again. There will be another complete healing period to go through."

Gloria Netherland is but one of hundreds of wives and parents who live on an emotional roller coaster of grief, hope, faith, anxiety, and raw courage. For some, the waiting has lasted more than five years.

Their husbands and sons are the forgotten men of the Vietnam War—approximately 1,400 men captured by the enemy or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam, others by the Viet Cong in the jungles of the South. A few are interned in Laos and Red China. Files of 981 men have been stamped with the heart-wrenching legend "MIA"—missing in action.

Some 3,000 "next of kin"—wives, children, and parents—in every state now endure what one calls "this limbo of anguish."

The other side has revealed tragically little about these "casualities" of the war. North Vietnam and the Viet Cong, defying international agreements and basic codes of humanitarianism and decency, have consistently refused to discuss the whereabouts of the missing men. Similarly, they have dribbled out only limited and distorted information about selected prisoners in infrequent propaganda movies tailored to their own purposes, often peddling doctored film to foreign outlets. Many wives quite rightly believe that "our husbands are being sold for so much propaganda."

On the shoddy pretext that US captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisons. Yet such inspections are required under the Geneva Conventions, signed by North Vietnam in 1957 and by 119 other governments.

Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps, but has refused to:

Identify the prisoners it holds;

Release the sick and wounded;

Allow proper flow of letters and packages; or

Protect US prisoners from public abuse.

The Viet Cong and Communist forces in Laos have followed Hanoi's lead by imposing an even more rigid blackout.

The curtain of secrecy the enemy has thrown around the prisoners and missing men has, until recently, been duplicated to some extent by the US government. But this is now changing. A brighter spotlight has been turned on the problem. The change has been wrought by the Nixon Administration. The United States government has now opened up some of its previously closed files of information on the imprisoned and missing men. New initiatives and a tougher approach are the order of the day. Further steps may be in prospect.

NEW HOPE FOR POW'S

For the first time, Administration officials are waging an open fight for the prisoners. The diplomatic maneuverings which shielded many aspects of the problem from public view during the Johnson Administration—although perhaps rightly so for that time—have now been partially cast aside. The United States is speaking out.

Two of President Nixon's top Cabinet officers have embarked on a strong public offensive in which they stress concern for, as well as facts and figures about, the treatment of the US prisoners and missing men.

"I don't understand how the North Vietnamese can be so lacking in humanity that they won't even give us the names of the prisoners they have," declares Secretary of State William P. Rogers. "All they have done is to be more intransigent, more unreasonable, and more inhumane."

Secretary of Defense Melvin R. Laird says there is "clear evidence that US prisoners are not being treated humanely," and that conditions in the prison camps are "shocking."

Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Their assistance could be crucial. Many citizens may never have asked themselves how, or if, they can help. Many still may not be aware of the full story of our forgotten men.

Here then are the sobering facts about the prisoners and the missing, the details of the obscure existence they live, the way they are used and abused by Hanoi. And here, too, is an account of what the US is doing to aid the men and their families, and suggestions as to how you might lend a hand:

Of the known prisoners—the 401 the armed forces have been able to positively identify as captured—192 are Air Force, 140 are Navy, forty-six are Army men, and twenty-three are Marine Corps personnel.

Nearly 1,000 others are missing in action and thought to be captives. The largest number missing from any single service is 516 from the Air Force. More than 260 are missing in the Army, more than 100 in the Navy, and ninety-four in the Marine Corps.

The prisoners and missing men range in rank from private to colonel, or Navy captain. They include such men as Col. Robinson Risner, of Oklahoma City, one of the top AF pilots, and Navy Lt. Cmdr. J. S. McCain, III, son of the US Commander in Chief, Pacific, Adm. J. S. McCain, Jr.

Several of the known prisoners have now been behind bars more than five years. More than 200 have been imprisoned or missing for more than three and one-half years, more than 500 for over two years.

Some military intelligence the United States has gleaned about these men must be kept secret or couched in guarded language to protect the prisoners.

Nevertheless, accounts of torture and inhumane treatment have emerged. The widely publicized story of the capture, escape, evasion, and rescue of Navy Lt. (j.g.) Dieter Dengler in 1966 presented stark examples. Captured by the Pathet Lao but eventually turned over to North Vietnamese soldiers, Dengler was spread-eagled by his captors and at night left to the mercy of jungle insects, tied to a tree for harassment target practice, repeatedly beaten with fists and sticks (once into unconsciousness) for refusing to sign a statement condemning the US, and tied behind a water buffalo and dragged through the bush. The once 180-pound flyer weighed ninety-eight pounds following his escape and rescue.

STORIES OF MALTREATMENT

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Viet Cong jungle camps.

Most recent evidence about those imprisoned in North Vietnam discloses that many have been tortured by being deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected scars, and burned with cigarettes. At least one had his fingernails ripped from his hands. The broken bones of another, set by Communist doctors and still in a cast were rebroken by guards.

It is difficult to know how typical these examples may be. But, regardless of the continuing secrecy in certain areas, substantial information is available on some prisons and the basis treatment of some prisoners. Portions of the record are cloaked in "it is believed" language, some is official hard fact, and some has come from those foreign news sources Hanoi has permitted to peek into selected prison keyholes.

Prisoner treatment, of course, varies, and often the enemy attempts to camouflage the worst conditions. With that in mind, con-

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sider these details about three types of prisons—a jungle camp operated by the Communist Pathet Lao; a Viet Cong jungle camp; and a North Vietnamese institution known euphemistically as the "Hanoi Hilton."

The Pathet Lao camp is a bamboo stockade of primitive thatched huts. Prisoners are fed twice a day, mostly rice but with occasional supplemental foodstuffs. Many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed outside to empty toilet pails, prisoners are confined inside the huts, often locked in crude wooden foot blocks or handcuffs. Barbaric treatment, including beatings is not unique. Prisoners are forced to listen to Radio Hanoi.

The Viet Cong prison or jungle camp houses fewer than a dozen men. The prisoners are fed three times a day, again mostly rice, supplemented by some meat, fish, or vegetables. They are supplied with soap and toothpaste, fifth-rate medical treatment, pills thought to be antimalarial, and even occasional vitamin injections for those in most obvious need. Between meals, prisoners are allowed to smoke, exercise, or just sit. About once a month, they are furnished news of the outside world. They have been told, for example, of the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy, of the release of the *Pueblo* crew and the election of President Nixon. They are allowed to write occasional letters, but have no way of knowing the effort is futile. No letters have ever arrived in the US from prisoners held by the VC. To maintain the pretense of a mail-exchange, however, at least one prisoner in this camp was permitted to receive two letters over a ten-month period.

DAILY ROUTINE IN HANOI

In the North Vietnam prison camp (in central Hanoi), daily routine is more formalized. Prisoners are awakened between 5:00 and 6:00 in the morning by a gong, followed by a thirty-minute Radio Hanoi (English language) broadcast piped into their cells. At mid-morning they are taken out to empty toilet buckets. About 11:00 a.m., seventeen to nineteen hours after they last ate, they are fed the first of two daily meals. Food consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice.

One former prisoner said, "The main diet is based around bread, and during the summer we got a squash soup and pig fat." Prisoners receive three daily cigarettes and sometimes, possibly for propaganda purposes, have been given sweets. (Propaganda films staged by Hanoi have shown tables laden with food, including mounds of fresh pineapple and bananas. But no one was eating.) After the morning meal—picked up on a wooden tray and eaten in their individual cells—prisoners are allowed to "nap" on their bare-board bunks until 2:00 in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4:00 and 6:00 p.m., they are fed the second and final meal of the day. The day ends around 9:00 p.m.

Each prisoner is provided with two sets of pajama-like clothing, two blankets, and toilet articles. Each is allowed to shave twice a week and wash his clothing once a week.

CONSTANT INDOCTRINATION

Brainwashing efforts do not follow the hard-line techniques employed during the Korean conflict, but prisoners are subjected to constant lower-key indoctrination. Not only does Radio Hanoi bombard their cells with slanted news and propaganda a full hour out of each day, but prisoners also are furnished with Communist propaganda periodicals and are lectured on the "history" of Vietnam and the provisions of the 1954 Geneva Accords as conveniently interpreted by their captors. Sometimes men reportedly are taken from the prison to visit state institutions where they can "learn" more about North Vietnam's "culture."

Attempts also are made to induce them to write or record statements expressing sympathy with the North Vietnamese cause and condemning U.S. involvement in the war.

Within the confines of the prison, the captives generally are isolated from contact or communication with more than one or two other prisoners who may share the same cell. Many men are kept in solitary confinement. As they are moved around in the prison to pick up food, empty toilet buckets, wash, etc. they are carefully shepherded so that one prisoner or group of prisoners seldom encounters another.

At infrequent intervals, certain prisoners have been allowed to write to their families, although few letters ever reach home.

That the prisoners are allowed to write at all, and that they are accorded other elemental amenities, may likely be because the so-called "Hanoi Hilton" is anything but typical.

PROPAGANDA SHOWPLACE

U.S. officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. While foreign newsmen have "seen" prisoners, who have been transported to a central location for that express purpose from at least eight other camps, the "Hilton" is the lone place outsiders have been allowed to enter. And it is the only prison from which U.S. prisoners have ever been released. Obviously, the open-door policy at only one prison creates real doubt that the North Vietnamese can afford to let the world, and in particular the neutral nations, see the conditions that prevail elsewhere.

No prisoner has ever escaped from the prisons of North Vietnam. Those who have managed to struggle back to freedom from the VC jungle camps add up to fewer than two dozen (the specific number is classified). And the Communists have been extremely callous when it comes to returning American prisoners. To date only a handful has been set free. Sixteen have been released by the Viet Cong, nine by Hanoi.

Procedures followed by Hanoi in releasing prisoners are particularly meaningful since North Vietnam has been the bellwether in establishing what might be regarded as over-all policy guidance in the treatment of prisoners elsewhere. And it is in North Vietnam that the greatest number of men are believed to be imprisoned. Of the more than 1,400 captured and missing, nearly 800 (mostly pilots) were downed over North Vietnam. The Defense Department believes "a substantial percentage of the missing" may be prisoners.

POW RELEASES FOLLOW PATTERN

All the prisoner releases by Hanoi—two last year and one this August—have followed a similarly disturbing pattern. First, they have been but token gestures, letting just three men out at a time. Second, they have been accompanied by blatant propaganda announcements in the guise of either "humanitarianism" or "good will," or coupled with some "special" day. Third, the names of the men to be freed are withheld for periods of more than a month, thus creating untold agony for thousands of hopeful next of kin. Fourth, releases are carried out through dissident US intermediaries instead of the International Committee of the Red Cross, the traditional go-between in matters affecting war prisoners.

As a condition of each of the three prisoner releases, Hanoi has insisted that US pacifist groups be sent to North Vietnam to take custody of the prisoners and accompany them out of the country.

After a protracted wait, the identities of the prisoners are presented to the world in a staged ceremony. Finally, they are allowed to depart for home with their pacifist countrymen, who are merely used by Hanoi in a grossly overt effort to foment further unrest among American citizens and abet militant critics abroad.

The first two prisoner releases took place last year. Three men were released in February, three more in July. All six were "short termers"—that is, men who had been held prisoner for relatively brief periods of time.

The February 1968 group consisted of two Air Force officers, Lt. Col. Norris M. Overly and Capt. John D. Black, and twenty-three-year-old Navy Lt. (j.g.) David P. Matheny. None had been in captivity as much as six months. Lieutenant Matheny had been captured only four months earlier.

The three prisoners released in July 1968 were all Air Force officers: Maj. James F. Low and Capt. Joseph V. Carpenter, imprisoned for seven and six months, respectively, and Maj. Fred N. Thompson, captured less than four months before.

The man designated by Hanoi as the principal go-between for the releases is a fifty-four-year-old pacifist named David Dellinger. Chairman of an organization known as the National Mobilization Committee to End the War in Vietnam, he has traveleld frequently to Communist bloc nations and to North Vietnam. Currently, he is under indictment on charges of conspiring to incite a riot in Chicago during last year's Democratic Convention.

As the main contact in the prisoner releases, Dellinger, in turn, has named other US pacifists to act as "escorts" in bringing the prisoners out of Hanoi.

THREE RELEASED IN AUGUST

The most recent release—three men, again—came in August of this year and illustrates how completely Hanoi milks the prisoner situation for its own purposes. However, it marked a minor breakthrough of sorts. For the first time, North Vietnam released prisoners who had been held captive for fifteen to twenty-eight months.

The new policies of the Nixon Administration may have had something to do with the release of the longer-term prisoners. Publicity about two of the men had been widely aired by DoD several months earlier.

Like the two preceding releases, the third also was carried out under the banner of David Dellinger. On this occasion, he designated a somewhat ragtag escort group. The group was substantially larger than any previously dispatched. There were four escorts. They took along three cameramen.

Leader and spokesman was Rennard C. Davis, twenty-nine, National Coordinator of Dellinger's National Mobilization Committee. A member of Students for a Democratic Society, Davis is also under indictment on charges growing out of the Chicago riots. He had to obtain a court ruling in order to leave the country.

With Davis in the escort group were Linda Sue Evans, twenty-two, an SDS regional organizer; Grace Paley, forty-six, a member of antiwar and antidraft organizations; and James Johnson, twenty-three, Negro, former GI who served a stockade term for refusing to fight in Vietnam. The three cameramen, from an underground movie-making outfit, were identified as Robert Kramer, thirty-six, an SDS member during a stint at Columbia University; Norman Fruchter, thirty-two; and John B. Douglas, thirty-one.

TEAM FLEW TO HANOI

The seven-member team flew to Hanoi in mid-July, about two weeks after North Vietnam announced plans to release the prisoners. For the next couple of weeks they received Hanoi's "grand tour," were escorted on a 500-mile trip into the DMZ, met with the Prime Minister, and were ultimately entertained at a farewell party well-oiled with rice liquor and propaganda.

At the farewell ceremony, according to

details churned out by the North Vietnam News Agency (VNA), the prisoners were "handed over . . . to the American antiwar delegation" with a Madame Bui Thi Cam denouncing the "monstrous crimes" perpetrated by the "US imperialists" who had destroyed towns and crops and "massacred . . . women, children, and old folk."

She said US pilots "caught in the act of committing grave crimes" and not entitled to the protection of the Geneva Conventions, but are, nevertheless, treated "in accordance with the humanitarian policy of the government."

James Johnson, accepting the prisoners "on behalf of the American antiwar delegation," said, "We know, as these pilots must know, that all over the world the United States has been branded an outlaw nation." His statement, running some 500 words, might almost have been written by Hanoi.

The North Vietnam News Agency said, "The three released American military men then took turn in expressing, each in his own [way], their deep gratitude to the Vietnamese People, the DRVN government, and the Vietnam People's Army, for this humanitarian act as well as for the humane treatment all of them had received throughout the period of their detention."

The names of the prisoners were revealed. Two were Navy men: Lt. Robert F. Frishman, captured twenty-one months earlier, and Seaman Douglas B. Hegdahl, imprisoned for two years and four months. The third was Air Force Capt. Wesley L. Rumble, held for fifteen months.

The prisoners and their escorts left Hanoi on August 5. Arriving in Vientiane, Laos, that night, they were seen for the first time by US newsmen. They were described as "pale and gaunt," clad in "dungarees and sandals."

The press accounts noted that Frishman, acting as spokesmen for the prisoners, seletced his words "carefully." He said only that he was happy "to be returning home, to be back with my country and my wife."

There then followed a question-and-answer session. Here are revealing excerpts from Frishman's interrogation by the newsmen:

Q. How was the treatment you received . . .?

A. I received adequate food, clothing, and housing.

Q. Would you describe it as humane treatment?

A. Sir, I believe I have answered that question.

Q. Did they make any attempt to indoctrinate you or brainwash you in any way?

A. I have no comment.

Q. Was their treatment better at all when they decided you were going to be released?

A. As I say, my treatment has been adequate.

Q. Are you concerned that other prisoners might be harmed by something you might say here?

A. Yes. I in no way want to jeopardize any of the other people who have been . . .

The sentence trailed off.

When the prisoners arrived in Bangkok the following day, Frishman was quoted as saying, "It's great to be back." Nothing more. At some point during the return journey, Frishman had indicated the desire of all three men to be furnished with military clothing. "We left in uniform," he said. "We intend to return in uniform." The clothing was rushed to Frankfurt, last stop before New York.

ARRIVAL IN NEW YORK

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance on the hot, noisy flight line was deeply saddening.

When the general passengers and the pacifist escorts had disembarked, the families of the prisoners were allowed to board the plane for a brief reunion away from the eyes of the curious. Twenty minutes later, the men and their families began emerging.

There was no brass band, no flags, no clamoring throng to welcome them. Only a cluster of newsmen, cameras, government representatives, police, and a small crowd of onlookers.

Lieutenant Frishman, followed closely by Seaman Hegdahl, was first off the plane. Both wore their new uniforms, the Navy blue contrasting starkly with their drawn, pallid faces. Captain Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men and their families were led to a small platform, barren but for a gaggle of intertwined microphones. Uncertainly at first, and then with alert precision they returned the salute of Air Force Col. Milt Kegley standing nearby.

They were ashen in color. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. They smiled, but somehow their smiles seemed macabre; not forced, but not exactly real; joyful surely, but with an underlying tautness; perhaps nearer to tears than laughter.

Lieutenant Frishman once again spoke for all three men, repeating what by now had become his stock statement. They were happy to be home, they had received "adequate food, clothing, and housing" from their captors.

He, himself, had been "seriously wounded." The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said.

THE ARM WAS WASTED

It hung at his side, the loose sleeve of his jacket emphasizing that the arm was wasted, thin, far shorter than the other. When the suggestion had been made to him earlier that, "They'll fix it better at home," he replied, "Oh, no. They won't. It's impossible now."

Now, as he extolled the "adequate" treatment he and the others had received, and praised the North Vietnamese for saving his arm, Frishman voiced the "hope that there will be some more releases."

At his side, Douglas Hegdahl, once a robust heavyweight, continued to smile, his face almost skeletal. A reporter asked how much weight he had lost. He had "no comment."

But then Frishman addressed the microphones. "I lost forty-five pounds; Seaman Hegdahl lost sixty pounds," he said. It was the first detailed confirmation of their deprivations.

A newsman asked Frishman why the North Vietnamese had selected him for release in preference to some other prisoner.

"I am sure they released me for some reason . . . this reason I do not know," he said.

What about the welfare of other prisoners still held by Hanoi?

"No comment," Lieutenant Frishman said.

PRESS SESSION QUICKLY ENDED

The session with the press was over quickly, the final questions muffled in the roar of a nearby jet. The men were tired; they had been traveling for thirty-six hours.

"I want to be with my wife now," Lieutenant Frishman said. He placed his good arm around her. The prisoners and their families moved off the platform.

As Frishman turned, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, and his chin were sharply drawn, haggard. So were Hegdahl's.

If the two men had been well-treated, there was nothing in their appearance to verify it. The almost corpse-like pallor of their skin, tightly stretched, almost translucent, mutely testified to long seclusion from the sunlight.

The men and their families moved to waiting transportation for the short trip to the medical-evacuation plane and the final leg of their journey to military hospitals. I turned with the other newsmen to walk back into the International Arrivals building for the meeting with the pacifist escorts.

We waited for an hour in a small, stuffy room intensely illuminated by bright klieg lights.

Finally, the pacifists straggled in, having been delayed in customs. The four escorts and the three cameramen gathered on a platform at one end of the room. By any standards, they were unprepossessing in appearance.

The leader and spokesman, Rennie Davis, was the most presentable, dressed in neat trousers and shirt, hair slightly long but combed and parted.

Peering from time to time at notes reclutched in his right hand, Davis began a recitation of what the seven-member team had seen and done in North Vietnam. His monologue had little to do with the prisoners. It mainly emphasized the "devastation" that U.S. bombing forays had inflicted on a "determined" and "unbeatable" people now instilled with a "mood of victory." The North Vietnamese believe, he said, that they have President Nixon "trapped."

He introduced Grace Paley, a short frumpy woman in a cotton dress. She said North Vietnam considers U.S. prisoners criminals, but relates them to "show good faith" and as a demonstration of their "humanitarian" treatment.

PRAISE OF HANOI'S TREATMENT

Next up was Linda Sue Evans, young, blonde, wearing tightly fitting, flared blue jeans. "We believe," she said, "that North Vietnam should win." She praised Hanoi's "humane" treatment of the prisoners.

The young Negro, Johnson, principal pacifist speaker at the Hanoi ceremony, was next. He said with obvious pleasure that the North Vietnamese "feel they have defeated the United States."

Davis opened the press conference to questions.

"Are our prisoners being mistreated?" he was asked.

He had seen no such evidence. The group had met a "total of twenty-five to thirty all told," and they had been informed by the prisoners that they had been protected within the very villages they had bombed, been given immediate medical attention, and "better" food than is provided for their guards.

He said continuing concern is voiced about the treatment of U.S. prisoners, but he is more concerned about the treatment of prisoners from the other side held in camps in South Vietnam.

Davis was asked to comment on a statement by Secretary of Defense Laird that Hanoi's treatment of prisoners is in "flagrant violation" of the Geneva Convention.

Davis said he thinks North Vietnam "legally regards the United States as an outlaw nation." (An interesting comment. James Johnson had used the same "outlaw" phrase in his Hanoi remarks, but attributed it to the pacifists themselves.)

"You say our prisoners are being treated humanely," I asked Davis. "How many prison camps did you visit?"

Repeatedly, he sought to evade a direct answer, but I kept hammering "how many prisons" at him. Finally he admitted he had "no information at all" about any of the prisons camps.

The press conference produced nothing of any kind about the status of U.S. prisoners held by North Vietnam. The pacifists had

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returned believing what they wanted to believe. They brought back no list of prisoners held by Hanoi, no hint that North Vietnam might consider changing its policy on prisoners.

Except for some fifty letters Hanoi had permitted them to carry home, they had returned only with an array of sugar-coated propaganda. They had swallowed whole as much as possible and stuffed the rest into their luggage.

The press conference could only raise serious doubts about the value of continuing to allow Hanoi the luxury of using such groups to bring back tiny numbers of prisoners. Some Administration officials, even some wives and families of prisoners and missing men, also are beginning to question the validity of this practice.

At the current exchange rate, it would take well over 400 years to get all of the men home. And the current release procedures, in the words of the Washington, D.C., *Evening Star*, are "a little like Oriental water torture—and just as humanitarian."

Twenty-five days after Frishman, Hegdahl, and Rumble reached New York, I went to Bethesda Naval Hospital in Maryland to hear the two Navy men tell about their prison life. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations where he was removed from the truck and stoned by the populace. When he reached the prison, he was refused medical treatment and told he "was going to die in four hours," unless he talked. He "finally passed out" and was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm but failed to remove missile fragments. It was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets . . . the scab would come off . . . the wound would drain again." One of his legs was left with "a seeping sore," still draining when he reached the United States almost two years later.

During much of his ordeal, Frishman was isolated in a tin-roofed cell, vented by "a few holes." In forty-five-degree winter weather, he froze. In summer, it was "like an oven." Sometimes, he was forced to sit on a stool in the stifling room—"just sit . . . and sit"—until he passed out.

Early this year when interviewed by *L'Europeo*, his captors wrote out what he was to say and then "practiced" it with him.

Did they try to "fatten" him in his final weeks of imprisonment, I asked?

"Yes, they did." On July 4 they took him before the camp commander who "had a real nice table with some fruit on it. . . . I knew then that I was going home."

SOLITARY CONFINEMENT

Hegdahl, too, had been subjected to solitary confinement—in all, for more than a year. The longest stretch lasted "seven months and ten days."

He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed also was plundered before it was handed to him.

For propaganda purposes, he was photographed "reading" a US magazine which he was allowed to hold "just long enough for them to take the picture."

Frishman said he was threatened before his release. If he embarrassed North Vietnam, they would "have ways of getting even with me," he was told. He was cautioned "not to forget that they still have hundreds of my buddies."

But those still imprisoned want the facts out in the open, he said. One told him "not to worry about telling the truth," that if it means more torture, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

While North Vietnam's claims of "humane" treatment of the prisoners have failed to stand up to public scrutiny, it is equally apparent that Hanoi's policies and those of the Viet Cong have been cruelly lacking in compassion for the families of the prisoners and missing men.

Take Andrea Rander, whose husband, Army Sgt. Donald Rànder, is held by the Viet Cong. He was first reported missing during the January Tet offensive last year. Four weeks later she was officially notified that he had been wounded and imprisoned. She has been waiting almost two years for a letter that has never come. She has great difficulty, she told me, in making decisions. "I keep putting everything off. I keep telling myself I will wait until Donald comes home. It's my way, I guess, of convincing myself that he will be back."

SPORADIC LETTERS

Billie Hiteshew, wife of AF Maj. James Hiteshew, who was captured by North Vietnam in March of 1967, has lived with the problem longer, but at least she has heard from her husband. She receives sporadic letters, including two this year. And she has seen photographs of her husband. Shortly after his capture, CBS purchased a film of Hiteshew—confined in a hospital with a broken leg and arm—being interviewed by Felix Greene, a British antiwar journalist. She watched her husband say he agreed with Senators who feel "we need to take another look at our foreign policy," a view she had never heard him express or even hint at before.

Evelyn Grubb's only knowledge of her husband came from a similar Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by AF Maj. Wilmer "Newk" Grubb, was shot down in January 1966 while a Christmas bombing halt was in effect. Hanoi gloatingly publicized his capture, conveniently obscuring the true nature of his mission. The day Mrs. Grubb heard of his capture, it was snowing, two of her three sons were ill, and she was three months pregnant. Each time she writes she tells him about their sons (there are now four; one he has never seen), and sends photographs of all of them stapled to the letter so he will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In four years, she has had no further official word of her husband.

Elizabeth Hill is another wife I talked with. Only twenty-three, she was married to AF Capt. Howard J. Hill (both are AF "brats") in August 1967. Two weeks later he returned to Southeast Asia, and just before Christmas was shot down. Nine months passed before she learned that his capture had been confirmed. As she told me this, she smiled. "I can't help smiling," she apologized. "After Howard was missing for so long, I just have to smile when I say he is a prisoner." She has written faithfully for almost two years, but there has never been an answer.

Although regular exchange of mail between prisoners and their families is guaranteed under the Geneva Conventions (even when two countries are not formally at war), the Communists have permitted only a trickle of letters to flow out of North Vietnam.

Efforts of the American Red Cross and the International Red Cross to improve the situation have been essentially futile in the face of Hanoi's obstinance.

NO INSPECTIONS PERMITTED

Not only has North Vietnam rejected Red Cross efforts to establish improved flow of mail and packages to and from US prisoners, and to permit inspections of their prison camps, but they persistently have refused to even acknowledge the existence of, or accept mail from, their own men held as prisoners in South Vietnam. The latter camps are regularly inspected by the neutral International Committee of the Red Cross, and names of all captured North Vietnamese and Viet Cong soldiers are prepared for Hanoi and the VC, but are spurned.

Although the Red Cross has tackled the problem again and again through all potential channels (even seeking help from the USSR)—and keeps on trying "all the time," according to ARC Vice President Robert Lewis—most of the effort has fallen on deaf ears.

Mr. Lewis says the Red Cross also has made it clear that it is prepared to send representatives to Hanoi at any time to accept released prisoners, but the North Vietnamese prefer to stick to their practice of using dissident go-betweens.

MAIL FOR PRISONERS

Mail for all prisoners and missing men is sent through a variety of channels and addresses. Some is handled by the Red Cross, some is mailed direct to foreign post offices, but little is known to have reached the men to whom it is addressed.

Letters written by the prisoners themselves have fared somewhat better because of their propaganda value. But none ever has arrived in the States from prisoners held by the Viet Cong. And fewer than 100 men held by North Vietnam have been allowed to write over the past five years. The average for this small group has been less than two letters a year.

Currently the letters from prisoners are written on a prescribed form, about five by seven inches, which makes its own envelope when folded. Six lines are provided for the message. Instructions tell the prisoners to write "legibly and only on the lines" and "only about health and family." The form states that "Letters from families should also conform to this pro forma."

Not all wives and parents abide by the advice, but many, like Gloria Netherland, do. Forms are provided by the armed forces. All carrying a mailing address in the Vietnamese language reading: "Camp of detention for US pilots captured in the Democratic Republic of Vietnam."

But for most families, whether they use the six-line form letter or a longer page, the return on their investment is slim at best.

For families of men listed as "missing," even the lack of mail might be bearable if Hanoi and the VC would release the names of all prisoners. But they have consistently refused. Some U.S. Senators say Hanoi "could devise no subtler cruelty."

While no solution to either the mail problem or the list of missing is in sight, the U.S. armed forces, meanwhile, do what they can to ease the plight of the next of kin.

It is not a simple job, nor has it always received top marks in every area, but as the list of prisoners and missing has grown and as the services have learned from past mistakes and found out more about what the families want and need, they have moved increasingly into programs that now garner well-deserved praise.

All of the wives I talked with feel that their husband's service, as one put it, "is doing everything humanly possible."

NOTIFYING NEXT OF KIN

In the early days when a man was captured or turned up missing, next of kin sometimes were advised by telegram. This impersonal approach proved highly unsatisfactory and has long since been abandoned.

Today when catastrophe strikes, a service representative is sent to the home to call on the family, break the news in person, give whatever details are immediately available, and offer solace and assistance as he can provide.

Either this representative or another is thereafter permanently assigned as an "assistance officer" for all future contacts. He makes sure the families are informed of breaking developments, if any; answers their questions, or refers the queries to someone who can; and ensures that they receive such legal, financial, or other aid as they may require.

The main Air Force effort is performed from the personnel center at Randolph AFB, Tex. Service is available twenty-four hours a day, seven days a week, and next of kin may make collect telephone calls any time, day or night.

Families are told everything the services can tell them about the circumstances surrounding the capture or disappearance of the man. Any subsequent news is passed along as quickly as it is received.

On a broader front, all services have put together special informational programs for the next-of-kin to keep them informed about over-all prisoner developments. These most often take the form of newsletters. But the Army's Adjuant General, Maj. Gen. Kenneth G. Wickham, writes a personal, individually prepared letter to each Army family once a month.

The letters and newsletters are supplemented by personal meetings with individual family members or with groups. This practice was instituted early by the Navy, but has now been made uniform for all services, under expanded policies of the Nixon Administration.

Beginning this past spring, group meetings were instituted under the aegis of a joint Defense/State/military team, with families from several services attending at a central location for each given area. At the meetings, the next of kin receive a full briefing on the prisoner problem.

Much of what they can be told is not new, but it has demonstrated to the satisfaction of many, if not all, of those attending that the government is giving the prisoner problem priority consideration, and sincerely wants, and is trying, to help in every way possible.

MEETINGS WITH NEXT OF KIN

The meetings have been spread all across the country. Scheduled mostly at Air Force bases, they are generally held in Service or Officers Clubs, in an informal atmosphere, with local volunteer-wives serving coffee or punch to the families—normally about 100 wives and parents.

One meeting held at Bolling Air Force Base near Washington, D.C., was attended by Ambassador Henry Cabot Lodge (home to report to the President). He told the group what was happening at the Paris peace table. Another briefing session was conducted at the Pentagon itself. Defense Secretary Laird met and talked with the families.

One member of the briefing team, Deputy Assistant Secretary of Defense Richard G. Capen, Jr., said, "We are always frank about telling the families there have been no great breakthroughs. I review the over-all situation; Frank Sieverts [State Department representative] discusses the Paris talks and other State Department efforts conducted through diplomatic channels. Then we spend the remainder of the time, about an hour or an hour and a half, responding to questions."

Mr. Capen says reaction to the briefings has been excellent. Sometimes "wild suggestions" are offered or family members give vent to angry frustration. ("Some cannot understand why we learn so little about the men.") But the meetings, Capen feels, have been extremely useful and have helped to partially satisfy the yearnings of many families for some closer contact with their government in Washington.

He has been through many heartrending conversations, but what remains most vividly in his mind is the meeting at which one wife stood up and declared, "I want my husband back, but I don't want to give my country away to do it."

Most of the families, he says, "have real understanding and appreciation of the problems. We want to assure them that when the men do come back, we will be in a position to say we did all we could." He thinks most of the families now feel, if they didn't before, that this is the case.

In addition to the programs designed for the next of kin, the armed forces also carry out certain procedures for the prisoners and missing men themselves.

All, for example, are considered for promotion at the time they normally would have been considered if not in captured or missing status. Their full pay and allowances are continued indefinitely, and they receive whatever general pay increases are authorized for others on active duty. Allotments the men provided for their families are increased as needs dictate.

New laws also have been enacted and others are being sought to protect rights of the men that might otherwise be jeopardized.

The military "savings deposit" program, for example, encouraged overseas servicemen to bank a portion of their pay in high-interest accounts as a means of cutting down on the US gold-drain. But the law contained no provision for men who were captured or reported missing. This inequity was corrected only to have a second develop. The maximum that can accumulate in such accounts is $10,000. Anything above that amount draws no interest. With deposits of some men now approaching or exceeding the ceiling, the Defense Department recently asked Congress for authority to invest "excess" amounts in the purchase of U.S. saving bonds and notes.

Yet, despite these and other continuing efforts on behalf of the men and their families, it is all too apparent that the combined activities of the armed forces, the State and Defense Departments, the American and International Red Cross, and the efforts at the Paris talks have reunited few prisoners with their loved ones. Nor has there been any new hope for proper medical care of the sick and injured, neutral inspection of prison camps, full disclosure of the names of all captives, or proper flow of mail.

The new Nixon Administration initiatives are helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, are likely to produce desired action.

An occasional newspaper editorial is not enough. Limited news coverage of developing prisoner stories is not enough. An infrequent letter-to-the-editor is not enough. A statement inserted in the back pages of the CONGRESSIONAL RECORD is not enough. A business-as-usual attitude on the part of the American public can only make apparent to Hanoi that these men who have given so much to their country have indeed been forgotten by those for whom they made the sacrifice.

Some wives of the prisoners and missing men have reached the same conclusions. Some are taking steps to counter public apathy, and to arouse the Congress.

Mrs. James Bond Stockdale of Coronado, Calif., wife of a senior Naval officer held by North Vietnam, has encouraged other wives to send telegrams to the North Vietnamese delegation in Paris, and helped to organize prisoner families. Mrs. James Lindberg Hughes of Santa Fe, N.Mex., wife of a captured Air Force lieutenant colonel and Mrs. Arthur S. Mearns of Los Angeles, wife of a missing Air Force major, also have been urging the Congress and others to act.

Many of the wives are essentially satisfied that the services and the Administration are doing all they can. But some feel, as Evelyn Grubb says, that "there is a bargaining point for everything; we have to find it." The wives are convinced that more public pressure is essential.

Some have been particularly critical of the inaction by Congress. "Usually," Mrs. Stockdale has said, "they put something in the *Congressional Record* and then forget about it."

A check of the *Record* discloses that this practice was, until very recently, more or less standard. But there is hopeful evidence of a growing change—partly as a result of appeals by the wives, partly as a result of the more open discussion policy encouraged by the Administration.

In August, shortly before Congress went into brief summer recess, forty-two Senators banded together in a strong statement condemning North Vietnam for its "cruel" treatment of the prisoners and their families. Instigated by two opponents of our Vietnam policies, Charles Goodell (R-N.Y.) and Alan Cranston (D-Calif.), the declaration says if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure."

"Neither we in Congress, nor the Administration, nor the American people as a whole, nor indeed the families directly affected, will be swayed by this crude attempt."

Those signing the statement included both Democrats and Republicans representing thirty-three of the fifty states. Three names that might have added weight but were absent from the list of signatures were those of war critics J. William Fulbright (D-Ark.), George McGovern (D-S. D.), and Eugene McCarthy (D-Minn.).

The Senate statement ended with a specific plea to "the governments, the statesmen, and the ordinary men and women around the world" who spoke out in 1966 against Hanoi's proposed "war-crimes trials"—a plan that was abandoned by North Vietnam after a wave of world protest.

The Senators said those who protested in 1966 should "make their voices heard once more. Then, as now, the issue was not political but humanitarian—and Hanoi responded to the force of world public opinion. If that force can again be mobilized, this too may contribute to inducing from Hanoi greater respect for human decency and for the rule of law." On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and an attempt "to deceive public opinion."

In the House of Representatives, Congressman William L. Dickinson (R-Ala.) sent a letter to his colleagues asking that they join him, after the August recess, in making floor statements protesting the treatment of our war prisoners.

Whether these moves are one-shot efforts remains to be seen. What members of both houses seem to have overlooked is the potential force of a Joint Congressional Resolution condemning Hanoi's prisoner policies.

Whatever action Congress may take, what will count most significantly is the time and effort the American people are willing to expend in helping solve the problem.

In my numerous interviews with government officials, representatives of the Red Cross, members of the armed forces, and next of kin of the prisoners, I ask each person what he or she thought would be the most effective attack that could be launched.

They agreed that a four-pronged letter campaign could produce dramatic results. The letters should be directed to:

Representatives of foreign nations;

Newspapers and magazines in foreign nations;

Members of the US House and Senate; and

Xuan Thuy, chief North Vietnamese negotiator in Paris.

The letter to the foreign nations and the press in those nations should urge that pressure be brought to bear on Hanoi to live

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up to the spirit of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should demand the same points. And those individuals who are not necessarily in sympathy with the war should make it clear that proper treatment of the prisoners is nevertheless an overriding consideration. All should note that continued intransigence on the part of Hanoi will only stiffen the resolve of the American public, not weaken it.

Letters to members of Congress (addressed to the Representative from your own congressional district and to either or both of your US Senators) should call for a Joint Resolution demanding proper treatment for the prisoners and missing men, and stressing the solidarity of the nation in this aim.

HOW YOU CAN HELP

If you want to help, send a postcard to AIR FORCE/SPACE DIGEST at 1750 Pennsylvania Ave. NW., Washington, D.C. 20006, and you will be mailed a list of Washington, D.C., addresses of ambassadors of foreign nations whose assistance could be crucial, together with a list of selected foreign newspapers and publications.

Letters to Xuan Thuy can be addressed, in simplified form, as follows: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards," the position of North Vietnam is "totally inexcusable," Secretary of State William Rogers says. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men many Americans have forgotten, you can. Your letter could be the one that spells the difference.

FAMILY PLANNING: PUBLIC PRIORITY AND PRIVATE RIGHT—II

Mr. TYDINGS. Mr. President, social scientists have long recognized a strong correlation between poverty and family size in the United States, Chicago's poor, for example, have a birth rate which equals that of India. Our national fertility rate—the number of children born per 1,000 women in the 15 to 44 age group—is 55 percent greater among the poor than among the nonpoor.

As a result, the poor boast a much higher proportion of large families. According to a recent Census Bureau report, 38 percent of all poor families have four or more children as contrasted with only 17 percent of all nonpoor families.

FAMILY SIZE AS A CAUSE OF POVERTY

However, it is only in the past several years that family size has been perceived as a cause of poverty as well as an effect.

Popular wisdom to the contrary, surveys have revealed that poor families desire less children on an average than their wealthier counterparts. They end up with larger families due to the general unavailability of family-planning information, services, and materials to low-income women.

The Natality Statistics Branch of the U.S. Public Health Service calculated that in 1966 the 8.2 million poor and near poor women of reproductive age had 451,000 unwanted births; that is, births that would have been avoided if the mothers had possessed the information and means.

By "unwanted," I do not wish to imply that a child is loved any less than his desired brothers and sisters. He is unwanted in the sense that his birth necessitates an overextension of already scarce family resources, including parental attention. Herein lies the causal link between family size and poverty.

As the National Advisory Commission on Rural Poverty explained it:

> A vicious circle of poverty and fertility is at work . . . Because they [the poor] do not limit the size of their families, the expense of raising unwanted children on inadequate incomes drives them deeper into poverty. The results are families without hope and children without future.

Lacking the parental supervision and support they would likely receive in smaller families, the children of the poor tend to underachieve in school. A higher percentage of them become school dropouts and delinquency problems, all of which reduces the child's chances for economic betterment in later life. And so the poor stay poor.

It cannot be overemphasized that the objective of family planning is not simply to limit the number of births. It is with the quality of life of our citizens that family planning is concerned.

It is with the amount of parental attention and supervision and love and affection that each child can receive that it is concerned. It is with the opportunity for a decent meal three times a day that each child can receive that it is concerned. It is with the opportunity to go to school and have parental guidance and interest in that childs achievement in class that it is concerned. It is with the opportunity of that child to have decent clothes and an opportunity to get a better job in later life that it is concerned.

The ability to determine family size and the spacing of children profoundly affects the economic, educational, and health prospects of parents and their children.

Government figures reveal that the birth of children too early or late in a mother's childbearing years can have adverse physiological and emotional effects on both mother and child. A child born at the wrong time in a family's economic development often constitutes a burden on his parents and loses benefits he would have received if his coming had been planned.

FAMILY PLANNING: A FUNDAMENTAL INDIVIDUAL RIGHT

It should be clear by now that any effective campaign to eliminate poverty in this country must include programs which make family-planning information and contraceptive devices available on a voluntary basis to all who desire them. It is imperative that we give all our citizens, regardless of income, the right to plan the size of their families—a right which the affluent now enjoy. It is essential if the poor are to possess the opportunity to defeat the poverty that oppresses them.

For the right to be able to plan one's family is as essential a part of full freedom of opportunity as the right to a decent home, the right to an education fully commensurate with ability, and the right to a good job. Indeed, the denial of the right to plan the number and spacing of children denies equal opportunity in housing, education, and employment.

MILLIONS DENIED THIS RIGHT

Unfortunately, many parents do not have this basic right. Despite the fact that the Federal Government and many of the States and cities finally have begun to finance family-planning services and population research, it is estimated that only 700,000 of the 5 million women who want family-planning help actually receive such assistance through public and private sources.

Mr. President, I ask unanimous consent to have printed in the RECORD an insightful study entitled "Effects of Family Planning on Poverty in the United States," written by Harold Sheppard. It does an excellent job of documenting the very real link between poverty and unwanted births.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

EFFECTS OF FAMILY PLANNING ON POVERTY IN THE UNITED STATES, OCTOBER 1967

(By Harold L. Sheppard)

PREFACE

This paper is a slightly revised version of a report written by the author as staff consultant for the United States Senate Subcommittee on Employment, Manpower, and Poverty, as part of its 1967 study of poverty in America and of the effectiveness of various programs associated with the Economic Opportunity Act. The report is confined almost exclusively to potential effects of family planning, or birth control, upon the reduction or prevention of poverty. Thus it does not deal with such questions as the attitudes and policies of various groups in our society, including the doctrines of religious organizations, that may or may not facilitate greater adoption of family planning practices.

The issue of poverty is significantly related to the major focus of the Institute's concern with problems of manpower and employment. It is the author's belief that the internal composition of a society's total population and the trends within component segments of that population are among the major underlying conditions for the emergence and outcome of manpower and employment problems. This is as true of "modernized" urban-industrial societies such as the United States as it is of the "lesser developed" societies such as India and those in South America.

One of the results of continued high fertility rates among impoverished families is that a disproportionate number of youths entering the labor force from such families cannot be adequately employed in an economy such as that in the United States of the 1970's and beyond. That economy will not be identical to those in earlier decades, in terms of its qualitative manpower requirements. A major qualification to this statement is that a large part of the employment problems might be solved to some extent by massive governmental programs (on a scale larger than current ones) of training, compensatory education, public service employment, and other costly measures—including supportive welfare services.

In further explanation of the proposition concerning the relationship of component population trends and differential fertility rates to employment, it might be noted, for example, that between 1965 and 1975 the number of young persons in the labor force (14–24 years old) is expected to increase by 34 percent—in contrast to an overall increase in total labor force size of only 20 percent.

Among all children 6 to 15 years old today, who will make up the majority of the group 14–24 years old in 1975, one-fifth are from poor families. The data are critical in the case of nonwhites. As a result of greater fertility, by 1975 the number of nonwhites 14–24 in the labor force is expected to increase over 1965 at a far greater rate than the number of whites in the same age group (52 percent as compared to only 32 percent for whites); and this increased number of nonwhites will disproportionately originate in families living in poverty today. Among all nonwhite children 6 to 15 years old today, more than one-half (53 percent) are living in poor families, in dramatic contrast to only 14 percent of all white youths in the same age group.

The implications of these data relate to the fact that the typical poor youth entering the labor force is likely to be poorly prepared to take advantage of prevailing job opportunities—in terms of educational achievement, occupational skills, knowledge of the labor market, work habits, attitudes, etc. For the nonwhite youth, discrimination can be an additional handicap in seeking adequate employment, but this factor is becoming less crucial than the other factors cited.

The views expressed by the author do not necessarily reflect the positions of the W. E. Upjohn Institute for Employment Research.

HAROLD L. SHEPPARD.

WASHINGTON, D.C., *September 1967.*

I. INTRODUCTION AND BACKGROUND

The purpose of this report is to stimulate serious consideration of (*a*) the relationship of family planning and size to efforts to reduce poverty in the United States; (*b*) the possibility that continued high fertility rates among the poor serve as obstacles to movement out of poverty for parents and children alike; (*c*) the benefits that could be derived from a more effective public program of family planning; and (*d*) the adequacy of current programs.

In summary, the report concludes that family planning can be a major instrument in reducing and preventing poverty, and that current programs are far from adequate in relation to the desire of the poor for family planning services and to the need for such services.

Family size and poverty

The relationships between family size and income are more complicated than much of the discussion in this report may imply. Furthermore, the trends in these relationships are characterized by a number of changes not reported here in detail. For example, there is some evidence that among younger couples a few generations removed from rural origins the historical inverse connection between income and fertility may no longer be the case. On an overall basis, however, poor persons tend to have more children than persons with higher incomes. Any detailed discussion of the nature of the complex relationships and trends might, however, distract the reader from the main point of this report—that family planning can be made a more effective measure for reducing and preventing poverty, and that failure to expand family planning programs among the poor can serve to offset the benefits of other measures designed to combat poverty.

A widely held opinion has been that an increase in family income must precede a reduction in family size, with the policy implication being that emphasis should be placed exclusively on those fiscal, monetary, and structural measures that produce an increase in individual and family incomes. Until recently, however, inadequate attention has been given to the possibility that family size itself may be one of the many causes of poverty, and that it is not sufficient to wait for other social and economic processes to bring about a growth in income in order to reduce family size. Family planning, or birth control, can be effective in creating the conditions for increased income—for taking people out of poverty. Family planning here refers not merely to the number of children born but also to the timing and spacing of births.

Reports by the Census Bureau and other public and private organizations contain dramatic evidence of the point that the poor of childbearing ages give birth to a disproportionate number of children relative to the resources at their disposal for rearing and educating their children in ways that would increase the children's chances for moving out of poverty. It also should be obvious that the chances of a poor father moving out of poverty himself are affected by the number of children he has (and by the spacing of births).

The relationship between poverty and family size is revealed in the following table, based on data for 1965:

Item	Number of children under 18 in family					
	1	2	3	4	5	6 or more
Percent of families living in poverty	11	11	15	21	33	43
Number of poor families with children under 18 (in thousands)	946	903	825	628	453	564

Source: U.S. Bureau of the Census.

The incidence of poverty among families with one or two children under 18 is relatively low (11 percent), but steadily rises as the number of children increases—to 43 percent among families with six or more children. Excluding those families with no children under 18 in 1965, the distribution of number of children in this age group according to the poverty status of families was as follows:

Item	Poor families	Nonpoor families
All families with children (percent)	100	100
1 to 2 children (percent)	43	64
3 to 4 children (percent)	34	29
5 or more children (percent)	23	7
Number of families (in thousands)	4,319	28,550
Number of children (in thousands)	13,937	55,692
Mean number of children per family	3.23	2.30

One-fifth of all our children under 18 are poor but are concentrated in one-seventh of all families with children, due partly to the higher birth rate among poor families. The extent to which large-sized families constitute a major factor in the problem of poverty is further revealed by the fact that among all children under 18 in families 20 percent are in poor families, while only 12 percent of all persons 18 and older are in poor families. This disproportionate distribution of poverty among children is especially marked among nonwhites, as shown in the following table:

[In percent]

Item	Total	Whites	Nonwhites
Children under 18 in poor families	20	14	53
Family members 18 and older in poor families	12	10	33

Source: U.S. Bureau of the Census data for 1966.

In other words, among nonwhites, 53 percent of the children are poor in contrast to 33 percent of the adults (18 years and older).

In 1966, slightly more than 8.8 million white children and more than 5.3 million nonwhite children were poor.

Dependency ratios

The implications of inadequate family planning among the poor are indicated by the number of children for every 100 persons in the "prime working ages"—often called the *dependency ratio*. The comparative figures for the poor and nonpoor dramatize the immensely greater burdens that the adult poor have:

DEPENDENCY RATIOS OF THE POOR AND NONPOOR (WHITES AND NONWHITES), 1966

Item	Poor			Nonpoor		
	All	White	Nonwhite	All	White	Nonwhite
Number of children under 22 per 100 persons aged 22 to 64	148	128	197	79	78	88

This table reveals that for every 100 poor persons aged 22–64,[1] there are 148 children—in sharp contrast to 79 among the nonpoor. Among whites, the dependency ratio for the poor is 128 and for the nonpoor, 78. Among nonwhites, the ratio for the poor is 197 versus 88 for the nonpoor.

Contrary to many previous expectations, the dependency ratio among the poor in urban areas has apparently not gone down. It had long been theorized that migration to the cities would be accompanied by declining birth rates. However, the dependency ratio in the central cities of standard metropolitan statistical areas of more than 250,000 is even higher—168 in the central cities as opposed to only 148 for the entire country. Among poor whites in the central cities, the dependency ratio in 1966 was 132, as compared to 128 for all poor whites in the United States. Among poor nonwhites in the central cities, the ratio was 211—in contrast to 197 for all nonwhites in the nation.

The higher dependency ratio for the central cities' poor (in comparison to that of all the poor) was not repeated among their *nonpoor*. While the overall national ratio for the nonpoor was 79 young persons for every 100 persons 22–64, the ratio in the central cities was lower—71. Thus, in the central cities of the United States the nonpoor 22–64 years of age—*including nonwhites*—have fewer children than the nonpoor in the rest of the country, while paradoxically and tragically, the poor in the central cities—and especially nonwhites—have more children than the poor in the rest of the nation.[2]

The same type of comparison is revealed in data for metropolitan areas with more than one million population.

Poverty among nonwhites

The problem of poverty among American Negroes may be more difficult to solve than it is for whites—an inference from the fact that from 1960 to 1966 the dependency ratio among all Negroes had been increasing, while it had been *decreasing* among whites.[3] We can only infer indirectly, on the basis of current data, that there may be some relationship between the decline in dependency ratios among whites and the decline in their incidence of poverty, and that the slower rate of progress among Negroes is partly related to their rising dependency ratio.[4] And the differences in dependency ratios are a function of fertility differences. More specifically:

1. Between 1959 and 1964, the number of poor children under 18 among whites declined from 11.1 million to 9.1 million, while the total number of poor whites of all ages declined from 28.2 million to 23.8 million. The number of poor children among nonwhites *increased* from 5.6 million to 5.7 million, while the total number of all poor nonwhites *declined* slightly, from 10.7 million to 10.4 million. Actually, the number of non-

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white adults in families which were poor declined by nearly 10 percent in this five-year period—from 4.2 million to 3.8 million.[5]

2. In this same five-year period, there was a substantial decrease in the number of poor white families with children under 16 (from 3.7 million to 3 million), but only a slight decrease (from 1.6 million to 1.5 million) in the number of poor nonwhite families with children. While the number of children per poor family increased by only 1 percent among whites, it increased by 8.6 percent among nonwhites. On the other hand, among nonwhites who are *not* poor, there is evidence that the number of children per family has declined.

3. The increase in the number of poor families with five or more children during this five-year period took place only among nonwhites. Nonwhite families that were *not* poor experienced a decrease in the number of such large-sized families.

4. The crucial point is that progress in the reduction of the incidence of poverty among nonwhites may be retarded by the preponderance of large-sized families. Between 1959 and 1964, the incidence of poverty was reduced at a rate of 22 percent for nonwhite families in general; but among families with only one or two children, it was reduced by 26 percent; among families with three or four,—by 19 percent. Contrary to this *downward* trend for smaller sized families, poverty among nonwhite families with five or more children actually *increased* by 7 percent:

PERCENT OF NONWHITE FAMILIES IN POVERTY, BY NUMBER OF CHILDREN, 1959 AND 1964

Item	All families [1]	With 1 to 2 children	With 3 to 4 children	With 5 or more children
1959	50	43	67	71
1964	39	32	54	76
Percent change	−22	−26	−19	+7

[1] Includes families with no children under 18.

As the table above reveals, there has been a general decline in the incidence of poverty among nonwhite families. This decline is related to family size, with the greatest rate of decrease in poverty taking place among families with two or fewer children. There has been an *increase* in the incidence of poverty among families with five or more children.[6] In other words, the smaller the number of children, the greater the movement out of poverty.

The "poverty" classification used in this report takes into account family size as well as income. In this connection, there is some further evidence suggesting that, were it not for family size, many poor nonwhite families would not be in poverty. Take, for example, the 373,000 nonwhite nonfarm male family heads aged 22–54 who worked at least 40 weeks on a full-time basis in 1965 and yet were classified as poor. Their average family income was $3,000. The comparable average income for the white poor was *below* that figure, $2,428. One of the major explanations for the fact that family income (or earnings only of heads) for these year-round, full-time nonwhite males is about that for whites who also worked year around, full time must be that family size is larger among nonwhites, and therefore pulls them down into the poverty category.[7]

Such data suggest that despite the fact that they work year round, full time, many nonwhites are poor. One (and only one) of the reasons for this is the burden of excess children. Of course, the same is true of many white heads of families, but not to the same extent as among nonwhites. At given income levels, nonwhites tend to have more children than whites.

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AVERAGE FAMILY INCOME AND EARNINGS OF HEADS, NONFARM POOR AGED 22 TO 54, WORKING YEAR ROUND FULL TIME (WHITES AND NONWHITES), 1965

Item	Whites		Nonwhites	
	All	Males only	All	Males only
Average family income	$2,384	$2,428	$2,766	$3,000
Average earnings of head	$2,018	$2,091	$2,293	$2,584
Number of families (in thousands)	1,154	1,043	488	373

Note: Income and work status based on 1965 experience. "Year round" refers to 40 or more weeks of employment.

Source: Unpublished data from U.S. Bureau of the Census.

Available census data do not contain information on the number of children for nonfarm families with male heads 22–54, according to work experience. But for all such families, nonwhite families in nonfarm areas with male heads in this age group had an average of 3.77 children under 18, as compared to only 2.89 children among comparable white families. These averages are based on all families, including those with no children, which actually minimizes the white-nonwhite discrepancy.

In 1966, the "poverty line" for nonfarm families with male heads, according to number of family members, was as follows:

3 members	$2,505
4 members	3,200
5 members	3,770
6 Members	4,235
7 or more members	5,215

Source: Research and Statistics Note No. 5, Social Security Administration's Office of Research and Statistics, Feb. 16, 1967. For detailed description of the Social Security Administration measures of poverty (those used by OEO and the Bureau of the Census), see the *Social Security Bulletin* for January and July, 1965.

A significant fact is that, in 1964, 45 percent of all children under 18 in poor families lived in homes with at least five children; in contrast only 17 percent of nonpoor children lived in families of this size. The percentage has climbed since 1964. Among nonwhites, 56 percent of the poor children were living in homes with at least five children, as compared to 39 percent of poor white children.

These kinds of comparisons, of course, understate the relationship between birth rates and poverty, as Mollie Orshansky has pointed out:

"The statistics relating poverty to presence of children, disturbing as they are, represent some understatement. They refer only to those under 13 who are currently in the home, but give no clue as to the number already grown and gone or the number still to come in families not yet complete."[8]

Throughout this report the stress is on the proposition that high birth rates among the poor are not merely a *result* of poverty: they are also a *cause* of poverty. (There are many wealthy families with five or more children, but we cannot attribute their high birth rates to lack of income. Such children typically are not unwanted.) For the poor (and the near-poor, as well as for other below-average-income families), the explanation for their high birth rates includes the factor of inadequate funds for birth control devices, but it also includes such factors as unawareness of such devices, unavailability of family planning services, and a host of attitudinal factors (apart from personal religious prohibitions)—all of which are subject to change if free (or minimal-cost) services are made available and if parents desirous of smaller families are counseled regarding the nonreligious attitudes that may tend to prevent them from actually practicing family planning.

Health and poverty

There is some evidence that part of the greater health problems of the female in poor families can be attributed to higher fertility rates.

"A large number of children born over a long period of years may well constitute a threat to her health and that of her children, especially in the case of babies born less than a year apart and those born while the mother is in her teens or when she is over the age of 32 or thereabouts."[9]

The poor have children earlier, more frequently, and later in life than the nonpoor. This is reflected in the greater percentages among poor families with young heads (under 22) and older heads (55–64) who have children under the age of 6, in contrast to the nonpoor:

PERCENTAGE OF FAMILIES WITH CHILDREN UNDER THE AGE OF 6, BY AGE OF HEAD AND POVERTY STATUS, 1966

Item	Family head under 22		Family head 55 to 64	
	Poor	Nonpoor	Poor	Nonpoor
Percent of families with children less than 6 years old	65	47	12	4

Source: U.S. Bureau of the Census data.

The greater adverse health effects upon both mother and child should be apparent.

II. THE ANALOGY OF POPULATION GROWTH IN "POOR" NATIONS

As a presumably "advanced" country, the United States has recently moved more directly into the issue of excessive population growth in poor nations around the world. And, within those poor nations, responsible leaders have become increasingly sensitive to the fact that one of the major reasons for the failure of their economic development plans has been the failure of their populations to reduce birth rates—particularly in view of reductions in death rates, resulting essentially from the introduction of health measures.

Population policy is becoming an accepted ingredient of many economic development programs. Those countries—in the recent past as well as in the present—which consciously have adopted economic development and modernization policies *and* which have been able—deliberately or otherwise—to control their population growth are the ones which have succeeded (or are succeeding) in moving their people out of impoverished conditions. Taiwan and Korea are often cited as current examples. Despite the adoption of modern economic development policies, the countries *failing* to cope with population growth face little but frustration and bitterness in their efforts to transform policies into reality.[10]

The relevance of all this to our own country's problem of domestic poverty is that the difference *between* nations provide us with practical insights into differences *within* nations. If we view the poor within a country as somewhat equivalent to the population of a poor nation as a whole—both of which are striving to improve their socioeconomic status—it might be instructive to take the same position toward the challenge of reducing poverty *within* our country that has been taken toward the effective implementation of a poor nation's economic improvement program. And this effective implementation by necessity requires a reduction in the birth rates. Such laudable (and sometimes frenetic) efforts as "job development," education and training, and the provision of previously unavailable health services can be thwarted if birth control measures are not also adopted as part of an overall program devoted to "economic opportunities."

The increasing gap between most underdeveloped countries and the developed ones—a gap resulting in large part from the differential rates of population growth—might well serve as a model in our attempts to understand how, *within* one country, some parts of the population in poverty fail to move out of poverty while the rest of the country continues to improve. The problem of poverty in such circumstances is not exactly a product of the machinations of "the power structure" or the "system" unless one wishes, of course, to believe that it is to the best interests of the wealthy and powerful that the poor continue to remain poor through a pattern of excessively high fertility rates. The problem is, indeed, a product of the woefully inadequate provision of family planning services by society to the poor and, resulting from that inadequacy, of the failure of the poor to recognize the role they themselves play in the life chances of their children.

III. MUST POVERTY BREED POVERTY?

Contrary to a widely accepted belief, poverty does not *necessarily* breed poverty. If it did, there would be more poor Americans today than in the past. Instead, we have fewer poor persons than 5, 10, or 20 years ago. The proposition that poverty breeds poverty is actually based on the reality that in any given period a higher proportion of poor adults had poor parents than did nonpoor adults. But this observation neglects the fact that many *non*poor adults were born into poor families (and the corollary, that many poor adults were born into *non*poor families or were, at one time, themselves not poor—the case of some elderly poor).

Any society dedicated to the faith that poverty can be prevented or reduced cannot accept the belief that poverty breeds poverty. (If it did, how could that society deliberately break out of such a fatalistic, predetermined vicious circle?) A society dedicated to preventing or reducing poverty must seek answers to the question:

Why is it that some persons born in poor families nevertheless move out of poverty?

There are many answers to this question, but they will not be found by merely tabulating what proportion of the poor are old or young, male or female, white or nonwhite, farmers or nonfarmers, etc, etc. The answers might be partly suggested by analyses based on what proportions of each of these categories are poor at any given time. But more precise answers can be assured if we ask, for example:

Among the *non*poor adults of today, who are the ones born into poor families, and how do they differ from today's poor adults also born into poor families?

Social causation is not a simple phenomenon, and thus there are multiple factors involved in the answer to that question. This brief report is not an attempt to discuss this issue, but only to show how demographic factors, especially family size among the poor, play a role in affecting the probabilities of "upward social mobility," that is, movement out of poverty. If birth into a *small* poor family as opposed to birth into a *large* poor family increases such probabilities, then it should follow that conscious adoption among poor parents of birth control practices should be a major step that they can take to help their children move out of poverty.

This statement amounts to more than the tautology that if the poor have fewer children there will be fewer poor in the population. It means that, if the poor have fewer children, those children who are born will have a greater chance for moving out of poverty during their adult lives. A second consequence is that, by virtue of having fewer children, many heads of families themselves will move out of poverty.

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To repeat, many nonpoor adults today were born in poor families. One of the several characteristics that differentiate between these adults and poor adults also born in poor families is the number of siblings their poor parents had. There are now sufficient research data to explain in part why greater upward mobility occurs among these "ex-poor" adults. For one thing, among poor families with the same family income, per-child resources will be greater in the smaller families, with resultant returns from such greater "investment." Apart from monetary resources, a child with fewer brothers and sisters is able to receive greater attention time from parents. Children from smaller families tend to have greater mental development and can take better advantage of learning situations in and out of school. Dropout rates in turn are lower among such children: they have more years of formal schooling. And, needless to say, greater education is associated with higher occupational status, higher income, and lower unemployment.

The statement that poverty breeds poverty is correct to the extent that high birth rates persist among the poor. The vicious circle of large family size among the poor, coupled with inadequate education, low job skills, and high unemployment rates, should be broken. One of the means at our disposal by which this vicious circle can be broken is an effective mass program aimed at assisting impoverished Americans to control their family size. Public policy is developing along this line.

Education is a major stepping stone out of poverty. This is an article of the American Faith, deeply ingrained in our beliefs because it is based on concrete experience. We know, for example, that the unemployment rate among persons without a high school education is the highest; among persons with only a high school education, the next highest; and among persons with a college degree, the lowest. We know that the greater the number of years of schooling, the greater the chances for gaining a higher status—higher income occupation. We know that education and income are positively correlated.

But it is not very widely known that one of the factors that affect the amount of education one receives is the number of brothers and sisters in one's family; that is, educational achievement is partly explained by size of family. A recent analysis[11] of educational achievements of 45 million adult men (ages 20–64) shows that the rate of completion of high school is related to the number of brothers and sisters they had: 73 percent of those with no siblings completed high school; 60 percent of those with one to three siblings; and 39 percent of those with four or more.

The analysis of these census data by Professor Otis Duncan shows that these differences are due to more than the fact that smaller families prevail to a greater extent among higher income groups, which in turn have greater proportions of children graduating from high school: even among groups with low income, a higher proportion of adult men with 12 or more years of schooling come from families with small numbers of children than from families with large numbers of children. For example, among the men with farm background, about 48 percent of those from families with one to four children completed 12 years, as compared to only 22 percent of those from families with five or more children.

The conclusive, incontrovertible point in the Duncan statistical analysis is that the amount of a child's education is affected by the number of children in the family—*at every age and every socioeconomic level* (even with birth order considered). For the purpose of seeking effective solutions to the problem of poverty in this country, the crucial point is that poor families today can increase the chances for greater education for their children (and thus reduce the odds for poverty of those children by the time they become adults) in direct proportion to their efforts to practice family planning.

When a poor couple can delay the birth of their first born, and/or increase the time between births (and thus reduce the total number of children ever born into the family), their own opportunities for education and employment may also be enhanced.

High fertility and the resulting large family size among the poor hinder the investments that they can make in human resources per child. As already demonstrated, the number of brothers and sisters a poor child has directly influences the number of years he attends school. The amount of education he achieves directly influences the occupational stratum into which he enters; and this in turn influences his level of income as an adult.[12] Again, it does make a difference in "life chances" for a child born into a poor family if he has many or few siblings.

Family size is important *vis a vis* education not only because of the economic factors involved (for example, dropping out of school for a job in order to supplement family income). It appears that it may even have "a direct effect on the environmental aspect of mental development." One researcher has concluded that the "mere fact of belonging to a large family implies restricted contact with adults and fewer opportunities of acquiring adult habits of speech and thought, a disadvantage which enters into the intelligence test performance of children from large families."[13] Dr. John Clausen, in a recent summary of research on "Family Structure, Socialization, and Personality," has written that:

"A large number of studies have indicated that children from small families tend to make higher scores on intelligence tests than children from large families, even when social class is held constant. Most impressive is the evidence provided by a longitudinal study of a stratified sample of all children born in Britain in one week in March 1946. Data on intelligence and school performance at ages 8 and 11 were secured for more than 97 percent of the designated children remaining alive in England or Wales—a population of more than 4,000. Intelligence test scores at both ages 8 and 11 showed a decline with increasing family size, a decline that was most marked in families of manual workers. The poor performance of children from larger families was as pronounced by age 8 as by 11. Although less great at the higher status levels, the differences in favor of children from smaller families were found even among children of professionals.

". . . Since superior intelligence, higher educational attainment, and high motivation to achieve are all ingredients of occupational success, one might expect that children from small families would more often achieve a high degree of occupational success than those from large families. This is, indeed, the case; children from small families are more likely to rise above their father's status than are those from large families.[14]

Poor children born into large families start school with language and other disadvantages that can be traced to the impact of family size, and these handicaps compound the other problems in their learning experiences while in school. In view of such handicaps, it could be argued that the best of the Headstart projects may be only a palliative for the problems created by large family size among the poor.

Persons from large poor families are more likely than the poor from small families to retain such characteristics as inferior occupations, inadequate incomes, perhaps even a life style that prevents greater associations with the nonpoor and therefore reduces chances for moving out of poverty.

While the primary emphasis here has been

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placed on the effects of large-sized families among the poor themselves, consideration should also be given to the degree to which high birth rates among the poor impose a strain upon the resources of the local and national community, such as school space and staffs, health services, housing, welfare programs, and the like. And as the central cities are increasingly composed of concentrations of poor families, the tax-revenue base becomes further deteriorated as a source of supporting these necessary services.

But to repeat, poverty can be the result of having a large family, or of being born into a large family. Large family size is not merely the result of poverty, which has been the predominating viewpoint. In addition, large family size can be a cause of poverty. The reduction of family size thus can be made into an important weapon in a war against poverty.

IV. FAMILY PLANNING—IS DESIRED AND FEASIBLE?

So far this report has pointed out the relationship of poverty to family size; that the two are both cause and effect of each other; how poverty among the children of the poor could be reduced through family planning, etc. Thus, we have merely presented the case for the necessity and desirability of family planning in any effective attack on domestic poverty. There remain some other questions, notably: Do the poor themselves desire fewer children? And, have they effectively responded to family planning programs when such programs have been made available?

In answer to the first question, we now know that smaller family size among the poor is desired by them. This preference holds for nonwhites as well as whites. Several studies have confirmed this point.[15] Most of the "excess fertility" couples in lower income groups have at least two *unwanted* children, more than twice the number of unwanted children among couples with higher incomes. The proportion of women stating that they have more children than they want rises as one goes down the scale of family income. The lower the income, the higher the proportion of families with unwanted children. Again, the major explanation for the discrepancy between desired number of children by the poor and the actual number they give birth to has to do with ignorance and the unavailability of information, services, and materials.

In answer to the second question, two types of answers are available. First of all, it is clearly obvious that many poor families over the decades have had fewer children than other poor families as evidenced, for example, by the 1962 census data on lifetime occupational mobility analyzed by Duncan and Blau. Second, between 1960—following the introduction of the pill—and 1965, there was a tripling of the patient load in the programs of the Planned Parenthood Association.

The following excerpt from a paper delivered by Frederick S. Jaffe of Planned Parenthood-World Population at a December 1966 family planning conference sponsored by the U.S. Department of Health, Education, and Welfare provides some illustrative examples of the effective response of the poor to family planning services when made available.

"In our view, the experience of the most successful family planning programs thus far, in settings as diverse as Charlotte, N.C., Chicago, Ill., and Washington, D.C., confirms this general strategy. These programs rely primarily on efforts to make family planning services geographically and economically more accessible, and have met with considerable response among the poor. The doubling of postpartum return rates following the introduction of family planning at hospital postpartum clinics is one significant measure of this response. Reports from programs of very varied scope, in communities of all sizes, are in basic agreement on the readiness of many poor parents for modern family planning. The Washington program, for example, is described to Congress as 'one of the most popular we have,' while in Augusta, Ga., a maternity and infant care nurse reports that 'almost everyone who is told about [family planning] want it.'"

The most convincing evidence in support of this strategy is to be found in New York City, and this experience merits detailed analysis as a potential model for other communities seeking to initiate or expand family planning programs. . . .

The target population in New York City, according to our estimate, consists of approximately 167,000 fertile, medically dependent women who are not having or seeking a desired pregnancy.

Five years ago, the organized family planning facilities available in New York City consisted of eight planned parenthood centers, six voluntary hospital clinics, and three municipal hospital clinics. These services were concentrated in Manhattan, with very poor coverage elsewhere. When these services are related geographically to the city's major poverty neighborhoods, it is evident that existing services were quite inaccessible to many of the areas of greatest need (such as Bedford-Stuyvesant, Williamsburg, and the southeast Bronx).

We very roughly estimate that in 1961, 25,000 low-income patients, or 15 percent of the indicated population, received services at existing clincs.

During the last 5 years, the number of family planning clinics under all auspices, has increased significantly to 69 separate facilities. Today, there are 16 clinics operated by municipal hospitals, 27 clinics in voluntary hospitals (including five rhythm clincs in Catholic hospitals), eight health department clinics, two clinics funded by the anti-poverty program, and 16 planned parenthood centers. Many of the new services are part-time clinics located within poverty areas which previously were uncovered. The main effect of the changes since 1961 has been vastly to increase the number of facilities for family planning and to improve their geographical and economic accessibility. The level of services reached now totals, approximately, 85,000 low-income patients, or 51 percent of the population in need. . . .

It is significant that this growth has been accomplished with only minor attention to educational activities. Planned Parenthood has done a certain amount of community education, but most of the hospital's confine their efforts to lectures and dissemination of information within the hospital about the availability of service. Only one has been able even to distribute pamphlets in the hospital and the community, while the staff of another occassionally speaks at community meetings. In the remaining hospitals, the primary information mechanism is word-of-mouth communication.

The remarkable aspect of the New York City record, therefore, is that approximately half the indicated population has been enrolled by programs which have been fundamentally understaffed, underfinanced, and uncoordinated. This provides impressive confirmation that the single most important strategic decision in programing for community needs is to establish free or subsidized services which are geographically accessible to the population in need. . . .

This analysis has been concerned only with the introduction of family planning to those who have not previously had access to services offering modern methods. It has not taken into account *continuity of use* (or the dropout problem), which becomes of increasing significance as services are established. It is suggested that achievement of an adequate number of geographically accessible services, with supplies readily and economically available, would increase the number of women who continue to practice successfully and at the same time set up the conditions necessary for systematic investigation of additional methods for increasing retention rates. Furthermore, the impressive results thus far, with resources which must be regarded as minimal, suggest a challenging question: What would be likely to happen if *adequate* resources were made available so that quality services could be delivered with respect, energy, and skill? If enough staff were assigned so that patients receive the personal attention they require and deserve? If clinics were not overcrowded? If budgets permitted more evening and weekend clinics, shorter waiting times in the waiting rooms, accelerated procedures to obtain supply refills, improved educational efforts, etc.? These elements of quality service could be introduced into the present program with very modest additional financial and staff resources, and there is reason to believe they would have considerable impact on increasing retention rates.[16]

Other examples include the case of Mecklenberg County in North Carolina. After two years, two-thirds of the original number of women starting in a program of pre- and post-natal care in the public health clinics were still taking the pill.[17] As desired in any family planning program, participation in this pilot project was voluntary for these women, all of whom were from poor families. In this project, the costs of the family planning program were less than 4 percent of the public costs that would have been necessary to support the number of children who otherwise would have been born.

In a Chicago area with lower income population, the birth rate declined by more than 20 percent within four years after the introduction of a planned parenthood information and services program.

V. COSTS AND BENEFITS

The benefits of an effective family planning program are clear. Poor families with fewer children, limited to the size they themselves prefer, will have a greater chance to move out of poverty, even in the short run. In the long run, children born into a poor family with a limited number of brothers and sisters have a far greater chance to be out of poverty during adulthood than children born into a poor family with four, five, or more brothers and sisters.

There is another category of benefits that should be of equal interest to the public and to the Congress, pertaining to the reduced costs of public programs in such areas as health, education, welfare, and housing. Experts, including those in government (in OEO and HEW), have calculated cost-benefit ratios of family planning programs that probably exceed the ratios of nearly every other type of public program. The following discussion is based on a number of unpublished documents dealing with this aspect of family planning.

Even with the use of conservative assumptions, such as the participation only of low-income women who already have three children, the rate of infant mortality would be reduced. The *rate* of mental retardation would also be reduced—not merely the *numbers* of infant deaths and retarded children. Both infant mortality and mental retardation are higher than average when mothers have more than three children. Under the assumption that about 80 percent of women would participate (based on past and current experience in pilot projects) and that births after the third child would be reduced by 75 percent, one estimate is that infant mortality rates among nonwhites, for example, would be reduced by about one-fourth. Similar results could be gained in the reduction of maternal deaths and dis-

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abilities as a consequence of fewer non-therapeutic abortions resulting from a program of birth control.

Based on these and other types of analyses, Planned Parenthood has calculated that a $10 million program consisting of 500,000 women at an annual cost of $20 per case (including administrative costs) would produce savings of about $250 million (in terms of reduced expenditures on maternal health care, child health care, care of mental retardates, aid to dependent children, and so forth). In addition, there is the possibility (as suggested earlier in this report) that longer spacing between pregnancies provides greater opportunity for higher family income since parents could improve their education and wives could obtain employment. Over the life of a family, a conservative estimate of an additional income of $10,000 per family [18] for the 45,000 families not on welfare and affected by the $10 million program would amount to $450 million in higher income benefits. This $450 million figure of private individual benefits added to the previous $250 million in reduced costs of public programs amounts to $700 million, producing a cost-benefit ratio of 70 to 1. As already stated, there are few, if any, greater ratios calculated for other types of public program expenditures, at least in programs related to combating poverty.

As of 1964, there were 9.3 million poor children in families with four or more children. If, after the third child, the number of births in poor families had been reduced by only 50 percent prior to 1964, there would have been in that year at least 4.6 million fewer poor persons in the United States—a 13 percent reduction in the 34 million poor. This calculation, moreover, does not take into account the possibility that the reduction of family size would have brought a number of families above the poverty line, which is partly based on family size in relation to income.

This is a highly conservative approach, moreover. If the family size of the poor were identical to that for the nonpoor, there would actually be about 6.5 million fewer children living in poor families.

There are several clear-cut conclusions and viewpoints that we should be aware of in weighing the feasibility of a major expansion of family planning programs in an attack on poverty.[19] One of these is that the vast majority of Americans now approve of the idea of family planning.

The second is that, regardless of income level, the maximum number of children wanted by most families is four. Third, the critical point in the lives of families comes upon the birth of the fourth child, in terms of an increased awareness of the value of smaller families. Fourth, economic reasons are the major ones cited by parents for limiting family size. Fifth, large families obviously aggravate the problems of the already poor: a small income means that per-family-member funds are reduced further. But beyond this, it also means that parents, often poorly prepared, must dilute their child-care time per child; the children themselves suffer from a variety of pressures to an extent greater than those in smaller families (including other poor, but smaller families)—"and a new generation of children grow up with a tendency to be trapped in poverty and failure." [20]

Sixth, the obstacles to effective family planning among the poor relate to ignorance or unawareness of the concept; lack of money even when aware; unavailability of, or isolation from, agencies that can provide services; unwillingness to go through the steps in the use of contraceptives; attitudes such as fatalism, and so forth.

Seventh, nevertheless, when programs are made available at little or no cost to poor families, they make use of the services and materials provided. This is especially true in the case of the use of more recently developed methods of contraception, such as the "pill," and the "loop," and when family planning clinics are run on a person-to-person basis, rather than through a mass media campaign of a general educational nature.

Eighth, a comprehensive family planning program must include attention to the problems of young persons (teenagers, especially) from poor families who need sex information and education prior to marriage and/or during the early phase of marriage. Recent studies suggest that lack of family planning (or birth control) for this group results in early births of unwanted children and other burdens preventing the young parents (or unmarried mothers) from moving out of poverty. For poor persons, the birth of children soon after marriage (or among young unmarried mothers) tends to decrease the ability of poor parents to advance themselves or provide for their offspring. This is one of the major conclusions of the study by Freedman and Coombs, referred to in footnote 18.

VI. ADEQUACY OF CURRENT FAMILY PLANNING PROGRAMS

The previous sections of this report have attempted to show that:

1. Poverty in the United States is attributable *in part* to large family size, as evidenced, for example, by the comprehensive analysis of census data showing that children born into *small* lower income families have a greater chance of becoming nonpoor when adults than those born into *large* lower income families.

2. Progress in reducing poverty in recent years is greatest among small-sized families, and is retarded to the extent that poor families continue to have high fertility rates.[21]

3. Due to such factors as unawareness of effective methods, insufficient income, and unavailability of family planning services, low-income women have more children than they want.

4. The few programs that have been made available have shown that the poor do respond effectively to family planning services.

5. The benefits of a comprehensive family planning program are significant in their impact on the reduction of poverty and on costs to the community.

Thus, reduced family size is necessary; and is desired by, and possible for, the poor—and others who prefer to remain above poverty.

But despite the fact that family planning as a method of reducing or preventing poverty may be deemed necessary, desired, and possible, local, state, and federal government response has been slow, cautious, and by no means commensurate with the need. Despite the fact that analysts in government and other organizations have calculated that family planning measures are probably the single most cost-effective program in any war against poverty, the amount of funds devoted to such measures (apart from research on the subject by scientists) is minuscule. Even if we were to include nongovernmental programs financed by nongovernmental funds, it is doubtful whether more than 15 percent of the low-income families in the United States currently have the benefits of a voluntary participation program of family planning. As a conservative estimate, there are at least five million low-income women who could benefit from such a program; but, at most, only 750,000 are now receiving assistance. Since poor women become pregnant sooner than nonpoor women and continue to bear children longer (due to earlier marriages and less effective use of contraceptives), one could use a maximum figure of six million. In 1966 there were that many poor females between the ages of 16 and 54. If this were the basis of estimates, then there would be a smaller proportion of the target population reached than 15 percent.

Despite the fact that the President enunciated a government policy favoring family planning in his March 1966 message on domestic health and education—when he said that, "It is essential that all families have access to information and services that will allow freedom to choose the number and spacing of their children within the dictates of individual conscience"—it must be said in candor that the greatest progress "has been in the area of new policies rather than in the implementation of programs." [22]

According to some observers, the agency which has been indulging in the most enunciations—the Department of Health, Education, and Welfare—has apparently done the least to carry out programs. Current family planning activities on the part of HEW "are off to an exceedingly slow start." [23] At best, the department seems to have taken the position that the emphasis should be on "comprehensive health services," of which family planning *may* be a part. But family planning apparently will not be given any special attention or priority—despite the department'a own estimates concerning the higher cost effectiveness of family planning in the area of health, apart from its potentials for the reduction and prevention of poverty.

In fiscal years 1966 and 1967 it has been estimated that $3 million and $9 million, respectively, have been used for family planning through HEW-related programs, apart from research and training projects. The projected figure for 1968 may be as high as $13 million. The difficulty in obtaining definitive estimates lies in the fact that family planning services, if provided, at all, are not recorded as a special diagnostic category in reports originating from HEW-financed sources. As of the time this report was written, there were no definitive plans for a program specifically designed as "family planning" under HEW auspices. None of these funds, it should be noted, were provided through any specific program designated for family planning as such but rather as part of the activities designed for improving health services for mothers and children (Title XIX of the Social Security Act) and so forth.

Science, the magazine of the American Association for the Advancement of Science, has described the efforts of the department in the field of family planning as "leaderless and leisurely." By concentrating on the doctrine of "comprehensiveness" in its health programs, the department in *practice* does not mean comprehensive, but rather whatever state and local health departments care to provide. If those departments indicate a preference for family planning services as part of their total offerings, HEW will not object. But apparently HEW will do little to initiate. The desire not to earmark any funds for family planning means in reality that by the time congressional authorizations and appropriations reduce requested funds for all health programs, very little remains for new programs over and above traditional and previous obligations at the local level. For example, *Science* says:

"Instead of the approximately $270.5 million authorization it [the Department] had requested for the program [under Title XIX of the Social Security Act]—a sum that was approved by the Senate—the authorization for fiscal 1968, after cuts by the House and the House-Senate conference, was only $125 million. Of that, about $110 million was needed to support ongoing commitments, leaving only around $15 million free to meet a variety of demands—of which family planning would be only one."

It is not completely accurate to say that local and state levels of health programs have little interest in family planning, but as stated earlier, previous commitments for

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Footnotes at end of article.

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other programs cannot be reduced in order to provide for increased family planning efforts. According to the testimony on H.R. 6418 (to extend the authority of Public Law 89–749), by the Association of State and Territorial Health Officers before the House Committee on Interstate and Foreign Commerce, on May 3, 1967, and represented by Dr. John H. Venable, director of the Georgia Department of Public Health, there is widespread recognition among the states of the high priority that should be given to family planning. Unfortunately, the discrepancy between the amounts needed and the amounts available is substantial. Dr. Venable provided the example of his own State of Georgia:

"For family planning programs, we have a potential caseload presently of approximately 210,000. Family planning services could be provided for 21,000 people with the expenditure of $196,000. We have State and local funding at the level of $146,000. We, therefore, would need $50,000 additional Federal support for this activity. In 5 years' time, when the caseload has increased to approximately 223,000, we can reach 70 percent of the objective or 156,000 with the expenditure of $1,360,000. It can easily be seen that there needs to be a great increase in the level of support from the Federal Government for this very necessary activity."

Within the Office of Economic Opportunity, the picture has been more promising. Once again, the mere presence of local community action agencies has resulted in the surfacing of individual and social needs that, for one reason or another, were not being met by previously existing programs, whether public or private, local, state, or federal. Family planning was one of these needs.

This does not mean, of course, that local communities and organizations for the benefit of the poor had easy sailing in their efforts to receive OEO approval of family planning projects. At first, there was a general reluctance, apparently because of unfounded fears about public objections. Then there were restrictive guidelines as to eligibility, such as services only for married women without recognition of the disproportionate number of births among young impoverished girls without husbands.[24] This restriction was later removed by Congress. Confusion continued to reign among regional OEO offices as to Washington's commitment or interest in family planning.

By fiscal 1966, about $2.4 million in OEO funds had been spent on family planning projects, at the request of local community action agencies. Approximately $4.6 million was spent in the fiscal year ended June 30, 1967. These funds are estimated to have served only 100,000 women. Original plans called for the expenditure of $4 million;[25] 1968 plans include $10 million for family planning.

But in March of fiscal year 1967 because of the cutback in congressional appropriations for OEO, approximately one-half of the nearly 60 projects then in operation were faced with curtailment or termination, and another 20 proposed projects were not fundable at all. This was despite OEO's own calculations that family planning was perhaps the single most cost-effective approach to the problem of poverty. As a result of strong protests on the part of such organizations as Planned Parenthood-World Population, however, OEO recommitted from "emergency funds" nearly $600,000, and none of the programs were terminated. Additional supplementary funds were provided to start new projects.

OEO has had to issue at least two directives to its regional offices during the past year to remind them that the agency was favorably inclined toward family planning projects proposed by local agencies. If there is to be a continued emphasis on local initiative and local setting of priorities in OEO's community action program, it should be accompanied at least by greater and more effective communication to local groups by OEO and its regional staffs concerning what types of projects are possible and the variations in cost-effectiveness of one type of project as over against another. Local communities should be made more aware of the comparative impact on poverty of family planning as compared to, say, more and improved "museum visits." The 1967 amendments by the Senate Committee on Labor and Public Welfare include a "national emphasis" program for family planning, designed to accomplish these goals.

Finally, it should be noted that OEO, until the first few months of 1967, lacked any special staff in the field of family planning. As of the present, there is one such specialist, a highly qualified physician, employed in the Community Action Program's health services staff.

The concrete, measurable commitment of OEO to family planning has grown significantly over the past two years, in comparison with the commitment of HEW. At the present time, OEO makes possible the most direct delivery of family services for the poor. This fact alone militates against the otherwise plausible argument of "spinning off" OEO functions to old-line agencies. The problem remains whether its desire to meet an expected increased local demand for support of family planning programs will be matched by appropriate funds and other forms of assistance. In fairness to OEO, it must be pointed out that the solution to this problem lies essentially with Congress, which must decide whether to "earmark" for family planning *within* a static level of authorization for the war against poverty—thus creating a cutback on other programs—or *add* to the present level of authorization and commitments a sum necessary for an effective application of family planning services to the problem of poverty in America today and in the future.

"It is apparent that today in the United States," stated Dr. Alan Guttmacher, president of Planned Parenthood-World Federation, in his testimony of June 8, 1967, before the Senate Subcommittee on Employment, Manpower, and Poverty, "family planning is accepted as an important and necessary component of community health services. The question that faces us today *is not* whether or not family planning services are needed; it *is not* a question of beneficial results; it *is not* even a question of individual or societal acceptance—rather it is a question of the degree of priority we are willing to place on family planning services for the medically impoverished and how far we are willing to go to implement that priority."

FOOTNOTES

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[1] A small number of these persons are "ever married" persons aged 14–21. This inclusion actually produces an underestimate of dependency ratios for the poor relative to the nonpoor.

[2] It may nevertheless turn out that the higher fertility rates of the poor are due to their rural origins; and, as the number of urban persons with rural backgrounds declines, socioeconomic differences in rates will tend to be less marked.

[3] U.S. Bureau of the Census, *Current Population Reports*, Series P–25, No. 367, June 1, 1967.

[4] Both the Urban League and the NAACP, along with the Reverend Martin Luther King, have endorsed policies favoring the dissemination of family planning methods. In a speech at the 50th Anniversary Banquet of Planned Parenthood-World Population in Washington, D.C., on May 5, 1966, the Reverend Mr. King said, "This is not to suggest that the Negro will solve all his problems through Planned Parenthood. . . . Yet if family planning is sensible it can facilitate or at least not be an obstacle to the solution of the many profound problems that plague him."

[5] Based on Mollie Orshansky, "Recounting the Poor—A 5-Year Review," *Social Security Bulletin*, April 1966.

[6] A special census of Cleveland reveals that Negroes experiencing the greatest economic gains from 1960 to 1965 had smaller family sizes over this period of time, while Negroes who actually experienced absolute economic decline had an increase in family size, especially in families headed by females (U.S. Bureau of the Census, *Current Population Reports*, Series P-23, No. 20, Sept. 22, 1966).

[7] "Poverty"—to repeat—is defined not merely in terms of income, but also in terms of family size.

[8] "Measuring Poverty," *The Social Welfare Forum*, 1965, p. 218.

[9] Catherine S. Chilman, "Population Dynamics and Poverty in the United States," *Welfare in Review*, June–July, 1966.

[10] For an early exposition of this viewpoint, see Joseph J. Spengler, "The Population Obstacle to Economic Betterment," *American Economic Review*, May 1951, pp. 343–354. More recently, Stephen Enke has written "The Economic Case for Birth Control in Underdeveloped Nations," in the May–June 1967 issue of *Challenge Magazine*, in which he states that "if governments wish to raise per capita income significantly, they must induce birth reductions within a decade comparable to those that occurred in developed nations during a century . . . money spent to reduce births will be as much as 100 times more effective than money invested to raise output."

For a more detailed exploration of the relationship between population and economic change, see Goran Ohlin, *Population Control and Economic Development* (Paris: Organization for Economic Cooperation and Develpment, August 1967).

[11] From analysis by Otis Dudley Duncan, University of Michigan, of 1962 census data on educational change, to be published this year as part of *The American Occupational Structure*, by Peter M. Blau and Otis Dudley Duncan (New York City: John Wiley & Sons, Inc.).

[12] *Ibid.*

[13] See John Nisbet, "Family Environment and Intelligence," *in* A. H. Halsey, editor, *Education, Economy, and Society* (New York: Free Press, 1961), pp. 273–287.

[14] *In* Lois and Martin Hoffman, editors, *Review of Child Development Research*, Vol. 2 (New York: Russell Sage Foundation, 1966), pp. 12–14.

[15] See Arthur A. Campbell, "The 'Growth of American Families' Studies," *Welfare in Review*, October 1965; and Adelaide Cromwell Hill and Frederick S. Jaffe, "Negro Fertility and Family Size Preferences," *in The Negro American* (Boston: Houghton Mifflin Co., 1966).

[16] Reprinted in *Studies in Family Planning* (Population Council), No. 17, February 1967, pp. 5–12. Footnotes are not included in this excerpt.

[17] Elizabeth C. Corkey, "A Family Planning Program for the Low-Income Family," *Journal of Marriage and the Family*, November 1964, pp. 47–80.

[18] Based on a study by Ronald Freedman and Lolagene Coombs, "Child spacing and Family Economic Position," *American Sociological Review*, October 1966, pp. 631–648. In this article, the authors state on the basis of their data that ". . . if children are born very soon after marraige, the need for immediate income and security puts more constraint on the husband in his choice of occupation or on his ability to complete sufficient education to qualify him for higher status jobs with greater income. Rapid family growth may also mean expenses out of proportion to income, with the result that the margin needed to accumulate economic assets must be spent for immediate purchases . . . a couple's economic position is substantially better the longer the interval to the first birth or the last birth."

[19] For a summary of the studies forming the basis of these conclusions, see Catherine S. Chilman, "Poverty and Family Planning in the United States," *Welfare in Review* April 1967.

[20] *Ibid.*

[21] In 1960, the number of children ever born per 1,000 women 45 years old and over was about 3,000 in families where husbands earned less than $3,000, and was correspondingly lower in families with higher incomes of husbands—down to less than 2,000 for women whose husbands had incomes of $7,000 and over. From 1950–52 to 1960, the percent increase in the fertility rates among women 15–44 years old was highest for women whose husbands' incomes were under $5,000. In 1950, the lowest income group's fertility rate (number of children born per 1,000 women) was only 14 percent above that of the highest income group; but, by 1960, it was more than 20 percent above that of the highest income group (Table 55, *Statistical Abstracts of the United States*, 1965, p. 52).

[22] Gordon W. Perkin, M.D., and David Radel, "Current Status of Family Planning Programs in the United States," Population Program, Ford Foundation; mimeographed, no date.

[23] Elinor Langer, "Birth Control: U.S. Programs Off to Slow Start," *Science*, May 12, 1967, pp. 765–767.

[24] As an indirect reflection of this problem, in 1965 one-third of female-headed poor families had four or more children, and these families constituted 80 percent of all female-headed families, with these many children; i.e., out of 600,000 female-headed families with four or more children, 80 percent were living below the Social Security Administration poverty line. In 1965 the number of poor children in families with female heads was 4.4 million.

[25] OEO claims that approximately $1.75 million of the 1967 allocation for neighborhood health centers was spent for family planning services, in addition to the amount allocated for such services.

SENATE-PASSED COAL MINE HEALTH AND SAFETY BILL RECEIVES EDITORIAL PRAISE

Mr. RANDOLPH. Mr. President, the Washington Daily News declared editorially in today's issue that—

> The strong mine safety bill unanimously approved the other day by the U.S. Senate should go a long way toward giving the nation's coal miners better protection against injury, disability, and death.

All of the News interpretations of the measure passed by the Senate perhaps will not be agreed to 100 percent by all of the Members who were present when S. 2917 was passed unanimously October 2, 1969; nor is it likely there will be total agreement in the House that its committee's bill contains the loopholes claimed by the News.

But there should not be any disagreement with the closing editorial observation that—

> Passage of the tough-but-fair Senate bill should put the House on notice that lip service to safety is no longer enough when the lives of coal miners are at stake.

Mr. President, I ask unanimous consent to have the editorial from the Wednesday, October 15, 1969, Washington Daily News printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATE VOTES SAFER MINES

The strong mine safety bill unanimously approved the other day by the U.S. Senate should go a long way toward giving the nation's coal miners better protection against injury, disability and death.

Key provisions of the bill would require the 3,600 coal mines to install non-spark drilling equipment, set limits on coal dust levels in mines, establish a federal-state compensation program for "black lung" victims and allocate federal funds for safety research.

. Large mines would be directed to install the non-spark equipment within four years, smaller mines within five years. These deadlines do not seem unduly harsh, despite the complaints of some mine operators.

Now that the Senate has acted, the House of Representatives could show as much devotion to mine safety by plugging several loopholes in its version of the bill before voting.

The loopholes—inserted by a House committee—would encourage delays in buying safer equipment and give an industry-dominated board the power to set health and safety standards.

Passage of the tough-but-fair Senate bill should put the House on notice that lip service to safety is no longer enough when the lives of coal miners are at stake.

THE VIETNAM WAR

Mr. NELSON. Mr. President, for 15 years the United States has been involved in a war in Vietnam. Today that struggle is no closer to being resolved than it was the day we went into it. We now face the agonizing dilemma of how to get out of a situation in which we never should have become involved. The foundations of the American policy in Vietnam, the basic premises and reasons why this Nation considered it necessary to become involved in that civil war, is a long history of bad judgments and mistakes.

With the dramatic defeat of the French at Dienbienphu in 1954, the colonial rule of Indochina ended. The Geneva Accords of that year ended the hostilities and roughly cut the country in half at the 17th parallel, creating the regime of Ho Chi Minh in the north and a government headed by Ngo Dinh Diem in the South.

As the French were phasing out of the country under the Geneva agreements, President Diem of the Republic of South Vietnam turned to the United States to request economic and military assistance to protect his shaky government. President Eisenhower then agreed to "assist the Government of Vietnam in developing and maintaining a strong viable state, capable of resisting attempted subversion or aggression through military means."

During the next 10 years, the United States poured in $3.3 billion in economic aid and military assistance, while the American troop commitment grew to 16,000. Unimpressed, the stubborn guerrilla opposition to the South Vietnamese Government intensified. Early in 1964, Secretary of Defense Robert S. McNamara described the Vietnam situation as "unquestionably worsened."

Then, on August 2 and August 4, reports reached Washington that U.S. naval vessels had been fired upon by North Vietnamese patrol boats. With almost immediate retaliation, American forces struck back and bombed North Vietnamese naval bases. It was a new phase in the American involvement with American forces involved in the first bombing of the north.

Seeking the support of Congress for the aggressive American response to the reported Gulf of Tonkin attack, the President requested the introduction of what is now known as the Gulf of Tonkin resolution. It quickly passed the House. In the Senate, however, it was debated for several days. I became concerned about the broad implications of some of the language of the resolution which might be construed to give the President an open-ended authority to change our clearly limited role there from one of technical aid and assistance to a commitment to use our own forces in an Asian land war. I offered a clarifying amendment which made it clear that the continuing policy of the U.S. commitment would be "to limit our role to the provision of aid, training assistance, and military advice—we should continue to attempt to avoid a direct military involvement in the Southeast Asian conflict."

The Senator from Arkansas (Mr. FULBRIGHT) did not believe it was necessary to adopt my amendment, which clearly delineated the limitations of our involvement in Vietnam, because in his view it was not the intent of the Tonkin resolution to authorize a change in our military role there. Since this amendment would have forced appointment of a conference committee, which would have delayed action for several days if not 2 or 3 weeks, I withdrew the amendment with his assurances that the Tonkin resolution did in fact contemplate the same limitations as were more specifically spelled out in the amendment.

As spokesman for the administration on this issue and as manager of the resolution, Senator FULBRIGHT's interpretation is compelling, if not the only factor, in determining legislative intent. Furthermore, when the resolution is considered in the context of the political climate of that moment in history, it becomes clear beyond any doubt that the resolution certainly did not authorize an Asian land war. The resolution was debated and voted on in the middle of a political campaign in which Senator GOLDWATER was under heavy attack by Democrats for his advocacy of escalation of the war. Even more important, 2 months after the resolution passed—October 4, 1964—President Johnson reaffirmed the basic position he had held all along by stating:

> American boys are not going to be sent to fight a war that Asian boys should fight for themselves.

In this set of circumstances, how can anyone rationally conclude that it was the intent of the resolution to authorize the conversion of our role there to a full-scale land war. If Senator FULBRIGHT had put that interpretation on the resolution, the President and his administration would have repudiated him out of hand:

Time after time, writers, historians of the period, and political leaders have carelessly interpreted this resolution to

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mean that Congress authorized the President to start a land war in Vietnam. It is a distortion of history that should not stand unchallenged because the pertinent facts and political circumstances do not support that conclusion.

It should be said that Senator Fulbright correctly interpreted the resolution when he presented it to the Senate. He is not responsible now for the fact that proponents of escalation subsequently seized upon the resolution and distorted its meaning to make a case for blanket congressional endorsement. Whatever endorsement Congress gave was not through the Tonkin resolution but rather by voting the appropriations to expand our involvement.

By the following spring, a $700 million special supplemental appropriation was requested by the President to help finance the rapidly growing Southeast Asian commitment. American troops in Vietnam had grown to 35,000 and the fighting was increasing in intensity. In voting against the special supplemental appropriation along with Senators Morse and Gruening, I again warned that it should remain a cardinal principle of U.S. policy not to engage American troops in a land war in South Vietnam.

On January 15, 1966, I called for a negotiated settlement of the war and pointed out:

> If a million American soldiers were to force all North Vietnamese units from South Vietnam and to suppress the Viet Cong guerrillas with napalm and bayonets—even if we avoided an open clash with Red China—even then when we withdrew, as eventually we must, we would leave behind us only a charred, desolate country with little hope that it could maintain its independence one moment beyond the time we left.

It was increasingly obvious that a military victory was impossible in Vietnam and that American troops were dying by the thousands to buy time for the South Vietnamese Government to stabilize itself enough to take over its own fighting and direction.

During the next few years, the American troop commitment passed the half million mark, and the economic costs, felt by important domestic health and welfare programs, totaled more than a hundred billion dollars.

When the Democratic Party Platform Committee met in Washington in preparation for the 1968 national nominating convention, I testified before the body that I would not support a plank that endorsed past Vietnam policies.

The war in Vietnam, which has been dragging on with no real end in sight, has been an ugly war of no strategic victories. It has been a war that measures victories by making body counts at the end of a battle. It has been a war of fighting bravely for a hilltop and then giving it up after it has been won.

The only consistent quality of the war has been the senseless waste of human lives, military and civilian, on both sides of the battle lines. The number of battlefield deaths and casualties is staggering.

From January 1, 1965, to August 30, 1969, some 38,313 Americans were killed and 244,592 wounded. On the other side, it has been estimated that more than one-half million men have died and countless others wounded. Accurate figures are not available on casualties to the civilian populations.

In addition to the obvious human tragedy, this war has threatened the economic stability of this country and has twisted the national priorities. The war has cost nearly $30 billion this year, has raised taxes, and has decreased the value of the purchasing dollar.

This Nation will not, however, find a solution to the economic crisis by cutting back on the Nation's public works programs, halting spending for new schools and highways, continuing the surtax, and limiting the vital domestic programs that deal with the urban crisis, pollution, poverty, hunger, and education.

The answer to the human and economic crisis facing the Nation is in ending the war.

This country has been doing the fighting for the South Vietnamese for too long. The time has long passed for the South Vietnamese troops to do their own fighting. It is time for them to take over their own war and begin the phaseout of American troops at the earliest possible date.

The grave moral, military, and political mistakes of Vietnam have for too long been defended by calls for patriotism and requests for support for secret solutions that were "just around the corner." The solutions have never been found around the corner, and the credibility of this country has suffered around the world as well as with the people of this country.

Public opinion polls show understandable increasing disillusionment and frustration with the war, with the increasing number of young men dying in a war no one understands, and with a war that nearly every responsible leader in the country has said must come to an end.

If we could turn the time back to when the national mood was generally indifferent to the rapid escalation of the war, who would now disagree with the position that we should not substitute our Armed Forces for the troop responsibilities of the South Vietnamese Government?

What is necessary now is for a new direction predicated not on the policies of the past, but on a realistic assessment of the conditions of the present. It is no longer acceptable to tell the American people that peace is coming when it is not. It is no longer acceptable to ask for more time when too much time has already passed. It is no longer acceptable to demand patience when the American people have shown remarkable patience. And it is no longer acceptable to wage war when the American people want peace.

The South Vietnamese must take over all of their own fighting. We have delayed a phasein of South Vietnam troops for too long, but now a program is beginning. This program should result in the removal of all American troops from combat. It is not acceptable to have half a million, a quarter of a million, or even 50,000 American troops remain indefinitely in South Vietnam as American troops have remained in Korea. The phasein of South Vietnamese troops must carry the clear understanding that all U.S. combat troops will be returning home.

If, after all these years—after all the billions of dollars, all the training, all the equipment and American troops—the South Vietamese Government cannot take over the responsibility of its own defense, then they will never be able to take it over at all.

Vietnam Moratorium Day is giving us a unique opportunity to pause and reflect on the history of the American involvement in the civil war in Vietnam.

Let us hope that the Nation has learned a lesson in Vietnam. A lesson that clearly teaches that no outside power, no matter how much money it spends or how many men it sends in to fight, can make a government secure when the citizens support neither the war nor the government in power.

Ultimately, the Vietnamese must settle their own civil war. The United States cannot do it. The presence of American troops does not create an atmosphere conducive to a peaceful settlement. The United States must face the reality that we are the outside power in a civil war. The United States has made the grave error of siding with Vietnamese fighting Vietnamese. Serious negotiations for peace and the establishment of Vietnam for the Vietnamese can only come about when American forces leave the country.

I am heartened by the response the Vietnam moratorium is getting around the Nation. It has support not only with students in colleges and high schools, but with concerned Americans everywhere. Hopefully, the outpouring of concern shown today will impress the administration, Congress, and other national leaders that Americans want to get out of this war at the earliest possible date.

In the 89th, 90th, and 91st Congresses, I voted against going into Vietnam and increasing our commitment in the belief that it was a mistake to intervene. With the benefit of hindsight, I am satisfied that this position represented the best interests of our country. I hope we will have learned enough from this experience not to make the same mistake again.

I ask unanimous consent to have printed in the Record my statement of September 18, 1967, regarding the meaning of the Gulf of Tonkin resolution; my speech of May 6, 1965, in voting against the 1965 supplemental appropriation; my statement of January 15, 1966; and the statement that I made before the Democratic platform committee on August 20, 1968.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Congressional Record, Sept. 18, 1967]

Statement by Senator Nelson on Vietnam

(Which Way in the Vietnam War? "Now, before it is too late, is the time to decide what direction we are going to go in Vietnam . . . There is, it seems to me, only one sensible direction and that is toward de-escalation and negotiations . . ."—Senator Gaylord Nelson.)

(In his speech, Senator Nelson warns again

of the deepening American involvement in Vietnam. On Page 3, in a colloquy with Senator Fulbright, Senator Nelson recalls his effort to head off escalation of the war at the time of the Gulf of Tonkin resolution debate in 1964.)

In recent weeks there have been renewed and vigorous discussions about the meaning and intent of the Tonkin Bay Resolution. It has lately been repeatedly asserted by Administration spokesmen, writers and others that the overwhelming vote for the resolution in 1964 expressed Congressional approval of whatever future military action the Administration deemed necessary to thwart aggression in Vietnam including a total change in the character of our mission there from one of technical aid and assistance to a full scale ground war with our troops.

This, of course, is pure nonsense. If such a proposition had been put to the Senate in August, 1964, a substantial number of Senators, if not a majority, would have opposed the resolution. What we are now witnessing is a frantic attempt by the Hawks to spread the blame and responsibility for Vietnam on a broader base. They should not be allowed to get away with it. It is not accurate history and it is not healthy for the political system. The future welfare of our country depends upon an understanding of how and why we got involved in a war that does not serve our national self interest. If we don't understand the mistakes that got us into this one we won't be able to avoid blundering into the next.

The intent and meaning of any proposition before the Congress is determined by the plain language of the act itself, the interpretation of that language by the official spokesman for the measure and the context of the times in which it is considered.

Because of my concern about the broad implications of some of the language I offered a clarifying amendment. The official Administration spokesman for the resolution, Mr. Fulbright, said the amendment was unnecessary because the intent of the resolution was really the same as any more specific amendment. In short, according to Mr. Fulbright, the resolution did not intend to authorize a fundamental change in our role in Vietnam.

Three Presidents had made it clear what that limited role was, and this resolution did not aim or claim to change it.

If the official Administration spokesman for a measure on the floor is to be subsequently repudiated at the convenience of the Administration, why bother about such matters as "legislative intent?" In fact, why bother about Administration spokesmen at all? At the conclusion of these remarks I will reprint from the Congressional Record my colloquy with Mr. Fulbright which formed the basis for my vote on the Tonkin Bay Resolution. Had he told me that the resolution meant what the Administration now claims it means I would have opposed it and so would have Mr. Fulbright.

However, an even more important factor in determining the intent of that resolution is the political context of the times when it was considered by the Congress. It was before the Senate for consideration on August 6 and 7, 1964. We were in the middle of a Presidential campaign. Goldwater was under heavy attack for his advocacy of escalation. The Administration clearly and repeatedly insisted during that period that we should not fight a ground war with our troops. No one in the Administration was suggesting any change in our very limited participation in the Vietnam affair.

The whole mood of the country was against Goldwater and escalation and particularly against the idea that "American boys" should fight a war that "Asian boys" should fight for themselves, as the President put it in September of that year.

For the Administration now to say that the Tonkin Resolution considered during this period had as part of its purpose the intent to secure Congressional approval for fundamentally altering our role in Vietnam to our present ground war commitment is political nonsense if not in fact pure hypocrisy.

If Mr. Fulbright, speaking for the Administration, had in fact asserted that this was one of the objectives of the resolution the Administration would have repudiated him out of hand. They would have told him and the Congress this resolution had nothing to do with the idea of changing our long established role in Vietnam. They would have told Congress as they were then telling the country that we oppose Goldwater's irresponsible proposals for bombing the North and we oppose getting involved in a land war there with our troops. That was the Administration position when the Tonkin Resolution was before us. They can't change it now. It is rather ironic now to see how many otherwise responsible and thoughtful people have been "taken in" by the line that Congress did in fact by its Tonkin vote authorize this whole vast involvement in Vietnam. The fact is neither Congress nor the Administration thought that was the meaning of Tonkin—and both would have denied it if the issue had been raised.

The current intensity of the discussion over the military status of Vietnam, the Tonkin Resolution and the elections signal a new phase of the war dialogue. What's really new in the dialogue now is the sudden, almost universal recognition by a majority of the Hawks that this is after all a much bigger war than they had bargained for.

They now realize for the first time that to win a conventional military victory will require a much more massive commitment of men and material than they ever dreamed would be necessary. How many men? A million at least and perhaps two million without any assurance that a clear cut military victory would result in any event. Furthermore, it has finally dawned on the Hawks that a military victory does not assure a political victory—in fact there is no connection between the two and one without the other is of no value whatsoever.

This new recognition of the tough realities of Vietnam afford the opportunity for a reappraisal of our situation in Vietnam and a redirection of our efforts.

The danger we now face is the mounting pressure from military and political sources for a substantial escalation of the bombing attack in the North. The fact is the whole military-political power establishment (both Republican and Democratic) has been caught in a colossal miscalculation. They have been caught and exposed in the very brief period of 24 months since we foolishly undertook a land war commitment.

They did not then nor do they now understand the nature, character and vigor of the political revolution in Vietnam. But in order to have face they are now demanding an expansion of the war. If they prevail we will then see another fruitless expansion which will not bring the war to a conclusion but will extend our risk of a confrontation with China.

Unfortunately the Administration continues its policy of so called controlled expansion of pressure on the North which really is nothing more nor less than endless escalation which will likely lead to a vast expansion of the war. It ought to be understood once and for all that no amount of pressure on the North will settle the war in the South. A complete incineration of the North will not end the capacity of the guerrilla to continue the fight in the South.

Though we committed a grave blunder in putting ground troops into Vietnam in the first place, it does not make sense to compound the blunder by pouring in additional troops. The Administration proposal for 45,000 additional troops with tens of thousands more demanded by the military is simply a blind and foolish move in the wrong direction.

What the military really needs is a million or two million ground troops for the war they want to fight. Furthermore, no one can explain what possible proportional benefit this country or the free world will get for this kind of massive allocation of resources—even assuming this would win the military-political war which I think is highly doubtful.

There is no easy solution to our involvement, but now, before it is too late, is the time to decide what direction from here we are going to go in Vietnam.

There is, it seems to me, only one sensible direction to go and that is toward de-escalation and negotiations.

It was a mistake for us to Americanize this war in the first place, and it is an even greater mistake to continue it as an American war. As soon as the elections are over this Sunday we should cease bombing the North in order to afford the opportunity to explore the possibility of negotiations. It is rather ironic that Chief of State Thieu, the military candidate for President, favors a bombing pause but our military oppose it. Whose war is this?

Next we should fundamentally alter our military and political policies in the South. We should notify the South that henceforth it will be the job of South Vietnamese to do the chore of political and military pacification of the South. While our troops occupy the population centers, furnish the supplies, transportation and air cover, it must be the job of the Vietnamese to win the political and military war in the South. If they do not have the morale, the interest, the determination to win under these circumstances then their cause can't be won at all.

Surely it ought to be understood by now that if there is going to be a meaningful solution to the Vietnam problem they must be the ones who make it meaningful.

Furthermore, if it is true, as our State Department says, that all other South East Asian countries feel they have a stake in Vietnam, let them send some troops of their own to prove their interest.

Under this approach we will reduce the loss of our troops to a minimum and we will find out whether our allies in the South really believe they have something to fight for. If they do, they have the chance to build their own country. If they don't, then we should get out.

This it seems to me is our best alternative to the fruitless policy of endless escalation.

[From the Congressional Record, Mar. 1, 1966]

(Editor's Note.—What really happened in 1964 when the Senate debated the Gulf of Tonkin resolution? Here is a colloquy between Senator Nelson and Senator Fulbright from 1966 in which they discuss that historic debate.)

Mr. Fulbright. Mr. President, will the Senator from Wisconsin yield just briefly?

Mr. Nelson. I am glad to yield to the Senator from Arkansas.

Mr. Fulbright. First, I appreciate what the Senator said. I have already said publicly that I believe one of the most serious mistakes I have made as chairman was in not accepting or urging the Senate to accept the amendment offered by the Senator from Wisconsin in August 1964. I do not believe it is proper, and do not wish to take the time to explain the circumstances of that particular moment, but, nevertheless, I believe it was a mistake and I commend the Senator from Wisconsin for having more foresight than I had at that time, and I think many other Senators, as to the possible significance of that resolution.

He did offer a very sensible, limiting amendment to that resolution, and I regret

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that we did not have the kind of discussion of it in public at that time that we have had recently. But I do commend the Senator from Wisconsin for his foresightedness and regret that I did not have as much.

Mr. Nelson. I believe that the Senator advised me at that time that his interpretation of the resolution was the same as the purpose of my amendment, and that therefore the amendment was unnecessary.

Mr. Fulbright. I thought it was.

Mr. Nelson. I also wish to commend those who have participated in this debate on both sides of the aisle.

Although very frequently I do not agree with the Senator from Oregon, I should like to say that he has made a most valuable contribution to this discussion—and he will continue to do so.

One thing, however, that disturbs me very much is the argument I have heard advanced in the press, by columnists, by distinguished Members of Congress, and people in the executive branch, that we should not be debating this issue because what we say here, in our free country, will be misunderstood by some Communists in some other country, Communists who do not know what free speech is all about and never will.

Mr. President, this is the greatest parliamentary body in the world. It is the oldest parliamentary body in the world. Its function and purpose is constructive debate. The strength of this Nation is measured by its capacity for intelligent debate, not by its ability to goosestep. I hope we do not undermine that source of our power. I have heard it implied here and elsewhere lately that free speech and dissent should stop because it may be misunderstood in Communist countries. This is a dangerous parallel to the theory that was recently used by the Russian court in sentencing two writers to jail, not because of what they said in Russia but because they published books in this country which the Russians thought would be misunderstood in America and damage Russia. On that theory the Russian court sentenced the writers to jail.

Over here, we have people saying that we should stop debate because someone else who cannot understand the debate might misunderstand our resolve and damage America.

Mr. President, freedom is what democracy is all about. If some foreign dictator does not understand it, that is too bad. I have no intention of giving up my freedom of speech because some Communist does not understand what free speech is all about—and never will.

Regarding the Tonkin Bay resolution, let me comment briefly. It has been repeatedly stated by those who unqualifiedly support the Tonkin Bay resolution that there were only two Senators who had any reservations about it.

Mr. President, I had reservations about that resolution and I made them clear. I was in the Chamber on August 6, August 7, and August 8, and participated in the dialog concerning the resolution, as did several other Senators, who also expressed grave reservation about the resolution. Their remarks were intended to interpret that resolution and demonstrate congressional intent.

I discussed the subject on three different days with the chairman of the Foreign Relations Committee, and I am a little weary of having my vote interpreted as an unqualified endorsement of escalation. The record will show it was not such an endorsement.

The chairman of the Foreign Relations Committee was in the Chamber—the Senator from Arkansas (Mr. Fulbright), as the spokesman for the administration. As a U.S. Senator, I was entitled to accept his advice, counsel, and interpretation of that resolution as an expression of the intent of the administration.

Mr. President, I shall not read the whole dialog, but I will read a part of it from the Record of August 6 and 7, 1964, as follows. Addressing myself to the chairman of the Foreign Relations Committee:

"But I am concerned about the Congress appearing to tell the executive branch and the public that we would endorse a complete change in our mission. That would concern me.

"Mr. Fulbright. I do not interpret the joint resolution in that way at all. It strikes me, as I understand it, that the joint resolution is quite consistent with our existing mission and our understanding of what we have been doing in South Vietnam for the last 10 years."

Skipping some of it, I addressed the chairman once more, as follows:

In view of the differing interpretations which have been put upon the joint resolution with respect to what the sense of Congress is, I should like to have this point clarified. I have great confidence in the President. However, my concern is that we in Congress could give the impression to the public that we are prepared at this time to change our mission and substantially expand our commitment. If that is what the sense of Congress is, I am opposed to the resolution. I therefore ask the distinguished Senator from Arkansas if he would consent to accept an amendment, a copy of which I have supplied him. I shall read it into the Record:

"On page 2, line 3, after the word, 'That' insert '(a)'.

"On page 2, between lines 6 and 7, insert the following:

" '(b) The Congress also approves and supports the efforts of the President—

This was the amendment to the Tonkin Bay resolution—

> to bring the problem of peace in southeast Asia to the Security Council of the United Nations, and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is "limited and fitting". Our continuing policy is to limit our role—

Listen to these words—

> to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the southeast Asian conflict'."

This amendment is not an interference with the exercise of the President's constitutional rights. It is merely an expression of the sense of Congress. Would the Senator accept the amendment?

Mr. Fulbright. It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated.

* * * * *

I do not object to it as a statement of policy. I believe it is an accurate reflection of what I believe is the President's policy, judging from his own statements. That does not mean that as a practical matter I can accept the amendment. It would delay matters to do so. It would cause confusion and require a conference, and present us with all the other difficulties that are involved in this kind of legislative action. I regret that I cannot do it, even though I do not at all disagree with the amendment as a general statement of policy.

I would think that ought to be a sufficient answer to those who have repeatedly insisted that the Tonkin resolution was a blank check. It was not. I had reservations. So did others. I was assured that we were not changing our role in southeast Asia. We have changed it. Obviously we cannot turn back the clock. But I trust that, for the sake of the historical record this may correct those gross misinterpretations of the record which have been so frequently uttered on the floor and elsewhere in recent months.

Mr. Fulbright. Mr. President, in that connection, I certainly agree with what the Senator from Wisconsin has said. He is right to have made it. I have stated that I understood, from the information that was given to us, a specific incident was presented as the reason for that resolution. It was that a direct attack had been made on our ships on the high seas—this is what we were told—where they had a right to be.

We were told it was an unprovoked attack In other words, we had not done anything that properly could be considered as provocation. These facts are difficult for a committee or any of us to check. I think we were told things happened at night and things were moving rapidly, and so on.

I had no reason to doubt the factual situation. On the other hand, it is extremely difficult to prove what happened. In any event, the Senator from Wisconsin has certainly stated very clearly what the situation was. We all know the President has, without any resolution, the right to respond to an immediate attack. He has the right to take actions of a temporary nature, one might say, to protect our interests. Then at some point, if hostilities continue, if the Constitution means anything, a declaration of war should be sought.

I will leave it to Senators, the manager of the bill, the administration, whether or not we are now at war. This bill and other events would indicate we are. I have discussed this matter with some of those who have responsibility in this area. They are reluctant to do what I have suggested. I am not at all sure, if we continue along the course we are following, it will not be necessary to impose powers and disciplines and controls upon our economy sooner or later. We cannot carry on this kind of conflict and call it a skirmish. So this is a matter I think the administration should be giving thought to.

[From the Congressional Record, May 6, 1965]

Mr. Nelson. Mr. President, my remarks at this point will be directly applicable to House Joint Resolution 447. Some time ago I prepared the remarks I have just made, to be delivered on the floor of the Senate either this week or next. But yesterday we received the President's request for the supplemental appropriation: therefore, I have made the remarks today, so that my position may not be misunderstood.

My fundamental position on Vietnam and our role there has remained the same over an extended period of time. More than 2 years ago and on numerous occasions since I have expressed the view that it should remain a cardinal principle of our policy not to engage American troops in a land war in South Vietnam. Within the perimeter of this guiding principle there is great room for tactical variation. As the Commander in Chief of our forces it is the President's burdensome responsibility to decide the day-to-day tactics. From time to time we may agree or disagree with the tactics exercised but that is in the nature of the case. I, along with the vast majority, recognize where that responsibility lies and support the President in his incredibly difficult endeavor.

The issue before us is not whether we are unified in our purpose. We certainly are. It is not whether we are opposed to communism, whether we are willing to fight for freedom, whether we are at one with the President in the objective he seeks—in each of these matters we are unified. That unity has repeatedly been demonstrated by every public opinion poll as well as the conduct of the Congress and the statements of the Members.

Nevertheless, we are now asked to act within 24 hours on a $700 million appropriation

for the conduct of our commitment in Vietnam. It is conceded by everyone that the money is not needed immediately to support our commitment there. It is agreed by everyone that the President has the authority to transfer the necessary funds to fully support our efforts. It is recognized by everyone in this body that on a moment's notice Congress will authorize every additional dollar needed to supply, equip, and support our forces without stint. So that there may be no doubt, if indeed there could be any, I know that $700 million will be needed in our 1966 budget. A substantial part of it might be needed in fiscal 1965. That may be so whether we make the unfortunate decision to change our mission there or whether we maintain our repeatedly stated role. I support that expenditure and more, too, if and when it is required. We will not hesitate to spend whatever is necessary to support our troops in whatever enterprise we direct them. That is not at issue among us.

What is at issue right now is the wisdom of acting within hours upon this requested appropriation—acting without printed hearings and with precious little discussion—acting posthaste, not because this money is required immediately, but rather because this precipitous action is supposed to demonstrate our support for the President's conduct of foreign affairs as well as our unity of purpose is opposing Communist aggression.

My willingness to support the President in these two enterprises is a matter of record—abundantly so. I do not feel the necessity of demonstrating my support by forthwith voting yea on a bill that came to the Senate at 2:30 yesterday afternoon—a bill that had only brief hearings in either House—a bill that was supported only by a half-page Senate committee report printed before the House bill arrived in the Senate. I object to legislating based upon what I read in the morning paper. No matter how sound the measure, I dissent from the proposition that the greatest deliberative body in the world should routinely give its stamp of approval to anything except under dire circumstances. No such circumstance has been alleged from any quarter.

Mr. Nelson. Mr. President, in the cloakrooms and on the floor, numerous distinguished Senators from both sides of the aisle have expressed their concern over the precipitate manner in which we are disposing of this matter.

I have no notion what the President said to the majority and minority leadership at the White House. If he requested that this bill be passed this week within a 24-hour period, instead of next week after ample discussion, I have not been so advised. Though I have a very high regard and respect for the integrity, the patriotism, and the genuine statesmanship of the leadership on both sides of the aisle, I do not intend lightly to delegate my vote to anyone in support of any proposal.

My objection does not run to the merits of this appropriation. No matter what the variances of viewpoint, we all know this money will be needed in the future and will be spent. Yet, I think I speak accurately when I say that a very substantial number of this body is gravely troubled by the unseemly haste of our action here today. We all know that our military planning is not so faulty that we need this appropriation right now. If it were required today our very able Secretary of Defense would have urged action quite some time ago.

My dissent is based upon the conviction that when a matter of this import is before us we owe it to ourselves and the Nation to discuss it deliberately and fully. That we may all end up agreeing on this particular measure does not detract from the importance of conducting the dialog. There is a continuing public confusion about where we are going and why. Silence contributes to that confusion. Our branch of the government has its own obligation. We should not default in that obligation, nor should we even give the appearance of doing so. Because of what appears to be a necessity for exceptionally speedy action on a large appropriation, there are many who will conclude that we must be intending to support or endorse a substantial expansion of our role in Vietnam, if not a fundamental change in our mission there. I am sure that neither the Congress nor the President intends consciously that. Nevertheless, you will see that interpretation put on our action from any number of sources within the next few days. I decline to lend my name in any way to that kind of misinterpretation.

Mr. Nelson. Mr. President, thus, at a time in history when the Senate should be vindicating its historic reputation as the greatest deliberative body in the world we are stumbling over each other to see who can say "yea" the quickest and the loudest. I regret it, and I think some day we shall all regret it.

Now in the gentlest way I know how I mention to this body that as of this very moment I have yet to receive a call from the leadership or any other source in government advising me of the grave necessity for instant action. I should think if this matter were really so urgent a 15-minute party caucus would have sufficed at least to advise us so.

Thus, reluctantly, I express my opposition to our procedure here by voting "nay." The support in the Congress for this measure is clearly overwhelming. Obviously you need my vote less than I need my conscience.

COMMENTS OF VIETNAM WAR

(By Senator Gaylord Nelson)

January 15, 1966.

There are no easy answers to the agonizing dilemma facing America in Viet-Nam.

But of all the grim alternatives, it seems to me the wisest is to continue with great patience to seek a negotiated settlement while firmly refusing to escalate the conflict further.

This is essentially a political and not a military conflict. It is a battle in Viet-Nam for the hearts and minds of the Vietnamese. It must be limited to Viet-Nam, and be fought by the Vietnamese if we are to have any realistic hope of an acceptable settlement.

For along the "open ended" path of further escalation lies the specter of a major land war in Asia fought with U.S. troops, a war against which our best military minds—including the late General Douglas A. MacArthur—have repeatedly warned us.

It has long been my view that our commitment should never be expanded to make that conflict an American war.

And in a major speech last May 6, I pointed out that, despite a tendency to characterize people as "hawks and doves," most Americans including most Members of Congress are united behind these major principles:

There must be no major land war in Asia.

The problems of Viet-Nam must be settled eventually by negotiations.

The main responsibility for stable government must rest with the South Vietnamese people.

The situation is even more dangerous today than it was in May. And the pressures to escalate the war are growing in many quarters. But I believe these cardinal principles should guide our policy.

Even if a million American soldiers were to force all North Vietnamese units from South Viet-Nam and to suppress the Viet Cong guerrillas with napalm and bayonets—even if we avoided an open clash with Red China—even then, when we withdrew as eventually we must, we would leave behind us only a charred, desolate country with little hope that it could maintain its independence one moment beyond the time we left.

There is no point in criticizing the mistakes of past policy. But it is crucial in looking toward the future to recall that our military advisors have been consistently over-optimistic when not actually dead wrong in their public statements of the Vietnamese situation.

Secretary of Defense McNamara's estimate that the Americans could begin to pull out by Christmas 1965 is only the most famous example.

Those who look for a cheap "victory through air-power" should recall the glowing assurances last February that a few bombs on North Viet-Nam would quickly bring that country to the conference table in a tractable mood. If anything, the opposite has been the case.

George F. Kennan, the former Ambassador and noted foreign policy expert, has recently advocated an effort to de-escalate the war, to "simmer down" the situation in Viet-Nam.

In a world where a nuclear holocaust is a distinct possibility, the survival of us all depends on containing armed conflict to as narrow an area as possible. This is indeed sound advice.

President Johnson has taken a long step toward localizing the war and achieving negotiations by calling a halt to the bombing of North Viet-Nam.

He deserves praise and support for his continued efforts to find peace in Viet-Nam.

It is crucial that the war in Viet-Nam not be allowed to esaclate further. Now is the time to make every conscientious effort to de-escalate the conflict. For in escalation there is no practical hope in achieving our aims in that unfortunate country and a very real possibility of an Asian-wide war in which America would waste her resources and young men in a slaughter that could achieve nothing but those desperate conditions of chaos ideal for the spread of Communism.

STATEMENT BEFORE THE DEMOCRATIC PLATFORM COMMITTEE

(By Senator Gaylord Nelson, Aug. 20, 1968)

It is my purpose in appearing before the Platform Committee to urge upon you a proposal for Vietnam that looks to the future rather than the past and unites the country instead of dividing it.

The debate over the wisdom of our intervention in Vietnam will go on for many years to come. That is inevitable and no doubt as it should be since a continuous re-evaluation of our past will contribute some wisdom to guide us in the future. We who opposed the intervention will participate in that dialogue as well as those who supported it. We think the judgment of history will come down on our side—they think it will come down on theirs. But no matter what we may think for political and other reasons unanimity on this issue will not be reached this year.

As one who opposed our involvement in a land war from the beginning and voted against appropriations for it, I would like to see a platform plank that addressed itself to this mistaken policy and delineated a course for the future that would avoid the errors of the past. It would, I think, have that great appeal of honesty and directness that is so rarely found nowadays in platforms and political talk about Vietnam.

Realistically, of course, this is more than the critics of Vietnam can expect to secure (because we haven't got the votes). Furthermore, it would be an open admission of error on the part of almost all the leadership in both political parties (including the Republican nominee for President) as well as the Congress, the military leadership of the nation and the public as expressed in the opinion polls of the time. While it might be good for the political health of the country

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to admit our past mistakes, it probably isn't necessary because almost everyone who supported intervention will now concede privately that it was a mistake. The best way to test the issue is to ask the following question: Knowing what we now know, if we could turn the clock back to the Spring of 1965, would we again make the decision to start a land war in Vietnam with our troops? The answer would be a resounding "No" through the halls of Congress and all across the land.

The next question is, should we enshrine this mistake in the Democratic platform by affirming past policy as some would have us do. I for one would feel morally bound to repudiate that plank in the platform and campaign against it with whatever energy and intelligence I have. Much more important, of course, is the fact that a substantial number of Congressmen and Senators would do the same and they would be joined by hundreds of thousands of thoughtful citizens throughout the country who will not accept a platform plank that endorses past Vietnam policies.

What we should do now is address ourselves to the current situation and spell out in direct language what we think should be done about it.

Our government has repeatedly asserted it to be our position that we favored self-determination for South Vietnam—that whatever kind of government they desired they should have a chance to select at the ballot box. We should now proceed with a comprehensive proposal that implements that position.

It would be a tragedy if our negotiations in Paris broke down. The world needs peace and reconciliation now as never before. It would be even more tragic if they failed because either side failed to concede some relatively minor point in the negotiations.

It seems to me, therefore, that the convention should recommend the following course—

That we cease the bombing of the North coupled with an offer for a total ceasefire throughout Vietnam by all combatant forces. Our unyielding obstinacy on the issue of bombing is puzzling when one recalls our unilateral cessation for 37 days at a time when we were not in negotiations and when our military posture was not as strong as it is now. A test of their intentions would not be a military risk to us and might very well break the Paris deadlock. If there were no response in a reasonable time, or if the military situation required, the bombing could be resumed.

The ceasefire should be combined with an agreement that there would be no tactical movement of troops and that an acceptable international body would be responsible for supervision of the agreement.

Finally, we should propose self-determination through the ballot box, by a series of elections, province by province, concluding with a national election. These elections must be under international supervision with a mutual withdrawal of arms from each province prior to each election.

These proceedings might well require two years or more but so long as they are conducted under a ceasefire time is not of the essence. Once elections were underway agreement for a timetable for withdrawal should be negotiated.

This presents a framework which permits self-determination at the ballot box, which is what we stand for. It is a fair proposal that no country in the world would legitimately quarrel about. It makes it clear that we favor self-determination, and it ultimately turns the control of the country over to the South Vietnamese where it belongs.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Is there further morning business? If not, morning business is closed.

THE EISENHOWER DOLLAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, Calendar No. 447.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 158) to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I am acting today for the chairman of the Committee on Banking and Currency, the Senator from Alabama (Mr. SPARKMAN), who is a member of the NATO Parliamentary Group that left for Paris last night, and since the pending business is a resolution which he and I sponsored I have accepted the responsibility for presenting the resolution to the Senate.

Mr. President, Senate Joint Resolution 158 authorizes the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower. The dollars will be of a clad cupro-nickel construction as are our present dimes and quarters. This resolution is a part of a more comprehensive proposal recommended by the Treasury with the concurrence of the Joint Commission on the Coinage. That proposal, contained in S. 2822 and H.R. 13252, has provisions regarding not only the minting of nonsilver dollars but also the disposal of the remaining silver dollars held by the Treasury and the future of the half dollar. The reason we are considering this one proposal separately is because of its timeliness. As I make that statement I realize that yesterday was the birthday of President Eisenhower, so we are 24 hours too late.

When we enacted the Coinage Act of 1965, we established a nonpartisan Commission composed of 24 members, six from the Senate, six from the House of Representatives, the Secretary of the Treasury, Secretary of Commerce, and Directors of the Bureau of the Budget and the Mint, and eight public members. The Commission was established to study the progress made in the implementation of the coinage program set up by the 1965 act and review from time to time such matters as the needs of the economy for coins, the standards for the coinage, the time when and circumstances under which the United States should cease to maintain the price of silver, the availability of various metals, and the renewed minting of the silver dollar. Decisions have been made on many of these matters but there are still some which need to be decided by the Congress.

No standard silver dollars have been minted since 1935 and, as we are all aware, none are presently available for circulation. Mint stocks were exhausted by 1964, except for about 3 million rare silver dollars which have substantial numismatic value.

Title I of the 1965 act which became law in July of that year prohibited the minting of silver dollars for a 5-year period. During the interim period it has been the goal of the Coinage Commission and the Treasury to bring about an orderly transition from a silver market in which the U.S. Treasury was the dominant participant and in which the price was determined by the Treasury to a silver market in which the price is determined by supply and demand for the metal. I believe it was obvious when we enacted the 1965 Coinage Act that we never again would be able to mint standard silver dollars. This was true because the intrinsic value of the silver which they contained soon exceeded their monetary value. Under those circumstances, it would be impossible to keep them in circulation. On the other hand, there has been continued interest in the minting of dollar coins, particularly from western areas of the country where the silver dollar was extensively used.

The desirability of having a dollar coin has also been repeatedly expressed by representatives of the vending machine industry as the demand for higher priced items through vending machines has increased. Of the $4.5 billion volume of higher priced vending machine items, it is significant that more than $2 billion worth of vended products are above the 25-cent value. Paper dollars will not substitute for this purpose. Furthermore, $1 paper currency has an average lifespan of about 18 months, compared to at least a 25-year life expectancy for a clad dollar.

A further, and I believe important, reason for the minting of dollar coins is that in some sections of the country long accustomed to the use of dollar coins, many private companies have resorted to the use of "dollarlike tokens" of the same size and similar appearance. These tokens are for use in those places of business where they are purchased. However, since this use has continued for several years, these tokens or unofficial dollars have slowly become almost legal tender in that they are acceptable for $1 in goods or services in some western communities. As time goes on, this practice which has already spread to the half dollar in some places and even to tokens of a $5 value will result in confusion and what might be considered a separate coinage system reminiscent of the early colonial days when each State had its own coins. It was to prevent this undesirable situation that only the Federal Government was permitted to mint coins.

On May 12 of this year, the Commission concluded by a wide majority that resumption of the minting of silver dollars was not practical. At the same meeting, the Commission recommended that a non-silver dollar coin should be made part of the Nation's coinage system. The Commission did not recommend the material of which the new coin would be made. The Treasury Department, however, determined that it should be a cupro-nickel clad coin. Before the 1965 act, there was a great deal of study to determine the most desirable metals to be used in the construction of the new coins. The coins needed certain properties in order to be acceptable in vending machines, they needed durability, and they needed to be unique so that they would be difficult to counterfeit. On the basis of all the facts available, the cupro-nickel clad coin was determined to be the best solution. These same qualities are needed in the new dollar, and thus the Treasury recommended that the dollar be constructed in the same manner.

There has been considerable discussion about the minting of the dollar coin containing 40 percent silver similar to our present half dollar. The minting of such a coin was rejected by the Commission and by the Treasury. Although all of us realize that a silver-bearing coin is an attractive coin, attractiveness is not the major consideration in determining the construction of a new coin.

At the end of yesterday's Treasury transactions, Treasury had approximately 55 million ounces of silver in coins which it had withdrawn from circulation. It had readily available about 35 million ounces in bullion for a total of 90 million ounces of silver. Not included in this 90 million ounces is about 12 million ounces of silver which has already been processed into clad strip to be used for the minting of half dollars.

Sales of Treasury silver are proceeding at a rate of approximately 1½ million ounces a week. The 90 million ounces would thus last for about 60 weeks, or until about the middle of December 1970. If we were to mint 300 million dollars containing 40 percent silver, as will be proposed by the Senator from Colorado (Mr. DOMINICK) a little later on, each coin would require .316 ounces of silver or a total of 94.8 million ounces of silver. That figure exceeds the amount available in Treasury stocks today. I should add, however, that each year the Treasury re-refines about 3 million ounces so that sufficient silver would probably be available to mint these coins without additional purchases by the Treasury if no other considerations were involved. Other considerations are involved, however. When the Treasury with the concurrence of the Joint Commission discontinued sales of Treasury silver to other than domesitc industrial users on May 18, 1967, some orders for silver had been placed with the Treasury but had not been officially accepted and were not filled. Several of the firms which had placed such orders prior to the Treasury decision to stop unrestricted sales presented claims on the Treasury for the silver. After considering the matter, the Commission suggested that the Treasury ask the General Accounting Office to look into the claims and make a recommendation. The report from the General Accounting Office concluded that while there may not have been a legal responsibility for the Treasury to fill the orders, until that time orders had been filled without official acceptance and therefore equity might require that the Treasury provide some relief to the firms involved.

As a result, the Commission recommended that the Treasury draft legislation to be introduced in the Congress under which the claims would be referred to the Court of Claims for a determination of their legal and equitable merits and amounts, if any, due in compensation. Some of the firms involved maintained a short position in silver in confidence so that they would receive the silver from the Treasury. Legislation is now pending before the Judiciary Committee which would resolve this matter.

I do not know that any silver will be needed to satisfy these claims, but it is possible that the Court of Claims will decide that the Treasury should provide silver to these claimants at the price of $1.29 an ounce. Claimants which are mentioned in the legislation had orders for about 13 million ounces of silver. There were other orders in addition to these, which could require Treasury silver if the same treatment is to be given to them. This means that there is a possible claim of at least 13 million ounces of Treasury silver and perhaps more. This would leave the Treasury without sufficient silver to mint the 300 million dollars containing 40 percent silver, as has been proposed.

Even if no additional claims are made on Treasury silver, if the Congress were to approve the minting of the 300 million dollars containing silver, it would be necessary to halt present General Services Administration silver sales immediately. Such action would remove 1½ million ounces from the weekly supply of silver in the world market and without doubt would create a significant reaction in the price of silver.

It should be remembered that one of the major efforts of the Treasury and the Coinage Commission has been to bring about an orderly transition which would not create instability in the silver market. We have not been completely successful in these efforts because of rumors regarding possible minting of silver coins or other actions which might be taken by the Coinage Commission and the Treasury which would affect the available supply of silver. It is my feeling, however, that we should certainly not do anything in the Congress which would add to the problem.

A sound silver policy program, I believe, should be consistent with the following key objectives: First, a strong and efficient monetary system; second, maximum feasible fiscal return to the taxpayers; third, minimum inflationary impact on consumer prices; fourth, reasonable prices for silver to silver producers; fifth, minimum adverse impact on the balance of payments; and sixth, an orderly transition between the pegged market which we had until 1967, and a free silver market which we will probably have sometime next year.

This resolution is in keeping with all of these objectives.

I therefore urge that the Senate approve Senate Joint Resolution 158, as reported by the committee.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum in order that I may ask for the yeas and nays when sufficient Senators are in the Chamber.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 228

Mr. DOMINICK. Mr. President, I send to the desk amendments in the nature of a substitute identified as No. 228 and ask that it be stated.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. DOMINICK and others is to strike out all after the resolving clause and insert the following:

That (a) section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended—

(1) by inserting "one-dollar pieces," after "pursuant to this section" in subsection (a);

(2) by redesigating paragraphs (1), (2), and (3) in subsection (a) as paragraphs (2), (3), and (4), respectively, and by inserting before redesignated paragraph (2) a new paragraph as follows:

"(1) the dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts copper; and

"(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."; and

(3) by inserting at the end of such section the following new subsections:

"(d) The dollars initially minted under the authority of subsection (a) shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

"(e) Commencing on January 1, 1970, and until such time as the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted, or December 31, 1972, whichever is earlier, the Secretary shall cause to be minted and issued dollars authorized by subsection (a) at a

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rate of not less than one-hundred million coins annually."

(b) Effective on January 1, 1973, or in such earlier date as the President shall by proclamation declare that the supply of silver available to the Treasury for coinage purposes is exhausted, section 101 of the Coinage Act of 1965 is amended to read as follows:

"SEC. 101. The Secretary may coin and issue one-dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"(1) The dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 22.68 grams.

"(2) The half dollar shall have—

"(A) a diameter of 1.205 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 11.34 grams.

"(3) The quarter dollar shall have—

"(A) a diameter of 0.955 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 5.67 grams.

"(4) The dime shall have—

"(A) a diameter of 0.705 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 2.268 grams."

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I had the pleasure of sitting here and listening to the distinguished Senator from Utah give his position on the resolution which he and the Senator from Alabama (Mr. SPARKMAN) reported out of the Committee on Banking and Currency.

Some time ago, when I knew it had been proposed, I went to the Senator from Utah (Mr. BENNETT) and asked him if there were going to be hearings on the joint resolution, and, if so, whether I could appear and be heard. He indicated they were going to go forward on this matter as rapidly as possible in order to try to have this particular piece of legislation ready for President Eisenhower's birthday. He very kindly agreed to take a statement from me and a copy of my proposed amendment and to put them in the RECORD. He also indicated that that was all there was going to be in the way of a hearing.

I think we can say that, although my position was developed, there was not very much opportunity in the committee either to have hearings or to develop at any length the position of the people affected in the silver market. Hence, I am going to take a little time to explain what the situation is.

I have been serving, along with the Senator from Utah (Mr. BENNETT), on the Joint Commission on the Coinage for some time. The Coinage Commission was set up in the act of 1965. The reason why it was set up was that it had become apparent, at least to me, and I think to many other Members of this body, that the silver situation was becoming so acute that a change was going to have to be made. The price of silver was constantly pressing up against the value of silver coins. In order to prevent coins from being melted or otherwise used as nonmonetary factors, it seemed advisable to try to change the whole situation, and then to have a commission study the relationship between the supply and demand of silver and the question of coining.

I have been concerned about this matter for some time. As a matter of fact, the Senator from Utah (Mr. BENNETT) joined me in several colloquies. We discussed it at some length on the floor of the Senate, particularly when the act of 1965 was being considered, pointing out that since the Treasury continued to release silver in the way it did, it was, in effect, setting a price ceiling of $1.29 an ounce, which was the price of silver in the coins.

In order to get into a free market situation, which everyone wanted to do, we would have to get out of that particular cycle. Hence, we had the act of 1965, and the amendments in 1967, and the Coinage Commission was set up.

The Coinage Commission was not actually convened for about 18 months. President Johnson did not appoint the public members of it for at least 18 months. By the time we got around to really trying to take further steps in this matter, the situation was already acute in the market.

My amendment is a little different, I believe, from the way it was presented by the Senator from Utah. What I am proposing is that we should be minting a coin with the image of President Eisenhower on it; that the coin should be 40 percent silver; and that we should mint as many of them, not to exceed 300 million, over a period of 3 years, as the supply of silver in the hands of the Treasury will permit. Consequently, if we do not have enough silver to mint the whole 300 million coins we can still mint a great many of them. In my opinion, we can mint the entire 300 million.

I say this because, as the Senator from Utah points out, it will take approximately 93 million ounces of silver. We have about 90 million ounces available in the Treasury at the present time. With the kind of recirculation going on, whereby the Treasury is picking up silver coins in the way of quarters and dimes still in circulation, and reprocessing them, it can pick up another 3 million ounces. That has been the historical record. So I say we are going to have enough silver for this purpose.

The second point of the amendment is to deal with the obvious fact that the 300 million 40-percent silver dollars probably will not circulate. They are of substantial value from the point of view of collectors' items. They are of substantial value from the point of view of a great many people. The chances of their circulating as dollar pieces is not very good.

Subsequently, I have proposed that after the 300 million coins have been minted, we will then mint the cupronickel dollar piece, so that if there is a need in a vending machine industry to go forward with a dollar piece, we will then be prepared to have something which will circulate.

The 40-percent silver dollar would be identical to the current Kennedy half-dollar coin. I am joined in the proposal I am offering today by 22 cosponsors. They include Senators MANSFIELD, ALLOTT, BIBLE, CANNON, CHURCH, CURTIS, DOLE, FANNIN, GOLDWATER, HANSEN, HRUSKA, JACKSON, JORDAN of Idaho, MCGEE, MAGNUSON, METCALF, MUNDT, MURPHY, STEVENS, THURMOND, TOWER, and PEARSON.

The 40-percent silver dollar proposed by the substitute is to be minted at a rate not less than 100 million coins a year from January 1, 1970, to December 31, 1972; or—and this is a point I want to emphasize—until "the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted."

Thereafter the dollar coin will be a clad coin made of 75 percent copper and 25 percent nickel, identical to present quarters and dimes.

Also at that same time half-dollar coins would become a clad coin made of 75 percent copper and 25 percent nickel.

It also provides that the President shall by proclamation declare when the supply of silver available to the Treasury for coinage purposes is exhausted.

The provision relating to exhaustion of Treasury silver is necessary as there are approximately 100 million ounces of such silver left in the Treasury. It would take about 93 to 95 million ounces of silver to mint the 300 million coins provided for in the 3-year period. The 100 million ounces has some silver in it that would have to have some reprocessing done, I believe, in order to make it of sufficient fineness for this type of work; so there are probably about 93 million or 94 million fine ounces available at the present time.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. PASTORE. First of all, I wish to say that I understand the good intentions of the Senator from Colorado and of his 22 cosponsors on this particular amendment. But I wonder whether he is familiar with the fact that those of us who come from States that need silver to maintain jobs and for commercial purposes are very much opposed to his amendment, because we feel that whatever silver is now available should be made available on the market at a price comparable with what the Government paid and what it intends to make as a profit, at the same time attempting to stabilize the silver market.

What the Senator is proposing here, as I understand it, is that this dollar shall be no more than a souvenir, up to the extent of 100 million of them.

That happened in the case of the silver half dollar in honor of President Kennedy. We manufactured about 100 million of those——

Mr. BENNETT. 1.2 billion.

Mr. PASTORE. 1.2 billion, and they disappeared from circulation. I do not think we are going to honor Eisenhower by having 100 million of these silver dollars locked up in drawers somewhere. I think we should honor him with a piece of currency that will be available on the market and can be used anywhere.

I think we would be honoring Eisenhower more if the Government used the silver that it has to make coaster cups for brides and grooms at weddings, to be kept as a memento of the sanctity of the marriage—much more so than with these little round pieces that will end up in somebody else's drawer.

Mr. DOMINICK. Mr. President, knowing the Senator from Rhode Island, I would have felt very unhappy had he not made that statement.

Mr. PASTORE. I am for the brides of America. I am for commemorating President Eisenhower, but I am still for the brides.

Mr. ALLOTT. How about the bridegrooms?

Mr. PASTORE. Yes, they get the cup, too.

Mr. DOMINICK. Mr. President, I shall be happy to let the Senator from Rhode Island make his speech after I finish making my points, but I do think we can go forward a little more rapidly here if I can finish what I have to say, and then let him answer it.

There will be less silver on January 1, 1970. There are presently about 15 million ounces of 0.400 fine silver alloy reserved for the minting of the half dollar.

This substitute is essentially a compromise combining the provisions of Senate Joint Resolution 158 and S. 2582. Senate Joint Resolution 158 was proposed by Mr. BENNETT on October 7, 1969, and provides for a cupronickel Eisenhower dollar. S. 2582 was proposed by myself and 28 cosponsors on July 10, 1969, and provides for minting of a 40-percent silver Eisenhower dollar coin.

S. 2822 was also proposed by Mr. SPARKMAN and Mr. BENNETT on August 11, 1969, and provides for a cupronickel coin, removal of silver from the current Kennedy half dollar and certain other recommendations of the Joint Commission on the Coinage.

No hearings were held on any of these proposals and Senate Joint Resolution 158 was reported out of the Committee on Banking and Currency on October 8, 1969.

The effective date of the act is made January 1, 1970, to allow a market adjustment before GSA sales are terminated. Termination of GSA sales is necessary to provide the remaining Treasury silver for minting of the Eisenhower dollar.

Mr. President, I do not think there is any doubt that this will be a prestige coin of which this country can be proud. Both the 40-percent silver coin and the cupronickel coin would bear the image of Dwight David Eisenhower, but to mint only a cupronickel coin would be clearly inappropriate. This was a man who symbolizes the highest traditions of service to his country in both war and peace. He holds a unique place in the history of this Nation. To the very last day of his life he was a symbol of strength and honor for the people of the United States and the world. He stood for peace and freedom.

We have only a few million ounces of silver left in our Treasury as has been brought out. No other use of this silver could return so much value to the American people to whom it belongs. Only 300 million silver dollars, or less, would be minted the next 3 years, but this amount would be sufficient for each of the millions of Americans, who loved and respected this great man, to receive one. Failure to mint these few million silver dollars would not only be inappropriate but it seems to me it would be disrespectful.

There are many arguments pro and con with regard to using our remaining silver stocks for coining this dollar. The Senator from Rhode Island has brought out some of them. We have been selling our silver at a rapid pace for the last 10 years. It is almost gone. Regardless of what we do today, the U.S. Treasury will be out of the silver business in 1 year or less. No more silver coins could be minted. No more silver could be sold for industrial use or speculation. This is inevitable. My proposal will only speed up the inevitable by a few months and give the American people a higher return on their silver.

I want the Senator from Rhode Island particularly to understand that, whether the substitute is agreed to or not, the Treasury will be out of silver in 1 year or less.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. PASTORE. I understand that; but at least we will die in degrees, which is better than a sudden death. The very dramatic argument the Senator from Colorado makes is that, because 40 percent silver is put in a coin, it makes it a prestige coin, and that when copper is put into it, it makes it less a symbol of honor.

I would remind the Senator that the likeness of Abraham Lincoln, the most revered President of the United States, is on the copper penny. There are more copper pennies than any other coin.

I do not know how better we could honor anyone than by putting an ample supply on the market, where everyone will have it.

The penny represents Lincoln, and it is all copper.

Mr. DOMINICK. I understand; and I think pure copper is better than the proposed alloy. I am sorry that only the alloy is used.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. MANSFIELD. First, I commend the distinguished Senator from Colorado for the unending fight he has made down through the years in behalf of silver coinage. Silver means as much to us in our part of the country as it does to the Senator from Rhode Island and his colleagues in their area. He has a point; so do we. If it means employment, it means employment for our miners as well as for his craftsmen.

For the record, I should like to emphasize the fact that the distinguished Senator from Colorado (Mr. DOMINICK) has indicated that, because of the scarce amount of silver in the Treasury, a 40-percent silver dollar would be minted for only 2 years.

Mr. DOMINICK. Three years or less.

Mr. MANSFIELD. Three years or less; and under his proposal, after that time a dollar coin would be made containing 75 percent copper and 25 percent nickel; is that correct?

Mr. DOMINICK. That is correct.

Mr. MANSFIELD. So what the Senator is doing—and I join him in it—is accepting the unfortunate inevitability of the decline in silver; because, in a matter of a few years, there will be none left in the Treasury. But for those who want to manufacture wedding cups, rings, and silver sets for the bridesmaids and others——

Mr. PASTORE. And the grooms.

Mr. MANSFIELD. And the grooms, I would point out that silver would still be available—not from the Treasury, but from outside sources, such as Mexico, Peru, some in this country, Alaska, and elsewhere.

It is interesting to note that as soon as the Government protection of silver was taken off, the price of silver rose precipituously, up to about, I think the Senator's figures show, $2.56 per fine ounce.

Mr. DOMINICK. That is correct. It has gone down again since.

Mr. MANSFIELD. And since that time the price of silver has decreased to a low of $1.63 per fine ounce.

That indicates to me that there is no scarcity of silver in the world, because if silver were becoming scarcer, the price would be $2.56 or more, whereas, as a matter of fact, as the Senator brings out, the price has declined to a low of $1.63 per fine ounce.

Mr. DOMINICK. The Senator is absolutely correct.

Mr. MANSFIELD. So I would hope that, because of the constructive attitude taken by the distinguished Senator from Colorado, the leader in the field of silver legislation—and a good leader he is—and because of his recognition of the fact that the supply of silver in the Treasury is not inexhaustible, and because of his readiness to face the inevitable fact that silver will not be used beyond a 3-year period because there will be none in the Treasury thereafter to fall back on, I would hope most sincerely that the Senate, in its wisdom, would allow the Senator from Colorado and those of us who come from the West this brief surcease before there will not be any possibility whatsoever of getting any kind of silver, not only in our dollars, but in any of the alloyed copper coins left.

May I say, in conclusion, that we produce a great deal more copper in Montana than we do silver. The price is somewhere around 50 cents a pound. We, of course, would like to see copper used, but we would prefer to see it used in the Lincoln pennies, where it shines so brightly and does the Great Emancipator so much justice.

Mr. DOMINICK. I thank the Senator very much.

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Mr. PASTORE. Will the Senator yield on that very point?

Mr. DOMINICK. Wait until I finish here, then I shall be happy to yield.

I wish to thank the Senator from Montana for his very kind remarks and his aid and support on this matter. I think it is extremely helpful and valuable, when we come down to final discussion on the issue.

I yield to the Senator from Rhode Island.

Mr. PASTORE. I say to the distinguished majority leader that nobody wants to hurt the silver mining industry. It is true that the price skyrocketed up to about $2.50 an ounce, and it gradually has come down, but it is only because the silver the Treasury Department has had has been used to stabilize the market. I know eventually we will have to mine more silver and pay more money for it, but, at the present time, the silver owned by the Government is being used to stabilize the market as they release it, and as they call in the old coins and melt them down to get the silver they had on hand. Eventually the Government is going to get out of the silver business altogether. There is no question at all about that. The Government should get out of it. And then the industry will get more for its silver when it sells it to Gorham and International Silverware, and others, than it gets when it sells to the Government.

I know it is inevitable that the supply of silver will run out. However, please take the consumers into account at this particular point. We are not hurting the miners. The Government only has about 90 million ounces of silver. The industry will need more of the silver. The camera and silverware industries will need more silver. And they will pay a handsome price for it.

With what little silver is left, we have been able to carry the price from more than $2.50 an ounce down to about $1.60 an ounce.

If the Senator gets this measure passed, the price of silver will shoot back to more than $2.50 an ounce again.

Mr. DOMINICK. Mr. President, I hate to interrupt the Senator. I want to proceed with my speech. I will be happy to have the Senator make his speech again. It is a good one, but it is not supported by the facts. I shall try to answer some of the points as I go along.

I think a brief review of our silver sales program will be helpful to my colleagues, since no hearings were held on this matter. This might clarify the situation in which we now find ourselves. Today marks the end of an era for this Nation. We should all clearly understand the issues involved because today, regardless of what we do, marks the end of an era in the silver situation with respect to our country.

Until World War II, the world production of silver exceeded consumption. After the war, this position reversed to the extent that in 1959, the need for silver exceeded the supply. In order to meet this need the Treasury began unrestricted sales of its silver, getting about $1.29 for the silver which the taxpayers' dollars had paid for and put into the Treasury. It was soon recognized that this procedure could not continue and sales were halted on November 28, 1961.

This suspension of unrestricted sales caused the market price of silver to rise from 91 cents an ounce to $1.29 an ounce in 1963. This was the official price of silver. From 1963 to 1965, the Treasury offered silver for sale at $1.29 per ounce. On July 23, 1965, the Coinage Act of 1965, Public Law 90–29, was passed. This act authorized quarters and dimes to be made from cupronickel alloy and reduced the percentage of silver in the half dollar to 40 percent. Sales continued at $1.29 per ounce to all buyers until May 18, 1967. From May 18, 1967, to July 14, 1967, sales were made to domestic users only.

The objective of these policies was to prevent the market price of silver from rising to a point where hoarding would be profitable. Sales in excess of $1.29 per ounce would endanger the value of our remaining silver coins during this transition period. Also, the supply of clad coins in circulation was not sufficient until the summer of 1967.

On June 24, 1967, congressional authority was granted to sell silver above the $1.29 per ounce price. This, in effect, demonetized silver and began the transfer from silver coinage to a base metal coin with no intrinsic value. That process will be completed today under both my amendment and Senate Joint Resolution 158. In addition, the Treasury was required to redeem outstanding silver certificates for a period of only 1 year to June 24, 1968; 165 million ounces of silver was to be transferred to the strategic stockpile.

The first GSA sale took place under the new plan on August 4, 1967. Sales were limited to domestic industrial use only and were to be used within 90 days of the date of purchase.

From August 4, 1967, to May 6, 1969, the sales price fluctuated, reaching a high in May and June of 1968 of $2.56½ per ounce and a low on September 6, 1967, of $1.63 per ounce.

The Treasury sold 0.999-plus fine silver bullion until October 12, 1967, at which date this silver was reserved for the strategic stockpile. We now have 165 million ounces of silver in our stockpile. A strike in November of 1967 reduced the refinery capacity of U.S. plants and the Treasury again sold 0.999-plus fine silver during the duration of the strike.

Other administrative adjustments in sales policy were made during this period until June 24, 1968, at which date all silver offered for regular sales was limited to 0.897 to 0.900 fine silver. On August 13, 1968, 0.999 silver was again sold until all stocks were exhausted on January 14, 1969.

At this point I ask unanimous consent that a chart showing the buyers of Treasury silver from August 4, 1967, to March 25, 1969, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. DOMINICK. Mr. President, this chart shows that Englehard Industries purchased 30 percent of the silver. The four largest buyers acquired 59 percent of all silver sold and the 10 largest purchasers acquired 80 percent of all silver sold.

During this time industrial use exceeded domestic production drastically. In calendar year 1966, production was 43.7 million ounces and use was 183.7 million ounces for a difference of 140 million ounces. In calendar year 1967, production was 31.2 million ounces and industrial use was 171 million ounces, for a difference of 139.8 million ounces. In calendar year 1968, production was 32.4 million ounces and industrial use was 139.1 million ounces for a difference of 107.3 million ounces. At this point I ask unanimous consent that a chart marked "Exhibit B" be printed in the Record at the conclusion of my remarks, showing a breakdown of consumption of silver and a sale summary of GSA sales from August 4, 1967, through May 6, 1969. A total of 185,964,592 ounces was sold for a total return of $355,481,290.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit B.)

Mr. DOMINICK. Mr. President, on May 2, 1969, the Joint Commission on the Coinage met and recommended lifting the ban on melting coins and the domestic use restriction on sales. We had also had a need-to-know basis on what the silver was going to be used for or that it was going to be used domestically. Sales were also reduced from 2 million ounces per week to 1½ million ounces per week, effective May 27, 1969. This action meant that all sales of Treasury silver were wholly on the open market with no restrictions. At this point, I ask unanimous consent that a chart marked "Exhibit C" be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit C.)

Mr. DOMINICK. Mr. President, this exhibit shows a summary of GSA sales from May 27, 1969, to September 30, 1969. Total sales amount to 28,500,000 ounces. Of this amount about half went for industrial use and half went to speculators and brokers; 11,830,000 ounces have gone overseas.

This is really important in connection with the argument of the distinguished Senator from Rhode Island. First of all, it should be noted, as we said, that 10 of the largest users of silver, silver purchasers, have acquired 80 percent of the Treasury silver. So what we have been doing really is to use the Treasury as a private mine for low-cost silver for 10 particular companies in this country.

When we start talking about the poor people who need silver, I do not see that we are particularly getting it into their hands when we sell 80 percent of it to 10 particular companies. Speculators are buying more and more of the GSA silver, as is clearly shown by the figures from August 5, 1969, to September 30, 1969. A total of 13,713,000 ounces of silver were sold. Only 5,100,000 ounces went for industrial use and almost 8 million ounces went to speculators overseas. Prices during this 4-month period ranged from a low $1.53 an ounce to a high of $1.88 an

ounce. This is a price range of 36½ cents per ounce. The sale yesterday shows clearly that this trend is continuing. The high bid yesterday was $1.8206 per ounce and the low bid accepted $1.8150 per ounce.

Of the 1.5 million ounces sold, 594,000 ounces will be used for industrial purposes. This is just yesterday. A total of 675,000 ounces went to speculators and brokers, most of which will find its way overseas; 378,000 ounces were purchased directly for overseas speculators.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. BIBLE. I wish to compliment the Senator for the very able presentation he is making. I think the amendment, which I am happy to cosponsor under his leadership, is a very worthwhile amendment; and I feel that if the Members of this body were to study the reasons given, they could not help but concur in this amendment.

The Senator from Colorado has developed a number of statistics, one of which, to me, is somewhat interesting. I think I am correctly advised that the General Services Administration started making these sales in August 1967.

Mr. DOMINICK. The Senator is correct.

Mr. BIBLE. My understanding is that from that date to the present time or to September 1—about a month ago—they had sold to the silver users, 219,841,000 ounces of silver.

I am told that that amount of silver was sold to the silver users at an approximate average price of $1.87 per ounce. That is the average price realized from the sale of 200 million-plus ounces. Does that square roughly with the Senator's figure?

Mr. DOMINICK. That sounds like the information we had on that figure; yes.

Mr. BIBLE. If I am also correctly advised, and if the arithmetic is correct, if the amendment of the Senator from Colorado is adopted—and I certainly hope it will be—the amount to be realized by the Treasury would be approximately $3.38 per ounce, as compared with the $1.87 per ounce they have received on the sales of free silver since 1967.

Mr. DOMINICK. I am not quite sure that it is $3.38. I had the impression that it was $3.16 an ounce.

Mr. BIBLE. It is somewhere in that range, and possibly the $3.16 figure is more valid than the $3.38.

The point I am trying to make is this: That the profit that would be realized if the amendment of the Senator from Colorado is adopted would inure to the U.S. Treasury, whatever it is. Is that correct?

Mr. DOMINICK. That is totally correct.

Mr. BIBLE. So whether it is $3.16 or $3.38 per ounce to produce the 40-percent-silver dollar, it would in any case be a very sizable profit. If we received $1.87 on sales from GSA to the silver users, it seems to me to make good, common business sense to get the higher figure by the sale to the Treasury for $3.16, if one wants to use the lower figure. That would be almost doubling the profit vis-a-vis selling it to the silver users.

Mr. DOMINICK. That is correct. I make this point once again as I go on in my discussion, but I think it is worthwhile bringing it out now, and I will just put this figure together as I have computed it. If we figure that we are going to continue selling a million and a half ounces at $1.80, which is the current price——

Mr. BIBLE. The average of $1.87 for over 200 million ounces; that is an approximately correct figure.

Mr. DOMINICK. If we do that and then compare that with $3.16 for the value of the silver remaining in the Treasury, we have a net profit to the Treasury of $120 million by going my way, as opposed to going the way that has been advocated by the Senator from Utah.

Mr. BIBLE. That profit would inure to whom? I know the Senator from Colorado is just as interested in the young brides of America as is the Senator from Rhode Island and as I am. I have a bride in my immediate family. It occurs to me that even though the price of silverware is going to go up some time in the future, this profit should inure not to one group; namely, the silver users in the New England area, but should inure to all the taxpayers across the board.

Mr. DOMINICK. That is absolutely correct. If we figure that we have 200 million people in the country and say that 50 percent are adults—which is not right; I think it is less than that—and we say that those adults are paying the taxes—which is again not right—it means that each one of them would get an additional $1 that otherwise he would not have had in terms of his general contribution to the general revenue.

Mr. BIBLE. I wholeheartedly support the amendment. I think it is soundly based. This is not a profit item for the silver producers. The Senator from Colorado and I come from great silver-producing States. We hope the mining does increase. We hope, and we are confident, that the price will increase. But in balancing where this profit goes as between the silver users and the taxpayers of the entire United States, I think it irrefutable that it is better to see that this profit benefits all the taxpayers, which would happen if the amendment of the Senator from Colorado was adopted.

I wholeheartedly support the amendment, for that and other reasons.

Mr. President, as Members of this body know, I have for a number of years fought to keep silver in our coinage. Residents of my State are not enamored of coins which have no intrinsic value and for many years cherished the dollar cartwheel. The silver dollar circulated freely in Nevada until Congress and Treasury officials decided to tamper with our coinage system.

This subject has been of little interest to many Members of this body except for some who fought to preserve a coin with intrinsic value other than the good faith backing of our Nation, which, as all know, has changed the value of our money and its purchasing power day by day due to gyrations caused by an inflationary economy.

The problem, in my opinion, arose with greatly increased domestic and worldwide uses of silver and the low prices realized by the miners and producers of silver.

Silver purchasers demanded more Treasury silver and they have won the fight in the past years. Worldwide silver production has for the past few years been approximately 100 million ounces short of consumption. Since August of 1967, the General Services Administration has been conducting weekly sales of silver. These sales started out with the sale of 2 million ounces per week and early this year were reduced to 1½ million ounces a week. Since August of 1967, GSA has sold to the silver users 219,841,000 ounces of silver at an approximate average price of $1.87 per ounce.

I have in past years characterized these sales as bargain basement prices. It does not take a degree in finance to know that when a commodity is in short supply by 100 million ounces per year, the time is coming when silver will meet a free market figure, and this figure is estimated at somewhere between $2.75 and $3.50 per ounce, depending upon whose predictions one chooses to select.

Just this week, I discussed this situation with some very knowledgeable silver purchasers, and it is their opinion that a future $3-per-ounce figure for silver is in the ball park.

The Treasury had on hand as of September 30, 1969, 79,509,000 ounces of silver. This is quite a reduction from the billion ounces once held by the U.S. Treasury.

Members of Congress throughout the years objected to the Silver Purchase Act, which was sponsored by my late illustrious predecessor, Senator Key Pittman. Senator Pittman not only performed a great service to the silver miners at the time of enactment of the Silver Purchase Act; but he did this Nation a great service, for the average price per ounce paid by the Treasury to the mining industry was approximately 70 cents per ounce prior to repeal of the act in the 1960's. The price paid for silver by the Treasury varied through the years but never exceeded 90.5 cents per ounce.

So it can be seen that the Nation and the Treasury have made a fine profit. Almost any industry would be pleased to more than double its sale price of a given article from the purchase price or the cost of production of the article.

With only 79 million-plus ounces of silver left in the Treasury and with weekly sales of 1½ million ounces to the silver users, it will be only a short time until the Treasury will no longer furnish this precious metal for bargain sales.

There really is not too much wrong with the Treasury getting out of the silver business. The producer welcomes this, for he knows full well the time is coming when he will reap a profit on his mined production.

Nevada at one time flourished with silver mines. This is not the case today. The price is much too low to economically produce or mine silver. Practically all the silver mined in my State today is the byproduct of the copper mining industry.

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I favor Senator Dominick's amendment to Senate Joint Resolution 158 for two reasons.

First, to produce a commemorative dollar in the likeness of our former great soldier and President, General Eisenhower, is a desirable and commendable act. However, it should be a coin which is deserving of recognition and should not in my opinion be copper and nickel. It should by all means contain a metal with intrinsic value such as silver.

Congress recognized this when it produced silver half dollars with the likeness of our former great leader and President, the late President John Kennedy. It has been said the silver half dollar did not circulate freely. This is perhaps true; nevertheless, many millions of our citizens hold and cherish a Kennedy silver half dollar.

I expect that every Member of this body has at least one or two such coins.

A dollar produced with 40 percent silver with President Eisenhower's likeness would also be cherished and revered.

Second, since the Treasury has only been able to realize $1.87 per ounce for its silver, I cannot for the life of me understand why anyone in this body would object to the Treasury doubling its profit.

A silver-clad dollar produced by the U.S. Mint would result in the Treasury realizing $3.38 per ounce for its remaining silver stocks.

Now, I know my good friend, the Senator from Rhode Island, will perhaps again say, let private industry have this silver, and every bride in America will be the recipient of a fine silver set at a lower cost.

I am sympathetic to our fine daughters who can afford a set of silver. I am not sure all can, but I am sure they can afford a silver-clad dollar. And what a wonderful gift this would make for any occasion.

The Treasury can use the extra profit. Congress cannot commemorate a former President in a manner more desirable and fitting.

I hope this body will stop shortchanging the taxpayer. The taxpayer has furnished the funds to purchase the Treasury-held silver. I am sure he prefers full value for the commodity which his funds purchased.

Let us adopt this amendment and double the profit of Treasury-held silver and make available a silver-clad dollar for every American citizen who desires to own such a commemorative coin.

Mr. DOMINICK. Mr. President, I am happy to have the support of the distinguished Senator from Nevada. He has been very helpful in the silver debate over a long period of time, and I think that the points he has brought out are extremely significant. I hope they will be sufficiently circulated so that we can persuade as many as possible in the Senate to support this amendment.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. MOSS. Mr. President, I commend the Senator from Colorado for his continued leadership in the question of the use of silver in our coinage.

I recall very well the debate on the floor of the Senate when consideration was given as to whether or not the half dollar coin would contain any silver or whether it would be a clad coin, such as the smaller coins are. I was pleased that we were able to prevail in that particular debate, and that the half dollar today does have 40-percent silver in it. It still is an intrinsically valuable and beautiful coin. I think that as long as we are able to provide silver we should have it in our larger coins.

I have noted the position of the Senator from Colorado and others as to the economics of this matter. I understand that the silver in the Treasury, purchased under the Silver Purchase Act in years past, is limited in amount and that there will be a time when the Treasury no longer will have a reservoir of silver to mint coins unless it goes into the market to buy it at advanced prices, which I do not expect to occur.

Mr. President, I cannot support the minting of a dollar made entirely of base metal to commemorate our late President Eisenhower—or any other President of the United States. The coin should have at least the intrinsic value equal to that of the Kennedy half dollar.

At the time we were considering the Kennedy coin I stated emphatically that the coin should have silver content, and I hold the same position on the coin we are now considering to honor President Eisenhower.

Many people will want to set aside and save one or two samples of the Eisenhower dollar, just as they saved the Kennedy half dollar. A coin made entirely of base metal is certainly a less attractive souvenir than one with some silver content.

If we put silver in the Eisenhower dollar, I am convinced that production will meet the economic demand at a fair price. In the past the Treasury has indicated that our economic supplies of silver were adequate to our needs. The Department somewhat changed its story after there was a move in both the House and the Senate to include silver in the Eisenhower commemorative dollar.

What is the situation?

The Treasury, at the present time, holds some 135 million ounces of silver. This silver was obtained through the melting by the mint of the 90-percent silver dimes, quarters, and half dollars minted prior to 1965. The relationship of silver content to the face value of these coins is $1.38 an ounce.

What is the Treasury doing with this silver which is the property of all the citizens of this country? It is each week selling 1.5 million ounces of it to industry at prices currently ranging between $1.65 to $1.85 an ounce, and some months ago at prices less than $1.60 an ounce. With this asset valued by the Treasury at $1.38 an ounce, we can readily see that the Treasury is realizing a modest profit, indeed, through sales. Such profits is even less when the cost to the Treasury of sorting and melting the coins is considered.

On the other hand, if silver already owned by the Treasury were used in the minting of a 40-percent silver dollar, it would have a monetary value of $3.16 an ounce. The profit to the Federal Treasury through disposal of its silver in 40-percent silver dollars would be over $1 more per ounce than through current sales to industry. What is more, the mining cost of such a coin would be minimal since the Treasury already owns the silver.

Much has been made recently of the claim that silver is in short supply and that Treasury silver is vitally needed by industry. This is simply not true. The largest dealer of silver in the Nation is the firm of Handy & Harman. Let me read to you a statement from that company's highly respected annual review of the silver market for the year 1968:

> We have continually emphasized that there will be no shortage of silver for future industrial needs, and this has been confirmed by events. Over the past few years speculative or investment stocks have been accumulating at a very rapid rate throughout the world, and in 1968 alone some 170,000,000 ounces were added to these stocks. At year-end there were nearly 90,000,000 ounces of silver in New York Commodity Exchange warehouses alone, and perhaps another 80,000,000 ounces elsewhere within the United States. In addition, an estimated 200,000,000 ounces are stored in England and on the Continent. In total, speculative and investment stocks, worldwide, must be close to some 370,000,000 ounces. This is equivalent to about a full year's demand for world industrial and coinage needs combined.

It appears to me that there is no real shortage of silver industrially, and that supply and demand will affect the market. Undoubtedly the price of silver will climb because of what the Treasury is doing now in selling silver at $1.65 to $1.85 an ounce to keep the silver market unnaturally depressed. If the market is not thus unnaturally depressed it will climb to the point where the silver production we have will supply the market. There is an adequate supply according to the report made by Handy & Harman.

The Treasury Department maintains that its sales are stabilizing the price of silver. A better word for it would be "depressing" the price. The present volume of Treasury sales is equivalent to roughly one-half the entire industrial requirement for silver in the country, which is about 3 million ounces a week.

Above and beyond the question of disposing of a valuable national asset for the benefit of one segment of our industrial society is the real issue of the interest of the American people themselves, for they, after all, own this silver. If they wish to see this silver used in the minting of a silver-content dollar coin, why cannot that genuine desire be fulfilled? Some say such coins will not circulate. Of course they will not, which only adds to the evidence of the public's desire for them. That is why this amendment calls for the minting of both a silver and nonsilver dollar.

Others say that placing silver in a coin is wasteful. But what is industry doing with some of the silver it purchases from the Treasury? A substantial amount is

being used in the production of commemorative medals manufactured by private industry. It was only a few weeks after the landing on the moon before over a dozen different commemorative silver medals honoring the event were on sale to the public. If it is appropriate for such purposes, it is even more appropriate for our Federal Government to do so.

For those reasons and because I believe we should maintain a silver coin, especially for our largest coin as long as possible, we should agree to the amendment of the Senator from Colorado. I commend the Senator for offering the amendment. I support it fully. If we are going to coin silver dollars I believe we should have silver in them as long as we have a supply left in the Treasury and as long as it is to our economic advantage so to do.

I thank the Senator.

Mr. DOMINICK. I thank the Senator. The points he has brought out are extremely valid. As brought out by information previously printed in the Record today, over 50 percent of the silver now being bought from Treasury sales is being bought for speculators and brokers and is going overseas. We are not using it here for industrial use at all. I think this is important.

Mr. JORDAN of Idaho. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. JORDAN of Idaho. Mr. President, I commend the distinguished Senator from Colorado for his leadership in this important matter and the very persuasive presentation he has made for the minting of a 40-percent silver dollar. I am pleased to be a cosponsor of the amendment.

This is a bipartisan action in honor of Dwight D. Eisenhower, one of the truly great national and world leaders of the mid-1900's. For the past three decades Ike Eisenhower was first in war, first in peace and first in the hearts of his countrymen. Today we have a unique opportunity to help make him "first" in our Nation's coinage. This deserved tribute can be achieved in a manner befitting this great American by passage of this substitute bill, which calls for an initial minting of a 40-percent silver dollar of the type Ike used and appreciated.

Ike's indirect endorsement of this proposed silver dollar minting came from his beloved widow, Mamie Eisenhower, in a letter to my colleague in the House, Representative Jim McClure. In this letter, Mamie wrote of Ike's interest in silver dollars, as follows:

> I am particularly pleased that the Members of Congress chose this way of commemorating my husband, as I recall he often used silver dollars as a little memento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer.

Mr. President, I ask unanimous consent to have the letter from Mrs. Eisenhower, printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> Gettysburg, Pa.,
> *July 30, 1969.*
>
> Hon. James A. McClure,
> *House of Representatives,*
> *Washington, D.C.*
>
> Dear Congressman McClure: Thank you for your letter and the copies of the bills introduced on the minting of a silver-dollar bearing the likeness of my husband.
>
> I am particularly pleased that the Members of Congress chose this way of commemorating my husband, as I recall he often used silver dollars as a little memento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer.
>
> With appreciation and best wishes,
> Mamie Dodd Eisenhower.

Mr. JORDAN of Idaho. Mr. President, aside from the honor this legislation would render to a truly great American, there are some sound economic reasons for supporting this measure.

In the first place, the substitute bill incorporates the text of the resolution as reported out by the Senate Banking and Currency Committee, authorizing the minting of clad silverless dollars and other coins.

The proposed silver dollar minting would utilize existing supplies of silver available in the Treasury and now being sold as surplus by the General Services Administration. When the available supply is exhausted, or by a specified cutoff date of January 1, 1973, production of the clad silverless dollar is authorized for circulation and for use in vending machines and for other purposes. It does not interfere with, nor frustrate the movement to a new coinage that was started in 1965; it merely interjects a relatively small memorial minting of the Eisenhower silver dollar.

Authorization of the silver dollar minting would return to the Treasury about $120 million more than the present procedures of silver disposal. By minting a 40-percent silver dollar and issuing it through the Federal Reserve banks, the Treasury would realize $3.16 per ounce of silver, as compared with the average September 30 price of $1.80 per ounce for silver sold through weekly surplus sales by the General Services Administration. Moreover, many of these Ike silver dollars would be purchased as souvenirs or for coin collections, thereby reducing any inflationary pressure of the minting.

Mr. DOMINICK. The Senator is correct.

Mr. JORDAN of Idaho. Mr. President, I think this is a very cogent argument; one that needs to be stressed. The Government is not going to lose money. The Treasury has been selling silver too low on the market to sustain it, knowing that the supply is limited.

The retention of one or two silver coins is common practice internationally, the Treasury Department's 1965 staff study of silver and coinage reported. Examples given were Japan, France, Italy, the Federal Republic of Germany, the Netherlands, Belgium, and Greece.

It was stated in the staff report which led to the Coinage Act of 1965.

> In continuing with the silver dollar at its existing fineness and a clad silver 50-cent piece of 0.400 fineness, our own coinage system would come more nearly into corresponding with present practice abroad.

In the substitute bill, we are advocating only a 3-year minting of Eisenhower silver dollars, after which the entire coinage system would become clad coins with copper and nickel cores.

This is a sound and justified course of action, and I urge my colleagues to vote in favor of the substitute bill to authorize this coinage tribute to a great American.

Mr. DOMINICK. Mr. President, I thank the Senator. I appreciate his emphasis on this point. I think the point is valid and it is an answer to the Senator from Rhode Island.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. ALLOTT. Mr. President, I am happy to join in support of my distinguished colleague with regard to this amendment. My friend will recall that we joined together in opposition to the recommendation to take silver out of our coinage in 1965.

Mr. DOMINICK. The Senator is correct.

Mr. ALLOTT. Both of us, and many Senators on the other side of the aisle, took substantially the same position with respect to the removal of silver in our coinage at that time.

I would like to refer to one or two of the remarks made by the Senator from Rhode Island, whom we admire and love. I know he is genuinely sincere in his belief that adopting of this amendment might be injurious to his silver users.

The figures that the Senator from Colorado has used seem to raise questions with regard to the validity of this argument when one considers the extreme fluctuations that have occurred in the price of silver during that time. When one considers that prices have run from $2.56 down to $1.52 per ounce, this does not seem very logical.

I would like to propound a rather rhetorical question to my colleague. I am sure that he is aware that about the time silver went up to $2.56 an ounce that the price of various articles that are sold in behalf of brides and bridegrooms rose accordingly. Is that not so?

Mr. DOMINICK. The Senator is correct.

Mr. ALLOTT. I would like to ask the Senator if—and I hope he has not had too much experience in this particular area—he has noticed, any diminution of the price of finished silverware in the stores since the price of silver has dropped back down.

Mr. DOMINICK. As a matter of fact I was pricing some finished silverware in California when I was there recently on a brief visit and it seemed to me prices were higher than when the price was $2.56 an ounce.

Mr. ALLOTT. That is my experience. We have from time to time had friends who were married and this is the experience we find. On the contrary, the price of silver is going up.

I think more than anything else that seems persuasive to me in the situation is that we have some 93 million ounces of

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silver in the Treasury Department. Do we sell this and, in effect, subsidize the present prices, or somewhere along the line subsidize the manufacturers and the industrial users, or do we utilize it in such a way that we really net a profit for the Government in accordance with the figures the Senator from Nevada (Mr. BIBLE) used a few moments ago? I think those figures are correct. My colleague has those same figures in his statement. Thus, on a logical basis, it seems to me there is no particular point in minting coins for gambling casinos in Las Vegas.

Mr. DOMINICK. I thoroughly agree.

Mr. ALLOTT. If we are going to have a coin, even if it does go into the stocking or into the dresser drawer, at least someone owns something of value and in procuring that coin he is enriching the Federal Treasury when he purchases it to the extent that it really nets the Treasury $3.16 per ounce.

Another thing which concerns me very greatly—and my colleague has covered that very well in his speech—is the point he has met, argued, and overcome, that we are now selling silver at the rate of $78 million a year, yet over half of that $78 million will go to speculators or purchasers overseas.

Mr. DOMINICK. That is correct.

Mr. ALLOTT. How can we talk about preserving silver in the Treasury Department for our own use when from August 5, 1969, through September 30, 1969, 13,713,000 ounces of silver were sold by the Treasury, and more than half of that, 7,965,000 ounces, to brokers and speculators overseas?

I cannot see any logic in the argument retaining the present system of doling out silver and allowing its price to fluctuate when the Treasury itself can realize such a handsome profit. I am particularly disturbed when the consumer, about whom our friend from Rhode Island is so concerned, is not only failing to benefit from the prices, but, according to what I have read, is also getting nicked a little bit every day.

Mr. DOMINICK. That is totally correct.

Mr. ALLOTT. I thank my colleague very much for this colloquy and commend him for his deep devotion to this subject. I hope his amendment, of which I am a cosponsor, will prevail.

Mr. DOMINICK. Mr. President, I thank my colleague, who has stood shoulder to shoulder with me during the many silver battles we have engaged in. His support has been invaluable as well as his aid, assistance, and the comments he has made. They have all highlighted the points we have on our side.

Mr. President, to continue reading my remarks, of the one and one-half million ounces sold, 594,000 ounces will be used for industrial purposes; 675 million ounces went to speculators and brokers, most of which will find its way overseas; 378,000 ounces were purchased directly for overseas speculators.

It should also be noted that until 1964, this country was a net importer of silver. In 1964, we had a net export of 57,742,000 ounces; in 1965, we had a net import again of 35,044,000 ounces; in 1966, we had a net export of 22,506,000 ounces; in 1967, we had a net export 15,249,000 ounces and in 1968, we had a net export of 55,052,000 ounces. In other words, from 1964 on through 1968, we have had exports of silver from our shores, overseas, a good portion of which was Treasury Department silver which was being sold at $1.29 an ounce, or $1.80 an ounce, whichever it may be, according to the year. So we have exported a net of 115,505,000 ounces over the past 5 years. Export rates in the first two quarters of 1969 are running slightly below 1968 levels, however, in August and September export rates were running substantially higher than the total 1968 rate. All indications show that our net exports in 1969 will exceed our net exports for 1968 by 55 million plus.

This brief history shows clearly the existing silver market conditions under which we are considering this legislation. We have demonetized silver and removed the official price of $1.29 per ounce. We are only one step away from finally removing any intrinsic value from coinage. This will still be accomplished under my proposed substitute. We have removed any Government influence on the silver market and silver prices. My proposal will change none of this. It only speeds up the inevitable. It will take the Government out of the silver business a few months earlier, with less impact on the market price of silver and consumer prices than the proposal made under Senate Joint Resolution 158, as I will make clear.

In addition, it seems that this country should mint a prestige coin with intrinsic value to honor our late President Dwight David Eisenhower. This coin will be a keepsake for all the people of this country who held Dwight Eisenhower in high regard. This great American served his country all of his adult life. It will be identical in composition to the current Kennedy half dollar. A cupronickel coin has no prestige or intrinsic value. We can do no less than mint a coin with real value to honor this man. To do otherwise would be inappropriate and disrespectful.

Mr. President, I hold in my hand some modern British crown pieces which are made with cupronickel and which look about as bad as anything one can think of. They do not even look like money, honorary medals, or anything of that sort. This is the same type of thing we are supposed to be using ourselves.

I hold in my hand also a silver dollar in paraffin, the old silver dollar. It is so totally different that it is ridiculous to compare the difference in appearance and prestige of this silver dollar with a cupronickel-type coin.

There are some collateral issues involved in this legislation involving coinage and silver generally. The profusion of statements from the Treasury in both the last administration and the current one, the industrial silver users and silver producers have created confusion and inaccurate conclusions.

In March of 1969, a Treasury task force was formed to review these problems and the previous recommendations of the Joint Commission on the Coinage. That task force reported to the Commission on May 12, 1969. Four principal objectives were stated and should be discussed. Those objectives are: First, a strong and efficient monetary system; second, maximum feasible fiscal return to the taxpayers; third, minimum inflationary impact on consumer prices, and fourth, minimum adverse impact on the balance of payments.

Accomplishment of these objectives will be more fully realized under my proposal combining the minting of both 40-percent silver dollar coins with our remaining silver, and cupronickel coins.

As has already been pointed out, minting a 40-percent silver dollar will realize a profit of $120 million over and above what can be realized from sale of the silver and minting a cupronickel coin. We are currently receiving slightly over $1.80 per ounce for our remaining silver supplies by GSA sales on the open market. Coining a 40-percent dollar will yield $3.16 per ounce for our remaining silver. This silver belongs to the people of this country. They should receive the maximum feasible return from disposal of their silver. This was exactly what was recommended by the task force, item 2, in May of this year. The Treasury will sell all of its remaining silver within 1 year. The Government will be out of the silver business at that time. Continued sales will only subsidize industrial users, speculators and brokers, both here and overseas, for 1 more year, at a cost to the taxpayers of $120 million.

There is no shortage of silver domestically or on the world market. The question is simply do we get $1.80 per ounce for our remaining silver or $3.16 per ounce.

A coin with 40-percent silver may not circulate widely. Our experience with the Kennedy half dollar would bear this out. The proposed $1 coin will be treasured as a keepsake by the people of this country who hold the memory of Dwight David Eisenhower in high regard. This is even more reason for minting the coin. My proposal provides for the minting of a cupronickel dollar after 3 years, and this coin will circulate.

There is no great need for a dollar coin currently in commerce except in the slot machines in Las Vegas, but there will be a need in a few years. The Treasury task force reported to the Joint Commission on the Coinage on May 12, 1969:

> The chief argument against minting a clad cupronickel dollar coin is that for a number of decades there has been no commercial need for such a coin in major commercial areas outside the West. Moreover, the banks generally feel that they can operate satisfactorily with more half dollar coins rather than a new dollar coin.
>
> *Although the need for a dollar coin at this time is obviously not crucial,* the steady expansion of the vending machine industry would indicate a potentially significant demand in the not too distant future. *But whether or not there is an immediate commercial use for the coin, the almost certain strong public demand for the coin as a collectors item should make a very useful contribution to the Government's financing needs.*

The task force found there will be a strong demand for the coin as a collector's item only for a short period. This

is even more true of the 40-percent silver dollar. In addition, we will make $3.16 per ounce for our silver. The coin will not be needed in commerce for a while longer. By the time that need arises, we will be mining cupronickel dollars.

GSA sales since May 27, 1969, show clearly that over half of the silver sold is going to speculators and brokers overseas. One of the principal arguments of opponents to a silver dollar is that this silver is necessary for domestic industrial use. We do produce 100 million ounces of silver a year less than we use. Production will not increase until the price of silver rises significantly, if at all. Prior to May 27, 1969, a-1 sales were limited to domestic users. We are now selling silver at a rate of 1½ million ounces per week or 78 million ounces. Yet, over half of this 78 million ounces will go to speculators overseas. From May 27, 1969, through September 30, 1969, 28,500,000 ounces of silver were sold and almost 12,000,000 has gone overseas. Even more is held by domestic brokers. This trend is increasing. From August 5, 1969, through September 30, 1969, 13,713,000 ounces were sold and 7,965,000 ounces went overseas. More is held by domestic brokers and only 5,100,000 ounces is known to have gone directly for industrial usage. Furthermore, two of the largest industrial users did not even submit bids on September 23 and September 30. They have other sources. Users are currently importing silver in vast quantities from cheaper markets. Yet, in 1968, we had a net export of 55 million ounces of silver. Net exports are continuing at an even higher rate.

GSA sales are no longer necessary to fill the gap between domestic production and use. If all silver sold by GSA were used domestically, it would not fill the gap. GSA is selling silver at a rate of 78 to 80 million ounces per year and the deficit is 100 million ounces. Furthermore, over half of this silver is going to overseas speculators and brokers. There is no shortage of silver in this country. It is estimated by Handy and Harmon that there are at least 400 million ounces overhanging the market readily available for sale. This amount could be as high as 700 million ounces. This does not include Treasury silver or minting production. Even more silver will be available if prices go up. More silver is available overseas. Users have already found other markets because they know Treasury will soon be out of silver. There is a sufficient surplus in the commodity exchanges and private vaults to fill the gap for several years.

We will be out of Treasury silver in a year or less. Users will then have to rely wholly on the open market for silver supplies. Sale of Treasury silver no longer affects the market price significantly, and industrial users are now buying their silver elsewhere.

Continued sales of Treasury silver may compound balance-of-payments deficits. It is argued by opponents of the Eisenhower silver dollar that without GSA sales, industrial users will have to import more silver to fill the production gap causing a balance-of-payments deficit. This is extremely misleading and just not true. First, there is no silver shortage. Domestic surplus holdings of silver are estimated at 400 to 700 million ounces. This is several years' supply of silver. This surplus can easily meet the demand for industrial use without increasing imports. It is up to the users where they buy their silver. Second, there are less than 100 million ounces of Treasury silver left—about 1 year's supply at current sales rates. Of this, over half will go to overseas speculators and brokers. Users are just not buying this silver. The remaining silver just cannot fill the gap and it will soon be gone. It is interesting that with this annual production gap, the United States is a net exporter of silver and has been for the last few years. In 1968, we exported over 125,000,000 ounces and imported 70,000,000 ounces. This is a net export of 55 million ounces. In the first two quarters of 1969, imports have dropped off. Exports in the last 2 months were preceding at a higher rate, primarily because of GSA sales to overseas speculators. Soon this silver will have to be repurchased and imported, but at prices possibly two to three times as high thus compounding any balance of payments deficit. Only a shortsighted view could propose that this silver is needed to prevent a balance-of-payments deficit.

Consumer prices should not rise significantly if GSA sales are terminated. It is argued that termination of sales will cause a sharp rise in the price of silver thus forcing up prices for consumers of silver products. There would be a rise in price because of speculative pressure, which will readjust downward because of the current surplus on the market. If sales continue, there will be a gradual rise with a jump at the end of the year when the silver is gone. If the surplus does not exist at that time, there can be no adjustment of the market.

Further, the price of silver rose to $2.56½ per ounce in the summer of 1968. This is about 70 cents an ounce more than current prices. Prices of consumer goods were raised at that time and though silver subsequently dropped to $1.52 per ounce, consumer goods were not reduced in price. Termination of silver sales will have less effect on consumer prices and inflation now than it will a year from now.

The Treasury task force recommended that the best time to make any adjustment of our silver sales policies was when the price of silver on the domestic and world market was running at about $1.80 per ounce. Because of the high prices last year, and the adjustment in prices of consumer goods, there should be no significant effect on consumer prices. Cutting of sales now will not raise silver prices 70 cents per ounce. If we wait a year until we run out, the price of silver will be much higher and still take a jump when the silver is gone. This could well put the price of silver over $2.56 an ounce causing a rise in consumer prices. Now is the time to terminate sales while the market has a 70 cents cushion, not a year from now when other domestic sources will be depleted and prices of silver higher.

GSA sales have not helped to stabilize the silver market. From July 1967 to May 1969, sales were limited to domestic use but otherwise sold on the open market. During that period, the prices went up and down drastically over a short period of time, reaching a low of $1.63 per ounce and a high of $2.56. From May 27, 1969, to the present, sales have been open to all bidders. Prices in the 4-month period ranged from a low of $1.52 per ounce to $1.88 per ounce. The silver market is peculiarly susceptible to speculation. Continued sales will certainly not stabilize the price of silver or the market. Any such effect has already been accomplished.

Mr. President, in conclusion I would again point out that this country will soon have no prestige coins left. The coin of the realm will be mere tokens. It does not seem fitting to honor a man who served his country in war and in peace with a token to be used principally in slot machines and the tables in Las Vegas.

A silver dollar has an intrinsic value and is imbedded in the history of this country. Three hundred million silver dollars would insure that each citizen of this country could receive one. Means could be easily devised to insure that end if it be the desire of Congress.

I know my colleagues hold the memory of Dwight David Eisenhower in high regard. Any honor we bestow should be equal to that respect. My proposal will best accomplish this end.

Mr. President, I want to make just a few more comments before I yield the floor.

The only argument up to date that has been delivered against the 40-percent silver dollar is that if we put the silver in the dollar, it will not be sold to the silver users, and therefore it will affect the prices of the products made of silver.

I think that argument falls apart on its face. In the first place, we have been selling silver out of the Treasury at prices, over the last 3 years, which have ranged from $1.50 to $2.56 an ounce—a whole dollar differential over that period. That certainly is not stabilizing the silver market. That is the first point to make.

The second point is that although we have gone up and gone down on the price of silver, the only effect on silver is that the price, in this period of inflation, has been going up and up. So we have not stabilized the price of silver or of the products made of silver. They have continued to go up.

Another point which must be emphasized is that if we do not do what I have proposed, we are going to lose a substantial profit of about $120 million out of the remaining silver.

A point which will probably be nearer the hearts of Americans than any of the others, which are more or less economic reasons, is that if we are going to put President Eisenhower's image on a

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coin, we should put it on the best coin we can get, and not on the worst coin. We should put it on coins that will be retained, instead of put into slot machines in Las Vegas. We ought to put it on the best coin we can.

On that particular point I want to read into the RECORD a letter which was sent to Congressman MCCLURE by Mrs. Eisenhower on July 30 of this year, which reads as follows:

GETTYSBURG, PA.,
July 30, 1969.

DEAR CONGRESSMAN MCCLURE: Thank you for your letter and the copies of the bills introduced on the minting of a silver dollar bearing the likeness of my husband.

I am particularly pleased that the members of Congress chose this way of commemorating my husband, as I recall he often used silver dollars as a little memento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer.

With appreciation and best wishes.

MAMIE DOUD EISENHOWER.

I submit that is the best evidence we can get that silver should be used in the dollar, and not simply have the silver sold down the drain of speculators and brokers overseas.

I yield the floor.

EXHIBIT A

SALES OF SILVER SOLD UNDER WEEKLY SALES PROGRAM BY GENERAL SERVICES ADMINISTRATION SINCE INCEPTION OF PROGRAM ON AUGUST 4, 1967, TO MARCH 25, 1969

Purchaser	Ounces sold: Aug. 4, 1967 to Dec. 31, 1967	Calendar year 1968	Jan. 1, 1969 to Mar. 25, 1969	Total sales to Mar. 25, 1969
Englehard Industries[1]	16,233,000	30,942,000	4,890,000	52,065,000
Metal Traders, Inc	6,818,000	10,190,000	1,408,000	18,416,000
Handy & Harman	4,669,000	9,154,000	1,906,000	15,729,000
E. I. Dupont	2,450,000	9,925,000	2,803,000	15,178,000
American Metal Climax, Inc.[2]		5,750,000	3,199,000	8,949,000
American Smelting & Refining		4,749,000	3,675,000	8,424,000
Spiral Metals		5,074,000	557,000	5,631,000
Edward McAlpine	1,708,000	3,666,000	200,000	5,574,000
Primary Metals	3,465,000	1,723,000		5,188,000
Metz Refining Co	541,000	2,459,000	886,000	3,886,000
National Lead Co	1,064,000	1,670,000	729,000	3,463,000
Deringer Manufacturing Co		1,981,000	506,000	2,487,000
General Numismatics Corp		2,225,000		2,225,000
United Wire & Supply Co		1,562,000	450,000	2,012,000
Minnesota Mining & Manufacturing		1,797,000		1,797,000
Gorham Corp. Division of Textron	525,000	1,042,000	192,000	1,759,000
Rogers, Lunt & Bowlen	480,000	944,000	195,000	1,619,000
Noble Metal Research		1,411,000	162,000	1,573,000
International Wire	210,000	782,000	159,000	1,151,000
Cerro Sales Corp		914,000		914,000
Continental Ore		504,000	382,000	886,000
The Franklin Mint, Inc		321,000	432,000	753,000
Samuel Kirk & Son, Inc		704,000	30,000	734,000
Rayner & Stonington	504,000	161,000		665,000
P. R Mallory & Co		608,000	42,000	650,000
Eastman Kodak		115,000	467,000	582,000
Ametalco, Inc	525,000			525,000
All others	3,221,000	5,110,000	1,398,000	9,729,000
Total	42,413,000	105,483,000	24,668,000	[3] 172,564,000

[1] Includes purchases by Minerals & Chemicals, Phillip Corp. division and Englehard Minerals & Chemicals Corp. division.

[2] Includes purchases by Amax Copper, Inc., subsidiary of American Metal Climax, Inc.

[3] Englehard Industries purchased 30 percent of the silver sold by the Treasury during this period. The 4 largest purchasers acquired 59 percent and the 10 largest purchasers acquired 80 percent of the silver sold by the Treasury through the weekly sales program from its inception on Aug. 4, 1967, to Mar. 25, 1969.

Note: This schedule prepared by Golconda Mining Corp., Scott Building, Wallace, Idaho, from GSA news releases published weekly by General Services Administration.

EXHIBIT B

Yearly consumption

[In percent]

U.S. consumption breakdown:	
Photographic supplies	29
Electronics	23
Silverware and jewelry	18
Alloys and solder	11
Batteries, dental, medical, and other applications	19
Total	100

Sales summary: From beginning of program August 4, 1967, through May 6, 1969

Total quantity offered (ounces)	[1] 186,000,000
Total quantity awarded (ounces)	[2] 185,964,592
Total sales value	[2] $355,481,290
Per ounce average recovery	$1.9115

[1] Represents maximum quantity available for sale at the 2-million ounce per week rate.

[2] Quantity and value subject to Treasury adjustments based on actual shipments.

EXHIBIT C

ANALYSIS OF GSA SILVER SALES

May 27, 1969, through September 30, 1969

I. Total GSA Sales, 28,500,000 oz.

II. Sales to Speculators and Brokers Known to have gone overseas, 8,732,000 oz.

III. Sales to Speculators and Brokers believed to have gone overseas, 11,830,000 oz.

IV. Net Sales Known—Industrial Usage, 14,661,000 oz.

V. Net Sales to Brokers, 13,839,000 oz.

Prices on .897–.900 fine silver for same period: Low Price per ounce, $1.516; High Price per ounce, $1.881.

August 5, 1969, through September 30, 1969

I. Total GSA Sales, 13,713,000 oz.

II. Sales to Speculators and Brokers Known to have gone overseas, 6,669,000 oz.

III. Sales to Speculators and Brokers believed to have gone overseas, 7,965,000 oz.

IV. Net Sales Known—Industrial Usage, 5,100,000 oz.

V. Net Sales to Brokers, 8,613,000 oz.

Prices on .897–.900 fine silver for same period: Low Price per ounce, $1.537; High Price per ounce, $1.881.

GSA sales—Showing Price/ounce, May 27, 1969, through September 30, 1969—high bid

[Chart not printed in RECORD]

In the 19 week period (May 27–Sept. 30), price varied 36½c per ounce ($1.881 – $1.515 = $0.365).

Mr. BENNETT. Mr. President, I have enjoyed the discussion of my colleagues from the other Western States. Emotionally, I wish I could be with them. But having had the responsibility as a ranking member of the Banking and Currency Committee through all the negotiations and legislation affecting silver in our coinage and as a member of the Joint Commission on the Coinage realize that the issue which has been raised is an emotional one and not a practical one. And, being a practical kind of Senator, I feel that I must support this Treasury proposal as I have supported Treasury proposals of earlier administrations when they were for the purpose of bringing about an equitable solution of the silver problem.

Whether we put silver in the dollar or leave it out will not change the fact that the world production of silver is falling behind the world consumption. Figures have been quoted to show that there is available in Treasury stocks enough silver for a year. As those stocks are depleted, the price of silver will rise.

My good friend from Colorado has pointed out that if 300 million of these coins are minted, that is little more than one for every person in the United States. That is true, but there is not any reasonable way to get one of these to every person in the United States. If they are minted, they will likely be distributed in the same way that the Treasury distributes all other coins. Banks will request them from the Federal Reserve System. The Federal Reserve will fill those orders as long as it has coins, and the banks will distribute them.

When I remember how quickly the existing stock of the old 90-percent silver dollars disappeared, I can realize what is going to happen to these when they are minted.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. DOMINICK. Neither my bill nor the Senator's resolution says anything about how the coins will be distributed. As the Senator knows, we are taking a different route on the rare silver dollars which are now in the Treasury. This could easily be worked out, I think.

Mr. BENNETT. As the Senator knows, the rare dollars are not to be distributed one to each person in the United States but according to their numismatic value and if necessary on a bid basis. The Treasury has no machinery for distributing $300 million except its current practice, which is to respond to orders from Federal Reserve banks. Through that procedure, rather than one of these coins getting into the hands of every American as a memento of President Eisenhower, they are going to get into

the hands of speculators. They are going to get into the hands of coin dealers. I would be sure that if we actually turned out these 40-percent silver Eisenhower dollars, within a few weeks they would show up in catalogs at prices significantly above their face value. To demonstrate that this will happen, we need only to remember what has happened to the Kennedy half dollars.

They have sold in Europe as Kennedy medals for $5 each. We have minted more than 1.2 billion of them in the past 5 years. That is nearly double the volume of half dollar coins that were kept in circulation when we had the old silver half dollars. It is pretty hard to get one anywhere today. They disappeared, because they are desired by many people as a memento of President Kennedy.

These dollars will go the same way. Given our usual and ordinary, standard system of distribution, the orders the banks will receive for coins will not come from each person in this country. They will come from the coin collector or the coin dealer and, rather than becoming a widely distributed medal, the coins will become an opportunity for dealers and speculators to make a very nice profit, and there is not any easy way to prevent it.

My friend from Colorado says he is going to take care of the need for cupronickel coins in vending machines, because after all of the silver-clad coins have been minted, then we can start to mint cupronickel ones.

At the normal rate of production—and I know the mint can step this up if they have to—it will take 3 years to produce these 300 million coins. So this is 3 years in which we will have no commercially useful dollar coins to supply the needs of those who want them. I know it is easy to say they are only going to be used in Las Vegas, but I think we are becoming more and more accustomed to the use and sale of merchandise through vending machines, and if cupronickel coins of the dollar size are available, we will begin to see vending machines selling merchandise of approximately that value, and calling for the dollar coin.

My friend from Colorado has made much of the fact that we are now exporting silver. This is not damaging to our balance of payments. It is beneficial and there is no doubt that using our remaining silver for dollar coins would have an adverse effect, rather than a beneficial effect, on our balance-of-payments deficit. Current annual domestic silver production, as my friend from Colorado has demonstrated with the figures he gave us, is running less than 40 million ounces a year, compared with American industrial consumption of around 145 million ounces a year. If Treasury's silver sales were halted to reserve the present silver for dollar coins, and the silver imports for industrial use would have to increase substantially, or industry would draw on its existing stocks, to which he has referred, the stocks would have to be replaced, which would mean imports; and the Treasury has estimated that the adverse effect upon our balance of payments in the first year of minting these clad silver coins could run as high as $150 million.

The arguments that part of our present General Services Administration sales are going to foreign countries does not alter the conclusion. Any sale made by the Treasury to foreigners reduces our balance-of-payments deficit by that amount. To take silver available for sales out of the commercial stream and lock it up into these medal coins would, of course, reverse the effect.

When Treasury sales were originally limited only to domestic users or those who would sell the silver to domestic users or those who would sell the silver for domestic use in a specified period, the price received for Treasury silver was lower than the world price. There was a great deal of criticism of this fact, and the silver producers urged the Treasury to allow the price to rise to the world market. Silver producers recommended that all bidders be allowed to bid on Treasury silver. I agreed with that recommendation and feel sure that the Senator from Colorado also gave it his support.

It was decided by the Treasury, in concurrence with the Joint Commission, that anybody who desired silver should be permitted to buy it. This change has been helpful. It has brought the price of silver from the Treasury more in line with the world price.

My colleagues have commented on the variation in the price of silver since the Treasury removed the peg. I think there is one factor that they have neglected to mention, and that is this factor of foreign speculation. There have been many people, including many Americans, who figured that the price was going up, and they would get in and bid on futures, and there has been rather an active market abroad; and when the price did not rise as fast as many of them thought it would, they had to get in there and cover themselves, with the result that many people have lost money speculating in the world silver market. It is this speculation, as much as anything else, that has forced the price to vary so erratically, and this is the sort of thing that the Treasury hoped to dampen down.

A number of things have been said here today about the fact that a cupronickel coin would not be fitting to carry the imagine of President Eisenhower. Nobody was disturbed when we put the image of George Washington on a cupronickel coin, or the image of Franklin Roosevelt on a cupronickel coin, or the image of Thomas Jefferson on a nickel coin. Nothing we do here today will add to or detract from the greatness of the late President Dwight David Eisenhower. He has made his contribution to this country and the world and it will not be changed. The Senator has quoted a letter from Mrs. Eisenhower. I think I would have replied to a letter like she received in the same way. She was asked, in effect, if she would not like to see the image of her husband on a silver dollar. She did not say, "Yes, I want it on a silver dollar, but do not put it on a cupronickel dollar; that will embarrass me."

If I knew President Eisenhower as I think I did, I am sure that he was the practical, down-to-earth kind of man who would have agreed with the Joint Commission on the Coinage and the Treasury that we not mint a silver-bearing dollar.

I believe it is also important for me to discuss the profit to be derived by the Treasury from these alternative proposals.

It has been suggested that the minting of 40-percent silver dollars would provide a greater seigniorage than the minting of nonsilver dollars. Seigniorage, as Members of this body know, is simply the difference between the face value of a coin and the cost of its component metals. Including silver in a coin reduces seigniorage since silver is more costly than copper or nickel. While it is true that if these coins were made of 40 percent silver, this would be equivalent to a selling price of $3.16 an ounce for silver, whereas the Treasury is getting just over $1.80 an ounce for its silver currently. This is not the comparison that should be made. The comparison that should be made is what is the overall effect on Treasury revenue? The nonsilver dollar coin would result in a far greater monetary return than would be realized by the 40-percent silver coin. If the Congress were to approve the minting of 30 million 40-percent silver dollar coins, that would result in a return through seigniorage of about $160 million. In contrast, the monetary gain by producing the same number of nonsilver dollar coins, as provided in the resolution which has been reported by our committee, would be about $290 million. In addition, the Treasury would be able to continue its sales of silver and obtain as much as $50 million more in revenue through these sales. Thus, we are comparing a seigniorage of $160 million if the coins were minted with silver content with an income to the Treasury of about $340 million if they are minted without silver content. This means that approval of Senate Joint Resolution 158, without amendment, would provide $180 million more than if it is amended so that these coins contain silver.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. DOMINICK. Mr. President, I have been listening to the Senator. The Senator is comparing apples and oranges.

Mr. BENNETT. No. I am comparing dollars with dollars.

Mr. DOMINICK. I mean, if we sell the silver at $1.80 an ounce on the open market, as we can do now, we would get x dollars. If we put the silver in coins, we would get $3.16 an ounce. So, we would get the seigniorage plus the money from the silver.

Mr. BENNETT. I certainly do not want to argue with my friend from Colorado but he must know that if the coins are minted with the silver then it is used up and counted in the seigniorage so there would be no additional money from the silver.

Mr. DOMINICK. No, we do not mint them. We could continue with the cupronickel coins as long as we would want to do so.

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Mr. BENNETT. Mr. President, in order to get a true comparison of the net advantage to the Treasury between making silver-clad coins and cupronickel coins, we must consider the seigniorage from making the coins in the alternative ways and the sale of silver which would be added if the coins are cupronickel but which would not be available for sale if the coins contain silver. I have explained that difference. It would amount to about $180 million more if the coins do not contain silver.

Mr. DOMINICK. Mr. President, I would say that the Senator is still comparing apples and oranges. If we want to get large enough seigniorage, we should manufacture the coins currently with silver. There is no reason why we could not still do that.

If we are going to figure out the best price of the silver, it would be to have a silver coin.

Mr. BENNETT. Mr. President, I realize that for the purposes of the argument of the Senator, this is the way he wants to present the matter. However, as far as the net income to the Treasury is concerned, with respect to the first 300 million it would mint under the two alternatives, there would be more than twice as much seigniorage with the cupronickel coin than with the use of the silver.

Mr. President, I think my friend from Colorado and I have pretty well covered the issues involved in the problem. I can understand his point of view, because, as I say, I come from a State which produces significantly more silver than is produced in Colorado.

I also have a responsibility, however, to the American people. And if we were to follow the suggestion of the Senator from Colorado, we would be worse off in the end financially. We would not have a circulating dollar coin until we began to mint the cupronickel coins, because all of the silver-clad coins would disappear into the vaults and catalogs of the speculators, and the real profits would not be made by the Treasury but would be made by them.

Mr. President, I am perfectly willing at this point to suggest to the Senator from Colorado that we have a quorum and then proceed to vote.

Mr. DOMINICK. Mr. President, I will agree to do that very shortly. However, I have a few comments to make first.

I have listened with interest to my friend, the Senator from Utah, and he is a friend. I must say that I think he has been sold a bill of goods by the Treasury Department.

I flatly do not understand the argument of the Treasury at all. They do not make logical or economic sense to me. They say, "If we go ahead with the bill, it will have an adverse effect in the first year of more than $150 million in our balance of payments."

For heaven's sake, how could they possibly come to that conclusion. If we take a $2 ounce—which is 20 cents an ounce more than they are getting now for an ounce—40 million ounces in the first year to manufacture coins on a 3-year bill, for the cupronickel dollar, we would have $80 million in silver that would be used. If we figure that $80 million—trying to give them all the benefit of the doubt, and I think they are crazy, because there is going to be less exported or used in some way—we can only have a maximum effect of $80 million, no matter what we do.

However, the fact of the matter is they say that 50 percent of the silver is staying here and 50 percent is being sent abroad.

If we have 2 million ounces, no matter how we slice that argument with respect to the balance of payments, it is just about as inaccurate as anything I could think of.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. BENNETT. Mr. President, if we adopt the Treasury's proposal instead of using the silver in these coins, the Treasury would sell the silver.

Mr. DOMINICK. The Senator is correct.

Mr. BENNETT. But the sale of the silver can have a double-barreled effect. That part of the silver which goes abroad has positive effect on our balance of payments just as any sale to a foreign country has. And that part of the silver which makes it unnecessary to import silver from abroad has the same effect.

It is the estimate of the Treasury that the combination of these two effects could represent a value of $150 million to our balance of payments.

If we mint these coins—and there is a shortage in this country and it is necessary to begin importing silver—of course, that has a definite negative effect.

I have not been sold a bill of goods by the Treasury.

Perhaps I can try to explain it another way to the Senator. We now have about 90 million ounces of silver. Sales of this silver at today's prices would amount to $163 million whether sold to domestic users or foreign buyers. If we sell it all abroad we would improve our balance of payments by $163 million at today's prices. If we use it for domestic consumption, then we will have reduced imports by 90 million ounces or a saving of $163 million at today's prices.

This balance-of-payments effect is underestimated because if we were to use the silver for coinage it would result in an immediate price rise and our imports of 90 million ounces would cost far more than $163 million.

This is as clearly as I can explain the difference.

Mr. DOMINICK. Mr. President, I can understand that the Senator is trying to support the argument of the Treasury Department. I admire him for doing it. However, frankly the Senator and I have been interested in the economics of various things for long enough to know that if we analyze it, it does not make any sense. We cannot have it both ways.

The Treasury argues, "We will put the silver into the market to stabilize the silver market." Then they say, "A lot of it goes overseas. We do not need it here. Industry is not even bidding on it. If you send it overseas, it will have a great effect on the balance of payments." They will export it or put it in the market to stabilize the present price of silver. The price of silver objects has not gone down. I refer to objects manufactured from raw silver purchased from the Treasury.

The silver continues to be sold by the Treasury at a lower price to speculators overseas where they process it and send it to us at a higher price. It does not make any sense at all to me.

In addition, I might point out that we are going to be out of silver in 1 year unless we do something right now. We will not have another chance to put any silver in our coins. We will not have any chance to have a decent-looking coin in this country. Every other country in the world has one prestige coin. The United States does not.

Mr. BENNETT. I cannot agree with the statement that every other country in the world has one prestige coin. The Senator also knows that we have the Kennedy half dollar.

Mr. DOMINICK. We have the Kennedy half dollar, and the Treasury now has a bill to take the silver out of the Kennedy half dollar. What for? To send the silver overseas.

We have a hoard of between 400 million and 700 million ounces hanging over the market now which can be used. This is why the industry is not buying any silver at the moment from the Treasury—not as much as they used to.

In the substitute I have offered, we ask for the use of the silver for 3 years in a dollar coin with President Eisenhower's face on it. Then if the vending machines, as the task force has said, by that time might need something in the way of a dollar coin, we will continue with cupronickel, which will get us more money, without silver. We would still get the seigniorage for the cupronickel piece later, and we would not find ourselves in the position of subsidizing the brokers and the speculators.

I am ready to vote.

Mr. SCOTT. Mr. President, on behalf of the Senator from New York 'Mr. GOODELL), I ask unanimous consent to have printed in the RECORD a statement which he has prepared.

There being no objection, the statement by Senator GOODELL was ordered to be printed in the RECORD, as follows:

Mr. GOODELL. Mr. President, I rise to support S.J. Res. 158, a joint resolution which authorizes the minting of non-silver dollar coins in the likeness of our late beloved President, Dwight D. Eisenhower.

October 14, would have been President Eisenhower's 79th birthday. He served our country with bravery and dedication during times of war and peace and I know history will describe him as we remember him—a great American. Today we are again reminded of our Nation's loss at his passing I believe it fitting and timely for the Senate to memorialize the General's life by passing this resolution.

I am aware of the amendment introduced by my distinguished colleague from the State of Colorado which would provide for the initial minting of at least 300 million Eisenhower silver dollars with a 40% silver content, to be followed thereafter by a cupronickel coin as suggested by S.J. Res. 158.

I am opposed to this amendment.

Mr. President, this country is now facing a critical silver shortage. At present, it is reported that we have only 100 million ounces of silver left in our Federal reserves, and our annual production of the precious metal is 38 million ounces. In contrast domestic industries consume approximately 150 million ounces a year. It is clear that our industry demands for silver far exceed our supply.

The substitute proposal provides for the printing of 300 million commemorative coins. We know from past experience that silver coins do not serve as a medium of exchange. Many will become collector's items and many will be hoarded for the value of the silver. We will be wasting our precious supplies of silver on a coin that does not even circulate while our domestic industries desperately need the metal.

Industry in my state consumes more silver than any other in the union. Annually, these industrial uses are estimated as high as one third of our total consumption. Consumer goods, and industrial products—photographic products, electrical components, batteries—and important defense items represent some of the goods requiring silver. The industries which produce these goods, and have the greatest need for silver, both in New York and other States, will face economic hardships if our government silver reserves, now being auctioned by the U.S. Treasury at the rate of 1.5 million ounces a week, are used instead in the minting of silver coins. Freezing the Treasury stockpile for currency purposes will cause the price of silver to rise, and the consumers of products containing silver will undoubtedly have to pay their share of the increased costs.

The substitute proposal only serves to cloud the issue before us today. We are here to pass legislation in honor of President Eisenhower. S.J. Res. 158 is the correct approach for this purpose. It provides for the minting of a coin which will be widely circulated and used by all. We are *not* here to pass legislation which, in honoring him, has serious and far reaching economic disadvantage for our domestic industries. This would be the effect of the amendment. To pass legislation which would negatively affect our economy is not a proper way to honor a man who gave so much to his country.

It has also been demonstrated that our Federal Treasury will suffer economic consequences if a silver coin is minted. I understand it would cost the government 48 cents to mint the 40% silver dollar. As a result the Treasury would make 52 cents per coin or $156 million on 300 million coins. On the other hand, it would cost 5 cents to mint a non-silver clad dollar as recommended in S.J. Res. 158. The net profit to the government would be 95 cents or $285 million for the same amount of coins. These figures alone clearly show that the Federal Treasury benefits much more with a non-silver coin.

Mr. President, officials of the Treasury Department and the Joint Commission on Coinage recommend the realistic approach of S.J. Res. 158. Secretary of the Treasury, David Kennedy, succinctly discussed the problem in a statement to the Joint Commission on Coinage:

"The first recommendation, for the minting of a non-silver clad half dollar, is consistent with the conclusions reached by the commission at its meeting last December. I think the convincing argument here is that despite the minting of some 760 million 40 percent silver half dollars over the past three years, very few of these coins are actually circulating. Even if we were to continue pouring all of our remaining 150 million ounces of surplus silver into the silver half dollar, it is extremely doubtful whether the coin would circulate in any quantity. Moreover, this use of our remaining silver would require a halting of surplus silver sales which would very probably drive the price up excessively and further stimulate the hoarding of these coins. In short, the 40 percent half dollar in our past experience is simply a losing proposition."

In closing, Mr. President, I ask my colleagues to support S.J. Res. 158. By voting for this resolution, proper tribute will be given to a great man and it will be given free of economic consequence which would be a disservice to his memory.

A PROPER TRIBUTE TO A GREAT AMERICAN

Mr. YARBOROUGH. Mr. President, I support Senate Joint Resolution 158, which would authorize the minting of a dollar coin bearing the likeness of the late President Dwight David Eisenhower. This is a fine tribute to the man who spent the greater part of his adult life in unselfish and tireless service to our country.

Like many of my fellow Americans, I had the privilege and honor of serving under General Eisenhower in the crusade in Europe in World War II. During that great crusade, I was a staff officer of the 97th Infantry Division and served under him. I also served in the Senate, one of the two Houses of a coequal branch of the Government from 1957 through 1960, while he was President of the United States, and had the honor of working on many important legislative matters during his Presidency.

President Eisenhower was a general at war, but a man of peace. He worked to end wars and to prevent wars. All Americans have a special place in their hearts for President Eisenhower. This special place was earned not just by the deeds of the man, but by the character of the man. President Eisenhower left his imprint on history and in the hearts of his fellow man. It is only fitting that we, as a grateful nation, remember him in this manner.

I urge all Senators to lend their support to this measure.

LET US PUT SILVER IN THE EISENHOWER DOLLAR

Mr. CHURCH. Mr. President, I support the amendment of the distinguished Senator from Colorado (Mr. DOMINICK) which would provide for the initial minting of at least 300 million Eisenhower silver dollars with 40 percent silver, to be followed thereafter by a cupronickel coin as suggested by the Banking and Currency Committee.

There are many arguments which favor the minting of a silver coin. The Senate has been told of the economic advantage which would accrue to the Treasury of the United States by using its remaining silver supplies to mint a silver dollar as opposed to selling the silver on the open market. The Senate knows that silver is the essence of a prestige coin due to the enhanced clarity which can be achieved with silver for a raw material. We are all aware of the fact that Dwight David Eisenhower was an outstanding American who served his Nation long and well and that he should be properly honored for his long and distinguished service.

Aside from these reasons there is the tremendous stock which the American public holds by silver coins. I will not belabor the point here today by presenting once again the statistics which all of those interested in the problem are familiar with. I find these reasons compelling and I think that the Senate should examine them closely in consideration of this legislation.

As a cosponsor of the original legislation calling for a silver dollar to commemorate Ike, and a cosponsor of this amendment, I lend my full support to the Dominick amendment and urge its passage.

The PRESIDING OFFICER. The question is on agreeing to the amendments in the nature of a substitute, offered by the Senator from Colorado.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT (after having voted in the negative). On this vote I have a pair with the senior Senator from South Dakota (Mr. MUNDT). If he were here and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay."

I withdraw my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG), are absent on official business.

I also announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), and the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senators from New York (Mr. GOODELL and Mr. JAVITS), and the Senator from California (Mr. MURPHY), are necessarily absent.

The Senators from Kentucky (Mr. COOK and Mr. COOPER), the Senator from Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. PERCY), and

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the Senator from Alaska (Mr. Stevens), are absent on official business.

The Senator from Illinois (Mr. Smith) is absent because of death in his family.

The Senator from Ohio (Mr. Saxbe) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. Cooper), and the Senator from Florida (Mr. Gurney) would each vote "yea."

The pair of the Senator from South Dakota (Mr. Mundt) has been previously announced.

On this vote, the Senator from Arizona (Mr. Fannin) is paired with the Senator from Massachusetts (Mr. Brooke). If present and voting, the Senator from Arizona would vote "yea," and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from California (Mr. Murphy) is paired with the Senator from New York (Mr. Goodell). If present and voting, the Senator from California would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Alaska (Mr. Stevens) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from Alaska would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Arizona (Mr. Goldwater) is paired with the Senator from New York (Mr. Javits). If present and voting, the Senator from Arizona would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 40, nays 21, as follows:

[No. 126 Leg.]

YEAS—40

Allen
Allott
Anderson
Bellmon
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Gravel
Hansen
Hatfield
Holland
Hruska
Jackson
Jordan, Idaho
Magnuson
Mansfield
McClellan
Miller
Montoya
Moss
Pearson
Randolph
Russell
Scott
Smith, Maine
Stennis
Thurmond
Tower
Yarborough
Young, N. Dak.

NAYS—21

Aiken
Boggs
Case
Cotton
Gore
Griffin
Hartke
Hollings
Jordan, N.C.
Long
Mathias
Nelson
Packwood
Pastore
Prouty
Proxmire
Ribicoff
Schweiker
Talmadge
Tydings
Williams, Del.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Bennett, against.

NOT VOTING—38

Baker
Bayh
Brooke
Cook
Cooper
Cranston
Dodd
Eagleton
Fannin
Fulbright
Goldwater
Goodell
Gurney
Harris
Hart
Hughes
Inouye
Javits
Kennedy
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Mundt
Murphy
Muskie
Pell
Percy
Saxbe
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Williams, N.J.
Young, Ohio

So Mr. Dominick's amendment in the nature of a substitute was agreed to.

Mr. DOMINICK. Mr. President, I move that the vote by which the amendment in the nature of a substitute was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. Bellmon in the chair). The question is engrossment and third reading the joint resolution.

The joint resolution, Senate Joint Resolution 158, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. Res. 158

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended—

(1) by inserting "one-dollar pieces," after "pursuant to this section" in subsection (a);

(2) by redesignating paragraphs (1), (2), and (3) in subsection (a) as paragraphs (2), (3), and (4), respectively, and by inserting before redesignated paragraph (2) a new paragraph as follows:

"(1) the dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts copper; and

"(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."; and

(3) by inserting at the end of such section the following new subsections:

"(d) The dollars initially minted under the authority of subsection (a) shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

"(e) Commencing on January 1, 1970, and until such time as the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted, or December 31, 1972, whichever is earlier, the Secretary shall cause to be minted and issued dollars authorized by subsection (a) at a rate of not less than one-hundred million coins annually."

(b) Effective on January 1, 1973, or on such earlier date as the President shall by proclamation declare that the supply of silver available to the Treasury for coinage purposes is exhausted, section 101 of the Coinage Act of 1965 is amended to read as follows:

"Sec. 101. The Secretary may coin and issue one-dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"(1) The dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 22.68 grams.

"(2) The half dollar shall have—

"(A) a diameter of 1.205 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 11.34 grams.

"(3) The quarter dollar shall have—

"(A) a diameter of 0.955 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 5.67 grams.

"(4) The dime shall have—

"(A) a diameter of 0.705 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 2.268 grams."

Mr. MANSFIELD. Mr. President, I move that the vote by which the joint resolution was agreed to be reconsidered.

Mr. DOMINICK. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A joint resolution to authorize the minting of clad silver dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

Mr. MANSFIELD. Mr. President, the ranking minority member of the Banking and Currency Committee, the distinguished senior Senator from Utah (Mr. Bennett), is to be congratulated on his expert handling of this measure involving the Eisenhower dollar. The Senate is indebted to him for the splendid manner in which he presented this proposal.

The outstanding contribution of the distinguished Senator from Colorado (Mr. Dominick) also deserves our praise. His thoughtful views, able and effective advocacy, and fine skill and ability assured the adoption of his amendment.

Joining also in discussing the measure was the distinguished senior Senator from Nevada (Mr. Bible). His strong and sincere views are always thoughtful and always welcome.

As always, we appreciate also having the benefit of the views of the distinguished senior Senator from Rhode Island (Mr. Pastore) on this proposal. His eloquence and effective advocacy add a great deal to any discussion.

Unfortunately, the chairman of the Banking and Currency Committee, the senior Senator from Alabama (Mr. Sparkman) is away today on official business. We do wish to thank him and his committee for their dispatch and efficiency in steering this measure through the committee.

Finally, to those Senators who participated, I wish to offer my thanks and to note particularly the splendid cooperation exhibited by all.

POTATO RESEARCH AND PROMOTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 412, S. 1181. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products by improving the quality of potatoes and potato products that are made available to the consumer.

The PRESIDING OFFICER. Is there

objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, after the enacting clause, insert:

TITLE I—POTATO RESEARCH AND PROMOTION

At the beginning of line 4, strike out "That this Act" and insert "This title"; on page 2, line 2, after "Sec. 2", strike out "It" and insert:

Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products, All potatoes produced in the United States are in the current interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

At the beginning of line 23, insert "Therefore, it"; in line 24, after the word "this" strike out "Act" and insert "title"; on page 3, line 10, after the word "this" strike out "Act" and insert "title"; in line 18, after the word "person", strike out "who handles potatoes except a common or contract carrier of potatoes owned by another person" and insert "(except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder."; after line 24, strike out:

(e) The term "handle" means to transport or sell potatoes or otherwise place potatoes in the current of commerce; except that the sale of unharvested potatoes and the transfer or delivery of potatoes from the farm on which they are produced to a temporary storage facility, packing shed, or processing plant shall not be considered handling.

On page 4, at the beginning of line 5, strike out "(f)" and insert "(e)"; at the beginning of line 7, strike out "(g)" and insert "(f)"; at the beginning of line 9, strike out "Act" and insert "title"; in line 14, after the word "this", strike out "Act" and insert "title"; in line 15, after the word "this" strike out "Act" and insert "title"; in line 20, after the word "this" strike out "Act" and insert "title"; at the beginning of line 23, strike out "Act" and insert "title"; in the same line, after the word "this" strike out "Act" and insert "title"; in line 24, after the word "this" strike out "Act" and insert "title"; on page 5, line 7, after the word "this" strike out "Act" and insert "title"; at the beginning of line 18, after the word "conditions" strike out "or modifications"; in line 19, after the word "this" strike out "Act" and insert "title"; in line 23, after the word "this" strike out "Act" and insert "title"; in line 24, after the word "this" strike out "Act" and insert "title"; on page 6, line 2, after the word "this" strike out "Act" and insert "title"; on page 8, line 6, after the word "this" strike out "Act" and insert "title"; in line 8, after the word "this", strike out "Act" and insert "title"; at the beginning of line 10, strike out "Act" and insert "title"; on page 9, line 5, after the word "this" strike out "Act" and insert "title"; in line 13, after the word "this" strike out "Act" and insert "title"; on page 10, line 7, after the word "this", strike out "Act" and insert "title"; in line 14, after the word "this" strike out "Act" and insert "title"; in line 16, after the word "research", strike out "and development or," and insert "development"; on page 11, line 1, after the word "this", strike out "Act" and insert "title"; in line 5, after "Sec. 10) (a)", strike out "The first handler of potatoes shall be responsible, under the provisions of this Act and any plan issued pursuant to it, for payment to the board of any assessments" and insert "Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment" in line 23, after the word "board." insert:

To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

On page 12, line 12, after the word "this", strike out "Act" and insert "title"; in line 13, after the word "this" strike out "Act" and insert "title"; on page 14, line 14, after the word "this", strike out "Act" and insert "title"; in line 19, after the word "this", strike out "Act" and insert "title"; in line 20, after the word "who", strike out "willfully"; in line 21, after the word "this" strike out "Act" and insert "title", in line 22, after the word "who" strike out "willfully"; in line 24, after the word "be" strike out "liable to a penalty of not" and insert "fined not less than $100 or"; at the top of page 15, strike out "which shall accrue to the United States and in addition shall be subject to civil suit brought by the United States to collect any unpaid assessments levied under this Act."; in line 7, after the word "this", strike out "Act" and insert "title"; in line 10, after the word "this", strike out "Act" and insert "title"; in line 11, after the word "this", strike out "Act" and insert "title"; on page 16, line 16, after the word "this", strike out "Act" and insert "title"; on page 17, line 9, after the word "this", strike out "Act" and insert "title"; on page 18, line 1, after the word "this", strike out "Act" and insert "title"; in line 15, after the word "this", strike out "Act" and insert "title"; in line 18, after the word "this", strike out "Act" and insert "title"; in line 20, after the word "this", strike out "Act" and insert "title"; on page 19, at the beginning of line 3, strike out "Act" and insert "title"; in line 6, after the word "this" strike out "Act" and insert "title"; in line 8, after the word "This", strike out "Act" and insert "title"; and after line 8, insert a new title, as follows:

TITLE II—TOMATO ADVERTISING PROJECTS

Sec. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

So as to make the bill read:

S. 1181

A bill to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Title I—Potato Research and Promotion

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

Sec. 2. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

Sec. 3. As used in this title—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

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(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive position and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 4. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARING

SEC. 5. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 9. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however*, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further*, That such promotional activities shall comply with the provisions of section 8(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 11. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this title.

ENFORCEMENT

SEC. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 or more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issue thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 10(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 16. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 17. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 19. This title shall take effect upon enactment:

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6)(I) of the Agriculture Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

Mr. YOUNG of North Dakota. Mr. President, I am pleased that action is being taken on the legislation introduced by myself and virtually every Member of the Senate from major potato-producing areas to authorize a national potato promotion program in order to assist potato producers to expand their markets and improve their products.

This legislation is a serious attempt, through "self-help" legislation, to assist an important commodity group in solving some of the problems of the industry. There is a definite need for this legislation which will help potato producers to work cooperatively to solve their own problems.

While potatoes are one of the most important crops grown in this country—an average annual production of about 300 million hundredweight for the past 3 years—they are not a price supported commodity. There are no guaranteed prices, acreage allotments, or loan programs. With potatoes at the mercy of a competitive market and confronted with a static demand, it has been impossible to maintain a reasonable and stable market for the grower. Largely because of this, we lost 55 percent of our potato farmers between 1955 and 1964. Over one-half were eliminated in 5 years. Indications are that the trend has continued since 1964.

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Part of the problem has been the inability of the industry to do anything to improve the overall quality of fresh potatoes sold in retail stores. Many Members of Congress have received complaints from their constituents about the poor quality of potatoes offered for sale. With the enactment of this legislation, the growers will be able to make effective efforts to upgrade and improve the product available to the consumer.

Many people have cut down or quit eating potatoes entirely because they think potatoes are a fattening food. They are not. Potatoes are an important vegetable. They supply substantial amounts of vitamin C and the B vitamins as well as essential minerals. At the same time, the calorie count of potatoes is much less than many of the food products substituted for them. Pound for pound, potatoes provide more nutritional value for the money spent than almost any other food. It is to the best interest of the consumer that he be fully aware of the important qualities of this wonderful vegetable.

Dehydrated potato products could become an important part of future programs to supply food to famine-stricken areas of the world. Through research, dehydrated potatoes could become the base for a complete balanced diet which, in a compact, dry form, could be shipped any place in the world and there reconstituted into an appetizing, hearty meal.

This is enabling legislation which would allow the potato farmers to decide by referendum whether or not they want to dedicate a portion of their sales proceeds to conduct and pay for marketing research, public relations and promotion projects, and to be able to offer an improved product to the consumer.

It would require a two-thirds majority vote by producers to establish a program under this proposed act.

If at any time the program were not successful, it could be voted out by a simple majority. Even with a program in effect, growers who did not wish to participate could request and receive a refund of any funds withheld from their sales. The provision providing for producer contributions and for refunds, if desired, is substantially the same as contained in promotion programs which cover many other agricultural products.

The maximum allowable withholding would be 1 cent per hundredweight of potatoes sold. It is estimated that this would provide between $1½ to $2 million annually for the various programs.

A National Potato Promotion Board composed of growers would be selected to design and carry out the program. The members of the Promotion Board would be appointed by the Secretary of Agriculture from nominations submitted to him by potato producers.

It would be the responsibility of the Secretary of Agriculture to see that the Board did not undertake programs not authorized by the act. The Board would also give full financial reports on all collections and expenditures. The act specifically prohibits the use of any funds collected under the act for lobbying or otherwise influencing government policy or actions.

Mr. President, potato farmers should have a chance to accept or reject this program. It is my understanding that this legislation is supported by every potato grower's association, commission, or other organized group exclusively representing potato growers. It has also been endorsed by many of the representatives of the potato shipping, processing, and distribution industries. In addition, it is actively supported by many equipment manufacturers, supply firms and chemical companies which depend on the potato industry for a substantial part of their business.

In order for the Potato Research and Promotion Act to become effective, it will require positive initiative on the part of the potato growers of this country. When they exhibit this initiative, the resulting program will be their program.

In addition, there is the great psychological influence created by the fact that it is the grower's money that is being spent. He will make every effort to make the program work or he will get rid of it. Success will mean a degree of stability for the potato producer and a better quality product for the consumer.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further votes this afternoon.

It is hoped that those who have any comments to make on S. 1181 and desire to make them this afternoon will do so.

It is anticipated that the Senate will consider S. 1181, and S. 2214, both potato bills, and, it is hoped, dispose of them tomorrow.

Following the consideration of these two bills, the Senate will then turn to the consideration of S. 1508, a bill to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States; to be followed by S. 2452, a bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

SENATE RESOLUTION 274 AND SENATE RESOLUTION 275—SUBMISSION OF RESOLUTIONS CONCERNING VIETNAM

Mr. SCOTT. Mr. President, I submit two resolutions for appropriate reference on behalf of myself and the distinguished majority leader, the Senator from Montana (Mr. Mansfield), and ask that they both be stated.

The **PRESIDING OFFICER.** The resolutions will be stated.

The assistant legislative clerk read as follows:

S. Res. 274

Whereas responsible dissent and freedom of speech are among the most sacred traditions of the American people: and

Whereas many Americans are demonstrating in the Vietnam moratorium their concern for peace pursuant to rights enjoyed under the Constitution of the United States, from which springs our Nation's deep commitment to peaceful debate, and the essence of our free political system;

Resolved, That the Senate reasserts the Constitutional right of all Americans to assemble peacefully to petition their government.

Mr. MANSFIELD. Mr. President, the request was made that this resolution be appropriately referred. I now ask that the second resolution be read and that both of them be referred to the appropriate committees.

The **PRESIDING OFFICER.** The second resolution will be stated.

The assistant legislative clerk read as follows:

S. Res. 275

Whereas the Premier of North Vietnam has publicly described the Vietnam moratorium in an open letter to the American people as "their fall offensive" aimed at forcing the United States "to withdraw completely and unconditionally" from Vietnam;

Whereas the said Premier's letter to the American people is a blatant and insolent intrusion into the affairs of the American people;

Resolved by the Senate, That we abhor the attempt of Premier Phan Van Dong to associate Americans who demonstrate for peace with the cause of North Vietnam; and

Resolved further, That the Senate repudiates the Premier's letter and the intrusion which it represents into the Constitutional right of Americans to assemble peacefully to petition their Government.

The **PRESIDING OFFICER.** Without objection, both resolutions will be received and appropriately referred.

The resolution (S. Res. 274) reasserting the right of Americans to assemble peacefully to petition their government, submitted by Mr. Scott (for himself and Mr. Mansfield), was referred to the Committee on the Judiciary.

The resolution (S. Res. 275) relative to the intrusion of the Premier of North Vietnam into the affairs of the United States, submitted by Mr. Scott (for himself and Mr. Mansfield), was referred to the Committee on Foreign Relations.

Mr. SCOTT. Mr. President, these two resolutions, I am sure, will express the sentiments of Senators and of the American people.

The first one reaffirms the right of free petition and the right of dissent.

The second one expresses the resentment of the Senate at the intolerable and insulting intrusion of the Premier of North Vietnam into the domestic affairs of Americans and his attempt to associate the aims of his government, which we regard as wholly dissimilar to ours, with the aims of peaceful Americans who certainly wish to be disassociated from the intent and the attempt of the Premier of North Vietnam to include them.

I ask unanimous consent that all Senators who wish to associate themselves with these resolutions, have until the remainder of the session today to do so; and, of course, in accordance with recent custom, thereafter they may do so by request.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

DISCHARGE OF LABOR AND WELFARE COMMITTEE FROM CONSIDERATION OF S. 3008 TO BE REFERRED TO THE FINANCE COMMITTEE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Labor and Public Welfare Committee be discharged from further consideration of S. 3008, to increase financing for veterans and to increase the income of the national service life insurance fund, and that the bill be referred for consideration to the Finance Committee.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I rise for a privileged matter.

I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER.** The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of October 14, 1969, p. 29934, Congressional Record.)

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. Mr. President, so that Members of the Senate who are interested in the bill may have notice that the report is now before the Senate for final consideration, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BIBLE. Mr. President, there is before the Senate for its final consideration the conference report on the Interior appropriation bill for fiscal year 1970. The bill, as it passed the Senate, provided for appropriations totaling $1,548,664,900 for the agencies and bureaus of the Department of the Interior, exclusive of the Federal Water Pollution Control Administration, the Bureau of Reclamation and the power marketing agencies, and various related agencies, including the U.S. Forest Service and the Division of Indian Health.

The conference committee bill provides appropriations totaling $1,546,273,300 for the programs and activities of these agencies. This total is under the budget estimates of $1,569,454,500 by $23,181,200; over the House bill of $1,540,184,700 by $6,088,600; and under the Senate bill of $1,548,664,900 by $2,391,600. The bill as passed by the Senate was greater than the House bill by $8,480,200.

I ask unanimous consent to have included in the Recoad, at the conclusion of my remarks, a tabulation setting out the appropriation for the current year, the budget estimate, the House allowance, the Senate allowance, and the conference allowance for each appropriation in the bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. Mr. President, the major changes from the Senate bill were a reduction of $800,000 for Indian children kindergartens in public schools; a reduction of $340,000 in the amount allowed for salaries and expenses of the Bureau of Outdoor Recreation; an increase of $640,000 for the geological survey; a reduction of $2,200,000 in the amount of borrowing authority for the helium program; an increase of $563,000 for commercial fishery resource disaster aid; a reduction of $1,400,000 for the migratory bird program; an increase of $1,636,000 for the Forest Service; and a reduction of $1,085,000 for Indian health services.

When the Interior appropriation bill was before the Senate, close attention was given to two matters which are affected by the conference agreement. A word about these would be in order.

First, the Senate deleted an unbudgeted $563,000 from the House bill for research on utilization of pollock. The Senate conferees receded on this amount and it is included in the total appropriation. The statement of the conferees indicates that this sum, together with such carryover balances as there are, shall be available for commercial fishery resource disaster aid in such manner as the Secretary of the Interior may direct. In other words, the full amount of this appropriation as well as all the carryover balance will not be available solely for pollock research as was contemplated by the House bill.

The second matter, and the one on which most time was spent in the Senate, is education of Indian children. Of the several items in this category, only that pertaining to kindergartens in public schools was in conference. The budget estimate for this was $2.3 million. As the bill came to us from the House of Representatives, this item was deleted. It was restored on the floor of the Senate, and, by agreement by me and other members of the Appropriations Subcommittee, the amount of $2.3 million was placed in the bill.

Before the conferees met, the Department of the Interior advised that because of the lateness in the year only $1,923,000 was needed. The Senate conferees tried to get agreement on this amount but were able to persuade the House Members of the conference to agree to only $1,500,000.

However, it is my feeling—and I believe it is one that is shared by the other conferees on the Senate side—that by the time necessary contracts can be executed with the several State education agencies, this sum will be sufficient for the fiscal year 1970. It seems unlikely that new kindergarten classes can be initiated before the start of a new school semester next January.

I think the opening varies from school to school, but it is somewhere between the 5th of January and the 15th or 20th of January. So there would appear to be some lag in time for commencing the program. There also is the advantage that a new program is underway and this amount will be a part of the Indian education budget base next year.

Frankly, I thought Senators who pressed for the amendment on the floor—and it had a very broad-based sponsorship—made an excellent case. It is one on which I think we can put emphasis in the years ahead.

With regard to another item in this bill, I should note that the House conferees refused to recede with respect to the House action abolishing the Temporary Commission on Pennsylvania Avenue.

I regret that action. I think the Temporary Commission on Pennsylvania Avenue is doing excellent work in its field. I do not know the reason why the conferees of the House felt so adamant, but they indicated that if the administration desires to continue the commission in operation, money may be provided from funds available to the President so this work can go on. The most troublesome point seemed to be that we did not have a clear legislative mandate. For those reasons, we acceded to the House of Representatives.

The land and water conservation fund allocations were worked out on a compromise basis. Funds are provided for the payment of a recent court judgment for the Padre Island National Seashore.

The House has concurred with the Senate position that the appropriations from the land and water conservation fund should be equally allocated to the States' program and that of the Federal Government. As chairman of the Parks Subcommittee of the Senate Committee on Interior and Insular Affairs I endorse this position, especially in view of about a half billion dollars worth of authorized land acquisitions for Federal recreation areas which still must be purchased.

I should rephrase that, and say there is a backlog such that if we had $500 million today, it would barely be enough money to acquire the land within the parks we have already authorized. So there is, first, a great timelag, and second, a great increase in the prices of these acquisitions. The total increases annually because of price increases, and also becomes larger each time the Congress authorizes establishment of a new recreation area or enlargement of an existing one. The conferees do include in the report a statement that payments to States should be accelerated when the backlog of Federal acquisition requirements has been materially reduced.

Because two almost identical 200,000 dollar items appeared in the budget for the National Endowment for the Humanities relating to the bicentennial of the American Revolution, the Senate reduced one of them by one-half. The Senate conferees receded on this reduc-

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tion in view of great concern expressed by the House conferees who feel that this program should receive greater emphasis. Particular stress was placed on a belief that this activity should be expanded across the Nation rather than having it centered in the Eastern and Northeastern United States. This was a budgeted item. Of course, we acceded, and there is $200,000 available for this item in the conference report which is presently before the Senate.

Again, this year, the conference was friendly and cooperative. The House conferees and their chairman, Representative JULIA BUTLER HANSEN, were pleasant to work with, as they have been in past conferences, and showed a willingness and a desire to accommodate the changes made in the bill by the Senate. I believe that the report evidences this and presents a reasonable compromise on the differing views of the two branches of the Congress.

EXHIBIT 1

Agency and item (1)	New bndget (obligational) authority, 1969 (2)	Budget estimates of new (obligational) authority, 1970 (3)	Allowances: House (4)	Allowances: Senate (5)	Allowances: Conference (6)	Conference allowance compared with—: Budget estimates of new (obligational) authority, 1970 (7)	Conference allowance compared with—: House allowance (8)	Conference allowance compared with—: Senate allowance (9)
TITLE I—DEPARTMENT OF THE INTERIOR								
PUBLIC LAND MANAGEMENT								
BUREAU OF LAND MANAGEMENT								
Management of lands and resources	$62,964,000	$53,640,000	$52,600,000	$52,573,000	$52,573,000	−$1,067,000	−$27,000	
Construction and maintenance	3,081,000	2,936,000	2,925,000	2,873,000	2,899,000	−37,000	−26,000	+$26,000
Public lands development roads and trails (*appropriation to liquidate contract authorization*)	(*3,500,000*)	(*3,500,000*)	(*3,500,000*)	(*3,500,000*)	(*3,500,000*)			
Oregon and California grant lands (indefinite, appropriation of receipts)	12,750,000	13,750,000	13,750,000	13,750,000	13,750,000			
Range improvements (indefinite, appropriation of receipts)	1,460,000	1,788,000	1,788,000	1,788,000	1,788,000			
Total, Bureau of Land Management	80,255,000	72,114,000	71,063,000	70,984,000	71,010,000	−1,104,000	−53,000	+26,000
BUREAU OF INDIAN AFFAIRS								
Education and welfare services	146,476,000	182,945,000	174,500,000	176,003,000	175,203,000	−7,742,000	+703,000	−800,000
Education and welfare services (*appropriation to liquidate contract authorization*)	(*1,293,000*)	(*1,500,000*)	(*1,500,000*)	(*1,500,000*)	(*1,500,000*)			
Resources management	52,940,000	55,692,000	55,692,000	55,242,000	55,242,000	−450,000	−450,000	
Construction	25,471,000	23,373,000	25,373,000	26.264,000	26,264,000	+2,891,000	+891,000	
Road construction (*appropriation to liquidate contract authorization*)	(*18,000,000*)	(*20,000,000*)	(*20,000,000*)	(*20,000,000*)	(*20,000,000*)			
Revolving fund for loans	450,000							
General administrative expenses	5,013,000	5,113,000	5,013,000	5,013,000	5,013,000	−100,000		
Total, Bureau of Indian Affairs, exclusive of tribal funds	230,350,000	267,123,000	260,578,000	262,522,000	261,722,000	−5,401,000	+1,144,000	−800,000
Tribal funds (*limitations on use of trust funds*)	(*3,000,000*)	(*3,000,000*)	(*3,000,000*)	(*3,000,000*)	(*3,000,000*)			
BUREAU OF OUTDOOR RECREATION								
Salaries and expenses	4,315,000	4,290,000	3,500,000	4,090,000	3,750,000	−540,000	+250,000	−340,000
Land and water conservation:								
Appropriation (*repayable advance to the fund*)	(*53,000,000*)							
Appropriation of reciepts (indefinite)	92,500,000	108,472,000	108,472,000	108,472,000	108,472,000			
Appropriation out of the fund (not including liquidation cash)	7,000,000							
Appropriation out of the fund to liquidate contract authorization	(*65,000,000*)	(*15,528,000*)	(*15,528,000*)	(*15,528,000*)	(*15,528,000*)			
Total, Bureau of Outdoor Recreation	103,815,000	112,762,000	111,972,000	112,562,000	112,222,000	−540,000	+250,000	−340,000
OFFICE OF TERRITORIES								
Administration of territories	14,697,000	14,921,400	14,700,000	14,921,400	14,921,400		+221,400	
Permanent appropriation (*special fund*)	(*162,200*)	(*239,400*)	(*239,400*)	(*239,400*)	(*239,400*)			
Transferred from other accounts (*special fund*)	(*240,000*)	(*292,700*))	(*292,700*)	(*292,700*)	(*292,700*)			
Trust Territory of the Pacific Islands	30,000,000	41,612,000	41,612,000	40,612,000	40,612,000	−1,000,000	−1,000,000	
Total, Office of Territories	44,697,000	56,533,400	56,312,000	55,533,400	55,533,400	−1,000,000	−778,600	
Total, public land management	459,117,000	508,532,400	499,925,000	501,601,400	500,487,400	−8,045,000	+562,400	−1,114,000
MINERAL RESOURCES								
GEOLOGICAL SURVEY								
Surveys, investigations, and research	90,917,000	95,628,000	95,628,000	95,115,000	95,755,000	+127,000	+127,000	+640,000
BUREAU OF MINES								
Conservation and development of mineral resources	38,001,000	39,683,000	39,000,000	38,536,000	39,331,000	−352,000	+331,000	+795,000
Health and safety	12,334,000	14,782,000	14,782,000	14,332,000	14,332,000	−450,000	−450,000	
Solid waste disposal	1,067,000							
General administrative expenses	1,647,000	1,647,000	1,647,000	1,647,000	1,647,000			
Helium fund (authorization to spend from public debt receipts)	26,200,000	26,200,000	21,000,000	26,200,000	24,000,000	−2,200,000	+3,000,000	−2,200,000
Total, Bureau of Mines	79,249,000	82,312,000	76,429,000	80,715,000	79,310,000	−3,002,000	+2,881,000	−1,405,000
OFFICE OF COAL RESEARCH								
Salaries and expenses	13,700,000	13,300,000	13,300,000	15,800,000	15,300,000	+2,000,000	+2,000,000	−500,000
OFFICE OF OIL AND GAS								
Salaries and expenses	866,900	1,081,900	994,000	994,000	994,000	−87,900		
Total, mineral resources	184,732,900	192,321,900	186,351,000	192,624,000	191,359,000	−962,900	+5,008,000	−1,265,000

EXHIBIT 1—Continued

Agency and item (1)	New budget (obligational) authority, 1969 (2)	Budget estimates of new (obligational) authority, 1970 (3)	Allowances: House (4)	Allowances: Senate (5)	Allowances: Conference (6)	Conference allowance compared with—: Budget estimates of new (obligational) authority, 1970 (7)	Conference allowance compared with—: House allowance (8)	Conference allowance compared with—: Senate allowance (9)
TITLE I—DEPARTMENT OF THE INTERIOR—Continued								
FISH AND WILDLIFE, PARKS, AND MARINE RESOURCES								
BUREAU OF COMMERCIAL FISHERIES								
Management and investigations of resources	$25,225,000	$25,543,000	$26,400,000	$26,345,000	$26,600,000	+$1,057,000	+$200,000	+$255,000
Management and investigations of resources (special foreign currency program)	15,000	15,000	15,000	15,000	15,000			
Construction		1,625,000	2,025,000	2,325,000	2,325,000	+700,000	+300,000	
Construction of fishing vessels	6,000,000	6,000,000	3,000,000	3,000,000	3,000,000	−3,000,000		
Federal aid for commercial fisheries research and development	4,327,000	4,027,000	4,590,000	4,027,000	4,590,000	+563,000		+563,000
Anadromous and Great Lakes fisheries conservation	2,307,000	2,307,000	2,307,000	2,307,000	2,307,000			
Administration of Pribilof Islands (indefinite, appropriation of receipts)	2,653,400	2,654,000	2,654,000	2,654,000	2,654,000			
Fishermen's protective fund	60,000	60,000	60,000	60,000	60,000			
General administrative expenses	765,000	765,000	765,000	765,000	765,000			
Limitation on administrative expenses, fisheries loan fund	(*360,200*)	(*360,000*)	(*360,000*)	(*360,000*)	(*360,000*)			
Total, Bureau of Commercial Fisheries	41,352,400	42,996,000	41,816,000	41,498,000	42,316,000	−680,000	+500,000	+818,000
BUREAU OF SPORT FISHERIES AND WILDLIFE								
Management and investigations of resources	47,246,000	47,923,000	48,503,000	48,870,000	48,850,000	+927,000	+347,000	−20,000
Construction	1,891,000	1,082,000	1,686,000	1,773,000	1,959,000	+877,000	+273,000	+186,000
Migratory bird conservation account (definite, repayable advance)	7,500,000	5,000,000	5,000,000	7,200,000	5,800,000	+800,000	+800,000	−1,400,000
Anadromous and Great Lakes fisheries conservation	2,294,000	2,294,000	2,294,000	2,294,000	2,294,000			
General administrative expenses	1,699,000	1,699,000	1,699,000	1,699,000	1,699,000			
Total, Bureau of Sport Fisheries and Wildlife	60,630,000	57,998,000	59,182,000	61,836,000	60,602,000	+2,604,000	+1,420,000	−1,234,000
NATIONAL PARK SERVICE								
Management and protection	45,740,000	49,475,000	49,000,000	49,100,000	49,100,000	−375,000	+100,000	
Maintenance and rehabilitation of physical facilities	32,918,000	40,152,000	40,000,000	40,037,000	40,000,000	−152,000		−37,000
Construction	5,471,000	7,805,000	7,600,000	7,700,000	7,700,000	−105,000	+100,000	
Parkway and road construction (*appropriation to liquidate contract authorization*)	(*17,000,000*)	(*24,500,000*)	(*21,500,000*)	(*21,500,000*)	(*21,500,000*)	(*−3,000,000*)		
Preservation of historic properties	604,000	1,604,000	1,600,000	1,600,000	1,600,000	−4,000		
General administrative expenses	3,127,000	3,127,000	3,317,000	3,317,000	3,317,000	+190,000		
Total, National Park Service	87,860,000	102,163,000	101,517,000	101,754,000	101,717,000	−446,000	+200,000	−37,000
Total, fish and wildlife, parks, and marine resources	189,842,400	203,157,000	202,515,000	205,088,000	204,635,000	+1,478,000	+2,120,000	−453,000
OFFICE OF SALINE WATER								
Saline water conversion	24,642,835	26,000,000	25,000,000	25,000,000	25,000,000	−1,000,000		
Prototype desalting plant	1,000,000							
Total, Office of Saline Water	25,642,835	26,000,000	25,000,000	25,000,000	25,000,000	−1,000,000		
OFFICE OF WATER RESOURCES RESEARCH								
Salaries and expenses	11,181,000	11,229,000	11,229,000	11,229,000	11,229,000			
OFFICE OF THE SOLICITOR								
Salaries and expenses	5,683,000	5,625,800	5,530,000	5,555,800	5,530,000	−95,800		−25,800
OFFICE OF THE SECRETARY								
Salaries and expenses	8,755,000	10,187,400	9,887,000	9,912,700	9,912,700	−274,300	+25,700	
Salaries and expenses (special foreign currency program)		25,000	25,000			−25,000	−25,000	
Total, Office of the Secretary	8,755,000	10,212,400	9,912,000	9,912,700	9,912,700	−299,700	+700	
Total, new budget (obligational) authority, Department of the Interior	884,954,135	957,078,500	940,462,000	951,010,900	948,153,100	−8,925,400	+7,691,100	−2,857,800
Consisting of—								
Appropriations	858,754,135	930,878,500	919,462,000	924,810,900	924,153,100	−6,725,400	+4,691,100	−657,800
Definite appropriations	(749,390,735)	(804,214,500)	(792,798,000)	(798,146,900)	(797,489,100)	(−6,725,400)	(+4,691,100)	(−657,800)
Indefinite appropriations	(109,363,400)	(126,664,000)	(126,664,000)	(126,664,000)	(126,664,000)			
Authorization to spend from public debt receipts	26,200,000	26,200,000	21,000,000	26,200,000	24,000,000	−2,200,000	+3,000,000	−2,200,000
Memoranda—								
Appropriations to liquidate contract authorization	(104,793,000)	(65,028,000)	(62,028,000)	(62,028,000)	(62,028,000)	(−3,000,000)		
Total, new budget (obligational) authority *and* appropriations to liquidate contract authorization	(989,747,135)	(1,022,106,500)	(1,002,490,000)	(1,013,038,900)	(1,010,181,100)	(−11,925,400)	(+7,691,100)	(−2,857,800)

EXHIBIT 1—Continued

Agency and item (1)	New budget (obligational) authority, 1969 (2)	Budget estimates of new (obligational) authority, 1970 (3)	Allowances			Conference allowance compared with—		
			House (4)	Senate (5)	Conference (6)	Budget estimates of new (obligational) authority, 1970 (7)	House allowance (8)	Senate allowance (9)
TITLE II—RELATED AGENCIES								
Department of Agriculture								
FOREST SERVICE								
Forest protection and utilization:								
Forest land management	$208,818,000	$190,978,000	$195,042,000	$191,985,000	$192,810,000	+$1,832,000	−$2,232,000	+$825,000
Forest Research	40,430,000	40,983,000	41,880,000	41,326,000	42,137,000	+1,154,000	+257,000	+811,000
State and private forestry cooperation	19,957,000	20,529,000	22,529,000	22,729,000	22,729,000	+2,200,000	+200,000	
Total, forest protection and utilization	269,205,000	252,490,000	259,451,000	256,040,000	257,676,000	+5,186,000	−1,775,000	+1,636,000
Forest roads and trails (appropriation to liquidate contract authorization)	*(91,000,000)*	*(107,570,000)*	*(100,570,000)*	*(100,570,000)*	*(100,570,000)*	*(−7,000,000)*		
Acquisition of lands for national forests: Special acts (special fund, indefinite)	80,000	80,000	80,000	80,000	80,000			
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000	700,000	700,000			
Assistance to States for tree planting	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			
Total, new budget (obligational) authority, Forest Service	270,985,000	254,270,000	261,231,000	257,820,000	259,456,000	+5,186,000	−1,775,000	+1,636,000
Federal Coal Mine Safety Board of Review								
Salaries and expenses	157,000	148,000	148,000	148,000	148,000			
Commission of Fine Arts								
Salaries and expenses	115,000	115,000	115,000	115,000	115,000			
Department of Health, Education, and Welfare								
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION								
Indian health services	94,350,000	99,581,000	98,581,000	100,221,000	99,481,000	−100,000	+900,000	−740,000
Indian health facilities	18,156,000	20,000,000	19,000,000	19,345,000	19,000,000	−1,000,000		−345,000
Total, health services and mental health administration	112,506,000	119,581,000	117,581,000	119,566,000	118,481,000	−1,100,000	+900,000	−1,085,000
Indian Claims Commission								
Salaries and expenses	619,000	800,000	800,000	850,000	850,000	+50,000	+50,000	
National Capital Planning Commission								
Salaries and expenses	1,047,000	1,248,000	922,700	300,000	222,700	−1,025,300	−700,000	−77,300
National Foundation on the Arts and the Humanities								
Salaries and expenses	1,400,000	1,744,000	1,500,000	1,490,000	1,490,000	−254,000	−10,000	
Endowment for the arts	7,400,000	7,500,000	7,250,000	7,250,000	7,250,000	−250,000		
Endowment for the humanities	5,700,000	7,500,000	7,250,000	6,950,000	7,050,000	−450,000	−200,000	+100,000
Total, National Foundation on the Arts and the Humanities	14,500,000	16,744,000	16,000,000	15,690,000	15,790,000	−954,000	−210,000	+100,000
Public Land Law Review Commission								
Salaries and expenses	944,000	922,000	922,000	922,000	922,000			
Smithsonian Institution								
Salaries and expenses	26,443,000	28,955,000	28,200,000	28,134,000	28,134,000	−821,000	−66,000	
Museum programs and related research (special foreign currency program)	2,316,000	4,500,000	3,000,000	2,316,000	2,316,000	−2,184,000	−684,000	
Construction and improvements, National Zoological Park	300,000	600,000	600,000	600,000	600,000			
Restoration and renovation of buildings	400,000	755,000	425,000	525,000	525,000	−230,000	+100,000	
Construction	2,000,000	200,000	200,000	200,000	200,000			
Construction (appropriation to liquidate contract authorization)		*(6,000,000)*	*(3,300,000)*	*(3,300,000)*	*(3,300,000)*	*(−2,700,000)*		
Construction (new contract authorization)	12,197,000							
Salaries and expenses, National Gallery of Art	3,230,000	3,410,000	3,350,000	3,390,000	3,390,000	−20,000	+40,000	
Total, Smithsonian Institution	46,886,000	38,420,000	35,775,000	35,165,000	35,165,000	−3,255,000	−610,000	
Executive Office of the President								
NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT								
Salaries and expenses	1,125,000	760,000		760,000	700,000	−60,000	+700,000	−60,000
COMMISSION ON MARINE SCIENCE, ENGINEERING, AND RESOURCES								
Salaries and expenses	175,000							
Federal Field Committee for Development Planning in Alaska								
Salaries and expenses	235,000	235,000	150,000	235,000	192,500	−42,500	+42,500	−42,500
Historical and Memorial Commissions								
LEWIS AND CLARK TRAIL COMMISSION								
Salaries and expenses	25,000	10,000	5,000	10,000	5,000	−5,000		−5,000

EXHIBIT 1—Continued

Agency and item (1)	New budget (obligational) authority, 1969 (2)	Budget estimates of new (obligational) authority, 1970 (3)	Allowances			Conference allowance compared with—		
			House (4)	Senate (5)	Conference (6)	Budget estimates of new (obligational) authority, 1970 (7)	House allowance (8)	Senate allowance (9)
TITLE II—RELATED AGENCIES—Con.								
Historical and Memorial Commissions—Continued								
AMERICAN REVOLUTION BICENTENNIAL COMMISSION								
Salaries and expenses		$225,000	$175,000	$175,000	$175,000	−$50,000		
National Council on Indian Opportunity								
Salaries and expenses	$100,000	300,000				−300,000		
Total, new budget (obligational) authority, related agencies	449,419,000	438,778,000	433,824,700	431,756,000	432,222,200	−1,555,800	−$1,602,500	+$466,200
Consisting of—								
Appropriations	437,222,000	433,778,000	433,824,700	431,756,000	432,222,200	−1,555,800	−1,602,500	+466,200
Definite appropriations	(436,442,000)	(432,998,000)	(433,044,700)	(430,976,000)	(431,442,200)	(−1,555,800)	(−1,602,500)	(+446,200)
Indefinite appropriations	(780,000)	(780,000)	(780,000)	(780,000)	(780,000)			
New contract authorization	12,197,000							
Memoranda—								
Appropriations to liquidate contract authorization	(91,000,000)	(113,570,000)	(103,870,000)	(103,870,000)	(103,870,000)	(−9,700,000)		
Total, new budget (obligational) authority *and* appropriations to liquidate contract authorization	(540,419,000)	(547,348,000)	(537,694,700)	(535,626,000)	(536,092,200)	(−11,255,800)	(−1,602,500)	(+466,200)
RECAPITULATION								
Grand total, new budget (obligational) authority, all titles	1,334,373,135	1,390,856,500	1,374,286,700	1,382,766,900	1,380,375,300	−10,481,200	+6,088,600	−2,391,600
Consisting of—								
1. Appropriations	1,295,976,135	1,364,656,500	1,353,286,700	1,356,566,900	1,356,375,300	−8,281,200)	+3,088,600	−191,600
Definite appropriations	(1,185,832,735)	(1,237,212,500)	(1,225,842,700)	(1,229,122,900)	(1,228,931,300)	(−8,281,200)	(+3,088,600)	(−191,600)
Indefinite appropriations	(110,143,400)	(127,444,000)	(127,444,000)	(127,444,000)	(127,444,000)			
2. Authorization to spend from public debt receipts	26,200,000	26,200,000	21,000,000	26,200,000	24,000,000	−2,200,000	+3,000,000	−2,200,000
3. New contract authorization	12,197,000							
Appropriations to liquidate contract authorization	(195,793,000)	(178,598,000)	(165,898,000)	(165,898,000)	(165,898,000)	(−12,700,000)		
Grand total, new budget (obligational) authority *and* appropriations to liquidate contract authorization	(1,530,166,135)	(1,569,454,500)	(1,540,184,700)	(1,548,664,900)	(1,546,273,300)	(−23,181,200)	(+6,088,600)	(−2,391,600)

Mr. BIBLE. Mr. President, I am very happy to submit this report for final action of the Senate, and move that the conference report be adopted.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the Senator from North Dakota, the ranking Republican member of the Appropriations Committee of the Senate, and a very valuable ally on this subject.

Mr. YOUNG of North Dakota. Mr. President, this will probably be one of the few major appropriation bills handled by this session of Congress that will be under the budget. I commend the chairman of the subcommittee, the distinguished Senator from Nevada, and the ranking Republican member, the Senator from South Dakota (Mr. MUNDT), for the good judgment and economy they have exercised in the handling of this bill. I also commend the able staff assistant, Mr. Paul Eaton, for his capable efforts. I doubt whether any other bill will be handled any better than this one was during this session of Congress.

Mr. BIBLE. I appreciate the words of the Senator from North Dakota, and I join him in his words of commendation for the valuable help of Paul Eaton. For many years, he assisted our beloved former colleague, Senator Carl Hayden of Arizona, both in his work as chairman of the full Appropriations Committee, and as chairman of the Appropriations Subcommittee on the Department of the Interior and Related Agencies. He is a valuable staff expert in this field, as is the staff expert on the minority side.

This is a bill that reaches into practically every State. It is one we can all understand, because it deals with the problems we confront, not only in our mail when we open it, practically every morning, but we find out a great deal about it practically, as soon as we arrive back in our own States. So we all live with this problem much of the year .

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. BIBLE. I am happy to yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I congratulate the conferees and particularly the able Senator from Nevada, who served as chairman of the Senate conferees. I thank them for the great courtesies they showed me in the hearings of the Senate committee, when I appeared and testified.

I wish to express appreciation on behalf of the people of my State for the money finally included in this bill to acquire the land for the Padre Island National Seashore, which was authorized by Congress in 1962, and the money to buy the Guadalupe Mountains National Park, which was authorized in 1966. There was talk that, due to the shortage of money, this might be disestablished.

We know that when a national park is created, until the land is acquired, we do not know whether it will be there or not. In each of these instances, the State of Texas, through its legislature, gave up its mineral interests in State-owned land, and, in the case of the Padre Island National Seashore, the tidelands. Nevertheless, while that contributed greatly, the privately owned lands had to be bought by Congress, or we would have had no national parks.

The Senate put the money in, and they obtained House concurrence, and we will have those two great national parks for all time, for the people of this Nation, one on the gulf coast, which the National Park Service estimates in the future will probably be visited by more people than any other national park except Shenandoah National Park, which is now visited more than any other national park in the Nation, and the other in the Guadalupe Mountains in the West, which is now the most frequently visited recreational area in the State except the San Jacinto State Park.

I also express my appreciation for the relatively smaller sum of $360,000, I believe, provided for the silviculture and forestry laboratory at Nacogdoches, Tex., on the campus of the Stephen F. Austin University, which has a great forestry school because it is located in what is considered one of the finest forests of the South; and the research conducted by this laboratory will benefit all of that forested area of the gulf coast in that great belt extending from the eastern half of my State to the Atlantic Ocean. The entire forestry industry in the area was looking forward to that laboratory, because they think it will be a great aid to the industry, and we all know of the great shortage of lumber we had earlier this year, which pushed the price of lumber for homebuilding so high.

I believe this has been a very perceptive committee, and a very accomplishing committee. With a tight budget, they have made every dollar count, and having worked in behalf of these projects, and appeared before the committee and presented papers, and knowing of their very diligent work, I wanted to pay this tribute to their hard work on this bill.

Mr. BIBLE. Of course, we are always happy to accept bouquets, and we appreciate that one.

We are particularly proud of the fact that this cleans up the land acquisition for the Padre Island National Seashore. That is a very difficult thing to do. I think it comes within $100,000, or thereabouts, of picking up all the land acquisition for the Guadalupe Mountains National Park as well.

The longer it takes us to acquire these lands, the more it costs. We are happy to have made that headway, and I hope we can make equal headway in the years ahead in acquiring land, because this is one of the most perplexing problems we find in all of the park areas.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BIBLE. I am happy to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I tender to the able chairman of the subcommittee a very-well-deserved bouquet. At all times during the hearings, during the markup of the bill, during the presentation of the bill on the floor, and during its journey through conference, he has displayed that diligence of which we are told that if a man has it, he will "stand before kings"; and he also displayed a complete knowledge of the bill in all of its aspects. He has demonstrated a fairness and a thoroughness which I think provides a shining example to everyone in the Senate. He has done a masterful job, and he has performed a service not only to the people of his own State, but also to the people of the Nation. I consider myself fortunate to be a member of the subcommittee which he chairs. I congratulate him and thank him on behalf of the entire Senate for the excellent job he has done.

I am glad that the Senator from North Dakota (Mr. YOUNG) called attention to the good assistance rendered to the chairman and all the members of the subcommittee by our able staff assistant, Paul Eaton.

Mr. BIBLE. I appreciate the bouquet. I believe we have done the best we could for the bill. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

> *Resolved*, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12781) entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes."
>
> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 41, to the aforesaid bill, and concur therein.
>
> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$95,755,000".
>
> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$39,331,000".
>
> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$26,600,000".
>
> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$1,959,000".
>
> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$42,137,000".
>
> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$222,700".

Mr. BIBLE. Mr. President, I move that the Senate concur in the amendments of the House of Representatives to the amendments of the Senate numbered 15, 16, 20, 24, 35, and 40.

The motion was agreed to.

Mr. BIBLE. I thank the Presiding Officer, and I yield the floor.

SOVIET UNION'S SUPPORT OF THE NORTH VIETNAMESE

Mr. DOLE. Mr. President, there is still a little more than 8 hours remaining of moratorium day. There is still time for those who are engaged in activities on moratorium day to demonstrate against our enemy.

I say this because it has just been announced that the Soviet Union today signed an agreement with North Vietnam to supply an estimated $1 billion in arms and aid to North Vietnam and the National Liberation Front.

I hope those demonstrating today, wherever they may be, realize that our enemy is not South Vietnam or that they do not need to demonstrate to reinforce President Nixon's desire for peace.

There is still time to demonstrate that the real reason for the continuation of the war is the reluctance of the North Vietnamese and the Vietcong to do anything to bring about peace.

S. 3036—INTRODUCTION OF A BILL TO INCREASE CRIMINAL PENALTIES UNDER THE SHERMAN ANTITRUST ACT

Mr. HRUSKA. Mr. President, today on behalf of the distinguished Senator from Michigan (Mr. HART) and myself, I am introducing, for appropriate reference, a bill to increase criminal penalties under the Sherman Antitrust Act, for the consideration of the Members of Congress as a possible additional deterrent to violations of the act.

In 1955, the Congress increased the maximum corporate fine for violation of the Sherman Antitrust Act to $50,000. In 1961 and 1962 bills were introduced to increase that maximum fine to $500,000 as a further deterrent to potential offenders, and hearings were held before the U.S. Senate Antitrust and Monopoly Subcommittee. Leading antitrust specialists testified on the measures but no action was taken by the Congress

Recently the Attorney General submitted to the President of the Senate proposed legislation to increase the maximum fine to $500,000 with the added argument that—

> It is needed as an additional tool with which to combat organized crime. The increased penalties will constitute a more effective deterrent against the invasion or conduct of legitimate business by criminal organizations in ways which violate the antitrust laws.

Mr. President, for several Congresses I have introduced legislation to deter the capture of legitimate business by criminal organizations. The proposed bill would create an additional tool that is well worth our consideration.

It should be noted that previous hearings have indicated that the Department of Justice does not file criminal antitrust complaints unless the violations are the hard-core variety and, even then, the court and the Department have complete discretion to determine the amount of the fine anywhere up to the maximum amount.

As a second consideration, I bring to the attention of the Members of Congress that in recent years other legislation involving antitrust penalties has been submitted to the Congress. One bill would amend the Federal income tax laws to change Internal Revenue ruling which permits the defendant to deduct the trebled damages levied in a civil antitrust case as business expenses. Even the tax specialists who support such proposed legislation agree that the present ruling is not an unreasonable one. The ruling is based among other considerations on the theory that the tax laws were enacted to further a national policy on taxes and should not be used as a deterrent to violations of the antitrust laws.

I ask unanimous consent that the Attorney General's letter to the Vice President and the text of this bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3036) to increase criminal penalties under the Sherman Antitrust Act, introduced by Mr. HRUSKA (for himself and Mr. HART), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3036

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That sections 1, 2, and 3 of the Act of July 2, 1890, 26 Stat. 209, as amended, are hereby further amended by striking out, in each section where it appears, the phrase "fine not exceeding fifty thousand dollars" and in each instance substituting in lieu thereof the phrase "fine not exceeding five hundred thousand dollars if a corporation or fifty thousand dollars if any other person."

The letter, presented by Mr. HRUSKA, is as follows:

> OFFICE OF THE ATTORNEY GENERAL,
> *Washington, D.C., September 29, 1969.*
>
> The VICE PRESIDENT,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal "To increase criminal penalties under the Sherman Antitrust Act."
>
> This proposal would increase from $50,000 to $500,000 the maximum fine which may be imposed upon a corporation for a criminal violation of the Sherman Act. (15 U.S.C. 1 *et seq.*) These violations involve principally price-fixing, boycotting, allocation of customers, and allocation of territories. It would effect no change in the fine with respect to natural persons.
>
> The maximum fine for violations of the Sherman Antitrust Act was increased to $50,000 in 1955. Since that time the assets and profits of corporations have increased dramatically, while the purchasing power of the dollar has decreased greatly. Consequently, the basic purpose of such a fine—to punish offenders and to deter potential offenders—are frustrated because the additional profits available through prolonged violation of the law can far exceed the penalty which may be imposed. The $50,000 statutory maximum makes fines in criminal antitrust casea trivial for major corporate defendants.
>
> To maintain the intended effect of the maximum fine established in the 1955 amendment to the Sherman Act, which is related to corporate profits of fourteen years ago, the increase is obviously needed.
>
> It is also needed as an additional tool with which to combat organized crime. The increased penalty will constitute a more effective deterrent against the invasion or conduct of legitimate business by criminal organizations in ways which violate the antitrust laws.
>
> This proposed increase would be of valuable assistance in the effective enforcement of the Sherman Act in regard to large corporations without placing an undue hardship upon small business enterprises. There is no minimum fine provision and the courts and this Department would continue to exercise discretion in the imposition and the recommendation of fines.
>
> The Department of Justice urges the prompt enactment of this important measure.
>
> The Bureau of the Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.
>
> Sincerely,
>
> JOHN N. MITCHELL,
> *Attorney General.*

Mr. HART. Mr. President, I am pleased to join with the Senator from Nebraska in cosponsoring a bill to increase the penalty in criminal cases under the Sherman Antitrust Act against corporations from $50,000 to $500,000.

Penalties for criminal antitrust violations have long been too low to be an effective deterrent or to adequately punish the offender.

In 1944, Mr. Justice Jackson observed:

> The antitrust law sanctions are little better than absurd when applied to huge corporations engaged in great enterprise. (*U.S.* v. *South-Eastern Underwriters Ass'n.*, 322 U.S. 533, 591 at note 11).

Today there are many more huge corporations and their sizes have been greatly enlarged since 1944. This has been due largely to the merger movement since World War II—first horizontal and vertical mergers and, now, conglomerates.

Not only have capital assets tremendously increased but so also have net dollar profits. What deterrent effect can a fine of $50,000 have on a corporation with capital assets of over a billion dollars?

A penalty of that amount to a corporation with a net income over $100 million is like an overtime parking ticket to the average automobile driver. Many corporations have net incomes of more than $100 million, running as high as $1.75 billion by General Motors and $1.25 billion for Standard Oil of New Jersey.

Mr. President, I commend my distinguished colleague from Nebraska and the administration for offering this bill. It should increase the effectiveness of our antitrust laws as a deterrent to harmful economic concentration, and as such, should help decrease the burden on the Department of Justice and the courts created by antitrust prosecutions.

Yet, this bill does not lessen the need for my bill, S. 2156, which is pending in the Finance Committee.

S. 2156 would reverse Revenue Ruling 64–224, issued July 24, 1964, by the Internal Revenue Service. The ruling allowed electrical equipment manufacturers to deduct as a business expense treble damages awarded in a price-fixing suit.

It appeared to me then, and it appears to me now that the ruling was not well founded in law, passed onto the public part of the cost of penalty and destroyed the primary purpose of giving treble damages instead of simple damages to those injured.

It appears that the treble damage provision was intended to encourage private suits as an aid to enforcement of the antitrust laws. In fact, according to testimony received by the Senate Antitrust and Monopoly Subcommittee, private enforcement is becoming more effective than Government prosecution. The IRS ruling seriously dilutes the effectiveness of this approach in that the penalty paid by the defendant has been reduced by about one-half.

While an increase in the criminal penalty will aid antitrust enforcement, it will not correct the burden placed on the public Treasury by the IRS ruling.

Equally important, increased fines will not affect cases in which the Justice Department does not prosecute criminally. In fact I believe only 40 percent or less of the total antitrust actions filed in recent years were criminal cases, although the Sherman Act is primarily a criminal statute.

Therefore, the use of private antitrust suits should be encouraged rather than discouraged.

S. 2156 would restore the effectiveness of this approach by reversing IRS ruling 64–224. It would make two-thirds of the damages paid subject to income tax.

The bill also removes two-thirds of the damages received by the plaintiff from gross income. The purpose of this provision is to restore an inducement for private action which was believed by most antitrust experts to be the law prior to 1955. However, in *Glenshaw Glass Co.* v. *Commissioner*, 348 U.S. 426, the Supreme Court, in a ruling involving the income tax statute, decided against a plaintiff who deducted antitrust damages from gross income. S. 2152 would restore this inducement to prospective plaintiffs.

Mr. President, I hope the bill increasing the criminal penalty maximum will be passed. I also urge the Finance Committee to make S. 2152 a part of the omnibus tax bill. We need both bills to establish a balanced deterrent and meaningful penalties in the fight against growing economic concentration.

THE NOMINATION OF JUDGE HAYNSWORTH

Mr. HRUSKA. Mr. President, I should like to discuss some of the aspects of the upcoming debate on the nomination of the Honorable Clement F. Haynsworth, presently a judge of the fourth circuit court, to be Associate Justice of the Supreme Court.

During colloquy on confirmation yesterday, a question was posed by one of our colleagues as to the line of demarcation between the power of appointment by the President and the role of the Senate in advising and consenting to a nomination by the President of a Justice to the Supreme Court.

I found upon reviewing the debates and the hearings in 1967 on the nomination of Justice Thurgood Marshall that there was some good, pertinent debate on this question.

First, I read a statement made by me on the subject during the hearings:

> In common with other members of the Judiciary Committee, I have received many letters, some pro and some con. Often the proposition has been expressed that the nominee is far too liberal for the writer of the letter and is the basis for opposing his nomination. There has been contention from time to time that we should preserve on the Supreme Court some balance between the so-called liberals and the so-called conservatives.
>
> I am not sure what those terms (liberal and conservative) mean, since they are meaningless until a decision attaches to a particular case. In the Supreme Court, that scope will be great, that range will be wide. However, the nominating power lies with the President of the United States; and if it is his desire to appoint someone he considers liberal, that is his prerogative. If he wants to appoint someone he considers conservative, that is also his prerogative.
>
> I do believe that we, as members of the Judiciary Committee, should inquire into the integrity, the competence, and the record of a man, and primarily on that basis, decide whether he is suitable for service on the Supreme Court. I have gone over the file of the hearings that were conducted when the nominee was considered for the circuit court, and later for Solicitor General. I have also studied his biographical data; and I have come to the conclusion that when the proper time arrives, I shall cast a vote in favor of his confirmation to be an Associate Justice of the U.S. Supreme Court.

In the hearings and during the floor debate, I observed that the political philosophy as well as the ideology possessed by that nominee was not what I would prefer if I were to make a first choice for that office. Nevertheless, the nominee

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having satisfied the requirements of the advice and consent procedure, I stated that it would be my intention to vote for him. And, in fact, I did vote for his confirmation.

In response to letters from constituents and others who objected, my general reply was that it was for the President to make an appointment and choose the philosophy and ideology and that if anyone disapproved of the nomination on that basis, he should make it his business to vote for a new and different President. And millions of people in America did just that last fall. And we now have before us a nominee with a different philosophy.

Having applied the rule that the power of appointment is in the President during the 8 years of an administration not of my political party, I do believe it would be only fair that that same rule be applied now that there has been a change in the political party in the White House.

However, I read now from the floor debate on August 30, 1967, in which the senior Senator from Massachusetts (Mr. KENNEDY) participated with reference to the confirmation of Associate Justice Thurgood Marshall:

> I know that there have been questions raised during the course of the afternoon about the temperament and judicial philosophy of Judge Marshall. I believe it is recognized by most Senators that we are not charged with the responsibility of approving a man to be Associate Justice of the Supreme Court only if his views always coincide with our own. We are not seeking a nominee for the Supreme Court who will express the majority view of the Senate on every given issue, or on a given issue of fundamental importance. We are really interested in knowing whether the nominee has the background, experience, qualifications, temperament, and integrity to handle this most sensitive, important, and responsible job. Mr. President, I think that Thurgood Marshall has demonstrated that he does have these qualifications and qualities.
>
> In addition, as Senators, we bear a considerable responsibility to the President. The President is charged under the Constitution with sending to the Senate, for the advice and consent of the Senate, all nominations for the Supreme Court. I think it is important to realize that every one who votes against Judge Marshall's nomination this afternoon is also suggesting by his vote that the President has not really met his responsibility in making this recommendation and suggestion to the Senate and to the American people.
>
> The responsibility of the President is quite clear; he has exercised it and exercised it well, I believe. Our responsibility for advising and consenting to this nomination is also clear, and I am sure we will meet it.

That was a portion of the argument used by the senior Senator from Massachusetts on August 30, 1967.

I again suggest that this type of reasoning and this attitude regarding the power of appointment which resides in the President of the United States should be followed now in the year 1969 just as faithfully and just as willingly as it was in 1967 with Justice Thurgood Marshall, as it was before that with Arthur Goldberg, and as it was on a previous occasion when Justice Fortas was approved as associate justice of the Supreme Court.

Mr. President, it would be well to consider in some detail the case for nomination and confirmation of Judge Haynsworth.

The case consists of two basic parts. The first is the impressive volume of evidence which shows Judge Haynsworth to be a man of impeccable integrity, sound judicial temperament, and of the highest professional competence. The second part of the case consists of the total destruction of the attacks made upon him.

The Senate will not formally take up the nomination for some days. In the meantime it is likely that the debate, already begun, will continue. It is my hope that the Senate will approach this issue in a way consistent with its constitutional responsibility to advise and consent.

We now have available, in printed form, the transcript of the Haynsworth hearings before the Judiciary Committee. It contains 762 printed pages. This record is the one on which a majority of that committee voted to report the nomination to the Senate. We shall soon have the majority and minority reports.

So I venture the hope that each Senator, whether or not he has already taken a public position on this matter, will study the hearing record most carefully and most thoroughly. It is vain to hope that the controversy over this matter can be confined to the Senate where the responsibility for decision lies. There will still be press conferences and news releases and television and radio interviews. My only plea is that between now and the time the Senate considers the Haynsworth nomination, such activities and such expressions be related to facts.

That volume of hearings shows a number of things. It shows that Judge Haynsworth has the complete confidence of the President of the United States who nominated him. There was the initial expression of support and of confidence when the nomination was made; and there was later a letter to the minority leader of the Senate reaffirming that confidence. The President reviewed the record as it had developed, so that he was current with the situation before he reaffirmed his support. This record also shows that Judge Haynsworth has the support of the present Attorney General of the United States, just as he had the "complete confidence" of an earlier Attorney General, Robert F. Kennedy.

The American Bar Association, through the chairman of its Standing Committee on the Federal Judiciary, testified:

> It is the unvarying, unequivocal, and emphatic view of each judge and lawyer interviewed that Judge Haynsworth is, beyond any reservation, a man of impeccable integrity.

The ABA rated him high in judicial temperament, and lawyers and Federal district judges in his circuit "put him right at the top of those who would be eligible" for appointment to the Supreme Court. The bar reiterated its position this past Sunday after it had reviewed all of the attacks which have been made on the judge.

There is a considerable amount of similar testimony favoring Judge Haynsworth, all from persons of outstanding competence to speak on the issue.

The record also contains quite a few surprises for those whose knowledge of the hearings came from the television news programs or the headlines in the papers: For example, the South Carolina civil rights lawyer's colorful and sincere testimony to Judge Haynsworth's integrity; the statement by the liberal Arizona lawyer-teacher-author, a distinguished authority on judicial ethics, who argued that Judge Haynsworth had a clear duty to sit in the so-called Darlington case; and the statement of the Wisconsin law professor, who was primarily responsible for the original HEW school desegregation guidelines, in which he said Judge Haynsworth "will make a first-rate associate justice."

The printed hearings contain the testimony of Judge Haynsworth himself and his response to the questions of each member of the committee who cared to ask them. For over 113 pages, the nominee patiently and painstakingly addressed himself to a wide variety of lines of inquiry. Those 113 pages deserve reading by every Senator.

Finally, the hearing record contains the statements of the attackers of Judge Haynsworth. These attacks fall generally into three areas: First, he is anti-civil rights; second, he is anti-organized labor; and, third, he is unethical.

Senator COOK and I have already analyzed, in letters and memorandums dated October 6 and October 9 the attacks on Judge Haynsworth's decisions in civil rights and labor cases.

Today we have sent to all Senators a memorandum dealing with Judge Haynsworth's ethical standards.

Mr. President, I ask unanimous consent that the letter of transmittal, signed by the junior Senator from Kentucky and myself, be reprinted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> OCTOBER 15, 1969.
>
> Honorable
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR: Enclosed is the third memorandum which we promised to furnish to all Senators concerning the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court. It deals with his proven record as a judge of high ethical and moral standards.
>
> There have been many attacks upon Judge Haynsworth's conduct, and we know that these attacks have troubled many of our colleagues. After reviewing the law, the canons, and the facts, however, we are certain these doubts will be resolved in Judge Haynsworth's favor.
>
> It has been said that a nominee who has been so vigorously attacked should not sit on the court because his selection may reflect unfavorably on the Court. Unfounded accusations alone cannot disqualify an otherwise qualified man. Nothing can be more repugnant to our fundamental sense of justice. Rejecting a nominee who has done no wrong, merely because accusations have been made, cannot bring credit to the Senate or to the Court.
>
> The materials we have furnished you, together with the printed hearing record, establish three essential facts: Clement Haynsworth is a scholarly, practical judge who will be an outstanding addition to the Supreme Court; he is a man who demonstrates no bias toward any litigant but decides each case with absolute intellectual honesty; he is an ethical and moral judge.
>
> As we have said in our two previous letters, we urge that you consider the whole record before making your decision.
>
> With kind regards.
>
> Sincerely,
>
> ROMAN L. HRUSKA,
> *U.S. Senator.*
> MARLOW W. COOK,
> *U.S. Senator.*

Mr. HRUSKA. Mr. President, there have been accusations of improper conduct leveled against Judge Haynsworth. Some accusations were made during the hearings and some were made after. The press has given wide coverage of all the attacks. Day after day, the accusations were repeated on the Senate floor, on television and radio, and in the newspapers and magazines.

Then, in common with my colleagues, I began receiving a few letters from constituents who had been deluged with this coverage. Some of them said: "Where there is smoke, there must be fire." Several suggested that the judge's reputation had been so sullied that it would only bring discredit on the Court now to confirm him, regardless of the ultimate truth of the accusations.

Let me suggest, Mr. President, if the Senate would ever dare allow the reputation of a distinguished jurist to be ruined and a nominee possessing outstanding qualifications to be rejected because of accusations that have so little basis in truth, this body will have violated every principle for which it stands. The Senate would be shamed, the Court would be shamed, and the Nation would be shamed.

Mr. President, we must look to the law and to the facts. We must allow Judge Haynsworth to be judged, himself, on the basis of the entire record.

I do not suggest for a moment that we should confirm a man who does not meet the highest ethical standards. That is why the Senate must carefully review each of the accusations against him. I have done so and I am confident that Judge Haynsworth has met his duty under statute and canons.

CAROLINA VEND-A-MATIC

Mr. President, there is no rule, law, or canon that says a judge cannot invest in business enterprises or own stock. Unless we are now, in 1969, going to create a new rule applicable to conduct in 1964, the Senate must concede that there is no validity whatever to the accusation that Judge Haynsworth violated any canon by participating in ownership of the business of Carolina Vend-A-Matic.

The judge himself was absolutely candid about his relationship with this company. He stated that he attended the weekly luncheon meeting of the board of directors. He participated in the discussions. He concerned himself with the financial health of the corporation. This is all in the hearing record.

He did not, and he so stated under oath, participate in soliciting business for Carolina Vend-A-Matic. In 1964 Judge Sobeloff affirmed that Judge Haynsworth had not sought business for the company.

He made a wise investment in Carolina Vend-A-Matic. He got in on the ground floor of an infant and increasingly prospering industry. When his company and its competitors grew amazingly, he profited from it. There is no violation of the canons of ethics here.

I have authority for my position. Judge Sobeloff and the circuit judges of the fourth circuit who reviewed Judge Haynsworth's association with Carolina Vend-A-Matic and the company's association with the Darlington Manufacturing Co. in 1964, expressed complete confidence in the judge.

The American Bar Association established there was nothing improper about his relationship with this company.

John P. Frank testified as an expert on legal disqualification: Judge Haynsworth not only was not legally disqualified because of his association with Carolina Vend-A-Matic, he had a duty to sit.

This analysis applies to the Darlington case and any other case coming before the court which involved a litigant doing business with Carolina Vend-A-Matic.

SUBSTANTIAL INTEREST

Judge Haynsworth, at no time, has violated 28 U.S.C. sec. 455 or the Canons of Judicial Ethics, or ABA Formal Opinion 170. There have been accusations to the contrary, but they do not stand up to critical analysis.

Three cases involve subsidiaries of companies in which Judge Haynsworth owned stock: Farrow against Grace Lines, Inc., 381 F.2d 380 (1967); Maryland Casualty Co. against Baldwin, 357 F.2d 338 (1966); Donohue against Maryland Casualty Co., 363 F.2d 442 (1966). 28 U.S.C., sec. 455 says a judge shall disqualify himself where he has a substantial interest in the case. There was no substantial interest in these cases. Any interest clearly was de minimis. The Grace case involved a $50 judgment. As the holder of 300 shares, 1/60,000 of the parent company, W. R. Grace, the actual impact of the case on Judge Haynsworth cannot be measured. Assuming the worst conceivable result in the case, the impact on the judge would have been $0.48.

Judge Haynsworth had stock in the parent company of Maryland Casualty Co.: 200 preferred shares, 59/1,000,000 of those outstanding, and 67 common shares, 15/1,000,000 of those outstanding. Again the impact is so small it cannot be measured.

There is no opinion of the ABA stating that this sort of negligible interest in a parent of a litigant is grounds for disqualification. Formal Opinion 170 does not reach this point. And the California Supreme Court concluded a judge was not disqualified when it ruled on the point in Central Pacific Railway Co. against Superior Court, 296 Pac. 883 (1931).

Judge Haynsworth and Judge Winter both testified that they look to the canons of the ABA for guidance in ethical questions. They also stated and no one can disagree, that Federal statute lays down the basic rule. That rule, as interpreted by the courts, is that a judge must sit unless he is disqualified. Judge Haynsworth was not disqualified.

The case of Brunswick Corp. against Long, represents, as the distinguished Senator from Kentucky (Mr. COOK) said on Monday, a lapse of memory, not morals. Judge Haynsworth purchased Brunswick stock before the formal opinion in the case had been handed down. He did nothing wrong, he performed no discretionary act proscribed by ABA Opinion 170. Clearly, however, it would have been better not to have bought the stock. Judge Haynsworth agrees wholeheartedly.

Having purchased the stock before remembering that the case was not formally concluded, Judge Haynsworth acted reasonably under the circumstances. A three-judge panel had heard the case, studied the briefs, and made their decision. It was clear cut. There was no doubt as to the outcome. No one had been deprived of justice. To disqualify himself at this point would have meant a rehearing, appointment of a new panel, rescheduling of the case, and so forth. It simply was not worth it. In the Subcommittee on Judicial Improvement, of which I am a member, we have hearings every year or every 2 years on the problems of crowded court dockets and the shortage of judges. We had hearings on a bill to provide more circuit judges, and that became law in 1968. We had hearings on intercircuit assignment of judges to fight backlogs. This year we had hearings on a bill to provide more district judges.

We must afford the time, money, and manpower to see that justice is done. We cannot afford the luxury of bending over backwards to avoid the most remote accusations of conflict of interest. These are the reasonable guidelines Judge Haynsworth followed.

PENSION AND PROFIT-SHARING PLAN

Mr. President, I turn now to the pension and profit-sharing plan, upon which there has been an effort to base complaints against the nominee.

In 1962 Congress passed a disclosure law covering pension and profit-sharing plans having 25 or more employees. The purpose was to insure that the employees and beneficiaries know the status of the fund and the use the money was put to.

The fund set up by Carolina Vend-A-Matic, of which Judge Haynsworth was a trustee, furnished a description of the plan to participants at the inception and gave an annual statement of accounts to them.

There was no filing of a one-page short form description of the plan with the Department of Labor. As most of my colleagues who are familiar with this sort of business operation know, a trustee would not be involved in the preparation and filing of such reports in the normal course of business. That is a clerical matter to be handled by whoever is keeping the records.

This administrative failure could not be considered a violation of the penalty provisions of the law, 29 U.S.C. sec. 308. Penalties are provided for willful failure

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to comply. It will be strictly construed. In fact, the reported cases deal only with the refusal of administrators of plans to give the information to employees when it has been demanded by the Department of Labor. That is not the case here.

FACTUAL ERRORS IN ACCUSATIONS

I have been dealing so far with the actual facts as produced in the record. My purpose is to remove the innuendo and suspicion that have arisen from an understanding of only a part of the record.

In addition, however, there are factual accusations made subsequent to the hearings that are demonstrably false. I will cover them briefly.

It was charged that Judge Haynsworth held a substantial interest in litigants in Merck against Olin Mathieson Chemical Corp., 253 F. 2d 156 (1958) and in Darter against Greenville Community Hotel Corp., 301 F. 2d 70 (1962). I understand that everyone has conceded these charges were in error.

But here is a new and additional error in charges made in the bill of particulars "Judge Haynsworth endorsed notes for the corporation in amounts as high as $501,987. Some of the notes were endorsed after he assumed the bench."

Mr. President, Judge Haynsworth testified that he did endorse notes on behalf of the corporation to secure credit for the corporation at a time prior to the time that it had earned a credit rating that would allow it to stand on its own feet. He also was indefinite as to the precise amount of loan endorsed.

That is understandable. In 113 pages of testimony, it would be difficult to draw on one's memory for transactions that had occurred 6 or 7 years ago, or 10 years ago.

I have a notarized affidavit of T. C. Cleveland, Jr., executive vice president for the western region of the South Carolina National Bank. That clarifies the issue.

Mr. President, I ask unanimous consent that this affidavit be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, I read from that affidavit:

> The company had been started with a minimum of capital and its tangible assets consisted primarily of vending equipment, which, in my opinion, had little resale value. Until its credit worthiness was proven by an history of ability to service its installations and produce profits, I felt it was entitled to no bank credit, except upon the endorsement of its principal stockholders, who, at that time, were Eugene Bryant, Robert E. Houston, Jr., W. Francis Marion, Christie C. Prevost, and Clement F. Haynsworth, Jr.
>
> On that basis a succession of loans were made to Carolina Vend-A-Matic Company on the endorsement of its principal stockholders, though by 1957 the Bank had agreed that it would look to each endorser only for his pro rata portion of the total amount of each loan.
>
> The last such endorsed loan was made on January 25, 1960 in the amount of $14,000. That loan was repaid on February 16, 1960, and there were no further loans made to Carolina Vend-A-Matic Company until June 9, 1961. By that time Carolina Vend-A-Matic Company's proven success in the operation of its business established its own credit rating and all of the loans made thereafter were without endorsement of any of the stockholders.
>
> Altogether the Bank made some fifty-six loans to Carolina Vend-A-Matic Company, though many of these loans were renewals of existing balances. The largest balance of endorsed loans ever outstanding was $55,550 on February 19, 1961.

Mr. President, I do not charge there has been any effort to mislead or misrepresent when the bill of particulars reads, "Judge Haynsworth endorsed notes of the corporation in amounts as high as $501,000." That I would not do, because the Senator from Indiana is a highly respected Member here. He is an honorable gentleman. He would engage in no form of chicanery or misrepresentation. I would accord him every bit of sincerity and honesty and diligence in his efforts to prosecute the case he has. However, here is an error that is tenfold. It was not over $500,000. It was $55,000.

I have an idea that one of the reasons why the mistake was made—an honest mistake, I would assume, with every fair intendment—was that this figure was confused with the cumulative total of loans made from time to time.

That was one possibility. But there is another possibility, and I come to that now.

When the junior Senator from Kentucky pointed out the tenfold error in the statement of endorsed notes, the newspapers reported the rebuttal attributed to the staff of the Senator from Indiana (Mr. BAYH) that the $501,000 figure came from the records of the Securities and Exchange Commission. That also appears to be an error, but it sheds some light.

Mr. President, as a lawyer, I have learned that the place to go for evidence is the place where the evidence can best be secured. Accordingly, a letter was addressed to the Securities and Exchange Commission. The Chairman of the Commission, Hamer L. Budge, replied in reply to a letter by me dated October 14.

I ask unanimous consent that my letter of October 13, 1969, to Chairman Budge, his reply and memorandum, and page 4 of the ARA filing be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HRUSKA. Mr. President, here is how I believe the error happened: This consolidated balance sheet shows that there is a total of corporate obligations of $303,000 in installments due within 1 year, and some $198,000 in installments due after 1 year. The total of those items is $501,000. But as the communication from the Securities and Exchange Commission discloses:

> While these filings indicate that Carolina Vend-A-Matic Company had indebtedness outstanding, there is no information that anyone other than the company is liable for such indebtedness.

This clearly shows that the SEC records showed only corporate liability and not that of the stockholders of that corporation.

Again, Mr. President, I acknowledge the good intentions of the author of that bill of particulars, but this error being as gross as it is, and being directed at trying to attack his nomination, is something that we should very much take into consideration in connection with the other demonstrated and proven inaccuracies in the bill of particulars.

Again I reiterate, Mr. President, that I am confident it was an honest mistake; but it was a mistake, and a grievous one.

All of us know the burden of the office which we try to discharge in this Chamber. We have to rely upon staff and others to assemble information for us. But nevertheless it was a mistake. However honest it might be, now, it seems to me, it should be dropped, or the mistake should be acknowledged, unless the author of the bill of particulars has some information which would refute the evidence to which I have just referred.

ETHICAL SENSITIVITY

Mr. President, Judge Haynsworth is a man who has displayed sensitivity to ethical problems throughout his service on the court. As I have discussed in regard to the accusations against him, he was neither unethical or insensitive. He followed the Federal law, canons and rules of court.

He is a man who, in 1957, resigned from all of his positions in publicly held corporations. He did not have to do that.

The rule of court prohibiting judges from holding memberships on boards of directors was not promulgated by the Judicial Conference of the United States until 1963. He resigned all of his directorships in publicly held corporations some 6 years earlier. Many Federal judges did hold directorships in such corporations. But he knew his name would be published in connection with financial statements and other public statements and he felt it was improper to be held out to the public in such a position while he was serving on the Federal court. Six years later, in 1963, the Judicial Conference agreed with him and passed a resolution that judges should not hold directorships.

In 1963, he also resigned from his position as director of two closely held corporations. This sort of organization had been included in the Judicial Conference resolution, and he readily complied.

He submitted all these facts concerning his position in one closely held corporation, Carolina Vend-A-Matic, to the judges of the court of appeals in 1963, and they were reviewed in the letter that was then written as a report of exoneration by the then presiding judge, Judge Sobeloff.

Judge Haynsworth was so sensitive to his position on the court that when his stock ownership in Carolina Vend-A-Matic became public knowledge, he took steps to dispose of it. That is a step no court, no statute, and no canon requires of a judge. Yet he was sensitive to his position. If one wishes to try to measure his sensitivity, he sold his interest for one-third of what it would be worth today. Had he continued in ownership of that stock until the present day, he would have obtained $1 million more for it than the price for which he sold it back there in 1964. And that increase was

not a speculative one. The vending business in 1963 was booming and could be expected to continue booming—not only for the Carolina Vend-A-Matic Co. and other companies in the Carolinas, but for companies all over the country. It was a good investment.

The judge was fortunate, as were many thousands of other people who invested in similar businesses.

Mr. President, that is what the record shows here. The nominee has conscientiously followed the ethical standards applicable to him. He has exhibited sensitivity to the ethical problems which confront a Federal judge. He has acquitted himself with dignity and honor.

I trust that the nomination will be considered by the Senate on the basis of the records as they have been corrected. The corrections are made reluctantly because we do not like to correct a record made by our colleagues unless there is sound and proper basis therefor. I hope and urge that favorable consideration be given to his confirmation.

Mr. President, I yield the floor.

EXHIBIT 1

AFFIDAVIT OF T. C. CLEVELAND, JR.

STATE OF SOUTH CAROLINA,
County of Greenville, ss:

Personally appeared before me T. C. Cleveland, Jr., who being duly sworn, deposes and says:

I am the Executive Vice President for the Western Region of The South Carolina National Bank, with my headquarters in Greenville. Earlier, I was in charge of the Greenville Branch of The South Carolina National Bank and, beginning in 1952, I was personally responsible for the approval of credit to Carolina Vend-A-Matic Company.

The company had been started with a minimum of capital and its tangible assets consisted primarily of vending equipment, which, in my opinion, had little resale value. Until its credit worthiness was proven by an history of ability to service its installations and produce profits, I felt it was entitled to no bank credit, except upon the endorsement of its principal stockholders, who, at that time, were Eugene Bryant, Robert E. Houston, Jr., W. Francis Marion, Christie C. Prevost, and Clement F. Haynsworth, Jr.

On that basis a succession of loans were made to Carolina Vend-A-Matic Company on the endorsement of its principal stockholders, though by 1957 the Bank had agreed that it would look to each endorser only for his pro rata portion of the total amount of each loan.

The last such endorsed loan was made on January 25, 1960 in the amount of $14,000. That loan was repaid on February 16, 1960, and there were no further loans made to Carolina Vend-A-Matic Company until June 9, 1961. By that time Carolina Vend-A-Matic Company's proven success in the operation of its business established its own credit rating and all of the loans made thereafter were without endorsement of any of the stockholders.

Altogether the Bank made some fifty-six loans to Carolina Vend-A-Matic Company, though many of these loans were renewals of existing balances. The largest balance of endorsed loans ever outstanding was $55,550 on February 19, 1961.

Judge Haynsworth on several occasions in the early history of Carolina Vend-A-Matic Company discussed its credit needs with me. He became a member of the Bank's local advisory committee and, later, a member of its subcommittee on loans. When he became a member of the loan committee, I distinctly recall his telling me that he would have nothing further to do with the matter of credit to Carolina Vend-A-Matic Company. He informed me that thereafter I should handle all such matters with Mr. Francis Marion on behalf of Carolina Vend-A-Matic Company and that as a member of the loan committee he would take no position upon approval or disapproval of credit to it. Still later, Judge Haynsworth became a member of the Bank's Board of Directors, a position from which he resigned after his appointment to the United States Court of Appeals for the Fourth Circuit. During all of that period Judge Haynsworth had nothing to do with the negotiation of or arrangements for the extension of credit to Carolina Vend-A-Matic Company, though until January 25, 1960 he continued to endorse the notes of Carolina Vend-A-Matic Company in his individual capacity.

On February 15, 1962, the Bank made a real estate loan to Carolina Vend-A-Matic Company to finance the construction of an addition to its warehouse. In 1964, when this real estate was distributed as a dividend in kind to the stockholders of Carolina Vend-A-Matic Company and the balance of its mortgage loan was paid off by the stockholders, upon Judge Haynsworth's instructions on April 20, 1964 his account was charged the amount of $2,911.73 to pay off his portion of the remaining balance of this mortgage note.

Attached to this affidavit are the Bank's ledger sheets reflecting all transactions with Carolina Vend-A-Matic Company other than the mortgage loan mentioned above. I believe that all of Carolina Vend-A-Matic Company's bank loans were handled by The South Carolina National Bank, though from time to time it bought equipment on conditional sales contracts or other credit arrangements with its vendors.

T. C. CLEVELAND, Jr.

EXHIBIT 2

OCTOBER 13, 1969.

Hon. HAMER L. BUDGE,
Chairman, Securities and Exchange Commission, Washington, D.C.

DEAR MR. CHAIRMAN: During the Senate consideration of the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the United States Supreme Court, a factual issue has arisen which the records of the Securities and Exchange Commission may be able to resolve.

From the years 1957 to 1963 Judge Haynsworth was a director of Carolina-Vend-A-Matic, a South Carolina corporation. In 1964 this corporation was acquired by Automatic Retailers of America, Inc. As I understand the organization, the former Carolina-Vend-A-Matic operation is now a part of ARA Services, Inc.

It has been reported that the records of the Securities and Exchange Commission show that Judge Haynsworth was personally liable in the amount of $501,987 on notes he endorsed to secure credit for Carolina-Vend-A-Matic during the years 1957 to 1964. It would be appreciated if the accuracy of this figure could be verified. Further, it would be helpful if you could tell me whether this figure represents the cumulative personal liability of Judge Haynsworth or whether it is the highest amount of personally endorsed notes outstanding at any time. I would appreciate knowing specifically what was the highest amount of personal liability at any time if that information is available to you.

I propose to make public the information given me as an important part of the debate and discussion on this nomination.

With kind regards,

Sincerely,

ROMAN L. HRUSKA,
U.S. Senator.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., October 14, 1969.

Re Carolina Vend-A-Matic and ARA Services, Inc., formerly Automatic Retailers of America, Inc.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In response to your letter dated October 13, 1969 which requests verification of certain information relating to the endorsement of certain notes of Carolina Vend-A-Matic by Judge Clement F. Haynsworth, Jr., I am enclosing a memorandum prepared by our Division of Corporation Finance.

If I can be of any further assistance, please let me know.

Sincerely,

HAMER H. BUDGE,
Chairman.

MEMORANDUM PREPARED BY DIVISION OF CORPORATION FINANCE, SECURITIES AND EXCHANGE COMMISSION, WITH RESPECT TO SENATOR HRUSKA'S LETTER, DATED OCTOBER 13, 1969, TO CHAIRMAN BUDGE IN REGARD TO JUDGE CLEMENT F. HAYNSWORTH, JR.

ARA Services, Inc. (formerly Automatic Retailers of America, Inc.) has filed with the Commission, under dates of March 16 and 20, 1964, as amendments to its registration statement No. 2–20395 under the Securities Act of 1933, information with respect to the transaction by which the shareholders of Carolina Vend-A-Matic Company, Greenville, South Carolina, exchanged their interest in that company for shares of ARA Services, Inc. Similar information was furnished in a current report on Form 8–K, filed May 11, 1964, under the Securities Exchange Act of 1934 and in New York Stock Exchange listing application No. A–21614, dated March 26, 1964. While these filings indicate that Carolina Vend-A-Matic Company had indebtedness outstanding there is no information that any one other than the company is liable for such indebtedness.

Carolina Vend-A-Matic Company has not made any filings under the statutes administered by the Commission. It does not appear that any such filing was required.

There does not come to mind any company other than those mentioned whose filings with the Commission might contain information about the subject of the inquiry.

Carolina Vend-A-Matic Co. and wholly-owned subsidiaries, consolidated balance sheet, December 31, 1963

ASSETS

Current assets:	
Cash	$156,409.74
Savings and loan association deposits	42,621.20
Accounts receivable	5,638.34
Inventory	89,706.26
Prepaid interest	46,507.33
Total current assets	340,882.87
Fixed assets (partly pledged):	
Buildings	78,075.99
Vending machines	1,126,249.12
Miscellaneous equipment	49,341.23
Autos and trucks	133,356.89
Office furniture and fixtures	31,488.62
Leasehold improvements	2,786.95
Subtotal	1,421,298.80
Less allowance for depreciation and amortization	641,355.30
Subtotal	779,943.50
Land	9,125.00
Subtotal	789,068.50
Other assets:	
Organization expense	1,070.00

XUM

Carolina Vend-A-Matic Co. and wholly-owned subsidiaries, consolidated balance sheet, December 31, 1963—Continued

ASSETS—Continued

Other assets:	
Sundry	1, 050. 67
Subtotal	11, 217. 49
Total	1, 141, 168. 86
LIABILITIES	
Current liabilities:	
Accounts payable	73, 247. 35
Commissions payable	27, 815. 97
Other accrued Expenses and sundry liabilities	16, 050. 61
Notes payable (installments due within 1 year)	$303, 644. 95
Provision for income taxes	97, 315. 06
Total current liabilities	518, 073. 94
NONCURRENT LIABILITIES:	
Notes payable (installments due after one year)	198, 253. 71
STOCKHOLDERS' EQUITY:	
Capital stock—par value $100.00 per share	12, 700. 00
Paid-in surplus	16, 900. 00
Earned surplus	395, 241. 21
Total	1, 141, 168. 86

(The following colloquy, which occurred during the delivery of Mr. HRUSKA's address, is printed at this point in the RECORD on request of Mr. HRUSKA and by unanimous consent.)

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. HOLLAND. I wanted to comment on something the Senator just said, because there was a similar matter that came up when the nomination of Mr. Justice John Parker, the presiding judge of the same circuit court of appeals, was before this body.

I know, from having talked personally with two of the distinguished former Members of this body—both of whom are now no longer with us—who voted against confirmation of Judge Parker, that they felt that they had been misled by the propaganda, particularly by the propaganda coming from the labor organizations. One of them went so far as to say to me on two occasions—he was the distinguished former senior Senator from Georgia, Mr. George—that he regretted, more than any other vote he had cast since he had begun his service in the Senate, the vote that he had cast against the confirmation of Judge Parker.

It will be recalled that Judge Parker remained on the bench; he was not soured; he was not destroyed by those who sought to destroy him. He became recognized from one end of this Nation to the other as one of the more distinguished judges we had in our Federal judicial system. He was so recognized by the Supreme Court from time to time. Without allowing himself to be destroyed by those who had sought to assassinate his character, he simply went ahead and followed the course that he had followed up to the time of his nomination and up to the time of the rejection of his confirmation, and he made one of the outstanding records of any of the jurists of our day.

So I simply want to amplify the point just made by the distinguished Senator from Nebraska, that the Senate itself is under obligation to do the right things in this sort of case, to winnow the wheat from the chaff. And there is much chaff in the charges that have been made against Judge Haynsworth—so much chaff that I have not been able to find any grain at all, so far as the Senator from Florida is concerned.

I congratulate the distinguished Senator for calling attention to the fact that the Senate has a duty of supreme importance in a case of this kind, to make very sure that the detractors—and there are some in this case—have sound ground to stand upon. I have looked very hard into this case, and I have not found any such sound ground. I simply call attention to the Parker matter because it shows how far well-meaning Senators, from time to time, can be led astray from the doing of the thing which the evidence and the facts require should be done.

That happened in the Parker case. I certainly do not want to see it happen in the Haynsworth case.

I thank the Senator for calling attention to that point.

Mr. HRUSKA. I am grateful to the Senator for his remarks. I am sure students of the law and practitioners of the law generally, agree with the distinguished Senator from Florida when he says that Judge Parker was a brilliant jurist and that he established himself as one of the most respected members of the jurisprudence system during his time.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. ALLEN. Mr. President, I wish to commend the distinguished Senator from Nebraska for the great speech he is making on behalf of Judge Haynsworth.

There has been a great barrage of propaganda, of insinuation, and of innuendo leveled against Judge Haynsworth. I think it is mighty fine that we are hearing speeches and arguments on the floor of the Senate in favor of the confirmation of Judge Haynsworth.

I do not believe the distinguished Senator from Nebraska was here earlier today when the senior Senator from Virginia spoke on behalf of the confirmation of Judge Haynsworth. He made an excellent presentation of the case for Judge Haynsworth. He pointed out that, even with this barrage of criticism by the press and the showing of only one side of the coin, two of the great newspapers in this country, the Washington Post and the New York Times—great by reason of being well known and having influence in some quarters—although they had been highly critical of Judge Haynsworth in their news columns they pointed out in their editorials that while they disapprove of the nomination of Judge Haynsworth, yet there was nothing in his record to indicate that the Senate should not give him the confirmation that his record entitles him to.

I think it is fine that we are hearing now the case for Judge Haynsworth, and I believe we are going to hear more and more on the floor of the Senate. I feel he is an outstanding jurist. I do not feel that anything has been brought out that would cast any aspersion on his honor, integrity, or ability.

It would occur to the junior Senator from Alabama that this is a barrage or smokescreen to hide, or to put in the background, the real difference and the real objection that the opponents of Judge Haynsworth's nomination have to him.

I would like to inquire of the Senator from Nebraska in these matters, and they were picayune instances of alleged conflict of interests, if there is not just as much duty on a judge to sit in a case where he should sit as it is to recuse himself in a case where he should not sit?

Mr. HRUSKA. The Senator is correct. That is a very firmly established point in our system of Federal jurisprudence. There is no question about it. I would be safe in saying that is the consensus of opinions written on the subject: That the duty to sit when a judge should not be disqualified is just as strong as the duty to disqualify himself if the conditions and circumstances are such to require disqualification.

Mr. ALLEN. I wish to ask the Senator from Nebraska his opinion on a particular matter. I notice that the American Bar Association has reiterated its support of Judge Haynsworth, and yet we hear very little about that reiteration of their approval. I wish to inquire of the Senator if we would not have heard a great deal in the press, through other news media, and here on the floor of the Senate, if they had withdrawn their approval of his confirmation?

Mr. HRUSKA. Or reversed their position on it.

Mr. ALLEN. Yes.

Mr. HRUSKA. There is no question about it. If that happened the general conclusion reached by a great many opponents of the nomination would be that the proponents might just as well fold up our tents and silently steal away. The fact is there is still a little carping about it. There is an effort on the part of the opponents to find out how many votes were cast against it.

I wonder if they are not satisfied with some of the 5-to-4 decisions of the Supreme Court.

I am confident and I believe the Senator agrees, that had the ABA decision been the other way we would have been deluged in this Chamber daily with the chorus, "Withdraw his name. Withdraw his name."

Fortunately, and I think rightly, they reaffirmed their stand. I call attention to the fact that when they acted, last Sunday, they had all of the present record before them, not only the record as a result of their own investigation of the man's character, services, and reputation, but the hearing record and all the attacks.

Mr. ALLEN. I think the Senator from Nebraska and the Senator from Kentucky (Mr. COOK), in their letter to Senators and in the bill of corrections that they have filed in answer to the bill of particulars against Judge Haynsworth, have certainly refuted the charges that Judge Haynsworth is anti-civil rights and anti-organized labor.

I would like to ask the Senator from Nebraska whether even if it be true that he was biased and is biased in these two respects—and again I say that contention has been completely refuted—is it likely he would be any more biased than Mr. Justice Thurgood Marshall in connection with civil rights matters on the other side, or in the case of Mr. Justice Goldberg on labor matters?

Mr. HRUSKA. Why, of course not. All of us know both of those very distinguished members of the bar, and later distinguished members of the Supreme Court—in the one instance a man who dedicated virtually all of his professional practice and talents to pro-civil-rights cases, and in the other instance, a man who dedicated virtually his entire practice and career as a lawyer for so-called pro-labor-union cases—executed their judicial duties fairly. There is no question about it. And in this nominee there is not even that same monolithic restricted practice. He was in general practice. The analyses of his cases and opinions when he went to the fourth circuit clearly demonstrate he, too, decides fairly and without bias.

Mr. ALLEN. As a matter of information to the junior Senator from Alabama, I would like to ask the Senator from Nebraska when it is anticipated that the majority and minority reports of the Judiciary Committee will be filed?

Mr. HRUSKA. I have no exact information on that. The chairman of the Judiciary Committee, presumably, has a timetable in mind and maybe he has already announced it. It has not, however, come to my personal attention.

Mr. ALLEN. As soon as those reports are available, then the nomination will be brought to the floor of the Senate with the recommendations of the Judiciary Committee; is that not correct?

Mr. HRUSKA. That is correct.

Mr. ALLEN. And then we would anticipate a vote would soon take place on the nomination?

Mr. HRUSKA. Yes—we will begin debate in earnest. We are now engaged in only the preliminaries.

Mr. ALLEN. I thank the Senator from Nebraska very much for rendering a great public service in presenting the other side of the matter. We have heard so much from the anticonfirmation side that I think it is a distinct public service the Senator from Nebraska is rendering in presenting the case for confirmation.

Mr. HRUSKA. The Senator is very generous in his remarks. I am grateful for them.

Mr. ERVIN. Mr. President, will the Senator from Nebraska yield to me for a few questions?

Mr. HRUSKA. I am very happy to yield to the Senator from North Carolina.

Mr. ERVIN. I will ask the Senator from Nebraska if Congress itself has not prescribed the conditions under which a Federal judge should disqualify himself from sitting on a particular case?

Mr. HRUSKA. Of course, that is true. It is an interesting fact that the act passed by Congress in 1949, 28 U.S.C. 455, was an extension of an act of Congress that had been passed in earlier years. When passed in earlier years it applied only to trial judges. Then, in 1949, it was decided that it should also apply to members of the circuit courts. It was so amended. It does put the burden upon the judge and the court itself to determine whether there is a reason for disqualification. He must make that determination himself.

Mr. ERVIN. I will ask the Senator from Nebraska if the statutory law does not expressly provide that a judge shall, by implication, as his duty, sit in every case where he fails to find a disqualification exists?

Mr. HRUSKA. Yes, that is true.

Mr. ERVIN. So far as the so-called conflict of interest is concerned, does not the statute provide that a judge shall not disqualify himself unless he has a substantial interest in the outcome of the existing case?

Mr. HRUSKA. That is right.

Mr. President, I ask unanimous consent at this point, to have printed in the RECORD the text of section 455, in order that we can read for ourselves the plain language.

There being no objection, section 455 was ordered to be printed in the RECORD, as follows:

§ 455. Interest of justice or judge.

Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein. (June 25, 1948, ch. 646, 62 Stat. 908.)

Mr. ERVIN. I should like to ask the Senator from Nebraska if the charge that Judge Haynsworth has at any time shown union bias was not totally disproved by the record made in this case?

Mr. HRUSKA. I am sure it is right. It was disproved not only by those who were his close associates but there was also, by testimony, and well-considered testimony, by Prof. Charles Allen Wright of the University of Texas Law School, one of the most celebrated and highly respected figures in Federal jurisprudence, and also G. W. Foster, Jr., of the University of Wisconsin Law School. I suggest that both these gentlemen, scholars, good educators, good students of the law, both of them happening to be liberal Democrats, not conservatives, found he was not biased. These scholars analyzed the decisions of Judge Haynsworth and came out with the conclusion that he is a most outstanding figure and will make an outstanding Justice of the Supreme Court upon confirmation.

Mr. ERVIN. I should like to ask the Senator from Nebraska if those who challenge Judge Haynsworth's fitness on the alleged ground that he has a union bias did not cite seven cases to sustain their allegations and if four of those cases were not cases that dealt with one of the most controversial problems that arise in labor law; namely, when a union is to be recognized as the bargaining agent on card counts rather than by secret elections, and if the law on that subject was not settled by the Supreme Court of the United States until June of this year?

Mr. HRUSKA. Yes.

Mr. ERVIN. I will ask the Senator if another one of those cases was not reversed on the basis of a decision made by the Supreme Court only 6 days before, for the first time in the history of the Supreme Court?

Mr. HRUSKA. That is correct. The record so reflects.

Mr. ERVIN. I ask the Senator if another one of those cases was not decided on the basis of an amendment to the Labor-Management Act made by Congress in 1958 after the case had been heard in the lower court?

Mr. HRUSKA. That is correct. The record so reflects.

Mr. ERVIN. Another one of those cases—one of the seven cases heard—was a case which involved the discharge of seven nonunion employees. Can the Senator from Nebraska tell me how this case affecting nonunion employees shows any antiunion bias?

Mr. HRUSKA. That takes a little imagination, but I presume it can be done, because great efforts are being made to do it.

Mr. ERVIN. I would like to ask the Senator from Nebraska if three of these cases on the card count were not per curiam decisions, decisions written by the court as a whole, and handed down by the court as a whole, and that only one of the seven was written by Judge Haynsworth?

Mr. HRUSKA. That is right.

Mr. ERVIN. Two of the opinions were written by Judge Morris Soper, one of the most distinguished members of the Fourth Circuit Court of Appeals. If they show any antilabor bias on the part of Judge Haynsworth, they are bound to show the same bias against Morris Soper, too, who is not charged with any antiunion bias, are they not?

Mr. HRUSKA. They never have been.

Mr. ERVIN. I would just like to ask the Senator from Nebraska if the charge was not made to the effect that Judge Haynsworth was hostile to civil rights and I would like to ask him, in connection with that charge, if the record before the committee does not show in every case that Judge Haynsworth had followed the decisions of the Supreme Court of the United States?

Mr. HRUSKA. That is true. That was pointed out not only in the cases themselves but also in the analyses of some of the witnesses. They pointed out that that is precisely what he did and further they pointed out that it was the preferable way to do it. Judge Walsh testified that it was the preferable way to handle it because if each circuit plows new ground, we will have 10 new plowed grounds. We do not need confusion like that.

The better procedure is for the established rule of the Supreme Court, as it existed up until that time, to be followed. If new ground was to be broken, it is for the Supreme Court to break it. Then we have some semblance of order and stability.

Mr. ERVIN. Is it not true that the law as proclaimed by the Supreme Court itself in so-called civil rights cases has been in a state of flux and more or less uncertainty?

Mr. HRUSKA. There is no question about that, when we consider the history of that type of case.

Mr. ERVIN. I do not know whether the Senator from Nebraska saw an article that appeared in the Washington Post of October 14, 1969, written by James E. Clayton, entitled "The Haynsworth Record on Rights" or not, but the Senator from Nebraska, I am sure, will agree with the Senator from North Carolina that the Washington Post has been a newspaper which has been in the forefront in the fight for civil rights for years.

Mr. HRUSKA. Yes.

Mr. ERVIN. It would not be the place where one would normally expect to see a statement to the effect that Judge Haynsworth had followed the Supreme Court decisions in this particular field.

Mr. HRUSKA. In the civil rights field?

Mr. ERVIN. Yes, unless that was the fact.

Mr. HRUSKA. Yes.

Mr. ERVIN. I would like to ask the Senator to permit me to make a unanimous-consent request that this article by James E. Clayton, which appeared in the Washington Post on October 14, 1969, entitled "The Haynsworth Record on Rights," be inserted in the body of the RECORD.

Mr. HRUSKA. Mr. President, I shall be happy to make that request if it is necessary for the purpose of the rules of the Senate.

Mr. ERVIN. Mr. President, I would like to add that this article makes clear what the record before the committee disclosed, and that is that Judge Haynsworth has faithfully followed the decisions of the Supreme Court in the civil rights field.

Mr. HRUSKA. I thank the Senator from North Carolina, and I ask unanimous consent to insert the article in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HAYNSWORTH RECORD ON RIGHTS

(By James E. Clayton)

The trouble with the civil rights record of Judge Clement F. Haynsworth Jr. is that it's hard to label. It is neither the record of an all-out segregationist, as some of his critics claim, nor the record of a friend of the civil rights movement, as some of his supporters have claimed. It lies somewhere in between and the evaluation anyone places on it is largely determined by the way the record is approached.

Take, for instance, the eight cases cited on this page a week ago, in a letter to the editor, as evidence that Judge Haynsworth is a man who has "actively opposed desegregation." Three of those same cases were cited to support the proposition that the judge is pro-civil rights in a long letter we received in mid-August.

What seems to stand out as you read the opinions of Judge Haynsworth on civil rights in the last 12 years, and there are 25 or so of them, is this: Unlike some other federal judges in the South (the heroes of the civil rights movement), he was not willing to go beyond what the Supreme Court or Congress specifically ordered. Also unlike some other federal judges in the South (the heroes of the segregationists), he was not willing to oppose what the Supreme Court, or a majority of his own Court, had already done. He preferred to read Supreme Court opinions literally and to interpret them narrowly, doing precisely what that Court said had to be done but rarely, if ever, going beyond that narrow interpretation.

The result was that Judge Haynsworth voted with the most pro-civil rights judge in his circuit, Simon Sobeloff, far more than he voted against him; most of his civil rights cases were easy. But they parted company most of the time when Sobeloff wanted to break new ground in the civil rights struggle or to put a broad interpretation on Supreme Court opinions.

The prolonged litigation in Prince Edward County illustrates this point. In 1959, Judge Haynsworth voted to strike down a lower court order giving that county 10 years to desegregate. In 1963, after the public schools were replaced with "private" white schools, he cast the key vote when his court decided to abstain while the Virginia Supreme Court handled the matter. After the Virginia court acted, the Supreme Court reversed this Haynsworth opinion. Two years later, the judge dissented when a majority of his court found Prince Edward officials in contempt for appropriating money to run the "private" schools while the case was pending.

If you count these votes on a pure pro- or anti-civil rights basis, his score comes out 1 for and 2 against. But there is a substantial argument that he was right as a matter of law in one of the latter two votes. Beyond that, while voting to abstain, Haynsworth wrote, "Schools that are operated must be made available to all citizens without regard to race, but what public schools a state provides is not the subject of constitutional command." And, in the contempt case, he agreed that the action of the officials was "contemptible" and "unconscionable" but said the court lacked jurisdiction to hold them guility of contempt.

There is a similar pattern in his opinions dealing with freedom of choice. Until the Supreme Court ruled out such plans and insisted that school boards take affirmative action to desegregate, his position was that a freedom-of-choice plan was acceptable as long as each student was free to choose each year the school he attended and his choice was uninhibited by coercive action. After the Supreme Court ruled, he voted against freedom of choice plans.

You can argue that Judge Haynsworth should have seen the handwriting on the wall for these plans, as did Judge Sobeloff and a majority of the judges in the Fifth Circuit. And you can argue that he found coercion to exist only when the pressure on Negro children was extremely heavy. But the other side can argue that he was doing all the Supreme Court said ought to be done.

To pursue the issue into other areas, the judges critics point with validity to his vote, in dissent, that a hospital receiving federal funds under the Hill-Burton Act could discriminate against Negroes. His supporters argue, rather weakly, that the "state-action" aspect of the law, the key to this decision, was not really clear in 1963 and, anyway, that once the issue was decided in his circuit he enforced it.

The judge's friends point to a 1966 case in which he voted to require the North Carolina Dental Society to accept Negro members, even though the state action involved was no greater than it was in the hospital case. His critics say this vote was pre-ordained by all the other state action cases.

In one of the last major cases before his court, Judge Haynsworth came out in the middle of his brother judges, Two voted with him to protect a group of teachers from discrimination. Another, Judge Sobeloff, thought their view did not provide sufficient protection, and three others thought it provided too much.

Thus, you can tote up the score in several ways. If the standard of judgment to avoid being called a segregationist is that a judge must almost always support expansions of desegregation and avoid options that discourage it, Haynsworth comes out a segregationist. If the standard is that a judge is a friend of civil rights unless he takes every opportunity to denounce integration and never votes to encourage it, Haynsworth is a friend of civil rights. If the standard is somewhere in between, Haynsworth is somewhere in between. He rarely did anything more than that required of him by the Supreme Court, he rarely did anything less, and when he had options open to him he turned aside from being bold.

(This marks the end of the colloquy which occurred during the delivery of Mr. HRUSKA's address and which was ordered to be printed in the RECORD at this point.)

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDIING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is S. 1181.

Mr. BYRD of West Virginia. Is that the bill to enable potato growers to finance a nationally coordinated research and promotion program?

The PRESIDING OFFICER. The Senator is correct.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 49 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 16, 1969, at 12 o'clock noon.

CONFIRMATION

Executive nominations confirmed by the Senate October 15, 1969:

U.S. CIRCUIT JUDGE

Charles Clark, of Mississippi, to be U.S. circuit judge, fifth circuit.

EXTENSIONS OF REMARKS

VIETNAM MORATORIUM

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, October 15, 1969

Mr. JORDAN of Idaho. Mr. President, with the Vietnam moratorium demonstrations set for today, I believe it is vital that all who support this protest reflect carefully on its validity. I invite the Senate's attention to a much-publicized column written by David S. Broder which discusses this demonstration as a part of "The Breaking of the President."

In response to the denials of this charge by participants in the moratorium, Mr. Broder this week has written another column, which asks those participants three important questions: First, since President Nixon is now following policies recommended in 1968 by the antiwar faction, what is the target of this protest? Second, what alternative policies are recommended? Third, does the method of the moratorium set a dangerous precedent for other groups with strongly held views, who may well decide to force their will on the country by staging what is in effect a general strike?

I ask unanimous consent that both columns be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 7, 1969]

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his resopnsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

[From the Washington Post, Oct. 14, 1969]

ILL-ADVISED VIET MORATORIUM COULD SET A RISKY PRECEDENT

CAMBRIDGE, MASS.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscured. If the event is to be gauged properly, it is important to uncover its original premises from the debris of cliches and endorsements in which they have lately been buried.

A number of men active in the moratorium have taken time to point out what they consider the errors of the argument in this column last week that it is a plan for "the breaking of the President." With sincerity and conviction, they have asserted that, far from breaking the President, they are out to save him, by persuading him to make the peace the nation craves and, incidentally, to save the political system by keeping the antiwar movement out of the hands of the radicals and in control of those with a commitment to peaceful forms of protest.

Their conversations and correspondence have helped to define three questions which might be borne in mind by those planning to participate in the moratorium.

First, what is the target of this protest? Sam Brown, the able spokesman for the moratorium, says it is not an anti-Nixon move because "we learned in 1968 that what we must oppose are not personalities but policies."

But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

It asked for a "phased withdrawal over a relatively short period of time" of all foreign troops. The Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, it recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese."

If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

Second, what is the alternative they recommend? It has been described in moratorium publicity as everything from a negotiated settlement to immediate, total American withdrawal from Vietnam, but Brown said Sunday on "Face the Nation" that it is the latter that the moratorium has "consistently" demanded.

If that is the case, then the elected officials, clergymen and educators who have lent their prestige to the moratorium can properly be asked if this is the prorgam they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military

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victory, surrender or unilateral withdrawal by either side."

It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they could explain why a one-dimensional plan to pull out troops is any more likely to be wise policy than the one-dimensional plan that sent the troops in. Have we not learned yet to examine the political consequences of military decisions?

Third, and most important, what about the method of the moratorium? Is it compatible with the maintenance of representative democracy or does it substitute the rule of the street?

The sponsors say the name "moratorium," rather than "strike," was chosen to emphasize that the protest is to be peaceful and noncoercive. It is a nice distinction. The noncoercive feature may be almost invisible to the thousands of students whose colleges will shut down Wednesday. If the moratorium continues, as planned, for two days in November, three days in December, and so on, it will more and more come to resemble the general strike so familiar to European politics.

And if it succeeds in its aim, what is to prevent other majorities or sizable minorities in the country from using the same technique to force their views on agencies of the government? The moratorium sponsors say Vietnam is an extraordinary issue, but they must know it is not the only issue which agitates millions of people.

One wonders what the moratorium sponsors would say if Billy Graham were to ask all the parents who want prayers restored to public schools to withdraw their children from school for one additional day each month until the Supreme Court reverses its school-prayer decision.

Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate men opposed to integrated housing declared a moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamese moratorium is un-American, illegitimate, meanly partisan or personally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

COLUMBUS DAY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. BRASCO. Mr. Speaker, today we commemorate the discoverer and the discovery of America. The story and the achievement of Columbus, however, did not begin or end with the date October 12, 1492. When we celebrate the anniversary of that date we pay tribute to a man who deserves our gratitude and our honor in two respects. We revere Columbus both for what he was and for what he did.

In the first place, his character is symbolic for us of the spirit of exploration and discovery which led men of iron courage and inflexible will away from the old world and its familiar ways to the unknown dangers and incredible hardships of the new world. The spirit of Columbus—that has been the spirit of all the explorers and pioneers who conquered this land and built a great Nation here. The name of Christopher Columbus heads the list of those who have fared forth boldly into the unknown, dreaming of lands and peoples yet unseen by Europeans, and carrying to these new lands and people the heritage of European civilization.

For the timid and the cowardly, for the doubters and detractors, Columbus had just one answer, to go on, to conquer. The indestructible faith, the penetrating vision, the unalterable determination of Christopher Columbus conquered myth and mystery and solved the terrifying riddle of the Atlantic. The stains of greed and cruelty and broken faith that marked the career of some later discoverers and pioneers left unsmirched the character of Columbus. Generation after generation, down to our own time, have been inspired by his contagious courage and persistence, just as were the captains and crews of his three little vessels. The story of the discovery and exploration of America which began with his great voyage across the Atlantic has not yet ended. It will never end so long as Americans continue to hold on to that spirit which was the legacy of Christopher Columbus and those who followed him. For Americans there will always be new frontiers.

The second aspect of the magnificent achievement for which we revere Columbus began when his ship, the *Santa Maria*, ran aground off the island of San Domingo. A fort was built of materials from the stranded hulk, and the first colony in the new world was established with 44 members of her crew. Columbus returned to Spain with his two remaining ships, but only long enough to put together a great new expedition to secure and extend the discoveries already made. In the fall of 1493, three huge galleons and 14 light frigates carrying 1,500 men, including 12 missionaries, and all the animals and materials necessary for colonization, set out for the new world. On the island of Haiti, or Hispaniola as he called it, Columbus founded the city of Isabella.

The city of Isabella was not very successful because the colonists were more interested in getting rich as quickly as possible—by grabbing whatever gold and silver they could lay their hands on—than in building a solid and permanent base for the settlement of the new world. Yet Columbus never gave up his vision of a great and prosperous colony. His vision became a reality, though not in his lifetime, and Columbus was the father of the immigration which peopled a continent.

While the memory of Columbus has a particularly precious significance for Americans, we should remember that it is revered as well by many other nations and peoples. For our Latin neighbors to the south, the story of the New World also begins with the achievement of Columbus. Columbus belongs to Italy as the land of his birth and his parents. He belongs as well to Portugal, whose charts and navigational methods were his sole equipment against the unknown oceans. And he belongs to Spain, under whose flag his voyages of discovery were made.

Columbus never reached the shores of our own country and, if he had not made any of his voyages, the Western Hemisphere would undoubtedly have been discovered by someone else; nevertheless, his insatiable curiosity to find out, to know; his unshakeable faith and courage and his indomitable will—these are the elements of the spirit shared by all who participated in the building of America. The legacy of the pioneer spirit and the melding on the new continent of contributions from the peoples of every land is the unique heritage of America, and the tremendous achievement of Christopher Columbus is symbolic of that heritage.

TRENDS IN PORTABILITY AND VESTING OF PENSIONS

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, October 14, 1969

Mr. JAVITS. Mr. President, Mr. Thomas C. Edwards, president of the Teachers Insurance & Annuity Co., has written for the August 1969 edition of Best's Review, a most perceptive article on trends in portability and vesting of pensions. Mr. Edwards examines many of the reasons which are usually advanced to defend the failure of many pension plans to contain reasonable vesting provisions protecting employees against forfeiture of all pension rights upon termination of their employment, and finds them wanting.

As Mr. Edwards points out, the cost ostensibly saved by not including vesting provisions in pension plans may well be borne in otherways by the business community.

Mr. Edwards also discusses the possibility of purchasing insurance which might protect plan participants against the loss of accrued benefits if their employment were terminated. This is a particularly interesting idea, and I hope very much that it will be investigated further.

Mr. President, as the author of S. 2167, a bill which would provide minimum standards for private pension plans, particularly minimum standards concerning vesting, I read Mr. Edwards' article with a great deal of interest. I commend it to Senators who are interested in this problem and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRENDS IN PORTABILITY AND VESTING OF PENSIONS

(By Thomas C. Edwards)

Pension people on both sides of the question of early vesting are really very close together on basic objectives. Both sides want

pension plans to continue as a strong element on the social and economic scene. Both want pension plans to complement Social Security, not collide with it. Both want pension plans to retain their flexibility and innovative capacity. Both want pensions plans to help management recruit and retain top-flight people. Both want employers and employees to be able to part company at retirement on mutually satisfactory terms. And both consider it undesirable to pay an excessive cost to do these things.

Any disagreement, then, seems to be over whether early or late vesting will best accomplish these objectives in the 1970's. Unfortunately, this sort of disagreement is almost irrelevant today. The options have changed. The choice is no longer between early and late vesting; it's between "do-it-ourselves" early vesting and "leave-it-to-uncle" early vesting. There are real advantages in doing it ourselves.

By now some must be thinking: "Doesn't he know about the trustees, legislators and unions we'd have to fight to take vesting down below the 10-year level?" I do, and I know it's not easy; no struggle for survival ever is. But this one we should be able to win right within the family by joining forces for the social good, rather than seeming to take on the whole country against it.

One source of worry is the impression that spokesmen for private pensions give when they say that pension plans must be allowed to improve at their own pace. They appear unreceptive to the times or, worse, entrenched against the tide of social change, which of course, just isn't so. And when it is predicted that laws requiring early vesting will roll back the progress of private pensions and discourage their further growth, this is music to the ears of Social Security expansionists.

Therefore, perhaps efforts on behalf of pension plans will have the most beneficial results if directed within the family, trying to speed the pace of improvements already under way. Fortunately, the conviction that early vesting from within is needed soon, and that it is in the best interests of employers, employees and the total pension effort, grows in comparison to the alternatives and as one peels away the objections to early vesting.

Those who favor early or immediate vesting consider pension benefits a deferred part of compensation earned by a person just as he earns his salary—by his work, not by passing a loyalty test. They point out that a man's compensation at any given point should be unconditioned by his future actions or by the future judgments of others.

CRITICISMS AND OBJECTIONS

Critics of private pensions who would either legislate early vesting or turn the whole job over to Social Security have been known to add that pension plans actually pay retirement benefits to only a small portion of the people they cover, and are therefore not fulfilling the broad social purpose for which the plans receive tax-exempt status.

Few pension spokesmen who object to early vesting would say that a person does not earn his retirement benefits by his work, or that a pension plan should not pay benefits to most or all of its participants. Rather, the objections heard most frequently are:

On Cost: *"Early vesting would cost so much that either we can't afford it, or we'd have to cut way back on other plan provisions."*

On Holding Power: *"The thought of losing benefits holds people in their jobs, and this gives us a valuable management tool."*

On Loyalty: *"Management's pension obligation is to those who stay, not to those who leave. This loyalty factor is a condition of employment that everyone's supposed to understand when he's hired or when he's thinking of leaving."*

THE QUESTION OF COST

Whenever early vesting is discussed, the question of cost predominates. Obviously, there is a cost factor, since it takes more money to pay benefits than not to pay benefits. But whether this cost factor is large or small, it reinforces the social arguments in favor of early vesting. If the cost is large, should individual workers have to carry it by being insecure in their old age? And if the cost is moderate or small, what's all the fuss about? Why not vest?

Social arguments aside, however, is the volume of benefits now being taken from Peter, who leaves, to pay Paul, who stays, really a major factor in financing modern pension plans? It is doubtful. When all the positive aspects of early vesting are considered, the cost implications are neither as serious nor as one-sided as they may seem, for several reasons.

In the first place, a great deal of turnover cost can be eliminated from a pension plan by requiring a reasonable waiting period before new employees become eligible—say one or two years and attainment of age 25 or 30. This leaves ample time to build substantial retirement benefits, and eliminates much of the cost and bother of having to preserve long-term benefits for short-term employees.

A TWO-WAY STREET

If, in addition, there is no vesting for the first three or four years of participation in the plan, the program will be geared largely to employees who have demonstrated substantially more than a passing interest in their employer and their work.

In the second place, mobility takes place on a two-way street. As more and more plans provide early or immediate vesting, accrued benefits will increasingly be owned by arriving employees, as well as by those who leave. Each period of a person's employment will contribute to his total retirement income, whether he works for one employer or for several. A company's whole working environment is healthier, both economically and psychologically when employees in mid-career come to a new job with accrued pension benefits intact and can therefore look forward to a more secure retirement.

MORALE AND PRODUCTIVITY IMPROVED

Moreover, substantial cost reductions are possible when pension contributions are invested and accumulated for everyone over a 35- or 40-year period, instead of relying on the last 20 or 25 years of employment to do the job.

A third factor to be considered in discussing cost is that early vesting would help to remove some of the morale and productivity problems caused by low-yield employees who are now held in place by pension strings. The pressures on both the employer and employee to temporize are strong enough without throwing in the fact that a job change will cost the employee the benefits he has accrued during the years of loyal, though perhaps marginal, service. Early vesting doesn't solve personnel problems, but at least it neutralizes the pension plan as a factor in most job decisions, which the employer and the employee can then make on the merits of the situation.

And a fourth cost factor is one that is seldom mentioned in vesting discussions, probably because no one is particularly proud of what it does to retirement security. As long as the contributory pension plans of industry and public employment offer the departing employee a cash settlement of his own contributions in lieu of vested pension rights, too many people will unfortunately take the bait, thereby eliminating all vesting and all further pension costs on their behalf.

HURTS THE WHOLE PENSION EFFORT

This velvet trap destroys vesting for everyone but the relatively few who are willing to forgo some spending money today in order to keep their retirement benefits intact for the future. It also hurts the whole pension effort in much the same way nonvesting does—by wiping out deferred benefits normally worth many times the cash settlement, and by passing the blame for ultimately inadequate benefits on to the last employer in line, the company willing to hire a mid-career person on his merits, regardless of his retirement prospects.

For these and other reasons, it is hard to believe that cost is really the great deterrent to early vesting it is often made to seem. But if management and pension advisors continue to view the cost of early vesting as merely a function of turnover rates, and if unions don't want to press for early vesting for fear of losing something else, then perhaps there are other ways to protect the integrity of accrued benefits, or at least to put the problem in better perspective.

Suppose an insurance company offered a "vesting protection" rider for pension plans that would protect participants against the loss of accrued benefits if they quit or were fired before meeting their plan's vesting requirements. Or better yet, suppose the pension plan itself offered this protection through a VP rider. Do you think participants would buy it at a premium of say 0.5% or 1% of salary?

The price for a VP rider under any pension plan could be calculated from an analysis of turnover rates, and coverage could start after the first day, the first year or the first five years of employment. Actuarial ingenuity could easily remove the tontine aspect from pension rights, using techniques already available. A VP rider would sell, the price is right, and no one will offer it because there are much simpler and more direct ways to accomplish the same thing.

But if the cost of vesting really worries management and the unions, why not smoke out the risk by pricing it, and then let participants insure themselves against it? Is it because of the holding power argument—that an employee's fear of losing substantial benefits is a valuable management tool?

Most employees with several years of service behind them have no intention of leaving a job anyway, for reasons having nothing to do with pensions. They like their work, they're well paid, they have some seniority, and they haven't had a good offer lately.

On the other hand, every organization does have people who have been there a while, who want to make a change, and who should make a change, Perhaps they see greater opportunity elsewhere; perhaps they were passed over for a promotion; maybe they can't work well with a new boss, or with the people around them; or health reasons or domestic difficulties may suggest a change. Whatever the reason, some of these people move on, leaving part of their retirement security behind, while others are held in place by the threat of forfeiting benefits if they leave. Either way they lose something.

Ironically, the threat of losing benefits seems to have the least holding power on the very people the firm wants to keep the most—the top producer; the gifted person; the highly trained physicist; the computer expert, engineer or actuary; the creative writer. These people are the ones most likely to get the good job offers, and are the ones least likely to march to the beat of the corporate drum.

So they move when they believe they should even though they lose part of their future security. Attempting to tie such people down with strings of one kind or another only seems to irritate them, to give them a reason for looking around.

Conversely, the fear of losing the status and security of accumulated pension rights seems to have the most holding power on the very people management wouldn't mind losing. The gold at the end of the rainbow, how-

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ever tarnished, gives the low-yield worker or the square peg a financial reason for staying put, as well as a convenient rationale for not even looking around. And if he does get a job offer elsewhere, it often isn't enough better than his present job to make up for a pension loss. But if he could leave and still keep his pension intact, this might be of some help in facing up to an unproductive situation and taking a chance on another job. And his new employer could afford to experiment, since he wouldn't be taking on an excessive pension obligation.

This leads to the argument that an employer's pension obligation should extend only to those who have served him loyally and long. In this day of negotiated wages and benefits and "total compensation," it is surprising indeed to hear this argument at all. It should be heard even less in the years ahead, as employers look more and more to pension portability, not forfeitability, as the management tool of real value.

The shortage of specialists and qualified executives is forcing employers to look increasingly outside their own walls for people with experience in the new technical and human skills required to run a modern organization. Employers can't develop a successfully integrated 360 system or a successfully integrated personnel policy today on loyalty or long service alone.

ECONOMY PAYS A HIDDEN COST

Recruiting these experienced people is expensive enough without having to take on more than a fair share of obligation for their retirement years. Having to forfeit his accrued pension benefit where he is won't make a highly marketable specialist or executive more loyal to his employer, nor will it stop him from joining someone else. But it will up his price. And the extra paid for this often splashes over to raise the salaries of present staff. So the economy is now paying a hidden cost for nonvesting that may exceed the true cost of early vesting.

In short, there are good reasons for management's increasing awareness that unimpeded mobility both to and from an organization is desirable in an era of rapidly changing skills and technology. Indeed, the loyalty of most value to an organization today may be the intensity of the employee's devotion and effort while he's with a company rather than the duration of his service.

"AT THE 'BARRICADES,' 'REVOLUTION' DIDN'T AMOUNT TO MUCH"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. BRAY. Mr. Speaker—

Oh wad some power the giftie gie us
To see oursels as others see us!

Mike Royko of the Chicago Daily News Service in an article "At the 'Barricades,' 'Revolution' Didn't Amount to Much" which appeared in the Indianapolis News on October 10, 1969, bestowing on the "Students for a Democratic Society" the "honor" they so richly deserve. The article follows:

CHICAGO.—Never having covered a real revolution before, I got to Lincoln Park early so I wouldn't miss a thing.

I knew that if the revolution was successful, it would be my last, since it is customary for revolutionary governments to shoot newsmen. I didn't want to miss anything that important, especially with a weekend coming up.

The size of the SDS crowd surprised me. At most, 300 people huddled around a bonfire, or paced nervously amidst the trees.

Now, 300 people might seize the kingdom of Monaco, or even a dean's office. But that didn't seem like enough to overwhelm 11,000 policemen, plus 3,000,000 or so unfriendly citizens.

And, frankly, the people in the park did not look like they could seize a geriatrics ward without a good tussle.

They were talking tough, as always, using a lot of Negro slang, greaser jargon, mixed in with Marxist slogans, which is not an easy way to talk if you have a master's degree in anthropology and your father is a stockbroker.

But like most SDS'ers, they grew up in the rough-and-tumble jungles of wealthy suburbs, where they had knock-down brawls with their baby sitters, which they probably lost.

History tells us, of course, that most revolutions are started by intellectuals and members of the upperclasses. But they usually goad the peasants and workers into doing the fighting.

So, while a pretty young lady led everybody in a love-chant for "Che." I looked around the park for any peasants or workers who might be hidden away.

A middle-aged man was sitting on a bench, but he said he wasn't part of the revolution. "I'm just watching. I hope the cops kill those fairies."

That's the SDS's biggest problem. Nobody wants to join. Most college students think they are noisy bores. Militant blacks think they are suicidal loonies, and the white working man, whose alleged unhappiness the SDS wants to exploit, would be less unhappy if he could stomp on the SDS.

This is why the SDS is the fastest-shrinking revolutionary force around.

So it appeared the 300 in the park would have to do it alone. Being out-numbered, they used surprise as a tactic.

One minute they were chanting slogans. The next, somebody shouted: "To the Drake." And they began running out of the park.

The Chicago revolution was on.

At first I was confused about the destination. The Drake is probably the city's most aristocratic old hotel. I wonder if they had suddenly abandoned the revolution and were rushing to meet their parents for dinner and dancing in the Camelia Room.

But no, the Drake was to be the symbol of wealth, luxury and all the other things they know, from experience, are not as good as work and sweat, which they have read about.

As they jogged from the park, they began protesting the war in Vietnam by breaking windows in the Chicago Historical Society, a notorious arm of the military-industry complex.

And they dealt a blow to racial injustice, caving in the windows of a barber shop, an antique shop, and the Red Star Inn, an old German restaurant.

Moving down the street, they smashed the windows of car after car, store after store. The idea seemed to be that society would collapse from the sniffles if you broke all its windows.

For several blocks, they were unhindered. The police, surprised at first, were forming ahead.

That would be the big moment of the revolution. And as they approached the police, the SDS'ers swaggered, just as they had seen the tough kids do, when they drove through city neighborhoods.

When they met the police, they charged. A moment later they ran the other way and took off down side-streets, resuming their window breaking.

The police had pulled a sneaky trick. Instead of flailing anything that moved, as they did during the Democratic National Convention, they acted coolly, professionally, made quick arrests, and kept the head-busting to a minimum. It was the most remarkable personality change since Mr. Hyde.

The SDS found itself scattered all over the near Northside. And it is harder to be brave, and charge police lines, in groups of four or five. The rear rank is too near the front.

By midnight, the student warriors were either in jail, an emergency ward, or straggling back to the pad.

By yesterday morning, they had shamelessly resorted to sending the SDS girls out to confront the police in Grant Park.

Most of the girls didn't wear bras, which is probably just as good a way to get the boys home from Vietnam as breaking windows.

They flung themselves at the police lines, so the police arrested Celeste and Kathie, Judy and Suzie, Linda and Dee, and even Phoebe.

The other girls surrendered their clubs and lead pipes, burst into tears, and gave up for the day.

Although the broadcasts and headlines have made it sound like the Battle of the Bulge, the revolution hasn't been much, by modern standards of urban whoopee.

If the minirevolution proved anything, it is only that the SDS doesn't have many members left, and those who remain could not fight their way into a Polish wedding.

By last night, they had retreated to the suburbs and were last reported boldly occupying some churches in Evanston.

I think it is safe for us to come out now.

VETERANS OF FOREIGN WARS OPPOSE USE OF HOUSE OF REPRESENTATIVES BY VIETNAM MORATORIUM SPEAKERS

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. McMILLAN. Mr. Speaker I insert two telegrams I just received from the Veterans of Foreign Wars in my State. I agree with the commander of the VFW that the House of Representatives should not be used as a sounding board on such subjects as the Vietnam war, especially as long as our young men are fighting and dying for our country in Vietnam this very minute. I hope the House leadership will not tolerate a stampede by certain Members of the House in making the House of Representatives a spectacle in the eyes of the majority of the American people.

The telegrams follow:

COLUMBIA, S.C.,
October 13, 1969.

Hon. JOHN McMILLAN,
House of Representatives,
Washington, D.C.

I urge you to take every action at your command to prevent use of House of Representatives as a sounding board for Vietnam moratorium speakers October 15. Consider it disgraceful that any elected congressional representatives would even attempt use of congressional hall for any action designed to give aid and comfort to our enemy, undermine our bargaining position at the peace table and further endanger lives of our fighting men in Vietnam.

ARNOLD MUIR,
National Veterans of Foreign Wars.

COLUMBIA, S.C.,
October 14, 1969.

Hon. JOHN L. McMILLAN,
House of Representatives,
Washington, D.C.

Department of South Carolina Veterans of Foreign Wars adamantly oppose use of House

of Representatives by Vietnam moratorium speakers on October 15.

Please take appropriate action to deny these misguided Representatives right to use House floor to oppose position of the President, the majority of Americans, and the VFW on Vietnam in support of dissidents who can only give further aid and comfort to enemy and endanger the lives of our fighting men in Vietnam.

LAURIE L. LANE,
Commander, Department of South Carolina Veterans of Foreign Wars of the U.S.

LOBBYING EFFORTS OF CITIZENS' COMMITTEE FOR POSTAL REFORM, INC.

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. OLSEN. Mr. Speaker, the Citizens' Committee for Postal Reform, Inc., a bipartisan group, was formed last spring to muster financial and public support in behalf of converting the Post Office Department into a public corporation.

The fact that two former national chairmen of the two major political parties joined hands to head this committee was an interesting exercise in lobbying to begin with.

The extent of their lobbying efforts shows that they pulled out all the stops.

What we still do not know, for sure at least, is exactly what they told these high-powered executives to get them to climb on the national bandwagon in behalf of turning our postal system into a public corporation.

The most intriguing information to come from the Citizens' Committee for Postal Reform are the reports on their revenues.

They made one report to our House Post Office and Civil Service Committee during the postal reform hearings in July. Now they have prepared a supplemental report which shows the contributions up to October 1.

Mr. Speaker, I have taken the time to study these reports carefully and I believe they warrant publishing in major part for the edification of the Members and the American public.

The reports show that the committee has collected $261,083, plus three uncollected pledges of $5,000 each.

Would you believe that $201,920 came in pledges of $5,000 each or more?

Would you believe that $43,547 came in pledges of $1,000 or more, but less than $5,000?

Those are pretty healthy contributions, come from pretty well-heeled sources, and make up most of the total. That full-page advertisement which the committee ran in major newspapers last summer invited contributions from everyone, particularly the little fellows.

Well, my check of the list shows that 77 persons gave a dollar each. One gave 50 cents, another gave 25 cents, and still another gave 1 cent. We will not list those names.

However, Mr. Speaker, since about $245,000 of the total collected by the committee is in donations of $1,000 or more, I think they should be listed. I think we will also be interested in just what type of activities are conducted with these sums.

Following are two lists; the first is of contributions of $5,000 or more, the second is of contributions between $1,000 and $4,999:

Donations of $5,000 or more

Name and address	*Amount*
Bank of America-National Trust and Savings Assn., 300 Montgomery St., San Francisco, Calif. 94120	$5,000
The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124	5,000
Scott Paper Co., Philadelphia, Pa. 19113	5,000
Standard Oil Co. (New Jersey), 30 Rockefeller Plaza New York, N.Y. 10020	5,000
General Foods Corp., 250 North Street, White Plains, N.Y. 10602	5,000
Cummins Engine Co., Inc., 301 Washington St., Columbus, Ind. 47201	5,000
Union Carbide Corporation, 270 Park Avenue, New York, New York 10017	5,000
Westinghouse Electric Corp., 3 Gateway Center, P.O. Box 2278, Pittsburgh, Pennsylvania 15230	5,000
The Minneapolis Star and Tribune, 5th and Portland, Minneapolis, Minnesota 55415	5,000
Pan American World Airways, Inc., Pan Am Building, New York, New York 10017	5,000
The Coca-Cola Company, P.O. Drawer 1734, Atlanta, Georgia 30301	5,000
Owens-Corning Fiberglas Corporation, Toledo, Ohio 43601	5,000
Eastman Kodak Company, 343 State Street, Rochester, New York 14650	5,000
Southern Pacific Company, 65 Market Street, San Francisco, California 94105	5,000
Montgomery Ward, 619 West Chicago Avenue, Chicago, Illinois 60607	5,000
Time, Inc., Time and Life Bldg., Rockefeller Center, New York, New York 10020	5,000
J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, New York 10019	5,000
Boys Town of the Desert, c/o Mr. Z. R. Hansen, Mack Trucks, Inc., Box M, Allentown, Pa. 18105	5,000
Pitney-Bowes, Inc., Walnut and Pacific Streets, Stamford, Conn. 06904	5,000
McGraw-Hill, Inc., 330 West 42d St., New York, N.Y. 10036	6,920
E. I. du Pont de Nemours & Co., Wilmington, Del. 19898	5,000
R. J. Reynolds Tobacco Co., Winston-Salem, N.C. 27102	5,000
Castle & Cooke, Inc., Post Office Box 2990, Honolulu, Hawaii 96802	5,000
Kimberly-Clark Corp., Neenah, Wis. 54956	5,000
Bechtel Corp., 50 Beale St., San Francisco, Calif. 94119	5,000
Sears, Roebuck & Co., 925 South Homan Ave., Chicago, Ill. 60607	5,000
Proctor & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201	5,000
Whirlpool Corp., Administrative Center, Benton Harbor, Mich. 49022	5,000
Merck & Co., Inc., Rahway, N.J. 07065	5,000
3M Co., 3M Center, St. Paul, Minn. 55101	5,000
General Electric Co., 570 Lexington Ave., New York, N.Y. 10022	5,000
American Express Co., 65 Broadway, New York, N.Y. 10006	5,000
Goodyear Tire & Rubber Co., Akron, Ohio, 44316	$5,000
Ford Motor Co., The American Rd., Detroit, Mich. 48121	5,000
Union Carbide Corp., 270 Park Ave., New York, N.Y. 10017	5,000
Westinghouse Electric Corp., 3 Gateway Center, Post Office Box 2278, Pittsburgh, Pa. 15230	5,000
General Foods Corp., 250 North St., White Plains, N.Y. 10602	5,000
Federated Department Stores, 222 West Seventh St., Cincinnati, Ohio 45202	5,000
Owens-Corning Fiberglas Corp., Post Office Box 901, Toledo, Ohio 43601	5,000
Standard Oil Co., 30 Rockefeller Plaza, New York, N.Y. 10020	5,000

The committee reported the following as outstanding pledges not paid as of September 30:

Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio 45202	5,000
Texas Instruments Inc., P.O. Box 5474, Dallas, Tex. 75222	5,000
Continental Oil Co., 30 Rockefeller Plaza, New York, N.Y. 10020	5,000

Donations of $1,000 to $4,999

Name and address	*Amount*
Litton Publications, Inc., Division of Litton Industries, Oradell, N.J., 07649	$1,350
Burlington Industries, Inc., 301 North Eugene St., Greensboro, N.C., 27402	2,500
West Point Pepperell, P.O. Box 71, West Point, Ga., 31833	2,000
Borg-Warner Corp., 200 South Michigan Avenue, Chicago, Ill., 60604	2,500
The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Ill., 60654	1,000
Allied Chemical Corporation, 61 Broadway, New York, N.Y., 10006	1,000
Campbell Soup Company, 375 Memorial Ave., Camden, N.J., 08101	1,000
USM Corporation, Boston, Mass., 02107	2,500
Kennecott Copper Corporation, 161 East 42nd Street, New York, N.Y., 10017	2,000
The Conde Nast Publications, Inc., 420 Lexington Avenue, New York, N.Y., 11017	2,500
Cowles Communications, Inc., 488 Madison Avenue, New York, N.Y., 10022	1,500
Meredith Corporation, Des Moines, Iowa, 50303	1,000
Newsweek, 444 Madison Avenue, New York, N.Y., 10022	1,000
Reynolds Metals Company, Reynolds Metals Building, Richmond, Va., 23218	1,000
Republic Steel Corporation, Republic Building, P.O. Box 6776, Cleveland, Ohio, 44101	2,500
Chilton Co., Chestnut and 56th Sts., Philadelphia, Pa., 19139	2,012
Cahners Publishing Co., 221 Columbus Ave., Boston, Mass., 02116	3,222
Pentagn Publishing Co., 1213 West Third St., Cleveland, Ohio, 44113	1,463
Hon. C. Douglas Dillon, 767 Third Ave., Room 1600, New York, N.Y., 10017	2,000
Deering Milliken, Inc., 234 South Fairview Ave., Spartanburg, S.C., S.C., 29302	1,000
B. F. Goodrich Co., 500 South Main St., Akron, Ohio, 44318	2,500
Deere & Co., Moline, Ill., 61265	2,500
Allied Chemicals Corp., 61 Broadway, New York, N.Y., 10006	1,000
Burlington Industries, Inc., 301 North Eugene St., Greensboro, N.C., 27402	2,500

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MARIHUANA ABUSE—ENCOURAGED BY PERMISSIVENESS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. HUNT. Mr. Speaker, on July 14, 1969, the President submitted his message on the drug problem to the Congress in which he summarized the seriousness of the problem of illicit drug use in the following words:

> Between the years 1960 and 1967, juvenile arrests involving the use of drugs rose by almost 800 percent; half of those now being arrested for the illicit use of narcotics are under 21 years of age. New York City alone has records of some 40,000 heroin addicts, and the number rises between 7,000 and 9,000 a year. These official statistics are only the tip of an iceberg whose dimensions we can only surmise.
>
> The number of narcotics addicts across the United States is now estimated to be in the hundreds of thousands. Another estimate is that several million American college students have at least experimented with marihuana, hashish, LSD, amphetamines, or barbiturates.

It is against this background that I view with considerable alarm the fact that the debate over marihuana penalties has been given the limelight at the expense, I fear, of the psychological impact of the President's own admission that:

> A new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace (abuse of drugs) to the general welfare of the United States.

Consider these headlines: "HEW Egeberg Hits 'Pot' Penalties"; "Egeberg Criticizes Marihuana Laws"; "Administration Flexible on Penalties in Drug Bill"; "Mitchell Favors a Flexible Drug Law." I am sure that such reading gives our younger citizens much encouragement to think that our predecessors were all wet on the harmful effects of marihuana, despite the fact it is still admitted that comparatively little is known about the long-term physical effects of marihuana. The advocates of lesser penalties for the use and possession of marihuana are quick to say that they are not encouraging the use of marihuana over other dangerous drugs, but merely want the penalties to be more reflective of the actual dangers of the use of marihuana. Of course, they do not distinguish between the dangers to the individual and the dangers to society, and I believe it is the latter to which we should be directing our attention. In this connection, I would point out the findings of the Health Subcommittee of the Special Presidential Task Force Relating to Narcotics, Marihuana, and Dangerous Drugs:

Marihuana contains a number of potent compounds called tetrahydrocannabinols—THC—which affect the mind and body in various ways.

While marihuana contains many ingredients, THC is believed to be the principal psychoactive ingredient.

Since marihuana products produce effects similar to other hallucinogens like LSD, and their reactions are often indistinguishable from those produced by other psychedelics, they are pharmacologically classified in that category.

THC in sufficiently high doses can induce psychotic reactions in almost any individual.

It has also been demonstrated—in connection with studies on the effects of marihuana—that THC, when administered in sufficiently high dosage, will cause a psychotic-like state, similar to that induced by LSD.

> There have also been reports of adverse psychological effects of marihuana both in this country and abroad. Recently a group of some 1500 psychiatrists, psychiatric residents, internists, general practitioners and psychologists in the Los Angeles area reported that they had seen almost 1900 "adverse reactions" to marihuana. It is difficult to interpret this finding since "adverse reaction" was poorly defined, and there has been no follow-up to define just what the reactions to the drug were. However, there have been reports of an increased number of hospitalizations following the usage of marihuana.

I suggest that while the dangers to the individual users of marihuana may be of minimal consequence, although the reported findings would tend toward a contrary view, the dangers posed by the widespread use of marihuana, in the context of the general public, reach significantly greater proportions whose consequences, adverse to the general welfare, are potentially disastrous.

Another bit of information came across my desk within the past few days. In a recent issue of the Journal of the American Medical Association, two doctors report mental disturbances among American servicemen in Vietnam after using marihuana which were made potentially more dangerous because of the combat zone environment. I feel that an environment of belligerency, not unlike that in the combat zone, exists on college campuses and in the streets across the Nation whose impact on the minds of the marihuana users may pose an indeterminable threat to the public safety. We can only surmise how many of those involved in these now common violent outbursts are under the influence of marihuana or some other mind-altering drug. However, the large number of arrests for narcotics use in connection with these disturbances should disturb even the most liberal and permissive minds among us, not because the arrests were made in the first instance, but because of the violence with which drug abuse has clearly come to be related.

What does all of this suggest? In my estimation, Mr. Speaker, the misplaced emphasis on making the penalties for the use and possession of marihuana less severe tends not only to give tacit license to an admitted evil, but to suggest that some useful social purpose will be served behind the mask of justice. I fail to see what justice there is in permissiveness, justified on the basis of an alarming increase in drug abuse among young persons. If, as is claimed, justice would be served by making the penalties fit the proven dangers to individuals who use marihuana, the argument disappears with the admission that such proof cannot be found in the scant records of research. The dangers, not as to individuals, but as to the general public, are to be inferred from what is known of the drug, and I contend the evidence is sufficient to establish that the dangers to the public safety and general welfare are real.

NEW LIGHT ON WHY THE UNITED STATES IS IN VIETNAM

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, various weekly publications have published a poll which shows that 58 percent of the people in the United States think it was a mistake to have ever become engaged in a war in Vietnam. Various reasons have been advanced as to why we are fighting in Vietnam, and I am submitting the following explanation which appeared in U.S. News & World Report, on January 31, 1966:

NEW LIGHT ON WHY UNITED STATES IS IN VIETNAM

A fresh version of how—and why—the U.S. became so deeply involved in Vietnam has now come to view.

This footnote to history revolves around three world figures of 1961: President Kennedy, Secretary of Defense Robert McNamara, and Premier Nikita Khrushchev of Russia.

The story is told by James Reston, associate editor of "The New York Times" and a syndicated Washington columnist. On a television program, Mr. Reston was asked this about Vietnam:

> Was there any point at which a President should have seen what was coming—and either have backed out before it was too late or have refused to take steps which escalated the war?

A TALK WITH J. F. K.

Mr. Reston, in answer, told of a talk he had had with President Kennedy a few minutes after the Kennedy-Khrushchev meetings in Vienna in the spring of 1961.

"At that time we really had a hard time with Khrushchev," Mr. Reston recalled. "Khrushchev tried to bully him through the four meetings, and Kennedy said to me at that time that he thought he understood why Khrushchev had taken this position.

"He said—looking back at the Bay of Pigs fiasco—that Khrushchev had decided that anybody who was stupid enough to get involved in that situation was immature, and anybody who didn't see it all the way through was timid and therefore could be bullied.

"And Kennedy said to me then: We will never do anything with these people now, unless we make our power . . . credible. Otherwise, we'll get nowhere on anything."

Mr. Reston then listed steps President Kennedy took: "He increased the military budget by 6 billion dollars. He sent the Rainbow Division to Germany. And, most important, he escalated in Vietnam—not because the situation on the ground demanded it in Vietnam, but he wanted the 12,000 men in Vietnam at that time because he wanted to prove a diplomatic point, not a military point.

"And that, I think, is where we began to get off the track in my view."

M'NAMARA'S ROLE

Did Mr. Kennedy's advisers agree?

"No," said Mr. Reston. "There was a big battle about that [and] one of his advisers said: Don't go down that track, because once you get 12,000 men committed, you'll get into a situation in which you will keep on developing it.

"And one of his other advisers said: If you go that way, it may take 300,000 men.

"And at that time Bob McNamara took the position: Whatever is necessary, I think we ought to put in there.

"Then there was a real battle, because the State Department—or at least part of the State Department—said: You must never ask the President of the United States to go all the way through in circumstances he can't foresee, because you don't know what's going to happen in the world. Therefore, don't commit yourself that much.

"And this was, in my view, one of the critical historic debates that went on. And from that I think we made one step after another until now we have almost 200,000 men."

Mr. Reston's remarks were made on a broadcast January 17 by National Educational Television.

BIG OIL: THE TAXLESS BILLIONAIRES

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. MADDEN. Mr. Speaker, the following editorial from the October 9 edition of the Hammond, Ind., Times reveals only a minute picture of the tax exemptions credits and depletions the Congress continues to give "big oil":

BOTH WAYS FOR OIL

It's an interesting rationale of Sen. Russell B. Long's that a senator or congressman has no conflict of interest problem when his financial interests "completely parallel" those of his state.

The senator's reasoning developed in response to disclosures that he had received nearly $330,000 since 1964 in tax-free oil royalties from holdings in his home ground of Louisiana, which he claims produces more oil and gas per acre than any other state.

"If I didn't represent the oil and gas industry, I wouldn't represent the state of Louisiana," he argues.

But as chairman of the Senate Finance Committee, Long wields considerable influence on tax reform legislation pending in Congress. And nearly every citizen is dunned for taxes. A major reform of the tax bill is a reduction in the oil industry's coveted 27½ per cent depletion allowance, the "loophole" that gave the senator his nearly $330,000 tax-free.

The industry opposes lowering the allowance to the proposed 20 per cent. Naturally Senator Long more than agrees. And at least one must respect his frankness; he is protecting his own pocketbook.

The industry, however, is being more subtle. It is directing a nationwide scare campaign at the gasoline consumer who is being warned that unless the allowance remains intact, fuel prices will rise. And with prices rising all around him, that kind of talk makes a fellow think.

The industry says absolutely nothing about the effect of oil import quotas on fuel prices. These controls stem the tide of cheap, foreign oil that could drive prices down, could make them competitive.

A fresh Interior Department analysis discovers that retention of the controls could cost the driving public anywhere from $2.2 billion to more than $8 billion a year by 1980. Not only does the industry enjoy tax favoritism, it has price favoritism too.

ROTH STUDY DRAWS PRAISE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. HAMMERSCHMIDT. Mr. Speaker, our colleague from Delaware, BILL ROTH, continues to receive highly favorable and much deserved acknowledgment in the national press for his independent inquiry into the size and complexity of the Federal Government.

A year ago he announced the results of a study which he personally directed from his own congressional office. It revealed that the Federal Government administered more than a thousand grant-in-aid programs. He continued that inquiry and recently announced that hundreds of additional assistance programs have been identified and should be added to the 1968 figures.

Among the many newspaper accounts of BILL ROTH's disclosures are articles by Jerome Cahill of the Philadelphia Inquirer Washington Bureau, and syndicated Columnists Roscoe and Geoffrey Drummond. I commend to the attention of all Members the reports which follow in the RECORD:

[From the Philadelphia Inquirer, Sept. 18, 1969]

U.S. GRANTS-IN-AID HARD TO DECIPHER

(By Jerome S. Cahill)

WASHINGTON, September 17.—Representative William V. Roth, Delaware's congressman-at-large, had some unsettling news this week for American taxpayers who are perplexed at the growth and complexity of the federal bureaucracy. He has found that big government is even bigger than he first reported 15 months ago.

The 48-year-old lawyer from Wilmington, who is in his second term in the House, gained nationwide attention in June, 1968, when he disclosed the results of an in-depth study by his office of Federal grant-in-aid programs. The study found Uncle Sam was operating 1090 grant-in-aid programs.

Now Roth has surfaced from another plunge into Washington's sea of red tape with word that there are 225 more Federal assistance programs that should be added to his 1968 list. And, he told the Senate Subcommittee on Intergovernmental Relations Wednesday, "there is evidence that an additional 100 to 200 programs may still be unreported."

So labyrinthian are the ways of the Federal establishment, apparently, that some high-level department officials even have difficulty in keeping tabs on grant programs in their own departments. When Roth's office recently asked an assistant secretary at the Department of Transportation for a listing of DOT programs, for example, the number totaled 16.

But a check of individual operating agencies within the department boosted the total to 41.

Maintaining a maze of assistance programs with widely varying eligibility standards in a state of semi-secrecy is advantageous to the bureaucrat, of course, because it enhances his influence over the channels grant monies take in leaving Washington. On the other side of the coin, it does little to smooth the way of local instrumentalities not adept at the game of Federal grantsmanship.

Roth sought to eliminate some of the mystery by publishing as House Document No. 399 the fruits of his 1968 research—the 1090 program titles, together with 541 program descriptions.

Now the congressman is ready with his updated 1969 handbook, and is pushing a bill that would require the President to publish an annual catalogue of Federal aid programs and to update the catalogue each month. His appearance before the Senate panel was to promote that legislation.

According to his study education is the most widely splintered of the Federal aid programs. Roth found in existence today 165 programs of educational aid in 14 different Federal agencies. Close behind were 163 health and safety programs in six agencies, and 112 housing programs in five agencies.

A businessman shopping around for Federal help, according to Roth, would have to do a lot of agency-hopping. The congressman found 14 different agencies active in the business and economic development field. Those 14 agencies administer 51 separate programs.

The latest Roth listing includes 45 titles from the Department of Defense, but the congressman suspects there are a lot more that the Pentagon isn't talking about for security reasons. He hasn't made an issue of such security classifications, but the congressman is a bit impatient when secrecy extends to programs not involved in national security.

"No one in the Federal Government at any level," he said Wednesday, "has full knowledge available today as to what Federal assistance programs do in fact exist. Furthermore, employees in various agencies have advised me that they, in turn, are unable to direct applicants to the best source of assistance because they have too little or no knowledge about other programs."

[From the St. Louis Globe Democrat, Sept. 26, 1969]

BIG GOVERNMENT FALTER

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—Daniel P. Moynihan, the liberal Democrat who is serving President Nixon so ably as urban affairs aide, long tried to persuade his fellow Democrats that the federal bureaucracy is so big, so lethargic, so inefficient, because of the thicket of overlapping programs that it simply can't do its job.

He put his view arrestingly in these words: "The federal government has proved itself good at collecting money and bad at dispensing public services."

So far very little has changed. Moynihan's view was rejected by the Democrats and never effectively taken up by the Republicans. The President is making a beginning in his welfare proposals, in his advocacy of revenue-sharing and in his plan to finance the job-training program at the state level.

But even this beginning is only in the talk stage. These steps face a rough road when they come before Congress next year. If these moves—and others equally needed—to decentralize Big Government somewhat are to be approved, an alert and aroused public opinion will be necessary.

Do the facts justify an aroused public opinion? Do they justify Moynihan's harsh verdict? We'll lay out the facts—you decide.

The source of these facts is the best-informed, perhaps the only fully informed and objective authority on federal assistance programs in Washington. He is a second-term Republican member of Congress, Rep. William V. Roth Jr. of Delaware. For two years he has been conducting a one-man canvass of the maze of far-flung federal assistance programs, much to the annoyance of the agencies themselves and often encountering their resistance.

He also encountered widespread ignorance. Some agencies really didn't know what programs they were administering.

His study is not complete. It may never be, because this year he found 225 more programs than he was able to discover last year. He expects there are 100 to 200 programs still unreported.

As of today, there's what Congressman Roth has found:

1. There are at least 1,315 federal assistance programs for all of which Congress appropriated more than $25 billion last year.
2. These overlapping programs constitute such a maze that those who are intended to benefit often don't know they exist, where to apply, whether they qualify or how much money is available.
3. There is no centralized planning or management of federal assistance programs in the government's executive branch.
4. Here is how the federal assistance programs overlap and duplicate themselves. There are 51 business and economic development programs in 14 agencies; 23 civil defense and disaster-relief programs in four agencies; 19 civil rights programs in six agencies; 165 education programs in 14 agencies; 62 environmental and natural resource programs in nine agencies; 48 rehabilitation programs for the handicapped in 11 agencies; 163 health and safety programs in six agencies; 112 housing programs in five agencies; 27 law-enforcement and police-assistance programs in four agencies; 41 maritime, fishing and waterways programs in eight agencies; 32 programs for state, local government facilities and public works assistance in nine agencies; 28 transportation (excluding sea) programs in five agencies, and 33 water resources and conservation programs in eight agencies.

Congressman Roth proposes a useful first step. He has 184 cosponsors in the House and 11 cosponsors in the Senate for his Program Information Act which would require the President to publish an annual catalog of all federal aid programs and update it monthly.

But Rep. Roth and others know this is just a start, that much more needs to be done.

This brings us back to Moynihan's provocative verdict that the federal government ought to make more tax money available to state and local governments to administer aid programs nearer to their beneficiaries.

Some argue that state and local governments aren't good enough to do it. But who knows until we try? Certainly the federal government hasn't been so good at it.

CORPORATE FARMING: A STEP TOWARD SOCIALISM

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. ZWACH. Mr. Speaker, the economic future of the family farm is a matter of continuing discussion in our Minnesota Sixth Congressional District, where, probably, there are more of these units than can be found in any other congressional district in America.

One of the most authoritative voices in behalf of the family farm is that of editor Don Olson of the Marshall, Minn., Messenger.

With your permission, I would like to insert in the CONGRESSIONAL RECORD at this time, Editor Olson's latest editorial of this matter.

Soon Congress will be called upon to consider a new farm bill. I urge my colleagues to keep Mr. Olson's editorial in mind when the time arrives for that vote. The editorial follows:

CORPORATE FARMING: A STEP TOWARD SOCIALISM

(By Don Olson)

Farm programs, as we've known them for the past generation, probably will die with this or the next session of Congress. Opposition to farm subsidies, the desire for lower food prices and the belief that farm programs cause high prices are the prevailing sentiments in Washington today.

Agriculture always has been the most fragmented of American industries. It never has developed a voice, so it hasn't been able to express its point of view.

After 1952, when farm prices started down a long, general slope to disaster, most Americans still looked at the farmer as an extremely wealthy, selfish dolt. As things got worse, no amount of fact could persuade the average American that the profit had been taken out of agriculture.

Those who cared at all echoed the CED's recommendation: "Let the inefficient farmers get out of agriculture." Most of the rest said simply that they were interested only in lower food prices . . . . which already were the lowest in the world.

Last week the Nixon administration sent to Congress recommendations for a new look at agriculture. The recommendations encompass virtuous-appearing goals such as increased income for farmers, fewer government controls over farmers and more exports of food products.

The increased income supposedly will come from the fewer controls and larger exports. The American consumer presumably will buy food cheaper because only the most efficient farmers will remain in agriculture.

It is an altogether appealing package . . . at least on the surface.

But it overlooks the fact that family farming has been, by all odds, the most efficient form of food production the world ever has seen. Within the past few months a Midwestern extension economist said that the most recent studies prove conclusively that the family farm still can produce more economically than the large, corporate farm.

Corporate agriculture has it over the family farm in only a few areas, such as the ability to get more credit, the ability to ride out tough times and, in some cases, the ability to purchase more economically.

Corporate agriculture is at a disadvantage when it comes to farm labor. While the farm family donates much of its labor to the family enterprise, corporate farms have no such pool of loyal, diligent and generally-efficient labor.

A few years ago farm labor came under the minimum wage law, and in a few years farm workers will be organized in labor unions. Farm labor costs will skyrocket.

They will try to offset higher labor costs by mechanization, but buying more machines isn't a cure-all. Machinery purchases will require a larger input of capital and money these days is expensive. It also takes high quality labor to operate sophisticated machines, so the labor-saving machines may not save much in payroll.

But the most telling argument against corporate agriculture is the one that will cause the consumer the most grief. Corporations, over the short haul, may be willing to lose money on their farm operations. They may have profits from other enterprises against which they can charge the losses from farming.

But sooner or later the farm corporations will have to make money. If they are operating as economically as they believe possible, they will raise their prices to make the desired profits.

No amount of threatening by the government and no buyers' strikes will deter them from their goal. They will sell wheat and milk the same way that steel companies sell steel and automobile companies sell cars . . . at a profit.

This is bound to mean higher food prices for the consumer, and a dwindling . . . not expanding . . . export market.

All of this very likely will result in a socialized form of agriculture. The step in ownership from big corporation to federal government is, after all, a small one.

THE ELECTORAL REFORM BILL

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. UTT. Mr. Speaker, due to illness in the family, I was forced to miss the final vote on the electoral reform bill, which passed the House by an overwhelming majority of 339 to 70. Had I been present, I would have voted against it. It was another one of those bills where emotion carries more weight than judgment.

There has been much "hoopla" about the dangers of the existing electoral college system, and what dire results would happen if it were not reformed. Bear in mind that this Republic had been operating under this system for some 180 years, since 1789, when such a system was provided for in the Constitution.

My position, I am certain, is contrary to the wishes of 70 or 80 percent of the people in my district, according to the polls, but the polls can be very misleading. A simple question "Should there be electoral reform?" would generally be answered in the affirmative. The public feels that something is askew and that reform will, ipso facto, remedy it. Few people who were questioned had time to consider the historic and constitutional background of this system. The electoral college was a part of the checks and balances provided for in order to form the Union. At that time there were 13 States, ranging in size from Delaware to the Commonwealth of Virginia. Where was the power to reside?

The little States were afraid to surrender their sovereignty for fear of domination by the larger States. By compromise and agreement, each State, regardless of size, was to have two Senators and a proportionate number of Members in the House of Representatives, based on population. There was to be a head of State called the President of the 13 States. Again, to protect the rights of the smaller States, this President was to be selected by the States, with each State voting its prescribed number of electors as a unit. We now have 50 States and the President, though he may be President of all of the people, is technically the President of the 50 States. Election of the President by popular vote will deprive the smaller States of any voice in selecting the President and the campaign will be conducted in a dozen of the most populous States, and small attention will be paid to the little States.

If this constitutional amendment should be adopted by three-fourths of the States and become law, the next thing will be to dissolve the States themselves, for there will be little reason for the existence of the States. They will become provinces controlled by bureaucrats in Washington, D.C., eliminating local control. We would cease to be a republic as conceived by the Founding Fathers, and would become a democracy as in France. Who would want that?

The strength of this Republic is in the fact that there are 50 sovereign States, each with its own constitution, its own Governor, its own legislature, and its own constabulary. Under our present system, if the District of Columbia were captured by a foreign nation, it would not be capturing the United States, as there are still 50 separate States that would have to be conquered, and this is a great source of military strength.

During debate, it was proposed that the President be selected by congressional districts, with two bonus votes for each State, representing the Senators. That is, California, with 38 congressional districts, would cast the number of votes for President according to the number of congressional districts carried by each candidate. If there were 19 congressional districts for one candidate and 19 carried by another candidate, there would be 19 votes cast in the electoral college for each, and two additional votes, for the Senators, would be cast according to the way that the total State went. That proposal lost on a rollcall vote by 245 to 162. I do not feel that this district plan would be any more representative than the system we now have.

To argue that the States should divide their vote according to congressional districts for the electoral college, is not more feasible than to elect the Governor of the State in accordance with the number of congressional districts that he carried. It was argued that it was wrong for the winner to take all, that is, if a candidate carried the State of California by 1,000 votes, it was wrong that he should control the entire electoral vote of California. You might as well argue that, if Governor Reagan were elected by 1,000 votes that he should not become the Governor for the 4-year term, but that the other candidate should be Governor for half the time. Nobody is silly enough to argue this. No one has suggested that because I carry only 65 or 70 percent of the vote in my district that my opponent should be Congressman for 30 or 35 percent of a 2-year term.

A system that has not failed us in 180 years should not be discounted just because somebody wants to play tiddlywinks—a nice pastime, but not productive.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Davenport Times-Democrat and the Oelwein Daily Register, in the State of Iowa. The editorials follow:

[From the Davenport (Iowa) Times-Democrat, Aug. 3, 1969]

BIGGER TRUCKS, MORE DIE?

Rep. Fred Schwengel of Davenport is stepping up the force of a battle which deserves the support of this eastern Iowa and western Illinois area—and every other across the country.

In his battle against a bill which would permit bigger trucks on the federal interstate highway system, he said this last week: "I'll take it to the people of the United States (if he cannot stop it in the House Public Works Committee). I'll make a speech on the floor of the House every day. They won't get it through a roll call vote."

That's fighting language. It springs from his deep-felt conviction that safety of the traveler on the highway is more important than the profits of the truckers and those who use their services.

Efforts to legalize wider, heavier and in some cases longer trucks and busses on interstate highways represent a skillfully organized campaign of the American Trucking Association and its associated groups. If success crowns the campaign in Congress, it will become increasingly difficult for individual states to resist similar authorizations.

As Representative Schwengel points out, the United States has the best truck transportation system in the world. He cites figures to show that in 1968 it traveled more ton miles in the continental U.S. than that totaled by operations in all of the rest of the world combined.

This is due, of course, in large part to the fact that this country has more than $70 billion committed to the construction of a 42,000-mile interstate system which now is two-thirds finished.

Opponents of the drive to authorize larger trucks and busses argue that the trucking industry is attempting to take undue advantage of the benefits conferred by this system which has cost the American taxpayer so many billions.

Already they enjoy tremendous reductions in maintenance and operations costs because of access to superhighways cleared of intersections and stop-and-go situations. With the need to leave the interstate routes only for gasoline, food and rest, they increase the mileage which can be covered by a driver during his work period, and they cut down on costs for gas and brake service. They undoubtedly have effected savings also because of a system which reduces accidents.

If the bigger trucks would have improved braking systems, as proponents contend, that would be only a step toward overcoming a lack of control which has worried safety authorities. Evidence has been introduced to back arguments that the huge trucks, weighing up to 35 tons, do not have the braking efficiency of the average passenger car.

Contentions that the wider, heavier and in some cases longer trucks would effect economies in shipping are not impressive. While this very well could be true, it is open to challenge whether in the long run the savings might not be overmatched by the added cost of highway and bridge maintenance.

In any event, that is not the main point. What worries the Representative Schwengels, the American Automobile Association, the American Association of State Highway Officials, the county engineers' groups and the Federation of Women's Clubs is the records show that in truck-car collisions, there are 38 deaths in the private vehicles for every trucker killed.

There is no sense in lengthening the odds. Residents along the interstate routes, like those in the Quad-City area and every other where life is held important, should be in this fight.

[From the Oelwein (Iowa) Daily Register, July 10, 1969]

DAVENPORT'S SCHWENGEL'S RESISTANCE

As we recall, Rep. Fred Schwengel of Iowa was assailed from the floor of the House by a fiery little legislator from Michigan several months ago because Schwengel exposed some nasty and true information about the truck lobby's stranglehold on national legislators. You've read in these columns about how its ruthless power was felt in the state General Assembly.

Congressman Schwengel is leaving nothing undone to defeat efforts by the truck and bus lobby to endanger our highways and secure new legislation opening the door for bigger and bigger buses and trucks.

As has been reported in the newspapers, Rep. Schwengel made his position quite convincing when he stepped outside the capital and interviewed bus drivers. He then took some seat and rear vision mirror measurements proving statements made by the lobby weren't true.

We only wish more congressmen had Schwengel's courage.

Most significant in the testimony were the statements by drivers who happened to be in buses parked outside declaring even the present lengths are hazardous to safety and difficult to drive in towns and cities. "Don't vote in favor of making them bigger," they appealed to Schwengel.

The discussion involved legislation which would authorize states to increase width, weight and length of buses on the interstate highway system. If Iowa's was a tollway, it might not be such a bitter pill to swallow. Perhaps Rep. Schwengel can get the job done. We hope so.

Mr. Speaker, it should be stated that at no time have I implied directly or indirectly the motives of any Member of the House in connection with this controversy.

VIOLENT CRIMES DROP IN TOLEDO AFTER IT GETS LAW CONTROLLING GUNS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. TIERNAN. Mr. Speaker, in August of 1968, the city of Toledo, Ohio, enacted an ordinance which prohibits anybody in the city from keeping or obtaining a pistol, revolver, or other handgun without a license from the police. Since that time, the violent crimes of rape, murder, robbery, and aggravated assault have dropped 31.5 percent in Toledo. While it might be inaccurate to credit only the gun ordinance for such a drastic drop, the mayor of that city strongly believes that the unavailability of guns is a big factor.

Mr. Speaker, I concur with this judgment and I hope that all of my colleagues will take a moment to read this article from the October 7 Wall Street Journal. I believe it upholds my support of the Gun Control Act of 1968. The article follows:

CURBING FIREARMS: VIOLENT CRIMES DROP IN TOLEDO AFTER IT GETS LAW CONTROLLING GUNS

(By Jerry Landauer)

TOLEDO.—This city of 400,000 on the western tip of Lake Erie was once known as the gun capital of the Midwest. Firearms of all kinds could be bought at jewelry stores, gasoline stations and pawn shops. Gun dealers hawking pistols for as little as $4.95 vied for choice locations along roads leading in from Detroit, where controls were stricter. The crime rate soared.

The state legislature declined to restrict the trafficking in lethal weapons despite repeated appeals from Toledo officials. So in August 1968, the city council enacted an ordinance aimed especially at the sale of "Saturday-

XUM

night specials'"—cheap guns toted by holdup men to terrorize merchants on busy weekends. The ordinance prohibits anybody in the city from keeping or obtaining a pistol, revolver or other handgun without a license from the police.

At the time, few law officers believed the ordinance would reverse the city's mounting crime rate; unlicensed residents can still buy guns outside the city limits. But whether because of the gun-control law or because of other anticrime measures or even mere chance, crime is abating here while still surging higher in most cities.

DRAMATIC STATISTICS

This development shows up most dramatically in statistics released late last month by the FBI. For the nation, the violent crimes of rape, murder, robbery and aggravated assault—armed or otherwise—rose 9% in the first six months of 1969 from the like period last year. But in Toledo these violent crimes dropped 31.5% from the first half of 1968. "We're the only major city which shows such a dramatic decrease," exults John J. Burkhart, the city's chief counsel.

Indeed, crime in most other cities that have adopted gun controls, such as Washington, D.C., continues to move up pretty much in step with the national pattern. "Even if firearms were totally eliminated," contends a gun-control foe, "other weapons would be substituted."

However, crimes committed with a gun in Philadelphia have dropped since that city adopted a licensing law in 1965, even though the law exempts firearms owned at the time. In New York, Mayor John Lindsay credits gun laws with keeping murder rates low; despite its rising crime, New York often ranks lowest among the 10 largest U.S. cities in number of homicides per 100,000 population.

But Toledo's experience is unique. It may be traceable in part to special restrictions on gun dealers as well as owners, to a tough, well publicized court crackdown on violators of the control law and to other city efforts against crime.

CRIME CATEGORIES ANALYZED

Whatever other factors may enter in, gun-control advocates insist that a close look at developments in major crime categories here supports their case:

In the year before the ordinance was adopted, Toledo's police counted 422 aggravated assaults, with guns and without; these include shootings, stabbings and other attacks intended to maim or kill. In the year after enactment, the number of such attacks dipped 9% to 385. But the assaults with guns dropped much more steeply—from 152 to 83, or 45%.

In the year before the ordinance, 36 people were murdered, 22 by handguns; in the following year, murders totaled 14, of which eight were by gun. (Because murders with other weapons dropped at roughly the same rate as murders with guns, it's possible that some factor other than the control law may be at work.)

Robberies both armed and unarmed dropped from 1,188 in the year before gun control to 798 in the next year, a decline of 33%. But gun robberies dropped even more sharply—from 350 to 160, or 54%.

RIFLE GROUP'S VIEW

Statistics can be tricky, of course. Woodson D. Scott, a New York attorney who is president of the National Rifle Association, an opponent of most gun control, says: "The statistics only prove that the statistics are down. In terms of cause and effect, it doesn't prove a thing."

The unexpected crime statistics have sent city counsel Burkhart scrambling to recheck them. "I've gone over every possible angle to see whether there might have been a mistake. I can't find any," he reports.

"I'm as much puzzled as anybody," Mr. Burkhart adds, noting that Toledo enacted its ordinance primarily to persuade the legislature tha gun controls can be imposed with little inconvenience and minimum intrusion on citizens' rights. "It was really an effort to sell the General Assembly," says the city counsel. "I didn't think we'd be able to make an impact on crime in less than three or four years."

His caution in checking and interpreting the statistics arises partly from the gun law's relatively lenient licensing standards. Unlike New York's Sullivan Law, the Toledo plan doesn't require residents to show good cause for possessing a gun. Instead, the police must issue a numbered "handgun owner's identification card" costing $3 and good for three years to all applicants except fugitives, minors under 21, certified mental cases, narcotics addicts, habitual drunks or people who have been convicted twice in the past year of crimes involving the use or threat of force.

So far the police have issued 16,000 ID cards; roughly 100 applicants have been rejected. It also seems likely that some people have been deterred from buying guns because, for various reasons, they did not want to apply to the police for a license.

Police Chief Anthony Bosch reports the law has had a harsh effect on gun dealers who formerly sold to almost any cash customer. One such dealer ran Toledo's biggest gun store in a seedy neighborhood on Jackson Street just five minutes from Interstate Route 75 linking Toledo and Detroit. In one nine-month period, his register rang up sales of 16,000 guns, including 5,500 to residents of Michigan who couldn't legally buy at home without a police permit (the revolver used in the highly publicized 1966 synagog slaying of Detroit Rabbi Morris Adler came from Toledo). But now, along with perhaps half the other gun outlets in town, the big store stands abandoned.

Besides the Toledo gun law's licensing provision, it requires detailed monthly gun sales reports to the Toledo police. It also prohibits selling to out-of-towners who aren't armed with authorization from their local police chief or sheriff.

SEVERE SENTENCES

"The sale of cheap guns is down to nothing," Chief Bosch says. "The punk who walks down the street, buys a gun and knocks off a gas station—that's all been eliminated."

In municipal court, Judge George M. Glasser says severe sentencing of violators may be another reason for the gun law's apparent effectiveness. Already, court records show, city judges have packed 37 people off to jail (the average is 90 days), mainly for possessing a gun without a license. In addition, judges have imposed 27 fines ranging from $25 to $1,000.

"The word is out that you can't just carry a gun around here without doing days in the workhouse," says Chief Counsel Burkhart, praising newspapers, radio and television for publicizing the court crackdown.

(In contrast to Toledo, crime-ridden Washington can impose penalties no harsher than 10 days in jail or a $30 fine—the maximum allowed by Congress. So far there have been no prosecutions.)

In the mayor's office here, square-jawed ex-Marine William J. Ensign cites other measures that may have helped bring crime down. He points to improved street lighting; an expanded, improved police department; an active program to prevent juvenile crime; an ordinance making it a crime to harass or abuse school children or newsboys; more effective probation and parole procedures, and a 4,000-member citizens group that distributes cards pledging people to cooperate with the police whenever possible.

INQUIRIES FROM OTHER CITIES

Mayor Ensign also feels sure that the gun law helps a lot. "You just know that the unavailability of guns has got to be a big factor," he observes. Officials in other cities think so, too. The drop in crime here is drawing inquiries about the Toledo ordinance from Wichita, Los Angeles, Dayton, Cleveland, Baltimore and Cincinnati.

As these inquiries suggest, the gun-control controversy may be shifting to the cities, while antigun agitation in Washington and in state capitals is losing steam. Last year, of course, Congress banned mail-order sales of all firearms across state lines except to licensed dealers and prohibited dealers from selling handguns over the counter to out-of-state customers. One hope was to encourage state and local governments to enact stricter controls.

One Federal official who has urged local authorities to act is FBI Director J. Edgar Hoover. He has said: "I see no great problem to the individual in requiring all guns to be registered, if the owner has nothing to hide and if he is a law-abiding citizen."

But some local policemen oppose municipal gun controls. Deputy Chief Lloyd Forbus of the Columbus, Ohio, police force, for example, asserts that the possible crime-curbing effects of local gun-control laws don't justify violating a cardinal principle of the National Rifle Association—that restrictions should be aimed only at those who misuse firearms. Mr. Forbus is an NRA member and serves as a sale manager for a gun wholesaler in his spare time.

Many hunters, marksmen and gun collectors remain convinced that ordinances such as Toledo's will eventually disarm the law-abiding citizenry. Insists Walter W. Schumacher, speaking for the League of Ohio Sportsmen: "This is the first step toward total disarmament."

But for the foreseeable future the civilian population will surely remain heavily armed. According to the National Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower, probably 30 million guns were added to the civilian stockpile during the last decade, bringing the total to 90 million—35 million rifles, 31 million shotguns and 24 million handguns.

HOW ABOUT TRAITORS' DAY?

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. ROUDEBUSH. Mr. Speaker, Indiana's largest newspaper, the Indianapolis Star, has made some interesting editorial comments concerning events unfolding October 15.

The article follows:

HOW ABOUT TRAITORS' DAY?

It is odd that so many supposedly pure, irreproachable protests against the United States role in Vietnam happen to coincide with Communist demonstrations in the same cause.

It strikes Senator Paul Fannin (R-Ariz.) as odd, too. He says that an Oct. 15 college "moratorium" to protest continuation of the Vietnam War looks like a Communist anti-American gambit.

Fannin received a poster and publicity material mailed from Cuba boosting an Oct. 15–21 demonstration to be called "Days of Support for Vietnam."

He asked, "Is it a coincidence that an organization of Latin American students, mailing their literature from Communist-controlled Cuba, happened to pick Oct. 15, the same day that is being advocated as a day of protest in this country?"

Plans for observance of the "moratorium" are being made at colleges throughout the nation. Fannin noted preparations are under way for the Oct. 15 event at Indiana, Purdue and Indiana State universities, the University of Notre Dame, and at Earlham, Goshen, Hanover and Marion colleges in Indiana.

Fannin asked in the Senate: "Are those who are aiding these groups prepared to accept the anarchy and chaos which these people are proposing to unleash among us?

"Far more important, are those who deliberately undercut the President on these matters willing to accept and be responsible for the cost in lives of additional American servicemen who are killed by an enemy finding strength in the irresponsible dissent being voiced here?

"Are they aware that this strategy was formed during an East Berlin peace conference held on June 25?"

We wish to answer Senator Fannin's questions and make a proposal.

We think some of the supporters of the Oct. 15 protest are patriotic and sincere and are prompted by the purest motives. Others, we think, are muddle-headed and easily led dupes of the Communists and their front organizations.

Some, we are confident, are out and out traitors dedicated not only to working in every way they can for Communist victory in Vietnam but for Communist control of the entire planet and all of its inhabitants. Their true colors have emerged in their many phony "peace" demonstrations in which they have spit and trampled upon the American flag while flying the Viet Cong flag and in their gushy idolatry of Red heroes and bosses.

So we propose that Oct. 15, along with being the day of a "moratorium," also be set aside as Communist Dupes' Day, in behalf of the muddleheaded but unwitting followers of the Red line, and that, in addition, it be set aside as Traitors' Day for the Judases and turncoats whose thoughts and actions are plain old-fashioned treason.

RESULTS OF QUESTIONNAIRE

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. PREYER of North Carolina. Mr. Speaker, this summer I distributed a questionnaire to my constituents asking them a number of questions about current issues of national importance. I was very pleased to receive a return of almost 12 percent or more than 17,000 cards. Since most of these were signed by two people they would represent the opinion of about 30,000 residents of the Sixth Congressional District of North Carolina. It is obvious to me that many of our fellow Americans feel that there is a great distance between them and their Government and that they respond so well to this kind of an inquiry because it offers them an opportunity to make their voice heard in Washington. About a third of the returned cards had messages written on them and between 300 and 400 were accompanied by letters—some as long as six typed pages—in which the writers spoke with great conviction about their concern for their country's welfare, their loyalty to the United States and their determination that we must make it a better place to live.

I believe it appropriate to snare with my colleagues the results of this questionnaire, and for that purpose I am entering in the RECORD a summary of the answers to the questions included:

Question and answer

[In percent]

Vietnam:	
Favor withdrawal gradually	54
Favor immediate withdrawal	20
Favor escalation	14
Favor continued peace talks	5
Undecided, no answer	6
Draft:	
Favor volunteer army	35
Favor continuation present draft	32½
Favor lottery at 19	25½
Undecided or no answer	7
ABM System:	
Favor	50½
Oppose	25½
Undecided or no answer	24½
Election of President:	
Favor direct election	75
Favor present electoral college	14
Favor electoral college by district	7
Undecided or no answer	4
Controlling campus disorders:	
Deny funds to students involved	67
Leave to administrators, etc	20
Deny funds to colleges disrupted	8
Undecided or no answer	5
Lowering vote to 18 years:	
Opposed	52
Favor	44
Undecided or no answer	4
Farm program:	
Add limitations on single farm support	39
Do away with all farm support	22
Continue present program	18
Undecided or no answer	21
Cigarette advertising:	
Favor warnings but allow advertising	62
Favor warnings and forbid advertising	29
Undecided and no answer	9
Three top priorities after war:	
Crime control	66
Tax cut	59
Pollution control	53
Education	36
Low income housing	28
Defense	16
Urban transportation	8
Space exploration	8
Undecided or no answer	[1]

[1] Less than 1 percent.

MAINE'S TIME TO FIGHT FOR TRADE ZONE IS NOW

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. HATHAWAY. Mr. Speaker, 15 months ago the State of Maine made an application for a foreign trade zone. The approval of this zone would open up new industry for Maine. The oil refinery to be constructed after the zone has been established would provide substantially lower prices on heating fuel and gasoline for all of New England. The importance of the trade zone is reflected in the following article which appeared in the October 5 issue of the Maine Sunday Telegram. I call the article to the attention of my colleagues in the House.

MAINE'S TIME TO FIGHT FOR TRADE ZONE IS NOW

If Maine wants to get the Foreign Trade Zone, which Maine merits and long ago applied for, now is the critical time for Maine citizens to make their voices heard clear and loud in the White House and the Commerce Department.

Unless Maine's million citizens speak up now to insist upon getting what is rightfully theirs, Maine may get shafted while our back is turned; and we may wake up eight weeks hence to find, too late, that the Oil Lobby has killed Maine's claim to a Foreign Trade Zone and thereby has done lasting damage and injustice to Maine people.

It has been months since the words "Foreign Trade Zone" have been up in the headlines of Maine newspapers and radio and television news.

Remember how these words were a burning issue last year, when heated hearings on the subject were held in Washington and Portland? When a battle royal was raging between Big Oil and little Maine? When the hassle involved Lyndon Johnson's White House, Secretary of Interior Stuart Udall, and Secretary of Commerce C. R. Smith?

When Maine served a "writ of mandamus" upon Secretary Smith, requiring him to carry out the statutory duties of his cabinet office, and render a decision? Remember how the Big Oil lobby then, with it's influential friends in and out of Congress, got the vital question of a foreign trade zone for Maine postponed and postponed until finally it was a hot potato handed over to the new Nixon Administration?

Since then, Maine has been lulled sweetly to sleep over this once-burning, still vital, issue.

But the Washington-based opponents to Maine's still-pending application for a deserved foreign trade zone have been busy at work backstage.

Those opponents to this ingredient in Maine's commercial health are today praying that Maine citizens will go on snoozing for a couple of months more. For if Maine rests quiescent, while they are actively lobbying around the White House and the Commerce Department, their chances of killing Maine's foreign trade zone application will get better, and Maine's chances of getting what is rightfully ours will get worse.

Hence the need now for Maine's citizens, and Maine state representatives and senators to speak up and voice their concern, through letters to the White House and the Commerce Department.

Reason for prompt action now is that during November President Nixon's cabinet-level report on the United States oil import policy will be issued. And Nixon's Secretary of Commerce, Maurice Stans, has said he will issue his decision upon Maine's application for a foreign trade zone only after that report is completed. In itself, this shows that the question of oil import quotas is wrongfully dictating a decision on Maine's application for a foreign Trade Zone.

Certainly, the background to Maine's application for a foreign trade zone in the Portland area and a sub zone in Machiasport, is related to the oil import and quota policy, but is not by any means umbilically tied to it.

Oil import policy decisions are lodged with the President. They are a matter for Executive decision.

But the law and the regulations governing foreign trade zones are a matter of statute, passed by the Congress.

The statute and it's surrounding regulations spell out precisely the conditions under which an application for a foreign trade zone shall be granted.

Maine's application, submitted 15 months

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ago, has met all the requirements. But it has not been granted.

Maine's application was studied harder and longer at more hearings than any previous application by any other state.

After months of hearings and testimony, the Foreign Trade Board of Alternates decided last November, almost one year ago, that Maine met all the statutory requirements. The way was clear, a favorable decision for Maine was imminent. But an oil slick got in the way.

In December, Secretary of Commerce C. R. Smith, a man with close links to the oil industry, chose to break with precedent. He announced he would not act upon the recommendations of the Board.

The State of Maine, in response, broke precedent. Maine slapped a writ of mandamus upon the Secretary of Commerce. This writ is a court order which can enforce a public officer to perform the public duties assigned to him by law. By law, Smith was charged with acting upon Foreign Trade Zone applications.

But Smith and the Johnson administration were out of office before the writ had to be answered. So they handed the hot potato to the incoming Nixon Administration. The decision now was up to the new Secretary of Commerce, Maurice Stans.

What then?

This past February, a month after taking office, Stans made it known that he would decide in a matter of days upon Maine's application. His announcement was hailed in Maine, because it implied that, in keeping with established procedure, the new Secretary would accept the favorable findings, already on record, made by the Board which had studied Maine's application. Maine, it seemed, was about to get its merited Foreign Trade Zone.

Then, suddenly, in an off the cuff interview with a foreign correspondent, Stans said he would not make his promised decision upon Maine's long standing, much studied application.

Instead, Stans revealed, he would wait until a newly appointed Cabinet-level group appointed by Nixon, had completed an overall review of American oil import and quota policies.

This is the review due for completion in November.

Certainly its conclusions will likely affect the prospects of Occidental Petroleum establishing a refinery at Machiasport. But Occidental could retailor it's plans, and, furthermore, other oil companies are standing in line for Machiasport.

But Machiasport is included in Maine's application only as a sub zone. The principal foreign trade zone is for the Portland area.

And, whatever decisions in regard to oil imports which the Executive branch makes, the fact remains that Maine's application for a foreign trade zone fulfills all the requirements set down in the statute passed by Congress. And therefore should be granted.

This application, so long kicked around in Washington due to opposition from Big Oil interests, should be granted on its own merits, according to existing law.

Maine people's economic future is at stake here. The commercial health of Maine is at stake here. Future jobs for Maine youngsters, which a foreign trade zone will generate, are at stake here. Maine has met the legal requirements for getting a foreign trade zone in the state. Under laws, we deserve to get it.

The rights and well being of Maine citizens, under the law of the land, must not be further negated nor made a catspaw to the political pressure exerted in Washington by a single industry.

Now therefore is the moment for Maine citizens to safeguard their rights, and their children's economic future, by writing to the White House and the Commerce Department and urging that Maine be promptly issued its merited license for establishing a foreign trade zone in Maine.

IS A RECESSION INEVITABLE?

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. HICKS. Mr. Speaker, the Department of Labor has announced that the unemployment rate for the month of September jumped to 4 percent, highest in over 2 years. Coming on the heels of August's increase to 3.6 percent, these seemingly small figures actually translate to more than a quarter of a million jobs gone in just 1 month and about 600,000 since the first of the year.

Reports are that the administration has welcomed the news as strong evidence that its anti-inflation campaign is "taking hold." The administration's happiness, based on the old rule of thumb that a rise in unemployment also means a decline in inflation, ignores one important fact—inflation is continuing to rise right along with unemployment.

There is an uneasy awareness among the American people, Mr. Speaker, that thus far attempts by President Nixon to "seed the eye of the inflationary hurricane," as some have put it, have proven unsuccessful. A Harris poll published last month showed that the man on the street voted 61 to 25 that the President has done a "bad job controlling inflation."

As we all know, the administration's strategy to bring us down safely from the summit of high prices consists primarily of tightening up the Nation's money belt. The "soft landing" envisioned by the President's economic advisers would squeeze only the "excesses" out of our overheated economy, or, as the administration has been quoted so often, "disinflate the economy without deflating it."

But for some reason the inflationary balloon continues to drift steadily upward. In fact, since President Nixon's inauguration the consumer price index has been rising at a rate of 7 percent, nearly twice the rate for last year.

In 10 months interest rates have skyrocketed a staggering 26 percent; the prime interest rate has been increased five times from 6 to 8½ percent, highest in more than 100 years. Medical costs, especially for our senior citizens, are up as much as 44 percent over a year ago.

History has taught us that rampant inflation such as that we are experiencing now leads to recession—the classic "boom-bust" cycle.

If this is allowed to continue, there will be an even greater loss of jobs. The noted economist Milton Friedman, a close Nixon adviser during the presidential campaign, told Senator PROXMIRE's Subcommittee on Economy in Government that he fears our Nation is facing "an unnecessarily severe recession next year," with unemployment ranging above 7 percent.

In my own State of Washington that specter is already nearing reality. You may have read that the Boeing Co., long the economic backbone of the Puget Sound region, has laid off some 11,000 workers so far this year and plans to cut back at least an additional 1,000 jobs per month well into 1970. And, as I commented before this body 2 weeks ago, several homebuilders in the congressional district which I represent already have been forced to lay off employees because of the shortage of mortgage money.

Although regional unemployment statistics for September are not yet available, August's figures showed unemployment in the Seattle metropolitan area among the highest in the Nation: at 4.5 percent, a full percentage point above the national average at that time.

Last December, national unemployment was down to 3.3 percent, lowest since 1953. During the 8 Kennedy-Johnson years literally millions of Americans worked their way out of poverty. They were willing to work and 8 years of unprecedented economic prosperity provided the jobs. Last year alone, some 2 million people were removed from the official Federal poverty rolls.

These are the people—the poor, the newly employed, the unskilled—who are first and hardest hit by a recession. They are the first to go out the door when an employer must cut down his work force.

To put them out of work again is not only to stop their contribution to the economy and society, it is to put them again in the role of "takers" who will have to be supported by the people who are employed.

To do so because an administration is either incapable of handling the problem or too stubborn to admit that it has failed and then go on to a real solution, is not only tragic; it could be dangerous.

With the summit of inflation already too high and the President willing to offer the working man as a sacrificial lamb to his faltering economic policy, an easy descent from inflation seems more and more uncertain and a major recession more and more likely.

There is still the time and the means, however, for the President to change his tactics and successfully fight inflation without destroying jobs in the process. Several Members of this House have urged the President to withdraw his opposition to pending legislation which would establish effective wage-price guideposts. In brief, these bills would give the President authority to announce acceptable wage-price increases following full consultation with management and labor. They also would allow him to focus the spotlight of public opinion on specific wage and price proposals which threaten national economic stability. In addition, the administration must now give serious consideration to wage and price controls. With inflation and unemployment both rising at rapid rates, wage and price controls may prove the only way to reflect the national interest in price stability.

Time is running out swiftly for the President in this war against a recession. More important, it is running out for thousands and perhaps millions of

American workers who stand to lose their jobs if he persists in his failure to act.

NIXON SILENCE ON RHODESIA COSTLY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. HAWKINS. Mr. Speaker, in the face of right wing pressure to recognize Rhodesia and to lift sanctions, I believe it is time to speak out against racism in our foreign policy. More exactly, I feel that we must seek to stem a reversal of American policy against racism in southern Africa. Americans of conscience, both black and white, urge that the U.S. Consulate in Rhodesia be withdrawn so that de facto recognition to a white, minority government is not extended by the United States. The attached article by Carl T. Rowan from the September 27, 1969, edition of the Evening Star thoroughly explains the current impasse. The article follows:

Nixon Silence on Rhodesia Costly

(By Carl T. Rowan)

President Nixon went to the United Nations with a forlorn plea to the 126 nations represented there to pressure Hanoi into peaceful settlement of the Vietnam war.

Nixon will get no help, no sympathy, no consolation from most of these 126 nations. The reason is that, in the eyes of much of the world, whatever moral justification we once had in Vietnam is rapidly disappearing.

If the President wonders why, all he need do is look at White House policy—or lack of policy—where the racist, outlaw regime in Rhodesia is concerned.

There has been a not-so-subtle shift of attitude in the White House from the Johnson administration to the Nixon administration, with the latter showing a lot more sympathy for the tiny white minority that has seized Rhodesia under conditions where, barring ultimate violent overthrow, that minority will forever rule and suppress the black majority.

For two months, the White House has sat on a State Department recommendation that the United States pull its consulate out of Rhodesia, but the White House has declined to do so. Thus, the U.S. consul general, Paul O'Neill, recently returned to Salisbury, an act that the ruling regime called the best possible boost to the morale of the white minority.

A U.S. that pursues this kind of policy cannot possibly have good relations with black Africa. So whatever little help the African countries might give in extricating the U.S. from a grievous dilemma in Asia is not going to be forthcoming.

A country that ignores basic principles of human worth and decency, that overlooks a brazen trampling of the rights of self-determination in Rhodesia, will never be convincing when it says it is in Vietnam only to guarantee to the South Vietnamese the right to decide their own destiny.

White Rhodesians are in the process of approving a new "constitution that will make that land an even more pernicious police state than it has been these last several years."

That constitution will make it impossible for Rhodesia's 4,800,000 Africans ever to wrest power legally from the 228,000 whites.

In theory, Africans might someday achieve "parity"—that is, an equal number of seats in parliament. But there is a neat little stipulation that this can occur only after Africans pay an equal share of income taxes.

The hooker here is that Africans now pay only about one percent of the taxes. One reason is that while the average wage for a European is about $4,000, it is only $400 for an African.

Not in a millenium will Africans reach the economic level where they can meet the tax qualification. Nevertheless, the Ian Smith regime has raised other qualifications for voters, an act designed to exclude thousands of blacks from elections.

Finally, the whites have put in another hooker providing that even after "parity," half the black seats in parliament would be named by the chiefs, who are mostly Uncle Tom servants of the whites, and thus under effective control of the minority regime.

Another outrage is the way the Smith regime has divided up the land. It has set aside 45 million acres for 4,800,000 Africans and 45 million acres for 228,000 whites.

The regime is now in the process of chasing Africans out of "islands" within the areas reserved for whites. The courts ruled that the Africans had the right to remain, but parliament got around this simply by passing a new law.

The new constitution extends to the government the right to censor the press and other publications, a right already exercised on radio and TV. Enshrined in the new constitution is the right of "preventive detention," without bail or speedy trial, of anyone arrested on charges of trying to overthrow the white dictatorship.

This is the kind of regime the White House can't make up its mind about—despite the existence of a United Nations resolution calling upon member states to withdraw their consulates.

The rationale coming out of the White House is that there are 1,100 Americans in Rhodesia, about 850 of whom are missionaries, and that we need a consulate to look after their interests.

We didn't even have a consulate in Southern Rhodesia until 1949 and the American missionaries there prior to that time managed to get along fairly well.

The other argument is that we need eyes and ears in Rhodesia to send back reports on what is going on in the southern end of Africa. We could post observers 10,000 miles away and the odor wafting out of Rhodesia would make it clear what is going on.

Someone in the White House apparently scoffs at the notion that morality—racial, social, or otherwise—ought to be a big ingredient in foreign policy. They assume that you go with power, and obviously the whites in Rhodesia have the power. They say you go with strength, and obviously the economic interests who want U.S. relations with Rhodesia to continue have more strength in Washington than do the weak, divided African countries that look with so much anger and disquiet on what is happening in the southern end of their continent.

But it was precisely this disdain for the moral elements in foreign policy, it was this notion that might ultimately makes right, that got the United States in the Vietnam dilemma that becomes a tighter, stronger web around Nixon every week.

ABDICATION OF RESPONSIBILITY

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. GOODLING. Mr. Speaker, various views have been expressed on the stands being taken by different Members of Congress with respect to the Vietnam moratorium scheduled for October 15. The Evening Sun—a prominent daily newspaper in Hanover, Pa., of my congressional district—carried an editorial on this subject in its issue of October 6. Because of the timely nature of this editorial, I insert it into the CONGRESSIONAL RECORD:

Abdication of Responsibility

The two dozen members of Congress who are planning to ally themselves with students who are to stage an Oct. 15 boycott of classes in protest of the Vietnam War are not exercising the kind of judgment expected from men of their office and influence.

First there is the question of the desirability of supporting the principle of boycotting.

Those Americans who are tired of paying taxes, taking a tip from the 12 senators and 12 representatives who obviously believe a boycott an effective and legal weapon, may decide to boycott the paying of taxes. Then how will the government function?

Just how far are the federal lawmakers willing to go in their support of boycotting?

The second consideration involved here is the stamp of approval by some members of Congress on an endeavor that may turn into a prolonged period of chaos in partnership with violence.

The fact that 24 duly elected members of the U.S. Congress are planning to lend support to the campaign is an encouragement for other action on the part of youthful organizers that may well shock the two dozen congressional dissenters.

We believe in the principle of dissent. We also believe it can be carried out by our government leaders in a responsible manner.

Just as firmly as we support the principles of free speech and dissent we support the functioning of a responsive government through normal Constitutional processes.

We will not endorse government action that is dictated from behind street barricades nor members of Congress who abdicate responsibility.

ANOTHER OUTRAGE BY THE HOODLUM LEFT

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. KLUCZYNSKI. Mr. Speaker, every Member of this House is devoted to the preservation of individual liberty, but every Member is also well aware that absolute individual liberty results in anarchy. Events in the last few days in my own city of Chicago have proven once again that violent "dissent" is not genuine dissent at all, but a deliberate attempt, not to change, but to destroy. The feelings of a majority of the people of this country are expressed, I think, in the editorial which appeared in the Chicago Tribune on Monday, October 13, and I include it in the RECORD:

Another Outrage by the Hoodlum Left

Richard J. Elrod, assistant corporation counsel of the city of Chicago, lies in the hospital paralyzed from the neck down after being hit by a young revolutionary mobster during another outbreak of violence in the Loop Saturday. This is the latest outrage during a carnival of mindless terror organized by far-out elements of Students for a Democratic Society.

Arrested as Mr. Elrod's assailant is a 22-year-old student at Columbia university,

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which a year ago was converted into a pilot plant for revolutionary disruption. He was being held in $100,000 bail on a charge of attempted murder. The prisoner, Brian Flanagan, a superior student from a well-to-do Long Island family, has been alienated from his widowed mother since the start of the current school term.

His parent, Mrs. Elise Flanagan, told the Tribune she did not comprehend his conversion into a revolutionist and apostle of violent action. She said of her son and his mobster political associates: "I don't blame the Chicago police. They should knock the head off every one of them. I don't understand these kids at all. The world I knew is much different from the one they live in now. I just don't understand."

This mother's bafflement is shared by most Chicagoans who have seen or read of the senseless assaults on police and citizens and the vandalism which inflicted thousands of dollars in property damage on the city in organized forays during four days of last week. This criminal activity was supposed to be in support of eight revolutionary leaders on trial before Judge Julius J. Hoffman in federal District court on charges of crossing state lines to incite a riot in committing illegal acts toward that end.

The terror in the streets is hardly conducive to building sympathy for the defendants and the revolutionary movement. The hoodlum fringe took to the streets armed with chains, pipes, bludgeons, and other lethal weapons. Scores of police and civilians were injured in hand-to-hand combat; and Mr. Elrod, who had distinguished himself by his patience and restraint in trying to contain the violence, may be permanently incapacitated. Broken windows and damaged automobiles marked the course of these insane efforts to organize a putsch.

It seems to us that the time has arrived for the law-abiding community to invoke the laws of criminal syndicalism or whatever other legal protections the law affords against the New Barbarians. These people are attempting to mount an all-out attack on society, and their tactics are patently criminal. It sickens us to hear them described as "kids" who are merely expressing "dissent" and to hear bleeding hearts say they should be treated with all the respect given a pet snake.

Their behavior puts into perspective the disorders last year at the Democratic national convention, for which the eight defendants are on trial in federal court. The riots at that time provided a field day for persons eager to tear down the reputation of Chicago and its government and police. Anybody who still clings to the myth that these were expressions of legitimate protest deserves a session on the analyst's couch.

THE LATE HONORABLE JOSEPH Y. RESNICK

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ROONEY of New York. Mr. Speaker, it was a profound shock to learn of the unexpected passing of the Honorable Joseph Y. Resnick who represented New York's 28th Congressional District in the 89th and 90th Congresses. It is always a shock when one loses a colleague, or former colleague, but much more so when he is truly in the prime of life. Such a man was Joe Resnick who, at 45, was a vital leader of the community whose drive and determination will be sorely missed. In the 4 years he served here Joe Resnick left his mark, as he did in the business world before coming here to the House of Representatives. He was a hard working and hard fighting man who knew no sacred cows; he never hesitated to espouse a cause he felt right, popular or unpopular. He was indeed a man of integrity and courage. His talents were well recognized here and his friends were many.

Mr. Speaker, I join my colleagues in saluting a gallant man and I extend to his wife Ruth, his children, his brothers and sisters my deepest sympathy in their great loss.

INDIANA LABOR LEADER VISITS BEHIND IRON CURTAIN

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. MADDEN. Mr. Speaker, Joe Jeneske of Hammond, Ind., and one of Indiana's leaders of organized labor, visited his parents' native Lithuania recently and in an interview with the Hammond, Ind., Times records some interesting comments and factual experiences which he had during his visit to Lithuania and the Soviet Union. The interview follows:

JENESKE: IRON CURTAIN PEOPLE LACK BASIC NEEDS

EAST CHICAGO.—Joe Jeneske's found a new way to lose weight.

Jeneske dropped 16 pounds in 15 days on a visit behind the Iron Curtain.

Jeneske's parents were born in Lithuania. His dad died when Joe was very young. The only father he ever knew was Adolph Wetkus, 75, of 3724 Deodar St.

When Jeneske and Wetkus landed in Vilnus, the capital of Lithuania, it was the first time the older man had stepped on his native soil in 55 years. For Jeneske, it was a first-ever visit.

It was a gruelling trip.

Jeneske has been a steelworker most of his life. Yet he shunned official labor contact during his visit which included Moscow and Riga, Latvia, in addition to Vilnus.

"I wanted to get as real a look at the country and people as I could," Jeneske says. "I wanted a true reflection."

Jeneske and his step-father took the guided tours in the Iron Curtain cities but they got closer to the truth through visits with about 50 relatives.

"I asked them how things were," Jeneske says, "and I got the same answer usually: 'They're better than they were.' "

In an attempt at self-analysis on the visit, Jeneske would cite two dominant feelings:

1. The Lithuanian, Latvian and Russian families are closer-knit than those in America; the people are healthier and less spoiled.

2. The people behind the Iron Curtain do not have the basic necessities which Americans take for granted; foodstuffs are bought daily because of no refrigeration; there is little clothing variety.

"I wouldn't want to live here under those conditions," Jeneske says. "And they have no freedom of expression. They all want to listen to the Voice of America.

"But they seem happy. Man is adaptable."

Jeneske made these other observations about the visit:

Tourists are restricted in their movements.

The language barrier in Russia is terrific; almost nobody speaks English.

Most Russian churches have been converted into museums; Roman Catholicism is practiced in Lithuania.

Goods in what Russian officials claim to be the world's largest department store—Gooms in Moscow—were depleted in a 2½-hour buyer's rush.

Most consumer items are more expensive than in the United States.

Cars are at a premium; new car buyers must wait often several years for delivery.

Traffic laws are more strict than in the U.S.; fines are ordered for dented fenders which go unrepaired, missing accessories such as hubcaps and for dirty vehicles.

Moscow's subway is modern, elaborate and efficient.

Most building construction is of prefabricated cement; there is little steel usage in buildings.

Sanitary conditions are relatively good.

Drinking water is excellent.

The diet includes vegetables, soups, fish and bread; meats do not compare with those to which Americans are accustomed.

It's not uncommon to have warm beer with breakfast.

Mineral water, sold in vending machines which utilize a "common" drinking cup, is the equivalent of American soft drinks.

Coffee is most bad; milk is available if one seeks it.

Russian shoes, with the exception of military footwear, are among the world's worst; nylon and rayon is heavily used in clothing materials; cotton is seldom used.

Television sets are common; there is no air conditioning.

Contemporary Western clothing (mini skirts, etc.) is common in Lithuania.

Russians are generally better versed in matters such as space shots.

Tavern patrons often stand in line waiting for a seat.

Tourist hotels are adequate.

No tipping is allowed; Kennedy half-dollars are highly treasured.

One of the mementos Jeneske has from the trip is a telegram sent from Moscow to the Calumet Region. It took 14 days to arrive.

Jeneske beat it home.

SUBCOMMITTEE PRAISED FOR MIRV REPORT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, last week a 10-page subcommittee report was issued which deserves the close attention of the Congress, the administration, and the American people. The report is entitled, "Diplomatic and Strategic Impact of Multiple Warhead Missiles," and was prepared by the House Foreign Affairs Subcommittee on National Security Policy and Scientific Development, chaired by the distinguished gentleman from Wisconsin (Mr. ZABLOCKI).

The report is the outgrowth of hearings held on various resolutions relating to a proposed mutual moratorium with the Soviet Union on the flight testing of multiple warhead missiles. The subcommittee heard 15 witnesses including representatives from the Congress, the administration, and the scientific and academic communities. These hearings are published in a 302-page volume entitled, "Diplomatic and Strategic Impact of Multiple Warhead Missiles."

Mr. Speaker, I want to commend the subcommittee and its distinguished chairman on the outstanding service it has rendered by both holding these hearings and by presenting this Congress with such a well-balanced and penetrating report. I think the widespread congressional support for these resolutions—113 cosponsors—coupled with the work of this subcommittee, has helped to focus the attention of the administration and the public on the crucial issues posed by MIRV. Although the subcommittee has recommended against sending a resolution to the House floor, it has recognized the usefulness of this type of expression. In the words of the subcommittee report:

> We reaffirm the right and necessity of expressions from the legislative branch—House as well as Senate—on issues affecting America's security and strategic posture. Through the resolutions on a MIRV moratorium and the hearings which they occasioned, officials of the executive branch have been apprised of the thoughtful views and deep concerns about MIRV held by a substantial number of Members of Congress.

Mr. Speaker, the conclusions drawn by the subcommittee in its report substantiate the fears and concern expressed by those of us who offered the moratorium resolutions. The subcommittee states that MIRV may increase the temptation for a preemptive first strike and therefore poses a substantial threat to the present nuclear balance; that the deployment of MIRV by either the United States or Russia will jeopardize the chances for a meaningful arms control agreement and could touch off a costly escalation in the arms race; and that it is still possible to halt the deployment of MIRV by a mutual test moratorium.

The subcommittee has consequently urged the administration to give high priority to a MIRV freeze when the strategic arms talks begin. In the words of the subcommittee:

> Because both sides have a stake in maintaining the nuclear balance, it is natural that they should enter into negotiations to discuss the control of technological advances in weaponry which might threaten the stability of the balance. That is, at least in part, the rationale behind the SALT talks. Because MIRV'ing by either or both sides threatens the balance, therefore, it deserves early consideration within the bilateral discussions.

Mr. Speaker, I hope the Soviet Union is just as mindful of the dangers posed by MIRV and that it will soon announce its decision to accept President Nixon's proposal to begin arms talks. Time is of the essence on the MIRV issue since, but next summer, we may have passed the point of no return and thereby foreclosed the possibility of a meaningful agreement to halt the deployment of this dangerous new member of the nuclear arms family.

POLLUTION KILLING OUR FISH

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. WYMAN. Mr. Speaker, Associated Press reports indicate millions of fish are being needlessly killed in our national waters by the incessant march of pollutants. It is a tragic waste of natural resources to allow this continuing fish loss from elements being discharged into our waters that need not be.

Every reasonable effort must be made to check water pollution throughout the Nation. The Congress has recently tripled the budget requests for the Department of the Interior's Water Pollution Agency. Next year it is hoped we can do even better.

Let us resolve to bury our wastes or burn our wastes or convert them to fertilizer where possible but to stop discharging them into our rivers and lakes. It is a continuing obligation of the Federal Government to give financial aid to the clean waters program.

Associated Press item follows:

15 MILLION FISH HELD 1968 POLLUTION TOLL

More than 15 million fish were killed by water pollution last year, "a macabre reminder that our rivers, lakes and streams are being poisoned by many highly toxic and dangerous substances," the Interior Department said today.

The number of dead fish, set at 15,236,000 on the basis of reports from 42 states, is up 31 percent from 1967. It is the highest since 1964 when municipal sewage, industrial wastes and other pollutants killed 16,387,000 fish.

HONORS AND AWARDS CONFERRED ON GENERAL LEWIS B. HERSHEY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. BRAY. Mr. Speaker, a newspaper that pompously boasts it carries "All the News That's Fit to Print" has rather strange ideas at times over what is and is not "fit." I refer today, in particular, to an article in the New York Times of Saturday, October 11, 1969, about General Hershey; the phrases in question are as follows:

> Along the way he has collected many medals, among them the Distinguished Service Medal, conferred on him by President Truman for administrative excellence during World War II and the Magnolia Cross of the State of Mississippi.
>
> In 1964, Governor George C. Wallace of Alabama added an Oak Leaf Cluster to the general's Distinguished Service Medal from that state.

This is all there is to say about General Hershey's admitted "many medals." This is all that is "fit to print?" The implications are pretty clear in this, but let us set the record straight. Following is a list of the General's decorations and awards that have come to him over the years:

Distinguished Service Medal, Army.

Distinguished Service Medal, Navy.

American Legion Distinguished Service Medal.

Distinguished Service Medal, National Guard Association, U.S.

Distinguished and Meritorious Service Certificate, Regular Veterans Association, U.S.

Citation for 1953 from HAM-PARNES, Post 151, Jewish War Veterans.

Distinguished Service Award, Military Chaplains Association, U.S.

Special Award, Freedoms Foundation.

Medal of Merit, North Dakota.

Medal and Citation, State of Louisiana.

Magnolia Cross, State of Mississippi.

Distinguished Service Medal and Oak Leaf, State of Alabama.

Minuteman of 1964, Reserve Officers Association.

Boy Scouts of America, Silver Beaver, Silver Antelope, Silver Buffalo.

Association of United States Army President's Gold Medal for Outstanding Service to the United States Army.

Distinguished Service Medal of Indiana.

Bernard Baruch Award, Veterans of Foreign Wars, the Distinguished Service Award, Military Order of World Wars.

Golden Good City Medal, Sons of American Revolution, Washington, D.C. Chapter.

Caleb Smith, Masonic Award, State of Indiana.

Award, National Rifle Association.

Golden Pin, Northeastern Lodge 210, Fremont, Indiana.

General Benedict Crowell Gold Medal, American Ordinance Association, Cleveland, Ohio.

Silver Helmet Defense Award, AMVETS, 1968 "Service to Mankind Award."

Sertoma Club of Washington, Loyalty Day Award, Washington, D.C., Department of Veterans of Foreign Wars.

CONGRESSMAN GILBERT OPPOSES CUT IN MODEL CITIES BUDGET

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. GILBERT. Mr. Speaker, as Representative of a district that counted heavily on a model cities project to get a new start, I protest vehemently the administration's decision to cut 42 percent from the budget of this hopeful program.

I am as determined to fight inflation as any Member of this body, Mr. Speaker, but I am appalled at the shortsightedness of a decision which reduces expenditures precisely where they are most desperately needed, in our decaying inner cities.

This decision stands in particular contrast to the President's announcement that he would subsidize research on the supersonic transport, a project of dubious social value which will run into the hundreds of millions of dollars.

The model cities program was one of the finest to emerge from the social thinking of recent years, and the dedication of recent administrations to making our cities livable again. To strangle it now represents a betrayal, in my view, of the promise extended to urban America.

My own district in the Bronx is the site of one of the first pilot model cities projects. We have not yet received the official figures on how much expenditures must be cut back. But when one realizes that the strength of model cities idea was to be its attention to the totality of the problems in a given urban area, then a 42 percent cutback can only mean disaster.

XUM

POINT REYES NATIONAL SEASHORE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. COHELAN. Mr. Speaker, it is with pleasure that I call to the attention of my colleagues the following series of articles on Point Reyes National Seashore by Leo Rennert of the Sacramento Bee.

The articles are a precise and reliable accounting of the status of the Point Reyes project by an able and skilled journalist. Mr. Rennert is to be commended for his keen sense of integrity and for his strict adherence to the highest principles of journalism.

Conservationists throughout the country will agree that they are fortunate to have a man with his great insight and ability reporting not only on conservation matters but also on the entire Washington scene. The articles follow:

POINT REYES SUPPORTERS PLACE FATE ON SHOULDERS OF PRESIDENT, MURPHY

(By Leo Rennert)

WASHINGTON.—Congressional and conservationist supporters of the Point Reyes National Seashore, which faces imminent death without further infusion of federal funds, have concluded its fate now rests squarely with two men—President Nixon and Sen. George Murphy, R-Calif.

So far, the White House has not lifted a finger to help complete a federal takeover of the scenic peninsula north of San Francisco in the face of strong threats posed by land speculators and subdivision builders.

While Murphy has agreed to cosponsor legislation to permit the National Park Service to acquire sufficient holdings and has promised to intercede with Nixon to obtain the necessary cash, he has yet to display an all-out sustained interest.

RETAIN HOPE

But conservationists believe there still is a possibility the logjam will be broken in time.

They are looking forward with particular interest to Wednesday's visit by the President to the Redwood National Park for clues as to whether Nixon is inclined to pick up the conservationist banner of his predecessor.

The chief executive and Mrs. Nixon will be accompanied by former President Lyndon B. Johnson and Mrs. Johnson for the dedication of the Lady Bird Johnson Grove in the new park.

IN AWKWARD SPOT?

Conservationists think the event—which will receive extensive nationwide publicity—may put Nixon in the awkward position of calling attention to a magnificent achievement bearing the LBJ brand.

Unless, of course, this very contrast prods the White House to get moving on Point Reyes and other national parks across the country which still are on the drawing boards or barely under way.

Congress authorized a 53,850-acre national seashore at Point Reyes in 1962 and provided $14 million for land acquisition.

At the time, it was thought much of the land would remain in private ownership with provisions for compatible uses, such as farming or dairying.

CHANGE PICTURE

But pressures exerted by speculators and subdividers soon changed that pastoral picture and forced the National Park Service to revise its land purchase and scenic easement plans.

In 1966 Congress boosted the authorization ceiling to $19 million, a level which since has remained unchanged.

The real estate situation, however, did not remain static. With the funds provided by Congress, the government was able to acquire only 19,453 acres in scattered parcels—less than 40 per cent of the seashore.

To complete the job and make the seashore a manageable unit would take another $30 to $40 million.

Faced with rising costs at Point Reyes and other proposed sites for national parks, Congress last year voted to double the annual income of the land and water conservation fund from $100 to $200 million for a five-year period by tapping offshore oil receipts.

The special fund, established in 1965, finances federal park acquisitions as well as grants to state and local agencies to help them develop outdoor recreation projects.

Former Senator Thomas H. Kuchel, R-Calif., a prime mover in gaining approval of the legislation, predicted it would guarantee completion of Point Reyes and assure orderly expansion of the national park system.

Bolstered by these developments, Rep. Jeffery Cohelan, D-Berkeley, the leading conservationist in California's House delegation, introduced a bill at the start of the 91st Congress to raise the payment ceiling for Point Reyes from $19 to $57 million.

OVER HALF JOIN

More than half the members of the state's congressional delegation, including Sens. Murphy and Alan Cranston, joined as cosponsors.

But when the House Interior Committee opened hearings May 13, the roof fell in.

George Hartzog Jr., director of the park service, said the Interior Department would support a more modest $47 million plan.

But he was unable to assure the committee this was in fact the administration's position and had full White House support.

NEED LETTER

Under Washington rules such assurance can be provided only by a letter from the Budget Bureau, which acts as legislative spokesman for the President.

The Interior Department's Point Reyes report carried a notation the Budget Bureau would express "its concern with the implication" of the Point Reyes bill in another letter to the committee.

With the White House remaining aloof, the committee chairman, Wayne N. Aspinall, D-Colo., exploded in anger. He told Hartzog the Interior Department's position was "meaningless" without White House back-up.

"DOES NOT SPEAK WELL"

"To have a report with qualifications come before us on a project as important as this, 115 days after the administration has taken over, just does not speak well," he declared.

Hartzog immediately got on the telephone and called Phillip S. Hughes, the No. 2 man in the Budget Bureau.

When he returned, he assured Aspinall there would be no delay in spelling out the administration's views.

"I think you are going to get it expeditiously," he told Aspinall. "I talked to Mr. Hughes and the letter is now being drafted. They are at work on it."

MORE TIME PASSES

As of Friday, another 101 days had passed. And Aspinall's office still had not received a signal from the White House.

To make matters worse, the President refused to include the entire $200 million available in the special conservation fund when he submitted his budget to Congress.

Nixon recommended that local, state and federal development of outdoor projects be limited to $124 million in 1969–70—although the remaining $76 million was clearly available in the special fund and cannot be used for any other purpose.

Aspinall threw up his arms. Without assurance of adequate financing, he said, there was no sense in Congress' approving more park authorization bills, including completion of Point Reyes.

MAKES IT CLEAR

On July 22, during House debate on the budget bill for the Interior Department, the Appropriations Committee made it clear it was prepared to provide additional money for Point Reyes and other projects once the administration lifted its freeze.

"I am going to be very frank and say that we would be happy to appropriate the full $200 million if we receive proper guidelines on how and where it is to be expended in a practical manner," said Rep. Julia Butler Hansen, D-Wash., chairman of the Interior appropriations subcommittee.

"With regard to Point Reyes, when the authorization is approved for additional expenditure, additional appropriations will undoubtedly follow."

ADMINISTRATION PROBLEM

This tossed the ball directly into the administration's court. Would it be prepared to change its position and agree to spend the full $200 million in the special conservation fund?

A Budget Bureau spokesman said Congress will receive an answer next week.

In the meantime, conservationists have become increasingly restive.

"The trail leads right to the White House," said a Sierra Club official. "They just aren't showing any leadership on natural resources."

EQUALLY DISAPPOINTED

The Sierra Club has been equally disappointed by Murphy's attitude. It assumed that since he is up for re-election next year, he would want to battle openly for a major conservation project such as Point Reyes.

Club officials invited him to join a planned "walk-in" at the Lake Ranch on the peninsula to dramatize the seashore crisis.

The ranch, still in private hands, is the key link to tie together several parcels acquired by the Park Service. Its owner has been waiting for Uncle Sam to buy him out. But faced with rising property taxes, he is on the verge of turning it over to developers. The property is valued at about $6 million.

PLANNED EVENT

The Sierra Club had planned a picnic lunch to draw attention to the importance of the ranch and the urgency of a quick move by the federal government.

But Murphy so far as turned a cold shoulder to the invitation. Some club officials speculate he may have inside information that the White House will turn thumbs down on more money for Point Reyes and does not want to be associated with a lost cause.

On the other hand, some conservationists still are hopeful that Murphy will respond favorably if he becomes convinced that a fight for Point Reyes only can improve his re-election chances in 1970.

MORE INFLUENCE

As California's senior senator and a veteran GOP campaigner, Murphy is considered to have more influence at the White House than any other member of the state's congressional delegation.

"It really boils down to just how many political chips he's willing to cash in with Nixon," said one Capitol Hill source.

In a lesser sense, the outcome of the battle to save Point Reyes also may hinge on how much influence can be exerted at the White House by two other men—Interior Secretary Walter Hickel and California Gov. Ronald Reagan.

On June 22, Hickel instructed the Park Service in a long memorandum to put new emphasis on bringing "parks to people." The secretary said special priority should be given to development of parks close to major cities.

EXPANDED PROGRAM

Henceforth, he said, consideration should be given to "an expanded program of federal acquisition . . . of park and recreation lands in the large urban centers of our nation."

Point Reyes fits this criterion perfectly. It is 30 miles from San Francisco and less than two hours driving distance from a metropolitan area of 5 million. By the end of this century, the region's population is expected to reach 10 million.

The Park Service has described Point Reyes as a "combination of scenic, recreation and biologic interests which can be found nowhere else in the country near a large center of population."

Hickel, however, has been increasingly ignored by the White House—particularly when he pushes ideas which cost money.

HAS TAKEN OFFENSIVE

As for Reagan, he often has taken the offensive when the federal government has frozen special funds reserved for highway construction. Conservationists are hopeful he will take the same attitude in pushing the White House to order a thaw in its freeze of conservation money.

It is against this background that Nixon and Johnson will meet in the serene and inspiring setting of the Redwood Park on Wednesday.

Conservationists are hopeful the occasion may stimulate Nixon to set in motion his own program for expansion of national parks.

INCLUDES BOTH

The district of the host congressman Republican Rep. Don H. Clausen of Crescent City, includes both the Redwood Park and Point Reyes. Dedication of the Lady Bird Johnson Grove is expected to give Clausen an opportunity to put in a plug for Point Reyes.

Other prominent conservationists who have been invited to the ceremony may have the same idea.

MURPHY, CRANSTON URGE NIXON TO ACT QUICKLY ON POINT REYES

WASHINGTON.—California's two senators today appealed directly to President Richard M. Nixon for immediate action to save the Point Reyes National Seashore.

In separate letters to the President, Sens. George Murphy, R-Calif., and Alan Cranston, D-Calif., urged the White House to endorse legislation to raise the spending ceiling for land acquisition from $19 to $57 million.

Without quick infusion of additional funds, they warned, efforts to establish a natural preserve on the scenic peninsula north of San Francisco may be doomed.

Murphy suggested that Nixon meet with California officials to discuss ways of completing the project.

"The need cannot be questioned," he told Nixon. "Time is truly of essence. I urge you to act favorably and without delay.

"The efforts and hopes of all of us who recognize the importance of developing Point Reyes as a national seashore will have been in vain unless your administration acts promptly and favorably in this matter."

Budget Director Robert Mayo said yesterday the White House plans to announce its position this week. So far, the administration has balked at providing additional funds.

Since Congress authorized the project in 1962, less than half the acreage has been acquired by the National Park Service. Much of it is in scattered parcels which could not be turned into a manageable unit if owners of adjacent property decide to sell out to subdivision developers.

Murphy told Nixon there is an urgent need for the government to acquire the Lake Ranch, which occupies a strategic position on the peninsula. Owners of the ranch have indicated they are anxious to sell but cannot wait much longer for the Park Service to come up with the necessary cash.

Cranston also emphasized that time has become a critical factor. Subdivision development, he said, represents an imminent threat to Point Reyes.

"As a native Californian," he told the President, "you must be well acquainted with the urgent need to set aside in its native state at least part of the magnificent sweep of our California coastline.

"The promontory, the beaches and the inland lakes and hills of Point Reyes have a unique status among our natural resources of beauty and grandeur."

BIPARTISAN BACKING

Cranston noted legislation to authorize more funds for Point Reyes has bipartisan support from the California delegation but is being held up on Capitol Hill as long as the administration shows no predisposition to spend additional money.

He rejected arguments now popular within the administration that expenditures for parks must be reduced as part of an overall effort to keep the budget in the black and stem inflation.

Cranston, a former state controller, said it is "ridiculous" to consider investment in parks on a par with expenditures for other purposes.

CAPITAL ASSET

"When the United States buys a park, it acquires a capital asset which not only does not depreciate over the years, but actually and inevitably appreciates.

"In no other area of government do we invest the taxpayers' money in something which continually increases in value.

"Thus to decrease our federal investment in park and recreation lands in obeisance to budgetary demands is a false economy which simply makes no sense."

Cranston said completion of the seashore project also would be "far less inflationary than the speculative and inflated values which would accompany private development of Point Reyes."

Further delays he told Nixon, would invite commercial interests to shape one of the most scenic stretches of California's coastline.

"If our nation is to preserve for public use by present and future generations of Americans the best of our beaches and coastal scenes, we must act now—during your administration," he said.

NIXON VOWS ACTION ON SEASHORE PROJECTS

(By Leo Rennert)

WASHINGTON.—Breaking a long silence, the White House today promised to forward in a few days suggestions to Congress on ways to complete acquisition of the Point Reyes national seashore.

"We certainly are not going to drop Point Reyes," said budget Director Robert Mayo.

As President Nixon's chief legislative spokesman, Mayo is drafting a letter to the House Interior Committee to spell out the administration's position.

The letter, he said, also will tackle the problem of the Cape Cod national seashore—like Point Reyes a far-from-finished project plagued by rising land costs.

Establishment of a scenic preserve on Point Reyes, located 30 miles north of San Francisco, was authorized by Congress in 1962.

So far, however, less than half the acreage has been acquired by the National Park Service. Several key parcels still in private hands may be sold to subdivision developers if the government stops its purchase.

Rep. Don Clausen, R-Crescent City, whose district encompasses Point Reyes, called May's remarks "very encouraging."

Along with many other members of the California congressional delegation, Clausen is sponsoring legislation to increase the expenditure ceiling for Point Reyes from $19 to $57 million.

The Interior Department is backing a more modest $47 million plan. But so far its position has lacked White House backing.

Mayo indicated that the Budget Bureau, in presenting Nixon's official recommendations, may offer only some general proposals without specifying an exact dollar amount.

This would toss the problem back in the lap of Congress. So far, Chairman Wayne N. Aspinall, D-Colo., of the House Interior Committee has refused to act on Point Reyes legislation because of an absence of funds for the project in Nixon's budget.

Under legislation approved last year, income from offshore oil drilling and other sources is pumping $200 million a year into a special conservation fund which can be tapped for acquisition of additional parks and seashores.

Nixon, however, has clamped a $124 million ceiling on expenditures from the fund this year—with no earmarked allocations for Point Reyes.

Washington interest in Point Reyes rose after the President's recent visit to Redwood National Park which called attention to the Nixon administration's lack of a comprehensive conservation program.

Sen. George Murphy, R-Calif., discussed the problems confronting completion of the seashore with the President aboard Air Force One en route to the redwoods.

SENATOR BIBLE FORESEES NO EARLY ACTION IN UPPER HOUSE ON POINT REYES FUND

(By Leo Rennert)

WASHINGTON.—Sen. Alan Bible, D-Nev., who holds the key to national parks legislation in the upper house, today announced he has no plans to act on bills to complete the Point Reyes National Seashore.

Bible said he sees no prospect for any move by the Senate until the House acts.

House action appears equally remote in view of the refusal by Interior Committee Chairman Wayne N. Aspinall, D-Colo., to authorize additional funds for Point Reyes as long as the administration shows no inclination to spend the money.

The Bible-Aspinall position thus has the effect of tossing the Point Reyes controversy back into the lap of the White House, which only last week declined to assume any responsibility.

Caught in the stalemate are efforts by conservationists to boost the Point Reyes spending ceiling by $38 million to save the seashore from strangulation by land developers.

Bible's attitude is considered highly significant since he heads the Senate interior subcommittee on national parks, which has jurisdiction over all parks and seashore authorization bills.

Sen. Henry M. Jackson, D-Wash., chairman of the parent interior committee, was described by an aide as being in full agreement with Bible's position to defer action pending developments in the House.

Bible also heads the Senate interior appropriations subcommittee, which would have to approve any followup funds once the authorized spending ceiling for Point Reyes were lifted.

Like Aspinall, Bible expressed strong criticism of the administration's decision to freeze funds earmarked for development of natural resources.

As long as the White House refuses to spend available money on parks and public works, he said, there is no point in having Congress add to the growing backlog of projects awaiting adequate funding.

XUM

"You can't force the administration to spend money," he observed.

MURPHY SEEKS DEMO AID ON POINT REYES

(By Leo Rennert)

WASHINGTON.—Rebuffed by the White House, Sen. George Murphy, R-Calif., has turned to one of the Senate's most powerful Democrats for help in California's effort to save the Point Reyes National Seashore.

Murphy sent a letter to Interior Committee Chairman Henry M. Jackson, D.-Wash., urging prompt approval of legislation which would increase the spending ceiling for land acquisition from $19 to $57 million.

An aide to Jackson, however, said he is pessimistic about chances for quick action in view of the administration's refusal to lend its full support.

Murphy dispatched his letter to Jackson yesterday afternoon—less than 24 hours after the White House announced it will not oppose his Point Reyes bill but views its spending implications with considerable concern.

VAIN APPEAL

The White House position was spelled out by Budget Director Robert Mayo a few hours after Murphy and Sen. Alan Cranston, D-Calif., appealed in vain to President Nixon for allout backing to obtain sufficient funds to complete land acquisition.

Without additional outlays, conservationists have warned that key parcels still in private hands soon may be sold to subdividers.

The administration's cool response appeared to have created a stalemate between the executive and legislative branches—with each inviting the other to move first.

House Interior Committee Chairman Wayne N. Aspinall, D-Colo., said the Budget Bureau's response falls to meet his oft-expressed stipulation that congressional authorization of additional outlays hinges on administration willingness to spend the money.

"Somebody's going to have to get them off dead center," he remarked. "I'm not going to waste my time."

NOT COMPLETELY LOST

Point Reyes supporters said their cause is not entirely lost. They agreed that considerable pressure on both the White House and Congress will be required in the next few weeks to keep the project alive.

While Murphy told Jackson he is "extremely pleased" that the Budget Bureau did not express flat opposition to his legislation to raise the authorization ceiling, he conceded the bureau's stress on budgetary constraints.

"However," he added, "I am confident that the urgency for completion of land acquisition at Point Reyes is so great that once the authorization ceiling is increased, adequate funding will also be approved by the administration and Congress."

Murphy said congressional action would emphasize to landowners and would-be developers that the government is committed to completion of the seashore at the earliest possible date.

WHITE HOUSE WILL NOT BAR POINT REYES CASH

(By Leo Rennert)

WASHINGTON.—The White House has informed Congress it will not seek to block legislation to authorize additional funds to complete land acquisition for the Point Reyes National Seashore.

But it cautioned such action would result in "extensive curtailment" of land purchases already approved for other proposed parks.

The long-awaited decision disappointed conservationists who had hoped for more forceful support from the administration.

It fell far short of an outright endorsement of pending Point Reyes Bills as requested only yesterday by Sens. George Murphy, R-Calif., and Alan Cranston, D-Calif., in last-minute appeals to President Nixon.

The White House position also turned out to be considerably less enthusiastic than the stance of the Interior Department, which earlier this year suggested a boost in the spending ceiling for Point Reyes from $19 to $47 million.

Reaction from the California congressional delegation, which has rallied behind legislation to lift the ceiling up to $57 million, was mixed.

MURPHY IS PLEASED

Murphy said he was "highly pleased" that the administration decided not to oppose legislation to complete the seashore. He announced he would press for immediate congressional action to provide additional funding.

Rep. Don H. Clausen, R-Crescent City, whose district includes Point Reyes, said the White House announcement gives Congress an opportunity to consider various methods of completing the seven-year-old campaign to preserve the scenic peninsula north of San Francisco.

"I'm thankful for any little thing," he remarked.

Rep. Jeffery Cohelan, D-Berkeley, a leader in the fight to save Point Reyes, said Congress will have to assume a conservationist task shirked by the administration.

"We'll just have to do it by ourselves," he remarked. "It's a cop-out."

Rep. John E. Moss, D-3rd, Sacramento County, district said the administration has failed to develop priorities for urgent national park and seashore projects and thus finds itself unable to cope with the urgent problems confronting Point Reyes.

Since the seashore was authorized in 1962, the National Park Service has acquired less than half the acreage. Owners of other parcels have indicated they soon may sell out to subdivision developers.

Moss said the administration's position threatens preservation of important natural resources such as Point Reyes. He also warned that the ultimate acquisition cost "will be many times what it would be today."

Chairman Wayne N. Aspinall, D-Colo., of the House Interior Committee remains the key figure in any evaluation of prospects for further congressional action.

Earlier this year, he served notice his panel would not authorize additional funds for any project which the administration is not prepared to finance.

The White House position was spelled out in a four-page letter from Budget Director Robert Mayo to Aspinall.

Mayo said the Park Service, at the rate of present budgetary outlays, will not be able to complete acquisitions for another four years of park lands already approved by Congress—let alone additional properties such as the remaining parcels at Point Reyes which still await a green light on Capitol Hill.

The Budget Bureau, he said, has given a "great deal of thought" to development of priority criteria to determine which projects deserve urgent action.

Among key factors which would govern a final decision, he listed the "threat" of conflicting or adverse development and price escalation—both considered critical at Point Reyes.

But Mayo emphasized the Budget Bureau still is studying this approach and will need additional time to draft a priority rating system which can be applied in "sufficiently precise fashion."

Lloyd Tupling, Washington representative of the Sierra Club, termed the White House reponse a blow to the campaign to save Point Reyes.

"I don't think we've gained a thing," he remarked. "They're backing away from any commitment on new parks and recreation areas."

Tupling said conservationists now will have to exert greater pressure on the White House to lift its partial freeze on land acquisition money available in a special $200 million-a-year conservation fund approved by Congress last year.

NIXON HOLDS THE KEY TO POINT REYES

The one man who can and should insure that the Point Reyes National Seashore will be developed to its full potential will be standing in the shadow of a monument to California conservation credited to his predecessor, former President Lyndon B. Johnson and his wife, Lady Bird.

The man is native son Richard Nixon, who as President has the real power to preserve Point Reyes and its splendid shoreline or let it fall into the hands of land speculators and subdividers, as is now threatened.

As the President and Mrs. Nixon attend the dedication of Lady Bird Johnson Grove in the Redwood National Park in Humboldt County the thought cannot help but rise in many minds as to the Nixon administration's commitment to preserving the state's natural beauties for present and future generations.

All evidence indicates a lack of a supporting recommendation from the White House's fiscal arm, the Budget Bureau, has held up necessary further appropriations by Congress for finishing the Point Reyes development.

The President need but give his affirmative nod and fund approval would be forthcoming. Delay in the matter already has proven costly as land values escalate.

What Nixon does in this matter could be the signal for keeping up the momentum for conservation of the country's natural beauty sanctuaries. What better monument to his commitment than completion of the Point Reyes National Seashore in Nixon's own state?

Another key figure also to be on hand for the dedication of Lady Bird Grove is California's senior senator, George Murphy, who is up for re-election next year.

Murphy should make every effort to persuade Nixon to give Point Reyes favorable consideration. It is a matter of far-reaching import to influential conservationist groups and Murphy has promised he will try.

It should be plain to the President himself, at any rate, that Point Reyes will be seen as a symbol of his concern for the natural beauties of America.

SOLON ASKS NIXON AID IN SAVING POINT REYES FROM SUBDIVIDERS

(By Leo Rennert)

WASHINGTON.—Rep. Jeffery Cohelan, D-Calif., today called on President Nixon to support efforts to save the Point Reyes National Seashore from strangulation by land developers.

"The question of saving Point Reyes from the very real and impending threat of bulldozing and subdividing is entirely dependent on the administration's willingness to support the expenditure of more funds for acquisition of park land," he said.

The Berkeley congressman is chief author of a house measure to authorize an additional $38 million to permit the National Park Service to complete its seven-year-old attempt to create a national preserve on the scenic peninsula north of San Francisco.

The bill has picked up support from most members of the state's congressional delegation. But the House Interior Committee has refused to take action pending a White House decision that the money actually would be spent.

So far Congress has made available $19 million. But more than half of Point Reyes still remains in private ownership. Key parcels, which have been in agricultural use, are planned for sale to developers if the government fails to act.

Cohelan, who played a leading role in last

year's successful uphill struggle to establish the Redwood National Park, said Congress coupled this action with legislation creating an annual $200-million fund for federal, state and local outdoor recreation projects.

But the administration, he added, requested only $124 million for the current fiscal year.

"Only $17 million of this amount was appropriated for land acquisition for the entire national park system, an amount equal to less than 12 cents for each person in the country, and less than half of what is needed for Point Reyes alone," he said.

"None of this money was designated for Point Reyes.

"I have on several occasions urged the Congress to take the necessary steps to assure acquisition of the entire acreage of Point Reyes, as originally dictated by Congress in 1962.

"Now, seven years later, the Point Reyes peninsula faces an irreparable splintering that, if allowed to happen, will spoil much of this unique and beautiful natural preserve.

"The burden of action in this instance lies with the Nixon administration.

"As soon as Congress convenes after Labor Day, we intend to resume our efforts to enlist the administration's support for the Point Reyes project.

"The legislation which I have introduced is bipartisan in nature and has the support of most of the California delegation.

"Many more of my colleagues in the House share my interest and enthusiasm in conservation projects and my sincere belief in the need to preserve the small bit of this country that remains natural, beautiful and free.

"Point Reyes is an excellent example of this type of terrain, a wild, unfetered expanse, an embodiment of the soul of this country.

"Point Reyes can be acquired during this Congress, if only the administration will act responsively now. I intend to work actively to encourage the president to take such action."

FIGHT TO SAVE POINT REYES NARROWS TO FOCUS ON ONE MAN—THE PRESIDENT

The fight to save the Point Reyes National Seashore has narrowed down to a sharp focus on one man—President Richard Nixon.

The President need but give the word and the additional $40 million necessary to complete acquisition of the remainder of the site will be released, thus preserving this scenic jewel of California's coastline for now and generations to come.

All the other elements in the struggle to save Point Reyes from land speculators and subdividers have fallen into place. The state's congressional delegation has given it solid bipartisan support. It is viewed favorably by Congress. Owners of the remaining land are willing to sell but warn they will not hold out indefinitely. The state's two United States senators, Alan Cranston, Democrat, and George Murphy, Republican, wholeheartedly endorse the plan.

And Cranston and Murphy have spelled it out plainly to the White House: Further dallying may mean the death of the Point Reyes Project.

Nixon, a native son, should be first among those determined to preserve this heritage of natural beauty whose rarity is enhanced by the rapidly dwindling number of such sites still preservable for the future.

Cranston scorned the excuse of economizing, said to be argued by some of Nixon's advisers. Investment in a park such as Point Reyes, he said, is not in the same order as expenditures for other aspects of government.

Said Cranston: "When the United States buys a park, it acquires a capital asset which not only does not depreciate over the years but actually and inevitably appreciates. In no other area of government expenditure do we invest the taxpayers' money in something which continually increases in value. Thus to decrease our federal investment in park and recreation lands in obeisance to budgetary demands is a false economy which simply makes no economic sense."

The fate of Point Reyes rests squarely on the doorstep of the White House. Nixon is the one man who can—and should—give Point Reyes the victory it deserves.

LADY BIRD'S GROVE IS FITTING, POINTS UP NEW OPPORTUNITY FOR PT. REYES

Lady Bird Johnson Grove it will be called, and the cluster of magnificent trees in the Redwoods National Park in Humbolt County will perpetuate the grace note of beautification the former First Lady fostered the length and breath of the land.

Appropriately, Californian Richard Nixon and Mrs. Nixon will join with former President Lyndon B. Johnson and his wife at the grove's dedication Wednesday and hopefully the awareness of all will compass not only the redwoods monument, but another area of cherished natural beauty to the south—the Pt. Reyes National Seashore project.

For it was at the dedication of Pt. Reyes in 1966 Mrs. Johnson directed attention to the priceless heritage of the Humbolt redwoods and urged a program for their preservation. She was an active supporter of the campaign to create the Redwoods National Park.

Mrs. Johnson was an equally effective campaigner for beautification of America from the national capital to scenic highways and local parks. Her "keep America beautiful" fight, viewed at first with bemused skepticism by some, burgeoned into a successful drive which heightened the consciousness of all Americans to the preservation of their natural beauties.

A modest, gracious woman who tackled her task with energy and efficiency, Lady Bird in a quiet way left a mark on this land which will be long enduring.

Lady Bird Grove in California is but one of the many benefices accruing from her efforts. She was also influential in starting the Pt. Reyes development.

That wonderful opportunity to preserve the coastal beauties along Pt. Reyes got off to a good start but has faltered for lack of funds to acquire a major portion of the land comprising it. Now its future is threatened by the sale of that land to private developers and speculators.

The example of Mrs. Johnson's efforts should inspire President Nixon to strive for congressional authorization of funds to complete Pt. Reyes. The President is the key figure in the future of the seashore development.

It would be appropriate should the day come when a Pat Nixon Beach would take its place with Lady Bird Johnson Grove as another important monument of California conservation.

OUR FLAG WILL SYMBOLIZE THE RESPONSIBLE MAJORITY ON MORATORIUM DAY

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. BROCK. Mr. Speaker, for every one negative critic in our country, there are dozens of proud, unashamed Americans. With massive demonstrations threatened in many of our major cities tomorrow, it is important that people around the world, friends and enemies alike, know that the demonstrators who take to the streets Wednesday do not speak for millions of concerned, responsible Americans who want peace, but who know that the way to achieve it is not to demoralize our men in Vietnam or weaken President Nixon's efforts to reach an honorable settlement and prepare the South Vietnamese to defend themselves.

For this reason, I have publicly urged every patriotic Tennessean to fly his country's flag on Wednesday as a symbol of national unity and as a message to those who think the street protests of a noisy minority have undermined the faith of Americans in their leaders and themselves.

DEMAND INCREASE FOR OIL IMPORT REFORM

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. CONTE. Mr. Speaker, I am pleased to announce that New York City Mayor John V. Lindsay has joined the growing chorus of those who have urged the abolition of the inequitable mandatory oil import control program which has been so costly to the consumers of his city and the entire Northeast.

Mayor Lindsay has expressed his views in a letter to Secretary of Labor George P. Shultz, Chairman of the Cabinet Task Force on Oil Import Control. I am honored that the mayor has endorsed my bill, H.R. 10799, which would gradually eliminate the quota system over a 10-year period.

Mr. Speaker, I want also to mention that the entire New England House delegation has once again expressed its unanimous position that the time has come to change drastically, if not eliminate completely, the oil quota system. Following a recent luncheon meeting with 100 representatives of the New England Fuel Institute, our delegation sent a letter to President Nixon urging his serious and prompt consideration of measures to relieve the burdens which the inequitable quota system has imposed on our region.

For the information of my colleagues, Mr. Speaker, I include copies of both the Lindsay letter and the letter sent by our New England delegation:

OCTOBER 6, 1969.

Hon. GEORGE P. SHULTZ,
Secretary, U.S. Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I understand that in the very near future the President's Task Force of Oil Import Controls, of which you are Chairman, will be making recommendations on the nation's future oil policies.

In this connection, New York City's Mayor's Commission on Inflation and Economic Welfare, which is studying the causes and effects of the current inflation and steps to combat it, has just completed a report indicating that mandatory federal oil import controls cost New York City residents alone more than $95 million annually. Enclosed is a copy of that report.

The $95 million cost figure for New York City is, I am sure you will agree, a very conservative one. Indeed there is evidence that the cost to New York City residents of oil

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import controls may well exceed $250 million each year. And the cost to Americans across the nation is equally staggering. The Inflation Commission's report places the national cost at up to $6 billion per year. Dr. John Blair, Chief economist of Senator Philip A. Hart's Antitrust Sub-committee of the Senate Judiciary Committee, which has held extensive hearings on the oil import controls, estimates the cost of the program to American consumers at $7.2 billion annually. And a recent report prepared for your Task Force by the U.S. Department of Interior estimated this cost at between $7 and $8 billion annually over the last decade.

Whatever the exact figure, it is amply clear that the average car owner in this country pays more for gasoline and private home owners pay more to heat homes with oil because of the higher prices on domestic oil.

The people of New York City, like people across the nation, are suffering the grip of acute current inflation. They are deeply troubled. Higher and higher prices are causing countless strains and hardships to the average family. Goods and services that were once a matter of course for most households are now considered luxuries by many.

We should not allow these conditions to continue while fair and practical means exist to eliminate them. I urge strongly that our present oil import policies be revised so that consumers in New York and throughout the nation may obtain relief from the enormous burden imposed on them by current policies.

We know that the original justification for the oil import restrictions was a determination more than ten years ago that unlimited imports of oil threatened our national security. The purpose of the program was to encourage domestic exploration. It seems clear now, in the light of the ten-year history of the program, that all that the restrictions have accomplished is to place a price umbrella over the entire domestic industry. This policy has injured the oil industry's competitive posture; indeed it has practically destroyed competition, as reported to you by the Antitrust Division of the Department of Justice. And it has resulted in crude oil prices at home that are far higher than anywhere else in the free world. Combined with the myriad tax advantages which the oil industry has access to, the oil import quotas have produced record profits for all the major oil companies year after year at a steep cost to American consumers. It is the consumer who has to pay the bill for the extravagant benefit accorded the oil industry by our existing oil import policy.

I am not convinced by the oil industry's claim that allowing a free flow of oil into this country would ruin the entire industry. The American oil industry is the largest and most profitable industry in the world. It competes successfully in virtually every country in the free world. There is no reason whatsoever to suspect that this industry could not compete just as successfully here at home if the mantle of protection now surrounding it were withdrawn.

The six New England states, three of which border on New York, have been fighting vigorously to relieve their citizens from the onerous burden imposed by Federal oil import policies. All six New England governors, all 12 senators, and all 25 congressmen from that region have urged that oil controls be lifted. A bill introduced by Congressman Silvio O. Conte of Massachusetts would accomplish this by phasing out the import restrictions. I favor this proposal, and am personally urging the entire New York Congressional Delegation including our two Senators, Jacob J. Javits and Charles E. Goodell, to stand with our sister states in the struggle to win relief for our consumers by supporting Congressman Conte's legislation.

Enormous pressure will be applied by the oil industry to preserve the present system. It is time legitimate needs and concerns of America's consumers be given the priority deserved in formulating national oil policies.

Sincerely,

JOHN V. LINDSAY,
Mayor.

OCTOBER 1, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: When the review which you assigned to the Cabinet Task Force on Oil Import Control is concluded in the near future, you will be called upon to decide oil import questions of critical importance to New England—and to the nation.

We are writing, as a united delegation representing the six New England states, to request that you give careful consideration of the special problems of our area and take effective action to solve these problems.

Perhaps the best brief statement of these problems is found in the presentation of the 6 New England Governors to the Task Force:

"The New England region has no indigenous sources of crude oil, and no operating oil refineries. The only crude pipeline in New England delivers to Montreal foreign oil landed in Portland. It is ironic that the oil flowing through this pipeline benefits not New England, but Montreal, which enjoys distillate heating oil at a price more than 3 cents/gallon lower than in Boston.

"The structure of demand for petroleum in New England is significantly different from that of the national average. Whereas New England consumption of all types of petroleum products represents close to 9 percent of the national total, the demand for distillate heating oil by the six-state region is closer to 21 percent. The harshness of the winter climate in the New England area is such that the assurance of an adequate and reliable fuel supply is not a matter of mere comfort. It can be a matter of survival. The region is remote from other energy sources, and therefore particularly sensitive to the cost and reliability of its oil supplies."

The people of our region would be willing, we believe, to accept their special situation—and bear the burden of the highest heating oil prices in the country—if these were the result of the natural adjustments and expected regional imbalance of a free economy. But they are not. New England is bearing a disproportionate burden *only* because of the inequities in our present Oil Import Program.

Knowing of your commitment to a free economy, your desire to reduce the role of the Federal Government in our society, and your pledge to fight inflation, we are confident that you will approve changes in the Import Program to strengthen competition and bring the benefits of lower-priced petroleum products to the American consumer.

Most of us are co-sponsors of legislation introduced by our Colleague Silvio O. Conte (H.R. 10799, 10800, 10801) to eliminate the Mandatory Oil Import Program, gradually over a 10 year period.

Several agencies of the Federal Government have pointed out that elimination of the Program would mean substantial savings to consumers and involve no risk to our national security. Our own review of Submissions to the Task Force confirms these facts.

However, even if you decide that some system of controls is required under the authority of the National Security Clause (Title 19 U.S.C. Section 1862) we urge recognition of the special position of New England. We strongly urge that any control system be designed to:

(a) bring relief from high fuel oil prices paid by New Englanders;

(b) provide assured supplies to avoid the tight, dangerous stock crises similar to those of the Winters of 1967, 1968 and 1969;

(c) provide sufficient low sulfur oil to aid in the fight against air pollution in our area;

(d) establish an equitable balance between the oil-consuming and oil-producing areas of the nation;

(e) assure competitive equity for independent fuel oil dealers, marketers and deepwater terminal operators vis-a-vis the major, integrated oil companies.

In order to achieve these objectives, we strongly endorse proposals to:

(1) establish a petroleum refinery in a foreign trade zone at Machiasport, Maine, which will provide lower priced fuel oil through independent marketers in New England;

(2) allocate substantial import quotas for home heating oil for independent deepwater terminal operators.

In reaching your decisions, we know that you will recognize that, in a free economy, the burden of proof rests on those who seek to maintain import controls.

In conclusion, Mr. President, we should like to commend you for your efforts to seek a thorough, incisive review of U.S. oil import policy. All of us are anxious, we might add, that the Task Force Report be made public as soon as it is completed sometime in November.

We appreciate the difficulty involved in dealing with this program. However, we are confident that you will make the decisions—and approve the changes—necessary to relieve the excessive economic burdens and correct the market distortions forced upon our nation, and particularly the New England region, by the Oil Import Control Program.

Thank you for your consideration.

Respectfully yours,

Silvio O. Conte, Edward P. Boland, Harold D. Donohue, Philip J. Philbin, F. Bradford Morse, Torbert H. Macdonald, Margaret M. Heckler, James A. Burke, Fernand J. St Germain, Peter N. Kyros, Louis C. Wyman, Robert T. Stafford, Robert N. Giaimo, John S. Monagan, William L. St. Onge, Thomas P. O'Neill, Jr., John W. McCormack, Hastings Keith, Robert O. Tiernan, William D. Hathaway, James C. Cleveland, Emilio Q. Daddario, Lowell P. Weicker, Jr., Thomas J. Meskill.

SUPPORTING THE PRESIDENT

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. DEL CLAWSON. Mr. Speaker, the Washington Evening Star of October 13 contained an editorial which speaks for itself. At this point in the RECORD, I insert the editorial for the attention of my colleagues:

SUPPORTING THE PRESIDENT

Two prominent Democrats have rallied to the support of the President as Mr. Nixon prepares to face Wednesday's Vietnam Moratorium, billed as a protest against the war but in reality a demonstration against the President.

Following a Friday White House conference, Hubert Humhprey told reporters that Mr. Nixon is "proceeding along the right path" in Vietnam, has made some progress, and that "the worst thing we can do is to try to undermine the efforts of the President."

The second assist also came on Friday in a speech by Dean Acheson, former Secretary of State, who was accepting an award for distinguished service in foreign affairs.

Mr. Acheson spoke out against those who would have us believe that "we elect to public office the most zealous imbeciles bent upon every imaginable folly, extravagance, and disastrous adventure, determined to blight the hopes of the young, poor, and disadvantaged, and probably venal into the bargain." He said that even from the vantage point of the opposition, this strikes him as an extreme view, and also a damaging and foolish one. Speaking as one who has had broad experience in what the Supreme Court has called the "vast external realm," the former Secretary of State said that the choices open to any responsible government in dealing with foreign affairs are narrow ones. In his view, however, "as an attitude for the informed private citizen anxious to play a constructive role in policy making, support of the responsible leader is a sound role."

It is too much, perhaps, to expect that the wise counsel of these two men will exert any restraining influence on the Fulbrights, the Kennedys, the Churches and the Goodells. No doubt they will persist in their reckless effort to destroy confidence in the President and his efforts to end the war. But it may not be too much to hope that the voices of men like Messrs. Humphrey and Acheson will be heard by the American people in spite of the sound and the fury of the wrecking crew.

LETTER FROM A CONSTITUENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. EDWARDS of California. Mr. Speaker, each day each of us in Congress receive dozens if not hundreds of letters. On some occasions we all echo the old statement, "The public has spoken, but did it have to speak so loud," but on other occasions we learn directly what are the concerns of our people.

Recently I received such a letter, one that expresses better than I can, the depth of thoughtful and intelligent concern of one of my constituents. Mrs. Edwina M. Norton of Santa Clara, Calif., outlined the kind of decisions we must make, decisions which we have failed to make. Mr. Speaker I insert her letter in the RECORD so all of us may share her thoughts:

SANTA CLARA, CALIF.,
October 9, 1969.

Congressman DON EDWARDS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EDWARDS: I have long intended to write this letter but have put it off because it must necessarily be a long and complex one: the list of needs in this country is long and complex. I hardly know where to begin, there are so many things I feel must be done, so I won't attempt to list what I consider priorities in an order of importance. As a starter, however, let me comment on the current issue of the supersonic transport that the President recommends we develop in order that we maintain our leadership in air transportation. Perhaps it will reveal my mood. Spending government funds on such a project seems to me exasperatingly absurd, especially at a time when so many other problems need attention desperately. I don't think our taxes should go to develop something that will profit private industry; I don't think we can handle the sonic boom problem, let alone what such a plane would add to the already serious air pollution problem; finally I can't see that going a couple of hours faster than we can already will benefit most people, especially when our airports and air lanes are already overcrowded.

We seem, as a country, or as a government, still to be ignoring the real problems we have. Not only are we spending great sums of money on essentially destructive programs—the war, the ABM, the supersonic plane proposal—but we are pretending that we don't yet have to plan for the very near future when overpopulation will kill us, if air and water pollution don't get us first. From the reports I have read about these severe problems, I would say we haven't much time left to deal with *pollution and population*. Perhaps it's already too late to prevent the disaster; we may only be able to reduce the problems, if we start now. If this is the case, why are we still ignoring these problems?

My exasperation is turning to desperation. As an American, proud of our ability to grow, to progress, I feel on the one hand that we *are* able to do anything we want and need to do, but on the other hand I am profoundly disillusioned by the apparent inability or unwillingness to do what is so obviously necessary. It is time—long past—that we turn our energies away from the status quo, from the pressures of private interest groups and their lobbies, and look to the needs of the people of this country. In short, it is time we de-emphasized our technology and emphasized programs that will make ours a humane environment, one in which people can live with a minimum, not a maximum, as we now have, of frustration, danger, and distress.

What are the things that would humanize our environment? Here are just a few:

1. A comprehensive program for reducing present, and controlling future, pollution—pollution of all kinds, that from gasoline engine exhaust, from jet exhaust, from industrial and domestic waste dumped in lakes, bays, and oceans, from DDT and other harmful sprays, from sound pollution such as from factories, sonic booms, and jet airports located close to cities and people's homes; also pollution in the form of ruination of our natural resources, our parks, our wildlife.

2. Intelligent controls over our technology which has, it seems to me, already run away with itself: Why can't we stop the trend toward even more supercars which cause, at their high speeds, more and more accidents, more exhaust, more repairs which have become impossibly expensive for most of us? Why can't we direct our monies away from space research, as thrilling as the moon landing was, and into plans and programs for discovering and improving our own planet? Why can't we trim that Pentagon budget so that we can spend money on our domestic problems?

3. Tax reform: The polls seem to be correct in saying that people are most concerned about inflation and taxes. Everyone I talk to is angry about these problems. Very many of them are also feeling helpless and hopeless and cynical about these problems ever being solved.

4. Draft reform and educational reform: The young, being one half the population, are now a definite political force that can no longer be ignored, but why can't the older generation begin these reforms? Make the draft equitable or better yet, extricate ourselves from unfeasable commitments abroad, and eliminate the draft. As for education, federal support and leadership of the right sort could help enormously in making education relevant and valuable. It has to change. Instead of educating children to fit the technology, we must help them to be human beings perhaps in spite of that technology.

5. Racial equality: Certainly we have gained some ground here, notably in the last two years, often, unfortunately, through violence. We must do much more, however; the more we can direct our energies and monies to a more humane environment for all people, by way of jobs, housing, medical care, education, the faster we can heal our divisiveness.

6. Workable programs to overcome poverty and to make welfare workable are needed. The guaranteed minimum income, if administered humanely—i.e., without demeaning people—might be the answer.

All of these problems are, of course, interrelated. All need to be solved; each is dependent on at least one other, if not several others. If we can turn our spending away from destructive and irrelevant pursuits, we can spend money on these much needed domestic priorities. If we can improve the lives of the poor, we can heal some social wounds; if we can provide relevant education for the young, we can tap a rich resource for further improving our society, etc. And if we can provide and cultivate a humane way of life for all, we can reduce our alarming crime rate. (I have not listed crime separately, for it is so directly the result of our failure to attend to people's needs in other areas. If we can eliminate the inadequacies and abrasiveness of our society, crime is bound to be reduced. We also need a thoroughgoing revision of our legal system and penal codes; they seem to be working less and less.)

I realize that these problems are not simple ones, but I do feel that the key to solving them is in forming a new attitude toward our country and what we want it to be. We must take the chance and turn away from our technological orientation—in a sense turn away from some private interests—and turn toward humane and public needs. Our country is not yet 200 years old. It is shocking to think that it may never reach its 200th anniversary, yet I sometimes feel that because we still seem to ignore our crucial problems, we may be dooming ourselves, if not as a civilization, perhaps as a democracy.

I think that the time has come for the Congress, the representatives of the people, to speak to the problems we have and to see to it that they are solved. We desperately need your most earnest and rational concern for our welfare, and we look now, more than ever before, to your leadership.

I don't know how many of your constituents you hear from; if I can judge from what people say about their belief, or more accurately, their disbelief, in government today, I would guess you don't hear from many. Whenever I urge someone to write to his congressman, I get one or two responses, a guffaw or an embarrassed silence. I used to be angered by this, thinking it meant apathy, disinterest, but lately I am not so sure I have diagnosed the response correctly. It seems more to mean a kind of desperate cynicism, and a despair of ever being represented as people would like to be. Even though most people don't express these feelings to you, most people do seem to be feeling them: without hope, they are even beginning to seem cowed. I think that is a terrible state for people in a democracy to be in. Can't we change this?

Sincerely yours,

MRS. EDWINA M. NORTON.

THE YOUTH OF OUR TIME

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. MAHON. Mr. Speaker, Miss Nonette Mayes, a senior at Crosbyton, Tex., high school, recently made an address to the Lions Club of my hometown of Lubbock, Tex., in regard to the challenges confronting American youth. Miss Mayes speaks eloquently in behalf of

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the great majority of our youth but points out the dangers which confront the country as a result of the lack of restraint and discipline among a minority. Under permission granted earlier today, I am pleased to include the full text of her speech:

Address of Miss Nonette Mayes

Mr. President, Lions, visitors, when Mr. Lipscomb called and asked me to come to the Lubbock Lions Club as a representative of the youth of Crosbyton, I was honored that I should be invited to address such a distinguished audience. But more than that I am grateful for an opportunity to bring a message from the young people of Crosbyton to the civic leadership of Lubbock.

For many years the Lions Club has encouraged our active participation in civic affairs. You have recognized that channeled in the right direction, young people can make a significant contribution to the growth and development of any town.

Under the leadership of Lions Clubs and the churches, we have witnessed a healthy trend toward greater involvement and participation by youth in public affairs.

The youth of today face many challenges. Two years ago last June at the Commencement exercises of Southern Methodist University, Bob Hope reviewed the troubles of today's world. In a light vein of humor, he concluded with the traditional word of advice to the graduating seniors about to go out into the world. His advice to them was: "Don't go!"

A small segment of college students, bitter about what they call the imperfect world which their parents have given them, have taken that advice literally and have refused to become involved in the society of their parents. They are the bearded beatniks, the protest demonstrators, the draft card burners and the social misfits of our society. They have congregated about many of our colleges and Universities and stand around bearded and bathless. *They refuse to go out into the world.*

Others dropping their flowers and their beads and picking up clubs and switch blades, have become high handed hoodlums intent on getting their own way. They pretend to be adults, but are desperately afraid of growing up and assuming responsibility. They are so busy exercising their right to freedom of speech they have forgotten their responsibility to make a positive contribution to society.

Across the nation, the questions are asked: Who are these rebels? What do they want? How deep seated is student unrest? Where is it heading? And educators continue to probe for the answer to why a small minority—2 percent, no more than 3—of the nation's undergraduate population of 7 million are involved in the current upheavals—the riots, seizures of buildings and disruption of academic life.

Quite naturally, this unrest and disruption among youth is causing widespread concern among older citizens. News headlines are punctuated with stories of riotous campus demonstrations and unlawful protest. Time magazine in one issue asks: "Can you trust anyone under 30?" And the headline of one issue of U.S. News & World Report screams: "Why do students revolt? Is America really sick?"

A certain segment of American youth is sick. There is no denying that the arrogant draft card burners and the defiant protestors who glorify violence as a form of political action—the young "Totalitarians" as President Johnson effectively described them, are sick. It is this group which makes a mockery of lawful and intelligent dissent designed to strengthen the opportunity for each citizen to make his beliefs and opinions known. It is this group—this small minority—which gives the great majority a black eye.

But as an American youth, I am tired of being told that I am sick. And so are hundreds of thousansd of other youth in this country who are going about the business of getting an education, grateful for the opportunities whicn are ours, and many holding down substantial jobs in order to prepare for the responsibilities which you will pass on to us. Most college, and a lot of high school students, in Texas, are far too intelligent to be capitivated by the harsh cries of a militant few. But when a small minority can damage the image of all youth, we must not be unmindful of the potential dangers. As we have become so painfully aware these last several months, violence breeds violence. Therefore the question confronts us: How can we turn back the tide of restlessness and lawlessness?

I would suggest the national news media take a long look at itself! You may search daily, in vain, through the mass of national telecast and news broadcasts for one word that would reassure the average citizen that all negro youth are not Stokely Carmichaels; that all students are not draft dodgers; that not all of us have lost faith in our President in his honest efforts to do the best job he can under difficult circumstances; that most of us are still proud to be Americans; that most of us know democracy will work and labor diligently to see that it does. . . .

We need more commentators like the Topeka, Kansas, newaman who reported on his morning broadcast the story of the 25 demonstrators who had staged a sit in. His broadcast stated: "There are 25 protesting college students sitting on the floor in the governor's office this morning. The other 63,000 students of the state are going about their business grateful for the opportunities that are theirs."

I would suggest that you as responsible civic leaders in our community, provide us with faculty members who will teach that freedom is not free, and that it must be defended daily. Whether on the fields of combat, or on the perpetual battlefields where good citizenship wages war with bad.

Now one word to the parents. Like our youth, you have been unjustly criticized for the activities of a few. But the indulgent and permissive parent who produces the spoiled youngster, must share the guilt with the son or daughter for ultimate consequences.

The youthful dissenters of today are ignoring history. Mr. Strong, Mr. Krebbs, Mr. Kay, and a large number of others, went to college during what our history books refer to as the great depression. Thousands were unemployed and barely stayed alive in poverty and hunger. There was no work for millions who were trained, competent and eager to work for any wage. The average American of that day did not live as well as most of those rioting in dissatisfaction today. And I am told, millions would have regarded the lot of the worst of us today as near Utopia. Hitler and Tojo and Mussolini led united, hostile, nations against you in world wide war that dwarfs the localized conflict in Viet Nam. Most of my generation does not know the real meaning of poverty, hunger, unemployment, and war.

In short, the trouble and problems of the world into which you, as parents, graduated, were more numerous and more severe than the world today. Our world is not perfect, but I am convinced that it is a better world than the one my father stepped into upon graduation. . . . I am grateful that you, as parents, have made more progress in the past 30 years than any generation before, grateful that you have given us a better world where opportunity for service and fulfillment are greater. . . .

Most of us look forward to going out in the world to follow in your footsteps. . . . In the words of President Kennedy: "Only a few generations in the long history of civilization have been granted the role of defending freedom in its hour of maximum danger." This is the role which is ours too. May we accept this responsibility with enthusiasm and confidence. May we never shrink from this challenge.

SAFETY IN THE COAL MINES

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. MOLLOHAN. Mr. Speaker, shortly, this body will consider the all-important coal mine safety bill, approved some weeks ago by the House Education and Labor Committee, under the distinguished chairmanship of Congressman Carl Perkins.

I received yesterday a letter, dated October 9, from Mr. W. A. Boyle, president of the United Mine Workers of America, regarding a matter raised by a near disaster in the Loveridge coal mine in the First Congressional District of West Virginia, which I am privileged to represent.

The issues raised by this near disaster are set forth in this letter and deserve the close attention of every Member of Congress. I sincerely hope the issues raised in Mr. Boyle's letter will receive the scrutiny they deserve.

The letter follows:

United Mine Workers of America,
Washington, D.C., October 9, 1969.

Hon. Robert H. Mollohan,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Mollohan: Three weeks ago a fire broke out in the Loveridge mine of Consolidation Coal Company, almost within shouting distance of the #9 mine of Consolidation Coal Company where 78 coal miners lost their lives in last year's tragic underground explosion. But for the grace of God, the Loveridge fire could have been a repetition of the disaster at #9 mine. More than 100 miners were at work beneath the ground when flames swept through a section of the mine. Fortuntaely, none were trapped in the area where the flames erupted.

Almost as the flames scourged the Loveridge mine, the House Committee on Labor and Education reported to the floor a proposed coal mine health and safety act riddled by serious loopholes. Unless these loopholes are closed, the act will continue to invite tragic death and loss of limb for thousands of miners employed in allegedly nongassy mines.

The United Mine Workers of America beseeches you to remove all exemptions in the law which would permit any group of coal operators to postpone installation of spark-free equipment for as long as six years or even indefinitely. In addition, we are entirely opposed to provisions vesting any board of review with the right to overrule the decisions of the Secretary of Interior. Further, we urge that the bill be amended to provide that the permissible dust level be measured over *one shift* as opposed to the weaker method of averaging such dust level over *several shifts* as the present house bill provides.

As reported to the floor, the federal coal mine health and safety bill testifies loudly to the power of the Washington lobby of the coal industry. It testifies also with chilling shrillness to the determination of these operators to put profits above the lives of those who dig coal.

These coal operators are resorting to the same industrial blackmail that they have perpetrated upon the nation and its miners since time immemorial. They have always claimed that they would shut down their

mines if required to grant decent wages and safe working conditions. They would probably bring back the child labor of half a century ago if they had their way.

The time has come to call the bluff of these operators and it is our considered opinion that few will shut down if their mines are covered by the provisions of a strong federal coal mine health and safety act. The choice before the Congress is clear. The lives of miners must be the foremost consideration in this legislation. Congress can prove to the entire world that the lives of working people weigh more heavily on the scales of justice than the sugared words of any coal mine operators' lobby.

The nation's organized mine workers urge you to work for and to vote for a federal coal mine health and safety law that gives the nation's miners the maximum health and safety protection humanly possible. We are opposed to all loopholes, and have been assured of the cooperation of the AFL–CIO in our efforts to have a truly satisfactory law enacted.

We have already informed the coal mining industry that it will face a direct confrontation with the United Mine Workers' membership in our next contract negotiations unless the maximum possible health and safety of that membership is assured. It is our sincere and fervent hope that we can win by law the protection so urgently needed. Your vote can help to assure this nation's miners that ours is a government dedicated to justice and humanity as well as to law.

Sincerely yours,
W. A. Boyle, *President.*

VIETNAM MORATORIUM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. ANDERSON of California. Mr. Speaker, a democracy cannot survive with an apathetic citizenry. Democracy is enhanced by peaceful citizen participation. We are fortunate in that America has a heritage rooted deeply in democratic tradition—a tradition of self-government.

In order for a democracy to function, its people must make their views known; its citizens must make use of their right to vote; they must petition their elected leaders. How else can a representative government function? If the citizenry did not take an active part in our Government, we would no longer have the democratic system we cherish.

In reference to the President's statement on September 26, 1969, that he would not, under any circumstances, be affected by the October 15 "Vietnam moratorium," I think two points should be emphasized. First, the President, by issuing statements that conflict with his actions, is in danger of losing his credibility. Obviously, the wishes of the American people are, and rightly so, important in the President's decisions. The most recent illustration is the release of General Hershey as Director of the Selective Service. General Hershey was a symbol of the war and the draft, and he was relieved to appease the dissidents. The President, although he said he would not be affected, was, in fact, affected by public opinion.

This leads to the second point: Instead of trying to stifle constructive discussion, the President should encourage people to make their views known by peacefully demonstrating and petitioning their elected representatives.

Vice President Agnew has described the "moratorium" as "absurd."

My impression of that comment is that anything Spiro Agnew terms as "absurd" must have some merits.

After considerable thought on the meaning of the moratorium, it is my judgment that this is a day of discussion—a day of participation.

Responsible discussion should be the theme of the "Vietnam moratorium." Americans, regardless of their views, should analyze our situation in Vietnam, realize the implications of each alternative, formulate a constructive solution and, finally, petition their elected officials as to their views. Most everyone agrees that the bloodshed should cease in Vietnam. Our dilemma arises when we discuss the alternatives to this objective.

The President is aware of the views of a small, vocal minority of the Nation, but he does not know the views of the great majority of the people. I feel reasonably sure that the President of the United States would respond in a positive way if he knew the views of the consensus of American public opinion.

Everyone should discuss Vietnam—the most pressing crisis of our time. The moratorium cannot and should not be ignored. In the past, participation has been limited primarily to the campus, but Vietnam involves all of us—not just the youth. Therefore, all Americans should observe the moratorium by discussing our current policy, and the alternatives, in the home, in the place of business, and in the place of worship.

TOM FLETCHER

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. VAN DEERLIN. Mr. Speaker, a man I am honored to have as a friend, Thomas W. Fletcher, will soon be leaving this area after more than 2 years of distinguished service as Deputy Mayor of the District of Columbia.

Tom Fletcher was first appointed to his post by President Johnson and reappointed early this year by President Nixon. Neither Chief Executive could have made a better choice, for Tom is widely regarded as perhaps the ablest city administrator in the Nation.

He earned his enviable reputation dur-5 years as city manager of my own city of San Diego, and added to it with his service often under the most trying conditions in Washington.

Tom's achievements in our Nation's Capital have been duly noted by Washington's leading newspapers. It is a great pleasure for me to include at this point editorials commending him from the Evening Star and the Post.

[From the Evening Star, Oct. 10, 1969]

Deputy Mayor Fletcher

Thomas W. Fletcher will be greatly missed when he pulls up stakes shortly to return to his native California as city manager of San Jose. As deputy to Mayor Washington during two eventful years in this city's history, he served as a kind of Mr. Inside—the man who worried about budgets and administration and, in general, tended to the day-to-day operations.

For this, he was well-qualified professionally with a broad background in city government. By temperament, Fletcher had no personal need for limelight, but instead took quiet satisfaction in getting the job done.

In point of fact, Walter Washington and his deputy had the sort of close working relationship that the captain of a Navy ship hopes to establish with his executive officer. The Mayor was free to set the tone and broad policy, because his number two was willing to assume responsibility for detailed supervision.

We wish Thomas Fletcher well in his new job. As Mayor Washington said, he will be a hard man to replace both as an administrator and a colleague.

[From the Washington Post, Oct. 10, 1969]

An Exceptional Deputy

The remarkable thing about Thomas W. Fletcher's all too brief appearance on the Washington scene was the way he played the role given to him—to understudy, support and backstop his chief, Walter Washington, but not to compete with him. He performed well. The wheels of government turned at his bidding for he was the administrative chief, the budgeteer, the trouble shooter who frequently identified the broad policy areas that needed Mayor Washington's attention.

When things ran smoothly, one did not hear much of Deputy Mayor Fletcher. When they got out of hand, as they did in the effort to settle the dispute over highways, he was in the eye of the hurricane, but generally unflappable. Technically, of course, his official title was the self-effacing one of assistant to the commissioner. Presidential and popular usage made him the deputy mayor.

Mr. Fletcher was literally plucked out of an automobile in Rapid City, S.D., by President Johnson for the assignment as the No. 2 city executive. He had been en route to Washington from San Diego to take a job as deputy assistant secretary of HUD. He had been city manager of the California city and Mr. Johnson's talent scouts had identified him as the most outstanding professional manager in the nation. Two years later he takes leave of the Washington job for the city managership of San Jose, Calif., with his standing enhanced.

For the city of Washington, the departure of Mr. Fletcher poses an enormous problem. His replacement must, like him, be an outstanding and nonpolitical professional. Like him, he must be someone who can learn rapidly how to thread his way through the incredible congressional maze where ultimate power over the city rests. Like him, he must have sensitivity in dealing with the city council and its vocal constituents of both races. Like him, he must be able to establish a rapport and relationship with the Mayor to avoid the threat of divided government. And, to avoid a hiatus, he must be found quickly.

FIGHT AGAINST INFLATION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. HANNA. Mr. Speaker, it is time for the American people to cry halt to the policies we have been following in the so-called fight against inflation. The selective suffering that these policies have brought upon our people are no longer tolerable in the light of the little progress that has been achieved. The housewives suffer from increased demands in the grocery stores and from demands in every walk of consumer life for their household dollar. Small business suffers by being bounced from the borrowing bench of the banks. The housing industry has suffered because of its inability, in a rising interest market, to compete with shorter term paper with high liquidity. Mortgage money, except for that developed by FNMA, is a mere trickle. Enough, enough, already.

There must be a better way—there is a better way. One of the major ingredients of this so-called inflation is underproductivity. Labor must understand that it is robbing one's self when the price of labor exceeds the honest value of the services rendered or the product created.

Equally, management must understand the price of a product is equally restricted by its honesty and it must reflect the value.

The credit restrictions of the Federal Reserve should be looked into. Emphasis in that agency should be upon the relationship between the money growth and the real growth in gross national product. The Federal Government must in these times emphasize policy which directs money into those activities which most surely promote sound growth. In that regard, it seems to me most clear that available capital is far more useful in the homebuilding industry than devoted to financing mergers or in the building of conglomerates. Of course building as a multiplying factor from 9 to 11 creates a produce of substantial longevity. Capital utilized in mergers and acquisitions create a new value, build no new product and merely pay the cost of paper shuffling and reflect in inflated stock prices.

Here are a list of practical programs and policies that this administration could activate that would realistically match the kind of problem our economy now faces.

First, immediately fund and vigorously pursue labor training programs for both young and mature workers. Matching their skills to the requirements of the labor market and provide real competition among labor elements.

Second, reduce the forces in the military further enlarging the labor market.

Third, be prepared to be a residual employer for a portion of the unemployed. With work oriented strongly to the development of parks and the advancement of our timber resources.

Fourth, delay consumer purchases with some application of regulation W increasing downpayments and decreasing term.

Fifth, relax the credit restrictions presently enforced by the Federal Reserve.

Sixth, encourage lead and reward in industry, business and labor to a policy of productivity and quality as a basic standard for price and wages. These are the only guideposts which make sense and they are the two that are the economic imperative of an international world market in which our economy is an essential part.

Finally, Government economists should understand and develop measurements for input-output studies so the interrelationship and interdependency of and between elements of our economy are far better understood and measurable. Such economics also provide data for projecting multipliers upon which the velocity of this economy depend.

By pursuing such proposals we would recognize just as overproduction was found to be underconsumption, the present inflation would be found to be underproduction in both the commitment of labor and the application of capital.

HON. PATSY MINK DELIGHTS MISSOURI DEMOCRATIC WOMEN WITH ELOQUENT SPEECH ON THE POLITICS OF LEADERSHIP

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mrs. SULLIVAN. Mr. Speaker, when an outstanding Member of Congress makes a truly eloquent speech on the issues which confront our Nation and mankind, we all derive a sense of pride in an achievement which reflects credit upon this House as an institution and upon all of us privileged to serve here. To be present, in a hushed and attentive audience, and share the occasion is an even greater pleasure.

Thus it was a thrilling experience for me Sunday night to be present at the annual dinner of the Missouri Federation of Women's Democratic Clubs in Jefferson City, Mo., and to hear the Honorable Patsy Mink, of Hawaii, make what I believe was one of the best addresses of the year on political issues—to any group. It was my great privilege to introduce Mrs. Mink to a capacity audience of Missouri political leaders, including Gov. Warren E. Hearnes, and to nearly 1,000 Democratic women. She made me proud of my party, of the Congress in which we serve, and of women in public life.

And she put into perspective the controversy initiated by the President over the weekend on the respective roles of Congress and the Executive in guiding national policy and achieving national goals. Every Democratic Member of the House will applaud her straightforward analysis of these issues; and our Republican colleagues undoubtedly will agree that what she said was honest, reasonable, and fair. For that is the only way Congresswoman Patsy T. Mink knows how to be.

She is brilliant, witty, charming, glamorous—an ornament to the House—but more important than that, she is a superb Representative of the 50th State. And we are understandably proud of her achievements in the Congress.

Born, reared, and educated in Hawaii, a graduate of the University of Chicago School of Law, a former member of the Hawaii House of Representatives and of her State senate, charter president of the Young Democrats of Oahu which she organized in 1954, first territorial president of Hawaii Young Democrats in 1956, and national vice president of the Young Democratic Clubs of America in 1957, Mrs. Mink has been a hard-working, effective, and influential Member of Congress since 1965. She is the first woman to be elected as a U.S. Representative from Hawaii. She is now an outstanding member of the House Committee on Education and Labor and of the House Committee on Interior and Insular Affairs. When she speaks in the House, we listen—for we know she has done her homework, researched the issues, studied the facts, and made reasoned and independent judgments.

Representatives William J. Randall, Richard H. Ichord, and James W. Symington shared with me the pleasure of hearing one of our colleagues in the House charm and delight the Democratic clubwomen of Missouri Sunday night. And I am sure they join me in urging our associates in the Congress to read her excellent address which I submit for inclusion in the Record as part of my remarks, as follows:

Address by Mrs. Mink

Thank you, Mrs. Sullivan. It is my pleasure to join you in saluting the President of the Missouri Federation of Women's Democratic Clubs, Mrs. Zola King; the Chairman and Co-Chairman of this great Convention, Mrs. Ruby Jane Happy and Mrs. Dee Whitecotton. The importance of this occasion is signified by the presence of Governor Hearnes, Representative Symington, Representative Ichord, Representative Randall, many leading State officials, and the Missouri Mother of the Year, Mrs. Allen Cooper, and other Honored Mothers. To these distinguished persons and to the Women Democrats whose untiring efforts are the foundation of Democratic strength in this great State of Missouri, Aloha.

The presence of so many distinguished elected officials from your State proves that no one dares underestimate the power of women! I am extremely honored to be invited to your banquet tonight, and particularly privileged to have your most distinguished Leonor Sullivan to introduce me. I have been in the Congress for only five years now, but it never fails to astound me to watch Mrs. Sullivan lead the House on so many important issues like Food Stamps, Truth in Packaging, Truth in Lending, Consumer Protection, Housing, Health, Wholesome Meat and Poultry, and yes even to help improve the maritime industry of this country. The Women Democrats of the State of Missouri have someone to be mightily proud of, and I am equally proud tonight to share this platform with her, and my other distinguished colleagues.

The decade of the sixties is rapidly coming to a close. We have witnessed turmoil and dissention in our country. We all yearn for the calm of a new day when we can be truly joined in a unified and progressive national commitment to Peace, Tranquility, Opportunity, Equality and Justice.

The President issued a statement yesterday intimating that the Democrats in the Congress were stalling his program of reforms. For a man whose popularity has been steadily sinking, this tactic is as obvious as it is transparent. The country knows that despite lack of White House leadership, the House of Representatives passed the monumental tax reform bill; that again without White House support the House of Representatives overwhelmingly passed the electoral reform bill; that over President Nixon's strenuous objection the House passed an appropriations bill for education which added $1 billion for our schools, our colleges and our libraries; and that against his budget recommendation the House raised to $600 million our national effort against water pollution. These are only a few examples of our record thus far, and yet the President dares to suggest that we ought to begin to work! I submit it is he who should roll up his sleeves and get to work!

I served in the House on the Committee on Education. In this vital field I know of no single piece of legislation offered by the President to help improve the quality of education in America. In fact in his 4,000 word message to Congress yesterday he failed to say a single word about our national crisis in education! Recently after the House voted to increase the education appropriations by one billion dollars, the President issued a statement to the effect that no matter what the Congress did, he would not allow these additional funds to be spent for our children and for the cause of improved educational opportunity in America. The gullibility of the American public cannot be stretched to such a degree, for they will remember his words in the campaign of 1968 in which he pledged himself to a "massive upgrading of our education effort." As a candidate, Mr. Nixon told the country that, "investment in education is an investment in America's future; none that we make will pay better dividends," he said. Yet now as President of the United States he says that our actions to help education were unwise, and yes that the $1 billion is better invested in supersonic planes and ABM's!

Last week the National Advisory Council on Education Professions Development sent a report to the President expressing its deep concern over the absence of Federal initiative in the field of education. They reminded the President that while Commissioner Allen was pronouncing how every child had the "right to read," the Department he heads was being ordered to cut $8 million of a meager $13 million program to train teachers of reading! The Council admonished the President that it was concerned by not only a reduction in funds but by an absence of direction and planning. The Council said, "in dramatic fashion, these decisions and actions add up to default on the proclaimed responsibility of the Federal government to act as a partner with the other levels of government in supporting the nation's educational enterprise. When the States in the last 2 years increased their expenditures for higher education by 38% and for elementary and secondary education by 28% . . . we find that Federal government is cutting back!" The Council continued, "we sense a worsening climate in American schools and colleges. . . . The needed improvements and reforms will come about only if appropriate leadership is offered." "It is now we must act. It is now that we must demonstrate, mainly to ourselves, that a nation which can take such just pride in its extraordinary achievements in the material realm is no less resourceful, no less vigorous, no less sacrificing in dealing with matters of the spirit."

I subscribe fully and wholeheartedly to this report filed by a National Advisory Council on Education and regret that it could not have served as the basis for at least a paragraph of concern in the President's legislative program.

Doubtless the most far reaching piece of legislation to be enacted by the 91st Congress will be the tax reform bill. There is absolutely no doubt in my mind that this will become law during this Session of Congress. This bill was written by the Democratic leadership of the House. It is the product of our own initiative. President Nixon's efforts are underway in the Senate to water it down, to lower the taxes on corporations, and raise it instead on individuals! The average taxpayer in America is in revolt and rightfully so! They will know whose tax reform bill they favor and it is our job to tell it like it is.

I have said over and over again the past four years that we need to end the war in Vietnam. 38,000 American boys have already lost their lives. There have been no new plans revealed by the President despite all the campaign implications and the modest return of 25,000 men in August has not brought the total men deployed there to any lower level than President Johnson previously had maintained in January of 1968!

Meanwhile we continue drafting our boys and sending them to Vietnam.

The President stated that the Congress has failed to enact necessary reforms to our Selective Service system. What he does not emphasize is that he has had the power all along to bring about the changes which he has talked about, save only one, and that is the implementation of a lottery system from among the 19 year olds only. And even in this one area which does require legislation, his spokesmen appeared before the House Armed Services Committee with no precise and clear idea of how they would implement this lottery plan. I happen to agree with the President that these changes about which he has talked so much are absolutely essential, and I hope that our young people will wake up to the fact that the President could by Executive Order tomorrow put them into effect. It may not have been sensible to give the President such broad powers, but the fact of the matter is that, the Congress did. Let us make it crystal clear to the President that it is he who should make good on all these promises, and never mind the buck passing to the Congress.

There seems to be a lot of concern in Washington these days for big business. Interest rates are shooting sky high and it is virtually impossible for a working man to consider buying a home for his family. A $30,000 mortgage with 25 years payment period at 10% interest means that home will have cost $81,000 by the time 25 years are up. In a high-interest period, banks all over the country have been refusing to tie up any of their money in loans to students under the Federal guaranteed loan program which allows a maximum interest rate of only seven percent. Failure of Executive policy in keeping down interest rates is denying help to working people who need help desperately to finance their children's education. The banks are holding out for at least ten percent interest, so Congress was forced to enact an emergency bill sent down by the President to give the banks an additional three percent interest subsidy on all student loans. Failure of the President's real commitment to education denied our children needed funds which could have been released under our existing direct loan program.

The Congress is more than willing to consider each of the President's recommendations on their merits. But I am certain that the people will insist that we give them careful and thorough scrutiny.

For instance, no one in this country expects the Congress to move to a guaranteed annual income family assistance plan without long and careful study of all of the implications. The President only sent his bill to the Congress on October 3. It is absurd to talk about foot dragging! Even the President has changed his mind on several points since it was first announced. At first it would have excluded benefits of food stamps; now he says that it must. No well thought out proposal would have called for the exclusion of this one workable program to feed the hungry poor.

We cannot willy-nilly discard programs that have worked merely because someone wants to try another plan; merely because REFORM is somebody's watchword! A mere substitution of State welfare funds with Federal dollars is no solution for the poor. $1,600 subsistence funds for a family of four, is scarcely adequate without subsidized housing, food distribution plans and medical care. Further to offer welfare payments to the *working* poor is to subsidize wages for industry that should be required to pay a living wage. Congress' first obligation is to guarantee that the incentive to work is rewarded by an adequate living wage without tax supported welfare.

The need to increase Social Security benefits is another issue worth examining. Obviously an increase is needed. Former President Johnson's recommendation of a ten percent increase this year was slashed by President Nixon to seven percent effective next year.

Under great pressure from the Congress and facing a Democratic caucus vote in support of 15% increases this year, the President, as has become typical, changed his position and today is in support of a 10% increase, next year. Our majority leader, Carl Albert says, "this is too little and too late." Nixon has shown no leadership and we Democrats must mobilize public opinion against this premature attack upon the Congress and its already affirmative record.

In the most recent special elections, in three heavily favored Republican districts, three Democrats have been elected to Congress. Republicans sense trouble in the 1970 elections and are beginning to unleash a propaganda barrage.

Permit me to say that the Administration position also on civil rights is disgraceful. I have looked in vain for strong leadership in this field from the White House.

Instead, all we have witnessed is a wavering in the face of resistance to orderly school desegregation. Attorney General Mitchell seems to have overruled HEW Secretary Finch, and recalcitrants have been given another delay in the requirement of opening their classrooms to all children equally. The President's Civil Rights Commission headed by Father Hesburgh has decried these actions and attorneys in the Justice Department are in revolt. Further the Administration's proposals to amend the voting rights act will be rejected and instead Congress will summarily extend this historic civil rights legislation without any watered down amendments.

Congress has its work cut out to save our past progress and to set our own priorities.

We desperately need a re-ordering of our national goals. We cannot allow our cities and local communities to crumble in decay, our highways to clog up with traffic, our school children to be deprived of the best educational opportunities available, and our poor to continue to go to bed hungry while our resources are expended on more and more weapons of war and destruction. This continues to be our most pressing agenda for this nation.

I believe that progressive thinking of women like you is absolutely imperative if we are to meet the challenges posed by the school dropout, the parentless delinquent, the underachiever, the nonreader, and more recently the rebel with a cause who simply drops out of a society he does not agree with and does his own thing without feeling any responsibility to the community as a whole.

Your help is needed to cope with the resentment of young people who increasingly oppose the standards of their elders. Many in today's generation cannot understand why our 18 and 19 year olds are sent to the Great War in Vietnam to fight on a lonely and isolated battlefield. They do not understand our democracy which fails to hold true to its cherished ideals of equality and justice. They do not share the average citizen's goals of success based upon material wealth. Do we have the capacity to relate to these young people of today? I believe that we must and resist those who advocate only suppression and discipline as the solution.

XUM

This is a special challenge for women and I invite you to participate in the national and local policy-making which sets the pattern of our relationships with those now coming to the fore. Specifically, we as women must help re-order our national priorities so that there is less reason for the young to rebel and be discontented. We owe this to our children and to our nation's integrity.

Women should press for greater attention to our growing domestic needs in such fields as education, health, transportation, job-training, housing, and—yes—hunger of many people in the midst of our general affluence.

Mythology traces the heroic element in woman's character from early times. Have you ever stopped to notice that Justice is always and everywhere depicted in the form of a woman, why Freedom is so often symbolized in womanly form in statutory and other depictions, and why the ideal of Purity is likewise, and Peace, and so on. Going back as far as the beginnings of our civilization in Hellenic Greece and Imperial Rome, we encounter a rich and elaborate mythology, a pantheon of gods with human traits but nevertheless who represented great life forces such as light or darkness, the sun, the moon, the seasons, the controlling power of the sea, and the mysterious forces of the underworld. Women are duly recognized here, including Aurora of the dawn, Iris of the rainbow, Flora of the world of bloom, Ceres of the fruitful harvest, Minerva of the devotion of pure intellect to the control and guidance of the world's affairs.

This great heroic tradition of women lives on from mythology into history itself.

We can marvel at the courage and intellect of Anne Hutchinson of our colonial days and hundreds of other women who helped shape this nation's beginnings. In the Congress the woman pioneer was Miss Jeanette Rankin, elected to the House of Representatives in 1916 even before women's suffrage.

I think it is not only possible but necessary for women to help make our national decisions. As individuals we must do our share to resolve these problems at the same time that we meet our other obligations to our husbands, and our children.

As we shall not fail in our individual responsibilities, so we shall not fail as a group, for we have a great task to continue to mold our divided society into a united community dedicated to human dignity, to peace with justice.

You can lend your assistance to many local programs, and if not actively participate at least support our efforts to help improve the quality of life for all Americans. This again revolves around the question of national priorities, an area which sorely needs your judgment and advice. I am confident that you as Democratic women actively engaged in politics will do your part to support our vital effort to solve these domestic problems and to return us to a country of Peace and Tranquility. Your kindness and hospitality is deeply appreciated. As we say in Hawaii, Mahalo or thank you and Aloha.

ILL-ADVISED VIET MORATORIUM COULD SET A RISKY PRECEDENT

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. BOLLING. Mr. Speaker, once again I find myself very much in agreement with a column by David S. Broder. This one appears in the Washington Post of Tuesday, October 14, 1969:

Ill-Advised Viet Moratorium Could Set a Risky Precedent

Cambridge, Mass.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscured. If the event is to be gauged properly, it is important to uncover its original premises from the debris of cliches and endorsements in which they have lately been buried.

A number of men active in the moratorium have taken time to point out what they consider the errors of the argument in this column last week that it is a plan for "the breaking of the President." With sincerity and conviction, they have asserted that, far from breaking the President, they are out to save him, by persuading him to make the peace the nation craves and, incidentally, to save the political system by keeping the antiwar movement out of the hands of the radicals and in control of those with a commitment to peaceful forms of protest.

. .Their conversations and correspondence have helped to define three questions which might be borne in mind by those planning to participate in the moratorium.

First, what is the target of this protest? Sam Brown, the able spokesman for the moratorium, says it is not an anti-Nixon move because "we learned in 1968 that what we must oppose are not personalities but policies."

But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

It asked for "a phased withdrawal over a relatively short period of time" of all foreign troops. The Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, it recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese."

If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

Second, what is the alternative they recommend? It has been described in moratorium publicity as everything from a negotiated settlement to immediate, total American withdrawal from Vietnam, but Brown said Sunday on "Face the Nation" that it is the latter that the moratorium has "consistently" demanded.

If that is the case, then the elected officials, clergymen and educators who have lent their prestige to the moratorium can properly be asked if this is the program they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they could explain why a one-dimensional plan to pull out troops is any more likely to be wise policy than the one-dimensional plan that sent the troops in. Have we not learned yet to examine the political consequences of military decisions?

Third, and most important, what about the method of the moratorium? Is it compatible with the maintenance of representative democracy or does it substitute the rule of the street?

The sponsors say the name "moratorium," rather than "strike," was chosen to emphasize that the protest is to be peaceful and noncoercive. It is a nice distinction. The noncoercive feature may be almost invisible to the thousands of students whose colleges will shut down Wednesday. If the moratorium continues, as planned, for two days in November, three days in December, and so on, it will more and more come to resemble the general strike so familiar to European politics.

And if it succeeds in its aim, what is to prevent other majorities or sizable minorities in the country from using the same technique to force their views on agencies of the government? The moratorium sponsors say Vietnam is an extraordinary issue, but they must know it is not the only issue which agitates millions of people.

One wonders what the moratorium sponsors would say if Billy Graham were to ask all the parents who want prayers restored to public schools to withdraw their children from school for one additional day each month until the Supreme Court reverses its school-prayer decision.

Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate men opposed to integrated housing declared a moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamese moratorium is un-American, illegitimate, meanly partisan or personally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

ETHNIC SLURS FROM A CALIFORNIA JUDGE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. BROWN of California. Mr. Speaker, a key precept of our American system of law holds that any man is assured of free and unprejudiced judicial hearing.

While it is impossible to expect that any man can be completely unbiased, I certainly feel that a judge should be able to conduct himself and his duties with a minimum of intolerance.

Last month, an unfortunate incident occurred in a juvenile hearing before a San Jose, Calif., judge. Remarks by the judge constituted a vicious slur upon all Americans of Mexican descent.

None of us should stand for such impropriety by a man entrusted by the public with broad judicial powers. I have joined with many organizations and individuals—among them, the Community Advisory Council of the East Los Angeles Service Center, the California Rural Legal Assistance program, the Los Angeles League of United Latin American Citizens, and the Chicano Law Students Association—in demanding immediate intensive investigation of the judge's remarks. If it is proven that the remarks do slur the Mexican American community, then I hope that proper action can be initiated to remove the judge from the bench.

I am proud of the Mexican American heritage and their contributions to our society, and I feel that the judge's reprehensible outburst displays an extreme lack of judicial temperance and I seriously question his ability to handle the duties expected of a man in his position.

Mr. Speaker, I now place in the Record two articles from the Los Angeles Times relating to this matter:

A Judge Who Disgraced the Bench

"We ought to send you out of the country—send you back to Mexico . . . You ought to commit suicide."

"You are lower than animals and haven't the right to live in organized society—just miserable, lousy, rotten people."

"Maybe Hitler was right. The animals in our society probably ought to be destroyed because they have no right to live among human beings."

Were these the mouthings of a lynch mob or the taunts of a racist sheriff?

No. They were uttered by the Honorable Gerald S. Chargin, a judge of the Superior Court of the State of California, presiding at a juvenile hearing in San Jose.

The outrageously intemperate language used by Judge Chargin clearly requires that he be removed from the bench.

Before the judge on Sept. 2 was a 17-year-old Mexican-American youth accused of incest involving his 15-year-old sister. He had originally pleaded innocent but reportedly changed his plea.

In his diatribe against the young defendant, Judge Chargin broadened his remarks, including his gratuitous reference to the sister: "Well, probably she will have half a dozen children and three or four marriages before she is 18."

The judge's indictment of "miserable, lousy, rotten people" led Dep. Public Defender Fred Lucero to object that "The court is indicting the whole Mexican group . . . What appalls me is that the court is saying that Hitler was right in genocide."

To which Judge Chargin replied: "What are we going to do with the mad dogs of our society?

"Either we have to kill them or send them to an institution or place them out of the hands of good people because that's the theory—one of the theories of punishment is if they get to the position that they want to act like mad dogs, then we have to separate them from society."

Although the judge told the defendant, "You will probably end up in the state's prison before you are 25, and that's where you belong anyhow," he finally ordered the youth released on probation.

Chargin excused his behavior by saying that "it is an accepted fact that these lectures are stated in harsh terms to impress upon the minds of the youth the seriousness of the situation in which they find themselves."

Nothing, however, can excuse language so harsh and so intemperate as to arouse an entire community to anger over such racial slurs.

The transcript of the Sept. 2 hearings has now been forwarded by the Attorney General's office to the Commission on Judicial Qualifications with a formal request to "expedite" an investigation.

There can be no other conclusion than that Judge Chargin is not qualified to sit on the bench. He stands convicted by his own words.

Chicano Students in Three Law Schools Rap Judge for Slur

(By Ruben Salazar)

Chicano law students at UCLA, USC and Loyola University Tuesday publicly condemned a San Jose Superior Court judge who from the bench characterized Mexicans as "animals."

At a news conference at UCLA, the Chicano Law Students Assn., which represents 60 Mexican-American law students in the three universities, said it has "pledged itself to aid in the removal of Judge Gerald S. Chargin from the bench."

Guadalupe Martinez, chairman of the association, said Judge Chargin's remarks were filled with the racist hatred encountered daily by brown and black people in the United States."

While sentencing a Mexican-American youth who had pleaded guilty to incest, Judge Chargin, according to the court transcript, said that Mexican people after 13 years of age think "it's perfectly all right to go out and act like an animal."

REMOVAL TO BECOME GOAL

He then added that "Maybe Hitler was right. The animals in our society probably ought to be destroyed . . ."

Martinez said the Chicano Law Students Assn. has taken Chargin's removal as their cause.

The third year law student said he addressed a meeting of most of UCLA's law faculty and that at least 30 out of 48 members have pledged their support. UCLA law professor Michael Tigar is circulating a petition among his colleagues.

Judge Chargin, 65, has been transferred from his juvenile court to civil case duties in Palo Alto until the Commission on Judicial Qualifications makes a ruling on the incident.

The law students said they will work with Don B. Kates of the California Rural Legal Assistance in their effort to force the removal of Judge Chargin.

The association said "Kates will petition the California Supreme Court to consider the removal of Judge Chargin from the bench should the procedures followed by the Commission on Judicial Qualifications fail" to "effectuate the removal."

In San Jose, the City Council voted unanimously to censure Chargin and asked that an investigation be made of Chargin's fitness to serve on the bench.

SEEKS INCREASED TIMBER YIELDS

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. ULLMAN. Mr. Speaker, the number of new housing starts today is down sharply because of tight monetary policy and high mortgage interest rates. But we must be ready to supply the housing needs of tomorrow when restrictions are eased. The demand for greatly expanded new housing programs clearly exists. Our national goal of building 26 million new houses over the next decade must be achieved.

We will be hampered in this effort by outmoded management concepts that will limit our output of timber from our public and private forests. We must act now to improve our harvest techniques of this great natural resource to insure an adequate timber supply.

A bill awaiting action by the House Committee on Agriculture (H.R. 12025), of which I am a cosponsor, provides for more intensive management of our forest lands and promises increased timber yields. The bill offers the opportunity to meet all the demands made on our timber resources—economic and otherwise. Better management would insure broader development of the forests for recreation and wildlife purposes as well as commercial uses.

The Forest Subcommittee of the House Agriculture Committee has acted favorably on this bill. I strongly urge early consideration and approval by the full committee.

The executive president of Boise Cascade Corp., Stephen B. Moser, in a recent address to the American Forestry Association presented an excellent argument in favor of this legislation. A report of this address was published in one of my district's newspapers, and I commend this report to the attention of the House:

Executive Says Public Denied Benefit From Forest

Colorado Springs.—"Philosophically, the nation's resources are owned by the people, and it would seem logical that the people are entitled to the best possible return for the sale and usage of what they own. Conflicting governmental policies and practices in the past may have prevented the public from realizing maximum economic benefits from the forest."

Stephen B. Moser, executive president of Boise Cascade Corporation, made these points in an address in Colorado Springs last week to the annual convention of the American Forestry Association.

"Any fair-minded person will recognize that these resources are being used to produce products and values needed by our society. Will not the extraction of 'top dollar' for raw materials run up the final cost so that the people in the end are forced to pay higher prices for the finished products of these resources?

"COST IS PRIME FACTOR

"This may run directly counter to social programs initiated and administered by the government itself where low-finished cost is a prime requisite—housing for instance," Moser said.

"Government policy calls for building or rehabilitating an average of 2.8 million housing units a year for 10 years.

"This amount of housing each year will take a tremendous amount of materials, especially lumber and plywood. It is obvious that the increases are going to have to come substantially from the federally-managed forests which, after all, contain nearly two-thirds of all the softwood sawtimber in the country.

"Is the government, then, going to demand top dollar for the people's timber and force these same people to pay more for their housing as a result?

"One part of our government has set an extremely high goal for housing production. Another part has set a policy of 'top dollar' for the sales from its forest resources. And a third has cracked down on the money markets with disastrous results for home-building, which is the principal single market for softwood lumber and plywood," Moser argued.

XUM

"PRODUCTION LOW

"Congressional investigations have illuminated a fact that has been familiar to the forest industries for a long time. They learned that the federal forests, with 60 percent of the inventory of softwood sawtimber are producing logs at far below their true capacity.

"Federal forest managers have been hampered by inadequate appropriations to finance the level of forest management they would really like to attain and by a lack of practical policies which would enable them quickly to adapt to changing markets. Private business could not operate under such restrictions.

"Federal forests are under-used. And under-use is a form of waste. Why, for instance, should billions of feet of salvageable timber, which has been damaged by blowdown, insects, fire or overmaturity, go unsalvaged? For the simple reason that the forest managers have been denied manpower and the funds to build the access roads necessary to get at that salvageable timber," Moser commented.

"The National Forest Conservation and Management Act of 1969, which was introduced under the sponsorship of some 60 representatives and 15 senators, may prove to be the most significant advance in forestry legislation in many decades.

"The act has as its major purpose the provision of funds so that more intensive management of the federal forests can be provided, while at the at the same time protecting and insuring other multiple-use benefits from these lands.

"TIMBER SALE FUND

"The Act would create a fund from federal forest timber sale receipts to be used for certain production-increasing timber management practices. It would enable the forest managers to increase skilled manpower and to set up provision of adequate access roads. It would give the managers the opportunity to do what private industry had done . . . to apply sales revenues to improvement of holdings and output. There are ample safeguards to conservation interests.

"There is also an additional need to revise current federal timber selling practices in order that the risks and uncertainties involved in dealing with a monopoly timber seller (the government) are minimized and that the new plant investments required to increase production of wood products are encouraged.

"It is time to take the wraps off the federal managers and let them do their job the way they would like to do it. The National Forest Conservation and Management Act will help accomplish this," Moser concluded.

REACHING FOR THE MOON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the weekend issue of the Christian Science Monitor, dated July 26, 1969, pointed to the need for continuing efforts to improve our life here on earth and the significance and importance of the Apollo 11 flight in the light of these needs. As this editorial so well points out the achievements of Apollo 11 and our national space program are indeed important for the betterment of mankind not only in our country but throughout the world. I commend this article to the reading of my colleagues and the general public:

REACHING FOR THE MOON

Apollo 11 lifted men's eyes to the stars. We wonder if they saw the lesson this thrilling achievement wrote there.

Even as men gasped at the feat, they wondered if technology could help fulfill another dream—abolition of hunger and poverty from earth.

Engineers answer "yes." But they need a commitment from mankind comparable to that which enabled them to put men on the moon.

A group of scientists and engineers at the California Institute of Technology spelled this out a couple of years ago.

Man, they said, now does have the capacity to create more abundant living for all. Space-age engineering is one of his most potent tools. But the job demands three kinds of commitment without precedent in human history.

First, rich and poor countries need to recognize the problem as one of total economic development. Merely giving money to, say, India, merely giving technical advice or surplus food, won't do much good. The total economy of such a country has to be transformed to raise living standards even while trying to hold back population growth. A new kind of technology has to be created, a technology of decent living.

Having recognized this, richer countries would have to fund a development effort costing at least several times what they now spend on foreign aid. And they would have to sustain it for decades. That's the first unprecedented commitment.

Poor countries, for their part, would have to weed out traditions, entrenched greed, and other home-grown vices that inhibit development. That's commitment number two.

Finally, rich and poor alike would have to subordinate national rivalries to a common effort to pull the poor out of the slough of backward economies.

With such commitments, experts could identify specific goals in specific countries necessary to development and fulfill them. By the end of the century, the Cal Tech group said, this could give all men a richer life here on earth.

In today's atmosphere of nationalism, suspicion, and sometimes hate, to try for even a modicum of such global commitment seems like reaching for the moon. But, then, Apollo 11 has shown this no longer is synonymous with the unattainable.

ADMINISTRATION FAILS TO BACK NATIONAL PARKS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. O'HARA. Mr. Speaker, for more than 9 months now, conservationists have been watching and waiting for the Nixon administration to demonstrate its interest in the preservation of wilderness and potential national parkland.

In order for the new administration to be permitted to develop policies and programs in an orderly fashion, without interruption by criticism, conservationists have remained silent observers.

But conservationists can wait and watch no longer.

Already, we have lost the opportunity to act this year on some of our most pressing conservation problems.

Recently the Sierra Club, a leading national organization of conservationists, assessed the administration's conservation inactivity and felt obliged to inform the Nation that the administration is doing little—if anything—to fulfill its earlier promises that national parks would receive high priority attention.

Mr. Speaker, I insert the Sierra Club press release, "Sierra Club urges Congress to assume leadership in park funding," issued September 30, in the RECORD:

SIERRA CLUB URGES CONGRESS TO ASSUME LEADERSHIP IN PARK FUNDING

The Sierra Club today urged Congress to take the initiative in providing the American people with an outstanding National Park System. Speaking for the Club, Vice-President Edgar Wayburn said "the Nixon Administration has given strong verbal assurances that the protection of our present and potential parklands is a matter of high priority. Unfortunately this commitment has remained simply words: official actions to date point in the opposite direction, and raises a credibility gap which is widening week by week."

As evidence to this contention, Wayburn pointed to a number of facts.

—The Nixon Administration has cut $30 million off the outgoing Johnson Administration's budgetary request for the Land and Water Conservation Fund, which is used for parkland acquisition. The Fund is authorized to have $200 million for fiscal year 1970; President Johnson in January requested an appropriation of $154 million, but the Nixon Administration is asking for only $124 million.

—Since President Nixon took office last January, he has not recommended to Congress a single addition to the National Park System or the Wilderness System.

Although Secretary of the Interior Hickel recently unveiled a multi-million-dollar project for the creation of urban parklands, the Bureau of the Budget has made it clear that money for the proposal will simply not be forthcoming.

A recent Bureau of the Budget letter to Congressman Wayne Aspinall, Chairman, of the House Interior Committee, stresses that the Nixon Administration has no intentions of helping a program for funding National Parks. The letter stated, in part. "Thus, even without authorization of new areas and under optimistic assumptions about the stability of land prices, deferrals in the Park Service land acquisition program in recently authorized areas or a reduction in the amounts proposed for acquisition of inholdings in older areas, or both, will probably be necessary."

Conservationists throughout the country must respond to this statement in the strongest possible terms, Wayburn emphasized. "What does this message mean? It means the destruction of Point Reyes National Seashore where all authorized funds have been spent, and the Park remains a patchwork of Federal and private lands. It means further jeopardy for Everglades National Park, where large inholdings must be acquired and kept from development. It means loss of long standing park proposals, such as Michigan's Sleeping Bear Dunes Lakeshore, now near enactment. The destruction of priceless natural areas is threatened from Massachusetts to California and from Michigan to Texas. The pressure of development is hitting all of these areas now: we

cannot afford to wait for some hypothetical day when the state of the economy improves.

When Congress overwhelmingly passed the Land and Water Conservation Fund, it intended to create an automatic method of providing for needed parkland acquisition. The method could work well. It must be made perfectly clear that the problem is not one of lack of funds: the money is there. The problem is that the President has chosen to lock up about one-third of the available money, appropriating an inadequate $124 million for park purposes, and permitting about $76 million simply to lie fallow. Unused money in the Land and Water Conservation Fund cannot presently be used for any other purpose but Parks, Wilderness Areas, and Recreational Lands.

"The President's policy is not economical and it is not anti-inflationary. If he persists in it, the nation will soon face a choice of two alternatives: either we shall completely lose some of the most beautiful and naturally significant regions of America, or we shall buy them at a cost far higher than what we have to pay now, which will create an even greater inflationary impact. It must be remembered that land prices for park purposes are escalating at rates of 10 to 20 percent annually."

As an example of the consequences of the Administration's inaction Wayburn cited the case of Point Reyes National Seashore in California. This area, lying less than fifty miles from a metropolitan area of over four million people, was designated as a National Seashore in 1962. Since then the Park Service has committed all of the $19 million authorized for land acquisition, but only a third of the full 53,000 acres have been acquired. Owners of the remaining land want to sell to the government, to relieve themselves of an enormous property tax burden, and still preserve the land they love. The Federal Government is forcing the owners to sell to developers. This will ruin any prospect for a decent Seashore."

"At this moment," Wayburn continued, "bulldozers are cutting roads and lots are being surveyed on the Lake Ranch, the key to a viable Point Reyes Seashore. The American people, now and forever, cannot afford to lose this area of forests, lakes, and beaches. President Nixon can avert the destruction of Point Reyes, but he must act promptly to do so." Wayburn pointed out that Nixon has been urged to save Point Reyes by conservation groups and by prominent political leaders of both parties. "I remind the President that the strongest and most eloquent pleas for an increased authorization to save Point Reyes has come from both Republicans and Democrats, notably from Senators George Murphy (R. Cal.) and Alan Cranston (D. Cal.). I ask the President why he ignores the advice of these men and maintains his intransigence on the matter of Point Reyes."

"The men in Congress most responsible for decisions on parks, Congressman Wayne Aspinall (D. Cal.) and Senators Henry Jackson (D. Wash.) and Alan Bible (D. Nev.), have played leading roles in developing the great surge of park legislation in the 1960's. They have more understanding of the nation's needs and experience with these programs than anyone now in control in the Administration. We are looking to them now to provide leadership in shaping the course ahead and in educating the new Administration. Congress has the authority to release the 'captured money' in the Land and Water Conservation Fund and to appropriate the full authorization of $200 million for fiscal year 1970. We urge them to use this authority and to assume leadership."

"We urge every citizen in this nation who has ever enjoyed the wonders of a National Park to do his part to preserve and extend the Park System. We urge them to write their representatives in Congress, and the President, today."

TESTIMONY ON TAX REFORM: PART III

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. PRICE of Texas. Mr. Speaker, I rise today to insert the third article in a four-part series concerning the testimony on tax reform I submitted to the Senate Finance Committee.

This article is limited to my remarks on the proposed taxation of State and local bond interest. This is a subject of deep personal concern, for I believe the retention of the traditional tax exemption is as vital to balancing Federal-State relationships as it is to continuing the economic development of our communities.

Our Founding Fathers, in their wisdom, provided that governmental responsibility and policymaking to be shared between the Federal Government and the States. This delicate balance would be disrupted if not destroyed by Federal taxation of State and local bond interest. In fact, I believe that any encroachment by the Federal Government on the tax exemption of State and local securities would inevitably errode both State and local financing and State and local government. As we have learned from history, no government can maintain itself as an independent unit unless it controls its own financing.

Our States and municipalities must provide local securities financing for costly development projects. As we are all aware, the public pressure on State and local governments to furnish more and better services and facilities is enormous. Our citizens want their State and local governments to build schools, hospitals, highways, water and sewer facilities, and to provide all the other services that community-oriented governments are peculiarly qualified to provide. This trend should be encouraged.

I believe that our political structure should be ordered so that problems government can resolve are attacked at their source with local personnel and resources, rather than from afar by faceless and nameless bureaucrats for whom the people who have the problems are only statistics, and the communities where the problems lie are merely points on a map.

I insert in the RECORD that portion of my testimony to the Senate Finance Committee which deals with the taxation of State and local bond interest:

STATE AND LOCAL BOND INTEREST

The revised tax treatment of state and local bonds contained in H.R. 13270 is a matter of intense concern to our state and local officials throughout the country. I share this concern.

As we all are aware, the public pressure on state and local governments to furnish more and better services and facilities is enormous. I think this pressure is not only reasonable but its intensification is foreseeable on the basis of forecasted increase in our population, its needs, and its expectations.

Our citizens want their state and local governments to build more and better schools, hospitals, highways, water and sewer facilities, to provide all the other services that community oriented governments are peculiarly qualified to provide. This trend should be encouraged. Our political structure should be ordered so that problems government can resolve are attacked at their source with local personnel, rather than from afar by faceless and nameless bureaucrats for whom the people who have the problems are merely statistics, and the communities where the problems lie are only points on a map.

In providing expanded services, state and local governments receive federal grants-in-aid. These grants represent national policy decisions made in Washington, D.C., that the federal government must help state and local governments meet their obligations to their citizenry. President Nixon has recognized the needs of state and local governments in this regard and has proposed a dynamic and expanded federal revenue sharing plan for the states, as well as other measures to streamline and decentralize federal operations.

To date, total federal grants-in-aid to the states total approximately $25 billion. Grants for capital purpose will total about $6.5 billion for the 1970 fiscal year. The federal grants must be matched by recipient state and local governments; if there is capital expenditures involved, bond financing is used in most instances, because there is simply a lack of funds to do otherwise.

Governments raise money by various means. Taxation is the largest single revenue producer, but borrowing is also of great significance. In 1968, state and local governments issued more than $16 billion in debt instruments. Such a sum is evidence of the basic principle that the power to borrow is as essential to good government as is the power to tax.

If the Congress takes action to impair state and local capacity to borrow money, these governments will find their ability to raise capital funds, including those required to match federal grants greatly curtailed. This will mean that the costs for all public construction will be increased to the state or local government. As a result, the state or local tax burden of the people will be increased, and the construction of much needed public facilities could be slowed down or even halted. Eventually, of course, the facilities would be constructed. They would have to be paid for, however, out of increased sales and property taxes and utility fees. These taxes and fees, regressive though they may be, will have to be relied on even more heavily than at present in order to supply the necessary capital funds to state and local governments.

From a functional viewpoint, the effect of the tax reform bill is to tax the interest on state and local bonds in gradual stages. Within this context, the much discussed local choice to issue either tax exempt bonds or taxable bonds with an interest subsidy is an illusory choice. The illusion is created by the requirement that the Secretary of the Treasury fix the interest subsidy for fully taxable bonds each quarter on the basis of the difference between the interest yield on such full taxable bonds and the yield on "tax exempt" bonds as determined by the bond market at that time. It is thus apparent that this difference would gradually decline and the cost of borrowing to state and local governments even under the federal subsidy option would substantially increase.

From a philosophical viewpoint, I believe that the immunity of state and local governments in the exercise of their governmental functions from federal taxation is necessary for the preservation of our constitutionally delineated dual sovereignty system of government. Within this context, it is no more right for the federal government to interfere with or impede the states in the performance of their governmental functions than it is for a state to interfere with or impede the federal government in the attainment of its governmental aims.

An even more fundamental objection I have to the proposed tax treatment is that if the federal government undertakes to encroach upon the tax exemption of state and local securities, it inevitably has the power to control state and local financing. As we have learned from history, without self-control of its own financing, no government can maintain itself as an independent and autonomous body.

CONCERNED CITIZENS BACK REPEAL OF EMERGENCY DETENTION ACT

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. MATSUNAGA. Mr. Speaker, a nation cannot function effectively as a democracy without the eternal vigilance of an informed and concerned citizenry. If the number of citizens across the Nation who have contacted me to express support for legislation pending in Congress to repeal the Emergency Detention Act of 1950 is any indication, we do indeed have an informed and concerned citizenry. They know, too, that so long as the specter of future American concentration camps casts its shadow, there is the danger that the shameful episode in our Nation's history of incarcerating 110,000 innocent Japanese Americans and their parents during World War II can be repeated.

As I have previously brought to the attention of the Congress, Mr. Speaker, more than one-fourth of the membership of the House has joined with me in cosponsoring a bipartisan measure to repeal title II of the Internal Security Act.

It is heartening, indeed, to know that our citizens are expressing their concern and support for early congressional approval of this legislation. As evidence of this growing concern, I submit for inclusion in the CONGRESSIONAL RECORD the following resolutions which I have recently received in support of the repeal of title II of the Internal Security Act of 1950: First, a resolution adopted by the executive committee of the general council of the American Baptist Convention; second, a resolution passed unanimously by the Salt Lake branch of the National Association for the Advancement of Colored People; and third, a resolution passed unanimously by the Salt Lake Chapter of the Spanish-Speaking Organization for Community Integrity and Opportunity. The resolutions follow:

A RESOLUTION PASSED UNANIMOUSLY BY THE SALT LAKE CHAPTER OF THE SPANISH-SPEAKING ORGANIZATION FOR COMMUNITY INTEGRITY AND OPPORTUNITY (SOCIO)

Whereas, it is one of the goals of SOCIO to promote the dignity, integrity and freedom of all persons, and

Whereas, the arrest and detention of persons in places of confinement on the basis of suspicion and belief without due process of law and conviction for crime by a jury of their peers is contrary to the beliefs of and abhorrent to the members of SOCIO, and

Whereas, there now exists under the provisions of Public Law 831, 81 of Congress, Title II, Section 102, 103, 104, (The Emergency Detention Act of 1950) the possibility of just such arrest of persons and their confinement in detention camps, such camps having already been built, without conviction for crime or due process of law, and

Whereas, Senator Daniel K. Inouye and 22 co-sponsors have introduced Senate Bill 1872 in the United States Senate and Congressman Spark M. Matsunaga and Chet Holifield have sponsored H.R. 11825 in the United States House of Representatives for the purpose of repealing the Emergency Detention Act of 1950,

Therefore, the Salt Lake Chapter of SOCIO unanimously resolves to give its wholehearted support to repeal of the Emergency Detention Act of 1950 and urges Senator Wallace F. Bennett, Senator Frank E. Moss, Congressman Lawrence Burton and Congressman Sherman P. Lloyd to work for and to vote for the repeal of an act so contrary to American belief in freedom and justice, and

Further resolves that a copy of this resolution be sent to each Utah Senator and Congressman, and to Senator Daniel K. Inouye and Congressmen Spark M. Matsunaga and Chet Holifield to show our support for the repeal of the Emergency Detention Act of 1950, and further that a copy be sent to the Salt Lake Chapter of the Japanese American Citizens League that they may know we have committed ourselves to the campaign for repeal.

RESOLUTION OF GENERAL COUNCIL

At a meeting of the Executive Committee of the General Council held at Valley Forge on September 9, 1969, the following action was taken.

The action deals with a proposed resolution on Title 2 of the Internal Security Act of 1950 and is as follows:

"*Because* Title 2, Internal Security Act of 1950 (the emergency detention act) violates the constitutional rights of American citizens, by its provisions that: 'A citizen or citizens, during proclaimed periods of emergencies, may be detained because of suspicion that he, or they, may conspire to engage in treasonable acts or commit sabotage against the United States.'

"*Because* the measure contains no provision for trial by jury or a hearing before a judge but only a hearing before the departmental hearing officer, appointed by the Attorney General who ordered the arrest and detention.

"*Because* it does not require the government to present evidence as to why the accused has been detained.

"*Because* there is no provision for appeal to the courts, but only to a board appointed by the official who authorized detention in the first place.

"*Because* the one experience in the United States, to date, of such detention—evacuation of Americans of Japanese ancestry from the Pacific Coast and their detention in relocation centers, is now recognized as unnecessary, unfair, and contrary to American tradition.

"Therefore, we commend Senator Inouye of Hawaii and Senators Murphy and Cranston of California for introducing Senate Bill 1872, and Congressmen Matsunaga of Hawaii and Holifield of California for introducing H.R. 12220, both of which provide for the repeal of the emergency act of 1950 otherwise known as Title 2, Internal Security Act.

"*We urge* Congress to give favorable consideration for the passage of these acts during the current session."

A RESOLUTION PASSED UNANIMOUSLY BY THE SALT LAKE BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP)

Whereas, the NAACP is long familiar with the tyranny that exists where the rights of man and due process of law do not, and

Whereas, the NAACP has long fought to establish the right of all persons to receive their fullest constitutional protection under law, and

Whereas, the arrest and detention of persons in places of confinement solely on the grounds of suspicion and belief without due process of law and without having been convicted of a crime by a jury of their peers is contrary to the beliefs of and abhorrent to the members of the NAACP, and

Whereas, there now exists under the provisions of Public Law 831, 81 of Congress; Title II, Section 102, 103, 104, (The Emergency Detention Act of 1950) the possibility of just such arrest of persons and their confinement in detention camps, such camps having already been built, without conviction for crime or due process of law, and

Whereas, Senator Daniel K. Inouye and 22 co-sponsors have introduced Senate Bill 1872 in the United States Senate and Congressman Spark M. Matsunaga and Chet Holifield have sponsored H.R. 11825 in the United States House of Representatives for the purpose of repealing the Emergency Detention Act of 1950.

Therefore, the Salt Lake Branch of the NAACP unanimously resolves to give its wholehearted support to repeal of the Emergency Detention Act of 1950 and urges Senator Wallace F. Bennett, Senator Frank E. Moss, Congressman Lawrence Burton and Congressman Sherman P. Lloyd to work for and to vote for the repeal of an act so contrary to American belief in freedom and justice, and

Further resolves that a copy of this resolution be sent to each Utah Senator and Congressman, and to Senator Daniel K. Inouye and Congressman Spark M. Matsunaga and Chet Holifield to show our support for the repeal of the Emergency Detention Act of 1950, and further that a copy be sent to the Salt Lake Branch of the Japanese American Citizens League that they may know we have committed ourselves to the campaign for repeal.

ALLIANCE FOR LABOR ACTION TAKES STAND FOR PEACE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. MIKVA. Mr. Speaker, I insert in the RECORD an advertisement of the Alliance for Labor Action entitled "We Take Our Stand for Peace and an End to the War in Vietnam." The advertisement appeared on page A14 of the October 14, 1969, issue of the Washington Post.

The Alliance for Labor Action, in this advertisement, announces its support of the peaceful, lawful, nonviolent community activities of the October 15 Vietnam moratorium. That announcement is doubly significant; both because of its sponsor and its content.

The sponsor, the Alliance for Labor Action, represents about 4 million members. When such a body of citizens voices support for a peaceful protest, no one can reasonably refuse to heed—or at least hear—their voices.

Moreover, it is not only the mere numbers that merit attention, but also the excellence and clarity of the statement. The union does not support irresponsible protest, but does properly recognize that unless the United States swiftly liquidates its tragic involvement in Vietnam, it will be unable to tackle such urgent problems as urban development, educational reform, and environmental protection.

The advertisement is as follows:

WE TAKE OUR STAND FOR PEACE AND AN END TO THE WAR IN VIETNAM

We take our stand with the millions of our fellow-Americans who call for an end to the war in Vietnam. We join the thousands of respected, responsible and patriotic national leaders in Congress, in the churches and synagogues, on campuses, in business, in civic organizations and in the professions in support of the peaceful, lawful, non-violent community activities of the October 15 Vietnam Moratorium.

We deplore the reprehensible activities of a small minority who burn the American flag and equate anti-Americanism with anti-war, for their actions are indefensible and counter productive.

We call upon our government to face up to the reality that there is nothing to be won in Vietnam that is worth one more drop of American blood.

No responsible person believes that the United States will continue indefinitely to sacrifice American lives in Vietnam. The only question remaining is not whether we will withdraw our troops but how and when. We take our stand with those who are for getting out quickly and completely.

We take our stand with the millions of our fellow-Americans who share the view that the support of efforts to disengage America from Vietnam is an act of the highest patriotism and a distinct service to our country. For as long as we are involved in Vietnam:

America will be torn by serious division
Our youth will be alienated
Our urgent social problems will be neglected
Our resources will be wasted
Our moral credentials will be tarnished.

PEACE CAN UNITE AMERICA TO WAGE WAR AGAINST POVERTY, HUNGER, IGNORANCE, AND DISEASE

Peace can unite America and enable us to use the resources being wasted in Vietnam:

To rebuild our cities,
To solve the crisis in education,
To overcome the serious deficit in health care,
To provide security and dignity for our older citizens,
To deal effectively with the problems of air and water pollution and the deterioration of man's living environment.

Only peace will release the resources desperately needed to save America's cities.

MAN HAS ALWAYS TAKEN RISKS IN WAR

IT IS TIME WE TAKE RISKS IN THE CAUSE OF PEACE

Let us now put the sad Vietnamese chapter of our history behind us except to remember forever its lesson—that, of all political systems, democracy is the least capable of being transplanted at the point of a bayonet.

We call for bringing our troops home not only to save lives but in order to enable America to resume democracy's true work—to mobilize for peace and to turn our resources and the hearts, hands and minds of our people to the fulfillment of the democratic promise of liberty, equality, justice and brotherhood for all. For the only way to make democracy safe in the world and to promote the spread of its blessings to those now denied them—by every form of totalitarianism, whether communist, fascist or military dictatorship—is to make democracy work, to translate democracy's ideals into meaningful reality in the lives of people.

We support the peaceful, lawful and nonviolent activities of the October 15 Vietnam Moratorium as a step toward that end.

Alliance for labor action: International Union, UAW—Walter P. Reuther, President, Emil Mazey, Secretary Treasurer; International Brotherhood of Teamsters—Frank E. Fitzsimmons, General Vice President, Thomas E. Flynn, General Secretary Treasurer; International Chemical Workers Union—Thomas E. Boyle, President, Marshall Shafer, Secretary Treasurer.

SUCCESS IN THE SEABED TREATY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. ZABLOCKI. Mr. Speaker, on October 7 the United States and the Soviet Union announced their agreement on a treaty to prohibit the emplacement of weapons of mass destruction on the seabed.

This development followed weeks of intensive negotiations between the United States and the Russian delegations at the Geneva Disarmament Conference to resolve differences between their versions of a Seabed Arms Treaty.

While the treaty has been denegrated in some circles as not accomplishing anything very significant in controlling the arms race, this criticism is shortsighted. The seabed treaty is an important step, for several reasons.

First, it indicates the ability of the two great powers to come to an agreement on arms control when, in general, their interests coincide, without being deterred by ideologically based hostility.

Second, the draft seabed treaty, like the 1967 Outer Space Treaty, cuts off from nuclear rivalry one vast area which otherwise might have been the scene of an arms race.

Third, the success in reaching agreement on the seabed treaty demonstrates the utility of the multilateral context of the Geneva Disarmament Committee, sponsored by the United Nations. Now that the seabed treaty has been tabled for ratification, the Committee can move on to other arms-control issues.

For their part in achieving the seabed treaty, commendations are due officials of the Arms Control and Disarmament Agency. Our delegation to the disarmament conference and those who performed "backup" functions in Washington demonstrated considerable intelligence and skill in the negotiation process.

A number of articles and editorials on the seabed treaty have appeared in the press in recent days. At this point I insert several which have come to my attention:

[From the Washington Post, Oct. 8, 1969]

UNITED STATES JOINS RUSSIA IN SEA A-BAN

(By Chalmers M. Roberts)

The United States and the Soviet Union announced yesterday that they have agreed on a treaty to ban the placing of nuclear weapons on the world's seabeds.

The agreement, announced in Geneva, now will be discussed by the Geneva Disarmament Conference and later at the United Nations General Assembly. It is open to amendment by third nations' suggestions, but substantive changes are not expected.

The proposed treaty is akin to one now in effect that bans nuclear weapons in outer space. It is essentially preemptive since thus far no such weapons have been placed on the ocean floors.

The new treaty would come into effect when ratified by the United States, the Soviet Union and 20 other nations. That could come about in 1970.

Key elements of the joint draft, worked out in the past six months, are:

Signers agree "not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons."

Signers agree "not to assist, encourage or induce" any other country to "commit actions prohibited" by the treaty and "not to participate in any other way in such actions."

The 1958 treaty referred to was a detailed convention defining what are considered territorial waters, bays, high seas and so on. These are rules generally accepted by maritime nations.

Since there are varying national claims to territorial waters, ranging from the old 3-mile limit to several hundred miles, the draft treaty contains an article saying that nothing in the treaty "shall be interpreted as supporting or prejudicing the position of any state" with respect to its "rights or claims" relating to off-coast waters.

Verification is left to any treaty signer "using its own means or with the assistance of any other state" that ratifies the treaty. It is assumed that probably the only two superpowers will check, chiefly on what each other is doing. There also is a clause pledging signers to "consult and cooperate with a view to removing doubts concerning fulfillment of the obligations" of the treaty.

The agreement was a compromise. The Soviets dropped earlier insistence on complete demilitarization of the seabed that would have banned American submarine detection devices now in place to check movements of Russian underwater craft.

In return, the United States withdrew its initial proposal that the ban apply beyond the 3-mile limit, instead of 12 miles as the Russians proposed. The draft does not specifically put the imit at 12 miles, but such an understanding was made clear by an official American statement in Geneva by American negotiator James F. Leonard.

Leonard said that the joint text "would prohibit the emplacement on the seabed, beyond the 12-mile coastal zone, of nuclear and other weapons of mass destruction." It took a ruling by President Nixon to overcome internal administration opposition, partly from the Navy, to the 12-mile rule. Nonetheless, opponents managed to keep the 12-mile reference out of the text.

The treaty, like earlier Soviet-American arms control treaties, provides that any na-

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tion can withdraw if it "decides that extraordinary events related to the subject matter of this treaty have jeopardized the supreme interests of its country." In such a case, three months' advance notice must be given to the U.N. Security Council including "a statement of the extraordinary events."

Leonard in Geneva said that the treaty would not prevent submarines from being anchored on, or resting on, the seabed. Soviet delegate Alexei A. Roschin commented that the treaty would exclude "two-thirds of the surface of the earth from the sphere of the arms race."

In Washington, Secretary of State William P. Rogers said, the agreement was "encouraging" in that it showed the two superpowers are able to reach agreement on arms control measures. There is no agreement yet on when to start the strategic arms limitation treaty talks, the most critical of all arms control measures yet to be attempted.

[From the Washington Star, Oct. 9, 1969]

For Seabed Disarmament

It is a matter of no small importance that the United States and the Soviet Union have jointly presented to the Geneva Disarmament Conference a draft treaty to ban nuclear weapons and other instruments of mass destruction from the seabeds of the world. The news encourages the hope that the decades-long deadlock on bridling arms and armed forces of every type may yet be broken by patient, persistent and honest negotiation.

In any case, after months of effort, America and Russia have agreed on measures to prevent the establishment of deadly new armaments systems on the continental shelves, the continental slopes and the great farther-out depths of the vast oceanic domain that covers 70 percent of the earth's surface. Thus the proposed pact to be applicable off every coast beyond the 12-mile limit, would put in force verifiable arrangements outlawing the emplacement and use of "any objects of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons."

Of course, since it would not bar nuclear submarines or put any restraint on land-based intercontinental weaponry, there may be those who will shrug off the Soviet-American draft as something that does not really add up to a great deal. What needs to be kept in mind, however, is that this projected undertaking—coupled with the test-ban treaty, the non-proliferation treaty and the treaties to keep atomic-hydrogen armaments out of the Antarctic and outer space—does constitute a definite and quite promising step forward. Certainly, by keeping the military atom off the ocean floor, it would remove a potentially very dangerous area from the arms race, and to that extent it would serve the safety of mankind.

Above all, if the seabed treaty were universally signed and ratified, America and Russia might well find it possible, in concert with other powers, to move ahead toward productive talks on one of the world's greatest needs: The limitation and control of the fearsome array of strategic arms already deployed on land for possible wars of mutual annihilation.

In its own way, this balance of terror, which grows steadily more delicate and more terrifying, ought to be impetus enough for urgent negotiations on disarmament of a kind that could make our world considerably saner and less dangerous than it now is.

[From the Baltimore Sun, Oct. 8, 1969]

A Preventive Treaty

The announcement at Geneva that the United States and the Soviet Union have agreed on a joint draft treaty prohibiting use of "the seabed, ocean floor and the subsoil thereof" for the emplacement of weapons of mass destruction is a most welcome and encouraging piece of news.

For one thing, the accord is a new demonstration of the ability of the two great powers to negotiate successfully, to find common ground for reaching an understanding. (In this case, it is important to note how quickly mutually acceptable terms were worked out—only seven months were needed to reconcile the differences in Washington's and Moscow's original proposals.) For another, this success revives faith in the efficacy of the diplomatic process as a means of controlling the competition in arms. Finally, the draft treaty, like the 1967 treaty forbidding the use of outer space for nuclear and other mass destruction weapons, has the great value of closing off one vast area of possible rivalry before the race had spread to it.

While the pact will do nothing to reduce or limit armaments already in being, it will, if ratified, eliminate the threat of yet another extension of the contest in weaponry. Probably the agreement was easier to reach because the technology for turning the seabed into an arsenal had not developed; the fact remains that America and Russia foresaw the danger and together undertook to avert it.

Thus the decade now ending has brought the test-ban treaty of 1963, the space treaty, the non-proliferation treaty—though the last, regrettably, has not come into force—and now the ocean floor treaty. It is a good record. Not quite good enough, though, because the largest, hardest task still lies ahead—the talks with Russia on halting the growth of offensive and defensive nuclear arms systems. The latest achievement at Geneva should provide fresh impetus for beginning those discussions and strengthen the hope that they can be made productive.

STRENGTHENING OUR AIR DEFENSE NETWORK

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. PRICE of Texas. Mr. Speaker, the recent landing of a Russian-made Mig 17 at the Homestead Air Force Base in Florida, serves as a grim reminder that Communist aggression lurks only minutes away from our mainland. That the Mig was piloted by a Cuban pilot who was risking his life to escape from the Communist stronghold is heartening, but the fact still remains that the jet penetrated our national defense system with alarming ease.

This incident points out the obvious need to strengthen our national defense network at this critical point. But for the motives of the pilot, the plan could have unleashed a nuclear holocaust at a time when the President was at nearby Key Biscayne, Fla. In one blow, Communist aggressors could have delivered a crippling blow to the Nation.

According to the Department of Defense, the Key West Naval Base complex comprised of Navy, Army, and Air Force detachments, constitutes the mainstay of the defense network which guards the southeastern approaches to the United States. This mainstay must be reinforced and revitalized. Our Nation must be secure from possible sneak enemy attacks emanating from the island of Cuba or any other Communist aggressor to the south.

I commend the President on his quick reinstatement of the picket plane warning system, and I urge the President and the Secretaries of the respective services to initiate whatever action, install whatever equipment, and deploy whatever personnel they deem necessary to fortify our coastal defense network at this vulnerable spot.

The cost of such added precautionary measures is more than outweighed by the increased security to the country it will bring. Our personal and national security must not be compromised by budgetary considerations.

WILLIAM J. McCARTHY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to congratulate and pay homage to a man who has been a dear and close personal friend of mine for the past 25 years, Mr. William J. McCarthy. A testimonial dinner was given in honor of Bill McCarthy on October 5 at the War Memorial Auditorium in Boston. In addition to his vast army of friends, many of Boston's most influential labor leaders and civil officials were present to pay tribute to this truly exceptional man. Seated with me at the head table were Joseph C. Conlon, secretary-treasurer, Teamsters Local 25; Fred J. Roberto, secretary-treasurer, Teamsters' Local 191, and president of Connecticut Joint Council No. 64; Mrs. James R. Hoffa; Mrs. John English; Father Kenneth Murphy; Hon. Maurice Donohue, president of Massachusetts Senate; Hon. Garrett Byrne, district attorney, Suffolk County; Hon. John Droney, district attorney, Middlesex County; Hon. Kevin H. White, mayor of the city of Boston; Representative Anthony Scalli, chairman, Committee for Commerce and Labor; Rocco Alberto, commissioner of labor and industry, Commonwealth of Massachusetts and president, Massachusetts State Building and Construction Trades Council; Thomas Callahan, president, Massachusetts Motor Vehicle Inspectors Association; Albert A. DeVincentis, commissioner, Massachusetts Industrial Accident Board; Stephen J. D'Arcy, esquire; and John J. Sullivan, Commissioner, Federal Mediation and Conciliation Service. Among other notable guests at the head table were Frank E. Fitzsimmons, general vice president, International Brotherhood of Teamsters and the vice presidents and trustees of the International Brotherhood of Teamsters.

And who is this man to whom so many gathered to pay recognition?

Bill McCarthy is a man of varied and remarkable talents. He has been a member of Local 25 of the International Brotherhood of Teamsters for 33 years, serving in an official capacity for 23 years. Five times elected president of Local 25, last February he was appointed 12th international vice president of the International Brotherhood of Teamsters and

assumed a seat on the general executive board.

Bill McCarthy was born in Charlestown, Mass., July 2, 1919, and was educated in the Boston public schools. At the age of 17 he became a teamster, joining local 25 and quickly worked his way through the ranks of the organization by demonstrating campassion, warmth, and the ability to develop innovative solutions to complex problems. In 1964 he was elected secretary-treasurer of Joint Council 10, an affiliation of all Teamster locals and 2 years ago he was named special general organizer for the international union. He is chairman of the New England Teamsters pension fund, a program initiated and expanded under his leadership and is secretary-treasurer of local 25 health and welfare fund, in addition to being a member of the policy committee of the Eastern Conference of Teamsters. Last month, he was named a member of the Governor's advisory committee on labor-management relations.

But Bill McCarthy's involvement does not stop here. This many-faceted man has somehow found the time to serve and enrich his community. He is a member of the board of directors of the Massachusetts Bay United Fund and the Greater Boston Chapter of the American National Red Cross to name just a few.

Bill McCarthy has brought to all these positions a high degree of competency and a deep and abiding commitment to improving the standards of the workingman. For more than 30 years, his service to his beloved union has been unfailing in its excellence and integrity, and he has worked diligently and effectively to generate pride in the Teamsters Union and particularly in local 25.

Mr. Speaker, it gives me great pleasure to honor this extraordinary citizen and distinguished servant, a man whose life has been dedicated to promoting the welfare of those whom he so ably represents.

SPEECH BY CONGRESSWOMAN SULLIVAN AT FEDERAL BAR ASSOCIATION BRIEFING CONFERENCE ON TRUTH IN LENDING

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mrs. SULLIVAN. Mr. Speaker, the Federal Bar Association, a national association of members of the Federal judiciary and of men and women who are or who have been in the employ of the Federal Government as lawyers, has been sponsoring a series of briefing conferences under its continuing legal education program, covering the many activities and operations of the Federal Government. These conferences emphasize current problems and developments of interest to lawyers, to members of other professions, to industry, and to the public.

The 120th briefing conference in this series is taking place today and tomorrow, at the Mayflower Hotel, and is devoted to the Truth in Lending Act. Joining in sponsoring the conference are the Foundation of the Federal Bar Association, and the Bureau of National Affairs, Inc., a private publishing firm specializing in legal, labor, and economic information. Chairman of the briefing conference program committee is Fredric T. Suss, formerly of the Small Business Administration.

WIDE RANGE OF ISSUES AND EXPERTS

As chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, where most of the provisions originated in the legislation which became the Consumer Credit Protection Act of 1968, I was pleased and honored to be asked to make a luncheon address today at this important and useful conference on the technical aspects of the Truth in Lending Act—title I of the Consumer Credit Protection Act. Speakers this morning included Lewis G. Odom, Jr., of Montgomery, Ala., former staff director of the Senate Banking and Currency Committee, who discussed the legislative history and objectives of Public Law 90–321; and Milton W. Schober, assistant director of the Division of Supervision and Regulation of the Board of Governors of the Federal Reserve System, who discussed the law and regulation Z, issued by the Federal Reserve to carry out the objectives of truth in lending title of the legislation. This afternoon's session was devoted to a panel discussion on open-end credit, to be followed tomorrow morning by a briefing on advertising compliance, and a panel discussion on closed-end credit, with an afternoon session devoted to a panel discussion on real estate credit.

Participants, in addition to those I have mentioned, all from Washington, D.C., unless otherwise indicated, include:

This afternoon: Boris Auerbach, of Cincinnati, Ohio, associate counsel of Federated Department Stores, Inc.; Griffith L. Garwood, attorney for the Federal Reserve; Sheldon Feldman, acting chief of the Division of Consumer Credit of the Federal Trade Commission; James G. Michaux, Washington representative for Federated Department Stores, Inc.; J. W. Montgomery, Richmond, Va., assistant treasurer of Southern States Cooperative, Inc.; and Sarah H. Newman, general secretary, National Consumers League.

Tomorrow morning: Fred J. Zeni, Jr., Chicago, general attorney for Montgomery Ward & Co.; John F. Rolph III, associate counsel, American Bankers Association; Hugh A. Chairnoff, Philadelphia, economic consultant to the Philadelphia Federal Reserve Bank; John G. Cashman, Chicago, of the law department of Sears, Roebuck and Co.; W. A. Partee, assistant vice president, Riggs National Bank; and Benny L. Kass, chairman, Consumers Affairs Subcommittee of the Washington, D.C., Mayor's Economic Development Committee.

Tomorrow afternoon: Martin Atlas, executive vice president, Cafritz Co.; Nicholas J. Spiezio, assistant director-associate counsel, Mortgage Bankers Association; Jack E. Kahn, attorney, Federal Trade Commission; Robert E. Pickerel, assistant vice president, Riggs National Bank; and Louis H. Nevins, assistant director, National Association of Real Estate Boards.

PURPOSE OF THE CONFERENCE

The program of the briefing conference states:

> The Federal Consumer Protection Act and its implementing Regulation Z are now fully in force, requiring sweeping changes in the business operations of banks, finance companies, mortgage bankers, retail stores, professional men, automobile and appliance dealers, farm cooperatives and all extenders of credit. It regulates credit advertising and garnishment of wages. It requires very particularized disclosure by creditors and provides for civil and criminal penalties for violation. Media advertisements themselves reveal daily violations of the Act by unwitting advertisers. This briefing conference addresses itself to compliance, enforcement, problems and remedies under the new law.

Actually, Mr. Speaker, the garnishment title does not take effect until next July. And in contrast to the statement in the program that media advertisements reveal daily violations—and, of course, there have been incomplete or inaccurate ads—I have been amazed at how good the advertising compliance has been. Certainly there can and will be improvements in that respect. The media, incidentally, are not required to assume responsibility for the technical compliance of any ad unless, of course, the newspaper or broadcasting station actually prepares the ad. But I have been truly impressed by the cooperation of the media in seeking voluntarily to make sure advertisers using specific credit terms in their copy include all of the necessary additional information required under the act.

MEMBERS OF CONGRESS RECEIVING NUMEROUS INQUIRIES

Mr. Speaker, in view of the technical nature of the conference and in view of the familiarity of the audience with most of the provisions of the law and of regulation Z, my remarks were also somewhat technical. But I think they may be of interest to other Members of Congress who, I know, have received many inquiries from constituents and business firms about the applicability of the law to specific situations, inquiries which, in numerous instances, have been forwarded to me. Hence, I am submitting a copy of my remarks today, as follows:

Address by Mrs. Sullivan

> (Luncheon address by Rep. Leonor K. Sullivan, Democrat, Missouri, Chairman, Subcommittee on Consumer Affairs, House Committee on Banking and Currency, at Briefing Conference on Truth in Lending, Sponsored by the Federal Bar Association and Foundation and by the Bureau of National Affairs, Mayflower Hotel, Washington, D.C., Tuesday, October 14, 1969)
>
> I am gratified to see the Federal Bar Association taking a leading role in seeking to broaden public understanding—and particularly business understanding—of the purpose and the requirements of the Federal Truth in Lending Act—Title I of the Consumer Credit Protection Act of 1968.
>
> As the principal sponsor of the House bill which became Public Law 90–321 I know that there are many things in the law which will lead to legal controversy and undoubtedly to litigation. Even the simplest Federal law does that—with the courts eventually

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telling us sometimes that while Congress may have said very directly what it intended a law to do, we either didn't mean it or *shouldn't* have meant it. And this law is certainly not a simple one. So I would hesitate to guess what the courts may some day decide about some of its provisions.

This briefing conference, as I understand its purpose, is not intended to pick the law over as an academic exercise in legal phraseology but rather is intended to help lawyers help businessmen and consumers to understand its requirements. And it is indeed proper that the Federal Bar is interesting itself in such a project. As is true in any far-reaching piece of national legislation, a lot of government lawyers are going to be involved in interpreting, administering and enforcing this one—but in this instance they will be lawyers from an unusually large number of Federal agencies. At least nine Federal agencies have specific assigned responsibilities under the Act for administration and enforcement of the Truth in Lending Title, which took effect July 1; a tenth has responsibility for Title II, which has been in effect since May 29, 1968, dealing with extortionate extension of credit; and an eleventh agency for Title III, the garnishment title, which does not take effect until next July 1. All of these titles of the law place the Federal Government into areas never before assigned to it, and the added responsibilities are extensive. Because of the scope of the Consumer Credit Protection Act in legal protections previously left entirely to the states, one could say that the law not only plows new ground, but also sows, irrigates, cultivates, weeds, reaps, bales and harvests that ground, all at the same time.

COMPREHENSIVE PACKAGE OF CONSUMER PROTECTIONS

Since your briefing conference today and tomorrow is devoted entirely to the Truth in Lending Act, I will limit my remarks generally to that title alone. I assume that in the morning session in which the legislative history and objectives of the Consumer Credit Protection Act were discussed, the other titles were also described at least in passing, so that it would not be necessary for me to go into them.

Now, I do want to say, though, that in contrast to the Senate-passed S. 5, which dealt exclusively with the information a seller or lender had to disclose to the buyer or borrower at the point of consummation of a credit transaction, the bill which became law is a comprehensive package of consumer protections in the use of credit, from the advertising of a credit offer through to the point of rescission of a contract, collection of a debt through garnishment, and even beyond that to the legal defenses by the ultimate holder of certain types of finance paper under the holder in due course doctrine.

And, by creating a National Commission on Consumer Finance in Title IV, we foreshadowed a possible future extension of Federal regulation of consumer credit over the whole field covered now by State laws, including direct supervision over rates charged—something that is certainly not imminent, in my opinion, but could flow from the work and recommendations of such a Commission; that is, if the Commission itself is ever made operative by President Nixon, who alone now has the power to enable it to function.

FORMER SENATOR PAUL H. DOUGLAS MADE LAW POSSIBLE

While most of the things covered in Public Law 90–321 were never in the Douglas Truth in Lending bills during the six years former Senator Paul H. Douglas of Illinois propounded, expounded, dramatized and popularized the concept of Truth in Lending, Title I of the Act is certainly his idea and fundamentally, his achievement. By the time we were able to take it up on the House side after seven years of waiting for the Senate to act, the originator of Truth in Lending was no longer a Senator.

He created the atmosphere, however, which made it possible for us not only to pass *a* Truth in Lending bill, but one which carried the idea far beyond his original—and in retrospect—relatively mild proposal that the consumer be enabled to know exactly what he was being charged for credit. I imagine that many of the firms forced to comply with this new law wish now that they had accepted the original Douglas bill, or one of the modifications of it which he had been willing to settle for during the long and dreary and often lonely battle he had waged for this concept over a six-year period.

PENALTIES FAR FROM WEAK

For the law as it now stands is a tough and powerful instrument of consumer protection, with both criminal and civil penalties which are far from weak. Loan-sharking has been made a Federal crime, with severe penalties. Even the respectable banker and businessman, who are under strict requirements to tell the whole truth about every charge which goes into a credit transaction, and to translate the credit costs into an annual percentage rate easily comparable to a competitor's charges for the same services, know that they face expensive penalties in the form of consumers' civil recovery actions if they violate the law—that is, twice the finance charge, or a minimum of $100, up to $1,000 plus reasonable attorney's fees, for failure to provide a customer with the information he is entitled to have.

No legitimate businessman *wants* to violate a Federal law, even if the penalty is minimal. But this law can be expensive to ignore or disobey. Thus, it is extremely important that honest businessmen *know* what is expected of them in complying with Truth in Lending, and conferences such as this one can be exceedingly helpful and productive.

Twenty years ago, a Truth in Lending law would have been useful, but hardly urgently needed. But in that interval, there has been a revolution in the use of credit in this country, and the wonder is how we have managed to get along so long without full disclosure and regulation of credit offers.

THE CASE OF THE VOLKSWAGEN AD

Let's take as an example what happened in one newspaper advertisement over a period of three days—June 30, July 1, and July 2. This was an ad for one-year-old Volkswagens, appearing in the Washington Star. The same story was undoubtedly duplicated in thousands of instances. This ad had been running for some time—$1595 for the car, $95 down and $50 a month. That's the way the ad ran on June 30. For the July 1 issue, the copywriter was probably not yet certain of what he could say, so the ad merely stated the cash price, $1595. But on July 2, it ran this way: $1595—$95 down, $50 a month for *36* months. *$1800* total. *Annual Percentage Rate of the Finance Charge 12%*. Credit life insurance *available*.

The same car, the same deal as two days before. Only the law had changed.

What the ad told us on July 2 that it did not tell us on June 30 was that the terms $95 down and $50 a month were *customarily* offered to purchasers—not just to the dealer's brother-in-law; that there were no hidden charges or special fees; that credit life insurance, (usually about $1 per hundred) was not a *required* tie-in purchase as part of the deal; and that the finance charges compared favorably with credit union rates. You knew even before you went to see the dealer that the car was going to cost $300 to finance over a period of three years, not counting license plates, title fees, etc., or comprehensive fire, theft and collision or liability insurance, which you would undoubtedly be required to carry but which you did not have to buy from the dealer.

NOT JUST CROOKED DEALS INVOLVED

And all of that information could be conveyed in just one or two lines of a one-column ad, because what was NOT included was as informative as what had to be stated if the ad carried any specific credit terms at all.

This ad undoubtedly did not discourage buyers, because it continued to run long after the law took effect. But what a change it represented from the kind of used car advertising we used to see—and which we don't see any more—ads shouting "no downpayment" or "$10 down" with no indication that when you signed up for the deal, the dealer would arrange a small loan for the downpayment, the finance charges would include credit life, casualty insurance, credit check, pre-paid repair charges, finders fee for obtaining the financing, executing papers, including a confession of judgment note and a balloon note, and whatever else the seller might load into the transaction while telling the customer it is "only" so-much a month, not even revealing how many months or the total charge or the astronomical percentage rate of the charges.

All right—in that kind of a deal, one was obviously dealing with a crook, or a sharpster. The vast majority of credit transactions are honest and open ones, involving legitimate businessmen. Why must *they* be burdened down with paper work, and the danger of civil damages if not criminal penalties, for failure to include some minor detail in a sales or loan agreement where everything is above board?

The answer to that question was revealed right here in Washington in the most clear-cut manner, involving the biggest banks in the city. The District's usury law for generations has set an interest limit of 8% on loans. The banks had found this uneconomic for installment loans. Instead of getting the law changed, they developed an evasion technique: 8% "discount" loans, meaning they charged you $8 in advance on a $100 loan, giving you $92 and you repaid the full $100 over 12 months. The actual percentage rate of the credit charge in that type of transaction is not 8% at all—it is 15.75%. And that's what Truth in Lending now requires to be disclosed.

ENCOURAGING COMPARISON SHOPPING FOR CREDIT TERMS

This is still a better deal than the 18% *nominal* rate on department store revolving credit, or the 38% rate on small loans over the line in Maryland. It's not as good as the credit union's 12% actual rate, or the 9% rate on new car financing, but it's still about double the rate most consumers *thought* they were paying. Now they know. Now they can compare. And the bank rate stands up well competitively. Of course there are problems with the usury law, but we tried to cover that problem by describing the credit charge as a *finance* charge, rather than as an *interest* charge, under the Federal law, so if the transaction was legal in D.C. before July 1, it is still legal after July 1, by express direction of the Truth in Lending law itself.

Forcing the banks to disclose actual rates on installment loans is not going to cause much of a revolution in consumer borrowing habits—especially now, when interest rates are so high everywhere, for everything. But there is no reason to exempt banks or, as has been suggested, all other Federally regulated lending institutions, from the disclosure requirements of Truth in Lending. The whole idea is to encourage comparison shopping for credit, so that consumers can make informed judgments not previously available to them unless they were mathematics majors. Even William McChesney Martin, who is undoubtedly among the most knowledgeable money men alive, couldn't figure the percentage rate on some typical used car transactions in testifying several years ago before Senator Douglas.

But now, thanks in part to the outstanding job done by his agency, the Federal Reserve System, in developing Regulation Z, any teen-ager buying a car knows more exact mathematical details about the credit charges than Federal Reserve Board Chairman Martin was able to figure out for himself before this law took effect.

TECHNICAL PROBLEMS? LOTS OF THEM

And that is the case now in every form of consumer, residential real estate, and agricultural credit. Technical problems? There are lots of them. I know of many of them, through correspondence from businessmen, bankers, ranchers, small loan firms, and others either forwarded to me by other Members of Congress or sent to me directly. As the people at the Fed and at the other regulatory agencies know. I have tried to help cut redtape and obtain amendments to Regulation Z, or clarifications or interpretations, whenever a legitimate *problem* has arisen under the Regulation. The Production Credit Associations—which are a type of credit union for farmers—had a difficult technical problem of computing the annual rate under the Actuarial Rule, so alternative methods were allowed, as the law permits, and I believe this problem is being solved and can be further simplified. The points paid by sellers on FHA or VA mortgages are another gray area needing clarification. The cash discounts traditionally allowed by merchants in rural areas caused a paperwork headache at first; that has been remedied, I believe. The rescission portion of Regulation Z has stirred up a hornet's nest. In all instances, the Fed has demonstrated a genuine desire to be helpful to business in overcoming technical difficulties.

It has done a good and conscientious job. But the problems will continue, I am sure—for instance, just what should we require the orthodontist to report to the parents about the prospective costs of his work, even though no credit charge is involved? The agencies can make these things reasonably simple and sensible, or be bureaucratic nit-pickers and make doctors and others not engaged in credit transactions as defined in the law nevetheless go through the same rigamarole as a used car dealer unloading some painted-over wreck on an unsuspecting youngster.

REGULATION Z CONTROLS ALL TYPES OF TRANSACTIONS UNIFORMLY

In enacting the law, we did not attempt to write the wording of the contract between buyer and seller or between lender and borrower, or specify the size of type of the key words in the contract or ads, or count off how many days make a month on a department store revolving credit account. We set down what we felt were reasonable policy guidelines. The Federal Reserve writes *all* of the regulations—there is central coordination and direction. The other agencies—Federal Trade, Home Loan Bank Board, Comptroller of the Currency, FDIC, and the rest—have day-to-day operating responsibilities for compliance by the business firms they *normally* supervise. So an agency with appropriate expertise does the actual supervision of any business which is covered by the act. But *all* businesses are subject to the *same* overall requirements, under Regulation Z.

"LOOPHOLES" IN THE LAW

There are some loopholes in the law—and we all knew when the law was enacted what some of them were. They were a price the House Conferees had to pay for the Senate Conferees' agreement to many far-reaching provisions which were never considered by that body. There is the "utility late-payment loophole;" there is the "first mortgage total cost loophole;" there is the "50-cents-per-month minimum charge loophole" for revolving credit, and the "$7.50 minimum charge loophole" for installment credit, and so on. We are going to watch how those work out. We are also going to be studying numerous proposals for extending the scope of the law—such as the Proxmire-Hart bill to regulate credit life insurance rates, or the Zablocki bill dealing with credit reporting. But the important thing right now is not to figure out what could be done to strengthen the law as much as it is to make sure what we already have can work and does work effectively. Compliance so far has been remarkably good, particularly in advertising. I think honest, ethical businessmen eventually will find this law a great help, not a hindrance—by taking the razzle-dazzle and technical deceptiveness out of credit terminology and credit competition, so that the unfair techniques of the unscrupulous operators are eliminated.

CONSUMERS MUST LEARN TO MAKE INTELLIGENT USE OF INFORMATION

I don't look for an overnight miracle. Consumers must learn how to use intelligently the information they are now entitled to receive under Truth in Lending, so that when one store's 18% is different from another store's 18%, he can see the difference and make an informed judgment; and he can also compare 18% with 36%, or with 12%, knowing when these terms are exactly comparable, or on what basis they can be compared.

Out of this conference, I am sure there will be many suggestions for changes in Regulation Z or in the law. I am proud of this law, but by no means smug about its possible perfection. I will gladly consider any straightforward and legitimate suggestion for amendment or improvement—if the purpose is to achieve a *more informed use of credit*, rather than merely to eliminate some minor inconvenience. We were never under the delusion that this law would be *easy* for everyone to apply. But we *were* determined to make it *fair*—and have it apply with equal impact on all who are covered by it. Thank you.

MARYLAND VERY PROUD OF ERIC ANSCHUETZ—THE SPEAKER'S PAGE

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. FRIEDEL. Mr. Speaker, as one of the Representatives in the Congress from the State of Maryland it is a pleasure to report that the greater Baltimore area takes a great deal of justifiable pride in the fact that a very fine and promising young man, who lives in my congressional district, has the distinction and honor of having been selected by our distinguished and most able Speaker of the House of Representatives as the "Speaker's Page."

Eric Anschuetz is the young man I refer to. He is a 17-year-old senior in Catonsville High School, in suburban Baltimore, and is the first "Speaker's Page," ever from my district and the first from the State of Maryland in 40 years. Because of his position, he is very well known to my colleagues as well as in Washington circles and even to the President of the Nation. Needless to say I am very proud of him and feel he is a credit to my State.

Maryland Living, the weekly magazine of the News-American, a great Baltimore daily newspaper, in the Sunday, October 5, 1969, issue printed a very interesting article, written by Larry Lewis, about this appointment. Believing it to be an inspiration to other young men, I now include it in the CONGRESSIONAL RECORD:

A CAPITOL JOB—PAGE FOR SPEAKER JOHN McCORMACK, ERIC ANSCHUETZ, OF CATONSVILLE, HAS A RINGSIDE SEAT IN U.S. CONGRESS

(By Larry Lewis)

When the silver-haired Speaker of the U.S. House of Representatives, Massachusetts Democrat John W. McCormack, raps his gavel to call members into session, most schoolboys present are in the visitors' galleries rimming the history-adorned chamber on three sides.

However, Eric Anschuetz, 17-year-old high school senior whose family lives in Catonsville, has a better view of the proceedings from his seat than many Congressmen.

As the Speaker's page, he sits to Mr. McCormack's right, primed to carry out quickly any instructions, issued by the man recognized as the third most powerful figure in America's government.

The Maryland teenager's post when the House is meeting is within touching distance of the Speaker's bench, familiar to millions as the background to the dais used by the President when he adresses Congress or delivers the State of the Union message.

In the course of his duties, Eric can telephone the Secretary of Defense and get his party on the line. If he calls the White House, chances are excellent he will speak directly with President Nixon.

On network television newsfilms taken at dignified government receptions, his face might pop up in the background at any time.

"Eric is the first Speaker's page ever from the Seventh District and the first from Maryland in 40 years," points out Congressman Samuel N. Friedel, who appointed the tall, well-tanned youth as a page June 18, 1968, and reappointed him on Jan. 2.

Selection of the young man who will fill the post, most prestigious height attainable for any of the 50 pages serving the House of Representatives, is made personally by Speaker McCormack.

The Speaker "observed him working" and was impressed by Eric's efficiency and attitude, Rep. Friedel points out.

"Nobody is as close to the Speaker as the page is. Many times I don't know where the Speaker is, so I call up Eric," admits Dr. Martin Sweig, Mr. McCormack's administrative assistant.

"It's a very difficult job," he continues. "They've got to be on the ball at all times. But it's a great honor for Eric, Congressman Friedel, his district and the state. All his life, Eric can put down on his employment resume that he was page to the Speaker of the House of Representatives."

Eric's achievement is also a source of great pride for his father, Ralph, who works for one of the country's largest department store chains, and mother, Louise, a medical secretary. Parental satisfaction shines through even when Mr. Anschuetz laughingly says, "I've lost a son."

"The other day Mr. and Mrs. Anschuetz came and sat in the gallery," says Dr. Sweig. "It's a pretty nice thing for them to see their son sitting next to the Speaker. Of course, in his position, he can also do little favors for his friends."

The Maryland teenager, who attended Catonsville High School while a sophomore, does not deny the attractiveness of the job's fringe benefits. "I was able to get two (free) tickets to the Democratic National Dinner—one for myself and one for a friend," he reveals. "They would have cost $500 apiece."

When Speaker McCormack is invited to a government function, Eric is permitted to tag along. "I've put on a few pounds eating that fancy food," jokes the brown-haired,

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brown-eyed youth, whose 180 pounds are well-proportioned on his six-foot frame.

The youth gets a special thrill from being present at state receptions for visiting dignitaries, but occasionally even he is stymied. "I missed one recently because the party traveled on the Presidential yacht. I couldn't get security clearance."

For Eric Anschuetz, sitting on the floor of the House of Representatives is the fulfillment of a long-held dream. He began writing letters to his Congressman when he was an eighth grader.

"I was interested in being a page in Washington, but I couldn't do it," says the youth, whose family lived in Pennsylvania until moving to Catonsville a little over a year ago. However, his persistence led to his appointment as a page in the Pennsylvania state senate at Harrisburg for the summer of 1967.

His first appointment by Congressman Friedel waa as a bench page, or messenger, in the House.

As Dr. Sweig puts it, "He has to spend one year as a laborer, so to speak. He has to learn how the house is built."

The Speaker's page, normally a high school senior, must display good character, be an outstanding student and show enthusiasm for work of the House.

"Very seldom is politics involved in selecting the Speaker's page," emphasizes Dr. Sweig. "You have to earn it."

However, in deference to the party affiliations of Speaker McCormack and Congressman Friedel, the doctor of history ventures to say that Eric's loyal ties are "strictly Democratic."

Almost all young men who serve as Speaker's pages go on to college, many on scholarships. Occasionally, one will serve an apprenticeship in a legislative office, then run for Congress himself.

While the average Washington page earns $6,022 a year, Eric's income is $6,938. He must pay his own expenses, including food and lodging.

"The Speaker's page earns every blasted dime," says Dr. Sweig. "I don't think I could do it. Eric is working a fulltime job and going to high school."

While other pages are on vacation when Congress is not in session, the Maryland youth's job is year-around. A typical day during the summer months means reporting to work at 9 A.M. and remaining on duty until the Speaker leaves Capitol Hill, usually at 5 P.M. Eric spends the morning gathering copies of bills to be acted upon.

Since Congress goes into session at noon and there is no break for lunch, the youth takes time to eat between 11:05 and 11:45. Then he must make sure everything is in order on the Speaker's rostrum.

From 11:55 to 11:59, Speaker McCormack holds a press conference. Traditionally, it ends when Eric calls out, "Time, Mr. Speaker." Speaker and Speaker's page then walk to the House chamber for the day's business.

One of Eric's unofficial duties is keeping track of Mr. McCormack's cigar when the Speaker enters the chamber. Since smoking is not allowed, the page takes the cigar and secretes it on a small ledge near the rostrum. When Speaker McCormack exits, so does the cigar.

When the legislative body adjourns for the day, Eric must still prepare the mail for signature, file and perform other office chores.

For nine months of the year, he attends the Capitol Page School in the Library of Congress from six to 10 A.M., then studies at night. Last year, he helped revive the page school newspaper, "The Capitol Courier," and served as its editor.

Eric is candid about the disadvantages of his busy schedule. He says: "I really don't think too much of the social life here. You go to an all-boys school, and you don't get to meet any girls during the day."

Dr. Sweig, however, describes him as "a real operator" and his school yearbook is liberally inscribed with girls' names.

Most pages live in a specially designated apartment house on E. Capitol St., but, after school ended, Eric moved to Hyattsville to live with the family of a fellow page, Jim DiMeglio. The two drive to and from work in Jim's car.

"It's the sign of a substantial citizen that he can work around here and still laugh," philosophizes Dr. Sweig. "He has to take his job seriously, but not himself."

If Eric begins to show signs that he is becoming too impressed with the prestige of his position, the doctor has a special treatment in store.

"We have some files way downstairs," he says. "It's not too nice there. It's kind of dirty. If he gets a little out of hand, I'll send him down there to do some work. That usually brings a big head back to normal."

OUR NATO COMMITMENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, I want to take this opportunity to commend the gentleman from California (Mr. Gubser) for presenting this body with a very excellent report on the North Atlantic Assembly Tour of Allied Command Europe—Record, Monday, October 13, 1969, H9443.

The gentleman from California points out that the Russian threat to Western Europe is still very real and that the Soviets have superior military forces which could be directed against Europe. He asserts that the Russians would have a clear military advantage if they were to launch an invasion and we were to attempt a conventional military response.

We would therefore be left with the alternatives of either accepting the fact that Russia could overrun Europe, or resorting to the use of tactical nuclear weapons. The gentleman quite frankly admits that it is unlikely that our NATO partners will make greater contributions to bolster NATO forces. He concludes that without this commitment by our Western allies, "the tremendous U.S. presence and expense to the taxpayer is a waste." He therefore suggests that the U.S. flag can be shown with an Air Force wing and less than a division of troops and that the bulk of our force should be brought home. In the gentleman's words, "The time has come for a complete reassessment of our NATO military policy."

Mr. Speaker, I would like to associate myself with the findings of the gentleman of California. I would agree that we should reassess our NATO military policy with a view to reducing American troop levels in Western Europe. I think we can provide an adequate deterrent to aggression by maintaining a "symbolic presence" that would not be as costly and burdensome as our existing troop commitment.

I am reminded of a statement made by President Eisenhower which appeared in the December 6, 1966, edition of the International New York Herald Tribune:

> I do not believe that today the common security requires in American ground strength the six divisions now present in Europe. A fair and logical U.S. contribution would be no more than one Corps of two divsions with reinforcing artillery and a Reconnaissance Regiment.

I again congratulate the gentleman from California on the honesty with which he has addressed himself to the question of our NATO policy. I would commend his report to my colleagues and urge that they give it their studied attention.

A BLUEPRINT FOR PEACE IN VIETNAM

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, on the occasion of this debate on Vietnam, the most appropriate remarks I could possibly make at this time, are those I have been making since 1965. They were appropriate then and they are appropriate now.

Before I do, however, let me say this. I believe President Nixon is on the right track in Vietnam and I further believe that a majority of the people in this country feel the same way. The President is trying desperately to end the war in Vietnam and achieve peace with freedom—not peace with surrender or peace at any price.

Therefore, at this point, I would like to again insert in the Record my concept of "A Blueprint for Peace in Vietnam" that first appeared in the Record last June. In addition, I offer a supporting editorial by one of the Nation's leading and most respected editors, William Randolph Hearst, Jr.

The material follows:

[From the Congressional Record, June 3, 1969]

A Blueprint for Peace in Vietnam

Mr. Don H. Clausen. Mr. Speaker, today President Nixon departs for Midway Island for a round of talks with President Thieu of South Vietnam. From these meetings could come new and innovative alternatives toward ending the war in Vietnam, and securing a viable and lasting peace throughout Southeast Asia.

Yesterday, I was privileged to communicate to the President some of the views of us in the Congress and throughout the Nation share regarding our over-involvement in Vietnam and the search for peace there that we all so diligently hope and pray will soon come to pass.

Today, I should like to share with my colleagues some of the thoughts and recommendations I have conveyed to the President on the eve of his departure for Midway.

One of the real agonies of Vietnam, which explains in part, not only our involvement in the war but much of the dissention, confusion, and misunderstanding that prevails over this question, has been the failure of the past to explain to the American people the historical background that led up to the deployment of U.S. fighting men in the Vietnam conflict.

The plain truth is, that the people in this country have never been told the full story or the complete truth about the virtual collapse of the Southeast Asia Treaty Organization—SEATO—and its inability or refusal to respond and provide security for free people when aggression first "raised its head" in South Vietnam. Regrettably, SEATO, the

regional security organization, established under the U.N. Charter for the purpose of defending free people and free nations against aggression has flatly failed to effectively respond or "handle" the threat to these countries' internal security.

Another failure, with regard to informing the American people, has been to neglect "telling it like it is"—that this conflict in Vietnam is a "new kind of war" commonly known as "guerrilla warfare"—completely unlike the conventional wars of the past. In a conflict wherein unconventional strategy and tactics are employed by the enemy, many people are still trying to evaluate and make judgments on the conduct of the war using conventional terms.

Back in August of 1968, Candidate Nixon had this to say before the platform committee in Miami:

"The (Johnson) Administration has either not recognized that this is a new and more complex kind of war, or has not seen its significance. The result is that the old style, conventional military aspects have been overemphasized, and its other dimensions—psychological, political, economic, even diplomatic—have gotten too little attention . . . We need far greater and more urgent attention to training the South Vietnamese themselves, and equipping them with the best of modern weapons. As they are phased-in, American troops can and should be phased-out. This phasing-out will save American lives and cut American costs. Further, it is essential if South Vietnam is to develop both the military strength and the strength of spirit to survive now and in the future. It is a cruel irony that the American effort to safeguard the independence of South Vietnam has produced an ever-increasing dependency in our ally. *If South Vietnam's future is to be secure, this process must now be reversed.*"

This is precisely why I have, since 1965, advanced the so-called phase-in/phase-out concept through the creation of a free Asian security force which would, on a carefully conceived realistic, and methodical timetable, phase-in motivated, trained, and properly equipped South Vietnamese and other Southeast Asian manpower as U.S. troops are phased out or phased back to the initially acceptable advisory and supporting role previously agreed upon as the U.S. commitment to those SEATO countries threatened with Communist subversion or aggression.

Such a security organization, in my judgment, is the only way in which free nations in Asia will be able to fill the security vacuum that was created around the free nations of Asia following the withdrawal of the French security forces from that part of the world and the subsequent reluctance on the part of SEATO to fulfill its defense obligation to the participating nations.

That the United States had to respond at all to the conflict in Vietnam is totally unrealistic when you stop to think of the 1 billion people in Southeast Asia who are perfectly capable of defending themselves.

This is why I firmly believe and strongly recommend that, if we are to prevent future Vietnams, SEATO must either be updated and revitalized—or replaced by a mutual and more viable security organization in Southeast Asia that would require a pro rata sharing of the manpower needed from each participating nation to provide the security that is now totally lacking in the Pacific Basin communities.

Since January of this year, a concerted effort has been underway to provide the training and modern equipment needed by South Vietnam's armed forces to permit them to assume their rightful burden and increased responsibilities for the actual conduct of the war until such time as a reasonable and honorable settlement of the conflict can be negotiated in Paris.

Thus, as I see it, the "phasing-in" stage is, in fact, well underway and this is the direction we must take.

In an editorial appearing in the Hearst newspaper in March 1968, Editor in Chief William Randolph Hearst, Jr., had this to say:

"Now here is the crux of my thinking. The U.S. has some 500,000 men over there fighting their war. This is about one man for every 400 of our total population. If the Asian countries only equalled this effort—and they should do more with the enemy at their borders—they could, and should, field an army of around a million. Besides this great numerical advantage, it would have a tremendous psychological effect. Right now, Ho Chi Minh has the advantage of being able to say he is fighting what he calls white imperialists. With a million or more Asians facing him on the battlefield, the picture would be put in proper perspective, to say the least."

Mr. Hearst and I have consistently agreed on this approach. Unbeknown to each other, Bill Hearst and I were publicly expressing similar points of disagreement and disenchantment with the conduct of the Vietnam war. He wrote an editorial, "Plugging the Dike in Vietnam," while I developed a "blueprint for peace"—the "phase-in, phase-out" concept through the creation of a free Asian security force.

Our suggestions were similar then, and if you read President Nixon's platform statement of 1968, you will note the same ring of similarity in his announced objectives and recommendations for a satisfactory solution to the Vietnam problem. I am pleased to see him following through on his previous position.

I am also pleased to see President Thieu traveling to and communicating with other Southeast Asian leaders. This is absolutely essential if we are ever going to develop the firmed-up SEATO or free Asian security organization required to help solve the Vietnam problem and prevent further Communist encroachment and/or subversion of the other free Asian countries of South Korea, Taiwan, the Philippines, Indonesia, Singapore, Malaysia, Thailand, Laos, Burma, Cambodia, Australia, and New Zealand.

We, in the States, have 200 million people. There are 1 billion people in Southeast Asia. Is it not fair to expect that the prime source of manpower required for the "antiguerrilla" and "counterinsurgency" ground forces come from these countries that have the primary threat to their security?

I say absolutely, and it is this message I have asked President Nixon to convey to President Thieu and all the free Asian leaders:

As I said in the Congressional Record of March 18, 1968:

"My own judgment to that such a program is feasible—that the manpower is available, that the idea is practical, logical, and fair, and that the free Asian nations can be convinced of this diplomatically . . . It suggests a broad but positive and orderly plan for reducing U.S. involvement in Vietnam without any sacrifice to our basic security requirements. Further, it would place the conduct of the war in the hands of the Asians themselves, who must now take a new look at the ground rules.

"With security as the key, I can foresee the Free Asian Security Force providing the type of security that SEATO and the U.N. were expected to provide.

"Eventually, however, there must emerge the kind of regional cooperation among the nations of the Pacific Basin that will promote economic growth through a type of Asian-Pacific Common Market. How can this be accomplished? Here we can export our free enterprise system in the same way we helped Japan recover from the ashes of World War II to become the strongest economic power in the Far East in less than 15 years."

As President Nixon has said:

"Vietnam does not exist in isolation. Around the world, we should mobilize our diplomatic forces for peace . . . We need such an effort not only to speed an end to the war in Vietnam, but also to lay the groundwork for the organization of a lasting and larger peace. Certainly one of the lessons from the agony of Vietnam is that we need a new diplomacy to prevent future Vietnams."

The potential for future Vietnams is all around us—in Laos, Thailand, Burma, South Korea, the Mideast, Eastern Europe, in Africa, and South and Central America.

If we are, in fact, going to avoid future entanglements such as Vietnam, then, certainly, a "new diplomacy" must now be forged out of the jungles and the graveyards of Vietnam. A diplomacy, I submit, that places far freater emphasis on political, diplomatic, and economic initiatives—rather than on military crusades. As there is, as President Nixon has said, no military solution to the conflict in Vietnam, neither is there a military solution to present or future foreign problems.

The world has grown weary of war and in our quest for peace, we have become embroiled in such national controversy as whether or not Saigon should have a so-called "coalition government." In the first place President Nixon has not suggested or proposed a U.S.-imposed "coalition government" on the people of South Vietnam. Instead, he talked of "free and open elections" by all the people of Vietnam and their right "to self-determination." Quite frankly, this is not a proper or fitting matter for the United States to determine and I believe the President has made this absolutely clear.

In this regard, I believe we should stop kidding ourselves. In Communist terminology, "coalition government" is a tool whereby the Communists are handed a tool for the complete domination and imposition of their will on the people concerned. We have seen this pattern develop not only in Eastern Europe after World War II, but more recently in Laos where the Communists are "using" Laos as part of the Ho Chi Minh Trail to ferret men and supplies to South Vietnam.

The key point I want to make is this:

Can you imagine the impact a strong free Asian security organization would have on the negotiators from Hanoi, the Soviet Union and Red China—North Vietnam's principle military equipment suppliers?

As Mr. Hearst stated:

"If the Asian countries equalled our effort, they could field an army of a million men."

If Hanoi and the Communist negotiators in Paris fully realized that they would have to face the manpower supplied from 1 billion Asians backed by our military and technical training programs. I think they would change their attitude and their "tune" at the negotiating table in Paris.

Simultaneous to this, however, we must demonstrate by deeds, not just words, our strong desire and intention to cooperate economically and diplomatically to help accelerate free nation building in their part of the world, with all of the associated benefits—the most important of which is a vastly improved standard of living.

[From the Hearst Newspapers, Mar. 24, 1968]

Blueprint for Peace

(By William Randolph Hearst, Jr., editor-in-chief, the Hearst newspapers)

Some kind of sympathetic chord appears to have been struck in this column two weeks ago, in which I offered a solution for our dilemma in Vietnam.

In essence it was that the free countries of Southeast Asia be made to pitch in and start doing their proper share of the fighting we are now doing to save them from Communist aggression.

Apparently a lot of other people think so, too, and I hereby renounce any claim to originality. In any event, ever since the

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column appeared I have been swamped with letters, telegrams and phone calls—nearly all expressing enthusiastic support and some offering specific plans of action.

Today I am devoting this column to one of those action plans. It strikes me as the best blueprint for ending the war and winning the peace I have yet to encounter. It was contained in a long communication from Rep. Don H. Clausen (R., Calif.).

Rep. Clausen has just returned from an official, 33,000-mile fact-finding swing through eight nations in the war area, made during the first month of the enemy New Year offensive. His main conclusion (and mine):

"For too long now, we have been doing the job for the South Vietnamese and the other Asian nations which are threatened by what is happening in South Vietnam."

"Helping them is one thing, but carrying the overwhelming burden of combat for them is not now, and never has been the sole responsibility of the United States."

Having said this, Mr. Clausen proceeds to tell in detail exactly what he thinks we should do about it, and I am going to let him tell it as much as space permits in his own words.

What I want to emphasize in advance is that his thinking (and mine) involves no notion of deserting the South Vietnamese or failing to live up to our commitment. Mr. Clausen himself emphasizes this right off the bat.

"My basic proposal," the Congressman writes, "involves what I call the 'Phase-in—Phase-out Concept.' This is to avoid any connotation of unilateral withdrawal.

"Very briefly, it means redirecting the manpower emphasis in Vietnam whereby vastly more South Vietnamese and free Asian security forces would be injected into the ground war there and a like number of American fighting men withdrawn on a carefully conceived, methodical and realistic timetable basis.

"This could be done by creation of what I call a 'Free Asian Security Force' composed of regular military units of the countries of free Asia which are directly threatened by Communist expansion.

"I am sincerely advancing this concept to our nation's leaders, and I hope that every effort will be made to explore its feasibility. My own judgment is that such a program is feasible—that the manpower is available, that the idea is practical, logical and fair, that the free Asian nations can be convinced of this diplomatically, and that it can be put into effect logistically within a year.

"It suggests a broad but positive and orderly plan for reducing U.S. involvement in Vietnam without any sacrifice of our basic security requirements. Further, it would place the conduct of the war in the hands of Asians themselves."

The big stumbling block in all of this, of course, is how to get the free countries of Southeast Asia to unite for such an effort so long as we continue plugging the dike for them.

Mr. Clausen, a realist, is well aware of the chilly reception these countries late last year gave to Gen. Maxwell Taylor and now Secretary of Defense Clark Clifford when the Presidential envoys came asking them for more help.

Yet both of us feel that our reluctant Allies can be persuaded to recognize that taking over their own responsibility will be the best thing for them in the long run.

In the last analysis, the security vacuum which exists in Southeast Asia cannot be filled indefinitely by the U.S. It can be filled only when the free countries of the area set up their own common bulwark against the Communists.

To sell these countries on what obviously is essential for their future, Rep. Clausen declares, a dramatic diplomatic offensive by this country is required. Since this could originate only in the White House, he writes as follows:

"I therefore urge President Johnson to call a summit conference of the non-Communist Far Eastern nations for the purpose of forming a Free Asian Security Force.

"Purpose of this force would not only be for the immediate future needs of Vietnam but to provide the organizational structure to guarantee lasting security for all peoples living in the Pacific basin countries.

"Our best diplomatic efforts must be used to this end. We must switch from defense to offense."

Mr. Clausen points out that such a diplomatic offensive would not involve a starting from scratch. Thus we already have the basis for a permanent free Asian security force now in Vietnam, consisting of fighting forces from various countries in the area in addition to the South Vietnamese.

We also have the basis for coordinated action to implement the Phase-in—Phase-out program. With SEATO in a state of virtual collapse, a natural coordinating vehicle is the association of Southeast Asian nations, or ASEAN.

Formed only last year to further mutual interests ASEAN at present is composed of Indonesia, Malaysia, the Philippines, Singapore and Thailand. All these would be among the nations which President Johnson would summon to the proposed summit conference.

Rep. Clausen concludes his proposal with these remarks:

"I believe we have done more than our share in Vietnam, and we've paid an extremely high price in the process. In my judgment, Phase-in—Phase-out is the course we, as Americans, can and must now follow.

"We have much to gain through the formation of a free Asia security force for Vietnam to meet immediate needs—and the formation of a "partnership of the Pacific" in the future, after Vietnam.

"Thus, in considering the Phase-in—Phase-out concept it is necessary to look beyond the war to find its true merits and potential value to the people of Asia and us here at home. Because whatever happens in Vietnam, we must be prepared to live not only with ourselves, but with the people of Asia and the free world in the future."

"What we're really seeking, I believe, is economic integration of the free Pacific Basin communities we can maximize cooperation and coordination in economic, political and security matters.

"What do we have to gain? Everything—but most important of all we will gain an additional and more viable security buffer against possible Red Chinese or even Soviet encroachment in the Pacific region, and a proper sharing of our heavy financial and manpower burden in Southeast Asia.

"What I have outlined is an action program aimed at these goals. It is a program all Americans can take pride and purpose in supporting."

So much for Congressman Clausen's most constructive improvements on what was already a pretty good idea.

We'd better get the big band wagon, because I think we're going to have lots of company on this one.

STATEMENT IN EIGHT IVY LEAGUE STUDENT NEWSPAPERS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. REID of New York. Mr. Speaker, I am happy to insert in the CONGRESSIONAL RECORD today a statement being published in today's issues of eight Ivy League student newspapers regarding the war in Vietnam. The newspapers are the Brown Daily Herald, the Columbia Daily Spectator, the Cornell Daily Sun, the Dartmouth, the Harvard Crimson, the Daily Pennsylvanian, the Daily Princetonian, and the Yale Daily News.

This statement, in strong support of the Vietnam moratorium, represents the depth of concern felt by students all over the Nation. I call it to the attention of my colleagues, and I very much hope that it will be read and contemplated by the leaders of this country:

> Over the past decade, the United States has waged a brutal and pointless war against the land and people of Vietnam, killing hundreds of thousands of Americans and Vietnamese and defending a series of repressive dictatorships. Now, it appears, the nightmare is beginning again in Laos and Thailand. The killing in Southeast Asia must be stopped.
>
> President Nixon has violated his promise to the American people and chosen to pursue the discredited policies of Lyndon Johnson. We must stand together, he tells us, to secure an "honorable" peace.
>
> In attempts to appease his opponents and buy time for his disastrous policies, the President has announced token troop withdrawals and illusory draft cuts. But we will not be fooled by these gestures so long as the war continues. It is too late to salvage honor in Vietnam.
>
> We demand the immediate withdrawal of all American troops from Vietnam and the rest of Southeast Asia.
>
> To this end, a national moratorium on "business as usual" has been called for October 15 and November 13–14, with a march on Washington scheduled for November 15. We will join our teachers and fellow students on those days for nation-wide demonstration of protest. We call on all Americans to join us.

SWEDISH GOVERNMENT OUT OF TUNE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. RARICK. Mr. Speaker, local press reports suggest the possibility that the Government of Sweden may not be entirely in tune with the Swedish people when it comes to choosing between Communist North Vietnam and the United States.

A dispatch from Stockholm tells us that 11 more deserters have been granted Swedish entry, bringing the official total to 292. Some 30 others have so far left the country, some with the encouragement of local Swedish police.

Another Stockholm story relates that these deserters have probably the highest crime rate of any small group in the world, one out of six being in trouble with the police. This is not surprising, since what the "left" pleases to call "young men with conscience" are in truth the misfits and problems found in any society, fleeing from discipline in the service or evading punishment for wrongdoings in the United States.

Sweden's double standard is pointed out in a letter to the editor of the Evening Star, in which the writer concisely

makes his point that refugees from the Baltic states were turned over promptly to Stalin, while Hitler's legions were assisted on their way to conquer Norway.

From Lisbon come reports that the Portuguese have followed the American example and recalled their ambassador to Sweden because of Swedish financial aid to the Communist guerrillas in Angola and Mozambique. Apparently this is the same type of aid which is contemplated for the North Vietnamese against Americans.

The concern of Swedish businessmen over the cancellation of free world orders may help the Swedish people solve their problem in Stockholm. In the USIA report to which I called attention yesterday, this concern seemed to be present. Perhaps American businessmen can convey to the Swedish Government, through Swedish businessmen, that anti-American programs will not serve Sweden's enlightened self interest.

Failing that, perhaps the solution lies in the suggestion that Swedish financial assistance to North Vietnam, a nation with which the United States is in armed combat, would disqualify Sweden from receiving Export-Import Bank credits.

News clippings follow:

[From the Christian Science Monitor, Oct. 10, 1969]

Eleven More U.S. Deserters Granted Swedish Entry

STOCKHOLM.—Eleven more American military deserters have been granted residential permission in Sweden in recent weeks, bringing the official total to 292, the immigration office announced.

Some 30 other applications were being considered, the office said.

A total of 352 United States military deserters have so far contacted the Swedish authorities. At least 30 have since left the country.

[From the Washington Post, Oct. 10, 1969]

Portugal Recalls Envoy to Sweden

LISBON, Oct. 10.—Portugal recalled its ambassador to Sweden yesterday amid reports of official Swedish support for guerrilla forces in Portuguese Africa.

Reports in the Portuguese press alleged the Swedish government was providing financial aid to guerrilla forces in Mozambique and Portuguese Guinea.

[From the Washington Evening Star, Oct. 13, 1969]

The Swedes and Us

SIR: Olof Palme, 42-year-old apostle of the New Left, who has been chosen to be Sweden's prime minister, is reported to have said that the Swedes are not really anti-American. This, of course, is good news. Those Swedish demonstrations and U.S. flag desecrations are nothing more than exuberant expressions of disapproval of U.S. foreign policy. Mr. Palme, himself, owns to a warm feeling for some Americans, such as those who parrot the Hanoiline—he names ——, ——, ——, ——. The Swedes also show "compassion" for those inglorious samples of American manhood who have deserted our armed forces to take refuge in Sweden.

But the Swedes dispense compassion on a discriminating basis. None was in evidence when they rounded up hundreds of war refugees from the helpless Baltic democracies overrun by Stalin's armies and forcibly turned them over to Stalin's goon squads. Only a few years before that sad episode, the Swedes eased the way for Hitler's legions to transit Sweden during the Nazi conquest of neighboring Norway.

With effusive praise for the civilized qualities of the Hanoi government that brutalizes its American war prisoners, Sweden proclaims a policy of extending recognition to de facto governments. But even this is discriminatory: North Vietnam basks in the light of Swedish recognition, but not East Germany. Why? Could it be that the Swedes tailor their diplomacy to protect the profits from their trade with West Germany?

Sweden is very neutral and very pacific—neutral enough to wax fat behind the NATO shield without contributing, but not pacifist enough to refrain from peddling Bofors guns in places such as Africa. If there were a Nobel prize for hypocrisy, Gunnar Myrdal could present it to Olof Palme for permanent enshrinement in Stockholm.

JOHN T. COLLIER.

[From the Washington Post, Oct. 13, 1969]

GI Deserters Boost Crime in Sweden

(By Dan Cook)

STOCKHOLM.—The number of deserters from the U.S. armed forces who have been given asylum in Sweden has passed the 300 mark, and about one out of every six has been in trouble with the Swedish police.

This probably constitutes one of the highest crime rates for a relatively small number of men anywhere in the world. The escapades occur at a rate of about one case a week—petty theft, assault with intent to commit violence, dope peddling, disorderly conduct, and, in one case, an attempted bank robbery for which the former GI is doing a year in jail.

The Swedish commission which rules on applications for residence permits has made no effort to differentiate between genuine conscientious deserters and those who are in trouble with the military. Asylum is virtually automatic.

RUN OUT OF SWEDEN

Two or three cases are known where asylum-seeking GIs have been put on ferryboats out of Sweden by local police. In general it seems to have been routine for arriving deserters to contact private Swedish organizations who prepare the documents needed for asylum.

Names and telephone numbers of these organizations are distributed in Germany. Once his application is in the works, a deserter must wait about a month before he obtains a ruling on asylum from the Swedish authorities.

Once armed with the right to remain in the country, a GI is entitled to the equivalent of $18 a week indefinitely in government assistance. The Swedes also give deserters winter clothing allowances. Often, they are put up in private homes or with private organizations, free.

Others find girlfriends and move in. A Swedish landowner has donated a farm to one group of eight or 10 GIs who, according to local gossip, are doing fairly well and probably are as far along as any deserters in settling down for good in Sweden. The Swedish government has established a training center about 60 miles from Stockholm to offer language instruction and job training, but the maximum number who have used it at any one time appears to have been eight or 10.

SOME SEEK TO RETURN

The U.S. Embassy receives two or three queries a week from deserters about legal rights and problems of getting back. When a deserter arrives at the embassy, a consular official explains his legal rights and offers him a one-way air ticket back to his unit—charged against any military pay he may eventually have coming to him. Some deserters insist on returning to the United States in the hope of getting a better break from the authorities, and such passages are paid by the embassy on the same basis.

In general, the army has been moderate in its sentences on the deserters. A high proportion are regular enlisted men, as opposed to draftees. The proportion of Negroes who have deserted to Sweden is lower than that of Negroes serving in the army.

The deserters are not even escorted to the airport. They travel on the honor system back to their unit, with instructions simply to report to the military police when they get off the plane.

How many will make it into permanent residence in Sweden is anybody's guess, but it probably will not be more than 25 or 30 when all is over.

[From the Washington Post, Oct. 14, 1969]

United States Weighs Credit Cutoff for Sweden

The United States is studying whether to cut off export credits to Sweden because of its announced intention to give economic aid to North Vietnam, a State Department spokesman said yesterday.

The spokesman said Washington did not have full details of the decision by Sweden's socialist government to provide Hanoi more than $40 million in aid and credits in the next three years.

He noted, however, that the U.S. Export-Import Bank cannot give credits to a nation whose government furnishes goods, supplies, manpower or advisers to a nation fighting American armed forces.

[From the Washington Evening Star, Oct. 14, 1969]

Hint of Hanoi Aid Offer by Sweden Weighed by United States

A State Department spokesman says that "various agencies of the administration" are studying reports of a Swedish offer of financial aid to North Vietnam.

Also under study, spokesman Carl Bartch said yesterday, is whether such a loan would disqualify Sweden from receiving Export-Import bank credits.

Bartch emphasized that the administration has no firm information yet on whether Sweden will go ahead with a reported $60 million loan offer to Communist North Vietnam.

[From the Chicago (Ill.) Tribune Oct. 15, 1969]

Sweden on a Tightrope

How far can Sweden go in its anti-Americanism and still be able to borrow money from the United States? The Swedish government seems determined to find out and, in accordance with current fashion, to force a "confrontation" in the process.

For a long time Sweden's socialist government has been cozying up to the Soviet Union, lecturing the United States on peace, and harboring American army deserters [more than 280 at the last count]. The only reaction from Washington has been to recall our ambassador for five weeks last year after Swedish government officials marched in a peace parade with an envoy from North Viet Nam.

Now the resignation of Tage Erlander has brought into office a new prime minister, Olof Palme, who is a good deal more critical of the United States than Erlander. No sooner was Palme chosen than he rewarded his left-wing backers by announcing plans to give 40 million dollars in economic aid to North Viet Nam over a three year period.

Sweden has been vague as to whether this aid is to be extended immediately or after the end of hostilities. And for an obvious reason: Sweden is part owner of Scandinavian Airlines System; S. A. S. wants to increase its loan from the American Export-Import bank by about 200 million dollars to buy Boeing 747s; and the bank is prohibited by law from lending money to a government that helps a country with which we are at war.

Norway and Denmark, Sweden's partners in S.A.S., have begged Sweden to quit meddling and not to jeopardize the loan. Palme,

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however, seems unwilling to back down an inch more than necessary, if that. His equally left-wing foreign minister, Torstein Nilsson, is coming to Washington soon to look for some loophole which will enable Sweden to borrow money from us with one hand and give money to Hanoi with the other. The loophole path already has been blazed by Peru, which confiscated an American-owned oil company without compensation and thus disqualified itself under the Hickenlooper amendment for American aid. Washington squirmed uncomfortably, but the aid is still going thru.

Both the Export-Import loan restriction and the Hickenlooper amendment were passed for sound reasons, the one to keep American money from being funneled indirectly to our enemies and the other to encourage private investment in developing countries and thus take some of the burden off of the taxpayers.

[For the Washington (D.C.) Post, Oct. 15, 1969]

Swedish Premier Installed, Says He Favors Hanoi

Stockholm—Olof Palme, Sweden's new prime minister, said in a press conference after being sworn in yesterday that he has "more sympathy" for the North Vietnamese than for the Saigon government.

He said Saigon is "not representative of the Vietnamese people, but speaks for a relatively small clique," while Hanoi "is a dictatorship and not a democracy in our sense, but representative of the people."

Palme said that Arne Geijer, head of the Swedish trade union confederation, would be visiting the United States this week and would explain "misunderstandings" about Swedish aid to Hanoi to U.S. labor leaders. The Swedish press has reported that Thomas Gleason, head of the International Longshoremen's Association, is considering a boycott of Swedish ships in East Coast ports unless Sweden changes its mind about aiding North Vietnam.

Palme said the decision to give $40 million in aid was misinterpreted by the press and that until the fighting stops Sweden would only give "humanitarian aid."

CIVIL SERVICE RETIREES NEED FINANCIAL RELIEF

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. FRIEDEL. Mr. Speaker, yesterday I introduced two bills supported by the National Association of Retired Civil Employees, which was founded in 1921. Its organization was prompted by passage of the original civil service retirement law in 1920. From a small beginning, the association has grown in membership and importance. The membership of this organization exceeds 135,000 and there are over 1,100 local chapters chartered throughout the United States.

Its objectives are to serve civil service annuitants and their survivors, and potential annuitants and their survivors under retirement laws, to sponsor and support beneficial legislation, and to promote the general welfare of annuitants and their families. The association is also interested in preretirement programs, especially in Federal and District Government agencies, and in the broad field of the problems of the aged and aging.

Mr. Speaker, this organization is a dedicated, selfless group which has brightened, expanded, and enhanced the lives of those who formerly served their Government. We must pay special attention when organizations such as the National Association of Retired Civil Employees request and endorse legislation, and there can be little doubt that it is necessary to the lives of the more than 800,000 Federal retirees and their survivors that we give every consideration to their request for much-needed legislation to improve their benefits.

There are, in my own State of Maryland, 24,701 civil service annuitants and 9,571 survivor annuitants; in other words more than 34,000 persons in the State of Maryland are presently receiving a civil service annuity check from the Federal Government. The average monthly annuity of the retiree himself in Maryland is less than $300, and the average check of a survivor annuitant less than $145 per month.

These figures would certainly seem to substantiate the need for some financial relief for these retirees who have spent their working years in the service of the Federal Government, as $3,000 per year has been cited as "poverty level" and there are clearly many of our annuitants and survivor annuitants existing on incomes well below this figure.

I am convinced that the two measures that I have introduced are worthy of our careful consideration and study.

While there has been an increase in the general standard of living and a rise in the general economy during the past several years, the standard of living for retired Federal employees has stood almost stationary in spite of the increases we have approved in recent years. This is so because inflation and increased taxes has taken more of the retirees' income than they have received in increases.

According to the 1967 report of the U.S. Civil Service Commission, Bureau of Retirement and Insurance, of an approximate 800,000 retired civil employees and their survivors, some 279,000 receive a monthly annuity of less than $100, and over 500,000 receive less than $200 per month. To correct this inequity, we must grant these former Federal employees a substantial annuity increase.

My bill, H.R. 14314, would give an increase to all Federal retirees and their survivors, with the largest increase going to those presently receiving the smallest annuities. These increases would be as follows: $26 per month if they now receive less than $200 per month; 13 percent if they now receive at least $200 but less than $300 per month, 9 percent if they now receive at least $300 but less than $400 per month; 7 percent if they now receive at least $400 but less than $500 per month; or 5 percent if they now receive at least $500 per month.

My second bill, H.R. 14315 would correct a longstanding inequity in the retirement law. The present retirement law provides that a retiree at time of retirement may elect to take a reduced annuity to provide a survivor annuity for his spouse. This cost at the present time is 2½ percent on the first $3,600 and 10 percent on the remainder, if any. The law also states that only one election can be made, and that at time of retirement.

When a retiree is predeceased by the named spouse he must continue to pay the cost through a reduced annuity as long as he lives, although there never will be anyone who can receive the survivor annuity he is paying for, even though he remarries.

This bill provides for the restoration of the full annuity and/or permits the retiree to name his second spouse for a survivor annuity if the named survivor predeceases the retiree, and the second spouse has attained the age of 60.

Out of approximately 800,000 retirees and survivors there are several thousand who would benefit from such legislation.

My bill, when enacted into law, will correct some of these injustices and yet protect our older annuitants by providing that their second or third spouse must be at least 60 years of age in order to benefit from this legislation. I am sure that a good percentage of our colleagues are not fully aware of this great injustice that prevails in thousands of the homes of our retirees from the Federal service. I strongly urge that my colleagues give serious consideration to the legislation I have introduced and support these long overdue changes in the civil service retirement laws.

HAWAII—THE NATION'S OCEANOGRAPHIC FRONTIER

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. MATSUNAGA. Mr. Speaker, one of Hawaii's most fascinating tourist attractions is the 20-acre Sea Life Park, located at the base of a 1,000-foot lava cliff, near scenic Makapuu Beach on the island of Oahu.

In addition to being a popular tourist attraction, with nearly a half-million visitors to the park last year, there are also many important marine research programs underway at the Makapuu Oceanic Center.

Under the direction of Dr. Taylor Pryor, director of the Oceanic Institute, the first in what may be a series of adventures in hydrospace began on October 1 at the Makai Undersea Test Range with the testing by four aquanauts of a new 70-foot-long portable habitat, capable of supporting six diver-scientists for weeks at depths of up to 600 feet.

In reporting on this challenging experiment in marine science, Honolulu Star-Bulletin writer Richard Hoyt commented:

> Watching the aquanauts through closed circuit television is much like the experience of watching Apollo astronauts on television.

In his interesting feature article on the undersea tests, Mr. Hoyt also noted that Dr. Pryor's portable habitat has the deepest diving capability of any similar machine in the world.

As we look to the 1970's and the concept of the International Decade of

Ocean Exploration, it is expected that marine scientists and engineers from all over the world will be studying the ocean space with the goal of deriving practical benefits from the seas for the good of all mankind. In this connection, I believe that my colleagues would wish to read more about the pioneer work being done in exploring our next frontier—oceanography—which is presently being conducted in the island State.

I am therefore pleased to submit for inclusion in the Congressional Record the article by Mr. Hoyt from the Honolulu Star-Bulletin of Saturday, October 4, 1969, entitled "Undersea Habitat Tested by Four Off Waimanalo":

Undersea Habitat Tested By Four Off Waimanalo

(By Richard Hoyt)

Four aquanauts in shorts and tee-shirts are in the first of what may be a series of adventures in hydrospace off the Makai Undersea Test Range at Waimanalo.

Taylor Pryor, the Makapuu Point ocean science entrepreneur, is putting his new undersea habitat through its paces for the first time.

The 70-foot long portable habitat is capable of supporting six diver-scientists for weeks at depths of up to 600-feet.

The habitat's life support equipment is being checked by four divers under controlled observation in shallow water off Pryor's research pier.

At 7:30 a.m., Wednesday, with no fuss or fanfare the yellow habitat was lowered into the water. There the interior pressure was inceased to equal that of water 200-feet deep.

The divers are monitored 24-hours a day through closed circuit television.

They are now being depressurized from the 200-feet level by a rate equivalent to one foot of ocean depth every 15 minutes. Tomorrow morning they will again be at surface pressure.

Watching the aquanauts through closed circuit television is much like the experience of watching Apollo astronauts on television.

But there are some differences:

The aquanauts do not wear bulky suits. They wear aloha shorts and droopy tee-shirts.

The aquanauts do not eat soft food squeezed from tubes. They eat soggy bread and canned soup.

Worst of all for the aquanauts' image, they sound like Donald Duck when they talk.

The Donald Duck voice is the result of pressurized helium and oxygen. Regular air at that pressure would be dangerous.

Jon Pegg, a medical doctor who is keeping an eye on the divers' health, said the reason is jokingly called "Martini's Law."

At 50 feet, pressurized oxygen in normal amounts will have the effect of one dry martini on a dry stomach. At 100 feet this effect is doubled, and so on. At 200 feet an aquanaut would get drunk.

Pegg, who worked with habitats for the University of California, Berkeley, said Pryor's portable habitat has the deepest diving capability of any similar machine in the world.

The men inside: William Berryman, Charles Peterson, Richard Ellis, and Danny Kali, have to be kept very warm (85 degrees) for them not to get very cold.

This, also, is due to the strange atmosphere.

The aquanauts are doing "extremely well" according to Pegg, who is also pleased that the habitat is not leaking helium as most do.

The aquanauts each have a bunk. They have living quarters and working quarters complete with a kitchen and refrigerator.

So until tomorrow morning, all they have to do is sleep, eat and keep healthy, and maybe shoot the breeze . . . in Donald Duck voices.

THE EFFECT OF TAX REFORM LEGISLATION ON PRIVATE FOUNDATIONS

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 15, 1969

Mr. HARTKE. Mr. President, one of the leading educators in America, the Reverend Theodore M. Hesburgh, president of the University of Notre Dame, testified recently before the Committee on Finance on the effect that certain provisions of H.R. 13270 are likely to have on the financing of higher education, most especially on medical education.

So that all Members of the Congress may have a chance to read this impressive testimony, I ask unanimous consent that it be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of Theodore M. Hesburgh

Mr. Chairman and Members of the Committee: I am Theodore M. Hesburgh, president, since 1952, of the University of Notre Dame. With me today I have Dr. John Cooper, who is the president of the Association of American Medical Colleges; Mr. Frank Erwin, who is Chairman of the Board of Regents of the State Universities of Texas; and Dr. Felix Robb, who is the Director of the Southern Association of Colleges and Schools.

The four of us appear before you this morning as representatives of institutions which are, in a sense, bystanders in the present controversy over legislation affecting private foundations. Although I am also a trustee of the Rockefeller Foundation, neither I nor my colleagues are appearing here to represent a "private foundation," or a group of foundations. No matter what definition you finally settle upon for that key term, all of the institutions which we represent will fall beyond it. We will, therefore, be beyond the direct effect of whatever rules you prescribe for foundations.

If we are bystanders, though, we are intensely interested ones. We are, also, a good deal more familiar with the subject of the controversy than bystanders ordinarily are. For both our interest and our knowledge, we are indebted to the very close relationship which foundations have to the programs of the institutions which we represent. Our institutions receive vital support from foundations; they work continually with foundations; and, in doing so, they have developed a broad experience with foundations' functions and characteristics. Moreover, as individuals, we have served as members or trustees of a considerable variety of private and governmental organizations—ranging from the National Science Board and the Carnegie Commission on the Future of Higher Education to Governor Rockefeller's Select Committee studying private education in the state of New York—which are active in the fields in which foundations work.

Based upon our knowledge of private foundations—and the very considerable benefits which our institutions steadily derive from them—we are seriously concerned about certain aspects of the legislation proposed for foundations.

The four of us have observed the work of foundations from rather different points of view. In discussing the consequences of the proposed foundation legislation, I will draw upon my experience with private educational institutions. Representing the Association of American Medical Colleges, Dr. Cooper will explain the role of foundations in medical education. Mr. Erwin will speak to you of the relationship of private foundations to colleges and universities which derive their principal support from states or local governments. Finally, on behalf of the Southern Association of Colleges and Schools—an organization with 9,000 member and affiliated colleges, universities, secondary and elementary schools serving eleven Southern states from Virginia to Texas—Dr. Robb will speak to you of the place of foundations in education in the South.

From these varied points of view outside the foundation world, we would like to tell you what we know of that world; how it affects the institutions which we represent; and why we are disturbed about certain parts of the legislation proposed for foundations. As we proceed, we will document our observations with concrete examples and with general statistical data. We will not, however, enter upon an examination of the technical details or ramifications of the House bill, or other specific legislative proposals. Other witnesses are more qualified for those tasks than we are.

At the outset, we would like to make it clear that the four of us wholeheartedly support legislation aimed at the financial abuses in which a minority of private foundations are reported to have become involved. We pretend to no expertise on foundation abuses, because the foundations with which we are familiar have not engaged in them. On the other hand, we recognize that the 1965 Treasury Department Report on Private Foundations and witnesses who appeared before the Ways and Means Committee this spring have made out a strong case for legislative proscription of foundation-donor self-dealing, unwarranted accumulations of income, and certain other practices. To the extent that such practices exist, we share the concern of the Ways and Means Committee about them, and we urge you to deal decisively and effectively with them.

Beyond such steps, however, we are deeply disturbed about one aspect of the House bill and one additional proposal which, while not incorporated in the House bill, has been advocated by critics of foundations in recent years. In brief, the proposals which concern us are these:

The House bill would impose a 7½ per cent tax upon foundation investment income. The Ways and Means Committee Report estimates that this tax will produce $65,000,000 of revenue in its first year of operation. According to the House estimates, the revenue effect of the tax would rise rapidly to an annual $100,000,000. Furthermore, as the next group of witnesses will explain in greater detail, the precedent which the tax would establish for state and local governments seems likely to have an additional substantial monetary impact on foundations.

Several critics of foundations have recommended terminating the existence or exemption of foundations after a period of years. One proposal would fix a 25-year limit on foundations' tax exemption and qualification to receive deductible charitable contributions. Another would restrict the life of each private foundation to 25 years. Others would require foundations to distribute their assets at a sufficiently high rate to end their existence within a period of 10, 15, or 20 years.

We are deeply concerned both about the proposed tax on foundation investment income and about the adoption of any mechanism whose effect would be to terminate the existence or exemption of all foundations over a period of time. Our combined experience with foundations convinces us that their work has been of immense value to the classes of institutions which we represent and to American society. We are, therefore, strongly persuaded that any measure

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which diminishes the current funds with which foundations carry on their work and with which they support the work of other charitable and educational institutions—by an annual $65,000,000, $100,000,000, or any like amount—will have major undesirable consequences. For the same reasons, we are convinced that an endeavor—direct or indirect—to curtail the existence or tax benefits of foundations would be thoroughly unfortunate.

To explain the grounds upon which we base these views, we should like to review briefly the work which foundations have done in the four areas with which we are familiar.

A. FOUNDATIONS AND PRIVATE UNIVERSITIES

During more than seventeen years as president of Notre Dame, I have found one of my great preoccupations to be the financing of the University's educational, research and service programs. The progress that my University has recorded during this period can be attributed in no small measure to the support of private philanthropic foundations. Indeed, one major philanthropic organization, the Ford Foundation, looms as the largest single benefactor in Notre Dame's 127-year history.

I shall not presume to speak for my fellow college and university presidents, although I can think of none whom I know personally who would favor the foundation tax which we are discussing. I would like to say a word about how one foundation, the Ford Foundation, is helping Notre Dame accomplish in ten years what normally would have required thirty years. With equal force I could document what has been accomplished on our campus with support from the Rockefeller Foundation, the Sloan Foundation, the Carnegie Corporation, and others.

Specifically, I shall speak about the Ford Foundation's Special Program in Education—perhaps the most magnificent philanthropic program in the history of American higher education—in which a significant number of colleges and universities have been helped to help themselves through challenging matching grants. In the case of Notre Dame, the whole vision of what the University might be has been startlingly, almost unbelievably, altered by two $6 million matching Ford Foundation grants. With the incentive of these matching grants, between 1960 and 1966, we were able to double or triple the money normally contributed to the University. There is no question in my mind that this gigantic stride forward was made possible by the matching provision. So, aside from what the grants themselves helped underwrite—for example, the 13-story Notre Dame Memorial Library—they have helped generate many additional millions of dollars in support from alumni, from friends, from corporations, and even from other foundations.

The best thing about foundation support is, of course, that it is project-oriented for the most part and encourages a university to do new things, to undertake research and launch new educational programs that would be out of the question if one had to rely on operating income or even the gift support of alumni and friends. For example, the Carnegie Corporation made a capital grant to Notre Dame which underwrote the first national study of Catholic elementary and secondary education in the United States. Support from the Kellogg Foundation has made possible a program of continuing education that has touched the lives of tens of thousands involved in more than 300 campus conferences each year.

The aid which the major foundations have provided in the years since World War II has proved to be a life-line to the independent half of our nation's unique dual, private/governmental system of higher education. There is serious question whether the independent sector can persevere and continue to provide an educational alternative. With inflation and the spiraling cost of living threatening to impair the philanthropic support of individuals, and with corporations, generally speaking, contributing less than 1 per cent of their profits to charitable organizations when they are entitled by law to contribute up to five percent, the proposed tax on foundations—or any general measure to end the existence or exemption of foundations—will have the plain and necessary effect of driving our independent colleges into the arms of the government at a time when many feel there is already too much government involvement on the campus. I cannot believe that this is a prospect welcomed by members of this Committee or the Congress.

To state the matter somewhat differently, a 7½ per cent tax levied on the investment income of foundations would, in effect, be a tax on Stanford and Johns Hopkins, Vanderbilt and Emory, Notre Dame and Denver and, indeed, on all the colleges and universities, great and small, in every part of this land, which benefit from the regular and substantial support of these foundations. It would result in *less* foundation support for the nation's colleges and universities at precisely the time when they are experiencing a financial crisis and need *more*. The revenue generated by the tax would be of little consequence to the government, but its collection would have the direct effect of reducing the funds normally available to colleges and universities by a similar amount, and the indirect effect of a proportional reduction of the individual contributions which these funds stimulate. Furthermore, it would seem inevitable, once the precedent is set, that the tax would be increased as the states and municipalities and future administrations seek much needed revenues, thereby further reducing the funds available to colleges and universities. Again I say that I cannot believe those results to be acceptable to this Committee or the Congress.

My plea, then, is to legislate against specific abuses which may have been discovered in the administration of certain foundations—but not to diminish the funds with which foundations make their vital contribution to the private sector's educational system. This is the time for the Congress to take steps to encourage even further private philanthropy to higher education. The proposals of which I have spoken would have exactly the opposite effect.

B. FOUNDATIONS AND MEDICAL EDUCATION

In the field of medical education, too, the resources of private foundations have been of critical importance. Review of the relevant data reveals that foundations provide a continuing flow of funds which, in absolute terms, makes significant contributions to the training of our doctors, research technicians, nurses, and other medical personnel. Even more important, foundation funds have been of vital assistance in certain special areas of medical education for which it has proved difficult or impossible to secure support from other sources.

The Association of American Medical Colleges conducts an annual survey of all medical schools in the United States to determine the sources of their funds and the purposes to which the funds are applied. In addition, to assist this Committee in its current inquiry, the Association has conducted a special canvass of several of the larger medical schools to obtain more detailed information on the amounts and purposes of foundation grants in recent years.

The data stemming from these investigations demonstrate convincingly that, overall, the contribution of private foundations to medical education and medical research has been an impressive one. Foundations have repeatedly granted funds to medical schools for operating budgets and capital construction. Such grants for general purposes, however, present only a partial view of the importance of foundation support in the field of medical education. In several specific areas, foundation funds have been of special significance.

Faculty salaries

While the federal government annually appropriates large sums for medical research, it has proved exceedingly difficult to obtain government support for the maintenance and upgrading of medical school faculties. Plainly, funds committed to these purposes have major bearing upon the quality of medical practice and the state of medical knowledge throughout the United States. Yet, as a dean of the Harvard Medical School noted in a recent letter to the Association of American Medical Colleges, "We are especially dependent on foundations for teaching funds since the government has neglected this area."

Specific illustrations abound. In recent years the Mellon funds have made substantial grants for faculty support and expansion at Tulane, Vanderbilt, Northwestern, Chicago, Boston University, Brown, Case Western Reserve, Columbia, Cornell, Dartmouth, Duke, Emory, George Washington, Harvard, Temple, Tufts, Washington University (St. Louis), Yale, Johns Hopkins, Jefferson Medical College, Marquette, Pennsylvania, Pittsburgh, the University of Rochester, the University of Southern California, and Stanford.

The comments of administrators at several of the recipient schools provide insight into the importance of the grants:

"Both the basic sciences and the teaching programs have been immeasurably improved by the infusion of funds. New appointments have been made and the entire faculty stabilized." (Tulane.)

"The grant has proved to be one of the most timely and beneficial ones we have ever been privileged to receive. It has made possible the strengthening of various departments where the need was pressing." (Vanderbilt.)

"To say that Mellon funds were invaluable to Northwestern University Medical School would be an understatement. They came at a time when personnel, particularly in the basic sciences, was in very short supply." (Northwestern.)

"The funds have been used to stabilize the position of several very promising young scientists, attract new ones, and to start new and important areas of teaching and research at a time when federal funds have become overly restrictive." (Johns Hopkins.)

"The assistance which we have received each year from the Mellon funds has enabled us to strengthen the faculties of the three departments which do most of the teaching in the first year of medical school." (Jefferson Medical College.)

"There would be literally no other way which faculty expansion and strengthening could have been financed." (Boston.)

"These funds have made it possible to bring in people who we would have found very difficult to support in any other way." (Case Western Reserve.)

"The grant has made it possible for us to maintain academic strength in all of our basic science departments." (George Washington.)

The Mellon grants have not been the only ones supporting the improvement of medical school faculties. During the period from June of 1962 through June of 1969, the Surdna Foundation made grants of $3,300,000 to the Harvard Medical School for general faculty support. Of that total, $2,500,000 was allocated to a fund which supports full-time faculty members in the base medical science and clinical departments. Six hundred thousand dollars has been used to establish a new professorship in pediatrics. An additional $200,000 has been used to com-

plete funding of a professorship of preventative medicine. The Josiah Macy, Jr., Foundation has made annually-increasing grants to Washington University (St. Louis), Columbia, and Harvard to expand training in obstetrics. It has, in addition, established a major professorship in obstetrics and gynecology.

The examples could be multiplied at considerable length. Their point, however, should be evident: institutions of medical education are heavily dependent upon private foundations for the resources which support the faculties which train the nation's doctors and medical research personnel.

Establishment of new medical schools

As has been the case with the maintenance and improvement of the faculties of existing medical schools, in recent years the Federal Government has provided little operating support for the establishment of new medical schools. Here again, the need has been evident, and foundations have acted to close the financial gap. Moreover, in this area particularly, their action has carried an impact extending well beyond its immediate dollar effect; for foundation grants have stimulated contributions from a broad variety of other sources—both public and private, and often many times larger than the original foundation grant. In that way, foundation commitments have frequently had a plain and pronounced multiplier effect.

The Kellogg Foundation has given $8.4 million over the past nine years to establish new medical schools at the University of Connecticut, Rutgers Medical School, Brown University, the University of Hawaii, the University of New Mexico, Michigan State, the University of Nevada.

Of the grant to Connecticut, the president of the university has said: "The foundation authorized a three-year grant to the University of Connecticut in the amount of $1,037,500 'to support the establishment of a school of the basic medical sciences' . . . It is no exaggeration to say that the foundation's grant has had an exciting catalytic effect upon our progress to date. . . . This grant is a classic example of what 'venture capital' assistance from a foundation can accomplish."

The business manager of the Rutgers Medical School has commented: "Without the stimulus of the foundation, Rutgers Medical School would still probably be a dream of the future."

Assistance to medical schools in financial difficulty

The demands upon our medical schools have been particularly great in the past several years. Financial pressures have increased correspondingly. It is hardly surprising, therefore, that a number of schools—particularly in the private sector—have come very close to financial collapse. Repeatedly, foundations have made timely grants to avert such failures.

One foundation has provided almost $4,000,000 over the past five years to 10 schools which were experiencing severe fiscal difficulties. Included were such schools as Creighton University, in Omaha, Nebraska; the University of Utah; Meharry Medical College, in Nashville, Tennessee; and the University of Vermont. The dean of one of the recipient schools has said: "I should like to once again comment on the extraordinary value of the . . . award to our developing School of Medicine. The award permitted a continued growth of the school during an exceptionally critical period in which the program was expanding far more rapidly than the allocations to the School of Medicine from state appropriations. Indeed, I seriously question whether the school could have avoided a substantial collapse. . . ."

Development of new techniques

If foundation resources have afforded crucial support for medical school faculties, the establishment of new schools, and the assistance of schools in financial difficulty, they have performed services of at least equal value in a different class of endeavor. Nowhere have the innovative capacities of foundations been more evident than in the development of new systems and techniques of medical education, improved medical curricula, and new methods of relating medical facilities to the provision of health care for our citizens. Here again, reference to particular examples is useful.

The shape of modern medical education owes as much to Abraham Flexner's 1910 report on the subject as to any other single factor. Made possible by a Carnegie grant, the Flexner report advocated—and produced—fundamental revisions in a variety of facets of our system of developing and training doctors.

In the academic year 1955–1956 the Harvard Medical School utilized a $1,000,000 grant from the Commonwealth Fund to test pioneering changes in medical curriculum. Based upon the knowledge developed in these initial experiments, major changes in the school's curriculum were adopted two years later. The innovations at Harvard were the basis for far-reaching changes in curriculum at Western Reserve—changes which were supported by the Commonwealth fund, and which have had great effects on medical education across the country.

Grants to Northwestern University by the John and Mary R. Markle Foundation and the Commonwealth Fund enabled the school to evolve a program which substantially diminishes the time required for the education of doctors. Under this program, Northwestern now admits students from high schools who are able to obtain M.D. degrees in a total of six years. Grants from the Commonwealth Fund to Boston University and Johns Hopkins University permitted the initiation of similar programs at those institutions.

The Rockefeller Foundation and the Macy Foundation provided the Harvard Medical School with funds to undertake the nation's first undergraduate program designed to assist members of minority groups to enhance their qualifications for graduate study in medicine and dentistry.

The Carnegie Corporation of New York has provided three-year funding for teaching, research, and administrative programs on the economics of health care.

The Ford, Rockefeller, and Avalon Foundations have committed themselves to provide a total of $5,200,000 for the development of a unique laboratory studying human reproductive biology in conjunction with the existing Center for Population Studies at the Harvard School for Public Health. According to a recent Harvard report, "Together these two programs will represent one of the nation's primary concentrations of talent and competence."

The Commonwealth Fund and the Surdna Foundation have, together, provided funds for the creation and operation of a pilot university-sponsored community health plan. Drawing on the facilities and personnel of the university's medical school, the program will make comprehensive medical service and health care available to the residents of the surrounding community.

Conclusion

Year after year, foundation dollars afford vital support for the nation's medical schools. In a number of respects, they fulfill needs for which there *are* no other dollars. Further, by stimulating other support, foundation grants often generate resources which—even measured solely in monetary terms—are of far greater magnitude than the original grant. Finally, in at least one area foundation support has produced results which can only be described as unique; for without the creative impetus supplied by foundations' experimental projects, their studies of system and technique, and their programs for change, many of the advances of modern medical education simply would not have occurred.

With increasing demands being placed on the medical schools for an increased production of health manpower and greater involvement in meeting the health service needs of the country in the face of ever less adequate support from local and federal sources, foundations are a critical part of our effort to meet the expectations of society for a healthier life.

C. FOUNDATIONS AND PUBLIC EDUCATIONAL INSTITUTIONS

Nobody honestly concerned with American education condones illegality or irregularity in private philanthropy. Hence every representative of public higher education endorses all legislation assuring fairness and equity among taxpayers, donors, foundations, their institutional beneficiaries, and the government.

On the other hand, it is a simple historical fact that both established state universities and developing public institutions could not fulfill their missions without foundation support. Gifts, bequests, special grants under the law have enabled such institutions to grow, to increase their effectiveness, and to serve the whole population. By such means, private philanthropy has provided a tremendous variety of activities which often cannot be supported by government appropriations.

Thus foundations have encouraged innovation and experiment.

They have initiated creative work and kept it alive.

They have made possible new departures in multi-disciplinary study and research.

They have brought public and private institutions into practical cooperation.

They have broadened and strengthened activity aimed at the common welfare.

Drawn from the Southwest alone, the following examples are typical of thousands of similar projects in the United States. Each is recent. Each has the vitality to assure later effectiveness.

Innovation and experiment

In Texas, private foundations have brought engineering and medical schools to join in studies of the individual and his environment; numerous academic departments and business organizations to experiment with problems as different as beef production and mineral recovery; inventive skills and consumer needs; biological, mathematical, and space research opening new perspective on geophysics, the world and the solar system.

Creative work

By gifts of art and libraries, by support of humanities centers and the individuals working in them, foundations have brought to life creative work, which has involved both whole communities and smaller groups concerned with painting, music, and the theater, as well as general studies.

Interdisciplinary study

Private foundation gifts and grants have helped the scientific linguist and the classroom teacher to overcome the disadvantage of students with language handicaps; the biologist and the oceanographer to establish new methods in marine medicine; the engineer and the journalist to take advantage of modern communication; the computer scientist and scholars in a dozen fields to speed the acquisition and disseminaton of knowledge.

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Public and private institutions

In one state alone, more than thirty joint programs between privately-endowed and tax-assisted institutions have ranged from the single classroom to the whole region.

Common welfare

Where taxes were unavailable, private foundations have made possible the initial operation of two medical schools and continuing programs of a major teaching hospital. Without foundation grants, the Anderson Hospital and Tumor Institute, host to the next International Congress on Cancer, could not have begun its work or maintained its distinction.

Immediate benefits of such programs are manifest. Taxpayers have been saved money; they have also been given benefits which taxes could not provide. Still more important, however, is the fact that in every such phase of higher education, the university has been assisted in getting ready for the future. In that future, it is not the eminence of an institution which is at stake. It is the people's interest.

By relatively small sums afforded through tax relief this future prospect can be assisted. By depriving foundations of those funds—as the proposed tax would do—that prospect would be diminished or denied. In all institutions which are "public" in the broadest and truest sense, the present system of tax relief is essential to a base of planning now more than half a centry old. To shut off or cut down that relatively modest independent funding would close innumerable doors on future educational progress.

D. THE SOUTH: FOUNDATIONS AND EDUCATION

This country desperately needs a strategy for *expanding legitimate philanthropy* as a vital component of free enterprise—and of the private-public balance in American life—*not* a precedent for reducing philanthropy through taxation or excessive regulation. If it is the will of Congress to equalize educational opportunity, then Congress should encourage and facilitate the work of reputable philanthropic foundations. Such encouragement is particularly important in the South.

The South lacks resources with which to provide adequate educational opportunity for its people. The entire nation has suffered as a consequence. But the gap between the South and other regions would be much wider except for the investment by national and regional philanthropic foundations in the development of human resources.

Any reduction in foundation support would be adversely felt in the South, with its huge number of children to educate and the fewest public dollars with which to do the job. Mississippi, which in proportion to income makes a greater per capita educational effort than any other state, spent only $364 per pupil in public schools in 1967–68 compared to New York State's $1,024. If the South is ever to catch up, it needs *more* private philanthropy—not *less*.

Economic limitations have prevented most Southern educational institutions from having enough funds for operation; they have fallen far short of having enough funds for innovation, experimentation, and improvement.

All educational institutions serve best when they are strong, venturesome and self-renewing. Consistently, ever since the Civil War, when we Southerners have had an educational problem requiring an innovative approach, we have sought and often received foundation support to test our idea, to demonstrate a new approach, or to finance needed research and programs. A substantial flow of money from large national foundations, along with our own regional philanthropies, continues to be essential to education in the South.

What would be the difference if a reduction of available foundation dollars were brought about through taxation?

1. It would tend to discourage *new* philanthropy just at the time when the South's improving economy is developing indigenous private wealth that is increasingly flowing back to the public through local philanthropy.

2. It would have serious impact upon at least two or three hundred key Southern colleges and universities—public and private—that look to foundations as their "margin for excellence," plus a number of smaller, weaker colleges facing deficits for the first time this past year. To them foundation grants are crucial.

Vanderbilt University's rise to national stature results substantially from foundation grants that stimulated local effort. Emory's great medical center could not have functioned well without Woodruff Foundation money to cover its deficits. As recently as August 22, the Kresge Foundation gave $1,500,000 to Meharry Medical College in Nashville for a badly needed library. This college—which has educated approximately half the Negro physicians in the United States—has been literally saved by foundation grants in the past decade.

Strategic grants are helping our colleges predominantly serving black students to improve their curricula, to develop their staffs, and thereby to move into the mainstream. The Carnegie Corporation of New York has underwritten one of these programs over a 5-year period and the Danforth Foundation committed $5,000,000 over seven years to sustain the Southern Fellowships Fund.

3. Reducing foundation funds would curtail the only money we can get with long-term commitments sufficient to stay with projects and evaluate their results. For instance, over the past five years the cities of New Orleans, Atlanta, Nashville, Huntsville (Alabama), and Durham (North Carolina), have received approximately $3,000,000 each from the Ford Foundation as "see money" for a world of educational improvements. In Nashville the first public kindergartens were started with new ways of teaching young children. In New Orleans, schools were designated to show what can be accomplished when resources and flexibility to teach individuals are combined. In Durham, research of enormous value about infant and very early child behavior and learning was conducted. In Atlanta, better ways to prepare teachers were discovered. At Huntsville, because of new programs started with foundation funds, that city's school system was recently chosen for participation in a major national educational program.

4. The Kellogg Foundation has done much to enrich life in Georgia through the creation of a dynamic continuing education center at the University of Georgia. The value of this program is incalculable, and it would not have been initiated without foundation funds.

5. Taxing foundation resources would reduce one of the chief means of attack on the problems of disadvantaged people in poverty-stricken rural areas. For instance, the Danforth Foundation has underwritten three pilot projects in rural counties of Florida, Georgia, and Tennessee for a 5-year interval in the amount of $1,350,000. These counties—Wheeler, Overton, and Wewahitchka—would never have seen their educational potentiality for something better without foundation funds to show how teaching and learning can be improved with very few dollars.

6. Project Opportunity, operating in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, and Virginia, is already identifying, motivating, and propelling toward college and fulfillment of their highest potentiality 3,000 bright, academically talented high school youngsters whose record of poverty and deprivation was pressing them into unproductive lives as public liabilities. This dramatic reversal, achieved largely through a system of testing and counselling, is producing constructive citizens who will, in turn, pay taxes. Ford and Danforth Foundations have invested approximately $2,000,000 in this joint effort by eleven colleges, the College Entrance Examination Board, and the Southern Association of Colleges and Schools. Dividends to the nation can be many times the money spent in the discovery and motivation of these young people. It would be a human tragedy of serious dimension to deny 7½ per cent, or any, of these youngsters their chance to succeed.

7. Regional foundations such as Z. Smith Reynolds, Mary Reynolds Babcock, Woodruff, Rich, Callaway, Stern, and the strategic Southern Education Foundation make an important difference in life in the South. They are taking a keen interest in elementary and secondary schools, and the aggregate of their support is a vital factor in the "growing edge" in Southern education. The public kindergarten movement in the South was initially fueled by foundations, as were many experiments on individualized instruction.

8. Especially in a time of escalating costs and inadequate tax revenues at the state and local levels, it would seem unwise to reduce educational resources of the kind used for stimulus of local effort, for matching purposes (required in many federal programs), and for the kinds of innovation and long-term search for solutions to problems for which public funds are insufficient.

9. In a dozen Southern cities, fine arts and music flourish precisely because of foundation support for our symphony orchestras, art museums, and concert halls. Without the help of national and local foundations, our cities would lose major cultural advantages.

The philanthropy of foundations operating in the South has been accomplished with competence, wisdom, and freedom to operate professionally once grants were made. Because these agencies have traditionally worked quietly, without fanfare, the American public is not fully aware of their great contribution. Thus it is necessary for those of us who live close to Southern education and who dream of its future to speak up and state how strongly we feel about our vulnerability to any change in public policy that—like the proposed tax on foundations—would limit the flow of private funds for education.

SUMMARY OF STATEMENT OF THEODORE M. HESBURGH

Representatives of a broad variety of institutions which derive support from foundations—including private colleges and universities, state and municipal universities, medical schools, and educational institutions in the South—are seriously concerned about two legislative proposals affecting private foundations. One, incorporated in the House tax bill, would impose a 7½ percent tax on foundation investment income. The other—not included in the House bill, but recommended by some critics of foundations—would terminate the existence or tax exemption of all foundations after a period of years.

The first of these measures would diminish the current funds with which foundations carry on their work—and with which they support the work of other charitable and educational institutions—by at least $65,000,000 a year. The second would, over time, have even more drastic effects upon foundation functions. Because the accomplishments of private foundations have been of immense value to American society and, specifically, to the institutions which receive their financial support, representatives of those institutions strongly oppose both the proposals.

Review of the accomplishments of the foundations in several areas demonstrates the undesirable consequences which the proposals would have.

Foundations and private universities

Through a system of matching grants, the Ford Foundation's Special Program in Education has stimulated many colleges and universities to develop resources considerably in excess of the original grants. The Rockefeller Foundation, the Sloan Foundation, the Carnegie Foundation and many others have also made major contributions to our private educational system.

Without such assistance, there is serious question whether the independent sector of our dual, private/governmental system of higher education can survive. Yet a tax on foundation income would bring a major reduction of that assistance.

Congress should, then, legislate against any specific abuses in which certain foundations have become involved—but should take care *not* to diminish the funds with which foundations make their vital contribution to the private educational system.

Foundations and medical education

In the field of medical education, too, the resources of private foundations have been of critical importance. They provide a continuing flow of support which, in absolute terms, contributes substantially to the training of our doctors, research technicians, nurses and other medical personnel. Even more important, foundation funds have been of vital assistance in special areas of medical education for which it has proved difficult or impossible to obtain support from other sources.

Foundation support is, for example, of particular importance in sustaining and improving medical school faculties; in establishing new medical schools; in assisting schools which experience financial difficulties; and in developing new techniques of medical education, new curricula, and new methods of relating medical facilities to the provision of health care for our citizens.

Foundations and public educational institutions

Foundations have also afforded key support to state and municipal colleges and universities. In the Southwest, for example, they have enabled such institutions to experiment with problems as diverse as beef production and mineral recovery; to study inventive skills and consumer needs; to assist linguists and teachers to overcome language handicaps; and to develop new techniques of modern communication for engineers and journalists.

The South: Foundations and education

The South, with an enormous burden of children to educate and fewer dollars to do the job than any other region, is especially vulnerable to any change in public policy that would limit the flow of private funds for education and make equalization of educational opportunity more difficult. Philanthropic foundations provide a critical margin—either for excellence or for survival—in many Southern educational institutions.

The South's growing economy is beginning to produce indigenous wealth and a new surge of local philanthropic interest in education. Taxation or undue regulation of legitimate foundations will discourage this development at a crucial time.

Educational improvement, innovation, pioneering projects, and needed research funded by national and local foundations are helping the South catch up with the rest of the nation. Important new public kindergarten programs and continuing education are two products of foundation support.

Efforts to transform talented but underprivileged youth from public liabilities to productive, educated citizens provide further dramatic evidence of the dividends accruable from strategic foundation investment in human development.

MORATORIUM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. BOB WILSON. Mr. Speaker, the so-called moratorium and its spokesmen have arrogated to themselves the right to speak on behalf of the Americans fighting in Vietnam and to parade around with the names of those who have fallen in battle. The time has come to allow our fighting men to speak for themselves. The moratorium will find a lot of dissent among Americans in Vietnam against the attempt to undermine the cause for which over 45,000 Americans have died.

I wish to invite attention of this House, Mr. Speaker, to a report on what our men in Vietnam are saying about the moratorium. It is their lives which are on the line. A Scripps-Howard dispatch from Saigon published October 14, 1969, in the Washington Daily News, quoted an American soldier. He said:

> I'm tired of hearing what politicians who sound like Hanoi demand, what well-meaning but awfully uninformed students demand, what ivory-tower doves who wouldn't dirty their hands over here demand. I am weary of hearing how much Sen. Fulbright wants out. We all want out.

He added:

> We all protest the war. We all want peace. But not by saying: "Here, Hanoi, take 17 million people. We'll pretend we were never involved. We quit."

Correspondent Don Tate reported that many soldiers in Vietnam "have become antiwar in the truest sense, but they have also become resolutely anti-bugout."

I include the Saigon dispatch in the RECORD so that my colleagues may be informed of dissent from another quarter:

"OTHER WAR" IN UNITED STATES RILES GI'S

(By Don Tate)

SAIGON.—As tomorrow's war "moratorium" will demonstrate, there are two Vietnam wars—the one Americans fight in Vietnam, and the one Americans fight in the U.S. Observers here say the decisive battleground is in the U.S.

They point out that short of a highly successful Communist offensive, which is extremely unlikely, or a dramatic allied strategy change, such as renewed bombing of North Vietnam, the killing war in South Vietnam is apt to rock along in its fight-lull fight rhythm much as it has been, at least until many more U.S. troops are withdrawn.

Meanwhile, the war to win American public opinion and, particularly, the mind of Richard M. Nixon, is waxing hotter. What happens in the U.S. will determine what happens here. As the President warns Americans not to buckle and run, protesters prepare to hit the streets, many of them demanding immediate, unilateral withdrawal of all American troops. That translates here as "bugout."

GI DISDAIN "BUGOUT"

It was difficult to find an American soldier here who wants to leave Vietnam that way, or as one GI put it, "with our tails dragging." It is difficult to find one—even among those most disgusted with the war—who wishes simply to abandon the South Vietnamese to a Communist bloodbath.

It is difficult to find one who thinks the value of the American word would be worth a dime anywhere in the world if they did, or that a humiliating U.S. defeat by a blustering Communist midget would do anybody but the Communists any good.

These consequences are apparent to most Americans here, and they are not acceptable. It is largely a matter of national backbone. Most express hope that President Nixon sticks to seeking a reasonable solution to the war.

There are, of course, many critics of war critics here. They charge that a number of war critics in the U.S. are using the same tactics Hanoi has shown—the more you give them the more they demand, and they both demand total, immediate and unconditional everything.

In the two wars—one group of Americans is convinced of the rightness and necessity of bringing this bitter war to a conclusion by presenting a united front to Hanoi, the other protesting group is more or less convinced the only way out of Vietnam is to get out fast regardless of consequences.

MYSTERY IN VIETNAM

There is often the feeling here that the war is only a secondary feature to the show of exposed nerves going on in the U.S. What the war has done to the U.S. is the biggest mystery of all here.

"It seems like any American who ever wanted to protest anything has found his cause in the Vietnam war", one veteran analyst contends, "and yet 95 per cent of them have suffered little direct personal hardship because of the war.

"You hear so much of the war-weary American, and how exhausted he is by the war. Yet this exhaustion of the mightiest power on earth is a relative thing. It hasn't been bombed, or invaded, or lived under the Communists a single day. It's manpower loss has been a drop in the bucket compared to that of either North or South Vietnam, and its suffering has been a thousand times less. Many Americans would hardly know the war was going on if it wasn't for newspapers and TV. Suppose Americans had to face what the South Vietnamese people have yet to face? American's exhaustion is a self-induced state of mind, composed mostly of confusion."

One rankled American, with invested years and effort in Vietnam, condemned some of the rantingest protesters as the "most confused of all."

WEARY OF "POPPING OFF"

"Soldiers do the dying," he said, "and these others do the popping off. I'm tired of hearing these so-sure people who haven't shed a nosebleed in this war scream pig this and obscene that and run around protesting for the hell of it.

"I'm tired of hearing what politicians who sound like Hanoi radio demand, what well-meaning but awfully uninformed students demand, what ivory-tower doves who wouldn't dirty their hands over here demand. I'm weary of hearing how much Sen. (J. William) Fulbright, D., Ark. wants out. We all want out. We all protest the war. We all want peace. But not by saying: 'Here Hanoi, take 17 million people. We'll pretend we were never involved. We quit.' "

Many here feel that some of the protesters would do well to focus their moral wrath less on President Nixon and more on the Communists.

It is the Communists, they stress, who are killing Americans. It is the Communists who butchered, as a matter of policy, the civilians of Hue and so many other places, and it is the Communists who will murder methodically thousands more Vietnamese if the U.S. totally, immediately and unconditionally abandons them, as many protesters advocate.

To Americans who have put in their time

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here, it is not good enough to dismiss blandly such realities with an: "Oh, well, it is up to the Vietnamese to work out their own problems."

Many here, eyewitnesses to the war, have become anti-war in the truest sense, but they have also become resolutely anti-bugout.

THE UNITED METHODIST CHURCH TAKES NOTE OF THE WORLD POPULATION CRISIS

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, October 15, 1969

Mr. YARBOROUGH. Mr. President, we all know that the population of the world is projected to increase from 3 to 7 billion by the year 2,000 We are now confronted with a population crisis.

This crisis is interwoven in and a substantial cause of the pollution crisis and food crisis which are now beginning to become ominously apparent to all nations.

Recently I introduced Senate Joint Resolution 156, to establish an Interagency Commission on the Human Environment. This commission has the specific duty of planning for the U.S. participation in the 1972 U.N. Conference on World Pollution.

Man is becoming increasingly aware of the fact that unless he is able to bring the population explosion under control, pollution and food shortages are going to become critical.

Therefore, I was pleased to see the emphasis being placed upon the population issue by the Board of Christian Social Concerns of the United Methodist Church. It has designated "This Crowded World" as the theme for World Order Sunday, which is October 19, 1969. I have a letter from Herman Will, Jr., associate general secretary, Board of Christian Social Concerns, dated August 1969, relating why the United Methodist Church set the population issue as the theme of their World Order Sunday. I also have a leaflet which was enclosed with the letter. It discusses in detail "this crowded world" and the tremendous problems which have been generated by the population explosion. The letter and leaflet are worthy of the attention of my colleagues and I ask unanimous consent that both be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AUGUST 1969.

DEAR PASTOR: "This Crowded World" is the theme for World Order Sunday, October 19, 1969. The pressures of rapidly increasing population have made many of the problems of the world—hunger, poverty, ignorance, pollution, crime—more desperate. Christians should take the lead in shaping policies for dealing with the crisis created by the surging numbers of humanity.

World Order Sunday comes near United Nations Day (October 24). Our theme is appropriate to the observance of both, for this subject is one of prime concern to the U.N. U Thant has stated that "the most urgent conflict confronting the world today is not between nations or ideologies, but between the pace of growth of the human race and the insufficient increase in resources needed to support mankind in peace, prosperity and dignity."

We have prepared special materials to carry the message of "This Crowded World" and are enclosing samples for your use and *for sharing with your Christian Social Concerns Work Area Chairman*. We have also developed an action/discussion packet containing additional resources and suggestions for ways to follow up on the interest the World Order Sunday literature has stimulated.

We are besieged these days by problems labeled "urgent," but the crisis of explosive population growth with its attendant ills is truly one we cannot evade or postpone. Let us use this special day to affirm that we are ready, with God's guidance, to make the necessary decisions as a matter of Christian responsibility.

Sincerely yours,

HERMAN WILL, Jr.,
Associate General Secretary, Board of Christian Social Concerns, The United Methodist Church.

THIS CROWDED WORLD

People, people all over the place. Bumper to bumper in the streets. Elbow to elbow in the parks and on the beaches. Where did they all come from?

At the beginning of history, it is estimated, man's numbers were growing at the rate of 2 percent every thousand years. Now the world's population is growing at a rate of 2 percent every single year! This fantastic change was not caused by each mother having more children but by the fact that more and more of those born survived to grow up and have children of their own—a process which continues to accelerate.

Famine and plague used to occur often enough to be accepted as a natural part of life and were highly efficient population controls. For instance, perhaps one-fourth of the European population died of the Black Plague in the fourteenth century. Now modern miracles of medicine and technology have eliminated many such natural controls, and population is soaring.

The 2 percent annual growth rate produces a doubling of the population every 35 years. Many of the less developed nations actually have higher growth rates of 3 and 3½ percent which means a doubling in 20 to 24 years. For example Mexico, with a current population of around 50 million growing by 3½ percent a year, would have 100 million people in 20 years, 200 million in 40 years, and in 124 years would have a population exceeding the present number of people in the entire world!

MORE PEOPLE, LESS PROGRESS

The effect of such pressures in many less developed nations is that, in spite of all efforts to expand their economies and raise the living standards of their peoples, the rise in gross national product is to a large extent eaten up simply by the basic needs of growing numbers.

Such countries can build thousands of schools only to see even more children than before still waiting outside. They build houses by the scores of thousands, only to see the millions living in poverty-ridden slums grow in number every year. New industries are established, but still more people stand unemployed, hungry, hopeless every day.

New seeds and techniques in food production give us only a temporary victory in the struggle to feed all humanity. Better food, more food, means more babies will survive and grow up—to have in turn more babies demanding still more food.

Some think the struggle is already lost. Dr. Paul Ehrlich, Stanford biologist, writes that, sometime before 1985, ". . . the world will undergo vast famines. Hundreds of millions of people are going to starve to death. That is, they will starve unless plague, thermonuclear war or some other agent kills them first."

THREAT TO ENVIRONMENT

Furthermore, the all-out concentration on raising more food can wreak additional damage on the environment by upsetting the balance of nature. We increase the threat to survival by heavy use of pesticides and other chemicals which pollute our streams, linger in living tissues, and cause the extinction of wild-life species. The pollutants we pour into the air not only harm man's health directly, but also may change atmospheric conditions dangerously. Increased population pressures can only worsen environmental problems.

Our own population, though growing more slowly than the less developed nations, will double in 70 years. Think of our deteriorating transportation situation, our inability to solve problems of waste disposal, our noisy, dirty, crime-ridden cities. Are we confident we can make urban living bearable for twice the present numbers or for four times more?

Looking beyond our borders, how will we deal with political and military problems as desperate, starving masses press around us? What will be the moral effect of living in relative comfort while countless millions of our brothers are dehumanized by suffering, with their anguish spread on television screens?

TOWARD CEILING ZERO

Population growth results from excess of births over deaths. The choice before us is absolutely clear. Either we find and use the means to halt population growth or the relentless forces of famine, war, and pestilence will do the controlling by raising the death rate.

In the face of this crisis, only a handful of governments as yet have programs definitely designed to affect the rate of population growth. This whole effort is so new to man that we do not yet know what will succeed.

As a case in point, at the start of India's family-planning program, the Indian population growth rate was around 1.3 percent a year, with a population of some 370 million. But, after 16 years, the growth rate had reached 2.6 percent a year, and population had grown to over 500 million despite the program.

Family-planning services should be made universally available as quickly as possble. We already have enough experience in this area, however, to see that far more than family planning is needed. It is imperative that a major effort be made to find out precisely what is required. Then society must have the courage to adopt the necessary measures to move as rapidly as possible toward a zero growth rate in population.

QUANTITY VERSUS QUALITY OF LIFE

At the thought of this, something in the Christian conscience immediately rebels at involving in political decision-making the connection between the most intimate love relationship and the birth of a new life. And yet the birth of new life is not merely a private concern. Every birth affects the whole community.

Clearly we do not have a responsibility to bring into existence as many new lives as possible. For every baby born, countless billions of genetic possibilities never come into being. The quality of human life should be an important moral regulator of the quantity of human lives. Can we assume that individual families will understand and face up to the grave dangers in the present runaway growth of man's numbers? Can we depend on private decision and voluntary control to limit childbearing in each family to two?

Under present circumstances, the answer would appear to be "no". Studies have shown that women around the world want an average of three to five children. So, if all couples had only the children they wanted and modern life-saving medicine were available to all, population pressures against our limited resources would continue to grow.

To save ourselves from the flood, therefore, we must accept the principle that quality is more important than quantity of life. We must be prepared to act within society to ensure a population level which makes possible a healthy environment and enough food and space for all.

OUR CHRISTIAN RESPONSIBILITY

Christians, as disciples of the Lord of Life, should take a serious, prayerful, and vigorous lead in thinking through the tough questions involved in restraining the quantity of life so as to increase the quality of life—indeed in many cases to preserve life at all.

What sort of economic inducements, political incentives, and educational programs can we adopt to encourage the two-child family? Can that goal be reached without allowing people the full rights of sterilization and abortion? Can society bring about cultural changes which would lower the birth rate, such as marriage at an older age or increased status for unmarried women? Are we willing now to see more research funds for studies of population regulation including contraceptive methods than for medical studies to lower the death rates?

What sort of influence do we think it right to bring to bear on other nations to encourage them to lower their population growth rates? How can we decide what is the optimum population for our nation, for the world?

These are incredibly complex questions, but we do not have much time to debate them. The unparalleled prosperity of our own nation gives us special responsibility before God. Let us act now, that children may not be a curse, born to suffering and despair, but rather still be the blessed fruit of love and the hope of mankind.

ON ESTABLISHMENT OF THE U.S. PEACE ACADEMY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. VANIK. Mr. Speaker, it is with a great deal of pride that I call the attention of the House to a speech made recently by Thomas C. Westropp of my congressional district. Mr. Westropp has valiantly fought for betterment of our community by actively supporting vitally needed housing projects. In conjunction with the diocese of Greater Cleveland and under the patronage of the bishop of the Catholic diocese, his Excellency Clarence Issenmann, Mr. Westropp has pioneered support for community based, soundly financed low- and moderate-cost housing.

Mr. Westropp also addressed himself to the vital concern he has always had for the establishment of a meaningful peace in the world as well as our own Nation and its cities. I was so impressed with the section of Mr. Westropp's speech dealing with the need for the establishment of an academy for peace which would train people in the complicated nature of establishing and keeping the peace that I have introduced a bill in the House of Representatives to establish such an academy.

As Mr. Westropp so rightly points out, we are fully prepared to wage war, but almost totally incapable of establishing and maintaining a lasting peace. Further, it has become clear that there are few avenues available to our Nation to train personnel in the methods which must be developed to carry forward an active program for peace. An academy such as I have today proposed would seek out the best talents in our land, and provide these young people with educational opportunity in this very special and sensitive field. This would significantly complement our existing highly intense training program for diplomats and allow many, who take that first step further, training for this specialized work.

I wish to include a complete text of Mr. Westropp's remarks which I commend to the attention of every Member of this House. The speech and the proposal are as follows:

THE TRUTH ABOUT INFLATION

(By Thomas C. Westropp)

It's a real pleasure for me to meet with members of the American Business Women's Association, and I thank the Port of Cleveland Chapter for inviting me to speak here tonight. It gives me the opportunity to make some comment on women in business. . . .

I think it's fair to guess that nowhere in this city—or perhaps in any city—is there a businessman who has greater esteem for business women than I do.

May I boast that I feel somewhat more qualified than most in this respect. I've acquired this insight from experience in a rather unique business organization—a financial institution which owes much of its success to the talents of business women at every level, including key executive jobs.

However, I note that some of you have invited male bosses as your guests tonight. I must concede that their presence here indicates they, too, recognize feminine contributions to the vitality of American Business. Apparently they share my great regard for the American Business Woman.

So here we are—business men and business women. And what do business people talk about when they get together? Business, of course.

And what topic is uppermost in business talk these days? A one-word subject. Inflation. Inflation—and can it be stopped now!

"Inflation" has been a bad word for years. Suddenly it has become a panic word.

We've been worrying about "creeping inflation" since the end of World War II. Then why the great alarm now? . . .

Simply because inflation has stopped creeping—and started leaping! It is leaping high enough, and fast enough, so that our ability to out-run it is in serious doubt.

. . . If this leaping monster, inflation, would confine itself to chasing rich businessmen around the block, I suppose the Great American Public might just sit back and enjoy the spectacle.

Unfortunately—or perhaps fortunately, depending on your point of view—the monster wants to swallow everybody.

It's true that inflation is vegetarian; it's no people-eater. But it does consume green stuff—paper money—with endless appetite. And since money is the life blood of our economy, the assault on the dollar can become a matter of national life or death.

Since the end of World War II, half the value of the dollar has been eaten away by inflation.

Just last month Treasury Secretary David M. Kennedy predicted that unless inflation is checked, by 1980 what's left of our dollar will again be diminished by one-half!

And a twenty-five cent dollar is nothing to contemplate with joy . . .

There can be little doubt that should inflation continue at its recent 6 or 7% rate of growth, the bubble must burst.

The economists say the ultimate result of continued inflation would be "a serious recession" sometime during the 1970's. Economists like to use cautious language. They hesitate to say "depression." But sometimes we have to call things by the name they deserve, in order to grasp their implications.

If another Great Depression should occur, what would happen in our troubled cities? . . . What chaos would there be throughout the world?

It's not a pleasing prospect, or one that any of us would care to witness, let alone endure.

Yet, what can you or I possibly do to combat inflation, and prevent the depression which ultimately would follow?

The first thing all Americans must do is recognize that a very grave danger confronts us.

Next, we must identify the true causes of this "intolerable inflation," as Secretary Kennedy calls it.

Then when we know what these causes really are, we can let our lawmakers and officials know what we want done . . . And I'm convinced it will be essential for the people to make their will known.

And so tonight I would like to suggest to you what, in my judgment, is the source of "intolerable inflation." I'd like to examine with you how the problem is being handled now, and what other steps ought to be taken . . .

What's causing inflation? Too much employment? High wages? Taxes too low—or high? Welfare spending? Or, perhaps, war in Vietnam?

People disagree on who or what's to blame, but we can agree on what has happened since the end of World War II.

We know that income has been going up, and prices even higher. While this has been rough on many Americans—retired folks, the unemployed, the underemployed—most of us have been earning enough to pay higher prices. More wives have been working to supplement family income—one out of three, in fact. And more people hold two jobs, to beat the money squeeze.

So inflation hasn't been "intolerable"—until 1965, and escalation in Vietnam.

Then something wild happened. Inflation leaped, prices soared, wage demands increased, to compensate for the preposterous prices. And a message got across: there was no place to go but "up." An inflationary psychology grasped business and consumers alike: "Buy now. Build now. Invest now. Next year it'll cost even more." The stock market started flying. Normally sensible savers looked for go-go equities and a pot of gold—not some year, but next week.

Just a coincidence that Vietnam escalation and inflation escalation occurred simultaneously? Maybe so.

One thing is clear: the government added fuel to the fires of inflation by avoiding pay-as-you-go financing for the Vietnam War.

Instead of raising taxes, the government relied on the Federal Reserve System to create bank reserves and the money to finance the war. After all, this was the most unpopular war in our national history. If the people might be willing to pay the cost in blood, it would be asking too much to add—just then—the cost in dollars.

It wasn't until three years after escalation in Vietnam that Congress raised taxes—partly to help pay the staggering cost of the fighting—and partly to "cool" the economy.

The philosophy seemed to be this: by putting a heavier burden of taxation on John and Jane Doe, the lower-income and middle-income mass of American consumers—purchasing power would be cut and inflation would be controlled.

It didn't work.

The fact that it didn't work proves one of two things:

Either the average American still has too much money to spend,

Or, consumer buying isn't the critical factor in inflation, after all. And if not, what is? . . .

The government, and most economists, for that matter, accept the theory that there has been too much money, too much spending by consumers.

In December of last year, the Federal Reserve Board took action and effected a "tight money" policy. Conservative economists are pleased with the course of action. They say "the Fed has drawn blood at last."

Maybe they're right, and bleeding is the very remedy we need. However, we might recall that in previous centuries, physicians would resort to drawing blood from the afflicted. We don't know how many patients recovered as a result of this practice, but we know there were some with relatively minor ailments who succumbed to the treatment.

In the present instance, some troublesome questions arise. One, will it reduce inflation to a tolerable level? Two, will it work too well, turn into a recession instead?

In answer to Question Number One: will it work?

By reducing the supply of money and encouraging high interest rates, the Federal Reserve Board seems to have achieved a certain restraining effect.

The stock market has lost some of its excessive exuberance.

Some big industries have canceled plans for capital expansion. Unfortunately, they've also announced higher prices for their 1970 lines of merchandise.

The building industry certainly has slowed to a near-halt in housing starts.

Whether this restraint has reduced inflation is another matter.

Interest rates are part of the cost of production, and become part of the price of goods and services. And scarcer money supply for business and industry make goods less available, therefore increasing prices.

But, according to economic theory, these higher prices should be temporary, and as demand for the goods declines, rate of growth of prices will be reduced.

Certainly we hope that the Fed policy will be successful.

It's disturbing, however, to note some puzzling contradictions in the evidence being presented.

A month ago the chairman of the Federal Reserve Board reported there is less inflation momentum than there was three months ago. And again, he said "the nation might be at the tail end" of the inflationary period. The White House reported a drop for business and industry make goods less available, therefore increasing prices.

But now it turns out the reported drop in wholesale prices didn't occur after all—it was a mistake in calculating, and the prices were just as high as in July. On this there was no comment from the White House, so we don't know how it rates in the economic news of the year. . .

Another confusing contradiction. The Federal Reserve, through its tight money policy, has discouraged plant expansion by industry. But now the President is asking Congress not to raise corporation taxes—because such taxes would discourage plant expansion, thus jeopardizing growth of the economy.

Well, what's going on here? Should the Federal Reserve, which is responsible for monetary policy, seek to *slow* expansion—while the government fiscal policy seeks to *speed* expansion?

It would do no harm, I suspect, if the left hand of government knew what the right hand is doing. . . .

In any event, after nearly ten months of an arduous tight money policy by the Federal Reserve System, it is still too soon to say whether the anti-inflation measure is achieving its purpose.

The other big question, as I've mentioned, is whether this tight money policy—high interest rates, scarcity of borrowing funds—will bring on a recession.

It happened after Korea, when the Fed maintained a policy of monetary ease for a puzzling length of time—then decided on tight money.

At that time a friendly critic—an eminent Republican and publisher of Business Week—agreed that it was wise to apply brakes to the economy, then complained that "It's nice to know the brakes work, but we don't want to go through the windshield."

It happened again in 1955. The result of that tight money policy was the disastrous decline in housing in '56 and '57, which soon was felt throughout the economy.

Some observers are convinced that the Fed does have a tendency to jam down the brakes at the last minute, with predictable results. Professor Milton Friedman, most respected of the conservative economists and a believer in restraints, has asked why the Fed is so slow in applying controls, then holds them so long and so hard.

So it's fair to ask, Is the same mistake being made again? We can easily see the comparison to the late fifties. Once again, the home-building industry is being starved for credit, and it's predicted that we'll produce fewer housing units in 1969 than in any year since the end of World War II.

This seems to me shocking and dangerous.

Housing is the most critical need of our cities. We've declared a national goal of 26 million new homes in the next 10 years. Not only because of slum decay, but also because of our population growth—we need to produce in the next 40 years as much housing as we've built in the nation's history!

Yet, thanks to tight money, housing starts are down 30% since January. This shows a certain unawareness of critical national priorities, somewhere in government.

I think we can see some major doubts surround the use of "tight money" as a cure for inflation.

Perhaps it would be wise to consider other directions. Instead of either business or consumer spending, we might look at other causes of inflation—and their possible cure.

For years, business has been complaining about the wage-price spiral. Management blamed labor for demanding too many raises. And labor blamed business for raising prices beyond the increase in cost.

The funny thing is that neither side had any desire to discuss the wisdom of wage and price controls. It's really rather odd—since each claimed the only reason for asking an increase was because of what the other was doing.

Now, suddenly, we begin to hear top labor leaders say this may be the answer. Here and there, business indicates a willingness to listen. The business journals—Dun's Review, as an eminent example—actually intimate some limited controls wouldn't be too mad an idea after all.

Economists have had a failure of nerve in avoiding the subject in the past. They've more or less muttered, "Nobody would want them" and perhaps this has been a mistaken assumption.

The notable exception has been Professor John Kenneth Galbraith, whose book "The Affluent Society" actually made economics popular for a time. Two years ago Galbraith said controls would be inevitable in a couple of years—which brings us to the present.

If we're about ready to concede that inflation is a contagious wage-and-price disease, maybe we're ready to try the medicine.

I don't think it"s necessary to over-dose ourselves with the medicine, any more than it's wise to step too hard on the money brakes. The talk has been of "limited controls" and a flexible formula.

In my judgment, it should be tried at first as voluntary controls.

This would have to involve the efforts of labor, industry, the financial community—and government itself, which has exhibited an unfortunate tendency to give itself fat raises in certain categories.

I believe a voluntary system could work, if there is a widespread agreement throughout the major segments of the national structure.

We can recall the crisis during the Kennedy Administration, when the President persuaded labor to hold back its demands, and management raised the price of steel! Today, however, we can hope that the full import of runaway inflation is understood and all parties sense the need to hold the line.

If voluntary cooperation fails, controls could be imposed. But by far, a voluntary system would be the better way.

Yet, with all this, we've still to face the most difficult fact of our economic life.

We avoid confronting the fact, because we're afraid. We are willing—unhappy but willing—to pour out $80 billion—80 billion dollars in one year!—because we are afraid of enemies who are, in turn, afraid of us.

Of the $184 billion budget, $80 is military spending, and we're promised that the end of our fighting in Vietnam will not decrease this budget.

Eighty billion is a powerful piece of inflationary spending. It is wasteful in many ways: wasteful because procurement procedures allow padding of costs, kiting of prices. Wasteful because the military buys more death-dealing capacity than world population can use: we've the ability to kill all the Earth's inhabitants many times over—which seems unnecessary, since most of us are capable of dying only once.

It is wasteful and inflationary because the worker who produces military hardware cannot consume what he produces. America is prosperous because the man who helps build a Ford can also own one; in Europe, the automobile factory worker arrives at the plant on a bike.

But a worker at General Dynamics, or Ling-Temco-Vought produces a product he prays will never have to be used. And he pays for its production through his taxes, and the high cost of living.

When it comes down to basics, war—and fear of war—is the primary cause of inflation. And if we want to cure inflation, we have to address ourselves to the primary cause.

If we look at the history of our middle-20th-century, we can see it all very clearly.

Before World War II, if you earned $5,000-a-year, you were as well off as an American who earns nearly $15,000-a-year in 1969.

During the war, government controls kept some hold over prices. In the post-war years, creeping inflation began. During the Korean War, it accelerated. It ran amok again with the escalation in Vietnam.

After each war, we've increased our standing armies. We have actually reduced the percentage of consumer spending. And as we know, there has been an increasing cost of goods.

Most of our national debt is related to war. We haven't yet finished paying for the Spanish-American War.

It seems only natural to inquire, "Can we afford it? Do we have the substance to rebuild our cities, to clean our polluted environment, to pay the armaments bill—and venture beyond the moon?"

Almost automatically, we say "yes, we're big enough and strong enough to do anything." We Americans have always had a magnificent faith in our capacities. There is a boundary line, however, where faith becomes self-deception . . .

The truth is that we are not big or strong enough to do everything; if we are, why do we neglect critical needs at home, in order to pay for arms and space?

It comes down to the bitter fact that we don't know how to maintain peace. Our principal policy is to arm ourselves to the eyeballs—and on occasion, engage in horrendous warfare in the name of peace. But the time has arrived when ignorance is no excuse. If human intelligence is capable of sending representatives to the moon, capable of investigating Mars, capable of creating water that won't freeze and countless other miracles of modern endeavor—we can't plead "not guilty by reason of stupidity."

It is appropriate to ask ourselves, "How were we able to perform all the other miracles of modern times?" They didn't happen through inspiration, they came about as a result of concerted study by trained men and women, students of the scientific disciplines.

Our military recognizes the need for this kind of education in its own particular "science"—and the War College, the various service academies and a number of university affiliations serve such a purpose.

Who studies Peace?

Why do we have no Peace Academy, where the rising generation can prepare to serve humanity's most urgent need? Is there nothing that can be learned about Peace, after thousands of years of human history?

Of course there is much that can be taught, much that can be learned—and God willing, much that can be discovered by dedicated intelligence.

To name a few practical and meaningful areas of study:

A farm program is needed to promote world peace. Hunger is a growing specter in the world. In 1958 our farmers produced huge surpluses to feed the world's hungry; this is no longer true. We need to know how we—and other nations—can multiply the world's food supply in the not so distant future.

Advanced technology is needed to promote world peace. Not only do we need this to assure life-giving food and water—at home, as well as abroad—we must also know how it can be used to help under-developed nations solve their own problems.

We need to know more about the psychology of other peoples, in countries where the rising nationalism and rising expectations conflict with our own goals.

We need to study disarmament. We must learn how to lead our military-aerospace industry into conversion for peaceful production.

There are some of the practical studies for a national Peace Academy. These are some of the basic factors in war or peace.

Such a Peace Academy would train young men and women, who would be selected by just as rigorous standards as those used by the military service academies, to work not only in government and other public authorities, but also in business and industry. The faculty of this academy would draw scholars from the universities and men and women who have first-hand experience from working on the new frontiers of science, technology and business.

There are those who feel, with considerable cause, that this government needs a new cabinet post with peace-keeping as its single purpose. They feel the State Department does not have this function, but rather must devote itself to a struggle for American power, peaceful or otherwise.

Senator Vance Hartke recently stated his intention to continue his drive on behalf of a new Peace Department in the federal government. If he succeeds in this, one wonders who will be ready to serve in such a department.

This is another indication that we must have a national Peace Academy.

Nobody could imagine that this would have immediate results. It certainly wouldn't end the need for military spending next year—it could hardly end inflation in a hurry.

But we know that somehow, next year has a way of becoming tomorrow—and if we don't start long-range plans right now, the distant day arrives and nothing has been done.

If there were no other purpose than to save our economy in future decades, I would say that a national Peace Academy is the best investment we could make. . . .

It seems to me especially appropriate to make these remarks to this particular audience. This is a gathering which includes many women who have a joint responsibility—as homemakers and business women.

In a way, the economy is more the concern of such an audience than any other. We say the business world is still a man's world. Yet, women own more of the wealth in this country. And in day-to-day life, women have to spend most of the money.

It's the woman who pays for groceries, family clothing and other needs. You must stretch the dollars and bring home whatever it can buy.

That's why I believe you have a special interest, since you live in both worlds—the business world, with its costs and profits; and the consumer's world of meeting the cost-of-living.

But even more important, I believe that you, as women, have the most passionate interest in the survival of future generations.

This is why I hope you will make establishment of a Peace Academy a determined purpose in your lives. It will be a single step, of course—one small step which may start us, finally, on the path of peace.

It's a path we must find, because all other roads lead endlessly nowhere. . . .

Following is a copy of the bill I will introduce to establish a national peace academy:

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A U.S. PEACE ACADEMY

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Peace Academy Act."

SEC. 2. The Secretary of State is authorized and directed to establish and maintain, in or near the District of Columbia, a United States Peace Academy (hereinafter referred to as the "Academy") for the instruction and training of students in preparation for service as personnel in the agencies of the United States which deal in the areas of Peace and International Relations.

SEC. 3. (a) The supervision and charge of the Academy shall be in the Department of State, under such officer or officers as the Secretary of State may appoint for or assign to that duty.

(b) The course of instruction and training for students at the Academy shall be prescribed by the Secretary of State, and shall be the equivalent of the curriculum prescribed by accredited colleges and universities and graduate schools as a prerequisite to the granting of the degree of bachelor of arts and master of arts in Peace. In prescribing such course of instruction and training, the Secretary of State shall provide that special emphasis be placed on the study of and field work in history, political science, international organizations, psychology, sociology, economics, and the application of technology and science to the solution of world tensions. Upon satisfactory completion of the prescribed course of instruction and training, students shall be granted the degree of bachelor of arts. Upon satisfactory completion of the prescribed course of advanced studies, students shall be granted the degree of master of arts in Peace.

SEC. 4. (a) Students shall consist of such individuals as may be selected and admitted to the Academy upon competitive entrance examinations as prescribed by the Secretary of State.

(b) Students while in attendance at the Academy shall be entitled to quarters and subsistence.

(c) Citizens of foreign nations shall be encouraged to attend the Academy for study, at an appropriate fee determined by the Secretary of State.

(d) The Secretary shall enter into agreements with foreign nations to provide for exchange teacher, student and employment programs involving the Peace Academy and the agencies of the United States which deal in the areas of Peace and International Relations.

SEC. 5. There shall be appointed each year a Board of Visitors to the Academy, which shall consist of five members from the Committee on Foreign Relations of the Senate and five members from the Committee on Foreign Affairs of the House of Representatives, to be appointed by the respective chairmen of such committees. The Board of Visitors shall exercise the same functions and be entitled to the same expense allowance as is provided in the case of the Board of Visitors to the United States service academies.

SEC. 6. Upon the graduation of the first class from the Academy and thereafter, in making original appointments of permanent officers in the Foreign Service and other agencies of the Federal government involved in international relations and the conduct of Peace, preference shall be given to graduates of the Academy.

THE ARMS TRADE—PART VII

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. COUGHLIN. Mr. Speaker, I think my colleagues will be interested in several sets of unclassified arms sales figures that I just received from the Department of Defense. It is important, I believe, to view these figures in print since they show in clear detail the size and range of our current arms sales program.

The first chart shows to whom we have sold arms from fiscal years 1962 through 1968 and part of 1969. These figures do not include our grant aid—or giveaway—arms program which, if included, would add approximately $400–$500 million to the fiscal year 1969 total.

To put the chart's figures in perspective, it must be recalled that since 1945, the United States has either sold or given away to more than 80 countries over $50 billion in arms aid, of which the $11.5 billion total below is only a part. The rest of the world, including the Communists, has pumped another $16 to $18 billion worth of arms into the international markets.

What bothers me about our arms sales program is the emphasis we have placed on its economic benefits. We no longer provide a nation with arms primarily because it is in either party's long-range national interest to do so.

We now sell arms as a short-range expedient to solve our balance-of-payments problem, to keep the munitions industry booming, and to appease temporarily the demands of other nations. Yet, as I have pointed out many times in the past, this arms sales program has also brought down friendly governments, bankrupted treasuries, and encouraged the outbreak of wars.

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MILITARY EXPORT SALES, FISCAL YEARS, 1962-69

[In millions of dollars]

Country and region	Fiscal years 1962-68	Fiscal year 1969
Europe and Canada:		
Austria	58.2	1.5
Belgium	172.7	10.8
Denmark	91.4	11.4
France	403.6	25.2
West Germany	3,601.8	525.3
Italy	525.0	73.8
Luxembourg	1.6	.1
NATO/NAMSO	156.5	32.5
Netherlands	235.1	8.4
Norway	170.5	27.8
Portugal	6.4	1.0
Spain	199.0	29.7
Sweden	141.7	3.1
Switzerland	195.6	27.0
United Kingdom	1,743.8	27.7
Yugoslavia	4.4	.6
Canada	385.0	36.0
Subtotal	8,092.3	841.
Latin America:		
Argentina	55.0	19.0
Bahamas	2.4	
Bolivia	.5	.1
Brazil	91.7	9.9
Chile	19.7	12.6
Columbia	6.1	1.9
Dominican Republic	.9	
Ecuador	2.6	.3
El Salvador	1.3	1.1
Guatemala	2.7	.8
Honduras	.1	
Mexico	5.9	2.4
Nicaragua	.6	.2
Panama	.2	
Peru	19.2	1.1
Uruguay	.3	.4
Venezuela	59.8	1.6
Subtotal	269.0	51.4

MILITARY EXPORT SALES, FISCAL YEARS, 1962-69—Con.

[In millions of dollars]

Country and region	Fiscal years 1962-68	Fiscal year 1969
Near East and south Asia:		
Greece	24.1	33.5
India	98.7	1.7
Iran	515.4	183.7
Iraq	19.8	.2
Turkey	10.6	.6
Subtotal	668.6	219.7
Africa:		
Congo	1.7	.1
Liberia	.1	
Libya	48.9	2.7
Morocco	23.5	10.3
Nigeria	.4	.3
South Africa, Republic of	35.5	3.1
Sudan	2.0	
Tunisia	.2	.2
United Arab Republic	1.4	.3
Subtotal	113.7	17.0
East Asia and Pacific:		
Australia	797.7	34.2
China, Republic of	91.5	37.5
Indonesia	18.4	
Japan	365.9	81.4
Malaysia	18.4	.8
New Zealand	91.2	2.8
Philippines	1.5	.8
Singapore	14.9	6.9
Thailand	6.9	8.6
Vietnam	5.8	.4
Subtotal	1,413.2	173.4
Other	1.7	9.7
Classified countries	974.2	432.4
Total, worldwide	11,532.7	1,745.5

Several points are apparent from this chart. First, it is with some surprise that I see we are still selling arms to South Africa—in direct contravention of our own arms embargo imposed in 1963. A State Department spokesman told me that this ban is still rigidly enforced. Apparently the Defense Department has not been told.

Second, it is also of interest to note that our Government still sells arms to the United Arab Republic. I can only surmise that this equipment is being used against the Israelis, who we also equip with arms.

Third, our arms aid to the Greek dictatorship in fiscal year 1969 is almost 40 percent more than we sold in the previous 6 years. This equipment will no doubt be used to stamp out whatever voices of freedom remain at large.

Finally, it is fascinating to note the countries—namely Greece, Iran, Republic of China, Thailand, El Salvador, Chile and Morocco—where our level of aid in fiscal year 1969 has skyrocketed compared to the average of the previous 6-year period. Are we doing the same thing in Morocco, for example, that we did in Libya—deluging them with arms that will eventually be used against our own interests?

The second chart breaks down our arms sales in the last 7 years by type of order and region:

FOREIGN MILITARY SALES ORDERS—WORLDWIDE SUMMARY BY TYPE OF ORDER AND REGION

[In millions of dollars]

Type of order by regions	Actual orders, fiscal years 1962-68	Projected orders	
		Fiscal year 1969	Fiscal year 1970
Commercial:			
Europe and Canada	2,399.4	238.6	333.4
Near East and south Asia	383.7	54.0	131.8
East Asia and Pacific	283.5	40.1	70.3
Africa	41.3	5.0	
Latin America	53.6	18.5	26.0
Subtotal	3,161.5	356.2	561.5
Foreign military sales cash:			
Europe and Canada	4,588.2	793.7	440.8
Near East and south Asia	439.2	326.0	123.0
East Asia and Pacific	411.8	43.7	44.4
Africa	50.6	14.0	5.7
Latin America	49.1	14.5	18.0
Subtotal	5,538.9	1,191.9	631.9
Eximbank/private credit:			
Europe and Canada	1,026.2	54.6	60.4
Near East and south Asia			
East Asia and Pacific	509.0	96.0	60.0
Africa			
Latin America			
Subtotal	1,535.2	150.6	120.4
Foreign military sales credit:			
Europe and Canada	80.4		
Near East and South Asia	816.7	223.3	226.0
East Asia and Pacific	211.9	26.0	41.0
Africa	21.8	4.5	16.0
Latin America	166.3	22.4	50.0
Contingency			17.0
Subtotal	1,297.1	281.2	350.0
Totals:			
Europe and Canada	8,094.2	1,086.9	834.6
Near East and south Asia	1,639.6	603.3	480.8
East Asia and Pacific	1,416.2	205.8	215.7
Africa	113.7	28.5	21.7
Latin America	269.0	55.4	94.0
Contingency			17.0
Grand total	11,532.7	1,979.9	1,653.8
Developed countries	10,447.3	1,417.8	1,193.3
Less developed countries	1,085.4	562.1	470.5
Grand total	11,532.7	1,979.9	1,663.8

This chart is also noteworthy. By comparing the regional subtotals of the first chart with those of the second, one can estimate with reasonable accuracy where the "classified countries," noted on the first chart, are located: namely, in the Near East and South Asia. Qualifying for prime consideration would be Pakistan, Jordan, Israel, Saudi Arabia, Abu Dhabi, Bahrain, Qatar and Iran—above what is unclassified. I do not see why we must hide the names of these countries and the true amount of arms each receives behind a government shield of secrecy when a cursory glance will indicate where the aid is going. Our Government is not fooling the Soviets, only the American taxpayer who is not being told how and where his money is being spent.

It is also noteworthy that totals for Africa on both charts—$113.7 million—are the same, yet nowhere is there any indication of the huge volume of weaponry we have supplied to Ethiopia—a quantity of arms valued in excess of our military aid to all other African nations combined.

More important, the Defense Department figures indicate that in the last 6 years only 9.4 percent of our arms sales, or $1,085.4 million—see bottom of second chart—has gone to "less developed countries." This does not seem to be borne out by the facts.

The Pentagon's definition of "less developed countries" comes from Executive Order 11285 of June 10, 1966, which reverses matter by listing only those free-world countries that are not "economically less developed," specifically: Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, France, Iran, Iraq, Ireland, Italy, Japan, Kuwait, Kuwait-Saudi Arabia Neutral Zone, Libya, Liechtenstein, Luxembourg,

Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Saudi Arabia, Spain, Sweden, Switzerland, Union of South Africa, and United Kingdom. These countries supposedly get 89.6 percent of our arms aid, and the remaining non-Communist countries in the world—of which there are approximately 90—receive only 9.4 percent.

This list is obviously padded with four names: Kuwait-Saudi Arabia Neutral Zone—which is not even a country—Liechtenstein, Monaco, and San Marino. Our Government sells nothing worth mentioning to these areas.

Furthermore, according to the Arms Control and Disarmament Agency's "World Wide Military Expenditures and Related Data, 1965," Iran, Iraq, Libya, Portugal, and Saudi Arabia have average per capita gross national products of, respectively, $241, $233, $548, $407 and $354—all of which are well below the world average of $641. Therefore, by any definition these five nations are economically less developed.

Thus, there remain 20 countries that qualify as "developed" and which also receive arms from the United States. From all indications it appears that these countries receive between 70 and 80 percent of all U.S. arms sales each year. The rest goes to the "economically less developed" non-Communist countries around the world. It seems that U.S. arms sales to Iran, Iraq, Libya, Portugal, Saudi Arabia, and Ethopia alone account for between 10 and 15 percent of our arms sales each year.

Even if it were true, as the Pentagon claims, that only 9.4 percent of U.S. arms sales has gone to the less developed nations, it still loses some of its magic when compared to the fact that these same countries have only 18 percent of the world's gross national product but 71 percent of its population. In addition, there have been 56 wars in the world since 1945, all but two of which have been fought in the less developed areas.

Mr. Speaker, a nation that has spoken so passionately as the United States in favor of nuclear controls should also speak out in favor of conventional arms control. In our attempt to eliminate hunger, poverty and disease throughout the world, we must avoid providing the less developed nations with expensive and useless armaments.

It is for this reason that I once again call for our Government to seek to have the question of conventional arms control put on the agenda of the forthcoming Strategic Arms Limitation Talks in Geneva.

HON. TIM LEE CARTER

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. COWGER. Mr. Speaker, I have had the pleasure of serving with my colleague from Kentucky, TIM LEE CARTER, since my coming to Congress. I have a great deal of respect for his legislative ability and for the great efforts he puts forth for Kentucky's Fifth Congressional District.

These qualities are known among my colleagues, but all may not know of his outstanding career as a physician. He has exemplified his medical ability on this floor when our distinguished colleague Congressman Bow collapsed. And there have been other times when he attended to the wounds of a young Treasury agent gunned down on a Washington street.

Such examples as these have earned our recognition of his medical ability but recently Mr. CARTER was recognized by members of his own profession, the American Academy of General Practitioners, for his outstanding service. On September 28, at their annual convention, the American Academy of General Practitioners awarded the certificate of meritorious service to Dr. CARTER.

This is the governing body for the 31,000-member Academy of General Practitioners and in presenting this highest award to Dr. CARTER he was cited for his outstanding service in the practice of medicine and for his dedication to accomplishing more meaningful health legislation.

I join with the members of his profession and his friends in congratulating him for this most appropriate award.

CONCERNING CHANGING THE FISCAL YEAR

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. LANGEN. Mr. Speaker, I rise today to thank the gentleman from Illinois, ROBERT MICHEL, for his support of a growing movement to change the Federal Government's fiscal year. I, too, have submitted a bill not unlike the one being introduced today. My distinguished colleague speaks to a great need when he asks this body to make a slight alteration in its procedure.

During the years since I first introduced a bill that would make the Federal Government's fiscal year coincide with the calendar year, more attention has been focused on the problems created by this condition. The developing complexity of the business of Congress is well known. The longer annual meetings that have been made necessary by the evolving complexity of congressional business are equally well known. The difficulties in the administration of federally funded programs that result from the increased complexity of Federal business are well known. Not as well known, is the degree to which the difficulties have been compounded by failure of this Congress to make necessary adjustments in procedure.

As I have pointed out on several occasions before this body, inefficiency is expensive. The present plan for the Federal fiscal year is very inefficient. Therefore, we can assume that the fiscal year arrangement is very expensive.

The deep concern I have been expressing over the failure of the old fiscal year to meet the needs of today has not fallen on deaf ears. There have now been more than 60 similar bills introduced in Congress. They do not vary to any significant degree. The change is coming soon but none too soon.

The problem is historic. By the time Congress has made its decisions and determined its priorities, the fiscal year is already well underway. The patch-work resolutions that allow the Government to function at all are misleading, do not reflect the desires of Congress and leave executive agencies feeling their way through the dark.

It is worthwhile to recall that the first Congress met in December to make and pass the appropriation bill for the following year. Following 1789, Congress passed its appropriation bill—and later appropriations bills—after the beginning of the fiscal year. This practice continued for over 50 years before the present plan was enacted. When the inability of Congress to pass appropriations bills in time for the beginning of the fiscal year first became critical in the 1820's, the financial dealings of the Federal Government were not nearly so complex as they are today nor did Federal spending and efficiency so universally affect the American people as it does today. From the time Secretary of the Navy Samuel Southard first noted the problem in 1825, it was 19 years before a change was made.

But the change certainly was made and it will be made again. The conditions are very different in 1969 even if the problem is much the same. In 1825, the delay in appropriations past the beginning of the fiscal year was described as a serious inconvenience by the Navy Secretary. In 1969, only stronger words would describe the difficulties which are being explained today. In 1825, the Federal Government spend $15,857,000 and in 1969, we spent nearly $200 billion.

This year, not one single appropriations bill was passed and signed at the beginning of the fiscal year. The problems grow more complex and the work becomes more demanding. We shall not assume a return to passing our appropriations bill on time. We must make adjustments in our system. I hope it does not take 19 years.

MORATORIUM DAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. WOLFF. Mr. Speaker, today on the eve of what we all hope and pray will be a peaceful and meaningful day of debate and discussion about this Nation's involvement in Vietnam, I would like to present for the attention of my colleagues, a resolution that was sent to me by Mr. Jerry March, secretary of the Faculty-Student Senate of Adelphi University. This resolution, which was adopted by an overwhelming vote of 15 to 3 surely merits our consideration because it so clearly sets before us the

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thinking of many of those in today's academic community.

As all of us go about our business tomorrow, whether as participants of "Moratorium Day" activities or not, I feel we can best serve the cause of peace by calmly and rationally addressing ourselves to the alternatives available to our Government in the present situation. May I therefore, respectfully submit the following resolution of the Faculty-Student Senate of Adelphi for the thoughtful consideration of each of you?

> Resolved, the Faculty-Student Senate expresses its opposition to the war in Vietnam. While as individuals we differ in detail, this body agrees that the most reasonable plan for peace is the immediate withdrawal of all U.S. troops. We join in a united and continuous national effort to bring our troops home.

THE ROAD TO PEACE

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. DELLENBACK. Mr. Speaker, the most immediate pressing issue of these days so far as America's international involvement is concerned is how to achieve an early and sound peace in Vietnam. Certainly almost everyone in America wants peace. The real question is not one of goal or objective, but rather one of method of achieving peace in such a way that the long-run dangers and damages will not outweigh any short-run advantages.

It is against this background that we should view the idea of the October 15 moratorium. The basic question to ask is what it will contribute to bringing about an early and sound peace. Will it help or will it hurt?

I am personally convinced that permanent peace in the world will not be achieved through military means. Constant building of new weapons systems or actual outright conflict are merely way stations to deeper and more serious problems. The only chance for permanent peace in the world lies down the road of sincere meaningful negotiations which result in binding agreements between the major nations of the world. The only man who can negotiate peace for the United States is the President. The present occupant of that office will remain therein for more than 3 additional years. If he is successful in his negotiations, each American is better off. If he is unsuccessful, each of us is the loser. It is of vital importance at this time that he not be discredited or his flexibility eliminated in this field of international relations.

As important as ending the conflict in Vietnam is, in and by itself, of equal importance is the manner in which it is ended. For if it is ended in a way that, in the long run, contributes to the enhanced arms race or in a way that leads to additional conflicts of a similar nature elsewhere in the world, then the price paid for temporary peace in Vietnam will have been prohibitively high. If it is ended in a way that will materially reduce the tempo of the arms race and drastically reduce the possibilities of conflicts of a similar nature elsewhere in the world, then each sacrifice of an American life in Vietnam will have been an important part of a major contribution to permanent worldwide peace.

The present occupant of the Presidency of the United States has committed himself to a policy of deescalation and Vietnamization of the Vietnam war. He has not only proclaimed these as his goals, but his actions have consistently backed up his pronouncements. So long as he moves steadily and soundly in the directions which he has announced as his goals and which he has followed faithfully so far, the course of wisdom for every American is to continue to stand firmly behind him. To do anything else would, while perhaps appearing temporarily desirable or politically advantageous, be short sighted and calculated to do injury to the cause of worldwide peace.

Certainly ours is a nation which has long prized freedom of speech. Every American has the right on October 15, or any other day, to speak his mind, so long as the speech remains lawful and does not call for action of a violent or unlawful nature. Some of us may disagree with what others say, but I think that it would be a most serious wrong for us to attempt to muzzle someone merely because he would say things with which we personally might disagree.

But I sadly fear that much of what may be said or done on October 15 will not lead this Nation or the world any closer to permanent peace. Indeed I believe that in fact in many places that which is said or done this day may be misinterpreted and will take us further from permanent worldwide peace. This is to be most seriously regretted.

For myself, I express my deep gratitude to each of those persons who has sacrificed in Vietnam for the sake of this Nation and of the world, I reaffirm my deep dedication to peace, and I reaffirm my intention to support the President in the course of action which he has initiated to bring about permanent peace for the world as rapidly as possible.

FUND AND FINISH CANAL

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. CHAPPELL. Mr. Speaker, I want to express my regret that on October 8, 1969, we were unable to write into H.R. 14159 at least $9 million for the construction of the Florida Cross-State Barge Canal. Six million dollars is simply not enough to move construction of the canal along at a reasonable pace.

The canal project calls for public recreation areas, pleasure boating, as well as establishment of businesses along its route. While I opposed certain routes of the canal because of a desire to preserve wildlife habitats and the natural beauty of many sections, I realize the canal was already under construction before I was elected to Congress and that it is now simply a matter of time until it is completed.

Since the plans for the canal have already been made—since the canal is to be built—it seems to me that we ought to properly fund it and finish it.

Mr. Speaker, I would like to urge that we include $9 million in this bill for the Cross-State Barge Canal.

NEW MEXICO IS U.S. CHILI CAPITAL

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. FOREMAN. Mr. Speaker, those of us from the Southwest have a variety of favorite foods. However, chili-flavored dishes are certainly No. 1 on our list. The popularity of chili is growing rapidly nationwide as the rest of the United States acquires taste for a food that has been popular in the Rio Grande Valley for hundreds of years.

Thirty percent of all the chili grown in the United States is raised in New Mexico. A great future is foreseen for the New Mexico chili industry.

In the October 9, 1969, edition of the Herald, a Truth or Consequences, N. Mex., newspaper, Mr. Everett Reb has reported on the future of this important New Mexico crop. Mr. Speaker, this article is worthy of the attention of the Members and will, I am sure, be of interest to them. The article follows:

NEW MEXICO IS U.S. CHILI CAPITAL—EXPANDING MARKETS FORECAST

(By Everett Reb)

New Mexico produced 30% of all chili grown in the United States last year with production up 50% over the last five years as the popularity of so-called "Mexican" dishes have grown by leaps and bounds in many parts of the country and abroad.

Reflecting this growth, in popularity, new processing plants have been built in one of the country's leading chili producing areas in the Rio Grande Valley south of Truth or Consequences. More than 2,000 acres of chili were planted this year in Sierra County alone.

In line with the increased interest in the chili-flavored dishes among "yankees", many of the producers have switched to the milder varieties of chili preferred by those who are not "natives" of the Southwest.

Many major food companies and restaurant chains are engaged in promoting Mexican styled foods into Eastern U.S. markets, and market testing shows that they are meeting with great success, especially among the "younger" set. A Gallup poll prepared for a national food magazine revealed that 46% of the 21–34 age group (expected to total 50.7 million by 1975) preferred Mexican food as their number-one "foreign" food choice. Of all age groups nationwide, 32% chose Mexican food over Italian and Chinese food.

A great future for the chili industry in New Mexico is seen in the processing plants that are being developed in the Rio Grande Valley near Truth or Consequences, which use modern technology to move this distinctive product from the growing fields to the market.

While less picturesque than the traditional methods of hanging ripe red pods in ristras along the wall of homes or spreading them in huge sheets on the ground, the new techniques achieve a much higher standard of sanitation. They also assure a better and more uniform product reaching the market.

Such new methods eliminate possible sources of contamination which exist when it is sun-dried out in the open, exposed to dust and to insects.

Just as research has improved the quality of chili by developing new varieties, so have changes in processing, packaging, and storing chili resulted in a product that has a wider variety of uses and appeals to an expanding market.

At the processing plants, new mechanical equipment for washing, drying and packaging can accomplish the entire process within eight hours. Under the old method, sun-drying took about two weeks alone.

New methods of freezing chili, at temperatures set at 30 below, again permit rapid processing and new and expanded markets for chili.

Chili reaches the market in a variety of ways. Green fresh chili in southern New Mexico is ready to market by mid or late July and remains on the market shelves and roadside stands until frost comes in November. The season for fresh red chili is naturally shorter since the chili remains in the field longer than when picked green.

Chili also is canned in whole pods, usually packed in 4-oz., 10-oz., and No. 2½ cans. They are usually labeled hot or mild. Four and 10-oz. cans of chopped chili are also common, as are red and green chili sauces.

A staple item in markets throughout the state are dried red chili sold whole or ground into powder. Dried red chili is packaged in a variety of ways.

Green and red chili sauces are available in most frozen food cabinets at local markets. Ready-to-use frozen chopped or whole chili are available in some markets, as are such frozen specialty items as cocktail tacos and burritos. Combination dishes may include chili along with beef or cheese in tortillas or spaghetti. Green and red enchiladas are popular. An increasing number of TV dinners, sometimes called "Mexican dinners," are appearing on the market.

VIETNAM MORATORIUM

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. MONTGOMERY. Mr. Speaker, some of my colleagues might not have been in favor of my actions last night which brought an end to the moratorium speeches in this Chamber. But I did not want to give the American people the impression that these efforts were being supported by a majority of the Members of this body. I am afraid if we had continued the marathon session that is exactly the impression they would have received. I believe by the fact that a quorum was not present at the time of the last quorum call and that a majority of those remaining voted for adjournment dispels any impression that the so-called moratorium has the wholehearted support of this body. I too fear that some people have reversed the old adage of President Teddy Roosevelt to walk softly and carry a big stick. Instead, they are walking loudly and carrying only a small and broken twig of commonsense and intelligence.

A DAY OF PEACE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. HALPERN. Mr. Speaker, Richard M. Nixon said upon assuming the Presidency:

> The greatest honor history can bestow is the title of "peacemaker."

Indeed he eloquently stated our objective to be "where peace is unknown to make it strong; where peace is temporary, to make it permanent."

After several months on the job, the President has taken great strides toward reaching his objective. Indeed, I heartily subscribe to his efforts toward deescalating the war in Vietnam. This is a peace initiative in the right direction and it is most commendable.

His forthright action to withdraw thousands of American troops from Vietnam is a long step forward from the previous policy. The President, like all of us, deplores the killing of our youth. He also deplores the slaughter of human beings in Southeast Asia, or anywhere that war rears its ugly head.

I envision the vigils and the prayers and today's debate as a basis for strengthening, rather than weakening, the President's hand. I feel dialog is essential. I feel the President should look at it as a buttress to his efforts toward peace. There is no question but that the majority of the American people want peace and want it at the earliest possible time. That is why the call for meaningful steps toward this goal will serve to assure Hanoi's negotiators that this administration is ready and willing to act for an immediate solution to the holocaust.

On the eve of the moratorium then, a solemn, dignified expression of citizen concern that the United States must extricate itself from the anguish of the war in Vietnam, I can think of nothing more patriotic for Americans to do than to register their feelings to the President that we support every effort for the quickest possible end to the war.

To suggest that what we are doing in this august Chamber this evening will undermine the President's peace initiatives is absurd. I see it as a buttress and strengthening of his position at the bargaining table, and dramatizes what Defense Secretary Melvin Laird just the other day described as the irreversible Vietnamization of the war.

For indeed, the pressures President Nixon and his advisers must carry are enormous, and if I was in his position, I would welcome every source of information, every suggestion, every proposal that could mean one less American life will be wasted in this tragic Southeast Asian conflict. This is why I am participating in this dialog tonight, for if I suggest one new thought, one new insight into the public debate on Vietnam, I will be serving my country.

Understandably, vigilance is the eternal price of freedom, and it is my firm conviction that I would be negligent in my duty as a U.S. Congressman to stand by in silence as the Nation struggles to halt the war. I can think of no higher perception of my role as a legislator than to partake in this debate. For me, to do otherwise, would be unpatriotic.

And I do not wish to imply that I disagree with the administration's approach to resolving the war. To the contrary. I hail the steps the President has been taking to reduce American participation and to call for an enforceable, meaningful peace. In my prerogative as a Member of Congress, I feel that as a matter of policy, de-Americanizing the war should proceed at a faster pace. This will show that we mean business. As a practical, administrative reality, what I am advocating, of course, will take a little time. And President Nixon's careful, prudent first steps toward deescalation recognize this reality. No one is suggesting, even remotely, that the United States suddenly pull out of Vietnam, leaving American soldiers exposed to enemy attack. What is being suggested is that our troops withdraw as expeditiously as possible, protecting human life in the process.

I want to again commend the President's peace efforts. They are a move in the right direction. Surely they are a long, forward thrust from the previous, discredited policy of total Americanization of the war. Certainly the President deplores the killing of Americans and Vietnamese as vehemently as the most ardent antiwar advocate does. And it is also understandable that after previous administrations were slowly sucked into the quagmire of Southeast Asia, despite our impatience, the President does need time to maneuver and establish his priorities.

As I said in my opening thought, I do not see the moratorium as disrupting the President's peace initiatives. I would want the dialog to complement his position. Indeed, it dramatizes to Hanoi that this Nation is ready and willing to negotiate and enforce a peaceful solution to Vietnam.

It is my feeling that we also use this time during the moratorium to pay tribute to the gallant young men who have sacrificed their lives in Vietnam. The list of fatalities is staggering, and has tragically robbed America of the talents of thousands of young men. This year alone, the war list reads as follows:

	Dead	Wounded
January	745	5,569
February	1,073	5,966
March	1,316	7,904
April	847	9,726
May	1,209	7,635
June	1,100	7,631
July	638	5,999
August	795	5,291

The young Americans represented by these figures are the Nation's youth: senselessly removed from their families, friends, and community.

How many of them were cut down in the brilliance of their youth? How many of them would have been tomorrow's doctors, tomorrow's builders of our cities, and the teachers of yet unborn generations of Americans?

The late John F. Kennedy once said at a war memorial:

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It is against the law of nature for parents to bury their children—a son with all of his life before him.

These young men are "selected" by a system whose inequities are notorious. Indeed, the draft is a device difficult to justify under any circumstances, but when it operates to send American boys to die in a war in which many of them do not believe in or do not understand—a war in which our official aim has never been clarified, then it becomes a great tragedy.

This explains to a large degree why our youth today is rebelling against the draft, against the war, against the society which produced both and sent them to fight without convincing them of its reasons.

Not claiming to be an expert on defense strategy, I would now like to explain the consequence of the Vietnam war on my constituents in Queens County, N.Y.—what it has meant to their lives as individuals, their ability to live a decent, modest life and provide for their families.

For Vietnam has had a disastrous effect on our economy, and is considered one of the major causes of today's runaway inflation.

This was reflected in the testimony of J. Sinclair Armstrong, a prominent Republican financier, before the Senate Appropriations Committee:

> As financiers, we see the destabilization of our domestic and international finance that it (Vietnam) has brought about. As citizens in our home communities, we see the blight that its excess visits on us in curtailment of resources for housing, education, health facilities, mass transport and productive employment. As taxpayers, we feel the burden of its cost—the surtax recently re-enacted, and the proposed repeal of the tax credit for investment in capital equipment by which goods are produced and America is kept modern. We see the enormous cost of restrictive monetary and fiscal measures and the record high interest rates, 7½ percent on U.S. Treasury notes, and the curtailment of availability of credit, with the resulting drastic curtailment of vital housing and other construction. We feel the inflation, the monthly increases in the cost of living, steadily up one-half of one percent, with no end in sight.

Indeed, our Vietnam-induced war inflation is depressing consumer buying power. Wages are at new highs in many industries, but consumer prices are rising faster and salary increases are not keeping pace. This past year the cost of living rose 5.1 percent—the biggest jump in 17 years. And based on current estimates, prices will rise 10 percent in 1969.

For bankers and Government bureaucrats, the wave of Vietnam-caused inflation means continuing the 10-percent income tax surcharge and increased Federal Reserve requirements.

While the average family in Queens is suspicious of this fiscal medicine for curbing inflation in this period and at best bewildered by the statistics behind the Consumer Price Index, in every day terms inflation expresses itself in dollars and cents. It now takes almost $12.50 to buy what $10 bought a decade ago.

In Queens, a housewife wrote me last week saying she could not afford to feed her children fresh vegetables this winter. In Jamaica, a section of my district, a worker I know reduced the number of nights he bowls each month. A family man in Little Neck complains that a year ago his wife spent $20 a week for groceries; now she needs $35. A year passed while a couple raised enough money for a downpayment on their dream house; in that time the price rose $6,000, closing costs increased 5 percent, and monthly mortgage payments were now more than they anticipated because building costs have skyrocketed due to increased Vietnam construction.

And stories abound of how Vietnam-caused inflation is nibbling at the fixed incomes of retirees, those living on pensions, savings, and social security. Even the more affluent in my district feel the pinch.

Indeed, a recent study indicates that in two dozen major industries, workers received anywhere from $8 to $30 in weekly wage increases during the height of the Vietnam war—but rising taxes shrunk actual take-home increases some 50 percent and rising prices sapped another 50 percent from purchasing power.

Taxes drained $4.78 from the weekly $8 increases, and when inflation's effect is considered, the worker actually had a net weekly loss of $6.32. And taxes siphoned off $11.13 of the $30 weekly increase, with spiraling prices reducing the net gain to only $4.93 weekly.

What's wrong? During a war, everything soars in cost, and somebody must pay for it—usually the taxpayer.

"Taxes are like a pregnant woman," a customer in a Jamaica store said to me recently. "Once they get started, they stay with you."

Total taxes now gouge about 35 percent of the average family's salary. Federal income taxes take the lion's share, but the Federal tax rate has not changed since the Korean war. It is State and local taxes that have skyrocketed during the Vietnam war—to pay the cost of education, highways, and escalating social needs, while Federal dollars went to pay for a war in Asia.

Unfortunately, unless the war ends soon, the future looks bleak for taxpayers—new schools, safe streets, and improved municipal services cost money. When the Vietnam war ends, if the military drain on the Federal budget is curbed, many economists predict that within a few years Uncle Sam will have a "fiscal dividend" of $30 to $40 billion—enough to relieve the burden of local spending for social needs while cutting taxes.

While the American consumer has paid dearly for the Vietnam war, in terms of reduced buying power, American business has benefited from war profits.

Business Week reports:

> At the peak of war in 1968, U.S. corporations earned more money than they ever did before in a single year—thanks in good part to sharply rising prices and continued war expansion of industry.

Here are the facts: Since the war began through last year, after-tax corporate profits soared 95.5 percent and dividend checks to stockholders increased 73.1 percent—while the average weekly after-tax earnings for nonsupervisory employees went up only 26.6 percent and in terms of buying power, increased merely 11 percent.

What can be done about this wave of spiraling inflation during a war? The American economy is prospering because workers spend their wages to buy new products—despite Vietnam. The more workers buy, the more jobs there are. And so on. The same holds true for the government. The more it spends on schools and social needs, the more jobs there are for workers.

But when Government imposes taxes, it denies workers money they might spend on consumer needs. Economists believe when the economy is balanced, Government revenue should equal Government expenditures. But if unemployment exists—as it now does during a war—and the economy is not operating at full capacity, if the Government spends more than it receives in taxes, borrowing the rest, total spending increases, stimulating economic growth and new job opportunities.

But if Government reduces expenditures and increases taxation simultaneously, it dampens or slows down economic growth during a war-inflated period—cutting its own expenses and reducing consumer buying power. This is just what is being urged now by the administration. This policy may or may not work, but it has to be carefully controlled to be successful.

The Federal Reserve Board raised interest rates to their highest level in a century this year, also hurting consumer purchasing power. This means home mortgage payments, auto installment payments, and interest on time-payment plans and revolving department-store charge accounts are escalating.

What this means to the average family in my district is tough to swallow. In 1950, a Government-guaranteed FHA mortgage cost 4¾ percent with premium charges. On a $20,000 mortgage for 30 years, this meant total interest payments of $17,584 in addition to principal.

Under the new rates FHA interest now totals 8 percent with a premium charge. Now a 30-year, $20,000 mortgage requires total interest payments of $33,387, in addition to principal. The interest has practically doubled in 20 years.

The other most commonly sought loans in Queens are for automobiles. Interest rates for auto payments have also increased. Five years ago banks charged 4½ percent per $100, discounted in advance. That meant a worker who bought a $2,000 car had to borrow $2,312 on a 3-year loan, for an effective interest rate of 10.1 percent.

Today rates are up to 6 percent per $100. This means it now takes $2,439 to finance a $2,000 car, for an effective interest rate of 14.2 percent.

Let us face it, the demand for war profit is not about to vanish, but consumers should not pay for someone else's greed while soldiers die in Vietnam.

War profits must be limited. Corporations could easily limit their war profits while satisfying their need to maintain their growth. Prices would then be

stabilized during this war period and the consumer's dollar would have more value.

Indeed, corporations that share in the Vietnam economy should be accountable to public agencies, with reasonable price ranges established.

The time has clearly arrived then, to curb war profits while American boys fight under the American flag.

The Vietnam tragedy, then, has had a disastrous effect on American society—the sad waste of human resources and the American dollar can never be replaced. And it is my feeling that unless we reduce the scope of our military involvement, we may be contributing to the destruction of the Vietnamese society we are trying to save.

Some wise thought and counsel has been given to our policy objectives in Vietnam by a former aide to President Eisenhower, Emmet John Hughes. He makes a lot of sense. I would like to read from these writings now:

> All the bleak choices (in Vietnam) rather inexorably dissolve toward one. As a wise and sympathetic statesman of Southeast Asia stated to me: "You are going to leave Vietnam.. You are not going to be routed or humiliated: Your armadas and your bombers make you the greatest power even in the South Pacific. But you are going to leave because the earth-bound politics of Vietnam cannot be solved by the airborne cavalry of America.
>
> "You now have probably a last decision to make. You may try to smother all forces in Vietnam seeking compromise and peace—thus pitting them all against you. Or you may try to work with the best of these forces in their confused attempts at negotiation, so that the very imperfect end of it all still will allow you to leave with dignity. Your last choice, then, is clear: Either you will one day withdraw because you shrewdly appear to want to—or because it plainly appears you have to. Is this really so hard a choice?"
>
> It may not seem a hard choice in abstract logic, but it is a stern choice in American politics. It would require of Washington almost a convulsion of candor and a revolution of courage. This means the courage to concede, after all, that the present hope of history for Vietnam has never been more, in truth than a nation dealing with Peking, much as Poland duels with Moscow. It means the resolve to ignore all zealots who still shout their preposterous prescription that a little more military medicine can cure political sickness. And it means the wisdom to sense that American repute in Asia is not dignified but diminished by untiring war for the unattainable victory and American honor is not tarnished but brightened when so great a power can say, with quiet assurance: we have judged poorly, fought splendidly, and survive confidently.
>
> I can think of no other way that the leaders of the United States might match the courage of the soldiers they have dispatched.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the July 21, 1969, State Journal of Topeka, Kans. The editorial follows:

TRUCKS WANT MORE HIGHWAY ROOM

Millions of motorists take to the Interstate Highway System wherever possible on their journeys, for the safety the better-engineered and wider roadways provide.

Through their gasoline taxes they are paying for them, and generally consider it money well spent.

Now the big trucks, limited by federal law to 8 feet wide and 32,000 pounds tandem axle weight, want to be allowed an extra half-foot in width and another ton on the axles.

The American Automobile Assn. has taken up the fight against the proposal in Congress, calling it an "anti-safety bill" almost identical with the one which failed of passage last year.

Not only are there traffic hazards to consider, an AAA official testified before the House roads subcommittee. He quoted figures to show that the heavier trucks would necessitate the expenditure of billions of dollars for reconstruction of older pavements and additional costs in highways yet to be built.

Effects of allowing wider, heavier vehicles on the Interstates would be felt on most other roads, according to AAA executive vice president George F. Kachlein Jr., who added:

"Since truck bodies are not made to operate exclusively on the Interstate System, the wider truck will be found on all of our highways where trucking operations are carried on. Neither will the 8½-foot width be confined to the big cargo carrier. We can be sure that the smaller trucks will be manufactured to take advantage of the greater cube capacity. With a half-foot added to every truck, it would be like cutting a foot in width from every two-lane highway in the country."

Seriousness of accidents involving big trucks already on the highways is a major consideration.

Trucking industry statistics were quoted by Kachlein, showing that while trucks over 26,000 pounds comprised only 1.54 per cent of total vehicle registration, and drove only 5.33 per cent of all vehicle mileage, they were involved in 11.6 per cent of fatal accidents.

The Bureau of Motor Carrier Safety reported that half of the accidents of carriers reporting to it involve collision with a passenger car.

How does truck size affect death rate in crashes?

An AAA study found there are 0.3 fatal injuries per 100 persons in collisions between passenger cars and pickup trucks. When a tractor-trailer truck is involved the rate is 7.1. With a tractor-two-trailer combination fatal injuries jump to 13.3 per 100 persons involved.

Congress must consider the lives and property of over 100 million little drivers in deciding whether the big trucks will be permitted to shrink our highways.

EXCHANGE CLUB HONORS "GENERAL" EAGLE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. DUNCAN. Mr. Speaker, as a tribute to a fine American and citizen of my district, I would like to place in the RECORD a news story from the Knoxville, Tenn., Journal of October 10.

This story really needs no introduction, and I only wish to add, "Hats off to General Eagle."

The news story follows:

EXCHANGE CLUB HONORS GENERAL WILLIAM EAGLE

(By Pat Fields)

Praises such as few men hear in a lifetime were heaped upon William H. Eagle at Knoxville Exchange Club's "Gen'l Eagle Day" observances Thursday in S&W Cafeteria.

Sam E. Young, a 50-year Kiwanian scheduled to be honored at his own club for half-century membership, gave up that meeting to reminisce with many others on long friendships with the 82-year-old former Tennessee assistant attorney general and recently retired Supreme Court clerk here.

"It was 45 years ago when Bill and I paced the corridors of Fort Sanders Presbyterian Hospital together while our daughters were being born," said Young. "Neither of us ever had to go through that again."

Retired Criminal Court Judge J. Fred Bibb came to tell of his early membership in Exchange, which he called "an organization with a solid foundation built by men like Bill Eagle . . . We had a great time meeting in the basement of the Chamber of Commerce Building, then at Church and State streets where, like so many other landmark sites, a parking lot now operates . . . Bill and I were said to be look-alikes in those days, when I was fatter and he was skinnier than we are today . . . I had to give up the club in 1926, but Bill has lived the life of a true Exchangite (Motto: Unity for Service)."

Attorney Ray Jenkins, a friend and associate for 50 years, sent a letter to be read by Exchange President Grover Boyd: "There is no finer man than Gen'l William H. Eagle . . . warm of heart, sympathetic in his outlook, tolerant in his judgments, charitable in his decisions, forgiving in his nature . . ."

H. D. Swanson, chairman of the committee charged with putting together the Exchange Club's "Book of Golden Deeds Award," called the task "a pleasure" and gave the honor of its presentation—for the first time to an Exchange Club member—to H. A. (Hat) Tiller, who has been an Eagle friend for 60 years. "In fact, he was best man at my second marriage a few years ago, and my wife still thinks he is," said Tiller.

The honoree accepted the gilded book, filled with pictures and testimonials to his life of service, with in his own words "a full heart," thanked all who had spoken so highly of him, and in response to Swanson's expressed wish that you live just as long as you want toi said: "I can't possibly live that long, but it has been a wonderful life so far, especially the 56 years of it I've spent with the little lady back there—my wife."

As a surprise to the "Gen'l" his daughter, Mrs. George (Mary Eagle) Keith of Nashville and granddaughter Ann 4, youngest of the five Keith grandchildren, were here to attend the luncheon in his honor.

Gen'l Eagle seemed especially touched by remarks volunteered by the younger generations of Exchangites, citing his inspiration to them in joining the organization and making its motto their own.

OUR HIGH SCHOOLS MUST NOT BECOME ARMED COMPOUNDS

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. HASTINGS. Mr. Speaker, there is growing concern over violence and

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vandalism in our high schools. Hardly a day goes by in the Washington area without reports in the news media of teachers and students being assaulted, of armed robberies in classrooms and of school property being damaged and destroyed.

My esteemed colleague, Representative LAWRENCE J. HOGAN, of Maryland, recently gave a talk on this most serious problem. He outlined with considerable skill, clarity, and courage some of the steps which must be taken if our high schools are not to become guarded compounds where students and teachers can function in safety only behind a cordon of armed police.

Because of the pertinence of his remarks, I should like to insert his most perceptive speech in the RECORD:

ADDRESS BY CONGRESSMAN LAWRENCE J. HOGAN BEFORE THE COLMAR MANOR-COTTAGE CITY PARENT-TEACHER ASSOCIATION, OCTOBER 7, 1969

As I understand it, my address here this evening is to center on the theme of the PTA as a communicative organ for schoolchildren and their community. I hope that my remarks will not stray too far from this avenue, but I ask you as parents to look ahead to the time when your children, who are now in elementary school, are teenagers in high school.

You have probably guessed my intent, because the situation at Bladensburg High School in your community, and the similar problems at Duval High School, have been constantly pressing for attention during the last few weeks. I would like to spend this evening presenting my views and then soliciting your opinions and your aid in seeking some kind of solution. Many of you, as parents of elementary schoolchildren in Colmar Manor, also have older sons and daughters who attend Bladensburg Junior and Senior High School and can therefore offer my insights into the problems and turmoil that have occurred there in recent weeks.

Let me begin by reiterating the position that I first enunciated during the 1968 congressional campaign, that is, that Government officials—among whom I must now include myself—do a disservice to all citizens when they fail to vigorously enforce *all* breaches of law. It is now time to broaden that statement to include educators, civil leaders, and parents.

It will take the combined efforts of all of us to tackle the problem we face in our high schools. Yes, high schools—this sounds strange to our ears because we've only now become accustomed to the thought of dealing with dissension and disruption on our college campuses. But it is true—today's youth are no better and no worse than any other generation of young people, but they are more intelligent, better educated, more mature, more aware of social injustices, more motivated by conscience than any generation we have ever produced.

Unfortunately, however, in too many instances—such as those we have witnessed recently in our own community—this social awareness has caused total rejection of the system by some, rather than total commitment to the betterment of the system. Even worse than this is the fact that, while some students are voicing their intent simply to take over the educational process from administrators and faculty—and this is bad enough—they are in effect destroying the educational process. This we cannot allow to happen.

When I returned from a tour of college campuses last spring, the one conclusion which received the overwhelming support of all the congressmen who participated in that study mission, was that violence in any form, in any measure, under any circumstances, is not a legitimate means of protest or mode of expression. It can no more be tolerated in the educational community than in the community at large. If there is to be orderly progress and a redress of legitimate student grievances, student violence must be averted.

I have said before, and I will say over and over again, that lawlessness cannot be tolerated. Laws are the very fibers which hold a civilized society together and, while everyone has the right to try to change the laws through the prescribed legislative process, until they are changed they must be obeyed by all citizens.

This is a point of view which, I believe, is shared by all concerned residents of this area, as well as the students and parents who are directly involved. Over and over again these past weeks, I have received telephone calls and letters from parents, students, and educators and in every case, without exception, the same point was made. Let me quote from the letters of some Bladensburg parents—perhaps your neighbors and friends—

"We, as concerned parents, are writing to demand that immediate action be taken to eliminate the lawlessness and disruption of classes.

"Action must be taken—and taken soon—or we will see our educational system taken over by a group of hoodlums who want no part of education, nor do they want to allow anyone else the right and privilege to be educated.

"I hope that you will agree with me that action in this regard should be immediate. Too long have we hesitated to deal with troublemakers—something must be done now—before much of our freedom is lost to us forever."

I wholeheartedly agree with these observations but the question still remains, "What can be done?" To answer this query, I solicit your opinions and aid tonight.

It is clear that this problem is no longer only a question of black and white, or of student demands again a repressive faculty or administration. There are established proper channels where student grievances can be aired and redressed and it is a relatively simple matter to make known to students what those proper methods are and who the proper authorities are. This is a communications problem which can and must be solved.

But the real problem here is much deeper. We have an underlying race relations problem, but more importantly we are confronted with the ugly specter of violence. Assault, disruption of the educational process, and the closing of schools are violent acts. They must be responded to as such. I believe that at Bladensburg the response to the disruption was in the right direction. I commend Principal David Dean for calling in police to restore order because it is the responsibility of the schools to educate our children and unless there is order, there can be no education.

Allow me to relate an incident which occurred on the morning that I visited Bladensburg, during the height of the turmoil. While there, I observed two groups of roving students—one black, one white—who were roaming on the school grounds, wrapping belts around their fists, and actively seeking a confrontation with each other. Had it not been for the cool manner in which the policemen conducted themselves and handled these students—thereby completely defusing the tense atmosphere—there would surely have been a race riot at Bladensburg that morning.

I am not alone in my praise of Principal David Dean and of the Prince George's Police who were assigned to Bladensburg High School. The Executive Committee of the Bladensburg PTA sent a petition to my office expressing their gratitude for Principal Dean's handling of the disturbances. In addition, WTOP Radio and Television broadcast an editorial on September 29 and 30 which followed in the same vein:

". . . Thanks partly to the police, Bladensburg High has had several days of quiet. Some adults, both inside and outside the school, are working hard for a resolution of the racial conflicts which have led to trouble. Other adults are out looking for scapegoats.

The Bladensburg principal, David Dean, is a convenient target. The local NAACP chapter wants him fired, but Dean is not the villain. Close observers of the recent strife credit him with a cool head and a firm hand which kept the lid on more serious outbreaks.

The real villains, if there are any, are scattered among the homes and apartments which surround Bladensburg High and which feed young people into it. With lusty cheers from the sidelines and with subtle instruction at the dinner table, many mothers and fathers have encouraged prejudice and mistrust. Racial slurs and animosity come in all colors, and their origins are not too hard to find.

For many, the social changes taking place just across the District line in Prince George's County seem overwhelming. But the Bladensburg area is not the only place in Washington where blacks and whites are living shoulder-to-shoulder. In numerous places they have learned—if not to like each other—to get along with each other.

Bladensburg has to learn that, too. The alternative is more police—more often. Real education cannot possibly take place within such a climate of fear."

But tonight I would like to spend some time discussing parental leadership and responsibility. As the father of a 21-year-old daughter and a 13-year-old son, I, too, am faced with these same problems.

In fact, because of my rather hectic schedule which requires speechmaking or appearances such as this almost every night of the week, I am unable to spend as much time as I should with my children. We parents must make the effort to communicate more often and more meaningfully with our offspring. We must pass on to them respect for authority and for society—its laws and its institutions. Too many of our youngsters are not sold on our system of government.

Much of the crisis of the generation gap results from the ever-growing trend in our society to turn over more and more of the parental role to various institutions and agencies. Intentionally or perhaps unintentionally, the child has been removed from the home the greater part of the day. Nursery school or preschool begins the exodus, then K through 6; until, finally, the child is a teenager in junior and senior high school. We hardly know him or her anymore because in addition to the 9–3 school day, we've found time to send the child to cubscouts and brownies, to camp for vacations, and on and on. We provide these opportunities, feeling that we are making great sacrifices for our children; but, in reality, we are simply reducing the amount of time spent at home together. We've delegated the responsibility for rearing our children to others and in too many cases their influence on our children has been harmful.

I started this evening speaking of leadership and communication and this is where I would like to conclude. I hope I haven't just given the impression of being down on parents as a result of the turmoil in our high schools and colleges; but, my real point is this: we have a deep-seated societal problem which has no easy solutions and no ready-made answers.

However, I was assured this morning by several County officials that the following measures have been taken to quell any future disruption of the educational process in County schools:

The School Board has instructed all principals to call the Prince George's Police Department immediately when trouble erupts;

Principals have in turn instructed all teachers to report all incidents immediately;

Chief of Police Vincent Free said that the Police Department would immediately respond to all violations of trespass laws and enforce those laws;

Student troublemakers will be suspended and/or expelled;

State's Attorney Arthur Marshall has assured that his office will vigorously prosecute violators of the laws in the courts, or if necessary, in Juvenile Court.

Finally, I will urge the Department of Justice to prosecute interstate people who incite trouble in our school system.

These enumerated guidelines are the constructive reactions of officials but, on reflection, it seems to me that we, as parents have an obligation to make a beginning through better communication, particularly between the generations.

I have made some efforts in this regard by introducing a joint resolution authorizing the President to proclaim a National Adult-Youth Communications Week. This measure was signed into law and President Nixon proclaimed last week—September 28th–October 4th—National Adult-Youth Communications Week. In addition, I have established a task force on youth—composed of students representing every high school and college in the fifth district—to advise me on matters which are under discussion for possible legislative action.

Therefore, we cannot say that communication between the generations is an impossible task in our hectic, busy world because meaningful communication is not a matter of time but of quality. I hope now to have an opportunity to sample that quality by opening the floor to communication from you to me because I have spoken long enough.

PENNSYLVANIA AMONG 10 LOWEST STATES IN LOCAL AND STATE TAXES

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article: "Finance Week—Where Taxes Are Highest, Lowest," from U.S. News & World Report edition of October 20, 1969.

Pennsylvania has an excellent record on low State and local taxes.

The article follows:

FINANCE WEEK—WHERE TAXES ARE HIGHEST, LOWEST

State, local taxes per $1,000 of income range from $105.40 in Illinois to $190.96 in North Dakota, a new report shows.

Consolation for higher-tax States: Proposed plans offer them proportionately larger slices of revenue-sharing funds.

People groaning under an ever-increasing burden of taxes can get an idea how heavy their load really is from a new survey by the Census Bureau. What is disclosed:

When it comes to tax loads related to personal incomes, the variations among the 50 States are quite extreme.

These relative tax burdens are growing much more rapidly in some States than in others—and actually shrinking in some.

The basic figures, set out in the chart on this page, have recently taken on added significance for all taxpayers. As one result, the figures now offer a clue to tax-relief prospects.

The reason: Tax burdens related to incomes have come to be accepted as the main measure of "tax effort"—the degree to which each State and locality is willing to tax itself to solve its problems. A high rating for tax effort, in turn, means a bigger chunk of money from virtually all federal revenue-sharing plans that have been proposed, including the one sent to Congress by President Nixon.

The promise is that States shouldering the heaviest tax burdens in relation to incomes will get proportionately larger slices of revenue-sharing money. They, thus, have the strongest hope for relief from their own State and local taxes.

On the average, across the country, the total of State and local revenue collections amounts to $134.51 for each $1,000 of personal income.

The range among the States is from a low of $105.40 in Illinois to a high of $190.96 in North Dakota.

Washington: special. The District of Columbia is a special case. With so much of its real estate owned by the federal and foreign governments, a large part of the District's money is provided by the Treasury to compensate for lost property taxes.

Most of the industrial States rank low on the tax-burden—or tax-effort—list. Illinois, Ohio, Pennsylvania, New Jersey, Rhode Island, Connecticut—all are in the bottom 10.

New York and California are the standout exceptions in that group. Both stand among the 10 States in which tax burdens are heaviest in relation to income.

The majority of the Mountain States, along with Alaska, are in a special group. Their ranking in the top group is due in large part to the taxes they collect on the extraction of minerals within their borders.

Those taxes are, in major degree, "exported" to other States. One result is that these States can expect something of a windfall when, or if, federal revenue sharing begins.

The new figures explode a widely held idea that most of the Southern States actually are carrying some of the heaviest tax burdens if their relatively low incomes are taken into account.

Only one Southern State, Louisiana, now ranks close to the top 10 in that respect. In nearly all Southern States, taxes related to personal incomes are well below the national average.

Midwestern farm States tend to rank in the middle third for tax loads. North Dakota, Minnesota and South Dakota, all high up on the scale, are exceptions.

Pacific Coast States are all above average for tax loads. California stands in eighth place now.

Shifting loads. Tax collections are rising nearly everywhere. Tax rates are being raised and new levies imposed by deliberate actions. Even without that, continuing prosperity and inflation swell the inflow of revenues.

In most areas, that rise has been outstripping the growth of incomes. Thus, relative tax burdens have been getting heavier and heavier.

For the U.S. as a whole, the increase in the latest year was 2.6 per cent.

In two States, Nebraska and Alaska, the one-year jump was more than 10 per cent. In nine others, the rise exceeded 5 per cent.

Loudest groans from taxpayers, however, are heard in States that show little or no increase in the latest year counted. The reason is that there are States in which sizable increases have occurred over several years. In the country as a whole, State and local revenues related to incomes have risen 6.2 per cent in a four-year period.

For Alaska, the comparable rise has been more than 34 per cent.

In four States—Delaware, Maryland, Nevada and Wyoming—the increase in that period has been from 18 to 23 per cent.

The four-year increases have exceeded 10 per cent in 10 other States—Hawaii, Idaho, Massachusetts, Missouri, Nebraska, New York, North Dakota, Utah, Virginia and West Virginia.

In only six States—Indiana, Kansas, Louisiana, Maine, Mississippi and Texas—did taxes decline in relation to incomes in the latest span of four years.

STATE-LOCAL TAX BURDENS—HOW STATES RANK

	Revenue collections in 1968 per $1,000 of personal income	Percent change from 1967
U.S. average	$134.51	Up 2.6.
North Dakota	190.96	Up 5.8.
Wyoming	185.89	Up 2.3.
New Mexico	170.59	Up 1.3.
Alaska	169.79	Up 10.4.
Hawaii	165.66	Up 2.5.
Minnesota	162.69	Up 3.7.
Nevada	162.19	Up 8.4.
California	160.84	Up 7.8.
Arizona	159.26	Down 1.5.
New York	158.21	Up 0.9.
Louisiana	157.88	Up 1.3.
South Dakota	157.62	Up 3.3.
Idaho	156.59	Down 0.5.
Montana	155.89	Up 6.3.
Utah	153.72	Up 3.1.
Vermont	150.61	Up 5.5.
Colorado	150.12	Down 3.5.
Washington	149.43	Up 3.1.
Wisconsin	148.82	Up 3.5.
Iowa	143.99	Up 5.1.
Mississippi	143.56	Down 4.5.
Oklahoma	142.45	Down 0.3.
Oregon	140.66	Down 3.2.
Florida	138.13	Down 3.1.
Michigan	138.13	Up 9.0.
West Virginia	136.14	Up 6.4.
Delaware	135.50	No change.
Nebraska	135.38	Up 10.5.
Kansas	134.35	Down 2.5.
Georgia	132.80	Up 4.9.
Alabama	130.79	Up 3.8.
Maryland	129.96	Up 3.6.
Massachusetts	129.26	Up 0.2.
Kentucky	126.25	Down 0.7.
North Carolina	125.13	Up 1.2.
Maine	123.71	Down 3.7.
Tennessee	123.57	Up 1.5.
South Carolina	123.17	Up 0.7.
Arkansas	122.93	Down 3.0.
Indiana	122.42	Down 2.7.
Virginia	120.82	Up 4.7.
Texas	118.74	Down 1.1.
Rhode Island	118.48	Up 3.3.
New Jersey	114.13	Up 3.0.
Pennsylvania	113.38	UP 0.1.
Missouri	112.72	Down 2.7.
Ohio	111.99	Up 6.2.
New Hampshire	111.59	Down 0.8.
Connecticut	107.31	Down 0.4.
Illinois	105.40	Up 3.2.
District of Columbia	105.13	Up 6.9.

Note: Figures are for States' fiscal years that ended in 1968.

Source: U.S. Census Bureau.

SOCIAL SECURITY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. LONG of Maryland. Mr. Speaker, I am deeply concerned with the plight of our older citizens, many of whom have no income other than social security payments. Much of my mail from the elderly has been heartbreaking, and their tremendous needs have prompted me to introduce a bill calling for a 15-percent increase in social security payments and

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a 45-percent increase in minimum benefits. I recently received a very touching letter from a Maryland resident in response to my legislation, and I would like to share this letter with my colleagues today. The difficulty this man is having in making ends meet points up the necessity of acting on social security legislation in this session:

PASADENA, MD.

DEAR FRIEND MR. CLARENCE LONG: Dear Sir and Friend. I am sending you this letter because I listened to you speak on the radio about the elderly people and that is the reason I am sending this letter to you. I am 82 years of age and only receive $51.00 a month old age pension. I live along Cocky Creek in an old shack along the river and have a very hard time trying to live. I don't receive any Welfare money or food. I make the 51 dollars do all the work. I was born November 14, 1887 in Philadelphia, Pa. but lived in Baltimore 55 years. I enjoyed hearing you speak on the air. If we old people had more like you, we old people could live a more happier life and eat like other people do. I got a medicare card but I can't eat that. I am not well and depend on other people to bring me food from the store and if no one comes, I don't eat much. I can't walk far. I got a very bad leg. I go to the doctor once a month.

Try to live on 51 dollars a month. Electric bill, food, kerosene bill, clothing, tobacco to roll my own cigarettes . . . I don't have much company.

When you have nothing, no one wants you. Well, I wish you all the luck in the world to get us old people to live and get a good meal once in a while.

Thank you and God bless you.

Mr. JOHN W. MATT,

P.S.—Please answer if you can and care.

VIETNAM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. RYAN. Mr. Speaker, the Vietnam moratorium on October 15 will reflect the deep concern of millions of Americans over the tragic war in Vietnam and their determination that it be brought to a prompt conclusion. As the Gallup poll reported on October 11, a majority of citizens sampled throughout the Nation—57 percent—support the withdrawal of all U.S. troops from Vietnam by 1970 and 58 percent believe it was a mistake to have involved American troops in Vietnam.

In the face of this public opinion survey, it is incredible that the President would say he would not be affected by the moratorium and that "there is nothing new we can learn from the demonstrations." It is incredible that the Vice President would dismiss the moratorium as absurd. As WCBS radio in New York commented editorially these statements "reflect contempt for a substantial body of public opinion which cuts across age and party."

I include in the RECORD the WCBS News Radio 88 editorial which was broadcast on October 13 and 14:

VIETNAM

Vice President Spiro Agnew has done it again. This time, one of his utterances concerns the forthcoming Vietnam Moratorium. It seems destined to join the declaration "if you've seen one ghetto, you've seem them all" as another classic example of insensitivity.

Seventeen United States Senators and 47 members of the House have endorsed the planned non-violent protest by students opposed to the Vietnam war. Leaders of all religious faiths, including Cardinal Richard Cushing, have given the demonstration their blessing. So have the trustees of Massachusetts Institute of Technology, the Senate of Columbia University and the Faculty of Arts and Sciences of Harvard University.

Yet—Vice President Agnew has dismissed the student protest set for Wednesday as "ironic and absurd". Previously, in discussing the Vietnam Moratorium, President Nixon had assured a White House news conference: "Under no circumstances whatever, will I be affected by it."

Both statements apparently proceed from the same tunnel vision that afflicted the previous Administration concerning American involvement in Vietnam. They reflect contempt for a substantial body of public opinion which cuts across age and party.

Informed national policy demands that leaders listen carefully to dissent, from whatever quarter it comes and however unwelcome. It is precisely the conviction that theirs are voices in the wilderness, dismissed as of no political consequence, that has brought a great many thoughtful students to the point of desperation and alienation.

The peaceful demonstration of opposition which has been planned is an essentially constructive and moral action. It is intended to bear public witness to the belief of millions of Americans that President Nixon must take the initiative in ending, speedily, this disastrous and divisive war. It is a war which has for too long ravaged the spirit and the resources of this nation.

VIETNAM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. STOKES. Mr. Speaker, we meet here tonight ladened with heavy responsibilities. We seek a proper way to extricate our country from one of the longest, bloodiest, and most costly wars of her history. It is an undeclared war, despite a constitutional provision indicating that this kind of a war was never conceived by the founders of our Nation. It is a war during which the U.S. Congress, especially the House of Representatives, has consistently failed to exercise its full constitutional responsibilities.

But, we are here tonight to help rectify past omission. We gather to rethink and rediscuss our involvement in the Vietnam conflict, and to aid our colleagues and our President in the unanimous quest for peace. For joining me in this effort, I salute and thank you. Though our numbers are few, I firmly believe our contribution will be substantial.

I would be remiss if I did not also preliminarily salute the millions of Americans of all vocations, races, economic statuses, and hair styles who will join together tomorrow in a peaceful demonstration on behalf of a rapid resolution to this war. Their request for a cessation of the killing, whatever its form so long as it be nonviolent, will be an exhibition of good citizenship in its highest form, and should serve as an inspiration and example to those of us charged with the responsibilities of determining our country's policies.

In this vein, it seems highly regrettable to me that the one man who bears the greatest of these responsibilities has already indicated that he will pay no heed to tomorrow's events. How the President of the United States can publicly prejudge and ignore such manifestations of the national conscience escapes me completely. Certainly he does so at his own political peril and at the peril of thousands of brave young American men now prosecuting this war half a world away. I would hope that the President would carefully reexamine this rather extraordinary position and acknowledge that all citizens of this Nation have not only a right to petition their Government, but also the concomitant right to be heard and respected in their opinions.

An examination of our present policies in Vietnam must begin with a look at the premises upon which these policies have rested during the 5 years of our active involvement in that conflict. This is obviously necessary, for if our policies are based upon anything but realities, we are engaged in self-delusion of the first order and are embarked on an extremely dangerous course of action. Unfortunately, a careful scrutiny of our Vietnam policies reveals that most, if not all, of those premises were indeed not realities, but myths—military myths, diplomatic myths, and political myths.

Militarily, it was once assumed that the bombing of the bridges, factories, and cities of the north would destroy the fighting capability and break the spirit of the North Vietnamese people. It did not work, and this particular myth was destroyed. Others, however, have persisted.

It was assumed, for example, that bombing the Ho Chi Minh Trail would stop the infiltration of men and materiel from the north. It has not done so. It has naturally had some inhibiting impact, but basically infiltration proceeds as the north chooses.

It was assumed that "pacification" and "search and destroy" missions would gradually erode the strength of the Vietcong and bring ever increasing amounts of territory under the aegis of Saigon. It has not done so. The political map of South Vietnam is still polka-dotted with spheres of influence and has undergone little change since 1965.

It was assumed that our forces could flush out the enemy and destroy them through means of conventional warfare. They have not done so. Indeed, whenever the strategy did work, our fightingmen performed admirably and almost always won smashing victories. But the adversary, with both time and terrain on his side, has usually successfully avoided direct confrontation, and there is every reason to believe he will continue to do so in the future.

Finally, it was assumed that the tenacity, will to win, and strength of belief of our small, yellow adversary was less than that of our own "revolutionaries"

who fought to free us from foreign domination 2 centuries ago. Nothing could have been farther from the truth. For a quarter of a century the Vietnamese people have fought against corrupt rule from within and colonial rule from without. Their dedication to their concept of freedom is precisely that of Patrick Henry's "Liberty or Death."

On the diplomatic front, more myths abound. It was assumed that by raising the hue and cry of "international Communist aggression" we would rally a great majority of the non-Communist world to our side in Vietnam. They have not come. While South Korea has sent a substantial number of troops, and Australia and New Zealand have offered token forces, none of our traditional allies and leaders of the free world have responded to this all-too-familiar shibboleth.

It was assumed that we could convince world opinion that the Vietnamese conflict was not a civil war, but a matter of flagrant aggression from the north. We have not done so. Indeed, world opinion has become increasingly critical of our presence in what most nations now clearly see as an internal affair.

It was assumed that our intervention in Vietnam would deter future "wars of liberation." It has not, and will not, do so. In fact, it has probably had the opposite effect. Buoyed by the success of the Vietcong and the dejected spirit of the American people, guerrilla fighters throughout the world are likely to be encouraged to action.

It was assumed that we could foist a corrupt, unresponsive, militaristic government upon the world as a potential bastion of freedom. It has not worked. Far too many leaders around the globe know of the distasteful record of underhandedness and political repression compiled by the Thieu-Ky regime to be so easily duped.

And only recently we have arrived at final, fallacious diplomatic assumption—that men closely tied to past policies of military intervention can now be our harbingers of peace. This can never succeed. Men like Ellsworth Bunker—wedded steadfastly to the Saigon generals—and Henry Cabot Lodge—who, a year and a half ago, predicted that if we were just patient the Vietcong would disappear into the earth, never to be heard from again—cannot be expected to inspire the requisite confidence in our foes to make them want meaningfully to talk of peace.

Lastly, myths have also been abundant on the home political front. As in the international arena, it was here assumed that the words "communism" and "aggression" would evoke a unanimous knee-jerk response to a position solidly behind our policy. This did not succeed. The American people were far too thoughtful and independent to be herded blindly down the path of war by Pentagon terminology.

It was assumed that the antiwar movement was made up of perennial left-wingers, hippies, and assorted ne'er-do-wells. If the 1968 Democratic primaries did not disprove this, tomorrow certainly will. I hope the President will be paying attention.

It was assumed that the term "commitment" could be used as a talismanic phrase which would mesmerize our citizenry into lulled support for our policies. For a while this did succeed, but after $100 billion, 40,000 deaths, and a quarter of a million casualties, an overwhelming number of people are beginning to feel that whatever commitment existed has been amply fulfilled.

Finally, it was assumed that our people would idly stand by, watching their schools and homes deteriorate, their transportation system break down, their air and water become even more polluted, and their children go hungry to pay for this war. This was the most pernicious assumption of all, and we have reaped the consequences, therefore, in Watts, Hough, Washington, D.C., and Chicago; and at San Francisco State, Harvard, and Cornell.

HISTORY NEGLECTED

How could our Government have made so many crucial errors in determining our Vietnam policy? That is a question more and more of our fellow Americans should and do ask every day.

I am neither a psychologist nor historian. It seems apparently, however, that the great majority of those myths were spawned by an unseeing devotion by the White House and the Congress to the idea of America's military and moral superiority. Fresh from victories in two major world wars and from spearheading the unsanctioned repulsion of North Korean aggression—a young nation, proud of its acknowledged role as leader of the Western World—we grossly deluded ourselves into the invincibility of our military strength and the righteousness of our every cause. In doing so, we overlooked several immensely significant historical facts.

It was forgotten, for instance, that the centuries-old antipathy of the people of Vietnam for their Chinese, Laotian, and Cambodian neighbors strongly militated against both the popular "domino theory" and the possibility of Vietnam ending up as a puppet of Chairman Mao.

No heed was paid those who warned that it would take 15 men well trained in counterinsurgency to counterbalance a single guerrilla.

Little note was given that despite very favorable "kill ratios" and incredible expenditures of time, money, and men, the French were forced to abandon their colonial dreams in Indochina.

Incredibly, no thought was apparently given to the drums of nationalism that had been beating throughout the world since the Second World War.

No regard was offered those here at home who saw the beginnings of ferment and disruption within our Nation's ghettos and universities.

And finally, and most essentially, few of those in power remembered the warning of the late President Kennedy, who in 1963, while speaking of our relationship with the Saigon government and the conflict in general, stated that in the last analysis it was "their war" and they "are the ones who must win or lose it." Tens of thousands of lives, and tens of billions of dollars later, we have still not fully comprehended that fact.

DISENGAGEMENT AND WITHDRAWAL

But our chief purpose this evening is not review. As the distinguished Senator from Idaho (Mr. CHURCH) recently said in a brilliant statement on the situation:

> There will be time enough, when peace is restored, to contemplate the "lessons of Vietnam."

Tonight we should seek not recrimination, but resolution on the eve of the country's greatest outpouring of sentiment against the war in our history, our question must not be why or how we began that war, but how we can most honorably and expeditiously terminate it.

After a complete review of our present status in Vietnam, it seems to me that we must take five key steps to accomplish those goals.

First. As a preliminary measure, the President should immediately recall Ambassador Bunker from Saigon and Chief Negotiator Lodge from Paris.

Bunker, while a distinguished and rightfully respected diplomat, has always been, and continues to be, an inflexible, wholehearted supporter of the present Saigon regime and the militaristic clique which surrounds them. Whatever the pros and cons of that regime—a topic I shall discuss forthwith—there is absolutely no doubt that it is loathed by the Vietcong and mistrusted by a substantial number of South Vietnamese loyalists. Ambassador Bunker's presence, therefore, and his well-advertised enthusiasm for Messrs. Thieu and Ky only serve as a symbol of intransigent support for the present Saigon government by Washington, and consequently constitutes a significant impediment to any efforts aimed at erecting a provisional and/or coalition regime in that country.

Similarly, Ambassador Lodge was long President Johnson's emissary of escalation in Saigon. Moreover, he was often prone to unguarded asides in which he disclaimed the fighting prowess and will to succeed of the Vietcong. Unquestionably, the Vietcong were aware of these facts, and in light thereof it is difficult to believe that they have a great deal of respect for either his opinions or his veracity. Yet now he sits next to them as the chief negotiator for a peaceful solution.

Surely there are many persons not so inexorably tied to the failures of the past whom the President could appoint in lieu of these men. Former Ambassador to the United Nations, Arthur Goldberg, is a name which comes immediately to mind. As President Johnson once crossed party lines to appoint Ambassador Lodge, so should President Nixon be willing to do so. Surely the issue of successfully effecting the negotiations for peace is far above partisan politics. I would defer, of course, to the President's choice in the matter, but firmly believe that a change must be made and made soon.

Second. We should immediately stop all offensive actions in South Vietnam, and pull those troops currently being

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used for those purposes back to the areas we now hold secure. For 5 long years our courageous young men have roamed the Vietnamese countryside on pacification and search-and-destroy missions. Yet, a brief glance at the maps of South Vietnam then and now reveal a painfully small amount of progress for the lives and dollars expended. Moreover, many areas taken over by the United States or the ARVN and under their protectorate by day, revert to the Vietcong by night. This cannot continue—at least not with American troops. The price per square foot is far too dear.

Not only should the pullback greatly reduce American casualties, but there is a substantial possibility that such a move could lead to a marked winding down of all hostilities. Both the Vietcong and the North Vietnamese have shown a definite proclivity for avoiding direct engagement with our forces. If we retreated to areas already firmly secure, therefore, it is quite likely to result in an overall deescalation. In addition, by removing the outposts and other units from some of the far north recesses, a great number of the North Vietnamese troops will no longer be necessary to defend the Vietcong territory, and well might return to their side of the DMZ.

Third. If these pullbacks result in some reduction of the fighting level—as they almost assuredly will—all of the units currently used for offensive maneuvers should be withdrawn as soon as possible. At a minimum, this should mean another 200,000 men brought home by the first of the year. In other words, unless it becomes obvious that our adversary will take advantage of the pullbacks to prepare allout assaults on our now secure territories, all offensive troops should be removed. Our days of the offensive in South Vietnam should be over. We must admit that they are basically ineffective and are too costly in terms of human lives to continue. Thus, unless removal of the offensive troops from the secure areas would clearly endanger the defensive troops remaining there, they should be removed immediately. The net result of this action will be to reduce by half our forces in Vietnam by January 1, 1970.

Fourth. After the offensive troops are gone, we should make clear to the Saigon government that the remainder of our forces will be withdrawn by December 1, 1970. This action would be advantageous for several reasons. First, it would assure total withdrawal of all forces by the announced date. All Americans would know that the war would soon be over for their fathers and sons. Second, it would put the Saigon government on final definite notice that as of that date, the Vietnam war was once again, as President Kennedy said it should be, theirs. The importance of this cannot be overemphasized. It is only natural that Thieu and Ky will take their own sweet time about training the ARVN and substituting them for American units as long as we remain there to assure the safety of their Government. If faced with the prospect of protecting their own necks, however, I think a great change of speed and attitude would be perceptible.

A third advantage of this plan of action is that by leaving a substantial number of American forces in our secure areas for several months, we would insure that the bloodbath which many predict the Vietcong would precipitate upon South Vietnam peasants and villagers who had been friendly to us would not occur. By the specified cutoff date, however, the ARVN forces should be ready to hold these positions.

Finally, by pulling over half our troops out by January 1, 1970, with a commitment to remove the remainder by December 1 of that year, we should have both the time and bargaining position to assure the release of all U.S. prisoners of war. Once the opposition sees the sincerity of our efforts to withdraw completely, they ought to be more than willing to meet this demand. Certainly the demand should be the sole non-negotiable condition to the removal of our defensive troops. The point is, whatever be the Vietcong and North Vietnamese initial reaction to this proposal, there will be ample time before we are committed to remove our forces to work out the details of this transfer.

Fifth. Throughout this entire process we should make every effort to encourage the Thieu-Ky government to greatly broaden its base of support. Our troops would be gone by December 1, 1970, but all of us realize that we have sacrificed too much to see South Vietnam end up in the hands of a dictatorship of any stripe. Even more importantly, we would like to see an end to all belligerency in that country. It is quite apparent, however, that neither of these goals will be realized unless and until the Saigon regime takes a more conciliatory approach toward both dissidents loyal to the government and the Vietcong.

A first step would be to cease the unacceptable amount of political repression presently being employed by the Saigon government. The report on political repression in South Vietnam prepared by my distinguished colleague from Michigan (Mr. CONYERS) and several other prominent religious and civic leaders last summer, clearly indicated that all elements not absolutely supportive of Thieu, Ky, and their ruling elite, were being subjected to constant and severe harassment. That is not the way to unify a country.

Similarly, the pronouncements of the Saigon machine about never accepting a coalition government must be ceased. The Vietcong control more territory—though fewer people—in South Vietnam than Saigon does. Thus, to expect to negotiate a peace settlement without a provision for substantial Communist representation in the ensuing government is pure folly. The only alternative for Saigon is to continue the fighting until all vestiges of the guerillas are wiped out—a task we know for a fact to be an impossible one.

Those are the steps. Replace Lodge and Bunker; retrench American troops in secure positions; pull out 200,000 offensive troops by January 1, 1970; withdraw all remaining forces by December 1, 1970; and put all possible pressure on the Saigon government to become a force of reconciliation and peace. It is, in my estimation, a workable blueprint. I hope the President and the Congress will take heed of it and accept it.

RESTRUCTURE PRIORITIES

If we can accept it, maybe we will be able to at last return our thoughts to where they should have been all along—with the critical domestic problems facing this Nation. The war has been costly in many ways. Over $225 million in Federal tax money has been spent on the war from my district alone. We could have used that money in Cleveland, Mr. Speaker—used it for food, schools, clothing, homes, transportation, and to combat the poisoning of our environment. The only memorial to that money now is several hundred Cleveland boys dead or maimed, and a few burned-out villages. It was not worth it.

The important task now, however, is to build on the past, confess the error in our policies, and begin working toward restructuring our national priorities. Our national spirit has been badly demoralized by this war. It has alienated parents from children, students from universities, neighbors from neighbors. It has exacerbated the growing racial crisis, and has impeded social progress on all fronts.

But Americans are a resilient lot. Just as they can be demoralized, they can be revitalized. Their moral energies can once again be harnessed and guided to the betterment of the Nation. To provide this leadership will be our responsibility. It will be our job to see that henceforth our Government will buy bread before bombers, homes before howitzers, and schools before submarines. If we are successful in this effort, America will have turned the corner to world leadership in the coming decades and taken a giant step toward the creation of a peaceful and just society at home.

MAN IN THE BALANCE OF NATURE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. DINGELL. Mr. Speaker, the Royal Bank of Canada devoted its monthly letter of February 1969, to a discussion of man and his environment. So that my colleagues may have an opportunity to read this article, entitled "Man in the Balance of Nature," I include its text at this point in the RECORD:

MAN IN THE BALANCE OF NATURE

Why are people so disturbed about pollution of air and water? It is not simply because they have become more refined and aesthetic, but because they begin to realize that we have reached a critical point in human habitation of the earth.

As far back as 1947 the question before a conference at Princeton University was "the fate of man". Would he go the way of the dodo and the dinosaur? Or would he take his destiny in his own hands and make a better creature of himself? Opinion was divided.

There was no split of opinion at the UNESCO headquarters in Paris last year when more than two hundred experts from fifty countries met in conference. Within twenty

years, they decided, life on our planet will be showing the first signs of succumbing to pollution: the atmosphere will become unbreathable for men and animals; life will cease in rivers and lakes; plants will wither from poisoning.

This opinion was made public following the Inter-Governmental Conference of Experts on the Scientific Bases for the Rational Utilisation and Conservation of Biospheric Resources.

The biosphere is the part of the earth and its atmosphere which contains living things. In this layer, only a few miles thick, man is creating far-reaching imbalances. He threatens the stability of his own ecology by destroying resources and burdening his environment with the waste products of his own activities.

The biosphere is so immensely complicated that its workings are imperfectly understood, but it is known that any interaction of factors, however insignificant, can produce repercussions whose chains often span continents or even girdle the earth.

After commenting on the damage done by swift depletion of minerals and forests, the report of the UNESCO Conference in the *Manchester Guardian* goes on: "As cities spread in monstrous fashion the problem of refuse inherent in urban life attains the size of an insoluble problem. Carbon dioxide and all the host of air-borne industrial wastes are fouling the atmosphere and poisoning fresh water. In the last twenty years the whole process has been accelerating at a crazy speed."

WHAT SHALL WE DO?

We must be willing to ask such questions as "What is the meaning of life? What is our relationship with everything around us? What shall we do in the short stretch between birth and death to preserve and improve our inheritance?" We need the courage to ask such questions—as the UNESCO Conference did—with respect and seriousness, and the gumption to do what the answers tell us to do.

There is no better way of giving our lives the dimension of depth than by identifying ourselves as important factors in the balance of nature and putting our weight on the side of conserving what is good, correcting what is wrong, and progressing to something higher in the scale. We were put upon Earth, according to the Book of Genesis, "to dress it and to keep it."

But man has become a prober and a meddler. Fire, the axe, the plow, fire-arms and the bulldozer have been the fundamental tools of our modern culture. We have spurned the fact that Nature is a total of the conditions and principles which influence the existence of living things. Her laws were so contrived that land, water, plants and animals should, and under natural conditions do, exist in harmony and interdependence for perpetual productiveness.

Nature has been at work for a great many millions of years to get things as they are. Cause and effect are tied together like stones in a well-built wall. Without careful investigation you never can tell which is a keystone, the removal of which will bring down a large section of the structure in ruin.

Man is only a comparatively small element in this massive system. As Anthony Tucker put it in his report of the UNESCO Conference: "The system developed without him, determined his evolution, and shaped his dependence on life cycles which in turn were already dependent upon complex living and chemical relationship in a relatively stable environment." It is imperative to his survival that man should recognize his animal nature and live within the boundaries set by his organic world.

Throughout history one species after another of animal and plant has disappeared from the earth, and one culture after another has passed to oblivion, because of inability to adjust to environmental change.

NATURE'S LAWS

We are, then, an integral part of our environment. "Nature" embraces all existing things—fields, oceans, mountains, forests, deserts, the wild creatures . . . and human beings. We are part of it, and we must live in concert with it.

Our discovery of nature's laws does not mean entering a state of slavery. On the contrary, once we know what they are we can learn to co-operate with them, and by so co-operating increase our own freedom within them. Take fire as an example: we learned far back in our aboriginal state that fire burns you if you touch it, not to punish you, but because that is the natural law of fire. From there we went on to use fire for our useful purposes within the bounds of its law.

Ecology is the science concerned with the relation of living things to their environment, and with the factors which influence that environment. It is an expression of the realization that man must give over trying to mould the rest of the natural world to his wishes without adequate understanding of the laws that govern it.

What are some of the things needful to know? The subject is so vast that no human mind has ever fathomed all its secrets, but the basic principles are becoming known. First and foremost is the lesson so hard to learn: that Nature is the expression of a definite order with which nothing interferes successfully, and that the chief business of men is to learn that order and govern themselves accordingly.

Consider our disregard for plant life. The green leaf pigment, called chlorophyll, is the sole link between the sun and life: it is the conduit of energy to our frail organisms. Every plant, even the most humble, even algae, the simplest form in the vegetable kingdom, is a specialist, adapted by its habit of growth and its special requirement for light and moisture, to grow best in its preferred environment, and there to fulfill its destiny in serving Nature's purpose.

Let disaster strike the microscopic plants upon which the tier of life is built, and whole organizations will come tumbling down. The forces we set in motion to carry out our great projects move out to affect the lives of other creatures, and come back to act upon us.

Our worst conservation problems owe their existence largely to our short-sighted preoccupation with our immediate affairs, our personal lives, our ignorance of our place in the balance of nature. A person who has once perceived the greatness of nature's smallest creature or flower, can no longer be happy if he allows himself to be petty, self-seeking, and greedy in his dealing with Nature.

Because there are men and women who have not received this vision, it is necessary to have man-made laws to enforce the laws of nature.

Why should anti-pollution regulations raise objections? Do they restrict our freedom, that word so cherished in democracies? So do traffic laws and signals, which limit the freedom of action of the driver of the automobile. None the less, intelligent drivers gladly obey the regulations, even when there is no policeman at the corner to enforce them, because they know that in the absence of such organization of traffic their freedom to move in a chosen direction would be enormously more impeded by traffic jams and accidents.

On a higher scale than enforcement by law is the self-regulation taught to Boy Scouts: always leave the camping ground better than you find it. There are unwritten laws observed by woodsmen and mountain climbers: not to kill a porcupine or a fool hen unless there is no other food to be had; always replenish the wood-pile at a shelter hut to at least the size it was when you took shelter there.

SOMETHING ABOUT MEDDLING

Meddling with small parts of a related whole produces evil consequences. Whatever we do in altering nature must be done in full awareness of Nature's reactions to and on ourselves.

For lack of adequate knowledge, much of our manipulation is based on technological criteria without thought of its over-all biological results. Some of this tampering starts a chain of events that upsets the balance of nature with destructive effects.

Consider the undisputed facts of life in the soil. These facts were studied by the UNESCO Conference and reported by Mr. Tucker. Something like forty billion tons of vegetable material are made and destroyed on the earth every year. The mass of land animals and smaller organisms amounts to less than one per cent of the vegetation. Of this tiny "zoomass" (which includes man) some 95 per cent consists of invertebrate organisms with crucial roles in the decomposition processes of the life cycle. Since they form an essential part of the natural capital it is utterly profligate to bring about their mass destruction through indiscriminate use of such things as nonselective pesticides.

Irresponsible chemical eradication of weed and insect pests presents not only a serious threat to wildlife conservation but holds out the danger of contamination to human beings. A pesticide, possibly used to kill rats in a wheat field, was blamed for the death of seventeen children in Mexico. Alfalfa that had been sprayed with DDT was fed to cows by scientists. The cream was churned to butter, the butter was fed to rats, and the still toxic DDT was found in their body fat in substantial amounts.

OUR POISONED WATER

What use is it to make a fetish of cleanliness of the body, of hair, of teeth, if we continue to pour sewage into rivers, thence to be carried inside our bodies?

In one midwestern city in the United States, as John H. Storer tells us in *The Web of Life*, tests of the city's water showed that during the period of low water in the winter it was one-half straight sewage.

Water, the most important natural resource, can be the medium for the transmission of germs and toxic substances. The World Health Organization reports that about five million children die every year from intestinal diseases caused by water.

There is a point at which the rivers themselves rebel. The load of poisons from city sewers, factories, slaughter-houses and farm lands becomes unsupportable. These kill the cleansing plants, use up the purifying oxygen in the water, and clog up the filtering gravel.

Once the mass of pollution exceeds a certain amount, animal and vegetable life disappears; the river dies.

To clean up our lakes and rivers we must deal with many types of man-made pollutants: detergents, fertilizers, insecticides, weed-killers, sewage, industrial waste, and hundreds of other products. This clean-up does not involve primarily treatment, but prevention, and some movement is being made in that direction by municipalities and industries.

Our lakes are dying. The United States public health service has warned shippers in Lake Erie that water within five miles of the shoreline should not be used for drinking or cooking. This stretch of near-shore water is so polluted that even boiling or chlorination will not remove the contamination. Farther out, pollution has stimulated the growth of vegetation, using up oxygen, so that a large expanse of dead water has developed.

In 1965, Dr. G. B. Langford, F.R.S.C., Director of the Great Lakes Institute, University

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of Toronto, concluded a report *The Great Lakes and Their Problems* in this way: "Governments in the United States are facing up to the situation much more realistically than are those in Canada The insignificant support of research in the Great Lakes by the governments of Canada stands in sharp contrast to what our neighbours are doing. An unbaised observer would wonder if we actually share these lakes, for we do not share the responsibility of saving them from the pending disaster."

OUR POLLUTED AIR

Hamlet put it this way: "This most excellent canopy, the air, this brave o'erhanging firmament . . . appeareth nothing to me but a foul and pestilent congregation of vapours."

Today we seem to look upon smog and air pollution as incidents of urban life, until a public health disaster such as the death of 4,000 people in London's smog in 1952 calls our attention to the fact that this can be a killing negligence.

At least a hundred air pollutants have been identified, and their interaction produces others.

The cost of air pollution in Canada has been estimated at from $20 to $65 per person, depending on where he lives. This is for laundering, painting, cleaning of buildings, filtering of air, and doctors' bills.

But cost and loss in dollars and cents do not tell the whole story. Air pollution constitutes a serious hazard to health. Atmosphere pollution has been found to lower resistance to disease, to reduce vitality, and to increase sickness. Relatively low levels of air pollution may be involved in the development of chronic degenerative diseases, including skin and lung cancer, heart and vascular disorders, and chronic bronchitis. Paul Kotin, of the University of California, has established that several of the organic compounds produced by the combustion of gasoline and diesel oil are carcinogenic.

The best means of preventing combustion-caused pollution is simple: use better combustion equipment. This improvement should be insisted upon by those who have the responsibility for community welfare and hold the legal power to enforce it.

RESTORING THE BALANCE

Some people who have not thought seriously about the matter shy away from the word "conservation" under the misapprehension that it means "stop using". Resource conservation is fundamentally nothing more than wise use of our resources in accordance with the laws of nature.

Personal conscience is the beginning of any effective conservation effort. A Washington State Supreme Court decision reads: "An unwritten compact between the dead, the living, and the unborn requires that we leave the unborn something more than debts and depleted natural resources."

Nature maintained her balance for millions of years, but she is now up against something new. All other participants in nature live by habit and instinct but men try to manage things, to force things into new ways. Their conceited and arrogant interference has brought about the deterioration in living conditions which alarms us, the extinction of many animals and plants, and the defilement of air and water.

Now that their continued existence is shown to be at stake men are called upon to rethink many things, to relearn lessons long forgotten, and to get back on the right road.

Our research and its findings and the lessons it teaches give hope to a world as yet largely unconscious of the gravity of its situation. Scientists and research people do not make laws, but discover them. The laws of nature are there, and scientists find them so that we may obey them.

This involves a new duty: communication. The facts of the balance of nature and man's part in it must be presented to the people of all countries in understandable terms. By this means scientists can place the decision about these grave issues in the proper hands.

No municipal, provincial or national effort to preserve the balance of nature can be effective unless it is pressed for and adequately supported by informed public opinion. Every citizen need not be an expert in this or that branch of science, but he should know what the scientists are talking about, what the technicians are doing, and what his elected governments should be doing.

What could be a higher ideal than that of an intelligent informed citizenry with an attitude toward nature that is based upon an understanding and knowledge of man's dependence on his total environment? An effective programme with this end in view is being carried out by the 4–H Clubs in Canada. By intelligent and sympathetic guidance, these young people are learning conservation as a way of life.

REDEMPTION

We have disregarded our place in the balance of nature for long enough, and we are face to face with our man-made conflict between the principle of freedom to use up and the principle of husbandry to use wisely and replenish. We can imagine the trees and the wild creatures and the earth itself watching and listening, alive and aware, holding their breaths in anticipation of what their human neighbours will do with their common heritage.

We face the hard task of putting natural forces to work in restoration and redemption. We need to deal with the necessary steps one at a time and with reasonable judgment.

Government programmes are being established, but at a snail's pace. They cannot succeed until they are enlarged to match the size of the problems, and until citizens are ready to pay the huge bill which we have already incurred by our assaults on the quality of our environment.

Political and geographical boundaries must not be allowed to impede the national effort. The first conservation duty of a city is to clean itself, and fastidious citizens will see that it does so. Then it must work hand-in-hand with adjoining municipalities, for how can people close their minds to the fact that much of the water flowing from their kitchen taps has already passed through other people's drains? Counties and townships and provinces are interlinked in any honest attempt to restore the balance of nature.

All of these divisions need to give attention to another aspect of nature. Our country-side is becoming wearied with the constant encroachment of factories and housing developments. Men pleading specious needs violate parks, forests and wildernesses. They ruin for all time what the time of man on earth cannot replace.

We need people rich enough in understanding and imagination, and strong enough in fibre, to insist that adequate forests and outdoor space be left to be admired, not destroyed. Unless natural outdoor spaces remain, young people are denied their instinctive wanderings. Trapped in city corridors, enmeshed in sprawling suburbs, empty of heart, mind and hand, cheated of experiences that are by nature necessary to them, they will turn their energies to protest and to evil.

When a young person goes for a stroll or paddles his canoe in a nature park he realizes that he is not merely an observer of nature, but a part of nature. His troubles grow petty, not because they are unreal, but because they dissolve within the larger plan.

A VALUE JUDGMENT

Man, part of nature, has become enticed into a nearly fatal illusion: that his skills in science and technology make him independent of the laws of nature.

He spread insecticides without examining into whether they would be fatal to birds and beneficial insects and might kill people. He poured millions of pounds of detergents into rivers before learning that they polluted the water. He allowed lakes to die of oxygen starvation. He contributed to the deadliness of smog by floating noxious substances into the air.

What is required is a value judgment which compares the known risks with the anticipated benefits. This is where conscience and intelligence enter the scene. Said Barry Commoner in his powerful article entitled "Pollution: Time to Face the Consequences" in the mid-summer 1968 *Think:* "No scientific procedure can tell us how many defective births from fallout radiation we ought to tolerate for the sake of a new nuclear weapon. . . . No scientific principle can tell us how to make the choice—which may be forced upon us by the insecticide problem—between the shade of the elm tree and the song of the robin. . . . The necessary judgments are therefore the responsibility, not of scientists and technologists alone, but of all citizens."

Man emerged on this space ship Earth and is biologically bound to it forever. The message from the UNESCO Conference to world governments and people is that either they keep the space ship healthy or we die with it.

What is the paramount thing? To come to nature with clean hands, unsoiled by spoilage, destruction and waste. This involves a great deal of governmental wisdom, a lot of scientific research, and a lot of engineering ingenuity. Behind all these must be the pressure of public demand.

BANKING INSTITUTIONS IN THE NATIONAL CAPITAL REGION

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. DEL CLAWSON. Mr. Speaker, on September 23, 1969, I introduced H.R. 13928, a bill addressed to the problems faced by banking institutions in the National Capital region. This bill is identical to S. 2569 introduced by Senators SPARKMAN and BENNETT. Hearings were held by the Senate Banking and Currency Committee last week on S. 2569. The Federal Reserve Board reported on these hearings.

Mr. Speaker, I am particularly impressed by the thoughtful report submitted by the Federal Reserve Board in support of this legislation. I would like to share this report with my colleagues. I am therefore inserting it at this point in the RECORD:

STATEMENT OF WILLIAM McC. MARTIN, JR., CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

I appreciate your invitation to present the views of the Board of Governors on S. 2569, which would amend section 3(d) of the Bank Holding Company Act to allow bank holding companies in the District of Columbia to expand into the suburbs, and grant reciprocal privileges to Maryland and Virginia holding companies.

Section 3(d) prohibits the Board from approving an acquisition by a bank holding company of a bank located outside the State in which the holding company's banking operations are principally conducted, unless the

acquisition is specifically authorized by State statute. S. 2569 would add two exceptions to section 3(d). Under the first, a holding company whose banking operations are principally conducted in the District of Columbia on the date of enactment (or when it becomes a holding company if that is later) might acquire, with the Board's approval, banks located in Montgomery and Prince Georges Counties in Maryland and in Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in Virginia. Under the second, a holding company whose banking operations are principally conducted in either Maryland or Virginia on the date of enactment (or when it becomes a holding company if that is later) might acquire banks located in the District of Columbia. However, the authority of a holding company to expand the scope of its operations across State lines might be affected by State laws in view of section 7 of the Act, which reserves to the States their rights with respect to banks, bank holding companies, and subsidiaries thereof.

The Board believes that the unique situation in Washington merits special consideration. In its application to the District of Columbia section 3(d) is obviously far more restrictive than it is with respect to any other area. A rule adopted with States like California in mind is unrealistic as applied to an area of 61 square miles that is entirely metropolitan and entirely surrounded by expanding suburbs. The inequity of the situation with respect to the City of Washington is more apparent now than it was when section 3(d) was enacted in 1956. The two States that surround Washington permit banks located therein to expand State-wide, and State-wide banking organizations have become prevalent in recent years in both States. Several of such organizations have offices located in the Washington metropolitan area.

The Board believes that permitting banking organizations in the District of Columbia to establish offices in the suburbs and vice versa would be beneficial to the community interest by promoting competition and facilitating the allocation of resources in meeting credit demands.

Other provisions of section 3 of the Act afford protection against abuses of the proposed new authority. Under section 3(b) of the Act, the Board is required, upon receipt of an application for its approval of a proposed acquisition by a holding company of a State-chartered bank, to inform the appropriate supervisory authority of the interested State. If such authority opposes approval of the application, the Board must order a hearing and permit all interested parties to testify on the proposed transaction.

Protection against potentially anticompetitive effects arising from enactment of S. 2569 is provided by section 3(c) of the Act and the antitrust laws. Under section 3(c) the Board may not approve an acquisition that would have serious anticompetitive effects, unless it finds that such effects are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served. And section 11 of the Act requires the Board to notify the Attorney General of its approval of any acquisition, and establishes procedures under which the Attorney General may invoke the antitrust laws to prevent the consummation of the transaction, despite the Board's approval.

A possible alternative approach to accomplish the purposes of S. 2569 would be to modify the Federal branch banking law (12 U.S.C. 36) to permit national banks (and State member banks so far as Federal law is concerned) with offices located in the Washington metropolitan area to establish new banking offices throughout such area, with the approval of the appropriate Federal supervisory agency and, in the case of a State-chartered bank, with the approval of its State supervisor. This new-branch alternative might tend to minimize any potentially anti-competitive effects in removing the barrier of political boundaries to the expansion of banking organizations.

A third approach by which District banks might appropriately be permitted to enter the suburbs and suburban banks to enter the District would be by direct acquisition of an existing banking office through purchase of assets, merger, or consolidation. Federal law provides the same kind of protection against harmful consequences resulting from such direct acquisitions as it does for bank acquisitions by a bank holding company.

In the Board's judgment, each of these approaches has merit. However, under the approach of S. 2569, approval of entry by District bank holding companies into the suburbs and Maryland or Virginia holding companies into the District would be centralized in the Board. Although such centralization of authority is not critical to appropriate expansion of banking offices, it would assure that the relevant considerations in expanding banking offices across State lines to the limited extent permitted by the bill are considered on a uniform basis, which would seem to be desirable in departing from the rules based on political boundaries.

In one respect the provisions of S. 2569 may go further than necessary. If a District of Columbia based holding company acquired a bank in the Maryland suburbs, there is nothing in the bill as introduced to prevent the subsidiary Maryland bank from establishing branches throughout the State. We question whether the new authority to expand in the metropolitan area should be used to expand throughout Maryland and Virginia. Accordingly, the bill should provide that a Virginia or Maryland bank acquired by a District of Columbia based holding company may not have a banking office outside the metropolitan area.

The Board recommends enactment of S. 2569 with an amendment as suggested in the immediately preceding paragraph.

My State of California has lived with the problem of large credit demands for many, many years. It seems to me that California has so approached its public policies as to meet these demands promptly and adequately. I am pleased to see this imaginative approach adopted by the Federal Reserve Board to meet the large credit demands that loom ahead for the National Capital region.

LABELING OF FOODS CONTAINING HIGH CHOLESTEROL CONTENT

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. YATES. Mr. Speaker, I had previously placed in the CONGRESSIONAL RECORD copies of my correspondence with the Consumer Protection and Environmental Health Service of the Department of Health, Education, and Welfare. I pointed out at that time that the question of proper labeling was "a matter of some urgency to people who are on anti-cholesterol diets," which usually are recommended by their physicians to minimize possible incidence of heart disease.

In furtherance of my campaign for proper labeling of foods to reflect their fat content, I am attaching copies of letters which I have mailed to and received from Dr. Campbell Moses, medical director of the American Heart Association. I also am attaching hereto, Mr. Speaker, a copy of my letter of October 10 to Dr. Herbert L. Ley, Commissioner, Food and Drug Administration.

Mr. Speaker, I cannot understand why Dr. Ley continues to procrastinate in coming to a decision in this important matter. He has the authority to require labeling which will protect the public in this very important respect and I trust he will be moved to take action on the matter promptly.

OCTOBER 1, 1969.

Dr. CAMPBELL MOSES,
Medical Director, American Heart Association, New York, N.Y.

DEAR DR. MOSES: Mr. Merliss of the Public Health Service said that you may be interested in the fight I am having with the Consumer Protection and Environmental Health Service of the Department of Health, Education and Welfare to properly label foods containing high cholesterol content. I am enclosing a copy of the Congressional Record for September 29 and invite your attention to my comments beginning on page 27398.

I would appreciate any comments you care to make on the point I have made.

With kindest regards,

Sincerely yours,

SIDNEY R. YATES,
Member of Congress.

AMERICAN HEART ASSOCIATION, INC.,
New York, N.Y., October 8, 1969.

Hon. SIDNEY R. YATES,
House of Representatives,
Washington, D.C.

DEAR MR. YATES: In support of your efforts to have the Consumer Protection and Environmental Health Service insist on proper labeling of foods, I am enclosing the statement of the American Heart Association on Diet and Heart Disease and copies of our recent correspondence with Dr. Herbert L. Ley, Jr. in this matter.

If you can move this labeling problem off dead center, we will all be in your debt.

Very truly yours,

CAMPBELL MOSES, M.D.,
Medical Director.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
Washington, D.C., January 23, 1969.

CAMPBELL MOSES, M.D.,
Medical Director,
American Heart Association, Inc.,
New York, N.Y.

DEAR DR. MOSES: This letter responds to your inquiry of January 14, 1969, concerning the labeling of foods with respect to fat content and composition.

We have before us proposals for labeling foods with information about their saturated and polyunsaturated fat content. These proposals are currently under extensive study, and we have made no commitment as to the course which we will take in this important matter.

You may be assured that if the conclusion is reached that a final regulation or statement of policy should be issued in this area, such a step will not be taken without ample opportunity for comment and discussion on the part of all who may be interested.

Sincerely yours,

HERBERT L. LEY, Jr., M.D.,
Commissioner of Food and Drugs.

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JANUARY 14, 1969.

HERBERT L. LEY, M.D.,
Commissioner,
Food and Drug Administration,
Arlington, Va.

DEAR DOCTOR LEY: As the problem of permissive labeling of the fat content and composition of foods has been bubbling up and down for a long time, I would appreciate word from your office as to the present status.

Thank you for past courtesies and for this present one.

Very truly yours,
CAMPBELL MOSES, M.D.,
Medical Director.

DIET AND HEART DISEASE

(This statement was developed by the Committee on Nutrition and authorized for release by the Central Committee for Medical and Community Program of the American Heart Association)

The development of atherosclerotic coronary artery disease is influenced by many factors; among the factors associated with an increase in this disease are:

1. A familial history of coronary heart disease; the presence of diabetes mellitus, hyperlipidemia, gout, hypertension, obesity, and certain personality characteristics.

2. Sex and age: Men are generally more susceptible than women and both become increasingly susceptible with advancing years.

3. Environmental factors such as a diet rich in saturated fat and cholesterol, cigarette smoking, and habitual physical inactivity.

There is growing evidence that the early identification and correction of these risk factors may favorably influence the course of coronary disease. For this reason, the American Heart Association has urged the implementation of risk factor identification programs (Risk Factors and Coronary Disease; a Statement for Physicians, A.H.A. 1968).

The fact that control of diet is one method of correcting or modifying some of these risk factors led the American Heart Association to release two previous reports (1961 and 1965) on the relationships between diet and atherosclerosis. Since that time, additional supporting data have been accumulated, particularly on the effects of diet on the occurrence rate of myocardial infarction.[1-5] Accordingly, the American Heart Association, through its advisors, has revised its Statement on Diet and Heart Disease to include these reports.[6]

It is most important to note that much of the data currently available on the relationship of diet to coronary artery disease are from studies using subjects unusually susceptible to coronary disease or atypical of the general population of the United States. There is an urgent need for more tightly designed, prospective studies involving larger numbers of healthy subjects so as to provide an unequivocal answer. A report on the feasibility of the dietary modifications for such a study has been published.[7]

It has been repeatedly documented that in populations with high concentrations of serum cholesterol, the frequency of atherosclerotic coronary heart disease is high, whereas in populations with lower concentrations of cholesterol in their serum, the frequency of coronary disease is lower. The evidence now indicates that avoidance of prolonged elevations of serum cholesterol can decrease the hazard of developing premature coronary disease.

It has already been shown that in most (but not all) persons, elevated concentrations of cholesterol in the serum *can be decreased* significantly and *can be maintained* at a lower level by conscientious and sustained adherence to a nutritionally sound modified fat diet.[5 7] It has been suggested, but it has not been proven, that this type of diet will minimize the progressive rise in serum cholesterol concentration that generally occurs in most adults.

DIETARY RECOMMENDATIONS

Although the dietary recommendations in this statement are designed for "healthy" individuals to reduce the risk factors influenced by diet, they are particularly applicable to individuals who are shown to have increased risk as determined by plasma lipid or lipoprotein concentrations.[7] In general, a diet designed to decrease the risk of coronary heart disease involves the following recommendations.

1. *A caloric intake adjusted to achieve and maintain proper weight.* Obesity is statistically associated with both hypertension and diabetes, and secondarily, with coronary heart disease. Correction of obesity may also reduce elevated serum lipid concentrations.

2. *A decrease in the intake of saturated fats, and an increase in the intake of polyunsaturated fats.* This will lower increased concentrations of cholesterol in the serum of most people. The ideal quantity of fat needed in the diet is not known, but an intake of less than 40% of calories from fat is considered desirable. Of this total, polyunsaturated fats should probably comprise twice the quantity of saturated fats. Many studies have shown that saturated fats elevate the serum cholesterol of man and that polyunsaturated fats lower serum cholesterol. The cholesterol-elevating effect of saturated fats is about twice as great as the cholesterol-lowering effect of polyunsaturated fats.

Considerable confusion has resulted from the regulation forbidding manufacturers to label vegetable oil products with their actual polyunsaturated fatty acid content. This has made it difficult to distinguish between a product "made with vegetable oil," but heavily hydrogenated (saturated) in manufacture, and one retaining a high content of polyunsaturates in the final product. Since 1961, many manufacturers have made a substantial effort to increase the polyunsaturate content of vegetable oil shortenings, the lightly-hydrogenated salad and cooking oils, and especially, the tub-type margarines. Accurate labelling would make it possible to identify the brands with a high-polyunsaturated fat content. For the present, margarines that are high in polyunsaturates usually can be identified by the listing of a "liquid oil" first among the ingredients. Margarines and shortenings that are heavily hydrogenated or contain coconut oil, which is quite saturated, are ineffective in lowering the serum cholesterol.

It should be noted that quite commonly, diets severely restricted in fats, with carbohydrate filling out the caloric requirement, may accentuate hypertriglyceridemia. Although the exact role of the triglycerides in atherogenesis is not clearly established, there is increasing evidence that hypertriglyceridemia is associated with an increased incidence of coronary disease in younger men.

3. *A substantial reduction of cholesterol in diet.* The average daily diet in the United States contains approximately 600 mg. of cholesterol. Sharp reduction in the amount of cholesterol in the diet has been found to lower the concentration of cholesterol in the serum of most people.[8 10] In hypercholesterolemic individuals, reduction of dietary cholesterol to less than 300 mg. daily is recommended. Because cholesterol is abundant in many protein foods of high biological quality, careful planning is necessary to lower the intake of cholesterol without impairing the intake of foods high in protein.

Other dietary factors: Although there is a great deal of interest in the possible role of other dietary factors[9, 10, 11] (simple sugars vs. complex carbohydrates, alcohol, coffee and artificial sweeteners, such as the cyclamates and saccharin) in the development of coronary heart disease, the available evidence is incomplete. Dependence on foods such as vegetables, cereals and fruits to supply most of the dietary carbohydrates is preferable to excessive use of sugar including candy, soft drinks and other sweets.

In the application of these recommendations to family groups with a high incidence of coronary disease and/or with risk factors, any change in the diet must preserve the principles of good nutrition. Although nutritional requirements differ during certain periods of the normal life cycle, the demands for optimal nutrition during periods of growth and development of infants, children and adolescents, and of pregnant and lactating women can be met by appropriate modifications of the recommendations under these dietary principles.[10] Dietary habits which are formed during the developing years may continue life-long and influence the severity of atherosclerosis in later life. Diets similar to those recommended herein have been consumed by many persons for periods of more than ten years without any evidence, clinical or biochemical, of deleterious effects.

As already mentioned, coronary heart disease is a result of many factors. Diets rich in saturated fat and cholesterol represent one important risk factor that can be safely modified. Dietary management does not exclude appropriate use of drugs and other measures for control of risk factors.

This statement is designed primarily for the scientific community. A more detailed discussion of this subject is contained in "Modern Concepts of Cardiovascular Disease" for September–October, 1968.[7] The American Heart Association has translated these dietary recommendations into several publications which are available to the general public and to patients through local Heart Associations and the AHA:

FOR PATIENTS, ON A DOCTOR'S PRESCRIPTION ONLY

Planning Fat-controlled meals for 1200–1800 calories (Em 288).

Planning Fat-Controlled Meals for Approximately 2000–2600 Calories (Em 288A).

FOR THE GENERAL PUBLIC, NO PRESCRIPTION REQUIRED

Two campanion booklets, The Way To a Man's Heart (Em 455) and Recipes for Fat-Controlled, Low Cholesterol Meals (Em 455A).

All of the publications listed above are available to physicians, dietitians and others in related professions.

FOOTNOTES

[1] Stamler, J., et al: Coronary risk factors. Their impact and their therapy in the prevention of coronary artery disease. Med. Clin. N. Amer. 50: 229–254, (Jan.) 1966.

[2] Stamler, J., et al: Epidemiological studies on atherosclerotic coronary heart disease: causative factors and consequent preventive approaches. Progress in Biochemical Pharmacology 4: 30–49, 1968.

[3] Turpeinen, O., et al: Dietary prevention of coronary heart disease; long-term experiment. Am. J. Clin. Nutrition *21*· 255–276, (April) 1968.

[4] Loren, P.: Effect of plasma cholesterol lowering diet in male survivors of myocardial infarction, a controlled clinical trial. Oslo, Universite forlaget, 1966, 92 pp. Also published as Acta Med. Scandinav. suppl 466/1966.

[5] Christakis, George, and Rinzler, S. H.: Diet. Section C, chapt. 10 in Schettler, G., and Boyd, G., ed. Arteriosclerosis: Pathology, Physiology, Actiology, Diagnosis and Clinical Management. Amsterdam, Elsevier Publishing Company. In preparation.

[6] National Diet-Heart Study Research Group: National Diet-Heart Study: final report, N.Y., American Heart Association, 1968, 428 pp. (AHA Monograph no. 18) originally published as Circulation 37 suppl. 1 (Mar.) 1968.

[7] Page, I. H., and Stamler, J.: Diet and coronary heart disease, Parts I and II, Modern Concepts of Cardiovascular Disease; *27*: 119–123; 125–128, (Sept.–Oct.), 1968.

[8] Connor, W. E., Stone, D. B., and Hodges, R. E.: Interrelated effects of dietary cholesterol and fat upon human serum lipid levels. J. Clin. Invest. *43*: 1691–1696 (Aug.) 1964.

[9] Hodges, R. E., Krehl, W. A., Stone, D. B., and Lopez, A.: Dietary carbohydrates, and low cholesterol diets: effects on serum lipids of man. Am. J. Clin. Nutrition *20*: 198–208 (Feb.) 1967.

[10] National Academy of Sciences—National Research Council, Food and Nutrition Board. Recommended Dietary Allowances 6th rev. ed. Washington, D.C., The Council, 1964. (NAS–NRC publication no. 1146.) 7th ed. in press.

[11] McGandy, R. B., Hegstedt, D. M., Myers, M. I., and Stare, F. J.: Dietary carbohydrate and serum cholesterol levels in man. Am. J. Clin. Nutrition *18*: 237–242 (April) 1966.

OCTOBER 10, 1969.

Dr. HERBERT L. LEY, Jr.,
Commissioner, Food and Drug Administration, Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. LEY: I am enclosing the Congressional Record for September 29 which contains my correspondence with the Consumer Protection and Environmental Health Service of the Department of Health, Education, and Welfare. I call your attention to the letters I have received from the National Heart Institute and the pamphlet I am enclosing from the American Heart Association. You apparently have had this matter under consideration for more than nine months. How long must it take for your Service to come to a decision on such an important matter?

Sincerely,
SIDNEY R. YATES,
Member of Congress.

A PERUVIAN MISINTERPRETATION OF HOUSE ACTION ON FISHERIES

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. PELLY. Mr. Speaker, my position, and indeed that of the majority of the Members of the House of Representatives, has been misinterpreted by a Peruvian magazine regarding the fisheries dispute between our two countries.

The magazine Pesca in the July 1969, edition, carried an article entitled, "Our Fishing Industry Confronting 'Amendments,' " and in it a rather nationalistic view is cast toward actions of this body that have been taken as measures to get the issues dividing our countries to the negotiating table.

Mr. Speaker, as everyone here knows, what is needed is traditional friendliness between our countries both during the negotiations and following them. These four-party talks between the United States, Chile, Ecuador, and Peru already have begun and hopefully the next round will be conducted before the end of the year.

Again I emphasize, Mr. Speaker, that there is no need for a fight over the claim of 200-mile jurisdiction by these Latin American countries. To me, that is not a negotiable issue anymore than is our 12-mile limit. What I reiterate is that settlement be made on the basis of historical fishing rights to the sea, for this is an area of the Eastern Pacific historically fished by Americans and agreement should be reached as has been the case with Canada and Mexico in this regard. Once historic rights are given American fishermen, then we can get down to discussions of more and better trade between our nations and the serious matter of conservation. Any good farmer never takes more out of his soil than he puts in it, and this is the same way the resources of Peru should be treated. And, frankly, the United States has not followed such a policy in Latin America.

It is my sincere desire, Mr. Speaker, that future articles will appear in Pesca about the great contributions that are being made to the economies of Peru and the United States as a result of resolving disputes including the fisheries matters.

For the information of my colleagues, under unanimous consent, the translation of the aforementioned article appears at this point in the RECORD:

[From Pesca (Fishing), a Peruvian magazine of worldwide circulation, Vol. XIX, July 1969, No. 1]

OUR FISHING INDUSTRY CONFRONTING "AMENDMENTS"

We have to admit under duress that in the Peru-U.S. controversy over the extension of the territorial waters and the proposal to reduce the two hundred miles of the Peruvian Sea to twelve miles, the representatives of the State of California in the U.S. Congress are winning the battle thanks to Representative Pelly, the Republican from the State of Washington and those instigated by the influential "pressure group" composed of the tuna fish canning manufacturers and the shipowners of San Pedro and San Diego, California.

They are winning because of their expeditious way of cutting the Gordian knot in this dispute in favor of the above industrialists. The "Pelly amendments" and their system of sanctions and reprisals tend to impose as a legitimate "right" the demand that nobody in the territorial waters of the South Pacific must hinder the acts of piracy of the California tuna boats carried out by these stubborn clandestine robbers of the Peruvian fishing grounds. In order to overcome the resistance of the seashore states in the defense of their sovereign rights, the "amendments" provide for the application of measures of economic aggression which, in an effort to protect the impunity of the acts of piracy, are a revival of the imperialist "Big Stick" policy, the old and ominous U.S. policy of this club.

But since Peru does not have to yield to threats and compulsion, this can only be a Pyrrhic victory, as it could, at the same time, bring about a U.S. defeat. The most shameful defeat, indeed, caused by the rejection and the bankruptcy of the principles and statements on U.S. international policy that had forged the false image of an Uncle Sam, professing to be a cooperator and friend of Latin America, the promoter of its development without ulterior imperialist motives, and a state that had respected the sovereignty and rights of the Latin American countries. It will put an end to the friendly inter-Americanism that had started with the "good neighbor" policy and which allowed the building of the bridges of cordial understanding and cooperation between North and South America, which Representative Pelly is dynamiting now.

He now seeks to obtain approval of his third constitutional amendment against the Peruvian fishing industry and economy. As a reprisal against the detention of U.S. fishing boats, which operate without a license within the 200 miles, the amendment provides that the U.S. market will be closed to imports of fish flour and fishery products (bonito canned goods) from Peru.

The United States buys from us approximately half a million tons of fish flour which is, more and less, the quantity produced by the U.S.-funded enterprises that operate in our shore areas. The remaining million and a half tons of the national production (a little more than two million tons in 1968) find a ready market in the European, Asian and Latin American countries.

If the third Pelly amendment will be approved and applied to our country, then it appears fair to demand that in such an emergency the exclusively Peruvian production be given export priority to the available ultra-continental markets. This means: that the flour export licenses to these markets be given only to Peruvian-funded enterprises and not to the U.S.-funded fishing industries which must look for new markets for their products or else suffer themselves the economic damage which their fellow countryman Pelly intends to inflict on Peru.

In view of the third "amendment" proposed in the House by U.S. Representative Thomas Pelly, Republican from the State of Washington and as an antidote against his poisonous proposals—poisonous for the economy of our country and its fishing industries—the following "Quispe" Amendment has been conceived in Peru.

"Quispe" in this case is a purely symbolic name, standing for the Peruvian fisherman, this half-breed of European and Indian parentage of the Peruvian coast who by vocation and heritage is the representative of a thousand-year-old fishing tradition, a natural born sailor who likes the hard work at sea. Since the Peruvian fishermen would be the ones Mr. Pelly's sanctions would hit most, it only appears fair that the Peruvian reply carry this symbolic name.

The "Quispe Amendment" has been devised and prepared for execution, in the event the third amendment should be approved by the U.S. Congress, promulgated by the Washington Government and applied to Peru. If, for some reason, said amendment will not be approved—which appears to be probable now for the reasons we will give later—the "Quispe Amendment" logically will not be carried out either.

The U.S. legislative amendment is a law that has the character of a constitutional mandate that will force the Chief Executive to comply. This is not the case with the "Quispe Amendment" which is only a measure of protection and defense against a U.S. Congressional decision that would amount to an act of economic aggression against Peru.

"QUISPE" VERSUS PELLY

Acting as the spokesman and forceful representative of interests that are not those of the State he represents, but clearly the interests of the tuna canning manufacturers and the tuna ship owners of San Pedro and San Diego, California—in whose service he has placed his influence as a legislator of great prestige and of high Congressional seniority—Thomas Pelly has attacked our country like a bulldog his prey.

His vigorous bites are visible in three successive amendments:

The first of these amendments—already being applied to Peru—prohibts the sale of firearms and military equipment (for the continental defense), to the countries that prevent fishing boats flying the U.S. flag from fishing in those waters which these countries consider to be territorial waters and which the United States is determined to consider as international waters where fishing is free.

The second amendment, already approved but not yet put into force, strictly applies to the fishing problem of one of the Hickenlooper amendments. It provides that the fines, a country imposes on U.S. fishing boats, be deducted from the foreign aid given to that country.

The third of the Pelly amendments—which at the time of this writing has been under consideration by the U.S. House Merchant Marine and Fisheries Committee whose preliminary sessions were temporarily suspended—closes the U.S. market to the Peruvian fish flour, Peruvian bonito canned goods and frozen tuna.

The proposed measure is decidedly a sanction and a reprisal against the detention of California fishing boats which operate without license in the Peruvian Pacific area. Authentically, however, it is an act of compulsion applied to assure the impunity of the tuna piracy carried out by these vessels in Peruvian waters; a new "Big Stick" policy which instead of debarking marines for the purpose of taking possession of foreign territory—now uses economic aggression as a means of intimidation for the purpose of taking possession of fish and other resources—the tuna fish of the Peruvian Sea. According to a statement made in Washington by a spokesman of Pelly, it, hypocritically, is not interpreted to be a "punitive measure" but a "method of compelling Peru to start negotiating with the United States" on the two hundred mile issue and the common exploitation of its fish resources. Unfortunately for Pelly, there is not and there will not be a "Big Stick" of any sort, no matter how drastic, that would force Peru to negotiate under compulsion and intimidating threats.

As a countermeasure against this third amendment the "Quispe Amendment" has been devised with the general consensus of the fishing industry. It will be applied—we repeat—only in the event the third amendment should be approved and applied to our country.

With regard to the proposed close of the U.S. markets to the fish flour, the "Quispe Amendment", on its part, proposes the close of the other markets for this product (the markets of Europe, Asia and Latin America) that is, for the fish flour produced by the U.S. fishing industry in our coastal areas.

In order to carry out the close of the other available markets to the "United States" fish flour production in Peru, the "Quispe Amendment" recommends the following expeditious procedure: Export licenses—without which products cannot be shipped from Peruvian ports—would be only granted to the exclusively Peruvian fishing enterprises which are entirely funded by national capital. In the case of mixed enterprises (Peruvian-U.S.), [licenses would be granted] to that part of the production carried out by the associated Peruvian enterprise.

The export licenses, of course, would not be granted to the U.S.-funded "flour" enterprises that operate in our country. Likewise, in the case of mixed enterprises, [licenses would not be granted] to that part of the production carried out by the U.S. enterprise. Furthermore, such licenses would not be granted as long as no new markets will be open to the sale of the tonnage immobilized by the close of the U.S. markets.

This tonnage and the one produced by the U.S.-funded enterprises in our coastal areas are more or less the same.

In 1968, the United States bought from Peru 550,418 metric tons of fish flour which represents 25 percent of last year's "fish flour" production valued at $55,041,300. The U.S. likewise, bought 20,000 boxes of canned bonito (there are 48—7 oz. cans to a box) for $159,000 and 432 tons of mainly frozen tuna for $330,000.

Meanwhile, the total output of the U.S.-funded fishing enterprises in our coastal areas amount to approximately half a million tons of fish flour. American-owned is likewise the only enterprise that uses tuna ships for the export of frozen tuna to California.

CENTENNIAL OF THE VILLAGE OF GARDEN CITY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. WYDLER. Mr. Speaker, this year the village of Garden City, N.Y., is celebrating its 100th anniversary. This is a great event in the history of the village which still stands as a model community and an example of what the suburban way of life can mean to those who enjoy its benefits.

On October 23, a time capsule is to be buried adjacent to a recently erected statue of the founder of the village of Garden City, Mr. Alexander Turney Stewart. I am placing a history of the village in the CONGRESSIONAL RECORD for the purpose of having a copy of the RECORD buried in the time capsule. This worthy project is being sponsored by the Garden City Kiwanis Club and I congratulate them for their efforts. The history follows:

A BRIEF HISTORY OF THE INCORPORATED VILLAGE OF GARDEN CITY

Garden City, roughly nineteen miles from New York City, is located in the western section of central Nassau County in the Township of Hempstead. It is ninety feet above sea level and covers 3,390 acres, or approximately 5.3 square miles. On the north it is bounded by New Hyde Park, Garden City Park, Mineola and Carle Place; on the east by the unincorporated areas of the Town of Hempstead, comprising Roosevelt Field Shopping Center and what was once Mitchel Field; on the south by Hempstead, West Hempstead, Munson and Franklin Square; and on the west by Stewart Manor and New Hyde Park. It is basically coterminous with School District No. 18.

The Village owes its origin to Alexander Turney Stewart, multimillionaire merchant of New York of a century ago, who in 1869 purchased for 55 dollars an acre, 7,170 acres of the treeless Hempstead Plains from the Township of Hempstead, and in the next seven years planned, laid out and built Garden City on the western end of this tract, between Mineola and Hempstead Village. The first dwelling completed was on Rockaway Road, corner of First Street and cost about $12,000. This house was used as a temporary office by John Kellum who with Mr. Stewart was in charge of the development and planning of the new village.

On his death in 1876, the little Village, now central Garden City, could boast of broad dignified streets, parks, a small artificial lake, a large mansard-roofed hotel, stores, stables, an estate manager's building, a great well and waterworks, a gas plant, sixty attractive Victorian houses and thousands of newly planted trees and shrubs. Beside this Mr. Stewart had built his own railroad, the Central Railroad Company of Long Island, which ran from Flushing through Floral Park to Garden City, and from there out through the length of his purchase to Bethpage, with a spur from Garden City to Hempstead as well.

As the sole heir to the estate, Mrs. Stewart not only continued work on the Village, but built the Cathedral of the Incarnation as a memorial to her husband; built St. Paul's School and the Bishop's House; provided for the future building of St. Mary's School and for the endowment of the Diocesan Centre as a whole.

She died in 1886, and after some years of litigation and the settlement of the estate, her heirs formed The Garden City Company for the purpose of continuing the development of the Village and selling off the empty Plain lands to the east. A general manager was essential for this purpose, and in 1897, after a successful career with the Long Island Railroad, George L. Hubbell accepted this position and retained it until 1919, when the Village was incorporated.

In spite of being operated for over twenty years by a corporation, the Village grew from a small struggling Cathedral town to a well-run, carefully developed and successful suburb. This was due to the steadfast desire of the heirs to continue the high standards set by Mr. Stewart, and to the far sighted interest and energies of their resident manager, Mr. Hubbell. During these years the hotel was greatly enlarged and modernized by the firm of McKim, Mead and White, the Casino rebuilt, a gun club and two golf courses organized, public schools built, all public services improved, and one of Long Island's earliest air fields developed east of Washington Avenue. It was from this field that Glenn Curtiss flew in 1909 to win the Scientific American trophy.

It was also during these years that suburban growth spread east and west of the original Village. In 1907 the Garden City Company sold a one-square mile tract of land west of St. Paul's School to a responsible and wealthy corporation for $1,500,000, which developed it as a separate entity to be called Garden City Estates. Copying the best features of "Old Garden City," the Corporation mapped out equally wide streets, desirable lot patterns, and park areas, and provided for expensive planting. Since the new development coincided with the completion of the tunnel to New York and the electrification of the Hempstead Branch of the railroad it flourished from the start. A second airfield, the Nassau Boulevard Field, sponsored by the Corporation was chosen in 1911 for the Second International Air Meet in America. It was during this meet that the first air-mail flight in the United States was made.

Encouraged by the success of the Garden City Estates, The Garden City Company decided in 1910 to develop its land east of the Village along similar lines. An investment of $1,000,000 resulted in a large, beautifully planned and planted area which became equally popular. The Vanderbilt Motor Parkway, with its Toll House on Clinton Road provided an added attraction, as did the new air field developed east of Clinton Road in 1912 to take the place of the two earlier fields to the west. Originally called the Hempstead Plains Aerodrome, it was renamed Hazelhurst Field during World War I, and a year later Roosevelt Field. The war also brought Camp Mills to the Eastern Section when the War Department established that great Embarkation Center on a large tract south of the Motor Parkway, east of Clinton Road to Meadow Street. It was here that the famous Rainbow Division was assembled.

After the war, the three sections, now well developed, struggled to adjust to the divided control of the two corporations. It became increasingly evident that some form of joint government by the residents was the only

solution. On September 30, 1919, the Village of Garden City, consisting of 535 families and with a population of 2140, was officially incorporated, thus ending the control of the Garden City Company and the Garden City Estates Corporation over community government. Property Owners' Associations were organized in the East, Central, Estates, and later the Western sections of the Village, and a "Gentlemen's (or Community) Agreement" was effected which provided that each section select its own representative on the Village Board of Trustees—the office of president or mayor to rotate to each section in turn. (Mr. Hubbell, incidently, was elected first president, and served for years in other capacities). All trustees were to serve without salary. Only employees with full-time jobs were to be paid.

This democratic and disinterested form of government is still in force and has done much to keep partisan politics out of Village affairs, and to preserve the character of Garden City. Strict enforcement of the Zoning Ordinance, largely compiled through the civic zeal of the Property Owners' Associations, has also been a big factor in preserving the property values of Garden City and its desirability as a residential community.

The Village is now almost at its growth capacity, having an estimated population of 25,000 and about 6,000 homes. In the last fifteen years, during its greatest concentrated growth, a great deal of municipal building has been done and the public works program has been stepped up and modernized. There is a handsome new Village Hall; new parks dot the Village; parking facilities have been vastly increased; and water, disposal, and other services improved. Many new houses and a few apartments have been built privately; the School Board has seen to it that a new high school, an enlarged junior high school and three new K3 neighborhood schools have been built to meet the growing demand; and the Village of Garden City has met cultural and recreational needs by providing a permanent home for its Library and constructing and operating a model swimming pool in the Community Park. Business is inevitably increasing in such a Village, and Franklin Avenue has become one of the important quality shopping centers of the Island.

Throughout both the business and the residential areas, the Village has maintained that neatness and immaculate grooming which makes it unique. Always blessed with trees and shrubs, it has constantly added to the planting and general beautification of its public areas, so that in spite of modern growth and change it still remains a true Garden City and a credit to its founder.

REVENUE CRISIS OF LOCAL GOVERNMENTS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. SYMINGTON. Mr. Speaker, the Senate Public Works Subcommittee on Intergovernmental Relations is holding hearings on the proposed Intergovernmental Revenue Act. Two distinguished St. Louis area officials, the Honorable Alfonso J. Cervantes, mayor of the city of St. Louis and the Honorable Lawrence K. Roos, St. Louis County supervisor have appeared before the subcommittee to urge substantial Federal effort in reducing the present revenue crisis of local governments.

I feel their statements enumerate the plight of many of our Nation's urban areas and the potential contribution of a revenue sharing program to the solution of these problems. I commend their remarks to you and include them in the CONGRESSIONAL RECORD as follows:

REMARKS BY MAYOR ALFONSO J. CERVANTES

Senator Muskie and Members of the Advisory Commission: Last week the House passed a $21,350,000,000 military spending package. This package included initial funds for the ABM system; it included $481 million for 23 more of the controversial C–5A super cargo planes, and $1 billion more for ships.

Tragically, no revenue sharing legislation has yet been adopted to help resolve the urban financial crisis. Even a small portion of $21 billion would at least give us a start in solving what I believe is the nation's number one crisis—the bankruptcy of our cities.

Is it too much to ask our national leadership to allocate this same level of resources to solution of our urban problems, which undoubtedly are the most severe of all domestic problems?

I submit that historically great nations have succumbed not from enemies without but from weaknesses within. Objectively, the urban crisis is the greatest threat to this country. Any other funding priorities are false and defeating. We must put first things first: Congressional funding priority must follow this country's problem priority.

TAX SHARING

The case for federal tax sharing is relatively simple.

In the past 36 years an intolerable "fiscal imbalance" or "fiscal mismatch" has developed. In 1932 city tax revenues accounted for 52% of our nation's governmental tax revenues. By 1966 city revenues accounted for only 7% of all government tax revenues while the Federal government was collecting two-thirds of the tax revenues.

The General Electric *Tempo* study pointed out that the cities of the United States are caught in a ten-year $262 billion revenue gap while the Federal government during the same decade (1967–1977) without a tax increase will have a revenue increase of $356 billion. Ever higher Federal income and local deficits constitute the mismatch.

To put these fiscal facts in another way: During the past 36 years, the revenues of the Federal government have increased 90-fold; the revenues of the state government—as my own State of Missouri—have increased 20-fold; the revenues of the central cities of the metropolitan areas—as my own City of St. Louis—have increased less than five-fold.

To this fiscal mismatch has the Federal tax sharing concept addressed itself: the Federal government's income has multiplied 90-fold while the central cities' comparatively stagnant income can no longer cope with its multiplying problems. If this municipal overburden is allowed to continue unchecked, riots, rebellion, revolution, a state of siege, urban military repression, and the dissolution of the American dream are inevitable.

TAX SHARING FORMULA

Eight weeks ago, President Nixon delivered to Congress his message on Federal Revenue Sharing. The all but universal reaction to the proposal was that Federal Revenue Sharing is a step in the right direction—albeit, an inadequate step. Bankrupt cities frantically point out that even if the concept is reduced to viable legislation, it will be too little and too late.

Let me give you the example of the State of Missouri and the City of St. Louis. The distribution formula of the President's tax sharing proposal as presently envisioned is based primarily on the population of the state with a bonus for the state's "tax effort" and with a substantial percentage earmarked for the state's cities, counties and townships.

Preliminary calculations indicate that Missouri would receive $20,400,000 out of each billion dollars in the Federal Sharing Fund. Of this, 24% or $4,896,000 would go to Missouri's cities, counties and townships.

This would mean that on the first distribution date of January 1, 1971, St. Louis would receive about $750,000. By fiscal year 1976, when the Federal fund would reach its peak of 1% of the total taxable, personal income, the St. Louis share would be about $8,500,000.

But this tax sharing amount is utterly inadequate to cope with the urban crisis. In order to avoid bankruptcy, St. Louis needs $10 million more revenue by May 1, 1970, and it has no legal and feasible way to raise such revenue. It cannot wait for the too little and too late Federal tax share of $750,000 that may be forthcoming in 1971.

An independent professional study by the Gladstone Company indicates that St. Louis will need $20 million more revenue by 1972 even to meet its curtailed basic needs. Here again it is obvious that about $8½ million that we may receive through Federal revenue sharing in 1977 is far too little and much too late.

THE MISSOURI MUNICIPAL LEAGUE EXPERIENCE

A realistic tax sharing program by the Federal government with the states and local governments must take into consideration three bases of distribution: the population, the tax effort, and the need.

Our own experience with the Missouri Municipal League indicates that when representatives of even smaller cities come to realize the gravity of the urban crisis in major cities many are willing to agree to a formula of distribution which includes these three factors. They agree despite the fact that such a formula means that more money per capita will be given to those major central cities where the urban crisis problems are more pressing. Funding priorities must follow problem priorities. Such is the democratic American commitment of both the state and Federal constitutions which demand that governments provide "for the common welfare."

In Missouri we have formed the Missouri Urban Coalition to sell the idea of revenue sharing on the part of the state. We have traveled across the length and width of our state—large cities, middle-sized cities, small towns, and even rural areas. We have received sympathy from all quarters, but little help. We are confident that we will eventually win our fight for a more equitable share of state revenue.

It is my sincere hope that some Federal program to meet the crisis by meaningful legislation rather than just a patchwork, piecemeal group of measures which carry inadequate financing will be adopted.

We are convinced that Senate Bill 2483. proposed by Senator Muskie, comes the nearest to giving us the kind of assistance we need in these troubled times. I urge your favorable consideration of this measure.

STATEMENT OF LAWRENCE K. ROOS, COUNTY SUPERVISOR, ST. LOUIS COUNTY, MO.

Mr. Chairman and Members of the Subcommittee: I am Lawrence K. Roos, Supervisor of St. Louis County, Missouri.

It is an honor and a privilege to appear before you as chief executive of a large urban county to discuss proposals pending before you for the sharing of federal revenues with states and localities.

I am the elected chief executive of St. Louis County, Missouri, a county of approximately one million citizens. Our county has experienced, and is experiencing, a dramatic growth, the consequences of which simply outstrip the capacity of traditional local

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sources of revenue. Thirty years ago, ours was a quiet residential community of 270,000 people; today we have a population of one million, and if present forecasts are accurate, an additional 700,000 citizens will move into St. Louis County within the next 15–20 years.

The property tax which has been the principal source of revenue for our county and most other local governments, is increasingly incapable of supporting the service demands resulting from growth. For in addition to providing traditional county services on a progressively larger scale, the governments of urban counties such as ours are now being called upon to provide innovative area-wide services such as police, public health, welfare, parks and recreation, as well as other functions which were never conceived as county responsibilities when our forefathers originally allocated limited sources of revenue to local governments.

A healthy federal system demands an intergovernmental revenue arrangement that is capable of delivering an adequate supply of revenue to each major level of government. Our present system which forces local governments to rely on regressive local property taxes, while at the same time giving the federal government easy access to the rapidly expanding federal income tax poses a clear and present danger to the balance in our federal system. The automatic revenue growth capability of the federal income tax contrasts too sharply with the third rate revenue generating systems of state and local governments If states, cities and counties continue to be relegated to the short end of the fiscal stick, they will necessarily become increasingly dependent on federal aid with its maze of confusing and often irritating expenditure strings, and as an official of local government who has experienced the difficulty of cutting through the jungle of federal categorical grants, I can say from personal experience that most of our local problems will remain unsolved if we must rely on solutions administered from the federal level.

There are those who express skepticism concerning the ability of local government efficiently and effectively to employ increased financial resources if these are allocated. If the experience of St. Louis County is any criterion, I submit that local government can be placed on a professionalized basis capable of administering effectively to local needs. Within the past several years, our County has demonstrated that through the recruitment of experienced executives from private business, the extension of the merit system throughout the government, the extensive use of modern data processing techniques, and a willingness to accept area-wide responsibility for certain basic services, we *can* perform our mission effectively. A new generation of local officials has emerged which is both capable and willing to meet the needs of our states, cities and counties if the Congress will only grant us the necessary revenues with which to do the job.

I will not presume upon your time to discuss in detail the relative merits of those revenue sharing proposals which have been suggested, as I know this Subcommittee has already heard comprehensive testimony from the Advisory Commission on Intergovernmental Relations and representatives of the Nixon Administration concerning this subject. I have confidence that your deliberations will result in agreement on a system of revenue sharing based on those broad areas of agreement that exist in the present bills, and that a reconciliation of the minor disagreements that exist will be achieved. I would, however, urge that whatever proposal this Subcommittee recommends include the following basic principles:

1. The establishment of a trust fund which will assure continuing support of any revenue sharing program which is adopted.
2. That all revenues be channeled initially to state governments with provision that a proportionate share of revenues so distributed be passed on to *general purpose* units of local government.
3. That revenues be distributed to states and localities on a no-strings-attached basis.
4. A distribution formula which will provide special help for those states and local governments most willing to help themselves. This can be achieved by rewarding those governments that make the greatest tax effort with relation to total personal income within their jurisdictions.
5. A maximum financial commitment to revenue sharing by the Federal Government consistent with other financial demands on the Federal Treasury.

These factors are basic to the success of any system of federal revenue sharing. I feel certain that details can be worked out if agreement is reached on these fundamental principles.

An early start on federal revenue sharing is the best possible means of re-emphasizing our Nation's traditional dedication to a federal system in which the federal, state and local levels of government work as partners in performing those functions for which each is best suited. Adoption of federal revenue sharing does not mean the total elimination of the use of categorical grants in aid. Rather, it would reduce the present confusing and overlapping grants in aid programs into larger and broader functional packages geared to demonstration programs in specific areas of national interest. Likewise, federal revenue sharing with no strings attached would not mean the elimination of block grants designed to meet broad functional purposes. What we are seeking, and what we would achieve through federal revenue sharing would be a broadened fiscal mix, combining categorical grants in aid to stimulate and support programs in specific areas of national interest, block grants to give states and localities greater flexibility in meeting needs in broad functional areas, and, no-strings-attached revenue sharing to provide a means whereby states, cities and counties may devise their own programs and set their own priorities in the ways best suited to the solution of their unique and most crucial problems.

This is what we at the local level are seeking. Ths is what we respectfully urge you to provide.

THE MORATORIUM AND A REBUTTAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. DERWINSKI. Mr. Speaker, I am introducing two items into the RECORD as a conclusion to my remarks upon which I wish to briefly comment. The first is an editorial from the Monday, October 13 edition of the Hatchet, the student publication at George Washington University, which I feel can properly be described as typical of the distorted and illogical views of students who were lured into participating in the so-called moratorium. It is tragic that their belligerent efforts are probably resulting in a continuation of the conflict in South Vietnam.

It is, however, with pride that I point to the second item that I am inserting which is a rebuttal to the editorial written by Mr. Paul Zeman, a senior at George Washington, a constituent, and a part-time staff member of mine during his collegiate career. I believe Mr. Zeman's views reflect the thinking of a clear majority of students and are in keeping with the objective and responsible mentality that we expect of the present student generation that will hopefully provide constructive leaders in the years to come.

The editorial and the rebuttal, I believe, both speak for themselves.

[From the Hatchet, Oct. 13, 1969]

THE MORATORIUM

This Nation and its people will be challenged Wednesday for Oct. 15 is a test which will be watched by millions around the world.

Oct. 15 asks each and every one of us if we are willing to contemplate our country's policies, formulate and express our opinions and convince others of their worth. It asks our country, through our elected officials, if it is willing to act in accordance with the wishes of its citizenry, or if it is too proud to admit a colossal mistake.

We have been too selfish all too long and have been unwilling to face the challenge. Many who read this editorial today have yet to spend any of their time seriously questioning this nation's policy in Vietnam. They have abrogated their obligation as citizens in a democracy. Some will go to classes or to their offices on Wednesday, not because they are in favor of this miserable war, but because they are too selfish to sacrifice part of themselves. We respect those who go to class Wednesday because they want consciously and symbolically to show their support for the war, however misguided they may be.

We deplore those who follow their normal day's activities because they don't know where they stand or aren't willing to let others know where they stand. The Vietnam record is clear and is there for all to see, if you're willing to make the effort. The facts speak for themselves, and would motivate you to express yourself Wednesday, if you care. Sen. Harrison Williams (D.-N.J.) said Saturday that participation in the Moratorium is a privilege. He's wrong; it is an obligation.

Oct. 15 is a constructive alternative to radical destructive tactics which were used in Chicago this past weekend, and to continued indifference to the consequences of Vietnam policy. There is no choice. We must express ourselves. We must march in peace for peace.

THE MORATORIUM II

(By Paul Zeman)

Last Monday's *Hatchet* devoted all of its editorials, three columns and several news articles to Wednesday's Vietnam Moratorium. I have chosen to respond to the lead editorial that day, from which I have borrowed this column's title, because it represents as well as any other statement made with regard to the Moratorium the dangers involved when commitment outpaces responsibility.

"The Vietnam record," said the *Hatchet*, "is clear and is there for all to see, if you're willing to make the effort. The facts speak for themselves. . . ." Even on the very tenuous assumption that the facts are clear on Vietnam, they certainly do not speak for themselves. Facts do not run headlong into conclusions. Facts must be interpreted, and this process is deeply colored by the interpreter's moral and political orientations. Vietnam is controversial precisely because the myriad of facts available is subject to widely divergent interpretations.

In assuming the substantive issue at hand—the merits and demerits of The War—to be so clear as to be dismissed with a summary assertion that "the facts speak for themselves," the *Hatchet* displayed a lack of insight and perspective into the complexity of Vietnam which typifies the way in which

many well-intentioned students have come to approach this national problem. It is this lack of appreciation for the complexity of the problem which may explain the *Hatchet's* intolerance for those who have not or will not take a definitive position on The War. ("We deplore those who follow their normal day's activities because they don't know where they stand. . . .")

"There is no choice," declared the *Hatchet*. "We must express ourselves. We must march in peace for peace." If any one statement could be singled out as indicative of the editorial's general theme, it would probably be this: "There is no choice." This brings to mind the observation of Columbia Sociology Professor Allan Silver following the disturbances at Columbia: "Their moral arrogance is incredible. These students would exact a conformity that makes Joe McCarthy look like a civil libertarian." The language is too extreme for this case, but the thrust of the comment is still quite applicable.

It is imperative in a free thought society (campus or country) that one grasp that the freedom to choose among various systems and beliefs necessarily involves the corollary freedom not to choose at all. In choosing not to choose, one *does* express himself (something the editoiral did not appear to note). It is an expression either of indecision or of disenchantment with the available alternatives. It is true that in choosing not to choose one effectively disfranchises himself and leaves the determination of events largely in the hands of others, but this is itself an important and meaningful decision. It was, in fact, the course chosen by many conscientious Americans in the last Presidential election.

Aside from the substantive issues, there is a legitimate question of tactics employed in the Moratorium. In July of this year, I received a letter from the Washington office of the newly organized Vietnam Moratorium Committee. In it the following aim was set forth: "The basic idea is to set aside October 15 for a one day moratorium on 'business as usual' in order that students, faculty members and concerned citizens can spend the day working in the larger community to end the war." This was a worthy objective and would have, I believe, received my support.

I am writing this the day before the Moratorium, but it appears that somewhere along the line community involvement has fallen by the wayside. One need only look at the schedule for Wednesday to realize that there will be no forages outside the university community.

Earlier in this decade, hundreds of students responded to the call to work for civil rights. Last summer, thousands responded to the call to stump the country in behalf of an obscure Junior Senator from Minnesota. These efforts had a profound influence on our political and social attitudes as a nation. They were essentially student efforts in the beginning, but because they reached into the community-at-large on a person to person basis, they eventually transcended student involvement.

Yesterday, we were asked to "work for peace." How? By broadening the base of popular opposition to The War? By carrying our convictions outside the campus and into the homes? Not really. The protest remains internalized in the university community. What "community involvement" there was undoubtedly came at six and seven o'clock last night when Americans were grouped around their respective tubes after a hard day at work. The opportunity to confront citizens of the community-at-large as individuals rather than as images on a screen was not in the script for yesterday. The program involved a lot more talking at than talking with. In fact, it appeared to this observer to be aimed more at reinforcing the attitudes of those assembled in protest of the war than of winning over any substantial new segment of the community. Whatever the relative success or failure of yesterday's Moratorium, it was a student demonstration, and it is here that I think the organizers have missed the boat.

Meanwhile, this opponent to our continued military presence in Vietnam was attending PSC 105 about the time the first speaker rose to the rostrum yesterday behind the library. I was thinking how interesting it was that in order for this column to appear in today's *Hatchet*, business would have to proceed as usual in the Student Union Annex and at the printing firm on Wednesday, October 15.

VIETNAM MORATORIUM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. ROSENTHAL. Mr. Speaker, this is the day of the moratorium. To President Nixon, there is nothing new to be learned from this demonstration of intense national feeling. To me, the moratorium symbolizes the national desire and even insistence on peace now.

Below is an article by Nicholas von Hoffman, in which he describes what the moratorium means to him. He eloquently expresses and captures the thoughts of all of us who believe in the moratorium and its goals. The article, entitled "End the War or We Will" appeared in the Washington Post today, October 15.

The article follows:

END THE WAR OR WE WILL

(By Nicholas von Hoffman)

(NOTE.—*I've been asked to make speeches at a number of places today. I can't because I have to work. I think that everyone should refrain from working if he can; the two exceptions should be medical personnel and newsmen. If I had spoken, this is what I would have said:*)

The moratorium isn't a protest. It's an ultimatum by an enormous section of the population laid down to its politicians. That ultimatum says there is no time left. It says there's no more credibility gap because there's no more credibility. It's an ultimatum that says either end the war forthwith or we will stop it ourselves.

That's not what the politicans want to make of this day. A man like Congressman Rogers C. B. Morton, the Republican national chairman, would have you believe, "I'm for the moratorium as part of our right to assemble." That's not what the moratorium is about. The right to petition a government that rejects petitions before they're laid before it is a sterile right. It's using the forms of political process to frustrate their purpose. It's a con, a fancy way of saying, "You go ahead and exercise your god-given constitutional rights to be ineffectual while we go ahead and run the war."

THE RIGHT OF PETITION

Even before the McCarthy campaign, hope in the right of petition died. On its better days the government rejected politics with the contention that the Rostows and Kissingers knew more and knew better. They know nothing, but that's another story. On its worst and more ordinary days, the government responded by tricks and falsifications. . . . Pull out 3,000 men here, hide them under palm trees there, don't bomb this but bomb that, invent another round of fictitious secret peace talks, run and cry on U Thant's shoulder, get the Pope to hold your hand.

Now comes Sen. Fred Harris, the Democratic chairman, saying, "It's time to take the gloves off on the Vietnam war issue. It's nine months since the President took office." It was time to do that in Chicago, August 1968, when the Senator and his friends kept the Democrats a war party and drove the Clean Gene kids and a lot of other people out of electoral politics. Today he wants to be a peacenik because he has a dawning fear that the people have had it up to the gezuk with this perpetual tragedy.

Every aspect of government, all three branches, have failed but not all men in government. Former Senators Morse and Gruening are charter members of the opposition. Fulbright may have helped vote us into this war and into the set of policies which make such conflicts as inevitable as they are recurring, but he's said he was wrong, unthinking and gulled. We must accept that. This is no longer a small protest movement, and it's bad to get into the silly, purist radical bag of refusing to associate with anybody whose antiwar credentials are dated after 1964. This war has taught all of us many awful things about ourselves and our country. It's not just Sen. Fulbright who had to learn the hard way.

WHO SHOULD LEAD?

But if the few respectable men in high office could make such terrible mistakes, then the question is who should lead? Many speakers today will say the politicians, chastened, humbled, made honest and sensitive to the death of their constituents' sons and the voters' high taxes. Don't you believe it. Don't let them steal the movement away.

The strength of the peace movement is its leaderlessness, the way it can survive and grow on a consensual process which is as easy to see as it's hard to describe with exactitude. Let the movement continue to be led as it has, by its adherents, by small groups of people proposing an idea and testing it by seeing who and how many will come in with them on it. That's how this moratorium was started. Six months ago a few of the former McCarthy people anticipated that whoziz was as trustworthy as his predecessor when he said he had a plan for ending the war. They judged that by October we would be ready for the moratorium. They were right. Today we put black crepe on our arms and refrain from work.

That will not be enough to end the war. We may get something out of it. Hershey's already been tossed to us, although what we're supposed to do with the old flesh trader is a puzzle. Maybe Hoover'll be given to us next, but these ancient bonbons have lost their sweetness. If we're very lucky, they'll give us some tinsily cease-fire while they sneak a secret war in Laos. The government should not be permitted to keep a single soldier in those parts, but to get them out we must do more than today.

MORE TO COME

In fact today is a preparation for more. November the 15th is already being planned as a march on Washington. Today is a day of accustoming great numbers of people to the anxiety of standing up to their government. Even in a country like ours where there *are* civil liberties, great strain still attaches to exercising them. We were all brought up trusting the government; it's hard to shake off the feeling that resistance to it, especially about a war, is a form of social treason. The moratorium will make people comfortable in their new roles of resistance. It will make opposition socially acceptable, perhaps even stylish.

This isn't by design but is dictated by the probable course of events. Either the war must end or the resistance must grow and take tougher forms. The fact will not be clear

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in most of the talks given today because they'll be given by summer-soldier politicians who will want to felicitate everyone on their orderly, good conduct; they will praise their audiences for the lawful and constitutional manner by which they express their hatred of this lousy war. That's all right. Only imbeciles prefer street brawling and law breaking to orderly political process, but that's not the point.

The point is that there would never have been a Peace Movement if it had remained law abiding in the government's eyes. The Peace Movement is where it is because people broke into draft boards and threw blood on the files or got their heads beaten standing in front of induction centers or, like Capt. Howard Levy, took a court martial and a jail sentence.

CHECKING THE RECORD

They dramatized the war's nature. They forced the rest of us to go back over the record and check to be sure there was some plausible justification for taking human lives as we were doing. They did more. When they faced their judges and pleaded innocent by virtue of Nuremburg, they reminded us that we're individually responsible for what's done in our names. Our government, our armies, our taxes, our napalm, our soldiers, our young men.

These law breakers planted in us the bad dream that there could be the Cincinnati War Crimes Trials of 1971 in which we would have to stand before the bar and plead we were good Americans. The Spocks, the Muhammad Alis, the Father Berrigans, the David Harrises, they did that to us, gave us the bad dream of the good American.

Their example shows that an action like the moratorium isn't an event in itself but the preparation and the threat of more and wider action. Even now what started out to be a sedate moratorium is inching in the direction of a general strike. It hasn't reached that point yet, but it will unless the government capitulates to its citizens.

But what's-his-face, the furtive and fugitive president who darts from TV station to armed compound, doesn't know that; he doesn't know that if he keeps it up, by spring the country may be ungovernable. He says he won't be the first American president to lose a war, when what he risks is becoming the first president to lose America.

Maybe today he will read the ultimatum correctly and understand that playtime is over. That there is no patience left for Henry Cabot Lodge, Ellsworth Bunker and more diddlybop about bugging out, leaving allies in the lurch or saving the State Department's occidental face. People don't care if we bug out, run out, march out, stumble out, crawl out or fade out as long as we get out *now*. They've had it, and the tumult and anger is spreading everywhere. Even the federal bureaucracy is threatening to take to the streets. It's no longer students or blacks; it's older people, businessmen, conservatives, liberals, anti-Communists, pro-Communists; it's everybody who knows that a perennial war that we have no will to win or even fight is insanity, that a democracy which carries on a war that 40 or 50 per cent of the population detests risks destroying itself.

NEBRASKA MORATORIUM

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. CUNNINGHAM. Mr. Speaker, many words have been exchanged in this Chamber on the Vietnam moratorium. I would urge each of you to read and meditate just a bit on the following telegram. This is how most Nebraskans feel. I am intensely proud. I include it herewith:

BELLEVUE, NEBR.

Congressman GLENN CUNNINGHAM,
House of Representatives,
Washington, D.C.

SIR: Across the nation many people will be demonstrating against the war in Vietnam. I am not joining this protest. I am flying my flag in support of my Government and my President. I know my Government will do all in its power to bring this war to an honorable end as quickly as possible. My undying support to the American system and personal support to the Republican Party.

Respectfully,

LLOYD DOWDING.

A TIME FOR PRAYER IN QUEST OF PEACE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. VANDER JAGT. Mr. Speaker, of the thousands of articles and millions of words written about the Vietnam war moratorium, the following column in the October 14, 1969, issue of Detroit Free Press by Judd Arnett seems particularly significant to me:

A TIME FOR PRAYER IN QUEST OF PEACE

(By Judd Arnett)

The Rt. Rev. Richard S. Emrich, Episcopal Bishop of Michigan, writer, lecturer, mediator—a man for all seasons, you might say—stood on the front steps of one of his churches Sunday morning and delivered a short oration on the forthcoming Vietnam Moratorium.

The people, Bishop Emrich said, should pray for their President, their nation, the dead and wounded of the war—and for peace. Thus in a few well-chosen words did a good man bring into focus what Wednesday's national outpouring should be about.

Let us start with the President . . .

As persistent readers of this pillar may have noted from time to time, Richard Nixon does not always bring joy and warmth into your commentator's life. (There will now be a brief time out while the gentleman in the rear of the hall rises to ask: "Who does?")

But it has never been assumed for a second in this quarter that our President does not want peace, and it has likewise never been accepted that he was not doing everything in his power to achieve it. To believe otherwise would be to indict Richard Nixon as a huckster of American blood, and there is not a shred of evidence to support such a terrible offense against humanity.

Well, then, why hasn't the President succeeded in his search for peace? There are a number of reasons and it seems to me that Sen. George D. Aiken of Vermont handled them well a few days ago in a lecture to the students of Norwich University in Vermont.

Some of you may recall that it was Sen. Aiken who first suggested last May that the President begin an "orderly withdrawal" of our troops. At Norwich, however, he insisted that "The President needs time and I, for one, will do my best to see that he gets it."

In support of his position, the Senator said this:

"Those who are so anxious now to spur the President into a pell-mell retreat, even to set deadlines for him, should pause to consider the likely consequences of their exhortations.

"The South Vietnamese are bound to think sooner or later that we are simply preparing a case against them to cover our own errors. That is the worst of alternatives.

"It could lead to a breakdown of order in South Vietnam and ultimately to a wholesale massacre of those, who for good reasons or bad, put their faith in the United States Government . . ."

Now . . . Why should we pray for the nation, as Bishop Emrich has suggested? . . .

This question scarcely deserves an answer The United States needs more help than it has been getting. The problem is: Do we deserve it?

The dead and the wounded . . .

When the definitive history of this war has been written, one shining fact will stand clear of controversy: Never has any nation been served in the field by men who gave more in anticipation of such small reward.

The heroes who have fought, bled and died in Vietnam knew in advance that this war was different, that out of it would come little gratitude for their sacrifice. It must be an awful thing to be called upon to risk life and limb while dissent rages among those you are representing, yet these men have done it, day after day, with bravery, with honor, with a degree of courage, all things considered, unexcelled in our history.

It is not common these days to be proud of our military prowess, but for the men who have served in Vietnam there should be no stinting of respect. They did not start the war; but gallantly they have carried the burden of it. Brave Americans, these.

And now let us pray for peace . . .

Blessed be the peacemakers, it was said. Blessed be the meek, who shall inherit the earth. Eternally, man has had no more splendid dream than that of peace. But man has not been able to bring it off, probably because even in the search for peace his heart has not been pure.

But pray for peace, nonetheless; and for Richard Nixon; and for those who have given so much; and for these United States, torn and troubled.

TALLAHASSEE COMMISSION SUPPORTS PRESIDENT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. FUQUA. Mr. Speaker, much has been said and will be said about the moratorium observance.

Free speech is the most priceless of heritages for a free society and the city commission of Tallahassee, Fla., saw fit to pass the following resolution at this time. I think it expresses the sentiments of a great many Americans who are deeply concerned about the war in Vietnam, and I include it herewith:

RESOLUTION OF TALLAHASSEF CITY COMMISSION

A resolution commending and supporting the position taken by the President of the United States of America in relation to the Vietnam Moratorium observances scheduled by certain organizations for October 15, 1969

Whereas, the City Commission of the City of Tallahassee, Florida, is confident that the President of the United States of America has access to the most reliable information available concerning the best method to appropriately resolve the problems with which the nation is confronted in Vietnam, and

Whereas, the City Commission of the City of Tallahassee believes that it is in the best interest of the country to refrain from bringing pressure to bear upon the President of the United States of America which would tend to influence him to take a course of action other than that which would be reasonable as based upon the most reliable information available to the President;

Now, therefore, be it resolved by the city commission of the city of Tallahassee, Florida, as follows:

1. That the city commission of the city of Tallahassee hereby expresses its confidence in the capability and good faith of the President of the United States to formulate, on the basis of the most reliable information obtainable, policies designed to resolve the many sided and serious problems with which the nation is confronted in Vietnam.

2. That the city commission of the city of Tallahassee hereby expresses its support of the action of the President of the United States in refusing to be swayed from his policies, based upon the most reliable information available, by the Vietnam moratorium observances scheduled by certain organizations for October 15, 1969.

3. That this resolution be spread upon the minutes of the city commission of the city of Tallahassee and the copies hereof be furnished to the President of the United States, U.S. Senator Spessard L. Holland, U.S. Senator Edward J. Gurney, and U.S. Congressman Don Fuqua.

Introduced and passed the city commission this 14th day of October, A.D. 1969.

SPURGEON CAMP,
Mayor.

Attest:

LOUIS H. COOK,
City Auditor and Clerk.

THE AUTOMOTIVE INDUSTRY GETS A BREAK AT THE EXPENSE OF THE PEOPLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. BIAGGI. Mr. Speaker, according to the National Center for Air Pollution Control, New York City has the highest concentration of pollution of any American city—higher even than smog-ridden Los Angeles.

Medical research has linked air pollution to the cause and aggravation of many serious illnesses including lung cancer, emphysema, chronic bronchitis, asthma, and heart disease.

High concentrations of pollution have already triggered several major citywide catastrophes. The most recent—the inversion of Thanksgiving Day 1966—was linked directly to the deaths of nearly 100 persons, and is presumed to be responsible for many more.

In addition, it is estimated that New York City residents, are paying nearly $1½ billion per year in added expenses for the cleaning and upkeep of clothes and property and for the repair and protection of possessions against deterioration.

In spite of this staggering toll, the Justice Department has agreed to accept a consent decree in its case against four major automobile manufacturers charged with a conspiracy to delay the development of effective air pollution control devices.

As a result, I and 24 other Members of Congress have filed a brief challenging the action of the Justice Department because we consider it a flagrant disregard for the rights and welfare of 8½ million New York City residents and all Americans suffering from a daily bombardment of health-damaging, noxious emissions from automobile engines. We are seeking a 60-day delay in the signing of the consent decree in order to permit a congressional investigation before the Justice Department terminates the proceedings against the automobile companies. Oral arguments will be heard by Federal Judge Jesse Curtis on October 28.

The acceptance of a consent decree by the Justice Department would mean that the charges of collusion among automobile manufacturers would never be tested in open court. Consequently, the responsibility for the continued failure to develop badly needed antipollution devices would not be made clear to the American public.

Further, the opportunity to acquire evidence from the Justice Department would be lost to municipalities and private citizens wishing to file suits for damages. Such suits against the drug industry recently netted $120 million in damages.

Efforts to solve the air pollution problem would suffer a serious setback if the Justice Department succeeds in burying evidence that it spent 2 years collecting. It is apparent that the automotive industry would not have chosen to hide behind a consent decree if the evidence against it was not damaging.

On behalf of all New Yorkers and countless other Americans suffering from the perils of air pollution, I strongly deplore the action of the Justice Department. It serves only the automotive industry—not the people.

I hope this Congress exhausts every means to prevent this kind of business.

GOLDWATER CONDEMNS MORATORIUM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. GOLDWATER. Mr. Speaker, the tragedy of antiwar demonstrations such as the one occurring today, as well as resolutions which seek to impose an arbitrary time limit on troop withdrawals, is that rather than hastening an end to the war in Vietnam they only prolong the bloody conflict.

Thousands of idealistic Americans are, at this very moment, participating in a cause which they sincerely believe will bring about peace, when in actuality their actions are only encouraging the North Vietnamese Communists to continue their war of aggression.

Now, I realize that the charge of giving aid and comfort to the enemy is a serious one indeed. But in light of recent news stories, it is impossible to conclude otherwise.

A wire story last week quoted the Vietcong chief negotiator, Mrs. Nguyen Thi Binh as saying, and I quote:

> The Vietnamese people warmly acclaim this movement of the American people who demand the Nixon Administration to put an end to the war of aggression in Vietnam, and withdraw rapidly and totally American troops. This movement tightens the solidarity between the Vietnamese people and the progressive people in the U.S.

Hanoi's deputy chief negotiator, Col. Ha Van Lao, also appealed to American citizens to increase their resistance and force the Nixon administration to accept Communist demands.

As recently as this past Monday, an Associated Press dispatch again quoted Mrs. Binh as saying that the antiwar forces in this country fighting the Nixon policies have the Vietcong blessings.

Echoing the red line in this country, the New York based Communist paper, the "Daily World," endorsed what they called the "groundswell in Congress for the withdrawal of our GI's from Vietnam." The paper said:

> Mass nationwide rallies for a speedy and total pull-out of U.S. forces from Vietnam are scheduled during the next two months. Every American tax-paying wage earner has a vital bread and butter interest in joining and supporting them.

Just exactly what the antiwar moratorium is supposed to accomplish, is not clear, Mr. Speaker.

Their literature speaks of "going door to door to talk about the madness of Vietnam, leafletting public places, holding meetings, vigils and organizing against elected officials who support the war."

What more they want President Nixon to do, short of unconditional surrender, is not clear either.

Since taking office, President Nixon has made every effort humanly possible to bring the war in Vietnam to an honorable conclusion:

He has renounced an imposed military solution to the conflict.

He has proposed free elections organized by a joint committee under international supervision.

He has offered the withdrawal of United States and allied forces over a 12-month period.

He has declared that the United States seeks no military bases in Vietnam.

He has offered to negotiate supervised cease-fires under international supervision to facilitate mutual troop withdrawals.

He has said that both the United States and South Vietnamese Governments are willing to accept any results of a free election.

He has exhibited a willingness to discuss the 10-point program of the other side, along with plans put forth by any other parties.

He has begun the process of Vietnamization, that is, the process of turning the war over to the South Vietnamese to handle both Vietcong insurgency and North Vietnamese armed forces, regardless of the outcome in Paris.

He has announced plans to withdraw 60,000 American troops from Vietnam.

The only thing the President has refused to make negotiable, and I support him 100 percent on this, is the right of the South Vietnamese people to deter-

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mine their own future free of outside interference.

And what has been the response of Hanoi to all these proposals? Nothing, Mr. Speaker, nothing at all. Only more personal abuse, vilification, and propagandizing.

Perhaps there was a time when public demonstrations against the war served a purpose, but now the American people should unite behind their President in his efforts to bring America's longest war to an honorable conclusion. To do otherwise is to encourage the hawks in Hanoi to continue the fighting.

As British Communist affairs specialist, Victor Zorza, wrote recently in the Baltimore Sun newspaper:

> The American anti-war students' one day strike on October 15 . . . is precisely what Hanoi hawks have in mind when they argue that the U.S. cannot hold out much longer. . . . The stronger the protest movement in the United States now, the less chance Hanoi's own doves have to persuade the hawks that the time has come to stop fighting. . . .

FINALLY—I SPEAK ON THE WAR MORATORIUM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. CLAY. Mr. Speaker, I had hoped to make this speech earlier this day—and had planned to take the podium of the House at approximately 1 a.m. this morning. The purpose of my remarks and of delivering them at that time—was to state my support for the moratorium on war being observed across the country—and to offer my observations and views on Vietnam.

Part of what I have to say concerns the freedom of the American people to voice their view and to be heard by their Government. It is my thought that the prolonged and tragic nature of the Vietnam war is directly related to the unwillingness of our national leadership to reflect the will of the people in their war policies. The people seek peace—and the Government continues war.

Consequently—while planning my address on the precepts of democracy which must always recognize the freedom of the people and the obligation of government to serve the people—imagine my dismay when my own freedom of speech was denied. If what I have to say so frightens the leadership of this country that I, as a Member of the Congress, should be regarded as a threat merely because I speak my views—then there is truly more reason for me to speak than I initially realized.

The 20 Members of the House of Representatives who sought only to speak on the subject of Vietnam and war on the day of this "moratorium on war"—were cut off by panic-driven war supporters who feel American citizens, even American leaders, have no right to question a policy which has laid 45,000 Americans dead and drained our country of its money, unity, democratic character, social and economic progress. I must believe I correctly assume that they still have no answers for the American if they fear and resent so much our questions.

I was not able to speak this morning—but I shall speak now, and I shall continue to speak and to exercise the freedoms and responsibilities of citizenship.

Today, I associate myself with the millions of Americans who are arming themselves for peace. The October 15 moratorium on war, in my opinion, must serve to convince our stubborn leadership that the majority of Americans are determined to end this war.

"Work for Peace" has become our slogan. It is a great slogan, since it is clearly not enough to hope for peace, pray for peace, or to speak for peace. Those of us dedicated and committed to peace must be committed at all cost. We must be as willing to make as great a sacrifice for peace—as some would have us sacrifice for war.

It is unfortunate, but true, that the leadership of this country resents our move for immediate peace. They tell us we do not understand. They are right—we demonstrate today, tomorrow, and the next—to show them we do not understand—nor will we tolerate further their belligerency in pursuit of an immoral war.

I know why I am here today—and I dare say, the leadership of this Government and the world—knows not why we are in Vietnam. Eight hundred and fifty-nine of my fellow Missourians have fallen in Vietnam and still our Government cannot tell us why.

I stand here today—because my patience have been exausted and my faith in this country demands I work for peace. I am here today because 45,000 of my fellow countrymen have fallen in battle for a cause that does not exist. I am here today, for a mother who returned the flag of her dead son to the President—saying he died in vain. I am here today, because I still have hope that this Government of the people—will eventually respond to the will of the people. My active support for this moratorium on war does not come from a lack of understanding—but from a clear understanding of what this war means to the American people.

Our land is in turmoil. Our people cry for peace. While our leaders place the emphasis on honor, there can be no honor in a dishonorable act. The war in Vietnam is unjust, illegal, and immoral. Our continued involvement will not bring honor but disgrace: A nation which claims to be conceived in liberty and justice cannot long survive by condoning repression or aggression.

The statement of the President that he will not hear the voices of the demonstrators does not serve to achieve peace in Vietnam—but does add fire to the burning conflict in America. It is because he does not sense our presence, that we gather in great numbers across the country today. It is because he does not hear our cries—that we join together today to amplify our voices. If the President does not see us, does not hear us, does not respond to the prevailing will of our people—then let history record that this President put his concern for pride above his concern for people—let history record that this President by his own volition set a tragic course for American democracy that may well cause the destruction of that democracy.

The President and his spokesmen have stated that we do a great disservice to our country today—that we should demonstrate against the North Vietnamese and not against our own Government.

What is at stake in the world today—in Vietnam and in this country—is freedom, the right of people to govern themselves. Our very presence in Vietnam in such great numbers and with such awesome weaponry acts to deny freedom and self-determination for the people of Vietnam. Our military forces have kept in office in Vietnam a corrupt group of gangsters who refuse to call for free elections in that country and consistently oppress the freedoms of speech and action of the Vietnamese people.

Our Government professes to fight for freedom of the Vietnamese people to voice their views and work their will upon their government—and at the same time embraces a dictatorship which denies that same freedom to those who view legitimate, peaceful protest as a disservice to our country—I would say if they are committed to the principle that Americans must sing the same verse of the same song in order to serve their country—then they are in the wrong country. Those who would muzzle free speech demonstrate to North Vietnam that freedom in America is a principle but not a practice.

The Government was formed to serve the people. When the people march for peace they do no disservice. The responsibility for service is on the foot of the Government—and it is the Government which does disservice when it does not respond to the people. Our Government was so formed and can be sustained only by maintaining that posture.

The war has taken a devastating toll on the American people. It has tested our nature, our tolerance, and our way of life. Look across the country today and you see revolt—not just among the young, not just among those of extreme persuasion, but among the rank and file American citizens who are opposed to the senseless slaughter of human beings. These are not hippies, these are not drug addicts—these are not Communists. The people who have come out of their homes and their offices on this day of moratorium are American citizens—who deserve the respect and the ear of their Government.

These people are the peacemakers and they shall inherit the earth. There is no doubt but that the warmakers have degraded the character and quality of American citizenship. They have distorted the principles of justice and peace. They attempt to portray the peacemakers as villains. Those who kill and maim are projected as crusaders and freedom fighters.

There are now 3.5 million men in the armed services, 500,000 of them are in Vietnam, another 300,000 in support in the Pacific. Maintaining so large a standing army is not in preparation for peace, but in anticipation of war. The President has stated a policy which says that Asian problems must be solved by Asian people. He told the Government of the Philippines not to look to us for protection. If the President intends to follow that policy in Asia or in any part of the world, America should and must disarm.

As long as this country maintains an eye-catching ready army of 3.5 million men and continues to expend more than 50 percent of its total budget for defense—we will be called upon for defense. A nation which seeks not to be the policeman of the world should not attire itself in the policeman's uniform.

This Nation's claim to greatness will not be realized through military muscle. A country founded on democratic principles can realize greatness only in the success of democracy. When democratic precepts are overcome and overwhelmed by military rule, the greatness claimed does not relate to the greatness sought. History records that of the 21 nations who sought and became number one militarily in the world, 19 were destroyed from within. The lessons of history did not keep us out of Vietnam—but the lessons of history support our call for withdrawal from Vietnam.

The adverse social, economic and political impact of this war is a most cruel result of our involvement.

America is suffering from a loss of identity—from men who have mistaken our identity. It is not American to spend $77 billion on defense and only $3 billion on education. It is not American to spend $5 billion on the C–5A airplane and less than $2 billion on poverty programs. It is not American to spend $40 billion to explore space and only $186 million to research one of the greatest killers of Americans—cancer. It is not American to insist upon another $16 billion for an anti-ballistic-missile system when we have already spent $23 billion American dollars on missiles which are now obsolete. It is not American when we can spend $20,000 for ammunition for every Vietcong we kill—and only $44 a year to educate one American child. Those who pursue destruction through war are un-American. Those who support excessive military expenditures at expense of necessary domestic programs—are the un-Americans in America, not the citizens protesting the war.

Since 1959, the United States has spent more than $551 billion in direct military outlays. This is twice the amount spent for new private and public housing over the same decade—and nearly twice as much as Federal, State, and local governments allocated to all education. Over this past decade, $30 billion has been spent for agricultural subsidies and $35 billion for space exploration. At the same time, only $4 billion was spent for Federal low- and middle-income housing programs—only an eighth of the amount spent to guarantee income to rich farmers. Just this month, the President committed this Nation to finance a supersonic transport airplane—at an estimated completed cost of $895 million—but just last week, the House of Representatives could not get $1 billion just to clean up the dirty water in America. Military related spending in this fiscal year alone is more than all Federal expenditures on health, hospitals, educations, old-age benefits, low- and middle-income housing, welfare, unemployment, and agriculture.

The American people are finding out that their tax money is not going to feed the hungry, to clothe the naked, to house the homeless, to educate the ignorant, to medicate the sick—the American people know that their tax dollars are being gobbled up by profiteering defense contractors and armament producers.

The way the war is viewed depends in some measure on a person's position in life. If you are standing in the Pentagon, I am sure you can sing the Star Spangled Banner, better, louder, and more enthusiastically than from anywhere else in the Nation. But if you are standing in line for lunch in a university cafeteria, your uncertain draft status has a tendency to discolor the glory of battle. If you are sitting on a corner in a ghetto, your spirit for patriotism may diminish in inverse proportion to the growing extent of your deprivation. If you are manufacturing planes, tanks, and shells, your view may well be shaped by the size of your contract. If you are a banker collecting spiraling interest rates caused by war spending, your view may differ sharply from the workingman earning less than $10,000 who cannot afford to buy a decent house.

The position that black Americans finds themselves is in even more uncompromising than that of whites who oppose the war. Blacks are forced to travel 10,000 miles from home to fight in Vietnam to extend rights for yellow people that black people themselves do not enjoy here in America.

This war has had a severe effect on black people. Most blacks see the war in Vietnam as one more act of aggression on the part of the United States.

The plight of the black man in America has been to endure one crisis after another. This plight has culminated in the restlessness, the suspicion, and the frustration which so clearly shows itself in the black community today. Black men have lived with pent-up feelings for too long. Blacks no longer feel compelled to nurture these frustrations in silent obedience.

The war in Vietnam constitutes an overt display of hypocrisy in and by this government. Black Americans have tried, often in vain, to unveil Government hypocrisy which shows itself in discriminatory activities against minorities. The Vietnam war became a focal point—because it is a clear testimony to the heights of hypocrisy to which this Government will go. It is this hypocrisy and double standard which is tearing our society apart. The hypocrisy of the law and of the conduct of this Government has been exposed to the masses of the American public.

The issues have become clear. If the social problems of the day are to be solved, this war must stop now. This government cannot go about insisting on social order on the one hand while ignoring social justice on the other.

The young are asking questions. Why fight to free the Vietnamese and resist freedom for black Americans. Why should poor youth be drafted to fight this war while certain rich or athletically gifted youth are exempted from military service.

President Nixon has cut back expenditures for every domestic program aimed at people with the greatest need—and has won. Instead, an initial $6 billion expenditures for an anti-ballistic system.

Those of us who ask when we will have a commitment to domestic programs are told to wait until the war is over. When we ask "When will the war be over?" we are told to wait for an "honorable peace" which will allow us to save face with the Asian people.

Why is there so much concern for saving face in Southeast Asia when at home we show no concern for facing people who still live without the protection and guarantees of the law. If the policy of this Government shall be to save face—that policy must start at home.

Until the causes of widespread discontent in this Nation are addressed, President Nixon makes a mockery of his office by his pleas for unity and peace.

If I read the signs of the time correctly, our Nation is in serious danger. The signs of student unrest, the riots in the cities, the emergence of a new violent militant black group, the demands for repressive legislation to combat crime in the street, and disrespect for law and order. These signs point to a crossroads for this Nation—where a choice must be made.

The speeches we are getting from the leadership of this country are too closely reminiscent of speeches recorded 30 years ago when a tyrant whipped his nation into line for world domination.

This Nation must state and pursue objectives which are consistent with the needs in the country. We must either extend full citizenship rights and individual freedom to all Americans or pursue a course which will assuredly deny it to a certain group and eventually to all.

The question is whether the people of this country will use their energies to rise to the challenges of a maturing nation—or whether we will use our energies to fight each other in the streets to mark the fall of democracy.

If we were ever under seige, we are today. If ever there were a need for understanding, it is today. If ever we have needed to concern ourselves with service for unselfish considerations—we need to do so today.

If these great social problems are to be solved, the resources of the Nation and the resolve of the Nation must be directed toward them—with full force. Steps must must be taken to do away with the underlying causes of the widespread discontent in the Nation. The first and most important must be to pull American forces out of Vietnam.

Where we have had programs aimed at domestic problems, we have not had funds. Money may be the single most important reason for failures in the poverty program where they have occurred.

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Money has not been available to implement model cities programs, to clean up our air or our water. Money has not been available for job training, for employment counseling, for advanced food programs, for rehabilitating buildings, or even for law-enforcement programs set out by the 90th Congress.

Law can be nullified by the absence of money for its implementation. Laws written by the past two Congresses, noteworthy innovative laws, have been invalidated by the lack of funds for objectives they set out.

Federal money is drained first by the military-industrial complex and only that which is left over is divided among all remaining domestic programs—education, housing, urban development, job training, land and resource conservation.

To date, in this administration, there are more spokesmen for the continuance of present fiscal policy imbalance than there are spokesmen for domestic priorities. Once again we come to the importance of communication and the need for effective spokesmen for domestic problems, minority interests, and for unpopular causes. Once again we come to the importance of the observance of this moratorium on war—which is the attempt of the American public to communicate their deep and distressed concern.

Many of the people participating in our moratorium on war have nothing to lose. Too many cannot find hope in tomorrow. They did not share Mr. Nixon's enthusiasm for "man's greatest day on the moon" since they still await man's greatest day here on earth.

They listen to President Nixon tell them he will not listen—and conclude that any act is justified to vent their frustration. This administration and its attitude reinforce the desperation of black people, poor people, students, mothers, and other marchers for peace.

Look at the record of our President. He took the spotlight and presented us with his solution to poverty—and apologized profusely because it might cost $4 billion.

At the same time, the Senate hunger committee told us it would take at least $5 billion just to feed the poor—but the President apologizes for the expensive nature of a program which falls miles short of the need.

The President does not apologize for pacification programs in Vietnam where our troops have torn up the land and run millions of Vietnamese citizens from their homes—but here in the United States, the need for housing, food, clothing, and education—does not warrant sufficient expenditures.

We spend $3 million an hour in Vietnam for 16 million people—while 25 million poverty-stricken Americans cry for help in our own country.

When this war began, there was lots of talk about "guns and butter"—and whether or not the Nation could have both. The Nation bought its guns and the people of the Nation who had been enjoying the butter—have kept their butter. The Nation has maintained a "guns and butter" policy with great success—in those terms—but it has not addressed a single domestic problem with success since great sums of money started flowing into Asia.

The American tragedy is—Vietnam. The objectives were contrived and the rationale for our presence was not and is not related to American security. This war has dragged on —draining our land of its manpower, resources, goals, and of our resolve for perfecting America for Americans.

Because of the war, the American people have been subjected to outright lies by those who attempt to justify our presence and our continued involvement. Truth has been sacrificed to buy time for those who sought a military victory in Vietnam. No longer can truth be secondary—it must be the primary consideration in policy determinations from this point forward.

People who do not know the facts about Vietnam have stood in this past week to assert that if the rest of us knew the facts about this war, we would not participate in this moratorium. I must weigh their suggestion with statements from men who are in a position to know.

For example, Gen. David M. Shoup, former Commandant of the U.S. Marine Corps and Congressional Medal of Honor winner who says,

> I want to tell you that I don't think the whole of Southeast Asia is related to the present and future safety and freedom of the people of this country, is worth the life or limb of a single American . . . I believe that if we had and would keep our dirty, bloody, dollar-crooked fingers out of the business of these nations so full of depressed, exploited people, they will arrive at a solution of their own.

Another military leader, Brig. Gen. Hugh B. Hester, a veteran of MacArthur's command in the Pacific tells us:

> I think we ought to get out the way we went in—unilaterally. And then we should do what we can to help rebuild their economy. That would be the way to restore the respect we had after World War II as a moral nation. We are in the wrong in Vietnam morally and from a military standpoint. It is against interests of the United States.

The Secretary General of the United Nations, Secretary U Thant stated:

> I am sure that the great American people, if only they knew the true facts and the background of the development in Vietnam, will agree with me that further bloodshed is unnecessary.

Today, we have not solved anything in Vietnam. There is no evidence to show that the conflict of North and South Vietnam is any further toward resolution than it was when we entered. If anything, our presence has deepened the extent of the gap between north and south. We have served a puppet government which is clearly not representative of the people whose free choice we proclaim to fight for. Instead, the South Vietnamese have been flushed from their homes, hunger and war-panic driven. The Vietnamese people are worse off now in a bomb destroyed land than they were when we arrived.

The South Vietnamese maintain now a fighting force of 1,500,000 men. The fighting force of the Vietcong is 135,000 and with 900,000 North Vietnamese in arms—the opposing sides are relatively equal militarily. They are relatively equal in resources. What is at question is willpower.

In Paris, the North Vietnamese cannot negotiate with us what we cannot obtain from the South Vietnamese Government. The matters for discussion clearly cannot be solved while we stand in as "big brother" for the South Vietnamese. Commonsense dictates that knowledge.

Commonsense also dictates that President Nixon could not support a coalition government in Vietnam, when in his own country he failed to establish one. How could he possibly know how to incorporate a concern for diverse interests or to advise the Vietnamese?

If the President's aim is to save face and to preserve his own honor, he can do so, both at home and abroad, by deferring now to the judgment of the people on Vietnam. He can exemplify democracy by a clear and concise statement to Vietnam and to the world that the people of the United States have chosen to leave Vietnam to the Vietnamese. This is truly where the question of honor rests—upon the ability of a free nation to direct its policy to conform to present day issues and demands of its people.

There is no greatness in a nation who sees its policy, whatever policy, as irreversible. That is not greatness—but narrowness of mind. It is not admission of failure to withdraw our forces from Vietnam—but admission that a better course for Vietnam and for the United States lies in such a withdrawal. It should not be difficult—even for this administration—to build a defense for its action when its action is based on truth.

Through the years with Vietnam, American people have been made to sacrifice truth as they see it for a policy in which they had no voice.

Through the years in Vietnam, our fight for freedom in Vietnam has been accompanied with a constant and increasing repression of freedom in the United States. Through the years with Vietnam, the apathy of our people has been turned to action—to the surprise and dismay of this Government. Citizenship has taken on new dimensions of responsibility—of crisp proportions.

Consider the slightly frightened lady who dropped by my office today—to deliver an American flag-draped casket.

"Sometimes," she said, "we must be morbid to make our point." A representative for only one of the hundreds of organizations working for peace, she pleaded that I do whatever I can—in position, to reflect this concern for peace. She was not a student tired of classes, nor was she a hippie, nor was she a rioter; nor, I dare say, does her concern for peace make her a Communist?

Consider the mother from St. Louis, Mrs. Patricia H. Reither, who sent me today a simple black bordered card on which she hand wrote:

> Dear Representative Clay, think of young Phil, Vietnam, on Wednesday. Peace.

With the card came a printed prayer with her son's name at the top—"Phil H. Reither, Jr.: June 22, 1947–Sept. 30, 1969."

These people, like the middle-aged lady working for her peace organization, like Phil's mother, like five blackcloaked mothers from St. Louis who stopped by my office 2 weeks ago during their march for peace—like the Quakers who were arrested on the steps of the Capitol—these are citizens whose commitment to peace and truth motivates them to march, to speak, to act, to sacrifice, to place themselves on the line for peace in spite of the misplaced criticism and degradation to which they are subjected—all their efforts—just to stop the war in Vietnam.

I can do no less than to join my colleagues who are observing this first official day of moratorium by varying our "business as usual" conduct. Instead, we have come to the Halls of the Congress at an hour when our presence in these Chambers is not required nor sought for official business. We have come to join these peacemakers who seek a nonviolent and peaceful demonstration for peace. We come to show that we have not lost faith in democracy—that we have not lost faith in the ultimate impact of the people of this Nation upon their Government.

Stop the war, Mr. President—for God's sake, bring American forces home immediately. This country has evaded its own "business as usual" responsibilities far too long in favor of "war as usual."

VIETNAM MORATORIUM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. MOORHEAD. Mr. Speaker, we gather tonight in this Chamber to exchange ideas about the future course of the U.S. military involvement in Vietnam.

It is altogether fitting and proper that we do so because by so doing and particularly in connection with the Vietnam moratorium we convey to the people of America and particularly to the young people of America that we are listening to them—that we are a responsive and responsible legislative body.

For that reason I take the floor tonight to exchange with my colleagues my opinion as to our future course of action in Vietnam.

Mr. Speaker, it is my belief that we have lost sight of the reason—right or wrong—for our original intervention in Vietnam.

We entered Vietnam in 1965 to prevent an overthrow of the South by the North and to give the elected government of South Vietnam time to build so that it could become strong enough to defend itself from the North or make a political arrangement with the north.

Mr. Speaker, we have accomplished that objective.

We did not enter Vietnam to inflict a defeat on North Vietnam; we entered to prevent a defeat of South Vietnam.

We have accomplished that objective.

I believe we could have accomplished that objective with fewer than the more than 500,000 troops we have in Vietnam.

Mr. Speaker, the time has long passed when we should have been withdrawing our troops.

In the fall of 1966, in a letter to my constituents, I said:

> The conflict in South Vietnam is, in the long run, primarily an Asian problem, and I have been working to secure its eventual settlement by the peoples of free Asia. They should not ask us to defend their region alone indefinitely.

The following year in summer of 1967, I said:

> The war in Vietnam continues and past escalation has not achieved our hope of bringing the other side to the negotiating table. The South Vietnamese will elect a new government in the fall. After those elections, it seems to me we should say to the new government: "We have accomplished the mission we set for ourselves in 1965. We have prevented the forceful overthrow of your government by armies from the North. The primary job of fighting the Viet Cong guerrillas or negotiating with them must be yours."

My suggestion did not meet with favor, and we continued our escalation of the war in Vietnam until on March 10, 1968, a story in the New York Times wrote the fact that the military were asking for an additional 206,000 troops for Vietnam.

As has been ably described in the October issue of Atlantic magazine by former Assistant Secretary of the Air Force Townsend W. Hoopes, this was the turning point in our policy of continual escalation of the war in Vietnam.

On March 12, 1968, I introduced a very brief resolution which provided as follows:

> *Resolved*, That it is the sense of Congress that the United States should not increase its military involvement in Vietnam.

Within a few days there were 37 cosponsors of this resolution. At the time of the introduction of this resolution on March 11, I said:

> Mr. Speaker, we are at a crossroads in the war in Vietnam. We can either maintain our present objectives, which apparently require increased military involvement, or we can change our objectives and reduce or at least contain our military involvement.
>
> Our military leaders are asking the President for 206,000 more troops for Vietnam. Apparently they want more troops to continue to do more of what we have been doing for the past few years.
>
> Others urge that what is needed is not more troops and more casualties but new and different strategies and tactics which will mean no more American troops and fewer American casualties.
>
> This is a basic and fundamental policy decision about war and peace in which the American people through their elected representatives should participate. Not since the Gulf of Tonkin resolution in August 1964 has Congress been given a chance to participate in similar fundamental decisions about Vietnam.
>
> Under our Constitution, I believe that Congress should participate in these decisions.
>
> In my opinion our strategy of positioning American forces in the uninhabited border areas of Vietnam and leaving the defense of the cities and towns to the South Vietnamese has not worked.
>
> Even with more troops I am not sure it will work.
>
> However, if we decide that this is a war for people, and not for geography—if we pull back from the border areas, our present troops can join with the South Vietnamese in defending the people.
>
> We should position our troops deep enough within South Vietnam so that when the enemy attacks he would not have border sanctuaries at his rear but could be surrounded by our highly mobile troops.
>
> This strategy, some military planners believe, would cut the recent United States casualty rate in half yet permit more progress in pacification, an objective that has far more to do with success in Vietnam than casualties inflicted on Communist troops.
>
> At any rate, this strategy should be considered by the President and the Congress before there is any further escalation of the war in Vietnam.
>
> So that the Congress can effectively participate in this decision, I have today introduced a very brief Resolution which provides as follows: "Resolved . . . that it is the sense of Congress that the United States should not increase its military involvement in Vietnam."
>
> I invite all members who question further escalation of our military involvement in Vietnam to join with me in introducing similar resolutions.

Mr. Speaker, the 206,000 additional troops were not sent to Vietnam, and it is just barely possible that House Congressional Resolution 683 played a part in this decision.

By September 1968 I thought that the Congress was ready for a more drastic position and accordingly I proposed a resolution which provided as follows:

> *Resolved by the House of Representatives (the Senate concurring)*. That it is the sense of Congress that the United States should begin to liquidate its military involvement in Vietnam.

In my letter to the cosponsors of the March resolution seeking their cosponsorship of this resolution, I said:

> This resolution, I believe, will make it clear that Congress wishes not merely to limit American military involvement in Vietnam, but to begin to liquidate it entirely.

This language must have been too strong because only eight Members of the House joined me in cosponsoring this resolution.

Accordingly, on March 26, 1969, I introduced a resolution which expressed the same idea but with more acceptable wording, because there were 38 cosponsors of this resolution, which provides that:

> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that the United States should begin to reduce its military involvement in Vietnam.

Therefore, I applaud the fact that the President has begun the withdrawal of troops from Vietnam.

However, I deplore the fact that the withdrawal has proceeded at such a slow pace.

Richard Nixon, the man who promised Americans last November that if they elected him President, he would get them out of Vietnam, has not done enough to honor that promise.

Richard Nixon, swept into office by something less than a massive popu-

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larity, campaigned on his will to end the war.

He has forsaken many opportunities to initiate significant U.S. withdrawals and seems content that the war will go away with the ascendancy of his three points; namely, the demonstrated ability of the South Vietnamese Army to defend the country, reduced infiltration by the North Vietnamese, and clear progress at the Paris peace talks.

In the meantime, while pledging his fervent desire for peace, he boldly claims that renewed student demonstrations for peace will have no effect on him.

His stalking horses, Secretary of State Rogers, Secretary Laird at Defense, and on occasion the senior Senator from Pennsylvania, HUGH SCOTT, proclaim the virtues of the Nixon stubbornness to relinquish the three-point demand and even said a possible answer may be further military actions.

Added to the disappointing behavior of the Administration are statements emanating from its spokesmen that ring strangely of past oratory.

Just last week the new minority leader in the other body, said the "enemy has about one offensive left in him. After that, the enemy is a defeated enemy."

On the heels of General Wheeler's statement that he expects a new winter offensive by the North Vietnamese and the Vietcong, SCOTT's statement sounds a bit like General Westmoreland on April 10, 1968, when he said:

> The enemy has many problems: He is losing control of the scattered population under his influence . . . He sees the strength of his forces steadily declining . . . His monsoon offensives have been failures. He was dealt a mortal blow by the installation of a freely elected representative government . . . the enemy hopes are bankrupt.

Ten thousand American soldiers and untold numbers of allied soldiers and Vietnamese civilians have lost their lives since Westmoreland calmed us with his prognosis.

Yet his statement came 4 years after Gen. Paul D. Harkins, Commander of the Military Assistance Command in Saigon joyously claimed "victory is just months away, and the reduction of American advisers can begin any time now. I can safely say the end of the war is in sight." That proclamation was made 35,000 American deaths ago.

But even 1 year before Harkins' statement, on March 8, 1963, an Assistant Secretary of Defense, could look at the situation and safely state, "The corner has definitely been turned toward victory in Vietnam."

Probably the supreme optimist of this entire group was the French commander in chief who on January 2, 1954, when Vietnam was still called Indo-China, waxed eloquently, "I fully expect only 6 more months of hard fighting."

Well, roughly, 190 months of hard fighting and dying followed the French general's victory preview and American troops are still losing their lives, for what?

Why are we still there when we have achieved our original objective?

This is what I, and thousands of others, have asked and are asking.

Why are we still in Vietnam? Whose interests are served by our being there?

These are the questions the President cannot or will not answer to the satisfaction of most Americans. And these are the issues which bring us here tonight and this morning—and will bring us here many more mornings I hope if the administration does not begin to heed the voice of the American people. A voice that asks for peace. A voice that says let the young men stop dying for nothing. There are no Hitlers or Stalins in Vietnam. The domino theory has been disproved and we are tired. Let us rid ourselves of this thorn which threatens to poison our whole fabric of life.

The distinguished chairman of the Senate Foreign Relations Committee, Senator FULBRIGHT, introduced a new perspective into the Vietnam debate the other day when he offered for the RECORD a comparison of the casualties incurred in this war during the service of Presidents Kennedy, Johnson, and Nixon.

I would like to quote Senator FULBRIGHT on those statistics:

> The average monthly total of dead during the Kennedy administration was 4.97; in the Johnson administration, 592.4; and in the Nixon administration, it has been 992.57. That is not quite double the average monthly total of dead in the Johnson administration.
>
> The monthly average totals of the number of wounded are similar. In the Kennedy administration, it was 13.66 per month; in the Johnson administration, 3,201.5; and in the Nixon administration thus far, it is 6,131.59. Again, that is almost twice—almost 100 percent—the total number of wounded in the Johnson administration, monthly.

Senator FULBRIGHT finished by saying:

> These figures graphically show, it seems to me, that the level of fighting instead of having declined during the last 9 months, has substantially increased, both with respect to the wounded and the dead. It is true that in the last 2 or 3 weeks there has been a decline, but these figures are the averages since the beginning of the war.

The thrust of my argument is, contrary to what President Nixon would like us to believe and the few concessions to doves aside, the war has continued unabated under his administration.

President Nixon toured Asia last summer making statements concerning the folly of Vietnam-like adventure.

If indeed Mr. Nixon had seen the light—as he would have so many of us believe—he would have seen clearly the tie between the Vietnam morass and every major problem confronting the United States today. The balance of these challenges are coming from within—mainly they are thrown at us from the young and the black, those who suffer most when military ranks must be filled and domestic programs shunned.

If the United States is to continue in its role as a world leader, as innovator and guide, the ideals of the young—which many find easy to scoff at—must find a commanding place in national thought and action.

These hundreds of thousands of young people are thoughtful enough to know the good and evil in national actions.

Today's youth are probably the best educated, informed, and sensitive generation to ever grace our land. It ranks as pure stupidity to ignore their appeal for peace and close one's ears to their cries.

The popular will for change is there—we have merely to look around us today for evidence of that. And the previous policies ripe for a change are there, too—and nobody can doubt that a new Chief Executive exists to make those changes. But the missing factor is the firm resolve on the President's part to step in, grasp the old programs, shift them around and slowly but obviously, and minus obfuscation, get this country out of that mess.

Instead, he seems content to try to pacify the world—with appropriate utterances about peace and troop withdrawals and all the while fiddle, press, and rummage for a plan.

Where is your plan, Mr. President? Where is the design that was to have taken us from the despair of Vietnam and restore the national pride soiled by our belligerent presence in South Vietnam?

I am sure every waking hour presents the President with ample reminder that the office he now holds was won mainly on the promise to end the agony and the shame of Vietnam.

Let me quote from a recent Democratic National Committee release which discussed a trip to Vietnam made by Chairman of the Joint Chiefs, General Wheeler:

> Wheeler took a mid-July trip to Vietnam which was supposed to reorient the fighting tactics, but the Washington Post reporter David Hoffma in Saigon said that as of July 31 there was no discussionable change on New Washington orders. According to this report, most U.S. Commanders insist there is no casualty-reducing alternative to the strategy being followed. Yet Secretary Laird, on July 27, said a new approach called "protective reaction" will replace maximum pressure.

How do you explain the differences between "protective reaction" and "maximum pressure," to Mrs. Albert Colletto of Pittsburgh?

Mrs. Colletto had a son killed in Vietnam shortly after he participated in the onslaught against Hamburger Hill. That was the strategic hill which this administration felt was so vital it chastised those critics who protested sending American boys six times up its treacherous slopes until they finally subdued it.

This administration leaped on Senator KENNEDY and others who called that campaign senseless.

Yet Hamburger quickly lost its value because we abandoned it days after Pvt. Albert Colletto and others captured it.

Private Colletto died engaging in "protective reaction" somewhere in the Vietnam jungles. But before his life was snuffed out he managed to pen the following lines.

They were given to me by his aunt, emblazoned on the back of a prayer card.

IN MEMORY OF HAMBURGER HILL

(By Pfc. Albert V. Colletto, Jr., U.S. 52-839-565, 101 A. B. Inf.—Co. C 1/506—Died 1969)

As I lie here among the trees,
the smell of the dying is in the breeze.
A Soldier cried out, Come to me please,
there was no need, he ceased to breathe.
The wounded laid dying, and the dead already gone,
a Sergeant yelled, get up, drive on.
With the lead flying in from every way,
I didn't expect to last the day.
We fought hard trying to win,
but at last we stopped, as night set in.
Dig in deep was the word,
to those who were left it didn't seem absurd.
They called our assault Hamburger Hill,
a name well put, but will you remember it, as always I will.
Ask the lame,
they can tell you it wasn't a game.
You can ask the dead,
but remember their aim.
Peace is golden and may be achieved,
if men would learn to love,
the burden of war would be relieved.
This is a true story, it is no lie,
give credit to the dead, because of the hill they died.

The mother of Private Colletto would have difficulty in understanding the difference between "protective reaction" and "maximum pressure." But I am sure if before he was killed Private Colletto was consulted about the difference he would have known. I think he might have said that there is small difference between the two. It may extend past the name but little else.

I wish that President Nixon had more than chagrin on his mind when he vowed, in reaction to former Defense Secretary Clark Clifford's suggestion to remove 100,000 troops by 1970, "I hope to beat Mr. Clifford's timetable."

Now there are two and a half months remaining in this year for the President to follow through on that hope.

I, for one, would not fancy imposing on the President an exact date—or rigid timetable.

Thus far, I have spoken on the war which has continued day in and day out, interminably. Even as I am speaking to you at this late hour, while most of the Nation sleeps, there will be several more of America's youth who will join the legion that will not see their homes again. It is this tragedy that confronts us as a nation. It is this tragedy that haunts the Nation's leaders. They continue to search for an honorable way to extricate the Nation from the agony that it now finds itself locked within. They look backwards into our history and forlornly try to draw comparisons. Our people shed their blood during the Revolutionary War which was fought to create our Nation. These men did not die in vain. Our anguished Nation sent its sons into battle during the Civil War and they did not die in vain for the Union was preserved. In 1918 and again in 1941 this country helped to fight cataclysmic wars which were supposed to make the world safe for democracy and in the 1950's at the request of the United Nations we again shed our blood in Korea.

Now, however, we find ourselves in this horrible nightmare—like none this Nation has ever faced before, yet still our leaders continue to search for a noble rationale, as in the past conflicts throughout our history. They dare not let loose because to do so would be to admit defeat and if defeated our youth that we have committed to battle will have died in vain. President Nixon has stated this in so many words when he said he did not intend to preside over the first defeat this Nation has ever faced.

My friends, to borrow the phrase from a modern folk song—When will they ever learn? When will they ever learn? This war in Southeast Asia is not the American Revolution and it is not the Civil War or the World Wars I or II. It is an Asian war which Asians should fight. It is a ghastly mistake; it has been and it will continue to be as long as Americans shed their blood.

Our men that we have sent into battle and who have died—will have died in vain. Unless and until we the living rededicate ourselves to them—we must admit our mistake and we must reorder ourselves and our Nation along a course which does in fact preserve, promote, and demonstrate the ideals on which the Nation was founded. It has not been a traditional war, it has not been an idealistic war. It has been a war entered into by a nation—a great nation—but one which for a brief period has become separated from its true path.

Therefore, let us admit this and rededicate ourselves in the name of those who will not come home—to the task of righting the course of our Nation. It has fallen into disrepair from neglect, and all of us must share the blame—from the most humble of us to those in the highest stations and offices in the land. Look about you—not just at the physical disrepair of the country—its cities, its lakes and rivers, its schools and highways and air, though they all suffer sadly from neglect. Look also if you will at the more basic problem—the cynicism and self-serving interest and lack of true responsibility on the part of everyone—from officials of Government to large segments of our population. Is not this the true underlying cause of both our domestic neglect and our international pomposity that could beguile us into a conflict such as Vietnam? We are not imperial Rome and we are not the policemen of the world.

The analogy of Rome is significant in another respect—close to me and my duties as a Congressman. Rome became an imperial state and extended its sway across Europe and the Mediterranean as its senate bit by bit lost the powers that it had originally assumed.

The parallel is significant. The Congress of the United States over the past several decades has shirked a number of the responsibilities bestowed upon it by the Constitution, and in many ways these responsibilities that we have not faced are bound up in our national dilemma of Vietnam, our national priorities, and a military establishment of the size and makeup that have permitted us as a Nation to embark upon adventures which upon sober reflection are not truly in our Nation's interests.

CONGRESSIONAL CONSTITUTIONAL DUTIES

What we have witnessed this year in the debate in both the House and the Senate over the military procurement bill and equally the debate on the ABM and MIRV is a democracy making a valiant attempt to assert effective control over a military-industrial complex in an age of relentless technology.

Phrased another way, we are today watching a constitutional crisis of historic proportions in which the Congress is attempting to reassert its constitutional powers and carry out its constitutional obligations.

Of late much has been said and written about clause 1 of section 2 of article II of the Constitution which provides that "the President shall be Commander in Chief of the Army and Navy of the United States."

Under the Constitution the President commands whatever Armed Forces are provided to him but the decision as to the number of soldiers and sailors and whether they shall be equipped with ABM's and MIRV's, under our Constitution, is not his to make.

The so-called war power clauses of the Constitution are clauses 11, 12, 13, and 14 of section 8 of article I of the Constitution.

These clauses provide that Congress has power to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces.

The clauses of the Constitution which give Congress authority to raise and support armies, to provide and maintain a Navy, and so forth, were not inserted for the purpose of endowing the National Government with power to do these things, but rather to designate the branch of Government which should exercise such powers.

These provisions grew out of the conviction that the Executive should be deprived of the "sole power of raising and regulating fleets and armies" which Blackstone attributed to the King under the British Constitution. Justice Story in his "Commentaries" wrote:

> Our notions, indeed, of the dangers of standing armies, in time of peace, are derived in a great measure from the principles and examples of our English ancestors. In England, the King possessed the power of raising armies in the time of peace according to his own good pleasure. And this prerogative was justly esteemed dangerous to the public liberties. Upon the revolution of 1688, Parliament wisely insisted upon a bill of rights, which should furnish an adequate security for the future. But how was this done? Not by prohibiting standing armies altogether in time of peace; but (as has been already seen) by prohibiting them *without the consent of Parliament*. This is the very proposition contained in the Constitution; for Congress can alone raise armies; and may put them down, whenever they choose.

Unquestionably, therefore, the Founding Fathers intended to give Congress the primary role in establishing and equipping the military.

The question arises, however, given the highly technological nature of modern military hardware, is Congress still the proper department of government to exercise these powers?

As a Member of Congress for 10 years, I have not questioned the wisdom of the Founding Fathers in imposing this duty on us, but I have questioned recently whether we adequately have carried out our constitutional responsibilities.

Congress is inhibited in two ways from carrying out its constitutional duties,

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but both of these could be overcome by an informed public.

The first inhibition is the lack of adequate staff and supporting resources to examine the military budget properly. Second is the inherent problems of the committee system.

Because Congress has the unpopular task of imposing taxes, Congress is reluctant to spend money on its own operations even when such expenditures could save the taxpayers many times the initial investment. The result is that in terms of staffing and backup resources available for analyzing the military budget the Congress is wholly inadequate to the task.

The committee that directly handles the military budget in the House are the Armed Services Committee and the Defense Appropriations Subcommittee. Armed Services analyzes the posture statement and authorizes force levels and weapons systems. The Defense Appropriations Subcommittee then appropriates funds for support of these programs.

The amount of justification material that both of these staffs has to analyze is incredible. However, there is a professional staff of only nine in Armed Services and only five in Defense Appropriations that handles this task. And I had the temerity to criticize the Budget Bureau with a staff of 31 assigned to the Defense budget.

Another example of inadequate backup resources, the Congress has provided over 4,300 computers for the executive branch and none, except for housekeeping chores, for the legislative branch.

Under these conditions, when the military budget totaling over $80 billion comes before the Congress for authorization and appropriation, it can readily be seen that Congress is almost hopelessly handicapped in obtaining a thoroughgoing independent analysis of the Pentagon's proposals.

I propose that we in the Congress start considering seriously our own allocation of resources. I would contend that one of the best investments we could make is in the expansion and upgrading of our committee staffs and a substantial but reasonable investment in terms of backup resources.

Obviously, all of this is going to cost money, and it is the natural reaction of appropriations committees to be somewhat wary of new expenditures. But one system analyst, or one budgetary expert, who draws a salary of $20,000 a year, may, in the end, save the Government a million dollars. That is the kind of investment that all of us in Congress should be able to endorse.

The second inhibition is the congressional committee system. If a Member comes from a city district, he seeks to serve on the Housing Committee. If he comes from a rural district, he seeks to serve on the Agriculture Committee. In time, he becomes, not a judge of, but an advocate for, housing or farm programs.

Similarly, if he comes from a district with military establishments, he seeks membership on Armed Services or Defense Appropriations and becomes, not a judge of, but an advocate for, military programs.

The difference is that Congress as a whole can and does provide a check on any excesses in programs reported by Housing or Agriculture Committees, but when a military program is reported it is shrouded in secrecy and complexity and wrapped in the flag so that any questioning of it is close to being unpatriotic.

It may be that the creation of an overview committee to debate priorities among civilian programs and between civilian and military programs is necessary. Such a joint committee, similar to the Joint Economic Committee, would review annually the basic foreign and military postures of the Nation and consider budget alternatives. No members of the Armed Services, Foreign Affairs, or Appropriations Committees ought to serve on this joint committee. Furthermore, membership on it should be for no more than 4 to 6 years.

With the studies and reports of such a joint overview committee the level of debate in the Congress over national priorities could be elevated to the point contemplated by the framers of the Constitution. In economic affairs this was one result of the creation of the Joint Economic Committee.

Without the creation of this special oversight committee, it may be that the Joint Economic Committee which has been doing a similar job this year, should continue to do so.

However it is done, it is important that Congress, which is a many-purpose institution, do the job.

Civilians in the Defense Department, no matter how dedicated and intelligent, are still assigned a single purpose—the protection of national security through military means.

The Constitution gives to Congress the responsibility for considering all the needs of the Nation, not merely the military. The first clause of section 8 of Article I of the Constitution expresses this idea very succinctly.

> The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to Pay the Debts and provide for the common Defense and general Welfare of the United States;

The Congress must balance the demand for defense dollars with the demand of taxpayers for tax cuts and the demands of the poor for poverty programs.

To enable Congress to do this job properly, it was necessary that there be a change in public opinion. So long as the people thought it unpatriotic to question the military budget, no committee of Congress and no Member of Congress would do so.

This year the time seemed right for the development of the kind of public climate in which Congress could properly exercise its constitutional duties.

This year, I decided to do something to help develop this kind of a climate.

I looked into the budget interplay between the Defense Department and the Bureau of the Budget and came to the shocking conclusion that the Bureau of the Budget does not give the Defense Department the same kind or degree of scrutiny that it gives to nondefense spending.

On March 20, 1969, at a hearing before the Military Operations Subcommittee, I made this charge:

> Domestic agency budgets are given different and more intense scrutiny than the defense budget. In all departments of government, except for the Defense Department, budget examiners conduct an independent analysis and review which is submitted to the Director of the Budget. In Defense, budget examiners work not independently, but with their defense counterparts, and the analysis and review are submitted first to the Secretary of Defense rather than to the Budget Director. Only after the Secretary of Defense has approved it, is the review submitted to the Budget Director. The result of this procedure is that whereas other Secretaries must go to the President to have him overrule the Budget Director, in the case of Defense, the Budget Director must go to the President to overrule the Secretary of Defense.
>
> This process, of course, shifts the whole budget process power structure and renders the Bureau almost impotent as a force for independent analysis of military procurement programs.

The Bureau of the Budget at that time did not admit to the process I have just described. But in those hearings the Deputy Director of the Bureau of the Budget, Mr. Hughes, did admit that the "climate" was substantially different in the examination of defense requests.

Referring to the "power relationships" in Washington, Mr. Hughes conceded that the Defense Department has both political power and muscle. And that "in this power-oriented town," these two attributes give it an advantage in dealing with the Budget Bureau.

Defense Secretary McNamara in his inimical way made his opinion of the Budget Bureau's role in defense budgetmaking very clear when he told the Congress:

> I will be quite frank with you, I can't remember a single instance in which the Bureau of the Budget and I differed on a recommendation in which the President accepted the Bureau of the Budget view. There may have been one in 4 years, but I can't remember a single one.

On June 3, 1969, at a hearing before the Joint Economic Committee Mr. Charles Schultze, the former Budget Director, in answer to my questioning agreed that the Budget Bureau procedure in handling the Defense budget was indeed as I had described it.

The point I was making was the need for an institution with a variety of responsibilities to review the military budget as a part of the overall budgetary needs of the Nation.

On June 12, 1969, Mr. Robert Mayo, the present Budget Director, appeared before the Joint Economic Committee and testified that he had received new instructions from President Nixon. He said:

> I reiterate, Mr. Moorhead, that our policy with regard to defense . . . there have been differences before, and that it is our position that there are no differences now.

He then proceeded to read into the record a memorandum from the President directing the Bureau of the Budget to give the same treatment to all departments of Government.

I do not know if we really will see a change, but if we can keep up the pressure the public will become aroused and if the public does become aroused the Congress and the President and the Bureau of the Budget will respond.

But merely improving Budget Bureau procedures does not fulfill the constitutional duties of Congress to control the military.

However, before congressional control could be asserted, it was necessary to end the myth of the infallibility of the military in which the American people and the Congress had come to believe.

Our military men are able, intelligent and dedicated, but they are not infallible and Congress should not abdicate to them the decisionmaking powers which the Constitution bestowed upon Congress.

To develop a climate of healthy skepticism I started with an area in which people of all political philosophies could agree—the need to eliminate waste and inefficiency.

This was step No. 1.

On April 29, 1969, the case of the C–5A came before the Military Operations Subcommittee.

The fact of a $2 billion overrun was shocking enough but I had in my possession documents which revealed the even more shocking fact that the existence of these overruns was being deleted from official Air Force reports "on the direction of higher authorities."

When asked why this was done the Systems Program Director, in a very dramatic moment, revealed that this concealment was not for the benefit of the Government or the taxpayer, but to protect "Lockheed's position in the common stock market."

On May 14, 1969, the case of the Sheridan tank, or more accurately its infamous turret and caseless cartridge, came before the subcommittee.

It was revealed that the Army rushed into production with this $1.3 billion vehicle to avoid "adverse political and budgetary impacts," even though it was clear the ammunition for the vehicle's gun would not work.

On May 15, 1969, the case of the Army's Cheyenne helicopter came before the subcommittee.

One of the many troubles with this helicopter, we were told, was that the newly developed rigid rotor blade "oscillated." This seemed mild enough until it was brought out that it "oscillated" so much that one time it amputated the canopy in which the pilot would sit. The officer testifying protested and said, "But, sir, that was not planned."

The primary purpose of these procurement horror stories was to lay the groundwork for improvement in procurement policies but they also served to develop a climate in which Congress could question other defense decisions.

This is important because even with perfect procurement we would still have a military budget out of control.

Having established a platform and credibility through step No. 1, the procurement horror stories, the time had come for step No. 2, which was to question the need for certain conventional weapons systems not involved in the direct security of the United States, but more involved in our commitments overseas and based on certain threat assumptions.

It is now politically possible to discuss in Congress whether we need each and every one of our highly vulnerable 15 attack aircraft carriers when the Communist nations have none.

On June 3, 1969, in hearings before the Joint Economic Committee, I was able to ask former Budget Director Charles Schultze about our eight antisubmarine carrier task forces, and he said, referring to Secretary McNamara's 1968 posture statement, that if "these antisubmarine warfare carriers were substantially equipped with new planes, they might be marginally effective," and he suggested that this might be a good place to look into reduction of the budget.

Congress should take a hard look at our general purpose conventional forces because these items involve over 60 percent of the Defense Department's budget.

The Constitution directs the Congress to provide not only for "the common defense" but also for the "general welfare" of the United States. If we are to provide the funds for housing, education and so forth which the "general welfare" requires, the best source of additional funds seems to be those conventional forces which are not needed or which are only "marginally" needed for the "common defense."

The other way to obtain funds for the urgent domestic needs of our "general welfare" is to begin to question the assumption on which our conventional force levels are predicted. This would be step No. 3 in the progression of our reassertion of congressional control over the military budget.

For years we have directed our military forces to be ready to fight simultaneously—simultaneously, mind you—a major conventional land war in Europe against the Soviets, and a major conventional land war in Asia against the Chinese, and a minor brush-fire war elsewhere in the world. Before the Sino-Soviet split this policy may have been rational—after the split it was questionable—now after the Ussuri River fights it is clearly nonsense.

In the Joint Economic Committee hearings Dr. Karl Kaysen projected a greatly reduced military budget by changing the two-war-plus policy and that we should "maintain no continuing ground force commitment in Asia."

The first three steps were important laying of a political basis which does not involve the direct safety of American citizens—all of us could sleep just as well if the ratio of U.S. attack aircraft carriers over the Communists went down from 15–0 to 12–0.

The fourth step is to have rational congressional and public debate over strategic weapons systems where the more immediate and direct security of the United States may be involved.

This involves the debate in the Senate over the deployment of the anti-ballistic-missile system—ABM—and in the House over the continued testing and production of the multiple independently targeted reentry vehicles—MIRV.

The debate over ABM is an encouraging sign that Congress does intend to perform its constitutional duties over the military.

As Senator FULBRIGHT said in testimony before the Joint Economic Committee on June 4 of this year about the ABM:

> The first time in the 25 years I have been in the Senate that there has appeared to be an opportunity to change in any substantial way at all a program affecting the military has been the ABM. And I don't know whether it can succeed or not. We are told in the press that it is close. That is the only time I have ever heard of a vote being close on a matter affecting a major military program.

The story with respect to MIRV is different. It shows how the Pentagon can flaunt the will of a majority of Congress.

On July 10, 1968, the Pentagon entered into a letter contract with General Electric Co. for the production of 68 Mark 12 reentry vehicles and announced it in such a way that it attracted no attention in the press or in Congress.

On June 19 of this year, President Nixon told the country that he was considering asking the Russians to agree to a moratorium on further MIRV testing. Forty-one Senators lined up behind a "sense-of-the-Senate" resolution proposed by Senator BROOKE, supporting a mutual test moratorium. Similar resolutions had over 100 cosponsors in the House. But in the meantime, in April and May of this year, the Pentagon was engaged in negotiations with General Electric to definitize the July 1968 letter of intent. At that time, according to the Department of Defense, authorization was given to proceed with the actual production of the deployment model of the Mark 12. This process was completed and the contract was signed on June 19—the very day on which Mr. Nixon was informing the reporters that he was considering trying to work out a standstill with the Russians. Contrary to its usual practice, the Pentagon did not announce the award.

On June 24, 1969, by accident my office learned of the existence of the production contract.

On June 26, 1969, I called a press conference and blasted this dangerous concealment from the Congress.

As the Detroit Free Press said on June 30:

> Representative William S. Moorhead of Pennsylvania could do worse than to ask President Nixon one simple question: "Who the hell is conducting foreign policy, the President, with the advice and consent of Congress, or the Pentagon?"

I am not concerned about who is at fault.

I am concerned about jeopardizing the impending strategic arms limitation talks—SALT.

As the St. Louis Post-Dispatch said on June 29:

> It is quite true, as Mr. Moorhead says, that the start of MIRV production, implying a vast multiplication of our offensive nuclear capability, may impel the Soviets to respond in kind and thus touch off a new round of the arms race. We agree with him that production should be postponed and tests suspended. The arms talks should have a chance to succeed before we begin proliferating an already excessive nuclear arsenal.

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I think we may be at a historic fork in the road in the history of the arms race.

Because of fear of the Chinese, the Soviets may want an agreement with us.

Gromyko's speech last week certainly sounded like a thaw in the cold war.

I think it is possible that the Soviets want strategic arms limitation and want to avoid another escalation of the arms race if we do not force it on them.

Continued flight testing and production of MIRV may torpedo the SALT talks and force escalation on them.

I am convinced that we are far enough ahead of the Soviets that we can call a temporary halt to production and testing of MIRV to see if there is any hope of an enforceable agreement with the Soviets.

As Dr. George B. Kistiakowsky, President Eisenhower's science adviser, told a House Foreign Affairs Subcommittee yesterday:

> Because we are somewhat ahead of the Soviet Union in MIRV development, because our total strategic forces . . . are somewhat larger than those of the U.S.S.R. and because a very large fraction of our retaliatory force would not be imperiled by MIRV development, we could risk without undue danger to our national security initiation of such a moratorium pending a prompt and symmetric response from the U.S.S.R.

It appears impossible—politically at least—to halt both the MIRV and the ABM.

In my opinion, MIRV is far more destabilizing strategically, but ABM is more important politically.

Strategically, ABM could be deployed and we could still enter into an arms limitation agreement enforceable by spy satellites, on the number of ABM launchers deployed. However, once MIRV is deployable an enforceable agreement with the Soviets on MIRV is rendered far more difficult if not almost impossible.

On the political front, the Nixon administration is risking a very embarrassing defeat when the best they can hope for is a hairline victory on ABM which would not enhance the standing and prestige of the administration.

The logical solution both strategically and politically is for those Senators who oppose ABM and MIRV to agree to support some form of an ABM system in return for the administration's agreement to halt, for a limited period of time, the production and flight testing of MIRV.

Whatever the outcome of the debate this year, I think that you and I as taxpayers, whose dollars are involved, and we as citizens, whose lives are involved, must endeavor to restore to Congress its constitutional responsibility to provide for the common defense and general welfare of the United States.

WHICH WAY AMERICA?

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, out of this national debate and moratorium on the war in Vietnam, a notion is merging that disturbs me greatly, and one that I trust will be heeded not only in this great body today, but throughout the Nation today and in the days to come.

That notion, as I see it, is that, unless you support this moratorium, you are not in favor of ending the war in Vietnam. This is a completely ridiculous notion, of course, but its impact is being felt, and underneath it all, we as a people are beginning to "choose sides"—not on the question of how to end the war in Vietnam—but rather, over whether or not we support the moratorium.

I relate this view only to point up something that I believe has been going on in this country for several years. In my judgment, we are rapidly becoming the dis-United States of America. We are unwittingly desecrating our national confidence and our national will that have long been the hallmark of America's internal fiber. And, history tells us that "a nation divided against itself cannot stand."

The constitutional right of the American people to peaceably express their dissent is unquestioned. It is a precious right that must be defended at all costs, and practiced whenever the need arises. But, what kind of a moratorium is it, pray tell, when there are no voices to be heard calling on all sides of the conflict in Vietnam to expedite an end to the war.

I seriously question the validity of any moratorium on the war in Vietnam that does not place at least a fair share of the blame on North Vietnam for the continuance of this miserable war and the farce now underway in Paris, wherein nothing concrete has yet been accomplished.

And, I seriously question the objectivity of any moratorium on the war in Vietnam that does not even suggest the need for any withdrawal of North Vietnamese troops from South Vietnam.

Is it any wonder, Mr. Speaker, that in his "Dear American Friends" letter, Premier Pham Van Dong of North Vietnam gave his wholehearted acclaim and approval of today's antiwar demonstrations. With this in mind, it is not too difficult to comprehend why he should describe the moratorium as "a worthy and timely rebuff to the obstinate attitude of the U.S. administration in intensifying and prolonging the aggressive war in Vietnam," and to wish the demonstartors well in their "fall offensive."

Well, just for the record and, as one Member of Congress, I want to be recorded here today as saying that I believe Pham Van Dong is on the wrong track—and that President Richard M. Nixon is on the right track.

President Nixon is our President and he is working for an end to the war in Vietnam and for peace with freedom—not peace with surrender, or "peace at any price." And I honestly and wholeheartedly support the President in these efforts.

Some people today are asking: "What has President Nixon done in 9 months?"

He has reversed the policy of previous administrations with regard to the war in Vietnam. Rather than sending in more troops or escalating that war, he has reduced the level of fighting and started to bring the boys home. Now, if that is not progress, I wish someone would tell me what is?

President Nixon's "phase-in phase-out" policy in Vietnam was advanced to the American people something over a year ago. During the past 8 months, it has been implemented and is now underway. It offers a positive solution to America's vast overinvolvement in Southeast Asia, and is a fair, practical and reasonable means to an end as far as the war itself is concerned.

But, how many in the streets today are recognizing, or even acknowledging these basic facts? How much can a President do in 8 or 9 months—about a mess that was 8 or 9 years in the making? And, what has happened to the American sense of openmindedness and fairplay?

Too many Americans, I fear, are pinning all their hopes on negotiations as the road to disengagement from the war in Vietnam. How short our memories become in the flood of rhetoric that is now underway. We tend to forget that the war in Korea was negotiated for 3 years, and we tend to overlook the fact that, as a result of those negotiations, 50,000 American troops remain in Korea today. Is this what we want in Vietnam? Is it what the war-weary people of Vietnam want?

Freedom, as we all know, is not free. The Communists have mounted an ideological offensive of aggression. And all we need to do is to look at the recent attempts at freedom of expression in Czechoslovakia, to see that their offensive is still very much alive. What we need to counter that, I submit, is an ideological offensive of our own—a freedom ideological offensive, if you will, that matches their idea with a bigger and better idea.

That, I believe, is the direction President Nixon is going.

But, he cannot go it alone. So in closing, I ask—which side are we on, anyway? The side of freedom and free nation building, or the side that yesterday called on the American people to mount a "fall offensive" against our country, against our President, and against the cause of freedom?

Which way, America?

ONE WAY TO EASE THE BURDEN FOR TENANTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. BIAGGI. Mr. Speaker, I have introduced a bill today that would require the payment of interest on the rent security deposits of tenants living in federally assisted apartment complexes. It is grossly unfair that tenants do not presently receive the benefit of interest payments on their money that is generally left in the possession of their landlords for long periods of time.

In my own Bronx, N.Y., district, for example, 12,000 families living in an apartment complex known as Parkchester are not receiving 1 cent in interest on rent security deposits totaling $1.2 million. The landlord-corporation, on the other hand, is the custodian of this money and is deriving investment benefits from revenue that rightfully belongs to the tenants.

In this instance alone, the deposit of rent security funds of $1.2 million in a simple 5-percent interest-bearing bank account, would yield a return of $60,000 annually.

In New York City and across the Nation, thousands upon thousands of tenants—many of them struggling middle-income families—are the victims of the same kind of unfairness experienced by the residents of Parkchester.

These tenants do not have the right to share in the profits that might accrue to their landlords from property investments. While I do not fault this particular area of free enterprise or even mean to imply that changes are necessary. I do not understand why tenants should be denied the most minimal investment benefits from money that belongs to them.

Rent security funds are intended only as a guarantee that tenants will adhere to the conditions of occupancy. If they do this, that money must be refunded to them when they move from the premises. Right from the very beginning, the element of protection favors the landlord who becomes both the custodian and controller of the rent security funds.

Under the circumstances, I know of no sound or valid reason for depriving tenants of simple interest payments on rent security deposits.

In the case of apartment complexes which are devoid of Federal assistance, it is my hope that State governing bodies throughout the Nation become increasingly aware of the unfairness of the present situation and enact remedial legislation similar to the bill I am offering here.

In this era of high taxes and inflation, the average American family is constantly struggling to make ends meet. My bill, therefore, simply offers one means of lightening their burden a bit in a way that is only proper and fitting. On that basis, I ask your support of this measure.

OF STRENGTH AND HONOR

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. TEAGUE of Texas. Mr. Speaker, this past weekend I was privileged to hear the words of Lt. Gen. Richard G. Stilwell, Deputy Chief for Military Operations, address a distinguished gathering of Medal of Honor recipients. Daily we read criticism and condemnation of the military and its needs in the present day and age. It is important to be aware of the views of the silent majority on this issue. General Stilwell's remarks should be of great interest to all Americans as to the need for a continuation of a strong and well-equipped military force:

OF STRENGTH AND HONOR

(Address by Lt. Gen. Richard G. Stilwell)

I know members of the society we honor tonight will agree that the locale is most appropriate to the occasion; that there is a special affinity between Texas and courage, both individual and collective. The history of this great state is studded with heroism, self-sacrifice, communal responsibility—with feats of men (and women) standing tall in crises. The Alamo has particular meaning for every American, from earliest school days on. The legendary exploits of that band of heroes—Travis, Crockett, Bowie and 184 others—at the cost of their precious lives—is a universal symbol of duty to country and faith in its future. So too the memory of Sam Houston, the derring-do at San Jacinto and the Independence thereby gained.

As one of these United States, the Texan heritage has been continuously enriched—in the course of taming its vast expanses, harnessing its resources, providing its sons when America was imperiled. Texans—in great numbers—have served valiantly and uncomplainingly on battlefields beyond count. Fifty-four have been awarded the Congressional Medal of Honor.

Today, Texas is home to a new breed of heroes—some in uniform, some not. They, and this magnificent city, have captured the hearts and admiration of all the world with their giant steps on the last and greatest frontier: The Universe.

The unseen dangers they braved, the ultimate risks they faced met all the criteria for the coveted Medal of Honor save one—the environment, the hell of war alone was missing.

War is a special arena in which the Gods of Chance rise to full stature. Confusion is the concomitant of combat. The unknown is the first-born son of battle, and uncertainty is his shadow. The fighting man lives under the constant tension of being face to face with the unexpected, hour after hour, and days on end. He knows the violent, pounding heart, the sickening feeling in the pit of stomach. He knows cold sweat, unsteady hands, trembling knees.

In the arena of war, man must meet these challenges alone. Even in the midst of his comrades, he develops an inner loneliness—his innate confidence in personal survival sapped by realization that, in battle, death stalks unrelentingly.

The man of combat finds himself in a world that differs—in a thousand ways—from all that he has known before. That world shrinks enormously in time and space to immediate imperatives: defeating the foe; staying alive, God willing; and helping his buddies stay alive.

Believe me, countless members of the brotherhood of combat veterans have gone through this kind of hell.

We are assembled tonight to pay homage to an elite segment of that brotherhood of combat veterans: the handful, from among untold tens of thousands, who hold the coveted Medal of Honor.

This prized fraternity encompasses all ranks. Its members constitute a true cross-section of America: the roll includes men of every color, creed, race, and social strata. The Medal of Honor knows no prejudices.

To understand the criteria on which award of the Medal of Honor is based, one need go no further than the first paragraph of each citation: "For conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty, in actions involving actual conflict with an enemy." Thus it is reserved—not for presidents, statesmen, generals, and others of high station—but for those in the forefront of battle.

The words "conspicuous gallantry and intrepidity at the risk of life" are significant. Every man is marked by a love of live and a natural instinct for self-preservation which normally surpass all other human motivations. To risk life for one's buddies, one's unit, one's country is the supreme expression of selflessness. In war, acts of courage are legion; personal sacrifice is a way of life. In these circumstances, the man singled out for recognition must be of a special mold, truly a hero among heroes. Though the magnificent heroes here this night are too modest to recount their deeds, each of their stories would thrill you to the marrow. They have earned the everlasting gratitude of this nation and we salute them therefore.

America was created, expanded, and since sustained by the inner courage and physical strength of such men—men who have accepted all challenges, at home and abroad—men who have defended this nation's security and honor during the 193 years of her existence.

Our national power is the product of a vibrant citizenry. From active, responsible citizens comes the willingness to toil, sweat, and fight—if necessary—for our basic values, for that which is just, and decent. The overwhelming majority of Americans are such citizens.

But history records that Americans have been slow to awaken to external danger. We have rallied in time of emergency, but we have also allowed our military strength to attrite when the most immediate threat receded, however slightly.

This is an old story. We have seen it happen again and again—the unpreparedness, the crisis, the frantic build-up, then off to war. Thus far at least, we have always made it—but just in the nick of time

Before World War I—for reasons well known—the dark happenings in the Old World interested Americans only casually and only from a distance. So, too, the Guns of August, 1914. Then, suddenly a German torpedo sank the Lusitania with fearsome loss of passengers, including Americans. Never again would we find security in mere geographic isolation.

The United States was ill-prepared for the conflict it entered. But we had the leisure to mobilize the nation and we eventually saved the day. Our soldiers came home from France to great celebrations. America was proud of her victory and even prouder of the men who had fought so bravely to win it for her.

But all too soon America wanted to forget. Having won the "war to end all wars," the public clamored for a return to the warm security of isolationism. The mantle of world leadership was too heavy a burden. The Armed Forces were allowed to deteriorate. By 1939, the Army's strength was lower than before World War I.

Then came the attack on Pearl Harbor, galvanizing the American people into action again. The torpedoes and bombs that sank American battleships also sank "American Firstism." Congress, responding to the overwhelming National cry for action, speedily declared war.

Once again we mobilized while others carried the main brunt of the war. It took four hard years to achieve victory.

And yet we still had not learned. While the conflict raged the military was a "Hall of Heroes." After World War II, the Armed Forces were drastically reduced; the need for military readiness largely ignored. President Kennedy used to quote from an old British barracks ballad:

> "God and the Soldier we adore,
> In time of danger, not before.
> The danger gone, and all things righted,
> God is forgotten, the Soldier slighted."

In a few short years we were swept into the Korean War and emerged in the same pattern—eager to reduce our Armed Forces, and lessen our military might. This time we would not stand behind the shield of our oceans or other nations, but rather behind the single shield of massive nuclear retaliation. As conventional warfare was reckoned unlikely, the soldier was considered obsolete.

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Vietnam has, of course, disproved the rationale of this philosophy. It has also pointed up most dramatically the need for strong, balanced forces, capable of meeting all kinds of threats on many levels of involvement, and without delay.

After Vietnam, there will be pressures—even now apparent—against the maintenance of such strength in being. Even now there are attacks on the military. An active campaign is being waged against ROTC. Young men are being urged to resist the draft. Heavy criticism is being directed against defense spending. The evidence suggests reoccurrence of the cyclic pattern witnessed seven times in our country's history.

But would this dismantling square with the shape of the 1970's, 80's and beyond?

Looking backward 20 years, one is struck by the chronology of conflict. Twenty—count them—20 wars and insurrections, ranging from Asia through the Middle East to Europe and Latin America. Each carried seeds of grave danger to our beloved Country, our ideals, and all that we hold dear. Ahead—as far as the eye can reach—one sees high promise of social, economic and technological advance. But one also sees international turbulence and stresses more potentially violent and explosive than in the recent past. The realities of the nuclear age will press more strongly from all sides as our arch rivals on the world scene enhance their missilery, navies and armies. In a globe fantastically compressed by electronics and jets and rocket propulsion, there is no shield of time or space. Conversely, it will take increasingly long to forge a military machine from a meager base. In any case, the defeat of aggression once launched is no longer the best strategy.

Today and forever forward the American military—of the people, for the people—will have as its supreme task the prevention of war at any level. This fighting man will fulfill the noblest measure of his responsibilities by countering external dangers, gaining our Country's objectives, without recourse to bloodshed. But to prevent war one must be fully prepared for war.

It is in vogue to quote the late President Eisenhower—albeit out of context—on the military-industrial complex. My counter is a segment of his Farewell Address. He said:

"A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

Members of the Congressional Medal of Honor Society, you have already done far more for your country than could be possibly expected of any group of men. But your patriotism and unswerving dedication to the national welfare are still at test. With the horrors of war indelibly etched in your memory, you understand the meaning of peace as few others can. Significantly, you also know the preconditions for ensuring that peace will endure through the lifetime of your children and your children's children. May your voices—heroic and respected—always support the maintenance of our national strength, our national faith and our national honor.

Ladies and Gentlemen, I thank you most humbly for listening.

MICHIGAN PESTICIDES COUNCIL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. DINGELL. Mr. Speaker, the Michigan Pesticides Council performs a continuing service to the citizens of Michigan and to the population of this country, generally, through its dedication to the protection of our environment.

The council's chairman, Mrs. Willard E. Wolfe, recently presented a statement to the Senate Commerce Subcommittee on Energy, Natural Resources, and the Environment at a meeting in Muskegon, Mich., under the chairmanship of Senator PHILIP A. HART. So that my colleagues may be aware of the council's views on pesticides, I include the text of Mrs. Wolfe's statement at this point in the CONGRESSIONAL RECORD:

STATEMENT BY MRS. WILLARD E. WOLFE, CHAIRMAN, MICHIGAN PESTICIDES COUNCIL, SEPTEMBER 30, 1969, IN MUSKEGON, MICH.

Senator Hart, members of the subcommittee, my name is Mrs. Willard E. Wolfe. I am chairman of and speaking for the Michigan Pesticides Council, a council composed of organizations and individuals concerned with the present and future quality of our environment. We represent about 300,000 people through our member organizations, and our individual members include medical doctors, biologists and professional conservationists as well as the lay public. I am also chairman of the West Michigan Environmental Action Council, which will also be represented today.

We very much appreciate this opportunity to speak to your distinguished committee.

We first wish to emphasize that our Council is not opposed to all pesticides. We are opposed to the use of persistent, toxic insecticides such as DDT and Dieldrin in the outdoor environment. We are totally in sympathy with our farmers who are producing our food and battling with all the forces of nature. We feel that the farmer has been the victim of chemical company propaganda through his farm programs and literature, the victim of lack of research into less expensive and less harmful means to meet his problems, the victim of policies which have increased his insect problems, and the victim of agricultural schools which have been more responsive to the hucksters of chemicals than they have to scientific information.

Our organization is frankly and honestly outraged by policies which have resulted in persistent pesticide assault on our environment, since these results were almost wholely predictable. It is therefore our wish today to put on record what has brought us to this sorry day when coho cannot be marketed, many gulls, eagles and osprey suffer reproductive failure because they consume contaminated fish, and the entire biological life of our Great Lakes—as well as our oceans—is threatened by persistent pesticides. Indeed, important protein resources throughout the world may well be endangered.

In 1962 *Silent Spring* was published to alert the public to the consequences of certain pesticide use. The reaction of the public, as well as President Kennedy's own perusal of the book, led to the President's Science Advisory Committee examination of pesticides. Their conclusion—over seven years ago—was that "the elimination of the use of persistent toxic pesticides should be the goal," and that "accretion of residues in the environment be controlled by the orderly reduction in the use of persistent pesticides." Despite this report, last year the total United States production of persistent insecticides was approximately 225 million pounds, up from 150 million in 1962. DDT production had gone up from about 64 million pounds in 1962 to 103½ million pounds in 1968. We are now exporting more DDT than we manufactured in 1962.

Why has this happened? It happened because two other reactions to the public outcry took place: that of the chemical industry and that of the economic entomologists and agricultural leaders who had sincerely thought they had been doing good and now felt they were being chastised as purveyors of poisons. An unholy alliance even predating 1962 affects us today—and without legislation to protect us—will continue to affect us for years to come.

We contend that information has been suppressed, scientists have been intimidated, and the public has been misguided by a fact-sorting process and by ridicule of factual information. We present the following examples as evidence:

1. Lack of independence of many of our nation's scientists.

The Natural Resources Departments in many or all of our land grant colleges are under the Schools of Agriculture. Any research or statements made by any member of those natural resources departments, therefore, are subject to the scrutiny of the Agriculture Schools under which they exist. We can be very grateful for the tremendous courage of some faculty members who have existed under these arrangements.

The highly-publicized pesticides research center at Michigan State University is an example of the preponderance of men, research and money devoted to virtually every pesticide question except what harm persistent pesticides may be doing to our environment. We can assume that under existing means of obtaining research money, much pesticide research is paid for by our chemical companies.

2. Biased news releases.

The Michigan State Agriculture Extension Service press releases pour out stories such as research on insects which break down persistent pesticides in the soil, or how cows may take charcoal and phenobarbital to prevent pesticide contaminated milk. I do not notice that they describe research on the **heavily contaminated** muds in our lakes, biological magnification of persistent pesticides in food chains, or facts such as tons of DDT circulating in our atmosphere. They do not admit that soil insects can do nothing about most of the contamination in the world, nor do they mention that some DDT breakdown products are also harming our environment. They have not mentioned the fact that mothers' milk has such a high level of DDT and Dieldrin that if bottled it could not be marketed. Obviously they can't very well suggest that Mothers should be taking charcoal laced with phenobarbital. Most of the press releases give the impression that research will eventually take care of all our problems.

The news release by the Michigan State University Department of Information Services, on a prestigious conference on man and his environment, was a good example of managed news. Despite the fact that several subjects were covered at the conference, including one by our governor's wife, and that pesticides were discussed from different points of view by more than one person, the only news release by the University was State Director of Agriculture Ball's defense of his pesticide policies. I submit the news release, the speech by Secretary Ball, and an opposing view by David Jenkins of the Department of Natural Resources, for the record.

Other press releases coming from both the Agriculture Department and our Michigan State University Extension Service have pointed the finger at cities for the most DDT found in rivers nearby. These press releases never included the fact that it was Michigan State University Extension Service entomologists and the Michigan Agriculture Department which were responsible for recommending and approving the use of DDT by the cities for Dutch Elm Disease control and other urban uses.

3. Ridicule, intimidation and suppression of information of our scientists by the unholy alliance.

One of the first scientists to report on harm done to the environment by persistent pesticides was Dr. George Wallace, of the Michigan

State University Zoology Department. He had discovered that the DDT used for Dutch Elm Disease control at the University campus was killing robins and other bird species, primarily insect eaters. His findings were eventually duplicated at other universities. After Dr. Wallace made his reports publicly known, attempts were made to discredit him. Two horticulture department professors made public statements about "spectacular half-truths coming from two or three small groups who like to make noise." After he testified on DDT in Washington—and this is a matter of public record—a member of the United States Department of Agriculture tried and almost succeeded in getting him fired. Such degrading statements and events stifled freedom of discussion on all our campuses.

In 1962 Dr. E. W. Roeloffs, fisheries professor, and Charles Shick, a biologist, prepared a publication entitled "Spray Programs and Wildlife." The information bulletin was reviewed by 11 other Michigan State University staff members, and after their approval 15,000 copies were printed. About two weeks after initial distribution the publication was removed from circulation following the objection of three Wayne County agriculture agents. The publication was withdrawn over the vigorous protests of the two authors and the chairman of the MSU Fisheries and Wildlife Department. Nearly eight years have gone by and the publication has neither been reprinted nor replaced. When I once mentioned that I had a copy and wanted more, I was ruefully told that I should keep it as a collector's item. However, I would like to offer it for the record.

Perhaps the most extravagant attempt at ridicule and intimidation was an article written by a chemical company spokesman and printed in a major science magazine. He theorized that those who are concerned about pesticides and their harmful effects are in actuality preoccupied with the subject of their lack of sexual potency. I have the feeling that to some extent this absurdity backfired.

4. Use of spurious propaganda techniques.

One often-used tactic is to mislead by charging us with emotionalism—while we talk facts and they make emotional and non-factual statements. The alliance infers that we are opposed to all pesticides instead of just toxic persistent insecticides used in the outdoor environment. They prevent the farmer from remaining objective by making him feel that there is an effort on the part of a hostile public to hurt him. A typical example is the poem by Professor John Carew, chairman of the Horticulture Department at Michigan State University. The poem was first published in the American Vegetable Grower, and was reprinted with his permission this summer in the National Agriculture Chemical Association News and Pesticide Review.

He refers to—and I quote: "Certain well-fed members of Society who "disapproved of the farmer using science" . . . "They spoke harshly of his techniques for feeding, protecting and preserving plants and animals." He goes on to say that this had emotional appeal . . . and said that Society gave the farmer the title Unimportant minority, and passed laws abolishing pesticides (note that he didn't say persistent pesticides) fertilizers and food preservatives . . . and then of course he ends his gem of scientific objectivity and unemotionality by telling how crops and animals died and finally millions of people were exterminated.

I would like to have the entire poem included in the RECORD.

Another very new tactic of some spokesmen for the chemical and 'agriculture alliance is to call themselves ecologists. Please note, however, that the Michigan Association of Conservation Ecologists has recommended stringent restrictions of all the persistent chlorinated hydrocarbon insecticides. Last year's president of the Ecological Society of America and now provost of Michigan State University, Dr. John Cantlon, speaking in Grand Rapids last year, called persistent pesticide programs such as the Dieldrin spray program in the Lake Michigan watershed "morally indefensible."

The constant flow of misleading propaganda coming from the chemical-agriculture alliance has promoted the idea that it is protecting the public when it tells us we can use pesticides safely if we follow directions on the label. One cannot, however, use a product safely if it is going to turn up in creatures all over the globe, even thousands of miles from the nearest use. Another propaganda tactic is to rebut information on environmental damage to carnivorous birds by talking about the huge number of of black birds we have today, or research done on chickens. They neglect to admit that they are talking about seed eating birds. They also neglect to admit that part of our problem with nuisance birds is because our predator birds which helped control blackbird numbers have been decimated by pesticides, and also that blackbirds and English sparrows are filling an ecological vacuum formerly filled by insect-eating birds killed by persistent pesticides.

Still another tactic is to refer to the need for more research. If they have their way, we will research for 7 more years, and 7 more, and 7 more . . . during which we will add many more tons of persistent pesticides to the living environment.

Typical of the arrogance, and part of the propaganda, of the people responsible for pesticide decisions is what has happened in Michigan. They must really feel that the public is stupid. The day before the Michigan hearings on a bill to give pesticide registration control to a broader-based agency than just the Agriculture Department, Director Ball announced that DDT was no longer to be registered for mosquito control, on the basis that the Michigan State University extension service suddenly no longer recommended it. This was supposed to be an example of how well we were already protected.

Almost immediately after the coho were taken off the market the Michigan Department of Agriculture withdrew registration of DDT. We are certainly delighted that it did, but we are not impressed, in view of the public outcry and the fact that there is now so much insect resistance to DDT.

Another example of the terrible arrogance on the part of Director Ball and the Agriculture Commission was the Dieldrin spray program already mentioned. Organizations throughout the state petitioned for a hearing so that they could plead that state scientists be given a chance to review the problem. Director Ball gave the hearing and granted the scientists the chance to make their review. Two days later, however . . . weeks before the spray program needed to begin, and before the scientists could make their report, he announced that the Dieldrin spraying would begin. In view of this action in September of 1968, it is notable that only 11 months later, in August 1969, after reviewing their programs on persistent insecticides, the United States Department of Agriculture forbad the use of Dieldrin in joint Federal-State programs for control of the Japanese beetle.

Despite protestations to the contrary, MSU doesn't always follow its own advice, and the Michigan Agriculture Department doesn't always follow MSU's recommendations. Despite the fact that in 1963 the United States Forest Service had reported that methoxychlor—a less persistent insecticide—was a safe and effective substitute for DDT in Dutch Elm Disease control, and despite the fact that MSU claimed to recommend that people use the least persistent material, it took about 6 years for the entomology department to switch its recommendations from DDT to methoxychlor. Today the entomology department no longer recommends persistent pesticides for most problems, yet the Michigan Department of Agriculture continues to register these persistent insecticides (except DDT of course) for virtually everything, and we don't hear any protests coming from the entomology department.

Today Chairman Dr. Gordon Guyer publicly talks about the Pesticides Research Center, tells us that we will soon be using even more pesticides (because, say some entomologists, our pesticides have increased the insect problems) and he expresses sympathy for the inner city dweller's need to save his elm trees. At a hearing last year Black legislator Cartright expressed the wish that the sympathy and money would be for rat control instead. In any case, I have heard Dr. Guyer several times, and I have never heard him express distress that his belated recommendations are not being followed by the Agriculture Department.

5. Study committees biased by agriculture and chemical company apologists.

A very useful tactic has been to form study committees to make an objective appraisal of persistent pesticide contamination. These committees, however, are typically weighted with people representing the chemical industry and people who have to audit their own past recommendations or performance. Such was Governor Romney's pesticide panel which made the expected self-protective report. Legislative reports, too, have come from agriculture-dominated committees. (It is a particular pleasure, therefore, to be speaking before this subcommittee!) Last year's Michigan joint legislative report was typical. I think I can prove its non-objectivity by pointing out that the report went to great length to report comments by the Michigan Association of Conservation Ecologists report wherever it approved pesticide use, but failed to mention that MACE's major conclusion was that we should stringently restrict the use of the persistent, chlorinated hydrocarbon insecticides, and named them.

We submit that the examples which I have given are typical evidence that we are not getting an objective appraisal of persistent pesticide contamination by the people and agencies responsible. We believe that the alliance of our Agriculture Schools, Agriculture Departments, and chemical companies—though to some degree perhaps quite innocent—has kept necessary scientific information from flowing freely. We feel that so long as sole control of registration is in the hands of our Agriculture Departments, important decisions on pesticides will always be made too late. We therefore respectfully make the following recommendations:

1. Review and control of pesticides registration should be made by a broader-based council than just agriculture departments. Those charged with protecting our health and natural resources should have equal part in the decision-making process.

2. Congress needs to give the citizen the right to sue for the protection of the environment. Today the citizen can only protect himself if he has been uniquely harmed, not if everybody is being harmed. The West Michigan Environmental Action Council paid a leading law professor, an expert in conservation law, to research a bill for Michigan to this effect. We would like to give it to you for your attention and we ask that it be included for the record if possible.

3. The sale of DDT and Dieldrin for export or interstate commerce should be banned except by order of HEW in a public health emergency, or by specific use for rat control between walls of buildings. The other chlorinated hydrocarbon insecticides—Endrin, Aldrin, Toxaphene, Lindane, Chlordane, Benzene Hexachloride (BHC), and Heptachlor—should be banned for outdoor, above ground use except where the United States Department of Agriculture can find no alternative, until the time that any of these chemicals can be proved short-lived enough

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not to harm man or his environment. We have enough research on these materials to know that their continued general use simply is not prudent.

4. We support banning DDT as an immediate first step. It is a spurious argument—for several reasons—to say that DDT would only be replaced by more toxic materials.

5. If national legislation is constitutionally possible, legislation should be enacted to separate the natural resources departments from the agricultural school domination at all land grant colleges.

6. And finally, in order to help prevent further harm to our environment from all assaults, we strongly support legislation to create an independent environmental council such as the Council of Economic Advisors. We are past due giving the environment the kind of attention given the economy.

Again, we greatly appreciate your kind permission to appear before you, and the fact that you are holding these hearings.

A CLERGYMAN'S VIEW OF WELFARE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. BROOMFIELD. Mr. Speaker, Dr. Thomas W. Kirkman, pastor of the First Presbyterian Church of Royal Oak, Mich., has long enjoyed a reputation as one of the most articulate and eloquent men in my congressional district. His observations and insights on what is wrong with our present welfare system and what must be done to right it appeared last Sunday in a message to the congregation of which I am proud to be a member. Dr. Kirkman's words are especially timely as Congress begins consideration of the President's proposals for overhauling the existing welfare system. I commend them to the attention of my colleagues:

A CLERGYMAN'S VIEW ON WELFARE

(By Dr. Thomas W. Kirkman)

Poverty is the major domestic issue in our nation today. Some may think that the problem of poverty is a political issue beyond the concern of the church. I would remind you that the church was the first group to deal with poverty and to minister to the poor. Centuries before secular governments manifested any interest in the less fortunate in society, the Christian Church was working hard in this field.

Many people seem to believe that the nation must spend more money on the poor. Senator Hart in a television interview said that when the war in Vietnam is over, we must take a large share of the money we have been spending in Vietnam and give it to the poor. In my judgment, the idea that money automatically cures poverty is patently false, for at least two reasons.

First, the United States is spending vast sums of money to relieve poverty today. It has been estimated that if you added together all of the funds spent to assist the poor—money spent by the federal government, the state governments, the county governments, the city governments, the Community Chests, Foundations, church benevolent organizations, and the gifts of concerned individuals—you would have a figure of 70 billion dollars per year. If there are 30 million poor, this means that each "poor" person should be getting over $2,000 per year. A family of five would have over $10,000 per year. When you divide the total number of poor into the amount of money presently being spent, the sum seems more than adequate. I know that the poor are not receiving the $2,000 per person per year. The bureaucracy which "minister" to the poor, consume the major share of these funds.

A second reason why "more money" is not a solution to the problem of poverty is that money in itself does not cure poverty. Anytime an individual is not able to provide for himself and his family, he is poor in his own eyes and in the eyes of his fellow human beings regardless of how much money may be given to him. In my judgment, the *entire* welfare system should be dismantled. We now have a series of competing agencies with widely different benefits. To add another layer of welfare upon the present bureaucracy would be a folly of classic proportions. All welfare must be handled by one agency which will have equal standards throughout the entire nation.

Some system of incentives must be devised so that the individual can be encouraged to do something for himself. Today, if a mother on ADC works, the amount she earns is deducted from her allotment. Under this system the individual is not encouraged to help to earn his own way in life.

Many plans have been suggested which will provide the individual with some incentives to do what he can for himself. Among these are day-care centers for working mothers, making the government an employer of last resort, on the job training, etc. St. Paul wrote that "if a man did not work, he should not eat." Although I do not want to see anyone starve, the point must be made that every individual, whenever possible, must be required to do everything he can to support himself.

Poverty in our day is many times tied directly to lack of skill and education. In our complex society, the unskilled and uneducated find themselves at the bottom of the economic ladder. Successful and proven programs of education and training must be available for all. The aim of every poverty program should not be just to "keep body and soul together". The goal of our welfare efforts should be to make the individual in need of help, self-sufficient. Something is wrong with a system which perpetuates ADC through three generations. No one really likes to be dependent upon someone else. The kindest thing which can be done for the poor is not to give them charity, but to see them free from the need for our charity.

NORTH VIETNAMESE LETTER

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. KASTENMEIER. Mr. Speaker, I would like to explain why earlier today I objected to the consideration by this House of a resolution relating to a North Vietnamese letter on the Vietnam moratorium.

As a matter of procedure, I note that the resolution offered by the majority and minority leaders came without any prior notice to Members under unanimous consent. The subject matter involved here is far too important to be rushed through without due consideration.

Mr. Speaker, perhaps it is my own suspicious nature, but I feel that the resolution is not an innocuous or innocent one. It has, I believe, certain implications which go beyond the words of the text. That is why, if this was to be a serious declaration by this House on the quest for peace in Vietnam it deserved appropriate committee attention and floor debate.

I would like to state categorically in reply to the suggestion made earlier that I acted inconsistently in objecting today, after desiring debate last night, that I did not have a special order last night, nor did I speak, and that in addition, many Members today were completely unaware of the resolution. I think that many distinguished Members of the other body are now regretting the undue haste with which they acted in 1964 in regard to our Vietnam policy.

Mr. Speaker, in examining the merits of the proposal, I feel that it was most unfortunate that certain prominent Americans saw fit to call attention and to magnify the significance of an attempt by a North Vietnamese leader to inject himself into our political process by a self-serving and irrelevant letter. It was the supporters of our past disastrous Vietnam policies that sought to give prominence to this letter from the Prime Minister of North Vietnam and to use it for their own purposes. This was a letter whose contents should be rejected by all Americans and which came from a personage whose name is scarcely a household word in this country. The letter was shamelessly used in some quarters to try to discredit the moratorium and the motives of its supporters by raising a convenient straw man.

Mr. Speaker, in this resolution today we are asked to purge the supporters of the moratorium from the curse of the letter. Is this really necessary? Would it not be more appropriate to condemn those of our own citizens who sought to give exaggerated attention to the letter and thereby impugn the aims of the moratorium? I know of no Member of this House who announced his support of the moratorium who has asked for this legislative opportunity to cleanse himself of any impropriety. Further, it is a distortion of the realities of the issue of our Nation's involvement in Vietnam to debate instead the uninvited intrusion into our policy consideration of a North Vietnamese.

In my view, it is a completely irrelevant and unnecessary undertaking because I doubt if anyone seriously argues that Pham Van Dong has any real influence in this country.

If the purpose of the resolution is to change the debate from the real issue to an irrelevancy, then it is understandable, and any politician has to applaud the ingenuity of the sponsors of the resolution.

CHICAGO RIOTERS

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. LUKENS. Mr. Speaker, in 1968, we saw the alarming and even ridiculous spectacle of radical leftwing young people almost bringing the Democratic Party to its knees at its national convention. These few young people are naively presumptuous enough to think they have inherited the only morality, the only ethics, and the only hope for the world. Perhaps

this mentality is indicative more of the juvenile attitude of "know it all." These individuals have quite clearly not matured beyond that stage as evidenced in their crusading philosophy to right the world from injustices.

Every youthful generation is understandably ready to question the practices and policies of their elders. We all remember when we, too, shared the exhilarating feeling and knowledge that we were challenging the older generation. Questioning and reexamining values is a healthy process, and is not limited to age. But the immediate demands by today's young radicals, backed up by threats of violence to achieve their demands, is extortion and blackmail. The tactics of violence employed by these radicals serves no purpose, but further polarizes the American people, resulting in the lack of a mandate to correct many of the present problems facing us.

The eight individuals who now face Federal indictment charges in Chicago for conspiring to incite riots at the Democratic National Convention are now trying their best to cloud the issue and claim that when they are put on trial, anyone can be put on trial. It is amazing to follow the perversion and the illogic of their thought pattern. They can break the law. No one else can. They, only, are in a position of questioning authority, questioning law, questioning the system—no one else, they infer. And only they can make the judgment as to which laws, at which time can be broken, yet, feeling that they should be at the same time immune from the established law's penalty.

Now the "8 crybabies" of the radical, superliberal, leftwing element in America are about to face justice and receive the penalty for their ill-spawned, ill-conceived, but in all honesty, beautifully executed minirevolution in Chicago in 1968.

I have no sympathy for these particular "crybabies." I have no sympathy for these particular militants who would destroy everything but what they like and silence everyone but those who agree with them. If there were ever fascism, if there were ever nazism, if there were ever dictatorship in America, it arrived in Chicago, August 1968, in the form of militant, wild, swinging, and often brutal organization people who came with the purpose of destroying the democratic process of the Democratic Party to select and choose its leaders as well as operate its convention.

Thank God, the "crybabies 8" are so few. Thank goodness finally in the eyes of the overwhelming majority of peace-loving, quiet, lawful Americans these militants are able to receive justice, though those indicted feel that they are receiving injustice. Because of the greatness of our system and the tolerance of our people, they have been allowed to spread their little fires of treachery, hate, and anarchy. But now the ocean of public sentiment is about to wash them from the sands of memory. Little people with big mouths serve no cause. The "crybabies 8" have not yet begun to cry. I for one, feel no pity for them and hope that justice is served in large helpings to these particular "8."

THE WARREN LEGACY—THE DOCTRINE OF RACIAL PROPORTIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. RARICK. Mr. Speaker, I again point out to our liberal colleagues on both sides of the aisle that I have still received no offers of support on my bill, House Resolution 497, to provide for inquiry into the feasibility of reducing racial tensions by removing racial imbalance nationwide.

Many of these same gentlemen have already expressed their complete approval of busing and racial assignment in my State and with ringing rhetoric have declaimed that racial imbalance is against the law of the land.

Yet, in their districts and in their States they continue to harbor rampant noncompliance with what they impose on others and offer no contribution to solve the ever-worsening national crisis in race relations.

Almost daily they would sit back and watch the news media further polarize our citizenry into warring black and white camps and yet they offer no leadership and volunteer no program to solve the ever-growing dilemna.

Certainly, our liberal brethren, by interfering in my State, have taken it upon themselves to proclaim that the race problem is a national one and cannot be solved by local people, by freedom of choice, or by voluntary action. The only solution that they have proposed has been to applaud lawless decrees which forcibly transfer the youth of one group to another group, regardless of the wishes of the youth or of the parents of either group.

Last night, even Earl Warren, their former champion on the Supreme Court from whom emanated all of the egalitarian theories that they now profess to worship, criticized Americans who fail to fully commit themselves to immediate and total integration.

As the race problem is claimed to be national in scope, the entire Nation must be involved in its solution. I remind the erstwhile social scientists that the Nation's Negro population is approximately 10 percent, while in my hometown of Baton Rouge, La., our Negro population is 27 percent, and in the State of Louisiana nearly 40 percent.

If the law of the land now is to include racial balance then our liberal friends should come forward with either legislation or litigation to force by busing or other methods the excess of our Negro population into their cities, towns, and counties, so that these Negroes from Baton Rouge are not denied their constitutional right of equality under the interesting theory of racial proportions.

Since Earl Warren has chosen to remain active in the race relations field, perhaps he will now complete nationwide the total integration for which his liberal proteges honor him, by using his powers of persuasion and leadership to convince these same liberals to act in their own communities before it is too late—time is running out, he says.

I include four news articles, as follows:

[From the Washington (D.C.) Evening Star, Oct. 15, 1969]

FINCH DODGES BIAS IN NORTH, PUSHES SOUTH, STENNIS SAYS

The Nixon administration has been accused of forcing school integration in the South while permitting segregation in Northern cities to avoid political trouble.

"You haven't tried and your predecessors haven't tried" to desegregate Northern school systems, Sen. John C. Stennis, D-Miss., yesterday told Health, Education, and Welfare Secretary Robert H. Finch.

Finch appeared before a Senate Appropriations subcommittee to testify against two House-passed amendments that would permit "freedom of choice" school assignment systems and rule out mandatory busing of pupils. The amendments "could seriously jeopardize the substantial progress we have made in school desegregation," he said.

But Stennis said the administration inherited and continued a policy based on the belief it was "less hazardous politically" to concentrate desegregation efforts on the South.

FINCH PLEADS DIFFICULTY

Finch denied it and said HEW school desegregation teams are surveying Chicago, San Francisco and New Jersey. "We are addressing ourselves to a national problem here," he said.

Finch said, it is much harder to prove a case against a city where school enrollment resulted from segregated neighborhoods than a town with separate school system for whites and Negroes.

Northern liberals have accused the administration of slowing down desegregation efforts as part of an alleged "Southern strategy" designed to win the South for the GOP.

The administration generally has decided against using the cutoff of federal aid as its method to force school integration. Instead, it has used the tactic of filing law suits to get court orders forcing integration—a tactic threat often takes several years to complete.

HEW'S STATISTICS USED

Stennis read HEW's own statistics to back his contention that the North was nurturing segregated schools while the federal government pushed "rapid and total abolition of segregation in Southern school districts.

Of Chicago's 610 schools, Stennis said, 214 have 99 to 100 percent black enrollment. Of Cleveland's 180 schools, 68 have 95 to 100 percent black enrollment. Of Detroit's 301 schools, 68 have 99 to 100 percent black enrollment.

Other HEW statistics, not released by Stennis, show that of the 56 public schools in Jackson, Miss., 19 have no white students. Of 54 schools in Montgomery, Ala., 20 are all black. Of 1,022 schools in Birmingham, Ala., 46 are 99 to 100 percent black.

CONNECTICUT BIAS CHARGED

In its first school desegregation suit in the Northeast, the Justice Department yesterday accused Waterbury, Conn., authorities of discriminating against non-whites by busing white children to parochial schools.

The suit, filed in U.S. District Court in New Haven, Conn., charged the Waterbury school system discriminated against Negroes and Puerto Ricans by means of elementary school districts established on the basis of race and transporting of whites to "independent, non public schools."

[From the Washington, (D.C.) Evening Star, Oct. 15, 1969]

WARREN ATTACKS DELAY IN EQUALITY

NEW YORK.—Former Supreme Court Chief Justice Earl Warren has criticized Ameri-

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cans who fail to fully commit themselves to immediate implementation of the constitutional right of equality before the law.

"There are those who say: "We can't hurry it. It must evolve over the years," Warren told the 30th annual dinner of Freedom House last night as he received the organization's annual award. "But 101 years since the adoption of the 14th Amendment is a long time and time is running out," he added.

[From the Washington, (D.C.) Evening Star, Oct. 15, 1969]

WARREN HONORED BY FREEDOM HOUSE

NEW YORK.—Former Chief Justice Earl Warren of the U.S. Supreme Court received the 1970 Freedom House award last night.

Freedom House describes itself as "a national educational organization dedicated to the strengthening of free institutions through research and policy recommendations on public issues."

[From the Washington (D.C.) Evening Star, Oct. 15, 1969]

JUDGE EARL WARREN, JR., DISCUSSES HIS "BURDEN"

SACRAMENTO, CALIF.—Earl Warren Jr. carries the name of his father and the burden of living up to it.

"I'm going to carry the label the rest of my life as Earl Warren's son," he said in a recent interview, "but you can't run away from it because, as my father always taught us, you can't run away from yourself."

The past weeks have given Warren a taste of the damnation and praise generated by his father, former California Governor and Chief Justice of the United States Earl Warren.

ON MUNICIPAL BENCH 3 YEARS

As a municipal judge, he presided over a trial in which two bottomless go-go dancers were acquitted of charges of being lewd and obscene. The jury watched the dance in question in a nightclub setting and also went to see the Swedish film "I am Curious (Yellow)" as part of its search for current standards in regards to obscenity.

Warren discussed in his booklined office the life he has lived in his father's shadow. Slightly balding, with light blue eyes and a wiry build, Warren, 39, has been a judge for three years. He concedes he is still searching for identity.

"I think any person who is known as his father's son has a very deep yearning to be known as himself," Warren said. "I think this is why so often children from prominent homes do such bizarre things."

FORMERLY A REPUBLICAN

Warren practiced law from 1961 to 1966, when former Democratic Gov. Edmund G. Brown appointed him to the bench. He is a Democrat, although his father was a three-term Republican governor of California. Warren Jr. was a Republican, but changed his registration after Richard Nixon ran for governor in 1962.

"My philosophy is basically the same as my father's," Warren says. "He thinks in terms of all people. Never was there a man that was less classless or has less basic biases than he has."

Warren said he doesn't try to "imitate" his father. "I don't think anybody can emulate my father," he said. Accomplishing one-tenth as much as his dad would be "remarkable," he said.

SHOULD BE INVOLVED

"Judges should be involved in the social issues—issues involving health, education, rights of free speech," he said.

Warren said his father would have made a "great president," and asserted he was "the greatest chief justice we ever had."

Warren declined to speculate on his own future. Asked if he would seek elective office if the Democratic party beckoned, he replied:

"I'm just not thinking in those terms. As a jurist I have to stay out of politics, partisan politics at least."

But Warren was warmly partisan in praising San Francisco Mayor Joseph Alioto, whose recent $100-a-plate testimonial dinner he attended. Asked if he could support him for governor. Warren thought a while, then answered:

"No question about it, the man has fantastic ability, tremendous integrity. I think he would be a splendid administrator in any position."

COLLEGE AND UNIVERSITY PRESIDENTS URGE STEPPED-UP VIETNAM WITHDRAWAL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. FRASER. Mr. Speaker, recently 79 private college and private university presidents directed a statement to President Nixon and the Congress calling for "a stepped-up timetable for withdrawal from Vietnam." This action was reported in the Sunday, October 12, 1969, edition of the New York Times. I find the statement an eloquent one.

The signers of the petition point out, as I did on the floor Monday, that there are times to be silent and times to speak. I agree with these eminent educators that, "This is a time to speak."

Mr. Speaker, I would like to introduce into the RECORD at this point the statement of the 79 presidents and a list of their names and the institutions they serve.

The material follows:

STATEMENT OF 79 COLLEGE AND UNIVERSITY PRESIDENTS

We speak as individuals who work with young men and women. The universities and colleges which we serve take no positions as institutions on the Vietnam war; these are pluralistic communities where men speak for themselves alone on off-campus issues.

There are times to be silent and times to speak. This is a time to speak. The accumulated costs of the Vietnam war are not in men and matériel alone. There are costs too in the effects on young people's hopes and beliefs.

Like ourselves, the vast majority of the students with whom we work still want to believe in a just, honest and sensitive America. But our military engagement in Vietnam now stands as a denial of so much that is best in our society.

More and more, we see the war deflecting energies and resources from urgent business on our own doorsteps. An end to the war will not solve the problems on or off the campus. It will however permit us to work more effectively in support of more peaceful priorities. Far from being depressed about our nation's future and our institutions' future, we see bold opportunities ahead once the divisiveness of this war is in the past.

We urge upon the President of the United States and upon Congress a stepped-up timetable for withdrawal from Vietnam. We believe this to be in our country's highest interest, at home and abroad.

Following is a list of the presidents who signed the statement:

Morris B. Abram, Brandeis University, Waltham, Mass.

Ruth M. Adams, Wellesley College, Wellesley, Mass.

James I. Armstrong, Middlebury College, Middlebury, Vt.

Sanford S. Atwood, Emory University, Atlanta.

K. Roald Bergethon, Lafayette College, Easton, Pa.

Edward J. Bloustein, Bennington College, Bennington, Vt.

Landrum R. Bolling, Earlham College, Richmond, Ind.

Mary I. Bunting, Radcliffe College, Cambridge, Mass.

William G. Caples, Kenyon College, Gambier, Ohio.

Robert K. Carr, Oberlin College, Oberlin, Ohio.

Beverley D. Causey Jr., Hobart and William Smith Colleges, Geneva, N.Y.

John W. Chandler, Hamilton College, Clinton, N.Y.

Arland F. Christ-Janer, Boston University, Boston.

John R. Coleman, Haverford College, Haverford, Pa.

Andrew W. Cordier, Columbia University, New York.

Dale R. Corson, Cornell University, Ithaca, N.Y.

Robert D. Cross, Swarthmore College, Swarthmore, Pa.

Charles DeCarlo, Sarah Lawrence College, Bronxville, N.Y.

James P. Dixon Jr.,. Antioch College, Yellow Springs, Ohio.

William L. Dunn, Lake Forest College, Lake Forest, Ill.

Edward D. Eddy, Chatham College, Pittsburgh.

John V. Elmendorf, New College, Sarasota, Fla.

Edwin D. Etherington, Wesleyan University, Middletown, Conn.

L. H. Foster, Tuskegee Institute, Tuskegee, Ala.

Hugh M. Gloster, Morehouse College, Atlanta.

Robert F. Goheen, Princeton University, Princeton, N.J.

W. W. Hagerty, Drexel Institute of Technology, Philadelphia.

Burton C. Hallowell, Tufts University, Medford, Mass.

Gaylord P. Harnwell, University of Pennsylvania, Philadelphia.

James M. Hester, New York University, New York.

Roger Howell Jr., Bowdoin College, Brunswick, Me.

Frederick H. Jackson, Clark University, Worcester, Mass.

Howard W. Johnson, Massachusetts Institute of Technology, Cambridge, Mass.

The Rev. W. Seavey Joyce, Boston College, Chestnut Hill, Mass.

Glenn Leggett, Grinnell College, Grinnell, Iowa.

Edward Levi, University of Chicago, Chicago.

Theodore W. Lockwood, Trinity College, Hartford.

Dorothy N. Marshall, Bryn Mawr College, Bryn Mawr, Pa.

Harold C. Martin, Union College and University, Schenectady, N.Y.

Joseph E. McCabe, Coe College, Cedar Rapids, Iowa.

Thomas C. Mendenhall 2d, Smith College, Northampton, Mass.

Robert W. Morse, Case Western Reserve University, Cleveland.

John W. Nason, Carleton College, Northfield, Minn.

Joseph C. Palamountain, Skidmore College, Saratoga Springs, N.Y.

Franklin K. Patterson, Hampshire College, Amherst, Mass.

Lawrence L. Pelletier, Allegheny College, Meadville, Pa.

Marvin B. Perry Jr., Goucher College, Towson, Md.

Martha Peterson, Barnard College, New York.

Joseph B. Platt, Harvey Mudd College, Claremont, Calif.

Calvin H. Plimpton, Amherst College, Amherst, Mass.

Wesley W. Posuar, University of Pittsburgh, Pittsburgh.

W. C. H. Prentice, Wheaton College, Norton, Mass.

James M. Read, Wilmington College, Wilmington, Ohio.

Thomas Hedley Reynolds, Bates College, Lewiston, Me.

Victor G. Rosenblum, Reed College, Portland, Ore.

Howard L. Rubendall, Dickinson College, Carlisle, Pa.

John E. Sawyer, Williams College, Williamstown, Mass.

Charles E. Shaine, Connecticut College, New London, Conn.

Alan Simpson, Vassar College, Poughkeepsie, N.Y.

Joel P. Smith, Denison University, Granville, Ohio.

Thomas S. Smith, Lawrence University, Appleton, Wis.

Keith Spaulding, Franklin and Marshall College, Lancaster, Pa.

H. Guyford Stever, Carnegie-Mellon University, Pittsburgh.

Merton P. Stoltz, Brown University, Providence, R.I.

Robert E. L. Strider 2d, Colby College, Waterville, Me.

Samuel E. Stumpf, Cornell College, Mount Vernon, Iowa.

The Rev. Raymond J. Swords, S. J., College of the Holy Cross, Worcester, Mass.

David B. Truman, Mount Holyoke College, South Hadley, Mass.

Sharvy G. Umbeck, Knox College, Galesburg, Ill.

Miller Upton, Beloit College, Beloit, Wis.

Marvin Wachman, Lincoln University, Lincoln University, Pa.

The Rev. Michael P. Walsh, Fordham University, Bronx.

Charles H. Watts 2d, Bucknell College, Lewisburg, Pa.

Willis Weatherford, Berea College, Berea, Ky.

Richard D. Weigle, St. John's College, Annapolis, Md., and Santa Fe, N. M.

The Rev. Robert J. Welsh, Villanova University, Villanova, Pa.

George H. Williams, American University, Washington.

John D. Wilson, Wells College, Aurora, N.Y.

Barnes Woodhall, Duke University, Durham, N.C.

GANDHI'S EXAMPLE FOR TODAY'S PROTESTERS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. MATSUNAGA. Mr. Speaker, throughout the Nation the Vietnam moratorium is being observed by people of all ages and from all walks of life.

The moratorium was conceived as a day when concerned Americans would pause in the conduct of business as usual for a discussion of the war and to provide for a peaceful outlet for legitimate protests against U.S. policy in Vietnam.

Peace in Vietnam, we can all agree, should be made our Nation's No. 1 objective. To the extent that a moratorium on "business as usual" will serve to focus the attention of our country's responsible leaders to this objective, I heartily support today's observance.

This Chamber has also been the scene of probing discussions and debates on the wide-ranging implications of the Vietnam war.

To all of us who are concerned with the question of how we can best achieve peace in Southeast Asia, it is a time not only for probing deeply into the national conscience, but it is also a time for reflection as to how the national good can best be achieved without fanning the flames for burgeoning mass demonstrations which could lead to needless destruction of property, bloodshed, and even death.

It seems that man has never learned that the means to an end is as important as the end itself. For centuries man has sought peace in this world, and in the name of peace he has waged many wars. When Godly souls have attempted to teach earthly men peaceful and nonviolent means to a peaceful way of life, they have inevitably met with violence and even violent death.

I think it appropriate at this time, Mr. Speaker, to take note of the memory of Mohandas Karamchand Gandhi, whose 100th birthday was observed on October 2.

In writing on Gandhi for the October 4 issue of Saturday Review, Robert Payne, author of a book on Gandhi to be published this month, wrote:

> He changed the landscape of the human heart. Never again would people deride the idea of nonviolence, for he had planted it firmly in men's minds, showing them how they could prevent governments from imposing themselves too harshly on the people. To those who had lost hope he offered new hope, and the memory of that small man wandering over the roads of India in search of peace was to be a perpetual reminder that peace might someday be found.

To commemorate the centennial of his birth, Hawaii's Governor, John A. Burns, declared the week beginning October 2 as Gandhi Week in the 50th State.

The lessons we can learn from Gandhi are indeed still relevant to us during this agonizing period of the 20th century.

In this connection, I submit for inclusion in the RECORD a most thoughtful editorial from the Thursday, October 2, 1969, issue of the Honolulu Advertiser, entitled "Lesson From Gandhi." I am also submitting for inclusion in the RECORD a related newspaper article concerning Gandhi Week in Hawaii. The editorial and article follow:

[From the Honolulu Advertiser, Oct. 2, 1969]

LESSON FROM GANDHI

One hundred years ago today was born one of the most remarkable men in all human history, Mohandas K. Gandhi.

A spindly, bald-headed man clad in a diaper-like costume of white, he had none of the physical attributes ordinarily associated with great leaders.

But this insignificant appearing little man humbled the British colonialists and the native princes who had held his country in subjugation. His weapon: non-violent protest.

Gandhi became more than the father of modern, independent India, which was in itself a monumental status. He became a world-wide symbol and inspiration, a symbol of human decency and an inspiration for those who had despaired that decency could rule.

Gandhi was assassinated in 1948. His death was mourned the world around by men of all faiths and persuasions. Robert Payne, author of a forthcoming book on Gandhi, writes in the Saturday Review:

"He had conquered India and changed the landscape of the human heart. Never again would people deride the idea of nonviolence, for he had planted it firmly in men's minds, showing them how they could prevent governments from imposing themselves too harshly on the people."

Payne says something else pertinent for our time:

"The legacy of Gandhi to India was the example of his life and his belief in nonviolence, the new dignity he gave to the villages, the simple assertion of human rights.

"He fought for elemental things, for truth and justice above all, and he was able to give weight and meaning to these words that were otherwise weightless and meaningless."

Gandhi will live long in history but his example has pointed meaning for today. Faith in nonviolence seems to be dwindling among many in the U.S. struggling to right social wrongs—as was harshly demonstrated in Honolulu just the other evening.

But if nonviolence can achieve what Gandhi achieved with it in India, is there not hope that through nonviolence America can solve her own problems?

Those who have given up on nonviolence would do well to reflect on the life of Gandhi—and especially on one great quality he had in abundance: the quality of humility.

[From the Honolulu Star-Bulletin, Oct. 2, 1969]

"GANDHI WEEK" PROCLAIMED

Gov. John A. Burns today declared this week "Gandhi Week" in honor of the leader of India's drive for independence, Mahatma Gandhi.

"On Oct. 2 this year the world acknowledges with gratitude, awe and reverence the birth centenary of one of its greatest citizens—the man everyone has come to know as Mahatma Gandhi," Burns said in his proclamation.

"His name has become synonymous with a certain philosophy, the essential ingredients of which are truth, nonviolence and love."

The Governor said Gandhi "stressed the need to learn from all cultures and insisted upon keeping one's doors open to all knowledge.

"It seems but appropriate, therefore, that his own teachings and practice, his own philosophy and indeed even his methods have found their way freely into other cultures."

Hawaii has achieved at least one of Gandhi's ideals, "that of the brotherhood of man," Burns said.

TULSA EDITOR MAKES OUTSTANDING ADDRESS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. EDMONDSON. Mr. Speaker, the new national commander of the American Legion, J. Milton Patrick of Skiatook, Okla., is a constituent of mine. After he took office and made a fact-finding tour of the Far East, Skiatook held a

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welcome-home celebration in his honor, which was an outstanding event.

A highlight of the day was the keynote speech, delivered by a Skiatook neighbor, Jenkin Lloyd Jones. Mr. Jones is editor and publisher of the Tulsa Tribune, and his weekly column is nationally syndicated.

Jenkin Lloyd Jones' keynote speech addressed itself to matters of great importance to all of us here, and I insert it in the RECORD at this point:

Let the Eagle Scream

(By Jenkin Lloyd Jones)

Ladies and Gentlemen: On July 3, 1775, when George Washington stood beneath the elm on the Cambridge Common and took command of his legion of Americans all the Virginians in the assemblage swelled with particular pride. And tonight, when a distinguished Oklahoman is honored in his home town for taking command of the latter day American Legion, we who are Oklahomans bask in the reflected warmth of the occasion.

But we who are Oklahomans have, perhaps, some reason for special pride. For in general we represent that backward section of the nation, much sniffed at by some of our intellectual community, where old-fashioned admiration for the American tradition has not gone out of style. More specifically, you can be patriotic in Skiatook and not be thought queer.

Now we all know that love of country can produce paranoia and delusion. As we look back on it it seems fantastic that the peasants of Europe were conned into killing each other in wars over the royal succession in Austria or over the limitless power greed of the corporal from Corsica. But intelligent and rational patriotism is the defense mechanism by which a people marshal their collective strength for the preservation of themselves, their institutions and their philosophies from those who would do them in.

A nation that has lost the belief in itself is not long for this world. A people driven by cynicism and self-doubt are on the way out. It is one thing to be dissatisfied with imperfections in the social order and to strive for its improvement. But it is quite another thing to permit a brutal and cynical takeover of a system with a high degree of freedom by those who advocate a system in which freedom is hustled to the wall.

In recent years in America, ladies and gentlemen, the American dream has been under direct assault. Elements that were subtly subversive only yesterday are now preaching open revolution. And the winds are rising.

The Earl Warren Supreme Court, by a system of logic that escapes me, has systematically dismantled all legislative efforts to force Communists to reveal themselves and to prevent them sheltering themselves on the public payrolls while laboring for the destruction of the state.

The result of this was predictable. Early last month, at the Long Island conclave of an outfit called the Socialist Scholars, professors now on the payrolls of the Universities of California, Wisconsin, Maryland and private-endowed but heavily government subsidized schools like Harvard, M.I.T., Yale, Amherst, etc., called for, and I quote, "a total break with America" and hailed the coming revolution.

Any pretense that these professors are sticking to their subjects in class and only pushing political action after hours was dropped. They now feel secure enough to use teaching time to subvert naive and immature youngsters that a representative democracy has placed in their care. It's like hiring wolves to run the sheep farm.

The Marxist orientation of the Students for a Democratic Society is now not only plain but boasted of. And guess which heavily-armed and busily-arming nation in the world most directly benefits. Tick off the SDS program:

End the draft.

End R.O.T.C.

End university research for national defense.

Start the disarmament of America regardless of whether any other nation agrees to join.

Stop work on the Anti-ballistic Missile System.

Dismantle the "military-industrial complex", whatever that is.

It seems not to have occurred to the SDS leadership that conscription operates unchallenged in Russia, that no one pickets the clanging shipyards or the roaring munitions plants that are products of a "military-industrial complex," that Russian naval vessels are pouring into the Mediterranean and their missile-bearing subs are lying off America.

It seems to have escaped the notice of this leadership that Russia is working hard on its own A.B.M. system and that if it ever works well enough to render American blows against Russia acceptable while Russian blows against America remain inacceptable World War III could be over in a day.

Or maybe the SDS leadership knows all this very well.

Every left-wing organization in America, including the extravagant admirers of Moscow, Havana and Peking, is pushing the so-called "sexual revolution" for young Americans.

Professor Herbert Marcuse, the grizzled Red guru who seems to be safely dug in to the payroll of the University of California at San Diego, has written, "We must develop the moral-sexual revolution of youth."

And this is very strange. For there is no counterpart in those nations where the Communists are in control. The "Thoughts of Mao" preach a stiff morality. Castro has attempted to impose a high degree of puritanism on the Cubans. And a pot-smoking club or a free-love society at the University of Moscow would last maybe ten minutes.

Why isn't the sauce for the Free Enterprise goose also for the Communist gander?

The answer, of course, is obvious. What is sought for America is not freedom from outworn shibboleths but the disintegration of society. No people who have slipped into moral chaos have ever been able to defend themselves for long. The Red tacticians know their ancient history.

Dr. Benjamin Spock, the baby doctor, who the courts have decided has an unalienable right to urge young Americans to defy the laws of their land, was in Tulsa last week talking to a university audience about morally indefensible Vietnam war. But Doctor Spock's moral indignation is selective.

I never heard him denounce the terror when Ho took over North Vietnam that caused a million natives to flee south. I never heard him complain about the cynical violations of the 17th parallel or the incursions down the Laotian border or the systematic assassination of village chiefs long before the first American bomb was ever dropped in retaliation.

I have seen Doctor Spock weep over the picture of the napalmed baby. But somehow he never seems to have seen any pictures of the bodies lying in a Saigon street torn by terrorist TNT or the mass graves after the Tet offensive at Quang Tri.

The myth that people all over the world thirst to join their Communist brethren and that only evil American imperialist-adventurers prevent them from doing so is getting the hard sell these days.

But if you built a bridge between Cuba and Key West which way do you think the traffic would flow? If you took down the Berlin Wall which way would the crowd move? What is the meaning of swaths cut through the Central European woods and mine fields and barbed wire?

And when has a Communist system, once it got in control, ever allowed the people to audit it by a free and open election?

The bankruptcy of the Communist system, not merely in terms of freedom of the spirit but in the delivery of the materialism that was to be its proudest boast, has been gathering now for half a century. It is producing severe internal strains. It required the tanks to be rushed, first to Budapest and then to Prague.

Why is it, then, with this sorry record and in the face of a material prosperity in the West unmatched in human history that the assault on Western institutions and particularly upon America is now proceeding with the greatest vigor and having a marked degree of success.

You might lay it against poor old Joe McCarthy, the late senator from Wisconsin. It was the farthest from Joe's intentions to become a Communist patsy, but that's what happened to him. They were laying for someone like Joe, and when he showed up the greatest job of brainwashing in human history got underway.

You see the scientific technique that has intrigued Communist theoreticians most of all was born in the experiments in the conditioned reflex begun by the great Russian physiologist, Dr. Ivan Pavlov, way back in 1902.

Doctor Pavlov proved that by conditioning dogs to certain stimuli they could be induced to react in a specific way, even to the point of a manufactured neurosis. This is the essence of brainwashing.

When Joe McCarthy came along, the American people were just waking to the chill disappointment that followed the foolish hopes of Yalta and Potsdam. So when he said he had proof there were several hundred Russian agents in the State Department, alone, a lot of people bought him entirely. There was a widespread demand for a housecleaning of Reds not only in government, but in the universities and the fields of science.

The trouble was that Joe didn't have all the facts he claimed he had. In some places he made some wild swings. And the Communist strategists saw their chance and seized it. The cry arose that a reign of terror was being fastened upon America and that honest inquiry and academic freedom were being raped. The cry was picked up by innocent liberals and then by a large segment of the press. Soon millions of Americans were running around, scared out of their wits that a new kind of Nazism was about to seize the country.

Actually, very few innocents were hurt by Joe McCarthy. Indeed, far from cowing the campuses, the faculty member who wasn't shouting his head off against Joe was a cinch to be ostracized in the faculty club.

But the conditioned reflex was a howling success. I went to Europe during the height of the broohah and my European friends asked me with the sincerest concern whether it were not true that thousands of Americans were being herded into concentration camps.

As a result, any investigation of Communist activity and subversion in America was instantly denounced as "McCarthyism". Any attempted unmasking of a patent Communist ring was contemptuously dismissed as a witch hunt.

Even poor Whittaker Chambers, who forfeited his career in order to nail Alger Hiss dead-to-rights, lies in his grave under a cloud because America's academic community couldn't escape the feeling that what he did was not quite nice. And with all the evidence supporting Chambers and none to refute it Alger Hiss is still regarded on many campuses as a victim of McCarthyism.

The Communists went for bigger game. Any American organization devoted to patriotic

principles was the subject of its ridicule. The Daughters of the American Revolution and all veterans organizations, particularly the American Legion, were painted as hysterical fear-mongers, representing a paranoiac Far Right. This was an effort to draw the center line down the lefthand curb.

And the campaign continues apace to dismantle the House Committee on Un-American Activities.

The effort to discredit the CIA and the FBI is not only obvious, but tireless. The other evening I was re-reading J. Edgar Hoover's 11-year-old book, "Masters of Deceit", and I found no warning in it that was not only not reasonable but that subsequent events haven't rendered extremely modest.

I think it's time we got over our Age of Innocence. I think it's time we came out of our trance. For too long we've been jerking our knees every time the cry of "McCarthyism" was raised, just as Pavlov's dogs slobbered every time he rang the dinner bell. Let's come off it.

For this struggle is for real. We swallow at our peril the comfortable pap now being peddled by the fellow travelers that Communism's internal troubles are now so great it has lost the dynamism for world revolution.

Anthony Kuznetsov, the popular Soviet writer who defected recently while visiting Britain, says that Soviet officials are boasting among themselves of their success in paralyzing the will of the West to resist the Communist assault.

"The long objective of the foreign policy of the present Soviet leaders is to dominate the world," Kuznetsov told British intelligence officials. "And they all agree that the U.S. is the only nation that can keep them from achieving this goal in their lifetime."

Well, what of America's morale?

I didn't find myself often in agreement with L.B.J. but I think I understood his agony when he asked, "Why all this poor-mouthing of America?"

It doesn't represent the American people. But a technique has now been perfected to con the mass media, which ought to know better, into peddling the impression that it does.

Let 10,000 people march down Broadway in a patriotic parade and let 100,000 cheer them from the sidewalks. And then let 100 militants attempt to block the march somewhere uptown and NBC, CBS and ABC will drop all else and rush to the spot. And on the evening news on videotape one gets the impression that New York erupted in fury that anyone should dare wave the flag.

Let a distinguished American be invited to a campus. And let a dozen bathless, bearded revolutionaries storm the platform. The reporters all rush to interview the shouters and the speaker is forgotten.

This technique is being used with cool calculation and with rapidly increasing frequency. And I would say this to many of my brother editors and many of the moguls of TV:

Shouldn't there be a statute of limitations on our stupidity?

At the risk of being impertinent, Commander Patrick, I would like to suggest that during your year in office the American Legion repeatedly ask one question:

Where else?

Where else in the world is there a nation so many human beings would like to get into?

Where else in the world is there an economic system that has offered the average citizen so many options of choice, so much return on the fruits of his labor?

Where else in the world is there a people who have given so much of their sweat to the uplift of other nations—even nations that have been long on complaint and short on gratitude?

Where else in the world is there a state that has drawn so much of the fury of proven tyranny?

Where else in the world is there a population so devoted to honest self-criticism, so free to express their opinions, so intent on perfecting their imperfections?

In short, where else is there anything like the American Dream?

Commander Patrick, happy homecoming! Your fellow Oklahomans are button-busting proud of you.

And you come into your high honor at a propitious hour. For this is the hour when Americans should turn their backs for a moment upon the filthy imprecations and the carefully-contrived turbulence and count their treasures once again.

This is the hour when we should square our shoulders, suck in our guts and face the future with the joyous confidence that America's greatness richly merits.

Commander Patrick, I hope you'll let the eagle scream.

CONGRESS AND THE ENVIRONMENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. OTTINGER. Mr. Speaker, the New York Times Magazine of Sunday, October 5 contained an interesting and valuable article on some of the problems that we face today as Congressmen and as Americans, and as members of the human species as well.

The article consisted, for the most part, of an interview with a noted ecologist, Dr. David M. Gates, director of the Missouri Botanical Garden. Dr. Gates is a man who is well known to many Members of this Congress. He was an important witness before the hearings recently held by the Merchant Marine and Fisheries Committee on the bill introduced by my good friend and colleague from Michigan (Mr. DINGELL) to create a Council on Environmental Quality. His testimony on that occasion was cited in the report of the committee on the bill, and was cited frequently in floor debate on that measure when it passed the House last week.

Dr. Gates is also the distinguished chairman of the 128-member board of advisors to the Ad Hoc Committee on the Environment. Over 20 percent of the Congress participates in the work of this important, informal group, and the advice and assistance of Dr. Gates to the work of this committee has proven to be invaluable to it.

The insights provided in this important article should prove of great value to each Member of this body. It deserves careful attention. I commend it to you.

The article follows:

Saving the World the Ecologist's Way

(By Robert W. Stock)

ST. LOUIS.—For two hours, David M. Gates, the director of the Missouri Botanical Garden here, had led me past lily ponds, among lush plantings of greenhouse orchids, along paths crimson with roses. "There's one thing more you should see," he said, and he strode through a grove of verdant trees to the foot of a pine. It was startling in its grotesque ugliness, its trunk rising to a tangle of charred and stunted branches. "This is our lone survivor of the days when they burned soft coal in St. Louis," he said. "Every other pine and evergreen was killed. We have others in the garden now, but they're all new."

Gates is an ecologist, a student of the relationship between life forms and their environment. He is also a leader among the band of scientific Cassandras who seek to alert the nation to impending doom. Our continuing rape of the natural environment, he warned, can produce an earth populated by "half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water." I wondered whether Gates considered the blackened, long-lived pine a symbol of hope or despair. "You can take your pick," he said. "We can have it either way."

There is a tendency, today, to think of ecology as a new science, and its practitioners as men called into being by the environmental crisis, but the facts are otherwise. Ecology ("eco" derives from the Greek word for "home" or "habitat") had its beginnings around the turn of the century. It is a branch of biology, cutting across a multitude of disciplines, from zoology to botany. In Gates's words, "Ecology is the very epitome of science itself."

Wind and sun; carbon cycle and photosynthesis, strontium 90 and pesticides; every force and element that interacts with plant or animal is grist for the ecologist's mill. By studying this interaction, and its effects upon living things, he can help a farmer to improve his crop yield, or a city to clear its polluted air.

Traditionally, however, the ecologist has operated far from the urban scene. He has most often been a very private person, attuned to field and forest and the groves of Academe, devoting his life to the careful observation and description of a handful of individual plants. But in the last decade or so, new ideas and technologies have transformed the discipline. The manifest threat to the earth environment has turned dozens of ecologists into social critics and has placed a premium on their abilities to devise and effect new programs. In many ways David Gates perfectly reflects these changes.

My visit with Gates began in his office on the grounds of the botanical garden, a 70-acre oasis in the center of St. Louis. A chandelier dripped crystals from the ceiling; rare orchids brightened his desk and the mantel above an ornate fireplace. More than a century ago, the room had been occupied by a transplanted Englishman named Henry Shaw, who had made a fortune in cutlery and real estate. It was he who established Shaw's Garden, as it is known locally, on the site.

Gates is 48 years old. His appearance is pleasant and undistinguished—5 feet 9 inches; a crewcut over a faint brush mustache; tweedy sports coats and baggy trousers. His voice is a monotone, relieved by an occasional chuckle.

"I'll tell you what we worry about most," he began. "An irreversible catastrophe. A number of pesticide spills, for example, in those areas of the ocean where large colonies of marine organisms produce much of the world's oxygen. If you plot out the frequency of this kind of event, they're getting closer and closer."

The ecological state-of-the-art frightens him. "We're still in the Stone Age. This is pure speculation, but think about it: Influenza epidemics have followed very closely periods of great volcanic activity. Maybe the dust in the atmosphere from that activity reduces the sunlight and triggers a virus or our susceptibility to it. So what happens if man loads the atmosphere with dust from combustion and construction projects and

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then there is major volcanic action. The worst flu epidemic in history? As I say, that's all speculative—but it's the kind of thing we should know, and we don't."

For a David Gates, the isolated incidents of man's inhumanity to nature—and hence to man—are part of a complex ecological pattern. The earth is a single vast system of interrelationships among plants and animals and climatic forces—an ecosystem.

Thus: If there were not enough oxygen in the atmosphere to filter out ultraviolet rays, the seemingly benevolent sun would destroy life on earth. Plants produce that oxygen through photosynthesis; they also help keep the atmospheric balance by absorbing carbon dioxide from the air. Enter man. He burns ever-increasing quantities of oil and coal, filling the air with carbon dioxide. He cuts down and paves over huge tracts of forest and poisons ocean life with chemicals. Question: How long will it be before the earth's plants are unable to produce enough oxygen—or absorb enough carbon dioxide—to hold back the ultraviolet rays?

Or: If a stream is to be healthy, the algae must have nutrients in the form of nitrates and phosphates. Algae are consumed by fish, fish by animals, and the food web, as this ladder is known, thrives. Enter man. He spreads his farmlands with fertilizers, mainly nitrates and phosphates, which are washed off into the streams. The excess of nutrients spurs a sudden increase in algae growth. Some of the new algae are not part of the food web; their growth is not controlled by hungry fish. New, inedible algae displace the old, the fish gradually disappear from the stream, the food web is destroyed. Question: How long will it be before all of the streams of our farmlands are sick?

Spurred by his fear for the environment, and its human dependents, Gates has been crying havoc—in appearances before Congressional committees, in lectures to scientific and lay audiences, in magazine articles by the dozen. He is a confirmed egalitarian who wants to educate and arouse the public, but he concentrates his greatest effort on the nation's leadership so that action can be taken "almost by fiat."

First and foremost, he wants Federal support for a revolution in the ecological discipline itself. Speaking before a subcommittee of the House Committee on Science and Astronautics, he charged that ecology, as now constituted, is unable to answer the questions that must be answered: How will a particular kind of air pollution affect the population? What effects will a highway or a jetport have on a wildlife area? The traditional descriptive ecological data are often available, the details on specific plants and animals gathered by classical ecologists, but they don't suffice. The effects are too complex, too subtle. The data must be "pulled altogether into coherent models"—general laws and theories that can be applied to the particular case. Gates has asked Congress to establish a National Institute of Ecology to begin the task, and for Federal programs to entice more students into the discipline. "There are only a few thousand ecologists in the country," he says, "and less than a half-dozen are theoretical ecologists."

When David Gates was named director of the garden in 1965, he said, "it shocked the botanical world"—and later talks I had with other ecologists indicated that, for some, the shock has not yet worn off. Gates' academic training had been in molecular physics, and his career had encompassed a host of pursuits far from any garden path. He had worked on anti-aircraft proximity fuses, on upper atmospheric research with "sky hook" balloons, on the propagation of radio waves. He had been an administrator of military and government projects and had taught college physics. It was not until 1964 that he had an official position directly related to ecology—as Professor of Natural History at the University of Colorado.

"What people sometimes lose sight of," Gates said, "is my childhood." His father, Frank, was a pioneer ecologist at the Kansas State University in Manhattan, Kan., where he was raised, and father and son spent 17 summers at an ecological field station in northern Michigan. "I didn't have many friends up there. I spent my time collecting plant specimens and studying them under my dad's tutelage. I loved it. But one day I asked myself, Was it really enough just to find plants and describe them—the traditional ecological way, you see? I wanted to analyze, not just describe. When I discovered physics in high school, that was it—so intricate and beautiful and precise."

Over the years, Gates never lost his early interest in ecology, and at a meeting in 1959, sponsored by his alma mater, the University of Michigan (Ph.D., 1948), he propounded a theory that was to have a major impact on ecological studies.

The basic notion was simple enough. Every life process involves the expenditure of energy; thus, the relationship between an organism and its environment can be viewed as a problem in energy exchange. If there is a balance, an equilibrium, between the amount of energy a plant absorbs, and the amount it gives off, the plant will be healthy. If the balance is tipped one way or the other, the plant will become too hot or too cold, and will perish.

What was revolutionary about Gates's energy-exchange theory was its potential application. If he could pinpoint the major elements involved in this transfer of energy . . . if he could measure all their effects on a plant in terms of units of energy . . . then he would be able to produce a mathematical model of the relationship between plant and environment Such a model would enable him to predict just how any given organism would actually function in any given environment. It would make ecology like physics—"beautiful and precise."

Gates pursued his theory with experiments at the University of Colorado ("I elected somewhat arbitrarily to work on plants first, because they don't bite and run around"), and he accepted the post in St. Louis with the understanding that ecological research would become a larger facet of the botanical garden's program. Now snakes, alligators and wolves are being tested to determine their energy credits and debits (Gates speaks of "energy budgets"), and he is training graduate students from around the nation in his new discipline called biophysical ecology. His research is supported by the Ford Foundation, the U.S. Public Health Service, the Office of Naval Research and the Atomic Energy Commission. One project suggested by the A.E.C.: a study of the energy budgets of aquatic animals as a means of understanding the effects of thermal pollution from nuclear reactors.

The air-conditioning in Gates' office had induced a state of blissful comfort; it was lost the moment we stepped out the door into a standard summer day in St. Louis—97 degrees and humid. Gates set a brisk pace and maintained it: "I run a mile and a half every morning in the garden or wherever I am." (His tennis shorts and sneakers produce some raised eyebrows when he trots out of Washington's Cosmos Club.)

The garden is a serene and lovely landscape of rolling hills and winding paths, dotted with cultivated areas and gazebos. We passed benches occupied by pipesmoking elders, watched bare foot hippies rolling in the grass and small children chinning themselves on water fountains. Gates lectured in a calm, matter-of-fact manner.

"This pine here, one of the new ones. It has 450,000 needles. We know because we counted them." Energy exchange takes place at the surface of a plant—the flow of air over the surface, for example, helps keep a plant cool. Before Gates could begin to determine how much air flow the pine required to stay healthy, he had to find out its total surface area. That meant counting pine needles.

Wind speed is one of four major environmental factors ("independent variables") he measures. The others are radiation (as from the sun), air temperature and humidity. The surface temperature of the organism, and the rate at which it loses water, are two other factors, dependent upon the first. To find the energy budget of a leaf, he simply(!) fits these measurements into a formula, to wit:

$$Q_{abs}=\epsilon\sigma T_1^4+k\left(\frac{V}{D}\right)^{1/2}(T_1-T_a)+L\,\frac{{}_sd_1(T_1)-\mathrm{r.h.}\;{}_sd_a(T_a)}{r_1+r_a}$$

As we walked on through the garden, Gates's enthusiasm for his plant charges emerged. He pointed to a redbud tree along the path. "You can see, as the day gets hotter, its leaves begin to hang vertically. That way they don't get so much of the direct rays of the sun. Trees have their own personalities, their own ways of adjusting. They're smart."

The Missouri garden has for 50 years been a world leader in breeding tropical waterlilies; in fact, the first to be patented was grown here—a delicate, yellow flower named "St. Louis." Some of the lilies in the garden ponds and greenhouses reach diameters of six feet. *"They're* smart, too," Gates commented during our tour of a greenhouse, lifting a lily's edge. The underside was covered with huge thorns—"to keep animals from eating them." He had fewer kind words for a neighboring water hyacinth. "A vicious plant. They clog waterways."

Outside the greenhouse Gates called to a short man in bluejeans, James Hampton, the garden's chief engineer. "I hear you did a great job the other night, Jim." The Junior League Ball had been in full swing at the garden when a storm hit; the cream of young St. Louis society, in gowns and tuxedos, had raced helplessly about as the heavens opened and the lights went out. Hampton had repaired the generators.

Keeping people—particularly upper-class people—happy is one of Gates's major duties. The garden is a private institution and is primarily dependent upon private benefactors for support.

The most dramatic display at the garden is the Climatron—a 70-foot-high, glassed-in geodesic dome, the interior of which has the exact climate of a tropical rain forest. We went inside to cool off. There were waterfalls and limpid jungle pools, palms and balsa trees rising above a thick canopy of banana trees. Gates nodded toward a bird of paradise plant: "That's particularly handsome." "Aren't all flowers handsome?" I asked. "Oh, like all people I suppose. It depends upon your criteria."

And on we went, through the restored, century-old country home of founder Shaw and the rose garden with its 6-inch-diameter Mr. Lincoln roses and the dusty herbarium—least colorful of the garden's treasures but one of its most important. Two million botanical specimens are preserved here, including plants gathered by Charles Darwin during the voyage of the H.M.S. Beagle. Scientists from all over the world study these desiccated plant remains to understand the evolution of life on earth.

Finally, Gates led me into a dark and dingy building and through narrow passageways crowded with plants and scientific equipment. "Our research center," he commented grimly. "We're trying to raise money for a new one."

As we talked, I heard a faint cheeping in the background. Gates pointed toward a cylinder beside us. "It's a kind of wind

tunnel, with a baby chick inside. We can control the temperature and humidity and air flow. We're trying to determine how much water the chick loses when we change one of those variables. It's part of working out the energy budget for a chick—figuring out the energy input and output."

Many of the center's projects involve Gates's energy-exchange theory, and he follows them closely. "It's important professionally that I keep my hand in research," he said. "Otherwise I'm dead in five years." Experimental observations like that derived from the chick test are put through a computer at Washington University. "We can now tell," Gates said, "whether a cardinal or a sheep will be able to live successfully in a particular location. We can predict it."

Cheek by jowl with the wind tunnel was a massive apparatus, a motor connected by plastic tubing to a glass tank, which in turn was surrounded by recording devices and surmounted by a bank of flood lamps. Within the tank rested a tiny lilac plant. "One of our air-pollution studies," Gates said, and introduced me to a tall, quiet scientist named Fred Lanphear, an associate professor of horticulture on leave from Purdue.

The motor, Lanphear explained, produces pollutants which are blown through the glass tank. "We're trying to find out what levels of pollution are critical," he said. "By controlling the temperature with the lamps and the humidity and air flow, we can pinpoint just what pollution does to different kinds of plants in different time periods."

Such studies will provide botanists with the data they need to develop pollution-resistant plants and will provide city planners with a guide in selecting plants that are best able to withstand pollutants. "I'm also interested in using plants as biological monitors," Lanphear said. "They can be more sensitive pollution detectors than most of the equipment available. You just have to know the symptoms." Sulfur dioxide pollution, for example, produces irregular streaking on either side of the midvein of a blade of grass. Ozone, chief ingredient of Los Angeles's photochemical smog, marks broad leaf plants with white flecks or reddish-brown stipples.

Lanphear envisions a time when carefully selected plants will form green belts around factories, not only to monitor pollution but possibly to reduce it. "The fact that pollutants injure a plant indicates it is absorbing them. The question is, to what extent can plants serve as a pollution filter. I'm conducting experiments in the lab to test the premise, and I find that some plants—the Douglas fir, for example—can take in huge amounts of sulfur dioxide without too much damage if they're given enough time."

Another research project at the garden looks toward a day when plants may be used to absorb noise. Scientists place a sound generator on one side of a grove of evergreens, for instance, and a sound meter on the other side. Their observations indicate that plants are better at absorbing high frequency sound (which is more annoying to the human ear) than the low frequency variety.

Members of the garden research staff are frequently away from their desks on field trips. Some have spent long periods of time in Panama—Gates has been a consultant for the Federal Government in determining the ecological consequences of building a sea-level canal through that nation. A former staff scientist has used his knowledge of the tropics to write survival manuals for G.I.'s in Vietnam.

Gates himself is constantly traveling, on field trips into his beloved northern Michigan ("It's not what it was when I was a boy—nothing is, I guess—but it's still beautiful") and to professional meetings. He is a fellow of the American Association for the Advancement of Science and on seven of its committees. He serves on commissions and boards for organizations such as NASA and the Smithsonian. His home base is a two-story brick house on the garden grounds, which he shares with his wife Marian and their four children. Marian Gates is a small, bright, outspoken woman who was her husband's classmate back in Kansas. Murray, 21, is a college dropout, a long-haired artist who, like his father, is a former Eagle Scout. There are three daughters: Julie, 19; Heather, 12; Marilyn, 11.

Since it was first propounded, the Gates theory of energy exchange has earned universal acceptance in ecological circles, even though it was the brainchild of a molecular physicist, and other scientists are pursuing research in biophysical ecology. There are some doubters who believe that the "energy budgeteers" will never measure precisely all the environmental variables that work upon a plant or animal—biological rhythms, for example. But Gates is supremely confident that he has found the key to unlock many of nature's mysteries, and to revitalize the ecological profession as well.

"We need a new breed of ecologist," he says. He believes that it was the development of theoretical physics a half-century ago that made possible the quantum leaps in that science, and that it is the lack of a strong theoretical foundation that has prevented ecology from making similar advances. "We're groping for answers," Gates says. "We try something, see if it works, then try something else. A body of theoretical knowledge will enable us to predict results, to know how organisms will react to changes in their environments. In a sense, this is what the modern environmental crisis is all about." As a teen-age naturalist, Gates had abandoned his father's science because it lacked this kind of analytical precision; now he hopes to bring it around.

All this, however, is in the realm of theory, and Gates is nothing if not a pragmatist. In his Congressional appearances he has frequently wandered from discussions of energy budgets and the ecological discipline to concrete proposals for what he calls "environmental management." Speaking before the House Committee on Merchant Marine and Fisheries, he called for the creation of "ecosystem analysis task forces," which would converge upon a particular geographical area and spend months studying it. "Take Long Island," he says. "I would send in not just ecologists but agronomists, recreational experts, sewage treatment people, sociologists, economists—it might easily be a team of 100 people. They would come up with options: This is what you can expect if things continued the way they're going; this is what can be done and what it would cost. Should this section of land be held out for food production? Is recreation the most important use of the upper end of the island? The task forces might be a Rand type of corporation or a Brookhaven National Laboratory which would report to the President's Environmental Quality Council."

Such studies, Gates feels, are immediately necessary to provide the nation with predictive models, enabling scientists to forecast the results of particular kinds of pollution, to anticipate environmental catastrophes. This type of crystal-ball-gazing is called operations research, and it is no accident that Gates should espouse it. He did the same kind of work during World War II, with antiaircraft weapons. "We'd be asked to figure out questions like this," he recalls. "If the Japanese sent so many suicide planes of such-and-such a speed against a carrier of such-and-such class, what were the probabilities that we could shoot them down?" What worked for suicide planes, Gates feels, would work for pesticide spills and sea-level canals.

Gates is an optimist, a doer, who gets his kicks from solving problems. He wants to believe that man can cope with the environmental crisis, and he does find some heartening developments. "Congress is becoming increasingly concerned," he says. "Scientific groups of all kinds are getting involved. Industry is beginning to cooperate." Public pressure, he feels, is making a difference: "People are beating on their representatives, on local industry."

Yet a touch of nostalgia, almost of despair, constantly intrudes upon his conversation. "It's so difficult to make people understand the seriousness of the threat," he says. "They don't realize how much we've lost already. They don't realize that we live in a closed system, that the air and water, the plants and animals, are being irreparably damaged and there are no replacements. And it's not just a matter of esthetics. When we lose a wildlife species or a plant, we lose a genetic stock that future generations might need desperately for food."

Just before we parted, I asked him if he thought the trend toward human oblivion would be halted. "I don't know," he replied. "It's very likely we won't be able to stem the momentum, but we have to try. We're definitely not going to make it if we persist in fighting major wars, throwing away our energies. Priorities—it always comes back to that. We have to learn to care about what kind of environment we're going to live in. The question is, Will we learn in time?"

As I left Gate's office, I stopped for a moment to take a last look around the garden. My eyes rested on a magnificent ginkgo, a thick-trunked wide-branched tree that belongs to a species that is 200 million years old. Gates had told me that the tree was very resistant to insects—hence its longevity—but only fairly resistant to air pollution. Some effects were showing.

Two-dozen school children had been sitting beneath the ginkgo earlier. Now, they were gone, and the base of the tree was littered with scraps of paper and discarded soft-drink cartons. It was a small incident, and I reminded myself that one could read too much into such things. Yet it seemed a depressing omen.

VIETNAM MORATORIUM

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. O'HARA. Mr. Speaker, the conflict in Vietnam has been debated, discussed, dissected, and analyzed as much or more than any other issue in our history, but it has not been resolved.

A great jurist and a brave soldier, the late Justice Oliver Wendell Holmes, Jr., once said:

> I have no faith in panaceas, and almost none in sudden ruin.

Our experience in Vietnam confirms the wisdom of this observation.

There have been policy proposals in great number, a large percentage of them billed by their proponents as essential and by their opponents as suicidal. But "bombing above the parallel" and "attacking the petroleum depots" and "adding Hanoi and Haiphong to the target list" failed to bring military victory, just as "stopping the bombing" and "including the NLF in the negotiations" and "agreeing to prompt withdrawal of U.S. troops after a truce" could not produce a negotiated settlement.

Neither did any of these steps nor all of them materially weaken our position, jeopardize the lives of our troops, or widen the war.

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None have been panaceas and sudden ruin has not followed their adoption.

There are no simple solutions to the Vietnamese problem, no easy ways out, no uncomplicated and painless answers to the bloody questions of a bloody war.

Those who insist they have the answers whether they be "hawk or dove" and who accompany their claims with denunciations of their opponents' patriotism, morals, and motives—as some do—have seriously hindered rational understanding of the issues by the millions of Americans who are neither "hawk" nor "dove."

I do not share with some of my fellow Americans the view that the war in Vietnam is imperialist, colonialist, or racist; or that it is the preemptive moral issue of our time; or that a man's integrity can be measured by his attitude toward U.S. military involvement in Vietnam. I know of no public official, no President, no Member of Congress, no Cabinet member—past or present—who takes pleasure in human slaughter or who measures his achievement by how many deaths—American deaths or Vietnamese deaths—have occurred today.

Our intervention in Vietnam is the result of decisions made by sincere and conscientious men of several administrations whose common objective was to create a world order in which men could live in peace and who firmly believed that the conquest of the Republic of South Vietnam by force of arms would have world repercussions more damaging to peace than an American military effort to save South Vietnam.

But this rigid application of our policy of containment of communism seems to me less appropriate in Southeast Asia than in Western Europe, where our most vital interests are at stake, and less urgent today than 20 years ago, when international communism was yet a monolithic world force under a militant and united leadership.

I firmly believe, too, that if Secretaries Rusk or Dulles or Herter or Wilson or McElroy or Gates or McNamara or Presidents Eisenhower or Kennedy or Johnson had foreseen the inability of the Saigon governments to respond to the challenge confronting them, the failure of our counterinsurgency strategies, and the terrible toll of this war in men, material, and national unity the history of our involvement in Vietnam would have been very different.

It does not reflect on the wisdom or good will of those who made decisions 5 or 10 or 15 years ago if we conclude today that those decisions were mistaken. And surely it is no tribute to our past leaders to continue a policy that has reached the point of diminishing returns. There is nothing immoral, unpatriotic, or disloyal about cutting your losses when you determine you were mistaken. There is something wrong, however, in continuing to lose lives to maintain a policy just because it looked right once. Too many people have died already—too many Americans, too many Vietnamese, too many men and women and children.

Our achievements in Vietnam have not been worth their cost and cannot now be made worth their cost. Unless we recognize this and the real limitation upon our actions it implies we shall continue to expend American and Vietnamese lives and treasure in pursuit of goals that are unattainable at any reasonable cost.

This is not to suggest that we have accomplished nothing in Vietnam. Our intervention has forestalled the conquest of South Vietnam and given the Vietnamese the opportunity to defend themselves. But we have paid a terrible price to achieve this objective.

Neither would I suggest that a precipitous withdrawal from Vietnam is now our best course but I believe that we can and should disengage ourselves from this struggle. Our disengagement ought to be accompanied by renewed efforts to strengthen Saigon's capacity to defend itself. It ought to be given help and encouragement to establish free and democratic institutions that will earn for it the support of the Vietnamese people.

But, in the end, these are jobs that only the Vietnamese can do.

In advocating this course of action I do not pretend that it is a panacea or that it will certainly lead to a free and independent South Vietnam—it may not—but simply that disengagement is the best of some very bad alternatives and is clearly preferable to the loss of more and more lives in a cause, the cost of which already exceeds its value.

A CHURCH BELL RINGS ONCE MORE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. WYDLER. Mr. Speaker, in the little hamlet of Seaford, Long Island, a church bell sat for many years in the rear of an old weathered church. One day in 1968, the newly organized mens club of St. Michael and All Angels Church happened to bring up this fact and a discussion was started on the old bell. The bell had been dedicated in 1897 by "The Many Friends of St. Michael," as was inscribed on the bell. Since that day 1½ years ago, the endeavor has been going on to bring back a sound of a church bell in Seaford. It was felt that a bell that could not ring out and sound a message of joy was not in truth a bell. A stanchion was built for mounting the bell and a time capsule with many mementos of the church is going to be sealed in a niche in the base. A copy of the CONGRESSIONAL RECORD containing this insert will be placed in the capsule.

Organizations in Seaford have contributed several hundred dollars in answer to an appeal for funds to help construct the stanchion and purchase a plaque.

A ceremony befitting this project of the mens club of St. Michael and All Angels Church will be held on Sunday, October 19, 1969, at 1:30 p.m. and several hundred people will attend. The plaque which is to be placed on the stanchion has a verse from Psalm 66, verse 1 and reads as follows:

> Make a Joyful Noise Unto God, All Ye Lands.

This verse was picked by Rev. Harold L. Goetz, pastor of the church and this is the message that the members of St. Michaels would like to convey to the world.

CANDLELIGHT IN FLUSHING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. ROSENTHAL. Mr. Speaker, the dignified and enlightening debate in the House of Representatives on October 14 was a proper prelude to the Vietnam moratorium. All of us left the House Chamber and the galleries reassured that free and public debate on important questions was still possible in the heart of government. The thousands of students who came to Capitol Hill for the debate also saw that the institutions of government could function properly.

I returned to my district on the day of the Vietnam moratorium to give the following speech which reflects my views on the meaning of this day and on the work still to be done by those of us unalterably opposed to continuing this war.

This speech followed a candlelight parade in Flushing which, in its solemnity and dignity and dedication confirmed the spirit in which the moratorium was started in the House Chamber the night before.

VIETNAM MORATORIUM

We gather this evening to mark a momentous day when America rose up and said "Peace" in the clearest voice yet heard. We have had hundreds or even thousands of peace rallies and demonstrations before the Vietnam Moratorium. We may need many more. But never have we seen an idea sweep America as it has today.

This was supposed to be a students' day of demonstration. It was taken over by adults. The mothers and fathers of this country are now ready to leave Vietnam! Their voices will be heard by this Administration, despite President Nixon's insensitive comment that "nothing new can be learned from them".

We are here because we believe deeply that something has gone wrong and we must try to set it right. That's how this moratorium started. And it will not die, nor be eliminated by presidential press release or the firing of General Hershey or by any new series of side-steps.

The President has had almost one year since his election to show us his promised plan to end the war. He has had nine months, with the full panoply of president power—the greatest array of force ever given any man in history—to carry out that promise. And still the end is not yet in sight.

We have lost 45,352 American lives. Wounded and maimed Americans number 252,059 from this war, making it the second most costly conflict in our history. And the Administration admits that it will take at least three years for total withdrawal of our troops.

Our job this evening and tomorrow and next week and month is to be sure that this Administration, and its successors, really understand what we are aroused about.

We want, first and now, withdrawal of all American troops from Vietnam.

Then, we want new priorities so that America spends the resources of the richest Nation in history on some of history's sorest problems: slums, schools, pollution, jobs and housing.

Finally, we want to know what went wrong in the Sixties so it won't happen again. Under what inspiration did we proceed into so many overseas military obligations.

Perhaps some of these military missions and obligations are vital to our interests. But we must find some way to clarify and state and classify those interests among urgent domestic priorities so that America's mothers and fathers will not have to come again in five or fifteen years to rally on the streets to bring home five hundred thousand sons from a war we never wanted and cannot understand.

Many of us here tonight can look back to 1965 and the first anti-war protests. There are many memories, and a few legends about these past five years.

But there is no false satisfaction in having been aware before others that Vietnam was wrong. There is no joy in having been right when others were still groping for the answers. And tonight there should be no sense of triumph in seeing that a majority of Americans now think that Vietnam was wrong and that we should leave.

Rather, we shall triumph only when policy is changed. We shall persevere until the last ship brings the last American boy back from Vietnam. We shall work and march and pray until we have set America right again.

And we must remind those who criticize this moratorium that we have a President, not an emperor. We have a country where we can have free discussion and dialogue.

The hour is now late. The President and the Congress hear but do not yet understand fully. Let us send still more messages. Let us start once more.

QUESTIONS RAISED BY THE MORATORIUM

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. SYMINGTON. Mr. Speaker, I would like to express my concern for the questions raised by the moratorium by offering these thoughts on the debate itself, the spirit in which we engage in it, and the ends we seek. First, as to the propriety of debating the war, I can think of no more appropriate question to discuss, given our obligations under article 1, section 8 of the Constitution. True, at the outset of this administration we were counseled to lower our voices. More recently it has been suggested that it would be better if we said nothing at all. Congress has often been accused of doing exactly that. But "when the blast of war rings in our ears," we have not only the right but a duty to find our voice. And a Congress which has expressed a desire for greater participation in the formulation of foreign policy can hardly be reluctant to discuss it. I am glad this point was quickly and properly resolved.

Second, in what spirit do we discuss this war? Not of anger and frustation, I submit, although angry and frustrated we are; certainly not of rancor or ill will toward fellow Americans in or out of policymaking positions; and not even of implacable hatred of the foe, but calmly, thoughtfully, and constructively. It is our part to voice the Nation's reason, not simply echo its agony. Reasonable we must be, although it would, I think, sharpen our perspective if we thought of ourselves as the parents of draft-age boys.

Finally, we must try to arrive at an agreed definition of what it is we seek to achieve in Vietnam, and to which any further efforts and sacrifices should be directed. "Victory," in its ordinary sense, has been abandoned by most Americans including the President, as the definition of the goal to be achieved; it has been abandoned in favor of "peace." We must admit "peace" is susceptible of as many interpretations as "victory." So we have a duty to be candid with each other about what is meant by "peace" in Vietnam.

To most, it means termination of U.S. military involvement there, and the withdrawal of American troops. Whether this would produce peace in Vietnam, is a matter of conjecture but not of primary concern to those who consider our involvement prohibitively costly in American lives, treasure, reputation, and self-respect; those who cannot view its termination as anything but preferable to its continuance for one more day. The argument is compelling. What has been won in the past 7 years? What remains to be won? It is certainly difficult to estimate how much national security or world stability have been purchased to date. It would have to be great indeed in order to justify the direct sacrifice of blood and treasure, and the indirect sacrifice of housing, education, pollution control, and economic strength to say nothing of racial and campus harmony, or the sense of gladly shared purpose which ought to animate a great nation in conflict. I incline to the view that to date more has been lost than won. Hindsight suggests the investment was ill advised. History does not reveal its alternatives. It may well be that without U.S. intervention, a Titoist regime governing all of Vietnam under Hanoi, would have emerged as a bulwark of nonaggressive neutrality between China and the rest of Indochina. Perhaps no bulwark was required, or if required, not ours to build. If all this was predictable we must acknowledge falibility in making or heeding predictions. In any event, in our own interest as our leaders saw it, we intervened. We mainipulated South Vietnamese leadership and ravaged the land. We bear a great responsibility for the war, certainly. Do we bear an equally great responsibility for the "peace" we leave behind?

If so, how to discharge that responsibility is the question before the Nation, the President, and this House. It is not an easy question as the debate last night revealed. It turns the most eager exponents of simple withdrawal into cautious military strategists. Why? Because of the demands it makes on conscience and honor. Yes, our prisoners must be returned. No, Vietnamese hostages must not be abandoned. Yes, the enslave theory, and its assumption of continued American presence has validity. Yes, Vietnamization of the war is essential, and should include pressure on the regime to pass power to a more representative body. No, in short, the men cannot come home at once. Thus, the debate quickly narrowed the gap between supporters and opponents of current policy. No support at all was offered the 30-day-wonder theory of withdrawal. Had the debate been allowed to continue we might have been able to illuminate other possible approaches, from Senator AIKEN's novel suggestion to its opposite, accelerated withdrawal coupled with the threat of selective air attacks in the north, if necessary, to insure Hanoi's cooperation both with our removal, and the eventual establishment of an indigenous, representative government in South Vietnam.

In my view the careful implementation of a deliberate and declared policy of disengagement should be encouraged, or if you will demanded, but only to the end of achieving exactly that. If more is demanded, by putting our collective shoulder to the wheels of wishful thinking, something else could be sacrificed to this tragic conflict: rational government. In due course a question of honor can become a question of order.

SENATE—*Thursday, October 16, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, send peace on earth, and by Thy grace put down the pride, greed, and anger that turn man against man, and nation against nation. Speed the day when wars are ended and all men call Thee Father.

O Lord, remove from us and from all men both hate and prejudice, that Thy children may be reconciled with those whom they fear, resent, or threaten, and thereafter live in peace.

As we consecrate ourselves to Thee, make us to know that our work is Thy work. Strengthen the faculties of our minds and dispose our efforts for the welfare of all the people and the furtherance of Thy kingdom.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 15, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

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COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 452 and the succeeding measures in sequence.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONSTITUTIONAL AMENDMENTS

The resolution (S. Res. 261) to print a list of proposed amendments to the Constitution as a Senate document was considered and agreed to, as follows:

S. Res. 261

Resolved, That there be printed as a Senate document a list of proposed amendments to the Constitution of the United States of America submitted during the Eighty-eighth Congress, first session, through the Ninetieth Congress, second session, as compiled by the Senate Library, under the direction of the Secretary of the Senate, and that one thousand five hundred additional copies be printed for the use of the Secretary of the Senate.

SELECT COMMITTEE ON SMALL BUSINESS

The resolution (S. Res. 266) authorizing expenditures by the Select Committee on Small Business was considered and agreed to, as follows:

S. Res. 266

Resolved, That the Select Committee on Small Business is hereby authorized to expend, from the contingent fund of the Senate, $10,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 57, Ninety-first Congress, agreed to February 17, 1969.

THE COST OF CLEAN AIR

The resolution (S. Res. 267) to print "The Cost of Clean Air" as a Senate document was considered and agreed to, as follows:

S. Res. 267

Resolved, That there be printed as a Senate document the first report of the Secretary of Health, Education, and Welfare, entitled "The Cost of Clean Air", submitted to the Congress in accordance with section 305(a), Public Law 90–148, the Air Quality Act of 1967, and that there be printed three thousand additional copies of such document for the use of the Committee on Public Works.

AUTHORIZING THE PRINTING AS A HOUSE DOCUMENT OF HOUSE HEARINGS ON SCIENCE AND STRATEGIES FOR NATIONAL SECURITY IN THE 1970'S

The concurrent resolution (H. Con. Res. 338) authorizing the printing as a House document of hearings on Science and Strategies for National Security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof was considered and agreed to.

SPECIAL COMMITTEE ON AGING

The Senate proceeded to consider the resolution (S. Res. 251) authorizing additional expenditures by the Special Committee on Aging, which had been reported from the Committee on Rules and Administration with an amendment, strike out all after the resolving clause and insert:

That the Special Committee on Aging is authorized to expend from the contingent fund of the Senate $30,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 76, Ninety-first Congress, agreed to February 17, 1969, authorizing a study of matters pertaining to problems and opportunities of older people.

The amendment was agreed to.

The resolution, as amended, was agreed to.

PROVIDING FOR THE PRINTING OF COPIES OF THE EULOGIES OF DWIGHT DAVID EISENHOWER

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 368) providing for the printing of copies of the eulogies on Dwight David Eisenhower which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 4, after the word "thousand", strike out "and thirty" and insert "three hundred".

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

COMMITTEE ON LABOR AND PUBLIC WELFARE

The Senate proceeded to consider the resolution (S. Res. 227) to authorize the expenditure of funds by the Committee on Labor and Public Welfare generally and for its investigation of the problems of education of American Indians which had been reported from the Committee on Rules and Administration with an amendment, on page 2, line 1, after "Sec. 2." strike out "Section 4 of Senate Resolution 80, agreed to February 17, 1969, is hereby amended by striking out '$72,000' where it appears therein and inserting in lieu thereof '$93,000'." and, in lieu thereof, insert "The Committee on Labor and Public Welfare is authorized to expend from the contingent fund of the Senate $8,600, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 80, Ninety-first Congress, agreed to February 17, 1969 (as extended by Senate Resolution 226, agreed to July 29, 1969), authorizing a study of the education of American Indians."

So as to make the resolution read:

Resolved, That the Committee on Labor and Public Welfare hereby is authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, $1,500 in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, Senate Resolution 141, agreed to July 17, 1967, and Senate Resolution 276, agreed to May 9, 1968.

Sec. 2. The Committee on Labor and Public Welfare is authorized to expend from the contingent fund of the Senate $8,600, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 80, Ninety-first Congress, agreed to February 17, 1969 (as extended by Senate Resolution 226, agreed to July 29, 1969), authorizing a study of the education of American Indians.

The amendment was agreed to.

The resolution, as amended, was agreed to.

INVESTIGATION OF ANTITRUST AND MONOPOLY LAWS

The Senate proceeded to consider the resolution (S. Res. 230) to investigate antitrust and monopoly laws of the United States, which had been reported from the Committee on Rules and Administration with an amendment, strike out all after the resolving clause and insert:

That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $26,800, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 40, Ninety-first Congress, agreed to February 18, 1969, authorizing an investigation of antitrust and monopoly laws and their administration.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for an investigation of antitrust and monopoly laws".

STUDY OF CONSTITUTIONAL AMENDMENTS

The Senate proceeded to consider the resolution (S. Res. 231) authorizing a study of matters pertaining to constitutional amendments, which had been reported from the Committee on Rules and Administration with an amendment, strike out all after the resolving clause and insert:

That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $4,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 42, Ninety-first Congress, agreed to February 17, 1969, authorizing a complete study of any and all matters pertaining to constitutional amendments.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional amendments".

INVESTIGATION OF CONSTITUTIONAL RIGHTS

The Senate proceeded to consider the resolution (S. Res. 232) to investigate matters pertaining to constitutional rights which had been reported from the Committee on Rules and Administration with an amendment, strike out all after the resolving clause and insert:

That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $15,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 43, Ninety-first Congress, agreed to February 17, 1969, authorizing a complete study of any and all matters pertaining to constitutional rights.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional rights".

INVESTIGATION OF CRIMINAL LAWS AND PROCEDURES

The Senate proceeded to consider the resolution (S. Res. 233) to investigate criminal laws and procedures, which had been reported from the Committee on Rules and Administration, with an amendment, strike out all after the resolving clause and insert:

That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $25,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 44, Ninety-first Congress, agreed to February 17, 1969, authorizing an investigation of criminal laws and procedures.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for an investigation of criminal laws and procedures".

INVESTIGATION OF THE ADMINISTRATION, OPERATION AND ENFORCEMENT OF THE INTERNAL SECURITY ACT

The Senate proceeded to consider the resolution (S. Res. 234) to investigate the administration, operation, and enforcement of the Internal Security Act, which had been reported from the Committee on Rules and Administration, with an amendment, strike out all after the resolving clause and insert:

That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $65,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 46, Ninety-first Congress, agreed to February 17, 1969, authorizing an investigation of the administration, operation, and enforcement of the Internal Security Act.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for an investigation of the administration, operation, and enforcement of the Internal Security Act."

STUDY OF FEDERAL JUDICIAL SYSTEM

The Senate proceeded to consider the resolution (S. Res. 235) to study and examine the Federal judicial system, which had been reported from the Committee on Rules and Administration, with an amendment, strike out all after the resolving clause and insert:

That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $9,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 47, Ninety-first Congress, agreed to February 17, 1969, authorizing a study and examination of the Federal judicial system.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for a study and examination for the Federal judicial system".

INVESTIGATION OF JUVENILE DELINQUENCY

The Senate proceeded to consider the resolution (S. Res. 236) to investigate juvenile delinquency, which had been reported from the Committee on Rules and Administration, with an amendment, strike out all after the resolving clause and insert:

That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $25,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 48, Ninety-first Congress, agreed to February 17, 1969, authorizing an investigation of juvenile delinquency in the United States.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for an investigation of juvenile delinquency in the United States".

STUDY OF REVISION AND CODIFICATION OF THE STATUTES OF THE UNITED STATES

The Senate proceeded to consider the resolution (S. Res. 237) to study revision and codification of the statutes of the United States, which had been reported from the Committee on Rules and Administration, with an amendment, strike out all after the resolving clause and insert:

That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $4,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 51, Ninety-first Congress, agreed to February 17, 1969, authorizing a study of matters pertaining to revision and codification of the statutes of the United States.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to revision and codification of the statutes of the United States".

STUDY OF SEPARATION OF POWERS UNDER THE CONSTITUTION

The Senate proceeded to consider the resolution (S. Res. 238) to make a full and complete study of the separation of powers under the Constitution, which had been reported from the Committee on Rules and Administration, with an amendment, strike out all after the resolving clause and insert:

That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $10,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 52, Ninety-first Congress, agreed to February 17, 1969, authorizing a study of the separation of powers between the executive, judicial, and legislative branches of Government.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of constitutional separation of powers".

INVESTIGATION OF PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES FROM COMMUNISTIC TYRANNY

The Senate proceeded to consider the resolution (S. Res. 242) to investigate problems created by the flow of refugees and escapees from communistic tyranny, which had been reported from the Committee on Rules and Administration, with an amendment, strike out all after the resolving clause and insert:

That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $9,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 50, Ninety-first Congress, agreed to February 17, 1969, authorizing a study of matters pertaining to the problems created by the flow of refugees and escapees.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to the problems created by the flow of refugees and escapees."

ENACTMENT OF A LAW

The Senate proceeded to consider the resolution (S. Res. 262) providing for additional copies to be printed of Senate Document 39, which had been reported from the Committee on Rules and Administration, with an amendment, in line 2, after the word "of," strike out "S. Doc. 39," and insert "Senate Document 35,"; so as to make the resolution read:

S. Res. 262

Resolved, That there be printed for the use of the Senate, twenty thousand six hundred additional copies of Senate Document

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> 35, Ninetieth Congress, first session, entitled "Enactment of a Law."

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resoluton authorizing the printing of additional copies of Senate Document 35, Ninetieth Congress, entitled 'Enactment of a Law'."

EXECUTIVE REORGANIZATION SUBCOMMITTEE, COMMITTEE ON GOVERNMENT OPERATIONS

The Senate proceeded to consider the resolution (S. Res. 263) authorizing additional appropriation for the Executive Reorganization Subcommittee, Committee on Government Operations, which had been reported from the Committee on Rules and Administration, with an amendment, strike out all after the resolving clause and insert:

> That the Committee on Government Operations is authorized to expend from the contingent fund of the Senate $12,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 25, Ninety-first Congress, agreed to February 17, 1969, authorizing a study of the effects of laws pertaining to proposed reorganizations in the executive branch of the Government.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Government Operations for a study of the effects of laws pertaining to proposed reorganizations in the executive branch of the Government."

STUDY OF INTERGOVERNMENTAL RELATIONSHIPS BETWEEN THE UNITED STATES AND THE STATES AND MUNICIPALITIES

The Senate proceeded to consider the resolution (S. Res. 264) authorizing a study of intergovernmental relationships between the United States and the States and municipalities, which had been reported from the Committee on Rules and Administration, with an amendment, strike out all after the resolving clause and insert:

> That the Committee on Government Operations is authorized to expend from the contingent fund of the Senate $10,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 27, Ninety-first Congress, agreed to February 17, 1969, authorizing a study of intergovernmental relationships between the United States and the States and municipalities.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on Government Operations for a study of intergovernmental relationships between the United States and the States and municipalities".

COMMITTEE ON THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the resolution (S. Res. 265) for additional funds for the Committee on the District of Columbia, which had been reported from the Committee on Rules and Administration, with an amendment, strike out all after the resolving clause and insert:

> That the Committee on the District of Columbia is authorized to expend from the contingent fund of the Senate $2,400, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 84, Ninety-first Congress, agreed to February 17, 1969, authorizing a study of matters pertaining to the District of Columbia.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution authorizing additional expenditures by the Committee on the District of Columbia for a study of matters pertaining to the District of Columbia".

THE 70TH ANNUAL REPORT OF THE DAR

The resolution (S. Res. 273) to authorize the printing of the 70th Annual Report of the National Society of the Daughters of the American Revolution as a Senate document was considered and agreed to, as follows:

S. Res. 273

> *Resolved,* That the Seventieth Annual Report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1967, be printed, with an illustration, as a Senate document.

BILL PASSED OVER

The bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

COMMITTEE ON FINANCE

The resolution (S. Res. 269) to authorize the Committee on Finance to expend $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act of 1946 was considered and agreed to, as follows:

S. Res. 269

> *Resolved,* That the Committee on Finance is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 20 minutes.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that he may be permitted to proceed for not to exceed 20 minutes. Is there objection? The Chair hears none, and the Senator from Montana is recognized for 20 minutes or such part thereof as he desires to utilize.

THE LEGISLATIVE RECORD OF THE SENATE AND THE 91ST CONGRESS

Mr. MANSFIELD. Mr. President, every administration needs time to alter and to adjust the permanent machinery of the Government if it is to be given new direction. The legislative requirements for these changes are usually indicated in broadbrush fashion by a new President in an address on the state of the Union.

President Nixon did not choose to give such an address at the outset, preferring to take an item-by-item approach to a legislative program. That is his prerogative; the fact is not stated in criticism. Indeed, the President may have been well-advised to choose the piecemeal path since he entered office on the heels of a succession of Congresses of intense activity. In the prior 8 years, a multiplicity of significant new laws had been entered on the statute books. In the previous administration, there had been one of the most extensive legislative outpourings in the Nation's history.

In the circumstances, the President's first priority was hardly to push for more new laws. Rather, it was to sort out this legislation—to pick and to choose—and to try to get the permanent machinery of the executive branch to operate with responsiveness to it under his leadership. In the light of this situation, the statement on the legislative program which President Nixon issued last weekend was most welcome. It was a restrained and realistic recapitulation. Its temperate tone, moreover, seems to me to have foreclosed a tendency to politically colored commentary on the work of the Congress to date. The President's appeal for cooperation rather than conflict between a Republican-controlled administration and a Democratic-controlled Congress was well taken and appropriate to the circumstances.

I respect the President's viewpoint even though I do not concur completely in his recapitulation of the situation. So that the record may be in order, I want to go over the legislative situation as it is seen from the Senate at this time. In my report on October 3, I set forth the major bills and joint resolutions on which action has been completed or which are well along in the committee process.

One such bill concerns tax relief and tax reform. This measure is designed to shape a more equitable tax structure out of the present hodgepodge or inordinate privileges and excessive rates. It is to be hoped that out of this bill will come some relief for the lower- and middle-income groups of this country. For too long those whose incomes are derived almost wholly from salaries have carried a disproportionate share of the cost of Government.

In this connection, a far-reaching set of tax reforms passed the House of Representatives a few weeks ago. The

Finance Committee is now hard at work on this bill, having before it an October 31 target date for reporting to the Senate. Let me say that the position which has been taken from the outset by the Democratic policy committee and the Senate leadership, together with members of the Finance Committee has been designed neither to shilly-shally, delay, or politicize on this measure. It has been adhered to wholly for the purpose of trying to bring through the recesses of congressional procedure and into the light of day, after years of talk, a bona fide tax relief and reform bill.

As every Member of the Senate knows, success is never assured in a legislative effort of this kind until a bill passes both Houses and becomes law. It does seem to me, however, that the energetic efforts of the Senate Finance Committee, coming on top of the work of the House now provides some basis for prudent hopes. In his weekend message, moreover, the President has placed the administration squarely behind the passage of a tax relief and tax reform bill before the adjournment of this session of the Congress. The Senate leadership is appreciative of this support and I know Americans will welcome it. It is most respectfully suggested that the appropriate department of the executive branch now make clear the urgency of this tax reform and tax relief measure along with its appeals to the Senate for extension of the surtax and for investment credit changes.

Mr. SCOTT. Mr. President (Mr. Hughes in the chair) will the Senator yield?

Mr MANSFIELD. I am happy to yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I had a meeting yesterday with the Secretary of the Treasury and the Assistant Secretary of the Treasury, and they strongly support the statement the Senator just made. They are extremely anxious that this bill be reported, that it be a wise and responsible bill, that it provide carefully for the review needed, that the loopholes be closed, and that it be a fair and just bill.

Having this recent information, I am happy to inform the Senator that what he recommends here is also the recommendation of the administration.

Mr. MANSFIELD. Mr. President, may I say that I am delighted by the remarks just made by the distinguished minority leader.

With respect to other specific items in the weekend message, the Congress will try to give full and deliberate consideration to each question which was raised by the President. In fact, action on many of these measures has commenced and some are well along in the legislative process.

Among the most pressing needs of the Nation, in my judgment, is a complete overhaul of the military draft. I am delighted that the President has given this matter a high priority. In the Senate, the need for changes in the draft has been a matter of concern during this session ever since last February. At that time, the Senator from Michigan (Mr. Hart) introduced his proposal for reforms. In May, the Senator from Massachusetts (Mr. Kennedy) advanced a second proposal. The administration resubmitted, in mid-August, the draft changes which had been advanced last year by the previous administration.

On the basis of these various approaches, I am hopeful that a complete reform of our draft system will be forthcoming in this Congress. In any event, the President, as he noted in his statement, is in a position to initiate draft reforms by Executive action alone. Unless there is congressional action, which I advocate, he may have no choice other than to proceed with changes on his own.

The committees of Congress which are at work on tax relief and reform are also responsible for considering the broad welfare plan which the President submitted last week in legislative form. First things should come first, however, and it seems to me very necessary that the Finance Committee complete work on tax relief and tax reform before proceeding to a major overhaul of welfare legislation. That should also come and will come in due course. It should be noted, however, that the President's welfare proposal does not lend itself to a one-two-three disposition. The press reported that the issues involved are such that even within the administration there were deep divisions on the question. More than just cursory treatment by the Congress is clearly required and it will take time to complete that work.

The President's flexibility on the question of the electoral college system is welcomed. Notwithstanding his own preference, the President lost no time in endorsing the more direct approach to presidential elections which passed the House of Representatives by an overwhelming vote a few weeks ago. I am confident that the distinguished Senator from Indiana (Mr. Bayh) has every intention of moving the measure in his Senate subcommittee as rapidly as possible.

May I say that the leadership defers to the judgment of Senator Bayh as to how this matter should be handled. The Senate knows that the Senator from Indiana has a sober approach to constitutional reform. His work on the question of presidential succession a few years ago was outstanding in every respect. He can be counted on to deal with the electoral college question in the same way. The Senator from Indiana is attuned to deep national conviction that there is a need for change in the presidential electoral system and he possesses the legislative acumen to convert that conviction into effective congressional action.

As for the postal reform measure to which the President referred, I recall that one portion of this proposal has already passed the Senate. Hearings are underway on the remainder. I am hopeful that it will be disposed of completely during this Congress.

The Senate has already passed a strong mine safety proposal. The President's endorsement of the measure in his statement, hopefully, will expedite its passage in the House of Representatives.

The President alluded to the growing crime rate as one of the Nation's most pressing needs. On this point, he has the complete agreement of the Congress and the Nation. There have already been some congressional initiatives to mobilize resources to curb crime. The attempts have been limited, to be sure, and still fall far short of need. Therefore, the President's effort to submit a program which would complement and supplement the Omnibus Crime Control Act of last year is to be commended.

In all frankness, however, I must state that, on the preventive-detention measure along with other crime control proposals now pending before the Congress, I am advised that there has not been a full response from the administration to committee requests for reports, studies and testimony. I understand that this has been the case on other legislative proposals as well. In fact, a survey of just three Senate committees with varied jurisdictions indicated that on 97 pending legislative questions, requests for the views and reports of the appropriate departments have gone without response from the executive branch. With respect to the crime measures themselves, the Congress has gone forward with hearings only to find, I understand, that the relevant Departments were not ready or able to take a position on the substance of the proposals.

While an executive agency viewpoint may not be essential on every legislative proposal, it seems to me imperative that the experience and skill of the executive agencies involved in law enforcement should be made available to the committees writing crime laws without delay and without stint. These contributions would appear to be an essential element of the background against which laws involving crimes and the courts should be designed.

I do not speak in criticism of the President. He has done all that he could personally, and as President. The insufficiency of cooperation from the departments of the executive branch is undoubtedly due in major part to the shifting of administrations. It does seem, however, that since the President has now laid stress on passage of certain items of legislation, the departments might offer more active help to the committees so that the hearings can be rescheduled and action can be taken without further delay.

It is to be hoped that the President's endorsement of the recent Senate intensification of the effort against hunger in the Nation will prompt favorable consideration of this matter. His approval of the Senate expansion of the food stamp program should help to allay any fears in the House that the Senate has moved too far and too swifty in this area.

With respect to population growth, another point raised by the President, the Senate has already authorized a special commission to study the matter. Moreover, I am certain that any specific proposals enumerated hereafter by the President will be given expeditious consideration when they are received in legislative form in the Congress. On this matter, the President's message seemed restrained enough as, indeed, a proposal should be when the Government undertakes to enter into Kinsey's realms, with advice, supplies, and equipment, not only in this Nation but throughout the world.

XUM

I would expect that with the help of the tax-writing committees the Congress will be able to enact sufficient increases in payments to social security pensioners. What with the continuing inflation, the President correctly pointed to the urgency of the need among the elderly citizens of the Nation. A government which can find billions for anti-ballistic-missile systems—ABM's—of highly disputed value and tens of billions for the tragedy of Vietnam can do no less than meet the needs of its older citizens and meet them with sufficiency. Insofar as the Senate leadership is concerned, it will cooperate to the fullest with the President and the appropriate committees in order to bring about increases without delay.

With respect to reform of the District of Columbia government, the Senate has already completed action on the proposals which the President endorsed in his message. Action has also been completed on his proposals with regard to the Office of Economic Opportunity.

I reiterate, Mr. President, what I said at the beginning of my remarks. The message sent to the Congress by the President over the weekend was temperate in tone and reasonable in expectation. The record of the Senate speaks for itself; it is a modest but respectable record to date, for a session which still has many weeks to run and for a Congress which has another session to run. Much remains to be completed; much will be completed before Christmas 1969, and still more before the end of 1970.

Insofar as President Nixon expressed a concern with particular items of legislation, his concern is noted. The Senate leadership will do for this President what it would do for any President. It will do whatever can be done, reasonably and practically under the rules, to accommodate to his wishes at least to the extent of bringing these measures to a decision one way or another on the floor of the Senate.

After the extraordinary agendas which have been disposed of in the Senate during the past 8 years, it seems to me that ample consideration of most of the President's requests should not exhaust congressional resources. Indeed, we should still be able to find time for additional congressional initiatives like those already taken this year in the area of tax relief and reform, electoral college reform and the approaches to crime legislation.

A quantum device has yet to be established to evaluate the work of the Congress. To count the bills passed is not an answer. To regard the extent of approval for the President's legislative program alone as the yardstick provides no measure for the congressional contribution which must be considered if the separate and independent role of the Congress is to have meaning under the Constitution. Moreover, how is the value of weeks of profound debate of the ABM to be measured? Is the passage of this measure—a Presidential item—to be debited or credited in the record of the Congress? Or is its value rather, in the intangible educational effect which will be felt in the treatment of similar budgetary requests in the future? What value can be attached to the work of a Senate committee exploring into the PX shenanigans? Will it forestall the outrageous bilking of GI's in the future even without further legislation? What can be said of the work of the Senate in exercising its constitutional function of advice and consent in foreign relations? Of a Senate which, having once gone along with a precipitate Vietnamese commitment, has stayed with this question ever since and will stay with it until the war is finally brought to an end?

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the administration's bills sent to Congress and what their status is at the present time.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Subject	Administration Bill sent to Congress	Senate action
Draft reform	August 13	Senate bills introduced in February, House hearings underway.
Welfare reform	October 2	Await House action.
Revenue sharing	September 23	Considered in tax reform hearings.
Postal reform	May 23	Senate passed career postmaster—House markup underway on Corporation (initially rejected by House committee).
Manpower reform	August 12	Awaiting departmental reports.
Social security	September 30	House must act first.
Grant-in-aid	May 1	Will be reported in November.
Electoral reform	No administration draft.	Jan. 17 introduced; Passed House; Passed Senate Subcommittee.
District of Columbia Government reform.	May 13	Senate bill passed Oct. 1.
OEO reform	June 12	Passed Oct. 14.
Foreign aid	June 9	Pending before committee.
Mine safety	No draft bill	Senate bill passed.
Occupational Health and Safety Board.	Aug. 6	Senate hearings completed.
EEOC injunction power	No draft bill	Senate bill introduced June 19.
Voting rights	June 30	January 31 (Senate bill referred to Judiciary).
Food stamps	July 7	Senate bill passed Sept. 24.
Population commission	July 25	Passed Senate Sept. 29.
Crime:		
Increased appropriations for organized crime	No budget request increase yet received.	
Antigambling jurisdiction	Oct. 7	Senate bill introduced Jan. 15, awaiting administration views.
Witness immunity	Oct. 7	Senate bill introduced Jan. 15, awaiting administration views.
Federal crime for local authorities involved in gambling.	July 11	Passed Senate Sept. 18.
District of Columbia court reorganization.	do	Jan. 22 Senate bill introduced.
Bail reform in District of Columbia.	do	Senate bill passed July 8.
Appropriations increase for narcotics enforcement.	Increased budget request expected next week.	
Tax reform	No draft bill	House bill passed August; Senate action this year.
Pornography (3 bills):		
Antismut	May 5	Awaiting Administration views.
Obscene mail	May 8	Reported from subcommittee in August.
Salacious advertising	do	Reported from subcommittee in August.
National Computer Job Bank	No draft bill	
Airport development	June 18	Hearings underway.
Public transit increase in authorization.	August 11	Awaiting agency views.
Extend unemployment coverage		House must act first (revenue measure)

Mr. MANSFIELD. Mr. President, on October 3, I reported to the Senate the legislative achievements of this body as they stood as of that point in this session. In conjunction with the President's message on legislation, however, I think it would be appropriate that the record be brought up to date, including the matters scheduled for completion this afternoon.

I ask unanimous consent, therefore, that a compilation of the Senate's legislative activity through today be included at this point in the CONGRESSIONAL RECORD.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

LEGISLATIVE ACTIVITY, 91ST CONGRESS, FIRST SESSION, OCTOBER 16, 1969

AGRICULTURE

Durum wheat: Increased wheat acreage allotments in the irrigable portion of the Tulelake area of California each year from a 1969 total allotment of 5,374 acres to a total of 12,000 acres, effective with the 1970 crop. S. 858. P/S 9/23.

Food stamp authorization: Increased the authorization for the food stamp program for fiscal 1970 from $340 million to $750 million. S.J. Res. 126. P/S 6/24. H.J. Res. 934 H. Cal.

Food stamp program revision and expansion: Authorized $1.25 billion for fiscal 1970, $2 billion for fiscal 1971, and $2.5 billion for fiscal 1972; provided for self-certification; established a minimum of $125 per month for a family of 4; provided free stamps for family of 4 with an income of $80 or less; and required that every county in the Nation have a Food Stamp program by 1971. S. 2547. P/S 9/24 amended.

Great Plains program extension: Extended the Great Plains conservation program for 10 years and enlarged its scope. H.R. 10595. In conference.

Potatoes: Exempted potatoes for processing from marketing orders. S. 2214. P/S 10/16.

Potato and tomato promotion: Provided for a program of potato research, development, advertising, and promotion, to be financed by assessments of not more than 1¢ per hundred pounds of potatoes produced commercially in the States. S. 1181. P/S 10/16.

Marketing quota review committees: Amended the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State and that the Secretary of Agriculture may institute proceedings in court to obtain a review of any review committee determination. S. 2226. P/S 9/24.

Seeds: Authorized the Secretary of Agriculture to approve standards and procedures for seed certification. S. 1836. PL 91–

APPROPRIATIONS

1969

Continuing resolution: Continued appropriations through October 31, 1969. PL 91–33.

Second supplemental: Appropriated $4,352,357,644 in supplemental funds for Southeast Asia and various departments for fiscal

1969; set an expenditure ceiling of $191.9 billion for fiscal 1970; and repealed provision of law placing limitation on filling Government vacancies. PL 91–47.

Supplemental: Appropriated $36 million in supplemental funds for fiscal 1969 for Federal employees and ex-servicemen's unemployment compensation. PL 91–2.

Supplemental: Appropriated $1 billion in supplemental funds for fiscal 1969 for the Commodity Credit Corporation. PL 91–7.

1970

Agriculture: Appropriated a total of $7,642,797,650 for the Department of Agriculture and related agencies. HR 11612. In conference.

Interior: Appropriated a total of $1,546,273,300 for the Department of Interior and related agencies. HR 12781. In conference.

Treasury-Post Office: Appropriated $8,783,245,000 for the Departments of Treasury-Post Office, the Executive Office of the President and certain independent agencies for fiscal 1970. PL 91–74.

ATOMIC ENERGY

AEC authorization: Authorized a total of $2,448,052,000 for the Atomic Energy Commission for fiscal 1970. PL 91–44.

COMMUNICATIONS

COMSAT Board of Directors: Related the number of directors on the board of directors of the Communications Satellite Corporation (Comsat) who may be elected by communications common carriers to the proportion of Comsat stock held by such carriers; specified that the articles of incorporation of Comsat may be amended by a vote of not less than two-thirds of all outstanding shares voting as a single class; and permitted Comsat to adopt bylaws which would permit its board of directors to transact business in the event of certain future national emergencies. PL 91–3.

CONGRESS

Commission: Increased from 5 to 7 the membership of the Commission for Extension of the U.S. Capitol by adding the majority leaders of the Senate and the House. PL 91–77.

Senate: Authorized a speech reinforcement system for the Senate Chamber. S. Res. 167. Senate adopted 4/15/69.

Library of Congress: Increased from $75 million to $90 million the authorization contained in the Act of 1965 for the construction of the third Library of Congress Building to be known as the James Madison Memorial Building. S. 2910. P/S 10/15.

DEFENSE

Coast Guard authorization: Authorized a total of $142.8 million for fiscal 1970 of which $55,584 was for vessel procurement, $17,188,000 for aicraft, $57,378,000 for construction and $12,650,000 for bridge alterations. PL 91–49.

Dismemberment insurance coverage: Added to servicemen's group life insurance coverage indemnity payments in the event of dismemberment or loss of use of a hand or foot, or loss of sight of an eye. S. 2186. P/S 9/18.

Extrahazardous duty: Provided double indemnity servicemen's group life insurance coverage for members of the uniformed services assigned to duty in a combat zone or assigned to extrahazardous duty. S. 1650. P/S 9/18.

Joint Chiefs of Staff Chairman: Authorized the President to reappoint General Earle G. Wheeler as Chairman of the Joint Chiefs of Staff for an additional term of one year. PL 91–19.

Legislative jurisdiction over lands: Authorized the Secretary of the Army to adjust the legislative jurisdiction exercised by the United States over lands within the Army National Guard Facility, Ethan Allen, and the U.S. Army Materiel Command Firing Range, Underhill, Vermont. S. 59. P/S 7/29.

Marine Corps: Established the grade of General for the Assistant Commandant of the Marine Corps when the personnel strength of the corps exceeds 200,000. PL 91–11.

Military procurement—ABM: Authorized $20,001,586,000, fiscal year 1970, for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and research, development, test, and evaluation for the Armed Forces, for construction and deployment of the Safeguard Anti-ballistic Missile System, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces. S. 2546. In conference.

Servicemen's group life insurance increase: Increased from $10,000 to $15,000 the amount of servicemen's group life insurance. S. 1479. P/S 9/18.

Stockpile disposal: Authorized the sale of 100,000 short tons of lead from the national and supplemental stockpiles. PL 91–46.

Submarine pay: Provided that junior nuclear-trained submarine officers who have completed their minimum obligated service, but not more than 10 years, may be paid an additional $3,750 per year if they agree, by voluntary contract, to remain on active duty for an additional 4 years. PL 91–20.

DISTRICT OF COLUMBIA

Bail Agency Act: Amended the D.C. Bail Agency Act of 1966 to require the Agency to supervise criminal defendants released under the Act to insure that they conform to the conditions of their release and actually appear for trial; and increased the Agency authorization from $130,000 to $360,000 for employing additional personnel to carry out the purposes of this bill. S. 545. P/S 7/8.

Commission on D.C. Government: Established a home rule study commission to make a study and report to Congress its recommendations 18 months after its establishment. S. 2164. P/S 10/1.

Court suits: Authorized suits in the courts of the District of Columbia for the collection of taxes owed to States, territories, or possessions, or political subdivisions thereof, when a reciprocal right is accorded to the District. S. 2502. P/S 9/3.

Debt adjusting: Prohibited the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association. S. 1458. P/S 7/8.

Delegate: Creates the office of congressional delegate from the District of Columbia and provides he shall be chosen by the qualified voters of the District, in a partisan, general election, following nomination by a political party by means of a party primary, or, in the alternative, following the submission of a nominating petition signed by 5,000 voters or 2 percent of the total District electorate, whichever is less. S. 2163. P/S 10/1.

Interstate compact on juveniles in D.C.: Authorized the Commissioner of the District of Columbia to enter into the interstate compact on juveniles which is now law in 47 States and provides a uniform nationwide agreement for the disposition of juveniles who leave the State in which they have been found delinquent and also for the return of runaway youths to their home States. S. 2335. P/S 9/18. HR 8868. P/H 7/28.

Judges Retirement Act: Amended title 11 of the District of Columbia code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity. S. 2056. P/S 9/3.

National Capital Transportation Act of 1969: Authorized not to exceed $1,147,044,000 as the federal contribution for the 97.7 mile rapid rail transit system for D.C. and nearby areas of Maryland and Virginia; and authorized $150,000 to study the feasibility of a rapid rail line between Dulles Airport and the main metro system utilizing the median of the Dulles access highway. S 2185. P/S 7/8.

Reorganization of D.C. courts: Provided for a restructured court system in the District of Columbia. S. 2601. P/S 9/18.

Revenue: Provides approximately $61.6 million in additional revenues for the D.C. government and authorizes a Federal payment of up to $120 million. HR 12982. In conference.

Uemployment Compensation Act: Exempts certain public international organizations, which have headquarters or regional offices in the District of Columbia, from registering with the D.C. Unemployment Compensation Board and from the payment of the unemployment tax. PL 91–80.

Washington International School: Authorized the Commissioner of the District of Columbia to convey the Phillips School located in Georgetown, to the Washington International School, Inc. for the sum of $500,000. PL 91–63.

DUTIES

Chicory roots: Made permanent the existing temporary suspension of duty on crude chicory roots; and added two amendments 1) repealing the limitation on Federal participation in Aid to Families with Dependent Children scheduled under present law to become effective July 1, 1969, and 2) extended through June 30, 1971 the authority to provide temporary assistance for the care of repatriated Americans. PL 91–41.

Electrodes—Aluminum: Continued through December 31, 1970, the suspension of duties on electrodes imported for use in producing aluminum. PL 91–26.

Heptanoic acid: Continued through December 31, 1970 the suspension of duties on heptanoic acid; and extended through July 31, 1969 the "surcharge" withholding tax rates. PL 91–36.

Istle: Continued the existing suspension of duty on certain istle through September 5, 1972. PL 91–65.

Metal scrap: Extended through June 30, 1971 the existing suspension of duties on metal waste scrap. PL 91–25.

Shoe lathes: Extended through June 30, 1972 the existing suspension of duty on copying lathes used for making rough or finished shoe lasts from models of shoe lasts and capable of producing more than one size shoe from a single size model or shoe last; and a 2-year suspension of the law requiring States to constantly expand the benefits of medicaid so that such services will be provided to all indigent residents. PL 91–56.

Spun silk: Extended through November 7, 1971 the suspension of duties on certain classifications of spun silk yarn which expired on November 7, 1968. PL 91–28.

ECONOMY AND FINANCE

Bankruptcy Commission: Created a commission to study and recommend changes in the bankruptcy laws. S.J. Res. 88. P/S 6/20.

Commission on Balanced Economic Development: Established a bipartisan 20-member Commission on Balanced Economic Development to undertake a thorough study and analysis of current geographic trends in the economic development of the Nation. S.J. Res. 60. P/S 5/27.

Debt limit: Provided a permanent debt limitation of $365 billion and a temporary additional increase of $12 billion through June 30, 1970. PL 91–8.

Disaster relief: Provided for Federal loan adjustments, grants to States for disaster planning, shelter for disaster victims, food stamp program, assistance to unemployed individuals, clearance of lake contamination, fire control, debris removal, and timber sale contracts. PL 91–79.

XUM

Export Control Act extension: Extended through October 31, 1969 the authority to control exports pending enactment of legislation now on the Senate Calendar. PL 91–59.

Gold and silver content: Amended the National Gold and Silver Stamping Act to provide a civil remedy for misrepresentation of the quality of articles made from gold and silver. S. 1046. P/S 5/23.

Investors study: Extended to September 1, 1970 the time in which the Securities and Exchange Commission has to study and make a report to Congress on institutional investing practices in the securities market, and increased the appropriation authorization from $875,000 to $945,000. S.J. Res. 112. PL 91–

Mutual fund reforms: Amended those sections of the Investment Company Act of 1940 which pertain to investment company management fees, mutual fund sales commissions and periodic payment or contractual plan sales commissions; amended various provisions of the Federal securities laws to permit banks and savings and loan associations to operate commingled managing agency accounts in competition with mutual funds; amended other provisions of the Investment Company Act and the Investment Advisers Act to update and improve the administration and enforcement of these acts; and postponed until 18 months after enactment the effective date of the section of the bill that deals with oil and gas mutual funds. S. 2224. P/S 5/26.

Economic Opportunity Amendments of 1969: Authorized $2.048 billion for fiscal year 1970 and $2.048 billion for fiscal year 1970 and $2.7322 billion for fiscal year 1971 for carrying out programs under the Economic Opportunity Act, and established a new alcoholic counseling and recovery program and a new drug rehabilitation program. S. 3016. Passed Senate 10/14.

Rates of interest and dividends on time and saving deposits: Extended for an additional 3 months until December 22, 1969, flexible authority to regulate the rate of interest on savings deposits paid by financial institutions. PL 91–71.

Regional economic development legislation: Revised and extended the Appalachian Regional Development Act of 1965 through June 30, 1971 and authorized for the 2-fiscal-year period, exclusive of highway construction funds, $294 million; extended the highway portion of the program through June 30, 1973, and authorized $695 million for the 4-fiscal-year period; extended title V of the Public Works and Economic Development Act for 2 years through June 30, 1971 and authorized for the 1-fiscal-year period $285 million; and extended title I of the Public Works and Economic Development Act for 1 year which authorizes grants for construction of public facilities. S. 1072. In conference.

Small Business Administration: Increased the ceiling on the amount of loans which can be outstanding at one time for loans to State and local development companies under title V of the Small Business Investment Act from $300 million to $500 million. S. 2815. P/S 8/13.

Small Business Investment Act amendments: Clarified SBA's authority to enter into guarantee agreements on loans made by private lending institutions to small business investment companies. S. 2540. P/S 8/13.

EDUCATION

Educational TV: Authorized $20 million for fiscal 1970 and extended the appropriations authorization for the Public Broadcasting Act to July 1, 1974. Limited appropriations to $15 million for each of the fiscal years 1971–73. S. 1242. PL 91– .

Student loans: Authorized $20 million for fiscal 1970 and existing unused reserve funds of the insured loan program for temporary special allowances, and $40 million for fiscal 1971, to eligible lenders under the insured loan program of title IV–B of the Higher Education Act of 1965; authorized an increase for fiscal 1970 from $275 million to $325 million and from $300 million to $375 million for fiscal 1971 for the national defense student loan program; increased the authorization for the educational opportunity grant program from $100 million to $125 million in fiscal 1970 and from $140 million to $170 million in fiscal 1971; and increased the authorization for the college work-study program from $250 million to $257 million in fiscal 1970 and from $285 million to $320 million for fiscal 1971; made the provisions effective 8/1/69. HR 13194. PL 91– .

National Center on Educational Media for the Handicapped: Authorized the Secretary of Health, Education, and Welfare to enter into an agreement with an institution of higher education for the purpose of establishing and operating a National Center on Educational Media and Materials for the Handicapped. PL 96–61.

National Commission on Libraries: Established a National Commission on Libraries and Information Science as an independent component of the Office of the Secretary of Health, Education, and Welfare to develop and recommend overall plans for carrying out the national policy with respect to libraries and information science and to advise appropriate governmental agencies at all levels relative to the means of carrying out such plans. S. 1519. P/S 5/23.

NEA: Liberalized the corporate power of the National Education Association; eliminated the board of trustees and transferred their duties to the executive committee of the association. PL 91–37.

National Science Foundation Authorization: Authorized a total of $500,150,000 for fiscal year 1970. S. 1857. In conference.

New Hampshire-Vermont Compact: Gave Congressional consent to the New Hampshire-Vermont interstate school compact. PL 91–21.

Scholarships and child-care centers: Amended the Labor-Management Relations Act to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school age dependents of employees. S. 2068. PL 91–

FEDERAL EMPLOYEES

Civil service retirement: Authorized annual payments directly from the Treasury to the Civil Service Retirement and Disability Fund equal to the lost interest on the unfunded liability of the Fund; increased employee and agency contributions from 6½ percent to 7 percent, effective 1/1/70, and increased contributions by Congressional employees to 7½ and Members of Congress to 8 percent; used "high-3" instead of "high-5" for computing civil service annuities; added 1 percent to cost-of-living increases for annuitants; permitted accumulated sick leave to be added to computation of annuity; and permitted Congressional employees to receive 2½ percent credit for all years of Congressional employment. HR 9825. PL 91–

Employment of aliens: Authorized the Secretary of Commerce to employ aliens in a scientific or technical capacity. S. 1173. P/S 6/19.

National Zoological Park: Removed all positions in the National Zoological Park police force from the classification system of the Civil Service Commission and authorized the Secretary of the Smithsonian, with certain limitations, to fix the salaries. PL 91–34.

Park Police age limit: Granted the Secretary of Interior discretionary authority to fix a maximum age for entry into Park Police duty in the 29- to 31-year age range. PL 91–73.

Postmaster appointments: Provided for the appointment of all postmasters at post offices of the first, second, and third class by the Postmaster General; and prohibited political recommendations from being taken into account in the appointment of any person to any position in the Post Office Department other than Presidential nominees and policy making employees. S. 1583. P/S 8/12. (PR)

Travel per diem increase: Increased from $16 to $25 the maximum per diem allowance for travel in continental United States; from $30 to $40 for actual expenses; and from $10 to $18 per day the maximum actual expenses reimbursement for foreign travel authorized to be paid in addition to the maximum per diem established for the area involved. HR 337. P/S amended 10/8.

GENERAL GOVERNMENT

Cabinet Committee on Opportunities for Spanish-Speaking People: Established the Cabinet Committee to assure that Federal programs are reaching all Mexican Americans, Puerto Rican Americans, Cuban Americans, and all other Spanish-speaking and Spanish-surnamed Americans and providing assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to such persons. S. 740. P/S 9/25. (PR)

Commission on Government Procurement: Established a temporary 9-member Commission on Government Procurement which would be directed to make a comprehensive study of Federal procurement statutes, policies, and practices, submit a final report of its findings and recommendations to Congress within 2 years from the date of enactment, and would cease to exist 120 days after the submission of its final report. HR 474. P/S amended 9/26.

Commission on Population Growth and the American Future: Established the Commission on Population Growth and the American Future to conduct and sponsor studies and research and to make such recommendations as are necessary to provide information and education at all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implication for America's future. S. 2701. P/S 9/29. (PR)

Copyright protection: Continued until December 31, 1970, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as extended by PL 87–668, by PL 89–442, by PL 90–141, or PL 90–416, where such term would otherwise expire prior to December 31, 1970. S.J. Res. 143. P/S 10/6.

John F. Kennedy Center: Increased by $7.5 million (to $23 million) the Federal share for construction of the John F. Kennedy Center and by $5 million (to $20.4 million) the borrowing authority for the construction of underground parking facilities. H.R. 11249. PL 91– (PR)

Medical supplies: Authorized the head of any Federal department or agency who is responsible for the storage of medical materials or medical supplies held for a national emergency to determine when the shelf life is of too short duration for continued retention. S. 406. P/S 9/26.

Metric system study: Authorized a total appropriation of $2.5 million, over a 3-year period, to enable the Secretary of Commerce to conduct the study of the metric system authorized last year by PL 90–472. S. 1287. P/S 5/14. H. Cal.

Office of Intergovernmental Relations: Authorized the appropriations of such sums as may be necessary for the expenses of the Office of Intergovernment Relations established by Executive Order February 14, 1969, to advise and assist the Vice President with respect to his intergovernmental relations responsibilities as the President's liaison with executive and legislative officials of State and local governments. S.J. Res. 117. P/S 9/29.

Surplus property for public museums: Makes public museums, such as public libraries, eligible to secure surplus property which is usable and necessary for purposes of education, public health, or for research for any such purpose. S. 2210. P/S 9/26.

HEALTH

Clean Air Act amendments: Granted a 1-year extension of the research authorization (sec. 104) of the Air Quality Act of 1967 at the current level of $90 million. S. 2276. In conference.

Medicaid: Provided for a 2-year suspension of the law requiring States to constantly expand the benefits of medicaid so that such services will be provided to all indigent residents. PL 91–56.

National Commission on Product Safety: Extended the life of the National Commission on Product Safety from November 20, 1969, to no later than June 30, 1970. PL 91–51.

Toy Safety Act: Amended the Federal Hazardous Substances Act so that the Secretary of Health, Education, and Welfare, in order to protect children from serious injury and illness, may ban from the marketplace toys and other articles intended for use by children which present electrical, mechanical, and thermal hazards. S. 1689. In conference.

Water pollution control: Authorized the Federal Government to clean up oil spills; required Federal licensees and permitees to comply with water quality standards as a precondition of the license or permit; subjects vessel sewage to new methods of control; provided for consideration of environmental policies and brings other environmental policies into all other Federal programs. HR 4148. In conference.

HOUSING

Housing programs: Extended for 3 months, until January 1, 1970, all Federal housing programs which would otherwise expire on October 1, 1969. PL 91–78.

Housing and urban development act of 1969: Authorized $6.2 billion over the next two years for Federal Housing Administration programs, urban renewal, model cities, rent supplement, and public housing; provided rent subsidies for tenants of public housing; extended Federal Housing Administration loan guarantees to mobile homes; and raised the ceiling on the amounts that could be spent per room for constructing public and federally assisted housing. S. 2864. P/S 9/23. H. Cal.

Paraplegic veterans: Extended the eligibility requirements governing the grant of assistance in acquiring specially adapted housing for paraplegic veterans to include loss or loss of use of a lower extremity and other service-connected neurological or orthopedic disability which impairs locomotion to the extent that a wheelchair is regularly required. PL 91–22.

IMMIGRATION

Western Hermisphere immigation: Facilitated the entry into the U.S. of executive officers and managerial personnel of Western Hemisphere businesses having branch offices, affiliates, or subsidiary corporations in the U.S. S. 2593. P/S 8/13.

INDIANS

American Indian rights: Clarified titles II and III of the Civil Rights Act of 1968 by providing that title II shall not be construed to affect any tribal property rights secured by law or treaty or to dilute the sovereignty of the tribal governments except to the extent of the prohibitions upon governmental action expressly set forth in title II, and by providing that the model code in title III will not become applicable to any tribe unless it is first adopted by the tribal council or other governing body of the tribe. S. 2173. P/S 7/11.

Cheyenne River Sioux Tribe: Provided that all right, title, and interest of the U.S. in 640 acres located at an old school site, together with all improvements, except fencing owned by an Indian permittee, shall be held in trust by the U.S. for the Cheyenne River Sioux Tribe. S. 921. P/S 8/13.

Flathead Reservation in Montana: Provided for the disposition of an award in the amount of $190,399.97 to the Confederate Salish and Kootenai Tribes of the Flathead Reservation in Montana. PL 91–75.

Fort Berthold Reservation: Declared that the United States shall hold certain lands in trust for the Three Affiliated Tribes of the Fort Berthold Reservation. S. 775. P/S 8/13. H. Cal.

Indian land: Compensates the Indians of California for the value of land erroneously used as an offset against a judgment. The offset was $83,275, plus interest at 4 percent from December 4, 1944. PL 91–64.

Indians of the Pueblo of Laguna: Declared that the United States will hold approximately 1,016.65 acres of excess federally owned land in trust for the Laguna Pueblo, New Mexico. S. 210. P/S 8/13.

Loans: Authorized the Secretary of Agriculture,, through the Farmers Home Administration, to make loans to any Indian tribe or tribal corporation for the purpose of acquiring lands within the tribe's reservation. S. 227. P/S 9/12.

Long term leases: Authorized longer term leases of Indian trust or restricted lands located outside the boundaries of Indian reservations in New Mexico. S. 1609. P/S 8/13.

Long-Term Leasing Act: Increased from 50 to 65 years the maximum term of leases of individual and tribal lands for public, religious, educational, recreation, residential, and business purposes. S. 204 P/S 8/13.

National Council on Indian Opportunity: Established an annual ceiling of $300,000 for the expenses of the National Council on Indian Opportunity. S. J. Res. 121. P/S 9/3.

Navajo Indian Reservation: Amended the Navajo-Hopi Rehabilitation Act of 1950, to increase the total amount authorized for roads and trails by $5 million in order to construct and improve a road on the Navajo Reservation. S. 404. P/S 8/13.

Rosebud Sioux Indian Reservation: Amended the 1963 act which authorized the sale or exchange or mortgaging of isolated tracts of tribal land on the reservation, to provide that any lands mortgaged shall be subject to foreclosure and sale pursuant to the terms of the mortgage and in accord with the laws of South Dakota. S. 73. P/S 8/13.

INTERNATIONAL

Foreign governments recognition: Expressed as the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology, or policy of that foreign government. S. Res. 205. Senate adopted 9/25/69.

International Conference: Authorized the Secretaries of State and Commerce, in consultation with other interested parties, to arrange to convene an international conference to negotiate a Patent Cooperation Treaty and authorized the appropriation of $175,000 for this purpose. S.J. Res. 90. P/S 6/18.

International Development Association: Authorized the United States to contribute $480 million to the World Bank's IDA over the next 3 years. PL 91–14.

International expositions: Provided for Federal Government recognition of and participation in international expositions to be held in the United States. S. 856 P/S 6/18.

National commitments: Defined national commitment as the use of Armed Forces on foreign territory, or a promise to assist a foreign government by use of Armed Forces of financial resources, and expressed as the sense of the Senate that a national commitment could result only from affirmative action taken by the executive and legislative branches by means of a treaty, statute or concurrent resolution of both Houses of Congress providing for such a commitment. S. Res. 85. Senate adopted June 25, 1969.

Peace Corps amendments: Authorized $95,450,000 for the Peace Corps for fiscal 1970. HR 11039. PL 91–

TREATIES

Agreement with Canada on Niagara River Diversions: Purpose of this agreement is to provide for the temporary diversion of water from the American Falls of the Niagara River for power production purposes pending a study of ways to prevent the continued erosion of the rock underneath. Ex. C (91–1). Resolution of ratification agreed to 5/13/69.

Broadcasting Agreements With Mexico: Two related but separate agreements concerning radio broadcasting in the standard broadcasting band and the operation of broadcasting stations in the standard band at presunrise and postsunrise. Ex. B (91–1). Resolution of ratification agreed to 6/19/69. (PR)

Convention on Offenses Committed on Board Aircraft: Established international rules providing for continuity of jurisdiction with respect to crimes and other offenses committed on board aircraft engaged in international aviation. Ex. L (90–2). Resolution of ratification agreed to 5/13/69.

Nonproliferation of Nuclear Weapons: Retards the further spread of nuclear weapons by prohibiting the nuclear weapon States party to the treaty from transferring nuclear weapons to others and by barring the non-nuclear-weapon countries from receiving, manufacturing, or otherwise acquiring nuclear weapons. Ex. H (90–2). Resolution of ratification agreed to 3/13/69.

JUDICIAL

Jurisdiction of U.S. Courts: Provided courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the U.S. S. 980. P/S 6/30.

National Commission on Reform of Federal Criminal Laws: Extended to 11/8/70 the time within which the Commission shall submit its final report and increased the authorization from $500,000 to $850,000 with authority for the Commission to carry over any funds not expended in 1970 into 1971. PL 91–39.

Omnibus judgeship bill: Created 70 new district judgeships of which 67 are permanent and 3 are temporary throughout the United States. S. 952. P/S 6/23.

Prince Georges County Court: Authorized the United States District Court for the District of Maryland to sit at a suitable site in Prince Georges County, as well as at Baltimore, Cumberland, and Denton, Maryland. S. 981. P/S 10/6.

LABOR

Construction workers: Promotes health and safety standards in the construction industry by authorizing the Secretary of Labor to set standards which contractors and subcontractors would be required to meet on Federal, federally financed, or federally assisted construction. PL 91–54.

Federal Coal Mine Health and Safety Act of 1969: Improved the health and safety conditions and practices at underground coal mines; provided protection in all other coal mines, including surface mines, not now covered by the Federal Coal Mine Safety Act as amended; established health standards; provided authority for the Interior Department to promulgate improved mandatory health and safety standards for all coal mines by regulation; authorized a 4-year $70 million Federal-State compensation program for victimes of pneumoconiosis or their widows; and authorized a $75 million research program to determine if pneumoconiosis can be cured or prevented. S. 2917. P/S 10/2.

Manpower Development and Training Act Amendment: Authorized $100,000 as the minimum amount which can be apportioned to the Trust Territory of the Pacific Islands for job training. PL 91–4.

MEMORIALS AND TRIBUTES

American Fisheries Society Centennial Medal: Provided for striking medals in com-

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memoration of the 100th anniversary of the founding of the American Fisheries Society on December 20, 1870. PL 91–13.

American motion picture: Designated 1969 as the Diamond Jubilee year of the American Motion Picture. H. Con. Res. 165. House adopted 4/2[illegible]; Senate adopted 5/5/69.

American Revolution Bicentennial Commission: Extended the reporting date of the Commission from July 4, 1969 to July 4, 1970, and extended the authorization for appropriations from fiscal year 1969 to fiscal year 1970. PL 91–[illegible]4.

Apollo 11: Commended the Apollo 11 astronauts on their successful lunar expedition. S. Res. 224. Agreed to 7/25/69.

Baseball centennial: Extended congratulations of Congress to organized baseball to commemorate its 100th anniversary in 1969. H. Con. Res. 300. House adopted 7/15; Senate adopted 7/1[illegible]/69.

Carl Hayden Project: Renamed the Central Arizona Project as the Carl Hayden Project. S.J. Res. 28. P/S 3/24.

Chouteau Lock and Dam, Oklahoma: Authorized that lock and dam numbered 17 on the Verdigris River, Oklahoma, be named for the Chouteau family. S. 1499. P/S 9/5.

Congressional Space Medals of Honor: Authorized the President to award, and present in the name of Congress, a medal of appropriate design, which shall be known as the Congressional Space Medal of Honor, to any astronaut who in the performance of his duties has distinguished himself by exceptionally meritorious efforts and contributions to the welfare of the Nation and of mankind. PL 91–76.

Dartmouth College: Expressed congratulations of Congress to Dartmouth College on the occasion of the 200th anniversary of its founding. H. Con. Res. 114. House adopted 4/29; Senate adopted 6/19/69.

Eisenhower Dam: Renamed Glen Canyon Dam as the Dwight D. Eisenhower Dam. S. 1613. P/S [illegible]/30.

Eisenhower Dollar: Authorized the minting of approximately 300 million 40 percent silver dollars bearing the likeness of the late President Dwight David Eisenhower. S.J. Res. 158. P/S 10/15; P/H amended 10/15.

Eisenhower National Historic Site: Authorized $1,[illegible]08,000 for the development of the Eisenhower National Historic Site at Gettysburg, Pa., designated as such in 1967. S.J. Res. 26. P/S 8/13. P/H amended 9/15.

Everett Bridge: Named the Tennessee-Missouri Bridge, now under construction across the Mississippi River linking the States of Tennessee and Missouri, in honor of the late Congressman Robert A. Everett from the 8th Congressional District of Tennessee. S. 769. P/S 2/4.

High Speed Photography: Expressed the sense of Congress that all interested Federal agencies should participate actively in the Ninth International Congress on High-Speed Photography to be held in Denver, Colorado, in August of 1970. S. Con. Res. 12. P/S 6/16.

Lyndon B. Johnson National Historic Site: Established the Lyndon B. Johnson National Historic Site to consist of two principal areas and authorized $180,000 for its development. S. 2000. P/S [illegible]/13.

St. Lawrence Seaway: Recognized the 10th anniversary of the opening of the St. Lawrence Seaway. C. Con. Res. 17. Senate adopted 6/19; passed House amended 6/24; Senate concurred 6/[illegible]6/69.

Taft Historic Site: Established the birthplace of William Howard Taft, the 27th President of the United States, as a National Historic Site located on Auburn Street in Cincinnati, Ohio, and authorized $318,000 for its restoration and development. HR. 7066. P/S amended 9/2[illegible].

U.S. Diplomatic Courier Service: Authorized the Secretary of the Treasury to strike bronze medals in commemoration of the fiftieth anniversary of the U.S. Diplomatic Courier Service. PL 91–48.

Winston Churchill Medal: Provided for striking a medal in honor of the dedication of the Winston Churchill Memorial and Library at Fulton, Missouri, in May, 1969. PL 91–12.

PRESIDENCY

Mail: Authorized free postage for Mrs. Mamie Doud Eisenhower, widow of former President Dwight David Eisenhower. PL 91–10.

Pay increase: Provided a $100,000 pay increase for the President of the United States. PL 91–1.

PROCLAMATIONS

Adult Education Week: Authorized the President to issue a proclamation designating the period September 1–7, 1969 as "Adult Education Week." S.J. Res. 45. P/S 5/5.

Day of Bread and Harvest Festival: Authorized the President to issue a proclamation designating October 28, 1969 as a "Day of Bread" as a part of international observançes, and that the last week of October within which it falls be designated as a period of "Harvest Festival." H.J. Res. 851. PL 91–

Helen Keller Memorial Week: Authorized the President to issue a proclamation designating the first week in June of 1969 as "Helen Keller Memorial Week" PL 91–17

National Adult-Youth Communications Week: Authorized the President of the United States to issue a proclamation designating the week of September 28 through October 4, 1969, as "National Adult-Youth Communication Week." PL 91–72

National Archery Week: Authorized the President to issue a proclamation designating the 7-day period beginning August 26, 1969, and ending September 1, 1969, as "National Archery Week." PL 91–55

National Family Health Week: Authorized the President to issue a proclamation designating the period November 16–22, 1969, as "National Family Health Week." S.J. Res. 46. PL 91–

National Industrial Hygiene Week: Designated the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week." S.J. Res. 150. PL 91–

Professional Photography Week: Authorized the President to issue a proclamation designating the period June 8–14, 1969, as "Professional Photography Week in America." PL 91–23.

Von Steuben Memorial Day: Authorized the President to issue a proclamation designating September 17, 1969 as "General von Steuben Memorial Day" to commemorate his birth and services to the United States. PL 91–70.

REORGANIZATION

Authority extension: Extended to April 1, 1971, the authority of the President to submit reorganization plans to the Congress proposing reorganizations in the executive branch of the Government. PL 91–5.

HEW—Appointments and confirmations: Required that future appointments in the following positions in HEW be made by the President and confirmed by the Senate: Administrator of the Social and Rehabilitation Service; Commissioner of Rehabilitation Services Administration; Commissioner of Medical Services Administration; and Commissioner of Assistance Payments Administration. S. 1022. P/S 3/4.

Plan No. 1: Reorganization of Interstate Commerce Commission to permit the President to designate the Chairman and to vest administrative authority in the Chairman. Effective October 11, 1969.

RESOURCE BUILDUP

Apostle Islands: Authorized the establishment of the Apostle Islands National Lakeshore in Wisconsin and authorized $6,660,000 for land acquisition and $8,257,700 for development of the project. S. 621. P/S 6/26.

Buffalo National River: Authorized the Secretary of Interior to establish the Buffalo National River on not more than 95,730 acres in the Ozark Mountains of northwest Arkansas. S. 855. P/S 9/3.

El Dorado National Forest: Designated 63,469 acres in the El Dorado National Forest in California as a Wilderness preservation area. PL 91–82.

Environmental quality: Established an independent, high-level three-member Board of Environmental Quality Advisers in the Executive Office of the President to provide a continuing study and analysis of environmental trends and the factors which affect these trends, and to relate each area of study and analysis of the social, economic, health, and conservation goals of the Nation. S. 1075. In conference.

Everglades National Park, Fla.: Authorized $800,000 to acquire a 6,640-acre inholding in the Everglades National Park under option to the National Park Service and due to expire November 16, 1969. S. 2564. PL 91–

Feasibility studies: Authorized the Secretary of Interior to undertake feasibility investigations of eight water resource development projects which may subsequently be presented for authorization by the Congress as elements of the Federal Reclamation Program. PL 91–81.

Florissant fossil beds: Established the Florissant Fossil Beds as a National Monument in the State of Colorado. PL 91–60.

Golden Eagle program: Restored the golden eagle program to the Land and Water Conservation Fund Act, and guaranteed free access to and use of Federal lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers. S. 2315. P/S 9/24.

Interstate oil compact: Granted the consent of Congress to a 2-year extension (to September 1, 1971) of the Interstate Compact to Conserve Oil and Gas. S.J. Res. 54. P/S 10/13.

Kennewick—Yakima project: Authorized $6,735,000 to construct an extension to the existing Kennewick division of the Yakima reclamation project in southeastern Washington to irrigate an additional 6,300 acres. PL 91–66.

Kortes unit of the Missouri River Basin: Authorized the Secretary of Interior to modify the operation of the Kortes unit of the Missouri Rivr Basin project, Wyoming for fishery conservation. S. 40. P/S 8/13.

Lincoln Back Country, Montana: Authorized the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana. S. 412. P/S 5/29.

Monomoy Wilderness: Designated the 2,600-acre Monomoy Island, located in the Monomoy National Wildlife Refuge in Barnstable County, Mass., as part of the National Wilderness Preservation System. S. 1652. P/S 5/23.

National Council: Extended to June 30, 1970 the National Council on Marine Resources and Engineering Development and reduced the annual authorized appropriation from $1.5 million to $1.2 million. PL 91–15.

National minerals policy: Established a national mining and minerals policy to foster and encourage the development of the domestic mining and minerals industry, the development of domestic mineral resources to meet industrial and security needs, and mining, mineral, and metallurgical research. S. 719. P/S 9/5.

Navajo Indian irrigation project: Increased the amount of appropriations authorized for project construction from $135 million to $175 million and included 8 additional townships in the area from which the project lands may be obtained. S. 203. P/S 8/12.

Oil and gas leases: Conferred discretionary authority on the Secretary of Interior to prevent, administratively, termination of certain oil and gas leases on Federal lands and reinstated terminated leases under certain limitations and conditions. S. 1193. P/S 6/2.

Padre Island: Authorized $4,129,829, plus interest, to satisfy a judgment against the United States in a condemnation action in the U.S. District Court for the Southern District of Texas, for the acquisition of lands and interests in land for the Padre Island National Seashore. PL 91–42.

Parks and recreation: Authorized the sale of surplus Federal properties at less than the full 50 percent of fair market value to make surplus Federal property suitable for park and recreational uses more readily available to State and local governments. Required the Congress have 60 days to disapprove such sale. S. 1708. P/S 6/26.

Pelican Island Wilderness: Designated approximately 403 acres of the Pelican Island National Wildlife Refuge in Florida as part of the National Wilderness Preservation System. S. 126. P/S 5/23.

Saline water conversion program: Authorized $26 million for fiscal 1970. Of this amount $17,223,000 is for research and development operating expenses; $5,355,000 is for design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities; $1,450,000 is for design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules; and $1,972,000 is for administration and coordination. PL 91–43.

Sawtooth National Recreation Area: Established the Sawtooth National Recreation area, in Idaho, to preserve and protect the scenic, historic, pastoral, fish and wildlife and other recreational values of the Sawtooth Mountains and adjacent valley lands. S. 853. P/S 7/2.

Tocks Island Dam: Amends existing law providing for the development of the Tocks Island Dam and Reservoir, Delaware River Basin, to permit the head and water releases of the project to be utilized as part of a comprehensive pumped-storage hydroelectric power project by certain New Jersey electric companies. S. 2678. P/S 7/30.

Touchet—Walla Walla Projects: Authorized $22,774,000 for the construction and operation of the Touchet division of the Walla Walla reclamation project in southeastern Washington which will supply irrigation water to approximately 9,960 acres of land. S. 743. P/S 3/24.

Upper Niobrara River compact: Granted congressional consent to the upper Niobrara River compact between the States of Wyoming and Nebraska. PL 91–52.

Ventana Wilderness: Designated approximately 98,000 acres in the Los Padres National Forest in California as the Ventana Wilderness. PL 91–58.

Wilderness areas in Michigan, Wisconsin, and Maine: Designated as units of the National Wilderness Preservation System the Seney, Huron Islands, and Michigan Islands Wilderness in the State of Michigan, the Wisconsin Islands Wilderness in the State of Wisconsin, and the Edmundna Wilderness and Birch Islands Wilderness in the State of Maine. All of the lands included are presently within the National Wildlife Refuge System. S. 826. P/S 5/26.

Youth Conservation Corps: Established a pilot Youth Conservation Corps program for young men and women, 14–18 years of age, who would participate in summer work and educational projects in our national parks, forests, recreation areas, wildlife refuges and other public lands administered by the Departments of Interior and Agriculture for periods up to 90 days. S. 1076. P/S 6/26.

SPACE

NASA authorization: Authorized appropriations totaling $3,715,527,000 to the National Aeronautics and Space Administration for fiscal 1970. Of this total $58,200,000 is for construction of facilities, $3,019,927,000 for research and development, and $637,400,000 for research and program management; and required disclosure of certain information by former employees, G–15 and above, of NASA who are employed by aerospace contractors doing $10 million or more annual business with NASA. HR 11271. In conference.

TAXES

Interest equalization: Extended the interest equalization tax to September 30, 1969. PL 91–65.

Interest equalization extension—gun registration: Extended the interest equalization tax until March 31, 1971; modified the President's discretionary authority to vary the tax rates so he may prescribe a lower rate of tax for new issues than the rate applicable to outstanding issues; and modified the Gun Control Act of 1968 to repeal the registration requirements related to persons purchasing shotguns and rifles, or component parts of these types of ammunition. HR 12829. In conference.

Surtax: Extended the 10 percent surtax through December 31, 1969. PL 91–53.

Unemployment tax: Accelerated the collection of Federal unemployment taxes by requiring they be paid quarterly rather than annually; phased in the transition from an annual to quarterly basis over a 3-year period; and exempted an employer from the quarterly requirement if his cumulative tax liability is $100 or less. PL 91–53.

TRANSPORTATION

Acquisition of air carriers: Provides that no person shall acquire control of an air carrier without first obtaining the approval of the Civil Aeronautics Board unless such acquisition has been exempted by the Board from that requirement consistent with the public interest. PL 91–62.

Maritime authorization: Authorized a total appropriation of $384,608,000 for the Maritime Administration for fiscal 1970. PL 91–85.

Vessel construction differential subsidy: Authorized a 1-year extension (June 30, 1970) of the present 55 percent ceiling on construction-differential subsidy payments and 60 percent on reconstruction or reconditioning of passenger ships. PL 91–40.

VETERANS

Dependency and indemnity compensation increases: Provided an overall increase of 13 percent in the dependency and indemnity compensation program for the widows and orphans of servicemen and veterans whose death was service-related. S. 1471. P/S 9/18. P/H amended 10/6.

Twenty-year disability: Preserved disability evaluation in effect for 20 years for veterans with service-connected disabilities who have suffered certain anatomical losses or who are totally disabled with severe disabilities. PL 91–32.

VA Center at Fort Harrison: Ceded to the State of Montana concurrent jurisdiction with the U.S. over the real property comprising the Veterans' Administration Center, Fort Harrison, Montana, effective upon acceptance by that State. PL 91–45.

Vietnam era veterans' life insurance: Provided a special Government life insurance of $10,000 for veterans of the Vietnam era. S. 2003. P/S 9/18.

WELFARE

Dependent children—repatriated Americans: Repealed the limitation on Federal participation in Aid to Families with Dependent Children scheduled under present law to become effective July 1, 1969; and extended through June 30, 1971 the authority to provide temporary assistance for the reception and care of repatriated Americans. PL 91–41.

Older Americans Act amendments: Extended the grant and contract programs of the 1965 Older Americans Act beyond their June 30, 1969 expiration date and authorized increases for those programs; and authorized a National Older Americans Volunteer Program to provide service opportunities for older Americans. PL 91–69.

Mr. SCOTT. Mr. President, I congratulate the distinguished majority leader for his temperate and cooperative summation on proposed legislation before Congress.

As the President has rightly said, the American people are not going to be so much concerned about charges by the administration on what Congress has not done, or charges by Congress, or the congressional majority, on what the administration has not done, but that the American people will be very much interested in if we make this a competition between the parties, and between Congress and the administration, on how much constructive legislation we can get done. Then we can go back to the people in the normal electoral processes and there compete as to how credit may be fairly allocated among us.

I think that the majority leader's summary is quite fair. I have some small addenda which are in no sense critical, as his report is not critical, as to proposals on draft reform which come from both sides of the aisle, including some interesting proposals in the last Congress and in this Congress by the distinguished senior Senator from Oregon (Mr. HATFIELD), by the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER), some from me, and some from a number of other Senators.

On the matter of electoral reform, since it does not require a report from the executive branch, and since the President is not required to sign the joint resolution for a constitutional amendment or the amendment itself, I would hope that the Committee on the Judiciary, on which I sit, would act expeditiously. The subcommittee has reported and the President has indicated that electoral college reform is more important to him than the specific method used. I share that opinion.

I would say, with regard to the statement, that there had been no full response on the preventive detention bill, but this is a bill to cure a situation such as in Washington where a 17-year-old committed 15 crimes before he committed murder and was discharged every time, usually with some social science language, that he was mother repressed, or mother dominated, and so was left free to kill. Others have committed while out on bail—I do not think this happened in that case—but in other cases while out on bail, often on their own recognizance, a number of other crimes of violence, and that is what we seek to correct.

I would be surprised if there is not adequate response from the bureaus, because the President himself has pointed out in every executive request submitted to Congress in his messages, that the report is there, because the message itself is a report to the Congress saying that the President would not ask for this if he had not already satisfied himself that the Bureau of the Budget, Treasury, Justice, or any other involved agency had agreed.

As a matter of fact, they have to agree, Mr. President, if the President sends up a message, if they wish to continue their tenure in this lovely city of ours. So each message is a report.

But I am also told that adequate re-

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ports are received whenever requested on major propositions.

On the crime bills, in every case the President sent up his message, outlined it, and therefore the reports are here. The desire of the President is clear. The desire of the administration is clear.

There is, I am happy to report, in the year 1969 a decrease in the rate of the rise of crime, but not a decrease in crimes; and we need legislation on obscenity, pornography, reform of the court system, and so forth.

On one other matter, I agree that the dreadful burdens of the Vietnam war are preventing our turning our attention to what we need to do about problems of hunger, ghettos, housing, education, and all those areas where the American people are anxious to see us do our part to improve the conditions of mankind within these United States.

I do have to point out, however, that while the percentge is not precise, I would estimate that about seven-eights of the burden of Vietnam was inherited by this administration—which makes it no less a burden, but it was not a burden that was put on the American people within the last 8 months. It is a burden which ought to be lessened. It is a burden which ought to be terminated, and at the soonest.

Not to belabor the whole matter too much longer, I would like to end this by again saying that the distinguished majority leader has performed a service in pointing out, as the President has done, that the real competition is not in what you do not do; it lies in what you do.

Therefore, our competition must always continue to be on the basis of how we get the legislation out, is it good legislation, is it constructive, will it work, can it be done within the parameters of the budget?

I like that word "parameter," Mr. President. I do not think I have ever used it before, but I will again. I like a new word every day. But within the parameters of the budget—let me say with pride of semantic acquisition—I think we can legislate in the public interest and in the national interest.

Again I congratulate the distinguished majority leader for having brought to our attention the fact that the Congress is moving. I may take a little pride, perhaps a little credit, in the fact that honest criticism interposed on a timely occasion may have spurred both downtown and uptown into greater speed. We are still operating well within the speed limits, but I do believe that we are now moving.

Again I thank the distinguished majority leader.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MAGNUSON. This is not necessarily directed to the Senator from Pennsylvania, but to the subject matter that has been discussed here. It seems to me a Congress should be judged by what finally ends up in a statute book at the end of a session, not necessarily by the timing; but often we are judged because the preliminary work leading to the passage of legislation looks like a dragging.

I am glad the Senator from Pennsylvania made the distinction about not being competitive.

A good example of some of our problems is that, as he knows, in our committee we have two major national problems on which we want to work with the administration. One has to do with the condition of our airports and airways and the growing needs there.

We had to wait a long time before the Department of Transportation came up with the administration's proposals. We finally had to call a hearing, and the administration then came up with a proposal.

I give this only as an example. When there is a new administration, this happens.

Another example is that we have to get at our merchant marine problems. The administration told us it wanted to send up its merchant marine proposals. So we set a hearing for Tuesday. Now we find they will not be ready until next Tuesday.

That adds to our problems, because they are trying to work out some of the problems and adjust some of them. I think that fact has contributed a great deal to the timing problem, including the 6 weeks we spent on the ABM matter. When we add all of them up, we have 2 or 3 months when it looked like Congress was not doing anything; but it was holding hearings.

It must be remembered that there are two budgets when there is a change in administrations. Of necessity, the Appropriations Committee must wait until the next one is presented, because they will vary. This takes 2 or 3 weeks after a President is inaugurated. I am talking about the time element.

Mr. SCOTT. I can tell the Senator about another mutual problem, and that is mass transportation, in which we are both interested. The Secretary of Transportation has one theory about how it should be financed. Some Members of the Congress have another theory. In working out the proper and final way to fund an enormous and a much needed project of this kind, it of necessity takes time. So the administration comes up with one way of doing it; Congress comes up with another; we have to decide which way is better before we take up the final legislation.

Mr. MANSFIELD. Mr. President, I have only a few remarks to make. First, I want to thank the distinguished minority leader for his temperateness in what he had to say.

Second, I want to say that he is correct when he states in effect that President Nixon was not responsible for the war in Vietnam, but that it became a part of his inheritance when he became President of the United States on January 20 of this year.

Third, I have always said, and will continue to say, that I do not intend to oppose just for the sake of opposition. When I oppose, I would hope I have something constructive to offer. I just do not believe in creating a Donnybrook merely for the purpose of getting a newspaper headline or creating a lot of speculation in the press and in public print.

Fourth, and lastly I ask unanimous consent that the message—a good one—sent by the President of the United States to the Congress last weekend be incorporated in the RECORD at this point.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

In the nine months since inauguration, a number of issues have arisen clearly calling for the Congress and the Administration to work together.

One such issue was the extension of the surtax, where our economic security was involved. Another was authority to build the Safeguard ballistic missile defense, where the national safety was the issue. On both occasions, when the time came to be counted. Congress subordinated partisan concerns and voted the country's interest.

The continuance of this working partnership between a Congress heavily Democratic and a Republican Administration, on occasions where great issues are involved, is imperative for the good of our country. I hope this partnership will survive the "spirit of party" that grows more evident weekly in the national capital. Yet, in recent days, the call to partisan combat has grown more compelling.

I am aware that members of the Administration have criticized the Democratic-controlled Congress for "dragging its feet" in the enactment of legislation, for holding hearings thus far on only half the Administration proposals before it, for having enacted but a single appropriations bill for fiscal 1970, a full quarter of the way through the fiscal year. From Capitol Hill there have come similar charges—that the Administration has been laggard in proposing legislation, that the Executive Departments have been slow in giving the Congress the reports it has requested, that some of the most far-reaching Administration proposals have only lately been sent to the Congress, and so, cannot be acted upon by the end of the year.

If a working partnership between men of differing philosophies and different parties is to continue, then candor on both sides is required. There may be merit in both charges; neither the Democratic Congress nor the Republican Administration is without fault for the delay of vital legislation.

But, in my view the American people are not interested in political posturing between the Executive Branch and Capitol Hill. We are co-equal branches of government, elected not to maneuver for partisan advantage, but to work together to find hopeful answers to problems that confound the people all of us serve.

Both the President and Congress have been commissioned by the same American people, for a limited time, to achieve objectives upon which the great majority agree. For our part, we are willing to travel more than half-way to work with Congress to accomplish what needs to be done. The time for staking out political claims will come soon enough.

Let us resolve, therefore, to make the legislative issue of the 1970 campaign the question of who deserves greater credit for the 91st Congress' record of accomplishment, not which of us should be held accountable because it did nothing. The country is not interested in what we say, but in what we do—let us roll up our sleeves and go to work. Before us are urgent legislative priorities.

The legislative program of this Administration differs fundamentally from that of previous administrations. We do not seek more and more of the same. We were not elected to pile new resources and manpower on the top of old programs. We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century. Some months ago, a Washington columnist wrote in some pessimism that if ours is not to be an age of revolution then it must become an age of reform. That is the watchword of this administration: *REFORM.*

REFORM OF THE DRAFT. I have asked Congress to make the most extensive changes in the way we select young men for military service since the draft became an accepted feature of American life. We have the administrative power—and we will exercise it if Congress fails to act—to make far-reaching reforms in the selective service system, reducing the period of prime vulnerability for young Americans from seven years to 12 months. However, we need Congressional approval to shift from the inequitable requirement of choosing the "oldest first" to the more just method of random selection. I asked Congress five months ago for this power; I ask again today. Basic fairness to our young people is the prime reason for this recommendation. I see no reason why this vital piece of legislation cannot be enacted *now.*

REFORM OF THE WELFARE SYSTEM. Last summer I asked Congress to make the most sweeping changes in the American system of welfare since the beginning of the New Deal. Last week legislation went to Congress outlining the proposal I have made for a new family assistance system to replace the demeaning and bankrupt system that now exists.

Under the present system, sometimes a father must desert his wife and children to make them eligible for benefits. Under the present system, some mothers with three children must survive with only $39 a month for the entire family to live on.

The family assistance system is built on a different set of principles. It provides incentives for families to stay together. It provides economic rewards for men and women on welfare who enter training programs and search out jobs. It provides a floor under income that assures the minimum necessary for food and clothing and shelter.

The present system has led this country into a morass. It has laid a heavier and heavier burden on the American taxpayer. It has loaded the relief rolls with more and more families even in times of rising prosperity and low unemployment. I ask that Congress begin hearings on the new family assistance system at once. The welfare system should be abandoned as quickly as we can discard it and a new system established in its place.

REFORM OF THE TAX CODE. In April I recommended to Congress the most comprehensive set of tax reforms in many years. Subsequently the House of Representatives responded with an even more far-reaching proposal of its own. The national momentum behind tax reform—to make the code more fair and equitable, to shift part of the burden from those who have borne too much for too long to the shoulders of others who have not carried their fair share—must not be allowed to dribble away while a partisan wrangle goes on over who deserves the political credit. We will give Congress as much assistance and as many hours of labor as it requires to enact extensive and responsible reform in this calendar year.

I do ask, however, that Congress, in acting on this major reform, not compromise this administration's effort to combat the most unjust tax of all, inflation. Specifically, I ask that Congress not convert this historic tax reform legislation into a sharp tax reduction that would unbalance the Federal budget and neutralize our campaign to halt the rising cost of living. I ask again that Congress repeal the seven percent investment tax credit, and extend for another six months the income tax surcharge at one-half the present rate. To fail to take these steps would be an abdication by Congress of its vital role in controlling inflation.

REVENUE REFORM. For the first time in the history of this government, we have recommended a national policy of permanent sharing of the Federal income tax revenues with the States and lesser political units in the country. For years, political students and leaders have contended that governments at the State, county and local levels have lost their creativity and lost the capacity to respond because they lack access to the great source of growing revenues available to the Federal government. I have recommended that Congress set aside a rising portion of Federal revenues each year and transmit them directly back to the States and communities to spend as they see fit and not as Washington sees fit. This concept has been debated by both parties and recommended by their majorities for years. The time has come to move it off the plain of discussion to make it a reality. I urge the Congress to move.

POSTAL REFORM. For more than a decade the American people have complained increasingly of the rising cost of postal service accompanied step by step with declining service. Today the United States postal system is inferior to that of many countries of Western Europe; it is grossly inadequate to the needs of our society. The nation has known this for years. I have acted in that knowledge—recommending that the existing postal system be scrapped, that a government-owned corporation replace the United States Post Office, that business principles replace partisanship in its management, and that merit and performance—rather than political affiliation—be the new criteria for appointment and advancement. Three years ago this month the Chicago postal system, a microcosm of the national system, collapsed under a flood of mail. The rapid delivery of mail is not a partisan issue. Distinguished leaders, of both parties, have endorsed the precise reform I have recommended. There is no reason why the Congress cannot enact the most complete reform of the United States Post Office in the nation's history—by the close of this session.

I am aware of the setback which postal reform sustained in a House Committee on October 8. That action must be reversed. I shall persist in behalf of both the taxpayers and the mail users in this country to press for this urgently needed reform. I still believe enactment should come by the end of this session of the Ninety-First Congress.

Here I must again urge responsible congressional action, and promptly, on the proposed increase in postal rates for all three classes of mail. When this Administration entered office in January, it confronted a deficit in the postal budget for fiscal year 1970 of more than $1.2 billion. We are already three months into that fiscal year—and this deficit is being underwritten by the taxpayers, rather than the users of the postal service, who should rightly bear the cost. I recognize that such a measure is hardly a political delight. Yet it is required in the interest of equity and fiscal integrity. I request the Congress to face up to this task.

MANPOWER REFORM. The history of the 1960s chronicles an intense political debate that has resulted in the old centralism of the thirties losing converts to the new federalism of the seventies. More and more progressive men in both parties have become convinced from the failures of programs run from Washington that important areas of government decision-making must be returned to the regions and locales where the problems exist.

I have attempted to take that conclusion out of the forum of debate and into the arena of action—Congress. I have recommended that management of a Federal program—the multi-billion dollar manpower training program—be consolidated, and turned over in a three-stage operation to the States and communities to run in a way that fits the needs of the immediate areas involved. No reform of this magnitude has been attempted since centralism became the dominant national trend at the depths of the depression. This recommendation represents the beginning of a revitalized federalism, the gradual transfer of greater power and responsibility for the making of government decisions to governments closest to the people. I urge swift Congressional action.

SOCIAL SECURITY REFORM. I have requested an across-the-board increase of ten percent in Social Security benefits to compensate elderly Americans for the losses they are suffering because of an inflation they could do nothing either to prevent or avoid. In addition, I have proposed a new reform, an escalator in Social Security to insure that benefits will rise correspondingly whenever the cost of living goes up. When this reform is enacted never again will those Americans least able to afford it be made to bear the brunt of inflation. These necessary steps can and should be taken by Congress before the end of this year.

One word of caution. I know the political temptations here. Why not balloon the benefits now, far above 10 percent, for political rewards in 1970? I remind the Congress that it is long since time that we stopped the political over-reactions which fuel the inflation that robs the poor, the elderly, and those on fixed incomes. I urge Congress to hold to this ten percent figure—and let the new escalator protect older Americans against the possibility of future inflation.

A second reform I have proposed is to alter the system of social security to encourage and reward the workers who want to go on working past age 65—rather than discourage them. I ask Congress to enact this measure without delay.

REFORM OF THE GRANT-IN-AID SYSTEM. Among the first major pieces of legislation I asked of Congress was authority to make uniform the requirements for participation in many grant-in-aid programs that have proliferated in the last five years. If we are granted the power to draw these programs together, to group them by function—setting far more simple regulations—then States and communities will participate more and Congress' original purposes will be better served. We need that authority *now.* I know of no reason for delay.

ELECTORAL REFORM. While I originally favored other methods of reforming the electoral college system, I have strongly endorsed the direct popular election plan approved by the House. I hope the Senate will concur so that final favorable action can be completed before the end of this session. This must be done if we are to have this needed reform amended to the Constitution in time for the presidential election of 1972.

D.C. GOVERNMENT REFORM. For years there has been broad support for granting the people of Washington, D.C. the same right to Congressional representation other Americans have always prized, and the right to conduct their public business themselves. The Federal city has been a federal colony far too long. Months ago I presented to Congress a program to bring about the orderly transfer of political power to the people of this community. I recommended a constitutional amendment giving the District of Columbia at least one representative in the House and such additional representatives as Congress may approve, and providing for the possibility of two United States Senators. I urged Congress further to grant the city one non-voting Congressional representative in the interim, and recommended creation of a commission to prepare and present to Congress and the President a program to improve the efficiency and competence of the District Government—looking to the day of complete self-government. Favorable action has been taken by the Senate. I ask that this work be completed before the end of the year.

OEO REFORM. I have provided the Office of Economic Opportunity with a new director, a new structure, and added responsibilities

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as the research and development arm of the nation's effort to deal with the problems of the poor. OEO is now strengthening its present operating programs, including the Community Action Agencies, VISTA, Legal Services, Neighborhood Health Centers, Family Planning, Emergency Food, Rural, Older Persons, Indian and Migrant Programs. In addition, there is new emphasis on research, the evaluation of existing Federal social programs, and developing and testing new approaches in community and economic development, manpower and education, to assist the poor to move into the economic life of the nation. I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life. Here again, there is no need or justification for further delay.

In recent years the Federal Government has suffered a precipitous decline in public confidence. The reason can be found in the chronic gap that exists between the publicity and promise attendant to the launching of a new Federal program—and that program's eventual performance. If confidence in government is to be restored, the gap must be closed.

This is the purpose of the foregoing proposals and great goal of this Administration—not to establish some new arithmetical record for the number of programs proposed, but to do more than other Administrations have done—to devise new approaches, to make the worthy old programs work, and to make old institutions responsive. It is for this that we prize the mechanics and engineers of government who retool and improve its machinery as much as we do the planners and the idea men who develop new programs and new agencies. There is little publicity and less glamor in the labor of the mechanics and engineers of government but, with billions in tax dollars invested in scores and scores of ongoing Federal programs, the need is certainly greater. Let us together make government's performance and responsiveness more commensurate with its size.

REFORM OF FOREIGN AID. Our foreign aid program, sent to Congress in May, differs from earlier programs in three significant ways. First, it would place greater emphasis on technical assistance, especially in the areas of agriculture, education, and family planning, where the return would be greatest when measured in terms of national and human development. Second, the new program would create an Overseas Private Investment Corporation to provide a greater thrust for the channeling of private investment to the low-income countries. Third, it would increase the share of our assistance contributed through multilateral institutions.

I know of the economic miracles which foreign aid has helped create in Western Europe and in parts of Asia. I know also that our program is far from perfect. With this in mind, I have recently appointed a Presidential Task Force on International Development, charged with proposing new approaches to aid for the 1970s.

One fundamental question must be faced as Congress prepares to vote on this issue: will we in the United States live out our lives in comparative affluence, while denying reasonable help to those who are our neighbors in the world community and who are struggling to help themselves achieve a better life? To enable us to answer this question positively, I have requested $2.7 billion—the smallest request in the history of the U.S. aid program but an amount vitally needed to maintain our relationship with the developing world.

In addition to the reforms already cited, I have made other recommendations that call for new commitments by the Federal government, and offer more hopeful avenues of progress than the paths of the past.

Specifically, I have asked Congress to:

—establish a national computer Job Bank, which would enable the unemployed and the employer to come together through a computer matching system. The bank would have "branches" in every major labor market in the country. No longer would men have to go without work solely because they did not know where to find jobs.

—commit this country to the most extensive improvement of the Nation's air facilities in history. Under this program, the annual Federal appropriation for improving air facilities will rise from $93 million a year—the average of the last decade—to $250 million annually over the next decade. I have proposed further aid for airport development of $2.5 billion in Federal funds in the next ten years to be matched dollar-for-dollar by the States and local governments. This will mean an added $5 billion in funds for airport development. It will mean a running start on the national effort to build for the doubling of airline traffic expected by 1975 and its tripling by 1980.

—commit this country to the redevelopment of the nation's deteriorating public transportation system by providing an unprecedented measure of Federal support. In the six-year period ending with fiscal 1970, some $800 million will have been authorized by Congress to aid the nation's deteriorating public transit industry. I have proposed raising that commitment to $3.1 billion over the next five years and to a total of $10 billion over the next twelve.

—enact the most extensive improvements in the Federal-State unemployment system in a decade, with coverage extended to an additional 4.8 million workers, mostly low-income, with an automatic extension of benefits to workers during times of high unemployment.

—enact the strongest mine health and safety bill in history, one which empowers the Secretary of the Interior to upgrade the health and safety standards for coal mines as the technology develops.

—establish a national occupational health and safety board, with power to set standards to protect workers.

—empowers the Equal Employment Opportunity Commission to bring suit in a Federal District Court to enforce federal laws against discrimination.

—ban literacy tests as a prerequisite for voting throughout the United States.

NEW INITIATIVES

THE HUNGRY. For many years in this richest of societies, we have heard rumors of malnourished children and hungry men and women. Now we know these rumors are true. This realization has prompted us to a commitment—that we eliminate every vestige of hunger and malnutrition from America. I have asked Congress to help us assure that every American family can have a nutritionally complete diet; I have asked that the poorest members of our national community be provided with food stamps free of cost.

The Senate has shown a willingness to join in this commitment and has acted with dispatch. I urge the House to move so as not to prolong any further the day when the ancient curse of malnutrition and hunger is eliminated in this most modern of nations.

POPULATION. There is a widely-recognized correlation between population growth and poverty in the under-developed nations of the world. I have asked Congress to support our endorsement of those individuals and organizations seeking voluntary answers to this global question in other lands.

To approach this question as it applies at home, I have called on Congress to create a national commission to undertake now a study of how the nation is to provide for the 100 million new Americans expected before the turn of the century.

Beyond this, I have asked that a new philosophy become American government policy. We will interfere with no American's freedom of choice; we will infringe upon no one's religious convictions; but we shall not deny to any American woman the family planning assistance she may desire but cannot afford. That is the goal I ask Congress to support.

THE CONTROL OF CRIME

There is no greater need in this free society than the restoration of the individual American's freedom from violence in his home and on the streets of his city or town. Control and reduction of crime are among the first and constant concerns of this Administration. But we can do little more unless and until Congress provides more tools to do the job. No crisis is more urgent in our society. No subject has been the matter of more legislative requests from this Administration. Yet, not a single one of our major recommendations on crime has been acted upon favorably. I have not even received yet the budget appropriation for the Department of Justice for this fiscal year which is three months old. In light of the rising crime statistics in the country—and in the nation's capital—I again call upon Congress to become a full-fledged ally in this national campaign.

ORGANIZED CRIME. To intensify the national effort against organized crime, I have asked for an arsenal of new legal weapons:

—a doubling of existing resources for the organized crime effort;

—authority for Justice Department agents to enter any community and shut down large-scale gambling operations;

—a modern general witness immunity statute under which witnesses in Federal criminal cases could be compelled to testify under threat of a prison sentence for contempt;

—finally, because organized crime would shrivel up without its enormous gambling resources, and because illegal gambling on a large scale cannot go on without cooperation of corrupt law enforcements, I have asked Congress to make corruption of local authorities who are tied in with such gambling operations a Federal crime. I must stress the great urgency of these measures. Let the Congress act—*now*.

D.C. CRIME. To deal with the increase in crime in the District of Columbia I have asked for an expansion and strengthening of the entire system of law enforcement and criminal justice, including a fundamental reorganization of the courts. I have stressed the urgent need for more police, more judges, more prosecutors, more courtroom space, a new public defender's office, better penal and rehabilitation facilities and reform in the procedures for dealing with juvenile offenders. Crime in the District of Columbia continues to rise to new records with each month. We cannot contain or control it with existing resources; we need more men and money; we need a speedier trial system and, as important as any other measure, the power to keep hard-core criminal repeaters in the District of Columbia off the streets, so they are not committing five and six crimes before they are ever brought to trial. The Congress should act—*now*.

NARCOTICS. In the Federal effort against the illicit narcotics trade, I have submitted a major revision of all Federal narcotics laws and requested more men and money to deal with a problem that long ago outstripped the capacity of government at every level. Existing manpower and resources are stretched to their elastic limits—they are demonstrably inadequate. We have to have the cooperation of Congress to attack this terrible problem. Let's get at it—*now*.

PORNOGRAPHY. To prevent the use of the nation's postal system for the mailing of unsolicited sex-oriented materials to

families that do not want the material and to children to whom it might do psychological harm. I offered three legislative proposals that will protect American citizens from the barrages of the filth peddlers, and will also be consistent with the decisions of the U.S. Supreme Court interpreting the First Amendment. These bills are still in Congress. I ask that they be promptly enacted.

These are among my major legislative proposals in these first nine months in office. I believe they speak directly to the needs of a nation in distress. I can see no legitimate reason why—with good will and cooperation between us—we cannot make the great majority of these urgently needed programs law before the end of the year. We should have all of them—as well as the others now pending—on the statute books well before the Ninety-First Congress enters the history books.

To that end, I again pledge the cooperation of this Administration.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1969.*

The PRESIDING OFFICER. Is there further morning business?

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED RAILROAD SAFETY AND RESEARCH ACT OF 1969

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of Transportation to prescribe rules, regulations and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research (with accompanying papers); to the Committee on Commerce.

PROPOSED HEALTH COST EFFECTIVENESS AMENDMENTS OF 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to provide for a number of cost controls under the medicare, medicaid, and maternal and child health programs (with accompanying papers); to the Committee on Finance.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the cost reduction and management improvement program in selected departments and agencies, dated October 15, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT OF CLAIMS SETTLED BY THE GENERAL SERVICES ADMINISTRATION

A letter from the Assistant Administrator for Administration, General Services Administration, transmitting, pursuant to law, a report showing claims settled by the Administration under the Military Personnel and Civilian Employees' Claims Act of 1964, for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED LEGISLATION RELATING TO COUNTERFEITING OF POSTAGE METER STAMPS OR OTHER IMPROPER USE OF METERED MAIL SYSTEM

A letter from the Postmaster General, transmitting a draft of proposed legislation to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system (with an accompanying paper); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MONTOYA, from the Committee on Appropriations, with amendments:

H.R. 13763. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–479).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 11702. An act to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes (Rept. No. 91–480).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GOLDWATER (for himself, Mr. FANNIN, Mr. MURPHY, and Mr. TOWER):

S. 3038. A bill to authorize appropriations for expenses of the U.S. section of the United States-Mexico Commission for Border Development and Friendship; to the Committee on Foreign Relations.

(The remarks of Mr. GOLDWATER when he introduced the bill appear later in the RECORD under the appropriate heading.)

Mr. DOLE (for himself, Mr. BURDICK, Mr. HARRIS, Mr. MUNDT, Mr. TOWER, and Mr. YOUNG of North Dakota):

S. 3039. A bill to provide that certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the Pan American Highway; to the Committee on Public Works.

(The remarks of Mr. DOLE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MUSKIE:

S. 3040. A bill for the relief of Waclaw Janusz Ezeszotarski; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 3041. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL (for himself, Mr. RANDOLPH, and Mr. MUSKIE):

S. 3042. A bill to provide for a study and evaluation of the air and water pollution and other environmental effects of underground uses of nuclear energy for excavation and other purposes; to the Committee on Public Works.

(The remarks of Mr. GRAVEL when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SCOTT:

S. 3043. A bill to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

(The remarks of Mr. SCOTT when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YARBOROUGH:

S. 3044. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HRUSKA:

S. 3045. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to modify the provisions relating to discretionary grants to the States, to limit the Law Enforcement Assistance Administration to one block grant per State per year from 85 percent funds, and to provide authorization of appropriations for fiscal year 1971; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3038—INTRODUCTION OF A BILL AUTHORIZING APPROPRIATIONS FOR THE UNITED STATES-MEXICO COMMISSION FOR BORDER DEVELOPMENT AND FRIENDSHIP

Mr. GOLDWATER. Mr. President, it is a pleasure for me to introduce a bill today on behalf of myself and many other Senators who wish to extend the life of an organization whose continued existence is vital to preserving the special relationship between the United States and our great sister nation to the south, Mexico.

Our bill will provide the statutory authority that is necessary to enable our Government to continue its participation in the joint United States-Mexico Commission for Border Development and Friendship. The friends of this organization call it CODAF, and that is how I will refer to it throughout these remarks.

CODAF was founded at the highest levels of the Governments of Mexico and the United States. It developed out of an agreement issued by the Presidents of the two inter-American countries following their meeting in April of 1966. At that time they decided the two nations would create a joint commission to find ways by which they could "improve the relations between the frontier cities of both countries" and also "elevate the life of those who live in the border region."

Pursuant to this agreement, two sections were set up by the respective Governments and the Commission got underway in July of 1967. The U.S. Section is composed of the Chairman and 10 Commissioners who are appointed from the Assistant Secretary level of eight major departments and three executive offices.

In addition to the Commissioners, there is a small staff serving in Washington and in three field offices located close to the citizens of the border region.

During its 2 years of existence, the U.S. Section has been funded by contributions and services from its member agencies. This means of funding was shut off, however, last year with the passage of Public Law 90–479. This law bars the financing of executive commissions unless they possess some kind of enabling legislation.

Thus, CODAF is without authority to receive further funding under present law and unless there is prompt action to remedy this situation, it will simply have to fold up.

Mr. President, to allow CODAF to disappear would be sheer folly and blindness. The failure to authorize a renewed charter for this organization would be to renege on the commitment made by the Chief Executive of the United States to the American citizens living on the border, would discourage the formation of the very useful parallel programs of border communities, would permit a large

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number of problems to stand unsettled without any joint forum for the interchange of ideas, and would seriously injure U.S. efforts to keep our relations "simpatico."

Mr. President, in an earlier speech in the Senate on this subject, I traced the brief history of CODAF and summarized the very important role it plays on the inter-American stage. I mentioned the fact that it is charged with elevating the economic, social and cultural life of the peoples in the border area—and I would like to emphasize that this is no small matter.

The border between our two nations stretches across some 2,000 miles of territory and encompasses over 5 million persons.

Mr. President, in my opinion, the primary achievement of CODAF has been its success in stimulating the people on the border to focus their attention—even more than they have in the past—on developing and implementing programs for cooperative action, based on joint-community needs, as voiced in the community, to solve their problems.

This has been achieved through the working groups of CODAF which hold meetings in the border communities where they listen to the local citizens. In turn, the full Commission receives recommendations from the working groups before approving its own suggestions for border programs.

Speaking as a person who has lived on the border all his life, I want to vouch for the fact that CODAF has done an outstanding job in such a short time. In fact, to my own mind, it is deserving of a permanent legislative base.

But, in order to assure that its difficulty will receive the earliest possible consideration in the most favorable light, we are offering a bill to extend its term for only the current fiscal year. This should be susceptible of receiving the broadest possible support by those who may wish to review the specific features which they would like to see incorporated in a permanent-type statute.

Our measure would authorize a sum of not more than $362,000 to cover the administrative costs of the U.S. Section for the 1970 fiscal year. This conforms with the bare-bones request made by the U.S. Chairman.

Mr. President, in introducing the bill I certainly shall not claim any pride of authorship. The text of the bill is identical to legislation introduced in the House of Representatives by the gentleman from Florida, Mr. Fascell.

We are submitting a Senate version of the proposal in order to generate a movement in this Chamber by those who support CODAF. I was pleased to submit a statement to the House Subcommittee on Inter-American Affairs endorsing the measure when it was before that group—it now has been reported favorably by the full House Foreign Affairs Committee—and it is an honor for me to join today with my distinguished colleagues in the introduction of a Senate companion to that measure.

Mr. President, I urge that this measure be given prompt consideration in the Senate Foreign Relations Committee and I hope that Members from all regions of the country will join us in the cause of keeping CODAF alive.

Mr. President, I ask unanimous consent that there be printed at the end of my statement the text of the bill we are introducing, the Executive communications by Presidents Nixon and Johnson relative to their support of CODAF and a summary I have prepared of 16 major accomplishments of this organization.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the communications, the summary, and the text of the bill will be printed in the Record.

The bill (S. 3038), to authorize appropriations for expenses of the United States section of the United States-Mexico Commission for Border Development and Friendship, introduced by Mr. Goldwater (for himself and other Senators), was received, read twice by title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S. 3038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated not to exceed $362,000 for the fiscal year 1970 for the expenses of the United States section of the United States-Mexico Commission for Border Development and Friendship, which Commission was established by an exchange of notes between the Government of the United States and the Government of Mexico in November and December 1966, pursuant to a meeting between the Presidents of the two countries in April 1966.

The material furnished by Mr. Goldwater is as follows:

The White House,
Washington, September 10, 1969.

Hon. John W. McCormack,
Speaker of the House of Representatives.

Dear Mr. Speaker: On December 3, 1966, the United States completed an agreement with Mexico to create a "Joint Commission between the United States of America and the United Mexican States to study the manner in which the standard of living of United States and Mexican communities in areas along the border between our two countries could be raised by means of cooperative action." It was further agreed that the salaries of the Commissioners and their advisers would be paid by the Government by which they were appointed and other expenses of the Commission would be divided equally between the two Governments.

This agreement, reached through an exchange of diplomatic notes, was made in accordance with an agreement expressed by the then President of the United States, Lyndon B. Johnson, and the President of Mexico, Gustavo Diaz Ordaz, following their meeting in Mexico City in April 1966.

Subsequently, President Diaz Ordaz has on numerous occasions expressed his continued interest in what has become the "United States-Mexico Commission for Border Development and Friendship," In addition, the Government of Mexico, through its Secretary of Foreign Relations Antonio Carrillo Florea and other high-ranking officials, has indicated that Government's desire to continue with the work of this Joint Commission.

I, too, favor the continuance of the Commission. Numerous local officials in the border area have expressed a strong support for the Commission, as well as such prestigious private institutions as chambers of commerce and the American Institute of Architects.

In the short 2 years this Commission has been operating, much groundwork has been laid and some very concrete accomplishments give us insight into the future potential of this Commission. To stop now would not only be damaging to the future development of the border area, but it would result in a waste of the time, effort, and money already invested in studying the problems of the area.

The proposed resolution which the State Department sent to Congress on May 21 of this year and which was referred to the House Foreign Affairs Committee on May 22, has not been acted upon.

Should the Congress fail to authorize this Commission to continue, it would amount to a unilateral revocation of a commitment we have made to the Government and people of Mexico. We would also be remiss in our obligations and responsibilities to our own people in the economically depressed border area.

For these reasons, I strongly urge prompt action on the proposed authorizing resolution and provision of sufficient funds to cover the modest expenses of the U.S. Section of the United States-Mexico Commission for Border Development and Friendship.

Sincerely,

Richard Nixon.

July 2, 1966.

Dear Mr.———: Congress now has an opportunity to reaffirm the abiding friendship that is maintained between the United States and her neighboring sister republic, Mexico.

Prompt action will also encourage and stimulate the efforts of the two nations to improve the opportunities of the people living on both sides of the 2,000-mile long border.

The bill would establish the United States Section of the United States-Mexico Commission for Border Development and Friendship.

This bill would give Congressional recognition and endorsement to the April 1966 decision of the President of the United States and the President of Mexico to set up the joint Commission and would also provide a statutory foundation for the activities of the United States Section of that Commission. The United States Section now includes representatives at the Assistant Secretary level or above of nine Federal agencies and the Chairman of the Inter-Agency Committee on Mexican American Affairs.

I met with President Gustavo Diaz Ordaz in Mexico City in April 1966 to review the problems along our border. We decided then to establish a Commission to study ways and means of improving relations between border communities and of elevating the economic, social and cultural life of the people in the entire border area. Our decision was formalized through an exchange of notes on November 30 and December 3, 1966.

The first session of the Commission was held in Mexico City in October 1967. Fourteen working groups were established to explore and find solutions for the primary problems facing both countries in the border area. Another meeting of the Commission was held in Washington, D.C., in May of this year to review progress of the working groups and give them further directions.

Already there have been concrete results from this effort. Some of these are as follows:

1. A formal mechanism for cooperative action has been created to deal with future emergencies or natural disasters in the border area.

2. Pilot joint community service centers are being established on both sides of the border to provide basic community services, including mobile out-reach services, to the lower income groups of both countries.

3. Agreement was reached to establish a joint demonstration skill training center to assist the unemployed and underemployed on both sides of the border and improve their capability to obtain employment.

4. An industrialization study is now underway to determine the possibility of creating new industries and jobs on the U.S. side of the border in order to relieve unemployment and to help expand the tax base of border communities.

5. The already excellent working relationships in the field of health are being further strengthened, especially in the fielda of mother and child nutrition and of training auxiliary health personnel.

6. A joint workshop was held in Laredo-Nuevo Laredo to discuss mutual urban problems and to seek mutual solutions. Similar workshops are planned for other twin cities on the California, Arizona, New Mexico, and Texas border with Mexico.

These are a few examples of the accomplishments of the Commission, which has provided a focal point for the interested agencies of both governments in coordinating their efforts to solve the problems of the border area.

When the Commission was first formed, the United States suggested it carry the name "Border Development Commission." Mexico accepted this, but suggested that the word "Friendship" be included in the title. Indeed, the strengthening of friendly ties not only between the officials and technicians of the two governments, but also between the people of our two countries, has been a primary aim and achievement of the Commission's activities to date.

The passage of this bill will be a concrete indication to the Mexican Government of the full backing for this endeavor by the United States Government. I urge prompt action by the Congress on this legislation.

Sincerely,

Lyndon B. Johnson.

The White House.

SIXTEEN MAJOR CONTRIBUTIONS OF CODAF

1. CODAF drafted the first formal agreement ever entered into between Mexico and the United States dealing with cooperative action in case of emergencies and natural disasters in the border area. This agreement was put into effect at the second joint meeting of CODAF.

2. For the first time in history, local, State, and Federal technicians from both sides of the border have been brought together to consider the twin border cities in a "single community" context. The Urban Development Working Group of CODAF has sponsored successful meetings in four of the twin border cities, and five more joint urban development workshops are scheduled.

3. The United States Section of CODAF has assisted in the development of a pilot program in which 80 "roundhouses," to sell for a maximum of $5,000, are being constructed in Del Rio, Texas. The Mexican Section has expressed interest in this approach to obtaining low-cost housing in border cities and is considering a similar undertaking on its side of the border.

4. CODAF has stimulated discussions with Mexico which have led to collaboration on the forthcoming American and Mexican 1970 census to guarantee collection of comparable data.

5. The Transportation Working Group of CODAF has initiated dscussions—

(A) for the development of joint transportation planning in the Brownsville-Matamoros area,

(B) for the location of a new bridge in Laredo,

(C) for the coordination of plans for building highways in the border area, and

(D) for the adoption of a uniform system of traffic signs in the border area.

6. The United States Section has obtained the publication of a major study relative to the special economic and social characteristics of the border as they relate to industrialization. This report, entitled "Industrial and Employment Potential of the United States-Mexico Border," was published in December, 1968. For its part, Mexico has a program for industrialization of the border zone well underway.

7. CODAF is about to achieve a significant breakthrough by arranging the establishment of a joint labor market and skill survey all along the border. As the first step towards this goal, the Manpower and Labor Working Group has initiated a pilot survey that has been conducted on both sides of the border at the El Paso-Ciudad Juarez, Chihuahua area.

8. CODAF has proposed an imaginative scheme for the designation of a network of roads and highways along both sides of the border, to be known as the "Border Friendship Route." All four of our border States have approved designation of this route and the implementation of this concept is now being considered by the Tourism Working Group.

9. The Education Working Group scheduled a joint conference on the accreditation of university level studies which was held at the twin border cities of Ciudad Juarez, Chihuahua-El Paso, Texas, in April, 1969. Approximately 30 educators from each country, representing universities, college accrediting associations, and the two Governments attended the conference.

10. The Education Working Group is seeking to inaugurate a pilot project for the exchange of high school language teachers between the cities of El Paso and Ciudad Juarez.

11. A Binational Sanitary Landfill Project has been established for Nogales, Arizona-Nogales Sonora. This project originated with the Public Health Working Group, was approved by the Mexican authorities and has been funded by the U.S. Public Health Service.

12. The Cultural Activities Working Group has recommended that CODAF promote conferences, workshops, and competition in the arts in the border area, and that two pilot cultural projects be established in twin border cities. United States and Mexican authorities have already set in motion the initial steps which will lead towards the creation of a national committee in each country, and local coordinating groups in the border communities, to act as mechanisms for carrying out joint cultural programs.

13. A CODAF-sponsored pilot project has been established for Laredo, Texas, by which five mobile trailer vans devoted to theatrical productions, recreation, educational and cultural films, history, and health services, will make scheduled visits to neighborhood centers in and around Laredo, to rural communities in Webb County and Nuevo Laredo, Tamaulipas, across the border.

14. A similar CODAF-supported binational project is the Calexico, California, Community Services Project. This project includes a multi-service cultural unit, a vocational training electronics unit, and a mobile health services unit. As its contribution to this project, Mexico has purchased $83,000 worth of industrial equipment for CECATI, a vocational training institute in Mexicali, Baja California, which will be made available to U.S. trainees.

15. An adult education demonstration project, with CODAF participation, is in operation in a five-county area of Arizona. This project utilizes radio and a closed circuit mobile television unit to bring practical education courses to people in a widespread rural area.

16. CODAF has sponsored two annual "Border Beauty and Friendship Days," which were held on May 18, 1968, and April 19, 1969. The results of these events have been so encouraging that both United States and Mexican officials have concluded that border beautification efforts should be carried out on a continuing basis and that the day shall be established as an annual ceremony.

S. 3039—INTRODUCTION OF A BILL TO DESIGNATE CERTAIN HIGHWAYS AS THE "PAN-AMERICAN HIGHWAY"

Mr. DOLE. Mr. President, today I am introducing a bill which will neither ask the Federal Government to authorize nor appropriate any of its funds. My bill today is a promotion of good will with our neighbors to the south.

This proposal will provide that certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the Pan American Highway.

The highway, which already crosses the United States from Canada to the Mexican border, largely follows U.S. Highway 81 with some minor variances. If created, it would connect with the Pan American Highway which begins at Laredo, Tex., and extends to Panama.

In the past several years there has been growing interest in several Plains States concerning the development of an intercontinental highway linking Canada, the United States, and Latin American countries. Organizations in many States have been working in unison for years to promote this idea, with a convincing argument being made on the basis of economic benefits to be derived from its creation, as well as various other advantages.

Mr. President, several of my colleagues from States through which this hemispheric good will highway would pass, have joined me as cosponsors of this proposal: Senator Young of North Dakota, Senator Mundt of South Dakota, Senator Burdick of North Dakota, Senator Tower of Texas and Senator Harris of Oklahoma.

Mr. President, I ask unanimous consent that the bill be printed in the Record following these remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record as requested by the Senator from Kansas.

The bill (S. 3039) to provide that certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the "Pan American Highway"; introduced by Mr. Dole (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 3039

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That (a) for the purpose of any law, regulation, map, document, record, or other paper of the United States, those highways which extend from Laredo, Texas, to the point where United States Highway 81 crosses the border between North Dakota and Canada and which are listed in subsection (b) of this section shall be known collectively as the "Pan American Highway".

(b)(1) Except as provided in paragraph (2), the highways which shall be known collectively as the "Pan American Highway", and the cities between which such highways extended, are as follows:

Highways: Interstate System Highways 35,

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35E, 35W, 235, and 29; United States Highways 81, 77, and 377; and Nebraska Highway 92.

Extending from south to north between the following cities: In the State of Texas, the following cities: Laredo, San Antonio, Austin, Waco, Fort Worth, Dallas, Denton, and Gainesville; in the State of Oklahoma, the following cities: Ardmore, Pauls Valley, Oklahoma City, and Guthrie; in the State of Kansas, the following cities: Wichita, Newton, Lindsborg, Concordia, and Belleville; and in the State of Nebraska, the following cities: Geneva, York, Columbus, and Norfolk; in the State of South Dakota, the following cities: Yankton, Madison, Brookings, and Watertown; in the State of North Dakota, the following cities: Wahpeton, Fargo, Grand Forks, Drayton, and Pembina.

(2) If more than one of the highways listed in paragraph (1) extend between any two points between any two of the cities listed in that paragraph which are not separated by any other city listed in that paragraph, the Secretary of Commerce shall designate which of those highways shall be included in the group of highways to be collectively known as the "Pan American Highway".

S. 3042—INTRODUCTION OF A BILL TO PROVIDE FOR A STUDY AND EVALUATION OF THE AIR AND WATER POLLUTION AND OTHER ENVIRONMENTAL EFFECTS OF UNDERGROUND USES OF NUCLEAR ENERGY

Mr. GRAVEL. Mr. President, I introduce today (on behalf of myself, Mr. Randolph, and Mr. Muskie) for appropriate reference, a bill to provide for the study and evaluation of the air and water pollution and other environmental effects of underground uses of nuclear energy for excavation and other purposes.

This measure would create a 15-man study commission composed of leading scientific experts. They would evaluate the environmental risks attendant upon the use of underground nuclear energy and report their findings to the President and the Congress within a year.

The people of our Nation are more concerned about the environment than they have ever been. We in the Congress are continually investigating the known and suspected hazards related to automobile exhausts, industrial wastes, pesticides, and numerous other areas of pollution. Certainly we should give no less study to a pollutant—radioactivity—that is more deadly than all other scourges, and a menace which, once created by man, cannot be destroyed.

Another area of environmental danger related to underground testing is that of the seismic effects of the tests.

If there is an area of agreement among the scientific community concerning underground nuclear testing it is that no one really knows what effects such tests have on the earth's crust. The larger tests now being planned by the Atomic Energy Commission in my State of Alaska, and in Nevada and possibly other locations around the Nation present a risk to life and property. No one in a responsible position in our Government or who is a recognized leader in any scientific discipline can say with assurance what the risk will be. We are tampering in a field that we know little about. And the consequences of failure could be enormous.

This bill is timely in that it attacks a problem which is presently before this Congress in various forms—environmental hazards. This bill attacks areas of concern upon which far more study and evaluation is needed. The pressure for broadening the underground test program and increasing the applications for nuclear energy is intense. How will the President and the Congress make such decision without adequate scientific testimony.

An independent review by eminent scientists who are not presently on the payroll of the Federal Government and who are not otherwise contracted to the Government in this particular field of endeavor, would provide us with such an evaluation of the potential hazards and hopefully produce some solid ideas for guidelines and remedies.

None of us wants to unnecessarily impair the national defense effort. None of us wants to withhold from our society the practical benefits that nuclear energy can possibly produce. But neither do we want to look back 5 or 10 years from now and recognize that our decisions presented civilization with great dangers, that we were responsible for endangering man and his environment for lack of adequate study and evaluation before such decisions were made.

I think this is a modest proposal that could produce significant benefits and I would urge its early review by the Public Works Committee.

Therefore, Mr. President, I introduce this measure and urge its passage.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3042) to provide for a study and evaluation of the air and water pollution and other environmental effects of underground uses of nuclear energy for excavation and other purposes; introduced by Mr. Gravel (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, I congratulate the Senator from Alaska (Mr. Gravel) on his creative initiative and leadership in the effort to protect our Nation, and indeed the world, from the incalculable potential dangers involved in underground nuclear explosions. He has been at the forefront in expressing national concern over the possible disaster attendant to the recent nuclear test on Amchitka Island in Alaska. Today he has introduced a well-reasoned proposal for a Presidential Commission to examine and evaluate the risks to man and his environment of using nuclear energy beneath the earth's surface.

One of the features of this proposal which seems especially important, refers to the use of nuclear power to lower or eliminate natural barriers that separate different marine ecosystems, such as could occur in the event a new interoceanic canal were constructed between the Caribbean and the Pacific. It is essential that there be a full understanding of the ecological effects of such a proposed canal, particularly, what might happen to marine life when a new predatory species from one body of water invades and attacks vulnerable organisms in the other. The implications for the fishing industry raise a cautionary cry.

If time and the pressure of work permit, I would hope that Members of the Public Works Committee could conduct field examinations of how this and other proposed applications of nuclear energy could adversely affect or endanger our environment.

I am gratified to join with the Senator from Alaska, as a cosponsor of this bill. As chairman of the Committee on Public Works to which the bill has been referred, I assure my diligent colleague that I will give it priority on the committee agenda. In consultations with Senator Gravel, a member of our committee, I have indicated that the bill will be referred to the Subcommittee on Air and Water Pollution, under the able chairmanship of Senator Edmund S. Muskie. It is our expectation that public hearings will be scheduled in the near future.

Mr. MUSKIE. Mr. President, I was pleased to join with the distinguished Senator from Alaska (Mr. Gravel) in introducing a bill to improve our understanding of the air, water, and land pollution problems associated with underground use of nuclear energy.

I share the Senator's concern with the environmental pollution which may be associated with the new technology of the underground uses of nuclear energy.

The Subcommittee on Air and Water Pollution, of which I am chairman, has been concerned in the past with pollution associated with the release of radioactive material into the environment.

In 1966, the subcommittee held hearings on radioactive water pollution in the Colorado River Basin. We wanted to be sure that effective environmental control accompanied the greater handling and disposal of radioactive wastes as the peaceful uses of nuclear energy increased. The mines producing radioactive wastes now number nearly 400, and there are about 20 mills in operation.

The subcommittee has also held hearings on the extent to which environmental factors are considered in selecting powerplant sites, with particular emphasis on the ecological effects of the discharge of waste heat from nuclear powerplants into our rivers, lakes, and coastal waters. When the production capacity of nuclear power facilities reaches 41.5 million kilowatts of power in 1974, the discharge of waste heat without proper treatment could be disastrous.

Early this month the United States set off a one-megaton underground explosion on the small Aleutian Island of Amchitka near the State of Alaska.

At the same time that the United States is conducting its underground nuclear testing program, the application of nuclear activity for excavation is being explored. One of the major goals of the Plowshare program is the excavation of a sea-level canal across the Isthmus of Panama.

The Atomic Energy Commission is studying the broader uses of the atom for the exploitation of new oil and gas reserves and for the construction of new harbors and channels.

It is clear from hearings on the subject that the subcommittee has already held that there is too little evidence available to the public about the environmental effects associated with the peaceful uses of nuclear energy. Too much of the information on environmental effects which is available has been developed by and for the Atomic Energy Commission rather than by independent, environmental agencies.

We have long passed the time when we should expect Federal agencies to evaluate adequately the environmental effects of their own activities.

The Commission proposed by Senator Gravel is one method of assuring independent evaluation. I would hope that the Office of Environmental Quality proposed in H.R. 4148 as passed by the Senate would assist in this function. Also, I would hope that existing Federal agencies with environmental expertise would participate in any decision which would tend to increase the release of radioactivity into the environment.

Because this bill would enable the Nation to develop a better understanding of the air, water, and land pollution questions which must be considered as we develop the full potential of the peaceful atom, the subcommittee will hold hearings on it at an early date. These hearings should be helpful in determining the most appropriate mechanism to review the potential air, water, and land pollution effects of the peaceful uses of nuclear energy.

S. 3043—INTRODUCTION OF A BILL TO AUTHORIZE THE RELEASE OF CADMIUM FROM THE NATIONAL STOCKPILE

Mr. SCOTT. Mr. President, I introduce for appropriate reference, legislation to authorize the release of 4,180,000 pounds of cadmium from the national and supplemental stockpiles. I am advised by the General Services Administration that this amount of cadmium, currently held by the Federal Government, is excess not now needed for stockpile purposes. It is, however, urgently needed for domestic industrial use not only in my Commonwealth of Pennsylvania, but in plants throughout the Nation. The purpose of my bill is to provide the authorization which will enable the GSA to make this material available.

Cadmium, a byproduct derived almost entirely from the processing of zinc ores, is used in this country primarily for electroplating and metal finishing in such vital segments of the economy as the automobile, appliance, and aerospace industries. About 40 percent of U.S. cadmium consumption has this usage. Cadmium also is important in the production of chrome-color paints and pigments, and in the manufacture of special tools and dies, industrial molds, electrical fuses, and storage batteries.

The Metal Finishing Suppliers Association, Inc., and the National Association of Metal Finishers, national organizations with extensive corporate representation in Pennsylvania, have reported that employment in my Commonwealth, and elsewhere, is seriously threatened by the continuing cadmium shortage. My bill will help provide relief that is badly needed, and needed now.

Mr. President, this bill does not require the expenditure of Federal funds. All existing safeguards for the protection of the Federal Government against avoidable loss, and the protection of producers, processors, and consumers against the avoidable disruption of their usual markets, would be preserved. Therefore, this bill would result in a return to the Treasury of the entire amount to be realized from the sale of this excess material, which is currently valued at approximately $14 million. Moreover, since the domestic cadmium industry now depends to a great extent on imported materials, the enactment of my bill would have a favorable impact on our balance-of-payments position.

Mr. President, I am persuaded that there is compelling need for action on this legislation. I urge prompt and favorable consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3043) to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile, introduced by Mr. Scott, was received, read twice by its title, and referred to the Committee on Armed Services.

S. 3044—INTRODUCTION OF THE NATIONAL OPEN BEACHES ACT

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches, and for the orderly management and control thereof.

In recent years fences and barricades have blocked the public right to have access to our seas. We are becoming a landlocked people, fenced away from our own beautiful shores, unable to exercise the ancient right to enjoy our precious beaches. This tragic encroachment on the right to use our beaches has so shackled the public that today 95 percent of our recrational shoreline is barricaded to keep the people out.

Mr. President, we must preserve our beaches and protect the rights of the people to use them. These beautiful stretches of sand serve as the transition point between the seas and the land on which we live. They are natural resources, which rightfully belong to the people. Traditionally Americans have gone to the shoreline to relax, to play, to fish, to meditate, and to enjoy their beaches. Many have relied on these beaches for their access to the sea in order to support their families through commercial fishing. This ancient and well-established public right must be legally asserted and protected. That is the purpose of this bill.

It is my privilege and pleasure, therefore, to introduce the National Open Beaches Act, which has been introduced in the House of Representatives by my distinguished colleague and fellow Texan, Congressman Bob Eckhardt, of Houston. This bill declares that the public shall have free and unrestricted right to use the beaches of the United States and further declares that Congress shall constitutionally protect this right. It prohibits fences, barriers, and any other restraints on the use of the beaches by the public.

An important aspect of the bill is that it provides for a joint effort between the Federal Government and the States in protecting the public beaches. Several States, including Alabama, California, Florida, Maine, Massachusetts, Oregon, and my own State of Texas have statutes concerning public right to the beaches. But it has been difficult for them to clearly establish that right in the courts. This bill defines that right and provides that the Federal Government will aid individual States in maintaining public jurisdiction.

The bill calls for a Federal-State partnership making available to any State interested in establishing a public right to the beaches the legal, geodetic, and historical research facilities of the Federal Government. States are encouraged through the bill to establish by law the public right to access to the beaches. The State is also encouraged to condemn rights-of-way, or easements, to those beaches which must be purchased from the landowner. The Federal Government will provide up to 75 percent of the costs of acquiring such easements, and may condemn the land so long as the State provide its 25 percent share of the funds.

Two important conditions must be considered concerning our beaches. First, they have been traditionally used by the public for recreational purposes and for commercial fishing. Second, title rights have not been as clearly defined on shorelines as in other places. The problem involved here is not a question of one man's right against another, but of one man's boundary against a State boundary, and the question of the shoreline landowner's right against an ancient usage of the public. The bill, therefore, deals also with the settling of boundaries and title rights along our seashores.

In addition, the bill charges the Secretary of the Interior and the U.S. Attorney General with protecting the public right, and it affords certain legal benchmarks in those areas of law involved.

A Federal interest is defined, therefore, and recourse to Federal courts is permitted. The bill, however, carefully guards against any Federal limitations upon the right of the States to hold and own property. On the other hand, no Federal property will be affected by this bill; the Padre Island National Seashore and other national parks will remain park lands, administered by the National Park Service of the Federal Government.

Any Federal action supports and protects the public right and the rights of individual States; any land or rights recovered inure to the benefit of the State.

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Mr. President, the National Open Beaches Act will restore to all Americans use of some beaches, rightfully theirs, but now fenced up, often in private ownership. It will bring down the barriers and barricades on publicly owned beaches that have made us a landlocked people with very little access to the shore. The bill defines the public right to the beaches, a traditional right of Roman law which was exercised all during the Middle Ages. During the oppressive days of the Spanish Inquisition the people enjoyed more freedom on their beaches than Americans do today. The Spanish brought this law of the open beaches to America with them. Under my bill the public is insured free and unrestricted use of such seashores as can be reclaimed for public use under this bill; any barrier or restraint on this free use is expressly prohibited.

Mr. President, I ask unanimous consent that the text of this bill to protect the public right to the beaches be printed in full at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3044) declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the presence and accessibility of the sea, being a very substantial factor in the value and kind of interstate travel, and the beach being a marine resource created by the action of the sea, it is necessary and proper and promotes the public welfare to provide orderly protection of the public interest in the beaches.

TITLE I

SEC. 101. Congress finds that the sea beaches of the United States are of such character as to use and potential development as to require separate consideration from other lands with respect to the elements and consequences of title in littoral owners. Such land has been treated by and large over most of its extent and during most of the time that it has been controlled by European and Anglo-American law, as a common. It has been of little use for farming, grazing, timber production, mining or residency—the traditional uses of land—but has served as a thoroughfare and haven for fishermen and sea ventures and a place of recreation for the citizenry. The elements and consequences of title in littoral owners are thus colored by these traditional uses but are not fully formulated nor precisely drawn in the laws of the several States to meet the exigencies of the present day Congress finds that the traditional concept of the beach as a common is now being threatened by shorelines being fenced or enclosed upon assumptions not founded on clear legality.

SEC. 102. Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power over the subject.

SEC. 103. No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches.

SEC. 104. (a) An action shall be cognizable in the district courts of the United States without reference to jurisdictional amount, at the instance of the Attorney General or a United States district attorney to:

(1) establish and protect the public right to beaches,

(2) determine the existing status of title, ownership, and control, and

(3) condemn such easements as may reasonably be necessary to accomplish the purposes of this Act.

(b) Actions brought under the authority of this section may be for injunctive, declaratory, or other suitable relief.

SEC. 105. The following rules applicable to considering the evidence shall be applicable in all cases brought under section 104 hereof.

(1) a showing that the area is a beach shall be prima facie evidence that the title of the littoral owner does not include the right to prevent the public from using the area as a common;

(2) a showing that the area is a beach shall be prima facie evidence that there has been imposed upon the beach a prescriptive right to use it as a common.

SEC. 106. (a) Nothing in this Act shall be held to impair, interfere, or prevent the States—

(1) ownership of its lands and domains,

(2) control of the public beaches in behalf of the public for the protection of the common usage or incidental to the enjoyment thereof, or

(3) authority to perform State public services, including enactment of reasonable zones for wildlife, marine, and estuarine protection.

(b) All interests in land recovered under authority of this Act shall be treated as subject to the ownership, control and authority of the State in the same measure as if the State itself had acted to recover such interest. In order that such interest be recovered through condemnation, the State must participate in acquiring such interest by providing matching funds of not less than 25 per centum of the value of the land condemned.

TITLE II

SEC. 201. In order further to carry out the purposes stated in title I, section 101, it is desirable that the States and the Federal Government act in a joint partnership to protect the rights and interests of the people in the use of the beaches. The Secretary of the Interior shall administer the terms and provisions of this Act and shall determine what actions shall be brought under section 104 hereof.

SEC. 202. The Secretary of the Interior shall place at the disposal of the States such research facilities as may be reasonably available from the Federal Government, and, in cooperation with the other Federal agencies, such historical, geological, geodetic, and other information and facilities as may be reasonably available for assisting the States in such protection of public rights. The President may promulgate regulations governing the work of such interagency cooperation.

SEC. 203. The Secretary of Transportation is authorized to provide financial assistance to any State, and to its political subdivisions for the development and maintenance of transportation facilities necessary in connection with the use of public beaches in such State if, in the judgment of the Secretary of the Interior, such State has defined and sufficiently protected public beaches within its boundaries by State law. Such financial assistance shall be for projects which shall include, but not be limited to construction of necessary highways and roads to give access to the shoreline area, the construction of parking lots and adjacent park areas, as well as related transportation facilities. All sums appropriated to carry out title 23 of the United States Code are authorized to be made available in an appropriations Act to carry out this section.

TITLE III

SEC. 301. The following terms as used in this Act shall have the following meanings:

(a) "Sea" includes the Atlantic, Pacific, and Arctic Oceans, the Gulf of Mexico, and the Caribbean and Bering Seas.

(b) "Beach" is the area along the shore of the sea affected by wave action directly from the open sea. It is more precisely defined in the situations and under the conditions hereinafter set forth as follows:

(1) In the case of typically sandy or shell beach with a discernible vegetation line which is constant or intermittent, it is that area which lies seaward from the line of vegetation to the sea.

(2) In the case of a beach having no discernible vegetation line, the beach shall include all area formed by wave action not to exceed two hundred feet in width (measured inland from the point of mean higher high tide).

(c) The "line of vegetation" is the extreme seaward boundary of natural vegetation which typically spreads continuously inland. It includes the line of vegetation on the seaward side of dunes or mounds of sand typically formed along the line of highest wave action, and, where such a line is clearly defined, the same shall constitute the "line of vegetation." In any area where there is no clearly marked vegetation line, recourse shall be had to the nearest clearly marked line of vegetation on each side of such area to determine the elevation reached by the highest waves. The "line of vegetation" for the unmarked area shall be the line of constant elevation connecting the two clearly marked lines of vegetation on each side. In the event the elevation of the two points on each side of the area are not the same, then the extension defining the line reached by the highest wave shall be the average elevation between the two points. Such line shall be connected at each of its termini at the point where it begins to parallel the true vegetation line by a line connecting it with the true vegetation line at its farthest extent. Such line shall not be affected by occasional sprigs of grass seaward from the dunes and shall not be affected by artificial fill, the addition or removal of turf, or by other artificial changes in the natural vegetation of the area. Where such changes have been made, and thus the vegetation line has been obliterated or has been created artificially, the line of vegetation shall be reconstructed as it originally existed, if such is practicable; otherwise, it shall be determined in the same manner as in other areas where there is no clearly marked "line of vegetation," as in (2), above.

(d) "Area caused by wave action" in subsection (b) (2) above means the area to the point affected by the highest wave of the sea not a storm wave. It may include scattered stones washed by the sea.

(e) "Public beaches" are those which, under the provisions of this Act, may be protected for use as a common.

(f) "Matching funds," as provided by a State, include funds or things of value which may be made available to the State for the purpose of matching the funds provided by the Federal Government for purchasing beach easements as, for instance, areas adjacent to beaches donated by individuals or associations for the purpose of parking. The value of such lands or other things used for matching Federal funds shall be determined by the Secretary of the Department of the Interior. State matching funds shall not include any moneys which have been supplied through Federal grants.

SEC. 302. The short title of this Act shall be the "Open Beaches Act of 1969".

S. 3045—INTRODUCTION OF A BILL TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. HRUSKA. Mr. President, I introduce a bill designed to extend authorization and to improve the effectiveness of title I of the Omnibus Crime Control and Safe Streets Act of 1968—Public Law 90–351. That title created the Law Enforcement Assistance Administration. I ask that it be appropriately referred.

The instant bill has two sections.

The first section would modify title I to provide and insure allocation and distribution of the 15-percent discretionary funds in a truly discretionary manner and to insure that each State receive but one block grant each fiscal year.

The second section would authorize appropriation of $650 million for the fiscal year ending June 30, 1971. Present authorizations provide only to June 30, 1970.

PURPOSES OF LAW ENFORCEMENT ASSISTANCE ACT

The Law Enforcement Assistance Administration was designed to give the Federal Government the mechanism, through block grants to the States, to improve the caliber of the administration of the criminal justice system. Through the block grant program, the States may now improve recruitment techniques, educate law-enforcement officers and students for careers in law enforcement, construct new facilities to replace those long antiquated and establish overdue programs to combat organized crime as well as undertaking other necessary and worthwhile law-enforcement projects.

Some of the more imaginative projects underway include a six-State organized crime strike force, located in New York, in which representatives of Federal, State, and local police agencies are participating.

What good is it to be able to arrest a law violator, if he is not tried expeditiously? Conversely, what good is it to conduct speedy trials if the tools available to the police are not capable of effective crime detection?

The police must be given the benefit of modern technology, the courts must be given the benefit of modern management techniques, the prison system must be brought into the 20th century. All this and more is the overall goal of the Law Enforcement Assistance Administration.

I have observed the operation of the Law Enforcement Assistance Administration very closely as I feel that its success or failure will have a significant impact on the administration of criminal justice for years to come.

FIRST SECTION OF THE BILL

The first section of the bill would modify the act to permit the allocation of the discretionary funds in a truly discretionary manner, and limit a state from receiving more than one block grant each year. Section 306 of the act allocates 85 percent of the funds to the State planning agencies, to be divided among the States on the basis of population. This section allocates the other 15 percent of the funds appropriated for discretionary projects. The reason for this allocation of 15 percent discretionary funds is simply that Congress wished to stimulate the improvement of the criminal justice system at all levels of the public and private sector and to give the LEAA administrators the flexibility to support a worthwhile project whether in the universities, in a private foundation, or in a city or a State law-enforcement body.

The current language of the act fails to provide the flexibility that we thought was provided when this legislation was enacted. At the present, discretionary grants now may be made only to cities or States. My amendment would permit discretionary grants to units of general local government, Federal, or State law-enforcement agencies, and universities.

The bill would also dispense with the matching requirement currently imposed on the States as they apply to discretionary grants. As a practical matter, of course, it is desirable to have State contributions and the administration should always strive for such contribution.

Quite frequently, however, the most worthwhile project will be conducted by an entity not capable of providing matching funds, or will involve a multi-State or Federal project. This bill would afford the flexibility for the LEAA to pursue all worthwhile enterprises as was originally intended when we passed the act.

Senator Dirksen, the author of this provision, intended this result when he drafted the section. Because of the subsequent ambiguity which developed, he wrote a letter to the Attorney General explaining that his intention was to create a truly discretionary allocation. Mr. President, I ask unanimous consent that Senator Dirksen's letter be printed in the RECORD following my remarks today.

The bill is also amended to clarify the provisions of title I relating to allocation and distribution of the 85 per centum. The amendment makes certain that the allocation and distribution of the 85 per centum of the funds to each State shall be truly single, block grants to each State planning agency pursuant to congressional intent expressed at the time of original enactment.

SECOND SECTION OF THE BILL

The second section is also an amendment to the Law Enforcement Administration Act. Section 512 of the act allows the Administration to carry out its programs from fiscal year 1968 through fiscal year ending June 30, 1970. My amendment would authorize appropriations for the next fiscal year ending June 30, 1971, of $650 million.

The block-grant program of the LEAA has grown in size and scope from $63 million the first year of operation in fiscal year 1969 to a request for $300 million, the full amount authorized, in fiscal year 1970. We anticipated a $900 million program when fully operational. In submitting this authorization bill, I have only considered the next fiscal year although the program in general has 3 years to run before Congress reexamines it in total. I have done this for a very good reason.

The States, in submitting their plans, have asked for grants in excess of $1.1 billion for fiscal year 1971. The program for this fiscal year does not yet exceed $300 million. Thus, in setting the $650 million mark, I have tried to realistically balance the need for economy against the needs of State law enforcement. There is not any realistic basis for determining the scope of need beyond fiscal year 1971 yet. Thus, I have not suggested any amounts for fiscal years 1972 and 1973 since such legislation would be pure speculation. A bill for additional authorization for fiscal years 1972 and 1973 will follow in due time.

Moreover, by expanding the scope of this program as I have suggested, the Congress will not be expanding the bureaucracy here in Washington. At the core of the LEAA program is the block grant concept. Stated simply, this means that Federal funds are given to the States in a lump sum. The way the grant is spent, however, is left up to the States.

The LEAA provides technical advice and expertise. The LEAA insures that the funds are expended properly. The LEAA reviews the priorities submitted by the States. But the policy decisions are made at the State level right where they should be made, and not here in Washington.

What is accomplished then with this program is an effective revenue sharing plan, strictly for law enforcement improvement purposes, between the Federal Government and the States.

The time has come to recognize the needs and deficiencies of law enforcement and to do something about it. We started last year with the creation of the Law Enforcement Assistance Administration and now we must continue by extending the Law Enforcement Assistance Administration and by giving the States its support and aid.

Mr. President, many articles have been written, and many speeches have been made about crime in our Nation today. The public is developing an awareness, law-enforcement efforts are being beefed up, and improvements in the judicial process are being accomplished. Nonetheless, since 1960, serious crime has increased by 122 percent, the population has increased only 11 percent, and the police solutions of serious crime have declined 32 percent. Clearly, the crime problem has not been solved.

We must keep our guard up. We must remain vigilant, and we must make the streets of our Nation safe. We are off to a good start with the Law Enforcement Assistance Administration and we must continue our efforts.

Mr. President, the work of the Law Enforcement Assistance Administration has been the subject of great interest across the country in recent months.

Recently, a column in the Washington

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Evening Star by James J. Kilpatrick called attention to some of the first-year accomplishments of the LEAA program. In addition, the 61st annual meeting of the National Governors' Conference commended the LEAA and noted that the block grant concept has worked out well.

Mr. President, because of the interest in steps being taken to combat crime, as embraced in the Law Enforcement Assistance Administration program, I ask unanimous consent that both of these articles be printed in the RECORD, together with the text of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and articles will be printed in the RECORD.

The bill (S. 3045) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to modify the provisions relating to discretionary grants to the States, to limit the Law Enforcement Assistance Administration to one block grant per State per year from 85 percent funds, and to provide authorization of appropriations for fiscal year 1971, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The first sentence of section 301(b) is amended by striking the words "grants to States having comprehensive State plans" and substituting the words "one grant per Fiscal Year to each State having a comprehensive State plan."

(b) The proviso in subsection 301(b)(7) is amended to read as follows: "*Provided*, That in no case shall any part of a grant made under this section be used for the purpose of this subcategory without the approval of the local government or local law enforcement agency."

(c) Section 301(c) is amended to read as follows: "The portion of any Federal grant used for the purpose of paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The portion of any grant used for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any grant to be used for any other purpose set forth in this section may be up to 60 per centum of the cost of the program or project specified in the application for such grant: *Provided*, That no funds granted under this section shall be used for land acquisition."

(d) Section 301, subsection (d) is amended by striking out the word "part" in the first sentence and inserting in lieu thereof, "section."

(e) The first sentence of section 303 is amended by striking the word "grants" and substituting the words "a grant each Fiscal Year."

(f) Section 306 is amended to read as follows: "Eighty-five per centum of the funds appropriated to make grants under this part for a Fiscal Year shall be allocated by the Administration among the States according to their respective populations for grants to the State planning agencies of such States. The remaining fifteen per centum of such funds, plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State shall, in the discretion of the Administration, be allocated among the States for grants to State planning agencies or used by the Administration for grants for the purposes of this title to units of general local government, public agencies, Federal or State law enforcement officers or agencies, institutions of higher education, or combinations of the foregoing, according to such criteria and on such terms and conditions as the Administration shall determine consistent with this title. Grants made under the preceding sentence shall not be subject to the limitations set forth in subsections (c) and (d) of section 301."

SEC. 2. (a) Section 520 is amended by inserting immediately after "June 30, 1970," the following: "$650,000,000 for the Fiscal Year ending June 30, 1971".

The articles, presented by Mr. HRUSKA, are as follows:

AID TO POLICE A BRIGHT LESSON IN FEDERALISM

The President's advisers were trying to sell him "the New Federalism" a few weeks ago, as a neat little label to paste on his programs. Richard Nixon reportedly turned the label down, on the skeptical grounds that federalism isn't as familiar as corn flakes. How could he sell a new federalism to people who don't know the old?

In the superlative job done in its first year by the Law Enforcement Assistance Administration of the Department of Justice the President could find an outstanding example of new federalism in action. One hesitates to write a rare review, but the LEAA's performance appears to merit the highest praise.

By way of background, it will be recalled that the Omnibus Crime Control Act became law in June of 1968. One section of the act authorized matching grants to states and localities "in order to improve and strengthen law enforcement." In August, Congress approved a $69 million budget. In late October, with only eight months remaining of the fiscal year, the Law Enforcement Assistance Administration went to work.

Federal grants-in-aid, of course, are nothing new. Roughly 400 such programs are in operation now. But most of them, to judge from the complaints of local officials, are mired deep in bureaucratic swamps. They suffer from too many guidelines and too much paperwork. Most of the grants are characterized by regimentation, nitpicking demands, and maddening delays.

The miracle of this fledgling agency in Justice, under the direction of Charles H. Rogovin, is that apparently it has avoided all these morning-glory entanglements. In barely five months, the LEAA assembled staff, conferred with law enforcement officials in the states, and disbursed $19 million for planning.

The state governments, which so often are accused of apathy and incompetence, responded to these galvanic urgings with the zeal of ballplayers just offered cold beer. By April 10 of this year, California had filed the first action plan—a 26-volume application, amounting to nearly 6,000 pages.

Other states followed in a rush. By the time the fiscal year ended on June 30, everyone but American Samoa had come under the wire. In their scope and variety, the state-local programs provide a notable example of federalism at its best.

California is pursuing a dozen projects, ranging from alcoholism to court reform. Alabama and Iowa, among others, will use their grants in the field of juvenile delinquency. Idaho came up with training seminars for judges. Maine, Ohio, Arizona and Minnesota are concentrating on police selection and training. Nebraska, Texas, Nevada, Colorado, Alaska and Rhode Island are seeking to improve communications systems. Georgia won approval for a pilot program of work release for prisoners.

Meanwhile, 14 large cities have qualified for direct federal grants. Detroit got $100,000 to work on an "electronic robbery stake-out system." Dallas got $18,000 to study a first-offender program among juveniles. Los Angeles won $50,000 for an evaluation of "closed-circuit television capabilities in tactical situations." Chicago bid for "Operation Outreach," described as a detoxification, diagnostic, and referral center. In a separate program, academic fellowships were going to some 20,000 college men studying police techniques.

Doubtless some of the money will be wasted, in the sense that some of the experiments, pilot studies, and demonstrations will prove useless. But this is a part of what federalism is all about. What is new here is a bureaucracy with sense enough to keep its cottonpickin' hands off the states, and to let them make their own successes—and their own mistakes.

U.S. SENATE,
March 11, 1969.

Hon. JOHN H. MITCHELL,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I am informed that some uncertainty exists as to the Congressional intent of the provision for 15 per centum discretionary funds in Section 306 of the Omnibus Crime Control and Safe Streets Act of 1968. The sentence under questions reads as follows:

"Section 306. . . . Of such funds, 85 per centum shall be allocated among the States according to their respective populations and 15 per centum thereof shall be allocated as the Administration may determine, plus such additional amounts as may be made available by virtue of the application of the provisions of Section 509 to the grant to any State."

As the author of this provision of the Act, I wish to make clear that the intent of the above language is that the use of the 15 per centum and the additional amounts under Section 509 be truly discretionary. The Administration may allocate these funds to States, units of general local governments or combinations of such units, institutions of higher education, or private organizations.

Sincerely,
EVERETT MCKINLEY DIRKSEN.

COMMENDATION OF LEAA

The National Governors' Conference commends the Administrators and staff of the Law Enforcement Assistance Administration for their extensive and helpful cooperation with the states in implementing the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351). Their actions in fostering the development of qualified staff at the state level, providing wide latitude to the states in developing plans for improving the entire criminal justice system, and generally supporting the federal-state partnership required in a block grant program, sets an outstanding example that could well be emulated by other federal departments. Their efforts to insure the success of this first program embodying a true block grant approach to an intergovernmental problem are noteworthy.

ADDITIONAL COSPONSORS OF BILLS

S. 2769

Mr. HANSEN. Mr. President, on behalf of the Senator from Vermont (Mr. PROUTY), I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. CASE) be added as a cosponsor of S. 2769, to provide an incentive for private employers to provide job training programs, including programs for individuals lacking skill or training necessary for steady employment, by allowing an income tax credit for the expenses of such programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2890

Mr. CHURCH. Mr. President, on behalf of myself and my distinguished colleague from Idaho (Mr. JORDAN), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of S. 2890, to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 250

Mr. MILLER. Mr. President, I submit an amendment, intended to be proposed by me, to H.R. 13270, the so-called tax reform bill. This amendment relates to the subject of tax laws.

I ask unanimous consent that the amendment be printed in the RECORD, and be printed and appropriately referred.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 250) was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

AMENDMENT No. 250

Strike sections 211, 212, and 213 and insert the following in lieu thereof:

"SEC. 211. LIMITATION ON DEDUCTIONS ATTRIBUTABLE TO CERTAIN FARMING OPERATIONS.

"(a) Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"'SEC. 277. LIMITATIONS ON DEDUCTIONS ATTRIBUTABLE TO CERTAIN FARMING OPERATIONS.

"'(a) GENERAL RULE.—Except as provided in this section and except in the case of a taxpayer engaged in the business of farming as the principal business activity, the deductions attributable to the business of farming which, but for this section, would be allowable under this chapter for the taxable year shall not exceed an aggregate amount equal to the sum of—

"'(1) the gross income derived from the business of farming for the taxable year;

"'(2) in the case of an individual whose principal residence is on a farm, the gross income derived by such individual and his spouse for the taxable year from wages and salaries for personal services;

"'(3) the income derived from the sale of timber located on the farm;

"'(4) royalties derived from property on which the taxpayer's farming operations are conducted; and

"'(5) $15,000 ($7,500 in the case of a married individual filing a separate return), reduced by the amount by which the taxpayer's adjusted gross income (taxable income in the case of a corporation) for the taxable year attributable to all sources other than the business of farming (determined before the application of this section) exceeds $30,000 ($15,000 in the case of a married individual filing a separate return).

"'(b) BUSINESS OF FARMING.—For purposes of this section, the term "business of farming" includes the holding of property used in farming.

"'(c) FARMING AS PRINCIPAL BUSINESS ACTIVITY.—

"'(1) IN GENERAL.—For purposes of subsection (a), the business of farming is the principal business activity of a taxpayer for a taxable year only if the net income from the business of farming for the three preceding taxable years (or so many of such preceding years as the taxpayer has been engaged in the business of farming) equals or exceeds two-thirds of the total net income of the taxpayer for such years.

"'(2) NET INCOME FROM BUSINESS OF FARMING.—For purposes of paragraph (1), the net income from the business of farming of a taxpayer for any taxable year is the sum of—

"'(A) the gross income derived from the business of farming for such year minus the deductions attributable to such business, and

"'(B) the full amount (if any) by which the gains from sales or exchanges of property used in the business of farming (within the meaning of section 1231(b)) which are treated as gains from sales or exchanges of capital assets exceed the losses from such sales or exchanges.

"'(3) TOTAL NET INCOME.—For purposes of paragraph (1), the total net income of a taxpayer for any taxable year is the taxpayer's adjusted gross income (taxable income, in the case of a corporation) determined without regard to gains from sales or exchanges of capital assets or of property used in a trade or business, other than the business of farming. For the purposes of the preceding sentence, adjusted gross income and taxable income shall be computed by recognizing the full amount (if any) by which the gains from sales or exchanges of property used in the business of farming (within the meaning of section 1231(b)) which are treated as gains from sales or exchanges of capital assets exceed the losses from such sales or exchanges.

"'(d) EXCEPTIONS FOR DEDUCTIONS ATTRIBUTABLE TO DROUGHT, FLOOD, AND OTHER CASUALTIES AND TO CERTAIN FARMING OPERATIONS.—No deduction shall be disallowed under subsection (a) if such deduction is attributable—

"'(1) to drought, flood, hail, or other abnormal weather conditions, disease, fire, storm, or other casualty, or theft;

"'(2) to a research or experimental farming operation conducted under a program approved by the United States Department of Agriculture, a State department of agriculture, or the agricultural school of an accredited college or university; or

"'(3) to farming operations consisting of egg or broiler production.

"'(e) OTHER EXCEPTIONS.—

"'(1) FARM ENTERPRISE ACQUIRED FROM A DECEDENT.—The limitation in subsection (a) shall not apply with respect to any farming enterprise acquired by the taxpayer by devise or inheritance, or by distribution of a testamentary trust, for the taxable year in which such enterprise is so acquired and for the two succeeding taxable years.

"'(2) FARM ENTERPRISE ACQUIRED BY FORECLOSURE, ETC.—The limitation in subsection (a) shall not apply with respect to any farming enterprise acquired by the taxpayer in partial or complete satisfaction of a debt for the taxable year in which such enterprise is so acquired and for the two succeeding taxable years.

"'(3) ESTATES.—In the case of an estate, the limitation in subsection (a) shall not apply to any farming enterprise comprising a part of the estate for the first and second taxable years of the estate if the business of farming was the principal business activity of the decedent for the last full taxable year before his death.

"'(f) CARRYBACK AND CARRYOVER OF DISALLOWED FARM OPERATING LOSSES.—

"'(1) IN GENERAL.—The disallowed farm operating loss for any taxable year (hereinafter referred to as the "loss year")—

"'(A) shall be a disallowed farm operating loss carryback to each of the three taxable years preceding the loss year and a disallowed farm operating loss carryover to each of the five taxable years following the loss year: *Provided*, That if there was no net income from the business of farming for one or more of said three preceding taxable years, the operating loss carryover period shall be extended by a like number of years; and

"'(B) (subject to the limitation contained in paragraph (2)) shall be allowed as a deduction for such years, under regulations prescribed by the Secretary or his delegate, in a manner consistent with the allowance of the net operating loss deduction under section 172.

"'(2) LIMITATION.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carryovers to such taxable year shall not exceed the taxpayers' net income from the business of farming for such taxable year.

"'(3) DISALLOWED FARM OPERATING LOSS.—The term "disallowed farm operating loss" means, with respect to any taxable year, the amount disallowed as deductions under subsection (a) for such taxable year.

"'(g) REGULATIONS.—The secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations applying the provisions of this section—

"'(1) to a taxpayer engaged in more than one business of farming,

"'(2) to a business of farming carried on by a partnership, and

"'(3) to a business of farming carried on by an electing small business corporation (as defined in section 1371(b)).

The regulations required under paragraphs (2) and (3) shall provide that the income and deductions of a partnership or an electing small business corporation which is engaged in the business of farming shall be treated as the income and deductions of the partners or of the shareholders of such corporation.'

"(b) CONFORMING AMENDMENT.—The table of sections for such part IX is amended by adding at the end thereof the following new item:

"'SEC. 277. Limitation on deductions attributable to certain farming operations.'

"(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after December 31, 1969."

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 225

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that, at the next printing, the name of the junior Senator from Washington (Mr. JACKSON) be added as a cosponsor of Amendment No. 225 to S. 2347, to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic, social, and political institutions, and for other purposes.

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The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF HEALTH SUBCOMMITTEE HEARINGS ON MIGRANT HEALTH

Mr. YARBOROUGH. Mr. President, on July 18, I was pleased to introduce legislation, S. 2660, that would extend and expand the Federal health program for migrant workers. I have scheduled hearing on this legislation for Tuesday and Wednesday, October 21 and 22 at 10 a.m. in room 4232, New Senate Office Building.

The witness for the administration will be Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs, of the Department of Health, Education, and Welfare, who will appear on Tuesday, October 21, to discuss this underfunded program. Dr. James Peavy, commissioner of health for the State of Texas, will also appear to discuss this important program on Tuesday.

ANNOUNCEMENT OF HEALTH SUBCOMMITTEE HEARINGS ON SCHOOLS OF PUBLIC HEALTH

Mr. YARBOROUGH. Mr. President, on August 8, I was privileged to introduce S. 2809, a bill to extend and expand the Federal program of formula grants for schools of public health. I have scheduled hearings on this legislation for Monday, October 20, at 10 a.m., in room 4232, New Senate Office Building.

There are only 16 graduate schools of public health to train the professional health personnel that are needed by Federal agencies, State health departments, county health departments, city health departments, and voluntary health agencies. I am pleased to report that the newest school of public health is located at the University of Texas in Houston. The dean is Dr. Reuel Stallones, who will be a witness on Monday.

The Federal formula grants for schools of public health were first authorized in 1958. Since then the number of graduate degrees awarded by schools of public health has doubled. At present, however, the schools of public health are faced with problems of expanding enrollments to meet pressing needs for professional public health personnel. The present level of financial support through Federal formula grants represents only 12 percent of the cost of basic operations and teaching expenses at the schools. These facts are revealed in a recently completed study entitled "A Progress Report on the Federal Program of Formula Grants to the Schools of Public Health, 1959–69." I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A PROGRESS REPORT ON THE FEDERAL PROGRAM OF FORMULA GRANTS TO THE SCHOOLS OF PUBLIC HEALTH, 1959–69

PREFACE

This *Progress Report on the Federal Program of Formula Grants to Schools of Public Health, 1959–1969* describes how the nation's schools of public health have fulfilled their commitment to the Congress and the American people to help provide expanded and higher quality services to people by training of health personnel. The formula grants allocated to the schools under the Hill-Rhodes Act have been the key factor in training the vitally needed cadre of health specialists that are in such short supply in Federal, State, and local health agencies.

The schools of public health[1] and their Deans, faculty members, students, and graduates who are a part of this national health effort are grateful for the assistance, encouragement, and support given them by the Congress, the American taxpayers, and their colleagues in other health professions.

This *Progress Report* also outlines the historical background of the establishment of the formula grant program; the amounts and uses to which such funds have been utilized by the schools; the spectacular results that have been achieved during the past decade; the varied roles played by schools of public health; and the dimension of future needs for the Fiscal 1970–1973 period.

Finally, it shows how the schools of public health—with the assistance of the Federal formula grant program funds—have been able to fulfill their mission in serving the complex changing health needs of our modern society, in meeting new challenges to our health environment, and in seeking innovative approaches to the age-old problems of disease, chronic illnesses, and the protection and promotion of our national health and well-being.

INTRODUCTION

The purpose of this Progress Report is to render an accounting of stewardship to the Congress and the American people on what has been accomplished during the past ten years in utilizing formula grants to augment the number of trained public health professionals to provide services to the people of our country through Federal, State, and local health agencies.

A relatively small amount of Federal funds have been invested in this program. But few Federal programs have produced such a significant impact in furthering national objectives and in meeting urgent national needs. This *Progress Report* describes how such results have been achieved, the key role that graduates of schools of public health play in our country, and projects the needs for continued formula grant support over the next several years.

LEGISLATIVE HISTORY

The Hill-Rhodes Act of 1958 (P.L. 85–544) was the first formal recognition by Congress of the Federal responsibility in providing formula grant assistance to institutions of higher education to assist in comprehensive graduate training in the public health professions.

The bi-partisan bill was sponsored in the House of Representatives by Rep. George M. Rhodes (D., Pa.) and was co-sponsored in the Senate by Senators Lister Hill (D., Ala.), John F. Kennedy (D., Mass.), Pat McNamara (D., Mich.), Irving Ives (R., N.Y.), and John Sherman Cooper (R., Ky.). It was passed by a unanimous vote in both the House and Senate after extensive hearings and was signed into law by President Eisenhower.

The Act amended Section 314(c) of the Public Health Service Act by earmarking $1 million a year for a two year period in grants to accredited schools of public health to provide comprehensive professional public health training. It specified that primary consideration be given in the allocation of funds to the number of Federally-sponsored students attending each school.

During the debate on the measure, it was pointed out that the eleven schools of public health were—in effect—the public health equivalent of West Point, Annapolis, and the Air Force Academy in providing professional health training and leadership for the Nation. Most graduates of the schools go into the public service in staffing essential public health positions in municipal, county, State, and Federal governmental levels.

When the original formula grant legislation was enacted, there were eleven accredited schools of public health eligible for grants—five State universities (California at Berkeley, Michigan, Minnesota, North Carolina, and Puerto Rico) and six privately-endowed institutions (Columbia, Yale, Harvard, Johns Hopkins, Pittsburgh, and Tulane).

Since then, four new schools have been accredited and have shared in the formula grant program. Three are State universities (Hawaii, California at Los Angeles, and Oklahoma) while one is privately-endowed (Loma Linda University in California). Another State university—the University of Texas at Houston—was accredited in June 1969 and is eligible for formula grant funds for the 1969–70 school year. Several other schools are expected to apply for accreditation during the next several years to help meet the growing need for professional public health personnel.

In 1960, Congress enacted P.L. 86–720, which extended the formula grant program with a $1 million annual authorization and removed the time limitation on the program. It also authorized $2 million annually for project grants to schools of public health, nursing, and engineering to strengthen and expand graduate public health training.

A provision of the Community Health Facilities and Services Act of 1961 (P.L. 87–395) amended the original formula grant program by increasing the annual authorization from $1 million to $2.5 million to meet rising teaching needs and student enrollment at the schools. The program was also extended until June 30, 1966.

A section of the Community Health Amendments of 1965 (P.L. 89–109) increased the formula grant authorization from $2.5 million to $5 million for one year.

The Comprehensive Health Planning and Public Health Service Act of 1966 (P.L. 89–749) again extended the formula grant program to schools of public health for two years and authorized $5 million for each of the two succeeding fiscal years. This measure also transferred the program from Section 314 to Section 309(c) of the Public Health Service Act.

The Partnership for Health Amendments of 1967 (P.L. 90–174) further extended the formula grant program, authorizing $5 million for the fiscal year ending June 30, 1968, $6 million for the year ending June 30, 1969, and $7 million for the year ending June 30, 1970. These step increases were further recognition by Congress of the growing magnitude of the public health training needs of the country. Authorization for the formula grant program will expire unless extended during the present Congress.

ALLOCATION FORMULA

Regulations promulgated by the Public Health Service pursuant to the legislative intent of the original Act have resulted in the following formula in the allocation of formula grant funds:

One-third of each annual appropriation is allocated equally among the schools of public health in recognition of basic teaching costs that do not vary in direct proportion to the number of Federally-sponsored students.

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[1] Schools of public health are located at the following institutions—University of California (Berkeley), University of California (Los Angeles), Columbia, Harvard, Yale, Johns Hopkins, North Carolina, Michigan, Minnesota, Tulane, Pittsburgh, Puerto Rico, Oklahoma, Hawaii, Loma Linda, and Texas (Houston), accredited in June 1969.

Two-thirds of each annual appropriation is allocated to the various schools in proportion to the number of Federally-sponsored students in each school, using the average of the past three fiscal years to avoid wide fluctuations from year to year.

Thus, the accreditation of new schools of public health (without a corresponding increase in appropriations) actually *reduces* the proportionate share of total funds allocated to each school.

CRITICAL NEEDS—FISCAL 1970 APPROPRIATIONS

This unfortunate situation presently faces all schools of public health in the 1969–70 school year. The University of Texas at Houston school of public health was accredited in June 1969 and is eligible for formula grant funds. Under the present law, $7 million is authorized for the Fiscal 1970 year; but only $4,554,000 of this amount has been requested in the new budget—the same amount as appropriated by Congress last year. Thus, unless additional funds are appropriated this year, each school of public health will *lose* part of its allocation to help provide funds for the new school in Texas.

Actually, even the full appropriation of the $7 million in formula grant funds authorized for this year would still fall short of meeting actual needs of the schools. In a survey conducted by the Association of Schools of Public Health in April, 1969 the fifteen presently accredited schools of public health have estimated their formula grant needs at $8.8 million for the 1969–70 school year. This amount would be required just to keep pace with increased student enrollment, higher costs, and to correct existing shortcomings in instruction. This is $1.8 million *more* than authorized by Congress for Fiscal 1970 and almost *double* the amount of formula grant funds requested in the Fiscal 1970 budget.

In the recent survey conducted by the Association of Schools of Public Health, schools have indicated that additional funds that are needed would be used to correct what they consider to be major existing shortcomings in instruction in such vital areas as:

Environmental Health, including Radiation Health and Occupational Health.

Comprehensive Health Planning and Health Administration.

Epidemiology and Related Fields.

Population and Family Planning, including Maternal and Child Health.

Mental Health.

Nutrition.

Medical Care and Hospital Administration.

FORMULA FUNDS VS. TOTAL COSTS OF SCHOOLS

Formula funds provided under the Federal program have *not* kept pace with rising costs of basic operations and teaching at the schools of public health. Table 1 shows that while total student enrollment has almost *doubled* since 1963, total costs have increased by almost *three times*. The proportion of costs met by formula grant funds in 1968 was actually less than it was in 1963. Meanwhile, the number of Federally-sponsored students at the schools have steadily increased and now amounts to *two-thirds* of the total enrollment.

While the 1,961 Federally-sponsored students attending the fifteen schools of public health represented 67 percent of the total student enrollment, tuition received by the schools for these students was only $2.1 million, or about 6.5 percent of the total costs for basic operations and teaching for the year. Even with the formula grants and various other restricted types of grants received by the schools under other Federal programs, it is clear that the schools are—in effect—heavily *subsidizing* the training of the essential cadre of public health professionals for all levels of government service. Limited State funds or private endowments *cannot* meet the rapidly growing needs of the schools of public health in fulfilling these vital national health responsibilities.

TABLE 1

Year	Total enrollment	Total cost basic operations and teaching	Formula funds allocated	Proportion of costs met by formula funds (percent)	Proportion of Federal-sponsored students in total enrollment (percent)
1963	1,618	$11,600,000	$1,900,000	16	56.4
1968	2,908	[1] 32,500,000	4,000,000	12	67.0

[1] When one adds research and service activities, the total becomes $64,099,000.

ROLES OF SCHOOLS OF PUBLIC HEALTH

Schools of public health have a vital national and an international role. The Federal government and the 50 States are dependent on the fifteen schools in twelve States and Puerto Rico for the supply of graduate trained public health professionals. A survey shows that *only 25 percent* of the graduates actually work in the States where they attend public health school—a clear indication of the national characteristic of the schools. States that do *not* have schools rely on the continuing efforts of institutions in other States for trained public health manpower. The schools have also been heavily involved in the international health field for many years. Many graduates are foreign nationals, often sponsored by our government as part of the AID program. Most return to careers of public health leadership in their own countries.

The schools play essential roles in many diverse fields that are important to the national welfare:

Teaching: The teaching role of the schools prepares physicians, dentists, engineers, nurses, and other professional public health personnel to organize and administer programs and to perform research and teaching functions aimed at controlling and preventing disease and other health hazards. It is also directed toward the promotion of sound health practices among population groups at the local, State, and Federal levels.

Public service.—A survey of graduates of public health schools shows that *more than 90 percent* enter professional employment in public agencies at the local, State, or Federal health levels. Many faculty members of the schools also serve as expert consultants to public and private health agencies concerned with public health matters. The increasing concern with such health problems as air and water pollution, aging, chronic diseases, radiation, accident prevention, mental health, and nutrition has caused a corresponding increase in demands for new curricula and training of professional public health personnel in these and other fields to full existing vacancies in public agencies.

Research.—The schools' research role is oriented primarily to the search for the causes and for the means of controlling and preventing disease, accidents, and other health hazards on a mass basis, rather than to the clinical aspects of healing sick persons—the primary concern of research in medical schools and hospitals. Other public health research develops basic knowledge of the social, cultural, and economic factors involved in effective application of proven health measures among various population groups.

INVESTMENT AND RESULTS

Since the enactment of the Federal formula grant program in 1958, Congress has authorized $41 million in assistance to the schools of public health. Of this amount, $26,454,000 has been subsequently appropriated by the Congress, allocated by the Public Health Service, and expended by the schools to carry out the purposes of the program. Table 2 shows the figures for each fiscal year in which the program has functioned. During this period, the number of schools of public health has increased from eleven to the current level of sixteen, reached by the accreditation of the University of Texas (Houston) in June of 1969.

TABLE 2.—FORMULA GRANT ASSISTANCE TO SCHOOLS OF PUBLIC HEALTH—AMOUNTS AUTHORIZED AND APPROPRIATED BY CONGRESS—FISCAL YEARS 1959-70

Fiscal year ending June 30—	Number of schools	Amounts authorized	Amounts appropriated
1959	11	$1,000,000	$450,000
1960	12	1,000,000	1,000,000
1961	12	1,000,000	1,000,000
1962	12	2,500,000	1,900,000
1963	13	2,500,000	1,900,000
1964	13	2,500,000	1,900,000
1965	13	2,500,000	2,500,000
1966	14	5,000,000	3,500,000
1967	14	5,000,000	3,750,000
1968	15	5,000,000	4,000,000
1969	15	6,000,000	4,554,000
1970	16	7,000,000	(1)

(1) Appropriation pending.

In the fiscal year ending June 30, 1969, $6 milllion in formula grants were authorized and $4,554,000 appropriated by Congress and allocated to the schools of public health. Grants ranged from a high of $639,000 for one school down to a low of $119,500. The average size grant for the fifteen schools sharing in the formula program was $303,000 for the 1968–69 school year.

The success of any program in which the public interest is involved must be measured by the amount of Federal funds expended and the significance of the results achieved. What has been the result of this investment of taxpayers' dollars in the type of programs carried on by the nation's schools of public health? To what extent have these expenditures helped to meet our health needs? Federal formula grant funds—plus those they helped to generate—have produced these dramatic results in the 1959–69 years since enactment of the program as compared with the comparable time period immediately preceding its enactment:

A 124 percent *increase* in the number of students enrolled at schools of public health (24,361 as compared with 10,872)

A 74 percent *increase* in the number of graduate degrees awarded by schools of public health (11,240 as compared with 6,451)

(See Table 3 for data listed by years for this period)

A 195 percent *increase* in the number of Federally-sponsored students at schools of public health (from 717 in 1959 during first year of program to 2,115 in the current school year)

A 187 percent *increase* in the total number of students currently enrolled at schools of public health in the 1969–70 year as compared with the 1957–58 year (3,525 as compared with 1,230)

An *increase* from 11 to 16 in the number of accredited schools of public health providing comprehensive graduate training and degrees in the health professions

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The *addition* of hundreds of new courses in the schools to meet the health needs of our changing society, such as Environmental Health, Mental Health, Maternal and Child Health, Radiological Health, Medical Care for the Aged, Comprehensive Health Planning, Epidemiology, Nutrition, Hospital Administration, Industrial Health, and many others.

USES OF FORMULA GRANT FUNDS

Schools of public health, unlike other institutions, cannot rely on alumni contributions for financial support since virtually all graduates are engaged in public service activities. Thus, they must depend more heavily on grant programs than many of the other professional schools. Of the total expenditures of $64 million by the fifteen schools during the 1967–68 school year, the level of support they received from their parent institutions ranged from 6 percent to 33 percent of their operating expenses, with an overall average of only 23 percent.

In this situation the importance of formula grant funds is characterized not only by the amount but by the flexibility of this type of financial support, which enables the schools to stretch the funds for more effective use.

TABLE 3—U.S. SCHOOLS OF PUBLIC HEALTH—TOTAL NUMBER OF GRADUATE DEGREES—STUDENT ENROLLMENT—1948–69

Year	Number of graduate degrees awarded	Number of students enrolled in credit courses
Before enactment of formula grant program:		
1948	460	638
1949	471	865
1950	524	969
1951	620	1,025
1952	604	1,039
1953	608	998
1954	584	915
1955	567	971
1956	582	1,045
1957	659	1,177
1958	772	1,230
Total (1948–58)	6,451	10,872
After enactment of formula grant program:		
1959	785	1,304
1960	744	1,266
1961	766	1,399
1962	747	1,619
1963	798	1,848
1964	1,032	2,047
1965	1,092	2,267
1966	1,195	2,608
1967	1,196	3,115
1968	1,337	3,363
1969	1,548	3,525
Total (1959–69)	11,240	24,361

Analysis of Table 3 shows, as is generally true in higher education, that there is a delayed and cumulative effect from the increase in formula grant funds. Thus, from 1959 to 1963 there was little difference in the number of graduates, which from 1963 to 1969, the last six years, the number of graduates practically doubled. A similar effect, with a shorter lag period and a greater proportional growth, is obvious for student enrollment.

Over the years, each school has devised methods to maximize the effective use of formula grant funds. In its questionnaire to Deans of the schools in April, 1969, the Association of Schools of Public Health asked for statements on how the formula grants have been used. Here is a representative sample of comments received:

"The major programs for which formula grant funds are currently being used . . . are public health nursing, maternal and child health, biostatistics, support staff for core curriculum, and strengthening field training needs in health education. Existing teaching programs have been expanded and improved by the purchase of audio-visual equipment, instructional and library materials, and laboratory equipment . . . In community service, continuing education has been a major support item of this School's activities for health workers in the State."

* * * * *

"Formula grant funds constitute an indispensable component of our budget for instructional purposes. Literally speaking, these funds undergird, in varying degrees, all of the ten academic departments . . . Between 1958 and 1968, student enrollment increased by more than 100%. This rapid expansion could not have taken place without the financial support of formula grant funds."

* * * * *

"Formula grant funds made possible a fulltime obstetrician with training and experience in Maternal and Child Health and Population Problems, enabling us to offer courses in this area such as Family Planning, Maternal Health Guidance Programs, etc. Extension programs for outlying health departments were conducted as well as the organization and presentation of a program on Drug Abuse. Currently, a program is being initiated to develop community betterment programs in a Mexican-American community and another among a Negro and Mexican-American community."

* * * * *

Departments chiefly aided by formula grant funds are Microbiology, Behavioral Sciences, Environmental Sciences, Health Services Administration, Biostatistics and Demography, and Human Ecology. Since the formula funds have not significantly increased, they can provide little base for further expansion until appropriations are increased."

"The formula grant funds are interwoven into the fabric of this School's staff budgets to such an extent that, if they were no longer available, the entire program would be in jeopardy. They are used in practically every programmatic area in the School's teaching and training activities. Further, an increase in grant funds is needed urgently if existing programs are to keep pace with rapidly changing events and if programs needing basic development are to be instituted. Areas which need updating and improvement are environmental health, epidemiology, and public health administration. Newer areas which need development are within the scope of behavioral sciences as they affect the public's health, population control, and area-wide comprehensive planning."

* * * * *

"Formula grant funds play an extremely important role in the teaching program of the School . . . Changing social needs require flexibility in planning of teaching. Formula grants permit the development of specific training programs which will meet immediate needs, such as family planning, programs meeting health needs of ghetto areas . . . . and problems of urban populations."

* * * * *

"Formula grant funds have been used to meet a variety of needs in the School. They have provided for the employment of faculty in the areas of public health nursing and mental retardation . . . Formula grant funds also enabled the School to purchase some of the more expensive and urgently needed teaching equipment for which other funds were not available. Equipment such as calculators, microscopes, and projectors were purchased."

* * * * *

"Formula grant funds have enabled us to continue to meet the varied teaching responsibilities imposed by new and changing public health needs. Faculty have broadened and strengthened programs in Air Pollution, Biochemistry, Health Administration and Planning, Health Education, Occupational Health, Public Health Nursing, and Sanitary Engineering . . . The availability of these funds has been a significant factor in making it possible for us to more than double student enrollment during the past decade. Without these funds, it would have been practically impossible to expand our faculty to provide high quality training for the rapidly expanding student body . . ."

"Formula grant funds have been important in the instrumentation of various activities in our School which have had considerable impact on community affairs. Our School has functioned actively as consultant to various legislative bodies in health matters. Through an evaluation study we were instrumental in the reorganization of health services provided to workers through the State Insurance Fund. Our cooperation was also requested by the committee planning a project for a Model City . . ."

* * * * *

"If formula grant funds ceased during one month, the School would have to close down the following month. Thirty-five fulltime faculty members receive part of their salary from such funds and the entire salary of nine lecturers is dependent on these sources . . . This money has enabled us to approximately double our class size in three years, has equipped a good library for us, paid for a librarian, enabled us to obtain up-to-date teaching supplies, enabled our biometry section to begin converting its teaching from calculators to computer terminals, and brought many distinguished scientists to address our students and faculty . . . Formula grant funds are the oxygen supply of our scholastic body and we shall surely asphyxiate without them . . ."

NATIONAL HEALTH LEADERS

Graduates of schools of public health play vital roles in our national health effort. The list that follows represents the wide range of activities and agencies—Federal, State, and local—in which key positions are currently held by public health school graduates. This listing is drawn from a sample of graduates of the various schools.

Federal level

Public Health Service.
Food & Drug Administration.
Indian Health Service.
Air Pollution Control.
Migratory Workers Program.
Environmental Health Sciences.
Tuberculosis Control Bureau.
Accident Control Bureau.
Center for Health Services and Development. .
Center for Radiological Health.
Chronic Disease Control Bureau.
National Institutes of Health.
Atomic Energy Commission.
Social Security Administration.
Regional Medical Programs.
Comprehensive Health Planning.
International Health Programs.
Population Control Programs.
Cancer Control Bureau.
Communicable Disease Center.
Center for Vital Statistics.
Heart & Stroke Control Bureau.
Office of Economic Opportunity.
Aedes Aegypti Eradication Program.

State and municipal levels

State Health Commissioners.
County Health Officers.
City Health Officers.
Public Health Nurses.
Nutrition Programs.
Mental Retardation Programs.
Dental Health Programs.
Health Education Programs.
Comprehensive Health Planning Agencies.
Rehabilitation Programs.
Rat Control Programs.
Maternal & Child Health Programs.
Tuberculosis Control Programs.
Veterinarian Service Programs.
Secretaries of Health & Welfare.

Vital Statistics Offices.
Sanitary Engineering Offices.
Mental Health Centers.
Comprehensive Health Service Programs.
Hospital Planning Councils.
Computer Units.
Regional Medical Programs.
Drug Control Programs.
Social Service Departments.
Alcohol Control Programs.
Air & Water Pollution Control Programs.
Venereal Disease Control Programs.
Laboratory Health Services.

Miscellaneous

Voluntary Health Agencies.
Health Insurance Programs.
Mental Health Agencies.
Cancer Societies.
Research & Teaching in Schools of Medicine, Nursing, Dentistry, Veterinary Medicine, Public Health, and Allied Health Professions.
Departments of Preventive Medicine in Medical Schools.
Health Foundations.
Heart Associations.
International Health Organizations.
Tuberculosis Associations.
Mental Retardation Agencies.
Population Control Organizations.

DIMENSIONS OF NEED—1971–1973

As has been already noted, the schools of public health have estimated their financial needs for the 1969–70 school year (FY 1970) at $8.8 million in formula grant funds. This amount is required just to keep pace with increased student enrollment, the need for new courses, and rising operating costs. This compares with a current authorization ceiling of $7 million for Fiscal 1970 and the President's budget request of only $4,554,000—the same amount as appropriated by Congress last year.

The serious financial crisis facing schools of public health during the next several years poses a growing threat for the 1970's in their ability to supply the increasing demands by health agencies for trained professional health manpower. Vacancies already exist in key health positions at all levels of government despite the tremendous increase in the numbers of skilled health personnel being trained each year by the schools of public health.

At their annual meeting in Minneapolis last April, the Deans of all the schools of public health in the United States expressed their concern in a communication sent to President Nixon, HEW Secretary Finch, and Budget Director Mayo. It said:

"Deans and Directors of the sixteen university schools of public health, meeting to review current educational situation, respectfully but urgently call attention to critical need to provide increased financial support for comprehensive preparation of graduate physicians and other health leaders needed for public service in Federal, State, and local governments, who are now vitally important to present and future health of our people, particularly those now deprived of health services in inner cities and poverty areas.

"Although $7 million authorized in fiscal 1970 for formula grants so essential to operation of schools of public health, only $4,554,000 requested by past administration. Unless Congress appropriates full amount authorized we must report that increased manpower shortage will seriously impair possibility of meeting nation's health needs."

It is clear that since the schools of public health are the *only* source to train these vitally needed health professionals, our national needs can only be met by increasing the appropriations level in the Fiscal 1970 budget and by raising the authorization ceilings by legislative action in the 91st Congress to more realistic levels. Only then and by the subsequent appropriation of adequate funds during the Fiscal 1971–73 years can our Nation be assured of meeting our national, State, and local health manpower requirements.

How can these needs be determined? The Association of Schools of Public Health in April 1969 solicited data to pinpoint specific quantitative and qualitative needs in a questionnaire to the Dean of each school of public health. Detailed data for each of the three years—1970–71, 1971–72, and 1972–73—were furnished by the schools and carefully analyzed. The results are shown below.

An estimated $51 million in Federal formula grant funds will be required by the nation's schools of public health during the Fiscal 1971–1973 period to meet the expanding student enrollment, teaching programs, and increases in basic operating costs:

	Million
Fiscal year 1971	$12.5
Fiscal year 1972	16.8
Fiscal year 1973	21.6

The schools have estimated that these funds, if authorized and appropriated by Congress, would be distributed approximately as follows in the various areas of instruction:

	Percent
Epidemiology	14
Environmental health, including radiation and occupational health	13
Health administration, including comprehensive health planning	13
Continuing education	10
Population and family planning, including maternal and child health	8
Health education	7
Biometry	7
Medical care and hospital administration	6
Mental health	5
Nutrition	5
Behavioral sciences	4
Public health nursing	2
Aging and chronic diseases	2
International health	2

The remaining two percent of the funds would be used to improve supportive services for the teaching programs of the schools of public health.

SUMMARY

This *Progress Report* has described how Federal formula grant funds have been utilized by the nation's schools of public health and presented the remarkable record of accomplishment made as a direct result of the financial assistance provided during the Administration of four Presidents by the 85th through the 90th Congresses under bi-partisan support.

It is clear that such progresss in public health training and practice could *not* have been made without formula grant funds, which provide the flexibility required in the schools' teaching and administrative structure.

It is also clear that future progress in the public health field in America depends, in large part, on the continuing and expanding support of the schools of public health through formula grant funds. Estimates of the dimension of these needs during the next several years have been provided.

To the achievement of this growing dimension of needs for the decade of the 1970's, the Nation's schools of public health rededicate themselves.

VIETNAM MORATORIUM ADDRESS BY SENATOR MUSKIE

Mr. HART. Mr. President, the distinguished Senator from Maine (Mr. Muskie) participated in yesterday's Vietnam moratorium—as did a number of us in this body—by going home and talking with and listening to his own constituents.

Because the remarks of the Senator from Maine at Bates College are exceptionally to the point, and instructive for all who will heed them, I ask unanimous consent that his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Edmund S. Muskie

I have been asked why I chose to speak at Bates College tonight.

I came to Bates because I believe today's moratorium can be a time for learning. For me it is a chance to continue an education started on this campus many years ago.

Today's protest is a sign of concern and frustration. It is a sign of broken communications.

There are those who say there is nothing to learn from the moratorium. There are those who downgrade the right to petition.

I say that on the issues of Vietnam we have much to learn from each other, and we can only learn if we are willing to listen to each other and to reason with each other.

This applies to the President and to those who protest. Only in this way can we develop policies on Vietnam which can meet our national interests and end the ugly divisions caused by our involvement there. I regret that the President has not seen this day as an opportunity to unite rather than divide the country. His participation, in a forum of his choosing, could have added a constructive dimension to this national dialogue.

We are engaged in a unique and somewhat awkward experiment. We are engaged in an effort to change a major aspect of our foreign policy in public view, while our country is involved in a war and in diplomatic negotiations to end that war.

Our national debate over the wisdom of past policies, the validity of present policies and our alternatives for future policies is open for world-wide inspection. The magnitude of today's moratorium, for example, transmitted almost instantaneously by radio and television, will have a significant impact in Washington, in Paris, in Moscow, in Hanoi, and in Saigon.

We cannot predict either the nature or the precise direction of the changes we shall cause. We may never be able to measure our impact, but we can be sure our voices will be heard.

That fact is one which should not be ignored. If we mean to be heard—if we mean to change the course of events—then we must be conscious of the responsibility we have assumed.

The right to have a voice in the development of public policy carries with it a responsibility for the results of that policy. Our proposals may not be adopted, but what we say and how we say it will help shape what happens at the negotiating table and on the battlefield.

A sense of responsibility for what we say and do should induce some caution, but it should not impose silence. One of the most dangerous assumptions in a democratic society is to conclude that only the President, the Cabinet and his generals are competent to make judgments on the national interest. Their judgment and their actions, which are fallible, must be subjected to constant scrutiny, tempered by the knowledge of our own, individual fallibility. As the President may be wrong, so may we be wrong.

If we want to make constructive proposals about our policies in Vietnam and Southeast Asia, we must understand how we got where we are, what our objectives now are or should be, and what alternatives are available to us.

Our involvement in Vietnam did not happen overnight or through the decision of one man. It was the product of post World War II policies directed against Communist expansionism and threats of expansion in

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Europe, Asia and elsewhere. It was stimulated by our fear that Communist support for "wars of liberation" would topple the struggling countries of Southeast Asia and disrupt the balance of power in that part of the world. It was encouraged by the concern expressed by governments in that area which felt threatened by Communist China and North Vietnam.

We were persuaded that an aggressive communism threatened to exploit the emerging drive toward nationalism and self-determination which characterized that area. In the uncertain conditions following the withdrawal of Great Britain and France from Southeast Asia, American power seemed to hold a promise of security and support for those who lived in that area.

Although we followed a policy of "limited" involvement in Vietnam, we found our participation growing from technical assistance, money and weapons to massive armed intervention. We sought to buy time for the South Vietnamese against the combined onslaught of the Vietcong and the North Vietnamese, but in the process we made the struggle an American war and imposed terrible burdens on ourselves at home and abroad.

Time has changed our perspective on conditions in Vietnam. What once seemed clear is now uncertain. What once could be described in terms of black and white is now gray. We ask ourselves hard questions:

Should Vietnam have been divided by the Geneva Accords?

Should we have supported the political arrangements forecast by those Accords?

To what extent was the Vietnamese conflict a case of external aggression and to what extent was it a civil war?

History will render the final verdict on the wisdom of our decision to enter the Vietnam conflict. Our task is more immediate—to set new policies where old plans no longer apply, and to bring peace where there is none today.

We are engaged in the search for a way to end the fighting and the killing, to give the Vietnamese people the opportunity to work out their own political destiny, and to lay the groundwork for a more appropriate United States policy in Southeast Asia. Each of us has engaged in that search in his or her own way.

In the process I have made two trips to that part of the world—one as a member of the Mansfield Mission in 1965 and one as a member of the 1967 election observers group. I have read extensively and consulted with men who know the problems of Vietnam intimately.

I have reached some conclusions on what may be the best alternative strategies and policies, conscious of Clark Clifford's observation that "to reach a conclusion and to implement it are not the same, especially when one does not have the ultimate power of decision."

I offer my conclusions, not as one who has an absolute conviction of his own infallibility, but as one who seeks to contribute to a constructive policy for ourselves and for the people of Southeast Asia.

First, I believe our primary objective—for the Vietnamese as well as for American soldiers—should be to end the fighting and killing in Vietnam.

Second, I believe we should do what we can to advance the prospects for a political settlement in Vietnam. We should not design or impose that settlement, but we should do what we can to make it possible.

Third, I believe we should reexamine the nature of our interests in Southeast Asia and the kinds of efforts we can prudently make to help Asian nations achieve the economic, social and political stability they want and need.

It is clearly the deepening conviction of the American people that we must end our present involvement in Vietnam. That conviction must control our policy.

That fact is reflected in a number of proposals and policies for:

Disengagement;

De-Americanization of the war;

Withdrawal of American forces in accordance with a variety of formulas and timetables;

De-escalation of combat activities;

Ceasefires.

Implicit in most of these proposals are the twin objectives:

An end to American involvement—accomplished in a way which will enable the South Vietnamese to carry on without us—as soon as possible—in the event a negotiated settlement has not been achieved in the meantime.

The various formulas for withdrawals raise a number of questions:

1. Should we commit ourselves to a total withdrawal by a specified date?

2. If so, should our timetable be publicly announced?

3. Should be commit ourselves, publicly at least; only as to withdrawal of ground combat forces—leaving in doubt the date and conditions for withdrawing air aid logistical support?

Involved in the answers to such questions are:

The viability of a continued South Vietnamese effort upon our departure;

Maintenance of pressure upon Hanoi and the National Liberation Front to negotiate.

In the light of our involvement and its impact upon the Vietnamese people—whether or not history judges it to have been wise—do we have a responsibility to be concerned about such questions and the impact that the manner of our departure will have upon the situation we leave behind?

It is difficult to conceive of basically new proposals to add to those already advanced in a variety of forma.

As I have considered all of these, and the questions they raise, I have reached certain conclusions.

1. I believe we must disengage our forces—in an orderly way—as soon as possible.

I believe such a policy is dictated by several considerations:

Our efforts have bought the South Vietnamese people valuable time to develop political and military viability;

Whether or not they have developed the will and the capacity to shape their own future must be tested at some point;

There is no way for us to guarantee the existence of that viability;

In the last analysis, the Vietnamese people must create their own political institutions and select their own political leadership;

The imperatives of our problems here at home dictate that we now leave their future in their hands and turn our attention to our own.

2. I believe that withdrawal of our military forces should be orderly and phased in such a way as to give the South Vietnamese people an opportunity to adjust to it.

We should make it clear to the Government in Saigon that our withdrawal is geared to a specific time frame to which they must adjust.

The other side should be left in doubt—and we should reserve flexibility—as to the phasing out of logistical and air support. This point, it seems to me, could be relevant to their motivation to negotiate.

Even as we plan our withdrawal, it should be our objective to pave the way for a political settlement between the South Vietnam Government, the National Liberation Front, and other groups representing the several social and political tendencies in Vietnam.

The kind of withdrawal proposal advanced by former Secretary of Defense Clark Clifford—of those which have been proposed—illustrates one way to serve this objective. It's based on the assumption that we should continue to seek a negotiated settlement in Paris as we plan for disengagement.

Accordingly, Secretary Clifford has proposed a two-stage plan which would move our ground combat troops out by the end of 1970 and which would provide air and logistical support for somewhat longer. Such a plan, while cutting American casualties, could provide an incentive for the South Vietnamese Government, the North Vietnamese, and the National Liberation Front to reach a negotiated settlement, hopefully even before our withdrawal is complete.

(3) I believe that a standstill cease-fire might open the way for a negotiated settlement and a quick end to the fighting and killing. This suggestion has been resisted by both sides which suggests to me its viability. Such an offer could be accompanied by a reduction in our offensive operations.

If the standstill cease-fire plan succeeded, the withdrawal of United States forces could be accelerated as international peace-keeping forces stepped in to insure observance of the cease-fire. If the standstill cease-fire offer did not lead to an early end to the fighting, a steady and methodical withdrawal plan would offer an effective way of reducing United States involvement and combat losses, while creating the conditions which favor a political settlement.

A standstill cease-fire and a staged withdrawal plan do not rise or fall on the success of the other, but they could reinforce each other. Each recognizes that our commitment and our obligations in Vietnam are to the Vietnamese people, not to a particular regime. Each provides an opportunity for a reasonable political solution. Each reduces the risk of political reprisals at the end of the war.

What I have said, up to this point, is the following:

1. That we commit ourselves to disengagement.

2. That we implement that commitment by means of a phased plan of withdrawal, geared to a timetable.

3. That, in planning our withdrawal, we seek to promote the prospects for a negotiated settlement.

There are those who, in their frustration, are pressing for immediate, unilateral withdrawal. There are others, equally frustrated, who suggest escalating the war again. As to both these suggestions, I raise the following questions:

Is it not possible—

That either course could make less likely a negotiated settlement between the parties?

That either course could mean an inevitable continuation of the war?

That either might open the way for a blood bath in South Vietnam?

That either could dim the prospects for a free choice by the South Vietnamese people?

Our power to influence the shape of postwar Vietnam seems limited to the way in which we decide to disengage. An abrupt and precipitate disengagement could leave chaos behind us.

To the extent that we can avoid that result, we should try.

A scheduled plan for withdrawal of American forces means that the United States will make its own decisions as a great country should—with an appreciation of its own interests, with understanding of its enemies and concern for its allies, and with the wisdom to learn from its past mistakes. In too many cases in Vietnam we have allowed ourselves to be diverted by narrow demands of the Saigon Government and deflected by the uncertain responses of Hanoi. We drifted with events and reacted to pressures. Now is the time for us to assert control over our own policies in pursuit of reasonable and just objectives.

Now is the time also to make clear to the Saigon government that we will not permit it to veto our efforts to explore new ways to end the war. Saigon blocked the proposed three-day cease fire at the time of Ho Chi Minh's death. We urged them to broaden their political base; they responded by enlarging the cabinet, but narrowing its political base.

It is not our prerogative to determine the future political complexion of the Saigon government, and we should not let it be assumed that we have any fixed or irrevocable views on that score.

There are additional steps which might enhance the prospects for a political settlement:

Agreement on a joint commission on elections, to avoid a "winner take all" election, feared by both sides.

Large-scale land reform.

A United States offer of medical aid, relief, and long-term economic and technical assistance to both Vietnams at the conclusion of a settlement.

These are steps for the Vietnamese to initiate, not for us to impose.

I do not assume that the suggestions I have made would guarantee immediate acceptance by the North Vietnamese and the National Liberation Front or by the Saigon government. But I believe that, taken together, they could provide incentives for both sides in Vietnam to begin planning for an end to the military contest.

Any of the proposals advanced for United States initiatives to disengage from Vietnam cannot be implemented by congressional resolution or by public demand. They can only be implemented by the President and his administration.

I believe President Nixon wants peace in Vietnam. I believe the Nation is ready to support him in meaningful moves toward peace. Such meaningful moves require new initiatives.

There have been, and will be, many different explanations of what this moratorium "means". Some will say it means that the American people want all our troops embarked this week for home, whatever the consequences. Some will say it means a complete repudiation of the administration's policies. The President's initial response to it seemed to support that second view—unwisely, in my opinion.

Let me tell you what I think this moratorium means.

I think it means that a very great number of Americans have decided that we should move much more vigorously than we have toward reducing our casualties, and toward ending the fighting and withdrawing from Vietnam.

The American people are in a position to encourage additional steps toward peace, by making known their commitment to a change in our strategies and a re-examination of our underlying international policies. That commitment will require an appreciation of the complexity of the forces with which we must deal, and a willingness to invest time and energy in the search for a better way to help the peoples of Asia, Africa and South America to achieve their own potential.

Our experience in Vietnam has taught us some painful lessons—lessons we wish we might have avoided or might have learned in a less painful way.

We are arrogant and mistaken if we believe that we of the western world are the sole possessors of the yearnings which motivated our own revolution. It is not our national responsibility or duty to stifle or pervert these yearnings when they appear elsewhere.

John Adams told us that, "power always thinks it has a great soul and vast views beyond the comprehension of the weak." Eric Sevareid reminds us that, "in that illusion lies the key to the ultimate crumbling of those sovereign states of the past that rolled not to, or toward, world supremacy. Power is not only not wisdom but often wisdom's enemy.".

When we have truly learned that lesson and when it is reflected in our policies at home, this Nation will truly be on the road to the only kind of freedom that matters.

ANNIVERSARY OF BIRTH OF DWIGHT DAVID EISENHOWER

Mr. SCOTT. Mr. President, October 14 was the anniversary of the birthday of our beloved former President and general, Dwight David Eisenhower. It is fitting that yesterday the Senate provided for the issuance of an Eisenhower $1 coin to commemorate this great leader. It was a fitting action which greatly honors a great man.

General Eisenhower will be remembered by all of us for his long term of service to the Nation as supreme commander of our Armed Forces, as a great President, and as a lasting figure in American life.

On November 23, 1953, President Eisenhower expressed his passionate feeling for things of the spirit and soul, and his abiding faith in the American people. He said:

> The things that make us proud to be Americans are of the soul and spirit. They are not the jewels we wear, or the furs we buy, the house we live in, the standard of living, even, that we have. All these things are wonderful to the esthetic and to the physical senses. But never let us forget that the deep things that are America are the soul and the spirit. The Statue of Liberty is not tired, and not because it is made of bronze. It is because no matter what happens, here the individual is dignified because he is created in the image of his God. Let us not forget it.

FUNDS APPROVED FOR THREE WEST VIRGINIA PROJECTS

Mr. BYRD of West Virginia. Mr. President, as one of the Senate conferees on the appropriation bill for the Department of the Interior and related agencies, I am proud that on October 14 we were able to secure the approval of House conferees with regard to funds for two highly important coal research projects in West Virginia, as well as for work that is needed at a federally owned camping site in Tucker County, W. Va.

Earlier, in subcommittee action, I was able to get the approval of my colleagues to restore $652,000 which the House had slashed from the fiscal year 1970 operating budget for "Project Gasoline" in Marshall County, W. Va., and to add $243,000 to preclude a reduction in force at the Morgantown, W. Va., Coal Research Center. My colleagues also agreed to add $65,000 to the budget to make repairs on a faulty sewage disposal lagoon at Camp Horseshoe, a facility owned by the U.S. Forest Service and operated by the YMCA in Tucker County.

I am gratified that we were able to persuade House conferees to agree to all three of these actions because each project, in its own way, is important to the State or the locality in which it is located. I believe that a summary of the needs of each project might be of interest.

The Project Gasoline pilot plant at Cresap is now operating with the full crew needed for continuous production. It has reached this condition after considerable modification that was required to eliminate mechanical difficulties. In order to obtain the maximum benefit from the large investment that the Government has made in this project, it is necessary to operate the pilot plant in the manner for which it was designed through the next year or two. If the present level of operations were to be substantially curtailed, it would be impossible to obtain the data which is needed to bring the project to a successful conclusion. Substantial curtailment now would result in a waste of Government funds in that anything less than full operation would be meaningless.

The original budget request prepared by the Office of Coal Research was $3,500,000. This represented OCR's best judgment as to the funds required for proper operation and did include a reasonable contingency factor. The cost of present full-scale operations is proceeding at a rate of about $3,000,000 per year. Thus in OCR's judgment the $2,652,000 originally in the budget was a barebones minimum, undoubtedly on the low side of that which will be needed.

As approved by the House Appropriations Committee, $2,000,000 was well below any possible sum which would have kept the pilot plant operating to produce the desired results. Operation at that level would have been almost meaningless.

As to the research money to be spent at Morgantown, this Nation has only a few research centers devoted to improving coal technology. We are in danger of losing skilled, professional scientists and engineers who are in extremely short supply at the Morgantown Coal Research Center. This loss would be occurring at a time when numerous studies indicate that the Nation's future energy demands will reach unprecedented levels and will severely tax the coal industry to meet the demand for coal.

The increased demand for coal, coupled with our concern for the health and safety of the coal-mine worker, dictates that it would be wise to increase our coal research expenditures rather than lay off experienced coal research personnel. Accordingly, I requested that an additional $243,000 be appropriated for the Morgantown Coal Research Center.

These funds would be used to determine the technical and economic feasibility of pneumatically transporting coal from the mining machine to an established underground mining system. Successful development of such a pneumatic transportation could increase the operating time of mining equipment, assist in controlling respirable dust concentrations in the mine atmosphere, and provide a controlled exit for methane produced during mining. These improvements would make coal mining inherently safer and more efficient than at the present time.

In the absence of the restoration of these funds, a reduction in force of 15 research personnel from the Morgantown station would have been necessary.

Turning from coal research, Camp Horseshoe organization camp was built and is owned by the U.S. Government. It is operated under special-use permit by the YMCA and in 1968 provided 16,000 visitor-days of use for 7,400 visitors. The camp can accommodate 160 persons at one time.

About 2 years ago, the YMCA started improving the existing sanitation system by constructing two combination

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shower and toilet units, sewage disposal lines, and a sewage disposal and treatment lagoon. The Forest Service designed the sanitation system for the YMCA under a cooperative agreement.

The treatment lagoon subsequently failed, due to shortcuts taken in both design and installation. The site examination by the Forest Service in the system design did not disclose the porous nature of the soil, and, as a result, the lagoon will not hold water. Consequently, the YMCA has had to revert to use of pit toilets pending correction of the defective treatment system.

The Forest Service recognized that it has an obligation to the YMCA to correct the errors in the design of the lagoon and redesigned the system the latter part of fiscal year 1969. The reconstruction necessary work to correct this unsatisfactory situation will cost approximately $65,000. The need was not included in the fiscal year 1970 budget because it was only known subsequent to preparation of the 1970 recreation development program.

COOPERATIVE EXTENSION SERVICE

Mr. ALLEN. Mr. President, the Cooperative Extension Service with headquarters at Auburn University has a long and illustrious history of service to farmers and citizens in rural areas of Alabama. Few, if any, governmental organizations have done more to improve living conditions of all rural people of Alabama.

Mr. President, the Cooperative Extension Service is one Federal agency that enjoys overwhelming support of all the people and justifiably so because it works closely and harmoniously with county governing bodies, with State legislatures, with adults and youth, with local public schools, with rural community organizations. In doing so it has remained in touch with the people and works with and for the people.

Before we travel too far down the road to "new federalism" it may be well to consider the effectiveness of the philosophy, the administrative structure, and the methods of the Cooperative Extension Service and take note of its emphasis on a genuine State-Federal partnership. It has much to offer as an example of traditional federalism and as a workable State-Federal relationship.

Mr. President, it is unfortunate today that eminently successful Federal programs designed to assist our farmers and rural population are under attack from ideologues, agitators, and irresponsible elements which seem to thrive on creating divisiveness, discord, and turmoil. It is hoped that the Cooperative Extension Service will be spared this disruptive and time-consuming ordeal.

Mr. President, I believe the following report of the Cooperative Extension Service at Auburn University may be useful in discouraging nit-picking and harping criticism of this truly outstanding organization from irresponsible elements of the left. I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, COOPERATIVE EXTENSION SERVICE, AUBURN UNIVERSITY

I. RESULTS ACCOMPLISHED

A. Prior to 1964, non-white and white Extension programs were organized and operated largely as separate units. Non-white county staffs were located in 35 of the 67 counties and a state staff was located at Tuskegee Institute. Actions to implement the Civil Rights Act resulted in an administrative merger placing all programs and activities under the same administrative and supervisory personnel. Other actions and accomplishments were:

1. White and non-white personnel located in separate offices were relocated and housed together at both the county and state levels.

2. In many instances, county rental agreements were terminated, new office locations were secured and physical alteration of office space was necessary. The physical task of relocating county staffs and advising the public of these changes required a special public relations program with county officials and the public. All counties with white and non-white staff members were involved in this process.

3. Non-white state staff members who were housed in an Extension-owned building located at Tuskegee Institute, a predominantly Negro institution, were relocated with all but two staff members being housed in offices at Auburn University, the state headquarters for the Cooperative Extension Service. The remaining two staff members were located in area offices.

4. Non-white staff members had always carried the word Negro as part of their title prior to 1965. By act of the Board of Trustees, Auburn University, upon request of the Director, titles of non-whites as well as whites at the county level were changed to provide a uniform title for like positions. Such titles needing attention at the state level were also changed.

5. The transition in titles and responsibilities required a training program on the part of the organization to acquaint staff members, and particularly the public, with the new titles and the need to associate them with positions and responsibilities. This transition was accomplished in all 67 counties of the state.

6. All agency signs indicating separate office locations or services were removed and new signs designating a single office with one service were installed.

7. Public facilities such as water fountains, rest rooms, etc., used by Cooperative Extension Service staffs, were made equally available to all staff members regardless of race.

8. A detailed plan for implementation of the Civil Rights Act was developed in March 1965 and revised in August 1965. This plan was directed toward the major areas of (1) program planning and execution, (2) staff housing and facilities, (3) staff assignments and development, (4) special events, and (5) continuing state programs. This plan has served as a guide in implementation of the Act.

9. Specific policies and procedures for implementation of the Civil Rights Act were developed and copies provided and reviewed with all professional Extension Service employees by the Director. Policies covered all major conditions set forth in Title VI of the Act and subsequent regulations based upon the Act. Procedures were quite explicit as to the role of each employee in the implementation of these policies.

10. Organized groups were contacted to explain Extension's policies relating to service to them and participation in their programs and activities. Such action occurred at all levels of organization—county, district, area, and state. Mass media were also used extensively in this effort.

11. County staff competencies and abilities were reviewed and assignments made to best use their capabilities.

District supervisors worked with county staff members to determine areas of work toward which each might make the greatest contribution. Assignments were made, although not restrictive in nature, for each position.

12. Salary and travel allocations were adjusted to compensate employees in accordance with position held and their work performance. Such adjustments resulted generally in greater percentage salary increases for non-whites than for whites.

13. New office equipment and supplies were provided where needed to standardize facilities for white and non-white employees in like positions.

14. All county staffs were directed to hold weekly staff conferences to discuss plans and programs for the week. Usually, such conferences were held on each Monday morning and a discussion of activities reported to the district Extension chairman and associate district Extension chairman for their information and supervisory guidance.

15. Both white and non-white staff members were provided equal opportunity for formal training for informal inservice training.

16. Opportunities for attending off-campus graduate courses were inaugurated for all employees regardless of race.

7. Specialists and other staff members giving training to county staffs provided equal training to all county personnel without regard to race.

18. Upon merger of county offices, it was made possible for any county staff member to request specialist assistance through the county Extension chairman. This plan increased the opportunities for non-white employees to discuss the need for specialist assistance and to secure such assistance since white and non-white agents occupied contiguous offices.

19. All 4–H Club awards programs and activities were combined. The combining of programs meant that all literature, training awards, and other activities were equally available to all 4–H'ers without regard to race. Prior to 1964, 4–H Clubs were conducted on a segregated basis. All awards programs participated in by whites and non-whites are judged by committees composed of the two races.

20. There has been an increase in non-white 4–H Club enrollment since passage of the Civil Rights Act and the combining of offices and programs.

In 1964, there were 30,211 non-white 4–H Club members. In 1969 this number had increased to 44,770 members—an increase of 14,559.

21. Homemaker clubs were reorganized with emphasis placed upon leader training for club officials. Special interest groups have been emphasized. Home demonstration clubs were segregated prior to 1964 and met largely in homes, but staff emphasis is presently upon meetings of a bi-racial nature held publicly and on matters of special or wide interest.

22. Employment opportunities are open to employees regardless of race or sex. Qualified personnel are employed when available, to fill positions that become vacant. An example of this is found in Macon County. A non-white county Extension home agent was promoted to associate county Extension chairman in 1968, replacing a white employee who had held that position. This non-white employee has responsibilities for programs for both white and non-white women and youth of Macon County.

23. Special limited resource demonstrations, programs and literature have been designed to better serve low income families, a high percentage of which are non-white. Since 1964, there have been 81 different publications especially written for low income

groups, and 1,949,000 copies have been printed and distributed. Limited resource demonstrations have been conducted in all counties in increasing numbers each year.

24. Long-time Extension programs were revised at the county level in 1966 to better accommodate changes in staff and services to clientele. Since that time, a single Extension annual plan of work has been developed for each county embracing plans for all Extension activities in the county.

25. County Extension Advisory Councils have been revised. Before passage of the Civil Rights Act, there were white and non-white council groups involved in planning separate county programs. Presently, there is only one county Extension Council in each county. Sixty-five of the 67 counties have bi-racial council memberships.

26. Secretarial assistance has been made available to all county staff members. Thirty of the 35 counties with non-white employees did not have secretarial assistance prior to July 1, 1964. Since combining offices, all employees have access to secretarial assistance.

27. There were five non-white employees at the county level in 1964, but presently there are 18 non-white non-academic employees located in county offices. These employees serve both white and non-white staff members as do the white non-academic employees located there.

28. Seventy non-white professional employees are located in 35 different counties within the state.

29. At the state level there are six non-white specialists, an assistant editor and an assistant to the director occupying professional positions.

30. An especially designed Nutrition Education Program was begun for low income families early in 1969. This program presently makes use of non-professional program assistants, 123 of which are non-white. A vast majority of clientele served by this program is non-white.

31. Procedures for filing complaints have been posted in public places and released to the press. Publications covering this subject have been made available to the public.

32. Professional employee associations were organized on a segregated basis prior to 1964, but are now open to whites and non-whites. By-laws and other barriers to membership and participation in professional associations are removed and presently all professional associations of Extension employees are open to whites and non-whites.

II. ACTIONS TAKEN TO ACCOMPLISH RESULTS

The first action taken after passage of the Civil Rights Act of 1964, and the receipt of regulations pertaining to Title VI applicable to the Cooperative Extension Service, was to begin discussion between staff members to explore ways and means of implementing the Act. Such discussions included both white and non-white staff members, and were directed toward ways and means of complying with the Act. After considerable discussion, and consideration of several alternatives, certain carefully designed concrete steps were taken to move toward compliance. Major steps taken were as follows:

A. The decision was made to keep each staff member fully informed of all regulations, instructions or policies pertaining to the Act, and their application to the Cooperative Extension Service. Direct letter communication, meetings, conferences, personal contacts and the weekly Official Letter were included in the methods used by the administration to accomplish this end. Examples of this action are:

1. Instructions for administration of Title VI of the Civil Rights Act of 1964 in the Cooperative Extension Service, dated December 28, 1964, as received by Auburn University President Ralph B. Draughon from Federal Extension Service Administrator Lloyd H. Davis, was duplicated and sent to each staff member by the director of the Cooperative Extension Service.

2. Memorandum issued by Secretary Orville L. Freeman titled "Federal Participation in Segregated Meetings" was received from Administrator Davis and forwarded to staff members by the Director, June 23, 1964.

3. Adjustments in Extension programs under the Civil Rights Act were received from Administrator Davis, duplicated by the Director, and sent to the staff June 10, 1965.

4. The Director secured minutes of meeting of the Board of Trustees, Auburn University, relating to title changes of Extension personnel and forwarded copies to staff members June 11, 1965. This action was followed by further explanation in the Director's Official Letters numbers 306 and 307, dated June 11 and 18, 1965.

5. USDA regulations set forth in section 15.5 (b) pertaining to the necessity for keeping compliance records was sent to all staff members by the Director's Official Letter No. 307, dated June 18, 1965.

6. A statement and explanation of Extension's policy with respect to working with organized groups was prepared for county use and sent to county Extension chairmen by the Director in June 1965.

7. County program responsibility as assigned to the County Extension Chairmen was clarified by the Director in Official Letter No. 308, dated June 25, 1965.

8. July 2, 1965, the Director received from Administrator Davis statement titled (1) Adjustments in Policies and Practices of the Cooperative Extension Service to Meet Compliance Requirements of Title VI of the Civil Rights Act of 1964, (2) Civil Rights Amendments to Instructions, and (3) Supplemental Instructions for Administration of Title VI of the Civil Rights Act of 1964 in the Cooperative Extension Service. Copies of each of these documents were sent to staff members by the Associate Director.

9. Copies of the publication titled "Civil Rights Under Federal Programs," CCR Special Publication No. 1, was sent to all staff members with Official Letter No. 311, dated July 16, 1965. Attention was again called to the availability of this material in Official Letter No. 416, dated September 11, 1967.

10. Letter from the Director to county Extension chairmen and associate county Extension chairmen made references to the three pieces of material sent to counties July 2, 1965, called on county staffs to obtain letters of intent to comply from organizations served by the Cooperative Extension Service. This letter was dated July 16, 1965.

11. The Director sent letter to all state and area organizational heads cooperating on a continuing basis with the Cooperative Extension Service to explain compliance policies. This letter was dated July 20, 1965.

12. A statewide meeting of heads of major organizations was held in Auburn, Alabama, July 28, 1965, to explain regulations and policies of the Civil Rights Act of 1964 as it applied to the Cooperative Extension Service. Explanations were made by the Director, followed by discussion with organizational leaders.

13. A state proposed plan of action under Title VI of the Civil Rights Act of 1964 was developed and presented to the Federal Extension Service. The plan was first developed March 3, 1965 and revised August 15, 1965. The latter plan was the last one developed and sent to Administrator Davis.

14. A statement of policies and procedures for implementation of Title VI of the Civil Rights Act was completed (based upon above mentioned plan) and forwarded to Administrator Davis. This policy statement was dated August 15, 1965.

15. The above mentioned policy statement was read by the Director to each professional employee in district meetings held: Auburn, August 30–31; Montgomery, September 1–2; Huntsville, September 13–14; and Birmingham, September 15–16, 1965. Members of the Federal Extension Service staff were also involved in these conferences to discuss related matters.

16. October 21, 1965, the Director sent to county Extension chairmen a copy of Administrator Davis' statement titled "Interpretation and Modification of Civil Rights Instructions" and called attention to the fact that under the modified regulations they were not required to secure compliance statements from organizations being served.

17. Official Letter No. 351, dated May 13, 1966, carried attachment of copy of letter from Administrator Davis pertaining to 4–H Clubs operating in schools where plans for school compliance had not been approved.

18. December 18, 1967, the Director sent each county Extension chairman a copy of Administrator Davis' letter outlining examples of Civil Rights violations found in Office of Inspector General audits in a sample of counties in six states. Comments were made about this document in the Director's Official Letter No. 431, dated December 18, 1967.

19. The Director issued to staff members a policy statement regarding service by Extension members to Homemaker Clubs. This statement was dated September 1968.

20. Staff members were reminded in Official Letter No. 498, dated May 23, 1969, to display publication "Civil Rights Under Federal Programs."

21. Official Letter No. 499, dated May 30, 1969, carried the official complaint procedure statement previously sent to counties in other documents and again called their attention to means of making complaint procedures available to the public.

22. A statement titled "Planned Action for Civil Rights Implementation in Response to County OIG Audits," was forwarded by request to Administrator Davis, July 8, 1969.

23. A report requested by the Administrator of program and staff data covering the (1) names, titles, race and salaries of staff in counties or areas having white and minority group professional staff as of July 1, 1969, (2) participation in selected 4–H events, (3) youth receiving awards in the 4–H program, (4) number of Extension related organizations, and (5) number of people in Extension related planning groups, was supplied by the Director August 13, 1969.

24. A report titled "Implementation of Civil Rights Plan in Response to County OIG Audits," was forwarded to Administrator Davis by the Director on September 15, 1969.

B. Actions other than administrative contacts through correspondence were also employed. District Extension chairman and associate district Extension chairmen held numerous and repeated conferences with district, area, or county groups to explain and discuss proposed or alternative actions that might and should be taken to implement Title VI of the Civil Rights Act.

Likewise, county Extension chairmen held staff conferences and met with individuals and organized groups in repeated sessions to discuss changes that were needed. These actions are reflected in weekly and monthly reports on file in counties and at the state office.

C. Reports were revised to better determine contacts and service to non-white clientele. Weekly reports were changed to reflect contacts with clientele by race and monthly reports carried a supplement that related service to clientele by race and economic status. This was explained to county staff members in letter from the Director dated January 18, 1966. Reports were regularly reviewed and analyzed by the supervisory staff.

D. Regular compliance reviews were conducted to determine extent of compliance and steps that might be taken to meet requirements of the Civil Rights Act. Reviews were both informal and formal in nature. Many of the reviews were of an informal nature and were conducted by the supervisory

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staff and resolved with county staffs and informal reports presented to the Director. More formal reviews were also conducted by the Extension staff and other agencies.

E. Special compliance reviews were also conducted by different interested agencies. Some of these were concerned with complaints of individuals, situations, or a particular county program. Supervisory staff members of the state Extension Service also conducted special reviews. Action was taken on each compliance review conducted.

NEW DEVELOPMENTS IN GROUND WARFARE

Mr. GOLDWATER. Mr. President, during the course of the hearing before the Committee on Armed Services, we learned of a number of new developments in ground warfare which were not sufficiently enough developed to be contained in this year's authorization.

I have seen a number of these devices in operation and I am very enthusiastic about what these will do for our ground forces and eventually, because the theory can be applied to all forces, what we will accomplish in the field of intelligence of the economy for the entire military.

On October 14, the Chief of Staff of the U.S. Army, Gen. W. C. Westmoreland, addressing the Association of the U.S. Army, gave a broad brush of the impressing, interesting, and exciting possibilities in the new approaches to intelligence and support. The paper, naturally, did not go into the subject in great detail, but I can assure Senators that if they are interested in what the Army of the next decade will look like and how it will function, they can get a fine beginning knowledge by reading the general's outstanding discussion. I ask unanimous consent that the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS BY GEN. W. C. WESTMORELAND, CHIEF OF STAFF, U.S. ARMY

I always welcome the opportunity to address those who support this Association . . . I know I am among friends who are vitally concerned about our Army.

Our Army today is a dynamic organization undergoing change to stay abreast of a rapidly changing technology and society.

In our adult lifetime many of us have witnessed change unequalled in history—the jet airplane, nuclear power, television, and the computer—to name a few. And the social change that should have come within the last century has been our legacy to accomplish in our generation—now.

As an integral part of our changing society, the Army has also been challenged to meet those demands. We in the Army accept the challenge . . . just as we have accepted and met all our challenges in the past.

Today our Army is weathering a period not too unlike others in our proud history.

Today once again the fundamental principles of our profession—the pillars of discipline on which an Army is built—the trust and confidence that have traditionally motivated the soldier are being questioned. We cannot this time wait for a call to action. The problems that we must address exist within our own ranks . . . we share them with the entire Nation. With our troubled society questioning the role of the Army more than ever before, each soldier in a position of leadership is on trial . . . both his character and his integrity are being tested. To meet the test, he must stand on his principles . . . his personal and professional code of ethics, his dedication, his leadership. These are the principles that resolve the crucial . . . these determine the worth of a man's life. These are the hallmarks of the professional soldier in his finest tradition.

The U.S. Army has served its country proudly. It continues to respond to legally constituted executive authority. But the American people also must understand that their Army does not exist to fight without something to fight for. Our Armed Forces on the international scene are as necessary for the security of our country as our domestic police forces are necessary for law and order at home. Our Army can only be as effective as the spirit of its soldiers. And certainly this spirit is sparked by public trust, support, and confidence.

The Army is as dedicated now as it has been for nearly two centuries . . . dedicated to the preservation of our way of life. In guarding this trust, we have never failed. What more could a country ask of its soldiers?

Recently, a few individuals involved in serious incidents have been highlighted in the news. Some would have these incidents reflect on the Army as a whole. They are, however, the actions of a pitiful few. Certainly the Army cannot and will not condone improper conduct or criminal acts—and I personally assure you that I will not. We will always regard the rights of the individual and acknowledge due process of law. But the Army as an institution should never be put on trial as we deal with the few.

We are a proud Army. We do have confidence in our officers, noncommissioned officers, and soldiers who continue to provide the Army and the Nation with the selfless devoted service that has always been our cherished tradition.

This year, I take special satisfaction in addressing this audience—for I know you are dedicated to the maintenance of a strong, modern Army through military-industrial-labor-academic-scientific cooperation. This team provides the Armed Forces with the best equipment science and technology can produce. This cooperative effort is an element of national power that must never be eroded.

For this reason, I will focus now on purely military matters . . . on developments that are of special interest to this audience.

I will proceed on the assumption that neither the Congress nor the Nation wants us to lay down our shield of armed readiness. On the contrary, our citizens continue to demand from us the best military forces possible within the resources made available to us. This is a fair and demanding challenge which we accept.

In meeting this challenge, the Army has undergone in Vietnam a quiet revolution in ground warfare—tactics, techniques, and technology. This revolution is not fully understood by many. To date it has received only limited attention. Analysis of the lessons from this revolution will influence the future direction of our Army both in fundamental concepts of organization and development of equipment.

When the first American units were committed in Vietnam, they were to a large extent a reflection of the organization, tactics, techniques, and technology of World War II, with one noteworthy exception. That exception, of course, was best demonstrated by the 1st Air Cavalry Division. For the first time, an Army unit of division size had been organized and equipped to free itself from the constrictions of terrain through the use of battlefield air mobility. The concept and resultant organization were logical outgrowths of the development of sturdy, reliable helicopters for troops carriers, weapons platforms, command and control, aerial ambulances, and reconnaissance vehicles and larger helicopters for carrying artillery, ammunition, and supplies. Even before the arrival of American combat troops, the effective use of the helicopter had been demonstrated in the support of the Vietnamese. I am confident that the vitality of air mobility is recognized and understood by this informed audience.

We learned that Vietnam posed a problem even more difficult than mobility. The enemy we face in Vietnam is naturally elusive and cunning in his use of the dense jungle for concealment. As a result, in the early days of the American commitment we found ourselves with an abundance of firepower and mobility. But we were limited in our ability to locate the enemy. We were not quite a giant without eyes, but that allusion had some validity. Whenever we engaged the enemy, we won the battle. Too often those battles were at enemy initiative and not our own. Too often battles were not fought because the enemy could not be found or because, after initial contact, he had slipped elusively into the jungle or across borders politically beyond our reach . . . or had literally gone underground.

Since 1965 a principal thrust of our experimentation, adaptation and development in tactics, techniques, and technology has been toward improvement of our capability to find the enemy. Each year of the war witnessed substantial improvement. In 1965, 1966, 1967, and early 1968 we increased the number of both air and ground cavalry units. We added a second airmobile division. As our troops arrived, we progressively organized special reconnaissance elements of all kinds, including long-range patrol companies and special forces teams. We found ourselves more and more using the infantry for the purpose of finding the enemy. When the enemy broke down into small units, we did likewise. We learned to operate skillfully at night. We mastered the enemy's ambush techniques. Technical means were reinforced and improved. Intelligence organizations were expanded and refined.

During this period, the Director of Defense Research and Engineering urged the scientific community to develop a new family of sensors and associated communications equipment to help locate enemy forces on infiltration routes. After proving these devices workable in test, we developed plans in 1967 to use them throughout the battlefield. In mid 1968, our field experiments began. Since then, we have integrated these new devices with the more conventional surveillance equipment and other intelligence collection means. As a result, our ability to find the enemy has improved materially.

Comparing the past few years of progress with a forecast of the future produces one conclusion: we are on the threshold of an entirely new battlefield concept.

Now let me briefly examine the past and relate it to the future.

The Napoleonic Wars are well documented in history texts. Firepower was limited. Mobility was limited essentially to the foot soldier. Support services were provided by contact or foraging. Cavalry, scouts and pickets provided intelligence. This chapter of military history is replete with numerous examples of battles that might have been . . . had the opposing forces known of each other's presence. But when forces made contact, they massed to do battle. At Waterloo, for example, over 140,000 troops crowded into less than three miles of front line contact.

A little over a century later, World War I brought trench warfare. The advent of the machine gun and massed artillery introduced sizable increases in the firepower capabilities available to ground forces. Mobility and support efforts experienced little change. Maneuver on the battlefield was almost nonexistent. Only a few visionaries saw real utility in the tank. Primitive aerial observation brought only marginal improvements in intelligence gathering. The density of troops in the front line, reduced from that of Waterloo, still remained high as soldiers crowded shoulder to shoulder in their network of trenches. Without mobility and information about the enemy, the newly acquired firepower served little purpose.

World War II saw the tank mature, and armies organized to capitalize on this capability. Mobility began to gain on firepower. While the Navy was developing sonar and air elements proceeded with intercept radars, Army target acquisition systems remained essentially at the World War I level. The wheeled vehicle improved our support effort. But we were still confined to the ground with our airlift capability remaining minimal.

The increased mobility, however, did permit combat elements to disperse over a wider front, and the density of troops along the battle lines became smaller. Still, the absence of a refined intelligence capability permitted only small economics of force.

But the Vietnam War has seen a revolution in ground force mobility. We no longer assign units a sector of frontage. Instead, units are responsible for an operational area. And with the mobility of the helicopter, units like the 1st Cavalry and the 101st Airborne Divisions cover hundreds of square miles with their airmobile blankets.

The revolution I envision for the future comes not from the helicopter alone, but from systems that heretofore have been unknown.

For a moment, let us consider the basic combat role of the Army. As the Nation's land force, our mission is to defeat enemy forces in land combat and to gain control of the land and its people. In this role, we have traditionally recognized five functions. But we have emphasized only three: mobility, firepower, and command and control—in other words—move, shoot, and communicate. To me, the other two—intelligence and support—have not been sufficiently stressed. Placing the functions in proper perspective, I visualize the Army's job in land combat as:

First, we must find the enemy.

Second, we must destroy the enemy.

And third, we must support the forces that perform the other two functions.

By studying operations in Vietnam, one can better understand these functions.

Large parts of the infantry, ground and air cavalry, and aviation are used in what I will now call "STANO"—surveillance, target acquisition and night observation, or function number one—finding the enemy. In this function large areas can be covered continuously by aerial surveillance systems, unattended ground sensors, radars and other perfected means of finding the enemy. These systems can permit us to deploy our fires and forces more effectively in the most likely and most productive areas.

The second function—destroying the enemy—is the role of our combat forces—artillery, air, armor, and infantry, together with the helicopters needed to move the combat troops. Firepower can be concentrated without massing large numbers of troops. In Vietnam where artillery and tactical air forces inflict over two-thirds of the enemy casualties, firepower is responsive as never before. It can rain destruction anywhere on the battlefield within minutes . . . whether friendly troops are present or not.

Inherent in the function of destroying the enemy is fixing the enemy. In the past, we have devoted sizeable portions of our forces to this requirement. In the future, however, fixing the enemy will become a problem primarily in time rather than space. More specifically, if one knows continually the location of his enemy and has the capability to mass fires instantly, he need not necessarily fix the enemy in one location with forces on the ground. On the battlefield of the future, enemy forces will be located, tracked, and targeted almost instantaneously through the use of data links, computer assisted intelligence evaluation, and automated fire control. With first round kill probabilities approaching certainty, and with surveillance devices that can continually track the enemy, the need for large forces to fix the opposition physically will be less important.

Although the future portends a more automated battlefield, we do visualize a continuing need for highly mobile forces to surround, canalize, block or otherwise maneuver an enemy into the most lucrative target.

The third function includes an improved communication system. This system not only would permit commanders to be continually aware of the entire battlefield panorama down to squad and platoon level, but would permit logistics systems to rely more heavily on air lines of communications.

Today, machines and technology are permitting economy of manpower on the battlefield, as indeed they are in the factory. But the future offers even more possibilities for economy. I am confident the American people expect this country to take full advantage of its technology—to welcome and applaud the developments that will replace wherever possible the man with the machine.

Based on our total battlefield experience and our proven technological capability, I foresee a new battlefield array.

I see battlefields or combat areas that are under 24 hour real or near real time surveillance of all types.

I see battlefields on which we can destroy anything we locate through instant communications and the almost instantaneous application of highly lethal firepower.

I see a continuing need for highly mobile combat forces to assist in fixing and destroying the enemy.

The changed battlefield will dictate that the supporting logistics system also undergo change.

I see the forward end of the logistics system with mobility equal to the supported force.

I see the elimination of many intermediate support echelons and the use of inventory-in-motion techniques.

I see some Army forces supported by air—in some instances directly from bases here in the continental United States.

In both the combat and support forces of the future, I see a continuing need for our traditionally highly skilled, well-motivated individual soldier . . . the soldier who has always responded in time of crisis—and the soldier who will accept and meet the challenges of the future.

Currently, we have hundreds of surveillance, target acquisition, night observation and information processing systems either in being, in development or in engineering. These range from field computers to advanced airborne sensors and new night vision devices.

Our problem now is to further our knowledge—exploit our technology, and equally important—to incorporate all these devices into an integrated land combat system.

History has reinforced my conviction that major advances in the art of warfare have grown from the Fullers and Guderians—men who detected, in the slow, clumsy, underarmed, largely ineffective tanks of World War I, the seeds of the future. Between the two World Wars, they foresaw with clarity the blitzkreig of armored and panzer forces that introduced a new dimension to ground warfare.

More recently, Generals Howze and Wheeler and the late Lieutenant General Bill Bunker conceived air mobility long before the machinery existed to fulfill the concept. Today we witness both the airmobile concept and the airmobile division proved in Vietnam.

We are confident that from our early solutions to the problem of finding the enemy, in Vietnam the evidence is present to visualize this battlefield of the future . . . a battlefield that will dictate organizations and techniques radically different from those we have now.

In summary, I see an Army built into and around an integrated area control system that exploits the advanced technology of communications, sensors, fire direction, and the required automatic data processing—a system that is sensitive to the dynamics of the ever-changing battlefield—a system that materially assists the tactical commander in making sound and timely decisions.

To achieve this concept of our future Army, we have established, at the Department of Army Staff level, a Systems Manager, Brigadier General Bill Fulton, to coordinate all Army activities in this field. We have done this because of problem complexity. We are dealing with systems that are fundamental to the Army—its doctrine, its organization, and its equipment. We are on the threshold for the first time in achieving maximum utilization of both our firepower and our mobility. In order to succeed in this effort, we need the scientific and engineering support of both the military and the industrial communities.

To complement the systems management, we are establishing at Fort Hood a test facility through which new equipment, new organizations, and new techniques can be subjected to experimentation, adaptation, evaluation, and integration. This facility will be headed by Major General Jack Norton who will report to the Project Director, Lieutenant General Bev Powell, III Corps Commander and Commanding General, Fort Hood.

Hundreds of years were required to achieve the mobility of the armored division. A little over two decades later we had the airmobile division. With cooperative effort, no more than 10 years should separate us from the automated battlefield.

Some will say that this is an unrealistic expectation. Some will say that the current experience in Vietnam, in which the infantry continues to bear the brunt of combat, does not support this visualization of the future. History tells another story. The experience and technology at the time of the British Mark IV tank at Cambrai in 1917 and the H–34 helicopter in the fifties provided the evidence to define the future of these systems.

I believe our future path has been clearly blazed.

We will pioneer this new dimension in ground warfare and develop an integrated battlefield system. The United States Army will again lead the way. Our young officers and NCO's will accept the challenge.

SERMON DELIVERED AT WHITE HOUSE BY REV. ALLAN R. WATSON, CALVARY BAPTIST CHURCH, TUSCALOOSA, ALA.

Mr. STENNIS. Mr. President, on Sunday, September 28, 1969, the Reverend Allan R. Watson, pastor of Calvary Baptist Church, Tuscaloosa, Ala., delivered a splendid sermon at services at the White House at the invitation of President and Mrs. Nixon. I was privileged to be present to hear the stirring message.

The Reverend Dr. Watson's sermon was entitled "One Nation Under God." It was strong in spiritual values, and full of wisdom couched in terms of commonsense.

Mr. President, the sermon contains so much of value that it should be made available to all the people of the Nation. I ask unanimous consent that it be printed in the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

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ONE NATION UNDER GOD

(By the Reverend Allan R. Watson, pastor, Calvary Baptist Church, Tuscaloosa, Ala., preached at the White House, Sunday, Sept. 28, 1969)

In an address delivered at General Beadle State College in South Dakota, our beloved President Nixon stated, "We have seen too many patterns of deception; in political life, impossible promises; in advertising, extravagant claims; in business, shady deals; in personal life we all have witnessed deceits that range from the little white lie to moral hypocrisy; from cheating on income taxes to bilking insurance companies. In public life, we have seen reputations destroyed by smear, and gimmicks paraded as panaceas. We sorely need a new kind of honesty that has too often been lacking, the honesty of straight talk." And on another occasion the President wrote, "I think some of our voices in the pulpit today tend to speak too much about religion in the abstract rather than in the simple personal terms which I heard in my earlier years. More preaching from the Bible rather than about the Bible is what America needs."

Therefore, in the light of this wise counsel and above all in keeping with my divine commission, I call to your attention this straight talk from God's Word, with the prayer that it may give the needed inspiration and guidance to you, who hold the destiny and well being of so many millions in your hands. We read in the 5th chapter of 1 Peter, "Humble yourselves therefore under the mighty hand of God and in due time he will exalt you; cast all your anxieties upon him for he cares about you. Be sober, be watchful. Your adversary, the devil, prowls around like a roaring lion seeking to devour. Resist him, be firm in your faith, knowing that the same experience of trial and suffering is required of your brotherhood throughout the world. And after you have suffered a little while the God of all grace who has called you to his eternal glory in Christ will himself restore, establish, strengthen and settle you. To him be glory and dominion forever and ever, Amen."

Reflecting upon the tremendous problems facing us today, problems such as strained and frequently ruptured international relations, racial tensions and divisions, campus disorders, and general moral decay, I for one am inclined to agree with the sentiment expressed in an old country ballad, "I've enjoyed about all of this I can stand." Or perhaps your feelings are voiced more clearly by a current hit, "Life ain't easy for a boy named Sue." Undoubtedly there are times when, burdened by the indescribable responsibilities of his office, and pressured by public opinion for omniscient and omnipotent action, our gracious host for this family worship service, would like to sing a chorus of his own "Life ain't easy for a boy named Richard." Come to think of it, life isn't easy for any one of us, and upon more serious reflection we would have to confess that probably it is best that it isn't so for we are challenged thereby. As a coaching friend often says, "when the going gets tough, the tough get going." Yet, we long for a better day, a day of restoration, of stability, of peace. A day for the realization of man's personal and national ideals, a time for the securing an abiding stability with adequate resources, and for the securing of peace. Such a day is or should be the hope of each man and the goal of our corporate life. Beloved this glorious prospect is presented in the scripture read a few moments ago and should capture our imagination, compel our interest, and command our attention.

One of the wonderful things about the straight talk of the Bible is that it not only presents seemingly unbelievable possibilities, it also sets forth clearly the way whereby these hopes and dreams may be realized. Simon Peter, a man cut from the same cloth as you and I, with the added advantage of having done graduate work with the Master Teacher, reveals the way in these words, "Humble yourselves under the mighty hand of God."

Humility is a rare commodity indeed in our day. In an age of unparalleled scientific development, when man has moved from a stroll in the park to a walk on the moon. In a day the secularist dreamer worships himself in the laboratory cathedral. At a time when man is enamored with his tremendous achievements to the extent that he is convinced that in him dwells all good, and believes that wrong exists only in systems, institutions, and in the distribution of goods. In such a time as this, humility doesn't come easily. As long as man refuses to humble himself, he will continue to seek and to follow that which Gilbert Chesterton called, "Cures that don't cure, blessings that don't bless, and solutions that don't solve." The spirit that will open the door to a new day will come only as we look at ourselves in the light of God's perfect revelation of Himself and of His will for us in the Person of Christ: Then, and then only, will we cry out with the ancient prophet Isaiah, "Woe is me, for I am a man of unclean lips, and I dwell in the midst of a people of unclean lips."

Now I do not wish to be misunderstood in what is being said or in that which I believe is set forth in this portion of God's Word. There is much which man can and should do to help usher in this longed-for new day. We must plan, we must have political machinery, there must be laws enacted, and social programs formulated. However, never let us forget that it is changed men that produce a changed society. Also, let us remember that man is not simply a creature of his environment. Rather through the power of God he may become the creator of a more favorable and desirable environment. In the light of these facts the making of a new man must be our magnificent objective, and he who has eyes to see recognizes this as a task for the divine and not for man alone.

The Greek dramatists used as a guide in their writing this principle, "never inject a god into a play until there is no other way out." Friends, it is my conviction that we have reached the hour when we must let God step on to the stage. We have kept Him waiting in the wings all too long. It could be that we have even lost Him in the discarded props of yesterday's productions. He must get into the act. Hence, if our civilization is to survive, it is imperative that individually and as a nation, we must give the more earnest heed to this solemn admonition: "Humble yourselves therefore under the mighty hand of God."

During the administration of the late President Eisenhower, he and his wife were worshipping on Sunday in the New York Avenue Presbyterian Church of Washington. At this particular service, the minister, The Reverend George Docherty, expressed the thought that in his opinion it was only fitting and wise to add the words "under God" to the Pledge of Allegiance offered the flag of our country. The President and a large number of Congressional leaders responded to this challenge and today we proudly express our love and loyalty for "one nation under God." However, it is not sufficient merely to add words. The noble thought which they represent must be understood and acted upon. What is the significance of the expression "one nation under God?" It is not an echo of the idea embodied in our text, where the Apostle urges us to "humble ourselves under the hand of the Almighty." Do not these words mean that we should recognize the vital spiritual forces that were at work in the heart and life of those who founded our nation and constituted this Republic? Does not it imply that we are to manifest a continuing dependence upon God?

These truths we readily acknowledge and yet another more searching and revealing question must be faced. Namely—Ours shall be a nation under what kind of God? Shall it be a deity of our own creation, one who is but a reflection of our own personal desires, prejudices, and inflated egos?

Shall it be a God who is but a prominent figure of the past with little understanding of relevance to our present challenges and problems. More than a decade ago, the British Theologian, J. B. Phillips, gave the answer to these questions in a simple little book, "These gods are too small." The cry of the needy and oppressed and the crises of our day demand a personal, living, and loving God. This God, who cares, Simon Peter met as he walked the shores of Galilee centuries ago. This very one must be and longs to be our God and guide today.

Calvary Baptist Church of Tuscaloosa, Alabama, in which I am privileged to serve as pastor, is located adjacent to the campus of the great University of Alabama, home of the Crimson Tide. Upon leaving my office one Monday morning, I chanced to glance into the sanctuary of our church and noticed a student standing behind the pulpit looking first in one direction and then in another. He said nothing but continued to look this way and that. After a few moments reluctantly the silence was broken by my question, "May I help you?" The young man answered, "I'm looking for God. I must find Him now." This wasn't the utterance of a mentally deranged man, one whom the pressures of life had driven to the point of emotional breakdown. Rather it expressed the need of a University senior, completely competent, but feeling deep within the restlessness and hunger for God of which Augustine did speak. Indescribable joy was mine as I endeavored to help him find the One whom he sought. Not a God of the mystics but the God whom I and millions of others had met in the Master. Not a god created by man's imagination or fashioned by his fancy, but the God of Abraham, Issac, and Jacob, the God "who so loved the world that he clothed himself in human flesh and came and dwelt among us. The Promised Messiah, the Christ, who by his death and resurrection brings life and immortality to those individuals who trust him."

Under the mighty hand of such a God our nation, and we as individuals, can experience a new birth of freedom. Without Him, who is the Light of the world, man's brightest ideas and most radiant schemes can only add to the blackness of the night. Without Him, the Lily of the Valley and the Rose of Sharon, society's garden, sown with the seed of man's most noble thoughts, tilled by his unceasing efforts, and watered by the sweat of his brow, can have little beauty and will ultimately end in desolation.

A simple experience from the life of Lord Shaftsbury, a noted British philanthropist, statesman, and social reformer, might well summarize and bring into clear focus the teaching of this portion of God's Word and the point of this message. Almost a century ago, the Christian gentlemen was standing at a busy London intersection. His attention was fixed upon a little girl who obviously was desirous of crossing one of the streets. Sensing her need of help she looked intently at a number of men and women but spoke not a word to them, allowing them to go on their way. After a few minutes, Mr. Shaftsbury, whose countenance reflected the concern and compassion of his heart, started to cross the street. Quickly the little girl looked at him and cried out, "Mister, can I walk across the street with you?" He extended his hand and she placed her small one in it and together they walked confidently and safely. Upon reaching the other side of the street, Mr. Shaftsbury

paused and said, "Little Lady, I noticed you looking at a number of people before asking me to help you. Why did you ask me and not them?" "Well, sir," she answered, "you looked so good that I felt that I could trust my life in your hands."

Ladies and gentlemen, one stands at the dangerous and demanding crossroads of our life today. Being a gentleman He waits for us to invite Him into our lives. He listens for our cry for help. Gazing upon His nail-scarred hands extended in unfathomable love, we too, should be convinced that we can trust our lives and the future of our Republic to His care and leadership. Then, as He dwells within us and the light of His Truth permeates our plans, illumines our thoughts and shines through our lives, the lamp of liberty and justice for all will burn more brightly beside and within the golden door.

DEPARTMENT OF COMMERCE GOLD MEDAL AWARD TO WILLIAM L. TILSON

Mr. ALLEN. Mr. President, as the Senators will remember, the gulf coast areas of the United States were dealt a disastrous blow in August by Hurricane Camille. Great loss of life and property damage resulted from history's most ferocious storm.

Much of the credit for saving countless lives goes to William L. Tilson, meteorologist in charge of the Environmental Science Services Administration's Weather Bureau Office in Mobile, Ala.

On October 14, Mr. Tilson was awarded the Department of Commerce's Gold Medal for his outstanding weather warning service during the approach of Hurricane Camille.

The Honorable Maurice H. Stans, Secretary of Commerce, presented the award to Mr. Tilson during the 21st annual honors awards program here in Washington.

Mr. President, I ask unanimous consent that the Department of Commerce news release concerning Mr. Tilson's award to be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

A DEPARTMENT OF COMMERCE NEWS RELEASE, OCTOBER 14, 1969

WASHINGTON.—William L. Tilson, Meteorologist in Charge of the Environmental Science Services Administration's Weather Bureau Office in Mobile, Ala., today received the Department of Commerce's Gold Medal for his outstanding weather warning service during the approach of Hurricane Camille to the Gulf Coast in August of this year.

This Distinguished Federal Service Award was presented to Tilson by Secretary of Commerce, Maurice H. Stans, in the Twenty-first Annual Honors Awards Program held in Washington, D.C. Tilson was cited for his excellent pre-storm planning and staff leadership which resulted in exemplary team effort by the staff of the Mobile Office. By providing a continuous flow of vital warnings and information to all areas, including isolated and outlying districts, which permitted an early and orderly evacuation and prevented panic from arising, the Mobile Weather Bureau Office is credited with saving countless lives during the disaster.

Tilson, a native of the Asheville, N.C., area, began his Weather Bureau career in 1930 at Macon, Ga. In addition to his three assignments in Mobile, the last beginning in 1949, Tilson has been stationed at the National Hurricane Center when it was located in Jacksonville, Florida; at Pensacola, Florida; Nashville, Tenn.; and Raleigh, N.C.

He is a graduate of the University of North Carolina, and has done postgraduate work at the N.C. State University, Raleigh, and Spring Hill College, Mobile.

He and his wife have two daughters, Jane and Barbara, both students at the University of South Alabama in Mobile.

TAX REFORM NO. 2: DEMOCRATIC STUDY GROUP TAX REFORM BOOK

Mr. METCALF. Mr. President, today I am making available to Senators the second of eight parts of the Tax Reform Fact Book prepared and published by the Democratic Study Group—DSG. As I announced yesterday, this valuable research tool has been updated at my request to reflect final action on tax reform in the House. The section I shall place in the RECORD today discusses the taxation of oil, gas, and minerals.

Since this section of the fact book was prepared, the administration has softened its April proposals in this area. For example, the administration now recommends that if a taxpayer derives 60 percent or more of his gross income from oil and gas properties he should not have to include his intangible drilling expense deduction as an item of tax preference for purposes of the limit on tax preferences.

The House bill would eliminate percentage depletion with respect to foreign oil and gas production. When administration officials testified before the Committee on Finance last month, they recommended this provision be deleted from the bill.

As I mentioned yesterday, the full text of the statements and recommendations of the administration are contained in part 1 of the hearings before the Senate Finance Committee. It is unfortunate that the administration was unable to provide us with its technical memorandum on the tax reform bill sooner. As it turned out, that memorandum was received by the committee just 3 days before the hearing record closed despite the request of the chairman of the Finance Committee (Mr. LONG) on September 4 that it be made available in time for public witnesses to address themselves to the specifics of the administration's position.

Mr. President, I ask unanimous consent that the section of the DSG Tax Reform Fact Book which discusses the tax treatment of oil, gas and minerals be printed in the RECORD. On Monday, I shall discuss the section which relates to capital gains.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

DSG TAX REFORM FACT BOOK: SECTION ONE—OIL, GAS AND MINERALS

ELIMINATE DEDUCTION FOR INTANGIBLE DRILLING COSTS FOR PETROLEUM PRODUCERS

The problem

Oil companies for many years have deducted as current expense certain exploration and development costs which, by most criteria, would be considered investment in capital assets subject to gradual depreciation. This deduction, referred to as intangible drilling costs, results in a substantial and immediate writeoff of capital. It has evolved by administrative decision rather than Congressional action.

Present law

Costs of labor, materials and other goods incidental to drilling are deductible as intangible costs of drilling against gross income in the first year. Other oil and gas industry expenditures that can be immediately expensed (rather than capitalized) include dry hole costs, lease rentals, and production costs.

Pending proposals

The many reform bills introduced in the House this session do not attempt to deal directly with the intangible drilling costs provision.

Revenue impact

Treasury estimates $750 million a year in new revenue would be raised initially in closing this loophole. Later, however, revenue gain would drop to about $300 million as drilling costs are offset against the percentage depletion allowance.

Proponents and opponents

Opposition to this change is centered in the petroleum industry, which alone enjoys its substantial benefits.

Administration action

The Administration proposed making the intangible drilling deduction subject to the Limit on Tax Preference (LTP) provision to the extent it exceeded the deduction that would have been allowed under straight-line depreciation and capitalized.

House action

Although intangible drilling costs were put under the limit on tax preference provision of the bill at one point by the Ways and Means Committee, the bill as reported did not include this change.

The new minimum tax provision in the bill would apply to some income that now escapes taxation under the intangible drilling costs deduction.

Resource references

See Ways and Means hearings, Volume 9; Treasury Studies, Parts 3 and 4.

TREAT CARVED-OUT AND RETAINED PRODUCTION PAYMENTS AS LOANS

The Problem

A production payment is similar to a loan with oil, minerals, or some other underground resource used as collateral. Proceeds of these transactions, however, are treated as income for tax purposes, making substantial tax avoidance possible.

The transactions are used to juggle income from one year to another, enabling a company to inflate its income one year and have a self-induced loss the next. This makes it possible to circumvent statutory limits on percentage depletion, loss carry-forwards, intangible drilling costs, investment credit, and foreign tax credit.

In a *carved-out production* payment, the owner of the interest sells the payment to an outside party, usually a bank or other financial institution. In a *retained* production payment, the owner sells the working interest but reserves the production payment in himself.

Present law

Under present law buyers of *carved-out* production payments treat them as income subject to a deduction for depletion. Amounts used to compensate the owner for the production payment are excluded from his income during the payout period. Expenses of producing that income, however, are deducted in the year incurred.

The owner of the *retained* production payment receives depletable income during the payout period. The buyer of the working interest excludes from income amounts used to pay off the production payments during the same period.

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Pending proposals

The many reform bills introduced in the House this session do not attempt to deal directly with the production payments provision.

Revenue impact

A Treasury study estimates the change, when fully effective in 1979, would increase revenue $200 million a year.

Proponents and opponents

Main opposition to changing the tax status of production payments is coming from the oil and gas industry. The American Mining Congress and other extractive industry groups also oppose this change.

Administration action

The Administration proposal would treat production payments as loan transactions. As a result the owner of the mineral interest subject to the production payment would be required to take income and expenses relating to that payment into account in the same taxable year. The proposed change would be effective for transactions on or after April 22, 1969.

House action

The House bill treats both carved-out and retained production payments as loans. As a result of this change, carve-outs would not accelerate income and therefore would have no effect on the net income limitation on the percentage depletion deduction, on the limitation in the case of foreign tax credit, or on the 5-year net operating loss limitation. The property in retained production payments would be considered as being transferred subject to a mortgage. As a result, the owner of the working interest would be treated essentially in the same way as anyone buying a business asset subject to a mortgage.

Resource references

See Ways and Means hearings, Volume 9; Treasury Studies, Parts 2 and 3.

REDUCE THE TWENTY-SEVEN-AND-ONE-HALF PERCENT OIL DEPLETION ALLOWANCE AND OTHER ITEMS ELIGIBLE FOR PERCENTAGE DEPLETION

The problem

Percentage depletion, the tax loophole that blazed the trail for all the others, is almost as old as the income tax itself. It was first adopted in 1926 as a substitute for a difficult-to-administer depletion allowance based on "discovery value." That allowance had been put into effect eight years earlier to spur the search for oil supplies needed in World War I.

Under the law that has stood since 1926, any oil or gas producer, or anyone with a financial interest in a well, qualifies for depletion at the 27½% rate. Since the allowance has no relationship to cost, the operator of a producing well eventually recovers his investment many times over. Percentage depletion has been extended since 1932 to a long list of resources ranging from oyster shells to iron ore. Oil and gas depletion, however, accounts for 75% of all depletion allowed and stands out as the best-known symbol of tax privilege in the public mind.

Present law

The oil depletion allowance permits the owner of an oil well to deduct each year from his taxable income 27½% of the gross value of the oil produced, provided it does not exceed 50% of the net income from the well. Similar provisions apply at rates ranging from 5% to 27½% for gravel, copper, and nearly 100 other eligible resources.

Pending proposals

Several pending bills call for cuts in percentage depletion; a few would eliminate it completely. H.R. 5250 (Reuss and others) would reduce oil and gas depletion to 15% with proportionate cuts for all other resources eligible for percentage depletion. Identical or similar proposals are H.R. 229, 1039, 1119, 1379, 2142, 3655, 6770, 7040, 7045, 7346, 7585, 8144, 9195, 9479, 9759, 9852, 10237, 10253, and 11782.

Revenue impact

Complete elimination of the depletion allowance for both corporations and individuals would increase income tax revenue about $1.3 billion a year. Reducing the allowance from 27½% to 15% on domestic oil and mineral recovery and eliminating it entirely on foreign oil and mineral recovery would produce a revenue gain of about $600 million a year, according to Treasury. Reducing the allowance to 20% on domestic oil and gas, cutting allowances proportionately on other eligible resources, and eliminating entirely the allowance on foreign production, would increase annual federal revenues about $450 million ($400 million domestic, $50 million foreign).

Treasury witnesses said it is difficult to assess the impact of cutting the depletion allowance because of the related effect of such tax-reducing factors as the intangible drilling cost reduction, production payment transactions, and the foreign tax credit.

Proponents and opponents

The main opponent of depletion allowance cuts is the oil industry. Testimony opposing cuts also came from such organizations as the Oil Shale Corporation, American Mining Congress, and American Iron Ore Association. The American Farm Bureau Federation also opposed changes in depletion allowances. Both the AFL–CIO and UAW want the depletion allowance eliminated after property cost is written off.

Administration action

The Nixon Administration did not recommend depletion allowance cuts to Congress. Nor did it commit directly on the possibility or desirability of cuts.

House action

The House voted to reduce the 27½% oil depletion allowance to 20%, to discontinue its use on foreign production, and to scale down percentage depletion on most other eligible resources. It excluded several minerals—gold, silver, oil shale, copper and iron ore—from the proposed cuts. They are in the 15% depletion category.

Resource references

See Ways and Means hearings, Volume 9; Treasury Studies, Parts 3 and 4.

THE PESTICIDE PERIL–LXVII

Mr. NELSON. Mr. President, a regional natural resources committee, representing the five Upper Great Lakes States, has demanded immediate action to stop pesticide contamination of the Great Lakes basin "by any and all means available."

However, according to an article published in the Lansing, Mich., State Journal of September 11, 1969, the Governors of these same five States have asked only for a "phasing out" of these persistent pesticides as alternative controls are discovered.

There is no need for a gradual phasing out. Safe, effective alternative methods already exist. The State of Michigan is the only State of the five which has since banned the use of DDT. Since that ban was announced, it was learned that many of the alternative controls have existed for decades but have gone generally unused.

I ask unanimous consent that the article, written by James Phillips, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Pesticide Control Lag Seen Likely

(By James Phillips)

Despite the plea by the governors of the five Upper Great Lakes states to eliminate persistent pesticides, it appears unlikely that any drastic curtailment of their use will be accomplished soon.

The governors of Michigan, Wisconsin, Minnesota, Illinois and Indiana last week called for rigid restrictions to be placed on the uses of the chlorinated hydrocarbons and a phasing out of their use as soon as alternative methods of control become available.

The governors' agreements, however, did not reflect the urgency of a Natural Resources committee consisting of members of the five states to review the problem of environmental pesticide pollution.

The committee called for immediate action to be taken to eliminate the contamination of the Great Lakes basin "by any and all means available."

Of the five Great Lakes states, only Michigan has banned the general use of DDT. Bills to outlaw DDT or other hard pesticides in Illinois and Minnesota were defeated this year in their respective legislatures. A bill establishing a pesticide review board was approved by the Wisconsin legislature.

Legislators in Indiana apparently were not alarmed over the pesticide threat. No bills relating to pesticides were introduced in the Hoosier Legislature this year.

The governors' plan for a phasing out of hard pesticides in the Great Lakes basin is likely to simply be a replay of action taken in Michigan to ban the general use of DDT.

Agricultural interests at first said there were no alternatives available and thus postponed action on denying the registration of the pesticide. But when the general ban was announced and the alternatives named, it was discovered that some of the substitute pesticides had been around for more than a decade.

In some instances, the patent rights had expired on the chemical compounds.

Perhaps the most controlling factor in the gradual phasing out of hard pesticides will be economic. Insects which are presently vulnerable to the chlorinated hydrocarbons sometimes build up resistant strains and the immunity forces persons to turn to alternative methods of control.

But there is another potential danger looming on the pesticide horizon that is often overlooked because of the immediate problem of chlorinated hydrocarbons.

The possible problem is the widespread application of herbicides. The use of herbicides to kill or control weeds of other undesirable plants is expected to mushroom in the next decade.

Recently published papers dealing with pesticide pollution are starting to refer to the chlorinated hydrocarbons as insecticides. The action has an alarming inference to conservationists because it opens the door to a second type of pesticide pollution.

BLACK REPARATIONS

Mr. BYRD of West Virginia. Mr. President, the letters to the editor column of The Washington Evening Star of Monday, October 13, contained two important letters. In the correspondence, citizens from Maryland and Virginia gave their views on the recent demands of black militants that churches give money to Negroes for alleged acts of discrimination.

I ask unanimous consent that the letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Black Reparations

Sir: According to what I read in The Star, the Black United Front is now using Hitler's old Mein Kampf advice: "If a lie is big enough and repeated often enough, it will eventually be accepted as truth."

I am referring to the absurd claim that white churches owe black people reparations for past injustices, real or fancied. The truth of the matter is that the blacks owe the white people reparations for all the buildings they destroyed with their firebombs in April 1968. They owe the white people reparations for all the whites they have raped and murdered, stores and banks they have robbed.

Anyone who has ever visited Gettysburg, Pennsylvania can see for himself all the white soldiers who died as reparation for each drop of black blood drawn by a slave whip prior to the War Between the States. How much more reparation can they expect?

When one considers that most of the recipients of welfare are blacks, and the most of the non-paying patients in various big city hospitals across the nation are black, it is the height of insolence and arrogance for the Black United Front to demand any kind of reparations from any white organization whatsoever. And when they brand our police as "savagely Gestapo," they are using the Hitler big lie technique and prattling the Communist party line. If our police really were savagely "Gestapo," the crime wave would be over in about one month.

R. A. Mullen.

Falls Church, Va.

Sir: Let's look at this matter of reparations which certain Negro organizations are demanding of churches. Presumably it is on the basis of what the white church members' ancestors did to the ancestors of the Negroes.

In the late 1850s John Brown went through Pennsylvania and New England urging people from those areas to move to Kansas, so that when a plebiscite was held, Kansas would be free and Negroes would not be in slavery. My ancestors left prosperous farms in Pennsylvania and went to Kansas for the express purpose of giving Negroes an equal opportunity to live as free men. The family never regained the affluence it had in Pennsylvania. Therefore I demand reparations from the Black United Front. I think $50,000 would be about right.

This isn't all the reparations I want. I belong to a downtown church, although I live in the suburbs. A year and a half ago one of our best workers was attacked by two Negro youths who twisted and battered her shoulder so bady she will never be able to do the church volunteer work she used to do. A month ago another of our best volunteer workers was thrown to the ground, her skull fractured, and so badly injured that she never regained consciousness. I want reparations for my church for the loss of these volunteer workers. I think the Black United Front might owe us $100,000 for that.

We used to have two strong evening women's groups, raising money for the church and doing volunteer work. Many of these women are afraid to come out now—there are too many criminal blacks on the street. Some of this work has had to be curtailed. I demand another $100,000 from the Black United Front for that loss.

Let's get it straight as to who owes who reparations to whom for what! Those Negroes who go around demanding reparations could better spend their time training the Negro young in acceptable civilized behaviour. These black youngsters have as much potential as the white youngsters, but without proper training and example by their Negro elders, they won't realize it, whatever help white people may try to give them.

Janet M. James.

Greenbelt, Md.

WHAT IS GENOCIDE?

Mr. PROXMIRE. Mr. President, the word "genocide" literally means the intentional destruction of national, racial, religious or ethnic groups.

Dating back to the sacking of Carthage or even earlier, this crime of crimes, as Dr. Raphael Lemkin, who coined the word puts it, "has repeated itself with the regularity of a biological law." But it was left to our generation to see it practiced on the largest scale by Nazi Germany; deliberately planned as state policy and carried out with every resource of science and complete absence of humanity.

The punishment of these abominable crimes, which shocked the conscience of mankind, became one of the main war aims of the allied nations. In 1945 the four great powers agreed that the persons responsible for the policy of Nazi Germany should be punished not only for violations of the laws or customs of war committed against civilian populations of occupied countries and for the crime of planning, preparing, and initiating a war of aggression, but also for crimes against humanity, committed against any civilian population before or during the war, or prosecutions on political, racial or religious grounds committed in connection with the war. Thus it was established that the treatment which a state, in this case Nazi Germany, meted out to its own nation, had ceased to be its exclusive concern but had become a matter of international concern. Consequently, the major war criminals and many of lesser rank in the hierarcy of Nazi Germany were found guilty and were punished for crimes committed against their own nationals. The action taken by the four allied powers and eventually by the Nuremberg tribunal was endorsed by 19 allied states and by resolutions of the General Assembly. It was felt, however, that penal repression of this kind should not be limited to acts committed in times of war and connected with war, but should be of universal application. Hence the idea of a special Convention on the Prevention and Punishment of the Crime of Genocide, irrespective of whether it is committed in war or in peace.

Mr. President, genocide shocked the conscience of mankind during the Second World War; and it must not shock us any less in 1969. This convention has lain dormant in the Committee on Foreign Relations for more than 20 years. To avoid the issue is to give credence to the crime of genocide. This must not persist.

DEDICATION OF THE WASHBURN UNIVERSITY LAW SCHOOL BUILDING

Mr. DOLE. Mr. President, on September 27, 1969, I participated in the dedication of a new building to house the law school of Washburn University at Topeka, Kans. The occasion was marked with appropriate ceremonies. The 10th Circuit Court of Appeals sat in extraordinary session in the school's moot courtroom, and the featured speaker at the dedication was Justice Byron R. White of the U.S. Supreme Court.

This event symbolized much more than the completion of a new structure, for the building it replaced, as well as much of the rest of the Washburn campus and a considerable portion of Topeka, had been destroyed by a catastrophic tornado in 1966. The opening of this building, indeed, represented the rededication and rebirth of a great institution and the great spirit which characterizes it.

I felt that Mr. Justice White's remarks were especially timely and well considered. I ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Associate Justice White

Ladies and gentlemen, there are hundreds of buildings finished in this country every year and although many are beautiful and useful structures, most of them are put to use without the ceremony and attention which accompany the dedication of this new law school building. This is not to suggest that there is anything untoward or unusual in the proceedings which are occurring here in Topeka. On the contrary, what the people of Kansas are doing is what people all over this country do when a new school building, as distinguished from other structures, is ready for use. Like other buildings, school buildings may be stone and mortar, but they have special significance here in America, a significance making occasions like this an appropriate time for joy and satisfaction.

We in the United States have always had deep concern for the individual and his welfare. People, we increasingly realize, are our major resource. This basic conviction stems from two very different considerations. First is the notion that everyone should be free, and have a realistic opportunity, to develop his personal talents to the maximum possible extent, to improve his knowledge of the universe, to increase his powers of observation and appreciation and to maximize his physical and intellectual skills. This is part of the pursuit of happiness, a value in itself, carrying its own credentials and requiring no further justification by resort to utilitarian considerations.

Necessity and utility, however, make up a second powerful stimulus to our urgent efforts to educate and develop our people. Our ancestors knew that ignorant men could not be free, nor could they govern themselves as our Constitution assumed they could. The untrained mind and the unskilled hand could not provide an acceptable standard of living, could not manage and utilize our resources, could not understand or use the unfolding sciences and could not fathom or solve the problems of an enormously diverse and growing population living together as one people.

Fortunately, the need was recognized and early provision made. Education has had its problems, but it has steadily grown in both the public and private sectors. In this century, it has mushroomed until our total budget for private and public education at all levels of government is now well over 50 billion dollars a year. This represents a massive investment in people, but an investment which has paid for itself many times over, as our gross national production so clearly indicates.

The truth is that our affairs have become so complicated that without the sophisticated mind and a reservoir of highly educated people, we could not exist today. As far as education is concerned, we have no choice but to make sure that every generation has the chance to equip itself for existence in today's world and to make sure that the search for well motivated talent among all our people does not subside. There is also the excruciating fact that

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some of our major, more important problems have stumped the present adult generation, as well as those preceding it and apparently will be solved only by the young and their children if, that is, they can develop a new order of dedication and intellect.

Our developing experience also proved the need for lawyers and professional post graduate schools to train them. The federal and state constitutions created complex governmental structures and characteristically placed serious limitations on governmental powers vis-a-vis the people. Lawyers, if anyone, were to understand and make the system work, especially since the courts were to play a major role in implementing the basic principles of our system and since lawyers were responsible for bringing and managing this litigation. Of course, like all civilized countries, a system of laws regulating human conduct was essential and for their proper drafting, enactment and enforcement lawyers were indispensable.

Today, there are some 140 accredited law schools, with full and part-time faculty totaling approximately 4,000, a student body of 63,000 and graduating classes totaling 16,000. There are well over 300,000 lawyers licensed to practice law in the 50 states and the District of Columbia. At least 40,000 of them are in government service, including about 10,000 judges. Over 30,000 are employed by private concerns. The remainder are in private practice, perhaps 40,000 in large firms, 80,000 in smaller firms and the rest, say 115,000, are individual practitioners.

One cannot help but be proud of the contribution which lawyers and law schools have made in the process of building this great country and in arriving at the point on the domestic front where we are not so much concerned about sheer subsistence and survival but by the quality of our lives. I do not suggest that the millennium has arrived, for we have unsolved problems for which lawyers and law schools share the responsibility with the public at large. These problems, and the list is long, represent the frontiers of the law, just as they mark the frontiers of some other disciplines. Bringing some order into the international community, where large scale violence is not uncommon; understanding and managing an explosive population growth all around the world; realizing and doing something about the environment on which we depend for the basic necessities of life; solving the enigma of racial hatred and conflict—these are just some of the issues that our generation and those who preceded us have not been willing or able to resolve and which are necessarily of great concern to the modern law school and the modern lawyer.

The time has long since passed when the law school could view the law as a body of prescriptions handed down from on high and limit its function to teaching its intricacies to students who in turn would feel no responsibility for the substance of the law or for the institutions from which it came. Lawyers man all of the courts and of course they must know the procedures by which decision is made and the rules and principles by which cases are decided. Understandably, law schools have focused heavily on the courts, teaching the law by analyzing cases decided in the courts and having on their faculties experts in state and federal court procedure. My own observation has been that almost any community has lawyers who are extraordinarily skillful in the courtroom and who are wholly competent to try questions of fact as well as issues of law which arise under a great variety of state and federal regulatory statutes. But the responsibility of lawyers and law schools has a broader sweep.

Insofar as their duties relate to the courts, both the law school and the practicing bar could do better than they are doing with respect to at least two very large matters. Both are important to everyone and to judges in particular. The first pertains to constitutional litigation, that is, to those cases where construction and application of the United States Constitution are involved. Characteristically, the claim in these cases is that a federal or state statute or regulation, or some other official act, such as an arrest, a search, or a criminal conviction itself, is contrary to some provision of the federal constitution. Under that document, courts are empowered to adjudicate such claims. The issues are more often than not of great importance, having impact far beyond the case and the parties before the court. Does the First Amendment forbid actions for libel and thereby insulate a deliberate falsehood injurying a person's reputation? Does the First Amendment permit public aid to parochial schools or prevent officially prescribed prayers in public schools? Does the Equal Protection Clause forbid racial segregation in public facilities or control the apportionment of legislative business? Does the Fourth Amendment, which forbids unreasonable searches and seizures, permit official wiretapping in law enforcement? The majestic language of our Constitution does not furnish automatic or unarguable answers to these questions. The area of possible choice for the courts is frequently quite wide. The result is that the great bulk of what is known as constitutional law has been fashioned in the courts in the process of deciding individual cases requiring interpretations of particular constitutional provisions.

The impact and significance of the process of judicial review, as it is called, is immense. Unquestionably it is desirable that the process be structured to produce sound decisions which will stand the test of time. Ideally, the country's best thinking should be brought before the court in all of these cases. Ideally, if economic and social facts are relevant to the issue, they should be presented to the court if they are available or can be obtained.

Criticism of court decisions is a popular pastime. Law schools and law school professors are especially adept at it. This is as it should be. Court decisions are public property and constructive comment not only proper but highly useful. But if it is helpful to examine the results of the process, what about the process itself? I have a feeling—but I would be hard put to prove it—that both the law schools and the organized bar could do much more than they have to make sure that the format of constitutional litigation is designed to bring all relevant and useful considerations to the attention of the court, particularly in important cases having wide ramifications. I would suppose a law school would find it most interesting to maintain an ongoing audit of judicial review aimed at assessing and improving it as one of the major decision-making mechanisms in our system of government. It would be a large undertaking, but large matters are at stake.

But if a continuous study of constitutional litigation offers fertile ground, so does the matter of litigation generally. To say that our courts are in trouble and have been for some time is shopworn talk. But it remains true that they are in trouble. In many sections of the country caseloads are and have been out of hand. The time between filing and disposition has become unacceptably long. There have been countless ad hoc studies of the problems and the recently established Federal Judicial Center has great promise. But I am convinced in my own mind that in the long run judicial administration, like public administration generally, must become a course of study in our universities and that students be exposed not only to law and litigation but to the principles of management and administration which have proved themselves in other fields. Lawyers are sometimes said to resist intrusion from other disciplines but if litigation is to continue as a viable mechanism in this country, something besides good lawyers with those legal skills typical of today will be required. Obviously, the question is of utmost significance to the law schools.

I have been speaking of litigation and the decisionmaking process in the courts. But this affords only a narrow view of the law or of legal education. Much more law is made and changed in other quarters than is made or changed in the courts. Our constitutions vest exclusive legislative power in the legislatures and vast areas of law-making authority are in turn delegated by legislators to the executive branch of the government to the growing list of administrative agencies and even to some semi-private associations. Decisions originating in these other sources not only have great significance to everyone but involve the services of many, many lawyers. The private practitioner's clients often have as much need for services in connection with legislation, regulations or administrative practice as they do when they are parties to cases in the courts. If this is true, one might expect the law school to be as expert in the legislative and executive decision-making processes as they are with respect to litigation. But I suspect that this is not the case. Good law school courses in the legislative process are few and far between and the typical course in administrative law deals more with what can happen to the administrative decision when reviewed in courts than what happens or should happen in the agency or department. Law schools can't teach everything, but those licensed to practice law should know more than they do about how the law is made or changed in the legislative halls and the vast reaches of the executive branches of the federal and state governments. The courtroom model of decision-making is not the only way problems are resolved and, as a practical matter, it cannot be.

Ladies and gentlemen, as the population has grown and science and technology flourished the law has come to touch more and more areas of human conduct. Not surprisingly, the practice of law is as diverse as the law itself. Complexity has made specialization the rule rather than the exception; but even so, a great many lawyers, both in the city and the country, and in both large and small firms, still must cope with a wide range of problems, some involving only counseling but others requiring negotiation, litigation or some other technique for resolving conflict. But whatever a lawyer may do, whether he is a specialist or not, it has become increasingly important that he be familiar with the basic principles of several nonlegal fields, or what is even more important, with the methodology by which practitioners in those fields arrive at their important conclusions. Lawyers, to be effective, must develop further the capacity and the technique of digesting and putting to use the learning from other disciplines which is relevant to the solution of legal issues. We cannot consider the law to be a sterile, self-contained enterprise. One of its basic functions is to serve the needs of man. Law schools, like the lawyers they train, must have this fundamental proposition constantly before them. The result may be to keep legal education in constant flux, but changes in the social order inevitably changes the role of lawyers and hence of the schools which purport to train them.

I am impressed with what I have seen here at Wendham. Only energy and vision could have produced this building and those same qualities, I am sure, will be powerful influences towards continuing a relevant and vital educational enterprise in this beautiful structure.

AMERICA'S GREATEST CHALLENGE

Mr. HATFIELD. Mr. President, many have spoken of the need to concern ourselves with the ever-increasing pressures and problems being created by the expansion of the world's population. In past references to overpopulation our minds immediately reverted to the developing countries, and we remembered such unbelievable statistics as the fact that 10,000 people die each day due to starvation, that seven out of 10 children in the "third world" suffer from malnutrition and that there is an average of only one doctor to every 4,000 people in the developing part of the world.

Today, however, we are beginning to realize the overpopulation is also posing a direct threat to the future course of the United States. This summer President Nixon became the first President to ever deliver a message to the Members of Congress pleading for an increased national effort to bring domestic and world population under control. The message brought home a much needed perspective on the population problem. The number of people of a nation is an integral factor influencing the economic and social development in nations—and, in brief, the quality of life is probably the prime factor influencing the quality of a nation's people. As long as a nation's prime occupation is with providing enough food to fill the multiplying number of mouths, the other problems from which communities suffer cannot be given adequate attention. As long as a nation's next consideration is one of providing enough space to accommodate its people, there is no opportunity for addressing the betterment of individual lives.

In meeting the emergency of the mounting problem, I strongly support the President's proposal for a national mobilization of resources and intellects in the formation of a Commission on Population Growth and the American Future and his suggestion for working through the United Nations as an administrative agency for effective worldwide population control programs.

My colleague in the House, the Honorable WENDELL WYATT, has spoken eloquently on this subject at the recent Oregon State convention of the AFL–CIO on September 26, 1969. I recommend this speech to my colleagues here in the Senate as a most rational and thorough appraisal of the population problem and the implications that it holds for us in the United States.

I ask unanimous consent that Representative WYATT's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AMERICA'S GREATEST CHALLENGE

(Speech by Congressman WENDELL WYATT, Republican, of Oregon, before the State Convention AFL–CIO, Portland, Oreg., September 26, 1969)

It was a coincidence, but it was a real coincidence, that at the very moment man was setting his historic foot on the moon for the first time, President Nixon sent to Congress a message stating that the human race was disastrously overpopulating the earth. The irony is that this great human feat, accomplished at the most of many billions of dollars, offers no possible help in solving what must be the greatest challenge the world now faces, and certainly America's greatest challenge.

Unless we all become painfully aware of this problem, unless we devote great thought and action toward the solution of this problem, the seemingly insoluble problems of great magnitude which we face from day to day will become unimportant by comparison.

For the first 1600 years since Christ, the earth's population doubled from 250 million to 500 million. It took 100 years for the earth's population to double from one billion to two billion, which was achieved in 1930. Only 30 years later we added a third billion, and our world's population will be four billion in a period of just fifteen years, by 1975. At this rate in thirty more years, by the year 2000, the earth's population will be *seven* billion persons. After that it is predicted that one billion people will be added to our population at least every five years. We are literally turning our planet into a human ant hill.

Let's direct our attention to the population of the United States, and our problems in just the next thirty years.

It seems to be agreed by those in this business that our own population will increase by 50% in the next 30 years. By the year 2000 the United States will add an additional 100 million persons.

While we are struggling with the problems of the earth, what must we do in connection with the population problems of the United States?

The moon landing has inspired many of us with the confidence that there is no limit to our capabilities, once we set a national goal and make a genuine national commitment. In 1976 we will celebrate two centuries as a nation. Centuries filled with assorted challenges, the shaping of the nation, the winning of the West, the building of an industrial civilization—challenges that have at times drawn us close to greatness as a people.

As we rapidly approach 1976, we should and we must identify and set our goals for the future. What should these goals be? Fatter bottoms for everybody? A power boat for every family? TV sets in every car?

It is clear to me what our greatest task, our greatest challenge is. Physical America, the imprint we have made on the environment in America, is a mess. We are near strangulation in our own pollution; lack of zoning and careful planning has left our countryside a mish-mash; most of our major cities are sliding toward disaster; the center cities are festering sores.

Based upon population migrations of the past ten years, we are racing toward a society which promises that by the year 2000 the twenty largest cities in this country will be ninety percent black, surrounded by an iron ring of white suburbs. This prospect to me is intolerable. Add the problems of a 50% increase in our country's population, and you have so horrifying a projection that we simply must . . . and I say it is imperative . . . we must plan with vision, energy and the same kind of industry possessed by our forefathers to prevent this kind of America. Otherwise we will become a museum nation.

This challenge is as tough and exciting as any people in the history of our world have known. The goal must be: Rebuilding America.

We must build new cities. We must revitalize old cities. We must renew rural America.

The National Committee on Urban Growth has recommended the creation of 100 new cities with populations of 100,000, and ten new cities of one million people. And these new cities will only accommodate 20% of the increase in our own population during the next thirty years. Our challenge for new housing during this period is enormous. We would have to build the equivalent of a new city of 250,000 persons each month until the end of this century just to provide adequate housing for our present population and the one hundred million increase we know is coming during this time.

This is a goal which truly can lift and move our nation. It requires the same kind of vision, the picture of the future in our own minds, which inspired our own pioneer ancestors.

To accomplish this goal, *all* Americans must be motivated. This requires education as to the problem. That is why I am talking to the labor movement about this subject today. Labor has a great stake in this challenge. Your present and future members must be housed, fed, clothed, educated, and they must have jobs. If our country continues to decay, your movement will decay with it, and this we cannot let happen. So I say, spread the word, get excited, determine that you will make your contribution in this great task.

Growth on such a huge scale offers a matchless opportunity to bring about beneficent change. A time of growth is a time when shaping is possible. You can only shape children's teeth when they are growing. If we guide our growth wisely, we can change the face of America. We can replace blight with beauty. We can replace economic stagnation with dynamism. And we can eliminate once and for all those urban diseases which have proven so injurious to the human condition and the quality of life.

If we are to move toward new and more livable patterns of human settlement, we are going to have to bring some order out of the tangle of officials, actions that determine patterns of human settlement today. The men who determine the shape of our cities are the officials at local, state and federal levels who decide on the location of water, sewer and power lines, the location of highways, railroads, waterways and transportation terminals, the placing of state and federal facilities and so on.

Patterns of settlement are also affected, of course, by officials who defend tax inequities that discriminate against the city, who defend zoning practices that imprison the poor in the central city, who permit imbalances in welfare that promote migration.

But the characteristic of all who now influence patterns of settlement and population movement is that each is preoccupied with a splinter of the problem, and none is conscious of his impact on the total well-being of the society. It is that heedless every-bureaucrat-to-his-own-task approach to governing that has produced the present mess. We must have top-level leadership to provide us with an overview of all problems.

Both state and federal governments are already deeply involved in influencing patterns of human settlement—not always consciously or wisely. For some years now FHA mortgage insurance has been a significant factor in making the flight to the suburbs possible for middle-class homebuyers. The highway program has contributed to the growth of suburbia and exurbia. Federal defense and space contracts and installations have had a major impact on population movement in some regions.

The impulse toward more orderly planning has had some encouragement by the Federal government. Metropolitan and regional planning have been given considerable emphasis. But this is far short of a vast national enterprise involving the creation of many new cities, redesign of existing cities, and economic development of our rural areas.

A suggested approach, a first step but a necessary first step, should be the appointment of a Presidential Commission to make an official start in exploring the problem, formulating goals, identifying critical problems and proposing action. The commission should be directed to submit its preliminary recom-

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mendations in twelve months. This twelve-month period would serve as a period of study, preparation and preliminary action for Congress, the states, cities and the private sector, with special emphasis on the contribution to this effort by organized labor.

Many will say this proposal is just for the creation of another federal commission, with the problem thereafter being swept under the rug and forgotten. But this is not my intention. Never have we faced a problem of this magnitude. We must proceed in an orderly manner, or we will fail.

Among the matters to be considered by such a commission would be the following:

1. Federal provision of financial incentives for state and local action.
2. Federal capital grants and low-interest loans to the cities for advance land acquisition.
3. Incentives to business and industry to locate in areas where growth is sought.
4. Careful provision for consultation between the federal government and state and local government on all forward planning.
5. The re-direction of present multi-state economic development and planning agencies.
6. Creation by the states, with federal help, of new statewide agencies with broad powers to plan new communities, to establish urban development corporations, to create "land banks," and so on.
7. Use by the states of their full authority to locate highways, air terminals, parks, hospitals, universities and so on in such a way as to implement a statewide plan for land use and population movement.
8. The development of sound patterns for the planning, building and governing of new communities.

To say that this is a challenge doesn't adequately describe its possibilities. Our future is full of challenges—moral, material, scientific, sociological, political. This one has attributes that make it almost uniquely exciting.

The sheer grandeur of it speaks to our condition. We need a lift of spirit as we approach the beginning of our third century as a nation. And it is a visible, concrete challenge. Among all the impenetrable complexities of our future, the task of rebuilding America has a kind of elemental comprehensibility.

It carries within it enormous potentialities for generating a new burst of economic activity. It would power our economy for decades to come.

This is a goal of moon-shot proportions. It is not a divisive goal. It is a goal which will generate by itself a fresh dynamism, literally millions of new jobs, and will lift the spirit of our people, uniting us as never before. This national commitment would provide the dynamic thrust our society has always had in the past but is in danger of losing. The scope and nature of the commitment is heroic.

It cannot be said too often that Americans are at their best when they are striving for something, when they are pursuing a shared goal. If we are not able to set some goals that stretch us as a people, goals that command our imagination, then we will slide into the torpor of the nations that are receding from history's forefront. And all the learned economists will be impotent to halt the downward skid of a nation that can't think of anything worth striving for.

In short, it is very much in the interest of all segments of our national life to set a great goal for the nation.

In one of John Galsworthy's essays there appears the following passage:

"On the eighth day of July in the year 1401, the Dean and Chapter of Seville assembled in the Court of the Elms and solemnly resolved, 'Let us build a church so great that those who come after us may think us mad to have attempted it.' The church took 150 years to build."

The proposal outlined here is not so generous of time. It gives us little more than 30 years to build our "church."

MARINE CORPS CLARIFIES ITS POLICY ON REGULATIONS

Mr. TALMADGE. Mr. President, I recently had placed in the CONGRESSIONAL RECORD an editorial column written by John Crown, of the Atlanta Journal, regarding Marine Corps policy on black power haircuts and salutes.

The Marines are naturally interested in clarifying their policy, which apparently was misinterpreted, at least to some degree, in news accounts. I have always been a great admirer of the Marine Corps, and I am glad to hear from the Assistant Commandant, Gen. Lewis W. Walt, that "no relaxation in our proven high standard will be condoned."

Mr. Crown has written a second column that puts the matter in better perspective. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Atlanta (Ga.) Journal, Sept. 22, 1969]

THE U.S. MARINE CORPS: HAIRCUTS, SALUTES, GESTURES AND DISCIPLINE

(By John Crown)

Earlier this month I recorded my dismay and shock at the Commandant of the Marine Corps, Gen. Leonard F. Chapman Jr., caving in to militant demands as though he were a college president.

I was particularly concerned at his singling out for dispensation the Afro-style haircut and the Black Power clinched fist salute. The Marine Corps must be a unified and cohesive force to retain its elite combat status. Differences must be minimized, not accentuated.

Apparently that particular column reached the hallowed halls of Headquarters Marine Corps for I have received a letter from the Assistant Commandant Gen. Lewis W. "Lew" Walt, a man with whom I served extensively throughout World War II; a Marine whom I hold in the highest esteem and regard.

Gen. Walt noted that "perhaps your editorial would have been less harsh on our Commandant had you had access to the full text of the ALMAR." For the benefit of non-Marines an ALMAR is an acronym for a message from All Marines—All Marine Commands.

After reading it, I'll concede that I would have been less harsh. I had taken my material from news stories in which the haircut and the salute had been given much prominence. Such was not the case in the ALMAR.

One paragraph said it clearly and completely:

"Each Marine must understand why the Marine Corps has always demanded the highest standards in military appearance, military courtesy and proficiency and why we will continue to do so. These high standards breed pride, and pride, in turn, builds the kind of discipline that is essential to battlefield success with minimum casualties. These qualities have always been the hallmark of Marines and no relaxation in our proven high standards will be condoned. For example, uniforms will be worn correctly with no nonregulation items in evidence; haircuts will conform to regulations, no more, no less; proper military salutes will be rendered on appropriate occasions; the high quality of professionalism must be exhibited in every assignment; breaches of good order and discipline will be dealt with fairly, expeditiously and firmly. This is especially true for those Marines who instigate or execute violence against their fellow Marines."

But having said it all so well, why was it necessary to subsequently include the following paragraph?

"Commanders will permit the Afro/natural haircut providing it conforms with current Marine Corps regulations."

If "haircuts will conform to regulations, no more, no less," why shouldn't that take care of the haircut question?

In all fairness, the Black Power clenched fist salute was not specifically mentioned in the ALMAR, nor by Gen. Chapman personally. The references to it came out in a press conference at which the ALMAR was discussed, the following paragraph in particular:

"No actions, signs, symbols, gestures, and words which are contrary to tradition will be permitted during formations or when rendering military courtesies to colors, the national anthem or individuals. Individual signs between groups or individuals will be accepted for what they are—gestures of recognition and unity; in this connection, it is Marine Corps policy that, while such actions are to be discouraged, they are nevertheless expressions of individual belief and are not, in themselves, prohibited. However, they are grounds for disciplinary action if executed during official ceremonies or in a manner suggesting direct defiance of duly constituted authority."

Gen. Chapman was asked if the foregoing paragraph referred specifically to the Black Power clenched fist salute.

He replied: "Well, that's one of those that this particular subparagraph refers to, yes. There are others, though."

"What others, sir?"

"Oh well, the Marines, individual Marines, often have ways of gesturing to each other. . . . Anything from an informal wave of the hand to something a little more pointed."

In his letter to me, Gen. Walt wrote:

"We are placing new emphasis on leadership, especially small unit leadership, which, I believe, will do much to solve the problems. The Marines of today are no different than those of yesteryear, but the climate outside the Corps, adjacent to our bases and across the country, has caused new pressures to be brought on these young men. They responded to leadership and challenge on the battlefields of Vietnam and they have proved to be dedicated Americans and Marines there. They have turned in a superb performance. I am sure that, with proper leadership on the part of us in responsible positions, we can help them to be good Americans and proud Marines here at home too."

Okay, Gen. Chapman. Okay, Gen. Walt. Having read it all, I'll concede that my original column was somewhat harsh.

Lots of luck in what you're trying to do.

EISENHOWER STAMP

Mr. DOLE. Mr. President, this past Tuesday, October 14, I had the honor to participate in an occasion which was both pleasant and appropriate. The date marked what would have been Dwight Eisenhower's 79th birthday; it also was chosen as the first day of issue for a new postage stamp honoring him. The site chosen for issuing this stamp was Ike's hometown, Abilene, Kans.

As befitted the man and the occasion, it was a warm and genial meeting of those who had known and loved Ike as a personal friend and neighbor, as a soldier, and as a statesman. The ceremonies were arranged and supervised by the Chairman of the Dwight D. Eisenhower Commemorative Stamp Committee, longtime associate of the general

and former U.S. Senator from Kansas, Harry Darby.

The list of dignitaries who were present is much too long to recount here. But a few deserve special mention.

Serving as President Nixon's representative to the ceremonies was Brig. Gen. Robert L. Schultz, who placed a wreath, on behalf of the President, during a special memorial service, in the place of meditation at the Eisenhower Center.

The featured speaker of the day was Ike's former comrade-in-arms and retired Supreme Commander of the North Atlantic Treaty Organization, General Lauris Norstad.

Postmaster General Winton Blount was also present to relay a special message from President Nixon and to share some thoughts concerning President Eisenhower's legacy to our country.

No mention of those present would be complete without noting the attendance of the man who represented Kansas in this body throughout President Eisenhower's two terms in office: of course I am referring to my predecessor, the Honorable Frank Carlson.

Mr. President, I ask unanimous consent that the program for the day's ceremonies and the text of Postmaster General Blount's remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROGRAM

PLACE OF MEDITATION

Memorial services and wreath laying ceremony

Invocation and Reading of President Eisenhower's Inaugural Prayer: Lt. Col. John Blom, Chaplain, 24th Infantry Division.

National Anthem: 24th Infantry (Mech) Division Band, conducted by Warrant Officer Samuel Brown.

The President's Wreath: Brig. Gen. Robert L. Schulz, Special Assistant to the President.

Carillon: Specialist David E. Ralph, Member of The Fifth U.S. Army Band.

Taps.

DWIGHT D. EISENHOWER LIBRARY

First day of issue ceremonies

Invocation: Lt. Col John Blom.

Presiding: The Honorable Harry Darby, Chairman, Dwight D. Eisenhower Commemorative Stamp Committee.

Welcoming Address: The Honorable Robert Docking, Governor of Kansas.

Introduction of Guests: The Honorable Harry Darby.

Speaker: "Experiences With General Eisenhower," General Lauris Norstad, Chairman and Chief Executive Officer, Owens-Corning Fiberglas Corporation.

Address and Presentation of Albums: The Honorable Winton M. Blount, Postmaster General of the United States.

Benediction: Lt. Col. John Blom.

ADDRESS BY THE HONORABLE WINTON M. BLOUNT, POSTMASTER GENERAL OF THE UNITED STATES

I have a letter to all of you from the President of the United States which I should like to read at this time:

"My sincere best wishes go to all of you attending the First Day of Issue ceremony dedicating the commemorative stamp honoring President Eisenhower.

"It is particularly significant that on October 14, his birthday, this beloved man should be honored in this way. Few men in American history or in the world history have so dedicated their lives to peace through understanding and understanding through communications among the peoples of the world. A commemorative stamp, representing as it does the spirit of communication, of exchange of ideas, of freedom of expression, is a particularly fitting honor to be paid to Dwight Eisenhower and his vision of peace and brotherhood.

"This commemorative stamp will serve to remind millions of the man who said: 'Freedom of expression is not merely a right in the circumstances of today, its constructive use is a stern duty.' It is my hope that this stamp will be not only an important part of our postal system, but also a symbol of the man it honors, a man dedicated to free expression and communication as a means to just and lasting peace."

We are gathered here today to honor the birth of an American who helped give shape, purpose, and direction to the 20th century. But I do not wish to eulogize General Dwight David Eisenhower. Others have done that eloquently, and sometimes even adequately.

Rather, I would like to share with you some private thoughts on the Eisenhower legacy—on an America left free to seek its own destiny, under god.

The preservation of our national freedom is a part of the Eisenhower legacy, as surely as the preservation of the Union is a part of the legacy of Abraham Lincoln. In the face of the worst tyranny the world has known a sword has raised. The combined might of the allied nations forged that great sword. But it pleased God to see it placed in the hands of a single man: A soldier who knew the blood and degradation of the killing ground; a man of profound religious conviction who knew war, found it vulgar, and called it "stupidity." We have advanced little as a people if we do not find a moral lesson in the fact that the world's last great military captain was a man of peace.

On last Saturday, I stood at Abraham Lincoln's tomb in Springfield, Illinois, and today I cannot help thinking of Lincoln and Eisenhower and what they have taught us. As our President attempts to end the long and bitter war in Viet Nam, there is a sad similarity between his burdens and those which Lincoln had to bear. Always there have been those who would have us believe, in the name of peace, that if it was impossible to break the will of our adversaries, then it was imperative to break the will of our own people. As the war went badly for the Confederacy, it took courage and fought on, and men died, because, as Carl Sandburg has written: "One hope still held that the peace party in the north might so weaken the Lincoln administration that in time it would give up the war as hopeless."

One hundred years later, and half a world away, another war is raging where freedom is the issue. Again, we find ourselves ranged on the side of those who cherish this freedom as we do: against those who would expend any amount of human life for as long as necessary in order to impose their will on their brothers. And we hear an historical echo of Carl Sandburg's words in the words of the North Vietnamese Defense Minister, Vo Nguyen Giap: When he said the United States "does not possess . . . the psychological and political means to fight a long drawn-out war." And so the war goes on, while our adversary stands with both feet planted firmly in the fallacy encouraged and strengthened by those who would undermine our will.

To paraphrase Churchill: We have not journeyed all this way across the centuries, across the oceans, across the mountains, across the prairies, because we lack the "psychological and political means" to support the defense of freedom. But there are some among us who suppose otherwise.

There is a certain spiritual arrogance in those who suppose that they are more sensitive to the bloodshed in Vietnam than are the leaders of this country. The peaks of self-righteousness and moral superiority are as untenable as they are attractive: They are made slippery by the blood of those called to pay the price so that others may indulge their feelings of moral superiority. There are none in this land that more desire peace in Vietnam than the President of this Nation. There are none that can match his unceasing efforts to bring us out of this complex agony and there is no finer advocate for our Nation's desire for peace with honor.

The presumption of those who feel they know better than the President how to attain peace creates difficulties which ultimately diminish our prospects for peace.

In the life of General Eisenhower there is a lesson which many prefer not to see: There is an answer to those who accuse our leaders of immorality—who choose to believe and would have others believe, that this Nation has pursued its course in Vietnam because our leaders prefer war.

No soldier, whether he is a private or the Commander-in-Chief, prefers war. No President sees the fathers and sons and husbands of this Nation sent to their death with anything but the most bitter pain in his heart. And who can truly know that pain, but the man who bears it. General Eisenhower commanded four million men, and said: "Every one of those men is precious to me". As war material? No. As human beings. Who, in all decency, can pretend to desire peace more profoundly than the man who bears the final responsibility for war?

I would hope that all Americans, on this seventy-ninth anniversary of the birth of Dwight David Eisenhower, might turn to the example of this man who, at the head of our armies, led those armies in the greatest march for freedom ever undertaken and who, in the Presidency, led this people and all people of good will in the search for the day when nation would not lift up sword against nation, neither would they learn war anymore.

But for all that, it would be very wrong to raise Dwight Eisenhower so high in our esteem that we lose sight of him as a human being. For he was a man of gaiety and grace who took his duties seriously, but rarely himself. He was gentle as only the very strong can be. And he was forgiving, as only the very wise can be. Above all, he was a *believable* man. People knew they could trust him.

It was for these reasons, and not because of the positions he has held, or the deeds he had done, but because in his humanity he set an example for all men to look up to, that he became in his life a moral force for good, not only in America, but in the world.

Pericles said that "heroes have the whole earth for their tomb." Dwight Eisenhower came from these plains, and he returned to sleep beneath them. Yet, truly, the whole earth is his tomb; the free world his monument.

As his forces were preparing to cross the Rhine, and the preliminary artillery barrages split the night on March 23, 1945, Ike was out, as usual, with his men, comforting them, encouraging them, sharing with them their natural doubts and fears. He came to one young man who was obviously very frightened, put his arm around the boy's shoulder, and said:

"How are you feeling, son?"

The boy answered, "General, I'm awful nervous. I was wounded two months ago and just got back from the hospital yesterday. I don't feel so good."

"Well," Ike told him, "you and I are a good pair then, because I'm nervous too. Maybe if we just walk along together to the river we'll be good for each other."

After all the memoirs are written and all the eulogies spoken, the image of the Su-

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preme Allied Commander and that frightened boy walking along to the river will still tell the story of Dwight Eisenhower best. He walked with America, and we are richer because of it.

It is a distinct honor for me now to give to the American people this stamp commemorating Dwight D. Eisenhower.

POSTHUMOUS AWARD OF MEDAL OF HONOR TO EDGAR L. McWETHY, JR.

Mr. PEARSON. Mr. President, my distinguished colleague from Kansas (Mr. DOLE) shared with me today the moving experience of being present at the private ceremony when Mr. and Mrs. Edgar L. McWethy, of Baxter Springs, Kans., were presented a posthumous Medal of Honor, awarded to their son Edgar L. McWethy, Jr., by the President of the United States.

Edgar L. McWethy, Jr., was honored today for his gallantry in action while serving as a medical aid man with Company-B, 1st Battalion, 5th Cavalry, 1st Cavalry Division, Airmobile in Binh Dinh Province, Republic of Vietnam, on June 21, 1967. The citation accompanying this award follows these remarks.

Raised and educated in Leadville, Colo., Edgar was active in the Boy Scouts and served as a junior assistant scoutmaster of an Explorer troop there. He was a member of the Baptist Church and employed by the Post Office. As a young man he was, according to his mother, not especially interested in medical work, but while in the Army, he became very much interested in it and this interest made him effective as a medical aid man.

His parents, together with his brother Kenneth and sister Christie, now live in Baxter Springs. It was a privilege for Senator DOLE and me to be present with them at the White House ceremony this morning. We commend the bravery of their son and express condolence upon his death.

For his extraordinary bravery in action, despite wounds that eventually proved fatal, Edgar L. McWethy, Jr., was awarded posthumously both the Purple Heart and the Air Medal in ceremonies at Fort Riley, Kans., in September 1967. Mr. President, it is most appropriate that I ask unanimous consent that the citation accompanying his posthumous Medal of Honor be printed in the RECORD.

There being no objection the citation was ordered to be printed in the RECORD, as follows:

CITATION

The President of the United States of America, authorized by act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor posthumously to Specialist Five Edgar L. McWethy, Jr., United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Serving as a medical aidman with Company B, 1st Battalion, 5th Cavalry, 1st Cavalry Division (Airmobile), in Binh Dinh Province, Republic of Vietnam, on 21 June 1967, Specialist McWethy accompanied his platoon to the site of a downed helicopter. Shortly after the platoon established a defensive perimeter around the aircraft, a large enemy force attacked the position from three sides with a heavy volume of automatic weapons fire and grenades. The platoon leader and his radio operator were wounded almost immediately, and Specialist McWethy rushed across the fire swept area to their assistance. Although he could not help the mortally wounded radio operator, Specialist McWethy's timely first aid enabled the platoon leader to retain command during this critical period. Hearing a call for aid, Specialist McWethy started across the open toward the injured men, but was wounded in the head and knocked to the ground. He regained his feet and continued on but was hit again, this time in the leg. Struggling onward despite his wounds, he gained the side of his comrades and treated their injuries. Observing another fallen rifleman lying in an exposed position raked by enemy fire, Specialist McWethy moved toward him without hesitation. Although the enemy fire wounded him a third time, Specialist McWethy reached his fallen companion. Though weakened and in extreme pain, Specialist McWethy gave the wounded man artificial respiration, but suffered a fourth and fatal wound. Through his indomitable courage, complete disregard for his own safety, and demonstrated concern for his fellow soldiers, Specialist McWethy inspired the members of his platoon and contributed in great measure to their successful defense of the position and the ultimate rout of the enemy force. Specialist McWethy's profound sense of duty, bravery, and his willingness to accept extraordinary risks in order to help the men of his unit are characteristic of the highest traditions of the military service and reflect great credit upon himself and the United States Army.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, yesterday, October 15, the Committee on Finance met in executive session and announced decisions on a series of provisions contained in the House tax-reform bill. The subjects covered include the taxation of multiple trusts and accumulation trusts; multiple corporations; treble damages; foreign tax credit; and stock dividends.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 15, 1969]

TAX REFORM ACT OF 1969—ACTIONS IN EXECUTIVE SESSION

The Honorable Russell B. Long, (D., La.) Chairman of the Senate Committee on Finance announced today that the Committee was continuing to make good progress in its effort to complete action on the Tax Reform Act of 1969 by October 31. He reported that in executive session the Committee had reached decisions on a number of important tax reform provisions contained in the House bill, and had corrected defects in several of them. The complete action of the Committee is described in the following paragraphs:

Multiple Trusts; Accumulation Trusts.—The Committee generally approved the provisions of the House bill which tax the beneficiary of accumulation trusts (including multiple trusts) in substantially the same manner as if the income had been distributed to the beneficiary when it was earned by the trust. However, it approved a series of amendments to correct certain defects in the House language.

(a) The definition of "distributable net income" was modified to include capital gains and dividends allocated by the trustee to the corpus of the trust, thereby preventing the use of trusts to accumulate these items at low rates to be distributed later to high-bracket taxpayers.

(b) The Committee agreed to apply an interest charge to the tax payments deferred by the use of accumulation trusts. This charge would be 6 percent of the tax involved for the period for which it is deferred, and would be assessed against the beneficiary who receives the accumulated income of the trust.

(c) The Committee decided to make the new rules for accumulation trusts applicable with respect to income accumulated in taxable years beginning with December 31, 1968 (rather than in taxable years beginning after April 22, 1969). Income accumulated in prior years will continue to be subject to the law in effect at the time the income was accumulated, except that the $2,000 deminimis exemption will not apply.

(d) The Committee modified the so-called "short-cut" method for computing tax upon the distribution of accumulated income in a number of relatively minor respects, the most important of which was a Treasury Department recommendation to prevent the creation of multiple trusts with staggered accumulation distributions in order to take advantage of the short-cut rule. This is accomplished by making the "short-cut" method inapplicable if during any of the preceding taxable years in which an accumulation distribution is deemed to have been made, prior accumulation distributions were also deemed to have been made by two or more other trusts to the same taxpayer.

Multiple Corporations.—The Committee approved provisions in the House bill tightening the rules under which large groups of commonly controlled corporations have been able to obtain substantial benefits intended primarily for small business The principal benefits are the $25,000 corporate surtax exemption, the $100,000 exemption from the accumulated earnings tax and the special additional first-year depreciation allowance. In approving the objective of the House bill, the Committee made the following modifications to the language:

(a) *Five-Year Phase-out.*—The Committee rejected the eight-year phase-out of these special tax advantages contained in the House bill and substituted a five-year transition period instead. However, the Committee delayed the effective date of the phase-out so that it would not commence until 1970. (The House bill would have become operative in 1969.)

(b) The Committee also approved a Treasury-suggested modification to prevent any part of a preconsolidation loss incurred by one member of a controlled group from being used to offset income of other members of the group until after the 5-year transition period referred to in paragraph (a). The House bill would have "phased-in" the allowance for these losses as it "phased-out" the other advantages. It also deleted references to controlled groups of mutual insurance companies in accordance with advice received from the Treasury that no such groups were in existence.

(c) The Committee also modified the bill to permit corporations which used surtax exemptions in the past to elect to shift immediately to a consolidated returns basis of tax reporting and to use loss carryovers within the group without reduction, if the group agreed to give up the multiple surtax exemptions it had claimed for the year the loss was sustained.

Treble Damages; S. 2631.—On the Chairman's motion, the Committee approved the text of S. 2631 as an amendment to the tax reform bill. This bill would disallow a tax deduction for two-thirds of amounts paid as treble damages growing out of criminal violations of the antitrust laws. The disallowance would apply in the case of a conviction

after December 31, 1969 in a criminal proceeding or in the case of a guilty plea or plea of nolo contendere entered after that date. The amendment also makes it clear that no deduction is allowable because of the payment to another person of bribes and other illegal kickbacks.

Foreign Tax Credits.—The Committee deleted those provisions of the House bill (Sections 431 and 432) which would have reduced the foreign tax credits available to taxpayers with income from foreign sources.

However, the Committee did agree to add an amendment to the bill making it clear that for Federal tax purposes, the continental shelf of the United States is to be treated as part of the United States.

Stock Dividends.—The Committee approved the portion of the House bill which taxes the recipients of stock dividends in those instances where one group of shareholders receives a distribution in cash and there is an increase in the proportionate interest of the group receiving the stock dividend. Before approving it, however, the Committee adopted an amendment to prevent avoidance of the House provision where a company had two classes of stock outstanding before the effective date of the provision but had not used them in a way which would give rise to a tax under the new rules. It amended the effective date provision in another respect also. Under this latter amendment a corporation which had two classes of stock outstanding on the effective date of the provision would be permitted to issue additional shares of stock of whichever class is the larger.

VIETNAM AND THE PROTESTS

Mr. FANNIN. Mr. President, my colleague from Arizona (Mr. GOLDWATER) made an excellent address yesterday to the California Federation of Republican Women. His remarks are most pertinent to some of the ideas and resolutions that have been presented in the Chamber in recent days.

I might suggest that for an outstanding presentation of our reasons for being in Vietnam and our reasons for backing the President in his policy to achieve a victory in that hapless land, Senators and their aides should read this speech.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

VIETNAM AND THE PROTESTS

(By Senator BARRY GOLDWATER, of Arizona)

Madame Chairman, Senator Murphy and honored guests: It is a special honor for me to be here today to address this important meeting of the California Federation of Republican Women, and I say that for a number of important reasons. Let's take them in order.

First, California is where the Goldwater family got started in our country, and I have long regarded your state as a second home. I want you to know that two of our four children make their residence in California, and as you may know, one is in Congress.

Another important reason is that I like Republicans. The final reason, of course, is that I love women.

As most of you know, I arrived earlier today from Washington, D.C., which is in its usual state of ferment.

You know, Washington is a place where any Presidential appointee who owns stock is automatically suspect. It is also the place where if he sells that stock for a profit the transaction is regarded as at least prime facie evidence of skullduggery. In fact, in Washington a Presidential appointee can't even sell stock at a loss without incurring some blame. You see, to those anti-Nixon liberals in the Senate, no prospective bureaucrat, high or low, is supposed to have any money. If he does, the last place they want him to put it is behind a belief in the American free enterprise system.

Right now the Congress is wrestling with the whole idea of tax reform. And after we reform the tax, we plan to reform the taxpayers.

Washington also is the place where we hear a lot about Vietnam. President Nixon's critics want to end the war in Vietnam—just so we can do it without winning. Washington is the place where they want an adequate national defense—just so it won't cost any money.

Washington is the place where a new breed of isolationists is springing up—a breed so determined that it would like to see a Maginot line built around this country to prevent U.S. arms from slipping out to foreigners who might fight Communism.

Washington is that wonderland where men who spent 30 years committing this nation to an extreme policy of internationalism, who ran up a foreign aid bill of $122 billion, and who loaded down the American taxpayer with every conceivable kind of boondoggle that might garner a few liberal votes are now talking about economy and cutting government expenditures.

These new apostles of thrift, however, give themselves away. They aren't worried about fiscal responsibility. They could care less about inflation, balanced Federal budgets, payments on the national debt and similar facets of a sound economy.

No, these "savers" have a couple pet areas in mind. Naturally, they are areas that conform with the liberal philosophy and the liberal affinity for causes that range from the left of center to the Marxist-Lenin area represented by the so-called New Left.

In other words, the new savers want the savings to be cut out of this nation's defenses or its ability to retaliate to a possible first strike attack from Communist nations. They also want to cut those savings out of the space program and other areas where U.S. supremacy over the Soviet Union and Communist China are especially impressive and needed.

And while we are at it, Washington is the place where very soon we will have to get back down to brass tacks on the whole subject of Vietnam.

But I certainly don't mean doing it the way the so-called Moratorium protestors of the SDS, and other professional pacifists groups on the Far Left are doing it with their demonstrations today.

No amount of shouting, or banner-waving or street-clogging or mass assemblies is going to help the cause of peace in Paris or in Hanoi. This kind of activity would only have a minimal effect, even if the demonstrators—through some unforeseen miracle of belated patriotism—should protest on behalf of the United States position in Asia. As it is, the Communist press will take full note of the Moratorium demonstrations, add their own special brand of exaggeration and misinterpretation and present the leaders of our enemies with more phony evidence that the people of the United States are opposed to the war in Vietnam and that its government is rapidly approaching capitulation.

Understand me well, I want peace in Vietnam as much as anyone who calls himself a member of the October 15th Moratorium Committee, as much as any Democratic member of the Senate Foreign Relations Committee, as much as any recently-appointed member of the Senate from New York and as much as, if not more than, any of the professional slogan-mouthing, leftist-oriented pacifist groups in this country.

But I want an honorable peace. The American people, all of them, want an end to the killing just as much as some of the people who seem to arrogate to themselves the idea that only they have any regard for humane qualities. When any member of Congress makes a public demand for American withdrawals from Southeast Asia, he is not out ahead of concerned Republicans like myself in his desire for peace. He is not out ahead of the American people. He is not out ahead of Richard M. Nixon. In fact, he isn't quite even with the President and his advisors when it comes to time spent in attempts to end this unfortunate and unhappy conflict we inherited from the Democrats.

And about the demonstrations being held today, let me say this: I don't care what kind of a fancy package you wrap them in. I don't care whether you call the agitations an expression of the American will to end the bloodshed. I don't care whether you call them proper exercises in the right of protest or the right of assembly or the right of free speech.

Regardless of what kind of a package you put them in, what kind of ribbon of reasonableness you try to tie around them, what kind of fancy labels marked "peace" you paste on them, the fact remains that these demonstrations are playing into the hands of the people whose business it is to kill American fighting men.

I am not objecting to the legality of these Moratorium demonstrations.

I am not questioning the deep, warm-hearted sincerity of some of the people who take part in them.

But I am questioning, and I do denounce, the effect they will have on President Nixon's efforts to convince Hanoi that further war is useless. I do question also the effect these shows of dissatisfaction with official policy will have on the morale of our men slugging their way through the miserable slime of Vietnam's rice paddies, hills and jungles.

Put yourself in the position of a young man who is fighting this war for a country he has grown up to respect. If you take the average, he could be a young man whose parents or grandparents fled from tyranny in Europe to find opportunity and success and prosperity in the American way of life. How do you suppose he feels as he carries out his distasteful but necessary task as a part of the military organization in South Vietnam when he hears that thousands of his fellow citizens are making a spectacle of themselves in the United States to show their opposition for what he is trying to accomplish?

The newspapers tell us very clearly that our fighting men in Vietnam believe in what they are doing. Oh, yes, there are some exceptions, and these exceptions have a remarkable way of finding themselves in front of TV cameras and radio microphones. But the great majority of our men believe in their country, believe in its leaders, believe in its cause and will fight for them.

And on this particular day I should like our fighting men in Vietnam to understand that they have every single reason to be proud of what they are doing and to understand that the vast majority of 200 million people support them and are proud of them and wish them the very, very best of good fortune. I feel that it would be nothing less than tragic if we were to permit the wave of demonstrations which have been so carefully manufactured on the far left to fool any of our fighting men in Asia. They are making great sacrifices for their country, just as the men of earlier generations made sacrifices in Korea, World War II and World War I, and it would be shameful and tragic if they were to be given any solid reasons to think for one minute that their sacrifices were not deeply appreciated by their fellow Americans.

I have no objections to demonstrations, but I do object if they have the effect of prolonging the war and of causing our fight-

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ing men even one moment of unhappiness. I believe a great many sincere Americans, if they were to truly look at these things and see what the effect of these demonstrations could be, that they would think twice about lending their support to any and all rag-tag appeals merely because they are skillfully promoted in the name of peace.

I find it a little frightening to see how many people, clergymen included, who seem to think they are doing a righteous and noble and daring thing when they join in protests against the announced policies of the United States Government.

At the very least, it is a sad commentary on the American attitude.

Where Vietnam is concerned, I am convinced that the nation's news media has a lot to answer for. I know they pass it off as a product of news judgment, but the fact remains that one of the easiest ways to get plenty of attention in the newspapers, on radio and television is to oppose the President of the United States.

Some public officials, knowing how eagerly some of the media accepts this kind of attack, are actually making it a full time occupation.

In Washington at least one newspaper has a name for it. Strangely enough, the name comes from the *Washington Post* which calls the process "the breaking of a President."

The whole idea is that certain liberal critics learned how to "break" Lyndon B. Johnson and force his retirement using the Vietnam issue as a club. These same forces, convinced that President Nixon is following much the same course, believe the process can be repeated.

It is interesting that they pay no attention to—or at least avoid mentioning in public—the fact that President Nixon is reducing the American commitment in Vietnam where LBJ was increasing it. They never mention that Nixon is withdrawing troops in Vietnam where LBJ was sending more over. And, of course, no mention is made of the fact that under Nixon, American casualty figures have sunk to their lowest level while under LBJ they established new peaks almost every month.

I guess you have gathered by this time that I am thoroughly in accord with official policies in Vietnam at the present time. If I had any changes to suggest they would be designed to shorten the war by convincing the Communists that they are defeated. In effect, my suggestions would be designed to offset the kind of nonsense that we are seeing demonstrated today by people who want a war ended but have nothing to suggest in the way of procedure except mass withdrawal and complete surrender.

I think the time is here for our government to notify Hanoi that if its representatives in Paris continue to block any and all attempts to reach a negotiated settlement, our only resource will be to bomb the north, to concentrate on destruction of the Port of Haiphong, to destroy the railroad along the Red River Valley from China and to take every other measure necessary to convince Hanoi that it has had its chance and that we have "just begun to fight."

Now let me address a few words to you as Republicans. I just want to say that I do not agree 1000% with everything that President Nixon does as head of the Federal Government merely because he is a personal friend and was my personal choice for the office he holds. But I believe the President of the United States, as Commander-in-Chief of the nation's Armed Forces and as the man designated by the Constitution to carry out the strategic policy of this country, deserves a lot better from his fellow Republicans.

I am not suggesting, nor would I suggest, any slavish adherence to each and every policy that comes from 1600 Pennsylvania Avenue merely because its present resident is a card-carrying member of the GOP in good standing.

But I do believe that we must close ranks and give him the support he needs on big, fundamental, strategic decisions that affect not only the future of the United States and the Republican Party but the future of the entire free world. His policy in Vietnam is just such a fundamental matter. And I have no time for important Republicans who oppose the President in Vietnam—especially those who appear to be doing it for the sake of political advantage.

RESTORATION OF FEDERAL FUNDS FOR GEORGIA SCHOOL LUNCH PROGRAMS

Mr. TALMADGE. Mr. President, 3 weeks ago I wrote to the Secretary of Health, Education, and Welfare regarding a matter that I deem to be of utmost importance to many thousands of schoolchildren, not only in my own State but also in many other States.

I wrote Secretary Finch to urge that he take affirmative action to restore Federal funds to Georgia school systems that have been cut off under title VI of the Civil Rights Act—and particularly to enable these school systems to reinstate school lunch programs for needy children. This was the second time in recent months that I have made this request.

In response to my letter of August 13, Leon Pannetta, writing for the Secretary, said neither yea nor nay. He did indicate that the matter was under consideration.

My request is sound. The school desegregation issue in Georgia is now before the Federal judiciary. A U.S. Fifth Circuit Court of Appeals decision strongly indicates that all title VI enforcement proceedings to date have been faulty.

To my mind, one of the most important factors is the health and welfare of needy children who are being deprived of school lunches because of these cutoffs. I submit that this is neither humane nor lawful. Congressional intent was very clear. School lunch programs were not to be jeopardized by title VI cutoffs.

I have not yet had an answer from Secretary Finch to my letter of September 24. Perhaps Mr. Pannetta will write again when he has time. I would hope, however, that I may hear from Secretary Finch on a matter of such importance.

In the meantime, some ten thousand deprived children—black and white—are having to go without school lunches, which in most instances are the only nutritious meal they receive a day. In the Senate last Tuesday, the distinguished Senior Senator from New York (Mr. JAVITS) spoke in behalf of S. 2982, The Child Nutrition Act of 1969, that he recently introduced. He urged greater public support of education and particularly of school lunch programs.

I am in complete accord with the Senator's observations that "school lunch programs must be considered a crucial part of our educational process."

I have also introduced a comprehensive bill to expand and improve the national school lunch program, which has widespread support among the Members of the Senate, including the Senator from New York.

I would also agree with him that school lunch programs should not be made a scapegoat of the so-called tax revolt. The nutrition and welfare of children trying to learn are too important. This is too important an area to be hamstrung by fiscal restraint.

This is the point of my communications with the Secretary of Health, Education, and Welfare. I do not think school lunch programs should be made scapegoats of the school desegregation controversy—especially when it goes against the clear intent of Congress, and especially when it deprives schoolchildren of nourishment they so desperately need.

I hope that Secretary Finch will see fit to correct this situation at the earliest possible time.

NATIONAL EXECUTIVES' CONFERENCE ON WATER POLLUTION ABATEMENT

Mr. BOGGS. A conference of importance to American industry, and to the Nation's citizens generally, will take place in Washington October 23 and 24, 1969. This is the National Executives' Conference on Water Pollution Abatement, sponsored by the Department of the Interior.

Secretary Walter J. Hickel organized the conference and will play a key role in it. He will address the conferees at the opening session and will be the featured speaker at a banquet the evening of October 23.

The conference will be held at the Washington Hilton, and will include both morning and afternoon sessions during the two days that it is held.

Under Secretary Russell E. Train is chairman of the conference program committee. The conference director will be Karl L. Klein, Assistant Secretary of the Interior for Water Quality and Research. Klein will serve as moderator of the discussions during the two morning sessions, David D. Dominick, Commissioner of the Federal Water Pollution Control Administration, will be the moderator for the two afternoon sessions.

The significance of the conference is that it launches a new era in public-private cooperation that must grow if the increasingly-serious problem of water pollution is to be brought under control.

Discussion will center around the experiences of industrial firms, here and abroad, in working with the problems of water pollution abatement. Thus, it will provide an instructive symposium for an examination of the whole area of water pollution control, and will offer plans and methods by which the problem may be dealt with in manageable cost ranges.

Water pollution is an international problem that is becoming increasingly critical for all industrialized countries with urban population densities. In recognition of the international aspect of the problem, the conference planners chose to include as chief speakers the top executives of six foreign industrial organizations and six major U.S. firms.

The conference schedule has been arranged in such a way that questions from participants will be welcomed, thus encouraging a full-range discussion of the points presented. The speakers are:

Mr. Wilfrid Baumgartner, president, Rhone Poulenc, France.

Dr. L. A. DuBridge, Science Advisor to the President.

Mr. Harrison F. Dunning, chairman of the board, Scott Paper Co.

Mr. Rein Hennriksen, director general, A/S Borregaard, Norway.

Dr. Neil Iliff, president, Chemical Industries Association, Ltd., United Kingdom.

Mr. Charles F. Luce, chairman of the board, Consolidated Edison Co., of New York, Inc.

Mr. Brooks McCormick, president, International Harvester Co.

Mr. Charles B. McCoy, president, E. I. du Pont de Nemours & Co.

Rt. Hon. Kenneth Robinson, M.P., Minister for Housing and Planning, United Kingdom.

Mr. Robert M. Schmon, president, the Ontario Paper Co., Ltd., Canada.

Mr. Edgar B. Speer, president, United States Steel Corp.

Mr. John E. Swearingen, chairman of the board, Standard Oil Co. of Indiana.

Mr. Russell E. Train, Under Secretary of the Interior.

Dr. Giorgio Valerio, president, Montecatini Edison, S.p.A., Italy.

Casimir Prince Wittgenstein, senior executive vice president, Metallgesellschaft A. G., West Germany.

"Water Pollution Is Your Business" will be the theme of the conference. Consideration will be given to the following topics:

Industrial recognition of pollution abatement responsibilities.

Management decisions, cost factors by dollars and percentages, sales factors, public relations factors, stockholders relations, and long-range engineering plans.

The development of attainable and tight timetables for industrial pollution abatement, and Government-industrial relations in achieving industrial pollution abatement schedules.

The realization in America of the imperative need for water pollution abatement is not so great as it inevitably must be if the growing demand for clean water, both by industry and the public, is to be supplied in the future. An awareness of the problem will increase in time. But our country must not wait until the overwhelming disaster of pollution-choked rivers, ruined lakes, and dead estuaries strikes vitally at our lives. Plans must go into action now to do something about the problem, to do much more than we are doing.

This is the basic meaning behind the coming conference. It is an important step that must be taken if success is to be achieved. The longer the job is put off, the more it is going to cost in money, in public health, in recreation, and in practically all aspects of community living. Our future environment and our national growth are at stake.

Organizers expect the National Executives' Conference on Water Pollution Abatement to mark a turning point in the struggle against water pollution. To assure that the conference achieves a level of recognition commensurate with its importance, arrangements are being handled by Robert L. L. McCormick, Deputy Assistant Secretary for Water Quality and Research, Department of the Interior, Washington, D.C.

RESOLUTIONS AND PETITIONS ON VIETNAM

Mr. MUSKIE. Mr. President, I participated in yesterday's moratorium observances by returning to my alma mater, Bates College in Lewiston, Maine, to meet and talk with students, faculty members, and citizens of my State. I found there, as other Members of the Senate have found in their States, a growing concern over our involvement in Vietnam and a deepening conviction that we should disengage ourselves from that war.

At the conclusion of my speech I was presented with a resolution adopted by Bates students and petitions signed by other students and by Maine residents. I ask unanimous consent that the Bates program, including these resolutions and signed petitions, the expression of a free people communicating their views to their elected leaders, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

BATES COLLEGE—WORK FOR PEACE, OCTOBER 15

(Coordinated by the advisory board)

No community which calls its goal education can ignore the pressing national issues of the day. The war in Vietnam has had an overriding effect on this nation for more than five years and demands our immediate concern. Bates College will respond to the national call to set aside a day to focus attention on this issue.

We respond as an academic community and our response is what we judge appropriate. The initiation of the October 15 Moratorium at Bates occurred on September 28 when representatives of the faculty, students, and administration called for action. The details have been worked out at student government meetings. The responsibility for the success of October 15 as an educational experience rests with each individual student and faculty member who must make his own commitment, regardless of political views, to participate.

SCHEDULE OF EVENTS

Tuesday, October 14th

8:00 P.M., Movie "A Face of War" (free), Filene Room.

Wednesday, October 15th

9:00 A.M. Movie "The Face of War" (free), Little Theatre.

8:00–1:00 P.M., Literature on Vietnam available, Co-ed Lounge.

11:00–1:00 P.M., Lewiston-Auburn community march and rally.

1:30–4:30 P.M., Teach-In, Chapel.

4:30–5:30 P.M., Resolutions presentation and vote, Alumni Gymnasium.

5:30–7:00 P.M., Dinner.

8:00 P.M., Address by Senator Edmund Muskie, Alumni Gymnasium—Students, Faculty, and Staff must enter with ID cards through Men's Locker Room Side Entrance in order to be assured preferential seating.

SUMMARY OF EVENTS

Tuesday, October 14th 8:00 P.M. Filene Room

Movie, "A Face of War." "In an atmosphere of doubt and uncertainty, this film draws away the curtain and projects a sensitive image of the war in Vietnam. It pulls no punches, claims no sides."

Wednesday, October 15th 9:00 A.M. Little Theatre

Movie, "The Face of War." A documentary portraying the horrors of modern warfare, concentrating on its weapons and its victims.

Wednesday, October 15th 8:00 A.M. to 1:00 P.M. Co-ed Lounge

Literature on the movement to end the war in Vietnam will be available at a Students for Peace table. Those wishing to make appointments for draft counseling may do so at this time.

Wednesday, October 15th 11:00 A.M. to 1:00 P.M.

A Lewiston-Auburn community march to protest the war will begin at Lewiston High School and end in a rally at the public park. Concerned Bates faculty and students will be attending.

Wednesday, October 15th 1:30 P.M. to 4:30 P.M., Chapel Teach-In

Vietnam has certainly been one of the more complex happenings to occur in our nation's history. We have heard the spectrum of impassioned pleas for action from far left to far right. We have listened to their analyses of the situation, the causes, the effects, and the solutions. The results have been less than satisfactory, yielding only anger and confusion.

The purpose of October 15th and specifically the teach-in as we at Bates are concerned is to provide a time for rational discussion on Vietnam; its history, the war, and its effect on the United States. Because we have assumed this perspective, no particular political posture is being emphasized. The teach-in will provide information both from a personal experience and academic point of view. It is hoped that this educational experience will provide the stimulus necessary in order for the Bates Community to arrive at a resolution concerning the future role of the United States in Vietnam.

The teach-in is a unique opportunity to draw upon the resources of Bates College in examining the issue of Vietnam. For the experience of October 15th to be of significance, your support and participation are of primary importance.

ORDER OF SPEAKERS FOR THE TEACH-IN

1. Mr. Cole, "The Historical Background of the Involvement of the United States in the Vietnamese War."
2. Prof. Thumm, "The Foreign Policy of the United States and Involvement in the Vietnamese War."
3. Edward Barrows.
4. Atty. Louis Scolnik, "International Law and the Involvement of the United States in the Vietnamese War."
5. David Minster.
6. Mr. P'An, "Communist China as a Factor in Determining Policies of the United States Concerning Vietnam."
7. Richard James.
8. Assoc. Prof. Gyi, "South-East Asia and the Involvement of the United States in the Vietnamese War."
9. Francisco Mendizabal-Prem.
10. Fr. Roger Chabot, "The Catholic Church and War."
11. Thomas Doyle.
12. Prof. Chances, "The Economy of the United States and Involvement in the Vietnamese War."
13. Prof. Fetter, "Vietnamese Society and the Involvement of the United States in the Vietnamese War."

Wednesday, October 15th 4:30 P.M. to 5:30 P.M. Alumni Gymnasium, Resolutions Assembly

The purpose of our teach-in is to rationally re-examine American involvement in Vietnam and attempt to reach an agreement, in the form of a resolution on the direction we feel American policy should take. A stu-

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dent-faculty committee was appointed by student government to draft resolutions to be presented for a vote on October 15th. This committee wrote several resolutions and presented them for revision at an open assembly of students on October 10th. The revised resolutions are printed below.

At 4:30 p.m. on October 15th the resolutions below will be voted on in an open assembly of students, faculty, and administration in the Alumni Gymnasium. It is vitally important to the success of the moratorium that all students, faculty, and administration be present at this assembly to vote on these resolutions.

RESOLUTION I

(380 present—45 in favor)

Be it resolved, that we declare our endorsement and support of the present United States policy in Vietnam.

RESOLUTION II

(266 in favor)

Be it resolved, that we declare our disagreement with the present United States policy in Vietnam. Be it therefore further resolved that we urge upon the President, the Congress, and the people of the United States the adoption of a policy of immediate cessation of all offensive military action in Vietnam and a total, unilateral withdrawal of American combat and support forces to be completed no later than the end of 1970.

Because of the difficulties involved in taking a vote of 1200 persons, revisions and resolutions from the floor will not be possible. However, it is our intention to allow as much time for discussion and debate on the resolutions as is available. *The resolution which receives the most votes will be communicated to President Nixon,* members of Congress, and the press. It will also be presented at the evening assembly to which Senator Edmund S. Muskie will speak.

Wednesday, October 15th 8:00 P.M. Alumni Gymnasium, address by Senator Edmund S. Muskie.

OCTOBER 15, 1969.

SENATOR MUSKIE: We, the undersigned from Leavitt High School, are opposed to the continuation of the Viet Nam War. We support the legislation that calls for complete troop withdrawal. We feel that the war continues to have a corrupting influence on every aspect of American life. Therefore, it must be stopped.

Rodney Tulonen, Ruth Geores, John Page, Paul Barter, Naney Pearl, Gerry Beandith, Merle Braley, Phyllis Fortin, Cliff Damon, Methyl Gagne, Nelson Judd, Dennis Langlin, Robert Griffin, John Dunn, and Robert Benson.

Barbara Enos, Connie Pelletier, Jeannette LaPointe, Darlene Henthorn, Cindy Rideont, Rita LaPointe, Brad Varney, Majorie Adams, Sheldon Buhier, Steve Leavitt, Sonia Morris, and Mary Varney.

Gail Plummer, Prudy McGouill, Penny Givens, Ellen Tully, Nancy Meisner, Steve Palmer, Judy Bragdon, Ted Smith, Brad Nickerson, Donna Gustus, Regina Gustus, Doris Libliz, Jo Hanna Goldrup, and Ronna Burgess.

Joy Pinkham, Paul Shaw, Patty Pratt, Lynn Latham, Mark Bonney, Phillip Smith, Richard Boutin, Mary Leavitt, Gary Judd, and John Camire.

Debbi Dudley, Bradley Buzzell, Mike Seamon, Susan Meisner, Dana Hood, Brenda Farnum, Denise Brewer, Shane Marston, Jane Libby, Edward Giroux, Kathie Fogg, Cathy Rowe, and Jann Poland.

Carmen Giroux, Andre Dastie, Veronica Howe, Bob Friendsen, Peter Ricker, Cathy Basil, Steve Talbot, Kathy Furbush, Steve Page, Sonia Morris, Pam Nichols, Bill Jones, and Walter Jones.

OCTOBER 15, 1969.

DEAR SENATOR MUSKIE: You have before you the combined efforts of The Lewiston-Auburn Citizens for Peace. In the course of four short days, this organization has gathered over 1,500 signatures asking for an immediate end to the Vietnam War. We, the Lewiston-Auburn Citizens for Peace, urge you to take notice of these names. Thank you.

Sincerely,
THE LEWISTON-AUBURN CITIZENS FOR PEACE.

The most important task facing the United States today is ending the war in Vietnam. This war continues to have a corrupting influence on every aspect of American life. To end the war now the United States must commit itself to complete troop withdrawal.

We, the undersigned, join with the supporting of Vietnam Peace Action Day in the demand for an end to the war now:

Charlotte Shapiro, Auburn, Me.; Nora Beaulieu, Auburn, Me.; Arlene Smith, Hallowell, Me.; Joanne Witas, Mexico, Me.; Laura Witas, Mexico, Me.; Kathy Hemphill, Auburn, Me.; Claire Wherty, Boston, Mass.; James Wither, Stratton, Me.; Frances Moneymaker, Auburn, Me.; and Roger Therieault, Auburn, Me.

Cheryl Morris, Auburn, Me.; Davis Manatte, Livermore Falls; Pauline Gannilla, Chisholm, Me.; Dorothy Voter, Phillips, Me.; Lambert F. Seger, Auburn; Lucille Witham, Stronty, Me.; Aldona Pingree, Farmington; Brenda Allen, Farmington; Kathy Belanger, Auburn; and Ruby Parson, Livermore Falls.

William Mullins, Lew.; Marie Quellette, Lewiston; Richard L. Casper, Lashon Falls; Edward Haby, Auburn, Me.; Mrs. C. Voltes, Lewiston, Me.; Joseph D. Brogan, Lewiston, Me.; Constance Brogan, Lewiston; Me.; Joseph Drummond, Aub.; Ida Drummond, Aub.; Colleen Durgan, Portland, Me.; and Mrs. Carl Durgan, Oxford, Me.

John Brennon, Frank J. Brennon, Louise H. Matthews, Elbert L. Matthews, Sandra Keough, Mrs. Wm. Cohen, Gertrude H. Berent, Rabbi David Berent, Muguelte Quellette, and David A. Nelson.

Selma A. Nelson, Mrs. Murphy, Mrs. J. Csoros, Mrs. George Buffard, Mrs. Viola Berube, Mrs. Enerelda Ryan, Mrs. Conrad Poulin, Mrs. Masal Chasse, Vincenta Bernier, and Jeanette S. Bennar.

Frances Brennen, Earl Isaacson, Marilyn Isaacson, Mamie St. Hilaire, John E. Libby, Arthur W. Prevost, Dorothy Kowbotham, Kathleen Leclair, Mr. and Mrs. Larry Day, R. E. Hall, Nancy MacLean, Mrs. E. Dulac, Elizabeth Pond, and Romeo A. Pourier.

Romu Pimulear; Bert James; Carmen Pintah, 55 Summer St., Lewiston; Arvilla Kay, 1 White St.; Emily Fortin; Eva Paquin; Roland Provencher, Lewiston; and Antoinette J. Jean, Lewiston.

R. W. Burnham; Mike Westleyh, Lewiston; Mrs. Alice Stone, Lewiston; W. S. Ward, Lewiston; Leonard J. Botar, Arnhim; Lorraine Stevens, Lewiston; Margaret Parsons, Lewiston; Claude Pelletus; Emma Rodriquez, Lewiston; Stela Rodriquez, Lewiston; Mrs. Carmen Miquelon; Mrs. Judy Bourget; and Mr. Gerald Clark.

Dianne Moody, George A. Lepage. Lauren C. Potter, John E. Darken, Jr., Gene Thibuden, Louise Thibuden, Patrica Paquette, Sandy Hart, Mary Chiaravelott, and Judy Nason.

Michael T. Goff, Richard Luksza, John Shalek, Glenn Karp, Leo Beaudin, John M. Cockorno, Barbara Libby, Cindy Levesque, Ron Marcotte, and Richard P. Ducharme.

Robert D. Rosenbaum, John R. Discheros, Titi Marin, William St. Pierre, Linwood Donovan, Becky Thompson, Guard LuBland, Paul E. Rodrique, A. J. Pelletier, J. R. Gendron, Mario Conturier, Dick Dutean, Beverly Maunn, and Diane Donohue.

Linda Parent, Adrian E. Bouchard, Justine Deiteau, Barbara H. Moreau, Clara Morin, Carlson Spraud, William J. Coffin, Jerrilyne N. Sartin, Michael Winer, Chaven Hull, K. F. Grunert, R. L. Townsend, Brian E. Boyucko, Lillian E. Brown, Sandy Polequin, and Scott E. Green.

Kay Bengel, Livermore Falls, Maine; Les Mercier, Berlin, N.H.; Marcella Desgrosullin, Berlin, N.H.; Marilyn Morris, Auburn, Maine; Marielle Rodriguez, Auburn, Maine; Bertha Herring, Auburn, Maine; Ed Gardner, Lewiston, Maine; Mrs. G. Lussier, Cape Elizabeth, Maine; Carla Powers, South Paris, Maine; L. D. Powers, South Paris, Maine.

R. M. Plourde, Auburn, Maine; J. B. Plourde, Auburn, Maine; Mrs. J. C. Miller, Auburn, Maine; Mrs. L. McAllister, Auburn, Maine; Charlotte Landry, Lisbon, Maine; Mavis Walker, Monmouth, Maine; Paul Boilard, Lewiston, Maine; Doris Laverdiere, Lewiston, Maine; Helen Linehan, Lewiston, Maine; Laura Linehan, Lewiston, Maine.

Daniel Gagnon, Lewiston, Maine; Loretta Roberts, Lewiston, Maine; Carlton Spencer, Lewiston, Maine; Mabel Spencer, Lewiston, Maine; Jean Brown, Auburn, Maine; John V. Oates, Auburn; Suzanne B. O'Sullivan, Auburn; Gerald Horagin, Auburn; Dominic Nadiau, Valleyfield; David Thibaudeau, Mexico, Maine:

Barbara Thibaudeau, Mexico, Maine; Jerome Young, Lewiston, Maine; Lorraine Young, Auburn, Maine; Anita LaPointe, Turner, Maine; Ruth Castner, Auburn, Maine; Rita Pepin, Lewiston, Maine; Irene Mahex, Lewiston, Maine; Christine Colley, Auburn, Maine; Lauries Cote, Lewiston, Maine; Antoinette Cote, Lewiston, Maine.

Terry Huntington, Dennis M. Williams, Tom Langley, Cindy Beaupre, Marcia Duplissis, Sandy Goeffroy, Rose Fortin, Carl Harrel, Conrad Maclean, Florence Doyan.

Jeanette Dogan, Lorarine Locke, Maureen Dagnon, Pat Bissonette, Diane Growel, Claire Berube, Roy Cloettier, Brian Foster, Gary Bell, Donna McKee.

Kathy Tuttle, Roy Turcotte, Chris Beaulien, Claire Beaulien, Sue Labrie, Tommy Rogers, Leanna Webee, Carmen Busieirie, Dolores Basse, Norman Turcotte.

Claire Bergerson, Carol Letourneau, Diane Cote, Diane Parent, Rita Parent, Henry Fountain, Robert Cote, Sue Martel, Colleen Parker, Lorraine Bergerson.

David Inmond, Janice Marcotte, Bro. Denis Luflamme, S.C., Claudette Luflamme, Calire Luflamme, Ray Moreau, Paul Beaulien, Maurice LeBlanc, Mike Clements, Mildred Lessard.

Edward Hammond, Darry Lessard, R. S. Dmittieff, Sue Toni, Kathy Lessard, Ronald Lorrine, Roland Bechard, Gerald Darling, Irene Cote, Michael T. Gilbert.

Lawrence Wood, Bob Cumo, Barbara Jennings, A. Dible Barlas, Steven S. Mason, Karen Ward, Randy Kenney,

Michael Heath, Richard Lindahl, Brion Gallagher.

Bob Valentine, J. Pompano, Cathy Coexas, Fred Wolff, W. Douglas Costello, Ken Johnson, Shirley Moulton, Nancy Blodget, Jim Scott, Nguyen Dop.

Liana Eastman, Ruhbus, Rob Center, Louis Garafalo, Ted Barrows, Jeff Tilt, Abigail Sickmund, Pam Farris, Helen Bain, George Thurston.

Barbara Smith, Michael Wilson, Joseph Machomber, Roberta Potter, Dave Counsbury, Anna Hosmer, S. Jeanne Hall, Lauozu Petibone, John N. Sheans, Kenneth Busby.

Sara Marsey, Sue Steer, Jean Streeter, David Pierson, Roger French, Marilyn Deson, Dan Johnson, Beth Maker, Martha George, Sunday Ciarlo.

Alan D. Hyde, Ronald A. Cromwell, Homa F. Shirazi, Faye Farmington, Gregory P. Fortine, Burt Roundtree, Peter W. Buchanan, Peter Mezza, Rick Porter, Dorn Brons.

Marilyn A. Lantery, Linda Rothman, Linda Hausmann, Lucy Taylor, Vincent Camire, Marty Collier, Roy A. Strickey, Albert Jackson, Deborah Clendenning, Wayne Yartward.

Mary Calhoun, Julio D. Stencil, Gene Schiller, Charles Kaufman, Michael E. Pouloumger, Lynn McMillan, Cheryl White, Mike Hutchinson, Dan Dionne alias Dino, Euclid R. Romean.

Carole Scannell, Ginny Remeika, Janet Boeshear, Beth Palmer, Maither Cassis, Hank M. Slesik, John Mac Leon, Esther Adaguis, Carolyn Landis, Janna Lamline.

Wendy Scher, Helen O'Leary, Brad Elliott, Kathy Lynch, Susune, J. Stewart, A. Ursprung, Dana Dimods, Marty Grenon, Cintuleni, Marilyn Crocker.

John D. Baraldi, Leslie Miller, Ronald Johnson, Kathryn Lowe, Peter Murray, M. Seville, Bill Whitewith, Lorraine Swensky, Walter Tomas, W. Connally.

A. Kavanaugh, Jay Parker, Gordon Arthur Woodley, Paul Hendrick, Carl Sturgis, Ira Waldman, Daniel Rice, Mirian Weissman, Jocelyn Penn, Joseph Train.

Steven Rosenblatt, Elizabeth Taylor, Edward Myers, Edward K. Romine, Mary Chesey, Carol Stark, Christopher A. Wright, Richard Chasy, Robert A. Shepherd.

Phyllis Whitin, Susan L. Evans, Martha Peterson, Simon Koneshi, Steph. Ynkers, Glenn Thornton, Robert Kest, Shelly Lenon, Susan Person, Robert Schmidt.

Andy Moal, Sheila Tebbetts, Linda Eberhard, Linda Pierce, Marilyn Dacey, Nancy Hahn, R. King, Barbara Hagstrom, Stephen J. Andrick, J. A. Conkling.

Carlton J. Fitzgerald, James A. Rinak, Nancy Jestreby, Judith Andrews, Stephen A. Buyko, Robert Wusslor, Randy O'Neal.

Al S. Cardre, David Withut, S. Mellintic, J. Butland, R. D. Taylor, L. A. Carter, Bruce M. Wilson, Bill Jamison, Pamela Alexando, Edward Francis.

Brian Parker, Thomas Turner, Peggy Liversidze, Walter Di Ginsto, Clifford H. Boggis, Sue Graves, Mike Shine, Jan Bouldry, Anna Zaremoci, Melanie McHenry.

William Doherty, Thornton Cody, Terry Solidord, Sue Mone, M. Davis, Joe B. TenHove, David Doolittle, Tom Griffiths, John E. Paige, John A. Rand.

Michael B. Sawyer, Wayne Loosigian, Susan F. Cooper, Robert G. Whit, Mielendo Bowler, Louise Atwater, Donna Crapser, Judy Hancox, Rita O'Donnell, Dee Weber.

Michael Dorman, Dwight W. Fraser, Bryant A. Geinbrel, Sharon Earley, Eddie Thibodeau, Jane Sweeney, Steven Gamble, Judith Robinson, Peggy Montgomery, John Wilson.

Joan Cobb, Joanne Stato, Jim Miller, Joe Bradford, Dean Geelezian.

Mrs. Richard Ritchie, Mrs. Marcel Roy, Judy Roy, Earl Rowbotham, Frances H. Jordan, Marion B. Carver, Sheldon Anderson, Orfa Robertson, Donald F. Stultz, Phyllis Stultz.

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Dorothea Martel, Fred Boucher, Romie H. Morin, Sr., Jacqueline C. Mavin.

Barbara West, Doris Duplissis, Doris Levasseur, Carmen Coto, Claire Bartlett, Marguette Ouellette, Irene Ouellette, Charlotte Harris, Wida Jalbert, Alice Wagner.

Leonard Dodge, W. T. Cutchey (William), Stacia Norrington, Barbara Smith, Mrs. Charlie Duncan, Kim Cusson, Sue Galasaeau.

Mrs. D. T. Gagnon, Auburn, Maine; Mrs. Conrad Martineau, Lewiaton, Me.; Mr. Robert Marcotts, Lewiston, Me.; Mr. Akins, Raymore, Me.; Joseph Lymieci, Lewiston; Marie Lemiery, Lew; Adele Baillargeon, Lew; Rita Hood; Athena Harkins, Maine; Carleen Harkins, Maine.

Elizabeth Arsenault, Maine (Rumford); Mary S. Gilbert, Lewiston, Me.; Joanne Mills, Glens Falls, N.Y.; Irma Crockett, Buckfield, Maine; W. H. Brand, Ft. Wayne, Ind.; Wilfred Afotte; Debra Page; Henry Michaud, Conn.; Richard A. Duffers, Natick, Mass.

Bertha Herring, Auburn, Me.; C. Ruth Gray, Auburn, Me.; Rep. Norman J. Marquis, Lewiston, Me.; Joyce Edwards, Auburn, Me.; Constance Stevens, Auburn, Me.; Sybil B. Trepp, New Gloucester, Me.; Bernice Bertrand, Auburn, Me.; Fernand Gayni, Lew, Me.; Helene Chasse, Lew.

Janette Nichol, Lis. Fall; Marie Folsom, Lis. Falls; James P. Carl, Nashua, N.H.; Beatrice Towne, Lewiston; Lorraine Dussault, Lew.; Adrienne Carpenter, Aub.; Ruth Whitman, Hebron, Maine; Annie Caron; Emma Lora; Judy Nautrup, Auburn; Gerard Duphsis, Auburn.

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Tim Alexander, Lina Labbi, Lorraine Lepage, Suzanne Pelletier, John Doucette, Norm Bellenmore, Mike Crosilin, Lucille Leclair, Joanne Jacques, Mona St. Denis, and Deborah Ricker.

Linda Tapley, Marcel Turmenne, Vickie Blair, Robert T. Blair, Yvonne Rowe, Pat Schwiker, Carole Profnner, Terry Pellelier, Joline Laurendeau, Diane Gagnon, and Barbara Russell.

Tom Coulorde, Ron Mala, C. Cote, Gerald A. Granger, Sue Lapointe, Doris Belanger, Mary Ann Berry, Guy Mayman, Carole Simard, Normand Rioux, and Bertrand Caroyn.

George Camay, Pat Robichand, Linda Strong, Diane Poulin, Jackie Paulin, Michael E. Laughlin, Mrs. Robert Lefland, Sharon Latalippe, Susan Rioux, Annette Willette, and Sue Chenard.

Pat Legase, Sandy Dodge, Georgette St. Pierre, Anne G. Sar, Robert B. Morin, Robert Rudriojere, Morzie Brewer, Phyllis Fitzpatrick, and Arlene Levasseur.

Harvey Lincoln, Dorothy L. Polka, James H. Fowler, Jacqueline Boucher, Earle B. Bunnill, John Shalek, Lydia Morin, Lena Berube, Betty Legare, Beverly R. Kisonak, and Elizabeth Taylor.

Alice Morin, Richard Provenchen, Pat Brechette, Carolann Fraser, Bernice Gilbert, Jo Ann Ganno, Georgette Giroux, Dale C. Tempest, Pat Emerson, and Gerald G. Perry.

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Bruce Mortimer, Mrs. John Polka, Mrs. Boland Ducharme, Miss Connie Polka, Mrs. Joseph Bazinet, Mrs. Philip Day, Ronald Morris, Beverly C. Morris, George Row, and Joyce Maloy.

Joselyps Bureau, Roy Stewart, Charlotte Vachon, Roger Morin, Rita Morin, Richard F. Snow, Patrica A. Snow, Ted Taft, Claris Ranger, and Al Rebichard.

Howard S. Gilley, Bertrand A. Lissard, Lee W. Emery, Mark Wiome, Allan G. Pressey, Bill Harris, Bee Harris, Vivian Hewey, Joseph R. David, George F. Melvin.

John Hopkins, William Blair, Cecil D. Stevens, Maria Chasse, Wm Hurring, Nelson Baillargeon, Maurice A. Beruho, Norma P. Gilbert, Darryl L. Johnson, Constance Lambert.

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Emil Levesque, Robert Ouellette, Fred Ciguettae, Mrs. William Laiff, Mrs. E. Ouelletti, Mrs. M. Hutchins, Richard A. Barker, Jeanne Varney, Donald Davis, Linda Davis.

Jane Pendertin, John Wanes, Camille Cote, John F. O'Brien, Evelyn Learitl, David Merson, Irene Campbell, Diane Hertz, Sgt. Richard P. Chosson, Cecile Lessard.

Kathy Koulakis, Blanche Apsega, Janice Ogier, Lena Beaudoin, Grace Ricker, Gloria Ann Moore, Shirley Bennett, Pauline Laverdien, Aida Sepulveda, Domingo Sepulveda.

Doraleon D. McCarthy, Ben Ross, Eunece Gray, Pauline Quallitto, Sue Lafleur, Ann Huggard, Mrs. E. Shuman, Evelyn St. Pune, Philip Curless, Evelyn Curless.

Harry McNally, Gail Dumas, Sue Chinque, Sue Biron, Geraldine Biron, Mona Deshenes, Mike Lemienx, Lenny La Ferarce, Bob Lagusse, Miquel Alves.

Donald Boucher, J. C. Palmer II, Don Bernier, Jerry Boisoert, Joline Vaillancourt, Valerie Graffam, Lucille Hartford, Donald Galthier, Ron Bussiere, Nick Knowlton, Jan Ricker.

Martha Larrabee, Denny, Willette, Diane Berube, Brenda McConnell, Nancy Parker, Cecil Boelard, Judy Frechette, Linda Genvais, Dan Bechard, Mark Bechard.

Mark Thibault, Dennis Oueelba, Cindy Videto, Jane St. Laurent, Mike Gamack, Grey Rand, Diane Gelinas, Judy Morse, Vis Bevolleu, Diane Letourneau, Jim Beach.

Frank Rogers, Neal Sharpe, Henry Tyler, Joyce Ricker, Donnce Cass, Elaine Gauther, Bernard P. Sraag, Ralph Pelletier, Gary Lecropyote, Ronald L. Marks.

Claude Dionne, Mildred H. Cohen, Marc Prooencher, Linda Urquhart, Dolores Samay, Carol Kramain, Linda Scott, Pam Hayman, Pauline McDowgell, Richard Ayres, Ronald B. Pomerlian.

Wendy Hammond. John Shenblon, Wendy Howland, Roberta Kasper, Pamela Alexando, Bruce Wilson, Marie Jabgt, Philis Farri, Brenda Gurney, Vernon Kennedy.

Jegnnette Albert, Dot McGovern, Josephine Vickery, Arthur R. Provncal, Germaine Coyle, Keith Tarmington, Nana Kevelli, K. Love, Albert Bickford, Brigit S. Libbey.

Alon Z. Nerton, Terry Fitzhubert, L. Bellser, Nora Leloutry, Fannetta Gogue, Mrs. Thomas Copp, Mr. Thomas Copp, A. Richards, Roland Geunel, Jeannie Hungui.

Harry LeBlanc, Marion Jones, Roland Baushi, Frances Passalaqua, Joanne Ressiter, Lucille King, Karen Dubar, Rebecca Perreault, Lorenzo Perregulo, Stella White.

Nancy Drake, Loraine Gagnon, Joan S. Baker, Marie Jeanne Murray, L. P. Daigle, Pauline Vallee, Mrs. A. Diome, Alfred Dionne, Mrs. Irene Cowan, R. Bhume.

B. Withee, Carmer Caron, Lsmaine Patry, Madeleine Perry, Mrs. H. A. Wilson, Weston Seamon, John W. Lmalk, Janis E. Rand, Edith Bartello, Linda White.

Robert Bosse, Mrs. E. J. Simones, Danny Dtuch, Rodney Spoller, Sr. Charlotte D'Auteuil, Sr. M. Solange, Sr. M. Helen, Sr. Emely Jones, Sr. Edwina Bouchard, Sr. Cecile Lebeau.

Sr. Elizabeth Rivers, Sr. M. Luanus, Marguerit Provencher, Mrs. A. J. Charest, Gerald Moris, Florence Fontaine, Doris Saucy, Debbie Boothley, Gloria, Bermier.

Yuett Carmil, John Sabi, Linda Godbout, Pat Tremblay, B. Hutchinson, M. Giroux, Marie A. Cote, Gerald N. Bouffard, Pauline Bouffard, Sandra Parsons.

Roger F. Connor, Mrs. Leandrus Caron, Julia Quellette, Theresa Leblanc, Constance Vallee, Eleanor Ritchie, Yvonne M. Gagne, Larry Pilletier, Adenne Normand, Constance Lawehelle.

Edw Chamber, V. J. Routhus, Madelyn Meservey, William Aaodler, Jr., Cecile Cadwin, Lucille Rward, Claudette King, Jeannette King, Mildred E. Neddin, Doria Goulet.

Kathy Cosgrove, Rev. M. James Martel, Virginia Pettingill, Bernadette Jarcotte, Mrs. J. D. Labbe, Mr. and Mrs. J. Anauld, Mrs. J. Aenauld, Carmen Daigle, Nancy Ketchum, Sandra Floyd.

Maurice Guerin, Harry Marshall, Gail Marshall, Jeannire St. Pierre, Robert Gosselin, O. A. Levesque, Claudette Levesque, Marlene A. Richards, Lawrence Fosti, and Marcel Charest.

Diane Charest, Forrest Snow, Marlene Dan, Charles Stone, Ceule Cadrin, Walter Ward, Glennis Ward, Lorraine Quellette, Iran Gravel, and Emma Baillargen.

Anita Baillargeon, W. Peill, Mrs. B. Broulllet, Mrs. Rosive Cortine, Eleanor E. Arsenault, L. Hodgkins, Ynotte Allard, C. Chicoine, R. Le Vassen, and Mr. and Mrs. Donel Pious.

W. D. Daggett, Helen K. Daggett, Doris Gagne, Louise Levenson, Pervine Livaarser, Joline Cormer, Muriel Laliborte, Rose Fremblay, and Moniquis Longton.

Nelle Quelletter, Roger L. Sutton, Mrs. Luern Sutton, Mrs. John J. Roberts, E. R. Gilman, J. R. Raymond, B. L. Gordon, A. C. Smith. M. C. Martel, and Rita L. Giguiere.

Frances Funk, Rena Funk, Michael Deslaurvey, Mr. and Mrs. Richard Lee Page, Mrs. Gracia Strout, Mr. and Mrs. Elore Pernd, Mrs. Isabel Lessard, Frederick Kearny, Virginia Gould, and Mrs. Bishop.

James Cameron, David Berison, Frederika Breust, Kenneth S. Keenan, Valerie Martin, Jay Schuma, Diane Carlson, Ann Helyar, Edward H. Callaghan, and Toby Lorenzen.

Peter Goodman, Francisco Mendezshol-Preu, Chip Small, Doug Week, John V. Shages, Dan Doyle, Robin Wright, Howard Sihe, Joel Thompson, and Manual Meregin.

David Schuh, Steve Scaratto, Erich Bye, Kevin Hartley, Steve Jeffery, Stephen C. Nelsen, O. Shenki, Dreece Field, Stephen Daniels, and Chris Doyle.

Maryann De Somma, Howard Tennen, Davy Mickalowski, Phil Jones, J. Waltz, Susan Hupp, Nan Ciano, Geofrey Marshall, Joseph Hanson, and Harold Emerson.

Karen Hermann, Mac Herrling, Randall White, Robert Devine, Edward Sullivan, Jeff Larsen, William Spencer, Bruce Lutz, Mitch Grosky, and Kevin Nonige.

P. Ulrey, David A. Rogers, Bob W. Zogellaar, Barbara Hampel, John W. Pardle, Dave Hardy, David B. Lentz, Bruce Littleton, July Fraser, and Linda Rafferty.

Euclide R. Beamon, Timothy K. Priestly, Catherine Landry, Angelique Comear, Laura Comear, Cecile Brouillette, Donald Cadwell, R. Leblend, M. McCarthy, Mrs. C. R. Jordan, and Mrs. George Webb.

Roland L. Anderson, Esther Gammon, Geneva Cascadden, Alfred Shenard, Constance LeBlanc, Robert A. LeBlanc, Allrine A. Labine, M. A. Knowles, Mrs. Margaret Patria, Lynn Patria, Eugene Barinet, and Mona Bussier.

Jeanette Leclair, Fred LaRochelle, Rene E. Dionnel, Jink Young, Rita Sedelinger, Mrs. Jeanette Lacassa, Antoine Quellette, and Mrs. Max Cohen.

Anita D. Schoff, Richard LaCasse, Linda Desjardins, Jeanétte Pfeffer, R. O. Desparden, Terry Hentz, Andy Rancourt, Gaston Doyon, Jerry Boucher, and Patrick Clements.

Boland T. Clark, Linda Rancourt, L. E. Lowle, Mrs. Adeland Dumond, Debbie LaFayette, Danny Quellette, Venise Morin, and David Vachon.

Gaylord Therrien, Cecile Therrien, Priscille Gherrien, Liette Vachon, Albert P. LeYoung, Mrs. Leda Deschamps, Diane Quellette, and Marcel Dunnerlin.

Pat Doyle, Pauline Moen, Eva Culleton, Reynold Leeman. Lizzie Lang, Jeannine Tardiff, Gloria Boisuert, Gartan Tonguay, Frank C. Sawyer, Merguette Parent.

Michel Parent, Bilranne Allard, Ed Bloff, Edward Hamlin, Daniel Harkins, Yvette Renaud, Ralph E. Plantie, L. L. Smith. Jeanette Smith. Leode Cyr.

Tina Richard, Dink Piunns, Betty Piourde, Berti and R. Golet, Doretta L. Golet, A. Audibert, Janet Levesque, Vincent Morris, Carol L. Theme, Mrs. Wm. Volmer.

Giles LaBlanc, Alan LeBlanc, Leo Morris, Roger Lesoard, Frank Blaret, Albina Doughty, Roland C. Pelletier, Terry Laundry, Sandra Parey, Marc Simark.

Mrs. Robert Pankin, Mrs. Claire Sargnud, Claude Dube, Fernande Dube, Gerard Langloes, Lucia Anctil, Peter D. Murray.

Ronald G. Poulin, Yvette Morin, Fern Ouellette, Lorraine McKenzie, Cheryl Bouchard, Eddie Bouchard, Sally Greenleaf, Hulor Lemelm, Muriel Goding, Bea Wallus.

Gary L. Brousseau, Mrs. Michael Buell Dolan, Mr. Michael B. Dolan, Norm Oullette, Mrs. A. Philippan, Mr. Ray Beaubiu, Mrs. Pauline Morin.

Wilfred Morin, Joseph Bolger, George Harde, Patty Rainville, Suzanne LeBlane, Gerard Lambed, Doria Lambert, Lillian Lefebre, Anna Lamarre, Norm Gagne, Patty Bessiere.

Roy Hamm, Lewiston, Me.; Mr. and Mrs. Ronald Paradis, Lewiston, Me.; Mr. and Mrs. Gerard Pelletin, McFalls, Me.; Edith Wood, Lewiston, Me.; Louis M. Bellavance, Auburn, Me.; Lorraine Bellavance, Auburn, Me.; Mr. and Mrs. King Trembloe, Lewiston, Me.; Ken Charles Chances, Lewiston, Me.; Chris Ricker, Lewiston, Me.; Marlene Merchan, Lewiston, Me.

Kathy Quillette, Lewiston, Me.; Nancy Perrington, Lewiston, Me.; Pat Larson, Lewiston, Me.; Robin Ricker, Lewiston, Me., Cliff Stike; Brian Bogueki; Jesse Grenier, Auburn; Gary Smith, Auburn; Norman Moore, Auburn.

Janet Arsenault, Lewiston; Sue Cox, Lewiston; John Lersard; Lewiston; Richard Freve, Auburn; Lawrence Wood, Lewiston; Jim Scott, Lewiston; Bruce Revely, Auburn; Ronald Rerassu, Auburn; Cynthia Staires, Lewiston; Joanne Tulonen, Auburn.

Marty Collier, Lewiston; Dave Schulz, Lewiston; Robert S. Moyer, New Gloucester, Me.; Mike Latrie, Lewiston; Jeff Fusen, Lewiston, Ray Trevitt, Boston; Danny Charron, Lewiston, Maine; Lawrence J. Ward, Lewiston, Maine; Jan Smith, Oxford, Maine; Chuck Maillhot, Lew., Me.

Ken Reynolds Jr., Lewiston; Michael S. Assebin, Auburn; Mike Murphy, Auburn; Pamela Murphy, Auburn; Mary Klitahko, Rumford; Barbara Gulris; Rumford; Richard E. Atkinson, Lewiston; Jan Wilson, Lewiston; Sandra Papsadora, Lewiston; Donelly Smith, Lewiston.

Paul Grulm, Auburn, Maine; Edward W. James, Lewiston, Maine; Bill Voisine, Lewiston, Maine; Pauline Cliche, Lewiston, Maine; Doris Beaudic, Lewiston, Maine; Virginia Smith, Orford; Mark Trucker, Lewiston; Robert Baul, Lewiston; Peter Docon, Lewiston; Robert Oullette, Lewiston.

Robert D. Rosenbaum, Lewiston; Stephen E. Tom, Lewiston; Jim Palmer, Lewiston; Gerald Darling, Auburn; Wayne Elliott, Auburn; Paul M. Pare, Lewiston; Shelly Sampson, Lewiston; Terry C. Larson, Lewiston; William A. Salle, Jr., Lewiston, and George Thurston, Gloucester, Mass.

Kenneth L. Hamel, Lewiston, Me., Frederika Bruist, Lew., Peter Shostak, Lew., Robert Gaynon, Lew., Kathy Jackson, Norway, Paul Nadeau, Lewiston, Ken Sprague, Auburn, David Nickerson, Lewiston, Brian Foster, Auburn, and S. F. Sylvester, Lewiston.

Mark Camor, Lewiston, Maine, Norman Child, Lewiston, Maine, Elizabeth Atwood, Lewiston, Me., Wes Darling Jr., Sule, Me., Lucille Richer, Lewiston, Dick Paine, Lewiston, Me., Donald D. Boucher, Auburn, Me., Peggy Cook, Lewiston, Maine, Betty Hurtuluise, Poland Spring, and Gary Chroelean, Auburn.

Johnnie McDonald, Lewiston, Karl Greenman, Lewiston, James Leamon, Lewiston, Claudia Bechtel, Lewiston, Daniel Getchell, Lewiston, Elaine Pinard, Lewiston, James King, Lewiston, Wayne Westleigh, Lewiston, Me., Ralph Pellitier, Lewiston, Me., and Irene Fournier, Auburn, Me.

Paula Dadeau, Chuck Kenyon, Karen Prince, Jerri Anderson, Dennis Gellison, Debby Bowie, Florence Long, Diane Longchamps, Cathy Ray, Charlene Lorrind, Dick Harris, Janet T. Garsexault, Liz Adamson, and Joan Chingline.

Jim Quellette, Linda Truman, Delores Cote, Digne Kull, Gil Nadeau, Lorrine Blay, Peter Schaffer, Norman Camp, Bill O'Brien, N.Y.C., Michael B. Sawyer, Jana Sweeney, Lori Herchep, Kenneth Kog, Bruce Lakes, Michael Long, Jr., Leonard O'Conners, Lee Michaex, Sandy Beatty, and Anne Bunting.

Fred Stocking, Karen Creigous, David C. Cling, John Schroeder, Jean Sampson, Ann Ward, Arther M. Brean, Betty Brown, Lynn Willar, Seron S. Judiard, Judith Haner, Janet Gigner, Ken Chancey, Michael Wilson,, Dick Gaudreau, David Smith, Andrea Lutz, Bobby Feyers, Pam Ritz, and Joan Couley.

Jack Isaacs, Harry Monroe, Dana Dinom, Susan Shyalsker, Farge Farrington, Garry Stevens, Linda Rothman, Paul Bible, Brian Collins, Puss Fieldend, Nancy Jestrely, Diane Knowlton, Bill Matteson, Robert Bauer, Arthur Bourget, Joseph D'Alfonso. Donna S. Dustin, John Paige, Everett Davis, Steve Withee, Bruce Stangle, Julio R. Siando, Gloria Bernier, Eileen Cason. and Nadine Champagne.

Colleen Engemann, Rejian Pare, Celeste Woods, Susan Brimigion, Daniel Asselin, Barbara Quinby, Richard Leavitt, Maurice Begin, Harold Emerson, Mac Herring, Kain Hermann, Gi-Nadeau, Liz Marcotte, Tom Hall, Tony Crowley, and Maryann DeSomma.

Nan Ciani, Beth Russell, Janet Boesart, Steve Thomson, Sharon Earley, Vincent Comue, Debbi Piper, Randy Clenncy, Rob Kriger, J. Saddler, Steven Mason, Steven Jeffrey, David Young, Deborah Clendenon, and Philippe Breauchesne.

Barbara Adams, Joyce A. Brown, Linda Ebert, Rolande Pirriault, Toni Schreiber, Janice Parady, Susan Binette, Dave Hardy, Chuck Bevacqua, Rev. Eugene F. Gaffey, Elizabeth Tuland, Peggy Liversidge, Nancy Parody, Lorraine Blais, Theodore W. Bilorfile, Merrise Bruce, and Chris Doyle.

A. Chevalier, R. J. Morris II, S. Judy, Mike Fournier, Paul Laborte, Diane Blanchette, John Lauore, Oleskie O'Marks, Rachel Seguro, Fred Cloutier, Lawrence Edmunds, Mariette Ouellette. Marlene Bisson, and Theresa Ouellette.

W. C. Ramsay, Mrs. Ernest Selverman, Mr. Edward A. Cote, Mr. Leo U. Verreault, Maria P. Lavoie, Sandra Ward, Ann Ward, and Larry Ward.

Mae Callahan, Jeanette Franchee, Irma A. Schutt, George Morris, Fran Williamson, Arthur Saucy, Mrs. Jan Robertson, Mrs. Benj. Burrows, Leslie W. Bryant, Garvey I. MacLean, Mr. and Mrs. C. F. Greenleaf, Leona M. Porris, Marie A. Morgan, Franklin V. Morgan, Rosario Sáeuz, and Ann Barker.

Ernest L. Edwards, Sr., Douglas I. Feinald, Julio Elarnager, Ramoah, Michael Johnson, W. J. Eaton, Robin Symonds, Linda Rothman, Ken Rich, Judith Andrews.

Scott E. Green, Paul E. Hills, Steve Thomson, Jean Street, Pat Abell, Kenn Sassocossi, John Johnson, Mary Ruckinskos, James Gionfriddo, David Martin.

Douglas Hayman, Kenneth T. Karch, Jr., Donald R. Wiener, Kevin Barry, Wayne Garthwart, Pauler F. Casey, Mike Brickey, Anna A. Liatios, Mark Harrris, David Sampson.

Hank Slosick, Walter Toons, Kerry J. Enright, Robert Pierce, III, Gerard Williams, Edward C. Barrows, John Shand, Linda Emma Edwards, Charlotte K. Howe, James Leahy.

Andy Cavel, Debbie Lindquist, Richard W. Suffern, John V. Shea III, Lewis W. Pettibone, William W. Tucker, John W. Pardee.

Bob Janson, Jeff Ray, Hick Ellis, Mary Emma Yard, Scott Alexander, Beverly Dunlop, Pauline Jurmain, Steve Tarn.

Sharon Earley, Pam Burghart, Carole Scannell, Sue Martin, Bart Smith, Chris Brown, Joan Madden.

Abby Pierce, Lynne Page, Paula Foresman, Merril Bunce, Martha O'Shea, Susan Zebrowski, Beverly L. Campbell, Ellen Carros.

Lorraine Blair, Linda Bornstein, Lorraine Bergerson, Billy Lumom, Danny Chamberland, Mike Ubbe, Tany Bolduc, Charlie Bear, Ronald Guller, Philip Calemn.

David B. Lentz, John Amok, E. Kenneth F. Connor, Rev. Roger Chabet, Robert E. Devine, Rebecca G. Wells, John Wing, R. Demme, Julio Elarriaga, Susan Tetro.

Ann Nagel, Thomas Stone, R. Osberryer, Mark Libbey, Clifford A. Spencer II, Donna McKee, Gary Mickalowski, Leanna Weber, Jo-Ann Wilson, Cara Thurston.

Marilyn Ottone, Linda Yurelonis, Mary Lee Auger, Roger Dyer, Thelma King, Bob Pelletior, Maurice Chicome, Dick Raymond, Steve Bernden, Susan Child.

Jay Sherman, Ann Helyar, Gi Nadeau, Liz Narcotte, Deborah Isaacson, Peter Murray, Mauria Lapointe, Ronald O. Bel, Edal Glaser.

Tony Crowley, Brian Gallagher, John Lappen, Lyme Page, Pete R. Acene, Melva C. Geores, Mary Oraim, Cathy Citeman, Gary Fontaine, Karen Ward, Douglas Fernald, Jerry Boucher.

Shetty Denon, Lewiston; Doley Arabes, Lewiston; Frances E. Porter, Buckfield; Ann Rich, Lewiston; Jack Penn, Lewiston; Margaret Kendall, Lewiston; Fred Wolff, Lewiston; Copper Hood, Lewiston.

Linda Fisher, Lewiston; William Spencer, Bates; Hugh Frederick, Bates; Dave Woods, Lewiston; Mary Lewiston.

Gordon Woodley, Bellevue, Washington; Mary McMahon, Burlington, Vt.; Martha George; Kathy Soucy; Tom Hall; Jack Dostie, Lewiston; A. Peter Legendre; Thomas L. Lalone, Lewiston; David J. Bourne, Bates; Susan Ciampa, Bates, Joanne Stato, Ridgewood, N.J.

Linda Fisher, Brenda Fisher, Bill Spencer, Neill Miner, Lewiston; Joanne Constantino, Mike Soucie, Jerry Tempesta.

ROADSIDE EROSION

Mr. NELSON. Mr. President, on August 1, 1969, I introduced a bill that would protect against erosion of streambanks and roadbanks. At that time I pointed out that 60 percent of America's highway system is not covered by any erosion control program, and that this needless erosion destroys valuable land, defaces the landscape, causes excessive highway maintenance costs and pollutes many of our rivers and streams. I added then that studies have shown that silt losses due to roadbank erosion run as high as 356 tons per acre per year in parts of Wisconsin. An estimated 15 percent of the silt polluting Wisconsin water comes from this source.

In connection with this problem, I invite attention to an article published in the September 1969 issues of Soil Conservation which reveals the results of a survey of roadside erosion. In addition, I ask unanimous consent to have printed in the RECORD another article, which again indicates the need for this legislation. The article reports that construction of two major roads in Fairfax County, Va., caused erosion at a rate 200 times faster than normal.

Mr. President, I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Soil Conservation, Sept. 1968]

ROADSIDE EROSION SURVEY

(By William M. Briggs, conservation agronomist, SCS, Madison, Wis.)

The eroding sections of Wisconsin roads, if joined end to end, would extend from the capital city of Madison to New York City, then back across the continent to Los Angeles.

This isn't to say that Wisconsin has more roadside erosion than any other state but that conservationists here have made a systematic survey of the situation and can name places and cite figures.

The inventory shows something more than 21,000 sediment-producing sites on the state's 87,000 miles of roads—a total of 3,711 miles of bare banks in an average of four locations in each mile. Figuring an average width of 16 feet, their combined area amounts to nearly 7,300 acres.

This is public land—your land and mine! Much of it drains directly into lakes and streams. For many years, students of sedimentation have recognized roadside erosion

XUM

as one of the principal sources of the material progressively filling and fouling our surface waters. The survey gives a clear picture of the problem in this state. The inventory is believed to be the first of its magnitude in the Nation.

The Wisconsin Chapter of the Soil Conservation Society of America initiated this project in 1967. A subcommittee of the Natural Resources Council of State Agencies drew up procedures for a 100 percent inventory of all rural roads in Wisconsin.

Each county organized a local committee. Participating personnel and agencies included the Soil Conservation Service, Extension Service, Forest Service, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, Wisconsin Department of Local Affairs and Development, soil and water conservation district supervisors, County Agricultural Stabilization and Conservation Service committees, and county officials of Farmers Home Administration. Other local, state, and federal agency people frequently helped. The SCS district conservationist generally served as chairman. A number of county Technical Action Panels (TAPs) chose this as a special project.

Tabulations for each eroding area included length, width, and total area in square feet. Surveyors marked each location in a plat book now filed in SCS work unit offices. Compilations by townships were sent to the state committee for checking, then the information was summarized on a county and state basis.

Town and county roads account for 97 percent of all roadside erosion. Nearly three-fourths (73 percent) occurs along town roads; one-fourth (24 percent) along county roads; and the remaining 3 percent along state roads. Vegetation along state roads generally rates excellent.

The published report gives a state summary and a breakdown of the findings by counties. Tables include extent of erosion along roads—town, county, and state. One table ranks the 15 counties with the most erosion. It shows that one-third of all roadside erosion is found in six counties, and more than half occurs in 15 counties.

Persons making the inventory indicated the control needed on each eroding site. Total figures show that more than half (54 percent) of the sites could be controlled by fertilizing, seeding, and mulching. More than one-third (37 percent) requires sloping, fertilizing, seeding, and mulching. The balance or nine percent needs "the works" including structures, sloping, fertilizing, seeding, and mulching.

Only areas of more than 100 square feet were recorded. The figures, therefore, do not represent all of the roadside erosion. The committee prepared individual county supplements for town and county officials. These tabulate erosion along town, county, and state roads on a legal township basis.

Local news media publicized the survey widely and created an awareness of the problem. People and organizations have started an "action" program. Soil and water conservation districts are recognizing roadside erosion in their work plans. Districts and counties are purchasing hydroseeders and mulchers. Several counties and townships are developing policies for proper control of roadside erosion.

The report distributed widely, urges local, county, and state officials to take corrective action as soon as possible. Recommendations include:

(1) Develop action programs giving consideration to adopting timetables for achieving adequate control.

(2) Consider purchase and use of specialized seeding and mulching equipment.

(3) Within the next 5 years, control every site reported that is a major source of sediment in Wisconsin's surface waters.

(4) Consider incentive funds of some sort, including any available for public works, as a way to help speed up roadside-erosion control.

(5) Establish vegetation on all newly constructed road cuts and fills. Waiting for natural seeding is too slow. Provisions should be made to secure wider rights-of-way where needed.

(6) Build sediment-retention structures as a part of all new construction. Maintain them until permanent structures and vegetation achieve adequate control.

The time of gathering data proved opportune to collect other pertinent information. Local committees outlined selective brush management sites suitable for maintaining highway rights-of-way in native shrubs. They also recorded unsightly conditions, including dilapidated buildings, auto graveyards (three or more cars), and dumping grounds. These items were reported separately.

ROADSIDE EROSION AND CONTROL NEEDED IN WISCONSIN

Control needed	Town acres	Roads percent	County acres	Roads percent	State acres	Roads percent	All acres	Roads percent
Fertilize, seed, and mulch	2,640	50	1,130	64	150	69	3,920	54
Slope, fertilize, seed, and molch	2,140	40	490	28	50	22	2,680	37
Structure, slope, fertilize, seed, and mulch	520	10	150	8	20	9	690	9
Total	5,300	100	1,770	100	220	100	7,290	100

[From the Washington Post, Sept. 15, 1969]

Erosion Is Blamed on Two Roads

Construction of two major roads through part of Fairfax County in the early 1960s caused soil erosion to zoom to 200 times the normal rate there, the U.S. Geological Survey reported yesterday.

According to a Survey study conducted between 1961 and 1964, about 16,600 tons of sand, silt and clay washed down Scotts Run each year because of construction of the Capital Beltway and the Dulles Airport access road.

The normal annual erosion for such an area, the study calculated, is about 38 tons.

Soil erosion clogs streams, reducing flood protection, contaminates water supplies, and destroys marine ecology by ruining feeding and spawning grounds and covering shellfish beds.

The report was released during a national conference on sediment control scheduled to end today in Washington. The document will be made available to Fairfax planners to aid them in tightening present erosion controls.

According to the report, about half the sediment that washed into Scotts Run remained somewhere in the stream basin. The rest was carried into the Potomac River.

The study concludes that during a period of normal annual rainfall, the average erosion for similar construction sites in Northern Virginia is about 150 tons per acre, or 96,500 tons per square mile.

Normal erosion is accelerated when natural cover is stripped off and the terrain rearranged.

SOME FACTS ON THE OREGON AND CALIFORNIA LANDS IN OREGON

Mr. PROXMIRE. Mr. President, on September 22, I introduced S. 2943 to amend the payment provision of the Oregon and California Land Grant Act of 1937.

For fiscal year 1970, 18 counties in western Oregon will receive payments in lieu of taxes totaling $32,000,000. I estimate that these payments will exceed the taxes paid on private timber lands by an average of 8.1 times. I estimate that one county's payments will be 149 times greater than taxes paid on comparable private timber and lands, another 99 times greater, a third will run 42.2 times greater, a fourth 34.5 times greater. A precise calculation might show some difference, but in general terms these facts show that the Government will pay these counties an average of $12.50 per acre in fiscal year 1970 while taxes on private timber land average only about $1.55 per acre.

In order that Oregon residents, including the Senators from Oregon, can have the opportunity to examine my figures, I ask unanimous consent that two tables of statistics be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, I will readily admit that an application of exact millage rates by taxing districts would produce slightly different data but, in general, it is my position that these are reasonably accurate comparisons.

An analysis by the Bureau of Governmental Research at the University of Oregon for the O. & C. counties suggests that if the O. & C. lands in Josephine County were on the tax rolls they would pay $1,123,720 compared to the almost $3.9 million the counties will get this year. However, I estimate that private timber and land in Josephine County pays only 25 cents per acre in taxes and that if the O. & C. lands were taxed on the same basis as private timber lands the counties would have received less than $100,000.

Not only is the Federal Treasury being milked by the continuation of the Oregon and California Act payment provisions, but there is reason to believe that, in fact, private timber in Oregon is given preferential tax treatment. It is not taxed on the same basis as are farms, homes, and businesses. For example, in at least one major Oregon timber county the volume of timber standing on private lands by official U.S. statistics is over three times greater than the State and county tax assessors report for assessment purposes. This raises an additional question of whether private timber is carrying its fair share of Oregon's tax load.

There are 111.015 billion board feet of timber in 17 western Oregon counties which carry an assessed value of only $436.7 million. The assessed value of this private timber is less than $4 per thousand board feet, when, in fact—as testimony before the Banking and Currency Committee showed—timber is worth over $50 per thousand board feet.

In addition, in 1968 the O. & C. lands supplied on a sustained yield basis a harvest equal to about 650 board feet of

timber per acre. Private timber, much of which is not on sustained yield, provided a cut equal to about 520 board feet per acre.

The facts suggest that the O. & C. forest is doing more than its share for Oregon. Its timber is cut on a sustained yield basis; the revenue totally supports this sustained yield operation. These timber payments also support the construction of roads and schools, the funding of welfare programs and many other public services.

When I first started to look into this question, the only issue was the overpayments on the O. & C. lands. However, the facts also suggest that Oregonians ought to determine whether the private timber lands are undertaxed. If it is proper for the O. & C. lands to pay $12.50 per acre as a tax equivalent, then private timber lands should pay comparable taxes rather than the $1.55 per acre they pay. On the other hand, if $1.55 per acre is a fair tax on private timber, then the U.S. Treasury should not pay $12.50 per acre in lieu of taxes on the O. & C. lands.

EXHIBIT 1

ESTIMATED PAYMENTS MADE BY PRIVATE TIMBER AND LAND IN 17 WESTERN OREGON COUNTIES

	Private acres [1]	Land tax at 20 cents per acre [2]	Timber assessed value (millions) [3]	Estimated County tax rate (thousands) [4]	Timber tax [5]	Western Oregon additional timber tax, 1968 [6]	Estimated total tax [7]	Private tax per acre [8]
Benton	191,000	$39,000	$9.0	$19.00	$171,000	$19,000	$229,000	$1.20
Clackamas	324,000	66,000	11.3	20.00	226,000	46,000	338,000	1.05
Columbia	317,000	64,000	4.5	23.00	103,500	12,500	180,000	.60
Coos	597,000	120,000	42.4	21.00	890,400	195,600	1,206,000	2.05
Curry	310,000	62,000	15.0	19.00	285,000	67,000	414,000	1.35
Douglas	1,220,000	244,000	103.0	15.00	1,545,000	167,000	1,956,000	1.60
Jackson	566,000	114,000	15.9	19.00	302,000	42,000	458,000	.85
Josephine	228,000	46,000	.9	17.00	15,300	2,200	63,500	.25
Klamath [9]								
Lane	903,000	182,000	83.0	19.00	1,577,000	204,000	1,963,000	2.20
Lincoln	367,000	74,000	19.0	15.00	285,000	93,000	452,000	1.25
Linn	515,000	104,000	96.0	16.00	1,536,000	155,000	1,795,000	3.50
Marion	151,000	30,000	6.0	15.00	90,000	7,000	127,000	.85
Multnomah	56,000	12,000	.7	25.00	17,500	1,000	30,500	.55
Polk	235,000	48,000	7.1	17.00	120,700	21,300	190,000	.85
Tillamook	202,000	40,000	17.0	19.00	323,000	35,000	398,000	2.00
Washington	160,000	32,000	2.0	21.00	42,000	6,000	80,000	.50
Yamhill	192,000	40,000	4.6	21.00	96,600	6,400	143,000	.75
Total or average	6,534,000	1,317,000	436.7	17.46	7,626,000	1,080,000	10,023,000	1.55

[1] The significance of the O. & C. forest resources in western Oregon, p. 146.

[2] Calculated col. 1×20 cents per acre. Estimated assessed value average $11.50 for bare land.

[3] Oregon State Tax Commission report, 29th biennium, p. 91.

[4] See source [1] above table 31, col. 8 (rounded up to next whole dollar).

[5] Calculated col. 3×4 (rounded).

[6] See source (3) above, p. 105, col. 6.

[7] Cols. 8+11+12 (rounded)

[8] Calculated col. 1÷col. 7 (rounded).

[9] Timber taxed on a yield tax basis rather than ad valorem basis.

PAYMENTS AND OVERPAYMENTS ON O. & C. LANDS, OREGON

	Percent of record paid to each county [1]	O. & C. acres [2]	Distribution based on $25,500,000, fiscal year 1969 [3]	Per acre payment [4]	Distribution, fiscal year 1970, $32,000,000 [5]	Per acre [6]	Overpayment ratio, 1969 [7]	Overpayment ratio, 1970 [8]
Benton	$2.81	$52,521	$716,550	$13.65	$899,200	$17.10	$11.3	$14.2
Clackamas	5.55	91,807	1,415,250	15.40	1,776,000	19.35	14.7	19.2
Columbia	2.06	11,079	525,300	47.40	659,200	59.50	79.0	99.0
Coos	5.90	121,984	1,504,500	12.35	1,888,000	15.50	6.0	7.6
Curry	3.65	93,416	930,750	9.95	1,168,000	12.50	7.4	9.3
Douglas	25.05	706,334	6,387,750	9.05	8,016,000	11.35	5.6	7.1
Jackson	15.67	435,186	3,995,850	9.20	5,014,400	11.50	10.7	13.5
Josephine	12.08	366,600	3,080,400	8.40	3,865,600	10.55	33.6	42.2
Klamath	2.34	67,305	596,700	8.85	748,800	11.15		
Lane	15.27	374,305	3,893,850	10.40	4,886,400	13.05	4.7	5.9
Lincoln	.36	9,220	91,800	9.95	115,200	12.50	8.0	10.2
Linn	2.64	86,166	673,200	7.80	844,800	9.80	2.2	2.8
Marion	1.46	20,712	372,300	18.45	467,200	23.15	21.7	27.3
Multnomah	1.09	4,247	277,950	65.45	348,800	82.10	118.0	149.0
Polk	2.16	42.205	550,800	13.05	691,200	16.45	15.4	19.4
Tillamook	.56	25,570	142,800	5.60	179,200	7.00	2.8	3.5
Washington	.63	11,695	160,650	13.75	201,600	17.25	27.5	34.5
Yamhill	.72	41,453	183,600	4.40	230,400	5.55	5.9	7.4
Total or average	100.00	2,563,805	25,500,000	10.00	32,000,000	12.50	6.45	8.10

[1] The significance of the O. & C. forest resource in western Oregon, p. 60.

[2] Public land statistics, p. 133.

[3] Calculated col. 1×$25,500,000.

[4] Calculated col. 2÷col. 3.

[5] Calculated col. 1×$32,000,000.

[6] Calculated col. 2÷col. 5.

[7] Calculated private tax per acre÷col. 4.

[8] Calculated private tax per acre÷col. 6.

SCHOOL PRAYER

Mr. BYRD of West Virginia. Mr. President, on October 8, 1969, I made a statement for radio concerning my proposed amendment to the U.S. Constitution. The amendment would make clear the right of persons who are lawfully assembled to participate voluntarily in nondenomination prayer.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

SCHOOL PRAYER

I have introduced in the United States Senate a proposed amendment to the United States Constitution which would make clear the right of persons who are lawfully assembled to participate voluntarily in nondenominational prayer. The Federal courts have never prohibited voluntary prayer, and I want to make clear that they do not do this in the future.

I think that the fears which recent Federal decisions have inspired and the implications which they contain, together with the results which might flow from these Federal court decisions, make it imperative that the Congress take cognizance of the matter and act to give the people of our country an opportunity to make their feelings known and their voices heard on a Constitutional amendment which would clarify the matter of school prayer.

My amendment is simple. It does not place any responsibility upon anyone, and it does not authorize any person or authority to dictate the form or the content of a prayer. It merely makes clear that no court can take action to obstruct the right of persons who are lawfully assembled to voluntarily participate in nondenominational prayer even though such prayer is conducted in any public building, such as a school, which receives all or a part of its financial support through public moneys. My amendment gives no authority to any official body to dictate the form or conduct of a prayer, but it does not restrict any official body from providing for or permitting voluntary participation in nondenominational prayer.

In all of the prayer cases, the decisions have been based on the Court's interpretation of the Federal Constitution. That Constitution was ordained by the people, and in Article V of the original Constitution the people reserved to themselves the right to amend it. And so the issue, as far as I am concerned, is quite clear.

Shall the people be afforded an opportunity to pass judgment on language which would clarify this vexing problem before it may be carried to ridiculous extremes in other suits which may be filed by atheists or agnostics?

My proposal would clarify the situation and remove the possible implications which constantly hover over every teacher and principal in the land as well as over the school boards and authorities who are charged with administering our public education system.

The adoption of this resolution by Congress would require a favorable vote by two-thirds of the members of both Houses. And this will be difficult, but I think a continuing effort should be made. For years, I cosponsored such an amendment with the late Senator Everett Dirksen. We were able to secure a majority vote in the Senate, upon one occasion, but we were unable to secure a two-thirds vote. And so I intend to keep on fighting for the adoption of this resolution.

Man must look to a God for comfort and as a source for inner strength and hope. Our Nation became a great Republic, and this can be attributed, in part at least, to the fact that the men and the women who have led the Nation from its birth have been individuals who believed in the existence of a Supreme Being. They came from many denominations and from many religious faiths, but the important thing is that they looked to God for guidance.

Throughout the years, the school children of our country have had exposure to prayer in the public schools. All too often, outside the school, they only heard a reference to God when His name was spoken in vain. The reference to the Deity in a school prayer was their only introduction to communion with a Supreme Being and their only experience with a spiritual atmosphere. The recent Federal Court decisions have caused a great deal of misunderstanding and the result has been that so many millions of our Nation's children no longer have even this brief exposure to prayer.

There are those who say that prayer should be something for the home and for the church, and this is true. But so often the home neglects its responsibility and parents fail in their responsibility to take their children to church. And, as a result, the burden falls on the school.

How strange that we spend millions of dollars in public funds every year to develop the physical fitness of American youth, but when it comes to developing the spiritual muscles through prayer, our children are being deprived.

I do not want to force any denominational faith or prayer upon anyone, but I do believe that the wishes of the overwhelming majority of the American people should be listened to and should not be subordinated to the whims of a handful of atheists.

I believe, therefore, that we should press for the adoption of this amendment and I intend to do this.

I am for rendering unto Caesar the things that are Caesar's, but I think that we should give God a little also.

TAXES ON FOUNDATIONS

Mr. MONDALE. Mr. President, I am quite concerned about the tax bill's provisions which may reduce the support for educational and charitable institutions, museums, and other beneficial activities supported by foundations or individual philanthropy. An excellent statement about the problem has been submitted to the Senate Finance Committee by the president of the University of Minnesota, Malcolm Moos. Dr. Moos is uniquely qualified to address this issue because he is not only the president of one of the Nation's great universities, but is a former Federal official and a former officer of the Ford Foundation.

I believe this statement deserves the attention of my colleagues and of others who read the CONGRESSIONAL RECORD. Accordingly, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. MALCOLM MOOS, PRESIDENT, UNIVERSITY OF MINNESOTA, ON TAX TREATMENT OF FOUNDATION AND CHARITABLE CONTRIBUTIONS

These comments are offered from the perspective of one who is currently the president of one of the nation's largest public universities and was formerly a program officer of the Ford Foundation.

I should like to limit my attention to those aspects of the proposed Tax Reform Act of 1969 (H.R. 13270) which seem to me to have important and negative implications for public and private higher education, and the vital supportive role that the best of our foundations provide to both. The word "best" is used advisedly; I have no desire to protect those who would mask their profit-making or political or ideological activities by identifying their organizations as educational foundations. On the other hand, I hope to demonstrate that both public and private education in this nation are in need of greater, rather than less, support from the legitimate foundation activities threatened by the proposed reforms.

I should also like to point out that I am personally in favor of major reform in our tax legislation, and I do not know a single responsible member of the higher education community who is not. First of all, as observers and students of the national scene (and taxpayers ourselves), it is clear to us that inequities and potential for abuse in our current tax structures cripple the morale of taxpayers and raise legitimate questions from them about the degree to which they should be expected to subsidize the opportunism of others. Nothing except broad reform measures, of the scope contemplated by the Congress, can restore the integrity of American tax policy. Second, since the legitimate needs of public higher education in America will require additional tax revenues and since the availability of these additional funds depends on the continuing good faith of taxpayers, the American citizen must not become cynical about the burden of taxes he bears or the uses either of tax revenues or of funds exempted from taxation. Both reason and self-interest argue for major tax reforms.

However, I do take exception to some of the details of the legislation before this committee. In my judgment, they will have unfortunate consequences for universities. I also believe that Congress would not wish those consequences to occur. The health, and possibly the independence and autonomy of many of our institutions can be seriously damaged by the provisions which affect individual and foundation giving to public and private higher education.

USE OF PRIVATE FUNDS

Private gifts constitute vital income for the nation's institutions of higher education, both private and public. A state university like the University of Minnesota, of course, is not so dependent on gift income of various kinds for its general operating costs as a private university. I am certain that the private universities can adequately describe both their presently dire financial straits and the damage that reductions in gifts of various kinds would do. For some of them, their very existence would be threatened.

For all of them, the uncertainties add further to the already grave discussions of whether dual private and public systems of higher education sustained in the United States. I need not list the many reasons for the opinion of the higher education community in this country that the nation is best served through widely differing approaches to support organization and instruction in higher education. Any threat to the financial support and therefore to the quality and quantity of private higher education is a threat to all of higher education.

But private income plays an essential and irreplaceable role in public higher education, as well. At the University of Minnesota, for example, the complete budgeted expenditures of private resources totalled about $31 million during the past five years. These expenditures, of course, constituted a small proportion of the total University budget for that period of time, but analysis of those expenditures is revealing. They have an importance far beyond their amounts in dollars and cents.

1. Budget amounts from private sources are increasing substantially in total dollars and also provide an increasing proportion of the University's income. In the year ended June 30, 1969, the University of Minnesota spent $9,254,925 from these sources, up nearly 40 per cent from the previous year. In the year ended June 30, 1969, expenditures from these sources made up 4.5 per cent of the University's total budget, compared with 3.3 per cent four years earlier. Furthermore, the University of Minnesota is not alone in this regard. Efforts to improve investment of university funds and solicit greater support from private sources have paralleled the huge increase in higher education enrollments throughout the nation and the accompanying pressure on public sources of support.

2. Private support has been used for purposes absolutely critical to the excellence and progress of the University of Minnesota—purposes for which public funds could not be available at the opportune time or could not be available at all. For example, the following efforts undertaken at the University of Minnesota during the past five years could not have been accomplished without substantial or complete funding from these sources:

(a) The initiation of the Center for Programmed Learning.

(b) The initiation of the Department of Family Practice and Community Health in the College of Medical Sciences.

(c) The Community-University Health Center.

(d) The Office of Advanced Drama Research.

(e) Research on problems in law and society.

(f) The initiation of a program for low income minority students.

In short, the University of Minnesota depends on private resources for special efforts that are vital to its development and its relevance to the society of the 1970's, but for which public support is, for one reason or another, unavailable.

3. The capacity of a university to meet the demands of the public is directly tied to the availability of these private funds. Without them and the extra resources they provide

a university is less flexible, less innovative, less dynamic than it must be if it is to be truly excellent and responsive. With them, it can make the moves, undertake the studies, catalyze the change, strengthen the weaknesses, create the new units—meet the demands that are not susceptible to regular, proportionately increased state and federal appropriations. These are the hard and real demands of a rapidly changing and problem-ridden society which historically has turned to its resources of public higher education to address itself to these needs. It is ironic that so often it is the support by private gift or foundation that really enables the public university to do what the public demands of it. One important example at the University of Minnesota is the development of a new program in Family Practice and Community Health, which was made possible by a grant given by the Louis W. and Maud Hill Family Foundation. The development of this program was in response to the public demand of Minnesota that our health care delivery system is presently inadequate to meet the demands for health services.

4. Clearly many of the resources of a university that give it special distinction as a community or national resource are the direct result of gifts facilitated by the tax provisions which are under question before this committee. Works of art, collections of private papers, books, and even whole libraries often come into the possession of a university museum, or other institution as gifts with tax relief implications for the donors. Such gifts then become public resources, where they once were private and unavailable to their communities. They enhance the institution and the community and help the university to serve its historic role of heightening the quality of life in the society through the careful stewardship and cultivation of educational resources.

WEAKNESS IN THE LEGISLATION

Under Sections 101 and 201 of the proposed legislation, H.R. 13270, there could be serious disruption of these vital resources.

1. The proposed legislation would make gift planning extremely complicated for individual donors, especially where appreciated property is involved. The tax advantage to the donor, though it fortunately remains a significant one, would be less than under the present law. How much that one fact will affect the volume of private contributions is unclear. But even more important is the difficulty of estimating how much the tax advantage would be at any one time. In a given situation the planning of a large gift of appreciated property involves so many indefinites and interdependencies that a donor might be persuaded to do nothing at all, especially since the tax advantage is decreased in any case from its present status. While there is definitely a need to place some limitations on deductibility and avoid relieving donors from having any tax obligations at all, it is unfortunate from our standpoint that the proposed changes should compound the effects of limiting deductions by adding a good deal of confusion to the computation.

2. By discouraging large gifts, the proposed regulations would complicate the use of these gifts by the institutions which receive them. Large gifts have a double advantage for an institution like the University of Minnesota, for they cut the proportional costs of fund-raising at the same time that they make it possible for the institution to make better plans for their use. A single gift, if it is large enough, may be dedicated to a single, independent, long-range use, thus providing assurance of future availability of funds for that purpose. The limitation on gifts of appreciated property to 30 per cent in the case of individuals appears certain to reduce the size of gifts.

3. To the extent that these laws and regulations bring a general reduction in private giving to the University of Minnesota or other educational institutions—or even a reduction in the rate of increase of giving—the proposed laws will increase the pressure on students and federal and state treasuries for support of higher education. This is a time of significant change in higher education, and of phenomenal growth as well. Throughout the nation, state governments are reaching the limits of their ability to finance public needs and retain the good will of taxpayers at the same time; and the difficulties of federal financing of public education need no elaboration before this body. The result is that students in public institutions of higher education are being required to provide an escalating share of the costs of that education. At the same time, institutions are struggling to maintain quality instruction in the face of increased numbers and costs, while they are faced with constant and justified demands to provide education that is more relevant to our complex and technical society.

The members of this committee are well aware of the increasing demand for student assistance funds. In the case of loans a nearly unbearable debt burden is placed on students who are not fortunate enough to have their educations financed for them. To the extent that universities are caught between pressure to limit taxation and this anticipated reduction of private financing, the visible remaining source of income is our students. The proposed changes in tax legislation, while they do not affect public institutions as harshly as private institutions, will nevertheless cause a greater hardship for our students.

FOUNDATIONS

4. Finally, there is little doubt that the proposed regulations will adversely affect both the fund-raising and fund-distributing capacities of our private foundations. As a matter of fact, that appears to have been at least partly the intention of the House bill.

As I stated earlier, I have no interest in protecting any organization that tries to dignify its political, profit-making, or ideological thrusts through the protections that have been provided to private foundations under our laws. But it is absolutely vital to distinguish those misuses of the law from the legitimate and very valuable support and services provided by our best foundations to American higher education in particular and to the American society in general.

(a) First of all, every effect of the proposed tax reforms on private giving is an effect on foundations as well. Like the universities, they receive and manage gifts from individuals, using the proceeds for their own research and support efforts, many of which are carried on in the universities. Their gifts to the universities, in turn, assist those institutions in the same way that private gifts assist them—by providing support of critical efforts for which funds would otherwise not be available. A qualifying foundation under the proposed law, then, will suffer from the same problems and the universities will suffer the effects of those problems in potentially reduced income.

(b) Besides the total value of the support universities receive from our legitimate foundations, there are other important functions they provide as well. In its relationship to a university, a foundation reduces the costs of fund-raising for that university by acting as a sort of broker. To the extent that the proposed law reduces the capacity of the foundations to accept and distribute funds, it will complicate the fund-raising activities of individual institutions, which have in the past had a dependable and flexible intermediary in the private foundation. The impact of these laws would be especially great in the contribution of appreciated properties to foundations.

(c) The weakening of the role of foundations in higher education would reduce the contribution foundations make to the improvement of higher education as well. Many private foundations not only act as convenient resources for the collection and distribution of private funds to universities, but also function as coordinators of research and support of specific matters of substance.

A foundation may undertake to study a particular issue or procedure—for example, the development of university information management systems—and thus establish itself as a national resource in that field. Through such a function, the foundation reduces the necessity for overlapping studies in individual universities and increases the possibility that an acceptable common practice can be established. Such efforts are expensive and require resources which are not available in a single institution. The foundation can commit the required funds centrally and coordinate the use of resources—functions which no individual institution can manage.

In this function, in fact, private foundations provide a desirable alternative resource to the involvement of the federal government in such efforts, since the federal government is the only other institution which can muster the financial resources and operate throughout the nation to make use of resources in individual institutions.

(d) For foundations which make these contributions to American higher education, perhaps the most unprecedented and undesirable aspect of the proposed legislation is the 7½ percent tax on investment income of the foundations. The effect of this taxation would be a direct reduction in the amount of funds available to universities through the foundations, thus striking at the support of the vital university efforts outlined above. For foundations involved in legitimate educational efforts, this seems unnecessarily punitive.

The Louis W. and Maud Hill Family Foundation in St. Paul is heavily involved in grants to institutions of higher education, including the University of Minnesota, and has provided information that indicates that the 7½ per cent tax, exclusive of tax on capital gains, would diminish the amounts available annually for grant purposes by at least $177,000. This relatively small foundation supported efforts at the University of Minnesota amounting to more than $600,000 during the fiscal year ending in 1969. If it should determine that the University of Minnesota must bear the entire brunt of its new tax-paying status, more than one-fourth of the critically-needed funds from this foundation would disappear from the University's budget. However, if it were to distribute the reduction, essential efforts would be curtailed in the institutions to which the Foundation provides grants. There simply would be that much less money available for distribution. And, as the spokesman for the foundation points out, "Of course, all foundations would be subject to the same tax and would have less funds for grant-making purposes." Furthermore, if capital gains income should be taxed in this foundation, the loss to grant-receiving institutions would be approximately doubled. Interestingly enough, this loss to institutions would be a loss to those organizations which the proposed legislation, for the most part, specifically excludes from taxation.

It makes little sense to require taxes to be paid from funds which would have supported cancer research and student assistance programs but not from those which support the self-serving activities of trade associations and other lobbying organizations. The tradition of Congressional treatment of charitable organizations has been to place them

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in a favored position. If there are deficiencies in the present tax law, I strongly believe that Congressional acumen can resolve them in a manner consistent with the traditions that have fostered support rather than diminished it. It is difficult to see why the Congress should change that emphasis at a time when educational and charitable causes need strengthening.

Finally, as a student of government stretching across a quarter century of teaching at Johns Hopkins, Michigan, and Columbia, I find the sections of the bill that would muzzle groups from making representations before Congress appalling. Such a sweeping restriction would tend to stifle the very breath of a pluralistic society and in my judgment ought to be eliminated.

CONCLUSION

Perhaps the House of Representatives, faced by the praiseworthy pressures for general tax reform, did not give adequate consideration to certain less visible implications of the proposed tax reform bill. The leadership of American higher education, both private and public, hopes these critical issues will receive careful consideration before action is taken in the Senate. Speaking as the president of one of the largest public universities in America who has had experience with private foundations from both perspectives of grant-receiver and foundation officer, it seems to me that the following specific recommendations should be considered by this committee:

1. At the same time that limitations are placed on the deductibility of charitable contributions, including gifts of appreciated property, ways should be found to formulate deductibility so that the complexity of computation does not increase the likelihood of reduced gifts to institutions which need them so badly.

2. In considering the possible reduction in total giving which this proposed law may bring about, further attention should be paid to the public benefits which are achieved by the donation to institutions, libraries, and museums of paintings, books, and collections of valuable papers.

3. In establishing the amount of deductibility of charitable gifts, and therefore assessing the degree to which the federal government should, in effect, encourage such gifts, attention should be given to the public benefits which flow from those gifts—specific research and educational efforts which make it possible for public as well as private institutions to improve their service to students and the society; the widely accepted viewpoint that the educational quality of our institutions of higher education and the educational health of the nation both require strong private as well as public efforts in higher education; the relief that these gifts provide to state and federal governments and students, all of whom otherwise bear the burden of supporting a growing and changing higher education system in the Nation; and, therefore, the need to encourage increases rather than decreases in private gifts to higher education.

4. Serious consideration should be given to alternatives to the 7½ per cent tax on foundation investment income and stock ownership limitations by some means which will meet the regulatory necessities, but not weaken the capacity of these foundations to support vital activities either within the foundations or at the nation's universities. Alternatives are available to cover the costs of investigating and regulating the activities of foundations which would meet the recognized need to maintain constant examination of foundation activities, without penalizing institutions assisted by the foundations or reducing the clear public benefit that legitimate foundation activities now provide.

5. Finally, tax legislation that affects the income of public and private higher education should always be considered in the context of the important question of possible alternatives to the contribution made by foundations to research, instruction, and management of American higher education. Greater dependence on the federal government for financial and management support is the only alternative I can visualize.

GI BILL ACTION IN SENATE

Mr. MONDALE. Mr. President, on October 8, the gentleman from Pennsylvania, Congressman SAYLOR, placed in the RECORD an editorial from the Army Times charging the Senate Labor and Public Welfare Committee, and specifically its Subcommittee on Veterans' Affairs, with "foot-dragging" on the proposed GI bill rate increases.

I feel that such a charge is very unfair in light of the most commendable and diligent record of the Veterans' Affairs Subcommittee under the chairmanship of the Senator from California, Senator ALAN CRANSTON. As a member of that subcommittee, I speak from firsthand experience in pointing out the great amount of veterans legislation considered and favorably acted upon during this session by the subcommittee and the full Labor and Public Welfare Committee, on the basis of 6 days of hearings.

At the full committee level, the Senator from Texas, Senator RALPH W. YARBOROUGH, chairman of the Labor and Public Welfare Committee, a member of the Veterans' Affairs Subcommittee, and its former chairman of 7 years, has most expeditiously moved this legislation to the floor with the vigorous leadership he has always displayed on veterans education and training measures.

I think that the unfortunate Army Times editorial is fully rebutted by an October 15, 1969, article in the Army Times entitled, "Senate Unit Ups GI Bill" and a letter to the editor from Senator CRANSTON published in the October 22 edition of the Army Times entitled, "Cranston Group Drags No Feet."

Mr. President, I ask unanimous consent that the material referred to immediately above be printed in the RECORD at this point in order that my colleagues may have a clear understanding of the true facts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Army Times, Oct. 22, 1969]

CRANSTON GROUP DRAGS NO FEET

DEAR EDITOR: In your Oct. 1 edition, you published an editorial stating that the Senate Labor and Public Welfare Committee, and its Veterans Affairs Subcommittee, of which I am chairman, had been guilty of "foot-dragging" on important veterans education and training legislation.

I think the record of the subcommittee and the full committee amply rebuts that charge.

The subcommittee has conducted six days of hearings in eight months, equal to the combined number of hearing days by the subcommittee during both sessions of the last Congress. These hearings have been published in three volumes containing more than 630 printed pages of testimony from 54 witnesses, again substantially more than the last two sessions combined.

On the day your editorial appeared, the subcommittee had already been scheduled to meet the next day, Oct. 2, on these bills in executive session, which it did.

On Oct. 9, based on the subcommittee's unanimous recommendation, the Labor and Public Welfare Committee unanimously ordered reported to the Senate eight veterans bills—two consolidated education and training bills and six hospital and medical care bills.

The Senate action represents the most comprehensive approach to the G.I. bill since it was originally enacted. First, it calls for a far larger and more realistic increase in G.I. bill education rates—46 percent—than the House bill—27 percent. Moreover, it proposes a new comprehensive education and training program, with an estimated first-year cost of almost 150 million dollars.

This comprehensive package of provisions from eight other bills would seek to encourage and assist veterans to make the maximum use of their G.I. bill benefits under the following circumstances.

For those still in service, the bill would authorize direct payment to schools to encourage their participation in a predischarge education program (PREP) conducted on or near military bases for servicemen shortly before discharge.

The bill would extend G.I. bill allowances to veterans in elementary as well as high school level courses.

It would also extend allowances to veterans in college preparatory courses on college and junior college campuses including courses for correcting academic deficiencies before entering college.

It would supplement educational coverage under the regular G.I. bill, regardless of the educational level, through direct payment to schools providing veterans with remedial tutorial, counselling or other special supplementary assistance to improve educational performance.

The bill would authorize grants to schools to establish special educational programs for veterans, including public service-oriented programs such as for the training of policemen, firemen, medical technicians, and inner-city teachers.

It would permit reduction of minimum college semester-hour requirements for full-time and part-time G.I. bill eligibility.

It would offer veterans the option of counting non-credit hour courses toward their eligibility for full-time allowances.

The bill would greatly expand and provide new orientation for the outreach services program to search out Vietnam veterans and counsel them regarding their benefits and assist them in obtaining them. Included would be payment of reasonable interview and relocation expenses when a veteran so assisted must move to enter a job or training program.

The bill contains some house-passed provisions as follows: (a) to eliminate most of the bars to so-called duplication of education and training benefits; (b) to liberalize measurement of high school courses; (c) to tighten up the prerequisites for pursuing G.I. bill flight training; (d) to permit more rapid payment of the initial G.I. bill allowance to veterans in non-college courses; (e) to make more flexible the measures of widows' and war orphans' eligibility for G.I. bill benefits; (f) and to permit V.A. approval of interstate transportation apprenticeship programs.

I hope this serves to set the record straight and I trust you will publish this letter.

Senator ALAN CRANSTON,
Chairman, Subcommittee on Veterans Affairs.

[From the Army Times, Oct. 15, 1969]

SENATE UNIT UPS GI BILL

(By Larry Carney)

WASHINGTON.—A Senate subcommittee has approved legislation to raise GI Bill education and training allowances by 46 percent

and make the increased payments retroactive to September 1.

The measure—approved by the veterans affairs subcommittee of the Senate Labor and Public Welfare Committee—is much more liberal than a similar proposal passed by the House early this summer. The House measure would raise GI Bill allowances an average of only 27 percent. Effective upon enactment.

Full committee action is expected some time around mid-October. Cost for the entire package is estimated at more than $500 million the first year.

Subcommittee chairman Sen. Alan Cranston (D., Calif.) said the GI Bill hike increase measure was among 19 veterans education and medical bills approved by his group last week.

Three of the bills are designed to encourage more veterans without high school diplomas to get their diplomas under the GI Bill.

To accomplish this, the subcommittee proposes establishment of a new pre-discharge education program for active duty personnel in their last 12 months of service. The subcommittee hopes to tie the program in with Defense Department's Project Transition which trains servicemen approaching separation for civilian skills.

Under the subcommittee bill, the government would pay up to $150 monthly directly to the school towards education and training costs of servicemen enrolled in duty-hour or off-duty study.

Aid would be limited to servicemen with at least 12 months' service. Those who take advantage of benefits would not have it counted against GI Bill entitlement.

The education program would be in addition to GI Bill benefits already available to servicemen with two or more years' active duty but the legislation would preclude servicemen from taking advantage of both programs at the same time.

Full Senate Labor Committee chairman Sen. Ralph Yarborough (D., Tex.) promises speedy action on the veterans package, hoping to get it to the Senate floor "by the end of October or early November."

The subcommittee bill would raise monthly GI Bill allowances from $130 to $190 for single veterans; from $155 to $218 for married veterans; and from $175 to $240 monthly for veterans with two dependents. Veterans with more than two dependents would get $15 additional in allowances per child. They now receive $10 additional per child.

Under the House-passed bill, monthly allowances for single veterans would go to $165 monthly; to $197 monthly for veterans with one dependent; and to $222 monthly for veterans with two dependents. It would provide $13 additional monthly per child to veterans with more than two dependents.

Other bills approved by the subcommittee would:

Pay special grants to colleges and universities which establish special training projects and tutorial services for disadvantaged veterans.

Provide a 46 percent increase in allowances for orphans and widows taking training under the VA-administered dependents assistance program. Allowances for service-connected disabled veterans taking instruction under the veterans vocational rehabilitation program would be raised to similar levels. Vocational rehabilitation training is generally limited to veterans with disabilities rated 30 percent or more.

Broaden on-the-farm instruction for veterans under the GI Bill.

Permit veterans to borrow up to $1000 for flight training lessons.

Give unlimited community nursing home care to veterans hospitalized because of a service-connected disability.

Provide hospital and outpatient care to veterans totally and permanently disabled for their non-service-connected ailments.

Entitle veterans drawing non-service-connected disability pensions admittance to VA hospitals without having to take a pauper's oath of inability to pay. A comparable House bill would drop the pauper's oath requirement only for veterans 72 years of age or older. The Senate bill would drop the age limitation and bring an additional 67,000 veterans under its provisions.

Pay for drugs and medical care for permanently housebound veterans, regardless of whether their disability is service-connected.

Increase per diem rates the VA pays state nursing homes for hospital care from the present $3.50 to $7.

SENATOR ROBERT C. BYRD "TELLS IT LIKE IT IS"

Mr. SCHWEIKER. Mr. President, I ask unanimous consent to insert in the RECORD an editorial from the Weirton, W. Va., Daily Times of October 14, 1969, entitled "Tells It Like It Is," together with a speech, the subject of the editorial, delivered by the junior Senator from West Virginia (Mr. BYRD) to the Weirtonian Lodge No. 183, Italian Sons and Daughters of America, in Weirton, W. Va., Saturday, October 11.

There being no objection, the editorial and the speech were ordered to be printed in the RECORD, as follows:

TELLS IT LIKE IT IS

Sen. Robert C. Byrd, who has served 16 years in the House of Representatives and the Senate, spoke bluntly here Saturday about the expanding threat to the security of the nation by hostile minority groups.

He addressed the Weirtonian chapter of the Italian Sons and Daughters of America in the K. of C. and "told it like it is."

Of all the speakers invited to the long series of Weirtonian dinners, Sen. Byrd's remarks were greeted with the most enthusiasm and the most frequent applause.

He praised the great record achieved by nationality minorities who came to America in search of liberty and freedom and stayed to contribute heavily to this nation's great progress.

But the rise of the hippies, the leftists, anarchists and black militants, he said, has created a major crisis in America and he warned that the next 10 years may decide the future of American freedom and democracy.

He said the great majority of Americans—all of whom were in some sort of minority group in the past history of America—are the Forgotten Men of this generation. The Forgotten Men, he said, are those who pay their way, who ask nothing from their government but the opportunity to work and to rear families and be good citizens in an orderly and lawful society.

America's great majority, he said, is made up of many former minorities. They are not minorities anymore. The interwoven strands of the fabric of America have become inseparable.

Sen. Byrd declared that rebellious acts against the government by irresponsible minorities must not be tolerated.

Police should clamp down and the government authorities and the public should support them completely.

He urged that there be no amnesty and no probation granted in criminal cases.

He appealed for an end to terrorism and anarchy and demanded the constitutional rights of the citizens be protected fully.

Sen. Byrd is the third top ranking Democrat in the U.S. Senate, next only to Mike Mansfield and Edward Kennedy. He has great influence in Congress and commands the admiration of most of the people of West Virginia.

Sen. Byrd won his last Senate race by the greatest margin in the history of senatorial races in West Virginia.

He'll be running again in 1970. There isn't a Democrat (including Jay Rockefeller) or a Republican, at this stage, who will be able to stop him at the polls.

TELL IT LIKE IT IS

Mr. Sinicropi, Congressman Mollohan, Mr. Grossi, Mayor Rybka, Father Altmeyer, Mr. Garnetta, members of Weirtonian Lodge No. 183, Italian Sons and Daughters of America, ladies and gentlemen:

It is indeed a pleasure and a high privilege for me to be invited to address you on this delightful occasion.

While all of us are Americans, most of this audience consists of second and third generation Americans of Italian ancestry. The rest of the audience, including myself, consists of Americans whose ancestry is also European—other than Italian—and possibly there are some Americans here whose ancestry is rooted in the Middle East. But whatever the ancestry, as I say, we are all Americans.

In view of the fact that most persons here tonight are of Italian ancestry, I think it would be appropriate and, indeed, desirable for me to say that well over 25 million Americans today are proud to claim a part in the Italian heritage. Heirs of "the grandeur that was Rome," the people of Italy have, century after century, added new dimensions to that grandeur in all the arts and sciences known to man. The Italians of America—and their sons and daughters and grandchildren born here in America—have consistently contributed to our common American cultural heritage, a heritage which is, like love, "a many splendoured thing."

What is this heritage to which we all have contributed, regardless of whether our ancestry a century or two or three ago was Scotch, Irish, German, Italian, English, Polish, Greek, Jewish or Lebanese? And how is it meaningful for our Nation in these troubled days?

Let me suggest that this heritage is a composite of many elements and ingredients, which are especially pertinent to the problems we confront at this time in the history of our country and of the world.

Let me suggest that it is a heritage made up of a deep respect for law and good order, and a willingness to work hard and to raise one's self and one's family up in the face of adversity and to enter with ever-increasing effect into the mainstream of American life.

So, I do not speak to you tonight about the beauties of the old world cities, such as Florence and Venice, the golden Bay of Naples, or the hill towns of Tivoli and Assisi, which themselves are among the most beautiful creations of man; nor do I speak of the unique contributions to civilization made by such men as Dante, Michelangelo or Verdi. These have been chronicled beyond number.

But I do feel that I ought to speak of the legacy of strength and stability, resourcefulness and industry which have been so prominently associated with Americans of old world ancestry, and in which we can take such great pride today as we see all about us the need, in our American society, for these characteristics of enduring greatness.

Your ancestors and mine who came to this country from the old world asked no special favors. They sought no special status. They

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took this country and this society the way they found it, and they made it their own.

They won the esteem, the admiration, and the respect of other people by their conduct, their industry, their love of home and family life, their desire to get ahead and to succeed on their own merits.

Let me say that I have never personally known of a Hungarian or a Lebanese, a Jew or a Greek or a German or an Italian, etc., being on relief. There may have been such cases, but I have not personally known of them. All whom I have known have worked too hard and have been too industrious and have had too much pride to descend to a life of depending on government handouts.

I do not say this in derogation of welfare recipients *per se*; there are many persons on welfare who are in need of help, but it is not true of all who are on the welfare caseloads today.

Everyone hears excuses today for those who live in the slums. But what are slum dwellers doing for themselves? That is what counts. You have heard the advertisement: "You can get Salem out of the country but you can't get the country out of Salem." I am of the opinion that you can get some people out of the slums, but you can't get the slums out of some people.

Some people will create slums wherever they go. Put them into the best of apartments or family dwellings. Within six months the plumbing will be ripped up, the bannisters will be broken down, the windows will be knocked out and the doors kicked in, garbage will be on the floor and in the yard, and rats will be running all over the place.

Most of our early immigrants were crowded into the cities, but they kept the floors scrubbed and their children clean. If there was a square foot of ground, they planted a flower. If there were a few square yards in the back lot, they planted some vegetables. They shined shoes, peddled fish, sold newspapers, and before long they had lifted themselves up by their own bootstraps and had put their children through school and had bought a little property of their own.

We have heard so much in the last few years about discrimination—and I do not defend discrimination based on color or religion. (I do, however, defend discrimination based on conduct.) But those early immigrants were also often discriminated against.

Did they burn cities? Did they go into the streets and loot and destroy? Did they turn in false fire alarms and then throw bottles and bricks at the firemen who came to answer the false calls?

No! They patiently labored to win the confidence and respect of others, and they took their rightful place in the mainstream of American life.

They did not push and shove and threaten and demand something for nothing. They showed themselves to be law-abiding citizens, of good conduct, and they made the grade. They were the rock-ribbed stuff that America was made of. They made their own way, educated themselves and their children, contributed to their communities out of their own talents and they were good neighbors, good citizens, and good Americans.

It was that sturdy stock which made America a great Republic. And if America is to be restored to its former greatness, it will be because those of us who live today are determined to perpetuate the ideals and the traditions, the respect for law and order, the high regard for work, the rugged individualism and the faith of our fathers.

If I may digress for a moment, some years ago, I was in Iraq, the land known in Biblical times as Mesopotamia—the land between the two great rivers, the Tigris and the Euphrates.

One day, I journeyed with an old Arab guide from Baghdad down to the ancient city of Babylon on the banks of the Euphrates. He showed me the site where Belshazzar's hall had once stood, and we stood at the place where Belshazzar's feast had been held.

Belshazzar, you remember, was the King of Babylon who gave a great banquet for his friends, inviting a thousand of his lords. At one point in the banquet, the king asked the servants to bring in the sacred golden vessels that his father had taken from the house of God, the Temple in Jerusalem, and the king and his friends drank from the sacred vessels.

As this was taking place, the fingers of a man's hand appeared and began to write on the wall of the King's palace.

Belshazzar did not know what the words meant, and the wise men of his realm were unable to interpret the words for him. Finally, he sent for Daniel, one of the thousands who had been forced into exile, and who had won for himself a reputation for being able to interpret the meaning of things hidden from others.

Daniel interpreted the writing that was written:

". . . God hath numbered thy kingdom, and finished it . . . Thou art weighed in the balances, and art found wanting . . . Thy kingdom is divided, and given to the Medes and Persians."

The handwriting on the wall was a message of impending doom. That very night, king Belshazzar was slain and Babylon fell.

Do you see any handwriting on the wall today?

I suggest that the handwriting is plain and that it is just as timely and serious as it was in the ancient story, and that it calls us as a Nation to return to the great and abiding truths implicit in the heritage that is ours as Americans.

I think the average citizen is more deeply troubled about his country's future today than at any time since the great depression in the early thirties.

Every time we turn around there is a crisis of some sort—the welfare crisis, the urban crisis, the pollution crisis, the Vietnam crisis, the inflation crisis, the civil rights crisis—one crisis after another. There just seems to be no place where one can escape anymore.

We seem to be fightng a futile war abroad and living in a malignant racial atmosphere at home.

Middle class values are under more obdurate attack today than ever before—what you believed in, and what you learned in school, in church, and from parents.

The sanctity of work is questioned, and the stability of the family is becoming less and less an American virtue.

The American home is becoming the target for the most salacious pornography; and the exploitation of sex and nudity in the mass media erodes morals further every passing day.

Premarital chastity is old fashioned; filial gratitude for parental sacrifice is looked upon as something square; and work is something to be studiously avoided. Nobody wants to start at the bottom anymore.

We see violence and sex and drugs on television; and the streets and parks are filled with hippies with their love beads and black militants with their African bush haircuts.

The SDS is making inroads into the high schools; teachers are beaten up; hoodlums brandish switch-blade knives in the hallways; and policemen have to be stationed in city schools to keep order.

Black militants—and not all Negroes are black militants—have interrupted church services to demand—and they are getting—reparations from the churches; they threaten to close down the banks and industrial plants; and the Kerner Commission blames it all on white racism. The fact is there has been racism on both sides.

We are told we must feel guilty for the sins of the slave owners a century or two or three ago; and society is blamed for having made the rapist, the murderer, and the mugger what he is.

The past half-dozen years have seen protest marches, civil disorders, so-called civil disobedience, demonstrations, race riots, and city block after city block destroyed by the torch.

Motorists have been pulled from their automobiles and their cars set afire.

Looting has become all too commonplace, while the National Guard has been ordered to stand by with guns empty.

Policemen have been abused, maligned, assaulted, and stomped to death in the streets by mobs.

Militants have taken over local school board meetings, city council meetings, and the halls of state legislatures; and, in some instances, they have been led by individuals who claim to be clergymen.

University speakers have been forced to cancel speeches by dissenters who cannot brook dissent.

College Presidents have been ejected from their offices by student extremists.

Militants, armed with shotguns, hatchets, and knives, and shouting Black Power slogans, have taken over administration buildings, and TV viewers have seen school officials capitulate to the arrogant demands of troublemakers.

Black Panthers and street gangs foment revolution and advocate guerrilla warfare.

Inflation erodes everybody's pay check, and the government adds a surtax on income.

Illegitimacy is growing apace, and the Federal Government is subsidizing it through welfare spending.

Welfare rolls are burgeoning—and I am not against welfare for the needy. Militant welfare mothers have formed an alliance to demand higher welfare checks, and they will spit in your face if you dare suggest that they go to work.

Government anti-poverty programs have been used to incite unrest and rebellion.

The nationwide increase in crime is 9 times the increase in population, and the Nation's Capital is fast becoming a city of fear and violence.

The state of the Nation is increasingly a matter of concern to the thinking citizen, and the future of the Republic is to be viewed with alarm.

One may, with justification, ask the question: "Will the Republic survive?"

This will depend, in my judgment, largely upon the kind of leadership which is given to the Nation during the next ten years.

If we have leaders who show continued weakness in the face of threats, who yield to the demands of militants, and who sacrifice the good of the Nation for political expediency, then our country has seen its best days.

On the other hand, if we have the kind of leaders which the times require—men who are willing to take a stand against those who want something for nothing nad against those who seek to acquire, by intimidation and threat, property and privileges which they are unwilling, or which they lack the ability, to acquire through hard work, perseverance, and deserving effort; men who will put country first and votes second; men who will insist upon equal rights for *all* people and not just for a minority—then there may yet be some hope for the future.

Somebody is going to have to talk sense—common sense.

What is needed is more discipline and more guts, with less pandering to the demands of a militant minority.

Militants who take the law into their own hands should no longer be granted amnesty for their criminal acts.

Defiance of authority—whether in the

schoolroom or in the street—must not be tolerated.

School boards, school principals, and college presidents who insist upon discipline must be given the strong backing of the people.

Law enforcement authorities and the chief executive officers of state and nation should make it indubitably clear that whatever power is necessary will be used with firmness, determination, and without hesitancy to deal with riots and rioters, mobs and mob violence, and that innocent law-abiding citizens—both black and white—and their property will be protected at whatever cost is required.

Criminals should be taught once again that crime does not pay. And every public official in this country ought to take a stand for the police and against the hoodlum.

The great silent majority, which has been patient so long, must not allow itself to be further browbeaten, intimidated, and mesmerized into a state of uncertainty and fear.

People are going to have to think for themselves and not let left-wing commentators and left-wing big city newspaper columnists and pseudo-intellectuals overly influence their opinions and viewpoints.

Both political parties must espouse integrity in government, respect for law and order, and fewer handouts to people who are able to work for themselves.

In this regard, may I say *that I want to help people who need help;* and it is our duty to assist the widow and the orphan, the poor, and the afflicted. But we do no man a favor by encouraging him to live on the dole when he is physically and mentally able to work and when there is work to do.

Americans must speak out against violence, hooliganism, and disorder. They must also speak out against cheaters, whether at the public trough or on the welfare rolls.

We need to be concerned about principles as much as about programs. Our country has strayed too far afield from the fundamentals from which its strength and greatness have been derived. We cannot continue along the road we lately have been traveling without inviting eventual disaster.

Government has tried to do too much in areas beyond its competency in seeking to compel social change.

In all of the excessive attention that has been paid to appeasing a small but militant minority of our people, the average American citizen has somehow come to be the forgotten man.

I believe that your ancestors and mine—those persons of whom I spoke at the beginning of these remarks—were probably the people that the American sociologist and educator William Graham Sumner was thinking of in the 1880's when he wrote these lines:

"The Forgotten man . . . delving away in patient industry, supporting his family, paying his taxes, casting his vote, supporting the church and the school . . . he is the only one for whom there is no provision in the great scramble and in the big divide.

"Such is the Forgotten Man. He works, he votes, generally he prays—but his chief business in life is to pay . . .

"Who and where is the Forgotten Man in this case, who will have to pay for it all?"

The answer to the question is obvious. The Forgotten Man is the great majority—they who pay their way, who ask nothing from their government but the opportunity to work and raise their families and be good citizens in an orderly and lawful society.

All of our ancestors, as I said at the beginning, came from somewhere other than the place we meet tonight. America's great majority is made up of many former minorities. They are not minorities anymore. The interwoven strands of the fabric of our land have become inseparable.

The progeny of those early immigrants are now the majority. Let us, then, as we look to the future of our republic, resolve that we will act within our own spheres of influence in accordance with the great traditions that have come down to us from many cultures and many climes. The legacy of strength and stability, of resourcefulness and industry, which we have inherited from our old world ancestry and in which we take such pride, can help us restore America to the bright promise it was meant to be.

Our Republic, conceived in liberty and purchased with blood, can be preserved only by constant vigilance.

May we guard it as our children's richest legacy, for what shall it profit our nation if it shall gain the whole world and lose "the spirit that prizes liberty," law and order, and constitutional government as the heritage of all men in all the land.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

POTATO RESEARCH AND PROMOTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. Calendar No. 412, a bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, to give the bells a chance to do their job, I shall postpone for a moment the request I am about to make, so that Senators will have plenty of time to come to the Chamber, and will not be confused by a succession of seven or eight bells.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR STAR PRINT OF S. 2264 TO DESIGNATE ADDITIONAL COSPONSOR

Mr. MANSFIELD. Mr. President, yesterday when the communicable disease control bill (S. 2264) was reported from the Committee on Labor and Public Welfare, inadvertently the name of the distinguished Senator from Massachusetts (Mr. KENNEDY), a principal supporter of that legislative proposal, did not appear on the printed version of the bill. Therefore, I ask unanimous consent that there be a star print of the bill (S. 2264), indicating Senator KENNEDY's cosponsorship.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHURCH in the chair). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STENNIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the pending measure and the one which will follow it, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, is it so ordered.

ORDER FOR ADJOURNMENT TO MONDAY, OCTOBER 20, 1969

Mr. MANSFIELD. Mr. President, on the supposition and the hope and the prayer that we can finish the two potato bills this afternoon, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, is it so ordered.

Mr. MANSFIELD. If, however, we do not finish the potato bills this afternoon, I will have to make a change in that request.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is it so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 1:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon (at 1 o'clock and 10 min-

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utes p.m.), the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:16 p.m., when called to order by the Presiding Officer (Mr. Byrd of West Virginia in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 158) to authorize the minting of clad silver dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

POTATO RESEARCH AND PROMOTION ACT

The Senate resumed the consideration of the bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. Church in the chair). The pending business is S. 1181, a bill to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

Mr. HOLLAND. I thank the Presiding Officer.

Mr. President, the purpose of title I of S. 1181 is to permit potato growers to finance a nationally coordinated research and promotion program. Title II of the bill would add tomatoes to the list of commodities for which paid advertising can be provided under marketing orders.

Title I of the bill provides for authority to establish a plan to collect assessments on potatoes produced in the 48 contiguous States of the United States. Producers with less than 5 acres will be exempt from assessments. The assessments will be used for promotion of potatoes including paid advertising. In addition, assessments can be used for research and development projects. The costs incurred by the potato industry in administering the program will also be paid from assessments. Prior approval by the Secretary of Agriculture for all projects and expenditures is provided for as a safeguard against improper use of funds.

The bill provides for a maximum assessment rate of 1 cent per hundredweight. Handlers are responsible for payment of the assessments, and they may deduct them from their settlement with the producers. Producers will be able to obtain a refund on the assessments paid by them, if they request it in the time and manner prescribed. The bill provides that hearings with respect to a proposed plan be held when requested by potato producers. A favorable referendum vote, by two-thirds of the potato producers voting in such referendum, or two-thirds of their production and not less than a majority of those voting, is required to approve any plan issued pursuant to this bill. If such a plan is favored by producers, a board will be appointed by the Secretary of Agriculture from industry nominations of eligible producers. Such board will administer the plan under the supervision of the Secretary of Agriculture.

Provisions in this bill are similar to those in a bill enacted by the 89th Congress, and cited as the Cotton Research and Promotion Act. Promulgation and referendum proceedings for any "plan" issued pursuant to this bill are similar to those in marketing orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Administrative provisions are also similar to those in marketing orders. There are no provisions for quality control or compulsory inspection in this bill.

Several potato producing areas have State orders or commissions to promote potatoes produced in their specific areas. This bill is intended to supplement these existing programs with a nationally coordinated program.

Title II of the bill authorizes paid advertising for tomatoes under marketing orders. At present such advertising is authorized for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados.

Mr. President, title II would merely add tomatoes to that list so that marketing orders covering tomatoes could, if those affected so desired, cover paid advertising assessments, as well as their other assessments.

Mr. President, I note in the Chamber the distinguished leading sponsor of the bill, the Senator from North Dakota (Mr. Young). He may have a statement and I shall be glad to yield to him for that purpose, if he wishes.

Mr. YOUNG of North Dakota. Will the Senator yield for a short statement?

Mr. HOLLAND. I am glad to yield.

Mr. YOUNG of North Dakota. I made a statement explaining the bill at some length yesterday when it was called up.

This bill is sponsored by practically all the Senators from the principal potato-producing areas. There is great need for this legislation.

There are only about one-half as many potato producers in this country as there were 10 years ago. Producing potatoes presents a greater risk than any other kind of farming. There are no price supports for potatoes, but through self-help programs, such as the one authorized by the pending bill, producers are attempting to improve their product and promote increased consumption of potatoes. It could go a long way toward increasing the sale of potatoes and keeping the potato farmers from going broke.

Mr. President, there are many misunderstandings about potatoes as a food. For example, many people think that potatoes are a fattening food high in calories. The fact is, the potato is not a high-caloried food. This is the sort of thing that the potato producers hope to bring before the public by intelligent advertising. This will help the sale of potatoes.

Mr. MONDALE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am happy to yield to the Senator from Minnesota who is one of the cosponsors of the bill.

Mr. MONDALE. First, I wish to thank the distinguished Senator from Florida for his excellent work on this bill. As chairman of the subcommittee, I know that he has held extensive hearings and heard from all of us who are most concerned about this legislation. He has brought a bill to the floor of the Senate today which is, I believe, in excellent condition.

The distinguished Senator from North Dakota (Mr. Young) and I represent neighboring States which have an important potato industry. Indeed the Minnesota Valley Growers Association, which supports this measure, is the largest grower organization in my State. It is an industry that involves nearly $17 million worth of income to the farmers in my State alone.

This is a long overdue measure which will permit them to deal with some of the problems which the Senator from North Dakota (Mr. Young) has already made reference.

Under this act, the people of my State would be able to supply a better product to the consumer. They could develop new and better methods of handling the product. New products from potatoes could be developed.

Last, but not least, the true story about potatoes can be presented to the consumer.

This does not carry any price tag. The farmers themselves contribute to the fund. I believe I am correct in saying that any farmer who wishes can have his money returned so that any farmer that

does not wish to participate in this program can do so.

This is long overdue legislation, and I compliment the Senator from Florida for his leadership in this field.

Mr. HOLLAND. I thank my distinguished friend. It has been a pleasure to conduct the hearings and to handle this matter in the full committee and the subcommittee. I am glad that we have finally been able to get it to the floor of the Senate.

Mr. MUSKIE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am particularly glad to yield to the distinguished Senator from Maine. I am happy that we have been able to get this bill to the floor and to see my good friend from Maine here today.

Mr. MUSKIE. I thank the Senator from Florida. Let me say how very much I appreciate the courtesy which the distinguished Senator from Florida has shown to me all week in holding this bill for consideration until today. Any delay that I have caused was inadvertent and certainly not intended, but the Senator from Florida with his usual courtesy and cooperation, nevertheless, has been of great assistance to me. I compliment him on bringing this bill to the floor.

Mr. President, today we are going to vote on two bills that will have a profound effect on the producers of potatoes.

The first, S. 1181, will enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their market for potatoes and potato products. The general public does not fully appreciate the nutritional value of the potato, and in fact has serious misconceptions about the role of the potato in the American diet. This legislation will provide an opportunity for potato growers to improve the quality of their product and improve consumer acceptance of potatoes.

The bill provides for authority to establish a "plan" to collect assessments on potatoes produced in the 48 contiguous States of the United States. Producers with less than 5 acres will be exempt from assessments. The assessments will be used for promotion of potatoes including paid advertising. In addition, assessment can be used for research and development projects. The costs incurred by the potato industry in administering the program will also be paid from assessments.

The potato producers have been confronted, in recent years, with increased competition from other products marketed as easily prepared convenience foods. Some of these products are promoted on a national basis. Potato producers have not been able effectively to match this competition because production and marketing of potatoes is performed by numerous individual farmers in every State in the United States. This has made it difficult for them to finance and carry out adequate research and promotion projects to maintain a competitive position in the markets. This bill would give potato producers authority to help themselves by financing such projects.

Not only will S. 1181 benefit the potato grower but the kinds of programs envisioned would also work toward improved marketing and merchandising to the benefit of the American consumer.

S. 1181 is supported by all segments of the potato industry.

I urge the Senate to vote for passage of the bill.

Mr. President, I am happy, of course, to support the bill, and to again compliment the distinguished Senator from Florida (Mr. Holland) and the distinguished Senator from North Dakota (Mr. Young), for sponsoring and bringing the bill to the floor of the Senate.

Mr. HOLLAND. I thank my distinguished friend from Maine. Before I yield to the Senator from Idaho (Mr. Jordan), there are two things about this bill that I wish to mention at this time.

First, this is the first effort of the national potato growers organization in which the potato growers of the State of Florida have been willing to join. Thus, it must have merit beyond all the efforts heretofore of the National Potato Council.

Second, if it becomes effective and is followed by a marketing order as proposed, this bill will be the first effort in the field of perishable commodities to set up a national advertising, sales promotion, and research program; and I am sure, we will all be watching with a great deal of interest.

I thank the Senator from Maine for his comments and I am glad now to yield to the Senator from Idaho (Mr. Jordan).

Mr. JORDAN of Idaho. Mr. President, I thank my distinguished colleague from Florida. I commend him and the Senator from North Dakota (Mr. Young) for bringing to the floor this fine piece of legislation. I am pleased to be a cosponsor of the bill. I believe it will do a tremendous amount of good for the potato-producing industry.

I believe it is well known that Idaho's fertile acres produce about one-fifth the total U.S. potato crop. The State now harvests about 300,000 acres of high-quality potatoes, which, in an average year, yield about 64 million hundredweight. Potato acreage in Idaho has doubled since the mid-1950's.

In achieving this leadership in potato production, the State of Idaho has demonstrated the value of promotion. It is not enough merely to grow the finest potatoes in the world; they must be promoted and sold.

To this end, the State of Idaho has established the Idaho Potato and Onion Commission which has done an excellent job in promoting the use of Idaho potatoes nationally and internationally. To support this program, Idaho growers and processors pay 2¼ cents per hundredweight for promotion and research, an assessment higher than the rate applied in any other potato-producing State. This industry financed promotional program has helped make Idaho potatoes synonymous with potatoes of the highest quality. Moreover, the growers who pay the bill are enthusiastic about the program and a representative of the 4,400 Idaho growers supported this legislation in committee hearings. The State's promotional program not only has aided producers in the State but also has aided the entire potato industry, the congressional committees were told by Idaho potato grower Clarence Parr, of Burley.

The efforts of such local and State promotion programs will be supplemented and coordinated nationally by this legislation. This would be done by authorizing the growers to establish a National Potato Promotion Board, and to operate a grower-financed promotion and research program. This program would be similar to that provided under the Cotton Research and Promotion Act of 1966.

Assessments on growers would be limited to a maximum of 1 cent per hundred pounds of potatoes handled. Potatoes grown by producers with less than 5 acres of potatoes would be exempt from assessment, which means that the program would be financed by about 17,000 of the 310,000 potato producers in the United States.

Promotion plans would have to be approved by the Secretary of Agriculture after public hearings and then ratified by at least two-thirds of the growers under a referendum to be conducted by the Secretary. Furthermore, any grower not in sympathy with a plan adopted could apply for and receive a refund of assessments paid. I am informed that refunds under the cotton promotion program have been less than 5 percent.

Potatoes are one of our most important crops, bringing into the farm economy an average of about $561 million a year in sales revenues. However, the per capita consumption of potatoes has declined during the last 30 years from 122 pounds to 110 pounds per person, and potatoes have been meeting increased competition from other products marketed as easily prepared convenience foods. These factors, coupled with more efficient production techniques, have contributed to crop surpluses and resulting surplus removal programs in most crop years since 1953.

It is hoped that this national marketing and research program, in concert with program on the State level, will help correct the imbalance between supply and demand for potatoes and improve returns to producers.

On behalf of the potato growers of Idaho, who have supported this legislation by formal resolution, I urge its passage.

Mr. HOLLAND. Mr. President, I thank the Senator from Idaho.

Mr. YOUNG of North Dakota. Mr. President, the Senator from California (Mr. Murphy), a cosponsor and strong supporter of S. 1181, is necessarily absent today. The Senator, however, had prepared a statement which he planned to make on this measure. I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement by Senator Murphy was ordered to be printed in the Record, as follows:

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STATEMENT OF SENATOR MURPHY

As a co-author of S. 1181, the potato marketing bill, I support the measure and urge its speedy enactment by Congress.

I wish to thank the distinguished Senator from Florida, (Mr. HOLLAND) and the distinguished Senator from North Dakota (Mr. YOUNG) for their efforts and work in guiding the bill through the Committee on Agriculture and Forestry. This is a most important bill for California, as my State is the third largest potato producing State in the country. Kern County, which is ably represented in Congress by Representative Bob Mathias, produces fifty per cent of the potatoes in my State and is the second largest potato-producing county in the country. I am also deeply grateful for the help given me by both Representative Mathias and Mr. Don M. Johnston, of Bakersfield, California.

The bill, S. 1181, is similar to the Cotton Research and Promotion Act enacted by Congress in 1966, which I also supported. The bill would provide a mechanism through which potato producers may conduct a much-needed national research and promotion program for potatoes.

The per capita consumption of potatoes has been steadily decreasing for many years. In order to reverse this trend and expand potato markets, a program of research, development, advertising, and promotion is essential. The reason for this decline in consumption has been the increased competition from other often easily prepared convenience foods. The potato producers have not been able to meet this competition because the production and marketing of potatoes in the country is done by many individual farmers in every State. As a result, it has been difficult for the potato industry to launch an adequate research and promotion effort to maintain their competitive position in the market place.

In 1966, the National Potato Council established a voluntary nationwide promotion program with a goal of $75.000 for 1967. Despite the depressed market that existed in 1967, the voluntary program was successful as the program exceeded their national goal of $75,000.

This voluntary program has helped to demonstrate the value of research and promotion. It has also demonstrated that if the program were really going to be successful, it would have to be much larger in magnitude. This, then, is the background for the potato research and promotion measure that is before the Senate today. I want to emphasize that this is a self-help program. The taxpayers of the country are not being asked to foot the bill, nor should they, for this research and promotion program.

Under the bill, the research and promotion activities authorized by the measures would be financed by the producers themselves through an assessment of not more than one cent per 100 pounds of potatoes produced commercially in the 48 contiguous states. At the maximum assessment rate, it is my understanding that approximately $2 million annually would be available for the research and promotion program. The program would not only be producer-financed, but producer-controlled. The research and promotion activities will be administered by the National Potato Promotion Board, composed of representatives of the growers selected by the Secretary of Agriculture from nominations made by the producers. Also, I want to emphasize strongly that the participation in the program would be voluntary on the part of the various growers. Under the bill, every producer or grower can, upon request, receive a complete refund of the assessment made.

In short, the measure would establish a badly needed research and promotion program for potato growers. I urge its enactment.

POTATO PROMOTION—IT WORKS FOR IDAHO

Mr. CHURCH. Mr. President, today the Senate is to act on S. 1181, the Potato Research and Promotion Act. This legislation, of which I am a cosponsor, would enable the potato industry to finance a nationally coordinated research and promotion effort, and through its own resources and ingenuity, to build strong markets and preserve its position in our Nation's agricultural economy.

There is no doubt in my mnd that a promotion program, properly organized and effectively run, can increase the demand for the potato as a consumer item, with a resultant increase in income to the farmer and the potato industry as a whole. One only need look to my State of Idaho for a fine example of what can be done when an outstanding product is properly marketed. Idaho has actively promoted its high-quality potatoes for many years, and today the Idaho potato is sought by housewives throughout the country who want the very best.

This bill gives the potato industry the wherewithal to promote its product. It will aid both the large and the small production State by educating the consumer to the part that the potato should properly play in his diet. It will aid the consumer, since the research programs made possible under the act will result in more and better potato products.

The use of sound marketing practices in the distribution and sale of our agricultural commodities is a must. Passage of the Potato Promotion Act will be a step in that direction.

Mr. HOLLAND. Mr. President, before a vote is taken, lest there be a misunderstanding, I want to make sure it is understood that title II affects tomatoes and differs from title I in that it does not contemplate a nationwide promotion program, for tomatoes produced in all areas, and also in that there is no provision for refund. It simply permits tomato growers in any area where there is a marketing order to add provision for advertising and promotion to such marketing order if in their judgment and in the discretion or the Secretary of Agriculture it is decided that that is advisable in their case.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc. I know of no opposition.

The PRESIDING OFFICER. Without objection, the committee amendments are considered en bloc; and, without objection, they are agreed to.

The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrosment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HOLLAND. Mr. President, the Senator from North Dakota (Mr. YOUNG) has just reminded me that there was an intention on the part of one of the Senators from Alaska to investigate the question of whether Alaska and Hawaii should be included in the program and added to the 48 contiguous States to which the potato amendment applies. If the Senator from Alaska wishes to offer that amendment, or some other Senator wishes to offer it for him, I would have no objection to it. I would yield to the sponsors and authors of the bill on that matter.

Mr. YOUNG of North Dakota. Mr. President, I think it is a good amendment. It would affect only the people of Alaska and Hawaii. I think they should be permitted to come into the program.

I would like to offer the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the engrossment and third reading of the bill be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments offered by the Senator from North Dakota will be stated.

The assistant legislative clerk read the amendments as follows:

On page 3, lines 16 and 17, strike out the words "forty-eight contiguous States of the".

On page 5, line 1, strike out the words "forty-eight contiguous States of the".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1181) was passed, as follows:

S. 1181

An act to provide for potato and tomato promotion programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the

welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 3. As used in this title

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "produced" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 4. To effectuate the declared policy of this title, the Secretary shall subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the United States.

NOTICE AND HEARING

SEC. 5. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disburesesments in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: Provided, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for approximate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 9. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and adminiatration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 8(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENT

SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, and such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those

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handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

Sec. 11. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this title.

ENFORCEMENT

Sec. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 or more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

Sec. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

Sec. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 10(c) above.

SUSPENSION OR TERMINATION OF PLANS

Sec. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

Sec. 16. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

Sec. 17. If any provision of this title or the application thereof to any person or circumstances is held invalid, the vadility of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

Sec. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

Sec. 19. This title shall take effect upon enactment:

Title II—Tomato Advertising Projects

Sec. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read: "An act to provide for potato and tomato promotion programs."

AMENDMENT OF THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 414, S. 2214.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 2214) to amend section 608(c)(2) of the Agricultural Marketing Agreement Act of 1937, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported with amendments on page 1, at the beginning of line 3, strike out:

That section 608(c)(2) of the Agricultural Marketing Agreement Act of 1937, as amended, is amended as follows:

And insert:

That section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation is amended as follows:

In line 9, after the word "In", strike out "subparagraph" and insert "clause"; on page 2, line 3, after the word "In", strike out "subparagraph" and insert "clause"; and after line 6, insert a new section, as follows:

Sec. 2. The amendments made by this Act shall be effective only during the period beginning with the date of enactment of this Act and ending two years after such date.

So as to make the bill read:

S. 2214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended as follows:

(1) In clause (A) after the words "vegetables (not including vegetables, other than asparagus, for canning or freezing", insert the words "and not including potatoes for canning, freezing, or other processing"; and

(2) In clause (B) after the words "fruits and vegetables for canning or freezing," insert the words "including potatoes for canning, freezing, or other processing,".

Sec. 2. The amendments made by this Act shall be effective only during the period beginning with the date of enactment of this Act and ending two years after such date.

Mr. HOLLAND. Mr. President, this bill, reported from the Senate Committee on Agriculture and Forestry, has some amendments, but I will first discuss the purpose of the bill.

The purpose of the bill now before the Senate, S. 2214, is simply to place potatoes for other processing—such as dehydration—into other potato products on an equal basis with potatoes for canning and freezing which are now exempt under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

In other words, the Marketing Agreement Act now already exempts potatoes for canning and freezing from coverage in any marketing order issued by the Department of Agriculture.

I might add that the term "other processing" is intended to include only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. This occurs in dehydration and in the manufacture of shoestring potatoes and potato chips. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

The committee's Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices held hearings on the bill. Some producer groups opposed the bill, while processors generally approved it.

The subcommittee and the committee felt that consistency in the treatment of potatoes was necessary. However, in order to provide protection to producers, the exemption carried by the bill is limited to a 2-year period.

The Department of Agriculture favored inclusion of all potatoes under marketing order authority, or exclusion of all potatoes for processing. Inclusion of some and exclusion of others creates competitive disadvantages. Inasmuch as potato products are in competition with each other in the national market, this bill would result in uniform treatment of potatoes for processing regardless of the final use made of the product.

The Department also reported that the use of potatoes for food processing has increased sharply during the past decade. Only 14 percent of 1956-crop potatoes used for food were processed. In 1967 about 42 percent were processed. Utilization for freezing was the most important in terms of volume, but large quantities were used for canning, potato chips, shoestrings, and dehydration. Dehydrated potato processing increased sixfold during the 1956 to 1967 period, while the use of potatoes for chipping and shoestring potatoes more than doubled. Continued expansion of sales to all food processing outlets is expected in coming years.

Mr. President, there was some difference of opinion in the committee. Some of us would have preferred to put all potatoes destined for processing within reach of the potato producers, within their marketing orders, if they chose to cover potatoes used for processing. Others favored the method used in this bill; that is, to exclude all potatoes used for processing by which the natural form of the potatoes changes, from coverage of the marketing agreement and order.

The final settlement made by the committee was to permit this to be done as provided by the bill for a period of 2 years, to see whether or not the experiment of excluding all processed potatoes from the coverage of marketing orders would be satisfactory in general to the producers, who, after all, would be the ones most interested in marketing orders, as they are the only ones who can initiate such orders.

The bill as reported does just that. It would exclude all potatoes for processing from marketing orders, but only for a trial period of 2 years, so as to see how this program would work out.

Mr. President, these are all the comments that I have. If other Senators would like to be heard on the bill, I shall be happy to yield. Otherwise, I ask that the amendments be considered.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. The bill now before us, S. 2214, was the bill in connection with which the hearings were centered on a locality in northern California and in Idaho and some of the adjacent States; was it not?

Mr. HOLLAND. Yes. This was the bill in which certain processors who used potatoes grown in northern California and Oregon felt that they were being discriminated against under a regional marketing order applicable only to that area, and they asked to be put in the same position as other processors using other potatoes from that area who were excluded from the coverage of the marketing order.

As I have already stated, the committee was not of one mind about this, but finally decided to give the program, as provided by the bill a 2-year period of trial, to see how it would work out.

Mr. CURTIS. My recollection is that the testimony that the committee received was somewhat divided, that one group of growers favored the legislation and another group did not.

I commend the distinguished Senator from Florida for the way he has handled the bill. I believe it was the junior Senator from Nebraska who suggested we might try it for 2 years, to see how it worked out, in fairness to all parties; and I am delighted that that was the way the bill was presented here.

Mr. HOLLAND. I thank my distinguished friend for that comment, and I am glad to say he is correct in his recollection; he was the one who suggested this compromise, which was finally accepted by all members of the committee, and we are all willing to see this program tried out for 2 years, as I recall the vote of the committee.

Mr. MUSKIE. Mr. President, S. 2214 is a bill to amend section 608(c)(2) of the Agricultural Marketing Agreement Act of 1937. Briefly, this bill exempts all potatoes used for processing from Federal marketing orders.

Federal marketing order legislation has played an important role in the orderly marketing of potatoes:

Marketing orders assure the adequate supply of high quality potatoes to the consumer at steady and reasonable prices.

The Federal marketing order has prevented the exploitation of both the consumer and the farmer by the middleman.

Current law exempts from marketing orders those potatoes that are to be processed by canning or freezing. Proponents of S. 2214 argue that processors of other types of potatoes are placed in an unfair competitive position with the canners

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and freezers. I recognize this problem, but the solution is not in more exemptions to the marketing order. The solution to achieving equity among processors, while at the same time preserving the benefits of marketing orders for the producers and consumers, is in the removal of all exemptions.

In my own State of Maine the Federal marketing order has been shelved. Many Maine potato producers are pressing for the reinstatement of that order. If more exemptions are granted for processors, it will be virtually impossible to convince the Maine potato growers, who produce for both the fresh and processing markets that the reinstatement of the marketing order is in their best interest.

For the good of the potato producer and the consumer I oppose the passage of S. 2214. At the same time, understanding the inequity faced by a part of the processing industry, I urge that the Agricultural Committee prepare substitute legislation to remove all exemptions from Federal marketing orders.

Mr. YOUNG of North Dakota. Mr. President, the Senator from California (Mr. Murphy), the principal author of S. 2214, is necessarily absent today. The Senator, however, had prepared a statement which he had planned to make on this measure. I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Murphy

As the author of S. 2214, I urge its passage. The bill would update the Agricultural Marketing Act of 1937. The purpose of the 1937 act was to assist in stabilizing prices of fruits and vegetables in the fresh market at a profitable level. Canning, the only major method of food preservation in 1937, was exempt from the act's provisions. By 1946, freezing had become a common method of food preservation, and Congress updated the Act by expanding the exemption to include fruits and vegetables for freezing.

Today, dehydration has also become a major method of preserving foods, and S. 2214 would place all processors of potatoes—canners, freezers, dehydrators, potato chippers, and shoe string manufacturers—on a fair, equal and competitive basis.

I believe that the bill is in the best interest of the potato industries, both growers and processors, and the workers in the processing plants, as well as of the American consumer.

I support and urge its enactment.

The PRESIDING OFFICER (Mr. Hughes in the chair). The question is on agreeing to the committee amendments.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to exempt potatoes from processing from marketing orders."

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CURTIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, that concludes the scheduled business of the Senate for today. There will be no further votes.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 445, S. 1508. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment after line 6, to insert:

> (b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or at any age after serving at least twenty years continuously or otherwise."

So as to make the bill read:

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> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 371(b) of title 28, United States Code, is amended by inserting immediately before the period at the end of the first sentence the following: ", or at any age after serving at least twenty years continuously or otherwise."
>
> (b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or at any age after serving at least twenty years continuously or otherwise."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Moss in the chair). Without objection, it is so ordered.

Pursuant to previous order, the Senator from Mississippi is recognized for a period of 1 hour.

Mr. STENNIS. I thank the chair.

PUBLIC SCHOOL EDUCATION

Mr. STENNIS. Mr. President, I wish to make clear in the very beginning that my concern and my advocacy with respect to the subject I shall talk about today is in the interest of public school education. I shall refer to the problems of our schools in the South and the problems and conditions in the schools of the North, but I am prompted, all the way through, by my advocacy of the survival, in all areas of the Nation, of the public school system. I have never entertained the idea or joined in any movement that would try to establish a private school system in any appreciable area to replace the public schools, because I know that even though the private school has its place and has a good function to a limited degree or in a specific area, and has a good influence throughout the Nation, it is the public school system, I am fully convinced, that is necessary to train and educate the masses of our children.

I wish to make it clear also that I am not seeking or advocating the repeal of the Civil Rights Act of 1964. I know that it is the law, and I said after its passage that it could not be ignored; that it was the law and, of course, would have to be obeyed.

Mr. President, for several years the Department of Health, Education, and Welfare, and the Justice Department, have conducted an intensive campaign to bring about total integration of public schools in the South. Both HEW and the Justice Department have launched a crash program to integrate the races in every school in the South. This drive for all-out integration has been so intense and demanding that the education and welfare of the students and teachers have become secondary. The prime objectives has been all-out integration. My complaint is about the administration and interpretation of that law.

I wish to make it clear that I want every child, and I have always wanted every child, to have every opportunity to obtain adequate schooling and training under just as favorable conditions as can be had. I want faculties and others who are engaged in schoolwork generally to have conditions as favorable and as encouraging as possible.

I know, too, from the experience of the last 2 years, that most of the burdens of the social change that is coming about in our country is dumped in the lap of the public school system, to the extent that it cannot longer carry that load unless there is some moderation in the policy, the practice, and the administration of this Federal law. I am just as certain of that as I am that night follows day. I am certain that something will have to be done about it.

I also feel that this fact is not realized throughout the Nation. It is not realized by enough of the membership of this body, because they have not felt the impact of the imposition of the school program as administered by the Department of Health, Education, and Welfare and the Department of Justice, for it is really not administered in great areas of the country, to any appreciable degree at all, as I shall illustrate.

For several years, the Department of Health, Education, and Welfare and the Justice Department have conducted or

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attempted to conduct a campaign to bring about a total integration of the public schools in the South. Both the Department of Health, Education, and Welfare and the Department of Justice have launched a crash program to integrate the races in every school in the South.

This drive for all-out integration has been so intense and so demanding that the education and welfare of the students and teachers have actually become secondary. The prime objective has been all-out integration.

I believe this crash program has been and is a tragic mistake. The students have suffered in their school courses, orientation, and attainments. The teachers have suffered and are unable to make adjustments and effectively carry on under this crash program that demands almost everything now and everything a year from now. The parents have suffered, and the effectiveness and efficiency of the schools have been greatly diminished.

Unhappily, those who are directing this campaign have either failed to recognize, or have deliberately chosen to ignore, the fact that this localized effort against the South overlooks segregated conditions in the North that are as pronounced, and in some instances even more pronounced, than segregation in the South which is actually the sole target of this massive integration program.

If the alleged wrongs that are being so vigorously attacked in the South are, in fact, wrongs, the same situation, the identical circumstances, the extensive segregation, is also wrong in the North.

To attack these claimed inequities with such vigor in the South and at the same time overlook them elsewhere, is either a clear admission that: First, the alleged wrongs in the South are not, in fact, wrongs at all; or, second, there are great wrongs in the North that are neglected and uncorrected.

In brief, the law is not being enforced equally throughout the Nation.

If it is true, as the advocates of integration claim, that segregation deprives the Negro student of an equal education, millions of Negro students in the North are being deprived of their rights.

It is unquestionably clear that segregation in the schools exists in many major areas of the North to an equal extent, if not a greater extent, than in the South. I shall support this statement by official records that are admitted to be correct.

The records I shall cite have been obtained from the files of HEW—obtained in a legitimate way by a regularly constituted arm of the Senate. I have taken these matters up with Mr. Finch. I make no personal attack on Mr. Finch. He says that he does not contest the figures I am going to cite and that, so far as he knows, they are correct.

Regrettably, the deplorable situation of the North and West has been overshadowed and kept out of public sight and notice because the national bureaucracy responsible for enforcing integration in the schools has played an overly bright spotlight on the struggling schools of the South.

The goal for the school years 1969–70 and 1970–71, has been total abolition of all schools predominantly white or predominantly black. Total adjustments and change have been demanded as to students, curriculum, courses, transportation, equipment—everything—within this time frame. That is the general pattern that has been demanded in most of these districts. They are all moving in that direction. A few of the districts may be an exception to this general summary statement that I have made, but that is the trend, and that is the overall look.

I know most of these things from my personal knowledge, because I have had contact with many of them. I have appeared before the examiners with many school boards that have come to Washington from my State for hearings with reference to their matters. I have been there with them. I have testified in some of those cases as to facts with which I am familiar. I mention that just to show that this is not a strange subject to me.

Public attention has been concentrated on complaints of harassed educators and distraught parents in the South.

The policy of singling out the South for enforcement of the 1954 Supreme Court decision prohibiting discrimination in the public schools on account of race is based upon the idea that enforcement should be directed against areas of the Nation that once had State or local government laws that required or allowed segregated schools. I say that this was the policy.

This is known as de jure segregation. Segregation in public schools that has arisen out of a fact, or a combination of facts, not required or permitted by law is classed as de facto segregation.

By establishment of this policy—that is, a differentiation between de jure and de facto segregation—Federal officials have sought to excuse their inaction against segregation in the North while pursing an intense program to achieve total and immediate integration in the South.

The effect of this policy is to say that segregation in the South is wrong but segregation in the North is not wrong.

It is merely a policy. This procedure, this approach, is merely a policy. It is not supported by the Civil Rights Act of 1964 nor by the Supreme Court decisions.

I cannot find anywhere in the Civil Rights Act of 1964 or in the Supreme Court decisions any direction or any holding that the law made a distinction between one part of the country and another or one kind of school segregation and another. The basic part of that decision of 1954 is very clear.

Now, this policy to which I have referred, and it applies to previous administrations and not only this one, is not a policy of law, it is not a policy of reason, and it is not a policy of right. It is a policy of the wrong and the strong; the "strong of the Federal Government bringing its vast power and talent against many small school boards and school officials in the South; the "wrong" of political expediency in leaving untouched the politically powerful and controlling States of the North and the East. I shall specify some of them before I conclude my remarks.

This has been a willful and deliberate pattern of conduct known to the top officials of Health, Education, and Welfare over the years and in fact evolved by them. They have told this to me, as well as to other Senators. Along with other Senators, I called it to the personal attention of two former Secretaries of Health, Education, and Welfare and received firm promises that action would be taken. This was in 1966, 1967, and in 1968. Virtually no action has been taken. During the passage of the Education Act in the fall of 1967, these facts were brought to the attention of the Senate and this pattern of non-action in the areas outside the South was denounced by the then Senator Morse of Oregon, who was handling that education bill and the Secretary of Health, Education, and Welfare gave a letter to Senator Morse, which was included in the Congressional Record, promising action in the non-southern areas. Virtually no action has been forthcoming since the time of that letter.

Mr. President, I could not readily locate that letter. That is my best recollection. The letter was placed in the Record and I think I shall find it and make proper reference to it.

However, even if it should be conceded that such an inequitable and unequal policy is acceptable under the law, the States of California, Illinois, Indiana, Kansas, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia should come under the de jure classification.

Let us look at the facts: 91 percent of the total Negro student enrollment in all Northern and Western States is concentrated in these eight States and the District of Columbia. Segregation of races in the public schools was at one time either required or permitted by law in each of the above-named jurisdictions. I cite here some additional revelant facts:

Indiana has State statutes authorizing separate but equal public schools until 1949.

In New Jersey separate schools for Negroes were maintained well into the 20th century despite an 1881 statute prohibiting the exclusion of children from schools on the basis of race. In 1923 the State commissioner of education ruled that local school authorities could provide special schools for Negroes in their residential areas and allow the transfer of white students from these schools to white schools. The ruling was reaffirmed in 1930.

State statutes authorizing separate but equal public schools were in effect in New Mexico and Wyoming until 1954.

A State statute permitted separate but equal public schools in New York until 1938.

Many State courts in the North have upheld racially separate school facilities. For instance, courts in Ohio, Delaware, New York, and other States allowed exceptions to geographical attendance for the purpose of maintaining the segregation of Negroes.

I cite these instances as facts of life and to prove that even under the de

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jure-de facto theory or policy, segregated schools in these States should be proceeded against in the same manner as the "de jure" schools in the South are being proceeded against.

I do not concede that the de jure-de facto policy is either logical or legal. I believe it is, in fact, both illogical and illegal. If segregation is unlawful because of the 1954 decision of Brown against Board of Education, it is illegal whether or not it results from de jure or de facto reasons, and it is illegal whether it occurs in the North or in the South.

Make no mistake about it. Let there be no misunderstanding. There is no real difference between segregation in the North and the South. The figures show many places in the North are more segregated than some places of the South.

I quote now from official HEW records to which I have already referred. Again, I make no distinction between the Negro students and the white students, and their right to go to school and have what can best be afforded. My point is that the way this matter is being handled is injurious to education; that the pattern of integration is superseding the higher object of education; that it is not being conducted equally and fairly throughout the Nation; but that the policy is deliberately and positively pointed to these Southern States.

These official records show that of 139,006 students in Washington, D.C., only 0.9 percent are desegregated. That is the term the records use. I shall explain it more later. Of the 308,266 Negro students in Chicago, Ill., schools, only 3.2 percent are desegregated. Of the 29,826 Negro students in Gary, Ind., schools, only 3.1 percent are desegregated.

The Negro student population in public schools in Buffalo, N.Y., is 26,381; 15,304 are in schools that are segregated 98 to 100 percent. Cleveland, Ohio, has 87,241 Negro students. Of these, 70,642, or 81 percent, are in schools 95- to 100-percent segregated. That means they have that percentage of Negro students, 95 to 100 percent.

In Atlantic City, N.J., 40 percent of the Negro students are in five schools that are 100-percent Negro.

In Chicago, there are 214 schools attended by 248,000 of the total Negro school population of 308,000, and each school contains 99- to 100-percent Negro student bodies. Of these 214 schools, 108 are 100-percent Negro. All-Negro schools are found throughout the State of Illinois.

The same is true of several other States in the North.

Now, Mr. President, I remember 2 years ago—perhaps it was 3 years ago—there was some kind of proceeding filed by the HEW in Chicago as to lack of integration in their schools. It was all in the newspapers. There was a visit by Mayor Daly and a telegram given to the press and something to the White House. That thing flooded the country for a few days and then it faded out. It was taken under advisement. So far as that proceeding is concerned, my information is that nothing has been done about it yet.

A few months ago the city of Chicago was notified or some demand was made for integration of the faculty and they wired back that in order to integrate the faculty it would cost x number of dollars and please to send the money, that it would cost that much extra money and send the extra money. I do not know what happened since then, but I do not think any money has been sent there. I do not think there has been any real proceeding which has been effective about it.

With reference to the population of schools, the same is true of several other States in the North.

For instance, in Ohio, in 68 schools attended by 69,000 of the total Negro population of 87,000, the student enrollment there is 95 to 100 percent Negro.

That is in 68 schools where 69,000 out of a total 87,000 Negro students attend and those schools are 95 to 100 percent Negro. They are all-Negro schools throughout the State of Ohio.

In Dayton, Ohio, 18,000 of a 22,000 total Negro school population attend 20 schools that are 92.8 to 100 percent Negro. Eight out of the 20 are 100 percent Negro.

Mr. President, I do not bring this up as any reflection on the Negro students—not one bit; this is no more a reflection on the Negro students than on the white students.

I am citing here what is not being done about the massive, total demand for integration now.

I know, too, that until the pinch of this thing is felt by the mothers and fathers, teachers, and students, both Negro and white, throughout the great areas of this country, why we in the South are just at the mercy—I repeat, just at the mercy—of whatever may be the policies, or the demands of the administration in power. The South will be largely at their mercy.

I do not accuse them of exercising bad faith in every case. We have had some people there from HEW that did not know topside from bottom about school administration or school problems or anything in that field. Then we have had some that were understanding, capable, and competent but they were usually overruled, that latter kind.

Let me give credit where credit is due. I do not claim that Mr. Finch is indifferent to this situation. He has an awfully big job to fill. He has got a lot of people in there who are zealots on the subject, according to my definition. I know that he is concerned about it some. I do not accuse those predecessors of his, who promised to move in on this matter and make it uniform, and, therefore, make it possible to get a more moderate policy, of falsifying or deliberately going back on their word. Their hands might have been tied by a higher power. I do not know. But I do know what the result is. It is not contradicted. It will not be denied. They may try to explain away some fragments of this, but the bald, central facts I have just related are taken from the record here. I shall introduce some of the computerized information into the RECORD, if it is the will of the Senate that it stand in the RECORD as a part of my remarks.

Going back to the States, in the great State of Michigan, in Detroit 66,000 out of 175,000 Negro students go to schools in 68 schools which are 99 to 100 percent Negro. Let me repeat that: In the great State of Michigan, in the city of Detroit 66,000 out of the 175,000 Negro students attend 68 schools which are 99 to 100 percent Negro.

Now, Mr. President, I have not heard any clear calls for fairness here from anyone in those States, asking HEW to come in there and stir the people up and enforce its edicts, as they are in the South. I have not heard any clamor for that. I judge by that that they are not interested in the things being done in their area of this country, but they are willing to vote and demand that it be done in the Southern area of this country.

I think the facts and figures here unmistakably and conclusively prove that that is the pattern, that generally it has the consent of the people in those States and is not going to be disturbed in any appreciable way unless this matter can be focused properly and brought to the attention of the people of the Nation. Whenever it is, I am very practical and frank about this.

Whenever it is brought into action with the unbearable demands that we sustain in areas of the South, there will be a moderation of this policy. It will be done right here on the Senate floor, in my opinion, or in the House, or in both. But long before we have to do it, I would hope it would be done through these departments.

The pattern of all-white and all-Negro schools in the North is not confined to big cities but also exists in the small areas as the charts which I shall introduce will show.

The conditions which I have outlined above would not be tolerated under the rules and regulations applied to schools of the South.

HEW and the Justice Department have moved with great speed and strength and repeated demands, although at times with some misunderstanding, against schools in the South that are as scarcely segregated as the examples in the jurisdiction that I have cited.

The governing authority of every public school district is required by HEW to sign a compliance or assurance agreement that the school will operate in compliance with the Civil Rights Act of 1964 as a prerequisite to receiving Federal funds. In the North a simple agreement—form 441—is used. This form simply states intent to comply with the Civil Rights Act of 1964. It has been and is the practice of HEW to accept compliance statements from schools in the North without making a check to determine if the school is, in fact, in compliance. In the South before the compliance form is accepted it has been and is the practice of HEW to check to see if the school is, in fact, in compliance. If there is an indication of noncompliance HEW then requires school officials to sign form 441–B which requires them to agree to desegregate the school—thereby admitting segregation—and to file a plan to accomplish desegregation.

The contrast between the North and South as to investigation and enforcement of integration by HEW is shocking.

When I say "North" I mean areas outside the South.

In the North only 48 of 7,015 compliance agreements filed have been given a preliminary check by HEW.

If my quick figures are correct, that is sixty-five one-hundredths of 1 percent that have been given a check in the North.

In the South 2,994 districts have filed form 441 and all have been checked, 100 percent. That is according to the records; that is not an estimate. It is according to the records; 1,107 districts have filed form 441–B outlining a voluntary desegregation plan.

In the North only, six out of 7,015 total districts of the North have been sent letters of noncompliance.

In the South, 568 out of 1,107 school districts of the South have been sent letters of noncompliance.

In the North and West, only one out of 7,015 school districts have been the subject of administrative action by HEW.

The tragedy of this so-called crusade against discrimination on a sectional basis is that it is within itself discrimination against a geographical section of the United States. The figures I have quoted showing the extent of segregation in the North are from the official files of the Department of Health, Education, and Welfare, but school segregation in the North has been long recognized and admitted by other Federal agencies.

In 1961, the Civil Rights Commission stated:

> Public schools enrolling Negroes almost exclusively in some cases, and whites almost exclusively in others, are found in many cities throughout the North and West. . . .

In 1966 the U.S. Office of Education stated:

> When measured by that yardstick (segregation), American public education remains largely unequal in most regions of the country, including all those where Negroes form any significant proportion of the population.
>
> The great majority of American children attend schools that are largely segregated—that is, almost all of their fellow students are of the same racial background as they are . . . (vol. 1, Civil Rights Com. Report, 1967, p. 2)

In 1967, the Civil Rights Commission reported that racial isolation or segregation in the North had increased, not decreased.

The Commission stated flatly:

> The extent of racial isolation in Northern school systems does not differ markedly from that in the South.

The March 1, 1969, report of the Secretary of the Deparment of Health, Education and Welfare—Civil Rights Commission Report 1967, Volume I Page 7—admitted that almost nothing is being done in the North while a crash-enforcement program is underway in the South.

I quote from that report of March 1, 1969:

> During 1968, for example, there are Title VI compliance reviews in more than 400 southern school districts as compared to only 40 northern district reviews in thirteen northern and western states. In October 1968, there were 67 Title VI staff members assigned to the South and only 32 persons covered the northern and western states. While significant steps have been taken in hundreds of urban and rural school districts in the South, the large and sprawling urban centers of the North remain relatively untouched.

I call these conditions to the attention of all the people of the Nation. I call them to the special attention of the parents of all the children in these affected schools in the East, the North, and the West. If the Federal Government should ever decide to enforce their edicts in your areas as they have in the South, then you will lose your community school, Your educators will be replaced by administrators and directors from Washington. Your school boards will find themselves virtually helpless and your administrators will be overruled and the pleas of the people for moderation will be rejected. I do not cite these facts with anything except the greatest regret and downright unhappiness.

I am a strong advocate for and defender of the public school system. I vigorously withstood pressure and agitation to join in a movement for private schools soon after the Supreme Court decision of 1954, because I knew that only the public school can serve the children of the great masses of the people. A private school here and there has a fine purpose, and has its place, but for the education of the masses we must preserve the public school, and I want to preserve it as a school and not as an experiment in social change. And this entire burden of social change has been placed on the doorsteps of our public school system.

I am not attacking as such the Civil Rights Act of 1964, and am not trying here to get it repealed. I have said that it is the law. But the extreme administration of that act, including this willful, deliberate discrimination in its application to only one section of the country is not in keeping with the letter or spirit of that law.

Mr. President, it would be nice to have the attention of Senators on this point. I am quoting here from the Civil Rights Commission report of 1969, filed March 4, during the present administration. This report says:

> While significant steps have been taken in the hundreds of urban and rural districts in the South, the large and sprawling urban centers of the North remain relatively untouched.

That is the very thing I set out to prove and have been trying to prove, with facts and figures from that office.

Mr. LONG. Mr. President, will the Senator yield?

Mr. STENNIS. I had rather yield when I have finished, if the Senator does not mind. I shall be through shortly, and will be happy to yield to him then.

Mr. President, it is clear that racial segregation exists as much in the North, and in some areas much more, than in the South. It is also clear that enforcement of the civil rights law by the Federal Government is not equal, and does not attempt to be equal. There is no effort made for it to be equal in all sections of the Nation. It is even more clear that the Federal departments charged with responsibility are not acting with the speed and effectiveness necessary to remove the problems in the North and the West.

I do not accuse anyone of bad motives, but I know if any administration wanted to move into those areas with the vigor and effectiveness that it has moved in our area, it could do it. They could get the money for a while. I think a reaction would set in then, though, and it would bring about a more moderate policy.

That is what we have to have, if the public schools are to retain their educational function. If they are to be used to carry virtually all of the load of this social change, then I think they will be destroyed as institutions for education. I am not wanting them to be destroyed in the North. I want this policy enforced in the North, though, if it is to be enforced against us, until it generates a reasonable reaction to moderate this civil rights policy as applied to schools—a policy that is not justified by the Civil Rights Act of 1964.

This discrimination against one area of the country is not justified nor authorized. This artificial distinction between so-called de jure and de facto segregation is nothing in the world but the tool of the administrators, to have an excuse to go into the areas where it will be politically profitable nationally to enforce that policy, whereas if they go into the States I have mentioned—which are not the only ones that have these conditions—I think they know it will be politically unprofitable, and there will be a political reaction. They are going to hear from a lot of mothers, I think, mothers of Negro students as well as of white students, when they go to bodily tearing the schools to pieces in New York and Chicago. They are going to hear from the people.

I say Mr. Finch is an honorable man, and I had the privilege of exchanging thoughts with him a few days ago on the Appropriations Committee. He stated in substance what is shown in the record; anyone interested can read it, but as I understood him, he said that housing problems in these cities and the congestion of city living have made it much more difficult, or almost impossible, he might have said, to have this policy carried out.

Well, I can tell you how you can mix them up. Just use the same method used in the South. You can take 200 of those children out of one of those schools that is composed of all black students in Chicago, and haul them out there into the suburbs somewhere, and put them in a school that has been all white, or virtually all white; and then take 200 of those white children out of that school out there in the suburbs and bring them and put them in this school that has been composed of all Negro students. Then you will have them integrated.

That is the way they are doing us. They are proposing to the courts that the courts enforce their plan to haul children from one end of the county to another, back and forth. They take the school buildings that are there, and they "pair" them. If there are nearly all

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colored students in the south end of the county, they will haul some of those to the north end of the county, where the schools have been all-white or nearly all-white, and they will haul some of those white students back to the southern end of the county, and they will call that compliance.

I believe I have demonstrated here that there is not one single syllable of authority for requiring compliance like that. But if it is the law, it ought to apply in Chicago the same as it does in Mississippi, Alabama, Arkansas, or anywhere else. We have been going on here, year after year, and I can see the political impact of this thing. I have already explained my purpose in wanting it enforced up there too. But they are smarter than I am. They know the political impact, and they know the political reaction, and they have not gone in there. I do not think they ever will, to the extent that they have in our country, because if they should undertake it, I repeat for the benefit of those who have just come in, it will force a moderation of this policy. And if we are going to continue to have public schools that serve as institutions of education for the children, there must be moderation.

If we want to use the schools, I repeat, to carry on some other form of social change, all right; education will be secondary. But if we are going to do that, it ought to be done uniformly. And without imputing any bad motives to anyone, I say his thing has not been done.

Mr. President, I will be heard from further on this matter. I have additional facts, and I intend to offer an amendment that I believe will bring the matter into sharp focus, right here on this floor, and everyone is going to have a chance to say whether he believes in this policy. Senators are going to have a chance to say, "I believe it should be applied not only in the South, but in my State also." We shall see what happens on that vote.

That is not threat. It is simply justice in writing. And I believe these charts bring this thing into sharper focus and more accurate focus than any words could do.

Mr. President, as the Senator from Louisiana has to leave the floor shortly, I yield to him.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, what the Senator from Mississippi has said reminds me of my old days in the Navy when some officers who were not too popular with the men ordered their men to do something that the officers did not want to do themselves or the officers did not want to abide by a standard of conduct which the men were supposed to follow. When their hands were called on the matter, some would say, "Don't do as I do; do as I say."

It seems to me that the burden of the argument of the Senator from Mississippi is that the people in Illinois, New York, or Ohio seem to want a policy that they themselves are not willing to abide by. However, if it is good enough for us, it should be good enough for them.

It seems to be hard for everyone to understand that if it is the law, everyone should abide by it.

Mr. STENNIS. Mr. President, I thank the Senator for his fine comment.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I am glad to yield to the Senator from Alabama. He is a man who knows a lot about this problem. as it exists in the South.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I commend the very able and distinguished Senator from Mississippi for his wonderful address. It does pinpoint the problem and does point out the discrimination that exists in our country in the enforcement of school desegregation policies.

I was particularly interested in his remarks along the line of the de jure segregation that at one time existed in the Southern States and in the State of Alabama, and the de facto segregation that existed, and still exists in many sections of this country outside the South.

I share with the distinguished Senator from Mississippi a certain amount of doubt and uncertainty and questioning as to why HEW should seek to do away with de jure segregation while at the same time not doing away with de facto segregation.

It seems to me that the two should be treated alike.

Mr. President, I am pleased that the distinguished Senator from Mississippi has pointed out the fact that the law is not being enforced uniformly throughout the country.

I point out to the Senator from Mississippi and to the Senate that in Alabama—and I am sure in other States of the South—we are concerned with the Vietnam war, and we back the President's efforts to secure an honorable peace in Vietnam. We are concerned with Vietnam. And approximately 1,000 Alabama boys have given their lives in Vietnam in the defense of our country and in the defense of our democratic institutions.

We are concerned with problems of inflation in Alabama. We are concerned with taxation. And we have a desire for tax reform. But the No. 1 consideration of the people of Alabama is seeking to save the public schools of Alabama from being destroyed by the policies and actions of the National Government. The Junior Senator from Alabama, along with the people of Alabama, the leaders of Alabama, and the Alabama State government wants to see every boy and girl in Alabama obtain a quality education. And we tax our people to build schools. We have taxed our people to raise the standards of education in Alabama so that we can bring the benefits of a quality education to every boy and girl in our State, and that is the desire of our people.

Mr. President, I suggest, too, that many people believe that all of the Negro population of the South favors policies of the National Government in the enforcement of these discriminatory rules in the South.

That is far from being the truth. I received an urgent call from Negro friends of mine in Alabama several days ago protesting the closing of a fine Negro high school. They had a fine building, almost a brandnew building. They had a fine band. They had a fine athletic program, and a nice auditorium that was used for community activities. And that school was ordered closed and about 400 students transferred to white schools.

They are up in arms against that. And the people of Alabama do not want to see these discriminatory policies applied in the State of Alabama.

I called the attention of the President of the United States to the discrimination that exists; the discrimination that is apparently the public policy of the National Government in the enforcement of the school policies of this country.

I read from the letter I wrote him:

> May I respectfully remind you of the opinion you expressed in a September 12, 1968, television broadcast that you did not believe, "It is the responsibility of the Federal Government and the Federal courts to, in effect, act as local school districts in determining how we carry out the (Supreme Court Brown decision) and then to use the power of the Federal Treasury to withhold funds or give funds in order to carry it out. . . ." Your judgment at this point was, "I think, we are going too far."

I also reminded him that under the 1968 appropriations bill to HEW, no part of the funds contained in that act were to be used for the purpose of busing any students, for closing any schools, or for forcing any parent to send his children to a school other than the school of his choice.

I received a letter from Mr. Finch subsequent to that in answer to my communication to the President. He was trying to explain why it was that there was one set of rules for Alabama and the South and another set of rules for the rest of the country.

I read in part from his letter:

> The legislative history of these provisions, as well as the decisions of the Federal courts, make it clear that they were intended to preclude any requirement that school officials take steps to overcome racial imbalance which has resulted from fortuitous patterns of residence.

In the North, in other words, where they have "fortuitous patterns" of residence—concentrated black population in one area and concentrated white population in another area—they are not required to desegregate schools.

I continue to read from the letter:

> Where, however, racial segregation of students in a school system has been caused, in whole or in part, by the official action of the State, these statutory provisions provide no barrier to any steps necessary to desegregate the schools and are not steps to overcome racial imbalance prohibited by those laws. For this reason, I believe that the statutes to which you refer are inapplicable to the situation in Mobile.

We have this type of situation in Mobile. We have it in every section of our State. We have some 95 school systems in Alabama under Federal court order; and I might say that, despite all I have read and heard about a relaxation of the desegregation policies of the National

Government, I see absolutely no indication of that in Alabama. There is a great speedup. They say, "Well, we are not enforcing it through the Department of Health, Education, and Welfare by withholding Federal funds. Instead of that, we are going into the Federal courts and enforcing compliance by Federal court decrees." So they are going at it in a different way and are trying to take the burden, or the onus of these intolerable plans they are forcing on the people of Alabama off their shoulders and trying to put it on the shoulders of the Federal courts.

I have been keeping close track of a situation that exists in Choctaw County, Ala., which has approximately 5,000 students.

Of the high schools in the county two of them were approved by the Southern Association of Secondary Schools and Colleges. Four were approved by the State of Alabama. One high school was not approved by either accreditation agency.

The Department of Health, Education, and Welfare sent one man into Choctaw County. He did not talk to a single pupil; he did not talk to a single parent; he did not talk to a single teacher or school official. He sat down and wrote a program for the Choctaw County schools, which was submitted to the courts and was forced on the people of Choctaw County.

In his plan, he referred to Choctaw County, Ala., as being Choctaw County, Miss. I do not object to the reference to Mississippi, I say to the Senator from Mississippi, except that Choctaw County is not in Mississippi but is in the State of Alabama. He spoke of Choctaw County being a parish rather than a county, as we call them, of course, and as they are called in the State of Mississippi. Apparently, he did not even realize that he was in Choctaw County, Ala., when he wrote out this plan based, apparently, on a 1-day visit to Choctaw County.

Of the six high schools that were approved by one accreditation agency or the other and of the one that was not approved by any accreditation agency, they kept the nonapproved highschool and ordered the closing of the two schools that had been approved by the Southern Association of Secondary Schools and Colleges.

So it is the contention of the junior Senator from Alabama that the Department of Health, Education, and Welfare is not in the slightest interested in providing the schoolchildren of Alabama with a quality education. If they were concerned with quality education for our young people, they would not come up with these types of plans. They are interested in social or sociological programs. They are interested in getting votes in sections outside the South. It is purely a political maneuver on the part of the national administration to force these plans on the people of Alabama and on the people of the South, having one rule in Alabama and the South and another rule in the northern States.

I make this statement—and this has not always been the sentiment of the people of Alabama: If the National Government will give the people of Alabama, and I believe of the South, freedom of choice, let any school in the State be opened to any school child in the State, subject only to residence requirements and scholastic requirements, no complaint will be heard from the junior Senator from Alabama thereafter. If the schoolchildren of Alabama are permitted to go to the schools to which their parents want to send them—the white children to go where they want to go, the Negro children to go where they want to go—we will not have any further trouble.

Actually, the Supreme Court has not ruled out freedom of choice as such, as the junior Senator from Alabama understands it. They have held that where a freedom of choice plan is used, it is not going to be satisfactory unless it has resulted in complete integration of the school. So they have not ruled out the plan as such.

Mr. STENNIS. Mr. President, I thank the Senator from Alabama very much for his remarks. I do not know of anyone who has gained more respect and confidence, in such a short time, on the floor of the Senate than the junior Senator from Alabama, who began his service in the Senate in January of this year. He is interested in this subject as well as in others.

Mr. ALLEN. I thank the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, reference already has been made to the question of busing. When the Civil Rights Act was before Congress, Congress wrote, in clear and unmistakable language and in simple phrases that are easily understood, that none of the funds authorized under this act would be used for the busing of children in order to overcome racial imbalance. Those words have fairly simple and clear meaning. That was the will of the legislative branch, and it was approved by the Chief Executive.

I have not reviewed this matter lately, but, in effect, the Department of Health, Education, and Welfare and the courts have joined to a degree to say, "Well, that is all right, so long as it is an area that at one time had these laws with reference to segregation."

I pointed out today the States that had laws of that type until fairly recently, and there has not been an "i" dotted or a "t" crossed except a very slight effort in those areas to do anything about this doctrine.

But, further with respect to the question of busing, a very apt amendment has been passed by the House on this matter and will be coming up here. I anticipate, along with others, to present a most thorough consideration of just what is involved in the language and in the administration of it.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield briefly to the Senator from Alabama because I do have an appointment.

Mr. ALLEN. I thank the Senator. I wish to ask the distinguished Senator from Mississippi if he saw the article entitled "School Busing in Trouble," which was published in U.S. News & World Report of October 13. I am sure the Senator did.

Mr. STENNIS. Yes, I saw the article.

Mr. ALLEN. It has already been printed in the Record.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I speak with great deference to any individual involved in this matter, but these so-called educational experts come into our area of the country on the call of the court, more or less, and are sent by HEW. I said these things to Mr. Finch, so I am not talking behind his back. Some of them are well qualified, and some of them are wholly unqualified. One of the qualified ones made a remark in my State not long ago. Under a pressure of time by a court, they wanted a plan submitted by a certain day. In effect, he made the remark, "This is a farce. We are called on to do all this work in a week or 10 days, when as a minimum we should have 4 months and a full staff."

That is what Mr. Finch testified to in court in New Orleans. The court upheld him there and said there was not sufficient time. That is a case that has been appealed to the Supreme Court. I make no further remarks about it.

I am talking about these shotgun methods to which we are subjected. In that case, when Mr. Finch found out about it, he moved in, and he made a statement. He found out there was not sufficient time. He has been verbally assaulted all over the country and criticized all over the country for that one matter alone. I shall not dwell on it any further.

I wish to make a further comment. I said the other day that schools that have total enrollment of Negroes, could have that situation partly because they want it that way. Our statements are subject to being discounted or ignored.

I am familiar with this situation because of my personal contact with leading colored citizens. Negro citizens, at least from my State, that I have known all of their lives, tell me, "We want to keep our schools. We want our games, our teams, our band, our programs, and our days."

I know of a little area down in Mississippi where there are thriving, industrious Negroes. Right after the war 100 years ago they started in the smallest way in buying a little land on credit and getting it paid for. That has spread and spread. They were not colonized but families after families for 100 years have been able to buy little farms. They are entirely independent, and they have livestock, cattle, grow cotton or whatever they wish to grow. They have schools and they do not want to give them up. Of course, they do not want to give them up. I represent them as much as anyone else. I know some of them personally and I have know the third generation of them.

They tease me about a case I once had as a judge where I did not approve an appearance bond signed by a lot of men of my color and race. They brought the bond back to me with the signature of an old colored man I knew and I approved the bond. I know what I am talking about on that subject.

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They feel as if something is being taken away from them. They come to me and they talk about these things. I go to them and talk about these matters. They feel free to tell me exactly the way they feel. I know they are interested in education, not integration.

Mr. BYRD of West Virginia. Mr. President, would the Senator yield?

Mr. STENNIS. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, the school population in the District of Columbia is 95 percent Negro, while the overall population of the District of Columbia is 75 percent Negro. I wonder if the Senator could state for the Record how many department heads who live in the District of Columbia and who have children of high school or elementary school age, send their children to public schools in the District of Columbia. Does the Senator have that information?

Mr. STENNIS. No, I am sorry. I am not informed on that subject. My estimate would be very few. If the Senator from West Virginia is informed on that matter, I would appreciate his telling me and other Senators the figure.

Mr. BYRD of West Virginia. Is the Senator aware of the number of individuals in the U.S. Office of Education who live in the District of Columbia and who are in policymaking positions, administrative positions and so on, who are sending their children to public schools in the District of Columbia?

Mr. STENNIS. I am sorry. I am not informed on that subject. I do not know. I hope the Senator from West Virginia has that information and if he does I wish he would supply it for the Record. The Senator did an outstanding job for so many years handling the appropriation bill for the District of Columbia. The District of Columbia was fortunate to have him; and they have a good successor.

Mr. BYRD of West Virginia. Is the Senator aware of the number of Senators who live in the District of Columbia, who have children of elementary and high school age, and who send those children to the public school in the District of Columbia?

Mr. STENNIS. I do not know of any. I know when I came here several years ago Senator Morse of Oregon and I belonged to the PTA near here and we used to have a big time. But I do not think any Members of Congress have children in those schools.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I do want to emphasize today that my interest is public school education for all the people. I know that public school education for all the people cannot continue to exist in major areas of this country under the present policy. Something must be done. I believe that a much more moderate policy called freedom from force, freedom of choice, or whatever one wishes to call it, is a necessity.

Without referring to any case or any judge, I believe, too, that judges who sit on our courts which have been dealing with this problem—and they are honestly dealing with it—are rapidly swinging around to the conclusion that there is a lot more to school than the race division of children.

It takes a great deal to make up a school. It takes educators. It takes people advanced in the technology of education. It takes administration. It takes parent support and contentment. It takes children who are reasonably quiet and contented. It takes local interests who support local taxes in the form of bonds and retirement money for those bonds.

My prediction is that they are grasping this problem more as it is and that they, too, will have a more moderate view.

Mr. President, I ask unanimous consent to have the following documents printed in the Record:

Table 1: Status of Public School District Desegregation in Selected Southern Cities.

Let me just refer there, by comparison with cities in the North: Atlanta, Ga., for instance, has a higher percentage of desegregation than Gary, Ind., or Chicago, Ill., I could give other illustrations, but that figure will speak for itself.

Table 2: Status of Public School District Desegregation in Selected Northern Cities.

A table entitled "Exhibit 13–C(1)", with additional tables on the same subject.

These show the total number of school districts in the various areas of those States, the total Negro population and then the percentage, and then the percentage of segregation or integration, whichever we call it, in that last column.

A statement on Negro student enrollment in the Northern and Western States.

A brief, one-page statement made to me by a noted educator of my State who is honestly trying to do something about this problem. He has spent his life in the schoolrooms, and in school administration. He has a doctor's degree. He is highly respected and very well known among his fellow educators.

There being no objection, the material was ordered to be printed in the Record, as follows:

TABLE 1.—STATUS OF PUBLIC SCHOOL DISTRICT DESEGREGATION IN SELECTED SOUTHERN CITIES

City/State	Number of schools	1968–69 enrollment				Percent enrollment		Students in predominantly white schools		Percent desegregated[2]	
		Total enrollment	Negro	Total minority[1]	White	Negro	Total minority[1]	Negro	Total minority[1]	Negro	Total minority[1]
Mobile, Ala	92	75,464	31,441	31,441	44,023	41.7	41.7	3,430	3,430	10.9	10.9
Little Rock, Ark	44	24,854	8,955	8,959	15,895	36.0	36.0	1,460	1,464	16.3	16.3
Dade County Fla. (Miami)	215	232,465	56,518	96,867	135,598	24.3	41.7	7,032	23,427	12.4	24.2
Atlanta, Ga	160	111,227	68,662	68,721	42,506	61.7	61.8	3,724	3,780	5.4	5.5
Orleans Parish, La	131	110,783	74,378	76,110	34,673	67.1	68.7	6,524	7,787	8.8	10.2
Jackson, Miss	56	38,773	17,919	17,980	20,793	46.2	46.4	544	599	3.0	3.3
Raleigh, N.C	39	22,993	6,245	6,327	16,666	27.2	27.5	1,341	1,423	21.5	22.5
Columbia, S.C	63	40,122	18,735	18,735	21,387	46.7	46.7	3,236	3,236	17.3	17.3
Richmond, Va	66	43,115	29,441	29,573	13,542	68.3	68.6	1,890	2,003	6.4	6.8

[1] Total minority includes American Indian, Negro, oriental, and Spanish surnamed students.

[2] These figures indicate the percentage of Negro and total minority students attending predominantly (over 50 percent) white schools.

TABLE 2.—STATUS OF PUBLIC SCHOOL DISTRICT DESEGREGATION IN SELECTED NORTHERN CITIES

City/State	Number of schools	1968–69 enrollment				Percent enrollment		Students in predominantly white schools		Percent desegregated[3]	
		Total enrollment	Negro	Total minority[1]	White	Negro	Total minority[1]	Negro	Total minority[1]	Negro	Total minority
Washington, D.C	188	148,725	139,006	140,445	8,280	93.5	94.4	1,250	1,810	0.9	1.3
Chicago, Ill	610	582,274	308,266	362,796	219,478	52.9	62.3	9,743	32,391	3.2	8.9
Gary, Ind	50	48,431	29,826	34,368	14,063	61.6	71.0	916	1,572	3.1	4.6
Topeka, Kans	49	25,737	3,058	4,321	21,416	11.9	16.8	1,904	2,864	62.3	66.3
St. Louis, Mo	181	115,582	73,408	73,770	41,812	63.5	63.8	5,244	5,547	7.1	7.5
Buffalo, N.Y	101	72,115	26,381	28,173	43,942	36.6	39.1	8,169	9,500	31.0	33.7
New York, N.Y	853	1,063,787	334,841	596,422	467,365	31.5	56.1	65,853	101,403	19.7	17.0
Cincinnati, Ohio	106	86,807	37,275	37,576	49,231	42.9	43.3	8,110	8,366	21.8	22.3
Milwaukee, Wis	157	130,445	31,130	35,284	95,161	23.9	27.0	3,849	6,536	12.4	18.5

[1] Total minority includes American Indian, Negro, oriental, and Spanish surnamed students.

[3] These figures indicate the percentage of Negro and total minority students attending predominantly (over 50 percent) white schools.

EXHIBIT 13–C(1)

SCHOOL DISTRICTS CONTAINING SOME SCHOOLS WITH NEGRO ENROLLMENTS OF GREATER THAN 80 PERCENT OF TOTAL SCHOOL ENROLLMENT—BASED ON HEW–IBM DATA FROM 1968–69 ESS SURVEY REFLECTING DISTRICTS WHERE 1 OR MORE SCHOOLS WITH MINORITY GROUP ENROLLMENT OF OVER 80 PERCENT ARE LOCATED

ILLINOIS

Total districts	Total schools	Total Negro	Total white	Total
473	3,220	[1] 398,257	[2] 1,448,168	[3] 1,920,984

[1] 20.73 percent of total.
[2] 75 percent of total.
[3] Includes other minorities.

	Total number of schools in district	Total Negro school population	Percent Negro students to total school enrollment	Actual number of schools, Negro students, and degree of Negro student isolation		
				Number of schools	Number of Negro students	Percent
1. Blue Island	6	1,076	16.3	1	613	100
2. Blue Island district No. 130	10	375	10.5	1	215	100
3. Chicago Heights	13	1,779	34.8	2	1,229	100
4. East Chicago Heights	3	1,581	93.3	3	1,581	99, 100
5. Harvey	8	879	24.6	1	427	100
6. Maywood	10	2,062	47.7	2	1,882	99.3, 99.8
7. Posen	9	2,156	74.1	4	1,730	99–100
8. South Holland	6	846	32.5	1	309	97.5
9. Argo	4	534	27.8	1	239	98
10. West Harvey	6	2,394	79.6	3	1,538	95–97.5
11. Chicago	610	308,366	52.9	214	248,677	99, 100
				(25) 239	274,497	90–100
				(28) 267	285,788	80–100
12. Kankakee	15	1,459	19.4	1	538	97.1
13. North Chicago	2	652	81.5	1	486	97.6
14. Waukegan	20	1,907	18.4	2	773	91.6–97
15. Alton	32	2,430	18.3	1	32	100
16. Madison	16	1,287	45.4	2	929	100
17. Peoria	39	4,732	17.7	3	1,225	86.1–95.7
18. Lovejoy	1	486	100	1	486	100
19. Cahokia	13	1,458	17.8	1	491	88
20. East St. Louis	41	16,586	71.6	24	12,787	95.2–100
				2	869	86, 87
				26	13,656	
21. Springfield	41	2,261	9.9	1	420	91.3
22. Danville	22	1,754	16.8	1	259	95.2
23. Lockport	2	603	70.8	1	163	98.2
24. Joliet	27	2,797	23.9	3	1,271	98.5–100
25. Rockford	55	4,434	12	1	472	89.8
Total	1,003	364,894		430	316,752	86.8

OHIO

Total districts	Total schools	Total Negro	Total white	Total
640	4,222	[1] 287,440	[2] 2,093,321	[3] 2,400,296

[1] 11.9 percent.
[2] 87.2 percent.
[3] Includes other minorities.

	Total number of schools in district	Total Negro school population	Percent Negro students to total school enrollment	Actual number of schools, Negro students, and degree of Negro student isolation		
				Number of schools	Number of Negro students	Percent
1. Lima	18	2,626	23.6	1	804	96.8
2. Hamilton	23	1,554	10.0	1	673	82.5
3. Springfield	30	3,924	21.3	1	464	81.9
4. Cleveland	180	87,241	55.9	68	69,728	95–100
				(5) 73	75,048	90–100
				(5) 78	79,221	80–100
					79,221	80–100
5. East Cleveland	9	5,200	70.3	5	3,581	77.7–99.1
6. Shaker Heights	12	1,698	21.6	1	499	88.8
7. Columbus	168	28,729	26.0	29	16,341	80–100
8. Cincinnati	106	37,275	42.9	23	18,957	80–100
9. Lincoln Heights	2	1,898	100.0	2	1,898	100
0. Lorain	23	2,280	13.2	1	201	92
1. Toledo	76	16,473	26.7	12	10,551	81.3–100
2. Youngstown	43	10,905	40.9	9	4,665	81.3–100
3. Dayton	69	22,790	38.3	20	18,837	92.8–100
4. Jefferson Local	5	1,889	66.9	1	658	99.5
5. Alliance	12	1,127	18.0	1	251	90.3
6. Canton	33	4,318	19.6	1	386	95.8
7. Akron	71	15,137	25.8	10	5,958	83.4–100
				6	9,432	52.4–100
				16	9,432	
18. Warren	24	3,206	22.4	2	735	88–97
Total	904	248,270		204	168,154	

MICHIGAN

Total districts	Total schools	Total Negro	Total white	Total
500	3,642	[1] 275,878	[2] 1,764,431	[3] 2,073,369

[1] 85 percent of total.
[2] 13 percent of total.
[3] Includes other minorities.

	Total number of schools in district	Total Negro school population	Percent Negro students to total school enrollment	Actual number of schools, Negro students, and degree of Negro student isolation		
				Number of schools	Number of Negro students	Percent
1. Benton Harbor	(28)	5,359	(45.4)	5	2,539	(83.3–100)
2. Battle Creek	(21)	2,756	(24.2)	1	411	(91.5)
3. Flint	(55)	17,212	(37.0)	11	6,423	(96.9–100)
				1	7,297	(86.5–100)
				12	7,297	(86–5.100)
4. Lansing	(84)	3,469	(11.3)	3	775	(83.5–97.2)
5. Kalamazoo	(39)	2,786	(14.6)	2	971	(88.3–92.2)
6. Grand Rapids	(65)	7,721	(21.6)	6	2,894	(96–100)
				2	4,055	(91.3–100)
				1	4,305	(86.3–100)
				9	4,305	(86.3–100)
7. Mount Clemens	(13)	1,421	(21.0)	1	283	(97.9)
8. Muskegon	(17)	1,989	(19.4)	1	525	(98.3)
9. Muskegon Heights	(12)	2,953	(70.4)	3	1,307	(96.4)
				1	1,359	(81.2)
				1	1,660	(81.2–100)
				5	1,660	(81.2–100)
10. Ferndale	(12)	817	(10)	1	365	(100)
11. Pontiac	(36)	6,990	(29)	7	3,536	(91.4–100)
12. Oak Park	(10)	602	(9.7)	1	304	(99.4)
13. Saginaw	(40)	7,510	(33)	9	4,178	(95–100)
				2	5,580	(91.8–100)
				1	5,625	(87.0–100)
				12	5,625	(87.0–100)
14. Buena Vista	(8)	1,354	(36.2)	2	586	(84.5–92.6)
15. Port Huron	(30)	808	(5.4)	1	123	(88.3)
16. Ypsilanti	(14)	1,565	(21.3)	1	498	(92.6)
17. Detroit	(301)	175,316	(59.2)	68	66,058	(99–100)
				40	103,579	(95.1–100)
				18	119,986	(90–100)
				16	137,616	(80.6–100)
				142	137,616	(80.6–100)
18. Highland Park	(10)	5,992	(76)	5	2,819	(81.3–100)
19. Inkster	(9)	3,878	(84.1)	6	3,351	(88–100)
20. River Rouge	(5)	1,712	(45.6)	2	1,041	(100)
21. Romulus	(9)	919	(18.1)	1	345	(82.5)
22. Dearborn	(7)	1,889	(34.2)	1	583	(80.7)
23. Ecorse	(7)	2,203	(53)	2	804	(100)
Total	832	257,221		222	176,362	[1] (80–100)

[1] Scale.

NEW JERSEY

Total districts	Total schools	Total Negro	Total white	Total
321	1,907	[1] 200,117	[2] 986,488	[3] 1,234,470

[1] 16 percent of total.
[2] 79 percent of total.
[3] Including other minorities.

	Total number of schools in district	Total Negro school population	Percent Negro students to total school enrollment	Actual number of schools, Negro students, and degree of Negro student isolation		
				Number of schools	Number of Negro students	Percent
1. Atlantic City	(14)	5,357	(62.3)	5	2,883	(100)
2. Englewood	(8)	1,921	(46.5)	1	31	(91.2)
3. Hackensack	(7)	1,416	(23.6)	1	202	(96.3)
4. Camden	(31)	11,909	(58.9)	19	10,008	(81.2–100)
5. Vineland	(20)	888	(9.3)	2	33	(88.6–89.2)
6. East Orange	(14)	8,769	(78)	11	7,448	(83.3–99.3)
7. Essex	(5)	1,043	(39)	1	478	(89.5)
8. Montclair	(13)	2,847	(36)	1	538	(95.6)
9. Newark	(80)	55,057	(72)	65	48,686	(81.3–100)
10. Orange	(9)	2,808	(64)	2	469	(89.6–98.9)
11. Jersey City	(36)	15,998	(43)	10	7,995	(92.8–100)
12. Trenton	(21)	11,143	(66)	12	7,005	(80.3–99.5)
13. New Brunswick	(11)	2,675	(40)	4	1,129	(87.6–94.6)
14. Perth Amboy	(11)	771	(12)	1	60	(84.7)
15. Asbury	(4)	2,152	(61)	1	941	(98.7)
16. Long Branch	(11)	1,538	(27)	1	201	(90.9)
17. Township	(11)	2,544	(34)	1	183	(97.9)
18. Passaic	(11)	2,632	(31)	3	824	(88.1–94.3)
19. Paterson	(29)	11,479	(45)	10	6,669	(80.2–99.1)

XUM

EXHIBIT 13–C(1)—Continued

SCHOOL DISTRICTS CONTAINING SOME SCHOOLS WITH NEGRO ENROLLMENTS OF GREATER THAN 80 PERCENT OF TOTAL SCHOOL ENROLLMENT—BASED ON HEW-IBM DATA FROM 1968-69 ESS SURVEY REFLECTING DISTRICTS WHERE 1 OR MORE SCHOOLS WITH MINORITY GROUP ENROLLMENT OF OVER 80 PERCENT ARE LOCATED—Continued

NEW JERSEY—Continued

	Total number of schools in district	Total Negro school population	Percent Negro students to total school enrollment	Actual number of schools, Negro students, and degree of Negro student isolation		
				Number of schools	Number of Negro students	Percent
20. Elizabeth	(25)	5,357	(34)	5	2,251	(83.2–96)
21. Linden	(14)	1,519	(20)	1	395	(84.3)
22. Plainfield	(15)	5,463	(59.6)	3	729	(85.3–91.8)
23. Roselle	(6)	1,226	(34.3)	1	438	(90.5)
24. Township of Union Public Schools	(10)	986	(11.3)	I	370	(94.9)
Total	416	157,498		162	90,966	[1] (80–100)

[1] Scale.

PENNSYLVANIA

Total districts	Total schools	Total Negro	Total white	Total [1]
454	3,978	265,019	1,841,846	2,120,870

[1] Including other minorities.

PENNSYLVANIA—Continued

	Total number of schools in district	Total Negro school population	Percent Negro students to total school enrollment	Actual number of schools, Negro students, and degree of Negro student isolation		
				Number of schools	Number of Negro students	Percent
1. Bradcock	(4)	781	66.7	1	297	(90.5)
2. McKeesport	(23)	1,336	12.7	1	487	(83.5)
3. Penn Hills	(16)	809	5.7	1	246	(100.0)
4. Pittsburgh	(113)	29,898	39.2	23	17,936	(80.9 100)
5. Wilkinsburg	(7)	1,773	39.5	1	471	(97.9)
6. Aliquippa	(10)	1,775	38.5	1	391	(84.4)
7. Harrisburg	(18)	6,668	49.4	5	2,924	(86.3-97.7)
8. Chester City	(17)	8,120	70.3	8	4,992	(84.8-100)
9. Oarby	(3)	1,232	70.4	1	384	(100.0)
10. Norristown	(14)	1,981	20.4	1	360	(83.1)
11. Philadelphia	(278)	166,083	58.8	132	127,641	(80.2-100)
Total	503	220,456		175	156,129	80-100

NEGRO STUDENT ENROLLMENT IN 10 NORTHERN AND WESTERN STATES, WHICH AGGREGATES 91 PERCENT OF THE TOTAL NEGRO STUDENT ENROLLMENT IN ALL NORTHERN AND WESTERN STATES

(All except one of these states within recent years have had either laws, judicial decisions or other legal basis that required or permitted separate but equal schools. Thus, giving rise to de jure segregation.)

1. California	382,525
2. District of Columbia	139,006
3. Illinois	398,257
4. Indiana	105,772
5. Kansas	30,052
6. Michigan	275,878
7. New Jersey	200,117
8. New York	473,253
9. Ohio	287,400
10. Pennsylvania	265,019
Total Negro student enrollment, 10 States	2,557,279
Total overall Northern and Western States (Negro student enrollment)	2,834,083

(91 percent of Negro student enrollment in the North and West should be under the same policy as now applied to the South even if a distinction is made between de facto and de jure segregation.)

STATEMENT

The race problem is America's most involved domestic problem. School desegregation is a very critical part of the solution of the race problem.

The Court has ordered that "educators" work with the school districts in the development of sound plans for ending segregation. There are all kinds and grades of "educators." Most are generalists like general practitioners in the medical field. Some educators are specialists, as some physicians are specialists: cardio-vascular surgeons, etc. The specialists required for the discharge of the task the Courts have set out should have specialized training and experience in a very wide range of basic areas of school administration: school transportation, including a study of traffic flow and hazards; in school building capacities and utilization; in planning educational programs both on a building and district-wide basis; in school curriculum and instruction; in sociology; and in school finance.

To have a generalist without specialized training and experience in these fields make recommendations in the intricate matters involved in the Court Orders would be like asking a general medical practitioner or a specialist in the diseases of the eye to perform an operation that calls for a heart transplant. The results, of course, would be fatal and the results to the whole matter of integration fatal when less than experts work at it.

Therefore, we recommend that the Courts require the Office of Education to pick educators with specialized training in school administration in the fields listed above, that they have an earned Doctor's degree in one or more of these fields and have experience as a school superintendent or as a professor of school administration in a first rate university. In a team, and a team of workers is required, there should be one or more persons with a Doctor's degree and with experience in school curriculum and instruction.

Mr. STENNIS. Mr. President, it is too voluminous to place in the RECORD, but in the files of the Appropriations Subcommittee on Health, Education, and Welfare, there are composite tables showing the listing of every school in the city of Chicago and the division of Negro and white students, and other nonwhite students in that area. Any Senator who wishes to, may look at that file.

Mr. President, I thank the Chair for his indulgence and the Senate for its patience in listening to me.

Mr. President, I yield the floor.

Mr. HANSEN. Mr. President, I have listened with a great deal of interest to the remarks of the distinguished Senator from Mississippi.

Coming from Wyoming as I do, I am not familiar with the details of a great many of the problems to which the Senator has addressed himself. I must say, however, that I think it would be a valuable and timely exercise, at this juncture in history, for every Senator and every other American to read carefully and note what the distinguished Senator has said.

The Civil Rights Act was passed in 1964. I am going to have to place a great deal of the blame for what has been done in one section of the country that may not have been done in another section, in implementing that act, upon the previous administration.

Having said that, let met add that the present administration should be measured by the same standards that apply to that.

I see no reason or justification for applying a national law any more leniently or any more strenuously in one part of the country than in another.

While I do not know from personal experience, I must say that I am certainly strongly persuaded by the very eloquent argument made this afternoon by the distinguished Senator from Mississippi.

It will be my purpose to urge all my colleagues, in order that they may have a better understanding of their country and its problems and the lack of uniformity in application of the laws, to read the eloquent address of the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Wyoming very much. I thank him not only for myself, but also for those who work in school activity in the area here that is being moved in on and taken over to such a rigorous degree.

I thank the Senator from Wyoming for all of them. That includes county school trustees, the administrations, the faculty members, regardless of whether they are Negro or white—and all the citizens who live in that entire area.

I thank the Senator for his keen understanding and sense of fairness. I am most grateful to him.

Mr. HANSEN. The point I want to make is that I am not trying to imply that the Civil Rights Act is wrong or that it is right. It is the law, and as part of this country it should apply uniformly throughout the country.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its

reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13194) to authorize special allowances for lenders with respect to insured student loans under title IV–B of the Higher Education Act of 1965 when necessary in the light of economic conditions in order to assure that students will have reasonable access to such loans for financing their education, and to increase the authorizations for certain other student assistance programs.

ASSOCIATION OF SENATOR HOLLINGS WITH REMARKS OF SENATOR SCOTT BEFORE AMERICAN-ISRAEL PUBLIC AFFAIRS COMMITTEE

Mr. HANSEN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I wish to state that the Senator from South Carolina (Mr. HOLLINGS) would like to have his name associated with the remarks of Senator SCOTT before the American-Israel Public Affairs Committee on the occasion of Israel's 21st birthday, which are printed in the RECORD of April 25, 1969, at pages 10491–10492.

OCTOBER 15 REVISITED

Mr. HANSEN. Mr. President, columnist Jack Anderson, in his "Washington Merry-Go-Round" column printed in this city, October 15, 1969, makes some interesting comments concerning the moratorium which has received so much publicity.

Mr. Anderson reported from Tokyo, and the second paragraph of his column seems particularly pertinent to any postmortem which will be conducted in regard to yesterday's demonstrations. Mr. Anderson said:

> This column has examined documentary evidence that a few rabid revolutionaries who seek to dominate the anti-war movement in the United States are receiving instructions from Hanoi. They aren't against war at all; they merely are on the enemy's side.

If Mr. Anderson's sources are correct, then thousands of good, patriotic Americans who participated in the Vietnam moratorium with the very best of intentions should be powerfully disturbed when they learn of the motives of some of the leaders of the movement.

It is my hope that my concern in this matter will not be misunderstood. I am not for a moment questioning the patriotism of the vast majority of those citizens who took part in the October 15 program. They are well meaning and, like all of us, are weary of the war. None of us, of course, want to see the conflict continued a single day longer than is absolutely necessary and I am keenly aware that most of those persons who saw fit to protest the war—for the most part, in a careful, nonviolent manner—should be saddened and perplexed by this turn of events.

Further, it is most discouraging that many sincere people, apparently because they are so weary with the war, are placing wholly unreasonable demands upon the President which, if he even tried to meet, would surely not serve the best long-range interests of our country.

The significance and influence of our strength has been in the believability that can be ascribed to our stated purposes in Vietnam.

These include the fact that we seek no permanent bases in Vietnam and no military ties. We are willing to agree to neutrality for South Vietnam if that is what the South Vietnamese people freely choose. We believe there should be an opportunity for full participation in the political life of South Vietnam for all political elements that are prepared to do so without the use of force or intimidation. Our Government is prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves; we have no intention of imposing any form of government upon the people of South Vietnam, nor will we be a party to such coercion.

As President Nixon has stated:

> In pursuing our limited objective, we insist on no rigid diplomatic formula. Peace could be achieved by a formal negotiated settlement. Peace could be achieved by an informal understanding, provided that the understanding is clear, and that there were adequate assurances that it would be observed. Peace on paper is not as important as peace in fact.

The President has devoted a great deal of careful study to Vietnam. He wants to be sure that our policies there will best serve America. He has examined the question from every possible viewpoint, and the resulting policies are a considered judgment born of long study.

I am convinced that our country's policy in Vietnam represents a most serious effort to serve the long-range best interest of all of our people. It is obvious that the protest and demonstration did not present any new evidence. It is also obvious that the moratorium people, no matter how sincere, reduce the question of U.S. involvement in Vietnam to the simplest terms and repeatedly "demand" the unilateral withdrawal of all U.S. troops.

Simply to be the strongest nation militarily in the world does not guarantee that our influence for peace and justice will always follow in corresponding degree. As the protestors should know, we have ruled out any attempt to impose a purely military solution on the battlefield. But we have also ruled out either a one-sided withdrawal from Vietnam or the acceptance in Paris of terms that would amount to a disguised American defeat.

As President Nixon has pointed out:

> When we assumed the burden of helping to defend South Viet Nam, millions of South Vietnamese men, women, and children placed their trust in us. To abandon them now would risk a massacre that would shock and dismay everyone in the world who values human life.

There is a very real danger involved here. A precipitate abandonment of our peacekeeping pledges there and our peaceful goals throughout the world would jeopardize more than the lives of the South Vietnamese.

We must not renege on our pledges. We must be worthy of our trust as a great nation. We must continue a realistic policy that offers the best chance of assuring a livable world for our children's children in an atmosphere of freedom that is devoid of fear.

Along with our country's considerable military might, which is the strength, must be the desire to stand by our word, which is the will.

To allow either to be seriously weakened will cause our influence to vanish. And such a thing, if ever allowed to happen, would mean that the worldwide respect for our Nation's integrity, our long history of defending principle and resolutely meeting obligations, would be lost.

Other nations' confidence in our reliability would be forever gone.

A sudden abandonment of our effort in Vietnam, no matter how seemingly desirable, no matter how sought after by so many, would greatly enlarge the possibilities of future involvement in other places. That is so because it would give encouragement to a number of ruthless leaders throughout the world who could take comfort from Hanoi's success and would be more than willing to risk a reckless confrontation with the United States.

Such a move would bring our integrity into serious question; our prestige would be severely damaged; our influence would be dangerously diminished throughout the world; and, worst of all, we would be forced to demonstrate our convictions and beliefs by the active use of arms. This would be an intolerable situation.

What I am saying—and what some of the demonstrators do not seem to understand—is that not only must we be strong, but people everywhere must believe us.

That is why a surrender in Vietnam should remain unthinkable. That is why the President must continue, steadfastly, to pursue his realistic policies in Vietnam, no matter how unpopular they seem to be.

Mr. President, because they shed light on this question, I ask unanimous consent that the comments of Jack Anderson, referred to earlier, and an editorial from the San Diego Union entitled, "Truth Must Rise Above Clamor," be inserted at this point in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Oct. 15, 1969]

U.S. REVOLUTIONARIES LINKED TO HANOI

(By Jack Anderson)

TOKYO.—For the millions at home who will demonstrate against the Vietnam war today, the intelligence files here contain some facts worth pondering.

This column has examined documentary evidence that a few rabid revolutionaries who

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seek to dominate the anti-war movement in the United States are receiving instructions from Hanoi. They aren't against war at all; they merely are on the enemy's side.

Indeed, their aim is to stir up new "wars of liberation," including guerrilla warfare in the streets of America, to advance the Communist cause. Their immediate instructions are to agitate in the United States for an unconditional withdrawal from Vietnam.

In restrospect, I believe it was a mistake for the U.S. to plunge into the Vietnam conflagration. This remote patch of jungle simply hasn't been worth the price in American blood and treasure.

But those who are in a big rush to write off 38,887 American war dead and $81,407,000,000 of the taxpayers' money should consider the French experience. The French pullout of North Vietnam 15 years ago precipitated a Communist slaughter that hadn't been duplicated since the mad days of Adolph Hitler.

Too hasty abandonment of South Vietnam likewise might produce another bloodbath. Yet the Hanoi-directed militants, according to intelligence documents, are striving to turn the antiwar protest into a national demand for "quick and complete withdrawal of U.S. troops from South Vietnam."

Possibly to avoid treason charges, the American militants are not in direct touch with the Hanoi government. Most contacts, apparently, have been kept on a friend-to-friend or organization-to-organization basis.

The Hanoi-controlled South Vietnam Liberation Students' Union, for example, maintains an underground liaison with U.S. leaders of the Students for a Democratic Society and the Students' Committee for the End of the Vietnam War.

On the eve of the Vietnam Moratorium, Tran Buu Kiem, the Students' Union chairman and former chief Vietcong delegate in Paris, wrote a letter to his American disciples urging "the active and massive participation of the American youths and students in this fall struggle movement."

HANOI LETTER

The letter, dated Oct. 6, called for a prompt American pull-out from Vietnam. Kiem contended that "the replacement of a score of thousands of troops is insignificant, as compared with about half a million U.S. youths still remaining in South Vietnam.

"Your interests and those of the American people and the United States do not lie in such a drop-by-drop troop pullout, but in the quick and complete withdrawal of U.S. troops from South Vietnam; not in the Vietnamization or de-Americanization of the war in South Vietnam, which is unpopular and costly in human and material resources, but in ending it . . .

"If Mr. Nixon sincerely wants to live up to his promise to end the war, a promise which he made when he ran for office and when he took over the presidency," the Kiem letter continued, "there is no other way than to respond to the 10-point solution of the Republic of South Vietnam's provisional revolutionary government by quickly withdrawing all U.S. and satellite troops from South Vietnam without imposing any conditions and by abandoning the lackey Thieu-Ky-Khiem administration, leaving the South Vietnamese people to decide their own internal affairs.

"You are entering a new, seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success in this fall struggle phase."

INTELLIGENCE REPORT

Another intelligence document, made available to this column, casts a revealing light on the North Korean role in stirring up opposition to the constitutional amendment, which will determine the future of South Korea. A national referendum will be held Friday to determine whether South Korea's bantam President Chung Hee Park can run for a third term.

"In connection with the constitutional amendment," declares the intelligence analysis, "the Pyongyang regime is trying to arouse popular views adverse to the constitutional amendment in an effort to create political chaos in the Republic of Korea. The Pyongyang regime is concentrating all efforts on its psychological warfare to encourage the recalcitrant elements in the South."

The attempt to extend President Park's rule for another term has been described, even in the Western press, as undemocratic. The truth is that the Park government has adhered scrupulously to the democratic processes.

Once the referendum is decided by popular vote on Friday, South Korea's troubles may merely be beginning. The intelligence document estimates that North Korea will intensify its efforts to subvert South Korea next year, thus "taking advantage of the possible political chaos in the ROK during the 1971 election."

[From the San Diego (Calif.) Union, Oct. 9, 1969]

Vietnam Surrender Unthinkable—Truth Must Rise Above Clamor

Again there is a strong riptide of activity in the United States of America which seeks to induce President Nixon simply to abandon South Vietnam.

The riptide is visible in Congress where, individually and in small groups, legislators are urging a condemnation of the American commitment in Southeast Asia.

The riptide is also visible in the national agitation—professional or naive—for a demonstration Oct. 15 to force President Nixon to make a more firm but generally undefined commitment to retreat.

Amid the clamor of the claques, there are some things that are evident and even more that are not—things that Americans would do well to keep in mind as they try to distill some truth from the confusion.

The first is that whatever the mistakes of the past, the United States cannot roll back the calendar in South Vietnam. We have to deal with the war on the basis of the present realities.

And we must, in seeking the truth, challenge the depth of thinking as well as the credentials of the experts, be they self-styled or real.

It is a truth and a reality that the United States is diminishing its Vietnam commitment at a rate deemed prudent by the person upon whose shoulders falls the responsibility for making the awesome judgment—the President of the United States.

What exactly do the critics of our current actions want? More rapid withdrawal? How rapid? Is open retreat their real object?

Do the critics of the war know whether it is possible to move our men home from Vietnam more rapidly simply from the standpoint of logistics?

Would those who favor pell-mell withdrawal be willing to endorse the inevitable bloodbath in Southeast Asia that such a retreat would create?

Are those who urge our surrender in Vietnam prepared to accept the responsibility for its effect upon the hundreds of our young men being held prisoners by North Vietnam? Several already have been executed and Hanoi says it may "try" the remainder as war criminals.

Is the Greek chorus baying at the heels of the President prepared to face the worldwide implications of a United States' surrender?

The fact is they advocate nothing but the negative—get out. Has anybody heard acceptable positive programs from these self-style experts to preserve the seedling of self determination in Vietnam and prevent the writing of an ignominious, bloody chapter in our history?

We have not heard them.

All that we have heard so far is that if we vaporize the American presence in Vietnam immediately, somehow everything will turn out all right despite the obvious and imminent dangers. It will not.

Americans should view with suspicion the thought that there is an instant solution in instant surrender.

MORATORIUM

Mr. DOLE. Mr. President, let me commend the Senator from Wyoming (Mr. Hansen). I certainly share the views he has expressed. Let me say, additionally, that the first Vietnam moratorium is over. The Nation moves on and President Nixon continues to pursue the difficult road to an honorable peace.

Nothing really has changed and hopefully the North Vietnamese and the Vietcong have not been heartened by signs of divisiveness in our land, plus the fact they were aided yesterday by another estimated billion-dollar agreement for military aid from Communist Russia.

Today, I wonder, Mr. President, if any American President, Kennedy, Johnson, or Nixon, backed by a united people might not already have secured peace in Vietnam.

That is, perhaps, a terrible thought, because, if true, then many young Americans, now dead, would be alive and home today.

One of those might have been Edgar L. McWethy, Jr., of Baxter Springs, Kans. Instead he died bravely fighting, as Americans have always fought, in the cause of honor and freedom. Today his parents received, in his name, at a White House ceremony, the Nation's highest award, the Medal of Honor. They would give that medal willingly if peace could be brought a day nearer.

Specialist McWethy is one of three young Americans who received posthumous Medals of Honor from the President today.

Can anyone here say the President can make these presentations without a deep yearning for peace?

But, Mr. President, he has on his shoulders not only the bringing of peace, but also the larger burden. Those who call for peace at any price can do so, because the responsibility is not theirs.

Only the President bears the responsibility. If we surrender and retreat in Vietnam, only to face renewed, reinvigorated Communist aggression elsewhere, who will take the blame?

If the United States surrenders and retreats in Vietnam and the Communists take over that country, as surely they will, and institute a massive purge, as surely they will, who will take the blame?

If the United States surrenders and retreats in South Vietnam, and the free world, knowing it can no longer depend on the word and the strength of the United States, bows to totalitarian communism, who will take the blame?

Mr. President, those who planned this moratorium are planning another next month. However, before this, the

President has scheduled a report to the people on our situation in Vietnam.

I have no inside information on what he will say. But I do know he can point with pride to what has already been accomplished by this administration—60,000 men to be home by the first of the year. That is a significant number. To those who say it is not, ask what they would have said if President Nixon had added 60,000 troops.

A major drop in casualty rates—for the last 3 weeks, they have dropped below 100. Nobody knows better than the President that any casualty, even one, is too many. But, Mr. President, those Americans who die are being killed by enemies who by their own statements say they receive encouragement from Americans who are far from the battlelines.

Of course, we have no guarantee that the enemy will not launch a sudden offensive with a resultant climb in the casualties, but still, it is worth noting that at no time last year did our casualty figures drop below 100. Mr. President, can anyone here say the President has not reduced the level of combat?

Mr. President, as I have said, I do not know what the President will say on November 3. But I am confident that I know what he is doing; he is working for peace with all his heart and all his might.

Those in this country who possibly prolong the war, also in the name of peace, might at least bear that in mind—if they are sincere.

Let me add one personal word. Yesterday was a significant day in America for many. As the Senator from Wyoming has pointed out, the great majority who participated were probably sincere young Americans. They were against the war, as is everyone in this body.

My participation in moratorium day was a visit to Walter Reed Hospital last night, where I visited some 50 or 60 young Americans who had been injured or wounded while serving their country.

I would suggest that if anyone had cause or justification for being prejudiced or bitter about the war in Vietnam, these young men have—some with one arm gone, some with two arms gone, some with three limbs gone, and some with very serious neurological or other disabilities, many of whom will never be the same.

Almost without exception, they seemed to indicate two things. First, they felt the war was right, not because they had been there, not because they had been wounded, but because they felt communism was a threat to us and the free world.

One young man who said, "I was opposed to the war when I went, and am opposed now, but we cannot pull out immediately."

My point is that here are 800 young men, patients in Walter Reed Hospital because of Vietnam who have just cause to be bitter; but, having visited some 60 or 70 of them with the Senator from Michigan (Mr. Griffin), these young Americans have made a great sacrifice for their country and understand what this is all about. They will bear the scars of it permanently, yet almost without exception they have confidence in other young Americans. They believe the great majority of young Americans want peace.

Mr. President, with a few possible exceptions, all the young men I visited with felt President Nixon is on the right course, and that he is pursuing the path of peace.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. HRUSKA. Mr. President, I associate myself with the remarks of the Senator from Kansas, and with the views he has expressed. I was especially impressed with his statement about visiting some of the wounded veterans in Walter Reed Hospital. There was a day, Mr. President, when the Senator from Kansas was also a wounded combat veteran. He, too, was among those severely and painfully wounded, with permanent effects, and it took weeks and months in the hospital for him to recover from his injuries. The weeks and months he spent in convalescence gave him time to ponder upon the meaning of the type of experience which he had gone through. So when he gives us the appraisal he has given of those young men in Walter Reed Hospital, it comes from one who is very well qualified to make it.

I commend him for the remarks he has made, and certainly commend his remarks to the attention of all who should give this subject the same type of thoughtful analysis and consideration he has given it.

AUTHORIZATION FOR ALL COMMITTEES TO FILE REPORTS, TOGETHER WITH MINORITY AND INDIVIDUAL AND SUPPLEMENTAL VIEWS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be permitted to file reports, together with minority and individual and supplemental views, during the period of adjournment between tonight and Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEACE CORPS ACT AMENDMENTS—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Arkansas (Mr. Fulbright), I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of October 14, 1969, p. 29937, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BYRD of West Virginia. Mr. President, I am authorized by the able Senator from Arkansas (Mr. Fulbright) to state that the principal difference between the House and the Senate in the Peace Corps authorization was the amount authorized for expenditure and this was set by the conferees at $98,450,000 for fiscal year 1970—a figure half way between the $95,800,000 in the Senate amendment and the $101,100,000 in the House bill.

The only other differences—besides technical drafting changes—were: First, the funding of the volunteers-to-America program from Peace Corps appropriations which the Senate authorized but the House prohibited, and second, the addition of a new purpose by the Senate to encourage international programs of voluntary service.

On the first item, the Senate conferees receded with some reluctance in view of other priorities on our resources. On the second item, the House conferees receded with a minor change in language which will permit the Peace Corps to explore international cooperation in voluntary work through establishing an international register of volunteers from which multinational teams of volunteers may be drawn by countries which prefer international programs to bilateral ones. What the Committee on Foreign Relations wanted was to add a new dimension to the Peace Corps work and the conference agreement permits this.

Mr. President, on behalf of the Senator from Arkansas (Mr. Fulbright), I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

INSTRUCTIONS FROM HANOI ON THE ANTIWAR MOVEMENT IN THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, syndicated columnist Jack Anderson reported on Tuesday, October 14, in the Beckley, W. Va., Post-Herald, that—

> A few rabid revolutionaries who seek to dominate the anti-war movement in the United States are receiving instructions from Hanoi.

The column appeared in newspapers from coast to coast.

I ask unanimous consent that the column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

Rabid Revolutionaries May Be Receiving Demonstration Orders Direct From Hanoi

(By Jack Anderson)

Tokyo.—For the millions at home who will demonstrate against the Vietnam war tomorrow, the intelligence files here contain some facts worth pondering.

This column has examined documentary evidence that a few rabid revolutionaries who seek to dominate the anti-war movement in the United States are receiving instructions from Hanoi. They aren't against war at all; they merely are on the enemy's side.

Indeed, their aim is to stir up new "wars of liberation," including guerrilla warfare in the streets of America, to advance the Communist cause. Their immediate instructions are to agitate in the United States for an unconditional withdrawal from Vietnam.

In retrospect, I believe it was a mistake for the U.S. to plunge into the Vietnam conflagration. This remote patch of jungle simply

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hasn't been worth the price in American blood and treasure.

But those who are in a big rush to write off 38,887 American war dead and $81,407,000,000 of the taxpayers' money should consider the French experience. The French pull-out of North Vietnam 15 years ago precipitated a Communist slaughter that hadn't been duplicated since the mad days of Adolf Hitler.

Too hasty abandonment of South Vietnam, likewise, might produce another bloodbath.

Yet the Hanoi-directed militants, according to intelligence documents, are striving to turn the anti-war protest into a national demand for "quick and complete withdrawal of U.S. troops from South Vietnam."

Possibly to avoid treason charges, the American militants are not in direct touch with the Hanoi government. Most contacts, apparently, have been kept on a friend-to-friend or organization-to-organization basis.

The Hanoi-controlled South Vietnam Liberation Students' Union, for example, maintains an underground liaison with U.S. leaders of the Students for a Democratic Society (SDS) and the Students' Committee for the End of the Vietnam War.

On the eve of the Vietnam moratorium, Tran Buu Kiem, the Students' Union chairman and former chief Viet Cong delegate in Paris, wrote a letter to his American disciples urging "the active and massive participation of the American youth and students in this fall struggle movement."

The letter, dated Oct. 6, called for a prompt American pull-out from Vietnam. Kiem contended that "the replacement of a score of thousands of troops is insignificant, as compared with about half a million U.S. youths still remaining in South Vietnam.

"Your interests and those of the American people and the United States do not lie in such a drop-by-drop troop pull-out, but in the quick and complete withdrawal of U.S. troops from South Vietnam; not in the Vietnamization or de-Americanization of the war in South Vietnam, which is unpopular and costly in human and material resources, but in ending it. . . .

"If Mr. Nixon sincerely wants to live up to his promise to end the war, a promise which he made when he ran for office and when he took over the presidency," the Kiem letter continued, "there is no other way than to respond to the 10-point solution of the Republic of South Vietnam's provisional revolutionary government by quickly withdrawing all U.S. and satellite troops from South Vietnam without imposing any conditions and by abandoning the lackey Thieu-Ky-Khiem administration, leaving the South Vietnamese people to decide their own internal affairs.

"You are entering a new, seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success in this fall struggle phase."

Ironically, most of the student radicals who are doing Hanoi's bidding in the U.S. would get worse treatment from the Hanoi police than they have received from the Chicago police.

For Hanoi has ordered a crackdown on local hippies who wear long hair, tight pants and flowered shirts. Hanoi police have been ordered to shear off long hair and slit tight trousers legs on the spot. Tight "cowboy pants" have been abolished by decree. Western records, poetry, and dances also are considered "counter revolutionary" and result in stern punishment.

As for unauthorized demonstrations, the youthful demonstrators not only would get their heads clubbed; they would be subject to the death penalty.

Another intelligence document, made available to this column, casts a revealing light on the North Korean role in stirring up opposition to the constitutional amendment which will determine the future of South Korea. A national referendum will be held Friday to determine whether South Korea's bantam President Chung Hee Park can run for a third term.

"In connection with the constitutional amendment," declares the intelligence analysis, "the Pyongyang regime is trying to arouse popular views adverse to the constitutional amendment in an effort to create political chaos in the Republic of Korea. The Pyongyang regime is concentrating all efforts on its psychological warfare to encourage the recalcitrant elements in the South."

The attempt to extend President Park's rule for another term has been described, even in the western press, as undemocratic. The truth is that the Park government has adhered scrupulously to the democratic processes.

Once the referendum is decided by popular vote on Friday, South Korea's troubles may merely be beginning. The intelligence document estimates that North Korea will intensify its efforts to subvert South Korea next year, thus "taking advantage of the possible political chaos in the ROK during the 1971 election."

ADJOURNMENT TO MONDAY, OCTOBER 20, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 54 minutes p.m.) the Senate adjourned until Monday, October 20, 1969, at 12 o'clock noon.

HOUSE OF REPRESENTATIVES—*Thursday, October 16, 1969*

The House met at 12 o'clock noon.

Rev. Roger E. Landgrebe, Calvary Lutheran Church, Gary, Ind., offered the following prayer:

Unto You, O God, do we lift up our hearts in thanksgiving for the joy of life in the world which You have given us to dominate and subdue. The whole creation is Yours; but we seek Your help as we attempt to govern it and establish the welfare of our portion of its people.

We boldly request, yet humbly demand, Your presence here. Consume the minds of the men and women in this high Chamber so that the work they do here will be an instrument of Your law and a reflection of Your love. The opportunity is here, O Lord, to see You in a mirror dimly and also to effect wisely our confrontation with You face to face. O God, let it happen. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2910. An act to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12781) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 15, 16, 20, 24, 35, 40 to the foregoing bill.

REV. ROGER E. LANDGREBE

(Mr. MADDEN asked and was given permission to address the House for 1 minute.)

Mr. MADDEN. Mr. Speaker, the House of Representatives is honored today to have one of the youngest ministers in the State of Indiana offer the opening prayer.

Mr. Speaker, Rev. Roger Landgrebe's ministry is located in my congressional district. The Reverend Roger E. Landgrebe is the youngest son of our distinguished colleague, the gentleman from Indiana, Mr. EARL LANDGREBE of the Second Congressional District of Indiana.

Although having entered the ministry but 3 years ago and having come to the city of Gary as the pastor of the Calvary Lutheran Church, he is known throughout the Calumet region for the outstanding work he is doing not only for his parishioners as a minister of the Calvary Lutheran Church but also for many charitable and civic activities.

He has participated along with various groups and organizations to help and aid not only some of the more economically unfortunate citizens of our community, but he has taken an active part in various drives for funds to support causes and programs which are highly necessary for the progress and general welfare of our younger folks in the Calumet region of Indiana. Unfortunately more of our young citizens have not emulated his career in church and religious work in which Reverend Landgrebe has been so successful. His civic and charitable work has been a great benefit to all our citizens.

Mr. Speaker, I wish to thank the Reverend Roger E. Landgrebe for being with us today and also to commend his father, our colleague, Congressman LANDGREBE, for the great work and success of his son as a minister and outstanding citizen in my congressional district.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I will be delighted to yield to my colleague from Indiana.

Mr. LANDGREBE. Mr. Speaker, I wish to express my gratitude to my colleague in the adjoining congressional district in Indiana, the gentleman from Indiana (Mr. MADDEN), for his kind words in behalf of my son. I really appreciate the remarks the gentleman has made.

I would also like to express my thanks and appreciation to our beloved Speaker, the gentleman from Massachusetts, the Honorable JOHN W. MCCORMACK, for extending this invitation to my son, and also my sincere appreciation to Dr. Latch for his fine cooperation and assistance.

Mr. MADDEN. Mr. Speaker, I thank the gentleman for his comments, and I yield back the balance of my time.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE A REPORT ON H.R. 14001

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight tonight to file a report on the bill H.R. 14001.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADMINISTRATION PROPOSAL ON SOCIAL SECURITY BENEFITS

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, yesterday in response to my question, Mr. Robert Myers, respected actuary for the Social Security System, stated that a 15-percent across-the-board increase could be made in social security benefits without increasing the taxable base or the taxable rate. The Social Security Administration fund is as follows:

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

ADMINISTRATION PROPOSAL, H.R. 14080

Progress of the OASI and DI trust funds, combined, under present law and under the system as modified by the administration proposal, fiscal years 1970–73

[In billions]

	Income administration		Outgo administration	
	Present law	Proposal	Present law	Proposal[1]
Fiscal year:				
1970	$35.2	$35.2	$28.4	$29.1
1971	38.6	36.8	29.6	32.9
1972	43.1	39.3	30.8	35.4
1973	47.4	43.4	32.0	36.5

	Net increase in funds		Assets, end of year	
	Present law	Proposal	Present law	Proposal
Fiscal year:				
1970	$6.8	$6.1	$38.7	$38.0
1971	8.9	3.9	47.6	41.9
1972	12.3	3.9	59.9	45.7
1973	15.4	6.8	75.3	52.6

[1] Assumes no automatic increase in benefit rates under the cost-of-living provision.

Source: Office of the actuary, Baltimore, Oct. 1, 1969.

As we can note, the President's proposal reduces the social security fund by $22.7 billion from its projected asset value of $75.3 billion to $52.6 billion. We must closely examine the effect of this loss of revenue to the fund.

But the testimony clearly indicates the proposal for increasing social security by 15 percent is both sound and responsible.

PERSONAL EXPLANATION

(Mr. FREY asked and was given permission to address the House for 1 minute.)

Mr. FREY. Mr. Speaker, this week it was my privilege to be chosen as one of two Members of Congress to attend the International Secretariat for Volunteer Services Conference at The Hague in the Netherlands. Because I was out of the country, I regret I was not able to participate in the deliberations of the House on Monday, Tuesday, and Wednesday of this week. I therefore respectfully request that my absence be excused due to official business.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 230]

Albert
Arends
Aspinall
Berry
Blatnik
Brasco
Bray
Brooks
Brown, Calif.
Broyhill, Va.
Burton, Calif.
Cahill
Camp
Carey
Cederberg
Celler
Clark
Conyers
Corman
Davis, Ga.
Dawson
Devine
Diggs
Dingell
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flowers
Flynt
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Griffin
Haley
Hanna
Hastings
Hays
Holifield
Hosmer
Ichord
Jones, N.C.
Jones, Tenn.
Kirwan
Kyl
Landrum
Latta
Lloyd
Lujan
McClory
McCloskey
McMillan
Martin
Mayne
Meeds
Mills
Minshall
Montgomery
O'Konski
Patman
Pollock
Powell
Price, Ill.
Pucinski
Quie
Railsback
Rarick
Reifel
Reuss
Rivers
Rodino
Rosenthal
Roybal
Ruppe
St. Onge
Saylor
Scheuer
Shipley
Sisk
Smith, Iowa
Steed
Stokes
Taylor
Teague, Calif.
Tunney
Utt
Waldie
Wampler
Watts
Whalley
Wold

The SPEAKER. On this rollcall 332 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ACTION URGED ON PRESIDENT'S LEGISLATIVE PROPOSALS

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, I should like to urge my colleagues to consider the President's message on his legislative proposals and act upon them quickly. Partisan politics cannot become a stumblingblock in our responsibility to the welfare of the Nation.

Certainly, one of the most pressing issues facing us is the need for draft reform. The President's plan to update our draft procedures will give our young men greater freedom and security in planning their lives and careers. In reducing the period of vulnerability from 7 years to 12 months, the potential draftee will no longer have to face an unreasonable period of uncertainty in planning his future. The draft does not need to be a threat over 7 long years.

However, it must be manifestly clear that those who defer their period of vulnerability because of educational, or other legitimate pursuits, will become eligible for a 12-month period when they finish their education.

I also think it is important that we continue investigating other possibilities and methods for filling the military manpower needs of the country and the President. In the meantime, if we expect our young men to serve our country with dignity and honor, we owe them a fair shake in return.

I want history to point to the 91st Congress as one of positive action and accomplishment. I urge all of my colleagues, regardless of party, to carefully and thoughtfully consider the President's proposal for selective service reform and other basic reforms so vital to the welfare of American citizens.

OEO INEFFICIENCY

(Mr. HARSHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HARSHA. Mr. Speaker, on September 26, a nationally syndicated news column reported that Office of Economic Opportunity bureaucrats had gone against administration policies by writing and distributing to various community action groups a manual advocating riots as a legitimate weapon of the poor.

Reacting to this alarming news, on October 3, I directed a letter to the OEO Director, Mr. Donald Rumsfeld, asking that individuals concerned be disciplined and that I be reassured against a recurrence of such an event.

I regret to say that to date I have not received a reply from Mr. Rumsfeld. It may be that those same bureaucrats who write such manuals also intercept the mail coming into the Office of Economic Opportunity. If this be the case, then it is understandable why I have not received a reply from Mr. Rumsfeld.

Hoping to avoid this possible contingency, I am entering these comments into the RECORD, which I will have delivered to Mr. Rumsfeld. I want to make certain that those same individuals who advocate riots do not also advocate losing correspondence from Members of

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Congress. On the other hand, this may just be another striking example of the inefficiency of the OEO.

SUPPORT FOR POSTAL LEGISLATION

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, today I rise to address myself to the legislation affecting the postal employees of this country. I have and always will be a strong supporter of this group.

Recently, I had the opportunity to vote for a bill—H.R. 9825—which assures a decent retirement income for all civil servants. I believe this a good step in providing adequate benefits for the postal workers.

On Tuesday, I voted with 310 Members to pass H.R. 13000, the Federal Salary Comparability Act, to provide decent salaries for postal employees. This has been long-awaited legislation and one which will correct the inequities in the system. It is a known fact that the Post Office Department has had difficulty in retaining competent employees and we all know about the deteriorating service in the Post Office. One of the causes of these problems stems from the fact that the postal structure, as it now exists, makes an employee serve a period of 21 years before reaching the top pay level. H.R. 13000 changes this to a period of 8 years giving the postal workers a fighting chance of surviving the constantly rising cost of living.

I was glad to see that the Postal Service Act was defeated by the Post Office and Civil Service Committee. I would be the first to agree that the Post Office Department and its operations are badly in need of improvement. H.R. 11750 would have set up a postal corporation, thereby removing the postal employees from the protection and regulations of the Civil Service. I feel that these improvements can be effected within the present framework of the Post Office Department. Much concern has been expressed by my constituents regarding the creation of a postal corporation. The defeat of this bill assures the postal workers that all their years of service have not been in vain.

I commend the Post Office and Civil Service Committee on the fine job they are doing and they may be assured of my support on all legislation which proves to be in the best interests of the postal employees.

CONFERENCE REPORT ON H.R. 13194, EMERGENCY INSURED STUDENT LOAN ACT OF 1969

Mr. PERKINS. Mr. Speaker, call up the conference report on the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky (Mr. PERKINS)?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman from Kentucky will take ample time to explain what transpired in conference?

Mr. PERKINS. Yes, that is my intention.

Mr. GROSS. The gentleman will yield some time to those who may desire to ask questions?

Mr. PERKINS. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 13, 1969.)

Mr. PERKINS. Mr. Speaker, I am pleased to report that the conference committee on H.R. 13194 has reached agreement. The conference report was worked out, as I recall, unanimously. In my judgment, it is an effective piece of legislation which greatly strengthens all student assistance programs.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. SCHERLE. The report was not unanimous. I did not sign the report.

Mr. PERKINS. The gentleman is correct. I ask that the RECORD be corrected accordingly. I think you were the exception.

Mr. Speaker, we reached agreement only after numerous hours of debate and lengthy discussion. May I take this opportunity to pay tribute to the gentlewoman from Oregon (Mrs. GREEN), whose untiring efforts and leadership in this endeavor have produced a major piece of legislation. And I wish to express my appreciation to all of the House conferees for their full cooperation and hard work. There were many many difficult decisions which had to be made, and it was because of the strong bipartisan effort that we were able to reach an agreement which is acceptable to 17 of the 18 House conferees.

With respect to the insured student loan program, I am particularly pleased to advise the House that the fundamental thrust of the original House bill is retained in the conference report. The three most essential elements of the House approach remain.

First, under the Senate amendment, only loans made between August 15, 1969, and June 30, 1970, were eligible for an allowance. Second, payments were only authorized during the same period. The conference report follows the House approach and authorizes the payment of a special allowance which may not exceed 3 percent on loans made between August 1, 1969, and June 30, 1971. Also, any loan made during the eligible period will qualify for the special allowance during the life of the loan if in subsequent years market conditions warrant the payment of such an allowance.

Third, the amount of the allowance will be determined after the close of the period to which it applies rather than, as was the case in the Senate bill, prior to the beginning of the period to which it would apply. Under the House approach, which is retained in the conference report, the rate will be determined after a review of actual market conditions instead of being based on projections and guesswork as was required by the Senate amendment. In addition, the application of the rate retrospectively will be much more economical.

Mr. Speaker, the most controversial aspect of the Senate amendment related to the provision designed to limit discretionary authority of local lenders. The Senate amendment required the Secretary to prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to the act do not as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender other than activity directly related to the administration and payment of such loan. The Conference agreement greatly modifies this Senate provision.

Under our agreement, the Secretary of Health, Education, and Welfare shall determine, with respect to the student insured loan program as authorized under part B of title IV of the Higher Education Act of 1965 and the act, whether there are any practices of lending institutions which may result in discrimination against particular classes or categories of students, including the requirement, as a condition to the receipt of a loan, that the student or his family maintain a business relationship with the lender, the consequences of such requirement, and the practice of refusing to make loans to students for their freshman year of study, and also including any discrimination on the basis of sex, color, creed, or national origin. The Secretary shall make a report with respect to such determinations, and his recommendations, to the Congress on or before March 1, 1970.

Second, if after making such determination the Secretary finds that, in any area, a substantial number of eligible students are denied an opportunity to obtain an insured student loan because of practices of lending institutions in the area which limit student participation, he shall take such steps as may be appropriate, after consultation with the appropriate State guarantee agencies and the Advisory Council on Financial Aid to Students, relating to such practices and encourage the development in such area of a plan to increase the availability of financial assistance opportunities for such students. He shall also, within 60 days after making such determination, adopt or amend appropriate regulations pertaining to the student insured loan program to prevent, where

practicable, any practices which he finds have denied loans to a substantial number of students.

In my judgment, these provisions of the conference report differ significantly from the original Senate amendment. It is true that in time the Secretary of Health, Education, and Welfare may, through amendment or adoption of regulations, prohibit the practice of limiting loans to customers, as he was directed to do by the original Senate amendment. But, if such regulations are prescribed, it will be because the Secretary has found the practice widespread and that it results in the denial of loans to a substantial number of students. In applying such regulations, the Secretary is given considerable latitude under the terms of the Conference Report. If such regulations become necessary and must be applied, the Secretary will be able to take into account mitigating and extenuating circumstances, such as the special problems of credit unions, where the application of such a regulation would not be practicable. Most importantly, the Conference Report deals with all lending practices which may result in discrimination rather than focusing on just one such practice.

Finally, Mr. Speaker, the conference report responds not only to the emergency situation with respect to the insured student loan program, but also to the emergency situation which exists with respect to all student aid programs. As college costs and college enrollments continue to rise at an unbelievable rate, it is necessary that student aid programs be greatly expanded to meet the increasing needs. Thus, the conference report retains the Senate amendments providing increased authorizations for the national defense student loan program, the college work-study program, and one-half of the Senate increase for the educational opportunity grant program.

The need for these increases is clear. The total amount, which is now available for the three college-based programs, falls far short of the amounts requested and needed by colleges and universities across the Nation.

Presently the national defense student loan program is operating at the $155 million level. This compares with a fiscal year 1969 operating level of $190 million. The present level of operation is less than half of what institutions requested and over $100 million less than what the regional panels approved.

It should be made clear that in retaining the Senate increases for NDEA student loans and the other two college-based programs, the authorizations established are not chosen arbitrarily. They are related to and approximate very closely total institutional requests for 1970 and Office of Education estimates as to total institutional requests for fiscal year 1971.

Under the conference report $325 million will be authorized for student loans this year rather than the $275 million which is presently authorized. The increase will provide loans for an additional 85,000 students. The fiscal year 1971 increases from $300 million to $375 million, will result in loans to an additional 100,000 students. If the student loan program were funded at the authorized level contained in the conference report, 689,500 students could obtain loans this year and 781,400 could obtain loans next year.

By increasing the fiscal year 1970 authorization for the college work-study program $25 million, we will make it possible for an additional 58,000 students to participate in the program. The increase to a $320 million authorization next year will provide work-study opportunities for 748,500 students, almost 100,000 students more than could be provided opportunities under the existing authorization of $285 million. In connection with the work-study program, it should be noted that the new authorization for fiscal year 1970 is identical with the total institutional requests for work-study funds, but that the proposed authorization for fiscal year 1971, is still $15 million short of what the Office of Education estimates will be total institutional requests.

The situation with respect to the educational opportunity grant is similar. Under the conference report, $125 million will be authorized for initial year grants as compared to the present authorization of $100 million. With the increase provided, 227,300 students will be able to receive initial year grants. The authorization for fiscal year 1970 is increased from $140 million to $170 million. This will result in an additional 50,000 initial year awards. Here too, the authorization we have agreed upon represents a substantial increase, however, the fiscal year 1971 authorization will still be approximately $5 million less than the Office of Education estimates colleges and universities will request.

Mr. Speaker, approval today of this conference report will be another indication of the determination of the Congress that no student be denied an opportunity for higher education because of financial barriers. Like the original House bill, the conference report provides for an effective solution to problems we have experienced with the insured student loan program. And, in addition, it modifies the college-based student aid programs to provide needed increases in authorizations so that the programs may operate at a level which is commensurate with the need. I urge every Member of this House to support the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, do I understand the amount in the conference report for fiscal year 1970 was raised $125 million?

Mr. PERKINS. Which programs is the gentleman referring to?

Mr. GROSS. Title IV, the higher education.

Mr. PERKINS. Yes. The report increases the authorizations for national defense student loans, educational opportunity grants, and college work study. The total increase is over $200 million.

Mr. GROSS. It is $200 million?

Mr. PERKINS. Yes.

Mr. GROSS. In the fiscal year 1970?

Mr. PERKINS. No; over a 2-year period. To break it down, we increase NDSL loans for fiscal year 1970, from $275 million to $325 million, and for fiscal year 1971, from $300 million to $375 million.

Mr. GROSS. Let us stay with fiscal year 1970. Is it not true that more than one-quarter of fiscal year 1970 is already gone?

Mr. PERKINS. That is correct, but let me say to my friend, the gentleman from Iowa, that it is estimated, an additional 85,000 students could borrow under the increase of $50 million. The demand for national defense student loans is well known. Applications from institutions across the country far exceed the amounts presently available.

May I say to the gentleman, I did not vote in conference for this increase.

We cannot deny the need for an increased authorization. I would certainly hope that the appropriation would match the increased authorization.

Mr. GROSS. The gentleman then is for this rather substantial increase?

Mr. PERKINS. The reason I did not vote for the increase in conference is that I tried to maintain the House position. Nevertheless, I am convinced we need more money for national defense student loans. Nothing could be clearer.

Mr. GROSS. What about the budget? This is really budget busting; is it not?

Mr. PERKINS. I did not understand the question.

Mr. GROSS. What about the budget for 1970?

Mr. PERKINS. As I recall, we have only appropriated $229 million of the $275 million authorization.

Mr. GROSS. I am wondering under the circumstances whether this is overfunding or whether it is changing the criteria to take care of just about everybody?

Mr. PERKINS. Taking into account the great need, we are not overfunding. We have authorized above what the Bureau of the Budget has gone on record in favor of spending. I am hopeful that they will change their minds on this issue.

Mr. GROSS. I thank the gentleman.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, I want to pay my respects to the distinguished chairman of the full committee for his patience and also for his determination one and at the same time to see the conference report through to a successful conclusion. I also express my thanks to two staff members, Mr. Gaul and Mr. Hogan, who worked in preparing the conference report.

This conference report is a compromise. It probably does not represent 100 percent the views of any one conferee. But in my judgment the purpose of the House bill was accomplished.

That purpose was to encourage lending institutions to make more funds available to students.

The chairman has already outlined the major compromise agreements that were reached by the Senate and the

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House. I should like to turn my attention to an amendment that seemed to me the most important if the House position were to be maintained.

Mr. Speaker, the Senate amendment to limit the discretionary authority of lenders participating in the insured loan program was clearly the most controversial item before the Conference Committee. There were a number of assumptions underlying the Senate amendment which would have denied the Federal guarantee to banks which followed the practice of limiting loans to persons having a customer relationship with the lender.

It was assumed, but not known in fact, that numerous lenders engaged in such practices. It was assumed that such practices were evil. It was assumed that such practices were inconsistent with the objectives and purposes of the insured loan program. And it was assumed that implementation of the Senate amendment would result in greater availability of insured student loans. The validity of each of these assumptions should be and was questioned in our conference by House conferees. In so doing, I believe we have reached an agreement which can be characterized as a positive step forward rather than a negative reaction, and one which indicates that we are more interested in assisting students rather than in chastising the banks.

We direct the Secretary of Health, Education, and Welfare to review the total insured loan program for the purpose of determining the extent to which any discrimination of any kind exists that was not intended in the law—by any and all lending institutions: Banks, credit unions, and administrators of pension funds. The Secretary is to be guided by his concern for the students and not by any desire to chastise the banks. The problem that this bill is addressed to is the one of inducing lending institutions to make loans to students. It is not a vehicle for expressing animosity toward the banks. There is no assumption in the conference report that any particular practice is wrong, rather, may I repeat, we direct the Secretary to determine whether the practice results in the denial of loans to a substantial number of students who are eligible for these loans under the law.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am glad to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, on this very point in the discussion in the other body on the adoption of the conference report, the chairman of the conference, the Senator from Rhode Island (Mr. PELL) said this:

> The language of the conference report carries out the original intent of the Senate that lenders should not require students or their families to conduct business activities with the lender as a condition for receiving a student loan.

I would ask the gentlewoman whether or not that is an accurate assessment of the conference report.

I would say, parenthetically, I do not believe it is fair to say that the intent of the original Senate amendment was carried out in the conference report. We do require a finding and make no prejudicial judgment about the rights or wrongs of a practice carried out by lending institutions.

Mrs. GREEN of Oregon. The gentleman from Wisconsin is entirely right, in my judgment. I think those who interpret the law should be disabused of the very narrow reading given to it by Members of the Senate. It is not, in my opinion, the purpose of the conference agreement to chastise banks and prohibit certain ones from having the Federal guarantee if they required a prior business relationship in making a student loan. Quite the opposite.

Also we broadened the scope of the study that the Secretary is to make to include many kinds of discrimination, which I want to discuss in just 1 minute.

Mr. STEIGER of Wisconsin. I thank the gentlewoman.

Mrs. GREEN of Oregon. Mr. Speaker, I have not yet mentioned what I consider to be the most disconcerting aspect of the original Senate amendment. As proposed, the amendment touched only one aspect of a more general and, quite frankly, more serious question—Are insured student loans available equally to all eligible students? It seemed to many of us that if we were going to prohibit certain lending practices because they were viewed by some as discriminatory and inconsistent with the purposes of the act, then it was important that we look at all lending practices under the program.

The question arose as to whether we should prohibit restrictive lending policies relating to customer status, while at the same time tolerate policies not only of banks but also of certain State guarantee agencies which limit the availability of loans for freshmen students, or for out-of-State students, or State residents attending a private institution rather than a State college.

We thought also that we should concern ourselves with the fact that under the insured loan program, only 36 percent of the borrowers are female, whereas under the NDEA student loan program, 45 percent of the borrowers are female; and the fact that under the NDEA student loan program, 18 percent of the borrowers are nonwhite, but that under the guaranteed student loan program, only 10 percent are nonwhite.

And what of the wide disparity which exists among States with respect to the availability of guaranteed loans? Participation in the insured student loan program in North Dakota represents 37.8 percent of full-time college enrollment in that State—and in New York and New Jersey, over 20 percent. Yet in one State, participation is only at the 2.5-percent level, and in the District of Columbia, it is even less.

Mr. Speaker, all of these problems require study, and I am pleased to report to the House that the provisions of the conference report require the Secretary of Health, Education, and Welfare to make determinations with respect to each of these issues and not in only one area.

The language of subsection 6(b) gives the Secretary extremely wide discretion in deciding whether he should take action upon any finding of objectionable discrimination. He is directed only to take "such steps as may be appropriate—to encourage the development—of a plan to increase the availability of financial assistance opportunities for such students." The language is so broad that it would support the Secretary, if he should find, for example, that banks which prefer their own customers have a much better record in making loans than do banks which do not have such a preference.

I do want, however, to state as strongly as possible, that the language of this bill does not constitute any prejudgment that practices by banks are per se bad.

In this connection, it is important to observe that the banks have an important stake in choosing among applicant borrowers. There are many more requests for loans—than the funds available during these days of tight money and high interest. The lending institution carries the cost of administration and collection costs and must face the risk of loss of interest. The Federal guarantee applies only to the principal. The loans can run for as long as 10 or 15 years, and the loss of interest after such a substantial period can be a matter of real concern to the bank. Collecting from students who may be scattered over the world is quite different than collection problems for borrowers of other kinds of loans who reside in the geographical area served by the bank.

Similarly, in the reinsurance program, by which the Federal Government reinsures State-guaranteed loan programs, the Federal guarantee runs only to 80 percent of the principal insured by the State. In four States, the State guarantees only 90 percent of the loan principal, and in one State only 80 percent. In those States under the reinsurance program the lending bank faces a possible loss of part of the principal as well as a loss of the interest. It is also important that in the reinsurance program the Federal Government guarantees only 80 percent of the State guarantee. The effect is to confront the State also with the possibility of loss, and to that extent the State may be concerned that the lending banks exercise their good judgment in selecting borrowers.

The last clause of subsection 6(b) directs the Secretary within 60 days after making the determination, which in another section is required to be made on or before March 1, 1970, to issue regulations to prevent "where practicable" any practices which he finds have denied loans to a substantial number of students. I do not agree with those who would impose limited reading of the words "where practicable." Fortunately, the words themselves are clear. The words would have to be ambiguous before inquiry could be made about legislative intent. The words here clearly give the Secretary discretion to consider any facts which are relevant to his decision regarding the adoption of regulations to prevent discriminatory practices. I can, for example, conceive of nothing more relevant to the wisdom of issuing such regulations than consideration of whether prohibition of discriminatory practices would increase or decrease the number of loans. Any regulation which would result in a decrease in the number of loans would, in my judgment be impracticable.

The Secretary shall by rule or regulation—where practicable—take steps to prevent any discriminatory practices which he finds result in the denial of loans to a substantial number of students, whether it be discrimination based on sex, creed, color, or discrimination against freshmen students, or discrimination against persons not having a customer relationship, or discrimination against out-of-State residents, or discrimination against State residents attending private institutions.

Mr. Speaker, some have called this legislation "the bankers' bill." With the original Senate provision I have been discussing, some described the legislation as the "antibank bill." Mr. Speaker, the conference report is neither—it is precisely what it should be—a bill to increase the availability of financial assistance for needy college students.

Mr. ESCH. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am glad to yield to the gentleman from Michigan.

Mr. ESCH. Mr. Speaker, I would like to compliment the distinguished gentlewoman of our committee upon her leadership on this and upon her very important clarification of the conduct of the conference.

I would also like to ask her, as we have asked her privately, if in the coming months we will look into the entire area of student assistance, not only student loans. I hope that our committee might examine this total question.

Mrs. GREEN of Oregon. I would say to the distinguished gentleman from Michigan that this entire area must be looked at. This Higher Education Act expires and the subcommittee will be turning its attention to this question in November and December this year. We hope that early in 1970 we can come up with another bill.

Mr. ESCH. I thank the distinguished gentlewoman from Oregon.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I rise to support the conference report. I think that the conference report maintains the basic elements of the bill as passed by the House concerning the allowance of up to 3 percent over the 7 percent statutory limitation now paid to lenders in the guaranteed student loan program.

The three-month period for the computation that was in the House bill is retained in the conference report. The fact that the computation would be made at the end of the period is retained in the conference report as it was in the House bill. And the fact that the computation would be made on the average unpaid balance during the three-month or quarter period is also maintained, so that the substance of the bill as passed by the House is in the conference report.

I think the gentlewoman from Oregon (Mrs. GREEN), who has just addressed the House in the well, has properly directed herself to the one question which was the most plaguing to our conference committee, and that was the question of the so-called Kennedy amendment.

Mr. Speaker, the main reason the conference took so long in reaching agreement was the so-called Kennedy amendment. This amendment, as passed by the Senate, would have required the Secretary of Health, Education and Welfare to prohibit lending institutions from requiring a student or any member of the student's family to carry out any business activity with the lender other than the activity directly related to the administration of the loan. Now, no one is for discrimination. At first glance, this might look like a reasonable requirement for the Secretary to carry out. But the House conferees were convinced that we did not have nearly enough information to pass judgment on any practices of lending institutions before we knew the extent of such practices and their consequences. No hearings were held in the Senate on this amendment, so we did not even have the benefit of expert testimony about the possible effects of this amendment if it were to be passed.

I believe the House was able, against strong resistance from the Senate conferees, to achieve a reasonable compromise on this issue. In the bill reported by the conference, we do not make an a priori judgment that there exists substantial discrimination on the part of lending institutions, nor that such practices, to the extent they exist, are necessarily detrimental to the purposes of the program. As a matter of fact, several letters from lending institutions indicated that they would drop out of the program if the Kennedy amendment became law. We do not know to what extent that actually would have occurred. I think no one was certain of the ramifications of the amendment.

What is certain is that this program is unique among the various financial aid programs. It uses a small amount of Federal money and the guaranty of the Federal Government to generate large sums of money—a total of 1.5 billion dollars so far—from the private sector. The program is totally dependent on the voluntary participation of lending institutions. Our objective should be to increase the number of institutions in the program. Ths seems to me to be the best way to increase the availability of student loans to larger numbers of students.

The Senate agreed in conference to our amendment which calls for the Secretary of Health, Education, and Welfare to determine to what extent any discrimination against any particular class or category of student does in fact exist. If he finds that a substantial number of students in any area are denied the opportunity to obtain an insured loan because of discriminatory practices on the part of lending institutions, he is then instructed to take appropriate steps to encourage the development of a plan in that area to meet the financial needs of such students. The solution, it is important to note, allows the Secretary to work with all financial aid programs, not just the insured loan program. This approach is the most reasonable if we are truly concerned about helping students attend college.

The Secretary is also required, if he determines that a substantial number of students in an area have been unable to secure loans because of discriminatory lending practices, to "prevent, where practicable," such practices. The phrase "prevent, where practicable" is to give the Secretary broad discretion in adopting or amending regulations pertaining to the student loan program. For example, it would not be practicable to prevent credit unions from requiring membership in their organization as a condition for receiving a loan. Nor would it be practicable to require banks to lend to any and every applicant from outside his normal banking area. I believe that the intent of a majority of the House conferees, at least, was to consider not practicable any action on the part of the Secretary which would drastically reduce the number of participating lenders, and therefore reduce the total number of loans available to students in an area.

Finally, Mr. Speaker, we should recognize the valuable contribution over 19,000 lending institutions are making to our society by participating in this program. Many extend loans as a public service when they could get a significantly higher return on the same money through different types of loans. Many lending institutions have gone ahead in making loans this past 2 months, trusting that the Congress would pass a bill similar to that which is before us.

I sincerely hope that we will, with this bill, attract hundreds of additional lending institutions and that all of them will carry out the intent of this program by making as much money available as possible and without any special preference given to one category of students over another.

Mr. DON H. CLAUSEN. Mr. Speaker, I am pleased to support enactment of the Emergency Insured Student Loan Act of 1969 and I commend the work of the conferees.

The Nixon administration, too, deserves real credit for proposing the creative innovation embodied in this legislation as "special allowances." Thousands of students will be able to go on with their educational program because of this meaningful remedy to the interest problems associated with loans under present economic conditions.

But as significant as this step is, it is responsive only to part of the need. The real "gut issue"—one which must be met head-on if we are to make a breakthrough of the kind needed in this next decade—is the way we can and must increase lender participation.

It is becoming abundantly clear that this cannot possibly be achieved without attention to the liquidity problems facing lending institutions in connection with student loans. Some of us are already at work on the establishment of a secondary market mechanism for student loans and I am anticipating legislation on the subject soon.

Tax policy must also, in my opinion, be given increased attention as a vehicle

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to help achieve the country's educational needs. I certainly support the administration's proposed amendment to the tax reform bill providing a special tax deduction to financial institutions as an incentive to make socially desirable loans such as student loans, and so forth. This is a giant step in the right direction.

In addition, we need a comprehensive approach to tax incentives for students investing in their own education and meaningful tax relief for those paying dependents educational expenses and/or establishing funds for this purpose. I am carefully exploring these possibilities.

While it is justifiedly appropriate for us to feel satisfaction with the passage of this legislation, much remains to be done in order to provide maximum educational opportunity for all our young people. This must be the goal for which today's legislative accomplishment is the launching pad.

As a personal aside, I have had several opportunities to discuss the whole array of student assistance programs with the gentlewoman from Oregon (Mrs. GREEN) and the gentleman from Illinois (Mr. ERLENBORN). I admire their grasp of the whole field and appreciate their willingness to consider suggestions. I commend their continued leadership in this area.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Words were used by the chairman of the full committee on labor and public welfare in the other body in this way:

> The words "where practicable" are intended to give him leeway in devising regulations for credit unions, or other lenders who in their charters or bylaws restrict their activities to members, and do not do business with the general public.

Based on what the gentleman from Illinois just said in his very eloquent statement, do you agree that this interpretation is attempting to give the Secretary the kind of leeway the other body has discussed?

Mr. ERLENBORN. I think that interpretation is much too narrow. That is certainly one of the things the Secretary can do in his discretion as to what is practicable. It was rather our intention, and I hope we are making legislative history here today, to show that the words "where practicable" have a much broader meaning. Basically, what we want to do is to see that the passage of this law will encourage participation of lenders in this program rather than to discourage their participation, which the Kennedy amendment would have done without any question.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's clarification of that point. I think it is very important. I concur with him, as one of the House conferees that the analysis given of this in the other body is much too narrow on this point. It is much broader and I think the language of the amendments adopted by the conference committee clearly indicates a broader definition.

Mr. ERLENBORN. I thank the gentleman.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. DELLENBACK. I commend the gentleman for his statement in connection with the bill. As indeed, I commend my colleague, the gentleman from Oregon, for his fine elucidation of a number of points of importance in the bill.

There is one particular question I would like to ask the gentleman in the well which is along the line of the testimony that you have now been giving.

Is it not true in the study which is to be made by the Secretary of the situation that exists so far as the banks and these loans are concerned, it was specifically added in the conference that he would look not only at the practices but look into the consequences of certain practices.

Is it not also true, I would like to ask the gentleman in the well, that the major purpose in insisting on the study include consequences is corelative and contributory to the basic purpose of the bill, namely, increasing the student loans?

Mr. ERLENBORN. The gentleman is correct. I think it was understood throughout the conference that the Members of the House were not ready to make the judgment that the Members of the other body apparently made, that certain practices existed on a widespread basis and that the consequence of those practices was bad.

We are asking the Secretary to make a study to determine whether certain practices do exist, and, if they do, their consequences. This is very important because I do not think we can take any responsible action in the light of those practices unless we know what their consequences are. That is what we are asking the Secretary to determine, and then to take action based on that certain knowledge.

Mr. DELLENBACK. I would like to ask the gentleman whether it is his opinion that the purpose of this bill is to attempt to regulate banks, or whether the purpose of this bill is to help students get loans, and in this idea of the consequences it would be hoped that the Secretary's actions would be aimed at practices which would stop students from getting loans which are needed, but if he feels a practice helps students to get loans, he would not move in an attempt to prohibit or interfere with those particular practices.

Mr. ERLENBORN. I agree with the gentleman. As I stated in the conference, I would hope that our action is intended to help students and not to slap the banks.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Ohio.

Mr. AYRES. I wish to join my colleagues in commending the chairman, the chairman of the subcommittee, and those on our side who worked with them in the conference to bring out what I believe to be a very satisfactory conference report. After all, the intent of the original legislation was to make it possible for deserving students to get loans. That is what we have done.

Mr. Speaker, I believe the Emergency Insured Student Loan Act of 1969 will prove to be a very significant step forward in providing a greater number of students with the necessary financial resources for a college education. The insured loan program, without this bill, would be in substantial danger because of the unusually high interest rates now demanded by lending institutions.

Mr. Speaker, I have been a strong supporter of the GI bill for many years. The Congress can be proud of its record in helping veterans secure a college education. Likewise, we can be proud of our other programs to assist students in continuing their education—especially the NDEA loans, economic opportunity grants, the college work-study program, and Government-insured loans. Each of these programs was aimed to meet a particular need. Each has a specific purpose. And together they form a balanced and impressive effort on the part of the Federal Government to assist hundreds of thousands of students.

Now it is important for us to remember the unique purpose the guaranteed student loan program was designed to fill. This particular program was specifically aimed at helping to reduce the burden of meeting higher education expenses for middle-income families. Large amounts of private credit would be generated by having the Federal Government guarantee individual loans, thereby attracting lending institutions to participate, on a voluntary basis, in meeting the needs of these families. This approach has been successful in generating approximately $1.5 billion of private funds for student loans.

It is interesting to note that, so far, 55 percent of the federally guaranteed loans have gone to families with adjusted incomes of less than $6,000. Seventy-nine percent of the loans to families with adjusted incomes of less than $9,000. So this program is assisting thousands of students who would most likely find it otherwise impossible to attend a college or university. Because the great majority of loans are going to such families, I have no problem with the Federal Government paying lenders a special allowance, up to a maximum of 3 percent as this bill provides, to allow them to continue extending loans to these very needy students.

Mr. Speaker, our objective should be, if we believe in the concept of this program, to do whatever we can to encourage even more lenders of all types to participate in this program. I do not mean to provide lending institutions with possibilities for making large profits on Federal money. Most lending institutions have been willing to participate as a public service, but they do need to be assured of at least breaking even on this program. I believe this bill allows the Federal Government to adjust the return to the lenders, in a fair and equitable manner, whenever economic conditions require in order to see the program continued and hopefully expanded.

I think the House conferees were successful in reaching a fair compromise

on a Senate provision which would have restricted certain practices of some banks—and maybe even resulted in the withdrawal of many banks from the program altogether—before we knew the extent and consequences of those practices. Part of that compromise, about which the House was most emphatic, will require the Secretary of Health, Education, and Welfare to explore ways of using any of the several student financial aid programs to help meet the needs of students who are unable to secure an insured loan in their home areas.

Mr. Speaker, the House conferees shared the strong concern of the other body that a substantial number of students might be discriminated against by some banks for any of several reasons. But we felt just as strongly that the Secretary of Health, Education, and Welfare should not endanger the total program by taking action prior to the knowledge of the real need for any action.

I believe all of us want to see this program administered in such a way that the greatest possible number of eligible students are able to secure an insured loan. This bill is directed toward the goal.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I particularly want to pay tribute to the gentleman in the well, the gentleman from Illinois, and the gentlewoman from Oregon for having done so much in the subcommittee, the full committee, here in the House, and in the conference. The fact that the conference report came back to us is due to the leadership given by the gentlewoman from Oregon (Mrs. GREEN), the gentleman from Illinois (Mr. ERLENBORN), the gentleman from Minnesota (Mr. QUIE), and the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS), all of whom were persevering and dedicated.

Mr. PERKINS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, at the outset, I should like to pay my respects to the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), and the distinguished chairman of the Special Subcommittee on Education, the gentlewoman from Oregon (Mrs. GREEN), for their leadership, as well as, indeed, to the members of the subcommittee on both sides of the aisle.

The bill before us today represents a reasonable compromise to which Members of both the majority and the minority side can, I think, in good conscience, give their support. It is a compromise to which Members on both sides made significant contributions.

Having said that, Mr. Speaker, I should like to comment only briefly on some aspects of the conference report before us which I think are worthy of attention.

One of the significant developments in this session of the Congress to which I think a number of observers have given attention is that Congress has seized the initiative from the President in respect to some of the many important public issues that face us in this country. I, therefore, Mr. Speaker, turn the attention of Members back to what happened earlier in this Congress, when this House went on record by a 2-to-1 majority in support of the so-called Joelson amendment, which provided for an increase in appropriations earmarked for education substantially above what had been recommended by the Committee on Appropriations, and $1 billion above the President's proposed budget for education. The Joelson amendment and the increased money for education which it embodied received such extraordinary support, both from Republicans and Democrats in this House—my memory tells me that there were only 120 votes against the appropriations increase—is, I believe, a prime indication of the initiative in Congress to which I have made reference.

What we in the House of Representatives were in effect saying is that the elected Representatives in the Congress of the United States believe that we should, as a nation, be giving much greater priority to education than the President has been willing to do.

Mr. ESCH. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Michigan.

Mr. ESCH. Mr. Speaker, I was encouraged by the gentleman's comments on the Joelson amendment and I am discouraged by what is happening to it or not happening to it in the Senate. I hope Members on both sides of the aisle will encourage the other body to act a little more expeditiously in regard to this bill. We are already 4 months into the fiscal year. I wonder if the gentleman from Indiana would join me in urging that.

Mr. BRADEMAS. I would be delighted to do so, and I will be glad to mention those views to my colleagues in the Senate if my colleague from Michigan will communicate his judgment to his friends in the administration, and then maybe we could have a little pincers movement on this matter.

Mr. ESCH. I will be happy to.

Mr. BRADEMAS. Mr. Speaker, I want briefly to make another point on the bill before us. It increases authorizations for three major student programs—college work-study, national defense loans, and educational opportunity grants and thereby represents another instance of Members of Congress indicating their deep sense of concern that we are not doing enough to support education, in this particular case, to support student assistance programs.

I quite realize, Mr. Speaker, this is an authorization bill, and that we are not here appropriating money, but I suggest respectfully that in agreeing to these increased authorizations Congress is once again, as we did in the Joelson amendment, saying that we think education is profoundly important.

Mr. Speaker, a final point I want to make has to do with the special allowance that is written into this bill for the purpose of encouraging banks, credit unions and other lending institutions to make more loans to students. I think all of us worked on this bill from the outset—and it was a bipartisan bill—in the hope that we could make possible greater sources of student financial assistance, especially for middle-income students in America.

We all know that we are in a tight money situation which has caused a number of lenders to back away from participating in the insured loan program. I believe that they now have a justification for moving ahead and for being more zealous in providing student assistance loans.

Mr. Speaker, I want to make one other point in this respect. The pattern of participation in the guaranteed loan program across the country has varied considerably depending not only on the interest rate structure, but also on the enthusiasm and initiative and leadership of private lenders in the various communities and States around the country. In certain States, the banks, for example, do a splendid job, and in other States the banks have been doing very little.

I would hope, Mr. Speaker, that the action of the House today in passing this legislation will be taken as an indication to the private lenders of the country of the hope of Congress that those institutions will now regard what we are doing as a vote of confidence in their willingness to loan money to students, and that the banks and other lenders will, in turn, respond by much more zealously and enthusiastically initiating loans to the students of our country.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Iowa (Mr. SCHERLE).

Mr. GROSS. Mr. Speaker, will the gentleman yield very briefly?

Mr. SCHERLE. I am happy to yield to my colleague, the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Indiana said if we pass this bill, we are approving something in the nature of a vote of confidence in the bankers. I know of no reason why there should be a vote of confidence in the bankers in this instance when they can collect 10 percent interest on guaranteed loans.

Mr. BRADEMAS. Mr. Speaker, I would be glad to respond.

Mr. GROSS. Mr. Speaker, I am not asking a question of the gentleman from Indiana. The gentleman from Iowa (Mr. SCHERLE) has control of the time.

Mr. SCHERLE. Mr. Speaker, reluctantly I support the conference report on H.R. 13194 on the so-called emergency student loan bill. However, I am very disappointed with the position taken by the House conferees.

The purpose of a conference, supposedly, is to achieve a compromise. Unfortunately, in my humble opinion, the House conferees surrendered to the other body on the only points of difference that really mean anything. We salvaged absolutely nothing out of the House bill.

Aside from mere technicalities that do not matter one way or another, the Sen-

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ate-passed bill differed from the House version in three major respects.

First, unlike the House bill which amended the Higher Education Act to provide a loan adjustment payment to lending institutions at any time these adverse interest rate conditions occur during the life of that act, the Senate bill is completely separate legislation. This leaves the strong suggestion with the lending institutions that these adjustments are not to be a regular part of the insured loan program whenever necessitated by high interest rates, but are completely apart and may not be renewed after 2 years. I think this is very unfortunate, because the whole purpose of this provision is to reassure lending institutions that they will at least break even on student loans.

The House bill was strictly limited to the matter of the adjustment allowance. Everyone will recall that the student loan bill was brought before this House under suspension so that no amendments could be offered. However, the Senate amended the bill in ways never considered by the House or even by our subcommittee on education. The second major point on which the House capitulated was on one such amendment. The Senate bill contained a provision to prohibit participating banks from restricting insured loans to their own depositors. There were indications that rather than accept such a restriction the banks would simply withdraw from the program and devote their loan funds to more profitable purposes. This, of course, would defeat the purpose of the entire legislation. Also, banks alone would not be affected, but credit unions which by law must require borrowers to be members, and labor unions who make loans to students, but usually only to the children of members.

The House agreed to a compromise on this provision, but the compromise simply orders the Secretary of Health, Education, and Welfare to make a determination of the effects of such practices and then authorizes the Secretary to do by regulation what the Senate bill would have mandated by legislation.

The point is that none of these provisions was included in the House bill, and for a very good reason. There was not one iota of testimony before our committee concerning the subject of this provision, and, I might add, virtually nothing before the Senate committee. We were forced to legislate in the dark simply to get a bill passed.

The third major difference was the provision in the Senate bill which amended three other student assistance programs to increase their authorizations for fiscal 1970 and 1971 by a total of $240 million. The other body never held one single day of hearings on these authorization increases.

These figures not only are far in excess of the budget, but they virtually double the higher student aid figures already voted by the House in the 1970 HEW appropriations bill.

In the extremely unlikely event that the Senate actually agreed to the appropriation of such funds and the House concurred for fiscal 1970, we would have ended any chance to hold to the budget. A far likelier result of this reckless action is to raise false hopes that virtually unlimited student aid will be available this year.

This bill was passed in the House without any opportunity for amendments and now is brought back to the House with increased authorizations totaling nearly a quarter of a billion dollars.

Mr. Speaker, on every item covered in the Senate bill and not found in any form in the House bill, the gentlewoman from Oregon (Mrs. Green)—the distinguished chairwoman of the Special Subcommittee on Education—had planned extensive hearings. That is the proper course—that is normal procedure—find the facts and then legislate on that basis. The work planned by the gentlewoman from Oregon (Mrs. Green) should not have been preempted by a conference committee.

I hope this body takes a long, hard look before it again agrees to consider proposed legislation of this magnitude under a gag rule.

In order for this badly needed student loan program to serve its purpose, I will reluctantly support this bill. The initial delay in passage of this legislation lies with those unwilling to let this body work its will.

But, Mr. Speaker, what really is disturbing is the great semantic game that the House and Senate has played by calling this the Emergency Student Loan Act.

How much of an emergency was there when this conference took 5 weeks to conclude?

How much of an emergency was there when we are already 5 weeks into the present school year?

Or was the term "emergency" used merely as a means into lulling the House into failure to take proper action on this bill in regard to those students who are involved in disorder on our campuses?

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. Dellenback).

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman from Kentucky for yielding to me and wish to commend him for his very significant role in connection with securing adoption of this conference report.

I rise in support of this bill and urge this body adopt the conference report today.

I think it is of major importance to keep clearly in mind that the purpose of this bill is to help students secure loans to assist their education. There is no requirement that any bank participate in the student loan program involved in this bill. In the modern money market any bank can make loans which will yield it a more substantial return than will be possible to obtain from student loans. Even with the special allowance provided for in this bill that will be true. But this special allowance will, we earnestly hope and expect, cause many banks in the country to participate in making badly needed loans when the economics of the present money market might well otherwise have kept them from doing so.

I call that fact to the attention of my colleagues once again as we prepare to vote on adoption of this conference report. As I have indicated on this floor before, I own some bank stock. This stock is in Oregon banks and was originally acquired a considerable number of years ago because of my desire to support and be involved in an industry of very considerable importance to the citizens of my State. Although I have never inquired and do not know, I expect and indeed hope that both such Oregon banks have made loans to students to help them secure a desired and desirable education.

The amount of gain that either of these banks will make under the provisions of this bill is apt to be quite small, and the gain, if any, accruing to my stock ownership extremely small. But I feel that the gain to students and to the cause of education will be very substantial.

For that reason I rise in support of this bill and I urge my colleagues to adopt this conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me for just 1 minute?

Mr. PERKINS. Yes. I yield to the gentleman from Iowa.

Mr. GROSS. As I understand it, nothing has changed in this legislation since it was first considered in the House except to make it worse. There is no antidemonstration amendment. The interest rate on these Government-guaranteed loans still goes to 10 percent with 3 percent of it paid for by the taxpayers. The only thing that has changed in this legislation as it left the House has been to bust the budget by about $230 million or $240 million.

Mr. PERKINS. To be exact, $240 million. There is $100 million for fiscal year 1970 and $140 million for fiscal year 1971. However, we feel that outside of the increased authorizations, the House prevailed.

Mr. GROSS. I thank the gentleman for yielding to me.

Mr. STEIGER of Wisconsin. Mr. Speaker, I support the conference report and was proud to serve as a conferee. The House position has been essentially upheld. The increase in the authorization for three higher education programs was not a part of the House bill but a majority of the House conferees receded on this point.

I must say, Mr. Speaker, that the August 1, 1969, starting date for the incentive payment is not what I would have liked. July 1 as the House bill adopted was preferable. But I am persuaded the August 1 expective date will treat equitably both students and lending institutions. The record of banking institutions in Wisconsin, for example, is excellent in this past August—having granted more loans this year than last year. This record of willingness to assist students is a good one and it is a part of the reason why this conference report is so urgent. We dare not let down the commitment to both the students and lending institutions.

The length of time needed by the conference to resolve our differences is unfortunate but with adoption of the conference report today the insured loan program can continue and grow.

The SPEAKER pro tempore (Mr. Boggs). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 326, nays 10, answered "present" 2, not voting 93, as follows:

[Roll No. 231]

YEAS—326

Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carter
Casey
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyros
Langen
Leggett
Lennon
Lipscomb
Long, La.
Long, Md.
Lowenstein
McCarthy
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Mathias
Matsunaga
May
Mayne
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Passman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Symington
Taft
Talcott
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Watkins
Watson
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—10

Abbitt
Abernethy
Blackburn
Burke, Fla.
Gross
Hall
Landgrebe
Lukens
O'Neal, Ga.
Thompson, Ga.

ANSWERED "PRESENT"—2

Pelly
Quillen

NOT VOTING—93

Albert
Arends
Aspinall
Berry
Brasco
Bray
Brooks
Brown, Calif.
Broyhill, Va.
Burton, Calif.
Cahill
Camp
Carey
Cederberg
Chisholm
Clark
Conyers
Davis, Ga.
Dawson
Devine
Dickinson
Diggs
Dingell
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Evans, Colo.
Farbstein
Fascell
Feighan
Findley
Fisher
Flowers
Flynt
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gray
Griffin
Haley
Hanna
Hansen, Idaho
Hastings
Hays
Howard
Jones, Ala.
Jones, N.C.
Kirwan
Kyl
Landrum
Latta
Lloyd
Lujan
McClory
McCloskey
McMillan
Martin
Meeds
Mills
Montgomery
O'Konski
Patman
Pollock
Powell
Price, Ill.
Pucinski
Quie
Rees
Reifel
Reuss
Rivers
Rodino
Rosenthal
Ruppe
Saylor
Scott
Sisk
Steed
Stephens
Stubblefield
Taylor
Teague, Calif.
Teague, Tex.
Tunney
Utt
Waldie
Wampler
Watts
Whalley
Wilson, Charles H.
Wold
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Albert with Mr. Arends.

Mr. Hays with Mr. Devine.

Mr. Aspinall with Mr. Saylor.

Mr. Brasco with Mr. Findley.

Mr. Edmondson with Mr. Teague of California.

Mr. Rivers with Mr. Fulton.

Mr. Sisk with Mr. Latta.

Mr. Garmatz with Mr. Berry.

Mr. Feighan with Mr. Bray.

Mr. Farbstein with Mr. Whalley.

Mr. Carey with Mr. Cahill.

Mr. Brooks with Mr. Camp.

Mr. Teague of Texas with Mr. Utt.

Mr. Gray with Mr. Cederberg.

Mr. Griffin with Mr. Dickinson.

Mr. Edwards of California with Mr. McCloskey.

Mr. Clark with Mr. Hastings.

Mr. Davis of Georgia with Mr. Hansen of Idaho.

Mr. Kirwan with Mr. Broyhill of Virginia.

Mr. Howard with Mr. Lloyd.

Mr. Taylor with Mr. Kyl.

Mr. Charles H. Wilson with Mr. McClory.

Mr. Mills with Mr. Martin.

Mr. Rosenthal with Mr. O'Konski.

Mr. Fulton of Tennessee with Mr. Lujan.

Mr. Stephens with Mr. Reifel.

Mr. Stubblefield with Mr. Quie.

Mr. Wright with Mr. Pollock.

Mr. Waldie with Mr. Ruppe.

Mr. Jones of Alabama with Mr. Scott.

Mr. Dingell with Mr. Wampler.

Mr. Edwards of Louisiana with Mr. Wold.

Mr. Patman with Mr. Meeds.

Mr. Pucinski with Mr. Powell.

Mr. Reuss with Mr. Conyers.

Mr. Rodino with Mr. McMillan.

Mr. Brown of California with Mr. Flowers.

Mr. Haley with Mr. Hanna.

Mr. Montgomery with Mr. Tunney.

Mr. Watts with Mr. Landrum.

Mr. Burton of California with Mrs. Chisholm.

Mr. Evans with Mr. Diggs.

Mr. Fascell with Mr. Fisher.

Mr. Flynt with Mr. Steed.

Mr. Rees with Mr. Price of Illinois.

Mr. Eckhardt with Mr. Jones of North Carolina.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the conference report just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONFERENCE REPORT ON H.R. 11039, PEACE CORPS ACT AMENDMENTS

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 14, 1969.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. Morgan) is recognized for 1 hour.

Mr. MORGAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, there were three points of difference between the Peace Corps authorization which passed the House and the bill which passed the Senate.

First. The House bill authorized $101,100,000 for fiscal year 1970. The Senate authorization was $95,800,000.

The conference split the difference between these figures so that the authorization is $98,450,000.

XUM

Second. The House bill prohibited the use of any Peace Corps funds to bring volunteers from other countries to the United States under the Volunteers to America program or any other such program.

This amendment was adopted on the floor of the House.

The Senate bill authorized the use of Peace Corps funds for this purpose.

The Senate receded. The prohibition in the House bill remains in effect.

Third. The third difference was an authorization in the Senate bill to contribute up to $300,000 for an international Peace Corps.

The House conferees opposed this provision. We finally reached agreement that contributions could be made for an international register of volunteers, which would provide information to interested organizations or governments as to the availability of volunteers.

Mr. Speaker, the bill we have brought back from conference is identical to the House bill except in two respects.

We split the difference on the funds authorized so that the figure is $2,550,000 below the amount that the House approved.

We also authorized contributions of Peace Corps funds, not to exceed $300,000, for an international register of volunteers.

I believe that we have served the House well, and I urge the approval of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Why did the House conferees agree to this $300,000 for—what is it—a register of volunteers?

Mr. MORGAN. Yes. The figure is just a ceiling. It is not an authorization. It is a $300,000 ceiling on the amount of Peace Corps funds that can be used for this purpose. I do not believe they will be using that much.

Mr. GROSS. Ceilings around here have a habit of representing the amount of spending, do they not?

Mr. MORGAN. I have seen many authorizations pass here which turned out to be much higher than the appropriations.

Mr. GROSS. Why should we spend $300,000 to provide information to interested foreign organizations or governments as to the availability of volunteers?

Mr. MORGAN. This is just a register. The $300,000 or less can be spent only to establish this register, which will be a list of names. We did it to avoid getting involved in an international Peace Corps, which was in the bill that passed the other body. You recognize that we stood fast on the amendment prohibiting any contribution to the Volunteers to America, which was written into the House bill on the House floor.

Mr. GROSS. This might well be construed as being only a little less worse than the other?

Mr. MORGAN. This is much less than the provision in the Senate bill. We have not authorized an international Peace Corps. This authorizes only a register where, when people are available, their names can be furnished to organizations or governments who want volunteers.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Indiana.

Mr. ADAIR. In furtherance of what the gentleman has been saying, let me say to my good friend from Iowa that this does represent a real diminution of the authority proposed in the Senate bill. They would have authorized this amount of money to carry on programs, which was the word that was used. So, as one of the compromises in this bill, we, trying to uphold the House position, changed that and we were successful in protecting our position. We limit it only to maintenance of a register. I would say further that the $300,000 figure is obviously an upper limit, and I for one would doubt that any substantial expenditure of that amount of money would be or could be used.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. I suppose with the explanation of my friend from Indiana we can always be thankful for small favors, but I do not consider it very much of a favor to earmark $300,000 for this purpose.

Let me ask the gentleman one final question, if I may.

How many foreign countries, since the House bill was passed, have kicked out the Peace Corps or threatened to kick it out?

Mr. MORGAN. I think there has been one, possibly, Mr. Gross, since the House passed the bill.

Mr. GROSS. Only one recently. As the Peace Corps is kicked out of foreign countries I assume the chairman of the Committee on Foreign Affairs will, since he is always amenable to reason, be more than glad to cut back on the appropriations for this organization.

I thank the gentleman for yielding.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. Morgan) has consumed 5 minutes.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. Adair).

Mr. ADAIR. I rise in support of the conference report on the Peace Corps bill. The House conferees worked very diligently to uphold the position of this body, and I am satisfied that the result is a bill which will make possible an effective and improved Peace Corps program in fiscal year 1970.

Chairman Morgan has explained in detail the changes made in conference. The dollar figure of $98,450,000 represents a compromise between the House and Senate figures, and is the smallest amount authorized for the Peace Corps since 1964.

However, I believe that this bill will enable the very competent Peace Corps Director, Joseph H. Blatchford, to continue his efforts to improve the agency's efficiency and effectiveness.

The Peace Corps, under Mr. Blatchford's leadership, is moving in a deliberate and reasonable manner toward an emphasis on quality rather than quantity. I agree with this approach. It is far better to have fewer volunteers with more skills that meet the needs of the host countries, rather than to emphasize the numbers of volunteers. Also this approach is more consistent with this year's Peace Corps bill, which recognizes the need for fiscal restraint while endorsing the continuation of this worthwhile program.

I urge your support of the conference report.

Mr. MORGAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROGRAM FOR NEXT WEEK

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority whip the program for the balance of this week and the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the gentleman's inquiry, we will continue now with the consideration of the Export Control Act which comes to us under an open rule with 1 hour of general debate. We will conclude that bill today and there is no further program for the balance of the week.

In further response to the gentleman's inquiry, the program for next week is as follows:

Monday we will have the call of the Consent Calendar.

We have also scheduled for consideration on Monday two bills under suspension of the rules as follows:

H.R. 14030, to extend the authority to transfer peanut acreage allotments; and

H.R. 14195, the Federal Contested Elections Act.

For Tuesday there will be the call of the Private Calendar and, also, for Tuesday and the balance of the week, the first bill to be considered is H.R. 13827, Housing and Urban Development Act of 1969, under an open rule, with 3 hours of general debate.

This bill is to be followed by the consideration of H.R. 13950, the Federal Coal Mine Health and Safety Act of 1969, again under an open rule with 3 hours of general debate.

Following the disposition of that bill there will be for the consideration of the House H.R. 14001, the Selective Service Amendment Act of 1969, subject to a rule being granted.

I understand the committee completed action on that bill this morning. We would hope that a rule will be granted and that we will be able to consider that bill next week.

As the gentleman knows, conference reports may be brought up at any time and any further program may be announced later.

Mr. GERALD R. FORD. In view of the light schedule of business on Monday, would it be possible to consider the rules for the first two bills listed for Tuesday and the balance of the week?

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further; no, I am afraid not. We have notified the Members that we will only consider suspensions on Monday.

Mr. GERALD R. FORD. There is no prospect for the consideration of any appropriation bill next week?

Mr. BOGGS. No, there is not. There are none ready at this time.

Mr. GERALD R. FORD. I thank the gentleman from Louisiana.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to dispense with business in order under the Calendar Wednesday rule on Wednesday next.

The SPEAKER pro tempore (Mr. Rostenkowski). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADJOURNMENT TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

EXPORT CONTROL ACT EXTENSION

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 575 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 575

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4293) to provide for continuation of authority for regulation of exports. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or amendment in the nature of a substitute recommended by the Committee on Banking and Currency now printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. Rostenkowski). The gentleman from Hawaii (Mr. Matsunaga) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. Quillen), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 575 provides an open rule with 1 hour of general debate for consideration of H.R. 4293. A bill to provide for the continuation of authority to regulate exports. As introduced by the Committee on Banking and Currency, the bill called for a simple 4-year extension of the existing Export Control Act. It was reported with an amendment to provide for a reduced 2-year extension in order to afford Congress an opportunity for reexamination within a relatively short period. The 2-year extension was considered preferable in view of the significant changes which have taken place and continue to take place in our foreign policy since the Export Control Act was passed in 1949. The shorter extension was also deemed necessary because of the possibility of future changes in the U.S. balance-of-payments position, the increased availability to Eastern European countries of goods restricted for export by the United States, and the rapid expansion of Soviet and other Eastern European markets, which now present a significant opportunity for American businessmen.

For the purpose of reducing costs to American exporters, the bill was further amended in committee to direct the administration to revise reporting, recordkeeping and export documentation requirements, consistent with effective enforcement and compilation of useful trade statistics. This amendment would save American exporters an estimated $100 million annually, and was deemed especially appropriate in view of recent developments in documentation, computerization, and containerization of merchandise.

Mr. Speaker, I urge the adoption of House Resolution 575 in order that H.R. 4293 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Hawaii (Mr. Matsunaga) has ably stated, House Resolution 575 makes in order for consideration H.R. 4293 under an open rule with 1 hour of general debate.

The purpose of the bill is to extend the Export Control Act of 1949 for an additional 2 years—through June 30, 1971. Additionally, the bill directs the administration, in carrying out the enforcement provisions of the act, to design and develop reporting techniques which reduce the cost to American exporters with respect to recordkeeping and export documentation required by the act.

The Export Control Act of 1949 grants to the President the authority to prohibit or curtail exports from the United States. The act authorizes such control for three purposes: national security, foreign policy, and shortage of supply. Under these limitations, current export policy includes embargo on exports to Communist China, North Korea, North Vietnam, and Cuba and, strict limitations on export to Russia, and Eastern European countries. In furtherance of foreign policy, to cite one example, an almost total embargo on exports to Southern Rhodesia has been in force for several years.

The administrative mechanism of the Export Control Act is carried out by the Department of Commerce which controls U.S. exports through issuance of an export license, to qualified exporters.

The 1949 act has been extended periodically since 1949. The most recent was enacted in 1965 when a 4-year extension was provided.

The bill provides for only a 2-year extension, primarily because the committee wishes to undertake a total evaluation of the program in the near future. Additionally, language was written in the bill requiring improvement in reporting, recordkeeping, and documentation because testimony from U.S. exporter interests indicate that the present recordkeeping system was excessively expensive to carry out. An estimated $100 million can be saved by American exporters, without loss of any necessary information, with an improved system of recordkeeping.

Supplemental views have been filed by the gentleman from Ohio (Mr. Ashley). He notes that in 1949, when the Export Control Act was first adopted, the situation in Europe was substantially different than today. He believes we should reevaluate the program in light of changed circumstances. We are no longer the only technically advanced nation in the Western World. By eliminating or strictly limiting the sale of nonstrategic goods to Communist or unfriendly countries, we limit our export market severely. Additionally, continued pressure on our allies to follow our lead in this matter has placed a strain on our relations with friendly nations. He points out that trade of Eastern Europe with non-Communist nations in 1967 was almost $14 billion. The United States has virtually cut itself off from this trade between allies and Eastern Europe. He believes in view of the situation, Congress should structure the act to bring it in line with reality.

The gentleman from California (Mr. Hanna) has also filed supplemental views indicating that he believes the act should be amended to authorize the President to exercise control over drug exports, which are likely to be unlawfully shipped back to the United States. He has contacted the Attorney General and, if a favorable report is received, he will offer such an amendment.

The gentleman from Kansas (Mr. Mize) has also filed supplemental views. He points out that restrictions in the current law require, as a condition to obtain a license for exporting wheat and feed grains, that 50 percent of such export be shipped in U.S.-flag vessels. He points out the high cost of using American vessels. In the last few years, shipments of wheat and feed grain has fallen off—at the same time it is rising in other countries. He notes that in the last

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3 years not a single bushel of wheat has been sold subject to cargo shipment regulations. This has the effect of neither protecting our merchant marine nor assisting our agricultural producers in disposing of surplus. He believes policy should be revised.

Supplemental views have also been filed jointly by the gentleman from Georgia (Mr. Blackburn), the gentleman from Alabama (Mr. Bevill), the gentleman from Mississippi (Mr. Griffin), and the gentleman from Ohio (Mr. Wylie). They point out that the Export Control Act authorizes the President to prohibit the export of material to any country without notification to, or approval of, the Congress. They believe such a complete embargo is tantamount to economic warfare, and therefore, the consent of Congress should be required. They propose to offer an amendment along these lines at the appropriate time.

The gentleman from Michigan (Mr. Brown) has also filed supplemental views. He, too, believes that the economic and political realities of today and in the 1970's are fundamentally different than the situation during the postwar period. He proposes an amendment that requires the President to take into consideration the availability of a proposed export product for any nation we have a defense treaty commitment with in determining whether an export license should be granted for its sale abroad. He believes that to the extent our friends and allies operate under liberalized trading agreements, that we should revise our thinking in the matter rather than unilaterally removing ourselves from competing with them. He believes that this may be of assistance in arriving at mutual agreements with our friends and allies on which items should be made available and which restricted.

I have no further requests for time, but I reserve the balance of my time.

I urge the adoption of the rule.

Mr. MATSUNAGA. Mr. Speaker, having no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BARRETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4293) to provide for continuation of authority for regulation of exports.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4293, with Mr. Abernethy in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. Barrett) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. Widnall) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Barrett).

Mr. BARRETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Banking and Currency met and, by a vote of 35 to 0, reported H.R. 4293, as amended, to extend and amend the Export Control Act of 1949.

The act provides the President with the authority to prohibit or curtail exports from the United States for reasons of national security and foreign policy, and to protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand.

In the course of the hearings before the subcommittee on international trade, chaired by the gentleman from Ohio (Mr. Ashley), the question was raised whether the export control programs might be continued under other legislative authority, such as the Trading With the Enemy Act, and whether extension of the Export Control Act was necessary.

It was pointed out, in response that the Trading With the Enemy Act contains different criminal sanctions for violations than those found in the Export Control Act, and makes no provision for the civil penalty provided for in the Export Control Act.

A good deal of the flexibility available to the administration in the conduct of the control program would thus be lost.

Originally the bill H.R. 4293 called for a simple extension of the Export Control Act for 4 years.

As a result of 5 days of hearings, the subcommittee recommended an amendment which would provide for a 2-year, rather than a 4-year extension, in order to afford the Congress an opportunity for review within a relatively short period.

Extensions of this length have been more typical in the past since initial enactment of the act in 1949.

In view of possible changes in the near future in our foreign policy vis-a-vis Eastern Europe and in our foreign trade and balance of payments it was felt that a 2-year extension is more appropriate at this time.

A second amendment provides that reporting, recordkeeping, and export documentation requirements should be designed to reduce costs to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Testimony by both administration and public witnesses indicated that recent innovations in documentation and computer techniques point up the need for the Department of Commerce to revise and update its procedures for obtaining compliance with export control regulations and for collecting export statistics.

Superfluous requirements, according to testimony received are costing American exporters an added $100 million annually. Hence, the committee is pleased to recommend legislation which would help to make American exports more competitive, without subsidy, particularly at a time when our trade surplus is all too slender.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4293, to extend the Export Control Act for 2 years. I think it is essential that Members understand what this legislation is and what it is designed to accomplish.

The Export Control Act provides the statutory basis for control over the great bulk of U.S. exports. Its policy objectives are to control exports to the extent necessary for reasons of national security, foreign policy, and short supply.

First. Section 3(a) of the act provides for denial of any requested authorization to export commodities or technical data from the United States "to any nation or combination of nations threatening the national security of the United States if the President shall determine that such export makes a significant contribution to the military or economic potential of such nation or nations which would prove detrimental to the national security and welfare of the United States." In administering the act, the Department of Commerce pursues certain key principles to fulfill this directive:

Controls are exercised over U.S. commodities and technology having significant national security aspects.

Particularly close control is exercised over the export to the Eastern European and Asiatic Communist countries of commodities and technical data that the United States and our COCOM allies have agreed to subject to multilateral control.

Control lists are continually reviewed to retain or tighten controls when warranted, and to relax or remove controls when no longer warranted.

Applications for licenses on individual export transactions are approved or denied following a determination on whether they would be detrimental to the national security and welfare. Such a determination is based on a full study of such factors as the nature of the item involved, the availability abroad of comparable commodities and the likely end-use or end-user, whether civilian or military.

The act permits peaceful trade with Eastern European countries, and its administration by the Department of Commerce is designed to facilitate such trade.

Second. Controls over exports are exercised, as necessary, to further U.S. foreign policy objectives and to fulfill U.S. obligations resulting from international agreements. At present, controls under this provision are exercised on exports to the Middle East, South Africa, Southern Rhodesia, Cuba, the Far East Communist countries, and on nuclear-related commodities in support of the Limited Nuclear Test Ban Treaty and U.S. nuclear nonproliferation policy.

Third. The controls are used to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand. At present, only nickel and copper products are under short supply control.

The bill as reported would add a new subsection (d) to section 6 of the act. This provides that reporting, recordkeeping, and export documentation requirements shall be designed to reduce costs to exporters to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Action to revise these requirements is to be included in the first quarterly report issued after revisions are made. This requirement that the Department of Commerce revise and update its techniques for obtaining compliance with export control regulations and for collecting export statistics gives recognition to the developments which have and are taking place in documentation, computerization, and containerization of merchandise facilitating the movement of goods in our export markets. It is anticipated that the change will facilitate our trade and save our exporters substantial sums of money.

The act, in its present form, provides needed broad flexibility for the President to cope with any contingency. It is essential to give the President such flexibility during these troubled times.

I urge Members to support H.R. 4293.

Mr. BARRETT. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Ashley).

Mr. ASHLEY. Mr. Chairman, the Export Control Act was enacted in 1949 as a temporary measure and as a necessary weapon in the evolving cold war. At that time Western Europe, still economically weak from the ravages of the Second World War, appeared to the Congress to be in realistic danger of attack from the monolithic Sino-Soviet bloc under the leadership of Stalin; and it was further believed, comparing our industrial might with both Eastern and Western Europe at that time, that goods withheld from the Soviets by means of controls on American commodities could not be elsewhere obtained.

Responding to the aggressive, monolithic communistic structure which confronted the free world in 1949–50, two separate administrative agencies were established to impose restrictions on free world trade with Eastern Europe. One was our own Office of Export Control and the other was the combined COCOM apparatus by which Western Europe, Japan, and the United States sought cooperatively to withhold certain goods and commodities from the Communist-bloc countries.

It is normal for a country to impose export controls in case of war or other overriding national emergencies. Our 20-year export controls are not of that character. With specific exceptions—as when there are shortages of particular commodities because of strikes or other reasons—the whole machinery of U.S. control has been directed to one end—to severely limit exports to the Communist countries.

This is illustrated by the fact that these two mechanisms, the Office of Export Control and the COCOM, both designed to restrict trade with the Communist nations, have never been closely coordinated. For example, commodities such as milk and cream, not controlled by COCOM, require a validated license for export to some countries of Eastern Europe, but not for export to Poland and Rumania. The wide differential in goods we control unilaterally, but which are not controlled by COCOM, continues in the face of the congressional mandate set forth in section 2(2) of the Export Control Act that:

> It is the policy of the United States to formulate, reformulate, and apply such controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and to formulate a unified commercial and trading policy to be observed by the non-Communist-dominated nations or areas in their dealings with the Communist-dominated nations.

The Subcommittee on International Trade received testimony indicating that we continue to unilaterally control hundreds of categories of goods on political grounds. Testimony taken by the subcommittee indicated that even now, 2,029 commodity categories are under control for such countries as Bulgaria, Czechoslovakia, Hungary, and the U.S.S.R., while 1,753 of these are controlled for Poland and Rumania, at the same time that COCOM has designated 552 categories for control.

The United States has demonstrated an almost compulsive tendency to regard the denial of trade with Communist nations as a primary instrument or weapon of the cold war, whether trade be in strategic or nonstrategic goods. The countries of Western Europe and Japan, on the other hand, have sought through COCOM to prevent strategic exports to Communist bloc nations, but they have regarded trade in nonstrategic goods and commodities to be not only in their commercial interest but also a means of reducing East-West tensions.

West European allies have seen the embargo as playing into the hands of Stalin. It enabled him to consolidate control in the Communist bloc and forced the small Eastern European countries closer to the Soviet Union. On balance, they have seen the embargo as resulting in a strengthening of the military-industrial sector of the Communist bloc. Under the circumstances, it has been advantageous to the Kremlin.

The United States has exerted a tremendous effort to enforce the embargo. U.S. measures have been so stringent that we have risked American political good will with our allies. West Europeans have further resented the accompanying American economic intelligence work within their countries. They have found U.S. pressures alien to a voluntary alliance.

What has been the net effect of this costly and, to our allies, abrasive effort? Any realistic appraisal must admit that the Soviet Union has become a highly industrialized, technologically sophisticated nation with a military force capable of engaging any adversary in the world. The embargo has failed to shift the balance of power. Communism has not been, and it is now even less likely to be, blockaded out of existence.

The Soviet economy, unlike the smaller East European countries, is practically self-sufficient. Total Soviet imports represent a mere 4 percent of the country's gross national product. It is rich in natural resources. Modern science permits great flexibility through substitute alternatives. A bottleneck approach simply does not work with a nation of such natural endowments and technological level. Besides, the embargo items are not unknown to the Communist intelligence network and, in some respects, the list has aided Soviet planners with important information for determining what commodities to purchase, produce, or stockpile.

At this stage of development, the United States has at least as much to gain as the Communist countries from mutual trade and the barring of this trade today is hurting us more than them. This is true because they can find substitute suppliers for almost everything important, while we cannot find substitute markets in a time when we need more exports desperately, and the concept that we have almost all the advanced know-how and products while they have very little is out of date. As far as the export controls are concerned, we have already lost much leverage for concessions from the Communist countries. At the same time, the controls on commercial goods continue not only as an irritant to our allies but as a loss in business to U.S. firms.

If there is any question about this, we need only consider the fact that the trade of Eastern Europe with the non-Communist world in 1967 was almost $14 billion, of which Western Europe and Japan accounted for almost $9 billion. The United States is virtually a nonparticipant in this trade; while we account for about 16 percent of world exports, we have only about 3/10 of 1 percent of the exports to Eastern Europe. It is worth mentioning, too, that East-West trade has more than doubled during the past 10 years and has grown faster than trade either within the Eastern European bloc or among the Western countries themselves. Over the past decade, world trade has been growing at about 8 percent a year, while East-West trade has been growing at about 12 percent. But because of the frozen trade policy pursued by the United States, we have forfeited any advantage from this increased commerce, and in so doing have given other trading nations a most unique and enviable competitive position.

From the standpoint of our national security and the conduct of our foreign affairs, which of course remain paramount in our consideration of export controls, as well as from domestic economic considerations, we have moved into a period in which the Congress should maintain a close, in-depth review of our export control laws with a view to reshaping them in light of political, economic, and technological changes taking place in Western Europe, Japan, and the Communist countries of Eastern Europe.

Just as the special drawing rights needed to be created in order for the world economy to grow and for the U.S. economy to grow with it, so,

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too, must long standing nontariff barriers to our export trade, including those we have ourselves created, such as our export controls, be more closely and more frequently scrutinized as to their necessity.

Hence, the committee voted unanimously to reduce from 4 years to 2 the time for which the act should be extended.

Mr. Chairman, the direct exclusion of so many of our exports from the Eastern European market has not been without added side effects which have contributed still further to the deterioration of our competitive position in world trade. The desire to severely limit exports to the Communist countries has, over the years, spawned a system of enforcement implemented by an extremely elaborate machinery and a great deal of involved procedure without regard for the cost, both to the government and to the exporter. The elaborate enforcement procedures have continued after better means of control have been discovered. For a long time, proposals for simplifying the policing of the Export Control Act met with little or no action by the Office of Export Control.

Until the Committee on Banking and Currency voted unanimously in favor of the amendment offered in committee by my distinguished colleague from California, Mr. Rees, providing that reporting, recordkeeping, and export documentation requirements shall be designed to reduce costs to the extent feasible consistent with effective enforcement and compilation of useful trade statistics, the way in which the enforcement of the current Act was being carried out was costing American exporters an added $100 million annually just to process one outmoded document, the shippers' export declaration. Until then, the American export community had been meeting for over a year and a half with the Office of Export Control in attempts to do away with one wasteful practice.

The Subcommittee on International Trade heard convincing testimony on this problem from the export community. And in testimony before the subcommittee, Assistant Secretary of Commerce Kenneth Davis admitted that—

> Recent developments in documentation, computerization, containerization of merchandise, and continuous movement of goods require revision and updating of our techniques for obtaining compliance with export control regulations and for collecting export statistics.

Yet it was not unti lthe Committee on Banking and Currency by a unanimous vote recommended adoption of the amendment that Secretary of Commerce Stans announced important changes, effective October 1 and November 1, in export documentation requirements consistent with the amendment and the testimony of public witnesses.

Prior to these changes, which are described in the Federal Register—volume 34, No. 180—for September 19, it has been necessary to prepare a separate document to accompany every export shipment with a value of over $100. The cost of preparing and processing each shippers' export declaration has been estimated at more than $160. The export shipments from the United States number between 9,000,000 and 10,000,000 annually, valued at more than $30 billion. This means that many millions of separate pieces of paper have had to be separately prepared to satisfy the Office of Export Control's requirements. This method of policing each individual shipment labored under the misapprehension that all shipments violate the Export Control Act until and unless proven otherwise.

In this philosophy of enforcing the act, the Office of Export Control in its 83d quarterly report, covering activities for the first quarter of 1968, discussed the results of its work. For the preceding fiscal year, when more than 6 million shippers' export declarations were caused to be prepared, it is stated that:

> During 1967 the Department's Office of Export Control opened 169 preliminary inquiries and 210 new investigations. Last year these investigations resulted in the referral of 29 cases to the Department's Office of the General Counsel for consideration of administrative or criminal-civil actions. The Department's Office of the General Counsel referred six of these cases to the Department of Justice for consideration of criminal prosecution.
>
> During 1967 the Department recalled to the United States one shipment valued at $13,854. In this instance, there were reasonable grounds to believe the shipment would ultimately be diverted to a proscribed destination.
>
> Under statutory authority separate from the Export Control Act, the Bureau of Customs is empowered to seize and have forfeited to the U.S. commodities thereunder. During 1967 District Directors of Customs seized 208 shipments, which the Customs Bureau appraised at $29,276.
>
> During 1967 this civil penalty was invoked once, against a carrier, who was fined $1,400 for minor violations of the export regulations.

From this experience it seems obvious that the method of policing practiced until now did not pass the test of practicability. It was almost like diverting the entire military attention of the United States to another possible annoyance in Anguilla.

Effective October 1, exporters will not be required to file shipper's export declarations for general-license shipments—those not requiring a validated export license from the Office of Export Control—to free-world countries when the shipments are valued at $250 or less. This change alone could eliminate 1½ million documents a year, or almost 20 percent of the total now required. At the same time, it would affect statistically only about 1 percent of the dollar value of U.S. exports.

Effective October 1 high volume exporters meeting requirements established by the Office of Export Control and Bureau of the Census have the option of filing monthly export declarations instead of a declaration for each export shipment to free world countries of goods under Department of Commerce jurisdiction. Reports may be filed in specified written summary form or provided appropriately on computer tape or punched cards that are compatible with systems used by the Bureau of the Census.

This change will reduce paperwork on export shipments as the number of qualified exporters availing themselves of this option increases.

Under a proposed rule change to become effective November 1, exporters no longer will be required to submit export declarations to the Bureau of Customs for authentication before loading merchandise moving under Department of Commerce general licenses to free world countries by air or sea. Instead, they may submit the documents directly to carriers that agree to review the declarations for acceptability before loading and to forward them subsequently to Customs.

This proposed change could affect between 85 and 90 percent of all declarations covering shipments to foreign countries other than Canada, which already is exempt from the preauthentication rule. The effect could be to reduce the expense of documentation processing and runner time, reduce storage and demurrage costs caused by delays in paperwork, and speed export shipments.

Mr. Chairman, without danger to our national security, this represents an important step to our efforts to expand our country's commercial exports. The action of the committee to which this reform is related constitutes a congressional mandate, the rejection of which now could only be interpreted as a repudiation of a significant measure to expand peaceful trade.

I urge adoption of the committee amendments when they are offered.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BARRETT. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Iowa.

Mr. GROSS. What is the definition of "peaceful goods"?

Mr. ASHLEY. That of course is an administrative judgment which is reached through a committee system of representatives from our defense establishment, representatives from the Congressional establishment, representatives from the Department of State and so forth. They arrive at these definitions.

In response to the gentleman's question, I think he will be amused to find that some of the goods we are excluding include the following: insecticides, weed killers, waxes, cotton tire cord, tobacco cures, water purifiers, prepared knots and tufts, cotton or wool, for broom or broom making.

These are some of the commodities that are included in the restricted list.

Mr. GROSS. Would tools and machines to make automobile crankshafts be "peaceful goods"?

Mr. ASHLEY. It would depend, I suppose, on their ultimate use. If they are used for automobile making, I doubt if they would be considered strategic, that is, with respect to COCOM, but I would have to look at our own export control list to make sure.

Mr. GROSS. Could you use an internal combustion engine to power a tank or an airplane?

Mr. ASHLEY. The gentleman is quite

right. If I understood his question, he is quite right. There is simply no real effort on the part of our Export Control Office to distinguish between those goods and products such as brooms and wigs, which are obviously only for peaceful use, and other products which might perfectly well have a use of strategic importance to the consumer.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. Mize).

Mr. MIZE. Mr. Chairman, the purpose of the Export Control Act and the basic reason for its extension without crippling amendment is to provide the President with flexibility in controlling commercial trade with the Communist bloc. Under the terms of the act, the President has authority to license trade or to restrict it if the national security is involved. Those who support the act, without amendment, look to the Executive branch to make crucial day-to-day decisions on individual commodities and products if our security is not to be jeopardized.

Since the list of items which properly should be embargoed frequently changes—sometimes quite rapidly by congressional standards—the Export Control Act of 1949 provides the best protection by calling upon the Department of Commerce to continually review and regulate our trade flow with the East.

Many feel the Department of Commerce exceeded its authority under the act, however, in 1963. While negotiating a massive wheat sale to the Soviet Union, representatives for the then President Kennedy required at least 50 percent of the shipment to be transacted on American-flag bottoms. The U.S. merchant fleet was unable to accommodate the surge in business at that time, so the requirement was waived on much of the 1963 consignment. But the Department, acting under extreme pressure from shipping interests, and certain unions promulgated regulations which made the 50 percent cargo preference, and other part-cargo requirements, a continuing obligation and prerequisite to trade in several agricultural commodities.

In 1963 wheat was in very short supply in the bloc countries. Today, regrettably, the Soviet Union has a surplus of wheat along with every major producing nation in the world. Competition for wheat sales is intense. Under restrictions imposed by cargo preferences and part cargo requirements, the United States has been priced out of the market in bloc countries, to the positive detriment of shippers and farmers in the United States.

In supplemental views to the committee report on the extension of the Export Control Act, I urged the Nixon administration to repeal these discriminatory regulations. Issued under apparent authority vested by the Export Control Act, they bear little relation to the language or legislative intent of the act. Students of these preferences contend that they are wholly unsupportable and illegal as artificial restrictions to purely commercial trade.

I call attention to my supplemental views, and sincerely hope that other Members will join me in urging the Department of Commerce to repeal the cargo preferences on wheat and feed grains trade with certain bloc countries:

SUPPLEMENTAL VIEWS OF HON.
CHESTER L. MIZE

> The Department of Commerce should discontinue its practice of imposing discriminatory shipping requirements as a condition to obtaining a license to export wheat and feed grains to several East Europe destinations. These restrictions became effective at the time of a 1963 Presidential decision to sell a large quantity of wheat to the Soviet Union. Since that time, they have remained in force, and having effectively denied a significant market to U.S. grain shippers and farmers.
>
> Since the 1963 Soviet wheat purchase, the Department of Commerce has administered the Export Control Act in such a fashion that at least 50 percent of all wheat and feed grains sold to several Eastern European countries is required to be shipped on U.S.-flag vessels. Testimony before committees of both Houses of Congress has convinced me that these restrictions, imposed on all such sales whether or not they are "Government sponsored" or purely private commercial transactions, are in violation of at least 30 commercial treaties in force between the United States and other nations of the world.
>
> In addition to the questionable legality of the Commerce regulations requiring cargo preferences on grains, there has been an unacceptable practical result The preferences deny U.S. grainmen markets which they desperately need in a period of world oversupply and buyer's market.
>
> The preferences make the U.S. price unacceptably high. From U.S. gulf ports to Black Sea ports, U.S.-flag shipping rates average about $18 per long ton on ships of over 20,000 tons displacement. Comparable foreign vessels will ship the commodities for about $7 per long ton. This disparity in shipping rates has been the reason, by and large, for the failure of American sales in the years the preferences have been in force. During fiscal years 1965 through 1968, the United States shipped just under 2.5 million bushels of wheat to affected destinations. During the same period of time, Canada shipped 551 million bushels; Australia shipped 53 million bushels; and France shipped 102 million bushels. The United States was able to make sales in countries where the restrictions do not apply. In those same years, our sellers shipped 138 million bushels to Poland and Yugoslavia.
>
> I considered offering an amendment to the Export Control Act placing a specific prohibition against the preferences. However, I declined to do so because the origin of the restriction is not in a congressional act but in a decision made by the executive branch. The preferences, therefore, should be removed by the executive branch.
>
> In the past 3 years not a single bushel of U.S. wheat has been sold to any nation subject to cargo preference shipments. Thus, any supposed protection or benefit for the U.S. merchant marine is wholly illusory. The 75,000 members of the maritime union have had no shipments to carry; therefore, they have had no work guaranteed them by the preferences. On the other hand, 1 million U.S. wheat-farmers and thousands of shippers and consignors have been frozen out of a market in which they otherwise would have been competitive bidders.
>
> Meanwhile, the U.S. surplus of wheat has risen to over 800 million bushels, and could soon reach 1 billion bushels. This year, severe allotment cuts for wheat farmers were necessary due to oversupply at home and abroad.
>
> The preference wrongfully interfere with sales of nonstrategic goods. They contribute to the financial burdens of the United States, for they require grain to be stored at home, at Government expense, when it could be sold abroad. Most important of all, they contribute to the crisis of our faltering agricultural exports, which is partially responsible for disgracefully low market prices for commodities in the United States.
>
> Elimination of cargo preferences would in no way curb the flexibility which the administration desires in the Export Control Act. Just as before, any shipment to any Eastern European country could be prohibited for reasons of national security or foreign policy or domestic short supply. Cargo preferences in no way contribute to the stated legislative goals of the Export Control Act.
>
> I support the administration's desire for flexibility. To this end, I have supported a straight extension of the act, without amendment. But I call upon the executive branch to eliminate discriminatory restrictions on purely commercial trade. They are probably illegal; they are certainly unsupportable from a budgetary point of view. They are clearly not in the best interests of all the people.
>
> I should observe that cargo preferences on "Government-sponsored shipments" have historic precedent. Those shipments, such as food-for-peace consignments, are entirely independent of any criticism I have advanced here. As national policy, we have decided that Government-sponsored shipments should be consigned to a large extent on U.S.-flag ships. I have no basis for opposing that policy—there is good evidence to show that without those preferences, the U.S. merchant fleet would become insolvent through inability to compete on the high seas.

Mr. KLEPPE. Mr. Chairman, will the gentleman yield?

Mr. MIZE. I am glad to yield to the gentleman from North Dakota.

Mr. KLEPPE. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Kansas (Mr. Mize), and join him in urging the Department of Commerce to eliminate discriminatory cargo preferences and part cargo requirements on shipments of wheat and feed grains to selected Eastern European destinations.

The executive branch has the authority, under the terms of the Export Control Act, to restrict or prohibit shipment of any commodity or product to any bloc country for national security reasons. I would urge nothing to deny the President that authority.

Cargo preferences, however, are based upon Commerce regulations using the Export Control Act as apparent legislative authority. There is, of course, nothing in the language or legislative history of the act which calls for cargo preferences on commercial shipments of wheat and feed grains. The preferences are in violation of commercial agreements this Nation has an obligation to honor. They are applied to commodities determined to be nonstrategic. Their effect has been to deny a lucrative market to U.S. farmers and shippers that they otherwise might well enjoy as competitive bidders.

During the past 3 years, there has been no U.S. sale of wheat or feed grains to any Nation covered by the preferences. Meanwhile, our Canadian, Australian, and French competitors have conducted a lively trade in wheat with those very countries.

I congratulate the gentleman from Kansas for his forthright and well-reasoned supplemental views calling for elimination of cargo preferences on pure-

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ly commercial sales. There could be no more appropriate time for such action, for never has competition for commodity sales been more intense among exporting nations. U.S. farmers have an 800-million-bushel carryover in wheat that must, in substantial part, be sold abroad if prices in the market place are to be improved. One million U.S. wheat producers, and thousands of consignors, have a direct financial stake in the elimination of cargo preferences on purely commercial sales.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. MIZE. I yield to the gentleman from Minnesota.

Mr. ZWACH. Mr. Chairman, I thank the gentleman for yielding. I also wish to associate myself with the most important remarks of the gentleman from Kansas and to express the hope that they can be implemented. This is most important to our agricultural foreign trade.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. MIZE. I am happy to yield to my distinguished colleague from the great State of Kansas.

Mr. SHRIVER. Mr. Chairman, I want to join with my fellow Kansan on the Banking and Currency Committee (Mr. Mize) in calling on the Department of Commerce to discontinue discriminatory shipping requirements as a condition to obtaining a license to export wheat and feed grains to Eastern Europe.

Since 1963, the Department has required at least 50 percent of all wheat and feed grains sold to selected Eastern European countries to be shipped on U.S.-flag vessels. The unintended result has been a complete cessation of such sales. U.S.-flag shipping rates average about $18 per long ton compared to about $7 per long ton on foreign vessels. Thus, this executive branch decision has made the U.S. price for these commodities unacceptably high, and not a single bushel of U.S. wheat has been sold to the nations in question for 3 years.

The publicized justification for this regulation was the protection of our merchant marine. However, since the regulation has eliminated all of these sales, there obviously can be no benefits to shipping interests.

The practical effect has been the freezing of a potential export market for our 1 million U.S. wheat farmers. Our wheat surplus may soon reach 1 billion bushels, a situation which has led to drastically low domestic market prices and severe allotment cuts for next year's crop.

There is no legitimate reason for continuing this regulation. It has not worked, and it has caused much damage to an important segment of our economy. It should be discontinued.

Mr. ANDREWS of North Dakota. Mr. Chairman, I wish to associate myself with the remarks of my colleague from Kansas (Mr. Mize) and I want to congratulate him for calling attention to the discriminatory Executive order which requires at least 50 percent of all wheat and feed grains sold to Eastern European countries be shipped in American bottoms.

Since this restriction has been in effect, since 1963, I have objected to it as an intolerable situation without justification. Spokesmen for the maritime industry have insisted that this restriction is essential in order to maintain this country's merchant fleet at a level necessary for defense purposes. I presented this view to then Secretary of Defense Robert McNamara in 1966 when he appeared before the Foreign Operations Subcommittee of the Appropriations Committee, and he replied:

> I will say without any qualification that I see no excuse for insistence on the use of U.S. bottoms for shipping anything other than military goods as a foundation for maintaining a merchant marine capability for defense purposes.

That same year Secretary of State Dean Rusk told our subcommittee the solution must be worked out "between the maritime unions and the maritime industry."

The fact is, the net result of this restriction has been our merchant fleet has been shipping 50 percent of nothing because these countries are not inclined to pay the premium price this restriction imposes on U.S wheat and feed grains.

Mr. Chairman, I want to join with my colleagues in urging President Nixon to rescind this Executive order.

Mr. SEBELIUS. Mr. Chairman, I appreciate very much the opportunity to comment on the remarks of my distinguished colleague, Chet Mize, concerning a matter of vital importance to the wheat industry.

I am greatly concerned that the Commerce Department has used the Export Act since 1963 to place wheat and feed grains in a special category for export regulations.

I have been unable to find any evidence that the existence of the 50-percent shipping requirement helps the U.S. merchant fleet or any other segment of our economy. I believe that it is a self-defeating device that has limited U.S. agricultural trade opportunity and has weakened our position in world trade.

Agricultural producers should be given equal opportunity to compete in world markets without restrictions presently imposed by the Department of Commerce policy. With intense competition in world trade, this regulation has resulted in the elimination of U.S. wheat and feed grain markets in Eastern Europe. The important role of wheat and feed grains in our critical balance-of-payments situation is another important consideration in reviewing this regulation.

This discriminatory trade practice tends to defeat our efforts to improve trade relations with the Eastern European nations.

The existence of this regulation actually undermines our attempts to get other industrial powers to remove non-tariff barriers to trade.

I think it is significant that the entire agriculture community has urged in recent hearings before the Senate Banking and Currency Committee that the Department of Commerce discontinue this practice of imposing discriminatory shipping regulations as a condition to obtaining a license to export wheat and feed grains to several East Europe destinations. The list is most impressive: The American Farm Bureau Federation, National Association of Wheat Growers, Grain & Feed Dealers National Association, Grain Sorghum Producers Association, National Corn Growers Association, National Council of Farmer Cooperatives, National Federation of Grain Co-operatives, National Grange, North American Grain Export Association, U.S. Feed Grains Council, National Grain Trade Council, and the Chicago Board of Trade.

Although an amendment to the Export Control Act would not be an appropriate vehicle for removing this discriminatory trade practice, I want to emphasize my strongest possible support for the request of my good friend and colleague, Chet Mize, that the Department of Commerce discontinue this trade practice involving our wheat and feed grain industry.

Mr. BARRETT. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. Rarick).

Mr. RARICK. Mr. Chairman, this afternoon we consider extending the Export Control Act which will otherwise expire at the end of this month.

After hearing the remarks on the floor and examining the existing law, I am in favor of letting it expire. The absence of any law would offer greater national security than this law.

The American people have been led to believe that this law restricts trading in strategic materials with Communist nations. It apparently does no such thing. What it does is conceal from the American people the names of those who are thus trading with the enemy under Government license. The tenor of the debate makes it plain that big industrialists and not small businessmen are the Americans so favored.

The American people know who the enemy is and reserve the right to regard and treat them as such. The Government should guarantee that they are, in fact, able to exercise this basic right—by publishing the names of firms who are doing business with Communist countries. If the people, then, wish to build any bridges they may do so voluntarily. But if the man and woman who has a son in Vietnam would prefer to see to it that none of their personal dollars go to a firm trafficking with their son's potential killers, they may. Perhaps, in this way, the Government will bring official policies into line with the expression of the national will.

If this law did what it was intended to do—restrict shipment of strategic material to Communist nations—I would certainly be in favor of its extension and its strict enforcement. If we allow it to expire it is possible that a new law which will actually do what Americans thought this one was doing can be enacted.

It is amazing that most of the debate here today indicates this law is being clandestinely manipulated to conceal the identity of the large business interests who deal with the enemy. Members have reported that licenses are refused to small businessmen to export items in the nature of brooms, milk, and cheese. But on the other hand, we find that the official export control report of the Department of Commerce tells of the licensed export of sophistical industrial machinery including automatic piston machine, automatic crankshaft machine, and industrial furnaces, as well as cold-rolled carbon steel sheets, electronic computers, and scientific and electronic instruments and equipment made in the United States going behind the Iron Curtain.

Mr. Chairman, I include in my remarks at this point excerpts of the report to which I referred:

Export Control Report

EXPORT LICENSING TO EASTERN EUROPE

Commodity applications approved

License applications for commodities valued at $36.8 million were *approved* for export to Eastern Europe during the third quarter 1968. Principal destinations were the U.S.S.R., $15.2 million, and East Germany, $9.3 million. This third quarter total compares with $441 million approved in the previous quarter and $23.1 million approved in the third quarter 1967.

Industrial machinery accounted for $15 million of the total value approved, principally to the U.S.S.R., $11.3 million, and Rumania, $1.5 million. The passenger automobile plant being built by FIAT in the U.S.S.R. was the destination for $10.8 million of these goods, including automatic piston machines, $5.1 million, automatic crankshaft grinders, $2.3 million, and industrial furnaces, $1.3 million.

Agricultural commodities valued at $12.3 million were licensed for export, primarily to East Germany, $7.4 million; Hungary, $2.7 million; and Czechoslovakia, $1.5 million. These commodities were corn, $8.5 million; yellow grain sorghums, $2.3 million; and flax, $1.5 million. Chemicals worth $5.3 million were approved for export to Eastern Europe. The U.S.S.R. was the destination for $3.3 million of these, including aluminum oxide worth $1.4 million.

Cold-rolled carbon steel sheets valued at $1.4 million were approved for export to Rumania. Other approvals for Eastern Europe included electronic computers, peripherals, and statistical machines, totaling $1.7 million; and scientific and electronic instruments and equipment, totaling $1.2 million.

EXPORT LICENSING TO CUBA

The Department *approved* exports to Cuba worth $12,533 during the third quarter 1968. These exports consisted of insecticide sprayers, worth $11,960, for the Pan American Sanitary Bureau's yellow fever program; clothing, personal effects, drugs, and medicinals, valued at $523, for American citizens detained in Cuba; and $50 worth of parts for a teletype printing machine used in connection with refugee flights from Cuba.

I would like to ask the chairman of the committee if he is familiar with the fact that in this quarterly report under the Export Control Act they talk about the licensing of these commodities to Eastern Europe. The report says, moreover, that industrial machinery accounted for $15 million of the total value approved, principally going to the U.S.S.R., and that the passenger automobile plant being built by Fiat in the U.S.S.R. was the destination for $10.8 million of these goods, including automatic crankshaft grinders, $2.3 million; and for industrial furnaces, $1.3 million.

I would like to ask the chairman if these matters were brought up in any of the committee hearings on the bill and what was done by the committee to try to put some teeth into this law to stop this practice?

Mr. BARRETT. I shall yield to the gentleman from Ohio (Mr. Ashley) in order to respond to the gentleman, but before I yield to him I would state to the gentleman from Louisiana that this was all nonmilitary, nonstrategic material.

Mr. RARICK. I believe I have the floor, Mr. Chairman. Excuse me just 1 minute and let me make this comment. Some of my boys are serving in Vietnam. Recently we have heard a lot about the fact that the Russians are now putting tanks into North Vietnam and also Russian helicopters.

If we have been shipping to them automatic piston machines and automatic crankshaft grinders, these are sophisticated machine tools. Machines which make pistons and crankshafts do not care what type of machinery the pistons and crankshafts will operate. When they are placed into items of military hardware, such as tanks and helicopters, might that not be classified as strategic—even military?

If you are going to build gasoline engines to be used in automobiles, they can be taken out of the automobiles and used to power helicopters, tanks, or other of military equipment. We know that Volkswagen engines are used—by amateur mechanics, even—to power light aircraft.

I include at this point in my remarks news stories relating to the presence of Soviet bulldozers and helicopters in Vietnam:

Russian Bulldozer Captured

A Shau Valley.—A Russian-built bulldozer has been uncovered in the A Shau Valley.

The enemy equipment was found recently by Lt. Col. Joseph L. Hadaway, commanding officer of the 3rd Squadron, 4th Cav., 9th Infantry Division while flying over the area in search of Communist trails and bunker complexes.

The bulldozer was partially buried and hidden by brush on the valley floor. It is a model resembling the U.S. Army's D–6 dozer both in size and estimated capability.

Hadaway contacted the 59th Engr. Co. (Land Clearing) to make the actual recovery of the vehicle.

The commander directed the engineer unit's bulldozers as they cut a road to the Russian-made equipment. After recovery, the dozer was taken to FB Rendezvous.

Lt. Col. Stuart Wood Jr., commander of the 27th Engr. Bn. remarked, "It's rather surprising to come upon a piece of enemy equipment which is more or less the counterpart to some of your own. Possibly, it was building a road just like ours—only from the opposite end.

"We've decided to make the machine operational, if possible," he added.

The task of putting the vehicle in operating condition again is under the direction of Lt. Robert A. Goodell, the battalion maintenance officer.

He commented that the dozer was in fairly good shape. "I think our main problem is going to be replacing unrepairable parts. I don't know if the Russian equipment uses metric threads," he said.

Soviet-Built Copters Used by North Viets

Saigon.—The North Vietnamese are now using a small but significant force of Soviet-built helicopters in Laos and Cambodia, U.S. officers reported Wednesday.

Some of the helicopters are the world's largest, capable of speeding troops and cargo from North Vietnam to bases in those two countries adjacent to South Vietnam.

The choppers operate at night at near treetop level along the route of the Ho Chi Minh trail stretching down from Vietnam through Laos and into Cambodia.

Officially, the U.S. Command has no comment on the reports. A ranking officer admitted, however, that such reports had been cropping up and that it was known the North Vietnamese had a force of Soviet-built helicopters available.

There has been no visual sighting of the helicopters from the Vietnamese side of the frontier. The reports have come from agents from radar sightings and at least one prisoner of war who reported being brought from North Vietnam to Cambodia in a troop-carrying helicopter.

Most of the helicopter sightings have been by radar. So far as is known, none has been shot down.

"They operate almost every night," one U.S. officer reported. "They prefer to operate when there is no moon or when the weather is overcast. On moonless nights we get 20 to 30 reports."

BIGGEST IN WORLD

They are put down in American intelligence reports the same way that flying saucers are listed, as "unidentified flying objects."

One type in operation is the M16, code named "Hook" in American military parlance, U.S. officers say. The biggest helicopter in the world, it can carry up to 120 people or around 2.2 tons of cargo.

It gets its name "Hook" because a hook often is suspended from the helicopter to carry additional cargo.

Another type believed in operation is a "Flying Crane" helicopter capable of transporting tanks such as the Soviet-built PT76 models that hit a U.S. Special Forces Camp at Ben Het recently.

Ben Het is in the central highland just across from a densely jungled area of northern Cambodia largely controlled by the North Vietnamese. This is the farthest south that enemy armored vehicles have entered into combat.

In addition to the giant choppers, the Russians are believed to have furnished liaison and light observation helicopters.

Military officers do not expect the enemy to move troops by helicopters to the Vietnamese side of the border. With American control of the air, anything more than a hit-and-run mission would be suicidal.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. Blackburn).

Mr. BLACKBURN. Mr. Chairman, I rise today to propose an amendment to the bill under consideration, a bill to extend the Export Control Act of 1949. As you are aware, with the authority granted to the President under the Export Control Act, he can declare an economic embargo against any nation as he sees fit through the institution of certain procedures described under section 3 of this act. He does not have to inform the Congress of his action or ask the Congress for their consent. The power to regulate commerce with foreign nations is invested with the Congress by the provisions of our Constitution. It is an abdication of our duty to allow the President to institute such proceedings without some action by the Congress.

A complete embargo is tantamount to a declaration of economic warfare. I do not believe that the President should be allowed to declare economic war upon any nation without first receiving the consent of the Congress. At this time,

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when the Congress is concerned over the foreign commitments of this Nation, it should be giving equal attention to economic commitments. An economic embargo is a national commitment and, therefore, the Congress should pass upon it. Today I am proposing an amendment which will require the President to obtain the consent of Congress before he can maintain any long-term economic embargo. We are aware that international situations can arise in which immediate executive action is required. A prime example would be the Cuban missile crisis.

I stipulate in my amendment that the President can impose an embargo for 60 days without first receiving the consent of the Congress, but if consent is not obtained within the stated period the embargo is immediately lifted and cannot be reimposed for at least 12 months without first obtaining congressional authorization.

During the past few years, we have seen an ever-increasing share of the power of Congress over international relations delegated to the Chief Executive. As representatives of the people of the United States, the Congress has a responsibility to pass upon matters of economic importance which affect the international trade policies of the United States. I believe that my amendment is a step in restoring some control over this vital area of the foreign commerce policies of the United States.

All Members of this body know that the international trade policies of our Nation have a direct impact upon the daily affairs of our citizens whether they be laborers, managers, or investors. The Members of Congress, as spokesmen for these citizens, should exercise authority in the area of international economic policy commitments.

Therefore, I urge the Members of this body today to favorably consider my amendment when it is read for approval.

Mr. BARRETT. Mr. Chairman, we have no further requests for time.

Mr. WIDNALL. Mr. Chairman, at this time I yield 5 minutes to the gentleman from New Jersey (Mr. Frelinghuysen).

Mr. FRELINGHUYSEN. Mr. Chairman, I had not expected to take time during general debate on this bill, but I do so in order to ask the gentleman from Georgia (Mr. Blackburn) a few questions about the significance of his proposed amendment.

As I understand the gentleman, his is an astonishing attempt to try to restrict what the Export Control Act actually delegates to the executive branch, and I wonder what he is attempting to accomplish.

In the first place, the amendment, as I understand it, refers to an embargo on exports, which are supposed to be substantial or total in their effect. But the act itself does not even use the word "embargoes." It is basically an export control act, trying to restrict certain goods of a national security nature from countries that might use them in ways hostile to us.

True, we have delegated that responsibility to the Executive. As I understand it, the gentleman does not trust those in the executive branch to carry out their responsibility to prevent certain goods from falling into the hands of an enemy. Does he feel there must be an automatic lapsing of those controls, unless the Congress takes affirmative action?

I will be glad to yield to the gentleman to answer the question.

Mr. BLACKBURN. Yes, if the gentleman will yield.

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. BLACKBURN. This act, of course, deals with the whole spectrum of export policy and there can be no greater export control, of course, than total prohibition against an export to any nation.

Mr. FRELINGHUYSEN. May I point out to the gentleman——

Mr. BLACKBURN. In that regard, if the gentleman will allow me to continue, I think my amendment certainly addresses itself well to this act.

Now the implication that I or the Congress does not trust the Chief Executive, I think is an improper implication. It is not a question of trust—it is a question of responsibility.

As I read the Constitution, the responsibility for the regulation of foreign commerce does rest with the Congress. I think it is a matter of policy to which we address ourselves today; the question, to what extent should the Congress have a right to delegate completely its responsibility to the Chief Executive.

Mr. FRELINGHUYSEN. I might say that all the gentleman's amendment would accomplish, if I understand it correctly, would be to hamstring the Executive in what the legislative body has said we would like the Executive to do. That job is to define what kind of goods should not be exported to certain countries, if this amendment were approved, it would not be possible for a decision on export controls to stick unless we took affirmative action to support the Executive.

Yet, if we take affirmative action, we have added nothing to what the Executive has already done. If we take negative action by saying in effect that we think certain goods which those in the executive branch think are strategic are not then these goods could go to those who might possibly be enemies or might possibly use the goods in ways that are inimical to our national security. To suggest that this act itself covers any kind of control over exports or embargoes is not—I hope—quite true. At least I hope the gentleman's amendment does not attempt to interfere with the embargoes that the United States has agreed to. Would it apply to embargoes applied at the United Nations with respect, quite frankly, to Rhodesia? I had assumed that perhaps that was the objective that he was seeking, to prevent the Executive from applying such an embargo.

Under this act is there authority for the Executive to act in this area or not?

What he seems to be driving at is trying to change or check on the nature of goods that can be exported, or the countries that may be exported to. I do not see what would be accomplished by this kind of hamstringing. Actually, it would require affirmative action by Congress regarding a great deal of complicated lists that have been developed, and which change from time to time. It is all very well to suggest that the Congress should have certain prerogatives with respect to international trade. Congress has been exercising its prerogatives. In this case it has delegated certain responsibilities to the Executive, an action which I think is entirely appropriate.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman again.

Mr. BLACKBURN. Well, I suspect that you and I just have a difference of opinion, and I respect your right to differ with me.

Mr. FRELINGHUYSEN. I might say that I am unclear what the objective is of the gentleman—whether he really thinks that by undoing what the executive branch is attempting to do in restricting imports is going to accomplish very much, except perhaps to release goods that otherwise would not be allowed to leave our shores, and to release them to those that I would assume the gentleman would not want to benefit.

Mr. BLACKBURN. If the gentleman will yield, in the first place I do have some confidence that this body will exercise its responsibility with good judgment. I think if the administration makes a reasonably good case for its export policies that they will be supported by this body. But I for one do not, to put the parallel, mistrust the Executive with what I consider to be exercising the responsibilities of this body.

Mr. FRELINGHUYSEN. Is the gentleman attempting in any way to interfere with national commitments that have been made at the U.N., or with respect to the total embargo placed on certain goods from Rhodesia?

Mr. BLACKBURN. I would be willing, to be very candid with the gentleman, to do so, but I do not think the amendment could have that effect, because this embargo to which you refer was placed as a result of the U.N. Participation Act. But the President in his proclamation also cited the Export Control Act as a part of the authority that he was utilizing.

Mr. FRELINGHUYSEN. So does the gentleman think that this amendment in some way could tie the President's hands with respect to international commitments which have been made and which have been endorsed on several occasions by the United States at the United Nations?

Mr. BLACKBURN. I am not going to try to look that far into the future. I, for one, am perfectly willing to look into some of these commitments and determine for myself, and I will ask Congress to make the determination.

Mr. FRELINGHUYSEN. The gentleman is not answering my question. If there is any possibility that this might in any way restrict obligations which this country has entered into at the United Nations; if that might be the effect, I think that is an automatic reason for opposing it most strongly.

Mr. BLACKBURN. If the gentleman will yield further for a quick response, I do not interpret this as having any

effect on the United Nations Participation Act.

Mr. FRELINGHUYSEN. I do not believe the administration has had any opportunity to evaluate the effects of this particular amendment.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. Brown).

Mr. BROWN of Michigan. Mr. Chairman, we are here today discussing the extension of the Export Control Act. Probably the most significant aspect of that law is its strategic goods provisions. The strategic goods provisions of the Export Control Act are in the law because we wish to control and deny receipt of certain exports to certain nations whose interests are inimical to our own. Probably when we look at it from that standpoint it would be more appropriate for us to call this act the "Unfriendly Nations Receipt Control Act," because that is the basic objective of the act. By these provisions of the law we intend that nations whose interests are inconsistent with ours will not get goods from our exporters which will help them and be detrimental to our national security.

But that law, in order to be effective, must do more. It must have an impact above and beyond our own exporters if we are going to deny receipt of goods to unfriendly nations, to Eastern Europe and to the Russian bloc nations.

The 1949 enactment of the Export Control Act reflected circumstances and conditions that existed at that time. Our friends and allies in 1949 were not competitive in the export market because they did not possess the necessary level of sophistication in technology, nor the productive capacity, to be competitive. Therefore our unilateral controls through the Export Control Act were adequate for controlling receipt of goods by unfriendly nations.

Today is a different story. Our friends and allies are aggressive traders. They oppose controls on trade with the East and do not restrict their industries in the export of goods to the extent that we do ours.

The net effect is ironic. Our Export Control Act provides our friends and allies with an unchallenged market and denies to our industries a market for their goods.

This harms our balance of trade, yet does nothing to further the objectives of the Export Control Act, because elimination of our source of supply to the East does not prevent the receipt of the same goods from Western Europe, Japan, and other free world nations.

Modification, I think, is needed. When we talk about modification, we have two routes we can take. The first I consider to be the realistic approach, and the other is an approach which I think is politically unacceptable.

I reject as politically unacceptable modification which has as its policy liberalization of our definition of strategic goods and trade therein. I reject as unrealistic a continuation of the present policy which does not accomplish our objective, but penalizes our industries and our workers and really harms our balance of payments situation.

In view of this I propose to offer two amendments. Briefly stated the first will give much more flexibility to the President in determining what items can be controlled. Presently the "findings" of the Export Control Act deal only with "materials." My language would add to the word "materials," the words "information and technology," so that the President under the Export Control Act would have the right to control the export of not only materials, but information and technology which would be detrimental to the national security of the United States. Therefore, the President is given broader authority to control by this amendment.

My second amendment is probably the crux of the strategic goods question. It provides very simply and, I might add, very realistically that the President in determining the impact upon our national security of an export, shall look at the availability of that export elsewhere—not elsewhere in the East, but available elsewhere from a friendly nation, a nation with which we have a defense treaty commitment.

At this time I will not expand further upon the amendments.

I think the previous administration was wrong in thinking we could at this point in time, with the problem in Vietnam, get the American people or even the Congress to think politically acceptable, legislation which would liberalize the definition of strategic goods and trade therein.

At the same time, I think it is unrealistic for the present administration to advocate a straight extension of the act, when they don't deny that most of the things I have said are true, and in fact admit that they are using availability elsewhere" as a factor in making some of their present decisions. I think Congress should approve use of that factor and do it now.

(Mr. LIPSCOMB (at the request of Mr. Widnall) was granted permission to extend his remarks at this point in the Record.)

Mr. LIPSCOMB. Mr. Chairman, the purpose of the bill before the House of Representatives at this time, H.R. 4293, is to extend the Export Control Act of 1949, as amended, for an additional period of time, until June 30, 1971. I support this legislation.

It is because of the Export Control Act of 1949 that we have a program under which items and data proposed to be exported from the United States are systematically evaluated to determine whether their shipment to various destinations would be in keeping with our national interests.

The export control program is an important element in our national defense effort. It is necessary that we have the machinery to help prevent shipments of equipment and data which can help to build up the economic and military potential of Communist nations. This is why it is so essential that the act be extended.

The bill would also amend the Export Control Act by adding a clause stating that in every way feasible reporting requirements under the act should be kept at a minimum to reduce as much as possible the cost for reporting, recordkeeping and export documentation consistent with effective enforcement and compilation of useful trade statistics. Attempting to help reduce nonproduction costs is a worthwhile goal in that it could help ease the economic impact of the program on exporters and to that extent such a provision would in my view not be objectionable and in fact could represent a useful addition to the Export Control Act.

I would trust however that in carrying out such a provision the Department of Commerce, which administers the Export Control Act, would exercise every due care to be absolutely assured that the effectiveness of the program is not diminished through weakened reporting requirements. Certainly, too, it should by no means be viewed as a reason or excuse to halt issuance of the Department publication entitled "Export Licenses Approved and Reexports Authorized" which is issued on a daily basis. Several years ago an attempt was made to halt this publication and from all appearances the basic reason for that proposal was to withdraw the document from public scrutiny so the people would not know what is going on in this area, such as what kind of export licenses are being issued, to what countries exports are authorized for shipment, value of the goods, equipment or data sold, and so forth. The attempt should not be repeated.

Though the primary purpose of H.R. 4293 is to provide essentially a straight extension of the Export Control Act this legislation touches on issues much more involved than just the matter of extending the program. It is regrettable that over the years, in spite of the need for a strong export control program because of the threat posed by Communist aggression, the Export Control Act has been administered in such a way that increasingly less stringent policies have been followed in policing the flow of goods to the Communist nations. With the export Control Act due for extension, there have been persistent efforts to seize the opportunity to try to modify the language of the act in such ways which would have the effect of further diminishing its effectiveness in restraining shipment of commodities, goods, and data to the U.S.S.R. and other Communist nations. These efforts must be turned back.

It has been alleged, for example, that modifications are needed because the act is outmoded, that it is too restrictive, and so forth. These allegations in my view are simply without merit.

While restrictions on exports are also for the purpose of controlling short supply items and for foreign policy generally, the central purpose of the Export Control Act of 1949 is to control exports because of their significance to our national security. The act contains a declaration that the "unrestricted export of materials without regard to the potential military and economic significance may adversely affect the national security of the United States."

It provides that rules and regulations

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adopted to carry out the act "shall provide for denial of any request of application for authority to export articles, materials, or supplies including technical data, or any other information, from the United States, its territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President shall determine that such export makes a significant contribution to the military or economic potential of such nation or nations which would prove detrimental to the national security and welfare of the United States."

This language sets forth the very minimum we must maintain as a test to apply in determining whether proposed exports should be cleared for shipment overseas.

I certainly do not agree that the act is outdated or outmoded.

During these critical times there is a continuous need for a strong export control program. Secretary of Commerce Stans in a recent letter to me stated:

> It ~~is~~ the Administration's position that this ~~is~~ not the time to significantly reduce our export controls unilaterally.

The argument is sometimes advanced that there is a large potential market in the U.S.S.R. and Eastern European countries for U.S. goods and commodities and that we are missing the boat economically so to speak if we do not practically scrap the Export Control Act and expand trade with those countries. This approach is misleading and is not based on reality. The hearings on the legislation to extend the Export Control Act contain repeated warnings that the potential for trade between the United States and Eastern Europe should not be exaggerated. A Commerce Department spokesman said that it is not likely to amount to more than 1 percent of our total annual trade in the foreseeable future, even with significant lowering of barriers to commercial East-West trade. It was testified that the prospects for an increase in nonstrategic trade with Eastern Europe and the Soviet Union under present conditions are modest at best.

Also, the impact of our export controls in limiting the volume of our trade with the Soviet Union and Eastern Europe has frequently been exaggerated. It is pointed out that in fact there are serious trade impediments on the part of the Eastern European countries. These include the inconvertibility of their own currencies on world money markets, the limited amounts of convertible currency they have to buy our goods, the fact that they are bilateral trade agreements extensively, the limited appeal in the United States of the kinds and qualities of goods and technical data they produce, the controls the Communists have on all aspects of their foreign trade that result from their totalitarian system of government.

Now, if we are not talking about a wide range or a large volume of goods, precisely what kind of trade is involved in references made to trade with the U.S.S.R. and Eastern European nations which comes under the controls by virtue of the Export Control Act of 1949?

What is involved to a considerable degree is sophisticated equipment, commodities, and technical data because the U.S.S.R. and other Communist nations are attempting to utilize the United States as a shopping center to obtain advanced equipment, techniques, factories, and supplies.

This means such items as electronic equipment, machine tools, petroleum equipment, mining equipment, chemical facilities, industrial processes, computers, and whole factories. Allowing Communist nations to buy such things here means that they can fill gaps in their industrial and economic makeup, or obtain prototypes to eliminate timely and costly research. In other words, they would capitalize on our industrial, scientific, and related achievements. At the same time it allows them to continue channeling inordinate amounts of their resources into military efforts, their space programs, and other high-priority programs which the Kremlin has decreed are needed to help advance the cause of communism around the world.

In this regard, it is sometimes stated that if we do not sell items to the U.S.S.R. and other Communist countries they will obtain them anyway from other Western countries. This argument for lessening export controls is invalid on a number of counts and likely will remain invalid for a long time to come.

A professor of economics, Prof. H. E. Michl, of the University of Delaware, during the hearings on this legislation assessed this argument very well when he said, in part:

> The . . . argument of those who support increased trade, that we should supply these countries because if we don't they will obtain the goods from other countries of the West, is weak and, even if true, is immoral. It is not a fact that the East can obtain from other countries of the West the items they want most—items that embody sophisticated technology. Even when such items are available elsewhere they are frequently of inferior quality or are subject to long delays in delivery. To supply our enemies with goods and equipment which they can use against our troops in Vietnam or in future wars for the sake of a small decrease in the deficit of our balance of payments is, in my opinion, indefensible.

The Export Control Act should be extended. It should not be weakened. We must also require that it be administered in such a way so that we have maximum assurances that equipment, technologies, commodities, and data going to the U.S.S.R. and other Communist nations are not detrimental to our national security and welfare.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. BARRETT. I yield such time as he may consume to the gentleman from New York (Mr. PODELL) for a very important report.

(By unanimous consent, Mr. PODELL was allowed to speak out of order.)

WELL, WHADDYA KNOW? THE METS ARE WORLD'S CHAMPS

Mr. PODELL. Mr. Chairman, when the greatest city in America, New York, goes in for any major effort, it goes all out, producing the best or most unique of almost anything it turns its hand to. Such is the case in political campaigns, some mayors, and professional football and baseball teams. Not too long ago, a fearsome aggregation of behemoths from somewhere in Maryland encountered Joe Namath and the New York Jets. The Jets are now world's champions of professional football.

Today we have had a repetition of this wonder in professional baseball, for the New York Mets just became the world's champions as they have swept their fourth straight game in this year's world's series, and that another team from somewhere in Maryland has bitten the dust at the hands of our metro's Mighty Mites. New York City should change its name to "Championship City," because it is truly the city of champions.

The team beaten today by the Mets was a mighty mover and shaker in its day, striking terror into the hearts of all opposition. Astronomical was the number of runs they scored. Baseballs sailed out of stadiums wherever they went, and the moan of the opposing pitching coach was heard in the land and across their league, whose name also escapes me. Batting averages were stratospheric. Earned run averages were microscopic.

Enter David from the peaceful rural hamlet of New York City: The New York Mets of the National Baseball League. Words cannot describe the caliber of their play. An amalgam of the Bums and Giants, who followed the holy grail of more cash into the far-off interior, the Mets occupy a special place in all New York hearts. They are loved by the sufferin' fan. To the stupefaction of all save New Yorkers, the Mets won the pennant in 1969, demolishing a not-so-Brave team from somewhere in straight sets. The world series stage was set for their dismemberment, and the horselaugh of the out-of-town sportswriter, oddsmaker and fan was heard across the Republic.

Today the New York Mets are woild's champeens. Shades of Bedford Avenue and the "Duke." That I should have seen this day—that other team—are they still in the league?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. Was that statement cleared by the gentleman from Maryland (Mr. FRIEDEL)?

Mr. PODELL. It was concurred in after the ball game by the gentleman from Maryland.

Mr. HALPERN. Mr. Chairman, we are again engaged, as we have been eight times in the past 20 years, in deliberations as to whether the Export Control Act of 1949 ought to be extended. Actually, there does not seem to be too much controversy about its extension—most of us seem to agree that it ought to be extended. The controversy rather is centered primarily around whether it ought to be significantly changed in the light of the present realities of international trade, especially trade with the countries of the Communist bloc, against which the act is primarily aimed.

There is no doubt in my mind, Mr. Chairman, that in 1949 legislation designed to control and curtail the exportation of American goods and knowhow to the Soviet bloc, and especially to the Soviet Union, was well-advised. In 1949, you will recall, the memory of the Soviet Union's tightening of its grip on Poland and gaining control of Czechoslovakia the year before, was still fresh in everyone's mind. The cold war had escalated to fever pitch.

In addition to these political grounds for the economic isolation of the Communist countries, such a policy of isolation implemented by the United States appeared feasible also on economic grounds. The countries of the Soviet bloc, ravaged by the destruction wrought upon them by war operations, had barely begun to dig out from under the ruins and to rebuild their economies. In this process, they were in great need of supplies, raw materials and capital goods, from abroad. Most of their traditional suppliers, the countries of the industrialized Western Europe, had been themselves devastated by war and could not be, initially, counted upon to satisfy even partially the needs behind the Iron Curtain. The only potential supplier, economically strong and untouched by the ravages of war, was the United States. In 1949, then, interdicting or controlling U.S. exports to the bloc was tantamount practically to interdicting or controlling all significant exports to the bloc.

With the gradual recovery of Western economies, greatly helped by the Marshall plan, the exclusivity of the United States as the potential source of supplies for the bloc, gradually began to wane. True, the American program of export control was supplemented at an early stage by the international export control program, operating through the Consultative Group-Coordinating Committee network, whose effectiveness was further enhanced by the threat of sanctions embodied in the Battle Act of 1951. Yet, this threat of sanctions, tied as it was to Western Europe's dependence on American foreign aid, became less and less effective as our allies regained their economic strength and grew more and more independent of our assistance. Their economic recovery on the one hand provided the Soviet bloc with alternative sources of needed supplies and knowhow, and on the other hand, made any international export control system increasingly less subject to the U.S. pressures and more contingent on the willingness of our allies to cooperate in it.

Thus a situation exists today, Mr. Chairman, where our allies, who are at the same time members of the international export control system, follow, by and large, a considerably less restrictive and less discriminatory export policy toward the countries of the East. While they all support in word and deed the international program of strict control over clearly strategic materials and information, they also conduct with the countries of the Soviet bloc brisk trade in other commodities which the international consensus as expressed through the Coordinating Committee does not consider of prime strategic importance yet which the United States still persists in subjecting to its own unilateral export controls.

I should like to emphasize that this international consensus is reached by agreement of all the COCOM members, including the United States, as to what types of export controls ought to be placed internationally and on what categories of commodities. Thus the United States seems to follow an inconsistent, not to say clearly schizoid policy in this respect. In international forums it is of the opinion that certain commodities are not strategic enough to be controlled as far as their exports to the Soviet bloc are concerned, while in its own bailiwick it still maintains controls over their exportation.

We may now ask ourselves, Mr. Chairman, what the net result of this somewhat confused and confusing export control policy has been. Has it really achieved the purpose for which it had originally been designed? I submit, Mr. Chairman, that it has not, at least not in the extent or the manner that would be really significant. I am quite willing to agree that by pursuing with the Soviet bloc a considerably more restrictive trade policy than our industrialized allies have, we have been expressing in a tangible way our special disapproval of the international policy of the Soviet bloc in general and of the Soviet Union in particular. But this can be classified only as an act of political import with but scanty bearing on economic realities.

In the extensive hearings before the Subcommittee on International Trade, of which I have the honor of being a member, the point was stressed repeatedly that our export control policy may have, indeed, initially retarded somewhat the economic recovery of the Soviet Union and its satellites and limited the subsequent technological development of some sectors of their economy. On the other hand, the same interdicting policy also spurred them, especially the Soviet Union, into relying almost exclusively on their own resources and developing a high level of industrial and military technology, perhaps even much higher than they would have felt the need to develop under less adverse and hostile circumstances. Let us admit that, if the intent of the U.S. export control policy has been one of preventing the Soviet Union from becoming a first rate world power, both economically and militarily, the policy has failed. I fear it has failed dismally.

Whatever significant or insignificant gains our policy may have made, it also placed our producers and exporters at a distinct disadvantage, for they could not and still cannot export to the Soviet bloc countries a whole array of commodities that our allies have been selling to them for years, all within the international regulatory framework to which the United States itself had agreed. I would like to point out the paradox of the situation. By its official action the United States permits a British, or German, or French, or Japanese manufacturer to make a sale which it does not permit one of our own businessmen to make. The bloc is not thereby deprived of a Western commodity, but the American manufacturer of the same commodity has no chance at all of profiting from it.

It is high time, Mr. Chairman, to put an end to such an anomalous situation. There is, of course, no question about relaxing controls over the exportation of strategic commodities and know-how that would jeopardize our national security. But trade in peaceful goods, goods which our allies have been selling to the Soviet bloc with our consent for years, can only be of benefit to all concerned.

I would be, of course, overly optimistic if I expected that a relaxation of our export controls would or even could result in an immediate large increase in the trade between the United States and the Soviet bloc countries. I am fully aware that developing and expanding such trade ties takes time, especially in a situation where a lot hinges also on the policies and practices of one's trading partner. But I am firmly convinced that progress cannot be made unless the unreasonable fetters placed on such trade by our side are first removed.

Therefore, Mr. Chairman, I also intend to support any other legislative action that would be directed at eliminating any unreasonable and unwarranted restrictions on our exports.

Mr. BARRETT. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, and no further comments on the New York Mets, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949 (63 Stat. 9; 50 U.S.C. App. 2032), as amended, is amended by striking out "1969" and inserting in lieu thereof "1973".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, strike out lines 3 through 5 and insert in lieu thereof the following:

"SECTION 1. Section 12 of the Export Control Act of 1949 (50 U.S.C. App. 2032) is amended to read as follows:

" 'TERMINATION DATE

" 'SEC. 12. The authority granted in this Act terminates on June 30, 1971, or on any prior date which the Congress by concurrent resolution or the President may designate.' "

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. ASHLEY

Mr. ASHLEY. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. ASHLEY: Page 2, immediately after line 4, insert the following:

"SEC. 2. Section 1 of the Export Control Act of 1949 (50 U.S.C. App. 2021) is amended (1) by redesignating subsection (b) as subsection (c), and (2) by inserting the following new subsection immediately after subsection (a):

" '(b) Expanded trade in peaceful goods

and technology with all countries with which we have diplomatic or trading relations can further the sound growth and stability of the United States economy as well as further our foreign policy objectives.'

"Sec. 3. Section 2(3) of the Export Control Act of 1949 is amended to read as follows:

" '(3) The Congress further declares that it is the policy of the United States to encourage trade in peaceful goods and technology with all countries with which we have diplomatic or trading relations, except to the extent that the President determines such trade to be against the national interest.' "

And redesignate the succeeding section accordingly.

The CHAIRMAN. The gentleman from Ohio (Mr. Ashley) is recognized for 5 minutes in support of his amendment.

Mr. ASHLEY. Mr. Chairman, I believe that it is time to give full congressional recognition to the value in expanding trade in peaceful goods and technology with the Soviet Union and the other countries of Eastern Europe; and I believe it is time our export control laws and policy implemented this objective.

The Export Control Act should be amended to include a finding that expanded trade in peaceful goods and technology with all countries with which we have diplomatic or trading relations can further the sound growth and stability of the U.S. economy as well as further our foreign policy objectives. The act should be further amended to include a declaration that it is the policy of the United States to encourage trade in peaceful goods with all countries with which we have diplomatic or trading relations, except to the extent that the President determines such trade to be against the national interest.

Let me emphasize that I am talking about trade in peaceful goods. The United States and COCOM nations would continue to maintain lists of products of direct military relevance which, indeed, should not be sold or transferred to Eastern Europe. These include direct military items, items in the atomic energy field, and a list of nonmilitary items which are considered to be closely related to the military capabilities of the Soviet Union and the other Communist nations of Eastern Europe. These items are embargoed and are not sold at all or if sold, are sold only after full consultation with the members of COCOM. This would continue to be the situation.

Briefly stated, the basis for this new finding is no more than a return to the historic and traditional policy of the United States to engage in world commerce with nations with whom we are not at war. Our Nation has many obligations but none is more important than our responsibility to the cause of peace. This cause, as we know from our history, can be promoted by contacts—including trade—with nations with whom we have very real ideological differences. It is equally clear that inflexibility and refusal to communicate and explore contacts can only foster deeper antagonisms and bring us closer to war.

There logically follows from this a new, additional congressional declaration in section 2 that it is the policy of the United States to encourage trade in peaceful goods and technology with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest. There has been an entirely unwarranted stigma attached to legitimate trade with Eastern Europe which has inhibited many firms from actively pursuing trade opportunities which would cumulatively serve our national security, foreign policy, and economic welfare. It is time to remove what may be even so much as a hiht or trace of any such stigma.

As I indicated in my remarks in general debate, the Subcommittee on International Trade received testimony indicating that we continue to unilaterally control hundreds of categories of goods on political grounds. Testimony taken by the subcommittee indicated that even now, 2,029 commodity categories are under control for such countries as Bulgaria, Czechoslovakia, Hungary, and the U.S.S.R., while 1,753 of these are controlled for Poland and Rumania, at the same time that COCOM has designated 552 categories for control.

Hundreds of these commodities which we continue to control are viewed as peaceful, it seems, by everyone but our Office of Export Control. Consider, for example, the following which continue to be controlled: milk and cream; wheat, rice, barley, corn, rye, oats, grain sorghum; oil seeds, flaxseed and vegetable oils. The grains among these are subject to such restrictive requirements that they are virtually impossible to sell competitively from the United States.

Other examples of categories embrace all types of the following: Waste and scrap and reclaimed rubber, coloring materials, varnishes, insecticides, disinfectants, weed killers, waxes, farm tractor tires, sponge rubber and foam rubber goods, cotton tire cord, fiber glass yarn, glass in balls, rods, or tubes, cast iron soil pipe, hand tools for pipe threading, shoe lasts, ovens, furnaces, cane and maple syrup evaporators, crop dryers, forage dehydrators, tobacco curers, pulp and paper mill machines, water purifiers, softeners, filters and other machines for water treatment and sewage disposal, weighing machines and scales, propellors and paddle wheels for watercraft, electric steam cabinets for turkish baths, face and hand dryers, storage batteries, electrical traffic control equipment, electrical components and parts for machinery and appliances, electrical apparatus and parts, nonmilitary buses, parts and accessories for nonmilitary vehicles, prepared knots and tufts, cotton or wool, for broom or brush making, vacuum bottles, jugs and chests, and miscellaneous manufactured articles, not elsewhere classified.

Here are some of the items destined for Eastern Europe which, in just the past few days, required a specific export license:

A $184 control instrument for office building air conditioning in Czechoslovakia.

Door seals for passenger cars, valued at $3, in the U.S.S.R.

Synthetic leather, valued at $27,000, for the making of shoes in East Germany.

A motion picture sound track, valued at $980, for Czechoslovakia.

Yellow corn, for animal feed, valued at $6,100,000, broken into two licenses, for East Germany.

Chemical analysis equipment, valued at $3,987, for wine products research, authorized for reexport from Switzerland to Hungary.

It should also be understood that thousands of items for which licenses to ship to non-Communist countries have been approved must be amended if the value of the shipment for one reason or another, changes. For example, a licensed shipment of resistors to Taiwan, changed in value from $312,458 to $317,649, required approval of an amended license.

In this attempt to police the world, the Office of Export Control requires validated licenses for the reexport of thousands of items from one free world country to another. Just the other day, it was necessary for one of our exporters to obtain specific permission to send $4,382 of industrial chemicals from Belgium to Argentina. A license was required to send $100 of synthetic resins from West Germany to France, and to send an oscillator valued at $600 from West Germany to Italy.

Mr. Chairman, is it any wonder that our international business firms find it increasingly difficult to compete in the world economy? It costs more than $160 just to process the shippers' export declaration. The licensing process itself is costly. Its use to inhibit the flow of peaceful goods in these times is indefensible. My amendment to the Export Control Act would mandate the Department of Commerce to shear the unwarranted shackles that have been put on our export trade. I urge its adoption.

Mr. SCHERLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the many fine American military personnel of Swedish descent serving valiantly in Vietnam must be tragically disappointed by the ungrateful and morale-defeating attitude of the mother country, to which they bear close ethnic and emotional ties, for her harsh snub to the United States. Sweden, the European haven for American deserters and draft dodgers, has just announced plans to support Hanoi to the tune of $40 million in loans and grants over a 3–year period. State Department information indicates that these moneys are scheduled to begin flowing to Hanoi next July 1.

Before Sweden can give these millions to an avowed enemy of the United States, we should insist this "professionally neutral" country repay the balance of her multi-million-dollar loans from the Export-Import Bank, which is wholly American supported. Even though amendments to the Export-Import Bank legislation demand a complete credit cutoff to any country aiding North Vietnam, those provisions do not go into effect before the fact. Consequently, Sweden could continue to borrow hard-earned American dollars until next July. It had obviously never occurred to Sweden that the U.S. Congress could be far-

sighted enough to enact legislation which would automatically stop any further dollar drain through the Export-Import Bank in situations like this. Sweden did not know there was a limit to just how much of an international patsy the American taxpayers could be forced to be.

The new Swedish Prime Minister, Olof Palme, former Minister of Communications, will be responsible for implementing this policy and has already announced his intention to increase Swedish aid to Cuba. His "credentials" include participation, with a North Vietnamese diplomat, in the anti-American torchlight parade which triggered the recall of the American Ambassador from Stockholm, and Palme's appearance in the highly controversial and allegedly pornographic Swedish film "I am Curious, Yellow."

The United States has always considered Sweden a friend worth aiding, both financially and with favorable trade agreements; but it is the height of folly for this country to support those who give aid and cash comfort to our enemies. Since when is friendship a one-way street?

The gentleman from Ohio (Mr. Wylie) was the author of an amendment to the Export-Import Bank Act which cuts off loan applications to countries who give aid and comfort to the enemy. Is the same restriction in this bill and if not, should it not be?

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman.

Mr. WYLIE. In specific answer to the question of the gentleman from Iowa, the Export Control Act of 1949 does not contain language to which the gentleman has referred and which was incorporated in the act known as the Export-Import Bank Act of the United States.

As the gentleman suggested, an amendment was offered and adopted which would prohibit a loan from the Export-Import Bank to any country with which we are engaged in armed conflict, or to any country dealing directly or indirectly with any country with which we are engaged in armed conflict. The same restriction is not in the Export Control Act of 1949 specifically. Although I am told by persons in the Department of Commerce that the executive branch has imposed economic sanctions along the lines that the gentleman from Iowa has suggested and, as a matter of fact, no export trade is authorized with North Vietnam, Cuba, North Korea or Red China.

As the gentleman pointed out, however, Sweden has borrowed money from the United States through the Export-Import Bank which is wholly owned and wholly controlled by the United States, and Sweden is, in turn, loaning the same money—I suppose it is the same money—to North Vietnam.

Now, I compliment the gentleman from Iowa——

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I would prefer that the gentleman from Ohio (Mr. Wylie) be permitted to complete his statement.

Mr. WYLIE. I would just like to say that I compliment and agree with the gentleman from Iowa.

It seems to me that to trade with those who aid the war potential of an enemy nation that is at this moment killing our boys in Vietnam is a travesty and is morally indefensible.

The Export Control Act of 1949 (50 U.S.C.A., App. 2021–2032) in section 2, declares that exports should be controlled "to further the foreign policy" of the United States and enhance our national security. It further states that the United States should apply the controls in cooperation with allied nations in trading with Communist dominated countries.

The President is given broad authority to implement these policies by prohibiting or curtailing exports from the United States.

Common knowledge indicates that many of our allies and other friendly nations engage in active trading with our Communist enemy in North Vietnam. This trade strengthens the industrial base of North Vietnam and relieves pressure on their domestic economy, thereby helping place North Vietnam in a position to manufacture some of its own war materials.

I would like to urge the President to exercise every effort, legally and morally, to convince our friends and allies to refrain from trading with North Vietnam. If these efforts fail, I would suggest that the President take appropriate steps to curtail or halt all U.S. trade with those nations that trade with North Vietnam.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. Ashley, and by unanimous consent, Mr. Scherle was allowed to proceed for 1 additional minute.)

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Chairman, I think the record should be made clear. If the gentleman from Ohio is saying that the Export-Import Bank issued credit to Sweeden, which in turn was loaned by Sweden to another country, then the gentleman has a rather remarkable misunderstanding of the Export-Import Bank. The Export-Import Bank finances domestic manufacturers in their sales abroad, so the statement by the gentleman from Ohio would be manifestly wrong.

Mr. SCHERLE. Along with good common business sense a principle also is involved. It would be utter hypocrisy to extract money from the American taxpayer and give it to a "neutral" country like Sweden and they in turn loan it to the very people who are dedicated to killing our boys on the battlefields of Vietnam. How stupid can we get?

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Ohio.

Mr. WYLIE. With reference to the statement by the gentleman from Ohio (Mr. Ashley) in the Export-Import Bank bill it says that the bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise.

And then there is another section which applies the same prohibition to a country which deals directly or indirectly with a nation with which we are engaged in armed conflict.

Mr. SCHERLE. Mr. Chairman, if for no other reason than principle alone, I think the amendment offered by the gentleman from Ohio (Mr. Ashley) should be voted down.

One ironic coincident is that on the very day that Sweden's Foreign Minister Nilsson announced that that country was going to grant $40 million in assistance to Hanoi, the U.S. Tennessee Valley Authority awarded a $2 million order for electrical transformers to ASEA, a Swedish heavy electric equipment company.

It is also my understanding that a group of junketing Swedish parliamentarians are soon to visit this country. They are reported to want to visit with American Congressmen. I am sure that the purpose of that trip is to find additional ways for Sweden to "tap the till" of the American taxpayer.

Mr. REES. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, I speak in favor of the amendment bceause I think it is good business for the United States, and I think it is good for our foreign policy. Right now we have a group that you have heard about during the debate called COCOM, which is a group of industrialized nations, that have agreed upon a list of materials that will not be sent to Communist nations because these materials directly aid their war potential. But the list that we have in our Export Control Act is far more comprehensive than the COCOM list, includes many items not related to the military potential of a country. The problem for an exporter is that he has to deal with three different governmental agencies to try and find out what he can export to an Iron Curtain country.

I am an exporter by trade, although I have only dealt with Mexico. It is tough enough just dealing with non-Iron Curtain countries when you have to go through all the bureaucracy that we have in the Federal Government to obtain the export license and the export financing that you need.

When one has to go through COCOM to get an OK by the State Department and the Defense Department and the Commerce Department, it means money lost and at times a lost export because of the delay.

So American exporters of American products do not get into many of the Iron Curtain countries, and I think it is good that our products get there because it makes for a dependence on American technology and on American supplies.

Let me give you one example.

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Yugoslavia, considered a "hard" Iron Curtain country in our Export Control Act, is in between. But Yugoslavia just a few years ago was a "hard" Iron Curtain country. Yugoslavia a few years ago did most of their trade with the Soviet Union and the Soviet bloc. But today Yugoslavia is dealing primarily with the Western bloc.

If you want to study their economy and ideology, you probably will find that Yugoslavia's economic system is closer to our own economic system than they are to the Soviet system.

Just last week it was announced that a consortium of Western banks from the United States and Western Europe, is now going into equity financing of investments in Yugoslavia.

So here is a country that was once a hard-line country. Now they were able to trade with the Western bloc and have developed a stable currency and become a member of the International Monetary Fund. We find Yugoslavia is independent—they are no longer a confirmed, iron-core Communist country. When we have a tragic event like the invasion of Czechoslovakia, we find that Yugoslavia has the guts and the independence to stand up and condemn this move.

Look at other Iron Curtain countries, for example, Rumania. Here is a country that is trying to develop an independent policy, independent from Soviet domination. I think we should be doing everything we can in our own foreign policy and in our own trade policy to try to encourage Rumania to have trade relations with the West and become less dependent on the Soviet bloc.

This amendment is a good amendment. It will build up our trade. As you know, our trade balance has been going into the red. We should be encouraging trade, not discouraging it.

An enlightened policy puts our products into a country where product dependence will be built up. Also, it means, eventually—looking at what has happened historically in the past—it will bring these countries closer to the United States and further away from the Soviet economic domination.

I am convinced that if we had had a more liberal policy with Czechoslovakia, the invasion might not have happened.

If we were able to grant Czechoslovakia the most-favored-nation treatment, and if we were able to develop a more liberal trade policy toward Czechoslovakia, perhaps the Soviet tanks would not have gone in there and smashed the Dubcek regime.

The amendment is good for the United States, and it is good for our business. It is good for our foreign policy. I would urge its adoption.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman.

Mr. WYLIE. Are we not now exporting to Yugoslavia under this law?

Mr. REES. Yes. Yugoslavia is an exception from the Export Control Act, an exception from this bill. But what you have going on is that Rumania might bring this country into the same situation as Yugoslavia. This amendment would hasten this trend.

Mr. WYLIE. The point I am making is that under the present law, the executive branch could authorize trade with Czechoslovakia if it felt it to be in our best interest just as it has authorized exports to Yugoslavia; could it not?

Mr. REES. No; there are several restrictions. One is the most-favored-nation treatment not granted to other countries of the Iron Curtain except Poland.

The Executive does not have the power automatically to grant most-favored-nation treatment.

Mr. WYLIE. Is Yugoslavia a most favored nation?

Mr. REES. Yes; Yugoslavia and Poland are two countries that have most-favored-nation treatment. I think Rumania should be considering their foreign and economic policy.

Mr. WYLIE. Within the purview of the present law, could we not grant the same treatment to Czechoslovakia if in the opinion of the executive department such action was proper?

Mr. REES. This act has to do strictly with export control. What we are trying to do here is to remove nonstrategic goods from the control of the triumvirate of the bureaucracy that now controls export licenses.

Mr. WYLIE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Ohio (Mr. Ashley).

The question was taken; and on a division (demanded by Mr. Ashley) there were—ayes 10, noes 23.

So the amendment to the committee amendment was rejected.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. Landgrebe: On page 2, after line 4, insert the following:

"Sec. 4(c). No commodities, military or otherwise, shall be authorized for shipment to any foreign nation which sells or furnishes to North Vietnam or which permits ships or aircraft under its registry to transport to or from any equipment, materials or commodities or gives any form of assistance to North Vietnam."

Mr. LANDGREBE. Mr. Chairman, the wording of the amendment is almost identical to the wording of Resolution No. 89, which I introduced earlier in this session, and which so far has received no consideration. The wording and intent of the amendment are crystal clear.

For many years—actually, no one knows how many years—we have been involved in a military struggle with the small nation of North Vietnam. We have honored boundaries, sanctuaries, agreements. We have played by the rules. We have honored Geneva treaties on warfare. Yet, this flyspeck on the globe continues to infiltrate South Vietnam and continues to kill and maim a significant number of our troops as well as our friends in South Vietnam, civilian and military. It would be absolutely impossible for this small country to continue to hack away, hammer away at us without the support of many of the major nations of the world.

I know there are many industries, and so forth, in this country that are most anxious to continue to expand their markets, and I am all for them—after a cease-fire has taken place. There is only one way in which we are ever going to bring about a cease-fire. We have pleaded with the North Vietnamese. President Johnson and President Nixon have done so. We have made every conceivable offer. It has even been suggested on the floor of the House this week that we completely withdraw our troops in the hope that the people of this tiny nation would be kind enough to stop shooting our people and stop murdering the civilians of South Vietnam.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman's amendment is very similar to one which I offered to the foreign aid bill in 1967. The amendment was adopted by the House and, as is so often the case, it was lost in conference. I commend the gentleman for offering his amendment. It ought to be adopted.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from California.

Mr. REES. Mr. Chairman, under the gentleman's amendment any country that has any trade whatsoever with North Vietnam would be affected.

Mr. LANDGREBE. It would be excluded.

Mr. REES. Yes. So it would mean under the gentleman's amendment, it would be prohibited for the United States to trade in any commodity with any country that traded with North Vietnam.

Mr. LANDGREBE. Exactly right.

Mr. GROSS. Right. But all those countries would have to do would be to cease trading with North Vietnam, and it would not disturb our relations at all with them.

Mr. LANDGREBE. Mr. Chairman, I am really not interested in closing the factories of the United States, nor am I anxious to further cripple our farmers, but I am most terribly concerned about the number of American boys who are being shipped home from Vietnam in boxes, without any assistance or without any sympathy from those great nations such as West Germany and England and so on.

We are committed to fighting this battle and we fully believe our commitments there are good and proper, so how can we continue to trade and deal with countries who are aiding the enemy which is killing our boys and our friends?

Mr. RARICK. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Chairman, I compliment the gentleman for the nobility of his purpose in offering this amendment. I think it is the solution to our floundering struggle for peace. If we discontinue trade with the countries trading with North Vietnam, we will have bloodlessly crippled that country's capacity to wage war. I wholeheartedly support the gentleman's amendment.

Mr. LANDGREBE. Mr. Chairman, I thank the gentleman from Louisiana.

I could repeat what I said and speak until midnight on my convictions about the Vietnam war—I have heard many other Members expound at length on this subject in the last few days—but I will close with a sincere plea to my colleagues on both sides to support this amendment.

Mr. BARRETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Rees), a member of the committee.

Mr. REES. Mr. Chairman, I rise in opposition to the amendment. If this were passed, it would mean we would have no exports to our major trading partners, including Japan, Great Britain, Canada, Mexico, Scandinavia, West Germany, Italy, and most other major trading nations. This would ruin our balance-of-payments situation. If Members think we have inflation now, it would be 10 times worse if this passed. We would have complete economic chaos in this country.

We must realize the countries which are supplying North Vietnam are primarily the Soviet Union and Red China, and very few supplies come from Western Europe and Japan. There are some exports from those countries, but they are not necessary to North Vietnam in their continuation of the war.

Mr. Chairman, I sympathize with those people who deplore the fact that our men are being killed in a questionable war, but the amendment will not help our Armed Forces; it will only ruin the United States economically and bring it into complete chaos by destroying our foreign trade.

Mr. FRASER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 232]

Abbitt
Albert
Arends
Aspinall
Baring
Berry
Blatnik
Brasco
Bray
Brooks
Brotzman
Brown, Calif.
Broyhill, Va.
Burton, Calif.
Burton, Utah
Byrnes, Wis.
Caffery
Cahill
Camp
Carey
Cederberg
Celler
Clark
Conte
Conyers
Cunningham
Dawson
Dennis
Devine
Dingell
Dorn
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flowers
Flynt
Fountain
Fulton, Tenn.
Garmatz
Gibbons
Griffin
Haley
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hays
Hébert
Horton
Hosmer
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Kee
Kirwan
Kluczynski
Kyl
Landrum
Latta
Leggett
Lloyd
Long, La.
Lujan
McClory
McCloskey
McMillan
Martin
Meeds
Mills
Montgomery
Morton
Murphy, N.Y.
O'Konski
Olsen
Patman
Pepper
Pollock
Powell
Price, Ill.
Pucinski
Quie
Reifel
Reuss
Rivers
Roberts
Rodino
Rosenthal
Ruppe
St. Onge
Saylor
Sisk
Smith, Calif.
Steed
Steiger, Wis.
Stokes
Stubblefield
Taylor
Teague, Tex.
Tunney
Utt
Waldie
Wampler
Watts
Whalley
Wilson, Charles H.
Wold
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Abernethy, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 4293, and finding itself without a quorum, he had directed the roll to be called, when 314 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GROSS. Mr. Chairman, the gentleman from California (Mr. Rees), in his opposition to this amendment, said that he sympathizes with the Americans who are being killed in Vietnam. Perhaps this is understandable, because the gentleman from California (Mr. Rees), also told us that he is an exporter.

There is not one thing that this amendment will do to injure any nation which is supplying the North Vietnamese Communists. All any nation needs to do to avoid being penalized is stop trading with the North Vietnamese.

I want to go further than sympathizing with dead men. I say to Members of the House it is time the Congress spoke out; it is time this Congress displayed enough morality to say to these countries that there will be no more trading with the United States if they are going to supply those whose principal interest these days is the killing of Americans.

Mr. Chairman, if the House rejects this amendment and again refuses to penalize those who are helping prolong the war in Vietnam, it will have made a mockery of the purpose of this legislation—export control—and I will have no alternative but to vote against it.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Rarick).

Mr. RARICK. Mr. Chairman, we are considering an amendment which will prohibit trading with any country trading with North Vietnam.

Insofar as North Vietnam trade is concerned, there is only one trade that we should even consider—a trade of war prisoners.

There are no fewer than 40,000 reasons to support this amendment—40,000 Americans murdered by North Vietnam.

Mr. Chairman, all are acutely aware that in many instances our fighting men are being maimed and killed by sophisticated weapons. These weapons are known to be supplied to the enemy by the nations to whom we are building trade bridges and others to whom trade dollars and profit are worth more than American lives.

Since our military is restrained from interdicting the flow of enemy weapons—the least we can do is to make sure that no American profits from the sale of weapons to kill other Americans. Fratricide for profit strikes most Americans as immoral. If it is our national policy that our fighting men not be permitted to win militarily, then we can most assuredly win this war economically—simply by ceasing to aid the enemy.

I wholeheartedly support the amendment and urge its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Barrett).

(By unanimous consent, Mr. Barrett yielded his time to Mr. Ashley.)

Mr. ASHLEY. Mr. Chairman, this amendment in all truth should be defeated. I say that sharing the frustration of many who would tend to support the amendment because of the conflict in Vietnam. But, Mr. Chairman, the thrust of this amendment would be to make our export policy considerably more restrictive than it is today.

Let there be no question about this: The administration in office today opposes this amendment. The administration wants a straight extension of the Export Control Act on the basis that there is ample flexibility within the Export Control Act to achieve the purposes and the policies of this administration.

This amendment may have some superficial appeal, but Mr. Chairman, it could work against the very purposes that the author and supporters of this amendment have in mind. I urge its defeat.

Mr. FOREMAN. Mr. Chairman, I support this important amendment to halt all exports to, and trade with, those countries trading with North Vietnam. I regret that we cannot get a record rollcall vote on this vital matter.

So long as hostilities in Vietnam continue, so long as Americans are fighting and dying in a foreign land, it is immoral, it is unconscionable, and it is un-American not to use every available means to stop vital supplies from reaching the enemy, and flowing through channels provided by countries receiving American tax dollars in aid and grants and/or trade or exports.

The CHAIRMAN. All time has expired.

The question is on the amendment to the committee amendment offered by the gentleman from Indiana (Mr. Landgrebe).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 53, noes 84.

So the amendment to the committee amendment was rejected.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. Brown of Michigan: On page 2, after line 4, insert the following:

Sec. 5. Section 1(c) of the Export Control Act of 1949 (as so redesignated by section 3 of this Act) is amended to read as follows:

(c) The unrestricted export of certain materials, information, and technology may adversely affect the national security of the United States."

Mr. BROWN of Michigan. Mr. Chairman, although my interest in modification of the Export Control Act has been looked upon by some as reflecting a liberal approach, let me assure the Members that on this issue I am a hawk. I want an export control policy that works, not one that just penalizes our exporters.

The amendment which is before the committee at this time, one of two I shall offer, broadens the findings of section 1(b) of the Export Control Act of 1949 to conform to the 1965 amendment to the act, which gave the President authority to prohibit or curtail the exportation of "technical data and other information."

The amendment would further broaden the finding by removing the test of "potential military and economic significance" in regard to the exportation of materials which may adversely affect the national security. By removing those words "potential military and economic significance" the amendment reshapes the findings to accommodate the economic and technological changes of the past 20 years. The 1949 findings are limited to a condition that existed in 1949 and are unrealistic in light of the circumstances of today and of the 1970's.

Certain materials no longer fall within the category of military and economic significance, but still those materials might be detrimental to the security of the United States.

The amendment to section 1(b) would conform to the amendment of section 3(a), the intent of which is to give the President greater flexibility in determining what materials, information, and technology should be approved for export.

As I have said, this amendment basically broadens the discretion of the President as to what items may be controlled under the Export Control Act. He no longer will have to tie the denial of a license to a finding that this particular export has a military or economic significance. If it has any detrimental impact upon the national security of the United States he may deny the export license.

I believe the amendment should be adopted.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Chairman, I rise to commend the gentleman from Michigan for his amendment. As I understand the purpose of his amendment, it is to introduce a fact of life with respect to the formation of the list of commodities to be excluded. It would require the Department of Commerce to consider availability as one of the criteria. Is my understanding correct?

Mr. BROWN of Michigan. The gentleman from Ohio is partially correct. The amendment which more specifically deals with the question of availability will be the second amendment I will offer. This deals with findings. The other deals with the alternative section of the statute. They complement one another.

Mr. ASHLEY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Michigan (Mr. Brown).

The amendment to the committee amendment was agreed to.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. Brown of Michigan: On page 2, after line 4, insert the following:

"Sec. 4. The third sentence of section 3(a) of the Export Control Act of 1949 (50 U.S.C. App. 2023(a)) is amended by changing 'shall determine that such export makes a significant contribution to the military for economic potential of such nation or nations which' to read 'determines, taking into consideration its availability from other nations with which the United States has defense treaty commitments, that such export'."

The CHAIRMAN. The gentleman from Michigan (Mr. Brown) is recognized for 5 minutes.

Mr. BROWN of Michigan. I thank the Chairman.

Mr. Chairman, this is the amendment that the gentleman from Ohio (Mr. Ashley) alluded to, which, in simple terms, says that in determining whether or not an export license shall be granted or whether a commodity shall be denied the right of export, the President shall look to see what our friends and allies are doing. Then, if the export is readily available from our friends and allies with whom we have defense treaty commitments, that then a license can be granted.

This amendment adds new language to section 3(a). It requires matters to be considered in connection with controlling exports, such as the availability of such exports elsewhere. This amendment does not force the President to approve of an export that would be detrimental to the national security of the United States. It says, though, that in making such determination of the impact on our national security the availability of this export from nations with which we have defense treaty commitments—that the availability shall be taken into consideration and shall be a factor in determining whether an export license is granted or denied.

Now, why do we need this language? We need the language, I believe, because we need to have Congress tell the executive branch of the Government that we approve of this practice and approve of their looking to other friendly nations to see what they are exporting in determining what our policy shall be.

A further impact of this is in touchy areas where there are dual-use products and matters of that nature, where our administration, in negotiating with friends and allies toward a multilateral policy of restrictions on trade, will be able to say, "If you are going to trade in these items, then we are going to trade in them, also." In many of these areas which are of questionable strategic value we can trade in them more advantageously and we can sell cheaper and, as a consequence, we would be getting the trade that other nations are presently getting. At that point in time our friends and allies will recognize that it would be as much to their advantage to put the item on the restrictive trade list as it would be to leave it off. In that way our export control policy would have a multilateral and multinational effect instead of an impact only on our exporters, as it presently has.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from California.

Mr. HANNA. Is the position of the administration that the gentleman's amendment would make export licensing easier or more difficult with regard to the arguments you have made?

Mr. BROWN of Michigan. At the outset I cannot speak for the administration, because it requested an extension and I am seeking a modification.

Mr. HANNA. Getting an export license is not easy in almost any respect and we are discouraging a tremendous amount of trade simply because we botched up our export licensing applications so much that businessmen are getting a little bit sick of it. I hope you are not making it more difficult than it already is.

Mr. BROWN of Michigan. The gentleman is correct. It would make it easier. He is correct on a further point, that a part of the problem is the delay in granting an export license. Granting an export license, even though it is eventually granted, oftentimes has an impact on denying to our exporters trade that they would otherwise have, which, of course, harms our balance of trade.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I am happy to yield to the gentleman from Ohio.

Mr. ASHLEY. Again, I think that the gentleman's amendment is a good amendment and should be adopted.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Michigan.

The amendment to the committee amendment was agreed to.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. BLACKBURN

Mr. BLACKBURN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. Blackburn: On page 2, after line 4, add the following language to the committee amendment:

"Sec. 3. Section 3 of the Export Control Act of 1949 is amended by adding the following new subsection at the end:

"'(d)(1) Except as provided in paragraph (2) of this subsection, any embargo imposed by the President against any nation shall

lapse sixty days after it is imposed or sixty days after the enactment of this subsection, whichever is later.

"'(2) With the approval of Congress expressed by a concurrent resolution passed by both Houses within sixty days before or after the imposition of an embargo by the President against any nation or, in the case of an embargo in effect on the date of enactment of this subsection, passed within sixty days after that date, the embargo may be continued against that nation until such date as the Congress by concurrent resolution or the President may determine.

"'(3) If an embargo against any nation has lapsed pursuant to paragraph (1) of this subsection or been terminated pursuant to paragraph (2), the President may not impose a new embargo against that nation within 12 months after the date of lapse or termination unless specifically authorized by legislation enacted after the date of enactment of this subsection.

"'(4) As used in this subsection, the term "embargo" refers to a total or substantially total embargo imposed under authority of this Act.'"

Mr. BARRETT. Mr. Chairman, will the gentleman yield to me?

Mr. BLACKBURN. I shall be happy to yield to the gentleman from Pennsylvania.

Mr. BARRETT. I wonder what effect the gentleman's amendment would have on the mandatory sanctions and international legal obligations of the United States?

Mr. BLACKBURN. I assume the gentleman is referring specifically to the Rhodesian embargo?

Mr. BARRETT. That is right.

Mr. BLACKBURN. My interpretation would be that this would not affect that situation, although I would be perfectly willing to approach that problem at the proper time with the proper legislation.

My understanding is that that is imposed by reason of the U.N. Participation Act, and it involves the authority of the President of the United States, acting under the U.N. Participation Act, under which this action was taken.

However, the Export Control Act is primarily aimed at restricting trade with Communist-oriented countries. I do not think there has been any charge that the Rhodesian Government is Communist dominated or Communist oriented. So I do not think this act is the one under which the President is acting.

Mr. BARRETT. Mr. Chairman, if the gentleman will yield further, I would like to ask the gentleman this question: Very frankly, I will say that the gentleman is one of the most capable members of our Committee on Banking and Currency and is well respected by the members of that committee on both sides. However, I am inclined to think that this type of amendment may distort our intentions with other countries throughout the world. It is my further opinion that if this were explored further by holding hearings, we could explore all its ramifications. However, at this time I am inclined to think I cannot support the gentleman's amendment.

Mr. BLACKBURN. I thank the gentleman from Pennsylvania for his candor.

I would like to point out to the Members of this body, however, that it is going to be at least 2 years before we bring this back up for consideration—at least the lethargy of the House being what it is—it will be 2 years before this act expires. I think there is involved a very important policy matter upon which we must act today. It is an important question that I present to the House today: To what extent do we in the Congress have the right to completely delegate the authority under the Constitution to regulate foreign commerce?

I recognize the Chief Executive is charged with the duty of handling our foreign affairs, and that he must give us direction in the handling of foreign commerce. But I think that this body, as the spokesman for the people of the United States, should have some voice in deciding whether or not the President, acting under the authority of this act, should have the total power to declare total economic warfare against any country.

One of the things that has been debated in recent weeks is the degree to which the Congress is subject to some criticism, perhaps, for permitting the Bay of Tonkin resolution to be treated as a blank check for total involvement in Vietnam.

If the Congress is going to continue to permit its power to be eroded by legislation which the Congress enacts, then it is subject to criticism.

I think it is our responsibility to the people of the United States, before we allow economic warfare being declared against any nation, that the Congress should reflect the desires of the people.

Under my proposal the President could declare such an embargo for a period of 60 days without congressional approval, but during that 60-day period the Congress could look into the matter, could hold hearings, and then the Congress could pass a resolution approving it if in the opinion of the Congress such embargo should be continued.

What I am saying is that the Congress has the responsibility, and I think the people of this country have the right to expect us to shoulder that responsibility and not give it away. That is the reason that I have introduced this amendment before this body today.

Mr. Chairman, I yield back the balance of my time.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment offered by a member of the committee was never offered for consideration in the debate during the period of consideration before the Subcommittee on International Trade, or before the full committee.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Chairman, I want the gentleman from Ohio to be completely candid with the Members of this body.

I circulated a letter. As I recall, at the first meeting we had of the subcommittee, before we started preparing any amendments, and before we decided what we were going to do about the bill, that there was an agreement that each of us would circulate a letter outlining what we thought we might want to do in the way of amendments. I circulated this amendment to the members of the subcommittee. I later circulated it to the members of the full committee. I explained that because of the request of the administration that this bill should be brought before the floor of this House without any substantial amendment I withheld my amendment. But I told everyone from the very beginning that my amendment would be introduced.

So I certainly would take some exception to any implication that I have brought this in at the last minute without previous notice to the members of the committee.

Mr. ASHLEY. Mr. Chairman, I did not mean to infer any such activity, or motive on the part of the gentleman from Georgia.

However, I do not quite understand the differentiation in the offering of the amendment now and in failing to introduce the amendment in a timely fashion before the subcommittee, or before the full committee.

The gentleman says this was at the behest of the administration, yet the gentleman is not at all reluctant to offer it on the floor of the House today. I simply do not see what the difference is.

All it means is it was not possible for it to have the full consideration and a vote upon the amendment offered by the gentleman from Georgia during the period of time when the bill was being considered and marked up.

The administration is opposed to this measure. This administration, just as the last administration, does not want a less flexible trade policy than we now have. The amendment offered by the gentleman from Florida most certainly would render our trade policy considerably less flexible if that amendment is adopted.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Chairman, I want to point out to the Members of this body, and to the gentleman who is speaking, that other amendments have been offered here today by Members of the committee which we did not consider and vote upon in the committee, and there has been no objection made to this body considering those amendments. So I do not think the argument is a valid argument against my amendment any more than it would be against any other, and I really do not think it is a valid argument in any event.

Mr. ASHLEY. All I am suggesting is, of course, if the gentleman had offered his amendment in timely fashion, the administration witnesses who appeared before our committee would have been obliged to take a position on his amendment. His failure to offer his amendment and to discuss his amendment at the time of our hearings, of course, make it impossible for this body to be apprised of the position of the administration.

The reason I can say that with some assurance that the administration is opposed to the amendment is because they have indicated no later than this morn·

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ing, because they made it abundantly clear—and I am talking about the Defense Department, the Commerce Department, and the State Department—they do not want a less flexible policy than we now have. They do not want a more liberal policy. They say they want the same policy that they feel they can administer satisfactorily.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. BLACKBURN. I would just make the observation, of course, that the initial amendment I had proposed contained language which is not in the current amendment. After I had prepared my initial proposal in which I made my amendment apply to any act which is on the books, it became readily apparent—and, of course, we had the committee print out and we were working under great pressure at that point—and it became apparent that this would be subject to a serious question of parliamentary procedure. That being the case I have deleted the language which would have caused strong objection from the administration. But the fact that the administration neither approves nor disapproves or has not taken any action on this, should not act as a deterrent to this body in exercising its will.

Mr. ASHLEY. I am in perfect agreement with the gentleman on that. I acknowledge that the amendment, that is the other amendment, would certainly have had far greater implication than does the amendment now before us. My opposition to the amendment is simply on the basis that we have not yet had sufficient opportunity to go into all of the aspects that attend an amendment as broad even as this one is.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. WIDNALL. The U.S. obligation to embargo Rhodesia under the U.N. Charter is implemented under the Export Control Act. Therefore, the administration is against the Blackburn amendment even as it is constituted right now.

Mr. HANNA. Mr. Chairman, I move to strike out the last word and rise to speak in opposition to the amendment.

Mr. Chairman, I take this opportunity to speak against this amendment, but also to bring the attention of this House to something I think has not been made very strongly here.

We have, I think, been addressing ourselves as the gentleman from New Jersey just now pointed out to you on some policy in the wrong direction. We have a Trading With the Enemy Act. Policies with reference to trade with an enemy country should fall in that area of the law. We have an Export Trade Act in which we can direct ourselves in terms of our trade in the international market.

What we are talking about now is extending legislation that we hope will encourage and expand genuine exports by our country. Mr. Chairman, we live in a marginal society just like everybody else in this world. Four percent of our gross national product now is in international trade. If it falls below that, we are in trouble.

I will tell you. When you sell anything today—and when you buy your car, you buy your car and you buy your financing. If it is a choice between whether you are going to get a first-class Pontiac or a first-class Chevrolet, you are going to find out what your financing benefits are. If you can get a better financial package buying one way rather than the other, gentleman, that is what you do. Everybody in the whole world, when they are buying react exactly as you do. Our job in this Congress is to encourage trade under this Export Act and to help finance it under the Export-Import Bank legislation.

By comparison with competing free world countries our financial package is beginning to look pretty sorry. The ability of our business to get licenses to trade is beginning to look rather sorry and we are going to be hurt if we are going to fall below 4 percent of our GNP that is going into international trade.

You are not in this bill talking about trade between some country and our enemies. You are talking of trade between American businessmen and an international purchaser. This is the only trade that you are talking about in this bill.

I think you had better get your sights squared away on what you are doing here. I do not think you want to do what it appears to me you are doing. I suggest that this amendment just like some others have pointed out how seriously we can go awry when we let our emotional binges take over instead of our good solid judgment.

If you want to be against some of these things, address yourselves in the appropriate legislation that can effectively deal with that problem. But do not foist it upon an exporter who simply is trying to sell an American product with some kind of financial package; a competitive financial package with what the businessman in a competing country can offer to the same customer.

If we are not prepared to do that, gentlemen, we are prepared to help put this country down the road to a diminishing trade and worsening balance of payments and a real impact upon the economy that will mean loss of jobs, including a further impact on unemployment. This is the best way I know of to start a cycle of depression in this country.

We are able to protect ourselves against those cycles in the domestic economy, but we have no protection against the impact that will come from our international trade. If 4 percent of $1 trillion does not mean anything to you, you had better sharpen up your arithmetic. I yield back the balance of my time.

Mr. BARRETT. Mr. Chairman, I know the gentleman from New Jersey (Mr. Frelinghuysen) desires to speak. I wonder if the time for debate on the amendment could be limited.

The CHAIRMAN. If the committee is so disposed.

MOTION OFFERED BY MR. BARRETT

Mr. BARRETT. Mr. Chairman, I move that all debate on this amendment and all amendments thereto conclude at 5 p.m.

PARLIAMENTARY INQUIRY

Mr. ASHBROOK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASHBROOK. Did the Chair recognize the gentleman from New Jersey for 5 minutes? Would that be included in the limitation?

The CHAIRMAN. No, the Chair has not recognized the gentleman from New Jersey.

Mr. BLACKBURN. I wonder if the gentleman from Pennsylvania would amend his motion so as to have the time expire, say, 5 minutes after 5.

Mr. BARRETT. That would be satisfactory. I so amend my motion.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I think it is an outrageous operation to cut off debate on a matter of such substance, and I regret very much that the Chairman made the move he did.

I rise in strong opposition to the amendment. Its effect would seem to be to require a lifting of controls on strategic goods that the executive branch decides should not go to certain countries, unless the Congress takes certain action. And it would also seem quite possible under the terms of the amendment to require a lifting of an embargo such as that imposed against Rhodesia by Executive order. The fact that the sponsor of the amendment says he is doubtful whether it would have that effect, but that he hopes it will, is no consolation to me at all.

I would suggest that if we have our wits about us, we will vote down the amendment. This has been a disheartening debate. It has been seriously suggested that we ought to cut off trade relations with our major trading partners because we are unhappy about their trade with North Vietnam. Now because of an individual's feeling, we must consider an ambiguous and far-reaching amendment such as the one proposed, but with no opportunity to consider the specific language, its purpose or its effect.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Rees).

Mr. REES. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Chairman, I ask unanimous consent that my time be given to the gentleman from Georgia (Mr. Blackburn).

Mr. FRELINGHUYSEN. I object.

Mr. ASHBROOK. Strangely enough, the gentleman from New Jersey objects. But I rise to support the position that he took.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I would like to point out to the gentleman from New Jersey that this amendment will not affect any partial banning of strategic goods, and it is not designed for that purpose. I think to the extent the gentleman has addressed himself to the fact that this would cut off any restriction on trade is not a valid observation, because the amendment itself defines the term "embargo" as being a total or substantially total embargo.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. No, I will not yield to the gentleman since he would not agree to my unanimous-consent request.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. Blackburn).

Mr. BLACKBURN. Mr. Chairman, I want to address myself to some of the comments made by the gentleman from California (Mr. Hanna). The gentleman's presentation, as I recall, was that my amendment is going to restrict the growth of international trade. I would like to point out we are the body who should be the spokesman for the very businessmen about whom the gentleman was expressing such concern.

When the President declares a total economic warfare against another nation and puts our businessmen out of the business of selling goods, and Congress lacks the power to approve or disapprove this act, I think the gentleman's argument is more in favor of my position than against it. We should be the ones to stand up and take the responsibility of saying to the businessmen no, you do not trade with those countries, or we should say that we think the President is wrong. It is time we exercise our responsibility.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. Mr. Chairman, I expressed the view this amendment would apply to the embargo under the United Nations Participation Act. The gentleman has explained it would not apply in his view, because that embargo is imposed under a statute of the United Nation Participation Act. But surely any embargo imposed by the President must be pursuant to a statute. He cannot impose an embargo on his own executive authority. Therefore, the first sentence of this must apply to any embargo the President applies pursuant to the statute, and that would apply to the Rhodesian situation. It would be contrary to our position under the U.N. charter, and it would be to the benefit of 200,000 whites who are ruling Rhodesia as a small minority in that country.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Barrett) to close the debate.

Mr. BARRETT. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Georgia (Mr. Blackburn).

The question was taken; and on a division (demanded by Mr. Blackburn) there were—ayes 28, noes 44.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: Page 2, immediately after line 4, insert the following:
>
> "Sec. 2. Section 6 of the Export Control Act of 1949 (50 U.S.C. App. 2026) is amended by adding at the end thereof the following new subsection:
>
> "'(d) In the administration of this Act, reporting requirements shall be so designed as to reduce the cost of reporting, recordkeeping, and export documentation required under this Act to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and export documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology. A detailed statement with respect to any action taken in compliance with this subsection shall be included in the first quarterly report made pursuant to section 8 after such action is taken.'"

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. PODELL

Mr. PODELL. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment to the committee amendment offered by Mr. Podell: On page 2 after line 4 insert the following:
>
> "Sec. 2. Section 2 of the Export Control Act of 1949 is amended by adding at the end thereof the following new paragraph:
>
> "'(5) The Congress further declares that it is the policy of the United States to prohibit exports to any country which permits the refining, manufacturing, or trading in narcotic drugs (as defined in section 4731(a) of the Internal Revenue Code of 1954) or depressant or stimulant drugs (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act).'"

Mr. PODELL. Mr. Chairman, at the outset let me say I must apologize to the committee for not having submitted this amendment during committee deliberations on the bill. This amendment has coalesced since that activity concluded.

This is a permissive amendment. It does not require the President or the Congress to do anything, but merely declares it is the policy of the United States of America to prohibit exports to any country permitting refining, manufacture, or trading and dealing in narcotic drugs as defined by the Internal Revenue Code.

We do know that now, in Marseilles, France, there is a refining operation, permitted by that country, which is refining opium into morphine and heroin, and exporting all or almost all of these finished products into this country. Organized crime operates with impunity, and we here in America suffer.

If we walk the streets of our country, no matter where, we will find youngsters on those streets and children in our schools becoming narcotics addicts. We have in New York City upwards of 100,000 narcotic addicts, stealing approximately $100 a day in goods to feed their habit. This is what is turning our urban areas into jungles.

We are talking about 40 percent of the crime in our country today. Now we know what is causing this, and it is about time the Congress spoke up and did something about this. Words have flowed endlessly. Now we have a chance to put certain governments on notice that their tolerance of this traffic is at an end.

All we do with this amendment is to give official notice to the President that it should be the policy of this country to stop trading with those countries that permit refining, manufacture, or trading in opium and various narcotics as defined by the Internal Revenue Code.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I am glad to yield to the gentleman from Texas.

Mr. WHITE. Does the gentleman have a definition, as described in the amendment, of the provision in the statute?

Mr. PODELL. I do not have that section of the Internal Revenue Code here. It defines and outlines narcotics, barbiturates, and stimulants which do come under official regulation.

Mr. WHITE. Some of those are manufactured in the United States for legitimate purposes. If the definition said the "illegal manufacture" of course I would go along. If it merely defines the barbiturates and narcotics, perhaps we are doing an injustice to the legitimate trade and the legitimate manufacture in the country. Every country does manufacture or produce.

Mr. PODELL. The section we refer to here deals only with illegal traffic.

Mr. WHITE. Is that the definition?

Mr. PODELL. In the section, yes. First it deals only with illegal traffic. Second, it permits the President to make such policy. There is no congressional mandate. He will make policy only under circumstances where, of course, the activity is patently illegal.

Mr. WHITE. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Would not this section prohibit the trading with any country that is selling us drugs for medicinal purposes at the present time?

Mr. PODELL. If the President or administration in its wisdom felt that a particular country was permitting such drugs to be illegally exported to our country, the administration or the President would have a right to exercise this prerogative and prohibit further exports.

Mr. WIDNALL. The amendment does not say that.

Mr. PODELL. It certainly does. May I repeat it for the gentleman:

> The Congress further declares that it is the policy of the United States—

That it is merely the policy—

to prohibit exports to any country which permits the refining—

Obviously, those countries which do refine drugs for medicinal purposes certainly would be permitted to continue to do so, and we may continue to deal with them.

Mr. WIDNALL. It says nothing about "illegal."

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from California.

Mr. HANNA. I wonder if the gentleman would entertain an amendment to his amendment to add "pornography." I believe, if the export policy is going to handle communism and our drug problems, we ought to have an export policy of this Nation taking care of pornography.

Mr. PODELL. If it is the gentleman's purpose and desire to be facetious, let me remind the gentleman to ask Art Linkletter, from his own State, whether he would feel we are being premature in dealing in such a manner with drug problems in our country. The gentleman might ask some of his neighbors down the street. On any street, for that manner. This flood of poison pours like cancer into our bloodstream, ruining lives, weakening our society's fabric and fattening up organized crime. We must serve notice on nations tolerating such traffic, and their authorities are fully informed on it, that we shall retaliate economically at any regime which allows further activities of this sort to continue within its borders.

I submit to the gentleman that this is the most pressing domestic problem in our country today. Our children, yours and mine, in the schools of this country are being infected with this horror. It is about time we took a forward step and took action in this area. Each of us knows of one case after another where drugs have crumbled the existence of young Americans. Remedies are available, and we have one here at hand.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am very sympathetic to the gentleman from New York and the amendment he has offered. I agree with him that there are few matters of more pressing domestic concern than the increased availability and the increased use of drugs among our young and among many Americans.

In all truth, though, Mr. Chairman, the bill before us is not a Christmas tree to be adorned with ornaments. The gentleman is quite right when he says that our committee did not have an opportunity to study the amendment that has been proposed. It does seem to me that a matter as pressing as the matter to which his amendment is addressed should certainly have the consideration of the legislative committee reporting the bill. This is the view that has been taken by the Department of Commerce. In a letter received quite recently, the Department of Commerce says as follows:

> The Department fully supports enactment of comprehensive Federal legislation designed to effectively meet the narcotic and dangerous drug problem at the international as well as domestic level. However, we oppose a premature and fragmented attempt to deal with the problem of illicit drug trade such as is contemplated in H.R. 13792.

This is a bill very similar to if not exactly the same as that incorporated in the gentleman's amendment. Continuing:

> To regulate exports without concurrent controls over imports of dangerous drugs would not preclude the clandestine importation of those commodities produced abroad, nor the diversion of domestically produced drugs into illicit channels. The surveillance of exports of such drugs can be carried out through cooperation between the investigatory units of various Federal agencies including the Department of Commerce, without unnecessarily burdening lawful trade in these commodities, as would be the case if we imposed validated licensing requirements.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I am happy to yield to the gentleman from New York.

Mr. PODELL. I thank the gentleman for yielding.

Is it not correct that this bill will not come up for passage again for 2 years?

Mr. ASHLEY. That is not necessarily true. The bill before us calls for a 2-year extension, but this obviously does not preclude my subcommittee or the full Committee on Banking and Currency from considering amendments to the Export Control Act that might be introduced during the intervening period.

Mr. PODELL. Will the gentleman yield further?

Mr. ASHLEY. Yes.

Mr. PODELL. Does the gentleman believe, as the administration does believe, according to their letter, that action on behalf of this problem is being premature? Does the gentleman believe we have any more time in dealing with this narcotic problem in our country? Does the gentleman really believe we can waste 1 more second or 1 more minute in stopping countries like France from refining these poppy narcotics and having them sold here in our country?

Mr. ASHLEY. I do not believe we can afford to waste one moment at all, but I think we are wasting time when we consider an amendment such as the one the gentleman offered very properly and in good faith but which has not had full consideration, full deliberation and testimony from those who are competent to give it. I think in answer to that that consideration of the amendment is not appropriate at this time.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from New York (Mr. PODELL).

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BINGHAM: On page 2, line 19, add the following new section at the end:
>
> "SEC. 3. Section 8 of the Export Control Act of 1949 is amended by striking all including the heading thereof, and inserting in lieu thereof the following:
>
> " 'REPORTING AND INFORMATION
>
> " 'SEC. 8 (a) The head of any Department or agency or official exercising any functions under this Act shall make a quarterly report, within 45 days after each quarter, to the President and to the Congress of his operations hereunder. In each such report, the Secretary of Commerce shall review all lists of articles, materials, or supplies, including technical data or other information, the exportation of which from the United States, its territories and possessions, is prohibited or curtailed with a view to making promptly such changes and revisions in such list as may be necessary or desirable in furtherance of the policy, purposes, and provisions of this Act. The Secretary of Commerce shall further include a detailed statement with respect to actions taken in compliance with the provisions of Paragraph 3 and the justifications thereof in the second quarterly report (and in any subsequent report with respect to actions taken during the preceding quarter) made by him to the Congress after the date of any extension of this Act.
>
> " '(b) The Secretary of Commerce shall use all practicable means available to him to keep the business sector of the nation fully apprised of changes in export control policy and procedures instituted in conformity with this Act. Pursuant thereto, and in order to enable United States exporters to coordinate their business activities with the export control policies of the United States Government, the agencies, Departments, and officials responsible for implementing the rules and regulations authorized under this Act shall, insofar as it is consistent with the national security, the foreign policy of the United States, and the effective administration of this Act—
>
> " '(1) inform each exporter of the considerations which may cause his export license request to be denied or to be the subject of lengthy examination;
>
> " '(2) inform each exporter of the circumstances arising during the Government's consideration of his export license application which are cause for denial or for further examination;
>
> " '(3) give each exporter the opportunity to present evidence and information which he believes will help the agencies, Departments, and officials concerned to resolve any problems or questions which are, or may be, connected with his request for a license, and
>
> " '(4) inform in writing each exporter of the specific reasons for a denial of an export license request.' "

Mr. BINGHAM. Mr. Chairman, the amendment I propose would make no change in the trade policies of this country, but is designed to improve administration and operation of the export control system for the benefit of American business. It is supported by the U.S. Chamber of Commerce. Specifically my amendment would:

First. Require the Secretary of Commerce to review on a quarterly basis all items prohibited or curtailed for export, with a view to making promptly such changes and revisions as may be desirable consistent with the purposes of the act;

Second. Require that all officials responsible for implementing rules and regulations under the export control system fully inform exporters of considerations which may cause license requests to be denied or subject to lengthy examination;

Third. Require that exporters be given full opportunity to present evidence and information on behalf of export license applications; and

Fourth. Require that prospective exporters be informed in writing of the specific reasons for denial of any export license request.

I would like to read from a telegram sent yesterday to me and other Members by Mr. Hilton Davis on behalf of the U.S. Chamber of Commerce:

> The National Chamber has long called for the thorough and continuous reexamination and reevaluation of the present system of export controls, with the view to eliminating those not necessary for the security of the U.S. and which result in discrimination harmful to its competitive position. The chamber also believes that authority given to administrative agencies should be policed by Congress and that these agencies should be required to keep the public fully informed as to their structure, functions and actions.
>
> The Bingham amendment seems designed to carry out these objectives as they apply to export controls. We urge your vote for this amendment.
>
> HILTON DAVIS,
> *General Manager, Legislative Action.*

I repeat: the amendment to the Export Control Act extension that I am proposing makes no change in the trade policies of this country. It is designed, instead to help eliminate the apparent trade disadvantage and difficulty encountered by many businessmen as a result of the complexity of the system of trade restriction and the clumsiness of its implementation. I refer specifically to the fact that a great many items continue to appear on the list of items restricted for export—particularly those items restricted unilaterally by the United States—which have no apparent national security or foreign policy significance. Looking through one recent version of the list, for example, I noted the following: "knots and tufts for broom or brush making," "animated displays for window dressings," "cow dip," "belt clasps," "typewriters"—multitype only)—"type fonts," "lavatories and plumbing fixtures," "used clothing." "voice and music recorders," and "terrestrial and celestial globes." While there may be good reason to restrict these items, they certainly are not apparent, and Federal authorities should be required to review and report their reasoning in restricting these items.

As I understand it, for purposes of most destinations in Communist dominated areas, all items are assumed to be prohibited for export unless ruled otherwise. As a result, the list of items for which licenses must be granted is long. It is gradually being "shaken down" through what one Federal official has called a "gradual evolutionary process." That is, certain items are removed from the list as applications to export them are filed and determination is made that there is no need to restrict their export. In addition, there have been occasional general reviews of these lists—the latest one as far as I can determine in 1965—which have resulted in the removal of literally hundreds of irrelevant items.

The Department of Commerce claims to make a continuing review of the commodity control list without waiting for specific applications for exports to be made. The specific results of these reviews for individual items, however, are not made generally available. It is, therefore, difficult for policymakers or businessmen to challenge these findings or conclusions should they wish to do so. As many businessmen have claimed in testimony, the justifications for retaining certain items on the restricted list and the kinds of considerations that are made is a very "foggy" and confusing area.

My amendment would assure that broad reviews of the commodity control list are undertaken on a continuing basis. Without such general reviews, removal of irrelevant items proceeds quite slowly, impeding and slowing down legitimate trade by necessitating added license applications. My amendment would require the Secretary of Commerce to undertake a continuing general review of all lists with an eye toward removing those that are irrelevant even before any export license application is filed; it will further require that justifications for retaining or removing items be reported to Congress quarterly.

Any export control system, regardless of the policy pronouncements on which it is based, is a difficult mechanism to administer and inevitably detains and restricts trade unless it is efficiently and smoothly administered. In the course of hearings on both the House and Senate sides, it has become evident that a great many businesses are losing trade opportunities not only because license applications are refused on certain items, but also because of the great delay that often occurs in reaching a decision on license applications and the lack of information available to businesses on the status of the applications and the relevant considerations being used to determine whether a given application will or will not be granted. This is particularly the case when the item under examination falls in the "gray" area—items which have both clear, peaceful, and potential military uses.

I note with satisfaction the efforts that are continuing to be made by the Department of Commerce and other agencies with authority under the Export Control Act to streamline the procedures for ruling on license applications. In May 1968, for example, the Department announced a new procedure that permits an exporter to receive an export license for samples of his product without any advance determination being required as to whether a commercial quantity might also be approved. It is the latter process which so often takes inordinate and critical time. But I am persuaded that much remains to be done to make the process of ruling on license applications more efficient and more responsive to the needs and requirements of the business community. My amendment, therefore, would require that potential exporters be fully informed at all stages of the licensing process of the status of their application and the considerations which may cause the application to be delayed or denied. It would also require that exporters be given an opportunity to present evidence and information which they believe will help their case and help the agencies concerned reach a rapid and favorable decision on license requests.

Finally, my amendment would require that exporters be notified in writing of the specific circumstances and considerations surrounding any denial of an export license request. It is my belief and hope that these requirements will expedite and improve the licensing process and enable businesses to salvage much potential trade which they are now losing merely as a result of the clumsy and closed operation of the licensing mechanism.

The requirement I mentioned earlier that the Secretary report his justifications for retaining or removing items from the commodity control list quarterly, will also enable businesses to operate with more knowledge and rationality in the export field, and permit them to challenge judgments of the Federal Government responsibly should they have evidence which they feel are contrary to official findings.

I hope my amendment will be approved.

Mr. ASHLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment which has been offered by the gentleman from New York. It is a good amendment.

As I pointed out in my earlier remarks, both statistically and by example, the control lists embrace hundreds of categories accounting for thousands of products which are unrelated to the strength of the Eastern European countries within the context of the potential threat they pose to our national security.

The redtape that emerges from this vast network together with the admission by administration witnesses that little has been done to clean out the control lists, certainly indicates the good sense of an amendment with language requiring a systematic justification of the need to maintain the vast list of barriers to trade.

From testimony taken from several public witnesses, together with other written communications, it does appear that there is a need to establish closer coordination between business and government in the implementation of our export control policies.

The Subcommittee on International Trade took extensive and detailed testimony which pointed up the frustrations of exporters in attempting to work through this program. Not only are they faced with long delays which discourage further sales efforts on their part and cause them to lose sales to foreign competitors whose governments process applications much faster, they are also left uninformed about the status of their license applications and are not given reasons for denial which might enable them to reorient their marketing and production activities. The amendment, as I understand it, would diminish another of the barriers to the pursuit of export sales by enabling American businessmen to

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keep abreast of the status of their applications without unduly hampering the functions of the Department of Commerce.

Hence, I support the amendment.

Mr. Chairman, I understand that there is no objection on the part of the committee members on this side of the aisle to the amendment which has been offered by the gentleman from New York.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I shall be glad to yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I feel that this amendment has some very good ideas, but it would be the quickest way to build up a large bureaucracy in the handling of these matters. The sixth section of this bill provides for reporting requirements which I feel are ample, and which would expedite action, and I oppose the amendment.

Mr. BINGHAM. Mr. Chairman, I think the businessmen who have had experience under this act, as they testified before the Senate committee and the House committee, have indicated that they are floundering, that they are not given guides, and they do not know what the criteria are, and they have difficulties. This is an attempt to solve their problem by increasing certain reports.

I might add that this amendment has been adopted in practically the same fashion by the committee in the other body, and recommended to the other body for passage.

I hope that this amendment, which is a pro-American business amendment, will be adopted.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 23, noes 47.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, pursuant to House Resolution 575, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WYLIE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WYLIE moves to recommit the bill H.R. 4293 to the Committee on Banking and Currency.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 273, nays 7, not voting 151, as follows:

[Roll No. 233]

YEAS—273

Abernethy
Adair
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Ayres
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Brinkley
Brock
Broomfield
Brown, Mich.
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Cabell
Casey
Chamberlain
Chappell
Cleveland
Cohelan
Collier
Collins
Colmer
Conte
Corman
Coughlin
Cramer
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denney
Dickinson
Diggs
Donohue
Dowdy
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Esch
Evins, Tenn.
Fish
Flood
Foley
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Pa.
Jonas
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Koch
Kuykendall
Kyros
Langen
Leggett
Lennon
Lipscomb
Long, Md.
Lowenstein
McCarthy
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Matsunaga
May
Mayne
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Rhodes
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruth
Ryan
Sandman
Satterfield
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Springer
Stafford
Staggers
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Udall
Van Deerlin
Vanik
Vigorito
Waggonner
Watkins
Watson
Weicker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wolff
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—7

Ashbrook
Clancy
Gross
Landgrebe
Rarick
Scherle
Wylie

NOT VOTING—151

Abbitt
Addabbo
Albert
Andrews, N. Dak.
Arends
Aspinall
Baring
Bell, Calif.
Berry
Blanton
Blatnik
Brasco
Bray
Brooks
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Buchanan
Burton, Calif.
Byrnes, Wis.
Caffery
Cahill
Camp
Carey
Carter
Cederberg
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Conable
Conyers
Corbett
Cowger
Cunningham
Dawson
Dellenback
Dennis
Dent
Derwinski
Devine
Dingell
Dorn
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Fulton, Tenn.
Fuqua
Garmatz
Gibbons
Griffin
Grover
Haley
Hall
Hansen, Idaho
Harsha
Hastings
Hays
Holifield
Horton
Hosmer
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Kee
Kirwan
Kluczynski
Kyl
Landrum
Latta
Lloyd
Long, La.
Lujan
Lukens
McClory
McCloskey
McEwen
McMillan
Martin
Mathias
Meeds
Mills
Mize
Montgomery
Morse
O'Konski
Olsen
Patman
Pepper
Pettis
Pollock
Powell
Price, Ill.
Pucinski
Quie
Reifel
Reuss
Riegle
Rivers
Roberts
Rodino
Rosenthal
Ruppe
St Germain
St. Onge
Saylor
Shipley
Sisk
Smith, Iowa
Smith, N.Y.
Snyder
Stanton
Steed
Stubblefield
Taft
Taylor
Teague, Tex.
Thompson, Ga.
Tiernan
Tunney
Ullman
Utt
Vander Jagt
Waldie
Wampler
Watts
Whalley
Whitten
Wilson, Charles H.

Winn
Wold
Wright
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Dennis.
Mr. Hays with Mr. Derwinski.
Mr. Aspinall with Mr. Corbett.
Mr. Brasco with Mr. Findley.
Mr. Edmondson with Mr. Camp.
Mr. Rivers with Mr. Byrnes of Wisconsin.
Mr. Garmatz with Mr. Cederberg.
Mr. Feighan with Mr. Berry.
Mr. Farbstein with Mr. Grover.
Mr. Carey with Mr. Cahill.
Mr. Brooks with Mr. Kyl.
Mr. Johnson of California with Mr. Del Clawson.
Mr. Griffin with Mr. Lloyd.
Mr. Edwards of California with Mr. Bell of California.
Mr. Addabbo with Mr. Andrews of North Dakota.
Mr. Kirwan with Mr. Hall.
Mr. Albert with Mr. Gerald R. Ford.
Mr. Taylor with Mr. Hansen of Idaho.
Mr. Blanton with Mr. Hastings.
Mr. Rodino with Mr. Horton.
Mr. Celler with Mr. Conable.
Mr. Edwards of Louisiana with Mr. Lujan.
Mr. Roberts with Mr. Bray.
Mr. Dent with Mrs. Dwyer.
Mr. Sisk with Mr. Hosmer.
Mr. Shipley with Mr. Brotzman.
Mr. St. Onge with Mr. Cunningham.
Mr. Price of Illinois with Mr. Erlenborn.
Mr. Pepper with Mr. Broyhill of Virginia.
Mr. Mills with Mr. Arends.
Mr. Long of Louisiana with Mr. Snyder.
Mr. Jones of Alabama with Mr. Thompson of Georgia.
Mr. Charles H. Wilson with Mr. Don Clausen.
Mr. Teague of Texas with Mr. Dellenback.
Mr. Abbitt with Mr. Devine.
Mr. Blatnik with Mr. Harsha.
Mr. Baring with Mr. Ullman.
Mr. Kee with Mr. Clay.
Mr. Evans with Mr. Meeds.
Mr. Olsen with Mr. Eshleman.
Mr. Watts with Mr. Latta.
Mr. Jarman with Mr. Morse.
Mr. Tiernan with Mr. McEwen.
Mr. Steed with Mr. Martin.
Mr. Haley with Mr. Lukens.
Mr. Pucinski with Mr. McClory.
Mr. Reuss with Mr. O'Konski.
Mr. Fuqua with Mr. Pettis.
Mr. Rosenthal with Mr. McCloskey.
Mr. St Germain with Mr. Pollock.
Mr. Fulton of Tennessee with Mr. Quie.
Mr. Waldie with Mr. Mathias.
Mr. Wright with Mr. Reifel.
Mr. Patman with Mr. Mize.
Mr. Gibbons with Mr. Reigel.
Mr. Fallon with Mr. Saylor.
Mr. Clark with Mr. Smith of New York.
Mr. Kluczynski with Mr. Ruppe.
Mr. Fascell with Mr. Stanton.
Mr. Whitten with Mr. Taft.
Mr. Flowers with Mr. Utt.
Mr. Montgomery with Mr. Vander Jagt.
Mr. Caffery with Mr. Wampler.
Mr. Fisher with Mr. Whalley.
Mr. Stubblefield with Mr. Winn.
Mr. Landrum with Mr. Wold.
Mr. McMillan with Mr. Wyatt.
Mr. Jones of North Carolina with Mr. Buchanan.
Mr. Eckhardt with Mr. Brown of Ohio.
Mr. Flynt with Mr. Carter.
Mr. Dorn with Mr. Cowger.
Mr. Tunney with Mr. Conyers.
Mr. Brown of California with Mr. Dawson.
Mr. Dingell with Mr. Powell.
Mr. Burton of California with Mrs. Chisholm.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERMISSION FOR CLERK TO CORRECT SECTION NUMBERS, CROSS REFERENCES, AND PUNCTUATION IN ENROLLMENT OF H.R. 4293

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Clerk may correct section numbers, cross references, and punctuation in the enrollment of the bill just passed, H.R. 4293.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL EXPLANATION

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute.)

Mr. DON H. CLAUSEN. Mr. Speaker, I was unavoidably detained at a meeting at the executive offices when the vote was taken on the bill, H.R. 4293, the Export Control Act extension and was, therefore, unable to be here for the purpose of the voting.

Therefore, I want the RECORD to reflect my position as being in favor of the extension of the Export Control Act, and had I been present I would have voted aye.

PERSONAL EXPLANATION

Mr. ESHLEMAN. Mr. Speaker, I would like the RECORD to show that I was on my way to the floor of the House at the time of the rollcall and would have voted "yea" on the bill just passed had I been able to reach the floor in time to do so.

The SPEAKER. The gentleman's remarks will appear in the RECORD.

PERSONAL EXPLANATION

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to make a statement with reference to the vote on the student loan bill conference report. I was returning from my Pittsburgh office for today's session and my plane was several hours overdue at the Washington National Airport.

Had I been able to be present, I would have voted "yea" on final passage of the student loan bill conference report on rollcall No. 231 this afternoon.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT ON H.R. 13950

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report on the bill H.R. 13950.

The SPEAKER pro tempore (Mr. GRAY). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE OIL INDUSTRY WINS—THE TAXPAYERS LOSE

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, while the Nation is paying major attention to the moratorium and world's series, the oil industry is quietly carving out of the House-passed tax reform bill provisions eroding its accumulated tax privileges. Yesterday, the Senate Finance Committee began the quiet process of evisceration, dropping from the tax reform measure two sections which would have cost the oil industry $65 million in added taxes. This is just a bare beginning. The first benefit handed back on a silver platter to the oil industry was the foreign tax credit, which the House had repealed. This is the credit American companies may take on their U.S. tax returns for taxes paid to a foreign government. So oil companies, under action taken yesterday, would still be able to deduct losses on new overseas operations against domestic income in 1 year, then apply the foreign tax on those same operations against income earned here in another year.

This confers a double benefit upon the oil industry, violating the rule that a foreign tax credit cannot be larger than the U.S. tax that would otherwise have been paid.

Mr. Speaker, the tax reform bill now before the Senate Finance Committee is the most delicate of compromises. In it, each vested interest affected has lost a small but significant portion of its accumulated tax privileges, all gained at the expense of the average lower- and middle-income taxpayer. This bill is broad enough, but certainly not deep enough. Nonetheless, it is acceptable for now as a beginning, although many Members of the House, myself among them, approved of its final form grudgingly, because it was too shallow in total cuts made in tax privileges.

Many vested interests in the Nation were prevailed upon to accept a cut in tax privileges on the ground that all other interests were sacrificing some of their tax benefits so the average taxpayer could receive some relief. The specter was often raised of one industry or interest using its influence to render itself immune to such a compromise. It was added that such an act would be foolhardy, because it would unravel the entire skein of compromise which was

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the backbone holding the entire tax bill together. Few felt one industry would be foolish enough to do such a thing, but it has now happened.

Mr. Speaker, the oil industry is destroying the entire tax bill, depriving every American taxpayer of desperately needed financial relief and tax justice. Oil will undoubtedly succeed in eliminating almost every provision of the bill applying to its operations. This, in turn, will be the signal to every other concentration of strength to do the same. If the oil crowd is thumbing its nose at the public and getting away with it, why not the rest?

I shall never vote to accept any conference report which allows the oil industry to get away with such a blatant outrage. It is a deliberate insult to every person in this country who demands tax reform. Think of the prices we shall all have to pay this winter for fuel oil and gasoline. Twice what the going world rate is to any other consumer outside the United States. We are even going to have to pay indirectly for the many full page ads ~~they are~~ running in the papers defending their privileges, for these are all tax deductible.

There can be no tax reform without including the oil industry. They have shown their contempt for the actions of this House and needs and requests of the American people.

In 1967, major oil companies paid out 8.3 percent of their net income before taxes as Federal income tax. Last year, in 1968, that figure dropped to only 7.7 percent of their income in the form of Federal tax. Sinclair Oil earned a $101 million profit before taxes and received a tax credit from the overburdened taxpayer of $2.7 million. Together Atlantic and Sinclair netted $341,537,000 while paying a total combined Federal income of $200,000. Gulf cut its tax rate from 7.8 percent to less than 1 percent, while netting almost $1 billion. The lowest percentage rates belong to large companies able to apply their royalties abroad against Federal tax liabilities, which is exactly the penalty removed yesterday by the Senate Finance Committee.

This is the cold, harsh truth. If the people want to know who is arrogantly cheating them while daring them to do something about it, there they are. I fervently hope this House will reject any tax bill benefiting the oil industry.

TAX REFORM, WILL WE GET IT?

(Mr. HICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HICKS. Mr. Speaker, there is every indication that both the Nixon administration and the Senate are determined to scuttle the tax reform bill passed by the House in August. First, there came the administration's ironic complaint that the House-passed reform bill would provide too much tax relief lor lower- and middle-income taxpayers, while shifting too much of the burden onto corporations and the wealthy. Then, the Senate began showing signs of bending under the pressure mounted by special interest groups organized in opposition to tax reform.

One by one, long-sought reform measures are being placed on the Senate's chopping block. How is this all being justified? As one Member of the Senate remarked, "The general public's intense fervor for tax reform has greatly subsided since summer."

Apparently the Senator has been listening and talking with a strangely different "general public" than I have. The message I have been receiving lately from the district which I represent merely underscores the average citizen's demand that Congress deliver on last year's promise for tax reform and deliver now. If the enthusiasm for tax reform has cooled, it has cooled in the executive suites of America's corporations. Ever since the wealthy has discovered that for once they may have to pay something that resembles their "fair share" of the Federal income tax, there has been nothing but wailing from one end of Wall Street to the other.

Of course, the sad fact for the millions of average American taxpayers is that these cries against tax reform are being heard. I was pleased to note, however, that instead of trying to squeeze more "reform" out of the House tax reform bill, Senator YARBOROUGH suggested that the Senate add to this legislation by raising the personal exemption.

Along with other Members last April, I introduced H.R. 10592, which provided for an increase in the personal exemption of the Federal income tax from $600 to $1,000. Much to my disappointment, the Ways and Means Committee failed to include any increase in the personal exemption in the tax reform bill presented to the House. Although I believe the tax reform bill represents a great milestone in tax legislation, no tax reform can be complete without raising the personal exemption.

Since its adoption in 1948, the personal exemption has not been raised despite the fact that the cost of living in America has jumped nearly 53 percent. If Congress is to begin living up to its obligation to the average wage earner, who is paying the lion's share of America's tax bill, then it must start by increasing the personal exemption to at least $1,000. I, therefore, hope the Senate will heed the advice of Senator YARBOROUGH and amend the House-passed tax reform bill to include a $1,000 personal exemption.

DEMAND FOR RESIGNATION OF DR. YOLLES

(Mr. WATSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATSON. Mr. Speaker, all of you are aware of the liberal attitude taken by Dr. Stanley Yolles, head of the National Institute of Mental Health, relative to his position on the sale and use of marihuana.

But yesterday at our crime hearings this gentleman testified, and in response to my specific question as to whether or not he favored dropping or removing minimum mandatory jail term for sellers of hard drugs, specifically heroin, to minors and teenagers, Dr. Yolles responded in the affirmative.

Dr. Yolles' response to my specific question about drug pushers and other questions, as well as the context of his testimony, convinced me that he is unfit to serve longer in this or any other administration. His views are indefensible, and they are completely contrary to the efforts of the Nixon administration to crack down on narcotics. Regardless of what may motivate his thinking, in my judgment his permissive approach to this critical national problem will come as welcome news to every dope peddler in the country.

Dr. Yolles' views are an affront to every decent, law-abiding citizen in America. At a time when we are on the verge of a narcotics crisis, a supposedly responsible Federal official comes along with the incredibly ridiculous idea of dropping mandatory jail sentences for those who push dope, even for those adults selling hard drugs to minors.

I do not believe that Dr. Yolles' views are shared by one-tenth of 1 percent of the American people. It is obvious to me that he has no grasp whatsoever of this problem. But time just does not allow us an opportunity for him to escape from his ivory tower and get in touch with reality. He can peddle these views as a private citizen if he likes, but I do not think the American taxpayer should have to foot the bill for such irresponsibility. I call upon Dr. Yolles to resign forthwith, and in the event he fails to do so, I do not think that this administration should any longer put up with the embarrassment he has caused it.

VIETNAM

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, our country has long been disturbed by the war in Vietnam. Now, when we delve into the reasons for our being in Vietnam, three basic ones are given: First, to permit self-determination by the people of the type of government the majority desires; second, to contain communism; and, third, the domino theory.

In 1964, it was evident that the 17,000 American troops and the South Vietnamese were facing defeat and that our forces were on the brink of being thrown out of Vietnam.

The Tonkin Gulf incident occurred at this time, purportedly two of our destroyers, the *Turner Joy* and the *Maddox*, were attacked while on the high seas. Immediately, the United States retaliated by bombing North Vietnamese bases. Next, Congress was given the above information and was asked to pass the Tonkin Gulf resolution, which it did with small dissent.

Today, it is accepted that the *Turner Joy* and *Maddox* were not under attack.

The commanding officers do not so state; actually, they were with South Vietnamese ships attacking North Vietnam. Suppose Miami were under attack by Argentina's vessels and two Mexican ships were in their midst, actually we would shoot at all the ships, would we not? Yet, it is not shown that our ships were fired upon.

By the authority of the Tonkin Gulf resolution, our troops were increased in number to 542,000, and the bloodiest conflict since World War II was begun.

It seems quite logical that the Gulf of Tonkin incident was a ploy to arouse public indignation, and support of intervention.

The ruse was transiently effective. With the country feeling our ships had been attacked, the increased troop deployment was approved.

On investigation and study of the reasons for increased involvement, the purpose for the creation of the Tonkin Gulf incident was perceived by many people throughout our country, thousands, even millions of our citizens became convinced that we were no longer basing our actions on the premise that right makes might—in other words, our country was departing from the paths of righteousness.

Conduct of the war was strictly controlled from the White House; advice of military leaders of recognized ability was disregarded. The enterprise, winning the war in Vietnam, lost the name of action. Vacillation and indecision were costly in lives and treasure. By 1967, it was clear that the war in Vietnam was being lost and that there was not the determination in the leadership to win.

With Congressmen STANTON, of Ohio, and DUNCAN, of Tennessee, at our own expense, we visited Vietnam in 1965. We were with the "Big Red One," the 1st Division at Bienhoa, and with the 1st Cavalry Division at An Khe. We saw the finest, best-trained, best-equipped young soldiers the world has ever seen.

We visited villages supposedly pacified, one in particular was called Happy Valley.

I also visited general hospitals in the Saigon area. Conditions were terrible. Two or more patients were often in one bed. Diseases rarely seen here were rampant there—malaria, tuberculosis, leprosy.

The Vietnamese are of small stature. The average weight is about 110 pounds and height 5 feet, 4 inches. But for all their illnesses and smallness in stature, they are highly intelligent.

In 1966, I was a member of the Speaker's Committee of Combat Veterans of World War II sent to evaluate the war effort. On this occasion, we visited I Corps commanded by Gen. Lou Walt. We were privileged to see our Marines in action. Again, they were the finest young men I have ever seen.

We visited the 1st Cavalary Division at An Khe. This time artillery was firing from the division perimeter, "Happy Valley," the pacified village, was neither happy nor pacified. We were no longer permitted to enter.

I visited the Mang Yang Pass where, in 1954, 5,000 of the flower of the French Army was attacked by the Vietnamese, where 3,900 lonely graves mark the spot where these young Frenchmen lost their lives.

We also visited the Montegnard villages and saw these people in their native habiliments. The men wore loin cloths. The women wore only short skirts. Their houses were built of bamboo with thatch roofs. Their educational level evidently was quite low. It was my feeling that they knew nothing about the war, communism, or any other ideology. They apparently wanted peace—and this desire was evident in all villages throughout South Vietnam.

What has this war cost us? The lives of 40,000 of the flower of American manhood, 250,000 maimed and mangled, and 120 billions of dollars.

Every 30 days as much blacktop is laid in Vietnam as there is in the New Jersey Turnpike. Every 60 days as much concrete is poured as is in Route 495, Washington's outer drive.

Also, this war has caused serious dissension among the youth of our country who may be called to serve. The questionable morality of the war and the serious inequities of the draft have caused thousands of youngsters to lose faith in our beloved country. Again, the war must be brought to a conclusion to cut short incipient revolt and rebellion.

The purposes of our being in Vietnam stated by the previous administration will be discussed in order.

First. That we are there to contain communism.

Does it make sense to contain communism 10,000 miles from home when Communist Cuba lies 90 miles off our shore, with its cancerous tentacles infiltrating and enmeshing the countries of South and Central America? Not only that, known Communists are permitted to work in our defense plants here.

Second. That we are in South Vietnam so that they may determine the type of government they want.

Numerous authorities, including Eisenhower, stated that 80 percent of the people would have gone with Ho Chi Minh if they had been permitted to hold fall elections in 1956, as had been provided by the Geneva Conference Convention, but our country went blindly in on the side of the 20 percent. Therefore, our argument for self-determination is spurious.

Third. That all countries of Southeast Asia would fall to communism.

The countries which would be affected do not fear this or they would have combat forces to the limit of their abilities in South Vietnam. Australia has fewer soldiers in Vietnam than it had at Tobruk. The Philippines have no combat forces. Malaysia and Indonesia have none. If they do not fear invasion, why should we sacrifice the lives of our young men to prevent it?

Our young people in America know the sordid reasons for this war. They feel that when they die in Vietnam, their lives are not given in defense of the United States. And their lives are all they have. They feel that their visions, dreams, and hopes for the future are sacrificed to keep a few Vietnamese dictators in power.

I submit that this is the basic reason for unrest in our colleges and universities. The war must be ended expeditiously. I support the administration's policy for ending it.

Before entrance into any war, we must know beyond reasonable doubt that the future of our country is threatened, basing our actions on the words of Lincoln:

> Let us have faith that right makes might, and in that faith let us dare to do our duty as we understand it.

We cannot fail.

ARTHUR GOLDBERG WRITES ABOUT THE GREEN BERETS

(Mr. MOSS asked and was given permission to address the House of 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, I insert with these remarks an editorial from this week's issue of Life magazine by Arthur Goldberg, formerly an Associate Justice of the Supreme Court of the United States, a man who has rendered distinguished service as our Ambassador to the United Nations and who performed most effectively as Secretary of Labor under the late President John F. Kennedy.

Mr. Speaker, from the first unfolding of the recent Green Beret incident, I had a strong sense of personal disquiet. Somehow the development did not conform with American traditions nor with the traditions of Anglo-Saxon jurisprudence which form the foundations upon which the legal system of this Nation is built.

Freedom has been recognized throughout history as fragile requiring protection of every facet of its many sides if the whole was to survive. I believe that in the recent Green Beret case something of great significance was taken from the American Government and the American people. Arthur Goldberg expresses quite eloquently and objectively the nature of that element of loss. After reading it I hope that many of my colleagues will share my feeling that something more must be done than to just brush this case under the rug.

Those the Government charged initially with a crime will, I think, throughout their lives be faced with the fact that no mechanism is provided to clear them, if in fact they are not guilty. On the other hand, if they were guilty no mechanism is provided to then impose punishment which our system demands must be given if law is to continue to be the basis for our society.

Mr. Goldberg's article follows:

ARTHUR GOLDBERG WRITES ABOUT THE GREEN BERETS

The dropping of murder charges in the now famous Green Beret case has almost everywhere evoked a widespread sense of relief.

I must confess that I find this reaction—and, even more, the powerful political clamor against prosecution which preceded the

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dropping of charges—profoundly disturbing. In them I note an appalling, indeed frightening, deterioration in our national standards of morality and law.

Two comments are necessary by way of preface. First, what I say must not be construed as reflecting adversely upon the soldiers who were charged with murder, or as a judgment upon the facts of the case. Although the eight men will now not have their day in court, the old principle that persons accused of crime are presumed innocent until found guilty still lies at the heart of our legal system. The charges that were levied against the Berets were only charges. They were not evidence. Still less were they a finding of guilt.

Second, I do not have access to information which would enable me to judge whether the national security would indeed have been jeopardized by disclosures which might have resulted had the case been brought to trial. Nor, in fact, do I have any quarrel with the general proposition that considerations of national security may sometimes justify a decision by the authorities not to prosecute a particular set of charges.

What does alarm me is the way we have responded as a nation to the grave allegation that one or more of our uniformed soldiers *executed without trial* a foreign national whom they had in their complete control, because they suspected him to be a double agent.

Few of our people, and even fewer of our leaders, have manifested any sense of outrage that such an execution without trial might have occurred, or might have been ordered by American officers. Indeed, General Creighton Abrams, our commander in Vietnam and a brave and forthright soldier who knows the rules of war, has come under sharp public criticism for having insisted on their applicability in this case—to the point of ordering that murder charges be brought.

Of course war is hell. I suppose there has never been a war in which troops under the stress of battle have not committed acts of savagery which they would not think of performing under other circumstances. And I recognize that a counter-guerrilla war in the jungles and rice paddies of South Vietnam is peculiarly prone to instances of misconduct of this kind.

But the Green Beret incident, as alleged, does *not* involve lapses of discipine under battlefield conditions. The charge was that a South Vietnamese agent in our employ and control was simply executed—rather than being detained, or tried, or turned over to the South Vietnamese for trial. No civilized nation can permit individual members of its armed forces to take this kind of action on their own initiative. Down that road lies anarchy.

Article 106 of the Uniform Code of Military Justice provides that alleged spies caught behind our lines and not in uniform may be punished by death—but not before trial and conviction by an appropriate tribunal. Articles 93 and 118 of the Code make it a crime for an American serviceman to murder or even to practice cruelty toward "any person subject to his orders." The Geneva Conventions to which we subscribe impose similar restrictions.

At the end of World War II we participated in war crimes trials at Nuremberg and elsewhere in which enemy military personnel who mistreated prisoners under their control were prosecuted, convicted and punished. We sentenced General Yamashita, the "Tiger of Malaya," to death not for his own acts but for his failure to control the conduct of troops under his jurisdiction. We treated as war criminals those German generals who had executed uniformed soldiers and agents whom the Office of Strategic Services had sent into occupied Europe to train partisans, gather intelligence and commit sabotage—despite the generals' defense that Hitler had ordered them to do so. Under international law, as we applied it, an order such as Hitler's was an unlawful one, and therefore not entitled to obedience.

I take great pride in this nation's historic fidelity to the rules which govern civilized societies even when they are at war. Traditionally we have never allowed expedience to justify departures from these rules. In August of 1776, when our nation's very ability to survive was in doubt, the Continental Congress provided that alien spies were to be executed only according to the law and usage of nations, and on the sentence of a general court martial. The rule was followed from the bleak days at Valley Forge to the end of the war.

In 1942, when our struggle against the Axis powers was at its most desperate, the United States Supreme Court interrupted its summer recess for the first time in 22 years to reconvene and review the procedural protections being afforded eight Nazi saboteurs in civilian garb who had been landed in this country by submarine.

Has the time now come, after all these years, to adopt a lower standard of conduct?

The war in Vietnam is a tragic war, marked by events which no human being can applaud. Whether or not the national interests assertedly at stake there warrant our participation in it—at such sacrifice in lives, treasure and morality—the situation in Vietnam cannot justify us as a nation now, for the first time in our history, to tolerate—more, to legitimate—the cold-blooded murder of individuals wholly under the control of our troops. We may jail spies or prosecute them. But individual American soldiers may not take it upon themselves, away from the battlefield, to serve as prosecutor, judge and executioner. That is utterly unacceptable—now, as it was in 1776.

If the price of the war in Vietnam includes our coming to tolerate or applaud this sort of moral breakdown, it is one I am not willing to pay. Nor should any civilized nation. As a great patriot, Tom Paine, once said:

> "He that would make his own liberty secure must guard even his enemy from oppression, for if he violates this duty he establishes a precedent that will reach to himself."

PRISONERS OF WAR: THE MEN IN LIMBO

(Mr. NELSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. NELSEN. Mr. Speaker, there are hundreds of American citizens, members of the armed services, being held prisoner in North Vietnam. We have been able to positively identify 401 men as captured. Approximately a thousand others, who are listed as missing in action, are thought to be help captive.

Today I am introducing a resolution which would express the sense of the Congress that our Nation and the people of the world do all in their power to obtain the humane treatment and prompt release of prisoners of war held by the North Vietnamese.

The Communist government calls the men "war criminals," and denies that as such they are entitled to the basic rights under the Geneva Conventions. In fact, they are the victims of the guerrilla war engineered by the Government of North Vietnam.

I believe it is time that the antiwar protesters in this country begin looking at the Communist nation that is responsible for the countless deaths in South Vietnam and the atrocities being committed daily in the name of a "war of liberation."

It would be a great step forward if American boys received treatment half as humane as that received by Vietcong and North Vietnamese Army prisoners. The noisy demonstrators here at home would be well advised to work for this goal rather than the often meaningless slogans of the "new left."

People advocating the unilateral withdrawal of U.S. forces do not seem to remember those of our troops over whom we have no control: the men held under subhuman conditions by the north.

I believe it is time to make every possible move to put pressure on Hanoi through diplomatic channels to free American men held by the Communists.

There are "free" nations which are on cordial terms with Hanoi. Sweden, for example, has most recently agreed to a $40 million aid package for Hanoi. It is difficult to imagine that efforts by the Swedish Government in behalf of humane treatment for POW's would be unproductive.

I include the text of my resolution in the RECORD at this time:

H. CON. RES. 414

Whereas the United States Government and the Republic of Vietnam have continuously honored the requirements of the Geneva Convention relating to the treatment of prisoners of war;

Whereas the United States Government has repeatedly appealed to North Vietnam, and the National Liberation Front of South Vietnam to respect the requirements of the Geneva Convention, which North Vietnam has endorsed;

Whereas the North Vietnamese and the National Liberation Front of South Vietnam have disregarded the provisions of the Geneva Convention and refused to release the names of prisoners of war who are members of the Armed Forces of the United States, to permit the regular flow of mail to or from those prisoners, and otherwise to accord humane treatment to those prisoners, and to permit inspection of the facilities in which those prisoners are held: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President, the Department of State, the Department of Defense, and all other concerned departments or agencies of the United States Government, the United Nations, and the peoples of the world to appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war and to take such steps as may be appropriate to obtain the prompt release of all members of the Armed Forces of the United States so held as prisoners of war.

AID FOR BIAFRA

(Mr. PHILBIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, some of us who are interested in alleviating dire hunger, privation, and suffering in Biafra have been making urgent, persistent efforts to step up the aid being rendered by our Government, take satisfaction in knowing that our efforts are continuing, and that our intercessions and those of interested private, charitable, and religious groups are also helping a great deal to ease this horrible situation.

I am particularly pleased to bring to the attention of the House the recent action of President Nixon in making available two C–97 transport planes to joint church aid for their Biafran relief operations. Mr. William E. Timmons, Deputy Assistant to the President wrote me on October 10, as follows:

THE WHITE HOUSE,
Washington, October 10, 1969.

Hon. PHILIP J. PHILBIN,
House of Representatives,
Washington, D.C.

DEAR MR. PHILBIN: As you recall, I wrote you on August 29 in response to your letter to the President on behalf of the Interfaith Effort for Biafran Relief. At that time, I stated I would be in further touch with you. I have been requested to inform you that the two C–97 transport planes have been transferred to Joint Church Aid for their relief operations.

The transfer of these aircraft is another indication of the President's deep and abiding concern to help relieve suffering in this tragic conflict. You can be sure we will continue our generous support of these humanitarian efforts.

With cordial regard,
Sincerely,

WILLIAM E. TIMMONS,
Deputy Assistant to the President.

This is good news indeed, but it remains very clear that we must not rest on our oars in this matter. I recognize the operational problems of getting adequate relief to the sources, and they are serious, but some of the agencies concerned have found ways to circumvent them, and are managing to get urgently needed supplies into this distressed land to save the lives of young children and people who are suffering indescribably from lack of food and other necessaries of life.

From the start, I have been making every possible effort to increase our aid to these woefully stricken people, and in thanking the President for his most recent action, I am again urging him to see to it that we keep up our country's strong financial support, in joining as we have been doing so generously, to send specific help to these stricken people.

Up to this time our Government has made available about $63 million in aid which represents two-thirds of the global contributions, and which includes very substantial food donations under Public Law 480, to such commendable, human-spirited outside relief groups as the Catholic Welfare Service, Church World Service, Protestant, Jewish and other relief groups, UNICEF, and the world food program.

In addition, private U.S. organizations to date have made available about $12 million in funds to assist the Biafran cause.

I am saddened to note, however, that some of the planes performing acts of mercy to bring food and other supplies to these poor people have been shot down, and otherwise restricted in their missions of mercy, making it very difficult in carrying out their dedicated, often hazardous, work to help these desperately needy people.

Nevertheless, this work must go on, and we must do everything we can, not only to provide funds, but where possible, to provide aircraft that other people are so bravely willing to fly in order to bring food and material relief to the sorrowfully afflicted children and people of Biafra.

I know that we who are so deeply interested in this great, humanitarian cause must and will continue to do everything we can to alleviate the truly deplorable hunger and privation which have caused widespread deaths, emaciation and untold distress.

Let me thank and hail the wonderful leaders and helpers enlisted in this cause. I am very proud of the church folks and others in my own great congressional district who are contributing such glorious efforts and very generous help to this great, human mission. The Good Lord will bless them and I am confident their work will continue until this great battle of mercy has been won.

I especially want the President to know of our deep gratitude for his effective and sustaining help.

MRS. NIKI ABINANTI

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, all too seldom in this day and age does anyone make a concerted effort to publicize the constructive activities of American youth, especially those who are attending America's universities and colleges; a fact in itself that is deplorable and inexcusable.

If one were to believe only what is reported concerning American youth, it would seem that the radical, irresponsible, and disruptive young people were in the majority. Quite frankly, such is not the case. In my judgment, the publicity seeking radicals constitute only a very small minority of our young people, while the majority are responsible and are constructively seeking ways to improve society.

Recently a young mother in my district in California set out to prove to the general public that the young people attending Humboldt State College were, indeed, acting constructively and responsibly, and her efforts have been more than successful.

Mrs. Niki Abinanti of Arcata became aroused by the reports in the media concerning the college riots and other disruptive activities of a minority of students and decided that it was time that someone publicized the responsible actions of the majority.

In order that my colleagues may know of this dynamic lady's efforts, I am including an article written about her from the Humboldt Times-Standard. I hope that, in this way, others might be encouraged to step forth and become involved in a similar way.

LAUDING HSC WORKERS: SHE SPEAKS OUT FOR OUR QUIET STUDENTS

A petite one-woman steamroller has been quietly at work championing the activities of college students on the Humboldt State College campus.

Her concern is that "the radical, rowdy, publicity—seeking minority of students on California campuses and throughout the nation" have been getting the spotlight in the news.

In the meantime, the vast majority is not only unheard—but unheralded—a situation which, she says, broadens the so-called generation gap.

WRITING, PHONING

Mrs. Niki C. Abinanti, 1112 Chester Ave., Arcata, is either at her typewriter or on the telephone these days in a concerted effort to start a movement to publicize the constructive activities of students here. She has high hopes the movement will spread, with the help of other adults, throughout the state and nation.

To this end she has sent communications to CBS's Walter Cronkite, Harry Reasoner, Roger Mudd and Mike Silver; to Joey Bishop, who, she says has indicated some interest; California's Governor Ronald Reagan; Time Magazine's San Francisco headquarters.

She has also been in touch with a friend who could contact Danny Thomas; Kay Hart, a singer at Bimbo's Supper Club, local legislators and state legislators, including Assemblyman Jess Unruh.

So far she has a lot of communications she can exhibit for her efforts, some 80 registered air mail letters to CBS alone—but no takers.

A Time official said it was possible they could draw a "parallel" in the fall.

CELEBRITY VOICE

The housewife-mother believes that celebrities with their facility to reach millions of people could interest others, like herself, in projecting the good which is predominent in the youth of today. This could be done from community to community, in programs which would vary depending on environmental factors.

Mrs. Abinanti began searching the news, collecting accounts of the activities of college students on the HSC campus when campus troubles elsewhere were at their peak. She said "It was exceedingly gratifying to find that a vast majority of students were not only refraining from revolt, but were actually engaged in constructive activities, to the benefit of the entire community."

It was she who conceived the idea, and through the cooperation of Channel 3 and TV executive Paul Hoff, a student question and answer program was taped and presented in prime time locally. After the students' opinions were aired, the station received a barrage of mail and an extremely favorable public reaction.

She believes that such coverage nationwide would be highly relevant and would afford a pleasant change of pace besides giving the "forgotten majority" its chance to be heard.

ADVICE WELCOME

Reluctant to take the limelight, Mrs. Abinanti is quick to point out in her communications to others she has not had any experience in "this type of thing," and if she can do anything at all to get the ball rolling that is sufficient evidence that others can readily do it too.

XUM

Her approach to the problems relating to inadequate quarters and accommodations at Humboldt County's Juvenile Hall and Probation Building over the past years, however, was hardly reluctant.

It was her perseverance, along with that of interested community officials, which is largely responsible for the building of a new facility, now under construction.

If anyone can promote her present idea to fruition and wants to wager—best bets would be on this soft-spoken ball of fire.

AFTER THE MORATORIUM

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, as the tumult and shouting of the moratorium demonstrations fade into history, certain facts seem clear to me.

In the first place, a great many Americans earnestly desire peace in Vietnam.

No American desires this more than the President of the United States himself and he has embarked on a course which ~~he~~ hopes can bring honorable and lasting peace there.

The second fact which emerges is that the multiplicity of voices of critics of the Vietnam policy have, for all their noise and thunder, failed to come up with a clear and viable alternative to the President's present policy of step by step withdrawal and Vietnamization of the war.

This stands in vivid contrast to the tragic disregarding of any hope for freedom and self-determination for the people of Vietnam and the total waste of billions of dollars and 38,000 precious American lives which total and immediate withdrawal would entail.

The third thing that is clear to me is that many critics underestimate both the strength and virtue of the elected government in Saigon and underestimate the weakness and evil of its Communist challengers.

When I visited Vietnam in February of this year, I found a strong note of confidence in the increasing strength and popularity and the viability of that infant constitutional republic expressed by its military, government, and business leaders and by our military officials and those in our State Department.

There is every reason for such confidence.

The 1968 Tet offensive decimated the Vietcong forces, which were created and have already been sustained by Hanoi, and strengthened the hand of the Saigon regime. Its growing strength and responsiveness to the people have increased its popularity.

And as it grows month by month stronger and able to assume the burden of combat and as it grows more experienced in government, I am confident it can and will succeed in securing freedom and self-determination for the people in South Vietnam.

I urge every American to support the President's right and honorable course in Vietnam.

I feel the Governor of Alabama spoke for the overwhelming majority of the people of my State and for millions of other Americans in the following statement which was published in the Birmingham News:

[From the Birmingham (Ala.) News, Oct. 15, 1969]

WHICH: THE EASY—OR HONORABLE WAY?

Another time of testing has come to America.

Many times in our history as a nation, we have had to decide between the easy way and the honorable way, both at home and abroad.

While our decisions to stand firm in behalf of freedom and justice have not always been universally popular, they have always been supported by the great majority of American people.

Today, we reach a time when we must decide again between the easy way and the honorable way.

Our flag flies in battle on foreign soil—while at home there are those who would have us believe that our people have lost the will to meet our commitments.

Let the word go forth from Alabama and America today that this vocal minority does not speak for the tens of millions of silent Americans whose deep desire for peace burns as brightly as the fires of our warriors' camps but who know that a peace without honor and justice is no peace at all.

Let every enemy, wherever he may be, know that we as Americans have again chosen the honorable way. (Albert Brewer, Governor of Alabama, Oct. 15, 1969.)

VIETNAM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Alabama (Mr. BUCHANAN) is recognized for 30 minutes.

Mr. BUCHANAN. Mr. Speaker, while many of us have been critical of the conduct of the war in Vietnam—some of us desiring a more decisive military policy and others advocating total, immediate withdrawal—President Nixon has embarked, in a relatively short time, on a course in Vietnam which I believe may well prove sound.

It consists of a step-by-step withdrawal of American forces coupled with the Vietnamization of the war over a period of time so that the government in Saigon, created and elected by the people of that nation, shall not be undermined in the process and so that the Vietnamese military will have time to take over combat operations.

If this policy is allowed to proceed, I have every confidence that the South Vietnamese Government and military will become strong enough to guarantee self-determination for the people of the Republic of Vietnam and a free choice of their own government and governmental leaders.

Total and immediate withdrawal of American forces at this time would constitute nothing less than unconditional surrender and the unnecessary undermining of any hope of self-determination for the people of South Vietnam not to mention the wanton slaughter of thousands of individuals in that land. After the expenditure of 38,000 precious American lives and the investment of billions of dollars, such a withdrawal is, of course, unthinkable.

Self-determination for the people of Vietnam is the one basic principle which the Nixon administration feels is not negotiable.

Under these circumstances, the war moratorium proposal is, in my judgment, destructive and remarkably unrealistic.

Had the President escalated the war or made new, unreasonable demands on the Communists, such demonstrations as those we have witnessed this week might be understandable, although I would disagree with those who participated.

Supporters of the moratorium say they are demonstrating to stress to the President their feelings and bring the situation to his attention.

Earlier this year, in a speech to the Nation, Mr. Nixon expressed his extreme concern about the Vietnamese situation saying nothing had taken so much of his time and energy as the search for a way to bring lasting peace to Vietnam.

He said, and I quote:

> I want to end this war. The American people want to end this war. The people of South Viet-Nam want to end this war. But we want to end it permanently so that the younger brothers of our soldiers in Viet-Nam will not have to fight in the future in another Viet-Nam someplace else in the world.

There is no question of the President's concern.

Also, there are already indications that the growing vocalization of opposition to Mr. Nixon's policies are hampering our efforts in the Paris peace talks.

According to a wire service story last week, negotiators for the North Vietnamese and the Vietcong appealed directly to the American public to increase opposition to the President's policies to force him to accept their negotiation proposals in Paris.

The release goes on to say that Col. Ha Van Lau and Mme. Nguyen Thi Binh, and I quote, "whose governments apparently are setting great hopes on opposition to Nixon, warmly applauded the dissent in Washington."

The Communists could not ask for more in the way of support for their goals nor for their reluctance to negotiate a peace settlement.

Just what is our policy in Vietnam today, which is being so violently attacked?

One major negotiating position of the United States is the withdrawal in stages over a period of 12 months the major portions of all United States, allied, and other non-South Vietnamese forces immediately after an agreement is reached.

An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals and for any other purposes agreed upon between the two sides.

This international body would begin operating in accordance with an agreed timetable and would participate in arranging supervised cease-fires.

As soon as possible after it began functioning, elections would be held under agreed procedures and under the supervision of this international body.

The United States does not insist that North Vietnam admit that it has forces in South Vietnam, for, as you know, no such admission has ever been made by the North Vietnamese delegation.

Arrangements would be made for the

earliest possible release of prisoners of war on both sides.

This country is seeking no bases or military ties in Vietnam and we are willing to agree to neutrality for the country if that is what the South Vietnamese people freely choose. Nor does this country have any intention of imposing any form of government upon the people of South Vietnam.

Our negotiators have said that we are prepared to accept any government that results from the free choice of the South Vietnamese people themselves.

The proposal to pull totally and immediately out of Vietnam or to tell the North Vietnamese that we will withdraw by a specific date could be disastrous not only for South Vietnam, but other nations in Southeast Asia which are trying desperately to determine their own futures without outside interference.

Vietnam represents a commitment by the United States to freedom in the world. It is a seedbed of individual rights which, if nurtured by American support, can spread these rights and keep them alive throughout Asia.

If the United States withdraws from Vietnam now, it will mean that this country has foresaken its obligations to the world and especially to Asia. It will open the floodgates of communism which would suppress their freedoms.

I do not want to bear the responsibility for this in Asia and I do not think the American people want to sit by and watch while one nation after another succumbs to Communist aggression.

Our policies in Vietnam during the last two administrations were unwise and led to the problems facing this Nation today. We should not, therefore, at a time when we are finally on the right track, turn around and resort to another egregious error in Vietnam policy—the immediate withdrawal of American troops.

Under previous administrations, we made the mistake of sending American combat troops to Vietnam. Once we sent them to that country, we should have had unrestricted military policies aimed at a real victory.

Massive campaigns by the North Vietnamese and Vietcong over the past year and a half, such as the Tet offensive in 1968, have ended in total failure and have, in fact, resulted in stronger support of the Republic of Vietnam's Government.

The Tet offensive was aimed at displaying the strength of opposition to President Thieu's government by taking over cities and attracting the wholesale support of the people.

Instead, the people of South Vietnam fled in terror and were further alienated from those who were supposedly liberating them by the Communist atrocities committed in the process.

These offensives have decimated the Vietcong so that current opposition in South Vietnam is composed of about 75 percent North Vietnamese forces.

It is generally agreed that following the failure of the Tet offensive in February of 1968, the Vietcong were placed on the defensive. North Vietnam was hard-pressed to supply enough men for the battle in the South and Hanoi reflected noticeably the effects of U.S. bombing while South Vietnam, in the wake of national elections, showed new confidence and ability in governing and defending itself.

After the Vietcong's unsuccessful 1968 Tet offensive, if President Johnson and Secretary McNamara had listened to the urgent request of our military leaders, the enemy forces could have been brought to their knees and negotiations started on our terms.

This, however, was not the case.

Mr. Speaker, I have listened to many critics of this administration's policy in Vietnam and some of them, in my judgment have assumed the National Liberation Front to have greater strength than it in fact has.

The NLF, which was created, sustained and has been directed by the North Vietnam Communist government, lost much of its intrastructure during the Tet offensive and has reached a position of relative impotence.

The Government of the Republic of South Vietnam, to contrast, has grown step by step stronger through the support of the people of that country which created the government in Saigon.

It is unjust and highly inaccurate to refer as some Members have done to both governments as two dictatorships without recognizing the basic distinctions between the government in Hanoi and the government in Saigon.

The Saigon government is moving toward freedom and individual rights and it is my desire to see it become stronger and purer and a better government.

Most importantly, this desire is strongly shared, to my personal knowledge, by many in the legislative and executive branches of the Government of the Republic of Vietnam.

To equate the infant representative republic in South Vietnam with the gangster government of Hanoi is, in my judgment, libelous.

It is as though these critics are saying that a child who has the measles is as sick as one who has cancer, so it is good to give the first child cancer because there is no hope for him anyway. Or it is to equate a sometimes-errant teenager with a hardened psychopathic criminal.

Mr. Speaker, I cannot understand this position.

On the positive side, within the past 2 years there has been created a constitutional republic in South Vietnam with the constitution drafted by a representative assembly and approved by a free vote of the people. It created a tripartite system of government including an executive branch and legislative branch elected directly by the people plus an independent judiciary.

The present Government of South Vietnam under President Thieu is not perfect, no government ever is. But it is the elected government, chosen by the people of South Vietnam in a free election despite acts of terrorism by the Vietcong.

President Thieu and others in the South Vietnamese Government want peace and have made a number of concessions to the North Vietnamese to attain this goal.

Their country has been war-torn for years. It is unrealistic at this time, when an acceptable solution is in sight, to abruptly halt our efforts.

The Government of South Vietnam is becoming stronger, so is its military. Many critics of the war are addicted to disparaging remarks about the South Vietnamese people, about their alleged corruption, their laziness, their unwillingness to fight. As one who has visited Vietnam on several occasions, talked with her leaders and to many others who have been in Vietnam, I must set the record straight.

The South Vietnamese are a resourceful people who, although engaged in a war of survival for nearly 20 years, have held free elections, kept fighting in the face of often impossible odds and displayed incredible energy and ingenuity in so doing.

I am confident of their ability to sustain a viable, stable government and to take over the operations of the war in their country if given the time to do so.

In keeping with his drive for peace in Vietnam, President Thieu, in a speech following his Midway Island conference with President Nixon last summer, offered to talk privately with the National Liberation Front without preconditions toward the solution of the internal political problems of South Vietnam.

He called for the participation of all political parties and groups, including the NLF, in elections if they renounce violence and pledge themselves to accept the results of the elections. Thieu has said his regime would abide by such results.

This, in my judgment, is not too much to ask. It is a reasonable step.

At the same time, President Thieu warned that the other side should not misconstrue his desires for peace as a sign of weakness. He said, and I quote:

> It should not be induced by our repeated acts of goodwill into believing that it has only to remain adamantly negative for us to accept eventual surrender.

The United States has provided a foundation on which the Republic of Vietnam can build itself militarily and politically. To remove that foundation without permitting South Vietnam to shore up its own strength would be to topple that nation.

It would seem to me, therefore, that under the circumstances, the movement toward step-by-step withdrawal which the President has initiated, is in order. While the limitations of our policy in the past have prevented a clear-cut victory, I think it would be a mistake to believe that nothing has been accomplished in Vietnam or that we will make no further progress.

What can still be accomplished is freedom and self-determination for the people of the Republic of Vietnam, a better hope for peace and stability in all of Asia, and the continued confidence of other nations in the strength and the will of our own great republic.

THE NAVY NEEDS TO SET THE RECORD STRAIGHT ON THE TRUE SHAPE OF THE SOVIET SUBMARINE THREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Stratton) is recognized for 15 minutes.

Mr. STRATTON. Mr. Speaker, the other day the Nation's press featured stories attributed merely to "Navy sources" which poof-poohed the Soviet submarine threat and spoke in glowingly optimistic terms of the Navy's ability to handle this threat.

These stories represented a very grave distortion of the actual facts. Having had the privilege for the past 3 years of serving as chairman of the Antisubmarine Warfare Subcommittee of the House Armed Services Committee, and as such having acquired some knowledge of where the Russians stand in the submarine field as well as where we stand in our ability to counter them, I simply cannot in good conscience allow these damaging anonymous stories to remain unchallenged.

These reports appeared widely on October 8 and 9, and proclaimed that the United States has a very comfortable 10-year lead over the Soviets in both the submarine and antisubmarine field. Here are a few of the more sensational assertions made in these stories, contrasted with what are the actual facts:

First. The "U.S. is about 10 years ahead of the Russians in antisubmarine capability." The fact is that our lead is in only one single aspect of antisubmarine warfare. In many others the Russians are plainly ahead of us, for example, in the sheer size of their submarine fleet, in their vastly greater capacity to build new and different submarines, and in the two new antisubmarine helicopter carriers of the *Moska* class, now operating in the Mediterranean, which have been termed the most advanced new ships in any navy today by Jane's Fighting Ships.

Second. The newest Soviet submarines are "noisier than expected and thus less able to conceal their location." This just is not so. Vice Admiral Rickover testified to our committee in 1968 in the published record that in terms of quieting, the Soviets had reached a point in 1968 that our intelligence experts had not expected them to reach until 1975. In other words, the Russians are 7 years ahead of our expectations, not 10 years behind.

Third. "The Soviets have never deployed missile-firing submarines within range of this country." This, too, is false. Soviet missile-firing submarines patrol regularly in range of Hawaii, and in December 1967, at the time of the wedding of President Johnson's daughter Linda Bird, one came so close to Washington that the whole Atlantic command was placed on alert and urgent efforts were made to chase the missile-firing submarine out of range.

This notion that the seriousness of the Soviet submarine threat is just a fantasy of some alarmist Congressman, which one local newspaper had charged on the basis of these stories, is utter hogwash. Admiral Rickover told Congress in 1968 that if he had to choose between commanding the present Soviet submarine fleet or the present American one, he would choose the Soviets without any hesitation. But Admiral Rickover, these anonymous Navy sources are also quoted as saying, "lacks the antisubmarine warfare expertise of other top officers."

The fact is that Vice Adm. Turner Caldwell, who is the Navy's own antisubmarine warfare czar and possesses probably more expertise in this field than any other Navy officer, testified before our committee this year on recent Soviet progress in the submarine field as follows:

> Last year I was concerned. This year I am frightened.

Of course, the net effect of all these stories, if they are allowed to remain officially unchallenged by the top leadership of the Navy and the Pentagon, will be to undermine everything that Congress has tried to do in recent years to improve one important area of our Nation's defenses which, because of a certain lack of glamor, has all too often been the Navy's own stepchild.

So if the Navy really wishes to keep its ASW forces intact, and continue to do a better job of intercepting intruders than the Air Force did in Florida the other day, I would suggest that they take off the gloves, come out fighting, and set the record straight publicly and unequivocally for quotation.

Various news stories follow:

[From the Washington (D.C.) Star, Oct. 9, 1969]

United States Years Ahead of Russia in Subs, Navy Sources Say

(By Orr Kelly)

The Soviet Union is lagging at least 10 years behind the United States in submarine development, according to well-informed Navy sources.

Although new Soviet subs have come close to the speed of the most modern American subs—a fact which caused a flurry of apprehension when it was first discovered in January 1968—the Soviet subs are far noisier than their American counterparts.

This means that American sailors can hear Soviet subs twice as far away as they can be heard. In undersea warfare, this would almost certainly be a critical difference.

This margin of silence is also one major reason U.S. Navy officers are confident their subs would more than hold their own against the Soviet sub fleet even though they would be outnumbered more than 3 to 1 in the event of war.

REDS HAVE 350 SUBS

The Soviet Union now has some 350 submarines and is engaged in a vigorous construction program. In less than two years, four new classes of Russian subs have been seen—two of which are of special interest to the U.S. Navy.

One is the Yankee class, which is similar to the American Polaris and carries 16 medium-range missiles. It has not yet been determined whether the missiles carry multiple warheads. One model of the Polaris missile now carries a cluster of three warheads and the Poseidon, which can carry 10 or more small, independently targetable warheads, is under development.

Of the half dozen Yankee class boats so far produced, two have recently deployed for what appeared to be training cruises in the North Atlantic, but neither came within missile range of the United States.

NEVER WITHIN RANGE

In fact, Navy sources said, the Soviets have never deployed missile-carrying submarines within range of this country.

On the other hand, Polaris boats have long been stationed within range of Russian targets, prepared to fire if the United States were attacked.

For several years, the Soviets have had diesel-powered Golf and Hotel class submarines on station in the Atlantic.

They carry three relatively short-range missiles in their sail, or conning tower. The missiles could not reach this country unless the subs moved in much closer.

Navy officers had speculated that the Golf and Hotel subs might have been sent out to prepare the way for the nuclear-powered Yankee class subs with their longer-range missiles. So far, however, the new subs haven't moved into the positions occupied by the older boats.

Because they have produced relatively few of the Yankee class subs and have not yet deployed them in a meaningful pattern, Navy experts don't yet know how they will be used or what threat they may pose to this country.

The other submarine being watched with special care is the Charlie class. On its bow, it has four tubes, angled upward at an angle of about 30 degrees. So far, the Navy hasn't seen the tubes used and doesn't know what they are for.

[From the New York Times, Oct. 9, 1969]

New Soviet Subs Relatively Noisy, Easy To Detect

(By William Beecher)

Washington, October 8.—Recent intelligence reports on Soviet nuclear-powered submarines have convinced military analysts that in the rivalry for supremacy under the seas the United States is likely to stay ahead for some years to come. The reports find the newest Soviet submarines noisier than expected and thus less able to conceal their locations.

The information became available during recent Soviet maneuvers in the North Atlantic with the newest submarine, the "Y" class. The nuclear-powered submarine has 16 long-range missiles similar to those of Polaris system.

Some analysts say that because of the noise American nuclear attack submarines should be able to determine the location of Soviet submarines at about twice the distance that the Russians need to become aware of an American submarine.

OBSERVED IN THE ATLANTIC

But the rate and variety of Soviet submarine development and construction is of some concern, the analysts say. Over the last year or so, American intelligence has learned of four new types of Soviet submarines, three nuclear-powered and one propelled by a diesel-electric engine.

Within the last several weeks, according to these sources, the Russians have ventured into the Norwegian Sea and the North Atlantic with some of their first six deployed "Y" class submarines. Three or four others are being made ready for deployment and an undetermined number are under construction in covered construction yards. The Soviet Union is believed capable of building 7 to 12 nuclear submarines a year.

While the Russians have placed older missile submarines, whose missiles have a 700-mile range, on patrol within 1.000 miles of the coasts of the United States, the new "Y" class, with a missile range of 1,000 miles, has not yet been stationed near the United States.

Because Soviet submarines are so noisy, some military analysts are inclined to be less concerned than Defense Secretary Melvin R. Laird and Vice Adm. Hyman G. Rickover over the potential vulnerability of the

41 Polaris submarines during the next decade.

DETECTION GEAR AT ISSUE

Their concern seems to be based on the belief that the Soviet Union could achieve a technological breakthrough in the field of underwater detection that might be hard to counter.

The analysts contend that the American antisubmarine warfare program is 10 years ahead of the Soviet program.

So far the "Y" class submarines have been assigned to the Northern Fleet, operative in the Barents Sea. None are believed to have operated in the Pacific, the Mediterranean or the Indian Ocean. As their number increases, they are expected to be assigned to all Soviet fleets.

According to the intelligence reports, the other new Soviet types of submarines are:

The "C" class, a nuclear-powered attack submarine with a bulbous bow that is believed to contain a new type of weapon. The analysts do not know whether this is an antisubmarine rocket, an antishipping missile or a coastal bombardment missile.

The "V" class, a more conventional nuclear-powered design, believed to carry homing torpedoes for use against shipping.

The "B" class, a diesel-powered submarine, smaller than the others, believed designed for close-in defense near the Soviet coasts.

The Soviet Union has about 350 to 375 submarines, roughly 65 of which are nuclear-powered. The United States has 156 submarines, of which about 85 are nuclear-powered.

[From the Washington (D.C.) Daily News, Oct. 9, 1969]

Navy Gives Reds 10-Year Sub Gap

(By Mike Miller)

The U.S. has a 10-year lead on Russia in the quality of attack submarines and antisubmarine warfare (ASW) capability. Navy sources said today.

This surprisingly optimistic assessment of the U.S. submarine program conflicts, however, with many public statements by Defense Secretary Melvin Laird.

During the recent congressional debate over the Safeguard anti-ballistic missile (ABM) system, Mr. Laird voiced fears that the missile-firing U.S. Polaris' strategic subs might become vulnerable to attack by Russian submarines in the next five years.

But the Navy sources predicted it will be perhaps as long as 20 years before the Russians can score a technological breakthru that would enable them successfully to track Polaris subs at sea.

The sources also gave this comparison of the relative capabilities of the U.S. and Soviet nuclear-powered attack submarines—vessels designed to find and attack other submarines and ships rather than fire missiles like the Polaris.

The latest Russian attack subs are comparable to the Thresher class of U.S. subs deployed 10 years ago. To catch up, the Russians will have to go thru a similar 10-year period of technological development.

While the Russians have demonstrated dramatic speed increases with their latest models, pulling about even with the speed of U.S. subs, they have done so at the expense of noise. Meanwhile, the U.S. has concentrated on building quieter submarines to avoid detection by enemy ASW forces.

Russia's latest nuclear subs are about twice as noisy as the advanced U.S. models. Thus, the U.S. subs can hear the Russian ones long before being detected. Speed then becomes a secondary factor because there is plenty of time to move away and avoid detection by an approaching Russian sub.

Meanwhile, the U.S. is developing a new, high-speed nuclear attack sub, which promises to be faster than anything the Russians have fielded, and an experimental super-quiet model.

Sources said U.S. sonar equipment is far superior to that of the Russians, enabling the Navy to do a reasonably successful job of tracking the position of Russian subs in vital areas of the high seas.

They acknowledged, however, that the world's oceans are too vast and the problems of ASW too complex for the Navy to pinpoint the specific location of all the Russian subs as sea at a given time. The problem is particularly acute in the Mediterranean, where a high noise level from ocean currents makes detection difficult. The Russians have substantially increased their Mediterranean fleet, including submarines, since the middle east war of 1967.

The Navy sources added that:

Despite years of trying, the Russians have never succeeded in tracking a U.S. nuclear sub, attack model or Polaris, at sea. U.S. subs use various secret methods to evade Russian subs which loiter outside U.S. nuclear submarine ports and try to follow them.

Russia now has six Polaris-class strategic submarines equipped to fire 16 missiles each. Two of these have made shakedown cruises in the Atlantic but their paths caused no alarm in the U.S. intelligence community over the possibility of an attack. None of the Russian Polaris-class boats has yet remained at sea long enough for the U.S. fully to assess its capabilities.

Some congressional committees have expressed concern in recent years over Soviet nuclear submarine advances and the fact the Russians have 350 submarines to 145 for the U.S. These reports are fueled by Vice Adm. Hyman G. Rickover, the "father" of U.S. nuclear subs who is impressed with the Russian program and wants the U.S. to build faster models.

While hailing Adm. Rickover as the foremost builder of nuclear subs, the sources said he lacks the ASW expertise of other top officers.

The sources also sought to put down persistent reports the nuclear submarine Scorpion, lost in the Atlantic last year, may have been destroyed by a Russian sub. There were no Russian submarines in the area at the time, the sources said.

Run Silent, Run Deep

After all the reports about Russia developing new terror weapons, it is comforting to hear that the United States has a 10-year lead on the Soviets in quality of nuclear-attack submarines and anti-submarine warfare capability.

This assessment, reported in The Washington Daily News and other Scripps-Howard newspapers, comes from highly reliable Navy sources.

It is both surprising and encouraging because for years we have been hearing mostly scare stories that Russia is rapidly overtaking the United States in submarine technology, posing a grave military threat. It turns out that we have not been getting the whole story.

According to the Navy sources:

Russia's latest subs are fast—about as swift as our models. But they are noisy—twice as loud as ours. This means the United States subs can detect Russian subs long before being heard themselves. To overcome this gap will cost the Russians heavily in time and rubles.

The Navy's sonar detection equipment also is years ahead of Russia's. This enables the Navy to do a reasonably successful job of tracking Russian subs in vital areas of the high seas. The Soviets are said never to have successfully tracked a U.S. nuclear-powered sub at sea.

Congressmen and others who often sound the alarm about Russian subs want the United States to continue building rather than stopping with 41 Polaris missile-firing strategic nuclear subs and 69 nuclear-powered attack subs—the program established by former Defense Secretary Robert S. McNamara. They may have a good point.

But the Navy sources, by getting out the word on relative capabilities of current U.S. and Soviet subs, have performed a public service. And Russia is learning the hard way that modern nuclear subs should run silent as well as deep.

ON VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Morton) is recognized for 10 minutes.

Mr. MORTON. Mr. Speaker, when the people of this country made the decision in the fall of 1968 to change the complexion of their Government by electing a Republican President, there was evidence enough of the need for change and redesign. The overcreative approach of the past two administrations had far outstripped the basic requirement of Government to manage efficiently the affairs of the Nation and to solve the problems current to our society. This resulted in a climate of promise and in a catalog of false hopes.

In order to respond to the demands of the people of America who brought into being the Nixon administration, the new President has addressed himself to the hard task of solution. The time now is for picking up the pieces—the time now is for management, for discipline, for constructive action. The time now is to face four-squarely the reform of those things which consume the public resource but do not contribute to the public welfare. In short, the time is for reorganization and for hard decision.

The overriding problem, and the one most churning in the national conscience, is the war in Vietnam. It represents a position not well enough understood by the American people. It grew out of a tradition of assistance to emerging nations; it developed from a belief in the principle that peoples have an inherent right to establish government of sovereignty vested in themselves.

The failures to recognize sooner the effects of massive involvement of American manpower were a matter of history before Mr. Nixon took office in January 1969. Nevertheless, these failures, along with the fatigue and sacrifices, we have experienced as a nation because of years of involvement without the kind of success which has been traditionally ours, weighed heavily not only on us, but also on the nations who were historically our friends.

Out of this the President has developed a new direction, a new leadership toward peace. It must be a peace that will work amid the massive political forces inherent to Southeast Asia. It must not be a false peace which will content Americans who may be living in a dream world of neo-isolationism. If it is a peace that results in the massacre of dissenters who believe in their own right to elect their own government, it will not be a peace at all but an outright surrender. It will be a turning of the tide in this world toward the subordination of man's spirit to a totalitarian concept of communism which we have rejected time

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and time again as being inadequate to serve the best interests of mankind.

No President in history has inherited a more complex, a more difficult, or a more frustrating situation than is represented by our involvement, for more than a decade, in the wars of Vietnam.

The opportunity for solution, the opportunity for broadening the basic principle of self-determination, will be greatly enhanced by the singleness of purpose and sense of unity on the part of the American people.

Wars are terminated by hard decision, and skilled leadership. Effective leadership nearly always is a reflection of national purpose. The purpose here is to bring about a lasting conclusion and a meaningful peace. No one in this administration, from the President on down, deviates from that purpose. Is it asking too much that, as the world's most powerful nation, we Americans join hands and hearts in a spirit of national pride and overriding dedication to our own institutions of government, to our own President? It has been this great spiritual dimension of America that has brought us to a point of magnificent opportunity to perfect our civilization with new technologies. It has been this spirit which has kept alive the desire for freedom in the hearts of men wherever they exist on this planet. It has been this spirit which has been the source of our great strength and our contributions to mankind.

Today in history when the American spirit is needed so badly, why do we consider the proposition of abandoning it?

THE VIETNAM MORATORIUM

The SPEAKER pro tempore. (Mr. GRAY). Under a previous order of the House, the gentleman from New Jersey (Mr. HUNT) is recognized for 15 minutes.

Mr. HUNT. Mr. Speaker, it is indeed ironic that the hard-won freedoms for which millions of Americans have fought and died since the beginning of the history of our Republic should now serve the purposes of those who would destroy it and those same freedoms on which they must depend to sustain their cause. But this was not unpredictable; our forefathers foresaw the possibility, and indeed, the right to dissent openly and freely has held an important place in checking what some may call "government by consensus."

And so, today, the Vietnam moratorium proceeds unobstructed, and as characteristic of the inherent nature of dissent, it has the unfortunate tendency of being construed as the mouthpiece of public opinion, because it is organized and because dissent generates its own sensationalism which readily finds its way into print for mass consumption. How true it is that dissent will always motivate overt action, while the lack thereof is merely tacitly relished, leaving the mind at rest and giving little cause to rant and rave as to one's own peacefulness that all is well.

Thus, the moratorium has become the symbol of dissent of an unpopular war abroad, but in my view, is also the manifestation of the present-day objective of protest for whatever alleged grievance—to force upon the majority the dissenters' views, if not by persuasion, by threat of or actual violence. This is the alternative, in the view of an impressionable minority, to seeking change through the established institutions of representative government. The President is claimed to be "insensitive" to the demonstration; he is chastised for "failing" to be responsive to the realities of public concern. It is difficult for me to conceive of the naivete of those who believe that today's demonstration should be the cause for the President to radically alter his policy, for the only alternative presented to him is total and unconditional withdrawal of our forces within a specified period of time. I go on record as stating my unequivocal support of the President's policy of seeking an honorable and durable peace in Vietnam, as it would be presumptuous of me, or anyone else, to think that we as individuals have the wisdom or, more importantly, the means to implement and effect the intricacies of negotiations in the absence of a policy of total and unilateral withdrawal, a completely repugnant option to me and, I believe, to the majority of concerned Americans.

Consider the President's own words:

> First, there is a clear distinction between public opinion and public demonstrations. To listen to public opinion is one thing; to be swayed by public demonstrations is another. A demonstration—in whatever cause—is an organized expression of one particular set of opinions, which may or may not be shared by the majority of the people. If a President—any President—allowed his course to be set by those who demonstrate, he would betray the trust of all the rest. Whatever the issue, to allow government policy to be made in the streets would destroy the democratic process. It would give the decision, not to the majority, and not to those with the strongest arguments, but to those with the loudest voices . . .
>
> The planned demonstrations will tell us that a great many Americans are deeply concerned about the war; that some of these consider U.S. participation immoral; that many want U.S. troops withdrawn immediately and unconditionally. But all of us in the Administration are already well aware of this sentiment . . .
>
> There is nothing new we can learn from the demonstrations. The question is whether in the absence of any new evidence or any new arguments, we should be turned aside from a carefully considered course. The policies we are now following reflect our own best judgment, based on exhaustive study of all available evidence, of how to achieve that goal. To abandon that policy merely because of a public demonstration would therefore be an act of gross irresponsibility on my part . . .
>
> One of the first acts of my Administration was to review, exhaustively and comprehensively, every aspect of the nation's policies in Vietnam. We have drastically altered the policies we inherited . . . For nine months, we have worked every day for a just end to a conflict which has been building for more than eight years.

Indeed, if for no other reason, the motives of the so-called moratorium are suspect for proclaiming that the President has done "nothing" to end the war—one that has gone on for 8 years—during the period of only 9 months in office. The only conclusion to be reached, again, is that the dissenters will consider nothing less than total and unconditional withdrawal of American forces, regardless of the consequence of this Nation's vital interest in the security of that part of the world; the credibility of its commitments throughout the world; the tenacity of its adherence to the principles of individual freedom and self-determination for all peoples and nations; and the sure fate of a bloody and barbaric Communist suppression of the South Vietnamese people. I do not believe that the spirit of this Nation could withstand the consequences of such a move at the cost, already, of some 40,000 American lives in South Vietnam.

To be sure, the President's course of action, even in the face of the implacable North Vietnamese and Vietcong negotiators, has been radically altered from the past realities of escalation and the virtually complete domination of the war by American forces. Succinctly stated, a recent article in the National Review summarized:

> The outlines of President Nixon's Vietnam policy have now become clear. During the next eighteen months a substantial number of American troops will be withdrawn—around half the number now there. Drastic tactical changes and increasing use of Vietnamese troops and regional forces will 1) greatly reduce American casualties, and 2) eliminate the possibility of a Communist takeover. Those American troops remaining in Vietnam will be volunteers, largely professionals, rather than draftees.
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> This strategy is entirely plausible—so plausible, in fact, that the hard Left is moving at full speed to counter it. The principal instrument thus far has been designed by the "Vietnam Moratorium Committee" and consists of a McLuhanized variation on the old General Strike . . . There will be teach-ins, demonstrations and all the rest of it. The Moratorium Committee also proposes that the strikes expand by one day each month as long as the war continues. The Left has thus threatened to disrupt higher education, and whatever else it can get its hands on, in the interest of bringing about a humiliating American defeat in Vietnam . . .
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> It is unprecedented, not to say unspeakable, that American forces in the field should be undercut at home by an effort of this sort, and it is even more contemptible in light of the President's now evident strategy. What the October 15 movement tells us is that de-escalation is not enough; that a reduction in casualties is not enough; that fighting a de-Americanized war with volunteers is not enough. Nothing but an American defeat, with a consequent Communist takeover in the South . . . will do.

Even more damaging than the moratorium itself, in terms of jeopardizing the lives of American forces remaining in Vietnam and solidifying the gap between the Paris negotiators, is the weight given to the cause of defeat and Communist victory by the overt support of a number, however few, of persons who, by virtue of their positions in government, education, or elsewhere, give backbone to an otherwise ill-advised, ill-informed, and generally impulsive minority who would, and do, protest anything—from saying a prayer on the moon to fighting a war, any war. In a word, columnist Richard Wilson, basing his observation on an in-depth survey by the respected Institute of Social Research at the University of Michigan, says:

> Members of Congress, college presidents and government administrators who, *because of expediency or intimidation*, have aligned themselves with the war protest and have joined an anemic, if rowdy, company with no political clout. [Emphasis added.]

It is for certain that such individuals have, in recent days, been vigorously competing for television time to express their views on Vietnam. Richard Wilson's column, appearing in the October 13, 1969, issue of the Washington Evening Star, follows:

VIET PROTESTERS DELUDE POLITICIANS, SURVEY SHOWS

> President Nixon says that he will not be affected by anti-war demonstrations and he has very sound ground for ignoring them. They do not represent significant political opinion even among the young.
>
> It is possible to say this with more than impressionistic assurance on the basis of indepth surveys of the 1968 presidential election by staff members of the highly respected Institute for Social Research at the University of Michigan.
>
> Members of Congress, college presidents and government administrators who, because of expediency or intimidation, have aligned themselves with the war protest have joined an anemic, if rowdy, company with no political clout. The protesters are a small fraction of the young. Most of the young who oppose the Vietnam war disapprove their tactics. Others oppose not only their tactics but everything they stand for.
>
> Such conclusions flow naturally from the findings of the Michigan researchers on the phenomena of the 1968 election which have upset a great many preconceived ideas of the mass media, especially television, on what happened in that dark and confused year, viz: Gene McCarthy's support came as much from hawks who hated Johnson for bungling the war as from the peaceniks who wanted him to end it.
>
> Other astonishing conclusions bear on the present resurgence of war protest which has unhinged so many members of Congress, probably to their future regret.
>
> One such astonisher is that George Wallace got more than his share of the support of the young. "One of the major ironies of the election," the Michigan researchers wrote, "was that Wallace made his appeal to the old but mainly received the vote of the young."
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> The Michigan academicians saw it this way: "Although privileged young college students angry at Vietnam and the shabby treatment of the Negro saw themselves as sallying forth to do battle against a corrupt and cynical older generation, a more head-on confrontation at the polls, if a less apparent one, was with their own age mates who had gone from high school off to the factory instead of to college, and who were appalled by the collapse of patriotism and respect for law that they saw about them."
>
> The vanguard of youthful revolution, the researchers found, is numerically swamped even within its own generation. The wave of the future for 1970 and 1972 promises several times more votes to politicians by leaning toward George Wallace than by leaning toward Gene McCarthy, the researchers found.
>
> If the Michigan researchers are right (they support their conclusions with the most advanced sociological techniques) the Vietnam Moratorium is more likely to create an unfavorable reaction than to advance the cause of Peace. But even if the researchers have been so scientific as to mislead themselves, common observation supports their intimation that great masses, young and old, do not like this kind of thing.
>
> President Nixon's problem is to marshal this mass reaction on his side, which he has not been too successful in doing. If he is to pursue his course of measured disengagement without sacrificing his ultimate goals then he probably will have to speak and act in more blunt terms.
>
> He will have to ask and answer what the consequences will be if he withdraws abruptly from Vietnam, as the peace elements demand.
>
> Will such an abject surrender create strong undercurrents of resentment which will fester in American life for generations? It will not be enough to say that he will not be the first American president to preside over a military defeat, nor that he will not be influenced by the anti-war demonstrations. He will have to spell out why in the most direct and simple terms, not sparing the members of his own party whose political courage in these circumstances is not equal to his.
>
> The reason the President will have to speak this way is so that he can command the respect and support of the middle America he supposes he represents. Nixon will have to demonstrate that the noisy manifestations of dissent are those of a minority who will be satisfied with nothing less than abject and apologetic defeat as a lesson against such involvements in the future and irrespective of the fate of the Vietnamese people, the prestige of America and the future of Asia.
>
> If the President does not wish to do this, if he wishes to continue to be ambivalent so as to appease those who are trying to destroy him, he will sooner or later discover that they cannot be appeased short of total American humiliation in Vietnam. That does not go for the great numbers who are sick of the war but want an honorable settlement. It does go for radical activists, their academic and intellectual sympathizers, and frightened politicians.

There are those who have said they are tired of hearing the same "old" argument that antiwar protests in the United States have the effect of aiding and abetting the enemy. But, in fact, it is no secret that the Communist North Vietnamese and Vietcong have long savored the unrest caused by the anti-Vietnam protesters which has certainly been given consistent and broad coverage in the news media. I dare say that from the arguments and demands set forth by the antiwar demonstrators and the Communist negotiators, it is difficult to determine who is feeding whom the line. The occasion of this moratorium is the first, I believe, where the Communists have so blatantly and outspokenly endorsed the antiwar movement and denounced the President in connection with it. Said Mrs. Nguyen Thi Binh, the foreign minister of the Communist provisional revolutionary government—a government in fiction only:

> The Vietnamese people warmly acclaim this movement of the American people who demand that the Nixon administration put an end to the war of aggression in Vietnam and rapidly and totally withdraw American troops.

The gist of this propaganda—to end the war according to the Communist design—was again broadcast by Radio Hanoi last night and monitored throughout the country. No better a propaganda forum has been available to the Communists than the Paris negotiations, and no more damaging propaganda has been supplied them than that by their "sympathizers" here in the United States. While paying lipservice to "peace," they denounce and make a mockery of the only means by which an endurable peace can be achieved—through the office of the President of the United States. As columnist David Broder has said, writing in the Washington Post:

> Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

This column, appearing in the October 7 issue of the Washington Post, follows:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David Broder)

> CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.
>
> The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.
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> The essentials of the technique are now so well understood that they can be applied with little waste motion.
>
> First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)
>
> The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)
>
> Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.
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> And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.
>
> All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

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That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

In conclusion, Mr. Speaker, we may rightly ask what purpose the Vietnam moratorium serves. Will it alter the President's course of action? As he has stated, no. Does it express the desire of the majority of the American people to unilaterally, totally, and unconditionally withdraw within a fixed time? I do not believe so. Is this alternative, as sought to be imposed on the President, designed to be constructively critical? The fact that it is a fixed alternative answers that question in the negative. In my estimation, the only purpose to be served at all, if any, is to limit the options to two: First, unilateral, total, and unconditional withdrawal in a specified time, or, second, support of the President's policy to negotiate a lasting peace, with the cooperation of the Government of South Vietnam, and without a fixed time limit for withdrawal or a wholesale, unilateral withdrawal in the absence of mutual withdrawal—and to polarize American opinion accordingly. I am firmly of the belief that given these two choices now at issue, the overwhelming majority of Americans will come to the support of the President. The spirit of the American people to end this war honorably and the interest of international peace depend on it.

THE WRONG CURE FOR INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WYATT) is recognized for 30 minutes.

Mr. WYATT. Mr. Speaker, we in this country are consumed with our desire to terminate the war in Vietnam, and to do so in such a way that the peoples of South Vietnam will continue to have the right of self-determination, and to protect the lives of our own troops in withdrawal, and to prevent the butchering of hundreds of thousands of South Vietnamese by the North.

However monumental this effort may be, we simply cannot let slide or gloss over the state of the domestic economy. We are in most serious trouble. The $25 billion deficit which we suffered in fiscal 1968, on top of substantial previous deficits, together with what I consider to be the irresponsible action of the Federal Reserve Board in ballooning the supply of money during the last half of fiscal 1969, shifted our country into high-gear inflation. I have great concern over the efforts which have been made thus far in an effort to deal with this tremendous problem. The efforts have been courageous and well intentioned, but I for one feel that they are not hitting the mark, and are not strenuous enough.

My concern as a Congressman from the Northwest in regard to the measures which have been taken are perhaps more exaggerated than that of the average Member. As in the past, the traditional cures for inflationary trends have an immediate depressant effect on the homebuilding industry and on construction generally. We in the Northwest feel this effect exactly the same as all other areas in the United States. However, there is another and a secondary effect, much more devastating, that we feel which is not felt in other parts of the country. Oregon's economy is timber and lumber oriented. The woods fiber industry is the backbone of our entire economy. When home building and construction drops, the core of our economy is hurt. Thus we suffer with all other areas, and we suffer acutely the additional problem of hardship in the woods fiber industry.

At the present time, there are in excess of 10,000 unemployed in this industry in the Northwest. It appears obvious that the situation is going to become much worse before it starts to recover for the Northwest.

With the start of President Nixon's administration, the Federal Reserve Board wisely reduced the rate of increase of the money supply, a policy of gradualism, until May of this year, when the supply's increase was completely cut off, a situation which I am advised still continues. Our economy has started to slow, reacting to the policy of gradualism in money supply and to other brakes placed on the economy. I am advised further that it will probably be nearly the first of the year before the "no increase" policy of money supply will be felt. I would expect that there will be grave and extended reaction at that time, which, of course, will make the economy of the country and of the Northwest in particular suffer much more intensely than at the present. This policy must be changed.

Perhaps this is a price that we could and would pay if we were certain that our inflationary problems would be cured in the process. However, I see no real signs of any relief, and very little promise of meaningful relief. I believe that it is evident that wage demands will be even higher than in the past, and that prices subsequently will follow the resultant upward path in the continuing cycle.

Although there is some argument about it, I am convinced that we are in the cost-push type of inflation, as distinguished from the traditional high demand-low supply type. The use of fiscal and momentary controls has and can be effective against traditional inflation, but I do not think it is the proper medicine for cost-push inflation. If wage demands continue high, prices will continue to rise, and the cycle goes on, catching in the squeeze the millions of people in this country who cannot protect themselves.

I would respectfully suggest that the administration should immediately restudy our posture in the war against inflation, lest we be caught in the dreadful position of the worst of both worlds, simultaneous recession with continued high inflation.

Specifically, I would suggest the most serious consideration of the following measures:

First, an immediate return to the policy of gradualism by the Federal Reserve Board in increasing the money supply;

Second, the imposition of selective credit controls on many installment consumer purchases;

Third, continuation of the Kennedy investment tax credit at its present level, thus permitting productivity to increase, and permitting the United States to maintain a better position of competition in the world markets;

Fourth, an immediate halt to statements by officials of this administration that wage and price controls are not being considered. This situation is akin to a spectator watching a fire blazing out of control, and announcing repeatedly that the nearby water hydrant will not be used.

Fifth, a request by the administration for standby wage and price control legislation, with a clear and loud public announcement that it will be implemented by the President retroactively if wages and prices continue to accelerate;

Sixth, muscular jaw-boning by the President himself in an effort to persuade industry and labor that they each have a very high interest in containing inflation. The past administration attempted the jaw-boning technique so often, with no parallel governmental effort to reduce its own spending, that the process was cheapened to the point of uselessness. President Nixon has made

an excellent start in fulfilling his campaign pledges of reducing Government spending, and has made substantial cuts, even in the previously sacrosanct defense budget. He has thus established his own credibility and I believe would be effective in efforts in the private sector; and

Seventh, concerted effort should be made in addition to the foregoing suggestions to spread the sacrifice around, and not concentrate it in the home building and construction industries. The recent Federal construction cutback will have little immediate effect, other than to cause hardship to many contractors, and in the end will result in even higher construction costs. Any one huge industry cannot be mobilized and demobilized, and once again mobilized without the consumer ultimately paying a substantial penalty. High interest rates and tight money are the principal causes of the drastic reduction in our commitment to the housing goals of this Nation. Placing contractors in a worsened position will not solve either of these basic problems, and will have no real effect on home building starts.

Focusing specifically on the homebuilding problem, in addition to the other suggestions, I believe immediate attention should be given to the following possibilities for relief:

First, appropriation, on a loan basis of a substantial amount of money for the home loan bank system to enlarge their credit supplying capacities to savings and loan associations;

Second, exempt the first $750 of interest earned on savings in institutions which invest a substantial percentage of their deposits in single-family home mortgages;

Third, legislation limiting the Federal tax exemption enjoyed by pension and retirement funds to those that invest a substantial percentage of their funds in single dwelling family home mortgages; and

Fourth, legislation permitting the Veterans' Administration national service life fund to be available for direct loans for single family homes for veterans.

There are several other programs suggested by the National Association of Home Builders which merit very careful and immediate serious consideration.

I know that the President and other high ranking officers in the administration are determined to break the inflationary cycle. I know that great effort has been made to correct this situation. I am, however, fearful that too much emphasis has been placed on textbook remedies, and not enough consideration has been given to the practical proposals which I believe would spread the burden of the fight more evenly, and would bear much more promise of success than what has been undertaken to date.

We are in a domestic emergency of frightening proportions, and I am only asking that a reevaluation of our remedies be made, and that it be made on an objective, practical basis. I hope that our administration never makes the mistake of automatically attempting to justify past policy, with the inevitable result of a hardheaded continuation on a course which, without a genuine review, might turn out to be wrong.

EXCHANGE OF FOOD STAMPS FOR PREPARED MEALS FOR THE ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER), is recognized for 10 minutes.

Mr. BIESTER. Mr. Speaker, today, along with 78 other Members of Congress, I am introducing legislation which would amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by nonprofit organizations.

The bill is identical to language contained in the recently passed Senate food stamp bill and was originally sponsored by Senator HUGH SCOTT, of Pennsylvania. It would extend the benefits of the food stamp program to elderly persons now denied eligibility because they are physically unable to cook for themselves. Under this legislation, nonprofit, charitable organizations would be authorized to accept food stamps in exchange for cooked meals prepared either for home delivery or for consumption in community dining halls.

Under the present law, persons who otherwise meet age, residency and income requirements are not eligible for food stamps if they do not have cooking facilities in their households. If individuals are physically incapacitated or have a chronic illness which makes it impossible to shop or prepare food, and if they have no one to do these things for them, these persons are in effect denied the use of food stamps. We see no reason why these citizens, who are often among the most isolated and needy in the community, should be denied the benefits which the Food Stamp Act was enacted to provide.

This legislation would amend the Food Stamp Act to meet this problem. It would authorize the Secretary of Agriculture, under regulations carefully prescribed and administered by him, to designate specific church and other nonprofit organizations of a bona fide charitable nature, to accept food stamps in exchange for prepared meals. Although the redemption of these stamps would assist eligible groups in the purchase of food, the stamps themselves would be issued only to individuals who would be the direct beneficiaries of this amendment. By engaging the cooperation of nonpofit, charitable organizations, this proposal would be in keeping with the current trend of relying more heavily on private initiative for solutions to pressing national problems.

In these times of unprecedented economic achievements, the basic goal of "having enough to eat" still remains, for too many Americans, a promise rather than a reality.

GIMMICKRY BY THE BIG FOUR AUTOMOBILE MANUFACTURERS

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, a few days ago a brutal automobile accident occurred in Syracuse, N.Y., in my congressional district. This tragic event compels me to speak out on a matter which has been on my mind for some time.

During the last few years, an ominous trend in automotive manufacturing has taken place, foreboding an increasingly dangerous situation on our Nation's highways. With the advent of the so-called supercar, the death rate and the incidence of partial and permanent maiming resulting from highway accidents have skyrocketed. Only a short time ago, the Nation's foremost insurance companies announced that they were increasing the premiums on supercars by over 50 percent. I am not addressing myself to the merits or lack of merits of the insurance companies' decision to increase their premiums. I am citing their decision rather as a concrete example of the concern which has been raised over this situation. Nor am I questioning the freedom of an individual to purchase the automobile of his choice. That freedom, of course, is an essential ingredient in the democratic process. What I am concerned about, Mr. Speaker, and what every parent and responsible American should be concerned about is the gimmickry which the automobile manufacturers, the big four of the industry, engage in in attempting to induce our young people to purchase these highway missiles.

We have witnessed a great deal of debate and discussion recently on the issue of automobile safety. We have witnessed massive recalls of defective automobiles, defective from both a mechanical and a safety standpoint. These alone should make one stand up and take notice. But, coupled with a monumental sales campaign put on by the automobile manufacturers to convince the public that happiness is a warm, supercharged automotive animal, capable of leaping tall buildings at 100 miles an hour, the whole situation demands an element of self-imposed restraint on the part of the manufacturers.

Day in and day out, in the newspapers and on the radio and television, the manufacturers offer an engaging invitation, particularly to our young people, to get away from it all in overpowered, superperformance, death-defying cars that purportedly are the envy of an Indianapolis contestant. Yet, whether intentionally or not I cannot say, they offer us these earthbound spaceships in the sublime surroundings of a traffic-free highway, a lonely seashore or a Nevada desert. Now, I do not know about the rest of my colleagues in the Chamber today, but I for one have not traveled on a traffic-free highway in some time, and I guarantee that only a tiny percentage of our population spends much time cavorting around the Nevada deserts. The point here is that high-powered, supercharged automobiles are presented to the public in surroundings that exist only in the mind of some Madison Avenue huckster. The fact is that these cars are going to be driven on city streets and country roads which are designed for conventional highway travel. They should be advertised and sold to the public on that basis. If a youngster is brainwashed into believing that a supercar is supposed to be driven at 80 miles an hour, the chances are that he might be tempted to do just that.

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I do not believe that Congress, or any other legislature, has or should have the right to tell automotive manufacturers how to advertise their products. But I do believe we have a moral responsibility to plead with them to consider the consequences of their decisions. One can multiply the tragedy in Syracuse a thousandfold across the country.

No one is suggesting that supercars be banned from manufacture; no one is suggesting that the public be denied the right of choice in its purchase of an automobile. I am suggesting, however, that automobile manufacturers redirect their advertising campaigns to avoid the implication that supercars are harmless toys that offer a measure of security, a sense of social acceptance, and a high rating on the popularity chart simply by depressing the accelerator as far as it will go.

FRESHMAN ECONOMICS NO. 8—UP, UP AND AWAY GO PRICES

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, it is quite possible that this administration will succeed in being the first American Government to maximize unemployment, cost of credit, and interest rates while inflation hits an alltime high. Truly a breathtaking accomplishment, given all the factors involved. If it were not so sad, the soothing gurgles passing for public statements of the ruling economic whiz-bangs would be amusing. As it is, they are merely ludicrous. Let us therefore proceed to further explorations into the world of freshman economics.

The aluminum industry rates a gold star this time, because it has shown the greatest corporate irresponsibility in recent price increases. Kaiser upped aluminum ingots $20 per ton on primary metal forms, plus it increased prices for insulated wire and cable by 4 percent. Alcoa followed in a spirit of true American competition. And was it not surprising that the rest of the industry followed the same day with the same hikes?

Louis Allies Co., a subsidiary of Litton, raised induction motor prices 7 percent. Gould, Inc., increased prices on rechargeable batteries. Not wishing to be considered nonconformist, Goodyear upped prices on its passenger, truck, and farm tires and tubes by 2½ percent. This rise is the second for Goodyear in 4 months. The rest of the newsprint industry raised their rates. More good news followed as RCA, United States Steel, and Armco Steel played follow the leader in a variety of hikes. TV sets, stereo receivers, stainless steel, foundry coke, grinding and lapping machines, and insulated wire and cable product prices shot upwards, as industry again demonstrated its public spirit and desire to ease inflation.

Retail meat prices are a national scandal, as meat producers continue to enjoy the privilege of grazing their animals on millions of acres of public domain at bargain prices. In the past 5 months, retail meat costs to consumers have risen at the rate of 12.6 percent. Yet we are told by the administration's consumer advocate that they are actually going down.

Then Control Data Corp. raised charges for computer products and maintenance services. Monsanto, Container Corp. of America, and Mead Corp. further brightened our lives by upping prices on chemicals, folding cartons, and white paper. Note that all these products are basic to everyday life, being either sold directly to consumers or used in a wide variety of essential products.

Meanwhile, public holders of almost a quarter of Government securities maturing October 1 and December 15 decided they would rather be paid in cash than take new Treasury notes yielding as much as 8 percent, the highest return on Government issues in 110 years. Confidence in our Government is mounting, as we can see. Reflecting pressures exerted by American policies, British and Belgian banks upped their prime rates.

Construction costs have risen more rapidly in recent months than at any time since World War II. The Nation's railroads have agreed to seek an across-the-board freight rate increase of 6 percent. Unless the ICC intervenes, these will take effect October 18. Net new orders for machine tools, the production machinery that goes into the Nation's assembly lines, continued their precipitous decline.

This was all capped by a momentous announcement by the Labor Department, which announced the greatest jump in unemployment in 9 years. At least half a million more Americans are pounding the pavements looking for jobs as a result of the economic policies of the administration. The Secretary of the Treasury announces that such a 4-percent unemployment level is "acceptable." Enlightening and eloquent, to say the least. Compassion and sympathy are his middle names.

Meanwhile, the Federal Government grows richer through the progressive growth of its sources of taxation. Simultaneously, the tax sources of our cities shrink in proportion to their rising costs of operation. And the administration gaily slices away at essential programs, such as model cities and medical research, to name only a pair, for the entire list is as long as it is sad and depressing. Plenty of money for wars and military boondoggles, such as ABM. Nothing for the cities.

This type of national policy is as silly as raising homing pidgeons and then moving. At this rate, by the time we will have caught up with the Joneses, they will have refinanced or gone to the poorhouse, if one remains. Our Government has a combination of the financial cold wobblies and economic cholera morbus. The average major corporation leader sports an income as fat as a young sequoia as unemployment lines lengthen. The facts are plain, yet the Government ignores them, tightens the screws, and pretends that all is well. Was it not a little boy who was supposed to whistle as he passed the cemetery? Such folly is 110 proof.

MANPOWER DEVELOPMENT AND TRAINING ACT

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, during the last several years, I have maintained a keen interest in the activities conducted under the Manpower Development and Training Act and have been most impressed by the institutional programs conducted under this act. Some 540,400 trainees have been reached through over 10,000 projects since the inception of the act.

The Division of Manpower Development and Training in the Office of Education has been constantly attuned to the needs of the unemployed it serves particularly the so-called hard core trainee and has provided outstanding leadership in the development of programs specifically structured to their needs.

The institutional programs—under MDT—offer trainees the only opportunity for hard-core individuals to obtain a base of occupational knowledge that will permit them not only to become employed but to advance in the occupation. Entirely new opportunities for upward mobility have been opened up in the health field, the clerical field as well as in other occupations. This training has made possible for nurses aides to utilize their base of training to progress as licensed practical nurses.

The clerical training program has made available to the disadvantaged in such new areas of endeavor as stock brokerage clerk.

I have recently become aware of a new development that can be supportive to any of the programs that relate to the disadvantaged, that is the Area Manpower Institutes for Development of Staff—AMIDS. These are in five separate locations and are conducted through contracts with the Office of Education. They were developed to provide needed training in relating to the needs of the trainees served by manpower programs. They have served not only instructors, counselors, and administrators of these programs, but also employment service counselors and coordinators, national contractors, and personnel from industry.

It is with interest that I follow this program and I commend the Division of Manpower Development and Training, Office of Education, for the contribution it is making in breaking the cycle of poverty for the disadvantaged that are really being reached in the institutional programs under MDTA.

A CONVINCING CALL FOR EDUCATIONAL LEADERSHIP

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, there has just been brought to my attention the recent statement of the National Advisory Council on Education Professions Development, entitled "Leadership and the Educational Needs of the Nation." This powerful appeal to action was sent by a distinguished panel of educators and lay citizens to the President, to the Senate, and to our own House of Representatives earlier this month. It strikes out in poignant language about the national mood of "cutting back":

> Everywhere the mood appears to be one of cutting back—withdrawing—seeing how little we can get along with; in short, a steady retreat from the bold plans the nation launched several years ago.

The statement goes on to demand that the political leadership of America—in the executive branch and in the Congress "demonstrate to the young that the Nation can envision a future of hope and that we can translate that vision to tangible policies and sensible priorities. We could do no better in this than to start with the field of education itself." It continues:

> If the Executive Branch feels that Congress has not moved in a fashion appropriate to the time, let it take leadership. If the Congress feels that the Executive Branch has not sensed the urgent need for a bold educational policy for the nation, let it provide the leadership. But let us have leadership.

Because this cogent and carefully reasoned statement deserves widespread discussion, I include the text of the entire statement of the National Advisory Council on Education Professions Development in the RECORD at this point:

LEADERSHIP AND THE EDUCATIONAL NEEDS OF THE NATION

The National Advisory Council on Education Professions Development is charged with reviewing and evaluating programs of the Federal government which support the training and development of educational personnel. We come to Washington several times each year to review with those responsible for the administration of these programs the progress they are making in their efforts to provide the best teachers for our schools and colleges. We have just concluded one such meeting. We are deeply disturbed about what we find.

Everywhere the mood appears to be one of cutting back—withdrawing—seeing how little we can get along with; in short, a steady retreat from the bold plans the nation launched several years ago.

Specifics are not hard to come by. Only last week the U.S. Commissioner of Education pronounced the "right to read" for every youngster in the nation. At that very time, the Department of Health, Education, and Welfare was directing the Office of Education to cut $8 million of a $13 million program, a substantial portion of which was designed to improve the preparation of teachers of reading.

Just two months ago, the House of Representatives cut appropriations supporting the chief program of the Federal government for the preparation of college teachers. The 1969 appropriation of $70 million was reduced by $14 million.

In neither case has there been offered any compelling evidence to warrant such reductions.

But it is not only a matter of reduction in funds. There is also an absence of any bold planning to meet the problems of tomorrow. We have reviewed a recently-completed report recommending programs related to the training of educational personnel that should be undertaken by the Federal government. This report, a plan for the next five years, was prepared by one of several sub-groups of a Task Force on Education appointed by the Department of Health, Education, and Welfare. There are many worthy programs in this plan. We commend the Department for taking this kind of initiative in looking ahead. But we find the conception and scale of the plans no match for the needs. In fact, the so-called plans are timid and token. It would appear that instead of taking as a point of departure a searching inquiry into the needs of education and concluding with a determination of the resources required to meet these needs, this group was faced with an assumption of severe financial constraints and the necessity to fit its planning into this assumption.

In dramatic fashion, these decisions and actions add up to default on the proclaimed responsibility of the Federal government to act as a partner with the other levels of government in supporting the nation's educational enterprise. The Council believes strongly in this notion of partnership. We reject any suggestion of domination of the Federal government. But each partner must do its *share*. And when we find that the States have, in the last two years, increased their expenditures for higher education by 38% for elementary and secondary education by 28%, and when we find that at the same time the Federal government is cutting back, we can conclude only that there is, in fact, a default of responsibility on the part of the Federal government.

Recently the House of Representatives voted a substantial increase in appropriations for education. We commend the leadership of both parties in this effort. But apart from this action—which has yet to be voted by the Senate and signed by the President—retrenchment is the only signal coming out of the Federal government at the present time. This signal creates a mood—a mood that is affecting the thinking and actions of those in the Federal agencies responsible for administering educational programs and of those in the field who are trying to provide new prospects for the young.

While we sit for two days as members of a Federal Advisory Council and read this signal and sense this mood, we bring with us a sense of another reality "out there"—as the principal of an elementary school in a ghetto, as a school board member in Oregon, as president of a university in Appalachia, as a graduate dean in a private university in New England, as a superintendent of schools in the fourth largest city in the nation, as a profesor of physics in a Midwest university, as a guidance counselor in Arizona—as people from a variety of educational settings and various parts of the country. Here we read a different set of signals, sense a different mood.

Above all, we sense a worsening climate in American schools and colleges. While increased controls by school and university authorities may be necessary to check the activities of certain small destructive groups, we assert that present national conditions are deleteriously affecting the studies, the hopes, and the convictions of a wide and responsible segment of the educational community. A new and ugly cynicism and anti-intellectualism is infecting American education. Repressive measures will not arrest this trend, and may even accelerate it; positive and affirmative leadership promptly to end the war and to address forthrightly our domestic problems *can* do so. While these attitudes stem from the war and the disparity between the ideals of the nation and present realities, it is the judgment of this Council that, as Representative Brock and his colleagues so sensitively discerned, the source of much of the disquiet can be traced to fundamental inadequacies of education itself. The needed improvements and reforms will come about only if appropriate leadership is offered, leadership in the educational community and leadership in government, particularly—as we have noted earlier—from the national government.

Too many of our young are concerned by what they are *against*—the war, racism, poverty, corruption. They need, as have all youth in all times, to be *for* things, to have a star, a dream. While we recognize that such affirmative leadership is subtle, and will require politically difficult actions, we feel that the growing dismay and cynicism of our youth could develop into a calamity of devastating proportions. The future college and school teachers—*the people of greatest concern to this Council*—are a centrally important group among our youth, and their disaffection can have serious effects in future years.

It would be unfortunate if our political leadership were to take the position that a response to the dissatisfactions of the past—or the yearnings for a different kind of future—must await the ending of the war, or some other development. It is now we must plan. It is now we must act. It is now that we must demonstrate, *mainly to ourselves,* that a nation which can take such just pride in its extraordinary achievements in the material realm is no less resourceful, no less vigorous, no less sacrificing in dealing with matters of the spirit.

Competent observers have noted a growing sense of purposelessness on the part of an influential segment of our student population—a feeling of these young people that it is not possible for our social institutions to cope with an increasing complexity.

If politics is the art of the possible, then our political leaders have a special opportunity to demonstrate to the young that the nation can envision a future of hope and that we can translate that vision to tangible policies and sensible priorities. We could do no better in this than to start with the field of education itself. More policemen in the schools is not a policy; it is an admission of failure.

If the Executive Branch feels that Congress has not moved in a fashion appropriate to the time, let it take leadership. If the Congress feels that the Executive Branch has not sensed the urgent need for a bold educational policy for the nation, let it provide the leadership. But let us have leadership.

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Adron Doran, President, Morehead State University, Morehead, Kentucky.

Annette Engel, Director of Special Education, Roosevelt School District, Phoenix, Arizona.

Rupert N. Evans, Professor of Vocational and Technical Education, University of Illinois, Urbana, Illinois.

Susan W. Gray, Director, Demonstration and Research Center for Early Education, George Peabody College, Nashville, Tennessee.

Laurence D. Haskew (Chairman), Professor of Educational Administration, University of Texas, Austin, Texas.

E. Leonard Jossem, Chairman, Department of Physics, Ohio State University, Columbus, Ohio.

Marjorie S. Lerner, Principal, George T. Donoghue Elementary School, Chicago, Illinois.

Kathryn W. Lumley, Director, Reading Clinic, Public Schools of the District of Columbia, Washington, D.C.

Carl L. Marburger, Commissioner of Education, State Department of Education, Trenton, New Jersey.

Edward V. Moreno, Executive Secretary of the Mexican-American Commission, Los Angeles City Schools Districts, Los Angeles, California.

Lloyd N. Morrisett, President, Markle Foundation, New York, New York.

Mary Rieke, Member, Board of Education, Portland, Oregon.

Theodore R. Sizer, Dean, Graduate School

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of Education, Harvard University, Cambridge, Massachusetts.

Bernard C. Watson (Vice Chairman), Deputy Superintendent for Planning, Philadelphia School System, Philadelphia, Pennsylvania.

Joseph Young, Executive Director.

VIETNAM

(Mr. HUNT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, yesterday the distinguished gentleman from Wisconsin (Mr. Kastenmeier), objected to a unanimous-consent request for the immediate consideration of House Resolution 582, jointly sponsored in a bipartisan effort by both the majority and minority leaders. It was acknowledged that the resolution was in response to the open letter to the American people from the Premier of North Vietnam in support of the Vietnam moratorium, or, as the Premier called it, "their fall offensive" whose purpose he construes to be forcing the United States "to withdraw completely and unconditionally" from Vietnam. The specific purpose of the resolution was twofold:

First, to endorse the right of all Americans to responsible and peaceful dissent, but to abhor the Premier's attempt to associate those Americans who demonstrate for peace with the cause of our enemy; and

Second, to repudiate the Premier's letter and call upon all Americans to disassociate themselves from North Vietnam's declaration.

As I understand the gentleman's reasons for his action, under leave to extend his remarks, they are that—

First, the subject matter is too important not to be given due consideration;

Second, there is some hidden implication in the words of the resolution;

Third, it was wrong for "certain prominent" Americans to call attention to the Premier's letter in the first place; and

Fourth, it would be more appropriate to condemn those of our own citizens who sought to give attention to the letter with the inference that it was done to discredit the moratorium.

Mr. Speaker, the words of the resolution are in plain and clear English and it was certainly not intended to support or reject the administration's policy. Regardless of the gentleman's reasons, his action is certainly another feather in North Vietnam's propaganda cap and that is all that will be reported in the Communist press. I include the text of the resolution for all to judge accordingly:

H. Res. 582

Resolution relating to demonstrations for peace

Whereas responsible dissent and freedom of speech are among the most sacred traditions of the American people; and

Whereas many Americans are demonstrating their concern for peace pursuant to rights enjoyed under the Constitution of the United States, from wihch springs our Nation's deep commitment to peaceful debate, the essence of our free political system; and

Whereas the Premier of North Vietnam has publicly described the Vietnam Moratorium in an open letter to the American people as "their fall offensive" aimed at forcing the United States "to withdraw completely and unconditionally" from Vietnam; and

Whereas the said Premier greatly misjudgea Americans, and deceives himself if he believes that those who demonstrate are doing so with a desire to assist Hanoi; and

Whereas the said Premier's letter to the American people is a blatant and insolent intrusion into the affairs of the American people by an enemy: Therefore be it

Resolved by the House of Representatives, That we support the inherent right of all Americans to responsible and peaceful dissent, but we abhor the attempt of Premier Pham Van Dong to associate those Americans who demonstrate for peace with the cause of our enemy; and be it further

Resolved, That we repudiate the Premier's letter and call upon all Americans to disassociate themselves from North Vietnam's insolent and intolerable declaration.

AN ARTIST PASSES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I have lost a friend. The world has lost an artist who took great delight in extracurricular activities in every phase of civic endeavor including chairmanship of the Redding-Georgetown Democratic Town Committee.

I was personally proud in June 1966 when Hugh Donnell made the principal nominating speech in my favor at the district congressional nominating convention. It was a sad day for me on September 26, 1969, when I received word of Hugh Donnell's death following a short illness.

The Redding Pilot of October 2 published the report of Hugh Donnell's death and included with it a biographical report replete with identity of the many commendable areas of interest to Hugh Donnell, and in which he performed with a genuine feeling for the public interest. I include the report from the Redding Pilot herewith:

Hugh Donnell Dies at Age 66

Hugh Donnell, chairman of the Redding-Georgetown Democratic Town Committee from 1951 to 1966, died at Age 66 last Friday at Danbury Hospital following a short illness.

A familiar figure on the Redding scene, Mr. Donnell was active in almost every field of civic endeavor. He was particularly visible at town meetings, where over the years he crusaded for diverse personal and political causes ranging from the Saugatuck Reservoir battle of the late 1930's to the workmanship of a neighboring developer as late as this summer.

A skilled and humorous public speaker, Mr. Donnell was called upon to nominate U.S. Rep. John S. Monagan at the June 1966 Fifth Congressional District convention. He himself ran on the Democratic ticket for State Representative from Redding in 1960.

Although his was a distinctly minority party in a heavily Republican region, Mr. Donnell used to recall that when he and Mrs. Donnell moved here from New York in 1928, the first selectman and most other major town officials were Democrats. And he used to predict that the tables would someday turn again.

His involvement in community affairs sometimes went beyond the community. He even served as chairman of the Danbury Chamber of Commerce. In Redding, he served on the Police Advisory Board until his death, and he was at one time a commissioner of the West Redding Fire Department.

His skills as a professional artist were put to use in creating a distinctive image for the Annual Town Reports, the Bicentennial program in 1967, and numerous pamphlets and publications for the town's two libraries, the Boys' Club, and the Boy Scouts.

Mr. Donnell was born in New York City in 1902, the son of the late Samuel J. and Dorothy Lang Donnell. He attended the Art Students League in New York and in 1928 married Lola Michele, his only survivor.

The Donnells came to Redding immediately following their marriage and made their permanent home on Diamond Hill Road.

A commercial artist by profession, Mr. Donnell also developed a highly personal style for this "serious" painting, reworking vacation sketches into warm, multi-faceted land and seascapes; one of his pet causes, unrealized, was to obtain a gallery of some kind in which Redding's many resident artists could display their work.

Early this year, Mr. Donnell dropped his account with Volkswagen of America, for which he was art director of "The Weather Vane." But he continued his long association with Hal Foster of Lee Lane, creator of the "Prince Valiant" comic strip, as colorist, working in his crowded studio at the rear of his home.

His work has been represented in one-man or group shows at the Metropolitan Museum of Art, the Museum of Modern Art, the Silvermine Gallery, and New York's ACA Gallery. He served for several years on the Connecticut Commission for the Arts.

The Rev. James B. Yee, pastor of the First Church of Christ Congregational, officiated at a burial service at Umpawaug Cemetery on Monday, Sept. 29.

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

(Mr. POFF asked and was given permission to extend his remarks at this point in the Record.)

Mr. POFF. Mr. Speaker, in concert with Senator Hruska, of Nebraska, I have introduced a bill to amend title I of the Omnibus Crime Control and Safe Streets Act enacted last year.

This legislation would make two principal changes. First, it would authorize $650 million for fiscal year 1971. Second, it would promote greater flexibility in the administration of the 15 percent discretionary funds authorized under section 306 of the act.

For the current fiscal year, moneys available to fund the Law Enforcement Assistance Administration do not yet exceed $300 million. Plans submitted by States if fully funded would require more than $1.1 billion for fiscal 1971. While most of these plans appear meritorious and while some might even be called urgent, it is felt that $650 million is a more realistic estimate of the total commitment that can be made at this time. While our legislation does not make any provision for fiscal years 1972 and 1973, it is anticipated that when the program becomes fully operational, it will require an appropriation in the neighborhood of $900 million.

I do not look upon these expenditures as an extravagance. On the contrary, they represent an essential investment. I have made it my concern to survey the work of the Law Enforcement Assistance

Administration, and I must say that I am much pleased with the progress it has made. Title I of the Omnibus Crime Control and Safe Streets Act was designed to activate a working partnership between Federal, State, and local governments insofar as such a partnership can properly function without violence to jurisdictional concepts in the Constitution. In its truest sense, the process of monetary grants by the Federal Government to the States and localities is a splendid example of the new concept of revenue sharing. It can become a showcase for utilization of the concept on a broader scale.

When title I was passed, it was assumed that section 306 was broad enough to permit LEAA the discretion necessary to administer the discretionary fund in a genuinely discretionary manner. Under that section, 85 percent of the funds is allocated to State planning agencies. The other 15 percent can be used by LEAA as it thinks best in promotion of the criminal justice system. In practice, the language has been found to be too restrictive. The amendment proposed in the legislation Senator Hruska and I have introduced would make it possible to make discretionary grants to units of general local public agencies, Federal or State law enforcement offices or agencies, institutions of higher education, or combinations of the same.

I hope the Committee on the Judiciary can give early attention to this legislation.

MORATORIUM

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, it is by intention and not by oversight or omission that I have withheld comment about the moratorium until the day of observance has passed.

I have waited not only to find out whether it was peaceful or violent, but because I did not want to associate myself in any possible way with the efforts of the National Moratorium Committee who have called for the immediate and total withdrawal of all our troops from South Vietnam without at the same time making any demands whatsoever of the North Vietnamese.

Not a single one of us wants to continue this war any longer than is necessary to secure an honorable conclusion. One thing we must never forget, however, is the consequence of an immediate and unilateral withdrawal. We must think of the effect this will have, not for the moment, but for the future. Throughout all of Asia, whether in the Philippines, Taiwan, Japan, Pakistan, Indonesia, Malaysia, Australia, and New Zealand there exists gnawing fear of the consequences of a hasty United States withdrawal from Vietnam. Put in a few words, there would come into being the widespread feeling that no one in the future could rely on the United States as they have in the past.

If we disengage without some type of honorable conclusion but simply walk out and turn South Vietnam over to the Communists then we have charted our course not simply for Vietnam, but for all of Asia.

The head of the independent State of Singapore has said that as much as he hates communism, if the United States makes no firm stand but acquiesces to all of the demands of North Vietnam and the Vietcong, then he will have no future course but to embrace their principles and accept their dictation as a matter of self-survival.

If leaders of the National Moratorium Committee could only realize that their demand to disengage immediately and unilaterally means to charge off all of Asia, not just Vietnam, and leave our friends to the mercy of their foes, then, they might make a more responsible request for a moratorium in the hope that the war would end as a result of mutual deescalation. If they had any intention to be more responsible they would limit their demands to a temporary cease-fire to see if the North Vietnamese and the Vietcong would respond. If on the other hand the present policy advocated by the moratorium committee were followed the consequences would amount not to peace but to a policy of surrender.

The worst thing about the moratorium movement is that it may give the North Vietnamese and Vietcong in Paris the impression that the mood of our country is one of surrender. If this impression is gained by our enemy then the advocates of "peace" may actually be serving the complete opposite purpose of prolonging the war.

Now, Mr. Speaker, I was present in the House last Tuesday night. I participated in my own way by listening to those who had asked for special orders as well as those who challenged their remarks. My participation did not take the form of speaking or engaging in debate. Instead, my contribution was to be present to vote to protect the rights of those whose persuasions were in opposition to my own views. I voted against both motions to adjourn. I was present and answered to my name on the quorum calls.

Who can say whether those who spoke in favor of immediate withdrawal from Vietnam, last Tuesday night, changed the minds of any one single House Member? Even if that did not happen, I left the floor late Tuesday evening greatly impressed with the dignified manner in which the proceedings were conducted. Although I must state frankly I was not swayed from the course I feel we must follow in Southeast Asia, I was proud of the respect shown on the House floor for conflict of opinion.

I bow to no one who may think he has a greater desire to see an end to the hostilities in Vietnam than myself. I think we all want peace returned to the world. Yet, it is wrong to conclude that the large outpouring of thousands of demonstrators yesterday and last night and the eloquence of the speakers on the House floor Tuesday night accurately reflects the sentiments that the majority of our people want to let Hanoi take the war by default and for our country to suffer the loss of prestige and honor that would result if we were to turn tail and run leaving thousands of South Vietnamese helpless before the onslaught of a heartless and murderous Hanoi takeover of all of Vietnam.

Every one of us is as weary of the war as those speakers who expounded on an immediate and unilateral withdrawal from Vietnam. Clearly, the most significant thing about the moratorium is the fact that those who spoke and those who marched were able to do so in this land of the free. They could march, carry their candles, show their placards, and openly express their views. The most impressive thing of all about the moratorium is that a protest of this kind could take place in an orderly manner without many incidents of violence. Even though I found their arguments defective, I am happy and proud that my colleagues were given the opportunity last Tuesday evening to express their views by speaking on the House floor. There are far too many countries in the world where such freedom of expression would not be tolerated.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. Morse (at the request of Mr. Gerald R. Ford), for October 17, on account of official business as U.S. observer to NATO parliamentary Conference.

Mr. Pettis (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Charles H. Wilson (at the request of Mr. Moss), for today through Monday, October 20, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Buchanan, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Gude); to revise and extend their remarks and include extraneous matter:)

Mr. Morton, for 10 minutes, today.

Mr. Hunt, for 15 minutes, today.

Mr. Duncan, for 60 minutes, on October 21.

Mr. Wyatt, for 30 minutes, today.

Mr. Goldwater, for 15 minutes, today.

Mr. Biester, for 10 minutes, today.

Mr. Stratton, for 15 minutes, today.

Mr. Gonzalez (at the request of Mr. Alexander), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Don H. Clausen immediately following the remarks of Mr. Erlenborn on the conference report on H.R. 13194 today.

Mr. Gross to revise and extend his remarks on the conference report on H.R. 13194, today.

Mr. Morgan during the consideration of the conference report on H.R. 11039.

XUM

Mr. Andrews of North Dakota immediately following Mr. Mize during general debate in the Committee of the Whole today.

Mr. Sebelius to follow the remarks of Mr. Mize during general debate today.

Mr. Foreman prior to the vote on the Landgrebe amendment during consideration of H.R. 4293.

Mr. Randall in two instances and to include extraneous matter.

Mr. Rarick during debate on H.R. 4293 and to include extraneous matter.

(The following Members (at the request of Mr. Gude) and to include extraneous matter:)

Mr. Gude.
Mr. Gubser.
Mr. Pelly.
Mr. Brown of Michigan.
Mr. Schadeberg.
Mr. Nelsen.
Mr. Roudebush.
Mr. Wyman in two instances.
Mr. Duncan in two instances.
Mr. Harsha.
Mr. Horton in two instances.
Mr. Ashbrook in two instances.
Mr. Shriver in two instances.
Mrs. Dwyer in three instances.
Mr. Schwengel.
Mrs. Reid of Illinois.
Mr. Bow.
Mr. Morse.
Mr. Broomfield.
Mr. Carter.
Mr. Railsback.
Mr. Michel.
Mr. Coughlin.
Mr. Bush.
Mr. Zwach.
Mr. Chamberlain.
Mr. Keith.
Mr. Halpern.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Long of Maryland in three instances.
Mr. Dingell in three instances.
Mr. Matsunaga in two instances.
Mr. Rarick in five instances.
Mr. Ottinger.
Mr. Montgomery.
Mr. Farbstein in four instances.
Mr. Biaggi in six instances.
Mr. Chappell in two instances.
Mr. Gallagher.
Mr. Green of Pennsylvania.
Mr. Reuss in 10 instances.
Mr. Gonzalez.
Mrs. Hansen of Washington in two instances.
Mr. Fuqua.
Mr. Moss.
Mr. Fascell in two instances.
Mr. Symington in two instances.
Mr. Clay in five instances.
Mr. Gibbons in three instances.
Mr. Nedzi.
Mr. Sisk.
Mr. Kastenmeier in two instances.
Mr. Mann in three instances.
Mr. Hanna.
Mr. Nix in two instances.
Mr. Eilberg.
Mr. McCarthy in three instances.
Mr. Minish.
Mr. Charles H. Wilson.
Mr. Addabbo in five instances.
Mr. Albert.
Mr. Brasco.
Mr. Pickle in two instances.
Mr. Daniels of New Jersey.
Mr. Murphy of New York in three instances.
Mr. O'Neill of Massachusetts in two instances.
Mr. O'Hara.
Mrs. Mink.
Mr. Rogers of Florida in five instances.
Mr. Fountain in two instances.
Mr. Hagan in five instances.
Mr. Miller of California in five instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2910. An act to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 12781. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 13194. An act to authorize special allowances for lenders with respect to insured student loans under title IV–B of the Higher Education Act of 1965 when necessary in the light of economic conditions in order to assure that students will have reasonable access to such loans for financing their education, and to increase the authorizations for certain other student assistance programs.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, October 20, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1263. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the Secretary of Transportation to prescribe rules, regulations and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research; to the Committee on Interstate and Foreign Commerce.

1264. A letter from the Postmaster General, transmitting a draft of proposed legislation to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS: Committee on Armed Services. H.R. 7618. A bill to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla.; with amendments (Rept. No. 91–571). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 8664. A bill to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion (Rept. No. 91–572). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 9564. A bill to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band (Rept. No. 91–573). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 8662. A bill to authorize command of the U.S.S *Constitution* (IX–21) by retired officers of the U.S. Navy (Rept. No. 91–574). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 10317. A bill to adjust the date of rank of commissioned officers of the Marine Corps; with an amendment (Rept. No. 91–575). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 11548. A bill to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes (Rept. No. 91–576). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 14001. A bill to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act (Rept. No. 91–577). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 584. Resolution for consideration of H.R. 13950, a bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes (Rept. No. 91–578). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 14376. A bill to authorize the Secretary of Health, Education, and Welfare to make grants for treatment and rehabilitation centers for drug addicts and drug abusers, and to carry out drug abuse education curriculum programs, and to strengthen the coordination of drug abuse control programs by establishing the National Council on Drug Abuse Control; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTTON:

H.R. 14377. A bill to amend the Social Security Act concerning psychiatric benefits available under titles XVIII and XIX; to the Committee on Ways and Means.

By Mr. CABELL:

H.R. 14378. A bill to provide for additional penalties for commission of a crime in the District of Columbia when armed; to the Committee on the District of Columbia.

By Mr. CUNNINGHAM:

H.R. 14379. A bill to prohibit the use of Federal funds for sex education in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. GAYDOS:

H.R. 14380. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 14381. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. KLUCZYNSKI (for himself and Mr. Chappel):

H.R. 14382. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. RYAN:

H.R. 14383. A bill to prohibit the procurement of California table grapes by the Department of Defense; to the Committee on Armed Services.

By Mr. ST. ONGE:

H.R. 14384. A bill to amend the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 14385. A bill to provide authority for subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 14386. A bill to amend the Public Health Service Act to provide grants to develop training in family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. BIESTER (for himself, Mr. Brock, Mr. Cramer, Mr. Mikva, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Bingham, Mr. Brasco, Mr. Brown of Michigan, Mr. Buchanan, Mr. Burton of California, Mr. Bush, Mr. Carter, Mr. Don H. Clausen, Mr. Clay, Mr. Collier, Mr. Conte, Mr. Corbett, Mr. Córdova, Mr. Corman, Mr. Coughlin, Mr. Daddario, Mr. Dellenback, and Mr. Derwinski):

H.R. 14387. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. McDADE (for himself, Mr. Edwards of California, Mr. Findley, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Fulton of Tennessee, Mr. Gallagher, Mr. Gibbons, Mr. Gude, Mr. Harvey, Mr. Hastings, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Hicks, Mr. Horton, Mr. Koch, Mr. Kuykendall, Mr. Lowenstein, Mr. Lukens, Mr. McCarthy, Mr. McClory, Mr. McCloskey, Mr. Mailliard, Mr. Michel, and Mr. Minish):

H.R. 14388. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. FOLEY (for himself, Mrs. Mink, Mr. Moorhead, Mr. Morse, Mr. Mosher, Mr. Nedzi, Mr. Obey, Mr. Olsen, Mr. Pepper, Mr. Podell, Mr. Quie, Mr. Railsback, Mr. Rees, Mr. Riegle, Mr. Ruppe, Mr. St Germain, Mr. Scheuer, Mr. Schneebeli, Mr. Schwengel, Mr. Stanton, Mr. Stokes, Mr. Talcott, Mr. Thompson of New Jersey, Mr. Tunney, and Mr. Vigorito):

H.R. 14389. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. STEIGER of Wisconsin (for himself, Mr. Whalen, and Mr. Yates):

H.R. 14390. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. DOWDY (for himself and Mr. Cabell):

H.R. 14391. A bill to authorize the establishment of the Big Thicket National Monument in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GARMATZ:

H.R. 14392. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $80; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 14393. A bill to provide authority for subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia:

H.R. 14394. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. MURPHY of New York:

H.R. 14395. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS (for himself, Mr. Gubser, Mr. Tunney, Mr. Hanna, and Mr. Corman):

H.R. 14396. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians; to the Committee on Interior and Insular Affairs.

By Mr. POFF:

H.R. 14397. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to modify the provisions relating to discretionary grants to the States, to limit the Law Enforcement Assistance Administration to one block grant per State per year from 85 percent funds, and to provide authorization of appropriations for fiscal year 1971; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 14398. A bill to provide for the establishment of a U.S. Peace Academy; to the Committee on Foreign Affairs.

By Mr. COHELAN (for himself, Mr. Rogers of Colorado, Mr. Don H. Clausen, Mr. Bell of California, Mr. Widnall, Mr. Mosher, Mr. Reuss, Mr. Kee, and Mr. Andrews of North Dakota):

H.J. Res. 957. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. FASCELL:

H.J. Res. 958. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. PURCELL (for himself and Mr. Waight):

H.J. Res. 959. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. SYMINGTON:

H.J. Res. 960. Joint resolution to designate Route 70 of the National System of Interstate and Defense Highways as the Eisenhower Memorial Highway; to the Committee on Public Works.

By Mr. WIDNALL:

H.J. Res. 961. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BOW:

H. Con. Res. 412. Concurrent resolution urging the adoption of policies to offset the adverse effects of inadequate long-term financing upon the housing industry; to the Committee on Ways and Means.

By Mr. McCARTHY:

H. Con. Res. 413. A Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. NELSEN:

H. Con. Res. 414. A Concurrent resolution expressing the sense of the Congress with regard to North Vietnam and the National Liberation Front of South Vietnam and their compliance with the Geneva Conventions on Prisoners of War; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MESKILL introduced a bill (H.R. 14399) for the relief of Nelly J. Ainslie, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

295. By the SPEAKER: Petition of the New York State Council, Junior Order United American Mechanics, relative to placing the flag in public school classrooms; to the Committee on Education and Labor.

296. Also, petition of Louis Cohen, Brooklyn, N.Y., relative to ending the war in Vietnam; to the Committee on Foreign Affairs.

XUM

EXTENSIONS OF REMARKS

NONSECRET MOON FLIGHT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. TEAGUE of Texas. Mr. Speaker, there are many ways to view the accomplishments of our national space program and particularly the recent monumental success of Apollo 11 in landing men on the Moon. The Evening Bulletin, of Philadelphia, Pa., on Thursday, July 17, 1969, carried an interesting article by Mr. Max Lerner pointing out the significance and value of the open space program that the United States is conducting. As Mr. Lerner points out:

> I welcome the stress on manned and humanized space flight as against the Soviet stress on unmanned and the impersonal.

The importance of Mr. Lerner's words should not be forgotten as we seek direction as to the future of our national space program. The article follows:

NONSECRET MOON FLIGHT

(By Max Lerner)

WALTHAM, MASS.—There has never been a moment in human history so massively and carefully prepared and so intensely watched by the whole sweep of the earth's population as the projected landing on the moon by the American astronauts. But there are no sure precisions in the cosmos, whether in the world of nature or of man. After everything has been planned for, there remains the element of accident or contingency—what we call "luck."

What the world therefore will really be watching—each group with whatever form of prayer or propitiation it owns up to—is to see whether luck or mishap will attend the fateful moment.

PRESTIGE DAMAGED

Soviet leaders, it seems to me, have chosen with an unsurprising lack of grace, to barge into this moment of history and crash the party. It is a way of recognizing that science is not only science but a form of political and prestige rivalry, too.

The original Sputniks and the slow American start in space gave the Russians a huge start some 12 years ago. They have since fallen behind, as the Americans have moved toward space primacy in the past eight years—since President Kennedy's grave decision. Mr. Kennedy said to Khrushchev, at the summit meeting in 1961, "Let us go to the moon together." The Russians refused. Now their intent seems to be to undercut or upstage the drama they've been unable to prevent.

There's more than rivalry at stake here. There are two basic life-styles and civilization-styles engaged in the same effort, and the way they operate in it sheds considerable light on their nature and destiny.

The usual way of seeing the difference between the two approaches is to stress the difference between unmanned and manned flight. But there is a larger difference into which that fits—the difference between secrecy and openness.

PRICE FOR OPENNESS

There were Soviet economic and technical failures in the first half of the Sixties that slowed the Russians, including some tragedies with a high cost in human life, never officially revealed. Nobody knows the troubles the Russians have seen in recent years, although Sir Bernard Lovell estimates that they have again fallen a year behind in their schedule.

The Americans have had to pay a high price for their openness, especially when the grisly death of three astronauts made them stop and revamp their technological and safety apparatus. But even here it was a case of one step backward and two steps forward.

The openness of the tragedy goaded the Americans into an urgency they might not otherwise have achieved.

The American program is bound to have tragedies again. The open society, like the closed society—the open life, like the secret life—cannot escape the tragic, but its wrestling with the tragic and its transcending of it are also open, and inspiring.

AMERICAN APPROACH

By the American style, the harvest—if all goes well—is a greater focusing on the symbolic event before and after it happens, a greater drama and, therefore, a greater glory. If things go badly, the misery and heartaches also are greater.

The Soviet method cuts not so much the loss or tragedy as the vulnerability to open failure.

The corollary to secrecy is in personality. Young Americans have the right intuition when they worry about becoming impersonal items in a computerized world and when they link it potentially with a closed society. Yet, the fact is that this linkage, which has been made in modern totalitarian society, is being resisted in America, and not only by the young rebels. That is why I welcome the stress on manned and humanized space flights as against the Soviet stress on the unmanned and the impersonal. You have to mix science and technology not only with vast economic resources and planning, but also with compassion, imagination, sweat and a big chunk of humanity.

MRS. ANNA CORNEHL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. BIAGGI. Mr. Speaker, I recently informed the President's office that a very fine lady who is one of my constituents would be celebrating her 100th birthday. The President responded by sending the lady a congratulatory telegram. She was, of course, overjoyed and grateful. I, too, wish to say "thank you" to the President for his thoughtfulness and consideration.

The lady is Mrs. Anna Cornehl, and an excellent weekly newspaper known as the Bronx Press-Review also contributed to the enjoyment of her birthday by publishing an article about her. As a tribute to Mrs. Cornehl, I am entering the complete text of that article into the CONGRESSIONAL RECORD.

The article follows:

A 100-old woman recalls with gratitude that when she came to Unionport as a bride the townsmen refrained out of delicacy from "shooting over my head," in deference to the fact that she wasn't a local girl.

The shooting wasn't to have been in anger: it was a form of "shivaree," rough and rustic romping to mark a local wedding night. The playful shots were reserved for local girls in the village of 500, back in 1893.

"The bride of that time is Anna Cornehl, of 2953 Philip Ave., who last Sunday was tendered a special reception in the church she helped to found, walking the rural roads and traveling by wagon, to sign first members.

Mrs. Cornehl is a spry lady this day. She complains a little of a partial hearing loss, and of twinges of arthritis. But she still is able to prepare meals, and to talk of the old days to friends and neighbors who come to see her often. "I love to have people drop in," she says.

She was born Anna Heick in Wehrendorf, Hanover, Germany, and came to this country with her mother and sister. Her great grandfather and grandfather had come to the United States earlier. The family chafed against the "Prussianizing" of their native land. For a time she lived in Hawkeye, Iowa, on a farm, then came to New York. Employment was difficult, and she was untrained, like most women, for work. She found a post as a maid in a home next door to the family of former Governor Alfred E. Smith, in Greenwich Village.

She married a maritime officer, George H. Cornehl, and they came uptown by train to Van Nest and were taken to their home on Havemeyer Ave. by public coach, driven by a man named Dannenfelser, she recalls.

The villagers who forbore from shooting guns over the bride's head greeted them at a celebration given by the couple, at which all who wanted were treated to food and drink.

The Cornehls were to occupy several other quarters after their first. They lived on Gleason Ave., and then Lurting Ave. Mrs. Cornehl lives now with her daughter, Augusta, in the Philip Ave. house.

She sighs as she notes that "people nowadays" aren't as "nice" as they were in her girlhood. "They think too much about themselves now," she says a little mournfully.

She doesn't look mournful often. Mrs. Cornehl is a woman of high spirits, with a wide smile in her age-carved face. She is slight but active and she still has traces of a German accent. She and her daughter amiably disagree over some of her recollections, which she has to strain through nearly a century of remembrance. Details sometimes differ from the family records handed down to her daughter orally.

When she came to Unionport, there were two main East-West streets, Westchester Ave. and Eastern Blvd. (now Bruckner Blvd.) and three North-South streets, Aves. A (Zerega Ave.), B (Castle Hill Ave.) and C, (Havemeyer Ave.) Castle Hill Ave was the local shopping center, but for important purchases Unionporters went to "The Village," at Westchester Square.

The centenarian recalls that when she came to Unionport there was no policeman, but that somehow there was a jail on Gleason Ave. The Odd Fellows Home was on its present site, but then consisted only of a small frame building. PS 36 on Castle Hill Ave. gave public school instruction.

The religious centers were historic St. Peter's Episcopal Church, attended by the owners of the beautiful large estates that bordered the East River waterfront, and St. Raymond's the "Mother Church" of the Bronx Catholics.

But she was a German Lutheran, and there was no church for her. So she started out to organize one. She visited the many German families resident in those days in Unionport, and the young matron soon had the congregation founded. It is still active, in a small frame building at 2134 Newbold Ave.—St. Paul's Evangelical Lutheran Church of Unionport, where the celebration was held on Sunday.

Every once in a while she recalls, with some emotional warmth and some economic pain, that she used to buy milk at three cents a quart. "There were cows all around here," she notes. "Chickens, too." She paid ten cents a dozen for eggs.

She remembers that the boys from the old Catholic Protectory, the site of which is now occupied by Parkchester, used to bathe in Westchester Creek. Mrs. Cornehl remembers good times in Sehring Park, on Starling Ave. where there was bowling and dancing. But a "rough crowd" from Bergen Ave. broke up the place one night, and it was not reopened, she recalls.

There was a home for alcoholics on Westchester Ave. in those days, too.

Progress came to Unionport when the IRT Pelham Bay Line subway was built—the community was changed from rural to suburban. She says "it's being heard today that 'some of the nicest people moved away'."

"Mrs. Cornehl bore two children, and was attended by a Dr. Droogan, who made house calls on a bicycle. Another local physician was Dr. Ellis, of Doris St. She doesn't recall first names.

Her son Fred, a Certified Public Accountant in government employ, died last year in St. Petersburg, Fla. Her daughter, Augusta, called Connie, still lives with her. They live an amiable and interesting life, entertain often, talk lightly.

"I've had a good life," Mrs. Cornehl says. "People will age less if they keep active. I've always been on the go. My church work has been greatly rewarding, religiously and socially." She admits she likes an occasional glass of champagne.

Her husband won a citation for saving survivors of the U.S. battleship Maine, at Cuba—the sinking incident blamed on the Spaniards which was a cause celebre in the Spanish-American war. He was first officer of the City of Washington, which joined in the rescue work. Later he became a captain of Ward Line vessels plying to Cuba. Mrs. Cornehl recalls that when they met "it was love at first sight."

It was love at first sight when she encountered life. She still is in love—although sometimes slightly bewildered by its changes—with life.

"But it doesn't seem like 100 years," she says.

LEAD-POISONED KIDS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. RYAN. Mr. Speaker, there is a silent epidemic in the ghettos of our urban centers affecting children who live in dilapidated housing. It is lead poisoning.

Lead poisoning results from old paint which peels off walls and fire escapes and falls within easy reach of children who eat it. The disease in its early stages is just like a virus, and most often is not reported until it has reached its most critical stages. When it gets this far, it results in epilepsy, cerebral palsy, permanent mental retardation, and death.

It is estimated that 25,000 to 30,000 children suffer from lead poisoning in New York City alone.

I have introduced three bills to combat lead poisoning: H.R. 9191, H.R. 9192, and H.R. 11699. In July, these bills were reintroduced with 18 of my colleagues as cosponsors. These bills are H.R. 13256, H.R. 13254, and H.R. 13255.

I am inserting in the RECORD an article from the October 21 issue of Look magazine. Written by Margaret English, the article, "Lead-Poisoned Kids," cites the seriousness of this disease around the Nation.

I urge my colleagues to read this well-documented article, and to support the essential legislation to alleviate the problem:

LEAD-POISONED KIDS

(By Margaret English)

On April Fool's Day, 1969, two-year-old Yanda Russell began throwing up everything she ate. On April 4, her frightened mother took her to Children's Hospital in Washington, D.C. Six hours after she was admitted, Yanda went into convulsions and became semi-comatose. The resident on duty had seen too many similar cases, and he half expected Mrs. Russell's answers to his gentle questioning. Like most people in the area, she lived in a decayed, prewar tenement. The paint in her apartment peeled away in strips, and holes in the plaster were within easy reach of a two-year-old. For 11 months, she had been yelling at her daughter to quit picking at the paint.

Tests showed that Yanda's blood contained more than three times the safe amount of lead. X-rays revealed lead deposits in her bones. Lead in her brain had caused it to swell inside her skull and had brought on the vomiting and convulsions. She was treated with chemicals that flushed the lead out of her system, and, in three weeks, she was walking, talking and eating normally. Now, she has a 50–50 chance at a healthy life. If she is unlucky, she will suffer permanent neurological damage. Her chances of fighting her way out of the slum she was born in have been reduced by half, all because she ate as few as three flakes a week of lead-containing paint from the walls of her home. There are thousands like her.

Lead paint has not been used on interiors for over ten years, but in old buildings, it lies just beneath the surface of the newer coats of lead-free paint. When the walls are not properly maintained, the old paint lifts away in layered chips along with the new. This is the decor of slum housing.

Most of the children who eat paint have pica, a vaguely defined craving for non-food substances that afflicts about one child in five. Some pediatricians say that pica is caused by minor brain damage, insufficient mothering or overuse of oral pacifiers. However, Dr. Agnes Lattimer, director of Ambulatory Pediatrics at Chicago's Michael Reese Hospital, tends to put down the psychological causes of pica. "Most of these children are anemic," she says. "We're not sure just why, but we find that when we treat the iron anemia, the pica improves." In any case, to her, pica is almost a side issue. A child who lives in a new or well-maintained house can have all the pica in the world, and he won't get lead poisoning.

About 200 kids die from lead every year. Between 12,000 and 16,000 are treated and survive. Half of these are left mentally retarded. Only about one case in 25 is treated. This means that every year, as many as 400,000 kids may be poisoned, half of them ending up with a permanent handicap, like behavior problems or impaired intellectual ability.

The early symptoms are mild and vague. Constipation, clumsiness, lethargy, crankiness or nausea could mean lead poisoning or any number of other childhood ailments. Often, the symptoms go completely unnoticed and disappear, leaving the child with only a little bit of brain damage—perhaps just enough to keep him from getting through high school or holding down a steady job later on. No one can positively identify these victims, but we understand enough about lead poisoning to know that they must exist.

Health officials have learned that when they go out looking for cases, they find them, and the more they look, the more they find. Chicago began a mass screening program in 1966. In 1967, 27,959 Chicago slum kids were tested. Although only a third of the children were in the high-risk age group (one to three years), 2,379 had dangerously high levels of lead in their blood.

Chicago prides itself on having the most extensive screening program for lead poisoning in America, but Mrs. Catherine Smith, of the South Side, is not impressed. Four of her children have been poisoned. Only when she withheld rent for five months did her landlord repair the paint and plaster in her apartment—and then just in the most conspicuous spots. There is still loose lead paint within reach of her youngest son, who nibbles at it when her back is turned. Mrs. Smith would like to get her kids into a housing project where the paint is tight and lead-free. So would the 70,000 other people on the public-housing waiting list in Chicago. If Mrs. Smith could have a safe home, she would be a little more impressed.

Baltimore doesn't have a screening program, but the city does get very tough with landlords of lead-poisoned children. Once a Baltimore child is hospitalized, the Health Department will force the landlord to remove all peeling paint and any tight lead paint from chewable surfaces below a height of four feet. Mrs. Burrie Green's apartment walls in Baltimore were partially stripped after her infant son Larry was hospitalized in the summer of 1968. But when he came home, flakes of old paint still fell within his reach, and a year later, he was poisoned again in the same apartment that had been officially declared lead-free. Twice poisoned, Larry now has little hope of a full recovery.

Still, Chicago and Baltimore are two of the best cities to live in if you can't afford to settle anywhere except in the lead belt.

If Mrs. Barbara Last lived in Chicago instead of Boston, her daughter Debbie might have been screened and treated before she started getting stomachaches and acting crazy. Then maybe she could have been promoted from the first grade last year. Specialists at Children's Hospital Medical Center, Boston, have developed a method for detecting lead poisoning in children from the lead deposits in their hair. This is how Debbie's case was finally diagnosed. Yet Children's Hospital couldn't get the necessary funds to run a mass hair-testing this summer.

When Mrs. Brenda Scurry left Florida for New York in 1964, she wasn't thinking about lead poisoning. She just thought that things were better up North, which may account for why she didn't end her journey in Baltimore. If she had, perhaps her daughter Janet would be alive. Dr. J. Julian Chisolm, Jr., of Johns Hopkins says of the Baltimore Pediatrics clinics, "We take the attitude that any child who vomits in the summertime has lead poisoning until proven otherwise." If Janet had arrived at a Baltimore hospital in a coma and with a history of paint eating, she might have been tested and treated in time. As it was, she was taken to a Bronx hospital on April 15. No one thought of testing her for lead poisoning until April 21. On April 22, she died. More than a week after she buried her daughter, Mrs. Scurry learned the results of the blood test: Lead poisoning.

This can be stopped. Mass screening and testing programs help, and every city with prewar dilapidated housing should have them. Cracking down on a landlord after a kid has been poisoned helps too. But Paul Du Brul, an anti-lead activist from New York's Lower East Side, believes we should go further: "There shouldn't be any lead poisoning, at least not on the scale that we

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have it in this country. It is completely within our power to prevent mental retardation in thousands of children a year. All we have to do is keep lead paint out of the reach of little kids who put everything in their mouths." That means making their homes lead-free—either by stripping the walls and repainting them or covering the old paint with wallboard.

It's no use telling women not to let their children eat paint. They try, but it does about as much good as telling a child not to suck his thumb. Dr. Lattimer of Chicago lays it out: "You have to have a home safe enough to put a child down in while you do the washing and ironing. You can tie him down, but then he doesn't get to explore his environment. Then the Head Start people tell you he's culturally deprived. If you live in a lead trap, you can't win."

The landlords will squawk when they have to panel or strip their buildings. They'll say they can't afford it, and some of them won't be able to. Dr. René Dubos, who won a Pulitzer Prize for his book, *So Human an Animal*, likens the elimination of lead poisoning in the slums to the pasteurization of milk. At one time, the dairy people insisted there was no way to market milk that was guaranteed not to give you tuberculosis. The public demanded, and it was done. Dr. Dubos says the same must be done with lead: ". . . This problem is so well defined that it may provide an occasion to introduce a kind of social accounting. . . . If we do not act in a ruthless manner on this limited problem, then I believe that our society is intellectually and morally dishonest in talking about improving social conditions or improving our total environment. If we, with all our technological means, are not willing to make the effort that would be demanded to get rid of [lead poisoning], then our society deserves all the disasters that will come to it."

In St. Louis, a few concerned people are trying to organize a lead-poisoning program. It hasn't really gotten off the ground yet, because the medical folk believe that they have to run a pilot test to find out if there is really enough lead poisoning in St. Louis to bother with. You have to get funding for this kind of thing. Mrs. Sandra James lives with her two-year-old son and a couple of older kids, in a tottering frame house down on Mills Street in St. Louis. She hasn't heard of the citizens' committee, and she doesn't know too much about lead poisoning. In her apartment, the paint lifts off the walls in sheets, and there are holes in the plaster right through to the beams. One of them is about a foot off the floor next to the kitchen door. "That's the hole my baby eats out of," she said. "I smack him for it, but he keeps doing it anyway." I ask Mrs. James if I could have a piece of the paint: "Help yourself," she said. I brought it back to New York and had it analyzed. Of course, it was full of lead.

SENATE DESIRE TO CUT TAX PRIVILEGES FOR WEALTHY LAGS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. LONG of Maryland. Mr. Speaker, on August 7 the House passed the most extensive tax reform bill in history. This bill is not yet adequate, but it is a major step toward fairness to the middle-income taxpayer. Portions of my own bill to close 13 loopholes, including the oil depletion allowance, through which the wealthy escape paying their fair share of the tax burden and thereby dump it on the rest of us were part of the tax package which passed the House.

The tax reform bill now lags in the Senate, where it appears to be rapidly losing momentum. Until the Senate passes the tax reform measure, tax inequities will persist.

The American people have not forgotten the urgent need for tax reform. Congress should not forget that need either. Mr. Stuart S. Smith, a correspondent for the Baltimore Sun, recently wrote a penetrating and well-balanced article on the tax reform package which I share with my colleagues by including it in the CONGRESSIONAL RECORD:

SENATE DESIRE TO CUT TAX PRIVILEGES FOR WEALTHY LAGS

(By Stuart S. Smith)

WASHINGTON.—The most sweeping tax reform measure in the history of the republic is in danger of foundering because the ordinary American citizen is no longer paying attention.

Important proposals to ensure that wealthy individuals and powerful corporations shoulder a fair share of the federal budget burden are in jeopardy. The flagging interest is reflected in a sharp drop in mail demanding tax justice. All last winter, spring and summer Capitol Hill offices were flooded with letters insisting on knowing who was getting a tax break and why.

Numerous writers told their congressmen they had just been reading astonishing and to them little-realized facts about the Internal Revenue Service. Not infrequently they enclosed clippings. Some said they had learned for the first time, that all too many wealthy individuals and more than a few big businesses pay taxes on gross income at a lower rate than, say, a scrubwoman earning an income below the federal poverty level.

PROTECT NO. 1

Carried along on this tide of consternation, the House last August passed the most forthright set of Revenue Code amendments ever adopted since the income tax was established in 1913. In the interim, however, this flow of mail has ebbed and changed. Those who write now are no longer outraged small businessmen, pensioners or fathers and mothers supporting families from modest salaries.

These days most of the letters are written by those who get, and want to keep, the special benefits the House bill reduced or eliminated. The signers include persons who are allowed specific advantages from undistributed corporate profits, tax-free bond interest, estate tax manipulations, capital gains deductions, dividend credits, accelerated real estate depreciation, inflated expense account deductions, intangible oil and gas drilling expense write-offs and oil depletion allowances. Altogether, these privileges, which all but a miniscule per cent of the nonrich cannot obtain, cost the Treasury an estimated $22.1 billion a year and reduce the tax base by almost $50 billion. Even though the House only slightly narrowed this escape hatch (or "loopcavern," as one expert called it), those who stood to lose were incensed.

Meanwhile, the reform legislation was handed to the Senate Finance Committee, a majority of whose members have strong ties to large industrial and financial circles and who time and again have demonstrated their partisanship for special interests on the Senate floor.

Shortly after returning from the summer holidays, the committee began hearings. It took testimony from 269 witnesses and received more than 400 supplementary statements. Almost all who appeared in person or sent in written comment for the committee record argued against one or another of the House provisions. This testimony was offset only in small part by the mere handful of individuals who bothered to speak up in behalf of the general public.

IMPORTANT ISSUES BECLOUDED

Moreover, the issues of paramount importance to the ordinary consumer have been beclouded by the noisy dispute over deductible gifts to non-profit institutions and tax-free municipal bonds—problems which concern less than 5 per cent of the personal income tax payers.

To be sure, Senator William Proxmire (D., Wis.) testified one day that "any tax system which requires 2.2 million people under the poverty level to pay federal income taxes, yet allows Atlantic Richfield Oil Company to earn over $465 million between 1964 and 1967 without paying one red cent in federal income taxes clearly requires revision."

However, the senator, who is not a committee member, never received an answer to his implied question; that is, what mechanism permits this injustice and what does the committee propose to do about it? Indeed, the panel heard very little testimony at all about the special tax advantages oil firms enjoy, especially including drilling cost deductions as well as oil and gas depletion allowances. Some Washington commentators suggested that this was not by chance. The Associated Press discovered and reported that Senator Russell B. Long (D., La.), the committee chairman, has since 1964 collected at least $329,151 in oil royalties that were tax-free because of the 27.5 per cent exemption he is currently defending in Congress.

The somewhat mysterious figure of 27.5 per cent was a compromise set a quarter-century ago after the House called for 25 per cent and the Senate said 30 per cent was better. It permits any oil well owner to deduct that amount from each well's gross earnings—year after year even though no additional drilling expenses are ever incurred.

GRANDER THAN TEAPOT DOME

The House measure made the relatively modest proposal of dropping the depletion figure to 20 per cent. After all, as even the Supreme Court once pointed out, the deduction is "arbitrary" and "bears little relationship to the capital investment."

It is, furthermore, one of the biggest giveaways to a wealthy special class ever dreamed up by United States officials, and by its sheer enormity makes even the noxious Teapot Dome episode seem like a minor boondoggle.

In "The Rich and the Super-Rich," Ferdinand Lundberg, a New York University adjunct professor and former newspaper financial writer, charged that "the depletion allowance is a plain gouge of the public for the benefit of a few ultragreedy overreachers and is plainly the result of a continuing political conspiracy in the United States Congress."

Even Milton Friedman, one of the country's most prominent conservative economists and the man who advised Richard M. Nixon on financial matters during the presidential campaign, abhors this tax favoritism with his customary vehemence.

Testifying before the Joint Economic Committee's economy in government subcommittee October 6, Mr. Friedman declared: "The alleged objective of our scandalous collection of special measures about oil—prorationing, depletion, oil import quotas and still others . . . is the preservation of oil reserves for time of national emergency. It would be far cheaper, and far less corrupting politically, to subsidize this objective directly—if indeed any subsidy is necessary—than to continue our present policies."

TAXPAYERS REVOLT PREDICTED

To be sure, President Nixon does not listen to such experts alone. In the South and West, oil is an invincible political force and is not to be scorned in the East, either. In the year 1965 alone, Standard Oil Company of New

Jersey had a gross revenue of $11.471 billion—which exceeded the combined revenues of 30 state governments, which that year raised $11.375 billion.

The Internal Revenue Service refuses to disclose by how many millions Standard Oil was able to reduce its corporation tax through depletion deductions and other write-offs, but President Nixon made plain his reluctance to tackle such influence. Harry S. Dent, one of the President's chief political aides, even had the temerity to write a Republican inquirer in Texas in Mr. Nixon's behalf that David M. Kennedy, the Secretary of the Treasury, would "soon" correct his Finance Committee testimony accepting the allowance cutback to 20 per cent. Mr. Kennedy, however, failed to reappear before the committee.

Some senators are ready for a showdown, with or without administration and committee support. Noting that the Treasury has calculated that the depletion and intangible oil well drilling expense write-offs result in $1.3 billion in lost revenues every year, Senator Proxmire pointed out that this amount is three times the federal law-enforcement expenditures, 15 times over the federal court budget and three times more than the school lunch and food stamp program budget.

Other congressmen have warned that their current mail does not reflect the country's true sentiment and have predicted that a taxpayers revolt will result if meaningful reform legislation is not enacted.

The committee, which went behind closed doors last week to ponder the matter in secret, has promised to report to the Senate by the end of this month. At that time the letter writers on both sides will learn how much their pleading and cajoling accomplished.

KOREA'S POLITICS—IN PROSPECTIVE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. LUKENS. Mr. Speaker, since the end of World War II, Korea has always been a focal point of the world's attention. Its land is still divided into north and south, and the Communists in the north pose a constant threat to the south. Korea is a frontier of freedom in the Far East and plays an important role for the security of the United States as well as the free world nations in the Far East. As Korea has a strategical significance, the United States maintains its troops in Korea for the common defense of freedom.

Despite the invasion and continuous threat of the Communists in the north, Korea has enjoyed political and economical stabilities over the past several years. Furthermore, Korea's internal policies to attain self-sustaining national defense and economy have been successfully carried out. All of this has been accomplished with the help of the United States. A feat of which we can be justly proud.

The fact that Korea has made immense progress should not divert our attention from the fact that Korea still has many typical domestic problems, detrimental factors which stand in the way of insuring a free political system and economical growth. There remains, of course, the ever-present threat from the north.

The proposed constitutional amendment bill permitting President Park to seek the third consecutive term brings the issue of Korea's future clear to the forefront. Many question whether any other leader on the scene today is capable of leading the country through the trying times ahead. President Park's record is impressive. He has successfully normalized Korea-Japan relations. He has made the controversial decision to dispatch troops to Vietnam. Both of these actions will serve the interests of our country.

The third term also raises the question of Korea's commitment to democratic government. In my judgment, the lack of experience in the practice of democracy has caused a head-on crash between the supporters and oppositionists over the proposed amendment of the constitution. I expect it will take a considerable time to see Korea reflect the qualities of democratic government as they exist in advanced nations. The experience of our Nation would indicate that when national survival is at stake, progress in the development of democratic institutions is retarded. In fact, Korea is still under quasi-war conditions and the achievement of self-sustaining readiness in national defense and economy is so paramount that progress in the other aspects of social development must, of necessity, be slow.

Whether President Park is to be allowed to seek a third term is an issue for the Korean people. To those who question the practice of amending the constitution to make this possible, I would point out that we as Americans should recognize that our national interest has been ill served when we meddled in the internal affairs of other nations. Korea is proud of the progress made in constructing its institutions and we should be constructive in our criticism, lest this brave little nation and strong ally shrink from the common cause which binds us.

CAN LAW RECLAIM MAN'S ENVIRONMENT?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. DINGELL. Mr. Speaker, the August-September 1969 issue of Trial magazine carried a most informative article entitled, "Can Law Reclaim Man's Environment?" So that my colleagues may have an opportunity to read this article, I insert its text at this point in the RECORD:

CAN LAW RECLAIM MAN'S ENVIRONMENT?

"For a long time I made speeches. I thought that was the answer. Now I am convinced the answer is in the courtroom."

So spoke Dr. Clarence C. Gordon, botany professor at the University of Montana to more than 1000 lawyers at the recent Denver, Colo. convention of the American Trial Lawyers Association.

"The nation just hasn't time to wait to correct environmental insults," he warned—a warning echoed by noted conservationist, Dr. Charles F. Wurster, Jr. of the State University of New York, Atty. Victor J. Yannacone, Jr. of the Environmental Defense Fund, Consumer Crusader Ralph Nader and Prof. James W. Jeans of the University of Missouri-Kansas Law School.

The lawyers were hearing for the first time why they must join the front ranks of fighters to preserve our biosphere from disintegrating.

They were being told—in no uncertain terms—that "insults to our environment by modern technology" belonged in a new category of "corporate crime."

Nader urged them to treat this crime as "one which utterly dwarfs into insignificance crime on the streets—in terms of people injured and killed because of dangerous machinery, pollution, and unsafe household products."

"And a major group of corporate criminals are those industries responsible for environmental pollution," he said.

"Those companies are pushing mankind to the brink of environmental doomsday," Dr. Gordon added.

Yannacone—who through the Environmental Defense Fund has been battling U.S. and state governmental agencies, large industries and the many self-motivated groups—declared that civil law suits, based on damages, are "necessary to protect Americans fast enough before they are dead."

"Every member of the trial bar," he said, "must knock at the door of courthouses throughout the nation and seek the protection of equity of our environment.

"Let each man and every corporation so use his property as not to injure that of another, particularly so as not to injure that which is common property of all the people. Let no wrong be without a remedy."

Yannacone made these points: that legislative relief is too slow and cumbersome; that U.S. agencies (the Army Corps of Engineers, Department of Agriculture, Atomic Energy Commission, state flood control agencies, etc.) are too self-centered in their role as defendant, judge and jury; that the billion-dollar agriculture industry sways state legislatures even in the face of death-dealing pesticides (DDT and other chlorinated hydrocarbonates); and that modern scientific methods have been developed to determine relative social costs and benefits of "public improvement" projects for this and coming generations.

Yannacone said:

"Conventional conservation education and action will not save any natural resource which has become the object of private greed or public blundering.

"Only imaginative legal action on behalf of the general public in class actions for declaratory judgments and injunctive relief will get the story told and lay the matter before the conscience of the community in a forum where the conflict can be resolved and evidence tested in cross-examination.

"Although we in the trial bar consider it a major part of our professional obligation to avoid litigation, and encourage settlement and compromise, there is a time not to settle. There is a time not to compromise. There is a time to try the case. Litigation seems the only rational way to focus the attention of our legislators on the basic problems of human existence—the protection of the basic elements of our environment, air and water and the diverse, viable population of plants and animals on the ground, in the air and in the seas."

Do we have sufficient time on this earth to delay taking action—legislative and judicial? TRIAL has made an exhaustive survey of environmental insults and ensuing dangers, and it states editorially: We don't have time.

As Barry Commoner, director of the Center for Biology of Natural Systems, Washington University, St. Louis, Mo., warned the Senate Governmental Relations Subcommittee:

" . . . we need to reassess our attitudes toward the natural world on which our technology intrudes. . . . Modern technology has

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so stressed the web of process in the living environment at its most vulnerable points that there is little leeway left in the system.

"And the time is short; we must begin now to learn how to make our technological power conform to the more powerful constraints of the living environment."

Dr. Commoner cited the prediction from the National Academy of Sciences/National Research Council of a crisis in water pollution by 1980.

The warning is simple and stark: Because of natural biological cycles by the present technology of sewage treatment and crop production we have begun to stress the self-purifying power of the nation's surface waters to the point of biological collapse.

Representatives of the growing breed of scientists willing to become involved in public crusades against such things as DDT, highway building, air and water pollution, Dr. Paul R. Ehrlich, population biologist at Stanford University, asserts:

"The trouble with almost all environmental problems is that by the time we have evidence to convince people, you're dead. . . . Drastic action is needed to head off a catastrophic explosion. . . . If we had a 100 years to solve it, I would be optimistic. . . ."

Dr. Charles F. Wurster, organic chemist at the State University of New York, calls for an end of the world's great experiment with DDT, charging that the chlorinated hydrocarbon insecticides are contaminating and seriously degrading biotic communities in many parts of the world. Ecological sanity is needed today," he asserts.

Dr. Charles C. Johnson, Jr., Consumer Protection and Environmental Health Administrator, Public Health Service, pinpoints just a few of the environmental stresses on the average American today:

1) toxic matter released in the air at the rate of 142,000,000 tons a year from motor vehicles, factories, power plants, municipal dumps and backyard incinerators.

2) microbiological contamination of food (compounded by the use of "convenience foods" which require little or no heating); 50% increase of food additives in the past 10 years; pesticide residues on food crops; traces of veterinary drugs in meat, milk and eggs.

3) more than 3.5 billion tons of solid waste discarded each year—marring landscapes; adding to malodorous, polluting dumps; and breeding rats, disease organisms and filth.

4) more than 500 new chemicals and chemical compounds introduced annually into industry, along with countless operational innovations—causing thousands of workers to suffer from cancer, lung disease, loss of hearing, dermatitis and other ocupational diseases.

5) chemical, viral and bacteriological wastes contaminating our rivers and lakes—increasing the difficulty to find water supplies treatable for human consumption.

6) radiation sources from large-scale applications of nuclear energy, laser and microwave technology, medical X-rays and radionuclides, and household electronic equipment—against which science has only begun to develop protection.

7) thousands of new miracle drugs produced by pharmaceutical research to treat specific disease problems that often cause unforeseen side effects and possibly serious genetic defects.

The economic cost of this pollution—in medical bills, household maintenance, etc.? Each of the 200 million Americans pays $65 per year in less polluted areas and as much as $200 per year in highly polluted areas.

Recent events indicate the rising concern of our federal and state governments:

The U.S. Health, Education and Welfare Department is sponsoring a scientific symposium to determine full biological effects and health implications of the gigantic microwave industry, medical use of radionuclides, use of microwave ovens, and other electronic equipment which is used in homes.

A secret special committee within the Agriculture Department has called for stoppage of all aerial dusting with DDT and its use in aquatic areas.

Congress is going beyond President Nixon's budget to allot $750 million a year to combat water pollution.

New Jersey has instituted suit against seven major airlines for $55,000 in damages for air pollution due to exhausts from their jets.

States, overwhelmed by the tremendous costs of fighting environmental insults, are seeking help from industry. (One exception: California bowed to the $4.4 billion agriculture industry and allowed the continued use of DDT.)

The following hypothetical problem offered by Dr. J. Douglas Smith and Dr. Joseph J. Harrington of Harvard University, president and vice president of Process Research, Inc. (a water pollution control firm in Cambridge, Mass.) dramatizes the complexities of environmental control. Lawyers must be prepared to resolve the legal ramifications of such a problem:

Cranberry growers on Cape Cod, concerned with improving agricultural benefits, have adopted a policy of spreading chemical fertilizers on their cranberry bogs; these fertilizers eventually run off into the tidal inlets of the Cape, where there exists a concerned clam digging industry. As well as stimulating cranberry growth, these fertilizers stimulate the growth of other sorts of plant life; on the tidelands of the Cape, the growth of unicellular algae has recently been prolific. Clams feed by filtering food from large volumes of water and collect appreciable quantities of such algae. When the accumulated algae decompose, they generate enough gas to make the clams buoyant. Great numbers of clams have floated to the surface and drifted to sea on outgoing tides. Along with seriously endangering Cape Cod's clam digging industry, tons of rotting clams washed onto the beaches at Newport, Rhode Island, have created an air pollution problem of such magnitude as to threaten cancellation of this summer's Newport Jazz Festival.

U.S. REVOLUTIONARIES LINKED TO HANOI

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. DUNCAN. Mr. Speaker, in today's Washington Post, October 15, Jack Anderson has a thought-provoking column concerning the link between Hanoi and the anti-Vietnam war movement in the United States. I recommend this to all readers of the RECORD, especially those who are participating in today's moratorium. I cannot help but think that among the demonstrators are those who would withdraw if they knew just how much they are aiding Hanoi's efforts. The article follows:

U.S. REVOLUTIONARIES LINKED TO HANOI

(By Jack Anderson)

TOKYO.—For the millions at home who will demonstrate against the Vietnam war today, the intelligence files here contain some facts worth pondering.

This column has examined documentary evidence that a few rabid revolutionaries who seek to dominate the anti-war movement in the United States are receiving instructions from Hanoi. They aren't against war at all; they merely are on the enemy's side.

Indeed, their aim is to stir up new "wars of liberation," including guerrilla warfare in the streets of America, to advance the Communist cause. Their immediate instructions are to agitate in the United States for an unconditional withdrawal from Vietnam.

In retrospect, I believe it was a mistake for the U.S. to plunge into the Vietnam conflagration. This remote patch of jungle simply hasn't been worth the price in American blood and treasure.

But those who are in a big rush to write off 38,887 American war dead and $81,407,000,000 of the taxpayers' money should consider the French experience. The French pullout of North Vietnam 15 years ago precipitated a Communist slaughter that hadn't been duplicated since the mad days of Adolph Hitler.

Too hasty abandonment of South Vietnam likewise might produce another bloodbath. Yet the Hanoi-directed militants, according to intelligence documents, are striving to turn the antiwar protest into a national demand for "quick and complete withdrawal of U.S. troops from South Vietnam."

Possibly to avoid treason charges, the American militants are not in direct touch with the Hanoi government. Most contacts, apparently, have been kept on a friend-to-friend or organization-to-organization basis.

The Hanoi-controlled South Vietnam Liberation Students' Union, for example, maintains an underground liaison with U.S. leaders of the Students for a Democratic Society and the Students' Committee for the End of the Vietnam War.

On the eve of the Vietnam Moratorium, Tran Buu Kiem, the Students' Union chairman and former chief Vietcong delegate in Paris, wrote a letter to his American disciples urging "the active and massive participation of the American youths and students in this fall struggle movement."

HANOI LETTER

The letter, dated Oct. 6, called for a prompt American pull-out from Vietnam. Kiem contended that "the replacement of a score of thousands of troops is insignificant, as compared with about half a million U.S. youths still remaining in South Vietnam.

"Your interests and those of the American people and the United States do not lie in such a drop-by-drop troop pullout, but in the quick and complete withdrawal of U.S. troops from South Vietnam; not in the Vietnamization or de-Americanization of the war in South Vietnam, which is unpopular and costly in human and material resources, but in ending it. . .

"If Mr. Nixon sincerely wants to live up to his promise to end the war, a promise which he made when he ran for office and when he took over the presidency," the Kiem letter continued, "there is no other way than to respond to the 10-point solution of the Republic of South Vietnam's provisional revolutionary government by quickly withdrawing all U.S. and satellite troops from South Vietnam without imposing any conditions and by abandoning the lackey Thieu-Ky-Khiem administration, leaving the South Vietnamese people to decide their own internal affairs.

"You are entering a new, seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success in this fall struggle phase."

INTELLIGENCE REPORT

Another intelligence document, made available to this column, casts a revealing light on the North Korean role in stirring up opposition to the constitutional amendment, which will determine the future of South Korea. A national referendum will be held Friday to determine whether South Korea's bantam President Chung Hee Park can run for a third term.

"In connection with the constitutional amendment," declares the intelligence analysis, "the Pyongyang regime is trying to arouse popular views adverse to the constitutional amendment in an effort to create political chaos in the Republic of Korea. The Pyongyang regime is concentrating all efforts on its psychological warfare to encourage the recalcitrant elements in the South."

The attempt to extend President Park's rule for another term has been described, even in the Western press, as undemocratic. The truth is that the Park government has adhered scrupulously to the democratic processes.

Once the referendum is decided by popular vote on Friday, South Korea's troubles may merely be beginning. The intelligence document estimates that North Korea will intensify its efforts to subvert South Korea next year, thus "taking advantage of the possible political chaos in the ROK during the 1971 election."

GENERAL SERVICES ADMINISTRATION ADVISORY BOARD

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, October 16, 1969

Mr. FANNIN. Mr. President, a meeting is now taking place at the General Services Administration that offers great encouragement for the new direction of the Federal Government under the Presidency of Richard Nixon. I refer to the recently created National General Services Public Advisory Council, which is meeting today for the first time.

It is with justifiable pride that I announce one of the members comes from my home State of Arizona, Mr. Gordon Marshall of Phoenix, vice president and general manager of American Concrete Pipe Co. Mr. Marshall joins the Council with many years of experience in the contracting business and a varied background of public service. He is a past president of the Arizona Chapter of Associated General Contractors, an associate director of Associated General Contractors of America and chairman of the Bureau of Reclamation Task Unit. He acts as treasurer and member of the Executive Committee of the Arizona Association of Manufacturers and serves on the City of Phoenix Finance and Services Committee and the conservation committee. He is a member of the Phoenix Chamber of Commerce, is on the board of the Visiting Nurse Service, a vestryman, and past senior warden of All Saints Episcopal Church, and past precinct committeeman and member of the State Republican Committee.

The Chairman of the Council is Mr. Robert A. Forsythe, a Minneapolis attorney and former Assistant Secretary of Health, Education, and Welfare. Mr. Forsythe is no stranger to the Senate, having served as administrative assistant to the late Senator Thye of Minnesota.

Topics under discussion at today's meeting range from GSA activity in product testing and Federal procurement to Federal building projects and property management. Included on the agenda are discussions on Federal communications and transportation, disposal of surplus property, retention and disposal of Federal records, and the programs of equal employment opportunity and minority business enterprise.

Mr. President, I call the new National General Services Public Advisory Council to the attention of Senators to show an example of the positive actions being taken by the executive branch to make this Federal Government more responsive to the people. This direct involvement by the public, through the advisory council technique, will strengthen present programs and lead the way for sound planning for the future.

The 16-member panel was sworn into service by Administrator Robert L. Kunzig, who heads GSA, the multibillion dollar agency that acts as the business manager of the Federal Government.

Administrator Kunzig is to be commended for establishing this advisory group for the purpose of injecting a greater degree of public involvement in the affairs of GSA. It is interesting to note that the lady and gentlemen who are council members come from the business, academic, and other segments of the general public. These are successful people who will contribute much to the General Services Administration. As public minded-citizens, they are meeting without pay.

The other members of the National General Services Public Advisory Council are Jay Davis, Jr., vice president and director of Southern Counties Gas Companies of Los Angeles; William J. Dorgan, former mayor of Palisades Park, N.J., and a partner in Torway Warehouse, Inc., of Edgewater, N.J.; Kenneth C. Foster, of Newark, N.J., executive vice president of the Prudential Insurance Co. of America; Robert L. Froemke, of Pompano Beach, Fla., dean of the College of Business and Public Administration of Florida Atlantic University; Stanley Gaffin, who heads his own public accounting firm in Boston; John W. Galbreath, who operates his own real estate, mortgage and insurance companies out of Columbus, Ohio, and is president and principal owner of Pittsburgh Pirates baseball club; Robert T. Handren, an architect-engineer who is a senior partner in the firm of Handren, Sharp & Associates of New York City; Ralph A. Hart, president and chief executive officer of Heublein, Inc., a Hartford, Conn.-based food and beverage manufacturer, importer and exporter; Stanley W. McKiernan, partner in the law firm of Slane, Slane, Lane & McKiernan of Los Angeles; Mrs. Carmel C. Marr, a New York attorney who presently serves on the New York State Human Rights Appeal Board; George M. Page of Austin, Tex., a principal of Page, Southerland & Page, architects and engineers; Alfred M. Snipes, a prominent administrator-businessman from Oklahoma City; Ray A. Watt, of Washington, D.C., president of the National Corporation for Housing Partnerships; and John T. Wiley, of Atlanta, assistant vice president of Southern Bell Telephone & Telegraph Co.

THRIFT

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. RAILSBACK. Mr. Speaker, while the administration is waging the frustrating battle against inflation, it might be wise and prudent at this point to determine how we got into such financial trouble in the first place, as well as how to prevent it from occurring again.

There are many self-proclaimed experts who have ready answers to the spiraling boom we are in today. Many have just cause to debate the issue for they are truly knowledgeable of their field; others might best keep quiet and let the experts attempt to find ways to stem inflation.

However, I think it important to bring to the attention of my colleagues a piece by Fred Emery of the Galesburg, Ill. Labor News.

His column, "Point of View," offers a succinct and logical exegesis of the roots of inflation. Mr. Emery correctly points out that the incentive for thrift is disappearing in our society along with the individuality of the working man. A man must be rewarded for saving instead of penalized; borrowing must not be so attractive and the credit card so popular.

I commend this article to my colleagues for I believe it should be read by all who are sincerely interested in solving the economic problems of not only individuals but of the Nation.

The article follows:

POINT OF VIEW

(By Fred Emery)

The incentive for thrift in our society is being lost today and with it we are losing our freedom as individuals.

The worker who is thrifty and tries to become self-sufficient by putting aside a portion of his paycheck each week is penalized by the government who rewards his efforts by taxing his savings and the interest on his savings. On the other hand the worker who spends his paycheck each week on loan payments is rewarded by a tax exemption on his interest payments.

The worker who tries to provide for his old age through saving for the future, finds that inflation which is fed by easy credit has destroyed the value of his savings faster than he can save. Thus, why save at all he reasons.

Personal savings and personal security were once the basis of personal pride and integrity. Today however, personal pride is gained by the amount of credit cards a person can boast of and the level of living one can obtain through credit.

By the destruction of habits of thrift in our society, people are becoming more and more dependent on the government to provide for their personal welfare and consequently losing the freedom that comes from personal responsibility.

The thrifty worker has long provided the basis for his own welfare in a capitalist society because his savings provide the necessary capital to business to provide the jobs that provided his income.

Today when credit replaces thrift as a basis for our economy the borrower finds that the increased cost of his purchase leaves him less for the necessities of life and makes an ever increasing income imperative, thus feeding the fires of inflation that are destroy-

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ing his ability to become a financially responsible citizen.

Credit unions, bank and all lending institutions have depended on the thrifty to provide the capital for loans both business and personal. But because people today find that being thrifty is becoming a liability rather than an asset they are losing confidence in savings institutions to help them provide for their personal social welfare and are looking increasingly to their government and employer to provide their social security needs. This in turn enslaves them to their employer and government.

Even credit unions, which are owned by the shareholders or savers, strive to give the borrower greater advantages and limit their saving members to less and less benefits, thus killing the incentive for thrift. Some credit unions today are taking away some of the savings insurance benefits of their savers that have encouraged their members to save and become less dependent on their employer and government.

As personal responsibility for one's own welfare decreases so does freedom. When a worker becomes dependent on his employer for his retirement benefits he becomes enslaved by his employer.

When social security benefits become his only other means of retirement income because inflation has wiped out the value of whatever else he might have accumulated, the worker finds that he becomes totally dependent on others for his welfare. We must have social security benefits and other types of group retirement programs, but the individual must also be given the opportunity to provide an even greater measure of security in his personal life.

If our free capitalist society is to survive and freedom along with it, the incentive for thrift must be restored. Personal thrift, initiative, and financial responsibility of the workingman must be rewarded instead of penalized.

TRIBUTE TO GEORGE SHICK

HON. HARRISON A. WILLIAMS, JR.

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Thursday, October 16, 1969

Mr. WILLIAMS of New Jersey. Mr. President, one of the most respected and popular State house reporters in New Jersey, George Shick, of the Trenton Evening Times, recently passed away. His life provided memories of integrity, professionalism, humor, and warmth to countless friends. His death leaves a void impossible to fill. In its final tribute, the Evening Times simply and eloquently stated what so many of us feel about George. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Trenton (N.J.) Evening Times, Oct. 13, 1969]

GEORGE SHICK

Some people, they say outlive their enemies. George Shick didn't. He never had any to begin with. The Times Newspapers' longtime State House reporter liked life and liked people very much and you had to like him too, and the better you knew him the more drawn you were to his extraordinary personality, which blended humor and irreverence and old-fashioned graciousness and a lot of other good qualities in a compelling mixture.

Nobody could resist it. Not the three New Jersey governors who came to his retirement dinner; not the legion of other movers-and-shakers whom he knew and bantered with during his 41 years of covering the State House; not the two generations' worth of reporters and editors who worked with him; not the hundreds—maybe it was thousands—of other people who neither wrote for papers nor appeared in them, but whose friendship he treasured.

He was much more than just a man everybody liked, although that alone would have marked him as distinctive. He was also a thorough professional who was doing exactly the kind of work he wanted to do and so repaid the fates for this good fortune by always giving the job the best that was in him, which was considerable. And in covering four decades of news stories he inevitably came to know as much about state government, how it worked and who made it work as anyone under the gold dome, and he shared his knowledge gladly, to the unending gratitude of a long procession of young reporters from his own and other newspapers.

There is nothing tragic about the death of a man at 74 with a rich life behind him, a legacy of fine children and grandchildren, and a state full of friends who remember him with great affection. You have the feeling that this is how it ought to be; that the passing of all humans should come as George Shick's did, with the job done and the potentialities all fulfilled.

WASHINGTON POST INSULTS NEW HAMPSHIRE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. WYMAN. Mr. Speaker, if one wants to find out why things are as wrong with people in this country as they are, especially with certain alienated young people, one needs look no further than a page 1 story in the Washington Post of today, the day after the so-called Vietnam moratorium. This story, written by Colman McCarthy of the Post's staff, insults New Hampshire in general and Nashua in particular by suggesting that the values which obtain in the granite State are old fashioned, obsolete or church-dictated. The Post was put out that little attention was paid to the moratorium in Nashua and its article included such choice exercises in prejudice as:

> The 300 Nashuans who publicly rallied for peace in Viet Nam did it without help from their neighbors who preferred peace in Nashua but of a different, sleeper kind. . .
>
> Without Sanders Nashua would be just another minor shrub in the rocky New England garden. . . .
>
> Although town meetings are traditional in New England, and much boasted about, town demonstrations are not. Private feelings even about the war, even when 204 New Hampshire boys have been killed, are not meant for public display. . .
>
> Nashua is still basically an old French Catholic town. The authoritarianism that was basic to pre-Vatican II Catholicism is still in the bones and in the souls. . .
>
> Possibly the deepest reason is that it is now a quiet season in Nature. . .
>
> As for the rest of Nashua, the large majority who ignored the moratorium, it is getting along fine with the world. At least today.

Mr. Speaker, such writing in a metropolitan paper like the Washington Post is not surprising but it is downright insulting to the good citizens of New Hampshire who are deeply grieved about the tragic losses of their sons in Vietnam, yet who know the United States is at war there. They are not going to undermine negotiations by the American President for an honorable end to the war. Beyond that fundamental, New Hampshire men and women are not buying Hanoi's bidding to Americans to demonstrate against their Government.

Nashua, N.H., is a progressive, dynamic, growing community, with fine schools, expanding industries, and enlightened self-government. It would survive and flourish with or without any single industry. For the Post to imply that the resentment of its citizens against war in general and the Vietnam war in particular is dulled or stilled by dependence on a war-related industry is slanderous in the extreme for it is false and suggestive of dishonor.

As for those precepts of respect, courtesy, honor, propriety, and religious conviction of which the Post speaks with thinly disguised distaste, well, we have such principles and precepts in New Hampshire in good measure and we are proud we do. The Nation could use more of such principles. So could the Washington Post.

However, the Post would not understand, for it consciously reflects the urban blight that dims individual independence and sublimates character to the metro dry rot syndrome that helps to destroy personal strength of character in so much of urban United States of America today.

The article by McCarthy follows:

FOR SOME IT MEANT CHANGE BUT OTHERS IGNORED PROTEST

(By Colman McCarthy)

NASHUA, N.H., October 15—The jackhammer of the antiwar protest that pounds other parts of the land today produced little more than trembles in this small, solid town in the Merrimack Valley, a part of simpler America and its quieter culture.

The shops stayed open to serve the town's 50,000 citizens, the schools did their teaching, most of the mothers kept to the chores of home, and the businessmen, always in groups and breaking out cigars or breaking into laughter, lunched as usual in undingy places like the Berkshire Country Inn.

The 300 Nashuans who publicly rallied for peace in Vietnam did it without help from their neighbors who preferred peace in Nashua, but of a different, sleepier kind.

The Nashua Telegraph, which has been dispensing conservatism since the days of local hero Daniel Webster and his devil, ran a Page 1 story Tuesday on veterans who agreed with a statement by New Hampshire's senior senator, Norris Cotton. Moratorium day was anti-American, said the senator; further, it was anti-Nixon, anti-peace, and pro-Hanoi.

The Telegraph, which apparently savored the senior senator's statement as much as the vets, had no space for junior Sen. Thomas J. McIntyre who gave a speech in the state the same day. Once pro-war, lesser fry McIntyre searched his politician's soul before an audience in Hanover, saying the U.S. should now "get out of Vietnam with all due speed."

As for news of the upcoming events of moratorium day. Tuesday's Telegraph put it on an inside page, between the obituaries and a listing of recent drunk drivers.

A second possible reason for Nashua's mood of guarded quiet is the presence of

Sanders Associates, Inc. As the state's, as well as the town's largest single employer—over 7,000—Sanders produces electronic equipment and devices. Its biggest customer is the U.S. government, particularly the Defense Department. Last year, Sanders did $198 million worth of business, much of that for the production of war tools.

Few in Nashua are naive enough to fear that if Vietnam suddenly ends, the Sanders defense contracts will terminate and then who will replace this goose and its golden Defense Department eggs? Yet among many citizens who talked about the company today, moratorium day was unfigurable. The event did not strike them as a destructive act; it seemed more like a defacement. It was indirectly hacking at Nashua's foliage, the part which has grown thick enough to conceal the stem of the town that knows that without Sanders. Nashua would be just another minor shrub in the rocky New England garden.

ANTIWAR TEACHER

What peace activity there was in Nashua began early among those whose necks will soon be on the Selective Service line: the high school juniors and seniors. At 7:30 a.m., the English class of William Hodge met in a second-floor room of Nashua Senior High. Hodge, strongly antiwar, has been warned by the principal against imposing his views on students.

"I don't," says Hodge. "Whenever I say something about the war that is not in the area of fact, I say, clearly. 'This is my opinion.' The kids know this. So they shoot back with their opinions.

"These are ways of getting the kids informed about the war, rather than merely getting them riled. I think if they have all the facts, then they can't do anything but oppose the war. If they are going to refuse in conscience to cooperate with the government, then it's my job as a teacher to help inform those consciences. With facts, not arguments."

In other classes this morning, mostly in English and social studies, students discussed Vietnam. More opposed the war than not. But even to many of them, their own remarks came out formless and wan. They know that next year at this time they might be in Vietnam, no matter what they say or think now.

At 8 a.m., local station WOTW held a discussion on the moratorium. In a near parody of talk shows that love to pit lefties against righties, nothing new was said about the war.

One radio tuned to the show was that of Mayor Dennis Sullivan. But the mayor was out of town, so it was his secretary who had it on. "Even if Mayor Sullivan was here," she said, "he had planned to totally ignore the moratorium in Nashua. For him, it isn't even happening." What is happening is the mayor's re-election campaign, which he announced two days ago. Neither of his two opponents has mentioned the moratorium, either.

At 11 a.m., a church service was held. The gathering of 200 was mostly young people, mostly male. At noon, they marched to City Hall Plaza, the spot where John Kennedy launched his presidential campaign in 1960 and where Gene McCarthy spoke to a crowd of 8 people early in his New Hampshire campaign. Speeches were made and donuts were passed through the crowd.

At 1:30 p.m., the people, still munching, broke up. The kids, who were almost the whole crowd, drifted away. A few of them joined with adults in cars and headed for Manchester, the state's largest city, 17 miles north. It was hoped the yearning for peace would be more visible and vocal there.

The life-as-usual mood of Nashua today was not created by any large pro-war sentiment. Many say the town is about evenly divided about the war, so one group does not dominate the other. Paradoxically, the mood of Nashua was created not by those who oppose the moratorium, but by those who supported it but didn't turn out.

DOVES STAY IN COOP

Three reasons exist for the Nashua doves keeping to their coops.

First, they maintain with some impatience that they already declared themselves for peace in Vietnam 18 months ago when they sent Gene McCarthy on his way. This New Hampshire expression for peace was done through the ballot box, the proper and truest form of democracy; so why repeat it now with marches and vigils, a lower form?

Second, Yankee propriety. Although town meetings are traditional in New England, and much boasted about, town demonstrations are not. Private feelings, even about the war, even when 204 New Hampshire boys have been killed, are not meant for public display.

Third, Nashua is still basically an old French Catholic town. The authoritarianism that was basic to pre-Vatican II Catholicism is still in the bones and in the soul. Since the Catholic hierarchy itself is divided on Vietnam, or is when it occasionally gets around to the subject, what can the humble Catholic in the pew be expected to know?

Possibly, the deepest reason for Nashua's quiet mood is that it is now a quiet season in nature. The Merrimack Valley is plush with color-tossed trees, rich in russets, mauves and spirited yellows; everywhere is the wrapping paper of autumn.

A few miles from Nashua is Derry, where Robert Frost once farmed and wrote poems. The epitaph he wrote for his tombstone would serve well as the motto of the peace seekers today: "I am in a lover's quarrel with the world." As for the rest of Nashua, the large majority, who ignored the moratorium, it is getting along fine with the world. At least today.

THE BIRMINGHAM NEWS COUNTER-DEMONSTRATION TO THE MORATORIUM ON THE WITHDRAWAL OF TROOPS FROM VIETNAM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, October 16, 1969

Mr. THURMOND. Mr. President, Mr. Clarence B. Hanson, Jr., publisher of the Birmingham News and Post-Herald newspapers in Alabama is to be highly commended for his counter-demonstration to the moratorium on the withdrawal of all troops from Vietnam. The manner in which the News backed our men in Vietnam was highly impressive.

Mr. President, the News devoted the entire front page to counter these incredible demonstrations. The front page displayed a large American flag in colors. The headline banner quoted President Nixon's sentence:

> Our road is not easy, not simple. . . . But right.

In large type across the bottom of the front page, the News printed a quotation from the Honorable Albert P. Brewer, Governor of Alabama. I ask unanimous consent for his quotation to be printed at this point in the RECORD.

There being no objection, the quotation was ordered to be printed in the RECORD, as follows:

WHICH: THE EASY—OR THE HONORABLE WAY?

(By Albert P. Brewer)

Another time of testing has come to America.

Many times in our history as a nation, we have had to decide between the easy way and the honorable way, both at home and abroad.

While our decisions to stand firm in behalf of freedom and justice have not always been universally popular, they have always been supported by the great majority of American people.

Today, we reach a time when we must decide again between the easy way and the honorable way.

Our flag flies in battle on foreign soil—while at home there are those who would have us believe that our people have lost the will to meet our commitments.

Let the word go forth from Alabama and America today that this vocal minority does not speak for the tens of millions of silent Americans whose deep desire for peace burns as brightly as the fires of our warriors' camps but who know that a peace without honor and justice is no peace at all.

Let every enemy, wherever he may be, know that we as Americans have again chosen the honorable way.

Mr. THURMOND. Mr. President, Mr. Hanson sent a letter along with a copy of the News to U.S. Senators. His letter appropriately describes the actions of the demonstrators. I was very much impressed with Mr. Hanson's patriotic response to the demonstrators, and I commended him in a telegram which reflected my opposition to the moratorium.

Mr. President, I ask unanimous consent that Mr. Hanson's letter and my reply be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE BIRMINGHAM NEWS CO.,
Birmingham, Ala.

DEAR SENATOR: Whatever their motivation, whether misguided thinking or, in some cases, traitorous intent, those who are leading and supporting the so-called "Vietnam Moratorium" are doing the United States grave damage. At the minimum, these people are encouraging the Communist North Vietnamese to intensify their intransigence so amply demonstrated in the months of futile talks in Paris.

If the North Vietnamese succeed, with the help of these Americans, in their obvious aims, the credibility and influence of the United States in its historic and demonstrated efforts to create a world of peace and justice will be drastically reduced, leading to possibly catastrophic consequences.

Wednesday, October 15, 1969, was a black day for the United States. The Birmingham News resorted to its own counter-demonstration, using all its front page to show that most Americans strongly dissent from the views of the "Vietnam Moratorium" crowd and their ilk.

Sincerely yours,
CLARENCE B. HANSON, JR.,
Publisher.

OCTOBER 16, 1969.

Hon. CLARENCE B. HANSON, JR.,
Publisher, Birmingham Post-Herald and News, Birmingham, Ala.:

The front page of your October 15 edition is impressive and thanks for sending me a copy. The counter-demonstration as displayed by your newspaper reflects the true and dedicated American spirit. I wish more of our Nation's media would respond like the Birmingham News. The following is a statement I made on October 14:

"I do not agree with the National Moratorium Committee's October protest movement to withdraw all U.S. troops from Vietnam. I support President Nixon's current initiatives for a lasting and honorable peace. Such withdrawal proposals strengthen Hanoi's position, prolong the war, forfeit all the

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objectives supported by four Presidents and break faith with our brave men who have given their lives for their country, world security and freedom."

Keep up your fine patriotic work.

STROM THURMOND,
U.S. Senator.

VIETNAM IN PERSPECTIVE

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. WIGGINS. Mr. Speaker, for some weeks I have wanted to restate my views on Vietnam in greater detail. Perhaps this reflects an uncertainty in the correctness of my position, and perhaps it does, since I know of the intelligence and patriotism of my friends who hold contrary views. In the final analysis, the correct policy for America is a matter of informed judgment, and where precise answers are not possible, reasonable men can, and often do, disagree.

The October 15 moratorium provided the immediate catalyst for the exposition of my views. I harbored strong, strong feelings about the propriety of this event. Its sponsors did not truly seek to develop a dialog on the war as was announced. The repetition of such nonsense was insulting to the listener. The sponsors all possessed positive and often expressed opinions against the war in Vietnam. Their objective was simply to change current U.S. policy by forcing our political leadership to capitulate to their views. It is not unfair to characterize such coercive tactics as a repudiation of democracy. Although tactics may be deplored, the right of such protesters to dissent is unquestioned. It is the utter impossibility of our President conducting an intelligent foreign policy when badgered by fanatics and publicity seeking politicians—as well as concerned, confused, and frustrated Americans—that I find so offensive. The moratorium was not helpful to the President in exercising his constitutional responsibility to shape our foreign policy. That, at least, is one fact about which I am absolutely sure.

I have often thought that any responsible appraisal of Vietnam policy would first require certain emotional catch phrases to be discarded. One of the most abused is "Peace in Vietnam." How often have we heard that peace in Vietnam can be achieved only if American troops are withdrawn? Of course, this is utter nonsense.

An illusory "peace" will come to America if we no longer engage in war in Vietnam. But the war and the killing will surely continue until it is ended, as all wars are, by one side achieving a victory over the other, or at least so imminently threatening to do so that a negotiated cessation of hostilities affords the best chance of salvaging national interests. Unless we cling to a selfish definition of "peace" for America, and to hell with the world, it must be evident that precipitous withdrawal will not bring peace to Vietnam, but will merely enhance the chances of victory by the forces of North Vietnam, or at best, a negotiated settlement upon their terms.

The question is, therefore, will such a foreseeable consequence be in the long-range policy interests of the United States?

At this point, it is not a digression to discuss this policy interest of the United States and how it evolved.

Although some might disagree, I could never be shaken from my absolute conviction that the main thrust of American foreign policy in this century has been peace—world peace—a secure peace—genuine peace. World peace is America's foreign policy.

Since World War I—to pick a convenient starting place—the methods of achieving this shining goal have changed in response to domestic pressure and world events. But we have never lost sight of our objective, and this objective—world peace—surely is the only defensible reason for our present involvement in Vietnam.

Immediately after World War I, our statesmen and returning doughboys were united in one firm conviction: the world had bled enough. We must never permit such a catastrophe as a world war to occur again, it was said. But tactics differed. The League of Nations, a world forum for resolving disputes short of war, was best calculated to maintain the peace, thought some. Others were fearful of standing international organizations and preached nonalinement and selective multilateral disarmament pacts. In the end, much of the world took the former course and the United States, the latter.

During the period between the wars, a new generation was born which did not share that conviction so deeply held by those who had fought and suffered in World War I. This new breed had ample reason to take up the torch for internal social change. For after all, dust was blowing across the Great Plains, displacing millions of farmers; the economy was sick and soup kitchens for the hungry were a real fact of life. In this environment, the young became involved, seeking economic and social change. Under these circumstances, they were to be excused, perhaps, from failing to notice that equally powerful forces were afoot elsewhere in the world.

The Japanese began a long war of conquest against China. The "rape of Nanking" and the attack on the Panay rated newspaper mention but did not truly arouse our interest.

The Italian venture into Ethiopia and the pitiful plea of Haile Selassie for assistance before the League of Nations were not sufficient to arouse our national interest either. Nor did the early machinations of Adolph Hitler in Europe. After all, it was said, these events were "halfway around the world" and the "pressing priorities at home" demanded that we not "stick our nose in other people's wars" or become an "international policeman."

It was expedient during the thirties to rely upon the inexpensive and relatively painless course of isolationism. But it did not work and proved very expensive and tragically painful after all.

The world became involved in a war and it ultimately and inevitably involved the United States.

Twenty years ago, events had reached full circle. Immediately after World War II, our statesmen and returning GI's were united in the same conviction held by their fathers a generation earlier: the world had bled enough. We must never permit such a catastrophe as a world war to occur again. "If only they had stood up to Hitler when he marched into Austria, all this could have been avoided," was the generally accepted postmortem.

This time, however, there was little disagreement upon tactics. An international body must be organized and the United States must be a part of it. And we must never again be indifferent to aggression anywhere in the world. Aggression feeds upon itself, we learned at a fearful price, and must be stopped by concerted action early before it consumes us all.

Such was the lesson of World War II. And we learned it well, for it has been the main source of American foreign policy ever since.

The Truman doctrine, our support of Greece, the Marshall plan, the policy of containment, intervention in Lebanon, regional alliances, the Berlin airlift, our response in the Middle East in 1956, massive retaliation, the Korean war, our policy in the Congo, and, yes, Vietnam—are all manifestations of, and variations from, the same theme.

The exception, proving the rule, was Hungary. But Hungary, and more recently Czechoslovakia, merely reflected certain military realities; and more importantly, Hungary and Czechoslovakia were not considered a part of the free world to which our policy has consistently applied.

It is a fact which should not be forgotten that the basic reason for American intervention in Vietnam in the first place was that our then President was persuaded that world peace could best be maintained by resisting acts of aggression against a piece of geography which we chose to include as part of the free world.

Whether that initial decision was a wise one depends upon one's view of America's basic postwar policy of resistance to aggression; whether aggression in fact occurred; and whether we correctly included South Vietnam within the penumbra of free world protection.

It is my judgment that the initial decision was correct.

I shall not defend our basic policy further than to say that it has been the policy of every President and every Secretary of State since World War II. Their collective wisdom is impressive and it reflects the hard lessons of history.

Nor is it necessary to dwell upon the favorite debating point of some that aggression never occurred in Vietnam, since Ho Chi Minh was merely a popular nationalist leader bent upon reunifyiing his country. The facts are otherwise. He was a cutthroat of the worst kind, who was fanatically obsessed with imposing a Communist totalitarian government upon all of the territory embraced by former Indochina, and perhaps beyond. This remains the policy of North Vietnam today.

A more debatable question concerns the propriety of including South Vietnam within the free world's protective sphere.

Again, it is unnecessary to belabor this overworked point. The decision was a judgment one and was based, I am sure, upon an appraisal of the world and its prospects for peace if South Vietnam were permitted to fail. Pertinent to this decision was the lesson of Korea where an armed invasion promptly followed a misunderstood decision to exclude Korea from free world protection; the question of a SEATO commitment to Thailand, and the credibility of our treaty commitments elsewhere; the likely extension of Ho Chi Minh's domination into Cambodia and Laos; the effect of American timidity upon the future actions of China against Formosa, for instance, or by North Korea against South Korea, for another.

In summary, the risks to world peace, if aggression were permitted to succeed in South Vietnam, were sufficiently clear and present to justify our intervention.

If one accepts the correctness of the initial intervention, then the often-repeated refrain that "we should not have become involved in the first place, but our honor requires that we see it through" makes no sense at all. Honor, saving face, or prestige have nothing to do with it. It is world peace we are after and there is nothing immoral nor inconsistent in fighting to maintain it.

A proper decision reached more than 10 years ago should not be followed blindly, however, if circumstances have changed. Many point to the schism between Peking and Moscow as evidence of a fundamental change in the Communist world, justifying policy changes on our part. Whether communism may or may not be monolithic is a matter of academic interest only. It is irrelevant to their potential and propensity for aggression against their neighbors. Such differences as may exist within the Communist world have not disturbed their common opposition to the United States, nor their zeal to export revolution.

Try as I might, I cannot see any change in the objectives of North Vietnam. The very actions by the Communist North which provoked our intervention in the first place still exist today. Unless resisted, North Vietnam still intends to force its will upon the people of South Vietnam and neighboring countries. And this aggression must be resisted, in the name of peace.

It does not follow, of course, that adherence to a policy of resisting aggression requires that American troops bear the brunt of the fighting and the dying. Local forces have the first responsibility for defense. President Nixon's "plan" which tantalized the electorate last fall is now being implemented and involves a proper shift of combat responsibility to the South Vietnamese themselves. If successful, it may involve a withdrawal of American troops, but it does not represent a retreat from those basic American policy interests which prompted our involvement in the first place.

Those who passionately cry "Peace now!" seldom confuse their thinking with a sober consideration of the consequences of precipitous withdrawal. But the President must.

For example, if America withdraws from Vietnam, is it more or less likely that the "quiet war" in northern Thailand will intensify? If the fighting increases, what should our response be? Should we honor treaty commitments to Thailand, if requested to do so? If we do not, what will be the effect upon the credibility of our commitments elsewhere? Are the prospects for peace in Europe enhanced if the other side has reason to doubt the American resolve to honor its NATO commitments?

Will China be more likely to attempt to remove Formosa and Nationalist China as a thorn in its side, if America manifests weakness in Asia? If China should try, what should our response be?

Will the irresponsible and unpredictable government of North Korea be more or less likely to keep its promise to invade South Korea, if we withdraw under pressure from North Vietnam? If the war in Korea is resumed, what should our response be?

The questions go on and on. And each must be carefully considered in connection with our Vietnam decisions because they are all interrelated and any miscalculation, on our part or theirs, could bring us eyeball to eyeball with a nuclear war.

Much of what I have said will, of course, be rejected out of hand by the professional "doves." Over the years, I have heard all of the contrary arguments and believe, in sum, they represent either basic disagreement with America's postwar foreign policy—an alternative is seldom mentioned—or genuine faith in the peaceful intentions of the major Communist countries. How simple the questions of defense become if one admits of no threat. Constructive debate at this time should not focus on the emotional issue of bringing the boys home, but rather on workable foreign policy alternatives in the seventies.

Reason will not reach the professional doves, but I am supremely confident of the willingness of the American majority to unite behind their President if he takes them into his confidence and shares with them the peaceseeking reasons for his apparently warlike actions.

Johnson was never able to verbalize the reasons for a similar policy. Nixon must try harder or he may be faced with the necessity of abandoning tested policy abroad as the price of internal stability at home. To force our President into such a decision would be a tragedy for American and for world peace.

NATIONAL BUSINESS WOMEN'S WEEK, OCTOBER 19–25, 1969

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mrs. REID of Illinois. Mr. Speaker, during the week of October 19 to 25 our Nation will once again observe National Business Women's Week which was established by the National Business and Professional Women's Clubs in 1928.

This annual observance gives all of us an opportunity to honor once again the working women in the United States who now number more than 29 million. It also calls attention to their accomplishments in the past and the present, and spotlights the urgent need for constructive use of women's full capabilities in business and the professions in the future.

As a woman in the Congress, as well as member of the Aurora, Ill., Business and Professional Women's Club, I am proud that women all across the country are more aware than ever of the importance of an informed, active electorate and realize the necessity for civic responsibility and service. The more than 3,800 affiliated clubs with over 180,000 members throughout the United States are affording commendable leadership to women everywhere.

This past July the national federation held its 50th anniversary convention in St. Louis. These 50 years have seen great strides made by working women in all fields—business, education, the professions, and so on. Today, women can be found in each of some 480 occupations listed by the U.S. Census Bureau. This is a marked contrast to the era when the Business and Professional Women's Clubs were first organized—when only a few types of jobs were open to women.

I hope all of you will join with me in applauding the achievements of the National Federation of Business and Professional Women's Clubs during National Business Women's Week, and will give your support to their praiseworthy efforts for a better America.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Shreveport Times, Shreveport, La. The editorial follows:

[From the Shreveport Times, Shreveport, La., Sept. 4, 1969]

NIXON AIDE TESTIFIES: BIGGER TRUCK DECISION IS LEFT UP TO CONGRESS

(By Dan Rapoport)

WASHINGTON.—The Nixon administration left it up to Congress Wednesday to decide whether heavier and bigger trailer trucks and buses are safe enough to be permitted to travel on interstate highways.

Federal Highway Administrator F. C. Turner told a House Public Works subcommittee his agency did not have "sufficiently reliable evidence" to determine whether the increased sizes of trucks and buses proposed in controversial legislation would mean additional safety hazards to motorists.

If Congress decides motorists' safety is not affected "measurably," Turner said, the Administration would urge that implementation be delayed until July 1, 1972, rather than on the date of passage. The government needa the three years to set performance standards for the bigger trucks, he said.

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Turner's long-awaited disclosure of the Administration position on the bill, while not an endorsement, brought smiles to the faces of subcommittee members who support the legislation.

An opponent, Rep. Fred Schwengel, R-Iowa, said it was "incredible" that the Transportation Department did not recommend delay in action on the bill until it could collect adequate safety data.

The bill, supported by the trucking industry and opposed by the American Automobile Association, would increase from 8 feet to 8½ feet the maximum allowable width of trucks and buses using the interstate highway system.

The limit on weight would be raised from 73,280 pounds to 108,500 pounds. The length, which is not limited now, would be set at 70 feet. Turner recommended a maximum length of 65 feet.

The trucking industry says bigger vehicles would permit more economical movement of freight and more comfortable bus travel. The bill's opponents say the larger vehicles would increase the risk of traffic accidents and cost the government millions of dollars each year in repairs caused by added wear and tear on the highways.

Turner acknowledged that large trucks affect "the mental and emotional attitude of the general motoring public." But he said government studies presented no evidence that such trucks are involved in more accidents than smaller ones. He did say that when a car is struck by a truck 15 or 20 times its size, "the truck tends to demolish the smaller vehicle."

Schwengel said President Nixon had declared during his election campaign last Fall he would oppose any legislation that did not protect the "safety and convenience" of the traveling public.

In view of Turner's testimony, Schwengel said, "I have a feeling that Dick Nixon didn't get the full story. I intend to do my best to see that he does."

Consumer advocate Ralph Nader termed the Administration's decision "a flight from responsibility because Congress does not have the resources" to decide the safety issues.

But Nader said "Mr. Nixon's Transportation Department does and the Federal Highway Administration should immediately disclose all the secret studies it has conducted regarding the hazards of giant trucks." Nader said Turner is deliberately suppressing the studies.

On Tuesday, two law students working for Nader issued a preliminary report of a summer-long study of the trucking industry which charged that it operates defective tractor trailers and overworks its drivers.

Under federal law, truck drivers are limited to 10 hours of driving at a time. The students claimed the law has been consistently ignored. In two cases, they said, drivers were killed in accidents attributable to fatigue and defective equipment.

SST WILL BE ECONOMICALLY COMPETITIVE WITH SUBSONIC JETS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. PELLY. Mr. Speaker, the SST has been accused with being an airplane for the "elite," or for the "jet-setter." The inference is that the average person will not be able to afford to fly in the SST because of the cost of the aircraft to the airlines.

The truth is that the SST will be four times as productive as the Boeing 707 subsonic jet now in service. This fact makes it possible for the price of a ticket on the American SST to be competitive with the fare on a present-day 707.

Mr. Speaker, associate editor of the Seattle Times, Robert L. Twiss, has written an article which appeared in the October 5, 1969 edition, which adds to this contention. The article follows:

SST WILL BE ECONOMICALLY COMPETITIVE

(By Robert L. Twiss)

Two factors studied at length by The Boeing Co. show the firm's Model 2707 supersonic transport will be competitive economically with the best of the subsonic jets, H. W. Withington said yesterday.

Withington is a Boeing vice president and manager of the Supersonic Transport Division of the firm's Commercial Airplane Group.

"The SST definitely will be competitive with the subsonic jets, at first from higher load factors resulting from its passenger appeal and then from resistance to inflation," Withington said in an interview.

Withington said he bases his conclusions on extensive studies completed by Boeing in the past year.

"This is one of the most important things to come out of this program in the past six months to a year," Withington said.

Discussing higher load factors expected during the early years of SST operation, beginning in 1978, Withington noted that subsonic jets captured about 90 per cent of the North Atlantic market within three years after entering service.

This was because of their tremendous passenger appeal, including their great speed advance over piston-engine transports and their comfort and quietness in the cabin.

Load factors or percentage of seats occupied in the subsonic jets began to level off after the first three years of service, as expected, with more jets flying and travelers taking jet speed and comfort for granted.

In the case of the SST, however, the 1,800-mile-an-hour delta-wing plane is expected to have five years of greater benefit from its great passenger appeal and the much larger market, Withington said.

The higher load factors expected during this period will offset the slightly higher seat-mile costs of the SST, compared with an advanced-technology subsonic jet, such as the Boeing 747, he added.

Then the SST will be more inflation-resistant than subsonic jets, he explained. The Boeing economic study assumed that inflation would continue as it has in the past five years.

"The SST is less people-sensitive than a subsonic jet," Withington said.

He meant the greater productivity of the SST would resist higher costs in flight-crew and ground-personnel salaries and wages better than subsonic jets. Costs of fuel and materials are escalating less rapidly than salaries and wages, he said.

Fuel costs actually decreased between 1955 and 1965 and then leveled out and began to climb at the present rate ½ of 1 per cent a year. Why did airlines show financial gains with jets during the latter part of that decade?

"The conclusion is increased productivity of the subsonic jets and airline personnel," Withington explained. "Both people and equipment productivity went up." As time went on, however, airline costs outstripped even the great productivity of the subsonic jets, so fares began to go up.

The Boeing SST will be four times as productive as the Boeing 707, which means the faster-than-sound airliner will be more inflation-resistant than today's subsonic jets, Withington continued. The great productivity of the SST thus would offset the steady increase in labor costs, which will affect operating expenses of the subsonic jet transport more than it will affect the SST's operating cost, he said.

Historically, with the passage of time, labor costs steadily increase because of inflation, wage increases and other factors. Because the SST is more productive for each hour of labor, it is less sensitive to wage-escalation pressures than subsonic jets, Withington said.

"By 1988, the total operating cost of the SST and the 747 will be essentially comparable," Withington said.

"Boeing studies of load factors expected for the SST were based on extremely conservative assumptions," Withington said. These include a free-world traffic growth rate of 10 per cent a year and a stringent sonic-boom assumption, with no SST flights figured over land south of the Arctic Circle.

Taking out short-haul flights from the forecast of revenue passenger miles expected to be flown in 1980, the studies show supersonic transports such as the Anglo-French Concorde and the Boeing plane will have about 200 billion revenue passenger miles available over such SST routes as the North Atlantic.

A revenue passenger mile is one passenger flown one mile. Withington said the 200 billion figure which would be available to SST's in 1980 is about the total free-world revenue-passenger-mile figure of a couple of years ago.

SST market penetration, of course, depends on the number of planes delivered and placed in service. Withington said the Boeing studies were based on expected Concorde and Boeing SST manufacturing rates, about three a month for the Concorde and five a month for the Seattle-built plane."

"By the summer of 1979, about 15 months after the United States SST enters service, the Boeing SST and the Concorde would provide 30 per cent of the total potential SST market in that time period," Withington said.

That percentage would climb as more SSTs are delivered and SST flights are expanded throughout the free world's overwater routes, Withington said.

VOLUNTARY PRAYER

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. ROUDEBUSH. Mr. Speaker, to provide the schoolchildren of this Nation with a chance to start the schoolday with a voluntary prayer, we have been offering five prayers weekly for the CONGRESSIONAL RECORD.

These prayers can be recited from the RECORD without interference from the Supreme Court which has approved the distribution of pornographic and obscene literature, but sought to halt prayer and Bible reading by American schoolchildren.

The prayers offered for this week include:

I

For blue of stream
    and blue of sky,
Father, we thank Thee;
For pleasant shade
    of branches high,
Father we thank Thee;
For fragrant air
    and cooling breeze,
For beauty of
    the blooming trees,
Father in heaven,
    we thank Thee.

II

God made the little flowers bloom,
    And made each rustling tree;
He made each bird and blade of grass,
    And then He thought of me.
    Thank you,
Dear God, for making the flowers,
    And touching each rustling tree;
For making birds and a blade of grass,
    And thank You for making me.

III

A great gray elephant,
A little yellow bee,
A tiny purple violet,
A tall green tree,
A red and white sailboat
On a blue sea . . .
All these things
You gave to me,
When you made
My eyes to see . . .
Thank You, God!

IV

We offer Thee thanks for
    the moon in the night;
And thanks for the rain and
    the sun's golden light;
And thanks for the wind and
    bright, falling leaves;
And thanks, too, for flowers
    and deep-rooted trees.

V

Here a little child I stand,
Heaving up my either hand;
Cold as paddocks though they be,
Here I lift them up to Thee,
For a benison to fall
On our meat and on us all.

SMUT PEDDLERS USE MASS MAILING LISTS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. NIX. Mr. Speaker, on Sunday, October 12, Edith Kermit Roosevelt, a distinguished journalist, authored a column which appeared in the Philadelphia Bulletin on the subject of obscenity and the use of mailing lists to push pornographic material into American homes through the family mail box.

Her article was outstanding because it sums up the case against pandering advertising based on hearings taking place before my Subcommittee on Postal Operations. We will have additional hearings on this subject. Our next hearing date is October 22, in the Cannon House Office Building. We will hold a day long hearing in Philadelphia on November 1 in the U.S. courthouse.

I want to express my appreciation to Edith Kermit Roosevelt publicly for her article.

I believe that freedom of expression is threatened to a far greater extent by the contempt for the ideal of freedom of expression as a right inspired by massive distribution of pornography than by mild regulation which protects the privacy of families from the intrusion of pornographic junk mail advertising.

The article entitled "Smut Peddlers Use Mass Mailing Lists" is hereby submitted for inclusion in the CONGRESSIONAL RECORD at this point:

SMUT PEDDLERS USE MASS MAILING LISTS

(By Edith Kermit Roosevelt)

WASHINGTON.—The right of privacy as a distinct and separate American law is winning expanded interpretations. One reason for this is easy to see. As the means of communications bring us closer together, it becomes easier for those who pander to commercialism, to intrude upon the intimacies of our lives.

An area of privacy which is of increasing public concern is the right of a person to be protected in his home from receiving pandering advertisements which may be sexually provocative or distasteful to him or his family. The number of complaints received by the Post Office Department alone have soared to more than one-half million in the past three years. A Gallup Poll released three months ago reveals that 85 out of 100 adults interviewed said they favor stricter laws dealing with obscene literature sent through the mails.

MASS MAILINGS

The major source of outrage among our citizens is the unsolicited mass mailing of advertisements by some 15 to 20 large firms. These operators generally send out computerized first-class mailings to rake in profits amounting to as much as $10 million a year in a market that runs into billions of dollars.

Many smut merchants operate by means of mailing lists, which contain the names of pre-teen children. These names are gathered through the purchase of pre-teen mailing lists compiled originally by other businesses who sell to children by mail, such as stamp clubs and record clubs.

The greatest cause of public concern is the fear that sexually perverted material will endanger the ethical, mental and moral health of children. Rep. Robert N. C. Nix, Philadelphia Democratic congressman who is chairman of the Postal Operations subcommittee, is in charge of the current hearings on smut peddlers.

He says "such mailings have the effect of undermining parents in their attempt to educate their children as to the meaning and purpose of sex. Pornography undermines the family because by its nature, it preaches that men and women are sexual objects to be exploited for personal pleasure."

CHANCE TO OPEN MAIL

Do children actually get their hands on this material?

Consider these figures from the Bureau of Labor Statistics. The highest labor force among women of all ages in March, 1967, was that of married women with children from ages 6 to 17. This group represented 45 percent of the entire women's labor force and totaled more than 6 million.

From this, we might properly infer that several millions of children who have arrived at a crucial, inquisitive time of life have an unsupervised opportunity to open the mail before their working parents return home even if it is not addressed to the youngsters personally.

Is exposure of children to pornographic material harmful?

Many persuasive statements by responsible experts reinforce the common sense judgments of most parents concerning the harmful effects of salacious literature on juvenile behavior. Dr. Benjamin Karpman, while chief psychotherapist at St. Elizabeth's Hospital here, told the Congress that you can take a perfectly healthy boy or girl and by exposing them to abnormalities you can virtually crystalize and settle their habits for the rest of their lives.

BURDEN OF RESPONSIBILITY

Why then has not this flagrant misuse of the mails been halted?

In 1967, the Congress established a procedure which has proved to be inadequate. A citizen, once he determines that mail he has received is "erotically arousing or sexually provocative," can file wtih his post office a judicial enforceable order prohibiting the sender of that pornography from directing any further mail to his home. There are at least two weaknesses in this procedure:

First, the individual has to receive at least one pornographic mailing before he can initiate the procedure for having his name removed from the sender's mailing list.

Second, the Government's directive to have a smut peddler remove an individual's name from his mailing list does not always work. This is because some smut peddlers put out successive mailings under a different company name, usually with different company officers listed. The Government's directive applies to the old company, not to the new one which more often than not is operated by the same people.

A number of new measures have been introduced in the Congress designed to close the loopholes and to strengthen the smut laws in accordance with President Nixon's proposals. Certainly, any legislation that is passed should place the burden of responsibility on the senders of the pornographic material and not on the protesting householders.

THE WAR IN VIETNAM: ENOUGH

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. FARBSTEIN. Mr. Speaker, tomorrow, October 15, 1969, has been set aside by many Americans as a day of dedication to peace and of demonstration against U.S. involvement in the war in Vietnam.

As an American and a Member of this most distinguished House of Representatives, I hope that all Americans will observe it as a day of prayer, rededication, and respect: prayer for those lost in the conflict in Vietnam and their families, rededication to those principles of freedom and equality on which we have always prided ourselves, and respect for the sacrifices made for those principles by our men in Vietnam and throughout the world.

There are those who charge that participants in the demontrations against the war are less than patriotic and that their dissent is un-American. How much further from the truth can they be? The great majority of those involved are protesting precisely because they feel it is their responsibility as Americans to do so.

Indeed, 160 years ago one of our Nation's founders, Thomas Jefferson spoke out on this subject at his first inauguration. Viewing the spectrum of dissent and disagreement over basic principles then prevalent, Jefferson stated that in our country "every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle." Indeed sir, our Nation is not so different than it was in Jefferson's day. We are still "a rising nation, spread over a wide and fruitful land, traversing all the seas with rich

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production of our industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye." I fear, sir, that while we have felt power, we have forgotten the right. The right of American boys to live full lives in peace, and the right of the Vietnamese people to choose a government that is truly representative of their own will. The will of the people must in the end prevail.

While moratorium day will be a day of national protest and demonstration against the war and its evils, it will also be another type of demonstration—of democracy in action. The entire world shall be witness to the true greatness of the American system of self-government.

From the banks of the Yalu River in Communist China to the wall of silence in East Berlin, from Johannesburg in racially divided South Africa to the shores of the island of perpetual terror in our own hemisphere, Haiti, the greatness of our democracy will be in evidence. That evidence will lie in our freedom of expression, of peaceful protest, of respected disagreement—even over government policies—permitted every citizen. For the many millions in this world who live under totalitarian regimes, or worse, who have no say in the shaping of their own destinies, this peaceful demonstration tomorrow will be a beacon of hope, that somewhere it is possible to be a free man, speak your mind, and remain a free man.

I have long opposed the war and have doubted the righteousness of our commitment. Supposedly we became involved in the war in order to defend in the Far East the principles of democracy and freedom which we ourselves enjoy. I do not see though, that a country which imposes strict press censorship, jails political opponents and has no civilians in its topmost government posts can represent these principles. And I do not see how we can, in good conscience, continue to defend with our lives and treasure a dictatorship or a tyranny.

Putting aside the thought that we should never have become involved in the Vietnamese war in the first place, there is little doubt that we should have removed ourselves from it long ago. But, as a result of faulty advice and information, we find ourselves still embroiled in this senseless conflict.

Earlier this year I called for removal of half our troops from Vietnam by the end of this year and the swiftest possible withdrawal of the remainder. I see no added benefits accruing from a delayed withdrawal which we would not have from an immediate withdrawal—except an added loss of life and an added burden of sorrow for our country.

This most cruel and destructive war has lacerated our country. It has slashed into the very heart of this Nation by cutting into the hearts of those mothers and fathers whose sons will not be coming home again. While the casualty figures of the war exceed 45,000 men, the real casualty rate is infinitely higher. For, how many families have been buried with their sons, buried by the mantle of unending grief? What of the mothers whose eyes gleamed with their sons' reflection, who loved their sons more than themselves? What of the fathers who worked their hands to the bone so that their sons could have more time to enjoy their young lives, who watched their sons growing into manhood and then were informed that death had snuffed out this manhood in a far-off land?

Mr. Speaker, from Appalachia to Death Valley, from the factories of Detroit to the waters of the Rio Grande, all along this great country I hear America cry. It is a silent cry, but in its silence it rings in the ears of the Nation. It is the yearning of a mother for her son, a young wife for her husband, children for their father. We not only hear it, but we can see it in their leaden eyes. The vacuum left by death can never be really filled. How much longer shall we allow this to continue? No one has the right to expect us to become like stone, to become deaf like the very stone slabs on the graves of our sons.

Mr. Speaker, I look forward with great anticipation to the time when this war will no longer plague our Nation. There is much that needs to be done here at home, and it must be a united effort.

The scars of this war will be evident long after the hostilities end. While the American people are passionate and outspoken when they feel a basic principle has been violated, they have an unshakable faith in the ideals that form the pillars on which this Nation is founded.

In this time of protest, faith in the American ideal still remains strong and unwavering. The words of Abraham Lincoln over 100 years ago apply so well to the America of today and the future:

> Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone over this broad land, will yet swell the chorus of the union when again touched, as surely they will be by the better angels of our nature.

VIETNAM

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. BRASCO. Mr. Speaker, I deeply regret that the House will now adjourn without giving all who so desire the opportunity to participate in the debate relative to our policy in Vietnam.

The gallery is filled with Americans, both young and old, who are dignified in their demeanor and deeply desirous of obtaining congressional direction in this most critical problem. It is, I believe, a mistake to turn concerned Americans out into the street with the feeling that this great Chamber, whose tradition is steeped with the richness of debate on major issues, refuses to give more than a couple of hours to a discussion which has divided our people as it has indeed caused cleavages amidst our community of nations.

I also find it regrettable that the President saw fit to stifle the dissent through the release of a letter from the Premier of North Vietnam, allegedly supporting the Vietnam moratorium. To intimate that Americans who disagree with administration policy may be unpatriotic does a disservice to all Americans who have died on farflung battlefields to preserve the right to dissent, to all Americans who believe in our democracy, and certainly to the high office of the President of the United States.

Mr. Speaker, what disturbs Americans most is that they perceive what the administration does not—namely, that we cannot expect either South Vietnam or North Vietnam to help us out of our dilemma. Certainly the South does not want America to withdraw her troops. It is a known fact that their regime could not last without our support, and they will never attempt much-needed reforms, or discuss the formation of a broad-based government as long as they know we are prepared to stay in their country indefinitely, and as long as they have a veto power over American military policy. Also, we can be assured that the North is prepared to stall at the negotiating table while casualties continue to increase.

The administration places emphasis on an appropriate response from Hanoi in determining our timetable for disengagement. The North could withdraw all its forces from the South immediately; then what would be our response? I suppose the answer would be to withdraw all of our military personnel. I submit that once we are gone, North Vietnam could, if they so desired, renew the conflict. What then would our answer be?

Mr. Speaker, as you can readily see, this would be like chasing one's own tail. The American people see and understand this, and cannot understand why our administration does not. Therefore, what Americans are asking is that the President make a determination based not on what either North or South Vietnam wants, but on what is best for America. They want to save the lives of American boys, and want to begin to expend our great resources to combat the domestic crises which already threaten to destroy us from within. Is that unpatriotic?

Is it unpatriotic for Americans to petition their President to readjust our priorities and set up a timetable to bring our troops home as soon as possible, while continuing our efforts to strengthen the Government of South Vietnam so that they can assume full responsibility for the war?

Mr. Speaker, is it unpatriotic for Americans to be concerned about the excessive war expenditures which cut deep into the pockets of taxpayers, lay bare the backs of the needy, and allow critical domestic needs to go unattended? Are these motives sinister? Should they be misinterpreted? I say emphatically, "No."

Mr. Speaker, most Americans want to support their President, but they want his support in return. They want peace, and they want it now.

CONGRESSMAN CARL ALBERT INVITES ATTENTION TO NATIONAL BUSINESS WOMEN'S WEEK

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. ALBERT. Mr. Speaker, the progress of our American business women in the economic phase of our national life has been nothing less than phenomenal. Over the past 50 years American women have taken an ever increasing part in the business life of our Nation.

Consequently, I invite the attention of my colleagues to the fact that the week of October 19–25 is being observed by the business and professional women's clubs all over the United States as National Business Women's Week.

The National Federation of Business and Professional Women's Clubs is an organization representing millions of our American women in making their influence for good and for progress a telling force in the United States. I wish to join them in saluting the achievements of all business and professional women in the thousands of communities across the country. More than 3,800 of these clubs have organized into a federation which each year promulgates and publishes a legislative program approved by our American women. At this time I offer a copy of that legislative program for publication in the CONGRESSIONAL RECORD. I congratulate the Federation on its excellent program which reads as follows:

NATIONAL LEGISLATIVE PLATFORM ADOPTED BY THE NATIONAL CONVENTION JULY 20–24, 1969, ST. LOUIS, MO.

ACTION ITEMS

Item 1. Constitutional Amendment. Support legislation to amend the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged on account of sex.

Item 2. Actively work for pending legislation providing for: (a) a broadened head-of-household benefit under the Internal Revenue Code; (b) increased personal exemption and credit for dependents under the Internal Revenue Code; and (c) a more equitable distribution of the tax burden.

Item 3. Propose and support legislation to provide: (a) uniform laws and regulations for men and women as to working hours, working conditions, rates of pay, equal employment, including retirement for age; (b) equal treatment for working men and women in the area of survivor and retirement benefits; and (c) increased child care deduction under the Internal Revenue Code.

Item 4. Propose and support state legislation to provide for uniform jury service and uniform qualifications in the selection of men and women to serve on grand or petit juries in any court.

Item 5. Propose and support legislation to bring about more effective crime control and law enforcement.

POLICY ITEM

Support measures within the framework of the Constitution of the United States that promote peace and strengthen national security and make more effective the United Nations and such other international organizations of which the United States is a participant, without relinquishment of our basic freedoms.

Special note is called to the United Nations Convention pending before the United States Senate on the political rights of women and to the longstanding support for ratification of this convention by the Federation.

BEST POVERTY PROJECT: GREEN THUMB PROGRAM

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. CARTER. Mr. Speaker, there is one program funded by the Office of Economic Opportunity and administered by the U.S. Department of Labor, the Green Thumb program, which I wholeheartedly endorse in Estill County, Ky.

The Green Thumb project is directed by Mr. Charles Bishop with assistance of the local county agent, Clarence Bayes. This program involves retired carpenters, welders, brick layers, painters, farmers, and members of other trades in this county.

This group of retirees has been active in roadside beautification, historic cemetery restoration, and the establishment of recreational areas. The members, though possibly they may work more slowly, have proven themselves extremely capable.

I include an article from the Lexington Leader of September 19, 1969, for the perusal of the Members:

BEST POVERTY PROJECT? COUNTY AGENT SAYS IT'S THE GREEN THUMB PROGRAM

(By Nevyle Shackelford)

IRVINE, KY.—"They may be old and slow but when it comes to getting the job done, I'll match them against any equal number of young men any day."

This was how foreman Charles Bishop described his crew of what he called "oldsters" who are participants in the Kentucky Green Thumb Program here in Estill County.

"And more than that," Bishop—an oldster himself—added, "we can do just about anything. You name any job within reason and we can do it."

In total agreement with Bishop, County Extension Agent Clarence Bayes said the Green Thumb Project was the best of the so-called "poverty programs" in the county.

On one job alone, Bayes said, the Green Thumbers saved the Estill County Fair Board hundreds of dollars by completely refurbishing the local fairgrounds and facilities.

These men, he said, rebuilt and repainted the grandstands, repaired buildings, and did a lot of other improvement work that the Fair Board otherwise might not have done.

One of the reasons Charles Bishop was so confident in the ability of his men to do any job within reason is that the group is made up of retired carpenters, welders, bricklayers, painters, farmers and members of several other trades. Also, always used to working, it is no trouble to get them to work. As a matter of fact, Bishop said, he has to watch to see that they don't work too hard.

In their enthusiasm at again being given a chance to do something useful, these men often forget they "ain't as glib as they used to be" and overdo the job by scaling ladders, climbing trees and attempting other feats that might endanger their safety. One of Bishop's duties is to see that his men do not do "any such stuff."

Projects completed in Estill County by Green Thumbers include highway parks, roadside beautification, historic cemetery restoration and the establishment of recreation areas. This group was mainly responsible for the Cottage Furnace Recreation Area, which was opened for picnicking this year in the Daniel Boone National Forest. They now are renovating the Estill County jail and restoring the historic Civil War Cemetery at Chestnut Stand.

A product of the U.S. Department of Labor, the Green Thumb Program was set up to give employment to senior citizens in the lower income group in rural areas. To become a member of the work crew, a man must be 55 years of age or older. Preference, however, is given to those over 65.

The program mainly concerns itself with conservation and beautification projects, but under certain circumstances can work on jobs like improving public facilities or renovating public buildings. They can do this if there are sponsoring agencies such as fiscal courts or city councils and if these agencies provide all necessary materials. The Green Thumbers cannot work on private projects.

Green Thumb members work three days a week and are allowed to earn up to $1,500 annually on the job. But there are other benefits.

According to Charles Bishop, who is 68, it gives a man who has been placed on the shelf a new lease on life.

"To enter again in the mainstream of life," he said, "gives a man a greater incentive for living and improves the health and morale. It gives him that good feeling of being useful again and adds years to his life."

Of one thing there is little doubt: Green Thumbers—in Estill County at least—take great pride in their work and are as enthusiastic about their jobs as schoolboys about swimmin' holes. As Langley Reed said as he swung a briar hook, "it makes us feel young in spirit and gives us a good appetite." If all this is so, it may indeed be as Clarence Bayes observed the best of the poverty programs."

PRIVATE ENTERPRISE CAN PROVIDE INITIATIVE

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. COUGHLIN. Mr. Speaker, I have always believed, and continue to believe, in a private enterprise approach to the problems facing us.

Business is, in fact, the forward thrust in our economy. This is very different from other economies where government is the forward thrust.

The fact that business is the forward thrust rather than government is the real genius of our system, for business can and should react faster than government to the needs and desires of people. Government can only and should only be the leavening element to control abuses.

Creative enterprise, encouraged by government, knows few limits. It can create an industrial revolution or shoot for the moon.

Recognizing this, our job in government is to make our problems into our profit centers. By the same token, business must move into our problem areas if it is to avoid further expansion of government.

American enterprise is fast coming to the realization that the future depends to a large extent upon how the business community responds to the many formidable problems facing the country.

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Today, I would particularly like to comment on the insurance industry.

I see men and companies developing creative insurance against the hazards of illness, casualty and loss of life—insurance available to people in all walks of life.

I see insurance adapted to encouraging social goals, such as nonsmoking and safe driving. I see insurance marketed in such a way that it is available to more people.

Security is a fair desire of all people—security in old age, in illness, in disaster. To the extent private enterprise can help solve these problems through insurance, to that extent government interference is avoided.

To the extent government can help by encouraging private enterprise to do this, to that extent we will help people both as individuals and as taxpayers.

WILLIE WHITE OF ROCHESTER, N.Y., THWARTS YOUNG MUGGER; COURAGEOUS EXAMPLE OF RESPONSIBLE CITIZEN INVOLVEMENT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. HORTON. Mr. Speaker, too often we hear about victims of muggers, rapists, and robberies whose screams and shouts for help went unanswered. The tragic reply seems to be, "Well, I just did not want to get involved."

I would like to share with my colleagues the story of one man who did get involved. Willie White, Jr., of Rochester, N.Y., stopped early one morning to change a flat tire. Nearby a 61-year-old woman walking to catch her bus was suddenly attacked by a young man. Without hesitation Mr. White came to her help.

This takes courage. But responsible persons have always had courage to do what they have to do.

There is a sad side of this story, Mr. Speaker. And it speaks ill for society today. Mr. White's actions are the exception to the rule. Until this situation is reversed, we are getting nowhere in our fight against crime in the streets.

Every citizen must take the responsibility. We must stop looking the other way when others break the law. Every one of us must strive for that day when the act of violence is the exception and not the act of mercy.

I commend the efforts of Mr. White, Mr. Speaker, as I am sure the other Members of the body will do when they read the following article from the Rochester Times Union, and an editorial from the Rochester Democrat & Chronicle:

[From the Rochester Times Union, Oct. 6, 1969]

Aided Widow—Willie White Got Involved

(By Dick Cooper)

"I don't like to see things like that happen. I can't understand why no one else came to her aid," said Willie White Jr., 45, of 475 Cottage St.

White was talking about the woman he saved from an assailant on Genesee Street.

The woman, Mrs. Charlotte T. Eichler, a 61-year-old widow, was walking to catch a 6:30 a.m. bus to work last Wednesday when a man came up from behind and grabbed her purse and lunch bag.

Mrs. Eichler hung on to the purse and the assailant dragged her, screaming, along the sidewalk.

At that point White looked up from his car where he was changing a tire. He called to the man to let the woman alone.

"The woman yelled 'Help. Help. Won't somebody help!' " White said.

"I ran over carrying a flashlight," he said. "The man, about 25 years-old, took off carrying the woman's bag."

"I chased him about a block and hit him with the flashlight," he said.

He said the assailant was stunned by the blow, dropped the bag but ran on.

White, a mechanic for the Monroe County Water Authority, is married and has four children. He said he was not scared during the chase but was quite shaken when he returned to help Mrs. Eichler to her feet.

"Thinking back," White said, "I don't know what I would have done if I caught the fellow, but I didn't think of that at the time."

"I just don't like to see things like that happen."

White said he couldn't understand why none of the motorists passing the scene stopped to assist.

"One young fellow came by in a car and saw me chasing the guy and all he did was speed on by," White said.

Deputy Police Chief Harry Griswold said the case would be reviewed and White's name would be submitted to a board of judges to recommend him for a commendation during next year's Police Week.

[From the Rochester Democrat & Chronicle, Oct. 10, 1969]

Get Involved on the Law's Side

On a recent day Rochesterians read about a New York City policeman who pleaded in vain for passersby to notify police that he needed help in arresting three prisoners whom he held at gun point.

They also read of a heart-warming local incident that shows not everyone is unresponsive. That was the purse and lunch bag snatching assault upon a Genesee Street widow in which motorist Willie White Jr., 475 Cottage Street, pursued the assailant and retrieved the stolen articles.

This doesn't balance the books. Too many citizens are timid beyond reason in coming to the aid of their fellow men. In New York City the policeman asked six pedestrians to call police; there was no physical risk involved; only when a police patrol car showed up was the off-duty officer able to book and jail his prisoners, who had tried to rob him.

Rochesterian White put the question of chronic non-involvement cogently: "I can't understand why no one else came to her aid." None of the motorists who saw what was happening bothered to stop.

It is not only the apathetic witnesses of these two events who are, in a sense, on trial. Every Rochester resident, through the Police Bureau's recent city-wide mailing, has been invited—admonished might be a better word—to report any actions that indicate a crime is about to be committed. He should do so by calling 232-3311, the police emergency number. Is this too much to ask?

As new as the project is, police already can cite instances in which burglars have been caught as the result of alerts by neighbors. Getting adequately involved on the law's side can give us a safer city.

A LESSON IN CIVICS FOR MAYOR LINDSAY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. MICHEL. Mr. Speaker, an editorial appearing in today's edition of the Chicago Tribune discusses some aspects of the so-called Vietnam moratorium day and its application to the city of New York. The editorial says it all and there is no need for further comment from me. I commend it to my colleagues and insert it in the Record at this point:

A Lesson in Civics for Mayor Lindsay

Hanoi may be grateful to its "Dear American Friends" for the so-called Viet Nam Moratorium day demonstrations yesterday but they must have been a sad disappointment for New York's Mayor John Lindsay, who had called for a civic protest against the war. The response in New York was a civic repudiation of Mayor Lindsay. This should be a lesson to Hanoi, as well as the mayor for if there is a center of anti-war sentiment in this country it is "Fun City."

Lindsay draped New York's city hall in mourning and ordered all flags on municipal buildings to be flown at half-staff. The police and fire departments openly defied the mayor. All police and fire company stations proudly flew their flags at full-staff. The Uniformed Firefighters association issued a statement saying it would take no part in "this day of national disgrace." The Patrolmen's Benevolent association adopted a resolution denouncing "organized public attacks on the foreign policy of the United States" and expressing "full confidence" in President Nixon's conduct of the war.

As additional evidence of their repudiation of the mayor, all New York police patrol cars kept their lights on in daylight. Sen. Hugh Scott (R., Pa.), minority leader of the Senate, had suggested this sign of contempt for the enemy-inspired, communist-organized anti-war demonstrations. New York taxi drivers and many bus drivers also kept their lights on.

The mayor had requested that all public schools be closed. Altho attendance was somewhat below normal, the schools stayed open. Acting Supt. Nathan Brown pointedly remarked that school children in poverty areas, for whom Lindsay professes such loving solicitude, would be deprived of their usual free lunches if the schools were closed.

Lindsay had requested all churches in New York to toll their bells for the dead in Viet Nam. Only 15 of the city's thousands of churches agreed to toll their bells, and our New York correspondent said none could be heard in the Times Square area. He said he saw only one black arm band in the same area.

When the commissioner of baseball ordered the flag at Shea stadium to be flown at half-staff for the World Series game, in compliance with the mayor's request, the army and marine corps bands said they would not play the national anthem. The commissioner ordered the flag raised.

New York's Gov. Nelson Rockefeller expressed his well-known disdain for Lindsay, a fellow Republican "liberal," by flying the flag over his New York City headquarters at full-staff. The American Legion had declared that lowering the flag on such a day could not be considered as honoring the dead but would be a "capitulation to the enemy."

Lindsay was supported, however, by elements who are described collectively as "limousine liberals" by City Controller Mario Procaccino, one of the mayor's two opponents in his campaign for reelection. At an all-day service in Trinity church, in the Wall street district, names of the dead in Viet Nam were read by bankers, brokers, and industrialists. Other supporters of the mayor included the nude show, "Oh, Calcutta," which ran an ad in the New York Times saying "Viet Nam is obscene," and the cast of "Hair," a show which combines nudity with blasphemy and desecration of the flag. The "Hair" company participated in demonstrations in Hammarskjod square [the United Nations] and Bryant park.

On the whole New York gave a fitting response to Lindsay's contemptible attempt to exploit anti-war sentiment for political advantage by calling for a day of protest that would have given the enemy immense aid and comfort if it had been more successful. New York demonstrated that Americans may be against the war but are not un-American. In the words of Fred Hampton, Illinois chairman of the Black Panther party, Lindsay's fiasco was "anarchistic, opportunistic, and Custeristic."

TABULATION OF QUESTIONNAIRE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. BOW. Mr. Speaker, tabulation of my annual questionnaire reveals that the great majority of my constituents who responded are in favor of President Nixon's major proposals in the field of postal and welfare reform, revenue sharing and providing food for needy Americans.

Given five possible policies in Vietnam, the largest number, more than one-third, approve of the Vietnamization of the war.

A surprisingly large percentage, 72.8 percent, would remove all earnings limitations upon the social security beneficiary and the cost-of-living proposal for keeping social security abreast of the cost of living has strong support.

As a supporter and friend of the President for many years, I take particular pleasure in the fact that 14.5 percent of the respondents believe he is doing an excellent job, 42.7 percent rate him "good," 32.7 percent "fair," and only 10.1 percent disapprove of his conduct of the office.

Approximately 10,000 individual questionnaires were returned to me, almost all of which contained the views of more than one member of a family so that I believe the response represents the opinion of at least 17,000 residents of the 16th Congressional District.

The tabulation of the poll is as follows:

RESULTS OF FRANK T. BOW'S 1969 QUESTIONNAIRE

[In percent]

	Yes	No
1. Do you favor a Federal tax-sharing program under which the Federal Government would share a portion of its revenues with the States giving them broad discretion in the expenditure of the money	81.3	18.7
2. From what you have read about the tax reform bill passed by the House of Representatives this month do you believe that most of the so-called tax loopholes have been closed	15.3	84.7
3. Do you favor the bill soon to be debated in the House to abolish the electoral college and choose our President by direct popular vote	84.9	15.1
4. Should Federal scholarship and loan funds be withheld from students who participate in criminal, destructive, or disruptive behavior at the institutions they attend	94.6	5.4
5. Do you favor President Nixon's program of selecting postmasters and rural letter carriers on the basis of merit rather than that of political appointment	95.8	4.2
6. Do you favor removing the limitations on earnings of those who receive social security retirement or disability payments	72.8	27.2
7. In his proposals, the President would lower the cost of food stamps for the poor; the very poor could get them free. The amount of food the stamps could buy would be increased. The authorizations for the relief of hunger in the United States would be increased by $1,000,000,000 from the present $1,500,000,000. Do you favor these proposals	69.5	30.5
8. Would you support a complete overhaul of the welfare system which included these features: (1) uniform national standard of payments to provide minimum necessary income for the aged, disabled, children without parents; (2) an annual minimum income guarantee for families which include a potentially able-bodied worker with provisions for job training and incentives to make the family become self-sustaining	85.5	14.5
9. Do you favor President Nixon's recommendation for a limited anti-ballistic-missile program	62.9	37.1
10. Do you favor establishing the territorial limits of the United States (now 3 miles out at sea) with respect to the ships of any other country at the same distance as the territorial limits claimed by that country	88.7	11.3
11. Do you support President Nixon's proposal to convert the Post Office Department into a self-supporting Government-owned corporation	78.0	22.0

	In percent
In the following questions, please indicate the alternative that most closely represents your opinion:	
1. With regard to the Middle East, the United States should—	
(a) Give maximum support to Israel including military equipment	10.3
(b) Give maximum support to the Arab nations including military equipment	.5
(c) Work with the Soviet Union, England, and France to effect a settlement of the Arab-Israeli dispute	52.6
(d) Adopt a hands-off policy	36
2. With regard to Vietnam, the United States should (check 2 if necessary)—	
(a) Continue withdrawal of American troops regardless of consequences	26.5
(b) Continue withdrawal as quickly as South Vietnam troops can take over the military responsibility	35.0
(c) Make additional concessions at the Paris peace talks	6.8
(d) Increase military pressure on North Vietnam in an effort to bring about concessions from that nation and the Vietcong	13.3
(e) Resume bombing in an effort to win military victory	18.4
3. With regard to social security benefits, we should—	
(a) Enact the Bow bill for automatic cost-of-living increases (about 7 percent if enacted effective this month)	87.0
(b) Enact a 15-percent benefit increase even though this might require additional payroll taxes	13.0
4. With regard to the Selective Service System do you believe Congress should—	
(a) Modify the basic rule for selective service, selecting by lot first from the youngest in the prime age group, ages 19 to 26, and work up, rather than from the oldest and work down, and also permit graduate students who are selected after undergraduate deferment to finish an academic year if already started	41.7
(b) Abandon the Selective Service System for a voluntary military manpower procurement system to provide for meeting the manpower needs of the Armed Forces through a completely voluntary system of enlistments except in times of declared war	58.3
5. With the completion of the successful Apollo 11 moon landing, do you believe that the United States should now—	
(a) Continue to increase its space budget with a new goal of landing a man on Mars and/or other planets by the end of this century	22.2
(b) Scale down our space budget and concentrate on domestic human needs	77.8
6. Would you rate President Nixon's performance to date as (circle 1)—	
Excellent	14.5
Good	42.7
Fair	32.7
Poor	10.1

PEACE MORATORIUM

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. TALCOTT. Mr. Speaker, probably no event has been more overpromoted by the news media than the so-called "Peace Moratorium"—not World War II, no U.S. Government bond sale, no call for help after any disaster.

In spite of this extraordinary promotion, in spite of the distortion of the premises and of the goals of the moratorium, in spite of the enormous bias of the press favoring the opponents of President Nixon's efforts to achieve a lasting peace, it should be noted by someone that the overwhelming majority of this House and the overwhelming majority of the American people support the President and sincerely believe that he is doing everything he can, that he is making the correct moves, to achieve peace as quickly as possible.

As one who voted not to cut off any so-called debate in the House, as one who sat through most of the session, as one who did not vote to adjourn, I can say I heard nothing new—the same old weary statements, few facts, some inappropriate poetry—but nothing constructive toward achieving peace. I heard and saw documented confirmation of what we all knew, namely, that the government in Hanoi applauded and abetted the moratorium, even though some of the moratorium proponents and assisters disclaimed any allegiance in fact, finance or spirit.

The debate in the House could be described as gentlemanly—with a few infractions—because this is the venerable custom of the House. The galleries were full much of the time, but gallery passes were promoted by only a few Members. The speakers pleaded for nonviolence on the morrow, in a manner designed to excuse themselves from any culpability if violent or obnoxious behavior resulted.

In spite of this extraordinary promotion, the overwhelming majority of this House supports the President in his efforts, however excruciating, to extricate us from this miserable war, even though we tolerated the series of monologues last night.

Sometimes our tolerance can be mistaken for approval. Sometimes our tolerance can embolden the enemies of our Government here and abroad. Sometimes our tolerance can lead to an apathy which will usher in a modification of our representative parliamentary system by a chaotic system of settling societal problems by demonstrations in the streets and revolution.

I believe that most of the persons who participated in the moratorium actually supported the President's efforts and objectives. Only the headcore leaders ac-

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tually proposed immediate unconditional withdrawal from Vietnam. It is not so easy to identify those who want peace at any price.

The moratorium did not appear to prove much other than most people want to end the war in Vietnam. It was, however, extremely successful—as a training program and proving ground for future demonstrations against the Government during the deescalation of hostilities and after the war is ended.

In the future, U.S. citizens should be more careful and discriminating about the objectives for which they march—otherwise they are likely to be joining with persons with whom they conscientiously disagree.

CRISIS AND OPPORTUNITY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. MURPHY of New York. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an outstanding address by Maritime Administrator A. E. Gibson before the American Merchant Marine Conference on October 15, 1969:

CRISIS AND OPPORTUNITY

(By A. E. Gibson)

One hundred and fifty years ago the city of Savannah saw the dawn of the age of the steamship. There is no more appropriate place in which to greet the coming of a new day for the U.S. Merchant Marine.

So I hope you will permit me the prerogative of a keynote speaker to transpose my composition into a major rather than a minor key. Instead of talking about the U.S. Merchant Marine—A National Crisis, I would like to talk about the U.S. Merchant Marine—A National Opportunity.

That the crisis is real, I cannot deny. We have steadily lost ground to foreign competitors in commercial service until we now carry less of our own trade than ever before in our history. Two-thirds of our merchant fleet is already at the vanishing point, and it is too late to prevent a further decline in our maritime capability in some very important areas. We must all fervently hope that there will be no national emergency within the next few years that would call for the ships we will no longer have.

President Nixon's new maritime policy will give us the opportunity to make a new start. It will reaffirm the intent of the Merchant Marine Act of 1936—to provide and maintain a fleet built and operated under U.S. flag, capable of carrying our domestic and a substantial part of our foreign waterborne trade, and of serving as a naval auxiliary in a national emergency.

Under the new program we shall be able to provide incentives for increased efficiency in ship operations, with less need for government aid and intervention.

It will enable both shipbuilders and operators to increase their share of commercial trade.

And finally it will increase our research and development efforts to narrow the cost margin between U.S. and foreign shipbuilding and operation.

With the advent of the President's new maritime policy, we shall have passed the crisis and shall be on our way to recovery Our ailing Merchant Marine will still have some bad days to go through, but at last the prognosis is favorable.

The United States is engaged in nearly one-third of the world's trade and provides much of the defense capability of the free world. How can we afford anything less than a modern and efficient merchant fleet? Yet government policy in the past has failed to achieve the valid objectives of the Merchant Marine Act of 1936, not simply because of poor programs, but because of lack of consistent support, lack of flexibility in meeting changing conditions, and lack of adequate funding. The new maritime program is planned to overcome these deficiencies and to strengthen our government's commitment to a strong merchant marine.

In the past the government has not only failed to make a total commitment, but the pieeemeal and uncoordinated way in which various programs have been administered by both the Maritime Administration and the Navy has not encouraged efficient shipbuilding..

Much of the great productivity and low cost of Japanese shipbuilding is a result of the very large orders for similar types of ships which have enabled the Japanese to take advantage of the economies of mass production which they have so skillfully learned from us. There is not a Japanese yard today that would compete with an American yard in complexity and variety of ships built—tankers, containerships, complicated naval vessels, nuclear and conventionally powered ships. Yet, this very variety and complexity is expensive and time-consuming When ordered in small lots of two or three, such ships are bound to cost more and take longer to build.

This system runs counter to all the American mass production techniques that have given many of our other industries their economic strength and competitiveness in foreign markets. It is of interest to note that the larger portion of U.S. shipbuilding costs are attributable not to labor but to material. One efficient U.S. shipbuilder estimates material costs at about 65%, as compared with labor and overhead costs of 35%. This means that U.S. material costs alone are greater than the cost of the whole ship built in a low cost foreign yard.

This differential is clearly seen in the prices recently quoted by one U.S. yard for building two containerships. The price was about $1,000,000 less for comparable unsubsidized construction when certain machinery components were purchased from foreign suppliers, compared to the cost for a nearly identical ship which, because it involved an application for construction-differential subsidy, would require all components to be of U.S. manufacture. I believe we should identify more clearly the reason for some of the additional cost of U.S.-built ships.

The fact that several of our American yards have already undertaken to modernize their facilities and even to build totally new and highly productive yards is a tribute to their optimism and their business acumen. The prospect of building tankers of 200,000 deadweight tons and over for transportation of Alaskan oil has spurred plans for facilities capable of building such ships. When there is a reasonable prospect of orders, I have every confidence that U.S. shipyards will be ready to handle them.

The Maritime Administration has sought to encourage more efficient contracting procedures by instituting a design competition for a series of basic ship designs that may comprise our merchant fleet in the next decade. The initial response is imaginative and exciting. This gives the shipyards, naval architects, and owners an opportunity to combine their talents to design ships which lend themselves to efficient shipbuilding and operating practices. We have clear evidence in recent multiple ship orders that very substantial price reductions are achievable by concentrating on a single standard design.

By using more productive and profitable ships and by adopting new management techniques, more of our shipping lines may be able to operate without government help. As you know, several containership operators have already demonstrated that these highly efficient ships can compete internationally without operating subsidy.

Probably we shall not see the day soon when all differentials can be removed. But with the more capital-intensive type of operations now being employed, seamen's wages become a relatively less significant part of total costs. The development of the total system concept—the coordination of land and sea transportation to provide direct producer-to-consumer service—requires the kind of large-scale organizational capability in which Americans have traditionally excelled. As in other U.S. industries which are able to compete internationally, we shall be doing what we can do best.

The new program will be designed to make private investment in our Merchant Marine more attractive by minimizing the bureaucratic control and overseeing which has been winding the industry in a cocoon of red tape.

With the development of a modern, privately owned fleet in active service, it will no longer be necessary to keep large numbers of reserve fleet ships idle against emergency needs.

In return for greater flexibility and support by the government. I believe we have a right to ask for greater initiative and effort on the part of shipbuilders and their supplier industries and ship operators to improve their competitive position in relation to foreign yards and operators.

I am concerned at the apparent growing dependence, particularly of some subsidized lines, on military cargo. This is not a healthy situation. The service provided by U.S. flag berth liners and tramp ships in Vietnam over the last four years has been essential to conduct of our military operations there. Response of our commercial shipping to military requirements has been in the national interest and in the best tradition of our Merchant Marine.

But a continuation of substantial dependence on military cargo when no longer required as an emergency measure cannot be justified. The emphasis on the declaration of policy in the Merchant Marine Act of 1936 is on support of our trades at all times, with military support only in time of war or national emergency.

Although U.S. liners are carrying about 24% of U.S. liner cargoes, this can hardly be viewed as a substantial portion of such trade. Steps should be taken promptly to concentrate their sales efforts to a much greater extent on commercial cargoes.

U.S. shipbuilding also depends heavily on military orders. Well over half of the total number of employees in commercial shipyards are engaged in naval work. As I have pointed out, these are highly complex ships, often of new designs, ordered, at least originally, in small lots. They require a completely different type of production set-up from that required for series production of comparatively simple, standardized merchant ships.

To the extent that commercial yards are deterred by dependence on naval work from automating their facilities and actively seeking to design and produce merchant ships at lower cost, they will be failing to seize the opportunity that will be offered by the new maritime program to regain their place of preeminence in merchant shipbuilding.

In the new maritime program, we expect to have the opportunity to use government research and development, in conjunction with industry research efforts, to help in the search for continued and improved competitiveness in the U.S. merchant fleet. Government research is particularly appropriate in

areas beyond immediate commercial feasibility.

One such field is of course the planning for the development of advanced nuclear ships. In building and operating the NS *Savannah*, we have demonstrated not just the possibility of nuclear ship propulsion, which naval shipbuilding had already shown, but its eventual commercial feasibility, by opening many of the ports of the free world to nuclear shipping. The Germans and the Japanese will be reaping the advantages of this effort as they send their own nuclear ships into service, especially as the Japanese nuclear ship is intended to transport fissionable materials.

I think it would be as short-sighted as the Government's failure to pursue the promise of the SS *Savannah* in 1819, if we failed now to carry out the additional research and development required to produce a nuclear ship that is completely competitive with conventionally powered vessels. The advent of very large fast containers and the huge icebreaking tankers forecast by the successful passage of the *Manhattan* through the Arctic ice fields demands some such propulsion.

One of the most important elements in any new maritime program is one seeking to encourage the development of procedures to resolve labor-management or interunion disputes without work stoppages. It has been my belief that, as with the obsolescence of our ships and shipyards, the unsatisfactory state of our maritime labor relations has been in large measure attributable to a vacillating, inadequate government maritime policy. I am hopeful that with the assurance of the government's commitment to a rational long-range program, both maritime labor and management will recognize the importance of resolving their differences without disruption to service. Reliability of service is even more important than new ships to exporters and importers.

A new maritime program is bound to cost something. But the cost of our indecision, indifference, and neglect in the past has already been high and may, if not promptly paid, be the price of our nation's security, and certainly of its economic preeminence.

The crisis of our Merchant Marine offers us the opportunity for a new beginning. Let us rededicate ourselves to the objectives of the Merchant Marine Act of 1936—the development and maintenance of a fleet that will be fully capable of carrying our trade and of meeting our defense needs. Let us seize with vigor and determination the chance to build the strongest and soundest Merchant Marine this country has ever had.

This, then, is the keynote that I would like to strike for your conference. Let it not be a mourning note for a sorry state of affairs that results from the sins of commission and omission of the past. With the assurance of President Nixon's backing for a new maritime policy, let us determine to restore our American Merchant Marine to its rightful place of leadership in furthering our national policy. Let our keynote be one of hope and optimism for the future.

NATIONAL BUSINESSWOMEN'S WEEK

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mrs. HANSEN of Washington. Mr. Speaker, it is a great honor today to call to the attention of my colleagues the fact that next week is National Businesswomen's Week. Since I have been a member of the Business and Professional Women's Club most of my adult life and have had the great joy of participating in their activities and in trying to reflect their aims and goals, I am taking this opportunity to place in the RECORD at this point the legislative platform adopted at the B. & P.W. national convention during July at St. Louis. This speaks eloquently of some of the major goals of the organization:

Item 1: Constitutional Amendment—Support legislation to amend the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged on account of sex.

Item 2: Actively work for pending legislation providing for: (a) a broadened head-of-household benefit under the Internal Revenue Code; (b) increased personal exemption and credit for dependents under the Internal Revenue Code; and (c) a more equitable distribution of the tax burden.

Item 3: Propose and support legislation to provide: (a) uniform laws and regulations for men and women as to working hours, working conditions, rates of pay, equal employment opportunity, including retirement for age; (b) equal treatment for working men and women in the area of survivor and retirement benefits; and (c) increased child care deduction under the Internal Revenue Code.

Item 4: Propose and support state legislation to provide for uniform jury service and uniform qualifications in the selection of men and women to serve on grand or petit juries in any court.

Item 5: Propose and support legislation to bring about more effective crime control and law enforcement.

In addition, this week can be a time for women to rededicate themselves to increased public service either in elective office or public participation.

It is strange and singularly tragic that in the United States while there are 202 million Americans with 102,291,000 of them women, yet in the House of Representatives with 435 Members there are only 10 women; and in the U.S. Senate of 100 Members, there is the single distinguished Senator from Maine, the great lady of America, MARGARET CHASE SMITH, beloved by women everywhere.

Interestingly enough, only this week I had the pleasure of an hour-long visit with Senora Nelly Turbey de Munoz from Bogotá, Colombia, who informed me that in Colombia where they have had the vote for women only 12 years and where there are 200 members of the House of Representatives, 10 are women and of their 100-member senate, five are women. Therefore, it would seem to me that American women need to involve themselves in all areas of our public life from school board to the Senate, from participatory town meeting discussions to the Cabinet, and to represent those great fundamental principles American women stand for—justice, equality, a better nation for all our citizens, and an increasing awareness of our sense of values and standards. American women through organizations such as the Business and Professional Women have a magnificent contribution to make to our Government.

We can no longer ignore the responsibilities of citizenship. They are not a luxury nor a privilege; they are a necessity and a responsibility. It is only dedication to service and building the kind of world we want for ourselves and our fellow human beings that will bring about the kind of changes necessary to meet the stormy tides of today's life.

I congratulate the Business and Professional Women upon their long service. I am proud to be a member and I am proud to be a woman who has had an opportunity to try and implement the ideals of our organization.

FASCELL SUPPORTS ESTABLISHMENT OF A COMMISSION ON MARIHUANA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. FASCELL. Mr. Speaker, this week I joined with our colleague from New York in sponsoring an important proposal to establish the Presidential Commission on Marihuana.

The commission, a nine-man team to be appointed by the President, will be charged with examining all of the questions relating to the use and abuse of marihuana. It will conduct a study including, but not limited to, the following areas:

First, the extent of use of marihuana in the United States to include number of users, number of arrests, number of convictions, amount of marihuana seized, type of user, nature of use;

Second, an evaluation of the efficacy of existing marihuana laws;

Third, a study of the pharmacology of marihuana and its immediate and long-term effects, both physiological and psychological;

Fourth, the relationship of marihuana use to aggressive behavior and crimes; and

Fifth, the relationship between marihuana and the use of other drugs.

An indepth study of this nature is long overdue. It is particularly important that we have an authoritative and scientific answer to the third, fourth, and fifth questions. Reports have been made in the past, but each seems to refute the other and, therefore, leaves considerable doubt.

I wholeheartedly concur with the Miami Herald's editorial, "A Study of Marihuana Would Serve the Nation," which I hereby call to the attention of my colleagues:

[From the Miami Herald, Sept. 22, 1969]

A STUDY OF MARIJUANA WOULD SERVE THE NATION

President Nixon, following a border meeting with Mexico President Diaz Ordaz, announced a crackdown on marijuana that will be the largest search-and-seizure operation ever conducted by this nation's civilian authorities.

That the use of marijuana has become widespread and a major problem is apparent. But the nature of the problem is not so clear.

For example, the President's new health chief at the Department of Health, Education and Welfare, Dr. Roger O. Egeberg, says marijuana should be placed in a different category from other drugs. He says present laws on marijuana are punitive and "completely out of proportion" to the dangers.

Former President Johnson's National Crime

Commission reported two years ago: "Marijuana is equated in law with the opiates, but the abuse characteristics of the two have nothing in common . . . The desired dose of opiates tends to increase over time, but this is not true of marijuana."

Last year, a British Advisory Commission on Drug Dependence found no evidence that marijuana-smoking led to violence or serious dependence.

Yet these findings are directly contradicted by law enforcement officers who encounter the problem every day. Most contend that introduction to marijuana can be the beginning of abnormal behavior that has wide range, and frequently that the dabbling in marijuana leads to experiments with heroin or other harder drugs. It is a psychological matter of seeking greater kicks, the officers say.

The Presidential study group which recommended the marijuana crackdown said that some 60 per cent of college students use marijuana, or pot, as it is popularly called. At a recent rock music festival in New York, reports indicated that some 300,000 or more students attending almost all used pot. In Dade County and Florida, officials say the use of marijuana has become widespread even at the public school level.

In Florida, it is a felony to possess marijuana. Federal law provides a mandatory minimum sentence of two years for possession and for selling it a felony conviction with a minimum sentence of five years.

If marijuana is harmful to the health, and leads to use of harder drugs, the U.S. student population appears headed for disaster. If it is not, laws providing severe penalties for its use seem out of order.

The nation needs a clearer picture of what marijuana is and what its use can cause. Without it the demand for the drug and the supply of it seem near impossible to curb.

U.S. Attorney General John N. Mitchell warns that youths by the thousands are turning to marijuana and describes laws and scientific ignorance on the subject a "never-never land." He wants new laws that will be tougher on peddlers, more lenient with youthful experimenters and that distinguish between hard narcotics and marijuana.

Voices are being raised everywhere on the subject. U.S. Rep. Claude Pepper thinks the U.S. surgeon general ought to provide a study of marijuana similar to the one that pointed up dangers in cigaret smoking.

A New York congressman has proposed a Presidential commission, on the scale of the Warren or Kerner commissions, to define authoritatively what problem the use of marijuana constitutes for this country. We endorse the idea.

A. L. BETHEL

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. GUBSER. Mr. Speaker, Mr. A. L. Bethel, general manager, Marine Division, Westinghouse Electric Corp., Sunnyvale, Calif., will today deliver a most interesting paper at the Shipbuilders Council of America Panel at the 1969 Propeller Club convention and American Merchant Marine conference.

As one who has long been concerned over the future of the U.S. Navy and the Merchant Marine, I feel Mr. Bethel's remarks about the future of shipbuilding in the United States are most significant, and I am pleased to insert them in the CONGRESSIONAL RECORD:

SUPPORTING INDUSTRY LOOKS AT SHIPBUILDING IN THE 1970'S

I appreciate the opportunity of meeting here with you today. Since the Division of my company that I represent exists primarily to serve in the manufacture and development of propulsion machinery for both naval and maritime industries, our interest in this question is a longstanding one. Unfortunately, no subject since World War II has been talked about more, with less action, than the plight of the U.S. merchant marine and our rapidly obsolescing Navy. It is difficult for me to understand how this problem could receive such low national priority in view of the widespread agreement that urgent action is required to save the U.S. merchant marine and modernize our aging Navy.

In spite of the long history of many promises with little action, I still feel optimistic for the future. Future bright predictions are often quite difficult to make, especially when the extrapolations are made from the atmosphere of the not-so-bright present. Fortunately, there are some very stimulating signs afoot which lead me to view the next decade in shipbuilding with some excitement.

The first fact facing us is that as the population grows, so does the need for world transport. The need for sea transport will go up in the world and not down. Air transport, while on the increase, does not change this fact. Even behemoths like the C5A airplane can carry only 100 tons of freight compared to container ships now contemplated, which may carry upwards of 15,000 tons of cargo. The issue is not how the goods will be carried, but what share the United States will capture of this world sea transport market.

It is also inconceivable to me, with a continually rising gross national product, which indicates a need for even a greater foreign exchange base, that we can continue depending on foreign flag ships for 95 percent of our shipments and foreign building for such a large fraction of our ships and their machinery. The very essence of the strength and development of this country originated with and was sustained by its aggressive merchant marine. Even the Soviet Union, which is primarily a huge land-mass nation, has come to recognize the high seas as a growing instrument for expanding its influence and its power both militarily and commercially. Thus, while the United States naval might is succumbing to obsolescence and the U.S. maritime strength is dwindling to insignificance, the Soviets have steadily and intensively built up both their navy and their merchant marine.

My optimism for the future stems from the fact that the needs of world shipping are increasing and that more and more people are becoming convinced that the U.S. maritime problem has reached such a serious stage that national action must be taken now.

I am encouraged by the positive attitude and actions of the new Maritime Administrator. The recent Woods Hole Conference on Maritime Research and Development is a good indication that we may now start getting some action. Here, however, I must inject a note of caution. An aggressive R&D program is fine, provided it complements aggressive ship construction, but it is not desirable to make it a prerequisite to an expanded construction program. Technology exists now to revitalize the merchant marine and to modernize the Navy. We must be careful that the R&D program is not held out, or accepted, as a sedative for our ailments. The only cure that will work is to build ships, and build them now.

Another basis for my optimism is that I sense a great technical awakening of an industry that has long been accused of being a dead, unimaginative one. There is real progress in all aspects of ship development, ship propulsion, and cargo handling. The era of the 15 to 17 knot ship is passing. The 25 to 30 knot container ship has arrived to take its place and, as you know, action is being taken now to build even larger container ships powered with 120,000 SHP plants, with sustained speeds of 30 knots or more. The day of fast sea transport is upon us. These new highspeed ships are having a profound technical impact on the naval architect, the marine engineer, and the cargo handler. These ships will not only require ingenuity in powering but also in hull form and hull strength. They give us the opportunity to exercise fully all of our skills in the ship design and ship construction fields.

I have been most encouraged by the comments and actions by the Maritime Administrator, Mr. Gibson, regarding the use of nuclear power for merchant ships. I am confident that in the years to come our high speed, highly productive ships will be powered by this remarkable fuel. My company is one of the leaders in the manufacture of nuclear generating equipment for land based or utility use. We have designed most of the nuclear systems now powering the nuclear Navy. With some positive interest from the operators and the appropriate government agencies, we are prepared to extend this vast experience to the marine industry. Our foreign competitors are currently building ships utilizing nuclear power plants. It would be a virtual catastrophe should we fail to move ahead with a technology peculiarly American in development. We must not let this occur.

Any conversation with people in the marine industry ultimately turns to tankers and their spectacular development in the past decade. I believe we have not yet seen the full impact that these large ships will have on the world sea transport thinking in the decade ahead. Yet, we have to recognize that credit for the emergence of the 200-300,000 deadweight ton giants must go to foreign yards.

Speaking of tankers, I, like all of you here, am eagerly awaiting the evaluation of the ice breaking tanker experiment in the voyage of the *Manhattan* through the Northwest Passage to Prudhoe Bay. Irrespective of the outcome of the ice breaking mission itself, the stirring story of the conversion of the ship, with the vast amount of engineering and construction effort, involving a cooperative venture of four shipyards, in a time frame of only eight months, shows what this industry can do when properly motivated and turned on. As a tribute, I suggest that the official drink for this convention be—Manhattan on crushed ice!

The prospect of larger, faster, high-powered, quick turn-around ships, with fast freight handling shows that the U.S. marine industry can be creative and face up to new needs and threats from foreign competition. We must now marry our technical skills with a corresponding national determination to carry us into a brighter future.

Some of the antagonists of an expanded and viable maritime program state that there is inadequate shipbuilding and manufacturing capacity in the United States to meet an expanded program. They cite delays that have been encountered in the existing limited programs as evidence for lack of capacity. It would be foolish to deny such delays. But many of these stem from the piecemeal shipbuilding programs of the past, which provided little opportunity for intelligent planning and programing. But I think the memories of the antagonists are short, for no country has ever produced the tonnage or variety of ship designs in so short a period of time as the United States did in World War II. And there is no doubt in my

mind that given a clearly-stated, long-term national objective, accompanied by a substantively expanded construction program, American industry will rise to the occasion and provide the labor base, and expanded shipbuilding and manufacturing facilities to meet whatever size shipbuilding program the country determines is reasonable. We must all debunk the proposition that the Nation does not have the ability to take on an expanded shipbuilding program.

At this point, I would like to bring up an old thought for new consideration. Looking to the future, I would hope that in a push toward an expanded merchant marine, new emphasis will be given to standardization. More standardization is essential to reducing prices and meeting foreign competition and I understand that foreign supply is likely to be a near term consideration. While we do have the engineering flexibility and the technical know-how to design propelling machinery for almost any configuration of ship or horsepower, we must recognize that there is little payoff from building ships or their machinery in quantities of one and two, with a multitude of design variations.

In summary, my view of the '70s rests largely on the fact that the need for sea transport is increasing not decreasing; that the words of the '50s and the '60s deploring the state of our aging Navy and merchant marine will be replaced by actions of the '70s; that American industry is ready, willing and able to provide the skills, manpower, and facilities to meet an expanded naval and maritime program; that the industry, desiring a greater share of the world market, will discard old practices and mores and engage in far more standardization than has ever been the case in the past; and that the shipbuilding and shipping industries will continue to develop exciting and imaginative forms of transport that are already beginning to set the pace on the worldwide scene. The direction we have to take is obvious, and paraphrasing a recent historic message—we only have to take a small step to create a giant leap forward. All we have to do nationally is to say—Go!

THREE CALIFORNIA CITIES JOIN SMOG CASE CRITICS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. BROWN of California. Mr. Speaker, three more California cities have expressed their support of efforts now underway to call for a full open trial in the antitrust suit pending against automobile manufacturers accused of a 15-year conspiracy to retard development of air pollution controls.

I commend the leaders of my hometown Monterey Park, Desert Hot Springs, and Corona for their interest in this vital matter, and I now insert in the RECORD the respective resolutions passed by these cities pertaining to the smog antitrust case:

RESOLUTION 7387

A resolution of the City Council of the City of Monterey Park authorizing the Federal Department of Justice to file certain litigation on behalf of the City of Monterey Park relating to a civil antitrust suit against certain automobile manufacturers

The city council of the city of Monterey Park does resolve:

Whereas, the City Council of the City of Monterey Park endorses and supports the Board of Supervisors Resolution No. 113 relating to uniting in a common interest against violators of the Sherman Antitrust Act, including concrete and steel pipe manufacturers and electrical equipment manufacturers, resulting in refunds from overcharges from price fixing and the imprisonment of presidents of several companies for law violations; and

Whereas, the County of Los Angeles has been fighting all forms of air pollution since 1953 and, because the automobile industry is the major contributor to air pollution, has repeatedly urged and warned the presidents of certain automobile manufacturers to equip motor vehicles with smog control devices; and

Whereas, a Federal Grand Jury was impaneled in 1966 and after meeting for eighteen months in secret session forwarded its findings to the Attorney General who brought suit against the major automobile manufacturers for conspiring, in violation of the Sherman Antitrust Act, to restrain and delay the development and installation of smog control devices; and

Whereas, since the Department of Justice has petitioned to settle the case out of court, the County of Los Angeles has petitioned to intervene in the suit against the automobile manufacturers, asking $100,000,000 damages for injuries to public health and welfare and the cost of Air Pollution Control.

Now, therefore, be it further resolved:

Section 1. That the City Council of the City of Monterey Park urges the governing bodies of the major cities and counties of the United States to endorse the County Counsel of Los Angeles, John Maharg, by filing similar petitions to intervene in the suit.

Section 2. That the governing bodies be invited to send representatives to observe the hearing on the intervention action by Los Angeles County which is scheduled to take place in the Federal Court at Los Angeles on October 13, 1969.

Section 3. That copies of this resolution be transmitted to each Senator and Representative from California in the Congress of the United States and to Judge Jesse W. Curtis, United States District Court, Central District of California; State Senator Alfred H. Song, 28th District; Assemblyman Walter Karabian, 45th District; Supervisor Kenneth Hahn, and Supervisor Ernest E. Debs, Los Angeles County Board of Supervisors, by the City Clerk.

Section 4. That the City Clerk shall certify to the adoption of this Resolution.

Approved and adopted this 6th day of October, 1969.

KENNY GRIBBLE,
Mayor of the City of Monterey Park, Calif.

Attest:

LAURA LEE MCMILLEN,
City Clerk.

I hereby certify that the foregoing Resolution was adopted by the City Council of the City of Monterey Park at a regular adjourned meeting held on the 6th day of October, 1969, by the following vote of the Council:

Ayes: Councilmen: Karnos, Kreger, Lewis and Gribble.

Noes: Councilmen: None.

Absent: Councilmen: Erambert.

LAURA LEE MCMILLEN,
City Clerk of the City of Monterey Park, Calif.

RESOLUTION

A resolution of the City Council of the City of Desert Hot Springs urging the Justice Department of the U.S. Government to vigorously pursue its action against the big four auto makers for entering unlawful agreements that delayed development and installation of antipollution devices for motor vehicles

The City Coucil of the City of Desert Hot Springs does hereby resolve as follows:

Whereas, the residents of the City of Desert Hot Springs, the State of California, and the United States of America are vitally concerned with the pollution of our environment; and

Whereas, it has been conclusively shown that the major cause of air pollution is the internal combustion engine; and

Whereas, there is apparently significant evidence to indicate that the four major automobile producers and their trade association entered into unlawful agreements that delayed development and installation of anti-pollution devices for motor vehicles; and

Whereas, this City Council believes that it would be in the best interests of the American public for this matter to be brought before the public eyes for its scrutiny; and

Whereas, the Justice Department of the United States Government has, in a suit brought by it against the four major automobile manufacturers and its trade association, agreed to a consent judgment thus precluding a fair and open trial on the matter;

Now, therefore, be it resolved that the City Council of the City of Desert Hot Springs does hereby respectfully request that the Justice Department of the United States Government reverse its position with regard to said consent decree and vigorously pursue this action against the auto makers to its completion;

Be it further resolved that a copy of this Resolution be forwarded by the City Clerk to the Honorable John N. Mitchell, Attorney General of the United States.

Passed and adopted this 17th day of September, 1969.

Attest:

STONE WRIGHT,
Mayor.

WILLIAM D. WILLIAMS,
City Clerk.

RESOLUTION 3677

Resolution of the City Council of the City of Corona, State of California, protesting the U.S. Department of Justice's proposed out-of-court settlement of United States of America *v.* Automobile Manufacturing, Inc., et al., U.S. district court for the central district of the State of California, 69–75–JWC and authorizing the city's attorney to file therein objections by the city to the proposed consent judgment

Whereas, cities, counties and other units of government have in the past, united in common interest against violators of the Sherman Antitrust Act, including concrete and steel pipe manufacturers and electrical equipment manufacturers, resulting in refunds from overcharges from price fixing and the imprisonment of presidents of several companies for law violations; and

Whereas, the City of Corona for many years has been fighting all forms of air pollution; and

Whereas, a federal grand jury was impaneled in 1966 and after meeting for eighteen months in secret session forwarded its findings to the Attorney General, who brought suit against the major automobile manufacturers for conspiring, in violation of the Sherman Antitrust Act, to restrain and delay the development and installation of smog control devices; and

Whereas, the Department of Justice has petitioned to settle the case out of court; and

Whereas, such a settlement will preclude an open trial of the issues of said suit and possibly leave the City of Corona without sufficient legal grounds to institute damage actions against the defendants for air pollution caused by motor vehicle exhaust emissions; and

Whereas, the proposed settlement will for the aforesaid reasons and many others be extremely detrimental to the public health

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and safety of the citizens of the City of Corona;

Now, therefore, be it resolved by the City Council of the City of Corona, in special session assembled this 3rd day of October, 1969, as follows:

1. It hereby protests the U.S. Department of Justice's proposed out of court settlement of United States of America v. Automobile Manufacturing, Inc. et al, U.S. Dist. Ct. for Central District of Southern California 69–75–JWC.

2. It hereby authorizes its City Attorney to file in said suit this City's Objections to the Proposed Consent Judgement.

Be it further resolved, that a certified copy of this resolution be sent to the following governmental officials: United States Attorney General John N. Mitchell; Senators George Murphy and Alan Cranston; Congressman George Brown; and Supervisor Kenneth Hahn, Second District, County of Los Angeles.

Adopted on this 3rd day of October, 1969.

TONY BOLLERO,
Mayor of the City of Corona, Calif.

Attest:

BLENDA M. NEUENDORF,
City Clerk.

I, Blenda M. Neuendorf, City Clerk of the City of Corona, California, do hereby certify that the foregoing resolution was regularly introduced and adopted by the City Council of the City of Corona, California, at a special meeting thereof held on October 3, 1969, by the following vote of the Council:

Ayes: Councilmen Blandi, Bollero, Hart, Parker, Rust.

Noes: None.

Absent: None.

In witness whereof, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 3rd day of October, 1969.

BLENDA M. NEUENDORF,
City Clerk of the City of Corona, Calif.

CLEAN WATER RESTORATION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. DINGELL. Mr. Speaker, the League of Women Voters of Baton Rouge, La., has forwarded to me an editorial carried in the September 5, 1969, issue of the Baton Rouge Morning Advocate in support of the recent effort to secure full funding of the Clean Water Restoration Act. So that my colleagues may be aware of the views expressed by the Morning Advocate, I include the text of the editorial at this point in the CONGRESSIONAL RECORD:

THE MURKY OUTLOOK FOR CLEAN WATER

"Water, water, everywhere,
Nor any drop to drink."

With these words the poet Coleridge depicted the plight of a marined becalmed in a windless sea and perishing of thirst. On every hand and to the farthest horizon he sees nothing but water, in inexhaustible supply. But it is all polluted, with salt, and to drink it would mean death.

The average land-going American of today may be in little danger of so painful a fate. But what will be the lot of his children or his grandchildren may be another question.

Already some major rivers have become so polluted by industrial and municipal wastes and from other sources that their water is suited for very few uses, even industrial, without expensive purification. One of the Great Lakes is believed by some experts to be lost and on the way to conversion into a huge slough as a direct consequence of pollution.

The American people have become concerned over this situation and the danger to our water supply, one of our two greatest and most indispensable resources, the other being air, also seriously polluted.

Congress also is concerned, to the point of passing the Clean Water Restoration Act of 1966 and authorizing the expenditure of $1 billion for assistance to local governments in sewage treatment plant construction and improvement—a basic project in water pollution control. But Congressional interest has a way of becoming very intermittent and Congress now seems inclined to go along with an administration proposal to actually appropriate only $214 million, less than a fourth of what has been authorized.

To bring about funding of the full amount of $1 billion and to support other pollution control measures is the goal of the recently formed "Citizens Crusade for Clean Water." Member groups in the crusade include the League of Women Voters, the AFL–CIO, the United States Conference of Mayors, the Council of State Governors, the Izaak Walton League, and about 30 others, plus many individual citizens. But as the League of Women Voters points out, even this respectable backing will not be enough unless the Congressmen themselves see that the public is truly interested in the clean water campaign and unless they hear from their constituents to that effect. Time is growing short for action at this session.

The Federal Water Pollution Control Act of 1965 will require specified degrees of treatment for both municipal and industrial wastes by 1972. To meet the deadline will require a pooling of resources by the federal government, the states and the cities, with full participation by private industry. If any member of this partnership lags, the others may lag also and the situation may be worse in 1972 instead of better.

OPPRESSED WITH TWO WEAK EVILS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. HORTON. Mr. Speaker, over 400 years ago, Shakespeare called "two weak evils, age and hunger." One of these evils should have disappeared by now. You would think that after a man has lived a full and productive life, old age could be enjoyed without the penalty of hunger. But that is not the case.

All over the country, in every State, in every county, in every congressional district, even my own, there are older Americans who do not enjoy their old age. Instead of a reflective period of wisdom and security, old age is still a time of struggle. Never mind the luxuries, it is simply a struggle to live.

This is inexcusable in our time. Every benefit that we can provide elderly citizens should be, and not only should, but has to be provided.

Mr. Speaker, we have in effect today the Food Stamp Act, designed to relieve some of the hunger around us. I am pleased to cosponsor today a bill to amend the Food Stamp Act to allay the emptiness of the elderly. This legislation will allow older people to exchange food stamps for meals prepared and served by private, nonprofit organizations.

Recently, our colleagues in the Senate recognized the need and passed such a bill.

There are so many elderly people who are physically unable to shop for or prepare food. Under the present law, people who otherwise meet age, residency, and income requirements are not eligible for food stamps if they do not have cooking facilities in their homes. I see no reason why the elderly, often the most isolated and deprived, should be denied the benefits of food stamps.

The legislation I am cosponsoring allows nonprofit, charitable organizations to accept food stamps in exchange for cooked meals prepared for home delivery or for consumption in community dining halls.

It authorizes the Secretary of Agriculture to designate authentic nonprofit organizations which could accept the food stamps.

This legislation follows the concept of utilizing private initiative for solutions to our problems. The redemption of the stamps would assist the specific church or nonprofit organization to purchase food. Possibly, this would encourage more church groups and charitable organizations to undertake the needed work of bringing a hot meal to our elderly.

I urge my colleagues to consider the debt we owe our senior citizens, and then to fully support this measure.

WEDNESDAY'S MORATORIUM

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. OLSEN. Mr. Speaker, the House of Representatives was seen at its best and, regrettably, at its worst, on the evening of Tuesday, October 14.

On the one hand, as those present know and as the press has reported, the 2 hours of debate conducted under special orders on this Nation's involvement in Vietnam were thought provoking, illuminating, in good taste and dignified, and marked by mutual respect.

Here was a demonstration that there is nothing to fear from the frank, open exchange of differing opinions and views. Here, if you will, was an example of democracy at work—an example of freedom of expression we like to tell the world to take as a pattern in forming their own governments.

And, though it was short lived, the exchange should serve as a pattern not only for the free world but, I submit, for the Members of this body.

But there was an irony in the forced conclusion of our discussion Tuesday evening.

There was irony in the fact that a quorum could not be found to keep the House in session, yet a subsequent vote on adjournment produced a quorum.

There was irony in the fact that those who argued, conscience bound, to defend with arms another people's right to freedom of expression voted to silence the equally concerned and sincere voice of

the elected representatives of approximately 25 percent of this Nation.

There was irony in the fact that those who argued that a coalition government cannot succeed in South Vietnam knocked another block from the foundation on which our democracy was built. Mr. Speaker, those who voted to silence Members of the House who were prepared to defend the right of thousands of our citizens to express their conscience and their concern peacefully only called attention to a primary reason why more and more citizens are taking their concern to the streets.

Some argue that Wednesday's moratorium was "shameful." I argue, Mr. Speaker, that there is a degree of shame in the fact that this was the first exchange of this sort in the House of Representatives despite the fact that 6 years and more than 40,000 American lives have been spent in Vietnam. I hasten to add that I have served in the House during those 6 years and I do not hold myself without fault.

The will of the American people will be heard one way or another. If it is not heard by the Government, it will be heard in spite of it. A cursory analysis of election results in the last year and a half illustrate what I mean. How many who have campaigned on a platform to escalate or even continue our involvement in Vietnam have been defeated?

The will of America's young people will be heard. If it is not heard by elected representatives who today discount the value of their counsel, it will be heard in 1970. It will be heard in 1972. As I left the House floor Tuesday evening I overheard one representative of the news media discount the significance of the overflowing galleries that evening because "they were a bunch of kids 18, 19, and 20." Their day will come and it is not far off. The fact that a debate took place in the House at all Tuesday evening indicates their voice is already being heard.

Many charges have been leveled at today's generation of young people, but it has been several years since I have heard our youngsters as a group charged with apathy. They are concerned; they are involved; they are not phony; they have principles and consciences; they are eager to, and will, participate actively in government.

Yes, there were a lot of young people in the galleries the other evening and, without exception, they were well-behaved, courteous, and orderly. There were no disruptions or boos—no catcalls when opposing views were expressed.

Let us be wary of writing off the import of our gallery visitors because of their age. Let us take note of their courtesy and concern and applaud them for both.

Mr. Speaker, there is a message for all of us in the Gallup poll results reported in the last week. On Sunday, Gallup reported poll results indicating that 57 percent of the American people favor complete withdrawal of American forces from Vietnam by the end of 1970. This morning Gallup reported results of a poll indicating an identical 57 percent approval of President Nixon's leadership. It is significant that results of the first poll were reported in terms of an upward trend; the second poll in terms of a downward trend. I am absolutely convinced that the question of whether or not these two percentages will ever meet again depends on one thing alone: the success of the President in implementing his announced plan to disengage from Vietnam and transfer the responsibility of that war to the South Vietnamese.

Mr. Speaker, I was one of more than 20 Members of this body who remained unheard when the House voted by a vote of 112 to 110 to adjourn Tuesday evening. I include the statement which I prepared for presentation at that time at this point in the RECORD:

STATEMENT BY MR. OLSEN

In the last several years I have registered my misgivings and my personal recommendations on Vietnam policies to high ranking individuals in the Administration and I have joined in introducing legislation in the Congress which called for greater effort on the part of our government to place this issue before the United Nations.

I have never issued public statements regarding the conduct of the war unless I sincerely believed specific action on the part of our government was in the interest of the peaceful goal all of us seek.

However, after years of frustrated involvement in Vietnam, I believe there comes a time in foreign affairs, as in domestic, when the "people" must be heard. The mounting tension in American democracy between the "people" and their chosen representatives has reached the point where policies directing this Nation's efforts in South Vietnam fail to command respect in the conscience of the American people. When government policies no longer express the will of the people those laws lose their natural legitimacy and such is the case in Vietnam.

A 1967 Congressional poll indicated that 80.2% of the people in the Western District of Montana wanted to continue the then course of the war or escalate with 63% of these in favor of an all out military effort to win. Only 12.8% were in favor of withdrawal. One year later in 1968 another Congressional polling of the same area showed that those in favor of maintaining the status quo or stepping up our military effort had slipped to 55% and that those in favor of de-escalation had risen to 45%. A private poll of the Northwestern states, including Montana, which was completed in August of this year indicated that 52% of those asked were in favor of withdrawal of American Troops and turning the fighting to the South Vietnamese. Another 22% recommended immediate withdrawal. Results of the most recent Gallup Poll show that the percent of Americans favoring complete withdrawal of American troops from South Vietnam by the end of 1970 to be 57%.

All of these polls results and the mail I received daily in my office have convinced me a significant trend has developed. It is a trend that must be reckoned with and the leaders of this nation should not turn a deaf ear.

President Nixon, in a letter to a Georgetown University student this week drew a distinction between "public opinion" and "public demonstrations" vowing government policy would not be "made in the streets." White House sources further pointed out that his reply to the student was directed not at the "shouters" but to the "concerned majority" of Americans who have remained silent. The results of the Polls I have cited, which polled not only people in the streets, but also the "silent Americans" or the "concerned majority" to which President Nixon was referring, has indicated their "will" overwhelmingly in favor of withdrawal of American troops.

The President is free to decide to pay no attention to the thousands of persons participating in the moratorium, but can he ignore the will of a growing majority (currently 57%) of the people as reflected in the trusted public opinion polls. When President Nixon took office last January, I didn't detect any lack of willingness to accept the will of just 43.4% of the voting public.

Administrations past and present have been guided by military leaders who have shown many blatant and obvious cases of misjudgment: the tragic loss of 74 lives when a navy destroyer on routine maneuvers off the Philippines was sliced in two when it turned into the path of the Australian carrier: the navy sending the underarmed and tiny electronic spy ship, Pueblo, and 82 men into North Korean waters despite a high level intelligence warning of danger. Not long after the Pueblo and its crew were captured, an unprotected electronic "snooper" plane was shot down as it passed over the shores of North Korea with the loss of 30 lives: the Pentagon also authorized a secret contingency arrangement with Thailand, which, if mutually invoked, would have placed U.S. troops under Thai command: the testing of poisonous gas, resulting in the death of 640 sheep in Utah and the storage on Okinawa of gases which sent 26 men to the hospital not to mention the additional strains placed on Japanese and United States relations.

I say this series of bumblings, including the mishandling of our effort in Vietnam, has led the majority of the people in this country either to apathy or to outright opposition, in varying degrees, across the country.

A very important point that is often overlooked is that the South Vietnamese have to take over the operation and defense of their own country—whether now, or one to ten years from now. Are we to leave more than a half million men in Vietnam while we wait for Saigon and Hanoi to come to some political settlement? I believe *that* is not our obligation.

Since the beginning of the cold war we have intervened on an average of once every 18 months in some foreign country. We have often looked at these interventions as our duty bound response to moral imperatives. We have somehow convinced ourselves and are telling the world that our interference in the affairs of other nations grows out of our determination for justice, self-determination, and freedom for all men. I am not saying these ambitions are wrong but that they are clearly not the major reasons for our interventions. It has been on the basis of cold war fears and our anti-communist diplomacy that we have continued to become involved in these crises.

Following the second World War we were cast as the protector of freedom. It is a role we took unwillingly but are now afraid to relinquish.

Ronald Steel made a similar observation in his outstanding book, *Pax Americana*, when he wrote "where a communist problem exists, as in Vietnam, we have found the defense of freedom to be an unshirkable obligation, even if performed on behalf of a regime which may be as indifferent to freedom as the communist one it opposes. When we decide to honor our moral duty, the label that the oppressor wears is exceedingly important."

The United States waded into Vietnam for no other reason than to prevent domination of the South by the Viet Cong. Surely we have alway realized that we cannot be South Vietnam. We cannot govern South Vietnam. We cannot accept full responsibility for the war. Our commitment is limited. The outcome of that struggle depends now, as it always has, on the ability of the people of South Viet Nam.

There have been many disappointments in our relations with the South Vietnamese and the government of South Vietnam. We had hoped that we could help the South Vietnamese to help themselves to build a na-

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tion and a government that could attract the support of its own people and to achieve a political victory over the Viet Cong.

Time and time again our hopes have been dashed by the corruption of our South Vietnam ally—a government, as Senator Kennedy said, that "has consistently proved incapable or unwilling to meet the demands of its own people, a government that has demanded ever more money, ever more American lives to be poured into the swamp of their failure."

The casualties are still coming home and the thought of more dead, more bombed villages, more children maimed and made homeless is increasingly repugnant.

From January 1961 to date, the war has taken 45,598 American lives and left 254,274 of our troops wounded. It has cost the taxpayers of this nation a total of more than 81 billion dollars with an additional 25.3 billion dollars to be spent in Viet Nam in fiscal year 1970.

In Montana alone 202 deaths have already resulted from our defense of the South Vietnamese. Their names are:

Anderson, David Anthony.
Barber, David Lynn.
Barnum, Wayne Alan.
Burkhardt, Larry James.
Burns, James Lynn.
Byington, Steven L.
Carroll, Robert Hugh.
Deitchler, Russell Floyd.
Derenburger, Ronald Hal.
Dean, Lester Allan.
Dorris, David Walter.
Edden, George Edward.
Fish, Glenn Charles.
Fuhrman, James Francis.
Gallagher, Raymond Leroy.
Grayson, Reid Ernest, Jr.
Han, Charles William.
Hinther, Gary Rodger.
Johnson, Lester Wesley, Jr.
Kriskovich, Raymond George.
Lockwood, Harold Spencer.
Martin, Ronald Steven.
Moe, Ronald John.
Murphy, Jon Michael.
Murphy, Steven Patrick.
Nathe, Michael Leo.
Osterloth, James Allan.
Peters, George Edward, Jr.
Picard, Michael W.
Pickle, Jimmy Dee.
Rollins, Dale Franklin.
Rowland, Zack Oscar.
Sullivan, David Patrick.
Tillotson, Robert Virtus.
Uhren, Bernard Jeffrey.
Wear, Dennis William.
Welch, Robert Edward.
Wiest, John Robin.
Williams, Ralph Leroy.
Woods, Albert Clarence, Jr.
Zahn, Florian J.
Allen, Robert Christian.
Anderson, David George.
Archer, Sanford Kim.
Boyer, Charles Goodhue.
Chavez, Paul Edward.
Crase, Lionell Russell.
Doane, Michael Leo.
Healy, Louis Glenn.
Hendrickson, Michael Franc.
Howard, Walter John, Jr.
Johnson, William Michael.
Kendall, George Percy, Jr.
Light, Glee Roy.
Loyd, Harold Ivan.
Nelson, Louis Howard.
Padilla, Michael David.
Schwarz, Larry Edward.
Sonsteng, Dennis Wayne.
Stockburger, Arthur Lee.
Wood, Alvy Eugene.
Zerbst, Gilbert Leroy.
Cawley, Robert William.
Clifford, Gregory Allen.
Hagl, Edward Allen.
Helsley, Gregory Phillip.
Lawrence, Delmar Leon.
Beary, Dan Warren.
Birkland, Wiley Cole.
Byford, Gary D.
Chopper, Franklin Delano.
Clark, Richard Dewyatt, B.
Cyr, William Louis.
Derheim, Kenneth Lee.
Eckstein, Rodger Dean.
Frank, Edward Roy.
Haakensen, David Arnold.
Hinkle, Mark Gordon.
Hoerner, Raymond Dale.
Kern, Douglas Duane.
Kleiv, Manford Lloyd.
Knudson, Kenneth Max.
Locher, Walter Norvel.
Miller, Bernhardt William.
Mooer, Gary Owen.
Murrey, Tracy Henry.
Naasz, Larry Duane.
Nelson, Ray La Grande.
Parker, Joseph E., Jr.
Pokerjim, Joseph Louis.
Polk, Preston Wayne.
Reece, Weston Henry.
Salyer, Stanley William.
Swensgard, William Elling.
Urban, John Robert.
Vandenacre, Howard.
Wandler, Louis John.
Whetham, Vernon E.
Dudley, Charles Glendon.
Richardson, Roger Paul.
Sampson, Leslie Verne.
Anderson, Jack Herbert.
Babich, Ronald Gregory.
Backeberg, Bruce Burton.
Casey, Dennis Lee.
Fleming, Patrick Jay.
Fried, Douglas Lawrence.
Garcia, Frank, Jr.
Havranek, Michael William.
Johnson, Lyle Albert.
Jordet, Ronald George.
Juel, Darryl Richard.
Klemencic, Joseph Gordon.
Lehuta, Donald Alexander.
Mayes, Richard Le Otis.
Nelson, Stephen Carl.
Schultz, Danny Carl.
Stephens, James Williams.
Street, Douglas Gerald.
Green, Robert William.
Prather, Christopher. D.
Hobbs, Charles M.
Joyce, John G.
Veale, Ralph D.
Bois, Richard J.
Lameiras, Richard A.
Lamieux, Walter J.
Fowler, Donald L.
Richardson, Robin W.
Hudson, Joseph W.
White, Gordon G.
Ferguson, Ronald Bruce.
Habets, Gregory Lee
Hood, Roger William
O'Neill, Daniel John
Dunbar, Doyle Daniel
Greiner, Gary James
Griffin, Gary O'Neal
McCarvel, Stephen Lewis
Thomas, Roy Stephen
Barton, Jim Albert
Pickett, Richard Dale.
Summers, Jon Ray.
Westervelt, Johnnie Bowen.
Bristal, Clarence Frank.
Kilyine, Richard James.
Plamaray, Alexander P.
Webster, Christopher C.
Grasser, Arthur.
Henderson, Hal Kent.
Langaunet, Bruce Magnus.
Stenbridge, Wayland D.
Sib, Ervin Rinal, Jr.
Hamilton, Don David.
Biberdorf, Dennis Floyd.

In addition to the tragic loss of lives, that is yet to follow, there is also the loss of the 2.1 billion dollars being spent each month in Vietnam which could provide, if used domestically, public libraries for 12 million of Americans who have no library facilities; eliminate the backlog of need for: 169,000 school teachers; 125,000 nurses; and some 50,000 doctors by providing four years medical or teacher training for 344,000 young people and give a college education to the 100,000 young people who were not able to go on to college this year because of the lack of funds.

The cost of all housing and urban affairs programs of the federal government, including slum clearance and other efforts to make the nation's cities safer and more satisfying places of human habitation represent only 6 weeks of the cost of the Vietnamese war. Our entire contribution to the United Nations organizations comes to 80 hours or 3 days of war expenditures in Vietnam.

Our children may well wonder at the sense of values of a nation which spends $52,000 to kill one guerrilla on the other side of the world.

The United States began some time ago to take steps to persuade the South Vietnamese to take eventual complete control of the War. But despite the fact that never before in history has a nation done for another what we have done for South Vietnam, it has been to little avail. It seems to me that with our generous contribution of resources—human, monetary and material—South Vietnam should have triumphed long ago if it had a government with the desire or capability to meet the needs of its people.

Perhaps we have performed a disservice to those we would help by holding onto the initiative of that conflict: by permitting them to depend too much upon the United States: and by looking the other way and sometimes contributing to the corruption of the South Vietnamese government.

It would appear a mistake to continue our present policy which allows things to drift on in the wild hope that some solution will be found. The time has come for the Congress to act within the limits of its power and recommend continuous and orderly withdrawal of United States forces as expeditiously as possible until all American forces are removed, the pace of withdrawal to be limited only by steps to insure the safety of our forces.

MARIHUANA STUDY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. MIKVA. Mr. Speaker, the public's concern about the growing use of marihuana is coupled with some confusion about legal and medical aspects of the matter.

In light of the hearings before the House Judiciary Subcommittee No. 3 on the problem of drugs, I thought that the following editorial in the Chicago Sun-Times of September 19 would be of interest to my colleagues:

FOR A MARIHUANA STUDY

The Nixon administration, concerned about the growing use of drugs, has offered a new control bill to Congress that seems hastily conceived.

The heavy increase in the use of marihuana has given law enforcement officials a special problem. An entire generation is emerging that sees no more harm in marihuana than in alcohol or tobacco. The recent gathering of some 300,000 youths in Bethel, N.Y., many of whom were pot-smokers, demonstrated that when enough persons ignore a law, as Americans did during prohibition, it is unenforceable.

While Atty. Gen. Mitchell conceded that authorities are operating in a "never-never land" of insufficient information about marihuana, his bill put it in the same category as heroin and LSD. Possession of any of them would be punishable by prison sentences, although Mitchell said in some cases rehabilitation programs would be advisable and leniency might be extended toward youthful drug experimenters. Nevertheless, the entire resources of the Federal Bureau of Narcotics would be devoted to stamping out marihuana and other dugs that have no recognized medical use.

To make them more effective, Mitchell would give narcotics agents the right to "no-knock" drug raids. The constitutionality of such raids is dubious. In "The American Constitution," Prof. C. Herman Pritchett says, "Whether armed with a warrant or not, officers cannot break down a door to effect a lawful arrest and the seizure of incriminating evidence unless they are refused admission after giving clear notice of their authority and purpose." (*Miller vs. The U.S., 1958*).

Before the nation embarks on the monumental task of stopping marihuana smoking and college campuses are infiltrated with narcotics agents, the subject should be removed from its "never-never land." A high level commission should be appointed to report definitely on the effects of marihuana.

Rep. Claude Pepper (D-Fla.) suggests the U.S. surgeon general make a study of marihuana as he did of cigarette smoking. This is surely in order.

The war on hard drugs must go on and the salvation of narcotics addicts should be a government goal. But a great deal more should be known about marihuana before the government attempts what could be a "noble experiment" such as prohibition, which bred contempt for the law and worse evils.

COLUMBUS DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. ADDABBO. Mr. Speaker, Americans have traditionally honored men who excel in fields of exploration, particularly those whose feats of courage and imagination have led to the opening of vast new worlds.

The birthday of Christopher Columbus is a time for celebrating the most significant feat of exploration for our Nation. As we honor Columbus for his achievement of 477 years ago, we realize the overwhelming importance of his deed by looking at Columbus and his voyage in light of the space exploration activities of 1969.

The new world of freedom made possible by Christopher Columbus is still embarked on its mission of discovering still newer worlds. As our children and our grandchildren look back to the beginning of the space age, they will also look further back in history to the miracle of 1492 as the time when it all started.

The Congress has assured the appropriate place in history for Columbus by designating Columbus Day an official national holiday beginning in 1971. This will serve not only to remind us of a hero who braved the unknown to discover a new land but also to teach us to strive for new and better worlds, never taking freedom for granted or accepting our society as the end-all. We have to improve our society or perish and to succeed we need the courage and determination of men like Christopher Columbus.

MR. DIAMOND REMEMBERED HIS START

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. HAGAN. Mr. Speaker, a native son of the First District of Georgia has died—Mr. B. F. "Barney" Diamond—and he will be sadly mourned by all of us who have had the good fortune to have known him.

"Barney" Diamond's outstanding rise from orphan to one of Savannah, Ga.'s biggest industrialists is in the very spirit and tradition of our great country. His work, his interests, and his remarkable concern about people, and his disassociation with titles, offices, and personal recognition will be remembered and admired for many years to come.

I feel that the following story about this amazing individual—B. F. Diamond—from the October 13 edition of the Savannah Evening Press merits your attention:

HE WENT ON TO SUCCESS AND REMEMBERED START

(By Ann Marshall)

Savannah industralist B. F. "Barney" Diamond was born in Bulloch County and grew up here at Bethesda Home for Boys.

Despite worldwide success and recognition, Bethesda remained the center of his interest and charities.

When Diamond died yesterday, his construction firm was completing work on a bridge across Shipyard Creek at the very site where he lived on the Bethesda marshes.

The roadway which will open Skidaway to development as an oceanographic center and will add thousands of homesites to the growth of Chatham County and the whole state, is considered one of the major construction projects of the times.

Land for the approaches to the causeways was obtained from the Union Society at the edge of the Bethesda property.

He refused time and again to take the presidency of the Union Society, which runs Bethesda, and of the Bethesda Alumni Assn. Both were continuing beneficiaries of the Bernard F. Diamond Foundation and of his private gifts.

From large financial grants to priceless bushes from his extensive private gardens, from jobs for Bethesda alumni to inspiration for Bethesda boys, through the more than 40 years since his own time there, Diamond remained a devoted alumnus.

He died about 7:30 p.m. yesterday at St. Joseph's Hospital after a short illness. He would have been 68 tomorrow.

He was president of the B. F. Diamond Construction Co. and was a resident of 18 South Rockwell Ave. in Vernonburg.

Chatham County Commission Chairman Robert F. Lovett expressed regret at the "great loss to the community," and said, "He'll be missed. He was a wonderful fellow."

Mayor J. Curtis Lewis said he was "distressed" to learn of the death.

"Mr. Diamond was a remarkable man. He was a self-made man who deserved a tremendous amount of credit for his accomplishments," the mayor said.

Mr. Diamond shunned personal acclaim, turning down posts such as the presidency of the Union Society.

The president of the society, Wade Layton, expressed the sorrow of the group, of which Diamond was a board member.

"I know I express the regret of every member of the Union Society," Layton said. "We tried to get him to take the presidency over and over, and again this year, but he never would do it."

W. Lee Mingledorff, Jr., chairman of the Savannah Port Authority, called him "a staunch member of SPA."

INTERESTED IN WATERFRONT

"He showed a great deal of interest in the Savannah riverfront and will be missed very much by the authority in its efforts on behalf of the community," Mingledorff said.

The B. F. Diamond Construction Co., which Diamond founded in 1930, has its headquarters on the riverfront here. Diamond had acquired his technical knowledge through correspondence courses when he began as a steel-erection contractor in Washington, D.C., and Baltimore, Md.

He also was owner of Marine Construction and Engineering Co. Ltd. of Freeport, Grand Bahama Island, and owned a 1,200-acre cattle farm near Savannah.

His various enterprises included construction of the new Bull River Bridge for the State Highway Dept., construction of the second Elizabeth River Tunnel between Portsmouth and Norfolk, Va., in 1962 and the rebuilding of the Pennsylvania Railroad bridge over the Potomac River in 1943 without interrupting traffic.

During World War I, he went to sea in the merchant marine, and in World War II his company completed many projects for the Navy. He was given the Navy "E" award for these.

The highest honor given in the construction industry, the Moles award for "outstanding achievement," was given to Diamond in 1967.

The Diamond firm specializes in heavy and marine construction, manufacture of many types of marine equipment and steel fabrication, and general construction in Freeport.

He was a member of the Oglethorpe Club, the Savannah Golf Club and the board of stewards of the Savannah Yacht and Country Club. He had been a member of the "Geechee" syndicate which won the 1966 Miami-to-Nassau sailing race.

With Frank S. Jackson, Charles S. Sanford and Julian F. Corish, he had founded the Bernard F. Diamond Foundation Inc. in 1952 to support the Union Society and other charitable organizations.

NAMED DIRECTOR

He had been named a director of the Liberty National Bank and Trust Co. in 1967, and also was appointed that year to the SPA by Mayor Lewis.

Funeral services will be held Wednesday at 11 a.m. at Sipple's Mortuary. Burial will be in Hillcrest Abbey.

Surviving are his wife, Mrs. Delores Austin Diamond; a son, John A. Diamond; two stepdaughters, Miss Pamela Alkazin and Miss Cheryl Thompson; a brother, Raleigh B. Diamond of St. Augustine, Fla., and three grandchildren.

PENNSYLVANIA A LOW TAX STATE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, the Shafer administration said that a new report by the U.S. Census Bureau proves that Pennsylvania is a low tax State.

The census report, which was published in this week's U.S. News & World Report, shows that Pennsylvania ranks

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45th among the 50 States and the District of Columbia in the amount of State and local taxes paid by individual citizens.

In a statement, Gov. Raymond P. Shafer said:

> This report further supports the statements I have been making throughout this year that Pennsylvania, by comparison to other states, is not overtaxing her people for the kind of services they are getting at the State and local level.
>
> I hope that those people who constantly complain that they pay the highest taxes in the Nation in Pennsylvania will study the report so they can better understand the truth.
>
> Too often, the emotions of raising new revenues cover over the facts—and if we are to solve our current crisis, every citizen has the responsibility of at least making an attempt to learn the facts. I hope that this report will help all Pennsylvanians in that attempt.

The new report shows that Pennsylvania taxpayers pay $113.38 in State and local taxes for every $1,000 earned. The national average is $134.51. The highest State and local taxes are in North Dakota where a citizen pays $190.96 for every $1,000 earned.

In the two industrial States that are larger than Pennsylvania, which ranks third in population, the State and local taxes are: California, $160.84; New York, $158.21.

EFFORT TO CORRECT INEQUITY

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. GIBBONS. Mr. Speaker, on behalf of the retired military men who reside in my district I am today introducing a bill to correct a grave injustice to retired members of our uniformed services.

For a hundred years prior to 1958 the statutes clearly guaranteed that retired pay was to be passed upon a percentage of active duty base pay, the multiplier being determined by the number of years service up to a total of 30 years, after which no additional benefits accrued.

It appears to me, Mr. Speaker, that persons who entered the service under that rule have every moral right to expect the Government to make good on its guarantee.

Today the Department of Defense and the Congress are embarked upon a campaign to make military service more attractive. I approve of that effort. One thing that is proposed is to make military pay comparable to that of civil service employees and of workers in private industry. But military retirees of today, especially the older ones, will not receive the benefits of that campaign. Instead, they received low pay in anticipation of an attractive retirement pay system, now arbitrarily denied to them.

As a result, older retirees now receive substantially smaller retired paychecks than younger retirees of the same grade and number of years of service with the difference in some cases exceeding 50 percent. This discrepancy which comes about entirely because of a breach of faith with them on the part of the Government will continue to increase with each future pay raise for the Active Forces.

In 1966 the President's Cabinet Committee on Federal Staff Retirement Systems proposed a far-reaching code of standards relating to Federal retirements of all kinds. Prominent among the proposals was one which would insure that—

> Whenever a staff retirement system is changed, provision shall be made to protect the equities of any individuals who would be adversely affected by such change.

Mr. Speaker, my bill would simply apply that principle to persons who had served or were serving prior to the abolishment of the statutory guarantee for continuing computation of pay based upon the rates in effect for active duty personnel. That action took place on June 1, 1958, and my bill is limited in its application to those persons who entered the service prior to that time. It provides that the retired pay of such persons be recomputed on the new active duty rates in effect at the time those rates were changed.

I believe that the Government can do no less than live up to its word. I urge my colleagues to support the proposal which I am introducing.

BLACKLISTED BY MEN WEARING WHITE HATS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. GALLAGHER. Mr. Speaker, blacklisting of scientists for the Health, Education, and Welfare Department's advisory committees is a practice which has been going on since at least 1953. It has become encrusted on the bureaucratic keel, and I am convinced that it does not represent evil men at work. I think it is simply too inconvenient for those now making the decisions to do the hard work necessary to come up with new methods.

An editorial in the Washington Post of October 11, 1969, makes this point very succinctly. "Blacklisting for the Fun of It" is close to being correct for I believe that those who do it are not vicious unprincipled men, but merely those who find a precedent for their actions which is always easier than making a decision.

But, Mr. Speaker, it is certainly no fun for those who have been blacklisted. One of the central points of my continuing privacy studies within the House Committee on Government Operations has been that a man should be informed of the range of charges against him. He must have the right to confront the record, if not to confront his accuser directly.

For example, during hearings on Retail Credit Co. of Atlanta, Ga., in May of 1968, I bore down heavily on the following phrase in their basic agreement for services:

> All reports, whether oral or written, will be kept strictly confidential. Except as required by law, no information from reports nor your identity as the reporting agency will be revealed to the person reported on . . .

Mr. Speaker, I was pleased that Retail Credit's new contract, dated June 1968, had removed the words "nor your identity as the reporting agency." The removal from the basic contract of those words I regard as a small step toward decency.

The individuals who have been injured by that practice of Retail Credit Co. were denied insurance and employment opportunities with no chance to find out who was generating the information which occasionally was in error. Qualified scientists are now being denied the opportunity to gain the academic prestige which comes from membership on such advisory panels and, worst of all, our Government and our Nation are being denied the insights and experience they could bring to bear on solving our problems.

Mr. Speaker, two points should be made. First, the vast majority, I believe in almost every single case, the advisory panels do not deal with classified information. Press reports even state that some who are alleged to have been blacklisted for HEW actually have clearance to participate in top-secret Department of Defense advisory panels.

The second important point is that opposing blacklisting does not mean that all standards must be abolished. I certainly recognize that some people may be unsuitable for a number of quite legitimate reasons which have nothing to do with their supposed loyalty to America or their support for the war in Vietnam.

The central question in this is why the practice has been allowed to continue for this length of time. I hope that the review of Secretary Finch will move HEW to a more reasonable position and perhaps a broader focus should be brought to bear on this issue.

Mr. Speaker, at this point in my remarks, I insert the editorial from the Washington Post:

BLACKLISTING FOR THE FUN OF IT

Blacklisting is always an abomination. It is peculiarly so when it is practiced by the government of a people guaranteed equality of opportunity. It is at its very worst when the blacklisting carries with it a stigma of untrustworthiness and disloyalty. For more than 20 years the United States government—ever since the inauguration of the so-called loyalty-security program in the Truman administration—has been compiling blacklists, stigmatizing employees or applicants for government employment as "security risks" and doing so on the flimsiest of foundations, the unverified allegations of faceless informers unknown not only to their victims but unknown even to those who must make judgments on the basis of what they whisper. Selection of government employees by lot would constitute a safer system.

This blacklisting procedure, excoriated when it was viciously exploited by the late Sen. Joseph McCarthy, has been brought to light again just recently by scientists who complained that it is being applied with particular rigidity and folly by the Department of Health, Education and Welfare in regard to Public Health Service appointments and to the selection of scientists for part-time advisory posts. Science, the magazine of the American Association for the Advancement of Science, published two searching articles by Bryce Nelson last summer exposing these practices. And this newspaper itself carried an extensive article by staff writer William Greider on June 30 elaborating on the ways in which the HEW security system barred certain scientists from advisory panels.

One high-ranking health official in the Johnson administration, George A. Silver, then deputy assistant secretary of HEW, decried this process of blacklisting as totally needless in regard to the commissioning of Public Health Service doctors. "What possible security problems would they represent?" he asked. The procedures followed, he said, "sharply limit the opportunity to get creative people with an innovative viewpoint" in the Public Health Service.

Investigation of the cases of some of these blacklisted persons shows unmistakably that nonconformity of any sort tends to be penalized as evidence of unsuitability. Mere opposition to official policy on the war in Vietnam has been used to put a job applicant on a blacklist. Sen. Edward Brooke, outraged by the treatment of one of his constituents, said concerning the procedures: "There are certainly grave questions about the desirability and constitutionality of governmental practices by which anonymous officials use secret information and undisclosed criteria to deny someone a job in a nondefense-related field."

Most victims of the blacklistings never know their names are there—and so can do nothing to clear or redeem themselves. No one, indeed, can know what doors may have been closed to him by a vilification muttered behind the hand of an unidentified character assassin. It is as senseless as it is unjust. And it is an absurd myth that these blacklists are kept confidential or inviolable; there are leaks about them all the time, destroying reputations, wrecking careers. They inflict wanton injury at once upon the individuals involved and upon the Government of the United States.

Queried by Science last June, HEW Secretary Robert Finch said he was "looking into" the matter of blacklists. How does he like what he sees? Does it make any sense? Is it honorable? Does it comport with the American concept of freedom?

HOUSING NEEDS AND THE MARYLAND MORTGAGE CRISIS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. GUDE. Mr. Speaker, shortage of mortgage money for the housing market in the State of Maryland has reached near crisis proportions. The Maryland Governor has been urged to call a special sesson of the General Assembly to resolve the problems. These issues were well presented by my distinguished Maryland colleague, Mr. HOGAN, in an address delivered before the Maryland Association of Real Estate Boards. I commend these remarks, as follows, to my colleagues:

REMARKS OF CONGRESSMAN LAWRENCE J. HOGAN BEFORE THE MARYLAND ASSOCIATION OF REAL ESTATE BOARDS, INC., ANNAPOLIS, MD., OCTOBER 10, 1969

The Realtors' theme of the day is the same, I am sure, as it has been for the past several months—Help! Today I want to discuss with you the role the Federal Government can be expected to play in providing the needed assistance.

Of course there is no need for me to relate in detail the problems presently facing real estate all over the country, and particularly in Maryland, as you are certainy more aware of them than I. Quite simply, the latest increase in the interest rate has resulted in the unavailability of funds for mortgage lending as well as more expensive housing, which combined have either priced the middle and low income families entirely out of the market or made funds totally unavailable to them. With the interest rate on the open market at the highest level since the mid 1800s, the major investors in mortgage loans, the thrift institutions, are unable to attract savings, resulting in a curtailment or complete halt in some areas, of their mortgage lending operations.

In addition, statutory ceilings imposed on the interest rates on FHA and VA mortgages, have worked a major difficulty in obtaining funds for these loans. Some lenders are simply withdrawing from the market and investing their funds in other outlets rather than accept the low interest rate permissible on FHA–VA loans or incure adverse publicity from increasing the yield on such loans through charging points.

To get quickly to the main subject of your concern—our Maryland problem—you may be sure that I fully realize the desperate conditions presently existing in the Maryland market as a result of the state usury limit of 8% as well as a limitation on the points which may be charged. If it is any solace, several other states—13, I believe—also find themselves in this same predicament. These low usury ceilings have led to the withdrawal of private investment funds from the mortgage market and finally the withdrawal of FNMA, resulting in a "no loan" situation.

Many real estate agents have stopped sales completely. Others have been forced to close down their business offices. Sellers cannot sell homes. Buyers of moderate and low incomes cannot get loans to buy. Returning veterans from Vietnam are unable to take advantage of the benefits which Congress has given then under the VA mortgage provisions because lenders will not finance homes in Maryland.

Although the national market conditions have had their effect on your business, I am sure your primary concern at the moment is what can be done to relieve the situation here in Maryland, and your first question is "What can Congressman Hogan do in this regard."

It has been suggested that I and other similarly concerned Representatives and Senators amend VA and FHA bills currently being considered to exempt VA and FHA-insured loans from state usury ceilings. On the surface this sounds like a simple solution. Unfortunately, it is an impractical solution, as the suggestion of such an effort arouses the ire of every states rights defender in the House and Senate who promptly rise to their feet in oratory.

During the recent House debate on a bill to extend the authority of the Administrator of the VA to set interest rates on mortgage loans. Representative Joel Broyhill, my colleague from northern Virginia, offered an amendment to exempt VA-insured loans from the District of Columbia's usury statute. I will add that this amendment was passed, but not without protest. The issue of states rights did not enter in here, however, as Congress has the specific charge of legislating for the District and such action was entirely appropriate and considered necessary under the present conditions.

At that time I spoke with Members about the possibility of having this amendment extended to exampt VA-insured loans nationwide, and received the reactions. . . . "This is not a problem for Congress, but for the state legislatures." . . . "Since only 13 states are involved, why should those of us who represent the other 37 states get involved." . . . "It's a problem for the legislatures of those 13 states."

With all due respect for the rights of each state to legislate for itself, I feel the national interests involved in the making of FHA and VA loans provide a substantial case for Congressional consideration of such exemption. Since this problem in Maryland has reached crisis proportions and our Governor refuses to call a special session of the state legislature to relieve the situation, at the time Rep. Broyhill offered his amendment I called upon the Members of the Veterans Affairs Committee to give prompt consideration to such an exemption for VA loans and I requested the Banking and Currency Committee to consider a similar exemption for FHA loans.

My requesting Federal action in this regard and my personal support for a Federal law exempting VA and FHA loans from the state usury laws should not be construed to indicate that I in any way relieve Governor Mandel of his responsibility to assist the Maryland legislature in achieving the earliest possible passage of corrective legislation. If the Governor and the state legislature cannot be depended upon by the people of Maryland to act in their best interests at a time like this, they are not really concerned about their responsibilities. I plead with them to remember the low and middle-income homebuyers who are being hurt the most by their inaction. Yet the effects will not be felt by individuals only. Mortgage bankers will simply move out of Maryland, thus cutting off funds for community development and industry also. Low rates on municipal and school bonds will drastically cut back sales. It is doubtful that we will know for months to come the total extent of the effect this will have on the economy of Maryland.

Again, I urge the legislature to fulfill its responsibility promptly upon being called into session and not prolong this worsening situation.

Well, I have cited the primary avenue open to the state legislature to help solve the problem. Hopefully, no later than early January this will be done. After that time, however, we will still have with us the problems of inflation and high interest rates, shortage of mortgage funds on a nationwide scale, and further solutions will have to be found, for the most part by the Federal Government.

What can the Federal Government do? Well, two major and obvious answers come to mind—curtail inflation through reduction in Government spending, and redirect Federal funds into housing. To assist in accomplishing the latter, we are fortunate in having the recently published results of a study by the Commission on Mortgage Interest Rates, which the 90th Congress authorized to analyze the problem of increasing interest rates. I consider this to be a very valuable report in that it realistically and fully lays the problem before us, and I am hopeful that the recommendations of the Commission will be given serious and prompt consideration. It appears there is no magic formula. Resolution of the problem will require the combined efforts of the President and the leaders of Congress through executive order and legislation to redirect various Government assets into the housing sector.

As some of you may not be familiar with the recommendations of the Commission, I would like to briefly present some of them to you as well as legislative response to the same:

The Commission recommended that legislation be enacted to increase the Federal Home Loan Bank System's authority to borrow from the Treasury an amount necessary to provide an emergency backstop for the credit lines given to member associations. In response, Senator Proxmire has introduced S. 2572 to increase the System's borrowing authority from $1 billion to $2 billion.

The Commission recommended the Federal Reserve make a meaningful effort to improve the market for Federal Agency securities by buying and selling such issues in the open market on an outright basis as well as under re-purchase agreements, while some members of the Commission, including Chairman Wright Patman of the House Banking and Currency Committee, wanted to go beyond

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this and *require* the Federal Reserve to support housing-oriented Federal agencies directly. Chairman Patman thereafter introduced H.R. 13939 directing the Federal Reserve Board to purchase FNMA obligations to assure that it has adequate funds to support the secondary conventional market as well as its existing function in Government-backed mortgages. Also, Senator John Sparkman, Chairman of the Senate Banking Committee, introduced S. 2958 to give the FNMA the authority to provide a secondary market for conventional mortgages, much as it does in the FHA–VA market.

The Commission calls our attention to pension and mutual funds, noting that while such funds had total financial assets of about $200 billion at the end of 1968, their total mortgage portfolio amounted to only about $10 billion, a mere 5 per cent of their assets. The Commission's report specifically notes that the Federal Government's own pension and trust fund accounts are the worst offenders in ignoring the mortgage market, with nearly all of their assets held in U.S. Government bonds. Private pension funds only held about 4 per cent of total assets in mortgages while state-managed pension funds held nearly 15½ per cent of their assets in mortgages in mid-1967. In partial response to this observation, Chairman Olin Teague of the House Veterans' Committee has introduced H.R. 9476 to make up to $5 billion in reserves in the National Service Life Insurance Fund available for purchase of VA guaranteed mortgages, thus providing more credit for this market and insuring a high return to the Fund.

I would like to comment here that I feel that private pension funds and mutual funds should be encouraged to invest heavily in mortgages.

The Commission, though not unanimously, recommended that the abolition of the statutory 6% ceiling on the interest rates on FHA–VA mortgages and enactment of legislation to establish a dual market system for a three-year trial period, which will permit much greater flexibility than administratively established ceilings of the past have permitted. During the three-year trial period of the Commission's dual market approach, under one part, loans would be made under a "free" rate with no discount in the primary market. Under the other part, the market would continue to operate much as it does now with ceilings regularly reviewed and changed to keep in line with market rates and minimize discounts.

Under the Housing Act of 1968 the Congress authorized the establishment of the Government National Mortgage Association to guarantee bonds issued by FNMA or other approved issuers based on and backed by a pool of Federally-insured or guaranteed mortgages. It was expected this mechanism would improve the efficiency of the mortgage market and enable the housing sector to compete more effectively for funds in the over capital market than ever before. Also, the sale of these mortgage-backed securities would increase the potential liquidity of the portfolios of mortgage institutions, and would provide an attractive investment alternative for investors who heretofore have not invested funds in mortgages for various reasons. Although these objectives can be accomplished with a minimum extension of Government activities, the President has not as yet issued any regulations regarding guarantees on marketable securities, depriving FNMA and other private institutions of an important vehicle for attracting funds. I join the Commission in urging the President to implement this legislation without delay.

Legislation to exempt interest or dividends received on savings in institutions which invest the bulk of their funds in residential mortgages has been suggested as an approach by other sources. Although the House has already acted upon tax reform and any such measure introduced in the House at this point would receive no consideration, it would be timely for the Senate to give attention to such an exemption in its review of tax reform proposals.

I present these to you in order that you may see and know some of the possible approaches of action available to the Congress and the President and be aware of those which will be receiving consideration.

In closing, I wish to assure you that I am at present thoroughly reviewing the pros and cons of these and other proposals and will make every effort to assist the leaders of Congress in taking the appropriate corrective action to redirect funds into the housing market.

Once again, I urge the President, Members of Congress, the Governor and the Maryland State Legislature to do everything within their respective capacities to deal with this situation which has reached crisis proportions in the State of Maryland.

VIETNAM MORATORIUM

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 14, 1969

Mr. PREYER of North Carolina. Mr. Speaker, a negotiated settlement in Vietnam does not now appear likely. What then, should we do?

We could make an all-out effort to win the war, which means pouring in more troops and greater casualties. The American public has overwhelmingly rejected this solution.

We could withdraw immediately. I believe our people reject this equally extreme solution.

Instead, we have adopted the policy of gradual withdrawal. To work, this policy must make it clear to Saigon that there is a limit of time to our participation there and that Saigon will therefore have to shape up if it wants to survive and also find some way to negotiate a settlement with the National Liberation Front and Hanoi. The time limit should be announced to Saigon—but not to the world.

How long a period of time should this be? The withdrawal must be sufficiently slow and steady, so that we do not seem to be pulling the rug out from underneath Saigon. If the time limit were very short, if out of frustration we suddenly withdraw, then the whole world would think that we went back on our commitments and would doubt our maturity and stability. It might lead to the deaths of many South Vietnamese. The American public would be revolted by this. Therefore, there must be a period in which we gradually shift from participation to retirement from the war. This gives Saigon a chance. If during this period Saigon could not shape up, it would prove that Saigon could never stand on its own feet. Nobody would blame us for not trying to prop them up forever. We would not be "bugging out." We would have acquitted ourselves with honor.

During this period, everything possible must be done to reduce the level of fighting and the number of casualties. Firm order to that effect should be issued by the President.

How long should this period of time be, then? Clark Clifford—with the partial endorsement of the President—has suggested that all troops be withdrawn by the end of 1970; former Ambassador to Japan, Edwin Reichauer, has suggested the end of 1971. This is a question of judgment. What is important is that some definite time be set and be firmly communicated to Saigon, and the level of fighting be reduced as much as possible in anticipation of this. In my judgment, to carry out this policy it is necessary for President Nixon to begin announcing further withdrawals on a much larger scale than he has so far. It takes a considerable period of time to get out; it is a big logistic move. And larger troop withdrawals may be the only way to make it clear to Saigon that there is a definite limit of time to our participation there.

Finally, we must enunciate a new Asian policy, a policy of less military commitment. We must learn some good lessons from this tragic Vietnam war. The President has suggested the outlines of this new policy. It is a policy that says we are not going to say out of involvement in the internal instabilities of the nations of Asia because we have shown in Vietnam that we cannot do much about internal instabilities. In fact, our presence seems to make matters worse rather than helping. At the same time, the President is trying to reassure Asians that we will remain concerned in their future, in a part of the world that has more than half of the world's population, and that we will do our best on the economic side and maintain an option on the military side in the event there is some type of situation—such as blatant aggression—that we might be able to do something about. But we are going to be less committed militarily. In short—no more Vietnams.

HOPEFUL SIGNS IN FIGHT ON CRIME

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. ASHBROOK. Mr. Speaker, although the crime situation in the United States continues to be a major problem, basic steps are being taken by the Attorney General's office to correct the unreal approach to law enforcement which has been characteristic in past years. The issue of wiretapping is an excellent example.

In the last administration the use of wiretaps was restricted to the area of national security alone. The present Attorney General, John Mitchell, made it quite clear in January that the use of this device would be made "carefully and effectively" against organized crime and other major crimes as well. As a result of this commonsense approach, progress is being made. The Attorney General, in a speech on September 29 in Miami Beach, stated:

> While we have had only limited experience with judicially approved wiretapping authorizations, this experience has proved to be very successful in combating organized racketeers, especially in the field of narcotics.
>
> In New York City, 124 pounds of heroin was seized as a result of a wiretap. In Washington, 41 persons involved in an alleged narcotics trafficking ring were apprehended as the result of one wiretap. Some of them reportedly had organized crime connections. In Ohio, a wiretap led to the seizure of $100,000 in counterfeit bills and the arrest of seven persons; and in Buffalo, 23 persons were arrested on a charge of being involved in a United States-Canadian gambling organization.

The above are some of the results of the "new look" at the Department of Justice. Ironically, the changes of policy in the Department are merely a returning to the basic functions for which the Justice Department was created. The Attorney General stated the case bluntly and briefly in the above-mentioned speech:

> There has been a tendency to ignore the law enforcement community in favor of the social scientists who can explain the motivations of the criminal, but who can do little to protect the innocent against the mugger or armed robber.
>
> Let me tell you that, as Attorney General, I am first and foremost a law enforcement officer. I believe the Department of Justice is a law enforcement agency. I think that persons who break the law ought to be promptly arrested and tried *today*.
>
> While I sympathize with physical conditions and emotional problems which may cause persons to commit crimes, I cannot sympathize with those who seek only to excuse criminals.

In the Miami Beach speech Attorney General Mitchell outlined various measures which have been proposed by his department to counter the crime wave. The attack on this monumental problem, the program of the Nation's chief law-enforcement officer, should be of interest to all concerned citizens. For this reason I include the above-mentioned speech by Attorney General Mitchell in the Record at this point:

Address by Hon. John N. Mitchell, Attorney General of the United States, at the Annual Convention of the International Association of Chiefs of Police, Hotel Fontainbleau, Miami Beach, Fla., September 29, 1969

I. INTRODUCTION

1. It is a pleasure to address the annual convention of the International Association of Chiefs of Police.

I understand that I am a last minute substitute for Prseident Nixon. Unfortunately, the President is unable to be with you today. I know that he wanted to be here to assure you of his support of your efforts in the field of law enforcement.

During the past eight months, I have been in close communication with the IACP, especially with your most able Executive Director, Quinn Tamm.

Several months ago, I participated in your working seminars held in Washington. A major portion of these discussions concerned student violence and civil disorders. What particularly impressed me was the awareness, by the participating police officials, of the necessity for preventive law enforcement. These seminars emphasized that law enforcement is not merely the application of force. Enlightened police officials recognize that careful pre-planning, communication and negotiation can frequently avoid serious confrontations.

I was pleased that the IACP stressed that law enforcement officials should be flexible in order to solve new law enforcement problems within the currently prevailing social and legal philosophies of the nation. The American law enforcement community would do well to look to your leadership.

Your high standards of professionalism, your openness to new ideas, your desire to bridge the gap between law enforcement officials and certain alienated parts of our citizenry, have made you leaders in the administration of justice at the state and local level.

We, at the Justice Department, have called on you in the past for your help and advice. We will continue to call on you in the coming years.

We will continue to support this organization and its more than 7,000 members in every way possible, especially through the Law Enforcement Assistance Administration grant program. We hope that you will seek our counsel when you have problems to be solved.

2. I have come to Miami Beach today to speak to you about the single most pressing problem that I face as Attorney General and that you face as concerned and responsible police officials—crime in America.

The latest FBI Uniform Crime Reports show that in 1968 there were 4.5 million serious crimes committed in the United States, a 17 percent increase over 1967.

There was a 30 percent increase in armed robbery; a 15 percent increase in rape; a 13 percent increase in murder and an 11 percent increase in aggravated assault.

From 1960 to 1968, the volume of serious crime has risen 122 percent, while the population has increased only 11 percent. The citizen risk of becoming a victim of a crime has nearly doubled from 1960 to 1968.

In February 1967, the President's Crime Commission reported: "There is much crime in America, more than ever is reported, far more than ever is solved, far too much for the health of the nation. Every American knows that. Every American is, in a sense, a victim of crime . . . The most understandable mood into which many Americans have been plunged by crime is one of frustration and bewilderment."

Despite the Presidential report and the ever increasing crime rate, there has been a tendency in the past to shrug our shoulders and to hope that if we talk about crime it will eventually disappear.

There has been a tendency to ignore the law enforcement community in favor of the social scientists who can explain the motivations of the criminal, but who can do little to protect the innocent against the mugger or armed robber.

Let me tell you that, as Attorney General, I am first and foremost a law enforcement officer. I believe the Department of Justice is a law enforcement agency. I think that persons who berak the law ought to be promptly arrested and tried *today*.

While I sympathize with physical conditions and emotional problems which may cause persons to commit crimes, I cannot sympathize with those who seek only to excuse criminals.

When this Administration took office eight months ago, we decided that the time had come to stop talking, to stop offering excuses and to start acting *now*. And we did act—we have put forward a carefully-planned, well-financed, and aggressive action program to combat crime *now*.

Of course, we recognize the need for and we strongly support research and development projects which may help us solve crime tomorrow—sometime in the future.

But tomorrow is too late for the ghetto housewife who is many times more likely to be mugged than the suburban housewife. Tomorrow is too late for the small store owner who is killed in a holdup by a narcotics addict.

Indeed, tomorrow may be too late for all of us. That is why we have launched a comprehensive anticrime campaign as a first priority in our domestic program.

As President Nixon has said: "The public climate with regard to law is a function of national leadership."

The leadership of this nation believes that any effective anticrime campaign must rely primarily on law enforcement officials. The police are the first line of defense, and they must be given every reasonable tool if they are to meet the challenge of crime in an increasingly complex society. For this reason, the Administration's executive, legislative and budgetary proposals to combat crime concentrate strongly on the law enforcement function.

I think that you will find that this Administration is sympathetic to law enforcement and that, in areas of doubt, we tend to put our faith in the good intentions of the police, rather than to rely on the bad intentions of criminals.

Let me give you some examples of how we have exercised our federal leadership—how we have resolved areas of doubt in favor of law enforcement:

The previous Administration refused to use Congressional authority—Title III of the Omnibus Crime Bill—to wiretap except in national security cases. We have reversed that policy. We have authorized wiretapping for organized crime and narcotics crimes on a highly selective basis. So far, we have found court-approved wiretapping to be extremely productive and a major aid to law enforcement.

The prior Administration failed to suggest any method for detaining criminal suspects prior to their trial even if these suspects showed a substantial likelihood of committing another crime. We have proposed a pretrial detention bill which would, on a rational basis, deny freedom to those who appear likely to commit another crime pending their trial.

The prior Administration declined to utilize Congressional authorization in Title II of the Omnibus Crime Bill for the admission of voluntary confessions which did not strictly adhere to the *Miranda* warning requirements. We have reversed that policy.

While we still require federal law enforcement officers to give the complete *Miranda* warning, we will not automatically concede a case if, by inadvertence, the complete warning has not been given in obtaining a voluntary confession.

We hope that these actions will aid our federal efforts against crime. We also hope that these actions will say to state and local law enforcement officers: "The Justice Department is with you. We want to help you whenever and wherever possible."

As further evidence of our commitment to law enforcement, I would like to outline for you briefly some highlights of the federal government's anticrime program in terms of Executive action, legislative proposals and fiscal appropriation requests.

II. WASHINGTON MODEL PROGRAM

By far the most serious aspect of crime we face as a nation is crime in the streets. I have told you of the latest FBI Uniform Crime Reports which show a 17 percent increase in serious crime.

What the FBI reports do not show is the increase in fear and national anxiety. For every law-abiding citizen who is the victim of a crime, there are dozens of friends, relatives, business associates and neighbors, who fear that they may be next.

Basically, the federal government has very limited jurisdiction over street crime. We can set the tone for leadership. We can initiate pilot projects. We can offer financial and technical assistance. But the primary responsibility is still with the state and local governments.

One place where the federal government does have substantial jurisdiction over

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street crime is in the District of Columbia. In the first six months of this year, the District of Columbia crime rate increase has exceeded the national average.

In many ways Washington is a microcosm of the national crime problem. It has had a major racial disorder. It has a high welfare and unemployment rate. Some of its downtown area suffers from economic blight. Many of its citizens are afraid to walk alone in the evening.

Very early in his Administration, on January 31st, President Nixon launched an ambitious program to combat crime in the District of Columbia. It was generally designed to be a model program for other cities.

As the President said: "By searching for new ways of applying the resources of the federal government in the war against crime here (in Washington), we may discover new ways of advancing the war against crime elsewhere."

A critical part of the model anticrime program for Washington is massive aids to law enforcement.

We believe that the well-trained beat patrolman is our most effective single weapon against the street criminal.

Therefore, we asked for the addition of 1,000 policemen to the authorized force and for more effective recruiting methods to fill the existing vacancies.

As a result, the Metropolitan Police Department is now recruiting about 115 officers per month as opposed to 18 per month in 1967. We have agreed with the Department of Defense to participate in a pilot project which would permit a six-month early release from military service of individuals who qualify and agree to become police officers.

Our plan also calls for improved management and manpower utilization. For example, we have asked for an increase in police cadet and civilian positions which will hopefully release professional policemen for patrol and law enforcement functions.

We have asked for an expansion of the police Legal Advisor Officer. These Legal Advisors are available to advise police officers on the street about complex legal requirements which arise during investigations.

We have proposed or supported legislation which would aid the police in apprehending criminals—by authorizing police to wiretap under judicial supervision, by making it illegal to resist an unlawful arrest, by permitting police to stop and frisk criminal suspects and by eliminating the "no-knock" bar to searches where the evidence is in danger of being destroyed.

As part of the model District of Columbia plan, we have also placed great emphasis on criminal trial and court procedure. We have proposed a complete reorganization of the local court system where, unfortunately at present, the median time from indictment to disposition of a criminal case is now 10 months.

We have asked for more judges so that the guilty may be convicted quickly and the innocent may be cleared.

We have asked for more prosecutors in the United States Attorney's office. We have established a Major Crimes Unit which will handle serious criminal problems such as professional narcotics traffickers and organized gangsters. We have set up two and three-man Crime Teams who will be able to devote enough time to difficult and important prosecutions.

We have proposed legislation which would correct some of the technical barriers that now unnecessarily tie up criminal trials and exclude otherwise reliable evidence of guilt.

Justice must be evenhanded to be effective. Therefore, we have proposed legislation which would establish a full-fledged Public Defender Service, capable of offering free lawyers for about 60 percent of the indigent persons who appear in most criminal, juvenile and civil commitment proceedings.

We have also supported legislation which would increase payments to private lawyers who represent indigents and which would permit these payments in a wide variety of cases in Washington and in other federal jurisdictions.

We have proposed legislation which would expand the District of Columbia Bail Agency to permit more effective investigation of the background and personality of an arrested suspect in order to determine whether he should be released pending his trial.

We have made special provisions for the juvenile who now accounts for 38 percent of our crime index arrests.

We are asking for the establishment of a combined Juvenile-Family Court which can more sensibly handle many of the problems of juvenile offenders and intra-family offenses. We have asked for an expansion of a juvenile group rehabilitation project and for a well-staffed psychiatric-care residential facility for delinquents.

We have also requested major reforms in the local corrections system with new physical facilities, more use of halfway houses and expanded rehabilitation counseling. About 46 percent of arrested suspects have previously been in prison.

This is just a brief summary of our model anticrime package. The federal government and the District of Columbia government have implemented much of the Washington plan by Executive action.

But the Congress has not approved a single legislative proposal. Nor has the Congress approved a single dollar of the $22 million in additional monies which was requested for fiscal 1970, which commenced on July 1, 1969. Without the money, the District of Columbia anticrime program will be paralyzed. Without court reorganization and the other legislation we have requested, our anticrime efforts may fail.

Crime continues to rise in the District of Columbia.

The citizens of Washington—and the people of this country who look to Congress for leadership—should not be forced to wait longer.

III. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The other major area where the federal government can lead the way to combat street crime is through the Law Enforcement Assistance Administration of the Department of Justice. The LEAA is the federal government's major commitment to help states and local communities improve their police and criminal justice systems.

In its first year of operation in 1968–1969, it expended most of its $63 million budget—$19 million in planning grants to states and local communities; $29 million in action grants, including special funds for 11 major cities; $3 million for research and development into crime problems; and perhaps most promising was $6.5 million to finance college studies for law enforcement personnel.

For the current fiscal year, we have asked for $296 million for the Law Enforcement Assistance Administration. If appropriated, $250 million of this is scheduled to go to the states for action programs.

The greatest single emphasis in the LEAA program has been the funding of police efforts to decrease street crime.

For example, one large midwestern state received $1.3 million last year. Of this amount $236 thousand was awarded for police civilian disorder control; $120 thousand for the development of police training programs; $30 thousand for a study of how to use civilians in police departments; $48 thousand for a special program to train promising young police officers; $180 thousand for management studies of the efficiency of local police departments; and $60 thousand to establish model community relations units.

In other states, we have funded experiments in using helicopter patrols, in setting up new electronic alarm systems in high burglary rate areas; in establishing special teams to deal with youth gangs; and in funding statewide criminal teletype networks.

Our studies of plans submitted by all 50 states show a most promising and continued emphasis on law enforcement, with 77 percent of the funds going to the police and to anti-street crime programs. The larger breakdowns show 18 percent for police training, salary increases and career development; 22 percent for police civil disorder control programs, and 11 percent for detection and apprehension techniques.

Unfortunately, I must tell you that not only has the Congress failed to pass this $296 million appropriation request, but it appears to be headed toward a substantial decrease.

Law enforcement agencies all over the nation will suffer if the *full* appropriation is not passed promptly.

IV. NARCOTICS

Another area in which the federal government has substantial jurisdiction involving street crime is the battle against illegal narcotics and dangerous drugs. Between 1967 and 1968, there was a 64 percent increase in arrests for narcotics and marihuana. Half of those now being arrested for drug abuse are under 21 years of age.

The battle against narcotics is an integral part of the Administration's anti-street crime program. A narcotics addict may need $70 or $80 a day to satisfy his habit. Thus, he turns to robbery, mugging and burglary in order to obtain money. It was recently estimated that in New York City alone $2 billion a year is stolen by narcotics addicts and that about 11 percent of those arrested for violent crimes have a history of narcotics addiction.

Last July 14, President Nixon delivered a statement on the problem of drug abuse and promised that action would be taken by this Administration now. The President said: "A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy is needed at the federal level to begin to cope with this growing menace. . . "

One of the most significant parts of the program so far has been a landmark proposal called the Controlled Dangerous Substances Act of 1969. It would consolidate and reorganize all the existing drug laws—some of which date back to 1914. It would substantially expand federal law enforcement authority to control narcotics, barbiturates, amphetamines and marihuana.

For example, it would authorize agents of the Bureau of Narcotics and Dangerous Drugs to arrest persons for violations of any federal law and not just for violations of the federal narcotics statute. It would permit agents to break into suspected premises without knocking and would also permit them to conduct administrative searches for illegal drugs and marihuana.

I know there is a great deal of controversy surrounding the use of marihuana. But marihuana is an illegal substance. Most medical authorities have stated that it is at least a hallucinogenic with no known medical purpose. If used excessively, it can be dangerous. Furthermore, current statistics indicate that many hard narcotics users started off on marihuana.

Under these circumstances, we decided to stop closing our eyes to the marihuana problem in this country. Two weeks ago, we launched the first major search and seizure border operation history aimed at stopping the importation of illegal drugs from Mexico.

It is estimated that the Mexican border traffic accounts for 80 percent of the illegal marihuana in this country, 20 percent of the heroin and large amounts of barbiturates, amphetamines and other dangerous drugs.

By utilizing the resources of the Department of Justice, Bureau of Customs, the Department of Defense, and other agencies, we have started a coordinated and intensive land, sea and air operation against border smuggling.

We realize that the wide publicity given to this operation will probably deter many smugglers and may not result in large scale seizures. But if we can keep marihuana and other drugs out of the United States by whatever means possible, then I think we will have succeeded. Our goal is not the occasional user. It is the large scale professional trafficker who makes a living out of smuggling illegal narcotics.

The Bureau of Narcotics and Dangerous Drugs in the Department of Justice is our main agency concerned with the enforcement of federal drug laws. We have asked for an increase in its appropriations from $17 million in fiscal 1969 to $25 million in fiscal 1970, and an increase in its personnel from about 1300 to almost 1500.

These increased appropriations and manpower will permit the Bureau to step up its enforcement program in our cities, to implement its plan to train 22,000 state and local law enforcement officers and to expand its international operations.

Our goal is not long jail sentences for the average narcotics addict who must sell a bag or two of heroin in order to sustain himself. He should be the object of research and rehabilitation. I am interested in prosecuting those who make their living by dealing in substances which ruin men's mental and physical health, and which poses a danger to our general welfare.

V. ORGANIZED CRIME

Another aspect of crime where the federal government has broad jurisdiction is organized crime.

Relying on the hopelessness of ghetto residents, organized criminals sell heroin and cocaine; playing on insecure credit, they loanshark the honest working man; recognizing elector indifference, they corrupt labor unions and political leaders.

Here again, President Nixon proposed an aggressive program to combat this interstate network of criminal syndicates. He said that "the moral and legal subversion of our society is a life-long and lucrative profession" for the organized racketeer.

The core of the federal effort against organized crime has been to reorganize the Strike Forces. They are interagency teams designed to throw a whole net of federal law enforcement over an organized crime family in a particular city. We have expanded these teams from four to seven, and we plan to reach 20 by the end of fiscal 1971.

In addition, we have set up a federal-state racket squad in New York City. If this joint venture proves to be successful, we plan to organize others in an effort to cooperate with state and local authorites in our Strike Force assault.

The LEAA has also made several initial grants to states and cities to aid them in establishing organized crime units. If their appropriation is approved, we hope that more localities will apply for funds to combat organized crime.

We have also asked for additional legislation to help us in the battle against the organized gangster. Among the bills we have proposed or supported are a general witness immunity law which would have a broad scope for many potential witnesses against organized crime; an amendment to the Wagering Tax Act which would expand our current ability to prosecute gambling; and a law designed to make it a federal crime to corrupt local police and other public officials.

While we have had only limited experience with judicially approved wiretapping authorizations, this experience has proved to be very sucessful in combating organized racketeers, especially in the field of narcotics.

In New York City, 124 pounds of heroin was seized as a result of a wiretap. In Washington, 41 persons involved in an alleged narcotics trafficking ring were apprehended as the result of one wiretap. Some of them reportedly had organized crime connections. In Ohio, a wiretap led to the seizure of $100,000 in counterfeit bills and the arrest of seven persons; and in Buffalo, 23 persons were arrested on a charge of being involved in a United States-Canadian gambling organization.

In order to mount this broad attack on organized crime, the Administration has asked for a $25 million increase in funds for all government agencies involved in this effort—a 40 percent increase over the previous Administration request. About $16 million of this will go for more FBI and IRS personnel, to work with the Strike Forces. Almost $3 million will go to the Criminal Division of the Justice Department and the remainder of the money will be spread among the Secret Service, the Department of Labor, and other government agencies.

The result of our activities so far has been promising. In fiscal 1969, 44 indictments were returned against 59 suspected organized crime figures (38 more than in 1968) and 29 suspected organized crime figures were convicted. In total, 71 organized crime figures were either indicted or convicted in this fiscal year as compared with only 48 the previous year.

Furthermore, we have arrested a number of crime figures who are members of the ruling commission of the organized crime syndicate in Buffalo, in Newark, in New Orleans, in Rhode Island and in Chicago. We think that this new assault shows great hope of success against this difficult problem..

VI. CONCLUSION

A model program for the District of Columbia, direct federal grants to states and local communities, and aggressive new programs against narcotics crimes and organized crime—these are some of the highlights of this Administration's action plan to reverse the flood of crime now.

In each one of these programs, there has been special emphasis on law enforcement. I want criminals off the streets and there is no better way to get them off the streets than by relying upon you—the law enforcement community in this country.

You can be sure that this Administration will, to the best of its abilities, marshall all of its moral, political and economic power to support law enforcement officers in our battle to defeat crime.

We all know that with your help we will succeed and without your help we will only face a national disaster.

MAO'S CHINA ASSESSED AT WEAK, DIVIDED AND CHAOTIC

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. BUCHANAN. Mr. Speaker, for those interested in obtaining a concise survey of the military, political, and economic events in China since Mao Tse-tung assumed power in 1949, I heartily recommend an excellent booklet put out by the Committee of One Million entitled "Twenty Years of Tyranny."

Openly against the admission of Red China to the United Nations, the Committee of One Million has enlisted the able assistance of three distinguished experts on Communist China, Dr. Jurgen Domes, of the Free University of West Berlin; Dr. James T. Myers, of the University of South Carolina; and John F. Lewis, American journalist and editor.

Together they conclude that 20 years under Mao and Communism has left China "weak, divided, and chaotic, teetering on the brink of anarchism."

On the 20th anniversary of Mao's ascent to power, "Twenty Years of Tyranny" reveals China as a "record of squandered human resources and political resources of support, both within the party and without, which if not unprecedented, must still be recorded as gross political ineptitude or outright stupidity.

In conclusion the authors feel that China still needs today, as she needed in 1949, political leaders who are able to bring internal peace, stability and a measure of prosperity to this vast and potentially great nation.

AMERICAN BANKER EDITORIAL

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. REUSS. Mr. Speaker, the following editorial from the American Banker is especially appropriate in view of the recently concluded meetings of the World Bank and International Monetary Fund:

PROFESSIONALS ON THE JOB

A feeling of justified confidence in the work that has already been done, creating a climate for constructive adjustment to the needs of the future, characterizes the international financial community as its leaders gather for the annual meetings of the World Bank and International Monetary Fund.

The shocks and tremors of the international financial community during the past year, and the difficulties and disappointments over the slow pace of development among the poor nations are not a cause for alarm, for the systems have worked through the problems which they were designed to handle, and on balance, on almost all fronts, have finished the year stronger than when they started it.

Nor, though, is survival being taken as the basis for complacency. Sound theoretical work and analysis has been done, and new machinery set in place to handle the well-discerned problems of the future; and as these sensible approaches are put into practical use, the whole structure is strengthened and the way made clear to develop techniques for further advances, to deal with the next great series of problems.

The 112 member nations of the IMF have done great creative work during the past year in bringing into final form the concept **of Special Drawing Rights**, to meet the needs of the non-Communist trading world for additional international liquidity. And even as they will be taking the final procedural steps at this meeting to make SDRs a reality, they will be turning their full attention to problems of the adjustment mechanism. There has already been much thoughtful discuscussion about the need to make international exchange rates more flexible, and such specific concepts as crawling pegs and wider bands. Now it will advance from the theoretical to the practical and political, subject to hard, selfish, sensible questioning on behalf of national interests and mutual goals.

On the World Bank side, firm direction markers have emerged at the end of Robert McNamara's first full year. The Bank is bringing both its soft-loan affiliate, the International Development Administration, and its catalytic agent for private investment, the International Finance Corp., into

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much closer coordination for the achievement of policy objectives. It is demonstrating a willingness to take a more vigorous role in encouraging governments to create the conditions which will support development efforts. It is bringing cool, precise and detailed analysis to the problems it confronts, as a basis for the most effective allocation of its resources. Parenthetically, it can be noted that this reflects the personal style for which Mr. McNamara drew world attention when he ran the U.S. Defense Establishment; it has become manifest once again in the way he is running the World Bank.

But it is not just the institutional personalities that impart strength to these organizations. The individual members, tough, experienced, and realistic, know where they have been, and know where they are going as they convene in the 25th of these annual meetings since the Bank and Fund were founded at Bretton Woods. They do not diminish for a moment the dimensions and crucial importance of the problems they face; but they share a sense of accomplishment in having dealt reasonably successfully with problems in the past which appeared to pose even greater threats; a realization that it will require new ideas and high morale to deal with the problems of the present and the future; and a quiet conviction that, as seasoned professionals, they will be able to do the job.

DAY OF RETROSPECT

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. SHRIVER. Mr. Speaker, Ron Loewen, of Wichita, Kans., is serving this semester as president of the student body at Kansas State Teachers College of Emporia. Mr. Loewen has suggested to his fellow students and to the faculty and administration on his campus that a "day of retrospect" be initiated to allow students and faculty to spend a normal class day discussing curriculum. His leadership and initiative have been recognized not only on campus but by the editorial writers of the Wichita, Kans., Eagle. Ron Loewen has made a constructive and positive suggestion which could lead to better communication not only on the campus at Emporia, but other higher education institutions throughout the Nation.

Of course, I am pleased and proud to take note of Mr. Loewen's idea because he demonstrated the same kind of interest, responsibility, and initiative while serving as a congressional intern in my Washington office during the past summer.

Under the leave to extend my remarks in the RECORD, I include the following editorial from the Wichita Eagle:

DAY OF RETROSPECT

The president of the student body at Kansas State Teachers College, Emporia, appears to be a young man with good sense.

He has called for a "day of retrospect" on the KSTC campus.

Outlined in his "State of the College" message, Ron Loewen's plan is for faculty and students in each department to meet during a normal class day to discuss curriculum.

Students would have an opportunity to offer suggestions on curriculum improvement or relevancy and to seek justification for some of the courses being taught and to request some that are not offered.

The faculty then could talk openly with the students and explain obstacles in the way of requests and to explain the rationale of the curriculum offerings.

Loewen's approach beats mindless obstruction and rioting which accomplishes nothing.

He proposes bridging the gap in communications and putting the students and faculty in a face-to-face situation where wrongs can be righted.

Why should students be saddled with courses they see no need for? Why shouldn't they be consulted on courses that ought to be added?

VIETNAM MORATORIUM

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. SCHEUER. Mr. Speaker, in the course of the moratorium yesterday millions of words were spoken across the Nation. Out of the welter of speeches, most provocative and a few thoughtful, the remarks of our colleague, the Honorable FRANK THOMPSON at Princeton University were outstanding for their clarity, depth, and vision. I believe that my colleagues will be impressed by his thoughts which follow:

SPEECH BY REPRESENTATIVE FRANK THOMPSON, JR., DEMOCRAT OF NEW JERSEY, FOR DELIVERY AT PRINCETON UNIVERSITY IN OBSERVANCE OF THE VIETNAM MORATORIUM, OCTOBER 15, 1969

Thank you for inviting me to be here in Princeton with you today. I am grateful to share this solemn day with you. I assure you that I am more comfortable here than I would be in Washington.

This is not the first time Americans have gathered to call for an end to the killing in Vietnam. Nor is it unusual to see organized dissent from our policies. We have been at it for a long time. Some things have changed, however; for now we are no longer a voice in the wilderness nor even a disgruntled minority. Make no mistake about it—a clear majority of Americans now recognize our policies as ill-advised and want now an end to this divisive and foolish conflict.

Along the way, we have learned some terrible lessons.

First, we have learned that it is senseless to send American troops to save a government that is opposed by its own people. We went into Vietnam, presumably, to protect that country's right to determine its own future. Let us resolve today that what we mean by assisting a nation in "self-determination" is not the perpetuation of a military dictatorship.

Second, we have learned that it is superficial and ultimately self-defeating to judge national security solely in terms of numbers of troops, bombs, ships, and missiles. In Vietnam, we the strongest of nations, face one of the weakest. Yet their resolve to stand against outside force has thwarted the quick "victory" so many have promised us. We also have been denied progress at home. In our country, the true measures of national security—domestic tranquillity and the quality of life—and the true reasons for caring about national security—justice, equality, and freedom—are in a real sense casualties of the war. While we are destroying one country in order to save it, we are tearing our own country apart in order to protect it.

We have learned further that the American people will not long follow leaders who talk nonsense to them. Nor will they long tolerate those who fail to respond to the popular will. Richard Nixon said of today's moratorium, "As far as this kind of activity is concerned . . . under no circumstances will I be affected whatever by it." George McGovern has provided a good answer . . . "American foreign policy cannot be formed in defiance of American idealism and conscience." I think that message is fair warning to those who think that they can keep the lid on for another two or three years. Let's have no more talk about an acceptable minimum of casualties—I guess that means acceptable to everyone but those included in the minimum. If there is a reason to continue the war—and I do not think there is—it is certainly not by buying time from the American people at the cost of some acceptable minimum of American lives.

Now perhaps not all of us have learned these lessons. I recognize that there are sincere men among us who would like to end the war but dare not; or perhaps fear that the terms are not yet good enough. Most of these even admit that probably it was a mistake to become involved at all. But now they say, having committed our prestige and sacrificed many lives, we cannot simply "cop out." I understand their anguish. No one likes to lose face. No one likes to suggest that the only true heroes of this war—the Americans and Vietnamese who have fought and died in it—were sacrified in vain. But I think we must measure the loss of face against the failure of courage. And the loss of lives against the loss of still more. It does this country no credit and it honors those who have died not at all for us to admit an error and then fail to act on that admission. It is an admirable thing to admit guilt, but redemption lies only in acting to right whatever wrongs we have done. And I believe that many have been wronged in this conflict.

Our military forces have been asked to do a job for which they are ill-suited, a job which can never be done by outsiders anyway. Our people have been asked to tolerate injustice at home because we need the money for foreign ventures. And the Vietnamese have been promised a solution to their problems—a solution now best expressed by the American major who explained, "It became necessary to destroy the town in order to save it."

I say let's make an end of it. Therein lies honor and patriotism. For what is the real standard of men who care about their country? It is, I think, that they are willing to call it to a higher standard. That's what thousands of Americans are doing today.

The fact that we are ready to do so should give all of us hope for the future. It's true that as a people our problems have never appeared more difficult. Some even have turned away from the struggle—an understandable reaction to frustration and failure. But I think that those who take the relative lull of the last nine months as a sign that the old ways will still work are tragically mistaken. This country, both on days of massive dissent like this one and during weeks of quiet brooding, is moving right out from under its old leaders. This country is changing and I think for the better. Change is often accompanied by uncertainty, and it usually springs from a period of frustration. We are on the edge, though, not of an abyss, but of a national rebirth. For you represent a generation that is truly committed to the ideals so long taught in our schools and voiced by our leaders. I don't believe that you're going to forget all that. You can turn this country around, not through violence and revolution, but through your idealism and energy.

So I urge you to stay in the struggle. You are making a difference. And we are making a difference today. The unfinished agenda in this country is long, but it begins with putting an end to the war. Only then can we turn with some hope of unity and a major commitment of resources to the great tasks at home.

I do not believe, however, that the conclusion of the war will lead to speedy solu-

tions to all our problems. We will need to be watchful that the fruits of peace are not stolen from us. The President has already suggested that there will be no peace dividend. But that need not be so. Money now being spent in Vietnam can be channeled to domestic problems if the President and Congress have the will. And they will have the will if you make your voices heard. There are many who see the 30 billion dollars now being expended annually on the war as a future source of funds for more engines of war. Let us who see in this war's end the hope of feeding the hungry and housing the poor contest this distorted sense of American priorities.

John F. Kennedy began this decade by summoning the nation anew to greatness. The least we can do to honor that legacy is to end the decade by putting an end to the killing in Vietnam and finding a way to peace at home.

Let us go on then from this October 15th to Peace.

Let us go on to find new hope for this country. Let us find a way to redeem our time with a better vision of the future.

CONDEMN HANOI'S TREATMENT OF OUR SOLDIERS

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. McCARTHY. Mr. Speaker, one of the most tragic aspects of the war in Vietnam is the plight of American prisoners of war held in North Vietnam. These men have sacrificed their freedom, their health, and the peace of mind of their families. Hundreds of these prissoners, unprotected by the Geneva Convention of 1949, barely survive in Vietcong jungle camps and Vietnamese prisons. From those few prisoners who have been released have come glaring evidence of mistreatment—bad food, solitary confinement, looting of mail, and even torture.

The families that remain behind also are severely affected by these practices. Living in a perpetual state of uncertainty, they have no way of knowing whether their loved ones are alive or dead. Mrs. Richard Cooper, a sister of a Vietnamese prisoner of war from Amherst, N.Y., states better than I the frustration that the anxious families feel. In a letter dated September, 22, she said:

AMHERST, N.Y.,
September 22, 1969.

DEAR MR. McCARTHY: As the sister of a prisoner of wai in North Vietnam, I beg you to speak out against the inhumane treatment of these prisoners by the North Vietnamese. No matter what one's views are on the war in Vietnam, one cannot tolerate this flagrant violation of the four basic tenets of the Geneva Convention: the free flow of mail, impartial inspection of camps, the release of the sick and wounded and, above all, the release of a list of the prisoners. The information we've received from the two Navy prisoners recently released is grim and shocking.

Any public statement by you on this matter will be greatly appreciated by the families and friends of these men.

Very truly yours,

ELLEN T. COOPER.

At this time I would like to join with all my colleagues who have called for the public condemnation of Hanoi's treatment of our soldiers. I am, therefore, introducing a resolution that urges that the North Vietnamese comply with the tenets of the Geneva Convention and immediately remove those conditions that are threatening the lives of our captured soldiers.

This issue cannot be looked upon as a partisan issue. Rather it is one that concerns every single Member here. I urge, therefore, that all those gentlemen who have not yet done so join in this attempt to secure better treatment of our POW's.

JEFFERSON HIGH SCHOOL MORATORIUM PROGRAM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, as part of the nationwide Vietnam moratorium, I had the privilege of participating in a frank discussion of the war in a program put on by the students of Jefferson High School in Annandale, Va. I would like to take this opportunity to publicly express my appreciation to the students, faculty, and administration of Jefferson for inviting me to present my views concerning Vietnam and to commend them for encouraging free and constructive discussion on what is probably the most pressing issue of our time.

Joining me on the program was Mr. Dolph Droge, an officer of the Agency for International Development's Vietnam Bureau. Each of us presented a statement containing our appraisal of the Vietnam situation and then answered questions submitted by the student body. Since it can safely be stated that almost all Americans want peace, the differences in point of view between Mr. Droge and myself centered around the question of what the most effective course to pursue to achieve that peace would be. The student body itself seemed to have fairly mixed feelings on what approach the United States should follow in Vietnam. Our dialog, I feel, provided them with facts not previously presented and stimulated the submission of approximately 250 questions directed to Mr. Droge and myself. I think that everyone who attended came away with more information than they had upon entering and that is a good thing. Peaceful discussion of opposing or variant points of view can only serve to make the decisionmaking process of legislators more accurate and responsive to the will of the people.

Finally, I wish to praise Mr. Jordan, principal of Jefferson High School and Mrs. Krist, the faculty member who recruited me, Mr. Sane, adviser to the student cooperation association, and Brian Lewis, president of the SCA and moderator of the program. All these people worked very hard to make the program a success. But most of all, I wish to congratulate the students of Jefferson High who were responsible for the entire program. They conceived it, organized it, and ran it. And they did all the above with professional-like efficiency accompanied by a sincere desire to learn more about the conflict in Vietnam and the different proposals for peace. Unlike the situations encountered at some other schools in the area, schools whose administrators did not have the foresight to provide for free discussions, the students of Jefferson had the opportunity to voluntarily participate in the Vietnam moratorium day special assembly periods. All in all, I think it was a most worthwhile endeavor.

HONORS MEMORY OF CHRISTOPHER COLUMBUS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, on October 11, 1969, my distinguished colleague and good friend the gentleman from Pennsylvania, JAMES A. BYRNE, delivered a most eloquent speech on Christopher Columbus to the Columbus Square Civic Association in Philadelphia.

Mr. BYRNE is well informed on Columbus and his speech shows a fascination with the great Italian explorer that we both share.

I am happy to commend his speech, which follows, to my colleagues:

HONORS MEMORY OF CHRISTOPHER COLUMBUS

(By Congressman JAMES A. BYRNE)

I take it as a great personal honor that you have invited me here tonight to participate in this affair honoring the memory and achievements of a great man—and without this man, we would not be here tonight; neither you nor I, nor the 200 million Americans of our beloved nation, nor the millions more who inhabit the mainland and the islands from the northern tier of Canada to Cape Horne to the south.

I am, frankly, very unmoved by theories advanced in recent years that Christopher Columbus was not the first European to sight the land of the Western Hemisphere.

Even if these so-called theories have a grain of truth—and I am not persuaded they do—I don't believe for an instant that they detract one bit from the glory and honor due to Christopher Columbus.

For the important fact is that Christopher Columbus and no one else was responsible for opening these great continents to colonization, providing for the homeless, the hungry, the ambitious and the adventurous from Europe's teeming shores, a new land with new opportunity, where all would one day be equal, with this equality limited only by each man's qualifications and ability and not based on what rank his father held.

If, indeed, there were precursors of Columbus who touched upon these shores, then let me say they had a great opportunity but did not follow through the way Columbus did.

They left no maps for the Genoan navigator to follow. As Columbus himself put it, he found these shores through prophesy and not maps.

If indeed Columbus was preceded by other mariners, then we must remember that this land lay fallow for another 500 years before Columbus opened the Americas for colonization and civilization.

Even the most complex proposal seems simple after one has showed the way, and it was Christopher Columbus who showed the way, despite the doubters and the ob-

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structionists. After him came many; but he was first to show the way.

In his own words, he stated, "They all made fun of my plan then; now even tailors wish to discover."

Of course, many legends, some sure to be apocryphal, have grown about a man as famous as Columbus. I think his accomplishments were great enough not to require that we add to his luster accomplishments he did not claim himself.

Christopher Columbus was *not* the first man to believe that the Earth was round and he was not the first to propose that the rich lands of the east could be reached by sailing west.

History tells us that this latter suggestion was first promulgated by another Italian, the Florentine cosmographer Paolo Toscanelli, and Toscanelli's papers were indeed utilized by Columbus in drawing up *his* proposals for discovery.

Some people are quick to paint a portrait of a great man in stark white and blacks. Of course, this is unfair, unfair to history and unfair to the individual. Columbus was a complex individual straightforward in purpose but embittered by the tribulations of life.

Physically, he was a tall man of dignified carriage, with pale skin and red hair. When angered, he was known to acquire a red face; and he was often angry. This was his entitlement, considering the frustrations he suffered at the hands of those not as confident and not as brave.

The school books do not give sufficient credit to what he accomplished *despite* the fruitless, frustrating, years of waiting followed by years of hardship; and then followed by years of fighting for the honor, wealth and credit which he believed was his due.

There is no question that these frustrations contributed to his failing health, which resulted in his subsequent death—alone and bitter.

We know very little of the early years of this mystical, determined sailor, not even the date of his birth—there was no Bureau of Vital Statistics in those days.

We *do* know he was born in Genoa in 1451, the son of Domenico Colombo, a weaver, and his wife, the former Suzanna Fontanarossa. His childhood is clouded, but at the age of 14 he first went to sea and fought in many battles, finally being shipwrecked off the Portuguese coast on Aug. 13, 1476.

But the hunger for adventure and discovery was strong within him and he sailed to Iceland and the South Atlantic. In the waters of the South Atlantic, he often came upon pine tree trunks and wrought wood. This strengthened his belief in the lands to the west.

The king of Portugal rejected his proposals in 1484 and he went to Spain to try his luck there. His arguments took *eight long years* before the Spanish monarchs granted him the ships and the crews for this prophetic journey.

When we say ships, we must qualify that statement; they were hardly more than boats: the Santa Maria about 117 feet long and the Pinta and Nina each about 50 feet long.

Oh yes, we can say that much smaller vessels have crossed the Atlantic and even circumnavigated the globe in recent years. But the thing to remember was that Columbus did it without any knowledge of what lay before him; without maps; with only a dream.

On Aug. 3, 1492, the small fleet sailed from the harbor of Palos, arriving at the Canary Islands on Aug. 12. From there they left on Sept. 6, sailing into the unknown and foreboding western ocean, where none had gone before.

Actually, in a matter of time, the voyage was not very long—a month and six days. But these were 36 days of fear, of rebellion, of privation.

On Oct. 12, 1492, the fleet reached land—an island of the Bahamas which Columbus called San Salvador. He believed these were the Indies off the shore of the continent of Asia. How was he to think otherwise? To this point, no one knew that these vast lands even existed.

During his cruises of the islands, the Santa Maria went aground and was a complete loss. After establishing a colony on Hispaniola, Columbus set sail for a return to Spain in the two tiny caravels.

Three more times, Columbus set sail from the old world to the new, carrying colonists and establishing colonies. But Columbus was a better admiral than he was a politician; he just wasn't in the same league as the members of the Spanish court who poisoned his reputation at home and in the new world.

The Spanish crown broke the agreements made with Columbus. On May 19, 1506, still a relatively young man, he died at Valladolid, Spain, a frustrated man.

Actually, Columbus did not accomplish what he set out to do. He did not find a route to the rich lands of Asia; he did not find the vast quantity of jewels and gold he had set as his aim.

But if Columbus today could see the results of his voyages and explorations, I think he would be satisfied. We—all of us—owe a debt to him which can never be repaid.

COMMENDING THE PEACEFUL APPROACH TO VIETNAM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. CLAY. Mr. Speaker, the issue of Vietnam now rests with the people. It is only a matter of time before the people who want this war stopped now overcome the belligerency of an administration which states its premeditated reluctance to listen to the crowds in the streets.

Yesterday's moratorium on war produced a sincere and peaceful effort of American citizens to secure redress for their grievances from their Government. I will continue—so long as the war drags on, hanging in limbo—with no specific policy for getting out.

We cannot tolerate any further the lack of specific stated objectives for ending our involvement. It was precisely such a lack of specific and meaningful objectives which produced the tragedy of Vietnam.

I commend to the attention of my colleagues two editorials from WCBS News Radio 88, New York City. I am pleased to point out the evidence that WCBS does incorporate a concern for diverse views within its editorial policy. The first editorial, "Vietnam—VI" is a station editorial. The second is a reply to a previous WCBS editorial. Fredric Carlin, vice president of the Organization for Urban Responsibility wrote the reply.

These comments are worthy of note. Like the participants in the moratorium on war and its purpose, these views deserve attention.

The editorials follow:

VIETNAM—VI

Vice President Spiro Agnew has done it again. This time, one of his utterances concerns the forthcoming Vietnam Moratorium. It seems destined to join the declaration "if you've seen one ghetto, you've seen them all" as another classic example of insensitivity.

Seventeen United States Senators and 47 members of the House have endorsed the planned non-violent protest by students opposed to the Vietnam war. Leaders of all religious faiths, including Cardinal Richard Cushing, have given the demonstration their blessing. So have the trustees of Massachusetts Institute of Technology, the Senate of Columbia University and the Faculty of Arts and Sciences of Harvard University.

Yet—Vice President Agnew has dismissed the student protest set for Wednesday as "ironic and absurd". Previously, in discussing the Vietnam Moratorium, President Nixon had assured a White House news conference: "Under no circumstances whatever, will I be affected by it."

Both statements apparently proceed from the same tunnel vision that afflicted the previous Administration concerning American involvement in Vietnam. They reflect contempt for a substantial body of public opinion which cuts across age and party.

Informed national policy demands that leaders listen carefully to dissent, from whatever quarter it comes and however unwelcome. It is precisely the conviction that theirs are voices in the wilderness, dismissed as of no political consequence, that has brought a great many thoughtful students to the point of desperation and alienation.

The peaceful demonstration of opposition which has been planned is an essentially constructive and moral action. It is intended to bear public witness to the belief of millions of Americans that President Nixon must take the initiative in ending, speedily, this disastrous and divisive war. It is a war which has for too long ravaged the spirit and the resources of this nation.

VIETNAM

WCBS radio recently broadcast an editorial urging that President Nixon fulfill this campaign promise of "new ideas, new men" to end the war in Vietnam. However, the editorial opposed Senator Charles Goodell's bill calling for withdrawal of all American troops from Vietnam by December of 1970 on the grounds that it goes too far. Here now, replying to the editorial, is Fredric Carlin, vice president of the Organization for Urban Responsibility.)

In its latest editorial on the deplorable war in Vietnam, WCBS accurately pointed out that the present South Vietnamese regime "freely countenances wholesale corruption . . ." and "has done little to initiate much-needed reforms to which the United States has pledged its support."

Senator Charles Goodell's thoughtful new approach provides a positive method of ending this quagmire in Southeast Asia. It provides a new direction to the unending war, leading to a specific end by December, 1970. It provides for a change of American priorities so that our actions as a nation can be directed not toward projects for war but to programs for peace and progress here at home.

It is apparent that the South Vietnamese government is more interested in perpetuating its own continuity in office than in making concessions that might end this war and not take this horrible and horrendous war as seriously as does our government. Their interests and American interests are no longer parallel.

As Mayor Lindsay has so accurately pointed out, America's essential interest as we enter the 1970's is the future of our cities. Our obligation is to act—now—to redevelop the inner city, to create new housing, to build new schools, promote new industry, to alleviate poverty, to assure effective health care services and to guarantee protection for our citizens in the subways and in the streets.

We can no longer afford the useless and futile luxury of pouring nine billion dollars

into a meaningless war while programs such as Model Cities are cut for lack of funds and vital efforts such as Head Start are unable to expand.

Senator Goodell has demonstrated, by his courage and by his understanding, that the Congress can initiate action to change America's misdirected and outdated courses of action, and act for our urban priorities now.

SYRIA'S CREDENTIALS FOR MEMBERSHIP IN THE U.N. SECURITY COUNCIL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. EILBERG. Mr. Speaker, I appeal to President Richard M. Nixon with all the sincerity and depth of feeling I can command to use the full effect of the highest position in the world in combating the efforts of the Syrian Arab Republic to be elected as a member of the Security Council. Can any decent human being be other than appalled at the prospect of this bandit-country becoming a member of the Security Council? Were this to happen, the United Nations surely would suffer a greater loss of respect. Recognizing that the U.S. Government is only one among the member nations and has carefully tried to avoid dominating the United Nations, nevertheless, certainly this is an issue which calls for the use of our full influence.

Documentation of the case against Syria appears in the following policy background released by the Embassy of Israel in Washington, D.C., on October 13, 1969:

SYRIA'S CREDENTIALS FOR MEMBERSHIP IN THE U.N. SECURITY COUNCIL

1. Article 23 of the United Nations Charter specifies:

"The General Assembly shall elect six Members of the United Nations to be non-permanent members of the Security Council, *due regard being specially paid, in the first instance, to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization.*"

On October 20, 1969, the Syrian Arab Republic will present itself for election as a member of the Security Council to take up the seat vacated by Pakistan. It is an amazing prospect.

2. For the sake of the UN's own integrity and credibility, there will be members of the General Assembly who will want to look into the credentials of the Syrian Arab Republic before casting their votes, as the Charter specifies. The accident of geographic location is of itself not sufficient qualification for membership in the body charged by the Charter with "primary responsibility for the maintenance of international peace and security."

Assuming the UN Charter is the guide and the General Assembly no mere international rubber stamp, the credential check will bar the Syrian Arab Republic from election to the Security Council. For what are the credentials which the Syrian Arab Republic offers in respect of international peace and the other purposes for which the United Nations stands?

The Syrian Arab Republic defied the United Nations in 1948 by launching an unprovoked war of aggression against a neighboring State. The Israeli villages captured were razed to the ground and when the Syrian army withdrew in 1949 it left behind a wasteland of destruction.

The Syrian Arab Republic has declared ever since that it will persist in waging war against Israel despite the Charter of the United Nations and despite its own international obligations.

The Syrian Arab Republic renounced its armistice agreement with Israel and repeatedly exploited the strategic Golan Heights to shell and launch terror raids against vulnerable farm villages in Israel's northern lowlands.

The Syrian Arab Republic was the first to organize terror bands against Israel. El Fatah was originally organized in Syria as an arm of the Syrian army's Deuxieme Bureau. Israel brought complaints to the Security Council on Syria's role in initiating warfare by terror as far back as 1965 and 1966. Syria has since been implicated in organizing terror warfare against Ethiopia.

The Syrian Arab Republic has rejected the UN Security Council Resolution of November 22, 1967 and has refused even to receive the Special Representative of the UN Secretary General.

The Syrian Arab Republic has throughout conducted a campaign of persecution against its Jewish community, subjecting the Jews to arbitrary imprisonment, loss of civil rights, confiscation of property and curfew. To compound the felony, Jews are not permitted to leave Syria.

Christians in Syria, too, have been the victims of discriminatory measures, their schools closed and their freedom of worship inhibited.

The Syrian Arab Republic sent raiders to kidnap Israeli farmers and fishermen from Israeli territory, incarcerating them in the prisons of Damascus and Palmyra where they were subjected to the most inhuman physical and mental torture. For years, while they were lingering in these jails, the Damascus authorities denied even that they were being held in Syria. No appeals, no interventions from the United Nations, from the International Red Cross, from the Vatican, from third Governments helped. When, after more than twelve years, Syria finally admitted to holding these persons and agreed to return them, those who came back to Israel alive were wrecks of human beings, all but one of whom had to be confined in mental hospitals.

And, most recently, and most notoriously: The Syrian Arab Republic has, for more than a month, held in detention two Israeli civilians hijacked by Arab terrorists to Damascus in an American civil aircraft on an international flight. The continued forcible detention of these innocent civilians, who were brought to Syria by violence, is an act of piracy for which the Syrian Arab Republic is accountable before international law. All the efforts of the civil airline authorities, of the U.S. Government, and of other Governments and international agencies to secure their release have met, thus far, with failure.

3. These are the credentials which the Syrian Arab Republic brings before the members of the UN General Assembly. If they are ignored and Syria is indeed elected to the Security Council, it will serve only to broaden the gap between the UN Charter principles and the UN as an instrument of international justice and peace.

THE METS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. HALPERN. Mr. Speaker—

We've seen the mighty rise and fall
The Yankees, Dodgers came and went
But who could have imagined all
The glory coming to the Mets!
The Series' heroes beat the odds
We say, do wonders never cease?
To their shining standard, nod.
If they can do it, so can "Peace."

A QUESTION FOR THE LIBERALS ON THE VIETNAM MORATORIUM AND FORTHCOMING PROTESTS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. ASHBROOK. Mr. Speaker, I have been approached many times in the past few weeks by people who ask whether I am for the organized Vietnam protests. My answer is a flat "no." This leads immediately to, "Why not? Don't you want peace?"

This is the compelling question thrust at some of us who do not support these protests by the Vietnam moratorium and the New Mobilization Committees. This is the question that is supposed to separate the peace lovers from the warmongers. Sadly, this is the way many people—usually left of center—view the war and its ancillary protests and demonstrations. If you want peace you must be for the demonstrations and if you are against the demonstrations you must be a warmonger. Of course, the logic is absurd but that does not make it any less common.

If the good, honorable, and sincere people who oppose the war were not so naive they would not tie up with the worst revolutionary elements in the country. This is one thing I have never been able to understand about the American left. Why did not the good liberals say, "You nuts go ahead and have your demonstrations on October 15 and November 15. Thanks, but we will have our protest on November 1 or some other time."

The truth of the matter is that the organizers of the October 15 moratorium and forthcoming protests represent a galaxy of who is who in radical life today. The draft evaders, draft card burners, flag burners, rioters, Communists, and anarchists with all their obscenity and hate-filled propaganda get the ball rolling and good, sincere American liberals follow behind their banner. That banner, for the most part, is down-the-line anti-Americanism and propaganda.

The organization leading the protests is called New Mobilization Committee To End the War in Vietnam—New Mobe or NMC, for short. Over the last few years several of these groups have operated in the anti-Vietnam effort. As soon as one group was demonstrated to be heavily Communist dominated and Communist influenced, it would be dissolved and another would appear in its place. For example, NMC springs from the National Mobilization Committee which succeeded the Spring Mobilization Committee, which committee was found to be dominated by Communists of various factions by the House Committee on Un-American Activities. Of 48 initial leaders of NMC's steering committee, at least 30 of them were leaders, sponsors, or offi-

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cials of the National Mobilization. Fully three-fourths of the 48 were either connected with a previous radically oriented committee, known Communists, or extreme leftist radicals. This list of 48 includes some new names, but it also includes a number of identified Communists of long standing such as Arnold Johnson, Irving Sarnoff, and the Trotskyite Fred Halstead. I think you can see from this why I find it difficult to understand how sincere liberals can support this type of organization. If they want to protest, I suggest they set up their own organization free of these influences.

The thing that impressed me the most about our marathon session on October 14 which was set up by Congressmen who oppose the war, was that they had little in common with those who had organized the October 15 moratorium. As pointed out in the House debate on October 14, a leader of the moratorium stated that the objective of the moratorium was to support complete, immediate, and unilateral withdrawal of our troops from Vietnam. He further stated that "we want out now, and this is not contingent on anything that Hanoi or the Vietcong might do." Presumably, this means that if thousands of Communist troops streamed down through the DMZ tomorrow and into South Vietnam, this would not stop us from withdrawing our troops completely and immediately. I am sure not too many Members of the House would support this policy.

I reject the idea of guilt by association but a person ought to use some commonsense to keep from being used by groups which are the antithesis of his own beliefs and standards. Herein we see a strange double standard, too. It is all right for the liberals to get on platforms and programs with the anarchists, Communists, or leftist extremists but think of what would be said if those on the American right were to do the same thing.

If I supported a rally of the Ku Klux Klan, or endorsed the efforts of the American Nazi Party, would you not be appalled, and would you not throw the verbal book at me, and endorse candidates to run against me, and try to throw me out of office? Of course, and you would be right in doing so. These are totalitarian, terrorist groups some would place on the very far right and they have no place in our future. Do extremists on the left deserve different? Of course not, but those who support these October 15 protests are readily willing to associate with, support, condone, encourage, finance, laud, and lend near allegiance to the totalitarian counterparts of the left. Like it or not, the Communist Party, the Socialist Workers Party, the Young Socialist Alliance, the SDS, and others are doing a great deal of the leading and organizing, yet many Americans blissfully join in. What is worse, they feel justified in criticizing others who do not follow along.

How any American can join with protestors who carry the Vietcong flag is beyond my understanding. You will recall these same anti-Vietnam people burned an American flag in New York City at their April 1967 protest. Their Pentagon protest in October 1967 brought a mire of filth.

Valid protest can bring about valid changes of American policy and I would under no circumstances attempt to curtail these efforts. But any protest must be responsible. Protestors must realize the ends which they are trying to produce cannot be achieved by improper means. As staged, the protestors call for immediate withdrawal of American troops from Vietnam. Both moratorium and new mobilization committees have flatly stated this as their immediate objective. But this means death for tens of thousands of South Vietnamese people, not life and freedom; it means the destruction of their culture, their so recently taken steps toward sound government; their varied religions; the growing industrial, agricultural, and educational achievements; it means that another 15 million people will be ground into slavery by the tanks and tortures of communism.

This administration has moved as far in the direction of peace as anyone can realistically expect until some response is received from the enemy. So, to the protestors I suggest they protest, long and loud, but I think they should redirect their voices and, to use the popular phrase, "Tell it to Hanoi."

Like it or not, those who joined in the October 15 moratorium have supported one of the initial actions of the fall offensive. The following information might be of use to them in deciding whether they wish to continue.

THE FALL OFFENSIVE

The September 27 issue of the Guardian, a Communist newspaper, carried this invitation: "Join the Fall Offensive Against the War."

The Student Mobilization Committee To End the War in Vietnam—SMC—controlled by the Trotskyite Communists, has as a heading for one of its recent pamphlets: "Join the Fall Antiwar Offensive."

The New Mobilizer, the publication of the radical New Mobilization Committee To End the War in Vietnam—NMC—in its September 25 issue states: "Fall Offensive Skyrockets."

A letter of September 29, 1969, addressed to antiwar GI newspaper editors by the Vietnam Moratorium Committee—VMC—the sponsor of the October 15 Vietnam moratorium demonstrations, begins by saying:

> By now you are probably aware of the Vietnam Moratorium Committee and its part in the "Fall Offensive" against the war in Vietnam. . . .

What is the fall offensive?

It is a series of demonstrations, mostly in October and November, in which the above-mentioned organizations, SMC, NMC, and VMC—and also SDS—conduct various forms of protest against the war in Vietnam. Despite pious references to "peace," the main objective of the drive is to pull all American troops out of Vietnam now, regardless of the degree of preparedness of South Vietnam to defend itself from a Communist takeover and its people from further Communist atrocities. The schedule of demonstrations, including two actions by Students for a Democratic Society—SDS—were listed in the New Mobilizer as follows:

> FALL CALENDAR OF NATIONAL ACTIONS
>
> Sept. 24: *Conspiracy Trial* opens in Chicago. Mass rally at Federal Building, endorsed by NMC.
>
> Oct. 8–11: *SDS Actions* in Chicago: "Bring the War Home."
>
> Oct. 15: Vietnam Moratorium: effort to "stop business as usual" for one day & engage in community ed. against the war. Moratorium will be extended to 2 days in Nov. if war is not ended.
>
> Oct. 25: *New Mobilization* actions in Chicago, relating to "Conspiracy" trials and the war. Guerilla theater march down State St., tribunal on war & repression and rock concert are planned.
>
> Nov. 8–15: *Week of local activities* around war & U.S. imperialism relating to several constituencies and political styles. Plans: Joe Hill caucus, SDS.
>
> Nov. 13–14: Possible dates for November Moratorium.
>
> Nov. 13: *Washington Action* (sponsored by NMC). March Against Death: A Vietnam Memorial begins at Arlington Cemetery, Wash., D.C. at midnight. Single file procession from cemetery past White House to Capitol, with candles. Names of U.S. war dead & Viet towns & villages destroyed will be called out as line passes White House; names put in casket at Capitol.
>
> Nov. 14: *Student Strike,* called by Student Mobe, endorsed by NMC.
>
> Nov. 15: *Washington Action* (sponsored by NMC):
>
> 9 a.m. March on Washington. Assembly begins at The Mall (between 3d & 6th sts. NW).
>
> 10 a.m. March Against Death. Concludes with a brief memorial at Mall.
>
> 11 a.m. Mass March to White House begins. Special contingent of GIs and Death Marchers will lead march and a delegation will present political demands & caskets with war dead names at White House.
>
> 2 p.m. Rally at Ellipse. Speakers & rock concert.
>
> 8 p.m. Meetings by various groups to discuss strategy for next few days.
>
> Nov. 15: *San Francisco Action* (sponsored by NMC). Mass March and Rally.
>
> Nov. 16: *National Workshop on the Draft.* Sessions on draft resistance, counseling, possible repeal of draft laws and discussion of ways of working with GIs.

The riotous, violence-packed "Bring the War Home" SDS "demonstrations" in Chicago last week, the October 8 through 11 phase of the offensive, could be a foretaste of other things to come before the fall offensive is over.

In view of the inadequate coverage given by the press to the nature of the NMC, SMC, and VMC it would be helpful to provide some background information for future reference.

NEW MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM

The July 18, 1969, issue of the Militant, the Trotskyite Communist newspaper, reported on a meeting of "antiwar activists" in Cleveland on July 4 and 5 of this year as follows:

> A broadly representative gathering of antiwar activists meeting here July 4–5 initiated plans for a massive fall offensive against the Vietnam war culminating with a giant Washington demonstration Nov. 15 for the immediate withdrawal of all U.S. forces from Vietnam.

As a result of the conference the New Mobilization Committee To End the War in Vietnam was formed to succeed the National Mobilization Committee To End the War in Vietnam. The September 5 issue of New Mobilizer, the publication of NMC, stated:

> To carry forward the work of the old National Mobilization Committee to End the War In Vietnam in a time when the forces against the war now constitute a clear political majority, a new anti-war coalition was formed to effect the inclusion of a wider social base among GIs, high school students, labor, clergy and third world communities. The new anti-war coalition is aptly called the New Mobilization Committee to End the War in Vietnam.

What was the "old National Mobilization Committee?"

This was the group that played the key role in organizing the violent confrontations and disruptions during the 1968 Democratic National Convention, and whose leaders are now on trial in Chicago for conspiring to incite the Chicago riots. It also staged the violent Pentagon "confrontation" of October 1967.

Earlier, under a different name, the "Spring Mobilization Committee," this organization had staged Vietnam Week, April 1967.

The Committee on Un-American Activities, in an official House report, found that Communists were playing "dominant" roles in the Spring Mobilization Committee. Not long after HCUA issued its report, "Spring" Mobilization changed its name to "National" Mobilization, but even the Daily Worker pointed out that it was the same old committee with no more than a change in the first word of its name.

Basically, the New Mobilization Committee which is playing a major role in the fall offensive is the same old National Mobilization Committee. Following are some of the NMC steering committee members who were also active in the National Mobe:

Arnold Johnson, the public relations director of the Communist Party: Irving Sarnoff, identified as a member of the CP who took the fifth amendment when asked if he was a member; Sylvia Kushner, who has long participated in leftist causes, is the wife of Sam Kushner, a member of the CP; Otto Nathan, charged by the State Department with having been a Communist in Germany in the 1930's and who refused to tell HCUA in June 1956 if he had ever been a Communist; Rennie Davis and Dave Dellinger, both now on trial in Chicago for the Democratic Convention disruptions; Sidney Lens, who made two trips to Cuba and conferred with Fidel Castro and "Che" Guevara and who allowed his name to be used, and spoke at meetings of, the Fair Play for Cuba Committee, which committee, according to testimony before the Senate Internal Security Subcommittee in 1961, had from its inception been subsidized by the Cuban Government.

A quick check of the 48 persons listed as members of the steering committee of New Mobe reveals that at least 30 were officials, sponsors, or organizers of National Mobe. The 30 are:

Stewart Meacham, served as National Mobe sponsor.

Katherine Camp, National Mobe sponsor.

Richard Fernandes, National Mobe sponsor.

Barbara Bick, sponsor.

Norma Becker, sponsor.

John McAuliff, sponsor.

Dave Dellinger, sponsor and National Mobe's national chairman, and a self-described Communist.

Rennie Davis, sponsor and spokesman for National Mobe, and advocate of the cause of North Vietnam.

Sidney Lens, sponsor.

Sidney Peck, sponsor.

John Wilson, sponsor and official of SNCC.

Robert Greenblatt, sponsor and former national coordinator of National Mobe.

Arnold Johnson, organizer of National Mobe, admitted Communist and party's legislative representative.

Fred Halstead, organizer of National Mobe, admitted Communist and SWP candidate for Vice President.

Irving Beinin, organizer of National Mobe, and writer for the Guardian.

Irwin Bock, organizer.

Donald Kalish, organizer.

Sylvia Kushner, organizer.

Max Primack, National Mobe organizer.

Larry Seigle, organizer of National Mobe and national chairman of YSA.

Abe Bloom, organizer.

Ron Young, organizer.

Arthur Waskow, organizer.

Allan Brick, organizer.

Jerry Gordon, Cleveland affiliate of National Mobe.

Cora Weiss, organizer of National Mobe.

Carol Lipman, organizer of National Mobe and member of YSA.

Allan Myers, organizer.

Al Evanoff, organizer.

Brad Lyttle, organizer.

Some 70 percent of those persons listed on the steering committee are either old hands from the National Mobilization Committee or identified Communists and far leftists. There is no coincidence here, but there is planning. Thirty of the 48 persons can be directly traced to National Mobe where they served in various capacities including positions as national chairman, national coordinator, and major spokesman.

In addition, New Mobe has among its leaders: Harry Ring and Gus Horowitz, both long-time members of the Socialist Worker's Party; Joe Miles, a member of Young Socialist Alliance, and Bob Green, long-time associate of many SWP front groups.

At this point I believe we should think back to the Democratic Convention riots which I noted a few minutes ago. It was here that the leaders stated that any violence would be "initiated by the police," the "police would be responsible." The demonstrators were attempting to set the police up as the scapegoats and to make the world believe that the demonstrators were all for peace. In the same manner, protesters now are decrying violence, yet, can we expect the same thing?

It should be remembered that the "peaceful" demonstrators organized by National Mobe to go to Chicago went there with football and motorcycle helmets, metal crotch protectors, and wearing heavy hiking and work shoes. Some of them carried knives. They hurled practice golf balls with 3-inch nails projecting out of them at police.

What happened in Chicago was primarily the responsibility of the National Mobilization Committee. With the same people, by and large, now at work for New Mobe we can only wonder whether the outcome of "New" Mobe demonstrations will be the same.

THE STUDENT MOBILIZATION COMMITTEE

The Student Mobilization Committee To End the War in Vietnam—SMC—is, by self-description "the national organization of all high school and college students who are united in uncompromising struggle against the war in Vietnam." In addition to supporting the Vietnam Moratorium Committee's October 15 function, SMC is sponsoring a national student strike against the war on November 14.

The origin of SMC dates back to a 1966 conference to call a national student strike against the war in that year. The strike and conference were proposed by Bettina Aptheker, a member of the national committee of the Communist Party and daughter of Herbert Aptheker, a longtime CP functionary. SMC was Communist dominated from its inception. There were Communists from both the CP and Socialist Workers Party—SWP—a Trotskyite Communist organization, in SMC until June 1968. Trotskyites are now in control and have declared their intention to keep it a single-issue organization—demonstrating and agitating solely against the war in Vietnam. The SWP, cited by the Attorney General as a subversive organization, has as its youth organization the Young Socialist Alliance—YSA.

Two individuals who are serving on both NMC and SMC are Carol Lipman and Allan Myers. Both are members of the YSA, with Carol Lipman, a member of the staff of the Young Socialist, the national magazine of YSA, and in addition the executive secretary of SMC. Allan Myers is the editor of the GI Press Service, a service which recently published a listing of GI antiwar newspapers and their locations at the various military bases.

An article from the Washington Post of September 30 reported that on the previous day SMC announced a "No Peace for Nixon Campaign." According to a national organizer of SMC, Don Gurewitz, SMC plans student demonstrations across the country at every public appearance of the President. Let us take a look at some of SMC's demonstrations in the past, as told by Director J. Edgar Hoover of the FBI in his Appropriations testimony earlier this year:

> The Student Mobilization Committee To End the War in Vietnam, which is controlled by members of the Young Socialist Alliance, the youth group of the Socialist Workers Party, sponsored anti-Vietnam war demonstrations in various cities throughout the United States from April 4 to 6, 1969. Many antiwar protest groups participated in the demonstrations which had two main themes—namely, to bring servicemen home from Vietnam and to achieve free speech for servicemen advocating antiwar sentiments. The principal demonstrations were conducted at New York City; Chicago, Ill.; and San Francisco, Calif. At New York City, 30,000 individuals participated in a march and rally. Among the demonstrators were members of the Communist Party, the Socialist Workers Party and its youth group, and Students for a Democratic Society (SDS). At Chicago, approximately 10,000 individuals participated in a march and rally.

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One of the principal speakers at the rally was an official of the Black Panther Party. At San Francisco an estimated 10,000 demonstrators marched through San Francisco to the Presidio, a military base. Several arrests were made by the San Francisco Police Department and several military policemen were injured when the marchers attempted to force their way into the Presidio.

VIETNAM MORATORIUM COMMITTEE

As is well known by now, the prime movers of the VMC, which is sponsoring the October 15 moratorium as part of the fall offensive, are Sam Brown and David Hawk. The purpose of the VMC's demonstration is to bring a halt to "business as usual" on that day on the Nation's campuses, in businesses, and factories. If successful, the moratorium would be extended to 2 days in November, 3 in December, 4 in January, and so forth, and it would end only when all U.S. troops are withdrawn immediately and unilaterally from Vietnam. Peaceful and nonviolent means are stressed by the VMC.

The October 11 issue of Human Events, the Washington news weekly, reported on a visit of one of its reporters to the VMC office:

> While the VMC is not Communist-controlled, it nevertheless is working hand-in-glove with "New Mobe" whose steering committee is rife with Communists and pro-Communists. The VMC, for instance, is using the suite of rooms just below the suite being used by "New Mobe" and the traffic between the two floors is extensive. Members of both VMC and the "New Mobe" acknowledge close cooperation and the ironically named David Hawk, a leader in the VMC, appears on the steering committee of "New Mobe."

These observations are borne out by the October 13 issue of the National Observer which quoted Sam Brown on VMC's relationship with NMC or "New Mobe":

> The New Committee's (NMC or "New Mobe") headquarters is just one floor above the moratorium committee's here. Mr. Brown says his group has "very friendly, co-operative relationships" with it and that "I expect we'll be able to support" the Nov. 15 march.

The VMC is also cooperating with SMC, if the Militant of July 18, the publication of the Socialist Workers Party, is stating the case factually:

> SMC will also help build the nationwide moratorium against the war, planned by the Vietnam Moratorium Committee for October 15; the leaders of SMC and the Moratorium Committee agreed to cooperate in getting the participation of hundreds of thousands of students."

A member of the staff of U.S. News & World Report in its October 13 issue also appraised the relationships among the three anti-Vietnam groups. He quotes a Government official as saying he has "no reason to believe this whole movement is Communist activated, although it is obviously an enormous boost to their side in Vietnam." He further observed: "The three committees in charge of these plans are separate organizations, with separate leaders, but some 'interlocking directorships.' "

Those who have endorsed the October 15 demonstrations might also do well to consider this statement by Sam Brown as quoted by Theodore White on page 87 of his book, "The Making of the President—1968":

> Think of what we've grown up with. We've recognized the true nature of the United States. We saw the United States attack Cuba, it attacked the Dominican Republic, it attacked South Vietnam. The Communists are now a fragmented force; *the United States is now the great imperialist-aggressor nation of the world*. (Emphasis added.)

This charge might require some tall explaining on the part of some churches, businesses, schools, and individuals who endorsed the October 15 demonstrations in the face of Ho Chi Minh's butchery of South Vietnamese civilians over the years or the Soviet Union's 1968 invasion of Czechoslovakia.

In addition, the supporters of the October 15 affair could well be hard pressed to explain to their constituents, congregations, and clients who believe in supporting our Government by the purchase of savings bonds their position on a VMC directive to GI newspaper editors: "Cancel those ——— savings bonds."

Sam Brown, along with Marge Sklencar of the VMC Washington office, participated in Vietnam summer, a 1967 radical-left, anti-Vietnam protest project which attracted extremists from various segments of the left movement. Some of the prime movers in this project were Mike Ansara of the SDS at Harvard; Lee Webb, a former national secretary of SDS; and Richard Fernandez, a member of the steering committee of NMC. Fernandez was a sponsor of spring mobilization committee and treasurer of November 8 mobilization committee, "spring's" predecessor.

David Hawk played a key role, according to the press, in obtaining signatures to a pledge made public earlier this year in which almost 200 college leaders—editors of campus newspapers and heads of student bodies—said they would refuse to be drafted to fight in Vietnam. He has, in other words, organized what some people would consider the cream of our campus youth to defy the laws of the United States. Living up to the pledge he signed, he himself has refused to be drafted and is awaiting trial in Scranton, Pa., for refusing induction into the Army.

The VMC makes no bones about the fact—and actually publicizes—that Hawk was a SNCC worker in 1964 and 1966 in the South at the very time Stokely Carmichael and other members of the group were fomenting riots and were generally engaged in highly inflamatory racial agitation.

In fairness to the VMC leaders it should be pointed out that they have said they reject SDS tactics and want no part of any SDS violence which may occur.

It is important to note, however, that David Hawk is on the steering committee of NMC, which under its former name was the prime organizer of the 1968 Chicago convention violence. This group—under President Johnson as well as recently—has probably done more to undercut U.S. policy in Vietnam than any other organization in the Nation.

THE PARTY LINE

On September 10, 1965, the national organizing department of the Communist Party of the United States sent a communication "to all districts" suggesting slogans to "strengthen the campaign to end the war in Vietnam." The first four of nine suggested slogans were:

1. End the War in Vietnam!
2. Stop U.S. Aggression Against Vietnam!
3. Bring Our Boys Home!
4. Withdraw All U.S. Troops!

Over 4 years later, the party line is still the same, but how the orchestration has crescendoed for a unilateral and immediate withdrawal of American troops from Vietnam. The VMC, according to a news release of October 8, expects to enjoy its greatest initial success on the campuses, with growing support coming from among the clergy, professional people, businessmen, Government employees, Members of Congress and the public at large.

THE FALL OFFENSIVE AND SOME COMMUNIST REACTIONS

Reactions from Communist quarters are understandably favorable. The Chicago Tribune of October 10 carried an article from Paris with headlines stating: "Reds Applaud U.S. War Foes; Blast Nixon." The news item explained that the National Liberation Front's "foreign minister" said in Paris that "the Vietnamese people warmly acclaim this movement" and that the movement "tightens the solidarity betwen the Vietnamese people and the progressive people in the United States."

The Communists are taking full advantage of propaganda value in the protests and the Communist press-in-residence in the United States, the Daily World, noted on October 9 in an editorial:

> Popular support for the October 15 Moratorium against the war in Vietnam is mushrooming, with the turnout on that day expected to exceed anything so far produced by the U.S. peace movement.
>
> This newspaper urges an all-out turnout.

No less enthusiastic in their support were broadcasters from Hanoi who beamed a message to various parts of the world. It included these remarks addressed specifically to NMC and the Communist newspaper, the Guardian:

> We [North Vietnam's leaders] are very elated to learn that you will launch a big fall campaign against the Nixon Administration's war policy, urging it to put an end to the war in Vietnam and to bring all U.S. troops home immediately.
>
> We warmly welcome your initiative and highly appreciate your great efforts to coordinate actions in the campaign.
>
> We wish you great success in the fall campaign . . . We would like to convey to you our sincere thanks and best regards.

THE "UNITED FRONT" OPERATION

What we see in the fall offensive is a near perfect example of a Communist united front operation. The Student Mobilization Committee, although Trotskyite-Communist controlled, has other types of Communists in it and, also, of course, many non-Communist radicals, leftists, pacifists, and idealists.

The New Mobilization Committee is itself a united front or umbrella-type operation. Working together in it are Moscow-type Communists, Trotskyite Communists, Castro Communists and others, and also a broad assortment of fellow travelers, leftists, radical pacifists, and some gullible idealists.

SDS, as is well known, is infiltrated by both CPers and members of the Peking-oriented Communist organization, the Progressive Labor Party, although the bulk of its membership is apparently made up of more or less native radical youths.

The Vietnam Moratorium Committee has the support of all of these groups—and of the CP itself—in its program for protest. In turn, it has won the cooperation of numerous non-Communists and even anti-Communists who would not normally aid any SDS, SMC, or NMC project. But this is the method of the "united front." Through their united front tactic the Communists are working for one of their major goals and—by one means or another—they are winning the cooperation of some people and organizations from the left, the right, and the center.

VMC is not Communist. I am not implying that it is, but its skirts are not clean on the question of cooperating with Communists. David Hawk, we should remember, is on the NMC steering committee. Also, VMC proclaims in its literature that it has the endorsement of the New Mobilization Committee as well as the acknowledged endorsement of such Communist-infiltrated groups as Women's Strike for Peace. Although its leaders say they have no tie with the Student Mobilization Committee, as long ago as last July a spokesman for SMC in announcing the fall offensive, included VMC's moratorium as a part of it.

To the best of my knowledge, the leaders of the Vietnam moratorium have at no time made a clear-cut statement excluding themselves from the SDS–SMC–NMC cooperative operation. At no time have they said that they do not want these groups to support or participate in the moratorium.

Thus, we have the "united front" operation. VMC leaders, I believe, must certainly be aware of the nature of SDS, NMC, and SMC. They are not ignorant. They are not being duped, yet they are willingly cooperating with these groups

Let us stop and think again for a minute of the announced goal of the people behind the moratorium. In an October 8 release the Vietnam Moratorium Committee stated that its goal is an "immediate and final end to American involvement in the Vietnam war."

What does this mean?

Let us forget for a moment about Communist strategy and tactics here in this country, about the pros and cons of various elements of our Vietnam policy, and think about people, about human beings—millions of them. Let us think for a while, as all good Americans should, about fellow humans. Let us think realistically, as the VMC people say we should, about killing, injury, death, agony, and blood. We know South Vietnam is not now able to defend itself from the combined power of the VC and North Vietnam, supported by the colossi of communism, the U.S.S.R. and Red China. What will happen if we do what the VMC wants us to do; that is, pull out of Vietnam?

The late Dr. Tom Dooley, who we would all agree was one of the greatest humanitarians of our era, has given us an idea of what will happen in his book, "Deliver Us From Evil," in which he recounted his experiences as a naval medical officer at Haiphong, then a staging area for those refugees who chose to leave North Vietnam as guaranteed by the Geneva agreement of 1954. One example cited by Dr. Dooley will suffice:

> Now two Viet Minh guards went to each child and one of them firmly grasped the head between his hands. The other then rammed a wooden chopped chopstick into each ear. He jammed it in with all his force. The stick split the ear canal wide and tore the ear drum. The shrieking of the children was heard all over the village.

So appalling were Tom Dooley's experiences at Haiphong among victims of Communist terror that he felt compelled to devote one full chapter to the brutality inflicted on these innocent people. Dr. Dooley stated:

> The purpose of this book is not to sicken anyone or to dwell upon the horror of oriental tortures. But I do want to show what has come upon these people of the delta. And justice demands that some of the atrocities we learned of in Haiphong be put on record.

Dr. Dooley was not the only one who has pointed up what will happen if unprotected people are left to the mercy of the Vietcong or the North Vietnamese Communists. The November 1968 issue of the Reader's Digest featured an article, "The Blood-Red Hands of Ho Chi Minh," by John G. Hubbell, which provides further evidence of what an immediate U.S. pullout would mean to many thousands of women and children, as well as men, in Vietnam. Author Hubbell describes the unbelievable brutality of Dak Son where mostly women and children were killed with flamethrowers by the Vietcong. Another case of Communist genocide was that of Hue in which 1,000 civilians were slaughtered by the Communists.

A later article on the same Hue massacre placed the number of dead at 2,200, exhumed from 25 different locations; 800 persons are still unaccounted for. The later account of the massacre by James Cary in the June 19, 1969, issue of the Copley News Service, gives a chilling idea of what would happen if an immediate U.S. withdrawal left the Vietnamese people without adequate protection:

> Nationality, occupation or political background was no protection. Scores of Buddhists in Hue's strong, anti-government resistance movement were slaughtered. So too were American and German civilians, French priests, South Vietnamese Government officials, anyone with relatives in the South Vietnamese army, village chiefs, political leaders, anyone who worked for the Americans, and particularly anyone who was known for his opposition to the Viet Cong.

It is not unreasonable to ask at this point whether the exponents of immediate withdrawal would be willing to assume some degree of responsibility if repetitions of the Hue massacre followed an immediate pullout.

Lt. Gen. Lewis W. Walt of the U.S. Marine Corps who commanded I Corps area of South Vietnam in 1966 and 1967 commented on the above-mentioned article by John Hubbell of the Reader's Digest. Stated General Walt:

> This article accurately depicts the true nature of the enemy in South Vietnam. I saw the little boy with his hands cut off. I have seen heads impaled on stakes, and disemboweled bodies.
>
> I learned early in my two years of duty in South Vietnam, fighting and working alongside the South Vietnamese forces, that the communist terrorism described in this article is no mere accident of war but a program of systematic butchery. This deliberate and brutal assault against the grass-roots citizenry is one reason why we who have responded to South Vietnam's call for assistance believe devoutly that our efforts to save this nation are worthwhile, necessary and important.

After reading this article, I for one could not see how any Member of this House, of the Congress, or any American citizen worthy of the name, could knowingly and consciously support a complete and immediate withdrawal of all U.S. troops from Vietnam. I insert the article. "The Blood-Red Hands of Ho Chi Minh," by John G. Hubbell, at this point in the Record:

The Blood-Red Hands of Ho Chi Minh

(By John G. Hubbell)

The village chief and his wife were distraught. One of their children, a seven-year-old boy, had been missing for four days. They were terrified, they explained to Marine Lt. Gen. Lewis W. Walt, because they believed he had been captured by the Vietcong.

Suddenly, the boy came out of the jungle and ran across the rice paddies toward the village. He was crying. His mother ran to him and swept him up in her arms. Both of his hands had been cut off, and there was a sign around his neck, a message to his father: if he or anyone else in the village dared go to the polls during the upcoming elections, something worse would happen to the rest of his children.

The V.C. delivered a similar warning to the residents of a hamlet not far from Danang. All were herded before the home of their chief. While they and the chief's pregnant wife and four children were forced to look on, the chief's tongue was cut out. Then his genital organs were sliced off and sewn inside his bloody mouth. As he died, the V.C. went to work on his wife, slashing open her womb. Then, the nine-year-old son: a bamboo lance was rammed through one ear and out the other. Two more of the chief's children were murdered the same way. The V.C. did not harm the five-year-old daughter—not physically: they simply left her crying, holding her dead mother's hand.

General Walt tells of his arrival at a district headquarters the day after it had been overrun by V.C. and North Vietnamese army troops. Those South Vietnamese soldiers not killed in the battle had been tied up and shot through their mouths or the backs of their heads. Then their wives and children, including a number of two- and three-year-olds, had been brought into the street, disrobed, tortured and finally executed: their throats were cut; they were shot, beheaded, disemboweled. The mutilated bodies were draped on fences and hung with signs telling the rest of the community that if they continued to support the Saigon government and allied forces, they could look forward to the same fate.

These atrocities are not isolated cases; they are typical. For this is the enemy's way of warfare, clearly expressed in his combat policy in Vietnam. While the naïve and anti-American throughout the world, cued by communist propaganda, have trumpeted against American "immorality" in the Vietnam war—aerial bombing, the use of napalm, the inevitable (but relatively few) civilian casualties caused by American combat action—daily and nightly for years, the communists have systematically authored history's grisliest catalogue of barbarism. By the end of 1967, they had committed at least

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100,000 acts of terror against the South Vietnamese people. The record is an endless litany of tortures, mutilations and murders that would have been instructive even to such as Adolf Hitler.

Perhaps because until recently the terrorism has been waged mainly in remote places, this aspect of the war has received scant attention from the press. Hence the enemy has largely succeeded in casting himself in the role of noble revolutionary. It is long past time for Americans, who are sick and tired of being vilified for trying to help South Vietnam stay free, to take a hard look at the nature of this enemy.

BLOOD-BATH DISCIPLINE

The terror had its real beginning when Red dictator Ho Chi Minh consolidated his power in the North. More than a year before his 1954 victory over the French, he launched a savage campaign against his own people. In virtually every North Vietnamese village, strong-arm squads assembled the populace to witness the "confessions" of landowners. As time went on, businessmen, intellectuals, schoolteachers, civic leaders—all who represented a potential source of future opposition—were also rounded up and forced to "confess" to "errors of thought." There followed public "trials," conviction and, in many cases, execution. People were shot, beheaded, beaten to death; some were tied up, thrown into open graves and covered with stones until they were crushed to death.

Ho has renewed his terror in North Vietnam periodically. Between 50,000 and 100,000 are believed to have died in these bloodbaths—in a coldly calculated effort to discipline the party and the masses. To be sure, few who escape Ho's terror now seem likely to tempt his wrath. During the 1950s, however, he had to quell some sizable uprisings in North Vietnam—most notably one that occurred in early November 1956, in Nghe An province, which included Ho's birthplace village of Nam Dan. So heavily had he taxed the region that the inhabitants finally banded together and refused to meet his price. Ho sent troops to collect, and then sent in an army division, shooting. About 6000 unarmed villagers were killed. The survivors scattered, some escaping to the South. The slaughter went largely unnoticed by a world then preoccupied with the Soviet Union's rape of Hungary.

With North Vietnam tightly in hand, the central committee of the North Vietnamese communist party met in Hanoi on March 13, 1959, and decided it was time to move against South Vietnam. Soon, large numbers of Ho's guerrillas were infiltrating to join cadres that had remained there after the French defeat in 1954. Their mission: to eliminate South Vietnam's leadership, including elected officials, "natural" leaders, anyone and everyone to whom people might turn for advice. Also to be liquidated were any South Vietnamese who had relatives in their country's armed forces, civil services or police; any who failed to pay communist taxes promptly; any with five or more years of education.

A captured V.C. guerrilla explained how his eight-man team moved against a particular target village: "The first time we entered the village, we arrested and executed on the spot four men who had been pointed out to us by the party's district headquarters as our most dangerous opponents. One, who had fought in the war against the French, was now a known supporter of the South Vietnamese government. Another had been seen fraternizing with government troops. These two were shot. The others, the village's principal landowners, were beheaded."

General Walt tells of the "revolutionary purity" of Vietcong who came home to two other villages. In one case, a 15-year-old girl who had given Walt's Marines information on V.C. activities was taken into the jungle and tortured for hours, then beheaded. As a warning to other villagers, her head was placed on a pole in front of her home. Her murderers were *her brother* and two of his V.C. comrades. In the other case, when a V.C. learned that his wife and two young children had cooperated with Marines who had befriended them, he himself cut out their tongues.

Genocide. In such fashion did the storm of terror break over South Vietnam. In 1960, some 1500 South Vietnamese civilians were killed and 700 abducted. By early 1965, the communists' Radio Hanoi and Radio Liberation were able to boast that the V.C. had destroyed 7559 South Vietnamese hamlets. By the end of last year, 15,138 South Vietnamese civilians had been killed, 45,929 kidnapped. Few of the kidnapped are ever seen again.

Ho's assault on South Vietnam's leadership class has, in fact, been a form of genocide—and all too efficient. Thus, if South Vietnam survives in freedom, it will take the country a generation to fully replace this vital element of its society. But the grand design of terror involves other objectives, too. It hopes to force the attacked government into excessively repressive anti-terrorist actions, which tend to earn the government the contempt and hatred of the people. It also seeks valuable propaganda in the form of well-publicized counter-atrocities certain to occur at the individual level—for South Vietnamese soldiers whose families have suffered at communists' hands are not likely to deal gently with captured V.C. and North Vietnamese troops.

Dr. A. W. Wylie, an Australian physician serving in a Mekong Delta hospital, points out that a hamlet or village need not cooperate with the Saigon government or allied forces to mark itself for butchery; it need only be neutral, a political condition not acceptable to the communists. After a place has been worked over, its people of responsibility are always identifiable by the particularly hideous nature of their wounds. He cites some cases he has seen:

When the V.C. finished with one pregnant woman, both of her legs were dangling by ribbons of flesh and had to be amputated. Her husband, a hamlet chief, had just been strangled before her eyes, and she also had seen her three-year-old child machine-gunned to death. Four hours after her legs were amputated, she aborted the child she was carrying. But perhaps the worst thing that happened to her that day was that she survived.

A village policeman was held in place while a V.C. gunman shot off his nose and fired bullets through his cheekbones so close to his eyes that they were reduced to bloody shreds. He later died from uncontrollable hemorrhages.

A 20-year-old schoolteacher had knelt in a corner trying to protect herself with her arms while a V.C. flailed at her with a machete. She had been unsuccessful; the back of her head was cut so deeply that the brain was exposed. She died from brain damage and loss of blood.

Flamethrowers at Work. Last December 5, communists perpetrated what must rank among history's most monstrous blasphemies at Dak Son, a central highlands village of some 2000 Montagnards—a tribe of gentle but fiercely independent mountain people. They had moved away from their old village in V.C.-controlled territory, ignored several V.C. orders to return and refused to furnish male recruits to the V.C.

Two V.C. battalions struck in the earliest hours, when the village was asleep. Quickly killing the sentries, the communists swarmed among the rows of tidy, thatch-roofed homes, putting the torch to them. The first knowledge that many of the villagers had of the attack was when V.C. troops turned flamethrowers on them in their beds. Some families awoke in time to escape into nearby jungle. Some men stood and fought, giving their wives and children time to crawl into trenches dug beneath their homes as protection against mortar and rifle fire. But when every building was ablaze, the communists took their flamethrowers to the mouth of each trench and poured in a long, searing hell of fire—and, for good measure, tossed grenades into many. Methodical and thorough, they stayed at it until daybreak, then left in the direction of the Cambodian border.

Morning revealed a scene of unbelievable horror. The village now was only a smoldering, corpse-littered patch on the lush green countryside. The bodies of 252 people, mostly mothers and children, lay blistered, charred, burned to the bone. Survivors, many of them horribly burned, wandered aimlessly about or stayed close to the incinerated bodies of loved ones, crying. Some 500 were missing; scores were later found in the jungle, dead of burns and other wounds; many have not been found.

The massacre at Dak Son was a warning to other Montagnard settlements to cooperate. But many of the tribesmen now fight with the allies.

MUTILATION ON THE SCHOOL BUS

If the communists' "persuasion" techniques spawn deep and enduring hatred, Ho could not care less; the first necessity is the utter subjugation of the people. Ho was disturbed by the rapid expansion of South Vietnam's educational system: between 1954 and 1959, the number of schools had tripled and the number of students had quadrupled. An educated populace, especially one educated to democratic ideals, does not fit into the communist scheme. Hence, the country's school system was one of Ho's first targets. So efficiently did he move against it that the World Confederation of Organizations of the Teaching Profession soon sent a commission, chaired by India's Shri S. Natarajan, to investigate.

Typical of the commission's findings is what happened in the jungle province of An Xuyen. During the 1954–55 academic year, 3096 children attended 32 schools in the province; by the end of the 1960–61 school year, 27,953 were attending 189 schools. Then the communists moved in. Parents were advised not to send their children to school. Teachers were warned to stop providing civic education, and to stop teaching children to honor their country, flag and president. Teachers who failed to comply were shot or beheaded or had their throats cut, and the reasons for the executions were pinned or nailed to their bodies.

The Natarajan commission reported how the V.C. stopped one school bus and told the children not to attend school anymore. When the children continued for another week, the communists stopped the bus again, selected a six-year-old passenger and cut off her fingers. The other children were told, "This is what will happen to you if you continue to go to that school." The school closed.

In one year, in An Xuyen province alone, Ho's agents closed 150 schools, killed or kidnapped more than five dozen teachers, and cut school enrollment by nearly 20,000. By the end of the 1961–62 school year, 636 South Vietnamese schools were closed, and enrollment had decreased by nearly 80,000.

But, in the face of this attack, South Vietnam's education system has staged a strong comeback. Schools destroyed by the communists have been rebuilt, destroyed, and rebuilt again. Many teachers have given up their own homes and move each night into a different student's home so the communists can't find them, or commute from nearby cities, where they leave their families.

Against such determination, the size of Ho's failure can be measured: in 1954, there were approximately 400,000 pupils in school in North and South Vietnam together; today South Vietnam alone has some two million in school. About 35,000—four times as many as in 1962—now attend five South Vietnamese universities, while 42,000 more attend night college.

A South Vietnamese government official explains: "A war shatters many traditional values. But the idea of education has an absolute hold on our people's imagination."

BAR OF JUSTICE

The pitch of communist terrorism keeps rising. After the Tet carnage at Hue early this year, 19 mass graves yielded more than 1000 bodies, mostly civilians—old men and women, young girls, schoolboys, priests, nuns, doctors (including three Germans who had been medical-school faculty members at Hue University). About half had been buried alive, and many were found bound together with barbed wire, with dirt or cloth stuffed into their mouths and throats, and their eyes wide open. The communists came to Hue with a long list of names for liquidation—people who worked for the South Vietnamese or for the U.S. government, or who had relatives who did. But as their military situation grew increasingly desperate, they began grabbing people at random, out of their homes and off the streets, condemned them at drumhead courts as "reactionaries" or for "opposing the revolution" and killed them.

"The Tet offensive represented a drastic change in tactics," says General Walt. "This is a war to take over the South Vietnamese people. Ho launched the Tet offensive because he knew he was losing the people. But his troops didn't know it; they were told that they didn't need any withdrawal plan because the people would rise and fight with them to drive out the Americans. What happened was just the opposite. Many fought against them like tigers." Some of the Tet offensive's explosion of atrocities probably can be attributed to sheer, vengeful frustration on the part of Ho's terror squads—which Ho may well have foreseen, and counted on.

The full record of communist barbarism in Vietnam would fill volumes. If South Vietnam falls to the communists, millions more are certain to die, large numbers of them at the hands of Ho's imaginative torturers. That is a primary reason why, at election times, more than 80 percent of eligible South Vietnamese defy every communist threat and go to the polls, and why, after mortar attacks, voting lines always form anew. It is why the South Vietnamese pray that their allies will stick the fight through with them. It is why the vast majority of American troops in Vietnam are convinced that the war is worth fighting. It is why those who prance about—even in our own country—waving Vietcong flags and decrying our "unjust" and "immoral" war should be paid the contempt they deserve.

Finally, it is why the communists should be driven once and for all from South Vietnam—and why, if possible, the monsters who presently rule North Vietnam should be brought before the bar of justice.

MEMORIAL TO THE VIETNAM WAR DEAD

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. CHAPPELL. Mr. Speaker, to date over 38,864 American boys have died in the Vietnam War. Most of these men felt they were dying for a cause—the protection of freedom and democracy throughout the world and the ultimate protection of their loved ones here at home.

One group has seen fit to recognize these war dead through dedication of a memorial. I wish to congratulate the Vietnam War Dead Memorial Committee of Ocala and Marion County for this deeply felt and humane consideration of fellow Americans who have died in battle for them. The memorial has been built in the shape of a map of Vietnam with the American flag staff standing tall above it. Listed on the monument are the names of the war dead from Marion County. This memorial will be dedicated in Belleview, Fla., on November 9, 1969.

At a time when many are demonstrating against the war, let us pause to remember these dead and to acknowledge this group of dedicated Americans for building the first memorial in the Nation to the Vietnam war dead.

SERVICEMEN'S HONOR ROLL BOARD IN NEW RICHMOND, OHIO

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. HARSHA. Mr. Speaker, since our Nation's proud birth in 1776, American men and women have been honored to serve our country, dedicating their "lives, fortunes, and their sacred honor." Such men founded our Nation, and have always defended it against threat both foreign and domestic with such diligence that the United States of America became known around the world as the land of the free, and the home of the brave.

Now, in the last few years, we have witnessed a new phenomenon. Cowardice and disloyalty have for some become virtues, and love of country has been termed "square."

I am extremely proud that these views are those of a small, but vocal minority. Here in Ohio, a part of what Dwight Eisenhower called America's heartland, Americans still deem it an honor to serve their Nation, and they are in turn honored by a grateful community. This is the real America. This is the America of Washington, Lincoln, and Theodore Roosevelt, and this is why America will pass safely through its present crisis. It will remember and be grateful to its sons and daughters who serve it in our generation, as it does those who have served it in times before. Because, as one of history's greatest philosophers has said:

> A man's love of his country is the noblest emotion of all.

In the town of New Richmond, in Clermont County, Ohio, American Legion Post No. 550—John Farina—and the Servicemen's Mothers Club of Clermont County have erected a servicemen's honor roll board. This board will honor the men and women of New Richmond who have served their country in the armed services since 1964. The honor roll board will be dedicated on October 26, 1969.

I wish to commend the citizens of New Richmond and Clermont County for honoring their servicemen. In these times when misguided youths and even adults publicly disgrace our Nation by praising our enemies, it is heartening and reassuring to be reminded that America's heartland is still firm, and the same spark of patriotism that was first struck at Lexington and Concord still kindles a flame in all true Americans.

Y'KNOW

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. MORSE. Mr. Speaker, we have heard a good deal in recent months about the communications gap. Symptomatic of this phenomenon is the line from a recent Paul Newman movie—"What we have here, is a failure to communicate."

All around us people cannot seem to talk to each other—parents cannot talk with their children, students with their teachers, oldsters with youngsters, and so on and on.

A recent editorial in the Boston Globe, written by David B. Wilson, suggests one of the inputs into this whole communication problem. It is, in his words, "the maddening repetition of 'y'know,' a once delicately meaningful phrase and its simultaneous decline in communicative content." Mr. Wilson calls this one of the "minor annoyances of the age."

I think it is a major catastrophe. How many of us have had even short conversations where the expression "y'know" cropped up five, 10, or more times, with no special relationship to the subject being discussed—with no function in the sentence other than to punctuate it occasionally with this meaningless phrase.

I commend Mr. Wilson's editorial to my colleagues' attention. Y'know, with a little attention to this problem, we might just help save the language.

I include Mr. Wilson's article in the RECORD as follows:

Y'KNOW

(By David B. Wilson)

"Y'know," they say. Y'know?

Maddening repetition of this once delicately meaningful phrase and its simultaneous decline in communicative content are among the minor annoyances of the age.

Sentences begin and end with it, and it surrounds "buts" and "ands" the way "er" and "uh" and "well" once did. Parents are reduced to incoherent mutterings as their young conduct discourse of about one-third "Y'know" and the rest "groovy," "cool" or "blast."

You used to be able to say quite a bit with the phrase, before the hips and kids debased it.

"YOU know" meant "You, Fred, possessed of superior intelligence, know what others do not know."

It could be "You KNOW," meaning, "Don't give me that malarkey, you really agree with me."

Then there was the slower, "Y-o-u-k-n-o-w," with a slight rising inflection, which meant, "You don't know, but I had a terrific idea which I am about to tell you about."

There was the falling, confidential inflection of the "You Know . . ." that meant something like "We both know what she was

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up to last Summer with Wilma's husband when she went to her mother's, but we both are too nice to discuss it."

Closer to contemporary usage was the "You know," often delivered with a shrug, which meant, "We both know but the matter is far too tedious and complicated and boring to discuss further.

A young person of my acquaintance, mulling the matter for a mini-moment between telephone calls consisting almost entirely of "Y'knows," guessed she said it a lot in order to reassure herself that somebody was paying attention to what she was saying.

Similarly, according to a friend who once worked in a brass factory in New Haven, the girls on the screw machines there used it in a subconscious attempt to check on whether they were being properly understood. "Y' know" tended to break out where language failed.

Atrophy of the cerebral cortex, inflicted by the mindless din of media, is probably responsible. Defensively, with sanity maintenance our intention, we tune out (turn off, if you will) most of what we physically are required to hear, straining sound of thoughtful content to preserve the integrity of our own thoughts and dreams.

After some two decades of the television set's one-way communication with us, we are unused to answering back. Debate is somewhat out of style in the schools. Students feel they're mostly talked at. The tube dominates conversation.

How many times recently have you been interrupted because you were intruding on someone else's relationship with a television set?

"Y'know" is symptomatic of the dissolution of intellect wrought in our technosphere, of the savagery that awaits when the Word is heard no longer.

To speak in sentences, complete and composed, taking thought for meaning, thrust and overtones, is to be polite and concerned, to respect one's auditor, to care enough about people, ideas, things and, indeed, life, to call them by their right names. "Y'know" evades and abdicates the burden of having a brain.

The phrase used to have a confidential and conspiratorial quality, and, in that sense, was not unaffectionate, assuming that the person addressed did, in fact, know. This sense is almost lost.

Now it is "Nixon, y'know," "the blacks (Jews, WASPs, Irish, Arabs), y'know" or the government, the Church, lawyers, the Army or whatever, the only meaning being an often frustrated hope of mutual understanding that the speaker wishes to convey a negative and almost tropistic response to the subject at hand.

This way lies ultimate meaninglessness and the exhaustion of understanding. There may, however, be a solution.

Next time somebody flashes a vacuous "Y-know" at you, interrupt and explain, politely, that you do not, in fact, know but are interested in finding out. This interest will puzzle the habitual "Y'know" user and require him to ask himself just what it was he did mean. It just might save the language.

LEAGUE'S 50TH YEAR

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. KEITH. Mr. Speaker, one of the most significant anniversaries to occur this year is certainly the 50th anniversary of the League of Women Voters. In my district, and undoubtedly in many others, this organization has long been a leader in the task of educating the public on issues of the day. On many issues I find myself in agreement with the league's stands; and even when I do not, I am impressed with their reasoning and their activity. They serve a much-needed function in this Nation, and I am pleased to offer my congratulations to them on this, their 50th anniversary.

At this time I am introducing into the RECORD an editorial from the Quincy Patriot Ledger, which notes and praises this worthwhile organization:

LEAGUE OF WOMEN VOTERS

Triumphant in their drive to win the vote, suffragettes gathered in Chicago for a "Victory Convention" 50 years ago.

Mrs. Carrie Catt, president of the American Suffrage Association, exhorted the membership to battle society's ills: "Arise, women voters of East and West, of South and North, in this, your first union together. Strong of faith, fearless of spirit, let the nation hear you pledge all that you have and all that you are to a new crusade."

Thus the League of Women Voters was born. Fifty years after Mrs. Catt's militant address, the League flourishes, one of the most commendable of all public-minded organizations. Through the years, the League has provided forums for political candidates, launched voter registration drives, initiated governmental reforms, and educated more voters than any other group.

Non-profit and non-partisan, the League is undertaking an $11-million fund drive to modernize and continue its work. We urge support of this fund drive. The League's services to the nation, to Massachusetts and to this community have been significant.

SENIOR CITIZENS MUST NOT BE FORGOTTEN

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. MINISH. Mr. Speaker, today a group of my colleagues and I are introducing a measure to amend the Food Stamp Act of 1964, to enable eligible elderly persons to exchange food stamps for meals prepared and served to them by private nonprofit organizations.

This bill is designed to assist elderly persons who would otherwise be eligible for food stamp aid when measured by age, residency, and income requirements, but who are considered ineligible because they do not have cooking facilities in their households. The beneficiaries of this measure, the crippled and infirm, are physically unable to cook for themselves. Very often, the chronically ill and aged cannot shop or prepare food. Under present law, they are denied the use of food stamps. They are most needful of the benefit extended to them by this measure.

The legislation that I am sponsoring, in concert with some of my colleagues, would authorize the Secretary of Agriculture to designate specific church and other nonprofit organizations to accept food stamps in exchange for prepared meals. Although the redemption of the stamps could be made by the charitable organization, the stamps would be issued initially to the eligible individual.

The elderly require proper care and close attention. We certainly cannot permit them to go hungry, and I believe that the measure that I am cosponsoring would minimize such a possibility. I hope that the House of Representatives responds by enacting this legislation.

LET IT BEGIN WITH YOU

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. CHAMBERLAIN. Mr. Speaker, many millions of words have been written and spoken concerning the October 15 moratorium. All of the noted commentators and columnists have had their say. However, after having read and listened to a good number of these statements, I find that one that particularly impressed me was an editorial appearing in the Town Crier of Stockbridge, Mich. I commend it to the attention of my colleagues and believe it fully deserves to be included as part of the record relating to this event. I insert in the RECORD the editorial, "Let It Begin With You," which appeared in the October 15 issue of one of the fine weekly newspapers serving Michigan's Sixth Congressional District:

LET IT BEGIN WITH YOU

Many thousands of college students, university faculty members, and even some government officials are supporting today's "Moratorium for Peace" at various types of meetings all over the country.

Some groups hope to fill huge football stadiums with war protesters while others will be satisfied to distribute leaflets in the community.

Students throughout the country are joining in a national movement to demonstrate their support for an immediate end to the war in Vietnam. However most college and university officials have said there will be "classes as usual" today.

Many Stockbridge residents agree that the war in Vietnam should be ended as soon as possible. But many also stated that they are not certain that mass demonstrations are the answer.

We would agree that what took years for a former administration to do cannot be undone in a few short months by a new administration.

The war in Vietnam is an unpopular one. It has damaged America's prestige more than any other single action in all history. But, as President Nixon recently stated, "It cannot be settled in the streets."

We agree. We also feel that widespread, and often violent, demonstrations, hurt our chances for success at the Paris peace talks. The demonstrations in the streets of our country only serve to convince the North Vietnamese that Americans are not behind their president.

Peace must come. We are behind that one hundred percent. We believe however that the solution must be left up to those persons who were delegated by the President to handle the job. Mass demonstrations in the streets and on the campuses of our universities will only compound the difficulties faced by our negotiators.

We elected a new President last November. We hope and pray that he has the best interests of this country at heart, and is doing everything in his power to settle the war in Vietnam as quickly as possible. We hope

it can be done so that those who lost their lives there will not have died in vain, and that those whom we have been defending from Communism will not be left helpless against a ruthless aggressor.

Peace, so desperately wanted by the people of this country, actually is not a normal state of life. Have we not had more war than peace throughout all of history?

Many of those who have demonstrated for peace have been guilty of reviling law enforcement officials and anyone else who stood in their way. They have claimed to be for peace, yet they have shown hate for their own countrymen.

Only when all mankind comes to love his neighbor, without regard to race, color or creed, will lasting peace ever be achieved.

Where, and with whom, shall peace have its real beginning? Why not let it begin with you.

TASK FORCE HEARS DR. EGEBERG

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population, of which I am chairman, heard testimony last week from Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare. Dr. Egeberg had some very positive remarks about the need for increased family planning services and better health service delivery systems. The Secretary's comments were very encouraging indeed. His understanding of the organizational problems left a feeling of optimism among the Task Force members.

Mr. Speaker, I offer the highlights of this hearing for the RECORD for the benefit of my colleagues:

HOUSE REPUBLICAN TASK FORCE ON EARTH RESOURCES AND POPULATION

HEARING HIGHLIGHTS, OCTOBER 9, 1969

(By Dr. Roger O. Egeberg)

Dr. Egeberg stated that if he were starting from scratch, he would have to list population as the most important health problem of today. However, since we have to start with the operational program that is ongoing, we must consider delivery of health services as the number one problem, population second, and environmental quality number three.

A Population Institute of some very visible structure must be our ultimate goal. However, this can not happen over night. Dr. Egeberg stressed this point several times during the discussion. He felt that for starters we we needed more basic research within NIH. We need increased education throughout our institutions on the whole range of family planning, fertility, maternal care, and infant care. Also, Dr. Egeberg feels that there should be a Deputy Assistant Secretary to oversee the entire family planning effort.

Dr. Egeberg feels that the biggest job right now is to give the program visibility. The Secretary has legislation of this effect over at the Bureau of the Budget for approval.

However, without a good service delivery system, these programs will not succeed. More cooperation with volunteer organizations is need. It is time for a rallying point.

There are five million women who want family planning services. We must reach these women. The middle class can be depended upon to take care of itself. This it is doing on an expanded basis. But, among the poor, we just have not had the money or the facilities to really campaign on this. A good first goal would be to satisfy those who want it and do not know how to go about getting the help.

RELATIONSHIP BETWEEN HUMAN DIGNITY AND PATRIOTISM

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. SCHADEBERG. Mr. Speaker, in the midst of all the turmoil, dissent, protest, disruption, and civil disobedience of the past years, few persons have addressed themselves to the true meaning of patriotism and its ability to help us understand our dreams and ideals and to realize what this Nation stands for. Last month, Dr. John A. Howard, president of Rockford College, Rockford, Ill., outlined to Rockford students his understanding of the relationship between human dignity and patriotism. On Thursday, October 9, the Christian Science Monitor carried excerpts from his remarks. I take pleasure in enclosing them in the CONGRESSIONAL RECORD in the hopes that it will provide some understanding of ourselves, our dreams, and our future:

A man without aspirations is not a whole man. A society without a shared and cherished vision of what might be is a desolate society, one lacking in vitality and cohesiveness.

In the Godkin Lectures at Harvard University last March, John W. Gardner asserted, "A high level of morale is essential if a society is to succeed in the arduous tasks of renewal." A high level of morale is exactly what we do not have in the United States.

Some times back, an African student attending Rockford College spoke to a group on our campus. In the question period which followed, he was asked about his long-range plans. He replied that he wanted to get the best possible education so he could return to serve his people and his country. He said this with vigor and pride and conviction. A glance around the room showed admiration and approval on the part of everyone who heard this testimonial of commitment.

Compare, if you will, the probable reaction that the academic community would give to an American student who asserted that his great life's hope was one of patriotism, that he wanted to devote himself to serving his country and his people. I suspect that a large portion of intellectual America would be at the very least, embarrassed by such an outburst of patriotic sentiment, if not actually frightened by the fervor of such "unenlightened insularity." Love of country, that is our country, is now passé, or gauche, or intolerable in much of academia.

IS THERE A DIFFERENCE?

What is this? A double standard? Why is patriotism a glory when it operates in a developing nation which may be plagued with gross inequities and bloody struggles for power, and patriotism in an advanced nation a source of indifference, scorn or alarm?

First, I believe this is not an independent phenomenon, but rather one facet of a pervasive cynicism that has infected every aspect of our own culture. James B. Reston writes of the "new pessimism." He quotes Dr. Arthur F. Burns, a top adviser to President Nixon, as saying, "What worries me more than all these financial questions—I think a great sickness has gripped our society. I think a great many citizens have lost faith in our institutions."

In an essay in the Saturday Review several months ago, Archibald MacLeish writes of the loss of belief in man and his dignity.

The arts have deadened the soul, or rather they reflect a deadened soul, says Mr. MacLeish.

In times gone by, there were those who thought that great art should enable or exalt. Now, many prize that art which "tells it like it is," not like it could be. We are raising whole nations of young people whose steady musical diet has been the complaints and the protest and the focus on physical gratification of rock music and never even exposed to the exhilaration of Beethoven, or the tranquility of Mendelssohn, or the sheer joy of Mozart.

But philosophy, too, has contributed to what Mr. MacLeish sees as the flatness of life, the loss of a dimension in the world. Thomas Molnar's recent book entitled "Sartre: Ideologue of Our Time" provides a keenly perceptive analysis of this most influential philosophical writer. Mr. Molnar points to the basic Sartrian concept of "a morally neutral world where good and evil have been absorbed and made irrelevant."

Philosophy used to aspire to provide understanding so that man could climb toward the heights. Some large portion of current philosophers, having rejected the concepts of good and evil, of heights and depths, simply assert the flatness of life and analyze man's permanent state of nausea or despair, or else have abandoned the concern for man altogether and have wandered off into semantics.

With no hopes, no dreams, no vision of what could be, man becomes petty and quarrelsome and ruthless.

I think we have some choice in this matter. Man can free himself from this bondage if he chooses to. Our preoccupations are those which we permit to prevail.

As I have indicated, my central concern in this talk is the subject of patriotism. It is a challenge for a speaker to knock on this door in the house of intellect, for the mere word, patriotism, is sufficient to cause many scholars to slam the bolt and fix the latch chain. (And such a reaction is, itself, a sorry commentary on the family that dwells in the home of the open mind.)

Patriotism is not just blind love for a piece of property. Nor is it simply a mutual defense pact that remains in force only as long as there is an external threat. Patriotism, true patriotism, is an eternal and legitimate love affair with a set of principles, with a common vision of the good life.

Listen to the words of Mary Antin from her book "The Promised Land":

"So at last I was going to America! Really, really going at last! The boundaries burst. The arch of heaven soared."

And later in the same book:

"Spirit of all childhood! Forgive me for so lightly betraying a child's dream-secrets. I that smile so scoffingly today at the unsophisticated child that was myself, have I found any nobler thing in life than my own longing to be noble? Would I not rather be consumed by ambitions than live in stupid acceptance of my neighbor's opinion of me?"

Immortal aspirations were what attracted the floods of immigrants to this land, for they saw this land as a place where by public commitment, each person was assumed to have worth and granted equal rights under the law, and where differences of faith and opinion were welcomed.

Having grown up with these concepts as the conditions of our living, we cannot comprehend, we cannot register upon how revolutionary they were when first proclaimed,

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nor do we realize how they contrast with what exists in the police-state nations, nor how they differ from contemporary democracies that carry still the deep-rooted psychological mind-set of their monarchical heritage.

The existence of a House of Lords and a House of Commons maintains the message that the common man, even risen to the highest position, remains a commoner. Through much of continental Europe, the peasant, whatever his talents and accomplishments, remains a peasant in his own eyes and in the mind of the people.

The centuries-deep acceptance of class and station continues to mock the concept of true dignity for each man. By contrast, in our country, with our inheritance of assumptions, the phrase "second-class citizen" very rightly stirs indignation, for with us, it is a contradiction in terms.

The most obvious and pervasive disillusionment with our country stems from the war in Vietnam. Here again, I suppose it is only fools who rush in, or even pussyfoot into this subject, since many academic folk have made up their minds on this matter and are far more interested in telling the other fellow than in listening to any other thoughts about this issue. Still, there are some aspects of this grief-bearing chapter that need further probing.

SEASONS LACK PERSUASION

Has it occurred to you that there are scarcely four presidents in our history who were more dissimilar in their cultural, vocational, emotional, intellectual, and political attributes than Presidents Eisenhower, Kennedy, Johnson, and Nixon? And yet each of them when faced with the responsibilities of the presidency, and when made aware of the full range of information available to that office, has held to the course of supporting the South Vietnamese in their defense against the Viet Cong and the North Vietnamese.

On the other hand, there can be no question that all four administrations have grievously failed in a very important obligation. Although our presidents have seen fit to maintain our participation in this conflict, they have not conveyed to our people persuasive reasons to do so.

The vacuum created by this absence of public and persuasive justification has been filled by conjectures and claims and counterconjectures and counterclaims which have intensified to the point of hysteria, to the point that reason gives way before shrill nonthought.

The novel, "Catch-22," offers an illustration of what I consider shrill, polemical nonthought. This book has had a great vogue and has been one of the most powerful influences in persuading youth that war must be rejected above all. The protagonist of the book, an American airman named Youssarian serving in World War II, equates his commanding officer with the enemy, because, he says, they both want to get him killed. Since U.S. officers must send their troops on dangerous missions, Youssarian considers his superior officer as an effective enemy.

This is distorting history and misreading motives with a vengeance. The sad facts are that while conscientious leaders of France and England were trying every conceivable means to negotiate a reasonable peace with Hitler, his blitzkreigs were capturing the peoples of Czechoslovakia, Austria, and other lands. Finally, it was recognized that it was impossible to negotiate with Adolf Hitler. The only options were to fight or surrender.

And a great many people fought in that war in the belief that they were engaged in trying to prevent a fate worse than death. As the stories have been pieced together about such places as Belsen, Buchenwald, and Dachau, it is clear that to be the captives of a power that could conceive and operate such inhuman compounds was, indeed, a fate worse than death.

Next, some brief observations on the blacks and the whites. The black-power movement, as its name implies, is founded in a philosophy that perceives the central factor in human relationships to be that of who controls whom, of how much force—political force, economic force, armed force, force by fear—can be exerted by one man or one group upon another. This attitude, it seems to me, is analogous to the philosophical foundations of the governments which ours was established to counteract.

All governments of the past operated in circumstances where the people were permanently split between the privileged governors and the less privileged governed. And their political systems were drawn to exercise power to maintain this situation.

Power was the glue that kept the society together. Some had it, and nothing short of the assemblage of a greater counterpower could change that circumstance. The wars of succession down through the ages provide rueful and ever recurrent proof that governments which are organized upon the assumption that some are to have more power than others will always be subject to internal strife and bloodshed.

In the almost two centuries of the history of our nation, the only massive instance of citizens killing citizens was, of course, occasioned by this same question: Shall one group of people, with governmental cooperation, be maintained in a position superior to another group of people? This was the issue of the Civil War and it also is what has been at issue on all of the civil-rights questions ever since.

BOLD DECLARATION

The American Revolution was a bold and incredibly perceptive declaration of the nature and the rights of man and it launched an experimental government painstakingly designed to minimize the principal threats to those rights. One of the foremost threats was perceived to be the instinctive thrust of men to obtain and exercise power over other people. An elaborate mechanism was therefore established to disperse the powers of government. The separation of executive, legislative and judicial branches was instituted precisely for this reason.

Now I want to propose just one more large category of concept and activity which, I believe, is contributing to an attitude of hostility toward the American dream. It is the spreading preoccupation, particularly among the youth, with one's own comfort, one's own physical gratification, one's right to do whatever he pleases as long as he doesn't significantly harm someone else.

The government inaugurated in 1789 was committed to maximizing the dignity of all citizens. However, in attending to all aspects of maximizing human dignity, the whole structure of the government was posited upon the requirement that the citizens, every citizen, would have to make some very great sacrifices.

Against this necessity for sacrifice, the current insistence upon exercising one's own whims with a disregard for the sensitivities of others, the quickening readiness to pronounce one's own particular objectives as uniquely moral and therefore beyond the purview of publicly established limits—all of these attitudes and actions stand in hostility to what this country is all about, and contribute to the disenchantment with America.

We must, I think, recognize that there are two basic ways of conceiving of human life. In one view man is merely an animal of superior gifts and intelligence with no meaning to his existence beyond his own enjoyment, and his only obligation is to get everything he can for himself and let the chips fall where they may.

Given that view of life, there is no hope for peace anywhere, since each person is a predator preying upon everyone else with whatever wiles, strategems or force he can bring to bear. If one perceives man in this fashion, it will follow that groups will band together observing common limits when it works to their own advantage to do so, but all outsiders are fair game for any cruelties, deceptions or pilfering which can be devised

The other view of man perceives a dignity—that is, a basic worthiness—in each person and perceives a transcendence in life that gives value to the sacrifices one makes that will benefit others, either now or in the future. Only in this view of life does the term, ideal, take on any meaning.

Of course, each man has his own vested interests, and each group its own vested interests, as does each nation and each philosophy. There will be the pushing and shoving and insults and crime, because man is human. But man also has a sublime spark which stirs the sacrifices of one for another, which gives rise to compassion and considerateness and friendship and rejoicing in another's good fortune.

HOPE IN HUMAN DIGNITY

To the extent that such consideration can take precedence over the most damaging aggressions of self-interest, man can inch forward in the centuries-long journey toward peace and brotherhood. There will not be any instant answers. International and national and personal cruelties cannot be banished at once by any means.

It seems to me that the long-range hope is to enlist all of mankind in pledging allegiance to human dignity and in devising the ground rules which will enable and encourage each man to express himself and seek his own goals [within the context of] the common good.

And that objective is exactly what the great American experiment is all about. It was and is a commitment, such as no other people has ever made, to devise a means of living together which would most greatly enhance the worth and most greatly involve the participation of each citizen. It was and is a reaching out for the stars.

For those who conceive man as having a soul, a dimension superior to and beyond his own gratification, truly the sky is the limit in the relevance and satisfactions of seeking to find how men can live together in greater justice and harmony and of trying to devote one's life to that end.

AMERICA'S VIEW OF INDIA AND NORTH VIETNAM

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. BROOMFIELD. Mr. Speaker, it has come to my attention that the Government of India is considering extending full diplomatic recognition to North Vietnam. This news disturbs me greatly.

While I would not presume to interfere in the internal policy decisions of the Indian Government, I can, I believe, offer some advice about how such a decision would be greeted by the American people.

As every Member of this body is aware, the war in Vietnam is an extremely sensitive issue, very much on the minds of most Americans. Its early resolution is something we all earnestly desire. I believe the American people would take a decidedly dim view of any neutral nation which extends a hand to North Vietnam at this crucial time. Once this tragic war is concluded, such intense feeling almost certainly will subside.

Timing, in a very immediate sense, is also a consideration that should not be overlooked. Over the years the United States has sent some $9 billion in aid to India, and although some critics might disagree, most fair-minded observers hold that India has used it well.

As a member of the House Foreign Affairs Committee, which is now involved in drafting the 1970 foreign aid request, I cannot help but be aware of the growing mood of disenchantment in Congress toward aid programs generally.

The emergence of a peaceful and stable India, in my view, is vital to the future of Asia and the world. The United States can and must assist in seeing that India achieves that goal. Recognition of North Vietnam by India at this time could only add further obstacles for those of us seeking to follow that path.

JERRY KOOSMAN—AN INSPIRATION TO YOUTH

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. ZWACH. Mr. Speaker, there was a big surprise party in Baltimore and in New York these past few days when the once lowly New York Mets of the National League defeated the highly regarded Baltimore Orioles of the American League for the baseball world series title.

While normally a fan of the American League, where our Minnesota Twins were the western division champions, I was pulling for the National League in this series because one of my constituents plays with the New York Mets.

Mr. Speaker, I would like to pay a small tribute to that constituent, a strong boy off one of our Sixth Congressional District farms, Jerry Koosman, fastball pitcher for the New York Mets and a two-game winner in the series.

A native of Appleton, Minn., where his family still farms, Jerry now spends the off season in Morris where he has his home.

Jerry Koosman is a typical Minnesota farm boy. Between his chores on the farm, he managed to find time to become a pretty fair country baseball player. He played high school and American Legion ball and then went into the Armed Forces.

His career with the New York Mets has been phenomenal. He was an instant success, a winner in his rookie year.

Although he won only 17 games this year, a slightly poorer record than in his rookie year, he came through with two big victories in the series and, for a .048 average hitter, did the almost impossible of hitting a two bagger in the final series game.

Mr. Speaker, this countryside boy is now the toast of our Nation's largest city. Where, but in America, is a success story such as this possible?

I salute Jerry Koosman. May he be an inspiration to every young man who aspires to a career in our great national pastime.

TECHNOLOGY ASSESSMENT—CRUCIAL ITEM ON THE NATION'S AGENDA

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. MILLER of California. Mr. Speaker, technology is often considered synonymous with progress. And, in fact, our rapid progress during the 20th century has been directly attributable to the technological advancements of this period.

There must come a time to assess the impact of such developments on society as a whole. Anyone who drives an automobile in Washington, D.C., must realize that traffic jams and air pollution are the byproducts of our transportation evolution. We hurry and hurry to produce more effective and efficient conveniences and conveyances, yet little or no thought is given to the effect of our "progress" on our environment.

However, there are a few farsighted individuals who have become concerned with the future impact of today's technology. One of these is the Honorable EMILIO Q. DADDARIO of Connecticut, who I am proud to say is a member of the House Committee on Science and Astronautics, of which I am chairman. In a recent article by William Leavitt, "Technology Assessment—Crucial Item on the Nation's Agenda," which appears in the Air Force and Space Digest, great credit is given to Representative DADDARIO for his outstanding efforts in focusing attention on the need to assess the effect of our technological progress. He deserves a great deal of credit for his tenacity and farsightedness.

Mr. Speaker, Mr. Leavitt's article on this subject is most timely and thought provoking. I, therefore, commend it to the attention of my colleagues. The article follows:

TECHNOLOGY ASSESSMENT—CRUCIAL ITEM ON THE NATION'S AGENDA

(By William Leavitt)

America the beautiful? By now thoughtful citizens across the land, bombarded daily with newspaper stories and television programs lamenting the deterioration of our air and water and the approaching paralysis of our cities by auto traffic and the frequent collapse of public services we once took for granted, are asking how much longer we can utter that phrase with any degree of confidence.

The villain, an increasing number of social critics assert, is the technology that has brought higher standards of living to the majority of Americans and has provided mobility, instant communications, convenience foods, stylish ready-to-wear clothes, fancier medical care, and the host of other amenities that mark America in the last third of the twentieth century and that are, in one form or another, aspired to by less-developed cultures around the world.

To blame technology for the threat to the environment may seem unfair and even silly to the casual observer. It is fair to ask the antitechnologists if they would be willing to go back to the "good old days" of travel by horseback, of kerosene lamps, and deadly epidemics against which medicine was virtually powerless.

But dismissing the critics so lightly is no answer. There *are* increasing threats to our environment. The air *is* bad in our cities. The mobility that is so dear to us *has* begun to strangle our cities and has contributed to an unbelievable sprawl. And there is increasing and terrifying scientific evidence that the ecological cycle on which all of us must depend for our sustenance *is* being disturbed, perhaps irreversibly in some cases.

What is clearly needed is a new set of approaches to the utilization of technology, without which we cannot survive as a modern society but the *consequences* of which must be examined much more carefully than ever before. Happily, there are people in important positions facing up to this issue. And if they can make some headway in their campaign for new institutions to analyze the consequences of the utilization of technology, it is at least possible that, at long last, both the private and public sectors can be imbued with a new sense of responsibility in the employment of technology.

One man who nearly single-handedly, as a member of Congress, has been leading a quiet campaign for a number of years to develop such new institutions for what in the jargon is called "technology assessment," is Rep. Emilio Q. Daddario, Democrat of Connecticut. He is a member of the House space committee and is the chairman of the space committee's Subcommittee on Science, Research, and Development.

Congressman Daddario, in his years as chairman of the subcommittee, has managed to spark the creation of an effective partnership between Congress and the scientific and engineering community. In tandem with Mr. Daddario, the National Academy of Sciences and the National Academy of Engineering have been working at analyzing the implications of technology for society. In public seminars and by means of special studies of science and technology and their impact on public policy, the savants have finally begun to get some congressional and public attention. This is no mean achievement in a political environment in which the executive branch has for so long had primacy by virtue of its army of "experts" and the natural unity of the executive as compared to the pluralism of a Congress, made up of several hundred individuals of varying views, competences, and susceptibility to pressures.

The latest achievement of the Daddario subcommittee has been the enlistment of a distinguished panel of scientists and engineers, under the aegis of the National Academy of Sciences and chaired by Harvey Brooks, Dean of Engineering at Harvard University. The panel has prepared a wide-ranging report (*Technology: Processes of Assessment and Choice*, available for 75¢ from the Superintendent of Documents, US Government Printing Office, Washington, D.C. 20402) on possible approaches to the creation of some kind of mechanism or mechanisms within the federal government that would have the job of analyzing *in advance* the implications to society of implementing currently available technology or of proceeding along technological paths which seem tempting now but which, if they were examined closely in terms of potentially harmful effects, might seem far less desirable.

In 150-odd pages, the authors of the report trace, philosophically and by way of specific example, the mistakes of the past—the era we have already lived through—during which commercial advantage and often an uncaring fascination with technology for its own sake have ruled policymaking or, put another way, made for virtually no policy. As an example of failures of imagination and the difficulty of long-term prediction of social and environmental effects of proliferative technology, the panel notes, on the sub-

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ject of the ubiquitous automobile, that "to predict that such vehicles would chemically pollute the atmosphere more than vehicles driven by steam or electricity would have been simple, [but] to predict that the automobile (of which there were four in the United States in 1895 and some 80,000,000 in 1968) would become the chief source of urban air pollution would have been far more difficult."

As to important peripheral effects, who would have guessed, the panel asks, even twenty-five years ago that one of the main causes of the logjam in our courts would be the enormous number of damage suits by one citizen against another, all growing out of auto accidents?

And the auto is not the only villain. Any number of other kinds of hardware and their supporting systems, the panel points out, have proliferated to awe-inspiring proportions, as have their societal side effects. For that matter, how many people twenty-five years ago could have predicted the pervasiveness of television and the frequent "mind-pollution" of the medium? In its way. TV may be even more dangerous than auto fumes.

The National Academy panel acknowledges but is at least a little hopeful about the commercial-political problems of technological assessment. "Comprehensive efforts to assess the consequences of a technology can often be effective," the panelists note, "even if they are delayed until the initial stages of research and development have been completed and the technology is at the threshold of commercial introduction. So long as one does not wait until very substantial interests have vested in a particular mode of application, one still has a reasonable opportunity to influence the eventual outcome by a careful examination of alternative possibilities and their implications. Recent withdrawals of defective cars by automobile manufacturers demonstrate how public opinion and the threat of possible regulation or legal liability can modify corporate behavior far beyond the early stages of development."

The panelists, throughout their report, dwell on the crucial need for better technology-assessment mechanisms within government on the one hand, while at the same time examining the built-in conflicts of interest created by the present system. They cite the problems posed by the existence of federal agencies like the Atomic Energy Commission or the National Aeronautics and Space Administration or the Department of Transportation, among others, where the prime purpose is necessarily the promotion of a particular set of technologies. Clearly, there are limitations to the degree of detachment such agencies can exercise in their analysis of the social implications of their own technologies. In a different way, the regulatory agencies of government suffer from limitations in that they are often overly sympathetic to the industries they regulate or in other situations unimaginatively rigid in their regulation. This latter fact sometimes prevents the introduction of new technology that might serve the public not only more economically but also with less deleterious effects. The problems are endless.

But, the panel declares, the fact that they are endless and so complex does not obviate the need for the new technology-assessment institutions.

Such new institutions, watchdogs, and analyzers "should operate," the panel urges, "at a strategic level in the political process, close to both the legislative and executive branches, in order to attract the most competent and imaginative personnel available and to enhance the quality of governmental response to the problems and opportunities of technological development."

These are more than words. What the Academy panelists are saying is that wherever in the federal government such new institutions or agencies might be located—and there are strong arguments for having parallel structures in both the executive and legislative branches—they should have real prestige and influence across the government spectrum. They should most certainly have access to and the support of the President, whose role as chief decision-maker is so crucial to the tone of his entire administration and its technological commitments.

"The primary effort [of any new technology-assessment mechanism or set of mechanisms] would be," the Academy panel suggests, "to project social and environmental effects in the most comprehensive terms possible, with particular attention to dimensions of impact and options for policy that other assessments of the [technological] area have failed to explore fully."

A crucial role of such a new outfit or outfits would be to provide a focus for hitherto unrepresented citizens or citizen groups who up to now have been factored out of technologically oriented decisions, either because they have not known what was up in time to object to, or, conversely, to argue in favor of particular technological proposals. In too many cases, people or groups who ought to be heard have simply not had the money to organize themselves into effective lobbies. There needs to be a place for ombudsmanship or public advocacy for citizens and groups with legitimate gripes about public policy in the field of technology.

The Academy panelists offer a long list of assignments for the new watchdog outfit or outfits: the kind of ombudsmanship alluded to in the previous paragraph; the sponsorship of basic research on technology assessment itself; the review of technology assessment being performed by other government agencies; and the maintenance of an information center on technology assessment "which would in time become a primary source of critical data with respect to pertinent activities carried on in government, in the universities, and in other organizations."

The Academy panel also proposes that the new technology-assessment organization or organizations issue an annual report that would summarize its efforts and "seek to develop a framework for public discussion of . . . issues and . . . seek to publicize matters relevant to technology assessment that seem unlikely to receive adequate public attention through other channels."

Perhaps the most important function of such a public report would be to suggest priorities "as to the most pressing (technological) problems and the most promising opportunities in technological assessment."

Priorities would reflect such factors as urgency of technological issues with respect to the degree to which irreversible consequences could be expected from postponement of decisions or the imminence of large commitments of monies and resources to particular technological proposals.

Also, because of the importance of congressional and presidential understanding of and attention to technological policy issues, a major function of the new mechanism or mechanisms would be, in the view of the Academy panelists, to prepare in-house policy papers "recommending specific actions to the Congress, the President, executive agencies, (and) administrative bodies."

The Academy panel explores a number of ways such new technology-assessment institutions could be organized, ranging from a special staff to be added to the existing presidential Office of Science and Technology to a new and well-staffed Joint Committee of Congress on Technology Assessment. The panel even considered something along the lines of the quasi-independent Federal Reserve Board. Each approach has its promise and its pitfalls.

But, withal, the question is not so much exactly where in the government such a new organization or organizations should be located as it is of making sure that the new institutions have competence, detachment, and significant influence on the decisionmakers. The military is not left out. The panel acknowledges the need for security and military strength. But at the same time the panel urges that in order for military-based technology to be properly introduced into the civilian environment, some reasonable extension of the "need-to-know" concept be made so that more useful and reasoned criticism can be fed in from the outside when military-technology questions are being decided upon.

"Our study," the Academy panelists report, "has revealed that existing mechanisms, whether they involve government agencies, private industries, or professional groups, possess intrinsic limitations, some structural and others psychological, that leave serious gaps in the spectrum of processes that assess and direct the development of technology in our society.

"In the formulation of issues for assessment and in the attributions of value to alternative outcomes, those processes too often ignore the broader social and environmental contexts in which their effects are felt. In the calculation of costs and benefits, they ascribe too little significance to the preservation of future options. They give too little attention and support to research and monitoring programs calculated to minimize technological surprise and to deal more rationally with the burdens of uncertainty. They frequently reflect the views, interests, enthusiasms, and biases of unduly narrow constituencies and create insufficient opportunities for meaningful public participation in choices having major consequences."

A collection of all-powerful wise men of science to decide what technological choices we should make as a nation is not at all what the Academy panel has in mind.

"We do not contemplate or forsee in the future a highly centralized process of technological evaluation, even for the areas of technology that are largely dependent on federal programs and policies," the panelists assert. "Such centralization would be not only unworkable but unwise, politically, unacceptable, and extremely dangerous."

The panel urges, rather, the creation of "a constellation of organizations, with components located strategically within both [legislative and executive] branches, that can create a focus and a forum for responsible technology-assessment activities throughout government and the private sector."

Such organizations, it is advanced, should be clearly separated from "any responsibility for promoting or regulating technological applications," so that detachment and ombudsmanship roles can be played effectively.

The urgency of the requirement for such new institutions is underscored by the Academy panel report's final words:

"The future of technology holds great promise for mankind if greater thought and effort are devoted to its development. [But,] if society persists in its present course, the future holds great peril, whether from the uncontrolled effects of technology itself or from an unreasoned political reaction against all technological innovation."

As we prepare for a second manned landing on the moon, what the Academy is trying to tell Congress about affairs on earth is something the rest of us should be thinking about.

PFC. NATHANIEL BUSH DIES IN WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Nathaniel Bush, a fine young man from Maryland, was killed recently in

Vietnam. I wish to commend his courage and to honor his memory by including the following article in the RECORD:

PFC. NATHANIEL BUSH DIES IN WAR; WAS DUNBAR ATHLETE

Another Baltimore soldier has been killed in action in Vietnam, the Pentagon reported yesterday.

Army PFC Nathaniel Bush, 22, of 5119 Queensberry avenue, was killed October 2 when his combat patrol was ambushed in the city of Tay Ninh, 70 miles northwest of Saigon.

Drafted last December, Private Bush was sent to Vietnam four months ago as an infantryman with the 1st Cavalry Division (Airmobile).

A native of Baltimore, he graduated from Dunbar High School in 1966. Private Bush was on the Dunbar basketball and tennis teams and in his spare time worked on old cars.

Private Bush was buried yesterday in National Cemetery after a ceremony at the Waters A.M.E. Church.

He is survived by his mother, Mrs. Gladys C. Bush; two brothers, Hollis, L. Bush and Bradley L. Bush; and two sisters, Mrs. Lillie M. Watkins, and Mrs. Carol L. Cofield, all of Baltimore.

FROM HERE TO OBLIVION?

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. NEDZI. Mr. Speaker, the October 1969 issue of Field & Stream carried an excellent article by Michael Frome, entitled "From Here to Oblivion?" So that my colleagues may have an opportunity to be aware of Mr. Frome's provocative views, I insert the text of his article at this point in the CONGRESSIONAL RECORD:

FROM HERE TO OBLIVION?

The question before the house, and not only the House but the Senate as well, and the President and his Cabinet too, is how to get the reins on a headstrong, runaway national environment and turn it in the right direction before it goes completely, everlastingly, irreversibly haywire.

The answer may be difficult to come by, but the facts of the case are now clearly known. I hear them stated again and again in sundry Washington quarters. The nation is always catching up with crises after the damage is done, they say, whether from pesticides, pollution, oil slicks, or other abuses of the once beautiful earth God bestowed upon us. Unless we can get out front, with long-range plans, including firm restraints and disciplines over industrial production, resource use, and human population growth, then the country will prove unworthy of its natural blessings; it will pass the point of no return on the course of ecological disaster before we know it.

There is no doubt of a growing sense of awareness and concern. One gets the feeling of it in contacts with some quarters of the Nixon Administration. An appreciable number of Congressmen of both parties, especially among the young members, are eager to get going with constructive legislative action. Even spokesmen of large corporations in Washington are reporting on the establishment of "environmental control committees" within their firms. These signs are all to the good.

Unfortunately, we are still falling behind in the race with the environment. The clean air and clear water calamities are worsening, not easing, because of the niggardly appropriation of funds and weakness of Federal regulations. Congress as a whole persists in weighing the desires of the special economic interests above the needs of the people, and of survival. It is little wonder that we are about to permit the unleashing of a whole new generation of supertankers on the spurious grounds of "economy" without reckoning the ultimate cost to society of potential superdisasters many times larger than the *Torrey Canyon* or Santa Barbara.

Besides which, no force on earth can command the whole Federal Government to "Go save the environment," and expect it to be done. At least eleven executive departments and sixteen independent agencies are involved in environmental programs, but too many are self-propelled and inbred, working at bureaucratic cross-purposes with each other, tied to powerful economic constituencies which lobby for expanding budgets. At best, personnel are limited in perspective by the tunnel vision of their specialized training. As Ralph McMullan, the Director of Natural Resources in Michigan and an outstanding state leader, declared in recent testimony before a Congressional Committee, "The air pollution specialist who thinks that replacing the soot-throwing, fossil-fueled electric generating plant with a nuclear-powered monster is going to eliminate environmental contamination has his head in the sand. He is forgetting that thousands of cubic feet per minute of hot water discharge isn't exactly a minor environmental problem."

Nevertheless, the President has taken promising steps toward charting a unified new course. His establishment of an Environmental Quality Council, composed of himself, the Vice President, and six Cabinet members, marks a milestone in Federal attitudes toward natural resources. For the first time, at the highest level, the executive departments will have the means for developing and coordinating a comprehensive and continuing effort. Certainly the President's participation as chairman adds a new dimension and sharpens the focus of his Cabinet members on the issues.

Functions assigned to the Council in the President's executive order include the assessment of new and changing technologies for their potential effects on the environment; encouragement of timely public disclosure by all levels of Government and by private parties of plans that would affect the quality of environment, and stimulation of public and private participation in programs and activities to protect against pollution of the nation's air, water and land, and its living resources.

Mr. Nixon has a long way to go to prove himself a conservation President. He must back these words with strong medicine on specific issues and go to Congress for money to fund critical programs like the Clean Water Restoration Act, even though it may mean cutting another billion dollars of fat from the Pentagon budget. He must ask members of the Environmental Quality Council: "Shall we look back at what we have accomplished, or at what we have talked about?"

Still, the Administration gives reason for hope. For example, Secretary of Transportation John A. Volpe came through by establishing a new office in his department to coordinate environmental problems, headed by the former mayor of Seattle, J. D. Braman; and, better yet, by backing its recommendation to deny Federal funds for the proposed New Orleans expressway because it would impair the quality of the historic French Quarter. This is the more remarkable considering Mr. Volpe's background in private contracting, serving then as a tried and proven member of the highway lobby, and that he is surrounded now by a crowd in the Bureau of Public Roads used to having its way. But his decision opened the path for rescuing parklands threatened by roads in Memphis, San Antonio, in the middle of the Potomac River outside of the nation's capital, and for yet aborting the Everglades jetport in Florida before that ugly monster is born.

The President himself came through in his message to Congress on July 18 in which he recommended establishing a Commission on Population Growth and the American Future specifically to avert an over-impact on natural resources and the quality environment. "Pure air and water are fundamental to life itself," Mr. Nixon declared. "Parks, recreational facilities, and an attractive countryside are essential to our emotional well-being. Plant and animal and mineral resources are also vital. A growing population will increase the demand for such resources. But in many cases their supply will not be increased and may even be endangered. The ecological system upon which we now depend may seriously deteriorate if our efforts to conserve and enhance the environment do not match the growth of the population."

These momentous issues are much before both houses of Congress. If I am not mistaken, more than forty bills were introduced early in this session to create a national environmental council in one form or another, and one bill alone carried the names of forty sponsors. I believe a lot of this action was triggered by the persistence of Senator Gaylord Nelson, of Wisconsin, who came to Washington a few years ago as a proven conservation governor of Wisconsin with new ideas about the need of ecological research and surveys. Then last year Senator Henry Jackson, of Washington State, chairman of the Senate Interior Committee, took the lead by conducting an earnest discussion program involving Cabinet members, Congressmen and chosen outsiders, which led to his "National Environmental Policy Act of 1969."

The Jackson Bill has already been approved by the Senate; it varies in some ways with those bills in the House, but essentially they would all require Congress and every Federal agency to fully demonstrate ecological responsibility and would also establish a board of environmental advisers to evaluate and criticize the work of the agencies and to advise the President. "In both Federal and state governments, we have often indulged ourselves in the illusion that we are doing a grand job, but the facts don't support it," Senator Jackson told his colleagues. "Our responses have been too narrow, too limited, and too specialized. We have established programs without clear enough perception of objectives and goals."

During the recent summer, two progressive subcommittees of the House conducted hearings on environmental bills, providing a forum for warnings by scientists, citizen organizations, and public officials on the current ecological collision course. Representative John Dingell, of Michigan, noted that the basic jurisdiction of the subcommittee over which he presides relates to fisheries and wildlife. "However," he declared, "we can no longer hide from the fact that fish and wildlife are affected adversely by many other factors, including air pollution, water pollution, and the increasing misuse of pesticides. We must consider the interrelationships of these problems in formulating legislative policy." On this basis he introduced an amendment to the Fish and Wildlife Coordination Act that would establish a Council on Environmental Quality in the office of the President, and then fought hard to get action on it.

The other environmental hearings were held on a bill before the Conservation and Natural Resources Subcommittee of the Committee on Government Operations, a group that has not hesitated to tackle tough and broad-gauged issues. Representative Henry S. Reuss, the chairman, and his colleagues have also conducted hearings on the dangers of open-air testing of chemical poisons and on pollution and extensive fill-

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ing of San Francisco Bay (as part of an intensive investigation into destruction of estuaries and waterways), and the last time I looked they were readying for new hearings on population problems. They courageously blocked a smelly landfill scheme on the Potomac River; criticized the Navy as the worst pesticide polluter in the Potomac Basin; and succeeded in getting the Interior Department to deny intrusive rights-of-way across Indian lands. The Democratic chairman has been blessed with the bipartisan cooperation of three energetic young Republicans—Gilbert Gude, of Maryland, Guy Vander Jagt, of Michigan, and Paul McCloskey, of California—all of whom have been pushing worthy conservation projects of their own. The latter, in fact, had fifteen interns in Washington during the summer studying national land-use policy and population problems.

The Republicans in the House have a Task Force on Earth Resources and Population, and the Democratic Study Group (an informal alliance of the young-in-spirit) has a Task Force on Natural Resources and the Environment. Representative Richard Ottinger, of New York, has gone further by forming an Ad Hoc Committee on the Environment, composed of 119 members of both houses; through the nongovernmental offices of the Environmental Clearinghouse, they exchange communications with leading scientists and conservationists.

But not all of Congress is tuned in. Although young members are ready for action, the leadership of both parties, in both houses, skirts the issues and continues to miss the big picture. The little done for the conservation cause in recent years is like a bone thrown to the dogs; it demonstrates the scope of the backlog of inaction piled up by Congresses, Democratic and Republican alike, for thirty years.

This is illustrated in the recent House Appropriations Committee report on the budget of the Interior Department and related agencies. After lamenting that inadequate attention is being given to conservation of natural resources, the committee proceeded to allocate less than one and a half percent of the total Federal budget for this purpose and sought to place the blame on the executive department. It specifically deleted funds for the President's Environmental Quality for Council, charging it to be a patchwork approach, "little better than nothing"—which is precisely how one might interpret the Appropriations Committee's actions and attitude on these issues.

The day of lip service is done. The people must have an accounting of the management of our little biosphere. No Federal agency can be exempt from scrutiny, for the opportunity to wreak lasting damage is now much too great. I fear the course of the Atomic Energy Commission, which is scheduled this fall to explode a massive "calibration shot" in the Aleutians as the prelude to bigger and better things, climaxing in the "full yield final device." Not only here but in other operations AEC is playing a dangerous game. There is no time to lose in getting a firm public fix on H-bombs, germ warfare, pesticides, and the rest of the deadly threats to the environment. Or the question of saving it will become purely academic.

LET US NOT DESTROY THE PRESIDENCY

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. SHRIVER. Mr. Speaker, at this time when there is so much discussion taking place on the issue of the war in Vietnam, I think the following editorial that appeared in the Wichita Eagle, of Wichita, Kans., on October 13, 1969, is of great significance:

ACHESON MAKES SENSE ON THE PRESIDENCY

Perhaps it's too much to expect that the United States of 1969 or 1970 will have the patience and intelligence to follow the advice of Dean Acheson, who was Secretary of State under President Truman.

Mr. Acheson wishes the country would stop trying to destroy its presidents. He pointed to the viciousness of attacks on President Nixon, which repeat the pattern of criticism of Lyndon B. Johnson.

"I think we're going to have a major constitutional crisis if we make a habit of destroying presidents," said Acheson. "We'll have the situation we had after the Civil War when the presidency practically disappeared—from Andrew Jackson to McKinley."

This country must have a chief executive who will make decisions and carry them out. Otherwise it will dissolve into anarchy. Many Americans don't understand this basic fact of life. No President can possibly please everybody. And Americans increasingly are prone to turn upon the hapless chief executive and try to tear him to pieces the minute he doesn't please.

This does no good. It hampers the man in his work. Either he becomes more obstinate in pursuing his own course because he can see that much of the criticism reaches the point of irrationality; or he becomes so confused by the whirlwind of criticism that he cannot make good decisions.

Anti-authoritarianism has always been a facet of American character, but it wasn't until the administration of Lyndon Johnson that anti-presidential criticism reached such heights that the President no longer could appear in public. If criticism of Nixon continues, he'll be in the same sorry predicament.

No executive—be it college president, mayor, or the father in the home—can keep things running smoothly when subjected to constant irrational and vindictive opposition and criticism.

It's time America learned to quit destroying its presidents. Many a country which fell into such vicious anti-authoritarianism has ended with the worst authoritarian of all—a dictator, for only a dictator can rule an unruly mob.

THE NEED FOR A MARITIME PROGRAM

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, you have often heard me speak of our need for a new, efficient maritime program. Again, I will remind my colleagues of the complete lack of order and innovation in shipbuilding and transporting.

No nation has ever stayed a world power without a competent, productive merchant marine. Yet, we are almost totally dependent on other countries for our ocean transport. This not only loses billions of dollars for the United States every year in payment for freight carried, wages lost to American citizens, and taxes lost from large corporations that own the ships, but also endangers American cargoes and crews since many foreign builders do not comply with our safety standards. What is worse, we are insuring that the future will be the same, since we are not encouraging skilled manpower in this field.

In relatively peaceful times, the inconvenience of not having a strong merchant marine of our own may not be obvious. However, in emergencies, it is evident that our supply of ships and needed cargoes will be dominated by the whims of other countries. This, of course, could cut us off from many desired products.

The first step to remedy this situation would be to improve our shipbuilding efforts. Edwin M. Hood, president of the Shipbuilders Council of America, before a summer seminar on shipbuilding at the Massachusetts Institute of Technology, stated that our shipyards have the ability to produce the needed ships, but the inconsistencies and fluctuations in our national policy stops all improvements in this field. There is a definite lack of order and aim in our present program. It seems as if no one in the administration is certain of what should be done. This uncertainty leads to confusion, and, thus, nothing is being accomplished. While we, Americans, are dropping behind in this field, other countries, realizing the importance, are forging ahead and have more than caught up to our once "first rate" sea program.

Mr. Speaker, I commend Mr. Hood's remarks to my colleagues:

THE NEED FOR A MARITIME PROGRAM

(By Edwin M. Hood)

It is a pleasure to be among such a gathering of experts on shipbuilding and related disciplines. You know far better than I that the technology of ship construction has been steadily advancing throughout the world. You know as well as I that from a purely technical standpoint, the opportunities for further advancement are infinite. In the years ahead, you and your counterparts elsewhere will have a substantial role in the application of technology to the construction of needed ships at lowest possible costs and in keeping with reasonable delivery schedules.

The technological advances, to which I refer, are found and will be found, in shipyards large and small—old and new. They are not limited by geographical boundaries; no one has a monopoly on ideas or ingenuity, and few, if any, technological leads are ever held for long. But, it seems to me that the potentials for continually expanding gains in shipbuilding technology can be circumscribed by one very definite consideration—national purpose. This comment, I am sure, has meaning to all in this audience whether they come from the United States or abroad.

The affairs of government affect technology just as do the influences of the market place. It can be argued which takes precedence—government or economics—but, in this country, shipbuilding is, and has been, very much a pawn on the chessboard of governmental policy making. Ups and downs, starts and stops, backing and filling, in the past two decades, can be traced to the vagaries of national policy pertaining to U.S. sufficiency on the oceans.

Levels of ship construction, in that period, have failed to offset the impediments of age which have plagued our naval fleet and merchant marine simultaneously. This situation results from the continued reliance on vessels built during World War II: nearly two-thirds of the active naval fleet and three-quarters of the active American-flag merchant marine are today composed of ships 20 years of age or older.

Because of these deficiencies, it has variously concluded that the strategic, foreign policy and merchantile interests of the

United States have been inhibited: not fully exploited. Statistics pertaining to the relative balance of ocean strength between the United States and the Soviet Union, as well as those portraying the steady decline, by volume, in the carriage of U.S. commerce in American flag bottoms, lend credibility to such a conclusion.

With a transfer in the reins of government such as has taken place in Washington during the past seven months, there is expectation that a change—something different from the past—will develop. President Nixon has appointed experienced and competent people to high posts which bear, either directly or indirectly, on the shaping of national purpose and the formulation of national policy affecting shipbuilding. Among these should most surely be included Secretary of Commerce Maurice H. Stans, Deputy Secretary of Defense David Packard, Secretary of the Navy John H. Chafee, Under Secretary of Commerce Rocco C. Siciliano, Maritime Administrator Andrew E. Gibson, Helen Delich Bentley as Chairman of the Federal Maritime Commission, and others. At The White House, too, unlike in days gone by, there are those who are genuinely interested in the improving posture and strength of the United States on the oceans.

But, to bring order out of what has heretofore been a vast array of disorder, these officials in the Executive Agencies—and the Congress as well—have no easy task. Since shipbuilding has long been regarded as the "nub" of the nation's sea power problem, the present frame of mind of the shipbuilding industry illustrates my point.

The principal shipyards of the United States remain confident and optimistic about their ability to produce needed ships—both naval and merchant—to assure a continuity of U.S. sea power. They are, however, concerned by the lingering absence of a national policy to encourage stability in the industry and to produce the kind of procurement environment necessary to marshal the combined capabilities of American shipyards effectively and efficiently. This situation derives from factors and influences beyond the control of the shipbuilding industry.

It is becoming increasingly evident that if the nation's shipyard capabilities, resources and potentials are to be utilized in an optimum manner, uncertainty and confusion must be quickly replaced, to the maximum degree possible, by rational direction and reasonable order.

At this very moment, there is uncertainty as to the dimensions of the naval shipbuilding program next year and in succeeding years.

There is uncertainty as to the dimensions of the Nixon Administration's much-awaited maritime program for the next five to eight years.

There is uncertainty as to whether the funds needed to correct the high degree of physical obsolescence in the U.S. Navy and the American Merchant Marine will survive present budgetary stringencies.

There is uncertainty as to whether new appropriations for merchant shipbuilding under Federal auspices in the present Fiscal Year will be zero, $15.9 million, $145 million or $200 million.

There is uncertainty as to whether 100,000 dwt., 250,000 dwt. or some other size tankers—smaller or larger—will be required in the 1970–1975 period to transport oil from the North Slope of Alaska to U.S. refineries, the location or locations of which have yet to be decided.

There is uncertainty as to whether these new tanker routes will involve 20, 40 or more tankers, and as to when construction contracts will be placed with the shipyards.

There is further uncertainty as to whether a pipeline or oceangoing tankers will, in the final analysis, be employed to move oil from Alaska to the "lower 48" states.

There is uncertainty as to whether one, three or more shipyards will share in the construction of "more than 30" advanced design destroyers (DD–963 formerly DX) for the U.S. Navy; meanwhile at least three shipyards are tentatively reserving their capabilities pending award of a production contract (or contracts) in November—4 months hence—at the earliest.

There is uncertainty as to the reality and scope of various shipbuilding efforts now under consideration by commercial shipping lines.

There is uncertainty as to the availability of skilled manpower.

There is uncertainty as to whether cost-additive contract conditions and specifications will at long last be eliminated as a step toward the creation of a more effective procurement environment.

There is uncertainty as to whether naval and merchant shipbuilding requirements—both of substantial magnitude—will be considered and treated on a coordinated basis so that the nation's productive capacity will be used efficiently and strengthened for the future.

Separately and jointly, consciously or subconsciously, these uncertain circumstances are constraining actions of individual shipyards. Confusion has surely been compounded. Restoration of order lies not so much in the existing or latent capabilities of the industry to construct ships or to respond to particular requests for bids but in the urgency of a prompt and concise statement of purpose and policy by the Nixon Administration.

It might therefore be useful and timely to attempt to define national purpose in the context of shipbuilding.

By his 1968 campaign statements, President Nixon has indicated that the United States should, and must, be a first-rate sea power with a naval fleet second to none and a modern maritime fleet capable of carrying 30 percent of U.S. exports and imports by volume, instead of approximately 6 percent as at present. Presumably, the national purpose in terms of ocean strength for the next four years—or possibly the next eight years—will be dedicated to the assurance of the availability of naval and merchant ships in adequate numbers and appropriate quality for commerce, a favorable balance of payments, and support of our country's overseas interests and commitments.

That ships are essential to our national security and our commercial interests is a proven historical fact. That our Navy must be adequate to our global commitments should be self-evident. That our merchant marine must be adequate to our standing as the world's most powerful and leading trading nation should be self-evident. That our shipyards must be among the best in the world there should be little question.

However, the President's statements leave unclear the national purpose with respect to modern, efficient shipbuilding and ship repairing facilities as a basic foundation block of first-rate sea power. A similar void persisted in the enunciation of priorities by previous Administrations.

From a purely military standpoint, the Department of Defense has consistently held that a shipbuilding capability is essential to the national interest. In like manner, the military establishment has consistently supported the concept that a combined government-owned and commercially-owned ship repairing capability is essential to maintain the naval fleet in a constant state of readiness. These justifications derive from the valid—and time-proven—postulates that, in times of emergency, in an ever-changing geopolitical world, shipyard facilities on foreign soil will not necessarily be available. These justifications have thus gained virtually absolute acceptance.

As to a shipyard capability to support merchant shipping, a controversy has frequently developed. The Congress, the labor movement, and others, have held that the criteria for justification should be no less than for naval ships. Shipbuilders and shipowners alike have argued, with the logic of past experience favoring them, that a ship repairing capability is not possible without a shipbuilding capability. Generally speaking, the latter precedes the former.

The relationship of shipyards, especially those geared to the construction of merchant vessels, to the national interest has an even more exacting significance when viewed from the perspective of contributions to the nation's economic strength.

For example, many merchant ships are today registered under the flags of Panama, Honduras and Liberia, but it could never be claimed that these countries are maritime powers, let alone sea powers, for they lack a supporting maritime industrial base, including shipyards. Though providing accommodations to international economics to citizens of other countries at minimal fees, these small nations leave to other powers the function of providing world order.

It is highly improbable that the Pan-Hon-Lib countries would ever come within the traditional definition of sea power:

. . . the ships nominally identified with them have no intimate association to their internal well-being,

. . . they have no particular economic strength to project into the oceans in times of peace, and no defense mobility to project in times of emergency, and

. . . shipyards, for them, are thus unnecessary.

On the other hand, any fair assessment of history leads to a conclusion that a balanced industrial maritime base is no less important an element of effective sea power than the naval and merchant fleets themselves. History also illustrates that the nation which builds the ships, carries the cargoes, and collects the revenues therefrom has generally been internationally powerful and economically affluent.

Japan has long held to the policy that programs to expand domestic shipping resources as well as export opportunities should be pursued for the specific purpose of promoting domestic shipbuilding as a function of national affluence. This policy has been formulated and executed with a degree of cooperation between government and shipyards which does not now exist on the same scale elsewhere in the world.

Accordingly, shipbuilding has become a substantial factor in Japan's national economy and balance of trade. Shipbuilding in Japan is regarded as a prestige industry. It is considered essential to the public good. The marketing of shipbuilding capabilities with considerable governmental stimulus, encouragement and support has been effectively developed to the point that Japanese shipyards today lead the balance of the world in the construction of merchant ships.

The Japanese cannot be totally wrong in their policies of emphasis on shipping and shipbuilding. Judging from their records of success, it would appear that they are very much on the right course. They are clearly assigning a high priority to this effort. They clearly possess the will to preserve and expand their own national and mercantile interests, as well as their own shipyards.

It is likewise clear that the Japanese understand another historical truth: a merchant marine and a maritime industrial base are the parents—not the offspring—of effective sea power.

Moreover, the national policy of Japan envisions that while capturing a steadily increasing share of the world shipbuilding market, all ships for the Japanese flag merchant marine will be constructed in Japanese shipyards. Over the last decade, not a single vessel for Japanese registry has been built outside of that country. This national purpose is in sharp contrast to the call for foreign construction of certain U.S. mer-

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chant ships which has been voiced from time to time by government officials and others in the United States.

These same persons have frequently cited Russia's sometime practice of procuring merchant ships from shipyards of other countries as a justification for their position. But, in so doing, they have ignored or minimized a basic fact: the Soviet Union has been obliged to rely on alien shipyards because of insufficient domestic shipbuilding capacity to fulfill the demands of a 5-year merchant ship buildup.

More recently, however, Soviet leaders have revealed that this practice is to be reversed and soon discontinued. Three reasons are given:

To avoid the excessive commitments of foreign exchange which are involved.

Russian shipyards have been modernized and expanded, and must be operated at the greatest possible utilization, and

A high level of reliance on foreign yards is incompatible with the elevation of the Soviet Union to the status of a world maritime power.

The Soviets thus seem to recognize—and properly so—that a modern, efficient maritime industrial base, properly coordinated, is a fundamental ingredient of effective sea power.

It should be noted that the relative balance between U.S. and Russian strength at sea has altered significantly since the end of World War II. In the short span of 10 years, the Russians have perceptibly narrowed the margin of U.S. sea power superiority. The Soviet Navy is today second only to that of the United States, and the Soviet merchant marine will shortly be larger than the American maritime fleet in both numbers and tonnage.

All evidence points to a conclusion that Soviet Russia is mounting at sea a new challenge with which the United States will have to deal long after American troops are withdrawn from Vietnam. It would seem clear that the Russians have grasped the full meaning of sea power: the judicious allocation of production and financial resources to produce naval and merchant ships for the exploitation of economic, psychological and political objectives. By contrast, the Japanese, with strictures on the magnitude of their self-defense forces resulting from post World War II agreements, use the oceans exclusively for economic purposes.

The fixed national purpose with respect to shipbuilding which the Japanese and the Russians have seen fit to adopt and pursue in their own national interest might well serve to remind the United States of the basic truths of sea power. No similar national purpose, or declaration of national intentions, has been voiced in this country since the World War II days.

The function and adequacy of U.S. shipbuilding will therefore in large measure be determined by a variety of factors: (1) the ability of the Nixon Administration to establish and articulate a conceptual unity of purpose toward restoration of the United States as a first-rate sea power, (2) the ability of the Nixon Administration to dissipate lingering and momentary uncertainties, (3) the ability of the Nixon Administration to coordinate the substantial requirements for naval and merchant shipbulding so that the productive resources of the country will be effectively employed, and (4) the ability of the shipyard industry to respond to these substantial requirements. On the final point, I harbor no doubts or reservations. On the other three, only time will tell, but I for one stand optimistic.

HIGH AIR POLLUTION—HIGHER DEATH RATES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 1969

Mr. MIKVA. Mr. Speaker, the declining quality of our environment constitutes a problem which merits the continuing attention of my colleagues.

While industrial and bacterial waste poisons our rivers, lakes, and streams, the pall of air pollution hangs heavy over city and countryside alike. The urban centers, however, have been most drastically tainted by the scourge of air-born pollutants.

Because of my distress about air contamination in our Nation's cities, I invite my colleagues' attention to a recent article which describes the probability that high air pollution areas of Chicago also have higher death rates than areas with lower pollution. The article by Donald M. Schwartz, which appeared in the September 17, 1969, issue of the Chicago Sun-Times, follows:

DEATH RATE, AIR POLLUTION LINKED

(By Donald M. Schwartz)

A Stritch School of Medicine researcher has found that high air-pollution areas of Chicago have higher death rates than areas with lower pollution.

Prof. Julius Goldberg, in a report he will make to the Department of Health, Education and Welfare, found, for example, that deaths of white males in high pollution areas averaged 1,949 per 100,000, while deaths among a comparable group in low pollution areas was 1,389 per 100,000.

Goldberg, in his work at the Stritch school, which is part of Loyola University, put together air pollution data collected at 20 stations around the city, census information on persons living in the affected areas and Board of Health death reports.

Goldberg is cautious about drawing conclusions from the results, but he observed: "When we look over deaths from all causes, there is a very decided decline in favor of low-pollution areas."

He said his findings parallel those in other cities.

Goldberg was interviewed in his office at the Stritch school, 2160 S. 1st, Maywood.

The first results, on death, are part of a continuing series of studies. Goldberg has embarked on an investigation of pollution and illness, for which he is trying to get the cooperation of families, of children attending nursery schools and day-care centers.

For the study already completed, 29 different causes of death are included, plus a 30th catch-all category.

The statistics for pneumonia show that for the moderate socio-economic group, deaths per 100,000 averaged 95 in the high pollution areas and roughly half that rate—or 46—in low pollution areas.

Goldberg said death totals are annual averages for the 1960–1962 period.

The Loyola professor noted that in many of the cause-of-death categories the decline in mortality rates from high to low pollution areas was more consistent in the moderate socio-economic group than in the high or low socio-economic groups.

Statistics for the low group are more erratic, Goldberg said, and the high socio-economic group appears to be much less affected by differing pollution exposures than the other two groups.

Goldberg observed, however, that simply living in the area of high or low pollution may not be the whole story—the affluent, for example may spend more time in air-conditioned rooms protected from surrounding pollution.

That is one reason why Goldberg wants to make further studies of social factors in the health effects of pollution.

The fact that the well-to-do are exposed to high pollution is shown graphically by a map on Goldberg's office wall. The map indicates that the highest of 20 pollution areas in the city begins at about Navy Pier and runs north to about Fullerton, covering N. Lake Shore, the Near North Side and Old Town.

A pollution area for purposes of the study was a circle with a radius extending 1¼ miles from a city air pollution collection station.

Pollution statistics were limited to particles suspended in the air, but Goldberg said figures for compounds of sulphur, such as sulphur dioxide, probably would be similar.

HOUSE OF REPRESENTATIVES—*Monday, October 20, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The fruit of the spirit is in all goodness and righteousness and truth.—Ephesians 5: 9.

Our Father, who art in heaven, we wait upon Thee with receptive minds and responsive hearts that the uplift of Thy spirit can be ours as we face the beginning of a new week. May we take up the work of these days with courage and confidence knowing Thou art with us and believing Thou art endeavoring to lead us in great and good ways. Grant that what we do may fulfill Thy purposes for us, for our Nation, and for our world.

Deepen the minds of men in truth and justice and mercy that order may prevail, laws be obeyed, good will be followed and people learn to live together with reverence before Thee, with respect for each other, and with a real faith in our beloved country.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, October 16, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of hearings on Science and Strategies for National Security in the late 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof.

The message also announced that the Senate had passed with amendment, in which the concurrence of the House is

requested, a concurrent resolution of the House of the following title:

H. Con. Res. 368. Concurrent resolution providing for the printing of copies of the eulogies on Dwight David Eisenhower.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11039) entitled "An act to amend further the Peace Corps Act (75 Stat. 612), as amended."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2214. An act to exempt potatoes for processing from marketing orders.

DEATH OF ANTONI NICHOLAS SADLAK

(Mr. MESKILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MESKILL. Mr. Speaker, I have the unpleasant task today of informing my colleagues that a former Member of this body, Congressman Antoni Sadlak, died on Saturday, October 18, at the age of 61, in his hometown of Rockville, Conn.

Congressman Sadlak was born on June 13, 1908. He attended the parochial schools in his hometown and graduated from George Sykes Manual Training and High School there and Georgetown University School of Law.

He served as a special inspector for the Department of Justice from July 1941, to December 1942, and as assistant secretary-treasurer of the Farmers' Production Credit Association, from 1944 to 1946.

Then he became secretary to former Congressman Boleslaus Monkiewicz in 1939, 1940, 1943, and 1944.

Then he resigned to accept a commission in the Naval Reserve, and he served in New Guinea and the Philippines and China. He was discharged as a lieutenant in April 1946, and then was educational supervisor in Connecticut in the department of education from 1946 to September of that year, when he was elected as a Republican to the 80th Congress. He was reelected in the five succeeding Congresses as an at-large Representative from my State. He served as regional assistant manager of the Veterans' Administration in Hartford, Conn., from March 30, 1959, to May 2, 1960. At the time of his death he was serving as judge of probate for the probate district.

I know I speak for all in extending our sympathies to the members of his family. We are all saddened by this loss.

Mr. Speaker, I include at this point a clipping from the New York Times of October 20, 1969:

ANTONI SADLAK DIES IN ROCKVILLE; SERVED IN CONGRESS FOR SIX TERMS

ROCKVILLE, CONN., October 18.—Antoni Sadlak, who served as a Connecticut Representative for six terms in the House died here on Saturday at the age of 61.

A VARIED CAREER

Mr. Sadlak served as a chief aide to Representative-at-large Boleslaus J. Monkiewicz in the 76th and 78th Congress. He won his own seat in the House in the 80th Congress as Representative-at-large.

That was in 1946, and Mr. Sadlak served six straight terms until his defeat in 1958 by Frank Kowalski, a Democrat.

Service in Congress was the highlight of an extremely varied career for the Republican, who was born in Rockville, Conn., on June 13, 1908.

He attended the George Sykes Manual Training High School in Rockville and went on to obtain his law degree at Georgetown University, from which he also received the Doctor of Laws degree in 1958, the year that he unsuccessfully sought the Republican nomination for Governor in Connecticut.

He had served as a special inspector for the Justice Department. In this post, at the outbreak of World War II, he was detailed on a special mission to round up enemy aliens in California.

In 1944, he resigned his post with Representative Monkiewicz to enter the Navy and was assigned as communications watch officer and top secret officer on the staff of Adm. Thomas C. Kincaid, Commander of the Seventh Fleet, serving in and around New Guinea, the Philippines and China.

In 1959-1960, he served as assistant manager of the Veterans Administration Regional Office in Hartford.

In his campaigns he claimed a broad knowledge of agricultural problems, based on his years as assistant secretary-treasurer for the Farmer's Production Credit Association in Hartford.

Mr. Sadlak served on the House Ways and Means Committee, where he worked for various tax reform bills. Early in 1958, he urged a major income tax reduction as the best means of halting the recession then in progress.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I was deeply shocked to learn of Toni Sadlak's death. It was my privilege to have served with him from the 81st Congress until he left the House. He was a very diligent, conscientious, constructive, and able Member of this body. He was a close personal friend of mine. I was proud to call him my friend. Toni was a relatively young man and I am sure he had many, many long years of productive life ahead of him if this tragedy had not happened. He will be badly missed by his thousands of friends who admired and appreciated his many years of dedicated public service.

Mr. Speaker, I join with the gentleman from Connecticut in extending to Toni Sadlak's family our deepest condolences.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, I, too, feel very sad at this news. I always enjoyed my service with Toni Sadlak. He was a very fine legislator and a very able one. Of course, also to those of us who knew him, he was a real friend. I had occasion frequently to go to Connecticut and often I have seen our former colleague there. I always looked forward to that. Now it grieves me greatly to think that when I go there he will no longer be there. Toni Sadlak certainly performed great service to his country. He was a very fine person in every sense of the word.

Mr. Speaker, I join the gentleman from Connecticut in expressing our sorrow to his beloved ones.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I did not know about the death of my friend, Antoni Sadlak, until I heard it from the gentleman from Connecticut this morning. I knew him very well as a Member of the House and I knew him as a most conscientious and dedicated Member and a Christian gentleman, always cooperative, always willing to carry his share of the work.

I was shocked to get the news which the gentleman has brought. I join the gentleman from Connecticut and others in extending our deepest sympathy to the family of our late former colleague.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I thank my friend, the gentleman from Connecticut, for yielding.

Mr. Speaker, it was with deep sorrow that I learned of the passing of my old friend and colleague, Antoni Sadlak. I served with Toni from the 83d Congress, when I joined this body, until he left it to go back home. I always valued his friendship and advice. He was certainly an able and diligent Member. The Congress of the United States was the beneficiary of his great talents.

Mr. Speaker, I join my colleagues in sending condolences to the family of Toni Sadlak. May God rest his soul.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I join my colleagues in expressing great sorrow at the passing of our friend, Toni Sadlak. Like others who have spoken here, I knew our former colleague very well, and I appreciate the great contributions he made to this body.

Mrs. Boggs and I had the pleasure of attending, with Toni and Mrs. Sadlak, some meetings of the Interparliamentary Union. We got to know Mrs. Sadlak very well, and we know of the great loss this is to her and to their family. I join with others in expressing condolences to the family.

Mr. ST. ONGE. Mr. Speaker, it is with a heavy heart and a great deal of sorrow that I learned of the untimely passing of our former colleague, Antoni Nicholas Sadlak, of Connecticut. He died of a heart attack Saturday at the General Hospital in Rockville, Conn.

Many of our colleagues here will surely recall Toni Sadlak, who served in this body as Congressman at large from Connecticut for a period of six terms uninterruptedly. His service included the 80th through the 85th Congresses, from January 1947 to January 1959.

Although we were not of the same political affiliation, we had a very pleasant personal relationship and I had great admiration for him as a legislator, as a

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community leader, and as a person. He was a man of integrity, honest, sincere, and forthright. He was a deeply religious person and a patriotic citizen.

Toni Sadlak was born in Rockville, Tolland County, Conn., on June 13, 1908. He was thus only 61 at the time of his death. He was raised and educated in Rockville, and subsequently studied at Georgetown University and at Georgetown University School of Law in Washington, D.C., from which he was graduated in 1931. In 1958 Georgetown conferred upon him the honorary degree of doctor of laws.

In 1939 he returned to Washington as a secretary to Representative Boleslaus J. Monkiewicz of Connecticut, which position he held for nearly 4 years. He left to enter the U.S. Navy during World War II, served in New Guinea, the Philippines, and China, was a secret officer under Adm. Chester W. Nimitz, and was discharged as a lieutenant in April 1946.

Toni Sadlak also rendered fine service with the U.S. Government. In 1941–42 he was a special inspector for the Department of Justice and in this capacity he served in a special mission to round up enemy aliens in California after the attack on Pearl Harbor and U.S. entry into World War II. In 1959–60 he held the post of assistant manager of the Veterans' Administration regional office in Hartford, Conn.

In recent years Sadlak was for several years executive director of the Rockville Area Chamber of Commerce, and in 1966 was elected judge of probate for the Ellington-Vernon District which post he held until his death. He was active in church groups, in veterans' organizations, Polish-American circles, and many civic and fraternal organizations.

In Congress, Sadlak first served for several years on the House Post Office and Civil Service Committee and later on the Ways and Means Committee where he became in time the ranking Republican member of the committee. He represented this House at several Interparliamentary Union Conferences abroad. Among legislation he introduced in Congress were proposals for a gradual reduction of income taxes, aid to redevelopment of slum areas, and stricter enforcement of narcotics laws.

He leaves a widow, Mrs. Alfreda Z. Sadlak; a son, Antoni, and a daughter, Alita, as well as a brother and four sisters. The funeral will take place Tuesday morning, October 21, in Rockville.

To his widow, his children, and other members of his family I wish to extend my sincerest condolences and sympathies on this sad day of their bereavement. We share their loss and we shall remember him for many years. He leaves a great name behind and many fine achievements which should be a consolation to his family. Our thoughts and our prayers are with them.

GENERAL LEAVE TO EXTEND

Mr. MESKILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Antoni Sadlak.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

"NO EXIT FROM VIETNAM"—SIR ROBERT THOMPSON'S NEW BOOK ON VIETNAM

(Mr. BOLLING asked and was given permission to address the House for 1 minute.)

Mr. BOLLING. Mr. Speaker. I have just read Sir Robert Thompson's new book on Vietnam—"No Exit from Vietnam." Sir Robert played a key role in the defeat of Communist insurgency in Malaya. He is well qualified by experience, knowledge and demonstrated wisdom to comment on the role of the United States in Vietnam. He is critical of past American military-political policy, strategy and tactics in Vietnam. If his criticisms are sound and I believe many of them are, it is urgent that American policymakers in the executive, both civilian and military, and every Member of the Congress become familiar with them.

On the other hand, Sir Robert is not an advocate of U.S. withdrawal from Vietnam. In fact he says that we have only two alternatives: "selling out" or "to develop a long-haul, low-cost strategy."

His book should be read by "hawks" and "doves" alike as well as those who are neither and continue to seek the wisest course in the longrun interests of the people of the United States.

I urge each of my colleagues to read this important book.

I will include its last chapter in the Extensions of Remarks of the Record.

THE LATEST INTEMPERATE OUTBURST FROM THE ADMINISTRATION

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, sensible Americans agreed with President Nixon's inaugural admonition:

> In these difficult years, America has suffered from a fever of words . . . from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postures instead of persuading.
>
> We cannot learn from one another until we stop shouting at one another.

It was gratifying, therefore, to see millions of Americans of all ages exercising that kind of restraint last week, in their gentle efforts at communicating to the President their longing hope for an end to our unfortunate intervention in Vietnam.

All the more unfortunate, then is this latest intemperate outburst from the adminstration by Vice President Spiro T. Agnew, on October 19, 1969, at a fund-raising affair, New Orleans, La.:

> A spirit of national masochism prevails encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals.

TRIBUTES TO THE HONORABLE JOHN W. McCORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, the Honorable John W. McCormack, Speaker of the U.S. House of Representatives, has given of himself to his country, his State, and his native community. He is loved and respected by all those who know him.

When the record of the history of this great Nation is written, the name of John W. McCormack will rank among the greatest Speakers in our Nation's history.

John W. McCormack was born in the teeming tenement district of South Boston. I was born in that district. We were brought up, raised in a decent way in a very poor neighborhood.

This section of the Nation has produced some of our great leaders in government, religion, and business, and John McCormack ranks among the best.

John McCormack has given years of service with an unblemished record—a record of decency and integrity—a record that will stand the test of time and the spotlight of publicity.

You and I know that the field of politics is the roughest field in the world. You know about the slings and arrows that come at us every day in the week. But John W. McCormack has stood the slings and arrows and he will continue to stand the test of time, he will always have the faith and confidence of the people of his native district in South Boston and, yes throughout the State of Massachusetts and throughout the Nation by all those who know him.

I am happy and I am proud and I am privileged to serve under his great leadership in this House.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. Of course what the gentleman has said is something that every Member of this House knows is true.

The Speaker's record has been an open book for more than 40 years here in the House of Representatives. He has been elected and reelected by his constituents. He has been reelected Speaker of the House more times than any other man, except Sam Rayburn, in all its history, elected, if you please, by those who have known him and worked with him daily year in and year out.

I have served close to the Speaker for a long time, as all Members know. I have never once in all those years had one single reason to doubt that John McCormack in personal life and in public trust represents to the very core of his being the highest moral traditions of this country. He is not only a great man, he is a good man, a model for young people. He is a Christian gentleman and a statesman of the highest order.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I think we all read the news stories over the weekend. One sentence in one story appealed to me particularly. It said that the Speaker of the House of Representatives had a reputation of being a Puritan. That may not be a completely accurate restatement of the full sentence in the story, but it was the thrust of the article.

Let me say with deep feeling and strong conviction, everything I have ever known personally about John McCormack would indicate that he was a Puritan in the highest and finest tradition, and that is a good enough recommendation for me.

Mr. BURKE of Massachusetts. I thank the gentleman. I yield to the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, I think we all appreciate what the gentleman has said. The gentleman from Michigan has well defined the Speaker again in the highest traditions of that word.

His whole life has been devoted to his country, to his church, to his wife, to his State, and to his constituents and this House of Representatives.

I think he has been an inspiration to all of us in his devotion to his country and to this great representative body. Anyone who would question his integrity would not know the man in any sense of the word. I join with my colleagues in expressing my pride in having been associated with the Speaker for well over a quarter of a century.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the distinguished gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Speaker, I want to say I have been in this House for 26 years and I have never known a finer man than our Speaker. I wish every American led as clean a life as he does. I stayed at the Washington Hotel where he lived for many years. There has never been a more devoted husband in America than Speaker John McCormack. In my opinion, he is ruggedly honest. I want to say that the last two times he ran for Speaker he got all the Democratic votes in the State of Alabama, and the next time he runs, if I am dean of the delegation, I think I can assure him he will get all of the Democratic votes in the State of Alabama. We love him and we consider him a fellow southerner, because, as the gentleman said, he is from South Boston.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, as a junior Member on the minority side. I would like to say all of us here know John McCormack to be a Christian gentleman in the highest sense of that term. The distinguished Speaker's integrity is unimpeachable and beyond challenge so far as every Member of this House is concerned, and we deeply appreciate it.

Mr. EVINS of Tennessee. Mr. Speaker, I want to join with my colleagues in paying a richly deserved tribute to the Speaker and to his great record of public service in the Congress and to the people throughout our Nation.

Certainly no American has had a more important part in championing legislation of benefit to our people than Speaker John W. McCormack, and I want to commend and congratulate him for his great leadership, his unassailable integrity, and for his great ability.

We have all read over the weekend the report of the suspension his administrative assistant, and the allegations that he exceeded his authority without the Speaker's knowledge or consent.

Certainly this development should in no way be construed as a reflection upon Speaker McCormack, as we all know that the Speaker is the soul of honor and the embodiment of integrity. We all know that John W. McCormack has always scrupulously adhered to the highest ethical standards, that Speaker McCormack is a Christian gentleman, and that his life is exemplary in every respect.

Mr. Speaker, we all admire you, and our trust in you is absolute and implicit. I want to assure you of our continuing trust and confidence in you as a man and as a great leader of honor and integrity.

Mr. RARICK. Mr. Speaker, I rise to compliment the gentleman from Massachusetts (Mr. Burke) for his forthrightness in coming to the defense of our Speaker, and would hope he will be joined by the great majority of our colleagues.

The underhanded innuendoes and sly insinuations that have been instigated to discredit a loyal and faithful public servant come as an affront to all honorable Members of this body.

One of the reasons for the current smear attack on the Speaker is reported to be his courage in supporting me—a junior Member who could do nothing for the Speaker or his district—when I was attacked by this same group. No one can appreciate better than I, his fearless dedication—without prospect of personal gain—to principles of right and fair play. Especially is this evident when we realize that the Speaker was well aware that his impartiality in so doing would make him vulnerable to just such vituperative types of attack.

Those of us in Washington know full well the purpose of these attacks and calculated character assassination—a new leftist attempt at guilt by association. What the American people do not know and are not being told is that this assault is but another rule-or-ruin attempt by the same ambitious clique of leftists within the Democratic Party who were defeated at Chicago, who were defeated here in January when we organized this House, and who have been soundly repudiated at every opportunity offered the people to voice an expression.

This group has organized in the best militant style of the streets. Without authority, they brazenly operate a party within a party—a parallel government in this House, a Satyagraha—complete with officers, goals, whip system, and party discipline.

The Speaker has always been a truly progressive leader of the Democratic Party. As a young Member of Congress responsible to the wants and wishes of my people, I have always found him attentive and fair, and I respect his adherence to the philosophy that there is room under the broad umbrella of the Democratic Party for many different political viewpoints.

Our Speaker, the Honorable John McCormack, has served our country long and ably. When history records the great Speakers of this House, the name of John McCormack will be high on the list, while the names of his detractors will have blown away like dust.

Mr. PATMAN. Mr. Speaker, when we eulogize great men, great leaders, and statesmen who have entwined their lives in any significant degree with the warp and woof of the national fabric of this country, it is generally the custom to speak in glowing terms of qualifications and accomplishments without mentioning any minor shortcomings. The resulting appreciation too often presents an effigy that is noble and edifying, but also far removed from the turmoil of human existence. Our own House of Representatives, where legislative crosscurrents are constantly at work and where the most placid surface can in a moment become a vortex of conflicts, is possibly the last place in the world to look for a portrait in classic marble.

The Speaker of the House of Representatives since the second session of the 87th Congress, the Honorable John W. McCormack, of Massachusetts, cannot be viewed apart from his legislative function, and I hope you will permit just a few observations which reflect my respect, understanding, and high regard for a colleague who, in the leadership of this body, must possess the technical skills of an inspired parliamentarian, the wisdom of a philosopher king, and patience as time defying as interplanetary space. But no matter how far reaching the superlatives, the gentleman from Massachusetts (Mr. McCormack) persists in being a grand human being with the tang of everyday salt in his style and makeup. He has mingled in the fray of battles without number, his scars speak of brave endurance when most have fled the field, and if he has enemies they stand in deep shadow where his sharp eye cannot find them.

Incidentally I have found that Speaker McCormack has never made a speech that did not teach me something, and usually a great deal. Although I am not a member of his church I feel that all of us in the House of Representatives share in his abiding faith, and that each Member is the beneficiary of his great and singular devotion.

The Honorable John W. McCormack is a man of indomitable conscience.

Mr. TALCOTT. Mr. Speaker, I disagree with the Speaker on most political issues. I would prefer that he be the minority leader rather than Speaker. But today I rise to congratulate and commend the Speaker. More importantly, I rise to thank him.

These days must be sad for him. One of his trusted friends and employees was alleged to have violated a special trust

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and taken advantage of a long friendship. Loyalty, trust, and dedication are precious commodities in and around the Congress. Each of us may know this better than any employee, student, or Reporter of the House of Representatives.

It is not easy to discover, acknowledge, or appreciate such breaches of trust and such disloyalty.

I believe the Speaker suspended his administrative assistant as soon as he had information to indicate that his assistant may have misused his position or his close relationship with the Speaker. This immediate response is highly commendable. We have learned to expect this impeccable integrity of the Speaker.

The Speaker not only acted courageously and correctly in his own behalf, he performed a special service for the House of Representatives.

Incidents like this will occur from time to time. When Members respond with the alacrity and integrity of the Speaker, they enhance the reputation and image of the House.

So I commend and thank the Speaker for putting his concern for the House and its reputation above his own personal friendships, trusts, and feelings.

I know the Speaker must have been torn between long personal friendship and the reputation of the House, between his strong loyalty to trusted employees and his obligation to maintain the integrity of the functions of the Congress.

After thorough and careful scrutiny, there may be a determination that there was no breach of trust or misuse of position, but the Speaker came up on the side of the Congress.

Each of us ought to be thankful to, and proud of, the Speaker for his courageous conduct on behalf of the House. This is selfless leadership that seldom attracts any acclaim.

As one Member of this House, I say thank you, Mr. Speaker.

GENERAL LEAVE TO EXTEND

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Chair expresses his appreciation to the gentleman from Massachusetts as well as all of the others who have spoken here today.

The time of the gentleman has expired.

THE HONORABLE JOHN W. McCORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES

(Mr. O'NEILL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, I have asked for this time in order to pay tribute to one of the greatest living Americans. He is a man whose political and personal lives have been marked by compassion, honesty and fair play. He is responsible not only for the greatest legislative feats in the history of our Nation, but also for inspiring Members of this body to perform their duties to the best of their abilities, and to seek a better world for all mankind.

I am sure you all know that I am describing our beloved Speaker, the Honorable JOHN W. McCORMACK. Our Speaker is a great man, loved by every Member of this body.

We all know that recent events have made this a personally trying and distressing time for him. Therefore, I want to take this opportunity to express my utmost confidence in him, my loyalty to him and his leadership, and my faith in his ability to carry on in the great tradition he has established in this body. I hope it will help him to know that we are with him at this time, and that there is no faltering or diminishing of our confidence or loyalty.

I know his great faith, which has brought him through many a personal tragedy and helped him lead this Nation during its greatest perils, will carry him through this trying time, and I hope the knowledge of our devotion and fidelity will in some small way help him to weather this storm.

More than any other man I have known, our beloved Speaker loves his fellow man and loves this House. I want him to know at this time that the Nation he has served and is so ably serving is grateful for his leadership—and that I and my colleagues are constant in our loyalty and devotion. I also want him to know more than anything else that he has our confidence and our love.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I join with my distinguished colleagues from Massachusetts, Congressman BURKE and Congressman O'NEILL and other Members of the House in this expression of confidence in Speaker JOHN W. McCORMACK.

I am sure that his record needs no defense from us. It has been written over a period of more than 40 years, a brilliant legislative record of intelligent action and leadership during some of the most trying times in the history of this Nation.

Mr. Speaker, the fact that Members from both sides of the aisle have today paid tribute to him indicates the respect in which he is held by the membership in this body.

I have confidence that recent newspaper stories will wash out insofar as Speaker McCORMACK is personally concerned. I feel, too, that Speaker McCORMACK's impeccable reputation for honesty and integrity will not be sullied.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to join with the gentleman from Massachusetts (Mr. O'NEILL) in expressing our confidence in the Speaker. Certainly, we Members have always appreciated his fairness and his friendship and I hope he will continue just as he is.

It has been a pleasure as a Congressman of the opposition party to serve through the years with JOHN McCORMACK, of Massachusetts. I have served under his excellent leadership in the early days of space on the original Select Space Committee of the House, as well as on the House Science and Astronautics Committee, to each of which committees JOHN McCORMACK has given progressive, forward-looking leadership as chairman.

Congressman JOHN McCORMACK has increased the prestige of the speakership of the U.S. House of Representatives, and the House of Representatives, as well.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. O NEILL of Massachusetts. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. I come from the neighboring State of Rhode Island and want to rise and pay tribute to the Speaker and to thank him on behalf of the constituents whom I represent and have represented over the years. I further would like to say that during my tenure the distinguished Speaker has taken of his valuable time on hundreds of occasions to speak with, advise, and assist constituents of mine. When the people who are reading these stories that are being written stop and think of the multiplicity of duties of the Speaker, they should ask themselves how can one man perform all that he has performed over the years.

Upon reflection and upon careful analysis, the people of this Nation are and ought to be grateful for the fact that we have a JOHN McCORMACK heading this House of Representatives.

Mr. O'NEILL of Massachusetts. I thank the gentleman for his comments.

THE MORATORIUM

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, in the latest administration attempt to discredit the October 15 Vietnam moratorium, Vice President AGNEW has said that it was "encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals."

Mr. Speaker, to whom was the Vice President referring? Was he referring to Ambassador Averell Harriman, who was the chief negotiator in Paris for President Johnson? Ambassador Harriman supported the moratorium.

Was he referring to former Supreme Court Justice Arthur Goldberg, our former Ambassador to the United Nations? Justice Goldberg supported the moratorium.

Was he referring to the many Members of the House and Senate who have been deeply concerned about the war in Vietnam?

Was he referring to the 79 college and university presidents who appealed to President Nixon for "a stepped up timetable for withdrawal from Vietnam?"

Was he referring to the millions of American citizens—young and old, black and white, rich and poor—throughout this land who expressed deep concern on October 15 about the continuation of the tragic war in Vietnam?

Continued attempts to discredit the determination of millions of Americans to see peace achieved in Vietnam will only make less credible whatever efforts the administration is pursuing. How long will the administration remain insensitive to, unaffected by, and unable to learn anything new from the yearning for peace as evidenced by the outpouring of citizen concern across this country?

The October 15 Vietnam moratorium was expressed in legitimate and traditional American fashion. It is important for the President and Vice President to recognize this is no longer dissent. It is now a majority sentiment.

Mr. Speaker, the Gallup poll has reported that a majority of the American people now want to see the war in Vietnam brought to a prompt end. Fifty-seven percent of the citizens sampled, according to the Gallup poll, support bringing home U.S. troops within 1 year and 58 percent believe that the war in Vietnam was a mistake from the beginning. That was the message of the American people when they elected President Nixon. Let it be heeded.

WHO NEEDS NOBEL PRIZES, ANYWAY? OR ONCE YOU'VE SEEN ONE NOBEL PRIZE, YOU'VE SEEN THEM ALL

(Mr. PODELL asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, I was among those Americans who were proud and most thrilled to see the Nobel Prize for medicine awarded last Thursday to three Americans. In the midst of worsening economic news, domestic turmoil over Vietnam, foreign conflicts, and the general worries of the world, here was a bright spot to lighten my spirits and uplift my heart. I believe millions shared this feeling. Government assistance over the years to the ongoing process of medical research had once again borne ripe fruit, not only for individuals and our country, but for all mankind.

It has since been revealed that each of these three American scientists who participated in the winning of the Nobel Prize for medicine have had their research funds cut by the Federal Government.

The disclosure came the day after the Department of Health, Education, and Welfare, which controls such research spending, sent each of them a telegram of congratulations. Sort of like offering a last drag on a cigarette to the man about to be shot by the firing squad; no?

Dr. Max Delbruck, of California Institute of Technology at Pasadena, had his funds cut 8 percent; from $406,274 to $373,760. Dr. Alfred D. Hershey, of the Carnegie Institution in Cold Spring Harbor, N.Y., had his funds cut 10 percent; from $45,399 to $40,860. Dr. Salvador E. Luria of MIT at Cambridge had his funds reduced by 9 percent; from $60,731 to $55,266.

Mr. Speaker, there are many indignant words which can be uttered here, and although ordinarily I am not lacking in a supply of them, I shall not utilize them. The facts speak for themselves.

I hope that these cuts will be restored by the administration in the interests of all Americans.

MORATORIUM DAY PARTICIPANTS SINCERE

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, the press this morning carries a story quoting Vice President AGNEW as having said participants in last Wednesday's "Moratorium day" were "impudent and snobs."

Well, Mr. Speaker, I disagree. Anyone who has read my congressional mail would realize the amount of sincerity that was involved in this movement of October 15, and this sincerity should be realized and respected. Those participating in "Moratorium day" proved themselves not a lawless mob but rather they conducted themselves in such a manner the police here in the Nation's Capital had high praise for their behavior.

I reiterate my position which I stated on the floor of the House of Representatives October 15. The President has done more in the last 9 months than any man in an attempt to end the war in Vietnam, and I commend him.

Further, when President Nixon addresses the Nation November 3, it has been hinted he will go further and seek U.S. disengagement from the war.

However, Mr. Speaker, it seems to me that unnecessary name-calling has no place in our administration's moves toward peace in Vietnam.

As former Vice President Hubert Humphrey said, emerging from a meeting with President Nixon at the White House recently:

> I believe the President is proceeding along the right path in Vietnam . . . and I think the worst thing we can do is try to undermine the efforts of the President. I believe that no man in this country is more desirous of bringing about an acceptable and workable settlement in Vietnam than the President of the United States.

PERSONAL EXPLANATION

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIZE. Mr. Speaker, on Thursday, October 16, 1969, the House passed H.R. 4293, a bill to extend the Export Control Act, by a vote of 272 to 7 on rollcall No. 233. While I had an opportunity to participate in the debate on this legislation, I was absent for the final vote on passage to attend a meeting at the White House with the President.

Although I was paired, had I been present I would have voted "yea" on this bill.

ODE TO THE METS, ETC.

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, in New York City today there is a tickertape parade honoring the world's series champions. Since the triumph of the lowly Mets is of particular inspiration to Republican Members, I would like to insert the following in the RECORD:

ODE TO THE METS, ETC.

Down and out and trampled under
Were the Mets, a winless wonder
Cynics said it would forever be their fate.
Their games went like Nixon's races
They kept falling on their faces
Striking out each time they came up to the plate.

But each time they didn't win
They'd stand up and try again
Herein lies a lesson no one wise forgets.
Failure need not be a prison
Worms can turn, and cream has risen
Just consider Richard Nixon, and the Mets.

Now my team is losing races
From the West's wide open spaces
To the Speaker's state of old Massachusetts,
But we'll keep a vision glorious
Of Republicans victorious
Just rememb'ring Richard Nixon, and the Mets.

From the ashes, from the dust
Truth can rise—indeed, it must
Democratic friends, I say with no regrets.
When our efforts are expended
You may find yourselves upended
Just remember Richard Nixon, and the Mets.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I hope the gentleman will keep in mind that Mr. Koosman is a Minnesota product.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE VICE PRESIDENT'S COMMENTS WITH RESPECT TO THE MORATORIUM

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, it is with a sense of sadness and a sense of disappointment that I read in this morning's paper of the comments of the Vice President with respect to the moratorium, which was just referred to by the last speaker.

I would say that I do not feel the comments which were made by the Vice President reflect the feelings of the President. I do not believe he speaks for the President on this issue, nor do I believe he speaks for the national party, because I read and heard, as you did, that the chairman of our National Republican Party thought the moratorium was a

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good thing and was so quoted as having said so.

I noticed, also, the Vice President, in the remarks quoted, used the phrase "dangerous oversimplification." I believe it is a dangerous oversimplification to ever try to paint everybody with the same brush, particularly with respect to the moratorium.

I would hope that we in our party, that started as a civil liberties party with Abe Lincoln and with the idea there were some careful distinctions which ought to be made with respect to civil rights, will look for ways to disassociate ourselves from any form of extremism, any form of branding and labeling anybody, whether it be with phrases like "Communist sympathizers," "impudent snobs," or anything of the kind.

I believe the times we are in are much more serious than that. All of us, regardless of party and regardless of position, have to take the time to be very careful in defining exactly what we mean.

I stand here with a great sense of disappointment about the Vice President's remarks, and I want to make sure it is clear they do not represent the views and feelings I have as one within the Republican Party, and I believe they do not accurately reflect the views of many others.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

TRANSFER OF PEANUT ACREAGE ALLOTMENTS

The Clerk called the bill (H.R. 14030) to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments.

Mr. RYAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDING THE ACT OF DECEMBER 11, 1963 (77 STAT. 349), RELATING TO THE ROSEBUD SIOUX INDIAN RESERVATION, S. DAK.

The Clerk called the bill (H.R. 3247) to amend the act of December 11, 1963 (77 Stat. 349).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask one question concerning this legislation.

Suppose the insurance company proceeds on the basis of the pending legislation to make a loan to the Rosebud Sioux Indians, and then is forced to foreclose. Would the insurance company get title to the land foreclosed to settle the judgment? What would be the situation?

Mr. BERRY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from South Dakota.

Mr. BERRY. The insurance company would get title under the laws of the State of South Dakota.

We passed the original legislation in 1963, I believe it was, to permit the tribe to consolidate its holdings and to sell and mortgage land that was in adjoining counties, some distance from the reservation, but we did not provide that a mortgage in default could be foreclosed in State courts. That is all that this does, is to give the mortgagee the right to come in to State court and foreclose the mortgage.

Mr. GROSS. It is not proposed to somehow or other induce these Indians to go into debt and then foreclose on them under adverse circumstances and take their lands?

Mr. BERRY. No. Of course that is not the purpose.

Mr. GROSS. But this could be the result of the insurance company having loaned the money. They could be foreclosed upon and the insurance company step in and take over the land. Is that not true?

Mr. BERRY. It could be, but before the loan is made it must be approved by the Secretary of the Interior. So there is no danger of any company, that is, any insurance company, taking advantage of the tribe or any individual Indian under this bill.

Mr. GROSS. I thank the gentleman. I appreciate that assurance for the record.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I yield to the chairman of the committee.

Mr. ASPINALL. Mr. Speaker, this bill amends a 1963 statute which permits the Rosebud Sioux Tribe to mortgage isolated tracts of tribal land on the reservation in lieu of selling them, and to use the mortgage money to acquire lands within the tribal consolidation area. The 1963 act does not specify the procedure to be used in the event it is necessary to foreclose a mortgage of this kind. H.R. 3247 spells out his procedure by saying that the foreclosure will be in the State court in accordance with the State law.

The enactment of the bill is needed before the commercial lending agencies will lend money on the basis of tribal mortgages and the tribe has asked that the bill be enacted.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 3247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of December 11, 1963 (77 Stat. 349), Public Law 88–196, entitled "An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota", be and the same is hereby amended by adding a section 3 reading as follows:

"SEC. 3. Any land mortgaged under section 2 of this Act shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of South Dakota. For the purpose of any foreclosure or sale proceeding, the Rosebud Sioux Tribe shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the foreclosure or sale proceeding, and any conveyance of the land pursuant to the foreclosure or sale proceeding shall divest the United States of title to the land. Title to any land redeemed or acquired by the Rosebud Sioux Tribe at such foreclosure or sale proceeding shall be taken in the name of the United States in trust for the tribe. Title to any land purchased by an individual Indian at such foreclosure sale or proceeding may, with the consent of the Secretary of the Interior, be taken in the name of the United States in trust for the individual Indian purchaser."

With the following committee amendments:

Page 2, line 10: Following the word "Indian" insert "member of the Rosebud Sioux Tribe."

Page 2, following line 13: Add a new section as follows:

"SEC. 2. The Act of December 11, 1963 (77 Stat. 349), Public Law 88–196, entitled 'An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota', is further amended by adding a section 4 reading as follows:

" 'SEC. 4. The provisions of this Act shall not apply to the foreclosure of a mortgage or a deed of trust which is then owned by an individual Indian.' "

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 73) to amend the act entitled "An act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota."

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 73

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of December 11, 1963 (77 Stat. 349, Public Law 88–196), entitled "An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota", be and the same is hereby amended by adding a section 3 reading as follows:

"SEC. 3. Any land mortgaged under section 2 of this Act shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of South Dakota. For the purpose of any foreclosure or sale proceeding, the Rosebud Sioux Tribe shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the foreclosure or sale proceeding, and any conveyance of the land pursuant to the foreclosure or sale proceeding shall divest the United States of title to the land. Title to any land redeemed or acquired by the Rosebud Sioux Tribe at such foreclosures or sale proceeding shall be taken in the name of the United States in trust for the tribe. Title to any land purchased by an individual Indian member of the Rosebud Sioux Tribe at such foreclosure sale or proceeding, many, with the consent of the Secretary of the Interior, be taken in the name of the United States in trust for the individual Indian purchaser."

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 73 and insert the provisions of H.R. 3247 as passed, as follows:

"That the Act of December 11, 1963 (77 Stat. 349), Public Law 88–196, entitled "An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota", be and the same is hereby amended by adding a section 3 reading as follows:

" 'SEC. 3. Any land mortgaged under section 2 of this Act shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of South Dakota. For the purpose of any foreclosure or sale proceeding, the Rosebud Sioux Tribe shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the foreclosure or sale proceeding, and any conveyance of the land pursuant to the foreclosure or sale proceeding shall divest the United States of title to land. Title to any land redeemed or acquired by the Rosebud Sioux Tribe at such foreclosure or sale proceeding shall be taken in the name of the United States in trust for the tribe. Title to any land purchased by an individual Indian member of the Rosebud Sioux Tribe at such foreclosure sale or proceeding may, with the consent of the Secretary of the Interior, be taken in the name of the United States in trust for the individual Indian purchaser.'

"SEC. 2. The Act of December 11, 1963 (77 Stat. 349), Public Law 88–196, entitled 'An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota', is further amended by adding a section 4 reading as follows:

" 'SEC. 4. The provisions of this Act shall not apply to the foreclosure of a mortgage or a deed of trust which is then owned by an individual Indian.' "

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3247) was laid on the table.

PLACING IN TRUST STATUS CERTAIN LANDS OF THE STANDING ROCK SIOUX INDIAN RESERVATION IN NORTH DAKOTA AND SOUTH DAKOTA

The Clerk called the bill (H.R. 3334) to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North Dakota and South Dakota.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that an identical Senate bill, S. 74, be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

S. 74

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall hereafter be held by the United States in trust for the benefit of the Standing Rock Sioux Indian Tribe all the right, title, and interest of the United States in and to the following described land on the Standing Rock Sioux Indian Reservation in North and South Dakota.

The Southwest quarter southwest quarter southwest quarter southeast quarter of section 35, township 132 north of range 83 west of the fifth principal meridian, Sioux County, North Dakota, containing 2.5 acres more or less.

SEC. 2. This conveyance is subject to all valid existing rights-of-way of record.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. ASPINALL. Mr. Speaker, this bill transfers to the Standing Rock Sioux Tribe a trust title to approximately 2.5 acres of land that were acquired by the United States in 1938 for an Indian school. The school has been discontinued and the property is excess to the needs of the Department of the Interior. The land is within a portion of the reservation where the tribe is attempting to consolidate its land holdings and the tribe wishes to acquire the land. The land has a fair market value of $700.

Although the bill provides for a transfer without a consideration, the bill contains a requirement that the Indian Claims Commission consider whether the value of the land should be setoff against any future claims judgment against the United States.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3334) was laid on the table.

DECLARING THAT CERTAIN FEDERALLY OWNED LAND IS HELD BY THE UNITED STATES IN TRUST FOR THE CHEYENNE RIVER SIOUX TRIBE OF THE CHEYENNE RIVER INDIAN RESERVATION

The Clerk called the bill (H.R. 4226) to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I would like to inquire as to whether the committee considered the Bureau's question whether mineral interests should be transferred and with respect to other questions that were raised by the Bureau of the Budget.

Mr. BERRY. Mr. Speaker, will the gentleman yield

Mr. PELLY. I yield to the gentleman from South Dakota.

Mr. BERRY. The tribe is not primarily interested in the mineral rights. The purpose of the bill is to transfer this land to the tribe because we have a company that is coming in to put in a tanning plant on this land adjacent to Oahe Lake and Reservoir which will employ 100 to 200 Indian people. We have plenty of water and power and everything at this point. The tribe is interested in getting this land, which is ideally located for this plant. This is the purpose of the legislation.

Mr. ASPINALL. Mr. Speaker, will my colleague yield to me?

Mr. PELLY. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, this legislation would transfer the mineral rights, whatever they might be, and they are taking it into consideration as a part of the appraised valuation.

Mr. PELLY. Would the gentleman indicate as to the position of the Treasury in reporting on this legislation? There is nothing that I can find that indicates whether they were in support of this legislation.

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, I do know that this bill has the approval of the Bureau of the Budget and therefore, I would think that under those circumstances it has the support of the Department of the Treasury.

Mr. PELLY. As I understand, Mr. Speaker, the Bureau of the Budget said that the Treasury Department would comment but insofar as I know the Treasury Department has not as yet commented upon it. However, I think this is a small item in this bill and the only reason I raise the point, Mr. Speaker, is because the next bill on the Consent Calendar is more substantial and, again, the question was raised by the Bureau of the Budget as I understand it as to whether the property was to be donated or sold, and other points that were raised and as to whether or not the property should be held in trust rather than in a fee status.

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield further, the bills that we have here are similar bills that we have passed year after year for housekeeping purposes in order to put the Indians into a position where they themselves could carry on their business. That is all that is involved here.

It seems to me that this is a better way to do it than under the HEW approach.

Mr. PELLY. I am sure the gentleman has handled a lot of these bills and if he thinks that is the way to handle them it is probably the best procedure, but I saw these points which were raised by the Bureau of the Budget.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. GROSS. I am still not clear—perhaps the gentleman from Washington is—but I am still not clear as to whether the mineral rights in connection with this land are protected.

Is the gentleman saying that the mineral rights have been protected, no matter what the acreage involved? This is not an extraordinarily large acreage, but there may well be valuable minerals on

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small acreages. I still do not know whether the mineral rights have been protected or not. The Bureau of the Budget questioned this matter with relation to this bill.

Mr. PELLY. As I understand it, the property is rather small and there is no knowledge at this time to the effect that there would be any real value in mineral rights. But I think the principle is one that I am sure the very distinguished chairman of the Committee on Interior and Insular Affairs and the members of that committee have considered. However, I think we ought to raise this issue when legislation of this kind comes to the floor.

Mr. BERRY. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. BERRY. There are no known minerals in this area.

Mr. PELLY. Well, that has been true in parts of the country when it was said there were no great minerals involved. Yet, they discovered oil later. There is the case of the city of Long Beach which does not represent a large area but which gets large oil royalties. So I think, as a matter of principle, the committee ought to consider possible mineral rights and I am sure it has.

Therefore, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that an identical Senate bill, S. 921, be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

S. 921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in land heretofore used in connection with the Cheyenne River Boarding School described as the east half section 19 and the west half section 20, township 13 north, range 31 east, Black Hills Meridian, Dewey County, South Dakota, comprising approximately 640 acres, together with all improvements thereon except fencing owned by Indian permittee, are hereby declared to be held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation. The land conveyed by this Act is subject to all valid existing rights-of-way.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claims against the United States determined by the Commission.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4226) was laid on the table.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, this bill transfers to the Cheyenne River Sioux Tribe a trust title to approximately 640 acres of land that were purchased by the United States in 1940 as a pasture for an Indian school beef herd. The Indian boarding school has been discontinued and the property is now excess to the needs of the Department of the Interior. The land is within a portion of the reservation where the tribe is attempting to consolidate its land holdings and the tribe wishes to acquire the land. It has a present fair market value of $22,000 and has a potential for industrial development that will provide jobs for many Indians.

Although the bill provides for a conveyance without consideration, a committee amendment requires the Indian Claims Commission to consider whether the value of the land should be set off against any future claims judgment against the United States.

DECLARING THAT CERTAIN FEDERALLY OWNED LANDS ARE HELD BY THE UNITED STATES IN TRUST FOR THE INDIANS OF THE PUEBLO OF LAGUNA

The Clerk called the bill (H.R. 9424) to declare that certain federally owned lands are held by the United States in trust for the Indians of the pueblo of Laguna.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 210, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill as follows:

S. 210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described federally owned lands and all improvements thereon, situated in Valencia and Sandoval Counties, New Mexico, which were acquired for school, sanatorium, clinic, agency, or other administrative purposes, are hereby declared to be held by the United States in trust for the Pueblo of Laguna:

Antonio Sedillo Grant administrative site situated in unsurveyed sections 2, 11, 12, and 14, township 8 north, range 3 west, New Mexico principal meridian, and more particularly described as beginning at center of west line of section 11, thence south along same section line approximately one-sixteenth mile to a point where a fence line ties on to west line of same section; thence southeasterly along said fence line approximately one mile through the southwest quarter and southeast quarter section 11, and to a point in the northeast quarter section 14 where said fence corners; thence in a northeasterly direction along same fence line through sections 14, 11, and 12 to a point where said fence ties on to a mesa rim; thence in a northeasterly direction along mesa rim to a point where same mesa rim turns in an easterly direction; thence north approximately fifty yards to a water gap on Rio San Joe in northwest quarter section 12; thence in a northwesterly direction through the northwest quarter section 12, northeast quarter section 11 and southeast quarter section 2 to a point where channel of Rio San Jose turns westerly; thence along said channel of Rio San Jose westerly, southwesterly and northwesterly approximately one mile to a point of intersection of said channel with the west line of section 2; thence south along west lines of sections 2 and 11, township 8 north, range 3 west, to point of beginning, containing 640 acres, more or less.

Bernabe M. Montano Grant administrative site described as the southwest quarter section 7 and northwest quarter section 18–8; township 12 north, range 1 west, New Mexico principal meridian, containing 320 acres, more or less.

Laguna Sanatorium site situated in sections 4 and 5, township 9 north, range 5 west, New Mexico principal meridian, described in quit-claim deed dated June 7, 1923, from the Pueblo Laguna to the United States of America, as follows: From the southeast corner of the school tract, north 32 degrees 15 minutes east 6.47 chains to the southwest corner of the addition; thence south 57 degrees 45 minutes each 4.00 chains to the southeast corner; thence north 21 degrees 57 minutes east 7.00 chains; thence north 77 degrees 09 minutes east 6.05 chains; thence north 13 degrees 39 minutes east 3.87 chains; thence north 7 degrees 33 minutes east 9.47 chains to the northeast corner; thence north 82 degrees 27 minutes west 1.97 chains to the northwest corner; thence south 32 degrees 15 minutes west 22.62 chains to the place of beginning, containing 9.90 acres more or less.

Government excluded tract that was excepted and excluded from United States Patent Numbered 89,316 dated November 15, 1909, to the Pueblo of Laguna covering the Pueblo of Laguna grant in townships 9 and 10 north, ranges 5 and 6 west, New Mexico principal meridian, described as beginning at a point 72 feet westwardly from the center of the main line of the Santa Fe Pacific Railroad and 75 feet northwardly from Robert G. Marmon's north fence; thence north 32 degrees 15 minutes east on a line parallel to the railroad, 21 chains 47 links to the northeast corner, which is a mound of stone; thence north 57 degrees 45 minutes west, 15 chains to the northwest corner which is a pile of stone; thence south 32 degrees 15 minutes west, 21 chains 47 links to the southwest corner, which is a point; thence south 57 degrees 45 minutes east, 15 chains to the southeast corner and place of beginning, containing 32.20 acres, more or less.

Encinal School site (acquired by condemnation in case numbered 1604, equity, in the United States District Court in the District of New Mexico), situated in section 3, township 10 north, range 6 west, New Mexico principal meridian, and more particularly described as follows: The place of beginning is a point located north 44 degrees 40 minutes east a distance of 1,300.0 feet and thence north 56 degrees 15 minutes east a distance of 232.0 feet from the southwest section corner of section 3, township 10 north, range 6 west. From said place of beginning line runs north a distance of 335.1 feet; thence east 260.0 feet; thence south 335.1 feet; thence west 260.0 feet to a point of beginning, and contains 2 acres, more or less.

Laguna Day School site (acquired through condemnation proceedings in United States District Court in the District of New Mexico, case numbered 2695; final decree filed May 19, 1937), consisting of two parcels described as follows:

Parcel numbered 1 situated in section 5, township 9 north, range 5 west, New Mexico principal meridian, lying south of and adjacent to the United States Government excluded tract situated in said section, and more particularly described as beginning at the northeast corner of parcel numbered 1,

which corner is located on the south boundary of the said United States Government excluded tract, and bears north 57 degrees 45 minutes west 212.7 feet from the southeast corner of the said United States Government excluded tract, and running thence north 57 degrees 45 minutes west 210 feet, more or less, along the south boundary of the said United States Government excluded tract to the northwest corner of said certain tract; thence south 32 degrees 16 minutes west 173.3 feet, more or less, to the southwest corner, thence south 54 degrees 06 minutes east 197.7 feet to the southeast corner; thence north 36 degrees 03 minutes east 186.9 feet, more or less, to the point of beginning, containing 0.83 acres, more or less.

Parcel numbered 2 situated in section 5, township 9 north, range 5 west, New Mexico principal meridian, lying south of and adjacent to the United States Government excluded tract situated in said section, and more particularly described as beginning at the northwest corner of parcel numbered 2, which corner is located at the intersection of the south boundary of the United States Government excluded tract with the south right-of-way line of United States Highway Numbered 66 and bears north 57 degrees 45 minutes west 503 feet, more or less, from the southeast corner of the said United States Government excluded tract, and running thence south 57 degrees 45 minutes east 81 feet, more or less, to the northeast corner of said tract; thence south 32 degrees 16 minutes west 173.2 feet to the southeast corner of said tract; thence north 54 degrees 06 minutes west 227 feet, more or less, to the southwest corner, which corner is a point on the south right-of-way line of United States Highway Numbered 66; thence following a 3-degree 5.2-minute curved line curving to the right and following the said south right-of-way line of Highway Numbered 66 a distance of 217 feet, more or less, to the point of beginning, containing 0.61 acres, more or less.

Paguate School site (acquired by condemnation in case numbered 125, in the United States District Court in the District of New Mexico; judgment rendered July 5, 1912), situated in section 33, township 11 north, range 5 west, New Mexico principal meridian, and more particularly described as beginning at the 11th mile corner on the north boundary of the Paguate purchase; thence south 34 degrees 20 minutes west, a distance of 36.25 chains; thence south 3 degrees 50 minutes east, a distance of 32.00 chains; thence south 17 degrees 41 minutes east, a distance of 95.18 chains to the southwest corner of the lot; thence south 77 degrees 15 minutes east, a distance of 3.395 chains; thence north 10 degrees 43 minutes east, a distance of 3.82 chains; thence north 89 degrees 38 minutes west, a distance of 2.175 chains; thence south 30 degrees 40 minutes west, a distance of 0.67 chains; thence north 82 degrees 33 minutes west, a distance of 1.06 chains; thence south 9 degrees 54 minutes west, a distance of 2.613 chains to the southwest corner, containing 1.11 acres, more or less.

Mesita School site (acquired by condemnation in case numbered 86; judgment rendered June 3, 1912), situated in section 18, township 9 north, range 4 west, New Mexico principal meridian, and more particularly described as beginning at the southwest corner of the school site, which is north 1 degree east a distance of 3 miles 24.6 chains from the standard corner of township 9 north, ranges 4 and 5 west, New Mexico principal meridian; thence south 84 degrees 46 minutes east, a distance of 4.00 chains; thence north 5 degrees 14 minutes east 2.50 chains; thence north 84 degrees 46 minutes west 4.00 chains; thence south 5 degrees 14 minutes west 2.50 chains to point of beginning, containing 1 acre, more or less.

Paraje School site described as south half northwest quarter northwest quarter southeast quarter section 33, township 10 north, range 6 west, New Mexico principal meridian, containing 5 acres, more or less.

Seama Government site described as northwest quarter southwest quarter southwest quarter northwest quarter section 6, township 9 north, range 6 west, New Mexico principal meridian, containing 2.50 acres, more or less.

Seama School site (acquired by condemnation in case numbered 1604, equity), situated in section 36, township 10 north, range 7 west, New Mexico principal meridian, and more particularly described as follows: The place of beginning is a point on the one-sixteenth subdivision line 1,251.3 feet west from the east one-sixteenth corner of the southeast quarter section 36, township 10 north, range 7 west, New Mexico principal meridian. From said place of beginning, line runs west on said one-sixteenth subdivision line for a distance of 208.7 feet; thence north 417.4 feet; thence east 208.7 feet; thence south 417.4 feet to place of beginning, containing 2 acres, more or less.

SEC. 2. This conveyance is subject to all valid existing rights-of-way of record; and to the right of the United States Public Health Service to continue use and occupancy of that property, presently in use by it, for so long as is necessary.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of any lands and improvements placed in a trust status under the authority of this Act should or should not be set off against any claim against the United States determined by the Commission.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 4, line 6, delete the word "while" and substitute in lieu thereof the word "which".

The amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, this bill transfers to the Pueblo of Laguna trust title to approximately 1,016.65 acres of land that are now owned by the United States. The land is in 11 widely separated tracts that range in size from less than 1 to 640 acres. All of the land is within the boundaries of the reservation. Nine hundred and sixty acres out of the total of 1,016 acres were acquired by the United States in 1930's under its so-called submarginal lands program. Over 300,000 acres of the submarginal lands were transferred to the Pueblo in 1949, without consideration, and these 960 acres were reserved because at that time they were still needed for administrative purposes. They are no longer needed by the Government and should be added to the 304,473 acres previously transferred.

The remainder of the lands covered by the bill are six former school sites and one sanatorium site. They also are excess to the needs of the Government except for a small area still used by the Public Health Service, and the bill reserves the right to continue this use.

The present fair market value of the land is about $130,000, and although the bill provides for a conveyance without consideration the bill also contains the usual setoff provision requiring the Indian Claims Commission to determine whether the value of the property should be setoff against any future claim recovered by the tribe against the United States.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9424) was laid on the table.

DECLARING THAT THE UNITED STATES SHALL HOLD CERTAIN LAND IN TRUST FOR THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION, N. DAK.

The Clerk called the bill (S. 775) to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak.

There being no objection, the Clerk read the bill, as follows:

S. 775

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That all of the right, title, and interest of the United States in and to the surface of the following described land (together with all buildings and other improvements thereon), such land and improvements having been declared excess to the needs of the Bureau of Indian Affairs, are hereby declared to be held by the United States in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, subject to the right of the United States, its successors or assigns to use the west 75 feet of the parcel for a road right-of-way so long as it is needed, as determined by the Secretary of the Interior, for such purposes: southwest quarter southwest quarter northwest quarter of section 21, township 150 north, range 90 west, of the fifth principal meridian, North Dakota, comprising 10 acres.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claims against the United States determined by the Commission.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, this bill transfers to the Three Affiliated Tribes of the Fort Berthold Reservation a trust title to approximately 10 acres of land that were acquired by the United States in 1954 for Indian day school purposes. The day school was destroyed by fire in 1963 and will not be replaced. The property is excess to the needs of the Department of the Interior but is needed by the tribes for use in connection with their community meetings, adult education, social gatherings and recreational programs.

The property has a fair market value of $5,070 and although the bill provides for a conveyance without consideration it contains the usual provision requiring the Indian Claims Commission to consider whether the value of the land should be setoff against any future claim recovered by the tribe against the United States.

The bill was ordered to be read a third time, was read the third time, and

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passed, and a motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATION OF FUNDS FOR FORT DONELSON NATIONAL BATTLEFIELD, TENN.

The Clerk called the bill (H.R. 13767) to authorize the appropriation of funds for Fort Donelson National Battlefield in the State of Tennessee, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 13767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy the final judgments totaling $12,721.25 (that is, $23,381.25 minus $10,660 deposited in court) rendered against the United States in civil actions numbered 3371 and 3397 in the United States District Court for the Middle District of Tennessee, Nashville Division, for the acquisition of lands for the Fort Donelson National Battlefield. The sums herein authorized to be appropriated shall be sufficient to pay the amount of said judgment, together with interest as provided by law.

With the following committee amendment:

Page 1, beginning on line 5, after the word "final", strike out the remainder of the language and insert in lieu thereof the following: "net judgments rendered against the Unites States in civil actions numbered 3371 and 3397 in the U.S. District Court for the Middle District of Tennessee, Nashville Division, for the acquisition of lands for the Fort Donelson National Battlefield, totaling $12,721.25, plus interest as provided by law."

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the Committee on Interior and Insular Affairs recommends the enactment of H.R. 13767, as amended.

This bill was introduced by our colleague, the gentleman from Tennessee (Mr. JONES). It authorizes the appropriation of sufficient funds to satisfy the outstanding judgments against the United States arising from the acquisition of certain lands at the Fort Donelson National Battlefield in the State of Tennessee.

In 1960, when the Congress expanded this area, an appropriation of $226,000 was authorized for the acquisition of additional lands. Pursuant to this authority, the National Park Service has acquired most of the privately owned lands; however, title to the four tracts involved in this legislation—totaling 72.3 acres—was acquired through eminent domain proceedings. The Park Service deposited the estimated fair market value of the properties in court, but the judgments were in excess of the estimates. As a consequence, the United States is obligated to pay the deficiency. Our only option is to pay it promptly with interest at the rate of 6 percent or to pay it later with more interest.

Before concluding my remarks, I do want to emphasize that this does not complete the acquisition program at this park facility. There are still approximately 87 acres to be acquired. Before they can be acquired, additional funds must be authorized sometime in the future, because the existing authorization ceiling has been fully appropriated and expended. The committee was told that no other declarations of taking have been filed, so we should not be confronted with this same situation without having an opportunity to ascertain the desirability of purchasing the remainder of the lands inside the park boundaries.

Mr. Speaker, with that brief explanation, I recommend the approval of H.R. 13767, as amended.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE DISPOSAL OF CERTAIN REAL PROPERTY IN THE CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK, GA., UNDER THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The Clerk called the bill (H.R. 9163) to authorize the disposal of certain real property in the Chickamauga and Chattanooga National Military Park, Ga., under the Federal Property and Administrative Services Act of 1949.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to determine why this apparently surplus area and probably of remote historic association and tenuous accessibility to the Chickamauga and Chattanooga National Military Park, and is not simply declared surplus and is to be disposed of in this manner, as prescribed.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. ASPINALL. This is just a very small area of land administered by the National Park Service. It came to the Park Service when the military made the whole transfer on it, an area that is attached to the other area as if it were just a square area attached at the corner. It was used in military days for the gathering of wood in order to keep soldiers who occupied the area warm, and for cooking purposes. It no longer is needed. At the present time the people involved in Georgia are willing to let it go through the usual procedures, relative to the disposal of surplus property, with the understanding that undoubtedly it will be the county or school district that will be able to get the land. There is a highway at the present time that is running through one corner of the land. This will be a wonderful place for an educational center. They told the committee, and they made a good record, for school development in that particular area.

They are taking their chances that nobody else is going to pick it up, and that it will be used for governmental purposes.

That does not answer the gentleman's question as to why it should not be transferred another way, but it should go this way in our opinion for the simple reason that its value for school purposes is such that we should give cognizance to the area which is worth very little so far as the Park Service is concerned. It might be more valuable if it were to be used for residential purposes.

The gentleman from Georgia (Mr. DAVIS) is present, and he may wish to say more if the gentleman will yield.

Mr. HALL. Mr. Speaker, I appreciate the distinguished chairman's reassurance, but that is my very point.

As we all know, under the laws of this land and the regulations implementing the same, the GSA, in turn, makes surplus property available to other Federal agencies, educational organizations at the Federal and State level, and others are given priorities in the acquisition of surplus lands. If the gentleman is so sure that the educational people will get it anyway and that it will be used for this purpose, then I still do not know why we have a special bill on the Consent Calendar for that purpose.

Mr. ASPINALL. If my colleague will yield again. It is apparent that I did not understand my colleague's question. This is the one way that this land, which is a part of the National Park Service, can be disposed of. National park areas are inviolate within themselves. They do not come under the provisions of the Surplus Property Act of the United States.

Mr. DAVIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HALL. I thank the gentleman from Colorado, and I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I thank the gentleman. I would simply like to point out to the gentleman that the Park Service has made the point that they are not in the business, of course, of educating children. I see their point. That is my purpose, though, actually.

The background of this bill is the fact that we have a situation in Catoosa County, which is across the borderline of the State of Tennessee in the suburbs of Chattanooga. It has a very low tax base. It is under the obligation of educating many, many children in a so-called bedroom county. It occurred to me that the best way to make an educational center out of this land would be to throw this over into the regular GSA disposal procedures. It so happens that the Park Service does not dispose of its land in that way.

But it is a fair procedure, and under the GSA disposal of surplus property procedures all of the Federal agencies are first canvassed, and then State agencies are canvassed. If none of those agencies express interest in the land, then it becomes the prerogative of the county to take up the land.

It is still public land and it is still people you are dealing with. It is still completely public. There is no private interest that has any interest in this at all.

This is a county that deserves this consideration and needs it quite badly.

While the bill passed the House last year, it did not pass the Senate. So I had to reintroduce it this year. It came out of

the distinguished chairman's committee unanimously.

I think it is a good bill. I think it serves a good purpose. I would hope that the gentleman would not object to it.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's forthright statement. I wonder if he would assure me that this land will not fall into the hands of entrepreneurs or those who would profit excessively or speculate on this land if it is allowed to go the development or housing route?

Mr. DAVIS of Georgia. May I say this in that connection, that I had to fight off a situation that might have led down that avenue last year, and I can assure you that such a thing is completely blocked out. It has been successfully stiff-armed, if I may use that word.

Mr. HALL. Mr. Speaker, I again say I appreciate the gentleman's forthright reassurance.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Speaker, the facts are that this land was bought by the Federal Government many years ago. It involves not a very substantial financial consideration, but this bill ought to have in it two provisions: It ought to have provided for the fair market value of the land, and that payment be made at the fair market value; and it ought to have had a reverter clause in it. In other words, if the land is not used for the public purpose for which it was turned over, then it should revert to the Federal Government. I am a little surprised that the committee did not insert both provisions in the bill.

I say again, Mr. Speaker, that I am not going to make an issue of it because I think the land will be used for a worthy public purpose. I do hope that the committee will keep this transaction in mind, and if the land is turned over by the State to private investors, the committee will then move to recapture the land.

Mr. HALL. Mr. Speaker, I thank the distinguished gentleman from Iowa. His thinking is parallel to my own.

Mr. DAVIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HALL. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Speaker, I offer one comment to complete the record. The bill as it stands before this House at this time provides that the land shall be devoted to public purposes. I would like also to say, as a member of the bar of Georgia, and in practice for about 30 years, I think it is extremely unlikely, and I do not think it is even practical under our laws to divert public land to private use without giving the public a chance at it—in other words, a refusal. I do not conceive that this would ever happen. Our State board of education and our county board of education in this particular instance plan to make an educational center out of this tract of land. I can assure my colleagues that this will happen.

Mr. HALL. Mr. Speaker, again the gentleman's words are very reassuring. However, it is the duty of those who must pass on the unanimous-consent bills to be eternally vigilant because such things have happened in the past and can be easily cited.

Mr. Speaker, I appreciate the explanation by the distinguished chairman of the committee, and I am reassured. I appreciate the statement of the gentleman from Georgia, and I withdraw my reservation of objection.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the Subcommittee on National Parks and Recreation conducted hearings on H.R. 9163 which was introduced by our colleague, the gentleman from Georgia (Mr. DAVIS). The Department of the Interior indicated that it had no objection to its enactment and no one appeared in opposition to it.

In essence, this bill authorizes the Secretary of the Interior to declare a tract of land, totaling approximately 155.46 acres, as excess to the needs of the Department at the Chickamauga and Chattanooga National Military Park. Part of this park is located in the State of Tennessee, but the tract of land involved is located in the State of Georgia.

The committee was advised that the property is not used in connection with the national military park and that its historical connection with the historic battle which took place there is remote. We were told that it poses some administrative problems for the national park system.

The property was originally acquired by the War Department in 1898, when it administered the area, but its location has never been conducive to development for any park purpose. Since the lands reserved for, or dedicated to, national park purposes cannot be disposed of without congressional approval, the enactment of H.R.9163 is necessary in order to subject the property in question to the usual procedures for the disposal of surplus property.

Mr. Speaker, as chairman of the Committee on Interior and Insular Affairs, I recommend the approval of H.R. 9163.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 9163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 3(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(d)), the Secretary of the Interior may designate as excess property under that Act lot 94 in the ninth district and fourth section of Catoosa County, Georgia, the same consisting of one hundred and sixty acres, more or less, in the Chickamauga battlefield section of the Chickamauga and Chattanooga National Military Park in the State of Georgia, and such lot shall be utilized or disposed of by the Administrator of General Services in accordance with the remaining provisions of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 234]

Adair
Addabbo
Anderson, Ill.
Andrews,
N. Dak.
Arends
Ashbrook
Ashley
Baring
Beall, Md.
Bevill
Biaggi
Blatnik
Brademas
Brasco
Brock
Brooks
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Burton, Utah
Bush
Cabill
Camp
Carey
Celler
Clark
Clausen,
Don H.
Clawson, Del
Clay
Conte
Corbett
Corman
Cowger
Cramer
Culver
Dawson
Dent
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Eckhardt
Edwards, Ala.
Fallon
Fascell
Findley
Fish
Fisher
Flynt
Fountain
Frelinghuysen
Gallagher
Gibbons
Goldwater
Gray
Griffin
Griffiths
Hagan
Halpern
Harrington
Harsha
Hays
Hogan
Howard
Jacobs
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Kirwan
Kluczynski
Koch
Landgrebe
Landrum
Long, La.
Lowenstein
Lukens
McCarthy
McClure
McCulloch
McDonald,
Mich.
McEwen
Mailliard
Martin
Mathias
Mills
Monagan
Moorhead
Morse
Morton
Murphy, Ill.
Murphy, N.Y.
Nix
O'Konski
Passman
Pepper
Philbin
Pollock
Powell
Purcell
Quie
Rees
Reid, N.Y.
Reifel
Rivers
Rodino
Rosenthal
Rostenkowski
Roudebush
St. Onge
Sandman
Sikes
Sisk
Smith, Iowa
Stubblefield
Taft
Teague, Tex.
Thomson, Wis.
Ullman
Utt
Watkins
Whalley
Wiggins
Wilson,
Charles H.
Winn
Wold
Wright

The SPEAKER. On this rollcall 302 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PRESIDENT NIXON'S STRONG ACTION ON INFLATION

(Mr. WYATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYATT. Mr. Speaker, last week I made an appeal to the administration to take a different direction, and more aggressive action in connection with the war on inflation. Since then, President Nixon has made a forceful appeal to the nation by radio, and by letter to the business community. I commend the President for his strong leadership. I would also urge once more that the very serious consideration be given to the other suggestions I made for remedial

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action, and specifically for relief of the home building industry.

Essential, if we are to avoid over-reaction around the first of this coming year, is a change in the monetary policy of the Federal Reserve Board. This would seem to be our very most serious immediate problem. The reduction of the increase in the money supply to near zero may already contain the seeds of disaster for us after the first of the year, even if changed now. The return to the policy of gradualism, adopted by the Federal reserve shortly after the first of this year is an absolute must if we are to avoid a real serious situation this coming spring.

TRANSFER OF PEANUT ACREAGE ALLOTMENTS

Mr. O'NEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14030) to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments.

The Clerk read as follows:

H.R. 14030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by changing "and 1969" to read ", 1969, and 1970".

The SPEAKER. Is a second demanded?

Mr. BELCHER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Georgia is recognized for 20 minutes.

Mr. O'NEAL of Georgia. Mr. Speaker, this lil' ol' bill simply extends for 1 year the authority originally granted 2 years ago in Public Law 90–211 for farmers to transfer peanut acreage allotments to each other within their own county.

It was before the House 2 weeks ago on the Consent Calendar. At that time the gentleman from New York (Mr. RYAN) asked that the bill be passed over without prejudice. It is now on the Suspension Calendar, where it quite properly belongs, because the time of the House should not be taken up with a rule on a simple 1-year extension of an act that was debated and approved overwhelmingly by the House 2 years ago.

H.R. 14030 has the approval of the Department of Agriculture, the Bureau of the Budget, and the House Committee on Agriculture. Enactment of this measure will not result in any expense to the Government, nor will it add anything to consumer cost.

Many of my colleagues will recall that authorization to transfer peanut allotments was originally granted by the Congress for a 2-year period in 1967.

The present law has met with nearly unanimous approval throughout the peanut industry in every geographical area. I do not personally know of anyone in the peanut industry who opposes the right of farmers to transfer acreage allotments as long as the present tight restrictions remain in effect.

This legislation is needed primarily to permit farmers to increase the size of their allotment in order to realize a more reasonable return of their considerable investments. There are many peanut acreage allotments too small to constitute an economic unit in view of rising production and harvesting costs.

The Department of Agriculture reports that more than one-fourth of all peanut allotments are 5 acres or less and more than one-half are 10 acres or less. The average size of established allotments is approximately 18 acres.

Problems connected with small allotments become more serious each year as production costs per acre continue to increase. A farmer with an allotment of 5 acres must use the same type expensive equipment, herbicides, and improved methods of cultivation as a farmer with 100 acres.

This bill permits some small but capable farmers to become a little more efficient by increasing their allotments while others, who wish to discontinue growing peanuts, could transfer their resources to other crops or retire from peanut production entirely and still receive a small remuneration.

My primary interest in introducing the original legislation was to allow a new grower to acquire an allotment without increasing the national allotment by a single acre. This legislation permits a new grower to obtain an allotment up to 50 acres through lease or outright purchase. This, of course, presents a golden opportunity to the young man who decides on a career in agriculture or to the sharecropper who has long dreamed of owning a farm, but who did not inherit an allotment.

The committee feels that the authority to lease, sell, or transfer peanut acreage allotments should continue, as in 1968 and 1969, to be accompanied by language in the legislation which would guard against any speculation or overproduction which might otherwise result from this authority. Therefore, the committee left unchanged the following conditions:

First. Under no condition may allotments be transferred across county lines.

Second. No allotment may be transferred from a farm subject to a mortgage or lien unless the transfer is agreed to by the lienholders.

Third. No sale of a farm allotment from a farm shall be permitted if any sale of allotments to the same farm has been made within the three immediate preceding crop years.

Fourth. No transfer of allotment shall be effective until a record thereof is filed with the county committee of the county in which the transfer is made and until the county committee determines that the transfer complies with the provisions of the law.

Fifth. If there is not more than a 10-percent difference in production per acre, transfers shall be on the basis of acre for acre; however, in cases where the transferred acreage goes to a farm where the production per acre exceeds that of the transferred acreage by more than 10 percent, there shall be a corresponding downward adjustment in the amount of acreage transferred to assure that no overproduction would result from the transfer.

Sixth. Where an allotment is transferred to a farm which at the present time is not irrigated but which within 5 years places the transferred allotment under irrigation, the Secretary of Agriculture shall then make a downward adjustment in the amount of acreage transferred to assure that there would be no increased production as a result of irrigating the transferred acreage.

Seventh. The land on the farm from which the entire peanut allotment has been transferred shall not be eligible for a new farm peanut allotment during the 5 years following the year in which such transfer is made.

Eighth. Leases of any portion of a peanut allotment shall not exceed 5 years.

Ninth. The total peanut allotment transferred to any farm by sale or lease shall not exceed 50 acres or any lesser amount prescribed by the Secretary.

H.R. 14030 does not modify any of the conditions imposed by the original legislation. The only change being proposed is to extend the transfer authority for 1 year.

Peanut farming has undergone very great changes in recent years.

When the present allotments were required in 1949, nearly all of the harvesting was done by hand labor using pitchforks to pile the newly plowed vines and nuts in stacks, so that the wind and sunshine would dry them in a process that might take many weeks.

Now the labor is scarce and the stacks are nonexisting.

Virtually every peanut farmer in America uses a windrow process that requires expensive machinery, and as a result an investment is required of many thousands of dollars.

The same allotment useful to the farm with labor in the family or nearby is "gone with the wind."

The farmer either has to buy this machinery himself or pay someone else who has brought the machinery.

So, he has virtually the same cost of harvesting 20 acres as he would 50 acres.

If this bill becomes law, it will not cause an increase in production. Extreme care has been taken to write in it language that will not cause it, but it will bring about a general reduction in costs per acre.

It will not affect the national volume, but it will permit a net profit to the individual farmer by merely reducing his cost per acre.

Many of these allotments are held by people who have inherited them with the land, but who do not farm them. They rent out the land and the allotment to active farmers who buy the big machines but who have no security because of changing whims of landlords affected by changing agriculture programs such as soil bank and cropland adjustment programs.

This will enable this man who was born 20 years too late to buy into his security by owning the allotment along with the machinery he has to invest in.

The provisions of this bill are virtually parallel with those of a bill permitting the sale and lease of cotton allotments—passed in 1965 by the 89th Congress.

And parallel with the provisions of a bill passed by the 90th Congress with reference to two or three types of tobacco.

The only difference is that this bill regarding peanuts is more restrictive—the committee recognizing clearly that the problems of commodities are different.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I am glad to yield to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding so that I might ask a couple of questions.

Suppose farmer Brown sells his right to produce the peanuts. What does he then use his ground for? Can he plant corn or soybeans?

Mr. O'NEAL of Georgia. For general farm purposes, if he uses it for anything. He might want to put it into that. He might put it into corn or some other crop he is able to put it in under the law.

Mr. KYL. On page 3 of the report one of the supposed benefits of the bill is: "at the same time it guards against any major geographical switch in peanut production which would undoubtedly be injurious to the economy of many counties."

The really serious question I have about this legislation—and I am not opposing it at this point—is this: This man takes his peanut production right and sells it, and then he plants, say corn on his entire farm. Is there any difference between injuring a southern farmer by transferring the right to produce peanuts geographically and injuring a midwest farmer by transferring the production of corn to the South.

Mr. O'NEAL of Georgia. I will say to the gentleman, if he plants corn it probably would replace the corn for the farm that took the peanut allotment. This thing cannot cross county lines. I would say there would be no danger of any violence being done to the production of other commodities.

Mr. KYL. Mr. Speaker, will the gentleman yield for a further question?

Mr. O'NEAL of Georgia. I yield.

Mr. KYL. In the case when the farmer gives up his right to produce peanuts, can he immediately, after having been paid for relinquishing the prior right, go into another Government price support program on the same land producing a different crop?

Mr. O'NEAL of Georgia. The only thing I would say in that connection is he would have the regular restrictions on going into other Government-paid crops already existing. There would be no change there.

Mr. KYL. But he could, as a matter of fact, go into the production of other price-supported crops.

Mr. O'NEAL of Georgia. If there is some way to get in, yes.

Mr. KYL. And we assume that there would be a way to get in.

Mr. O'NEAL of Georgia. There might be. We understand that the same thing we deal with here has a precedent in respect to cotton and tobacco already.

Mr. KYL. I thank the gentleman.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Is it not true that if he should get into some other controlled commodity production he would still have to keep within whatever allotment there is, so there would not be an increase?

Mr. O'NEAL of Georgia. Certainly. He would have to comply with all the regulations of the new commodity he planted.

Mr. FOUNTAIN. I thank the gentleman.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Will this in any way increase the peanut allotment in any particular county?

Mr. O'NEAL of Georgia. It cannot possibly.

Mr. THOMPSON of Georgia. Will it decrease the peanut allotment?

Mr. O'NEAL of Georgia. I say it cannot possibly increase it. It is not likely to decrease it, because I do not believe anybody would be foolish enough to buy a peanut allotment to go on an unproductive farm.

Mr. THOMPSON of Georgia. May I ask a further question? If a farmer has part of his land in peanuts and part in some other commodity such as cotton, he could still participate in the cotton program?

Mr. O'NEAL of Georgia. Yes, indeed.

Mr. THOMPSON of Georgia. This would not change that?

Mr. O'NEAL of Georgia. This would not affect that at all.

Mr. STEED. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I yield to the gentleman from Oklahoma.

Mr. STEED. As the gentleman knows, one of the major crops in my district is peanuts. I have had an opportunity to observe the operation of this program.

I believe it is important to point out that this is a program which benefits almost entirely the very small farmers involved in peanut production. While it does provide an advantage to a large number of farmers, the number of acres involved is comparatively small, when compared to the whole peanut program. Without this advantage all the farmers involved in this program are the ones who will have to suffer.

Mr. O'NEAL of Georgia. It just permits them to be a little more efficient.

Mr. STEED. That is right.

Mr. O'NEAL of Georgia. It does not cost the Government anything. It does not add anything to the price of peanuts but just lets the little farmer become a little bit more efficient.

Mr. STEED. And because there is so much expense involved in peanut production and harvesting it makes it economically unsound for a farmer with a very small acreage to operate on the basis of price. By pooling together it becomes a good central economic operation for the farmer.

Mr. O'NEAL of Georgia. The gentleman is exactly right.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I am happy and honored to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I desire to associate myself with the remarks of my colleagues and those of the gentleman from Georgia.

Peanuts are grown in a number of counties in my district. We have heard a lot recently about large payments to farmers. I do not think there is one large peanut farmer in my entire section of the country and I doubt that there are any very large ones anywhere in the United States. These are basically family-type farms. They need to have some flexibility in transferring allotments in order that they may profitably buy their equipment and harvest their crops.

I think the bill called up by the gentleman from Georgia has merit, and I hope that other Members will believe likewise.

Mr. O'NEAL of Georgia. I want to thank the majority leader from the bottom of my heart.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. Yes, I am happy to yield to the distinguished gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Speaker, I want to commend the gentleman from Georgia for the fine effort he has made over the years here for the peanut farmer. The gentleman in the well has the privilege of representing one of the big peanut-producing districts of this country. His district neighbors mine, and my district is a big peanut-producing district.

The gentleman is correct in saying that this will not add to the total amount of peanuts produced nor will it add to the price. As pointed out by the distinguished gentleman from Oklahoma, most peanut farmers are small family-type farmers.

This legislation will serve a good purpose.

Again I wish to commend the gentleman for the untiring effort he has shown on the part of the peanut farmer throughout the years he has been in Congress. He is one of the best friends that the peanut farmer has.

Mr. O'NEAL of Georgia. I thank the gentleman.

Mr. Speaker, this bill does no violence whatsoever to any aspect of the program. I hope that the House will let us have it for 1 more year through this bill.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the distinguished gentleman from Georgia yielding to me.

I opposed this bill the last time it was voted on. I have listened with interest to the debate and have reviewed the report. In the committee report on page 2 it says that the size of the allotments, when they were first established, in 1941, was based on the producer's production during the previous 3-year history of production on the farm. My question is whether or not the 3-year basis still continues in the allotments under consideration in this bill.

Mr. O'NEAL of Georgia. I think the allotments that people now have are based on that 3-year period. Yes, sir.

Mr. STEIGER of Wisconsin. Given that fact, may I say to the gentleman from Georgia that by extending the transfer allotment concept for 1970, we have then, am I correct, extended it for a 3-year period, for the crop years 1968, 1969, and 1970, so a new allotment then is based on the past 3-year history, which would perhaps even increase the allotment available to those farmers who have had peanut acreage allotments transferred to them?

Mr. O'NEAL of Georgia. I do not know that I understand the gentleman's point. Any allotment anyone has now is based on a 3-year period of some 25 or 30 years ago, but nobody anticipates, that I know of, a reshuffling of the deck at any time after this comes up.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield further, am I correct that the Acting Secretary of Agriculture, Mr. J. Phil Campbell, indicates that a 1-year extension would give them an opportunity for evaluating the overall effectiveness and desirability of the transfer authority for all allotment crops, peanuts included?

Mr. O'NEAL of Georgia. I think they should study all of these commodities whatever they may be and then make recommendations affirmatively for one or in the negative for another. This is something that has to be studied. This is the reason for asking for a 1-year extension. My original bill asked to make it permanent. I think it was a good bill. It has worked wonderfully well. It has not done any damage in any way. But I could not get a permanent program recommended by the Secretary. The Secretary says let us have a 1-year bill. The same could be said about these other commodities.

Mr. STEIGER of Wisconsin. I thank the gentleman for yielding and because this program is now underway and has operated well shall support the limited extension.

Mr. O'NEAL of Georgia. I thank the gentleman from Wisconsin for his comments.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL of Georgia. I am happy to yield to my distinguished colleague from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, I appreciate the gentleman from Georgia yielding. I am not opposed to the bill, but I do have a couple of questions.

As I understand the allotment it is really a license to grow peanuts?

Mr. O'NEAL of Georgia. That is what all allotments are, I suppose.

Mr. MILLER of Ohio. Mr. Speaker, if the gentleman will yield further, that is right. But would the gentleman tell me for what those allotments sell. In other words, if I wanted to buy an allotment that covered 1 acre for what would it sell?

Mr. O'NEAL of Georgia. I am sorry but I cannot answer the gentleman's question. I made considerable effort to find out the answer to that question but the Department of Agriculture would not require these people to state what they were paying. This would be difficult to do anyway because people do not like to report what they pay for land or anything else they buy. So, it is impossible for me to answer the gentleman's question. I do not know. I imagine, however, that it varies in different communities and counties.

Mr. MILLER of Ohio. Mr. Speaker, if the gentleman will yield further, on page 3 of the report with reference to item (7) there is stated:

> The land on the farm from which the entire peanut allotment has been transferred shall not be eligible for a new farm peanut allotment during the 5 years following the year in which such transfer is made.

With the wording "entire peanut allotment has been transferred," does that mean if 1 acre was kept on that farm, then the transfers could be made back and forth and could that farm be used as a bank or exchange for an allotment broker?

Mr. O'NEAL of Georgia. The gentleman points out to me wording that I had not noticed before. I do not know how to interpret it. But I will say that there have been no complaints coming out of the Department of Agriculture in relation to this. I do not know why this wording is in here.

Mr. BELCHER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Speaker, first of all, I want to advise my good friend from Georgia that I am not rising to oppose his bill. I have asked for this time, however, to point out this one other phase of the Agricultural Act of 1965 which, in my opinion, is not working but is costing the taxpayers of America millions and millions of dollars.

Each day I receive—and I assume every member of the Committee on Agriculture receives—a daily summary from the USDA. I read this rather religiously. Early last spring I asked the Department to give me some answers on this particular question.

I have a letter here which was written on April 17, 1969, and I am going to mention tong oil here simply because it is written into this letter where I requested information on peanuts. I read as follows:

> The Department acquired the tong oil about which you ask at a price of 24 cents per pound, excluding storage and handling charges. Competitive bids are invited twice monthly on 1 million pounds of CCC-owned tong oil. Sales prices on bids accepted recently have been a little over 12 cents per pound.

This occurs every month through the sale of surplus tong oil. This is in addition to storage and handling charges.

Now, I want to get on with the subject we are discussing, and that is peanuts.

August 6, 1969, USDA sells peanuts for domestic crushing or export. USDA announced the sale of 2,172,483 pounds of shelled and 1,500,000 pounds of farmers' stock peanuts for domestic crushing or export.

On August 13 the USDA announced the purchase of 229,320 cases, or 9,459,450 pounds of peanut butter.

I think it is safe to assume that the peanuts that were sold to the crushers was put into peanut butter and salad oil, and the CCC in turn comes along and buys the surplus.

On August 20 the USDA announced the sale of 2,172,483 pounds of shelled peanuts and 2 million pounds of farmers' stock peanuts for domestic crushing or export.

On Wednesday, October 1, the USDA sells peanuts for crushing or export, and on this occasion the amount was 2,669,373 pounds of shelled peanuts, and they also offered approximately 3,490,628 pounds of shell, and 500,000 pounds of farmers' stock peanuts for domestic crushing or export.

On October 8, 1969, the USDA announced the sale of 3,490,628 pounds of shelled, and 611,000 pounds of farmers' stock peanuts for domestic crushing or export.

On Wednesday, October 15, the USDA sells peanuts for domestic crushing or export. This time the sale was for 4,459,545 pounds of shelled peanuts and approximately 5,104,570 pounds of shell, and 10,600,000 pounds of farmers' stock peanuts.

Now, I could go on and on, but I just picked a few of these figures from my files.

Now, let me read what I learned in this letter of April 17:

> Peanuts, now being sold, were acquired by the CCC at an average price per pound of approximately 16.3 cents for shelled peanuts, and approximately 16 cents per pound excluding handling and storage costs for farmers' stock. The average selling price of the 1968 crop for marketing to date have a market value to date that is approximately 6.4 cents per pound for shelled peanuts, and 8.1 cents per pound for kernels, and farmers' stock.

I want to point out to the membership of this House that we are trying to balance budgets, and I think it is a commendable thing to do, but I do want to take this opportunity to point out to the membership of this House just how much we are losing through the sale of surplus peanuts, and that, ladies and gentlemen, "ain't peanuts."

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I am glad to yield to the gentleman.

Mr. KYL. Do I correctly understand that what the gentleman is saying is that a man who has a surplus of peanuts can sell them to the Government for approximately 16 cents a pound, that the same individual could buy those peanuts back for approximately 12 cents a pound or 6 cents a pound, whatever the figure was, and then having purchased those peanuts, he can crush them, make peanut butter, and sell the peanut butter back to the Commodity Credit Corportion? Is that what the gentleman said?

Mr. GOODLING. I said there is a great possibility of that being done. I am not absolutely certain it is being done. It is a logical conclusion.

Mr. KYL. Is there anything in the law that would prevent such a course of action?

Mr. GOODLING. I think we should get rid of the original law and avoid some of the complications we are having here today.

Mr. O'NEAL of Georgia. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Georgia.

Mr. O'NEAL of Georgia. If the gentleman will inquire, he will find that peanuts held by the CCC are crushed into oil.

Mr. GOODLING. I am sorry; I did not hear the gentleman.

Mr. O'NEAL of Georgia. I said I believe if the gentleman will make the proper inquiry, he will find that all the peanuts held by CCC are crushed for oil and for no other purpose. It goes into oil for export. I do not think it is possible under the law for any of it to go into peanut butter.

Mr. GOODLING. You will probably agree that when CCC peanuts were sold to crushers, the crushers in turn resold their surplus to the Government; is that correct?

Mr. O'NEAL of Georgia. I suppose what you are saying is that there might be some cheating somewhere. Is that what you are saying?

Mr. GOODLING. I beg your pardon?

Mr. O'NEAL of Georgia. I suppose what you are really saying is that there might be some cheating somewhere?

Mr. GOODLING. No; I do not think there is any cheating. I think it is all legitimate.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. POAGE. I think it should be understood that all peanuts are divided into either edible peanuts or peanuts for oil purposes. The Government does not sell anybody edible oil peanuts, and let them then turn them into edible peanuts and crush them into peanut butter. It allows them only to crush the peanuts into oil and that oil is sold into industry. The edible peanuts are a completely different commodity from oil peanuts. A man cannot legally buy that. The gentleman suggested a point, probably thinking of somebody doing something against the law—I know that is not the gentleman's intention—but if a man obeying the law buys oil peanuts, all he can do is take them to an oil mill where they are crushed into oil and for stock food. If he buys edible peanuts and pays the edible price for them, it is a great deal higher than the oil price.

Mr. GOODLING. The letter I have states that 8.1 cents a pound was the selling price at this particular time.

Mr. POAGE. For oil purposes, not for edible peanuts.

Mr. GOODLING. It does not change the fact that we are losing millions of dollars every year in selling surplus peanuts.

Mr. O'NEAL of Georgia. Mr. Speaker, will the gentleman yield further?

Mr. GOODLING. I yield to the gentleman from Georgia.

Mr. O'NEAL of Georgia. What you are saying is that the peanut program is costing money. But will you agree that it is costing far less money in proportion to other agricultural commodity programs?

Mr. GOODLING. I think you are absolutely correct.

Mr. O'NEAL of Georgia. I thank the gentleman.

Mr. GOODLING. We are doing the same thing with too many farm commodities, in my opinion.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized.

Mr. BELCHER. Mr. Speaker, I yield myself 1 minute.

Regardless of what we may think of the peanut program or any other farm program, as far as that is concerned, this bill itself is a good bill and should be passed. This bill will not cost the Government. It has been successful. As I have said, regardless of what you think of farm programs or what you think of the peanut program or anything else, this a good bill and should be passed.

Mr. Speaker, I have no further requests for time.

Mr. O'NEAL of Georgia. Mr. Speaker, I yield whatever time he may consume to the gentleman from North Carolina (Mr. Fountain).

Mr. FOUNTAIN. Mr. Speaker, I support this legislation. Many of the peanut growers in my area are among our poorest farmers. In the event of a bad year due to unfavorable weather conditions, many of our smaller growers are forced to seek help from the welfare department.

Passage of H.R. 14030, transfer of peanut acreage allotments, is therefore of vital concern to the peanut growers of North Carolina and especialy in my congessional district.

This bill is simply a 1-year extension of an act which passed 2 years ago by a vote of 256 to 57.

In the past 2 years the act has proved highly beneficial in allowing the consolidation of small allotments into larger and more economical groupings.

Under the act producers have been able to acquire enough peanut acreage to grow this important crop on a sounder economic basis. It has benefited both the lessee and lessor of peanut allotments. Most peanut growers are very small producers. Some grow nothing else of any consequence. Peanuts are their only source of livelihood.

The act has enabled those peanut growers who wanted to go out of peanut production to do so, yet to retain some benefit. Thus, all sides have been able to have opportunity for profit, however small.

The act has put peanut production into the hands of those who want to grow peanuts, yet at the same time has prevented allotments from leaving the county of origin.

The present law has met with almost unanimous approval and the new bill, which simply extends the act for another year, is a wise and proper measure.

Mr. Speaker, I am in favor of this legislation and urge its passage. I hope it will pass the House unanimously.

Mr. O'NEAL of Georgia. Mr. Speaker, I yield to the gentleman from Ohio (Mr. Miller).

Mr. MILLER of Ohio. Mr. Speaker, I rise in support of the bill.

Mr. BURLESON of Texas. Mr. Speaker, on March 19, 1969, I introduced legislation for the purpose embodied in the bill now before us.

Several speakers have mentioned that this is a measure which will benefit the very small farmer most. In some instances the producer can do better by leasing or selling his allotment to a neighbor under circmustances which make it most difficult for him to operate a very small unit. Those who want to establish a larger operation must necessarily have more acreage. The price of machinery which now goes into peanut farming has, as everyone knows, increased tremendously in price, which makes farming a tremendously expensive undertaking.

There is good reason to provide the transfer of acreage within the county lines for the reasons pointed out by our able colleague the gentleman from Georgia (Mr. O'Neal). I hope we may have your support for this bill which can mean a great deal to many of our peanut farmers.

The SPEAKER. The question is on the motion of the gentleman from Georgia that the House suspend the rules and pass the bill H.R. 14030.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. O'NEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 14030) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

FEDERAL CONTESTED ELECTION ACT

Mr. ABBITT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14195), to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes, as amended.

The Clerk read as follows:

H.R. 14195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Federal Contested Election Act".

DEFINITIONS

Sec. 2. For purposes of this Act—

(a) The term "election" means an official general or special election to choose a Representative in or Resident Commissioner to the Congress of the United States, but does not include a primary election, or a caucus or convention of a political party.

(b) The term "candidate" means an individual (1) whose name is printed on the official ballot for election to the House of Representatives of the United States, or (2)

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notwithstanding his name is not printed on such ballot, who seeks election to the House of Representatives by write-in votes, provided that he is qualified for such office and that, under the law of the State in which the congressional district is located, write-in voting for such office is permitted and he is eligible to receive write-in votes in such election.

(c) The term "contestant" means an individual who contests the election of a Member of the House of Representatives of the United States under this Act.

(d) The term "contestee" means a Member of the House of Representatives of the United States whose election is contested under this Act.

(e) The term "Member" means an incumbent Representative in or Resident Commissioner to the Congress of the United States, or an individual who has been elected to either of such offices but has not taken the oath of office.

(f) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(g) The term "committee" means the Committee on House Administration of the House of Representatives of the United States.

(h) The term "State" includes territory and possession of the United States.

(i) The term "write-in vote" means a vote cast for a person whose name does not appear on the official ballot by writing in the name of such person on such ballot or by any other method prescribed by the law of the State in which the election is held.

NOTICE OF CONTEST

SEC. 3. (a) Whoever, having been a candidate for election to the House of Representatives in the last preceding election and claiming a right to such office, intends to contest the election of a Member of the House of Representatives, shall, within thirty days after the result of such election shall have been declared by the officer or Board of Canvassers authorized by law to declare such result, file with the Clerk and serve upon the contestee written notice of his intention to contest such election.

(b) Such notice shall state with particularity the grounds upon which contestant contests the election and shall state that an answer thereto must be served upon contestant under section 4 of this Act within thirty days after service of such notice. Such notice shall be signed by contestant and verified by his oath or affirmation.

(c) Service of the notice of contest upon contestee shall be made as follows:

(1) by delivering a copy to him personally;

(2) by leaving a copy at his dwelling house or usual place of abode with a person of discretion not less than sixteen years of age then residing therein;

(3) by leaving a copy at his principal office or place of business with some person then in charge thereof;

(4) by delivering a copy to an agent authorized by appointment to receive service of such notice; or

(5) by mailing a copy by registered or certified mail addressed to contestee at his residence or principal office or place of business. Service by mail is complete upon mailing;

(6) the verified return by the person so serving such notice, setting forth the time and manner of such service shall be proof of same, and the return post office receipt shall be proof of the service of said notice mailed by registered or certified mail as aforesaid. Proof of service shall be made to the Clerk promptly and in any event within the time during which the contestee must answer the notice of contest. Failure to make proof of service does not affect the validity of the service.

ANSWER; DEFENSES MADE BY MOTION

SEC. 4. (a) Any contestee upon whom a notice of contest as described in section 3 shall be served, shall, within thirty days after the service thereof, serve upon contestant a written answer to such notice, admitting or denying the averments upon which contestant relies. If contestee is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this shall have the effect of a denial. Such answer shall set forth affirmatively any other defenses, in law or fact, on which contestee relies. Contestee shall sign and verify such answer by oath or affirmation.

(b) At the option of contestee, the following defenses may be made by motion served upon contestant prior to contestee's answer:

(1) Insufficiency of service of notice of contest.

(2) Lack of standing of contestant.

(3) Failure of notice of contest to state grounds sufficient to change result of election.

(4) Failure of contestant to claim right to contestee's seat.

(c) If a notice of contest to which an answer is required is so vague or ambiguous that the contestee cannot reasonably be required to frame a responsive answer, he may move for a more definite statement before interposing his answer. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the committee is not obeyed within ten days after notice of the order or within such other time as the committee may fix, the committee may dismiss the action, or make such order as it deems just.

(d) Service of a motion permitted under this section alters the time for serving the answer as follows, unless a different time is fixed by order of the committee: If the committee denies the motion or postpones its disposition until the hearing on the merits, the answer shall be served within ten days after notice of such action. If the committee grants a motion for a more definite statement the answer shall be served within ten days after service of the more definite statement.

SERVICE AND FILING OF PAPERS OTHER THAN NOTICE OF CONTEST; HOW MADE; PROOF OF SERVICE

SEC. 5. (a) Except for the notice of contest, every paper required to be served shall be served upon the attorney representing the party, or, if he is not represented by an attorney, upon the party himself. Service upon the attorney or upon a party shall be made:

(1) by delivering a copy to him personally;

(2) by leaving it at his principal office with some person then in charge thereof; or if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with a person of discretion not less than sixteen years of age then residing therein; or

(3) by mailing it addressed to the person to be served at his residence or principal office. Service by mail is complete upon mailing.

(b) All papers subsequent to the notice of contest required to be served upon the opposing party shall be filed with the Clerk either before service or within a reasonable time thereafter.

(c) Papers filed subsequent to the notice of contest shall be accompanied by proof of service showing the time and manner of service, made by affidavit of the person making service or by certificate of an attorney representing the party in whose behalf service is made. Failure to make proof of service does not affect the validity of such service.

DEFAULT OF CONTESTEE

SEC. 6. The failure of contestee to answer the notice of contest or to otherwise defend as provided by this Act shall not be deemed an admission of the truth of the averments in the notice of contest. Notwithstanding such failure, the burden is upon contestant to prove that the election results entitle him to contestee's seat.

TAKING TESTIMONY BY DEPOSITION

SEC. 7. (a) Either party may take the testimony of any person, including the opposing party, by deposition upon oral examination for the purpose of discovery or for use as evidence in the contested election case, or for both purposes. Depositions shall be taken only within the time for the taking of testimony prescribed in this section.

(b) Witnesses may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending contested election case, whether it relates to the claim or defense of the examining party or the claim or defense of the opposing party, including the existence, description, nature, custody, condition and location of any books, papers, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. After the examining party has examined the witness the opposing party may cross examine.

(c) The order in which the parties may take testimony shall be as follows:

(1) Contestant may take testimony within thirty days after service of the answer, or, if no answer is served within the time provided in section 4, within thirty days after the time for answer has expired.

(2) Contestee may take testimony within thirty days after contestant's time for taking testimony has expired.

(3) If contestee has taken any testimony or has filed testimonial affidavits or stipulations under section 8(c), contestant may take rebuttal testimony within ten days after contestee's time for taking testimony has expired.

(d) Testimony shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held.

(e) Attendance of witnesses may be compelled by subpena as provided in section 9.

(f) At the taking of testimony, a party may appear and act in person, or by his agent or attorney.

(g) The officer before whom testimony is to be taken shall put the witness under oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed. All objections made at the time of examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party served with a notice of deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

(h) When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and the parties. Any changes in the form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and note on the deposition the fact of the waiver or of the illness or the absence of the witness or the fact of refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the committee rules that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

NOTICE OF DEPOSITIONS; TESTIMONY BY AFFIDAVIT OR STIPULATION

SEC. 8. (a) A party desiring to take the deposition of any person upon oral examination shall serve written notice on the opposing party not later than two days before the date of the examination. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. A copy of such notice, together with proof of such service thereof, shall be attached to the deposition when it is filed with the Clerk.

(b) By written stipulation of the parties, the deposition of a witness may be taken without notice. A copy of such stipulation shall be attached to the deposition when it is filed with the Clerk.

(c) By written stipulation of the parties, the testimony of any witness of either party may be filed in the form of an affidavit by such witness or the parties may agree what a particular witness would testify to if his deposition were taken. Such testimonial affidavits or stipulations shall be filed within the time limits prescribed for the taking of testimony in section 7.

SUBPENAS; PRODUCTION OF DOCUMENTS

SEC. 9. (a) Upon application of any party, a subpena for attendance at a deposition shall be issued by:

(1) a judge or clerk of the United States district court for the district in which the place of examination is located;

(2) a judge or clerk of any court of record of the State in which the place of examination is located; or

(3) a judge or clerk of any court of record of the county in which the place of examination is located.

(b) Service of the subpena shall be made upon the witness no later than three days before the day on which his attendance is directed. A subpena may be served by any person who is not a party to the contested election case and is not less than eighteen years of age. Service of a subpena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fee for one day's attendance and the mileage allowed by section 10. Written proof of service shall be made under oath by the person making same and shall be filed with the Clerk.

(c) A witness may be required to attend an examination only in the county wherein he resides or is employed, or transacts his business in person, or is served with a subpena, or within forty miles of the place of service.

(d) Every subpena shall state the name and title of the officer issuing same and the title of the contested election case, and shall command each person to whom it is directed to attend and give testimony at a time and place and before an officer specified therein.

(e) A subpena may also command the person to whom it is directed to produce the books, papers, documents, or other tangible things designated therein, but the committee, upon motion promptly made and in any event at or before the time specified in the subpena for compliance therewith, may (1) quash or modify the subpena if it is unreasonable or oppressive, or (2) condition denial of the motion upon the advancement by the party in whose behalf the subpena is issued of the reasonable cost of producing the books, papers, documents, or tangible things. In the case of public records or documents, copies thereof, certified by the person having official custody thereof, may be produced in lieu of the originals.

OFFICER AND WITNESS FEES

SEC. 10. (a) Each judge, clerk of court, or other officer who issues any subpena or takes a deposition and each person who serves any subpena or other paper herein authorized shall be entitled to receive from the party at whose instance the service shall have been performed such fees as are allowed for similar services in the district courts of the United States.

(b) Witnesses whose depositions are taken shall be entitled to receive from the party at whose instance the witness appeared the same fees and travel allowance paid to witnesses subpenaed to appear before the House of Representatives or its committees.

PENALTY FOR FAILURE TO APPEAR, TESTIFY, OR PRODUCE DOCUMENTS

SEC. 11. Every person who, having been subpenaed as a witness under this Act to give testimony or to produce documents, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the contested election case, shall be deemed guilty of a misdemeanor punishable by fine of not more than $1,000 nor less than $100 or imprisonment for not less than one month nor more than twelve months, or both.

CERTIFICATION AND FILING OF DEPOSITIONS

SEC. 12. (a) The officer before whom any deposition is taken shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition, together with any papers produced by the witness and the notice of deposition or stipulation, if the deposition was taken without notice, in an envelope endorsed with the title of the contested election case and marked "Deposition of (here insert name of witness)" and shall within thirty days after completion of the witness' testimony, file it with the Clerk.

(b) After filing the deposition, the officer shall promptly notify the parties of its filing.

(c) Upon payment of reasonable charges therefor, not to exceed the charges allowed in the district court of the United States for the district wherein the place of examination is located, the officer shall furnish a copy of deposition to any party or the deponent.

RECORD; PRINTING AND FILING OF BRIEFS AND APPENDIXES

SEC. 13. (a) Contested election cases shall be heard by the committee on the papers, depositions, and exhibits filed with the Clerk. Such papers, depositions, and exhibits shall constitute the record of the case.

(b) Contestants shall print as an appendix to his brief those portions of the record which he desires the committee to consider in order to decide the case and such other portions of the record as may be prescribed by the rules of the committee.

(c) Contestee shall print as an appendix to his brief those portions of the record not printed by contestant which contestee desires the committee to consider in order to decide the case.

(d) Within forty-five days after the time for both parties to take testimony has expired, contestant shall serve on contestee his printed brief of the facts and authorities relied on to establish his case together with his appendix.

(e) Within thirty days of service of contestant's brief and appendix, contestee shall serve on contestant his printed brief of the facts and authorities relied on to establish his case together with his appendix.

(f) Within ten days after service of contestee's brief and appendix, contestant may serve on contestee a printed reply brief.

(g) The form and length of the briefs, the form of the appendixes, and the number of copies to be served and filed shall be in accordance with such rules as the committee may prescribe.

FILINGS OF PLEADINGS, MOTIONS, DEPOSITIONS, APPENDIXES, BRIEFS, AND OTHER PAPERS

SEC. 14. (a) Filings of pleadings, motions, depositions, appendixes, briefs, and other papers shall be accomplished by:

(1) delivering a copy thereof to the Clerk of the House of Representatives at his office in Washington, District of Columbia, or to a member of his staff at such office; or

(2) mailing a copy thereof, by registered or certified mail, addressed to the Clerk at the House of Representatives, Washington, District of Columbia: *Provided*, That if such copy is not actually received, another copy shall be filed within a reasonable time; and

(3) delivery or mailing, simultaneously with the delivery or mailing of a copy thereof under paragraphs (1) and (2) of this subsection, such additional copies as the committee may by rule prescribe.

(b) All papers filed with the Clerk pursuant to this Act shall be promptly transmitted by him to the committee.

TIME; COMPUTATION AND ENLARGEMENT

SEC. 15. (a) In computing any period of time prescribed or allowed by this Act or by the rules or any order of the committee, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. For the purposes of this Act, "legal holiday" shall mean New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States.

(b) Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a pleading, motion, notice, brief, or other paper upon him, which is served upon him by mail, three days shall be added to the prescribed period.

(c) When by this Act or by the rules of any order of the committee an act is required or allowed to be done at or within a specified time, the committee, for good cause shown, may at any time in its discretion (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect, but it shall not extend the time for serving and filing the notice of contest under section 3.

DEATH OF CONTESTANT

SEC. 16. In the event of the death of the contestant, the contested election case shall abate.

ALLOWANCE OF PARTY'S EXPENSES

SEC. 17. The committee may allow any party reimbursement from the contingent fund of the House of Representatives of his reasonable expenses of the contested election case, including reasonable attorneys fees, upon the verified application of such party accompanied by a complete and detailed account of his expenses and supporting vouchers and receipts.

REPEALS

Sec. 18. The following provisions of law are repealed:

(a) Sections 105 through 129 of the Revised Statutes of the United States (2 U.S.C. 201–225).

(b) The second paragraph under the center heading "House of Representatives" in the first section of the Act of March 3, 1879 (2 U.S.C. 226).

(c) Section 2 of the Act entitled "An Act further supplemental to the various Acts prescribing the mode of obtaining evidence in cases of contested elections", approved March 2, 1875 (2 U.S.C. 203).

EFFECTIVE DATE

Sec. 19. The provisions of, and the repeals made by, this Act shall apply with respect to any general or special election for Representative in, or Resident Commissioner to, the Congress of the United States occurring after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. KYL. Mr. Speaker, I demand a second.

Mr. RYAN. Mr. Speaker, is the gentleman from Iowa opposed to the bill?

Mr. KYL. Mr. Speaker, I am not opposed to the bill.

The SPEAKER pro tempore. The gentleman cannot demand a second.

Mr. RYAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman from New York opposed to the bill?

Mr. RYAN. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. ABBITT) will be recognized for 20 minutes, and the gentleman from New York (Mr. RYAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. ABBITT).

Mr. ABBITT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 14195 would completely revise the existing law governing contests of elections of Members of the House of Representatives, which was passed in 1851 in a form substantially identical to the contested-election law enacted in 1798 by the fifth Congress. The 1851 law prescribes antiquated and cumbersome procedures which are unsuitable for the changed conditions of our time. H.R. 14195 would provide modern procedures for a contested election case to be heard in the House, permitting a more efficient and expeditious processing of the case than does existing law.

It should be noted that this bill does not set out any substantive grounds for upsetting an election, such as fraud or other irregularities. It is strictly limited to prescribing a procedural framework for the prosecution, defense, and disposition of contested-election cases patterned upon the Federal rules of civil procedure used for more than 20 years in our U.S. district courts. It should also be noted that the bill does not affect other methods of challenging an election, such as a protest or memorial filed in the House by a citizen or a motion made by a Member of the House.

Briefly, the bill would permit any candidate in the general election for a House seat to challenge the election of the candidate declared to be the winner. "Candidate" is defined to include a bona fide write-in candidate. The contest would be initiated by a sworn notice of contest describing the grounds of the contest with particularity, filed with the Clerk of the House and served upon the contestee within 30 days after the official declaration of the election results. The contestee has 30 days within which to answer or to file a motion challenging the legal sufficiency of the notice or the service of the notice or to move for a more detailed statement of the grounds. Each party is allowed a specified time for taking testimony of witnesses by deposition—the total time for taking testimony by both parties is 70 days. Attendance of witnesses and production of documents and papers including ballots can be compelled by subpena. Once the testimony is completed, briefs would be filed by the parties under much the same procedure as followed in the Federal appellate courts. The Committee on House Administration would consider the case on the entire record of depositions, papers, and exhibits filed with the Clerk and the briefs and oral arguments of the parties. The decision of the committee, as in the past, would be reported to the House in the form of a resolution.

Mr. Speaker, H.R. 14195 will accomplish a much needed and long overdue reform of our contested election procedures. I urge its passage.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Georgia.

Mr. BLACKBURN. As the gentleman in the well is aware, I am very familiar with election contests.

A question occurs to me as to whether the committee has dealt with the question of whether or not the certified winner of a general election would be seated pending the outcome of the contest. Has the committee given this attention?

Mr. ABBITT. The committee gave it no attention whatever. We did not intend to change any basic rule of law. This is purely and simply a procedural matter, so as to expedite the hearings and to bring the contest to a head, to help the parties. It spells out for the contestant how he can act. It spells out for the contestee what he can do. It provides for a decision in a more expeditious manner.

Mr. BLACKBURN. Just for the purpose of clarifying the record, this deals with the mechanics of an election contest and not the substance.

Mr. ABBITT. Purely and simply the mechanics.

Mr. BLACKBURN. This action would not be construed as changing the present precedents, which are to the effect that the certified winner will take his seat pending the outcome of the contest?

Mr. ABBITT. So far as I can ascertain, it does not affect the basic law one iota. It is merely intended to expedite the hearings, so that the matter can be brought to a decision as quickly as possible.

Mr. BLACKBURN. I thank the gentleman and the members of the committee for the work they have done on this. I have read it over. It is a tremendous piece of work I am happy to support.

Mr. ABBITT. I thank the gentleman.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, the bill before the House of Representatives today, H.R. 14195, is to modernize the outdated statutory procedures relating to contested elections of Members of the House of Representatives.

The House Administration Committee has referred to the present contested election law as a "relic of a bygone era." This is literally the case since the present law was passed in 1851 and at that time was patterned substantially after a contested election law passed in 1798.

Revision is long overdue. Though some election contests generally occur each new Congress, under present conditions they must be adjudicated under cumbersome, antiquated procedures. Some of the inadequacies of the present statute are listed in the report. They are:

> 1. The question of who has standing to initiate a contest has been made unclear by the House's conflicting interpretation of the law over the past century.
>
> 2. There being no requirement for filing contest papers with the Clerk until testimony has been taken, the House is usually not officially cognizant of the case until several months after its inception.
>
> 3. Given the speed of modern communication and transportation, the 90 days allowed for taking testimony by deposition is too long.
>
> 4. There is no clear authority for contestant to take testimony if contestee fails to answer the notice of contest.
>
> 5. There is no procedure for challenging the legal sufficiency of the notice of contest by a motion in the nature of a demurrer.
>
> 6. Existing law does not provide contestee with any means of compelling contestant to furnish a more definite statement of the grounds of the contest in the event the notice of contest is vague or ambiguous.
>
> 7. The Clerk is required to decide which portions of testimony are to be printed if the parties fail to agree.
>
> 8. Witnesses who testify on deposition must sign the transcript of deposition. There is no provision for waiver of signature.
>
> 9. The 75-cent-per-day witness fee is insufficient by contemporary standards.
>
> 10. The penalty for failure of a witness to appear and testify at a deposition is outdated ($20 forfeiture plus suit costs to be recovered by party, at whose instance witness was called, in an action for debt in Federal court; also liable to indictment for misdemeanor and punishment by fine and imprisonment of an unspecified amount and duration.)

It is essential that we provide a means not only to help decide election cases in a fair manner but also to do this as efficiently and quickly as possible. This is the purpose of H.R. 14195.

The procedures it contains for pleading, taking testimony and briefing a case are patterned roughly after the Federal Rules of Civil Procedure. The bill deals only with procedures, not substantive grounds for dealing with House election contests.

It is in the interest of the House of Representatives and the public to have efficient, up-to-date procedures to handle contested election cases. I urge passage of H.R. 14195.

In further response to the question which was directed to the gentleman, going back to 1941 we have had seven cases.

The recent precedents involving contests brought against Members-elect by persons who were not candidates in the general election show that the House of Representatives regards such persons as lacking standing to bring an election contest under the statute. In dismissing each of the following contested election cases, brought by a contestant who was not a candidate, the House cited contestant's lack of standing under the statute as a ground for dismissal:

Miller v. *Kirwan* (77th Congress, 19th District, Ohio), dismissed on January 10, 1941, by House Resolution 54, volume 87, CONGRESSIONAL RECORD, page 101; *McEvoy* v. *Peterson* (78th Congress, First District, Georgia), dismissed on May 5, 1944, by House Resolution 534, volume 90, CONGRESSIONAL RECORD, pages 4074, 4078; *Woodward* v. *O'Brien* (80th Congress, Sixth District, Illinois), dismissed on July 26, 1947, by House Resolution 345, volume 93, CONGRESSIONAL RECORD, page 10445; *Lowe* v. *Davis* (82d Congress, Fifth District, Georgia), dismissed by House Resolution 398 on August 31, 1951, volume 97, CONGRESSIONAL RECORD, page 10479; *Frankenberry* v. *Ottinger* (89th Congress, 25th District, New York), dismissed on January 19, 1965, by House Resolution 126, CONGRESSIONAL RECORD, volume 111, part 1, page 951; *Five Mississippi Election Contests* (89th Congress, First, Second, Third, Fourth, and Fifth Districts, Mississippi), dismissed September 17, 1965, by House Resolution 585, CONGRESSIONAL RECORD, volume 111, part 18, page 24263; *Lowe* v. *Thompson* (90th Congress, Fifth District, Georgia), dismissed on July 11, 1967, by House Resolution 541, CONGRESSIONAL RECORD, volume 113, part 14, page 18290.

In each of those cases the precedent was held in the case of a contest brought by an individual who was not actually a candidate. The House of Representatives regarded such persons as lacking in standing to bring an election contest under the statute.

As the gentleman has said so ably, this bill does not attempt to change substantive law. It is merely for procedural purposes entirely. If someone wants to change the law to permit someone other than a candidate to bring a contest this should be done in a separate piece of legislation which looks to changing the basic law rather than changing the procedures under which contests are held.

Mr. ABBITT. The gentleman is eminently correct. I thank him for his contribution.

The SPEAKER pro tempore. The gentleman has consumed 8 minutes.

Mr. ABBITT. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN. Mr. Speaker, I demanded a second because, in reviewing the legislation before us I recalled the situation which confronted the House in 1965 when we had before us the question of the contested elections in the five congressional districts in the State of Mississippi. Although those election contests were dismissed by the House on September 17, 1965, by a vote of 228 to 143, at least the statutory machinery was made available to the contestants, depositions were taken and evidence presented. H.R. 14195 would preclude similar contests.

I am concerned about the failure of this bill to protect one who is a candidate but who is unable to obtain a position on the ballot because of discriminatory action of State officials.

In the 1965 Mississippi contested election case, I believe that three of the contestants had attempted to become independent candidates on the ballot in the State of Mississippi. They obtained the required number of signatures, but were denied a place on the ballot through discriminatory rulings. They were Mrs. Fannie Lou Hamer, Mrs. Annie Devine, and Mrs. Victoria Gray.

The bill before us makes it very clear that the term "candidate" means an individual whose name is printed on the official ballot or one whose name is not printed on the official ballot but who is a write-in candidate in a State where write-in voting is permitted. This leaves no recourse to the individual who is denied a place on the ballot in a particular State, either the officially printed ballot or through a write-in. I believe it is unwise to prevent an individual in that situation from contesting an election.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. RYAN. In just a moment.

To be sure the House has held, through its action on contested elections in recent years, that the statute requires a contestant to be a candidate on the ballot. Nevertheless, the present statute itself does, despite the actions of the House, refer to "any person." Section 105 of the Revised Statutes states, "Whenever any person intends to contest an election of any Member of the House of Representatives," he shall follow certain procedures. My concern is that under the proposed bill there is no statutory protection available to the person whose name either does not appear on the officially printed ballot or as a write-in candidate.

I am now glad to yield to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding to me.

In order to clarify this a bit, under the prevailing statutes, rules, and precedents of the House, today the House may adjudicate the question of the right to a seat in any of the following cases, and I will start with the second: "A protest or memorial filed in the House by an elector of the district involved; or, third, a protest or memorial filed by any other person; or, a motion made by a Member of the House."

None of these three matters are changed a bit by this bill.

Mr. RYAN. I understand that. However, only through a contest instituted in accordance with the contested election law, does a person have the right to initiate a contest, with the power of subpena, which may result in a full investigation. As I understand it, under a protest or memorial filed by an elector or by any other person, it is discretionary with the House as to whether an investigation shall go forward; and the person filing the protest or memorial has no right to subpena witnesses or take depositions or otherwise initiate an action.

What I am trying to do is to suggest that there should be protection for the individual who through discrimination or otherwise is denied a place on the ballot in a particular State.

Mr. KYL. Mr. Speaker, if the gentleman will yield further, since this bill does deal with procedures rather than substantive law, assuming that the gentleman in the well is absolutely correct in his desire and in his purpose here, he would agree, would he not, that the correct place to make the alteration he desires would be in a separate bill dealing with the substantive law rather than through this mechanism now pending here on the floor today, which is procedural in nature?

Mr. RYAN. I must disagree with the gentleman because I view the bill as one dealing in substance. It repeals existing law and provides a new statute under which an election may be contested. It goes beyond a procedural matter in providing who may contest an election. Unfortunately, the bill is before us under suspension of the rules—a procedure which prevents any amendments being offered and limits discussion of it. If the bill were open for amendment, in my opinion it would be entirely proper to amend the definition of the term "candidate" under section 2(b) in order to include the person with whom I am concerned.

Mr. KYL. Mr. Speaker, if the gentleman will yield further, there is another matter which complicates all these things that the gentleman from New York is speaking of, and that is the fact that most election laws are State election laws where we have no jurisdiction. But in this instance it simply is trying to put into law what the House of Representatives since 1941 has decided is the proper approach to the entire problem. In other words, it is not only the attitude of the committee today but is in accordance with precedents established by the Congress at an earlier date.

I thank the gentleman for his concern about this matter but I, personally, think that this bill is about the most perfect piece of legislation with which to accomplish the purpose which the committee set out to correct.

Mr. RYAN. Mr. Speaker, I would like to quote from the minority views of report No. 1008 which accompanied House Resolution 585 in the 89th Congress, wherein the writers of the minority views stated as follows:

> It must be obvious to everyone that to require an individual to be a candidate before he can contest an election in a jurisdiction where it is impossible for him or her to register and vote, let alone get his or her name on the ballot, makes a contest impossible and deprives the Constitution, statutes, and rules of all meaning in this regard.

XUM

I do not believe we can ignore those views as expressed in 1965 at the time the Mississippi contests were before the House.

Now, if I may, I should like also to refer to another section of the same report, and that is the majority part of the report which states—and this was in connection with the dismissal of the Mississippi contests in September 1965—and I quote from that report:

> The committee recommends as follows:
>
> (1) That the House Administration Committee, because of its concern over present House procedures governing election contests, undertake a thorough review of such procedures in the light of this case and make recommendations for improving and clarifying them so as to deal more expeditiously with such cases in the future, particularly those involving violations of the Voting Rights Act of 1965.

Mr. Speaker, I stress and emphasize the words "particularly those involving violations of the Voting Rights Act of 1965."

I should like to ask the distinguished gentleman from Virginia, the sponsor of the bill, what recommendations the committee has made to deal with violations of the Voting Rights Act of 1965?

Mr. ABBITT. Insofar as I know the committee has taken no action in that field.

Mr. RYAN. I appreciate the gentleman's answer, and I think it points up again the need to take a very careful look at this legislation. Discriminatory exclusion from the ballot should be grounds for a statutory contest. May I remind the House that the Voting Rights Act of 1965 expires next year and so far the Rules Committee has not granted a rule to bring to the floor the 5-year extension bill reported by the Judiciary Committee.

It is essential that the Voting Rights Act of 1965 be extended. But if by any chance it is not extended, then I think all of us can anticipate a variety of obstacles not only to registration and voting but to the efforts of candidates to have their names placed on the ballot. Thus, it is all the more important to provide recourse and protection to a candidate who under the proposed bill would be denied an opportunity to contest an election.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. FARBSTEIN. Presumably this applies solely to election contests on election day. I understand, of course, that the State rules and State laws govern elections within the State, particularly the primaries. I do not think this bill has anything in it dealing with primaries. But nevertheless since it has become very stylish for individuals of great substance to run for Congress, and the expenditure of tremendous sums of money in order to obtain nominations has become the vogue of late, it appears to me that perhaps there should be something in this legislation dealing with that subject.

I admit that the primaries, of course, are a function within the State laws, but nevertheless a primary deals with the office of a Member of the House of Representatives. In view of the failure of this legislation to make any mention of that fact, perhaps this may raise a question as to its desirability. Would the gentleman care to comment on that?

Mr. RYAN. Yes. I would say that the gentleman has touched upon a very significant problem, that is, the need to control the cost of elections. The House should be concerned not only with contested general elections, but with primaries, because, as we all know, in many areas of the country there are one-party districts where a primary victory is tantamount to election, and at the present time there is no regulation by the Federal Government of primary elections as to finance or otherwise.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I am glad to yield to the gentleman.

Mr. KYL. The matter of primary elections, of course, is a matter that belongs to the State. As a matter of fact, the House Administration Committee has always taken into consideration what happens in primary elections. But always those cases have come to us after the contest in the primary has gone through all of the legal procedures of the State.

For instance, in the last case which was brought, there was a decision rendered by the Supreme Court of the State regarding the primary election. So the House Administration Committee, which knows that the House is not bound by this under Hinds' Precedents has accepted the Supreme Court's word in the State as the final word so far as the primary election is concerned.

Mr. RYAN. I think the gentleman from New York is concerned about the fact, that the House itself, although it attempts to regulate the general elections, does not do so with respect to primary elections.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. FARBSTEIN. There is no question but what the House in a general election will recognize the expenditure of vast sums of money in order to take office as a Member of the House of Representatives as being a basis for denying that seat. Nevertheless, by indirection one can evade that precedent by spending money in the primaries. The question of expenditures in a primary cannot be brought up in the determination of the right to contest an election under this law.

Am I correct in that?

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. KYL. I would like to make two observations as a result of the questions raised by the gentleman from New York.

Number one, if he is earnestly interested in getting a good Corrupt Practices Act out of the House Administration Committee, I hope he will put enough pressure on certain Members, and will visit them privately, so that they can get that bill out and control the matter of which he speaks.

The other matter which I would just like to mention in passing, is this: With reference to a voting rights act here, all contested elections in the United States are not going to occur in the Southern States. I cannot understand how we have people objecting to the extension of the Voting Rights Act to apply to the 50 States at the present time, and yet we have this objection.

Mr. FARBSTEIN. I do not propose at this moment to go into the question raised by the gentleman from New York (Mr. RYAN) in connection with primaries in those States where the primary election is, in reality, a general election. I am directing my attention to those areas where there is both a primary and a general election. So I do not know that I can take that into consideration.

Mr. KYL. Mr. Speaker, will the gentleman yield further?

Mr. RYAN. I yield to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding.

If the gentleman would compare Federal statutes covering expenditures for campaigns with State laws at this time, he would find that most State laws are infinitely tougher than those of the Federal Government.

Mr. FARBSTEIN. Most, perhaps, but not all of them. I think we should not make fish of one and fowl of another.

Mr. RYAN. Mr. Speaker, in conclusion, let me point out that my opposition to this bill rests on the fact that it is before us under a procedure which denies us an opportunity to offer amendments. I am particularly concerned, as far as this particular piece of legislation is concerned, H.R. 14195, with its failure to protect an individual who seeks to be a candidate and who is denied an opportunity to appear on the ballot through discriminatory action on the part of the State. Under the proposed statute he would not be in a position to contest an election in the House of Representatives, nor would he have available to him the subpena power which the proposed statute would give to a person it defines as a candidate—and the definition is more narrow than the statute which it seeks to replace.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. I would like to ask a question which perhaps the gentleman from Virginia would have to answer. I have had the experience of having elections contested a couple of times. The first time it occurred the notice that was given to me I did not recognize as being a legal notice. There was no statement on the document that it had to be answered within a specific period of time. I did not answer that notice that was given by my opponent, and I was not quite sure whether it constituted notice or whether it demanded notice. Is there anything in this legislation which would require a statement to be placed somewhere on the notice that is filed by the contestant with the successful candidate that an answer is required and, if so, by what authority?

Mr. ABBITT. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Virginia.

Mr. ABBITT. I refer the gentleman to

page 3 of the bill, section 3(b), which covers the notice to which the gentleman has referred:

> (b) Such notice shall state with particularity the grounds upon which contestant contests the election and shall state that an answer thereto must be served upon contestant under section 4 of this Act within thirty days after service of such notice. Such notice shall be signed by contestant and verified by his oath or affirmation.

If the gentleman will yield further, what we have tried to do is to spell out some things that we think would help the parties get to the issue expeditiously.

Mr. THOMPSON of Georgia. I would like to say this: I think that certainly improves the current law—the fact that he would have to specify that an answer was required. It would give personal notice that an answer is required.

I thank the gentleman.

Mr. RYAN. Mr. Speaker, I simply wish again to express my concern with the narrowing of the definition of "candidate." Although recent House actions have held that, in order to have a standing, a contestant should have been a candidate on the ballot; nevertheless, the report on this bill, H.R. 14195, states on page 3—

> The question of who has standing to initiate a contest has been made unclear by the House's conflicting interpretation of the law over the past century.

I would agree that the question of standing should be clarified—but not as the proposed bill does. This bill would prevent candidates who are denied a place on the ballot through discriminatory action from contesting an election. Had it been in effect in 1965, the five Mississippi contests would not have been brought before the House.

Mr. ABBITT. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to say, with reference to the points raised by the gentleman from New York, this bill just simply spells out in plain language what the House Administration Committee and this House have decided on numerous occasions, that no one has any standing to contest except a person who was a candidate. We go even further in this bill and say a person could contest if he is a bona fide write-in candidate. He can contest.

Now, as to the right of the contestant, to subpena that is true, but that really can also be abused, as was done in a number of cases, as some of the Members know. If everybody has a right to contest and subpena witnesses, he can run a House Member up and down the State, and no one knows how long it would take to settle it.

As to the primary, this bill makes no change. Under the present law, we have no jurisdiction over the primary.

(Mr. CLEVELAND (at the request of Mr. KYL) was granted permission to extend his remarks at this point in the RECORD.)

Mr. CLEVELAND. Mr. Speaker, although I favor most of H.R. 14195, the Federal Contested Election Act, I shall be constrained to vote against it for one reason. My objection is that this measure expressly confines the right to contest an election to candidates, and thus excludes the general public. Once before, I protested this matter—see CONGRESSIONAL RECORD for the first session, 89th Congress, January 4, 1965, pages 39 et seq. I believe that any citizen should have the right to contest an election to the House of Representatives under the provisions of our contested election law. The House did not sustain my position in 1965—see CONGRESSIONAL RECORD for 89th Congress, January 19, 1965, page 929 et seq.

The question then before the House was whether the law permitted anyone but a defeated candidate for the House to bring a contest under the provisions of the contested elections laws. I cited numerous precedents, which I still believe should control in these cases. They support my position that any elector is qualified to bring election contests.

As I noted, the House voted down this position and, in effect, ruled that only candidates were qualified to contest elections.

It is with a certain wry interest, therefore, that I find the following language in the report on H.R. 14195—page 3:

> (1) The question of who has standing to initiate a contest has been made unclear by the House's conflicting interpretation of the law over the past century.

My efforts 4 years ago, had they been successful, would have eliminated much of that confusion. H.R. 14195 would eliminate confusion, also, but I believe it goes in the wrong direction in this respect.

There are many reasons why the right to contest a congressional election should not be confined only to the defeated candidate.

Illness might prevent his pressing a contest. Lack of personal financial resources might do so. A reluctance to be thought a poor loser, thereby possibly clouding his appeal as a future candidate, might do so. Perhaps the candidate could be persuaded by the winning side in some manner not to make a contest.

There are innumerable possibilities.

I doubt very much if it is sound public policy to preclude the right of any American to come before the House and proceed under our contested election law to question the propriety of an election to this body.

That is what H.R. 14195 would do and therefore, in spite of the improvements and clarification which it contains, I shall vote against it.

I shall do so in full recognition of the fact that the bill would leave untouched certain other remedies by which citizens may challenge the outcomes of elections to the House. A motion of contest could still be made by a Member of the House; and the public at large would still be entitled to file protests and memorials to the House.

I feel, however, that the public should have the full range of remedies available to it and that this measure would substantially curtail the general public's rights.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Virginia that the House suspend the rules and pass the bill H.R. 14195, as amended.

The question was taken.

Mr. RYAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 311, nays 12, not voting 108, as follows:

[Roll No. 235]

YEAS—311

Abbitt
Abernethy
Adair
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspinall
Ayres
Barrett
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Collier
Collins
Colmer
Conable
Corbett
Coughlin
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Dickinson
Dowdy
Dulski
Duncan
Dwyer
Edmondson
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Feighan
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kuykendall
Kyl
Kyros
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mann
Marsh
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Montgomery
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reuss
Rhodes
Riegle
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Roybal
Ruppe

XUM

Ruth
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—12

Bingham
Burton, Calif.
Clay
Cleveland
Cohelan
Conyers
Edwards, Calif.
Farbstein
Hawkins
Helstoski
Ryan
Stokes

NOT VOTING—108

Addabbo
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Baring
Beall, Md.
Bolling
Brademas
Brasco
Brock
Brooks
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Burton, Utah
Bush
Cahill
Camp
Carey
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Conte
Corman
Cowger
Cramer
Culver
Daddario
Dawson
Dent
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Eckhardt
Edwards, Ala.
Fallon
Fascell
Findley
Fisher
Flynt
Frelinghuysen
Garmatz
Gibbons
Goldwater
Griffin
Griffiths
Gubser
Halpern
Harrington
Harsha
Hays
Hogan
Howard
Jonas
Jones, N.C.
Jones, Tenn.
Kirwan
Kluczynski
Koch
Landgrebe
Landrum
Lipscomb
Long, La.
Lowenstein
Lukens
McCarthy
McClure
McCulloch
Mailliard
Martin
Mathias
Mills
Monagan
Moorhead
Morse
Murphy, N.Y.
O'Konski
Passman
Pepper
Philbin
Pollock
Powell
Quie
Reid, N.Y.
Reifel
Rivers
Rodino
Rosenthal
Rostenkowski
Roudebush
Sikes
Smith, Iowa
Stubblefield
Taft
Teague, Tex.
Thomson, Wis.
Ullman
Utt
Watkins
Whalley
Wiggins
Wilson, Charles H.
Wold

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hayes with Mr. Arends.
Mr. Addabbo with Mr. Conte.
Mr. Rostenkowski with Mr. Anderson of Illinois.
Mr. Garmatz with Mr. McCulloch.
Mr. Passman with Mr. Ashbrook.
Mr. Dent with Mr. Mailliard.
Mr. Mills with Mr. Morse.
Mr. Monagan with Mr. Lukens.
Mr. Teague of Texas with Mr. Andrews of North Dakota.
Mr. Howard with Mr. Del Clawson.
Mr. Brasco with Mr. Halpern.
Mr. Brooks with Mr. Devine.
Mr. Carey with Mr. Cahill.
Mr. Daddario with Mr. Gubser.
Mr. Donohue with Mr. Beall of Maryland.
Mr. Philbin with Mr. Wiggins.
Mr. Fascell with Mr. Broyhill of Virginia.
Mr. Murphy of New York with Mr. Frelinghuysen.
Mr. Clark with Mr. Harsha.
Mr. Rivers with Mr. Hogan.
Mr. Rodino with Mr. Mathias.
Mr. Charles H. Wilson with Don H. Clausen.
Mr. Kluczynski with Mr. Martin.
Mr. Fallon with Mr. Utt.
Mr. Kirwan with Mr. Cramer.
Mr. Jones of North Carolina with Mr. Jonas.
Mr. Brademas with Mr. Cowger.
Mr. Long of Louisiana with Mr. Camp.
Mr. Moorhead with Mr. Brown of Ohio.
Mr. Rosenthal with Mr. Findley.
Mr. Griffin with Mr. Edwards of Alabama.
Mr. Flynt with Mr. Burton of Utah.
Mr. Dingell with Mr. Whalley.
Mrs. Griffiths with Mr. Bush.
Mr. Jones of Tennessee with Mr. Brock.
Mr. Landrum with Mr. Goldwater.
Mr. Corman with Mr. Lipscomb.
Mr. Culver with Mr. Taft.
Mr. Gibbons with Mr. O'Konski.
Mr. Baring with Mr. Reifel.
Mr. Sikes with Mr. Thomson of Wisconsin.
Mr. Fisher with Mr. Roudebush.
Mr. Downing with Mr. McClure.
Mr. Dorn with Mr. Landgrebe.
Mr. Smith of Iowa with Mr. Pollock.
Mr. Pepper with Mr. Watkins.
Mr. Ullman with Mr. Quie.
Mr. Stubblefield with Mr. Wold.
Mr. McCarthy with Mr. Reid of New York.
Mr. Brown of California with Mr. Diggs.
Mr. Harrington with Mr. Powell.
Mr. Lowenstein with Mrs. Chisholm.
Mr. Koch with Mr. Eckhardt.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

LET'S BE VIGILANT NOT TO HURT THE HELPLESS IN OUR FIGHT AGAINST INFLATION

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, fighting inflation by trimming the Federal budget does not necessarily trim just "fat." Two recent events bring this into focus for me. The Washington Post Saturday reported the three Nobel Prize winners in medicine have had their Federal research grants cut for this year.

The grants are true partnership where States, business, charities, or other private sources or private universities and colleges contribute in facilities, equipment, or salaries to further basic research.

In Great Falls High School, in another partnership between Federal and local government, seven teenage boys on work-study as a part of their special education have had the Federal contribution terminated to "fight inflation." Seven exceptional boys, mentally retarded, not capable of keeping up with normal academic studies but performing successfully in a combined work-study program, are the victims of the search to cut fat from the Federal budget to help control inflation. Their pay was $1.60 per hour, for 16 hours each per week.

In neither case are the cuts justified. In fact the long-range effect will be to hinder our national progress toward goals that are in the best interests of mankind's unceasing and noble efforts to heal the sick.

Speaking of "national priorities" rings hollow when these two related examples are weighed against the billions of Federal dollars casually spent for destructive weapons which we desperately hope will never be needed nor put to use.

President Nixon is doing well by withdrawing our men from South Vietnam and his policy offers us hope for peace and stability in Southeast Asia.

I do not believe, however, his fiscal advisers are providing him with a sound plan for handling domestic spending.

The two examples of cutting basic medical research and a training program for retarded teenagers are truly "penny wise and pound foolish." In neither case will the tax money be saved, because costs in both cases are the best buys the taxpayers can get. To delay in these areas is the real waste.

I call on the President to reverse his administration's policy in these two areas and review many other similar basic research and medical cuts that are not savings but cruel and unnecessary interruptions in our drive toward the goal of relieving misery, suffering and hopelessness.

The drop in the level of fighting and the withdrawal of our troops from Vietnam means instant savings in lives and materials. Part of the savings in the reduced expenditures from Vietnam should be devoted to the most pressing and worthy of our national efforts to combat disease and mental retardation.

I call on the Congress to form a committee of vigilance to perform its function in citing the needs of the Nation's ills, in citing the needs of this generation and the generations to follow where hopelessness can be helped and where disease can be defeated. Being the watch dog of the Treasury brings no honor when we snuff out tiny candles of hope. I shall try to help the seven boys in Great Falls and others who may have become the victims of the search for trimming fat. I ask you to also be vigilant for worthy causes that our compassion guides us to maintain.

PEACE WITHOUT VICTORY—THE ROAD TO SLAVERY

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, 25 years ago today, General of the Army Douglas MacArthur led American troops ashore at Leyte, in the Philippines. Keeping our pledge to our Asian allies, Americans pressed forward to victory in the Pacific. We liberated those held prisoner by the Japanese—Americans as well as others. Literally millions are free today because we achieved an honorable victory. This great American had stated a simple truth:

> In war there is no substitute for victory.

By contrast, in 1951, politicians had decided not to win the war in Korea—a war into which we were drawn because of diplomatic blundering. And General MacArthur was relieved of his command.

After countless unnecessary casualties, another general became the first American general to sign a ceasefire without victory. The politicians had won out, and secured a peace claiming the bloodshed in Korea was over. But the unfolding of history belies the claim.

Mr. Speaker, over 400 American fighting men—men who fulfilled their duty to their country and expected their Government would fulfill its duty to them—are still held captive by the Communist enemy in Korea. Large numbers of Americans continue until this day to defend the cease-fire battleline in Korea. Young Americans who were not even born when the Korean war commenced are being killed today on its cease-fire line. Because the solution accepted excluded victory, there is no peace today.

Buried on the inside pages of the newspapers this weekend is the tragic story of four more American soldiers killed in action—vicitims of the phony peace—in Korea.

The news media gives more priority to dignifying the morbid demonstrations last week than to telling the American people the sordid results of the last negotiated peace with Communists.

The wives and mothers of our fighting men remember. They apparently anticipate what can be expected. Having given up in despair and disgust at the calloused indifference of national leaders, these brave women feel compelled to act on their own initiative. American leaders take a back seat as they witness wives and mothers plaintively trying to negotiate as individuals for release of the prisoners-of-war.

Never, since before the days of Caesar, has the world witnessed a nation's women being forced to plead with an enemy on behalf of their men captured in battle.

Mr. Speaker, in war there is no substitute for complete and total victory. Without victory, we do not recover our captive fighting men. Without victory, we do not cease taking casualties. Without complete victory, we find ourselves forced to fight again and again on an ever-shrinking perimeter, until ultimately we are compelled to fight on our own soil, for our own homes—with little hope of victory—when peace can only be attained through slavery.

I insert two news articles:

[From the Washington Post (Wash., D.C.) Oct. 16, 1969]

HANOI GIVES CAPTIVE-RELEASE TERMS

PARIS, October 15.—The North Vietnamese told two U.S. women today that Hanoi would not release their prisoner husbands unless the women demonstrated against the war. The Hanoi officials also said the U.S. prisoners would not be released as a group until the United States withdraws its troops from Vietnam and the war has ended.

This was reported by Sue Shuman and Martha Doss, two Virginia Beach, Va., women who met for 75 minutes with two members of North Vietnam's delegation to the Paris peace talks.

"We wanted to obtain the release of all the sick and wounded prisoners," Mrs. Shuman said, "But they told us we would have to wait until all the American troops are out of Vietnam and the war is over."

The Vietnamese advised the women to demonstrate against the war if they wanted to speed their husband's release.

"I would never demonstrate against my government," Mrs. Shuman said. "That would dishonor my husband." The Vietnamese "kept repeating that we should demonstrate," Mrs. Doss added.

"They seemed to feel strongly that the prisoner thing is not humanitarian but political," Mrs. Shuman said. "Every time we would bring up the humanitarian thing," Mrs. Doss said, "They would say if we wanted to get our husbands out, we would have to demonstrate."

NORTH KOREANS KILL FOUR GIs IN AMBUSH

SEOUL, October 18.—North Korean troops ambushed and killed four U.S. infantrymen in the Demilitarized Zone today, an American communique reported.

A U.S. military spokesman said a North Korean force of unknown size attacked a troop truck with hand grenades and small arms fire in the southern portion of the DMZ that divides North and South Korea under the 1953 armistice agreement.

The Americans were returning to their unit after performing maintenance chores at a U.S. guard post near the southern boundary of the DMZ, the spokesman said. All four bodies were found in the vehicle, indicating the Americans had no chance to fight back.

The men were believed attached to the U.S. 2d Infantry Division, but identification was withheld pending notification of relatives in the United States. The 2d Division mans a 15-mile front in the western sector of the truce border.

It was the first ground clash involving U.S. troops in five months. On Aug. 17, North Korean gunners shot down a small unarmed American helicopter which U.S. officials said strayed into Communist territory by mistake. North Korea said the helicopter was spying, and is still holding the three wounded crewmen.

The last U.S.-North Korean ground action was on May 20, when U.S. troops reported killing one North Korean intruder in a firefight.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. RARICK. I yield to the gentleman.

Mr. DICKINSON. Mr. Speaker, I would like to commend the gentleman for his statement and his observation.

I would like to inform the gentleman, if he does not know it, that in addition Secretary of Defense Laird has given his personal assurance, speaking for the administration also, that no treaty or agreement that is to be made in Paris will be made without predicating it on the release of prisoners of war.

I would like the gentleman also to know that I am in touch with the representatives at the United Nations, and I am informed that there will be a major speech made at the United Nations the latter part of this month or the first of December, bringing this problem to world attention. I want the gentleman to know that progress is being made in that respect.

I appreciate the gentleman yielding.

Mr. RARICK. I thank the gentleman for his comments.

AN EVALUATION OF "MORATORIUM DAY"

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, efforts are now being made to evaluate the effect of last Wednesday's Moratorium Day. Those who organized the demonstration claim a great victory and apparently believe that they have spoken for the vast majority of the American people. I do not agree with them, and I do not believe the great majority of the American people agree with them.

One of the finest evaluations of the demonstrations was made by the Montgomery Advertiser. I would like to share the Advertiser's editorial with my colleagues as I believe the majority of them will also agree with it.

Also, Mr. Speaker, I would like to place in the RECORD a very fine statement made by Gov. Albert Brewer of Alabama last Wednesday. This statement, along with a full page reproduction of the American flag appeared on the front page of the Birmingham News:

[From the Montgomery (Ala.) Advertiser]

THE GREAT FLOP

The Boston businessman, who with divinity student Sam Brown conceived the Vietnam Moratorium Day, said he was delighted with the response.

Jerome Grossman, president of the Massachusetts Envelope Co., said: "We are overwhelmed . . . *We don't see how President Nixon can fail to change his policies.*"

Hold on, Grossman, The Associated Press, in a nationwide guess, said some 500,000 took part. In a later estimate, the highest we've seen, the AP said as many as 1,000,000 "may" have taken part.

Taking the higher guess, which would include the curious, those who showed up with no sympathy whatever for the movement, or those who merely came out for the "happening" or the entertainment, this was a pathetic turnout.

The moratorium was, by any numerical assessment, a flop, although the publicity build-up was masterful.

In a nation of more than 200,000,000, a half-million or even a million is the barest token. Dr. King's Washington March in 1968 attracted about 250,000—*in a single city*. The Woodstock folk festival in August attracted at least as many as AP's lower figure and approached, according to some figures, the higher estimate—counting all those who couldn't get near the pasture. And this too was in one location.

Grossman and Brown call it a mandate for Nixon. Ridiculous. More than nine times as many as AP's highest estimates went to the polls and voted for George Wallace last November, and George certainly didn't claim he'd won.

In all, more than 73,000,000 Americans voted last November. Do a few thousand kids, students, idlers, curiosity-seekers, draft-dodgers and the like speak for them? By what strange non-Euclidian mathematics is it that this small number—small in both individual city turnouts and the wildest national estimates—can conceivably be said to represent 200,000,000 Americans, some 122,000,000 of them voting age?

It was a massive flop, despite all the feature attractions, the speakers, the entertainers, etc. We would have confidently predicted in advance that quite a few million would have massed across the nation. They didn't.

The result is inescapable—a backfire. The TV cameras and reporters didn't see the millions of Americans who went about their business and dismissed the whole thing in disgust. But if the number of those who bothered to put out flags at full staff, burned their headlights, or otherwise demonstrated their support of the Administration were counted, we believe even this number—a small portion of those who don't subscribe to surrender—would have vastly outnumbered the pacifists.

A great and powerful nation was more interested in the fate of the New York Mets than even bothering to tell the demonstrators to go fly a kite.

But saying that it was a bust, which it was, does not alter the fact that such crowds as did gather helped Hanoi immensely in its determination to yield nothing in Paris. The propaganda uses of the films will be evident all over the world to make it appear (falsely) that Americans have staged a mass revolution against their elected leaders.

This is a lie. But it may be a successful lie, because the skillful use of film clips of crowds can make it *appear* that an entire nation is up in arms with the Administration's policy.

Nothing could be further from the truth. Many of those who did turn out oppose immediate withdrawal or unilateral retrenchment without communist quid pro quos. Many who listened to speeches, and more who stayed at home, are sick of the war, but they are more nauseated by the demand for surrender.

Nixon has not been handed anything approaching a plebiscite to alter the course he has chosen, weighing all the risks and imponderables. On the contrary, he has been given a highly articulate, silent mandate to continue on course. He was given this by more than 199,000,000 Americans who *didn't* turn out for what was suggested by some wire services and newspapers, with reckless abandon, to be an overwhelming expression for immediate withdrawal.

It wasn't. It was a microscopic show in terms of numbers. Still, it served the communists well. It will almost certainly complicate Nixon's peace plans, and may well cost the lives of many more brave Americans.

But we hope the message is communicated to our fighting men: the surrender crowd gave a party and almost nobody came.

Those that did are hardly worth a moment's anger in Vietnam—except for the knowledge that they have made an honorable end more difficult and more distant.

[From the Birmingham (Ala.) News, Oct. 15, 1969]

WHICH: THE EASY OR HONORABLE WAY?

Another time of testing has come to America.

Many times in our history as a nation, we have had to decide between the easy way and the honorable way, both at home and abroad.

While our decisions to stand firm in behalf of freedom and justice have not always been universally popular, they have always been supported by the great majority of American people.

Today, we reach a time when we must decide again between the easy way and the honorable way.

Our flag flies in battle on foreign soil—while at home there are those who would have us believe that our people have lost the will to meet our commitments.

Let the word go forth from Alabama and America today that this vocal minority does not speak for the tens of millions of silent Americans whose deep desire for peace burns as brightly as the fires of our warriors' camps but who know that a peace without honor and justice is no peace at all.

Let every enemy, wherever he may be, know that we as Americans have again chosen the honorable way.

ALBERT P. BREWER,
Governor of Alabama.

POINT REYES

(Mr. COHELAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHELAN. Mr. Speaker, I rise today to introduce a bill to amend the Land and Water Conservation Fund Act of 1965, to suspend the mineral leasing authority during the periods when amounts in the Land and Water Conservation Fund are withheld or impounded.

This bill will suspend the authority of the executive branch to enter any lease agreement if the full amount of the Land and Water Conservation Fund is not expended, and will also direct suspension of drilling operations under leases granted after passage of this bill in the same circumstances.

The need for this legislation is simple—certain amounts in this fund were earmarked for use for national parks. This money is not being used for the purposes for which it was intended, therefore, present drilling activity and future leases should be stopped until the receipts from this activity are used for the purposes which the Congress originally intended.

Last year this body, recognizing the increased demand for outdoor recreation facilities and realizing the scarcity of funds available to acquire these needed lands, passed an amendment to the Land and Water Conservation Fund which supplemented the fund with the lease receipts received under the authority of the Outer Continental Shelf Land Act. At that time, my distinguished colleague WAYNE ASPINALL, chairman of the full Committee on Interior and author of this amendment, saw the need for an effective Land and Water Conservation Fund as the only way to make authorized outdoor recreation facilities a reality.

It was my clear understanding at the time of the debate on this issue that one of Mr. ASPINALL's principal reasons for this bill was to increase the level of the fund to $200 million annually for a period of 5 years. This year, however, the present administration only wants to spend $124 million. To my mind this is clearly contrary to the original legislative intent. We have acted to correct the shortage of funds and to provide, as Mr. ASPINALL requested, the "capacity to make our authorized Federal projects a reality" and what has happened? We continue to have a backlog of authorized projects, because the funds that were provided to correct this situation are being withheld. I am hard put to understand this, Mr. Speaker.

I have on many occasions urged this body to take the necessary steps to assure acquisition of the entire acreage of Point Reyes as originally dictated by the Congress in 1962. Seven years has now passed since the official establishment of this park and in that time the Federal Government has only acquired 22,543 of the total 53,483 acres of land in question. The Point Reyes peninsular faces and irreparable splintering, that if allowed to happen will spoil much of this unique and beautiful natural preserve.

Point Reyes, poetically described as an "island in time" is held by some as a monument to natural beauty and to man's aspirations setting, has the added diversity of grassy moors, flowering fields, rolling hills, and pine-studded ridges. This area is so special, so unique, and so beautiful—the Congress recognized this once before and acted to make these lands part of our national preserve once and for all.

But now some of the choicest lands within the Seashore boundaries are about to be lost. Private landowners can no longer afford the cost of waiting for the Federal Government to buy their lands. The threat of bulldozing and subdividing is real. The "island in time" will in all probability soon become a dream rather than a Federal commitment and a reality if the needed 38 million is not appropriated and appropriated this year.

There are seven bills now pending in the House which provide for the additional funds to complete this project. This effort is bipartisan in nature and has the support of most of the California delegation, including both our Senators. I know that many more of my colleagues in the House share my interest and enthusiasm in conservation projects and my sincere belief in the need to preserve the small bit of this country that remains natural, beautiful, and free. Point Reyes is an excellent example of this type of terrain, a wild, unfettered expanse, an embodiment of the soul of this country.

The question of whether we can save Point Reyes lies entirely with the administration. We have utilized practically every means possible to impress upon them the urgency of this situation. The unwillingness of the administration to approve full funding for the Land and Water Conservation Fund sorely inhibits this effort. As we know the Congress appropriated only $124 million for the Land and Water Conservation Fund and of this only $17 million was appropriated for land acquisition for the entire National Park System for fiscal year 1970, an amount equal to less than 12 cents for each person in the country and less than half of what is needed for Point Reyes alone. None of this money was designated for Point Reyes.

MISUSES OF FUNDS OF THE SMALL BUSINESS ADMINISTRATION—BRISTOL ELECTRONICS, INC.

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I have called attention several times in the past to the manner in which the Small Business Administration flagrantly has played politics with the people's money. I would like to discuss briefly another case at this time.

It concerns the award of a $4.3 million contract for portable radio transmitters and receivers to Bristol Electronics, Inc., of New Bedford, Mass.

When Bristol originally submitted its bid, the Army rejected it because of serious deficiencies in the company's capacity and credit, and also because it had failed to perform adequately on previous Government contracts.

But Bristol had friends in Washington and it applied to the SBA for a certificate of competency, the issuance of which would force the Army to give it the contract.

After reviewing the identical data used by the Army in reaching its conclusion that Bristol could not perform the contract, the Small Business Administration somehow managed to reach the opposite conclusion and Bristol was given the contract.

It promptly fell on its face, just as the Army experts said it would.

As of the end of 1968, Bristol was delinquent in the delivery of 5,138 of the 8,554 radios called for in the contract.

I have also been advised that a former Assistant Secretary of the Army was under heavy pressure to bail out this company, but even after the delivery schedule was modified, Bristol was delinquent in producing the radios called for in the contract.

This contract was supposed to have been completed in 1967, and at one time the Government had made progress payments of $3.8 million and had received slightly more than $2.1 million worth of radios.

Furthermore, a quantity of these radios, which had been accepted by the Defense Department inspector assigned to Bristol's plant, were rejected by the Army on receipt at the depot to which they were shipped, and had to be reworked before they could be used.

Finally, I am informed that, incredibly, Bristol has only recently been given a brand new contract for more of these radios with the interesting exclusion of certain requirements imposed on several other firms that are also producing them for the Army.

I have asked the General Accounting Office to investigate this case. I trust its report will shed further light on this mess.

What is most basically disturbing about this affair is that, under the previous administration, the SBA was so willing and able to force other agencies of the Government to give lucrative contracts to politically favored companies and individuals.

The Universal Fiberglass case was a flagrant example of this policy. So was the infamous loan to the motel-owning Democrat functionary in Alaska. And now Bristol Electronics.

There have been altogether too many misuses of funds of the Small Business Administration and the present Administrator, if he has not already done so, should move promptly to expose those guilty and straighten out this agency.

ABBOTT LABORATORIES COMMENDED IN ACTION ON CYCLAMATES

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, over the weekend we learned that the artificial sweeteners known as cyclamates would be withdrawn from the list of products "Generally Regarded as Safe"—GRAS—by the Food and Drug Administration—FDA. Apparently foods and drugs containing cyclamates will be withdrawn from the market and future manufacture of consumer products containing cyclamates will be discontinued.

The largest manufacturer of cyclamates is Abbott Laboratories which has its headquarters in my congressional district in North Chicago, Ill.

While there is no evidence that use of cyclamates—even when consumed in excessive amounts—will cause any serious human problems, I was pleased to note the full cooperation of Abbott Laboratories and the various manufacturers of soft drinks and other concerns which use its products.

Even more significant is the continued research which Abbott Laboratories has itself conducted, and the findings which these research studies have produced and upon which the Department of Health, Education, and Welfare and the Food Drug Administration have relied in connection with the Federal action. Mr. Speaker, the responsible conduct and public concern such as has been displayed by Abbott Laboratories deserve our careful and thoughtful attention as well as our appropriate recognition.

As indicated in the article which appeared in yesterday's New York Times, the research "was sponsored by Abbott Laboratories, principal American manufacturer of cyclamates. This pharmaceutical company brought its information to the attention of the National Cancer Institute last Monday."

While certain tests conducted during the Abbott-sponsored research on rats and mice induced cancer in the bladders of some of the test animals, there is still no evidence that the same condition would or could develop in humans.

As pointed out by Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare, cyclamates have been of direct medical benefit to a tremendous number of persons suffering from diabetes and hypertension who are forbidden to use sugar in their diets. Dr. Egeberg added:

> Cyclamates and artificial sweeteners have saved or prolonged a lot of lives in recent years by causing people to keep their weight down.

Aside from the benefits which cyclamates may have produced, it is my purpose today merely to recount the high standard of professional conduct and the broad public interest which has characterized the actions of Abbott Laboratories in its research programs and its prompt public disclosures. It is heartening to know that this great and responsible private industrial concern which has benefited millions of Americans through its products would, itself, disclose the evidence resulting in a reduction in sales and profits. In other words, Abbott Laboratories has shown that its primary concern is for the safety and welfare of the American public.

I congratulate Abbott Laboratories, and its chairman of the board and chief executive officer, George A. Cain, and all who direct this great enterprise.

HEW ACTION ON CYCLAMATES

(Mrs. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SULLIVAN. Mr. Speaker, several weeks ago, I criticized the Secretary of Health, Education, and Welfare, Mr. Finch, for what clearly appeared to be an effort to crack down on, and suppress, information within his Department on the possible genetic dangers from the cyclamates used in soft drinks and many foods—a danger which has always been implied by the warning the Food and Drug Administration has required to be used on the labels of these products. On Saturday, Mr. Finch suddenly took the necessary and courageous step of banning the cyclamates for general use in food products, and I congratulate him for it.

Under the law, his duty was clear and unmistakable. No longer was it merely a case of possible danger to humans, based on incomplete and inconclusive laboratory evidence. As of last week, the cyclamates were determined by a board of scientific experts to cause cancer in animals. This requires their removal from regular food products under the Delaney-Sullivan anticancer amendment of the Food Additives Act of 1958. Whether or not there is any evidence that they do cause cancer in man, the cyclamates must be taken off the market under that clause of the 1958 act because they cause cancer in animals.

Mr. Speaker, as one who was closely connected with the bitter battle from 1954 to 1958 over that provision of the legislation, I want to take this opportunity to express the thanks of the American people for the work done by a great Member of this House, a pioneer in the field of consumer protection, who fought an often lonely and a terribly important fight for nearly a decade to write the anticancer clause into our food laws.

I did not see a word in the New York Times articles on the cyclamates yesterday on the role played by a New Yorker, Congressman JAMES J. DELANEY, in protecting the public from what now appears to have been a possibly deadly menace in foods consumed in vast quantities by millions of Americans, and particularly by children.

Congressman DELANEY, in 1949 and 1950, conducted a comprehensive investigation as chairman of a select committee of the House studying the use of chemicals in foods and cosmetics. It was one of the most significant inquiries ever conducted here in the consumer's behalf, and grew out of the postwar technological explosion in the use of new and untried chemicals in all types of consumer products—not to improve their quality, but to achieve shortcuts in production, extend shelf life, prevent spoilage, or increase profits. He sounded a warning here which, at first, few took seriously. But by exhaustive research and exhausting effort he finally convinced not only the scientific community, but business and the general public, that the unrestricted use of untested chemicals in consumer products was threatening the life and health and safety of American consumers.

This effort culminated in 1958 in the Food Additives Act, one of our landmark consumer protection laws. And one of its main features is the provision prohibiting the use in foods of any chemical which has been found to cause cancer in man or animals. It was under that provision that Secretary Finch was required to take action Saturday to remove cyclamates from most of the food products in which they have been used.

XUM

Jim Delaney deserves the thanks of the American people and a rousing vote of appreciation from his colleagues in this House.

VICE PRESIDENT MISQUOTED AGAIN

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYMINGTON. Mr. Speaker, I regret to say I think the Vice President has been misquoted again. He was attempting to align himself with the national chairman of his party, another gentleman from Maryland, in support of the humbler purposes of the moratorium: the Nation's concern, the right of debate on great matters, and so forth. But as in the past, his words have been twisted by a mischievous press. At first glance the expression "impudent snob" does appear to convey a mildly pejorative meaning. But we must remember that the person who uttered it is the No. 2 spokesman of the administration and would never deliberately say anything to offend large numbers of Americans. We must also remember that when he speaks we are called upon to interpret the remarks of a distinguished, practicing semanticist. One of the fringe benefits of the Vice President's tenure is his continuing reminders to us that English is an imprecise language. At his approach, I for one instinctively reach for a dictionary. Various meanings are attached to the word "snob." What the Vice President had in mind was one, "who seeks association with those he regards as superiors." He was suggesting that of the thousands who marched and prayed, all but a misguided few, consider the leaders of our great country as superiors, and were trying to associate with them. The word "impudent" requires no less careful construction. It should be limited to its secondary meaning of "disregard of others." What the Vice President clearly said, if we had but the patience to listen, was that the supporters of the moratorium were people anxious to associate themselves with the administration, in brave disregard of those who opposed it.

If this was not the intended thrust of his statement, then in the words of another great American, "we are not affected by it at all."

FAILURE TO PROVIDE TOTAL POSTAL REFORM IGNORES WILL OF PEOPLE

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, it is always disappointing to see the will of the people ignored in the Congress.

This is what happened recently when the House Post Office and Civil Service Committee failed to approve the administration's proposal to provide total postal reform by transferring the Post Office into a wholly owned Government Postal Service Corporation.

The vote was close; a 13-to-13 tie. But close is not enough.

We need to approve this measure.

We must respond favorably to the wishes of the vast majority of the people who are tired of footing the bill for a postal system that is a financial burden and on the verge of collapse.

What is needed is not a temporary band aid as now proposed. What is required is a program of total postal reform.

The Postal Service Act of 1969 would accomplish this. It will revitalize the mail system and usher in a new and enlightened era for postal employees. By removing the Post Office from the Cabinet and creating an independent, federally owned postal service, the mails will be freed from irrelevant, restrictive political considerations. This will permit the kind of employee participation, management effectiveness and financial flexibility essential for the successful operation and growth of this vital link in America's social and economic lifeline.

I urge the Congress to join with me in heeding the call of Americans from every walk of life—and from both political parties—for an efficient and economical postal system.

Time is running out. We need a program of total postal reform that will provide the public with the type of mail service it demands and has every right to expect.

Let us act now before it is too late.

THE FAMILY ASSISTANCE PLAN: A FUNDAMENTAL INCOME STRATEGY

(Mr. MacGREGOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MacGREGOR. Mr. Speaker, the President's proposed family assistance plan represents a genuinely revolutionary effort, the first in some three decades, to transform a welfare system in crisis. It is the spearpoint of a total strategy—an income strategy—to assist the poor to work themselves into the Nation's productive mainstream.

For those family heads who have the potential to become self-supporting, this strategy offers an avenue to a living income through expanded work incentives, job training, and employment opportunities. For those who cannot support themselves, and for the mothers of preschool children, it offers a basic Federal floor of assistance.

The total income strategy includes also the administration's food stamp program and proposed improvements in the Social Security System. Taken all together, these programs promise to reduce the poverty gap in this Nation by some 60 percent—to cut by this amount the difference between the total income of all impoverished Americans and the total income they would need to rise out of poverty. With respect to one category of the poor, elderly couples over 65, the family assistance plan would in fact wipe out the difference entirely.

Of course, these proposed reforms would not eradicate the blight of poverty overnight—they do not constitute the end of the process but, rather, the essential beginning, the first steps toward self-support and dignified lives for all Americans. They are not mere skirmishes. They represent a real war on poverty.

We will have before us in this Congress no more urgent business than the consideration, and the improvement where possible, of these initiatives. We will have no greater opportunity to serve the interests of the entire American community.

OEO NEEDS AN AUTHORIZATION BILL

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, the authorization for the Economic Opportunity Act expired on June 30 of this year. The Office of Economic Opportunity and its programs have been operating on a continuing resolution since that date.

As my colleagues can imagine, it is extremely difficult for an agency to operate on a continuing resolution. Final plans for allocations of funds can not be drawn up until an appropriation bill has been passed. The agency in question must exist on a day-to-day basis without any guidance from Congress as to which of its programs may be receiving additional funds or which of its programs may be cutback. Its new and innovative programs must wait.

But for one-third of this fiscal year OEO had to operate in just this manner. And now we are getting ready to ask them to continue in this state of uncertainty for another indefinite period of time.

This procedure makes it very difficult for OEO to do an efficient job. Right now Donald Rumsfeld is doing everything he can to get the agency operating at maximum efficiency. Yet he is being hindered by the fact that he must operate on a continuing resolution.

Mr. Speaker, what steps must be taken so that OEO can operate at maximum efficiency? First OEO needs an authorization bill. We must act to show our commitment to this program by considering and passing an authorization bill which would extend the Economic Opportunity Act for 2 years. Until the House acts on this matter, we cannot even begin to consider an appropriations bill.

President Nixon has urged Congress to move rapidly on programs of concern to this Nation. Surely the poverty program is important to the Nation. The President recognized this fact when he called for a 2-year extension of the program. A 2-year extension would give us the advantages of longer range planning, more orderly and efficient allocation of funds for a better ability to attract good personnel. Given the time lost, Mr. Speaker, one can argue that the 2-year extension is inadequate and the House should pass a 3-year extension. The President has recognized that an innovative agency has need for both continuity and flexibility. We in Congress also have a responsibility to recognize this need.

Unless Congress is willing to accept this responsibility and act quickly to extend the program, Congress will be offering the poor only frustration and hopelessness instead of the opportunity and advancement the administration's proposals offer.

THE PRESIDENT SHOULD SEND NO MORE DRAFTEES TO VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced House Concurrent Resolution 416, calling upon the President to send no more draftees to Vietnam.

I am appalled by the fact that a much higher percent of draftees are sent to Vietnam than enlisted men. As of June 30 of this year, 15 percent of the personnel in the armed services are draftees, but 26 percent of those in Vietnam.

It is a tragedy if any American has to suffer and die in Vietnam. It is bad enough if he is a man who wants to serve in the military and go there, but it is incomparably more senseless if he is an unvolunteered victim of our meat grinder method of military personnel selection.

There are approximately 110,000 soldiers now in training who would be affected by an end to the sending of draftees to Vietnam.

This seems to be the next logical step the President could take to reform the draft. With Hershey out, the draft temporarily suspended, and the Congress moving toward some reform in the system, the Nixon administration could show a sign of good faith to those already victims of the draft by not sending any further draftees to Vietnam. Hopefully, within a year we can bring out a total abolition of the draft.

If there are not enough volunteers to replace those finishing their tour of duty, then the American deescalation from Vietnam could be just that much more rapidly carried out.

The concurrent resolution follows:

H. Con. Res. 416

Concurrent resolution expressing the sense of Congress with respect to the assignment to Vietnam of persons inducted into the Armed Forces

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should take such action as may be appropriate to insure that no individuals inducted pursuant to the Military Selective Service Act of 1967 on or after the date of the adoption of this resolution for training and service in the Armed Forces may be assigned to active duty in Vietnam and the waters adjacent thereto (as designated in Executive Order No. 11216, dated April 24, 1965).

A DIFFERENCE OF OPINION ON HOW TO FIGHT INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, President Nixon over the weekend mailed the following letter to 2,200 business and labor leaders on the subject of inflation:

> In view of the growing concern about the rising cost of living, I would like to share with you at some length my thoughts about what is being done and what we must do to curb inflation.
>
> The danger of inflation is real; the cure requires some unpleasant medicine, patience on the part of all and self-discipline by the Government, business and labor.
>
> This Administration is determined to control inflation without imposing controls upon the economy.
>
> Four great forces make up the free market: Government, business, labor and the consumer. A Government that tolerated huge budget deficits could not fairly heap the blame for the ravages of inflation onto any of the other market forces. It was past Government policy that caused our present inflation.
>
> That is why I have refused to look for a scapegoat amid the genuine national concern about the rising cost of living.
>
> That is why I have insisted Government put its own economic house in order before enlisting other forces in the fight against inflation.
>
> #### HARD DECISIONS
>
> Hard decisions had to be made to extend the surtax; to slash Federal spending by more than $7-billion dollars a year; to drastically curtail construction commitments by the Federal Government; to place a strong budget surplus in tandem with a restrictive monetary policy. Economic policy needed backbone rather than jawbone, and backbone is exactly what our record shows.
>
> We have taken the unpopular road to earn back Government's credibility in fiscal affairs, and by our actions we have shown that we mean what we say about cooling inflation.
>
> Because of this record, everyone should realize that Government will continue to do whatever is necessary in the future to curb the rising cost of living.
>
> Because Government's house is now in order, we can turn to business and labor to remind them that inflation is everybody's problem and fighting inflation is everybody's business.
>
> #### LABOR IS CAUTIONED
>
> It is in the interest of private business to consider pricing policies in the light of Government's determination to check inflation. The business that commits errors in pricing on the up side, expecting to be bailed out by inflation, is going to find itself in a poor competitive position. Betting on ever-higher prices is a sure way of losing.
>
> It is in the interest of every union leader and workingman to avoid wage demands that will reduce the purchasing power of his dollar and reduce the number of job opportunities.
>
> Government has set the example of restraint, and will continue to set that example. When we combine labor restraint and business restraint, we can build a foundation for an on-going prosperity.
>
> In curbing inflation, we must continue to move deliberately, with a careful eye on the unemployment picture. The percentage of our work force unemployed is more than a statistic—it is a human condition that deserves the close attention of every American.
>
> New laws and new restrictions are not required, if we treat with respect the law of supply and demand. Government's recent action in the construction industry, to increase the supply of skilled labor and materials so as to curb the excessive expansion of demand, is a case in point.
>
> Because we add no artificial controls does not mean that there are no controls in operation. The free market has its own controls on those who flout responsibility: loss of profits to the businessman, loss of jobs to the workingman. These are losses that responsible action can avert.
>
> A sense of responsibility must be part of every prudent judgment concerning prices and wages, now that Government has repudiated the previous inflationary policies. Price and wage decisions that anticipate inflation's continuing at or near present levels would be shortsighted, imprudent, and unprofitable.
>
> #### ADMINISTRATION POLICY
>
> For your own planning the policy of this Administration in the fight against inflation will be:
>
> First, to continue stern restraints on Federal spending.
>
> Second, to insist on a tax system that has the capacity to generate enough revenues to cover spending outlays. I shall not tolerate, for example, a tax bill that would result in an irresponsible budget.
>
> Third, to rely strongly on the forces of reason and moderation within the private economy, so that governmental intervention will rarely be necessary.
>
> The ultimate consequences of runaway inflation—the bust that follows, with the suffering that accompanies huge unemployment—must never again be inflicted upon the American people. Instead, we will take every measure necessary to build a sound prosperity, temporarily unpopular as some restraints may be.
>
> I would be interested in your own views as to how the private sector and Government can work together in holding down the cost of living. In this cause—hard to explain, hard to achieve, but fundamental to the economy of our nation and the progress of our people—I trust that I can count on your support.

A different view of how to attack inflation is presented by the communication sent the President last week by 45 Members of the House:

> ### A Plea to President Nixon To Take Action Against Inflation
>
> Inflation is causing great hardship. The consumer price index has been increasing at a rate of 7 percent since President Nixon's Inaugural in January; the wholesale price index at a rate of 6 percent.
>
> Instead of temporizing with inflation, and hoping it will go away eventually, the Administration should stop it in its tracks—*now*. The Administration's sole "fight" against inflation has been orthodox fiscal and monetary policies—a budget surplus and tight money.
>
> Orthodox fiscal and monetary measures, if properly applied, can be effective against demand inflation—too much money chasing too few goods. But they fail to come to grips with three other types of inflation currently at work:
>
> 1. *Cost-push inflation* is obviously present in those highly concentrated industries where major companies and unions have substantial discretion in their price and wage decisions. Cost-push inflation accounts for the current rash of price increases in automobiles, steel, tires, gasoline, copper, nickel, zinc and aluminum, to mention a few.
>
> 2. *Credit inflation* continues despite the fact that the Federal Reserve is choking off supply. Banks have increased their lending to business—for everything from new plants and equipment to inventories to the financing of conglomerate takeovers—by a staggering 15 percent this year. Large banks, particularly, have been able to "buy their way out of" tight money by obtaining further lending funds from the Euro-dollar market, the federal funds market, by issuing commercial paper through subsidiaries, and by selling off Treasury securities and municipal bonds from their portfolios. Excessive bank

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lending for business capital investment beyond the immediate needs of the economy, which overstrains resources of manpower and machinery, is responsible for much of our current inflation. Such excessive lending has also contributed to the exorbitantly high interest rates, up 26 percent since the first of the year. These high interest rates have especially harmed the home building industry, state and local governments, small business, and the installment consumer.

3. *Supply-bottleneck inflation* exists in many areas where prices have gone up beyond the average. Two of the worst examples are costs of homeownership, in large part through high interest rates and taxes, and the cost of hospital and medical care.

We call upon the Nixon Administration to stop inflation now. This can be done if it will move vigorously in the public interest with respect to cost-push, credit, and supply-bottleneck inflation:

A. It should withdraw its oppostion to the pending bills to establish effective wage-price guideposts. These bills would require the President to announce wage-price guideposts, after full consultation with management and labor. They also would require him to focus the spotlight of public opinion on specific wage and price decisions that are inconsistent with the guideposts and that threaten national economic stability. Similar systems of wage-price guideposts worked well in this country during the 1962–66 period. They are in effect today in practically every other industrialized country, including West Germany, Canada, the Netherlands, Great Britain, Austria, Denmark, Belgium, Norway and France.

B. To combat credit inflation, the President and the Federal Reserve Board should jointly issue a request to banks not to increase their business lending over that currently outstanding. Such a procedure was successfully used during the Korean War in the early 1950s and again during the credit crunch of 1966. Similar standstill directives on bank lending are being successfully used in the United Kingdom and in France. The President should also request legislative authority, on a standby basis, to impose consumer credit controls.

C. To insure equality of sacrifice, the President should attack the principle supply-bottleneck sources of inflation. In health care, for example, this would mean expediting programs to train medical and paramedical personnel as the best way of bringing costs down. The setting up of wage-price guideposts and a standstill on bank lending to business would help on housing, by containing inflation and by releasing more credit to the housing industry, respectively. In addition, the Administration could and should help housing by backing legislation to increase the resources of the Home Loan Bank system; it should urge the Federal Reserve to purchase FNMA and Home Loan Bank Board securities; and it should permit government trust funds to be invested in official housing securities. Such measures, taken together, would make possible an immediate rollback of present exorbitant interest rates.

If the President will mount a genuine war on inflation, we pledge our best efforts to help him.

The President, according to the New York Times, reports that his efforts to curb inflation are bearing fruit. The 45 Members who wrote the letter reproduced above are in effect asking: What efforts? What fruit?

Inflation continues at a completely unacceptable 6 percent rate in the Consumer's Price Index. The administration's entire reliance on tight money and fiscal austerity are proving wholly inadequate to do the job.

Indeed, exclusive reliance on fiscal and monetary measures is producing an entirely unnecessary increase in unemployment, which could have been avoided, and still can be, by use of the additional measures recommended by the 45 Members.

The President's letter admits that fiscal and monetary measures are not sufficient—which is precisely what the 45 Members have been urging.

But the President asks restraint by private citizens, without giving them standards for applying restraint. Borrowers are told to take it easy on credit applications, without being told what this involves. The 45 Members, on the other hand, suggest specific guidelines to prevent credit inflation.

Business and labor are likewise enjoined by the President to show restraint in their price and wage increases. But this request, by itself, gives no guideposts to business or labor as to what constitues inflationary behavior. The 45 Members, for their part, call for the reestablishment of effective wage-price guideposts. Only the creating of such guideposts can give business and labor a fair standard to which to adhere.

To Congress, the President says that we should cut spending, and avoid reducing taxes. How does the President square this admonition to the legislative branch with two of his actions in the last few weeks—to add another $92 million to this year's budget for the wholly unnecessary supersonic transport plane, and reduce the corporate income tax over that stipulated by the House-passed tax reform bill?

Inflation is indeed a prime domestic problem. If the President will table before the Congress a program to deal with it, we can all join in bringing inflation under control.

IS ECOLOGICAL DISASTER "ACCEPTABLE," TOO?

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, Mark Twain can be paraphrased today if we say that everyone talks about contamination of our finite environment, but no one is doing anything about it. As disaster bears down upon us, we prattle on about committees, studies, States rights, and who is to blame. Soon all these arguments shall be moot.

Instead of initiatives from the Federal Government, what have we received? The President created an Environmental Quality Council on May 29, 1969. Since that date, all that is heard from its direction is a crashing silence. According to the President, it was to "provide the focal point for this administration's efforts to protect all of our natural resources."

The Council is composed of the Vice President and six Cabinet members. It held a brief organizational meeting in June. Monthly meetings were to be held. Only one has been convened, in September. No meeting is scheduled for October. Obviously the gentlemen are too busy telling the public that all is well or that 4-percent unemployment is "acceptable." Be that as it may, this prime vehicle for environmental quality on the Federal level sits there with its engine roaring and its tires flat.

On the same day this Council was established, a Citizens' Advisory Committee on Environmental Quality was also set up. With some rather shrill fanfare, this group was billed as an expanded and improved version of the Johnson Advisory Committee on Recreation and Natural Beauty. As of now, the President has not reappointed or named new appointees for four of the Johnson citizen advisers. Their terms expired in August. The committee has not met, and has not had a staff director since May. Such is the state of the environmental art now. Surely, one would think that a few presidents of major polluters might be found to utter appropriate platitudes when the natives get a bit restless over dead lakes, dying rivers, and unbearable smog. Alas, even this flimsy camouflage is ignored, for antipollution efforts of any kind are really foreign words to the present administration.

Air pollution sources are now hurling 140 million tons of contaminants into our atmosphere annually. Two years ago the figure was 130 million tons. Yet 2 weeks ago the Republic Steel Corp. could tell a member of the Cabinet that it was none of his business whether or not that company was ceasing to pollute Lake Erie, America's largest open air sewer.

Man is a destroyer as well as a builder, and now he endangers himself, totally. Conservation-pollution-ecology go together, and the Federal Government must set the pace, which it has not done in the past year. Our time grows short. Destruction bears down upon us with appalling swiftness. No action has been taken against companies to set an example. No action has been taken against auto pollution, which is so all-pervasive as to defy any and all defense. Look at the skies above our cities . . . the water we consume. Much of it has already passed through several other human beings.

Look off our coasts, where the oil industry pollutes merrily away from offshore drill rigs and tankers. Thermal pollution is a looming threat from multiplying numbers of nuclear powerplants. Noise levels in our cities are surpassed only by pollution from our rapidly choking skies. Nor is anything sacred.

The Everglades stand threatened by a proposed jetport. Mineral King Valley faces a facelift in the holy name of entertainment. On and on goes the litany of devastation. Bulldozers crunch. Trees topple. Swamps fill. Wildlife dies and we are next.

Everywhere we fill the air with manmade poisons. Nature's most perfect food, mother's milk, now comes complete with DDT residues. The few voices which cry out are drowned by commercialism and government inertia. I maintain people have a right to quality of existence as well as to quantity. Just as we have addressed ourselves previously to measures ensuring that people receive educations, Social Security, medical care and unemployment insurance, so we must establish precedents ensuring that their lives are livable in a qualitative sense.

Mass public complaints against environmental conditions must be recognized in our courts, just as they should be on the part of victimized consumers. Law is geared to offenses and cases by one individual against another. Mass public inconvenience and danger should no longer be acceptable in the cause of private enterprise. When private effort begins to damage our environment to an unacceptable degree, menacing millions of people, then people should have a right to take them to court and end their activities legally. This was recently recognized in New York State, where a court ruled that conservationists had a right to challenge a Federal Power Commission permit granted for a proposed power plant.

We must recognize the concept that much, if not all, land and other resources are really held in trust by government and its delegated and duly elected representatives. They are charged with ensuring that such irreplaceable resources are used for public good. Therefore, government has a duty to protect them from temporary, arbitrary abuses by any vested interest, unless such a use is absolutely essential to the national well-being or defense.

This means more than creating a make-believe environmental council and advisory group. Such ghastly charades are an affront to the rising demand by an aroused and endangered public that the Government set an example. All the menaces are known, catalogued and studied to death. All solutions are right at hand. All power reposes in the hands of the Government, yet it will not act, allowing, in the Lake Erie example, a company to insult a Cabinet officer and get away with it. No examples are set or made of offenders.

Mr. Speaker, the ecological clock inexorably ticks away whatever time we have left, and scientists tell us it is not much. We shall suffer even more than our patrimony, if estimates are correct. We killed Lake Erie. We set the Cuyahoga River on fire. We are killing the forests around Los Angeles. It is up to us to act. Or is a level of total pollution "acceptable" to the present government?

WORLD BANK AND WASHINGTON TOO

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the World Bank and all of its international affiliates at last publicly acknowledge they realize where the fountain of money is located.

The Sunday paper carries the announcement that they are so attached to Washington, D.C., they want to make it their international headquarters.

I insert two local news clippings following my remarks:

[From the Washington Post, Oct. 19, 1969]

WASHINGTON, D.C., AS WORLD BANKING CENTER—THE INTERNATIONAL BANK WORKS TO MAKE WASHINGTON ITS BASE

(By William H. Jones)

Washington is clearly the world capital for international financial aid and development, as the seat of the International Monetary Fund, the World Bank and its development affiliates, the Export-Import Bank, and the Inter-American Development Bank. In addition, the United States itself has been the single largest contributor of its own funds in foreign aid—although the aid has been declining in recent years.

In private sector international banking matters, however, Washington has never been known as a particularly important center. One thinks of New York, Paris, Geneva, London and Amsterdam—but not Washington.

A bank that calls itself "America's leading merchant bank" is trying to change that impression.

The International Bank, with worldwide headquarters at 1701 Pennsylvania Ave., NW, has staked out that claim on the basis of these facts:

It is engaged in banking, insurance, industry and mortgage banking in the United States and 12 other countries.

Total assets of affiliated banks and companies now exceeds $3 billion.

This total of assets is exceeded by only 20 of the 500 largest industrial companies, 12 of the 50 largest insurance companies, and 17 of the largest commercial banks in the United States.

It has pioneered in establishing American-style retail banking in Britain, Western Europe, Africa, and Middle East and the Caribbean, bringing banking services to middle income persons and small businesses often for the first time.

It is a major shareholder (22.9 per cent) of Financial General Corp., the largest and oldest bank holding company incorporated in Virginia, which has headquarters in the District.

It recently acquired Financial Security Corp., bringing to International Bank a group of industry, insurance and finance companies. Financial Security comprises the nonbanking interests formerly held by Financial General Corp. FGC made the divestiture of these interests last year under provisions of the Bank Holding Company Act, as amended in 1966. Provisions specify that registered bank holding companies cannot hold nonbanking interests.

George Olmsted, International Bank president and board chairman, described his bank recently as "the bringing together of the traditional concept of British merchant banking which has played a leading role in England's financial leadership in the world for more than 200 years, and today's modern, advanced techniques of American financial know-how."

The International Bank opened here in July 1920 and was reorganized in the 1950s, when present management took over. Under this management, according to Olmsted, stockholders' equity in the bank, on a valuation basis, has grown from half a million dollars to $84.8 million. Combined assets of banks and companies in which it has major investments leaped from $1 million to $3 billion.

Overseas, Olmsted emphasizes partnership of International Bank with business and financial leaders of the countries where the bank has interests, offering "interdependence" instead of "economic imperialism."

In a letter to stockholders last March, for example, the bank president stated:

"The growing resistance to some American companies in other countries is based on a form of economic imperialism we avoid. We practice a concept of having local partners share in the ownership, control and earnings of all our overseas enterprises. We believe this is the road all American concerns should follow in other countries."

Olmsted adds that International Bank offices abroad have become known and supported as local institutions "rather than branches of a distant American management too often unresponsive to local considerations."

Foreign operations and percentage of International Bank ownership are: the International Trust Company of Liberia in Monrovia (80.3); Security Trust Co. of Birmingham, England (50); Credit Europeen, Luxembourg (77); Europabank, Ghent, Belgium (92.8); Europe Bank Kredit and Sparbank, Saarbrucken, West Germany (7.5); Trans-orient Bank, Beiurt (72); Intertional Bank of Washington (Bahamas), Nassau (100); Equity Finance Corp., Nassau (100); Olds Discount Co. of Jamaica, Kingstom (95); and International Trust of Washington (Caribbean), Port-of-Spain, Trinidad (81.8).

This weekend, International Bank announced it has been granted permission by the Central Bank of Iran to open a representative office in Teheran.

In the United States, Olmsted sees International Bank's role as assisting, advising and supervising various units, "refraining, however, from interference in the day-to-day operational decisions."

Domestic operations include Tico, Inc. (66.6 per cent owned), headquartered in Atlanta, including the McCrary subsidiaries which provide scientific and technical help in telephone installations as well as municipal engineering and construction; Central National Bank and Trust Co. (66.8 per cent), of Des Moines, Iowa; the First National Bank building in the District, headquarters for International Bank a block west of the White House.

Domestic operations also include Globe Industries, Inc. (81 per cent), with plants in Chicago, Lowell, Ind., and Whiting, Ind., engaged in the manufacture and sale of a line of sound-control padding and acoustical materials for autos, as well as the sale of building supplies.

In addition, the Intermediate Credit Corp. (100 per cent owned), engaged in venture capital financing, equipment leasing and related activities, which in turn has a 40.1 per cent interest in Small Business Investment Co. of New York, a licensed small business investment concern; an 80 per cent interest in Financial Realty Corp., engaged in the purchase and sale of real estate property in the Washington area and elsewhere; and a 33.3 per cent interest in Marion Malleable Iron Works, of Marion, Ind., with sales in 1968 of $7.2 million.

International Bank's principal industrial holding is Bradford Speed Packaging and Development Corp. (53.3 per cent), which in turn has major interests in Kliklok Corp., Woodman Co., Inc., Pierce Governor Co., Inc., and Foster Wheeler Corp. The firms manufacture and sell automated machinery and packaging, manufacture governors of tractors and trucks, and are engaged in engineering, design and manufacture of processing plants.

The insurance and finance group of International Bank includes 11 U.S.-based companies with total assets in excess of $300 million, and Associated Management, Inc., a newly-acquired management company of a mutual fund, based here. Three life insurance companies in this group are Bankers Security Life (40 per cent owned), of Washington; United Services Life (26 per cent), of Washington, and Bankers Financial Life (70 per cent), of Arlington.

The International Bank investment with the greatest impact locally is Financial General Corp., which traces its history back to 1910 in Norfolk, when a unique bank was opened, offering consumer credit in the United States for the first time.

Arthur J. Morris founded the bank, and by 1925 the so-called "Morris Plan" was in operation in 16 cities. Now, it's part of American banking history.

Today, such banks are known as industrial banks—a bit of a misnomer since few of its loans are made to industrial customers. The expression is derived from the fact that its customers fall largely into the industrial or working class. Most loans made by such banks are of the consumption type and

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seldom exceed a few thousand dollars at most.

The original loan contract in a Morris-plan bank combined both lending and savings features. Many of these institutions now make conventional loans in addition, and have moved into the installment-credit field, home repairs loans and loans to small businessmen. Banking legislation in recent decades has tended to enlarge scope and powers of such banks and today industrial banks get a sizable portion of their loanable funds from depositors.

FGC has 128 offices, 14,000 stockholders and is listed on the American Stock Exchange. The group also has 2,600 employees—1,500 in the Washington area alone (an annual payroll of nearly $4.5 million).

Its impact in the area is wide, with 56 bank offices and two mortgage companies. In the District, the banks are First National Bank of Washington and Union Trust Co.; in Maryland, American National Bank, headquartered in Silver Spring; and in Virginia Alexandria National, Arlington Trust, Clarendon Trust, and the Peoples National Bank of Leesburg. Total resources of the Washington area banks, as of last June 30, were $76,595,000, with deposits of $687,102,000.

Impressive as this record is, the future is seen as even better. Officials report that banking deposits were up 8.9 per cent in the first six months of this year, capital funds jumped 7.2 per cent and resources increased 10.1 per cent.

Looking to the future, Olmsted recently told newsmen he sees continued expansion of both domestic and foreign activities "both by internal growth and by acquisition." FGC president William L. Cobb sees a number of future growth areas in Virginia, particularly the Tidewater area and Fairfax County.

"And," added Olmsted, "we are fully convinced that Washington is an ideal spot for the headquarters of America's leading merchant bank."

[From the Washington Star, Oct. 19, 1969]

MONEY: A NEW EPOCH—IMF CREATION OF PAPER GOLD CALLED INEVITABLE EVOLUTION

(By J. A. Livingston)

The 1969 annual meeting of the International Monetary Fund in late September could not have been timed more auspiciously.

It began as the German elections ended.

Pierre-Paul Schweitzer, the managing director of the IMF—a Frenchman—opened the sessions by answering what delegates from 113 nations were wondering and worrying about: West Germany finally had decided to raise the price of the mark.

Hardly more could be asked for—even though the new price was not yet set.

Only six weeks before, the price of the franc was lowered. Surely, this realignment of continental Europe's two most important currencies would terminate the disabling speculation in foreign exchange, which whooshed Eurodollars and other funds from London, Milan, Paris, Brussels, Copenhagen, and other financial capitals to Frankfurt, Germany, and then out again!

That was the setting as the IMF members voted to create $9.5 billion of "paper gold"—Special Drawing Rights on which members could draw if temporarily embarrassed for gold bullion, dollars, or other reserves.

STEP IN EVOLUTION

Thus began a new epoch in the inevitable evolution of money from cattle, wampum, feathers, whales' teeth, salt, tobacco and nails to silver, gold, goldsmiths' receipts, and finally paper money and paper gold.

"A momentous innovation," pronounced Schweitzer.

"A significant turning point in the monetary system," declared Secretary of the Treasury David M. Kennedy.

Former Secretary Henry H. Fowler, who put President Johnson's power and prestige behind this evolution in 1965, gave a cocktail party.

"A triumph of collective diplomacy," said Fowler. "Special Drawing Rights have been ratified by the highest authorities of nations. They are not a confection of a small group of finance ministers and central bankers in a smoke-filled room.".

IMF delegates could return to their homelands with a sense of momentary calm and accomplishment.

SOME DOUBTS

Still, there were doubts. Fundamental imbalances might still remain. Was—is—further change required?

"The international monetary system which nurtured postwar prosperity is in trouble. That means that world prosperity—the rise in employment, trade and living standards in the United States, Europe, Japan and the rest of the world—faces trouble.

"The system is in trouble because the dollar is no longer almighty. It limps from crisis to crisis—first the devaluation of sterling in November 1967 then the forced shutdown of the gold pool in March 1968. A prudent man will expect more crises," I wrote 15 months ago.

Since then the dollar has become superficially stronger. But only because of the weakness of the franc and worries about social conditions in Europe.

INFLATION EXPLAINED

The men responsible for the management of the world's money—the heads of the Federal Reserve System, German Bundesbank, Bank of England, the Netherlands Bank and so on—have been unable to manage money because they've been unable to manage politicians. Votes dictate economic and social decisions of government—not gold reserves and foreign exchange rates.

That explains today's worldwide epidemic: Inflation.

In the postwar era, politicians have been haunted by the Great Depression. Never again high unemployment! Always onward and upward with economic growth! Even at the expense of price stability!

But now the economic consequences of inflation are so luminous that monetary and fiscal restraint are being applied—in the U.S., Great Britain, France, Germany and other parts of continental Europe. A recession in the U.S.—yes, even in the world—is possible.

Why?

Because people distrust paper currencies. They reach for anything that might go up in price—gold, works of art, antiques, real estate, stocks. They flee—in desperation—from one paper currency to another—from the franc, pound, and lira to the German mark, or Swiss franc or Netherlands guilder.

According to the International Monetary Fund, the designers at Bretton Woods 25 years ago never expected that governments would "have to be so much concerned about the public's changing views" on currencies: Which is going up in price? Which down?

MONETARY CONVULSION

But dollars floating around the world, especially in the Euro-dollar market, have ballooned the "volume" of short-term funds that can potentially move from financial center to financial center.

Two monetary crises in the last year—the result of currency speculation—illustrate the political impotence of central bankers.

In November 1968, funds from all over the world, but particularly from France and Great Britain, stampeded into Germany. "It was a monetary convulsion," said the sober German Bundesbank in its annual report.

Karl Schiller, German Minister of Economics, hastily summoned finance ministers and central bankers to Bonn: What could be done?

Newsmen covering the meeting conjectured: The German mark would be revalued—raised in price. Simultaneously, the French franc would be devalued—lowered in price. This, so the reporters theorized, would correct the economic disharmony between France and Germany.

VALUES IMBALANCED

Logic dictated this. Germany had a substantial trade surplus. Its exports far exceeded imports. An increase in the price of the mark would raise German export prices. Therefore, German sales of goods abroad would tend to fall. Collaterally, Germans—with their higher-priced marks—would buy foreign goods at lower prices. Therefore, imports ought to rise.

As for the French, the opposite—a lower-priced franc would boost exports, lower imports. The French trade deficit would be reduced or eliminated.

But no!

Despite the urging of Karl Blessing, head of the Bundesbank, Schiller insisted that the mark stay at four to the dollar—25 cents.

And President Charles de Gaulle, despite the urging of close advisers, stood pat on the franc. It would remain at five to the dollar—20 cents.

As a palliative, as a concession to the world, the Germans imposed a tax on exports and rebate on imports of 4 percent.

Objective: To raise prices of goods Germany sold abroad and lower the prices of goods coming into Germany. But Germany continued to pile up big trade surpluses. And the French balance-of-trade deteriorated further.

In May 1969, again funds stampeded into Germany. Speculators sucked foreign exchange out of central banks throughout Europe. At one point, for lack of foreign exchange, it was touch and go whether Denmark would be able to pay its bills. A weekend loan saved the day!

This time Schiller said yes. He would go along with the Bundesbank and revalue the mark. He explained that he had changed his mind because the 10 percent U.S. tax surcharge in 1968 had not slowed down the U.S. economy. In November, he feared that the rate of growth in world trade would fall and German exports would suffer.

STRAUSS SAYS NO

Now Minister of Finance Franz-Josef Strauss said no. Why should German exporters be penalized for their efficiency? The remedy was less inflation in the United States, France and elsewhere, not less German competition.

Besides, revaluation of the mark would lower commodity prices, particularly agricultural prices. Unless the government granted farmers a massive cash subsidy, farm votes would be lost.

Before making his decision, Chancellor Kurt Kiesinger arranged a "debate" of experts. Hermann Abs, former head of the Deutsche Bank, largest and most powerful bank in Germany, presented the case against revaluation. Otmar Emminger, the Bundesbank's respected internationalist, argued for.

Observers subsequently said: "The arguments didn't matter. The decision was political."

A beleaguered French official remarked: "Isn't it extraordinary—the government of 50 million Frenchmen is terrified by devaluation because it will raise prices! And the government of 60 million Germans is worried about revaluation because it will lower prices.

"Economics just isn't for the average man!"

SERIES ON "LAW AND ENVIRONMENT"—III

(Mr. SAYLOR asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the third article in the Christian Science Monitor series on "law and environment" touches on the "burden of proof" in court cases involving environmental issues. For the most part, the burden of proof is on the plaintiff which means the public-at-large as distinct from the public as represented by the Government. In the situation today where Government itself is a major source of pollution, the citizen often finds himself squeezed between two giants—Government and industry.

The article points out that the common law generally gives preference to the initiator of development forcing the aggrieved citizen to show why the law should be invoked to halt such development. This time-honored practice has not been seriously challenged until recently. However, if a body of law is to be developed to protect the environment, the challenge must succeed.

Conservationists have known for a long time of the "multiplier" effect of any private or government decision that effects nature; the drive for a "law of the environment" is a way of saying that a larger public is looking for legal remedies to protect against potentially harmful environmental decisions.

The article follows:

NATURAL-RESOURCE SUITS: LAWYERS STRESS IMAGINATION

(By Robert Cahn)

WASHINGTON.—Citizens along the Hudson River near Tarrytown, N.Y., who were concerned that a six-lane expressway irreversibly alter a pleasing environment sought to take their problem to the courts.

As plaintiffs (in this case against federal and states agencies) with the burden of proving that irreversible damages would develop from the expressway, their case looked almost hopeless once the federal government's Department of Transportation decided that the highway was necessary.

Instead of trying to base a fight only on constitutional grounds, however, counsel raised a statutory technicality charging that the government was acting illegally. And by such a seemingly inconsequential point as the definition of a dike in a 19th-century act of Congress, the government has been put on the defensive and the expressway has been blocked—at least temporarily.

LANDFILL NEEDED

The proposed expressway would extend along the east shore of the Hudson River near the Tappan Zee Bridge. About five miles of the road will rest on landfill which extends at one point 1,300 feet into the river. Lawyer David Sive, who represented the Citizen's Committee for the Hudson Valley and the Sierra Club, contended that the federal government had acted illegally in issuing a permit for the construction without authorization of Congress.

Mr. Sive dug out the 1899 Rivers and Harbors Act, which required congressional approval for dikes in United States navigable waters. The landfill, he argued, was such a dike. Attorneys for the federal and state government countered that a dike meant a wall which substantially affected navigation by confining river flow.

The United States District Court would not accept Mr. Sive's other arguments that constitutional rights of citizens were involved. But, said the court, a dike is a dike, and the Army Corps of Engineers exceeded its statutory authority in issuing the permit without permission of Congress. So construction has been halted, at least until a higher court can hear the appeal of the government.

At the first conference on law and the environment held recently in Warrenton, Va., the participating lawyers discussed this case and others relating to the difficulties of citizens' overcoming the "burden of proof" in environmental cases.

In most cases, lawyers for citizens' groups may not have the statutory grounds that were available to Mr. Sive. And until constitutional grounds can be developed and accepted by the courts, lawyers may be required to depend on imaginative uses of existing law.

In conference discussion, James Krier noted that the common law generally gives preference to the initiator of development and forces the aggrieved person to show why the law should intervene to stop or modify the development. He pointed out that in environmental litigation this produces a major handicap because environmental damage is hard to specify and needed expert information may be known only to the developer.

Mr. Krier pointed to the Texas Eastern case as an example of how existing burden-of-proof rules can be used to promote environmental values and to encourage developers in giving more consideration to the impact on the environment.

The Texas Eastern Natural Gas Company, which as a public utility can use the power of eminent domain, wanted to condemn a right of way through the Troy Meadows preserve in New Jersey to build a pipeline. Lawyers for the private preserve alleged that wilderness use by the public would be damaged by the pipeline. This loss would outweigh any loss to the company if it had to select another route, they said.

A trial court rejected the conservation position. Then the Supreme Court of New Jersey reversed the lower court. The Supreme Court held that the plaintiff had established the initial burden of showing that there might be serious damage to the nature preserve from the pipeline, and that there were other alternative routes available. It required the company to present evidence at a new trial that there would not be serious damage and that the route chosen was the best one.

Even though ultimately the gas company won the case, the developer has been forced to assume a major share of the burden of proof and to present previously unavailable information to explain why the action was necessary.

Prof. Joseph Sax of the University of Michigan, who has written several textbooks and articles on natural-resource law, believes that new legislation may be necessary to help the environmental plaintiff.

LEGISLATION URGED

Professor Sax recently urged the Michigan Legislature to pass a law allowing court actions by state officials or citizens against any person, including the government, "for the protection of the public trust in the natural resources of the suits."

The law should further provide, he says, that if a case can be made that a developer is reasonably likely to damage the environment, then the developer must have the burden of showing that there is no feasible and prudent alternative to his actions and that the development is in the public interest.

Environmenal plaintiffs have other burden-of-proof problems when a disaster has already taken place, such as the Santa Barbara oil spill. Participants at the conference agreed that some way should be found to require developers to include as a cost of doing business financial responsibility for environmental damage.

In suits to collect damages for the oil spill, plaintiffs had had difficulty obtaining information from the government and the oil companies. Without the information, the plaintiffs face an almost insurmountable burden of proof, especially when it is necessary to prove negligence.

INTRODUCING LEGISLATION TO ELIMINATE SUGAR QUOTA FOR SOUTH AFRICA

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BINGHAM. Mr. Speaker, last April, along with a number of colleagues, I introduced a bill—H.R. 10239—to end the current subsidy to South Africa's sugar producers by eliminating its sugar quota. That legislation stated clearly that—

> It is not in the interest of the United States to provide official support in any form to a country whose racial policies are anathema to the conscience of the world.

An identical bill was introduced in the Senate by Senator EDWARD KENNEDY.

Not only is our sugar quota a subsidy to South African apartheid—it is also a form of scarce foreign economic assistance. South Africa, however, is a highly developed nation which does not require the aid through trade offered by the sugar quota it currently enjoys. By contrast, the developing nations of Africa and the rest of the world do have great need for such assistance.

With these considerations in mind, I am today, with the support of 16 of my colleagues in the House, introducing legislation which amplifies my earlier bill to cut off the South African sugar quota. The legislation we are today introducing would redistribute the South African quota among the other four sugar exporting nations of Africa: Uganda, Mauritius, Malagasy, Swaziland.

Passage of this legislation would represent a concrete gesture of American support for and confidence in the developing nations of Africa. More specifically it would be an appropriate means of commemorating the seventh anniversary of the independence of Uganda, which was celebrated on October 9.

Uganda is a new nation richly deserving of our assistance. So far, despite a thriving sugar export capacity, Uganda has not been included in the group of nations permitted to export sugar to the United States under our sugar quota system. This legislation would permit such exports on a par with Mauritius, Malagasy, and Swaziland. The sugar quotas currently delegated to the latter three nations are well below their export capacity, and this legislation would provide significant increases in their quotas.

I hope this legislation will be given prompt consideration and approved.

OCEANOGRAPHY—NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

(Mr. TUNNEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TUNNEY. Mr. Speaker, discussion during recent months and the efforts of many concerned Americans in recent years have given rise to a wave of legislative concern over the relation between the Nation and the oceans.

The commendable report of the Presidential Commission on Marine Science, Engineering, and Resources, entitled "Our Nation and the Sea," was a fascinating study of an untapped resource whose proper usage will be of the great-

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est consequence. Even more importantly, the report was a challenge to this great Nation. And still more significantly, this has been one Commission whose findings are not going unheeded. Happily, its labors are resulting in action.

The importance of devoting a full-scale, national effort to the development of ocean resources cannot be overemphasized. Ours is a world where we are beset by an alarmingly urgent crisis of a rapidly increasing population. It is a world where the needs of a rampantly progressive technology grow vaster and vaster while we rapidly consume the subsoil resources which satisfy these needs. It is time that we must methodically seek the untouched subsea treasures. Four-fifths of our earth is under the seas—it is there that we must now turn.

For success in such a mammoth venture the ultimate in organization and coordination is necessary. Our successful effort will come from a comprehensive and long-range program of research, development, exploration, and utilization of our marine environment. The establishment of such a program should be of concern to everyone.

By cosponsoring the bill I introduce today I join in lending my support to the creation of a program to accomplish, as soon as possible, these vital goals.

The bill when enacted, will become the National Oceanic and Atmospheric Program Act of 1969. It declares that it is the policy of the United States to encourage, develop, and maintain a comprehensive, coordinated, and continuing national program in marine and atmospheric science, technology, and technical services for the benefit of mankind through the enhancement of commerce, transportation, and national security; the protection of health and property; the rehabilitation of our commercial fisheries; and the increased utilization of these and other resources.

The stated objectives of the program include: the accelerated development and utilization of the resources of the marine environment; the expansion of human knowledge of the marine and atmospheric environment; the encouragement of private investment participation; the advancement of education and training in marine and atmospheric science, technology, and technical services; and the cooperation by the United States with other nations and international organizations in marine and atmospheric activities.

The means by which we aim to attain our objectives is the creation of a National Oceanic and Atmospheric Agency. The establishment of such an independent agency within the Executive Branch was the single most important recommendation of the Presidential Commission on Marine Science, Engineering, and Resources. The Agency's creation is the key to effectively opening wide the treasure chest waiting beneath our seas.

In addition, Mr. Speaker, the bill calls for the establishment of a permanent 15-member committee as a National Advisory Committee for Oceans and Atmosphere. This Advisory Committee will provide continuing review of the progress of the Nation in achieving the objectives of its Oceanic and Atmospheric Program. It will advise the Administrator of the NOAA and will, in addition, submit comprehensive biennial reports to the President and the Congress.

These are the first small steps which must soon be taken if we are to make that giant leap into the depths of inner space—the unexplored spaces wherein can be found many of the solutions to problems we face here on the surface.

REAR ADM. JOHN HARLLEE

(Mr. TUNNEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. TUNNEY. Mr. Speaker, my good friend, Rear Adm. John Harllee, a man with a distinguished record of nearly 40 years of public service, left Government service on September 1, 1969. His outstanding career spanned service in the U.S. Navy, private industry, and the Federal Maritime Commission, where he was chairman. In all these areas Adm. John Harllee exhibited exceptional perspicacity, innovative leadership, mettle, hard work, and honesty. They are his attributes and are a palpable part of his record. He, his family, and friends can all be justifiably proud of it. His career is worthy of note and our commendation.

The son of Mrs. Ella F. Harllee and the late Brig. Gen. William C. Harllee, U.S. Marine Corps, retired, John Harllee graduated from the U.S. Naval Academy in 1934.

After participating in the defense of Pearl Harbor, where he was stationed, Admiral Harllee distinguished himself in a variety of commands. He commanded Torpedo Motor Boat Squadron 12 which was awarded the Presidential Unit Citation for outstanding combat performance in the Southwest Pacific during 1943 and 1944. He also served for a year as chief staff officer of the PT organization in that area, which included 10,000 officers and men, 200 PT boats, 11 supporting ships, and seven bases. During World War II, Admiral Harllee's service was recognized with the award of the Silver Star and Legion of Merit with Combat V.

From 1947 to 1948, Admiral Harllee served in the Navy's congressional liaison unit. From 1948 to 1949, he commanded the destroyer U.S.S. *Dyess*, which won the annual divisional competition. Subsequently, he attended the senior course of the Naval War College.

During the Korean conflict, Admiral Harllee was executive director of the cruiser *Manchester*. He received the Commendation Ribbon for conduct in action, and various other campaign and service medals, including 10 battle stars.

From 1955 to 1958 he distinguished himself in his assignments which included commanding Division 152, commander of all surface ships on Formosa patrol, chief of staff of Destroyer Flotilla 3 and commander of the U.S.S. *Rankin*, which won more awards than any other ship during peacetime. All Hands magazine in January 1959 in a special report on the U.S.S. *Rankin* and its captain John Harllee drew one conclusion—that any ship that John Harllee commanded would deserve and win many awards.

Admiral Harllee voluntarily retired from the U.S. Navy in 1959 and for 2 years worked in private industry prior to becoming a consultant to the Under Secretary of Commerce for Transportation.

In August 1961, President Kennedy appointed John Harllee to the Federal Maritime Commission. Two years later he was named Chairman of the Commission. He ably served in that capacity, having been appointed to a second term by President Johnson on July 20, 1965.

Admiral Harllee's service as Chairman of the Federal Maritime Commission has been acclaimed by many individuals and groups. He received the Man of the Year Award by the New York Foreign Freight Forwarders and Brokers Association. In presenting the award the President of the Association noted Admiral Harllee's patience, dedication and concern. He stated:

> In our memory he is the first Chairman to sit down with forwarders . . . and review in detail the operations of our industry. We are most impressed with this willingness to exchange views. We find it indeed heartening that the Chief of an important Federal regulatory agency is willing to seek out the facts and consider our views as to solutions for existing problems.

The Admiral also received the Golden Quill Award from the Rudder Club of New York, the Order of Maritime Merit by the San Francisco Port Authority, the Honorary Port Pilot Award from the Port of Long Beach, Calif., and for his outstanding work in the field of maritime law, he was recently honored by the Federal Bar Association.

The many encomiums that have been heaped on Adm. John Harllee, have been well deserved. His family, friends and country have been well served.

SUGGESTIONS FOR CONGRESSIONAL REFORM

(Mr. TUNNEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. TUNNEY. Mr. Speaker, ours is a reform-oriented society. People are confident that if institutional deficiencies are exposed, something will be done about them. Congress is one institution which is almost constantly under popular attack as archaic in structure, cumbersome in procedure, and unresponsive to popular demands. The criticism abounds but little is done by Congress itself to produce change.

The House of Representatives has been the recipient in recent years of more reformist pressure than the Senate. The House has reacted by showing even greater reluctance than its sister body to modernizing its rules and practices.

Congress has not reorganized itself since 1946. In 1967 a reorganization bill passed the Senate but foundered in the House Rules Committee, where the matter was never even brought to a vote. As a result, the 435 Members of the House never got an opportunity to vote for or against the measure.

The fact that eight members of the Rules Committee can prevent the entire House from voting on legislation highlights one of the major obstacles to reform. To produce reform, interested Congressmen have to follow the very same rules and procedures that have stimulated the outcry for reform in the first place. The mechanisms which invite reformation are the ones which inhibit it.

I am now embarking on my third 2-year term in the House. There are many traditions in the House that I have come to love, but there are many others which I believe necessitate fresh thinking and creative refurbishing.

No Member can fail to appreciate the genius of our forefathers who established an institution which reflects the microcosmic interests of the diverse American citizenry. One cannot fault the organization of these various Representatives into a complex legislative body which is capable of functioning in peaceful as well as crisis days. It is, however, the quality of the legislative process as well as its responsiveness to the needs of the Nation as a whole that is today quite properly the concern of all Americans.

One important area of congressional affairs which needs remodeling is the seniority system. In the House, a Member ascends to the chairmanship of a committee when he has served longer on that committee than any other Congressman of the majority party. With most committees, the chairman hires and fires the staff for all subcommittees as well as the full committee.

POWERS OF A CHAIRMAN

The chairman establishes the calendar for the consideration of bills. If a chairman does not want a bill to be heard, he simply does not put it on the calendar for hearings. The chairman is responsible for getting a bill from his committee to the House floor. Once the debate starts, the chairman is in control of the time, although hallowed tradition compels him automatically to turn over 50 percent of debate time to the committee's ranking minority party member. If a Member wants to speak during the debate, he must secure permission from either the chairman or the ranking minority member.

The net effect of the seniority system is to give tremendous power to committee chairmen. Presently chairmen have served in the House an average of 6 years as committee chairmen, are on the average 66 years old, and 61.9 percent represent primarily rural districts. When you consider that 69.9 percent of the population lives in urban areas and that 50 percent of Americans are less than 25, it is clear that the House power structure is unrepresentative of the population.

The seniority system has not always been a part of House tradition. It represented a reform in 1910 when dissident Members revolted against the autocratic one-man rule of Speaker Joe Cannon. In those stormy days Speaker Cannon appointed committee chairmen. Those who displeased him were replaced. Insecurity stimulated a passion for change. The result is the seniority system where the rise of members to the top is dependent on longevity.

The mystery of the seniority system is that it works as well as it does. There are many committees where the most talented, most knowledgeable man on the committee is the chairman. There are others where he clearly is not.

The House needs democratization and the seniority system must be modified. Numerous suggestions have been offered by critics. I would like to put forward several of my own which I believe are feasible and timely.

First, the most senior man of the majority party would become chairman unless, at the committee's organization meeting in each Congress, he failed on a secret ballot to get at least one-third of the votes of his own party. Only committee members could vote. Failure to get one-third of the votes would mean the chairmanship would devolve to the second most senior man of the majority party, unless he failed to get one-third of his party's votes. The chairmanship would then pass down the line on the basis of seniority until one man gets the necessary one-third support.

Second, every committee member would have at least one professional staff man on each of his committees. This would allow individual members to make a much greater contribution to the committee, particularly in light of the plethora of complex legislation that is currently before every committee.

Third, no chairman could serve in that capacity for longer than 8 years. This is the same limitation that we place on our Presidents because of fear that a protracted concentration of power in one man for too long a time is unwise. It seems appropriate that a similar rule should apply to powerful congressional committee chairmanships.

JOB FOR AN OMBUDSMAN

Another category of congressional activity which needs imaginative overhauling is constituent services. Every Congressman receives numerous requests from his constituents asking help in problems they are having with the Federal agencies. I average over 30 such requests a day. The assistance needed varies from getting the Social Security Administration to act on a retirement claim, to finding available space for a veteran in a veterans' hospital.

In cases like this the Congressman is the only one to whom a person can turn to get relief from the real or imagined sins of the Federal bureaucracy. Acting as a champion against impersonal Government is a key feature of a Congressman's job. It can be done much more efficiently, however.

As it now stands, at least 50 percent of the staff effort in most congressional offices is devoted to servicing constituent needs. Because of the wide variety of problems and agencies involved, it is impossible for a Congressman or his staff to be expert in interpreting all the various laws and regulations involved. Most often the official who is being asked to do some act is the only one with sufficient expertise to know whether he can and should do that which is requested of him.

What is needed is a separate office of ombudsman established by the Congress and reporting only to Members of Congress or, where appropriate, to the Congress as a whole.

This office would be staffed by experts in each of the various executive departments. All congressional inquiries in a particular field could, at the discretion of the Congressman or Senator, be funneled to the ombudsman-expert who would communicate with agency officials at the same level of expertise. It would be impossible for an official to obfuscate the clear meaning of the law. The ombudsman would, whenever justified, insist on corrective action being taken and then report back directly to the Congressman.

Two important benefits would be derived from an office of ombudsman. First, citizens complaints would be more effectively resolved and second, the Congressman would be able to have his staff devote more time to his primary function—that of a legislator, drafting and voting on the laws of the land.

Congressional reform is a fertile topic deserving close attention by the public. Everyone has his own pet peeves and suggestions for improvement. The important thing is that results flow from the debate. It is time for Congress to be shaped in the image of the last half of the 20th century.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Morse (at the request of Mr. Gerald R. Ford), for the week of October 13, on account of official business conferring with chairman and members of the U.S. delegation to Paris Peace Conference and U.S. delegate to conferences of the Development Assistance Committee of the OECD.

Mr. Jones of Tennessee (at the request of Mr. Anderson of Tennessee), for today, on account of official business.

Mr. Corman, for Monday, October 20, on account of official business.

Mr. Aspinall, from October 22 to October 27, 1969, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hammerschmidt); to revise and extend their remarks and include extraneous matter:)

Mr. Hall, for 60 minutes, on October 27, 1969.

Mr. Devine, for 60 minutes, on October 27, 1969.

Mr. Kuykendall, for 30 minutes, on October 21, 1969.

(The following Members (at the request of Mr. Caffery); to revise and extend their remarks and to include extraneous matter:)

Mr. Farbstein, for 20 minutes, today.

Mr. Reuss, for 30 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Ryan, for 60 minutes, on November 13.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

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Mr. Kyl to revise and extend remarks made in connection with H.R. 14195.

Mr. Abbitt to revise and extend remarks and include extraneous matter in connection with H.R. 14195.

(The following Members (at the request of Mr. Hammerschmidt) and to include extraneous matter:)

Mr. Robison.
Mr. Wyman in two instances.
Mr. Halpern.
Mr. Steiger of Wisconsin.
Mr. Snyder.
Mr. Broomfield.
Mr. Langen.
Mr. Johnson of Pennsylvania.
Mr. Dickinson.
Mr. Skubitz in two instances.
Mr. Springer.
Mr. Michel.
Mr. Derwinski in two instances.
Mr. Taft in two instances.
Mr. Chamberlain in two instances.
Mr. Rhodes.
Mr. Stafford.
Mr. Bray in two instances.
Mr. Reid of New York.

(The following Members (at the request of Mr. Caffery) and to include extraneous matter:)

Mr. Marsh in two instances.
Mr. Purcell.
Mr. Long of Maryland in two instances.
Mr. Fisher in two instances.
Mr. Bolling.
Mr. Teague of Texas in six instances.
Mr. Baring.
Mr. O'Hara in three instances.
Mr. Rarick in three instances.
Mr. Johnson of California.
Mr. Cohelan in two instances.
Mr. William D. Ford.
Mrs. Sullivan in two instances.
Mr. Friedel in two instances.
Mr. Waldie in two instances.
Mr. Celler in two instances.
Mr. Hamilton in 10 instances.
Mr. Helstoski.
Mr. Udall in seven instances.
Mr. Ottinger.
Mr. Fountain in two instances.
Mr. Olsen in three instances.
Mr. Gonzalez in two instances.
Mr. Eilberg.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2214. An act to exempt potatoes for processing from marketing orders; to the Committee on Agriculture.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11039. An act to amend further the Peace Corps Act (75 Stat. 612), as amended.

ADJOURNMENT

Mr. CAFFERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 21, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1265. A letter from the Director, Federal Judicial Center, transmitting the second annual report of the Center (H. Doc. No. 91–181); to the Committee on the Judiciary and ordered to be printed.

1266. A letter from the adjutant general, Veterans of Foreign Wars of the United States of America, transmitting the audit of the quartermaster general of the VFW for the fiscal year ended August 31, 1969, pursuant to the provisions of Public Law 630 (74th Congress); to the Committee on Armed Services.

1267. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PHILBIN: Committee on Armed Services. H.R. 4296. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces; with amendments (Rept. No. 91–579). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 82. A bill to amend title 37, United States Code, to modify requirements necessary to establish entitlement to incentive pay for members of submarine operational command staffs serving on submarines during underway operations; with amendments (Rept. No. 91–580). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself, Mr. Burke of Massachusetts, Mr. Burton of California, Mr. Cahill, Mrs. Chisholm, Mr. Clay, Mr. Dent, Mr. Fulton of Pennsylvania, Mr. Halpern, Mr. Miller of California, Mrs. Mink, Mr. Moss, Mr. O'Neill of Massachusetts, Mr. Rosenthal, Mr. Sisk, Mr. Tunney, and Mr. Vigorito):

H.R. 14400. A bill to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such program, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; to the Committee on Banking and Currency.

By Mr. BIESTER (for himself, Mr. Halpern, Mr. Hungate, Mr. Matsunaga, and Mr. Whitehurst):

H.R. 14401. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. BINGHAM (for himself, Mr. Brasco, Mr. Brown of California, Mr. Clay, Mr. Culver, Mr. Diggs, Mr. Edwards of California, Mr. Farbstein, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Koch, Mr. Lowenstein, Mr. Mikva, Mr. Ottinger, Mr. Reid of New York, Mr. Ryan, and Mr. Scheuer):

H.R. 14402. A bill to amend the Sugar Act of 1948 to terminate the quota for South Africa, and to redistribute said quota among certain developing African nations; to the Committee on Agriculture.

By Mr. BLACKBURN (for himself, Mr. Moorhead, and Mr. Chappell):

H.R. 14403. A bill to amend the Bank Holding Company Act of 1956; to the Committee on Banking and Currency.

By Mr. BOGGS:

H.R. 14404: A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.R. 14405. A bill to amend title II of the Social Security Act to increase from $160 to $250 a month the amount of the gratuitous wage credit allowed in computing benefits thereunder for active military or naval service performed during World War II or the Korean conflict; to the Committee on Ways and Means.

By Mr. COHELAN (for himself, Mr. Anderson of California, Mr. Brown of California, Mr. Burton of California, Mr. Corman, Mr. Edwards of California, Mr. Hanna, Mr. Holifield, Mr. Leggett, Mr. Miller of California, Mr. Moss, Mr. Rees, Mr. Roybal, Mr. Tunney, Mr. Van Deerlin, Mr. Waldie, and Mr. Charles H. Wilson):

H.R. 14406. A bill to amend the Land and Water Conservation Act of 1965 to provide that authority to enter into certain mineral leases with respect to the Outer Continental Shelf shall be suspended during any period when amounts in the land and water conservation fund are impounded or otherwise withheld from expenditure, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLLIER:

H.R. 14407. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

By Mr. CONABLE:

H.R. 14408. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 14409. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $80; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 14410. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 14411. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 (or $4,200 in the case of a widow with minor children) the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. KLEPPE:

H.R. 14412. A bill to protect interstate and

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foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 14413. A bill to extend the fourth-class mail rate for books and educational materials to photographic prints mailed to and from amateur photographers and nonprofit photographic exhibitions, photographic societies, and photographic print study groups; to the Committee on Post Office and Civil Service.

By Mr. MIKVA (for himself and Mr. Edwards of California):

H.R. 14414. A bill to prohibit hiring professional strikebreakers in interstate labor disputes; to the Committee on Education and Labor.

By Mr. MOSHER:

H.R. 14415. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. ST. ONGE:

H.R. 14416. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself, Mr. Springer, Mr. Gerald R. Ford, Mr. Boland, and Mr. Conte):

H.R. 14417. A bill to authorize the Secretary of Transportation to prescribe rules, regulations, and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research; to the Committee on Interstate and Foreign Commerce.

By Mr. TUNNEY:

H.R. 14418. A bill to amend the Marine Resources and Engineering Development Act of 1966 to establish a comprehensive and long-range national program of research, development, technical services, exploration, and utilization with respect to our marine and atmospheric environment; to the Committee on Merchant Marine and Fisheries.

By Mr. WEICKER:

H.R. 14419. A bill to authorize the Secretary of Transportation to prescribe rules, regulations, and performance and other standards as he finds necessary for all areas of railroad safety and to conduct railroad safety research; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 14420. A bill to extend for 3 years the authority of the Armed Forces and the Veterans' Administration to use dairy products purchased by the Commodity Credit Corporation; to the Committee on Agriculture.

By Mr. KEITH:

H.J. Res. 962. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H. Con. Res. 415. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H. Con. Res. 416. Concurrent resolution expressing the sense of Congress with respect to the assignment to Vietnam of persons inducted into the Armed Forces; to the Committee on Armed Services.

By Mr. FRIEDEL:

H. Con. Res. 417. Concurrent resolution to provide that failure of executive departments, agencies or instrumentalities of the Federal Government to respond within 60 days to requests from committees of Congress for reports on pending legislation shall create the conclusive presumption that such agencies favor enactment of the legislation and that enactment is consistent with the legislative program of the President; to the Committee on Rules.

By Mr. HANNA:

H. Con. Res. 418. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. PURCELL (for himself and Mr. Collins):

H. Con. Res. 419. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 14421. A bill to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York:

H.R. 14422. A bill for the relief of Giuseppe Musumeci and Concetta Franca Mellia Musumeci; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 14423. A bill for the relief of Alfio Occhio; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 14424. A bill for the relief of Loretta, Blondel, Brenalyn, Benaud, Beverly, and Brenda Lee Jones; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

268. The SPEAKER presented a memorial of the Legislature of the State of Wisconsin, relative to questions proposed to be asked on the 1970 decennial census, which was referred to the Committee on Post Office and Civil Service.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

297. By the SPEAKER: Petition of the American Ornithologists' Union, Washington, D.C., relative to establishing the Buffalo River as a national wild river; to the Committee on Interior and Insular Affairs.

298. Also, petition of Henry Stoner, York, Pa., relative to debate on Vietnam; to the Committee on Rules.

299. Also, petition of Francis A. Briney, Rocky Mount, N.C., relative to pensions for veterans of World War I; to the Committee on Veterans' Affairs.

SENATE—*Monday, October 20, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

> "Holy Spirit, Truth divine,
> Dawn upon this soul of mine;
> Word of God, and inward Light,
> Wake my spirit, clear my sight."
> —Samuel Longfellow, 1864.

Eternal Father, may this song of the soul awaken us to all true values, clear our sight, and so guard and guide us that daily duties may be lifted into acts of worship. Refresh us at this noonday altar lest we weary before our work is done or despair because the tasks are too difficult. In a world uncertain about many things make us certain of Thee with an inner certitude of experience which endures "the strain of toil, the fret of care." Keep us clear in mind, steadfast in spirit, resolute in righteousness, that we may be used by Thee for the welfare of all mankind and the fashioning of this Nation in the pattern of the kingdom whose maker and ruler is God.

In His name we pray. Amen.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of October 16, 1969, the following reports of a committee were submitted on October 17, 1969:

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, without amendment:

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities (Rept. No. 91–482); and

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability (Rept. No. 91–483).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 9334. An act to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes (Rept. No. 91–484).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

S. 1279. A bill to provide that any disability of a veteran who is a former prisoner of war is presumed to be service-connected for purposes of hospitalization and outpatient care (Rept. No. 91–486);

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes (Rept. No. 91–481); and

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources (Rept. No. 91–485).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 16, 1969, be dispensed with.

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The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On October 14, 1969:

S. 330. An act for the relief of Dr. Konstantinos Nicholaos Babaliaros.

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees.

On October 15, 1969:

S.J. Res. 46. Joint resolution to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week."

EXECUTIVE MESSAGES REFERRED

As in executive session the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 12781. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 13194. An act to authorize special allowances for lenders with respect to insured student loans under title IV-B of the Higher Education Act of 1965 when necessary in the light of economic conditions in order to assure that students will have reasonable access to such loans for financing their education, and to increase the authorizations for certain other student assistance programs.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, for the information of the Senate, the pending business, S. 1508, a bill providing for the retirement of U.S. judges after 20 years of service, will be laid aside for a period of time and will not be considered today or in the immediate future.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. This bill was introduced by the Senator from Maryland (Mr. Tydings) and myself. I understand the Senator's request, and I have no objection, but I do hope that this matter can be brought up soon.

Mr. MANSFIELD. The request of the distinguished minority leader will be given every consideration. May I say that the majority leader is acting at the request of the Senator from Maryland, which I am sure the distinguished minority leader understands.

INTRODUCTION OF BILLS AND SUBMISSION OF RESOLUTIONS

Mr. MANSFIELD. Mr. President, on behalf of myself and the distinguished minority leader, I ask unanimous consent to have printed in the Record a letter which the minority leader and I have sent to the Secretary of the Senate. We hope that all Senators will carefully note its contents.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., October 1, 1969.

Hon. Francis R. Valeo,
Secretary of the Senate,
Washington, D.C.

Dear Frank: As you know, under Rule VII, the introduction of bills and resolutions is limited to the period for the transaction of morning business unless unanimous consent of the Senate is obtained. The Senate rule controlling the introduction of private bills and resolutions, however, is more liberal than that applicable to public bills, providing as follows:

"Senators having petitions, memorials, pension bills, or bills for the payment of private claims to present after the morning hour may deliver them to the Secretary of the Senate."

While the practice for many years has been to interpret the latter provision as permitting staff aides of Senators to deliver such items to the desk, it would appear to us that a stricter interpretation is now in order. After consultation with Senators of both parties, including the Chairman of the Ethics Committee (Mr. Stennis), it is our joint view that in accordance with the rules, bills and resolutions should no longer be received at the desk by the Parliamentarian for reference to the appropriate standing committees unless they are signed by and delivered at the desk, in person, by the Senator introducing them.

Mike Mansfield.
Hugh Scott.

BOARD OF EDUCATION, LEE COUNTY, S.C.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 339, H.R. 9946.

The PRESIDENT pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 9946) to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the Board of Education of Lee County, S.C.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I send to the desk, on behalf of the distinguished Senator from Wisconsin (Mr. Proxmire), an amendment to the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 1, beginning in line 5 with the word "a", strike all through the word "to" in line 9, and insert "an agreement subordinating all right, title, and interest of the United States of America in and to the land hereinafter described to a lien or liens to be executed by the said Board of Education of Lee County, South Carolina, its successors or assigns for the financing of consolidated public school improvements on the said land, which consists of".

Mr. HOLLINGS. Mr. President, by way of explanation of H.R. 9946, now under consideration, the purpose of the bill is to direct and authorize the Secretary of Agriculture to execute and deliver to the Board of Education of Lee County, S.C., an original quitclaim deed conveying and releasing all rights, title, and interest of the United States of America. At present, the rights, title, and interest of the United States is shared with the South Carolina Rural Rehabilitation Corp. on an undivided basis. The United States holds a 61.9-percent interest; the remainder is held by the South Carolina Rural Rehabilitation Corp. The amendment offered by the Senator from Wisconsin (Mr. Proxmire) would eliminate the quitclaim deed aspect and subordinate all rights, title, and interest of the United States to a lien or liens to be executed by the Board of Education of Lee County, S.C., its successors, or assigns, which would permit the board of education to issue bonds required to finance the construction for a consolidated high school.

Since the proposed amendment would permit the original intent of the bill, I urge that the matter receive favorable consideration by the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 9946) was passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–344), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill directs Secretary of Agriculture to quitclaim all interest of the United States in approximately 285 acres to the Board of Education of Lee County, S.C. The United States owns an undivided 61.9 percent interest in retained reversionary rights and mineral interests. The other 38.1 percent is owned by the South Carolina Rural Rehabilitation Corp. The property was acquired by the United States and the Rehabilitation Corp., for a resettlement project and the United States conveyed its interest in 1945 and 1946 to the South Carolina State Superintendent of Education, subject to the right to reenter if the property was not used for school and community purposes. The South Carolina State Department of Education transferred the property to the Lee County Board of Education on May 20, 1953. The Lee County Board of Education has, since 1953, operated a 12-grade public school on the land. In an effort to comply with an order of the U.S. District Court of South Carolina to provide integrated educational facilities in Lee County, the board of education has proposed, the Department of Health, Education, and Welfare has approved, the construction of a single high school for Lee County on the property in question. Clear title to the land is a prerequisite to the issuance of construction bonds required to finance the project.

The Department of Agriculture suggested amendments (1) directing the Secretary of the Interior to join in the conveyance, since he administers the reserved mineral rights; and (2) conditioning the conveyance upon conveyance by the rehabilitation corporation of its interest. The committee did not adopt either of these amendments, because neither of them appeared necessary, and their adoption might result in some delay in passage of the bill. Enactment is regarded as urgent to permit the board of education to comply with the court order. The rehabilitation corporation advised the House Committee on Agriculture that it was preparing a deed to quitclaim its interest. The Department of Agriculture advised informally that it did not regard its suggested amendments as essential.

COST

Enactment of the legislation will result in a savings to the Government. Passage of the bill will enable the Lee County Board of Education to comply with a Federal court order, the continued enforcement of which would result in expenses to the Government.

The title was amended, so as to read: "An Act to authorize and direct the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, South Carolina."

PROGRAM FOR VETERANS DAY AND THANKSGIVING

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader what the program is for the period over Veterans Day, November 11, and for the period over Thanksgiving.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, the Senate will be in session on Veterans Day, which is Tuesday, November 11. The Senate will be out of session from the conclusion of business on the Wednesday before Thanksgiving Day until noon the following Monday.

I think it is better to operate in that fashion this particular year, so that we can comply with the request of the President that his legislation be given as expeditious consideration as possible.

Also, I am fearful that, with Veterans Day falling on a Tuesday, we might have a poor attendance on Monday or Wednesday.

So in this instance I would say that discretion is the better part of valor.

Mr. SCOTT. And on Veterans Day we can make due observance, I take it, of the original purpose for which the day was established—that is Armistice Day—in memory of those who have fallen in our numerous wars.

Mr. MANSFIELD. Yes, indeed; and I expect to make some remarks of that nature on that day. I know the distinguished minority leader will make some, and so will other Members of the Senate; and we will pay our respects to those who have done so much for their country in serving it in time of war and given their lives in its cause.

Mr. SCOTT. I thank the distinguished majority leader.

POTATO RESEARCH AND PROMOTION ACT

Mr. HOLLAND. Mr. President, while both distinguished leaders are in the Chamber, and while the distinguished Senator from North Dakota (Mr. Young) is also present, I wish to have an important matter cleared up.

Last Thursday, when the Senate passed S. 1181, the Senator from North Dakota (Mr. Young) offered an amendment in behalf of the Senator from Alaska (Mr. Stevens) extending the provisions of the bill to the States of Alaska and Hawaii, the Senator from Alaska being at that time absent from the Senate on official business in Europe.

While the production of potatoes in those two States is negligible at the present time, I stated that if the Senator from Alaska wished to offer an amendment, or some other Senator wished to offer it for him, I would have no objection to it and would yield to the sponsors and authors of the bill on that matter.

Both the Senator from North Dakota and I have found since passage of the bill that the Senator from Alaska had determined that the bill should not be extended to Hawaii and Alaska at this time, and did not intend to offer his amendment.

I ask unanimous consent therefore, to reconsider the vote by which S. 1181 was read a third time and passed and that the words "forty-eight contiguous States of the" be inserted after the word "the" on line 16, page 3, and also that those words be inserted on page 5 after the word "the" on line 1, and that the bill be read again the third time and passed.

I may say, for the information of the Senate, that this matter has been worked out with the Parliamentarian and with the distinguished Senator from North Dakota, and I understand that it fully complies with the present request of the distinguished Senator from Alaska.

I yield to the distinguished Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I support the request of the Senator from Florida. I did offer the amendment for Senator Stevens, in his absence, not knowing that he had made a request that it not be considered. He had made this request through the mail, and there was some delay in the mail reaching us.

Mr. HOLLAND. Mr. President, this is a sad commentary on the state of our mail service. The letter was received by both the Senator from North Dakota and myself 3 days after its mailing here in the Senate and was received after the passage of the bill, so the mistake was thoroughly understandable because the Senator from Alaska had changed the previous intention after exploring the matter with the potato producers of his State.

Mr. President, I now renew my unanimous consent that the Senate reconsider the vote by which S. 1181 was read the third time and passed.

The PRESIDENT pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which the amendment offered by the Senator from North Dakota (Mr. Young) on behalf of the Senator from Alaska (Mr. Stevens) was agreed to.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida?

The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the changes requested in my original request be made in order to restore the bill to its original form; that is, that the words "forty-eight contiguous States of the" be inserted after the word "the" on line 16,

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page 3, and also that those words be inserted on page 5 after the word "the" on line 1, and that the bill be repassed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered. The original language will be reinserted in the bill.

The bill (S. 1181) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1181

An act to provide for potato and tomato promotion programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

Sec. 2. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

Sec. 3. As used in this title:

(a) The term "secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

Sec. 4 To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARING

Sec. 5. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

Sec. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

Sec. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

Sec. 8. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

Sec. 9. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 8(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

Sec. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

Sec. 11. (a) Any person subject to a plan may file a written petition with the Secretary stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided,* That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this title.

ENFORCEMENT

Sec. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 or more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

Sec. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

Sec. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 10(c) above.

SUSPENSION OR TERMINATION OF PLANS

Sec. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

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AMENDMENT PROCEDURE

SEC. 16. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 17. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 19. This title shall take effect upon enactment.

TITLE II—TOMATO ADVERTISING PRODUCTS

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

Mr. HOLLAND. Mr. President, I wish to express appreciation to the presiding officer, the Senator from North Dakota (Mr. YOUNG), and both leaders in straightening out this matter which was wholly the result of a misunderstanding on the part of all Senators concerned.

SENATOR GOLDWATER URGES SPECIAL OBSERVANCE OF VETERANS DAY

Mr. GOLDWATER. Mr. President, in a speech to the California State Convention of the Air Force Association in Long Beach, Calif., last Saturday night, I urged the American people to make a special occasion of their observance of Veterans Day on November 11 this year to show our fighting men in Vietnam that we are solidly behind them.

As I expressed it in my speech:

> I believe it is extremely important that each and every man who is risking his life and serving his country in the cause of freedom for South Vietnam understand very clearly that the tremendous majority of American people are deeply grateful for the sacrifice they are making . . .
>
> I think it is important to rededicate our nation and ourselves to the principles of national honor and patriotism that have made this country great. I can think of no better time to do this than on the date that we used to regard as Armistice Day and which is now dedicated to veterans of all wars.

Mr. President, since the subject of my speech has been broadcast and published in the newspapers, I have been deluged with expressions of support and requests from people who want to know exactly what to do. I have one specific suggestion and one I believe will be as important as it is lacking in public drama. I think it would be a fine thing for every responsible, concerned and patriotic American to use November 11 as the time for sitting down and writing a personal letter of thanks to some American serving with the military in Vietnam. I believe it is important to personalize our feeling of gratitude in a way that will be understood unmistakably by the recipient of such a letter.

Mr. President, I should like to clarify the fact that I am not here calling for demonstrations and some great public display of emotion. Rather, I am calling upon the conscience of all true and patriotic Americans for a personal expression of their support.

BEHAVIOR OF MORATORIUM PARTICIPANTS COMMENDED

Mr. SAXBE. Mr. President, as one who questioned the moratorium held on October 15, I was pleasantly surprised by the behavior of the people who engaged in the moratorium. I was distressed originally that the so-called extreme elements or "crazies" might take over, but nowhere did I see the Vietcong flag, nowhere did I hear obscenities, and nowhere did I see people gathering other than in an orderly demonstration, which is their privilege under our Constitution.

I think those who handled the moratorium should be commended for this behavior and for their ability to put together something of this magnitude in keeping with good manners and good conduct. I do not think, however, they should fail to recognize that there is danger in the pyramiding of these days, one on the other, and the fact that there are those who will take advantage of these demonstrations in the future. However, on this particular occasion I think all of us who are critical, all of us who are apprehensive, should recognize that it was handled in a way that we can commend.

As to the effect, I cannot say at this time, nor can anyone. But I know that the actions taken by the President both before and subsequent to the moratorium have been toward ending the war in Vietnam. I cannot help feeling that, regardless of the nature of his statement, it will be effective and that we will see more actions in keeping with this end. I think we should be patient. As I said last week, there is no one except the President—the Executive—who can do the things that need to be done. I think we should recognize that an honest effort is being made.

In an editorial entitled "Piercing Some Bunk on War and Peace," written by my friend John S. Knight, which was published in the Akron Beacon Journal and other Knight newspapers throughout the country, Mr. Knight points out that the actions taken to date comply with the peace plank that was proposed and defeated at the Democratic National Convention last year and even go beyond it.

The PRESIDENT pro tempore. The Chair regrets to advise the Senator that his 3 minutes have expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 5 minutes.

The PRESIDENT pro tempore. Without objection, the Senator is allotted an additional 5 minutes.

Mr. SAXBE. I thank the Senator.

I believe that we have read in this editorial and in others the thoughtful reaction of people deeply concerned over the country and a reaction that says we are responding, that we feel the urgency. I think the Executive feels the emergency, and I think the Executive, our President, is responding.

So while I hesitate to caution, because my cautioning before was unnecessary, I believe they should recognize that once demonstrations do get out of hand, a serious detriment to the cause they espouse could happen, and I do not want that to happen, and I know they do not want it to happen.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial written by my friend, Mr. John Knight, together with some additional information regarding Mr. Knight and his approaching 75th birthday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND INFORMATION ON JOHN S. KNIGHT

John S. Knight is president and editor of the Akron Beacon Journal and also publishes newspapers in several of our major cities. For many years his "Editor's Notebook" has been appearing each week in these and dozens of other papers throughout the nation.

His weekly column should be must reading for all Americans. The most recent, from editions of Sunday, Oct. 19, 1969, looks at the Oct. 15 "peace moratorium" and some of the events connected with it.

Mr. Knight, who turns 75 years of age on Oct. 25, could serve as a model for many of us. He still turns up at his office each morning, and remains until late afternoon. Quite often, this remarkable editor is one of the last to leave.

[From the Akron Beacon Journal, Oct. 19, 1969]

PIERCING SOME BUNK ON WAR AND PEACE

Moratorium Day has come and gone, the Republic still stands and everybody is talking about the "marvelous Mets."

Being a student of percentages, I back the Orioles, a species of black and orange birds able to build hanging nests but not much on catching a fly.

So let us talk about Moratorium Day. One can speculate as to why its sponsors picked that name. Why not simply Day of Dissent? Or, Stop the War Day? Yet Moratorium does sound terribly important and this was serious business.

But what did it prove?

Well, for one thing, it proved that Americans cherish their precious privilege "peaceably to assemble and to petition the Government for redress of grievances," as provided in the First Amendment to the Constitution.

"Bah," says my Congressman, "we cannot make foreign policy in the streets. The only person who can dictate what will happen in the field of foreign policy is the Commander-in-Chief, the President."

"Nonsense," say I. The President can "dictate" only in the sense that he formulates foreign policy.

The Constitution provides that the President shall have the power to make treaties "with the advice and consent of the Senate" and with the further stipulation that "two-thirds of the Senators present concur."

Treaty making is obviously an important part of foreign policy with responsibility being shared by the President and the Senate. The President cannot dictate, even though his influence is strongly felt.

A classic example of the rebuke of Presidential power was seen in March of 1920 when the Senate voted 49 to 35 to reject U.S. participation in President Wilson's League of Nations. The League, a treaty to enforce peace, had been negotiated by President Wilson in Paris.

It was the Southeast Asia Treaty Organization, a collective defense pact, which led to our involvement in Vietnam. The Senate gave its approval only after assurances that this treaty would in no way obligate the United States to go to war.

Today, SEATO is generally accepted as a "sacred commitment." Actually it is nothing of the sort.

In Article I, section 8 of the Constitution, it is stated that "Congress shall have power to declare war . . . "

The bloody struggle in Vietnam is certainly a war, a miserable and tragic mistake. Still, it is not a declared war in the Constitutional sense. We simply blundered our way into this morass with Congress and the people meekly accepting Presidential dictum as fact.

The demonstrations and Moratorium Days are expressing the bitter resentment of the people over having been conned into our country's greatest misadventure with little or no hope of attaining the stated objective of past leaders.

President Nixon can attempt to brush aside the significance of these protests.

The Vice President may find them "absurd" and slur his critics as "pushy youngsters and middle-aged malcontents."

Yet the undeniable fact remains that the protesters were indeed only exercising their constitutional rights on Moratorium Day, and generally in the form of peaceable assembly, while petitioning the government for a redress of grievances.

When President Nixon named Judge Warren Burger as Chief Justice of the Supreme Court, he mentioned that he wanted strict constructionists on the Court.

In that light, the moratorium parades of students, professors, clergy, mothers, politicians and businessmen were conservative in the eyes of the Constitution and not acts of radicalism as my Congressman would have us believe.

As the New York Times points out, Moratorium Day was observed with "a sense of both dignity and urgency—an observance in keeping with this country's tradition of pluralism and lawful dissent . . . the keynote was responsibility, not coercion or disruption."

Despite the bland brush-offs by government spokesmen who say the President "cannot be influenced by demonstrations," you may be sure that the normally savvy Mr. Nixon is feeling the hot breath of public discontent on his neck.

My Congressman also observes that many members of the House and Senate now attacking President Nixon's Vietnam policies are "doing it to save their political hides."

His point is indeed well taken. Some of Mr. Nixon's most vociferous critics have only lately come out of the woodwork.

For years they sat silently by while President Johnson was consigning this nation to near disaster. When they did rise to make a speech noted only by the Congressional Record, it was to praise the President's "wise policies" and pledge to him their "unstinting support."

Only a mere handful of Senators, notably Fulbright, Morse, Gruening, McCarthy, Young, McGovern and in later years Church, Percy, Gore, Aiken, Hatfield and Symington dared to challenge the Johnson course in Vietnam.

Since most of Mr. Nixon's war critics are of the Democratic faith, it is fair to examine their positions at the 1968 convention in Chicago.

David Broder of the Washington Post reminds us that the minority plank at Chicago, endorsed by all the doves, recommended precisely what President Nixon is doing now.

The plank called for a halt to the bombing of North Vietnam. This has been done.

It called for a reduction in offensive operations in South Vietnam. President Nixon has so ordered and it is now in effect.

The Democratic minority urged "a phased withdrawal over a relatively short period of time" of all foreign troops. Nixon moved to pull Americans out of Vietnam without waiting for North Vietnam to agree, as the doves felt would be required.

And finally, writes Mr. Broder, the minority plank recommended that the United States use the leverage of troop withdrawal to "encourage" the Saigon government to negotiate a political reconciliation with the Viet Cong while recognizing that the plan would be a matter for the South Vietnamese to determine.

In short, President Nixon is implementing the very policies which the Democratic minority regarded with such high favor in Chicago.

At some stage of his present torment, the President might well read the record to his political assailants, and to their confusion.

Yes, as my Congressman says, there are a lot of "hide savers" in Washington who are playing politics with the war issue.

Neither President Nixon nor anyone else can get us out of Vietnam instanter.

Politicians should avoid raising false hopes by feeding the American public with sugar-coated pabulum.

JOHN S. KNIGHT.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. MANSFIELD. Mr. President, I think the record should be made straight on the question of the President and his attempts to achieve a responsible solution to the tragedy which is Vietnam. I think we ought to also keep in mind that if any decision is going to be made, it is going to be made by the President of the United States.

What the President has done has been to bring about a deescalation of the conflict. What we have seen is 7 months of very reduced infiltration and 7 weeks of a decided lull in the fighting, up to this time. What we have seen is a reduction in personnel of 60,000 men, and it is hoped that more will be coming home before the end of this year. What we have seen is the inauguration of a new policy instead of the old "search and destroy" strategy sometimes referred to as a policy of "maximum pressure."

What we have now is a military policy known as protective reaction, which, in effect, means that if we are going to be attacked we will act accordingly, and if fired upon we will fire back. It approaches, in essence, a sort of cease-fire and standfast policy.

I would like to see the country get behind President Nixon, not for the purpose of prolonging the war but for the purpose of bringing about a responsible settlement and a responsible peace at the earliest possible opportunity.

I would like to see us encourage President Nixon in the efforts he has made in that direction.

I would like to see him pull out our troops faster.

I would like to see the war brought to an end sooner.

I have made my position known on Vietnam for the past 6 years. But the President is the one at whose desk, in the words of Harry S. Truman, "The buck stops." President Nixon is the one who will have to make the final decision.

It is my hope that we will encourage him to keep going along the road he has followed and is following, and that he will do all that he can to speed up the resolution of the conflict in which we are involved.

President Nixon is aware, as all of us are—perhaps he more so—that the deaths of Americans in Vietnam, up to this time, are about 45,000 from all causes; that the wounded are pretty close to 250,000; and that the cost is well in excess of $100 billion.

He is aware of the fact that we have problems at home which must be faced up to but which cannot be faced up to, as they should be, unless and until the tragedy in which we are involved in Vietnam is brought to a responsible conclusion.

I want to say, as a Democrat, that it would be my intention to support the President in every effort he would make toward a responsible and a peaceful departure from the quagmire in which we are caught, and I assure him that, so far as we are concerned, there will be no politics involved, because this is not a Republican responsibility, except that the President happens to be a Republican. It is a responsibility which can be placed, if we go back far enough—and not too far—on the shoulders of Democrats and Republicans alike.

What I am trying to say in brief is that this is something in which we are all involved and in which all of us must bear a certain share of the blame.

I think that the most important question now is to get out of this war responsibly and as quickly as possible; and, when we do, not to maintain a residual number of troops in Vietnam or in any other part of the Southeast Asian mainland but that, once a settlement is achieved there, to pull out, lock, stock, and barrel. Vietnam is not and has not been vital to the security of this Nation.

I would hope that when that day comes—and it will be a day not for rejoicing for those who pay with their lives and their bodies, but a cause for relief—when that day comes, I would like to see us enter into an agreement with other powers to insure the neutrality of all Southeast Asia, including Thailand, to the end that that region can achieve some stability and can look forward with some hope, because they have been immersed in war too long—and so have we.

I thank the Senator from Ohio.

Mr. SAXBE. Mr. President, I could not agree more with the distinguished Senator from Montana. Having heard his most statesmanlike remarks a moment ago, I think that the key word is "responsible."

We do not want a Dunkirk, as some people have indicated. We want a responsible withdrawal which will permit us to disengage without further loss of life.

There is talk today of a "cease-fire in place." I cannot help believing that we have achieved this to some degree already, as the distinguished Senator from Montana has stated.

It would not be too much of a step

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to move even further. Then we can have an orderly withdrawal.

I would go even further than the Senator from Montana, not only in regard to a cease-fire and withdrawal from Vietnam, but also in regard to our military missions far flung all over the world and of a questionable nature.

Realizing that we are living in the nuclear age, we should look at each one of our commitments as to its military necessity both in manpower and in cost. We should also look to the question of whether we are desired in the countries we occupy: It hurts Americans everywhere to see signs "Yankee Go Home." I question how much good we do when we impose ourselves in places where we are not wanted.

Mr. MURPHY. Mr. President, I am pleased to have been in the Chamber to hear the distinguished majority leader express his position on Vietnam and his hope that there might be, in the not too distant future, an international arrangement put together which would guarantee the freedom of Southeast Asia. I should think that this would be probably the most productive thing that could happen.

I might suggest that perhaps we should include the Middle East at the same time.

Let me say to the distinguished Senator from Ohio (Mr. Saxbe), who seemed uncertain as to the effect of the recent moratorium, that there is one effect of which we can be sure—and I know whereof I speak—that it is creating a condition that he would not desire, nor would I; namely, creating great international propaganda for the enemy—the Communists in Hanoi. That is the unfortunate part of it.

Mr. GRIFFIN subsequently said: Mr. President, although the distinguished majority leader has left the Chamber temporarily, I wish to join the distinguished Senator from Ohio (Mr. Saxbe) and the distinguished Senator from California (Mr. Murphy) in commending the majority leader for his statesmanlike support of President Nixon's efforts to end the war in Vietnam.

I noticed, however, the use of the term "lock, stock, and barrel withdrawal." That is a phrase that might mean different things to different people. I was pleased that the majority leader spoke in terms of a withdrawal on a responsible basis.

It is very important to keep in mind that when we support the President of the United States, we do not do so on a basis of seeking to push him into making what I, as one Senator, would consider unwise policy decisions. I am sure that the President does not intend to be pushed into unwise decisions from the standpoint of history. For example, I believe that one point is still nonnegotiable: That is the right of the people of South Vietnam to choose their own government and to choose their own destiny.

I think that any withdrawal from Vietnam must continue to take into account what happens to the American prisoners of war and surely it must also take into account what reasonable assurance we will have that those in South Vietnam who have sought freedom from coerced Communist domination will not be massacred by the Communists.

We all share the wish and the desire that we could withdraw all our troops from all parts of Southeast Asia. It would be fine if there were no requirement for our troops to be in Korea, for example, or anywhere else. But it would be foolhardy if, willy-nilly, we created a vacuum in Southeast Asia, until and unless there were meaningful international guarantees.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. BYRD of West Virginia. Mr. President, I know the Senator would not wish to leave in the Record the impression that he feels the able majority leader has sought to press the President into taking an "unwise position."

Mr. GRIFFIN. Absolutely not.

Mr. BYRD of West Virginia. I am quoting the Senator when he used the words "an unwise position." The majority leader strives to assist in any way he can, and I think whatever he advocates, he advocates as being a wise approach, in his opinion.

Mr. GRIFFIN. Absolutely; he advocates it as being a wise approach, and he advocates it as a distinguished Senator, a great American, and a great majority leader, though there are times when perhaps others might believe that a particular position would be unwise under the circumstances.

Mr. BYRD of West Virginia. Yes; but never would his motive be an ulterior one.

Mr. GRIFFIN. I agree most wholeheartedly with the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator.

CINCINNATI, OHIO—A GREAT CITY

Mr. SAXBE. Mr. President, a great city is much more than bricks and mortar, concrete and stone. A great city is people—young and old, rich and poor, black and white. Often their only bond is the city itself and it is the blending of this bond, the joining of the bricks and mortar and the people therein, that makes any city more than just another collection of buildings. Such a city is Cincinnati, Ohio, now in the final stages of an exciting rebirth of its downtown. Henry Wadsworth Longfellow, the poet, once described this great American metropolis as the "Queen of the West," a jewel sitting high on the banks of the Ohio River, a joy to its beholders.

Mr. President, a recent article in the Sunday New York Times caught particularly well the flavor of the city of Cincinnati. The article, by Reporter Jerry M. Flint, captured what some of the good people of the town are doing to make Cincinnati a better place to live.

Because I believe so strongly in cities like Cincinnati, and because I believe that so much of what happens in building a better America depends on what happens in our cities, I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 19, 1969]

Old City Stops To Admire Its New Face

(By Jerry M. Flint)

Cincinnati, October 18.—The Queen of the West, as Cincinnatians like to call their city, celebrated the downtown's rebirth today before thousands, serenaded by the Cincinnati Symphony, Smittie's Band and soul singers.

The focal point of the festivities is perhaps the campiest fountain in the Midwest, 98 years old but a jewel in the eye of its Cincinnati beholders and the centerpiece in the new downtown.

The massive 43-foot-high fountain had been hidden on a traffic island, but was moved out to decorate a $2-million square atop an underground garage, flanked by a new 32-story office tower on one side and a new seven-story bank on another.

The heart of the old downtown, Fifth, Sixth, Vine and Walnut streets, was torn down for the square and building, Block A, of a 12-block renewal area with new buildings up, under way or committed to eight of the 12 blocks.

There is a new Convention Center, too, finished two years ago, and under construction are a baseball-football stadium on the riverfront, downtown's first high-rise apartment, and more than a mile of elevated walkways at second-story level—to wind around the downtown leading from parking buildings into and alongside department stores and to the stadium: a new approach to the problem of crowded sidewalks and narrow and congested streets.

"In another 10 years there won't be any of the old stuff left down there," said a Kentucky cab driver, one of many in the Cincinnati work force who lives across the Ohio River in neighboring Kentucky. "But the old stuff won't be missed."

The old downtown, filled with two and three-story buildings, many unused above the ground floor, was showing signs of blight and decay, Fred Lazarus 3d, president of the Chamber of Commerce and head of the Federated Department Store chain, said.

There are four major department stores downtown—a renewal block is now reserved for a fifth—but the suburban centers, 15 to 20 minutes from downtown by freeway—were luring away the customers.

"I think the downtown would have deteriorated if this wouldn't have been done," he said. "Now we've been able to pretty much hold our own volume downtown while increasing our suburban stores. We think this is pretty good when we see what's happening around the country."

"Ten years ago they talked about Pittsburgh's Golden Triangle, and the St. Louis riverfront," said Francis Dale, publisher of the Cincinnati Inquirer. "We're ahead of Pittsburgh now. This city has a better chance than any other city in America to keep a vibrant downtown."

The rebuilding isn't all in concrete. Mr. Dale's special project is raising $750,000 for a sculpture fund from $5 contributions to produce $40,000 a year or so from interest. This would bring a noted sculpture to Cincinnati each year and commission a new work a year for the city.

"Every time a dignitary gets the key to the city we take him for five bucks," he said brightly.

At the red-block city hall, whose mate could be found anywhere in Germany, a reminder of Cincinnati's German heritage Richard Krabach, the city manager, said the renewal had kept major companies such as Procter & Gamble, with headquarters here, from moving to the suburbs.

The renewal plan isn't full of "Wishbook ideas" or schemes that "look good from a planner's viewpoint but can't be implemented, he said.

Rapid transit, for example, is "an impossible dream and not in the plan," the city manager said.

"People here like to be called conservative," he said. "They enjoy it."

The downtown rebuilding has been pushed by a select committee of businessmen and Government officials and backed by a $16-million city bond issue, $22-million in Federal renewal money, and "what will be more than $100-million in private investment," Mayor Eugene Ruehlmann said.

Cincinnati, ringed by hills that lead into town as the fingers of a hand lead to the palm, was founded on the Ohio River in 1788 and named Losantville, but the Governor of the Northwest Territory could not stand that name and in 1790 renamed the settlement "'Cincinnati," for the Society of Cincinnati, a group of Revolutionary War officers.

The steamboats on the Ohio and the German migration led to dynamic growth. Henry Wadsworth Longfellow called the city "Queen of the West" in a poetic tribute to Ohio wine.

Cincinnati was a river gateway to the South, and even today the nation's north-south freeway runs through it. But the Civil War and the railroads ended that pattern of growth.

Today the city of 500,000—1.4 million in the metropolitan area—seems more Appalachian than Northern in life style, and the Southern Ohio.

FUTURE FARMERS OF AMERICA

Mr. MURPHY. Mr. President, last week, the Future Farmers of America held their 42d annual convention in Kansas City. Prior to this, I had the opportunity to meet some of the fine young men studying vocational agriculture from the California association of the FFA who were visiting Washington before attending the conference.

Agriculture is the single largest industry in my State of California, Mr. President. The California delegation of Future Farmers consisted of 110 young men and their advisers, representing some 14,500 agriculturally oriented families throughout the State.

Seldom have I seen such a fine looking large group of clean-cut, well-mannered and obviously interested young men. Not only was there not one long-haired, ungroomed boy in the group, but each that I had the opportunity to chat with showed a keen historical interest in the world around him and a credible knowledge of current affairs, and a definite objective and purpose planned for his own future.

Mr. President, I was proud of these young men, not only for their appearance and behavior, but also because I believe that they represent a great "silent" segment of today's youth who know what direction they want to take and who embark upon it with enthusiasm, dedication, and respect. They have chosen to enter a field which will benefit us all and which is essential to the survival of mankind, and their decision deserves our recognition.

So I salute these delegates from the California association of the FFA, who I believe were a refreshingly welcome scene in these great corridors of the Capitol and a true credit to their State and their Nation.

Unfortunately, too often the advertisements are used to portray troublemakers and those young people who do not seem to have any direction to their lives. I hope that the Future Farmers of America will serve as a direction to those young people and to many others who, I am sure, are just as ready and as able as the young Future Farmers from California whom I have had the pleasure of greeting.

WHY WAS THAT SACRIFICE NECESSARY?

Mr. YOUNG of Ohio. Mr. President, my purpose in speaking out today is to urge that our Government immediately—and by immediately, I mean not later than early this week—announce to the world that the hundreds of thousands of men in our Armed Forces in South Vietnam will stop all offensive operations against the forces of the National Liberation Front, or VC. Furthermore, that all napalm and other bombing by our bombers and warships will cease and that we shall continue this purely defensive policy until and unless our forces are attacked. In addition, that we will withdraw our combat soldiers and marines from Vietnam this year, bringing them back in the same manner we sent them in—by ships and planes.

Administration leaders should then announce and make it loud and clear to our own people and to the heads of state throughout the world that we will continue and, in fact, redouble our efforts to reach a diplomatic settlement and an official cease-fire in this immoral, unpopular, undeclared war in which we should never have been involved in the first instance.

When I first spoke out in the Senate Chamber against our involvement in a civil insurrection in a faraway country of no importance whatever to the defense of the United States, and when I proved in statements I made in the Chamber and elsewhere that, in fact, there were no commitments made by three Presidents to fight a major war in Vietnam or to intervene and keep in power a militarist regime in Saigon, letters, telegrams, and telephone calls came to me in great numbers denouncing me as a Communist sympathizer and even as a traitor.

Since that time, particularly during recent months, the messages I have received from Ohio citizens are precisely the opposite. In nearly every small community in Ohio and, in fact, everywhere in our Nation the priceless life of some recent high school graduate has been ended violently in Vietnam. The bitterness and sorrow of our involvement in this little faraway country has now touched many thousands of American families whose sons and brothers have been killed or wounded in combat or who have died due to what the Pentagon terms "accidents or incidents" or from bubonic plague, hepatitis, malaria fever, or other jungle diseases.

Mr. President, I shall read and embody in my remarks a letter that came to me today, written by Mrs. Sandra Fraser, who was born and reared in Oak Harbor, Ohio, which is within a few miles of where, in my youth, I spent some of the happiest days of my life along the beautiful shores of Lake Erie. Mrs. Fraser lives at present in Springfield, Va. I read her letter:

Springfield, Va.,
October 13, 1969.

Dear Mr. Young: Recently my twenty year old brother was killed in Viet Nam.

Do you know what it's like to get that most horrid telephone call?

Do you know what it's like to wait almost two weeks for his body to be returned home?

Do you know what it's like to watch a father bury his only son?

Do you know what it's like to fly home to north western Ohio in May to see him off to Viet Nam and in August, to fly home to Ohio again, to bury him?

Do you know what it's like to see a picture of our Secretary of Defense and his family—all smiling—and know that his 21 year old son is deferred because of "purine metabolism?" In all my days of nursing—I never heard of that particular deficiency being disabling.

Do you know what it's like seeing newscasts from Viet Nam and see the bodies of young soldiers covered with blankets and know that your brother was under one of those blankets just a few months ago?

Do you know what it's like to send a brother off to this "war" alive, happy and proud and have him come home in a box with no face and chest?

Do you know how hollow the letters of sympathy sound coming from official Washington? "It was a pleasure to serve with him." From a military man who makes flying trips to very secure areas infrequently. "The most supreme sacrifice a man can make for his country." I ask you Mr. Young—why was that sacrifice necessary?

Sincerely,

Mrs. Sandra Fraser.

MICHIGAN STATE UNIVERSITY NAMES NEW PRESIDENT

Mr. GRIFFIN. Mr. President, last Friday the board of trustees of Michigan State University, after sifting and considering as many as 300 possible nominees, selected a successor to Dr. John A. Hannah, now administrator for the Agency for International Development, to be president of the great university located at East Lansing, Mich.

The new president is Dr. Clifton Reginald Wharton, Jr., a 42-year-old economist who has distinguished himself in the field of education and in other fields as well.

It happens that Dr. Wharton is the first Negro ever selected to head a major university with a predominantly white student body. It is also important, however, to note that Dr. Wharton is eminently qualified, and that his record and his whole life promise great and outstanding leadership for this great university in my State.

I ask unanimous consent to have printed in the Record an article entitled "Negro Economist Is Named To Head Michigan State University," and a biographical sketch, both published in the New York Times of Saturday, October 18, 1969.

There being no objection, the article and biographical sketch were ordered to be printed in the Record, as follows:

Negro Economist Is Named Head of Michigan State U.—Clifton Wharton, Aide on Development Council, To Succeed Hannah

East Lansing, Mich., October 17.—Dr. Clifton Reginald Wharton Jr., a 43-year-old economist from New York City, today was elected

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president of Michigan State University, which has 40,000 students.

Dr. Wharton, who is the first Negro to head a major public university in the North, on Jan. 2 will succeed Dr. John A. Hannah, who left Michigan State after 28 years to become administrator of the Agency for International Development.

Dr. Wharton, the son of a career diplomat, is vice president of the Agricultural Development Council, a private, nonprofit organization with extensive projects in Southeast Asia and Latin America, headed by John D. Rockefeller 3d.

Two days ago, a Negro educator from Michigan, Dr. John W. Porter, was named by the State Board of Education as Acting State Superintendent of Public Instruction, another first in the nation.

The choice of Dr. Wharton was marred by bitter political feuding among the university's trustees. They divided, 5 to 3, in Dr. Wharton's favor after rejecting G. Mennen Williams, a six-term Michigan Governor, by the same vote.

ONE OF FOUR BACKED

Dr. Wharton was one of four nominees who had been endorsed by a 12-member faculty-student search and selection committee after more than 300 possibilities had been screened for the post. Mr. Williams was not so endorsed.

Dr. Wharton was elected by a combination of three Republicans and two of the five Democrats—the board's chairman, Don Stovens, the education director of the Michigan State A.F.L.-C.I.O., and Blanche Martin, a Negro dentist.

Clair White, a Democratic trustee, attributed the vote to pressure in Dr. Wharton's behalf by Dr. Hannah and Governor Rockefeller of New York. Mr. White said that Mr. Rockefeller had used his influence in repayment of preconvention support that Dr. Hannah gave him in 1968 for the Republican Presidential nomination.

[In New York, a spokesman for Governor Rockefeller said of Mr. White's assertion: "This is utter nonsense. The Governor had no contact whatsoever with anyone on this matter."

[Later, the Governor issued a statement on the appointment. It described Dr. Wharton as "an able administrator and a talented innovator." It added: "He has demonstrated a deep commitment to achieving the kind of understanding needed so badly between young and old, between persons of different cultures, religions and nationalities. He was an invaluable member of the recent Presidential mission to Latin America. I hold him in the highest esteem."]

REJECTED OWN SECRETARY

On a 4-to-4 tie vote, the board rejected its own secretary, Jack Breslin, a former M.S.U. football star. Mr. Breslin, a Republican, had not been cleared by the faculty committee.

After Dr. Wharton's selection, made behind closed doors, was confirmed in an open meeting, Mr. Breslin was given the title of university executive vice president and secretary.

In the resolution of appointment, Dr. Wharton was hailed as possessing the "unusual combination of insight, ability and leadership necessary" to direct the university.

NEGRO PACE SETTER: DR. CLIFTON REGINALD WHARTON JR.

Clifton Wharton has done it again. As the newly appointed president of Michigan State University, Dr. Wharton will be the first Negro president of a major, predominantly white college in the country.

His new job adds to a long list of firsts for Dr. Wharton. Friends recall that he was the first Negro to join the student radio station at Harvard, the first national secretary and one of the founding members of the National Student Association, the first, in 1948, black student at the Johns Hopkins University School of Advanced International Studies. Early this year, Dr. Wharton became the first Negro to be elected a director of the Equitable Life Assurance Society.

The 42-year old economist will leave his current post as vice president of the Agricultural Development Council, Inc., to assume the presidency of Michigan State. The council is a philanthropic enterprise of the Rockefeller family devoted to problems of agricultural growth in developing nations.

"It's not as big a change as it might appear," Dr. Wharton said yesterday in an interview. "All my career has been devoted to working on the problems of underdevelopment and poverty, and I think a university, and especially a land-grant university such as Michigan State, has a long tradition of service to similar problems in the nation and the world."

SERVICE TO OTHERS

Nor does he see his appointment as a simple accomplishment of personal power, but more as an opportunity to pursue his ethic of service to others.

"The university is made up of faculty and students and the public it serves. I see myself not as the man who will simply be at the head of Michigan State but as one who is in service to the people who make it up."

Dr. Wharton has an example of public service—and success—in his father, C. R. Wharton. The senior Mr. Wharton was the first Negro to rise through the ranks of the Foreign Service to become an ambassador. Before his retirement in 1964, he was Ambassador to Norway.

How does Dr. Wharton feel about his long list of accomplishments as a Negro?

"I'm a man first, an American second and a black man third," he said. "I do feel that my appointment at Michigan is an important symbolic occasion, but that is not the criterion of it. It shows that if one has the skill and the talent, you're going to make it."

But he admits that in the decision to call him to Michigan State, which has a long history of promoting Negro enrollment, his race, "may have been an added attraction."

Before becoming vice president of the Agricultural Development Council, Dr. Wharton spent six years in Malaysia, teaching at the University of Malaysia and working on the council's program in Thailand, Vietnam and Cambodia. During those years he learned lessons that he believed could apply to the United States and his own place in America.

"Mankind is heterogeneous in race, religion and culture, and that's the beauty of it," he said. "The problem is to find ways of living with this heterogeneity, and of not letting it destroy us."

The Whartons live in Manhattan with their two sons, Clifton 3d, 17, and Bruce, 10. The boys attend the Dalton School.

In whatever spare time he can find, Dr. Wharton enjoys ice skating and tending an aquarium of tropical fish.

"I first bought the fish for the boys," he said, "but then I got interested in them."

PRESIDENT NIXON IS MAKING PROGRESS IN BATTLE AGAINST INFLATION

Mr. GRIFFIN. Mr. President, over the past weekend, President Nixon took several important additional steps in his administration's determined and continuing battle against inflation—steps which should be hailed by all who share his deep concern about the rising cost of living.

With typical and commendable forthrightness, President Nixon "laid it on the line." Speaking to business and labor leaders, to Members of Congress, and to the public at large, he made it clear that he was determined to deal with runaway inflation even though the cure has involved and will involve the administration of "some unpleasant medicine."

Let me list the steps taken by the President over the weekend:

First, he delivered a radio address to the Nation Friday afternoon, and reported encouraging successes in the effort to halt the inflationary spiral. He called for support, and pointed up the special responsibilities that must be borne by the Government, business, labor, and the public. Importantly, he called upon all Americans to restrain themselves "in their personal and credit decisions, so as to reduce the pressures that help drive prices out of sight."

Second, he released a letter written to 2,200 leaders of business and labor, urging them, in their own interest as well as the national interest, to avoid price and wage decisions which will further contribute to inflationary pressures.

Third, he announced his intention to appoint Dr. Arthur F. Burns as Chairman of the Federal Reserve Board, to succeed William McChesney Martin, Jr., when the latter steps down next January 31.

The announcement concerning Dr. Burns has been appropriately hailed in business and banking circles around the world as welcome evidence that the Federal Reserve System will continue to be guided by sound money policies.

In some quarters, Dr. Burns is regarded as a conservative. Needless to say, such terms as "conservative" and "liberal" have different meanings for different people.

In that regard, I believe it might be noteworthy to focus on several paragraphs of an article published in the New York Times last Saturday:

> Nowadays, Dr. Burns is customarily regarded as a conservative—probably the most conservative member of President Nixon's inner circle, except Attorney General John N. Mitchell. That is because he is a conservative on many of today's most pervasive and controversial domestic policy issues—the restructuring of welfare programs, for example.
>
> But another, older group of domestic policy issues have by no means disappeared, although most publicity and attention, nowadays, is focused on the specific problems of the cities, the blacks and the poor.
>
> On these issues, relating basically to the means of keeping the basic economy in good health, Dr. Burns was relatively liberal in the Eisenhower Administration— and may turn out to be something of a liberal during the Nixon years as well—perhaps not only more liberal than Mr. Martin but also more liberal than President Nixon's Council of Economic Advisors.
>
> The key point is that in basic economic policy—the role of the Federal Government in keeping the economy growing without inflation—Dr. Burns has always been an activist.

Mr. President, I ask unanimous consent that the text of President Nixon's radio message to the Nation on inflation, the letter from President Nixon to business and labor leaders, and the article entitled "Burns and Nixon's Aims," written by Eileen Shanahan, and published in the New York Times of October 17,

1969, to which I have referred, be printed in the RECORD.

There being no objection, the items requested were ordered to be printed in the RECORD, as follows.

TEXT OF THE RADIO ADDRESS OF THE PRESIDENT ON THE RISING COST OF LIVING

Today I would like to share my thoughts with you about a problem that worries millions of Americans—high prices that keep getting higher.

All across this land, hard working men and women look at paychecks that say they've had a raise. But they wonder why these bigger checks just don't buy any more than their lower paychecks bought four years ago.

All across this land, men and women in their retirement, who depend on insurance and on Social Security and on their life savings, look at their monthly checks and wonder why they just can't seem to make ends meet any more.

And all across this land, housewives wonder why they have to pay 66 cents for a pound of hamburger that cost 53 cents four years ago; people who are ill want to know why in those four years the cost of one day in a hospital has gone from $27 to $48; children who pay a nickel for a candy bar want to know why that bar is only half as big as it used to be.

When it comes to rising prices, it seems to most people that there is no end in sight. Many Americans are upset, and many are even angry about this. They have a right to be—because the ever-rising cost of food and clothing and rent robs them of their savings, cheats them of the vacations and those necessary extras that they thought they had been working for.

Why does everything cost so much? And what can we do to hold down the upward climb of prices?

For five long years, you have heard politicians and economists denouncing "the high cost of living." Back in 1966 and '67, when prices rose by 3% a year, everyone said how bad that was; in 1968, when prices speeded up by 4%, everyone agreed something ought to be done; and now, when momentum has carried the rise to nearly 6%, the same heads are shaking.

You might begin to wonder: If a rising cost of living has so many enemies, why has it been allowed to grow so fast? For years, in political speeches, the high cost of living has been as safe to denounce as the man-eating shark; but after the speeches were over, nobody seemed to be doing anything about it.

There was a fairly simple reason why your cost of living got out of hand: the blame for the spiral of wages and prices falls fundamentally on the past policies of your government.

The Federal government spent a lot more than it raised in taxes. Some of that spending was on the war in Vietnam, some of the spending was on new social problems, but the total spending was very heavy. Now we're paying for all that red ink—not only in higher taxes, but in higher prices for everything you buy. To put it bluntly, the frequent failure to balance the Federal budget over the past five years has been the primary cause for unbalancing the family budgets of millions of Americans.

Today I want to tell you what we have been doing to make it easier for you to balance your family budget. I want you to know what results we are beginning to see, and to understand the meaning of the news about the economy you will be reading in the coming months. And finally, I want to suggest what the American people can do together to hold down the cost of living.

When this Administration took office nine months ago, we decided that we were going to stop talking about higher prices and we were going to start doing something about them. We knew that some sophisticated investors could make out fairly well in a time of skyrocketing prices, but the average family bore the brunt of the high cost of living, and the family on a fixed income was being driven up the wall.

And so, to meet the real needs of most Americans, we began a steady effort to take the upward pressure off your cost of living.

Of course, there was a faster way available to bring prices down—many people suggested that we slam on the brakes hard and fast, and bring about a recession. But that kind of shock treatment is harsh and unnecessary—we want to level things off, not shake them up and down.

Step by step we took those measures necessary to get our nation's house in order.

Step One was to cut Federal spending, which more than anything else was pushing your prices up. We cut proposed Federal spending by more than seven billion dollars. We have taken it out of defense, we are cutting back on construction projects, we are squeezing it out of many other departmental budgets. We have been selective in these cuts, recognizing urgent national and social needs, but hardly anything has escaped some reduction. One area that was not cut in the Federal government was the Department of Justice, which had fallen far behind in the war against crime.

Next, working with the Congress, we proposed to phase out the tax surcharge over the course of a year. We could not afford to let the surtax lapse in the middle of 1969, because that would have driven up the prices you pay for everything.

Also, we have supported our central banking system in its policy of keeping money hard to borrow. When too much money is borrowed, this money is simply used to bid prices up higher.

Let's face it: Holding down government spending and holding up the tax rate, and making it harder for people to get credit, is not the kind of policy that makes friends for people in politics. We have asked the American people to take bitter medicine. We believe that the American people are mature enough to understand the need for it.

Here we are, nine months later, and I can report to you that the medicine has begun to work. There will be no overnight cure, but we are on the road to recovery from the disease of runaway prices.

Let me be careful not to mislead anyone: Prices are still going up, and many continue to do so for a while—a five year momentum is not easy to stop. But now prices are no longer increasing faster and faster—the increases not only have slackened, but the rates of increase are actually declining. Without shock treatment, we're curing the causes of the rising cost of living.

For some time to come, you will be reading about how some business is not doing very well. Sales may be sluggish in department stores; new housing—which the nation needs—has declined; the production of our industry has edged down for the first time in a year.

Ordinarily, this is bad news. But today these declines are evidence that our policy of curbing the rising cost of living is beginning to take hold.

We must be realistic; as we gently, but firmly, apply the brakes, we are going to experience some "slowing pains." Like growing pains, these are a healthy development—but painful nevertheless. My point is this: We have undertaken a policy that is slowing down the rise in prices. Unfortunately, some industries and some individuals will feel this necessary adjustment more directly than others. But difficult though it may be, and unpopular though it may become when the water gets a bit choppier, by curbing inflation we do what is best for all the American people.

Just as we must be realistic, we must be compassionate; we must keep a close watch on the rate of unemployment. Now, there are some who say that a high rate of unemployment cannot be avoided.

I do not agree. In our leveling-off process, we intend to do everything we can to resist increases in unemployment, to help train and place workers in new jobs, and to cushion the effects of readjustment.

For example, we have overhauled and modernized our job training programs, and we have proposed reforms extending unemployment insurance to millions not now covered, with higher benefits paid over longer periods to those in the system. We have proposed a computer job bank, to match workers with hundreds of thousands of vacant jobs.

The nation must dedicate itself to the ideal of helping every man who is looking for a job to find a job. Today, about 96% of the work force is employed; we want it to be more, but we cannot effectively and fairly make it more by ignoring the widespread hardship that a runaway cost of living imposes on so many Americans.

Now that we have begun to detect the signs of success in slowing down, what can you expect your government to do next?

First, let me tell you what we are *not* going to do.

We are *not* going to change our game plan at the end of the first quarter of the game. We are not going to turn away from treating basic causes to start treating symptoms.

In other words, we are *not* considering wage or price controls. My own first job in government was with the old Office of Price Administration at the beginning of World War II. From personal experience, let me say this: Wage and price controls are bad for business, bad for the workingman, bad for the consumer. Rationing, black markets, regimentation—that's the wrong road for America, and I will not take the nation down that road.

Nor are we considering putting the government into the business of telling the workingman how much he should charge for his services or how much the businessman should charge for his goods. Those are called "guidelines," and they collapsed back in 1966 because they failed to get to the root of the problem.

What we *are* going to do is based on total realism.

This weekend, I am sending a letter to a cross-section of leaders in labor and business calling their attention to the latest facts of economic life.

I am asking them to take a hard look at what government has done in these nine months—not just our words, but our deeds. And I am asking them to make their own future plans on the basis of working and selling in a country that is not fooling about slowing down the rise in the cost of living.

Instead of relying on our jawbone, we have put some backbone in government's determination to hold the line for the consumer. We are going to continue to exercise that backbone in the face of criticism by a lot of special interests. You can rely on that, and most important, you can make your plans on the basis that price rises are going to be slowing down.

As workingmen and businessmen get that message—as they see that government is willing to live up to its responsibilities for doing what is needed to hold down prices—we can expect to see a new responsibility in the decisions of labor and business. By responding to the changed conditions, they will be following their self-interest and helping the national interest as well.

Today, I have laid out our strategy to take the pressure off the prices you pay. There is a good reason for spelling out the strategy right now, at the beginning of a turning point in the struggle.

You see, there is a secret weapon that we intend to use in the battle against rising

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prices. That secret weapon is the confidence of the American people.

In recent years, that confidence, in our ability to slow down the upward spiral has been missing. More and more, a paralyzing fatalism has crept into our view of prices. Too many of us have made the mistake of accepting ever-higher prices as inevitable, and as a result, we have planned on higher prices. And what we expected—we got.

Only our secret weapon of American confidence in ourselves will get us out of that vicious circle.

More than a generation ago, in the depths of a depression, an American president told you—over this medium of radio—that the only thing we had to fear was fear itself.

Today, in a prosperity endangered by a speed-up of prices, the only thing we have to fear is fatalism—that destructive habit of shrugging our shoulders and resigning ourselves to a hopeless future on a wage-price treadmill.

I say to my fellow Americans: The runaway cost of living is no cross we are obliged to bear. It can be brought under control. It is being slowed by firm and steady action that deals with its root causes.

And as you plan for your own future on the assumption that the rise in prices will indeed slow down, you will be bringing our secret weapon into play. Your confidence in the strength of our economy, your confidence in the determination of America to win this battle—that is what will turn the tide.

On that note of confidence, let me issue this call:

I call upon the Congress to extend the surtax at half-rate, 5%, from January 1 to June 30 of next year. Also I call upon the Congress, when it passes tax reform legislation, which is greatly needed, not to make a net tax reduction of a size that will help push up prices that the consumer has to pay.

I call upon Americans to urge their Congressmen to pass those measures of manpower training and unemployment insurance I have proposed—measures that would help make it easier for people to adjust to change.

I call for your support in our policy of holding down Federal spending so that we are able to continue setting an example with a responsible budget for fiscal 1971.

I call upon citizens to urge their State and local governments to cooperate in postponing spending that can appropriately be delayed.

I call upon labor's leadership and labor's rank and file to base their wage demands on the new prospect of a return toward price stability.

I call upon businessmen to base their investment and price decisions on that new economic climate, keeping in mind it is in their private interest to be realistic in their planning and to help build a strong economy.

I call upon all Americans to bear the burden of restraint in their personal credit and purchasing decisions, so as to reduce the pressures that help drive prices out of sight.

I am convinced that Americans will answer this call.

I am convinced that a new confidence will be felt in this country when we match the strength of our resources with the strength of our resolution.

The dollar you earn should be worth a dollar. The dollar you save should *stay* worth a dollar. This is no impossible dream—this is something you are entitled to.

The cost of living affects the quality of life. Together we are going to improve the quality of life—and together, we are going to succeed in slowing down the rise in your cost of living.

Text of Letter From the President to 2,200 Business and Labor Leaders

In view of the growing concern about the rising cost of living, I would like to share with you at some length my thoughts about what is being done and what we must do to curb inflation.

The danger of inflation is real; the cure requires some unpleasant medicine, patience on the part of all and self-discipline by the Government, business and labor.

This Administration is determined to control inflation without imposing controls upon the economy.

Four great forces make up the free market: Government, business, labor and the consumer. A Government that tolerated huge budget deficits could not fairly heap the blame for the ravages of inflation onto any of the other market forces. It was past Government policy that caused our present inflation.

That is why I have refused to look for a scapegoat amid the genuine national concern about the rising cost of living.

That is why I have insisted Government put its own economic house in order before enlisting other forces in the fight against inflation.

HARD DECISIONS

Hard decisions had to be made to extend the surtax; to slash Federal spending by more than $7-billion dollars a year; to drastically curtail construction commitments by the Federal Government; to place a strong budget surplus in tandem with a restrictive monetary policy. Economic policy needed backbone rather than jawbone, and backbone is exactly what our record shows.

We have taken the unpopular road to earn back Government's credibility in fiscal affairs, and by our actions we have shown that we mean what we say about cooling inflation.

Because of this record, everyone should realize that Government will continue to do whatever is necessary in the future to curb the rising cost of living.

Because Government's house is now in order, we can turn to business and labor to remind them that inflation is everybody's problem and fighting inflation is everybody's business.

It is in the interest of private business to consider pricing policies in the light of Governments' determination to check inflation. The business that commits errors in pricing on the up side, expected to be bailed out by inflation, is going to find itself in a poor competitive position. Betting on ever-higher prices is a sure way of losing.

LABOR IS CAUTIONED

It is in the interest of every union leader and workingman to avoid wage demands that will reduce the purchasing power of his dollar and reduce the number of job opportunities.

Government has set the example of restraint, and will continue to set that example. When we combine labor restraint and business restraint, we can build a foundation for an on-going prosperity.

In curbing inflation, we must continue to move deliberately, with a careful eye on the unemployment picture. The percentage of our work force unemployed is more than a statistic—it is a human condition that deserves the close attention of every American.

New laws and new restrictions are not required, if we treat with respect the law of supply and demand. Government's recent action in the construction industry, to increase the supply of skilled labor and materials so as to curb the excessive expansion of demand, is a case in point.

Because we add no artificial controls does not mean that there are no controls in operation. The free market has its own controls on those who flout responsibility: loss of profits to the businessman, loss of jobs to the workingman. These are losses that responsible action can avert.

A sense of responsibility must be part of every prudent judgment concerning prices and wages, now that Government has repudiated the previous inflationary policies. Price and wage decisions that anticipate inflation's continuing at or near present levels would be shortsighted, imprudent, and unprofitable.

ADMINISTRATION POLICY

For your own planning, the policy of this Administration in the fight against inflation will be:

First, to continue stern restraints on Federal spending.

Second, to insist on a tax system that has the capacity to generate enough revenues to cover spending outlays. I shall not tolerate, for example, a tax bill that would result in an irresponsible budget.

Third, to rely strongly on the forces of reason and moderation within the private economy, so that governmental intervention will rarely be necessary.

The ultimate consequences of runaway inflation—the bust that follows, with the suffering that accompanies huge unemployment—must never again be inflicted upon the American people. Instead, we will take every measure necessary to build a sound prosperity, temporarily unpopular as some restraints may be.

I would be interested in your own views as to how the private sector and Government can work together in holding down the cost of living. In this cause—hard to explain, hard to achieve, but fundamental to the economy of our nation and the progress of our people—I trust that I can count on your support.

Burns' and Nixon's Aims: President's Appointment Apparently Is Move in the Battle Against Inflation

(By Eileen Shanahan)

WASHINGTON, October 17.—It seems more than likely that President Nixon chose today to announce his choice of Arthur F. Burns to be chairman of the Federal Reserve Board as part of his grand strategy in the battle against inflation.

He spoke to the public on this issue by radio this afternoon. The Burns appointment spoke, and was doubtless intended to speak, to a different constituency—the business and financial community.

The message intended by the announcement of the appointment—three months before the scheduled retirement of William McChesney Martin Jr.—was clearly this: the Federal Reserve System is going to remain safely in the hands of a conservative, a sound-money man.

VIEW MAY BE SHORT

A look at history suggests, however, that this characterization of Dr. Burns may be true only in the immediate economic situation, which finds the Administration grappling with a seemingly intractable set of inflationary forces and feelings. Dr. Burns, only yesterday, both predicted and endorsed continuing the present anti-inflationary policies of the Administration and of the independent Federal Reserve System.

Yet at one time Dr. Burns was in sharp—although mainly quiet—disagreement with the policies followed by the Federal Reserve Board under Mr. Martin, the man he will replace. At least twice during the Eisenhower Administration, in the mid-fifties and in 1960, he suggested the Federal Reserve was restricting credit too harshly, threatening first to create and thereafter to prolong a business contraction.

Nowadays, Dr. Burns is customarily regarded as a conservative—probably the most conservative member of President Nixon's inner circle, except Attorney General John N. Mitchell. That is because he is a conservative on many of today's most pervasive and controversial domestic policy issues—the restructuring of welfare programs, for example.

OTHER ISSUES REMAIN

But another, older group of domestic policy issues have by no means disappeared,

although most publicity and attention, nowadays, is focused on the specific problems of the cities, the blacks and the poor.

On these issues, relating basically to the means of keeping the basic economy in good health, Dr. Burns was relatively liberal in the Eisenhower Administration—and may turn out to be something of a liberal during the Nixon years as well—perhaps not only more liberal than Mr. Martin but also more liberal than President Nixon's Council of Economic Advisers.

The key point is that in basic economic policy—the role of the Federal Government in keeping the economy growing without inflation—Dr. Burns has always been an activist.

He has spent much of his adult life in economic research on the subject of business cycles—booms and busts and how to detect when one is turning into the other.

It seems reasonable to assume that he would believe, based on a lifetime of work, that he had some skill in determining when the underlying economic trends were turning—and when Federal Reserve policy ought also to turn.

On this judgment, he could conceivably come into conflict with the present economic advisers, notably the Council's Chairman Paul W. McCracken, and another member, Herbert Stein, both of whom have repeatedly expressed skepticism about anyone's ability to call such turns with any precision.

Both men hold that many of today's economic troubles—specifically today's persistent inflation—stem from the Johnson Administration's errors in reacting too swiftly to what seemed to be economic downturns, but which turned out not to be.

PREACHED "HERESY"

It is assumed, then, that Dr. Burns will remain an economic activist—as he was in the nineteen-fifties, preaching the then-heresy for Republicans that the Federal Budget should not always be balanced, particularly in bad times.

But whatever his policies and stance, Dr. Burns will be only one member of a seven-member Federal Reserve Board, in the old phrase, the first among equals. And Federal Reserve Board policies are determined by a simple majority vote.

This being the case, a key question becomes: What will be his ability to influence his fellow governors and the presidents of the 12 regional Federal Reserve Banks.

It is here that Dr. Burns is very much an unknown. He strikes many people as arrogant, even those who freely concede that he possesses a most strikingly superior mind.

MARTIN HAS PREVAILED

Mr. Martin has been able to operate to conciliate and, generally, to prevail. He has been able to maintain a broad constituency, in the business community and elsewhere, in support of his policies and views.

Even when he publicly disagreed with the Presidents under whom he served—as he has with every one except, so far, Mr. Nixon—he always seemed able to keep lines of communication open and personal relationships amicable.

Will Dr. Burns be able to do this, with all of the vast intellect and energy (not even allowing for his age) that he will bring to his new job? The answer is not yet known.

THE PRESIDENCY—THE POPULAR WILL

Mr. HANSEN. Mr. President, the Washington, D.C., Sunday Star of yesterday, October 19, 1969, contained a reasonable and reasoned editorial about the October 15 Vietnam moratorium which deserves the attention of all.

The editorial, "The Presidency and the Popular Will," put the question of the just concluded Vietnam moratorium, specifically, and public protest, in general, into the proper perspective.

The President, after all is said and done, has to make his decisions on the basis of what will best serve the interests of all Americans, not just those who have been most vocal.

Further, I firmly believe that we are making progress in Vietnam, as the result of the President's policies. The President is working hard, to end the war in Vietnam. Among other things, he is withdrawing troops. He has significantly reduced the level of fighting. He has given top priority to turning the war over to the South Vietnamese.

To object so strenuously to what we are trying to accomplish, to oversimplify the problem so greatly with sloganeering, to demand that we "get out of Vietnam," that we "end the war," is to do a grave disservice to the men who have died there.

Perhaps the "popular will" could be served by such unrealistic action, but our country's pledge to help maintain freedom would be destroyed.

The distinguished Senator from Montana (Mr. MANSFIELD) commented recently on the President's efforts in Vietnam. He noted, in a speech here in the Senate on October 15, that he had just returned after 3 days in Montana and that he was asked there about his views on the situation in Vietnam.

Senator MANSFIELD noted:

> I told my fellow Montanans that it seemed to me that the President was doing all that he could do on the basis of the best advice he had available to bring about a responsible settlement. I stated further that, in my opinion, there were elements which were encouraging and which might lead toward a possible settlement.
>
> I pointed out that in the 7-month period since last March, the total number of North Vietnamese infiltrees numbered approximately 20,000 compared with an annual rate of infiltration last year between 7,000 and 13,000 a month; I pointed out that there had been a lull in the fighting, that the casualties had been reduced though, in my opinion, they were still too high; I pointed out that the President had ordered the withdrawal of 60,000 troops by the end of this calendar year and that this was a decided shift away from escalation toward deescalation; I pointed out that a new military strategy of "protective reaction" had replaced the strategy of "maximum pressure" which had been followed in the previous administration and during the first months of this administration.
>
> I stated further that it was my understanding that the orders for this shift had gone to General Abrams last July. To me, a strategy of "protective reaction" means that we have moved a long distance in the direction of a cease fire and stand fast policy because, as I interpret it, the search and destroy missions are a thing of the past, and under the new policy, we will fire only when there is a threat that our forces will be fired on even while remaining prepared to undertake necessary action should any attack be in the offing.
>
> I said to the people of Montana that I thought the President was moving in the right direction, that, from our point of view, progress was being made toward a settlement.

Mr. President, the Sunday Star's editorial rightfully notes that "the President's special interest is the welfare of the United States." The Star also said:

> He cannot become obsessed with the pursuit of a single objective. He must consider every proposed action in the light of its total consequence. And in reaching decisions, the President has available to him information that must exceed that of the best informed citizen.

Mr. President, it is my sincere hope that those persons who are even now planning another demonstration for mid-November will keep those points firmly in mind.

I ask unanimous consent that the editorial to which I have referred be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

The Presidency and the Popular Will

Last week's Vietnam Moratorium has been generally hailed as a success. The exact turnout will never be known, but no one would question the fact that it was an impressive and unique demonstration of disapproval of a uniquely unpopular war.

Now that the day has passed, the focus of attention shifts from the streets to the White House. How should the President, the official charged with the ultimate responsibility for the conduct of American foreign policy, react to this tangible evidence of the public will?

For the leaders of the Moratorium, the answer is simple. He should do as he is told. He should order an immediate cease-fire—whether or not the enemy responds in kind. He should assemble all available means of transport and he should evacuate all United States military personnel just as quickly as possible.

Their enthusiasm is understandable. A degree of irresponsibility is one of the several glories of youth. But the cry for instant presidential response is not limited to the campus. It has been taken up by a surprising number of senators, representatives, assorted local politicians and professors. It has been echoed by a number of editorialists, columnists and news interpreters.

The Moratorium, so the reasoning goes, proves that the Nixon administration is out of step with the people. Such a massive manifestation of discontent should shift the decision-making process from the elected officials to the street. Isn't that what democracy is all about?

There is, to be sure, such a definition of democracy. It can mean the direct and leaderless rule of the people. But the word also applies to a system of government in which carefully defined powers are vested in agents chosen by the people in free elections. And that is what American democracy is all about.

Such a formula does not deny the right of the people to assemble, to march, to protest, to speak and to demonstrate for or against any cause they care about. Nor does it mean that the elected agents should be unmindful of such demonstrations.

No one in any way responsible for the future of the United States could truly remain totally unaffected by any mass demonstration. As a political animal—and one who presumably has some interest in personal political survival—President Nixon has to consider every manifestation of public will.

But a recognition of the trends of public opinion is far removed from the abdication of presidential responsibility that is being demanded. The former is a proper application of practical politics. The latter is an open invitation to chaos.

To begin with, the people of the United States do not speak with a single voice. They never have. And as long as the human mind continues to function, they never will. The

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Moratorium was a case in point. It was a generalized statement of public discontent. But on the question of specifically how and when the United States should extricate itself, opinions spanned the spectrum from the hope for a swift Viet Cong victory to demand for precisely what is happening: A phased withdrawal timed to the ability of South Vietnam to fend for itself politically and militarily.

But let us, for the sake of argument, assume that the demonstrators did speak with a single voice. Let us also increase all published estimates of the total turnout and say that an even million marchers turned out to demand immediate and total withdrawal from Vietnam. Should the President discard his own views and accept this mandate from the people?

If he should do so, what would become of the rights of the remaining 199 million Americans? The majority of those of voting age elected a president to fulfill his constitutional function. They did not go to the ballot box to name an observer of street demonstrations or an interpreter of public opinion polls.

The framers of the constitution and those who have refined it through the years were quite specific in defining the powers, duties and rights of the different branches of government. And the rights of the people under that government are also carefully set forth.

The people have the right to vote. They have the right—perhaps the obligation—to make their opinions known to their government through free speech, peaceful assembly and petitions for redress of grievances. But they have no right to dictate specific policy decisions from the street.

There is no abridgement of freedom or dilution of the democratic process. It is a practical recognition of the fact that the elected officials—and the president in particular—have a different view of the nation than the man in the street can possibly have. The president's special interest is the welfare of the United States. He cannot become obsessed with the pursuit of a single objective. He must consider every proposed action in the light of its total consequence. And in reaching his decisions, the president has available to him information that must exceed that of the best informed citizen.

This was the case in the infancy of the nation. It applies a thousandfold to the infinitely complex world today.

President Nixon has made it clear enough that he does not intend to turn aside from his obligation to frame foreign policy and to turn that function over to the Moratorium committee. He has said it in his press conference statement. He has repeated it in his reasoned letter of reply to the student who protested Mr. Nixon's press conference remark. But the matter does not end there.

The promise is for increasing pressure, in the form of future mass demonstrations, to force the President to capitulate. The chances are that the moratoriums planned for November and December will prove, in terms of numbers, something of an anticlimax. But it is not unlikely that they will make up in intensity and violence what they will lack in size.

Regardless of the nature or the size of the protest, Mr. Nixon, from all available evidence, will continue to follow the policies that he determines to be in the best present and future interests of the United States. But there is danger that the notion of immediate popular authority, which is being thoughtlessly touted today, will gain such currency that some future chief executive will feel compelled to disregard his constitutional obligations and to turn the decision-making process over to that multivoiced, semi-informed, whimsical and indecipherable entity called public opinion.

Presidents can be wrong. That's why protesters, commentators, editorialists and voters were born. The means to correct the problem of human frailty or errors of judgment in high places is indeed vested in the citizens. But the proper exercise of that power is not the bullet, not the brickbat, not the dictatorship of the people.

It is the vote.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON APPROVAL OF LOAN TO GOLDEN VALLEY ELECTRIC ASSOCIATION, INC., OF FAIRBANKS, ALASKA

A letter from the Administrator, Rural Electrification Administration, United States Department of Agriculture, transmitting, pursuant to law, a report on the approval of a loan to the Golden Valley Electric Association, Inc. of Fairbanks, Alaska, in the amount of $9,214,000 which includes $5,827,200 for the financing of certain new transmission and generating facilties and the completion of a previously loaned transmission project (with an accompanying report); to the Committee on Appropriations.

PROPOSED LEGISLATION AUTHORIZING AND FOSTERING JOINT RATES FOR INTERNATIONAL TRANSPORTATION OF PROPERTY

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize and foster joint rates for international transportation of property, to facilitate the transportation of such property, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORT OF COMPROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to the request of the Chairman, Committee on Ways and Means, House of Representatives, a report on the results of his monitoring of a special review of the aid to families with dependent children in New York City, conducted by the Department of Health, Education, and Welfare and the New York State Department of Social Services, dated October 17, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Director of the Federal Judicial Center, transmitting, pursuant to law, the Second Annual Report of the Federal Judicial Center, dated October 1, 1969 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Post Office and Civil Service:

"ASSEMBLY JOINT RESOLUTION 44

"Memorializing Congress to reform the 1970 decennial census and assure a complete count of the population

"Whereas, Article I of the United States Constitution requires a decennial census for the purpose of apportionment of the House of Representatives and therefore requires no data on extraneous subjects; and

"Whereas, this constitutional purpose for the census has been distorted into a complex and overly personal interrogation of all Americans, as evidenced by the final plans for the 1970 census containing questions on population, housing and employment totalling 67 different subjects; and

"Whereas, the scope of these questions results in harassment of our citizens who are faced with a 60-day jail sentence or $100 fine, or both, if they refuse to submit to these inquiries, including the following questions: have you been married more than once; (if a woman) number of babies born, not including stillbirths; where did you live in April 1962; what was your major activity in April 1962; what is the value of your property; what is your rent; did you work any time last week; and

"Whereas, the right to personal privacy of our citizens is trammeled by extraction of extensive facts regarding marital life, income and personal background and by the threat of criminal penalty for failure to answer questions including those concerning household equipment, all of which flouts the cherished "right to be left alone" on which this nation is founded; and

"Whereas, the state of Wisconsin requires early and complete population counts from the decennial census, as does every other state and the federal government, in order to apportion and redistrict election districts of all types; and

"Whereas, in 1950 5.6 million people were missed by census takers though this fact was not uncovered until 1965; and

"Whereas, nearly 20 billion dollars in federal grants-in-aid and other financial assistance to states and their political subdivisions are distributed annually by Congress with population an important criteria in this disbursement; now, therefore, be it

"Resolved by the assembly, the senate concurring, That the Congress of the United States is memorialized to adopt legislation to return the decennial census to its intended constitutional purposes, restore the personal privacy rights of the American people through repeal of offensive criminal penalties and provide every possible assurance that the count of population will be conducted accurately; and, be it further

"Resolved, That duly attested copies of this resolution be transmitted to the secretary of the senate of the United States, the chief clerk of the house of representatives and the members of Wisconsin's congressional delegation.

"HAROLD V. FROEHLICH,
"Speaker of the Assembly.
"WILMER H. STRUEBING,
"Assembly Chief Clerk.
"WILLIAM P. NUGENT,
"Senate Chief Clerk."

The petition of Daniel Edlord Leveque, of Sheboygan, Wis., praying for a redress of grievances; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

William O. Baker, of New Jersey, to be a member of the Board of Regents, National Library of Medicine, Public Health Service; and

Jack Malcolm Layton, of Arizona, to be a member of the Board of Regents, National Library of Medicine, Public Health Service.

ADDITIONAL COSPONSORS OF BILLS

S. 2674

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from

Hawaii (Mr. Inouye), I ask unanimous consent that, at the next printing, the name of the Senator from Kansas (Mr. Dole) be added as a cosponsor of S. 2674, to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialists officers for the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2876

Mr. HART. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. Williams) and the Senator from Idaho (Mr. Church) be added as cosponsors of S. 2876, to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 41

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. Bennett) be added as a cosponsor of Senate Concurrent Resolution 41, urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 251

Mr. PROXMIRE (for himself, Mr. Case, Mr. Kennedy, and Mr. Brooke) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Paul C. Camilletti, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years, vice John H. Kamlowsky, resigned.

James T. Lunsford, of Alabama, to be U.S. marshal for the middle district of Alabama for the term of 4 years, vice William M. Parker, Jr.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, October 27, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATIONS

Mr. HRUSKA. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, October 28, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Henry L. Brooks, of Kentucky, to be U.S. circuit judge for the sixth circuit to fill a new position created by Public Law 90–347 which was approved June 18, 1968.

Alfred T. Goodwin, of Oregon, to be U.S. district judge for the district of Oregon, vice John F. Kilkenny, elevated.

R. Dixon Herman, of Pennsylvania, to be U.S. district judge for the middle district of Pennsylvania, vice Frederick V. Follmer, retired.

David L. Middlebrooks, Jr., of Florida, to be U.S. district judge for the northern district of Florida, vice George Harrold Carswell, elevated.

Cristobal C. Duenas, of Guam, to be judge of the district court of Guam for the term of 8 years, vice Paul D. Shriver, resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. Eastland), chairman; the Senator from Arkansas (Mr. McClellan), and myself.

TAX REFORM NO. 3: DEMOCRATIC STUDY GROUP TAX REFORM FACT BOOK

Mr. METCALF. Mr. President, today I shall place in the Record another section of the Tax Reform Fact Book prepared by the Democratic Study Group in the House of Representatives. Today's section discusses the capital gain preference.

The House bill would provide a moderate reduction of this tax preference, in part, by lengthening the holding period from 6 months to a year and eliminating the 25-percent alternative rate. When administration officials testified before the Committee on Finance, they announced their opposition to these changes. Here is what Assistant Secretary of the Treasury Edwin S. Cohen said about these provisions on September 4:

> We are opposed to the complete elimination of the alternative tax and to the extension of the holding period. These changes in our judgment impose too great a burden on capital investment. The effect of the bill would be to remove a large measure of the incentive for private capital to engage in new and expanded business ventures. Present capital investments would tend to be frozen and the economy as a whole would suffer. We believe that the six months' holding period should be maintained and that, in general, the alternative tax should be retained.

On September 25 the former Assistant Secretary of the Treasury, Stanley S. Surrey, commented on his successor's objections to these changes:

> But these dire forebodings are strange indeed when placed alongside its actual recommendations. For the Treasury is obviously aware that the capital gain preference is the single most important factor in permitting high income persons greatly to reduce their effective rate of tax, so that the equity and fairness of the tax system are markedly reduced. Hence, it recommends a complex limitation on the use of the 25 percent alternative rate which is in effect a special minimum tax applicable to capital gains. Under this approach the revenue gain in the capital gain and loss area would be $425 million—or about 66 percent of the House Bill gain of $635 million. It is hard to see how this $210 million additional gain under the House Bill—less than one percent of the present yield from capital gains taxation of individuals—can have the adverse effects on investment painted by the Treasury. In this light, the House bill approach, which is direct and far simpler, is to be preferred.

On October 10 the Committee on Finance agreed to delete from the House bill the provision that would have extended the holding period for a long-term capital gain to 12 months instead of the present 6-month requirement. The House Committee on Ways and Means had estimated that an increase in the holding period to 1 year would have resulted in an annual revenue gain of $100 million in 1970 and $150 million in subsequent years. The only reason given for deleting this provision from the bill was that the administration was not sure that revenues would be increased by as much as $150 million a year. I am not persuaded by that argument. On the contrary, after examining the available evidence gathered at the hearings, I am convinced that this provision must be restored to the House bill when it reaches the Senate floor.

Mr. President, I ask unanimous consent to have printed in the Record the section of the DSG Fact Book on Tax Reform which discusses in detail the capital gain provisions contained in the House-passed bill. On Tuesday, October 21, I shall place in the Record the section which discusses the taxation of corporations.

There being no objection, the section was ordered to be printed in the Record, as follows:

DSG TAX REFORM FACT BOOK SECTION TWO—CAPITAL GAINS

ELIMINATE PREFERENTIAL TREATMENT FOR CAPITAL GAINS

The problem

Highly preferential tax treatment is provided for capital gains—appreciation of such assets as stocks, real estate and other property not held for use in the taxpayer's trade or business plus profits from the sale of such assets as livestock, royalties, and real estate used in business.

Originally capital gains were taxed like other income. But through the 1930s various approaches were tried as support grew for preferential treatment. Finally, in 1942, the present system was adopted. A strong push for heavier taxation for capital gains was made in 1962 but Congress finally abandoned the effort.

At least $15 billion in unrealized capital gain now escapes taxation every year. Another $25 billion in reported gain is subject to capital gains treatment and taxed

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at rates ranging from 7% to 25%. This yields around $5 billion to $6 billion in revenue a year.

This special treatment for unearned income, according to Treasury studies, is more important than any other factor in reducing tax rates of high-income individuals. It also distorts the economy as capital asset sales are timed to maximize loss writeoffs and postponed to meet requirements for tax-free transfers at death.

Present law

Reported capital gains now are taxed at half the normal rate, up to 25%. Gains on stocks, real estate and other appreciated assets transferred at death escape taxation. Further, the law allows liberal capital loss writeoffs, enabling taxpayers to program transactions in different years so each $1 of capital loss be used to wipe out at least $2 in profit.

Pending proposals

None of the tax reform proposals introduced this year would eliminate preferential treatment of capital gains. Several, however, would sharply limit this tax preference.

Revenue impact

Treasury estimates that taxing all capital gains as ordinary income would increase revenue about $8.5 billion a year.

Proponents and opponents

The U.S. Chamber of Commerce, New York Stock Exchange, American Farm Bureau Federation, and American Bankers Association are leading opponents of proposals to end preferential treatment of capital gains. The AFL–CIO, UAW and Longshoremen's Union testified for this change.

Administration action

The Treasury, in its December recommendations, urged taxation of capital gains now untaxed at death but did not deal with other preferential provisions.

The Nixon Administration's proposals do not deal directly with eliminating preferential treatment. They would tighten provisions dealing with capital loss deductions, however, and require taxation of appreciation of property donated to charity.

House action

The House adopted several changes limiting capital gains preferences. One would require, for individuals, that net long-term capital losses be reduced by 50% before deduction from ordinary taxable income. Another would extend the long-term capital gains holding period from six months to one year. Still another would eliminate the 25% ceiling on taxation of capital gains, requiring taxation at one-half regular rates for individuals. The captial gains tax rate for corporations would be raised from the present 25% to 30%. Further, lump-sum distribution from qualified pension, profit-sharing, stock bonus and annuity plans, now taxed at capital gains rates, would get this treatment only for the excess of distribution over contributions by the taxpayer involved. The amount represented by employer contributions would be taxed as ordinary income.

RESOURCE REFERENCES

Ways and Means hearings, Volumes 8 and 13; Treasury Studies, Part 3.

REQUIRE EQUAL TREATMENT OF CAPITAL GAINS AND LOSSES

The problem

Unequal tax treatment of capital gains and losses gives investors, especially those speculating in the stock market or in real estate, a substantial break.

One half the *profit* from sales of such assets as stocks and real estate held more than six months is tax-free and the other half qualifies for highly preferential capital gains treatment. Yet *losses* from these same kinds of transactions are fully deductible against both the taxable portion of profit and ordinary income. This enables taxpayers to program sales in different tax years so each $1 of capital loss can be used to wipe out at least $2 in profit. Further, up to $1,000 in additional losses can be written off each year against ordinary income.

Present law

All taxpayers may deduct capital losses at least to the extent of capital gains. Further, in the case of individuals, capital losses that exceed capital gains may be deducted against ordinary income up to $1,000 a year, with an unlimited right to carry any excess forward to future taxable years.

Pending proposals

None of the tax reform measures introduced in the House deal specifically with a requirement for equal treatment of losses and gains.

Revenue impact

Treasury estimates limiting capital loss deductions to 50% and tightening restrictions on the $1,000 a year in losses allowable against ordinary income would raise $60 million in new revenue the first year and $100 million a year when fully effective.

Proponents and opponents

The U.S. Chamber of Commerce and the New York Stock Exchange opposed limits on capital loss deductions. The Tax Council proposed a new system of taxing capital gains with full, unlimited loss offsets against long-term gain and unlimited carryover of excess losses.

Administration action

The Administration has recommended that each dollar of net long-term capital loss be permitted to offset only 50 cents of ordinary income. The annual deduction limit would be held at $1,000 with unlimited carryover. It also calls for an annual limit of $500 each for married persons filing separate returns.

House action

The House voted to require, in the case of individuals, that net long-term capital losses be reduced 50% before deduction from ordinary taxable income. Net short-term capital losses, under this plan, would continue to be fully deductible. The overall limit of $1,000 on capital loss offset against ordinary income also would continue (except for a $500 limit on married persons filing separate returns).

Resource references

See Ways and Means hearings, Volume 8; Treasury Studies, Part 2.

TAX CAPITAL GAINS NOW UNTAXED AT DEATH

The problem

It is estimated that at least $15 billion in realized appreciation in securities, real estate and other property escapes income taxation every year, either in the hands of the original owner or his heirs. This appreciation becomes irretrievable as a possibility for income taxation when the owner dies.

One result of this is that investors, particularly older people, hold their property for their estates instead of selling it and allowing the gain to be taxed. This artificial economic restraint has a "locked-in" effect. Another result is loss of a considerable amount of tax revenue.

A proposal to tax unrealized gains at death was rejected by Congress in 1963. Treasury's general counsel at that time issued an opinion concluding taxation of gains in this manner would be constitutional.

Present law

Gain on stocks, real estate and other appreciated assets transferred at death now escapes income taxation. In addition the basis of the asset for tax purposes is stepped up to market value at the time of transfer. Thus, in any subsequent sale by the heir, no tax is paid on the increase between the basis of the asset in the hands of the decedent and the market value at the time of transfer.

Pending proposals

A large number of tax reform bills introduced in the House call for taxation of capital gains now untaxed at death. H.R. 5250 (Reuss and others) would tax unrealized gain at capital gains rates in the final income tax return of the decedent. Identical or similar measures are H.R. 6206, 6770, 7040, 7045, 7346, 7585, 8144, 9195, 9759, 9852, and 10253.

Revenue impact

Most estimates of revenue that would be raised by taxing unrealized capital gains appreciation at death range from $2.5 billion to $3.1 billion, depending on exemptions and other variable provisions.

Proponents and opponents

The American Bankers Association, New York Stock Exchange, National Association of Manufacturers, and American Farm Bureau Federation all testified in opposition to this reform. The latter two groups, in fact, urged more liberal capital gains treatment. The AFL–CIO, UAW and Longshoremen's Union all testified in favor of taxing unrealized capital gains at death.

Administration action

The Treasury recommendations submitted in December called for taxing unrealized capital gains on transfer by gift or at death. The proposal included provisions for a substantial exclusion and provided for reporting in the decedent's final income tax return.

The Nixon Administration's proposals submitted in April did not include any provisions for taxing unrealized capital gains at death.

House action

None.

Resource references

Ways and Means hearings, Volumes 8 and 13; Treasury Studies, Part 3.

VICE PRESIDENT'S NEW ORLEANS SPEECH

Mr. DOLE. Mr. President, Vice President Agnew spoke to a citizens testimonial dinner in New Orleans last evening. He gave a concise description of the Nixon administration's policy in Vietnam, supported draft reform, discussed our defense posture and inflation. These subjects went unreported by the press.

To put the Vice President's speech in the proper perspective, I ask unanimous consent that the complete text of his remarks be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address by the Vice President

Sometimes, it appears that we are reaching a time when our senses and our minds will no longer respond to moderate stimulation. We seem to be approaching an age of the gross. Persuasion through speeches and books is too often discarded for disruptive demonstrations aimed at bludgeoning the unconvinced into action.

The young, at the zenith of physical power and sensitivity, overwhelm themselves with drugs and artificial stimulants. Subtlety is lost, and fine distinctions based on acute reasoning are carelessly ignored in a headlong jump to a predetermined conclusion. Life is visceral rather than intellectual, and the most visceral practitioners of life are those who characterize themselves as intellectuals.

Truth is "revealed" rather than logically proved, and the principal infatuations of

today revolve around the social sciences, those subjects which can accommodate any opinion and about which the most reckless conjecture cannot be discredited.

Education is being redefined at the demand of the uneducated to suit the ideas of the uneducated. The student now goes to college to proclaim rather than to learn. The lessons of the past are ignored and obliterated in a contemporary antagonism known as the generation gap. A spirit of national masochism prevails, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals.

It is in this setting of dangerous oversimplification that the war in Vietnam achieves its greatest distortion.

The recent Vietnam Moratorium is a reflection of the confusion that exists in America today. Thousands of well motivated young people, conditioned since childhood to respond to great emotional appeals, saw fit to demonstrate for peace. Most did not stop to consider that the leaders of the Moratorium had billed it as a massive public outpouring of sentiment against the foreign policy of the President of the United States. Most did not care to be reminded that the leaders of the Moratorium refused to disassociate themselves from the objective enunciated by the enemy in Hanoi.

If the Moratorium had any use whatever, it served as an emotional purgative for those who feel the need to cleanse themselves of their lack of ability to offer a constructive solution to the problem.

Unfortunately, we have not seen the end. The hard-core dissidents and professional anarchists within the so-called "peace movement" will continue to exacerbate the situation. November 15 is already planned—wilder, more violent, and equally barren of constructive result.

Is all this justified? Are we imperialist war mongers? Let's look for a moment at the President's policy in Vietnam in the light of political and military conditions as they were and as they are today.

The situation as of January 20, 1969:

MILITARY CONDITIONS

The number of U.S. troops to Vietnam was still increasing (When the men on their way there on January 20 finally arrived, it reached an all-time high level in February.) We appeared still to be seeking a military solution.

Military operations were characterized by maximum military pressure on the enemy, through emphasis on offensive operations.

Progress in strengthening the South Vietnam army was slow; resources being devoted to this effort did not receive high priority.

POLITICAL CONDITIONS

We found only a general and vague set of proposals for political settlement of the war. While they called for "self-determination," they provided no specific program for achieving it.

Mutual withdrawal of forces was provided for under the Manila Declaration, which envisioned that the Allied withdrawal would be completed within six months of the withdrawal of North Vietnamese forces and the subsiding of the level of violence.

The situation today:

MILITARY CONDITIONS

We have instituted a Vietnamization program which envisages South Vietnamese responsibility for all aspects of the war—coping with both Viet Cong insurgency and regular North Vietnamese forces—even if we cannot make progress in the political negotiations.

We have offered the withdrawal of U.S. and Allied forces over a 12 month period, if North Vietnamese forces also withdraw.

We have declared that we would retain no military bases.

We have begun to reduce our presence in South Vietnam by setting in motion the replacement of over 60,000 U.S. troops (12% of total troops, or 20% of combat troops.) This is a meaningful act of de-escalation.

We have emphasized to our military commanders the requirement that losses be held to an absolute minimum, consistent with their mission to protect Allied forces and the civilian population. (Casualties in the first nine months of the Administration are one-third less than during the comparable period last year.)

POLITICAL CONDITIONS

For the first time, concrete and comprehensive political proposals for the settlement of the war have been made:

We have proposed free elections organized by joint commissions under international supervision.

We and the government of South Vietnam have announced that we are prepared to accept any political outcome which is arrived at through free elections.

We have offered to negotiate supervised ceasefires under international supervision to facilitate the process of withdrawal.

We have expressed willingness to discuss the 10-point program of the other side, together with plans put forward by the other parties.

In short, the only item which has not been declared negotiable is the right of the people of South Vietnam to determine their future, free of outside interference.

PROGRESS MADE TO DATE IN VIETNAM

The enemy was unable to launch the summer offensive which everyone had predicted.

The infiltration rate is down by ⅔ (which means that the possibility of an offensive this fall has receded).

Casualties for the first nine months of this year are down ⅓ compared with the comparable period last year.

The South Vietnamese army is larger, stronger and more well-equipped.

The influence of the government of South Vietnam has expanded substantially throughout the countryside and the government has made significant progress in coping with its domestic problems.

Let us turn for a moment to a legitimate complaint of our young people—the draft.

The draft, at best, is a necessary evil—one that President Nixon wants to do away with as soon as possible. But while the draft is still necessary, our government has a moral obligation to make it as fair and as reasonable as possible. Our failure to do mocks the ideals we profess so often.

What is it that makes our draft system so *un*fair and and *un*reasonable?

Essentially, there are two problems: first—the present system creates for our young men a long period of draft vulnerability, one which begins at age 19 and stretches for seven long years—unless the young man is drafted sooner. During this time, his educational plans, his career, even his decisions concerning marriage and family are distorted by his inability to predict the impact of the draft. All of this constitutes a terrible pressure, a dark shadow which falls across the lives of young Americans at the very time when they should be greeting the opportunities of adulthood with the greatest sense of excitement and adventure.

Prolonged uncertainty is one problem with the draft. Unfair selection is a second. Though all are technically vulnerable to the draft, those who are able to go on to college and then into certain graduate programs or occupations are often able to escape induction. In short, the current draft system creates frustration and mocks justice; it is both unfair and unreasonable.

This is not my opinion alone. It is widely shared—by members of all age groups in all parts of the country. Two panels composed of distinguished citizens—one headed by General Mark Clark and one headed by Mr. Burke Marshall—have reached the same conclusion in recent years. So have the reports of both the House and Senate Armed Services Committees and so have many leaders of both parties in the House and Senate.

Months ago President Nixon took the lead in the battle to reform the draft. On May 13, 1969, he sent a message to the Congress in which he asked that body to reduce the period of prime vulnerability from seven years to one and to institute a fair, random selection system. Under this arrangement, everyone would be eligible for the draft at age nineteen and would be randomly assigned a place in the order of call at that time. He would remain in a condition of prime eligibility for 12 months. If he were not drafted in that time, he would move into less vulnerable categories. Those who chose to take a deferment at age nineteen, to go on to college, for example, would do so knowing where they fell in that order of call and could plan their lives accordingly. They would then spend their year in the prime vulnerability group at the time they left school.

Few of the President's statements have brought more favorable reaction than his suggestions for reforming the draft. Despite the widespread dissatisfaction with the draft and despite the widespread praise which greeted the President's message—the Congress waited until this week to act. The House Armed Services Committee unanimously has reported the bill favorably, and early House action is expected. Senate action will depend on prompt attention by Senator Stennis' Committee.

As Secretary Laird recently explained, all that is necessary is that one sentence be changed in the current draft law, a sentence introduced as a last minute afterthought back in 1967. This single sentence now prevents the President from switching to the random selection process. It is true that the President could reduce the seven-year period to one year on his own; in fact, the President has indicated that he might take this step unilaterally even if Congress does not act. But he would much prefer to take the two steps together—and that means Congress must cooperate.

Why does he prefer both steps at once? If the President should go ahead and reduce the period of prime vulnerability to one year without Congressional cooperation, a strange thing would happen. The law would still require that the *oldest* nineteen year olds be drafted first—which could mean, for example, that everyone born in January and February might be drafted every year, while everyone born in November and December might regularly go unaffected. If Congress lets him, the President would avoid that systematic inequity by scrambling the 365 days of the year and rearranging them each year in a different order. Then everyone whose birthday was drawn first would be called first, and those who birthdays were drawn last would be called last. This is clearly the fairest system.

Certainly this is the time for the people to join the President in making their desires felt. For if reform is frustrated, it will be a defeat not only for the President, but also for the Democratic process. Above all, it will be a defeat for the principles of reason and justice which we value so highly in this country, principles which we preach with great ardor to our young people, but which we have not yet achieved in our selective service legislation.

Among the inaccurate tirades against the present foreign policy of the United States is an oft repeated allegation that we are mostly at fault for the strategic arms race with Russia.

If we examine the record of the past few years, it is quite clear that the United States has exercised considerable restraint in its

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strategic weapons programs, probably more than was prudent.

We built up to a force of about 1,000 ICBM's by mid-1967 and held it there;

We began building the last of our 41 ballistic missile submarines in 1965 and we have built none since;

Even though President Kennedy was being pressed to deploy an ABM as early as 1961, the U.S. refrained from a decision to deploy the ABM until 1967. Moreover, it was decided to modify the previous Administration's ABM system to emphasize further that the U.S. deployment was not intended to be provocative;

We have stretched out a decision to deploy a new manned bomber for nearly a decade.

The Soviet Union's record should be judged against this background of U.S. restraint.

The Soviets have already deployed 64 ABM's, and they are pursuing an active ABM development program; they have more ABM's today than we will have by 1974;

Their recent SS-9 tests with multiple warheads suggest that they are also pursuing a MIRV development program, a development which is of grave concern to us;

They have several ICBM's in development and production and have overcome our lead in deployed ICBM's already this year they have started construction on upwards of 100 new ICBM's; and they show no signs of slacking off;

They are continuing to build and deploy ballistic missile submarines and test new missiles for them;

They are continuing to build up their air defense systems;

They are developing mobile missile systems.

In summary, they are active across the board in developing and deploying strategic systems.

Interest in arms control cannot be one sided. It takes two sides to have a competition. I believe our record is clearly one of restraint. Moreover, since this Administration took office, we have studied in detail every aspect of limiting strategic weapons.

For example, for many weeks we have had a panel of experts examining in depth the possibilities and pitfalls in limiting the development and deployment of MIRV's.

We have had another panel doing a detailed study of U.S. intelligence capabilities and our ability to verify compliance with an arms control agreement.

These studies have shown that clear cut-off points are very difficult to establish. For example, it would not be enough simply to ban MIRV testing in order to stop MIRV deployment. We would have to have collateral restrictions on the testing of most space and weapons systems involving multiple or maneuvering objects in order to have confidence that MIRV deployment was in fact banned. This makes a unilateral moratorium very risky.

Complex questions such as these will not be resolved overnight. We look forward to discussing strategic arms limitation issues with the Soviet Union. Until such discussions clearly demonstrate a mutual concern in restraining the strategic arms competition, we believe we must pursue a course of action that preserves our security against the threats we continue to face.

We gain nothing, and the prospects for successful negotiations are not advanced one iota, by restraint which is not reciprocated. Why should the Soviet Union bargain seriously with us if they can have what they want without paying any price whatever? We would be playing Russian roulette with U.S. security if we failed to take the minimum essential steps to maintain our security.

Finally, we are beset with the accusation that this Administration is insensitive to domestic needs; that we are not spending enough on the problems of the poor; and that we, in fact, do not have a domestic program.

The decisions and actions of this Administration, since it came to office on January 20th, have been conditioned by the economic environment that we inherited. By Inauguration Day, 1969, the Federal government had run for eight years an unbroken string of budget deficits that added more than $78 billion to the Federal debt. The impact of these deficits on the national economy was far reaching.

By this past January, price inflation had been generated and propelled to the point where the cost of living was surging upward at a rate of five per cent a year. These price increases, coupled with tax increases, meant that the average American workingman had made no gain at all in real income in more than three years. For those below the national average—the Americans who live on pensions or fixed income—these three years had been even more difficult. These Americans were worse off economically in terms of real income in January of 1969 than they had been in December of 1965—despite the growth in the economy.

The imperatives of this economic situation dictated to a great extent our legislative and administrative priorities.

We made initial cuts of some $4 billion in the proposed 1970 fiscal year budget. Later, we made additional cuts of more than $3 billion to hold to our spending ceiling of $192.9 billion for this fiscal year. A short tight leash on Federal spending is the most effective means of controlling inflation—we shall continue to use it.

We recommended an orderly phase-out of the surtax at the full ten per cent for the second half of 1969 and at five per cent for the first six months of calendar year 1970. Congress has so far only granted the first and most vital part of this request. We ordered a cutback of 75 per cent in all Federal construction; we have asked the states to cut back construction as much as they can; we have followed the restrained and responsible monetary policy which our precarious economic situation requires.

While controversial and unpopular in the short run to many Americans, these measures are essential to the long-run stability and security of the economy on which the well-being of both the public sector and the private sector ultimately depend.

Even with a tight budget leaving little room for fiscal maneuver, we have come forward with legislative initiatives that break new ground in half a dozen areas, that entail historic reform in others, and that will enable us to test a philosophy of government that rejects the old centralism that guided Federal policy most of the past four decades.

Among our recommendations to this first session of the Ninety-First Congress are:

1. The most extensive overhaul of the welfare system since the beginning of the New Deal.

2. The beginning of an historic redistribution of power from the national capital to the state capitals and city halls through a sharing of Federal income tax revenues with the states.

3. The first major reform of the Federal Tax Code in 50 years.

4. The first major reform of Selective Service System since conscription became a permanent feature of American life in 1948.

5. A major attack on organized crime and the narcotics traffic.

6. A concerted national effort to eliminate the vestiges of hunger and malnutrition from our national life.

7. Replacement of the 189 year old United States Post Office Department with a government-owned corporation operating on business principles rather than political patronage.

8. The most extensive Federal commitment to mass transit and aviation in history.

Taken together, these recommendations represent our best judgment as to the priority of the competing and legitimate claims on the Federal government. This is our assessment of where existing Federal resources can best be distributed for the good of the entire country. If our diplomatic policies can produce an honorable peace in Asia and our economic policies can halt inflation in the economy, we shall be able to take up at once other urgent needs of our people.

Great patriots of past generations would find it difficult to believe that Americans would ever doubt the validity of America's resolve to protect free men from totalitarian attack. Yet today, we see those among us who prefer to side with an enemy aggressor rather than stand by this free nation. We see others who are short-sighted enough to believe that we need not protect ourselves from attack by governments that depend upon force to control their people—governments which came into being through force alone and continued to exist by force alone.

I do not want to see this nation spend one dollar more on defense than is absolutely necessary, but I would hate to see this nation spend one dollar less on defense than is absolutely necessary. Until the principle of open representative government exists among all nations, the United States must not abandon its moral obligation to protect by any means necessary the freedoms so hard won by the 400,000 Americans who made the ultimate sacrifice in dedicated belief that some things are more precious than life itself.

THE PRESIDENCY AND THE POPULAR WILL

Mr. McGEE. Mr. President, there has been considerable debate concerning the impact of last week's Vietnam moratorium, particularly as it is or is not reflected by the President of the United States. There should be more attention to the question of whether or not the Chief Executive should be influenced by the demonstrations in the street.

Happily, the question has not been ignored. The Washington Sunday Star of October 19, in its lead editorial, dealt at some length with the question of the Presidency and the popular will, and did so without questioning the impressive and unique demonstration which occurred last Wednesday. Yet, as the Star points out, the leaders of the moratorium, and all who participated for that matter, I would add, enjoy a high degree of irresponsibility in that they are not answerable for the consequences of the policies they espouse. The President most assuredly is, and he is answerable to all the people.

To follow the dictates of the moratorium committee would be to shift the decisionmaking process from elected officials to the street. Our leaders, elected by all the people, are charged with the decisionmaking process. That is what American democracy is all about. As the Star editorial puts it:

> The people have the right to vote. They have the right—perhaps the obligation—to make their opinions known to their government through free speech, peaceful assembly and petitions for redress of grievances. But they have no right to dictate specific policy decisions from the street.

No one in a position of responsibility can remain totally unaffected by a mass demonstration such as we witnessed last week. But the recognition of an expression of this sort is far removed from the abdication of presidential responsibility, and that is what the more militant of the demonstrators seek, apparently.

Mr. President, because of its careful and intelligent discussion of this vital question, I commend the Star's editorial to all and ask unanimous consent that it be printed in the RECORD.

THE MORATORIUM AND THE PRESIDENT

Mr. DOLE. Mr. President, all Americans, whether in or out of public life, are reflecting on the meaning, effects, and influences of the Vietnam moratorium last Wednesday. Most would agree that it was a significant event. Much has been devoted to the manifestation of the popular will which the President is bound to heed. I, for one, do not find this point of view to be consistent with my understanding of the system of government established by the Constitution. This great document assures the people a firm and decisive voice in the affairs of government, but the voice is to be articulated in the voting booth not in the street.

Mr. President, the lead editorial of the Washington Sunday Star is most cogent and well reasoned in its assessment of the moratorium. I join the Senator from Wyoming in asking unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Sunday Star, Oct. 19, 1969]

THE PRESIDENCY AND THE POPULAR WILL

Last week's Vietnam Moratorium has been generally hailed as a success. The exact turnout will never be known, but no one would question the fact that it was an impressive and unique demonstration of disapproval of a uniquely unpopular war.

Now that the day has passed, the focus of attention shifts from the streets to the White House. How should the President, the official charged with the ultimate responsibility for the conduct of American foreign policy, react to this tangible evidence of the public will?

For the leaders of the Moratorium, the answer is simple. He should do as he is told. He should order an immediate cease-fire—whether or not the enemy responds in kind. He should assemble all available means of transport and he should evacuate all United States military personnel just as quickly as possible.

Their enthusiasm is understandable. A degree of irresponsibility is one of the several glories of youth. But the cry for instant presidential response is not limited to the campus. It has been taken up by a surprising number of senators, representatives, assorted local politicians and professors. It has been echoed by a number of editorialists, columnists and news interpreters.

The Moratorium, so the reasoning goes, proves that the Nixon administration is out of step with the people. Such a massive manifestation of discontent should shift the decision-making process from the elected officials to the street. Isn't that what democracy is all about?

There is, to be sure, such a definition of democracy. It can mean the direct and leaderless rule of the people. But the word also applies to a system of government in which carefully defined powers are vested in agents chosen by the people in free elections. And that is what American democracy is all about.

Such a formula does not deny the right of the people to assemble, to march, to protest, to speak and to demonstrate for or against any cause they care about. Nor does it mean that the elected agents should be unmindful of such demonstrations.

No one in any way responsible for the future of the United States could truly remain totally unaffected by any mass demonstration. As a poltical animal—and one who presumably has some interest in personal political survival—President Nixon has to consider every manifestation of public will.

But a recognition of the trends of public opinion is far removed from the abdication of presidential responsibility that is being demanded. The former is a proper application of practical politics. The latter is an open invitation to chaos.

To begin with, the people of the United States do not speak with a single voice. They never have. And as long as the human mind continues to function, they never will. The Moratorium was a case in point. It was a generalized statement of public discontent. But on the question of specifically how and when the United States should extricate itself, opinions spanned the spectrum from the hope for a swift Viet Cong victory to demand for precisely what is happening: A phased withdrawal timed to the ability of South Vietnam to fend for itself politically and militarily.

But let us, for the sake of argument, assume that the demonstrators did speak with a single voice. Let us also increase all published estimates of the total turnout and say that an even million marchers turned out to demand immediate and total withdrawal from Vietnam. Should the President discard his own views and accept this mandate from the people?

If he should do so, what would become of the rights of the remaining 199 million Americans? The majority of those of voting age elected a president to fullfill his constitutional function. They did not go to the ballot box to name an observer of street demonstrations or an interpreter of public opinion polls.

The framers of the constitution and those who have refined it through the years were quite specific in defining the powers, duties and rights of the different branches of government. And the rights of the people under that government are also carefully set forth.

The people have the right to vote. They have the right—perhaps the obligation—to make their opinions known to their government through free speech, peaceful assembly and petitions for redress of grievances. But they have no right to dictate specific policy decisions from the street.

This is no abridgement of freedom or dilution of the democratic process. It is a practical recognition of the fact that the elected officials—and the president in particular—have a different view of the nation than the man in the street can possibly have. The president's special interest is the welfare of the United States. He cannot become obsessed with the pursuit of a single objective. He must consider every proposed action in the light of its total consequence. And in reaching his decisions, the president has available to him information that must exceed that of the best informed citizen.

This was the case in the infancy of the nation. It applies a thousandfold to the infinitely complex world today.

President Nixon has made it clear enough that he does not intend to turn aside from his obligation to frame foreign policy and to turn that function over to the Moratorium committee. He has said it in his press conference statement. He has repeated it in his reasoned letter of reply to the student who protested Mr. Nixon's press conference remark. But the matter does not end there.

The promise is for increasing pressure, in the form of future mass demonstrations, to force the President to capitulate. The chances are that the moratoriums planned for November and December will prove, in terms of numbers, something of an anticlimax. But it is not unlikely that they will make up in intensity and violence what they will lack in size.

Regardless of the nature or the size of the protest, Mr. Nixon, from all available evidence, will continue to follow the policies that he determines to be in the best present and future interests of the United States. But there is danger that the notion of immediate popular authority, which is being thoughtlessly touted today, will gain such currency that some future chief executive will feel compelled to disregard his constitutional obligations and to turn the decisionmaking process over to that multivoiced, semi-informed, whimsical and indecipherable entity called public opinion.

Presidents can be wrong. That's why protesters, commentators, editorialists and voters were born, The means to correct the problem of human frailty or errors of judgment in high places is indeed vested in the citizens. But the proper exercise of that power is not the bullet, not the brickbat, not the dictatorship of the people.

It is the vote.

SAN FRANCISCO SCHOOLS AND SAN FRANCISCO EXAMINER SUPPORT S. 2625

Mr. MURPHY. Mr. President, on July 15, I introduced the Urban and Rural Education Act of 1969. The San Francisco Examiner, in an editorial, commented on the statement I made when introducing the measure. I ask unanimous consent that this editorial be printed in the RECORD.

In addition, I received a letter of endorsement from Superintendent Robert E. Jenkins of the San Francisco Unified School District. The superintendent said that he was "in complete agreement with the suggestions" incorporated in the Urban and Rural Education Act of 1969. I ask unanimous consent that the superintendent's letter also be printed in the RECORD.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

[From the San Francisco Examiner, Aug. 3, 1969]

THE NEW PATTERN OF SCHOOL NEEDS

Senator George Murphy has put his finger on some of the stark facts of education today in seeking added federal help for schools—rural and urban—with concentrations of disadvantaged pupils. It would amount to $220 million, not much but a start.

He said in a Senate speech, "In our naton's 15 largest cities, the school dropout rate varies from a high of 46.6 percent to a low of 21.4 percent. In three schools in a predominantly Negro area of Los Angeles two-thirds of the students drop out before completing high school."

As for rural areas, "Approximately 415,000 children of migrant parents have been estimated not to attend school on a regular basis . . . There are still about 10,000 one-room schools in this country."

Obviously the money should be put where the need lies. Unfortunately it is not going there now because of antiquated distribution

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formulas. Alan K. Campbell pointed out in the Saturday Review earlier this year that "The tax base in large cities has not kept pace with the most recent growth and changing nature of the school population in the cities."

The tax base of impoverished rural areas is equally distressing.

Although the central city once generated ample school funds as compared with the suburbs, that situation no longer holds. Murphy told the Senate, "By 1965 in the 37 largest metropolitan areas the average per pupil expenditure was $449 for the central city and $573 for the suburbs. All indications are that this expenditure gap is growing dramatically."

That certainly applies to California, as Gov. Reagan recognized in a report to the people last May: "Elementary school district expenditures range from as little as $289 per student per year to $2662." Anyone who calls this "equalization" needs to review grade school arithmetic and develop a sense of proportion.

Federal and state funds must be channeled into those school districts where the demand is for special educational means that cost money in terms of materials and teacher strength. We are glad to hear that point driven home so eloquently by Sen. Murphy on the floor of the Senate.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT, OFFICE OF THE SUPERINTENDENT,
San Francisco, Calif., September 10, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: I have just completed reading the text of the Congressional Record for Tuesday, July 15, 1969. It was very interesting to see how closely our thinking is related to the whole matter of urban education and possible solutions.

I am in complete agreement with the suggestions which are made by you in your introduction to the Urban and Rural Education Act of 1969.

I am sure that you are aware that not only in our city, but throughout the State of California, the present Title I ESEA funds are being used as suggested in your Bill. The major problem, however, is that adequate funds have not been provided by Congress to follow through on the fine suggestions which have been made,

I hope that you will seek the support of other Congressional members so that your ideas can become reality. I shall call this to the attention of other school people to encourage their support of your action.

Sincerely,

ROBERT E. JENKINS,
Superintendent of Schools

PROPOSED REPEAL OF EMERGENCY DETENTION PROVISION OF INTERNAL SECURITY ACT OF 1950

Mr. INOUYE. Mr. President, earlier this year I introduced with 26 cosponsors, S. 1872, a measure to repeal the emergency detention provision of the Internal Security Act of 1950.

I have been pleased and heartened by the number of people throughout the Nation who have expressed to me their support for the proposed legislation. As a sample of the widespread support for S. 1872, I have received resolutions from the following organizations urging that the emergency detention provision be repealed: Board of Supervisors of County of Los Angeles; Monterey Park City Council; Salt Lake City branch of NAACP; Federated Auxiliaries of the International Longshoremen's & Warehousemen's Union; Office & Professional Employees Union, Local 29, Oakland, Calif.; Salt Lake chapter of the Spanish Speaking Organization for Community, Integrity and Opportunity.

I ask unanimous consent that text of these resolutions be printed in the RECORD.

Further, I have received reports that the administration is prepared to oppose the repeal of this law; however, despite repeated inquiries, the administration has not responded to my request and the request of a number of other House Members for a report or a position on this legislation. Therefore, I again urge that early hearings be scheduled on S. 1872.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION BY THE BOARD OF SUPERVISORS, COUNTY OF LOS ANGELES

Whereas, with knowledge of the experience of Japanese-American citizens in emergency detention, we recognize the danger of Subtitle II of the Internal Security Act of 1950 (Emergency Detention Act), to the civil rights of all Americans, and

Whereas, American citizens of all nationalities regret that said part of our recent history, and

Whereas, the Emergency Detention Act provides that, during periods of "internal security emergency," any person who *probably* will engage in, or *probably* will conspire with others to "engage in, acts of espionage or sabotage" can be incarcerated in detention camps, and

Whereas, a person detained under the Emergency Detention Act will not be brought to trial under law, but instead will be judged by a Preliminary Hearing Officer and a Detention Review Board, wherein the detainee must prove his innocence, but the government is not required to disclose evidence or produce witnesses to justify the detention, and

Whereas, said procedures violate all constitutional guarantees and protections and are unnecessary, as existing laws and procedures are available and are completely adequate to safeguard internal security,

Now, therefore be it resolved that this Board hereby expresses its opposition to Subtitle II of the Internal Security Act of 1950 (Emergency Detention Act), and,

Be it further resolved that this Board's position be made known to all members of the Congressional Delegation from the Los Angeles area, with a request that they exert their influence to bring about repeal of the Emergency Detention Act.

RESOLUTION 7384

A resolution of the City Council of the city of Monterey Park recommending the repeal of subtitle II of the Internal Security Act of 1950, adopted on June 10, 1969

The City Council of the city of Monterey Park does resolve:

Whereas, the existence of Title II of the Internal Security Act of 1950 (Emergency Detention Act) provides that, "the Attorney General *may apprehend and detain* any person who *probably* will engage in, or *probably* will conspire with others to engage in, acts of sabotage or espionage," and

Whereas, a person who is detained under the Emergency Detention Act is denied his rights to due process of trial under law; and

Whereas, there exist more effective laws and procedures to safeguard internal security.

Now, therefore, be it resolved that the City Council of the City of Monterey Park requests the Congress to repeal Sub-Title II of the Internal Security Act of 1950.

The City Clerk shall certify to the adoption of this Resolution and is hereby directed to send a copy thereof to Senator Daniel Inouye, Senate Office Building, Washington, D.C.

Adopted and approved this 22d day of September, 1969.

KENNY GRIBBLE,
Mayor of the City of Monterey Park, Calif.

Attest:

LAURA LEE MCMILLEN,
City Clerk.

I hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Monterey Park at a regular meeting held on the 22d day of September, 1969, by the following vote of the Council:

Ayes: Councilmen: Karnos, Kreger, Erambert and Gribble.

Noes: Councilmen: None.

Absent: Councilmen: Lewis.

LAURA LEE MCMILLEN,
City Clerk of the City of Monterey Park, Calif.

A RESOLUTION PASSED UNANIMOUSLY BY THE SALT LAKE BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE—NAACP

Whereas, the NAACP is long familiar with the tyranny that exists where the rights of man and due process of law do not, and

Whereas, the NAACP has long fought to establish the right of all persons to receive their fullest constitutional protection under law, and

Whereas, the arrest and detention of persons in places of confinement solely on the grounds of suspicion and belief without due process of law and without having been convicted of a crime by a jury of their peers is contrary to the beliefs of and abhorrent to the members of the NAACP, and

Whereas, there now exists under the provisions of Public Law 831, 81st Congress; Title II, Section 102, 103, 104 (The Emergency Detention Act of 1950, the possibility of just such arrest of persons and their confinement in detention camps, such camps having already been built, without conviction for crime or due process of law, and

Whereas, Senator Daniel K. Inouye and 22 co-sponsors have introduced Senate Bill 1872 in the United States Senate and Congressman Spark M. Matsunaga and Chet Holifield have sponsored H.R. 11825 in the United States House of Representatives for the purpose of repealing the Emergency Detention Act of 1950.

Therefore, the Salt Lake Branch of the NAACP unanimously resolves to give its wholehearted support to repeal of the Emergency Detention Act of 1950 and urges Senator Wallace F. Bennett, Senator Frank E. Moss, Congressman Lawrence Burton and Congressman Sherman P. Lloyd to work for and to vote for the repeal of an act so contrary to American belief in freedom and justice, and

Further resolves that a copy of this resolution be sent to each Utah Senator and Congressman, and to Senator Daniel K. Inouye and Congressman Spark M. Matsunaga and Chet Holifield to show our support for the repeal of the Emergency Detention Act of 1950, and further that a copy be sent to the Salt Lake Branch of the Japanese American Citizens League that they may know we have committed ourselves to the campaign for repeal.

INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION, FEDERATED AUXILIARIES—RESOLUTION TO REPEAL TITLE II OF THE MCCARRAN ACT

Whereas: The Internal Security (McCarran) Act of 1950 was enacted in the McCarthy era, over the veto of President Truman, who

declared "the act would strike blows at our liberties"; and

Whereas: The International Longshoremen's and Warehousemen's Union (ILWU) Federated Auxiliaries has consistently opposed this Act; and

Whereas: Title II of the Act, known as "The Emergency Detention Act" gives power to the President or his agent to detain persons "if there is reasonable ground to believe that such person will engage in or *probably* will with others engage in acts of espionage or sabotage"; and

Whereas: A person so detained will not be brought to trial, but must prove his innocence before a Hearing Officer. However the government is Not required to disclose or produce witnesses to justify the detention; and

Whereas: With the knowledge of the experience of the more than 110,000 citizens and non-citizens of Japanese ancestry (men, women and children) who were incarcerated, in 1942, in 10 concentration camps without hearing or due process of law because of racism and war hysteria; and

Whereas: In a May 1968 report, the House Un-American Activities Committee recommended use of Title II to detain in concentration camps, militant black leaders; and

Whereas: Senator Daniel Inouye of Hawaii, at the behest of the National Japanese Citizens League (JACL) Committee To Repeal Title II, has introduced Senate Bill #1872 to repeal the Emergency Detention Act, and 23 senators are cosponsors; and

Whereas: It has been and is the consistent policy of the ILWU Federated Auxiliaries to defend and protect constitutional rights and principles of democracy and to fight racism;

Therefore Be It Resolved: That the 14th BIENNIAL CONVENTION of the ILWU Federated Auxiliaries, assembled in Seattle, Washington this 18th day of June, 1969 while re-affirming our opposition to the entire McCarran Internal Security Act of 1950, hereby goes on record to support passage of S. 1872, and

Be it further resolved: That S. 1872 be considered and enacted as separate legislation and not attached to any pending and/or contemplated legislation; that copies of this resolution be sent to all ILWU Auxiliaries for action: that we take appropriate steps to have the various State Legislatures, in which we have auxiliaries, to pass resolutions to memorialize Congress for "DO PASS S. 1872"; to have Brother Al Lannon, ILWU Washington represent us at any hearings that may come up on this issue before Congress; and request Brother Lannon to take proper steps to have our resolution made a part of the Congressional Record; that we reach as many other Women's organizations as possible; to pass similar resolutions and finally that copies of this resolution be sent to Senator Inouye; to The Senate Committee on Judiciary and to the Press.

Adopted by ILWU Federated Auxiliaries 14th Biennial Convention Seattle, Wash., June 18th, 1969.

VALERIE TAYLOR,
President.

NORMA WYATT,
Secretary.

RESOLUTION TO REPEAL TITLE II OF INTERNAL SECURITY ACT BY PASSAGE OF SENATE BILL 1872 AND HOUSE RESOLUTION 11825

Whereas: The Internal Security (McCarran) Act of 1950 was enacted in the McCarthy era, over the veto of President Truman, who declared "the Act would strike blows at our liberties"; and

Whereas: Title II of the Act, known as "The Emergency Detention Act" gives power to the President or his agent to detain persons "if there is reasonable ground to believe that such person will engage in or *probably* will with others engage in acts of espionage or sabotage"; and

Whereas: A person so detained will not be brought to trial, but must prove his innocence before a Hearing Officer, however the government is NOT required to disclose or produce witnesses to justify the detention; and

Whereas: With the knowledge of the experience of the more than 110,000 citizens and non-citizens of Japanese ancestry, who were incarcerated, in 1942, in 10 concentration camps without hearing or due process of law because of racism and war hysteria; and

Whereas: Senator Daniel Inouye of Hawaii, at the behest of the National Japanese American Citizens League (JACL) Committee To Repeal Title II, has introduced Senate Bill #1872 to repeal the Emergency Detention Act, and 23 Senators, including Alan Cranston and George Murphy, are cosponsors; and

Therefore be it resolved that Local 29, Office and Professional Employees Union, AFL-CIO go on record to support passage of SB 1872 which eliminates Title II—the Emergency Detention Section; and

Be it further resolved that we make public this action through every means at our command; and

Be it further resolved that copies of this resolution be sent to the Senate Committee on Judiciary and Senators Inouye, Cranston and Murphy; and

Be it further resolved, that the Senate consider SB 1872 and enact as separate legislation and not attached to pending and/or contemplated legislation; and

Be it finally resolved that similar resolution be sent by our Local on HR 11825, simiiliar legislation introduced by Congressmen Matsunaga, Holifield and many other Congressmen.

RESOLUTION PASSED UNANIMOUSLY BY THE SALT LAKE CHAPTER OF THE SPANISH-SPEAKING ORGANIZATION FOR COMMUNITY INTEGRITY AND OPPORTUNITY—SOCIO

Whereas, it is one of the goals of SOCIO to promote the dignity, integrity and freedom of all persons, and

Whereas, the arrest and detention of persons in places of confinement on the basis of suspicion and belief without due process of law and conviction for crime by a jury of their peers is contrary to the beliefs of and abhorrent to the members of SOCIO, and

Whereas, there now exists under the provisions of Public Law 831, 81 of Congress, Title II, Section 102, 103, 104. (The Emergency Detention Act of 1950) the possibility of just such arrest of persons and their confinement in detention camps, such camps having already been built, without conviction for crime or due process of law, and

Whereas, Senator Daniel K. Inouye and 22 co-sponsors have introduced Senate Bill 1872 in the United States Senate and Congressmen Spark M. Matsunaga and Chet Holifield have sponsored H.R. 11825 in the United States House of Representatives for the purpose of repealing the Emergency Detention Act of 1950,

Therefore, the Salt Lake Chapter of SOCIO unanimously resolves to give its wholehearted support to repeal of the Emergency Detention Act of 1950 and urges Senator Wallace F. Bennett, Senator Frank E. Moss, Congressman Lawrence Burton and Congressman Sherman P. Lloyd to work for and to vote for the repeal of an act so contrary to American belief in freedom and justice, and

Further resolves that a copy of this resolution be sent to each Utah Senator and Congressman, and to Senator Daniel K. Inouye and Congressmen Spark M. Matsunaga and Chet Holifield to show our support for the repeal of the Emergency Detention Act of 1950, and further that a copy be sent to the Salt Lake Chapter of the Japanese American Citizens League that they may know we have committed ourselves to the campaign for repeal.

A TRIBUTE TO ROLLA A. CLYMER, OF EL DORADO, KANS.

Mr. PEARSON. Mr. President, as a part of its Media Appreciation Day activities Wichita State University proclaimed October 4 as Rolla A. Clymer Day.

Rolla Clymer is the editor of the El Dorado Times and I know of no other editor more deserving of this tribute. Rolla has been a towering figure in Kansas journalism and the affairs of the State for half a century. He has contributed greatly to the quality of Kansas journalism. The community of El Dorado and the State as a whole are better off because of Rolla Clymer. And through his lilting prose we have come to see and more keenly appreciate the enduring beauty of the magnificent Kansas Flint Hills.

Mr. President, it was quite appropriate that Clyde Reed, editor and publisher of the Parsons Sun and a distinguished editor in his own right, delivered the principal tribute to Mr. Clymer.

His words are a fitting tribute to this great and beloved Kansan and I ask unanimous consent that Mr. Reed's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF CLYDE M. REED

This university has chosen wisely today to cite Rolla A. Clymer of El Dorado for his contributions to Kansas, to Kansas journalism, to Wichita State itself.

Wisely, because no man is more deserving of the honor, this towering figure of Kansas life for a full 50 years, this master craftsman of the editorial sanctum, this beloved friend of countless Kansans from the lowliest stations to the highest callings within the borders of our glorious commonwealth.

It is a painful but nevertheless necessary duty to issue a warning at the outset of these meager and wholly inadequate remarks about Rolla Clymer. The first rule of journalism, to be objective, will be discarded forthwith. For how can you be objective about this man? Certainly not one who has looked to him for 25 years as a father confessor, who has been given a helping hand over life's rough spots, who has been the beneficiary of encouragement which somehow and unfailingly balances the scales leaning heavily if momentarily in the direction of despair or distress.

There is temptation to call our noble friend the "dean of Kansas journalism." But that doesn't fit. The term "dean" denotes a bit of stuffiness, if one dares to say so here in the midst of ivy and academic tassels.

No one ever has accused Rolla Clymer of being stuffy. No one ever will. That would be slander. He is everything else but. He has spent his life sticking needles into pomposity, deflating the unduly inflated, reducing the self-exalted to earthly and humble measurements.

He is honored here today as the senior practicing editor of his state, not in years alone but in the beauty, the sparkle and the wisdom which have poured forth from his typewriter in prodigious, delightful volume for half a century.

Many, if not most, of his contemporaries in his salad days of Kansas journalism long since have written their "30's" and departed

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for that Valhalla reserved for editors who in mystical fashion have met the weekly payroll, survived the ire of subscribers, dodged the withering wrath of vengeful politicians and yet produced the unsurpassed wit and wisdom found only in newspaper editorial columns.

"Our friend Clymer," as his late and dearly departed comrade, F. W. Brinkerhoff of Pittsburgh, used to call him, has done all of that and more, for he has weathered hell on earth in these recent months in the form of cruel physical adversity and today stands taller than ever in the eyes of his friends and as the editor of the El Dorado Times, the title which fits him best.

The same Rolla Clymer. Who else?

The rollicking Rolla Clymer who wet nurses and hand feeds a diverse stable of mischievous characters in his column of pungent paragraphs quoted so widely. Ham Berger, a thinly-veiled facsimile of the editor himself who gardens ardently and keeps a running score on the natural enemies nailed in defense of this year's radish crop. Or Ham Berger who visits full fury on those who peddle or eat onions and garlic, commodities he considers relentless foes of man's digestive processes and inner serenity, and whose growers are but lickspittles for the producers of assorted breath sweeteners hawked as the saviors of young love via the video tube.

There's Lem Lump, the town ne-er do well who has weightless opinions on all the weighty subjects of the day. There's Old Nosy, the coyote friend from the Hills who keeps the editor informed of happenings seen through carnivorous eyes, intelligence hot off the Bluestem.

The same Rolla Clymer. Who else?

Editorialist Clymer whose genius in words is unsurpassed in Kansas, past or present, only by that of his teacher and early confidant, the late William Allen White of Emporia.

Editorials in the Times are and have been for many years the standards by which all other journalistic output is judged. The style, the rhythm, the vocabulary, not to mention the content, are the products of a master and a perfectionist.

They are at once penetrating and indignant, kindly and humorous, not to mention condemning and forgiving, for Rolla Clymer is a true artist of words and moods as he sits at his easel, the typewriter, and daily composes the editorial canvas which has brought him lasting notice and a succession of recognition and honors.

But it is for his readers he writes. That is the important and only genuine purpose of the editorial.

First and foremost Rolla Clymer knows his town and his people. He has labored in it and among them for half a century, through days of boom and depression, in years that have been alternately rewarding and trying. But always the focus is on El Dorado and El Doradoans.

The late Jack Harris of the Hutchinson News once wrote that if you have to die some time, a reasonable assumption, the best place in Kansas to depart this earth is El Dorado for there are published editorial obituaries without parallel. They are knowingly and tenderly written about the lives and contributions of deceased townsmen, the little people and the leaders alike. The true Clymer touch probably is never better reduced to words than in this exercise of pure human love for fellow man.

Forgiving is this man, too. He can belt in stinging terms the pratfalls from grace of fellow editors, candidates, or, occasionally a combination of both, who are so unknowing and undiscerning as to advocate a severance tax on oil and gas production for the enrichment of the public treasury and the greater enlightenment of the state. But mercy breaks through by the time the last pain of the lashes has disappeared although certain posterior tenderness may still be in evidence. All is right again with the world.

And indignant as well this fellow Clymer can be when the occasion arises.

There was the day that an edition of a northeast Kansas paper was unwrapped on the Times' exchange table and perused by the probing eyes of our El Dorado friend.

A young colleague, with far more courage than wisdom but perhaps pushed for column material on a dull day, had discoursed on the "knobby-kneed steers" which were said to inhabit what were pictured as the rather commonplace Flint Hills.

The reaction was as instantaneous as it was violent. The Clymer typewriter became Mount Vesuvius. Angry smoke belched forth in far greater volume than Gary, Indiana, has ever known. Molten lava rushed northeastward in torrents reminiscent of the black Friday of 1951 on the overburdened rivers of Kansas. The heavens shook. The hapless young man, so perfidiously attacking the Big Beef Steer which abounds in the Kingdom of Butler, and the Hills whose praises Rolla Clymer has sung in memorable prose, was blistered and scorched. He was left to stew in his own juices along the Missouri River mud flats whose detractions from the Kansas landscape were enumerated regularly with clymerian relish in ensuing issues of the Times.

The Hills. The Flint Hills. They have been Rolla Clymer's love ever since he set foot in El Dorado early in 1918, and even before. He has put their virtues into words which promise to live as long as the Hills themselves. He writes gracefully of the unfolding, unending miracles of their changing seasons. They sleep, they wake, they flower into supernal glory, they fade—and then they sleep again.

No one knows the Hills better or cherishes them with more soul-felt affection. None is able to speak of their June loveliness in such eloquence, or with more feeling about the twilight of November "when the light lingers briefly before bidding a reluctant farewell to this ancient land of beauty."

Rolla Clymer, the poet laureate of the Hills, a designation richly earned and beyond challenge—an added dimension of a gifted editor.

The El Dorado Times has been the paper that Rolla Clymer has wanted it to be, for he was fortunate not only to have his own ambitions and ideas but also to have been provided a blueprint by his mentor, "Father" White, soon after he left the office of the Emporia Gazette and the bustle and excitement that marked it as the shrine of small town journalism in America.

The young editor, tried and tested in the mysteries of newspaperdom from hand-blistering operations of the Washington hand press to the marvels of Mergenthaler to the precarious balancing of front office books, moved to El Dorado.

Today it is less than a hour's piece down the Kansas Turnpike from Emporia. In 1918 it may have seemed half a continent away to a youthful mind bent upon a newspaper of its own at last.

Soon followed the gospel from "Father" White. On March 29, 1918 he wrote to his protege embarking upon uncertain seas in what then was a competitive town.

"Of course," advised the Emporia editor, "the first job of the newspaper is to print the news, but on the other hand after you have piled your paper full of names, you must have a policy, and I should say that policy should be the material and spiritual improvement of all El Dorado, and do not forget that the spiritual improvement stands for dozens of things."

Young Clymer was informed that "you may have to tear up your city printing contract, but do it. And you may have to tear up your county printing contract, but do it, and do it in a cold-blooded way. You will find that the confidence of the community in the paper's integrity is worth three times as much as the contracts which you lose. And you will only lose those contracts temporarily, for when your integrity is established, they will come back, and then they will stay with you. A newspaper's good name is its chief asset, it brings not only circulation but power and prosperity. There isn't anything else in the newspaper business as sacred as that axiom. . . ."

And it is on that axiom that the El Dorado Times has functioned and flourished for five decades under the firm, inspired hand of our friend. Rolla Clymer never forgot that advice.

All the while the Clymer dedication to Kansas, his native state, has been total and unbroken. His first brush with printer's ink came in Miltonvale, as the young son of a Presbyterian minister. High school and after-hours newspapering continued in Quenemo, nestled along what Fred Brinkerhoff termed the "uncertain banks of the classic Marais des Cygnes." Then college at the College of Emporia and later at the University of Kansas, a four-year turn on a Democratic weekly—Democratic, it is emphasized—in Olathe, on to Emporia and ultimately El Dorado.

This is a day for Rolla Clymer and for journalism. A recitation of his busy outside life as a citizen, a community and state leader and a doer of all good things in any event is too well known to be enlarged upon here. Suffice to say it is as broad as it is productive. Failure is a stranger in that roll call of accomplishments. Not a total stranger, for he did serve as a Republican presidential elector in 1936, but nevertheless a force most conspicuous by its absence.

Here we gather to honor him, this remarkable and indestructible soul, and honor him we do, glorying in the successes and renown which have been his, but above all, the rich and wonderful friendships with him that stretch over the years in endless directions.

As a younger friend, chosen as I was to deliver the message to Clymer upon this occasion, I hope you will forgive a personal note. But to me, and I hope to you, it expresses simply and movingly what all of us have in our hearts at this moment.

I called our mutual friend, Jim Pearson, in Washington one day late in the summer of 1968 to break the sad news of impending events in Rochester, Minnesota.

There was silence at the senatorial end of the line and then these poignant words:

"Thank God, they can't take his typewriter away from him."

Thank God, indeed.

IMPLEMENTATION OF HUMAN TREATIES

Mr. PROXMIRE. Mr. President, last week I spoke of the report recently published on the treaty making power of the United States in human rights matters. This report, prepared by the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968, presents a detailed argument for the ratification of the three human rights conventions covering genocide, forced labor, and the political rights of women. The report analyzes the two principal problems surrounding implementation:

> For the United States, problems of implementing human rights treaties have two dimensions: the nature of the implementation procedure proved for in treaties themselves and the built in implementation procedure peculiar to the United States arising out of the fact that its treaties are the supreme law of the land.

The report outlines three procedures for implementing human rights treaties:

judicial proceedings, conciliation, and Government reporting. Judicial proceedings are undertaken by the International Court of Justice at the request of a government and are binding on the government requesting the proceedings. In the United States, this procedure is limited to commitments where the Court's jurisdiction does not extend to "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States as determined by the United States."

The second method for implementing human rights treaties is the use of conciliation procedures. These have recently been established by two effective instruments, the protocol to the UNESCO Conventions Against Discrimination, and the Convention on Elimination of All Forms of Racial Discrimination. In each case special committees have been set up which are ready to handle individual complaints. They make suggestions and recommendations which are then summarized in a final annual report.

Government reporting is used to keep members of the Committee of Experts on the Application of Conventions and Recommendations abreast of Government efforts to implement ratified conventions. The committee then uses these reports to make suggestions to the General Assembly on better implementation and enforcement methods.

Mr. President, these three implementation methods, judicial proceedings, conciliation, and Government reporting insure that once the conventions are ratified, adequate implementation procedures will be available. The time for action by the Senate on these three conventions is long overdue. The enforcement procedures are ready for use. Senate action is needed now.

Mr. President, I wish also to clarify one point. I have spoken about the report prepared by the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968. In earlier remarks I referred to this Committee as being appointed by President Johnson. The President's Commission for the Observance of Human Rights Year 1968 was appointed by President Johnson who in turn appointed the able and distinguished W. Averell Harriman as Chairman of the Commission. Mr. Harriman in turn appointed the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year which was headed by former Supreme Court Justice Tom Clark.

THE MILITARY-INDUSTRIAL COMPLEX: A PERSPECTIVE

Mr. GOLDWATER. Mr. President, since the 91st Congress convened last January, we have heard and read literally thousands of words on the general subject of the so-called military-industrial complex. However, I do not believe that anyone has presented this subject in its true perspective any better than did Eugene M. Zuckert, former Secretary of the Air Force, in a recent speech before the Defense and Contract Procurement Administration Conference in Detroit, Mich.

Mr. Zuckert, who has a long experience in Government circles closely associated with the Defense Department, makes an especially important point concerning the critics of the military-industrial complex. He put it this way:

> You are all familiar with the government's long-established policy against undue concentration of economic power in our corporations and you are seeing the grim spectre raised of undue power in the military-industrial complex.
>
> But I have heard no such hue and cry raised against the undue concentration of propaganda power that results from the ideological interlock among our Liberal mass news media and certain faculty members of our universities, and the editors of most journals of opinion.
>
> Yet all too often, in the name of free expression and academic freedom, we find this great concentration of propaganda power attempting to preempt the functioning of the Presidency and the Congress in the field of foreign policy.

Mr. President, we have recently seen a typical example of propaganda power in connection with the recent Vietnam moratorium.

I ask unanimous consent that the full text of Mr. Zuckert's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE MILITARY-INDUSTRIAL COMPLEX: A PERSPECTIVE

(By Eugene M. Zuckert, former Secretary of the Air Force)

For twenty-five years I worked in a variety of capacities to help build a proper and productive relationship between government and industry—a relationship necessary to meet the needs of our national defense. Today I am saddened. That relationship has been misunderstood, has been criticized, has been denigrated, and the term "military-industrial complex" has been used as a mark of opprobrium. This has been true even though it took the same skills and the same resources of the very same complex to produce the much-applauded Apollo 11.

How and why has this come about?

What I hope to do this evening is to give you some views, based on my own experience, what I believe lies behind the public controversy which now pours more heat than light on the problems of our national defense and defense establishment.

I am proud of the Defense Establishment of today, that I have had some share in building it to its present level of effectiveness. But, at the same time, I am not blind to the faults, the failings and the built-in inefficiencies that one can find in the Defense Establishment or in any huge organization, particularly one which does not have to sell its products to the public to stay in business.

I have spent good part of a lifetime looking for those faults and for ways to correct them. I only wish that the current critics of the Defense Establishment were looking sincerely for genuine faults and positive corrections. But basically, that is not at all what the most vocal of the critics are after.

What is the thread of the allegations against the military and its supporting industry? It goes far beyond a concern for the proper level of military expenditures. There is an underlying charge that a conspiracy exists among our military and the defense industry that results in wasteful spending for arms with consequent profits to industry and an inordinately swollen military posture. For that running start, the charges fan out and derive nourishment from sensationalized treatment of a variety of examples of mistakes and inefficiencies, real or alleged.

At the same time, a whole host of newly qualified military experts spring up on all sides; there is a startling discovery that the military has run wild because of perfunctory scrutiny of the defense budget. That is particularly ironical to me because I recall the vigorous McNamara budget process. The fashionable criticism in those days was that our military suffered an excess of civilian control with a resulting downgrading of experienced military judgment.

It is my considered judgment that the current furor over the military industrial complex is really an attack on an unpopular war. Wasn't it Arnold Toynbee, the great historian, who said that war weariness is a most useful tool for dictators and demagogues? The critics of the Vietnam war have been raging on the Potomac since 1965, and they are not likely to subside soon. The professors, politicians and pundits who are already in the fray are enjoying it immensely, and they have friends who also are bound to claim "a piece of the action."

There is a long list of things which the storm over the military industrial complex is not:

It is *not*—as advertised—a Great Debate over American Defense and Foreign Policy. A Great Debate, in my opinion, is desperately needed. But this isn't it.

It is *not*—as some claim—a popular uprising against militarism and procurement hanky-panky in the Pentagon. Waste there is and always will be. But these critics are opposed to the Defense Establishment no matter how well run.

Nor is it—as claimed—a "concerned dialogue" over national priorities. How can you have a "dialogue" on whether we should have obsolete weapons systems or higher vertical slums? The two serious problems deserve serious attention, not rhetorical flimflam.

What we're experiencing is not even a rational discussion of the weapons systems our current national defense posture requires. One cannot find in all the arguments an effort to define our needs and then measure the Defense Establishment against the requirements.

Superficially, the controversy over the military-industrial complex might seem to arise from any or all of these issues, depending on what syndicated column or Washington newsletter you read.

But don't you believe it. All the sloganeering just doesn't add up: How we must reassess our national priorities by cutting back our defense expenditures; how we have to get the military under civilian control; how we are headed down the road to militarism and fascism.

The controversy over the military industrial complex is the same tired old combination of *unilateral disarmament* and pious hopes that we have seen played on the Washington circuit off and on for well over a quarter of a century! The young ones don't know it, and the old ones too often have forgotten, but we've seen and heard it all before.

To be sure the format has been updated. Now it's a kind of ideological Western. The military industrial complex is cast in the role of the bad guys. Forty years ago it was the "Merchants of Death"—but the plot was the same.

All reasonable persons can applaud conscientious dispassionate inquiry into and search for evidence of stupidity, incompetence, favoritism and waste in military procurement. Responding to such inquiries is a legitimate part of the job for the uniformed and civilian Defense leaders who must defend their management before Congress.

The cost of the C5A transport or blunders

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on the Cheyenne helicopter and the effectiveness of the supertank—these are all appropriate subjects for Congressional investigation by the able committees charged with that responsibility.

But what I regard as dangerous and illegitimate is the highly organized and furiously pressed propaganda assault on our defense institutions disguised as a selfless effort by "concerned" intellectuals to save the nation from takeover by an alleged combination of defense industry profiteers and a war-minded military.

There are some who may say this merely is symptomatic of the malaise of our times—part of the current attack on so many of our established traditions and institutions. There are some who will insist that a better-educated and more enlightened populace has finally risen in righteous wrath and indignation against a longtime evil.

Actually, however, the scenario is old hat. It was first staged in the early '30s by a curious combination of far-out Liberal intellectuals and a group of Republican isolationist Senators of that era. The isolationist Senators just did not want the United States in any more European wars. Some of the involved intellectuals believed that the French and British were about to join with Hitler in common cause against Russian communism. But whatever the motivations, and they were mixed, everybody in the combination wanted to make sure that Wall Street and the munitions-makers of World War I were blamed for whatever past, present or future problems could be claimed.

So what played the Washington circuit then was a truly memorable extravaganza. A Senate Committee (to become famous as the Nye Committee) set out to investigate the relationship between Wall Street and American War profiteers and munition-makers who stood accused of having dragged the United States into World War I. The production played to standing room only. It received tremendous publicity and developed a new "devil image" for Wall Street and American Big Business, the evil.

Congress rushed to pass the Neutrality Act of 1935. Free from the machination of the Merchants of Death we were all, presumably, safe.

Sure we were—until the roof caved in on us at Pearl Harbor.

Today, many of the players are different. But the arch-villain is the same—something called this time the military industrial complex.

But what the nation could endure in the peaceful, nonnuclear '30s becomes an irrational luxury in the nuclear, cold war '60s. We Can see the danger now that a colossal demonstration of pacifist sentiment may well lead to hasty and ill-advised actions designed to fetter our defense establishment and impair our defense posture. This, in turn, could be misread as a sign of our weakness, and it could trigger the very confrontation that the anti-military group presumably wants to avoid.

Does this sound far-fetched? I don't think so. Let's look at what happened in the '40s, the '50s, as a result of so-called "popular demand":

Remember the frantic demobilization of our fighting forces and the defense industry we had built to meet the needs of World War II? We paid heavily for that spasmodic reflex to strident, fomented hysteria. I had a ringside seat at the anti-military fights that went on before, during and after that struggle. (I was then Special Assistant to Stuart Symington, Assistant Secretary of War for Air.) The critics hastily cut the armed forces and just as hastily rebuilt them for Korea.

In 1949 I watched the late Defense Secretary, Louis Johnson—acting under Presidential orders to economize—cut the military budget to the bone. That was the year when Russia developed her own A-bomb, on which *we* were supposed to have a monopoly for at least twenty years.

It took the communist invasion of Korea in 1950 to teach us the hard way that the ill-considered demobilization and disarmament after World War II was a disaster never again to be invited.

That's when we started, painfully and expensively, to rebuild the defense establishment we had deliberately and ruthlessly wrecked.

The furious controversy over our development of nuclear and thermonuclear weapons compounded the difficulties of recapturing and rebuilding our initiative in nuclear technology. This was brought home to me when I served as an Atomic Energy Commission member from 1952 to 1954.

I went back to the Pentagon in January of 1961 as Secretary of the Air Force under a truly great Secretary of Defense—Robert S. McNamara. During that tour of duty, in the Administrations of Presidents Kennedy and Johnson, I saw the Defense Establishment revitalized in muscle and posture.

There was a sharp break with former Treasury Secretary Humphrey's insistence that a balanced national budget must be accorded priority over the requirements of national security.

A defense policy based on the Dulles doctrine of massive retaliation was replaced with President Kennedy's posture of "flexible response" to aggression.

He made a unique contribution of great permanent significance in substantially improving the quality of information that forms the basis of the decision process in the Pentagon.

And probably most important, Secretary McNamara made giant strides toward the nation's goal of actually unifying the missions of our armed forces which the Unification Act, as amended in 1958, called for.

Secretary McNamara put together a defense establishment under civilian control of which the nation can be proud. And he established the elements of the sound and proper relationship between our military leadership and the nation's defense industry which I devoutly hope will endure in the years ahead.

This is only part of what is being threatened today.

In Vietnam our soldiers fight in a war that could well be won for the enemy on the propaganda front at home. Right here.

In the new concept of revolutionary warfare—between an open society like ours and the closed systems of Russia, China and North Vietnam—our public opinion environment becomes the decisive battleground. Both Ho Chi Minh and General Giap have repeatedly declared that the propaganda front of American public opinion will be the threater of the final and decisive communist victory in the Vietnam War. You may be sure they have taken great care to secure Hanoi's homefront against the kind of disruptive tactics which are a daily occurrence here.

In North Vietnam, offenses such as "disrupting public order," speaking against the war, staging student demonstrations or "undermining the solidarity of the people" draw penalties ranging up to life imprisonment and death.

None of us would want to see any of our freedoms so constrained. We must use self-restraint as we exercise our hard-won rights of free speech. And we must face realities. We must understand that a major war goal for Ho Chi Minh and General Giap is a psychological one—the dramatic and enduring humiliation of the United States with a significant influence on the shadow and substance of American power, particularly in Asia.

For the President (any President) and the Senate (any Senate) Vietnam presents an issue of American foreign policy which will *not* be solved simply by bringing our troops home in a blind rush.

Vietnam is a test of the Truman Doctrine, established in 1947 by a Democratic President with the solid approval of the Republican 80th Congress. A defeat for the policy in Vietnam will invite similar challenges elsewhere.

These are strange times indeed. The Democratic Party seems to be abandoning the Truman Doctrine. The stance of many of its leaders in the fight against deployment of an ABM carried overtones of a reversion to the Dulles policy of "massive retaliation." Some of the Liberal intellectual rhetoric sounds like an echo of the old arch-conservative rallying cry of "Fortress America."

I don't get it.

One thing I do get. Inevitably and unavoidably, in the absence of clearly defined policies or clairvoyance of the future, the military establishment must plan to fight almost every kind of war that could be thrust upon us.

Another anomaly. So many ardent supporters of the late President Kennedy are now enthusiastic participants in the campaign against the Vietnam War and the off-shoot crusade against the military industrial complex. Have they forgotten the words of President Kennedy in his Inaugural Address? He said:

"We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed."

I haven't forgotten.

You are familiar with the government's long-established policy against undue concentration of *economic* power in our giant corporations and you are seeing the grim spectre raised of undue power in the military industrial complex.

But I have heard no such hue and cry raised against the undue concentration of *propaganda* power that results from the ideological interlock among our Liberal mass news media and certain faculty members of our universities, and the editors of most journals of opinion.

Yet all too often, in the name of free expression and academic freedom, we find this great concentration of propaganda power attempting to preempt the functioning of the Presidency and the Congress in the field of foreign policy.

Just as the interpreters of the Constitution have concluded that the economic freedom guaranteed to us does not include the power to monopolize or near-monopolize to the detriment of all of us, so I believe that the freedom of speech guaranteed to us by the Constitution does not intend that any group of like-thinkers should spawn a complex of *Propoganda* power—a complex so potent in our kind of society today, that it makes the economic weight of the military and industry seem puny by comparison.

As a lawyer and a Liberal Democrat I am dedicated to the principle of free speech. As a longtime public servant I've taken the oath to support and protect the Constitution of the United States which guarantees that freedom. But I've also had some responsibility for the preservation of the security of this country and for equipping our young people for modern warfare and assigning them, men and arms, to battle in far-flung places.

Small wonder then that I cannot accept that "anything goes" under the banner of free speech and academic freedom.

In an age of instant and all-pervasive mass communications a pressure-group democracy such as ours should not, dare not, permit the exercise of a form of monopoly propaganda power over the public dissemination of information.

Since 1959, the propaganda power conglomerate has accomplished much. And much that is not good.

It has pre-empted the Constitutional role of the President as the nation's voice in its foreign affairs. *Challenged* and influenced by indirection the President's powers and responsibilities as Commander-in-Chief. *Systematically eroded* the nation's will to defend its interests and its capability to wage modern warfare. *Convinced our enemies* as well as our allies that our Constitutional anarchy is an open invitation to calculated aggression or institutional subversion.

We have seen an effective, powerful and liberal President practically driven from office, the Truman Doctrine discredited as a basic American bipartisan policy, the credibility of the Kennedy doctrine of flexible response to communist-supported "wars of national liberation" undermined.

And once again we have a defense establishment with morale impaired, its competence, integrity and effectiveness challenged.

There are those who profess to believe that it is the government, particularly the Defense Department, which is trying to monopolize public information. Persons who believe this do not understand the real world of information. A government can only make information available to the news media. It cannot hide information. There are no secrets from a hard-working press. The government, day-in-day-out cannot even communicate directly with the public. It must do so through privately owned news media which transmit the information or ignore it or reshape it as it sees fit. In our society, the government cannot monopolize information; only a combination of news media can do that.

I base my opposition to the concentration of information power on the danger it poses in our kind of open society, but I also would like to point out that the record of the people who enjoy this great power today is very poor on the basic foreign-policy challenge of this century. Our great problem is to survive with our free institutions in the face of a Communist movement that wants to change our institutions. It has been well demonstrated that alert and firm American leaders can check the Communist, but it also has been well demonstrated that too many of the persons who dominate the information media today are neither alert nor firm. To put it bluntly, they are starry-eyed in a world that is tough and realistic about power.

I believe that with strength and skill we can indeed negate the aggressive Communist power and gradually arrive at live-and-let-live agreements so indispensable in a world of nuclear weapons. But it won't be easy and it won't be quick. And it won't come at all if we follow the lead of the writers, the professors and the politicians who seek us to disarm, be sweet, hope for the best.

What these people are really doing is assuring us that they can predict the future and that the future will pose no problems to us that cannot be handled with good will. No problems in our hemisphere, no problems in Europe or Africa or Asia which will threaten our interests and which cannot be handled with clever phrases.

That's just not the real world. The institutions of enlightened societies are all too often changed by the physical power of some group of men of ill-will. Often the power need not even be used. Its existence, its implied threat of use, can change the governments of other countries.

There is nothing in the record of the Communist countries to indicate that they are ready to bubble over with good will if only we will disarm ourselves and talk to them nicely.

The historic fact is that we have treated the Soviet Union with considerable generosity. In the early '30s we as a country tried to be decent to Stalinist Russia at a time when many other leading nations wouldn't recognize the Communist government. We helped defend the Soviet Union during World War II when we could have stood back and watched the Nazis and Communists chew each other to bits. We gave the Soviet Union a free hand in Eastern Europe. We offered to share our nuclear secrets with her.

It would be hard to convince anyone that our restraint has brought increased civil liberties, free speech, academic freedom and anything else good to any group of human beings. But firmness has. Those who remember way back into the late '40s will recall that some of the greatest democracies in Europe were about to lose their freedoms under Communist pressure. There were no overt threats of Soviet invasion, merely the existence of power on one side of the Iron Curtain and weakness on the other. By placing our power on the side of Western Europe we blunted the threat.

Now, some of the critics of the defense establishment may well claim that this is not what the so-called dialogue is all about. They don't want to knuckle under to Communist pressure; they merely want to deprive American militarists of unneeded money.

One would have to be very young, quite oblivious to history or short on common sense to believe this. The campaign of these intellectuals adds up to isolationism and pacifism or it adds up to nothing. If they were sincere about wanting to improve the military establishment, wanting to get the best defense for the dollar, wanting to tailor our arms to our potential needs, then the current debate would be changed drastically.

Let me emphasize that I believe that the military establishment does need change and improvement. And let me also offer some specific areas in which truly concerned people can carry on fruitful discussion. I don't have instant answers to the issues which I will list here, but I can assure all of you that there will be profit to our nation and to our freedom if we address these issues in a responsible way.

1. *Our Foreign Policy Philosophy and Posture.* If our international role is to be one of *pacifism* in isolation the people of the United States should know that fact from their elected representatives. They should not have to rely on contrived concensus. If it is to be *isolationism* in *Fortress America* they should know the implications from their elected representatives.

If our elected representatives believe that our true course lies in a responsible *international* role, then a rational dialogue should include such questions as these: What values—material, moral, spiritual—are we prepared to fight for? . . . Real estate? Access to vital resources? The values of the Judeo-Christian civilization? National honor?

This question—What are we prepared to fight for?—arises in many forms. In the Middle East. Israel. West Berlin. Africa. Latin America.

Rational dialogue would develop a viable and credible foreign policy, a realistic defense strategy and a stable defense planning and funding policy.

2. *Can we, in this day and age, develop a bipartisan foreign policy matrix?* The creation of West Germany, the Berlin Airlift, the Marshall Plan, the Japanese Peace Treaty are milestones of bipartisan cooperation. I believe it could work for us again. Perhaps a Special Commission, consisting of members appointed by the President, the President of the Senate and the Speaker of the House might be able to develop such a matrix by 1972.

3. *How do we avoid undermining the homefront in a real albeit undeclared shooting war?* The Founding Fathers just never had to consider the possibility of limited and undeclared wars in which the propaganda front is as vital as the military front. But these struggles constitute a fact of life in our times. Perhaps (when American Forces are actively engaged in some undeclared conflict) it might be possible to have, say, a "State of Belligerency" proclaimed. When our men are asked to risk their lives on a foreign field of battle, can the rules at home be the same as in peacetime?

4. *Should there be a ceiling on the Defense Budget?* There may be ways of stabilizing the Defense budget. There is merit in the idea that the President place his prestige behind a determination that there be allocated a certain percentage of the Gross National Product to national defense under conditions of "normalcy." In conditions short of formally declared war or a Special State (such as Belligerency) the percentage of GNP could then more likely be held firm, regardless of what political party may be in office.

5. *Why not periodic review of our Commitments and Contingency Plans?* Some steps are already being undertaken by a subcommittee of the Senate Foreign Relations Committee under Senator Stuart Symington. It is a highly constructive idea, long overdue, and it can produce reasoned, dispassionate conclusions. After all, the level of our Defense expenditures is based primarily on the number and nature of our foreign commitments—not on the pie-in-the-sky desires of the generals and admirals.

6. *Why should not concerted effort be made to improve the military reality and thereby the Military Image?* Technology has changed the face of war. Propaganda has created a new dimension of war in a clash between our open society and a closed system. Our Armed Services should be encouraged to modernize their philosophy, doctrine and education curricula.

Perhaps impartial civilian review of procurement policies and practices on a periodic basis under any Administration would be a step forward in this direction. But, more important, starting with the Service Academies, the military services must make concerted effort to build leaders with an understanding of the separate and combined roles of *all* the Armed Services. The ability to communicate modern military values to men under their command should be encouraged and nurtured as an essential of military leadership.

7. *Rapport between the Business Community and the Intellectual Community.*[1] In what remains of the century there will be a reengineering of the nation's social, economic, educational, military and political institutions. Industry—the productive core of the "complex" we've been talking about—*must* help solve the problem of achieving equitable distribution of abundance while preserving basic free institutions.

Like industry, our intellectual community is indispensable to this effect. There ought to be a cease-fire in the cold war between the intellectuals and business which has been going on for much too long. Each needs the other in the common cause.

I could go on, but these few agenda items will show that there is real need for a concerned public discussion.

Because this is a world where widespread unrest and conflict are manifest against the background of the unsolved and growing problems of nuclear weapons, I close with a note of warning sounded by the late President Kennedy in his first State of the Union Message. Listen:

"I speak today in an hour of national peril and national opportunity. Before my term has ended we shall have to test anew whether a nation organized and governed such as

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[1] This subject was considered in detail in my Stanford Business Conference speech of February, 1967.

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ours can endure. The outcome is by no means certain."

That test of our survival is now upon us.

GUN CONTROLS WORK

Mr. TYDINGS. Mr. President, before, during, and after the enactment of the gun control bill in 1968, critics have persistently claimed that gun-control measures would have little or no effect upon crime. Proponents of these bills, on the other hand, have repeatedly pointed out that gun controls will provide a significant aid in the deterrence and apprehension of criminals.

Most gun-control laws are new; our Federal law is barely a year old. The empirical evidence is not finally proven either side correct yet. But there are strong indications, mostly from the result of local laws, that gun-control measures do have a significant impact upon the level of crime.

Last week's Wall Street Journal reported one such instance of the effectiveness of gun laws. Toledo, Ohio, enacted a gun ordinance in 1968 and violent crimes dropped 31.5 percent from the first half of 1968. Meanwhile the national violent crime average rose 9 percent. Here is what the Chief of Police in Toledo says:

> The sale of cheap guns is down to nothing. The punk who walks down the street, buys a gun, and knocks off a gas station—that's all been eliminated.

The mayor of Toledo agrees—he credits a general police and court crackdown also, but adds:

> You just know that the unavailability of guns has got to be a big factor.

Other cities are following Toledo's example: Wichita, Los Angeles, Dayton, Cleveland, Baltimore, and Cincinnati. I think the evidence is pretty clear: gun controls work.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Curbing Firearms: Violent Crimes Drop in Toledo After It Gets Law Controlling Guns—Total off 31.5 Percent in First Half—Results Less Encouraging in Other Cities With Curbs—Cheap Pistols Sales Slashed

(By Jerry Landauer)

Toledo.—This city of 400,000 on the western tip of Lake Erie was once known as the gun capital of the Midwest. Firearms of all kinds could be bought at jewelry stores, gasoline stations and pawn shops. Gun dealers hawking pistols for as little as $4.95 vied for choice locations along roads leading in from Detroit, where controls were stricter. The crime rate soared.

The state legislature declined to restrict the trafficking in lethal weapons despite repeated appeals from Toledo officials. So in August 1968, the city council enacted an ordinance aimed especially at the sale of "Saturday-night specials"—cheap guns toted by holdup men to terrorize merchants on busy weekends. The ordinance prohibits anybody in the city from keeping or obtaining a pistol, revolver or other handgun without a license from the police.

At the time, few law officers believed the ordinance would reverse the city's mounting crime rate; unlicensed residents can still buy outside the city limits. But whether because of the gun-control law or because of other anticrime measures or even mere chance, crime is abating here while still surging higher in most cities.

DRAMATIC STATISTICS

This development shows up most dramatically in statistics released late last month by the FBI. For the nation, the violent crimes of rape, murder, robbery and aggravated assault—armed or otherwise—rose 9% in the first six months of 1969 from the like period last year. But in Toledo these violent crimes dropped 31.5% from the first half of 1968. "We're the only major city which shows such a dramatic decrease," exults John J. Burkhart, the city's chief counsel.

Indeed, crime in most other cities that have adopted gun controls, such as Washington, D.C., continues to move up pretty much in step with the national pattern. "Even if firearms were totally eliminated," contends a gun-control foe, "other weapons would be substituted."

However, crimes committed with a gun in Philadelphia have dropped since that city adopted a licensing law in 1965, even though the law exempts firearms owned at the time. In New York, Mayor John Lindsay credits gun laws with keeping murder rates low; despite its rising crime, New York often ranks lowest among the 10 largest U.S. cities in number of homicides per 100,000 population.

But Toledo's experience is unique. It may be traceable in part to special restrictions on gun dealers as well as owners, to a tough, well-publicized court crackdown on violators of the control law and to other city efforts against crime.

CRIME CATEGORIES ANALYZED

Whatever other factors may enter in, gun-control advocates insist that a close look at developments in major crime categories here supports their case:

In the year before the ordinance was adopted, Todelo's police counted 422 aggravated assaults, with guns and without; these include shootings, stabbings and other attacks intended to maim or kill. In the year after enactment, the number of such attacks dipped 9% to 385. But the assaults with guns dropped much more steeply—from 152 to 83, or 45%.

In the year before the ordinance, 36 people were murdered, 22 by handguns; in the following year, murders totaled 14, of which eight were by gun. (Because murders with other weapons dropped at roughly the same rate as murders with guns, it's possible that some factor other than the control law may be at work.)

Robberies both armed and unarmed dropped from 1,188 in the year before gun control to 798 in the next year, a decline of 33%. But gun robberies dropped even more sharply—from 350 to 160, or 54%.

RIFLE GROUP'S VIEW

Statistics can be tricky, of course. Woodson D. Scott, a New York attorney who is president of the National Rifle Association, an opponent of most gun control, says: "The statistics only prove that the statistics are down. In terms of cause and effect, it doesn't prove a thing."

The unexpected crime statistics have sent city counsel Burkhart scrambling to recheck them. "I've gone over every possible angle to see whether there might have been a mistake. I can't find any," he reports.

"I'm as much puzzled as anybody," Mr. Burkhart adds, noting that Toledo enacted its ordinance primarily to persuade the legislature that gun controls can be imposed with little inconvenience and minimum intrusion on citizens' rights. "It was really an effort to sell the General Assembly," says the city counsel. "I didn't think we'd be able to make an impact on crime in less than three or four years."

His caution in checking and interpreting the statistics arises partly from the gun law's relatively lenient licensing standards. Unlike New York's Sullivan Law, the Toledo plan doesn't require residents to show good cause for possessing a gun. Instead, the police must issue a numbered "handgun owner's identification card" costing $3 and good for three years to all applicants except fugitives, minors under 21, certified mental cases, narcotics addicts, habitual drunks or people who have been convicted twice in the past year of crimes involving the use or threat of force.

So far the police have issued 16,000 ID cards; roughly 100 applications have been rejected. It also seems likely that some people have been deterred from buying guns because, for various reasons, they did not want to apply to the police for a license.

Police Chief Anthony Bosch reports the law has had a harsh effect on gun dealers who formerly sold to almost any cash customer. One such dealer ran Toledo's biggest gun store in a seedy neighborhood on Jackson Street just five minutes from Interstate Route 75 linking Toledo and Detroit. In one nine-month period, his register rang up sales of 16,000 guns, including 5,500 to residents of Michigan who couldn't legally buy at home without a police permit (the revolver used in the highly publicized 1966 synagog slaying of Detroit Rabbi Morris Adler came from Toledo). But now, along with perhaps half the other gun outlets in town, the big store stands abandoned.

Besides the Toledo gun law's licensing provision, it requires detailed monthly gun sales reports to the Toledo police. It also prohibits selling to out-of-towners who aren't armed with authorization from their local police chief or sheriff.

SEVERE SENTENCES

"The sale of cheap guns is down to nothing," Chief Bosch says. "The punk who walks down the street, buys a gun and knocks off a gas station—that's all been eliminated."

In municipal court, Judge George M. Glasser says severe sentencing of violators may be another reason for the gun law's apparent effectiveness. Already, court records show, city judges have packed 37 people off to jail (the average is 90 days), mainly for possessing a gun without a license. In addition, judges have imposed 27 fines ranging from $25 to $1,000.

"The word is out that you can't just carry a gun around here without doing days in the workhouse," says Chief Counsel Burkhart, praising newspapers, radio and television for publicizing the court crackdown.

(In contrast to Toledo, crime-ridden Washington can impose penalties no harsher than 10 days in jail or a $30 fine—the maximum allowed by Congress. So far there have been no prosecutions.)

In the mayor's office here, square-jawed ex-Marine William J. Ensign cites other measures that may have helped bring crime down. He points to improved street lighting; an expanded, improved police department; an active program to prevent juvenile crime; an ordinance making it a crime to harass or abuse school children or newsboys; more effective probation and parole procedures, and a 4,000-member citizens group that distributes cards pledging people to cooperate with the police whenever possible.

INQUIRIES FROM OTHER CITIES

Mayor Ensign also feels sure that the gun law helps a lot. "You just know that the unavailability of guns has got to be a big factor," he observes. Officials in other cities think so, too. The drop in crime here is drawing inquiries about the Toledo ordinance from Wichita, Los Angeles, Dayton, Cleveland, Baltimore and Cincinnati.

As these inquiries suggest, the gun-control controversy agitation in Washington and

in state capitals is losing steam. Last year, of course, Congress banned mail-order sales of all firearms across State lines except to licensed dealers and prohibited dealers from selling handguns over the counter to out-of-State customers. One hope was to encourage state and local governments to enact stricter controls.

One Federal official who has urged local authorities to act is FBI Director J. Edgar Hoover. He has said: "I see no great problem to the individual in requiring all guns to be registered, if the owner has nothing to hide and if he is a law-abiding citizen."

But some local policemen oppose municipal gun controls. Deputy Chief Lloyd Forbus of the Columbus, Ohio, police force, for example, asserts that the possible crime-curbing effects of local gun-control laws don't justify violating a cardinal principle of the National Rifle Association—that restrictions should be aimed only at those who misuse firearms. Mr. Forbus is an NRA member and serves as a sales manager for a gun wholesaler in his spare time.

Many hunters, marksmen and gun collectors remain convinced that ordinances such as Toledo's will eventually disarm the law-abiding citizenry.

DR. N. EDD MILLER, PRESIDENT, UNIVERSITY OF NEVADA

Mr. BIBLE. Mr. President, for many years I have been telling everyone who would listen that the young people of Nevada differ somewhat from the accepted image of youth nationwide. It is not that they are necessarily more liberal, or more conservative. They are simply more independent. And they are very special, indeed.

An excellent example was provided late last week when more than 2,000 students at the University of Nevada's Reno campus equipped themselves with bullhorns, picket signs, and fireworks to stage a mass demonstration on the lawn in front of the administration building.

There is nothing unusual about a campus demonstration, but this was different—perhaps even unique—in one respect: the students were demonstrating for the university president.

Dr. N. Edd Miller is one of the West's most respected educators. Since arriving on the Reno campus in 1965, he has earned the respect and admiration of the university for his imaginative, innovative approach to the educative process. And since assuming the presidency last year, he has demonstrated a remarkable ability to lead a large center of learning. He maintains open lines of communication with the student body. He listens well, and he is flexible.

So the students' desire to arrange an appropriate tribute was understandable. But this was no ordinary tribute. A mass rally, involving hundreds of participants, requires detailed organization and planning. Moreover, it was hoped the demonstration would come as a complete surprise to Dr. Miller.

It did indeed, and the result was both spontaneous and heartwarming. Dr. Miller, visibly moved, was treated to a 24-gun salute and a number of testimonial speeches from student leaders. Later, at a luncheon in his honor, he received a plaque and his wife was given a bracelet. Then a police escort took the couple to the airport to begin a student-paid weekend in San Francisco.

Mr. President, I have never been prouder of my alma mater than when I learned of this splendid tribute to the university's president. The action by the student body represents an example of the high and affectionate regard in which he is held.

Saturday's editions of the Washington Post gave prominent feature to a United Press International story on the testimonial rally. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reno Students Stun President—Demonstration Is For Him

Reno, Nev., October 17.—Dr. N. Edd Miller, president of the University of Nevada at Reno, works an 11-hour day that starts at 6:30 a.m.

As he drove to work in the pre-dawn darkness today, he sensed something amiss.

When he reached the main gate of the campus, he saw a crowd of 2,000 students massed on the lawn. They carried bullhorns and picket signs and banged on garbage can lids. Fireworks crackled in the gloom.

In the din Miller heard people cheering. As the crowd surged forward he was able to make out the signs:

"N. Edd Miller Day."

Chanting, "We want Edd," the students took him to the administration building, where he stood blinking back tears while student body president Jim Hardesty said, "We want you to know the appreciation we have for you."

The students had been working in secrecy on "Edd Miller Day" for days.

An ROTC squad fired off a 24-gun salute. A thousand helium-filled balloons sailed into the sky as Miller went to lunch, where he was presented a plaque and his wife was given a bracelet.

Student leaders read dozens of telegrams they had solicited from friends and educators around the country. Harold's Club sent over a cake big enough to serve 400—but it was far too small.

Miller is "a giant of a man to those who know and work with him," the student newspaper, Sagebrush, said in an editorial.

Miller, a 49-year-old former speech professor, came to the Reno campus in 1965 and became president in 1968. He has been a strong supporter of student government, which he feels helps prevent campus turmoil.

After the lunch, a police escort took Miller and his wife to the airport for a student-paid weekend in San Francisco.

"Aside from being married, this is the nicest thing that ever happened to me," he said.

TAX REFORM ACT of 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, on Thursday, October 16, the Committee on Finance met in executive session and announced decisions with respect to the portions of the Tax Reform Act of 1969 which revise the tax treatment of financial institutions and which extend the income-tax surcharge at a 5-percent rate through June 30, 1970.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Committee Decisions, Tax Reform Act 1969: 5 Percent Surtax Extension—Financial Institutions

The Honorable Russell B. Long (D., La.), Chairman of the Senate Committee on Finance, announced today that the Committee was nearly a full day ahead of schedule in its effort to complete action on the Tax Reform Act of 1969 and ordered the bill reported to the Senate by October 31, 1969. By completing action on the portions of the bill which revise the tax treatment of financial institutions and by acting to extend the income tax surcharge at a 5 percent rate through June 30, 1970, the Chairman observed that some of the most difficult work of the Committee was now done. He expressed confidence that the Committee would finish its work in executive session and order the tax reform legislation reported by the agreed-upon date.

The full description of the Committee's decisions follows:

FIVE-PERCENT SURTAX

The Committee agreed with the House of Representatives and with the administration that the income tax surcharge should be extended for an additional 6-month period—through the first half of 1970—at a 5 percent rate. Provisions to accomplish this result are already contained in the House bill. The extension of this surtax through June 30, 1970 involves $3.1 billion in additional revenue.

FINANCIAL INSTITUTIONS

The Committee agreed with the House of Representatives that the tax benefits presently available to banks, savings and loan associations and mutual savings banks should be scaled down. However, the Committee concluded that rather than fix permanent rules for the future, as the House bill would do, it would be preferable to scale down the tax advantages in such a way that the matter can be reviewed again in a few years in the light of conditions as they exist at that time.

COMMERCIAL BANKS

Under present law commercial banks are allowed to make tax-deductible additions to bad debt reserves up to 2.4 percent of their outstanding loans. The House bill would have substituted for this bad debt reserve treatment a new system under which future additions would have been based on the bank's actual loss experience calculated over a six-year period. The Committee on Finance decided that in lieu of the approach taken by the House it would be preferable to reduce the 2.4 percent ceiling on bad debt reserves to 1.8 percent. Banks with current reserves in excess of 1.8 percent would begin paying greater taxes in 1970 just as they would have under the House bill.

SAVINGS AND LOAN ASSOCIATIONS; MUTUAL SAVINGS BANKS

The Committee approved the provisions of the House bill repealing the so-called "three percent" method for computing additions to bad debt reserves of mutual thrift institutions.

It also agreed to reduce the special deduction of 60 percent of taxable income (for amounts added to bad debt reserves) to 50 percent over a four-year period. (The House bill would have reduced the 60 percent deduction to 30 percent over a ten-year period.) Under the Committee decision, the 60 percent limitation would be reduced to 57 percent in 1970, 54 percent in 1971, 51 percent in 1972 and finally to 50 percent in 1973.

The Committee also agreed that mutual savings banks and savings and loan associations in the future must allocate their dividend-received deduction between their tax-

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able income and their additions to bad debt reserves. This action will reduce the incentive presently available to these institutions to invest in corporate stocks, report only 15 percent of their dividend income for tax purposes (since they are allowed an 85 percent deduction for the dividends they receive) and then deduct the entire amount either as interest paid to depositors or as additions to bad debt reserves.

BONDS HELD BY FINANCIAL INSTITUTIONS

The Committee agreed to the provisions of the House bill which subject the gain realized on the sale of securities held by financial institutions (banks and mutual thrift institutions alike) to ordinary income tax rather than to the more favorable capital gains treatment. Losses on these bonds are presently deductible from ordinary income. However, the Committee provided a special transitional rule under which gain from bonds owned by the institution on July 11, 1969 (the same effective date as provided by the House bill) may continue to receive capital gains treatment if the gain is realized within five years. The House bill would have applied ordinary income tax to gain on bonds disposed of in taxable years beginning after July 11, 1969.

FOREIGN DEPOSITS IN U.S. BANKS

The Committee agreed to the House provision extending until 1975 the period during which foreign persons may deposit non-business funds in U.S. banks without being taxed on the interest earned on these deposits. However, it also approved an amendment limiting the exemption where the foreign person deposits his money in a U.S. branch of a foreign bank to situations where the deposits were not "effectively connected" with a trade or business carried on in the U.S.

YOUTH INVOLVEMENT

Mr. HART. Mr. President, several weeks ago the National Conference on Citizenship held its annual convention at the Mayflower Hotel. Coupled with this conference were Citizenship Day ceremonies on September 17, 1969, honoring the signing of the Constitution on September 17, 1787.

The National Conference on Citizenship was founded in 1946 and chartered by the U.S. Congress in 1953. Among its purposes is to encourage more effective participation in citizenship activities and to promote a spirit of cooperation on the part of all American citizens. It is authorized by its charter to function as a nonpartisan, nonprofit organization for education and patriotic purposes.

It is at present giving major emphasis to the problems of the youth of our country. It is concerned not only because widespread youth unrest often erupts into violence, but also because this youth unrest is a reflection of disillusionment with our society.

During the 3 days of the convention a number of speeches were made that I believe would be of significance to Senators. They include the keynote address by the Honorable Brooks Hays, a former Member of the House of Representatives, and now executive director of National Conference; a luncheon address by Dr. Joseph Douglass, executive director of the 1970 White House Conference on Children and Youth; dinner addresses by Mr. Justice Tom C. Clark, president of the National Conference and by Dr. James E. Allen, Commissioner of Education, and Assistant Secretary for Health, Education, and Welfare; as well as remarks by the distinguished Senator from Maine (Mr. MUSKIE) who gave the principal address at the Citizenship Day ceremonies on the Washington Monument Grounds. I ask unanimous consent that the speeches be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

PRODIGAL SONS OR PRODIGAL FATHERS?

(Address by the Honorable Brooks Hays)

Of major concern to most Americans today is the crisis confronting our country about what is commonly referred to as the "generation gap." At a period in our history when we are involved with major difficulties abroad and at home, our young people in many cases seem to feel that their country has either not lived up to its traditions and ethical principles or has not changed rapidly enough to deal effectively with new problems.

As we gather here tonight to undertake the formal opening of our Conference on "Youth Activism," I would like to pay tribute to Judge Carl B. Hyatt who recognized the serious nature of our growing polarization and warmly embraced the increased efforts of our Conference to do something about this polarization. We all mourn the loss of our dear friend but know that he would be delighted at this fine turnout of delegates to continue to work with youth as he so eagerly helped initiate. For it was Judge Hyatt who encouraged us to respond affirmatively to the righteous demands of our young people for reforms in America's society. As his successor, I hope that I can fulfill that promise.

At the National Conference on Citizenship, we have come to recognize that the concept of citizenship has vast and broad connotations. It, of course, means devotion to country and to the preservation of the legal processes of our system. It means welcoming newcomers to our shores and help making citizens of them, and it means urging all citizens to participate in the electoral process. But it also means a great obligation on the part of all citizens to guarantee that every segment of our society, white and black, brown and yellow, men and women, young and old, rich and poor, Protestant, Catholic and Jew, shall have the opportunity to share fully in both the rights and obligations of citizenship. For our democratic way of life cannot survive without ensuring that all of these groups share in the decision-making processes as applied to political, economic and social power.

Our Conference this week is designed to give primary attention to complaints of young people in general and young minority persons in particular that their rights and aspirations have been overlooked in the establishment of national priorities.

America is confronted with a very serious problem of alienation of young people. This alienation affects young people generally, especially college and high school students who oppose the Vietnam war among other things, and minority groups in particular. What we are faced with is the confrontation between the basic requirement for obedience to law for society to survive and moral and ethical considerations which compel young people to challenge what they believe to be unjust laws and to call for immediate change in existing discriminatory patterns.

In the 1960's we have been confronted with a revolt of young people on and off the campus that is a fairly new phenomenon for our country. Until this time, our young people have generally been either submissive or very practical-minded. While generally idealistic, they have not attempted to put their ideals into action. Even in the depths of depression, very few young people were activists. What has happened with rather remarkable suddenness is a wide-spread refusal on the part of young people to accept the existing pattern of life and thought merely because it exists.

This does not mean that most of our young people are active conscious participants in the revolt. As is always the case, a relatively small minority of the group leads the way. But their leadership affects the destiny of all of those in the group. Even though most young people today are probably not in any overt way giving evidence of rebellion, most of them would likely subscribe to the existence of a special independent outlook and orientation of the youth generation. The present revolt is profoundly affecting the lives of all of them.

Those who are challenging society's conventional wisdom are following one of two paths: either the path of "opting out," the path that has produced the hippies, the psychedelic addicts, the flower children and others who have quietly divorced themselves from the mainstream of life, or the path of activism and militancy, the path of passionate devotion to the cause of the blacks and other minorities, and the poor, the path which has led to the drive for student domination of university management and to such causes as opposition to the war in Vietnam and to the draft. They participate vigorously in the life around them to advance those causes. It is people such as these who were significant participants in the Freedom March and earlier marches, and have a history of involvement in the struggle to end discrimination. They have developed considerable talent in the organization of mass activities to achieve their objectives.

To sum up, what then are the reasons for the revolt of many of our youth? They are many, and I will only try to catalog a few of the most important ones at this time:

(1) The great prosperity of our society with the accompanying disinterest of most young people in the process of economic survival and their shock at their discovery that this affluence does not extend to almost one-fifth of the American people, many of them of the minority groups who live in misery;

(2) Their concern over the long period of national involvement in the war in Vietnam with its accompanying growing casualty list, mostly of young men from 18 to 20;

(3) The existence of atomic weaponry with the growing capacity of mankind to obliterate itself, leading to accompanying uncertainties and fears;

(4) The related tensions and instabilities associated with the possibility of military service;

(5) Concern that their universities and their faculties are not being responsive to the demands of our time and are undertaking activities that are unrelated either to appropriate educational processes or the problems of their communities;

(6) General disillusion with the performance of the older generation in living up to the ideals of Western civilization or in failing to adapt to new moral and ethical requirements; and

(7) A growing awareness that there are techniques available which if utilized with conviction and sound organization can triumph over the weakness of the Establishment.

To turn to the minority revolt, among the basic causes of disillusionment with the American system on the part of young Blacks as spelled out in the Kerner Commission Report, are the following:

(1) Pervasive discrimination and segregation as evidenced by continued exclusion of great numbers of Negroes from the benefits of economic progress through discrimination in employment and education and their enforced confinement in segregated housing and schools. The corrosive effects of this continue and the attitudes that underlie it are the source of the deepest bitterness and at the center of the problem of alienation from American society.

(2) The massive and growing concentration of improverished Negroes in major cities resulting from migration of Negroes from the rural South, rapid population growth and the continued migration of whites to the suburbs has created a growing crisis of segregated facilities and services.

(3) In these teeming racial ghettos, segregation and poverty have intersected to destroy opportunity and hope and to stress failure.

Adding to these three basic causes are three more recent developments:

(1) The expectations aroused by the great judicial and legislative victories of the civil rights movement have led to frustration, hostility and cynicism in the face of the persistent gap between promise and fulfillment.

(2) A climate of approval and encouragement of violence as a form of protest has been created by white terrorism directed against non-violent protest, by open defiance of law and Federal authority by State and local officials resisting desegregation, and by so-called civil disobedience by protest groups who do not abhor violence.

(3) Many blacks and especially the young have come to believe that they are being exploited politically and economically by the white power structure. The frustrations of powerlessness have led some to the conviction that there is no effective alternative to violence as a means of expression and redress. It is in this context that one can understand how volatile is a mixture in which the major confrontations between black and white are between the ghetto blacks and the white policeman.

What then has generally been the reaction of elder white America to the signs and symptoms of youth unrest? The picture is mixed. On the one hand, many older Americans are attempting to understand the motivations of our youth and to take corrective actions that will deal with the root causes of the problem.

On the college and high school scene, for example, while there have been some notable failures of administrations to cope satisfactorily with actual or budding disruptions, there have also been a number of instances when school officials have done an admirable job of either dealing with the crises once they have arisen or initiating major reforms in the operation of their institutions which are designed to meet the legitimate claims of young people involved. To date, the Congress has exercised admirable restraint in dealing with legislation to provide major support for our educational institutions without hamstringing the efforts of our educators to deal wisely with grave challenges. In the fields of business, religion and law, people of goodwill are struggling to develop means of bridging the generation gap that will help us achieve a new stability.

At the same time, however, there is considerable apprehension on the part of older persons about the behavior patterns of many young people. There is often a lack of understanding of exactly what young people are attempting to accomplish and some reservations about permitting young people to share in the decisions our society must make if it is to solve its problems.

It is for that exact reason we are devoting the full energies of this Conference at this time to the job of providing the older participants in our Conference with as full an understanding as possible of the steps that need to be taken to avoid the dangerous trends towards polarization.

I must say at this time, however, that it is my firm belief that the context in which change must take place is the context of the rule of law. This is the rule of law that is not arbitrary law but flexible law based on our Constitution.

To permit factions to resort to force when they feel—however correctly—that a particular law or policy is wrong would be to renounce our own experience and that of the founding fathers. As Justice Frankfurter said: "Violent resistance to law cannot be made a legal reason for its suspension without loosening the fabric of our society."

Our system contemplates that there may be a moral right to "civil disobedience" that exists notwithstanding a "legal" duty to obey. This moral right should be exercised only after the most painful and introspective reflection and only when the firm conclusion is reached that obedience offends the fundamental personal values. If human society is to enjoy freedom, it cannot tolerate license. The ultimate legal success as well as the intrinsic moral quality of civil disobedience turns on the restraint with which it is exercised. Martin Luther King's performance of this matter will always be cited as the height of moral and responsible protest.

One might say that our Constitution provides for a "permanent peaceful alternative to revolution," and we should make use of this instrument for guaranteeing the rights of all to participate in our national decision-making. I call on the participants in this Conference, therefore, to devote their energies to the preparation of the blueprints for youth involvement in the American decision-making process. You will be hearing more about the details of what is involved in developing such blueprints from others who are providing direction for the Conference workshops. But I would like here simply to urge all of the delegates, both young and old, to work honestly with each other, to speak frankly of their agreements and disagreements and to feel free to air their grievances.

The history of human society is the history of conflict between the demands of ordered society and the desires and aspirations of the individual. The very individual liberty that those who struggle against the State are attempting to implement would be lost if the rule of law were subverted. We are in a period of enormous stress on the fabric of our society, while we attempt to carry out the enormously costly and disruptive task of the reforming of our system (caused by deeply ingrained patterns of discriminations) and restructuring the standards of our society to accommodate the drive of our youth for a greater share of social and economic and political power.

In many ways, the assertion of the youth generation of its claims for authority is a most difficult one for society to adjust to. We have yet to resolve the problem of maintaining considerable latitude for dissent and opposition while still minimizing the opportunities for violence and disorder. Almost forgotten in the assessment of the power struggle in our system is the fact that our Constitution provides that through its processes the development and exercise of power can be achieved peacefully.

If young people, black or white, are to regain their sense of identification with the mainstream of American society, that mainstream will have to show them that it is prepared to make the kind of commitment necessary to deal meaningfully with America's problems, both at home and abroad. Unless we can achieve that sense of commitment and national dedication to human values, America will be torn asunder from within and without, since we cannot survive four-fifths affluent and one-fifth wretched. If Americans continue to view this as someone else's problem, they will be struck down by the wrath of historical vengeance. We have almost sinned away a 100-year day of grace.

CITIZENSHIP: SOME NEW DYNAMICS

(By Joseph H. Douglass, Ph. D.)

I am deeply pleased and honored to be invited to say a few words to you on this occasion, and I am particularly gratified that this conference is directly and fully involving a large segment of youth. A nation which places its children and youth at the center of its concerns is wise. Youth always are the bridge generation—the connecting link between the heritage of the past and the image a society holds of its future. Accordingly, to invest fully in our young, I believe, is to help assure that the best which we have produced will be preserved and strengthened.

Now as it always has in the past, however, the older generation can impart to the young only the best that they know and believe. Thus, the accumulated wisdom and experience of the ages can serve as a storehouse from which the young may select—or reject—as they move to shape and conquer new worlds in which they will be the leaders, the decision-makers, and, hopefully, the champions.

THE INTERGENERATIONAL DIALOGUE

The older generation in certain respects always has the advantage, however, in any inter-generational dialogue. Much of its life is behind it. Present problems and difficulties are seen by the old from the vantage points of both past and present. The old agree with Santayana in that those who do not learn from history are doomed to repeat it. The young, on the other hand, often regard history as an irrelevant chronicle of failures. They live in the present and shape their future within a constantly changing frame of reference. They look and dream ahead and want solutions. They are not afraid of change, and often they are impatient or radical in their pursuit of it. The young are eager to reform anything that is less than ideal; and in the process they are willing to discard very nearly any credo, social institution, or political system which seems to them poorly conceived or hypocritical.

Change is so rapid today that the young have a shortened expectation of the amount of time required for change. They have the feeling that ending poverty is surely no more difficult than flying to the moon and that eradication of poverty, like the moon landing, easily could be achieved if the goal were set, billions allocated, and the full determination of this country were turned to that end.

Older people, on the other hand, know that poverty has decreased in America during their lifetimes. They know too the relative dimensions of it. As examples, it is one thing for a recipient of welfare assistance to weigh two hundred pounds because he eats potatoes and cannot afford meat but quite another for a child to eat grasshoppers until he starves in Biafra or for a twenty-five-year-old mother to wheeze to death with tuberculosis in a hillside cardboard and tin shanty in Hong Kong. The older generation looks to the past, compares relative situations throughout the world, and takes courage in what they regard as progress in comparison with former times. They are grateful for social, political, and technological advances which the young largely assign to the very capacious category of irrelevance.

The inter-generational dialogue, however, does not have to be one in which there is conflict in attitudes, opinions, or points of view—especially in regard to a shared vision of the future. Life is much like the relay race where each runner takes his turn and passes the baton to the next one, who then, starting afresh, must run his race in his own way.

REAFFIRMATIONS: THE SPIRIT OF NATIONHOOD, THE POWER OF THE INDIVIDUAL, AND THE RELEVANCE OF JUSTICE

A national conference devoted to citizenship can imbue us with a fresh and revived spirit of nationhood and national unity. It can serve as a reminder that nations which have achieved the heights of greatness have been characterized by citizens who have been imbued with a sense and spirit of nationhood, who have been zealous in the preservation of their nation's cherished values and

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institutions, and who have been mutually supportive of the total welfare of the body politic.

A conference such as this can reaffirm our national purpose and restate the basic principles of our way of life. Citizenship in a democracy necessarily implies equality and justice in all things public, shared concern and responsibility for the total welfare, and an obligation on the part of everyone to preserve, defend, and ~~work~~ for the ideas and ideals on which the nation is based and those toward which it collectively aspires. As Harlan Cleveland puts it, "We have quite deliberately built a nation on the proposition that no one will be fully in charge so that each . . . will have to be partly in charge." [*Outlook*, May, 1969]

A national conference on citizenship can do other things. It can recall the great power of the human will and the supreme importance, under God, of the individual. History is replete with illustrations of the power and prowess of the single person—the resolve of the single citizen—who in his imagination, courage, or faith if you will, stood against the tide or otherwise became the agent of monumental change. Many of the world's major religions can be attributed to the inspiration and thought of one human being. Columbus set out in little more than a rowboat by present standards and discovered a new world. One man invented the electric light bulb, and brought the world out of darkness for all time. In recent years, one little lady one day for some reason said, "I shall never again sit in the back of a bus because someone else wills that I do so." In accord with an old hymn of the Southland, she said simply, "I shall not be moved."

To me these are some of the examples and dimensions of what a national conference on citizenship means or ought to mean—a reaffirmation of the preamble to the constitution of our great nation: "We, the people, in order to form a more perfect union. . . ."

A national conference on citizenship—this national conference on citizenship—can serve another, if not the most important, useful purpose, It can diagnose our imperfections, our imbalances, our continuing absurdities, and our ills; and if it is worth the effort to come here, it can resolve individually and collectively to leave this place and do something about them in every town, hamet, byway, and metropolis of our great land and throughout the world, while there is yet time.

This is what the so-called "youth thing" or the youthful protest is all about. In their language, too many of us continue to be "too uptight." Too many of us for some complex of strange reasons are *afraid to be free*, to stand up and be counted on the side of justice or right—and try as one will to negate it, everything does have a right and just side. It is reported that Thomas Jefferson once said, "I tremble for my country when I remember that God is just."

DRIVING FORCES IN THE NEW DYNAMICS OF CITIZENSHIP

I propose there are at least five or six major complexes of problem areas—none of which can be dissociated—presently confronting the citizens of America and in a larger sense the citizens of the world. These problems are driving forces which call for and are eliciting new dynamics in citizenship. They are central issues which we must confront.

First, there is the matter of war and peace. Second, there is technological scientism and its largely derogatory impact on humanistic social values. Third, there is urbanization and related dysgenic conditions of environmental pollution, overcrowding, squalor, and civil disruption. Fourth, there is the problem of human or inter-personal relations—the isolation of individuals and groups on the bases of race, national origin, religion, and socioeconomic class—and the disadvantages, including poverty, which persistently accompany such isolation. Fifth, there is the youth revolution. And sixth, transecting all of the first five, there is the matter of the inter-relationship of government and private responsibility in ameliorating problems, in preventing unacceptable conditions from developing, and in curing the ills which have established themselves with such savage malignity throughout the body politic of the most affluent nation in the world.

THE THREAT OF WAR

The world is producing instruments of annihilation at a rate approaching three-quarters of a trillion dollars per year. There is no comparable expenditure on peace research or on any other work of non-annihilation. [W. H. Ferry, *The Center Mazagine*, July, 1969.] Mr. C. C. Johnson, an Administrator of the Public Health Service, indicates further that "Accidents—many of them involving hazardous products—take the lives of 100,000 Americans every year and injure 52 million more. Some 3,000 deaths occur every year from accidental ingestion of poisons—most of these among children." There is cynical talk of a poor man's H-bomb for underdeveloped nations. Poison gas, defoliants, and viruses are already in such abundant supply that disposal of the excess threatens not only to poison the air we breathe but to pollute the seas, and spread from underground garbage dumps to poisoning the soil we mine, cultivate, and walk on. "Toxic matter," Mr. Johnson states, "is being released into the air over the United States at a rate of more than 142 million tons a year, or three-quarters of a ton for every American. It comes from 90 million motor vehicles, from factories, power plants, municipal dumps, and and backyard incinerators." In the event of nuclear attack, the chemical and biological agents which could be released by accident from present military stores would probably be enough to wipe out any trace of human or other life that might survive the initial holocaust. If we imagine with some that World War III will in fact be Space War I, it seems feasible the earth itself could be destroyed. Doubtless we are on the threshold of developing technological capability to pulverize the planet.

SCIENTISM AND TECHNOLOGY

We are in thrall to fear of disaster and an increasing sense of helplessness in the face of science and technology which seem to be acquiring autonomous powers beyond the control of human beings. Science shakes our belief, and technology dwarfs our capabilities. Since we have made concrete accomplishment our goal and have placed pragmatism apparently at the apex of our value system, we continuously turn over to machines not only the execution of specific chores but frequently much of the decision-making process itself. Man cannot compete with machines in tasks performed at speeds measured in milli-seconds and at levels of accuracy incompatible with the magnitude—or more properly "minitude"—of the human senses. Further, since we have dedicated ourselves to an all-out search for demonstrable knowledge, we must swallow and queasily digest a relentless flow of quantitative data and revised theories emanating from our laboratories. Wisdom remains the province of man—it is not found in test tubes and it is not an attribute of machines—but we are easily confused in our attempts to decide, let alone assert, what is true, just, or desirable in the face of what is measurable, feasible, or cost-effective. The dilemma of scientism and technology involves international relations, domestic politics, social planning, and economic policy. The implications for citizenship reverberate through every aspect of the social and personal life of man.

It is impossible and undesirable to stem the scientific and technological tide, but it is crucial to guide and channel it. The history of the last few decades shows that whatever can be done most often is done. Capability becomes an end in itself, and too often enthusiasm with new-found power is so great that moral and philosophical judgment are usurped by a compulsion to do whatever is possible. What is the relative importance of reaching Alpha Centuri which is millions of light years away beyond the sun as against abolishing pollution on earth? Science promises ultimately the power to determine the intelligence, character, and physical attributes of unborn generations—and that suggests the possibility of totalitarianism and an amorality more complete than any nightmare previously dreamed of. Meteorologists say we may one day control the weather—this poses questions about warfare as well as possibilities for hightened agricultural productivity. It is difficult for man to choose effectively the ends to which science and technology are applied. Especially since humanists are increasingly embarrassed to assert "unscientific" philosophies and defend the abstract values on which much socially meaningful progress must be based.

The answers this society is producing in greatest number are scientific and technical answers. For this reason, many of the most vital human questions remain unanswered. How should we live? What are or should be the aims of organized society? [John Wilkinson, *The Center Magazine*, July 1969.] How can we reconcile the conflicting frustrations of the majority and minority groups? It is in response to scientism and dehumanization that some of our young people reach into the grab-bag of psychedelia, mysticism, and drugs, reject all knowledge and all systems, and do "the soul thing." Many youth say that they want to feel, to love, to choose, to be. They want to feel fully human and count and recount the ineffable things which can't be counted—the things which science and technology tell us that if they can't be counted do not count. There is a religious revival going on, but many persons are of the opinion that the church is missing out on it. A youth at a recent conference felt that "The church, as it exists now, has to die . . . The Church has to die so that it will clear the path for a rebirth of a new form of organized or unorganized religion. It is too late to try and paste religion back together. We have been trying to do this since the turn of the century, and it has only decayed more." [Academy of Religion and Mental Health, *Academy Reporter*, Vol. 14, No. 6, September, 1969.]

URBANIZATION AND ASSOCIATED PROBLEMS

All this reflects a sort of latter day utopianism which is part of the longstanding American yearning for an environment that is manageable and small enough for citizens to influence the balance of decisions. Urbanization makes this increasingly impossible.

Consider the case of a small town which is geographically far removed from the closest urban center. Can that small community keep an eight-lane highway from crossing the land within its boundaries? Can it prevent jets from breaking the sound barrier overhead? Can it stop smog, radiation, or pollution from floating into its domain? Can it shut off the communications media which chatter at it constantly, urging it to buy and think and do as the rest of the country does? If small communities cannot meaningfully control and choose their destinies, what about big cities?

What about urban crime, overcrowding, ghettos, filth, traffic jams, hatred, poverty, and civil disorders? What about urban expansion? We are now in the incredible situation of being able to produce more food than we can possibly consume. Will the day come when we find we have paved farm lands we desperately need? An American is born every eight seconds. In terms of numbers alone, how can we solve the problems which presently beset us, others which threaten our future—and how can be do it through the democratic process, which to deserve its name must involve millions of people from hundreds of socioeconomic, ethnic, racial and religious groups which constitute our society?

INTER-GROUP TENSIONS AND POLARIZATION

While at present America is producing more than enough for everyone, the gulf between the "haves" and "have-nots" widens as certain portions of our society continue to become more affluent while others selectively are left behind. One of the critical challenges to all citizens in the United States today is the increasing polarization of those who are *in* society versus those who are *out*. Racial problems reflect the mounting tensions and hostilities across group lines which are finding expression in violence and other forms of irrationality in this country and throughout the world.

As pointed out by the Institute of Race Relations in London, ideas about race play a part in every major confrontation in the world today. World poverty, world hunger, world population, and the operation of aid programs are all affected. Efforts for peace, the activities of the United Nations, and the working of international agencies are frustrated by the suspicions and resentments which arise from race. It is noted that failure to solve the domestic problem in the United States . . . failure to enforce the views of the United Nations in South West Africa . . . failure to achieve peace in Vietnam—all increase frustration among developing nations. The line between rich nations and poor and the line between white and non-white are dangerously near coinciding. There are people who speak of a "race war" on a world scale as inevitable if not already in progress. Surely there are more reasonable courses if men apply their minds to the possibilities. [Institute of Race Relations, London]

In America, many persons feel that the current state of affairs between whites and blacks is much more serious than *ever* before. At the heart of white racism is the "conviction" or doctrine that merely being Caucasian is preferable to any and all other states of existence and that all other racial or ethnic groups are inferior to whites. Black racism rejects values and white acceptance. The increasing danger of the present period is that it is now most difficult for blacks and whites to communicate. One militant black man suggests a very interesting exception to this however. He says, "There is in America today a generation of white youth that is truly worthy of a black man's respect." In the same vein, a white youth observed that "As an individual must learn to love himself, before he can truly love others, the black man must find his identity, and the white man must find his before the two can live together in harmony and understanding." [Academy of Religion and Mental Health, *Academy Reporter*, Vol. 14, No. 6, September, 1969] Young people—white and black—have evidently been talking to each other and profiting by it. [Congressional Digest, April 16, 1969]

YOUTH AND THE FUTURE

Mr. Archibald MacLeish points out that the younger generation is not perhaps as sophisticated politically as it or its activist spokesmen would have us think. Neither is its moral superiority to earlier generations in every instance as great as it apparently believes. But MacLeish stresses and I agree that this generation of youth possesses one virtue to a degree not equalled by any generation in this century: it believes in man. It is an angry generation, but *its resentment is not disgust for human life* but *resentment on behalf of human life*. It is indignation that we permit ourselves to exist in a selfishness and wretchedness and squalor which we have the means to abolish. Resentment of this kind is founded on belief in man—*and a return to the belief in man is, I believe, the reality and the sensibility on which a new age can be built.*

Writing of the future of man, Pierre Bertaux suggests that for the first time in history man has reached the point where he can transform to reality whatever image of the future he adopts. Science and technology permit this. Though they appear at times as bogey men, they are in the last analysis man's very useful tools. Bertaux says, "If we admit that the image of the future can be effectively introduced as an efficient . . . element in the chain of causality; if we further admit that our image of the future is in some way and to some extent our own choice and responsibility; then we have here not only a way of reconciling our belief in determinism and our belief in freedom, but also a direct challenge."

It is this challenge I wish to place before this national conference on citizenship—the challenge of thinking positively of the future and of making that thought productive.

RESPONSE TO NEW DYNAMICS OF CITIZENSHIP

A whirligig is spinning us out of old habits and traditional complacencies. In many respects, we are now truly citizens of the world. Our political, cultural and personal involvements grow day by day under the influence of instantaneous global communication, supersonic global transit, conflicting ideologies, and the spectre of global war. We are no longer cushioned by separations in time and space which once limited so called "spheres of influence" and kept most of the world's peoples out of most of other peoples' affairs. Americans today see more of the big picture than ever before, but there is deep doubt that the sense of unity and wholeness which usually rewards broadened understanding is keeping apace. The global panorama is for the most part a morass of irrationality, injustice, and squalor. It is depressing and discouraging. Wise citizens can understand the anger and malaise of our times.

On the domestic scene, our social and political institutions are subjected to pressures from all sides. There is thunder on the right and thunder on the left. The nation is torn in its effort to maintain law and order and preserve the right of dissent in the midst of ferment. The "red flag of uproar" and "the clenched fist" go up throughout the land, calling forth accusations and counter-accusations, violence, panic, defeatism, radicalism, repression, and "pig" rhetoric.

WE NEED NOT FEAR CHANGE

In response to new situations, citizenship is acquiring new dynamics. New pressures can and must be accommodated *within* our socio-political framework—*within* our concept of "good citizenship." The nation's constitution was written specifically to facilitate orderly change in response to the people's desires and to sustain peace and freedom in the face of monumental stresses to which it was known, even in 1789, that our government would be subjected. Often we forget that radicalism and social protest were part of the genteel tradition in colonial times. The writers of the constitution expected that our government would be subjected to scrutiny and criticism, that it would be opposed in various contexts by its own citizens, all of whom would cite freedom, justice, patriotism and God for support.

The American constitution is dynamic and flexible. If we affirm it and apply it reasonably with imagination and fairness in light of present situations, *we need not fear change*. We need only be wary of our response to change. Most importantly, we must influence the direction of change to desirable ends.

We must provide alternatives to confrontation and encourage new types and sources of leadership in America. It is imperative that we broaden our definition of "a good citizen" to permit many stances and many modes of individual participation from all walks of life in this nation's everyday life. The people—all the people—must have outlets and widened options for expression and means of effectively influencing what happens in their lives and those of their children. This is a pluralistic nation. We must reaffirm our national pride in diversity and our national willingness to assure equal opportunity for everyone.

It is important to recognize that some things are so deplorable that they cannot be reformed. We must abolish racism—white and black—*not* reform it. We cannot reform injustice. We are either just or unjust. We must go beyond half-measures aimed at damping down explosive situations in the cities and symbolic gestures calculated to appease the rising voices of discontent on Indian reservations or the "barrios" and in the mines of Appalachia or the plains of the Ozarks.

Expectations are rising, and our understanding, compassion and vision must rise to meet them. We must mount programs of education to instill and bulwark pride in diverse life styles, occupations, skin colors, religions, and ethnic histories. We must decolonize the ghettos—white and black and transfer not only ownership and proprietorship but a fair and continuing share in the decision-making processes which shape national and local distribution of goods, services, wealth, and social status.

There must be new forms of cooperation between private and government sectors, between science and the humanities, between the technocrats and the sociologists. We must act to truly redistribute economic and political power so that submerged sectors of society are buoyed into the mainstream of American life. We must give full opportunity for citizenship and reach out to teach the full meaning of citizenship and its responsibility to those who have been and even now are largely excluded. It is along these dimensions that it is my earnest hope that the 1970 White House Conference on Children and Youth will be designed—as a vehicle or change for all our children and youth and for those who shall follow them.

THE VIABILITY OF CITIZENSHIP

Is the individual citizen impotent in today's world? If he is not—and I believe he is not—in what does his virility and viability rest? How can each of us cope with the new dynamics of citizenship—as teachers and students, as employers and employees, as consumers and purveyors—as professionals, amateurs, and volunteers? Each of us is at some level a policy-maker. Certainly we are policy-makers in personal matters and in our treatment of and relationship with others. Each of us has a responsibility to convey to others the rationale of our decisions and to seek the counsel and if possible the consent of others who are affected by the policies we set. We must impart knowledge and spread power. We must seek to give more people a "share of the action" and, even more important, understanding of the implications of alternative actions. Decisions increasingly are made by a few in behalf of many, and increasingly those who feel they have no influence are lashing out—right or wrong—against forces which seem to them impersonal and uncaring. What can citizens do, individually and collectively, to remedy this situation?

For one thing, as professionals in various fields of problem-solving, we can take time to follow-up in real life the good works we begin at our desks. Upward Bound may send a young black man from Harlem to an Ivy League school, but who counsels that one-time gang leader after he arrives on campus?

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We cannot assume that goals will be achieved automatically if appropriate programs are set in motion. We must remember the human factor in dealing with all our fellow citizens, whom we hope to serve, teach, work with or help.

We must not only use specialized knowledge to work out feasible solutions; we must also use human understanding to follow through. A corporation may donate computer time and the services of an analyst to map out commercial development for a depressed area, but who explains to the neighborhood folk why the corner delicatessen it being torn down? Does some one communicate to those slum-dwellers the fact that technology cares about them? That the same types of machines which sent man to the moon are now being used to help them? That the redevelopment project *will* meet their needs and *does* deserve their support? A little interpretation for the man on the street, by professionals or informed laymen, can do much to enlist the good will of those who mistakenly feel thwarted, impotent or used by planners.

The new dynamics of citizenship require imaginative responses from us as specialists—they also demand of us at a very mundane, day-by-day level the thoughtful helpfulness toward others that always has been associated with good citizenship in America. Do you consider yourself a good troubleshooter? Go shoot some for a sanitation worker whose family is about to be evicted from a tenement. Are you good at making ends meet? Help an eighteen-year-old housewife learn to find bargains in food and clothing for her children. Do you read newspapers and magazines? When election time comes, go talk to some people who don't or can't—help *them* understand the issues they are expected to vote on. The successful, educated, upstanding citizens of this country—young and old—must turn their talents to teaching others to develop the qualities on which they pride themselves. Only if we share and teach our everyday talents for living can we expect the inept and the uneducated to learn the skills of good citizenship, achieve lifestyles which they have a stake in protecting, and join in the effort to improve and maintain this country as a place most worth living in.

We can respond to the new dynamics of citizenship institutionally as well as individually. In some universities, for instance, students are seated on the boards of trustees. In some high schools, pupils write and enforce codes of dress and conduct and draw up and administer their own bills of student rights. In some underdeveloped neighborhoods, banks and insurance companies have signed over to community action councils major financial interest in the branch offices and regional sales programs which operate there. In some business districts, housewives and merchants have formed councils to adjudicate consumer complaints and evolve credit, return, and billing policies which are fair to shopkeepers as well as the shoppers they serve. Similarly, some law schools offer courses in corporation law—courses, for instance, on legal ramifications of landlord-tenant disputes, loan-sharking, and credit gyps—courses, for instance, on how to fairly *defend* those accused of mugging, child-beating, loitering, drunkenness, assaulting an officer, and the multitude of other major and petty offenses which typically bring into our jails and court rooms that 25 percent of our nation which is poor. Innovations such as these reflect a promising rise in the level of tolerance and empathy shown by so-called "Establishment Figures" for so-called "Victims of the Establishment." They bode well for the viability of citizenship.

SUMMARY

To make citizenship viable—and to preserve and protect our political, economic, and social institutions—I believe, in summary, that we must expand options and understanding of the rationales behind different options; that we must develop new leadership forms; that we must broaden the base of citizen participation and determinism in policy formulations; that we must build upon the positives of ethnocentric pluralism; that we must establish alternatives to disorderly confrontations; that we must evolve new forms of private-public ventures; that we must maximize the linkages of technological and social science insight; that we must reorder priorities and reexamine assumptions on which priorities are based; and, last and most important, that we must place and maintain the self-realization of the individual and personal freedom under God at the apex of national purpose.

OUR FUTURE COMMITMENT

(By Justice Tom C. Clark)

I am pleased to speak to you tonight about the new phase being entered into by the National Conference on Citizenship as a dynamic force in keeping the concept of citizenship a meaningful one to the American people.

Our Conference has played an historic role in providing national leadership in areas of major concern. We are, of course, proud of the leading part Judge Hyatt played in this effort. Going back to the First National Conference on Citizenship sponsored by the National Education Association, held in Philadelphia in 1946, we have brought a wide range of organizations together for a mutually beneficial discussion of the responsibilities of citizenship. By the Third National Conference, I am also proud to point out that the Justice Department acted as a cosponsor with the NEA during my tenure as Attorney-General. We have, of course, continued to emphasize the principle of private leadership of the Conference with governmental support and assistance but not control.

I am especially pleased that the Congress in 1953 enacted legislation providing a National Charter for our organization. The law was signed by President Eisenhower on August 13, 1953. Many distinguished persons have since served on our board and many outstanding speakers have delivered major addresses here. We have been honored by a number of Presidents, by many other distinguished public officials and have had outstanding participants from the fields of business and industry, labor, law, religion, social welfare, etc.

It is only fitting and proper at this stage of the development of American society that our Conference should be giving major attention to the problems of young people. Anyone concerned about the national well-being must recognize that the difficulties our society is confronted with at this time cannot be ignored by a Conference on Citizenship. We have come full circle from the early daya of the Conference when the National Education Association expressed a great interest in a program for community recognition of the youthful voter. We now recognize that the matters of concern to young people are not only voting, but the role of the University, the role of the high school, the concerns and aspirations of minority persons, the relevance of business, labor and agriculture to young people's lives, and the whole range of issues involved in the sharing of economic, political and social power.

Just as many other groups in the past have clamored for their rightful place in the American decision-making process, so also are our young people doing so today. Among previous examples are the women's suffragettes of the 'teens and the labor leaders of the thirties.

As various groups become accepted in the power structure of American society, they often become identified with the term "Establishment." I would like to think that this Conference has not been an exercise of confrontation between the Establishment and young people. I would like to think that our young and older participants have not polarized in developing opposite viewpoints on the issues of our time. And I would like to think rather that we have bridged the generation gap through a full exploration of the issues confronting American society and free and frank exchange about their differences of opinion.

It is in the American tradition to have a free exchange of ideas which does not mean that we paper over our differences but simply that we bring them to the full light of day and then work constructively for meaningful solutions. That has been the guiding theme of this Conference this year. I am especially pleased at the large number of young people who have participated and have made a significant input into their elders' understanding of their own perspectives.

And now I would like to call on the representatives of the many organizations that have participated in this Conference to consider their participation as simply the beginning of a major involvement in the solution of the current American dilemma. I hope that each of you will go back to your organizational activities inspired to carry out specific programs of action that will make a major input to the national well-being. If at least a measurable number of those here today will follow through on their resolution to provide solutions rather than exacerbate present tensions, this Conference will have served as an outstanding catalyst in reversing the national trend toward polarization.

The Conference staff is prepared to provide followthrough and technical assistance on a year-round basis to all of those who are developing blueprints for action. It is only in this way that we can guarantee that this Conference has been a meaningful one. The staff is deeply committed to making the tentative plans evolved during these few days into firm ones that can be effectively implemented. We believe that no less than the fate of our American way of life is at stake. Your consideration of the proposals mentioned in the Business Session to provide for a formalized affiliation with this Conference would do much to ensure our success.

As a final message to the young people who have performed so admirably here these past few days, I would like to repeat what John W. Gardner, Chairman of the Urban Coalition and former Secretary of Health, Education and Welfare, has said: "You *can* remake this society. There are many ways that you can work to bring about the reforms that you feel so essential." As Mr. Gardner went on to say, "You can renew this society, but not in a fit of impatience and not without effort. You must be discriminating critics of your society seeking to identify, cooly and precisely, those things about it that thwart or limit human potentialities and therefore need modification." I call only for renewed dedication to the constitutional process of change which provides for the preservation of what is good and sound in our society as well as the reform of those elements in our society that have not withstood the test of time and morality. There could be no better time for young people to be alive to effectuate change. Do not lose the opportunity in pursuit of false goals. I hope that this Conference has at least partially served to convince you that many of your elders are sympathetic with your cause and anxious to participate with you in the creation of a better America.

EDUCATION IN ACTION

(By James E. Allen, Jr.)

"Citizenship" has been the subject of after-dinner speeches for so many years that one might think there would be very little left to say about it. There is very little left to say about citizenship as people used to think of it. But citizenship takes new forms in the face of new problems. I believe that, in your discussions of citizenship in the past three days, you have been tackling one of the most critical issues of our times—how to give the Nation's young people a part in shaping the decisions which affect their lives.

Young people looking at their nation and their world have seen urbanization bring people together in greater and greater aggregations only to destroy their sense of community. They have seen the communications media confuse the meaning of events in its outpourings of information about them. They have seen technological growth produce material affluence at the cost of spiritual depletion.

Youth's response has been to question, and often to reject, the traditional values and goals of the United States. But young people are doing more than questioning and rejecting. They are actively seeking a new quality of life, new modes of expression, new avenues of communal participation, a new style of citizenship.

The energy and trained intelligence they represent is a force that can go far in transforming both education and the larger society. We should foster the development of self-help opportunities for students so that they can define their dissatisfactions and work out remedies for legitimate grievances—those connected with their own lives in an immediate sense, and those that reflect their concern about wrongs in the larger society. Actually, a number of such self-help projects have already gone into operation in various parts of the country.

Meanwhile, however, student dissatisfactions have been dramatized by the news media—sometimes excessively. As a result, student unrest has become an issue, a problem, and thus separated from the rest of society rather than being accepted as a lively and a necessary part of the community.

One of my assistants summed it up by saying, "If you feel student unrest is a problem rather than a manifestation of root problems within our society—then you are a part of the problem." I do not suggest here that violence and destruction can be condoned. It must be firmly dealt with in terms of the laws that apply. But a repressive approach is a simplistic approach, one that could do far more harm than good. We need instead, to look, to listen, and to learn more about what underlies the growing unrest.

There is a new breed of student on the nation's campuses today. According to a recent survey of private state-supported and denominational institutions of higher learning, today's students does more than agitate to change the world: he is willing to work to bring the change about. The majority of students polled had engaged in some type of community service. They not only want to talk about a better society; they want to help refashion it.

Each of you here has been struggling with the complex economic and cultural forces contributing to the nation's ills. You have more easily identified the problems than the solutions. The national issues that tear at the very fabric of our society—Vietnam, the draft, racial oppression, and the economic strain cannot be resolved so easily by you as individuals.

However, each of you has a more important role in carrying out the National Conference goals—to encourage more effective participation in citizenship activities and to promote a spirit of cooperation on the part of all American citizens.

Your role calls for greater involvement—to be more aware and sensitive, to your own environment, the community in which you live.

During the fall semester I expect student involvement to focus on reforms in traditional educational practices, the inclusion of students in the governing structure of schools and identifying the universities' role in servicing the needs of the surrounding community. If this is the direction for this year's student involvement then you have your work cut out for you. This is where you can make an impact.

As one who speaks from a background in the field of education, I like to think of education in its broadest sense; that is, with more emphasis on the totality of an experience than on mere vocational training, and more in terms of personal development than of the mere accumulation of knowledge. I want to share with you some of the ways young people are creating a new citizenship role for themselves while bringing about needed change in our society. These youth-conceived and youth-initiated projects represent "education in action." They serve as models for new citizen participation.

The activities through which students are attempting to reform education and educational institutions tell a great deal about what youth is advocating in the way of social change.

In New England, for example, an alliance has been formed by students who have been working toward reform on their particular colleges or universities. The main goal of their regional organization, called New England Community Toward Educational Reform (N.E.C.T.E.R.), is to allow students on different campuses to learn from and support each other.

Members of the Center Toward Student Community, a NECTER affiliate at the University of Massachusetts, have instituted a new course called Learning and Self-Evaluation Skills. Through what may be the focal point for the college experience of the future, this experimental course allows students to determine what they want to learn and how they want to absorb it. The students then evaluate the learning experience.

In the area of student-organized research, the Associated Students of the California Institute of Technology (ASCIT), after receiving a $10,000 foundation grant last year, awarded small sums to students for research projects in such areas as off-shore oil pollution and policy-making for school systems. Individual professors have volunteered to give technical assistance to students involved in research. During the past year, students at the Research Center have raised $225,000 for various research projects.

Student-initiated projects in community action have increased in number and sophistication during the past few years. Students seem to be working much closer with grass-roots community organizations and in many cases are bringing much needed expertise to community-run programs.

In Detroit, for example, University of Michigan students from the urban and regional planning, landscape architecture, and general architecture programs are serving as Community planners in several ghetto neighborhoods. These students work with neighborhood groups in facilities development, program planning, and community organizations.

An excellent model that has helped foster student-initiated projects is New York's Urban Corps program. This project in three years has brought more than 6,000 students from over 150 colleges and universities into close contact with the problems and prospects of one of the nation's most troubled cities. Summer interns and part-time workers that participate through the school year represent a cross-section of the student population ranging from freshmen to doctoral candidates. They have been assigned to more than 75 agencies and departments of the City government, working in such diverse areas as community development, medical technology, documentary film-making, legal assistance, and air pollution control.

The program has been so successful that last year the Ford Foundation issued a grant to promote the establishment of Urban Corps in other cities. More than 25 cities are now involved.

My concept of education-in-action is also reflected in the activities of many high school and non-college youth groups.

The Parkway program in Philadelphia has not only established a new framework for high-school education, but paved the way for student-initiated social action.

Students of Parkway grow through their own direct experience by finding out the "how" and "why" of society's processes and institutions from the people actively engaged with them.

One-hundred fifty Philadelphians of high school age are enrolled in this experimental project funded through a Ford Foundation grant.

It is a school without walls, its only physical plant a rented loft where students meet with their faculty each week to coordinate their activities. The rest of the time they may meet at the police department or the city hall, at a TV station, in the composing room of a newspaper, or in the offices of a local business firm. Here, from practicing professionals, they learn government, communications, and business procedures. Working in small groups with their own faculty, they continue to build knowledge and skills in such basics as English, mathematics, language, and history. With the city as their schoolroom students extend their school day through participation in community projects.

Unorthodox as this program is, it has won general community support. There were 2,000 applicants for places in it last year. Next year, 700 more than this year's 150 will be accepted. Other cities are interested in introducing the program in their educational systems.

The New York State Council on the Arts is sponsoring an experimental project in multi-media usage. Utilizing the arts as a language of communication, teenagers of ten New York State communities showcase their towns to each other, as well as memers of their communities throughout the State.

Here in Washingon, D.C., there are a number of projects developed by youth. With school board permission, students at predominantly Black Eastern High School established a "Freedom Annex" through which they created courses in Black History and Black Literature for academic credit. Participating students spent their afternoons at the Freedom School.

Many similar projects have been launched under the auspices of Youth Organizations United, a national confederation of more than 300 inner-city groups formed in 1968. Pooling their ideas through YOU, inner-city young people have learned from each other about the techniques of successful community action. They have also helped to bring national attention to the needs of minorities, and to give Black, Brown, Indian and Oriental youth and opportunity—often the first—to participate in the running of their society.

Projects are as varied as the problems of the disadvantaged. In Minneapolis, former gang members have established what is called Operation Chain Gang, a school for 75 problem children. Its guiding principle is "everyone a student, everyone a teacher." A child with sixth grade ability in airthmetic teaches another on the second grade level in this school and is paid for his teaching time.

In East Harlem, the Real Great Society, formed out of what was once a Puerto Rican gang structure, has created a community-run prep school. The school has already had

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10 former dropouts and delinquents accepted by colleges.

In New Orleans, a consortium of gangs has established a dropout prevention center through which it offers, with private industry cooperation, a vocational orientation to dropouts. After tours of area corporations and whatever remedial education is necessary, the dropouts are encouraged to return to school to pursue whatever vocational goal they have set for themselves.

Of course, not all the groups undertaking constructive projects are new. Today we find new emphasis in old programs, as, for example, the Boy Scouts' redirection of their traditional activities to meet the needs of inner city and rural boys.

Another established youth-serving organization, the National 4-H Clubs, is bringing beneficial rural knowledge to the cities. Young members are now providing information about nutrition, food stamps, and gardening techniques to residents of the inner city.

The traditional structure and operations of our educational system have tended too often to direct programs at youth, rather than allowing young people to play a role in planning and administering programs that affect them. Certainly the Federal Government has done far too little in this area.

As a first step in changing that pattern I asked one of my special assistants in May to work with the Office of Education young employees and the 225 summer interns to prepare recommendations and to develop models for involving youth at the Office of Education.

Through their suggestions along with other student and youth group recommendations I have established an Office of Student and Youth, which will be headed by Toby Moffett, a young man who has worked on youth programs in the office of Education during the last year.

The new office will help the Office of Education develop structures for bringing young people into the planning of Federal education programs at all levels. Advisory committees made up of youth from all over the country will, we hope, keep us abreast of young people's thinking on crucial educational and social issues. The Office will convene problem-focused youth task forces when necessary to research and report on such issues.

The new office will also offer technical assistance to the kinds of projects which we have discussed this evening. This will include the dissemination to student or youth groups of information on programs through which they may be eligible to receive assistance.

Although the programs we have discussed this evening differ from one another in many respects, I believe that some valid generalizations can be made about them. First, it is clear that many young people are participating in the work of society in nontraditional ways. Old-style hierarchies and leadership patterns are conspicuously absent. Less and less is heard about heroes or older leaders.

Second, young people are working to improve their society, not only for themselves but for others who have been deprived of its benefits for so long. And they are demonstrating that, even though citizenship is hard work, they are equal to the challenge.

It appears, then, that in terms of the first goal of the National Conference of Citizenship, that of increased participation in citizenship activities, the youth movement is getting results.

As we examine the kinds of youth activities highlighted tonight, in terms of the second goal, that of cooperation between citizens, again we find young people making their influence felt. Young people are restating and revitalizing the time-honored ethic of cooperation. They are cooperating within homogeneous youth groups. More significantly they are reaching out to extend the same kind of cooperation to relationships between young people from drastically different backgrounds.

I believe in this. I also believe that cooperation between the generations should increase. In spite of what we hear about the generation gap, I find it hard, as an adult, to oppose the goals of young people who preach love rather than hate, peace instead of war, and closer relationships between human beings rather than the impersonal organization of human life.

The future must be our primary concern and one of the most significant factors in determining the shape of the future will be the continuing citizenship attitudes of our youth. The character of these attitudes will rest in large measure on how the "over thirties" react to the "new citizenship" of youth. Treated with respect this new youth concept of citizenship can be the stirring force that will bring the strength and the renewal of vitality necessary to correct the ills of society and at the same time protect and preserve the basic values of a democratic society. Derided and unheeded, it can become a negative force as our young people, in their disillusionment, cease to believe either in the ability or the promise of their Nation to promote basic human values. I cannot urge too strongly that we listen to what our young people are saying and heed what they are doing.

Alfred North Whitehead once observed that much of the greatest progress made in society comes about through processes that all but wreck it. Our task is to contain the forces of change so that they will achieve their purposes without tearing down the good with the bad in the existing social framework. This means encouraging the proliferation of projects like the ones that are already proving themselves in action.

The Office of Education is committed to do this. We do not mean merely to react to challenges from youth. We mean to be active in seeking out young people's ideas so that the generations may join forces in moving toward goals which are, after all, as old as they are perennially new.

Remarks by Senator Edmund S. Muskie

In a nation occupied with disagreement, dissent and disorder, the recollection of the signing of the Constitution should be an occasion of hope.

In the midst of turmoil—as all of us are caught up in the fury of a social revolution—we should take some time to recall what was in the minds of the men who felt it necessary to declare themselves free, to sever the political ties which bound them to their government, to fight a revolution, and to write the Constitution. It was their dream that the principles of the Declaration of Independence could be the basis of the new nation and that armed revolution would never be necessary again.

Deprived of meaningful participation in an absentee government, the colonists had exhausted the available opportunities of political dissent. They reluctantly chose revolution as the only course left. They knew the price of the citizenship that had been effectively denied to them by the British.

The preservation of the elements of citizenship for themselves and their children was a problem which no society before them had been able to solve. There was no proven answer, no form of self-government, nor democratic theory that they could be sure would work.

The Constitution has developed as no more than an incredibly durable product of their experiences, their values, and the traditions of British law. It is an experiment in representative, democratic government that has survived and evolved only through the continuous reaffirmation of liberty, freedom, and justice.

The Constitution has never been a magic wand of meaningful self-government. It is a human institution, dependent on people to make it work.

The Constitution has never guaranteed peace, tranquility, and happiness. It only offers the opportunity for the citizens to pursue those human goals without recourse to armed revolution.

As long as there was plenty of room in America for men to grow and fulfill their potential, this experiment was a great success. For Americans who controlled their own destinies, shaped their own social and political institutions, and enjoyed unmatched economic opportunity, our Constitutional principles were easily applied. Change came slowly, and the future was bright.

Suddenly this has changed, and the application of the Constitution is less sure and less steady.

"Whether or not the bombs go off," says Paul Goodman, "human beings are becoming useless. Old people are shunted out of sight at an increasingly earlier age, young people are kept on ice till an increasingly late age. Small farmers and other technologically unemployed are dispossessed or left to rot . . . Racial minorities that cannot shape up are treated as a nuisance . . . Since labor will not be needed much longer, there is vague talk of a future society of 'leisure,' but there is no thought of a kind of community in which all human beings would be necessary and valued."

So we ask if the Constitution can keep up with an America where scientific achievement has become a cult, where technology thrives on itself at an inhuman pace, and where social and political institutions have become centralized and removed from the communities and neighborhoods.

This feeling of loss of identity and lack of control is shared by the young, the Blacks, the Mexican-Americans, and the poor whites, and it is spreading. A new foreign policy, significant tax reform, and the protection of the environment—substantive reforms which we all know we need—are not alone going to awaken the citizenship that is missing.

What many Americans have lost to modern society consists of much more basic human needs—needs recognized by the men who wrote the Constitution. These needs are the opportunities which enable citizens to assert effective control over their own lives.

As time has passed in America, the distance between the people and their government has increased as fast as our population. And that ever-widening separation has made it more and more difficult for people to get together to solve their problems—to eliminate the gaps between generations and races.

The concepts of citizenship and self-government have come to have little meaning to a man who cannot find a job, adequate medical care, or a decent home. They have little meaning to a man whose taxes buy a freeway when he needs a subway to commute to work, or whose taxes pay a farmer not to grow crops when he cannot get enough food for his family.

The ideals of citizenship are scorned by a younger generation asked to fight in a war of dubious origin and uncertain purpose, facing a future in a world dehumanized by technology, and then told to wait for their turn to participate in the decision-making process.

The guarantees of the Constitution are questioned by the hundreds of thousands of District of Columbia residents whose relationship to their government is that of tenants to an absentee landlord.

This is the most serious problem that faces America: How can we get some life back into the democratic experiment?

The only answer is to see that the tools of the democratic experiment—the Constitutional guarantees of freedom, liberty, justice, and social economic and political participation—be fully available to all Americans.

This equality was missing in America before 1776, was the premise of the Constitution, and is comprised too seriously in 1969.

Together we must humanize and decentralize our public and private institutions—remaking them to respond to all Americans.

Almost 200 years after the Revolutionary War, Washington, D.C. is a colony of absentee rule, the American people lack a direct voice in the election of their President, millions of citizens are disenfranchised, and some Americans are more equal than others.

We cannot afford to widen the gap between promise and performance any more. When life for some Americans becomes this intolerable, our lack of action is no more acceptable than an over-reaction which widens the gap.

Our only choice is to work together on equal terms—not as parts of the "problem" on the one hand and as parts of the "solution" on the other, but as partners in an effort to restore the most basic concepts of the Constitution to the life of each citizen.

This is the challenge of citizenship today.

Walter Lippmann recently put it this way:

"This is not the first time that human affairs have been chaotic and seemed ungovernable. But never before, I think, have the stakes been so high. I am not talking about, nor do I expect, a catastrophe like nuclear war. What is really pressing upon us is that the number of people who need to be governed and are involved in governing threatens to exceed man's capacity to govern. This furious multiplication of the masses of mankind coincides with the ever-more-imminent threat that, because we are so ungoverned, we are polluting and destroying the environment in which the human race must live.

The supreme question before mankind—to which I shall not live to know the answer—is how men will be able to make themselves willing and able to save themselves."

FAMILY PLANNING: PUBLIC PRIORITY AND PRIVATE RIGHT—III

Mr. TYDINGS. Mr. President, Dr. Ansley J. Coale is director of the office of population research at Princeton University, professor of economics at Princeton, and U.S. Representative to the United Nations Population Commission. At the 1968 annual meeting of the Population Association of America, Dr. Coale delivered an excellent presidential address entitled "Should the United States Start a Campaign for Fewer Births?"

As a part of this series of Record insertions, I have been offering as background material for the hearings on family planning legislation of which the Senator from Missouri (Mr. Eagleton) will be chairman shortly, I believe Dr. Coale's address would be a valuable addition. Therefore, I ask that unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Should the United States Start a Campaign for Fewer Births?

(By Ansley J. Coale)

(Note.—This paper, presented at the 1968 Annual Meeting of the Population Association of America as Professor Coale's presidential address, will be published in the October, 1968, issue of the Population Index, publication of the Office of Population Research, Princeton University.

(Ansley J. Coale, Ph. D., Director of the Office of Population Research at Princeton University, is Professor of Economics at Princeton. He serves as U.S. Representative to the UN Population Commission.)

Each generation seems to assume that the demographic circumstances it is experiencing will persist and tries to formulate population policies to insure that they won't. During the 1930's social scientists, noting that fertility had been declining for more than a century in the United States and for 50 or 60 years or more in most of the wealthier European countries, and observing that although natural increase was still positive for most of these populations, current fertility was below replacement and the intrinsic rate of increase was negative, foresaw a declining population in the near future. The economic and social implications of a declining population were expected to be unfavorable. In fact, according to some economists, slow population growth in the 1930's was one of the major reasons for the worldwide depression. These circumstances and trends led some alarmists to speak of incipient race suicide, and others to deplore the supposed dysgenic effects of especially low fertility among the educated and the wealthy.

There was much discussion of the need for pro-natalist policies. A number of countries, some authoritarian governments and others quite democratic, started a pro-natalist program of one kind or another. Today, after some 20 years of fertility well above the pre-World War II levels, it has become fashionable to explain almost every national failure or shortcoming by rapid population growth—the ugliness and hopelessness of slum life, wasteful and irritating traffic jams, unemployment and delinquency among the disturbingly large fraction of adolescents who drop out of school, the pollution of air and water, and the disappearance of the natural beauty of our country behind a curtain of billboards and under a blanket of kleenex and beer cans. The most dramatic example of blaming population for our problems was a full-page ad that appeared recently in New York and Washington papers showing an older man being assaulted, his glasses falling off, one hand of his assailant around his neck and the other holding a knife. The caption asked, "When were you last mugged?" and ended with a plea for funds for an anti-natalist organization.

Here, I am taking the opportunity of expressing my own opinion, in large part an uncertain and tentative one, on what policy on population might be appropriate in the United States. My subject is not population policy within the less developed countries nor the appropriate policy of the United States with regard to population problems in these countries. Within the national context, I shall consider only policies directed towards influencing the *growth* of the population (not its location or quality) and shall indeed confine myself to policy designed to influence natality, not touching on migration, and assuming that the general policy with respect to mortality will be a continued effort to reduce it. I shall discuss, in other words, the considerations that might underlie a national policy designed to influence the future of American natality.

VOLUNTARISM AND POPULATION GROWTH

One policy towards natality that has very widespread, though of course not universal, support is to seek to make available to every couple and indeed to every woman the means of insuring that no pregnancy should occur except as the result of a deliberate decision to become pregnant. Opposition to this policy is on primarily religious grounds, and this does not seem an appropriate time or place to discuss moral or religious issues.

Recently, the movement to insure that each pregnancy is a planned one has been criticized as inadequate population policy since, if every woman in the United States were to experience the number of births that she seems to want, the result would be an increase in the population of some 40% per generation, or an average annual growth of more than one per cent. In the long run a continued growth at such a rate would be disastrous, leading to such well known absurdities as one person per square foot in six to eight centuries and a mass of Americans outweighing the earth after a few more centuries. The continued achievement of recently expressed family size targets would yield a population of over 300 million before the end of this century and over a billion before the end of the next. Thus, if preferences for the number of children remain fixed and the supposed association between traffic congestion, air and water pollution, juvenile delinquency and the like on the one hand and population growth on the other is accepted, it appears that a policy of just extending planned parenthood might be wholly inadequate even during the next few decades.

THE DEMOCRATIC TRADITION

One reason the policy of seeking to make voluntary fertility universal is appealing—whether adequate or not—is that it is a natural extension of traditional democratic values: of providing each individual with the information he needs to make wise choices, and allowing the greatest freedom for each to work out his own destiny. The underlying rationale is that if every individual knowledgeably pursues his self-interest, the social interest will best be served. Indeed, I am confident that in America universal and completely effective birth control would cause population growth to cease before the Malthusian positive checks of famine and disease reassert themselves.

If the cost of living space became high enough relative to other costs, people with a free choice would come to prefer a smaller number of children. But it is clearly fallacious to accept as optimal a growth that continues until overcrowding makes additional births, intolerably expensive. In fact, this is a classic example of the fallacy of composition: the fallacy of assuming that in social affairs the whole is the sum of the parts. There are many instances where the individually advantageous choice is not socially desirable. For example, in a period of incipient inflation, the most advantageous action for each individual is to get rid of his money as quickly as he acquires it and obtain and hoard real assets—an action which, generally followed, naturally makes the inflation worse.

THE RISK OF GROWTH

In other words, to fulfill the stated preferences for numbers of children of American couples today would lead to a rate of increase well above zero, a rate that would in the long run be catastrophic. We cannot count on the automatic effect of self-interest to reduce the growth rate soon enough, even if contraception were universal and virtually perfect. In fact, we cannot be sure what the future growth of population will be with or without explicit measures to influence desired family size. We must recall that fertility was low and rapidly falling in the prosperous 1920's, that it rose to unexpected heights in the postwar period and has been falling steadily for the past decade. Not all of the fluctuations are caused by changes in completed size of family. We know that a large part of the "baby boom" was a change in the tempo of childbearing and so is some of the decline. Nevertheless, no one—not even Professor Ryder—can confidently predict the average number of children that will be born by today's adolescents. [Norman Ryder, Univ. of Wisconsin sociologist, is co-director of the 1965 National Fertility Survey.]

However, the possibility must be taken seriously that fertility in America, even when wholly subject to voluntary control, may re-

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sult in persistent growth at a rate of perhaps one per cent annually. Since this possibility implies that a policy aimed merely at improving the means and extending the availability of contraception might permit a socially undesirable growth in population, ways to affect the number of children people want must be examined.

GOALS OF POPULATION POLICY

The design of policies to influence the number of children people want raises two questions. The first is the specific content of the policies, i.e., by what means are couples to be induced to alter the number of children they want, and what are the associated side effects, so to speak, of these specifics on social and political goals other than population growth itself? Secondly, leaving aside the means of influencing desired family size, what should the target of policy be in terms of the socially desired number of births? I shall discuss the second question first. Assuming that natality could be influenced with no adverse social or individual costs, what should the target be?

A few years ago, the answer to this question would be sought by trying to estimate the optimum population. If the optimum were larger than the current population, the target should be a positive rate of growth until the optimum was reached. The rate of growth should be zero if the optimum were approximately the same as the current population, and so on. More recently, the emphasis has shifted from attempting to choose the best population size, to choosing the best rate of increase. Lincoln and Alice Day in their book *Too Many Americans* proposed the target of a zero rate of increase at an early date. This goal was vigorously endorsed by Kingsley Davis in his provocative article in *Science* in November, 1967.

A MODEST TARGET

In the long run, an average rate of increase of zero is not only desirable but inevitable. The population of the world in 8000 B.C., prior to the appearance of the earliest known farming communities, has been estimated as 5 million. Today—10,000 years later—it is nearly 1,000 times larger at 3.5 billion, yet the intervening average rate of increase has been less than 1 per 1,000 per year, a very precise balance indeed between births and death. If we agree that the earth will have at least 5 million inhabitants and at most 5 trillion 10,000 years hence, the average rate of increase (positive or negative) must be within 1 per 1,000 of zero. In other words, a long-range average growth of zero will be the inevitable consequence of inevitable limits—on the one hand of standing room only or on the other extinction. The question is really *when* is it desirable to attain zero rate of increase? We can rule out a target of zero growth beginning this year since to achieve it would require reducing the birth rate to about nine per thousand, i.e., to equality with the death rate, and the consequence would be such a precipitous decline in the number of children and such an irregular subsequent age distribution that a large number of unnecessary social burdens would be incurred. A more acceptable goal would be the achievement of mere replacement for the cohort of women now entering childbearing, i.e., women 15–19. This more modest target would bring an increase to over 250 million by the year 2000 and a stabilization a few years later at about 290 million, in the absence of further immigration.

INCOME, NOT RACE, DECISIVE

If population growth is accepted as the cause of overcrowding, poverty in the slums, daily traffic jams and pollution of air and water, then the early achievement of a zero growth rate is clearly desirable and it might even seem worthwhile to contemplate a shrinking population to diminish these problems. However, it seems to me that the association between the overall size and growth of the U.S. population and these problems is really rather indirect. For example, high fertility is one of the factors helping to perpetuate the deprivation suffered by racial minorities in this country. However, it is a particularly flagrant error to attribute their deprivation primarily to this cause, and a very dangerous doctrine with overtones of prejudice to advocate special measures to reduce their fertility.

The fact is that Negroes with a northern urban background have no higher fertility than whites with equivalent education and income. Negro women married to men with college education, with professional or related occupations, and with incomes of about the $7,000 level have lower fertility than comparable white groups. Nearly half of the Negro urban population 20 to 30 years old in 1960 had been rural residents in 1950. Rural southern residents did not overcome the effects of meagre education and the other shortcomings of the environment in which they had been raised when they moved to urban areas, but took the effects of their upbringing, including high fertility, with them. Fertility in the urban ghettos will fall if discrimination is alleviated, if educational and employment opportunities are equalized.

SMOG IN AUSTRALIA

Pollution is caused by internal combustion engines as operated at present and by the unrestricted discharge of noxious fumes from other sources into the atmosphere. Similarly water pollution is caused by the discharge of noxious effluents into rivers, lakes and oceans. A population half or three-quarters the current one in the United States could ruin the potability of our fresh water supplies and poison our atmosphere by the unrestricted discharge of waste. Australia has a population of less than 12 million in an area more than 80% that of the United States. Yet Sydney has problems of smog, water pollution and traffic jams. In fact, most of the social and economic problems ascribed to our excessive population in the United States or to its excessive rate of growth are affected more by how our population has chosen to distribute itself than by its size. The problems arise from excessive concentration in the metropolitan areas, not from excessive total numbers.

MOST COUNTIES DECLINED

More than half the counties in the United States have *lost* population in each of the last two inter-censual decades. The density of population is 4.5 times greater in France, 10 times greater in the United Kingdom, and 30 times greater in the Netherlands than in the United States; yet pollution, traffic jams, and delinquency are no worse in those countries than here. Even if our population rose to a billion, its average density would not be very high by European standards. It seems to me that we must attack the problems of pollution, urban deterioration, juvenile delinquency and the like directly; and if sensible programs are evolved, continued population growth in the order of one per cent annually would not make the programs tangibly less effective.

A POPULATION OF THE AGED

But what reason, if any, is there to postpone the target of zero growth? One reason is that a stationary population has unfavorable as well as advantageous effects. The most conspicuous disadvantage is the age composition implied by a stationary population, especially at the low mortality that has been achieved in advanced countries. A stationary population with an expectation of life of 70 years has as many people over 60 as under 15. The distribution is essentially vertical up to age 50 or 55. The median age is about 37 years. A society with such an age structure is not likely to be receptive to change and indeed would have strong tendency towards nostalgia and conservatism. A French writer has characterized a stationary population as, "a population of old people ruminating over old ideas in old houses." As Myrdal pointed out years ago, in a statutory population there is no longer the consonance that there is in a growing population between the pyramid of responsibilty and the age pyramid.

When the population is stationary, there is no longer a reasonable expectation of advancement in authority with age, since the number of 50 year olds is little different from the number of 20 year olds. I repeat that zero growth rate is inevitable in the long run and desirable before overcrowding becomes painful. However, it is not clear that this generation would choose wisely to accept during its lifetime the costs of a stationary society rather than to pay during its lifetime the costs of continuing growth. To put the point in different terms: the logical argument that the population must become stationary could have been made in 1920 or in 1900 or in 1850. It might have been wiser (indeed, I think it would) to have encouraged slower population growth than the United States experienced in the late 19th Century. However, it does not seem obvious that it would have been to the advantage of Americans then or now had a stationary population been chosen at some earlier time. Nor does it seem certain to me that the earliest possible stationary population is the best choice today.

CITIZENS VERSUS DESCENDENTS

The question is one of balance between the disadvantages of further growth and greater population size on the one hand, and the disadvantages of a stationary population on the other. The problem is complicated by the fact that the choice is inevitably not only for ourselves but also for future generations. Many of the burdens of allowing the population to grow during the next 100 years will be borne by descendents who will live after the middle of the next century.

However, not only is it difficult to visualize these burdens (and also difficult for many of us to be concerned about them); it is also uncertain as to how the burdens will be viewed by the future citizens themselves. It is my observation that the disadvantages of a larger population are seen most vividly by those who were born in an earlier era. Often the current inhabitants see nothing wrong with many of the changes that the older citizens decry. I feel deprived by the disappearance of open land around Princeton. My children never miss it. People raised in Manhattan not only find life there tolerable, but preferable. In other words, to pay the price of an early achievement of a stationary population in order to spare our descendents from a higher population density may be to do them a favor that they will never appreciate.

METHODS OF INFLUENCING POPULATION GROWTH

I have doubtless taken longer than I should to say, on the one hand, that the case for the immediate achievement of zero growth is inconclusive and, on the other, that we cannot count on universal planned parenthood to achieve zero growth at the best possible moment. In other words, whether or not we need programs right now to affect people's preferences for more or fewer babies, we may need them in a generation or two and must face the question of what sorts of programs would be suitable.

One can begin by describing some of the properties a good program should have and some of the pitfalls that it must avoid. A major consideration is the effects the program might have other than on the birth rate. Preoccupation with population growth should not serve to justify measures more dangerous or of higher social cost than population growth itself. At the end of a working day during the construction of the Brooklyn Bridge, an Irishman was returning to the ground from work high on one of the towers. He was sliding down a rope and was still more than 30 feet above the ground when he fell. One of his friends came up as Pat was waiting for the ambulance and asked "What happened, Pat? Did you lose your

grip?" "No," he said. "I let go of the rope." "Why in heavens name? "Because I thought it was going to break."

THE QUESTION OF CHOICE

An ideal policy would permit a maximum of individual freedom and diversity. It would not prescribe a precise number of children for each category of married couples, nor lay down a universal norm to which all couples should conform. Some people have a stronger preference for children than others within any overall social context and the ideal policy would permit the expression of this diversity of individual values.

Some of the changes that contributed to the post-war baby boom seem to me desirable from the point of view of the individual family. The changes to which I refer include a substantial decline in the proportion remaining single, a very large decrease in childlessness, and a marked diminution in the proportion of couples having only one child. Nor do I think we should view it as individually reprehensible if some couples desire to have three, four, or more children. After all, the psychological burden of being an only child is well known, and in a two-child family sibling rivalry is at a maximum, and when there are three children, two are likely to gang up on one. Thus, when the extra burden of the fourth child does not worsen parental dispositions or health, four does not seem an undesirable number from the point of view of the children in the family.

It would be clearly inconsistent to argue that four should be the norm when discussing a policy intended to produce a zero rate of increase, since to achieve replacement the average number born to married couples must be about 2.3. However, the ideal policy would permit a minority of families (families in which the parents are prepared to substitute expenditures on more children for expenditures on luxury goods and in which the housewife is prepared to devote her talents and energy to child-raising rather than to some alternative career) to choose an above-average number of children without being viewed with scorn or disapproval.

A POLICY OF INCENTIVES

An ideal program designed to affect the number of children people want would help promote other goals that are worth supporting on their own merits, or at least not conflict with such goals. Specifically, the program should not have the inequitable effect of adding to the burdens of the underprivileged, and ideally should reduce inequity by easing their burdens. A program for *increasing* the number of children people want is more readily reconciled with humane goals than a program for diminishing the number they want. In the 1930's, when the Swedish birth rate was well below the level required for long-range replacement, the liberal Swedish government proposed a number of measures intended to increase fertility. The Swedes were opposed to the cash benefits then being introduced in totalitarian Germany and Italy. They felt that financial inducements might appeal to the persons least equipped to provide a good home environment for the next generation. The Swedish policies were designed to remove or to reduce the restraints that were then preventing responsible parents from having more children. They provided free pre-natal care and lying-in hospitals to minimize the danger and cost of childbirth. They offered to large families lower rates of rental per room in government housing, so that the cost of extra space would not serve as a deterrent to having more children. They increased the number of state scholarships in Swedish universities, so that parents could hope that they could afford to educate an extra child.

No one would advocate the converse of these proposals as an ideal program for reducing fertility when it is too high. The reason that there is an instinctive negative reaction to deliberately increasing medical charges for pre-natal care and delivery, purposefully raising rents for large families and reducing scholarships at the universities, is that such measures and others that have sometimes been proposed, such as tax scales that increase with size of family, would all have the effect of imposing hardships on those who are already deprived. Measures to discourage fertility by imposing additional burdens on those who bear children will almost inevitably be unfair so long as a substantial proportion of births, especially to those with high fertility, result from accidental pregnancies. If another unwanted child is added to a large family, his lot will scarcely be improved if his parents face some kind of financial or other penalty as a result of his birth.

MEETING HUMAN NEED

The planned parenthood program of making people aware of the possibility that the number of children born can be regulated consciously and of making readily accessible truly effective means of contraception that do not interfere with sexual pleasure meets these criteria. To eliminate unwanted childbirth clearly increases freedom of choice. Since the burden of unwanted pregnancies is greater for the underprivileged, as is the incidence of such pregnancies, extension of effective fertility control contributes slightly at least to a narrowed difference between the privileged and the deprived. The proportion of most recent births characterized as not wanted is especially high among Negroes at the lower end of the scales of income and education. However—we must repeat—a planned parenthood program is not necessarily adequate to achieve the growth that public interest requires.

AN EXERCISE IN FICTION

Economists at the University of Chicago are famous for judging a public policy as desirable to the extent that it operates through the mechanism of a free market. I have heard it facetiously suggested as the ideal form of fertility regulation to introduce a highly effective anti-fertilitiy agent in the water supply and then to sell the antidote at a controlled price, allowing market forces to do the rest. When the birth rate is too high, the price of the antidote can be raised, and vice-versa. People who place an especially high value on children can have as many as they can afford. The less doctrinaire economists of this school might be willing to complicate such a method of regulation by a scale of prices to allow for the different economic circumstances of different purchasers. The system could be extended to cover fertility below replacement even when the price of the antidote is zero by offering a subsidy under these circumstances to persons willing to take the antidote. The feature of an approach like this that I find most appealing is the fact that it does not attempt to enforce a limitation of two births or three births per couple, as has been recommended for example by Lincoln Day.

Of course, the solution I have attributed to the Chicago school of economics is an exercise in science fiction. It is probably more unrealistic politically than technologically. I describe it only to characterize, even if in an unrealistic fashion, features that one would like to find in a program for regulating fertility. There are more feasible measures that might be implemented, such as reducing the remaining discriminatory rules and attitudes about the employment of women, further equalizing educational opportunities at both the undergraduate and professional level, and in general opening further career opportunities as an attractive alternative to motherhood. A liberalization of laws on abortion would be a useful supplement to the "planned parenthood" program outlined earlier.

A set of measures of this sort does not add up, of course, to a tidy and logical but unrealistic Chicago economists' program. Perhaps the greatest weakness of such measures is that their effect on fertility is uncertain and occurs after a substantial lag in time. Also, the measures are irreversible—it would hardly be feasible to increase discrimination against women if the birth rate fell too low. Fortunately, as was stated in the first part of these remarks, I do not think that we need to rush into a program of special inducements for lower family size targets. After all, the gross reproduction rate in 1967 was only about 1.30, some 28% below its peak in 1957. The birth rate of January 1968, moreover, shows an especially sharp additional drop, even after seasonal adjustment. It is possible that by the time a feasible program is ready for formulation in the form of legislative proposals, we shall be seeking ways of increasing fertility in order to avoid a declining population.

PROPOSED REPEAL OF EMERGENCY DETENTION PROVISIONS OF INTERNAL SECURITY ACT OF 1950

Mr. INOUYE. Mr. President, I was most pleased to read an editorial published in yesterday's Washington Post, urging the speedy consideration of S. 1872, a bill I introduced, with 26 cosponsors, to repeal the emergency detention provision of the Internal Security Act of 1950. I believe the editorial gets to the heart of the matter by stating:

> It is idle to say that the law will never be put into effect by an American President. If it will never be put into effect, it should be repealed.

Therefore, I am urging again, that hearings be conducted by the Committee on the Judiciary and that speedy and favorable consideration be given to S. 1872. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A SLUR ON AMERICA

Most Americans, if told by some foreigner that the Government of the United States was contemplating the construction of concentration camps, would respond either with derision or with indignation. Concentration camps are the ugliest symbol of totalitarianism; they are as "un-American" as gas chambers. Yet the sad truth is that in the hysteria of 20 years ago over communism, Congress passed a law—the Internal Security Act of 1950 more commonly referred to as the McCarran Act—giving the government authority, in a period of national emergency, to put into concentration camps, called "detention centers", persons deemed likely to commit espionage or sabotage. That evil law remains on the statute books today, a legacy of the panic that prompted it.

It is idle to say that the law will never be put into effect by an American President. If it will never be put into effect, it should be repealed; but the Department of Justice, Columnists Evans and Novak report, flatly opposes repeal. It is idle to say that Negroes are absurd to be fearful these camps are intended, at some period of crisis, to confine any of their leaders who may become too militant from a white point of view. Negroes cannot forget that they were once treated as chattels in this free country simply because their skin was black; and they remember that native-born American citizens were penned into detention centers during World War II simply because their skin was yellow. It is idle to say that political nonconformists need have no fear these camps will be employed to silence them. Silencing opposition is the very point and purpose of a concentration camp.

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It is a reproach to the United States that its Congress should fail to repudiate so strange a statute. Several bills have been introduced to repeal Title II of the McCarran Act. They ought to be passed by acclamation, regardless of the Department of Justice. It will not diminish the security of this country to restore the ancient pride of Americans that they cannot be imprisoned save in accordance with due process of law.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, on Friday, October 17, the Committee on Finance met in executive session and reached decisions on many important sections contained in the Tax Reform Act of 1969. These sections include the tax treatment of farm cooperatives and rural electric cooperatives; Federal land banks; farm losses and hobby losses; holding period for livestock; and livestock depreciation recapture. Additionally, the committee added to the bill two amendments relating to, first, crop insurance proceeds, and, second, health insurance and medicare and medicaid.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[A press release from the Committee on Finance, U.S. Senate, Oct. 17, 1969]

TAX REFORM ACT OF 1969—ACTIONS IN EXECUTIVE SESSION

Honorable Russell B. Long (D., La.,), Chairman of the Senate Finance Committee, announced today that the Committee had reached further major decisions with respect to the Tax Reform Act of 1969. The important subjects before the Committee at today's executive session concerned the treatment of farm cooperatives and farm losses.

A complete explanation of the actions taken by the Committee follows:

FARM COOPERATIVES

The Committee deleted from the House bill the provisions which would have required farm cooperatives (1) to pay out in cash 50 percent (instead of 20 percent, as provided by existing law) of patronage dividends if they are to qualify for deduction, and (2) to redeem the patronage dividend within 15 years. The Committee noted that the House provisions would not have produced any additional revenue for the Federal Treasury.

However, in a related move, the Committee directed the staff to explore the possibility of taxing cooperative organizations on their income which is not related to the purpose for which the cooperative was created. This would enable the Committee to determine whether the competitive advantage available to cooperatives which engage in a profit-making business enterprise can be removed without jeopardizing the purposes for which cooperatives were granted a tax advantage.

A technical amendment was also approved to allow cooperatives 8½ months after the close of the year to make cash payments of per-unit retain allocations and deduct them, thus conforming to the period presently allowable in the case of non-cash allocations.

In addition the Committee agreed to provide a 10-year carryback with respect to bad debts of the banks for cooperatives.

RURAL ELECTRIC COOPERATIVES

The Committee also added to the bill an amendment which would require rural electric cooperatives to pay tax on the interest income they receive on Federal government obligations they own if they also have borrowed from the Federal government loans bearing a special low rate of interest.

FEDERAL LAND BANKS

The Committee approved an amendment to terminate the Federal income tax exemption (first enacted in 1916) for Federal Land Banks over a 5-year transition period. This action should add approximately $12 million to Federal reserves.

FARM LOSSES

The Committee agreed with the House that the tax treatment of farm losses should be brought under greater control. However, it felt that the approach taken by the House was unnecessarily complicated. Accordingly, the Committee agreed to a substitute for the House provision. Under this substitute, an individual who has more than $50,000 of non-farm income and who incurs a loss from his farm operation of more than $25,000 (these are the same tests provided in the House bill) will be allowed to deduct currently only one-half of his farm losses in excess of $25,000 against his non-farm income. The remaining portion of his farm loss which would not be allowed as a deduction in the year it is incurred could be carried over for an indefinite period but could be used only to offset future farm income.

Under the Committee substitute, farm losses up to $25,000 could continue to be deducted in full against non-farm income but deductions in excess of $25,000 (where the taxpayer has non-farm income of more than $50,000) could be subject to an initial 50% disallowance.

Initially, the Committee substitute would produce more revenue for the Federal government than the House bill. This is so because the House bill allowed a full current deduction of farm losses but then recaptured at ordinary income tax rates the amount previously deducted when the farm property is sold at a capital gain.

CROP INSURANCE PROCEEDS

The Committee added an amendment to the bill (Amendment No. 243, Senator Miller (R., Iowa)) to provide that at his election a farmer whose crops have been destroyed and who receives crop insurance proceeds in compensation for his loss may elect to defer the immediate reporting of these proceeds for Federal income tax purposes until the year following the year of destruction, provided that is the year in which he would normally have reported the income from the sale of the crop if it had not been destroyed.

HOLDING PERIODS FOR LIVESTOCK

Under existing law livestock must be held for one year in order for the gain on its sale to qualify for favorable capital gains treatment. The House bill would have changed the holding period so that livestock must be held for at least one year after the animal would ordinarily have been used for draft breeding and dairy purposes. Because this test was difficult to apply in the case of many types of livestock the Committee approved an amendment under which horses and cattle must be held for at least two years in order to qualify for capital gains treatment. Other types of livestock would remain subject to the one-year holding period presently in existing law.

LIVESTOCK DEPRECIATION RECAPTURE

The Committee adopted the House bill provision which provides for the recapture of ordinary income tax rates of gain on the sale of livestock to the extent depreciation deductions had previously been taken with respect to purchase livestock and deduct it against ordinary income. Under present law, all the gain on the sale of livestock is treated as a capital gain.

HOBBY LOSSES

Under the House bill, the hobby loss provision in existing law would be replaced with a rule that disallows the deduction of losses from an activity which is not carried on with a *"reasonable expectation of profit."*

The House bill presumed the activity to be carried on without an expectation of profit where the losses from the activity were greater than $25,000 in three out of five years. The Committee agreed with the House as to the desirability of tightening up on the deduction for hobby losses. However, testimony presented at the hearings indicated considerable difficulty could be expected from the subjective nature of the test applied by the House bill. For this reason, the Committee modified the House bill in such a way as to disallow losses with respect to an activity which the taxpayer is *"not engaged in for profit."*

The Committee also provided that if the taxpayer has profits in two out of five years from the activity in which he is engaged, he would be presumed to have engaged in that activity for profit and the Internal Revenue Service would be under a burden to rebut this presumption.

The Committee also approved technical amendments, the most important of which would assure the continued deductibility for items which would be deductible without regard to a trade or business. Items referred to include deductions for interest, State and local taxes, and long-term capital gains. In this same vein, the Committee agreed that even in the case of a hobby loss the expenses involved would be deductible to the extent of the income received from the activity.

Because concern has been expressed as to whether there would be a reasonable administration of this provision, the Committee expressed its intent that the Treasury should establish two advisory groups drawn from the cattle and horse industries to assist the Commissioner of Internal Revenue by examining the reasonableness of cases which agents would contemplate bringing under the new hobby loss provision. One advisory-agreed group would be concerned with livestock operations and the other with horse raising, breeding and racing operations. These advisory groups would be composed of industry experts and would examine and recommend action to the Service with respect to cases involving their industries. This action would precede the disallowance by the Internal Revenue Service of deductions of losses under this provision. This would assure taxpayers of a high level review of their cases by responsible representatives of their industry. This intent will be repeated in the Committee reports and the tax reform bill.

MEDICAL INSURANCE; MEDICARE

The Committee approved an amendment which will be added to the bill to require that payments made under the Medicare and Medicaid programs and payments made by *private* medical insurance carriers must be reported to the Federal tax collector if they aggregate $600 or more during the year. This amendment would also require that the Department of Health, Education, and Welfare record transactions with respect to these programs on the basis of the individual's social security number. The payments which must be reported include those made directly to the health care practitioner who accepts an assignment from his patient and those for which a patient submits bills and is paid for services rendered by the health care practitioner. The amendment also requires that the Secretary of Health, Education, and Welfare submit an annual report to the Finance Committee and to the Ways and Means Committee, identifying each person paying a total of $25,000 or more under Medicare and Medicaid.

MINNESOTA CITY

Mr. MONDALE. Mr. President, one of the concerns for the future of the Nation is how and where to accommodate a population which will increase by some 100 million by the year 2000 and double to 400 million Americans within 50 years.

One answer lies in the creation of new communities: In my State of Minnesota we are moving ahead on two fronts. The new city of Jonathan, near Chaska, is working closely with the Department of Housing and Urban Development, under its New Communities Act created by the historic Housing and Urban Development Act of 1968, to create a new city in relation to the infrastructure of a small town.

Since mid-1966, the energies of the University of Minnesota, the State and Federal Governments, and our business community have joined to probe the creation of an entirely new kind of city.

I believe this latter effort, which is moving from the initial phase of theory to the second phase of experiment and development, is of extreme interest to Members of Congress and others who are concerned with the future urbanization of this country.

I ask unanimous consent that the text of the remarks by Otto A. Silha, chairman of the experimental city steering committee, be printed in the RECORD. Mr. Silha, who is also executive vice president and publisher of the Minneapolis Star and Tribune Co., spoke at a new towns developers conference.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE EXPERIMENTAL CITY AND THE FUTURE OF URBAN AMERICA

This has been a year of significant milestones for what many now consider one of the most important and far-reaching undertakings ever launched in America . . . the planning and eventual building of an experimental city for the United States.

I hope that I may be able to leave with you a greater appreciation for the project and—especially—for what it can mean for Minnesota, the Midwest, and indeed for our entire nation as a partial but vital solution to many of our rural and urban problems.

Since mid-1966, when an experimental city was initially proposed, the energies of the University of Minnesota, the State and Federal governments, and our business community have been harnessed in developing, during Phase I, the theoretical foundations of this entirely new kind of city.

The project has maintained from the beginning, a certain magnetic quality, attracting the brainpower, experience, and talent of more than 170 workshop participants from all over America and symbolized by our Steering Committee. Let me quickly review the Committee's membership:

Gaylord W. Anderson, Director, School of Public Health, University of Minnesota.

Dr. James C. Cain, Professor of Clinical Medicine, Mayo Clinic, Rochester, Minnesota.

Max L. Feldman, Products Planning Associates, Santa Barbara, California.

Mrs. Rita E. Hauser, U.S. Representative, Human Rights Commission of the United Nations, New York, N.Y.

Walter W. Heller, Regents' Professor, Department of Economics, University of Minnesota.

Martin E. Marty, Professor, Divinity School, University of Chicago.

Malcolm C. Moos, President, University of Minnesota.

Joseph A. Pechman, Director, Economic Studies, Brookings Institution, Washington, D.C.

Roger Revelle, Head, Center for Population Studies, Harvard University, Cambridge.

General B. A. Schriever, U.S.A.F. (ret.), B. A. Schriever Associates, Arlington, Virginia.

Mrs. Muriel S. Snowden, Associate Director, Freedom House, Inc., Roxbury, Massachusetts.

Wayne E. Thompson, Vice President, Dayton-Hudson Corporation, Minneapolis.

Walter K. Vivrett, Professor, Architecture and Planning, University of Minnesota.

William L. C. Wheaton, Dean, College of Environmental Design, University of California, Berkeley.

Walter M. Beattie, Jr., Dean, School of Social Work, Syracuse University.

Harrison Brown, Professor, Geo-Chemistry, California Institute of Technology, Pasadena.

Arthur S. Fleming, President, Macalester College, St. Paul.

R. Buckminster Fuller, Engineer and Professor, Southern Illinois University, Carbondale.

Harvey S. Perloff, Dean, School of Architecture and Urban Planning, University of California, Los Angeles.

Athelstan Spilhaus, President-Elect, American Assn. for the Advancement of Science.

O. Meredith Wilson, Director, Center for Advanced Study in Behavioral Sciences, Stanford University, Palo Alto.

Paul N. Ylvisaker, Commissioner, Department of Community Affairs, Trenton, New Jersey.

Whitney M. Young, Jr., Executive Director, National Urban League, Inc., New York.

As a result of nearly three years of counsel and direction by these prominent Americans, and the work of a competent staff at the University, the State of Minnesota is in the forefront of an effort to find workable alternatives to the solution of our national urban crisis. No other large scale study of the potential of a new kind of city is currently under way in the United States. The importance of this effort is further underscored by the fact that the Minnesota Experimental City is the first research project in our nation's history to receive joint funding from three departments of the Federal government—the Department of Commerce, the Department of Health, Education and Welfare, and the Department of Housing and Urban Development. In addition, twelve private corporations, nine of which are headquartered in Minnesota, demonstrated their commitment to the City by contributing more than 25% of the $320,000 required to complete the first phase of the project, which ended with the publishing of our Phase I Progress Report in June of this year.

At the outset, to give greater focus to the project, let me briefly review with you the 1969 nomenclature of "the cities."

The Minnesota Experimental City is frequently confused with the Model City program, which is essentially a much-needed extension of what we have come to know in previous years as urban renewal, a super coordination effort involving the many departments of government which deal with the problems of the city.

Let me emphasize that the Model Cities program basically involves the replacing of slum areas with new construction, along with attempting to deal simultaneously with the overwhelming "people problems" in these dense urban settings.

A second designation for urban development which has come into the vocabulary recently is the "New Town." There are now in construction or on drawing boards, more than 250 "New Towns" in the United States. The two with which you are probably most familiar are Reston and Columbia, both of them in the greater Washington, D.C., areas. Jonathan in Carver County is the nearest counterpart in this part of the country.

Actually, in oversimplified terms, the New Town is a real estate development. They are all primarily in the private sector and many of them are spearheaded by large corporations.

Interestingly enough, almost all of these planned "New Towns" are located around the "rims" of the United States. You can trace the concentration starting from the Boston area in New England down along the East Coast into Florida, across the Gulf Coast into Texas, through Arizona and then up to the West Coast of California. Very few of them are mapped out for the Midwest.

I want to make the distinction now between the Model Cities, the New Cities and the Conference subject—the Experimental City. The key phrase which I prefer to use in describing the Experimental City is that it will comprise an *overleap* in research and in seeking more alternatives in dealing with the problems of the city.

This experimental overlap would offer an opportunity to start anew rather than dealing with the entangling restrictions of every sort—power, transportation, sewer lines, to name a few—which are ever present when we attack the problems of the established city or even the environs of an established metropolitan area.

The Minnesota Experimental City has been conceived as a totally new city in which innovations—technological, social, economic, and physical—could be developed, experimented with, and evaluated. Such a city concurrently could lead the way to a more humanized order of urban living. In short, the objective of the Minnesota City is to improve dramatically the quality of life by providing a major advance in man's ability to shape his environment.

We know that today's urban systems are complex and interacting; thus only through a new city is a total systems experiment possible. The Minnesota Experimental City, located some 100 to 150 miles from any existing urban center and housing eventually some 250,000 people, will provide that opportunity.

The fragmented experiments possible in existing urban settings are no substitute for what we envision here. Tradition and the status quo can be—and frequently are—deadly enemies of human progress but, in a new city, it will be possible to experiment in a coordinated way with a wide myriad of human and environmental factors.

Thus, we look upon the Experimental City as a national proving ground for demonstrating our social, economic and physical capabilities for building cities that can be truly responsive to man's changing needs. The real premise of the City, then, is that 1) man can creatively mold his environment; 2) that we can uniquely unite the technological resources of the private sector with the authority of the public sector; and, finally, that we can do much more to serve people by harnessing an reorienting the social, economic and physical forces about us.

And, what is the great force compelling us to forge ahead . . . people. Dr. Patrick Moynihan, President Nixon's urban adviser, has repeatedly spoken of the need to deal boldly and imaginatively with the American population explosion. America's population trend is irreversible—despite a birthrate of only one per cent, the United States will grow by 100 million people in the next thirty years.

We must find the means to locate these Americans in other than existing urban centers. In short, as Dr. Moynihan says, we need to build in the United States one city the size of Tulsa, Oklahoma each month for the next thirty years just to keep pace with our population explosion.

The question of numbers aside, we are also rightfully concerned with the "quality of life" for our people.

The MXC project proposes to create near the geographic center of the North American continent a new city which can serve in 1976 as a symbol of the progress of two hundred years of an evolving democratic society—its people, institutions, and technology.

In several of our MXC workshops, participants stressed the importance of the City

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subscribing to a set of community and human values consistent with the following principles:

(1) That citizen participation in evaluation and change be encouraged so as to develop mechanisms for achieving further progress.

(2) That social interaction within and among age, religious, racial and ethnic groups and subgroups be fostered.

(3) That personal integrity, individuality and freedom of choice be upheld.

(4) That protection and security be assured; and

(5) That the City will provide for creative and renewing experiences for its inhabitants.

Hence, the search for innovation will not be limited to physical hardware and physical arrangements; equal significance will be given to the need for genuinely new and progressive social institutions and social arrangements.

The Minnesota Experimental City, by its very nature, would have a number of inherent advantages, including:

(1) Lower land costs, particularly if the ultimately selected site is removed from an area currently under development or if it were already in the public domain.

(2) Housing of diverse types and sizes could be built into the communities to accommodate the full life cycle, and to experiment with intermixes of different income, age, and ethnic groups.

(3) Fewer legal and regulatory restrictions would deter innovation in construction technology; and

(4) Community attitudes would be more conducive to change and experimentation; far fewer economic or socio-psychological commitments would manifest themselves as barriers to change.

As an instant city, defined to mean a ten-year development effort from the beginning to substantial completion, the Experimental City would permit a coordinated application of social and physical know-how in a working, demonstration of what man can achieve if he so desires.

For the first time in the history of man, we are advancing the concept of building a complete city from an ecological base. Past Steering Committee deliberations and MXC workships have generated some exciting concepts for intensive investigation, research and/or development during Phase II. Here are but a few of the ideas:

The feasibility of free public mass transportation being built into The City the way an elevator is built into a building.

The possibility exists for co-ordinated testing and experimentation with MXC ideas in the near-term future. We find an emerging interest in conducting experiments wherever possible in existing communities, including our central cities. For example, certain experimental ideas may be suggested for the Model City area of Minneapolis.

The whole concept of research on "the new" and people's capacity to absorb new ideas and new things. The "marketing" aspects of new ideas constitute a whole new field for concentrated research.

A "situation room" or an "information transfer" room may be constructed for use in the planning and design stages of The City, but also as an experiment for early application in existing cities.

Development of the first air world transportation center for the United States.

The educational possibilities of the project itself. Can a new kind of university "without walls" be built into the project as it unfolds? We believe so.

What new horizons can be explored in supplying food to a city?

Again, these are only some of the interesting thoughts which have developed in the first planning stage of MXC. Many more are discussed in the formal report.

Minnesota has demonstrated a traditional concern for the quality of life. Thus it is fitting that we should be instrumental in leading the way toward a new and better environment. However, the tasks ahead are enormous. Only through a level of cooperation unique in our nation's history can the Minnesota City come into fruition. The cornerstone of this cooperation has already been set in the project's unique tripartite partnership of private enterprise, the academic community, and government evidenced during the first phase.

Many major companies joined the University and the Federal agencies in providing the funding needed to complete Phase I. The following contributed $10,000 or more toward the initial research:

Dayton-Hudson Corporation; the H. B. Fuller Company; Honeywell, Inc.; IBM; Minneapolis Banks' Clearing House Association; Minneapolis Star and Tribune Company; Northern Natural Gas Company; Northern States Power Company; Northwestern Bell Telephone Company; Polaroid Corporation; Boise-Cascade Corporation; Control Data Corporation.

Even greater support and cooperation is necessary now in Phase II which encompasses actual experimental and development work . . . work designed to evaluate untried concepts and systems in a laboratory environment, to experiment with small scale models, and to investigate anticipated operational problems. Phase II is roughly estimated to cost some four million dollars and the Steering Committee is rightfully encouraged by the continuing high level of interest in both the public and private sectors and by the financial commitments already secured from private industry.

We have every reason to be encouraged. In recent weeks Minnesota City project has received grants from the private sector totaling $500,000 for Phase II work—including a $100,000 cash grant from the American Gas Association in conjunction with an additional AGA grant of $250,000 in stipulated research. Most of the companies mentioned previously have already contributed $25,000 each for this second phase.

As you can see, the private sector has played and will continue to play a major role in the conception and development of the Minnesota City. But, more than that, our business community is demonstrating a steadfast commitment to a better life for all our people in the years to come.

In addition, the Ford Foundation has made a grant to the University of $46,000 to conduct an on-site research evaluation of the evolution of the new town of Jonathan in Carver County. Surely such research efforts there will provide many insights and improve our capability to deal with the manifold problems to be encountered in bulilding the Minnesota City.

Turning to the public sector, developments there also have been impressive and encouraging. Before adjourning, the 1969 Minnesota Legislature, by concurrent resolution of the House and Senate, authorized an interim legislative study of the Minnesota Experimental City, its needs and requirements, to be undertaken by a special Joint Committee. Such a study, to be underwritten by legislative funds, will be the first of its kind in the nation and will be instrumental in getting positive legislative action in the 1971 session. Important areas such as the formation of a semi-public corporation—with both public and private financing—to actually build the city, the granting of condemnation and bonding powers to the corporation, insurance ratings, building codes, school aid payments and taxation, and innumerable questions affecting the public health and safety need to be researched with recommendations made. The Joint Committee has now been appointed under the chairmanship of Senator Stanley Holmquist and Representative John Johnson, and its work program will be under way shortly.

Thus, in directing this committee to report back legislative recommendations by January of 1971, the Legislature has taken a major stride in advancing the feasibility of the Minnesota City. Only through a positive legislative response can we ultimately succeed and this 1969 action is a significant breakthrough with far-reaching ramifications.

We are gratified by this interest and cooperation shown by the Legislature and by the considerable assistance given to us by Minnesotas Executive Branch. The Governor, the Attorney General and the operating departments have been most helpful and we are assured of their continuing support during Phase II.

At the Federal level prospects are equally bright. Since taking office, Vice President Agnew—the President's liaison with the cities of America—has held two sessions with the nation's leading urban experts on the topic of "new towns." I was privileged to have been invited to the May session and it appears to me that we are witnessing in Washington a greater awareness than ever before that the new cities concept can be a viable solution to many of our current ills.

In Washington the MXC project enjoys the support of the Minnesota congressional delegation. And, in addition, we have visited with several cabinet-level officials, White House staff members, and with the Vice President as well to discuss the City and our plans for Phase II. We are now completing our Federal grant applications and, hopefully, we can look forward to broadened Federal support in the immediate months ahead.

From this brief overview I hope you will conclude with me that we are well on the way toward the day when people will live in the Minnesota City. To our supporters, we are most appreciative; to the "doubters" we also express a certain gratitude for, throughout history, they have impelled man to think the unthinkable and conquer the unconquerable. And, so it is with the Experimental City.

Less than two months ago, Americans witnessed the culmination of our multi-billion dollar lunar program with the landing of our astronauts on the moon. Once again, man achieved the impossible.

If American technology and know-how can overcome this incredibly complex and difficult challenge, surely we can grapple more successfully with our people-problems here on earth. What we so desperately need is the resolve to do so . . . and that means we must re-examine our priorities.

Vice President Agnew, writing in the forward of *The New City*—recently published for urban America by the National Committee on Urban Growth Policy—commented: ". . . the problems faced by American cities seem an unending chain of crises. Not only are suggested solutions few, but the general ability to thing through the intricate maze of political, technical and geographic relationships is almost totally lacking.

"Everyone concerned knows that something must be done. Without cities of a new kind, cities which exist to serve human life and not detract from it, our complex civilization cannot survive . . ."

Let me conclude by observing that we have begun to cut through this intricate maze and we are proposing, by the creation of the Experimental City, one real alternative to the decay of urban America and the decline of our civilization.

Thank you.

BEN ROSENZWEIG AND THE GREENBELT CONSUMER SERVICES, INC.

Mr. TYDINGS. Mr. President, the rise of the consumer cooperative has been an exciting and productive development in our society. I am proud to have one of the most progressive, successful consumer cooperatives located in my State in Greenbelt, Md. The Greenbelt Consumer Cooperative has not only provided quality service to the consumer in many areas, but has served as a valuable information resource to those of us in public life who are concerned with the welfare of the consumer.

Ben Rosenzweig, who has just retired from the governing board of Greenbelt Consumer Service, deserves special recognition for the contribution he has made to the cooperative movement. His life has been devoted to this worthwhile cause, and it is with great pleasure that I ask unanimous consent that the article in his honor be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEN ROSENZWEIG RETIRES FROM GCS BOARD BUT . . .

(By Penny Dressel)

While some people may think that to retire, means to withdraw from active duty or business, that is not the way Ben Rosenzweig, immediate past president and now retiring member of GCS Board, looks at it. His recent acceptance of chairman of a task force on "Possible Alternatives to the Patronage Refund" is enough to indicate that Ben will be no passive commentator on events he helped to shape in GCS.

A long-time resident of Greenbelt, Maryland, he began his association with GCS thirty years ago when he rang doorbells to solicit individual membership fees of fifty cents. He was a member of the Greenbelt delegation for fourteen years and was one of the principal founders of the Cooperative Institute Association. For the past twelve years, at CIA's annual summer rally, he has conducted a course on the responsibilities of a co-op director. He has been active in Group Health Association, Navy and Pentagon Federal Credit Unions.

More recently he was president of GCS for six years and had been vice president for five years before moving to the presidency. He has been a GCS board member for eighteen years.

At present, he is a member of the Greenbelt congress area council, assistant secretary and board member of the Greenbelt Federal Credit Union.

Two years ago he retired from the Office of the Secretary of Defense where he worked as a suprvising engineer for technical data and scientific information since 1945.

He is continuing to teach in the technology department of the Department of Agriculture's graduate school, as he has done for the past eighteen years. In September he will also conduct a five-week course for one hundred and fifty Navy department engineers at the Munitions Building, Washington, D.C.

A firm believer in the democratic application of co-op philosophy, Ben's eyes were bright and alert behind hornrimmed spectacles when he spoke of his hopes for GCS's future at the dinner given at Blair Mansion Inn, Maryland, to honor his retirement from the Board. Although he tried to keep his comments light and amusing and sprinkled with typical Rosenzweigisms, his voice edged from time to time more from irony than humor. He stressed the importance of trained leadership in successful cooperative enterprise.

Of conflicting character, his cautious conservatism is offset by an unquenchable idealism that sees social purpose in cooperatives, too, and would like greater participation in inner city ongoing projects.

His wife, Ethel, understands and supports her man in his cooperative endeavors. She herself has given dedicated effort to many programs. She recalls when Ben, a young man, full of dreams and talent and ideals came to Washington, D.C. in 1936, while she and their first-born, Martin, remained in New York City until Ben himself could establish and provide a home for them.

In proof of how effective he was, Ben and Ethel celebrate their fortieth year of marriage September 15. They have five children: Martin, 34, assistant professor and statistician at the University of Pennsylvania's Wharton's School; Richard, 31, a Maryland salesman in food distribution; Ira, 27, in the same line of business; Michael, 26, associate professor and mathematician at Annapolis Naval Academy; and Phyllis, 19, sophomore at Maryland University, who plans to major in mathematics and computer science.

Their three older boys are married and have made them grandparents to six grandchildren. Ben and Ethel hope the seventh will arrive to be present at the family celebration of their anniversary.

Never above hard work on the real problems threatening the Co-op's survival and growth, a chronological review of excerpts, from Ben's comments in GCS annual reports to members during his six years as president, would appear to carry through to a projection of the future.

1962

A year which has tested this organization to its core. After this severe trial I believe we are in the process of emerging leaner, harder, tougher.

1963

While 1963 was a year of trials, tribulations and drastic changes, we reversed the downward trend.

1964

A year of achievement and I am more enthusiastic and confident than ever about our Co-op.

1965

Expansion of our charter flights to Europe, the initiation of an auto leasing program, and successful group activities for homemakers, folk dancers and single people are all part of our broadened program to meet needs strongly felt and to respond with service to satisfy these needs.

1966

We are now big enough and efficient enough to save many thousands of dollars for shoppers who use our stores.

1967

The year caused us to review our objectives, to examine our performance, and to really appreciate the importance of detailed training of personnel at every level in our fast-growing operation.

Though Ben is not in the job market his long experience with GCS has deepened his interest in many co-op questions, and his current assignments show that he is willing to accept new challenges. Indeed, he shows willingness to face problems of the present and future head-on—an intrepid cooperator who will neither die, fade away or retire.

NATIONAL BUSINESSWOMEN'S WEEK

Mr. DOLE. Mr. President, this week, October 19–25, has been designated National Business Women's Week. It is fitting that such recognition be given the role of American women in our commercial and professional communities.

This year marks the 50th anniversary of an organization which has enjoyed a long reputation as one of the foremost women's organizations in this country. I am speaking of the National Federation of Business and Professional Women's Clubs, Inc. The ladies in this organization have set an outstanding example of sustained devotion to the causes of women's rights and civic improvement. Their efforts to examine issues in all areas of citizen concern have earned them a well-deserved reputation as invaluable contributors to the public good.

I am proud that the business and professional women of Kansas have taken a leading role in the affairs of their communities and exert a positive and constructive influence in our State's political and civic life. Their numerous programs to inform the public on important issues and to stimulate voter registration and participation are an invaluable contribution to the political process and excellence in government. This year the program of Kansas business and professional women's clubs are emphasizing the heritage of our flag, safety and utilization of the talents and abilities of our handicapped citizens.

Mr. President, I commend the business and professional women of America for their services to our Nation and wish them continued success in their endeavors.

THE INSTITUTE FOR POLICY STUDIES

Mr. THURMOND. Mr. President, among the groups participating in the demonstrations here in Washington, October 15, was an outfit known as the Institute for Policy Studies. On past occasions, I have called attention to this group whose avowed purpose is to study ways of promoting and developing the concept of revolution. The Institute for Policy Studies is concerned with developing broad changes in our social structure without reference to the political structure upon which our Nation is based. Its members seek to override the republican form of government and to institute those changes which they, as an elite, feel will be beneficial without reference to the desires of the American people or the Federal and State governments.

I am sorry to say that the Institute for Policy Studies has received substantial support from tax-free institutions. In effect, our tax policy is subsidizing the revolutionary theory of the Institute for Policy Studies. The taxpayers are paying for attacks upon themselves whether they like it or not.

Mr. President, I do not know whether or not the program of the Institute for Policy Studies includes violence, but it is evident that they are studying ways of promoting widespread disruptions in our social fabric.

The activities of this group were admirably exposed in a recent pair of articles in Barron's Weekly by Mrs. Shirley Scheibla. Mrs. Scheibla is well-known for her extensive and penetrating studies of agencies which attempt to use public money or public privileges to introduce changes into our Nation without reference to the desires of the people of our Nation. A current series on the Institute for Policy Studies is no exception. She shows, for example, how the institute participated in the recent attack upon the administration's military procurement authorization bill. She shows how this group is functioning as its own con-

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gressional committee and seeking to circumvent the committee system in Congress and she shows how the group is inter-connected with other organizations supporting sweeping changes in our society.

In her second article, Mrs. Scheibla discusses the institute's theory of "creative disorder" which is nothing but a euphemism for inducing anarchy and destroying authority in order to impose the will of the minority upon the people. Mrs. Scheibla points out that the head of the institute, Mrs. Arthur Waskow, helped plan the demonstrations at the Democratic National Convention in Chicago. She says, and I quote:

> The subsequent need to call up the police to enable an institution of government to operate, and the resulting cries of police brutality, ran true to IPS theory espoused by Mr. Waskow and other exponents of the New Left affiliated with the Institute.

Mrs. Scheibla, of course, is referring to the riots which led to the indictment of eight of the leaders under the Thurmond anti-riot amendment to the 1968 Civil Rights Act and to the trial in Chicago which is now in progress before Judge Hoffman.

Mrs. Scheibla also shows how the theories of the Institute for Policy Studies have been extended in the Government programs, such as the Office of Economic Opportunity. She shows how Mr. Waskow and the institute have been advocating so-called community control of schools, public health services and police departments. I think it is clear from her articles that this so-called "community control" is euphemism for rendering the police, the health offices and the school system helpless as agents of the highly organized radical minorities developed and fostered by the Institute for Policy Studies and its graduates.

Mr. President, I urge all Members of this body to read these articles carefully, keeping in mind the nature of the facts revealed and Mrs. Scheibla's excellent reputation for reporting.

Mr. President, I ask unanimous consent that these two articles entitled "Radical Thank-Tank" from the October 6 issue of Barron's and "Ivory Tower Activists" from the October 13 issue of Barron's be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From Barron's, Oct. 6, 1969]

Radical Think-Tank—The Institute for Policy Studies Aims To Disarm the United States

Senator Strom Thurmond, Republican of South Carolina: By giving a tax exemption to an organization like the Institute for Policy Studies, our government is allowing tax exemption to support revolution. (Congressional Record, December 4, 1967)

(By Shirley Scheibla)

Washington.—The vicious attack, in and outside of Congress, on the so-called military-industrial complex has enlisted the support of an ally as powerful in and around the nation's capital as it is unknown to the U.S. at large, an organization called the Institute for Policy Studies (IPS).

For example, IPS is represented on the staff of the Joint Economic Committee, which under the leadership of Senator William W. Proxmire (D., Wis.), has spearheaded the assault on the Pentagon's proposed budget. An economist with the committee, Richard Kaufman, is in charge of his staff work; Mr. Kaufman also happens to be an associate fellow of IPS. IPS defines associate fellows as "part-time faculty who have led seminars, participated in social inventions, or have engaged in individual research projects supported by the Institute." It says associate fellows sometimes, but not always, receive honorariums for their work. Mr. Kaufman told Barron's he did not care to comment on whether he has received pay for his work for IPS.

Until 1967, when Mr. Kaufman went to work for the committee, it had left the military budget to the Armed Services and Appropriations Committees. Now the staff economist, undismayed by Senator Proxmire's recent failure to win major Senate cutbacks on military spending, including a halt to purchases of the C5A aircraft, says he is planning a five-year campaign against military spending.

OFF-THE-RECORD BRIEFINGS

Mr. Kaufman wears his two hats with careless ease. Earlier this year, in his official capacity, he invited 27 Congressional assistants to off-the-record briefings on military spending under the auspices—and at the expense—of the Institute. They lasted several hours each, included dinner, and were held once a week for several months at the Congressional Hotel.

The Institute has arranged similar conferences for other interested groups, including the National Conference on Military Priorities; IPS officials also have worked with the Council for a Livable World (which now ranks as the third-biggest spender among U.S. lobbyists), the members of Congress for Peace Through Law, and the New National Mobilization Committee to End the War in Vietnam.

What is the Institute, and why is it so concerned with the military-industrial complex? It characterizes itself as a "think tank"; calls most of its officials "fellows," and enjoys tax exemption as an educational institution. It is supported by tax-exempt contributions from foundations, universities, colleges and individuals. And, as will be seen, it is directed by leaders of the New Left, a movement which J. Edgar Hoover, in testimony before the House Subcommittee on Appropriations, recently called "clearly subversive . . . an ever-increasing danger to our national welfare and security."

Organized six years ago, the Institute has an annual budget which currently runs to $400,000 a year. Financing has come from the Ford Foundation, Edgar Stern Family Fund, Samuel Rubin Foundation, Irving Lauck, the Institute for International Order, Milbank Foundation, "the Fontaney Corp., through the generosity of James P. Warburg," Society for the Psychological Study of Social Issues, National Board of Missions of the Presbyterian Church, Field Foundation, Cudahy Fund, Edwin Janss Foundation, Jennifer Cafritz, Walter E. Meyer and Michael Gellert.

ACTIVE FELLOWS

Support for the Institute also comes from publishers, who, according to IPS Co-Director Marcus Raskin, have printed about two dozen books and several thousand articles by its personnel. Mr. Raskin explained to Barron's that IPS furnishes an office and a salary for the fellows who perform such work, and fees and royalties go directly to them. Moreover, IPS principals serve on a number of university faculties, including those at Harvard, Duke, the University of Maryland and the University of Chicago.

IPS had its genesis in the Peace Research Institute, which began operations in Washington on April 5, 1961, with an announcement that it would serve as a private agency to undertake and stimulate research in all fields relevant to peace, security, disarmament and international order. Shortly afterward it obtained a $20,000 contract for a study for the Arms Control and Disarmament Agency.

Signed by Arthur I. Waskow, now the senior fellow of IPS, the document called for an international police force to keep world peace and see that nations disarmed. The author also suggested that disputes in a disarmed world could "be settled by reference to the International Court of Justice, to various mediation services, to various organs of the United Nations, etc." A relative unknown at the time, he had come to IPS from his job as legislative assistant to Representative Robert Kastenmeier (D., Wis.,); Mr. Waskow now has become a public figure because of his active role in demonstrations, including those at the Pentagon and the Democratic National Convention in Chicago.

JOINING FORCES

Late in 1963, the Peace Research Institute merged with the Institute for Policy Studies, which had just been founded by Marcus Raskin and Richard Barnet, who once served as deputy director of political research for the U.S. Arms Control and Disarmament Agency (Barron's, April 29, 1968). Mr. Waskow then went to work for IPS as its senior fellow.

In August of 1965, Mr. Waskow represented IPS at a meeting in Santa Barbara, Calif., at the Center for the Study of Democratic Institutions, which produced a "Call for a New Politics," a hope for a united Left in the U.S. A year later, a National Conference for a New Politics (NCNP) was held in Chicago.

Over the Labor Day weekend in 1967, Mr. Waskow attended the first NCNP convention in Chicago; subsequently he was identified on the floor of the U.S. House of Representatives as "one of the founders and leaders of the NCNP."

Mr. Raskin's Washington career began in 1960, when he served as clerk and free lance writer to several Congressmen, including Representatives Kastenmeier, Herman Toll (D., Pa.), James Roosevelt (D., Calif.) and William S. Moorhead (D., Pa). Mr. Raskin soon co-authored a report with Mr. Waskow for Representative Kastenmeier. Copyrighted in 1961, it was titled "Deterrence and Reality," and, so far as can be determined, constituted the first advocacy of U.S. unilateral disarmament on Capitol Hill. Mr. Waskow subsequently expanded the report into a book, The Limits of Defense.

THE LIBERAL PAPERS

According to a press release by Representative Kastenmeier, Mr. Raskin also served as group secretary for the Liberal Papers, a collection of essays written by more than a dozen professors for a number of Democratic Congressmen, made public early in 1962. Among other things, the essays urged the U.S. to allow Russia to plug in to this country's warning defense system (DEW); recognize and admit to the United Nations Communist East Germany, Red China, North Korea and North Vietnam, unilaterally abandon nuclear tests; break up NATO; abandon Berlin and neutralize central Europe under terms proposed by Communist Poland.

With the advent of the New Frontier, Mr. Raskin was called to the White House to join the special staff of the National Security Council as an aide to McGeorge Bundy, who now heads the Ford Foundation. Mr. Raskin also served as a member of the American delegation to the 18-nation disarmament conference at Geneva.

Mr. Raskin subsequently became chairman of the Committee for the Formation of a New Party. On August 1, 1968, the Committee issued a statement by the chairman in which he said the New Party "will stand for the dismantling of an obsolete, dangerous military establishment that is over-extended and over-reaching. It will insist that there be an arms control and disarmament

law in the U.S. applicable to citizen and police as well. . . . It will insist that revolution in other nations or insurgencies therein should not cause interventions and suppressions by the American military."

IN THE HEADLINES

Last January, the New Party announced it had elected Dick Gregory and James P. Dixon, president of Antioch College, as co-chairmen to succeed Mr. Raskin. Mr. Dixon is an IPS trustee, and Antioch is one of the colleges associated with the Institute. Nevertheless, Mr. Raskin remains in the headlines, primarily because of his indictment (and subsequent acquittal) on a charge of conspiring to advise draft evasion, along with Dr. Benjamin Spock and the Reverend William Sloan Coffin, Jr.

Since its inception, the Institute has fought military defense through "seminars," chiefly for members of Congress and their assistants. In 1967–68 (it operates on a school year), IPS held a series of conferences for Congressional assistants on "The Impact of the War on American Society." Besides Co-Director Barnet, one of the speakers was Michael Tigar, whose subject was "The War and the Draft."

Mr. Tigar is well known as a student leader of the 1964 disturbances at the University of California at Berkeley. He is a former member of the executive board of the National Capital Area Civil Liberties Union and served as attorney for members of the Students for a Democratic Society charged with seizing and occupying George Washington University's Sino-Soviet Institute in April. Last month he was jailed in Chicago on a charge of contempt of court in connection with his defense of "the Chicago eight," charged with conspiring to incite a riot during the 1968 Democratic National Convention. (The charge against Mr. Tigar has been dropped.)

STUDY ASSIGNMENTS

IPS' 1968–69 schedule for "seminars" describes the aforementioned Mr. Kaufman's assignment as "a work study project to analyze the war machine as a public-private corporate structure. Topics covered will include cost, benefits, public relations and distribution of profits." The project assignment for Mr. Kaufman in the IPS 1969–70 budget is "Defense Procurement."

Senator Proxmire told Barron's he had heard that Mr. Kaufman is associated with the Institute, but that he is not familiar with it. However, Proxmire's Committee has published two essays by Milton Kotler, who the Committee itself has identified as a "Resident Fellow, Institute for Policy Studies, Washington, D.C." Senator Proxmire said "further that he considers what Mr. Kaufman does with his time after working hours is his own business.

"IPS principals seem to be very busy men. Co-Director Barnet and Trustee Hans Morgenthau, professor of history, government and international relations at the University of Chicago, are advisers to the Council for a Livable World. IPS Fellows Waskow and Leonard Rodberg, former bureau chief with the Arms Control and Disarmament Agency, have done work for it.

"A Senate report has described the Council's goals as unilateral disarmament and 'turning this country into a fourth-rate power at the mercy of the international wolf-pack.' The Council is the third highest spender of the lobbying organizations which filed reports for 1968. With outlays of $154,022 (up from $77,470 for 1967), it topped even such famous lobbying groups as the American Legion and the American Medical Association, and was outranked only by the United Federation of Postal Clerks (AFL–CIO) and the AFL–CIO.

"LEADING PEACENIK

"According to the same Senate document, the Council takes credit for assuring the original election victory of one of the Senate's leading peaceniks, George McGovern (D., S.D.), by having its membership put $22,000 into his campaign, enough to win a close contest in a sparsely populated state.

"Senator McGovern, in turn, is vice-chairman of a group called Members of Congress for Peace Through Law. Its chairman is Representative Bradford Morse (R., Mass.), and its members include Representatives Rosenthal and Kastenmeier (Mr. Waskow's former employer), all three of whom have attended 'seminars' at IPS headquarters.

"Last July that group issued a report, labeled 'personal and confidential,' which said that the recommendations of the Joint Economic Committee can serve as guidelines for positive reform in military procurement. Among other things, the report called for moratoria on the construction of aircraft carriers, F–14A planes, advanced manned bombers and chemical and biological warfare centers. It also urged drastic curtailment in Sentinel-Safeguard deployment and the ABM research and development program."

[From Barron's Oct. 13, 1969]

Ivory-Tower Activists—IPS Fellows Lead the Radical Thrust for Social Change

(By Shirley Scheibla)

Washington.—To judge by their public pronouncements, leaders of the Institute for Policy Studies (IPS) hold the view that demonstrations, boycotts and similar disruptive tactics are acceptable means of effecting revolutionary change in government; moreover, attempts by duly constituted authority to quell such activities, even when they prevent federal institutions from functioning effectively, constitute "repression."

No ivory-tower scholars, some of the principals of IPS have been as good as their word. Several have organized and participated in unruly demonstrations, while seven belong to the Committee to Defend the Conspiracy, organized in connection with the current trial of "the Chicago 8" on charegs of conspiring to incite a riot during the 1968 Democratic National Convention. The Committee members, according to the September 1 issue of the newsletter Combat, included Marcus Raskin, IPS co-director; Arthur Waskow, senior fellow; Gar Alperovitz, Paul Goodman and Christopher Jencks, fellows; I. F. Stone, associate fellow; and Harold Taylor, an incorporator of the Peace Research Institute, now merged with IPS.

CREATIVE DISORDER

Writing in New University Thought last year, Mr. Waskow declared that the Institute is committed to the view that to develop social theory, one must be involved in social action and experiment. Toward this end, he advocated "creative disorder," which, he said, means "to simply keep experimenting and to discover at what point one is neither smashed nor ignored, but creates enough change to move the society." Admitting a "gut preference for disorder," Mr. Waskow said IPS "stands on the bare edge of custom in the United States as to what an education research institution is."

In short, it not only develops and promulgates theories but also seeks to implement them. Aside from its failure so far in unilaterally disarming the U.S. (discussed last week in the first article in this series), IPS has enjoyed considerable success, even to the extent of Mr. Waskow being asked to give his expert advice on police problems in a project partially funded by the Justice Department.

The Institute actually has set up communes and neighborhood corporations with the ultimate aim of taking over important functions of municipal government, including the control of police, schools, housing for the poor and health services. According to at least one IPS book, Neighborhood Government, the message of the riots is that the poor want such community control, and civil war will result unless they get it. Nothing less will suffice, it maintains. The ultimate aim is to establish such control through a network of federally funded ghetto corporations.

HOLD GOVERNMENT POSTS

At least two IPS associate fellows hold government posts in which they are able to apply such theories. Other fellows, once having held such posts, apparently continue to influence the executive and legislative branches of government.

Anyone studying IPS and the turmoil plaguing the nation might be tempted to conclude that the Institute had written the scenario. According to The Washington Post, Mr. Waskow helped plan the demonstrations at the Democratic National Convention in Chicago. The subsequent need to call out the police to enable an institution of government to operate, and the resulting cries of police brutality, ran true to IPS theory espoused by Mr. Waskow and other exponents of the New Left affiliated with the Institute. Back in 1965, Mr. Waskow wrote in the Saturday Review that as revolutionists force tyranny to stop them, they will gain increasing acceptance.

According to the Daily World, Mr. Waskow also masterminded the counter inauguration of a pig for president at the time of President Nixon's inauguration.

The Institute goes far beyond demonstrations in exercising influence. Its theory of community control through the device of neighborhood corporations has been set forth repeatedly by fellow Milton Kotler. A couple of years ago, the Urban Affairs Sub-committee of the Joint Economic Committee of Congress published two of his essays on the subject as part of a compendium by 22 urban specialists.

ENJOYS TAX EXEMPTION

A footnote identified Mr. Kotler as an IPS resident fellow. His opening sentences read: "At the outset, let me say that this paper is not a study. It is an argument . . , intending to persuade you toward a course in urban legislation. . . ." (Nevertheless IPS has not registered as a lobbyist, and enjoys tax exemption as an educational institution.)

"Riots," wrote Mr. Kotler, "reflect the formation of a new local community power in combat with the established power. . . . Unless existing established federal, state and municipal governments transfer a proper portion of their authority in Negro communities, today's domestic warfare will grow."

(At about the time the essays were published, black employes of the Library of Congress began receiving cards. One side was headed, "Committee for Emergency Support," and bore the address of the Institute. It read, "We are in sympathy with the despair of the black people in America. We share their sense of powerlessness to relieve repressive conditions by conventional political means. We are frustrated in our attempts to control the decisions which affect our lives in the capital city. We are all victims. We are ready in an emergency to assist the black community of Washington with food, housing, medical care and legal aid. We are committed to act to remove repressive military and political intervention."

(The other side of the card advised calling the IPS phone number "in a riot or rebellion to obtain information, for legal assistance, for medical aid, for food and housing, to report police brutality." Shortly thereafter, Mr. Waskow began calling for the collection of bail funds in advance of violence.)

TRANSFER OF AUTHORITY

In his essays for the Committee, Mr. Kotler suggested a transfer of authority through "creative federalism." He explained, "The federal government must first assist the organization of legal neighborhood corporations with some initial funding. . . . Funding from the government is more important for legitimizing the development of neighborhood self-government as a unit of local rule

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in the society than for the money itself. . . . This proposal is already before the Senate in the form of Senate bill 1433. . . . It deserves your consideration and support."

S1433 expired in 1967. But on July 11, 1968, Roy Innis, Acting National Director of CORE, and Representatives Charles E. Goodell (R., N.Y., now a Senator), William B. Widnall (R., N.J.) and Robert Taft, Jr. (R., Ohio) jointly introduced legislation to create community development corporations "to finance, acquire, own and manage productive business enterprise located in the community, and to use the profit from such enterprise to finance its own education and social service programs in the community."

Financing for the corporations, they explained, would come from community development banks (CDBs) "analogous to Federal Land Bank Associations and Production Credit Associations, under the supervision of the Comptroller of the Currency." They estimated that federal capitalization of the CDBs initially would involve annual federal spending of $1 billion.

Last December the measure was discussed at a "self determination symposium" at the Washington Hilton Hotel. According to The New York Times, Senator Charles H. Percy (R., Ill.) told the gathering, which included black militants, that "Mr. Nixon had expressed approval of the concepts in the bill and that Nixon aides had informed him that the President-elect 'strongly supports the bipartisan concept.' "

PENDING BILL

That bill, of course, expired with the 90th Congress. Senator Goodell, however, now is revising a similar one he introduced this year which is pending before the Senate Finance Committee.

The impetus for all this began four years ago, according to an IPS booklet called "The First Three Years," when "after long discussions with Kotler, a number of residents and organizational leaders in a poor neighborhood decided to organize the East Columbus Citizens Organization (ECCO)." To date, the Office of Economic Opportunity has approved grants of $432,219 for ECCO and expects funding eventually to total $757,113. The agency calls it a demonstration of community self-government through a corporation.

OEO also has announced what it calls its "Community Capitalism Program"; under it, the agency plans to make grants of $10 million this year to community corporations. (Mr. Kotler says there now are 70 of them.) Grants already made public include $1 million to the Inner-City Business Improvement Forum (Detroit), $900,000 to the Human Development Corp. (St. Louis), $1.1 million to the North Lawndale Economic Development Corp. (Chicago), $600,000 to the Harlem Commonwealth Council (New York) and $1.5 million to the Hough Area Development Corp. (Cleveland).

All this ties in too with the Model Cities program; by happenstance, Stanley L. Newman, an IPS associate fellow, is Chief of the Planning and Relocation and Public Administration Branch of the Division of Program Development and Evaluation in the Office of the Assistant Secretary of Housing and Urban Development for Model Cities and Governmental Relations.

EMINENT DOMAIN

Now Mr. Kotler is elaborating on his theory. In a book titled Neighborhood Government, just published by Bobbs-Merrill Co., he demands regulatory power for the community corporations to assure that money earned in the community will stay there. He also writes: "It is necessary for the corporation both to have the power to tax its residents and to be able to dispose of its territory. This means the governmental power of eminent domain." He says it also would be reasonable for the corporation "to control prices, rents, licensing and banking." Further, he would like communities to govern themselves based on custom rather than outside laws.

Calling the community "the action unit of this emerging revolutionary class," Mr. Kotler says, "The neighborhood organization . . . must be prepared to defend gains in jurisdiction by the threat of war to any who would endeavor to deny these gains."

Meanwhile, Mr. Waskow has pursued the IPS idea of community control of schools. Some years ago he became secretary of a community anti-poverty group here. The Adams-Morgan Community Council, just as federal policy-makers insisted that the D.C. Board of Education allow the Council to run the Morgan Elementary school as an experiment in community control.

Shortly thereafter, John R. Immer, president of the Federation of Citizens Association of the District of Columbia, wrote President Johnson that the children at the school were being cheated out of a good education. He declared: "The teachers maintain no discipline, are hippies, use vile language, have had little or no teaching experience and have and are using untried teaching methods."

CAMELOT PATRONS

Nevertheless, President Johnson's cabinet officers and their wives worked with Mr. Waskow in the presentation of the movie, "Camelot," at the Warner theater in Washington, as a benefit for the Morgan school. Among the patrons listed by Mr. Waskow were (then) Justice & Mrs. Abe Fortas (IPS lists his former law partner, Thurman Arnold, as one of its original trustees), Secretary of Defense Robert S. McNamara, Attorney General Ramsey Clark, Secretary of the Interior Stewart L. Udall, Secretary of Commerce Alexander B. Trowbridge and Secretary of Agriculture Orville Freeman.

Federal support also has been forthcoming for a new venture in higher education in which Mr. Waskow will play a significant role. The Justice Department recently agreed to underwrite loans and grants to students pursuing programs at a new Center for the Administration of Justice at American University in Washington. According to AU President George H. Williams, "The initial award (from Justice) exceeds $200,000, and anticipated funding for the academic year may exceed $500,000."

William M. McDowell, AU information officer, told Barron's that Mr. Waskow has been asked to serve as an expert consultant to the Center on how it can best serve the Washington community and that he may occasionally lecture on police problems.

Writing in a local underground newspaper, the Quicksilver Times, last July, Mr. Waskow advocated: "(1) Neighborhood control of police through citizen-elected commissions. (2) Creation of countervailing organizations such as unions of those policed. (3) Changing the role of the professional, tough cop to one of a more everyday civil servant doing his job, keeping the peace, rather than enforcing the law." A year ago, according to press reports, Mr. Waskow headed a rally here in front of the 13th police precinct station to demand immediate community control of the police.

To develop ways of establishing community control of health services, IPS held a seminar three years ago under the direction of Dr. William Kissick, associate fellow and then Chief of the Division of Public Health Methods in the Office of the Surgeon General of the U.S. (Dr. Kissick now is teaching at the University of Pennsylvania.)

BACKGROUND MATERIAL

According to Pierce Rollins, Acting Director of Information for the Office of Community Health Service of the Public Health Service (PHS), the material resulting from the conferences in that seminar has been compiled in two volumes by the Milbank Memorial Foundation. Mr. Rollins says the Department of Health, Education, and Welfare, parent agency of PHS, uses the volumes as background material prepared by experts to help it set health policy.

The official explains that PHS now is funding the planning of health services at state, area, city and that the various entities are free to subcontract with IPS experts to help in the planning.

The general idea, Mr. Rollins adds, is to fund community health services only after area-wide planning. But because of the desperate need, PHS is making funds available without area planning. It has financed, he says, 22 community health centers and others for rat control and the treatment of venereal disease. So far PHS has made 2,500 health planning grants, Mr. Rollins reports.

Tangible results also have emanated from a 1968–69 IPS seminar conducted by Rick Margolies, an associate fellow. According to the Institute, it aimed "at developing a theory of social change based upon the possibility of a movement of small groups living communally and acting as agents of change in their larger environment. It is assumed that the small group will begin to live in the manner it wishes the society at large to adopt. . . . Some individual seminars will be theoretical and historical, while others will be more specifically programmatic. The first section, 'Toward a New Life Style.' will include discussions of human communion and human need, the extended family and child rearing . . .; 'The History of Intentional Communities' will include American 'utopian' experiments, communist collectives and communes, the Kibbutzim; 'Toward a Praxis of Community' will synthesize lessons learned in the above sections and work toward a plan for a communitarian movement."

INSURGENT ACTIVITIES

Mr. Margolies told Barron's that he now has communes in operation in the Adams-Morgan area of Washington. After starting with money from the Stern Family Foundation, commune members now support themselves by working part-time at the Quicksilver Times and the Washington Free Press, another underground newspaper, Mr. Margolies explained. Among other things, the Free Press has printed detailed instructions on how to conduct "insurgent activities." Now Mr. Margolies is preparing a new magazine, to be called The People in the Streets.

In view of the success of IPS in developing and implementing theories, its present studies and projects for the future take on added significance. One plan is to set up a network of institutes like IPS all over the country to serve as counter-institutions to established ones. Gar Alperovitz, IPS fellow and former legislative assistant to Senator Gaylord A. Nelson (D., Wis.), already has launched one at Cambridge, Mass., with the help of Christopher Jencks, IPS fellow and Harvard professor.

According to Tina Smith, IPS administrative assistant, Alan Haber and Barry Weisberg are setting up a Bay Area Institute in San Francisco. Gerry Hunnius, having just completed an IPS study of "the possibility of workers' control of factories based on Yugoslav model," now is in Toronto exploring the possibility of setting up an institute. Miss Smith says IPS also is discussing the possibility of setting up one in the South.

Also on the agenda for IPS is "investigations of operations of foreign aid." Handily, Jack Heller, an associate fellow, is director of the Office of Development Programs for the Bureau for aLtin America of the Agency for International Development.

A project listed in the IPS 1969–70 budget is a "Middle-East Peace Mission," under the direction of Cherif Guellal, IPS fellow, and Algerian Ambassador to the U.S. until his country broke off diplomatic relations.

WENT TO AFRICA

About a year ago, Ivanhoe Donaldson, IPS fellow and member of SNCC, went to Africa for IPS to study self-government there and to contact members of the African National

Congress and Pan African Congress. Now his assignment is to set up liaison with both groups, "in order to make accurate information available to American educational institutions on both secondary and college levels."

The IPS assignment for fellow Frank Smith is "to set up a chain of cooperative food markets in an effort to bolster the concept of community control by trying to develop viable and democratic models for community control of food, shelter and clothing businesses." Mr. Smith, who formerly served as Coordinator of the Community Staff of the notorious Child Development Group of Mississippi (Barron's, September 26 and October 24, 1966), is a member of SNCC, CORE and the Mississippi Freedom Democrat Party.

All last summer, IPS had several students interviewing the members and staff of the Federal Communications Commission and studying public records. As a result, the Institute now has elaborate plans for challenging the licenses of broadcasting stations, particularly when it doesn't consider them responsive enough to the views of the New Left.

MORE MATERIAL REGARDING LACK OF LEGAL SERVICES PROGRAM IN CALIFORNIA

Mr. CRANSTON. Mr. President, on October 14, in a statement on the floor of the Senate, I referred to the outstanding work being done by the legal services program in California. I received unanimous consent to place in the Record reports from three such programs. Inadvertently, I did not at that time discuss the extremely diversified and important work being done by the San Mateo County legal services program. I have received copies of reports about that program, indicating that its attorneys have represented poor clients in 39 cases in the first 6 months of this year; participated in a substantial number of activities in community education regarding the available services of the program; represented and worked with neighborhood groups and associations on, among others, an economic development program and a housing program; and instituted a release on own recognizance bail program.

Mr. President, I ask unanimous consent that reports regarding these vital legal assistance activities by the San Mateo Legal Aid Society be printed in the Record.

There being no objection, the reports were ordered to be printed in the Record, as follows:

Narrative Report for San Mateo County Legal Services Program January 1–March 31, 1969

The Legal Aid Society of San Mateo County is a delegate agency of the San Mateo County Economic Opportunities Commission.

INTERESTING CASES

(1) Matter of Yang, et al (immigration law). Request to Exchange Visitor Waiver Review Board, Washington, D.C., for reconsideration rewaiver of foreign residence requirement on visa for foreign student here under National Defense Education Act. Congressman McCloskey has acted to introduce a private bill for permanent residency.

(2) Rivas & Ramirez (farm workers wage standards). Horticultural employers in Daly City—Colma area have kept transient and other field workers in a state of peonage. Legal Aid is seeking enforcement of minimum wage standards through Labor Commissioner.

(3) Merchants Collection v. Austin (garnishment). Appeal from Oakland Municipal Court ruling denying claim of exemption on basis that petroleum products are a common necessary of life.

(4) J. Chargin vs. Daniels; Santa Clara Valley Adjustment Service v. Mullins. Regarding the matter of Claims of Exemptions, it appears that we have raised a new defense. That is, if the debt is for furniture, but is not for an item which is exempt from execution under provisions of CCP 690.2, we have, on two occasions, successfully argued that the debt is not for a common necessary of life.

(5) Carpenter vs. Trujillo. We are pursuing an appeal, arguing that where on a claim of exemption the debts consist of both the necessaries and non-necessaries of life, the entire claim of exemption should be granted.

(6) Household Finance vs. Banks. We are contemplating a suit against a finance company (Household Finance Company) which called one of our clients' employer re a debt. The debtor was not delinquent, but as a result of the call to client's superior, he was dismissed from his position as a CHP cadet for a period of six months.

COMMUNITY EDUCATION

Law reform staff, supplemented by neighborhood office attorneys, continue to arrange speaking engagements before social workers, high schools, community groups, etc., on such topics of interest or concern as welfare rights, WIN program, draft law, etc.

Representatives of the Conference on Race, Religion and Social Concern were addressed on the availability and feasibility of non-profit sponsorship of low-income housing under Federal housing laws.

Law Reform also participates in a consultative and resource capacity on the Technical Advisory Committee, to the countywide Citizens' Advisory Committee for a Workable Program.

Continued attendance at Board of Health and Welfare (Advisory); various proposals presented.

Neighborhood Councils are attended and advised regarding legal and organizational matters.

Law Reform continues to prepare flyers and brochures for distribution in the community on welfare, landlord-tenant, etc.

Present plans include speaking engagements in North county on legal aspects of abortion to social workers, and on consumer law to WIN participants.

STAFF TRAINING

Staff meetings continue to be conducted on at least a monthly basis, with Law Reform scheduling speakers and discussion on topics of interest or concern to Legal Aid.

Law Reform and staff attorneys have attended Continuing Education of the Bar courses in subjects pertinent to Legal Aid problems.

Law Reform continues to consult with staff attorneys in the various neighborhood offices on legal questions, and improved techniques of practice and procedure, and to furnish memos to staff on welfare law, consumer protection, and other subjects of interest.

TEST CASES

(1) Percy v. Montgomery (Welfare Law). Case pending before 3-judge Federal Court in San Francisco, challenging the constitutionality of state welfare statute and regulations concerning the so-called "man-in-the-house" situation, and depriving needy child of welfare benefits. The court was asked to vacate its earlier memorandum opinion which invalidated HEW regulations on which the case was based. HEW also moved to intervene because of the significance of the rulings. The Law Reform unit is preparing an appeal directly to the United States Supreme Court.

(2) Furitani v. Ewigleben (student unrest). Suit filed in U.S. District Court in San Francisco on behalf of five students at College of San Mateo to enjoin college administrations from refusing to allow students to resume their standing following expulsion but before trial on criminal charges arising out of student demonstrations. Trial court denied relief on ground of prematurity, and stated students could block admission of evidence from the expulsion hearings if offered for introduction at the criminal trials. Law Reform Unit did not appeal.

(3) Oliver, McClanahan, Pelaez, et al (Welfare Recipient Tax Relief). Welfare recipients have requested and been denied home-owner's property tax relief (both refund and exemption). Complaint is being prepared for filing to test the constitutionality of statutory provisions, excluding welfare recipients from class of property-owners held exempt.

(4) Miller (Senior Citizens Property Tax). Administrative appeal to State Board of Equalization from denial by Franchise Tax Board of tax rebate to senior citizen property owner.

(5) Roman v. John Robert Powers (consumer fraud). Plaintiff, induced by false representations and coercive tactics to sign up for overpriced modeling course, seeks affirmative relief and damages against collection agency and assignor school. Demurrers filed, to be argued.

(6) Perez (auto consumer fraud). Complaint being prepared to hold assignor seller. and assignee holder, plus third party lender which financed down payment, on grounds of fraud, misrpresentation, duress, and violation of Rees- Levering Act (auto installment sales)—also involving unjust enrichment theory for punitive damages.

(7) Budget Finance v. Spears (auto consumer fraud). We are currently defending a suit by a finance company to collect on a note. One of our defenses is that the note was actually a side note in an automobile sale contract and thus is an illegal contract.

(8) Woodberry (Welfare Fair Hearing). Favorable administrative decision by hearing officer in AFDC case, involving regulations concerning assumed income in unmarried father case situation.

(9) Jordan (Welfare Law). Favorable decision by SDSW approving arrangement proposed by Law Reform for compliance with fair hearing decision to repay county and to receive retroactive benefits.

(10) Garvey (Welfare fair hearing). Law Reform challenged county welfare fraud policy and application of "man-in-the-house" regulations. Fair Hearing requested.

(11) Alexander v. Merchants Collection Agency (Unruh Act—jurisdiction). On the issue of whether CCP 1810.12 of the Unruh Act is jurisdictional, we had our first contested case. In this action, the San Francisco Muni. Court held that the statute is jurisdictional, but our motion for dismissal with prejudice was denied. However, the ruling is still significant in that parties against whom a deficiency judgment has been taken are not limited by CCP 473 in moving to set aside the default.

(12) Empire Credit v. Kody (Unruh Act—jurisdiction). Motion to dismiss on jurisdictional grounds, a L.A. Muni. Court collection case, involving an Unruh Act (retail installment contract) where defendant sued in wrong county. Pending.

(13) Sequoia Apts. vs. Chestnut (Waiver of appeal costs). Favorable decision by judge Edson—order permitting appeal from Small Claims judgment without requiring appeal bond.

(14) Manganiello v. San Mateo Junior College (mandamus). Appeal pending from Superior Court order denying Petition for Writ of Mandate, etc., asking order to CSM administration to permit client to enroll as a student for spring semester. Board of Trustees of CSM had upheld the denial by the Admissions Committee based on client's allegedly disruptive role in the College Readiness Program; Petition for Writ of Mandate asserted

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client met all statutory qualifications for admission.

NEIGHBORHOOD GROUPS AND ASSOCIATIONS

Law Reform continues to meet regularly with and advise neighborhood improvement groups, welfare rights groups, and tenants' union groups; Housing and Welfare are the predominant problem areas.

Preparation of articles of incorporation and by-laws for Neighborhood Information and Referral Centers, and for a youth center on drug abuse. Outreach through San Mateo Information Center—Law Reform services clients.

(a) Mission Rebels. We are representing the Mission Rebels, a Youth organization, in their effort to secure a permit to sell candy in the City of Menlo Park.

Narrative Report for San Mateo County Legal Services Program for April, May, and June 1969 (First Quarter of VISTA—1969–70)

I. INTERESTING CASES

A. Russell v. Peninsula Chevrolet

Our client, Mrs. Russell, a welfare mother, left her ten year old automobile with Peninsula Chevrolet to enable them to look at the car and provide her with an estimate as to the amount of money necessary for repairs. The payment for the repairs turned out to be about $70.00 which was too much for Mrs. Russell. She told the auto company that she would not be able to have the car repaired there and asked to have the car returned. They refused, claiming $20.00 involved in looking at the car and estimating the repairs. They refused to give the car to Mrs. Russell until she paid the $20.00.

Negotiations were attempted and our attorney asked the auto company to simply return the car. Our request was refused. The auto company at this point demanded not only $20.00 for repairs but also $5.00 per day as storage for the car and claimed a mechanic's lien. The total market value of the car was under $100.00.

Our attorney filed suit against Peninsula Chevrolet, seeking damages for loss of the use of the car and punitive damages. Discovery procedures including interrogatories and depositions were employed. Upon Peninsula's refusal to answer certain interrogatories relevant to their financial status and ability to respond in punitive damages, Peninsula was required to post a $5,000.00 bond. Despite this extensive litigation, Peninsula continued to refuse to turn the car over to Mrs. Russell without being paid the $20.00.

The case was tried and the judgment awarded Mrs. Russell $300.00 compensatory damages and $700.00 punitive damages. Peninsula Chevrolet has complied with the judgment and made the payment of $1,000.00 to Mrs. Russell.

B. Arreola v. Hershey, unfiled

Raul B. Arreola, age 21, a Mexican-American student was reclassified I–A and ordered to report for induction by his local draft board. The action by the draft board was taken in spite of the clear entitlement of Arreola to a high school student deferment. In part because of Arreola's lack of fluency with the English language, there had been some communication difficulties with the draft board. When the draft board and the state director of the Selective Service Program refused to withdraw the order to report for induction as a delinquent, we prepared a lawsuit to enjoin his induction and failed to file the suit only because the state director rescinded the order on the afternoon before the case was to be presented in Federal District Court.

Because many other members of the Mexican-American and Black communities in our county lack an understanding of their rights and obligations under the Selective Service Laws, we intend to be in contact with several local high schools through the counseling programs to advise student assemblies of potential draft problems.

COMMUNITY EDUCATION

1. Our attorneys have continued working with the Neighborhood Councils from the various target areas. In addition, the neighborhood attorneys maintain close contact with the Information and Referral Centers located in the target areas.

2. Attorneys have been actively involved in meeting with welfare rights groups in the county. During the past eight months, three newly organized WRO chapters have been formed. Some attempt has been made at coordinating these efforts on a countywide basis. Representatives from these groups have commenced attending the Board of Health and Welfare meetings, and they have begun articulating their feelings to the Board members.

3. Attorneys have met with the WIN program training sessions. One of the prime areas of activity in those sessions has been the trainees' rights as welfare recipients.

4. Attorneys have continued attending local high schools when invited. Most recently, several classes at Sequoia High School invited our attorneys to come to discuss general legal problems they would meet as members of the community. Our attorneys have also talked with classes at Ravenswood, Jefferson, Burlingame and Mills High Schools.

5. One of our attorneys has been meeting with the California Social Workers Organization. In part, his activity has centered on informing that organization of pending legislation related to social welfare matters. Also, he has stressed the importance of the involvement of welfare recipients in projects such as CSWO is interested. Subsequently, representatives from the local WRO's have been invited to attend CSWO meetings with the result that a new alliance is emerging and a new base of lobbying has developed.

6. The County Welfare Department has invited our attorneys to attend their training and orientation sessions in which incoming social workers become acquainted with welfare policy. It is anticipated that this opportunity to meet with social workers at the outset of their careers may provide us with an opportunity to establish better lines of communication and understanding.

7. *Housing Authority Advisory Committee.* A group of representatives from various low-income communities in the county formed a committee and approached the Housing Authority regarding inadequacies in the existing rent supplemental program. Several of our attorneys were involved in advising the committee on tactics and procedures. Following several meetings with the Housing Authority, a formal, low-income advisory committee to the Housing Authority Board was created. Several sessions of picketing at the Housing Authority and various other localities has resulted in significant alterations in the Housing Authority's orientation toward poor people. In one instance, a landlord who had approximately thirty units in the rent supplement program was persuaded not to resign from the Housing Authority in large part because of the publicity focused on his action by this low-income group. More recently, the group dramatized the lack of housing in the county by picketing and demonstrations. The result was an increase in the number of units applied for by the Housing Authority from 750 to 2000. A VISTA worker attached to the Legal Aid Society has played a major role in advising this tenant's group.

STAFF TRAINING

1. An attorney from this program is attending the National Institute for Education on Law and Poverty Colloquium for Legal Services Attorneys in Vail, Colorado, in August. The subject of the Colloquium is "Equal Access to Public Benefits."

2. Three staff attorneys from the Economic Development unit, Nairobi Development Co., attended the Western Center Program on Economic Development in San Diego.

3. One attorney and one VISTA law graduate attended the Beverly Hills Housing Conference.

4. All of the staff attorneys in the program, with the exception of the one attorney in the Economic Development unit, attended the continuing education of the bar courses and the program on "Truth in Lending" and the Rees-Levering Act held in San Francisco.

5. Weekly or bi-weekly staff meetings are used to provide presentations or discussions on specialty areas.

6. Staff attorneys are asked to write memorandums on specialty areas, a case of law which might be of general interest, or a case of litigation which may be of use or interest to other attorneys. Memorandums prepared and distributed to all the staff attorneys include the following titles:

A. Increased housing allowance for welfare recipients.

B. Suspension of driving privilege where uninsured operator fails to post security (VC 1600 et seq.).

C. New cost schedule for AFDC budget.

D. Commencement of divorce action to qualify for AFDC assistance.

E. Special provision for meeting unmet costs of housing and AFDC recipients.

F. Special needs allowance for welfare recipients.

G. Truth in Lending Act—Civil enforcement.

H. Welfare and Institutions Code, Section 11254.

I. Educational trust funds for welfare recipients.

TEST CASES

1. *Lewis* v. *Montgomery* (formerly *Percy* v. *Montgomery*), jurisdictional statement filed in United States Supreme Court, July 7, 1969, Docket No. 560 Misc. The *Lewis* case is a challenge to Section 11351 of the California Welfare and Institutions Code and regulations promulgated thereunder which establish budgetary rules when an AFDC family lives with a "man-in-the house." The lawsuit, initially filed in United States District Court as two actions, contended that California's rules conflicted with various federal statutory, regulatory and constitutional standards. A three-judge court denied plaintiff's relief. The case is on direct appeal to the Supreme Court. We expect the Department of Health, Education and Welfare, through the Department of Justice, to submit an *amicus curiae* brief in support of our case. The action is being prosecuted by our program in conjunction with attorneys from the Berkeley Neighborhood Legal Services and the San Francisco Neighborhood Legal Assistance Foundation.

2. *Maxine Betts* v. *San Mateo County Housing Authority,* Superior Court, San Mateo County.

This action seeks to invalid a barrier erected by the town of Menlo Park against further implementation of the rent supplement program in that area. The suit contends that the provisions of Section 23 of the Housing Act preclude from interferring with the operation of the program once they have begun participation. The motion for a temporary restraining order was denied, and the case was set for hearing on the preliminary injunction.

3. *Jordan* v. *Chope,* Docket No. 144934, filed in the Superior Court of San Mateo County on May 5, 1969.

This Superior Court Writ of Mandate sought to secure compliance from the County Welfare Department with a fair hearing decision. The judge signed an alternative writ of mandate and the county paid the petitioner the retroactive monies she was seeking. The issue was significant because under a recently revised rule the receipt of retroactive benefits is conditioned upon the

claimant's repayment to the county of benefits received. Because such a condition may be a practical impossibility for a welfare client, we successfully devised a new method in repaying involving an escrow devise. The State Department of Social Welfare approved of this arrangement, as did the county subsequent to the issuance of the alternative writ.

The same technique has been used to secure further retroactive benefits for Mrs. Jordan from San Francisco County, the county to which she moved during the pendency of the above action.

4. *In the Matter of Barbara Gray* (Fair Hearing before the State Department of Social Welfare.)

Claimant contested the county's continuing practice of terminating assistance without a prior hearing as required by state regulations and a recent California court decision. A further issue involved the county's policy of withholding welfare checks at the request of the district attorney. The division is expected within a short time.

5. *In the Matter of Ellis Jean Barker* (Fair Hearing before the State Department of Social Welfare.)

Claimant sought enrollment under the ATD program because of combined emotional and physical disorders. A state regulation requiring an emotional impairment to have existed for at least three years prior to the date of application has been challenged as contrary to due process guarantees. The decisions has not yet been rendered.

6. *In the matter of Gloria McQuillan* (Fair Hearing before the State Department of Social Welfare.)

Claimant sought to establish an educational set-aside fund for the benefit of her minor children, who received child support from their absent father. Although this policy has been recently followed in other counties. San Mateo County resisted this trend. The principal issue concerns the interpretation of state regulations and whether this county will abide by such interpretation. The case is under submission.

7. A study of the County General Assistance Program has been undertaken by one of the staff attorneys in conjunction with several graduate students at Stanford University. It is expected that a substantial report will be the product of the survey and that recommendations for complete revision of the Program by the County Board of Supervisors.

8. Subsequent to the decisions of the United States Supreme Court regarding welfare residence requirements, our attorneys negotiated with the County Welfare Department regarding the continued application of the County's residence requirement in the General Assistance Program. The issue was presented to the Board of Health and Welfare to no avail, the County contending that litigation would be necessary to secure their compliance. Accordingly, we submitted materials to assist the San Francisco Neighborhood Legal Assistance Foundation in securing a summary judgment in the case of *Burns* v. *Montgomery.* Following that decision, our demand on our County Welfare Department was complied with without the need for further litigation.

CLAIM OF EXEMPTION CASES

In several cases, we have extended the scope of the Claim of Exemption application in the County Municipal Courts. In the case of *Ernestine Smith,* the plaintiff obtained a default judgment on a debt which Mrs. Smith had incurred on the purchase of pots and pans from a door-to-door salesman. We were successful on the Claim of Exemption on the ground that although pots and pans are necessaries, these supposedly superior-grade waterless cookers were not necessaries but luxuries. In *Credit Bureau* v. *Easley,* the defendent had borrowed money to use as a down-payment on the purchase of a home insured by FHA. Housing is normally a necessary but we were successful on the argument that the Federal Law, which is the supreme law of the land, precludes the use of side loans as a part of the purchase money in federally assisted home loans. Therefore, since the loan in this case was against the public policy and the statutory law of the United States, the loan should not be enforceable in the State Courts. In a third Claim of Exemption case, the argument of our attorney was upheld that the use of the money was irrelevant, even if for a necessary, as long as the loan had been a straight loan of money.

10. In Helen Strauter v. Joseph & Mary Carrere, Pacific Plan and Suburban Homes, Inc., we sought affirmative remedies against a landlord and his management company for violation of housing and building codes. In January, 1969, the ceiling of Mrs. Strauter's bedroom collapsed due to heavy rains, making the room entirely unfit for occupancy and destroying much of her personal property contained therein. Mrs. Strauter was forced to vacate the room and has ever since been living in the rest of the house, sharing the one remaining bedroom with her son. The building inspector from Menlo Park gave an extensive inspection report in which he cited some 15 code violations existing on the premises. After correspondence with the landlord and Suburban Homes, an action was filed on behalf of Mrs. Strauter praying for injunctions requiring immediate compliance with applicable building, health and safety codes, declaratory relief to the effect that no rent was due and owing during the continuance of the code violations and for damages for dispossession of the premises, loss of use, and recovery of all rent paid during the time that the code violations existed. The complaint alleged that the violations of the codes, coupled with dispossession of part of the premises constituted a nuisance, a breach of an implied warranty of tenantability, breach of an implied warranty of quiet possession, failure of consideration, and rendered the rental agreement void and illegal as contrary to public policy. The complaint also sought to enjoin the defendants from continuing to do business unlawfully and unfairly under Civil Code 3369. At this time the case is in negotiation between Mrs. Strauter and the landlord and appears to be headed toward a favorable settlement.

11. *Helen Thibeaux* (*Stanley Keiles vs.*) was an action in the Small Claims Court for back rent. Mrs. Thibeaux had vacated her house after Mr. Keiles had sold the premises and the new owners informed Mrs. Thibeaux that she must vacate over a weekend so that they could occupy the house the following Monday. She was never served any demand for rent due and owing. We cross-complained against Keiles for wrongful eviction, intentional infliction of mental distress and negligence. In the Small Claims Court, Keiles was awarded recovery and Mrs. Thibeaux was not allowed to present or argue her cross-complaint. Mrs. Thibeaux filed an immediate appeal and petitioned for leave to file in forma pauperis. The Municipal Court granted Mrs. Thibeaux's motion and allowed filing of the appeal without the necessity of any fees, and specifically waived the bond on appeal normally required by Small Claims Court procedures. Upon petition to Superior Court, Mrs. Thibeaux's motion to file her action in forma pauperis was similarly granted without the necessity of fees or bonds. Mrs. Thibeaux's petition was based on arguments that the bond was specifically waivable under the rule announced in *Roberts vs. Superior Court,* and a denial of the waiver of bond precluded in effect the appeal which was necessary to guarantee Mrs. Thibeaux's constitutional rights to attorney and to a full, fair and complete trial. The case is to come on for hearing in the Superior Court on August 1, 1969.

V. GROUP PRESENTATION

1. *Welfare rights organizations.* Our Welfare specialist in the Law Reform unit has assisted in the formation of three more Welfare Rights Organizations in the county. This attorney works with these groups and assists individual clients in the groups in a number of ways. He has been appearing at the regular meetings of the San Mateo County Health and Welfare Board, a copy of one newspaper write-up is attached as Enclosure III.

2. All of our attorneys work closely with the Neighborhood Councils and have incorporated three of the info centers.

3. *Housing groups.* The Senior Law Reform counsel has been working with a number of housing groups, including the San Mateo Council of Churches, a Task Force of the Urban Coalition, the Redwood City Neighborhood Council, Consumers Mutual Housing, and the Hillcrest Development Group. The direction of these various groups is to organize and build low-cost housing. Because of the inactivity of the San Mateo County Housing Authority in this area, we feel it may be necessary for the Legal Aid Society to fill the gap and assist in the organization of low-cost housing.

4. *Tenants' association.* The Law Reform Unit drafted by-laws and otherwise assisted in the organization of the Tenants' Association. The Association recently picketed the Housing Authority and some of the apartment-house owners. The suit against the Housing Authority in the City of Menlo Park, referred to above, was instituted both at the request of the individual client and the Tenants' Association.

5. *Hermanos Latinos,* has been incorporated by the So. San Francisco Neighborhood Office and assisted in the formation of a Spanish-language group for county-wide representation of Spanish surname people.

6. *Ushiriki Development* Co. Ushiriki has been incorporated by the Law Reform unit. The organization began as a committee of the East Palo Alto Municipal Council formed for the purpose of encouraging and influencing economic development in the East Bay Shore area. The Law Reform unit and the VISTA project are working with Ushiriki to analyze the needed development and to encourage development in this area.

UNIQUE FACETS

1. Economic development program

The Nairobi Development Co. continues to work with small businesses in the East Palo Alto area. One of the four VISTA attorneys works primarily in this area and has set up five operating businesses. Some of the businesses which have been set up have not been successful. The ones presently in operation include an African print shop, a book store, a car wash, and a photography shop.

2. Political development program

The Nairobi Development continues to provide studies for the proposed incorporation of East Palo Alto into a municipal corporation. A feasibility study has been completed and circulated and is in the process of being revised and expanded.

If the people of East Palo Alto decide that they wish to incorporate, the time for placing the issue on the ballot would be in eleven months, next July, in order to accumulate states subventions during the fiscal year.

3. Release on own recognizance bail program

After various problems and reverses, the Release on Own Recognizance Program has become highly successful. One of several

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recent newspaper articles concerning the project is enclosed as Enclosure IV.

The project was initiated about nine months ago with a proposal by the San Mateo County Legal Aid Society to VISTA for the sponsorship of Release on Own Recognizance project. Throughout the past nine months, VISTA has supplied between four and five VISTA volunteers and the Legal Aid Society has provided office space, secretarial, office equipment, and supplies, and has, in addition, provided a full-time director.

The Legal Aid Society originally sponsored and assumed the full burden of the R.O.R project because no other County organization could be found which would take on this responsibility. Approaches were made to numerous County agencies, such as the Bar Association, the San Mateo Service League, and others, asking their sponsorship, with negative results. The Society, nevertheless, felt that in the interests of the poor of San Mateo County it was vital that a R.O.R. project be instituted in this county and authorized the expenditure of non-federal funds for this purpose.

After nine months' operation, the utility of this Program has been demonstrated and the judiciary of San Mateo County are virtually unanimous in approving the operation of the project. It should be added that additional impetus has been given the Program by overcrowded conditions in the San Mateo County Jail.

Because of the success of the project, the Bar Association is now willing to sponsor the program. The Bar, in San Mateo County, operates a quasi Public Defender Program in which the Bar contracts with the County for the provision of Criminal defense services. Members of the Bar are then paid on a case basis for providing these services. It has been realized by the Bar that the R.O.R. project works well with this Bar Public Defender program.

The County of San Mateo has come to realize the importance of a Release on Own Recognizance project for the administration of justice and has budgeted $17,000.00 for the Program for the next year. This sum has not been formally appropriated as yet, however appropriation of the full amount is anticipated.

In view of the above, the Bar Association is now willing to assume completely the sponsorship of the Program. Accordingly, the Directors of the Legal Aid Society have voted to transfer sponsorship to the Bar Association who will assume the full administrative burden of carrying on the Program in a proper manner.

VISTA, in view of the success of the R.O.R. Program, has increased the allocation of VISTA's to eight and is providing, in addition, $6,000.00 cash fund for a VISTA Supervisor.

An enormous amount of effort and a substantial amount of non-Federal funds have gone into the R.O.R. project over the last two years. The results, however, have justified the expenditures.

A progress report covering the period January 1 to June 15, 1969, follows:

SAN MATEO COUNTY BAIL PROJECT "O.R."

PROGRESS REPORT (JANUARY 1–JUNE 15)

INTERVIEWS

Since the Beginning of January, the Project has interviewed 608 persons in the county jail; most of whom were arrested in the Southern Judicial District.

	Interviews
January	77
February	75
March	99
April	136
May	143

RECOMMENDATIONS FOR RELEASE

The Project has recommended that 253 persons be released on their own recognizance (O.R.). 147 of our recommendations for release on O.R. have been released by the courts. Of the remaining 106 persons, 65 were rejected. The remaining made bail before the recommendation could be noted, were dismissed or otherwise disposed of.

Total recommended for O.R	253
Bailed, dismissed, etc	41
Rejected by the courts	65
Granted O.R	147

It must be kept in mind that the Project makes its recommendations regardless of the seriousness of the offense.

PERCENTAGE RELEASED O.R.

24.3% of all those interviewed obtained release O.R. Defendants are disqualified because of inability to reach references, inability to meet objective criteria, prior criminal record or falure to keep court appearance dates. Our percentage of release is quite high in comparison to the San Francisco Project using a similar criteria. The San Francisco Project releases 10% of those interviewed. However their percentage of rejection by the courts of recommendations is somewhat lower.

COURT APPEARANCES AND SKIPS

In the Southern Municipal Court a total of 186 appearances have been made by persons O.R. by the recommendation of the Project. It has been necessary to issue seven bench warrants. Of these, four were withdrawn the next day because the defendants misunderstood court dates; in one instance, the case was dismissed. Another defendant voluntarily returned the following day. There have been only two actual failures to appear. Of these one person was apprehended and the other remains at large. Letters were written to this defendant by the Project, and phone calls made in an effort to get him in. Finally, the information we had was turned over to the Sheriff's Office.

In Superior Court a total of 23 appearances of our O.R.'s were made. There have been no failures to appear by those recommended by the Project. As of June 15:

Overall court appearances of the 147 O.R.'s	212
Total actual skips	2
Percentage of actual skips	1.4%
San Francisco O.R. skips	3%–4%

4. *Housing program*. The housing situation for low-income families in San Mateo County continues to deteriorate. Overcrowding, dilapidated, substandard and unsanitary premises and jacked-up rents remain the rule. Over 2,000 eligible families are on the San Mateo County Housing Authority leased housing waiting list. This list could be expanded several times over because many more persons urgently needing housing with rent supplement are anxious to add their names.

Despite the shortage of leased housing units, the fact is that certain county officials have tended to discourage expansion of low-income housing development. The Law Reform Unit of the Legal Aid Society continues to work together with EOC organizers and other community workers toward getting the Housing Authority to act aggressively and positively and to utilize federal and state housing laws and programs in order to increase the inventory of safe, sanitary and adequate housing throughout the county but particularly in or near the target areas.

As a result of community pressure, the Housing Authority has increased its request to the Department of Housing and Urban Development (HUD) for certification and funding from 750 units to 2,500 units.

The Law Reform Unit of the Legal Aid Society also continues to counsel tenants associations, welfare rights groups and low-income individuals in the legal means to community action in order to achieve prompt and satisfactory resolution of their housing needs.

Twenty-nine tenants in the La Selva Apartments in San Mateo were threatened with eviction. They were counseled by Legal Aid, a tenants group was formed and protests were organized. As a result, lease agreements between the manager and the Housing Authority were renewed instead of being terminated and tenants remained in occupancy.

In addition, the Legal Aid Society continues to service, on an individual basis, those clients who—usually for reasons of poverty—find themselves facing eviction by private landlords. A test case on the constitutionality of a law which allows a private landlord to seize and sell personal effects and furniture in order to satisfy a judgment for rent owed is presently on appeal. A lawsuit has been filed for a resident of Menlo Park, acting on behalf of herself "and all other persons similarly situated" against the Housing Authority to try to set aside as illegal and unconstitutional a housing moratorium which the Housing Authority imposed upon itself despite the serious housing need of Belhaven area residents. A temporary restraining order was obtained and the application for a federal injunction against the moratorium has been entered in San Mateo County Superior Court. A decision is awaited at the time of this writing.

Further lawsuits are contemplated to get the Housing Authority to correct long standing unsanitary and unsafe conditions existing in leased housing premises. More vigorous code enforcement is being sought.

Legal Aid Society Law Reform Unit has informed the Housing Authority that its one-year residential preference rule is unconstitutional and has requested that the Housing Authority eliminate this rule from its eligibility procedures. A test case will be filed if the Housing Authority fails to comply within a reasonable time.

The Legal Aid Society also stands ready to assist nonprofit sponsorship of low-income housing (both rental and home ownership) in securing approval by FHA under applicable federal housing laws, and to encourage development of new techniques and systems of home construction to help bring soaring building costs to within feasible low-income limits.

SAN MATEO COUNTY ECONOMIC DEVELOPMENT

For those professionals and others working in the fields of community and economic development as they pertain to the poverty areas of San Mateo County, it has become clear that the solutions to most of the socio-economic problems of low-income families and individuals require some sort of local political autonomy coupled with overall planning and programs for implementation of economic development, based on realistic goals and priorities.

The common problems of inadequate housing, poor educational achievement and bare subsistence levels of income besetting much of the population of such areas as East Palo Alto, East Menlo Park, Redwood City, East San Mateo, Daly City and South San Francisco have to be met with a concerted attack utilizing all available community resources and know-how, supported by governmental agencies and structures at local, state and federal levels.

Commencing in East Palo Alto, where the East Palo Alto Municipal Council—an elected advisory body established for the unincorporated area by the San Mateo County Board of Supervisors—noted the lack of central direction in the community with respect to the needs and priorities of economic and community development, a group of individuals active in the community and designating themselves the Economic Development Advisory Committee (EDAC) was

named to advise the Council on matters relating to the economic development of the East Palo Alto community, and also to plan and coordinate present and future efforts. Community participation was a key element in both planning and implementation.

The EDAC proposed first the formation of a non-profit corporation dedicated to community economic development, and run by the community, to be the officially recognized economic development agency for East Palo Alto. This non-profit corporation named "Ushirika Development Corporation" is in the process of formation at the present time, and it will seek tax exempt status in order that it may more readily be the locus of grants, contributions and other types of funding for its objectives.

These include: (1) developing a master plan for economic development in the community east of Bayshore Freeway roughly encompassing East Palo Alto and East Menlo and environs; (2) initiating and promoting efforts which will help fill the requirements of the master plan; (3) coordinating economic development activities in the defined community; (4) advising the Municipal Council on issues relating to economic and community development, and (5) providing a forum for community participation in developing a program for economic development, and for educating the community on the objectives of development and ways of achieving them.

A survey of existing business and commercial enterprises is on the list of projects, along with plans for inviting and encouraging industrial development—particularly in growth-type industries, so as to accomplish the two-fold purpose of increasing the tax base and of upgrading the skills and income levels of those persons unemployed or underemployed in the community.

Lastly, but not least, a feasibility study of the possibilities of incorporation of East Palo Alto was undertaken under the auspices of Legal Aid Society of San Mateo County. This study has been made available to the Municipal Council, which thereupon drafted a request to the San Mateo County Local Agencies Formation Commission (LAFCO) for approval of a so-called "Sphere of Influence" including certain areas now included within the boundaries of the City of Menlo park, with a view toward ultimate annexation into an incorporated East Palo Alto.

At the request of EDAC, VISTA volunteers working in conjunction with the Legal Aid Society of San Mateo County have prepared and on August 25, 1969, submitted a carefully drafted report entitled "The Economic Implications of Annexing All or Part of East Menlo Park." This report attempts to analyze the economic effect of annexation of various alternative areas on the tax rate and on the revenue available for municipal services. This report is presently under study by the Municipal Council.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 451, 474, and 477.

The PRESIDING OFFICER. Without obligation, it is so ordered.

EQUALIZATION OF RETIREMENT BENEFITS FOR COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE

The Senate proceeded to consider bill (S. 2452) to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–455), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

NEED FOR LEGISLATION

At the present time, the Commissioned Corps of the Public Health Service is the only uniformed service whose members do not have available to them the same formula for computation of retired pay as do the other uniformed services. All other members of the uniformed services can use their years credited to them for basic pay purposes, before June 1, 1958 (not to exceed 30 years) in computing retired pay. This credit is only applicable after an officer becomes eligible for retirement—that is, after 20 years of active duty. Passage of this bill would correct a serious inequity by giving equal retirement benefits to commissioned officers of the Public Health Service.

PRINCIPAL PURPOSE OF THE BILL

The bill would equalize retirement benefits for members of the Commissioned Corps in the Public Health Service with the retirement benefits received by members of the uniformed services. The formula for computing retired pay of PHS officers, which would be authorized under the bill is identical to the formula which is provided for military personnel. The bill is supported by the Department of Health, Education, and Welfare, the Bureau of the Budget, and the Civil Service Commission.

COMMISSIONED CORPS

The Commissioned Corps of the Public Health Service is the oldest medical service in the Federal Government. It has a long and proud history and distinguished record of achievement. Its work of protecting and advancing national health, alleviating human suffering, guarding against the dangers of disease, and improving and prolonging human life started with the enactment of legislation to establish a Marine Hospital Service in 1798.

In 1889, Congress officially established the Commissioned Corps along military lines, with titles and pay corresponding to Army and Navy grades. It then became one of our country's uniformed services.

An officer of the Commissioned Corps may serve in clinical medicine, epidemiological field work, laboratory or clinical research, or public health administration. He could be assigned to Vietnam, to the Pribilof Islands in the Bering Sea, or to Africa, to a Coast Guard vessel, to Alaska, or to an Indian reservation. He is part of the Public Health Service team which has the ultimate responsibility of safeguarding the Nation's health.

Mr. YARBOROUGH. Mr. President, I wholeheartedly support the passage of this bill (S. 2452), which I introduced, to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

The Commissioned Corps of the Public Health Service is the oldest medical service of the Federal Government. It has a long and proud history and distinguished record of achievement. Its work of protecting and advancing national health, alleviating human suffering, guarding against the dangers of disease, and improving and prolonging human life, started with the enactment of legislation to establish a Marine Hospital Service in 1798. In 1889, Congress officially established the Commissioned Corps along military lines, with titles and pay corresponding to Army and Navy grades. It then became one of our country's uniformed services.

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Mr. President, at the present time the Commissioned Corps of the Public Health Service is the only uniformed service whose members do not have available to them the same formula for computation of retired pay as do the other uniformed services. All other members of the uniformed services can use their years credited to them for basic pay purposes, before June 1, 1958—not to exceed 30 years—in computing retired pay. This credit is only applicable after an officer becomes eligible for retirement; that is, after 20 years of active duty. Passage of my proposal would correct a serious inequity and would accord commissioned officers of the Public Health Service a retirement benefit they rightfully deserve.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)(4)) is amended by inserting the word "plus" after the semicolon at the end of clause (ii), and by adding after clause (ii) the following new clause:

"(iii) the number of years of service with which he was entitled to be credited for purposes of basic pay on May 31, 1958, or (if higher) on any date prior thereto, reduced by any such year included under clause (i) and further reduced by any such year with which he was entitled to be credited under paragraphs (7) and (8) of section 205 (a) of title 37, United States Code, on any date before June 1, 1958;".

SEC. 2. The amendments made by this Act shall apply in the case of retired pay for any period after the month in which this Act is enacted.

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COMMUNICABLE DISEASE CONTROL AND VACCINATION ASSISTANCE AMENDMENTS OF 1969

The Senate proceeded to consider the bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 1, line 4, after the word "Control", insert "and Vaccination Assistance"; in line 5, after the word "Control" insert "and Vaccination Assistance"; on page 2, at the beginning of line 3, strike out "and"; in line 4, after the word "and", strike out "for each fiscal year thereafter," and insert "$75,000,000 for the fiscal year ending June 30, 1972,"; in line 11, after the word "disease", insert "and vaccination"; in line 13, after the word "controlling", strike out "such"; in the same line, after the word "diseases" insert "for which assistance is available under this subsection"; in line 15, after the word "control", insert "or vaccination"; in line 18, after the word "be", strike out "epidemiologically", in line 19, after the word "of", strike out "communicable" and insert "such"; in line 22, after the word "promotional," strike out "and other"; in the same line, after the word "epidemiologic," insert "and other"; at the beginning of line 25, insert "and immunization"; on page 3, line 4, after the word "control" insert "or vaccination"; in line 8, after the word "whooping", strike out "cough and other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance, and", and insert "cough, or Rh disease, or any other disease which the Secretary finds represents a major public health problem in terms of high mortality, morbidity, disability, or epidemic potential and to be susceptible of practical elimination as a public health problem through immunization with vaccines or other preventive agents which may become available in the future, and"; on page 5, line 3, after the word "control" insert "or vaccination"; in line 8, after the word "controlling" strike out "communicable diseases." and insert "diseases covered by this subsection."; and after line 9, insert:

(7) Nothing in this subsection shall be construed to require any State or any political subdivision or instrumentality of a State to have a communicable disease control or vaccination program which would require any person who objects to such treatment to be treated, or to have any child or ward of his treated.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–478), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY

This bill, the Communicable Disease Control and Vaccination Assistance Amendments of 1969, would authorize a 3-year program of project grants to continue our commitment to States and local governments for assistance in eliminating diseases that are susceptible to vaccination or communicable disease control programs.

Contagious diseases such as tuberculosis, venereal disease, and measles know no geographic boundaries. Such diseases pose a threat to the health of not only the afflicted individual but also those with whom he is in contact. It is a needless threat when we have the medical knowledge to prevent or control illness due to these diseases.

S. 2264 would authorize $60 million in appropriations for 1970, $75 million for 1971, and $75 million in 1972 to be awarded to States, and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States by the Secretary of Health, Education, and Welfare. In making these awards the Secretary would be required to give consideration to the relative extent of the communicable disease and vaccination problems and to the levels of performance in preventing and controlling these diseases. The diseases to be combated include tuberculosis, venereal disease, rubella, measles, poliomyelitis, diphtheria, tetanus, whooping cough, and Rh disease.

This legislation was supported by testimony from the National Tuberculosis and Respiratory Disease Association, the National Foundation—March of Dimes, the American Social Health Association, and the Association of State and Territorial Health Officers.

BACKGROUND

When a polio vaccine became available, the Congress approved the Poliomyelitis Vaccine Assistance Act of 1955 and later extended it through June 30, 1957. This financial assistance was instrumental in dramatically reducing the incidence of polio in the United States. But the Federal aid was curtailed in 1957 and by 1960 it became apparent that polio would continue to take a needless toll in pockets of poverty. There were epidemics in Providence, Chicago, and Detroit. In May 1960, a special appropriation of $1 million was approved for the purchase of oral polio vaccine to be used to control epidemics. It was not until 1962 that it became apparent that continuing financial assistance was required to combat polio and this led to the passage of the Vaccination Assistance Act of 1962. The act, which provided funds to combat measles, poliomyelitis, whooping cough, diphtheria, and tetanus, was extended for 3 additional years in 1965.

The Vaccination Assistance Act expired June 30, 1968. Funds appropriated under this legislation were exhausted earlier this year. The continuation of such financial assistance is essential if we are to eliminate the threat of epidemics, particularly in rural poverty and ghetto areas.

In the past, measles has been an almost universal childhood disease. Although many consider it to be rather benign, it sometimes has serious complications, such as encephalitis, otitis, and pneumonia.

Before vaccines were widely used, this disease represented a major public health problem in the United States; an estimated 4 million cases of measles, 4,000 cases of measles encephalitis, and 400 deaths occurred each year.

There is disturbing evidence, however, that the measles vaccine that is available is not being fully utilized. More cases of measles have been reported to the National Communicable Disease Center this year than last year. There were 20,875 cases of measles reported to the Center during the first 40 weeks of 1969 as compared to 20,000 during the same period in 1968.

Both the National Nutrition Survey and the Office of Economic Opportunity report that less than one-half of the preschool children in poverty areas are adequately immunized against polio, measles, and other preventable diseases. Consequently, the committee expects that programs for preschool vaccination will be continued and expanded.

German measles is another communicable disease that can be prevented with a vaccine. Each year about 50,000 cases of German measles are reported although the actual incidence is estimated to be approximately 2.5 million. This is a disease that brings mild discomfort to children. When transmitted to pregnant women, however, it carries with it the risk of death, physical disability, and mental disorder to the unborn child. Approximately 25 percent of the women who have German measles during the first trimester of pregnancy give birth to infants with severe congenital defects. These defects may be so severe as to cause stillbirth. The living birth may be a child with severe heart defects, deafness, blindness, or mental retardation. During the 1964 epidemic 20,000 children were born with congenital abnormalities. A major German measles epidemic is predicted for 1970–71. It is estimated that there are now some 50 million children who need protection against German measles. Each year approximately 4 million newborns are added to the susceptible population.

Still another communicable disease that can be controlled is tuberculosis. In 1963 the House Appropriations Committee expressed "real concern over the current degree of effectiveness of tuberculosis control efforts in the United States," and suggested that "serious thought should be given to a study of the tuberculosis problem similar to that made by the Surgeon General's Task Force on Eradication of Syphilis." About 10 years earlier drugs were discovered that made specific chemotherapy for the disease possible—therapy that has been proven to be highly effective for more than 95 percent of newly diagnosed cases. A task force of the Surgeon General of the Public Health Service in 1963 recommended a 10-year program for the control of tuberculosis that had as its goal a reduction in the number of new active cases from 54,000 per year to 22,000 per year. The number of new active cases was brought down from 54,000 in 1963 to 42,758 in 1968.

It is doubtful that this progress will continue if the 1970 budget amendments pertaining to tuberculosis control as submitted by the Department of Health, Education, and Welfare are approved by Congress. These budget amendments would eliminate $18 million in project grants for the control of tuberculosis and add $18 million in formula grants that States would be encouraged to use for the control of tuberculosis, venereal diseases, and alcoholism. To further complicate the picture, the project grants for tuberculosis control were concentrated in States with the highest incidence of tuberculosis, but the formula grants by law must be allocated only on the basis of population and financial need without regard to the extent of the tuberculosis problem. This revision in the allocation of funds will have a serious impact because the new active tuberculosis case rate ranges among the States from a low of 5.5 per 100,000 population to the high of 52 per 100,000. Many States with the most severe tuberculosis problem will lose substantial sums of money in the shift from tuberculosis project grants to formula or block grants.

The venereal diseases are another pressing public health problem. While it is true that there has been a gradual decline in the number of cases of syphilis, there has been a dramatic rise in the incidence of gonorrhea. As a nation, we should be doing much more to combat venereal diseases that now account for some 2,400 deaths each year and take a needless toll in disability. The steady increase in the number of cases of gonorrhea is evidence enough of the need for new legislation to control this communicable disease. Between 1958 and 1968 the number of newly reported cases of gonorrhea increased from 232,513 to 431,380.

Rh disease, or hemolytic disease of the newborn due to Rh incompatibility, is another disease that can be prevented. Rh disease can lead to death, severe anemia, and jaundice of the infant in the case of an Rh negative mother with an Rh positive baby. The National Foundation—March of Dimes estimates that one out of every four women who need the vaccine is not receiving it. About 8 percent of white maternity patients and 4 percent of black maternity patients are candidates for the vaccine.

The table below summarizes the toll taken by some of the diseases that could be prevented or controlled through the provisions of S. 2264:

Disease	Cases		Deaths	
	1965	1968	1965	1968
Diphtheria	164	243	18	32
Measles	261,904	22,527	276	81
Polio	72	57	16	16
Rubella	46,975	48,433		
Tetanus	300	159	181	144
Tuberculosis	49,016	42,758	7,934	6,901
Syphilis	112,842	98,195	2,434	2,381
Gonorrhea	324,925	431,380	9	11

Source: Public Health Service.

EXPLANATION

This legislation would provide financial assistance to the States to prevent or control the introduction, transmission, or spread of diseases susceptible to vaccination or communicable disease control in the United States from foreign countries and from interstate and intrastate sources. Grants would be awarded by the Secretary of Health, Education, and Welfare to States and to political subdivisions of States with the approval of the State health authority to assist in financing disease control programs. The grants would finance the purchase of vaccines or other agents for those population groups determined to be important to the control of the disease as well as payments for personnel and other program expenses needed for organization, promotion, surveillance, and other epidemiologic activities. A most important feature of the legislation is the requirement that the project grants be awarded after consideration of performance standards. For example, in the case of vaccinations, the actual number performed would be considered. Similarly, the number of tuberculosis cases under control would also be a consideration in the award of funds.

A communicable disease control or vaccination program is defined as a program to contribute to the nationwide effort against tuberculosis, venereal disease, rubella, measles, poliomyelitis, diphtheria, tetanus, whooping cough, or Rh disease or any disease that the Secretary finds to be a major public health problem that is susceptible of practical elimination through vaccination or other preventive agents.

THE COST

This legislation provides for the following appropriation authorizations:

Fiscal year 1970	$60,000,000
Fiscal year 1971	75,000,000
Fiscal year 1972	75,000,000

In relation to the needs for funds to prevent or control the diseases that would be combated through this legislation the authorizations for appropriations are modest. For several years there has been a total of $18 million per year in project grants to combat tuberculosis. The annual authorization for appropriations under the Vaccination Assistance Act was $11 million for 1968. The legislation did not provide for rubella. To prevent rubella will require at least $30 million according to the National Foundation—March of Dimes. The American Social Health Association recommends that $20 million per year is needed to control venereal diseases. Thus, an annual authorization for more than $75 million in appropriations, can be justified on the basis of actual experience plus recommendations of the appropriate voluntary health agencies, particularly if programs to eliminate such diseases as Rh disease are expanded. The committee believes such programs should be expanded.

HEARINGS

Hearings on S. 2264 were held by the Subcommittee on Health of the Committee on Labor and Public Welfare on June 30, 1969. Full support for the legislation was expressed by the National Tuberculosis and Respiratory Disease Association, the Association of State and Territorial Health Officers, the National Foundation—March of Dimes, and the American Social Health Association. The support of the American Medical Association was limited to the provisions of the legislation that would continue Federal financial assistance through vaccination programs against such infectious diseases as rubella, poliomyelitis, tetanus, diphtheria, whooping cough, and measles. The American Medical Association supports Federal financial assistance to control tuberculosis and venereal disease but not through the authority of section 361 of the Public Health Service Act.

Mr. YARBOROUGH. Mr. President, I offer my enthusiastic support for the passage of the Communicable Disease Control and Vaccination Assistance Amendments of 1969, S. 2264, which I introduced and which was cosponsored by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Alaska (Mr. GRAVEL).

Senator KENNEDY, as a member of the Health Subcommittee of the Committee on Labor and Public Welfare, has had a vital role in its passage. Earlier this year he introduced the Vaccination Assistance Act of 1969, S. 1622. His bill was combined with S. 2264 by a series of amendments to S. 2264. I express my appreciation for his diligent work in this area.

The Vaccination Assistance Act expired June 30, 1968. Funds appropriated under this legislation were exhausted earlier this year. The continuation of such financial assstance is essential if we are to eliminate the threat of epidemics, particularly in low-economic and ghetto areas.

Both the National Nutrition Survey and the Office of Economic Opportunity report that less than one-half of the preschoolchildren in poverty areas are adequately immunized against polio, measles, and other preventable diseases.

Contagious diseases such as tuberculosis, venereal disease, and measles know no geographic boundaries. Such diseases pose a threat to the health of not only the afflicted individual, but also those with whom he is in contact. It is a needless threat when we have the medical knowledge to prevent or control illness due to these diseases.

S. 2264 would authorize $60 million in appropriations for 1970, $75 million for 1971, and $75 million in 1972 to be awarded to States, and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States by the Secretary of Health, Education, and Welfare. In making these awards, the Secretary would be required to give consideration to the relative extent of the communicable disease and vaccination problems and to the levels of performance in preventing and controlling these diseases. The diseases to be combated include tuberculosis, venereal disease, rubella, measles, poliomyelitis, diphtheria, tetanus, whooping cough, and Rh disease.

The proposed legislation was fully supported by testimony from the National Tuberculosis and Respiratory Disease Association, the National Foundation—March of Dimes, the American Social Health Association, and the Association of State and Territorial Health Officers.

Mr. PROUTY. Mr. President, the measure now before us, S. 2264, the Communicable Disease Control Amendments of 1969, sets a national policy that communicable disease prevention and control is fundamental to public health. I concur in this policy.

This is not to say that we have overlooked the control of infectious and contagious disease in the past. On the contrary, the past 75 years have been marked by significant accomplishments in the diagnosis, treatment, and control of such diseases.

However, we cannot assume that because of these advances, tuberculosis, diphtheria, poliomyelitis, measles, and other diseases have been conquered. No communicable disease has been totally eradicated in this country. Our efforts must continue.

This measure responds with project grant funds to continue our efforts in controlling tuberculosis, venereal disease, rubella, measles, poliomyelitis, diphtheria, tetanus, whooping cough, and other communicable diseases.

While I consider the prevention and control of all infectious and contagious diseases to be vital to our Nation, I would like to call my colleagues' attention to the testimony of health experts that rubella epidemics occur every 6 or 7 years and that since our last rubella epidemic was in 1964–65, it may be anticipated that the cycle will reoccur in the next few years.

Rubella, or German measles, is a mild disease in children, but when it occurs in women in early pregnancy the disease is passed to the child, who suffers congenital defects. We are all aware of the tragic aftermath of the 1964–65 rubella epidemic and must take every possible step to prevent a reoccurrence of this tragedy in the next few years.

Placing communicable disease prevention and control programs on a categorical grant basis assures that our efforts to build a wall of rubella immunity around mothers will be increased. Likewise, our efforts against tuberculosis, venereal disease, and other infectious and contagious diseases will not slacken.

I urge my colleagues to support this measure.

Mr. MANSFIELD. Mr. President, I commend both the distinguished chairman of the Committee on Labor and Public Welfare and the assistant majority leader for their efforts on behalf of S. 2264, the Communicable Disease Control and Vaccination Assistance Amendments of 1969. Unfortunately, Senator KENNEDY is absent on official business today as a member of the Senate delegation to the 15th annual session

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of the North Atlantic Assembly, now meeting in Brussels to consider the political, military and economic issues facing the Atlantic Alliance.

As Members are aware, Senator KENNEDY played a major role in the development of S. 2264 by the Subcommittee on Health. At the time of the hearings on the bill last June, Senator KENNEDY personally appeared before the subcommittee to urge reenactment and extension of the Vaccination Assistance Act of 1962. Senator KENNEDY's testimony continues to be a timely and detailed analysis of the need for this legislation, and I believe it will be of interest to Members of the Senate and to all those who are concerned with our continuing efforts to eradicate infectious disease from the Nation. I therefore ask unanimous consent that Senator KENNEDY's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR EDWARD M. KENNEDY ON THE VACCINATION ASSISTANCE ACT, JUNE 30, 1969

Today, the Senate Subcommittee on Health opens hearings on a number of legislative proposals of major importance in our continuing efforts to eradicate infectious disease in America. The Vaccination Assistance Act has proved to be a measure of vital significance in these efforts, and I am hopeful that the Congress will extend its provisions for another five years.

In the few brief years of its existence, the Act has enabled the Federal Government to join in partnership with State and local governments throughout the nation in a wide variety of successful immunization programs. The cost of these programs has been modest. Yet, they have already saved millions of dollars in medical expenses that would otherwise have been paid by our citizens and the nation in providing health care for the victims of a broad range of infectious childhood and other diseases.

In February, 1962, when President Kennedy first proposed the Vaccination Assistance Act in his Special Message to the Congress on National Health, he said:

"There is no longer any reason why American children should suffer from polio, diphtheria, whooping cough, or tetanus—diseases which can cause death or serious consequences throughout a lifetime, which can be prevented, but which still prevail in too many cases."

When the Vaccination Assistance Act was signed into law in October 1962, the nation launched a massive immunization campaign against many of the infectious diseases that had plagued the nation for so long. In the past six years, the Act has brought immense protection to millions of America children threatened by the suffering, disability, and death brought by these diseases. It has brought continuing protection for children against tetanus, diphtheria, and whooping cough. It has helped to assure the virtual eradication of polio in the nation, and it has played a major role in the dramatic reduction of the incidence of measles.

In spite of the progress we have made, it is clear that we have not yet accomplished our goals. Therefore, the present hearings on the Vaccination Assistance Act are especially timely. I am convinced that its provisions deserve to be renewed, and I am hopeful that these hearings will help to illuminate the areas where special new efforts must be made.

For the purposes of illustration, I would like to place special attention in this statement on our efforts to eradicate measles. Between 1965 and the present time, the use of measles vaccine has brought about the following dramatic results in the United States:

15 million children were spared from infection caused by measles.

The incidence of the disease dropped from 140 cases per 100,000 population to only 12 cases per 100,000 population.

91,000 children were spared from hospitalization with measles.

15,000 children were spared from encephalitis caused by measles.

5,000 children were spared mental retardation caused by measles.

1,500 children were spared from death.

The American medical profession deserves our highest commendation for this achievement, which has reduced the incidence of measles by over 90% since the vaccine first became available.

Through the efforts of our dedicated private practitioners and public health officers, our progress toward the eradication of measles has been faster than with diphtheria, tetanus, whooping cough, or even polio. I believe that the federal funding of State and local immunization projects through the Communicable Disease Center of the U.S. Public Health Service has made the difference, and has brought about the remarkable decline in the incidence of the disease. Unfortunately, however, the rate of decline halted abruptly at the end of 1968, and has recently begun to show a slight increase in the nation as a whole, with substantial increases in 17 states. To me, it is more than a coincidence that the three-year decline in the incidence of measles came to a halt just as funds for the Vaccination Assistance Act were depleted last year.

We know today that our efforts to eradicate measles have not been completely successful. The figure I have mentioned—12 cases per 100,000 population—translates into 24,000 cases of measles in the United States this year. According to information in the most recently available Morbidity and Mortality Report of the Public Health Service, the number of reported cases of measles for the first half of 1969 is 17,270 cases, or slightly more than for the same period in 1968.

For all practical purposes, diphtheria, tetanus, and polio have been eradicated in the United States, since they now number less than 200 cases per year for each disease. We cannot say the same thing about measles, when 22,500 cases were reported in 1968, and 24,000 cases are anticipated in 1969. The job simply is not finished.

Indeed, on the basis of our past experience, we know that the actual number of cases of measles in the nation is over ten times the number of reported cases. This means that in 1969, about 250,000 children will develop measles. As a result of the disease, in 1969 alone, 1,500 children will be hospitalized for a total of 14,250 hospital days; 250 will develop encephalitis; 80 will be permanently retarded; and 25 will die.

In addition, some 375,000 school days will be lost during 1969, because of measles, and the illness will cost our economy more than $12 million in treating its effects.

In this brief statement, I have concentrated primarily on the disease of measles in an effort to highlight the long-range need for extension of the Vaccination Assistance Act. I would like to make clear, however, that I believe there are numerous other areas where the provisions of the Act could be vital in helping to control or eliminate disease. In closing I would like to discuss briefly two other examples:

First, in the case of Rh hemolytic disease, recent reports indicate that 25% of the pregnant women who should be protected are still not being reached by the new antibody vaccine recently developed by medical researchers. Yet we know that the vaccine has been totally effective in preventing the disease wherever it has been used.

Second, in the case of rubella, or German measles, numerous medical experts across the country have stated that we face the prospect of a severe epidemic in 1970 or 1971. Today in the United States, 50 million children and child-bearing women are unprotected against rubella. Unless adequate precautions are taken to prevent the disease, thousands of children will be born blind, deaf, or with heart defects or mental retardation because their mothers contracted this disease during pregnancy. At the recent International Conference on Rubella Immunization, it was estimated that the eventual cost of the epidemic to the United States economy would total over three billion dollars.

As in the case of common measles, German measles can be eliminated through an effective immunization campaign of the sort that could be mounted under the Vaccination Assistance Act. Indeed, the imminence of the approaching rubella epidemic offers what I believe may be the strongest immediate argument for extending the Act. We simply cannot afford to gamble with the health of millions of our nation's children by failing to protect them in the most effective possible way. The Vaccination Assistance Act has demonstrated its value time and again in recent years as a method of providing mass community protection against disease. It is therefore the most obvious available tool to press into service to combat the anticipated rubella epidemic.

Unless the provisions of the Vaccination Assistance Act are carried forward, I do not believe we will be able to eradicate common measles from America or prevent the epidemic of German measles. Unless the Act is extended I do not believe we will be able to continue the enormous progress we have made against the Rh disease and other diseases in recent years.

Under ideal circumstances, it might be possible for other federal programs providing comprehensive health care to take over the immunization programs contained in the Vaccination Assistance Act. It appears, however, that priorities have already been established for these other programs. I am skeptical that they are flexible enough to allow inclusion of the immunization programs. The possibility of expanding other federal programs in this way has been available for some time. Yet, little action has been taken. In many parts of the country, it is the States themselves who refuse to give adequate priority to far-reaching vaccination programs.

Infectious diseases in our society have no geographic boundary. They concern the health and economy of the entire nation, and it is our obligation to see that every available effort is made to eradicate them. I therefore welcome these hearings as a means of bringing fresh attention to these urgent problems. I commend the Chairman for his important efforts in this vital field, and I look forward to early enactment of comprehensive legislation to achieve our goals.

Mr. MURPHY. Mr. President, as a member of the Health Subcommittee, I support S. 2264, the Communicable Disease Control and Vaccination Assistance Amendments of 1969.

S. 2264 would authorize a 3-year program of project grants to States and their political subdivisions to prevent or control the introduction and spread of diseases susceptible to vaccination or communicable disease controls. This would include tuberculosis, venereal disease, rubella, measles, poliomyelitis, diphtheria, tetanus, whooping cough, and Rh disease.

Mr. President, this is an important bill for effective nationwide control of contagious diseases is a matter of concern to all of our citizens. Given the mobility of our population, the effectiveness and adequacy of these programs in one part of the Nation is a concern to citizens all across the country. These diseases know no national, State, or county boundaries.

The importance of these programs can be seen by examining some of the individual diseases. For example, rubella or German measles is a communicable disease which can be controlled by vaccination. German measles is a disease that brings relatively mild discomfort to children but when transmitted to women during their first 3 months of pregnancy, it can spell disaster to unborn children and their parents. For statistics indicate that 25 percent of the children whose mothers had contracted German measles during their first 3 months of pregnancy will be born with congenital defects. Time is of the essence in dealing with this problem for we are told that another rubella cycle is projected for 1970–71 and it has been estimated that 50 million children are in need of the vaccination. Local health department budgets are unable to support the necessary activities without continued Federal support.

In the last rubella epidemic which took place in 1964, 20,000 children were born with congenital abnormalities, 1,000 in California. Therefore, Mr. President, it is imperative that we move quickly to vaccinate these children, so that thousands of other children and their families will be spared needless suffering and deformities as a result of the 1970–71 rubella outbreak.

Another important area, Mr. President, is tuberculosis control. I am proud to say that the State of California has a very successful tuberculosis control program. In 1967, for example, California had an 11-percent decrease in mobility or 552 fewer newly active cases, and a 16-percent reduction in mortality with 82 fewer deaths from tuberculosis. Last year, the State reduced the number of newly reported active TB cases by 407 from the 1967 figure to 4,099. This, I am told, is the largest drop in California since 1963, and there is a general feeling that Federal assistance has been critical of bringing about this progress.

Venereal diseases are also of major importance as they are reaching epidemic proportions in some areas. Gonorrhea in California cannot be effectively controlled with the public health resources at hand. In 1968, 76,000 cases were reported, and in 1969, about 85,000 probably will occur. Currently California has 18,000 of the Nation's venereal disease cases with only about 10 percent of the population. Special grants for venereal diseases control are needed to focus on this problem.

I am pleased, Mr. President, to support this bill both in committee and here on the floor, and urge its prompt enactment by the Congress.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Communicable Disease Control and Vaccination Assistance Amendments of 1969".

GRANTS FOR COMMUNICABLE DISEASE CONTROL AND VACCINATION ASSISTANCE

SEC. 2. Section 361 of the Public Health Service Act (42 U.S.C. 264) is amended by inserting at the end thereof the following new subsection:

"(c) (1) There are hereby authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1970, $75,000,000 for the fiscal year ending June 30, 1971, and $75,000,000 for the fiscal year ending June 30, 1972, to enable the Secretary to make grants to States, and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States under this subsection. In the award of such grants the Secretary, in accordance with appropriate regulations, shall give consideration to the relative extent of the communicable disease and vaccination problems and to the levels of performance in preventing and controlling diseases for which assistance is available under this subsection. Such grants may be used to pay that portion of the cost of communicable disease control or vaccination programs which is reasonably attributable to (A) purchase of vaccines or other agents needed to protect those portions of the population determined to be important to the control or prevention of such diseases and (B) salaries and related expenses of additional State and local health personnel needed for planning, organizational, promotional, epidemiologic, and other activities in connection with such programs, including studies to determine the communicable disease control and immunization needs of communities and the means of best meeting such needs and personnel and related expenses needed to maintain additional epidemiologic and laboratory surveillance occasioned by such programs.

"(2) For the purposes of this subsection—

"(A) a 'communicable disease control or vaccination program' means a program which is designed and conducted so as to contribute to a nationwide effort against tuberculosis, venereal disease, rubella, measles, poliomyelitis, diphtheria, tetanus, whooping cough, or Rh disease, or any other disease which the Secretary finds represents a major public health problem in terms of high mortality, morbidity, disability, or epidemic potential and to be susceptible of practical elimination as a public health problem through immunization with vaccines or other preventive agents which may become available in the future, and

"(B) the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

"(3) Payments under this subsection may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments, or overpayments, in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this subsection.

"(4) The Secretary, at the request of a recipient of a grant under this subsection, may reduce the money grant to such recipient by the fair market value of any supplies (including vaccines and other preventive agents, or equipment furnished to such recipient and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or of the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this subsection is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of paragraph (3) of the subsection, be deemed to have been paid to such agency.

"(5) Nothing in this subsection shall limit or otherwise restrict the use of funds which are granted to a State or to a political subdivision of a State under other provisions of this Act or other Federal law and which are available for the conduct of communicable disease control or vaccination programs from being used in connection with programs assisted through grants under this subsection.

"(6) Under this subsection, the Secretary shall be required to submit an annual report on performance in preventing and controlling diseases covered by this subsection.

"(7) Nothing in this subsection shall be construed to require any State or any political subdivision or instrumentality of a State to have a communicable disease control or vaccination program which would require any person who objects to such treatment to be treated, or to have any child or ward of his treated."

Passed the Senate October 20, 1969.

Attest.

Secretary.

The title was amended so as to read: "A bill to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance."

MEDICAL LIBRARY AND HEALTH COMMUNICATIONS ASSISTANCE AMENDMENTS OF 1969

The Senate proceeded to consider the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes which had been reported from the Committee on Labor and Public Welfare, with an amendment, strike out all after the enacting clause and insert:

That this Act may be cited as the "Medical Library and Health Communications Assistance Amendments of 1969."

CLARIFYING AND TECHNICAL AMENDMENTS

DECLARATION OF POLICY AND STATEMENT OF PURPOSE

SEC. 2. (a) (1) Clause (3) of subsection (b) of section 390 (42 U.S.C. 280(b)) of the Public Health Service Act is amended by striking out "the awarding of special fellowships to physicians and other practitioners in the sciences related to health and scientists," and inserting in lieu thereof "grants to physicians and other practitioners in the sciences related to health, to scientists, and public or nonprofit private institutions on behalf of such individuals,"; and

(2) Clause (4) of such subsection is amended by striking out "research and investigations" and inserting in lieu thereof "research, investigations, and demonstrations"; and

(3) Clause (5) of such subsection is amended by striking out "improving" and inserting in lieu thereof "establishing, improving,".

ASSISTANCE FOR CONSTRUCTION OF FACILITIES

(b) (1) Subsection (b) (1) (B) of section 393 of such Act (42 U.S.C. 280b-3) is amended by striking out "subject to subsection (c),".

(2) Section 393 of such Act is further amended by striking out subsection (c)

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thereof and redesignating subsections (d), (e), (f), (g), (h), and (j) as subsections (c), (d), (e), (f), (g), and (h), respectively.

ASSISTANCE TO SPECIAL SCIENTIFIC PROJECTS

(c) (1) The heading of section 395 of such Act (42 U.S.C. 280b–5) is amended to read:

"ASSISTANCE FOR SPECIAL SCIENTIFIC PROJECTS, AND FOR RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS"

(2) The second sentence of section 395 of such Act is amended by striking out "Surgeon General for the establishment of special fellowships to be awarded to physicians and other practitioners in the sciences related to health and scientists" and inserting in lieu thereof "Secretary to make grants to physicians and other practitioners in the sciences related to health, to scientists, and public or nonprofit private institutions on behalf of such individuals".

(3) The third sentence of such section is amended (A) by striking out "In establishing such fellowships, the Surgeon General" and inserting in lieu thereof "In making such grants, the Secretary"; and (B) by striking out "fellowships are established" and inserting in lieu thereof "grants are made".

RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS

(d) Subsection (a) of section 396 of such Act (42 U.S.C. 280b–6) is amended by striking out "research and investigations in the field of medical library science" and inserting in lieu thereof "research, investigations, and demonstrations in the field of medical library science".

GRANTS FOR IMPROVING AND EXPANDING THE BASIC RESOURCES OF MEDICAL LIBRARIES AND RELATED INSTRUMENTALITIES

(e) (1) The heading of section 397 of such Act (42 U.S.C. 280b–7) is amended to read:

"GRANTS FOR ESTABLISHING, IMPROVING, AND EXPANDING THE BASIC RESOURCES OF MEDICAL LIBRARIES AND RELATED INSTRUMENTALITIES"

(2) The first sentence of subsection (b) of such section is amended by striking out "expanding" and inserting in lieu thereof "establishing, expanding,".

(3) Subsection (c)(2) of such section is amended to read as follows:

"(2) In no case shall any grant under this section to a medical library or related instrumentality for any fiscal year exceed $200,000; and grants to such medical libraries or related instrumentalities shall be in such amounts as the Secretary may by regulation prescribe with a view to assuring adequate continuing financial support for such libraries or instrumentalities from other sources during and after the period for which Federal assistance is provided."

GRANTS FOR ESTABLISHMENT OF REGIONAL MEDICAL LIBRARIES

(f) (1) Subsection (b) of section 398 of such Act (42 U.S.C. 280b–8) is amended by striking out "and" at the end of clause (4), by redesignating clause (5) as clause (6), and by inserting a new clause (5) to read as follows:

"(5) planning for services and activities under this section; and"

(2) Subsection (c)(1) of such section is amended by striking out "(A) to modify and increase their library resources so as to be able to provide supportive services to other libraries in the region as well as individual users of library services" and inserting in lieu thereof "(A) to modify and increase their library resources and to supplement the resources of cooperating libraries in the region so as to be able to provide adequate supportive services to all libraries in the region as well as to individual users of library services".

(3) Subsection (c)(2) of such section is amended by striking out clause (A) and redesignating clauses (B) and (C) as clauses (A) and (B), respectively.

(4) Such section is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary may also carry out the purposes of this section through contracts as well as grants, and such contracts shall be subject to the same limitations as are provided in this section for grants."

AUTHORIZATION OF APPROPRIATIONS EXTENSION OF DURATION

SEC. 3. (a) Section 399a of the Public Health Service Act (42 U.S.C. 280b–10) is amended to read as follows:

"SEC. 399a. Funds appropriated to carry out any of the purposes of this part for any fiscal year shall remain available for such purposes for the fiscal year immediately following the fiscal year for which they were appropriated. Funds appropriated under this part for grants for construction shall remain available until expended".

ASSISTANCE FOR CONSTRUCTION OF FACILITIES

(b) Effective with respect to fiscal years ending after June 30, 1970, subsection (i) of section 393 of such Act is amended to read as follows:

"(i) For the purposes of carrying out the provisions of this section, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $11,500,000, for the fiscal year ending June 30, 1972, $14,000,000, and for the fiscal year ending June 30, 1973, $16,500,000."

GRANTS FOR TRAINING IN MEDICAL LIBRARY SCIENCES

(c) Effective with respect to fiscal years ending after June 30, 1970, subsection (a) of section 394 of such Act is amended by striking out "In order to enable the Surgeon General to carry out the purposes of section 390(b)(2), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums not to exceed $1,000,000, for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General in making grants—" and inserting in lieu thereof "In order to enable the Secretary to carry out the purposes of section 390(b)(2), there are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $2,000,000, for the fiscal year ending June 30, 1972, $2,500,000, and for the fiscal year ending June 30, 1973, $3,000,000".

ASSISTANCE FOR SPECIAL SCIENTIFIC PROJECTS

(d) (1) Effective with respect to fiscal years ending after June 30, 1970, the first sentence of section 395 of such Act is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b)(3), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1971, and ending with the fiscal year ending June 30, 1973, such sums, not to exceed $500,000 for any fiscal year, as may be necessary."

(2) The first sentence of such section is amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary".

RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS

(e) (1) Effective with respect to fiscal years ending after June 30, 1970, the first sentence of subsection (a) of section 396 of such Act is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b)(4), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1971, and ending with the fiscal year ending June 30, 1973, such sums, not to exceed $3,000,000 for any fiscal year, as may be necessary."

(2) The second sentence of subsection (a) of such section is amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary".

GRANTS FOR IMPROVING AND EXPANDING THE BASIC RESOURCES OF MEDICAL LIBRARIES AND RELATED INSTRUMENTALITIES

(f) (1) Effective with respect to fiscal years ending after June 30, 1970, subsection (a) of section 397 of such Act is amended to read as follows:

"(a) In order to enable the Secretary to carry out the purposes of section 390(b)(5), there are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $4,000,000 for the fiscal year ending June 30, 1972, $5,000,000, and for the fiscal year ending June 30, 1973, $6,000,000."

(2) Subsection (b) of section 397 of such Act is amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary".

GRANTS FOR ESTABLISHMENTS OF REGIONAL MEDICAL LIBRARIES

(g) (1) Effective with respect to fiscal years ending after June 30, 1970, the first sentence of subsection (a) of section 398 of such Act is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b)(6), there are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $3,000,000, for the fiscal year ending June 30, 1972, $4,000,000 and for the fiscal year ending June 30, 1973, $5,000,000."

(2) The second sentence of such subsection (a) is amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary".

FINANCIAL SUPPORT FOR BIOMEDICAL PUBLICATIONS

(h) (1) Effective with respect to fiscal years ending after June 30, 1970, the first sentence of subsection (a) of section 399 of such Act is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b)(7), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1971, and ending with the fiscal year ending June 30, 1973, such sums, not to exceed $1,000,000 for any fiscal year, as may be necessary".

(2) The second sentence of such subsection (a) is amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary".

TRANSFERABILITY OF FUNDS

(i) Part I of title III of the Public Health Service Act is amended by adding after section 399a (as redesignated by section 4 of this Act) thereof the following new section:

"TRANSFERABILITY OF FUNDS

"SEC. 399b. (a) Notwithstanding any other provision of this part, whenever there is appropriated any amount for any fiscal year (beginning with the fiscal year ending June 30, 1971) to carry out any particular program or activity authorized by this part, the Secretary shall have the authority to transfer sums from such amount, for the purpose of carrying out one or more of the other programs or activities authorized by their part; except that—

"(1) the aggregate of the sums so transferred from any such amount shall not exceed 10 per centum thereof,

"(2) the aggregate of the sums so transferred to carry out any such program or activity for any fiscal year shall not exceed 20 per centum of the amount appropriated to carry out such program or activity for such year, and

"(3) sums may not be transferred for any fiscal year to carry out any such program or activity if such transfer would result in their being available (from appropriated funds plus the sums so transferred) to carry out such program or activity for such year amounts in excess of the amounts authorized to be appropriated for such year to carry out such program or activity.

"(b) Any sums transferred pursuant to subsection (a) for any fiscal year for the purpose of carrying out any program or activity shall remain available for such purpose to the same extent as are funds which are specifically appropriated for such purpose for such year."

REDESIGNATIONS

SEC. 4. (a) Title III of the Public Health Service Act is amended—

(1) by redesignating part I as part J;

(2) by redesignating the part H entitled "Part H—NATIONAL LIBRARY OF MEDICINE" as part I; and

(3) by redesignating sections 371, 372, 373, 374, 375, 376, 377, and 378 as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

(b) (1) Subsection (c) of the section of such Act redesignated as section 382 is amended by striking out "section 373" and inserting in lieu thereof "section 383".

(2) The section of such Act redesignated as section 385 is amended by striking out "section 373" and inserting in lieu thereof "section 383".

(3) Section 391(2) of such Act is amended by striking out "section 373(a)" and inserting in lieu thereof "section 383(a)".

(4) Section 392 of such Act is amended—

(A) by striking out in subsection (a) "section 373(a)" and inserting in lieu thereof "section 383(a)",

(B) by striking out in such subsection "section 373" and inserting in lieu thereof "section 383",

(C) by striking out in subsection (d) "section 373(d)" and inserting in lieu thereof "section 383(d)", and

(D) by striking out in such subsection "part H which deals with the National Library of Medicine" and inserting in lieu thereof "part I".

(c) (1) Section 395 of such Act is amended—

(A) by inserting "(a)" immediately after "SEC. 395."

(B) by striking out in the second sentence "under this section" and inserting in lieu thereof "under this subsection", and

(2) Section 396 of such Act is amended—

(A) by striking out "SEC. 396. (a)" and inserting in lieu thereof "(b)",

(B) by striking out in the second sentence of subsection (a) "under this section" and inserting in lieu thereof "under this subsection",

(C) by redesignating subsection (b) as subsection (c), and

(D) by striking out the section heading.

(3) Sections 397, 398, 399, 399a, and 399b of such Act are redesignated as sections 396, 397, 398, 399, and 399a, respectively.

MEANING OF SECRETARY

SEC. 5. As used in the amendments made by this Act, the term "Secretary" means the Secretary of Health, Education, and Welfare.

EFFECTIVE DATE

SEC. 6. Except as otherwise provided, the amendments made by the preceding provisions of this Act shall take effect July 1, 1970, and shall be effective with respect to grants and contracts made after June 30, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–480), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY

H.R. 11702 would extend for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training to health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects. This bill would increase the total authorization for funding for these programs from the current $21 million per year to $25 million in fiscal year 1971, $30 million in fiscal year 1972, and $35 million in fiscal year 1973. In addition, certain technical and clarifying amendments are proposed.

BACKGROUND

The programs of support which H.R. 11702 would extend and amend are authorized by the Medical Library Assistance Act of 1965 (Public Law 89–291), which this committee also endorsed following its consideration of S. 597 in June 1965.

The expanded authorities and resources provided by the Medical Library Assistance Act have permitted the National Library of Medicine to initiate coordinated programs of support for health libraries and health information service and research activities. The committee believes that these programs have already begun to ameliorate the serious shortages of health information facilities and resources, manpower, and technological development which concerned the Congress at that time.

HEARINGS

At hearings held before this committee on July 31, 1969, all witnesses with the exception of the Department of Health, Education, and Welfare, urged the extension of these valuable programs for a longer period than the 1 year and emphasized the need for adequate funding if the objectives of the program are to be achieved. The committee agrees that major health library deficits remain to be corrected and that new demands caused in part by the creation and development of new Federal health programs further urge an expanded and creative outlook upon such programs of assistance. Taking into account the progress which has been made and the continuing and new problems which do exist in the area of health communications and information services, the committee has given favorable consideration to H.R. 11702, as reported.

THE PROBLEM

The September 20, 1965, report of this committee to accompany S. 597 summarized briefly the scope of the health information service deficits which faced the United States at a time when there was increasingly sharp focus on the health needs of this country and the magnitude of the resources which would have to be gathered to meet those needs. Witnesses reported that over $100 million would be needed for construction of medical school libraries alone to provide adequate space for documents, staff, and readers. An equal sum was then required to bring medical library collections up to desired standards. There was also a critical shortage of professional personnel trained to meet the special needs of health science libraries and the medical communities they serve.

The Medical Library Assistance Act of 1965 permitted a good beginning toward the solution of health information problems. By improving and strengthening health libraries the Act has assisted faculties, students, and practicing physicians to keep more fully informed on research findings and new developments in the field of medicine and allied subjects. Ultimately, this has meant better health care for the American people. However, the committee is impressed by the magnitude of the problems which remain. The complexity and the mass of health information produced by our advanced scientific society have outstripped our ability to store, retrieve, and deliver information in useable form to the people who need it.

At the frontier of interdisciplinary research, traditional information services are no longer adequate. New ways of organizing and presenting information must be developed. Particularly at the educational frontier where students must learn so much in so little time, modern technologies for information transfer must be employed. The committee believes that only through the development and utilization of the most sophisticated approaches to transmitting health information can new medical knowledge be communicted from the "leading edge" of medical research to those who minister daily to the Nation's health in hospitals, medical offices, clinics, and other places where illnesses are diagnosed and treated.

Under the Medical Library Assistance Act of 1965 $70 million was authorized for fiscal years 1966–69 for the seven programs funded under this legislation. A total of $34 million has been appropriated for these programs during that time. Witnesses testifying in behalf of extension of the Act have expressed concern over the discrepancy between the magnitude of the need, the level of authorization provided under the original legislation, and the limited appropriations which have been provided to date.

A fair appraisal would be that the act has fallen short of its objectives. One reason is that appropriations have totaled less than half of the funds authorized. Further, what was adequate in 1965 is not adequate in 1969. It will be even less so in the 1970's. Two specific instances of cost increases which confront health libraries are the higher prices of subscription to health journals, and staff salaries. In the past 10 years the costs of medical periodicals have almost doubled; costs of medical books have risen over 50 percent. Librarians' salaries, which have never been high and are not adequate now, have nevertheless risen by an estimated 25 to 30 percent in the past 5 years.

Without continued and expanded support as recommended in this bill, our health information problems can only worsen. On the basis of current progress and future plans, it is estimated that over 10,000 physicians will graduate from medical school in 1975, an increase of one-third over the present yield. Leaders in other health professions are also preparing for greatly expanded personnel requirements in the next decade. All educational resources will need to be expanded to meet the instructional requirements of this growing community of health personnel, including health information resources such as medical libraries. As our Government exhorts health professional schools to educate and train more personnel it must provide the library resources to assist in this process.

The Medical Library and Health Communications Assistance Amendments of 1969 will not resolve all the needs and problems in health communications. They will, however, provide significant assistance where needed to stimulate the formulation and adaptation of new ideas and new concepts for making health information available. To provide stability in the recruitment and retention of personnel in this field, the committee believes a 3-year period of assistance will be required.

RECOMMENDED PROGRAM

Summary of provisions

H.R. 11702 as reported would extend for 3 years the programs authorized by the Medical Library Assistance Act of 1965. The com-

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mittee is convinced that the objectives of the Medical Library Assistance Act remain valid for current and future national health information needs and H.R. 11702, would propose no change in these objectives. It would permit a higher level of expenditure toward these objectives. An important committee amendment would permit the Secretary to transfer funds under specified limitations within the authorization permitted by this act. This will assure that the congressional responsibility for program authorization is retained, while permitting a more flexible administration of the programs. Other amendments proposed are intended to increase the efficiency and responsiveness of these programs of assistance.

For the construction assistance program the bill would increase the authorization ceiling from $10 million to $11.5 million in fiscal year 1971, $14 million in fiscal year 1972, and $16.5 million in fiscal year 1973 for new health library construction and for projects to renovate and expand existing health library space. It would make two changes in the law, to provide that funds for construction remain available until expended and to delete the present authority which permits awards in the absence of the required 25 percent non-Federal contribution.

For the program to train health librarians and other information specialists for administrative, service, and research positions, the bill would increase the authorization for the support of training grants and fellowships from $1 million to $2 million in fiscal year 1971, $2.5 million in fiscal year 1972, and $3 million in fiscal year 1973.

H.R. 11702, as reported, would combine the two sections of the Medical Library Assistance Act which authorize special scientific projects and research and development in order to emphasize the focus of both these programs on scholarly activity and research to advance health communications. For special projects, this bill proposes that the term "grant" be substituted for "fellowship", in recognition of the research orientation of such projects, and proposes that such awards be authorized to institutions as well as to individuals. For the research program, authority would be added to permit the support of demonstration projects for new techniques, devices, or systems which are ready for application.

For the program to provide library resource grants the bill would increase the authorization for funding from $3 million to $4 million in fiscal year 1971, $5 million in fiscal year 1972, and $6 million in fiscal year 1973. It would also provide authority to establish new collections and would delete the provisions of the current Act which requires that grants for health library resources be in amounts determined on the basis of the library's budget and that the grant once awarded be reduced in amount for each subsequent year of support. A requirement would be added for assurance of continuing local support during and after the period of Federal assistance.

The authorization for the regional medical library program would be increased from $2.5 million per year to $3 million in fiscal year 1971, $4 million in fiscal year 1972, and $5 million in fiscal year 1973. In addition to provision of library services the bill would authorize support of planning and data gathering activities, essential to the development of sound regional medical library programs, by the participating institutions and individuals; it would permit the designated grantee library for such a program to provide necessary resources to other libraries which cooperate in the program; and it would delete an ambiguous criterion for award contained in the current act. This bill would also permit the selective use of the contract mechanism, as well as grants-in-aid, to support specific regional services.

For the program to support biomedical scientific publication projects, this bill would authorize $1 million per year during the 3 years of the extension, the present level.

Factors considered by the committee

The committee weighed carefully the administration's request, reflected in S. 2239, that the current program be extended for 1 year only. The witnesses who testified before this committee on July 31, 1969, as well as action of the House of Representatives and the report of the House Committee on Interstate and Foreign Commerce with respect to H.R. 11702, clearly support the position of this committee that a longer period of extension is entirely justified.

H.R. 11702, as reported, would add "health communications" to the title under which these programs are gathered. Eligibility for participation in the programs authorized by the Medical Library Assistance Act has always been intended to include all appropriate public and private institutions and individuals active in the provision of health services or in health related teaching and research; within the provisions of the law, and the terms used in this act are defined accordingly. While the intent of the act was broad, and its programs have been implemented accordingly, the committee accepted the value of added emphasis to this concept. The term "health communications" in the title of H.R. 11702 is an appropriate indicator of the broad intent of the program. The committee expects these programs to extend eligibility for participation to all clinical fields including medicine, dentistry, optometry, pharmacy, osteopathy, veterinary medicine where relevant to human health, nursing, public health, other health-related fields, and fundamental and applied sciences when related thereto.

The committee preferred the program-by-program authorizations for Federal support proposed in S. 2549 and H.R. 11702 to the single, nonspecific appropriation authority contained in S. 2239, for two reasons. First, the committee fells that it is useful to designate the level of the Federal contribution which would be desirable for these programs, as guidance for their implementation, at the same time allowing some program flexibility through limited authorization for transfer of funds among programs. Secondly, the committee endorses the original concept of the act, to provide coordinated assistance for all areas of need through balanced support for each of the seven programs.

H.R. 11702, as amended by the committee, increases the authorization for Federal support for four of the seven programs. In the opinion of the committee, those programs which contribute to improved facilities and resources and manpower and which help to provide better access to existing centers for health information services should be supported at substantially higher levels than heretofore. During the initial years, policies and procedures have been developed and tested, and expansion of the Federal contribution is now justified.

The level of support wasn't increased for scientific and technical publications which help expand the production of aids to information searching, such as indexing, abstracting, and other reference aids. No increase in funding was provided for the special projects and research programs; such support should be highly selective, with emphasis on contemporary health problems, such as drug abuse and alcoholism.

In summary, S. 2549 would authorize a moderate increase in funding. The committee judges that the level of support is commensurate with the demonstrated needs which must be met. The committee based its acceptance of the funding levels on the following considerations:

Health library construction.—The Medical Library Assistance Act authorized $40 million for the 4-year period—fiscal 1967–70—for grants to public or private nonprofit agencies or institutions towards the cost of construction of any medical (health) library facility. The Federal contribution under this law may not exceed 75 percent of the necessary cost of construction. Section 393 of this act authorizes the construction of health library facilities per se, without reference to educational, teaching, or research functions. It is the only Federal construction program which can provide for medical library and information facilities needed for nonteaching, nonresearch institutions such as hospitals, clinics, community health service programs. Through fiscal 1970 the National Library of Medicine will have provided 11 construction grants for health school library construction, totaling $11.25 million. While the 330,000 net square feet of new library space provided by this small number of projects will have a considerable value to the Nation, the contribution from this and other Federal programs does not begin to meet the need identified in 1965 and since reaffirmed. For this reason the committee endorsed provisions to increase the yearly funding authorization from $10 million to $11.5 million in fiscal 1971, $14 million in fiscal 1972, and $16.5 million in fiscal 1973; to provide $42 million for construction, renovation, and expansion of health library facilities for the period July 1, 1970, to June 30, 1973.

Training in medical library sciences.—The Medical Library Assistance Act of 1965 authorized $1 million per year to support training grants and fellowships to train medical librarians and other much-needed information specialists. With the $4.5 million which has been appropriated in the National Library of Medicine has established approximately 20 training programs. Some of these provide training opportunities for medical librarians; others explore new ways of training individuals to organize and utilize the new information-processing technology to apply it to health fields. Still others support training for research careers in information fields. During the initial years of this program some 300 individuals will have completed training. While this is an encouraging beginning it does not begin to meet the identified need. In 1965 there were approximately 6,000 medical libraries in the United States with fewer than 3,000 trained librarians or other appropriate persons to staff them. The committee endorsed provisions to increase the authorization ceiling to $1 million per year to $2 million in fiscal year 1971, $2.5 million in fiscal year 1972, and $3 million in fiscal year 1973, with the expectation that this program, now that it is well established, can expand to provide large numbers of the skilled library and information personnel needed.

Special scientific projects and research and development.—The authorities for these programs under the Medical Library Assistance Act have permitted support and encouragement of useful projects to explore the needs and preferences of health workers for information services and to encourage and support the development of new systems and techniques. The committee believes that a research program at the current level authorized, $500,000 per year for special projects and $3 million per year for research development, and demonstration projects will permit an adequate level of activity, provided the funds are appropriated. The committee took note of the fact that, while $12 million was authorized for research and development during fiscal years 1966–69, only about $5.3 million was appropriated. It is the opinion of the committee that appropriated funds be used for contemporary health problems such as alcoholism, drug abuse, population control, and environmental health.

Grants for library resources.—The Medical Library Assistance Act authorize $3 million a year for this program, which has received enthusiastic endorsement from witnesses testifying in behalf of H.R. 11702 and related bills. In its initial years of development, this mechanism has been shown to be an effective one for encouraging medical and other

health libraries to acquire the documents, materials, staff, equipment, and systems to permit them to provide better services. However, the $9.7 million which has been appropriated and expended for such grants does not begin to approach the need, reported in 1965 as in excess of $100 million for medical library collections at that time. This program should be expanded. H.R. 11702 would provide for such expansion, authorizing $15 million during the 3-year period of the extension. At the same time the committee wishes to emphasize that expanded, support through this program of grants for library resources should not replace local support for health libraries. H.R. 11702 retains the $200,000 ceiling on individual grants specified in the current act, and requires assurance of adequate continuing financial support for such libraries or instrumentalities during and after the period of Federal assistance. Related to this expansion, the bill would also provide authority to permit the establishment of new collections. With increasing emphasis upon continuing education of local health service personnel, such new information centers can contribute significantly to the information resources available for this crucial function.

Grants for regional medical libraries.—H.R. 11702 would increase the authorization for support for regional library service programs from $2.5 million to $3, $4, and $5 million per year, providing a total of $12 million for the 3-year period of the extension. The current authorization would have provided a maximum of 12.5 million for fiscal 1966–70. During fiscal 1966–69, $3.2 million was appropriated for regional library programs. The committee recognized that efforts to encourage and support the development of cooperative, coordinated programs to share information resources within large geographic regions of the United States is a complex task which would necessarily proceed slowly. Progress under the current legislative authority has been very encouraging; the response of the health library community in its voluntary efforts to work with this program has been enthusiastic. Eight of 10 planned grant-supported regional library programs have received their initial awards. This program has shown that it is possible by sharing library resources to improve the quality and speed of health information services to users of health information who are geographically remote from centers for such services. Such a system can also avoid the costly duplication of specialized or unusually complete collections of health literature. Regional library programs can not only provide conventional library services but can also serve as catalysts to encourage and develop needed innovations and improvements to the kinds of services available to health practitioners.

With the expectation that the transition must soon occur to the provision of full regional library services, and that preparation for special efforts to reach geographically isolated health workers and their institutions will soon begin, it is evident that this program requires substantially greater support than that which has been available under the present law. Continuity of support is essential for this program. Extension of this authority for less than 3 years would, in the opinion of the committee, be detrimental to its effectiveness.

Other amendments provided by H.R. 11702 for this program would help to assure effective administration and improve the responsiveness of this program to the ultimate user of information services. Support of planning activities is particularly important since an accurate knowledge of the health information resources and needs of the region is the only sound base upon which to plan a realistic program which will meet local needs. H.R. 11702 would also permit the selective use of the contract mechanism for certain specific activities which require direct guidance by the National Library of Medicine, such as MEDLARS and other computer-based services.

Support of biomedical scientific publications.—The committee noted that one of the problems which led to passage of the Medical Library Assistance Act was the rapid, accelerating growth of the volume of health documents and information which had to be processed. The Congress recognized that simply to make primary health literature available as it is published is not enough to assure the efficient flow of vital information from its point of generation to the ultimate user. It is also necessary to categorize and analyze this literature and provide locating devices to make it possible for each health worker to find the information which meets his individual needs. Such locating devices include universal and selective abstracting and indexing services, and annual, updated, and critical reviews of the literature for specific subject areas. To encourage the support of such worthwhile activities, H.R. 11702 maintains the authorization for the selective support of health-related publications at $1 million per year or $3 million during the 3-year period of the extension.

Mr. YARBOROUGH. Mr. President, I support the passage of H.R. 11702, the Medical Library and Health Communications Assistance Amendments of 1969. The Labor and Public Welfare Committee reported the House passed bill, H.R. 11702, after substituting the provisions of of S. 2549, a bill which I introduced, in an amended form.

The reported bill would amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities. Its principal purpose is to extend for 3 years the current programs providing financial assistance for construction of medical library facilities; training of biomedical librarians and information specialists for service and research; expansion and improvement of health library resources; projects of research, development, and demonstrations in medical library science and health communications, and related special scholarly scientific projects; and development of regional medical library programs. For these purposes, a total of $90 million is authorized for 3 years.

There is a vital need to assist the orderly growth of our country's health communication resources. At the frontier of interdisciplinary research, traditional information services are no longer adequate. New ways of organizing and presenting information must be developed. At the educational frontier, where students must learn so much in so little time, modern technologies for information transfer must be employed. At the health service frontier, there is an even greater challenge, that of communicating the new medical knowledge to those who minister daily to the Nation's health in the hospitals, medical offices, sickrooms, and other places where illnesses are diagnosed and treated.

Mr. President, I urge passage of this bill because it will provide assistance where needed and stimulate the formulation and adaptation of new ideas and new concepts for making health information available.

Mr. PROUTY. Mr. President, the bill now before us, H.R. 11702, as reported unanimously by the Committee on Labor and Public Welfare, renews a commitment which began 4 years ago with the enactment of the Medical Library Assistance Act of 1965.

At that time we recognized that the rapid surge in medical knowledge required innovative information storage and retrieval methods and Federal assistance to medical schools and hospitals so that the most up-to-date information would be available to all.

In hearings on this measure, I was most impressed by the testimony of Stephen McCarthy, executive director of the Association of Research Libraries. Commenting on the bill, Mr. McCarthy made an excellent observation when he said:

> It is not a bill for medical librarians, nor is it, in its final purpose, a bill for medical libraries. Instead it is an integral part of the national effort to provide improved health care by strengthening the information agencies that serve the medical profession. The objective of better medical and health care must be sought along many avenues simultaneously.

I agree with Mr. McCarthy's observation and share his view that this measure is part of our overall strategy to deliver the benefits of modern medicine to all Americans. To do this we must provide up-to-the-minute information to all areas of the country.

I call my colleagues' attention to the benefits accrued through the regional medical library program, which has brought Vermont and all the New England States into a network of knowledge called the New England Regional Medical Library Service.

Looking ahead, I envision through continued programs new ways of sending the latest medical information from information centers to outlying areas.

Our methods for disseminating medical information must be as modern as the information itself if all Americans are to benefit from the advances in medicine.

In concluding, I would point to one amendment offered by the minority and unanimously accepted by the Health Subcommittee. This amendment allows some transferability among the six major programs in this measure. I believe this amendment will prove of great benefit, in that it will permit a flow of funds to areas of most critical need.

I believe that in the past 4 years, the wisdom of the Congress in enacting the Medical Library Assistance Act has been proven. I urge my colleagues to approve the measure before us as reported by the Committee on Labor and Public Welfare.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ELLENDER. Mr. President, these two retirement bills are important bills. I wonder what cost would be entailed.

Mr. MANSFIELD. The first bill that was passed concerning the equalization of retirement benefits for uniformed officers of the Public Health Service would apply, I understand, to about 20 persons annually with an added annual cost of about $38,000.

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Mr. ELLENDER. Are those retirement benefits?

Mr. MANSFIELD. They are the annual added retirement benefits of commissioned officers of the Public Health Service.

Mr. ELLENDER. Would that be in addition to what they are now receiving?

Mr. MANSFIELD. About 20 officers of the Public Health Service a year would get the benefits now obtained by Army, Navy, Marine Corps, and Air Corps officers; this proposal would make them equal.

Mr. ELLENDER. Mr. President, were the bills unanimously reported?

Mr. MANSFIELD. They were.

Mr. ELLENDER. What does the bill, with respect to the medical libraries, entail?

Mr. MANSFIELD. Mr. President, H.R. 11702 would increase the total authorization for funding for these programs from the current $21 million a year to $25 million in fiscal year 1971, $30 million ~~in fiscal~~ year 1972, and $35 million ~~in fiscal year~~ 1973.

In addition, certain technical clarifying amendments were proposed in the bill.

Mr. ELLENDER. That is merely authorization.

Mr. MANSFIELD. The Senator is correct.

Mr. ELLENDER. That pertains to the furnishing of medical books to libraries and services throughout the country.

Mr. MANSFIELD. The Senator is correct.

Mr. ELLENDER. Mr. President, Members of Congress are sometimes prone to forget that every bill which is enacted involves a lot of money.

Mr. MANSFIELD. Every single one.

Mr. ELLENDER. The first bill that was passed, S. 2452, would involve a considerable increase for retirement over the amount now provided.

Mr. MANSFIELD. The Senator is correct. It would add about $38,000 annually. However, it would bring these Public Health Service commissioned officers to parity in relation to commissioned officers of other services.

Mr. ELLENDER. We are trying to provide parity for everyone. Some of these increases are going through automatically without hearings by Congress. I am opposed to the delegation of congressional authority over pay and retirement matters to the President, or to some Presidentially appointed commission.

It is my belief that matters on this subject ought to be carefully studied by the appropriate committee rather than having Congress enact them without hearings or presentations.

Mr. MANSFIELD. Mr. President, there are two factors to be considered. One is that the measures have been cleared unanimously on both sides. Otherwise, they would not have been brought up for consideration. Second, the Senator will have a chance in the Appropriations Committee to go into the measures again and in greater detail.

Mr. ELLENDER. Mr. President, along that line I would point out that similar legislation has been enacted from time to time for the benefit of military retirees as well as the civil service. Recently, the trend has been to remove congressional control from civil service benefits, and I am hopeful that trend can be reversed. The concern in recent years has been with the bringing about of "parity" between the benefits of Government and private employment. Congress has been quite liberal in this regard for the past 6 or 7 years. Everybody has been helped out, except maybe the taxpayers.

As a matter of fact, many private employers believe that Congress has overreached itself in the scramble for "parity." Many pay scales are now below those approved for the civil service.

It must not be forgotten that the military retirement program is now closely tied to the civil service benefits. This adds to the cost tremendously. Not too many years ago, military retirement costs amounted to about $190 million annually. It now has reached almost $3 billion a year.

I was looking at the amount the other day. I developed information on this point during hearings on the defense appropriations bill. If we were to stop inducting soldiers this year and just had to pay those who are entitled to retirement, it would cost the Government more than $80 billion to settle the current debt.

Mr. President, I ask unanimous consent that a table I had prepared for inclusion in the Record of the defense appropriations hearings on the fiscal 1970 appropriations bill be printed at this point in the Record. Congress should be apprised of what we will be faced with in the future, whether or not further increases are granted.

There being no objection, the table was ordered to be printed in the Record, as follows:

MILITARY RETIRED PAY

Fiscal year	Average number of retirees (thousands)	Average cost per man	Total cost (millions)	Unfunded "past service" liability (millions)
1969	694.6	$3,527	$2,450	$83,616
1970	759.6	3,600	2,735	86,332
1971	820.0	3,600	2,952	88,922
1972	880.0	$3,600	$3,168	$91,383
1973	940.0	3,600	3,384	93,710
1974	1,000.0	3,600	3,600	95,899
1975	1,060.0	3,600	3,816	97,956
1976	1,111.0	3,600	4,000	99,886
1977	1,162.0	3,600	4,183	101,698
1978	1,210.0	3,600	4,356	103,397
1979	1,255.0	3,600	4,518	104,991

Assumptions:
1. No future pay or price index increases.
2. No change in retirement laws.
3. No change in retirement patterns.
4. A continuation of a total active duty military force of approximately, 3,450,000.

LEGISLATIVE BRANCH APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 476, H.R. 13763. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. An act (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, no action will be taken on the legislative appropriation bill this afternoon. We have no further business to consider, but on the possibility that there may be Members who wish to make some remarks, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order of Thursday, making Calendar No. 445, S. 1508, the pending business, be vacated, and that the measure, as such, be put back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bayh in the chair). Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 12 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, October 21, 1969, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 20, 1969:

Office of Economic Opportunity

Wesley L. Hjornevik, of Texas, to be Deputy Director of the Office of Economic Opportunity.

In the Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Lewis Blaine Hershey, 579–52–4352, Army of the United States.

EXTENSIONS OF REMARKS

THE COP-OUT MORATORIUM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, October 20, 1969

Mr. THURMOND. Mr. President, most of the Nation's press has gone out of its way to present the October 15 moratorium as an event of great significance and importance for the cause of peace.

I do not believe that the moratorium did one thing to encourage the cause of peace. There was nothing in it which would encourage Hanoi to soften its demands or to bring it closer to the negotiating table.

However, the press attitude on the moratorium was by no means unanimous. The Columbia Record, the evening newspaper in Columbia, S.C., and one of the distinguished newspapers in our State, published a very sound analysis on the eve of the moratorium. The Columbia Record has a fine reputation for realistic analysis of national and international events and in its editorial entitled "The Cop-Out Moratorium," it does not fail its reputation. The Record says:

> The strength of the "peace movement" in legislative halls and on big city streets, has already prolonged the war, seriously impaired the negotiative power of the U.S. and South Vietnamese governments and cast enduring doubt on the American will to fulfill written and verbal agreements to free people anywhere in the world.

The Columbia Record quite frankly points out the long-range prospects of the fall of South Vietnam to Communist control. The Record says that Europeans, for example, have said that Americans cannot be depended upon to defend Europe. And not only the defense of Europe would be put in doubt; our credibility in Japan, Indonesia, India, Pakistan, Australia, Latin America and any other country would be in great doubt. The Record says:

> Watching the "peace" demonstrations tomorrow, they must—with great sadness—redesign their internal security plans, resurvey their military, diplomatic and economic arrangements with the rest of the world.

Mr. President, I regard this editorial as a major statement of opinion from South Carolina, and I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The "Cop-Out" Moratorium

The eyes of Washington and Hanoi will be fixed on the hundreds of places tomorrow where thousands of idealistic youngsters and elders will observe a "moratorium" on the Vietnam War. But there will be pragmatic watchmen in the towers of our nation as well, assesaing the short-range and long-range effects of the unusual demonstration.

In the beginning, there can be no doubt about what the overwhelming majority of the participants want. It is not just "peace in Vietnam," an objective shared by President Nixon, but immediate and unconditional withdrawal of American troops—in brief, surrender.

The President desires "peace" as expeditiously as any of the protestors. That's neither the question nor the point. (Former Vice President Humphrey, acutely conscious of the position the U.S. is forced to occupy in today's world and of the complexities of Vietnam, has endorsed Mr. Nixon's peace program.) The question is (a) whether the U.S. will disengage with honor in Vietnam, or (b) withdraw immediately, dragging the red-white-and-blue colors in the sandy soil, dirtied, for the whole world to see.

Those who believe that a great power like the U.S. can blow the bugle, assemble its troops in airborne or seaborne carriers and bring them home unconditionally and immediately may well dwell in some euphoric land where all is unreal, where all men love "peace." They dream the dreams of a psychotic.

The strength of the "peace movement," in legislative halls and on big city streets, has already prolonged the war, seriously impaired the negotiative power of the U.S. and South Vietnamese governments and cast enduring doubt on the American will to fulfill written and verbal agreements to free people anywhere in the world.

Beyond the moratorium, what? A weakened U.S. posture in Paris, where Communist negotiators have rightly predicated their intransigence upon growth of the "peace movement" within this country. Based on their parlayings with the French and the decay in Paris, they have placed their bets well.

President Nixon's options have been considerably reduced; including the virtual elimination of any military redress to hasten a peace settlement. The sole remaining question is how much honor can the U.S. salvage when it comes home from Vietnam? Can it insure, as it has pledged, free determination by the South Vietnamese of their own government? Or will the U.S., and South Vietnam, be forced to accept a government that will be directly or indirectly Communist? Will the South Vietnamese people be forced to serve under totalitarian rulers and subjected to a bloodbath?

The long-range doubt is even more frightening. For a number of years, Charles de Gaulle of France spoke quite frankly to Europeans and said that Americans could NOT be depended upon to defend Europe. How right he might have been. Those who participate in the moratorium tomorrow either believe, or are inclined to believe, that the U.S. should withdraw to a Fortress America.

Berlin doesn't matter. Yugoslavia doesn't matter. Rumania doesn't matter. Nor France, Italy, Denmark, Sweden, Norway, Finland, Belgium, the Netherlands, Britain. Should the Soviet ground forces roll, let 'em roll! What happens in Europe is none of our business.

Japan doesn't matter. Indonesia, India, Pakistan, Laos, Thailand, the Philippines, Australia.

Brazil doesn't matter. Nor Argentina, Chile, Uruguay, Panama, Ecuador, Peru—all of Central America, South America and the Caribbean.

Israel doesn't count. Why should we intervene in the affairs of the Middle East. Let Israel and the Arab states settle their own affairs. But, above all, don't get us involved! No more Vietnams!

Ethiopia doesn't matter. It's only a squiggly line on Africa—a whole mass of squiggly lines with names that don't concern us. Nigeria, Biafra, the Congo (and which is which?), Rhodesia, South Africa, Liberia, Tanzania, etc.

What does matter? The continental United States. It is perhaps even true that two of the states, in the attitudes of the New Isolationists, can be written off. Hawaii is far, far off in the Pacific; and didn't we have a frightful Second World War that began at Pearl Harbor? And frigid Alaska, with its new-found oil, couldn't it really be written off?

Direct attack upon the continental U.S. itself might—just MIGHT—stir the New Isolationists to consider serious military action.

The foregoing thoughts are not ours alone; they are serious thoughts of serious men in the foreign ministries of the world, who must be concerned about the security of their own countries. Some possess written promises of the United States: they wonder, today, whether the words have any meaning whatsoever. Watching the "peace" demonstrations tomorrow, they must—with great sadness—redesign their internal security plans, resurvey their military, diplomatic and economic arrangements with the rest of the world. The United States, many will conclude in the language of the youngsters who demonstrate tomorrow, is "copping out."

PLANNING METHOD FOR OUR WATER RESOURCES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. COHELAN. Mr. Speaker, Dr. Paul Taylor of Berkeley is an expert in the field of the control, development, and utilization of water resources.

Dr. Taylor has, on numerous occasions, spoken out on the proper planning method for our water resources. The statement I am submitting for the Record was Dr. Taylor's statement before the Water Resources Council in September of this year. I am pleased to insert Dr. Taylor's comments in the Record at this point.

Statement by Paul S. Taylor to Water Resources Council

1. My name is Paul S. Taylor and I reside in Berkeley, California. Between 1943 and 1952 I served as consultant on water matters in the Department of the Interior, and have continued this interest ever since. This statement focussing primarily on western reclamation, represents my personal views.

2. Regrettably, administrators of water resource development overlook too easily the fact that the purpose of reclamation is "to benefit people, not land." The relevance today of these 1958 words of the Supreme Court is emphasized by the 1966 statement of Gilbert F. White, Chairman of the Committee on Water of the National Research Council of the National Academy of Sciences, pointing out that "the management of water resources has evolved to a stage where planning should center upon the needs of people rather than upon water per se. This viewpoint implies that a broad range of alternatives must be considered before a decision is made to develop a water resource. To deal effectively with the increasingly complex nature of the decision process, new institutional arrangements may be needed to take account of intangible as well as

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tangible objectives." (Preface, Alternatives in water management.)

3. His Water Committee added explicitly:

> The effects of water decisions . . . have to do with the total net benefits to society regardless of who receives benefits or who is adversely affected. A different dimension, too long neglected as a matter of systematic analysis, has to do with the distribution of benefits among persons and among areas . . . there should be explicit consideration of the distributional effects of water decisions. (Ibid., 29)

4. The principles that people should benefit from development of water resources and that the benefits should be distributed widely among them are not new. They rest upon the historic foundations of the national conservation movement. The first Governors' Conference on Conservation declared in 1908:

> "We agree that the sources of national wealth exist for the benefit of the People, and that monopoly thereof should not be tolerated." (Gifford Pinchot, Breaking New Ground, 351.)

5. It would be unnecessary to repeat these principles now, except that they are so largely unobserved in current practice. Reclamation is a prime example. The excess land provisions of reclamation law, the instrument for distributing benefits of water resources development widely among people, is honored mainly in the breach. A Secretary of the Interior confessed to Congress in 1964 that "both Congress and the executive branch have on occasion exhibited a degree of concern for the excess-land owner which may be difficult to reconcile with the policies embraced by the excess land laws." (Acreage limitation policy: study prepared by the Department of the Interior pursuant to a resolution of the Senate Committee on Interior and Insular Affairs, 88 Cong., 2 sess., xiii.)

This confession—an understatement—has not been followed by visible improvement of administration by the Interior Department.

6. A first essential for return to the fundamental principles of conservation is the will to abide by them. Given the will, legal techniques are at hand for achievement of results in harmony with the principle that people shall benefit widely.

7. Present law requires landowners on reclamation projects to empower the Secretary of the Interior to sell their lands in excess of 160 acres at pre-water prices. We should empower the Secretary to buy these same excess lands. This has been recommended often, beginning with the Governor of Montana in the early nineties, followed by the famous Fact Finders Report of the Coolidge era, by the Veterans of Foreign Wars of the United States and California Labor Federation in the forties, and by the National AFL-CIO, Northern California Council of Churches and Sierra Club in the sixties.

8. Government purchase of excess lands would facilitate achievement of true public objectives for water development:

(a) Enforcement of reclamation law by providing owners of excess lands with a ready market.

(b) Publicly planned open spaces and agricultural greenbelts preserved from encroachment of suburban sprawl and slurb, through regulation of land use upon resale or lease.

(c) Assignment of incremental land value revenues arising from public investment in public resource development to public purposes, such as—

(1) "Water grants" for education, in the tradition of land grants for education.

(2) Enrichment of the National Conservation Fund.

(3) Enrichment of the National Treasury.

9. The Nation should discontinue policy and practices described by Major General Jackson Graham in these words:

> "Is a man entitled to buy up, settle or promote a chunk of desert and then demand that his government bring water to him from the general direction of the North Pole?" (Wildlife Management Institute, Outdoor News Bulletin, May 24, 1968, 2.)

COMMUNIST CHINA: A POLITICAL ASSESSMENT

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, October 20, 1969

Mr. SCOTT. Mr. President, because there are so few calm, dispassionate examinations of Communist China these days, I am happy to recommend to Senators, and to all interested in the Peking regime, an article, entitled "Communist China: A Political Assessment," written by Dr. James T. Myers, of the University of South Carolina. The article appears in the booklet, entitled "Twenty Years of Tyranny: Communist China 1949–69," published by the Committee of One Million, on whose steering committee I serve.

Dr. Myers, who has authored a number of articles about Communist China and is fluent in Chinese, examines the record of Mao Tse-tung from October 1, 1949, to the present. He traces the euphoric early years, the growing disillusionment, the failure of the great leap forward, and the terror and anarchy produced by the great proletarian cultural revolution. Dr. Myers concludes:

> The Maoists' grand schemes, such as the Great Leap Forward and the Great Proletarian Cultural Revolution, have wreaked havoc with the political, economic and educational systems. The damage will require decades, at least, to repair. Any Chinese leader, of whatever political persuasion, will be faced with the necessity of devising practical political programs to deal with these problems. Despite the undeniable technical accomplishments, especially in the early years, one sees overall a record of squandered human resources and political resources of support both within the Party and without, which if not unprecedented, must still be recorded as gross political ineptitude or outright stupidity. China still needs today, as she needed in 1949, political leaders who are able to bring internal peace, stability and a measure of prosperity to this vast and potentially great nation and great people.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks Dr. Myers' probing analysis, entitled "Communist China: A Political Assessment."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMUNIST CHINA: A POLITICAL ASSESSMENT

(By Dr. James T. Myers)

THE EARLY YEARS

On October 1, 1949, Mao Tse-tung stood atop the ancient Gate of Heavenly Peace in Peking to proclaim the establishment of the Chinese People's Republic. This joyous occasion for the Communist leaders marked the end of a grim and prolonged struggle which had seen the Communist forces suffer many years of bitter defeat and adversity. The years prior to the war against Japan had indeed been hard and cruel. But the hard years had been years of building and consolidation of the Chinese Communist Party (CPC) as well, and had been capped by the Red Army's stunning successes in the field against the legions of the Kuomintang.

If one could select a single phrase to represent the spirit of the first years of the Communist regime it would be "New China," the epithet used everywhere in place of the formal name of the new regime. The spirit of these first years was precisely the spirit of "new"; of sweeping away the old and advancing with giant strides into the future. When Chairman Mao made his famous statement at the ceremonies marking the founding of the new government, "Our nation will never again be an insulted nation. We have stood up!" or when he spoke in 1950 of the "founding of our new country," Chinese of a broad variety of political persuasions displayed pride in the resurgence of Chinese political power and a national unity which had eluded the suffering Chinese for over a century.

A "PEOPLE'S REPUBLIC"

Observers of the Chinese Communist movement in 1949 spoke of its vigor and dynamism and of the unity and dedication of the Chinese leadership. Nor was the leadership of the new government, in theory, to be exclusively in the hands of the Communist Party. As a "People's Republic" the country was to be ruled by a coalition of classes, represented on the new Chinese flag by the four small stars around the large star of the Communist Party. The Political Consultative Conference, convened at Peking in September, 1949, to serve as an interim legislative assembly, contained a great many persons representing non-Communist parties and organizations. It was the members of the "democratic united front" groups and other non-Communist elements who were expected to provide a large share of the technical and managerial expertise which the new regime would require.

As Chinese with nationalistic feelings, these "democratic personages" may have rejected much of the Marxist dogma and many elements of the Communist program for China as well. But they shared a common desire to see China restored to her former greatness and they saw the Communist revolution as the most likely vehicle then available for the achievement of their aims. Though they failed to share the ultimate goals of the Communist movement, if, indeed, they actually perceived the nature of these goals, they joined forces with the movement in the spirit of a joint venture for the future of China. Individual non-Communist intellectuals and other technical and managerial elites who stayed behind on the mainland or who returned there from other parts of the world, may or may not have liked the leadership and programs of the Chinese Communist Party, but they felt they could work with the Communists and were willing to put their trust in the Party for the task of building a new China.

Likewise the Party enjoyed the confidence of its own membership. 1949 marked the zenith of the power and the prestige of Party Chairman Mao Tse-tung and was, perhaps, the high water mark of Party unity, discipline, and shared confidence as well. The public documents of the early years reflect an apparent genuineness, an elan, the evidence of confidence that important new accomplishments lay just over the horizon. In addition, Communist China immediately gained a powerful ally in the Soviet Union. Though Communist China became the junior partner in a somewhat unequal relationship, her leaders clearly looked to the heartland of Marxism-Leninism for support, both spiritual and material.

It was with these considerable resources of faith, dedication and trust, then, that the leaders of the Chinese People's Republic embarked on the path of building a new socialist China.

Though trained and educated non-Communists were willing to join with the Communists in rebuilding mainland China, mere acquiescence or neutrality toward the regime was not considered by the Party to be a sufficiently reliable political attitude. Mao Tse-tung's dictum that "neutralism is a camouflage" applied to internal politics as well. It was not enough that the non-Party elites were willing to go along with the plans of the new regime. Communist doctrine provides for temporary alliances with nationalist elements which serve a "progressive" role in bringing about the collapse of the old order. That doctrine does not, however, accept the nationalist goals of these elements, nor does it allow for a permanent alliance with them. Early in the life of the regime, therefore, non-Communist elites began to feel the pressure of conformity, a pressure fully backed by the coercive power of the state.

The "Suppress Counter-Revolutionaries Campaign" which began in 1951 marked the first organized attempt by the Communist leadership to bring leading non-Communist elements to heel. As Mu Fu-sheng observes:

> "There can be little doubt that the Communists wanted to get rid of all leadership and prestige except that of the Communist Party, hence missionaries, heads of schools, great businessmen and anyone who commanded respect, were—whether innocent or guilty by the legal standards of the non-Communist world—charged, imprisoned, humiliated in public, and then expelled or 'liquidated'." [1]

This movement was followed in 1952 by the "Three Anti" and "Five Anti" campaigns. The "Three Anti" was directed primarily at non-Communists working in the government, although Party members were, to some extent, affected as well. The "Five Anti" was directed primarily at owners and executives of commercial and business enterprises which had not been completely taken over by the government.

Unable to withstand the pressure of the campaigns and finding it impossible to escape, many Chinese chose death by suicide. So numerous and widespread were the suicides, that it was rumored that people in the commercial center of Shanghi were afraid to go out of their houses lest they be hit by falling bodies. While the campaigns were theoretically directed at the two categories of persons described above, they were, in fact, as Mu Fu-sheng observes, used "to crush anyone the regime found objectionable, and charges, based upon mere suspicion and anonymous informers and supported by flimsy evidence, were brought against the enemies of the government."

Despite the brutality of the drives of the early 1950's, mainland China's leading non-Communist elements were not entirely liquidated. They were, however, clearly put on notice that the regime lacked no reluctance to use force and terror against them; a lesson they would not easily set aside when later offered the opportunity to voice their discontent.

THE HUNDRED FLOWERS AND THE GREAT LEAP FORWARD

The alienation and discontent of the educated non-Communist Chinese remained for the most part submerged in the several years following the terroristic drives of 1951–1953. Indeed, it appears that the Communist leaders believed that the "democratic personages" had been won over to the Party or at least to have come under the Party's sway and control. How gross a miscalculation this proved to be was revealed in the spring of 1957 when, for a few brief weeks, the Hundred Flowers blossomed forth.

The concern expressed throughout the Communist world, combined with the unrest in East Europe following Khrushchev's "de-Stalinization" speech in February, 1956, prompted Peking to issue two long political statements in which, for the first time, Mao Tse-tung appeared to be making an attempt to assert his ideological leadership on an international scale. The implied message of these statements, penned in April and December, 1956, was that if the fraternal Parties had the wisdom to practice the Chinese Communist "style of leadership" and "method of work," their own internal affairs would suffer no serious disorders. Internally, at the same time, the Chinese Communists launched an attempt to allow for, indeed to encourage, greater intellectual dissent and debate. Although some analysts have seen the call for criticism as a trap to smoke out the remaining dissidents and malcontents among intellectual circles, the weight of the evidence would seem to indicate that the Communist leadership believed the intellectuals to be fully under control if not ideologically "remolded" as well.

Throughout 1956 and the early months of 1957, the call for "100 flowers" to blossom and "100 schools of thought" to contend for acceptance met with only limited response. Cautious intellectuals, having earlier felt or seen exhibited the full coercive power of the state, displayed no eagerness to become martyrs to a hopeless cause. Only after several apparently genuine indications of the Party's desire for criticism did the bottled-up discontent pour forth in the spring of 1957. Instead of the mild criticism which the Party leaders hoped for and expected, however, the intellectuals responded with a torrent of abusive denunciation.

Members of the "democratic" parties complained that they were mere window dressing and that the coalition government was a sham. They denounced the Communist Party's monolithic structure and the arrogance with which the Party assumed responsibility for all important state decisions. Intellectuals in all areas of academic endeavor attacked the meddling and interference of Party cadres, claiming that academic matters should be handled by academic persons. In general the criticism of the Hundred Flowers period saw the omniscience of Chairman Mao questioned, and the Communist system and Party subjected to close inspection—and found wanting. The response of the Party was to institute yet another drive against the intellectuals—the "Anti-Rightist" campaign—in which the offending critics were either criticized; held up to public ridicule; scorned and ostracized by their frightened colleagues; "sent down" to the countryside (as a part of the *hsia-fang* or "downward placement" movement), or shot.

Although the Party had apparently squandered the tremendous reservoir of support available among non-Communist intellectual circles, the Party itself appeared to react to the criticism of the Hundred Flowers period with solidarity and singleness of purpose. Both the right and left wings of the Party joined to suppress criticism, the vast majority of which came from non Communists elements. Later developments revealed, however, that the Party had already been suffering from serious internal strains and tensions by the summer of 1957—a condition rendered considerably worse by Mao Tse-tung's Great Leap Forward in 1958.

It is clear from material now available that throughout 1956 and part of 1957, a bitter and divisive debate developed within the top ranks of the Communist Party over the character and thrust of the second five-year plan, which was to begin in 1958. Party Chairman Mao Tse-tung sought to recast the entire economy, to achieve a Great Leap Forward by organizing the labor power of millions of human beings. Mao's Great Leap was eventually put into effect over what appears to have been substantial, although not decisive, opposition within the highest circles of the Party.

The Great Leap was, in almost every respect, a complete failure, bringing not only a calamitous disruption of the Chinese economy but an increasing awareness among many top Chinese Communist leaders that Chairman Mao and the great "Thought of Mao Tse-tung" were inadequate to the task of leading Communist China along the path of national reconstruction and political stability. By the time the Central Committee of the Communist Party met in plenary session in December, 1958, the full extent of the Great Leap disaster was becoming apparent. Those who had opposed the scheme from the beginning, led by Minister of Defense Marshal P'eng Teh-huai, were joined by others who had supported the Great Leap with varying degrees of reluctance. A general retreat from the radical programs of the Great Leap was begun and, more importantly perhaps, Mao Tse-tung was forced to step down from his position as Chairman of the Government, though not relinquishing his post as Chairman of the Communist Party.

The partial demotion of Mao Tse-tung, however, apparently was not enough for Marshal P'eng and his supporters. They pressed their attempt to have Mao's hands removed completely from the reins of power. The matter came to a head in September, 1959, when the Party Central Committee met once again in plenary session. While the majority of the Party leaders were willing to oppose Mao's radical domestic social and economic policies, the person and image of Chairman Mao were too intimately wedded to the whole fabric of Communist rule in China to have the Great Helmsman held up to public abuse or ridicule. The settlement reached at this meeting, therefore, represented a rather unstable compromise.

Marshal P'eng and a number of his high-ranking associates lost their Army and Government posts, although they were not officially expelled from the Communist Party and Marsal Lin Piao, Mao's strongest supporter at the meeting, was installed as Minister of Defense. In turn, assurances appear to have been given that more sober minds would direct the affairs of state than under the stewardship of Chairman Mao. The task of undoing the failures of the Great Leap fell to Liu Shao-ch'i, second-ranking member of the Communist hierarchy and newly-installed Chairman of the Government.

Even though Mao Tse-tung was not personally subjected to public criticism or held up to ridicule, he left the September, 1959 meeting considerably reduced in power and influence. The Mao mystique had been shattered. The Great Helmsman was no longer viewed by the inner circle of Party leaders as omniscient and omnicompetent, the leader who always arrived at the proper solution to difficult problems and who managed to maintain a unity of purpose and a consensus within his own leadership group. Moreover, the episode left the Party with divisions which, although papered over, would grow deeper and wider over the years which followed.

THE GLORIFICATION AND ABUSE OF CHAIRMAN MAO

In the six years following the September, 1969 plenary meeting of the Party Central Committee, two simultaneous developments accelerated the divisions within domestic political factions. First, Chairman Mao and his supporters intensified the campaign to glorify Mao and refurbish his tarnished image. Chief among the purveyors of the now-expanded Mao cult were Ch'en Po-ta, Mao's long-time ghostwriter and personal secretary, and Marshal Lin Piao (later to become famous as the author of "Long Live the Victory of People's War"), the then newly-installed Minister of Defense.

It became the task of Lin Piao to rebuild the shattered unity of the People's Liberation Army (PLA), which had resulted from the purges of P'eng Teh-huai and a number of

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[1] Mu Fu-sheng, *The Wilting of the Hundred Flowers—The Chinese Intelligentsia Under Mao*, (New York: Frederick A. Praeger, 1969), p. 142.

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his high military associates. A principal element in the Lin strategy was the attempt to infuse the ranks of the PLA with a deep and thoroughgoing loyalty to the Party and to Chairman Mao. Given the serious damage which had been done to Mao's prestige and personal image by the failure of the Great Leap and subsequent attacks by the P'eng Teh-huai group, the glorification campaign assumed added importance. Mao's image and authority were central to the whole network of loyalties which the Communist Party had attempted to create since 1949.

The celebrations surrounding the tenth anniversary of the founding of the Chinese People's Republic, which followed the September plenary meeting by only one month, provided the first important opportunity for Lin Piao to reveal the thrust of the new campaign. In a major policy address, Lin affirmed the unconditional loyalty of the PLA to the Communist Party. Lin emphasized that the "predominant side" of military education must be the political side; that the PLA must "never forget politics" but must "emphasize politics," and that it was an army "in the service of politics."

The focus of Lin's campaign was further revealed in a collection of secret PLA documents.[2] The documents show the deep divisions and unrest in the ranks of the PLA as well as the extent of the campaign to politicize, reunify, and insure the loyalty of the armed forces. The attempt to build loyalty in the PLA received further impetus from campaigns to emulate army heroes who had displayed the proper level of devotion to the Party and Chairman Mao. The two earliest and perhaps best known of the heroes, who now number several score both living and dead, were Lie Feng and Wang Chieh (the latter being the famous "ever rust-proof screw"). Both died leaving diaries which showed them to have an unusually keen appreciation for and devotion to the thought of Chairman Mao. The diaries, which are marked by a rather obvious artificiality, should not be accepted at face value, but are illustrative of the type of model life which the PLA and eventually the rest of the Chinese were urged to emulate.

The progaganda surrounding the PLA heroes, especially the campaign to "emulate Comrade Wang Chieh," became an important element in the nationwide campaign to make the PLA and its personnel the models of proper Communist behavior for the entire country. The call rang out that "The Whole Country Must Learn From The PLA." A national conference of workers in commercial departments concluded that the working style of the PLA was "the basic attitude in perfecting commercial work." The young people of China were urged to "go all-out in learning from the PLA." In addition, political departments similar to those found in the PLA were established, first in industrial and communications ministries and later in other types of organizations, on the assumption that the "fundamental aspects of political work in the PLA were entirely applicable to the industrial and communications departments."

ADVANCE OF LIN PIAO

The thrust and purpose of these campaigns were closely related to the advance of Lin Piao's personal fortunes. Lin could scarcely fail to benefit from the growing position of prominence assumed by the PLA from 1960 onward. He could also expect to benefit from the fact that he was increasingly recognized as the person who correctly summed up and interpreted the thought of the Great Helmsman. That is not to say that Lin was playing a calculating game to advance his own political position.

There is no reason to believe that prior to the onset of the violent phase of the Great Proletarian Cultural Revolution Lin failed to share the goals of Mao Tse-tung and his supporters, including (a) re-establishment of Party authority within the military; (b) elevation of the PLA as the model of Communist behavior; (c) purge of troublesome intellectuals in Peking; (d) general tightening of control in domestic policies, and finally, for Lin personally, (e) the possibility of securing the removal of some important and high-ranking potential rivals for leadership.

This latter consideration was undoubtedly of considerable importance to Lin if he had serious political ambitions. He could scarcely have hoped to displace Liu Shao-ch'i, Party General Secretary Teng Hsiao-p'ing, or Premier Chou En-lai, nor to advance his own position substantially by siding with the moderates or anti-Maoists in the intra-party struggle already under way. By casting his lot with Chairman Mao, by becoming, in fact, the principal pillar of Maoist support, he could hope to gain the inside track for the top position in China once Mao was gone.

While Lin Piao and other supporters of Mao Tse-tung pressed their campaigns on behalf of the Great Helmsman, other factions within the Party pursued entirely different goals. Under the administration of State Chairman Liu Shao-ch'i and Party General Secretary Ten Hsiao-p'ing, the programs and machinery of the Great Leap continued to be dismantled and a general deradicalization in domestic affairs encouraged. Each attempt by the Maoist faction to re-introduce radical social or economic programs through the formal machinery of the Communist Party was either defeated or, if formally adopted, was handled by Party cadres who went through the motions and mouthed the proper slogans without giving the program any meaningful or substantive thrust. Indeed, the Maoist faction's growing reliance on the PLA as a vehicle to spread the Maoist-style revolution in Communist China in the early 1960's was in part dictated by their realization that the regular Party machinery had become thoroughly unreliable.

Nor was their belief in the unreliability of the Party machinery based entirely upon the Party's unwillingness to adopt radical domestic programs. Shortly after the close of the September, 1959 plenary meeting of the Party Central Committee, a subtle campaign pursued mainly through the literary devices of parable and satire was initiated to ridicule and discredit Mao Tse-tung personally. The two principal authors of the attacks, Ten T'o and Wu Han, were highly placed in the Communist Party hierarchy of the capital city of Peking. Wu Han was a prominent intellectual and Deputy Mayor of Peking. Teng T'o had been for six years, up to 1959, the editor-in-chief of the *People's Daily*, official news organ of the Party Central Committee, and subsequently held high posts in the Peking Municipal Committee and North China Bureau of the Communist Party.

The campaign came to light toward the end of 1965 when Wu Han came under fire as the author of an historical drama, "Hai Jui's Dismissal From Office." In this drama Hai Jui was presented as an upright official of the Ming Dynasty who fought for the interests of the peasants against the corrupt "retired Prime Minister" and his group. It was apparently clear to all who read this drama, as well as some prose pieces about Hai Jui also written by Wu Han, that Hai Jui represented the purged Minister of Defense P'eng Teh-huai, and that the corrupt "retired Prime Minister" was none other than Mao Tse-tung.

Perhaps the most abusive attack on Chairman Mao came in an article by Teng T'o titled, "Special Treatment for Amnesia," which contained only thinly disguised references to Mao's rumored mental instability. The author advised hitting the patient over the head with a special club to induce a state of shock.

The fact that the latter essay was published in *Frontline*, the official fortnightly journal of the Peking Committee of the Communist Party of China, points up a fundamental dissimilarity with the attacks of the Hundred Flowers period. The attacks of Wu Han and Teng T'o were attacks from within the Party. Wu and Teng were Communist Party intellectuals, writing in official Party journals, largely for the consumption of other Party intellectuals.

Moreover, these publications were under the jurisdiction of P'eng Chen, a member of the ruling Politburo, Mayor of Peking, and First Secretary of the Communist Party's Peking Municipal Committee. P'eng Chen occupied positions of great strategic and political importance as head of the Peking Municipal Government and leader of the one and one-quarter million member Peking Party organization. As First Secretary of the Peking Party Committee, P'eng Chen directed the affairs of more than seven percent of the entire membership of the Communist Party.

THE PARTY UNDER SIEGE

By the fall of 1965, a serious crisis had developed in the top echelons of the Communist Party. A number of policies had gone wrong for the leadership, and several potential conflicts had come to a head by November, 1965. In early October there had been a breakdown of Sino-Indian relations and the destruction of the Peking-oriented Communist Party of Indonesia. There had also been a collapse of the Afro-Asian conference following Peking's failure to have the Soviet Union excluded from the meeting. The Sino-Soviet conflict, which had been growing in intensity since 1956 as a result of the arrogant, belligerent attitude of Chairman Mao and his followers, had reached a new level of hostility by November, 1965. Peking declared that the conflict between the CPC and the Soviet Communist Party had become an "irreconcilable antagonism."

Perhaps the most important single factor precipitating the open outbreak of hostilities may be found in the events surrounding a high-level meeting of the Chinese Communist Party in September and October, 1965. Available evidence indicates that Mao Tse-tung made several proposals at this meeting which were either rejected outright or accepted and then not put into effect.

In general the tide in domestic affairs was running against the Maoist faction as the more moderate views of anti-Maoist groups held sway. Moreover, the summer of 1965 had brought the extraordinary appointment of the purged Minister of Defense P'eng Teh-huai to the position of Third Deputy Director of the Control Commission of the Party's Southwest Bureau and the appointment of his former subordinate, Huang Ko-cheng, the purged Chief of the PLA General Staff, to a position as Vice Governor of Shansi Province. These events, combined with the fact that the Party authorities in Peking continued to assume a highly protective attitude toward Chairman Mao's literary critics, must have indicated to Mao and his supporters that a strong group at the top level of the Party hierarchy had determined to resist any new tightening up, or radicalization, in domestic policy.

Failing to have his proposals accepted, Chairman Mao retired from Peking sometime in November and disappeared from public view for six months. When he did return to Peking in July, 1966, it was on the heels of a lightning military takeover of the capital city by his chief supporter, Defense Minister Lin Piao.

The Mao forces, with the support of the

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[2] The King Tso T'ung Hsun, (Work Bulletins [of the PLA], Translated in *The Politics of the Chinese Red Army*, J. Chester Cheng (Ed.), Hoover Institution Publications Stanford, California, 1966.

central military leadership, quickly purged imprisoned, or otherwise eliminated their opponents at the top level of the Party. The Maoists then turned their attention to the Party apparatus in the provinces which, in their view, had become totally unreliable. The revolutionary youth who had been cultivated over the years were organized into Red Guard units and dispatched to the provinces to take over, by force if necessary, errant Party organizations. They were to stage a total revolution in the Party and country—a Great Proletarian Cultural Revolution. The Red Guard movement met with stiff resistance, however, from well entrenched power holders in the provinces and failed to achieve the aims of the Mao faction. Indeed, by accentuating the existing divisions in the Party, the excessive behavior of the Red Guard may have made the ultimate victory of the Maoists far more difficult.

In a very real sense, the story of the Great Proletarian Cultural Revolution is the story of the ascendence of the military in Chinese Communist politics; a development treated elsewhere in these pages by a distinguished expert. It is, however, also the story of the destruction of the organized machinery of the Communist Party of China, the full magnitude of which is revealed in the statistics of the purges carried out over the last several years. The power vacuum into which the military has moved was caused by the removal of over forty of the ninety-three full members of the Party Central Committee known to be alive at the end of 1965—and the disappearance of a number of others.

Of the seventy-nine alternate members of the Central Committee, forty were purged. The purges also claimed three of the six First Secretaries of the Regional Bureaus of the Central Committee and twenty-one of the twenty-nine provincial First Party Secretaries. So complete has been the destruction of the party that, on the Provincial level, most Party headquarters were occupied by the army and the Party Committee ceased to exist as an operative unit.

Despite current attempts to rebuild the Party following the adoption of a new Party Constitution at the Ninth Congress of the CPC held in April, 1969, the military shows few signs of relinquishing the power it has inherited. At the provincial level, the "Revolutionary Committee" continues to be the relevant locus of political power, and the Revolutionary Committees continue to be dominated by the PLA. Should the Revolutionary Committees eventually develop into new subordinate committees of the Party, the likelihood exists that those presently holding power will simply continue to do so under new titles.

On the national level as well, the power of the PLA is evidenced by the unprecedented number of positions occupied by the military on the newly-elected ruling Politburo of the Communist Party. Therefore, while the Cultural Revolution has played havoc with the Communist Party and brought about the purge of a number of Chairman Mao's enemies, it has not resulted in the installation of units of government ready to respond eagerly to a Maoist call for the adoption of new radical social and economic programs.

ON THE EVE OF THE TWENTIETH ANNIVERSARY

The Chinese People's Republic approaches its twentieth birthday in a condition which can only fairly be described as exceedingly unstable. Despite Mao's apparent victory over his opponents within the Party, the possibility of the development of independent regional bases of power by Provincial or Military Area Commanders of the PLA remains a threat to central leadership. There is yet no evidence that key commanders have exercised a very high degree of independence from the central political or military authorities, but there is equally little evidence to suggest that they have been pushed to the point where they would be inclined to do so. Another potentially more serious problem is contained in the fact of the Maoist victory itself.

The political situation is bound to remain unstable as long as the Maoist inner circle can continue to manipulate Mao's image as a God-figure whose "Thought" forms the only reliable source of political wisdom, a source to which every one must at least pay lip service.

It is precisely the application of this "Thought" which brought forth the series of crises in recent Chinese Communist history. Indeed, it is strikingly incongruous that at the very time when the reputation of Mao's "Thought" has fallen to its lowest ebb in mainland China, when the Great Helmsman's revolutionary doctrine has been rejected by his life-long comrades-in-arms, this same doctrine has found widespread acceptance among radicals of various political colorations in the West.

The Maoists' grand schemes, such as the Great Leap Forward and the Great Proletarian Cultural Revolution, have wreaked havoc with the political, economic and educational systems. The damage will require decades, at least, to repair. Any Chinese leader, of whatever political persuasion, will be faced with the necessity of devising practical political programs to deal with these problems. Despite the undeniable technical accomplishments, especially in the early years, one sees overall a record of squandered human resources and political resources of support both within the Party and without, which if not unprecedented, must still be recorded as gross political ineptitude or outright stupidity. China still needs today, as she needed in 1949, political leaders who are able to bring internal peace, stability and a measure of prosperity to this vast and potentially great nation and great people.

PRIZES FOR TORTURE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. WALDIE. Mr. Speaker, I recently received a strongly worded letter of rightful anger and frustration from a constituent regarding the apparent popularity in junior and senior high school science classes for experimentation with birds and other small animals, these inept experiments usually result in death and suffering to the animal as the experimenter is frequently unskilled and lacks proper equipment to perform the surgery called for in the experiment.

It is equally apparent, Mr. Speaker, that the science contests sponsored by private and federally funded foundations are encouraging this cruel experimentation by offering prizes and trips to young persons engaging in this practice.

I wish, Mr. Speaker, to submit an article from the New York Times of May 10, 1969, and from the Friends of Animals "Action Line" for inclusion in the RECORD, which more fully explains this sad situation.

The article follows:

[From the New York Times, May 10, 1969]

PRIZES FOR TORTURE

There is a growing fad among high school students to perform heart transplants, brain surgery and other radical experiments on animals. Among youngsters interested in science, this desire to imitate the more spectacular work being done by mature professions on the far frontiers of science is understandable. But it is a desire that must be brought under control.

High school students are not usually skilled enough to perform these difficult operations. They frequently end by torturing the helpless monkey or bird or rabbit or inadvertently sending it to a slow, lingering death. Adult scientists doing medical research sometimes have to perform painful animal experiments, but youngsters who do these botched-up imitations are not advancing the cause of medical knowledge.

Unfortunately, many adult organizations thoughtlessly encourage high school studenta to perform these atrocious "experiments." Science fairs at the local, state and national level often award prizes to students whose only real achievement has been the deliberate or inadvertent torture of animals.

High school science teachers and national organizations can bring this unhealthy fad under control by refusing encouragement and prizes for bizarre and inappropriate biological projects.

[From Friends of Animals]

ARE THE SCHOOLS IN YOUR COMMUNITY TEACHING CHILDREN TO BE CRUEL IN THE NAME OF "SCIENCE"?

Investigate the schools in your area and find out what projects involving animals are part of the curriculum or are encouraged by circulating information on the Westinghouse Corporation's Science Service organization. If you discover that live animals are used in classrooms or children are encouraged to experiment on animals at home or to participate in "science" fairs, you will want to go all out to enlist local newspapers in publicizing the cruelties and in getting parents to squelch the projects. Your Congressmen should learn that you do not want your tax monies spent in educating children to be cruel or callous about animal suffering. And, you may decide not to buy Westinghouse products. If so, let them know in writing at 200 Park Avenue, NYC.

As an example of the cruelty which is taught by schools, the Federal Government's National Science Foundation and Westinghouse, we reprint a June 5, 1969 article written by William C. Epler, Editor of the Brewery Gulch Gazette, Bisbee, Arizona.

Cruelty to animals by teenaged youths under the guise of scientific inquiry has grown to serious proportions because money and free trips are offered as rewards.

For example, this March the Westinghouse Corporations gave $250 and an expense paid five-day trip to Washington to a girl who blinded house sparrows by removing their eyeballs, starved a number of these blind birds for six days till some of them died, and subjected them to electric shock punishments if they were unable to find food in her maze. Her inspiration for these activities came from the National Science Foundation grant she received last summer enabling her to observe the blinding and testing of sparrows at the University of Texas. She hopes to get another grant.

National Science Foundation grants come from U.S. Government funds. Every taxpayer should have a voice in how this money is spent. Westinghouse Corporation funds are private, but if the Corporation is not taxed on the money it pays to Science Service, it is the taxpayer again who is subsidizing the cruelty.

Following are a few of the projects which won local science fairs and were displayed at the International Science Fair held May 6–9 in Fort Worth, Texas under the auspices of Science Service which also runs the Westinghouse competition.

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A boy from Tennessee froze 10 mice and 36 hamsters by pouring liquid nitrogen over them and then tried to revive them. In child-like printing he struggled unsuccessfully with the English and spelling in his large signs. For example: "Procedure. 1. Specimens were securely immotivated (sic) in freezing jar. 2. The liquid nitrogen was quickly poured on them. 3. Reviving consisted of electrical shock in different manners. 4. Heat and electrified water brought about quicker recoveries. 5. Stimulants did not prevent death after recovery. Specimens lived from a few minutes to several hours." Under the heading "Hypothesis" another large sign read "Specimens may respond to right stimulant. 1. Electrical stimuli. 2. Chemical stimuli. 3. Infared (sic) treatment."

In short, this boy was rewarded for painfully freezing, painfully reviving and then watching the death agony of the small captive animals pompously described under the general heading, "The Effects of Suspended Animation and Recovery in Higher Mammals induced by Cryogenical Methods."

A boy from Florida describes his two-year project thus: "The study involved the subjection of dogs and guinea pigs to anaphylactoid shock and anaphylactic shock, respectively." The photograph of a cowering dog, fearfully turning its head away from the person drawing blood from it, was displayed at the booth. In response to a question the youthful experimenter replied, "I use the dogs for my serum source, and I only do surgery on the dead dogs who don't survive the histamine shock." He does this at the Miami Heart Research Institute after school.

A boy from Jamaica, Long Island, performs his brain surgery at home, and he has been rewarded by trips to both Washington, D.C. (Westinghouse Science Talent Search) and Fort Worth, Texas (International Science Fair), Commissurotomy—dividing the brain—in mice is his specialty and though the animals usually die in this amateur surgeon's hands, his prize-winning project appears under the title "Psycho Biological Effects of Commissurotomy on Mice."

A boy from Mississippi calls his exhibit "Artificial Heart—A New Concept" and his extensive surgery on rabbits was shown in detail in photographs at his booth.

A Virginia youth placed rats in a vise-like instrument and implanted electrodes in their brains.

Last year monkey experiments described in the enclosed reprint of an article by John Hillaby in The New Scientist involved the same type of cruelty—putting the animal's head in a stereotaxic instrument, drilling holes in its skull and implanting or trying to implant electrodes.

The cruelty and stupidity of his project on delicate squirrel monkeys was underlined by the post-mortem examination of a dying monkey displayed at the booth. The report of veterinary pathologists at Michigan State University showed the ignorant abuse and long suffering to which the animal had been subjected.

This year, Science Service was taking no chances on a similar demonstration of the false premises on which its promotion of cruel experiments by untrained youths is based. A new rule for the 1969 International Science Fair prohibited display of any live animal. But photographs and signs described even more projects inflicting pain, fear or death on animals than at last year's Fair. The cruelty continues to grow while Science Service continues to defend its ill-conceived program. Even abstracts were hard to find at the 1969 Fair, and every booth was defended with a big bar preventing the public from walking in as is normal at exhibits. Security guards patrolled the Fair—a curious way to advance science.

WITHDRAWAL FROM VIETNAM

HON. GEORGE MURPHY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Monday, October 20, 1969

Mr. MURPHY. Mr. President, amidst the clamor of recent days from those who would seek to induce President Nixon to abandon South Vietnam, a thought-provoking editorial was published in the San Diego Union of October 9. It asks several important questions involved in the withdrawal and views as unthinkable, thoughts of an instant surrender.

I ask unanimous consent that the editorial, entitled "Trust Must Rise Above Clamor," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VIETNAM SURRENDER UNTHINKABLE—TRUTH MUST RISE ABOVE CLAMOR

Again there is a strong riptide of activity in the United States of America which seeks to induce President Nixon simply to abandon South Vietnam.

The riptide is visible in Congress where, individually and in small groups, legislators are urging a condemnation of the American commitment in Southeast Asia.

The riptide is also visible in the national agitation—professional or naive—for a demonstration Oct. 15 to force President Nixon to make a more firm but generally undefined commitment to retreat.

Amid the clamor of the claques, there are some things that are evident and even more that are not—things that Americans would do well to keep in mind as they try to distill some truth from the confusion.

The first is that whatever the mistakes of the past, the United States cannot roll back the calendar in South Vietnam. We have to deal with the war on the basis of the present realities.

And we must, in seeking the truth, challenge the depth of thinking as well as the credentials of the experts, be they self-styled or real.

It is a truth and a reality that the United States is diminishing its Vietnam commitment at a rate deemed prudent by the person upon whose shoulders falls the responsibility for making the awesome judgment—the President of the United States.

What exactly do the critics of our current actions want? More rapid withdrawal? How rapid? Is open retreat their real object?

Do the critics of the war know whether it is possible to move our men home from Vietnam more rapidly simply from the standpoint of logistics?

Would those who favor pellmell withdrawal be willing to endorse the inevitable bloodbath in Southeast Asia that such a retreat would create?

Are those who urge our surrender in Vietnam prepared to accept the responsibility for its effect upon the hundreds of our young men being held prisoners by North Vietnam? Several already have been executed and Hanoi says it may "try" the remainder as war criminals.

Is the Greek chorus baying at the heels of the President prepared to face the world-wide implications of a United States' surrender?

The fact is they advocate nothing but the negative—get out. Has anybody heard acceptable positive programs from these self-styled experts to preserve the seedling of self determination in Vietnam and prevent the writing of an ignominous, bloody chapter in our history?

We have not heard them.

All that we have heard so far is that if we vaporize the American presence in Vietnam immediately, somehow everything will turn out all right despite the obvious and imminent dangers. It will not.

Americans should view with suspicion the thought that there is an instant solution in instant surrender.

FORCE ACCOUNT CONSTRUCTION DOES NOT MEAN IMPORTATION OF SCAB LABOR

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, October 20, 1969

Mr. METCALF. Mr. President, I wish to relate a recent incident in Montana in connection with Federal contracting that will not, I trust, become a pattern.

The Corps of Engineers is constructing Libby Dam in northwestern Montana under an international agreement with our Canadian neighbors. Incidental to the building of that dam is the construction of a small fish barrier dam at Young Creek.

The Young Creek Dam was advertised with invitation to bid on July 17. Bids were opened on August 7. The low bid was $84,100. This compared with the Government estimate of $44,802.

The Government decided—and properly so, from the record available to me—that the low bid was too high. There was some urgency attached to construction of this dam. Therefore, rather than readvertising, the Corps elected to build the dam by force account, that is, by direct Government hiring of labor. Here again—from the record available to me—it appears that the decision to go force account, rather than readvertise, was a reasonable choice.

However, I object to the fact that the corps—in going force account—bypassed the normal and logical sources of labor. They are the Montana Employment Service and the local unions.

Local union officials protested the corps action. The Hungry Horse News, the Pulitzer Prize-winning weekly published at Columbia Falls, Mont., reported the union objection in an article published on September 19.

I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hungry Horse News, Friday, Sept. 19, 1969]

UNIONS PROTEST CORPS ACTION BUILDING DAM

KALISPELL.—Northwest Montana Building and Construction Trades Council has announced a formal protest against the U.S. Corps of Engineers method of building the Young Creek Fish Barrier Dam.

This dam on Young Creek eight miles from Eureka is for protection of a hatchery that will be built.

The Corps of Engineers rejected bids from private contractors, and are building the dam through "force account."

James Wehr, president of the Northwest Montana Buildings and Construction Trades Council, said: "The situation is that the Corps of Engineers is bringing men in from outside this area to build the dam. These men are costing local men jobs, and we object."

Roger Blades, business manager of the Operating Engineers, added: "We wouldn't be too unhappy about the Corps building the dam, if they'd use local union help. The idea of their using non-union members—as far as we know—is something we can't tolerate."

There were two bids for the dam—$84,000 by Harding and Sons, Sandy, Ore.; and $111,000 by Mottner-McCutchen, Seattle. Engineers' estimate was $44,802.

Mr. METCALF. Mr. President, James Wehr, president, and Perry S. Melton, secretray, of the Northwestern Montana Building and Construction Trades Council at Kalispell, strongly protested the corps action.

The Corps of Engineers, in its September 26 letter to Mr. Melton, said:

> For future jobs under similar circumstances we will certainly check first with the local Montant State Employment Office to see whether they have qualified people available.

Mr. Melton, in his September 30 reply, suggested that "a similar check with craft labor unions in the area would prove beneficial to all concerned."

Mr. President, I thoroughly agree with Mr. Melton on that point.

I ask unanimous consent to have printed in the RECORD the letters to which I have referred and other pertinent correspondence.

There being no objection, the letters and correspondence were ordered to be printed in the RECORD, as follows:

[Telegram]

KALISPELL, MONT.
September 9, 1969.

LEE METCALF,
U.S. Senate, Old Senate Office Building, Washington, D.C.:

Corp of Engineers constructing Young Creek fish barrier in connection with Libby Dam project at Libby, Mont. We violently protest the Corps doing this work. We feel that work of this nature should be performed by building and construction trades people. Your assistance in this matter will be appreciated.

JAMES WEHR,
President, Northwestern Montana Building and Construction Trades Council.

DEPARTMENT OF THE ARMY,
SEATTLE DISTRICT, CORPS OF ENGINEERS,
Washington, D.C., September 17, 1969.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: This letter is in further response to your recent letter to General Frederick J. Clarke, Chief of Engineers, which inclosed a telegram from Mr. James Wehr, Kalispell, Montana, concerning the construction of Young Creek fish barrier in Libby, Montana.

The Young Creek fish barrier dam is being constructed as a part of a pilot program to evaluate fish production potential in tributaries of the Kootenai River to offset fish losses in the river resulting from the construction of Libby Dam. Creation of Libby Reservoir will reduce the production of game fish in 48 miles of the Kootenai River within the United States. Libby Dam will prevent movement of game fish into this river reach from downstream areas. Loss of production in the reservoir may be partially offset by achieving maximum production of game fish in streams tributary to the reservoir. Development of suitable fish production in tributaries would require habitat improvement to increase productive potential and construction of a barrier dam to exclude the large numbers of non-game fish that are expected to be present in the reservoir. A pilot program to evaluate the feasibility of developing fish production in tributaries was proposed by Montana Department of Fish and Game and agreed to by the Corps of Engineers. A three-year contract was executed in July 1969 between the Seattle District and the Department of Fish and Game to evaluate this proposed method. Young Creek, a west bank tributary of the Kootenai River near the Canadian border, was selected as the trial stream. The barrier dam is an essential facility in this evaluation. Montana has employed a fishery scientist and assembled the material to proceed with the evaluation.

All reservoirs are biologically most productive during the early years after impoundment. High productivity decreases rapidly during the first 5 to 10 years. Establishment of desirable fish stocks must be accomplished during this period of high productivity. Completion of the pilot program on Young Creek will provide firm direction for essential development of suitable game fish production to mitigate game fish losses in the Kootenai River. Early completion of the barrier dam is essential to the pilot program.

Our policy for construction of this type is to perform the work by contract with competitive bidding. The Young Creek fish barrier dam was advertised with invitation to bid on 17 July 1969. Bids were received and opened at 2:00 p.m. 7 August 1969. The low bid was $84,100 compared to the Government estimate of $44,802. After evaluation of bids, it was obvious that the low bid could not be accepted in light of the Government estimate. There was not sufficient time to readvertise and award a contract that could be completed before 15 October, which is about as far into the winter as satisfactory working conditions can be expected to prevail. Accordingly, it was decided to accomplish the construction by Government-hired labor and an expedited work plan was started.

The urgency of completing the fish barrier facility this fall is related to the fish mitigation program for the Libby Reservoir. If the project is not functional next spring, the fish production evaluation program will be set back one full year. The importance of production of game fish to the State of Montana could not be overlooked.

It is hoped that the information provided herein meets your requirements. If there are further questions, please feel free to contact this office.

Sincerely yours,

R. E. MCCONNELL,
Colonel.

NORTHWEST MONTANA BUILDING AND CONSTRUCTION TRADES COUNCIL,
Kalispell, Mont., September 19, 1969.

Mr. ANTHONY MIELE,
Labor Relations Officer, Department of the Army, Seattle District, Corps of Engineers, Seattle, Wash.

DEAR SIR: This letter is to support and verify other contacts and communications we understand you have recently received from spokesmen for craft unions affiliated with the Northwest Montana Building and Construction Trades Council concerning the method of construction of Young's Creek Dam, as part of development of a fisheries pilot program for the Libby Dam project.

To us it is unethical, to say lhe least, for the Corps of Engineers to have publicly advertised for and considered bids for the Young's Creek Dam, rejected the bids received and, without again calling for bids, gone ahead with the job by directly employing workmen without regard to availability of local area qualified workmen and in disregard of well known established relationship with labor unions maintained by contractors on all other phases of the Libby Dam project.

While it may legally be the prerogative of the Corps of Engineers to follow a procedure such as above outlined, we wish to have it understood that we intend to pursue a course of opposition to such procedure through all available channels. We take this position on the premise that the Corps, or any other agency of government, has no moral right to, in essence, put itself in a position of open competition to tax paying employers and employees who customarily make their living in the construction industry and particularly those residing in the immediate area of work contemplated and/or in progress.

We herewith request that reconsideration be given to the policy being pursued on the Young's Creek Dam and request that your office promptly bring this letter to the attention of officials who can expedite such reconsideration.

Thank you for giving this matter your attention. We await your reply.

Very truly yours,

PERRY S. MELTON,
Secretary.

DEPARTMENT OF THE ARMY,
SEATTLE DISTRICT, CORPS OF ENGINEERS,
Seattle, Wash., September 26, 1969.

Mr. PERRY S. MELTON,
Secretary, Northwest Montana Building and Construction Council, Kalispell, Mont.

DEAR MR. MELTON: This is in reply to your letter of 19 September 1969 regarding the construction of Young's Creek Dam by the Corps of Engineers. Please be advised that we made the decision to proceed to complete the job by hired labor methods for reasons most beneficial to the public interest. Our agreement with the Montana Department of Fish and Game was to complete the job by 15 October 1969, and there was not enough time to readvertise in order to get the job done by that date.

The Corps of Engineers does not wish to compete with contractors in the construction field. However, we intend to discharge our responsibility to protect the public interest and must reserve the right to make such decisions under certain circumstances, as in the case of Young's Creek Dam. For future jobs under similar circumstances we will certainly check first with the local Montana State Employment Office to see whether they have qualified people available.

If there are further questions, please feel free to contact this office.

Sincerely yours,

H. W. MUNSON,
Major.

KALISPELL, MONT.,
September 30, 1969.

Maj. H. W. MUNSON,
Department of the Army, Corps of Engineers, Seattle, Wash.

DEAR SIR: Thank you for your letter of September 26 in reply to ours of September 19 relating to construction of Young's Creek Dam. We note that you stress the viewpoint of "benefit" to and "protection" of the "public interest" as justification for the procedure used by the Corps of Engineers and refer to your "agreement with the Montana Department of Fish and Game to complete the job by October 15, 1969" as being of paramount importance.

We would remind you that the "public interest" is made up of many more segments of our democratic society than the Corps of Engineers and the Fish and Game Department. No small part of public interest is ex-

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emplified by ordinary working people and the organizations they maintain to protect their welfare, i.e. labor unions, among others.

Therefore if, in truth, you seek to protect and benefit the public interest, we suggest that, in any matters involving jobs for working people, you extend such people the courtesy of being consulted prior to, and not after, making decisions ostensibly in their best interests.

If those working people have the skills necessary to build Libby Dam, and obviously they have, then they quite probably could have made a contribution toward more readily resolving the Young's Creek Dam difficulty. On the other hand some thought should have been given to the possibility of legitimate protest from these people in less mild form than letter writing, etc.

We favorably note your expressed intention that "for future jobs under similar circumstances we will certainly check first with the local Montana State Employment Service to see whether they have qualified people available." We suggest that a similar check with craft labor unions in the area would prove beneficial to all concerned.

Respectfully yours,

Perry S. Melton,
Secretary, Northwest Montana Building and Construction Trades Council.

PENDING LEGISLATION ON CAMPUS DISORDERS

HON. WILLIAM A. STEIGER

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, October 20, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the Committee on Federal Legislation of the Association of the Bar of the City of New York recently completed a very thorough study and analysis of legislative proposals dealing with campus disorders.

The work of this committee deserves the attention of all Members of Congress, and I include in the Record as a part of my remarks the full text of the report:

Pending Legislation on Campus Disorders

(By the Committee on Federal Legislation)

INTRODUCTION

Widespread campus disorders during recent years have led to the introduction in the present session of Congress of more than twenty bills which would use the termination of federal aid to schools, students and faculty members as a means of control. The spectacle of student sit-ins, strikes and protests has become a common part of every newspaper reader's picture of contemporary America. Regardless of the underlying causes, these events have caused deep concern in many quarters.

Despite the justifiable concern, however, responsible studies, such as that made by the National Commission on the Causes and Prevention of Violence, have concluded by cautioning against federal legislation in this area.[1] This view has been seconded by most educators and other persons familiar with campus problems. Our review of this legislation has led us to similar conclusions. In our opinion the proposed federal legislation, particularly since it relies on termination of federal aid as a sanction, would be self-defeating. We urge Congress not to enact any of the bills now before it which rely on such sanctions.

FEDERAL AID TO EDUCATION PROGRAMS

Since the current bills rely heavily on the use of federal aid to influence rebellious students, we will begin with a survey of the federal programs which supply aid to education. Prior to World War II, there were few legislative evidences of congressional interest in the field of education. The Morrill Acts of 1862 and 1890, the creation of the Department of Education in 1867, the Smith-Hughes Act of 1917, and various emergency relief measures adopted during the depression years represented the significant federal aid to education developments before the Second World War.[2]

Since World War II, Congress has undertaken a number of broad range programs in the field of higher education. These include programs: to provide loans, federal scholarship aid, loan insurance, including subsidies on interest for needy students, to educate veterans, to lend colleges and universities funds for construction of dormitories and academic facilities, and to make grants and loans for pure and applied research and to assist in the education of science and mathematics teachers.[3] In 1954, the federal government spent approximately 160 million dollars in support of higher education activities. By 1965, the amount had grown to three and one-half billion dollars.

Federal aid has come to influence almost all aspects of academic life. Many students have become dependent on it. At the same time there has been little federal interference with the traditional prerogatives of local governments and private institutions and little federal effort to exercise general regulatory powers over higher education. Indeed, in enacting the program designed to assist schools, students and teachers, Congress clearly indicated that it did not intend to have legislative controls accompany federal aid because such controls would be inconsistent with the purposes underlying the enactments.[4]

CAMPUS UNREST 1964–69

The first major disorder affecting American college campuses in recent years occurred at the Berkeley campus of the University of California in 1964.[5] Between 1964 and 1968, campus discontent grew throughout the country, and confrontations between students and school officials took place at other campuses. During the 1967–1968 school year alone, more than 100 demonstrations occurred on college campuses.[6]

The number and intensity of campus disorders increased during the 1968–1969 school year. Most involved the seizure of buildings and some degree of violence.

In an effort to understand the causes giving rise to campus disorders, numerous groups and individuals have made in-depth studies of the subject. The National Commission on Violence concluded that "there is no single cause, no single solution" and that the problem of campus unrest has its roots "deep in the larger society." [7] The studies that have been made indicate that Vietnam originally served as one of the focal points for student dissent and that "it is still a major source of alienation and dissatisfaction with our society and our national government." [8] The National Commission on Violence found that a problem coupled with Vietnam is that of the draft. Students "face the prospect of being compelled to fight in a war most of them believe is unjustified" and they live in constant uncertainty as to when the course of their lives may be interrupted by the draft.[9]

The studies reveal that unrest exists not only as a result of the conduct of the war itself, but also because of the relationship of the war to domestic problems which are considered urgent and which many students feel should have priority. "Students see us spend billions on armaments while poverty and ignorance continue at home." [10] The National Commission on Violence observed that "today's intelligent, idealistic students see a nation which has achieved the physical ability to provide food, shelter and education for all, but has not yet devised social institutions that do so. They see a society, built on the principle that all men are created equal, that has not yet assured equal opportunity in life." [11]

Footnotes at end of article.

The National Commission on Violence found that not all the causes of student unrest are external. "There are undoubtedly internal emotional pressures and internal value conflicts in many students which contribute to their own dissatisfaction and thus to the tension and turmoil of campus life." The Commission noted that students have directed this pressure, in part, at the university because they see it "as an engine for powering the reform of the larger society, and as the first institution they are in a position to reform." [12] Some students view the university as a corporate bureaucracy suppressing their individuality.[13] Many "feel unable to communicate with administrators and faculty" and believe that "no adequate channel is open to them to make their views known." [14]

As to the degree to which students disorders may be centrally organized and coordinated. Attorney General Mitchell has stated that "it would be an oversimplification to blame all of the trouble on campuses today on the SDS." [15] He also said that "many disorders have occurred in which its members have not been present. . . ." The Brock Report states that the "problem is far deeper and far more urgent than most realize, and that it goes far beyond the efforts of organized revolutionaries." [16]

THE 1968 LEGISLATION

In response to campus disorders, Congress in 1968 passed four measures designed to cut off federal aid to students under various circumstances,[17] and one that would cut off aid to entire institutions.[18] While there was widespread sentiment in favor of condemning the student protesters, there was less agreement as to precisely how that disapproval should be expressed. As a result, the measures that passed in 1968 differ with one another in certain respects. For instance, the acts vary as to the grounds necessary for termination of aid to students. Three require a criminal conviction, while a fourth requires a finding of a serious violation of a school regulation which contributed to disruption.[19] Two acts place the burden of administration on the school and offer the student a hearing, while two others place the burden of administration on the funding agency and provide no hearing for the student.[20] Perhaps, at least in part, because of these differences, not one student had had his scholarship or loan terminated under the 1968 legislation as of February 1969.[21]

SUMMARY OF CURRENT PROPOSALS

One group of proposals would require the Commissioner of Education to terminate federal aid to any institution that experienced a campus disorder and failed "to take appropriate corrective measures forthwith." [22] These proposals provide for the restoration of aid upon the determination by the Commissioner that the disorder has ended and the institution had adopted a plan which, in his judgment, "provides reasonable assurances that such disorders or similar disorders, will not recur." These proposals also require the Commissioner to terminate assistance to teachers who "participate" in campus disorders.

A bill introduced by Congresswoman Edith Green and other representatives (H.R. 11941) contains two major proposals. As originally written, Title I would require colleges and universities to file with the Commissioner of Education a plan of action, including penalties, for dealing with campus disorders. Schools refusing to file such plans would have all their federal funds terminated. Title II would amend a 1968 law to allow schools to terminate for a period "up to

five years" federal aid to students who are convicted of crimes as a result of engaging in campus disorders or are found by the school to have violated "a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution." [23] The bill would extend the cutoff provision to students receiving aid under the G.I. bills and the children's allowance section of the Social Security Act. The proposal also would require students and faculty members applying for federal aid to file an affidavit attesting to their involvement, if any, with respect to campus disorders. In committee, Title I of H.R. 11941 was amended to delete the filing requirement so that schools would only have to develop a plan and have it available upon request.[24]

Another group of bills would terminate aid to institutions that attempt to minimize certain aspects of their cooperation with the Defense Department. Some would terminate funds to a school that either terminates or or refuses to give credit to ROTC programs.[25] others, to schools that refuse to undertake research designated as important to national security;[26] and still others, to schools which fail to provide a reasonable opportunity for the Armed Forces, government agencies, or any defense contractor to recruit on campus.[27]

A few proposals are directed at individuals rather than institutions. Four appropriation measures which contain provisions designed to deal with campus disorders are presently pending in the Congress. The appropriations measures for the Departments of Labor and Health, Education, and Welfare (H.R. 13111) bars funds from individuals who, on or after October 12, 1968, have "engaged in conduct . . . which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent" persons "from engaging in their duties or pursuing their studies at such institution. . . ." [28] The bill further provides that it shall not apply to a particular individual until the institution at which the conduct occurred has had an opportunity to "initiate or has completed such proceedings as it deems appropriate but which are not dilatory in order to determine whether such individual was involved in such conduct." Similar provisions appear in an appropriations bill for the Departments of State, Justice and Commerce, the Judiciary, and other agencies (H.R. 12964), with the further requirement that institutions must certify their compliance with such provisions.[29] The appropriations bill for the National Aeronautics and Space Administration forbids the payment of funds to individuals who wilfully refuse to obey a lawful regulation or order of an institution and such refusal is of a serious nature and contributes to the disruption of the administration of such institution; and to individuals convicted of "inciting, promoting, or carrying on a riot or . . . of any group activity resulting in material damage to property, or injury to persons. . . ." [30] The appropriations bill for the Department of Housing and Urban Development contains a provision that no funds shall be paid to an institution which is not in full compliance with the 1968 Amendments to Section 504 of the Higher Education Act of 1965.[31]

EVALUATION OF CURRENT PROPOSALS

General

With respect to the need for additional legislation, there is a substantial body of opinion that legislation is not the proper vehicle for solving problems of campus unrest.

Footnotes at end of article.

In its statement on campus disorders, the National Commission on Violence stated:

"We are equally disturbed, however, by the direction of much public reaction to campus unrest. Those who would punish colleges and universities by reducing financial support, by passing restrictive legislation, or by political intervention in the affairs of educational institutions, may unwittingly be helping the very radical minority of students whose objective is to destroy our present institutions of higher education.

"More than seven million young Americans are enrolled in the nation's colleges and universities; the vast majority neither participate in nor sympathize with campus violence.

"If aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim.

"If the law unjustly forces the university to cut off financial aid or to expel a student, the university as well may come under widespread campus condemnation." [32]

Similar views were expressed by the 22 Representatives who visited many of the nation's campuses to talk informally with students, faculty, administrators, and other officials regarding the problem of campus unrest:

"Perhaps our most important and pressing conclusion is that rash legislative action cutting off funds to entire institutions because of the actions of a minority of students would play directly into the hands of these hardcore revolutionaries. Legislation which treats innocent and guilty alike inadvertently confirms extremist charges that the 'establishment' is repressive and indifferent to citizen needs and concerns. We must not put ourselves in the position of aiding the handful of anarchists.

"In our opinion, the fundamental responsibility for order and conduct on the campus lies with the university community." [33]

In his testimony before a Special Subcommittee of the House Education and Labor Committee, Attorney General Mitchell said:

"Since most illegal activity on college campuses is in violation of state and local laws—such as trespass, illegal entry, assault and malicious destruction of property—I believe that current Federal laws are adequate. I therefore do not recommend to Congress that additional legislation be enacted at this time."

In contrast, there is little, if any, evidence which shows that additional legislation would be effective. The fact that as of February 1969 not one student had had his scholarship or loan terminated under the 1968 legislation suggests that legislation of the kind presently under consideration in Congress is unworkable and ineffective. Moreover, if, as reported, many of those leading campus unrest are not aid recipients, the proposed legislation would be almost totally ineffective in dealing with the problem.[34]

We consider it unwise for the federal government to interfere with and be responsible for discipline on our nation's campuses. The problems of campus disorder can best be dealt with by leaving it to school authorities to adopt, in accordance with their own processes and on their own initiative, such programs and plans as they deem appropriate for preventing and dealing with campus disorders. In this regard, it is significant that schools throughout the country have already undertaken reforms and have adopted plans which deal with disorders and define student rights and responsibilities.[35]

We do not believe that schools need any additional tools for dealing with campus disorders, including the power to terminate aid to individuals who participate in campus disorders. Schools have effective tools to enforce their traditional rights to discipline students to the extent of expulsion, and to discipline teachers to the extent of dismissal.

It bears repeating that from the inception of our nation to the present time, it has been a fundamental principle that the effective functioning of the educational processes at American schools rests with the schools themselves. As the federal government's financial assistance to educational institutions has increased, the Congress has repeatedly recognized the wisdom of this principle and has affirmed that it does not intend to attach controls to its financial assistance.[36] Congressmen of both parties and of both liberal and conservative persuasion, in committee reports and in debate, have emphasized that education is a local responsibility and that the administration of the proposed programs would be the basic responsibility of the institutions themselves and of local authorities. These positions have been sound; we see no reason to reverse them.

Termination of aid to institutions

We regard as most inappropriate and unwise those proposals that would cut off federal aid to schools which (i) experience disorders and fail to take forthwith appropriate corrective masures, (ii) fail to adopt plans of action for dealing with disorders, and (iii) fail to withhold federal benefits from individuals involved in such disorders. One of the main defects in these proposals is that termination of aid to entire institutions could irreparably undermine the educational process and would affect every teacher and student at such schools regardless of individual participation. There can be no justification for legislation which operates to penalize the vast majority of the school population, particularly persons who have not been involved in campus disorders.

By automatically terminating aid to an institution which has experienced any kind of substantially disruptive disorder, regardless of the circumstances, H.R. 10136 may well be so sweeping as to interfere with the first amendment rights of free speech and peaceful assembly.[37] The Supreme Court made it clear in *Sherbert* v. *Verner*, 374 U.S. 405 (1963) that "conditions upon public benefits cannot be sustained if they so operate, whatever their purpose, so as to inhibit or deter the exercise of First Amendment freedoms." [38] As H.R. 10136 stands, it could deter faculty and students from engaging in various protected activities for fear that their conduct will be interpreted as a type of "other disorder" causing "substantial disruption." For example, a faculty member or student might refrain from addressing a campus group as to what he feels is the propriety and necessity of civil disobedience or revolt on the campus for fear that any active response by his listeners may be interpreted as constituting or causing a substantially disruptive disorder. Members of campus communities may be wary of engaging in peaceful demonstrations which include such protected activities as orderly marching and peaceful picketing out of concern that this activity might be considered an illegal "disorder." Students might be reluctant to join organizations which are politically active on campus so as not to add strength to an organization that had the potential to create substantial disruptions of campus activities.

The requirement contained in H.R. 11941 that funds be cut off from institutions that have failed to develop plans for dealing with campus disorders could penalize schools that have never had any disorders. These comprise the great majority of schools. It may well be that a particular institution can best deal with the problem of disorders without formalizing a plan of action. Yet under this proposal institutions could be denied this discretion because of the sanction of losing federal aid.

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In general, we believe that these proposals would constitute an unwarranted intrusion into the internal affairs of educational institutions.

Termination of aid to individuals

Proposals that would cut off aid to individuals rather than institutions are also subject to objection.

First, they would penalize only those students who receive financial aid and teachers whose salaries are paid from federal funds. Affluent students would be able to ignore the penalty while poor students would be vitally affected by it. These proposals may well result in such ludicrous situations as students slightly involved in campus disorders being punished, while those primarily responsible for such disorders receive no effective penalty; or of teachers equally involved in a disorder being treated differently, depending on whether or not their salaries are derived from federal funds.

Second, while most of the proposals vest the responsibility of terminating aid in the schools themselves, schools are granted no discretion as to the penalty. They would have to terminate aid to individuals once the conditions set forth in the legislation had been met. In our view, schools must be afforded flexibility in dealing with campus disorders in the light of their own judgment and experience and under the circumstances of each case. Discipline for a certain type of activity may be appropriate in one case and not in another. These proposals, however, would curtail this flexibility.

Third, a number of the proposals run contrary to basic notions of fairness. They fail to provide any right to a hearing for an affected student or faculty member or to require a criminal conviction or violation of a university rule as a condition precedent to the denial of aid. For example, the riders to the appropriation bills for the Departments of State, Justice, Commerce, Labor and Health, Education and Welfare provide that no aid shall be withheld until the institution at which the conduct occurred has had an opportunity to initiate or complete such proceedings as it deems appropriate but "which are not dilatory. . . ." Under this provision a school might "deem" no hearing appropriate. Moreover, if a school were dilatory in completing a proceeding, the provision would seem to require that aid be cut off to individuals before they have even been adjudged guilty.

Fourth, the riders to the appropriation bills for the Departments of State, Justice, Commerce, Labor and Health, Education and Welfare are plainly deficient in their requirement that the sanction applies to individuals who have engaged in the prohibited conduct on or after October 12, 1968. This would impose punishment retroactively. While October 12, 1968, is the date of the adoption of the amendments to Section 504 of the Higher Education Act, those amendments applied only to students convicted of certain crimes or found guilty of violating a university rule or regulation. As noted, the appropriation bills do not require a conviction or disciplinary action as a condition precedent to cutting off aid, and they would apply to teachers as well as students.

Fifth, if Congress should decide to adopt legislation providing for the termination of aid to students and teachers, we believe that legislation should be embodied in a single bill and not in the form of riders to various appropriation measures. The appropriation measures which have passed the House of Representatives and are pending in the Senate differ with one another as well as with the 1968 Amendments to Section 504 of the Higher Education Act of 1965. If these bills are adopted in their present form, these differences are likely to pose serious problems of interpretation and administration for both governmental and school authorities. For instance, under Section 504 funds can not be withheld without a hearing and not then if there has been no "conviction" or violation of a university rule or regulation. However, under H.R. 13111 and H.R. 12964 there are no similar requirements. Thus, in some circumstances schools might find themselves required to make two determinations with respect to the same student. In addition, Section 504 would disallow benefits for a two year period while H.R. 13111 and H.R. 12964 would terminate aid permanently. It is unclear whether Section 504, the authorization act, would take precedence over the provisions contained in the appropriation measures.

CONCLUSION

We believe that the proposed federal legislation involving the use of termination of federal aid to schools, students and faculty members is one of the worst possible responses at this time to campus disorders. Not only might it have the effect of encouraging campus unrest but it could undermine the painstaking efforts now being made by schools and local groups to deal with the problem. In our opinion, campus disorders may best be dealt with under each school's own disciplinary procedures and under state and local law. Accordingly, we disapprove and recommend against passage of the proposed legislation.

Respectfully submitted.

AUGUST 7, 1969.

Eastman Birkett, Chairman; Thomas L. Bryan, John F. Cannon, Harvey P. Dale, Nanette Dembitz, Ambrose Doskow, John D. Feerick, Robert L. Friedman, Robert J. Geniesse, Louis Henkin, Robert M. Kaufman, Kenneth J. Kwit, and David Levitan.

Jerome Lewine, Arthur Liman, Jerome Lipper, John Lowenthal, James H. Lundquist, Edward A. Miller, Gerald Oscar, Alan Palwick, Leonard B. Sand, Myra Schubin, Leon Tykulsker, and Irving Younger.

THE COMMITTEE ON FEDERAL LEGISLATION OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

FOOTNOTES

[1] Following Robert Kennedy's assassination, President Johnson appointed a National Commission on the Causes and Prevention of Violence (herein referred to as the National Commission on Violence). On June 9, 1969 the Commission issued the text of a statement on campus disorders. The New York Times, June 10, 1969, at 30, cols 1–8.

[2] Congress and the Nation, 1945–1964, p. 1196 (Washington: Congressional Quarterly Service, 1965).

[3] The legislative enactments in the post-World War II period establishing higher education programs include the Higher Education Act of 1965 (20 U.S.C. § 1001 et seq.), Higher Education Facilities Act of 1963 (20 U.S.C. § 701 et seq.), National Defense Education Act of 1958 (20 U.S.C. § 401 et seq.), National Science Foundation Act of 1950 (42 U.S.C. § 1871 et seq.), and the Housing Act of 1950.

[4] Thus, it was stated in the report of the House Education and Labor Committee accompanying the HDEA of 1958 that the proposed legislation sought to preserve the fundamental principle that education . . . is a state and local responsibility" and that the administration of the proposed programs would be the "basic responsibility" of the "state and institutions of higher education." H. Rep. No. 2157 (1958). See infra note 36. Section 803(a) of the Higher Education Act of 1965 (20 U.S.C. § 1144(a) specifically states:

"Nothing contained in this chapter shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or over the selection of library resources by any educational institution."

[5] Congressional Quarterly Fact Sheet "On Student Aid Restrictions," 2 (1968) [hereinafter cited as CQ FACT SHEET]. Students were protesting campus restrictions on political activities in what has become known as the Berkeley "Free Speech" Movement. Id.

[6] *See* CQ Fact Sheet, at 2.

[7] The New York Times, June 10, 1969, at 30, col. 1. See "Crisis at Columbia," Report of the Fact-Finding Commission Appointed to Investigate the Disturbances at Columbia University (Cox Commission Report); R. Kennedy, To Seek A Newer World 3 (1967).

[8] Report on "Campus Unrest" submitted to the President on June 17, 1969, by twenty-two House Republicans, at 24 [hereinafter cited as Brock Report]. Twenty-two House Republicans organized by Congressman William E Brock made a private tour of college and university campuses. When they returned, President Nixon asked them to submit a report of their findings. See Cong. Q. Weekly Report 1066 (June 20, 1969).

[9] The New York Times, June 10, 1969, at 30, col. 2.

[10] R. Kennedy, supra note 7, at 5.

[11] The New York Times, June 10, 1969, at 30, cols. 1–2.

[12] The New York Times, June 10, 1969, at 30, col. 2.

[13] R. Kennedy, supra note 7, at 8.

[14] Brock Report, at 6.

[15] Testimony of Attorney General John N. Mitchell given before the Special Subcommittee on Education of the Committee on Education and Labor of the House of Representatives on May 20, 1969.

[16] Brock Report, at 1.

[17] Provisions for terminating aid to students appeared in the following legislation: (1) the authorization law for programs under the Higher Education Act (PL 90–575); (2) the funding law for Higher Education programs (PL 90–557); (3) the appropriations law for the Department of Defense (PL 90–580); and (4) the appropriations law for the National Science Foundation (PL 90–550).

[18] The authorization law for the National Aeronautics and Space Administration (NASA) provided for the withholding of NASA funds from any school whose administrative policy bars recruiting on campus by the armed forces (PL 90–373).

[19] Higher Education authorization law, the Higher Education funding law; and the Defense Department Appropriations law provided for convictions. See supra note 17.

[20] The Higher Education authorization law and the NSF appropriations law provided for hearings and placed the burden of administration on the schools themselves. The Higher Education funding law and the Defense Department appropriations law did not so provide. The burden of administering the provisions of the NASA funding bill as to entire institutions was vested in the funding agency.

[21] The New York Times, Feb. 16, 1969, at 1, col. 5.

[22] E.g., H.R. 10136, H.R. 10074, H.R. 10806, H.R. 10821, H.R. 10848, H.R. 10895, H.R. 10929, H.R. 10970, H.R. 11010, H.R. 11018, H.R. 11029, H.R. 11065, 91st Cong., 1st Sess. (1969). See also S. 2055, H.R. 11491, H.R. 11658, 91st Cong., 1st Sess. (1969).

[23] The 1968 law in question was the authorization law for programs under the Higher Education Act (PL 90–575), which provided for a two-year cut off period.

[24] On July 1, 1969, the House Committee on Education and Labor rejected Title I, as amended, by a vote of 19 to 16. The Committee also voted, 18 to 17, to send the entire proposal back to subcommittee. The New York Times, July 2, 1969, p. 1.

[25] E.g., S. 2111, 91st Cong., 1st Sess. (1969).

[26] E.g., H.R. 10849, 91st Cong, 1st Sess. (1969).

[27] E.g., S. 2049, 91st Cong., 1st Sess. (1969).

[28] This measure passed the House of Representatives on July 31, 1968. A rider was stricken from the bill providing for the termination of aid to institutions which failed to cut off funds to students or faculty members who had engaged in the described conduct (CONGRESSIONAL RECORD, p. 21653, July 31, 1969).

[29] This proposal passed the House of Representatives on July 24, 1969.

[30] H.R. 11271, 91st Cong., 1st Sess. (1969). This proposal passed the House on June 10, 1969. The Senate version does not include the section on campus disorders.

[31] H.R. 12307, 91st Cong., 1st Sess. (1969). This bill passed the House on June 24, 1969. The 1968 law (hereafter referred to as the 1968 Amendments) amended Section 504 of the Higher Education Act of 1965 to provide that funds must be withheld for two years from students who are convicted of a crime or disobey a lawful regulation or order of their school, resulting in substantial disruption of the school. The Second Supplemental Appropriations Act of 1969 (PL 91–47), which was approved on July 22, 1969, provides that funds for annual interest grants authorized by section 306 of the Higher Education Facilities Act shall not be used by HEW "to formulate or carry out any grant to any institution of higher education unless such institution is in full compliance with section 504 of such Act."

[32] The New York Times, June 10, 1969, at 30, cols. 1 and 8.

[33] Brock Report, at 3–28.

[34] See, e.g., the testimony of Dr. Helen R. Bedesem, Director of Financial Aid, San Francisco State College, given before the Special Subcommittee on Education of the House Committee on Education and Labor on February 3, 1969.

[35] See The New York Times, August 21. 1969, p. 28, cols. 4–8.

[36] E.g., the preamble to the National Defense Education Act of 1958 provides that, "The Congress reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education. The national interest requires, however, that the Federal Government give assistance to education for programs which are important to our defense." See supra note 4.

[37] The operative language of the bill provides:

"The Commission of Education shall forthwith suspend financial assistance (by way of grant, loan, or contract) under the provisions of law referred to in subsection (b) to any institution of higher education at which, by reason of violent demonstrations, riots, seizure of institution property, or other disorders, there is a substantial disruption of the administration of the institution, or students, teachers, or officials are prevented from pursuing their studies or duties and the administrative officials of such institution fail to take appropriate corrective measures forthwith."

[38] See also Speiser v. Randall, 357 U.S. 513 (1958); Note, "Unconstitutional Conditions," 117 U. Pa. L. Rev. 144 (1968).

TAX REFORM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, October 20, 1969

Mr. THURMOND. Mr. President, Mr. Willis Stone has presented an interesting proposal to the Senate Finance Committee which is pertinent to the Senate tax reform hearings. As national chairman of the Liberty Amendment Committee of the U.S.A., Mr. Stone represents the viewpoint of a substantial number of our citizens. These citizens have done a considerable amount of research in the area of tax reform and their views deserve to be recognized.

Mr. President, I ask unanimous consent that the statement by Mr. Stone be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIS E. STONE, OCTOBER 3, 1969

As a matter of identification, I am Willis E. Stone, National Chairman of the Liberty Amendment Committee with headquarters at 6413 Franklin Avenue, Los Angeles, California. I speak for all the members, supporters and friends of the Liberty amendment, pending before the Congress as House Joint Resolution #23. They are organized in every state in the Union and more than 700 counties. Members of more than 7,000 other organizations have adopted resolutions of support for it, and seven states have formally petitioned the Congress to submit this question of public policy to the American people for decision. I speak with their knowledge, consent and support. I make that distinction to differentiate my testimony from that which may be given you by those who speak in the name of organizations without the knowledge, consent or support of their membership.

Many long years have passed since a vast segment of the American people last had an opportunity to express their views that true tax reform and constitutional liberty are the same things and can only be had through the literal enforcement of the Constitution of the United States. These fundamental truths have gone unheeded, and the cumulative disasters visited upon the American people are largly traceable to the fact that violations of Constitutional principles continue to accelerate at ever increasing cost to the taxpayers.

The tax reform hearings being held by this Committee were impelled by the growing clamor of aggravated and frustrated taxpayers. These hearings implied a purpose of heading off, rather than increasing the tide of taxing and spending, which are the inseparable parts of the same things. The American people now find themselves in a political and economic straight-jacket of terrifying magnitude. They earnestly beseech you to actually seek true tax reform before your tax levies strangle the productive impulses of the goose that provides the plunder. I believe each of you agree there is monumental evidence to support this plea for real tax reform. As the great Al Smith so often said: "Let's look at the record."

The Statistical Abstract of the United States tells us the federal "tax and spend" spiral took a terrible toll in the 1950's. A resentful people provided the impelling motive for the tax reform hearings of 1958.

Consider the magnitude of the pressures involved. Individual tax collections by 1950 had risen to the staggering figure of $18.4 billion—almost twice the cost of government for the first hundred years of this nation. The restraints and limitations upon the use and abuse of power appeared to have been broken. The anguish and concern of a great people made it quite necessary to call the 1958 "tax reform hearings."

Unfortunately, the effects of these hearings, insofar as can be observed, were more detrimental than beneficial to the people. The tax and spend philosophy was stepped up rather than diminished—as is evident by the fact that federal individual income tax collection in 1960 reached $39.5 billion, more than doubling in the ten-year interval. This is indeed tax reform in reverse. But, we didn't know the half of it then, did we?

By 1963, the product of the 1958 "Tax Reform Hearings" should have been operative, yet individual income tax collections skyrocketed another 25 percent to $48.2 billion that year. The idea began to emerge that there has been no validity in Congressional declarations of tax reform or equity.

This opinion was further supported by the accelerating tax demands put upon the people, drying up incentives to produce, as federal individual income taxes increased nearly half again over 1963 during the next five years, reaching the fantastic figure of $68.7 billion for 1968, with a projected individual income tax collection of $90.4 billion for 1970! No wonder the spirit of rebellion is loose in the land.

Despite this accelerating tax take from a reluctant people, there appears to be no pretense of keeping spending within income. The national debt is skyrocketing steadily toward the point of national bankruptcy. Referring again to the Statistical Abstract, the recorded federal debt in 1950 was $257.4 billion. It climbed to $276.3 billion by 1958. The debt went right on up to $290.8 billion in 1960—and on up to $310.8 billion in 1965—and on up to $369.7 billion in 1968.

There is no indication that this is the end of the road you gentlemen are traveling, because you recently approved an increase in the so-called "tax ceiling" of $12 billion.

It is worth noting in this connection that in 1968 your tax levies managed to take more money from the American people than any nation in history ever extracted from its people, yet Congress managed to spend $25.4 billion more than was taken in, adding that much to an already crushing debt. Neither is it considered a coincidence that this money was borrowed at the highest rate of interest this nation ever paid which tends to reflect a lack of public confidence in government's fiscal integrity. Confidence in your fiscal and Constitutional integrity can be reestablished by this Committee if you honestly propose taxation solely to finance the constitutionally authorized functions of government—finance them adequately—while at the same time withdrawing funds from the multitude of activities carried on by bureaucratic agencies without the slightest pretense of Constitutional authority.

There is no mystery about the agencies involved in these unauthorized functions, nor in the volume of plunder they extract from our people to sustain their interest free, rent free and tax free empires in direct and ruthless competition with tax paying enterprises. Neither is there any mystery about the corruption and waste of these specially priviledged enterprises which are immune from law—local, state and federal.

The Hoover Commission's Report of 1955 revealed countless ways of instituting tax reform. We augmented that study with our own and have listed more than 700 federal agencies involved in these unauthorized activities. A copy of this list is handed to each of you herewith. To make very sure that it is beyond dispute in this Committee or elsewhere, there is, following every agency named on the list, a number, a symbol and another number providing official reference that qualifies each agency for a place on that list.

The appearance of a named agency on that list only stipulates that in some way that agency has exceeded constitutional limitations and invaded the private areas of activity which were, by the design of the Constitution, prohibited to government. The fact of that intended prohibition is clearly established by the 9th Amendment which provides that: "The enumeration of the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

The founding fathers attempted to make doubly sure of this limitation upon your powers by the terms of the 10th Amendment

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which provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Despite these safeguards, however, we have this vast array of federal agencies' operating powers which were never delegated to government by the people, and exercising rights not enumerated.

The great dilemma of our time is your quest for revenue with which to maintain these illicit empires, which have already taken over forty percent of the land area and an estimated twenty percent of the industrial capacity of this nation without any Constitutional authority for doing so.

The people yearn for tax reform—true tax reform—and pray that you at long last will take steps designed to provide it by simply stopping the financing of these lands and enterprises which exist without constitutional authority. Adequate evidence exists to indicate that fully half of the federal revenue each year finds its way, through your appropriations, to the maintenance and growth of these unauthorized activities. This is an amount greater each year than the total amount of federal individual income taxes collected.

Your own reports show that, even in war, the civil functions of the federal bureaucracy demand and get greater increases in appropriations each year than the true military expenditures for national defense.

At the 1958 Tax Reform Hearings in the House of Representatives, I presented a summation of a highly objective analysis of the projected budget spending under the 1959 budget which was then before you. It was ignored, but the subsequent developments have confirmed every factor therein. I again present this summation, together with a comparable summation of the potential savings under the 1967 budget, showing a very similar pattern. Because of the ultra conservative basis of these computations it is doubtful that any overstatement will be found therein.

I am certain each of you know of these gigantic potentials for true tax reform. You may not agree in all details but you can not successfully contest the facts because they are too evident for denial.

There are, as you well know, hundreds of ludicrous but tragic examples of bureaucratic incompetence. There was the abortive political effort to raise Abaca in Central America, and the more disastrous political idea of mining low grade nickel in Cuba. There is the continuing program of compelling American farmers *not* to produce sugar which, as a side result, sentenced Cuban farmers to a life-time of peonage to tyrants there. There was the ridiculous Eskimo Housthe program—only slightly more ridiculous than the rest of the housing programs spawned here in Washington at the cost of countless billions of American tax dollars, and resolving nothing.

There is the thoroughly silly story of the steam-heated railroad tunnel in Alaska, and the bureaucratic effort to corner the world's tin supply which ended in disaster for us, and produced the turmoil in Bolivia that ended in a Communist take-over of that unhappy land. There is also the current mania for financing a road through Asia which the U.S. Army Engineers are building at our expense for our Communist enemies.

There is an endless variety of such amazing and unauthorized dissipation of the productive energies of the American people—your people. They want it stopped. It is the first necessity for producing true tax reform on the heroic scale that will glorify you, our nation and our people for centuries to come. It can be done by just living according to our Constitution. Vast numbers of people, all across this broad land, are gathering in support of the Liberty Amendment, which is designed as the best possible instrument for restoring the Constitution to full force and effect, and compelling government to live within its organic law.

It is a tragic commentary that the people are coming to believe it necessary to forcibly apply the principles of the Liberty Amendment to reapply the rule of law upon those who represent us in government. It would be much more to the point, and infinitely more desirable in every way, if you, our leaders in government, would approach the great problem of tax reform from this traditional and truly basic viewpoint. The tremendous problems which confront you will rapidly diminish if you do this, and stop the insane spiral of spending by our bureaucratic empire builders.

What does the future hold? By the arbitrary imposition of the tax and spend philosophy which has destroyed countless nations, we can go deeper into the morass of tumult, conflict, rioting, burning, right into the agony of revolution in the eternal struggle of power and plunder. I am sure all of us want to prevent that.

Our people prayerfully hope that your Committee will find the way, in these tax reform hearings, to restore the tranquillity and equity of just and equal law under the Constitution. We pray you will finance only constitutionally authorized functions of government, leaving all else to the sovereign states and the free people of this great land.

How can we reach your ears, your minds, your hearts, and inform you, our leaders, regarding the will of the American people, and inspire you to the task of repairing the sanctuary of the Constitution as the only safeguard to our lives, liberties and property. Surely, the stark, silent but immutable message of the public will to be free of oppressive governmental taxing and spending has long been evident to those who will listen. We pray that you hear these truths, and heed them, and bring about that "rebirth of freedom" for which your people yearn.

POSTAL REFORM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. RHODES. Mr. Speaker, President Nixon declared in his recent address to the Congress:

> We intend to begin a decade of government reform such as this nation has not witnessed in half a century.

The House has before it several proposals which represent initial steps in this direction.

One of the most important, in my judgment, is the President's proposal for total reform of the U.S. Post Office.

That proposal—H.R. 11750—has been stalled in the Post Office and Civil Service Committee by a tie vote on whether to report the measure.

Although it is clear to me that the American public strongly supports this measure, it is apparent the strong special interests which oppose this bill have prevailed in this committee action.

Mr. Speaker, if this is any indication of how the Congress is going to respond to the awesome challenge of making our National Government more workable for the last third of the 20th century, then I submit our Nation is in for a serious crisis.

Mr. Speaker, I am gravely concerned that this action may prevent meaningful postal reform. I urge that the committee reconsider its vote, and permit the Congress to act upon the public mandate for action in the important area of postal reform.

ESCALATOR FOR SOCIAL SECURITY

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, President Nixon's proposal for a 10-percent hike in social security benefits and the automatic escalator provision to compensate for inflation offers a permanent, equitable solution to serious problems which have plagued this system since its enactment.

Unfortunately, much of the criticism of the President's proposal which has been heard recently in this body must be classified as an attempt at "political one-upsmanship," designed not to help those on social security, but merely to further the partisan interests of the critics.

A recent editorial in the Los Angeles Times discusses the benefits which will result from removing this system from "biennial politics," and urges adoption of the President's proposal. I commend this editorial to the attention of my colleagues:

ESCALATOR FOR SOCIAL SECURITY

Issue: Why should we not provide, as Mr. Nixon suggests, for automatic boosts in Social Security as living costs rise?

Congress should give early and favorable consideration to President Nixon's proposal for enactment of an escalator clause which would automatically boost Social Security benefits as the cost of living goes up.

The President, recognizing that inflation has cut painfully into the purchasing power of those who are dependent upon Social Security checks, has recommended a 10% hike in benefits.

Democratic leaders on Capitol Hill, not unmindful that millions of old people will be voting in next year's congressional elections, having gone on record in favor of a larger, 15% boost.

Mr. Nixon is quite correct in concluding that the time has come to stop this kind of political one-upsmanship, which has been almost a biennial event ever since the Social Security program was enacted in the 1930s.

The 10% hike which he proposes would be enough to cover the inflation which has occurred since the last increase in benefits in early 1968. It would take effect next April.

After that date, there would be an automatic adjustment once a year in order to reflect increases in the consumer price index. Specific congressional action would no longer be required.

The major attraction of the President's proposal is one of equity. It would write into law the principle that Social Security beneficiaries will not be victimized by runaway inflation.

Beyond that, of course, the automatic escalator provision would, as Mr. Nixon observed last Friday, "do much to remove this system from biennial politics."

Actually, the automatic escalator concept is not new. It has long been proposed by Republican study groups in Congress, and it was specifically endorsed by President Nixon in a campaign speech last September. The idea also has been supportd in past Times editorials.

It has not, unfortunately, developed the same backing among Democrats.

Aside from the proposed boost in benefits, an attractive feature of the Administration's Social Security plan is the proposal that retirees be allowed to earn up to $1,800, instead of the present limit of $1,680, without any diminution of Social Security benefits.

Earnings in excess of $1,800 also would be treated more liberally than at present.

In considering this recommendation, however, the responsible congressional committees must carefully weigh its effect on the job market—and on the already high level of Social Security payroll deductions.

DEMONSTRATION, LARGELY FUTILE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. DICKINSON. Mr. Speaker, last Wednesday's moratorium apparently was many things to many people.

To those, such as the New York Times, who wanted it to be a success, it was a success. To others it was less of a success. To some it was an exercise in futility.

That point of view was best expressed by the Scripps-Howard papers of last Thursday, which I now insert in the RECORD:

DEMONSTRATION, LARGELY FUTILE

[From the Scripps-Howard Papers, Oct 16, 1969]

If it had been altogether an objective demonstration in behalf of worldwide peace, the so-called "moratorium" of yesterday would have been symbolic of the paramount hope of all peoples—and in that sense perhaps even useful.

If the demonstration had been wholly motivated and designed as evidence of the overwhelming American desire for a respectable end to the war in Vietnam and American determination to bring this about at the earliest moment, it could have been a stimulating and effective exercise.

If the demonstration had been arranged and conducted primarily to impress Hanoi and Moscow and Peking, rather than the demonstrators themselves and possibly Washington, it might have been a beneficial operation.

As it turned out, it was none of these things. As a practical matter, it largely was an energetic exhibition of futility. Many of the politicians who joined in did so chiefly as opportunists, or to embarrass the Nixon Administration for partisan reasons. Many people doubtless took part from an honest but vague belief that their participation somehow would end the war. A few simply were egoists enjoying the display of their own images.

All of these diverse groups, of course were linked in this movement to the radical, pro-Hanoi elements which have been a basic sparkplug in many of these outbursts.

It is because of these disruptive elements, if for no other reason, that the demonstrations quite plainly served much more to spur on the North Vietnamese aggressors rather than encouraging them to negotiate a reasonable settlement of the conflict.

Some of the "moratorium" speakers to the contrary, there is no sentiment in this country favoring war. Nobody yearns for war. Regardless of the strategic wisdom (or lack of it) in sending U.S. troops to Vietnam, the purpose was not simply to engage in armed conflict, but to resist an unprovoked, deliberate attempt to subvert and subjugate a relatively defenseless people. Our judgment, from the standpoint of self-interest, may be questioned—but not our motives.

Few in this country question the right to dissent, or the privilege of dramatizing the right of petition, both of which were exercised so lavishly yesterday. But the judgments and motives of the dissenters and demonstrators may be questioned—that is another precious right still extant in this country, we hope.

In this light, it seems clear that the "moratorium" was characterized by more blindness than vision. More important, the net of it is likely to be wasteful divisiveness at a time when solidarity is crucial. It is a shame that so much energy could not have been expended in a more constructive manner.

TO THE VETERANS' BELLE

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. BARING. Mr. Speaker, it is my pleasure to enter into the CONGRESSIONAL RECORD the story of a true belle for all veterans who has given her volunteer services to our Reno, Nev., Veterans' Hospital. Her 9 years of unselfish dedication to our former fighting men will not go unnoticed.

The story follows:

"TINKERBELL" WELL KNOWN AROUND VETERANS HOSPITAL

(By Susan Mathes)

A small figure walks down the hospital corridor dressed in blouse and slacks. On her tennis shoes she wears two tiny bells that jingle, letting patients know of her approach.

She is well-known to many patients of the Veterans Hospital as "Tinkerbell."

A volunteer worker for the Veterans Administration, Miss Maxine Emily Brown has contributed more than 13,000 hours in the nine years she has been with the VA.

When asked why she decided to become a volunteer worker, Miss Brown said, "I had newspapers on the floor for my cats and saw an article asking for volunteer workers for the Veterans Hospital. I've been here ever since."

"When I first started working for this voluntary program, I was despondent," Miss Brown continued. "I have no children. But you quit feeling sorry for yourself when you see others worse off than you."

"They (the patients) have helped me as much as I have helped them," she said.

Mr. Kenneth Lucht, VA Voluntary Services Director, said of Maxine, "She takes a deep personal interest in the hospital as a whole, and the patients in general."

Miss Brown's duties include escorting patients from room to room, helping them eat, running errands for patients and nurses, and finally, working in those areas most closely related to the patients.

Miss Brown also makes artistic posters in correlation with hospital activities, and helps in patient reception.

She likes to make the patients laugh. "The first or second time they meet you they just look; but once they know you're sincere, they start liking you," she said.

Miss Brown recalled an incident that happened to her at the hospital a few years ago prior to a back operation.

"I received cards from the Veterans Hospital with 196 signatures. The card had been signed by patients, nurses and doctors of the Veterans Hospital. It gave me one of my biggest boosts," she said.

Miss Brown is one of 90 regularly-scheduled volunteers and is not affiliated with any organization.

In addition to receiving a special pin for her many hours of voluntary service from the VA, Miss Brown also received a Senior Citizen's Award (although she is not a member) commending her on her outstanding service to the hospital.

Miss Brown, 53, was born in Digne, France, but has spent most of her life in the United States.

VA Director Charles Lappin said "My praise of Maxine can't be high enough. She is a woman dedicated to the serving of others."

NO EXIT FROM VIETNAM

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. BOLLING. Mr. Speaker, in the body of this RECORD, I stated my view that policymakers in the executive and every Member of the Congress should read Sir Robert Thompson's new book, "No Exit From Vietnam." To encourage the largest number to read the whole of this book, I include its final provocative chapter:

CHAPTER XIII—NO EXIT

It is interesting to speculate what President Nixon might have been able to do if President Johnson had stood firm on the reciprocity issue until the end of his term of office and had made it abundantly clear that, although he would have liked to achieve peace, he was not prepared to make concessions which suggested the possibility of a sell-out. In these circumstances the new President would have been in a much stronger position. My own view as to his course of action would have been that, with the full agreement of his allies, he should have announced an immediate bombing halt without requiring or even discussing any reciprocal action on the part of Hanoi. Everyone would have known that, coming from him, this did not presage a sell-out. It would have put Hanoi in an awkward position. She would have had to reciprocate in some precise manner to show good faith and negotiations proper would have had to follow immediately. Procedural questions and the agenda could then have been thrashed out leading perhaps to a broadened conference or, if considered likely to be more fruitful, still confined to the two major parties. All the time there would be hanging over Hanoi's head the threat that the bombing might be resumed with greater force and greater justification. This threat (and the threat is more compelling than the act) is now denied to the new President because it has become almost impossible for him to resume the bombing when he lacks the credit for having stopped it. Moreover, no one has been told whether or not Hanoi made any concessions and, if so, what they were. She can hardly, therefore, be accused of breaking them and has indeed secured an unconditional halt to the bombing. While this did not alter the options available to the United States, it did weaken her hand in a situation of fighting while negotiating.

There were by the end of 1968 only two apparent options, both unpleasant, facing the new American President—either to end the war, by deliberately selling out or by allowing himself to be pressured into a camouflaged sell-out and so leaving the

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South Vietnamese to their fate, or to develop a long haul low cost strategy as the only acceptable alternative and as a means of countering a return to protracted war on the part of Hanoi.

A negotiated settlement, as a means of obtaining an 'honourable' peace, was not an option because Hanoi would agree neither to a cease-fire nor to any compromise settlement which did not guarantee an eventual take-over of the South. Mme. Nguyen Thi Binh, the leader of the NLF delegation made the first quite clear on her arrival in Paris, when, in a cloud of Chanel No. 5 (which was well reported), she announced that there could be no cease-fire until all American forces had been withdrawn. This was not quite so well reported because no one wanted to hear or believe it. Ho Chi Minh made the second equally clear when in a speech on 3 November he barely mentioned negotiations and called for a 'heightened struggle' to achieve victory. To Hanoi negotiations were part of the war and the table was just as much a battlefield as the ricefields of the Mekong Delta. The United States had yet to learn that negotiations would provide no exit and that she on her side would have to use the negotiating table to foil Hanoi's purpose and to justify the second option of a long haul low cost strategy. If she failed to adopt this approach the United States would find herself compelled in the end, by an erosive process both in Vietnam and at the table, to accept a sell-out, not necessarily as a matter of choice, but as the inevitable agonizing outcome.

'More of the same' or further escalation were no longer options. Neither was acceptable nor were they likely to be effective. The continuation of the previous strategy of attrition with yet more men in the elusive search for a military victory would obviously lead to greater disaster. Whatever losses the North Vietnamese and the Vietcong might have suffered in 1968, by the summer of 1969 they could be expected to have recovered sufficiently to continue countering such a strategy in exactly the same way as they had done through 1966 and 1967, quite possibly at a lower cost in manpower owing to an American reluctance to take correspondingly heavy casualties. A resumption of the bombing of the North, although circumstances such as a failure of negotiations might seem to warrant it, would not now be easy for a new President to justify in support of this worn-out strategy. Further escalation, such as an invasion of the North requiring as it would at least a million men and inviting Chinese intervention, was no longer plausible. There was also nothing to suggest that a massive conventional bombing of the North would be effective in solving the problems of the South. While it might not invite Russian or Chinese intervention, this would only be because such action would in itself be fatal to American grand strategy in that it would tear the country apart and seriously damage the standing and prestige of the United States for decades.

The option of intentionally ending the war by a sell-out was also not one that could be undertaken lightly. Plenty of hopeful reasons have been produced on economic and political grounds to justify the United States getting out of Vietnam at any cost. It is interesting to note that very few have been prepared to spell out the likely consequences of such an eventuality. Even assuming that the negotiations were so well handled both in Paris and in their effect on Saigon that a withdrawal was covered by the facade of a settlement, without leading to a collapse within South Vietnam thereby turning withdrawal into expulsion, it could still not be disguised that the United States would have suffered an ignominious defeat. Plenty of excuses might be advanced and the blame thrown on the South Vietnamese. One of the more fashionable alibis now in favour is that the Vietnam war was unique and could never have been won by anyone. This simply will not wash. Vietnam may have been different from other insurgencies but then all wars are different, in the sense that the last one is never quite the same as the next, as Generals have learned to their cost. But to claim that it was unique is equivalent to saying that no future war can be won if it is too different from the last one. Certainly Vietnam was very different from Korea but, nevertheless, it was subject to rules and principles which have proved valid elsewhere.

A sell-out would be an inexcusable defeat and the predictable consequences of such a defeat need to be carefully weighed. In South Vietnam itself a people would go under. Judging from past experience in China and North Vietnam perhaps several hundred thousands, who have supported the war and fought valiantly and who would certainly oppose the conqueror's subsequent collectivization programme, might be slaughtered. This will not be shown on television, and so may not worry subverted liberals and fellow travelers,[1] but others may have it on their conscience. There is after all no Formosa to which the victims can escape nor has any area been set aside for them in the Californian desert. In a year or two they will be conveniently forgotten, while the victor is applauded for his acts of expropriation and the consequent stagnation of the economy is advanced as a specious argument for international aid.[2]

There are too many who will see through a camouflaged sellout and who will object, notably in the United States itself. While Senator Joe McCarthy's witch hunts may not be repeated, there cannot fail to be recrimination, not confined only to the powerful military lobby. This on top of America's inevitable loss of confidence in herself could be more damaging to American unity in the next few years than all the dissent of the past few years and seriously weaken the United States' position as leader of the West. After "We will stand in Vietnam" every other American commitment will be exposed to doubt and anxiety on the part of those in whose favour it was made. There will be a tendency on the part of the United States either to retreat towards isolationism or to reconfirm such commitments with added protestations of support (compare the guarantees given to Poland after Munich in 1938). The former would stimulate the "domino theory" while the latter could pave the way for more Vietnams.

The "domino theory" will in any case begin to operate not necessarily, as I have explained, with an immediate outbreak of fresh insurgencies, but rather with drastic realignments of policy certainly in South East Asia, probably in Africa and possibly even in Latin-America. With the failure of western methods of defense in Vietnam, all western methods will be downgraded even in the political, economic and technical fields. The development of freedom and democracy, through plural economic and political societies and the concept of free enterprise, will cease to be attractive because they will appear to render states vulnerable to subversive attack. The great majority of the countries concerned are all basically agricultural ("the countryside of the world") where millions are acutely anxious less about their form of government than about where the next bowl of rice or maize is coming from. If the industrial countries of the West led by the United States ("the cities of the world") fail or, because of Vietnam, default on their obligation to remedy this situation and to close the widening gap between the rich and poor nations of the world, then these so called "newly emerging forces" will be in a great danger of becoming the future starving masses. It is hard to think of a more explosive situation looming ahead than that a large part of the world, with its backward agriculture and expanding population, may become both communist controlled and starving.

In the atmosphere of turbulence and distrust which would inevitably follow an American defeat in Vietnam, the risk of a third world war would increase. With the United States discredited and the British withdrawing from east of Suez, the Russian penetration of the Indian Ocean would gather momentum and effect. It would also be folly to assume that China would not be looking for further easy pickings and a spread of influence with a united Vietnam as one of her instruments. In the circumstances which would prevail in Asia alone there are at least three countries which, within the next decade, would have to consider going nuclear—India, Japan and eventually Australia. Added to all this there is the danger that, with communist power no longer monolithic but polycentric, with the turmoil of the cultural revolution in China and with the cracks in the eastern bloc revealed by the occupation of Czechoslovakia, a defeat in Vietnam which tended to isolate the United States from her friends and allies could lead to a situation where the chances of miscalculation on all sides would be greatly increased.

It is, therefore, my view that now, more than at any time in the past decade, it is vital for the United States to keep its pledge and stand by South Vietnam. There is no exit and the new President does not really have much choice as far as policy is concerned. He does, however, have the opportunity to change the strategy. The American aim should be revised to read: 'To establish, at a cost acceptable to the United States, South Vietnam as a free, united and independent country which is politically stable and economically expanding'. This does not require a defeat of the North but only that its design to take over the South should be frustrated. To achieve the aim does, however, leave a long haul low cost strategy as the only option.

To be successful, the first requirement is reorganization to provide for joint American/South Vietnamese control machinery at all levels as a means of ensuring a more coordinated and integrated effort in every aspect of the war. On the military side the joint command established in the Saigon area should be considered for the Corps and Divisional Commands (but excluding reserve forces). At the same time there should be a complete reorganization, including some amalgamation, of all South Vietnamese paramilitary forces, followed by retraining courses to improve the performance of those now under arms before there is any question of increasing the numbers. At the highest level of joint control clear priorities should then be laid down with regard to the area to be pacified first and the measures to be taken. The first area selected should be within the heavily populated provinces of the Mekong Delta. Forces should then be allocated to the task and their respective roles clearly defined. It should be the primary objective of the strategy to protect the population within the selected area through the techniques of pacification, including the building of strategic hamlets where necessary, to be followed by normal but not lavish aid programmes. Within the area the enemy underground organization should be ruthlessly weeded out, for which purpose the intelligence organization needs to be steadily improved and a greater number of small unit actions initiated with emphasis on ambushes at night. While regular South Vietnamese and American forces must give direct support to the pacification programme, especially through Combined Action Platoons, the majority of the regular units will be required to hold the ring against the main North Vietnamese and Vietcong units, for which purpose a limited number of fix[3] and destroy operations should be mounted together with air attacks outside the populated areas. Outside the selected priority area, within the populated areas of all other provinces, it should be the initial intention merely to maintain the existing situation. This cannot be done by adopting a purely defensive posture. Offensive operations into contested and enemy held areas will still be necessary, for which reason the securely held areas should be limited to allow for an adequate reserve of forces for such operations.

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[1] See *Revolutionary Warfare and Communist Strategy* by Geoffrey Fairbairn (Faber and Faber, 1968) for the manner in which such people are manipulated or coerced.

[2] See William Pfaff, a critic of the war, in Kahn's *Can we win in Vietnam?* p. 167—"What they (the left-wing critics do not concede is that a Communist victory in Vietnam might create a repressive and antiliberal society, that reprisals and militant ideological indoctrination of an unwilling population might take place, that a Communist government might prove itself quite as capable of despotism and cruelty as any of the non-Communist regimes of the last fifteen years."

Behind all this there should be a much greater emphasis on nation building, on improving the structure of the government and on training the personnel required to staff it. Here the initial problem will be the direction of South Vietnamese manpower and the deployment of resources so that there is a balanced advance on all fronts. For example, as the pacified area expands, so must government departments with trained personnel available be ready to administer it. This is all a painfully slow process, especially in the early stages, before any momentum is gained. The chief enemy will always be impatience which, as in the past, will tend to encourage an overcommitment of resources over too wide an area, thereby bringing the programme to a standstill.

The effect of this strategic approach should be to reduce the tempo of the war and to achieve an economy of effort. No hard and fast targets should be set but it should be the general intention, within the first year, to reduce the strength of American forces by approximately 100,000 men. A start on this should be possible as a result of the bombing halt, and further economies might be made by a close analysis of the value of certain units, including support units, and by a measure of 'house cleaning'. It should also be possible to reduce costs by cutting down all those activities which produce a negligible return for the effort expended. This covers much of the air reconnaissance and of the harassing fire. Within a reasonable period of one to two years it should be possible to halve the cost of the war and gradually to reduce it further to a level roughly equivalent to the annual increase in Federal revenue. With a reduction in search and destroy operations and with the enemy being forced to come out and fight on ground not of his own choosing, the casualty rate should be significantly reduced though there is bound to be an occasional bad week. In this way the whole cost of the war, in every sense, could be reduced to a level which would be acceptable to the majority in the United States, without proving to be an excessive drain on her manpower, money or emotions.

At the same time the continuation of the war must be justified. Quite apart from both the enormously satisfying result, if the aim is achieved and the pledge honoured, and the benefits which would follow for the South Vietnamese, it is for this reason that negotiations must be kept going however far apart both sides may find themselves at the table. It would be a good starting point for the United States to suggest a return to the Geneva Agreements, to include a referendum within the South, which would answer Hanoi's main public justification for the war. This would compel Hanoi to explain what exactly she expected to get over and above the Agreements and to justify her case for such gains other than as the spoils of aggression. There are two main points on which no concession should be made—any further partition of South Vietnam or any form of coalition' government, with the Vietcong holding certain Ministries in the government by right of conquest. The latter did not work in Czechoslovakia in 1948, nor in Laos in 1962, nor will it work in South Vietnam in 1969. The most that should be accorded, in the new U.S. President's words, is 'participation in the political processes . . . by those who may now be in the NLF, provided that they renounce the use of force and accept the verdict of elections'—that is of the majority. If the United States goes beyond this and holds out the prospect of an eventual victory at the table, both the fighting and the negotiating will go on, until that victory is attained. The answer to fighting while negotiating is to fight while negotiating—but to fight for a positive, honourable and acceptable solution.

Hanoi's reaction to a long haul low cost strategy can be expected in three stages. The first, in 1969 or early in 1970, might be to mount another all out offensive in an attempt to demonstrate that no progress was being made and to keep American costs high especially in casualties. At this she might have some success but at a great cost to herself. Strictly in terms of statistics it might be made to look like the Tet offensive all over again, but here it is necessary to discriminate between an operation carried out when on the strategic offensive and an operation carried out when on the strategic defensive. The first is a bid for victory while the second is a counter-attack to stave off defeat (compare the German Ardennes offensives of 1940 and 1944). That it was the second would have to be made abundantly clear.

Following on a failure of the first, and after a rearguard-like action of perhaps a year or two of intermittent guerrilla activity, during which the constructive programmes would gain momentum and a continuing reduction in cost and in American troop levels would become possible, the second reaction might be to accept a settlement at the negotiating table in the hope of being able to revert to a 'legal struggle'. Ideally the correct answer to this would be refusal, as Tunku Abdul Rahman refused Chin Peng's offer at Baling in 1955. However, this could not be done since the United States has already committed herself to the acceptance of an honourable settlement and could not go back on it. This would be the moment when the negotiations might be broadened, as a means of guaranteeing the settlement (though China would not oblige), and the United Nations might be brought in, rather than the International Control Commission, to establish the supervisory machinery. Upon the effectiveness of the guarantees would depend the third reaction with Hanoi falling back on the *status quo* in the hope that, when the dust of this war had settled, another opportunity would arise in the future. That in turn would depend on the success of the nation building programme and on the recovery made by South Vietnam in the post-war years, which could, with American help, be quite remarkable.

In 1969, therefore, the United States will have to make her choice either to end the war or to continue fighting while negotiating by adopting a long haul low cost strategy. The first requires only an acceptance of defeat whatever the consequences may be. The second will require courage, determination, persistence and, above all, patience. It could take three to five years before Hanoi was compelled to give up her purpose and to negotiate a real settlement (or just fade away). Even then the United States could not relax. A continuing but much reduced military commitment would still be required, as in Korea, and there would be a great reconstruction task ahead for many years. This would not be a simple or easy solution but a complete if not altogether a happy victory could still be won.

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[3] "Fix" rather than "search", i.e., destroy when you get a fix and do not waste too much effort searching.

NATIONAL MAGAZINE PRAISES COLUMBUS' ARCHITECTURAL PROGRAM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert this excellent article from the October 19 issue of This Week magazine, which outlines a unique community improvement program in Columbus, Ind.

Columbus' outstanding public buildings and religious structures have been drawing worldwide attention in recent years. The This Week article, by Mr. Victor Block, describes the efforts of the Cummins Engine Foundation in Columbus in getting the Nation's top architects to design these structures.

As a resident of Columbus, I can attest to the success of the program in providing the impetus for community improvement programs.

As pointed out by Mr. Block, the program also is helping to attract and keep intelligent, vigorous young people, who will continue to work to make Columbus an attractive place in which to work and to live.

The article reads as follows:

HOW COLUMBUS DISCOVERED ARCHITECTURE AND BECAME BEAUTIFUL

(By Victor Block)

Until the mid-1950's Columbus, Ind.—a town of less than 30,000 people located about 40 miles south of Indianapolis—was a typical, disorganized sprawl of houses and hodgepodge of neon-lighted stores, like so many small towns. Then a resident with an idea began to change that pattern.

J. Erwin Miller is chairman of the board of the Cummins Engine Co., Inc., the world's largest producer of diesel engines. Miller's uncle had started the firm in his garage. As it grew, Cummins Engine found it increasingly difficult to attract high-salaried engineers and executive to the small Midwestern town.

This problem, combined with the artistic interests of Miller, a graduate of Yale and Oxford, an amateur musician and a Greek scholar, started an architectural revolution that revitalized the town and that has drawn the attention of architects throughout the world.

A basis for the ambitious architecture program already existed in a simple and tasteful First Christian Church, designed in 1940 by famed Finnish architect Eliel Saarinen. It was one of the first contemporary churches in this counrty.

After World War II, Miller, commissioned Eero Saarinen, Eliel's son, to draw the plans for the Irwin Union Bank, a block from the famous church. The success of the low, glass-walled bank building led Miller to implement his architectual plan.

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The Cummins Engine Foundation, established by Miller in 1954, offered to pay the architect's fee for any new school building if the school board would choose from a list of six or more first-rank architects, suggested for each school by a disinterested panel. The architect would have totaled responsibility for planning and design of the school.

Not surprisingly, the school board accepted this offer. Leading architects—Harry Weese of Chicago; Norman Fletcher of The Architects Collaborative of Cambridge, Mass.; John Carl Warnecke of San Francisco; Edward Barnes of New York—took assignments in Columbus, and outstanding school buildings were built in all sections of town.

Residents, somewhat skeptical at first, were won over by the imaginative and artful ways these architects applied their skills to very practical problems. For example, Warnecke's McDowell Elementary School, built in an old, somewhat drab section of town, consists of four clusters, each with three glass-walled classrooms, connected by covered walks. The small, park-like area enclosed by the buildings provides garden plots for children to plant and tend.

The Richards Elementary School, designed by Edward Barnes, has saw-toothed skylights which provide natural light for classrooms and leave walls free for displays and work tables. The angular silhouette also provides contrast with the monotonous repetition of the subdivision homes in the neighborhood.

Lincoln School, designed by Gunnar Birkerts of Birmingham, Mich., is surrounded by small frame houses. Birkerts designed a two-story building with the bottom floor below street level and had trees planted around the square-block site. As the trees grow, they will completely shield the school from its urban surroundings. Earth embankments and spacing of play areas at varying levels contribute to the maximum use of limited space. Inside, classrooms and corridors surround a central core, a two-story-high gymnasium-cafeteria-assembly area, lighted through roof-top skylights and fluorescent lighting.

When taxpayers complained about the cost of these "fancy" schools, supporters of the program had a ready reply. Dr. Clarence Robbins, the school superintendent, pointed out that one elementary school completed in 1963 cost $15.48 per square foot, compared with the statewide average that year of $15.44. Today, the square-foot cost remains only slightly above the state average.

Dr. Robbins also claims that benefits derived from the architectural quality far outweigh the slight cost difference. Good schools attract better teachers and administrators. More than 40 per cent of the teachers in Columbus have advanced degrees or are working on them. In addition, the reputation of the town's outstanding school system attracts new, well-educated citizens who are interested and active in efforts to further improve the quality of education for their children.

The success of this school building program soon paid off in still other ways. Harry Weese was commissioned to design new factory and research buildings for Cummins, branches for the Irwin Union Bank, and a clubhouse for the 18-hole municipal golf course, itself laid out by the leading course planner Robert Trent Jones and donated to the city by the Cummins Engine Co. Even the architect's fee for a new sub-regional U.S. Post Office that is now under construction was paid by Cummins.

Today, a tour booklet distributed by the Columbus Area Chamber of Commerce to tourists, architecture students, and other visitors lists 31 examples of outstanding buildings. Aside from schools, churches, and banks, these include a library, children's home, home for the aged, hospital annex, two fire stations, and a clubhouse built alongside the town's ice skating rink, which was donated by another local foundation following Cummins' lead.

The fact that not all of the buildings result directly from participation by the Cummins Engine Foundation, which has spent about $1.5 million to date, indicates the positive results of such a program. For example, the Bartholomew County Library Board hired architect I. M. Pei, designer of the Kennedy Memorial Library and other monumental projects, for the new Cleo Rogers Memorial library.

Architectural fees for two churches—the North Christian Church designed by Eero Saarinen and the First Baptist Church by Harry Weese—were paid by their congregations. Saarinen's design alone would be enough to draw international attention to Columbus. The church is hexagon shaped, the hexagon representing Judaism's Star of David from which Christianity emerged. It is topped by a slender 192-foot spire. The interior, almost windowless and soft-lighted from a skylight and by reflection through openings under the eaves, has strong, simple lines that give a feeling of both peace and spiritual uplift.

The interest in quality architecture that has led to construction of such outstanding buildings has not stopped there. Cummins got a leading urban planner and designer, Alexander Girard of New Mexico, to suggest a method of breathing life into Columbus' aging downtown. Girard's plan: Join the shops with a continuous valance across their fronts, and replace the wild jumble of competing signs with coordinated lettering. Then, to accent the elaborate cornices and fancy moldings on the rows of late-19th century buildings that line Washington Street, paint them a variety of bright contrasting colors.

Cummins paid to have a test block renovated and the idea began to catch on. Freshly painted buildings on nearby blocks now dot the downtown shopping area.

The feeling of pride in their town by the residents of Columbus has brought other benefits. Warnecke's glass-walled McDowell school, built in a low-income neighborhood, has had very few windows broken in the years since it was completed. Furthermore, residents near new buildings, even in homes priced under $10,000, have begun to paint and face-lift their modest dwellings.

Old apartment buildings and other downtown structures have been freshly painted. Instead of being torn down, as some people suggested, the quaint Victorian courthouse near the center of town has been renovated, in part to serve as contrast to the modern, new buildings rising around it. And the Columbus Jaycees are turning a swampy area that was once the site of tar-paper shacks into Mill Race Park, a recreation area with boating and fishing facilities, picnic tables, play equipment, and an old covered bridge that was carted to the site.

Today, Cummins has little trouble attracting the well-educated young management and research people it needs, and, because Miller turned his dream into reality, Columbus is one of the fastest growing, most active communities in Indiana.

AMERICAN TEAMWORK

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. RHODES. Mr. Speaker, teamwork is the hallmark of Americans. No people are more noted for their ability to pitch in together and get the job done—especially when the need is great and the job ahead is hard.

Now President Nixon has called for teamwork in a time of great need. The job ahead is hard indeed. For the present, let us sink our partisan differences, put politics aside for the period we need to accomplish the vital reforms the President has put before us. The objectives—as Mr. Nixon has pointed out—are those which the American people have commissioned Congress and the President to achieve. Bickering over who is to blame for not yet accomplishing these objectives will not help anything. We have a job to do. The President and the people have asked us to get the job done. Let us pitch in and do it—and sort the political credits out later.

A UKRAINIAN RESOLUTION ON RELIGION AND HUMAN RIGHTS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. HELSTOSKI. Mr. Speaker, on June 9, 1969, the Ukrainian organizations of New Jersey, affiliated with the Ukrainian Congress Committee, held a meeting at Newark, N.J., at which time they adopted a resolution condemning the harsh treatment of the Ukrainian people by their alien rulers.

As Members of Congress, we have risen many times to deplore the acts of the alien governments in trying to impose their rule upon the nations behind the Iron Curtain. Each one of these nations is desperately trying to obtain freedom for themselves and the right to live as an independent nation.

Through this resolution, the New Jersey group of Ukrainians condemns this harsh treatment endured by the Ukrainians and asks for a peaceful and just solution to put an end to it.

The resolution follows:

RESOLUTION OF UKRAINIAN CONGRESS COMMITTEE OF AMERICA

We, the undersigned, the representatives of the Ukrainian Organizations under the direction of the Executives of the Newark Branch of the Ukrainian Congress Committee of America, the national representative body of over 2 million Americans of Ukrainian descent, gathered at a special meeting, held on Monday, June 9, 1969, in Newark, N.J., unanimously adopted the following resolution:

Whereas, the Soviet Government destroyed the Ukrainian Autocephalic Orthodox Church in the 1930's by murdering over 30 archbishops and bishops, and over 20,000 clergy; and

Whereas, the Kremlin has ruthlessly annihilated the Ukrainian Catholic Church in Western Ukraine by arresting 11 bishops and over 2,000 Catholic priests, monks and nuns, and forced some 5 million Ukrainian Catholics into the fold of the Communist-Controlled Russian Orthodox Church against their will and conviction; and

Whereas, on January 27, 1969, the KGB has arrested in Lviv, Ukraine, Archbishop Vasyl Welychkovsky, a high-ranking prelate of the Ukrainian Catholic Church, as well as a number of other Catholic priests; and

Whereas, the Soviet government persistently harasses and persecutes Christian adherents in Ukraine by closing the houses of worship of the Baptists, Evangelics, Jehovah's Witnesses and others; and

Whereas, the government of the Soviet Union has been engaged in a relentless policy of russification in Ukraine by imposing the Russian language and culture, and by arresting, trying and deporting Ukrainian intellectuals for their loyalty to and defense of the Ukrainian culture and national heritage; and

Whereas, the Soviet government is guilty of flagrant and systematic violations of the *Universal Declaration of Human Rights*, to which it has been an official signatory, particularly Art. 18 of the said Declaration, which provides for the right to freedom of thought, conscience and religion, as well as Art. 2 and 15 which provide for the equality of all races and nationalities.

Now, therefore, we hereby unanimously resolve:

1. To dispatch this resolution to the two Senators and the U.S. Representatives from the State of New Jersey, and to members of the State Legislature of the State of New Jersey, so as to inform them about the religious, political and cultural persecution of some 46,000,000 Ukrainian people by the alien regime of Communist Russia;

2. To ask these elected representatives of the State of New Jersey to prevail upon the U.S. Government to raise at all high-level conferences with the rulers of the USSR the question of the actual negation of the right of self-determination of the Ukrainian Nation as well as all other captive nations now enslaved by the USSR and its subservient communist satellites in Europe and Asia.

Alliance of the Friends of Ukrainian Democratic Republic Branch in Newark, N.J.

American-Ukrainian Citizen Club, Inc. Newark, N.J.

Association for Free Ukraine, Inc. (O.P.W.B.U.).

Brotherhood of Former Soldiers of the First Ukrainian Div. U.N.A.

Fathers' Committee of St. John Ukrainian Catholic School in Newark, N.J.

Federation of Ukrainian Student Organizations of America Branch of Newark, N.J.

Ladies Sodality.

Organization for the Defense of Lemkivshtchyna Branch No. 5 in Newark, N.J.

Organization for the Rebirth of Ukraine (ODWU) Inc. Branch No. 70 in Newark, N.J.

Organization of Defense of Four Freedoms of Ukraine, Inc. Branch No. 1 in Newark, N.J.

"Plast" Inc. Ukrainian Youth Organization, Chapter No. 17.

Ridna Shkola.

Selfreliance Association.

Society of Veterans of Ukrainian Insurgent Army, Inc.

The Providence Association of the Ukrainian Catholics in America.

The Ukrainian Music Institute of America, Inc. Branch Newark, N.J.

Ukrainian-American Businessmen's Association of Newark, N.J.

Ukrainian American Youth Association, Inc.

Ukrainian Athletic Association "Chornomorska Sitch", Inc.

Ukrainian Choir Society "Trembita."

Ukrainian Community Center, Inc.

Ukrainian Congress Committee of America, Inc. Branch for Newark, N.J. and Vicinity.

Ukrainian Evangelical Baptist Church in Newark, N.J.

Ukrainian Hetman Organization of America, Inc., Branch No. 14, Newark, N.J.

Ukrainian National Aid Association of America, Branch No. 161, Newark, N.J.

Ukrainian National Association Inc., District Committee, Newark, N.J.

Ukrainian National Women's League of America, Inc. Branches No. 28 and No. 86 in Newark, N.J.

Ukrainian Orthodox Church of the Holy Ascension in Newark, N.J.

Ukrainian Orthodox Church of the Holy Trinity in Irvington, N.J.

Ukrainian Research and Information Institute, Inc., Branch No. 7 in Newark, N.J.

Ukrainian Workingmen's Association of State of New Jersey.

United Ukrainian War Veterans in America.

MINERAL ENTRY IN THE PUBLIC LANDS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. JOHNSON of California. Mr. Speaker, one of the hardest working organizations devoted to the preservation of our minerals industries is the Western Mining Council directed by its president, Mr. Lee I. Rowland, of Mariposa, Calif.

Mr. Rowland is a miner of many, many years experience and is recognized as an outstanding spokesman for the industry and especially for the small miners which contributed so much to the growth and greatness of the Mother Lode area of California which I am proud to represent here in Congress.

Recently the Western Mining Council published its recommendations to the President of the United States and to this Congress relating to the procedures pertaining to mineral entry within the public land. These recommendations have been submitted by me to the Public Land Law Review Commission and to the President and I would like to share with my colleagues the recommendations made by the Western Mining Council and insert these in the RECORD at this point:

WESTERN MINING COUNCIL RECOMMENDS TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES THE FOLLOWING PROCEDURES PERTAINING TO MINERAL ENTRY

Western Mining Council believes that whenever feasible, all minerals located on lands about to be inundated by lakes or reservoirs should be removed before the construction of the dams or other structures that are to be built in these areas.

Western Mining Council opposes the addition to the Federal Mineral Leasing Act, any minerals other than those already being administered under this Act. We believe that all minerals not now under the Federal Mineral Leasing Act should remain under the regulation of the Mining Laws of 1872, and should be open for entry to anyone that locates and develops these ore bodies.

Western Mining Council further believes that the intent of the Mining Laws of 1872 are clearly defined and spelled out. However, the executive agency seems to have chosen to misinterpret the intent and purpose of these laws, resulting in harassment and intimidation of mining claim holders, and in our opinion, illegal invalidation of mining claims. We therefore ask you to revert to the principles of the Mining Laws of 1872.

Western Mining Council feels that any tampering with the Mining Laws that would in any way change the intent of the Mining Laws of 1872, or tend to disenfranchise the rights of prospectors and mining claim holders would be in violation of the intent and purpose of the Preamble of the Constitution of the United States of America, and would impair the economy of this Nation today and for generations to come.

Western Mining Council recommends that in the future all Bills or Laws pertaining to the administration of the public lands of the United States shall be written in such a manner so as to fully state the intent and purpose of these laws and the method of administration shall be stated in such a manner as to leave no doubt as to the administration procedure of said Bill or Act.

Western Mining Council asks Congress to classify the public lands of the United States in such a manner that will promote the production of domestic minerals and enhance mining in the United States. We feel that we would be making a mistake to allow our economy to become dependent upon minerals imported from other countries for use in our industries.

FROM MISSOULA WITH LOVE FOR THE EVERGLADES

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. OLSEN. Mr. Speaker, high level talks have continued for the past several weeks relative to the proposed construction of a jetport to service Everglades National Park, Fla. Proponents and opponents have vigorously debated all ramifications of the project, and national attention has been directed to the predicted destruction of the park's facilities.

All ages, all walks of life, all conservation-minded Americans are awaiting the final decision, and one particularly knowledgeable group from Montana's Garden City—Missoula, has taken the time to let me know exactly what they think. And I think what they have to say is worth repeating for my colleagues to hear.

For the RECORD, and to be underscored as opponents to the construction of the Everglades Jetport, I would offer the following statements from members of the fifth grade class at Cold Springs School, Missoula, Mont.:

It (the jetport) will kill good fishing and a lot of wild life. In a way I think animals are better than people so please don't harm them.

I think it is mean to kill all those animals and destroy the forest. Animals are just as important as people and we need the wilderness to make the world beautiful.

Animals like to live in peace, why disturb their life? Why let them live a life of confusion? It's bad enough for us to live in a world of confusion.

The jetport to be constructed in Florida will destroy 20 different kinds of animal life. For your information, you and I are animals ourselves. Just because we have guns, machines, money, metals, and plastics, etc., beavers don't need concrete or heavy machinery. They use what they can find like sticks for metal and mud for concrete. You fancy people don't know the affairs of the common people or animals. People slaughtered buffalo and eagles, and here come the Everglades' animals.

I don't like the idea of ruining the Everglades by that stupid jetport. They can build it someplace else. The alligators need some place to live. It would be like someone taking your home from you.

I heard about the jetport and killing the animals in Florida. I do not think that it should happen. Because we get food from them. And also they are just as good as us.

XUM

I hope you heard about the new industry in the Everglades National Park. About the biggest airport in the whole world. Why can't they build it in Kansas or Georgia?

The names of these fifth graders are: Scott Diettert, Ted Craft, Stacey Jordan, David Bristow, Scott Sax, Debbie Larson, Jim Bradford, Tommy Gress, Ken Brown, Felicia Fahey, Gina McDowell, Steve Daniels, Terri Anderson, Colleen Flynn, Debbie Roberts, Kari Morgan, Terri Rasmussen, Douglas Turman, Renee Oertli. Their teacher is Raymond D. DeNeve.

LEGISLATION TO TERMINATE THE SUGAR QUOTA FOR SOUTH AFRICA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. REID of New York. Mr. Speaker, I am pleased to join with my colleague from New York (Mr. BINGHAM) in introducing legislation to terminate the sugar quota for South Africa and to redistribute this quota among certain developing Africa nations.

In April of this year, along with other Members of this House and Senator KENNEDY in the other body, we introduced a bill to terminate the South African sugar quota which amounts to an annual subsidy to South Africa of about $4 million. The racial policies of South Africa are repugnant to many citizens of this country, and have been condemned by most of the countries of the world. The sugar subsidy benefits not the black South African who works on the sugar plantation but the white minority—which already enjoys one of the highest standards of living anywhere in the world. Our support, through the sugar subsidy, of the policy of apartheid is an affront both to our own black citizens and to the nations of black Africa.

Equally, the developing nations of black Africa need the assistance now going to the racist government of South Africa for their own economic development. In particular, Mauritius, Malagasy, Swaziland, and Uganda produce sugar well in excess of their own consumption requirements and, in the case of the first three, well in excess of their present small U.S. sugar quotas. Uganda has no U.S. quota at all.

The President has the authority to suspend South Africa's sugar quota by Executive order but specific legislation is required to redistribute it to particular non-Western Hemisphere countries. Thus, our bill would redistribute the South African sugar quota to Mauritius, Malagasy, Swaziland, and Uganda.

Mr. Speaker, in my view, it is essential that this legislation be considered at the earliest possible opportunity by this Congress. Enactment of this measure will be a signal to black Africa that the United States is willing to back its moral opposition to apartheid with concrete actions.

GRASSROOTS SENTIMENT OF MORATORIUM DAY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. MICHEL. Mr. Speaker, I would be the last person in the world to make suggestions to our friends in the newspaper business with regard to personnel assignments for their reporters and columnists but I have often thought that reporters assigned to New York and Washington ought to be required to spend several weeks or longer serving a stint in other parts of the country. Perhaps an exchange program could be arranged with newspapers in smaller towns and cities around the country who would take these big city reporters and put them in close touch with the real grassroots sentiment on some of the major issues of the day, hopefully to give them a broader picture than what they seem to get in talking to each other and reading each other's material.

In any event, I include the following editorials from the Peoria Journal Star edition of October 17 and the Chicago Tribune edition of today relating to the Vietnam Moratorium Day exercise last Wednesday in the RECORD at this point so that our friends in the press gallery can get an idea of the sentiment being expressed in other sections of the country:

THE "LIBERAL" LINE

Some very strange conclusions have attended last week's Viet Nam "moratorium," which its organizers hope to make a monthly thing. The Crimson, student newspaper at Harvard, not only printed a Viet Cong flag on its front page but also ran an editorial supporting the National Liberation Front, political facade for the communist guerrilla operation.

It said that the front, "whom we have been trying to exterminate, has the support of the people of Viet Nam" and therefore "it deserves our support." This hardly accords with the fact, to which we gave editorial attention yesterday, that the government of South Viet Nam controls areas of South Viet Nam in which 89 per cent of the people live, and that these people have organized self-defense forces against the Communists numbering a million and a half persons.

In other quarters the "moratorium" was seized on by "liberal" columnists as an excuse for threatening the Nixon administration. Joseph Kraft, who fancies himself as a latter-day Walter Lippmann, remarked with evident relish that the President was being "pushed into a corner where his only choice will be a bugout." This callous indifference to defeat and disgrace, and to the repudiation of the nation's commitment to defend a friendly people from conquest and mass murder at the hands of the Communists, is unseemly in anyone pretending to be a responsible commentator.

Mr. Kraft's itch to whoop up an enemy victory is also reflected in the comment of Nicholas von Hoffman, columnist for the Washington Post, that the "moratorium" constituted an "ultimatum" to Mr. Nixon and other politicians. "Either the war must end or the resistance must grow and take tougher forms," he says. This is an incitement to violence by anti-war groups.

Mr. von Hoffman also celebrates as heroes those who broke into draft induction centers and threw blood on files "or got their heads beaten standing in front of induction centers or, like Capt. Howard Levy, took a court martial and a jail sentence." The destruction of draft files is unlawful, and the refusal of an officer in uniform to obey lawful orders is a betrayal of the oath he takes when he is commissioned, but Mr. von Hoffman sees nothing to object to in such behavior.

Then there is Harrison Salisbury, assistant managing editor of the New York Times, who said at a book forum here just after all the furor of the "moratorium" that he seriously saw the possibility of a war between Russia and Red China and threw in the observation that this would be a war from which this country could not stand aside.

We don't know where Mr. Salisbury stands on bugging out of Viet Nam, but from some knowledge of his intellectual history we assume that he would be in favor of it. It is certainly strange that at a time when so much emotion has been generated to that end anybody should be proposing that we get out of one war only to jump into another bigger and nastier one—a war, moreover, over which most Americans would be disposed to cry: "Go it, bear! Go it, dragon!

If, as Mr. Salisbury conceives, it is America's duty to go to the aid of one or the other communist adversary, which does he nominate as our prospective ally? Whichever we might adopt would, at least, have the ironic effect of creating even more poisonous divisions among the fractured factions of the peacenik left, some of which are Maoists, some Kremlin lovers, some Castroites, and some something else.

And just why, we inquire, if Viet Nam is not the right war at the right place and at the right time, would our barging into a Sino-soviet brawl be all of these things?

A GREAT SHOW

(By C. L. Dancey)

It was a great show.

Every trick in the trade was used, except naked actors.

They trotted out Ted Kennedy in Boston, Mrs. Martin Luther King in Washington, Harry Belafonte in California. They offered the kids an excused holiday from the boredom and labor of classwork. On selected campuses, they moved in famous TV newsmen with their camera crews . . . which added to the excitement, of course.

Then, these few unique campuses bustling with national network attention, were presented to the nation as the representative examples of what was happening! Three months of organized effort was billed as "spontaneous", "mushrooming" reaction!

And there was an extra added bonus, not so available during the long years of this war when there were no withdrawals only increases, and when casualties were running 400 per cent higher than today.

That was the political addition of prominent Democrats eager to begin the process of ripping apart a Republican president—and who cares how?

I think it was Walter Cronkite who described this without mentioning its obvious partisan motive and flavor as a phenomenon whereby the protests were becoming "respectable!"

So, it was a great show, and a galloping propaganda coup.

As an expression of the American people, however, and a meaningful political exercise, we do not share the confidence of some that propaganda is all powerful and promotion assures the swaying of the 200,000,000 Americans who didn't take part.

To people enamored of their role in blatting out promotion and seeking their own political consequences, this may be the magic "key" to "control" of America's electorate.

We are not so enamored. We are not so contemptuous of the public. We are not blind to the 150,000,000 Americans living in modest towns and villages and cities across the land who were skipped over as unimportant in this coverage of major city shows and college towns.

We are not blind to the fact that across Illinois, colleges with thousands of students had thousands of students attending class as usual while only a few hundred on each campus took holiday and a meaningful part in the "protest." We are not blind to the fact that in hundreds of cities and towns with no college, not a single two-finger salute was even raised.

I am sure that most students, and most people are concerned—indeed, deeply concerned. But I doubt that they are so eager to shoot down a President who has been the first to conceive of a process for extricating ourselves that is actually functional.

I doubt if they are eager to add to Hanoi's confidence and arrogance.

I doubt if they are eager to play Hanoi's game, as Hanoi is now publicly bidding them to do.

I doubt if they look any way but with a jaundiced eye on those opportunistic Democrats who have changed their tunes so drastically now that there is a Republican in office trying to clean up the mess.

One suspects that this great mass of Americans is getting jaded with this hokey, show business approach to the serious business at hand.

One suspects that they are getting fed up to the eyeballs with abusive, exaggerated, demagogue blasts and the theory that democracy "like a harlot" functions in the streets.

And, as usual, the desperate politicians, the entertainer-professors, and the eager "part of the action" campus movers lag behind the public moved changes—and will be the last to know . . . except possibly for Walter Cronkite.

This is a funny country. Again and again we have seen a tide swell on the surface and the "trend" seem to be rampaging uncontrolled—until suddenly comes the straw that breaks the camel's back.

Suddenly, discover with shock and surprise that "enough is enough", and we are smashed by a truly spontaneous and universal public reaction from the people who are accused of apathy because they do not respond to the "pep rally" approach and do not stampede at the first drumbeat of the propagandists.

In them decision-making builds slowly. It simmers. And when it surfaces, their numbers and their power is surprising, shocking, and shattering.

The propaganda blasts are stirring them, now—but how? For? or Against?

We believe the restraint of the mass of Americans at moratorium time, in the face of massive drumbeating, the various extra-added attractions, had a subtle new flavor, We believe, this time, it was a uniquely AWARE and CONSCIOUS restraint.

There were stirring in it and faint rumbles.

Something is building in the folks who don't stampede before gimmickery and show business tricks. Sooner or later it will likely surface with its awesome power.

MAJORITY VIEWPOINT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. WYMAN. Mr. Speaker, the Warner & Swasey Co. is noted for its cogent advertisements. One such appearing in the current issue of U.S. News & World Report follows. I share this company's hope that Americans will say so in the most effective way they can—which is at the ballot box next fall.

The article follows:

WE'RE NOT RUNNING FOR OFFICE SO WE CAN SPEAK OUR MINDS

1. No taxpayer we know would allow anyone to go hungry, but he's getting tired of soaring relief rolls in this decade of all-time high prosperity, and he feels he's being overtaxed to support people not willing to look very hard for jobs to support themselves.
2. We believe leaders who know far more about it than we do got us involved in Vietnam, and other leaders will get us out as soon as it is safe for America, but in the meantime we believe we should support our fighting men and not support our enemies by attacking our government.
3. We think every worker should be paid well for what he produces, but we object to the kind of inflation brought on by unions who demand more and more money for no more productivity.
4. Every American should get as much education as he can afford and absorb, but we think unkempt youngsters trying to tell a college what to do should be disciplined and sent home until they learn manners.
5. We believe this is the greatest nation in the world but that's in spite of—not because of—too many politicians who keep themselves in power by squandering the taxpayers' hard-earned money.

And we think the great majority of the 200 million Americans feel the same way we do.

We hope they'll say so.

YOUNG GIVE THE OLD A HAND

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. LANGEN. Mr. Speaker, I have always held a high regard for the young people in this Nation. For the most part, they are active, intelligent, and sincerely interested in a better society. Most teenagers in America are patriotic, brave, and understanding people. I wish to take this opportunity to pay them another compliment.

The occasion of these remarks is the publication of an Associated Press story in the Minneapolis Tribune newspaper. In the account of an incident in Westbury, N.Y., teenagers are pictured as the good citizens I know them to be. The community of Westbury, according to the story, reduced the funds available to the local senior citizen program because of an economy drive. Without funds, the senior citizen activities would have had to be discontinued. The high school, junior high school, and other students took up the program as their project.

I insert the article in the RECORD as follows:

[From the Minneapolis Tribune, Oct. 14, 1969]

STUDENTS HELP SAVE PROGRAM FOR ELDERLY

WESTBURY, N.Y.—Hundreds of teen-agers are working enthusiastically to save a program that enriches the lives of the older people residing in Westbury, a Long Island community.

The Westbury Senior Citizens' program faces extinction because funds for the 13-year-old project were eliminated from the Westbury budget as an economy move. The program provides educational, creative art and social activities for older residents. About 170 persons participate regularly.

When Westbury's young people learned that $5,500 was needed to keep the oldsters' project going until July 1970, they began working to make up the deficit.

The Westbury High School senior class of 1970 decided that aid to the senior citizens would be their class project. The student council and the junior high school pupils joined in the task.

Thomas A. Harris, an insurance man who is helping Westbury's senior citizens, said the efforts of the youngsters have netted about $1,500. Some of this sum came when 500 attended a spaghetti dinner in the high school cafeteria.

The teen-agers and their elders in this middle-class suburb of New York City are preparing for another fund-raising affair, a band concert at the high school.

James W. Hardy, president of the Westbury Senior Citizens Program, was asked how he felt about the help from the teen-agers. Hardy, 86 years old and retired, said:

"The young people were given an opportunity to do something constructive. They rose to the occasion. It's when youngsters have nothing to do that they often get into trouble.

"Give them opportunities for good works. Give them responsibilities. They won't let you down."

RECENT DEVELOPMENTS IN VOCATIONAL EDUCATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. WALDIE. Mr. Speaker, Dr. Claude M. Ury, a member of the faculty of San Francisco State College, and a member of the Presidential Task Force on Education, has written a most informative article on new developments in vocational education which has appeared in the September issue of Catholic School Journal.

Because of the great interest of the Federal Government in these programs, and the great expenditure of public funds to support them, I would hope that the Members would review Dr. Ury's comments.

The article follows:

RECENT DEVELOPMENTS IN VOCATIONAL EDUCATION—THE VOCATIONAL EDUCATION AMENDMENTS OF 1968 AUTHORIZE NEW FUNDS FOR VOCATIONAL TRAINING IN SCHOOL OR ON THE JOB

(By Claude M. Ury)

We live in a time when there is an alarming estrangement of youth from many of our cultural and religious values. Young people are not so unperceptive that they cannot sense what is irrelevant in education or what "short-changes" them. The result can be a total estrangement from all values represented by the educational institution. That would be tragic.

If, for any reason, good vocational counseling is impossible or incompatible with the present school structure, perhaps the school's administration should consider the following policies:

Refuse to take all "comers" and admit only those who can succeed in and afford a college education.

XUM

Re-evaluate expensive sports programs and see if precious dollars can be channeled into guidance or industrial arts programs.

Take a hint from the thinking behind the new federal legislation for vocational education: almost every person can be trained for some gainful occupation. If he is not so trained, then society is failing him. Can we honestly wash our hands of the underachiever simply by flunking him?

If anyone doubts the grave shortages of properly trained skilled workers he has only to recall the last time he tried to get his automobile repaired, or his television set, or his washing machine. He has only to look at the want ad section of the newspaper filled with the same help-wanted classifieds every day. The auto industry alone can use 5,000 new auto mechanics every year. Industry is clamoring for technicians to work with engineers. Recent government estimates claim that a million more jobs for technicians will be available by 1975.

Federal funds for vocational education alone come to nearly a billion dollars annually and, with local expenditures, the total comes to several billion dollars. As rapidly as possible, states are moving to provide all types of vocational training. Area vocational schools are being built at the rate of about fifty a year. By 1970 there will be over a thousand technical schools providing subbaccalaureate training programs.

It would be a shame if the products of our Catholic high schools were not prepared to take full advantage of the training opportunities these schools will offer.

Preparation of young people for the world of work is an essential function of society. Currently, there are many interacting forces that influence newly emerging patterns of the occupational world. These forces are especially evident in the large cities of the United States. The development of the large urban complex, continued population growth and changing population characteristics, the imbalance between manpower supply and labor market demands, accelerated technological development and the challenge of automation are illustrative of conditions that have major implications for programs of preparation for the world of work.

Jacob J. Kaufman of Pennsylvania State University, in his recently completed study "The Role of the Secondary Schools in the Preparation of Youth for Employment," has concluded: "Vocational guidance should be expanded in a number of directions. It should begin in the elementary school to prepare youngsters for their experiences in the redirected form of vocational education. In the junior and senior high school, courses in the nature of occupations should supplement vocational courses. To free more of the counselor's time for student contact greater reliance should be placed on group counseling, technological innovations, and clerical assistance."

The U.S. Senate Committee on Labor and Public Welfare has stated: "The unemployment of youth between the ages of 16 and 21 . . . is approximately three times the level of the total labor force. It has been estimated that 1,100,000 young people between 16 and 21 are neither in school nor at work." A large portion of this group is concentrated in the urban centers of our country. Unemployment is costly not only to those directly involved but to the whole society. Not only do the unemployed contribute nothing to the economy, but their impact on the community is felt in increased relief and welfare payments, delinquency and crime.

Several illustrative research projects, which have been funded by the U.S. Office of Education, seek to develop new and more effective guidance materials and procedures. One project, for example, at Stanford University has been experimenting with ways of simulating actual job experiences, thus providing the young person wtih a more realistic appreciation of what it means to be an accountant, an X-ray technician or a police officer. Experimental kits have been developed that stimulate students to explore groups of occupations.

In another project, concerning vocational development and vocational education in adolescence, Professor John Crites of the University of Iowa constructed and standardized a test for measuring vocational maturity in adolescence. The test includes an attitude scale designed to measure certain attitudes that are assumed to play an important part in the process of choosing a vocation.

The Office of Education, the American Institute for Research and the public school system of Quincy, Mass., are collaborating to build a complete curriculum for Quincy. The Quincy program involves the tenth grade and above, including a two-year, post secondary curriculum. The program is built around "families of occupations encompassing 255 specific occupational skills." The content for the curriculum is explicitly derived from an analysis of desired student behavior after graduation. The two-year, post secondary school is open to those who graduate from high school. This secondary school program is paralleled by the rapid development of junior and community college programs as evidenced in the states of California, Pennsylvania, New York and Ohio. Attempts are being made to apply newly developed educational technology to the design, conduct and evaluation of the instructional program. Included in this new technology are methods of defining educational objectives, drawing topical content for courses, preparing students in prerequisite knowledge and attitudes, individualizing instruction, measuring student achievement and establishing a system for evaluating program results in terms of outcomes following graduation.

In some school systems, experimental programs have been introduced. The Richmond plan is being conducted in high schools in Richmond, Calif. Subsequently, other school systems in California have inaugurated this program. Its target is the specially oriented student who often is experiencing academic difficulty in the general education program. The ultimate occupational goal of the Richmond program is the engineering technician. Modifications of the Richmond plan are directed to a variety of occupational goals. Curriculum units are planned by a teaching team around a core technical project provided by the industrial arts instructor. Each instructor in math, science and English structures his offering around that project stressing an interdisciplinary approach.

This project has demonstrated the effectiveness of such an employment-oriented approach in achieving a variety of occupational goals. About 40 schools in the San Francisco Bay Area have adopted the approach applying it to 12 different occupational goals.

One of the more interesting and successful programs has been Project Feast (Food, Education and Service Technology), which provides the student with training either for additional formal education or for immediate employment in the field of commercial food service. It also contains the features of cooperative work programs. By enrolling students of all ability levels, it has been especially effective and appropriate for those of less than average ability. Close liaison with the Hotel and Restaurant Foundation at San Francisco City College has assured both employment and further educational opportunities to the students involved.

An outstanding innovation in career guidance for high school students is the mobile career guidance trailer operated by the Solano County (California) Office of Education.

The purpose of the facility is to provide resources from which students can explore career fields. A vocational advisor is on the trailer at all times when students are aboard. Students are given a brief orientation to the equipment in the trailer and are then free to explore. At the same time they are encouraged to consult the advisor for additional help.

The facility contains the latest equipment and materials. Career information is provided on microfilm and can be printed for students to carry away. Other materials and equipment include a table-talk projector with guidance film; a Fairchild projector with career cartridges, two tape recorders with interview tapes provided by Guidance Associates and a complete set of career information briefs from the California State Employment Service.

The technology for Children project cosponsored by the New Jersey State Department of Education and the Ford Foundation, the Nova Schools in Florida, and the American Industries Project at Stout State University in Wisconsin are examples of programs that expose children early to the vocational choice they will eventually have to make. New Jersey's program consists of a systematic kindergarten through grade twelve view of the workings of the economy and the nature of the occupations within it.

The Nova (Florida) children in grades one to six are introduced to a wide range of employment-related experiences through tools, mechanical devices and games. The program becomes more specific in grades seven to twelve. In grades seven and eight, the students are introduced to fundamental concepts of technology. A variety of introductory experiences is provided to help the student become more aware of vocational alternatives and career requirements. Specialization increases in grades nine to twelve with encouragement constantly offered to remain in school as long as the student can profit from further education. All student experiences and decisions are intended to motivate the student in his educational achievement.

The American Industries Project begins in the eighth grade. The student is allowed to progress according to his ability to recognize and solve complex industrial problems within broad concept areas or clusters of concepts appropriate to the individual's interests and abilities from a general understanding of the major concepts of industry and technology and simple problem-solving techniques.

The Nova pre-employment program provides each student an opportunity to select one technological science course each year. Additionally he enrolls in science, social studies, English, mathematics and foreign language courses, each with units and activities directly related to the student's field of interest. Teaching the student concepts and processes of the work world and problem-solving techniques prepares him for current employment yet still enables him to cope with change.

The San Mateo Unified School District in San Mateo, Calif., has developed a "zero-reject" concept for curriculum planning. The assumption is that with proper teaching techniques every student can earn a high school diploma with a broad liberal and vocational education. It is the school's responsibility to see that students are employable whenever they choose to leave school, whether as a school dropout from grade ten or with a doctorate. Occupations are grouped into clusters and by levels that form ladders of progression throughout the entire educational system of the school district.

The Oakland (California) Unified School District has instituted a program for all seventh, eighth and ninth grade students in the process of career planning and development. This project, Choice or Chance, derives from a project funded under the Vocational Education Act of 1963 entitled Employment Readiness Activities. The intent of both projects is to provide youth with a greater understanding of themselves and the opportunities available to them in the world of work. Emphasis is upon the data required for effective decision making. The Choice or Chance units have been developed as a coöperative counselor, teacher, student activity funded by the Elementary and Secondary Education Act, Title I. The program is incorporated into the English classes; the skill development is in the area of communications; the content is career planning.

It is this writer's contention that one can expect to see great improvements in work-experience programs as a result of the recently enacted Vocational Education Amendments of 1968. The amendments create a viable framework to equip young people with skills they must possess if they are to secure adequate employment. The implementation of the legislation can prepare students with a sound basic education that can be used as a foundation for further education and training should they decide to continue their studies.

The new legislation authorizes exemplary programs and projects to ease the transition from school to work. Provisions for intensive guidance and counseling as well as initial job placement are included. Programs in career planning can be undertaken as early as the sixth grade to acquaint students with the broad range of occupational opportunities.

Special provisions have also been made to assure adequate funding of programs for those individuals who have completed or left high school and are unable to study on a full time basis before entering the labor market. Beginning in fiscal year 1970, 25 per cent of the portion of each state's allotment in excess of its base allotment may be used for programs to enable these persons to prepare for good jobs.

The amendments can assist the states to expand their programs of work study, which by simultaneously combining education with work experience can teach students the value of learning a skill to get a good job. The amendments provide for 100 per cent federal financing for the states to hire personnel to coordinate such programs and to furnish instruction related to work experience. They also provide reimbursement to employers for certain costs they may incur while providing on-the-job training, and will pay the costs of providing other services, such as transportation of students participating in the program. The amendments also increase the proportion of federal matching funds that will be available under the work-study program from the previous 75 to 80 per cent.

Under the amendments assistance is offered to state and local educational agencies in the development of curriculums better adapted to the requirements of new and changing occupations, and in the dissemination of existing curricular materials.

The provisions of the 1968 Vocational Education Amendments, in short, will greatly strengthen this country's effort to help its youth find meaningful jobs.

THE PRESIDENT'S COMMITMENT TO END HUNGER IN THE UNITED STATES

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. STAFFORD. Mr. Speaker, the President's commitment to end hunger in this land of plenty is a call for action we must respond to. He has pointed the way—proposing a long-needed reform of our entire welfare system, and outlining an expanded food stamp program which would see that the poorest people receive food stamps free of cost.

Within its own sphere the administration has already acted. It has recognized Department of Agriculture food help programs—creating the Food and Nutrition Service specifically for this major job. Executive departments—such as Agriculture and Health, Education, and Welfare—have achieved harmony in working together to relieve hunger and malnutrition. The President has called a White House Conference on Food and Nutrition for December.

Congressional action is needed. Let us join and support the President in assuring that every American family will have a nutritionally complete diet. Let us eliminate hunger in America—now, and for all time to come.

HOW A BILL BECOMES A LAW

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. COHELAN. Mr. Speaker, one of my constituents, Dr. Claude Ury, of Berkeley, Calif., recently sent me an article on "How a Bill Becomes a Law" by Col. George F. Meyer and Lt. Col. John G. Garvin. This article presents an overall view of our legislative process. Periodically I am amazed at the lack of the public's knowledge of the Federal legislative system. Perhaps this article will lessen some of the popular misconceptions of the democratic process of Congress.

Mr. Speaker, at this point I include this article in the RECORD for the benefit of the readers:

HOW A BILL BECOMES A LAW

(By Col. George F. Meyer, Jr., USA, retired, and Lt. Col. John G. Garvin, USAF, retired)

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. . . ."—thus read the first two lines of every bill introduced in the Congress. To discover why this should be so one needs only to read Article I, Section 1, of the Constitution of the United States, which provides that:

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

Are you really familiar with this most important and historic document—the Constitution? How long has it been since you have read the Constitution from beginning to end? A week, a month, a year, 10 years—or have you ever read it? Whatever your answer, why not stop right now and read it? It won't take long—about 20 minutes—to read, including the 25 amendments.

Each year Congress takes action on thousands of legislative proposals. Although more than 25,000 bills and resolutions were introduced during the 90th Congress (1967–1968), less than 10% were enacted into law.

Proposals for legislation originate in many ways. A senator or a representative may introduce a measure he thinks is good for his district, his state, or the entire nation. The President may recommend legislation in his messages to Congress. An executive department or agency of the government may suggest legislation. Or private citizens may urge their congressmen to enact certain laws.

Whatever their origin, such proposals share a common purpose: They seek to solve a problem faced by large numbers of Americans.

The legislative process begins with the introduction of a measure which may be either a bill or a resolution. Although a bill may originate in either body of the Congress, bills to raise revenue must originate in the House of Representatives, and bills to appropriate money, by custom and tradition, also originate in the House. In the Senate, a bill is introduced by a senator arising, being recognized by the presiding officer, and stating that he introduces a bill. He may or may not give a short explanation of what it is and what it is intended to accomplish. A bill is introduced in the House by dropping it into a box known as the "hopper." Only a member of Congress may introduce a bill.

Upon introduction, a legislative proposal is given a number. A bill, if introduced in the Senate, is preceded by "S," or if introduced in the House by "H.R." Thus H.R. 1 (91st Congress) was the first bill introduced in the House during the 91st Congress. The numbering continues through the second session and any special session if one is called. This bill designation continues to be used even after the measure has passed one body and is being considered by the other body. A bill introduced in the first session of a Congress may be considered during that session, or in the second, or in a special session. However, if it is not enacted into law by the close of a Congress, it cannot be acted upon by a later congress unless it is again introduced.

A Public Bill is one of general application and, if enacted into law, becomes a Public Law. A Private Bill, often called a Relief Bill, affects only a person or a particular group or organization. However, in some cases, bills affecting only one or a few named persons have been denominated as Public Bills.

In addition to bills, there are joint resolutions (H.J. Res or S.J. Res.), concurrent resolutions (H. Con. Res. or S. Con. Res.), and resolutions (H. Res. or S. Res.) For the purpose of simplicity, we will confine this discussion to bills only.

CONGRESSIONAL COMMITTEES

After the legislative proposal has been introduced and has become a bill, the next step is its referral to the proper committee. There are 21 standing committees in the House of Representatives, 16 in the Senate, and several joint standing committees of the two Houses, the most prominent of which is the Joint Committee on Atomic Energy. The members of a standing committee are appointed by the full body of each House, and the proportion of Democrats to Republicans on each committee generally is the same as the proportion of Democrats to Republicans in the full body. The House Committee on Rules, which has 15 members, is an exception to this proportionate representation, since two-thirds of its members are always from the majority party. The number of members of the other standing committees vary according to the nature of the committee. The largest committeee in each House is the Committee on Appropriations with 24 members in the Senate and 51 members in the House. Some committees have as few as eight or nine members. Generally there are corresponding committees in the two Houses.

Most senators serve on two or more standing committees and may also serve on one or more joint committees. Due to the large membership in the House, many members serve on only one standing committee. Most committees have standing subcommittees. Special subcommittees are often appointed as the need arises. Invariably, the committee chairman is the member of the majority political party in that body who has the longest continuous service as a member of that committee.

XUM

An extremely important factor in the functioning of each Congressional committee is its staff, and the importance of the work of the staff members should not be underestimated. Each committee has a permanent staff and, when required, may have some temporary staff members. The professional staff of most committees is generally appointed on a permanent basis without regard to political affiliations. The clerical staff is also appointed by a majority vote of the committee. The committee staff analyzes each bill, requests reports from interested agencies and organizations, recommends which ones should have priority, briefs the committee members, often questions the witnesses during a hearing, prepares the committee report, and goes on the floor when the bill is being debated and to the conferences. However, they do not speak on the floor.

Committee action is undoubtedly the most important phase of congressional procedure. It is in this phase that a proposed measure receives detailed and intensive consideration and where the proponents or opponents of the proposal are given an opportunity to be heard. The tremendous volume of hard work done by the members and the staff of the committees is generally unknown to the public and is most often overlooked or at least misunderstood.

COMMITTEE HEARINGS

Congressional committee hearings may be legislative or investigative. A bill of sufficient importance, particularly if it is controversial, is usually considered by the committee in an "open" or public hearing. Legislative hearings involve a bill or resolution, whereas an investigative hearing is one in which a matter is being investigated to determine whether legislation is necessary. The latter is far more likely to receive the public attention as evidenced by the televised hearings of recent years which have almost all been investigative in nature. Notices of hearings are published in advance, and the testimony, for and against a bill, is recorded by an official reporter and is frequently published at the conclusion of the hearing. This transcript is in addition to the committee report.

Hearings may be held, first, by a subcommittee and later by the full committee. The subcommittee may vote to report the bill favorably to the full committee, with or without amendment, or unfavorably, or may suggest that it be tabled. Quite often the full committee only hears a brief report of its subcommittee and then votes to "favorably" report the bill to the floor of the body to which the committee belongs. A vote to table a bill is normally effective in preventing action on it.

You can see that the fate of the proposed legislation usually rests with the chairman and the members and staff of the subcommittee. It is here that all of the advanced preparation is tested. It is here that the proposal either succeeds or fails. It is here the witness becomes all important. As with any witness, his honest answers and the accuracy of his information are of prime importance.

If the full committee decides to report a bill favorably, a report must be filed while the House or the Senate is actually in session, unless unanimous consent is obtained to file at a later time.

ACTION IN THE HOUSE

Whereas committee procedures are similar in the two bodies, there are differences in the floor consideration, that is, consideration by the full body. Public Bills, if they involve, directly or indirectly, the raising of revenue, or appropriating money or property, are placed on the Union Calendar. The large majority of Public Bills are placed on it. Other Public Bills are placed on the House Calendar. Bills of a private character are placed on the Private Calendar which normally is called on the first and third Tuesday of each month. If a committee does not act on a measure after 30 days, any member of the House may move that the committee be discharged from further consideration of the measure, and the motion is placed on the Discharge Calendar. If a measure pending on either House or Union Calendar is of a noncontroversial nature, it may be placed on the Consent Calendar by any member of the House. This calendar is called on the first and third Monday of each month. If there is no objection, when a measure is called on the Consent Calendar, it is passed unanimously without debate. A measure on the Consent Calendar involving a million dollars or more is objected to automatically.

In order to expedite the consideration of bills and resolutions, the rules of the House require that all measures involving taxes, appropriations or authorizing payments out of appropriations already made must be considered by the Committee of the Whole House on the State of the Union, before being acted upon by the House. Only 100 members, instead of the usual 218, constitute a quorum under this rule.

A special resolution or "rule" reported by the Committee on Rules fixes the length of debate by the Committee of the Whole. Upon the adoption of the "rule," the speaker appoints a chairman to preside over the committee and then leaves the chair. At the conclusion of debate on a bill, the Committee of the Whole rises and reports to the House and then the House acts on the recommendation of the committee. An interesting point in connection with this committee procedure is the fact that the mace is removed from its usual pedestal when the House resolves itself into the Committee of the Whole House on the State of the Union. The mace (a bundle of 13 ebony rods bound with silver and surmounted by a silver ball on which stands a silver eagle with outspread wings), the visible symbol of government, is used by the sergeant-at-arms to preserve order. A spectator may determine whether the House or the Committee of the Whole is in session by observing whether or not the mace is on its pedestal to the right of the speaker. Another clue is the fact that the presiding officer is addressed by the members as "Mr. Chairman" rather than "Mr. Speaker" as is done when the House is in session.

There are two other ways of obtaining consideration of a measure by the House. On what is known as Calendar Wednesday (Wednesday of each week), the speaker calls the committees in alphabetical order, and a committee chairman may call up for consideration any bill on the House or Union Calendar which his committee has previously reported. A motion to suspend the rules may be made on the first and third Monday of each month and during the last six days of a session. It takes a two-thirds vote of the members voting, a quorum being present, to suspend the rules.

Prolonged speeches, known in the Senate as filibusters, are not possible in the House. An accurate account is kept of the time used for debate and when all the time used for debate and when all the time allowed under the "rule" has been consumed, the chairman terminates the debate. No member is permitted to speak more than once or for longer than five minutes regarding any proposed amendment.

After favorable action upon a measure, it is "engrossed" by the enrolling clerk, to provide an exact copy, including amendments, of the measure passed by the House. After favorable action by one body, a bill is then known as an "act." The Clerk of the House signs the engrossed copy, and it is delivered to the Senate in a traditional formal ceremony.

SENATE ACTION

An engrossed bill, or a bill originally introduced in the Senate, is referred to the appropriate standing committee, where it received the same detailed consideration it had in the House. This procedure would be reversed if the Senate passed a measure and referred it to the House.

There is only one Calendar of Bills in the Senate. The Senate rules require consideration of the Calendar on every "legislative day." Therefore, the Senate quite often will recess rather than adjourn at the end of the day to obviate the necessity of calling the Calendar the following day. Thus the date line on a Congressional Record may show a "legislative day" several days or weeks prior to the actual date the Record is published.

Bills are considered at the conclusion of the morning business in the order in which they were placed on the Calendar. A senator is entitled to speak once and for not more than five minutes on bills that are not objected to. An objection to further consideration of a bill may be interposed at any time but upon motion the Senate may continue consideration after the Calendar call is completed, and the time limit on debate does not apply. On any day, except Monday, following the "morning business," any senator gaining recognition may move to take up any bill on the Calendar, regardless of its place on the Calendar. The motion to call a bill for debate is, in itself, debatable. There is no time limit on debate on the bill or on motion to call the bill, and the lack of any time limit may occasion lengthy speeches known as filibustering. Debate may be closed under the Cloture Rule—the famous Senate Rule XXII—if 16 senators sign a motion to that effect and the motion is carried, without debate, by two-thirds of the total membership of the Senate.

Whereas amendments on the floor of the House may be limited by the resolution of the Committee on Rules, there is no such limitation on the floor of the Senate.

CONFERENCE ACTION

If the Senate passes a House measure, or vice versa, without amendment, it is returned to the originating body, enrolled on parchmont paper and forwarded to the President for his approval. It now becomes known as an enrolled bill. If the measure is amended by the other body, it is returned to the originating body with a request that it concur in the amendments. There is usually no objection to concurrence, if the amendments are minor in nature.

In the case of amendments of a substantial nature, the originating body may refuse to concur and request a conference with the other body. If there is no objection, conferees are appointed by both the House and Senate. Technically, only those portions of the measure on which there is disagreement may be considered, and the substantive amendments by the conferees are limited to the extremes of disagreement. However, the subject matter in conference may be greatly expanded if either body amended the bill by striking out all after the enacting clause.

The Senate conferees vote among themselves, as do the House conferees, with one final conference vote for each body on each question. Therefore the number of conferees from each body is unimportant. The measure, as agreed upon by the conferees, is reported to the House and Senate. It is usually adopted without objection, but if either body fails to adopt the conference report, the measure is defeated unless further effort is made to reach agreement. If the conferees cannot reach complete agreement, then in the body originating the measure, the amendments may be voted on separately and may be adopted by a majority vote, though no conference had been had with respect to the amendments.

The request for a conference can be made only by the body in possession of the papers, and this is significant inasmuch as the body asking for the conference has the advantage of acting last upon the report to be submitted by the conferees. One body, anticipating that the other may not concur in its amendments, may make a request for a conference at the time of sending the papers back upon passage of a measure with amendments.

PRESIDENTIAL ACTION

Article I, Section 7, of the Constitution, provides that:

"Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it."

If each body approves the measure by a two-thirds vote after a veto, it becomes law without Presidential approval. If the President fails to approve or disapprove a measure within 10 days after it is presented to him (Sundays excepted), it becomes law without his approval unless the Congress, by adjournment, prevents its return, in which case it does not become law. The latter is known as a pocket veto.

The Supreme Court has stated that the President, when approving Bills, may be said to participate in the enactment of laws, which the Constitution requires him to execute.

The Constitutional requirement of a two-thirds vote of each body in order to override a Presidential veto gives the President considerable power and influence over the Congress. Except in times of unusual feeling or when a bill of extraordinary importance is involved, Congress has seldom passed a measure over the veto of the President. Much deference is shown by the Legislative Branch of the Government to the opinion of the Executive Branch, to which the Constitution commits a share of the law-making power.

PUBLICATION

The last step in the often lengthy, somewhat complicated, but extremely vital legislative process, is to make the law known to the people who are to be bound by it. After it is signed, the original Enrolled Bill is sent from the White House to the administrator of General Services for publication. There it is assigned a Public Law number. These numbers run in sequence for each Congress and, beginning in 1957, are prefixed by the number of the Congress, e.g., the first Public Law of the 91st Congress was designated as Public Law 91–1. Copies, called slip laws, are printed by a photoelectric offset process from the original Enrolled Bill and are available the next day. At the end of each session of the Congress, bound volumes, called Statutes at Large, are printed and contain the laws of that session.

It is hoped that this brief discussion of some of the many procedures and ramifications of the legislative process will help you to better understand and appreciate your Congress. It is a complex, but orderly system. The system works, and it works well.

IN SUPPORT OF CORPORATION FOR PUBLIC BROADCASTING

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. CELLER. Mr. Speaker, the Corporation for Public Broadcasting measure will bring more public enlightenment and public enlightenment will help to solve some of our vexatious problems. We have plenty of problems that plague us. Public enlightenment brings relief—relief is as refreshing as a cool breeze in the heat of summer.

Educational TV and radio has no ax to grind. It is free of prejudice or bias. It is free of ties to the advertisers. There is no need to pander to economic interests. Its only boss is the public. It takes no one off the air if it offends a customer or has a low rating. Culture and intelligence are the tests. It bends a knee to no one.

Commercial television has not provided the public with imaginative programs, nor given to the public programs leading to cultural growth and understanding. Regrettably, it underestimates the American viewer.

The TV channels and radio that are aided by the Corporation for Public Broadcasting are immunized from untoward interests.

We should support the CPB to the hilt. I personally support the CPB by my own personal contribution to channel 13 in New York.

We cannot be pinchpenny or parsimonious. We cannot be stingy. You know, the stingy are always poor. Being stingy with the Public Broadcasting Corporation would leave us poor indeed—poor in spreading the gospel of truth in news, fairness in editorial policy, honesty in comment and criticism of the operations of Government, and in the expansion of culture.

We cannot rely solely on private TV and radio broadcasting. If we did so, we would stumble and blunder.

The sum of $20 million is asked for, to be distributed to the various public stations throughout the country during the fiscal year 1970, and $15 million each year from 1971 through 1973. This is indeed an investment that will yield rich dividends.

SOCIAL SECURITY MORE SECURE?

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. LONG of Maryland. Mr. Speaker, I am deeply concerned about the plight of our senior citizens—many of whom have no source of income other than social security payments. Floods of letters from my older constituents outlining the difficulties they are encountering in trying to make ends meet have prompted me to introduce a bill which would raise social security benefits 15 percent and minimum payments 45 percent. In my October newsletter, I discussed this bill and other issues of interest to my constituents. I should like to share this mailing with my colleagues by including it in the CONGRESSIONAL RECORD:

SOCIAL SECURITY MORE SECURE?

Social Security benefits would go up 15 percent under my bill, and minimum benefits would increase from $55 to $80 a month. Social Security has not kept up with living costs. A 73-year-old widow writes: "My only income is Social Security, $111.40 a month. $69 must pay the rent and they are going to raise that again. With doctor bills, there is nothing left." The House Democratic Caucus has endorsed my proposal, and hearings by the Ways and Means Committee have just begun.

EAU DE BACK RIVER

Back River needs a new sewage plant. The present one has been smelling up the area for years. At my urging, millions of Federal dollars have been allocated. But construction won't be completed until after 1972. How to stop the smell in the meantime? Officials there promise me they will use deodorants on sludge at all times, instead of now and then. Will officials keep their promise? Use your nose! Every time the smell comes your way, call the plant (288–1585) and my office (828–6616). Keep the pressure on and we can end those odors.

SUPPORT YOUR LOCAL SCHOOLS

Baltimore County could get an extra $1 million, Harford County an additional $250 thousand, under a resolution sponsored by your Congressman to provide more Federal aid to schools and colleges.

BAN DDT

DDT kills insects and pests. But DDT is also a "hard" pollutant which does not dissolve with passage of time. Instead, it accumulates in crabs, fish, birds or other game. What will it do to people? Your Congressman's bill would ban production and sale of DDT.

GENERATION GAP—IT'S NARROWING

Students of Ridgely Junior High in Timonium suggested my bill to establish National Youth-Adult Communications Week. The bill passed. At a recent assembly, your Congressman presented the Presidential proclamation and pen to John Pennhellagon, one of the student leaders of Ridgely who lobbied for the bill.

CLEAN BILL OF HEALTH FOR EDGEWOOD

On my recent tour of Edgewood Arsenal, open-air nerve gas testing appeared to be conducted as safely as humanly possible. I got the Army to suspend tests, however, until my findings could be supported by a panel of civilian scientists which I asked the Secretary of the Army to appoint. Conclusions have not yet been published, but unofficial reports indicate this independent panel has given the tests a clean bill of health.

OFFICE ON WHEELS

Problem with the Federal Government? Want a law passed or repealed? Come to my Office on Wheels, Saturday:

October 25—Chase Post Office, 10 a.m.; Whitemarsh Post Office, 11 a.m.

November 8—Bel Air Post Office, 10 a.m.

TO OUR PRESIDENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. DERWINSKI. Mr. Speaker, now that assessments are being made on the impact of the so-called Vietnam moratorium of October 15 and much is being written over the effect it will have on U.S. policy, I submit for the RECORD two pertinent articles.

The first is by the international correspondent of the Copley News Service, Dumitru Danielopol, which involves the format of an open letter to President Nixon which was carried in the October 14, Joliet, Ill., Herald-News.

The second is a column by Jeffrey Hart in the October 17 edition of the New World, a publication of the Catholic Archdiocese of Chicago.

The articles follow:

XUM

[From the Joliet Herald-News, Oct. 14, 1969]

Dumitru Danielopol: To Our President

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: Don't feel lonesome on Wednesday—Vietnam Moratorium day—when anti-war demonstrators attack you and try to force you to do something you know is wrong.

There are hundreds of millions of people here in the United States and around the world who know that you are right. They know that freedom is indivisible, that it cannot accommodate tyranny in one corner of the world and survive in another.

People like myself whose birthplaces are now behind the Iron Curtain are wholeheartedly with you. We have learned about communism at first hand. Poles, Czechs, Hungarians, Bulgarians, Albanians, Romanians, Lithuanians, Latvians, Estonians, Yugoslavs, Ukranians, Cubans, Chinese, Jews, Christians, Mohammedans—no matter what color, race or creed—we have suffered indiscriminately at the hands of the Communists. We know their ruthlessness and their perfidy.

The tens of millions who have taken refuge from communism in free lands stand by you.

We don't want to see what happened to us happen to the people of Vietnam, if it can be prevented.

And you know, and we know, that it can be prevented.

The great majority of native-born Americans back you, too, Mr. President, especially those sent overseas to fight the Nazis and the Fascists because governments in democratic countries in Europe in the 1930s failed to understand totalitarianism and failed to do what America is doing right now—stopping aggression while there is still time.

Every major national veterans organization in this country is on record in support of U.S. involvement in Vietnam.

No one wants to prevent free discussion, free opinion and even dissent—but on the condition that our rights are respected, too.

It seems incredible that so many people in high places advocate appeasement and the abandonment of a country fighting for its inalienable right to self determination.

Never in history have the aims of the Communists coincided with those of free people. Never have they voiced any policies that did not try to destroy freedom somewhere in the world. Yet today they seem to have so many articulate allies.

We know, Mr. President, that should the Americans abandon Vietnam—as the dissenters insist—America will cease to be the greatest country in the world.

There are times in the history of great countries and of great men when they have to stand up—even if alone—for what is right.

I witnessed some of those moments in the House of Commons when Winston Churchill tore his government and his party to shreds for the shameful Munich agreement of 1938. He was powerless, but he knew he was right.

From London, I heard Col. Charles de Gaulle, an unknown, call on his fellow Frenchmen, who had been shamefully defeated, to rally against overwhelming odds in the summer of 1940. He, too, was powerless, but he knew he was right.

Mr. President, you are in a much more favorable position than those leaders. You have the power, you have the time, for you are our President and our Commander in Chief, and you have an arsenal that can bring an honorable conclusion in Vietnam.

And, Mr. President, you have us on your side. We don't march or demonstrate, but that doesn't mean we aren't ready to help you.

Sincerely,

Dumitru Danielopol.

Washington, D.C.

[From the New World, Chicago (Ill.), Oct. 17, 1969]

Moratorium Implausible: Students Do Not Make U.S. Policy

(By Jeffrey Hart)

The nation's colleges and universities held their so-called Vietnam Moratorium Oct. 15, organized by the old student workers who backed Gene McCarthy—principally Sam Brown and David Hawk.

The war is, of course widely unpopular, and most students feel, at best, that it is esoteric; and a good many undergraduates welcomed an excuse to cut classes for respectable reasons.

A number of my own students, of all moods and all shades of opinion, have questioned my attitude toward the Moratorium.

I find that the symbolism of the whole thing was, to say the least, unanalyzed. Is it plausible for an anti-war student to say, in effect: "President Nixon, I am against this war, and unless you end it forthwith, I will cut one class in English 39"?

And then, to escalate, as the Vietnam Moratorium committee has posited, cutting an additional class for every month as war goes on: "President Nixon, the war has now gone on a whole year since the moratoria began, and so I am now going to cut 12 sessions of English 39."

Nixon's only possible reply is the one he gave, and for which he has been roundly criticized. As far as the Vietnam Moratorium is concerned, he doesn't care.

The foreign policy of the United States is not made on the campuses; it is not even made in English 39.

It is made by the elected representatives of the people, preeminently President Nixon; and if the campus proletariat—as Theodore White calls it in his latest book—chooses not to attend classes for a day or for 500 days, well, that is their business.

I do think it is a fault on the part of the administration that the course in Vietnam for the next couple of years has not been spelled out.

As the war now stands, people are not sure how long it is going to last, whether it can be won, or, if it can be won, how much winning it might cost.

The widespread uncertainty is demoralizing, and, even more important, gives demagogues an opening to exploit. Nevertheless the outlines of the administration's policy are now tolerably clear.

During the next year or year and a half, about half the American troops will be withdrawn. That will leave about a quarter of a million Americans in Vietnam; but these will be for the most part in supporting roles—supply, logistics, aviation, and the like, as well as specialized combat troops operating closely with Vietnamese units.

With a shift in tactics away from search and destroy to an in-depth defense of populated areas, the bet is that the communists can be prevented indefinitely from achieving any important or lasting success.

Meanwhile, though the fighting will go on at a reduced level, American losses will drop. In addition, only volunteers—professional soldiers rather than draftees—will be used in Vietnam.

It is very difficult to see how an effective opposition to this strategy can be mounted. Surely no large segment of American opinion actively desires to see the communists in control of South Vietnam, slaughtering those who have cooperated with us.

When the direction of American policy becomes clear, the leftist protesters here will lose many of their allies; and this is the reason why both the President and Senator Scott have called for a moratorium on divisive criticism. It is also the reason why the hard left is escalating its criticism.

The left does not think that Nixon's policy is implausible; it thinks that it is only too plausible; and that it will in fact forestall a communist victory in the South.

CERAMIC TILE INDUSTRY FEELS SHARP IMPACT OF HOUSING CRISIS: TEMPORARY RELIEF SOUGHT

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. PURCELL. Mr, Speaker, the shortage of available mortgage funds and other long-term credit has had and is having a drastic effect in curtailing and postponing the construction of residential dwellings and commercial buildings normally subject to mortgage financing.

This drop in housing starts, according to a spokesman for the National Association of Home Builders, has placed the housing industry in "the most urgent crisis it has experienced in the past quarter of a century."

In August of this year, the rate of housing starts had dropped 30 percent to a level of 1.3 million units and Secretary of Housing and Urban Development George Romney has stated he fears it will drop further to below the 1-million level.

The decline in the market has had a severe impact on the ceramic tile industry. This is due to a couple of seasons: First, because a majority of the industry's production goes into new home construction and second, because the problem is heightened by the nature of foreign competition to which this industry has been subjected.

Foreign imports of ceramic tile are presently at an alltime high and account for over one-third of the total market. These importers have an increasing share of these sales through a number of predatory practices that would constitute statutory violations if engaged in by U.S. manufacturers.

Such practices weakened and damaged the industry to a point several years ago that a Treasury Department investigation forced the Japanese to take corrective measures. By that time, however, some companies had passed the point of no return, and in the 1966 housing collapse, 13 plants closed their doors.

At the present time, a giant British tile cartel is waging a massive dumping campaign. Through the use of this predatory practice, it has doubled its share of the U.S. market in the past year.

"Dumping" involves sales in the United States below the home-market price with the objective being penetration and rapid expansion of the importers' share of our market. Past history has shown that once dumping has driven plants out of business, an increase in the price of the foreign product usually follows. What initially appears to be a break for the consumer, results in a higher price later following the destruction of domestic firms.

The Bureau of Customs is currently investigating flagrant violations of U.S. laws by the British ceramic tile manufacturers. Incidentally, the largest British firm is now 15 times as large as the average American tile company—the result of a recent merger designed to facilitate more rapid exploitation of the U.S. market.

As a result of the current housing market contraction, foreign importers

are also reaping further gains due to a shift in the nature of the type housing being built. Last year, for the first time in history, apartment units represented more than 50 percent of residential construction, and it is in apartment construction that the foreign manufacturer finds its most receptive market.

There is a clear and present danger that manufacturing plants throughout the country will be forced to reduce their operations or close their doors with a resulting loss of jobs and investment.

In my own State of Texas, for example, ceramic tile companies employed 483 workers in 1968 with a payroll of $2,009,000 and total sales of $6,124,000. Assuming an income multiplier of 2.5, the total economic benefit to Texas would be in the order of $15,310,000, but because of import competition, these companies used only 62 percent of their capacity. At full capacity, it is estimated that the total economic benefit would be over $20 million.

Mr. Speaker, there is an alternative—a means of supplying temporary relief to this beleagured, old and established industry which consists largely of small independent firms. That is through the bipartisan support of the concurrent resolution I introduce today.

This resolution, which has already been introduced by 21 of my colleagues in the House expresses the sense of Congress that, in the current period of monetary restraint, the executive branch using its existing authority should take steps to prevent injury to U.S. industries and to offset undue competitive advantages accruing to firms and industries in foreign countries engaged in exporting to this country, through voluntary reduction in ceramic tile imports until such time as these restraints are removed and free market conditions are restored.

Last year, this House passed the Housing and Urban Development Act. It established a national housing goal of 26 million units over the next decade.

If this goal is to be attained, then America must have strong and viable firms to supply the products such a program will demand. I believe that the ceramic tile industry's call for a temporary and equitable offset of the advantage presently enjoyed by the foreign manufacturers merits the careful consideration by each Member in this body.

If we close our eyes to the real peril with which this industry is now confronted, there is the distinct possibility that an increased portion of American homes will bear the mark "Made in U.K." or "Made in Japan."

WOMAN BUSINESS AGENT SELECTED BY LARGEST UNION LOCAL IN UPPER MIDWEST

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. FRASER. Mr. Speaker, I recently learned that in early October, Honeywell Teamster Local 1145 chose a new business agent. Newspaper announcements of similar news seldom appear on the women's page. In this case, the news did because the new union official is Mrs. Peg Miezwa, a friend of mine and an employee of the Honeywell concern for 28½ years.

Local 1145 is the largest union in the upper Midwest. It has over 12,000 members, and I am proud to count many of these members as constituents. I look forward to working with Mrs. Miezwa on matters of importance to her union, the company she works for, and the district.

A feature article which appeared in the Minneapolis Star (October 10, 1969) points out that "Women business agents are so rare that none of the officers interviewed could recall hearing of another one in any large union of mixed membership." This is unfortunate, because women comprise an important and growing segment of our working population. I hope that this great reservoir of talent, working women, will more frequently be tapped for union leadership. This would then become another area where unions lead the way in progressive social change.

The Minneapolis Star announcement by Susan Abbasi of Mrs. Miezwa's selection follows:

Female Business Agent in Honeywell Union Called Breakthrough

When Honeywell Teamsters Local 1145 appointed Mrs. Peg Miezwa business agent last week, it was a big advance in the status of women within the union, according to several of the organization's officers.

"This really represents a breakthrough in unions, and it's symbolic of changes all over the country," declared Mrs. Marie Nagengast, recording secretary and executive board member. "This is the largest union—more than 12,000—in the Upper Midwest, and it's big news among Teamsters, too."

There are two women on the seven-member executive board, elected by a membership which is 50 percent female. Elected in 1968, they are the first women to hold the top positions.

Because business agents are responsible for negotiating grievances with management for union members, the matter of who holds the position is a matter of personal concern for the membership, Mrs. Nagengast said.

WOMEN AGENTS RARE

Women business agents are so rare that none of the officers interviewed could recall hearing of another one in any large union of mixed membership.

"Even when most of the members are women, they usually have men as the agents," said Mrs. Dorothy Provost, the other female executive board member.

A business agent is appointed by the secretary-treasurer—presently a man, James Gorman—and ratified by the membership. In Mrs. Miezwa's appointment, the ratification vote was very close, but close votes for business agents are the rule, the officers agreed.

Ed Wages, executive board member, said, "Men are finally realizing women have qualifications to hold important positions, and they are now voting on qualifications of the person, not on sex."

In the 1968 elections, when the first two women, Mrs. Nagengast and Mrs. Provost, took their positions on the executive board, there was a big swing toward more liberal attitudes, all agreed.

TREND TO RIGHTS

"It's the trend of the times," Wages said. "There's more realization of everybody's rights everywhere, and this is naturally part of what's happening in the unions."

Both the women and Wages expressed pride in their union for the interest and participation that has brought more women into the leadership.

"We're really proud of our local for recognizing the fact that women have their place in the higher positions," Mrs. Provost said.

"It's the most progressive and democratic union I've been in, and I've been in several," Wages declared.

Wages acknowledged that his own attitudes toward women in union leadership have changed a lot.

"I was really hard-core for men in the leadership until my wife had to help out when I was injured once. Now she's working to help support our family, and I can see women as serious full-time workers now. I think if they have the qualifications, they should have the same chance as the men at all the union positions," he said.

Mrs. Miezwa began working at Honeywell 28½ years ago. She immediately became active in union affairs; two years ago she was appointed full-time staff aide, working for the union.

Mrs. Nagengast, a factory worker at Honeywell the past eight years, is enthusiastic about the response of both men and women, but feels there is a long way to go. "That's another big advantage in Peg's appointment," she declared, "She will be sort of a model for the other women to take themselves seriously as workers."

AMERICA WANTS A TIMETABLE FOR A VICTORIOUS PEACE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. VANIK. Mr. Speaker, few in America have been so persistent and as consistent in advocating a cessation to the hostilities in the Vietnam conflict than Harry Volk who is editor-in-chief of the Sun Papers of my congressional district. His articulate and compassionate arguments for peace date back to the very beginnings of this dreadful conflict. To his credit Mr. Volk has not given up his fight and continues to write clearly and concisely on this vital subject. I concur with Mr. Volk that an immediate cease-fire should be ordered in Vietnam. I am inserting in the Record an editorial Mr. Volk wrote for the October 16 edition of the Sun Papers. This fine editorial is as follows:

[From the Sun Press, Oct. 16, 1969]

America Wants a Timetable for a Victorious Peace

(By Harry Volk)

Yesterday's nationwide Vietnam Moratorium, in which millions of students and other anti-war demonstrators took part in relatively peaceful protest, should underline for President Nixon that a victorious pursuit of peace in Vietnam is what this honorable nation demands.

The Moratorium, unique in American history, should have made clear to the President that the nation wants all of our troops out of Vietnam in a definite schedule of withdrawals.

President Nixon, unfortunately said on Sept. 26, in commenting on the Moratorium, that "under no circumstances will I be affected whatever by it." These must be hard words to swallow today but swallow them he must.

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Half-measures such as "token" withdrawals and the meaningless numbers game as far as draftees are concerned are no longer acceptable. A total of 291,000 men have been drafted this year to date as compared with 296,000 last year. Obviously, there has been no real reduction in the number of young men called into service.

Yesterday's Moratorium also underscored the fact that although the Moratorium began as a student protest it embraced civic, religious, education, labor, and political leaders of both parties, plus millions of just ordinary men and women, who believe we had no business getting into the war in the first place and feel there is no moral justification for our presence there now.

President Nixon, whatever may have been his disdainful rhetoric prior to the Moratorium, could not fail but be impressed by the sincere, deep yearning for peace in Vietnam that manifested itself yesterday throughout the length and breadth of this land.

We are certain that President Nixon wants peace, too, but he must pursue it with a timetable of troop withdrawal that says clearly to South Vietnamese leaders that the war is going to be completely their war by a certain, fixed date.

There is nothing like a deadline to force action, and our involvement now needs a termination date. Otherwise the war will continue to drag endlessly as it has since we made our first meager commitments in a calamitous military mistake eight long years ago.

We hope President Nixon's address to the nation Nov. 3 will include a dramatic offer to Hanoi for a cease-fire in Vietnam as a prelude to peace, At least we should offer to stop the needless slaughter while our nation pursues a victorious peace.

That takes moral courage, Mr. President.

THE NATIONAL STUDENT MORATORIUM ACTIVITIES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mrs. MINK. Mr. Speaker, I am pleased that the national student moratorium activities were peaceful and that so many people participated throughout the country. I saw a recap of the day's activities on television on October 15, and noticed that there was no mention of the involvement of high school students.

My own daughter is a high school senior at the National Cathedral School for Girls, and I know and witnessed the sincerity of the girls at that school as they sought ways in which they could also be a part of this witness to peace. The school did not permit official recognition of this moratorium, however after much negotiation girls who wished were allowed to participate in a chapel service given by the chaplain at the counterpart school for boys, St. Albans.

The girls issued a special publication on the moratorium, and I submit a few articles for this:

THE VIETNAM MORATORIUM

(By Mr. Curran)

During this past week, several students have dropped by my office to discuss the October 15 Moratorium. I have listened to many points of view and many interpretations of the present Vietnam situation and what we should or should not do. I think it is important for you to know the stand of the school in regard to this day.

First of all, let me reiterate that a school's primary obligation is to its students and their education. The student body in a school such as N.C.S. is varied, and individuals represent a variety of positions on major issues—political and otherwise.

Now, the Vietnam war and the present debate on this subject are not simple matters. We are dealing with a most complicated and complex issue—one that is a major concern of this administration as well as past administrations. A high school (and we are also an elementary school) is committed to its primary role of education and is not meant to act as a proponent to one side of another in a political debate. Obviously, the subject can and will be discussed within the framework of the classroom and certainly the individual student can feel free to observe this day as she wishes before or after school.

Your position in this situation is a personal and individual matter. If you, as an individual, feel passionately committed to participating in this day by staying away from school, then go ahead. But know that in so doing *you* are making a decision, and with your decision, you must be prepared to take the risks that go along with commitment.

If you are excused from school by a note from your parents (as for a doctor's appointment) you may be absent from classes. If you choose to cut without an excuse handed in ahead of time, then your cut will be considered an unexcused absence from school and treated accordingly.

As adults you are asked to make many decisions. Let your conscience guide you in making yours and when you have made it, act as an individual and try not to criticize others for having decided differently. Do not condemn your school, or your parents, for not making your decision for you. We are here to serve *all* of you.

VIETNAM: THE AMERICAN COMMITMENT

United States involvement in Vietnam finds its beginnings in 1954, when it refused to be a signatory of the Geneva Agreements. In this action, which was, in part, a result of the hysteria created by the McCarthy era, the U.S. was joined only by South Vietnam. The other members of the Geneva Conference, including Great Britain, France, the U.S.S.R., Red China, North and South Korea, Cambodia, and Laos, signed the Agreements in an attempt to restore and guarantee peace in Indochina.

Although the Agreements were essentially an acknowledgement of France's surrender at Dien Bien Phu to the forces of the Viet Minh, or alliance for independence, the United States regarded most of the provisions of the treaty as a "surrender to Communism". Consequently President Eisenhower could only ensure United States respect for the treaty, not consummate acceptance. Therefore, it was without apprehension that, in January of 1955, the United States began to render direct assistance to the government of South Vietnam, headed by Ngo Dinh Diem.

Since President Eisenhower's decision in October of 1954 to grant assistance to the South Vietnamese, the United States has steadily increased both its human and technological contributions; that is, until June of this year, when President Nixon announced the beginning of a phased withdrawal of American troops from Vietnamese territory. During the Kennedy Administration, U.S. assistance coagulated into involvement in the actual combative conflict between North and South Vietnam. However, it was during the Johnson Administration that we became inextricably emmeshed in the conflict.

With the adoption of the Gulf of Tonkin Resolution by Congress in 1964, the United States became legally involved in the war. The Resolution was proposed after two U.S. Navy destroyers were reportedly attacked by North Vietnamese torpedo boats. Although no flotsam or jetsam were found as proof of wreckage, the Congress voted overwhelmingly in favor of the Resolution, which condemned Communist naval units in Vietnam for "deliberately and repeatedly attacking United States vessels lawfully present in international waters, therefore creating a serious threat to international peace." Senator Morse of Oregon and Senator Gruening of Alaska were the only voting members of either house of the Congress who opposed the adoption of the Resolution.

The Gulf of Tonkin Resolution was not a formal declaration of war on the North Vietnamese. Although U.S. retaliatory bombing raids were part of the military reaction to the attack, no U.S. aggression was advocated. Rather, the resolution authorized the President to use his constitutional discretionary powers to "take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Defense Treaty." The date of termination of the treaty was not determined, leaving the decision up to the President, or future concurrent resolution of the Congress. To this date, the Gulf of Tonkin Resolution has not been revoked.

Consequently, until Congress repeals the Resolution, it is the responsibility of President Nixon to put an end to the merciless slaughter of millions of men. And it is our duty as Americans to see that that end is reached. For it is too late to mourn over our mistakes at the Geneva Convention fifteen years ago or over Congress' hasty adoption of the Gulf of Tonkin Resolution in August of 1964. The people of this country must now unite to show our leaders that prolonged and arbitrary involvement in Vietnam will not be tolerated. We must demonstrate our willingness to accept the burden of humiliation so that we may make a positive contribution to the goal of international peace, which the Geneva Conference labored to attain. For, as John Kenneth Galbraith writes: "to continue to invest in error is the only unforgetable mistake."—Wenry Mink.

The purpose of this handbill is not to advocate the idea that people are obligated to protest the war or even go to other colleges and universities to hear speakers, attend seminars and participate in various demonstrations. As the D.C. Moratorium coordinator explained, "We don't want students to leave classes on October 15, but we urge high school administrators to suspend classes in the afternoon and keep students on campus to conduct a day of inquiry." This request appears quite reasonable, but since at Cathedral, we are not to be permitted any way of expression our opinions (in either direction) in terms of what is being planned at other high schools and colleges in the Washington area and around the country, those concerned must act independently of the school. Individuals do have the opportunity to become involved in the following activities which will hopefully provide some answers and raise many more questions.—Debby Van Dyken.

The Vietnam Moratorium, and, on a larger scale, other anti-war demonstrations have been criticized on several grounds.

The critic who upsets me the most is someone who says, "I'm only one person—what can my involvement do? My part in the Moratorium, or the Moratorium itself—are they really big enough to be important?" If this issue is what is at question, then so is the whole principle of democracy—the voice of the people. If you do not feel involvement as a single component in a complicated structure, why vote, why care? Obviously the democratic system in our government is ineffective, or this demonstration would be unnecessary. But only in asserting your extra-governmental power as a citizen can you regain your due power.

Another question asked is, "Why get involved in the Moratorium until you know it's going to be really effective, a success?" My answer to this is: If there is no doubt or uncertainty, there is no question, and if there is no question, there is no solution.

Obviously, the issues at stake meet with diversified opinions, and this is a good thing. But a truly unbiased position for any institution permits vocalization of all these opinions. Some people think that the Vietnam War is an evil, immoral thing, and that the U.S. troops should withdraw immediately—some don't. But it is unfortunate that in order to express her opinion against the war the student needs to adopt an anti-administration stand as well. We are trying to make progress, not trouble.—Ashton Applewhite.

The War Moratorium is an important issue for many students. I cannot honestly share their sentiments, pro or con, and therefore can take no active part in the October 15 demonstration. I am not well enough informed on the reasons for U.S. commitment in the war to condemn the present policy. Also, I have no immediate contact with the war. I believe Nixon is doing his best to pull out our troops and end the fighting. I am also sympathetic to the protestors' cause and think they have every right to express their views. I would like to be an observer, remaining open to both sides of the issue.—Dede Doyle.

The price we pay for principles is
Neither worth its weight in gold.
Nor its toll in bodies,
We fight proudly as if
Something were really at stake
Besides spilt blood.

Oh, America!
The judges sit appalled for they know all
Whom they judge must be heralded murderers:
We are in blood up to here . . . and
Even our newborn babies are steeped in corruption, for blood is the way of the world . . .?
From blood we have come, to
Blood we shall answer and
The thick red charisma shall crust slow
Slide up to our dishonest elbows and for this
We must never blame the communists
Oh, America!

For the soul of America—in our haste—
Falls from dust to atoms. From
That which in our hearts says: "no"
We turned without a word
Lifting gleaming swords to the stars . . .
The Peace we await with this war's end
Will not come.

ARNETT HOLLOWAY.

A TIME FOR CHOOSING

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. SNYDER. Mr. Speaker, in a time when crime is rampant and America's values are threatened, I wish to suggest the following article to those of us who will be making decisions on vital issues and to the man on the street who is affected by them.

It was written by the Reverend Robert G. Eppler, pastor of Christ Covenant Church, Louisville, Ky., for the October issue of the Badge—official publication of the Jefferson County Fraternal Order of Police, Louisville, Ky.

The article follows:

A TIME FOR CHOOSING

(By Rev. Robert G. Eppler)

"And Elijah came unto all the people, and said, How long halt ye between two opinions? if the Lord be God, follow Him: but if Baal, then follow him." First Kings 18:21

The Constitution of these United States represents one of the finest gifts a wise and benevolent God could grant His people. Divinely conceived and nobly perpetuated, this sacred document is designed to ensure our citizens those self-evident truths of "life, liberty and the pursuit of happiness." Perhaps it was inevitable that modern-day barbarians assault this bastion of social and political freedom. Today, it has become the favorite refuge of hardcore revolutionaries, unwashed hippies, pot smoking "love children," academic weird-os, predatory politicians and liberals so blind, they should not be allowed on the streets without a seeing eye dog.

Each day brings news of campus riots, rebellion, hoodlums terrorizing innocent women and children, anarchists openly planning the burning and looting of America. I, for one, have had it! When will decent, God-fearing, law abiding citizens of this afflicted land rise up and shout, "Uncle Sam! Enough is enough!" When are YOU going to rebel against this insane, absurd, mind-sapping nonsense that masquerades as social reform?

The time has come for a New Revolution of the "silent middle"—an uprising of indignant people—people who are fed to the gills with punks, malcontents, beatniks, peaceniks and just plain scum, all dedicated to overthrowing the land we love. Let there be a call to arms . . . to hearts and minds that are willing to oppose this despicable tyranny. Let there be a nation-wide demonstration of Parent-Power, aimed directly against those who seek our destruction.

Brethren, the times are out of joint! The cart is before the horse. Common sense must once again prevail. When I, as a lad, disobeyed my father he did not negotiate with me concerning my constitutional rights! Justice was swift and sure, applied to the true seat of learning, where it did the most good. I am grateful that I, like many others, absorbed those stern lessons of discipline and obedience. The bedrock of law and order was never in doubt: God, my father and the paddle. I quickly learned to love the first two and to respect the last. Perhaps a public flogging might cool the ardor of someone bent on depriving us of our civil rights.

The so-called "Generation Gap" is merely a fictitious gimmick, a deadly instrument devised by our enemies to divide and conquer us. In truth there is no "Gap," only widespread confusion as to the role adults and parents should play in this permissive society. The fault lies with willful parents who pander to the insatiable appetites of those young people who are hopelessly spoiled, pampered, ego-centered. Arrogant, vulgar, lacking in elementary courtesies, often unwashed, unsaved and terribly alone, these youngsters indict our generation by their hostility and contempt. Far too many of them have been abandoned by parents who lack the intestinal fortitude to set up guidelines, impose discipline and say "No!" with finality. Where there is no leadership in the home, no firm moral commitment, no strong sense of right vs wrong, children lose confidence in their parents, while love and respect give way to sneering condemnation.

The important battle for our children's minds and souls, is being lost by default. More and more of today's young people rally around the Pied Pipers who speak with authority. Tragically the loudest voices in the land cry rebellion, lawlessness, indulgent sex, drugs, etc. We have only ourselves to blame for those in the present generation who have degenerated into spineless, sheeplike, brain washed flower children. Into *these hands* the future of our country—a country presently under all-out attack by a ruthless foe—must inevitably fall! It's a sobering thought.

Over stimulated and undereducated, with moral values significantly blurred, they are easy prey for highly trained Communist agents, systematically planning their cold-blooded destruction. An entire generation of American youth destroyed, for their nefarious purposes. The final irony? When and if the Marxist possess this precious land they will immediately ban the indiscriminate use of drugs; rock music, pornography, etc. Why? Because they will have served their purpose—the total corruption of our youth.

How long will you tolerate this treachery? It is no longer a question of believing in this group or that society. You have now but to awaken to the awesome dimension of the treason confronting you.

You who love God, your family and your country. You who earn your daily bread by sweat of brow and toil of hands; you who stagger under the ever-increasing burden of confiscatory taxation; you who are bled white by predatory politicians and led astray by "social-ist workers" posing as ministers; and by churches that long ago sold their souls to Satan . . . how long will you endure?

Brethren, it is time to choose sides! It is time to rout the intruders from our streets, homes, governments, schools and churches. What this country needs is an old fashioned back-to-God revival! We need to fall on our knees in repentance and rise to our feet in righteous anger . . . and drive the rascals out. From the rat-infested Berkeley Campus to the dishonored halls of Harvard; from the far reaches of the North to the Southern shores where Soviet submarines even now lurk beneath the waters . . . we are compromised. The enemy is in our midst!

Let us appeal then to the good, the intelligent and the Divine that is within us. With a prevailing faith in the power of a sovereign God to overcome, let us resolutely repossess our land. Brethren, like Elijah of old, we must this day choose sides.

FEDERAL PAY BILL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. UDALL. Mr. Speaker, with House passage of the 1969 Federal salary bill, H.R. 13000, several newspaper articles have shed additional light on the important subject the House debated last week.

John Cramer, perceptive columnist for the Washington Daily News has written a clear and concise article on the real costs of the bill and on Friday morning the New York Times reported that two New York City postmen have filed for welfare support because of their low salaries. I want to share these two articles with my colleagues because I believe they fairly state the need for H.R. 13000.

The two articles follow:

[From the Washington Daily News, Oct. 17, 1969]

NIXON FIGURES ON UDALL BILL MISLEADING

(By John Cramer)

The Johnson Administration, as I was wont to report from time to time, wasn't above

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using misleading figures to combat proposed federal employee pay raises it considered excess.

Now we have the Nixon Administration doing the same thing.

In an effort to head off the Udall federal pay bill (H.R. 13000) President Nixon Tuesday sent a "Dear Jerry" letter to Minority Leader Gerald Ford, R-Mich.

In it he said, without any qualification whatever:

"In its present form H.R. 13000 would add approximately $4.3 billion a year to federal expenditures. It would balloon expenditures in the remainder of the fiscal year by $1.5 billion."

There is no quarrel with the second sentence.

MISLEADING

Even the first is technically correct.

But it also is highly misleading.

It clearly leaves the impression that the Udall bill would cost us taxpayers $4.3 billion annually which otherwise would be saved.

That simply isn't the case.

The Udall bill, if accompanied by proportionate increases for military personnel, would indeed cost $4.3 billion in fiscal 1971, the new government year which begins next July 1.

COST ALMOST AS MUCH

But what the "Dear Jerry" letter didn't say was that the President's own pay proposals would cost almost as much.

By official Budget Bureau figures the Udall bill would cost $371 million more than the President's proposals in fiscal '71. That's no small sum. It's well worth attention of a President with inflation problems.

But it's a far cry from $4.3 billion!

By official budget figures, the eventual extra cost of the Udall bill would top $1 billion annually. But again, it's not $4.3 billion.

The extra cost in the Udall bill would come mainly from what the President described as its "disproportionate benefits" for postal employes:

By budget figures, a two-step within-grade raise for postal employes in the first 11 grades, retroactive to Oct. 1, would add $338 million to fiscal 1971 expenditures.

Again by budget figures, a speed-up in postal within-grade promotions, effective July 1, would add $33 million to the fiscal-71 budget.

But after eight years, this speed-up would be costing almost $800 million.

Add the $338 million to the almost-$800 million and the President had every reason to tell "Dear Jerry" that the Udall bill "eventually" would add $1.138 billion annually to federal expenditures.

But that still isn't $4.3 billion. And it can't possibly come out that way.

The MAJOR part of the $4.3 billion comes another way. It comes from the concept originated in the Eisenhower days, first implemented in the Kennedy years, supported by President Johnson, endorsed by President Nixon, that federal pay rates (civilian and military) should be "comparable" to national average private rates.

In harmony with this concept, the Nixon Administration's own pay proposals were presented to the House Civil Service Committee June 17 by Civil Service Commission Chairman Robert Hampton.

In dollar content, they differed from the Udall proposals only in two ways:

First—no "special" raises for postal employes.

Second—a slightly slower approach to the "comparability" pledged by Presidents Eisenhower, Kennedy, Johnson, and Nixon.

Mr. Hampton proposed:

A raise next July to bring postal and classified (white collar) employes to the national average private enterprise level of June, 1969, as developed by the 1969 Bureau of Labor Statistics survey of private rates.

A second raise, early in 1971, to bring them to the private level of June, 1970. Mr. Hampton suggested this second increase take effect "as soon as practical" after the end of the 1970 BLS survey. He left no doubt that he meant raises in the first half of calendar 1971, and falling within the fiscal 1971 budget.

By contrast, the Nixon attacked Udall bill proposed a raise next January to bring employes to the June, 1969, private level; a second raise, a year later, to bring them to the June, 1970, private level.

The difference there is small . . . a matter of timing. Here, too, the Udall bill would add a certain amount to the fiscal 1971 budget. But it would not thereafter effect the annual "federal expenditures" mentioned in the "Dear Jerry" letter.

It takes incredibly big money these days to payroll the federal establishment—something more than $40 billion annually, civilian-military combined.

But nothing is gained by dealing in phony figures.

That's the stuff "credibility gaps" are made of.

[From the New York Times, Oct. 17, 1969]

Two Mailmen Point to Pay and Ask Relief

(By Francis X. Clines)

Two letter carriers applied for welfare yesterday to demonstrate that under the present day scales young family men can qualify for relief in the form of income supplementation.

Labor leaders of the letter carriers, accusing President Nixon of reneging on a campaign promise to increase postal salaries, said that as many as 3,500 of the 50,000 postal workers in the metropolitan area already received partial welfare aid.

The two postmen, James W. Warden, a father of three, and Victor Irizarry, a father of six, said they took home $100 or less each week in salary. They joined the relief application line at the Department of Social Services center at 260 West 30th Street, behind a young woman holding an infant.

"It's a damn shame that New York has to subsidize a Federal employe because the Government is not paying people a living wage," Gustave J. Johnson, president of the New York Letter Carriers, declared.

$6,167 TO $8,440 PAY

Mr. Johnson said he encouraged other letter carriers to "swallow their pride" and apply for aid. The pay scale, ranging from $6,167 to $8,440 after 20 years, is so low, the labor leader asserted, that hundreds of carrier jobs are vacant in the city and many carriers are exhausted from having to work at two jobs.

Economists have estimated that scores of thousands of city residents are paid so low that they qualify for supplementary relief of hundreds of dollars a year. Most have never come forward, fearing the scorn of fellow workers, according to welfare officials.

In the past, leaders of low-paid workers' unions have shied away from emphasizing relief eligibility to their lower-paid members. But Mr. Johnson said he had acted after receiving word from Washington that a bill to raise postal salaries by $412 a year would be vetoed by the President.

Representative Gerald R. Ford, the Republican minority leader in the House indicated this week that the Administration strongly disapproved of a pending Federal payrise bill contending it would contribute to inflation.

DECISIONS PENDING

Ten other carriers were scheduled to join their colleagues in seeking welfare, but some were delayed by the opportunity for overtime and others hesitated at the last minute, according to Mr. Johnson.

The two who applied were referred to another center to obtain proper application forms, and they hoped for a decision on their eligibility today.

Supplemental aid is available to a full-time worker if his gross salary minus taxes, insurance, pension and work-related expenses is less than the standard welfare payment, according to a spokesman for the Department of Social Services.

In the case of Mr. Irizarry, his latest week's take-home pay was $93.87. The deductions from his gross salary of $122.73 included $8.40 in taxes, $7.97 in pension payments, $5.92 in health insurance and $2.88 in life insurance.

"I got carfare in my pocket, that's all," he said.

If the Irizarry family were jobless and entirely on welfare, it would receive a total of $508 a month from the city, including its rent of $125. This is $133 more than the letter carrier now takes home each month.

A Social Services Department spokesman estimated unofficially that a family such as Mr. Irizarry's might, be entitled to this $133 difference plus work-related expenses such as carfare.

Among the points to be investigated, the spokesman said, would be any liquid assets held by the family, which would be deducted from the formula.

A WIDER AUDIENCE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. EILBERG. Mr. Speaker, educational television is finding a growing audience for its excellent programing. But it too has its critics.

These critics have charged that educational television presents elitist fare with appeal to a narrow, intellectual audience. To survive, of course, ETV must find a wider audience.

It has heard this criticism and is now embarking on a wider range of programing for two reasons. First, it has recognized that it can provide genuine service if it broadens its program spectrum. Second, by drawing the interest of a wider audience it hopes to hold this audience for its more traditional programing.

If this experiment is successful, the lie might be put to the view that the commercial demands of most television, and these are legitimate demands not to be lightly dismissed, will not sustain a higher level of programing.

Recently, Rex Polier, the television critic of the Philadelphia Bulletin, the distinguished evening newspaper in my city, discussed one technique educational TV is employing.

With the unanimous consent of my colleagues, I enter Mr. Polier's column in the Record:

How-To Programs Boom on Educational Stations

(By Rex Polier)

The "How-To-Do-It" programs are to educational TV what the Westerns and situation comedies are to commercial stations.

"I guess you could call them our Beverly Hillbillies," a Channel 12 executive reflected the other day. He was looking over a long list of "how-to-do-it" series that have given the station a loyal and vocal audience since 1964.

Commercial TV offered instructions in

home repairs, gardening, and other areas early in its history. But most of these fell by the wayside as competition in programming increased.

The non-commercial channels were left with an almost open field for this inexpensive, yet very helpful, type of programming. Since almost every non-commercial channel of any size in the country produces at least one such series, and they exchange them freely with each other without cost, there is always an abundant supply.

Julia Child is the prototype and most successful of educational TV's how-to people. Her following on Channel 12 set a record for the station. Appeals for support and offers of her cookbooks, tied in with the show, still bring a large viewer response. The surprising thing is that her shows, which originate in Boston, have been in re-runs for the past two years. She hasn't made a new one in all that time, but says she plans to when she completes a book she is now writing.

Another very popular series is Channel 12's own production of TV Garden Club featuring Swarthmore botanist and horticulturist Roy Kersey. It is seen on Fridays, 7:30 P.M. Kersey, a colorful, personable man who enjoys a large following hereabouts, draws approximately 5,000 letters weekly asking for resumes of his lectures. The program's switch to color recently and its inclusion on the Pennsylvania Public TV Network, has increased its audience.

Kersey, who began his TV career originally on WFIL–TV, is No. 1 on the garden set hit parade. The Philadelphia Flower Show offered Channel 12 a free booth last year if Kersey would agree to appear at it and meet the public. He has even had an African violet named after him.

Another popular series, and one that always draws a big response whenever it is rerun, is Nine to Get Ready. It consists of 12 half-hour programs conducted by Dr. J. Robert Bragonier dealing with pre-natal care.

Two series of instructions on the folk and classical guitars brought thousands of requests for an instructional booklet that was used. A 13-week program in color which featured skiing instruction by some of the nation's top experts, attracted an ardent following.

Channel 12 has in its library similar series on antiques, auto mechanics, home repairs, everyday electronics and even chess. The chess series, featuring an expert named George Koltonowski, drew a small but terribly intense audience. Currently, a Pittsburgh bridge expert named Jean Cox is offering weekly instructions in that game and an attractive Chinese-American named Joyce Chen has an enthusiastic following for the Chinese cooking instructions she gives on Tuesdays, 7 P.M.

MEDAL OF HONOR AWARD

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. SKUBITZ. Mr. Speaker, on October 16 the President of the United States awarded the Congressional Medal of Honor posthumously to Sp3c. Edgar E. McWethy, Jr. of Baxter Springs, Kans. His parents, Mr. and Mrs. Edgar Lee McWethy, Sr., received the medal at White House ceremonies from President Nixon.

In being awarded the Medal of Honor, Specialist McWethy has performed the greatest service to his Nation that he could.

The Medal of Honor is awarded in the name of Congress to a person in the armed services who distinguishes himself conspicuously by gallantry and intrepidity at the risk of his own life above and beyond the call of duty while engaged in an action against any enemy of the United States. The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his comrades and must involve risk of life.

Specialist McWethy, who deserved to live, gave the greatest sacrifice he could to his country. I feel it is fitting that his citation be inserted into the Congressional Record:

Citation

The President of the United States of America, authorized by act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor posthumously to Specialist Five Edgar L. McWethy, Jr., United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Serving as a medical aidman with Company B, 1st Battalion, 5th Cavalry, 1st Cavalry Division (Airmobile), in Binh Dinh Province, Republic of Vietnam, on 21 June 1967, Specialist McWethy accompanied his platoon to the site of a down helicopter. Shortly after the platoon established a defensive perimeter around the aircraft, a large enemy force attacked the position from three sides with a heavy volume of automatic weapons fire and grenades. The platoon leader and his radio operator were wounded almost immediately, and Specialist McWethy rushed across the fire swept area to their assistance. Although he could not help the mortally wounded radio operator, Specialist McWethy's timely first aid enable the platoon leader to retain command during this critical period. Hearing a call for aid, Specialist McWethy started across the open toward the injured men, but was wounded in the head and knocked to the ground. He regained his feet and continued on but was hit again, this time in the leg. Struggling onward despite his wounds, he gained the side of his comrades and treated their injuries. Observing another fallen rifleman lying in an exposed position raked by enemy fire, Specialist McWethy moved toward him without hesitation. Although the enemy fire wounded him a third time, Specialist McWethy reached his fallen companion. Though weakened and in extreme pain, Specialist McWethy gave the wounded man artificial respiration, but suffered a fourth and fatal wound. Through his indomitable courage, complete disregard for his own safety, and demonstrated concern for his fellow soldiers, Specialist McWethy inspired the members of his platoon and contributed in great measure to their successful defense of the position and the ultimate route of the enemy force. Specialist McWethy's profound sense of duty, bravery, and his willingness to accept extraordinary risks in order to help the men of his unit are characteristic of the highest traditions of the military service and reflect great credit upon himself and the United States Army.

THE MORATORIUM

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 1969

Mr. KEITH. Mr. Speaker, today millions of Americans, from every walk of life, are interrupting the daily routine of their lives to discuss the greatest issue in our national life—the war in Vietnam. From the smallest hamlet to the halls of the Congress, concerned citizens are participating in an unprecedented national dialog.

For too long, I feel, the war debate has been confined to extremists on both sides. As President Nixon pointed out in his inaugural address, those who shouted the loudest held the center of the stage, while rational, reasonable arguments too often were lost in the tumult.

But, as we saw in the House Chamber last night, this time it is different. What we heard there—and what is being heard all across the country—is not the voice of ideological radicals spouting mindless slogans. Nor the voices of the self-centered, self-styled "revolutionaries" who have dominated the headlines so much in recent years, but concerned men and women, aware of the complexities of the issue, and trying to reach honest and practical judgments as to what course the country can take to get out of the present unsatisfactory situation.

This kind of activity is not the great "fall offensive" that Hanoi would like to believe. Rather, it is a manifestation of something uniquely American—the right, and indeed the obligation, in a democracy for all citizens to participate in the search for solutions to great national problems. This is as it should be—for the success or failure of those policies intimately affects their lives, their children's lives, and history as well.

Those who say that the sole effect of this activity is to strengthen Hanoi are missing the whole point. Hanoi can believe whatever it wants to about the aims of the moratorium. But I think that this kind of activity can strengthen America, more than Hanoi. It will make more people aware of the realities of the situation, and of the options open to us. In the end, I hope, it will make many people much more sympathetic to the position of the President. And from this dialog, I hope, will come a sense of direction in this Nation—not one imposed from above, like the totalitarian unity of the North Vietnamese, but a genuine, majority agreement on our ends and goals. And that majority view, I believe, will not be too much at variance with the position of this administration.

The administration, as we know, has reacted to the idea of a moratorium with a great deal of trepidation, if not outright hostility. And considering the history of antiwar demonstrations, that is a reasonable reaction. Too often the extremists have taken over such demonstrations, and the far-out discord has been both embarrassing and damaging. But this movement today is more broadly based, and so lacking in rigidity, that I feel the administration has very little to lose by it, and indeed has much to gain. For when reasonable men look at the facts of the matter, in a calm and understanding atmosphere of realism, they will almost certainly find themselves supporting most of what the President has done, and wants to do. They may conclude that he should move faster in one direction or another, and I think

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that he will, take that advice with good grace. As the Washington Post said recently, the President himself is a "charter member" of those who want peace. He has much in common with those who are walking around the White House tonight with lighted candles, and I think that by the end of the day both he and they will know it.

NATIONAL BUSINESS WOMEN'S WEEK

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. MARSH. Mr. Speaker, on the calendar of designated weeks, we have reached National Business Women's Week.

While the proliferation of special weeks has prompted light comments, this designation is a dignified and well-established one. It seeks to cast a spotlight on the contribution of career women to community and national achievement by their effective and expanding service in business and the professions.

More than 3,800 Business and Professional Women's Clubs will be participating this week in Congresses of Career Women Leaders.

In recent years, there has been accelerated progress in the matter of equal employment opportunity for women, and the Congress has assisted in this. The recognition of the capacities of well-trained women to assume responsibilities at high levels in our complex, technological economy has spread across the higher echelons of business management.

At the same time, the ladies see much more as needed to be done in this regard, and I am sure their programs of the week will not be spent in self-congratulation—although feminine superachievers will be honored.

In pursuing the objective of a rewarding existence for all citizens, including the enjoyment of the advantages of improved education, health services, housing and the myriad conveniences of our advancing technology, it is important that the nation have the advantage of every talent—of every individual ambition.

In education, we are seeking to "train up" to maximum capacity our young people without regard to sex, race, or economic situation of the parents. Our goal in this has not been reached, but remarkable progress has been made.

The value of attaining the goal will be debased significantly, however, if the trained-and-ready young citizen of either sex, or of any ethnic background, is not welcomed into the professional and business mainstreams of the national economy.

Beyond this, there must be continuing recognition of the principle of career advancement on merit, without prejudicial inhibitions.

National Business Women's Week should serve to remind us of this.

CHAVEZ AIMS PLEA AT HILL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, on the 1st of October, my good friend and colleague, the gentleman from Michigan (Mr. O'HARA), invited members of the Education and Labor Committee, and Members of the House who had sponsored farm labor and occupational safety and health legislation to a public meeting to discuss these and related problems with Cesar Chavez, director of the United Farm Workers Organizing Committee, AFL–CIO.

It was a remarkable meeting. Held in the main hearing room of the Committee on Education and Labor, the meeting attracted 19 Members of the House, and a standing-room-only crowd of spectators. The Members present were by no means of one mind about Cesar Chavez and his cause, and the discussion was vigorous and not always wholly amicable. In my judgment, this may have been one of the most useful hearings I have ever attended in this field of public policy.

In yesterday's Washington Post, there appeared a story by Frank C. Porter, giving his impressions of the meeting, and of Cesar Chavez. I include the story at this point in the RECORD:

CHAVEZ AIMS PLEA AT HILL—GRAPE BOYCOTT LEADER SHOWS HIS CHARISMA

(By Frank C. Porter)

There he sat, Cesar Chavez, saint or devil depending on one's viewpoint, looking like a little boy after a bout with the flu.

Sitting in a low-slung rocking chair prescribed by Dr. Janet Travell, his head and shoulders barely rose above the witness table.

His characteristic red lumberjack shirt (Chavez refuses to dress other than as the campesinos he leads) struck a note of incongruity in the opulent Rayburn Building hearing room.

Once stocky, his legs had become thin and he looked almost emaciated the result of recurrent illness compounded by back trouble since his 25-day fast last year in protest against the cult of machismo and stirrings toward violent action within his United Farm Workers Organizing Committee, AFL–CIO.

Flanking him at the witness table were Jerome Cohen, UFWOC's counsel; Andy Imutan, Filipino-American and a vice president, and Mac Lyon, a black organizer. Only Cohen wore a coat and tie. It was possibly the most ethnically diverse panel ever to grace a congressional hearing.

Except it wasn't really a hearing. It was, in the words of Rep. James G. O'Hara (D-Mich.), a "public meeting" to which House members interested in the plight of the farm worker had been invited.

It was also a study in the charisma Chavez radiates, a charisma which his enemies concede makes him a formidable foe and which they charge tends to distort or obscure the issues in dispute.

There was no question about the frankly adulatory partisanship of the gathering. In addition to the almost universally sympathetic representatives ranged about the double tier of committee seats, the room was packed with worshipful supporters mostly youngsters, a few hippies but mostly freshly scrubbed, straight-looking college kids.

O'Hara himself set the tone. He introduced Chavez as "a great American, a great labor leader, a truly good and gentle man but a man who is as controversial as any figure to blaze across our skies in decades. He has made bitter enemies, and some of us love him for the enemies he has made. He had made devoted friends, and some of us are honored to be among those friends . . . There are very few neutrals where Cesar Chavez is concerned."

The deceptive innocence, the compound of his unwrinkled features, betrayed no pride in the extravagant praise. Chavez went on to tell once again the story of the five-year campaign to win bargaining rights for California grape pickers.

Most of the congressional audience had heard it before—old admirers such as O'Hara and Reps. Philip Burton (D-Calif.), Ogden R. Reid (R-N.Y.), Roman C. Pucinski (D-Ill.), William D. Ford (D-Mich.), and John H. Dent (D-Pa.). But they sat rapt.

Chavez went into the question of racial diversity, how once growers used it to pit worker against worker, how now there are even camps of Arab and Portuguese fieldhands in California. "It takes a long time to get them to learn to live together," he said.

He renewed his charges of non-cooperation of Federal and state agencies on such problems as illegal migrant workers and pesticides. "It's impossible to deal with them."

He gently mocked the organizational efforts to circumscribe his power through such groups as the American Farm Bureau Federation, the National Right-to-Work Committee, the John Birch Society and even the Mothers Against Chavez and the Mexican-American Democrats for Republican Action (MADRA).

He said the contracts UFWOC had won from a dozen wine grape firms are working well. And the nationwide table grape boycott would not have been extended to all California growers had not UFWOC's primary target, Guimarra Vineyards, borrowed some 50 different labels from its competitors, he explained.

He said UFWOC's big objective is simply recognition. And he again condemned the Congress for failing to extend to farm workers the guarantee of organizational and bargaining rights accorded industrial workers for more than 30 years.

He said that a 350 per cent increase in California grapes bought by the Defense Department for its troops in Vietnam over the past year or so is the biggest reason 10 maverick table grape growers broke off negotiations with the union in late June. (South Vietnam is now the third biggest grape importer in the world, he said; it used to be 27th.)

When Chavez finished and his lieutenants had had their say, the questioning began. The queries were friendly, mostly supportive of Chavez's argument or adding favorable points he had not touched upon.

They were sympathetic, that is, until it came the turn of Rep. William J. Scherle (R–Iowa).

Scherle, a tough but amiable giant of a man who grows grain and livestock in Iowa and is one of the House's more outspoken no-nonsense conservatives, gave it to Chavez.

He ridiculed Chavez's contention that pesticides are affecting the health of a majority of California's farm workers. He uses pesticides extensively on his farm, Scherle said, never uses gloves even and never has suffered the slightest symptoms from them. Neither have any of his friends or neighbors, he said.

In rebuttal, Cohen cited what he said were Food and Drug Administration figures showing 80,000 to 90,000 injuries a year from pesticides and 800 to 1,100 deaths.

Scherle challenged whether the grape

pickers were so downtrodden after all. "Some of these people are making $95 a week" he said. "What more can you give them?"

Chavez's youthful supporters in the audience hooted with derisive laughter.

Pucinski attempted to intervene on Chavez's behalf. "You're no farmer and you can't talk about agriculture," Scherle told the Chicagoan. Later Pucinski said "I don't think he (Scherle) has held a handful of dirt for a long time."

Scherle suggested Chavez and the union are attempting to deny the right to work to California fieldhands. "Is this your supreme effort—compulsory unionism?" he asked.

"I think a union shop is a good arrangement," Chavez replied. He said that under UFWOC contracts there have been only eight or 10, all Anglos, who didn't want to join. They were exempted, he said, and allowed to contribute the $3.50 a month in dues required by the contract to the Red Cross or other charities.

(Earlier this year Chavez argued that farm unions be permitted to negotiate closed shops, barred under present law, in order to catch up to their industrial counterparts. A union shop requires membership by some specified time after a worker is hired. A closed shop requires that the worker be a member before he is hired.)

When it was over, it was quite apparent Scherle had not changed his ideas. Nor was there any evidence that anyone else in the room had changed his mind.

What this unorthodox and highly partisan meeting did indicate was that, regardless of the arguments, the biggest obstacle California growers have to overcome is the magnetism of Cesar Chavez.

ANNIVERSARY OF THE BATTLE OF LEYTE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. FISHER. Mr. Speaker, at 10 o'clock on the morning of October 20, 1944, American troops went ashore on the island of Leyte, Philippine Islands. This began the decisive battle which was to continue for over 4 months, and the defeat of the imperial Japanese forces. The architect of the campaign was that great soldier and statesman, Gen. Douglas MacArthur.

A constituent and friend of mine, Mr. Edward D. Speakman, of San Antonio, Tex., served in the Leyte campaign. He was then 19 years of age. During the course of a patrol he came across a leaflet which had been air dropped to the Philippine people just prior to the landing on Leyte. It was retained by the finder.

It appears that few copies of the leaflet have survived through the past 25 years. Mr. Speakman has furnished me with a copy of it. It would seem that on this, the 25th anniversary of that historic landing it is appropriate to include the contents of that leaflet as a part of my remarks. This historic proclamation issued by General MacArthur follows:

PROCLAMATION OF GENERAL HEADQUARTERS, SOUTHWEST PACIFIC AREA, OFFICE OF THE COMMANDER IN CHIEF, TO THE PEOPLE OF THE PHILIPPINES

I have returned. By the grace of Almighty God our forces stand again on Philippine soil—soil consecrated in the blood of our two peoples. We have come, dedicated and committed, to the task of destroying every vestige of enemy control over your daily lives, and of restoring, upon a foundation of indestructible strength, the liberties of your people.

At my side is your President, Sergio Osmena, worthy successor of that great patriot, Manuel Quezon, with members of his cabinet. The seat of your government is now therefore firmly re-established on Philippine soil.

The hour of your redemption is here. Your patriots have demonstrated an unswerving and resolute devotion to the principles of freedom that challenges the best that is written on the pages of human history. I now call upon your supreme effort that the enemy may know from the temper of an aroused and outraged people within that he has a force there to contend with no less violent than is the force committed from without.

Rally to me. Let the indomitable spirit of Bataan and Corregidor lead on. As the lines of battle roll forward to bring you within the zone of operations, rise and strike. Strike at every favorable opportunity. For your homes and hearths, strike! For future generations of your sons and daughters, strike! In the name of your sacred dead, strike! Let no heart be faint. Let every arm be steeled. The guidance of divine God points the way. Follow in His Name to the Holy Grail of righteous victory!

DOUGLAS MACARTHUR.

MAYORS, GOVERNORS SEE LIGHT—ASK NAMES BE REMOVED FROM POSTAL CORPORATION LOBBY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. DULSKI. Mr. Speaker, it is my sad duty to inform the House that the so-called Citizens Committee for Postal Reform is foundering. It is already down by the stern and sinking from the weight of its own bilge despite the frantic efforts of big business to bail it out.

A number of the key members of its crew, including many mayors and several Governors, have already abandoned ship. Others have apparently elected to go down with the two captains who sweet-talked them into signing on in the first place. I predict, however, that others will change their mind before the final plunge.

I had not planned to call attention to this minor tragedy on the high seas of fat-cat finance in the belief that the "committee" deserved the dignity of a quiet departure. But the shrill distemper of its hired hands, having found their way into the CONGRESSIONAL RECORD, cannot remain unanswered.

ABOUT THAT PRESS RELEASE

We are indebted to my friend, the distinguished gentleman from Illinois (Mr. DERWINSKI), for the insertion in the RECORD on October 3 of a press release from the so-called committee which—had it not been so published—obviously would never have been published anywhere.

The target of this so-called press release was my equally good friend Pat Nilan, the national legislative director of the United Federation of Postal Clerks, AFL–CIO, who had earlier accused the "committee" of "hoodwinking" scores of mayors and Governors into supporting the administration's Postal Corporation scheme without full knowledge of what is involved.

Mr. Nilan had the temerity to suggest that the cochairmen of the committee, former Postmaster General Lawrence O'Brien, and former GOP National Chairman Thruston Morton, failed to specify in their original letter of invitation that the body was being created with the support of the U.S. Chamber of Commerce to lobby for a Postal Corporation as such.

WHO MISLED WHOM?

Mr. Nilan further accused Messrs. O'Brien and Morton of "outrageously misleading the Nation's mayors by claiming that postal reform would make a billion dollars a year available for urgent social purposes"—a pledge that I am sure the Members of this House will view with great interest.

In response to these documented charges, a Mr. James J. Marshall, decribed in his own press release as the committee's public affairs director, cried out that Mr. Nilan's remarks were—among other things—fallacious, irresponsible, intolerable, atrocious, reckless, false, highly insulting, ridiculous, incredible, preposterous, astounding, curious, ludicrous and above all serious.

Mr. Marshall, who obviously would never be caught in public without his Thesaurus, was long on objectives but strangely short on rebutting Mr. Nilan's factual charges that "at least two Governors and six mayors have asked that their names be removed from the letterhead of the Citizens Committee for Postal Reform." Instead, Mr. Marshall demanded "a full public apology from Mr. Nilan."

APOLOGIZES FOR UNDERSTATEMENT

I can now report to the House, after consulting with Mr. Nilan, that he is happy to make a full public apology for understating the facts. Mr. Nilan now tells me that the actual total of resignations from the committee has in fact risen to at least three Governors and nearly a dozen mayors.

The committee, for example, lists as one of its sponsors the Honorable Richard J. Hughes, Governor of the great State of New Jersey.

Yet under date of August 12, 1969, on the letterhead of the Governor of New Jersey, the following letter was received by John R. Napurano, president of the New Jersey State Federation of Postal Clerks:

STATE OF NEW JERSEY,
Trenton.

DEAR MR. NAPURANO: Thank you for your letter regarding my position on the bill to place the United States Post Office Department in the hands of a public corporation, H.R. 11750.

Unfortunately, I believe you have been misinformed, as I am not a member of the Committee on Postal Reform. In any case,

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the decision rests completely in the hands of the Congress, and as you are surely aware, it is beyond the jurisdiction of a Governor.

I am pleased, however, to have received the information you have provided on the issue, and I consider myself better informed as a result of your understandable error.

Thank you for having taken the time to write.

Sincerely,

RICHARD J. HUGHES,
Governor.

When Mr. Nilan charges that the committee has been hoodwinking Governors and mayors if not the public itself it seems to me that something more than a long string of adjectives is required to explain letters like the foregoing.

The committee's hired hands use up a great deal of space abusing Mr. Nilan but they never quite come to grips with the fact that many of the Nation's leading mayors have in fact actually quit the committee just as Mr. Nilan has pointed out.

For the sake of the record I am going to include here the text of several other letters from former members of the committee which tell their own story without benefit of adjectives:

STATE OF MAINE,
Augusta, Maine, August 21, 1969.

Mr. CLAUDE J. DESAUTELS,
Executive Director, Citizens Committee for Postal Reform, Washington, D.C.

DEAR MR. DESAUTELS: In recent months, I have had an opportunity to study the proposal advanced by Postmaster Blount for the creation of a government-owned corporation to handle postal matters, and H.R. 4 introduced by Congressman Dulski to reform the postal system.

After careful consideration, I must conclude that, of the two alternatives, Congressman Dulski's proposal is more desirable. Therefore, I request that my name be removed as a member of the Citizens Committee for Postal Reform. I apologize for any inconvenience I may have caused you.

Sincerely,

KENNETH M. CURTIS,
Governor.

Finally, I should like the record to show that Mayor James Brennan, of Somerville, Mass., has recently been defeated in a reelection bid and can no longer officially represent his community on the committee.

In pointing out these facts it is my hope that the committee will not also accuse me of fallacious, irresponsible, intolerable, atrocious, reckless, false, highly insulting, ridiculous, incredible, preposterous, astounding, curious, ludicrous, or even serious misrepresentation. Indeed, the real danger is that their rhetoric may soon be reduced to a burp.

Here are some of the other "interesting" letters from top executives:

CITY OF MIAMI, FLA.,
August 21, 1969.

Mr. CLAUDE J. DESAUTELS,
Executive Director, Citizens Committee for Postal Reform, Inc., Washington, D.C.

DEAR MR. DESAUTELS: After giving the matter of serving on the Citizens Committee for Postal Reform, Inc. further consideration, I am requesting that my name be withdrawn as a member of this Committee effective today.

Sincerely,

STEPHEN P. CLARK,
Mayor.

CITY OF LYNN, MASS.,
July 25, 1969.

CITIZENS COMMITTEE FOR POSTAL REFORM, INC.
Washington, D.C.

GENTLEMEN: In response to your letter of June 18, 1969 seeking support for what was described as a system which would "give this country the most efficient and economical postal service in the world and will give the postal workers the opportunity to realize their full potential," I sent to you permission to use my name. Subsequently it has come to my attention this assent has been used to indicate support of a particular bill; such certainly was not my intention.

I remain anxious that postal service be improved, and that postal workers be provided full opportunity to realize their full potential. To do both requires working conditions in which the morale of the postal worker is assured by the fairness of the system itself.

It is my understanding that the Citizens Committee for Postal Reform, Inc. is sponsoring a specific bill which precludes an effective view for postal employees. In the light of this, will you kindly remove my name from the list of those who endorse your present activity.

Very truly yours,

IRVING E. KANE,
Mayor.

STATE OF MAINE,
Augusta, Maine, September 29, 1969.

Mr. PATRICK J. NILAN,
Legislative Director, United Federation of Postal Clerks, AFL-CIO, Washington, D.C.

DEAR MR. NILAN: Thank you for your letter of September 26 and the enclosed copy of the official publication of the United Federation of Postal Clerks.

I have studied the contents of H.R. 11750 and H.R. 4 sponsored by Representative Dulski. After this study, I decided that H.R. 4 was the more desirable bill. I therefore requested that my name be withdrawn from the Citizens Committee for Postal Reform, Inc. I am no longer a member of that Committee.

Sincerely,

KENNETH M. CURTIS,
Governor.

CITY OF FALL RIVER, MASS.,
October 1, 1969.

Mr. PATRICK J. NILAN,
Legislative Director, United Federation of Postal Clerks, Washington, D.C.

DEAR SIR: Thank you very much for your letter of September 26th.

After talking with postal clerks, carriers, postmaster, and attending the Postal Forum in Washington, I agree with you; and as of last week I sent in my resignation as a Director on the Committee for Postal Reform. Your letter may have been late, but the postal employees in this district are working well and have proved their point.

Sincerely,

NICHOLAS W. MITCHELL,
Mayor.

CITY OF FALL RIVER, MASS.,
September 24, 1969.

CITIZENS COMMITTEE FOR POSTAL REFORM, INC.,
Washington, D.C.

GENTLEMEN: Thank you very much for the honor bestowed upon me to be a director of the new postal reform.

I attended the Conference in Washington on September 8th and 9th and enjoyed listening to both of you. In fact, all the speakers had a message to convey. From reading, listening, and seeing certain things, I feel at this time that I would best serve you by resigning from the directorship. I don't feel I can give the time, the effort or whatever else is needed to help you in your search for a better service.

I feel the Postal Service is just such, a service to the people of the United States, and I hope that you and your committee in your judgment devise a way which will be helpful to the mailers, the clerks, the carriers and everyone having anything to do with the service.

Again, thank you for choosing me. I am sorry that I cannot be of any more service to you. Kindly remove my name from the list.

Very truly yours,

NICHOLAS W. MITCHELL,
Mayor.

NEWARK, N.J.,
August 12, 1969.

Mr. JOHN R. NAPURANO,
President, New Jersey Federation of Postal Clerks, West Orange, N.J.

DEAR MR. NAPURANO: This will acknowledge your letter of August 3, 1969, with regard to the listing of my name as a member of the Committee for Postal Reform. I am sorry this happened. Unfortunately, I did not know all the facts concerning this bill, and have written to the Committee asking that my name be removed.

With kindest regards,

Sincerely,

HUGH J. ADDONIZIO,
Mayor.

CITY OF NEW BEDFORD, MASS.,
October 1, 1969.

Mr. PATRICK J. NILAN,
Legislative Director, United Federation of Postal Clerks, AFL-CIO, Washington, D.C.

DEAR SIR: I have revised my position of advocacy to H.R. 11750. I have withdrawn from the Citizens Committee for Postal Reform. I have advised the membership of your local union of my position, and it has been carried in their publication.

I took these courses of action several weeks ago.

With kindest personal regards.

Sincerely,

EDWARD F. HARRINGTON,
Mayor.

CITY OF BETHELEHEM, PA.,
September 30, 1969.

UNITED FEDERATION OF POSTAL CLERKS, AFL-CIO,
Washington, D.C.

GENTLEMEN: Thank you for sending me the material expressing your viewa on the merits of H.R. 4 as opposed to those of H.R. 11750.

I believe the enclosed copy of my recent letter to the Citizens Committee for Postal Reform will clarify my position.

Sincerely,

H. GORDON PAYROW, Jr.,
Mayor.

SEPTEMBER 26, 1969.

CITIZENS COMMITTEE FOR POSTAL REFORM,
Washington, D.C.

GENTLEMEN: Many months ago I joined your group in a spirited effort to bring about efficiencies and economies in our U.S. Postal Service.

After reviewing H.R. 11750 and H.R. 4, I find that H.R. 4 will do as good a job, and possibly better, in bringing about postal reform than your sponsored legislation. My main concern is the protection of postal employees which is provided in H.R. 4.

I have also discussed the merits of both bills with our local postal employees. It appears to me that after H.R. 4 is passed a sincere effort should be made to provide the real efficiencies we need in our postal service.

By this letter I ask that you remove my name as a sponsor of the Citizens Committee for Postal Reform.

Sincerely,

H. GORDON PAYROW, Jr.,
Mayor.

SALT LAKE CITY CORP.,
Salt Lake City, Utah, September 10, 1969.

Mr. JOHN VOSE,
President, United Federation of Postal Clerks, Temple, Tex.

DEAR MR. VOSS: I sincerely appreciate your taking the time to write me as you did recently regarding the proposed postal reform.

This is to advise you that I have asked that my name be withdrawn from the postal reform committee.

Sincerely yours,

J. BRACKEN LEE,
Mayor.

OFFICE OF THE MAYOR,
Scranton, Pa., October 3, 1969.

Mr. PATRICK J. NILAN,
Legislative Director, United Federation of Postal Clerks, AFL-CIO, Washington, D.C.

DEAR MR. NILAN: Thank you for your letter of September 26th.

I am enclosing copies of my letters to Lawrence F. O'Brien and Thruston B. Morton, National Co-Chairmen of the Citizens Committee for Postal Reform and Mr. Nicholas Shyshuk, Vice-President, of the United Federation of Postal Clerks of Pennsylvania, presenting my viewa on H.R. 11750 and H.R. 4.

Sincerely,

JAMES J. WALSH,
Mayor.

OFFICE OF THE MAYOR,
Scranton, Pa., July 18, 1969.

LAWRENCE F. O'BRIEN,
THRUSTON B. MORTON,
National Cochairmen,
Washington, D.C.

DEAR MESSRS. O'BRIEN AND MORTON: Since joining your committee in the early part of June, I have had an opportunity to check some of the pending legislation for congress concerning postal reform.

As you stated in your letter, the objective of the Citizens Committee is the active support of legislation which will give this County the most efficient and economical postal service in the world, and give the postal worker the opportunity to realize their full potential.

I have made the following decision:

The two major pieces of legislation for postal reform are H.R. 11750 and H.R. 4. I would like you to know that I believe that H.R. 4 is the most acceptable bill before Congress to bring about needed reform. It appears to provide the machinery for the necessary physical improvements; and at the same time, it gives some degree of protection to the employees of the postal service.

Since I volunteered to join this committee, I felt it encumbent on my part to let you know how I felt concerning the two pieces of pending legislation.

Sincerely,

JAMES J. WALSH,
Mayor.

STATE OF NEBRASKA,
Lincoln, July 30, 1969.

DONALD J. URWILLER,
Editor, Nebraska Postal Clerk,
Hastings, Nebr.

DEAR MR. URWILLER: Thank you for your letter in which you discuss the planned Postal Corporation.

As of this date, I have not been advised as to a meeting of the Postal Reform Committee; therefore, I doubt if much will come out of it.

You have certainly demonstrated in your letter that you know a good deal more about the Postal Corporation plan than I do, and simply because I have consented to appear on the Committee does not necessarily mean that I endorse wholeheartedly the concept of the Corporation.

I can assure you that I am interested in some postal reform in order to remove as much of the political patronage aspect of it as possible. There are inequities in the postal system and it would be my hope that these would be changed.

I guess what I am trying to say is that I doubt if you and I disagree very much on the way postal reform should be handled, and I appreciate your letter and please feel free at any time to express your opinion.

Kindest personal regards,

Very truly yours,

NORBERT T. TIEMANN,
Governor.

STATE OF IDAHO,
Boise, October 1, 1969.

Mr. PATRICK J. NILAN,
United Federation of Postal Clerks, AFL-CIO, Washington, D.C.

DEAR MR. NILAN: I appreciated your comprehensive letter of September 26 regarding postal reform, together with the enclosed brochure.

While I have not had time to go through the material thoroughly, I nevertheless will certainly keep it on file for future reference.

The postal corporation approach seems to be buried for this session of the National Congress.

I would agree with your statement that the goal of everyone is the best possible postal service for the people of this country, and hopefully, we can look forward toward attainment of that goal in the near future.

Sincerely,

DON SAMUELSON,
Governor.

ALLEGHENY VALLEY
CHAMBER OF COMMERCE,
Tarentum, Pa., October 14, 1969.

Hon. HUGH SCOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SCOTT: Concern about needed Postal Reform has initiated an in-depth study of the Kappel Commission Report and legislation sponsored for Total Postal Reform and Partial Postal Reform.

After this study and recommendation to the Board of Directors of the Allegheny Valley Chamber of Commerce, it was moved that the Chamber support H.R. 4, authorized by the Chairman of the House Post Office and Civil Service Committee, Representative Thaddeus Dulski.

Your support of this Postal Reform bill will be appreciated.

Sincerely,

DONALD J. STEFL,
President.

RAIL PASSENGERS ASK PENN CENTRAL TO CLARIFY DOWNGRADING OF SERVICE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. OTTINGER. Mr. Speaker, an important factor in the increasing focus of attention on railroad passenger service has been the efforts of the National Association of Railroad Passengers and its chairman, Anthony Haswell. When legislation is enacted to establish Federal standards for railroad passenger service, much of the credit will belong to the NARP.

Ever alert to reports of downgraded service, the NARP recently asked Penn Central officials to clarify persistent rumors that it plans to substantially downgrade its east-west intercity passenger service effective October 26. As of today, the Penn Central had not responded to the NARP's request.

This is a matter which clearly should be subject to full and fair scrutiny. If Penn Central's intercity service is being downgraded, the public has a right to know that, and the reasons for it. If the rumors are unfounded, the railroad certainly should set the record straight.

I present herewith for inclusion in the RECORD the text of the NARP's news release on the reports:

RAIL PASSENGER GROUP ASKS PENN CENTRAL TO CLARIFY REPORTS OF SERVICE DOWNGRADING

WASHINGTON.—The National Association of Railroad Passengers said today it had asked Penn Central for clarification of "persistent rumors" that the railroad is planning a "substantial downgrading" of its east-west intercity passenger service coincident with publication of new timetables on October 26.

NARP Chairman Anthony Haswell requested the clarification in a telegram to Penn Central Chairman Stuart Saunders on Wednesday morning (October 15). A reply was requested by the close of business on Thursday, NARP said no reply had been received by the requested deadline.

Haswell said that according to the reports, the downgrading would include the elimination of dining and sleeping car service on some trains and schedule changes which could result in missed connections.

"Downgrading of service would seriously weaken chances for Congressional action on a reasonable program of Federal assistance and would thus not serve the best interests of the industry and traveling public," Haswell's message declared. Text of telegram follows:

"NATIONAL ASSOCIATION OF RAILROAD PASSENGERS,
"Washington, D.C.

"Mr. STUART SAUNDERS,
"Chairman of the Board, Penn Central Railroad, Philadelphia, Pa.:

"We have heard persistent rumors that Penn Central is planning a substantial downgrading of east-west intercity passenger service to coincide with the Oct. 26 timetable change. According to these reports, dining and sleeping car service would be removed from some trains and others would be rescheduled to less convenient times which could result in missed connections. It is our hope that these rumors have no basis in fact. Downgrading of service would seriously weaken chances for Congressional action on a reasonable program of Federal assistance and would thus not serve the best interests of the industry or traveling public. Would appreciate a reply as to the veracity of these reports by the close of business on Thursday, October 16.

"ANTHONY HASWELL,
Chairman."

OPERATION ARBOR GREEN IN BROOME COUNTY, N.Y.

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. ROBISON. Mr. Speaker, recently I received the October issue of Soil Conservation which has an article entitled "Operation Arbor Green Charms Suburbanites." According to the article, Sam Rizzi and the Broome County soil and water conservation district have found a novel way to be of greater service to suburbanites.

Far too often the suburban landowner is unable to use the services of essentially agricultural agencies. However, thanks to the imaginative thinking of Sam Rizzi, hundreds of suburbanites in the Binghamton area now have two, three, or even a dozen trees planted in their yards. I congratulate Sam Rizzi and the Broome County SCS for their initiative in extending a SCS program to suburban landowners. The details of "Operation Arbor Green" are in the article that follows:

OPERATION ARBOR GREEN CHARMS SUBURBANITES

A thousand trees ordered by suburbanites in an hour stirred up more excitement in Binghamton, Broome County, than did the planting of more than a million trees last spring by landowners in another rural county in New York.

Those thousand-an-hour trees bought from a commercial nursery and sold by the Broome County Soil and Water Conservation District weren't sold in one bundle, but singly, or in packages of three or seven trees—whatever number the buyer needed. The demand was so great that some 2,000 people called or queued up to buy 26,500 trees and plant them on at least a thousand small properties.

Sam Rizzi started it all. He's one of the new breed of conservation district directors, representing the nonfarm landowners and land-users in the Broome County District. He doesn't own a farm. He likes trees, though.

"The State Conservation Department sells trees only in bundles of a thousand. My neighbors in the housing development need two, or maybe 20, trees for planting a steep bank, or a clump for wildlife cover, or just for beauty," said Rizzi.

So Sam persuaded the other directors that the Broome District should buy a thousand seedlings from a commercial nursery for resale. Sam agreed to handle the publicity for "Operation Arbor Green."

As soon as the story broke in the papers and was announced on the radio and TV, orders started coming in and didn't stop when the thousand trees were gone.

"What do we do now?" cried the two district clerks. The private nurseryman was contacted again. Yes, he'd be very happy to supply another 25,000 trees and so on.

The girls spent several days just answering telephone inquiries. People who couldn't get a call through stood in line outside the office door to order trees.

The girls figured they had more than 2,000 callers. Very few of these people had ever had any previous contact with the district, or any of the other agencies in the Broome County Farm and Home Center. They were glad to learn how the district directors working with commercial nurserymen could provide this much needed service.

Next year the district directors plan to increase the number of varieties of trees and add some wildlife shrubs. They hope this is just the beginning of many new ways the district can expand its program to reach more urban and suburban landowners and get more land treatment done.

THE SHERWOOD FOREST OF AUTO REPAIRS SHOPS

HON. SEYMOUR HALPERN

OF NEW YORK

Monday, October 20, 1969

IN THE HOUSE OF REPRESENTATIVES

Mr. HALPERN. Mr. Speaker, a recent editorial in the Washington Post spoke of auto mechanics as unrelenting "Blackbeards" in their appraisal of our automobile problems, and bemoaned the disadvantaged consumer's plight in the murky "Sherwood Forest" of auto repair shops. The metaphors, if somewhat bitterly humorous, are nevertheless indicative of a serious public mood today. Many car owners have a deeply felt mistrust and cynicism toward those men who repair their vehicles. To expose this emotion in its true depth, perhaps the editorial's sharp irony was necessary and I commend it for my colleagues' perusal.

Indeed, it is this very deterioration in the business relationship between the public and the tradesmen that I seek to reverse in my legislation to provide Federal support for State training and licensing of auto mechanics.

I would also like to commend Senator HART, who has recently drawn attention to the need for licensing auto mechanics in the opening statement of his subcommittee investigation into the auto repair industry. I trust he will devote a major portion of these hearings to this key contributing factor in the high cost of repairs.

Therefore, I would like to insert in the RECORD the October 10, 1969, editorial of the Washington Post, as follows:

REGULATING THE MECHANICS

It may well be that Sen. Philip A. Hart—and he himself comes from Michigan, mind you—has taken the most significant step toward rationalizing the automobile and mitigating its mastery of man since the invention of the internal combustion engine. The senator has proposed a national program for licensing auto repair facilities and for certification of mechanics who perform repair work. Hallelujah! "When a motorist takes his car in for repairs, he has no assurance whatsoever that the facility is adequate or the mechanic skilled," the senator said.

Now, there stands the understatement of the decade. No assurance whatsoever? Actually, what the sucker has assurance of is that he is going to have to mortgage his house in order to get his car back. Taken as a class, automobile repair men are undoubtedly the most winsome, charming, sympathetic, and ruthless characters ever to band together for the beneficent exploitation of innocence. A garageman telling a disconsolate car owner that he must summarily consign his almost brand new widetrack Typhoon V-9 to a junk heap unless he is prepared to equip it with an entirely new lower intestinal tract can be as tender as a mother, as understanding as a father-confessor—yet as firm and unrelenting as Blackbeard at a gangplank.

No one could be nicer—or more patently distressed—than the garage mechanic who, rising from a cursory inspection of your automobile engine, regretfully tells you that the amblifators are intoxinated, the diatherms seriously calsified, and the whole varicose system in urgent need of a complete underhaul. All of this, he tells you, sadness softening his rather attractively smeared countenance, can be taken care of for hardly more than half of what it would cost to purchase one of the new models of your particular brand of white elephant.

Yes, they're delightful fellows, almost without exception. But should they be allowed to go on practicing their form of witchdoctory without any let or hindrance? Senator Hart thinks not. According to the lowest estimates, he says, one-third of all auto repairs are unsatisfactory. He means, we surmise, unsatisfactory to the auto owner, not unsatisfactory the repairman. "The consumer who visits the barber or beautician, the podiatrist or plumber knows that to receive their licenses certain skills were necessary," the senator pointed out. "Yet anyone can hold himself out as an expert mechanic, although human lives literally may depend on how well he knows and performs his job."

Well, we don't mean to get moralistic about the situation or to quibble about a fatality or two resulting from faulty repair jobs. Errors and accidents can occur in any line of work. And we should not like on any account to sour the dispositions or cloud the compassion of the merry men who inhabit the Sherwood Forests called repair shops. We suggest no more—and neither, we are confident, does Senator Hart—than that charm be supplemented by some rudimentary understanding of what goes on underneath the hood of an automobile and that a twinge of scruple be injected into this form of freebootery. We are not asking for an even break, you understand; we'd just like the kind of reassurance one gets from a doctor's diploma hung on the waiting room wall.

OCTOBER 19–25 MARKS 21ST ANNUAL OBSERVANCE OF CLEANER AIR WEEK

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. TAFT. Mr. Speaker, this week, communities throughout the country are observing the 21st annual Cleaner Air Week, from October 19 through the 25th.

As my colleagues know, Mr. Charles N. Howison, a constituent of mine, was the originator of what has become a very widely observed and most worthwhile week in October.

Each year, Mr. Howison compiles a Cleaner Air Week handbook, for use by city, county, and State officials in coordinating efforts to observe Cleaner Air Week. The last page of this year's handbook features a most interesting editorial by Mr. Howison.

The editorial follows:

A GENERATION OF PROGRESS

(By Charles Howison)

If asked to label the past, present and future of air conservation as they appear in the perspective of Cleaner Air Week's 21-year involvement with air problems, we would call on three tenses of the intransitive verb, to be:

Much Has Been Done
MUCH IS BEING DONE
Much Remains To Be Done

All three divisions of the story are vital information, but we have enclosed the present tense in capitals to emphasize one of the greatest—and least known—chapters in the annals of cooperative human achievement that is presently unfolding in urban America.

Growth is the operating environment we know best in America. Each year, for example, our production technology rises to new heights in bringing more and more material advantages to an ever-increasing population. Thus, more and more of our people possess increasing *means* to pursue the *ends* of each individual's choice—whether those ends be spiritual, educational, political, purely pleasurable, selfish or magnanimous.

Those two concomitants of our free enterprise system—population growth and technological development—generally treat us like Dutch uncles, and we count among the

blessings they have bestowed upon us the greatest political freedom and the highest economic attainments ever known to man.

THE ACHES AND PAINS OF GROWTH

The flow of benefits, as a matter of fact, has been a little bit faster than we can handle and we have been known to yell pretty loudly when caught in jammed highways, crowded airports, standing-room-only classrooms, snail-paced mail service—and in eddies of fly ash from an over-worked air conservation system.

Programs now under way in every community are closing the technological gap between our escalating production and the control of these unwanted by-products. The national Cleaner Air Week committee is particularly proud of the gains our engineers are scoring in restoring the quality of the air which they have so badly overworked in the jet age. There is irony, too, in the increasing volume of public indignation. Pollution's irritations to our sense of sight, smell, and taste, it seems, become harder and harder to bear, even as the fantastically intricate clean air prescriptions of our area control officials bring us closer and closer to our air quality goals.

America has a way of shortcutting in solving a problem. It calls up an emotionally aroused public and the nearer we come to a solution, the louder becomes the hue and cry for a solution—now! It's an expensive process, but it works. It is working so well for Cleaner Air Week, as a matter of fact, that our theater of operations has expanded from 42 metropolitan areas to 170 in the last ten years.

One of the casualties of spotlighting the unsolved air conservation problems has been our awareness that a great deal is being done to solve them. Pittsburgh, for example, approaches the five hundred million dollar mark in expenditures for control hardware alone and the steel city is the rule rather than the exception to the metropolitan area progress story. Inevitably, it seems, the sure, steady progress of community conservation programs becomes lost as public attention increasingly focuses on the more spectacular unsolved remainder.

THE PROGRESS STORY

There's a time, however, when the crisis approach has spent its usefulness and in our field of air conservation, that time is now. We only have to look at the March 19 announcement of the Air Pollution Control Association which revealed dramatic improvements in particular reduction in 21 metropolitan areas throughout the country. True, the APCA announcement didn't fully penetrate the blizzard of panic propaganda beclouding the air conservation atomsphere. It did, however, find daylight in many publications. In Perth Amboy the News-Tribune chose this good news as the subject of an editorial. The authoritative Air and Water Pollution Report was so delighted at its upbeat contents that they published every word of this pivotal APCA release. Most gratified by this announcement, however, were the area control officials whose achievements made up the body of the announcement. These men represent the backbone of APCA's membership—the hundreds of local conservation quarterbacks who are calling signals for community air quality teams.

Cleaner Air Week—Edition 21—salutes the unsung hero of air conservation—the metropolitan area control official. All too often he's too deeply involved in his community's battle for clean air to blow his own horn. And this year, Cleaner Air Week presents area committees with the ideal opportunity to help remedy this omission of communication. Every Cleaner Air Week Committee will have scores of occasions to relate different aspects of the year's control progress under the leadership of the man down at City Hall who spends ten hours a day coaxing wheedling, threatening, engineering, policing, and panning a better atmosphere for his growing, crowding, jamming, seam bursting, and thriving community.

FEDERAL TRIBUTE

The Air Quality Act of 1967 pays the sincerest tribute of all to the metropolitan area control director by setting up the administration of air pollution control by regions. We applaud this acknowledgement that air conservation is a local responsibility and predict that regional air quality gains will be greatest where full use is made of the expertise and authority of the man who shoulders the day-to-day responsibility for safeguarding community air quality.

A generation of Cleaner Air Weeks have joined the interests of industry, government, education and the individual resident in a community-wide approach to air conservation. We've driven pretty hard at times and spared no person or group in pursuing "what needs to be done" in restoring air quality.

From here on out, let's couple what needs to be done with "what is being done."

AUTOMOTIVE PRIVILEGES FOR THE DISABLED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Harry A. Schweikert, Jr., administrative assistant, Paralyzed Veterans of America, Inc., has compiled a most interesting and helpful digest of the various State laws regarding automobile privileges for the disabled. Under leave to extend my remarks, I include the text of this article:

METHODS OF TRAVEL

There are five general modes of transportation. These are auto, bus, taxi, plane, and rail. The person confined to a wheelchair cannot use the bus unless he and his wheelchair are physically carried aboard individually. Today's rail and subway systems are not only inaccessible, but their design presents many hazards to the w/c/b traveler. Air travel is the best and safest means of travel for long distances, yet the carriers are not only reluctant to carry these disabled, but many times actually prohibit it. The taxi is a reasonable method of transportation, second only to the private automobile, but it is expensive, and it is not always available. In addition, many cabbies will not stop for the w/c/b person.

That leaves the automobile, which is the best means of travel for the severely disabled person. It is safe and comfortable. It is always there. And, when one can afford it, it is always reliable. Persons with good upper extremities can drive a hand-controlled car with ease and safety. Thanks to the many power assists in today's car, even those with limited use of their upper extremities can be good drivers.

Country driving is good for the soul, they say. But it also poses no problems. To the urban commuter, there are some forbidding obstacles. It is not the moving traffic which threatens. And it is not the wild pedestrian. It is the elusive and sometimes non existent parking place. Of course, this is a problem for all commuters. But the non-disabled commuter can park a block away or across the street with little hazard to himself. The w/c/b person must find a spot close to his place of employment, or wherever he may go, not only for convenience, but for safety. If he parks far away he must cross busy thoroughfares. And he will require help up and down curbs. If he parks on the wrong side of the street, or if there is an obstacle on the curb-side, he will have to get into his wheelchair right in the busy traffic lane.

The answer to the driving and parking problem for the disabled is good, cognizant legislation. Today thirty-nine of our states provide some type of privilege for the disabled person who drives a car, owns a car, or must use one for his transportation. These range from the excellent, all-inclusive, to the minimum. However, there are eleven states which, at this writing, have done nothing. These are Alaska, Iowa, Mississippi, Missouri, Montana, Nebraska, Ohio, Texas, Virginia, and Wyoming. To these we can add the most impossible of all, our Nation's Capital, the District of Columbia.

SURVEY OF STATES

The following represents the results of a survey conducted by the Paralyzed Veterans of America on the automotive privileges which each state extends to the disabled motorist. It is an updated and expanded version of a previous survey published in 1963. In the original, our attention was focused on the civilian disabled. Here, we include laws granting privileges to civilian and war veterans.

Our survey concentrated on eleven specific questions presented to the motor vehicle agency of each state in the following manner:

1. Does your State issue special license plates and/or other identification tags for the automobiles of disabled individuals?
2. Are any special provisions made for disabled veterans?
3. Does your State grant special parking privileges for the disabled motorist?
4. What type and extent of disability must exist before such privileges are granted?
5. What proof of disability do you require?
6. Must the individual to whom these privileges are extended be the actual owner of the vehicle?
7. Must the individual to whom these privileges are extended be the actual driver of the vehicle?
8. How many disabled drivers are using these privileges?
9. How many veterans are using these privileges?
10. Has your State completed any survey on the driving habits of the disabled in your State?

As is usual with government agencies, the response was varied. Some responded immediately with all information requested plus copies of all relative laws. Others responded less enthusiastically, and several did not respond at all. Where information was not completely provided, follow-up letters were sent, in some instances using the offices of U.S. Senators to prod their cooperation. Where there was interpretive question the services of the Library of Congress were used. And verbatim copies of all state laws were received and recorded.

In presenting these findings to you, we will first list the privileges extended state by state. Then we shall append some special remarks relative to the subject. Lastly, you will find a chart outlining in simple form the privileges, noted, with footnotes.

STATE PRIVILEGES

Alabama.—Any handicapped or paraplegic driver may, upon payment of a one-dollar fee, be issued a distinctive flag of distress. This flag may be displayed when the driver is getting into or out of the car, or when in motor vehicle distress. (Code of Alabama, Laws of 1961, Chapter 20, title 51, Section 700 to 720.)

Any veteran who is suffering a physical disability which requires that any motor vehicle he operates be equipped with special mechanical controls, is eligible upon payment of one dollar for issue of a special dis-

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abled veterans plate. This fee shall be in addition to any other fees and taxes charged. (Title 36, Section 75(17)).

A veteran of any war or other hostility, who has received a grant from the Veterans Administration toward the purchase of a car is exempt from payment of all license fees and ad valorem taxes so long as the vehicle is used only for private use. He is not exempt from the payment of the one-dollar fee for special disabled veteran plates. (Title 51, Section 717(1)).

Arizona.—Any person who has sustained a permanent disability rendering it difficult and burdensome to walk, may be issued a special identification insignia by the State Motor Vehicle Division. This does not convey any special parking privileges on the state level. (Arizona Revised Statutes, Section 28–873.01) (Ostensibly, the provision of special privilege is left to the local governments.)

Arkansas.—Any veteran who has received a grant from the Veterans Administration toward the purchase of a car shall be exempt from payment of registration fee. (1957 Replacement, Section 75–261).

Each veteran who is issued free registration is also eligible for a special emblem for attachment to his license plate. (Section 75–262.) This emblem shall identify the owner and operator as a disabled veteran and shall exempt him from requiring any license or payment of any fee for the privilege of operating his vehicle upon the streets or alleys of any city, town, or incorporated village.

(Respondent indicates that some cities in the State do grant special parking privileges to the physically handicapped under local ordinances.)

California.—Any person who has lost, or lost the use of, one or both legs, or is so severely disabled as to be unable to move without the aid of a mechanical device, may be issued a distinguishing disabled person license plate. There shall be no fee over and above the regulation registration fee. (California Vehicle Code, Section 22511.5.)

Any veteran who as a result of his military service has lost, or lost the use of both legs, or who is blind, may be issued a distinguishing disabled veterans plate without payment of registration or other fee. (Section 9105).

The disabled person to whom these special plates are issued, shall be allowed to park for unlimited periods in parking zones restricted as to the length of parking time permitted. It shall not apply to zones where stopping, standing, or parking is prohibited to all vehicles, or which are reserved for special types of vehicles.

Colorado.—Any veteran who, as a result of his military service suffered the loss or permanent loss of use of one or both feet, or one or both hands, or who has permanent impairment of vision in both eyes, shall be eligible for special disabled veteran license plates without payment of registration fee. (Colorado Revised Statutes, Section 13–3–23(f)).

Connecticut.—Any person holding an operator's license, whose ability to walk is seriously impaired, may be issued a special identification card. This will permit overtime parking without penalty in legal parking areas restricted as to time for the holder of the permit. (General Statutes, Chapter 246, Section 14253)

A veteran of any war who has lost, or lost the use of, one or both arms or legs, or who is blind, paraplegic, or hemiplegic as a result of his military service, may be issued a special identification plate without payment of registration or other fee. (Section 14–49(o)) A special identification card shall also be issued which will permit the owner to park overtime in any legal area without penalty, except that such time will not exceed 24 hours. (Section 14–254)

Delaware.—Any person who has lost, or lost the use of a leg or both legs, or arm or both arms, or any combination thereof, may be issued a special registration plate at no fee above the normal registration fee. (Delaware Code Annotated, Section 2134)

The handicapped person to whom the special plate is issued, or the person operating the vehicle for him, will be permitted to park 90 minutes longer than the legal parking period allowed without penalty. This does not apply where there is an ordinance prohibiting parking during heavy traffic periods during morning, afternoon, or evening rush hours, or where it would clearly present a traffic hazard. (Chapter 21, Section 4180A)

Delaware has a code restricting the amount of surcharge for assigned risk insurance. If a person tries two insurance companies and is refused both times for some reason, the Insurânce Commission can direct a carrier to accept him (Chapter 29, Section 2907).

Florida.—Any person who has suffered the loss or loss of use of one or both legs, and who is licensed to operate a motor vehicle in the State of Florida, may be issued a special identification certificate and sticker for display on his vehicle. No county, city, town, or any agency thereof, shall exact any fee for parking on the public streets or highways. No penalty shall be imposed for parking in such metered space for longer periods of time than are permitted by ordinance. (Florida Statutes, Section 317.01011)

Any veteran who has received a grant from the Veterans Administration toward the purchase of a car may be issued special disabled veteran plates without payment of registration or other fee. (Section 320.084)

Any veteran who has been discharged from the Armed Forces with a 100% service connected disability, and who is qualified to obtain an operator's or chauffeur's license, is exempt from all driver license fees. (Section 322.21)

Georgia.—Special and distinctive license plates may be issued to any veteran who has suffered the loss or loss of use of one or both feet, or one or both hands, or who has permanent impairment of vision in both eyes. Those veterans who suffered their injuries in service as a result of war or other armed conflict shall be exempt from payment of registration fee. Veterans of WWI who receive statutory awards from the VA for similar disabilities, shall likewise be exempt from payment of registration fee. Disabled veterans not entitled to free plates will be eligible for the distinctive plates at regular registration fee. (Georgia Code Annotated, Section 68–254; 254.1, and 254.2)

It has been reported that the following cities in the State of Georgia grant certain parking privileges to disabled veterans: Athens, Augusta, Dublin, Fort Valley, Griffin, Jackson, Macon, Monticello, Monroe, Perry, Savannah, Savannah Beach, Sparta, Sylvester, and Valdosta.

Hawaii.—Any veteran who has received a grant from the Veterans Administration toward the purchase of a car is exempt from payment of license fee and county vehicular taxes. (Hawaii Revised Statutes, Section 249–6, previously known as Hawaii Rev. Law Sec. 130–6)

Idaho.—Any veteran who is in receipt of compensation from the Veterans Administration or from any of the Armed Forces in lieu thereof, for 100% total service-connected disability, or the loss or loss of use of one or both feet or one or both hands, or permanent impairment of vision in both eyes constituting virtual blindness, shall be eligible for special disabled veteran plates without fee or registration cost. (Idaho Code, Section 49–109, as amended by House Bill No. 99, eff. June 7, 1967.)

Illinois.—Any veteran who has received a grant from the Veterans Administration toward the purchase of a car, or who is in receipt of compensation for a total and permanent service-connected disability, is eligible for the issue of special registration plates at no cost to the veteran. (Illinois Revised Statutes, Chapter 95½, Section 3–608)

Indiana.—Any veteran who has suffered the loss, or permanent loss of use, of one or both feet, or one or both hands, as a result of his service in the Armed Forces, shall be eligible for the issue of special disabled veteran plates without payment of fee. (Burns Indiana Statutes, Chapter 12, Section 47–2627 to 47–2629)

Any vehicle displaying the special disabled veteran plates shall be permitted to park on the streets of any town or city within the State without regard to any local ordinance which fixes a time limit for the parking of motor vehicles.

Kansas.—Any veteran who is entitled to compensation from the Veterans Administration for a service incurred disability involving the loss, or permanent loss of use of one or both feet, or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree, is eligible for the issue of special disabled veteran plates without charge. (Kansas Statutes annotated, Section 8–160)

Motor vehicles bearing the distinctive disabled veteran plates shall be permitted to park without charge in any metered zone of any city of the first, second, or third class. (Section 8–161)

Any disabled citizen's organization, duly authorized to operate as a nonprofit organization within the State, and has actually established and is operating motor vehicle drivers training courses for disabled citizens, shall be eligible for issue of up to two sets of registration plates entitled to have two passenger vehicles and two trucks registered, and be issued special distinctive license plates without charge to such organization. (Section 8–161 a & b)

Respondent indicates that some cities in the State of Kansas issue identifying insignia to severely disabled residents granting them special parking privileges.

Kentucky.—Any person who has lost the use of a leg or both legs, or an arm or both arms, or who is blind, is eligible for the issue of a special decal which shall identify the vehicle as belonging to a handicapped person. There shall be no charge or other fee than the regular fee for registration of the car. (Kentucky Revised Statutes, Section 189–445, Paragraph 1.)

Any motor vehicle exhibiting this special insignia may, when it is being operated by or for the benefit of the handicapped person, be parked for a period of two hours in excess of the legal parking period permitted by local ordinance. It does not apply to areas where parking is specifically prohibited, where it may be hazardous, or where police regulations are posted to provide for the accommodation of heavy traffic during rush hours. (Paragraph 2.)

Louisiana.—Any amputee or blind veteran of World War II, or of service on or after June 27, 1950, who has received a grant from the Veterans Administration toward the purchase of a car, is exempt from payment of any registration or license fee for a special non-transferrable license plate. (Revised Statutes of 1950, Section 47–463B)

The City of New Orleans issues placards to persons delivering or picking up double amputees which permits the driver a maximum of fifteen minutes parking time in any restricted zone. There is no indication that any parking privilege is extended to the disabled driver himself.

Maine.—Any person who is permanently confined to a wheelchair, or restricted to the permanent use of crutches or braces, or otherwise handicapped in such a way that his mobility is seriously restricted, shall upon payment of a one-dollar fee, be eligible to receive a special designating tag or placard identifying the vehicle as belonging to a disabled person. (Revised Statutes, Chapter 25, Section 252)

Any amputee or blind veteran who has received a grant from the Veterans Administration toward the purchase of a car, is exempt from payment of any registration fee. (Revised Statutes, title 29, Section 251) Such veteran shall also be eligible for an operator's license without fee (Section 536) and exemption from excise taxes (title 36, Section 1483 (12) and sales taxes (Section 1760 (22)) on such vehicles.

Any amputee or blind veteran receiving compensation from the Veterans Administration for a service-connected disability and who shall have a specially designed motor vehicle, is exempt from payment of any registration fee. (Chapter 25, Section 251)

Any veteran who is exempt from registration fee under Section 251 of this act, is eligible for issue of special disabled veteran plates.

Maryland.—Any veteran who has lost or lost the use of one or both legs, or an arm or a hand, or who is blind, shall be eligible for distinctive registration plates and identification marker provided he is a certified member of the American Legion, Disabled American Veterans, or Veterans of Foreign Wars. (Annotated Code of Maryland, Article 66½, Section 32) Any veteran who has received a grant from the Veterans' Administration toward the purchase of a car shall be exempt from payment of fees for registration and Certificate of title. (Article 66½ Section 23.)

The City of Baltimore, in extended hardship cases, will set aside a special parking place for specific disabled individuals. However, each case will be processed individually and on its merit.

Massachusetts.—Any person who is blind, or who has suffered the loss or permanent loss of use of one or both feet or hands, is eligible upon payment of regular fee for issue of special distinctive license plates for his car. (Massachusetts General Laws, Chapter 90, Section 2)

A veteran of any war who by reason of his service in the Armed Forces suffered loss or loss of use of one or both feet or hands, or who is blind, is eligible for issue of distinctive numbered license plates. (Chapter 90, Section 2) No fee shall be exacted for either registration or license of any veteran who is issued special plates. (Chapter 90, Section 33)

No excise tax shall be imposed on vehicles of the disabled or blind. (Chapter 60A, Section 1)

No fee shall be exacted and no penalty shall be imposed for parking in a meter or other time-limited zone of any vehicle bearing the distinctive license plates issued to the disabled and blind. (Chapter 40, Section 22A)

In addition to the State authorized parking privileges, the City of Boston permits handicapped drivers to park in downtown parking zones where such parking is prohibited between the hours of 8:00 and 9:30 A.M., thereby giving the handicapped worker an unlimited choice of parking space.

Michigan.—Any veteran who has been honorably discharged from the Armed Services and who has lost or lost the use of one or both feet, or one or both hands, or suffers permanent impairment of vision of both eyes, and any physically handicapped person who possesses material incapacity for ambulation, shall be entitled to receive a serially numbered certificate of identification for the personal use of the veteran or physically handicapped person. (Michigan Vehicle Code, Chapter 75b, Section 9.2375)

The veteran or physically handicapped person shall be entitled to courtesy in the parking of his vehicle which shall relieve him from any violations with respect to parking. Such privilege does not extend to local ordinances which may restrict certain areas for the purpose of creating fire lanes, or to provide for the accommodation of heavy traffic during rush hours.

Minnesota.—Any person who has sustained an amputation or permanent material disability of either or both arms or legs, or who has been otherwise permanently disabled in any manner rendering it difficult and burdensome to walk, shall be eligible for issue of two special identifying emblems, without charge, for display upon each plate of his car. (Minnesota Statutes Annotated, Section 169.345)

Any veteran who has received a grant from the Veterans Administration toward the purchase of a car, shall be exempt from payment of motor vehicle registration tax. (Section 168.031)

Any physically handicapped person who displays the distinguishing insignia upon his car shall be entitled to courtesy in the parking of his car. Such courtesy shall not be extended to any zone or area where local ordinance prohibits parking for the purpose of creating a fire lane or for the accommodation of heavy traffic during the morning or afternoon rush hours, nor shall it apply to any street or highway where parking has been strictly prohibited. (Section 169.345)

Any physically handicapped driver shall upon the payment of a $1.00 fee, be eligible for issue of a distress flag which can be displayed by him when getting into or out of his vehicle, or when in motor vehicle distress. (Section 169.755)

Any person operating a motor vehicle in the state of Minnesota shall bring such vehicle to a stop and give the right-of-way at any intersection of any street, avenue or alley, or other public highway, to a blind person carrying a white painted cane when such blind person enters said intersection by holding out his white cane with the arm extended. (Section 169.202)

Missouri.—There are not indicated privileges on the State level for the disabled motorist. However, our informant states that at least two cities, Joplin and Springfield, issue special windshield identification stickers which permit the disabled motorist to park in metered zones without charge. There are signs posted at some metered zones which say "Reserved for Physically Handicapped."

Nevada.—Any person who has a permanent physical handicap which impairs his mobility when not in a motor vehicle, shall be entitled to issue of a special parking permit upon payment of one dollar. (Nevada Revised Statutes, Section 482.384)

New Hampshire.—Any person who is unable to walk without the assistance of crutches, canes, braces, artificial limbs or other similar walking aids, or who is confined to a wheelchair, shall be eligible for a special vehicle identification card at no cost. (Revised Statutes Annotated Chapter 260 Section 18a) He shall also be eligible for issue of a distress signal for use in any motor vehicle emergency. (Chapter 260 Section 18b)

Any amputee or blind veteran who has received a grant from the Veterans Administration toward the purchase of a car shall be exempt from the payment of registration fee, and shall be eligible for issue of special vehicle identification tag at no cost to the veteran. (Chapter 260 Sections 17, 18, 28 and 29)

Any motor vehicle displaying the special vehicle identification tag or card shall be allowed free parking in any city or town for a continuous period of not more than 24 hours at one time. (Chapter 249 Section 4a)

New Jersey.—Any person who has sustained an amputation or either or both legs or arms, or of parts of either or both legs or arms, or who has been otherwise disabled in any manner rendering it difficult or burdensome to walk, shall be eligible at no cost for special identification card and other insignia. No penalty will be imposed on any car exhibiting such identification under any law or municipal ordinance for periods of parking not to exceed 24 hours in any one location. (Revised Statutes, Sections 39:4–204 through 39:4–207)

A disabled veteran who has received a grant from the Veterans Administration toward the purchase of a car shall be exempt from payment of registration fee. (Section 39:3–27.1)

New Mexico.—Any veteran who served in the Armed Forces between September 16, 1940, or after June 1, 1950, and who suffered the loss or complete and total loss of use of one or both legs at or above the ankle, or one or both arms at or above the wrist, while so serving, or from a service-connected cause, shall be exempt from payment of any motor vehicle registration fee on one passenger vehicle owned by him. (New Mexico Statutes Section 64–11–7)

New York.—Any disabled veteran who has received a grant from the Veterans Administration toward the purchase of a car will be exempt from payment of registration fee. (New York State Vehicle and Traffic Law, Section 401–6–C)

The State of New York does not issue any special plates or identification tags to disabled persons, and there are no provisions of the law which afford disabled persons special parking privileges. The Commissioner of Motor Vehicles is empowered, and does, issue distinctive disabled veteran plates to individuals and to members of various veterans' organizations.

The New York State Thruway Authority authorizes the issue of special identification plates and stickers for veterans who are eligible for free disabled veteran plates. This identification permits the veteran to use the State Thruway System without payment of fee.

There are several cities and towns which authorize special parking privileges for the disabled. The most significant of these is the City of New York, which issues a Special Vehicle Identification Permit to persons suffering permanent disability seriously impairing mobility, requiring the use of private automobile for transportation. Display of this certificate permits parking in metered zones without fee. However, it prohibits vehicles from parking double, in bus stops, hack stands, at fire hydrants, in fire zones, on crosswalks, or in zones designated for exclusive use of an agency or department. There can be no parking where "No Standing" or "No Stopping" regulations are in effect, or where a traffic hazard would be created. It must be noted that in order to be eligible for this certificate, the disabled person must be employed or a student a major part of the week in New York City.

The City of New York also exempts from sales tax the original car purchased from proceeds of the federal auto grant as issued by the Veterans Administration. (New York City Law 27, of 1946, Section L, Subsection N–41–2.0)

In the State of New York, every powered vehicle must have been registered and licensed. However, a motorized wheelchair is excused providing it is used by the disabled person alone, and carries no cargo or passenger.

North Carolina.—Any person who has an impairment that for all practicable purposes confines such person to a wheelchair, or that causes such person to walk with difficulty or insecurity and includes but is not limited to those persons using braces or crutches, may be issued upon the payment of $2.00, a special distinctive flag and an identification card. (General Statutes 20–37.2) Such flag is to be exhibited visibly by the handicapped person when getting into or out of his car, or when in motor distress.

Any veteran who has received a grant from the Veterans Administration toward the purchase of a car shall be charged a registration fee of only $1.00 and shall be exempt from personal property tax. (General Statutes 20–87(5); 105–297(13), and 165–44)

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Special operator's license and permanent registration plates may be issued to afflicted or disabled persons for motorized vehicles weighing not more than 1000 pounds. (General Statutes 20–37.1)

North Dakota.—Any person who has sustained an amputation or material disability of either or both legs, or who has been otherwise disabled in any manner rendering it difficult or burdensome to walk, shall be eligible to receive without cost a distinguishing certificate or insignia which shall identify the vehicle as belonging to a physically handicapped person. (North Dakota Century Code, Section 39–01–15)

Any veteran who has received a grant from the Veterans Administration toward the purchase of a car, shall be exempt from payment of registration fee and from State sales or use tax. On payment of $1.00, said veteran shall receive special license plates and emblems. (Sections 39–04–18 and 39–04–19)

Any physically handicapped person who displays the special certificate or other identification upon an automobile parked by him or under his direction and for his use, shall be entitled to courtesy in the parking of his vehicle. Provided, however, that any municipality may by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon rush hours, under which circumstances, such courtesy shall not apply.

The City of Bismarck will issue to any person who has lost or has lost the use of one or both legs, or is so severely disabled as to be unable to move without the aid of crutches, braces, canes, wheelchair, or other mechanical device, a special identification permit for his car. This permit, when displayed prominently on his car, shall permit that disabled person to park his car in any time limiting parking zone for unlimited periods. The parking privileges shall not apply to any parking zone in which stopping, parking, or standing of motor vehicles is prohibited, or which is reserved for special use. (Revised Ordinances of the City of Bismarck, Article 17, Chapter X, Section 10.1702)

Oklahoma.—Any disabled veteran who has received a grant from the Veterans Administration toward the purchase of a car is exempt from payment of registration fee. Statutes Annotated, title 47, Section 38.1)

Eligible veterans may secure special vehicle identification plates for an automobile, pickup truck. or farm truck, not to exceed two tons carrying capacity, which is not for hire. A fee of $2.15 shall be charged for such special plates.

While there is no state law granting special parking privileges to the disabled motorist, respondent indicates that certain municipalities do have such privileges.

Oregon.—Any person who is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheelchair is eligible to receive without charge a special decal and identifying plates which shall be conspicuously displayed. (Oregon Revised Statutes, Sections 483 352 and 483.356.)

Any vehicle marked with this distinctive insignia may park overtime without penalty in zones where parking is permitted one hour or more. Such parking shall be allowed without regard to parking restrictions imposed by any city or county ordinances. This privilege shall not apply to zones where stopping, parking, or standing of all motor vehicles is prohibited, to zones where parking is restricted to under one hour, or to zones reserved for special typea of motor vehicles or activities. (Section 483.354.)

Pennsylvania.—Any person who has lost the use of one or both legs, or one or both arms. or who is blind, is eligible for special license plates identifying the vehicle as belonging to a handicapped person. (Act No. 353, approved November 10, 1965, creating Section No. 501.1 in the Vehicle Code and amending No. 1021.)

Any amputee, blind, or paralyzed veteran, who suffered his disability in the Armed Forces during a period of war or armed conflict, is exempt from the payment of fees for certificate of title and registration. (Pennsylvania Statutes 75 Section 729.)

Any vehicle displaying a handicapped person's plate, when operated by or for the benefit of such handicapped person, shall be relieved of any liability with respect to parking for a period of ninety minutes in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations prohibit parking on the highway for the purpose of creating a fire lane or where said ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours or where such motor vehicle is parked in such a manner as to clearly be a traffic hazard.

Rhode Island.—Any person who has lost or lost the use of one or both arms or legs by reason of amputation, or by consequence of paralysis or other permanent injury, and who is licensed to operate a specially designed pleasure motor vehicle, shall be eligible for issue of special metal tags without cost which shall identify the vehicle as belonging to such disabled person. (General Laws of Rhode Island, Section 31–28–7.)

Any veteran who served honorably in the Armed Forces during wartime or other campaign, and who has lost or lost the use of one or both his arms, hands, feet, or legs, or who has received a grant from the Veterans Administration toward the purchase of a car, shall be forever exempt from payment of all registration and license fees. (Section 31–6–8)

Any veteran who served honorably in the Armed Forces during wartime or other campaign, and who by reason of such service has become totally blind, shall be exempt from payment of any registration fee. (Section 31–6–9)

Any person who displays upon his vehicle the special identification tags authorized under Section 31–28–7, and any veteran displaying special registration plates authorized under sections 31–6–8 and 31–6–9, shall be exempt from any fee for parking on the public highways or in the metered parking spaces and zones of any city or town, and no penalty shall be imposed for overtime parking in such areas. These privileges shall not extend to places where parking is otherwise restricted or prohibited. (Sections 31–28–4; 31–28–5, and 31–28–6)

Any person suffering from paraplegia shall be exempt from payment of sales and use taxes on the purchase of a motor vehicle. (Section 44–18–30)

Any nonprofit charitable organization shall be forever exempt from the payment of any fee for the annual registration of a certain type of motor vehicle commonly known and described as a motorized wheelchair, and any person designated in writing by such nonprofit charitable organization, who shall operate the same, shall be exempt from any license requirements and fee for the operation thereof. (Section 31–6–7)

South Carolina.—Any person disabled by an impairment in the use of one or more limbs and required to use a wheelchair, but otherwise qualified for a driver's license, is eligible for a special plate identifying the vehicle as belonging to such disabled person. (Code of Laws, Article 7.3, Section 46–95.41)

Any veteran of wartime service who is entitled to compensation for the loss or loss of use of one or both legs, or one or both arms, or suffers from permanent impairment of vision in both eyes, is eligible for the issue of apecial disabled veterans plates for his personal motor vehicle or truck not to exceed three-quarter ton and is exempt from such registration and license fees as may be applicable. (1952 Code, Article 4, Section 46–61)

Personal vehicles owned by disabled veterans, for which special tag was issued, are exempt from state, county, and municipal taxes. (Article 65, Section 1522 (13))

South Dakota.—Any person who is disabled by paraplegia so as not to be able to get about without great difficulty, shall be eligible for issue of special license plates which will identify his car as belonging to an individual so disabled. (South Dakota Code, Section 44.0352)

Any veteran who is eligible to receive a grant from the Veterans Administration toward the purchase of a car, or any veteran who is in receipt of a statutory award for total disability which is service-connected in origin, shall be entitled to receive a special certificate of identificaton for his car. (Section 41.0512)

Any disabled person who displays upon his car the special registration plates or identification card shall be entitled to courtesy in the parking of such automobile which shall relieve him from liability for any violations with respect to parking. State law prohibits parking on the traveled portion of the highway in any spot unless a 15-foot lane is left unobstructed and there is a clear view for two hundred feet in either direction. Local authority may also prohibit parking on any street or highway for the purpose of creating a fire lane or accommodating heavy traffic during the morning and afternoon rush hours. (Sections 41.0513 and 44.0324)

Any vehicle owned and operated by a person authorized the special paraplegic license plates, may be equipped with not more than two flashing lights emitting an amber light without glare. One such lamp may be mounted on the front and one on the back of the car, not more than three inches from each plate. These may be used only when the car is stopped and the owner-operator is in need of assistance. (Section 44.0352)

Tennessee.—A veteran of any war or other hostility who, as a result of his service in the Armed Forces, suffered loss or permanent loss of use of one or both feet or hands, or who is blind, shall be exempt from payment of registration fee for either one automobile or one pick-up truck, if the pick-up is the veteran's only mode of transportation and is not used for hire. (Tennessee Code, Section 59–439)

Utah.—Any person who has lost or has lost the use of both lega or is so severely disabled as to be unable to ambulate without the aid of a wheelchair or other mechanical device, qualifies for issue of distinctive license plate or decal. (Enacted by Chapter 104, Laws of Utah 1967, Section 41–1–49.8)

Any person whose vehicle displays the significant license plate or decal shall be permitted to park his passenger vehicle for reasonable periods without charge in metered parking zones without regard to any other state or municipal ordinance or parking restriction. (Section 41–1–49.9)

Vermont.—Any veteran who has received a grant from the Veterans Administration toward the purchase of a car is exempt from payment of registration and driver's license fees. (Vermont Statutes Annotated, Section 23:378, 609)

Respondent states there are no state laws granting parking privileges for the disabled motorist, but some municipalites do.

Washington.—Any person who has lost, or lost the use of, both lower extremities, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, shall be eligible for issue of special distinguishing plates for his car, identifying that car as belonging to such disabled person. (Revised Code of Washington, Section 46.16)

Any veteran who is eligible to receive a

grant from the Veterans Administration toward the purchase of a car, is exempt from payment of registration fee. (Section 73.044. 110)

Any person who displays upon his car the special distinguishing plate authorized the disabled shall be allowed to park his vehicle for unlimited periods of time in parking zones or areas which are otherwise restricted as to length of time parking is permitted. These privileges shall not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. (Section 46.48).

West Virginia.—Any veteran who has received a grant from the Veterans Administration toward the purchase of a car is exempt from payment of registration fee. Such exemption does not extend to payment of privilege tax or one dollar title fee. (West Virginia Code, Chapter 17–A, Article 10, Section 8)

Wisconsin.—Any person who is disabled by paraplegia, or the loss or loss of use of a leg, a foot, or both hands, or has minimum faulty vision of 20/200, or other condition certified to be of equal degree in disability so as not to be able to get about with great difficulty, shall be eligible for issue of special distinctive plates which identify the vehicle as belonging to such disabled person. (Wisconsin statutes, Section 341.14(1a).)

Any veteran who, as a result of his military service, is disabled by paraplegia, or the loss or loss of use of a leg, a foot, or both hands, or has minimum faulty vision of 20/200 or other condition certified to be of equal degree in disability so as not to be able to get about without great difficulty, shall be eligible for issue of special disabled veterans plates at no charge other than regular registration fee (Section 341.14(1))

An automobile bearing the special handicapped or disabled veteran plates as provided under these laws is exempt from any ordinance imposing time limitations on parking in any street or highway zone and parking lot, municipally owned, or a municipal parking utility. Where the time limitation on a metered stall is one-half hour or more, no meter payment is required. It is otherwise subject to all other laws related to parking. (Sections 346.50(2) and 346.50(2a)).

Wyoming.—Any war veteran who has not had full exempton from assessment as provided therein shall be exempt from payment of the county registration fee not in excess of such balance of exemption not taken. (Wyoming Statute, Section 31–16e)

DEFINITIONS

Blindness.—According to the Social Security Law, blindness is considered to exist when there is central visual acuity of 20/200 or less in the better eye with the use of correcting lens. An eye whch is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered . . . as having a central visual acuity of 20/200 or less. (Social Security Act, Section 216 (i)(1).) A veteran is considered to be blind with 5/200 visual acuity or less. (Title 38, U.S. Code, Section 314(1))

License.—Means any license issued under the laws of any state pertaining to the licensing of persons to *operate* a motor vehicle.

Registration.—Means the registration certificate or certificates and registration plates issued under the laws of any state which register and identify the vehicle. (Sometimes called license tags; registration plates, etc.)

Driver Restriction.—". . . persons whose mental or physical disability makes them incapable of exercising control over motor vehicles . . ."

SPECIAL REMARKS

The information above should not be taken literally. It is meant to acquaint the residents of each state with a brief description of the automotive privileges that state affords. For further specific information, the reader should write to his state's department of motor vehicles.

In some instances it was indicated on the survey that it was necessary for the disabled individual to be both owner and driver. Yet inspection of the statutes by the author proved otherwise. In most cases, those states which exempt from payment of registration and other fees all veterans who received a VA grant for the purchase of a car, also extend the same benefits to the veteran who is eligible for the grant but has not taken advantage of it. Likewise, most states continue these privileges for any car replacing the original vehicle.

Several states issue special identification plates or other insignia for the automobile, but then do not enact any law granting special parking privileges. It will be found that many law enforcement personnel will recognize these insignia and refrain from issuing parking tickets. This is a matter of personal cognizance, however, and all laws pertaining to parking are otherwise enforceable.

Many cities and communities within a state may have special parking privileges for the disabled. If there is a state law granting such privileges, the state law suprecedes that of any municipality. On the other hand, there are states which enact laws granting special parking privileges, but make them subject to local ordinances.

All existing parking privileges refer strictly to the vehicle which has special identification when it is being operated by or on behalf of the disabled person himself. But most states have severe penalties for non disabled persons who take advantage of the privilege, and the disabled person would be wise to see that this does not occur under penalty of losing that very essential privilege.

REFERENCE CHART

The chart below is included for simple reference. In reading it, please be guided by the remarks and footnotes which follow. The first three columns (A,B,C) refer generally to persons without military experience, but may include veterans when there is no special legislation for that group. The next two columns (D,E) refer to specific legislation for veterans of the Armed Forces. The last five columns (F,G,H,I,J) refer generally to both groups. The (X) indicates a positive response and the (—) a negative response. The numerals in parentheses refer to special circumstances which are explained following the chart. The subjects covered are:

A. Special automotive privileges for disabled (civilian).

B. Special plates or other identifying insignia issued.

C. Fee exempt (or amount of fee).

D. Special plate or other insignia issued to veteran.

E. Fee exempt (or amount of fee).

F. Special parking privelege provided under columns (A) and/or (D).

G. Recipient must be actual owner.

H. Recipient must be actual driver.

I. Number of non veterans issued privilege.

J. Number of veterans issued privilege.

State	Civilian			Vet		General				
	A	B	C	D	E	F	G	H	I	J
Alabama	—	X	(1)	X	(2)	(3)	—	—	—	—
Arizona	—	X	X	—	—	—	—	—	—	—
Arkansas	—	—	—	X	X	X	X	—	—	1,100
California	X	X	X	X	X	X	X	—	2,500	1,500
Colorado	—	—	—	X	X	—	X	—	—	1,400
Connecticut	X	X	X	X	X	X	X	(4)	1,200	500
Delaware	X	X	X	—	—	X	X	—	50	—
Florida	X	X	(5)	X	X	X	X	(6)	785	—
Georgia	—	—	—	X	(7)	(8)	X	—	—	—
Hawaii	—	—	—	—	(9)	—	X	X	—	79
Idaho	—	—	—	X	X	—	X	—	—	81
Illinois	—	—	—	X	X	—	X	—	—	2,200
Kansas	—	—	—	X	X	X	X	—	—	360
Kentucky	X	X	X	—	—	X	X	—	119	—
Louisiana	—	—	—	X	X	—	X	—	—	—
Maine	X	X	X	X	X	—	X	(10)	17	—
Maryland	—	—	—	X	(11)	—	X	—	—	2,816
Massachusetts	X	X	X	X	X	X	X	—	2,345	1,380
Michigan (12)	X	X	X	X	X	X	—	—	3,300	—
Minnesota	X	X	(13)	—	X	X	—	—	959	36
Nevada	X	X	(14)	—	—	(15)	—	—	61	—
New Hampshire	X	X	X	X	X	X	X	(16)	360	—
New Jersey	X	X	X	(17)	X	X	(18)	—	2,276	—
New Mexico	—	—	—	—	(19)	—	X	—	—	—
New York	—	—	—	(20)	(21)	—	X	—	—	1,000
North Carolina	X	X	(22)	—	(23)	(24)	—	X	42	—
North Dakota	X	X	X	X	(25)	X	X	—	265	—
Oklahoma	—	—	—	X	(26)	—	X	—	—	1,000
Oregon	X	X	X	—	—	X	X	—	100	—
Pennsylvania	X	X	X	—	X	X	X	—	2,650	—
Rhode Island	X	X	X	X	X	X	X	(27)	500	300
South Carolina	X	X	X	X	X	(28)	X	—	—	394
South Dakota	X	X	X	X	X	X	X	X	35	20
Tennessee	—	—	—	—	X	—	X	—	—	900
Utah	X	X	X	—	—	X	X	—	66	—
Vermont	—	—	—	—	X	—	X	—	—	—
Washington	X	X	X	—	X	X	X	—	400	—
West Virginia	—	—	—	—	(29)	—	X	—	—	229
Wisconsin	X	X	X	X	X	X	X	—	520	800

Where column (C) indicates an exemption from fee payment, it means that there is no special fee other than the regular registration fee. Where column (E) indicates exemption from fee payment, it means the veteran is exempt from payment of all fees, except as noted. Where there is one total figure under column (I), there were no figures available for veterans. Where one figure is noted between columns (I) and (J), the sum includes both veterans and non veterans.

(1) $1.00 fee for flag. (2) $1.00 fee for special disabled veteran plates; no registration for disabled war veterans; regular fee for non-war veteran. (3) No discernible parking privileges. (4) Disabled civilian must be operator. Disabled veteran need not be. (5) 50¢ fee. (6) Veteran need not be actual driver. (7) Fee exempt for veterans who receive auto grant. Fee payable for others. (8) No special parking privileges under state law, but are granted locally as indicated. (9) Exempt from license fee and vehicular taxes only. (10) The disabled civilian and the 100% service-connected veteran are required to be the operator of the car also. Under Section 320.084, the veteran need not be the driver. (11) Fee exempt for VA Grant recipients only. (12) Law applies equally to veteran and

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civilian. (13) No fee for emblems, but $1.00 fee for distress flag. (14) $1.00 fee. (15) parking privileges not defined. (16) Disabled veteran need not be driver, but disabled civilian must be. (17) Veteran receives same insignia as civilian, but special plates are available through veterans organization. (18) in order to receive insignia, recipient need not be the owner. In order to receive free plates, veteran must be the owner. (19) Registration fee exempt for service-connected veteran, payable by others. (20) Special plates are available through veterans organizations. (21) Registration fee exempt for service-connected, payable by others. (22) Fee of $2.00. (23) Fee of $1.00. (24) The distress flag permits one to stop presumably to discharge the disabled person, but the law does not set forth or define parking privileges. (25) Special fee of $1.00 for plates. (26) Registration free, but special fee of $2.15 for plates. (27) Veteran need not be licensed to drive. (28) The significance of special plates is lost as there are no special parking privileges indicated. (29) Veteran is exempt from registration fee, but not from payment of privilege tax and certificate of title fee.

DEMOCRACY IN DRIBLETS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. MIKVA. Mr. Speaker, October 15 was a portentous day in our Nation's recent history. It was a day that was frequently dramatic and occasionally inspirational in its evocation of the sincere and profound commitment of so many of our fellow citizens to peace in Vietnam. I say that this day was portentous and I say this advisedly, because the impact of this day remains to be felt. My own hopes are twofold. First, that the President will respond constructively to the national sentiment, in spite of his recent disclaimer, and increase the pace of our extrication from Vietnam. Second, and corollary, that the events of October 15 will signal the rejuvenation of nonviolent speech and assembly as an effective, as well as an appropriate, strategy of dissent. Too many voices in the land are shrieking that only violence brings results and that speech is for suckers. I hope that Moratorium Day can stand as impressive proof to the contrary.

But, Mr. Speaker, I do not rise to speak of these events in detail. Rather, I wish to speak of an equally portentous event that occurred right here in this Chamber on the evening of October 14. There occurred approximately 2 hours of high-level debate about the most important question dividing the country today. It was stimulating, it was instructive, and it was incisive. But on that same evening, this great body freely chose to violate not merely its own traditions, but a tradition and principle which this Nation has cherished and relied upon since its establishment. On that evening, the House of Representatives, after 2 hours of such debate chose to shut it off. Apparently, such democratic norms are heady stuff and can only be taken in small doses.

As every Member of this body must know, my distinguished and esteemed colleagues, the gentleman from Indiana (Mr. JACOBS) and the gentleman from New York (Mr. ROSENTHAL) had requested special orders for the evening of October 14, which was to be the occasion for a full and free debate on our Nation's policies and actions in Vietnam. This discussion was abortive because the House, in its wisdom, chose to adjourn, early in the proposed program of presentations, but after the open and constructive nature of the debate must have been demonstrated to the satisfaction of all.

I must candidly admit that I felt particularly aggrieved by the decision to adjourn because I was to have been one of the next speakers. There were arguments I wished to make, policies I wished to challenge and questions I wished to raise for consideration and discussion with my colleagues. I was not afforded the opportunity to do so, and I shall not try to minimize my disappointment. And there were many of our colleagues, more experienced and more insightful than I, who were similarly denied their opportunity to discuss our Vietnam dilemma directly with our colleagues and indirectly with all our fellow citizens.

But this is only a minor consideration in comparison with the truly distressing implications of the decision by this House to adjourn rather than to permit—and even cherish—the continuation of the debate.

There was some concern expressed at the beginning of the discussion that the debate would be a monolog dominated by those of us who are critical of our policies in Vietnam. But during the course of the early evening, two of my distinguished colleagues of Illinois (Mr. PUCINSKI and Mr. ANDERSON) both graciously and accurately complimented the House on the fact that the discussion was both open and constructive—indeed, perhaps one of the most constructive debates of this current session.

As a Member of this House, therefore, I must express my profound disappointment that we refused to permit those who wished to remain the opportunity to continue this debate. But both as an elected official and as a private citizen concerned about the current high level of unrest in our country, my distress runs deeper.

Mr. Speaker, I am confident that every Member of this House has frequently deplored the violence that has accompanied many recent protests against our national policies, both foreign and domestic. I am equally confident that all of us have counseled our constituents—particularly our younger constituents—that the right to dissent is a cherished privilege and responsibility, that the freedom of speech and assembly will continue to be protected vigilantly, and that dissent expressed peaceably and lawfully will be heard and, indeed, heeded to the extent that it is logically compelling and persuasive.

Mr. Speaker, the next time I am told that the proponents of some position or some cause have not had the opportunity to present their views freely and fully, I shall not reply by quoting the first amendment without first considering what we did here. The next time I am told that mere speech and free assembly are insufficient and ineffective in expressing dissent, I must again consider what we did here. The next time I am told that our Government will not heed criticism, no matter how constructive and how well intentioned, I must once again consider what we did here. For what we did was to deny to ourselves in practice the same right of free speech and open dissent that we so proudly proclaim in rhetoric.

Mr. Speaker, I remain optimistic that our Government will listen and will respond. But the action of this body on October 14 has not made me more sanguine, and I must again express my profound dismay and disappointment.

ANTIWAR MORATORIUM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. PICKLE. Mr. Speaker, a few days before the antiwar moratorium demonstrations I made a statement to the press of my district giving my general feelings on those events. I would like at this point to reprint this statement, then make some additional observations which have come to mind since Wednesday's events.

The statement was as follows:

> The demonstrations planned for Wednesday can only give the appearance of indecision and disunity on the part of the United States and encourage North Vietnam to delay in making any serious efforts at peace negotiations.
>
> Generally, I will support President Nixon in the conduct of the war as long as he is making every possible effort to bring this war to a close. And, I think he is making that effort.
>
> I do not intend to participate in the moratorium. I will be at work on Wednesday, and I believe the majority of Americans will be, too. Nor will I make any speeches on the floor of the House in support of this demonstration. We have but one voice in this matter—the President's. It saddens me to see all these fragmented groups trying to establish this nation's international policy in the streets.
>
> Our agreement with Viet Nam is one of some 50 international agreements the United States has with other nations. This is a vital commitment by the leader of the free world; if we do not see this one through, consider how we will have undermined this government's foreign policy for generations to come.
>
> Although these demonstrators are sincere, their methods are just feeding the Communists. North Vietnam has exhibited an absolute unwillingness to negotiate because they are relying on the weakness and division created by things like this moratorium.
>
> I believe perhaps public opinion on Vietnam is crystallizing along the lines of "get out or get in." This is a last resort position, but North Vietnam should know that this is a real possibility.
>
> What distresses me the most is that the United States has won the major objective we set out to accomplish. We have stopped the spread of aggression in Southeast Asia and we have given the South Vietnamese the opportunity to create the kind of government they want and can support.

Mr. Speaker, now that the demonstrations of the moratorium have been held and relative calm has been restored, I

think it is well that we again review the problem facing this country. Again, we must all realize that in this free country, people have the right to dissent and express views as they did on moratorium day. The basic question remains, however, what is best for our country in the long run?

I am concerned that if this kind of trend of confrontation and disunity continues, we will see the course of the war being directed not by the obligations and commitments of the United States, but rather by the rule of the political expedient. We are withdrawing troops from Vietnam now, and I hope that future events allow this to continue. But I do not think we should allow ourselves to be driven to the position in which withdrawal will continue, regardless of the presence of justifiable moves on the other side. By justifiable moves, I mean either reciprocal "scaling down" gestures on the battlefield or progress in the Paris talks.

President Nixon in his latest news conference indicated that he hopes the United States will be out of Vietnam by 1970 or 1971. At one point, he is quoted as saying:

> Once the enemy recognizes that it is not going to win its objectives by waiting us out, then the enemy will negotiate and we will end this war before the end of 1970. That is the objective we have.

Mr. Speaker, I would hope that this statement might be borne out in events. I would hope that it is the kind of timetable that we might see. But at the same time, I question the approach of saying in one breath that our resolve is such that the enemy cannot wait us out, yet saying in another that we are making every effort to be out by 1970 or 1971.

Every patriotic American searches in his own heart and mind for a solution to the Vietnam problem. As I see it, our Government is the leader of the free world, and as such, we have given protection—and in turn, faith and hope—to the smaller nations of Southeast Asia. We have become involved more than we as a peace loving Nation want to be involved. But I believe, Mr. Speaker, there must always be some nation strong enough to maintain the peace. If the Vietnam involvement were strictly a nationalistic fight between the North and South Vietnamese, then our approach to the problem would be entirely different.

However, we became involved because the aggression against South Vietnam was another example of the aggression and mass slaughter of innocent people. Therefore, I think we were right in the giving of this help to South Vietnam. If it was right when we stopped this slaughter then it is right that we see this thing through to an honorable conclusion.

The moratorium did allow a lot of people to express their objections to the war, but the moratorium also has aroused in many Americans an even stronger feeling to "get all the way in or out." This would be a horror to contemplate. But, I sense a growing feeling on the part of many people that we should use all out force if peace is not obtained rather than move all our troops out abruptly.

The leaders in Hanoi should know this growing feeling of Americans and this same note of warning should be heard by Russia and China.

As long as President Nixon is making a valiant effort to obtain peace, the American people should support him. What concerns me is that he may pull the troops out too fast as an expediency, rather than as a reflection of a meaningful peace settlement.

NIXON PEACE PLAN DESERVES A CHANCE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the State Journal of Lansing, Mich., in its editorial of Wednesday, October 15, on the occasion of the moratorium asserted "Nixon Peace Plan Deserves A Chance." In support of that view a number of persuasive arguments are made and I commend them to the attention of my colleagues:

NIXON PEACE PLAN DESERVES A CHANCE

> Many thousands of persons from all walks of life participated today in one form or another against the continuation of the American involvement in the Vietnam War.
>
> The Moratorium involves primarily sincere dissent of persons of all age groups who want to see this agonizing conflict halted. That is the one point upon which just about everyone seems to agree.
>
> And so the big question remaining is, how?
>
> President Nixon, we believe, is no less anixous to see the war ended than anyone else. He has taken the initial steps through troop withdrawals, toning down the fighting and through appeals to Saigon and Hanoi to negotiate.
>
> We believe the President will continue to move ahead with disengagement of American forces just as rapidly as it is possible to turn the burden of the military defense over to the South Vietnamese.
>
> As columnist David Broder noted Tuesday, the President is, in fact, following the dove platform approved at the Democratic National Convention in 1968.
>
> Yet, many of Nixon's critics now attack him for not moving fast enough and some are demanding an immediate withdrawal of all American forces and let the chips fall where they may.
>
> The President inherited the war from another administration. It would have been easy enough for him, upon taking office, to simply take the steps that his severest critics now demand.
>
> But to do so, he would have to cross off all American casualties as meaningless, and leave those thousands of South Vietnamese who have resisted or refused to join the Communists to the kind of fate which is now well known.
>
> If President Nixon did this there is every reason to believe he would be savagely criticized and probably by some of the very same people who are now urging him to pull out of Vietnam immediately.
>
> The Hanoi leaders thus far have not shown the slightest indication that they will negotiate on anything except their own terms.
>
> Thus, in our view, President Nixon is taking the only reasonable course open to him. That is a gradual disengagement of U.S. forces while giving the South Vietnamese people time to take over the fight themselves.
>
> No one can predict what this course will bring for the people of South Vietnam. But there is at least reason to hope that our allies in that country will hold their own and thus force the Communists to quit or negotiate.
>
> There is little or no likelihood that that will happen if the President turns his back and walks out overnight as his more vocal critics now demand.
>
> Again, everyone agrees that the American participation in this war must end as soon as possible.
>
> We believe that the President is attempting to do exactly that, his critics to the contrary.

THOSE WHO HELP VIOLENCE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. WYMAN. Mr. Speaker, there is increasing evidence that the radical thrust behind much of today's unrest is being pushed from the far left. This is demonstrable in the case of some urban riot activity. It was also demonstrable at certain levels on the so-called moratorium day, October 15.

All thinking citizens favor improving our society, strengthening it, increasing our standard of living, providing greater opportunities to individual citizens, regardless of race, color, or religious preference. However, our society presently existing is not so bad as to justify urging that we burn down the barn to get out a few rats inside.

We had better take a good careful look at those who urge burning down the barns in America. In this connection, I commend the reading of the following article entitled "Ivory-Tower Activists" by Shirley Scheibla appearing in Barron's issue of October 13, 1969:

IVORY-TOWER ACTIVISTS IPS FELLOWS LEAD THE RADICAL THRUST FOR SOCIAL CHANGE

(By Shirley Scheibla)

> WASHINGTON.—To judge by their public pronouncements, leaders of the Institute for Policy Studies (IPS) hold the view that demonstrations, boycotts and similar disruptive tactics are acceptable means of effecting revolutionary change in government; moreover, attempts by duly constituted authority to quell such activities, even when they prevent federal institutions from functioning effectively, constitute "repression."
>
> No ivory-tower scholars, some of the principals of IPS have been as good as their word. Several have organized and participated in unruly demonstrations, while seven belong to the Committee to Defend the Conspiracy, organized in connection with the current trial of "the Chicago 8" on charges of conspiring to incite a riot during the 1968 Democratic National Convention. The Committee members, according to the September 1 issue of the newsletter Combat, included Marcus Raskin, IPS co-director; Arthur Waskow, senior fellow; Gar Alperovitz, Paul Goodman and Christopher Jencks, fellows; I. F. Stone, associate fellow; and Harold Taylor, an incorporator of the Peace Research Institute, now merged with IPS.
>
> "CREATIVE DISORDER"
>
> Writing in New University Thought last year, Mr. Waskow declared that the Institute is committed to the view that to develop social theory, one must be involved in social action and experiment. Toward this end, he advocated "creative disorder," which,

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he said, means "to simply keep experimenting and to discover at what point one is neither smashed nor ignored, but creates enough change to move the society." Admitting a "gut preference for disorder," Mr. Waskow said IPS "stands on the bare edge of custom in the United States as to what an education research institution is."

In short, it not only develops and promulgates theories but also seeks to implement them. Aside from its failure so far in unilaterally disarming the U.S. (discussed last week in the first article in this series), IPS has enjoyed considerable success, even to the extent of Mr. Waskow being asked to give his expert advice on police problems in a project partially funded by the Justice Department.

The Institute actually has set up communes and neighborhood corporations with the ultimate aim of taking over important functions of municipal government, including the control of police, schools, housing for the poor and health services. According to at least one IPS book, Neighborhood Government, the message of the riots is that the poor want such community control, and civil war will result unless they get it. Nothing less will suffice, it maintains. The ultimate aim is to establish such control through a network of federally funded ghetto corporations.

HOLD GOVERNMENT POSTS

At least two IPS associate fellows hold government posts in which they are able to apply such theories. Other fellows, once having held such posts, apparently continue to influence the executive and legislative branches of government.

Anyone studying IPS and the turmoil plaguing the nation might be tempted to conclude that the Institute had written the scenario. According to The Washington Post, Mr. Waskow helped plan the demonstrations at the Democratic National Convention in Chicago. The subsequent need to call out the police to enable an institution of government to operate, and the resulting cries of police brutality, ran true to IPS theory espoused by Mr. Waskow and other exponents of the New Left affiliated with the Institute. Back in 1965, Mr. Waskow wrote in the Saturday Review that as revolutionists force tyranny to stop them, they will gain increasing acceptance.

According to the Daily World, Mr. Waskow also masterminded the counter-inauguration of a pig for president at the time of President Nixon's inauguration.

The Institute goes far beyond demonstrations in exercising influence. Its theory of community control through the device of neighborhood corporations has been set forth repeatedly by fellow Milton Kotler, A couple of years ago, the Urban Affairs Subcommittee of the Joint Economic Committee of Congress published two of his essays on the subject as part of a compendium by 22 urban specialists.

ENJOYS TAX EXEMPTION

A footnote identified Mr. Kotler as an IPS resident fellow. His opening sentences read: "At the outset, let me say that this paper is not a study. It is an argument . . . intending to persuade you toward a course in urban legislation. . . ." (Nevertheless IPS has not registered as a lobbyist, and enjoys tax exemption as an educational institution.)

"Riots," wrote Mr. Kotler, "reflect the formation of a new local community power in combat with the established power. . . . Unless existing established federal, state and municipal governments transfer a proper portion of their authority in Negro communities, today's domestic warfare will grow."

(At about the time the essays were published, black employees of the Library of Congress began receiving cards. One side was headed, "Committee for Emergency Support," and bore the address of the Institute. It read, "We are in sympathy with the despair of the black people in America. We share their sense of powerlessness to relieve repressive conditions by conventional political means. We are frustrated in our attempts to control the decisions which affect our lives in the capital city. We are all victims. We are ready in an emergency to assist the black community of Washington with food, housing, medical care and legal aid. We are committed to act to remove repressive military and political intervention."

The other side of the card advised calling the IPS phone number "in a riot or rebellion to obtain information, for legal assistance, for medical aid, for food and housing, to report police brutality" (Shortly thereafter Mr. Waskow began calling for the collection of bail funds in advance of violence.)

TRANSFER OF AUTHORITY

In his essays for the Committee, Mr. Kotler suggested a transfer of authority through "creative federalism." He explained, "The federal government must first assist the organization of legal neighborhood corporations with some initial funding. . . . Funding from the government is more important for legitimizing the development of neighborhood self-government as a unit of local rule in the society than for the money itself. . . . This proposal is already before the Senate in the form of Senate bill 1433. . . . It deserves your consideration and support."

S1433 expired in 1967. But on July 11, 1968, Roy Innis, Acting National Director of CORE, and Representatives Charles E. Goodell (R., N.Y., now a Senator), William B. Widnall (R., N.J.) and Robert Taft, Jr. (R., Ohio) jointly introduced legislation to create community development corporations "to finance, acquire, own and manage productive business enterprise located in the community, and to use the profit from such enterprise to finance its own education and social service programs in the community."

Financing for the corporations, they explained, would come from community development banks (CDBs) "analogous to Federal Land Bank Associations and Production Credit Associations, under the supervision of the Comptroller of the Currency." They estimated that federal capitalization of the CDBs initially would involve annual federal spending of $1 billion.

Last December the measure was discussed as a "self determination symposium" at the Washington Hilton Hotel. According to The New York Times, Senator Charles H. Percy (R., Ill.) told the gathering, which included black militants, that "Mr. Nixon had expressed approval of the concepts in the bill and that Nixon aides had informed him that the President-elect 'strongly supports the bipartisan concept.' "

PENDING BILL

That bill, of course, expired with the 90th Congress. Senator Goodell, however, now is revising a similar one he introduced this year which is pending before the Senate Finance Committee.

The impetus for all this began four years ago, according to an IPS booklet called "The First Three Years," when "after long discussions with Kotler, a number of residents and organizational leaders in a poor neighborhood decided to organize the East Columbus Citizens Organization (ECCO)." To date, the Office of Economic Opportunity has approved grants of $432,219 for ECCO and expects funding eventually to total $757,113. The agency calls it a demonstration of community self-government through a corporation.

OEO also has announced what it calls its "Community Capitalism Program"; under it, the agency plans to make grants of $10 million this year to community corporations. (Mr. Kotler says there now are 70 of them.) Grants already made public include $1 million to the Inner-City Business Improvement Forum (Detroit), $900,000 to the Human Development Corp. (St. Louis), $1.1 million to the North Lawndale Economic Development Corp. (Chicago), $600,000 to the Harlem Commonwealth Council (New York) and $1.5 million to the Hough Area Development Corp. (Cleveland).

All this ties in too with the Model Cities program; by happenstance, Stanley L. Newman, an IPS associate fellow, is Chief of the Planning and Relocation and Public Administration Branch of the Division of Program Development and Evaluation in the Office of the Assistant Secretary of Housing and Urban Development for Model Cities and Governmental Relations.

EMINENT DOMAIN

Now Mr. Kotler is elaborating on his theory. In a book titled Neighborhood Government, just published by Bobbs-Merrill Co., he demands regulatory power for the community corporations to assure that money earned in the community will stay there. He also writes: "It is necessary for the corporation both to have the power to tax its residents and to be able to dispose of its territory. This means the governmental power of eminent domain." He says it also would be reasonable for the corporation "to control prices, rents, licensing and banking." Further, he would like communities to govern themselves based on custom rather than outside laws.

Calling the community "the action unit of this emerging revolutionary class," Mr. Kotler says, "The neighborhood organization . . . must be prepared to defend gains in jurisdiction by the threat of war to any who would endeavor to deny these gains."

Meanwhile, Mr. Waskow has pursued the IPS idea of community control of schools. Some years ago he became secretary of a community anti-poverty group here. The Adams-Morgan Community Council, just as federal policy-makers insisted that the D.C. Board of Education allow the Council to run the Morgan grammar school as an experiment in community control.

Shortly thereafter, John R. Immer, president of the Federation of Citizens Association of the District of Columbia, wrote President Johnson that the children at the school were being cheated out of a good education. He declared: "The teachers maintain no discipline, are hippies, use vile language, have had little or no teaching experience and have and are using untried teaching methods."

CAMELOT PATRONS

Nevertheless, President Johnson's cabinet officers and their wives worked with Mr. Waskow in the presentation of the movie, "Camelot," at the Warner theater in Washington, as a benefit for the Morgan school. Among the patrons listed by Mr. Waskow were (then) Justice and Mrs. Abe Fortas (IPS lists his former law partner, Thurman Arnold, as one of its original trustees), Secretary of Defense Robert S. McNamara, Attorney General Ramsey Clark, Secretary of the Interior Stewart L. Udal, Secretary of Commerce Alexander B. Trowbridge and Secretary of Agriculture Orville Freeman.

Federal support also has been forthcoming for a new venture in higher education in which Mr. Waskow will play a significant role. The Justice Department recently agreed to underwrite loans and grants to students pursuing programs at a new Center for the Administration of Justice at American University in Washington. According to AU President George H. Williams, "The initial award (from Justice) exceeds $200,000, and anticipated funding for the academic year may exceed $500,000."

William M. McDowell, AU information officer, told Barrow's that Mr. Waskow has been asked to serve as an expert consultant to the Center on how it can best serve the Washington community and that he may occasionally lecture on police problems.

Writing in a local underground newspaper, the Quicksilver Times, last July, Mr. Waskow advocated: "(1) Neighborhood control of police through citizen-elected commissions. (2) Creation of countervailing organizations such as unions of those policed. (3) Changing the role of the professional, tough cop to one of a more everyday civil servant doing his job, keeping the peace, rather than enforcing the law." A year ago, according to press reports, Mr. Waskow headed a rally here in front of the 13th police precinct station to demand immediate community control of the police.

To develop ways of establishing community control of health services, IPS held a seminar three years ago under the direction of Dr. William Kissick, associate fellow and then Chief of the Division of Public Health Methods in the Office of the Surgeon General of the U.S. (Dr. Kissick now is teaching at the University of Pennsylvania.)

BACKGROUND MATERIAL

According to Pierce Rollins, Acting Director of Information for the Office of Community Health Service of the Public Health Service (PHS), the material resulting from the conferences in that seminar has been compiled in two volumes by the Milbank Memorial Foundation. Mr. Rollins says the Department of Health, Education and Welfare, parent agency of PHS, uses the volumes as background material prepared by experts to help it set health policy.

The official explains that PHS now is funding the planning of health services at state, area, city and community levels, and that the various entities are free to subcontract with IPS experts to help in the planning.

The general idea, Mr. Rollins adds, is to fund community health services only after area-wide planning. But because of the desperate need, PHS is making funds available without area planning. It has financed, he says, 22 community health centers and others for rat control and the treatment of venereal disease. So far PHS has made 2,500 health planning grants, Mr. Rollins reports.

Tangible results also have emanated from a 1968–69 IPS seminar conducted by Rick Margolies, an associate fellow. According to the Institute, it aimed "at developing a theory of social change based upon the possibility of a movement of small groups living communally and acting as agents of change in their larger environment. It is assumed that the small group will begin to live in the manner it wishes the society at large to adopt. . . . Some individual seminars will be theoretical and historical, while others will be more specifically programmatic. The first section, 'Toward a New Life Style,' will include discussions of human communion and human need, the extended family and child rearing . . .; 'The History of Intentional Communities' will include American 'utopian' experiments, communist collectives and communes, the Kibbutzim; 'Toward a Praxis of Community' will synthesize lessons learned in the above sections and work toward a plan for a communitarian movement."

INSURGENT ACTIVITIES

Mr. Margolies told Barron's that he now has communes in operation in the Adams-Morgan area of Washington. After starting with money from the Stern Family Foundation, commune members now support themselves by working part-time at the Quicksilver Times and the Washington Free Press, another underground newspaper, Mr. Margolies explained. Among other things, the Free Press has printed detailed instructions on how to conduct "insurgent activities." Now Mr. Margolies is preparing a new magazine, to be called The People in the Streets.

In view of the success of IPS in developing and implementing theories, its present studies and projects for the future take on added significance. One plan is to set up a network of institutes like IPS all over the country to serve as counter-institutions to established ones. Gar Alperovitz, IPS fellow and former legislative assistant to Senator Gaylord A. Nelson (D., Wis.), already has launched one at Cambridge, Mass., with the help of Christopher Jencks, IPS fellow and Harvard professor.

According to Tina Smith, IPS administrative assistant, Alan Haber and Barry Weisberg are setting up a Bay Area Institute in San Francisco. Gerry Hunnius, having just completed an IPS study of "the possibility of workers' control of factories based on Yugoslav model," now is in Toronto exploring the possibility of setting up an institute. Miss Smith says IPS also is discussing the possibility of setting up one in the South.

Also on the agenda for IPS is "investigations of operations of foreign aid." Handily, Jack Heller, an associate fellow, is director of the Office of Development Programs for the Bureau of Latin America of the Agency for International Development.

A project listed in the IPS 1969–70 budget is a "Middle-East Peace Mission," under the direction of Cherif Guellal, IPS fellow, and Algerian Ambassador to the U.S. until his country broke off diplomatic relations.

WENT TO AFRICA

About a year ago, Ivanhoe Donaldson, IPS fellow and member of SNCC, went to Africa for IPS to study self-government there and to contact members of the African National Congress and Pan African Congress. Now his assignment is to set up liaison with both groups, "in order to make accurate information available to American educational institutions on both secondary and college levels."

The IPS assignment for fellow Frank Smith is "to set up a chain of cooperative food markets in an effort to bolster the concept of community control by trying to develop viable and democratic models for community control of food, shelter and clothing businesses." Mr. Smith, who formerly served as Coordinator of the Community Staff of the notorious Child Development Group of Mississippi (Barron's, September 26 and October 24, 1966), is a member of SNCC, CORE and the Mississippi Freedom Democratic Party.

All last summer, IPS had several students interviewing the members and staff of the Federal Communications Commission and studying public records. As a result, the Institute now has elaborate plans for challenging the licenses of broadcasting stations, particularly when it doesn't consider them responsive enough to the views of the New Left.

THOMAS BROWN, JR., KILLED IN VIET HELICOPTER CRASH

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. LONG of Maryland. Mr. Speaker, Army WO Thomas F. Brown, Jr., a fine young man from Maryland died recently in Vietnam. I wish to commend his courage and to honor his memory, by including the following article in the RECORD:

THOMAS BROWN, JR., KILLED IN VIET HELICOPTER CRASH

Army WO Thomas F. Brown, Jr., of Forestville, Md., was killed in a helicopter crash in South Vietnam October 10, Pentagon officials reported yesterday.

Mr. Brown was piloting the craft on a "military mission" when it crashed near the 1st Air Cavalry base at Phuoc Vinh, South Vietnam.

Before going to Vietnam six weeks ago, Mr. Brown trained at several bases in this country and concluded his pilot training at Fort Hunter, Ga.

A native of Washington, he graduated in 1966 from Crossland Senior High School in Temple Hills, Md.

While in high school he met his future bride, the former Patricia J. Chochola, whom he married May 30, 1969.

Mr. Brown attended Prince Georges County Community College for two years before enlisting in the Army.

In a letter to his wife, he said he was "proud" to be in Vietnam and he wished that every American could go to Vietnam "to see how good we have it back here."

Survivors include his wife; his parents, Mr. and Mrs. Thomas F. Brown, Sr., of Morningside Md.; two brothers, William G. Brown and Steven G. Brown; and two sisters, Helene N. Brown and Kathy L. Brown, all of Morningside.

A PEACE DEMONSTRATOR DENOUNCES THE STUDENT FAST FOR FREEDOM COMMITTEE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. CLAY. Mr. Speaker, I, WILLIAM L. CLAY, private citizen, taxpayer, veteran of the Korean war, father of a 13-year-old son, Member of Congress, American, wish to take sharp issue with the student Fast for Freedom Committee. This committee has accused me of "advancing the victory of totalitarian communism." The committee even implies that my action in supporting the October 15 moratorium may "insure the slaughter of many thousands of innocent civilians" in Vietnam.

Mr. Speaker, I know precisely why American troops should not be in Vietnam. I challenge the student fasters to document a reasonable basis for them to be there.

I am in favor of American withdrawal because 859 of my fellow Missourians have been slaughtered for some imaginative, self-righteous proclamation. I am for American withdrawal because more than 40,000 Americans have sacrificed their lives in a war which was conceived, designed, approved, and executed by less than 20 people in our country.

To those who say that opposition to the war in Vietnam is un-American, I say it is un-American to spend $77 billion on defense and only $3 billion on education. It is un-American to spend $5 billion on the C5–A airplane and less than $2 billion on the poverty program. It is un-American to spend $40 billion on space exploration and only $186 million on cancer research. It is un-American to spend $20,000 for the ammuntion to kill each Vietcong and only $53 a year to educate each American child. Yes, somebody is un-American but it is not the war protestors.

Mr. Speaker, I call to the attention of the student fasters who are so greatly concerned about the freedom of the people of South Vietnam the fact that the manpower, the armed forces, and the natural resources of both North and South Vietnam are equal in every respect. I

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further contend, Mr. Speaker, that if the people of South Vietnam are as interested in freedom as the student fasters say they are, then they can and will fight and win it.

Mr. Speaker, if the student fasters are truly committed to "self-determination" for the Vietnamese then our troop withdrawal would provide them with exactly that decision. Would they determine to fight against Communist aggression and dictatorial rule or would they determine that a potential dictatorship of the government from the north would be no worse than the actual dictatorship they now live under in the south.

Mr. Speaker, in closing I wish to pose two questions to those of the student fast for freedom who embrace the concept that Vietnam communism is so reprehensible and repugnant that Americans must destroy it at the cost of American lives. I ask, Mr. Speaker, how does Vietnamese communism differ from the communism of Russia, China, Cuba, Czechoslovakia, or Rumania? If we are really in Vietnam to preserve freedom and liberty and to assure self-determination by the majority of the people in that country, why are American troops not now dying in the Union of South Africa and Rhodesia where evidently freedom and liberty of the majority have been suppressed by a minority?

Finally, Mr. Speaker, I honestly suspect the vociferous proclamations for freedom and liberty 12,000 miles from America to be for lack of a better word idle "jawboning." In light of this, millions of black Americans are this very day being denied that same freedom and liberty in our homeland.

Since the committee of student fasters would on this very day deny me the freedom to speak and dissent, I question whether the South Vietnamese could truly appreciate the kind of freedom espoused for them by this committee.

NATIONAL BUSINESS WOMEN'S WEEK

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. SPRINGER. Mr. Speaker, this is National Business Women's Week. This gives us the opportunity once again to congratulate the National Federation of Business & Professional Women's Clubs, which held its 50th anniversary convention in St. Louis this past summer. The growth of this organization has paralleled the ever-increasing contribution of women to the business and professional life of our Nation. The oganization today has more than 180,000 members in 3,800 clubs in every State of the Union, the District of Columbia, Puerto Rico, and the Virgin Islands.

In paying merited tribute to the National Federation of Business & Professional Women's Clubs, we also are indirectly recognizing efforts of all the more than 29 million women who may be found working in almost every occupation in the United States. Few occupations were open to women around the turn of the century. Now few, if any, are closed to them. This fact tells more than a thousand words about the accomplishments of women in the last half century.

DARTMOUTH—ACADEMIC FREEDOM DENIED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. RARICK. Mr. Speaker, extremists at Dartmouth College have shattered the institution's image as a libertarian, intellectual community. For the first time in the history of the college, free speech has been denied on its campus.

Dr. William Shockley, Nobel laureate, and a scientist of Stanford University, was prevented from delivering an address before a meeting of the National Academy of Sciences whose members were invited guests on the campus. Reportedly, Dr. Shockley's subject was one on which he is well qualified to speak and entitled to be heard—"Offset Analysis Description of Racial Differences."

Because of the disgraceful conduct of a militant little band of "civil righters," inquiring minds—searching for truth, and not being satisfied to accept contemporary liberal dogma and taboos—will now be compelled to contact Dr. Shockley to obtain a copy of his report in order to learn what the Dartmouth students so greatly feared they would have it suppressed. Perhaps, if order could have been maintained, they would have learned whether or not their behavior merely demonstrated the accuracy of Dr. Shockley's report.

However, since Dr. Shockley's report is concerned with intelligence, it probably remains for other scientists to conduct studies related to Dr. Shockley's to determine whether the students proved the validity of his thesis.

With its students shrouded by superstitious fears, Dartmouth's intellectual community is retrogressed to the dark ages where unreason prevails and discourse is suppressed.

Mr. Speaker, one of the few newspapers in our country carrying a full report of this travesty of a free society was the courageous Manchester Union Leader of Manchester, N.H.

The Union Leader report and editorial follow:

[From the Manchester (N.H.) Union Leader, Oct. 16, 1969]

DISRUPTIONS PREVENT DARTMOUTH SPEECH: SHOCKLEY DENIED RIGHT TO SPEAK

(By Joe Duggan)

HANOVER.—A "disappointed" physicist and Nobel prizewinner, Dr. William Shockley, yesterday left Dartmouth College campus enroute back to California after being refused by demonstrating negro students the opportunity to deliver a controversial scientific paper.

About 30 negro students in an audience of more than 200 persons stood to loudly applaud when Dr. Shockley was introduced to deliver his paper to the National Academy of Sciences meeting at the morning session.

At first, the rest of the audience joined in and then stopped, but the negro students, seated down in front of the Steele Hall auditorium, didn't stop, but remained standing and applauding drowning out any attempt by Dr. Shockley to be heard.

Other faculty members failed to break up the demonstration until Prof. John G. Kemeny wrote on the slate board in front of the speakers platform pleading for an opportunity to speak.

Dr. Kemeny wrote "I am chairman of the Committee on Equal Opportuntity. If you do not let me speak, you are ruining all the gains so far." The clapping stopped and Professor Kemeny pleaded with them to let Dr. Shockley be heard.

Then Prof. Jonathan Mirsky moved in and spoke, directing his remarks to those whites present. Mirsky sympathized with the negro demonstrators but the clapping resumed directly after his remarks and lasted a considerable time afterward..

Discussion groups then took place as faculty members attempted to negotiate with the negro students, but the disruption passed the hour mark and at 12 noon, NAS chairman and Dartmouth Chemistry Prof. Walter H. Stockmayer, formally accepted Dr. Shockley's paper without presentation and adjourned the NAS meeting.

Just before the adjournment, Dartmouth's new dean, Carroll Brewster, spoke to the audience and expressed his concern at preventing Dr. Shockley from speaking.

"What has happened here is so grave that I find it difficult to express my concern. You all know how I and most of us feel on this issue. But you don't fight an idea by trying to hide an idea and give it currency," Dean Brewster said.

"We had an opportunity here to expose bad thinking, but in losing this opportunity we have all lost," he said. The dean indicated he would summon an all-college convocation to discuss this critical breach of free speech.

There was no indication from any faculty member present that any disciplinary measures would be taken against the protesting students. It was brought out that the 30 negroes were a small representation of the 170 on campus.

Dr. Shockley's paper, "Offset Analysis Description of Racial Differences" was the last of five scientific papers being presented in the concluding session of the three-day NAS fall meeting at Dartmouth.

The morning meeting started in a Wilder Hall lecture room, but as students began to fill the building just prior to the final paper to be given by Dr. Shockley, Prof. Stockmayer shifted the meeting to a larger hall next door in Steele Hall, in order to give everyone a chance to hear Dr. Shockley.

Fears were voiced earlier that members of Students for a Democratic Society might try to disrupt Dr. Shockley's presentation but the 30 negro students apparently surprised all and stole the thunder away from the SDS.

It was the first time at Dartmouth College that a speaker had been refused a chance to speak. Embarrassing to Dartmouth was the fact that Dr. Shockley, a member of the National Academy of Sciences, was delivering an address to Academy members—who were invited guests of the college. It was declared not the same as if Dr. Shockley was simply a visiting lecturer.

[From the Manchester (N.H.) Union Leader, Oct. 17, 1969]

SAVAGES TAKE OVER AT DARTMOUTH

(By William Loeb)

Last Wednesday at Dartmouth there occurred an utterly disgraceful denial of free speech to no less than Nobel laureate Dr.

William Shockley of Stanford University. Dr. Shockley was attending the meeting of the National Academy of Sciences at Dartmouth and was scheduled to give a speech on "Offset Analysis Description of Racial Differences."

But, he was never allowed to make the speech.

After being introduced, the Stanford University professor rose to speak and was met by "applause" led by some 30 black savages who currently are called "students" at Dartmouth. And, they never did allow Dr. Shockley to be heard. So, eventually, the professor had to abandon his attempts to speak.

Of course, any individual, white as well as black, who prevents an invited speaker to a college campus from being heard flouts not only the civil rights of every American to be heard but also desecrates the concepts of academic freedom and open discussion.

Actually, the savages, black or white, who behave in this fashion negate the very concept of a university—to encourage the inquiring mind. Freedom of study and inquiry becomes impossible under circumstances where witch doctors and jungle methods are allowed to prevail.

This newspaper feels quite sure, however, that the faculty and administration of Dartmouth, while embarrassed, will do nothing except possibly to apply a slight slap on the wrist to the anti-intellectual savages who destroyed the right of Dr. Shockley to be heard.

Until Dartmouth and other U.S. colleges and universities take severe steps against those who use brute force to allow only what they approve to be said, thought, and inquired into on a university campus, the universities of this nation will not only be intellectually desecrated but also they will be worthless as educational institutions.

The permissive, gutless faculties and administrations and the trustees of the universities, by their moral and intellectual cowardice, are doing nothing less than digging the graves of these institutions and, in a very real sense, their own. Such a climate will continue to worsen. And, the next time it may not be Dr. Shockley. Any professor, any administrator who has gone against the wishes of the black and white mobs will suffer.

The incident at Dartmouth is a disgrace to that institution which Daniel Webster loved so well, but it should come as no surprise after the outrageous treatment accorded the former governor of Alabama, George Wallace, or the seizure of the administration building last year.

It is quite clear that freedom and honest intellectual inquiry at Dartmouth are dead and will remain so until the anti-intellectual savages, white as well as black, are dismissed from the university.

[From the Manchester (N.H.) Union Leader, Oct. 16, 1969]

DARTMOUTH OFFICIALS PRAISED BY SHOCKLEY

HANOVER.—Dr. William Shockley took time before leaving here yesterday to praise the Dartmouth College faculty and administration for their handling of the protest demonstration that in unprecedented action kept him from delivering a scientific paper before the National Academy of Sciences meeting.

The Nobel laureate, who said he couldn't imagine how the situation might have been handled by officials any other way, described the incident as "a symptom of the times."

The physicist said there had to be a complete "lack of faith in the power of the mind to deal with a general problem." Dr. Shockley was prevented from making a presentation of a controversial topic concerning racial differences between white and negro.

Before boarding his afternoon flight enroute back to the West Coast he added "I was far more disappointed that I was not given a chance to deliver my paper."

FALSE ECONOMIZING

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. FEIGHAN. Mr. Speaker, the necessity for taking immediate steps to curb rising inflation is indisputable. It is imperative, however, that the measures we adopt in effecting this goal be carefully considered. We cannot afford to economize on the welfare of the American people, although it would appear that this is exactly what is happening.

The following editorial which appeared in the Cleveland Plain Dealer, October 15, 1969, points out the perils of of following a course of misdirected economizing:

NO SAVINGS IN SCIENCE CUTBACKS

Efforts in the White House and in Congress to save government money are misdirected when applied severely to agencies which foster discovery and progress in the sciences and thereby make Americans' lives healthier and more liveable.

All the serious talk of holddowns in current and future budgets for support of research and training has alarmed leaders in science and medicine. They should be alarmed, and so should all citizens who recognize that the state of the nation and the condition of its people tomorrow depend in large part upon what is done today.

The now bleak outlook for the primary agencies which spur scientific advancement is well described in a report this week by Victor Cohn of the Washington Post staff. He made special note of these points:

A House appropriations subcommittee has cut $80 million from the Nixon budget request for $500 million for the National Science Foundation which supports investigation and training in the physical sciences.

The same Nixon budget reduces by $290 million the $1.93 billion allotted last year to the National Institutes of Health for biomedical and health projects, study and training.

Cohn reports the concern of leaders in the scientific and medical communities over ill-advised attempts to save government money. They protest that budget cuts would not only prevent new undertakings—they would cause projects already underway to be abandoned. Still other worthwhile programs would be adversely affected because reduced budgets make no allowance for inflation-pushed cost increases.

The head of the Association of American Medical Colleges, Dr. John Cooper, says cuts in research and training grants would do great harm to the nation's medical schools which need the grants to survive and grow. Grants account for upwards of 40% of the medical schools' total income.

Budget cuts also pose a threat to important National Institutes work dealing with many fatal and disabling ailments—heart disease, cancer, diabetes and arthritis, to name a few. And that is not all. Other authorities agree with Dr. Cooper's view that cutdowns in research and training grants discourage those who might choose to make academic medicine their life's work. The peril to medical faculties, needed to train more people to meet the health needs of an ever-increasing population, appears very real.

Congress and the White House should pay attention to what respected men of science and medicine are saying about reductions in the level of federal support for research and training. Economy affecting the future good health of Americans is false economy.

PUBLIC LEERY ABOUT ATOMIC POWER

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. KASTENMEIER. Mr. Speaker, an article in the October 19 Washington Post by staff writer Victor Cohn reports on the nuclear power issue in Minnesota. The State of Minnesota is seeking to impose standards which are tougher than those required by the AEC for regulating the release of radioactive waste from nuclear power plants. Mr. Cohn also comments on the Symposium on Nuclear Power and the Public, held at the University of Minnesota on October 10–11.

The public is becoming increasingly concerned about the potential health hazards and risks to the environment that are associated with atomic power. Furthermore, many citizens have begun to question the propriety of one Government agency, the AEC, acting both as the promoter of nuclear power and the regulator of nuclear power safety.

Mr. Speaker, in view of the importance of the Minnesota case, I call Mr. Cohn's article to the attention of my colleagues:

PUBLIC FIGHTS A-POWER

(By Victor Cohn)

MINNEAPOLIS.—Minnesota has looked at the atom and found it partly evil.

On the verge of what seems an inevitable age of nuclear power, citizens here—citizens in several states, in fact—are starting afresh with this form of energy.

They are rediscovering the fact, known in bomb testing, that using the atom has a price. The price is an inevitable addition, "slight" or "great" depending on whom you ask, to the quiet violence that modern man does to air, water, land, and himself.

The price has led the state of Minnesota into a grim legal confrontation with the U.S. Atomic Energy Commission. It is a fight—"a landmark fight," say federal and power industry officials—that threatens the growth of atomic power, threatens AEC regulatory authority all over the country and challenges the AEC's very doubleheaded structure as both promoter and protector in atomic matters.

To put it simply, Minnesota wants to be tougher than the AEC in regulating release of radioactive waste into the air and water. Minnesota Gov. Harold LeVander—middle road conservative who is far from a crusader in other areas—is deeply committed to this. At a recent National Governors Conference, he won the unanimous support of fellow governors, Republican and Democratic.

The issue will be examined by the Joint Senate-House Committee on Atomic Energy at six days of hearings in Washington starting Oct. 28. But it is already being examined by state officials and many citizens in Minnesota, Maryland, Vermont, New York State and the metropolitan New York City area, Illinois, Oregon and Colorado.

Since the Nov. 9, 1965, New York power blackout—Black Tuesday—"a handful of people have successfully delayed or blocked every major power plant proposed for the New York area," complained a recent double-page ad in the New York Times. The ad was inserted by the McGraw-Hill power industry magazine Electrical World, which complains, with the industry, that power-makers are suddenly caught in America's new

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awareness that pollution imperils man's survival.

A SYMBOL FOR POLLUTION

The public, AEC Chairman Glenn T. Seaborg points out, is "uptight about the environment." At the same time, the United States is growing so fast and using so much electricity—for air conditioning, electronic computing and home hair drying—that generating capacity, more than doubled just since 1950, must double again by 1980 and more than triple by 1990.

At the same time, nuclear energy—until recently an expensive experiment—finally seems to be coming into its own. Today only 1 per cent of U.S. electricity is nuclear-generated, but the AEC says the figure will be 50 per cent by the year 2000. Seventy-nine civilian A-power plants are now on order or building.

"It isn't fair," complained an atomic industry public relations man at a University of Minnesota nuclear power conference, a conference inspired by the nuclear fight. "The militant conservationists are not doing much about the automobile. They're not all that excited over the coal- and oil-burning power plants that are putting out sulphur dioxide and other ugly chemicals. But they're after us. They've made us a symbol."

"Indeed we have," a Minnesota militant replied. "If we can win this one, if we can arouse the people over this kind of pollution, maybe we can arouse them over others."

What one AEC commissioner terms the "antinuclear movement" began, in this state of lakes and streams, when Northern States Power Co.—slogan, "Electricity is Penny Cheap"—began building a big 560-megawatt atomic plant near Monticello, on the fresh-flowing Mississippi River just north of Minneapolis and St. Paul.

At first, all went swimmingly. Then Northern States Power sought a waste disposal permit from the new Minnesota Pollution Control Agency. The agency, needled by a set of young University of Minnesota biologists, engaged Dr. Ernest C. Tsivoglou, professor of sanitary engineering at Georgia Tech, as a consultant.

Tsivoglou, chief of radiological water pollution control in the U.S. Public Health Service from 1956 to 1966, acknowledged that nuclear plants in the United States commonly discharge only a small percentage of the radioactive contaminants that the AEC would permit. Northern States Power in fact said it would discharge no more than 1 to 4 percent of the radioactivity that the AEC would allow.

Tsivoglou also acknowledged that the AEC has prudently set its standards in accordance with recommendations of both the Federal Radiation Council, representing several federal agencies, and expert national and international bodies.

But he argued that knowledge of the effects of low-level radiation is highly imperfect, and future research may turn up new harm. He said that radiation should be more strictly limited in order to leave a reserve in case of future nuclear accidents or resumed atomic weapon tests in the atmosphere. He looked to the day when atomic plants will dot the shores of the Mississippi and other U.S. waters, each adding its share of radioactive effluents. Northern States Power already is building two more big nuclear plants side by side at Prairie Island, south of Minneapolis-St. Paul, and has revealed plans for still more.

In effect, therefore, Tsivoglou recommended a set of standards at about 2 per cent of the AEC level. And in May, the Minnesota Pollution Control Agency issued Northern States Power an operating permit specifying such standards.

The company said it could meet the new standards almost all the time, but occasionally might have to exceed them. It said it would have to modify its plant and shut it down more frequently to adjust to them, and additional annual operating expenses would be a prohibitive $3.5 million a year, making future electricity slightly more than penny cheap in the upper Midwest.

THE PUBLIC'S ROLE

Northern States Power has sued the state of Minnesota in both state and federal courts, charging that its restrictions are unjustified and illegal. Nuclear power plant builders like Westinghouse and General Electric and even publicly managed utilities such as the Tennessee Valley Authority have rallied to Northern States Power's support.

And leaders of the congressional Joint Committee on Atomic Energy—in particular Rep. Chet Holifield (D-Calif.), chairman, and Rep. Craig Hosmer (R-Calif.), ranking minority member—have sharply and impatiently questioned Minnesota's action.

Appearing on the University of Minnesota power conference platform, Hosmer firmly said that Congress has "pre-empted" the field of nuclear regulation for the federal government as one too complicated for state-by-state action. He and others said that where states have exercised radiation controls—as in uranium mining and in medical X-raying—they have done miserably.

But also, he charged, the Minnesota issue is "a big political football—certainly it is among the Minnesota delegation in Congress." He attached "the professors around here who have been sounding off in the newspapers" and "Minnesota's underexperienced do-it-yourself stab at visceral regulation."

He said any complaints about radiation standards should go to the Federal Radiation Council. "They're not a subject for public rallies and placard making," he said, and "you can't have 200 million people deciding" them.

In reply, Dr. Barry Commoner of St. Louis—Washington University biologist and environmental crusader—said "informed public opinion" should indeed rule, even to accepting or rejecting a particular plant.

"The public is entitled to this vote," agreed Prof. Harold Green of George Washington University's National Law Center, a former AEC associate general counsel. "Why, in a democracy, should the public not have the full opportunity to decide for itself, rationally or irrationally, what benefits it wants and what price it is willing to pay?"

SCIENTISTS DISAGREE

Conference discussion then centered on that price: the alleged hazards or virtual lack of hazards of power plant radiation. There were scientists on both sides.

Commoner and Dr. Arthur Tamplin of the University of California's Lawrence Radiation Laboratory at Livermore emphasized hazards. Commoner saw a possible U.S. increase in thyroid cancer of several hundred cases a year from power plant radiation escaping into the environment. Tamplin said nuclear plants now measure only overall radioactivity, but particular radionuclides—individual elements or their radiation-produced daughters—may cause greater than average harm.

He pointed to tritium, a heavy form of hydrogen, chemically inseparable from ordinary hydrogen. Once in human cells, it becomes part of the human heritage—incorporated into the DNA that tells future cells and future children how to grow. He said AEC standards should be made more strict, individual radionuclides should be monitored and almost no plant wastes should be discharged into rivers. Instead, he said, all should be buried in atomic graveyards.

Dr. Stanley Auerbach of Oak Ridge National Laboratory and Dr. Merril Eisenbud, New York City environmental protection administrator and former AEC official, replied: "Man lives in a radioactive environment," absorbing radiation all the time from cosmic rays, building materials, and the earth. Radiation from A-power plants can add only a few percentage points more. Despite many bugaboos, there is no laboratory or medical evidence of any ill effects of low-level radiation, they argued.

Other possible power plant dangers were discussed: their considerable "thermal pollution" from the discharge of hot water, as well as possible plant accidents—"a remote danger," it was generally agreed, but a horrendous one. On each point, some speakers saw little problem, others peril.

When scientists disagree, concluded lawyer Green, the public and public bodies must decide. But the AEC, he maintained, has "a bifurcated interest," a "conflict of interest" in acting by congressional mandate as both A-power's developer and salesman and its government regulator.

He told how AEC officials, once they decide a plant is safe, become its enthusiastic supporters and defenders. "Clearly," said Commoner, "standard setting belongs in the hands of an agency concerned with all aspects of the environment," such as the Department of Health, Education and Welfare's Consumer Protection and Environmental Health Services.

S. David Freeman, director of energy policy for Dr. Lee Dubridge, President Nixon's science adviser, agreed that this policy issue "deserves thoughtful consideration."

Again and again at the Minnesota conference, Rep. Hosmer bristled. "It is time," he said, "that people quit painting the AEC as some kind of a nuclear Mafia engaged in a vast conspiracy." Even gentlemanly AEC Commissioner James T. Ramey said Minnesota "is making a mountain out of a molehill."

SOME NEW DIRECTIONS

Yet out of the Minnesota fight there may come some agreements or at least some new directions for nuclear power.

Commoner, Hosmer and Freeman agreed that environmental licensing and monitoring ought to encompass all kinds of power plants, not just A-plants.

Radiation standards in one way or another will probably be toughened. Northern States Power and the state of Minnesota are discussing a compromise which would in effect establish the right of a state to talk tough to powermakers. "There is not much question in my mind but that limits [of radiation tolerance] will be decreased as time goes on," said Dr. Carroll Zable of the University of Houston, until recently chairman of the AEC's important Advisory Committee on Reactor Safeguards. "We are looking at them," Ramey conceded.

This high-energy civilization needs to keep looking at other sources of power, not just the atom. Unless more and more power is provided us, we will flick the switch one day soon but nothing will happen. "There is no doubt in my mind," said Prof. Green, "that if in 1946 we had created a similar commission and joint committee to maximize the use of fossil fuels without polluting the environment, we would not need to rush so to build nuclear plants today."

The concern of the "new militant" environmentalists has only begun. "I assure you, gentlemen of the atomic power industry, you are not the targets," said Prof. Commoner. "All polluters are."

Gov. Tom McCall of Oregon has announced a nuclear power conference for Dec. 4–5. "I expect there will be a need for additional ones," patiently said AEC Commissioner Ramey.

"We are," Commoner thought, "in the midst of a revolution in public attitudes toward the moral acceptability of a level of environmental deterioration which has for a long time been accepted without general complaint." If this is true, the future will see more and more placarding about DDT, offshore drilling, gigantic accident-prone oil tankers and even, it may be, pollution-belching cars.

It may even see placards about people. The Minnesota conference's oldest speaker was white-haired M. King Hubbert, U.S. Geological Survey research geophysicist and respected world authority on man's resources. He spoke for developing new, advanced forms of nuclear reactors—breeder reactors—to conserve man's richest atomic fuels. But he pointed out that the nuclear fight, like the pollution fight, depends ultimately on control of man himself: "It is mandatory that we stabilize human population at some level we can live with—and we may even have to drop the population back to some livable level."

THE WIDESPREAD FEELING HELD BY PEOPLE IN THE HEARTLAND OF AMERICA

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. CUNNINGHAM. Mr. Speaker, following are two editorials and an editorial page column which indicate the widespread feeling held by people in the heartland of America.

I commend these pieces from the Omaha World-Herald and the Bellevue Press in Bellevue, Nebr., to the attention of my colleagues and all others who receive and read the CONGRESSIONAL RECORD.

AFFIRMATION DAY

On this page today David Broder of the Washington Post Service states plainly and chillingly the danger this country will be in if the attack upon President Nixon's handling of the Vietnam war is successful.

The aim of the President's opponents is to break him on this issue by creating the impression at home and abroad that the country does not support him.

Irresponsibility is to be expected among campus militants. If they can create the impression that the antiwar protest of a fraction of the nation's seven million college students is the voice of 200 million Ameircans, so much the better from their point of view.

But the battle in Congress involves men of whom more is expected. President Nixon has begun the withdrawal of American combat troops; the withdrawal of many more or all of them is in prospect. The withdrawals have been accompanied by a lowering of the draft call.

The direction in which the President is moving is inescapable: Under the most difficult circumstances the President is trying to end American participation in the war and resolve that war by negotiation in Paris and the buildup of effective South Vietnamese military strength.

The men in Congress who are battling the President are acting as if nothing in Vietnam policy had changed since the departure of Lyndon Johnson and that the words and actions of Richard Nixon are meaningless or even fraudulent.

The contemptuous response of a number of senators to Nixon's plea for a 60-day moratorium on criticism of his war policies was itself contemptible. It was as if they felt they had the President on the run and were determined to ruin him no matter what the consequences might be for their country.

Was it too much to ask that the critics restrain themselves? If the critics are right, was a great deal to be lost by postponing their I-told-you-so comments until late November? We think not.

The men who fight the President, with the exception of Sen. Goodell, R-N.Y., are not honest enough to say that they want to "bug out" of the war, to use the expression popularized by the President. The Fulbrights, the Kennedys and the Harrises will not say openly that they favor a cut-and-run policy, but their recommendations would leave no other alternative.

Wednesday there is to be a day of protest against the war. If it were an honest expression of war weariness and an earnest plea for our leaders to find an honorable solution as quickly as possible, the whole of America could join in.

But its promoters have made it clear the Oct. 15 protest is no such thing. It is an attack on President Nixon and the handling of the war. Its timing and the nature of its sponsorship permit no other explanation. It is part of a new, intensive effort to destroy Nixon's prestige and give our enemies reason to believe that the American people are eager to surrender.

It cannot and should not be allowed to become a surrender day. It should be an affirmation day in which Americans show the President they are with him in his efforts to get us out of Vietnam honorably.

Vice President Agnew has proposed that Americans who stand with the President drive with lights on Oct. 15. It would also be an especially good day for flying the American flag.

BREAKING OF A PRESIDENT, PART 2

(By David S. Broder)

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title, "The Breaking of the President," for the next big series of best-selling nonfiction narratives.

It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again. Breaking a president is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious.

No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a president, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable.

Presidential critics who are indelicate enough to betray partisan motives are denounced (that for you. Fred Harris). Members of the president's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell).

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: the Harvard Department of Biochemistry and Molecular Biology last week called for immediate withdrawal from Vietnam.)

Next a New England election (the New Hampshire primary is best, but the Massachusetts Sixth District election will do as well) surprisingly shows that peace is popular at the polls. The president's party sees defeat staring it in the face unless it repudiates him, and the Harris Poll promptly comes along to confirm his waning grip on public trust.

The chief executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

Then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

This is no fiction, it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any president who touches it.

That being the case, any president interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam moratorium committee or anyone else who would like to volunteer.

But he cannot—and that is the point the protestors seem to overlook. Assume that they and the president are both right when they assert that the time has come to end this war. Assume that the protesters know better than the president how to do so—despite the conspicuous absence of specific alternatives to the president's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally-protected expression of dissent aimed at changing national policy and mass movements aimed at breaking the president by destroying his capacity to lead the nation or to represent it at the bargining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another president. But when you have broken the president, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee, nor can the Vietnam moratorium sponsors order home a single G.I. or talk turkey to Gen. Thieu about reshaping his government. Only President Nixon can do that.

There is also the matter of time. It is one thing to break a president at the end of his term, as was done last year. It is quite another think to break him at the beginning, as is being attempted now.

The orators who remind us that Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course, rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken president at its head for three years?

Would not their cause and the country be better served by resort to the constitutional method of removing a president?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

[From the Bellevue Press]

IT SERVED NO GOOD . . .

(By Jack L. Allen)

A former Bellevue High student, now in college, who used to spend many of his free hours debating current issues with me, has written that he is surprised that I haven't commented so far on the so-called moratorium yesterday.

While I agree that the time is nearing for an end to American involvement in Vietnam, I was, for what it's worth, totally opposed

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to yesterday's activities by the anti-war forces.

President Nixon inherited the war. It is completely unreasonable to expect that he could, in ten months, undo what took years to create.

When Richard Nixon was inaugurated in January, America had long passed the point at which a so-called "victory" was feasible. It might be possible to bring the enemy to its knees through military power, but the President can judge the country and he knows that to try to do so, so late, would rip the United States apart and no efforts to solve America's domestic problems could survive the emotions over the war.

I think President Nixon has done everything possible to date, to encourage negotiated peace. He has made many concessions to the enemy, including our willingness to accept any type of Vietnam government decided in free elections, and has started withdrawing troops in the hopes that he can remove most of them within 12 to 15 months.

Yet he is attacked daily by those who offer no American alternative, except that we abandon our commitment to South Vietnam. To set a deadline for the final withdrawal of American forces would play into the hands of Hanoi.

We all want peace. We shouldn't be in Vietnam, but we are there and the problem is how to get out without losing South Vietnam to communist conquest. Because, after all, it has been to keep the Reds from conquering South Vietnam through force that thousands of young Americans have died.

The campus leftists who march and scream, who fly the enemy's flag from fraternity windows and drape college buildings with Red slogans, and their sympathizers in the clergy, communications and politics, make no contribution to the cause of peace.

They have the right to think what they may and say what they may, but they cannot bargain with the enemy at the conference table. Only the President can bargain for peace, and October 15 served no other purpose but to undermine his bargaining position.

If those who ignored their studies and jobs yesterday really had America's best interests at heart, they would have marched in the streets to call the world's attention to the fact that every move by America toward peace has been rejected by the communist dictators in Hanoi.

But that doesn't seem to be on the minds of those who, through their actions, signal Hanoi that it should be patient while the "New Left" trys to force an American surrender in Vietnam, as the only way to bring peace to America's streets and campuses.

Yesterday's moratorium participants no doubt included many sincere persons, who consciences force them to oppose the war. But no one will ever convince me that those who organized it and gave it the publicity to build it out of proportion, are not, in fact, motivated by the desire to destroy the presidency of Richard Nixon.

They "tasted blood" in 1968 when they destroyed Lyndon Johnson and they want more blood.

But as someone else said the other day, America's foreign policy cannot be decided from day to day on the basis of what will or won't send the campus leftists into the streets. To do so would mean anarchy.

It is my belief that those who lead these demonstrations, those who seem to want anarchy, would demand peace and an American surrender even if Soviet troops were marching into Washington, D.C.

If America in the early 1940s had witnessed the spectacle of October 15, 1969, and Chicago, August of 1968, it is very possible that today we would be speaking Japanese and German.

PROJECT SANGUINE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. OBEY. Mr. Speaker, a few days ago I placed an article in the CONGRESSIONAL RECORD concerning Project Sanguine, the Navy-sponsored communications project scheduled for construction in 26 counties in northern Wisconsin, including some in my congressional district. Several other articles on this matter have recently been published, one in the New York Times, one in the Milwaukee Journal, and another in the Progressive magazine.

As these articles point out, this project would be the only one of its kind in the United States, and in case of nuclear attack could be used to communicate with Polaris submarines which may be cruising at 500 or 600 feet below the surface of the ocean.

A quick review of one of these articles may lead one to believe that this is a partisan matter. This is certainly not the case.

Whether or not to build Project Sanguine is at least, in part, an environmental issue. The Navy has indicated on numerous occasions, in fact, that environmental issues will definitely be considered before a final decision to complete the project is made.

Conservationists have given a great deal of study to Sanguine and they have expressed grave reservations as to what results it may have for the ecology of this vast area. There is great uneasiness about Sanguine on the part of many Wisconsin citizens, and legitimate questions about its needs, reliability, and consequences are being asked. I think these questions deserve answers, if need be, by an independent committee of ecological experts familiar with the area, by persons in the Department of the Interior or members of the President's Office of Science and Technology.

In discussions with my colleagues I have discovered that aside from a few notable exceptions, there are very few persons outside the State of Wisconsin who are aware of Project Sanguine or its implications. At this point I include in the RECORD the following articles:

[From the New York Times, Oct. 14, 1969]

CONTROVERSY AND ANTENNAS GROW IN WISCONSIN FORESTS

(By Anthony Ripley)

CLAM LAKE, WIS.—There is a strange and mighty visitor stirring in the vivid autumn woods four miles south of here.

It is the United States Navy and, depending on one's point of view, the Navy is going to turn the northern Wisconsin forests into either the world's biggest electric chair or a "world peace center."

These are the most emotional descriptions yet in a growing public debate over Project Sanguine, once such a highly classified matter that the Navy even stamped newspaper clipping on the subject "secret."

Beginning last fall and working through the winter, the Navy has installed one of the world's largest radio transmitters four miles south of Clam Lake, a settlement of 75 persons in the Chequamegon National Forest.

2.4 MILLION WATTS

Two 14-mile-long antennas, crossing in the middle, stretch out along 30-foot swaths cut into the forest. The antennas hang from heavy-duty utility poles and are capable of sending a powerful, low-frequency radio signal around the world.

The average toaster operates at 1,000 watts and the largest commercial AM radio stations in the nation are limited to 50,000 watts. The Clam Lake transmitter can put out 2.4 million watts.

Such current thrown into the air electrifies metal objects nearby and can upset telephones, television and household lighting.

Ultrahigh frequencies can have physical effects on man, animals and plants. The Navy plans to use ultralow frequencies where little is known about side effects because such radio waves have been little more than a laboratory curiosity in the past.

ONE-WAY TRANSMITTER

But Navy spokesmen say this curiosity can be made into a one-way transmitter. Although incapable of sending a human voice, it can slowly transmit coded signals in the 40-cycle to 80-cycle range that are practically unjammable.

The spokesmen have indicated that "hot line" messages from the White House or Pentagon could order signals from such a transmitter to Polaris submarines that cruise the world's oceans with nuclear missiles. Because of the long wavelengths, the signals penetrate the ocean water to great depths and the submarines will not have to surface for instructions.

If four to six years of testing with single transmitters go well and the giant antennas do not cause too many electrical problems in the forests and homes nearby, the Navy plans to install a gigantic underground grid of cables and transmitter stations that could cover most of northern Wisconsin.

THREAT TO WILDLIFE

Those who regard Sanguine as "an electric chair" believe its tremendous size and currents will drive away game and fish electrifying everything in sight. And they think the project is an escalation of the arms race.

"World peace center" believers feel that the project will help guarantee peace through power, that the Navy can take care of any electrical problems and that the whole thing will help the region's depressed economy.

At Clam Lake, few are sure yet what the project means.

When the Office of Economic Opportunity opened a Job Corps center near Clam Lake, there was strong opposition initially. But the arguments died out when it was discovered that jobs and income were there for local residents. The Job Corps center is now closed.

Louis Hanson, a former State Democratic chairman, lives in Mellen, Wis., with his wife, Camilla, the former Mrs. Theodore C. Sorensen, and her three sons. He works as home assistant to Senator Gaylord Nelson, a Democrat, and thinks that Sanguine borders on insanity.

In July and August of 1968, when the Navy announced it, Senator Nelson began wondering when he had ever voted for such a project," Mr. Hanson said. "So he called an admiral and he came over with another man who had a briefcase shackled to his wrist.

"They opened the briefcase and it had newspaper articles in it stamped secret. That caused a little stir at the time. They don't do it anymore."

Mr. Hanson said the first appropriations had been voted in 1958 as part of a general Navy research and development program. Since then, at least $28-million has been spent on the project.

Northern Wisconsin was chosen as the site because of an ancient rock formation, the Laurentian Shield, which is dry and nonconductive, providing a base that will not cause heavy losses of current along the huge antennas.

The Laurentian Shield extends through 26 counties in Northern Wisconsin, Mr. Hanson said. These counties make up 41 per cent of the state and contain about a million persons.

He added that the final antenna grid might be as big 150 miles wide and 150 miles long, with 240 transmitters, and would cost from $2-billion to $10-billion.

The Navy maintains that there are no final figures on how big or costly the project might be because it is still in an early test phase. Although a number of conflicting figures have been published, they have no substance, according to John Hennessey, Public Congressional Affairs officer for the Naval electronic systems command in Washington.

The first Sanguine experiments were conducted on a mountaintop in 1962 in Southwestern Virginia and North Carolina, Mr. Hennessey said in an interview. The experiments caused some telephone and electric difficulties near Mount Airy, N.C., but the Navy said these were solved and the transmitter there was still in use.

Although confident that most of the electrical side effects in Wisconsin can be "mitigated," the Navy added a series of tests on plants and animals when protests grew. A study was ordered from Hazleton Laboratories, Inc., of Falls Church, Va., but it only added to the controversy.

In its proposal for the study, the laboratory noted:

"It has been shown that there can be pronounced effects on the longevity, body weight, growth, behavior, central nervous system, reproduction, etc., in animals as well as effects on plant development from ultrahigh frequencies."

In the low frequency ranges, the proposal added, little work has been done although "there may be some effect on sperm production," according to a study done in 1967.

POSSIBLE EFFECTS

"The antenna will be enormous and, therefore, many people, domestic and farm animals, fish, insects, earthworms, birds and indigenous plant life will all be exposed to its fields for very long periods of time unless they are killed by it, are removed, or, in the case of free-ranging animals, are driven out by noxious effects. Of course, it may be that the fields will be totally benign."

Opposition has boiled up, mostly in the Democratic party and among conservationists.

A Stop Sanguine Committee has been organized by Kent D. Shiffert, a history instructor at Northland College in Ashland. The state Democratic party has passed a resolution arguing for more studies on environmental effects. Senator Nelson has branded the Hazleton study as "totally inadequate."

One of Sanguine's prime defenders has been Representative Alvin E. O'Konski, a Republican, whose district includes the Sanguine area.

When the Navy scheduled a meeting last July to explain things to Ashland County officials, the county's New Democratic Coalition urged the public to attend in a mocking advertisement in The Ashland Daily Press that read in part:

"Hear the genuine Navy captain talk about the world's biggest electric chair. Caution! Asking questions that embarrass the Navy may be unpatriotic."

The meeting was stormy but the Navy prevailed.

William R. Hayford of Camden, N.J., an engineer who is site manager at Clam Lake for the RCA Corporation, a major contractor, said the test facility was designed to answer all the questions raised.

"We've got to convince people we're not guessing," Mr. Hayford said.

"These people are asking honest and fair questions and they have to be answered and they will be and that's why we're here."

Mr. Hennessey, the Navy spokesman, said the final Sanguine system would have to be "survivable" after an atomic attack.

In military jargon, survivability is determined by four factors: dispersion (how widely it is spread out), redundancy (having a large number of similar installations), hardness (keeping it in a safe place, such as underground) and mobility.

Mr. Hennessey said Sanguine would meet three of the four requirements.

He described the project as an "adjunct" to existing communications systems and said it was not totally protected from enemy jamming. Any radio signal can be jammed by building a larger, more powerful transmitter and overwhelming the old signal.

Mr. Hennessey emphasized that the Navy was not going ahead with Sanguine unless all problems could be "mitigated."

"Either Sanguine is compatible with its environment or we don't build it," he said.

Last summer, in Park Falls, Wis., protesters put up a picture of an electric chair on a rented billboard with the legend, "Project Sanguine—Shocking, Isn't It?"

Within 24 hours the sign was smeared with paint and someone had written, "Go Navy."

[From the Milwaukee Journal, Oct. 12, 1969]

THE UNSEEN MACHINE

(By Harry Pease)

Sometime within the next decade the population of northern Wisconsin—people, deer, bear, fish, pine and popple—may begin living on top of the biggest radio antenna ever built by man.

Hundreds—more likely thousands—of miles of cable may be buried under some 20,000 square miles of field, forest and lake. Individual cables, which would be fed by underground transmitters, might be 5 to 50 miles apart. Their periphery might be 150 miles on a side and could embrace part or all of 26 counties.

The prospect is both exciting and disquieting.

Exciting because the system would open a new field of communication, a single source of signals which would spread around the world higher than airplanes fly and deeper than military submarines dive. Defense officials say it would increase the effectiveness of our nuclear weapons carriers in war and reduce the chance of an accidental attack in peacetime.

Disquieting because people, plants and animals would be exposed to an electrical environment different from any in which successive generations have heretofore been born and lived out their lives. This unseen machine would use 800 million watts of power, more than enough to serve half the households in Wisconsin.

Like many first steps in costly technology—radar, jet aircraft, nuclear power and space vehicles leap to mind—the giant radio station is a military concept. The navy, the service in charge, calls it Project Sanguine.

The name has no particular significance. It happened to be at the top of a preselected list of code designations when this effort was begun.

It has turned out to be apt, though. Sanguine can mean either "optimistic" or "bloody."

If the worst fears of conservationists and the direst predictions of antimilitarists prove true, Sanguine could upset the whole balance of life in the woods. If the navy's expectations turn out to be justified, few creatures—human or otherwise—will even know Sanguine is there.

Lots of misinformation has come into circulation since the program was publicly announced July 1, 1968. Whether it arose from or gave rise to a rapidly developing controversy is not clear.

Few sensible decisions have ever been reached from wrong premises. Beginning on Capitol Hill, proceeding through the old navy building in Washington and several libraries, and winding up at a test site near Clam Lake in the Chequamegon national forest, I tried to trace out the accurate history, purpose and current status of Sanguine.

I encountered some surprises.

The navy, which wants to build the giant transmitter, has thought up a whole lot more possibly unpleasant consequences than has the fiercest opponent of the project.

Despite all the talk about a "secret communications facility," hardly anything that could affect Wisconsin is classified. Naval officials and their contractors decline to spell out how the signals would be used in military operations, but seem willing to tell all they know about the transmitter and antenna.

And, much as they want the service Sanguine could furnish, the navy men are remarkably hard nosed about protection of our north woods and its inhabitants.

"If Sanguine cannot be made compatible with its environment, Sanguine cannot be built," said John R. Hennessey, civilian public and congressional affairs officer for the naval electronic systems command.

At least six private contractors have been hired by the navy to investigate various kinds of hazards and ways they can be reduced. Another, the research institute of the Illinois Institute of Technology in Chicago, has been hired as a watchdog to make sure the first six do their work properly. Four government agencies in addition to the navy itself will be watching the watchdog.

"If anything, we could be faulted for wasting money on unnecessary research," said Martin Abromavage, an electrical engineer in the interference mitigation branch of Project Sanguine. "But we have to convince the public—and we're not all that confident that we know all there is to know about our frequencies."

The uncertainty is one reason why no operational Sanguine system has been designed. The navy has not asked for authority or money, and will not for several years, because it does not know what it will want to build.

It has been widely reported that "the" Sanguine system would consist of a grid of north-south and east-west cables six miles apart extending from Superior to Niagara and from Chippewa Falls to Oconto Falls. Two hundred forty transmitters would feed the antenna.

Thomas P. Quinn, director of field projects for the office of naval research, explained that this was a base line system—a crude concept drawn up as a guide so engineers could envision the kinds of tests that would have to be made and the general range of power that would be dealt with.

"It probably would work, but Sanguine will almost certainly not be built that way," he said.

Some time a couple of years from now, when testing is further advanced, the navy will get contract definitions—tentative designs—from several contractors who have expressed interest in bidding. The designs will be studied and their best features will be combined into one, for which construction contracts will be let if the department of defense and congress authorize the project and provide funds.

For the moment, no exact location can be stated nor can any reliable cost be estimated. Rep. Alvin E. O'Konski (R-Wis.) has guessed $1.5 billions, which the navy says is probably too high.

Hennessey said an operational Sanguine system was at least four years away. When I asked where the electricity to operate it was coming from, he conceded that the navy would have to negotiate with some utility

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for construction of a new generating plant—probably nuclear—and that lead time for the power plant itself would probably be four years after the navy made up its mind.

Sanguine has been a long time in gestation.

Its remote ancestors were German scientists during World War I. They had an idea for eavesdropping on telephone conversations between French commanders. Sappers wriggled out into no man's land and thrust electrodes into the ground, hoping to detect the current that leaked from French telephone lines.

It didn't work. All they heard was noise, which later was traced to distant lightning. Evaluating the failure, the experts noted a particularly strong resonance—an energy peak—at 7 cycles a second.

Decades later another German, W. O. Schumann, became interested in atmospheric physics, including the "broadcasts" from lightning. He came to a remarkable conclusion.

The ionosphere is an electrically charged upper air layer more than 100 miles thick. Schumann concluded that it and the surface of the earth formed a spherical resonant cavity in which very long radio waves would reinforce one another. The effect was most notable at 7 cycles a second, but could be seen at several frequencies below 100.

Schumann published his work, beginning in 1952. Other scientists took it up. The American office of naval research became interested in 1958.

Since then the navy has spent about $28 million on extremely low frequency radio research. It has good reason to be interested.

Few Americans realize how tenuous are the communications through which our Polaris missile submarines get their orders.

The submarines stay under water for two months at a time. They can, and presumably do, run 600 feet beneath the surface routinely and dive somewhat deeper if necessary. But at these depths they are completely deaf to commands from their government.

To receive signals from any of the five existing low frequency radio transmitters they must rise virtually to periscope depth. Even there, they must tow long antenna wires through the water.

In a period of international tension a commander might be unwilling to expose his ship this way. Even if he did, his radio might be useless because of lightning, solar storm, intentional jamming by an enemy or atmospheric nuclear burst.

Military men read these facts as a weakness in our ability to retaliate, and therefore in our ability to scare an enemy out of starting a war. They avoid discussing the possibility that a misguided skipper, acting independently, could precipitate nuclear tragedy.

Radio signals in the Sanguine frequency range penetrate the oceans to depths perhaps as great as 1,500 feet. They are less subject to natural or man made interference, and can be received by antennas mounted on a submarine hull. Sanguine would permit positive control.

Any communications system which would meet the submarine's needs would also do for land, air and surface sea forces too. A single transmitter in the United States would end our dependence on cables, microwave links and higher frequency transmitters in some 75 countries around the globe.

To utilize those very long radio waves man would have to pay a price. He would need an enormous antenna, and it would be highly inefficient. One of the reasons the Sanguine system is so resistant to jamming was stated succinctly by Cdr. William K. Hartell, a SeaBee officer who manages the facilities engineering branch of the interference mitigation program.

"An enemy would have to build a Sanguine system of his own," Hartell said.

If the transmitting facility were in a particularly favored spot, designers could hope to radiate 150,000 watts of the 800 million watt power they fed the transmitter. Northern Wisconsin is the only such favored spot in the United States.

The power will be fed into cables in the order of 50 miles long, grounded at both ends. Tests are being run at about 500 volts, with 500 amperes of current flowing. Test frequencies are 45 and 75 cycles; an operational system would use one or more frequencies in between.

The return path for the current would be deep underground.

Bedrock in northern Wisconsin is the worn down remnant of a granite mountain range born some 2.5 billion years ago, a formation called the Laurentian shield.

The rock contains little water and few cracks, or faults. Electrons escaping the antenna would spread downward three to five miles, giving the effect of a giant loop. The series of loops which make up the entire grid must be fairly accurately aligned, and faults in the rock might skew them and reduce their effectiveness. Moisture in the bedrock would let the electrons get home at more shallow levels, partially collapsing the loops.

The Appalachians and the Rockies are made of the right kind of rock, but it is massively faulted and the surface slopes are so rugged that construction of a working Sanguine system would be costly if it were possible at all.

The navy made its first Sanguine tests with a cable strung on poles that followed an Appalachian ridge through southern Virginia and northern North Carolina.

That facility, built in 1962, proved that extremely low frequencies could be used for communications. Neither voice nor Morse code was practical, but a sort of computer language that could be interpreted by the proper kind of receiving machine was successful.

The antenna not only communicated. It rang telephones in the Mount Airy (N.C.) exchange whether anybody was calling or not. This was the navy's introduction to practical problems which arise from a fundamental law of physics.

If you end an electrical current through any conductor, electrical currents will be induced in nearby conductors. The induced voltage depends on distance from the primary, or antenna; length of the secondary, its angle to the primary (parallel gives the greatest voltage) and the conductivity of the earth.

One class of Sanguine problems stems from this effect.

Induced electricity could interfere with telephones, change the frequency of power transmission lines and upset such appliances as television sets and electric clocks, and charge fence lines, pipe lines and even the reinforcing rods in concrete highways.

All these difficulties can be overcome, the navy men think. They built a Wisconsin test facility to experiment with methods—neutralizing transformers, ground systems and simply clipping fence lines into shorter lengths connected by insulators.

Critics have declared that Sanguine would "charge every doorknob." The navy says this is untrue; an object must have considerable length to be affected appreciably. However, they expect that 1,000 feet of fence a mile from an antenna cable and parallel to it could pick up a 52 volt charge if no preventive action were taken.

The test antenna near Clam Lake is strung on 30 foot utility poles in the form of a plus sign with each of its four legs seven miles long. Ground wires add another seven miles to the total array. Make believe power lines and telephone cables have been strung at various distances out to 2,000 feet.

The transmitters which feed the wire will draw nearly three million watts of power from a commercial electric substation when the facility is running full tilt. That will not happen before next spring.

"Our test instruments are so sensitive they would be saturated by the electrical field in a New York street," said William R. Hayford, of Camden, N.J., site manager for RCA, the navy's contractor.

The navy has been as careful not to despoil the forest esthetically as it is to avoid inducing voltages in the sparse and distant wiring. The cables have been trenched under main roads and streams used for recreation.

No messages ever will be sent from the Clam Lake facility. Its purpose is only to test interference and means of mitigating it.

Phase I testing, as the navy calls the Clam Lake activity, will continue through most of next year.

Other testing will go on concurrently.

Bell Telephone Laboratories has been engaged to study ways of mitigating telephone interference. RCA will do the same for power lines. The Batelle Memorial Institute in Columbus, Ohio, has been charged with finding out whether the proximity of the big antenna would speed corrosion of pipe lines.

The navy is negotiating a contract with Boeing to determine whether Sanguine would interfere in any way with aircraft communications or navigation.

Dr. William B. Kouwenhoven of Johns Hopkins university will make some fundamental studies of electric shock at Sanguine frequencies.

Using human test subjects he will determine how high a voltage must be to be sensed as a shock and how high it must be before the muscles contract and keep a person from letting go of a wire he has grasped. A part of the study will include the effects of wet clothing, cuts or abrasions on the skin which touches the conductor, and possible differences when people are dressed or gloved in various natural or synthetic fabrics.

Using dogs, he will determine how much of a shock is required to interfere with the action of both normal and abnormal hearts.

The navy says its goal will be to reduce the charge induced on every object within Sanguine's range below the level of perception.

Hazelton Laboratories in Falls Church, Va., will use techniques similar to those used in drug evaluation to test the effects of life in electrical and magnetic fields the size of Sanguine's.

Generation after generation of bacteria and fruit flies will be grown to see whether there is any effect on heredity. Cages and stalls have been fitted with coils and electrodes, and rats and cattle will be bred under Sanguine conditions—rats at least two generations.

Other tests will be run on onion plants, rabbits, turtles, bluegills, ducks, dogs, cats and possibly other animals and plants. Groups of animals will be tested without any electrical field, with a field equal to that expected directly above a Sanguine antenna cable, and at 10 times the Sanguine level.

The studies will include such factors as central nervous system function, blood and other biochemistry, reproduction, effects on cells of various organs and the like.

The Hazleton contract alone calls for $173,000 initially and extension if any hint of adverse affect appears.

If all the Phase I tests and laboratory results are favorable, the navy will ask for funds to build Phase II, an underground cable and transmitter layout southeast of Park Falls. Still only a minimum experimental facility, it will take about two years to install and run through its planned test program.

I came away from my quick look at Project Sanguine with the feeling that protests are premature.

The navy is proceeding slowly, cautiously, conscientiously as far as I could see. Its

spokesmen admit candidly that science has not answered all the questions about Sanguine, and repeatedly declare that there will be no wiring of the woods until all the answers are in and all are adjudged favorable.

There will come a time, perhaps in two or three years, when the nation will want to look hard at the program as it would at any other major defense expenditure. Neither Wisconsin senator is favorably disposed now; there is no reason to believe that the sponsors of Sanguine will get it without hostile scrutiny.

On the other hand, there is no evidence that the navy plans to despoil our wilderness recreation area, harass our people and our wildlife or charge recklessly into an unexplored zone of technology.

In fact Wisconsin, the navy and United States of America all seem to be on the same side.

[From the Progressive magazine, October 1969]

PROJECT SANGUINE—THE NAVY IN THE NORTH WOODS

(By Erwin Knoll)

A funny think happened this summer in the area around Park Falls in northern Wisconsin. Local telephones suddenly went on the blink. Residents heard hums, buzzes, the crackle of static. It was a minor and momentary inconvenience—merely the latest bad break to befall Project Sanguine, the U.S. Navy's ambitious plan to turn a twenty-six-county area of Wisconsin into the world's largest radio transmitter.

Project Sanguine has had more than its share of bad breaks. Not major naval disasters, mind you, such as colliding with an Australian aircraft carrier or sinking a submarine at dockside or losing a spy ship to a third-rate power. Just little troubles that make for nasty little items in the newspapers—and items in the newspapers are precisely what the Navy had hoped to avoid in connection with Project Sanguine.

Only a year ago, in fact, Project Sanguine was a very hush-hush. The Navy hardly talked about it at all, and all documents pertaining to Sanguine were stamped "Secret." Among the documents so stamped were the newspaper clippings that started cropping up in the Wisconsin press as Phase I of Sanguine got under way in the Chequamegon National Forest. When word leaked out about the Pentagon's curious practice of applying the secrecy classification to published news reports, an embarrassed Defense Department memorandum set forth a new and radical policy—"articles appearing in newspapers, magazines, or elsewhere in the public domain will not be classified." To the Navy's dismay, that memo, too, made news.

The purpose of Project Sanguine is to provide the Navy with a transmitter powerful enough to send signals to ships and installations around the world, and particularly to Polaris missile submarines that may be cruising deep below the oceans' surface. Present communications methods, the Navy contends, are susceptible to interference by hostile powers or adverse weather conditions.

Sanguine would rely on the extra-low-frequency (ELF) range of the radio spectrum—waves that move along the earth's crust, immune to atmospheric disruption. The system does not lend itself to the transmission of sophisticated messages—but it would suffice to convey a simple coded command to attack, and perhaps even to designate a target.

To furnish the power and range the Navy seeks, the Sanguine system would require a vast tic-tac-toe grid of electric cables buried about six feet underground. The rolling terrain and subsurface rock formations of northern Wisconsin are said to be ideal for the purpose. If present tests prove the feasibility of the project, the Navy plans to install some 6,000 miles of cable under a 25,000 square mile area by the mid-1970s, at an ultimate cost of $2 billion or more. About $27 million has been spent so far in the testing phase.

The anonymous Defense Department masterminds in charge of Project Nomenclature—the folks who gave us such delights as "Safeguard" for the ABM system—hit the jackpot when it came to naming Project Sanguine. *Sanguine* is one of those wonderfully ambiguous words. It can mean *cheerful*. It can mean *bloody*. The first sense is undoubtedly the one the Navy had in mind. The second seems much more apt to many of those who are beginning to take a close and critical look at Project Sanguine.

"This new comunication system will decrease our reliance on our foreign-based communication radio relay stations, and will help us in reducing our gold flow to foreign countries," says the narrator of "A New Voice in the North Woods," a cheery Navy propaganda film that has been given frequent showings in northern Wisconsin recently to help allay the growing uneasiness of residents in the Sanguine region.

It is an effective film, replete with stirring footage of Navy ships and planes in action, and it ends on this rousing note:

"This powerful military establishment exists *only* to insure peace and the security of the United States and our allies. The state and the people of Wisconsin are playing a key role in the development of this new worldwide command and control communication system.

"Your cooperation and continued support of this vital project is a significant contribution to our nation's security and its capability for maintaining the peace in this troubled world."

To some residents of the beautiful but chronically depressed north woods, Sanguine also promises to make a significant contribution to the local economy. An avid booster is Republican Representative Alvin E. O'Konski, who rushed the news of Project Sanguine to his constituents last year in terms that might more properly be reserved for the Second Coming. Local news stories inspired by O'Konski (and promptly stamped "Secret" by the Pentagon) predicted that Sanguine would provide the area with at least 5,000 new jobs—a figure that appears to have been exaggerated by about 2,500 per cent. In an unfortunate figure of speech, O'Konski also asserted that "I'll sleep well once I know the system is working."

Despite O'Konski's hosannas for Sanguine and the exertions of the Navy propagandists, Northern Wisconsin residents in growing numbers are voicing apprehensions about the project. The state's two Democratic Senators, William Proxmire and Gaylord A. Nelson, are receiving much mail reflecting concern about possible problems ranging from the trivial to the cosmic.

Will Sanguine's underground wires interfere with surface telephone, radio, and television reception? Will the electrification of a vast area endanger plant and animal life, disturb the ecology of the region, and perhaps even imperil human life? Will the installation make northern Wisconsin a prime nuclear target in the event of war? The Navy, while frequently invoking the secrecy requirements of "national security," has attempted to provide answers to these questions, but has failed to satisfy those who raise them.

In an early, pre-Wisconsin test of Project Sanguine several years ago, telephones for miles around a test site in South Carolina were set to constant ringing by a small grid of ELF transmission wires. The telephone interference experienced this summer in the Park Falls area occurred when a small "dummy load" of electricity was sent through some Sanguine lines. "The customers complained that they could not use their phones," said the district manager of the General Telephone Company, and an official of the Wisconsin Natural Resources Department reported that the state's conservation communications network had been temporarily put out of business.

The Navy's comment on such incidents is that every effort will be made to "mitigate" Sanguine's effect on civilian communications before the full-scale network is put into place. Dan Satran, the editor of the *Vilas County News-Review* in Eagle River, Wisconsin, wrote a few months ago:

"The thing that worries some of the North country folks is that the Navy authorities constantly and persistently stick to the term 'mitigate' rather than 'eliminate' and some know there is a world of difference between the two terms. Webster defines *mitigate* as 'causing to become less harsh or hostile—to make less severe or painful.'

"At its best, Project Sanguine's side effects may be only a little less painful—and at its worst the north woods of Wisconsin may turn up on a map in Moscow with a big red circle around Park Falls and the button at their control center may be connected to a missile that could be dispatched for a catastrophic landing in the Chequamegon National Forest."

Mrs. Camilla R. Hanson, the Democratic chairman of Ashland County, is convinced that "there is a very real danger that Northern Wisconsin would become a prime target for nuclear attack in the event that Sanguine is built." She conveyed her concern last spring to Defense Secretary Melvin R. Laird who, as a former Wisconsin Congressman, is presumably well briefed on the details of Sanguine. Mrs. Hanson received a reply from Rear Admiral Francis J. Fitzpatrick, the Assistant Chief of Naval Operations, that left her far from reassured. "It is impossible," the Admiral wrote, "to prove that a Sanguine system would not be a prime target. However, one way of discouraging such an attack would be by constructing it to be so survivable that it would prove too costly and ineffective an effort for any enemy to make such an attack."

More imminent than the danger of retaliatory nuclear devastation is the possibility that Project Sanguine will drastically affect the balance of nature in northern Wisconsin. Lowell L. Kiessig, a conservationist and environmental scientist at the University of Wisconsin's School of Natural Resources, points out that once the installation of Sanguine is completed, "the whole region will be bathed in low-frequency radio waves radiating from the transmitters." Kiessig, who is attempting to mobilize opposition to Sanguine through "all legal means of political warfare," makes this case:

"Every biologist knows that the nervous system and other biological processes operate on the principle of internal electrical fields. To put an organism in an external electric field such as is proposed by the Navy in Sanguine may very well alter those biological processes. . . . Fish and earthworms are especially vulnerable since they live in the high conductivity media of water and ground. However, the electromagnetic fields may even influence the guidance system of migratory birds such as ducks and geese and cause them to lose or change their flyway patterns. Other animals might leave the area of intense stimulation or be destroyed by it."

Under a $175,000 Navy contract, Hazleton Laboratories, Inc., of Falls Church, Virginia, is now attempting to analyze the "potential biological hazards" of Project Sanguine. Senator Nelson, who has consistently questioned the necessity and desirability of the Navy project, calls the Hazleton survey "inadequate in scope from the very beginning." His skepticism is based in part on such language as this in Hazleton's research proposal:

"The potential hazard from temperature increases associated with antenna elements, after power is on, will be investigated only to a limited extent, using plants. It is our opinion that such animals as groundhogs are not of sufficient economic value to be of concern."

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"That kind of unconcerned arrogance is frightening," Nelson says.

Under the heading, "Responsiveness to Navy Direction," the Navy's instructions to the research laboratory contain this interesting paragraph:

"This task is not a grant to research topics in which individuals may be interested or competent. The task is intended to provide answers to questions posed by the U.S. Navy. In the course of the work, initial directions of study may prove fruitless and substantial changes may have to be made in the task. Evidence should be given that individuals assigned will subordinate their own interests and will take directions from Navy project managers who may have little knowledge of biological science." That doesn't leave much room for doubt about who will call the turn on Hazleton's research.

The Navy concedes that one side-effect of Project Sanguine will be the transmission of a "mild electric shock" through all metallic objects in the area. It plans to insulate all wire fences, metal guard rails, and other objects that might become unintended conductors of potentially hazardous currents. Farmers will be subjected to "unbelievable" complications when they put in new fencing or change a fence line, Nelson says.

"The most frightening thing, however," the Senator adds, "is what happens in the case of old, abandoned fence lines the Navy hasn't found because they are rusting away and half-buried in the forests. The chance of a hunter or a small child on a rainy day touching one of these unmitigated lines could bring a real tragedy."

In a recent response to a Wisconsin acquaintance who inquired about Sanguine's possible harmful effects on humans and wildlife, Secretary Laird wrote: "In any steps the Navy takes in implementing Project Sanguine, all possible consideration will be given to its effect on natural resources. At the same time, Defense Department responsibilities include investigating developments which may lead to an improvement in the defense posture of our country."

Curiously, the precise impact of Project Sanguine on the "defense posture of our country" has been the aspect last discussed, either in Wisconsin or in Washington. Yet this may be the most urgent reason for putting obstacles in Project Sanguine's path. Some analysts are privately suggesting that Sanguine, like the ABM and MIRV, is primarily not a defensive but an offensive device. They reason that the Navy's present communications system is quite adequate for the maintenance of a credible nuclear deterrent; even if only half the force of Polaris (or Poseidon) submarines were to receive the word, they could mount a more than adequate retaliatory second strike. The reason for the Navy's eagerness to go ahead with Sanguine, these experts suggest, is that the total communications system is essential to the mounting of a concerted first-strike attack.

There is no way, of course, of proving or disproving this thesis. It is merely plausible. And with the other problems, large and small, posed by Project Sanguine, it seems to constitute reason enough to keep the Navy out of the north woods.

APOLLO FOOTNOTES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. TEAGUE of Texas. Mr. Speaker, as the Apollo 11 astronauts were returning home from their historic journey to the moon, the Birmingham News of July 22 examined several significant aspects of our national space program. This editorial points out the importance of our industrial capability and our open program as being major contributors to the success of our national space program. The points raised in this editorial are of underlying importance to the future of our national space effort. This significant editorial does much to reinforce the importance of these ideas. The editorial follows:

APOLLO FOOTNOTES

They may not be the most obvious or the most important facets of the incredible story which has been written during the past week, but a couple of things ought to be asterisked and recorded in footnotes as the Columbia sails across the space sea from the distant shore its crew has visited.

One is that this first small step-giant leap away from the earth toward exploration of the universe, this triumphant achievement of a national goal set for America by its President eight years ago when it seemed impossibly out of reach, is a product of the technological sophistication and capability of modern industrial America's free enterprise system.

It is a product, in short, of the very thing which so many these days have seen fit to deride. "Military-industrial complex" has become an epithet. But the fact is that America's "military-industrial complex," which a quarter of a century ago in time of war saved the nation through quick mobilization of power to meet the threat of aggressors who thought the U.S. would be a pushover, once again rose to the peaceful challenge of space exploration.

It simply wouldn't have been possible without the know-how and the ingenuity and the superb performance of literally hundreds of thousands of individuals and companies who are the flesh and blood reality of the sinister "complex" about which we hear so much nonsense these days.

A second point is that the difference between the free, open American society and the closed, secrecy-shrouded society on the other side of the Iron Curtain was never more dramatically evident.

While every step, ever moment of the Apollo 11 mission, as of all America's previous missions, was open to public gaze, Russia's simultaneous Luna 15 mission, like previous Russian missions, went mysteriously along its path. The world will know only what the Russians choose to tell about it, when they choose to tell it.

Huge crowds thronged around television sets and radios around the world for reports on Apollo. They were eye-witnesses to spectacular success, and they would have been eye-witnesses if, God forbid, there were spectacular failures.

We believe that the open window, whatever the risks involved, has a greater impact—not only in the details of a specific mission but in the impression formed of the society which has confidence enough to open the shutters—which will not be lost upon the peoples of the world.

MORATORIUM—AN INQUIRY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. RARICK. Mr. Speaker, the moratorium demonstration on October 15, 1969, is further evidence of the all-out war being waged against the people of the United States.

This activity was not a spontaneous reaction of the masses but the result of general staff type of planning and vast financing for what in either World Wars I or II would have been dealt with as treason.

There are two questions that should be asked: Who were the planners? Who supplied the millions of dollars that the moratorium must have cost?

These questions must be answered if the agents for creating chaos and their financial supporters are to be identified and the people of the United States, their Government, and institutions protected against serious injury.

Several articles follow:

[From the Washington (D.C.) Post, Oct. 18, 1969]

MORATORIUM DEMONSTRATION AGAINST WAR BOOMERANGED

(By William S. White)

The central and the ironic reality in the wake of the much-advertised "moratorium" demonstration against the Vietnam war is that this attack upon President Nixon's position, and that of the mildly hawkish forces in general, has boomeranged.

The Vietnamese Communists on the one side and—of all people—Vice President Agnew on the other side broke the moratorium's back before it had really begun. That this is the plain fact will not of course ever be publicly conceded by those dove senators who had abetted what they had believed would be an irresistible spasm of emotional pressure upon the President to open a general retreat from Vietnam forthwith.

All the same, how the doves really estimate the situation in the after-time is clearly shown by their actions. For the only politicians who are now talking much about the great moratorium are the politicians who had opposed it in the first place. The doves, for their part, are beginning a slow process of disassociation—of "Who, me?" from the happening of Oct 15.

These fellows, when all is said and done, were out to get the President, and in this they have signally failed. It would go too far to say that he has wound up by getting them. It is, however, entirely true that he has come out of this affair in incomparably better shape than the most optimistic of his advisers had believed to be possible. Moreover, it is plain that many, many Americans are beginning to have second thoughts about this whole business of turning a vastly complex foreign-policy problem out into the public streets.

The bedrock reason for the President's relative success is that North Vietnamese Communist Premier Pham Van Dong made a colossal blunder in addressing a "Dear American Friends" open letter to the antiwar people in this country and Vice President Agnew brilliantly exploited an arrogant intrusion by an enemy engaged at that moment in killing American troops.

The prospective demonstrators on this side of the water were thrown into a panicky disarray. This was for the very good reason that the vast majority of them were fundamentally decent Americans, however deluded, to whom protest was one thing but open palship with an enemy dictator was quite another thing.

Indeed, in looking back on it all, the overmastering reaction among many here—including very important persons in the White House—is one of amazement that Pham Van Dong could have made so incredible an error. Nobody in authority here had been prepared to condemn M-Day as a Communist-front operation; for, of course, it was not. Actually, many of those instant experts on foreign affairs who were in the streets—here in Washington, at any rate—were all of 14 years old and were quite as innocent of Communist connection as of simple, adult common sense.

Still, the fact remained, too, that home-grown Communists were indeed seeking to use the innocents; the problem for the administration was how to make this clear to the nation without seeming to be against "free dissent" and all that The Premier of North Vietnam most accommodatingly took care of the matter for the President, who then sent Agnew to the front to blast the thing from the White House steps.

Finally, the man who gained most of all was Spiro Agnew. For months poor Agnew had been the butt of condescension and ridicule, and if anything to his credit ever got to the public's attention, it was by accident. Indeed, he was strongly remindful of another Vice President called Harry Truman, who was also fashionably dismissed as a nonentity—and who, like Agnew, had the curious habit of saying just what he thought, to the pain and derision of the pseudo-sophisticates.

Today, there is a "new" Agnew. For it cannot be denied that he did quite a job here. So he is now, and for the first time, the second biggest man in Washington.

[From the Washington (D.C.) Post, Oct. 18, 1969]

NIXON, HUMPHREY SEE HASTY PULLOUT CREATING WORSE PROBLEM THAN WAR

(By John P. Roche)

On October 10, former Vice President Hubert Humphrey, at President Nixon's invitation, spent more than an hour in the Oval Office discussing the Vietnamese situation.

It was the first time that Mr. Nixon has opened up to his opponent of 1968 and it can be reliably reported that Mr. Humphrey was greatly impressed by the President's conviction and logic in setting forth the administration's program for ending the war. Indeed, at his own suggestion, Humphrey later went into the press lobby at the White House and urged nonpartisan support for Mr. Nixon's peacemaking efforts.

For this, he was promptly denounced by the "pull out overnight" wing of the Democratic party. However, in fairness to both Humphrey and the President it should be noted that a strong case can be made that such a pullout would create far greater problems for American society than does the war. On this point President Nixon was, according to well-informed sources, particularly persuasive in his session with Humphrey.

Both the President and Humphrey were senators in the early '50s and they share the memory of the impact that the fall of mainland China had on American politics. The same Americans who would have bellowed with rage in 1949 if massive military efforts had been made to preserve the Nationalist regime from the Communists, were surging around the countryside by 1952 looking for the traitors who "betrayed China to the Reds." And no Americans were killed in China.

The President reportedly is concerned that Vietnam could touch off a yahoo crusade that would make the work of the "China Lobby" of almost 20 years ago look like a political picnic. Forty thousand Americans have been killed, 200,000 wounded, perhaps $100 billion spent in Vietnam, and the mood of the American people is obviously ugly.

If the President were prepared to accept a thinly camouflaged defeat and pull all our forces out some dark night, the first reaction would undoubtedly be a national sigh of relief. But then what?

Then, according to the same sources, Mr. Nixon anticipates a two-pronged public response. First, the revival of militant isolationism, a cutback in American commitments all the way from Southeast Asia to Berlin and Israel—in short, a retreat to "Fortress America." Second, a bitter quest for scapegoats that would be reinforced by the butchery which would accompany a Hanoi takeover in South Vietnam. (Some years ago Peking admitted quite casually that some 10 million Chinese had been liquidated in the early years of its regime; on a smaller population base, Hanoi could be counted on to be similarly savage.)

The President's stubborn quest for an honorable peace is therefore based on his estimate that any alternative will both undermine the stabilizing role of the United States in the world—which in fundamental terms has maintained the peace since 1946—and generate a political lynching bee in American domestic politics. Moreover, he is said to be convinced that his program of "Vietnamization," coupled with staged withdrawals of American troops, will, in fact, work; that given another six months Hanoi will give up its present all-or-nothing gamble (in which American antiwar opinion is its hole card) and enter into genuine negotiations in Paris.

Although Humphrey was accused of being "brainwashed," any American politician (Democrat or Republican) who dismissed the President's forebodings as self-serving fantasies merits retirement. The easy thing for a liberal Democrat to do right now is to bask in the sunshine of antiwar militancy—the youngsters provide wonderful ego valet-service for those who feed their frenzy. Humphery took the harder road. Although he clearly explained to the President his support for accelerated de-escalation and a cease-fire (as well as his absolute opposition to a rumored threat of hard-line action if negotiations continue to stall), he agreed that the administration is sincere in its search for peace and needs time. When he repeated this to the press, he demonstrated the kind of moral courage that other would-be Democratic Presidents would do well to emulate.

[From a paper by Comdr. M. C. Perry, U.S. Navy, read before the American Geographical and Statistical Society, at a meeting held March 6, 1656]

It requires no sage to predict events so strongly foreshadowed to us all: still "Westward" will "the course of empire take its way." But the last act of the drama is yet to be unfolded; and notwithstanding the reasoning of political empirics, Westward, Northward and Southward, to me it seems that the people of America will in some form or other, extend their dominion and their power, until they shall have brought within their mighty embrace multitudes of the Islands of the great Pacific, and placed the Saxon race upon the eastern shores of Asia. And I think too, that eastward and southward will her great rival in future aggrandizement (Russia) stretch forth her power to the coasts of China and Siam: and thus the Saxon and the Cossack will meet once more, in strife or in friendship, on another field. Will it be in friendship? I fear not! The antagonistic exponents of freedom and absolutism must thus meet at last, and then will be fought that mighty battle on which the world will look with breathless interest; for on its issue will depend the freedom or the slavery of the world—despotism or rational liberty must be the fate of civilized man. I think I see in the distance the giants that are growing up for that fierce and final encounter; in the progress of events that battle must sooner or later inevitably be fought.

COMMERCIAL ENTERPRISES AND ASSOCIATIONS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. O'HARA. Mr. Speaker, I have been critical of a proposal by the Internal Revenue Service to assemble and publish income tax data by zip code area.

My contention has been that it will target areas of affluence for direct-mail advertisers and door-to-door salesmen.

A complete list of "commercial enterprises and associations" which have expressed an interest in this information will follow my remarks. I will deal in greater detail with several of the prospective clients in a moment.

Among the 14 "commercial enterprises and associations" at least half of them conduct direct-mail advertising campaigns. I was unable to get complete data on the business operations of the others.

Poore's Directory of Corporations lists the principal business of one of the firms, R. L. Polk & Co. as "Direct-mail advertising and the furnishing of mailing lists and specialized lists and mailing service."

Another potential purchaser of the IRS information is the Old American Insurance Co. Best's Insurance Reports says that this company has "developed a substantial direct mail solicitation on a nationwide basis."

Among the other potential purchasers are American Mail Associates and Names Unlimited.

For some years the IRS has published income statistics for the Nation's major metropolitan statistical areas. This year, by isolating major zip code groupings, it was able to publish this information for middle-sized cities.

Now the IRS plans to go even further by publishing income statistics for specific zip code areas, a geographical unit which can be measured in city blocks.

This would pinpoint neighborhoods in which direct-mail advertisers, and possibly door-to-door salesmen, would find their best sales prospects.

I strongly feel that this puts the IRS in the position of encouraging invasion of privacy. At the same time, it distorts the responsibility of the IRS.

I have written IRS Commissioner Randolph Thrower of my continued reservations about this project.

I recently received information from the IRS that it is reviewing this project. Presumably the IRS may cancel it.

However, I fear that the IRS will decide to pursue the project, thus inviting a deluge of direct-mail advertising down upon affluent or moderately affluent neighborhoods.

I hope that, as a result of this review, the Internal Revenue Service will conclude that it should drop plans to extend its statistical data publishing service and instead devote itself to its primary task, collecting taxes as efficiently and as fairly as possible.

Mr. Speaker, my letter to Commissioner Thrower and the list of prospective clients for the IRS zip code income tax data follows:

OCTOBER 15, 1969.

RANDOLPH A. THROWER,
Commissioner, Internal Revenue Service,
U.S. Treasury Department,
Washington, D.C.

DEAR COMMISSIONER THROWER: I am in receipt of a letter dated September 19, 1969, from Mr. Albert W. Brisbin, Assistant Commissioner, Planning and Research, Internal Revenue Service.

Mr. Brisbin was responding to a letter which I wrote to you on July 7 in which I objected to IRS plans to make zip code area

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income tax statistics available to commercial buyers.

At that time, I expressed the belief that this information would be invaluable to direct mail advertisers and door-to-door salesmen. I wrote that "I question whether it is the business of the Internal Revenue Service to draw targets for commercial interests who can proceed to invade the privacy of citizens who happen to live in moderate or relatively high income areas, as identified by the IRS statistics."

While declining to address himself in detail to my specific objections, Mr. Brisbin was kind enough to provide me with a list of potential commercial subscribers to the proposed new IRS statistical service. An examination of the list proves, I believe, that my fears were based on fact: that publication of the statistics will be of great help to direct mail advertisers. Evidence that it will also help door-to-door salesmen, is, I admit, inconclusive at this time.

It was not possible, because of lack of address and other pertinent information to discover the principal business interests of all the "Commercial Enterprises and Associations" which have expressed an interest in purchasing the IRS zip code data. However, virtually all of those which we were able to check on are involved in direct mail advertising.

The activities of such institutions as Sears, Roebuck and Co., Spiegle, Inc., Look Magazine and Time, Inc., are well known. It could be, of course, that these companies are interested in this data for market research, rather than direct-mail advertising purposes.

I would like to call your particular attention to two of the potential subscribers—R. L. Polk and Company and Old American Life Insurance.

Of the R. L. Polk and Co., Poore's Directory of Corporations says: "Principal business, publishing city directories, and bank directories; *Direct mail advertising;* statisticians for auto industry and other related subjects, *furnishes mailing lists and specialized lists and mailing services*" (emphasis is mine)

Of the Old American Insurance Company, Best's Insurance Reports—Life/Health says: "Agency operations are conducted through branch offices in metropolitan centers with general agencies being used elsewhere. *In addition, the company has developed a substantial direct mail solicitation on a nationwide basis.*" (emphasis again mine)

Two other potential clients for the IRS service also aroused my interest, but because of lack of definitive information, I was unable to gather information on their activities. They are *"Names Unlimited, Inc."* and *"American Mail Associates."*

In his letter to me, Mr. Brisbin asserts that "Your assumption that this data will be valuable only to door-to-door salesmen and direct mail advertisers . . . completely misses the mark . . ." He adds that "The usefulness of this data for desirable public purposes is indicated by the list of subscribers who have written us requesting copies of the file in whole or in part."

Nowhere in my letter of July 7 did I say that the data would be valuable *only* to door-to-door salesmen and direct mail advertisers.

In fact, I prefaced my main points with the comment that I have no objeciton to the collection of information for legitimate government uses. I did say that I have serious reservations about the use of *tax data* by other governmental agencies. I note that some six governmental agencies, ranging from the Department of Housing and Urban Development to the Port of New York Authority, have also indicated an interest in the IRS information. I acknowledge that they may want this material for "desirable public purposes."

I recognize too that it would not be feasible to make this information available to governmental agencies while withholding it from private enterprise. Therefore, I think it desirable for public agencies to get their income statistics from sources other than the Internal Revenue Service.

But as for commercial users, which outnumber governmental agencies 2–1, it remains my contention that the majority of commercial users of the zip code area data plan to utilize the statistical information for direct mail advertising purposes.

Can you tell me which of those Commercial Enterprises and Associations which have expressed an interest in purchasing the IRS zip code area data actually plan to use it for purposes *other* than direct mail advertising?

I still say that it would be relatively simple—if more expensive—for these businesses to do their own income research. The avalanche of direct mail advertising directed at certain neighborhoods would be the same, perhaps, but at least the Internal Revenue Service—the nation's tax collector—would not be a party to it.

I note with some encouragement Mr. Brisbin's report that "the question of publishing the zip code data is under review" by the IRS.

I hope that this review concludes that the Internal Revenue Service should drop plans to extend its statistical data publishing service and instead devote itself to its primary task—collecting taxes as efficiently and as fairly as possible.

Very truly yours,

JAMES G. O'HARA,
Member of Congress.

P.S.—I would appreciate having the business addresses of the various Commercial Enterprises and Associations which have indicated a desire to buy the Zip Code Area Data. And will you please keep me informed as additional business firms express an interest in the information.

LISTS OF SUBSCRIBERS OF IRS ZIP CODE TAX DATA

GOVERNMENTAL AGENCIES

U.S. Department of Commerce, Office of Business Economics.
U.S. Department of Housing and Urban Development.
Tennessee Valley Authority.
Department of the Army, Office of Civil Defense.
Federal Deposit Insurance Corporation.
Port of New York Authority.

NONPROFIT RESEARCH ORGANIZATIONS

National Bureau of Economic Research, Inc.
The Urban Institute.

COMMERCIAL ENTERPRISES AND ASSOCIATIONS

American Mail Associates, Inc.
Associated Merchandising Corporation.
Data Use and Access Laboratories.
F K and S Marketing Consultants.
Look Magazine.
Names Unlimited, Inc.
Sears, Roebuck & Co.
Larry Smith and Company.
Spiegel, Inc.
Time, Inc.
Albert R. Young Associates.
Old American Life Insurance.
R. L. Polk and Company.
Hart Schaffner & Marx.

THE VIETNAM WAR

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. KEITH. Mr. Speaker, since he took office, President Nixon has taken significant steps toward ending the American involvement in this war. He has reduced the number of American troops there, and promises to reduce them still more. In this course, I believe, he has the strong support of the American people. In spite of his unfortunate statement about paying no attention whatever to the moratorium, he has paid attention to the views of participants—indeed, he has implemented much of what the war critics were clamoring for a year ago.

The President is right in ignoring the chorus of demands to "bug out" of this conflict immediately, and totally. He is trying to keep to a statesmanlike approach, so that we may gain at least some of the goals that we had when we entered this conflict.

His aim, expressed both by him and by administration spokesmen, is twofold: First, to extricate the United States from this war and, second, and equally important, is to do it in such a way as to encourage the stability and confidence of the other nations in the area in their future national security.

Vital to this second goal is leaving behind a strong, unified regime in South Vietnam, representing most of the vital and dynamic political groupings in that nation. This is our goal: up to now it would appear that it has not been sufficiently shared by the Thieu-Ky regime.

That is why it is so important that we continue our pullout. For as long as the Saigon government thinks we are going to stay and support them, they have less reason to change. Hopefully, when it is clear to them that in a limited time they will have to stand up on their own, they will take the steps that must be taken to broaden and unify their nation's government.

If the Thieu regime accepts the twin responsibilities of Vietnamization and democratization, then we hopefully can leave Vietnam, secure in the knowledge that we have won our goals.

And the government we leave behind will be one that can stand on its own, rather than be propped up by American bayonets. Our leaving under such circumstances will accomplish the second part of President Nixon's twin goals—it will leave the rest of Southeast Asia with a sense that the United States is not abandoning the area in flight, but in an orderly fashion, leaving behind a regime that could stand on its own.

The great danger, however—and I am confident that the President is aware of it, and will continue to try and avoid it—is that, in our aiming to leave in the most orderly manner possible, and to foster the greatest possible sense of security and stability in the area, we will lose sight of the first goal, disengagement.

And that is as the President realizes, an equally important goal. For it will do us no good to foster a sense of security and unity and confidence in Southeast Asia, if we lose it at home. Under our system of government, the majority rules—and it is clear that the majority wants our involvement in Vietnam to end. So it must end, and it will. But it is the President's hope—and my own—that it can end in a manner that will leave Southeast Asia with a sense of stability, security, and confidence in the American word and in the American presence. If it does not—and it would not if we withdrew

immediately and totally—then the deaths and expense there would truly have been in vain.

MARK 50TH YEAR IN BUFFALO OF GENERAL ELECTRIC PLANT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. DULSKI. Mr. Speaker, a half century of operation in the Buffalo area was marked this past weekend by the General Electric plant, located at the corner of Fillmore and Ferry Streets in my district in Buffalo, N.Y.

It was an honor and a pleasure for me to be a participant in the anniversary program and then to make a tour of the installation with the acting plant manager, William S. Munday, as my escort.

There was a special plaque presentation to mark the occasion, with two of the plant's original employees, now pensioners, Agnes Berchou and Anna Kurtz, doing the honors of receiving the memorial from Vice President Halbert Miller.

The Buffalo plant's role in industrial development of our Nation is almost a history of the half century. Started as a plant to make lamps, the production turned to cathode ray tubes, to television picture tubes, and then switching into semiconductor products, including germanium transistors, low current rectifiers, silicon unijunctions, and tunnel diodes.

RELATIONS IN COMMUNITY

In his presentation, Mr. Miller noted the fine relationship of the plant to the community, commenting:

> We are all proud of the fine relationship between the people and the plant . . . this is my third visit here. . . . I could feel the support and pride of the employees as members of this organization.

Other GE officials attending were Dr. Leonard Maier, vice president and general manager; James Donnalley, SPD general manager; George Finch, SPD manager of manufacturing; and Robert Beck, newly appointed Buffalo plant manager.

Following the plaque presentation, a reception was held. A group of employees selected from all work areas in the plant also attended the reception.

These employees were Geraldine Sopczky, Mildred Przybyl, Rose Pijacki, Dolores Wagner, Bernice Maston, Carol Carter, Florence Budzynski, Bonnie Wozniak, Wanda Rozek, Eddie Kwiecinski, Virginia Wroblewski, Norbert Lotz, Tim Regan, Don Petrillo, Chet Malach, George Deiboldt, Mary Louise Wickett, Jim Hall, Florence Strzelecki, Cassie Winnicki, Dan Millick, Mildred Hill, Irene Laudan, Jane Paske, Bessie Albert, and Jerry Batt.

On the following day, the plant had a family day open house which was attended by more than 2,500 persons.

Following is an interesting history of the Buffalo GE plant:

BUFFALO PLANT HISTORY

The General Electric Company's transistor plant is located in the heart of the City of Buffalo. Manufactured here are high quality semiconductors, such as transistors and rectifiers for use in business, industry, missiles, military guidance systems, communications systems and other electronic control equipment, just to list a few applications. Still other transistors are shipped to manufacturers of such consumer products as electronic organs, home radios, and even educational model kits and toys.

The Buffalo Plant is proud of it's product and proud of the skilled men and women who have been building high quality General Electric products in this Plant since 1919. The Plant was designed and built by the Company's Lamp Department to manufacture miniature incandescent lamps. A "Mazda Lamp" sign was located on top of the building and was a familiar land mark around the neighborhood for nearly a quarter of a century.

Many of the current employees started their careers with General Electric in those early years and have remained loyal employees ever since. Today they, and their sons and daughters, cousins, aunts and uncles are employees working on semiconductors. More than 107 employees have served General Electric for 25 years or more, nearly one employee in every three has 15 or more years of service and 50 per cent of the employees have at least 10 years of service.

Following nearly a quarter of a century of successful lamp production, the Plant switched over to the manufacture of electronic tubes in 1942 as part of the Company's war effort. Following the war, General Electric's Cathode Ray Tube Department started the manufacture of television picture tubes. The first TV picture tube manufactured on a production basis by General Electric came off the assembly line in January, 1946.

SEMICONDUCTOR PRODUCTS START

Then in 1957, the Semiconductor Products Department established a satellite manufacturing plant in Buffalo and began producing transistors in the Spring of that year. A series of interior improvements have gradually turned the Plant into the modern, ultraclean facility needed to successfully manufacture transistors. The main three-floor building facing Fillmore Avenue, as well as a two-story addition built in the early 1950's, was completely renovated during the early 1960's.

The Buffalo manufacturing facility is one of General Electric's 280 facilities in the United States and Canada. Located in over 135 communities in 33 states, Canada, and Puerto Rico, General Electric is the world's largest electrical manufacturer. The Company employes over 400,000 people to manufacture more than 200,000 different products. More than 29,000 employees hold degrees in engineering or the physical sciences. They work and study on product development in over 100 laboratory locations. More than 40,000 patents have been issued to the Company since the Company was founded in 1892, the highest number ever awarded to any one company.

The Buffalo Plant is proud of the General Electric Heritage and proud of the record of achievement which it has helped to forge over the years. Today, as the 50th Anniversary is celebrated, employees look forward to greater strengths and achievements in the days and years to come.

SIGNIFICANT DATES IN BUFFALO PLANT HISTORY

1918: Plant construction begins by Lamp Department.
1919: July 1st—Official Dedication.
1919: Production of lamps commences.
1932–36: Closed during depression.
1942: Cathode Ray Tube Department begins operation producing special electronic tubes.
1946: 1st TV picture tube produced.
1950: One Millionth TV picture tube produced August 16th.
1957: Semiconductor Products Department begins operations. Manufacture of germanium transistors.
1965: Low current rectifiers start production.
1966: Silicon unijunctions begin production.
1969: Tunnel diode production begins.
1969: 50th Anniversary celebrated.

PUBLIC BROADCASTING FACILITIES GRANT PROGRAM

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. FRIEDEL. Mr. Speaker, the House passed almost unanimously, H.R. 7737, the Educational Television and Radio Amendments of 1969 on October 9. This act originated in the Committee on Interstate and Foreign Commerce, of which I am the ranking member.

There is one particular section I would like to refer to and that is the public broadcasting facilities grant program. Until recently my State of Maryland did not participate in this program.

However, October 5 marked the official inaugural program of WMPB—UHF, Channel 67—with an interview of our Governor, the Honorable Marvin Mandel. Maryland has become the 47th State to enter the public broadcast service.

Mr. Speaker, I insert an article that appeared in the Washington, D.C., Star on October 5 pertaining to the official inauguration of this service:

PUBLIC TV CHANNEL 67 MAKING DEBUT AT 6 P.M.

(By Jack Kneece)

OWINGS MILLS, MD.—If you are the sort who becomes angry enough to smash a television set over insipid commercials, you may welcome a public television channel making its Baltimore-Washington debut at 6 o'clock tonight.

The official inaugural program of WMPB (UHF Channel 67) begins with an interview of Gov. Marvin Mandel by David Frost, an English performer, before a studio audience of 400 invited guests.

Maryland's venture into public broadcasting will not have a single commercial. Funded by federal, state and private money, the station is the culmination of efforts begun in the mid-1960s to bring educational TV to Maryland.

But its staff says WMPB is not strictly an educational type operation, although that is a basic part of its goal.

WON'T DODGE ISSUES

Dr. Frederick Breitenfeld Jr., executive director of the Maryland Center for Public Broadcasting, said, "We aren't going to be non-controversial."

Breitenfeld said the new channel—one of seven to be established under the direction of the center in Maryland—will tackle any subject from sex education to fascism.

"We will be left, right, center. We'll try to present a fair picture," he said. "We won't have editorials or take sides, but we'll serve a public need."

MORE STATIONS PLANNED

Maryland's Legislature passed enabling legislation for the center in 1966 and the center's $1.25 million modernistic headquarters north of Baltimore was recently completed.

The next station to be begun by the center will be in Salisbury, scheduled for completion late next year. Others will be in Hagerstown, Annapolis, Frederick, Waldorf and Cumberland.

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Although there are educational TV stations in 47 other states, the staff of WMPB feels that it is different in many respects. Its programming, said its staffers, will be daringly innovative.

One such example, they said, is the program, "Urban 30." This dramatic series is designed to act out problems of the inner city in a way that inner city residents can see how such problems can be solved.

Most daytime viewing will be aimed at the classroom, although much of it on a sophisticated level. There will be classes in lip reading, German language plays with pamphlet texts furnished to German scholars, chess, speed reading and many other subjects on more rountine academic topics.

The station will not attempt to complete with regular commercial stations on news coverage. Typically, its staffers will single out a big news story of the day and attempt to analyze its ramifications in-depth.

About those commercials: just so viewers will not be too lost without them, WMPB is initiating what it calls "Hmph! spots."

This is a tidbit of history, technology or interesting facts read at usual station break time. The idea, said staffers, is to cause a viewer to say, "Hmph! I didn't know that."

PLAN NATIONAL HOOKUP

The station will hook into the National Educational Television Network for some of its programming, but it will do this less than most ETV stations.

One major series of programs planned for the station and its million-watt transmitter—powerful enough to reach into Delaware, Pennsylvania and Northern Virginia—is a series on Maryland's history.

The title of this series, written by Helen Jean Burns, head writer for the center, is "Nightmare's Child." It depicts the story of one family who sought refuge in the new colony from the oppressive rule of Oliver Cromwell. It is the first of 30 such telecasts written, acted and directed by center personnel.

The 50,000 square foot center has three studios, all fully equipped for color broadcasting. One of them, 60 by 80 feet, is the largest TV studio in the state.

AUCTION IS PLANNED

The center's budget for the current year is $2.48 million but it will depend in the future on a heavy public contribution. Just how heavy, officials declined to say, but other stations have solved this problem, oddly enough, with auctions.

Televised auctions of merchandise donated by local merchants raised about $500,000 in Boston. Callers simply bid by telephone on items they like.

A byproduct of the auctions, said center officials, is that viewer interest runs so high during an auction week that even local commercial TV is momentarily abandoned. An auction by WMPB is planned for next April.

An invaluable service of WMPB, said officials, is the education of adults unable to attend adult education courses in person.

"We'll have a vast hidden audience," Breitenfeld said of the adult viewers, many of them middle-age persons who need help in learning such basics as reading.

SEEK MEMBERSHIP FEE

The addition of Channel 67, and the planned addition of Channel 20 in the Baltimore area via a repeater set up in Towson, makes the Baltimore-Washington corridor the most TV saturated area in the U.S., said center officials. Some viewers situated between the two metropolitan areas can now choose between 14 stations, they said.

But WMPB is one of the few on the Eastern seaboard asking its viewers to send $10 for an annual membership, tax deductable, in order to help its financial situation.

William F. Hallstead, director of community services for the center, recently announced that over 500 memberships have been received—even before WMPB went on the air.

MORALE IS HIGH

Hallstead said there is a kind of missionary elan among the 120 employes of the center. Many of them left the restrictions and daily deference to sponsors, he said, to come to the center, where salaries are just a shade lower than with commercial television.

One of the refreshing things about WMPB, said its staff, is that it does not have to worry about offending a sponsor or maintaining a certain kind of audience for a sponsor.

And the new station offers another plus, noted staffers: its kiddie programs are "guaranteed to drive no one up the wall."

This might be the best news of all—especially to those parents awakened on Saturday morning by that other kind of television . . . the kind with commercials rather than Hmph! spots.

DEATH OF SAMUEL DALSIMER IS A NATIONAL LOSS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. CELLER. Mr. Speaker, the untimely death of Samuel Dalsimer, national chairman of the Anti-Defamation League, shocked many of us, who knew him for his dedication to the public welfare, for his integrity, and for his sensitivity to human needs. From the ADL Bulletin of October 1969 comes a true estimate of this man's worth and I believe that it merits the attention of all. The text of the article follows:

"Words don't mean a thing unless you follow up with well-programmed action," Samuel Dalsimer said last April when we interviewed him shortly after he was elected national chairman of the Anti-Defamation League.

On August 22, two days after he had suffered a heart attack and stroke, Samuel Dalsimer was dead at the age of 60.

The ADL Bulletin, four months before, had described him as "a tall, slim, young 60." We used words like quiet, sincere, and warm, and said he had "the mien of a friendly doctor who has known the family for years—and cares about each member."

The suddeness of his passing was met with shock and disbelief by "the family" outside his real family who knew and cared for Samuel Dalsimer—his many friends; his colleagues at Grey Advertising, where he had been vice chairman of the board, and those at the Anti-Defamation League, lay leadership, administrators and staff.

More than 500 attended his funeral. Benjamin R. Epstein, the League's national director, delivered the eulogy. This is what he said:

"Half a dozen years ago Adlai Stevenson received the Anti-Defamation League's America's Democratic Legacy medallion. As he responded, Sam Dalsimer—seated nearby at the head table—nodded his agreement with Stevenson's advice on how to live a good life and what makes a man. These were Adlai Stevenson's words:

" 'Go placidly amid the noise and the haste, and remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons. Speak your truth quietly and clearly; and listen to others.

" 'You are a child of the universe no less than the trees and the stars; you have a right to be here.

" 'Therefore be at peace with God whatever you conceive Him to be, and whatever your labors and aspirations, in the noisy confusion of life keep peace with your soul. With all its sham, drudgery and broken dreams, it is still a beautiful world. Be careful. Strive to be happy.' "

Sam did not really need those words—they were already his philosophy of life.

It has been said that each man's life is a mosaic and the beauty of the design is measured by the way in which the tiles fit into one another.

Sam's professional life was a richly colored segment. At Grey Advertising Agency, where he spent the last sixteen years of his life, he was loved and respected by all with whom he worked. He was the one person in the agency who was contemporary with the older as well as the younger members of the staff. The young turned to him because they knew they could trust him to be sympathetic, to be fair and to plead their case. He was unusual in that he was the confidant, the counsellor for the entire agency, because he was fair and objective.

At Grey, where he was vice-chairman of the board and a director, he was the man to whom all public service roles of the agency were given. He coordinated and supervised programs in which the government and the Advertising Council were involved. He served on the Mayor's Committee to develop a program to combat crime.

Through his position at Grey he was involved in a number of minority group programs, including one for high school dropouts who work for Grey half a day and attend classes in English, math and speech in the agency's offices the other half.

Communal obligations which Sam assumed formed another part of the mosaic. His activities included the Jewish Family Service, the Advertising Council, the camps of the Associated YM-YWHA's of Greater New York, of which he was a trustee, and the Anti-Defamation League.

It was Judge Meier Steinbrink, then national chairman of the League, who first interested Sam in its work. Meier had come to know Sam through the close friendship he shared with the Steinbrink children, Miriam and Stuart. It was with the League that he found the opportunity to express in meaningful terms his dedication to fairness, to the struggle for religious and racial harmony, to the fight against anti-Semitism, racism, and every form of bigotry. He served as a member and vice-chairman of the League's Eastern regional board and was elected a national commissioner in 1959. For 12 important years he was the chairman of the League's national program committee, which developed a major educational program in the struggle against bigotry under his capable leadership. He was among the first to see the need for scientific research into the causes of anti-Semitism and he fathered a major five-year social research project at the Survey Research Center at the University of California at Berkeley.

There were hundreds of projects to which he lent his thoughtful direction, but one that was closest to his heart was the Cardinal Bea Memorial program of closed-circuit television programs entitled "The Image of the Jews," jointly produced by ADL and the Archdiocese of New York.

I'll never forget the luncheon where I told him the ADL nominating committee had decided to recommend him for election as national chairman. He said, "Oh, Ben, why me? I'm not looking for anything like that; I'm enjoying my work with the program committee." He then told me of his plan to retire at 60; to take things easy, and to do those things he loved so much. He wanted more time to pursue his interest in Haiti, an interest which developed through collecting

Haitian stamps. He had found expression in painting. He was enrolled in courses in cultural anthropology and the masterpieces of art. He wanted more time to garden, more time for his photography, more time to enjoy his home at Neponsit—and above all, more time for his family: his beloved wife, Shirley; his sons Jimmy and Andy; the daughters who came to him through his children's marriages, and his lovely grandchildren.

He was flattered by our desire for him to serve as national chairman. I told him we understood he was not seeking the job, the job was seeking him. A week later, Dore Schary and I met with him again and assured him that he would have our full support and cooperation, that he could make a great contribution to a significant cause, that he would enjoy the opportunity to guide this agency in this vital work. He agreed to consider it. I know he discussed it with Shirley, who encouraged him to do what he loved—and he telephoned Dore to say—"Let's go to work."

In the months he served as chairman he steeped himself in the work. He studied each of our divisions, spending hours with the staff directors and then would come to my office with his loose-leaf notebook and sit down and say, "Ben, I have so many questions I must talk to you about." He was the most thorough and best organized man I've ever worked with—and all with a deep sense of commitment, a remarkable sense of balance and proportion, and a perception and analysis that were beautiful to behold.

To capsule the life of a man is not easy. Sam was a unique man. I have never heard anyone say an unkind word about him. It reflected his own attitude to his fellowman. He was warm, gentle, softspoken, with an unusual gift of humor. Rarely did he raise his voice in anger. On those few occasions when he did raise his voice it was to protest an injustice, or to defend someone unfairly treated.

If there is one word to characterize Sam it is fairness—he had a deep sense of fairness, he could empathize with people and understand their problems.

And so, Sam was deeply committed to the cause of justice. He resented deeply the injustices of bigotry and particularly anti-Semitism. He did not believe in formalized religion, but he was a deeply intense and committed Jew. He was a proud American Jew and devoted his life to enhancing the dignity and prestige of the American Jew.

As a personality he had a warmth and a friendly manner that endeared him to all with whom he came into contact. His face would light up as it broke into a smile. And he smiled easily and often. He was a sophisticated man—he was a man of grace and charm and style and wit.

One of his special talents was his facility to write poetry. He was an early contributor to the NEW YORKER magazine and Franklin P. Adams published many of his poems in his famous column, "The Conning Tower."

Many of you may have read these poems without knowing Sam was the author, for in his typically humorous fashion he signed them REMISLAD—Dalsimer spelled backward. He entertained his friends by writing poems about them and would come to a party with a poem describing, in light verse, each of their special qualities.

We have spoken about Sam, but let Sam speak for himself, through two of his more serious poems. The first is called "Writer's Prayer":

"Dear Lord, please give me sight to see the sheer
And narrow road that Reason walks—the sweet,
Unbending path she talks on certain feet,
And let the rightness of each step be clear.
And if it please You so, I ask an ear
To trap the faint but ever-present beat.
Of Truth's own heart; the skill to plot the neat,
Appointed course each word should steer.

"And then, when I have looked with knowing eyes
Along the cool and shaded avenue
Of logic; and my ears have learned to prize
The word that inescapably is true,
Then, let my heart infuse both word and thought,
That out of these a living thing be wrought."

The second poem, "Now, Tomorrow," is in a prophetic vein. It is almost as if he had written it so that he might share it with us on this day:

"What cruel fate has crushed the first fine flame
That burned uncaring at the candle's end?
When once it glowed with radiance to shame
Us cautious souls, who stay at home to mend
The shabby fabric of our faith against
That day when we shall put it on and walk
Abroad—now all at once it has commenced
To fade; the bud is dying on the stalk.

"You'd never shun today and look a bit
Along the years. With simple faith somehow
You held your flame and never cared for it
Would die, as long as it burned brightly, now.
I hope the flame that's dimmed did not depart.
But burns for some tomorrow in your heart."

And so today we remember Sam Dalsimer as a man of heart, a man of conviction, a man of honor, a man of love, a man of charm and modesty, an optimistic man, a devoted family man. In short, Samuel Dalsimer was a beautiful man.

EMPHASIS: SAFETY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. LONG of Maryland. Mr. Speaker, Mr. J. M. Durham, corporate director of safety of the Martin Marietta Corp., recently wrote an article entitled "Emphasis: Safety" for the August issue of National Safety News. I was delighted to learn that Martin Marietta, which has a plant in Baltimore County, has had a markedly better safety record than in previous years as a result of emphasis on accident and injury prevention. I would like to commend Martin Marietta for its interest in industrial safety by including Mr. Durham's article in the CONGRESSIONAL RECORD:

EMPHASIS: SAFETY

(By J. M. Durham)

When the injury loss statistics continue to climb, what do we do? This was the question posed to a group of safety leaders at the recent National Safety Council Industrial Conference meeting in Chicago. Preliminary injury frequency rates for all injury reporters for 1968 showed another increase from 1967—the fourth consecutive year of ascending rates—for a total increase of 20 per cent in five years!

The Martin Marietta Corporation experienced a comparable rise from 1964 through 1967, as shown in the accompanying comparison Table, but obtained a sharp reversal of the upward injury trend after initiation of a special campaign.

In addition to the increase in frequency rate during the 1965–67 period, there was a sharp increase in the corporation's severity rate during 1967 and early 1968, and an increase in fire losses and vehicle mishaps. Although the injury rates could still be considered acceptable when compared to national statistics, they seemed to be unnecessarily high and led the corporate staff to question what could be done to reverse the upward trend.

Martin Marietta operations consist of rather diverse activities: aerospace; production of Portland cement, lime, and refractories; the building and erection of farm silos; processing of crushed stone, sand, and gravel; the manufacture of dyestuffs, printing inks, and chemicals. The divisions operate autonomously in 300 plant and office locations with 28,000 employees under only general direction from the New York corporate offices. Loss prevention is controlled by these individual divisions, most of which have safety engineers A small corporate safety staff monitors and coordinates their efforts.

Already, accident prevention staffs had been expanded in several divisions. The usual defenses of good guarding and physical facilities, supervisor and employee courses, formation of committees, and the institution of safety meetings and five-minute talks had been pushed. There seemed to be little additional potential in these areas. Existing promotional materials from private and quasi-public sources had been used in varying degree at the discretion of local safety directors and plant managers.

MARTIN MARIETTA VERSUS THE FIELD—INJURY FREQUENCY RATES FOR ALL NATIONAL SAFETY COUNCIL REPORTERS COMPARED TO THOSE OF THE MARTIN MARIETTA CORP., 1964–69

Year	Rate of NSC reporters	Rate of Martin Marietta
1964	6.45	2.80
1965	6.53	3.30
1966	6.91	3.45
1967	7.22	3.48
1968	[1]7.35	2.72
1969 (5 months)	(2)	2.64

[1] Preliminary.
[2] Not available.

Inasmuch as the losses frequently involved imprudent actions on the part of the injured or his co-worker, failure to follow established regulations and procedures, and seeming inattention, the director of safety recommended the adoption of a one-year corporate accident prevention publicity and promotion campaign aimed at better safety communication with management, reminder information for employees, and the achievement of better safety cooperation of everyone. The request was approved, and a publications group in one of the divisions was selected to edit, illustrate, print, and distribute the materials.

Beginning in late May 1968, the program was introduced under the by-line of *Emphasis '68*. It was endorsed by the president and executive vice-president of the corporation. Each of the group presidents at corporate headquarters participated in presenting and endorsing the plan to division presidents. The division presidents were asked to have meetings with their staffs as the next step, and so on down the supervisory channels to the first level supervisor or foreman.

At the beginning, it was planned that all employees of the corporation would see or receive some special material—a poster, a pamphlet, or a newsletter twice a month. Later, the period between distribution was lengthened to three or four weeks.

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It was emphasized that these materials were intended only as tools to facilitate communication by supervisors with their employees and would be virtually useless if handled on an impersonal, mass distribution basis. Most materials were the same, whether used in a scientific research area or in a stone quarry. They dealt with the psychological and motivational aspects of safety, with little regard for engineering and physical safeguards, because those were believed to be generally adequate and also too diverse to handle in this manner. This effort was aimed at revitalizing the application by management personnel of what they already knew about preventing accidents.

What happened?

No one can give specific reasons, but in 12 months there was a 22 per cent reduction in the injury frequency rate and a 27 per cent reduction in the injury severity rate, compared with the previous 12-month period. This is interpreted as a definite break from the escalating trend that had been experienced. As this promotion was the only change made in the safety program, it apparently revitalized safety attitudes throughout the corporation. The cost of time and materials for creation, printing, and distribution was approximately $1.20 per employee. The monetary savings can't be calculated, however, because insurance loss reports aren't complete, but the saving is expected to be at least $100,000 in direct injury costs for the 12 months of the promotion.

Some of the techniques applied in the program are summarized below for the benefit of those contemplating similar ventures.

(1) Produced "in-house," the promotional materials were tailored to the specific needs of Martin Marietta, based on plant visits by the corporate safety staff, suggestions from safety directors and plant managers, and periodic reviews of such statistics as "sources of injury" and "types of activities resulting in disabilities." Supervisory and employee newsletters, prepared individually for each of the four basic divisions, were the principal media for providing specialized information. Promotional activities by individual plants were encouraged, and the corporation-wide program appeared to serve as a catalyst in obtaining increased enthusiasm in this area.

(2) "Total participation" was emphasized—that is, involvement by everyone from top management to those performing the most routine duties. The distribution of materials to employees by supervisors on a personal basis or in meetings provided supervisors with an opportunity to highlight local problems and solutions. Increased employee participation was obtained by a) initiating suggestion systems in plants that had not used this technique and b) by having employees sign safety pledge cards. Distribution of materials was monitored by division safety directors. The influence that renewed emphasis on loss prevention had on the morale and effectiveness of these safetypros cannot be fully evaluated, but it should not be underestimated.

(3) The need for attracting the attention and arousing the interest of employees, who are regularly subjected to sophisticated promotional efforts by the mass communications media, was recognized. Accordingly, graphics, color, and human interest approaches were widely applied. The tone of text material was based on the theory that "preaching is *dead*—facts and news are alive."

(4) A "change of pace" was considered essential to maintaining effectiveness of the program. This was accomplished by alternating the media used. The beginning of 1969 saw increased use of Martin Marietta statistics, case histories, and discussion of specific areas where the record was not as satisfactory as that for the average of National Safety Council members. In 1969 a reduction in the severity rate was established as a major goal, and emphasis placed on preventing the more serious accidents.

The promotional program gave accident prevention a boost by increasing attention and interest at all levels of the organization without detracting from any of the accident prevention methods already in use. It seemed inevitable that an improvement would result, but the quick benefits favorably impressed even its originators. To date, injury and severity rates are still on a downward trend. However, the staff, fully aware that any special program is effective usually for only a limited time, is now thinking about what procedure to follow next.

NATIONAL BUSINESS WOMEN'S WEEK

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 1969

Mr. RHODES. Mr. Speaker, I am privileged today to join my colleagues in saluting the working women of America.

This is National Business Women's Week and offers an opportunity for all of us to pay tribute to the millions of business and professional women of this country and to salute the contributions and achievements that they have made to the Nation and to their communities.

The task of running this country is a partnership—a partnership between government and the private sector, a partnership between labor and business, a partnership between black and white; and, it is a partnership between the men and women of America.

There are accomplishments posted by men and accomplishments posted by women, but they are first, accomplishments by Americans.

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